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PROCEEDINGS AND DEBATES OF THE 94th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Tuesday, July 22, 1975*

The House met at 10 o'clock a.m.

Father Robert Piatkowski, St. Aloysius Church, Newark, N.J., offered the following prayer:

We come before Thee, O God, the Holy Spirit, seeking the gift of Thy wisdom. Come unto us and be with us; vouchsafe to enter our hearts; teach us what we are to do and what we should say; show us what we must accomplish, in order that, with Thy help, we may be able to please Thee in all things. Be Thou alone the author and the finisher of our judgments, who alone with God the Father and His Son does possess a glorious name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

CALL OF THE HOUSE

Mr. CONLAN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 414]

Adams
Andrews, N.C.
Ashley
Barrett
Bedell
Bell
Boggs
Breckinridge
Buchanan
Burton, John
Clausen, Don H.
Diggs
du Pont
Esch
Fulton
Harsha
Hébert
Heckler, Mass.
Hinshaw
Jarman
Jones, Ala.
Kastenmeier
Litton
McCollister
Macdonald
Matsunaga
Mazzoli
Mink
Moorhead, Pa.
Nichols
Patman, Tex.
Pepper
Reuss
Riegle
Risenhoover
Ryan
St Germain
Shuster
Skubitz
Steelman
Steiger, Wis.
Stephens
Teague
Thone
Udall
Ullman

The SPEAKER. On this rollcall 388 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

VICTORY FOR DEMOCRATIC BASEBALL TEAM

(Mr. DAVIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS. Mr. Speaker, I take the floor today with great pride to announce that for the first time in many years the Democratic Party, not only victorious in November, is finally victorious in July.

Last night in Baltimore under the leadership of our two most valuable players, the gentleman from Ohio (Mr. MOTTL) and the gentleman from Illinois (Mr. RUSSO), in one of the most exciting games ever played in Baltimore, we showed the coach, the gentleman from Massachusetts (Mr. CONTE) that King Caucus is as powerful as King Cotton in 1975.

HOUSE OFFICE BUILDING SOLAR ENERGY BILL

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, as a demonstration we had out here on the south veranda illustrated just a few days ago, the most important factor in solar energy today is action.

The technology is here. It is no longer a Flash Gordon fantasy.

The interest is there.

We just need to use solar energy—use it, and use it some more.

I am proposing that the House of Representatives do its part in furthering the use of solar energy. I am proposing that the House do its part not only through legislation such as the solar bills we passed last year and the funds for solar research approved this year. I am proposing the House of Representatives do its part by attempting to use solar energy right here.

I am introducing along with Mr. CHARLES ROSE and several other esteemed colleagues, a bill which calls for the Capitol Architect to conduct or contract for a study to see if it is feasible to use solar energy in the three House office buildings.

The legislation is quite simple—a small, first step. But I think it is clear that it is an important one.

The people are looking to the Congress more and more for leadership. By making the effort ourselves to use new sources of energy we can be encouraging others to do likewise.

And, if the idea proves feasible, we will also be saving the taxpayers operating expenses on these buildings for decades to come.

In the near future, I will send out a "dear colleague" on this legislation and ask for the Members' support.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON INTERNATIONAL OPERATIONS OF THE COMMITTEE ON INTERNATIONAL RELATIONS TO SIT DURING HOUSE SESSION TODAY

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that the Subcommittee on International Operations of the Committee on International Relations may be permitted to sit this afternoon while the House is in session.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

SOLAR ENERGY

(Mr. ROSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSE. Mr. Speaker, the legislation we are proposing today will further the use of solar energy and hopefully save the taxpayers money for many years hence. But that is not all. It will also provide valuable insights into a field of solar energy about which we presently know very little.

Most of the demonstrations we have all seen center around solar energy installed in new buildings. Really very little is known about placing solar energy into existing structures.

If we wait for solar energy to be used

only in new buildings, it will be a long, long time before this valuable, inexhaustible energy supply has much impact in this country. By placing solar energy only in new buildings we will be supplying less than 5 percent of our heating and cooling needs with solar energy by the year 2000.

If we can by our actions encourage placing of solar energy on existing buildings, however, clearly we can speed up the use and impact of this energy source.

Joining Mr. Pickle and myself on this legislation are Mr. Dickinson, of Alabama; Mr. Teague, of Texas; Mr. McCormack, of Washington; Mr. Mosher, of Ohio; Mr. Dingell, of Michigan; and Mr. Richmond, of New York.

I hope that many others of you will join us in the near future in this House effort to further solar energy use.

PERMISSION FOR SUBCOMMITTEE ON HOSPITALS OF THE COMMITTEE ON VETERANS' AFFAIRS TO SIT DURING 5-MINUTE RULE TODAY AND TOMORROW

Mr. SATTERFIELD. Mr. Speaker, I ask unanimous consent that the Subcommittee on Hospitals of the Committee on Veterans' Affairs be permitted to sit this afternoon and tomorrow afternoon, July 23, during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT DURING 5-MINUTE RULE TODAY

Mr. EILBERG. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be permitted to sit today during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON PUBLIC LANDS OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO SIT DURING HOUSE SESSION TODAY AND TOMORROW

Mr. MELCHER. Mr. Speaker, I ask unanimous consent that the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs be permitted to sit today and tomorrow, July 23, during consideration of legislation on the floor of the House.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

CONGRATULATIONS TO DEMOCRATIC BASEBALL TEAM

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, I take this opportunity to congratulate the Democratic baseball team and their managers, the gentleman from Florida (Mr. Chappell) and the gentleman from South Carolina (Mr. Davis) for the fine job they did and the sportsmanlike way they played last night.

I also want to pay tribute to my team. I had one of the finest teams in the 14 years I have been coaching the Republican team.

Every time the Republicans won in years past, I got up to say this would be a prediction of what would happen in November. But then, every other November, every 2 years, we went off and we lost the election.

So we finally lost a ball game. Actually there remains some question about this. For Republicans, this game was more like a Chicago election—the Democrats stole it from us. We were supposed to play six innings, but as soon as the Democrats got ahead after three innings they all ran off the field.

Mr. Speaker, though we lost last night, Republicans are still Hill champs in "political handball." Moreover, last night was an omen of what is going to happen next year in November. Yes, we lost a ball game, but we are going to win the next election.

VETERANS DISABILITY COMPENSATION AND SURVIVORS BENEFITS ACT OF 1975

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 7767) to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans and to increase the rates of dependency and indemnity compensation, and for other purposes, with a Senate amendment thereto, and consider the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert: That this Act may be cited as the "Veterans Disability Compensation and Survivor Benefits Act of 1975".

TITLE I—VETERANS DISABILITY COMPENSATION

Sec. 101. (a) Section 314 of title 38, United States Code, is amended—

(1) by striking out "$32" in subsection (a) and inserting in lieu thereof "$36";

(2) by striking out "$59" in subsection (b) and inserting in lieu thereof "$66";

(3) by striking out "$89" in subsection (c) and inserting in lieu thereof "$100";

(4) by striking out "$122" in subsection (d) and inserting in lieu thereof "$137";

(5) by striking out "$171" in subsection (e) and inserting in lieu thereof "$192";

(6) by striking out "$211" in subsection (f) and inserting in lieu thereof "$241";

(7) by striking out "$250" in subsection (g) and inserting in lieu thereof "$285";

(8) by striking out "$289" in subsection (h) and inserting in lieu thereof "$329";

(9) by striking out "$325" in subsection (i) and inserting in lieu thereof "$371";

(10) by striking out "$584" in subsection (j) and inserting in lieu thereof "$266";

(11) by striking out "$52" and "$727" and "$1,017" in subsection (k) and inserting in lieu thereof "$58" and "$814" and "$1,159", respectively;

(12) by striking out "$727" in subsection (l) and inserting in lieu thereof "$829";

(13) by striking out "$800" in subsection (m) and inserting in lieu thereof "$912";

(14) by striking out "$909" in subsection (n) and inserting in lieu thereof "$1,036";

(15) by striking out "$1,017" in subsections (o) and (p) and inserting in lieu thereof "$1,159";

(16) by striking out "$437" in subsection (r) and inserting in lieu thereof "$498"; and

(17) by striking out "$654" in subsection (s) and inserting in lieu thereof "$746".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

Sec. 102. Section 315(1) of title 38, United States Code, is amended—

(1) by striking out "$36" in subparagraph (A) and inserting in lieu thereof "$40";

(2) by striking out "$61" in subparagraph (B) and inserting in lieu thereof "$68";

(3) by striking out "$77" in subparagraph (C) and inserting in lieu thereof "$86";

(4) by striking out "$95" and in "$17" in subparagraph (D) and inserting in lieu thereof "$106" and "$19", respectively;

(5) by striking out "$24" in subparagraph (E) and inserting in lieu thereof "$27";

(6) by striking out "$41" in subparagraph (F) and inserting in lieu thereof "$46";

(7) by striking out "$61" and "$17" in subparagraph (G) and inserting in lieu thereof "$68" and "$19", respectively;

(8) by striking out "$29" in subparagraph (H) and inserting in lieu thereof "$32"; and

(9) by striking out "$55" in subparagraph (I) and inserting in lieu thereof "$63".

Sec. 103. Section 362 of title 38, United States Code, is amended by striking out "$150" and inserting in lieu thereof "$175".

Sec. 104. Section 3010 of title 38, United States Code, is amended—

(1) by redesignating paragraph (2) of subsection (b) as paragraph (3); and

(2) by inserting immediately after paragraph (1) thereof the following new paragraph:

"(2) The effective date of an award of increased compensation shall be the earliest date as of which it is ascertainable that an increase in disability had occurred, if application is received within one year from such date.".

TITLE II—SURVIVORS DEPENDENCY AND INDEMNITY COMPENSATION

Sec. 201. Section 411 of title 38, United States Code, is amended to read as follows:

"(a) Dependency and indemnity compensation shall be paid to a widow, based on the pay grade of her deceased husband, at monthly rates set forth in the following table:

"Pay grade	Monthly rate
E-1	$245
E-2	252
E-3	260
E-4	275
E-5	283
E-6	290
E-7	303
E-8	320
E-9	[1]335
W-1	309
W-2	321
W-3	332
W-4	350
O-1	309
O-2	320
O-3	343
O-4	363

O-5	399
O-6	449
O-7	487
O-8	532
O-9	572
O-10	[2] 626

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by sec. 402 of this title, the widow's rate shall be $360.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by sec. 402 of this title, the widow's rate shall be $671.

"(b) If there is a widow with one or more children below the age of eighteen of a deceased veterans, the dependency and indemnity compensation paid monthly to the widow shall be increased by $30 for each such child.

"(c) The monthly rate of dependency and indemnity compensation payable to a widow shall be increased by $73 if she is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.".

SEC. 202. Section 413 of title 38, United States Code, is amended to read as follows:

"Whenever there is no widow of a deceased veteran entitled to dependency and indemnity compensation, dependency and indemnity compensation shall be paid in equal shares to the children of the deceased veteran at the following monthly rates:

"(1) One child, $123.

"(2) Two children, $178.

"(3) Three children, $229.

"(4) More than three children, $229, plus $46 for each child in excess of three.".

SEC. 203. (a) Subsection (a) of section 414 of title 38, United States Code, is amended by striking out "$64" and inserting in lieu thereof "$73".

(b) Subsection (b) of section 414 of such title is amended by striking out "$108" and inserting in lieu thereof "$123".

(c) Subsection (c) of section 414 of such title is amended by striking out "$55" and inserting in lieu thereof "$63".

SEC. 204. Section 410(a) of title 38, United States Code, is amended to read as follows:

"(a) The Administrator shall pay dependency and indemnity compensation to the widow, children, and parents of any veteran who dies after December 31, 1956, and who—

"(1) dies from a service-connected or compensable disability; or

"(2) was at the time of his death in receipt of or entitled to receive compensation for a service-connected disability total and permanent in nature, which disability was so rated for not less than one year prior to such death.

The standards and criteria for determining whether or not a disability is service-connected shall be those applicable under chapter 11 of this title.".

TITLE III—EFFECTIVE DATE

SEC. 301. The provisions of this Act shall become effective on July 1, 1975.

Mr. ROBERTS (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object, and I reserve the right to object although I do not plan to object, but I take this time so that the distinguished chairman of the full Committee on Veterans Affairs may explain the amendment he will be offering.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the gentleman from Texas.

Mr. ROBERTS. Mr. Speaker, the bill H.R. 7767, passed the House on June 16, 1975, by a vote of 389 to 0. On June 23 the Senate passed the bill with an amendment substituting the text of its compensation bill, S. 1597.

The House-passed bill basically did three things: It provided increases for service-disabled veterans rated 10 to 50 percent in amounts ranging from 6.3 to 8.2 percent. The rate of increase for veterans rated 60 percent disabled or more was 10 percent. The additional amounts for dependents provided by 38 U.S.C. 315 in cases of veterans with service-connected disabilities of at least 50 percent were increased approximately 10 percent, and it provided a 10 percent increase in dependency and indemnity compensation—DIC—for widows and children.

The bill also provided that an eligible member may convert his servicemen's group life insurance to veterans' group life insurance or a commercial private policy within 120 days from his date of discharge or release from service.

The annual cost of the increases would be approximately $394.8 million. The first concurrent resolution adopted by the House recommended an increase of 8 percent for both compensation and pension for a combined first year cost of $451 million.

The bill as passed by the Senate would: First, provide a 12-percent increase in the rates of disability compensation for those veterans rated 50-percent disabled or less and a 14-percent increase for more severely disabled veterans rate 60 percent to totally and permanently disabled; second, provide a 12-percent increase in the rates of additional compensation for dependents of veterans whose disability is rated 50 percent or more; third, provide an increase in the annual clothing allowance of $25—from $150 to $175; fourth, provide that the effective date of an award of increased compensation shall be the earliest date it is ascertainable that an increase in disability occurred if the application is received within a year of such date; fifth, provide a 14-percent increase in the rates payable for dependency and indemnity compensation for widows and children; and sixth, provide that the survivors of a veteran who was rated totally disabled and permanently service-connected disabled at the time of death would be automatically entitled to dependency and indemnity compensation.

The annual cost of the Senate amendments would be about $584.8 million.

Mr. Speaker, the proposed House amendment to the Senate amendment offers a reasonable compromise. It would:

First, provide a 10-percent increase in the rates of disability compensation for those veterans rated 50 percent disabled or less and a 12-percent increase for more severely disabled veterans rated 60 percent to totally and permanently disabled.

Second, increase the rates for widows and children by 12 percent.

Third. Provide a $25 increase in the clothing allowance for a veteran who because of his compensable disability wears or uses a prosthetic or orthopedic appliance which tends to wear out his clothing. The annual allowance would be increased from $150 to $175.

Fourth. Make the effective date of all rate increases August 1, 1975, to assure a continuing consistency with increases in living costs experienced since rates were last raised.

Fifth. Accept the Senate amendment to provide that the effective date of an award of increased compensation shall be the earliest date it is ascertainable that an increase in disability occurred if the application is received within a year of such date. Today the law provides that increases in compensation payments because of increased disablement will be made from the date of an application for increase. The Senate amendment would permit retroactive payment of increased compensation from the date of increase in disability up to 1 year when that date is ascertainable. This amendment is consistent with a similar amendment governing awards of pension enacted last year.

Sixth. Require the Veterans' Administration to conduct a followup study of claims for dependency and indemnity compensation relating to veterans as defined in section 101(2) of title 38, who at time of death during the 6-year period September 1, 1975, to March 1, 1976, were receiving disability compensation from the Veterans' Administration based upon a rating total and permanent in nature.

Many Members will recall that after consideration in the last Congress the proposal to presume a service-connected cause of death, even though the cause of death was shown to be from disease or injury not associated with service, was not adopted. However, in the Veterans' Disability Compensation and Survivors' Benefits Act of 1974 there was included the requirement that the Administrator of Veterans' Affairs conduct a study of the claims for dependency and indemnity compensation relating to certain totally disabled veterans who died within 6 months prior to the date of enactment of that act.

That study was completed and the subject matter considered in hearings held in connection with H.R. 7767. As a result of these hearings, your committee felt that if properly applied, current law and revised administration policy would result in according the survivors' benefit in the type claim that has been the concern of our Members. The Veterans' Administration recognized that fact and has published new guidelines to its adjudicating offices to assure that liberal and compassionate application of the generous laws now governing determinations of service-connection for death benefits will be applied. Your committee feels that if properly administered, the new guidelines will achieve equity. Should the followup study show that desired results are not being achieved, appropriate legislative action will be considered by the Committee on Veterans' Affairs.

H.R. 7767 as previously passed the House would have provided that an eligible member may convert his servicemen's group life insurance to veterans' group life insurance or a commercial private policy within 120 days from his date of discharge or release from service. This provision is not in the proposed House amendment. The Senate side indicated an interest in adding two other provisions that would have amended present law governing the insurance program and we were reluctant to do so without hearings. Therefore, we agreed to take the provision out and consider it along with other insurance measures later in the session.

The annual cost of the proposed House amendment would be approximately $490.7 million.

In summary, Mr. Speaker, the proposed House amendment provides adequate cost-of-living increases for our service-connected disabled veterans and their widows and children. At the same time, it attempts to stay within the budget in the first concurrent resolution adopted by the House earlier this year.

I urge adoption of the House amendment.

Mr. HAMMERSCHMIDT. Mr. Speaker, I wish to express my strong support of the amendment being offered by the distinguished gentleman from Texas, the chairman of the Committee on Veterans' Affairs. I also wish to commend the excellent leadership of our distinguished subcommittee chairman, Mr. MONTGOMERY, and of the ranking minority member Mr. WYLIE.

This amendment results from informal negotiation with the Veterans' Affairs Committee of the other body. In my judgment, this amendment authorizing an increase of 12 percent in the monthly rates of compensation payable to those with more serious disabilities, and a 10-percent increase in the monthly rates for those who are disabled at 50 percent or less, represents an effective compromise that is commensurate with the increased cost of living as reflected by the Consumer Price Index.

In addition, the amendment authorizes a 10-percent increase in the allowance payable on behalf of dependents of those veterans who are 50 percent or more disabled. It also authorizes a 12-percent increase in the monthly dependency and indemnity compensation payments for widows and children of veterans who died of service connected conditions.

The clothing allowance of $150 annually, payable to veterans who use a prosthetic or orthopedic appliance, which causes undue wear and tear upon their clothing, is increased to $175 annually under the terms of the amendment.

The cost of the differences in the two versions has been halved in the amendment before the House. It represents a most effective compromise, which will authorize an equitable increase in monthly compensation payments and at the same time, be acceptable to the other body.

Mr. HILLIS. Mr. Speaker, will the gentleman yield?

Mr. HAMMERSCHMIDT. Further reserving the right to object, I yield to the gentleman from Indiana.

Mr. HILLIS. Mr. Speaker, I support the gentleman's motion and the amendment to which it refers. The effect of this amendment will be to increase the rates of compensation for service-connected disabled veterans in amounts ranging from 10 percent to 12 percent for those with the most serious disability. Additionally, the amendment authorizes a 10-percent increase in payments to those veterans who are entitled to an allowance for dependents. It also provides a 12 percent across-the-board increase to widows and children of veterans who died of service-connected causes.

This amendment, Mr. Speaker, if approved by the other body, will provide a cost-of-living increase in monthly payments for more than 2.2 million disabled veterans and 280,000 survivors of service-connected deceased veterans. No group of citizens in our Nation are more deserving of a cost-of-living increase than those who have given so much of themselves and their loved ones to our Nation's survival. I support the amendment, and urge that it be approved.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. HAMMERSCHMIDT. Under the reservation of objection, I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Speaker, as the ranking minority member of the Compensation, Pension, and Insurance Subcommittee of the Committee on Veterans' Affairs, I am pleased to support the amendment contained in the motion offered by the gentleman from Texas, our distinguished chairman.

This amendment, Mr. Speaker, represents a negotiated compromise with the other body that will permit the Nation's disabled veterans, certain dependents, and the survivors of service connected deceased veterans to receive a cost-of-living adjustment in their monthly benefits. It is my understanding that the cost of living has risen approximately 11 percent since the last adjustment in these monthly payments. The amendment before the House will authorize increases that are commensurate with the increased cost of living.

Mr. Speaker, the men who were disabled while in the service of our Nation have always merited and received the highest consideration by the Congress. If we are to continue the priority consideration that we have always given the Nation's disabled veterans, it is essential that this cost-of-living increase be approved.

I support the gentleman's amendments, and hope that the other body will act expeditiously so that it may receive the President's prompt consideration and approval.

Mr. O'BRIEN. Mr. Speaker, will the gentleman yield?

Mr. HAMMERSCHMIDT. Under the reservation of objection, I yield to the gentleman from Illinois.

Mr. O'BRIEN. Mr. Speaker, the American war veteran has traditionally been considered a special person, a loyal citizen, who by honorable service in times of warfare, has earned special benefits and entitlements.

As early as 200 years ago, the Continental Congress recognized the Nation's debt to those who responded to the call to arms and its own responsibility to make good on that debt. As a result, certain benefit programs were established to meet the needs of soldiers, veterans, and their dependents.

Mr. Speaker, the legislation before us today has grown directly out of that tradition. Today's veterans, their families, and their survivors bear the brunt of our current economic problems. The Veterans Disability Compensation and Survivors Benefit Act would go a long way toward easing that burden.

Although I accepted the version of the bill we passed earlier this month, I am pleased that the Senate has improved the measure considerably.

Our bill provided compensation increases ranging from 6.3 to 8.2 percent for veterans with disability ratings of 50 percent or more. Those rated at 60 percent or more would have received a 10 percent increase, as would dependents of veterans with 50 percent or more disability and survivors of those who died of service-connected injuries.

Our colleagues in the Senate have been more generous. Their version would raise compensation payments 12 percent for those rated at 50 percent or less and 14 percent for those rated at 60 percent or more. It also authorizes a 12 percent increase for dependents and a 14 percent raise in dependency and indemnity compensation payments for widows and children. The annual clothing allowance for veterans using prosthetic or orthopedic devices would go up $25 bringing the total annual allowance to $175.

Mr. Speaker, I recognize the fact that the Senate version will be more costly and I strongly support efforts to contain our spending. But I do not believe that veterans benefits are the proper place to trim the budget. These payments are not luxuries. They constitute the sole support of many others.

Therefore, I urge my colleagues to pass this much needed bill without further delay and speed its benefits on to those who so rightly deserve them.

Mr. HAMMERSCHMIDT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas to dispense with further reading of the Senate amendment?

There was no objection.

MOTION OFFERED BY MR. ROBERTS

Mr. ROBERTS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROBERTS moves that the House concur in the Senate amendment with an amendment as follows: In lieu of matter proposed to be inserted by the Senate amendment, insert the following:

That this Act may be cited as the "Veterans Disability Compensation and Survivor Benefits Act of 1975".

TITLE I—VETERANS DISABILITY COMPENSATION

SEC. 101. (a) Section 314 of title 38, United States Code, is amended—

(1) by striking out "$32" in subsection (a) and inserting in lieu thereof "$35";

(2) by striking out "$59" in subsection (b) and inserting in lieu thereof "$65";

(3) by striking out "$89" in subsection (c) and inserting in lieu thereof "$98";

(4) by striking out "$122" in subsection (d) and inserting in lieu thereof "$134";

(5) by striking out "$171" in subsection (e) and inserting in lieu thereof "$188";

(6) by striking out "$211" in subsection (f) and inserting in lieu thereof "$236";

(7) by striking out "$250" in subsection (g) and inserting in lieu thereof "$280";

(8) by striking out "$289" in subsection (h) and inserting in lieu thereof "$324";

(9) by striking out "$325" in subsection (i) and inserting in lieu thereof "$364";

(10) by striking out "$584" in subsection (j) and inserting in lieu thereof "$655";

(11) by striking out "$727" and "$1,017" in subsection (k) and inserting in lieu thereof "$814" and "$1,139", respectivey;

(12) by striking out "$727" in subsection (l) and inserting in lieu thereof "$814";

(13) by striking out "$800" in subsection (m) and inserting in lieu thereof "$896";

(14) by striking out "$909" in subsection (n) and inserting in lieu thereof "$1,018";

(15) by striking out "$1,017" in subsections (o) and (p) and inserting in lieu thereof "$1,139";

(16) by striking out "$437" in subsection (r) and inserting in lieu thereof "$489"; and

(17) by striking out "$654" in subsection (s) and inserting in lieu thereof "$732".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 102. Section 315(1) of title 38, United States Code, is amended—

(1) by striking out "$36" in subparagraph (A) and inserting in lieu thereof "$40";

(2) by striking out "$61" in subparagraph (B) and inserting in lieu thereof "$67";

(3) by striking out "$77" in subparagraph (C) and inserting in lieu thereof "$85";

(4) by striking out "$95" and "$17" in subparagraph (D) and inserting in lieu thereof "$105" and "$19", respectively;

(5) by striking out "$24" in subparagraph (E) and inserting in lieu thereof "$26";

(6) by striking out "$41" in subparagraph (F) and inserting in lieu thereof "$45";

(7) by striking out "$61" and "$17" in subparagraph (G) and inserting in lieu thereof "$67" and "$19", respectively;

(8) by striking out "$29" in subparagraph (H) and inserting in lieu thereof "$32"; and

(9) by striking out "$55" in subparagraph (I) and inserting in lieu thereof "$61".

SEC. 103. Section 362 of title 38, United States Code, is amended by striking out "$150" and inserting in lieu thereof "$175".

SEC. 104. Section 3010 of title 38, United States Code, is amended—

(1) by redesignating paragraph (2) of subsection (b) as paragraph (3); and

(2) by inserting immediately after paragraph (1) thereof the following new paragraph:

"(2) The effective date of an award of increased compensation shall be the earliest date as of which it is ascertainable that an increase in disability had occurred, if application is received within one year from such date.".

TITLE II—SURVIVORS DEPENDENCY AND INDEMNITY COMPENSATION

SEC. 201. Section 411 of title 38, United States Code, is amended to read as follows:

"(a) Dependency and indemnity compensation shall be paid to a widow, based on the pay grade of her deceased husband, at monthly rates set forth in the following table:

"Pay grade	Monthly rate
E–1	$241
E–2	248
E–3	255
E–4	270
E–5	278
E–6	284
E–7	298
E–8	315
E–9	[1] 329
W–1	304
W–2	316
W–3	326
W–4	344
O–1	304
O–2	315
O–3	337
O–4	356
O–5	392
O–6	441
O–7	478
O–8	523
O–9	562
O–10	[2] 615

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by sec. 402 of this title, the widow's rate shall be $354.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by sec. 402 of this title, the widow's rate shall be $660.

"(b) If there is a widow with one or more children below the age of eighteen of a deceased veteran, the dependency and indemnity compensation paid monthly to the widow shall be increased by $29 for each such child.

"(c) The monthly rate of dependency and indemnity compensation payable to a widow shall be increased by $72 if she is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.".

SEC. 202. Section 413 of title 38, United States Code, is amended to read as follows:

"Whenever there is no widow of a deceased veteran entitled to dependency and indemnity compensation, dependency and indemnity compensation shall be paid in equal shares to the children of the deceased veteran at the following monthly rates:

"(1) One child, $121.

"(2) Two children, $175.

"(3) Three children, $225.

"(4) More than three children, $225, plus $45 for each child in excess of three.".

SEC. 203. (a) (Subsection (a) of section 414 of title 38, United States Code, is amended by striking out "$64" and inserting in lieu thereof "$72".

(b) Subsection (b) of section 414 of such title is amended by striking out "$108" and inserting in lieu thereof "$121".

(c) Subsection (c) of section 414 of such title is amended by striking out "$55" and inserting in lieu thereof "$62".

SEC. 204. (a) The Administrator of Veterans' Affairs shall make a detailed study of claims for dependency and indemnity compensation relating to veterans, as defined in section 101(2), title 38, United States Code, who at time of death during the six-month period September 1, 1975, to March 1, 1976, were receiving disability compensating from the Veterans' Administration based upon a rating total and permanent in nature.

(b) The report of such study shall include (1) the number of the described cases; (2) the number of cases in which the specified benefit was denied; (3) an analysis of the reasons for each such denial; (4) an analysis of any difficulty which may have been encountered by the claimant in attempting to establish that the death of the veteran concerned was connected with his or her military, naval, or air service in the Armed Forces of the United States; (5) data regarding the current financial status of the widow, widower, children, and parents in each case of denial; and (6) an analysis of whether there has been a significant increase in the use of discretionary authority consistent with revised Veterans' Administration program guide instructions issued March 27, 1975 concerning rating practices and procedures.

(c) The report together with such comments and recommendations as the Administrator deems appropriate shall be submitted to the Speaker of the House and the President of the Senate not later than October 1, 1976.

TITLE III—EFFECTIVE DATE

SEC. 301. The provisions of this Act shall become effective August 1, 1975.

Mr. ROBERTS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The motion was agreed to.

A motion to reconsider was laid on the table.

INTERNATIONAL CONVENTION FOR THE CONSERVATION OF ATLANTIC TUNAS

Mr. LEGGETT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5522) an act to give effect to the International Convention for the Conservation of Atlantic Tunas, signed at Rio de Janeiro, May 14, 1966, by the United States of America and other countries, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, after line 7, insert:

(10) The term "State" includes each of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

Page 3, strike out all after line 8 over to and including line 15 on page 4 and insert:

SEC. 3. (a) The United States shall be represented by not more than three Commissioners who shall serve as delegates of the United States on the Commission, and who may serve on the Council and Panels of the Commission as provided for in the Convention. Such Commissioners shall be appointed by and serve at the pleasure of the President. Not more than one such Commission shall be a salaried employee of any State or political subdivision thereof, or the Federal Government. The Commissioners shall be entitled to select a Chairman and to adopt such rules of procedure as they find necessary.

(b) The Secretary of State, in consultation with the Secretary may designate from time to time and for periods of time deemed appropriate Alternate United States Commissioners to the Commission. Any Alternate United States Commissioner may exercise at any meeting of the Commission, Council, any Panel, or the advisory committee established pursuant to section 4 of this Act, all powers and duties of a United States Commissioner in the absence of any Commissioner appointed pursuant to subsection (a) of this section for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of United States Commissioners appointed pursuant to subsection (a) of this section who will not be present at such meeting.

(c) The United States Commissioners or Alternate Commissioners, although officers of the United States while so serving, shall receive no compensation for their services as such Commissioners or Alternate Commissioners.

Page 8, lines 22 and 23, strike out "or the Commonwealth of Puerto Rico".

Page 9, lines 3 and 4, strike out "or the Commonwealth of Puerto Rico".

Page 13, line 18, strike out "of Commerce".

Page 21, line 23, strike out "over" and insert: "in".

Page 21, line 24, strike out "waters" and insert: "sea".

Page 21, line 24, strike out "that State" and insert: "the United States".

Page 21, strike out all after line 24 over to and including line 21 on page 22 and insert:

(2) In the event a State does not request a formal hearing and after notice by the Secretary, the regulations promulgated pursuant to this Act to implement recommendations of the Commission shall apply within the boundaries of any State bordering on any Convention area if the Secretary determines that any such State—

(A) has not, within a resonable period of time after the promulgation of regulations pursuant to this Act, enacted laws or promulgated regulations which implement any such recommendation of the Commission within the boundaries of such State; or

(B) has enacted laws or promulgated regulations which (i) are less restrictive than the regulations promulgated pursuant to this Act, or (ii) are not effectively enforced. If a State requests the opportunity for an agency hearing on the record, the Secretary shall not apply regulations promulgated pursuant to this Act within that State's boundaries unless the hearing record supports a determination under paragraph (A) or (B). Such regulations shall apply until the Secretary determines that the State is effectively enforcing within its boundaries measures which are not less restrictive than such regulations.

The SPEAKER. Is there objection to the request of the gentleman from California (Mr. Leggett.)

Mr. LEGGETT. Mr. Speaker, briefly explained, H.R. 5522 would implement the International Convention for the Conservation of the Atlantic Tunas which came into force for the United States in 1969. The United States is 1 of 14 Nations that are signatory to this Convention. H.R. 5522 passed the House under suspension of the rules by voice vote just last month, on June 16.

Mr. Speaker, the Senate made nine amendments to the bill, all of which are technical in nature, except for two.

The first substantive amendment, amendment No. 2, would rewrite section 3 of the bill. As H.R. 5522 passed the House, section 3 of the bill would provide for the appointment of three commissioners by the President to serve at his pleasure as the U.S. delegates on the Commission. They would serve without compensation. Of the three commissioners, one would be required to be an official of the Department of Commerce and each of the other two would be selected from individuals residing in a coastal State who are knowledgeable in the principles of commercial tuna fishing or sport tuna fishing, or both, neither of which could be Federal or State employees. In addition, section 3 of the bill would authorize the Secretary of State to designate alternate commissioners to serve when the regular commissioners could not be present at a meeting of the Commission, council, panel, or advisory committee.

As rewritten by the Senate, of the three commissioners to be appointed by the President, not more than one of such commissioners could be a salaried employee of the Federal or State Government, and the other two commissioners could be selected by the President from the general public.

Mr. Speaker, although not required to do so, I would like to make it clear that the Committee on Merchant Marine and Fisheries would expect the President to appoint commissioners from the general public who are knowledgeable in the principles of commercial or sport tuna fishing, or both, as provided in the House version of the bill, and as provided in the Senate report on the bill. Also, the committee would expect the President to appoint an official of the Department of Commerce as the salaried employee of the Federal or State Government authorized to be appointed under the Senate version of the bill, even though not required to do so. This would be in accordance with the House version of the bill. In addition, the Senate versions of the bill would authorize the commissioners to select their own chairman, whereas in the past, the chairman of the commissioners has been the official representing the Department of Commerce.

Mr. Speaker, in accepting the Senate amendment to this section of the bill, I would like to make it clear that the Committee on Merchant Marine and Fisheries intends to watch closely the performance of the commissioners in carrying out their official duties under the act, in order to make sure that the tuna and tuna-like fishes of the Atlantic Ocean that are covered by this convention are given the attention and protection to which they are entitled.

Mr. Speaker, the second substantive amendment, amendment No. 9, merely rewrites paragraph (2) of section 9(d) of the bill, to provide that the Secretary of Commerce would be authorized to promulgate regulations to implement recommendations of the Commission that would be applicable within the boundaries of any State bordering on any convention area whenever the State concerned does not request a formal hearing on the record after being notified of the plans to promulgate such regulations. The House version of the bill would require an agency hearing on the record irrespective of whether the State concerned requested a hearing.

Mr. Speaker, this is an acceptable amendment, and should make the legislation more workable and at the same time result in a savings to the U.S. Government since an agency hearing on the record would not be held unless requested by the State concerned.

Mr. Speaker, I recommend that the House concur in the Senate amendments.

Mr. Speaker, for the benefit of my colleagues, I might announce that after the passage of this bill, as amended by the Senate, that I will ask unanimous consent that the concurrent resolution I have at the desk be brought up for immediate consideration. The resolution would merely correct technical errors in the House engrossed bill.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENROLLMENT OF H.R. 5522

Mr. LEGGETT. Mr. Speaker, I call up the concurrent resolution (H. Con. Res. 349) and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. Con. Res. 349

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 5522) to give effect to the International Convention for the Conservation of Atlantic Tunas, signed at Rio de Janeiro May 14, 1966, by the United States of America and other countries, and for other purposes, is authorized and directed to make the following corrections in the House engrossed bill:

(1) On page 4, line 24, insert a comma after "Commission".

(2) On page 7, line 1, strike out "becomming" and insert in lieu thereof "becoming".

(3) On page 9, line 3, strike out "of" the second time it appears.

(4) On page 9, lines 5 and 6, strike out "and of the Commonwealth of Puerto Rico".

(5) On page 11, line 6, strike out "of" the first time it appears.

(6) On page 13, line 14, strike out the comma after "form".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION AND APPOINTMENT AS MEMBER OF THE SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER laid before the House the following resignation from the Select Committee on Intelligence:

July 22, 1975.

Mr. Speaker: I respectfully submit my resignation as a member of the House Committee on Intelligence.

Don Edwards.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

The SPEAKER. Pursuant to the provisions of House Resolution 591, 94th Congress, the Chair appoints as a member of the Select Committee on Intelligence the gentleman from Florida, Mr. Lehman, to fill the existing vacancy thereon.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 3(b) of rule XXVII, the Chair announced that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

After all motions to suspend the rules have been entertained and debated, and after those motions to be determined by nonrecord votes have been disposed of, the Chair will then put the question on each motion on which the further proceedings were postponed.

RESTORING POSTHUMOUSLY FULL RIGHTS OF CITIZENSHIP TO GEN. R. E. LEE

Mr. EILBERG. Mr. Speaker, I move to suspend the rules and pass the Senate Joint Resolution (S.J. Res. 23) to restore posthumously full rights of citizenship to General R. E. Lee.

The Clerk read as follows:

S.J. Res. 23

Whereas this entire Nation has long recognized the outstanding virtues of courage, patriotism, and selfless devotion to duty of General R. E. Lee, and has recognized the contribution of General Lee in healing the wounds of the War Between the States, and

Whereas, in order to further the goal of reunion of this country, General Lee, on June 13, 1865, applied to the President for amnesty and pardon and restoration of his rights as a citizen, and

Whereas this request was favorably endorsed by General Ulysses S. Grant on June 16, 1865, and

Whereas, General Lee's full citizenship was not restored to him subsequent to his request of June 13, 1865, for the reason that no accompanying oath of allegiance was submitted, and

Whereas, on October 12, 1870, General Lee died, still denied the right to hold any office and other rights of citizenship, and

Whereas a recent discovery has revealed that General Lee did in fact on October 2, 1865, swear allegiance to the Constitution of the United States and to the Union, and

Whereas it appears that General Lee thus fulfilled all of the legal as well as moral requirements incumbent upon him for restoration of his citizenship: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3 of amendment 14 of the United States Constitution, the legal disabilities placed upon General Lee as a result of his service as General of the Army of Northern Virginia are removed, and that General R. E. Lee is posthumously restored to the full rights of citizenship, effective June 13, 1865.

The SPEAKER. Is a second demanded?

Mr. FISH. Mr. Speaker, I demand a second.

PARLIAMENTARY INQUIRY

Mr. CONYERS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. CONYERS. Mr. Speaker, is the gentleman who is demanding a second opposed to the Senate joint resolution?

The SPEAKER. The Chair will make the inquiry. Is the gentleman from New York (Mr. Fish) opposed to the Senate joint resolution?

Mr. FISH. I am not, Mr. Speaker.

Mr. CONYERS. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman opposed to the Senate joint resolution?

Mr. CONYERS. Yes, Mr. Speaker, I am.

The SPEAKER. The gentleman qualifies.

Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Pennsylvania (Mr. Eilberg) will be recognized for 20 minutes, and the gentleman form Michigan (Mr. Conyers) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. Eilberg).

Mr. EILBERG. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of this joint resolution, Senate Joint Resolution 23, is to restore posthumously full rights of citizenship to Gen. Robert E. Lee.

Gen. Robert E. Lee is a well known and respected military figure and a person whose dedication to duty has never been questioned. This great leader has earned himself a prominent position not only in the annals of American history but also in the hearts and minds of all patriotic Americans.

As his ancestors before him served their country, he, too, served both the United States and his native State of Virginia.

He possessed the courage to make the most difficult decisions and he had the fortitude to abide by his decisions. He faced defeat with dignity and he sought to regain his full rights of citizenship with humility.

In approving this resolution we will attempt to comply with requests made by General Lee to the President on June 13, 1865. On that date, General Lee formally applied for full restoration of his rights and his application was personally approved by General Grant and forwarded to the President through the Secretary of War. However, he did not realize his application was to be accompanied by an oath of allegiance, and when this fact became known to General Lee, he executed a notarized oath of allegiance on October 2, 1865. His application was never acted upon by the President since the oath of allegiance was lost and was only discovered in the National Archives in 1970.

As a college president, Robert E. Lee dedicated himself to teaching young men to learn from the past and to live as united Americans.

The virtues exemplified by Gen. Robert E. Lee could be an example for all, as they have been an inspiration to students of American history for many years.

Restoring full citizenship rights to General Lee is a bipartisan effort which serves as a symbol of how we as Americans once divided can learn from our historic past and once again reunite when it is in our Nation's interest. In a time when the United States faces complex problems an act such as this helps to remind us of our heritage and the struggles which our Nation has endured in its 200 year history. It is only fitting and proper that the Congress, as we approach the Bicentennial of the founding of the United States of America, remove the last tarnish of the memory of General Lee and retroactively restores his full rights of citizenship.

This is indeed unique legislation and is one of the few times that Congress has sought to invoke its constitutional powers under section 3 of the 14th amendment to the U.S. Constitution.

The first sentence of that section relates to the disability for holding public office and provides that "No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a Member of Congress, or an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof."

The Constitution further provides that this disability can only be removed by congressional action.

The restoration of full citizenship rights to General Lee is a measure which is neither Republican nor Democratic, conservative or liberal, but hopefully is an issue on which we can display a bipartisan and historical unity. I urge my colleagues to support this meritorious legislation.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with some reluctance that I take this time to speak on this matter, one which might more appropriately be considered as a sentimental, symbolic gesture; as Bicentennial fluff, or perhaps as legislation that clears up some important historical business that has been neglected by previous Congresses and by previous Presidents.

So it was in this frame of mind that I initiated some research on this subject. Even though it is not yet complete, enough questions have been raised that I have no other alternative but to take the well at this time.

The first issue raised by my research was the circumstances and date of the "discovery" of General Lee's oath of allegiance presumedly undertaken on October 2, 1865, and thereafter lost, never reaching President Andrew Johnson. In reading the committee report to my surprise I found that no one from the National Archives came before the Committee on the Judiciary or before the appropriate committee in the other body to attest to the "discovery" of this oath.

Nothing in the report indicates who discovered this missing oath and when, or where it had resided all these years.

A member of my staff yesterday visited the Archives. He spoke with the man who located the oath and was advised that it had come to his attention not in 1970 as stated in the committee report but in 1965. You may be interested to know that this "discovery" was, in truth, made by a capable and conscientious Archives clerk, Mr. Donald King, who brought it to the attention of his superior, Mr. Elmer Parker, in 1970. Two archivists further advised my staff member that the Lee oath was known to be on public display as far back as the 1930's. It is the position of the Archives that the oath has always been in the Government's custody, had never been lost, was first stored with other amnesty documents in the State Department and during World War II transferred to the National Archives where it presently resides. This romantic notion of the lost oath may ultimately do a great disservice to those who sincerely wish to preserve the memory of General Lee. Obviously some of the statements regarding the oath's "discovery" in Senate Joint Resolution 23 are inaccurate.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I am delighted to yield to the distinguished gentleman from Virginia.

Mr. BUTLER. Of course, we are not in a position to question the gentleman's information, but in order that the record may be clear, with respect to the archivist who wrote this article and called it to the attention of the committee, his letter is a part of the report. It appears on page 4 and is by Mr. Elmer Oris Parker. The gentleman is familiar with that; is he not?

Mr. CONYERS. I read it very carefully. That is precisely what caused me to go to the Archives.

Mr. BUTLER. I am pleased to know about this report about the earlier date. Would the gentleman enlighten us a little bit as to how he arrived at the information?

Mr. CONYERS. Yes, I would be pleased to enlighten my colleague. I merely sent a member of my staff over to the Archives located on Pennsylvania Avenue to raise the question and to see the oath. We do not have handwriting experts on our staff, but it is not my intention to put the authenticity of this oath into question at this time. This question came up—and as the gentleman from Virginia (Mr. BUTLER) who served on the Committee on the Judiciary during the impeachment proceedings with such great distinction will recall—during the impeachment when an archivist was called in on at least several points concerning the authenticity of Watergate-related documents. Therefore, we wanted to learn about the history of this document since it is an important item in the Archives.

There are a couple of other points that I would like to raise. It seems the committee has had some difficulty in determining the exact date when the 14th amendment to the Constitution took effect, a matter you will appreciate is of some importance to me. The committee states it occurred on June 21, 1868, but take my word for it, it really occurred on July 28, 1868.

I turn now to what I consider another crucial question in this discussion. What was the intention of General Lee with regard to amnesty? What benefits did he wish to enjoy under the First Amnesty Proclamation of President Johnson which required former Confederate officers to submit a special application and an oath? As we know General Grant supported General Lee's application. Apparently, General Lee neglected inadvertently to submit an accompanying oath, which he later submitted on October 2, 1865.

I suggest to the Members we may be stretching the point just a bit because section 3 of the 14th amendment involves only a very limited disability, as my colleagues on the Committee on the Judiciary are well aware. It only prohibits one who participated on the Confederate side from holding any Federal office, including positions in the U.S. Armed Forces.

I would inquire rhetorically if any Member of this body is claiming that the oath submitted in connection with the First Proclamation had anything to do with relieving General Lee from the disability imposed by section 3?

To me the fairest interpretation of this matter would incline one toward the negative.

Mr. BUTLER. Mr. Speaker, will the gentleman yield at that point?

Mr. CONYERS. Permit me to finish my statement. I will be through in just a moment.

Mr. Speaker, it just so happens that General Lee was an enfranchised citizen of his community in Lexington, Va., where he spent his last distinguished years as the president of the now renamed Washington and Lee University. Apparently, however, he never chose to vote after 1865. Furthermore, the biographies on General Lee concur that he was not interested in holding any public office after 1865. If that is so, it can be construed that General Lee was well aware of the disability under section 3 of the 14th amendment and that he knew he had been relieved of all the other disabilities by virtue of the Presidential Amnesty Proclamation of December 25, 1868. In this proclamation President Johnson granted "a full pardon and amnesty for the offense of treason against the United States," excepting of course the disabilities imposed by section 3 of the 14th amendment which the President by executive order could not remove. So if General Lee, fully aware of this, chose not to pursue the matter further, then there might be a very valid question of his intent to raise in connection with this resolution.

Now I will be happy to yield either to the chairman of the subcommittee or to my colleague, the gentleman from Virginia (Mr. BUTLER).

Mr. BUTLER. Mr. Speaker, I thank the gentleman for yielding. I think the question the gentleman raises about the intention of General Lee to seek admissibility or relief from all the limitations which had been for one reason or another placed upon him is a very legitimate inquiry. But, of course, we have first the oath which follows the application.

Mr. CONYERS. I wish to say to the gentleman from Virginia I would be glad to respond to a question of his, but if he just chooses to engage in general debate, then I refuse to yield further.

Mr. BUTLER. The gentleman will recall that the gentleman took our time and I am now responding to a rhetorical question the gentleman asked a moment ago, on which I hope that I might be permitted to speak.

Mr. CONYERS. Mr. Speaker, I will not yield further and I reserve the balance of my time at this point.

The SPEAKER. The gentleman has consumed 11 minutes.

Mr. EILBERG. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Speaker, I wish to concur with the remarks of Subcommittee Chairman EILBERG in support of the bill, Senate Joint Resolution 23, which, would posthumously restore full rights of citizenship to Gen. Robert E. Lee.

General Lee's military brilliance and his stature as a genuine American hero is well known. His tactics on the battlefields have long served as models for military students and his picture hangs in the military academy library at West Point where he once served as superintendent, next to the picture of his adversary in the Civil War, Ulysses S. Grant.

A nuclear-powered submarine bears his name and sails together with another submarine named the *Abraham Lincoln*.

I believe a lesser known aspect of General Lee's life deserves particular mention at this time. After the conclusion of the Civil War, history tells us that General Lee's actions were aimed toward resolving any division that still existed in our country, rather than to perpetuate it. As Jonathan Daniels states in his book, "Robert E. Lee's Last March":

> By word and deed he opposed hate and bitterness in the south. Gently he declined the offer of some ragged, simple soldiers to provide him a mountain hideout where he might continue to defy the union.

After the war, he wrote to a Confederate veteran who planned to leave Lee's home State of Virginia for a foreign country, that "Virginia has now need for all her sons and can ill-afford to spare you." His action in applying for pardon and amnesty itself shows his efforts to set an example to Confederate supporters to put the war behind them.

Robert E. Lee therefore, is not only a great military hero, but one who can serve as a model today. By his words and his deeds, he set an example that would serve us well to follow in light of some of the bitter divisions that have developed in our country in the recent past based, once again, on war.

Section 3 of the 14th amendment provides that Congress, by a vote of two-thirds of each House, may remove the restrictions on the rights of a citizen who has engaged in insurrection against the United States. Congress has acted many times in the past to remove such disabilities, and in fact did so June 11, 1874, for Lee's nephew, Fitzhugh Lee, and on

July 26, 1886 for Lee's son, William H. F. Lee.

I urge my colleagues to vote to suspend the rules and pass this bill to remove this disability from General Lee, albeit posthumously. I think it is most appropriate as we begin our Bicentennial celebration to remove any remaining restrictions on the citizenship of this great American hero, Gen. Robert E. Lee.

Mr. EILBERG. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Speaker, I rise in strong support of Senate Joint Resolution 23 and urge my colleagues to give a favorable vote to this measure which would restore posthumously full U.S. citizenship to Gen. Robert E. Lee.

As we all know by now, General Lee faithfully executed all the papers and oaths of allegiance to regain his citizenship following the War Between the States. However, due to a bureaucratic mistake or the intentional actions of someone, his oath of allegiance to the United States was never received by the proper authorities in Washington. Because of this unfortunate situation, General Lee never regained his citizenship before he died in 1870 and the Congress was not even able to rectify the matter. Thanks to a diligent researcher at the National Archives, the General's oath of allegiance was found among other papers in 1970 and we are now in a position to grant General Lee his full rights of citizenship even though the action comes 105 years too late.

Mr. Speaker, I feel very deeply about the greatness of Robert E. Lee and feel that he was a man all Americans would be proud to refer to as their fellow citizen. However, unless we pass Senate Joint Resolution 23, he will not be a fellow citizen of ours.

Many people might wonder why we should concern ourselves with restoring the rights of citizenship to a man who departed this world over 100 years ago. We have this bill under consideration because it is a matter of principle just as Robert E. Lee himself was a man of high principle. Even General Lee's most avid foe, President Grant, attested to Robert E. Lee's right to have his citizenship restored and strongly urged that it be done.

Mr. Speaker, we in the 94th Congress have the opportunity, honor, and privilege to right a grievous wrong. I hope we will seize this opportunity by voting favorably for Senate Joint Resolution 23 and finally restoring the full rights of citizenship to Gen. Robert E. Lee.

Mr. EILBERG. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. QUILLEN).

Mr. QUILLEN. Mr. Speaker, I rise with great pleasure and with immense personal satisfaction to endorse and support this measure before us today, restoring the full rights of citizenship to one of the South's greatest sons, Robert E. Lee.

Perhaps some of my friends and colleagues in this Chamber will recall that one of my first actions as a freshman Member of the 88th Congress was to introduce a bill to restore the full rights of U.S. citizenship to General Lee.

That was the first bill I authored as a Member of Congress, and it was introduced on March 21, 1963. I have waited a long time for this moment, as have others here, and I am enormously gratified that I have not waited in vain.

It is now 110 years since Gen. Robert E. Lee bade farewell to his heroic soldiers of the Army of northern Virginia. As he reviewed the torn and battle-stained banners of the ruined Confederate cause for the last time, his eyes filled with tears.

In his mind, perhaps, he heard again the crash and thunder of cannon, the rattle of rifle fire, the awful mournful sounds of the battlefields. Manassas, Antietam, Chancellorsville, Gettysburg, Richmond—all the thousands wounded and dead. Perhaps Lee recalled his own wretched cry at Gettysburg as he dismounted and walked forward toward his beaten soldiers after Pickett's charge had carried them to the high-water mark of the Confederacy. "It is all my fault, it is all my fault."

At last it had come to an end. At last this most terrible war in our history was over. Robert E. Lee had fought the war with honor. He ended it with honor.

He told his soldiers to lay down their arms. He told his soldiers to return to their homes and to rebuild their shattered lives. And he also told his soldiers to loyally return to their previous allegiance to the United States of America. And then, Lee mounted his horse and rode slowly to Appomattox courthouse.

Mr. Speaker, I am deeply honored to be permitted, over this long gulf of time, to embrace Gen. Robert E. Lee of Virginia as a fellow citizen of the United States. God bless his honored memory.

Mr. EILBERG. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. HARRIS).

Mr. HARRIS. Mr. Speaker, as the sponsor of House Joint Resolution 418, a bill identical to the one before us today, I am especially pleased to rise in support of legislation to posthumously restore citizenship to a great Virginian, Robert E. Lee.

This bill has a special significance to me for several reasons. First, General Lee was born in my State and he spent many years in my district. He attended two schools in Alexandria which is in Virginia's Eighth Congressional District. According to historians, his childhood model was George Washington, whose home, Mount Vernon, is near my own in my district. He had another tie to General Washington as well: He married Mary Ann Randolph Custis, the great-granddaughter of Martha Washington. There are streets, schools, and other landmarks throughout my district bearing Lee's name and frequently both names, Washington and Lee.

Also, the Gazette newspaper in Alexandria has spearheaded a unique drive to restore General Lee's citizenship and has collected 15,000 signatures of support from individuals in 43 States and several foreign countries. I had the honor of presenting to the Subcommittee on Immigration, Citizenship, and International Law the signatures collected by the Gazette during hearings on the bill June 11. Also the Virginia General Assembly, in 1974, unanimously passed a joint resolution urging Congress to enact this legislation.

To me, congressional approval of this bill represents a tribute long overdue. By some still not understood snafu, General Lee's oath of allegiance never reached President Andrew Johnson. The historian Elmer O. Parker has said that Secretary of State William H. Seward gave Lee's application to a friend as a souvenir. It was not until 1970 that it was discovered among some other Civil War documents in the Nation's Archives. This to me is the unfortunate epitome of Government inaction, and I urge my colleagues to join me today in what should have been done long ago.

General Lee was a man of conscience and principle. He said:

> While I wish to do what is right, I am unwilling to do what is wrong, either at the bidding of the South or of the North.

After the war, he led a life of devotion to his country. He said:

> I have fought against the people of the North because I believed they were seeking to wrest from the South its dearest rights. But I have never cherished bitter or vindictive feelings and have never seen a day when I did not pray for them.

Following the war, his primary interest was restoring the economic, cultural, and political life of the South. One biographer says:

> He set an example of obedience to civil authority.

He became president of Washington College—now Washington and Lee—in Lexington, Va., preparing young men to be leaders of the reunited States of the Union. Instead of harboring bitterness, General Lee put his full effort into healing the wounds of the war.

He was a dedicated father. His son Robert wrote of him:

> He was very patient, very loving, very good to me, and I remember trying my best to please him in my studies. When I was able to bring home a good report from my teacher, he was greatly pleased, and showed it in his eyes and voice, but he always insisted that I should get the "maximum," that he would never be perfectly satisfied with less.

The eminent Virginia biographer Dumas Malone has written of him:

> His unique relations with his soldiers, his affection for children, his dignified courtesy, and his love of animals are illustrated by a thousand anecdotes that are part of the spiritual treasury of Americans. His temper and patience seldom failed him. Self-control was second nature. His rare outbursts of wrath, usually attended by a reddening of the neck and a curious jerk of the head, were generally followed by some particular gracious act to the object of his displeasure.

It has been 110 years since General Lee applied for a pardon. It has been 105 years since General Lee's death. I call on my colleagues to support Senate Joint Resolution 23—a tribute to a fine Virginian. It has been delayed for too long.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY of New York. Mr. Speaker, I just have one question. I am very curious about one matter. Very probably the gentleman from Virginia could answer my question. Does this restore General Lee's right to hold elective office in the United States?

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. DOWNEY of New York. I yield to the gentleman from Virginia.

Mr. HARRIS. I thank the gentleman for yielding.

The rights of returned citizenship would under the laws and Constitution of the United States restore General Lee's right to hold elective office, although I do not fear any campaign threat next year.

Mr. DOWNEY of New York. That is my concern.

Mr. EILBERG. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. Fisher).

Mr. FISHER. Mr. Speaker, I, too, am pleased to rise and speak in favor of this resolution to restore posthumously to Gen. Robert E. Lee his full rights of citizenship. Since I introduced a similar resolution late in February I have had a number of opportunities to speak about General Lee. Each time I do, I develop a new respect for his character and his virtue.

His family figured in our history from colonial and revolutionary times. Through his wife he was related to Martha Washington and became master of Arlington House, the lovely house familiar to all the Members which sits on the hillside across the Potomac surrounded by the national cemetery and overlooking the city of Washington, a hillside, incidentally, that is in my hometown of Arlington and in my congressional district. Indeed, General Lee is the foremost and most illustrious citizen of Arlington over the years of our national history.

Some interesting questions have been raised by the gentleman from Michigan. If the gentleman is concerned about the intent of General Lee then I would call to the attention of the Member once again the oath submitted by the general and reprinted in the committee report and read a few moments ago by my colleague, the gentleman from Virginia (Mr. Harris). Surely the intent is clear.

Beyond this direct evidence is the whole circumstance in which General Lee conducted himself after the war had ended. There could be no doubt from the circumstantial evidence that General Lee genuinely desired and wanted restoration of his full rights of citizenship. The constitutional point the gentleman makes is outweighed by the merit of this resolution, and should not cause anyone to vote against it.

If the gentleman from Michigan is concerned that somehow the evidence that laid buried so long in the Archives came to light before recent years and somehow or other Congress ought to have acted sooner, then so be it. I wish we had acted sooner. This is a very compelling argument, it seems to me, for acting now and not letting the matter go on any longer. Today we do have the opportunity to correct the error made more than a century ago when the oath of allegiance was misplaced.

I urge most strongly—most strongly—that my colleagues do vote for this resolution which has already passed the Senate.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. Holtzman).

Ms. HOLTZMAN. Mr. Speaker, I rise in opposition to the resolution which grants citizenship posthumously to Gen. Robert E. Lee.

I recognize that serious questions have been raised about the historical validity of the documents regarding General Lee's application for amnesty. I also am aware of the futility of granting General Lee the right to run for the Senate or Congress and the right to hold Federal office, since it is very unlikely, indeed, that he can exercise such rights. It is not for these reasons, however, that I primarily oppose this resolution.

I oppose this resolution because it seems to me to raise an issue of misplaced priorities. It is true, the War Between the States was a very divisive war. We had a war very recently that caused as much division in our country. There are Americans right now who have lost their citizenship because they opposed that war. They were not eligible for clemency under President Ford's program. They are not eligible to return to the United States.

There are other Americans who refused to fight. They face prosecution here. They cannot come home.

This is a bicentennial year. Therefore, the proponents of the resolution tell us we should correct the injustice done to Robert E. Lee now. What about these living Americans? Will we allow them to come home?

General Lee led armies against this country. The Congress is willing to forgive him. What about the young men who refused to bear arms in a war that they thought was unconscionable? Like General Lee, they placed principles above conscription. Why does the Congress ignore them?

It seems to me to be a bitter blow at a time of the Bicentennial to turn a deaf ear to the plight of the living. We ought to be able to show as much compassion and concern for the living as for the dead.

Mr. Speaker, it is for that reason that I oppose this bill.

Mr. EILBERG. Mr. Speaker, I yield myself 1 minute at this point.

In reply to the gentlewoman from New York, I would like to make a comment on the gentlewoman's statement about misplaced priorities. The gentlewoman knows and the Members know the jurisdiction of our subcommittee. Our subcommittee simply has no jurisdiction over amnesty.

I think we know also that another subcommittee, headed by the gentleman from Wisconsin (Mr. Kastenmeier), is considering that matter and will no doubt be bringing that matter to the floor very shortly.

I would also add in reply to one of the other statements made, it is necessary to pursue this route by reason of section 3 of the 14th amendment.

Ms. HOLTZMAN. Mr. Speaker, will the gentleman yield?

Mr. EILBERG. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. Mr. Speaker, I would advise the gentleman that I introduced a bill (H.R. 7893) on June 13, 1975, which does permit American citizenship to be restored to those who renounced it because of their opposition to the Vietnam war. That bill has not been acted upon and it has been referred to the subcommittee of the gentleman from Pennsylvania.

Mr. EILBERG. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. Eckhardt).

Mr. ECKHARDT. Mr. Speaker, I think it is never a waste of time to make a gesture of grace and generosity. I recall a statement of General Lee that I think was one of the finest statements of grace and generosity ever made by a general. I think it was after Gettysburg when he said:

> It was all my fault. I thought my men were invincible.

Combined in that very short statement was his recognition of his own fallibility and also a high compliment to his men. Of course, he was fallible. Most all the South was fallible.

Some men took a different position. Sam Houston was driven from the governorship of Texas, because he disagreed with the final determination of General Lee; but the fact that men may be wrong does not mean that they should not be treated with grace and generosity. Many men have died for causes that were tragically wrong, but if they believed in it and conceived of it as one for which they and their countrymen should pledge their lives and fortunes, they deserve at least our grace and generosity and ofttimes our respect and honor.

Mr. EILBERG. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. Butler).

Mr. BUTLER. Mr. Speaker, Members of the House, I thank the gentleman for the opportunity to speak to the House on this matter. I also want to thank the gentleman from Michigan (Mr. Conyers) for stating his opposition in the manner he has, and not taking this opportunity of maligning the memory of this great American.

Mr. Speaker, I am privileged to repeat now some remarks that were made to me by a newly naturalized citizen of the United States as a fair summary of why we should adopt this legislation.

The tribute follows:

Robert Edward Lee—Full Citizen

Lee is a name that is a part of Virginia and Virginia is a part of the United States.

It is one of the original States.

But there are some today who identify Robert E. Lee with the history and traditions of Virginia and still dissociate him as it were, from the rest of the United States.

And technically at least, they are right.

Robert E. Lee is indeed a man set apart from his country.

For as Douglas Freeman writes: "He did not die disfranchised in the strict sense of the word" . . . "but he did end his days disbarred from office" . . .

Today more than a hundred years after his death, this right to hold office and therefore full citizenship has yet to be restored posthumously to Lee and thus for him the effects of the Civil War endure.

Some may consider it immaterial whether

or not all rights of citizenship are restored to Lee.

They view this as a minor technicality which cannot affect the stature of the man one way or another.

But it is in fact much more than a technicality.

The virtual legal separation of Lee from the community of United States citizens eligible for office is symbolic of an enduring penalty paid by a great man for a choice of allegiance he once made in good faith.

And as such it is also an abiding symbol of former disunity and therefore should be effaced as soon as possible.

Moreover it creates a dangerous precedent.

If such enduring severity was shown to a man like Lee, what treatment can lesser people expect?

And if Robert E. Lee is not worthy to be a U.S. citizen, then who is?

There are some who even today cannot forget the Civil War.

Their families have remembered the heartbreak, suffering and devastations that were caused by this war.

Today more than ever we need all the unity we can achieve and no aspect of discord is too insignificant to be ignored.

Whatever the causes and consequences of a cruel and now ancient war—and no war is more cruel or leaves more bitter and lasting resentment than does a civil war—the past cannot be lived again.

Only the future holds promise and this cannot be realized with divisions.

The descendants of those who fought on both sides of the Civil War have fought side by side in two world wars.

On foreign battlefields and beachheads, who among them cared to remember past differences?

And for the populations that welcomed American troops as allies or as liberators, there were no Southerners and no Northerners, there were only Americans.

Let us therefore honor the dead and let us express our hope in the living and in their children.

In these days when heroes are hard to come by, and the passions of past wars are being gradually stilled, let us see our real heroes as they truly were, formidable in war, admirable in victory as well as in defeat.

Today we are extremely conscious of man's civil rights, of his freedom to follow the dictates of his conscience.

Perhaps more than most, Robert E. Lee lived according to the dictates of his conscience.

Agonized soul-searching led him to make a choice he felt to be the only one possible for him as a Virginian.

But when the war was over Lee called for unity.

"Forget all these animosities" he wrote to a mother, "and raise your sons to be Americans."

And in his last years spent as president of the Washington College in Lexington, Virginia, he never forgot this objective.

Now that all the United States and more particularly the original States are busily preparing to celebrate the Bicentennial, is it not the time to efface yet another memento of past division by a symbolic, eloquent gesture of unification?

Is this not the time to restore at last all the privileges of United States citizenship to Robert E. Lee?

Mr. CONYERS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker and my colleagues, the question must necessarily be asked, What does Senate Joint Resolution 23 do? The answer is that it relieves the disability under section 3 of the 14th amendment which provides as follows:

> SEC. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

To those who do not consider this a sentimental, symbolic gesture, or an act to heal old wounds and to reunite the American people, the resolution strikes me, to be quite frank, as unnecessary. But I shall address the House in the spirit of the compliment the gentleman from Virginia paid me earlier. I am going to examine this matter from the viewpoint of the proponents of this resolution. I agree that each of us should be able to honor and retain our own heroes. But can it be said in all candor that this resolution before us is charitable, healing, and reunifying?

I would suggest to the Members that, until amnesty is granted to, and full rights of citizenship are restored to, those young Americans who, according to their consciences, resisted the ignoble war in Indochina, this resolution will be neither healing nor charitable. Its approval may even create further division in our land, in my humble opinion.

Other proponents of the resolution argue that this should be done in the spirit of the Bicentennial, as a way of rededicating this Nation to the principles of the founders. If the Congress truly wishes to commemorate anything in this Bicentennial year, we might consider the restitution of the full rights of citizenship to the millions of Americans who are out of work or without livable incomes, who living without economic choice and security surely cannot enjoy political freedom. Congress can do this by devoting its attention to passage of full employment, serious tax reform, and national health insurance legislation, among others. Would not this kind of legislative action rededicate the Nation to the principles on which our Government is founded—equal justice and the consent of the governed?

Proponents of this resolution speak of it as a gesture of good will across the centuries to heal old wounds. Then why do we refuse a gesture of good will across generations within our lifetime and fail to restore full rights of citizenship to tens of thousands of conscientious war resistors who now are forced to live abroad, in oblivion, removed from their families and their communities? Another great Virginian, Thomas Jefferson, once remarked that this country—its Government—belongs to the living, not to the dead, and I suggest we heed the wisdom of his insight. Further, it is ironic that General Lee should be praised for heeding his conscience during the Civil War though his action then had ruinous effect on this Nation, while these young Americans are damned for heeding their consciences, an action which has done no damage to the Nation. What do we tell these young Americans when we take action to honor a man dead 105 years and who is already greatly honored and at the same time leave them consigned to a life of dishonor? Should we not first nurture our living—the young war resistors as well as the millions who are unemployed and impoverished—before we rehabilitate one who is dead?

But now I must address another question about the constitutionality of this resolution to the distinguished subcommittee chairman before whose committee the resolution was considered and with whom I sit on the Committee on the Judiciary, Mr. EILBERG. Do we have the authority to implement retroactively the provisions of section 3 of the 14th amendment? There is to my knowledge no precedent to restore posthumously full rights of citizenship under these circumstances. It is true that section 3 was the subject of legislation enacted by the Congress on June 6, 1898, and signed into law by President McKinley which removed the disability under section 3 but it specifically applied to persons living. Retroactive implementation of section 3 has never occurred.

Mr. EILBERG. If the gentleman will yield, we were relying on the opinions of Counsel to the President and the Attorney General.

Mr. CONYERS. The Counsel of what President? I will tell the Members. President Richard Nixon.

Mr. EILBERG. All right.

Mr. CONYERS. Who was the Counsel who referred this to the President?

Mr. EILBERG. I have some correspondence in my file.

Mr. CONYERS. Let me make a suggestion. I admit there is an overwhelming number in this body who want to approve this resolution, but would the gentleman not concede to me that to properly honor this great American it would be more appropriate to proceed on a sound and accurate legal and factual basis? What could be more demeaning to the memory of the late Gen. Robert E. Lee than to pass a resolution that is constitutionally questionable, that is legislatively unsound, and that is factually inaccurate?

On behalf of that gentleman's memory, I would ask the chairman to consider at this point withdrawing the joint resolution so that a more satisfactory bill can be developed.

Mr. Speaker, in keeping with the spirit in which this debate has been joined, I yield the balance of my time to the gentleman from Virginia (Mr. BUTLER).

Mr. BUTLER. Mr. Speaker, I thank the gentleman for yielding this time to me. I was caught somewhat by surprise here. There have been so many points that the gentleman raised that I could have responded to them better in 20 minutes than in 1 minute.

I think it sufficient to say to the gentleman that there is no question, based on the counsel's opinion dated April 14, 1971, that there is any course of action available to those people who would take this action except congressional action. No one has seriously questioned the constitutionality of it; no one has seriously questioned whether we are proceeding in the appropriate legislative manner.

I think its purpose is not to give General Lee an opportunity to appear before this body as a Member but to right a wrong that was done through error in the Department of the Army, and this goes back to 1868.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. BUTLER. If I have any more time, I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding. What counsel does the gentleman from Virginia refer to?

Mr. BUTLER. The counsel of the President of the United States, Richard M. Nixon, who was President on the 14th day of April 1971. Does the gentleman not know who was counsel at that time?

Mr. CONYERS. Mr. Speaker, if the gentleman will yield further. I will say that the Virginia congressional delegation petitioned the President for an Executive pardon and was advised by the President's Counsel, none other than John Dean, to seek legislative rather than Executive relief.

Mr. BUTLER. "Even mighty Homer sometimes nods."

Mr. EILBERG. Mr. Speaker, I yield 30 seconds to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Speaker, I rise in support of this legislation of which I am a cosponsor.

General Lee has been a man without a country for 110 years. His oath of office was forwarded, but it did not accompany his application for citizenship. It was only through the alertness of an archivist, Elmer O. Parker who discovered this oath of office in 1970, that the copy of the oath was found.

General Lee richly deserves to have this legislation passed to restore retroactively his American citizenship.

In Statuary Hall, where this body formerly met prior to 1857, Virginia is well represented by the statue of Robert E. Lee. General Lee is a towering figure in American history. Those of us who have read and loved the multivolume biography of Lee by Douglas Southall Freeman can better understand the great and noble character of Lee.

West Virginia became the 35th State as the result of this Civil War, officially on June 20, 1863 when President Lincoln signed the proclamation designating the western section of Virginia as a member of the Union. My State was right in the middle of this struggle with 32,000 West Virginians in the Union Army and 10,000 with the Confederates. Fourteen Union generals and seven Confederate generals, including Stonewall Jackson, were from West Virginia. My State was the scene of about 600 engagements between the North and South with the first skirmish at Philippi on June 6, 1861.

Gen. Robert E. Lee had a brilliant career. He was with the Corps of Engineers, distinguished himself in the Mexican War, protected the settlers on the Texas frontier from attacks by the Apache and Comanche Indians, was Superintendent of West Point.

Before the outbreak of the Civil War he was sent from Washington to Harpers Ferry, W. Va., at the time of the John Brown raid in 1859 to put down the "insurrection." He did so with little loss of life.

Although Robert E. Lee became the living symbol of the Confederate cause to most southerners during the Civil War, he became locked in this war he never sought. He had freed the Lee family slaves long before the war began and he was strongly opposed to secession. His own devotion to Virginia finally resulted in his decision to turn down the command of the Union Army and cast his lot with the South.

It was after his surrender to General U.S. Grant at Appomattox Court House, Va., that Robert E. Lee showed the character that made him one of our country's most revered heroes.

After the war, he was a homeless, paroled prisoner of war. His Arlington, Va., home, now the Lee-Custis Mansion in Arlington Cemetery, had been seized by the U.S. Govenment for nonpayment of taxes. Lee could have had many positions of wealth and prestige but he chose to spend his last years as president of Washington College at Lexington, Va., later renamed Washington and Lee University. He said:

> I shall devote my remaining energies toward training young men to do their duty in life.

He urged his friends and students to keep the peace and accept the outcome of the war. He opposed the bitterness and hatred sweeping the South and the North. His attitude was extremely important. He did everything in his power to restore the economic, social and political power of the South.

"Make your sons Americans," he urged.

Let us make Robert E. Lee an American today. He wanted to be an American. He had written President Andrew Johnson asking for amnesty and he also signed the Oath of Allegiance. But the documents became separated and the oath was not found until more than 100 years after General Lee's death.

General Lee had applied for his pardon, hoping to set an example for other southern leaders to follow.

General Lee had applied for his pardon on June 13, 1865. He died 5 years later on October 12, 1870.

It is only proper that we give citizenship to Robert E. Lee, a distinguished educator, great soldier, and notable Christian gentleman who has been a man without a country far too long.

Mr. EILBERG. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in conclusion, I agree with the gentleman from Michigan (Mr. CONYERS) in the statement that this is an act of healing we are engaged in, and our actions are directed toward correcting something that should have been rectified a long time ago.

Mr. Speaker, I urge an affirmative vote on this Senate joint resolution.

Mr. BIAGGI. Mr. Speaker, I rise to make one brief observation about this legislation. I feel it is just and seeks to correct a serious oversight against Gen. Robert E. Lee. By all indications this legislation is likely to pass here today.

I, too, have introduced legislation designed to correct a far more serious oversight against a far greater American, George Washington. My bill would bestow on him the highest military rank possible, general of the armies. The failure to designate this honor on George Washington is a profound tragedy which deserves immediate remedy. In 1799, the Congress did pass legislation authorizing the appointment of General Washington to this position but under an act passed but 3 years later the position was abolished. It was later revived and the first recipient of this honor was Gen. John J. Pershing.

Considering the tremendous achievements of George Washington in the War for Independence and his equally impressive early service to our country as President and Commander in Chief, makes it only appropriate that he no longer be outranked by any other military officer.

I feel as we prepare to embark upon our Bicentennial Celebration we should work to bestow appropriate honors on the early heroes of our Nation. I see no better place to begin than with the passage of my resolution to designate George Washington general of the armies. I hope this legislation receives the same expeditious treatment as Senate Joint Resolution 23 has enjoyed.

Mr. WHITTEN. Mr. Speaker, I am proud of the action of the U.S. House of Representatives this day in posthumously restoring full rights of citizenship to Gen. Robert E. Lee, and the description appearing on the first page of the resolution means much to all who have studied American history, as well as to our Nation. I quote:

> Whereas this entire Nation has long recognized the outstanding virtues of courage, patriotism, and selfless devotion to duty of General R. E. Lee, and has recognized the contribution of General Lee in healing the wounds of the War Between the States, and
>
> Whereas, in order to further the goal of reunion of this country, General Lee, on June 13, 1865, applied to the President for amnesty and pardon and restoration of his rights as a citizen, and
>
> Whereas this request was favorably endorsed by General Ulysses S. Grant on June 16, 1865.

After detailing the mishaps which have delayed this action, the resolution is as follows:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in accordance with section 3 of amendment 14 of the United States Constitution, the legal disabilities placed upon General Lee as a result of his service as General of the Army of Northern Virginia are removed, and that General R. E. Lee is posthumously restored to the full rights of citizenship, effective June 13, 1865.

Mr. Speaker, under leave granted me to extend my remarks I include a letter which I received about a month ago from a fine Mississippian and lifelong friend of mine, Hon. B. F. Worsham, of Corinth, Miss. Mr. Worsham, a fine lawyer, distinguished citizen, beloved by all who knew him was 90 years of age when he wrote the letter which I present. Since that time providence has deprived us of his presence for he was killed in an unfortunate automobile wreck on the 16th of July, this year. Judge Worsham and his father before him would take great pride in the action we take here today.

I quote Judge Worsham's letter and his enclosed note:

> CORINTH, MISS.,
> *June 7, 1975.*
>
> DEAR JAMIE: Thank you for your letter of the 2nd; after reading your letter I thought you might like to have a copy of a note I found in Father's office after his death. He had a habit of just writing little notes for no reason nor occasion. I thought this was a pretty nice little story, and of course Father was in hearing distance.
>
> Have just returned from the Gulf Coast and the state Bar meet. They honored Bob Forley and me as outstanding lawyers and citizens at the annual Banquet. Would you believe it?
>
> Best wishes,
> Your friend,
> B. F. WORSHAM.
>
> ---
>
> I am a Conf. Veteran of the Army of Northern Virginia, and served 2 years a member of a Va. Battery. We were engaged in most of the great battles, around Richmond and Petersburg, and surrendered at Appomattox C. H. on Apr. 7th.
>
> Gen. R. E. Lee was dearer to the hearts of all his followers than at any time during the great struggle of the '60's. His soldiers almost worshiped him. He assumed all responsibility in the mistakes of his subordinates. He minimized the imperfections of his inferiors as well as commended the valor and successes of others. But with all the grandure of his comrades on the field of battle or his superb wisdom as Prest. of Washington and Lee., there is one incident that occurred on the march from Petersburg to Appomattox which is indelibly stamped upon my memory. We were worn and weary and hungry from the long marches and almost daily fighting, when the Gen'l. riding along the road was asked by one of his men, "how long, Mars Bob, before we go into camp"? Gen'l. Lee asked him if he was much tired. He answered, I don't believe I can go any farther. The great Gen'l. said "get up on that stump," and the poor old soldier mounted behind him on old "Traveler," and passed out of sight, amid the cheers of hundreds of voices.
>
> A man less noble and great would have given him no notice. But no praise of men can add to his greatness, nor criticism nor sensure can diminish the lustre of his character.—Written by one of Lee's boys.

Mr. KASTENMEIER. Mr. Speaker, it is ironic that it has come to pass that the House should be considering legislation restoring the citizenship, and thus granting amnesty, to Gen. Robert E. Lee, while, at the same time, the subject of amnesty for Vietnam war and draft resisters has not been settled.

Those young men, who presently seek amnesty as a result of their refusal to participate in the Vietnam war, are charged with crimes which do not approach the magnitude of those committed by General Lee. General Lee, after all, did take up arms against the U.S. Government in a rebellion designed to destroy the Union.

Mr. Speaker, the House Judiciary Committee will have before it the Vietnam war amnesty question which is a little more relevant and germane than the matter of Robert E. Lee. I trust that the Judiciary Committee and the House will give the Vietnam Era Reconciliation Act the same favorable consideration that has been accorded to Gen. Robert E. Lee.

Mr. DOWNING of Virginia. Mr. Speaker, I rise today in support of Senate Joint Resolution 23, legislation which would restore posthumously full rights of citizenship to Gen. Robert E. Lee. Having authored a similar House bill for such restoration, I lend my full support to this proposal as a fellow Virginian and as a longtime admirer of General Lee.

More than 100 years have passed since, due to error, General Lee lost his opportunity for full citizenship during the latter part of his life. However, by passage of this bill we can rectify the record and bestow the full rights of citizenship on one of America's finest. I urge your support.

Mr. ROBINSON. Mr. Speaker, it is a privilege to join in the expressions of support for this joint resolution, which was introduced in the other body by my friend and neighbor, Senator HARRY F. BYRD, JR., of Virginia.

The important point about this resolution is that it does not propose to accord Gen. Robert E. Lee any status above that which was made available to the private in the ranks of his command. Lee would not have wanted it otherwise.

Lee was a disciplined man, an observer of proprieties, a man of manners.

His enactment of the ceremony of surrender—a cruel experience for any commander—was performed with dignity and grace which sparked the admiration of his adversaries, including General Grant.

He was a deeply saddened man, but it was not of his character to harbor and nurture bitterness. He was a patriotic citizen, and he accepted the consequences of the defeat his cause had suffered. He urged a general binding up of the national wounds. It would not have been consistent with his character for him to spurn allegiance to what, after all, was his country, as the war's end had left it constituted.

The written evidence, however, became buried, unaccountably, and was not restored to light until 1970, when it was found in the National Archives.

The privilege of signing, or refraining from signing, the oath of renewed allegiance attached to Lee in the same measure as to the rank and file. Lee had signed, not long after Appromattox.

Today, we can do his memory, by this resolution, no special favor—only simple justice.

Ms. ABZUG. Mr. Speaker, we are spending congressional time deciding whether to restore the right to hold office to a man who has been dead for over a century—Robert E. Lee—who led armies against the United States. Now it is proposed we restore to him full citizenship rights. We do that today as we vote for this bill.

What about the more than half a million young Americans who have been deprived of their full citizenship rights for refusing to participate in the disastrous war in Indochina? Most of these living men were given bad discharges which cripple them in their search for employment. Thousands more suffer from criminal records for their war resistance activities, 20,000 or more young Americans have been driven into exile for having tried to show their country its error. Should we not give amnesty and restore full citizenship rights to these living war resisters and restore them to useful service in their communities before we consider General Lee's right to hold office? Better at least simultaneously with this gesture to the memory of Robert E. Lee.

These young men did not lead armies against their country. Their only "crime" was anticipating their countrymen's realization of the injustice of the Vietnam war. It is now proposed that we honor General Lee for following his conscience. Should we not do the same for the thousands of living Americans who followed their conscience, and whose actions have been vindicated by events?

Two months ago, this House dealt with the question of whether we should spend $400 million to assist those persons driven from their homeland by the war in Southeast Asia. I tried to persuade my colleagues at that time that we should at least offer the same relief in the form of amnesty to our own political refugees that we were prepared to offer to those Indochinese who had fled their countries because of their fear of persecution for their political beliefs.

Although my efforts were not successful at that time, let us hope that it does not take a century for Congress to exhibit the same spirit of reconciliation toward our legally disabled war resisters that is now being advocated on behalf of a long dead rebel general. Rather than simply dwelling on the academic exercise of deciding whether General Lee is entitled to hold office today, let us rather deal with the urgent issue of restoring full citizenship rights and privileges to hundreds of thousands of living Americans.

Mr. BOWEN. Mr. Speaker, I rise in support of a matter which has needed action for more than a century. The restoration of citizenship posthumously to General Robert E. Lee would be an important landmark of harmony and understanding among the regions of our Nation, particularly the North and the South.

General Lee was a man of valor, courage, integrity, great humanity, and great leadership ability. His choice of loyalties in 1861 was one of the most difficult any man in history has had to face. That he became a hero among the defeated warriors of "The Lost Cause" and also was admired and respected by his victorious adversaries puts him in a very special category for which history has chosen only a few. Not only was General Lee a great American, a military leader whose tactical and strategic brilliance is still studied by military officers and historians, but he was an outstanding educator and leader of young men.

On October 2, 1865, he became president of Washington College in Lexington, Va., which is now Washington and Lee University, named in his honor after his death in 1870.

General Lee believed that the best contribution he could make to bind up the wounds of a bloody and terrible war would be to help prepare and train young men to lead in a nation of peace and progress.

On December 21, 1865, at Washington College, Kappa Alpha Order was founded, the fraternity to which I belong. Because of his friendship for those students who established the order, his presidency of the college at that time, and his popularity and esteem throughout the South, he is regarded as the spiritual founder of Kappa Alpha.

But above and beyond the bonds of that fine fraternal order, let us note the facts which fully justify the restoration of his citizenship by Congress. General Lee was a renowned American officer before he was a Confederate military leader. He fought for this country during the Mexican War, side by side with some of the same officers who opposed him and fought with him during the War Between the States. When that terrible conflict broke out in 1861, General Lee was faced with an agonizing choice—accept a post as commander of the Union armies which would be hurled aginst his own people, his own State of Virginia, or resign from the U.S. Army and join his people in fighting for what they believed was a just cause. With heavy heart, he chose Virginia.

After the war, because of bureaucratic ineptitude and mishandling of documents, as the House Judiciary Committee report on the joint resolution sets forth, General Lee's amnesty oath, which he dispatched to President Andrew Johnson, never came either to President Johnson's attention or to President Grant's after that. So, when General Lee died in 1870, without being pardoned, his October 2, 1865, oath of amnesty remained lost and was not discovered until 100 years later, when it was finally found among State Department records located in the National Archives.

The time has come to correct this century-old oversight. As an American, a Mississippian, a Member of Congress, and a member of Kappa Alpha Order, I am proud to be among the cosponsors of House Joint Resolution 445, identical to its Senate counterpart, Senate Joint Resolution 23, which restores posthumously full rights of citizenship to Gen. Robert Edward Lee of Virginia.

This magnanimous gesture of Congress is just and right. I urge my colleagues from throughout America to support this measure, to rectify a wrong of history, and to restore the citizenship he valued so much to Gen. Robert Edward Lee.

Mr. BUTLER. Mr. Speaker, first I want to thank those who participated in this debate and have registered their objection for not taking this occasion to malign the memory of this great American, or to question the merit of what we propose to do here. The important considerations which have guided their judgment are significant to them. I would not quarrel with anyone's right to take an opposing position, but I am grateful that they acknowledge, as do we all, the true greatness of Robert E. Lee.

I take the well at this moment to share with my colleagues a few of the facts surrounding the life of Robert E. Lee during the period following the War Between the States, so that there will be an appropriate record and sound justification for the posthumous action we take at this time.

Following the surrender at Appomattox on April 19, 1965, the troops of the Confederacy were paroled to their homes on condition that they thereafter not take up arms against the United States. The conditions of this parole were perfectly apparent, and did not at that moment require an oath of allegiance to the United States. The discussions between General Grant and General Lee are a matter of historic record; each General was concerned with the welfare of our country and its citizens, at a time when hostilities were clearly coming to an end.

Confederate soldiers in some instances were allowed to retain a portion of their arms and horses for compassionate reasons, so that they might return to their natural agricultural pursuits before the spring planting season ended.

Following the surrender at Appomattox, General Lee returned to Richmond, Va. Shortly thereafter the U.S. Army was in the Confederate capital and on May 5, Gen. George Meade made a courtesy call upon General Lee. The biographer of General Lee, Douglas Southall Freeman, reports that in this conversation, General Meade "in the frankness of old friendship, urged Lee to take the oath of allegiance not only to establish his own status, but for the influence his action would have on the South. Lee replied, in the same spirit, by telling Meade what he had been thinking—that he had no personal objections to renewing his allegiance to the United States, and that he intended to submit to their authority, but he did not propose to change his footing as a paroled prisoner of war until he knew what policy the Federal Government intended to pursue toward the South. With the realism that always marked his acts, he agreed that the Government of the United States was the only one that possessed any authority. Those who proposed to live under it should acknowledge it by the oath. But he would wait and see how the Federal Government itself acted."

Following Lee's conversation with General Meade, he became aware on May 29 or shortly thereafter of the amnesty proclamation of President Johnson. Under this proclamation President Johnson granted amnesty to all persons who participated in the rebellion, with restoration to all rights to property, upon the condition that they take and subscribe to an amnesty oath to protect and defend the Constitution of the United States.

However, there were 14 classes of persons who were excepted from the benefits of this proclamation, and General Lee fell within a number of those. For example, he was excluded because he had been a military officer of the United States, had served in the Confederate Army, and had been educated by the Government at West Point. In addition, his property had an estimated value in excess of $20,000, he was an officer above the rank of colonel in the Confederate Army, and by tendering his resignation to the U.S. Army, he evaded his duty to resist the rebellion.

The proclamation further provided that special application could be made to the President of the United States for pardon by any person belonging to the excepted class, and such clemency would be liberally extended, consistent with the facts of the case, and the peace and dignity of the United States.

Upon learning of this proclamation, General Lee resolved to petition the President of the United States for pardon. But before doing so, he felt it appropriate to determine the wishes of General Grant. He proceeded to call upon his friend, U.S. Senator Reverdy Johnson of Maryland, to intervene on his behalf with General Grant.

Senator Johnson was pleased to do so, and quickly contacted General Grant, who advised him that he would willingly endorse Lee's application to President Johnson for pardon. Lee signed the appropriate request addressed to the President of the United States, as follows:

RICHMOND, VA.,
June 13, 1865.

His Excellency ANDREW JOHNSON,
President of the United States

SIR: Being excluded from the provisions of the amnesty and pardon contained in the proclamation of the 29th ult., I hereby apply for the benefits and full restoration of all rights and privileges extended to those included in its terms. I graduated at the Military Academy at West Point in June, 1829; resigned from the United States Army, April, 1861; was a general in the Confederate Army, and included in the surrender of the Army of Northern Virginia, April 9, 1865. I have the honor to be, very respectfully,

Your obedient servant,

R. E. LEE.

He also wrote to General Grant asking that his application for pardon be forwarded by him to the President:

RICHMOND, VA.,
June 13, 1865.

Lieutenant-General U. S. GRANT,
Commanding the Armies of the United States

GENERAL: Upon reading the President's proclamation of the 29th ult., I came to Richmond to ascertain what was proper or required of me to do, when I learned that, with others, I was to be indicted for treason by the grand jury at Norfolk. I had supposed that the officers and men of the Army of Northern Virginia were, by the terms of their surrender, protected by the United States Government from molestation so long as they conformed to its conditions. I am ready to meet any charges that may be preferred against me, and do not wish to avoid trial; but, if I am correct as to the protection granted by my parole, and am not to be prosecuted, I desire to comply with the provisions of the President's proclamation, and, therefore, inclose the required application, which I request, in that event, may be acted on. I am, with great respect,

Your obedient servant,

R. E. LEE.

There are many explanations of the reason why General Lee did not include an oath of amnesty with his letter. It was not clear from President Johnson's proclamation that such an oath should accompany a special application, and the entire proclamation was evidently not fully reported in the press. In any event, it was some little time before he became aware that his oath was necessary.

It should also be pointed out that in addition to the first amnesty proclamation, President Johnson issued subsequent proclamations on September 7, 1867, and on July 4, 1868, and in both instances General Lee was among those excluded from the general amnesty provisions, but the special provisions for Presidential pardon for individually excepted cases remained.

Returning now to the time that General Lee made application to the President for amnesty, on June 13, 1865, we know that the letter was forwarded by General Grant to the President of the United States with his favorable and enthusiastic recommendation.

General Lee had a number of opportunities to advance himself both economically and politically at the end of the War Between the States, but he chose to accept the offer to become president of Washington College in Lexington, Va. This was a small college virtually bankrupt at the time, as were all southern educational institutions at the end of the war. Lee strongly believed that improved education and hard work were the most appropriate ways for the South to return to its greatness.

He was inaugurated at Washington College on October 2, 1865. We now know that, on that same day, he executed an oath of amnesty on a printed form before a notary public in Lexington, Va., which satisfied all the requirements of the law.

This oath reads as follows:

> I, Robert E. Lee of Lexington, Virginia, do solemnly swear, in the presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States, and the Union of the States thereunder, and that I will, in like manner, abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves, so help me God.
>
> (Signed) R. E. LEE.

Apparently, the oath itself was promptly forwarded to the War Department, but was lost among Lee's papers. Over 100 years later, in 1970 the oath of amnesty was rediscovered, and that is the basis for this legislation.

Following President Johnson's proclamation of July 4, 1868, the Congress of the United States adopted the 14th amendment, the third section of which reads as follows:

> Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disabiltiy.

It is perfectly clear that the disability imposed by this section prevented General Lee from obtaining the right of a citizen of the United States to hold public office.

On December 25, 1868, President Johnson executed his last proclamation, restoring the right of citizenship to all persons who had participated on the side of the Confederacy during the War Between the States. The effect of this proclamation was to restore to General Lee all rights of citizenship, except for the disabilities reserved by the 14th amendment.

On June 8, 1898, the Congress of the United States approved legislation by two-thirds vote which extended clemency under the third section of the 14th amendment to all persons who had fought in the War Between the States.

Unfortunately, this congressional action had no posthumous effect, and the death of General Lee had intervened on the 12th day of October 1870.

Thus we have an expression of President Andrew Johnson on December 25, 1868, that the rights of all persons should be reinstated, but foreclosed by adoption of the 14th amendment; an expression by the Congress of the United States on June 8, 1898, that the rights of all persons who had fought on the side of the Confederacy should be restored to full rights of citizenship, but foreclosed by the prior death of General Lee; and, of course, the strong expression of General Grant in forwarding Lee's request to President Johnson, who himself became President of the United States during the lifetime of General Lee. So it is purely by accident that General Robert E. Lee was not earlier restored to all rights of citizenship, including the failure of the War Department to properly handle his timely amnesty oath and the lack of timely action by the Congress and by the President.

Upon the discovery of the oath of amnesty in 1970, Senator HARRY F. BYRD, JR., and the remainder of the Virginia delegation wrote to the President of the United States and asked him if it was not now possible to pardon Robert E. Lee and restore all his rights of citizenship.

The opinion of the President's Counsel, dated April 14, 1971, makes clear that the intervention of the 14th amendment relieved the President of the opportunity to provide this relief for General Lee, and invited congressional action. This is the basis of the legislation before us.

I appreciate greatly the work of Senator HARRY BYRD, who has been the chief sponsor of this legislation in the Senate of the United States, and has brought it successfully to this point.

Virginians have a great heritage and perhaps a tendency to be preoccupied with it. But I do not doubt that, of all those whom we are privileged to call our own—and I do not exclude George Washington, Thomas Jefferson, John Marshall, Sam Houston or Woodrow Wilson—Robert E. Lee is revered above all others in the Commonwealth.

It is easy to assume that the high regard in which he is still held is a tribute to the military genius who led and inspired his outnumbered forces so brilliantly during so many difficult years. It is almost unfortunate, however, that his military genius is so celebrated.

For that which distinguishes this man from others is not his military career, but his personal character—almost unique among mortals! I do not recall reading of a single derogatory personal reference to him. He was respected by his foes and revered by his own army. His tremendous self-discipline and devotion to duty are well known; of unquestioned integrity, he was gentle, humble and considerate. There was no bitterness for him in the defeat of his army—only compassion for those whom he had led and whose loyalty was unswering; and a recognition in defeat of example that was his.

Robert Edward Lee was as fine an example of Christian gentleman as this Nation has produced. I am tremendously proud that his last resting place is at the Lee Chapel of Washington and Lee University in Lexington, Va., which I am privileged to represent in the Congress.

I hope that this body will see fit to remove all disabilities from his American citizenship.

I think the most appropriate way to express why this legislation is now necessary is a tribute prepared for me by Dr. Genevieve D. de Chellis, a naturalized American citizen and great admirer of General Lee. This tribute follows:

ROBERT EDWARD LEE—FULL CITIZEN

Lee is a name that is a part of Virginia and Virginia is a part of the United States.

It is one of the original States.

But there are some today who identify Robert E. Lee with the history and traditions of Virginia and still dissociate him as it were, from the rest of the United States.

And technically at least, they are right.

Robert E. Lee is indeed a man set apart from his country.

For as Douglas Freeman writes: "He did not die disfranchised in the strict sense of the word" . . . "but he did end his days disbarred from office" . . .

Today more than a hundred years after his death, this right to hold office and therefore full citizenship has yet to be restored posthumously to Lee and thus for him the effects of the Civil War endure.

Some may consider it immaterial whether or not all rights of citizenship are restored to Lee.

They view this as a minor technicality which cannot affect the stature of the man one way or another.

But it is in fact much more than a technicality.

The virtual legal separation of Lee from the community of United States citizens eligible for office is symbolic of an enduring penalty paid by a great man for a choice of allegiance he once made in good faith.

And as such it is also an abiding symbol of former disunity and therefore should be effaced as soon as possible.

Moreover it creates a dangerous precedent.

If such enduring severity was shown to a man like Lee, what treatment can lesser people expect?

And if Robert E. Lee is not worthy to be a U.S. citizen, then who is?

There are some who even today cannot forget the Civil War.

Their families have remembered the heartbreak, suffering and devastations that were caused by this war.

Today more than ever we need all the unity we can achieve and no aspect of discord is too insignificant to be ignored.

Whatever the causes and consequences of a cruel and now ancient war—and no war is more cruel or leaves more bitter and lasting resentment than does a civil war—the past cannot be lived again.

Only the future holds promise and this cannot be realized with divisions.

The descendants of those who fought on both sides of the Civil War have fought side by side in two world wars.

On foreign battlefields and beachheads, who among them cared to remember past differences?

And for the populations that welcomed American troops as allies or as liberators, there were no Southerners and no Northerners, there were only Americans.

Let us therefore honor the dead and let us express our hope in the living and in their children.

In these days when heroes are hard to come by, and the passions of past wars are being gradually stilled, let us see our real heroes as they truly were, formidable in war, admirable in victory as well as in defeat.

Today we are extremely conscious of man's civil rights, of his freedom to follow the dictates of his conscience.

Perhaps more than most, Robert E. Lee lived according to the dictates of his conscience.

Agonized soul-searching led him to make a choice he felt to be the only one possible for him as a Virginian.

But when the war was over Lee called for unity.

"Forget all these animosities" he wrote to a mother, "and raise your sons to be Americans."

And in his last years spent as president of the Washington College in Lexington, Virginia, he never forgot this objective.

Now that all the United States and more particularly the original States are busily preparing to celebrate the Bicentennial, is it not the time to efface yet another memento of past division by a symbolic, eloquent gesture of unification?

Is this not the time to restore at last all the privileges of the United States citizenship to Robert E. Lee?

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. EILBERG) that the House suspend the rules and pass the Senate joint resolution, (S.J. Res. 23).

The question was taken.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to the provisions of clause 3(b) of rule XXVII and the prior announcement of the Chair, further proceedings on this motion will be postponed.

Does the gentleman from Michigan withdraw his point of order of no quorum?

Mr. CONYERS. Mr. Speaker, I withdraw my point of order of no quorum.

MANDATORY CIVIL SERVICE RETIREMENT AT AGE 70 WITH 5 YEARS' SERVICE

Mr. WHITE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 504) to amend subchapter III of chapter 83 of title 5, United States Code, to provide for mandatory retirement of employees upon attainment of 70 years of age and completion of 5 years of service, and for other purposes.

The Clerk read as follows:

H.R. 504

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 8335(a) of title 5, United States Code, is amended by adding at the end thereof the following new sentence: "In the case of an employee appointed, or reappointed after a break in service of more than 3 calendar days, after December 31, 1975, this section applies when he becomes 70 years of age and completes 5 years of service."

(b) Section 8335(b) of title 5, United States Code, is amended by striking out "until 60 days after he is so notified" and inserting in lieu thereof "until the last day of the month in which the 60-day notice expires".

SEC. 2. Section 8706(b) of title 5, United States Code, is amended—

(1) by deleting the word "or" after paragraph (1);

(2) by inserting the word "or" after paragraph (2); and

(3) by inserting the following new paragraph after paragraph (2):

"(3) after December 31, 1980, he has completed 5 years of creditable civilian service as determined by the Commission;".

SEC. 3. Section 8901(3)(A) of title 5, United States Code, is amended by striking out "Government, after 12 or more years of service or for disability;" and inserting in lieu thereof the following: "Government—

"(i) after 12 years of creditable service;

"(ii) for disability; or

"(iii) after December 31, 1980, after 5 years of creditable srevice;".

The SPEAKER. Is a second demanded?

Mr. TAYLOR of Missouri. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Texas (Mr. WHITE) is recognized for 20 minutes, and the gentleman from Missouri (Mr. TAYLOR) is recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. WHITE).

GENERAL LEAVE

Mr. WHITE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 504, the bill under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WHITE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, with one exception, H.R. 504 is identical to the bill, H.R. 3798, which was approved unanimously by this committee and by the House during the last Congress.

The primary purpose of this legislation is to reduce from 15 to 5 years the requirement for mandatory retirement under the civil service retirement law.

Under the existing law, an employee who reaches age 70 must retire if he has completed 15 years of service. If he has not completed 15 years of service at age 70, he continues to serve until he meets the service requirement. This is considered by many as a disincentive to the hiring of people 55 years of age or older.

The passage of this bill should, therefore, alleviate the present disincentives and encourage the hiring of people 55 or older.

This bill also proposes to amend existing law to reduce from 12 to 5 years the length of service required by a retiring employee to retain his group life insurance and health benefits during retirement.

Since the amendments proposed by this bill will not become operative until 5 years after enactment, there will be no additional cost to the Government during the first 5 years. Thereafter, the additional costs will be negligible, as shown in the committee report.

Mr. TAYLOR of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 504 is based upon an official recommendation of the Civil Service Commission submitted to the 93d Congress. It was approved by the Subcommittee on Retirement and Employee Benefits and our Full Post Office and Civil Service Committee on a unanimous voice vote.

A similar bill passed the House on the Consent Calendar in 1973, but no action was taken by the Senate.

The bill, quite simply, recognizes the need for the Federal Government to operate with a work-force capable of operating at peak efficiency, and the need for employees to be able to retire at age 70 with 5 years of service without the loss of group life and health insurance protection.

Mr. Speaker, the present law is deficient in that it requires an employee to be employed by the Federal Government 12 years to qualify for continued group life and health insurance benefits. This requirement virtually forces an employee to remain on the payroll and, therefore, in many cases work beyond age 70.

It is evident that this requirement works to the disadvantage of both the employee and the Federal Government.

Contrary to some opinion, this measure does not establish either the precedent or principle of mandatory retirement. The present law already requires mandatory retirement at age 70 with 15 years of service. This measure is merely making it possible for those employees who are age 70 with 5 years of service to retire and be entitled to continue their group life and health insurance programs into retirement.

I strongly urge passage of this legislation.

Mr. WHITE. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. HARRIS).

Mr. JENRETTE. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from South Carolina.

Mr. JENRETTE. Mr. Speaker, I rise in support of the bill.

Mr. Speaker, under the present retirement law, older workers who have a lifetime of experience to offer are discouraged from serving the Federal Government. It is not only a gross underestimation of the worth of these employees, but a loss of a valuable portion of the labor force to maintain a retirement program that discriminates on the basis of age.

As it now stands, a person must serve 15 years before he can retire. For those who join the Federal service later in life, this means working well past age 70, or else be penalized by loss of health and insurance benefits. I do not believe the Federal Government should penalize older workers. Rather, they should be allowed a fair return commensurate with the contribution they make to their country.

The bill before us today, H.R. 504, offers such a return. By reducing the mandatory service requirement from 15 to 5 years, workers past age 55 can enlist in the Federal service without suffering a loss of well-deserved benefits. It is my firm conviction that employees demonstrating competence in their work should early gain vested rights in retirement and other benefits. For older employees, coming to the Federal Government with backgrounds rich in life and career experience, 5 years of creditable service is certainly ample demonstration.

For too long the private sector has attracted highly qualified individuals because a reasonable retirement program with the Federal Government was nonexistent. It is time to reverse this situation. If we enact this legislation now, we can standardize the retirement age for Federal employees, while utilizing our labor potential to the optimum.

Mr. Speaker, I am pleased to support a bill which will go far in making the retirement, life insurance, and health benefits laws speak to the needs of both the Government and its employees.

Mr. HARRIS. Mr. Speaker, I rise in support of this legislation.

I think that as the gentleman from Missouri (Mr. TAYLOR) indicates, this is pretty important legislation, although I think it is routine legislation that should be adopted by this House without too much difficulty.

I think it rectifies a serious injustice. We are talking about the elderly here, and we are talking about those who are seriously discriminated against, because of their age. The fact of the matter is that a person looking for employment, who may be 60 or 65 years old, because of the force of law is being discriminated against since the person who is going to hire such an individual knows that the individual has to stay on until 75 or 80 in order for him to qualify for mandatory retirement and continue his benefits.

This is wrong. It is not the correct way to treat the senior citizen. This law does not change—I would like to emphasize this—the mandatory retirement requirements in the law in any way. Those are in the law. That is what we have now.

The question is, Can it apply after 5 years rather than 15 years? That is the only question that this bill presents to the House.

Mr. Speaker, certainly, as a matter of simple justice, a person arriving at his 70th birthday ought to be able to retire and at the same time retain his benefits. Mandatory retirement works a real injustice unless we make this very simple change.

The bill does no more than make this simple change. I would urge the Members of the House to pass this bill and return equity and justice to our senior citizens.

Mr. DERWINSKI. Mr. Speaker, I will not oppose this legislation, but I would like to share with my colleagues my views on compulsory retirement, as expressed in the committee rport.

While I am willing to accept the notion of the Civil Service Commission that this legislation will somehow dissolve the reluctance of Federal agencies to hire persons who have reached their 55th birthday, I still have philosophic reservations about compulsory retirement as such.

Under existing law, Federal employees who reach age 70 face mandatory retirement if they have at least 15 years' service. If not, they may continue to be employed until they complete 15 years' service, and then they are mandatorily retired.

This legislation would require mandatory retirement of persons at age 70 with 5 years' service, or as soon thereafter as they complete 5 years' service.

It was stated in our subcommittee hearings that there is presently a trend in the private sector toward earlier retirement ages, both in the mandatory and normal retirement area. But I wonder if this is a satisfactory trend.

An article by Dr. Erdman Palmore, of Duke University Medical Center, in the winter 1972 issue of Gerontologist, pointed out that age, as the sole criteria for compulsory retirement, is not an accurate indicator of abilities because of the wide variation in the abilities of aged persons.

A study in the early 1950's by the National Conference on Retirement of Older Workers concluded that: "Both science and experience indicate that the aging process and its effects show such a wide variance among individuals as to destroy the logic of age as the sole factor in determining whether a person should retire or continue to work."

And, a more recent study by the Gerontological Society stated that "age limitations for employment are both socially and economically wasteful, since chronological age is rarely a reliable index of potential performance."

I agree with this line of thought. I think that a mandatory retirement system based on age tends to diminish the effectiveness of a true civil service merit system. However, because this legislation is a modification of a law which has been on the books many years, I realize the futility of challenging the basic law.

Therefore, I urge our committee to exercise its oversight responsibilities in the area of mandatory retirement to insure that this amendment to the retirement law does not have any adverse effect, and also to insure that discriminatory hiring practices are not taking place in Federal agencies.

Mr. WHITE. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. WHITE) that the House suspend the rules and pass the bill H.R. 504.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

INSURABLE INTEREST ANNUITIES

Mr. WHITE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7053) to amend chapter 83 of title 5, United States Code, to eliminate, subsequent to the death of an individual named as having an insurable interest, the annuity reduction made in order to provide a survivor annuity for such an individual.

The Clerk read as follows:

H.R. 7053

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8339(k)(1) of title 5, United States Code, is amended by adding at the end thereof the following: "An annuity which is reduced under this paragraph or any similar prior provision of law shall, effective the first day of the month following the death of the individual named under this paragraph, be recomputed and paid as if the annuity had not been so reduced.".

SEC. 2. The amendment made by this Act shall apply to annuities which commence before, on, or after the date of enactment of this Act, but no increase in annuity shall be paid for any period prior to July 1, 1975.

The SPEAKER. Is a second demanded?

Mr. TAYLOR of Missouri. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Texas (Mr. WHITE) will be recognized for 20 minutes, and the gentleman from Missouri (Mr. TAYLOR) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill H.R. 7053, now under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WHITE. Mr. Speaker, H.R. 7053 corrects an unintended inequity in the civil service retirement system established by Public Law 93-474.

During the 93d Congress, Public Law 93-474 amended section 8339(j) of title 5 United States Code so as to eliminate for any month during which an annuitant is not married the reduction in annuity that a retiring employee or member accepts upon retirement in order to provide survivor benefits for his or her spouse. If the annuitant subsequently remarries, his or her annuity will be reduced by the same percentage reductions which were in effect at the time of retirement. This law left out the single retiree with an insurable interest.

The primary function of this legislation, H.R. 7053, is to give the single Federal civil service annuitant the same benefit that a married annuitant has of having his or her full annuity restored to him or her upon the death of an individual for whom the single retiree had provided a survivor benefit.

The number of annuitants who would be affected by enactment of H.R. 7053 is comparatively small. As or June 30, 1974, there were 1,563 individuals on the annuity rolls who had elected an "insurable interest" survivor. While neither I nor the commission know how many of the elected survivors have predeceased the annuitants, it is estimated that enactment of H.R. 7053 would increase the unfunded liability of the civil service retirement system by an estimated $6.8 million. This would be amortized by 30 equal annual payments of $420,000.

Under the circumstances, it does not appear equitable to eliminate the annuity reduction for married annuitants who may have been paying only a fraction of the cost of the survivor benefit, and deny similar relief to the single annuitant, who has been paying—and under present law must continue to pay—full cost of a benefit which, because of the death of the elected insurable interest survivor, can never be paid.

Mr. TAYLOR of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 7053, a bill to eliminate the annuity reduction, taken in order to provide an "insurable interest" survivor annuity when the elected survivor predeceases the annuitant.

This legislation simply provides equal treatment under the law to unmarried annuitants, just as we presently extend to married annuitants. In enacting Public Law 93-474, which restored a full annuity to an annuitant whose spouse had predeceased him or her, we omitted extending this provision to unmarried annuitants who elect to provide a survivorship benefit to an individual having an insurable interest.

The record shows that individuals so elected are most often dependent relatives such as parents, brothers, sisters, or children who become disabled after age 18. The Civil Service Commission testified that approximately 20 percent of the "insurable interests" on the books have already predeceased the annuitant.

Since the reduction for providing this benefit is approximately equal to the actuarial cost of providing the benefit, which is not the case with a married annuitant, I think it is appropriate to perfect the law to extend this benefit to unmarried annuitants.

Mr. Speaker, since the 93d Congress determined that it was good policy to restore an annuity reduction to a married annuitant, it appears that we in the 94th Congress can do no less than to extend the same benefit to unmarried annuitants.

I urge prompt approval of this bill.

Mr. WHITE. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. HARRIS).

Mr. HARRIS. Mr. Speaker, when Public Law 93-474 was passed in the last Congress, it failed to include a provision to eliminate an annuity reduction when an insurable interest survivor predeceases the annuitant. I believe this simply is attributable to an oversight on the part of the committee and on the part of Congress. Obviously, it is inequitable to eliminate the annuity reduction for one group of annuitants who pay only a fraction of the cost of the survivor's benefit, that is, the benefit for a surviving spouse, and deny similar relief to another group of annuitants who pay the full actuarial cost of the benefit, that is, the benefit of an insurable interest survivor.

The committee approved this unanimously, and I believe that the House should approve it unanimously.

Mr. JENRETTE. Mr. Speaker, I rise in support of H.R. 7053 and, by so doing, wholeheartedly show my full backing for the elimination of all inequities within our laws that discriminate in any way against the single individual—especially those who after a lifetime of hard work, in which, in most cases, they have more than honorably served their Government, have achieved the fruits of a justly earned retirement.

As a member of the House Retirement and Employee Benefits Subcommittee and a cosponsor of this landmark legislation, H.R. 7053, I have not only heard but have read the testimony pro and con on this bill time and again; and I can assure the distinguished Members of this body that equity calls, nay demands, the passage of this legislation, if we are at all serious in our comments on elimination of unjust inequities in whatever manner we may find them. This is particularly true here, for H.R. 7053 would correct an inequity within our retirement system, which discriminates against the economic well-being of all single retirees who decide to provide a benefit for an insurable interest, which in most cases, according to testimony elicited by the subcommittee, is a mother, or a brother, or an involved relative.

Mr. WHITE. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. WHITE) that the House suspend the rules and pass the bill H.R. 7053.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 3, rule XXVII, the Chair will now put the question on the motion on which further proceedings were postponed.

The vote will be taken on the Senate joint resolution (S.J. Res. 23).

The unfinished business is the question of suspending the rules and passing the Senate joint resolution (S.J. Res. 23).

The Clerk read the title of the Senate joint resolution.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. EILBERG) that the House suspend the rules and pass the Senate joint resolution (S.J. Res. 23).

The question was taken.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 407, nays 10, not voting 17, as follows:

[Roll No. 415]

YEAS—407

Abdnor
Adams
Addabbo
Alexander
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Aspin
AuCoin
Badillo
Bafalis
Baldus
Barrett
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Phillip
Butler
Byron
Carney
Carter
Casey
Cederberg
Chappell
Chisholm
Clancy
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Corman
Cornell
Cotter
Coughlin
Crane
D'Amours
Daniel, R. W.
Daniels, N.J.
Danielson
Davis
de la Garza
Delaney
Dent
Derrick
Derwinski
Devine
Dickinson
Dingell
Dodd
Downey, N.Y.
Downing, Va.
Drinan
Duncan, Oreg.
Duncan, Tenn.
du Pont
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
Emery
English
Erlenborn
Esch
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Green
Gude
Guyer
Hagedorn
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Hansen
Harkin
Harrington
Harris
Harsha
Hastings
Hayes, Ind.
Hays, Ohio
Hébert
Hechler, W. Va.
Heckler, Mass.
Hefner
Heinz
Helstoski
Henderson
Hicks
Hightower
Hillis
Holland
Holt
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jacobs
Jarman
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Kindness
Keys
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Landrum
Latta
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McDonald
McEwen
McFall
McHugh
McKay
McKinney
Madden
Madigan
Maguire
Mahon
Mann
Martin
Mathis
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Michel
Mikva
Milford
Miller, Ohio
Mills
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Neill
Ottinger
Passman
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper

Perkins
Pettis
Peyser
Pickle
Pike
Poage
Pressler
Preyer
Price
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Richmond
Riegle
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Ruppe
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Satterfield
Schneebeli
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Shuster
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Spence
Staggers
Stanton,
J. William
Stanton,
James V.
Steed
Steelman
Steiger, Ariz.
Stephens
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Thompson
Thone
Thornton
Traxler
Treen
Tsongas
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Waxman
Weaver
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—10

Abzug
Carr
Conyers
Dellums
Hawkins
Holtzman
Jeffords
Miller, Calif.
Scheuer
Stark

NOT VOTING—17

Bolling
Brown, Calif.
Burke, Calif.
Burton, John
Clausen,
Don H.
Daniel, Dan
Diggs
Hinshaw
Litton
Macdonald
Matsunaga
Mink
O'Hara
Patman, Tex.
Steiger, Wis.
Teague
Wilson, C. H.

So the Senate joint resolution was passed.

The Clerk announced the following pairs:

Mrs. Mink with Mrs. Burke of California.

Mr. O'Hara with Mr. Don H. Clausen.

Mr. Matsunaga with Mr. Brown of California.

Mr. Patman with Mr. Dan Daniel.

Mr. Teague with Mr. Hinshaw.

Mr. Charles H. Wilson of California with Mr. Diggs.

Mr. Macdonald of Massachusetts with Mr. Litton.

Mr. John Burton with Mr. Steiger of Wisconsin.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EILBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MAKING APPROPRIATIONS FOR LEGISLATIVE BRANCH

Mr. CASEY. Mr. Speaker, I call up the conference report on the bill (H.R. 6950) making appropriations for the legislative branch for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see Proceedings of the House of July 17, 1975.)

Mr. CASEY (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CASEY. Mr. Speaker, the conference agreement provides appropriations totaling $827,546,570 for fiscal year 1976 ending June 30, 1976, and $207,391,365 for the transition period ending September 30, 1976. The 1976 allowance as agreed to is $59,853,742 above the fiscal year 1975 appropriation level and $10,718,855 below the budget estimates. The conference total is $129,469,770 over the House bill for 1976. However, this amount includes $126,963,875 for Senate items not considered by the House. Traditionally the Senate items are left for decision and insertion by the other body. Similarly the Senate does not act on our housekeeping items. Appropriations for two new commissions not considered by the House were also agreed to—$1,500,000 for the American Indian Policy Review Commission and $337,000 for the National Commission on New Technological Uses of Copyrighted Works.

The conference agreement is $2,244,085 above the Senate bill. This is a net increase due to the restoration of funds deleted by the Senate in connection with the distribution of Federal Register publications by the Superintendent of Documents. The Public Printer proposed a special subsidy for this program inasmuch as the sales price does not cover actual costs. The Senate did not concur in this proposal. Pricing of these publications is under the jurisdiction of the Administrative Committee of the Federal Register. The conferees were of the opinion that they should be priced so as to recover costs. As revenues from sales accrue to the general fund of the Treasury rather than to the Superintendent of Documents it was necessary to restore the funds eliminated to enable the orderly continuation of service. Excluding the restoration of $3,515,700 just referred to, the conference allowance is $1,271,615 below the Senate bill.

Various increases and decreases were argeed to throughout the bill. A total of $1,168,000 will be available for the Joint Economic Committee during 1976, and $6,050,000 was agreed to for the Office of Technology Assessment along with the reappropriation of $435,000 from 1975 appropriations for projects currently underway. The proposal to rent office space for OTA was deleted. A number of additional positions were agreed to for the Library of Congress, including 25 above the House allowance for the Congressional Research Service in the area of policy analysis and research.

The proposal of the Senate to repeal the section of the statutes providing for deductions of salary for absence of Senators and Members of the House was deleted. The conference agreement includes a provision freezing the salaries of House and Senate pages to the rates in effect on June 30, 1975. The language inserted by the Senate directing the Architect to study and develop a plan to reduce the number of operators on elevators throughout the Capitol complex was also agreed to.

Mr. Speaker, these are the major items in this conference report which has been printed in the RECORD and made available to the Members. Under leave to extend my remarks, I will insert a tabulation in the RECORD summarizing the amounts agreed to in conference.

The tabulation follows:

LEGISLATIVE BRANCH APPROPRIATION BILL, 1976 (H.R. 6950)

CONFERENCE SUMMARY

						Conference action compared with—			
Agency and item	New budget (obligational) authority, fiscal year 1975[1]	Budget estimates of new (obligational) authority, fiscal year 1976 and transition period[2]	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conference action	New budget (obligational) authority, fiscal year 1975	Budget estimates of new (obligational) authority fiscal year 1976 and transition period	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Senate	$107,433,569	$119,106,885		$118,836,575	$118,836,575	+$11,403,006	−$270,310	+$118,836,575	
Transition period		29,880,510		29,825,510	29,825,510		−55,000	+29,825,510	
House of Representatives	185,546,445	206,322,485	$206,407,485	206,407,485	206,407,485	+20,861,040	+85,000		
Transition period		50,690,750	50,690,750	50,690,750	50,690,750				
Joint items	45,770,214	55,522,255	53,581,415	54,712,725	54,796,110	+9,025,896	−726,145	+1,214,695	+$83,385
Transition period		13,653,855	13,351,955	13,554,055	13,574,905		−78,950	+222,950	+20,850
Office of Technology Assessment	4,696,000	6,500,000	5,600,000	6,935,000	6,485,000	+1,789,000	−15,000	+885,000	−450,000
Transition period		1,625,000	1,400,000	1,625,000	1,512,000		−113,000	+112,000	−113,000

LEGISLATIVE BRANCH APPROPRIATION BILL, 1976 (H.R. 6950)

CONFERENCE SUMMARY

						Conference action compared with—			
Agency and item	New budget (obligational) authority, fiscal year 1975 [1]	Budget estimates of new (obligational) authority fiscal year 1976 and transition period [2]	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conference action	New budget (obligational) authority fiscal year 1975	Budget estimates of new (obligational) authority fiscal year 1976 and transition period [2]	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Architect of the Capitol	68, 756, 600	42, 887, 100	32, 671, 800	40, 755, 100	40, 755, 100	−28, 001, 500	−2, 132, 000	+8, 083, 300	
Transition period		9, 883, 000	7, 811, 250	9, 858, 000	9, 858, 000		−25, 000	+2, 046, 750	
Botanic Garden	1, 018, 000	1, 208, 600	1, 208, 600	1, 205, 000	1, 205, 000	+187, 000	−3, 600	−3, 600	
Transition period		297, 000	297, 000	297, 000	297, 000				
Library of Congress	98, 790, 000	120, 052, 100	115, 134, 800	117, 135, 600	116, 230, 600	+17, 440, 600	−3, 821, 500	+1, 095, 800	−905, 000
Transition period		30, 033, 000	28, 769, 000	29, 389, 800	29, 106, 800		−926, 200	+337, 800	−283, 000
Government Printing Office	129, 065, 000	145, 476, 000	145, 265, 700	141, 750, 000	145, 265, 700	+16, 200, 700	−210, 300		+3, 515, 700
Transition period		36, 369, 000	36, 316, 400	35, 437, 000	36, 316, 400		−52, 600		+879, 400
General Accounting Office	124, 989, 000	139, 540, 000	136, 565, 000	135, 930, 000	135, 930, 000	+10, 941, 000	−3, 610, 000	−635, 000	
Transition period		36, 886, 000	35, 955, 000	35, 800, 000	35, 800, 000		−1, 086, 000	−155, 000	
Cost-Accounting Standards Board	1, 628, 000	1, 650, 000	1, 642, 000	1, 635, 000	1, 635, 000	+7, 000	−15, 000	−7, 000	
Transition period		413, 000	410, 000	410, 000	410, 000		−3, 000		
Grand total, new budget (obligational) authority	767, 692, 828	838, 265, 425	698, 076, 800	825, 302, 485	827, 546, 570	+59, 853, 742	−10, 718, 855	+129, 469, 770	+2, 244, 085
Transition period		209, 731, 115	175, 001, 355	206, 887, 115	207, 391, 365		−2, 339, 750	+32, 390, 010	+504, 250
Consisting of—									
1. Appropriations	765, 651, 128	836, 893, 925	696, 930, 300	823, 495, 985	825, 740, 070	+60, 088, 942	−11, 153, 855	+128, 809, 770	+2, 244, 085
Transition period		209, 731, 115	175, 001, 355	206, 887, 115	207, 391, 365		−2, 339, 750	+32, 390, 010	+504, 250
2. Reappropriations	2, 041, 700	1, 371, 500	1, 146, 500	1, 806, 500	1, 806, 500	−235, 200	+435, 000	+660, 000	
Appropriations to liquidate contract authorizations	(145, 000)					(−145, 000)			
Memorandum—									
1. Appropriations and reappropriations including appropriations for liquidation of contract authorizations	767, 837, 828	838, 265, 425	698, 076, 800	825, 302, 485	827, 546, 570	+59, 708, 742	−10, 718, 855	+129, 469, 770	+2, 244, 085
Transition period		209, 731, 115	175, 001, 355	206, 887, 115	207, 391, 365		−2, 339, 750	+32, 390, 010	+504, 250

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[1] Includes amounts in Second Supplemental Appropriations Act, 1975 (Public Law 94-32).

[2] Includes amendments totaling $21,497,000 in H. Docs. Nos. 94-102, 94-163, and 94-170, and S. Docs. Nos. 94-63 and 94-79.

Mr. COUGHLIN. Mr. Speaker, the minority very much concurs with the position of the chairman of the subcommittee, the gentleman from Texas (Mr. CASEY). I certainly congratulate him for the conference very substantially upheld the House position. It is under the budget figure, and I think the conference report should be voted upon favorably.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BAUMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 374, nays 45, answered "present" 1, not voting 14, as follows:

[Roll No. 416]

YEAS—374

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Armstrong
Ashley
Aspin
AuCoin
Badillo
Baldus
Barrett
Baucus
Beard, R.I.
Bedell
Bell
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brown, Mich.
Brown, Ohio
Buchanan
Burgener
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Carney
Carr
Carter
Casey
Cederberg
Chappell
Chisholm
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Conable
Conlan
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Danielson
Davis
de la Garza
Delaney
Dellums
Dent
Derrick
Derwinski
Devine
Dickinson
Diggs
Dingell
Dodd
Downey, N.Y.
Downing, Va.
Drinan
Duncan, Oreg.
Duncan, Tenn.
du Pont
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
Emery
English
Erlenborn
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fary
Fascell
Findley
Fish
Fisher
Fithian
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Ginn
Goldwater
Gonzalez
Goodling
Green
Gude
Guyer
Hagedorn
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Hansen
Harrington
Harris
Harsha
Hastings
Hawkins
Hayes, Ind.
Hays, Ohio
Hébert
Heckler, Mass.
Hefner
Heinz
Helstoski
Henderson
Hicks
Hightower
Hillis
Holland
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jacobs
Jarman
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Jordan
Kastenmeier
Kazen
Ketchum
Keys
Kindness
Koch
Krebs
Krueger
LaFalce
Landrum
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCormack
McDade
McEwen
McFall
McHugh
McKay
Madden
Madigan
Maguire
Mahon
Mann
Mathis
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Mikva
Milford
Miller, Calif.
Mills
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Passman
Patman, Tex.
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Pressler
Preyer
Price
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Richmond
Riegle
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Roybal
Runnels
Ruppe
Russo
Ryan
St Germain
Santini
Sarbanes
Scheuer
Schneebeli
Sebelius
Seiberling
Sharp
Shipley
Shriver
Sikes
Simon
Sisk
Skubitz

Slack
Smith, Iowa
Snyder
Solarz
Spellman
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Ariz.
Stephens
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Thompson
Thornton
Traxler
Treen
Tsongas
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Waxman
Weaver
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—45

Archer
Ashbrook
Bafalis
Bauman
Beard, Tenn.
Bennett
Brodhead
Broyhill
Burke, Fla.
Clancy
Collins, Tex.
Crane
Fenwick
Gilman
Gradison
Grassley
Harkin
Hechler, W. Va.
Holt
Jeffords
Jones, Okla.
Kasten
Kelly
Kemp
Lagomarsino
Latta
McCollister
McDonald
McKinney
Martin
Miller, Ohio
Mitchell, N.Y.
Rousselot
Sarasin
Satterfield
Schroeder
Schulze
Shuster
Smith, Nebr.
Spence
Symms
Taylor, Mo.
Thone
Winn
Young, Fla.

ANSWERED "PRESENT"—1

Pettis

NOT VOTING—14

Ambro
Boland
Brown, Calif.
Clausen, Don H.
Esch
Hinshaw
Karth
Litton
Macdonald
Matsunaga
Michel
Mink
Steiger, Wis.
Teague

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Ambro with Mr. Brown of California.
Mr. Matsunaga with Mr. Esch.
Mrs. Mink with Mr. Michel.
Mr. Teague with Mr. Don H. Clausen.
Mr. Boland with Mr. Steiger of Wisconsin.
Mr. Karth with Mr. Hinshaw.
Mr. Litton with Mr. Macdonald of Massachusetts.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

Mr. CASEY. Mr. Speaker, inasmuch as amendments Nos. 1 through 35 relate solely to housekeeping operations of the other body in which, by practice, the House concurs without intervention, I ask unanimous consent that Senate amendments Nos. 1 through 35 be considered as read, printed in the Record, and that they be considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments are as follows:

(1) TITLE 1

SENATE

(2) Compensation and Mileage of the Vice President and Senators and Expense Allowances of the Vice President and Leaders of the Senate

(3) COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS

For compensation and mileage of the Vice President and Senators of the United States, $4,809,240.

For "Compensation and Mileage of the Vice President and Senators of the United States" for the period July 1, 1976, through September 30, 1976, $1,205,000.

(4) EXPENSE ALLOWANCES OF THE VICE PRESIDENT AND MAJORITY AND MINORITY LEADERS

For expense allowance of the Vice President, $10,000; Majority Leader of the Senate, $3,000; and Minority Leader of the Senate, $3,000; in all, $16,000.

For "Expense allowance of the Vice President, $2,500; Majority Leader of the Senate, $750; and Minority Leader of the Senate, $750"; in all, for the period July 1, 1976, through September 30, 1976, $4,000.

(5) Salaries, Officers and Employees

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions and longevity compensation as authorized, which shall be paid from this appropriation without regard to the below limitations, as follows:

(6) OFFICE OF THE VICE PRESIDENT

For clerical assistance to the Vice President, $584,065.

For "Office of the Vice President" for the period July 1, 1976, through September 30, 1976, $146,000.

(7) OFFICES OF THE MAJORITY AND MINORITY LEADERS

For offices of the Majority and Minority Leaders, $239,000: *Provided,* That, effective July 1, 1975, the Majority and Minority Leaders may each appoint and fix the compensation of an executive secretary at not to exceed $24,160 per annum in lieu of $20,838 per annum and a clerical assistant at not to exceed $20,838 per annum in lieu of $17,818 per annum.

For "Offices of the Majority and Minority Leaders" for the period July 1, 1976, through September 30, 1976, $60,000.

(8) OFFICES OF THE MAJORITY AND MINORITY WHIPS

For offices of the Majority and Minority Whips, $185,440: *Provided,* That, effective July 1, 1975, the Majority and Minority Whips may each appoint and fix the compensation of a legislative assistant at not to exceed $34,881 per annum.

For "Offices of the Majority and Minority Whips" for the period July 1, 1976, through September 30, 1976, $46,360.

(9) OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $30,200.

For "Office of the Chaplain" for the period July 1, 1976, through September 30, 1976, $7,600.

(10) OFFICE OF THE SECRETARY

For Office of the Secretary, $3,064,575, including $216,530 required for the purpose specified and authorized by section 74b of title 2, United States Code: *Provided,* That, effective July 1, 1975, the Secretary may appoint and fix the compensation of a clerk, legislative information, at not to exceed $18,120 per annum and five clerks, stationery room, at not to exceed $12,382 per annum each in lieu of four clerks, stationery room, at not to exceed $12,382 per annum each; and the Secretary may fix the per annum compensation of the editor, digest, at not to exceed $33,522 per annum in lieu of $28,992 per annum; a clerk, digest, at not to exceed $14,194 per annum in lieu of $11,778 per annum; a bill clerk at not to exceed $18,120 per annum in lieu of $15,402 per annum; an assistant bill clerk at not to exceed $12,080 per annum in lieu of $10,872 per annum; an assistant journal clerk at not to exceed $18,120 per annum in lieu of $15,402 per annum; a special assistant at not to exceed $15,402 per annum in lieu of $14,194 per annum; a deputy special assistant at not to exceed $14,194 per annum in lieu of $12,080 per annum; seven clerks at not to exceed $11,778 per annum each in lieu of $10,268 per annum each; a delivery clerk (office of the printing clerk) at not to exceed $10,872 per annum in lieu of $10,268 per annum; an assistant messenger at not to exceed $10,268 per annum in lieu of $9,966 per annum; an assistant messenger at not to exceed $9,966 per annum in lieu of $8,758 per annum; an assistant messenger at not to exceed $9,966 per annum in lieu of $7,852 per annum; and a chief reporter of debates at not to exceed $36,089 per annum in lieu of $36,000 per annum: *Provided further,* That the position of chief elections investigator at not to exceed $28,690 per annum is hereby abolished.

For "Office of the Secretary" for the period July 1, 1976, through September 30, 1976, $775,000, including $55,000 required for the purpose specified and authorized by section 74b of title 2, United States Code.

(11) COMMITTEE EMPLOYEES

For professional and clerical assistance to standing committees and the Select Committee on Small Business, $8,934,592.

For "Committee Employees" for the period July 1, 1976, through September 30, 1976, $2,235,000.

(12) CONFERENCE COMMITTEES

For clerical assistance to the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $18,425 for each such committee; in all, $370,850.

For "Clerical assistance to the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee", $46,250 for each such committee; in all, for the period July 1, 1976, through September 30, 1976, $92,500.

(13) ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

For administrative and clerical assistants to Senators, $45,642,178.

For "Administrative and Clerical Assistants to Senators" for the period July 1, 1976, through September 30, 1976, $11,450,000.

(14) LEGISLATIVE ASSISTANCE TO SENATORS

For legislative assistance to Senators, $3,500,000.

For "Legislative Assistance to Senators" for the period July 1, 1976, through September 30, 1976, $900,000.

(15) OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

For the office of the Sergeant at Arms and Doorkeeper, $13,095,160: *Provided,* That, effective July 1, 1975, the Sergeant at Arms may appoint and fix the compensation of the following positions (a) in the computer center: a director, computer center, at not to exceed $32,616 per annum and three computer specialists at not to exceed $19,328 per annum each in lieu of four computer specialists at not to exceed $19,328 per annum each; (b) in the Senate post office: sixty-seven mail carriers at not to exceed $10,570 per annum each in lieu of sixty-three mail carriers at not to exceed $10,570 per annum each; (c) in the service department: twelve messengers at not to exceed $8,758 per annum each in lieu of ten messengers at not to exceed $8,758 per annum each; (d) seven detectives, police force, at not to exceed $13,288 per annum each in lieu of four detectives, police force, at not to exceed $13,288 per annum each; sixteen technicians, police force, at not to exceed $12,382 per annum each in lieu of twelve technicians, police force, at not to exceed $12,382 per annum each; and 409 privates, police force, at not to exceed $11,476 per annum each in lieu of 389 privates, police force, at not to exceed $11,476 per annum each; (e) a clerk at not to exceed $16,308 per annum in lieu of a clerk at not to exceed

$13,892 per annum; and (f) if in the janitor's department: five laborers at not to exceed $4,530 per annum each in lieu of six laborers at not to exceed $4,530 per annum each: Provided further, That, the two positions of special employee at not to exceed $1,510 per annum each are hereby abolished.

For "Office of Sergeant at Arms and Doorkeeper" for the period July 1, 1976, through September 30, 1976, $3,275,000.

(16) OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For offices of the Secretary for the Majority and the Secretary for the Minority, $296,245: Provided, That, effective July 1, 1975, and each fiscal year thereafter, the Secretaries for the Majority and Minority may each appoint and fix the compensation of an assistant during emergencies at rates of compensation not exceeding, in the aggregate at any time, $20,234 per annum, for not more than six months in each fiscal year.

For "Offices of the Secretaries for the Majority and Minority" for the period July 1, 1976, through September 30, 1976, $74,100.

(17) AGENCY CONTRIBUTIONS AND LONGEVITY COMPENSATION

For agency contributions for employee benefits and longevity compensation, as authorized by law, $4,750,000.

For "Agency Contributions and Longevity Compensation" for the period July 1, 1976, through September 30, 1976, $1,200,000.

(18) OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the office of the Legislative Counsel of the Senate, $584,110.

For "Office of the Legislative Counsel of the Senate" for the period July 1, 1976, through September 30, 1976, $147,000.

(19) CONTINGENT EXPENSES OF THE SENATE

(20) SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $369,055 for each such committee; in all, $738,110.

For "Senate Policy Committee", $92,500 for each such committee; in all, for the period July 1, 1976 through September 30, 1976, $185,000.

(21) AUTOMOBILES AND MAINTENANCE

For purchase, lease, exchange, maintenance, and operation of vehicles, one for the Vice President, one for the President pro-tempore, one for the Majority Leader, one for the Minority Leader, one for the Majority Whip, one for the Minority Whip, for carrying the mails, and for official use of the offices of the Secretary and Sergeant at Arms, $40,000.

For "Automobiles and Maintenance", for purchase, lease, exchange, maintenance, and operation of vehicles, one for the Vice President, one for the President pro tempore, one for the Majority Leader, one for the Minority Leader, one for the Majority Whip, one for the Minority Whip, for carying the mails, and for official use of the offices of the Secretary and Sergeant at Arms for the period July 1, 1976 through September 30, 1976, $10,000.

(22) INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, including $570,180 for the Committee on Appropriations, to be available also for the purposes mentioned in Senate Resolution Numbered 193, agreed to October 14, 1943, and Senate Resolution Numbered 140, agreed to May 14, 1975, $17,654,500.

For "Inquiries and Investigations", including $143,000 for the Committee on Appropriations, to be available also for the purposes mentioned in Senate Resolution Numbered 193, agreed to October 14, 1943, and Senate Resolution Numbered 140, agreed to May 14, 1975, for the period July 1, 1976, through September 30, 1976, $4,415,000.

(23) FOLDING DOCUMENTS

For the employment of personnel for folding speeches and pamphlets at a gross rate of not exceeding $3.88 per hour per person, $86,575.

For "Folding Documents", for the employment of personnel for folding speeches and pamphlets at a gross rate of not exceeding $3.88 per hour per person, for the period July 1, 1976, through September 30, 1976, $40,000.

(24) MISCELLANEOUS ITEMS

For miscellaneous items, $14,184,000.

For "Miscellaneous Items" for the period July 1, 1976, through September 30 1976, $3,550,000.

(25) POSTAGE STAMPS

For postage stamps for the offices of the Secretaries for the Majority and Minority, $320; Chaplain, $100; and for air mail and special delivery stamps for the office of the Secretary, $610; office of the Sergeant at Arms, $240; and the President of the Senate, as authorized by law, $1,215; in all, $2,485.

For "Postage Stamps", for the offices of the Secretaries for the Majority and Minority, $80; Chaplain $25; and for air mail and special delivery stamps for the office of the Secretary, $155; office of the Sergeant at Arms, $60; and the President of the Senate, as authorized by law, $305; in all, for the period July 1, 1976, through September 30, 1976, $625.

(26) STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, and for committees and officers of the Senate, $24,750; in all $29,250.

For "Stationery (Revolving Fund)", for the President of the Senate, $1,125, and for committees and officers of the Senate, $6,200; in all, for the period July 1, 1976, through September 30, 1976, $7,325.

(27) ADMINISTRATIVE PROVISIONS

(28) Sec. 101. For the purpose of carrying out his duties, the Secretary of the Senate is authorized to incur official travel expenses but such expenditures shall not exceed $5,000 during any fiscal year. The Secretary of the Senate is authorized to advance, in his discretion, to any designated employee under his jurisdiction, such sums as may be necessary, not exceeding $1,000, to defray official travel expenses in assisting the Secretary in carrying out his duties. Any such employee shall, as soon as practicable, furnish to the Secretary a detailed voucher for such expenses incurred and make settlement with respect to any amount so advanced. Payments to carry out the provisions of this paragraph shall be made from funds included in the appropriation "Miscellaneous Items" under the heading "Contingent Expenses of the Senate" upon vouchers approved by the Secretary of the Senate.

(29) Sec. 102. Effective July 1, 1975, the first sentence of section 105(d)(1)(A) of the Legislative Branch Appropriation Act, 1968, as amended and modified, is amended to read as follows: "The aggregate of gross compensation paid employees in the office of a Senator shall not exceed during each calendar year the following:

"$392,298 if the population of his State is less than 2,000,000;

"$404,076 if such population is 2,000,000 but less than 3,000,000;

"$432,464 if such population is 3,000,000 but less than 4,000,000;

"$469,006 if such population is 4,000,000 but less than 5,000,000;

"$498,904 if such population is 5,000,000 but less than 7,000,000;

"$530,312 if such population is 7,000,000 but less than 9,000,000;

"$564,438 if such population is 9,000,000 but less than 10,000,000;

"$590,712 if such population is 10,000,000 but less than 11,000,000;

"$625,140 if such population is 11,000,000 but less than 12,000,000;

"$651,414 if such population is 12,000,000 but less than 13,000,000;

"$684,936 if such population is 13,000,000 but less than 15,000,000;

"$718,458 if such population is 15,000,000 but less than 17,000,000;

"$751,980 if such population is 17,000,000 but less than 19,000,000;

"$777,050 if such population is 19,000,000 but less than 21,000,000;

"$802,120 if such population is 21,000,000 or more."

(30) Sec. 103. Section 506 of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58), is amended—

(1) by striking out "actual transportation expenses incurred by employees" in subsection (a)(8) and inserting in lieu thereof "travel expenses incurred by employees"; and

(2) by striking out subsection (e) and inserting in lieu thereof the following:

"(e) In accordance with regulations prescribed by the Committee on Rules and Administration, an employee in a Senator's office including employees authorized by Senate Resolution 60, 94th Congress, agreed to June 12, 1975, and section 108 of this title shall be reimbursed under this section for per diem and actual transportation expenses incurred, or actual travel expenses incurred, only for round trips made by the employee on official business by the nearest usual route between Washington, District of Columbia, and the home State of the Senator involved, and in traveling within the State (other than transportation expenses incurred by an employee assigned to a Senator's office within that State (1) while traveling in the general vicinity of such office, (2) pursuant to a change of assignment within such State, or (3) in commuting between home and office). However, an employee shall not be reimbursed for any per diem expenses or actual travel expenses (other than actual transportation expenses) for any travel occurring during the sixty days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Senator, in whose office the employee is employed, is a candidate for public office, unless his candidacy in such election is uncontested. Reimbursement of per diem and actual travel expenses shall not exceed the rates established in accordance with the seventh paragraph under the heading 'Administrative Provisions' in the Senate appropriation in the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 68b). No payment shall be made under this section to or on behalf of a newly appointed employee to travel to his place of employment. This section shall be effective July 1, 1975.".

(31) Sec. 104. Notwithstanding any other provision of law, the Committee on Government Operations is authorized, during fiscal year 1976, and the transition period, July 1, 1976, through September 30, 1976, to employ one additional professional staff member at a per annum rate not to exceed the rate for one of the four professional staff members referred to in section 105(e)(3)(A) of the Legislative Branch Appropriations Act, 1968, as amended and modified.

(32) Sec. 105. The Secretary of the Senate, the Sergeant at Arms and Doorkeeper of the Senate, and the Legislative Counsel of the Senate shall each be paid at an annual rate of compensation of $40,000. The Secretary for the Majority (other than the incumbent holding office on July 1, 1975) and the Secretary for the Minority shall each be paid at an annual rate of compensation of $39,500. The Secretary for the Majority (as long as that position is occupied by such incumbent)

may be paid at a maximum annual rate of compensation not to exceed $39,500. The four Senior Counsels in the Office of the Legislative Counsel of the Senate shall each be paid at an annual rate of compensation of $39,000. The Assistant Secretary of the Senate, the Parliamentarian, and the Financial Clerk may each be paid at a maximum annual rate of compensation not to exceed $39,000. The Administrative Assistant in the Office of the Majority Leader and the Administrative Assistant in the Office of the Minority Leader may each be paid at a maximum annual rate of compensation not to exceed $38,000. The Assistant Secretary for the Majority and the Assistant Secretary for the Minority may each be paid at a maximum annual rate of compensation not to exceed $37,500. The Administrative Assistant in the Office of the Majority Whip and the Administrative Assistant in the Office of the Minority Whip may each be paid at a maximum annual rate of compensation not to exceed $37,000. The Legislative Assistant in the Office of the Majority Leader, and the Legislative Assistant in the Office of the Minority Leader, the Assistant to the Majority and the Assistant to the Minority in the Office of the Secretary of the Senate may each be paid a maximum annual rate of compensation not to exceed $36,500. The two committee employees referred to in clause (A), and the three committee employees referred to in clause (B), of section 105(e)(3) of the Legislative Branch Appropriations Act, 1968, as amended and modified, whose salaries are appropriated under the heading "Salaries, Officers and Employees" for "Committee Employees" for the Senate during any fiscal year, may each be paid at a maximum annual rate of compensation not to exceed $38,000, except that the Committee on Commerce is authorized to pay two employees, in addition to the two employees referred to in clause (A) of such section, at such maximum annual rate of compensation during the fiscal year ending June 30, 1976, and the transition period ending September 30, 1976. The two committee employees, other than joint committee employees, referred to in clause (A) of section 105(e)(3) of such Act whose salaries are not appropriated under such heading may each be paid at a maximum annual rate of compensation not to exceed $37,500, except that the two employees of the majority policy committee and the two employees of the minority policy committee referred to in clause (A) of section 105(e)(3) of such Act may each be paid at a maximum annual rate of compensation not to exceed $38,000. The one employee in a Senator's office referred to in section 105(d)(2)(ii) of such Act may be paid at a maximum annual rate of compensation not to exceed $38,000. Any officer or employee whose pay is subject to the maximum limitation referred to in section 105(f) of such Act may be paid at a maximum annual rate of compensation not to exceed $38,000. This section does not supersede (1) any provision of an order of the President pro tempore of the Senate authorizing a higher rate of compensation, and (2) any authority of the President pro tempore to adjust rates of compensation or limitations referred to in this paragraph under section 4 of the Federal Pay Comparability Act of 1970. This section is effective July 1, 1975.

(33) Sec. 106. (a) Section 3 under the heading "Administrative Provisions" in the appropriation for the Senate in the Legislative Branch Appropriations Act, 1975, is amended by inserting "(1)" immediately before the text of subsection (c) and by adding immediately below subsection (c) the following:

"(2) The aggregate amount that may be paid for the acquisition of furniture, equipment, and other office furnishings heretofore provided by the Administrator of General Services for one or more offices secured for the Senator is $20,500 if the aggregate square feet of office space is not in excess of 4,800 square feet. Such amount is increased by $500 for each authorized additional incremental increase in office space of 200 square feet."

(b) The amendment made by subsection (a) of this section is effective on and after July 1, 1975.

(34) Sec. 107. Section 3 under the heading "Administrative Provisions" in the appropriation for the Senate in the Legislative Branch Appropriations Act, 1975, is amended by inserting "(1)" immediately before the text of subsection (a) and by adding immediately below subsection (a) the following:

"(2) The Senator may lease, on behalf of the United States Senate, the office space so secured for a term not in excess of one year. A copy of each such lease shall be furnished to the Sergeant at Arms. Nothing in this paragraph shall be construed to require the Sergeant at Arms to enter into or execute any lease for or on behalf of a Senator.".

(35) Sec. 108. (a) Pursuant to section 2 of Senate Resolution 60, 94th Congress, agreed to June 12, 1975, and subject to the requirements of this section, each Senator serving on a committee is authorized to hire staff for the purpose of assisting him in connection with his membership on one or more committees on which he serves as follows:

(1) A Senator serving on one or more standing committees named in paragraph 2 of Rule XXV of the Standing Rules of the Senate shall receive, for each such committee as he designates, up to a maximum of two such committees, an amount equal to the amount referred to in section 105(e)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified.

(2) A Senator serving on one or more standing committees named in paragraph 3 of Rule XXV of the Standing Rules of the Senate or, in the case of a Senator serving on more than two committees named in paragraph 2 of that Rule but on none of the committees named in paragraph 3 of that Rule; select and special committees of the Senate; and joint committees of the Congress shall receive for one of such committees which he designates, an amount equal to the amount referred to in section 105(e)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified.

(b)(1) Each of the amounts referred to in subsection (a)(1) shall be reduced, in the case of a Senator who is—

(A) the chairman or ranking minority member of any of the two committees designated by the Senator under subsection (a)(1);

(B) the chairman or ranking minority member of any subcommittee of either of such committees that receives funding to employ staff assistance separately from the funding authority for staff of the committee; or

(C) authorized by the committee, a subcommittee thereof, or the chairman of the committee or subcommittee, as appropriate, to recommend or approve the appointment to the staff of such committee or subcommittee of one or more individuals for the purpose of assisting such Senator in his duties as a member of such committee or subcommittee,

by an amount equal to the aggregate annual gross rates of compensation of all staff employees of that committee or subcommittee (i) whose appointment is made, approved, or recommended and (ii) whose continued employment is not disapproved by such Senator if such employees are employed for the purpose of assisting such Senator in his duties as chairman, ranking minority member, or member of such committee or subcommittee thereof as the case may be, or to the amount referred to in section 105(e)(1) of such Act, whichever is less.

(2) The amount referred to in subsection (a)(2) shall be reduced in the case of any Senator by an amount equal to the aggregate annual gross rates of compensation of all staff employees (i) whose appointment to the staff of any committee referred to in subsection (a)(2), or subcommittee thereof, is made, approved, or recommended and (ii) whose continued employment is not disapproved by such Senator if such employees are employed for the purpose of assisting such Senator in his duties as chairman, ranking minority member, or member of such committee or subcommittee thereof as the case may be, or an amount equal to the amount referred to in section 105(e)(1) of such Act, whichever is less.

(c) An employee appointed under this section shall be designated as such and certified by the Senator who appoints him to the chairmen and ranking minority members of the appropriate committee or committees as designated by such Senator and shall be accorded all privileges of a professional staff member (whether permanent or investigatory) of such committee or committees including access to all committee sessions and files, except that any such committee may restrict access to its sessions to one staff member per Senator at a time and require, if classified material is being handled or discussed, that any staff member possess the appropriate security clearance before being allowed access to such material or to discussion of it.

(d) An employee appointed under this section shall not receive compensation in excess of that provided for an employee under section 105(e)(1) of the Legislative Branch Appropriations Act, 1968, as amended and modified.

(e) The aggregate of payments of gross compensation made to employees under this section during each fiscal year shall not exceed at any time during such fiscal year one-twelfth of the total amount to which the Senator is entitled under this section (after application of the reductions required under subsection (b)) multiplied by the number of months (counting a fraction of a month as a month) elapsing from the first month in that fiscal year in which the Senator holds the office of Senator through the end of the current month for which the payment of gross compensation is to be made. In any fiscal year in which a Senator does not hold the office of Senator at least part of each month of that year, the aggregate amount available for gross compensation of employees under this section shall be the total amount to which the Senator is entitled under this section (after application of the reductions required under subsection (b)) divided by 12, and multiplied by the number of months the Senator holds such office during that fiscal year, counting any fraction of a month as a full month.

(f) This section is effective on and after July 1, 1975.

MOTION OFFERED BY MR. CASEY

Mr. CASEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Casey moves that the House recede from its disagreement to the amendments of the Senate numbered 1 through 35 inclusive and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 50: Page 43, line 23 insert: ": Provided, That not to exceed $435,000 of the funds remaining unobligated as of June 30, 1975, shall be merged with and also be available for the general purposes of this appropriation.

MOTION OFFERED BY MR. CASEY

Mr. CASEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CASEY moves that the House recede from its disagreement to the amendment of the Senate numbered 50 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 58: Page 48, line 8, insert: "and the Legislative Branch Appropriations Subcommittees of the House and Senate,".

MOTION OFFERED BY MR. CASEY

Mr. CASEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CASEY moves that the House recede from its disagreement to the amendment of the Senate numbered 58 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 59: Page 49, line 1, insert:

"SENATE OFFICE BUILDINGS

"For maintenance, miscellaneous items and supplies, including furniture, furnishings, and equipment, and for labor and material incident thereto, and repairs thereof; for purchase of waterproof wearing apparel, and for personal and other services; for the care and operation of the Senate Office Building; including the subway and subway transportation systems connecting the Senate Office Buildings with the Capitol; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902), prevention and eradication of insect and other pests without regard to section 3709 of the Revised Statutes as amended; to be expended under the control and supervision of the Architect of the Capitol in all $8,000,000, of which not to exceed $783,600 shall be available for expenditures without regard to Section 3709 of the Revised Statutes, as amended, and shall remain available until expended for consulting services, design, testing, evaluation, and procurement of office furniture, furnishings, and equipment under a pilot program devised to provide guidelines and criteria for future procurements for such items for the Senate Office Buildings Complex: *Provided*, That the second proviso under the head 'Senate Office Buildings' contained in the Legislative Branch Appropriation Act, 1972 (85 Stat. 138) is amended by adding at the end thereof, before the colon, the words 'and, in fixing the compensation of such personnel, the compensation of four positions hereafter to be designated as Director of Food Service, Assistant Director of Food Service, Manager (special functions), and Administrative Officer shall be fixed by the Architect of the Capitol without regard to Chapter 51 and Subchapter III and IV of Chapter 53 of title 5, United States Code, and shall thereafter be adjusted in accordance with 5 U.S.C. 5307'.

"Not to exceed $225,000 of the unobligated balance of the appropriation under this head for the fiscal year 1975 is hereby continued available until June 30, 1976.

"For 'Senate office buildings' for the period July 1, 1976, through September 30, 1976, $2,050,000."

MOTION OFFERED BY MR. CASEY

Mr. CASEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CASEY moves that the House recede from its disagreement to the amendment of the Senate numbered 59 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 60: Page 50, line 14, insert:

"CONSTRUCTION OF AN EXTENSION TO THE NEW SENATE OFFICE BUILDING

"No part of the funds appropriated for "Construction of an Extension to the New Senate Office Building" shall be obligated or expended for construction, either on, above, or below street level, of any additional pedestrian entrances to the Dirksen Senate Office Building on the side of such building that faces First Street Northeast, or for construction of additional underground pedestrian walkways extending from the Dirksen Building through the Russell Building, or for construction of any restaurants or shops on the first floor of the Dirksen Building."

MOTION OFFERED BY MR. CASEY

Mr. CASEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CASEY moves that the House recede from its disagreement to the amendment of the Senate numbered 60 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 61: Page 51, line 1, insert:

"SENATE GARAGE

"For maintenance, repairs, alterations, personal and other services, and all other necessary expenses, $127,300.

"For 'Senate garage' for the period July 1, 1976, through September 30, 1976, $34,000."

MOTION OFFERED BY MR. CASEY

Mr. CASEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CASEY moves that the House recede from its disagreement to the amendment of the Senate numbered 61 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 65: Page 53, line 4, insert:

"ADMINISTRATIVE PROVISION

"SEC. 501. (a) Whenever—

"(1) the law of any State provides for the collection of an income tax by imposing upon employers generally the duty of withholding sums from the compensation of employees and remitting such sums to the authorities of such State; and

"(2) such duty to withhold is imposed generally with respect to the compensation of employees who are residents of such State;

then the Architect of the Capitol is authorized, in accordance with the provisions of this section, to enter into an agreement with the appropriate official of that State to provide for the withholding and remittance of sums for individuals—

"(A) employed by the Office of the Architect of the Capitol, the United States Botanic Garden, or the Senate Restaurant; and

"(B) who request the Architect to make such withholdings for remittance to that State.

"(b) Any agreement entered into under subsection (a) of this section shall not require the Architect to remit such sums more often than once each calendar quarter.

"(c)(1) An individual employed by the Office of the Architect of the Capitol, the United States Botanic Garden, or the Senate Restaurant may request the Architect to withhold sums from his pay for remittance to the appropriate authorities of the State that he designates. Amounts of withholdings shall be made in accordance with those provisions of the law of that State which apply generally to withholding by employers.

"(2) An individual may have in effect at any time only one request for withholdings, and he may not have more than two such requests in effect with respect to different States during any one calendar year. The request for withholdings is effective on the first day of the first pay period commencing on or after the day on which the request is received in the Office of the Architect, the Botanic Garden Office, or the Senate Restaurant Accounting Office except that—

"(A) when the Architect first enters into an agreement with a State, a request for withholdings shall be effective on such date as the Architect may determine; and

"(B) when an individual first receives an appointment, the request shall be effective on the day of appointment, if the individual makes the request at the time of appointment.

"(3) An individual may change the State designated by him for the purposes of having withholdings made and request that the withholdings be remitted in accordance with such change, and he may also revoke his request for withholdings. Any change in the State designated or revocation is effective on the first day of the first pay period commencing on or after the day on which the request for change or the revocation is received in the appropriate office.

"(4) The Architect is authorized to issue rules and regulations he considers appropriate in carrying out this subsection.

"(d) The Architect may enter into agreements under subsection (a) of this section at such time or times as he considers appropriate.

"(e) This section imposes no duty, burden, or requirement upon the United States, or any officer or employee of the United States, except as specifically provided in this section. Nothing in this section shall be deemed to consent to the application of any provision of law which has the effect of subjecting the United States, or any officer or employee of the United States to any penalty or liability by reason of the provisions of this section.

"(f) For the purposes of this section, 'State' means any of the States of the United States."

MOTION OFFERED BY MR. CASEY

Mr. CASEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CASEY moves that the House recede from its disagreement to the amendment of the Senate numbered 65 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 73: Page 58, line 4, insert:

"NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES OF COPYRIGHTED WORKS

"SALARIES AND EXPENSES

"For necessary expenses of the National Commission on New Technological Uses of Copyrighted Works, $337,000.

"For 'Salaries and Expenses' for the period July 1, 1976, through September 30, 1976, $114,000."

MOTION OFFERED BY MR. CASEY

Mr. CASEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CASEY moves that the House recede from its disagreement to the amendment of the Senate numbered 73 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 87: Page 65, line 1, insert:

"SEC. 708. Funds available to the Library of Congress may be expended to purchase, lease, maintain, and otherwise acquire automatic data processing equipment without regard to the provision of 40 U.S.C. 759."

MOTION OFFERED BY MR. CASEY

Mr. CASEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CASEY moves that the House recede from its disagreement to the amendment of the Senate numbered 87 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 101: Page 74, line 15, strike out: "Committee on Appropriations" and insert: "Secretary".

MOTION OFFERED BY MR. CASEY

Mr. CASEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CASEY moves that the House recede from its disagreement to the amendment of the Senate numbered 101 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 103: Page 75, line 19, insert:

"SEC. 1106. Section 106 of the Legislative Branch Appropriation Act, 1975 is repealed."

MOTION OFFERED BY MR. CASEY

Mr. CASEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CASEY moves that the House recede from its disagreement to the amendment of the Senate numbered 103 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 105: Page 75, line 23, insert:

"SEC. 1108. Section 638a of title 31 of the United States Code shall hereafter not be construed as applying to the purchase, maintenance, and repair of passenger motor vehicles by the United States Capitol Police."

MOTION OFFERED BY MR. CASEY

Mr. CASEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CASEY moves that the House recede from its disagreement to the amendment of the Senate numbered 105 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 106: Page 76, line 3, insert:

"SEC. 1109. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein, except as provided in section 204 of the Supplemental Appropriation Act, 1975 (Public Law 93–554)."

MOTION OFFERED BY MR. CASEY

Mr. CASEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CASEY moves that the House recede from its disagreement to the amendment of the Senate numbered 106 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 107: Page 76, line 8, insert:

"SEC. 1110. Notwithstanding any other provisions of law, none of the funds in this Act shall be used to pay ages of the Senate and House of Representatives at a gross annual maximum rate of compensation in excess of that in effect on June 30, 1975."

MOTION OFFERED BY MR. CASEY

Mr. CASEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CASEY moves that the House recede from its disagreement to the amendment of the Senate numbered 107 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the last amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 108: Page 76, line 13, insert:

"SEC. 1111. The Architect of the Capitol shall study and submit his recommendations to the Congress within 3 months, a plan to reduce by at least 50 percent the number of persons operating automatic elevators within the Capitol complex."

MOTION OFFERED BY MR. CASEY

Mr. CASEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CASEY moves that the House recede from its disagreement to the amendment of the Senate numbered 108 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. CASEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the conference report (H.R. 6950) and that I be permitted to revise and extend my own remarks and include a tabulation and extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
July 21, 1975.

Hon. CARL ALBERT,
The Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 4:05 P.M. on Monday, July 21, 1975, and said to contain H.R. 4035, An Act to provide for more effective congressional review of proposals to exempt petroleum products from the Emergency Petroleum Allocation Act of 1973 and certain proposed administrative actions which permit increases in the price of domestic crude oil; and to provide for an interim extension of certain expiring energy authorities, and a veto message thereon.

With kind regards, I am,

Sincerely,

W. PAT JENNINGS,
By W. RAYMOND COLLEY,
Clerk, House of Representatives.

PETROLEUM PRICE REVIEW ACT—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 94–218)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning without my approval H.R. 4035, the Petroleum Price Review Act, because it would increase petroleum consumption, cut domestic production, increase reliance on insecure petroleum imports and avoid the issue of phasing out unwieldy price controls.

H.R. 4035 would go counter to the Nation's need to conserve energy and reduce dependence on imported oil. It would increase petroleum imports by about 350,000 barrels per day in 1977, compared to import levels under my phased decontrol plan. It would even increase imports by about 70,000 barrels per day over continuation of the current system of mandatory controls through 1977.

The provisions in this bill to roll back the price of domestic oil not now controlled, to repeal the "stripper well" exemption from price controls and to establish a three-tier price system which would require even more complex regulations would be counterproductive to the achievement of energy independence.

The bill does contain an Administration requested provision which would continue the coal conversion program through December 31st. Since coal conversion authorities authorized last year in the Energy Supply and Environmental Coordination Act expired June 30th, I urge rapid enactment of a simple one year extension of these authorities.

Last Wednesday, July 16, I submitted to Congress a compromise plan to phase out price controls on crude oil over a thirty-month period. Coupled with administratively imposed import fees, this plan will reduce the Nation's imports by 900,000 barrels per day by 1977. It will reduce our vulnerability to another embargo by adding slightly over one cent per gallon to the price of all petroleum products by the end of 1975 and seven cents by 1978.

If Congress acts on this compromise and on other Administration proposed energy taxes, including the "windfall profits" tax and energy tax rebates to consumers, the burden of decontrol will be shared fairly, and our economic recovery will continue.

I veto H.R. 4035, because it increases our vulnerability to unreliable sources of crude oil and does not deal with the need to phase-out rigid price and allocation controls enacted during the embargo. I urge Congress not to disapprove my administrative plan of gradual decontrol. If it is accepted, I will accept a simple extension of price and allocation authorities. If decontrol is not accepted, I will have no choice but to veto the simple six-month extension of these authorities now being considered by Congress.

For too long, the Nation has been without an energy policy, and I cannot approve a drift into greater energy dependence.

Gerald R. Ford.

The White House, *July 21, 1975.*

The SPEAKER. The objections of the President will be spread at large upon the Journal and the message and bill will be printed as a House document.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that further consideration of the veto message from the President and the bill H.R. 4035 be postponed until Thursday, July 24, 1975.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 555) entitled "An act to amend the Consolidated Farm and Rural Development Act."

DISAPPROVING PROPOSED AMENDMENT BY THE PRESIDENT TO REMOVE EXISTING PRICE CONTROLS RELATING TO CRUDE OIL

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 613 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

> H. Res. 613
>
> *Resolved*, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the State of the Union for the consideration of H. Res. 605. At the conclusion of general debate, which shall be confined to the resolution and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the Committee shall rise and report the resolution to the House, and the previous question shall be considered as ordered on the resolution to its adoption or rejection.

The SPEAKER. The gentleman from California is recognized for one hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Illinois (Mr. Anderson) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 613 provides for a rule with 2 hours of general debate on House Resolution 605, a bill disapproving the President's decontrol program which was submitted to the House on July 16, 1975.

Under the terms of the Emergency Petroleum Allocation Act, either House has 5 legislative days to adopt a resolution of disapproval of a Presidential plan. Because the President's plan was submitted to the House last Wednesday, and the time began running last Thursday, this resolution must be adopted no later than tomorrow, Wednesday July 23.

Mr. Speaker, I urge the adoption of House Resolution 613, in order that we may discuss and debate House Resolution 605.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, normally I am not opposed to the adoption of rules which make it possible for Members of the full House to work their will on particular legislation. However, in this instance I am opposed to the adoption of House Resolution 613, which makes in order, as the gentleman from California has said, House Resolution 605.

I express that opposition for the reason that if we adopt the rule, the resolution that is now before us, we are making it possible, in effect, for the House Committee on Interstate and Foreign Commerce to escape what I think was its minimal responsibility of holding some kind of a hearing, however brief. And I express the fact that, in view of the 5-day period involved in the congressional approval or disapproval of plans submitted under the Emergency Petroleum Allocation Act, one could make the argument that a full-blown hearing could not be scheduled. But surely, for the Committee on Interstate and Foreign Commerce to have come before us, as they did the other day, and suggest that they could not even make the appearance of holding some kind of hearing on legislation as fundamentally as important as that which we are dealing with in House Resolution 605, they are casting upon the Committee on Rules, in asking the Committee on Rules to discharge them from any further responsibility of House Resolution 605, a burden of making a decision which is not ours.

I want to say one further thing before yielding, and I have one request for time. I would give to the gentleman from California one further reason why the resolution should be defeated and why we should adopt the decontrol proposal that has been submitted now by the President. I say so for the reason that many Members labor, I believe, under the false belief that if the President's decontrol program, 30 months' decontrol of old oil over a period of 30 months, is approved, that somehow the House of Representatives loses control over this very important question of what to do about energy and specifically of what to do about the price of old oil. Nothing could be further from the truth. I point out that under the provisions of the Emergency Petroleum Allocation Act, section 4(G)(2), the provision says:

> The President may prescribe an amendment to the regulation, under subsection A, exempting such oil or product from such regulation for a period of not more than 90 days.

In other words, even though this is a 30-month decontrol plan, if the Emergency Petroleum Allocation Act is extended, as I think it should be, on some basis, the President is going to have to come back to the Congress every 90 days to seek the affirmation and the approval of this body or of the Congress for a continuation of that proposed decontrol of old oil.

We do not lose control of the question. We do not forfeit our responsibility or abdicate our responsibility by allowing the President's decontrol program to go into effect. Nothing could be further from the truth. The President, in the veto message that was just read—and I hope the Members were listening carefully to the penultimate paragraph of that message—said:

> I urge Congress not to disapprove my administrative plan of decontrol. If it is accepted, I will accept a simple extension of price allocation and authority.

And I think the President's word is good, that if we will accept this decontrol plan, he will in turn accept an extension over the period of the recess and for 60 days beyond that so that we can go ahead and together work out a compromise. There is a place for compromise. Today's editorial in the New York Times said the aim must now be to enact the best compromise that can be achieved. An editorial from July 21 in the Washington Post said the situation cries out for compromise.

Here I think we have a basis for compromise. Accept the decontrol plan, accept and work out with the President an extension of the Emergency Allocation Act.

As the gentleman from Ohio very wisely pointed out in his "Dear Colleague" letter of July 21, pass over the pricing provisions of title III of H.R. 7014.

And then together that committee, the committee of the gentleman from Colorado (Mr. Wirth), can work out together with the Committee on Ways and Means a sensible windfall profits tax and a rebate plan for the hard-pressed consumers, and then that will allow us to move on, as the country wants us to, in trying to work out a program that will give us more energy and, I think, protect us from the kind of OPEC blackmail all of us want to avoid.

Mr. WIRTH. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Colorado.

Mr. WIRTH. Mr. Speaker, I thank the gentleman for yielding.

I think it is important at this point to be sure the record is set straight in relationship to hearings that were held on the President's proposal for decontrol.

As the gentleman knows, the Subcommittee on Energy and Power has been considering the pricing issue for the last 6 months and has held very, very extensive hearings on the subject of pricing relating to both old oil and new oil.

Second, when the President sent up his message, we did hold hearings, and we heard from Mr. Zarb and Mr. Zausner a week ago Monday in hearings which I was privileged to chair. So we did hear from the administration on that front.

We have also heard from any number of other witnesses on the impact of the decontrol proposal.

Third, there has been an extensive analysis done by the committee staff on this subject, and that is available to all Members.

Finally, I will agree with the gentleman that we are moving toward a compromise. I think we will get into some discussion of that when we discuss the President's proposal. I think many of us feel we may be approaching that point, but we are still in the situation of having two extremes, and we do not want to go to the one extreme as represented by the President's proposal.

Mr. ANDERSON of Illinois. Mr. Speaker, let me suggest, also for the benefit of the gentleman from Ohio (Mr. BROWN), who has been a very hardworking member of the Subcommittee on Energy and Power, that I am fully aware of and appreciative of the efforts over a period of 5½ or 6 months that subcommittee has made in trying to work out an energy bill, and indeed we have seen the wisdom of that subcommittee which, by a vote of 2 to 1 or 10 to 5, accepted the proposal which is now before us in the form of an amendment offered by the gentleman from Texas (Mr. KRUEGER).

Had the full committee accepted the wisdom of the gentleman's subcommittee and accepted that proposal rather than having by a razor-thin margin of one vote insisted on substituting the so-called Eckhardt proposal, I think we would be much further along the road to a reasonable, sensible compromise with the administration on this whole question than we are at this moment.

But I repeat that the committee did not—at least this is what we were told by the very distinguished chairman, my good friend, the gentleman from West Virginia (Mr. STAGGERS)—hold any hearings on House Resolution 605, which is the resolution that would be made in order once we adopt the rule.

I am not suggesting that they have not considered the broad range of problems that go with decontrol and the President's overall approach to the problem in contradistinction to some of the approaches that the gentleman and other Members have urged. But I think I am quite correct in saying and in reporting to the House that when the chairman of the committee appeared before the Committee on Rules, he in effect by this procedure asked us to discharge the Committee on Interstate and Foreign Commerce on this resolution and to report it out without hearings on the resolution itself.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Speaker, the gentleman from Illinois (Mr. ANDERSON) quite eloquently spells out why there ought to be a "no" vote on this rule, because in fact there have been no hearings on this particular proposal.

Now, I repeat that, and I would be glad to be challenged by any member of our committee. We have had no hearings on the President's decontrol plan that is before us today.

We have had hearings on decontrol, sudden decontrol, immediate decontrol, and those hearings were designed to establish how wrong sudden decontrol is. We have had discussion of the President's plan for 25 months' decontrol which was submitted in the Federal Register for notice on the hearings but which was not proposed by the Congress.

We have had studies made on 25 months' decontrol; we have had studies made on immediate decontrol. We have had no economic studies that I am aware of made of the decontrol plan before us today.

In short, the Congress has said that we do not want to even consider having hearings on this issue and try to get the facts.

I know that there is a 5-day limitation under the Emergency Petroleum Allocation Act for consideration of this measure, but the fact that the Congress will not even have hearings on what is essentially a compromise proposal by the President speaks loudly to the American people.

When the New York Times and the Washington Post criticized Congress for taking that closed-minded attitude, they were apparently correct. My friends and colleagues, I think it is a closed-minded attitude, and I will have to vote against the rule, of course.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. Yes, I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Speaker, the gentleman says that we have had no hearings. How long have we known of the proposal of the President?

Mr. ANDERSON of Illinois. Mr. Speaker, I will yield to the gentleman from Ohio (Mr. BROWN) for the purpose of making, hopefully, a brief reply to the question of the gentleman from Texas (Mr. ECKHARDT).

Mr. BROWN of Ohio. If the gentleman will yield, the proposal by the President has been before the House now for 4 days.

Mr. ECKHARDT. The gentleman knows, does he not, that under the procedure of the House, we could not have brought this to the floor without its having become law before we could possibly act, before we could have hearings. The gentleman knows that.

Mr. BROWN of Ohio. If the gentleman will yield so that I can respond to that, I have learned during this Congress that the caucus of the committee or the caucus of the majority can do in the Congress darn nearly anything it wants to do.

It is my feeling that the proposal by a President of the United States, any President of the United States, ought to at least have the serious judgment of one of the committees of the Congress before anything like this is brought to this body for consideration.

I recommended to the Committee on Rules that if they wanted to grant a rule on this without insisting that the Committee on Interstate and Foreign Commerce have the hearings, that they have the hearings, but the Committee on Rules said: "No, we do not want to have the hearings here. We will just submit it for disapproval and say that we are not interested in finding out what the facts are on this item."

Mr. ANDERSON of Illinois. Mr. Speaker, I would simply add to what has been said that a careful reading, I think, of the resolution itself will indicate, on page 2, that the plan was submitted to the House on July 16, 1975, under a letter of such date, to the Speaker from the Administrator of FEA. The chronological sequence, then, of course, is that House Resolution 605 was introduced by the gentleman from West Virginia (Mr. STAGGERS) and, I think, six other members or seven or eight other members of the committee the next day, the 17th of July. Then, of course, on the 18th of July we had introduced the resolution that is now before us, House Resolution 613.

I just want to say again that I hope I can reasseverate the point that the Members, in not taking action on this disapproval resolution, in voting down the rule, are not depriving themselves of the opportunity to continue to exercise their proper responsibility and jurisdiction over this important question, because if we can get this out of the way and extend the Emergency Petroleum Allocation Act, the President is bound to come back every 90 days to the Congress for approval of that decontrol program.

If this is not working and if somebody comes back with a better plan in the meantime, certainly this Congress ought to consider it, and I would hope it would.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. Yes, I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Speaker, I say that we are improving, to some extent, because back on the 2nd of May when the notice was printed in the Federal Register of what the President might submit by way of a 25-month plan—as soon as it was suggested that the President might submit it—the chairman of my committee went to the committee with a resolution disapproving whatever the President might submit. That is a little history of his judgment of any kind of plan, at least in this instance, that might be submitted. There was no waiting until the day after the plan was submitted. We still refused to have any hearings on it.

Mr. OTTINGER. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. Yes, I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Speaker, I would just like to say, first of all, that if we do not pass this rule and consider this, we will be deprived of consideration of this decontrol measure since the time to act on that would expire tomorrow. Second, the President has already announced that he will veto a straight extension of the Emergency Petroleum Allocation Act, so that proposition is not really available to us unless we override the veto.

Mr. ANDERSON of Illinois. If the gentleman will suspend at this point, I do not know whether he was here during the reading of the veto message or not. However, I pointed out in my earlier remarks that the President, in that message, said that if Congress does not disapprove his administrative plan for decontrol, he will accept a simple extension of the price and allocation authority, under which extension he would have to come back, I repeat, for approval of that plan again after we return from the August recess.

So why the gentleman persists in trying to communicate to the House the idea that we are giving up some great right that we have, a responsibility to continue to be seized of jurisdiction and responsibility in this direction, I do not know. The President is locked in under the kind of extension that he said he would accept, locked in to come back to this Congress.

Mr. OTTINGER. That is a very "iffy" proposition and I do not think I can accept the President's "if."

The other thing is that as soon as the President announced he would submit a decontrol program, we discussed the program, and a week ago on Monday, I believe, we had before us Mr. Zarb and Mr. Zausner before the subcommittee in hearings at which the gentleman from Ohio participated, and we did make inquiry of the administration witnesses with regard to this very decontrol plan which at that point had been announced but not yet submitted. So we did have hearings on this Presidential proposal.

Mr. ANDERSON of Illinois. Mr. Speaker, I think it fruitless to continue the discussion on that point.

I think I am correct in my prior statement that hearings were not held on the resolution that would be made in order by the rule that is before us now.

Mr. BROWN of Ohio. Mr. Speaker, if the gentleman will yield, the hearings were held on Friday and Monday, the plan was recommended on Wednesday. How in the world would it be possible to have hearings on a plan recommended on Wednesday 2 or 3 days ahead of the time, with the hearings announced about a week before that?

Mr. WIRTH. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Colorado.

Mr. WIRTH. Mr. Speaker, I thank the gentleman from Illinois for yielding to me.

Mr. Speaker, I think it is important to know that Mr. Zarb and Mr. Zausner, when they came before the subcommittee last Monday, agreed to withhold submission of the President's decontrol message until they had all of the backup and analytical data together, and submitted it to us on Wednesday, in a cooperative effort by the subcommittee and the administration to make sure that all of the backup material was available.

The important thing to note here is that we are talking about the problems that we have in this 5-day review period. I would remind my colleagues on the other side of the aisle that I think some of the Members over there voted against H.R. 4035, which would have allowed us the luxury of 15 days. I think that the Members on that side of the aisle are making a very meaningful argument for that.

Mr. ANDERSON of Illinois. I certainly appreciate the gentleman's statement. I think I speak for many Members on this side of the aisle, that we had ample cause and reason to vote against that because the bill included a rollback on the price of oil, a ceiling price of $11.28, a principle with which we simply could not agree.

But, Mr. Speaker, I would simply terminate any further discussion on this because we do have 2 hours allotted under the rule.

Mr. WIRTH. Mr. Speaker, if the gentleman will yield to me very briefly.

Mr. ANDERSON of Illinois. I yield briefly to the gentleman from Colorado.

Mr. WIRTH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, there was one minor detail in the gentleman's earlier discussion on the Eckhardt amendment, in which the gentleman pointed out that it had passed by 1 vote—22 to 21. I should remind my colleague that the original vote was 21 to 21, with one member "present." So it was even closer.

Mr. ANDERSON of Illinois. I thank the gentleman for his contribution.

Again, I think this illustrates the tragedy of this House proceeding with H.R. 7014 in its present form, without adoption of the Krueger amendment, when the subcommittee, after 5½ months of deliberations and study, and thinking it a good bill, came up with the decision that it would.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I do not mean to be intemperate on this matter of hearings, and the failure of the committee to have hearings.

Further, I do not often read from the New York Times, either, but let me read to the Members a paragraph from a New York Times editorial of this morning, urging a compromise on this issue and, in effect, supporting the President's proposal for a compromise.

It reads:

> Plans for the decontrol of oil prices must be geared in carefully with fiscal policy to ensure that the economy recovers from the worst recession in post-war history, which has left heavy unemployment in its train. Higher oil and other energy prices and the extra taxes must not be permitted to impose such heavy burdens on the economy as to cause the recovery to abort. This can be handled by phasing decontrol in gradually—over a period of perhaps three years or more—and by assuring that during the recovery extra taxes collected be put back into the economy both by reinvestment and by rebates to lowest income groups hit by higher energy prices.

That is the best-kept secret about the President's plan in Washington and, for that matter, the rest of the country. The President proposes precisely that with a slight variation in the number of months, and in addition, proposes a rebate program and a tax program that would return funds to those hit hardest by the rising costs of energy.

That is why we ought to have hearings, because nobody mentions that crucial aspect of the President's plan. Nobody discusses it from the majority side of the aisle. Why can we not have that submitted to the American people and to the rest of this Congress in full consideration of the plan? No. What we hear talked about is what happens to rising prices of gasoline, and so forth, and we do not hear on that too accurately, frankly, because what the President's plan would call for is a 1-cent to 1½-cent increase in the price of gasoline by the end of this year. What it would call for is at most a 7- to 7½-cent increase in gasoline by the end of the decontrol period, by the end of 1977. Instead what we get are a lot of economic studies put together that assume a $4 increase in the price of oil by the OPEC nations, and then they say that that relates precisely to decontrol. It does not.

In most of these studies the assumption of the Arab oil price increase makes up 60 percent of the increase in gasoline costs and 60 percent of the increased cost of oil. When we put that into "an economic study," and then say that that is the impact of decontrol, we may be charged with misleading people, and that is why it would be healthy if we could have at least a hearing on this. It is too late for that. I understand it is too late for that. But it should have been done, and as a demonstration of why it is wrong not to have done it, we should vote against the rule.

I do not expect to carry that, but it would show a demonstration against that kind of procedure.

The SPEAKER. The time of the gentleman has expired.

(At the request of Mr. ANDERSON of Illinois, and by unanimous consent, Mr. BROWN of Ohio was allowed to proceed for 1 additional minute.)

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I thank the gentleman for yielding.

On the very important point the gentleman was just making, is it not true, with respect to the macroeconomic effects of the proposed decontrol plan, that within the normal error range of the model used, as far as the impact on the gross national product is concerned, there is the possible reduction of one-half of 1 percent, and as far as the unemployment rate is concerned, the impact between now and 1977, would average about something less than one-tenth of 1 percent.

Mr. BROWN of Ohio. That is exactly true, and if this plan is defeated today the next plan which would be up in the next couple of days will not have much more impact than that, I assure the gentleman. And we will continue to do that, I think, on the minority side of the aisle, and the White House, and the FEA, until we get some understanding of it, even over the lack of hearings on the other side of the aisle.

The SPEAKER. The time of the gentleman has expired.

Mr. SISK. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I do this not to discuss the merits or demerits of this situation, but I think in fairness to our Committee on Rules it should be made clear that it was really not our responsibility to hold these hearings. Let me say in fairness that I think normally a legislative committee coming before the Committee on Rules requesting a rule on a bill that has had no hearings and no consideration in that committee would be turned down out of hand. We would not even have considered it.

But we are faced with a unique situation which has already been raised by various Members of Congress here today that we are limited to 5 days to take action, if in fact any action is going to be taken. I would hope that we would take a lesson from this and that we do as quickly as possible increase through legislation that time to 15 days or 20 days or some reasonable period of time so that the committee can have an opportunity to hold hearings. But I think it is unfair to charge the Committee on Rules as being unfair here today by the fact that we did not hold the hearings, because we were faced with what in essence was a fait accompli, so to speak, and we would have to act today, and no later than tomorrow, or we would have no opportunity to do that.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to my colleague, the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, as the gentleman on the Rules Committee knows, I suggested to the committee that they not grant a rule until the Interstate and Foreign Commerce Committee had held its hearings, and failing that I suggested I concur fully that it is not the responsibility of the Rules Committee to hold those hearings that should have been held by the substantive committee of jurisdiction.

Mr. SISK. Unfortunately, as I say, we are confronted with this very strict limitation.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Speaker, will the gentleman confirm this point? As I understand the argument on the other side, since we have a 90-day comeback with respect to the deregulation proposals of the President, we need take no action to disagree now. But if we did that we would then have the worst of all worlds. We would either let oil prices go up to $13.50 and place a tremendous burden on the consumer or else at the end of the 90 days we simply refuse to further ratify at that point and old oil is held at $5.25 and new oil goes up to the OPEC price.

It seems to me under those conditions we give no certainty for investment and, therefore, bring in no additional new oil and at the same time we place an enormous burden on the consumer. It seems to me that is the worst of all worlds.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself 1 additional minute in order to reply to the gentleman from Texas who suggested if we do not disapprove the President's decontrol plan we would have the worst of all worlds. If I understood the gentleman accurately he said that is because the oil is going to go up to $13.50 a barrel, but my understanding of the President's decontrol plan is that if there is decontrol of oil, and there is the 13-month period in 1972, it is decontrolled at the rate of 3.3 percent a month starting September 1, 1975, in other words in 3 months, after which time the President would have to come back to the Congress for reapproval of his plan. We could only decontrol 10 percent of the old oil and we are not going to have an immediate movement up to $13.50 of this old oil. Any decontrol is going to be based on 30 months, so how can the gentleman suggest that before the President has to come back again to the Congress we would have oil shooting up to $13.50 a barrel?

Mr. ECKHARDT. If the gentleman will yield, the gentleman is absolutely correct about the percentage per month of old oil which is released, but there is a relatively short period of time for the release of that old oil and, therefore, it becomes a greater and greater mix of new oil which is at $13.50.

Mr. ANDERSON of Illinois. The price of new oil is up there now.

Mr. ECKHARDT. Precisely. That is precisely the reason Congress should deal with this program rather than cutting off its authority to do so except by negative action with respect to the President's plans.

Mr. ANDERSON of Illinois. I cannot see, I will say in final reply and apparently my point has not been very well made, how Congress by permitting this decontrol program to become effective is losing control. If we extend the Emergency Allocation Act we will still have the authority we need.

Mr. Speaker, I am going to vote against this rule as a matter of principle, knowing full well it will probably be adopted anyway; and, failing that, I intend to vigorously oppose the resolution of disapproval it makes in order—House Resolution 605.

The major principle involved in this rule, as I see it, is that one of our standing committees, the Interstate and Foreign Commerce Committee, has abdicated its responsibility to hold even 1 day of hearings on the President's decontrol plan which this resolution would veto—and instead has asked the Rules Committee to discharge it of its responsibility and send this to the House. But that is not all. When did the Interstate and Foreign Commerce Committee instruct its chairman to request such a special rule? The fact is, the chairman first appeared before our committee back on May 19 to inform us that he had been so instructed. What is unusual about that? Well, what is so unusual is that the committee issued those instructions some 2 months before the President announced the plan which this resolution seeks to disapprove. In other words, the committee not only prejudged a plan it had not yet seen, but after it had seen the plan it refused to give it the benefit of its collective consideration or judgment.

Now, I am sure it will be argued that the time frame for disapproval in the Emergency Petroleum Allocation Act—5 legislative days—was not sufficient time to review the President's plan and thus this unusual action was warranted. Granted, 5 days is not a sufficient period to go through the entire process of holding lengthy hearings and drafting a comprehensive committee report. But, it certainly did provide sufficient time for an abbreviated consideration of the President's plan—a 1-day hearing followed by a committee vote and brief statement if not report. Is that too much to ask? I think not. And yet the committee made no attempt to even give us the benefit of such a consideration. Instead, we are being asked under this rule to digest and accept all of what may or may not be developed concerning the decontrol plan in the brief 2 hours of debate provided by this rule, and then, to immediately make up our minds and vote this resolution up or down.

Mr. Speaker, I think we deserve more of our committees. I think our committees should be discharging their responsibilities rather than begging the Rules Committee to discharge them of their responsibilities. The Rules Committee is certainly in no position to recommend one way or another on this resolution of disapproval; and you can search the report on this rule (H.R. 94–372) in vain for any explanation of the President's decontrol plan or least of all, why it should be disapproved.

The fact is, the best we can do for a reason to adopt the resolution of disapproval is to carefully read the preface to the "resolved" clause of House Resolution 605. That preface consists of three "whereas" clauses totaling 14 lines and 110 words. So, let us examine those 14 lines for some clue as to why the President's plan should be disapproved, keeping in mind, of course that this resolution was never considered or voted by the full committee and only bears the names of 14 of the 43 members on the committee.

The first "whereas" clause criticizes the President for taking "administrative action unilaterally without awaiting enactment of legislation which is at present under active and intensive consideration by the Congress." The clause goes on to state that such action is inconsistent with and endangers the possibility of the development of a comprehensive and rational energy program. Mr. Speaker, this clause can be easily dismissed on several counts. First, the President is acting quite properly under authority granted to him by the Congress in the Emergency Petroleum Allocation Act of 1973—Public Law 93–159. Second, far from not waiting for the Congress to act, the President has waited patiently for 6 months—even though the Democrats had promised a comprehensive energy package in 3 months—and he has bent over backward to compromise, only to be met by uncompromising political gamesmanship designed to score points rather than to produce energy.

Finally, far from moving toward any comprehensive energy program, the Congress is wandering all over the ball park in search of points, no matter how inconsistent and contradictory those plays might be. On the very same day last week, we had before us two bills—one to roll back the price of new oil to $11.28 and another to roll it back to $7.50 a barrel. Both these proposals in turn would further decrease domestic production and thus increase our foreign dependence, even though in yet another energy bill approved last month we voted to put a lid on our imports. And all the while, our domestic consumption continues to increase as the economy begins to recover. Mr. Speaker, I defy anyone in this Chamber to explain to me what the comprehensive energy program of the Democrats is? I have yet to see it.

Moving on to the second "whereas" clause, Mr. Speaker, we learn that a good reason to disapprove the President's plan is that energy price increases over the last 2 years have contributed to inflationary pressures throughout the economy. Now, I do not think anyone will argue with that statement, but I hardly think that can be blamed on a plan which has not been implemented. Everyone recognizes that it is mainly attributable to the fourfold increase in oil prices imposed by the OPEC countries. All this has taken place without the help of the President or the Congress. Perhaps in fairness to the resolution we should read this in connection with the final "whereas" clause which charges that the President's plan over a 30-month period "would permit precipitous increase in domestic crude oil prices, which would retard economic recovery, and threaten to produce broad scale hardships." Mr. Speaker, I might be inclined to agree with that if what we were discussing here was an immediate lifting of all controls on old oil for that, indeed, would retard the recovery and impose unacceptable inflationary costs on the American people. But, no, that is not what is called for in the President's plan. The stretch-out of the decontrol program over 30 months will bring minimal adverse effects to our economy while increasing domestic energy production and decreasing our dependence on foreign oil. Under the President's plan, the average price of petroleum will increase by about 1.5 cents by the end of this year and reach 7 cents per gallon by January of 1978. The increased cost per household will average $114 by the end of 1977. The impact on both the GNP and unemployment will be about one-tenth of 1 percent between now and 1977. The fact is, Mr. Speaker, if we do nothing about our domestic energy supply, the American people will still be paying higher energy costs, only those dollars will be flowing abroad and will not remain here to be recycled through our economy.

Mr. Speaker, we are going to hear a lot of talk here today about the economic costs of the President's program. We are deluding the American people if we do not admit that any effective domestic energy program will require some sacrifice. That was just as true of the original Ways and Means energy bill and of the original Interstate Energy Subcommittee bill. But we must be willing to look at the broader picture and its implications. What are the foreign policy implications, for instance? If we continue to play games instead of making the tough, and politically unpallatable, decisions, the fact is that the OPEC countries will literally have us over a barrel. And these foreign policy questions are not without their economic consequences. Keep in mind that the last Arab oil embargo caused 500,000 unemployed and a drop of $10 to $20 billion in our GNP. Today we are even more dependent on foreign oil and without an effective and comprehensive domestic energy program in place today, that dependence is going to dramatically increase as the economy picks up.

In conclusion, Mr. Speaker, I reject this rule and I reject the resolution of disapproval it makes in order, as well as the skimpy justifications contained in the preface of that resolution. When the chairman of the House Budget Committee appeared before our Rules Committee on this matter he said, "We need this resolution to maintain the status quo". I would suggest, Mr. Speaker, that this country cannot afford another 6 months of status quo stalling on energy from this Congress. Let us permit the President's decontrol program to go into effect now; if the Congress can come up with something better later, then fine—there is no reason why it cannot then supersede and supplant the President's program. In the meantime, if we have no energy program in place, the theme song of this Congress might as well be, "I've got plenty of nothing." And come another oil embargo, those words are going to take on added significance, and the American people will not be happily humming along with us.

Mr. SISK. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. Wirth).

Mr. WIRTH. Mr. Speaker, I think three points have to be made in response to some of the allegations which have been made. First, we have heard a great deal of discussion about compromise. I do not think there is any kind of compromise if the House is asked to lie down and play dead in the face of the President's proposal. There has to be movement on both sides. The President's proposal does not represent movement on both sides.

Second, we have been told about a windfall profits tax; for 6 months we have been talking about such a tax, but we have yet to see the specifics. It is much too dangerous for Congress to decontrol old oil without a tax being in place, or at least in agreed upon form.

Third, the proposal sent up by the President has itself not had hearings. The proposal which the President sent up earlier did have hearings, and called for 25 months decontrol and had no cap on it whatsoever, which is a very different proposal from the one we have now heard. Let me repeat, then, that this proposal, submitted by the President, has not had hearings. I think what we see here, by both the House and the administration, is movement on both sides (as both sides understand the issues) toward a compromise. If we all had hearings on every idea we'd be here until all of our oil runs out and we all freeze to death.

Mr. SISK. Mr. Speaker, does the gentleman from Illinois desire to yield further time?

Mr. ANDERSON of Illinois. Mr. Speaker, I have no further requests for time.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to House Resolution 613, the House resolves itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 605) disapproving the proposed amendment by the President to remove existing price controls relating to crude oil.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 605) with Mr. McKay in the chair.

The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. Staggers) will be recognized for 1 hour, and the gentleman from Ohio (Mr. Brown) will be recognized for 1 hour.

Mr. ADAMS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee of the Whole appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The Chair recognizes the gentleman from West Virginia (Mr. Staggers).

Mr. STAGGERS. Mr. Chairman, I yield myself whatever time I may require.

Mr. Chairman, I listened with great interest to the colloquy on the rule. Many times I was tempted to rise and try to correct what I thought were misrepresentations to the House.

They were not intentional, I do not believe, because I have great faith and respect for the gentleman from Illinois (Mr. Anderson) and I have great respect for the gentleman from Ohio (Mr.

BROWN). But I would like to point out that we are not being asked to consider a legislative proposal. This is simply a question of whether to disapprove the proposal submitted by the President which calls for lifting price controls on petroleum over the next 30 months.

There have been adequate hearings on this subject matter. And on the basis of those hearings the committee has recommended a pricing policy in H.R. 7014 which runs counter the President's current proposal.

The gentleman from Illinois talked about compromise. I do not know who he is talking about compromise with, because no one has talked to me and, so far as I know, no one has talked to the chairman of the subcommittee. Who are they going to compromise with?

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I will yield just briefly to the gentleman.

Mr. BROWN of Ohio. I thank the gentleman for yielding.

On Saturday afternoon, representatives of the subcommittee and the full committee met with Mr. Zarb, on Sunday evening they met with Mr. Zarb, and last night they met with Mr. Zarb. We have been, unfortunately, unable to get anyone out of the leadership on the Democratic side of the aisle to those meetings.

Mr. STAGGERS. Did the gentleman ask me?

Mr. BROWN of Ohio. Mr. Chairman, it was not a meeting that I called. It was called on that side of the aisle.

Mr. STAGGERS. For Mr. Zarb?

Mr. BROWN of Ohio. Mr. Zarb was asked to attend the meeting.

Mr. STAGGERS. I see. But this thing of compromise has to be a two-way street, the gentleman knows. We are dealing with a President who was never elected by the people of the United States, yet he is ruling by a one-man rule now, by veto. He is thwarting the majority of the people of this Congress time after time after time, and the democratic form of government was not meant to be that way. It was not meant to allow one man to thwart the will of the House or the will of the Senate or the will of the Congress, the majority. But he has been doing that on great issues which affect America desperately, and I think the time has come that the American people know it.

Mr. Chairman, I have just returned from traveling in eight counties of my district, and one of the great issues is the high cost of gasoline. In January 1973, gasoline was selling across America at the general price of 35 cents a gallon. What are we paying for it now? Up in the sixties. And yet they want more. Every cent they raise it means a billion dollars to those who produce it.

Do the Members know what this resolution does? If we do not override it, America will be looking at this Congress and wondering why we are here, because what it will do is raise the price of 40 percent of our crude oil to $13.50 a barrel, over a period of 30 months, and after that it does not say anything. It can go through the ceiling to $100 a barrel, or anywhere it wants to go. The President has not said where it will go, and the Members here do not know where it will go, and I will say that I do not know where it is going to go. I do not believe any man in this House can say where the price will go.

If this price is allowed to go up, every farmer is going to say, "Why are you raising the cost of gasoline I have to put in my tractor, the cost of propane I have to use, the cost of fertilizer that comes from crude oil?" He is going to say the Congress abdicated their duty and turned it over to the President who was not even elected by the people, who is ruling this country now by veto.

The cost of coal will skyrocket as oil goes up, because the oil companies own 80 percent of coal in America.

A lot of people say, "Why is coal going up? Why is there no ceiling put on that?"

There should be a ceiling put on coal, just the same as there is on oil.

Natural gas will go up with it, and nearly all the homes in this land and in the large cities are captives of those companies because they have their pipes in the homes and whatever they charge they are going to have to pay.

I do not see how any Member in this Congress can not vote for this resolution to disapprove the President's message. I just cannot see how they can do it and go back and tell their people they are representing them. I know I would have a hard time doing it in my district. They would say, "You are representing the big oil companies in America, and we will send somebody down who will represent us."

Mr. BROWN of Ohio. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, for the benefit of the chairman of the Committee on Interstate and Foreign Commerce, I will state that I rise in strong opposition to this resolution of disapproval. I urge my colleagues to reject it and to take advantage of this excellent opportunity to finally move positively on the issue of energy.

Let me briefly describe the elements of the President's proposal that this resolution seeks to disapprove.

First, the President would provide for the decontrol of old oil, that is, oil currently price-controlled at $5.25 per barrel, over a period of 2½ years or 30 months.

Second, the President's proposal would place a ceiling of $13.50 on all oil, whether presently controlled or uncontrolled. Both old and new oil would be limited in their ability to rise in price beyond $13.50. So whatever the OPEC prices went to, oil in this country would go to $13.50.

Third, the President recommends that Congress should enact a tax rebate structure and a windfall profits tax to reduce any potential impact on consumers that the decontrol plan would have. The President has no authority under the Emergency Petroleum Allocation Act to mandate that by fiat. Our committee cannot mandate it in H.R. 7014. It must be proposed by the Committee on Ways and Means to be enacted or it can come back from the other side of the Capitol when that body has completed its consideration of the so-called Ways and Means Committee bill that is now before it and which we had an opportunity to work on in this Chamber about a month ago.

As I have indicated, the proposal presents a unique opportunity for the Congress to finally move forward with positive action on an energy program and to reach a viable compromise with the President, the type of compromise called for by the Washington Post in its editorial yesterday.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. Mr. Chairman, I will say to the gentleman from Texas I will yield when I finish my statement. If the gentleman will be patient with me, I will be glad to spend as much time with him as I can.

Mr. Chairman, the President has gone a long, long way in attempting to satisfy the diverse attitudes and interests of Congress on the question of price controls. Let me briefly review how far the President has come in moving toward Congress on this issue.

In his January energy message the President called for immediate decontrol of all old oil by April.

However, Congress strongly objected to this on the basis of the potential negative impact on the economy of decontrol.

Responding to those objections, the President changed his immediate decontrol plan to a plan for gradual decontrol over a 25-month period, a plan which was not offered to the Congress, but was presented in the Federal Register for notice and comment.

The President put it in the Federal Register, even though the extensive analysis the President had done and which had been performed by the Federal Energy Administration indicated that the impacts on immediate decontrol would not be great.

This phased decontrol plan was published in the Federal Register on May 1. Then, when he discovered that the Congress was still dissatisfied with his approach because of the threatened OPEC oil price increase that has not occurred yet, but is still threatened for some time this fall, the President not only lengthened the time period for decontrol from 25 to 30 months, but also added a cap of $13.50 beyond which the price of domestic oil could not go.

Thus, the President has moved from immediate decontrol of old oil to a 25-month decontrol, and finally, to a 30-month decontrol with the addition of a $13.50 cap or ceiling on old oil prices.

This is certainly a long way from where the President started in January, and I ask the Members, in fairness, where has the Congress moved from? The Congress has moved from a position of "No, we do not want decontrol. In other words, we will just leave the system as it is."

That is the system that creates the entitlements program, which forces companies that have invested in the past and currently have been investing in the production of oil in this country, to pay entitlement fees from their own funds to those companies which invested in foreign oil production.

That is the program with which the Congress started out, and they want it to continue. They want us to pass in a bill from the Committee on Interstate and Foreign Commerce, a program not only which is to continue the present program, but is to roll back the prices of oil to something unrealistically low.

Mr. Chairman, that is how far the Congress has come. I would submit to the Members that that is not much movement toward compromise.

The FEA analysis of the President's 30-month decontrol plan indicates that with the phased decontrol of old oil, the decline in domestic production will be arrested, and by 1985 there will be an estimated 1.4 million barrels more per day in domestic supply. The President's program increases the production of domestic oil. Is that what we want to do or is it not?

In addition, import savings of approximately 363,000 barrels per day will result. Both of these trends will reduce our dependence upon OPEC price and supply policy and significantly reduce the impact of a future Arab oil embargo.

I might say further that it will very likely reduce the prospect of a sharp Arab price increase this fall because we are on our way to stimulating both production of domestic oil and consumption conservation. Those are twin objectives that will reduce our dependence on foreign oil.

For example, the 1977 cost of an embargo without the program would be approximately $33 billion, whereas the cost of an embargo with the President's program would be approximately only $12 billion. By 1985, the cost of an embargo without the President's program would be $110 billion.

We talk about economic impact on the United States and what we could be doing to the cost of oil to the consumer. If we do not have some kind of program that will encourage the production of domestic oil, the economic impact of an embargo is going to be immense, whereas with the program, by 1985 there would be essentially no cost to the United States of an Arab oil embargo.

Of additional importance is the fact that without the President's program, in 1977 approximately $2 billion more would flow out of the economy to the OPEC nations. By 1985 this additional dollar outflow would be $50 billion without the President's program.

The economic impacts of the President's decontrol plan are minimal. Petroleum prices to the refiners and hence to consumers will increase but not by the amounts that have continually been stated in the past week's debate. Gasoline prices will increase gradually over the two and a half year decontrol period to a total increase of 7 cents per gallon by the end of 1977, while total additional costs per household will be about $114 annually.

In macroeconomic terms, the FEA analysis indicates that the decontrol plan would insignificantly affect unemployment levels in 1975 and 1976, and would increase the unemployment rate by only 0.1 percent in 1977. The inflation rate would increase by 0.5 percent—half a percent—by the end of 1977. However, with the President's requested windfall profits tax and import fees rebated to the lower and middle income consumers—and that is that secret part of this plan, and which never seems to get much attention with the proposal—the impacts to the middle and lower income consumers would be muted on those least able to incur the additional costs.

Mr. ECKHARDT. Mr. Chairman, would the gentleman yield?

Mr. BROWN of Ohio. Mr. Chairman, I have advised the gentleman that I would be happy to yield to the gentleman after I have completed my statement.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself 3 additional minutes.

Mr. Chairman, as I say, those impacts would be muted on those least able to incur the additional costs of petroleum going to $13.50 cap, if, in fact, that is where it goes.

Although GNP would decrease by approximately $1 billion in 1976 and $5 billion in 1977, compared to what it would have been, appropriate fiscal and monetary policies would completely offset these decreases.

And I do not make that statement on my own but, rather, that is the statement of the joint economic study, buried within that study, of course, but nevertheless there.

Thus, the impacts are small, particularly when the potentially drastic effects of an embargo are considered. These impacts are indeed light and bearable if in the process of coping with them we remove ourselves from the stranglehold of OPEC and the threat of future embargoes.

Mr. Chairman, in conclusion, it is clear that Congress has a unique opportunity here to compromise and to move forward on a positive energy program. The decontrol plan of the President has been modified extensively from the plan he first suggested in January to satisfy congressional critics. The plan would not have significant impacts on the economy, would stimulate production and, most importantly, would move to reduce our extensive dependence upon foreign oil.

Mr. Chairman, I urge my colleagues to take advantage of this opportunity and to reject House Resoultion 605.

I am now delighted to yield to my colleague, the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as the gentleman in the well knows, ordinarily when a President has a major tax bill like, for instance, a windfall profits tax, it is embodied in some piece of legislation which the President ordinarily requests the chairman and ranking minority member of a committee to introduce in his behalf.

Mr. BROWN of Ohio. Mr. Chairman, let me just say to the gentleman from Texas—and I am speaking on my own time—that——

Mr. ECKHARDT. Mr. Chairman, would the gentleman from Ohio please permit me to finish?

Mr. BROWN of Ohio. Mr. Chairman, may I have order? I refuse to yield further.

The CHAIRMAN. The Chair will state that the gentleman from Ohio has control of the time.

Mr. BROWN of Ohio. Mr. Chairman, first may I respond to the first part of the gentleman from Texas' statement. No, I do not know that, because this President has never submitted, and has indicated through his staff that he does not consider it appropriate for a President to submit, to the Committee on Ways and Means, the precise legislative language of any bill that would be considered by the Committee on Ways and Means for a tax bill, because he feels that that ought to be written in the Committee on Ways and Means.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. BROWN. He has submitted general guidelines from time to time on those items which he prefers, and he has done so in this case.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Texas.

Mr. ECKHARDT. I thank the gentleman for yielding.

Will the gentleman tell me what percentage of plow-back exists in such bill and at what point in price such tax applies under any suggested program which the President is now asking for?

Mr. BROWN of Ohio. I might say to the gentleman that the proposal that the President initially submitted in January called for a windfall profits tax, a plowback, and rebate.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself 4 additional minutes.

Mr. KETCHUM. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from California.

Mr. KETCHUM. I thank the gentleman for yielding.

Mr. Chairman, I have been most interested in the debate. When the gentleman asked the question about the proposal on the part of the President, it is my understanding he did submit a proposal somewhat around January 15 in his message. But the point is that all throughout the talks on the Committee on Ways and Means energy bill—and that is the committee that should write the windfall profits provision—all through that debate we were denied the opportunity to present any form of program for windfall profits. Right up to the very last meeting of the Committee on Ways and Means, the gentleman from New York (Mr. CONABLE) insisted that that proposal, or at least some broad guidelines, be introduced into that bill. That was not done, so I can hardly see how it could be questioned now.

Mr. FREY. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Florida.

Mr. FREY. I thank the gentleman for yielding.

I think, if I am not mistaken, in the

message of January 15 on page 15, section 3, if the gentleman had read it, is contained basically the windfall profits tax and what he intended to do in the general outline of it. But it is right there to see.

Mr. BROWN of Ohio. Mr. Chairman, I would like to continue with my statement so that I can read to the Members—which I do not ordinarily do—from an editorial of the Washington Post of July 21.

Mr. ECKHARDT. Mr. Chairman, if the gentleman intends to read, I may intend to make a point of order under the rules of the House.

The CHAIRMAN. The gentleman from Ohio (Mr. Brown) has the time. If he chooses to yield, he may.

Mr. BROWN of Ohio. Mr. Chairman, the editorial in the Washington Post of July 21 says:

> Plainly, the situation cries out for compromise. Just as plainly, it is difficult to see exactly how a compromise can be struck between two parties so diametrically opposed in their approach, with one wishing to tighten oil price controls and one wishing to loosen them. In our view, the President has the best of this particular agreement. While seeking to soften the impact of further increases in the price of oil, he would adhere to some discipline in consumption of oil in furtherance of a sensible, long-range effort to free this country from a dangerous over-dependence on foreign suppliers. By contrast, the Democrats in Congress are offering a permissive quick fix in the form of temporary relief from higher prices for oil products at the cost of heightening consumption and thus increasing American reliance on the whim of foreign oil producers.

This is not me telling the Members what I think of H.R. 7014, or supporting the President's effort at compromise. This is The Washington Post's view. They go on to say the following:

> The Democrats do not have to accept the President's formula. But they should seek a compromise on this question within the framework of his general approach. The President, for his part, is going to have to take into account congressional concern over the assorted economic ill-affects of even modest, gradual increases in domestic oil prices as a result of easing off the controls. In short, the best way to find room for compromise is to widen the area of the negotiation beyond the narrow question of oil prices. When the issue is seen in broader economic terms it becomes possible to visualize a tradeoff that would permit the President to slack off oil price controls but require him to come forward with positive measures, centering on tax relief of one form or another, in order to cushion the economic shock of more expensive oil. There is probably no perfect formula that will entirely satisfy either side. Without some urgent and constructive efforts to find some accommodation, however, inexorable events will make the decision for both Congress and the President and the predictable consequences of that could be calamitous for both.

The opening paragraph of the New York Times editorial today says:

> The politically motivated impasse between Congress and President Ford on the domestic control of oil prices is threatening to leave the country and the consumer in an intolerable situation. Mr. President, the time has come for compromise on this issue.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Wyoming (Mr. Roncalio).

Mr. RONCALIO. Mr. Chairman, I have been listening for better than an hour to the eloquent pleas for compromise from my good friends on the Republican side of the aisle and I hope my remarks can influence possibly one or two friends on that side.

We do not think there has been compromise. We do not think there was compromise from the President on any one of the last 5 or 6 vetoes. Where was the compromise on the veto on strip mining? Congress gave in on several substantial matters, but on repassage, again a veto resulted.

Where was the compromise on the bill for $60 million to promote tourism in America this year? There was no compromise in that veto.

What this country must have in addition to continuing a high profit for the exploring for domestic oil, is a semblance or appearance from which people can perceive that something is being done to keep prices down. Where was the Attorney General and where was President Ford on the 4th of July when every major oil company in America just coincidentally took a 2-cent to 5-cent per gallon price increase on the same weekend celebrating the independence of our glorious country? How contrived can price-fixing be and still avoid prosecution?

So I will not belabor the point. We are at an impasse. Everybody is involved. But there has not been White House compromise, I will say to my friends from the Republican Party, and there is not compromise in this President's proposal.

We have to keep struggling to find some basis that lets the common man feel he has a voice in the action, and someone is speaking for him. No one is speaking for the consumer any more. We ought to be here singing a requiem for the death of the free enterprise system when 80 percent of our strippable coal leases now are owned by the same companies who control virtually all sources of our energy—gas, coal, oil.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. Wirth), a member of the committee.

Mr. WIRTH. Mr. Chairman, I thank the gentleman from West Virginia for yielding.

Mr. Chairman, the gentleman from Ohio has spent a great deal of time discussing the great new compromise which has been made by the President as if nothing has been done on the House side whatsoever. The gentleman correctly points out the President has moved from abrupt decontrol to a 25-month and now 30-month decontrol. It is appropriate that the gentleman should recognize that the House passed a bill on the floor a year ago to roll back the price of new oil to $4.25 and is moving now toward a more moderate middle ground position. I suspect we will begin to see both sides moving toward the center.

Now, it is important that both sides be aware of the two predominant issues. The first is the price of old oil and the second is the price of new oil. On the price of old oil the administration has suggested a decontrol measure over 30 months. Many of us on the Democrat side feel that it is very difficult for us to justify providing more revenues to companies for old oil when they found that oil for minimal cost. Decontrolling over a short period of time will provide major revenues to the large oil companies that are already making a great deal of money.

The question of old oil is the timetable of how we are going to decontrol old oil. A number of proposals have been made on our side, have been agreed to in the Eckhardt and Krueger amendments.

On the question of new oil the administration is insisting on a $13.50 lid on new oil. There is absolutely no justification for a price that high. There was no testimony given to the Committee on Interstate and Foreign Commerce, the Subcommittee on Energy and Power, chaired by the gentleman from Michigan (Mr. Dingell) which would justify a $13.50 ceiling. That is much too high for the consumer and much too great a return to the oil companies.

The administration continues to insist that there is a need for a high price to conserve fuel, but again the evidence does not exist that a high price at a level like $13.50 is going to provide a conservation effect.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. STAGGERS. Mr. Chairman, I yield 1 additional minute to the gentleman from Colorado.

Mr. WIRTH. Mr. Chairman, the final point that has to be made is that there is not evidence that a price as high as $13.50 is going to provide a conservation effect. There is no reason why we in the Congress would be voting for as high a price as $13.50.

Mr. Chairman, I think all of us believe it is time for agreement, all of us can agree it is time to work this thing out, but let us not talk as if one side, the White House, is giving. The Democrats on this side of the aisle are also giving. It is time to come to an accommodation on the deregulation of old oil and on the lid for new oil. Those are the two measures at issue in the President's message on decontrol.

Mr. Chairman, I stand in support of the resolution we are voting on today.

Mr. WYLIE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. Rees).

Mr. REES. Mr. Chairman, I would urge a no vote on this resolution, as I think again we are doing just what we have been doing all year. We are getting in a rather inflexible position in the veto game and this time we are playing the veto game in the middle of July. On the very important issue of energy we are in a situation where all controls are going to go off and we have no compromise on either side. We have to start someplace to develop a consensus.

In reading the President's message, I think the White House has made many changes in new energy pricing policies and good changes since January. In January the White House wanted to decontrol old oil immediately, which would have greatly increased an already high inflation rate exacerbated our recession. The President was very much opposed to a cap on the price on any oil and he had no plan to return the money back to the people who would be most hurt by paying for the price of oil. Here now we have the President's proposal. The President puts a cap on of $11.50 to the producing of new oil and then deregulates old oil over a 3-month period.

I think he has gone a long way. He has not come all the way. If I were writing this, I would probably add at least another 12 months on to the deregulation period. I might run the cap down to $10.50, but I would not run it down any further.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield for a correction of the figures?

The CHAIRMAN. The gentleman from California refuses to yield.

Mr. REES. Mr. Chairman, I just think when we have the ability to start defining the area of negotiations, we should start negotiating and come out with a compromise plan that we can all live with.

I think a lot of progress has been made. I think it is wrong to be playing legislative hardball at a time like this by passing resolutions, vetoing the President's plan, and we are asked to override vetoes. We have an area that has been defined for compromise. I think we ought to shed some of our own egos and start compromising on both sides something that will help solve the problem we have today.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr REES. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, why does the gentleman want to see the price of oil go up to the world price of $13.50 at all?

Mr. REES. Well, it is $11.50 with a $2 cap, but I would say we have to eventually deregulate old oil and we should get old oil up to that price because of the problem the overall market has with allocations.

I think there has to be more or less a uniform domestic price of oil across the board. In fact, this is why I like the Presidential cap of $13.50 because it restricts the price from following the OPEC price.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. BROWN of Ohio. Mr. Chairman, I yield the gentleman 1 additional minute.

Will the gentleman yield?

Mr. REES. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio Mr. Chairman, I want to say that I thank the gentleman. The two of us are members of the 89th and ½ club. We came to Congress on the same day, and we have had some success in staying until now.

I compliment the gentleman because he has been burned with the fire in this circumstance. It was he, along with others on this side of the aisle on the minority side, who put together the compromise on the housing bill. After we proceeded to play this game of chicken, we came out with a sound compromise, except that in that problem, as in this one, we wasted 6 months.

Mr. REES. Yes, and the sound compromise meant $10 billion worth of 7½-percent-interest money to build new houses, and it is now law.

Mr. BROWN of Ohio. And we have made some progress in that area. This is where we need some progress also, and we can make it through some kind of compromise effort.

Mr. REES. I hope we can reach a compromise.

Mr. STAGGERS. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I only take this time to clarify the figures. The figures the gentleman in the well used for price, as I understood it, was the price of $11.50. The error he makes—and the gentleman is usually an extremely careful man with figures and economics—is that the price is $11.50 plus a tax of $2, making $13.50.

But, the trick of the situation is that the ceiling is placed at $13.50 at a time prior to the time that the Ways and Means Committee has had time to put into effect a tax, so what we are permitting to happen is that the price of new oil can go to $13.50, not $11.50, so as to place the entire burden on the people of the United States. There may or may not be a tax.

Mr. REES. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I will yield to the gentleman because he deserves to be yielded to. If I have been in error, I want him to correct me.

Mr. REES. We are only talking about an area of compromise. I think the limit should be $11.50.

Mr. ECKHARDT. I refuse to yield further. I am merely trying to correct facts, not argue the question.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, this is in fact no compromise, it seems to me. Am I correct that the President said that he will not accept $14.30; he will not accept a direct extension of the Emergency Petroleum Allocation Act? He says:

> Take this or I will not accept anything else. Take it or leave it.

Mr. ECKHARDT. The gentleman is absolutely correct. Indeed, our bill, H.R. 4035, would do what the gentleman from California is talking about. It would place a $11.28 ceiling and it would provide for the continuation of the present allocation law until we have had an opportunity finally to settle the question.

Mr. OTTINGER. I thank the gentleman.

Mr. BROWN of Ohio. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, I rise in opposition to House Resolution 605. This resolution is a classic example of the depressing state of affairs regarding the serious petroleum problem facing the United States. It is a resolution of disapproval. It is easy to say no, and it is much more difficult to act affirmatively.

The no-action impasse situation which we find today will only be aggravated if House Resolution 605 is approved, in my judgment, and H.R. 7014 is passed as reported. A rejection of gradual decontrol and a rollback of crude oil prices may have some short-term political appeal, but continuation of such a policy can only result in long-term economic and political disaster.

There indeed might be some temporary consumer relief from high petroleum product prices, but we would pay and pay dearly for the resultant expanding oil consumption and the concurrent increased dependence on the volatile mood of the oil sheiks. The two oil measures before us today only postpone the inevitable and thereby will make coming to grips with the oil reality more unpleasant for the delay.

We must cut oil consumption, reduce imports, and increase domestic production. As unpleasant as this approach may be, there is no other way out of or around this dilemma over the next few years. The time to bite the proverbial bullet has arrived, instead of deluding our constituents and ourselves into believing that we can wave a legislative wand and make the oil crisis get better or go away. We cannot, and there is no painless, cheap way out of our predicament. Within the next 25 to 40 years the world's oil well will run dry, barring a major unforeseen technological breakthrough. During that same time frame, demand for petroleum will continue to increase. It does not take an economic genius to realize that rising aggregate demand and falling supply can only result in oil prices that will continue going up and up.

This week we can do one of two things. We can pass the two oil policy charades before us today and subject the people and industry to an administrative monstrosity that soon will cause long lines at gas stations and impose reams of red tape and bureaucratic imposition on a significant segment of the business community. At the same time, we will become increasingly more susceptible to Arab passions and oil boycotts. The alternative is to use the admittedly imperfect device of the marketplace and its pricing mechanism to reduce demand and encourage domestic oil recovery and exploration.

I do not feel we can remove all controls today without serious economic impact. But phased decontrol over a 30-month period makes a lot of sense to me, with a windfall profits tax and a plowback provision. I feel the President's approach would move the Nation toward less dependence on foreign oil. It will accomplish these necessary ends without the swarm of bureaucrats to administer economic regulations. Realistically, this approach will cause some immediate pain to the American people, but may I respectfully suggest that it will not be nearly as burdensome over the long haul as trying to maintain a lid on domestic crude oil at $5.25 a barrel, and most Americans are smart enough to see that.

To me, a no vote against House Resolution 605 is responsible and in the Nation's best interest.

Mr. STAGGERS. Mr. Chairman, I yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Chairman, there is no energy shortage, only a shortage of know-how to convert known energy sources to economic uses.

Two basic arguments have emerged from the debate on the various energy bills we have considered in this session. One argument is that we must decontrol the price of oil and gas to insure economic incentives for exploration of additional sources. The counter argument maintains that we must regulate the price of oil and gas because we are so dependent upon them and that to allow inflated petroleum prices will further multiply our economic troubles.

Neither position, in my estimation, takes into consideration the possibility or the necessity for change in the direction of our energy policy.

We have become far too dependent upon oil and gas. It is a mistake to continue this dependence with legislation and national programs that will prolong such a policy. Oil and gas are important, but they are finite fuels.

I believe it is time for a change of direction to a national policy which moves away from oil and gas dependence to a mixed energy base, including, but not limited to, cellulose, coal, solar, nuclear, geothermal, hydrogen, oil, and gas.

Mr. Chairman, America must kick the oil and gas habit.

I will vote to disapprove the President's order on oil decontrol and will vote to override his veto of the oil price control bill because to do otherwise would be to continue in the same direction that has made us dependent on oil and gas.

The power that oil and gas interests wield in this country has restrained the natural development of nuclear power and thwarts the development of our coal potential. A 1971 report of the House Small Business Committee stated that the major oil companies account for 72 percent of the natural gas production and reserve ownership, 30 percent of the domestic coal reserves, and over 20 percent of the domestic coal production capacity, over 50 percent of the uranium reserves, and 25 percent of the uranium milling capacity.

The report also pointed out that the major oil companies were acquiring oil shale and tar sands, as well as water rights, throughout the country.

With such a degree of control, it is no wonder that our research and development of alternative sources of energy have been stymied.

We have become the victims of the major oil companies' domination of the supply of energy. Such domination, along with their stronghold on the transportation and distribution networks, appear to me to be a sufficiently strong argument for continued regulation of the oil industry. This domination also prompts me to suggest that the lack of competition in the oil industry may well establish the need for new antitrust laws.

Mr. BROWN of Ohio. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, as the sponsor of an identical resolution, I rise in support of House Resolution 605, a resolution disapproving the administration's plan to decontrol domestic oil prices. Last Wednesday, as soon as I received notification that the administration had formally proposed its decontrol plan, I introduced House Resolution 604, which has been cosponsored by 24 other Members. My resolution is identical in intent, and only slightly different in language.

I oppose the President's oil decontrol plan out of a deep sense of conviction and urgency. I am very concerned that any release on oil prices at this time would halt economic recovery in New England, put us back into a recession, increase unemployment, and further impose disproportionately high energy costs on the northeast sector of the Nation.

Just last month, the Federal Energy Administration's New England regional office released a report that demonstrated the urgency of maintaining price controls.

In New England, 85 percent of all energy consumed comes from oil. This overwhelming dependence on oil is unmatched in any other part of the country. Any increase in the price of oil would hit New England hardest.

The conclusion of the FEA report is chilling. This study compares the prices paid for energy by the end user—in New England—to those in the United States as a whole. It concludes:

> In 1974 the prices paid for energy were 35 percent higher in New England than in the United States. This is an increase over the 1973 differential of 32 percent and the 1972 differential of 28 percent.

The report also compares the cost of energy in New England with the rest of the United States:

> In New England were taken out of the U.S. figure, in 1974 the energy prices in New England would exceed those in the rest of the United States by 38 percent.

Every time oil prices go up in New England, it becomes more difficult for our industries to compete in national and international markets. I see this every day in my own congressional district. I have over a dozen paper mills which compete with Canadian imports and with Wisconsin mills that consume cheap, price-controlled natural gas.

I have several hand tool industries that must compete with cheap imports from Japan, Korea, and India. I have rose growers and other greenhouse producers that compete with farmers in California and Florida.

Every time I see the price of oil increase, these industries in my district lose another bit of their competitive edge—while their cost of doing business in Massachusetts has gone up again. Higher fuel prices are forcing some industries to close or move away. One example is carnation growers in Massachusetts. There used to be dozens of these flower growers in the Bay State, but the high cost of heating greenhouses year-round, along with a flood of cheap imported carnations from South America, has put almost every carnation grower in Massachusetts out of business.

In terms of dollars and cents, the administration's oil price decontrol plan would have a devastating effect on the people of Massachusetts. The Massachusetts Energy Policy Office estimates that decontrol would cost Massachusetts families more than $200 a Year. There are many people who can afford to pay that amount and more. But there are also thousands upon thousands of Massachusetts and New England families who have been clobbered by recent price hikes and the tariff and cannot afford to pay any more for fuel. Last winter, even though the weather did not get too cold, I heard from many of these people—especially those who are retired, disabled, handicapped or too old to go back to work. Many can afford to heat only one room in their house when it gets cold. Many others, even as they suffer with arthritis and other disabilities, can only afford to heat their home up to 60 degrees—or less.

For these people, any oil price decontrol plan at this time represents a cruel and callous disregard of their plight by the Federal Government.

Overall, decontrol would cost Massachusetts almost $1 billion a year. Such an impact on a State with less than 6 million people is unconscionable.

Mr. Chairman, 2½ years ago, the major oil companies were telling the House Interstate and Foreign Commerce Committee that they would insure a plentiful supply of oil for the United States if they got $4.50 a barrel. Last year, the oil barons and the administration told Congress that $7.50 a barrel was their long-term price objective.

Now the plan is to jump up the permissible price of domestic oil to $13.50 a barrel—a totally inexcusable and unjustifiable rip-off on the American consumer and a shameful genuflection to the price-fixing power of the OPEC nations.

Mr. Chairman, I am getting tired of hearing the major oil companies say that they need these outrageously high prices to pay for the costs of exploration and production when just a year or two ago they came to the Congress crying that they needed just a fraction of the proposed decontrolled price. And then, at the same time, I see Mobil Oil Co. buying up the parent corporation of Montgomery Ward for $400 million and Gulf Oil Co. trying to buy the Ringling Brothers Circus for $100 million. So what do we believe—what the oil barons say or what they do?

Mr. Chairman, I am very dismayed by this proposal to decontrol oil prices. It comes at a time when the administration has imposed stiff oil import tariffs, which also discriminate especially hard against New England. It comes on the verge of a severe natural gas shortage this winter, that will certainly send demand for imported oil skyrocketing as

Midwestern and Southern industries and utilities find they suddenly must switch from gas to fuel oil. And this proposal is also concurrent with another equally foolhardy idea—the program of the House majority leadership to impose oil import quotas on the Nation.

If all these matters come to pass—price decontrol, continued tariffs, natural gas shortages, and import quotas—this is going to be a disastrous year for New England and the entire Nation as well. These proposals would guarantee fuel shortages, long gas lines and skyrocketing prices.

I urge my colleagues to examine the impact of oil price decontrol on New England and on their own district. And then I urge them to vote for this resolution.

For the record, I submit the report of the FEA New England regional office on regional price differentials for energy and a factsheet on the impact of decontrol prepared by the Massachusetts energy policy office.

Mr. MOFFETT. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Connecticut.

Mr. MOFFETT. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Massachusetts (Mr. Conte), and I will ask this question about the gentleman's concern about New England and his understanding of the effects of decontrol.

We have heard a number of rather devastating economic objections as to the cost per family of decontrol. We heard one recently of $900.

Does the gentleman have any idea of the projected cost per family in New England, for example? It will be, we can fairly say, devastating. I think the gentleman will agree with that.

Mr. CONTE. To answer the gentleman, I think it is devastating. The projected cost per gallon for fuel oil would be a little over 7.5 cents and for gasoline it would be a little over 7.5 cents.

Mr. MOFFETT. Is the gentleman aware of the impact on utility bills, for example?

Mr. CONTE. Definitely. Right now, with the adjusted fuel cost added to the electric bills, it is about $200 a month for the utility bill for our all-electric home, and this would tack on at least another $50, which is much more than the mortgage payments, the principal and interest payments on the mortgage that a person has to make of his home today.

Mr. MOFFETT. There would be a similar devastating effect on the cost of home heating oil and gasoline; is that correct?

Mr. CONTE. It would be 7.5 cents a gallon, at least.

Mr. MOFFETT. I thank the gentleman.

Mr. BROWN of Ohio. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. Collins).

Mr. COLLINS of Texas. Mr. Chairman, as I heard my distinguished colleague, the gentleman from Massachusetts (Mr. Conte) discuss energy, I was reminded of the time that the people in this country were primarily dependent upon whale oil. Whale oil came from the sailing ships, the schooners, and oil ships out of New England. They eventually raised the price of whale oil so high that America developed a wonderful substitute. They discovered kerosene. When they found kerosene, through the American incentive and genius, they began to develop more and more oil derivatives, and it was because the price of whale oil got so high that the American inventive genius began to utilize oil more and more.

If we make the price of oil too high we will see that American industry will develop substitutes; they will find other sources as alternates. But I will tell the Members this: If we make the price of oil and gas too low we will put everybody in America out of work.

Remember this, when we talk about energy, that 50 percent of the energy is for industry. Fifty percent of oil and gas creates jobs through industry.

We talk about the old man standing out in the cold and in the back bedroom, needing three overcoats to keep warm. But the real problem is: Will we have enough energy to keep our factories operating? As I say, 50 percent of our energy is used for industry.

Where does this energy come from? I will tell you where the energy comes from. Forty-six percent of this energy comes from oil; 30 percent comes from gas. Overall we are talking about 76 percent coming from the oil and gas we produce.

I have some figures here that we should evaluate. We seem to forget that we are not drilling enough oil in America, but are draining much of our oil reserves that we have in this country. We are overlooking the Arab oil countries. No one talks about the Arab oil countries. But the reason we went to $11.50 oil is because the Arab countries decided they would sell their oil for $11.50. If we think that $11.50 oil is too high, then I would suggest that when we are working on these compromises that if we put an embargo on all Arab oil, and we tell them we will not pay the Arabs $11.50. Then we could wait to see what happens.

Mr. ECKHARDT. Mr. Chairman, would the gentleman yield?

Mr. COLLINS of Texas. Mr. Chairman, I would rather complete my statement, because of the time limitation.

But if we want to keep America working, then we should go back and face reality because this country does not have adequate oil in reserve. We only have 5 percent of the world's economic oil reserves. It is more expensive today for us to develop oil fields in this country. What we have been doing in recent years is reaching in and using our past oil reserves. We have got to start drilling and drill more.

Let us see what will happen if we go in and start actively drilling. By 1980, according to the American Petroleum Institute, we could be producing 700 million barrels of oil. This would not be possible if we have price controls.

We can produce in this country 700 million barrels of oil, and also we would be creating 10 billion barrels of oil proved reserves.

It is time we started thinking about crude oil reserves, because we have got to have crude oil reserves provided for in the future. We have many dreams, but we keep talking about oil. I heard someone mention just a few moments ago—coal. They did not tell us how fast the price of coal has been going up, and we all agree to let it go up because we want more coal. Even though it creates only 18 percent of our energy, coal prices are going up.

I would like to refer to the metallurgical price of coal which in 3 years has gone from $15 to over $100. That is a six times increase. I would also like to remind my colleagues that when they talk about the big oil company profits last year, no one talks about how oil companies slumped tremendously lower this year.

In other words, we need to think about averages, but the big rising average is the cost of drilling, and the costs have gone up.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the gentleman from Texas.

Mr. ECKHARDT. I thank the gentleman for yielding.

I wonder if my distinguished colleague, when he is figuring the necessary price for oil in the United States in order to bring it in is averaging in whale oil.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. Adams) a member of the committee.

Mr. ADAMS. Mr. Chairman, what I am greatly concerned about it—and I will direct my argument in this part of the discussion to—the economic effects of what the President's proposal does to the presently very weak economy of the United States.

My colleague, the gentleman from Michigan (Mr. Dingell), and I have circulated to the Members of the House a Dear Colleague letter that reflects the most recent information we have on what the effects of the President's program will be. Some of the Members have said, "You know, Congressman Adams, we have heard you make the same speech about three times now in the House in the last 2 weeks."

I will respond to my colleagues that the reason for my emphasizing these potential dangers is that we are under constant attack by the Administration to decontrol prices. We did not ask for this particular proposal. This particular proposal was a purely political, tactical move dropped right in the middle of the House's consideration of what we should do with oil prices. The President is saying "If there is going to be any continuation of the allocation system in the United States, then I, the President, am going to take the powers and create a law by regulation under the FEA that will raise the price of oil."

That has been the sole policy of the Administration since the beginning of this fight began in 1973. I have the speeches here where a number of us warned in the fall of 1973 and in the spring of 1974 when this House first began considering energy prices that we were going to have to use our domestic resources of oil to protect our people until new energy sources are developed, or else we will take this oil-based econ- addition to throwing it into a recession, we will have inflation at the same time. omy and throw it into a recession. In And people said we cannot have inflation and recession at the same time, but that is precisely what the oil increase in prices in 1973 and 1974 did to this economy.

I am now going to stand in this well again and remind my colleagues that back in the spring of 1974, as we attempted to suspend the rules of the House and pass yet another energy bill, I warned the Members that they were going to find themselves in a severe election problem when they go into the elections of November 1974. They pooh-poohed me. Some said it was a naked political threat, and a lot of other things. It was not a naked political threat. I was not and I am not threatening anybody. I am just trying to explain what occurs when one gets up on the stump and tries to explain, in light of what we have seen happen to our people in this last year, that prices are again going to go up, and again, and again. What is going to happen is another massive shift of income from consumers who would buy other products, the products of people whom all of us represent, into the oil industry again.

I am just pleading with the Members not to do this. We are trying to discover a compromise plan. We have had meetings over the weekend and we will continue to have meetings. What we are trying to insure is that we phase into this economy something that will keep us from having very bad economic effects.

It has not, however, been easy. For example, it took us 2 days to get analysis of the President's plan because the FEA figures referred to by my colleague, the gentleman from Ohio, are simply incorrect. They are based on assumptions that are not correct. If we take the base assumption of where we are today, in other words with $5.25 old oil and with no control on new oil at all, and try to measure the impact of the President's program of decontrolling the price of old oil and setting the so-called $13.50 cap, which is not a cap because it includes the $2 tariff added to the world price, we get these effects.

We can argue about whether or not one model is somewhat higher or lower, but there is no doubt about the economic disaster we have just experienced in 1973 and 1974. All I am saying is that it is going to happen again in about the same basic system. We are going to increase unemployment.

We say by 800,000. If others want to argue that it is 700,000 as against 800,000 and ignore the fact that with either model it is going to increase under the President's proposal, all I can say is we are going to have to explain this increasing unemployment when we go back to our districts.

We are going to have to explain to our unemployed and to their families in our areas why we have allowed the price to be raised and have them become unemployed. We are going to have to explain to the consumers raising the prices 2 percent. Again, if we argue whether it is 1.78 percent or 2 percent, we are missing the central issue which is of greatest concern to our constituents.

Right now we have inflation down at a pretty flat level, but we are going to have to expect it to increase again if we raise up oil prices in our oil-based economy. We are going to take more money out of the gross national product. In other words, the money that went to people through the tax rebate and more will be taken away again. We agreed to the tax cut in order to stimulate the economy. The President's program will take the stimulus out.

The President's program will drop the bottom right out of the economy. You don't need any great econometric model to understand that very obvious fact. If we increase fuel costs, we will increase the cost of materials that go into housing and increase the transportation costs of those materials. And we will certainly increase the day to day costs of our constituents who drive to work.

We have gotten our people away from mass transportation systems and scattered them into the suburbs. The average workingman has to have gasoline and his demands get pretty inelastic when he has to go back and forth to work. If we then raise the price of gasoline, he has to ask for an additional increase in wages because that is the only way he can pay it.

Some have estimated that it could eventually cost the average American family $700 to $900 a year in additional expenses if we allow this kind of program to take effect. The people do not have this kind of it. There will come a point when they will have to stop working at the jobs because they do not have and can no longer afford the cost of it.

It is true oil is a diminishing resource. Anyone who claims that price increases will bring oil production up to take care of our future needs of America knows that cannot be so.

What we are attempting to do is gradually phase in limited higher prices so we can begin to shift our people and our economy away from a total oil dependence. We need to move people into different kinds of transportation than the present automobile; we need to begin to move back out of the petroleum-based fibers as a great many people in the cotton areas of the United States should be aware; and we need to get people off the petroleum-based fertilizers and off the use of butane gas.

I would close my remarks by saying this. We have just had a veto by the President of our willingness as a Congress to allow the price of oil to go to $11.28 just to extend the Allocation Act, and he will not even do that. So when we talk about trying to compromise, we have to keep in mind what we have already attempted and seen vetoed. Now we have before us this program which was jammed into the middle of our debate on H.R. 7104 and we have had to stop that debate, to deal with this pressing problem. I urge my colleagues to support the resolution disapproving the President's decontrol plan and move forward with our consideration of H.R. 7014.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I want to address myself to the studies to which the gentleman from Washington referred. The analysis by the staff of the gentleman from Michigan (Mr. DINGELL), I think, is not a totally accurate representation of the economic impact of decontrol, due to a number of erroneous assumptions of consumer rebates and the effect of decontrol on energy prices.

Unlike the analysis prepared by FEA, the so-called Dingell analysis excluded any consideration of rebates of excise taxes or windfall profits taxes, which are literally billions of dollars annually. Furthermore, that analysis modified the base case economic forecast by arbitrarily reducing energy prices by about 50 percent. Since the case with decontrol assumed the full price increase on top of the base, this modification resulted in a fourfold overestimate of the true increase in energy prices due to decontrol.

Mr. Chairman, it is obvious that these impacts of phased decontrol are overestimated, even compared with past analyses by the Dingell staff.

Mr. DINGELL. Mr. Chairman, will the gentleman yield for a question?

Mr. BROWN of Ohio. I yield to the gentleman from Michigan.

Mr. DINGELL. I did not get which report the gentleman is reading from.

Mr. BROWN of Ohio. I will yield in just a minute.

Mr. Chairman, for example, in the committee's report entitled "Major Effects of Decontrol on Domestic Oil Prices," on page 15 their analysis indicated that immediate decontrol and the addition of a third dollar import fee would reduce GNP by the end of 1977 by $4.2 billion. Yet in their latest estimate of phased decontrol with no increased tariffs, they now estimate a $26 billion decrease.

I find that not quite in bounds.

Mr. Chairman, from a book entitled "Elasticity of Demand for Gasoline Purchases of the Energy Resources Co., Inc." The figures for gasoline elasticity estimated by a number of different studies are as follows, and these relate to a 1-percent increase in price, as opposed to a percentage of 1 percent, or whatever decrease in demand.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself an additional 2 minutes.

Mr. Chairman, the Charles River and Associates estimate is somewhere between two-tenths and 1 percent full percentage elasticity for 1 percent demand.

DRI is a 0.28 percent.

Houthakker is 0.47 percent, with the highest study of Houthakker 0.82 percent. There is an elasticity factor related to the increase in price and the demand for the use of gasoline.

I would suggest to my friend, the gentleman from Washington, that that elasticity exists.

Now, one of the reasons for higher prices clearly is reduction in gasoline consumption which comes from the use of smaller cars, which comes from the use of carpooling, which comes from the use of public transportation. Those kinds of savings, plus just driving slower, creates savings that is part of the objective of anything that allows the price of gasoline to go up.

Mr. ADAMS. Mr. Chairman, will the gentleman yield for a question?

Mr. BROWN of Ohio. I will in a moment.

Mr. Chairman, in addition to the encouragement of the production of gasoline, so we have both effects, conservation of consumption and production of gasoline. The hope is that we will be able to get by with our own resources one of these days.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Chairman, I did not hear whether that was "River" or "Ripper" that had the study on the elasticity of gasoline.

Mr. BROWN of Ohio. Charles River and Associates.

Mr. ADAMS. Well, in the River statement, what I am curious about is did the FEA, if this is true, skew the pricing system on the barrel in favor of gasoline and against residual fuel oil fertilizers, if this was having that price effect?

Mr. STAGGERS. Mr. Chairman, I yield 10 minutes to the chairman of the subcommittee, the gentleman from Michigan (Mr. DINGELL).

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my friend from Washington for the purposes of making a comment.

Mr. ADAMS. Mr. Chairman, I wanted an answer to my question to the gentleman from Ohio. If this was the system where he was going to have electricity in gasoline why did they skew the price in favor of gasoline? Why did the FEA do that with the so-called tilt toward gasoline by pricing it at lower prices than comparable parts of the barrel?

Mr. BROWN of Ohio. The presumption was that this is an area in which savings could be made.

Mr. ADAMS. No, it is just the opposite. They should not have tilted it that way.

Mr. DINGELL. Mr. Chairman, I agree with my friend from Washington, but regretfully decline to yield further.

Mr. Chairman, we have here before us a most curious situation. I have great respect for my friend from Ohio, who is a man of considerable intelligence and ability, but the hard fact of the matter is that the gentleman from Ohio has been reading from the wrong study. The study that we have made with regard to the administration's decontrol program is an entirely different document. That study is entitled, "Analysis of the President's July 17, 1975, Program to Decontrol Domestic Oil."

The study from which the gentleman from Ohio has been reading is a study made by the staff of the Subcommittee on Energy and Power which relates to the consequences of immediate decontrol of old oil. Parenthetically, for the benefit of my friend from Ohio, I would advise the committee that in either event the effect upon the economy is calamitous.

In order to ascertain the consequences of the President's proposal, we brought Mr. Zarb before the Subcommittee on Energy and Power to have them testify regarding the President's proposal for decontrol of old oil. Mr. Zarb told the subcommittee that at that time no macroeconomic studies had been made. He promised that those studies would be made available to the House on the following day. They were not made available to the House. The hard fact of the matter is that when this plan was formulated the administration did not know what the economic consequences of that plan were.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I might say to the gentleman that Mr. Zarb did not appear before our committee after this plan had been submitted. He appeared before.

Mr. DINGELL. At the time of Mr. Zarb's appearance, the President had announced the details of the proposal. At that time, Mr. Zarb did not have any macro-economic studies of the impact on employment, on the cost of living, or any of the other important social impacts of this proposal. As a matter of fact, this analysis was not submitted to us until a day after the plan had been submitted to the House. We had to chase the FEA all around Robin Hood's barn to get the information from them.

Mr. Chairman, the House should support and adopt House Resolution 605. The House has a responsibility to act within the very constricted 5-day period allotted for review of the President's decontrol proposal. What does the President's proposal do? It raises all oil in this country to $13.50 a barrel, in 2½ years.

Now, we are working on legislation, H.R. 7014, which is a congressional proposal for the continued control of petroleum prices and for their orderly decontrol. I think the Congress has the responsibility to act in this area. I think we have a responsibility to say to the President, "We are working on this and we will make progress toward the enactment of legislation to see to it that decontrol takes place according to the will of the elected representatives of the people."

The decontrol proposal suggested by the President is not a policy of this kind. It gives a windfall of the most enormous proportions to the big oil producers. It cannot satisfy the criteria for a just and equitable oil pricing policy.

The President has claimed that his decontrol plan will have only a minimal adverse effect upon the economy. He has taken gasoline impacts as the basis on which we are to judge his plan. In point of fact, under his plan gasoline would experience a 7½ or 8 cent cost increase in about 2½ or 3 years. That is an increase of 14 percent. And a 14-percent increase on gasoline prices also means a 14-percent increase in every petroleum product used in the economy. I say that is too much, and I say it is not reporting fairly to the people on the consequences of the President's decontrol plan to talk in terms of gasoline prices and pennies per gallon increases.

The President has submitted to us an economic analysis. As I previously indicated, that analysis was not provided until the day following the submission of the proposal to the Congress or, in other words, after 20 percent of the time for congressional review had expired. Nevertheless, the staff on the subcommittee—and I want to say they did an outstanding job and they are an outstanding staff—evaluated the FEA analysis. The subcommittee staff analysis convincingly demonstrates that the FEA analysis of the President's proposal is both inadequate and misleading. The FEA analysis depends upon a number of assumptions, which are hypothetical, at best, and, at worst are totally false. The FEA makes a number of assumptions one of which is that no OPEC price increases will occur. OPEC has already told us what they propose in the fall. The FEA analysis assumes that the Congress will enact a windfall profits tax, a tax which has never been spelled out by the administration in any legislative form. FEA assumes that the unspecified windfall profits tax will rebate to consumers tax revenues to offset the adverse impacts of the administration's decontrol proposal. Our subcommittee staff accepted these administrative assumptions but compared the President's decontrol plan to a base case of continued controls. I would commend the subcommittee's analysis to my friend, the gentleman from Ohio, because the reading will benefit him greatly. Perhaps after he has read the analysis he will have an appreciation of what the staff has actually said, because regrettably my friend and colleague, the gentleman from Ohio, was reading from the wrong analysis.

The FEA analysis is deficient for other reasons. FEA assumes that increased crude oil prices will not raise the price of natural gas and coal. Even more incredibly, the FEA assumes that higher crude oil prices will in fact result in a decrease of coal prices at the rate of 1.2 percent. One must ask, are they detached from reality? What is the basis of the assumption that coal prices will decline as oil prices skyrocket? Simply that higher crude oil prices will so bankrupt the economy and depress demand that the economy will not be able to pay for coal, and, therefore, coal prices will decline.

Perhaps that is a valid assumption, because this proposal is going to have a disastrous effect upon the economy.

As an aside, one might ask how the President can justify a short-term policy of higher crude oil prices and higher profits to crude oil producers, to encourage production of more petroleum, when that same policy will mean lower prices for coal and lower prices to coal producers, and thereby discourage coal production in the United States. This points up some of the curious aspects of the President's program. Encouraging increased coal production should be our long-term policy and we should not jeopardize it in pursuit of a short-term crude oil policy.

The administration has long contended that crude oil price increases have no perceptible impact upon natural gas and coal prices. The experience of recent months has indicated that this is false. As

I have indicated, in its zeal to support the President's decontrol plan, the FEA has actually assumed that crude oil price increases will bring about coal price decreases. Such an assumption skews the whole analysis of the administration and raises some questions in the mind of an honest man as to the competence of the makers of the FEA analysis and, perhaps, as to their intellectual honesty.

The base case selected—and this is not apparent in the President's message—is a 60-month decontrol scenario. What the FEA has done in its analysis of the cost of the President's decontrol plan has been to compare 2½-year decontrol of petroleum against 60-month decontrol. This is a most curious comparison, and certainly not one that will withstand scrutiny.

It is plain that selection of this scenario as the base case skews the whole result of the analysis because the administration assumes that the prices of energy are going to go up at the rate of 10 percent a year under the base case. The President's decontrol plan is projected by the FEA to produce an 11-percent-per-year increase. Thus FEA's analysis is based upon an incremental increase in energy costs of only 1 percent. This is a most curious kind of yardstick for a most curious kind of analysis.

Let us now go to the analysis that the subcommittee staff has made of the economic consequences of the President's plan. FEA says that unemployment is only going to increase .2 of a percent. The staff of the Subcommittee on Energy and Power has come up with figures that indicate unemployment is going to increase .8 of a percent, meaning we will have 800,000 more workers unemployed in this country. That, parenthetically, is nearly 2,000 unemployed workers per congressional district.

The President's figures assume that real gross national product will be depressed 0.84 percent. The Subcommittee on Energy and Power analysis projects a decrease in real gross national product of 2.86 percent.

Regarding wholesale prices, the FEA study says there will be a 2.40-percent increase. The subcommittee's study says there will be a 6-percent increase.

On consumer prices, there will be a 1.3-percent increase, according to the FEA. There will be a 2.04-percent increase in consumer prices according to the subcommittee's study.

FEA projects that housing starts will be down 4.68 percent under the President's decontrol program. If this does not encourage the Members to vote against the proposal, I do not know what will. However, the subcommittee's study projects a 15.92-percent depression in housing starts.

Let us take auto sales. The FEA analysis shows it depresses auto sales 3.31 percent. But the subcommittee's study shows a 9.65-percent depression, almost a 10-percent depression, in auto sales.

Mr. Chairman, this proposal by the President should be rejected. House Resolution 605 should be adopted, and then we should go forward on the writing of an intelligent, meaningful program, based upon careful consideration of the facts based upon concern for all factors, the human factor, employment, energy costs to the consumer, as well as the likely effects in terms of energy use.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I have the greatest of respect for my colleague and chairman of the subcommittee, the gentleman from Michigan (Mr. DINGELL), and I have great respect also for the staff. I appreciate the gentleman's remarks, and I know that he means what he says, particularly when his voice gets in that range.

But, Mr. Chairman, I will just say to the gentleman from Michigan that one of the reasons coal will not go up in price is because 80 percent of the coal in this country is currently under long-term contract. Only 20 percent of it is not under contract. That 20 percent may tend to go up in price, but the coal that is contracted for cannot go up.

The thing I find curious about my committee's report, which I, of course, did not see until after it came out, was that in the original report, which was published some 2 weeks ago or thereabouts, on immediate control, the impact on the gross national product was assumed to be something like $4.2 billion.

From a base of $881.9 billion, under immediate decontrol it would reduce the gross national product to $877.7 billion. However, then when we get to gradual decontrol, which it seems clear to me would not have quite the same impact, the impact is reported as 2.86 percent, as the chairman notes accurately, and that amounts to $26 billion.

Suddenly gradual decontrol has a more adverse impact than immediate decontrol, and I must say that I just do not understand that. It seems to me that there is something wrong with those figures on one side or the other, and that is why I have some question about it.

The fact of the matter is that neither report takes into account the question of rebates of excise taxes to the poor and middle class, and neither report takes into account the prospect of the use of monetary policy.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. BROWN) has expired.

Mr. STAGGERS. Mr. Chairman, I yield 1 additional minute to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, with all due respect to my good friends and colleague, the gentleman from Ohio (Mr. BROWN), for whom I have the highest regard and greatest affection, the hard fact of the matter is that our staff used the FEA model. We used the FEA figures, and we used the Harvard-DRI model, which was used by FEA.

The gentleman refers to coal prices. Long term coal contracts have an escalator built into their prices. Every time the cost of living goes up, as the Consumer Price Index goes up, these long term coal contracts go up. The cost of living goes up as oil and petroleum prices increase. Petroleum price increases have been the largest single contributor to depression and inflation in this country.

We have fairly used the same model as FEA, and we have made all of our assumptions available. We did it in 4 days. We made all the haste we could so that the facts would be made available to everyone, including FEA and my good friend and colleague, the gentleman from Ohio (Mr. BROWN) on the other side of the aisle.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. Yes, I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Chairman, we really are concerned about the information referred to by our colleague, the gentleman from Ohio (Mr. BROWN), for whom we have great affection.

I just read from the elasticity report which was given by FEA. Reading the report demonstrates why we question the FEA figures.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. DINGELL) has expired.

Mr. STAGGERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. I questioned the gentleman about the tilt on the barrel. We have some considerable doubt that FEA is doing a very good job in this.

When the gentleman quoted from a report on gasoline elasticity I asked him the name of the people because I could not believe he was quoting from the same source I have in my hand. He quoted some figures with respect to elasticity and that FEA had based a report on it.

I finally got the underlying report about 2 minutes ago and on page 46, it comments on the whole range of studies on elasticity of gasoline which have been used to show that raises in price will lower consumption and so on.

It concludes an examination of these studies with the following comment:

> This makes evaluation difficult. It leaves an unusually large role to the judgment of the reviewer. Any conclusion stronger than qualified ignorance is suspicious.

Mr. Chairman, I just do not think we ought to quite be using this kind of report as a basis for making the assumption that if we raise the price of gasoline, we are going to lower consumption and that we are just going to shift money from gasoline users to others. I certainly would not be prepared to argue here that the President's proposal should be adopted, based on this kind of study, because I think we ought to have a stronger basis for decision than qualified ignorance.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Let us just look at the statistics in one area of elasticity. This will increase the price of gasoline.

The CHAIRMAN. The time of the gentleman from Washington (Mr. ADAMS) has expired.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself an additional ½ minute.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Since the Arab oil embargo, the acceleration in the small-car trend in this country has been pronounced. Small cars have accounted for about 45 percent of the total industry sales for the 1975 model year through July 31.

That is a sharp increase from 35 percent, as I recall, from the previous year. That is a factual bit of information on elasticity.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BROWN of Ohio. I yield myself an additional ½ minute.

Mr. Chairman, I do not know what assumptions were used with reference to elasticity in the studies by my colleague from the Committee on Interstate and Foreign Commerce, but I would call the gentleman's attention to page 7 of the new report, which says that gradual decontrol, costs the GNP $26 billion, and then on page 15 of the old report it says that immediate decontrol costs $4.2 billion. Those two figures just do not square.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BROWN of Ohio. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS of Texas. Mr. Chairman, in this extensive debate that we have heard for many days, we always overlook speaking of what we pay the Arabs for oil, and we seemingly are concentrating on what we can do to underpay our own Americans. But if we start with basic mathematics, what is it we are talking about in crude oil? Let us take crude oil at $11.50 a barrel—and we seem to be glad to pay the Arabs $11.50 a barrel—let us just suppose we start paying the Americans $11.50 a barrel for crude oil, which seems very fair to me. There are 42 gallons in an oil barrel.

A price of $11.50 a barrel for 42 gallons means a raw gallon of gasoline is 27 cents. In other words, when we talk about the cost of gasoline, we are talking about 27 cents that the raw crude oil costs. We can all get on the floor and talk extensively about how gasoline is desired by the American public. And, as we campaign a year from now we can talk about how we would like to have a loaf of bread for a nickel, or many would like to have a bottle of beer for a nickel, or we would all like to be able to buy a new automobile for $600. But the fact of the matter is that we have inflation in America, and the reason we have it is because we have been the biggest spenders in the history of the world. We have overspent our budget by $100 billion and are facing a $100 billion deficit.

Mr. BROWN of Ohio. Mr. Chairman, if the gentleman will yield, when the gentleman talks about a loaf of bread, I remember hearing that a loaf of bread would cost $1 a loaf.

Mr. COLLINS of Texas. We could pay that for bread. I am glad the gentleman has mentioned that, because inflation affects all commodities. But we have to remember that gasoline will cost more since we must pay for what it costs to produce it.

Yesterday I picked up the Oil Journal, and I read about the big discovery in Mobile, Ala., where they had to drill to a depth of 16,000 feet. I remember back when they found oil in east Texas, that they could find good oil and good oil sand at around 3,000 feet. It did not cost much to drill for it, but when you have to drill to find oil at a depth of 16,000 feet, you really have to pay geometrically more, and that it why it requires $11.50 a barrel.

Up in Alaska, it has been suggested to roll that Alaskan oil back to not more than $8.50 a barrel. You cannot produce most Alaska oil for less than $10, and some of it will go $10.50, and $11. Otherwise you are going to have to leave the oil in Alaska.

I always like to discuss Sprayberry production in west Texas. We know that oil is there, but we know we cannot produce it on any basis less than $10; that is what it takes to produce Sprayberry, because it is heavy rock, it is a slow flowing oil, it is not a very thick sand.

When we talk about going back and producing these inactive oil reserves, we are simply going to have to pay the additional price as we go along.

When we talk about the fact that it costs more, I can tell you why gas and gasoline cost more. It is because it costs more to discover and produce the crude oil.

In potential new crude oil, we have been talking about the tar sands, and the tremendous reserves if we could produce it.

Sun Oil Co. went up to Canada and spent $300 million, did an extensive job of developing a refinery and trying to recover oil from these sands. They lost money every year, every year, every year. I think their losses went up to $80 million, until the market finally started paying them a fair price, and last year they turned the corner and got in the black.

So we have to pay a fair price in order to get anywhere if we are going to produce more oil, and particularly more American oil, so we can be self-sufficient.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the gentleman from Texas for a question.

Mr. ECKHARDT. Mr. Chairman, the gentleman knows something about Sprayberry oil, but I would assume the gentleman from Alaska also knows a lot about the Prudhoe Bay oil. Does the gentleman in the well not recall that the gentleman from Alaska said that can be produced for $7.55 a barrel, and that the limitations are at the wellhead?

Mr. COLLINS of Texas. I remember the gentleman from Alaska said that all of the estimates in Alaska have been more than doubled. He said when they originally built that pipeline, they thought they could do it for $900 million, and they found that it cost $7 billion. The oil is not yet flowing in Alaska. When it gets flowing and they finally thaw it out, they are going to find it is going to cost $10.

Mr. ECKHARDT. If the gentleman will yield further, the gentleman is correct in that the first estimates were around $4, so $7.55 comes pretty near double, but still $7.55 is still a good deal less than $13.50.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROWN of Ohio. Mr. Chairman, I yield 2 additional minutes to the gentleman from Texas.

Mr. Chairman, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. The fact of the matter is that all of the oil in Alaska, pray God, does not come from Prudhoe Bay. There is additional oil in Alaska besides Prudhoe Bay which is going to be considerably more expensive. I have a figure on the Alaskan oil from a study made by one of the companies investing there, which gives the price that squares with the price given by the gentleman from Alaska, who is not on the floor at the moment. But they go on in this study and say:

> The same cannot be said for other fields in Northern Alaska. We have a partial interest in a field about 20 miles west of Prudhoe called Kup River Sands, a part of the so-called Coleville area, . . .

And it goes on to say that in their opinion that would be a great deal more expensive to bring in. If we are going to make that oil productive, those areas productive, we are going to have to take into account the fact that it will cost a little more than Prudhoe Bay.

I think the gentleman missed my point about the $1-a-loaf bread. The fact of the matter is that we had dire predictions, if the gentleman will recall, a couple of years ago about $1-a-loaf bread. We did not have $1-a-loaf bread when it was all said and done, because we have increased the production of wheat, and that is exactly the thing we have to do in the whole oil area. That is exactly what the President's program is designed to try to accomplish.

I had a letter the other day from an investor in small wells in a conventional site in this country, and his comment was that he also invested in beef. He said, "Some years ago you guys in Congress tried to freeze the price of beef." He said, "As I recall, beef got very expensive and disappeared from the marketplace. Then you took off the price of controls of beef, and now beef has come down in price and there is plenty of it in the marketplace."

The same economics, it seems to me, might very well apply to oil if we would have the confidence to use that economics.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I wish it were possible—and perhaps it is—for me to address both sides of the aisle and to address everyone as Members of Congress who have a responsibility as Congressmen to retain authority to make the decisions that we are called upon to make here, because I believe that our branch of Government is the best gage of the collective will of the people. That is what we are supposed to do. We are not called upon to give the President authority to set down a plan and then relegate to ourselves only the authority to veto it. We have the responsibility under the Constitution to establish what the policy of this Government should be, and that is the only manner in which the collective will of the people can ever be expressed.

Of course, I grant that ultimately there may have to be compromise, but there cannot be the establishment at the outset of the collective will of the people based upon one-third of Congress, plus one, plus the President of the United States.

That is not the way we act if we perform our duty as the prime and original creator of national policy embodied in law. Therefore, I urge Members to reject this decontrol measure by the President and vote for the resolution before us. We will then have the opportunity to decide whether two-thirds of this House is going to override the President's veto on H.R. 4035. I think we should. We may not be able to do so. That is the way the Constitution says we must proceed.

If we cannot do so we already have a resolution directly from the Rules Committee for S. 1849 to be taken from the Speaker's table which is a further compromise. It is a compromise that says "Mr. President, we have not been able to override the veto with respect to what seemed to us to be a reasonable protection of the status quo at no more than $11.50 for new oil and the continuation of the allocation progam to hold old oil at $5.25 until we can ultimately decide this issue under the bill H.R. 7014. We have not been able to do that, so we come to you again with a second compromise and ask you to give us a kind of temporary restraining order, give us an order that will prevent irreparable damage to the economy in the meantime."

That is all we want. Now, is that not a reasonable way to proceed?

How is it, the President can say say that we would, by making such suggestion to him and sticking to it—how can he say we have brought down the economy if the control goes off because of his vetoes and because we have not merely surrendered to his will?

I say the President's position is like Samson at the pillars of the temple, willing to pull the pillars down on both our heads unless he gets his way without change.

I suggest to the Members on this question of compromise: It has been said we are not compromising. I have before me a letter that has come from the staff of the Federal Power Commission addressed to the Honorable WARREN G. MAGNUSON, dated July 21, 1975, in response to the request of Chairman Nassikas to give the Senate a measure of the cost of producing replenishment oil, in short, new oil, in short, that type of oil that the President would permit to go up to $13.50.

Mr. Chairman, I include the complete letter at this point. The letter is as follows:

FEDERAL POWER COMMISSION,
Washington, D.C., July 21, 1975.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate,
Washington, D.C.

DEAR CHAIRMAN MAGNUSON: I am pleased to forward the attached cost analyses prepared by me in response to your letter of July 15, 1975, requesting the following:

(1) An alternative to the study transmitted on June 26, using the same data and analysis but including Alaska as well as the lower 48 states. In order to assure that these computations are conservative, we would request that only one-half of the reported reserves in Alaska be used in the computation. In addition, please assume a Federal Income Tax liability equal to 10 percent of gross income on the value of crude oil produced.

(2) An estimate of the cost per million Btu's of producing new hydrocarbons, whether crude oil or natural gas. Such a computation would avoid the difficult allocation problems of joint costs between the two fuels. Please base this estimate on the five-year average of expenses, reserves additions, and production. Again, please utilize one-half of the Alaskan reserve additions in the computation and assume a Federal Income Tax liability of 10 percent of gross income from crude oil and natural gas sales.

(3) We would also request the Federal Power Commission Staff Analysis of the estimated cost of production of old domestic crude oil, which is based on 1972 data. We should also appreciate any help you can give us in trending these costs forward to reflect current 1975 costs.

The results of the foregoing analyses (1), (2) and (3) are $5.49 per barrel, $4.14 per barrel and $2.96 per barrel, respectively. A discussion of possible trending methods is provided in the attached analysis.

I will be pleased to answer any questions you have regarding the staff analysis.

Sincerely yours,

LOUIS J. ENGEL,
Supervisory Regulatory Gas Utility Specialist.

[SCHEDULE NO. 1]

COST OF FINDING AND PRODUCING A BARREL OF NEW CRUDE OIL—TOTAL U.S.[1]

LINE NUMBER, ITEM DESCRIPTION, SOURCE, AND UNIT COST PER BARREL

1. Oil well drilling cost, schedule 3, $0.43.
2. Lease acquisition cost, schedule 3, $0.37.
3. Production facilities, schedule 3, $0.27.
4. Subtotal, $1.07.
5. Dry hole drilling cost, schedule 3, $0.21.
6. Other exploration cost, schedule 3, $0.19.
7. Exploration overhead, schedule 3, $0.05.
8. Subtotal, $0.45.
9. Operating expense, schedule 3, $0.88.
10. Casinghead gas credit, schedule 3, ($0.61).
11. Return on working capital, schedule 3, $0.12.
12. Return on investment, schedule 3, $2.28.
13. Royalty at 16%, schedule 2, $0.80.
14. Subtotal, schedule 2, $4.99.
15. Total including income tax at 10% of gross income, $5.49.

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[1] Includes Alaskan data to the extent that 50% of Alaskan oil additions were included in the productivity estimate.

COST OF FLOWING OIL [1]

	Per barrel
Production cost: [2]	
1. Cash expense	$1.02
2. DD&A	0.48
3. Return	0.74
Total	2.24
Exploration and development allowance (E&D): [3]	
4. Expense	0.34
5. Return	0.11
Total	0.45
6. Total, production & E & D	2.69
7. FIT computed as 10% of line 7	0.27
Total	2.96

What does the staff report over signature of Louis J. Engel, supervisory regulatory gas utilities specialist? They tell us the cost of finding and producing a barrel of new crude oil, and it sets out each of the line items contained therein, as $5.49 per barrel. It states the cost of flowing oil—and it puts down all the items contained in such cost—is $2.96 per barrel. I ask the Members: Have we made a compromise?

We have asked in H.R. 7014 for a basic price of $7.50 which would allow for any possible increase in inflationary costs. In addition to that, for especially costly oil we have asked for an average price of $8.50, which is sufficiently flexible so that if Prudhoe Bay oil can be brought in at $7.55, the North Slope oil can be brought in at up to $11.

Mr. BROWN of Ohio. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. MARTIN).

Mr. MARTIN. Mr. Chairman, once more it is necessary to call for the application of plain old commonsense to our energy problems, an element lacking in so much of the legislation brought before this House. Those of us who today vote to let stand the President's phased decontrol of oil prices and then against the bill, H.R. 7014, with its new price controls and price rollbacks are exercising that much needed commonsense.

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[1] Cost of flowing oil is estimated on a basis comparable to the cost of flowing gas, under past Commission approved methods, in Commission Notice Issuing Staff Rate Recommendation and Prescribing Procedures, issued September 12, 1974, in Docket No. R–478. (See Notice Appendix B, Summary, Schedule No. 1–A, Column (e)). Method further combines operations of Independent Producers, Pipeline Affiliates, and Pipeline Producers which were reported in subject docket in year 1972 for the Lower 48.

[2] Production costs are based on current year 1972 operations on leases producing essentially oil only or leases producing oil and casinghead gas. Leases producing both oil and gas-well gas (combination leases) were excluded from study because of the complexity in allocation procedures. Allocation of joint product oil and casinghead gas costs was made on the basis of relative costs, i.e., through consideration of what it would cost to produce the products singly as measured by the cost of separate product gas-well gas and single product oil.

[3] E & D costs are based on current expenditures for essentially unsuccessful costs. E & D costs are first assigned, and the remainder allocated, on the basis of the respondence reported intent as between gas reservoir and oil reservoir operations. Costs for oil reservoir operations were then allocated between oil and gas current production, as measured by Btu content, after the oil Btu's had first been modified by a multiple of 25. The resulting with E & D cost for oil was then imputed to production of oil on the subject lease types.

While we all recognize there is no immediate, worldwide oil shortage in spite of oil being a finite commodity, we have in this country a genuine shortage of oil that is cheap to get out and to the consumer. We are kidding either or both of ourselves and our constituents when we say that with a simple stroke we can assure America of all the oil we want at a price we wish to pay. That cannot be done. It is something made impossible by geology, diplomacy, and economics. We are yet to face the harshest reality that there will be an end to the world's oil and as we approach the end the trend will be one of constantly higher prices because each new gallon will be produced in more difficult terrain by more difficult methods. We must recognize that our constituents' children or grandchildren will sooner or later be unable to buy gasoline to drive to the beach. Hopefully there will be other fuels or other means, although there is no present guarantee of that.

We cannot guarantee by legislation perpetually plentiful cheap oil any more than we can legislate sunny weekends in spite of the fact our constituents would want both. Constituents are smart enough to recognize a self-congratulatory press release about assured sunny Sundays for what it would be. They are learning enough about energy realities to begin to question pie in the sky bills for what they are.

By allowing phased decontrol of oil, subject of course to excess profits taxes, we would back Government one more step out of the energy market. These intrusions by government are only aggravating our energy afflictions. By letting the Emergency Petroleum Allocation Act's entitlements program die we would do the same.

The entitlements program is a classic example of governmental intrusion muddying the situation. It removes any incentive to be competitive by way of using domestic oil instead of foreign oil since the program makes producers of domestic oil share it—or its cost benefit—with those producers who rely on imports. We created that program to help the "little guy" if—that is—multi-millionaire refiners of foreign oil are little guys. It removes the incentive to produce oil here when it removes the economic disadvantage now implicit in trying to market products made from foreign expensive oil.

Likewise, retaining in perpetuity price controls on cheaper "old" oil removes the incentive to produce products from that resource instead of from more expensive "new" oil. Thus controls, by their very being, have rapidly tilted us toward products containing a higher percentage of "new" than of "old" oil and more foreign oil than domestic.

By patting ourselves on the back saying we have protected consumers we have penalized consumers and the presently popular legislative initiatives are more of the same.

We need do only two things. We should phase out controls. That will restore a degree of competition and leave allocation in the free market. And, we should enact an excess profits tax to be sure that decontrol does not result in unconscionable windfalls to producers beyond their legitimate profit margins and capital requirements. The longer we delay doing this by grandstanding and by advancing the idea that we can have as much as we want for as little as we want to pay, the longer it will be before we approach a real solution of our energy problems.

The President and the conservatives in Congress believe that energy independence—reliance on American instead of foreign petroleum—is essential, even if that means paying more in order to get more oil produced in this country.

The congressional liberals have as their sole objective to roll back prices of American crude oil. Ironically, that will not lead to lower prices at the pump. It works this way: If we discourage oil production in this country by clamping on lower crude oil profits, then, in order to meet demand, more oil will have to be imported. Since imported oil now costs more than American oil, that means that consumer prices at the pump will be higher—not lower. In short, if we pay less for American oil we will have to buy more of the higher priced foreign oil.

That is what decontrol is all about—to let the free market work so we will not have to import so much.

Mr. BROWN of Ohio. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Fifty Members are present, not a quorum.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present.

Pursuant to the provisions of clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The Chair recognizes the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, in the interest of pouring oil on troubled waters, just to make a bad pun, I would like to read to my colleagues from the editorial page of today's New York Times.

This is a source from which I do not alway find great comfort, but it is a source from which today I find what I consider to be good advice to the Congress and the President.

The editorial is headed: "Impasse on Oil" and it reads as follows:

> The politically-motivated impasse between Congress and President Ford on control of domestic petroleum prices is threatening to leave the country and the consumer in an intolerable situation.
>
> Yesterday Mr. Ford vetoed a price-rollback bill passed by Congress; it appears that Congress in turn will not accept the President's own proposal, which moves in the opposite direction, for gradual decontrol of all oil prices. As existing control authority expires Aug. 31, the result—unless something is done soon—will be that domestic oil prices, stimulated by a probable further increase in the OPEC price later this year, could seriously inhibit economic recovery.
>
> Under the circumstances, it seems to us that a compromise could sensibly be reached envisaging gradual decontrol accompanied by increase in gasoline taxes, with special rebates for the hardest-hit segments-of-the population, accompanied by tax and plowback provisions to insure against windfall profits for the industry and to encourage reinvestment in energy production.
>
> The issue is no longer whether to conserve oil and reduce American and Western vulnerability to the oil cartel, but how best to accomplish that purpose with greatest equity and least damage to production, employment and the anti-inflation effort. Economic recovery is almost certain to send American oil imports shooting upward again, unless restricted by higher gasoline taxes or a price rise as a result of phased decontrol—or both in coordination.
>
> The same time, increased domestic production of oil, and encouragement of the more secure foreign sources, should also be a basic objective. Government should seek to ensure that higher profits resulting from rising oil prices will be reinvested in the development of new energy sources.
>
> Plans for the decontrol of oil prices must be geared in carefully with fiscal policy to ensure that the economy recovers from the worst recession in postwar history, which has left heavy unemployment in its train. Higher oil and other energy prices and the extra taxes must not be permitted to impose such heavy burdens on the economy as to cause the recovery to abort. This can be handled by phasing decontrol in gradually—over a period of perhaps three years or more—and by assuring that during the recovery extra taxes collected be put back into the economy both by reinvestment and by rebate to lowest income groups hit by higher energy prices.
>
> The probable burden of higher oil prices is so great—likely to amount of $30 billion or more—that it is urgent that tax plowbacks and rebates be supplemented by a lower general tax schedule to cushion the economy against the impact of oil decontrol.
>
> It is a tragedy that Congressional action can only be obtained by a Presidential threat of sudden decontrol. But 21 months have passed passed since the oil embargo that made clear the need for an effective conservation and development program. The aim now must be to enact the best compromise that can be achieved.

Mr. HEINZ. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Pennsylvania.

Mr. HEINZ. Mr. Chairman, I rise in support of House Resolution 605, a resolution disapproving the amendment to the Emergency Petroleum Allocation Act submitted to the House on July 16, 1975, by the Federal Energy Administration.

As a member of the Energy and Power Subcommittee I have been working to achieve congressional action on a responsible energy bill. Our committee began work on this problem in February of this year and the fruits of this effort, H.R. 7014, is scheduled to come to the floor of the House for further consideration later today. I regret that it has taken our committee the best part of 5 months to bring an energy bill to the floor, but such is the case and I nonetheless feel that the Congress should complete its action on H.R. 7014.

In this regard, the phaseout of old oil price ceilings, as proposed by the Federal Energy Administration on July

16, 1975, comes at an extremely inopportune time. That is to say, it intervenes while we are literally in the middle of considering the "energy bill," H.R. 7014. In fact, the pending business of the House, when we resume our consideration of H.R. 7014, will be my amendment, which is designed to place a price ceiling on oil prices, place a stringent windfall profits tax on oil producers, provide an appropriately strong incentive for the discovery and production of new oil resources and, most importantly, to protect consumers purchasing power by redistributing windfall profit tax revenues to middle- and low-income consumers. It is my strong feeling that the House should complete working its will on H.R. 7014 before the President or the Federal Energy Administration interposes such a decontrol amendment on the Congress.

I would be remiss in my remarks, Mr. Chairman, if I did not take this opportunity to recognize the considerable distance the administration has come in modifying its original energy proposals in the interest of shaping a responsible compromise that will meet the energy needs of the American people.

However, under the circumstances, I cannot support the FEA amendment of July 16, 1975, and will accordingly vote "yea" for House Resolution 605, the resolution disapproving the 30-month decontrol of old oil proposed by FEA.

Instead, I will continue to work for a responsible legislative solution to meeting the needs of our hard-pressed consumers and toward achieving the goal of energy independence.

Mr. BROWN of Ohio. Mr. Chairman, I yield such time as he may consume to the minority leader, the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Chairman, there are several things that I think Members agree on, no matter what side of the aisle they are on and no matter what their previous thoughts might be. I think one of those things is that we ought to be doing something, we ought to be moving, toward a positive solution of our energy problem. We cannot continue to do nothing, and I think that is what we are going to be doing today.

Unfortunately, I think the Members are probably going to vote down this proposal of the President. It will be another item in the negative record of this Congress.

As a matter of fact, the President has been trying to get the Congress to move ever since it convened. The people on my right have been saying, "Vote this down and give us time to do something constructive."

My query is, How much time do we need?

I remember December 1974 when an emergency energy bill was brought out of this very fine committee headed by my good friend, the gentleman from West Virginia (Mr. STAGGERS), and we strained mightily. I think that about on Christmas Eve we adjourned, having produced nothing, not even a mouse.

Since that time, and in this Congress, the President of the United States has sent a plan to the Congress and asked for the plan to be enacted. Nothing was.

In order to get some movement, he announced that he would put a $1 fee on imported crude oil—$1 a barrel. Still nothing happened, so he did put the tax on. When he was going to put the second dollar per barrel on, he was persuaded by Members of the House and Senate that if he only would forebear, there would be some movement. There was not any movement, so the President put the second dollar on. Then, in an attempt to get some sort of action, the President sent us a plan for decontrol of old oil.

It is no wonder that people call this Congress the "seat-belt Congress," because in order to get Congress to move, it has to have a belt in the seat every now and then. Unfortunately, that has not worked.

Therefore, Mr. Chairman, I just say to my good friends on the right that if we seem to be pressing them, it is because we are. It is very important to the economy of this country—not only today but for years to come—that we produce more oil domestically than we are now producing.

The production from the old oil fields is going down. Everybody agrees to that. How do we get it to come back up? Even more importantly, how do we get oil to be brought into production from new wells which will take the place of the old oil which is not being produced? We certainly do not do it by rolling back prices, and we certainly do not do it by clinging to a two-tier system of oil which is outmoded and which has already proven it will not do the job.

No. Instead of that, I think we need to give people the incentive to produce more old oil—both old and new oil. Again, however, the record of this Congress is completely negative. Instead of encouraging production we repealed the depletion allowance, which has had the effect of idling drilling rigs which would otherwise be put to work finding new oil.

This is a very dismal record, and I think we are going to add to this lack of luster today by voting down the President's reasonable plan for decontrol.

This plan calls for decontrol of old oil over a period of 30 months; that is 2½ years. It calls for a cap of $13.50, which is about what the world price is today, and which, incidentally, is a concession made by the administration because the administration had previously said that it was not in favor of the cap. This plan does contain a cap, but I think, even more importantly, this plan has to be reviewed every 30 days. We do not set the thing in concrete now.

Mr. Chairman, that is one reason I wonder why we are so worried about it.

What I would like to do, and I make this proposal very seriously—I know there are probably the votes in this House to disapprove the President's plan—but what I would like to do is this: I think the President should immediately, or at least as soon as possible, submit another plan. But I would hope that that plan would be submitted only after the majority and the minority and the President have gotten together on a plan that could be approved. I do not want him to send another one up here which will be brought up within 5 days for disapproval, because that just adds to the stalemate which we already have. There is no reason to do that.

The country does not deserve it. The country does not want it. What the country wants is some safeguard against our having either to keep importing more and more oil from the OPEC countries, or running out of oil. It is about that simple.

The choices we have are either to produce more domestically, to import more from the OPEC countries, or to ration. Those are really the three alternatives. Do not let anybody tell you there is a fourth, because there really is not. So what we are doing here today is just adding to the stalemate.

I sincerely hope we can get together after this is over, Mr. Chairman, some of us, and see if we cannot possibly work out some sort of a compromise plan so that we can all work together as Americans, as Members of this body, and try to do something about this situation.

Mr. MOFFETT. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I will yield to the gentleman from Connecticut if the gentleman has an answer to my question.

Mr. MOFFETT. Mr. Chairman, I certainly cannot speak for the distinguished chairman, the gentleman from West Virginia (Mr. STAGGERS) but I would simply ask the distinguished minority leader if that gentleman is aware that there has been a great deal of activity on this side to compromise with the President?

Mr. RHODES. Of course.

Mr. MOFFETT. And in fact, the provisions imposed in H.R. 7014 are in many ways a compromise. We are talking about a rollback now to $7.50 or $8.50 for higher priced oil as being unreasonable, but at the same time we are talking about the oil companies having plenty, having a reasonable return at $5.

Mr. RHODES. Mr. Chairman, the gentleman from Connecticut is now making a speech, and I did not yield to the gentleman for that purpose.

H.R. 7014 has nothing whatsoever to do with what is at hand before us today.

Mr. MOFFETT. But it does have to do with the gentleman's assertion about Congress not doing anything on energy.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the Chairman, the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I would like to say to the minority leader, the gentleman from Arizona (Mr. RHODES) and of course I thank the gentleman for yielding to me, that I would be willing to meet with the President or any of his advisers, and the minority, at any time, at any place, and we will be available. I am sure that if I ask any members of our committee that they will be glad to do so, because we have to work out something.

Mr. RHODES. Mr. Chairman, I want to assure the gentleman from West Virginia that I feel sure this can be done. I have known the gentleman from West Virginia for many years, and I respect the gentleman, and I am serious in hoping that we can do this.

But, in the event that this does not occur, then let me give the Members this little scenario; that if we keep growling at each other and August 31 comes around, then we will not have any control over oil at all, and very precipitously the price of oil will go up through the ceiling.

I think that is something that no Member of this Congress on either side, or any President, ought to allow to occur.

No one really knows what that will do to the economy, but it cannot be good.

At this moment we find ourselves about ready to bottom out as far as the recession is concerned, and about ready to get the country on the way back up again as far as he economy is concerned. We cannot afford to gamble with our economy by a sudden decontrol of old oil.

So, Mr. Chairman, I certainly hope that the Congress will attempt to reach a compromise.

Further, Mr. Chairman, I wish to thank the Members of this body for their attention. I assure them again that as a Member of the minority, that I stand ready to compromise with them, so as to make sure that we will be able to do the job that needs to be done to produce more domestic oil, to produce it at a reasonable price, and to provide the people of our country with the energy that is needed to keep this economy going.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut (Mr. MOFFETT).

Mr. MOFFETT. Mr. Chairman, the White House propaganda machine has been busy assuring the American people that the "price tag" for full decontrol—gradual or immediate—is only 7 cents per gallon of gasoline. This 7 cents per gallon at the pump theme, held over from a previous FEA evaluation of decontrol under totally different circumstances, is misleading for three reasons:

First, it intentionally understates even the increase in raw material costs for each gallon of petroleum product after decontrol;

Second, it intentionally takes no account of add-ons to price apart from raw material costs after decontrol; and

Third, it intentionally diverts public attention from the fact that decontrol will inflate not only gasoline but utility costs, food bills, and the price of every other consumer item.

One. Even on a crude oil/raw material basis, petroleum prices will rise by 9 cents per gallon, more than 20 percent above the White House estimate. Because of price controls on domestic crude oil, the average price of all crude oil—foreign and domestic—used by U.S. refiners is substantially below the OPEC—decontrolled—price level. FEA's latest Energy Review reported an average U.S. cost for March of $9.30 per barrel with an import cost of $13.17, a difference of almost $4 per barrel.

FEA's Energy Review also contained an extensive discussion of crude oil pricing which acknowledged that decontrolled domestic crude would rise to OPEC levels. The same discussion pointed out that FEA's March figures—the latest available—did not take into account the second dollar of the President's fee which would raise the import cost $1 to over $14 per barrel and have approximately a $0.60 impact on average U.S. costs which consist of 60 percent imported and decontrolled crude oil. Given these adjustments, the current difference between U.S. average cost and world costs is almost certainly in excess of $4 per barrel. Even if decontrolled domestic prices were held to $13.50 per barrel by the President's decontrol plan, the decontrolled average would be over $13.50 since substantial imports would continue. Thus, at an absolute minimum, decontrol would increase crude oil costs by over $3.50 per barrel over existing U.S. average levels.

Each barrel of crude oil contains 42 gallons which can be processed into approximately 40 gallons of product. Each $1 increase in crude oil costs add 2½ cents to the raw material cost of petroleum products. A $3.50 per barrel crude oil increase thus means almost a 9-cent-per-gallon increase in the raw material cost of each petroleum product.

These facts are no secret to FEA. FEA's 7-cent-per-gallon figure was actually computed in May before the second dollar of import fee was imposed. That figure is being played again now without any tie to reality.

Second. Inevitable increases in refiner margins will swell the gasoline increases to about 14 cents per gallon. Major refiners have continuously claimed that domestic price controls have made their refinery operations unprofitable and prevented them from passing on increased costs of refinery operations. They have estimated these increased nonproduct costs as about 15 percent of the total increase of raw material costs since May 1973. These nonproduct costs include fuel for refining operations and thus can be expected to rise proportionately with refinery costs.

Given decontrol, the total increase in raw material costs from May 1973 levels would be about 25 cents per gallon. An additional 15 percent would be 3.75 cents per gallon. Without controls this extra 3.75 cents would be passed on to consumers by refiners on top of the 9-cent-per-gallon increase in raw material costs. And decontrol would also permit a rise in service station margins to accommodate to lower volume at higher prices.

Taken together, the increase in refinery and service station margins would almost certainly result in doubling the White House 7-cent-per-gallon estimate. A cynical man might indeed think the White House had chosen 7 cents on the theory that the public always discounts Government claims by half.

The alleged gasoline increases would apply to all petroleum products, as well as coal, unregulated natural gas and all consumer products with an energy component. Perhaps the slickest understatement of all in the White House presentation is the exclusive focus on gasoline. Decontrol is not an excise tax. It will hit the prices of all petroleum products including home heating oil and residual fuel for electricity. And while 7 or even 14 cents may seem like a modest increase in the pump price of gasoline which is already boosted by Federal and State taxes, the same 7 or 14 cents is a whopping percentage increase in home heating oil, diesel fuel, jet fuel, and residual fuel.

In addition, increases in the cost of petroleum energy permit a windfall for coal and unregulated natural gas. And as total energy costs rise, industry must pass energy costs on to all consumers.

To put it bluntly, 7 cents on gasoline may play in Peoria but it is a magical mystery tour unrelated to the reality the White House is trying to foist upon the American public. The least the Government can do in an issue of this kind is to come clean with the people, rather than replaying irrelevant tunes as the time for constructive action goes by.

I urge adoption of this resolution, a feature to do nothing less than stave off the most destructive economic move by Government in recent memory.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. JONES).

Mr. JONES of Oklahoma. Mr. Chairman, I rise to oppose House Resolution 605.

Our time is just about up. We can sit around this Chamber, and speculate on this energy scenario or that one. We can wrap ourselves in the rhetoric of responsibility, while we abdicate all semblance of responsibility.

I believe the time has come for compromise, and compromise in a constructive, conscientious manner that will produce positive results.

The President and the Congress can spend the next 2 weeks deciding who will be blamed for an immediate decontrol of old oil prices on September 1. I do not consider that responsible or responsive government.

Our goal should be to fashion an approach that the President will accept, the Congress will accept, and most importantly, that the people of the United States will accept.

I do not favor everything in the President's decontrol plan. I would prefer a longer phaseout. I would prefer that the President spell out the details of the windfall profits tax, but then I believe Mr. Chairman, Mr. ULLMAN, can lead us to a proper resolution of that item.

I would prefer that the President immediately remove the $2 per barrel on imported oil. The House voted for removing this tariff in H.R. 6860.

But on the whole, this is a sound approach. It is certainly better than spinning our wheels, waiting for an act of God. God helps those who help themselves, and that is exactly what we must do here today by opposing the disapproval resolution.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California (Mr. MOSS).

Mr. MOSS. Mr. Chairman, I agree with the remarks that were just made in the well by the gentleman from Arizona, the distinguished minority leader, Mr. RHODES, that "if we keep growling at each other the way that we have that

that is not the way to do the job that we must do."

But I would just also suggest that to keep telling the Congress every time we move on a piece of energy legislation that it is going to be vetoed, that that is not the way to do it, either. I want to remind the Members of this Committee that it is probably composed of more new Members than any Congress in the last quarter of a century, and that it reflects losses on the other side, not on mine.

I recall the debate in December of 1973 and the continuing debate early in 1974 on the passage of what, in my judgment, was an excellent piece of energy legislation, which was vetoed by the President. The Congress came back and passed very promptly another piece of legislation which, in my judgment, was not as good for the people, for the economy of this Nation, as the legislation which was vetoed by the then President, Richard Nixon.

I assure the gentleman that that is the chronology. We did pass the bill, and it was vetoed.

We now have before us a bill on the floor of this House, H.R. 7014, that is a very important piece of legislation, and we should continue to do the job of writing that legislation. We ought to adopt the resolution here today so that we do not in effect delegate to the President the authority to write the legislation, because failure to adopt the disapproval resolution would be giving the President the role of the principal legislator in this Nation. I do not think that was the role envisioned by the framers of the Constitution, and certainly it does not comport at all with my responsibilities as a Member of Congress, as I understand them. We are to be legislators.

Let us now take a look at the wisdom of always following exactly what the President wants. Many of us here served with the President, and we served with him over extended periods of time. He served in this House for 25 years before assuming the duties of the Office of the Vice Presidency. Of those 25 years, 23 of them were in the minority, not the majority, and I have listened to him many times give sound advice to the people on his side of the aisle as to how they should cast their votes if they wanted to come back. And they did not take his advice and somehow in far greater numbers they succeeded in surviving.

So I would say to the President, "Sir, if you are to come back, perhaps you should listen a little more carefully to the views of those on this side of the aisle and less to some of the persons you have around you advising you on energy."

I think that the Administrator of FEA, Mr. Zarb, is a most pleasant individual, but I do not think his experience in the field of energy begins to match the years that I have worked on energy. And I do not think the experience of the Secretary of the Treasury begins to match mine. I do not find that I stand in any awe of Secretary Simon. And, strangely, I find I stand in no awe of the background or experience of Secretary Morton with whom I also served in this House. They are both competent men—of that I have no doubt—dedicated men, but in the instances of recommending to this House, I find that I am in vigorous disagreement with them, and I think that I am disagreeing because I am anxious that we not undertake the damaging blow to the economy of this Nation that would inevitably follow the approval of the President's plan.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROWN of Ohio. Mr. Chairman, it gives me great pleasure in a spirit of compromise, which I hope this House will come to, to yield 2 of our 3 minutes remaining to my Chairman, the gentleman from West Virginia (Mr. Staggers), so that he may yield time to the majority leader, the gentleman from Massachusetts (Mr. O'Neill).

Mr. STAGGERS. I thank the kind gentleman from Ohio.

Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts (Mr. O'Neill) the majority leader.

Mr. O'NEILL. Mr. Chairman, I have to agree with the minority leader that this is no time to be growling.

Actually, as I look at the history of energy in this Congress, if President Nixon had signed the bill in 1973 that he vetoed, we would not be in the problem we are in today.

But how much legislation have we passed and what have we done on energy? If we check the record we will find the 93d Congress passed 43 specific pieces of legislation concerning energy. Has the problem been solved? Of course the problem has not been solved.

But what does this piece of legislation do? The President is proposing to end price control on oil and let oil prices rise to $13.50 per barrel, four times the level for oil 2 years ago.

This legislation tells the American public that the Congress is opposed to such unwarranted high prices as these. We cannot stand an increase of this type. Price decontrol, which the President wishes to impose on the American consumer, would cost an estimate of $20 to $50 billion out of the consumers' pockets.

We passed a bill this year to give a $20 billion tax rebate to try to stimulate the economy. I hope the recession has bottomed out and that we can get down to the unemployment figure the Republicans think is a magic figure, of somewhere around 8 percent this year. Personally, I think it is a ghastly figure, but our tax program has played a part. The President's decontrol plan would scuttle the programs for economic stimulation that this Congress has passed. The price of gasoline, home heating fuel, electric bills, all would rise immediately. We know that. The ripple effect for the economy would make everything far more expensive, and believe me inflation would soar.

The President's program would make the oil companies richer than Croesus, yet the companies give no assurance that production will increase significantly—no assurance. As a matter of fact, if we increase the price to $13.50, 5 years from now, there would be 1 million gallons of gas a day extra, just about 2.5 percent of what we would be using at that time.

I do not understand why the President has acted in this fashion. As a matter of fact, he said to the leadership:

> This is not a Democratic problem. This is not a Republican problem. This is an American problem.

And I agree that it is an American problem.

I agree that it is a hard piece of legislation, that it is parochial, that everybody from every section of the country wants to protect the area from which he comes. It is hard to write a national bill, but basically we want to curb the recession, we want to stop the inflation, and this bill would make both run wild.

I think we will be doing the right thing here today. I support the resolution. This resolution only gives more time. We have to put aside party politics on this matter and we have got to sit down and compromise, but we are not going to sit down and compromise given the attitude some people have taken in this House. I think it comes mostly from the other side of the aisle, because they see it as a political issue. This is much bigger than a political issue. I think the right thing for this Congress today is to support this resolution.

I thank the gentleman from Ohio for yielding the 2 minutes to me.

Mr. BROWN of Ohio. Mr. Chairman, as I understand it the gentleman from Ohio has 1 minute remaining and he would like to reserve his time in view of the fact that he has yielded time to the other side. He would prefer that the chairman, the gentleman from West Virginia, take some time now.

Mr. STAGGERS. Mr. Chairman, I thank the gentleman from Ohio. The gentleman has been very generous and very kind.

I wish also to thank the minority leader, the gentleman from Arizona (Mr. Rhodes) for his comments. I am sure that I can reciprocate by saying that it is most commendable of the gentleman trying to do what is right.

Mr. Chairman, I just think that the time has come when we must act together as a group and not as politicians elected by one party or the other. I came to the Congress with the President of the United States 27 years ago. I know the President. I respect him. I have supported him when I thought he was right and especially on many of his foreign policy initiatives earlier this year.

I think that in this case our analysis shows that the President's proposal will add, as has been said, 800,000 unemployed people and of that, some 2,000 in each district.

The consumer price would go up an additional 2 percent.

The gross national product would go down $26 billion.

Housing starts would be off 15 percent.

Automobile sales would be down 1 million units, at 9.6 percent.

These are shocking figures. I say that the President has either been seriously misled by his advisers, or he has totally abandoned the citizens of this Nation, which I know he would not want to do.

So, Mr. Chairman, I put the blame on

those who have advised the President to send this up when we are trying to work out this very serious problem.

As was said, we have had one major energy bill that was vetoed by President Nixon. We have had one bill that has been vetoed by President Ford.

I would like to just say to the House that we are in a serious situation. I predict that within 2 years, if we do not have some protection for the American people, that we will either have nationalization of oil or we will have a revolution in America. I believe this is entirely possible. By traveling among my people, I know of no subject which has aroused the passions of the people of this country more than current energy prices. They do not believe the assertions that have been made in the news media that we have to raise these prices even to greater levels as we have been asked to do. When I go back to my home and they tell me that the retailers tell their people they have to stay open longer hours, that they are supposed to sell more gasoline, how can we tell them they may also raise prices?

So I just say it is a serious situation. I would urge every Member of this House, and this is beyond party, because all America is watching what we do today and it will be reflected in future actions; so I urge a vote for disapproval of the President's proposal.

Mr. BROWN of Ohio. Mr. Chairman, I yield the remainder of the time to the gentleman from Illinois, who I trust will not growl in the remaining time.

Mr. ANDERSON of Illinois. Mr. Chairman, as I promised in my statement on the rule, I rise to oppose the adoption of this resolution of disapproval with all of the force that I can muster.

I have been sitting in this chamber now for 2 days listening to what is becoming a totally irrational debate. While abhorring the high unemployment and economic downturn caused by the OPEC embargo, the Congress is giving every indication of passing an energy bill which will certainly create a self-imposed embargo much more serious and pervasive than anything the OPEC nations could dream up. We are planning to roll back prices of oil, remove incentives for producing oil and if H.R. 6860 makes it though the other body and conference, to impose tough import quotas. In its entirety, the congressional plan is suicidal. It provides absolute assurance that we will have a self-imposed energy shortage, loss of jobs, soaring energy prices and economic and social turmoil. In this short term, we continue driving our cars, heating our homes, running our air conditioners as though nothing is the matter. Business as usual. However, it is like eating candy bars—the hunger pangs go for a while but the hunger comes back. It seems as though the experiences of the last 2 years would keep us from giving any credence to such a disastrous policy. I would hope that we come to our senses quickly.

The plan we have before us now is a reasonable way to proceed, it seems to me. It would help to encourage the additional production that we desperately need. Its only deficiency seems to be that it comes from the other end of Pennsylvania. The question that we face here today is can we consider it on its merits or are we going to get so hung up on our own need to produce our own policy, which under the provisions of H.R. 7014, unless it can be amended, would be utterly disastrous.

Mr. Chairman, the major objection I have to the current direction this Congress is taking is the total lack of concern for maintaining domestic production incentives. Rolling back prices is certainly an attractive way to appeal to those who want to knock off the big oil companies and their supposedly exorbitant profits. I have no desire to fatten their purses either. But when they testify that the incentives are not there and domestic production will continue to decline unless pricing policies are changed, it is ridiculous for us to attempt to rollback prices when there is a far better way of dealing with the problem of oil company profits.

The President's program calls for a gradual decontrol of old oil with the excess profits produced by these decontrol efforts being taxed and rebated to the consumers. Further, the President has compromised with the Congress in recommending a ceiling of $13.50 for all domestic crude, excluding stripper well oil.

The program before us now will increase domestic production by about 1.4 million barrels per day in 1985, most of this increase coming in the years after 1980—it takes a long time to bring on new sources. But each million barrels of oil per day that we produce means job security for about 900,000 workers. Without that energy, they would lose their chance to work, as we learned in the OPEC embargo of a couple of years ago. Long-term stability instead of short-term convenience is what we are talking about here. I would hope that today we opt for the former. I urge adoption of the President's program.

Mr. STAGGERS. Mr. Chairman, I just would take the last minute to say that the vote is aye on disapproval of the President's proposal, so I urge every Member of this House to vote aye on the resolution.

I would say, as the gentleman from Illinois (Mr. ANDERSON) who has just appeared in the well has said, that this is a nonpartisan issue; it is one that affects all of this land, and I hope every Member will seriously consider that fact when he votes and vote aye on the resolution.

Mr. ASHBROOK. Mr. Chairman, it will soon be 2 years since the beginning of the Arab oil embargo. The embargo, followed by the huge price increases by the oil producing nations, demonstrated that our Nation must achieve energy independence.

Despite the passage of almost 2 years, the Democratic-dominated Congress has failed to come up with any real answers to our energy problem. It has talked, delayed, and procrastinated month after month, avoiding the hard decisions that must be made.

Unable to devise a solution of its own, the Congress instead has spent valuable time blocking the administration's energy program. The bill before us today—House Resolution 605—is another example of the same congressional inaction and obstructionism.

Those who are looking for positive solutions to the energy problem will find nothing worthwhile in House Resolution 605. It will not develop any new energy resources or help provide any more power. Instead, it will stop the President from taking an important step toward energy independence by preventing him from implementing his plan to deregulate domestic crude oil prices.

Decontrol is desperately needed. By mandating unrealistic price ceilings on domestic crude oil we are locking ourselves into permanent energy shortages. We must not allow this to happen.

Decontrol would help provide the incentives that are needed to increase domestic oil production and achieve energy independence. It would stimulate the production of domestic oil and thereby lessen our dependence on foreign oil.

Without decontrol our domestic crude oil production will continue to decline. With decontrol, production will rise sharply. Under the administration's gradual decontrol program it is estimated that domestic production would increase by 200,000 barrels per day by 1977. By 1985, estimated production would be 5 million barrels per day higher than the amount if the present controls are continued.

It is time to end the liberal rhetoric. The American people need more oil and gas, not more talk and obstructionism. House Resolution 605 should be defeated.

Mr. DOMINICK V. DANIELS. Mr. Chairman, I rise in strong support of House Resolution 605, a resolution disapproving the President's oil price decontrol plan.

I commend my distinguished colleague, Mr. DINGELL, and the members of the Interstate and Foreign Commerce Committee for their excellent analysis of the President's decontrol plan—an analysis that had to be prepared in a very short length of time.

One of the most important findings of the staff of the Subcommittee on Energy and Power was that the FEA analysis which accompanied the President's plan contained "serious conceptual and technical errors." An accurate analysis of the administration plan would have included a "base case" of continued current oil price controls throughout the period of comparison. However, the baseline data developed by FEA allows a 60-month decontrol program as the background for comparing the President's 30-month phaseout plan. The choice of a base case including gradually rising energy prices obviously minimizes the unfavorable economic impact of the President's plan.

Mr. Chairman, it has often been said that statistics can be developed to support almost any hypothesis.

However, when the statistics have a bearing on a decision affecting the Nation's economy and the lives of every man, woman, and child in the country, Congress has an absolute right—and indeed a responsibility—to demand accuracy and objectivity. What we have received, instead, is a statistically engineered attempt to pull the wool over the eyes of the Congress and the American people about the real effects of the President's oil decontrol plan.

While the FEA has described the effects of the President's program as "negligible," the real effects will be calamitous.

Mr. Chairman, let me provide a few examples of how the FEA analysis undershoots the mark.

First, in the vital area of unemployment—which has been a subject to which we have all devoted considerable attention in recent months—the FEA projection envisions a gain of 200,000 additional unemployed workers. The Subcommittee on Energy and Power, however, has derived a figure of 800,000 additional unemployed by the fourth quarter of 1977, resulting from the President's decontrol program. In my view, the difference of 600,000 workers is a significant disparity that should raise serious questions in the minds of my colleagues about the validity of the rest of the FEA analysis.

Second, the FEA has seriously underestimated the loss of real gross national product. The subcommittee estimates a $26 billion loss, representing a 2.86-percent decrease in real GNP. The subcommittee also projects a 2-percent growth in consumer prices from the administration's plan, as well as a 15.9-percent decrease in housing starts and a 9.6-percent decrease in auto sales.

Mr. Chairman, the charade disguised as an economic analysis and presented to this Congress for consideration by the Federal Energy Administration also underestimates the increased costs per household by a factor of two—$114 per household as opposed to the subcommittee's estimate of $230, which itself does not include the possible induced price rise of other energy resources. FEA has also failed to take into account the fact that rising oil prices will almost certainly cause an increase in the price of natural gas and coal. In the case of natural gas, it has historically risen .65 percent for every 1-percent increase in the price of oil. Coal has historically risen 1.2 percent in price for every 1-percent increase in the price of oil.

There is no arguing with the reality that oil is the price leader on the U.S. energy scene. The price tie-in between various energy resources is based upon a factor called Btu equivalency. The price of a Btu contained in a barrel of oil sets the price of a Btu of coal energy and energy from natural gas, although the latter increases to a lesser extent because of long-term contracts and regulation of interstate sales. However, it would be a serious error to assume that coal and gas prices will not rise as a result of the President's decontrol program. In my view, not including data on this assumption leaves the FEA open to a charge of misrepresentation in its statistics—a misrepresentation that is compounded by the technical errors I have cited earlier, and which misleads the Congress and dupes the American people.

Mr. Chairman, the administration is using a forceful approach in trying to force Congress to adopt a 30-month oil price control phaseout. We have been offered the "choice," between the President's program and an immediate decontrol of all oil prices on September 1—a decontrol that will come about because the President vetoed the extension of the Petroleum Allocation Act passed by the Congress. This is "power politics" of the worst sort because it tests the muscle of the administration at the expense of American consumers.

Mr. Chairman, Congress must face up to the administration on this issue. Why should we be railroaded into accepting a plan that will put the economy into a tailspin and benefit only the oil companies? We have before us legislation that will provide for a gradual increase in "old" oil prices from $5.25 to $7.50 per barrel, and a rollback of "new," "stripper," and "released" oil from its exorbitant level of $12 plus per barrel down to $7.50. Production from high-cost wells will be priced at $8.50 per barrel. This legislation, H.R. 7014, deserves our support—especially in light of the administration's attempt to ram its own decontrol plan down the throats of the Congress and the American people.

Mr. Chairman, earlier this year, the President pledged his cooperation with the Congress to develop a rational and fair national energy policy. I hope the President will remember that pledge and allow this House time to complete its action on its own energy legislation before oil price controls expire. National energy policy cannot be an either/or situation. It is an issue of such magnitude and importance that it demands nothing less than our very best mutual efforts. The public will not be served if the development of energy policies disintegrates into a petulant standoff between the Congress and the administration. We must work together to resolve this problem. I hope that the President will remember his own statement about the value of cooperation and the senselessness of confrontation. Now is the right time for the administration to put this philosophy to work for the benefit of American consumers, for the stability of our economy, and for the compelling national interest.

Mr. Chairman, I urge my colleagues to join with me in supporting House Resolution 605, and I hope that they will also join me in supporting the legislation on which we are currently working to set a rational pricing policy for American energy consumers and producers.

Mr. CLEVELAND. Mr. Chairman, I oppose House Resolution 605 which would disapprove the President's plan to decontrol oil prices gradually over a 30-month period subject to a $13.50 cap and a windfall profits tax with plowback provisions and tax rebates for low-income energy users.

I do so not only out of a growing sense of frustration over the inability of the Democratic leadership in Congress to enact a comprehensive and effective national energy policy but also because I believe the President's latest attempt to compromise with the Congress in solving our energy problems represents a far better solution than the mishmash of ineffective proposals which have been offered to counter it.

Almost 2 years have passed since the Arab oil embargo forced us to face up to the reality of our dependence upon foreign sources for as vital a resource as petroleum. Yet, in this time period the Congress has done little except to pass legislation which helped us to live with the problem rather than attempt to resolve it.

We are now faced with the August 31 expiration date of the Emergency Petroleum Allocation Act of 1973 under which domestic "old" oil which constitutes about two-thirds of our domestic production is subject to a price ceiling of $5.25 per barrel.

Obviously, the effects of immediate decontrol of oil prices would be severely disruptive on our already seriously troubled economy. For this reason, I challenge my colleagues on the other side of the aisle to put an end to partisan disputes and compromise with the administration in working out the details of an effective energy program which will lead to our eventual self-sufficiency. Defeat of this bill today would represent a positive attempt to do so rather than continuing the present pattern of mere negative reaction to the President's proposals.

Mr. MACDONALD of Massachusetts. Mr. Chairman, as a cosponsor of House Resolution 605, it is my hope that the House will pass the disapproving resolution for the President's plan to decontrol domestic old oil prices over a period of 30 months. There has been a great deal of information submitted on this subject by my colleagues, and there is perhaps little factual data I can add; however, I would like to mention three areas which are of particular concern to me in the President's decontrol plan.

First, President Ford has stated that the effect of his plan on the American economy will be minimal. As my colleagues on the Commerce Committee have stated, the facts and figures on which he bases this estimation are at best misleading and at worst plain mistruths. The truth is that the President's decontrol plan will have a very significant adverse impact on the American economy. In fact, any decontrol plan will have an effect on the economy, but the particular error in the President's plan is that it attempts to decontrol over a 30-month period. I feel strongly that this period is not long enough to allow the American economy to adjust to the sudden price increases. Other Members of Congress have proposed 5-year decontrol plans, and while I do not agree with this policy, these plans at least allow for gradual price increases over an extended period of time. A 30-month decontrol plan would have a disasterous effect on all businesses directly dependent on oil and would have a significant rippling effect on all other industries in the Nation. The Commerce Committee analysis, which I might add was expertly done in such a short period of time, indicates that the President's plan would increase unemployment by 800,000, increase consumer prices by 2 percent, and decrease housing starts by 268,000 units. This impact on the economy is not what I term as minimal.

Additionally I would like to add that although the Members of this body may be tired of hearing about the problems of New England, the President's decontrol plan would affect the New England economy much more severely than it would the American economy as a whole. As most Members know, New England is dependent on oil for the vast majority of its energy needs; and thus a plan to decontrol—especially in such a short period of time—will have a crippling effect on an economy that is already laboring under a 12-percent unemployment rate.

Second, President Ford has urged the adoption of his plan because it is a necessary step to assure energy independence for this Nation. This is a half truth at best, and I hope my colleagues will not be deceived into believing this. There is no reason to believe in the FEA figures that a 30-month decontrol plan will increase oil production in the short run. I do not doubt that his plan will increase production to some extent in the long run, but there is no need to do so in such a short period of time and further weaken a struggling economy.

I personally feel that a decontrol plan is not needed to provide a sufficient incentive for increased oil production. And while this is not the issue of debate here, the point to be remembered is that perhaps decontrol would increase production in the long run but certainly not in the short run. Thus in this regard a 30-month plan is not going to be any better than a 5-year decontrol plan.

Another point that I would like to bring out deals directly with the plan to decontrol over any period of time. If domestic oil prices are decontrolled they would obviously rise to the market price, in other words the price imposed by the OPEC nations. This fact is alarming in itself because there is certainly nothing in the OPEC pricing scheme that resembles a market as we understand that word. But this matter would be further aggravated by the misplaced incentives of the American oil companies in any decontrol plan. With decontrol, it would no longer be in the interest of the American oil companies to gain a low price for oil produced by OPEC nations. In fact, the higher the price for OPEC oil, the higher the price the oil companies would be able to charge for domestic oil. Thus, it will be in the best interest of the oil companies to join with the OPEC nations in increasing oil prices. This is a dangerous coalition to create. Even with a windfall profits tax provision, Congress will be hard pressed to effectively correct this situation.

One last point is the strategy that President Ford is developing on the oil pricing situation. As my colleagues fully realize, the Mandatory Allocation Act which I authored in the 93d Congress is due to expire on August 31. I do not need to tell anyone here what that will mean for the American economy. Even President Ford recognizes the catastrophic consequences of this action; and yet, the President continues to play politics as we move closer to the August 31 deadline. President Ford has submitted his 30-month decontrol plan, in what he terms a compromise measure. This compromise is rhetoric at best and I feel it is in direct opposition to the beliefs and needs of the American people.

In the last 2 weeks Congress will have submitted a number of bills which I consider are viable and comprehensive solutions to this Nation's energy problems. President Ford has indicated that he will veto them all. We recently witnessed the veto of H.R. 4035, which extended the Mandatory Allocation Act to December 31 and also rolled back the price of new oil. President Ford has indicated that he will also veto a simple mandatory allocation extension. It also appears obvious that President Ford would veto the Commerce energy bill, H.R. 7014, with any oil rollback price provision. This is certainly not a spirit of compromise—the truth is that he has not and will not compromise at all.

It remains to be seen what ploys President Ford will be using in the next few weeks but the fact is that despite all the rhetoric, President Ford's 30-month decontrol bill is not an equitable solution to the oil price situation. The bill will create serious dislocations in our economy at a time when we can least afford it.

Mr. STOKES. Mr. Chairman, I rise in support of House Resolution 605 and at the same time want to urge my colleagues to override President Ford's veto of the related Petroleum Price Review Act. This veto is yet another example of this administration's insensitive and disastrous economic policies.

The vetoed bill would have extended the Petroleum Allocation Act of 1973 for another 4 months so that the price of old domestic oil—from wells in existence in 1972—would remain controlled at $5.25 a barrel. At a time when economic indicators suggest that we are slowly but finally beginning to reverse the financial slide of the past few years, the last thing the President of the United States should be doing is taking negative actions that raise prices and increase unemployment—and we should not let him.

Numerous private groups and organizations, congressional committees, and executive offices have all warned that the decontrol of domestic oil would have a highly destructive effect on our economy. While estimates vary somewhat on how devastating that effect would be, the immediate result would be that controlled oil would skyrocket to the levels of new and imported oil, now in excess of $13 a barrel. The recent astronomical rise in the price of imported oil by the OPEC countries has demonstrated all too clearly the disastrous "ripple" effect of such increases. Can we tolerate a 140-percent rise in the price of domestic oil which could very well result in an additional 800,000 unemployed, 100,000 fewer housing starts, and a drop of about $20 billion in our gross national product?

It is my urgent hope that my congressional colleagues will recognize the seriousness of decontrolling oil. I hope the magnitude of this matter will be carefully weighed by each Member when we are asked to override this veto on Thursday. Energy legislation must not be enacted at the expense of our fragile economy. On the contrary, since our depressed economic situation exists to a great extent because of the energy crisis, both these problems must be solved jointly. Congress is presently very close to passing comprehensive legislation that would combat many of our energy-related problems.

Let us carefully and properly exercise the responsibility we have, as representatives of the people, by enacting energy legislation that would reduce our consumption and at the same time boost the economic health of our country. Let us call upon the President to recognize that as an unelected head of the executive he has an especially acute responsibility to be responsive to all Americans. Let us call upon him to reject the indiscriminate raising of the price of gasoline and oil. Let us remind him that such actions only increase the personal hardship caused by our already high unemployment and recessionary rates. And, finally, let us call upon the American people to voice their opposition to Presidential vetoes that increase unemployment, raise prices, and worsen the already heavy burden that has been placed upon all Americans, and especially upon those who can afford it least.

Mr. Chairman, I urge passage of House Resolution 605.

Mr. BAUMAN. Mr. Chairman, like others among us, I have been sitting here and listening while various of my colleagues address themselves to the matter of House Resolution 604. What disturbs me is a failure on the part of some of us to recognize and be serious about solving the central problem we face. That problem is the decline in domestic oil production. In fact, it appears from the debate that the majority party would rather produce a political issue than a solution to the problem.

I am sure no one among us desires a future characterized by powerless cars and unheated homes. Yet this is a mild form of the impending disaster we can look forward to unless action is taken to remove price controls of domestic crude oil.

I have heard fine words, bravely spoken against our Nation's increasing dependence on foreign oil. Yet these same defenders of our national sovereignty cannot find it in themselves to support a practical solution to these problems. That solution has been proposed by the President. It is a solution which allows for the fact that oil under our American soil is being left there because Government controls have made it unprofitable for companies to pump it up.

In my district in Maryland, alone, there is hardly a single profession which is not dependent on an available and ready fuel supply, nor is there one which will not soon be jeopardized unless that supply is increased. The problem is not merely an academic one for them. We are not only talking about long lines at gas stations and slightly higher gas bills. We are talking about truckers whose vehicles will not run, watermen whose boats will not move, and farmers and businessmen whose livelihoods have been placed on death row. They and their workers will be the first victims of the energyless country we will live in should we fail to sustain a program of stimulating production and energy conservation by gradually decontrolling gas and oil. I have no grief for the oil companies, but I do indeed have a great deal of concern that the people I represent have adequate energy supplies.

It is a myth to hold, as the supporters of House Resolution 604 appear to do, that any national economy this side of reality can prosper and at the same time place limits on production. If controls have taught us anything, it is that Congress cannot repeal the economic law of supply and demand. Controls have proven to be a joke—a cruel joke. Those of my colleagues who originally supported those controls are now presented with an opportunity to make amends by voting against House Resolution 604. I would urge them to do so.

Mr. ROYBAL. Mr. Chairman, I rise in support of House Resolution 605, which would disapprove the President's proposal to decontrol oil prices over a 30-month period.

The action we take here today will profoundly affect the economic well-being of our country for years to come. The President proposes to allow the price of old oil now priced at $5.25 per barrel to rise over a 30-month period to $13.50. The effect of the President's proposal on our country's economy would be devastating.

The administration contends that the effects of the 30-month decontrol would be minimal. But a congressional study shows that by the fourth quarter of 1977, the President's proposal will cause 800,000 more people to be unemployed, increase consumer prices by 2 percent, decrease housing starts by more than a quarter million, and decrease automobile sales by 1 million units. I find it difficult to believe that the Congress could vote to inflict such a program on a Nation that already suffers from unemployment in excess of 9 percent and inflation that has played havoc with the consumer's real disposable income.

The administration would have us believe that we need higher oil prices to spur a conservation program. But the truth belies the administration's rhetoric. Gasoline usage is relatively inelastic. Prices have already risen 70 percent over their 1973 levels, and yet FEA reports that gasoline consumption is still rising. The vast majority of Americans are telling us that they will continue to buy gasoline at any price and cut their expenditures elsewhere.

The effect of this decision will be a reduction of the amount spent on consumer goods, and an increase in the profits of the oil companies. The only people who may cut their consumption are the poor. I feel a policy which places the burden of energy crisis on one segment of our society to be reprehensible.

Finally, the administration would have us believe that the American consumer should pay $13.50 per barrel for old oil so that the oil companies will have enough capital to explore for new sources of energy. The oil which is the subject of this resolution was easily found and inexpensively recovered. A few years ago, it was profitably sold at prices averaging $3 per barrel. At its present price of $5.25 per barrel, it already produces a windfall return. At $13.50 per barrel, the profit would be ludicrously unconscionable.

Even the oil companies never expected such an astronomical return on their investment. A few years ago, they testified before the Interstate Commerce Committee to the effect that a price of $4.50 per barrel would be sufficient for them to meet their capital needs. Just last year they indicated that they needed $7.50 per barrel. The administration's pricing policy would legislate profit margins we now associate with robber barons and foreign cartels.

Mr. Chairman, we need to view our old oil as a national resource which is allowing the consumer to enjoy lower prices while we search for other energy alternatives. We know that the price of energy will rise in the future. We know that we must set to work to develop acceptable energy alternatives. But there is no reason to inflict any additional price increase on a citizenry that is already suffering from recession and unemployment.

The CHAIRMAN. All time for general debate on the resolution having expired, under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. McKAY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the resolution (H. Res. 605) disapproving the proposed amendment by the President to remove existing price controls relating to crude oil, pursuant to House Resolution 613, he reported the resolution back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BROWN of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 262, nays 167, not voting 5, as follows:

[Roll No. 417]

YEAS—262

Abdnor
Abzug
Adams
Addabbo
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
AuCoin
Badillo
Bafalis
Baldus
Barrett
Baucus
Beard, R.I.
Bedell
Bennett
Bergland
Biaggi
Biester
Bingham
Blanchard
Blouin
Boland
Bolling
Bonker
Bowen
Brademas
Breckinridge
Brodhead
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Byron
Carney
Carr
Carter
Chisholm
Clay
Cohen
Collins, Ill.
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniels, N.J.
Danielson
Delaney
Dellums
Diggs
Dingell
Dodd
Downey, N.Y.
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Emery
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fary
Fascell
Fisher
Fithian
Flood
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fraser
Fulton
Fuqua
Gaydos
Giaimo
Gilman
Ginn
Gonzalez
Green
Gude
Haley
Hall
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Harsha
Hawkins
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Hefner
Heinz
Helstoski
Henderson
Hicks
Holland
Holtzman
Howard
Howe
Hubbard
Hughes
Hungate
Jacobs
Jeffords
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Keys
Koch
Krebs
Krueger
LaFalce
Leggett
Lehman
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
McCormack
McDade
McFall
McHugh
McKay
Macdonald
Madden
Maguire
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mineta
Minish
Mink
Mitchell, Md.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Morgan
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Hara
O'Neill
Ottinger
Patman, Tex.
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Peyser
Pickle
Pike
Pressler
Preyer
Price
Randall
Rangel
Regula
Reuss
Richmond
Riegle
Rinaldo
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Roybal
Russo
Ryan
St Germain
Santini
Sarbanes
Scheuer
Schroeder
Seiberling
Sharp
Simon
Sisk
Slack
Smith, Iowa
Snyder
Solarz
Spellman
Staggers
Stanton, James V.
Stark
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Taylor, Mo.
Taylor, N.C.
Thompson
Traxler
Tsongas
Udall
Ullman
Van Deerlin
Vander Veen
Vanik
Vigorito
Walsh
Waxman
Weaver
Whalen
Whitten
Wilson, C. H.
Wirth
Wolff
Wright
Yates
Yatron
Young, Ga.
Zablocki
Zeferetti

NAYS—167

Anderson, Ill.
Archer
Armstrong
Ashbrook
Bauman
Beard, Tenn.
Bell
Bevill
Boggs
Breaux
Brinkley
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burleson, Tex.
Butler
Casey
Cederberg
Chappell
Clancy
Clawson, Del
Cleveland
Cochran
Collins, Tex.
Conable
Conlan
Crane
Daniel, Dan
Daniel, R. W.
Davis
de la Garza
Dent
Derrick
Derwinski
Devine
Dickinson
Downing, Va.
Duncan, Tenn.
du Pont
Edwards, Ala.
English
Erlenborn
Esch
Fenwick
Findley
Fish
Flowers
Flynt
Forsythe
Frenzel
Frey
Gibbons
Goldwater
Goodling
Gradison
Grassley
Guyer
Hagedorn
Hammerschmidt
Hansen
Hastings
Hébert
Hightower
Hillis
Holt
Horton
Hutchinson
Hyde
Ichord
Jarman
Jenrette
Johnson, Colo.
Johnson, Pa.
Jones, Okla.
Kasten
Kazen
Kelly
Kemp
Ketchum
Kindness
Lagomarsino
Landrum
Latta
Lent
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McDonald
McEwen
McKinney
Madigan
Mahon
Mann
Martin
Mathis
Michel
Milford
Miller, Ohio
Mills
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Mosher
Myers, Pa.
Nichols
O'Brien
Passman
Pettis
Poage
Pritchard
Quie
Quillen
Railsback
Rees
Rhodes
Risenhoover
Roberts
Robinson
Rousselot
Runnels
Ruppe
Sarasin
Satterfield
Schneebeli
Schulze
Sebelius
Shipley
Shriver
Shuster
Sikes
Skubitz
Smith, Nebr.
Spence
Stanton, J. William
Steed
Steelman
Steiger, Ariz.
Stephens
Symms
Talcott
Teague

Thone
Thornton
Treen
Vander Jagt
Waggonner
Wampler
White
Whitehurst
Wiggins
Wilson, Bob
Wilson, Tex.
Winn
Wydler
Wylie
Young, Alaska
Young, Fla.
Young, Tex.

NOT VOTING—5

Burgener
Clausen, Don H.
Hinshaw
Matsunaga
Steiger, Wis.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HEARING OF SUBCOMMITTEE ON MONOPOLIES AND COMMERCIAL LAW OF COMMITTEE ON JUDICIARY ON JULY 31, 1975

(Mr. HUNGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNGATE. Mr. Speaker, the gentleman from New Jersey (Mr. Rodino), chairman of the Committee on the Judiciary, has asked me to announce that the Subcommittee on Monopolies and Commercial Law of the Committee on the Judiciary will hold a hearing on the present structure and problems of retail gasoline marketing and pricing on Thursday, July 31, 1975, at 9 a.m. in committee room 2141 of the Rayburn Building.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

EMERGENCY LOAN PROGRAM

Mr. BERGLAND filed the following conference report and statement on the Senate bill (S. 555) to amend the Consolidated Farm and Rural Development Act:

Conference Report (H. Rept. No. 378)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 555) to amend the Consolidated Farm and Rural Development Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

Sec. 2. Subsection (a) of section 321 of the Act is amended to read: "The Secretary shall designate any area in the United States, Puerto Rico, and the Virgin Islands as an emergency area if he finds that a natural disaster has occurred in said area which substantially affected farming, ranching, or aquaculture operations. For purposes of this subtitle 'aquaculture' means husbandry of aquatic organisms under a controlled or selected environment.".

Sec. 3. Subsection (b) of section 321 of the Act is amended as follows:

(a) in the first sentence after the words "major disaster" insert "or emergency", strike the words "oyster planters" and "oyster planting" and insert in lieu thereof the words "persons engaged in aquaculture" and "aquaculture", respectively; and

(b) delete everything after the first sentence, strike the period, and insert: "and are unable to obtain sufficient credit elsewhere to finance their actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time. The provisions of this subsection shall not be applicable to loan applications filed prior to July 9, 1975.".

Sec. 4. Section 322 of the Act is amended to read: "Loans may be made under this subtitle for any of the purposes authorized for loans under subtitle A or B of this title as well as for crop or livestock changes deemed desirable by the applicant: *Provided*, That such loans may include, but are not limited to, the amount of the actual loss sustained as a result of the disaster.".

Sec. 5. Section 324 of the Act is amended to read: "Loans made or insured under this Act shall be (1) at a rate of interest not in excess of 5 per centum per annum on loans up to the amount of the actual loss caused by the disaster, and (2) for any loans or portions of loans in excess of that amount, the interest rate will be that prevailing in the private market for similar loans, as determined by the Secretary. All such loans shall be repayable at such times as the Secretary may determine, taking into account the purposes of the loan and the nature and effect of the disaster, but not later than provided for loans for similar purposes under subtitles A and B of this title, and upon the full personal liability of the borrower and upon the best security available, as the Secretary may prescribe: *Provided*, That the security is adequate to assure repayment of the loans; except that if such security is not available because of the disaster, the Secretary shall (i) accept as security such collateral as is available, a portion or all of which may have depreciated in value due to the disaster and which in the opinion of the Secretary, together with his confidence in the repayment ability of the applicant, is adequate security for the loan, and (ii) make such loan repayable at such times as he may determine, not later than that provided under subtitles A and B of this title, as justified by the needs of the applicant: *Provided further*, That for any disaster occurring after January 1, 1975, the Secretary, if the loan is for a purpose described in subtitle B of this title, may make the loan repayable at the end of a period of more than seven years, but not more than twenty years, if the Secretary determines that the need of the loan applicant justifies such a longer repayment period: *Provided further*, That notwithstanding the provisions of any other law, any loan made by the Small Business Administration in connection with a disaster occurring on or after the date of enactment of this amendment under section 7(b) (1), (2), or (4) of the Small Business Act shall bear interest at the rate determined in the first paragraph following section 7(b) (8) of such Act for loans under paragraphs (3), (5), (6), (7), or (8) of section 7(b).".

Sec. 6. Section 325 of the Act is amended to read as follows: "The Secretary may delegate authority to any State director of the Farmers Home Administration to make emergency loans in any area within a State of the United States, Puerto Rico, or the Virgin Islands on the same terms and conditions set out in section 321(a) without any formal area designation being made: *Provided*, That the State director finds that a natural disaster has substantially affected twenty-five or less farming, ranching, or agriculture operations in the area.".

Sec. 7. At the end of subtitle C of the Act, add a new section 329 stating: "An applicant seeking financial assistance based on production losses must show that a single enterprise which constitutes a basic part of his farming, ranching, or aquaculture operation has sustained at least a 20 per centum loss of normal per acre or per animal production as a result of the disaster.".

Sec. 8. At the end of subtitle C of the Act, add a new section 330 stating: "Subsequent loans, to continue the farming, ranching, or aquaculture operation may be made under this subtitle on an annual basis, for not to exceed five additional years, to eligible borrowers, at the prevailing rate of interest in the private market for similar loans as determined by the Secretary, when the financial situation of the farming, ranching, or aquaculture operation has not improved sufficiently to permit the borrower to obtain such financing from other sources.".

Sec. 9. At the end of subtitle D of the Act, add a new section 345 to read as follows:

"Sec. 345. On or before February 15 of each calendar year beginning with calendar year 1976, or such other date as may be specified by the appropriate Committee, the Secretary of Agriculture shall testify before the Senate Committee on Agriculture and Forestry and the House Committee on Agriculture and provide justification in detail of the amount requested in the budget to be appropriated for the next fiscal year for the purposes authorized in the Consolidated Farm and Rural Development Act, as amended, and of the amounts estimated to be utilized during such fiscal year from the Agricultural Credit Insurance Fund and the Rural Development Insurance Fund.".

And the House agree to the same.

Bob Bergland,
E. de la Garza,
Alvin Baldus,
Glenn English,
Jack Hightower,
Berkley Bedell,
Richard Nolan,
William C. Wampler,
Edward R. Madigan,
Richard Kelly,
Managers on the Part of the House.

Herman E. Talmadge,
James O. Eastland,
George McGovern,
James B. Allen,
Hubert H. Humphrey,
Robert Dole,
Carl T. Curtis,
Henry Bellmon,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 555) to amend the Consolidated Farm and Rural Development Act submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report. The differences between the Senate bill and the House amendment and the substitute agreed to in conference are noted in the following outline, except for conforming, clarifying, and technical changes:

(1) Designation of emergency areas.

The *Senate* bill "authorizes" the Secretary to designate any area as an emergency area for purposes of the emergency loan program if he finds that a natural disaster has occurred in the area which substantially affected farming, ranching, or "oyster-producing" operations.

The *House* amendment "requires" the Secretary to make loans in such situations; and strikes "oyster-producing" each place it appears in the *Senate* bill and inserts in lieu thereof "aquaculture". The *House* amendment defines "aquaculture" as meaning "husbandry of aquatic organisms under a controlled or selected environment". The *House* amendment also includes under the definition of "natural disaster" the natural occurrence of certain biological organisms, including organisms known as "the Red Tide".

The *Conference* substitute adopts the *House* amendment with an amendment deleting the sentence which provides that "natural disaster" shall include the natural occurrence of certain biological organisms, including the Red Tide.

The *Conferees* intend, however, that the Secretary of Agriculture coordinate his activities with those of the Secretary of Commerce and the Administrator, Small Business Administration, so as to insure that all possible assistance will be made available to those engaged in aquaculture who are victims of natural occurrences such as the Red Tide. It is of particular concern to the *Conferees* that those engaged in aquaculture, as defined in section 2 of this bill, not find themselves in a "no man's land" of disaster assistance where, through technical interpretations of the law, they are unable to obtain disaster loan assistance from either the Farmers Home Administration or the Small Business Administration.

Therefore, the Secretary of Agriculture, working in conjunction with the Secretary of Commerce, and the Administrator, Small Business Administration, is directed to conduct a study and make a report to the Congress on or before January 1, 1976, concerning the extent of economic injury incurred by those involved in aquaculture, as defined in this bill, who are unable to produce and market a product for human consumption because of disease or toxicity in such product caused by the natural occurrence of certain biological organisms such as, but not limited to, the Red Tide. The report shall include: (1) descriptions of programs under which loan assistance is made available to such disaster victims; (2) statistics setting forth the amount of loan assistance provided; (3) geographical areas, or boundaries, within which such assistance has been provided; and (4) types of natural occurrences of certain biological organisms which have been covered by loan assistance.

The Secretary is further directed to include in his report action which has been, or is being, undertaken by the Executive Branch to resolve any problems which may involve disaster victims engaged in aquaculture who apply for disaster loan assistance and to submit legislative recommendations where existing legal authority is unclear or in need of amendment.

(2) "Credit elsewhere" requirement.

Both the *Senate* bill and the *House* amendment provide that loans would be made only to victims of a disaster who are unable to obtain sufficient credit elsewhere at reasonable rates and terms.

The *House* amendment provides that this "credit elsewhere" requirement shall not apply to loan applications filed prior to July 9, 1975.

The *Conference* substitute adopts the *House* amendment. It is, however, the intent of the *Conferees* that the "credit elsewhere" requirement be implemented by the Farmers Home Administration in such a manner as not to delay affording needed assistance to victims of disasters.

(3) Emergency loans for crop or livestock changes.

The *Senate* bill authorizes loans for crop or livestock changes deemed desirable "as a result of changes in market demand since the occurrence of the disaster".

The *House* amendment authorizes loans for crop or livestock changes deemed desirable "by the applicant".

The *Conference* substitute adopts the *House* amendment.

(4) Interest rate on loans in excess of $100,000.

The *Senate* bill provides (as under existing law) that the maximum rate of interest for emergency loans made for actual losses would be 5 percent per year.

The *House* amendment retains the *Senate* provision but revises it to provide that the amount eligible for the 5 percent rate of interest could not "exceed $100,000 per loan". The balance would be at the interest rate prevailing in the private market for similar loans.

The *Conference* substitute deletes the limitation contained in the *House* amendment. In taking this action, the *Conferees* note that there is no such limitation in the Small Business Act under which the Small Business Administration makes disaster loans.

(5) Security and collateral for emergency loans.

The *House* amendment requires the Secretary to accept as security for repayment of emergency loans collateral which has depreciated in value because of the disaster if the collateral, together with the lender's confidence in the repayment ability of the applicant, is adequate security. The *House* amendment also requires the Secretary to make emergency loans if no collateral is available because of the disaster and the lender has sufficient confidence in the repayment ability of the applicant to assure repayment of the loan. In both cases, the Secretary is required to make the loans repayable at such times as he may determine, as justified by the needs of the applicant (but not later than the repayment periods for real estate loans and operating loans under existing law).

The *Senate* bill contains no comparable provision.

The *Conference* substitute adopts the *House* amendment with two modifications. The *Conference* substitute deletes the requirement that loans be made in cases where no collateral is available. In cases where the collateral has depreciated in value because of the disaster, the loan is required to be made if the collateral, together with the *Secretary's* confidence in the applicant's repayment ability, is adequate security.

(6) Special loans.

The *Senate* bill authorizes the Secretary—with respect to any disaster occurring between January 1, 1975, and July 1, 1976—to make an emergency loan for an operating-type purpose for not more than 20 years if it is determined that the applicant's financial need as a result of the disaster justifies a longer repayment term than that normally extended for operating loans, and there is adequate security to assure repayment over the longer period.

The *House* amendment retains the *Senate* provision but makes it applicable with respect to any disaster occurring after January 1, 1975.

The *Conference* substitute adopts the *House* amendment.

(7) Interest rate on disaster loans made by the Small Business Administration.

The *House* amendment provides that, notwithstanding the provisions of any other law, any loan made by the Small Business Administration in connection with a disaster occurring on or after the date of enactment of the bill shall bear interest *at* the rate determined under section 7(a) (4) (b) of the Small Business Act; namely, at the average annual interest rate on all interest bearing obligations of the United States, then forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan and adjusted to the nearest one-eighth of one per centum plus one-fourth of one per centum per annum.

The *Senate* bill contains no comparable provision. (Under existing law, the maximum rate of interest for disaster loans made by the Small Business Administration is 5 percent per year and is governed by the interest rate for FHA emergency loans under section 324 of the Consolidated Farm and Rural Development Act. The *Senate* bill and the *House* amendment amend section 324 of the Act to provide that the prevailing private market rate of interest for similar loans, as determined by the Secretary, shall apply to the amount of any loan in excess of the actual loss caused by the disaster.)

The *Conference* substitute adopts the *House* amendment with an amendment that provides that loans made by the Small Business Administration in connection with a disaster occurring on or after the date of enactment of the bill shall bear interest at a rate that shall be *not more than* the rate specified in the *House* amendment.

(8) Eligibility for assistance based on production loss.

The *Senate* bill provides that, in order to be eligible for emergency loan assistance based on a production loss, an applicant must show that he incurred at least a 20 percent loss of normal per acre or per animal production as a result of the disaster.

The *House* amendment retains the *Senate* provision but modifies it to provide that the applicant must show that "a single enterprise which constitutes a basic part" of his operation sustained at least a 20 percent loss.

The *Conference* substitute adopts the *House* amendment. The *Conferees* intend that the term "single enterprise" shall be construed to mean enterprises which constitute parts of the applicant's farming, ranching, or aquaculture operation. The following are examples of "single enterprises": (a) all cash crops; (b) all feed crops; (c) beef operations; (d) dairy operations; (e) poultry operations; (f) hog operations; and (g) aquaculture operations.

A "single enterprise" which constituted not less than 25 percent of the gross income from the farming operation is to be considered a "basic" enterprise. Therefore, in order to be eligible for a disaster loan, an applicant must have sustained at least a 20 percent loss of normal per acre or per animal production as a result of the disaster in one or more basic single enterprises.

(9) Use of the ACIF to pay administrative expenses.

The *Senate* bill provides that in the administration of the emergency loan program, the Secretary may utilize funds from the Agricultural Credit Insurance Fund to pay for administrative expenses of the program.

The *House* amendment strikes the *Senate* provision.

The *Conference* substitute deletes the *Senate* provision. The *Conferees* note that, under existing law, the Secretary may draw whatever amounts are needed from the Agricultural Credit Insurance Fund for administration of the emergency loan program.

(10) Congressional authorization prior to any appropriations under the Consolidated Farm and Rural Development Act; use of revolving funds.

The *House* amendment provides that amounts authorized to be appropriated for the purposes of the Consolidated Farm and Rural Development Act for each fiscal year ending after September 30, 1976, shall be the sums hereafter authorized by law. The *House* amendment also provides that the Secretary could utilize sums from the Agricultural Credit Insurance Fund and the Rural Development Insurance Fund during each fiscal year after September 30, 1976, only in such amounts as may be authorized annually by law.

The *Senate* bill contains no comparable provision.

In lieu of the *House* amendment, the *Conference* substitute provides that on or before

February 15 of each calendar year beginning with calendar year 1976, or such other date as may be specified by the appropriate Committee, the Secretary of Agriculture shall testify before the Senate Committee on Agriculture and Forestry and the House Committee on Agriculture and provide justification in detail of the amount requested in the budget to be appropriated for the next fiscal year for the purposes authorized in the Consolidated Farm and Rural Development Act, and of the amounts estimated to be utilized during such fiscal year from the **Agricultural Credit Insurance Fund and the Rural Development Insurance Fund.**

Under the *Conference* substitute, the Secretary would be required to testify and **provide a detailed justification (1) of appropriations** requested for such items as the restoration of losses previously incurred in the Agricultural Credit Insurance Fund and the Rural Development Insurance Fund, direct loans and grants under the Consolidated Farm and Rural Development Act, and salaries and expenses of the Farmers Home Administration in administering programs authorized under the Act, and (2) of amounts provided in the budget as estimated to be expended for the next fiscal year from the Agricultural Credit Insurance Fund and the Rural Development Insurance Fund for such matters as financing real estate loans, operating loans, emergency loans, water and facility loans, industrial development loans, and community facility loans.

Bob Bergland,
E. de la Garza,
Alvin Baldus,
Glenn English,
Jack Hightower,
Berkley Bedell,
Richard Nolan,
William C. Wampler,
Edward R. Madigan,
Richard Kelly,
Managers on the Part of the House.

Herman E. Talmadge,
James O. Eastland,
George McGovern,
James B. Allen,
Hubert H. Humphrey,
Robert Dole,
Carl T. Curtis,
Henry Bellmon,
Managers on the Part of the Senate.

SIXTH ANNUAL REPORT OF THE INDEPENDENT NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS AND THE NATIONAL HOUSING PARTNERSHIP—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Banking, Currency and Housing:

To the Congress of the United States:

As required by Public Law 90-448, I am transmitting herewith the Sixth Annual Report of the Independent National Corporation for Housing Partnerships and the National Housing Partnership.

Gerald R. Ford.

The White House, *July 22, 1975.*

PERSONAL EXPLANATION

Mr. MAZZOLI. Mr. Speaker, because I was required to be in my congressional district on Monday, July 21, I was absent for rollcalls Nos. 411-413.

Had I been present I would have voted as follows:

"Aye" on rollcall No. 411, final passage of H.R. 6971, Consumer Goods Pricing Act.

"Aye" on rollcall No. 412, final passage of H.R. 8240, Veterans' Administration Physicians and Dentists Comparability Pay Act.

"Aye" on rollcall No. 413, final passage of H.R. 8598, the child support program improvements.

ENERGY CONSERVATION AND OIL POLICY ACT OF 1975

Mr. DINGELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 7014) to increase domestic energy supplies and availability; to restrain energy demand; to prepare for energy emergencies; and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. Dingell).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 7014, with Mr. Bolling in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Before the Committee rose on Friday, July 18, 1975, it had agreed that title III, ending on line 22 on page 238 of the committee amendment in the nature of a substitute, would be considered as read, printed in the Record, and open to amendment at any point; and there was pending the amendment offered by the gentleman from Texas (Mr. Krueger) and the amendment offered by the gentleman from Pennsylvania (Mr. Heinz) as a substitute for the Krueger amendment.

Mr. HEINZ. Mr. Chairman, on July 18, 1975, during consideration of H.R. 7014, I offered a substitute amendment to the Krueger amendment. I have discovered that two lines of the amendment were inadvertently omitted. In section (4) (A), immediately after "the months of May through December, 1972.", the amendment should have read: "(B) The term 'inflation minimization taxes consonant with the purposes of this section' means (i) in the case of".

Mr. Chairman, I ask unanimous consent to so modify my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. DINGELL. Mr. Chairman, reserving the right to object, the gentleman from Pennsylvania has communicated his request to me. As I understand, the gentleman simply seeks to make a technical change caused through an error in the printing of this amendment, and that it is not a substantive change.

Mr. HEINZ. The gentleman is entirely correct.

Mr. DINGELL. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Pennsylvania (Mr. Heinz) reluctantly because I have great respect for him. But I must say that it has the same impact that the legislation H.R. 4035 has with respect to a rollback of the price of oil, and I think that is counterproductive to what we want to try to accomplish with reference to oil production. It moves that price back to a cap of $11.28. It has no provision, as I understand it, for the rebate of funds to those who are adversely affected by price increases of domestic oil.

It seems to me that the amendment offered by the gentleman from Pennsylvania does the worst of both things. It makes for a somewhat lower price of oil, although not a radically lower price of oil than what we now have, which would in effect encourage consumption. It makes for a return to the producer lower than we have currently, which discourages production. For that reason, I feel, Mr. Chairman, that we should not approve this amendment but, rather, draft the amendment offered by the gentleman from Texas (Mr. Krueger) in such a way that it can reflect the most positive results in terms of both production and consumption.

Again—and I know that this bores my colleagues for me to continue to say it—our objective should be to stimulate the production of oil in this country and to discourage its consumption in this country, consonant with our ambition to see that the economic impact of higher prices is relieved, to the extent that that is possible, on those in our society who are at least able to pay.

I think the amendment offered by the gentleman from Texas (Mr. Krueger) moves in that direction. As a matter of fact, I shall support the amendment offered by the gentleman from Texas (Mr. Krueger), pending any better amendment that is offered, on the theory that it provides for us that area of compromise which we might find attractive on both sides of the aisle, on which I would hope we might find some agreement with the administration.

I am not in a position to speak to the administration's position on the Krueger amendment. I do understand that there is objection on the part of the Committee on Ways and Means to the rather specifix tax provisions in the Krueger amendment, and I understand that they are making some effort to modify that specific provision in such a way as to leave more latitude to the members of the Committee on Ways and Means for them to craft the appropriate tax provision on windfall profits and the exemption for appropriate plowback.

Of course, they will also have to craft whatever is included in terms of rebates to the consumers which will be financed by those two taxes and any excise taxes which might be put on oil in connection therewith.

So, Mr. Chairman, it is my feeling that we should proceed to consider the basic Krueger amendment on that basis and not confuse it with the addition of the Heinz amendment. I would therefore urge my colleagues on both sides of the aisle to vote in opposition to the Heinz amendment.

Mr. DINGELL. Mr. Chairman, I rise in most reluctant opposition to the amendment offered by the gentleman from Pennsylvania. I hope that while I speak I will have the attention of the gentleman from Pennsylvania (Mr. HEINZ).

I would first like to commend the gentleman from Pennsylvania for offering this amendment and I would point out to the House that the amendment is significantly similar, if not almost identical, to one offered by me in the Committee when this legislation was before us at that time. I thought at that time, as I do at this moment, that the amendment had a great deal of merit. In all honesty, it is my judgment that this proposal is superior in terms of fairness to the consumer and meeting our energy problems than either of the proposals before us, either that offered by my friend, the gentleman from Texas (Mr. KRUEGER), or that offered by my friend, the gentleman from Texas (Mr. ECKHARDT).

It is with considerable regret that I indicate that, although I find the amendment does have significantly more benefit insofar as the consumer and industry and insofar as the national interests are concerned by providing greater supply and abating the importation of oil, I must regretfully, as chairman of the subcommittee, oppose the amendment.

Mr. OTTINGER. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment.

Mr. Chairman, I do not see any more justification for the Heinz amendment than I do for the Krueger amendment. Both would provide for a very substantial escalation of the cost up to the neighborhood of the current OPEC prices and create a burden on the American economy that I do not think is justified; nor do I think it is tolerable in the present economic situation of the country.

Nor do I think the price decontrol provided in both amendments is necessary at all in order to obtain the conservation we need. We can do that by mandatory provisions which we have provided elsewhere in H.R. 7014 for conservation.

Nor do I think decontrol is in any way justified to bring about production of new resources that we want. In this connection I would like to read to the Committee a response from Louis J. Engel, supervisory regulatory gas utility specialist, in response to an inquiry from the Honorable WARREN G. MAGNUSON, chairman of the Senate Committee on Commerce, with respect to what the current costs are of producing oil in this country.

I think these figures are significant. The FPC in response to Chairman MAGNUSON said that the current cost of producing new oil is $5.49 per barrel and the current cost of producing old oil, that oil which had already been discovered in 1972, is $2.96 per barrel.

Therefore it seems to me quite apparent that the prices which are provided in the Eckhardt amendment, as adopted by the committee, are fully adequate in order to be able to cover all the costs of the producers at today's costs and be able to get the kind of production we need in this country. There is no reason to more than double those costs and go to the world market price as the Krueger amendment would do or adopt a cap at $11.28 a barrel, also more than twice the cost of producing new oil and almost four times the cost of producing old oil.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, if I heard the gentleman correctly, he said the cost of producing old oil is $2.96 and the new oil is something like $5.50 a barrel. What explanation does the gentleman then give for some of the other figures I have listened to in the last few days of debate which indicate production in this country is down roughly by about 1 million barrels a day from I think May of 1972?

What is the reason for this sharp flaw in drilling and production, in view of the profitable business this has become?

Mr. OTTINGER. It is my sincere conviction—and it is hard to ascertain, one of the difficult things in this whole legislation in the 6 months we have been involved in this is to get accurate information—but so far as I can tell, the oil companies are holding production down in order to keep prices up, and to the extent they are producing, they are producing abroad rather than at home, because they can make more money that way. This is dramatically illustrated by the fact that oil company profits skyrocketed in 1974 and to a lesser extent this year, yet domestic production was decreased substantially.

Mr. Chairman, I yield to the gentleman from Colorado (Mr. WIRTH) for collaboration.

Mr. WIRTH. Mr. Chairman, there has been significant discussion about whether drilling in the country is down. The most reliable indication of drilling starts is the sales analysis of the Hughes Tool Co. Their information is considered to be reliable by almost all parties involved in this issue. Consequently, we collected the figures from the Hughes Tool Co.; they suggest that on an annual basis there is a cycle of drilling that runs up and down. At this particular time of the year the cycle is down. That relates to the question of the gentleman as to why drilling is down; but later in the summer and in the fall drilling will go back up again. Right now we are at the bottom of the cycle. So I do not think it is fair to say just that drilling is down at this time.

Mr. OTTINGER. Mr. Chairman, there is another factor in this, that is, if the oil companies believe there is going to be decontrol, so that they believe they will get a much higher price in the near future as, indeed, it appears the President has been trying to get for them, they have every reason in the world to try to cut back on production, to withhold production until hoped for price increases can be realized.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield further?

Mr. OTTINGER. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, my interest is stimulated by the figures I have heard. The gentleman from Texas (Mr. CHARLES WILSON) referred to independents, in particular the time frame was 1965 to 1972, I believe, that drilling was off by 50 percent and there had been just a very sharp decline in exploration by that segment of the industry, not by big oil, but by that segment that is composed of the independent wildcatter that does most of the exploration, as I understand it, because of the unsatisfactory returns on the prices, they simply are not doing the exploration they once did.

AMENDMENT OFFERED BY MRS. SCHROEDER TO THE AMENDMENT OFFERED BY MR. HEINZ AS A SUBSTITUTE FOR AN AMENDMENT OFFERED BY MR. KRUEGER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mrs. SCHROEDER to the amendment offered by Mr. HEINZ as a substitute for the amendment offered by Mr. KRUEGER: In section 8(d)(2)(E)(ii)(a)(1) of the Emergency Petroleum Allocation Act of 1973 (as amended by the Heinz substitute amendment) strike the words ("including development or production from oil shale)," and insert a comma after "gas".

In section 8(d)(2)(E)(ii)(a)(2) of the Emergency Petroleum Allocation Act of 1973 (as amended by the Heinz substitute amendment) strike the words "oil shale".

POINT OF ORDER

Mr. OTTINGER. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. OTTINGER. Mr. Chairman, it is my understanding that the Heinz amendment is a substitute already. There is already a substitute pending and that must be acted upon before another substitute may be considered.

The CHAIRMAN. The Chair will state that an amendment to the Krueger amendment or an amendment to the Heinz substitute is still in order.

Therefore, the Chair overrules the point of order.

Mrs. SCHROEDER. Mr. Chairman, this is a very simple amendment. What it does, in essence, is to delete that portion that makes it in order for companies to get a plowback credit for expenditures for oil shale development.

I would hope the gentleman from Pennsylvania would look at this amendment carefully and be able to adopt it. I think his amendment is good, and one of the things his amendment is directed to is to finding new oil.

However, the problems of releasing oil from oil shale are not those of finding new oil for we know where the oil shale is. The question on oil shale is whether we can get the oil shale into a crude oil form in a way that is economically and environmentally sound. The technology for retorting oil shale is very, very experimental at this point, and I do not think we would want to allow companies at this point involved in this experimental area to be able to write it off through the plowback provisions. They could be using the same money to go and find crude oil which we need immediately.

If I may offer an example, in Colorado last year, one of the experimental oil shale tracts leased by a joint venture of major oil companies from the Department of the Interior was leased for the sum of over $200,000,000. At the going price of $100,000 per oil well drilled, this oil shale experiment is costing the Nation 2,000 oil wells at a time when we need more drilling and exploration.

The policies on oil shale development have yet to be set by either Congress or the administration. I do not believe we need further incentives as long as there are no policies. Without my amendment, we will only be getting ahead of ourselves when we have plenty of time to do things in a better way.

Mr. OTTINGER. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I do not think that I quite understand the parliamentary situation. We have the Krueger amendment before us, the Heinz amendment as a substitute for that, and I do not see how the gentlewoman's amendment relates to either the Krueger amendment or the Heinz substitute amendment.

Mrs. SCHROEDER. This is an amendment to the Heinz substitute amendment.

Mr. OTTINGER. And it would provide that in the plowback they would not take into account shale oil?

Mrs. SCHROEDER. They could not get plowback credits for oil shale expenses.

Mr. OTTINGER. Mr. Chairman, I would support the gentlewoman's amendment even though I oppose the Heinz substitute amendment.

Mr. WIRTH. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to my colleague from Colorado.

Mr. WIRTH. Mr. Chairman, I wish to associate myself with the comments of the gentlewoman from Colorado, who I think offers a very sound amendment. What we see is a situation in which price and cost again is getting way ahead of all the other features relating to oil shale.

The first time this issue came up was in the Ways and Means Committee bill, and we struck it. Then it came up in the ERDA bill, and we struck the provision. If we were to adopt the gentlewoman's amendment, we would be consistent with House action. I would hope that the committee would see fit to support the gentlewoman's amendment.

Mr. HEINZ. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Pennsylvania.

Mr. HEINZ. Mr. Chairman, as I understand the gentlewoman's amendment, it would strike the language of the Heinz amendment in section (d) with reference to oil shale. Is that not correct?

Mrs. SCHROEDER. That is correct.

Mr. HEINZ. I think the gentlewoman is probably aware that the Heinz amendment does not require the Ways and Means Committee to make oil shale a qualified investment. It is permissive in that regard.

Mrs. SCHROEDER. I understand that. I am just very fearful of our directing the Ways and Means Committee to allow this as a permissive plowback allowance until we have really determined what our policies on oil shale will be. I assume the basic intent of the gentleman's amendment is to convert this plowback allowance into crude oil as fast as possible in the areas where we do know what it costs and that there are tried and true methods. I would think that before we allow the plowback to be converted into experimental ventures, we should know much more about, first, which process will be used; second, what our policy is going to be; third, the environmental implications; and fourth, the economy of it.

Mr. HEINZ. Is the gentlewoman in favor of the Heinz substitute amendment?

Mrs. SCHROEDER. I think I would be in favor of it if it did not allow plowback credits for development oil shale.

Mr. HEINZ. If the gentlewoman's amendment is accepted, does she intend to support the Heinz amendment?

Mrs. SCHROEDER. If my amendment is accepted and passed, yes, I would support the Heinz amendment.

The CHAIRMAN. The time of the gentlewoman from Colorado has expired.

(On request of Mr. BROWN of Ohio and by unanimous consent Mrs. SCHROEDER was allowed to proceed for 3 additional minutes.)

I am curious to know why this now prohibits us from developing potential oil sources. Could the gentlewoman tell me what the potential of oil, domestic oil, that could be produced out of shale that would be prohibited if her amendment is adopted?

Mrs. SCHROEDER. We do not really know that, but as the gentleman knows, this amendment cannot really dictate to the Committee on Ways and Means what they can allow for a plowback credit on the tax forms. But what it can do is to just set some general parameters. And as I read the amendment, it says that one of the things the Committee on Ways and Means might consider is plowback credits for shale oil development.

My position is that we should not send the Committee on Ways and Means that kind of permissive language at this point because we do not know what oil shale it is going to cost per barrel, for it is still in a very experimental form. I think we would want to go on record legislatively as saying that if a plowback is developed, it should be developed on a known process so that the taxpayers would get the most for their money by allowing that deduction.

Mr. BROWN of Ohio. If my colleague will yield further, I understand the November 1974 Project Independence report estimates that, at an $11 price and under an accelerated development, by 1980 shale oil production could account for 100,000 barrels of domestic oil; by 1985 it could amount to 1 million barrels of domestic oil a day; and by 1990 it could be up to 1,600,000 barrels a day.

Mrs. SCHROEDER. As the gentleman knows, those were only projections, and many of the companies that have been involved in development of oil shale are now backing off of many of the projects feeling they are uneconomical.

Mr. BROWN of Ohio. Because of the cost factor?

Mrs. SCHROEDER. Because of the cost factor, and they do not think they could make it, economically, at $11 a barrel.

Mr. BROWN of Ohio. If the gentlewoman will yield further, to deny them benefits under the amendment we will further discourage the production of shale oil; is that correct? I just want to know what the effect is.

Mr. WIRTH. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Colorado.

Mr. WIRTH. I thank the gentlewoman for yielding.

Mr. Chairman, I think the gentleman from Ohio (Mr. BROWN) is correct in his projection that by 1980 it will be approximately 100,000 barrels a day. But that is nearly covered by projects under way in Colorado and Utah in cooperation with the State and Federal Government; they are in need of no broader incentives at this point in trying to reach that goal. We are trying very carefully to work out between the State and Federal Government how we are going to best develop those oil shale reserves. The first step is 100,000 barrels a day, which the two projects would reach by 1980; then after 1985, on the basis if we can now go ahead, if it seems to be appropriate, with the longer term goals the gentleman has cited from the Project Independence report.

The CHAIRMAN. The time of the gentlewoman has expired.

(On request of Mr. BROWN of Ohio, and by unanimous consent, Mrs. SCHROEDER was allowed to proceed for 1 additional minute.)

Mr. WIRTH. If the gentlewoman will yield further, I think that the amendment offered by the gentlewoman would in no way impede the progress we are currently making toward an understanding of how we might take advantage of oil shale, particularly on that 100,000 barrel figure between now and 1980.

Mr. BROWN of Ohio. Mr. Chairman, if the gentlewoman will yield further, do I understand this amendment is designed to discourage the expansion of shale oil production?

Mrs. SCHROEDER. No.

Mr. BROWN of Ohio. I am just trying to find out what the purpose of the amendment is.

Mrs. SCHROEDER. The purpose of the amendment is to say at this time, until we know more about how the experimental processes for development of oil shale are going, we should not direct the Committee on Ways and Means to consider oil shale development costs as a plowback. I think it is not the proper time to make that determination because we want to make sure the plowback goes into areas we know what the cost per barrel is. We have other direct money and other subsidies from the State and Federal Government pushing ahead the current development of a process.

Mr. BROWN of Ohio. If we deny a plowback credit, will that not, in fact, discourage the plowing back of funds and further investments in the development of shale oil?

The CHAIRMAN. The time of the gentlewoman has again expired.

(On request of Mr. OTTINGER, and by unanimous consent, Mrs. SCHROEDER was allowed to proceed for 2 additional minutes.)

Mrs. SCHROEDER. Mr. Chairman, I would like to answer the gentleman.

No, I do not think it would discourage it by not allowing the plowback. I think the problem with the plowback is that we do not know what the shale oil is going to cost per barrel to get into crude form. Until we have some idea, we may be off on a very expensive folly, and I do not think we should be doing it at the taxpayers' expense.

Mr. ECKHARDT. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, is the effect of the gentlewoman's amendment simply to limit the price of oil produced from oil shale to the effective price to the producer of $7.50, but to provide that between $7.50 and whatever the price may be it be subject 90 percent to the windfall profits tax without the plowback?

In other words, if oil is produced from oil shale, as I understand it, that could go up to the world market price?

Mrs. SCHROEDER. No, I think it only goes to the plowback.

Mr. ECKHARDT. But the producer could not get more than $7.50 under the bill?

Mrs. SCHROEDER. No, I still think my amendment only goes to the plowback credit.

Mr. ECKHARDT. Well, I think the difference, or at least 90 percent of the difference, between $7.50 and the actual price would be retained in the tax, but without the gentlewoman's amendment there would be a 100-percent plowback of that 90 percent difference. But with her provision, the Government would hold the entire amount and recycle it, as the gentleman from Texas (Mr. KRUEGER) said, with respect to the windfall profits tax as it is now stated in the bill?

Mrs. SCHROEDER. Mr. Chairman, my understanding is that it would prohibit allowing the expenses of the oil shale experimentation to be used as a plowback credit so that it would be subsidized by the taxpayers.

Mr. DINGELL. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, the gentlewoman has defined her amendment, and she is quite correct.

The amendment, as I read it and as the staff advises me, would eliminate investments in oil shale as a credit which would be qualified for plowback under the Krueger amendment.

Mrs. SCHROEDER. The gentleman is correct. That is so that the taxpayer would not indirectly be subsidizing the oil shale industry.

Mr. ECKHARDT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not come to the well to speak against the amendment or for it, but to point out that what we are dealing with here is a very intricate and important question of taxation.

The question is whether or not under these particular circumstances it should be the tax policy of the United States to give an advantage to those producing new oil but not to give it to persons producing new oil through oil shale.

If this matter were before the Committee on Ways and Means, these questions might well be taken up. As a matter of fact, it would probably be important to consider which areas of new production need no plowback at all.

Why should we determine here in this matter on the floor of the House which type of new production should be given a favorable or an unfavorable tax treatment without first having that matter considered by the committee that is used to fashioning taxes?

We are dealing now with tax questions, and we must deal with tax questions here if we follow the bent of the Krueger amendment. I compliment the distinguished gentlewoman from Colorado for presenting the amendment, because she has to present it now if this manner of contingent legislation is to be followed. It will either have to be decided here and now or it will not be decided at all.

But I ask the Members of this House: Is this the way to balance the question of tax advantage with respect to various producers of new oil? If there is no other way, I certainly can see why the gentlewoman from Colorado would have to present the amendment here. The same is true of the gentleman from Colorado (Mr. WIRTH) who I assume also supports the proposition.

Mr. WIRTH. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Colorado.

Mr. WIRTH. Mr. Chairman, I do support the proposition. I think the point the gentleman is raising is a much broader one.

The point the gentlewoman from Colorado is raising is simply within the narrow confines of conformity with other parts of the legislation relating to energy problems. That conformance embodied in the amendment offered by the gentlewoman is something that I think would be very advantageous to the bill.

Mr. ECKHARDT. Mr. Chairman, I understand the gentleman's position. I think on balance we should vote for the amendment.

The only problem is that this is certainly a very, very awkward and difficult way and an inappropriate place to make intricate determinations with respect to the question of tax policy affecting various producers.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I think one of the distinctions we could make is this: On the question of finding new oil, according to my interpretation of the language, what we were attempting to do with the plowback provision was to make it possible to find new oil.

There has not been any problem with finding oil shale. We know where the oil shale is. The question is, Can we get oil out of the shale? What it really means is a difference in time. It is a different kind of thing.

I think that is a separate issue that is best argued in front of the Committee on Ways and Means, and I would hate to see this Congress go on record as saying that we lumped the two together because I think they are very distinct in that the procedures for getting oil from oil shale are a lot different from finding new oil where we do not know where it is.

Mr. ECKHARDT. I say that the gentlewoman from Colorado (Mrs. SCHROEDER) has convinced me in this short period of time, but I think it is most unfortunate that we must either be convinced for or against by debate of this nature, without having witnesses before us from the oil shale industry, from those who would produce oil by deep drilling, offshore drilling, or whatever other means, that they should be favored or not favored.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. Yes, I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I would say that I concur in the statement of my colleague, the gentleman from Texas (Mr. ECKHARDT).

I think he has made a very effective point. While it is probably all right to adopt this as an amendment to the Krueger amendment, the fact of the matter is that the Krueger amendment does not adequately deal and cannot deal with the intricate tax questions involved where emphasis should be exercised with respect to plowback. I think it does not make a case for the Krueger amendment. As a matter of fact, it establishes a basis for providing for the defeat of that amendment.

Mr. ECKHARDT. Would the gentleman not desire, if we go into these questions, to have an opportunity to determine whether plowback should go to those who produce oil from other things, such as coal, for instance?

Mr. VANIK. Certainly.

Mr. ECKHARDT. Perhaps they do not deserve a plowback. Perhaps those who produce offshore oil may deserve an 80 percent plowback, whereas those who produce from deep wells may deserve 90 percent. Who knows?

Mr. VANIK. If the gentleman will yield further, the testimony or evidence might show that one area of development might need more plowback in degree than another.

Mr. ECKHARDT. But does not the gentleman agree with me that it is virtually impossible to draw these distinctions by debate on the floor, with no expert witnesses before us? I believe the gentlewoman from Colorado (Mrs.

Schroeder) because I think she is a person of great veracity and good judgment, but other credible persons may be mistaken on facts or in judgment, and it is always well to have the advantage of testimony and examination in a committee hearing when such difficult questions as these are to be decided.

The CHAIRMAN. The time of the gentleman from Texas (Mr. Eckhardt) has again expired.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the requisite number of words, and I rise very briefly in opposition to the amendment.

I think we ought to be very direct about the thrust of the amendment. I do not think it is so much a tax matter as it is an environmental matter, and the objective of the amendment, it seems to me, can also be directed to the idea of discouraging the development of shale oil. If, in fact, that is the case, we tend to be discouraging the prospect of a rather promising area for the production of domestic oil in this country. I think that would be very unwise, although I do not, in that conclusion, address myself to the environmental question.

If the environmental question remains, then it seems to me that the environmental issue should be addressed in other legislative ways. We ought to do something about the method by which the shale oil is handled, the way the land is restored, and that sort of thing. However, with reference to the question of whether or not we should exclude shale oil development from the plowback provision, it seems to me fairly clear that if we say that nobody gets a plowback if they get into the shale oil business, then we have discouraged the production of oil from shale.

It is relatively simple, I think; and I personally do not think that that is where we ought to be headed, to excluding a source of oil from our potential development in the United States.

Mr. WIRTH. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. Yes, I yield to the gentleman from Colorado. I know he is interested in this area.

Mr. WIRTH. Mr. Chairman, I thank the gentleman for yielding.

The gentleman is perfectly right. There are real environmental concerns here as well as social impact concerns and economic impact concerns.

What we have been trying to do is to work as closely as possible with all the parties involved in the State of Colorado to balance the impact with respect to oil shale on the environmental side, the social side, and the economic side. The problem we are discussing here also existed in the bills of the Committee on Ways and Means and ERDA; this was simply that the pricing issue with regard to oil shale can get way out in front of the other issues that have to be resolved.

What the amendment offered by the gentlewoman from Colorado (Mrs. Schroeder) would do, would be to put the prices back in their proper perspective, one that is necessary, so that we can go about the multiple attack on the issue of shale oil, and all the various impacts that it has. That is the purpose of her amendment.

Her amendment is not designed to say "No oil shale," but to see that there is a balanced analysis and package that has to be very carefully put together in this important area of public policy.

Mr. BROWN of Ohio. I would ask the gentleman this question: Would it not be appropriate to have the oil produced from oil shale subject to the same kind of plowback tax credit that other oil removal would be subject to, and then if we found it was undesirable to produce for some reason that oil that came from shale, to pass a severance test which would then, in effect, economically discourage that? It seems to me that might be done at the State or local levels in such a way that one could take into account the various geological and ecological considerations involved in the issue here.

Mr. WIRTH. Mr. Chairman, will the gentleman yield further?

Mr. BROWN of Ohio. I will be glad to yield to the gentleman from Colorado.

Mr. WIRTH. I thank the gentleman for yielding. Mr. Chairman, I think we really cannot compare the normal extraction of oil with oil shale, which I think the gentleman from Ohio may be trying to do. The extraction of oil from oil shale is a very, very different process, and creates rather more different kinds of problems relating to oil, relating to the environment, relating to the social impact such as that of towns springing up in the middle of nowhere. I would hope the gentleman would understand that it is this kind of price stimulation suggested by the gentlewoman from Colorado in the oil shale industry that might allow those kinds of problems to get out of hand. So that is the purpose of the gentlewoman's amendment.

Mr. BROWN of Ohio. I would suggest to the gentleman from Colorado that oil is oil, and ought to be treated in a similar way by the various taxing laws, and that environment is environment, and that they ought to be treated in a different way in different communities. Also, Colorado is Colorado, and Wyoming is Wyoming.

Mr. WIRTH. And Ohio is Ohio.

Mr. BROWN of Ohio. And they may want to write different laws with reference to the extraction of oil in Wyoming and Colorado, or Ohio—would that we had the oil shale in Ohio.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent that all debate on the amendment offered by the gentlewoman from Colorado, (Mrs. Schroeder) end in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado (Mrs. Schroeder) to the amendment offered by the gentleman from Pennsylvania (Mr. Heinz) as a substitute for the amendment offered by the gentleman from Texas (Mr. Krueger).

The question was taken; and on a division (demanded by Mrs. Schroeder) there were—ayes 39, noes 31.

So the amendment to the amendment offered as a substitute for the amendment was agreed to.

AMENDMENT OFFERED BY MRS. SCHROEDER TO THE AMENDMENT OFFERED BY MR. KRUEGER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mrs. Schroeder to the amendment offered by Mr. Krueger: In section 8(d)(2)(E)(ii)(a)(1) of the Emergency Petroleum Allocation Act of 1973 as amended by Mr. Krueger's amendment) strike the words "(including development or production from oil shale," and insert a comma after "gas".

In section 8(d)(2)(E)(ii)(a)(2) of the Emergency Petroleum Allocation Act of 1973 (as amended by Mr. Krueger's amendment) strike the words "oil shale,".

PARLIAMENTARY INQUIRY

Mr. ECKHARDT. Mr. Chairman, I reserve a point of order, and pending that I have a parliamentary inquiry.

The CHAIRMAN. The gentleman from Texas reserves a point of order, and the gentleman will state his parliamentary inquiry.

Mr. ECKHARDT. The parliamentary inquiry is what determines germaneness of this amendment, if it is germane, to the Krueger amendment? It would then be admissible at this time as germane, as I understand it. In other words, the relation to the Krueger amendment would determine germaneness in this instance, I would assume.

The CHAIRMAN. If the gentleman is asking whether the amendment offered by the gentlewoman from Colorado has to be germane, the answer, of course, is "yes". Is the gentleman contending that it is not germane?

Mr. ECKHARDT. No. The gentleman merely asks whether or not on the question of germaneness with respect to this amendment, the question is determined on whether or not this amendment is germane to the Krueger amendment.

The CHAIRMAN (Mr. Bolling). That is correct.

Mr. ECKHARDT. I thank the Chair.

Mr. Chairman, I withdraw my reservation of a point of order.

The CHAIRMAN. The Chair recognizes the gentlewoman from Colorado (Mrs. Schroeder).

Mrs. SCHROEDER. Mr. Chairman, this amendment does exactly the same thing to the Krueger amendment as the prior amendment did to the Heinz amendment, and that is merely make sure that we are not going to mandate our permissiveness to the Ways and Means Committee in allowing writing off oil shale as a plowback at this time and place. I feel almost like a summer rerun standing up and doing the same thing. Both of these amendments are fashioned almost identically and are parallel, so I think the arguments that we heard before would apply again to the Krueger amendment. The thing I am most worried about, again to reiterate, is that we should not say that we think plowback should be allowed for oil shale expenses, because I think what we want to say is that plowback should be allowed for finding new oil.

We know where the oil shale is and the problem with the technology. This is separate and it is different issue from finding new oil. I do not think we want to mandate plowback credits for oil shale development costs until we know a lot more about it.

Mr. Chairman, I yield back the remainder of my time.

Mr. BROWN of Ohio. Mr. Chairman, we are in the same position with reference to the Krueger amendment and the amendment offered by the gentlewoman from Colorado as we were on the Heinz amendment. The impact would be essentially the same in that we would be making the extraction of oil from shale not subject to a plowback provision and, therefore, discouraging it. The objective is as much environmental as it is economic.

My contention, of course, again, is that we could handle the environmental matter at the State level, and I would oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado (Mrs. Schroeder) to the amendment offered by the gentleman from Texas (Mr. Krueger).

The question was taken; and on a division (demanded by Mr. Brown of Ohio) there were—ayes 39, noes 31.

So the amendment to the amendment was agreed to.

POINT OF ORDER

Mr. ECKHARDT. Mr. Chairman, I reserve a point of order against the Krueger amendment.

The CHAIRMAN. The Chair will have to state he believes the point of order comes too late.

Mr. ECKHARDT. Mr. Chairman, I am not making one at this time if I need not make one, but I would certainly make one at such time as the Krueger amendment would be voted on.

The CHAIRMAN. Will the gentleman restate what he is doing? Is he making a point of order against the Krueger amendment?

Mr. ECKHARDT. I am making a point of order against the Krueger amendment.

The CHAIRMAN. That comes too late.

Mr. ECKHARDT. If the Chairman would hear me on the point of order I will be glad to explain.

Mr. DINGELL. Mr. Chairman, I make a point of order against the point of order. It comes too late.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Texas on the timeliness of his point of order.

Mr. ECKHARDT. Mr. Chairman, if the Chair would permit me, I should make a point of order now if I must do so or I will at such time as the votes arises on the Krueger amendment on the ground that the Kruger amendment is now outside the rule.

If the Chair will recall, I queried of the Chair whether or not the question of germaneness on the amendment offered by the gentlewoman from Colorado was based upon its germaneness to the Krueger amendment or if that were the standard. The Chair answered me that it was. Therefore, the amendment offered by the gentlewoman from Colorado was not subject to a point of order at that time and I point out to the Chair that the question of germaneness rests upon whether or not the amendment is germane to the amendment to which it is applied.

At that time it was not in order for me to urge that the amendment offered by the gentlewoman from Colorado was not germane because it was indeed germane to the Krueger amendment, but the rule protects the Krueger amendment itself from a point of order on the grounds of germaneness and specifically says that it shall be in order to consider without the intervention of any point of order the text of an amendment which is identical to the text of section 301 of H.R. 7014 as introduced and which was placed in the Congressional Record on Monday and it is described.

The Krueger amendment upon the adoption of the Schroeder amendment becomes other than the identical amendment which was covered by the rule. At this point the question of germaneness of the Krueger amendment rests on the question of whether or not it is at the present time germane to the main body before the House.

It is not germane to the main body before the House because of the—and I cite in this connection Deschler on 28, section 24 in which there are several precedents given to the effect that an amendment which purports to create a condition contingent upon an event happening, as for instance the passage of a law, is not in order. For instance 24.6 on page 396 says:

> To a bill authorizing funds for construction of atomic energy facilities in various parts of the Nation, an amendment making the initiation of any such project contingent upon the enactment of federal or state fair housing measures was ruled out as not germane.

There are a number of other authorities in that connection, that is, an amendment postponing the effectiveness of legislation pending contingency.

Now, with respect to the question of timeliness, the gentleman from Texas could not have raised the point of order against the Schroeder amendment because of the fact that the Schroeder amendment was, in fact, germane to the Krueger amendment. It is clearly stated that the test of germaneness must rest on the question of the body upon which the amendment acts, and as I queried the Chair at the time, I asked that specific question, would the germaneness of the Schroeder amendment rest upon the question whether it is germane to the Krueger amendment.

The Chair answered, I think correctly, that it was germane. I could not quarrel with that ruling and I could not at that point raise a question whether it was effective to the main body involved here; but at this time is the very first time I have had an opportunity and I raise the point of order that the Krueger amendment as now constituted is not protected by the rule.

The CHAIRMAN. Does any other Member desire to be heard on the point of order?

Mr. BROWN of Ohio. Mr. Chairman, I only state that it seems to me that the rule makes the Krueger amendment in order by its text, but it does not prohibit it being amended by subsequent action of this body and that if the text had been changed by the gentleman from Texas (Mr. Krueger) in its introduction, the point of order might have been appropriate; but the point of order that is attempted to prohibit this body from amending the text of the Krueger amendment after it has been properly introduced and been made germane by the rule would prohibit those others in the majority of this body from acting on any perfection of the Krueger amendment. I do not think that is the purpose of the rule.

The CHAIRMAN. The Chair is ready to rule, unless another Member desires to be heard.

Mr. DINGELL. Mr. Chairman, I am troubled by this point of order. I think, first of all, it comes too late. I think the amendment, Mr. Chairman, comes, first of all, too late.

Second, it would make a nullity of the actions of the Committee on Rules, which very specifically made in order the Krueger amendment.

As a matter of fact, it was at the request of this particular Member and the gentleman from Texas that that was done and also it was at the request of this particular Member of this body that the Committee on Rules made appropriate amendments to the Krueger amendment. If the point of order of the gentleman from Texas would prevail, the gentleman would be able to ex post facto undo the work of the Committee on Rules and convert a prior amendment, which may or may not have been germane, into such a vehicle that it would strike at the actions of the Committee on Rules.

The time to raise this point of order was at the time of offering the amendment by the gentlewoman from Colorado.

The CHAIRMAN. The Chair is ready to rule, but the Chair would be glad to hear from additional Members.

Mr. ECKHARDT. Mr. Chairman, I wish to be heard only because of the statement of the gentleman from Michigan, who is a very correct man with respect to points of order, but the gentleman is now not quite correct.

The gentleman from Michigan did, in truth, ask that the rule include the specific provision protecting the Krueger amendment, if amended; but the Committee on Rules did not include the gentleman's request, but rather very sharply and definitely prescribed that the matter that would be relevant and nothing else was the body of that amendment as printed in the Record.

The CHAIRMAN (Mr. Bolling). The Chair is ready to rule.

The rule under which the matter is being considered did in fact make in order the so-called Krueger amendment, and any amendment to that amendment which is germane to that amendment was thus, at the same time, made in order. There was no need for special provision to make amendments germane to the Krueger amendment in order, and the argument made by the gentleman from Ohio (Mr. Brown) is very much to the point.

The Chair, therefore overrules the point of order.

Mr. WRIGHT. Mr. Chairman, I rise

in support of the basic concept of the Krueger amendment. It seems to me that if we are to fashion an intelligent energy policy, the sensible thrust clearly must be to relieve this country from its vulnerability to the whims of foreign governments. The Krueger amendment moves in that direction.

On a vote earlier taken today, I joined with the majority of my colleagues in rejecting the specific provisions given to us by the President, primarily because I feel that Congress deserves to have a creative role in the fashioning of national energy policy.

But, I was very much impressed by the remarks that were made by the distinguished minority leader of the House, the gentleman from Arizona (Mr. RHODES) when he pointed out that dogmatically holding to what each of us most desired was prolonging a stalemate and delaying any resolution of this critical energy problem for the Nation.

The President and the Congress at this juncture seem to be in the position of two strong defensive football teams meeting in a big game on New Year's Day. Each can keep the other from scoring. We in Congress have been able to prevent the President's plans from going into effect. The President, by the expedient of vetos, can prevent our plans from going into effect. The public, I think, is not impressed by this continual confrontation. The people are not interested in who loses face. They want solutions.

Mr. Chairman, I think there is a need for some give on both sides. The Krueger amendment offers what I regard as the only reasonable hope at this juncture to find some intelligent means to increase domestic production of oil and gas without immediately and adversely and severely impacting the domestic economy.

For those reasons, Mr. Chairman, I earnestly hope that any of my colleagues who are wavering or wondering whether there is any way to resolve this impasse, will look very carefully at the Krueger amendment, and that they will sympathetically consider the opportunity which this amendment offers for the Congress and the President to break the deadlock and find some common ground upon which the public interest can be served.

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from New York.

Mr. MURPHY of New York. Mr. Chairman, the gentleman from Texas has put his finger on exactly what we are doing here today that will be responsible energy legislation. This committee worked long and hard, struggling to write an energy policy for oil, and this bill is the vehicle to do it, but it will die a certain death, as we so well know, unless it contains the Krueger amendment and the Krueger language.

The gentleman from Texas has put his finger directly on it. The President will veto a bill without the Krueger language. The Krueger language merely decontrols over a long period of time old oil. It puts the traditional oil companies back in the oil exploration business. It corrects what the House incorrectly did when it took away the depletion allowance. It plows back these profits in the exploration for more oil and, incidentally gas, which is a great byproduct in the exploration of oil.

Without the Krueger amendment, as the gentleman so well points out, this bill will perhaps have a short life through the House, but it will die downtown. I shall support the Krueger amendment as I did in the subcommittee when it passed by an 8-to-7 vote. I supported it again in the full committee when it passed once again by a 22-to-1 vote.

We can bring it out on the floor, and we can have a rational bill, an oil policy bill, which will help solve the problems of oil in America.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman.

Mr. ANDERSON of Illinois. I thank the gentleman for yielding. Mr. Chairman, I want to associate myself with the remarks of the gentleman in the well and congratulate him on what I think is a very statesmanlike position he has taken this afternoon. No one has spoken more eloquently than the gentleman from Texas in describing the current impasse between the President and the Congress. The people of the United States are waiting and they are watching, and they are not impressed by what they see.

Mr. Chairman, I think the gentleman will agree with me that the Krueger amendment does not give the big oil companies, who are certainly the big issue of everyone in this Chamber, I suppose, what they want. Actually, as I understand the Krueger amendment, with respect to old oil, it treats the producers of that particular commodity somewhat more severely than the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. ANDERSON of Illinois, and by unanimous consent, Mr. WRIGHT was allowed to proceed for 2 additional minutes.)

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield further?

Mr. WRIGHT. I yield to the gentleman.

Mr. ANDERSON of Illinois. What the amendment does do, in eliminating the ceiling prices of $7.50 or $8.50 for new oil, it does offer the hope that we will give the producers of this country and the independent producers who are the people who go out, for the most part, and find this new oil, the kind of incentives to go out and drill and explore in order to lessen our dependence on the OPEC countries.

Mr. Chairman, I commend the gentleman again on what he just said, and I would hope, somehow, the spirit of compromise would sweep over this Chamber this afternoon, and even at this late hour we can in this amendment find that common ground on which we can stand together.

If I had my way, I think there are certainly some changes I would make in what the gentleman from Texas (Mr. KRUEGER) has offered, but, again, realizing, as does the gentleman in the well, we all have to give a little and move a little bit from the positions we have previously taken and get together and show the people of this country that we are capable of reaching a decision and legislating in a rational manner, I would join the gentleman from Texas (Mr. WRIGHT) in pleading with this House in accepting the Krueger amendment.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman.

Mr. OTTINGER. I thank the gentleman for yielding. I would be favorably disposed to a compromise, and I think we ought to get off of the impasse we are in. But I fail to see how the Krueger amendment is any compromise at all. It decontrols the price of oil up to the world market price, and it counts on the windfall profits tax to see to it that the oil companies do not make too much of a killing on that and distributes it back to the people so that the economy does not get hurt too badly, because there is a 100-percent plowback that takes away all of that distribution effort.

Mr. WRIGHT. The plowback is an essential ingredient, it seems to me, if we are to find more oil.

The CHAIRMAN. The time of the gentleman has again expired.

(On the request of Mr. OTTINGER and by unanimous consent, Mr. WRIGHT was allowed to proceed for 2 additional minutes.)

Mr. WRIGHT. In response to the gentleman's comment, I would simply say that the only way, in the short run—until we are able to bring on the actual development of the more esoteric forms of energy—that we can ever hope to reduce our reliance on foreign producers is to produce more petroleum domestically, and the only way we will ever produce more domestically is to encourage people to look for more domestically.

I know there are many who feel they want to crucify the big oil companies. This is a convenient scapegoat. I have never been an apologist for the big oil companies, but let me just point this out: The committee bill, as presently drafted, increases the price of old oil which has already been found, 80 percent of which is owned by the big international oil companies, and decreases the price of new oil, which the independents have to go out and look for and find.

And if you think by supporting the committee proposal that you are slaying a dragon in the dark of night, I earnestly hope you do not wake up the next morning and find out that you killed the family cow. The committee bill would perpetuate price controls at a fixed figure indefinitely and would expand them to include all domestic oil, including that which has not yet been found and for which the price of production is, therefore, unknown.

The committee bill would let us continue paying foreign powers $13 a barrel for oil, some of which costs less than $1 a barrel to produce, but it would hold the price of domestic oil down to $7.50 and $8.50 a barrel, even if it costs $10 a barrel or more to find and produce it. This simply defies logic.

The committee bill surely would not encourage new domestic exploration, which is the only means by which we can hope in the near future to reduce our reliance upon imports. It would raise the price of old oil—that which has already been discovered—and reduce the price of new oil—that which remains to be discovered. Clearly this is not the way to encourage the discovery of new oil.

The committee bill would benefit the major oil companies which deal in foreign production and own about 80 percent of all the old oil, at the expense of the small, independent companies which historically have taken the risks and have always accounted for the finding of at least 75 percent of the new oil in this country.

Proponents of the committee bill have made much of the fact that it is endorsed by the Ashland Oil Co. This preference is not hard to understand when one contemplates the report that only about seven percent of Ashland's production is domestic and about 93 percent of it is foreign. Is this the kind of thing we want to encourage? Surely not.

The Krueger amendment wisely would reverse this emphasis. I would very gradually decontrol the price of old oil, over an 8-year period. But it would make special provisions to allow a higher price for that hard-to-get oil in existing fields which can be recovered only through more expensive secondary and tertiary recovery methods. That oil simply is not being produced today because it is uneconomical to bring it to the surface at the present controlled price.

Geologists estimate that there may be between 40 and 60 billion barrels of such oil in this country. If we allow those fields merely to be "creamed off" and the pipe removed, much of that oil could be lost to the American public forever.

The second advantage of the Krueger amendment is that it would allow new oil to be sold for the market price, thus encouraging new domestic exploration and discovery. But it would contemplate an excess profits tax on any company which did not plow its profits back into the search for new domestic reserves.

Obviously, the only way to reduce our dependence upon foreign petroleum—until we can bring about the actual conversion of other forms of energy—is to find more oil in the United States. And the only way to find it is to encourage people to look for it. The committee bill does not do this. The Krueger approach does.

The really crucial difference between the two versions was spelled out in an appraisal by the Federal Energy Administration of the probable effects of the two upon domestic production. Presently we are importing about 38 percent of our petroleum needs and supplying about 62 percent from domestic sources. The FEA estimates that the Krueger approach by 1980 would raise the domestic share to about 66 percent of the total market; and that the committee approach would reduce the domestic share to about 54 percent.

Or, put it another way: The Krueger plan in 5 years would reduce our dependence on foreign sources from the present 38 percent down to about 33 percent. The committee bill would raise our dependence upon foreign sources to about 46 percent.

The committee bill would not do anything to relieve the shortage. It would merely share the shortage. In fact, it would perpetuate and intensify the shortage.

The central, basic thrust of any intelligent long term energy program must be to move in the direction of greater U.S. self-sufficiency. The Krueger amendment does this. The committee bill does not.

One additional distinction needs to be drawn. The committee bill, if enacted in its present form, would surely be vetoed. To adopt it in light of that certain knowledge would merely prolong the unproductive confrontation between the Congress and the President and further delay the long-overdue start on a solution. We do not need more confrontations. We do not need continued stalemate. We need solutions. The Krueger amendment would be an important beginning.

Unless we provide some incentives to exploration we are not going to have any more new oil after awhile.

Some of the gentlemen on the committee side have repeatedly made the statement that $7.50 is all that is needed to find all the oil we want. If that were true, I would be for the committee bill.

Questioning whether it were true, I sent telegrams to a number of people whom I know to be engaged in the search for oil, and I asked that question: If $7.50 would be sufficient to encourage production and discovery and the borrowing of money necessary to go out and find more oil.

Most of them who have replied said, no, that in many conditions, in many prospective fields, and in certain strata which are expected to produce perhaps 25 barrels per day if oil is found, $7.50 would not be an adequate inducement for anybody to lend the money in the first place and for independent explorers to risk the money in the second place.

Mr. OTTINGER. Mr. Chairman, if the gentleman will yield further, I just do not see where the compromise is. It seems to me that under the gentleman's point of view they get a hundred percent. There is no give-and-take, except that the consumers are going to be asked to give and the oil industry will continue to take.

Mr. WRIGHT. Mr. Chairman, I will say to the gentleman that the compromise lies in a more gradual decontrol of old oil, as provided in the Krueger amendment, than the President requests, in an excess profits tax that does not presently exist on the creation of new oil, and in the encouragement to find more oil. And that, it seems to me, is the kind of compromise which will benefit the Nation and the american people in the long run.

Mr. MOSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I am greatly impressed by the very genuine request for compromise here today. I think it is noble that the Members approach their duties with such a deep sense of responsibility, particularly when they are looking to John Q. Citizen out there to pay the cost of their compromise.

The cost of the compromise is the cost of the difference between Krueger and Eckhardt. I refer to the Eckhardt provisions which are included in the bill before this committee.

I think it is so generous of the Members who talk of this compromise to commit their constituents' dollars with such a deep sense of generosity—amazing generosity. This means about $18 billion more in 1976, about $20 billion more in 1977, and about $22.7 billion more in 1978.

Mr. Chairman, let me tell the Members that my people do not want to pay that price for a compromise when there is nothing on the record to indicate that it is necessary.

I have heard about as much testimony as most of the Members have here, other than those who have been serving directly on the Subcommittee on Energy and Power, and I have not seen the evidence that these dollars are going to produce the additional oil.

As a matter of fact, the spokesman for Ashland said that $7.50 was quite adequate to encourage the development of oil in this country.

I recall in December of 1973 we were told that $4.25 was all that was necessary. Now we are talking about taking the price of oil up really to the point where we will be encouraging the OPEC nations to increase their price.

Let us not delude ourselves in thinking that these international oil companies, primarily the seven major internationals, are going to suddenly stop importing into the United States. They have too many billions of dollars invested overseas, and they are going to continue to produce overseas and keep whatever they have here as long as they can, available until some later time.

The story of oil is not a simple one, and every Member here knows it. It is one where it is easy to delude and it is easy to fool. However, there has not been one honest-to-God showing of need or an honest-to-God showing that what is being proposed here in the Krueger amendment would result in the increase in production, any more than will be encouraged through the enactment of the Eckhardt amendment.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. MOSS. Yes, I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I want to commend the gentleman from California (Mr. Moss) for his cogent arguments. He is right on target and absolutely right.

The gentleman from Illinois says that the people are watching us and they are tired that we cannot come to a compromise.

The Krueger amendment is another ripoff for the oil companies of this country.

A couple of years ago the major oil companies were only getting $2.25 a barrel for oil. Now they are getting $12 for "new" oil.

How much more money do they want for exploration?

Mr. MOSS. I say to the gentleman that

whether we give them $13.50 or not, we will encourage them to hold more off until they can get $15.50. They have an insatiable appetite.

If we are willing to commit the dollars of the consumers of this Nation to this most massive redistribution of wealth ever undertaken anywhere at any time, then we are, indeed, damn fools and unworthy of the trust that has been given us by the people we represent.

Mr. DEL CLAWSON. Mr. Chairman, will the gentleman yield?

Mr. MOSS. Yes, I yield to the gentleman from California.

Mr. DEL CLAWSON. The gentleman mentioned the Ashland Oil Co. Is the gentleman familiar with the amount of domestic production of the Ashland Oil Co.?

Mr. MOSS. I do not think it is significant. I do not think it is relevant, and for that reason, I do not yield further.

Mr. DEL CLAWSON. I think it is significant.

Mr. MOSS. I do not yield further, I say to the gentleman.

Mr. DEL CLAWSON. It is only 7 percent.

Mr. MOSS. I do not yield further.

The CHAIRMAN. The time of the gentleman from California (Mr. Moss) has expired.

(On request of Mr. SEIBERLING and by unanimous consent, Mr. Moss was allowed to proceed for 1 additional minute.)

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. MOSS. Yes, I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I think it is again unfortunate that today, as on Friday, we have heard threats of a veto if we do not accept the Krueger amendment. However, I would like to say that there is one advantage with respect to these threats: If there is a veto and this House is thereby prevented from enacting legislation that will spare the American people the cost of unjust enrichment of the oil barons, it will be crystal clear where the responsibility lies.

Mr. MOSS. The gentleman is precisely right.

Mr. KAZEN. Mr. Chairman, will the gentleman yield for a question?

Mr. MOSS. Yes; I yield to the gentleman from Texas.

Mr. KAZEN. As a matter of information, the gentleman said that these oil companies—and this is troubling me—will not stop the importation of oil, that they will continue to import oil. Where in the bill as it is written now is that provision which says that the U.S. Government shall be the sole importer of oil? How will that work?

Mr. MOSS. I do not see the U.S. Government as being the sole importer under the Krueger amendment.

Mr. KAZEN. Not only the Krueger amendment; I mean under the bill.

Mr. MOSS. I am addressing myself to the Krueger amendment.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. MOSS. Yes; I yield to the gentleman from Texas.

Mr. ECKHARDT. That is not what the bill says. The bill does not disturb present importers unless the President finds that it is necessary in order to make the policies work.

Mr. MOSS. The gentleman from Texas (Mr. ECKHARDT) is correct, but my point to the gentleman from Texas (Mr. KAZEN) was that that was not the Krueger amendment, and therefore, his question was not at all germane to the subject matter under discussion.

The CHAIRMAN. The question is on the amendment, as amended, offered as a substitute by the gentleman from Pennsylvania (Mr. HEINZ) for the amendment offered by the gentleman from Texas (Mr. KRUEGER).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HEINZ. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 94; noes 326, not voting 14, as follows:

[Roll No. 418]

AYES—94

Alexander
Anderson, Calif.
Anderson, Ill.
Aspin
AuCoin
Bergland
Biester
Bonker
Brinkley
Broomfield
Burke, Calif.
Clancy
Conyers
Coughlin
Davis
Dent
Derrick
Dingell
Dodd
Duncan, Tenn.
Early
Eshleman
Evans, Colo.
Fenwick
Fisher
Ford, Mich.
Forsythe
Fountain
Fraser
Frey
Giaimo
Gilman
Goodling
Grassley
Gude
Hamilton
Hannaford
Hastings
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heinz
Henderson
Hillis
Holland
Holtzman
Jenrette
Jones, N.C.
Jordan
Latta
Lent
Levitas
McCloskey
McDade
McKinney
Madigan
Mink
Mitchell, N.Y.
Moorhead, Pa.
Mosher
Murtha
Myers, Ind.
Neal
Obey
O'Brien
Patterson, Calif.
Pattison, N.Y.
Peyser
Pressler
Pritchard
Rees
Regula
Reuss
Riegle
Roncalio
Ruppe
Sarasin
Schroeder
Schulze
Sebelius
Sharp
Simon
Skubitz
Snyder
Spence
Stanton, J. William
Symington
Taylor, N.C.
Vigorito
Walsh
Wirth
Wydler
Young, Fla.
Young, Ga.

NOES—326

Abdnor
Abzug
Adams
Addabbo
Ambro
Andrews, N.C.
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
Ashley
Badillo
Bafalis
Baldus
Barrett
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bell
Bennett
Bevill
Biaggi
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bowen
Brademas
Breaux
Breckinridge
Brodhead
Brooks
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Carney
Carr
Carter
Casey
Cederberg
Chappell
Chisholm
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Collins, Tex.
Conable
Conte
Corman
Cornell
Cotter
Crane
D'Amours
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Danielson
de la Garza
Delaney
Dellums
Derwinski
Devine
Dickinson
Diggs
Downey, N.Y.
Downing, Va.
Drinan
Duncan, Oreg.
du Pont
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
Emery
English
Erlenborn
Esch
Evans, Ind.
Fary
Fascell
Findley
Fish
Fithian
Flood
Florio
Flowers
Flynt
Foley
Ford, Tenn.
Frenzel
Fulton
Fuqua
Gaydos
Gibbons
Ginn
Goldwater
Gonzalez
Gradison
Green
Guyer
Hagedorn
Haley
Hall
Hammerschmidt
Hanley
Hansen
Harkin
Harrington
Harris
Harsha
Hawkins
Hébert
Heckler, Mass.
Hefner
Helstoski
Hicks
Hightower
Holt
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Jacobs
Jarman
Jeffords
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Okla.
Jones, Tenn.
Karth
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Keys
Kindness
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Landrum
Leggett
Lehman
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
McClory
McCollister
McCormack
McDonald
McEwen
McFall
McHugh
McKay
Macdonald
Madden
Maguire
Mahon
Martin
Mathis
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Michel
Mikva
Milford
Miller, Calif.
Miller, Ohio
Mills
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Mollohan
Moore
Moorhead, Calif.
Morgan
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Myers, Pa.
Natcher
Nedzi
Nichols
Nix
Nolan
Nowak
Oberstar
O'Neill
Ottinger
Passman
Patman, Tex.
Patten, N.J.
Pepper
Perkins
Pettis
Pickle
Pike
Poage
Preyer
Price
Quie
Quillen
Railsback
Randall
Rangel
Richmond
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Roe
Rogers
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Russo
Ryan
St Germain
Santini
Sarbanes
Satterfield
Scheuer
Schneebeli
Seiberling
Shipley
Shriver
Shuster
Sikes
Sisk
Slack
Smith, Iowa
Smith, Nebr.
Solarz
Spellman
Staggers
Stanton, James V.
Stark
Steed
Steelman
Steiger, Ariz.
Stephens
Stokes
Stratton
Stuckey
Studds
Sullivan
Talcott
Taylor, Mo.
Teague
Thompson
Thone
Thornton
Traxler
Treen
Tsongas
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Waggonner
Wampler
Waxman
Weaver
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wolff
Wright
Wylie
Yates
Yatron
Young, Alaska
Young, Tex.
Zablocki
Zeferetti

NOT VOTING—14

Annunzio
Clausen, Don H.
Conlan
Evins, Tenn.
Hinshaw
Ichord
Jones, Ala.
Mann
Matsunaga
Montgomery
O'Hara
Rhodes
Steiger, Wis.
Symms

So the substitute amendment as amended for the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KRUEGER TO THE AMENDMENT OFFERED BY MR. KRUEGER

Mr. KRUEGER. Mr. Chairman, I offer an amendment and ask unanimous consent that I be allowed to amend the amendment which I earlier offered.

Mr. OTTINGER. Mr. Chairman, I reserve a point of order.

Mr. ECKHARDT. Mr. Chairman, I also reserve a point of order.

The Clerk read as follows:

Amendment offered by Mr. KRUEGER to the amendment offered by Mr. KRUEGER: Strike subsection (d) of the new Section 8 added to the Emergency Petroleum Allocation Act of 1973 and insert in lieu thereof a new Subsection (d) as follows: "The provisions of (b) and (c) shall not take effect unless the Congress finds and so declares by concurrent resolution that there is in effect a tax which couples a redistribution of tax receipts mechanism to substantially mitigate the effect of increased energy costs on consumers with an excise tax or other tax applicable to sales of crude oil from a property: *Provided*, That such tax shall provide an incentive for the production of new domestic crude oil."

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. ECKHARDT. Mr. Chairman, I reserve the right to object.

Mr. OTTINGER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

AMENDMENT OFFERED BY MR. WRIGHT TO THE AMENDMENT OFFERED BY MR. KRUEGER

Mr. WRIGHT. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Texas (Mr. KRUEGER).

The Clerk read as follows:

Amendment offered by Mr. WRIGHT to the amendment offered by Mr. KRUEGER: Strike Subsection (d) of the new Section 8 added to the Emergency Petroleum Act of 1973 and insert in lieu thereof a new Subsection (d) as follows: "The provisions of (b) and (c) shall not take effect unless the Congress finds and so declares by concurrent resolution that there is in effect a tax which couples a redistribution of tax receipts mechanism to substantially mitigate the effect of increased energy costs on consumers with an excise tax or other tax applicable to sales of crude oil from a property: *Provided*, that such tax shall provide an incentive for the production of new domestic crude oil."

Mr. ECKHARDT. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Texas (Mr. ECKHARDT) reserves a point of order.

Mr. DINGELL. Mr. Chairman, I reserve a point of order. As I understand the rules, copies of the amendment are to be provided to the minority cloakroom and the majority cloakroom and be made available to the committee. None have been made available.

The CHAIRMAN. That fact does not prevent consideration of the matter by the committee. The Chair suggests that copies be made available to the desk.

Mr. ECKHARDT. Mr. Chairman, on my reservation of the point of order, may I question the gentleman from Texas (Mr. WRIGHT)?

The CHAIRMAN. Does the gentleman from Texas (Mr. ECKHARDT) desire to reserve his point of order or let the gentleman from Texas (Mr. WRIGHT) proceed?

Mr. ECKHARDT. Mr. Chairman, I desire to let the gentleman proceed.

Mr. VANIK. Mr. Chairman, I reserve a point of order to protect the committee in the event that the other reservations are withdrawn. I do not know what this is all about.

The CHAIRMAN. All points of order have been reserved.

The Chair recognizes the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, the purpose of this amendment is to preserve the integrity of the House Committee on Ways and Means and to give the House the full opportunity to debate, deliberate, and adopt the precise details of the excess profits tax provision embodied in the amendment as originally offered by my colleague from Texas (Mr. KRUEGER).

Mr. KRUEGER. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Texas.

Mr KRUEGER. Mr. Chairman, when I presented my amendment several days ago, there was an objection by the chairman of the Ways and Means Committee and by another member of the Ways and Means Committee that the provisions for a tax being placed before the phased decontrol could occur were so specific as to leave insufficient margin to the Ways and Means Committee to carry out its own designated function under its regular committee jurisdiction.

Consequently, I have consulted with members of that committee, and with them have worked out language that would be broad enough to satisfy their concerns that they would have ample opportunity to write the appropriate sort of tax which would have to be in place before this phased decontrol could occur. I might repeat that in spite of what other Members have tried to suggest to this body, that the phased decontrol can occur, as the language is written, only if there is a tax in place.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Chairman, did the gentleman say that he had worked out an agreement with the members of the Ways and Means Committee?

Mr. KRUEGER. No, I said that I had consulted with some members of the Ways and Means Committee in drawing this up.

Mr. BURKE of Massachusetts. There are 37 members of the Ways and Means Committee, and speaking for this member, I just wish to point out that the gentleman has not consulted with this member of the Ways and Means Committee.

Mr. WRIGHT. Mr. Chairman, I yield to the chairman of the Ways and Means Committee, the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Chairman, let me say that the gentleman from Texas did come to me to try to work out some language that would protect the integrity of the Ways and Means Committee. The other day, when the issue came up, I raised a strong objection.

Mr. Chairman, I feel prescriptive taxation is the wrong policy and that the Committee on Ways and Means must use its staff and expertise in order to develop the kind of a windfall profits tax that is both sound and correct for the economy and for the problem.

The gentleman from Texas brought some language, which was modified somewhat. They felt that there ought to be a provision in there that would provide for some redistribution of tax back to the consumers.

Personally, I feel very strongly that that should be the case, too, if we have a windfall profits tax; that in order to compensate the consumers for the extra cost of energy there should be some provision for feeding that tax back to the consumers. Even though the language is somewhat cumbersome because of different provisions that went into it, it does satisfy me. I think it does protect the integrity of the Committee on Ways and Means, and I certainly support the amendment.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman.

Mr. ECKHARDT. I thank the gentleman for yielding.

Mr. Chairman, I am trying to understand exactly what this amendment does. As I understand, the original language of the Krueger amendment set out a very specific procedure by which, No. 1, there was a certain level at which a windfall profits tax kicked in, a specific percentage of windfall profits tax—I think it was 90 percent—and a specific provision for plowback, which was 100 percent with respect to new oil and was zero percent with respect to old oil.

Mr. Chairman, do I understand that if the amendment is adopted, none of those limitations or requirements will be in effect; that the only limitation is that there shall be an excise tax or other tax applicable to sales of crude oil from a property, provided that such tax shall provide an incentive for the production of new domestic crude oil? Do I understand these last qualifications are substituted for the specific qualifications and nothing more?

Mr. WRIGHT. No. In addition to that, there is the additional qualification, I would say to the gentleman, that there be a redistribution of tax receipts to substantially mitigate the effect of increased energy cost on consumers.

Mr. ECKHARDT. Yes. That is the written-in language. So it would read that the only qualification respecting this is that it be a mechanism to substantially mitigate the effect of the increased energy costs of the consumers with an excise tax or other tax applicable to the sale of crude oil from a property, provided that such tax shall provide an incentive for the production of new domestic crude oil.

That is the sole qualification of the Krueger amendment, and that that qualification is found to exist by a concurrent resolution.

Mr. WRIGHT. The gentleman is correct. And that preserves to the House as a whole and to the other body the opportunity to make the final judgment.

POINT OF ORDER

Mr. ECKHARDT. Mr. Chairman, I press my point of order at this time.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ECKHARDT. Mr. Chairman, my

point of order is that, No. 1, this amendment is not germane to the Krueger amendment; and No. 2, that this amendment, if added to the Krueger amendment, creates an extensively and fundamentally different principle not covered by the exception to the rules.

Mr. Chairman, I cite primarily from page 415 of Deschler's Procedure, section 36.9, which reads:

> The fact that a resolution providing for the consideration of a bill specifically waives points of order against a particular amendment is not determinative of the issue of the germaneness of other, similar amendments.

There is reference to 106 CONGRESSIONAL RECORD 5655, 86th Congress, 2d session, March 14, 1960.

I should like to point out to the Chair how widely divergent this amendment is from the original Krueger amendment. The original Krueger amendment had some appeal to the committee because it did a very specific thing: It said that in providing that there is what the gentleman from Texas (Mr. KRUEGER) always called a specific recycling process with respect to the taxes collected under the windfall profits tax, that specific recycling process constituted the sending of the application, as I recall, of half the receipts to low- and middle-income brackets and the rest to a division of cities and others, the exact details of which I do not recall.

Then if this contingency occurred and it was a contingency based on a clearly and specifically defined action to become law, then and then only would the windfall profits tax provisions be in effect. Otherwise the bill would fall back to essentially the provisions of an extension of the existing Allocation Act.

Mr. Chairman, actually this point was sufficiently appealing—and I know that a history of the matter is not really relevant to the process, but it indicates a vast difference between that amendment and the one that is now offered—to some Members on grounds that we would not buy a pig in a poke in that committee; we would know precisely what would happen with respect to price; and that we would know precisely what would happen if a windfall profits tax went into effect with respect to the method of distributing that windfall profits tax.

In so knowing, the committee was able to protect its own jurisdiction. It can say: We will not buy this proposition as a price-control mechanism unless these provisions are carried into effect.

The effect of this amendment is something extremely different, and it is something that I feel sure we members of the Committee on Interstate and Foreign Commerce would have appeared before the Committee on Rules and strenuously objected to, because the amendment would simply say that we will put this pricing mechanism into effect and we will leave open to the absolute unrestrained determination of another committee what the tax structure would be.

In effect the result of that would be a complete reneging by the committee setting the price and a movement from a specific contingency to a complete delegation of authority to define that contingency to another committee.

Mr. Chairman, it is the duty, as I see it, of the Committee on Rules to protect the jurisdictions of the various committees. I do not believe the Committee on Interstate and Foreign Commerce would have stood for that kind of a rule, because it is vastly different from the rule that was ultimately given.

Therefore, since the amendment calls not for a specific contingency but for a complete delegation of authority to complete this bill by other legislation, unlimited and undefined by the amendment itself, it is so vastly different from the original amendment that it falls under the rule that I have just read: "The fact that a resolution providing for the consideration of a bill specifically waives points of order against a particular amendment is not determinative of" some other matter which is of a different character.

Mr. Chairman, I submit that this is of a vastly different character.

Mr. ADAMS. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. ADAMS. Mr. Chairman, I want to reiterate the point that was made by the gentleman from Texas that the waiver of the amendment process by rule from the Committee on Rules does not apply to a separate amendment.

I am troubled in this case by the explanation that was given by the gentleman from Texas that the section that is being debated, the Krueger section, would be triggered by a type of concurrent resolution. I do not know where this concurrent resolution would go. For example, would it be referred to the Committee on Interstate and Foreign Commerce, and then be transmitted to the Committee on Government Operations or to the Committee on Ways and Means?

This type of contingency in this legislation, I think, would be subject to a point of order if there had not been an original waiver. Since the original waiver of the Committee on Rules does not protect this amendment, it would seem to me that a point of order would lie to the particular amendment, which, as I understand, is the Wright amendment to the Krueger amendment.

I thank the Chairman.

The CHAIRMAN. Does the gentleman from Ohio (Mr. VANIK) desire to be heard on the point of order?

Mr. VANIK. Yes, Mr. Chairman, I would like to be heard.

I would just like to say that the resolution under which the committee considers this proposal today, House Resolution 599, on page 2, line 10, sets forth as follows:

> It shall be in order to consider, without the intervention of any point of order, the text of an amendment which is identical to the text of Section 301 of H.R. 7014 as introduced and which was placed in the CONGRESSIONAL RECORD of Monday, July 14, 1975, by Representative ROBERT KRUEGER.

I think that the rule specifically indicates what would be in order would be the Krueger amendment and not amendments to the Krueger amendment.

For example, I do not believe that it would have been in order, under this rule, for the Committee on Ways and Means windfall profits section to have been introduced as an amendment to the Krueger amendment.

I think the gentleman from Texas (Mr. ECKHARDT) has very clearly stated the other valid basis on which I think the point of order should be sustained.

The CHAIRMAN. Does the gentleman from Ohio (Mr. BROWN) desire to be heard on the point of order?

Mr. BROWN of Ohio. I do.

Mr. Chairman, the amendment has within it the two factors which are also contained in the basic Krueger amendment: first, a modification, as any amendment would, of the finding or the method by which a finding can be made of what an appropriate tax is; and second, a description of what an appropriate tax is that can be found, so that the basic provisions of the Krueger amendment can be put into effect; that is, the decontrol process.

The Committee on Rules properly, I think, made in order the Kruger amendment for decontrol, and the price of oil hinged that decontrol on a suitable tax and the finding of a suitable tax.

The amendment offered by the gentleman from Texas (Mr. WRIGHT) merely modifies that process.

The question of the juridsdiction of the Committee on Interstate and Foreign Commerce to write this into its legislation was raised by the gentleman from Texas (Mr. ECKHARDT) in his comments on the point of order.

It seems to me that it is the prerogative of the Committee on Rules to combine legislation, to see that legislation is brought to the floor in tandem, so that it might be combined on the floor by the committee, in its wisdom, and in this case, specifically made in order by rule.

The prospect was that the job of the Committee on Interstate and Foreign Commerce, the jurisdictional job, decontrol, would proceed on the basis of a finding of a suitable tax and it left the establishment or the enactment of that tax to the Committee on Ways and Means.

Nothing in the amendment of the gentleman from Texas (Mr. WRIGHT) changes the basic thrust of the rule granted by the Committee on Rules in that regard, and it occurs to me that the amendment of the gentleman from Texas (Mr. WRIGHT) is perfectly appropriate and germane. It does, in fact, as any amendment would, modify the situation; but it leaves to the full committee, the Committee of the Whole, the job of making that modification, in its wisdom.

The CHAIRMAN. Does the gentleman from Texas desire to be heard on the point of order?

Mr. KRUEGER. I do, Mr. Chairman, and I will not take much time.

Mr. Chairman, I would simply point out that the Chair has earlier ruled, it seems to me, on the same point of order that the gentleman from Texas (Mr. ECKHARDT) has offered to this amendment, and the Chair has already ruled against that particular objection.

The fact is that the rule that was granted is a rule that allows amendments to the amendment. It seems to me that this is clearly germane to the earlier amendment, and is therefore in order.

Mr. ECKHARDT. Mr. Chairman, may I speak very briefly on the point of order?

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. ECKHARDT. Mr. Chairman, I would like to make it clear that the gentleman from Ohio (Mr. Brown) has made the point of order I previously made. I did not make the same point of order at this time.

I merely state that to put into effect a process, an entirely different kind of process that is a concurrent resolution, and a totally delegated authority subject only to that concurrent resolution, was of such a different nature that it may be that a specific provision, the findings of a precise method of triggering a mechanism, simply was not germane to the original amendment, and therefore could not be admitted as an amendment to the amendment and, furthermore, if admitted, would make the Krueger amendment nongermane to the bill itself, and is not covered by the rule.

The CHAIRMAN (Mr. Bolling). The Chair is ready to rule.

Although a great many matters have been discussed in connection with the point of order, the Chair proposes to rule only very narrowly.

The question is whether the amendment offered by the gentleman from Texas (Mr. Wright) offered to the amendment offered by the gentleman from Texas (Mr. Krueger) is germane as within the limitations of the precedents with regard to its scope.

The Chair finds, basically on the arguments made by the gentleman from Ohio (Mr. Brown) that it is germane, and within the scope of the type of "windfall profits tax" defined by the Krueger amendment, although the description of the tax is somewhat less precise than the definition in the Krueger amendment. The fact that Congress, in the Wright amendment, rather than the President, as in the Krueger amendment must make the finding of enactment of the tax does not render the amendment not germane. Therefore the Chair overrules the various points of order and finds the amendment in order.

Mr. GIBBONS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to ask the author of the amendment, the gentleman from Texas (Mr. Wright), and the gentleman from Texas (Mr. Krueger), what is meant by some of the wording in the amendment. I see both gentlemen are here, and perhaps both of them should respond, because I think they have collaborated on this amendment.

I call attention specifically to the last proviso in the Wright amendment providing that such tax shall provide an incentive for the production of new domestic crude oil.

Does this limit the Committee on Ways and Means to just a plowback type of incentive?

Mr. KRUEGER. Mr. Chairman, if the gentleman will yield, no, if they can find some other means of finding an appropriate incentive to encourage production, it would be within their scope.

Mr. GIBBONS. What if the Committee on Ways and Means finds that price was enough of an incentive, would it violate it?

Mr. KRUEGER. There is nothing in the amendment that would or would not violate it.

Mr. GIBBONS. In other words, if we determine after levying some kind of a tax there still was enough price differential left in there not to be a disincentive, then it would not require a special tax incentive, a tax expenditure to meet the strictures of the Wright amendment?

Mr. KRUEGER. The gentleman is correct. As the gentleman realizes, the tax legislation to be proposed would in fact return to this House for the approval of this House.

I think the House could in its wisdom weigh that matter at that time. The essential point of this amendment was to accommodate the Committee on Ways and Means, just as the essential point of the Krueger amendment was to accommodate the differences between the President and some Members of the House so that we could get an energy policy under way. The fact of the matter is that on September 1 we will not have a policy unless we act now in some form that we know will accommodate the interests of the executive branch as well as our own.

Mr. GIBBONS. Then, to summarize, if I may, the Wright amendment as the gentleman interprets it, and as I guess the gentleman from Texas (Mr. Wright) interprets it—and I see him here, and I would hope if I state it wrong he would correct me—does not tie the hands of the Committee on Ways and Means. It would not require us to bring in a plow-back type of arrangement. We could make an independent determination that price alone, together with any tax that was levied, was a sufficient amount of incentive. Am I correct on that?

Mr. KRUEGER. That is correct.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Illinois.

Mr. MIKVA. I thank the gentleman for yielding.

I appreciate the fact that the two gentlemen from Texas are trying to be accommodating to the jurisdiction of the Committee on Ways and Means, but I only read the English that is in this amendment, and it says:

> Provided that such tax shall provide an incentive for the production of new domestic crude oil.

Mr. GIBBONS. That worries me, and that is why I want to get an interpretation.

Mr. MIKVA. If the gentleman will yield further, with all of the judicial gloss that the gentlemen from Texas, Messrs. Wright and Krueger, have put on it, it seems to me that the House will be bound by the plain meaning of these words, and the words say "such tax." Therefore, I think any tax that the Committee on Ways and Means passed that did not have a plow-back would not meet the test of the Wright and Krueger amendments.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Texas.

Mr. WRIGHT. I thank the gentleman for yielding.

If the gentleman from Texas (Mr. Krueger), and the gentleman from Texas (Mr. Wright), had desired to mandate a plow-back provision, we would have specified so. I think clearly a plow-back provision might be one means by which stimulation to additional discovery could be provided.

The question was asked yesterday by the gentleman from Ohio (Mr. Vanik), as to whether a plow-back of 89 percent would be sufficient or if 91 percent would be sufficient. The questions ranged ad nauseam ad absurdum until we have simply said, Very well, Committee on Ways and Means, bring to the House something that the House will approve that will stimulate additional discovery, that will recover excess profits, and that will redistribute them back to the consumers, and upon the approval of the majority of the House that will suffice. Have a finding on the part of the House that this meets the test.

Mr. GIBBONS. To get back to it, it does not mandate a plow-back type of arrangement, and any tax we levied, considered in tandem with a price that the House approves, would meet the strictures of this language, is the way I interpret both of the gentlemen from Texas.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Ohio.

Mr. VANIK. I thank the gentleman for yielding.

I would like to ask the author of either the Wright amendment or the basic amendment whether under this provision the Committee on Ways and Means would be mandated to impose an excise tax. It might be found from testimony and evidence that an excise tax is not warranted and would not be the proper way to proceed. Would the committee be mandated to come up with an excise tax? That is set forth in the provisions that are now included in the Wright amendment.

Mr. KRUEGER. If the gentleman will yield, it says, I believe, with an excise tax or other tax applicable to the sales of crude oil from the property. Therefore, I would assume that since it says "or," it means another alternative.

Mr. VANIK. If the gentleman will yield, but it would mean an excise tax or other tax.

Mr. KRUEGER. If the gentleman will yield, an alternative tax.

Mr. GIBBONS. I thank the gentleman.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

I would like to take this occasion to express an interpretation, and I would hope that the authors of this amendment could clarify it.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would announce first

that at the earliest possible moment I will move that the Committee rise.

I would now like to ask the authors of the amendment, the gentleman from Texas (Mr. KRUEGER) and also my friend, the gentleman from the Ways and Means Committee, the gentleman from Oregon (Mr. ULLMAN), some questions about this amendment, because I am not altogether clear what the amendment offered by the gentleman from Texas (Mr. WRIGHT) to the Krueger amendment happens to mean.

First of all the amendment refers to sections (b) and (c) and it says:

> The provisions of (b) and (c) shall not take effect unless the Congress finds and so declares by concurrent resolution . . .

What is the meaning of (b) and (c) to which there is reference? May we have some history on that?

Mr. Chairman, I yield to either of my friends for that purpose.

Mr. WRIGHT. Mr. Chairman, if the gentleman will yield, the gentleman is aware that the Krueger amendment as originally offered contained a provision, subsection (d) which this new subsection replaces.

Mr. DINGELL. As I understand it though the subsection (d) refers apparently to pricing effects and provisions with respect to tertiary recovery, but I would like to have that clearly on the record as to what this particular section means.

I yield to my friend, the gentleman from Texas (Mr. WRIGHT) or the author of the amendment, the gentleman from Texas (Mr. KRUEGER).

Mr. KRUEGER. Mr. Chairman, it does in fact replace the full set of taxations which have been provided.

Mr. DINGELL. As I understand it, it says subsection (b) then refers to the ceiling price sections. Is that correct? Then if that refers to (b) can someone inform me what the (c) is, so we have that?

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, the gentleman will recall that the original Krueger amendment required in its original subsection (d) a finding on the part of the President that a certain type of taxation was to be considered and it was very specific as to the type of taxation required. That was objected to by the Ways and Means Committee so that this provision applies with precisely the same force as the earlier subsection (d) applied.

Mr. DINGELL. With all thanks to my friend, I would like to shift the question.

Subsection (b) as I understand it says as follows:

> Except as provided in subsections (c) and (d), no price ceiling shall apply to any first sale by a producer of domestic crude oil from a property.

It strikes me that says unless we have in place a tax of this kind there is not going to be any price ceiling. Then as we get to (c) it says:

> No producer may charge a price in the case of sales from a property in a month in volume amounts equal to or less than the production volume subject to a price ceiling which is higher than the sum of (1) the highest period price at 6 ante meridian, local time, May 15, 1973, for that grade of crude oil at that field, . . .

That is essentially the $5.25 price on old oil, as I understand it, but that appears to differ with (b) which is above.

I just am curious about the technical draftsmanship and apprehensive we may be foreclosing the offering or rather we may be foreclosing a ceiling price at all being imposed or intended under the language of the amendment. I want an answer from the gentleman because I want to try to understand what this does.

I yield to the gentleman.

Mr. WRIGHT. Mr. Chairman, the Wright amendment makes no difference whatsoever in the triggering mechanism except that it gives to the Ways and Means Committee and then to the House regular latitude and the discerning of the type of tax that will be appropriate.

Originally the Krueger amendment had precisely the same requirement.

Mr. DINGELL. Mr. Chairman, that is the gentleman's intent, I will advise the gentleman; but again referring to section (d) from the provisions of the original Krueger amendment which I have before me, it says:

> Except as provided in subsections (C) and (D), no price ceiling shall apply to any first sale by a producer of any first sale by a producer of any domestic crude oil produced from a property——

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. O'NEILL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the Energy Conservation Policy Act of 1975 (H.R. 7014), the bill that the committee has reported out, is the answer to the critics. I think we should go forward with this bill.

Mr. Chairman, we have before us at the present time the Krueger amendment, with the Wright amendment as a sweetener to it. For all practical purposes, we voted earlier in the afternoon on decontrol. The vote was 262 to 167. In my opinion, the Krueger amendment is not the answer. It raises no ceiling. No one in this chamber knows how high the price of oil will go with the Krueger amendment. I do not think the House should pass it even with the Wright amendment to it.

The bill we have brought out repudiates the approach of the Krueger amendment which lifts the ceiling all the way. The Krueger position is indefensible at this time. If this Member has ever seen anything that boggles the American public, it is an amendment of this type.

Mr. Chairman, the Eckhardt amendment is the basis of this bill. I think it stabilizes the present oil situation and that is the type of legislation we should adopt. It sets a price of $7.50 for most oils, while allowing certain costs to be sold at $8.50.

In 1972 oil, whether it was new oil or old oil, was selling for $3 a barrel—$3 a barrel, while the oil which has been selling at the OPEC cartel prices would be brought back into line if we pass the Eckhardt amendment. With that amendment we can bring it back to $8.50 a barrel.

H.R. 7014 will stabilize the average American oil prices at the general 1975 levels. The average price will neither be rolled on back nor allowed to soar to the OPEC prices with the bill we have now. It will stabilize home heating and electrical bills. It will not slow down the economy. It will not add to the worst inflation that this country has ever had.

The bill will do positive things and there is no question about it.

Now, last week the Consumer Economic Subcommittee of the Joint Economic Committee estimated that the President's bill, which was $13.50, as compared to the Krueger amendment which has no ceiling, if it goes to $16, $17, or $18 by the President's bill, and I quote:

> . . . will transfer upward of $40 billion from consumers to the oil companies in a period of two years.

That is about $20 billion a year.

Mr. Chairman, the Committee on Economics also reported last week that it estimated that inflation through 1976 would rise about 50 percent. In other words, if it is 10 percent this year, it would go to 15 percent next year, when we have oil at $13.50 a barrel.

I repeat, the Krueger amendment has no ceiling. Inflation will go out of sight. The Joint Economic Committee says that with the President's bill, unemployment would go up one-half of 1 percent. Do the Members know what one-half of 1 percent is? That is 500,000 jobs; one-half million jobs. That is the President's bill at $13.50.

The Krueger amendment has no ceiling. We have no idea as to how high the cost of oil would go. We do not know what it is going to do with regard to encouraging oil production. Nor do we have any records as to how much oil there is.

I say that we have already acted once today. We acted on the President's decontrol bill. The vote then was overwhelming. I think the vote against the Krueger amendment should be overwhelming in the same way. I think we should stay with the Eckhardt amendment; I urge my colleagues to vote to defeat the Wright amendment and to defeat the Krueger amendment.

Mr. DOMINICK V. DANIELS. Mr. Chairman, I rise in support of the legislation before us today, H.R. 7014, the Energy Conservation and Oil Policy Act of 1975.

It is abundantly clear to me that the President's proposal for a 30-month phaseout of crude oil price controls will put this Nation's economy on a collision course with disaster.

The administration's decontrol plan would siphon off some $25 to $45 billion a year in consumer purchasing power and would result in the loss of jobs for as many as one and a half million American workers, according to the eminent economist Charles L. Schultze, who appeared July 14 before the Joint Economic Committee to present testimony on the impact of oil price decontrol.

Testimony received by the committee indicates that the President's decontrol plan would raise the Consumer Price Index by 2 percent by the end of 1976 and 3 percent by the end of 1977. Higher consumer prices will, in turn, influence wage bargains and further drive up wages and prices, thus exacerbating the inflationary spiral that has only just begun to show some signs of slowing. Then, too, consider the impact of resultant higher energy prices on business investment decisions. The economic recovery touted by the administration could be aborted early in 1976, and turn into a new recession leading to an absolute increase in unemployment above the level we are now experiencing.

The economic scenarios that have been developed to show what could happen as a result of the 30-month price control phaseout proposed by the President are very grim—but they could become even worse if the OPEC cartel makes good its promise to increase crude oil prices at the end of September. The President's decontrol plan, combined with an OPEC price increase, could spell disaster for the hard-pressed consumers of this Nation, and could put the U.S. economy into a tailspin.

The very likelihood that we could be facing both decontrol and an OPEC price increase should encourage every Member on the floor today to support the legislation before us.

The price ceilings authored by our distinguished colleague, Congressman ECKHARDT, are fair to the U.S. oil industry, but they also protect the interests of the U.S. economy and the American consumer. After all, why should the American consumer be held an economic captive to the avaricious predations of a foreign oil producing cartel that seems intent on breaking the economic back of the civilized world?

Mr. Chairman, I strongly urge my colleagues to join with me in supporting H.R. 7014 as reported by the Interstate and Foreign Commerce Committee, and to strongly oppose any proposal that would set ceilings on domestic oil at a price greater than those levels recommended in the committee bill.

Mr. OTTINGER. Mr. Chairman, I include at this point the letter addressed to the Honorable WARREN G. MAGNUSON concerning the current costs of oil production which I alluded to earlier.

FEDERAL POWER COMMISSION,
Washington, D.C., July 21, 1975.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN MAGNUSON: I am pleased to forward the attached cost analyses prepared by me in response to your letter of July 15, 1975, requesting the following:

(1) An alternative to the study transmitted on June 26, using the same data and analysis but including Alaska as well as the lower 48 states. In order to assure that these computations are conservative, we would request that only one-half of the reported reserves in Alaska be used in the computation. In addition, please assume a Federal Income Tax liability equal to 10 percent of gross income on the value of crude oil produced.

(2) An estimate of the cost per million Btu's of producing new hydrocarbons, whether crude oil or natural gas. Such a computation would avoid the difficult allocation problems of joint costs between the two fuels. Please base this estimate on the five-year average of expenses, reserves, additions, and production. Again, please utilize one-half of the Alaskan reserve additions in the computation and assume a Federal Income Tax liability of 10 percent of gross income from crude oil and natural gas sales.

(3) We would also request the Federal Power Commission Staff Analysis of the estimated cost of production of old domestic crude oil, which is based on 1972 data. We should also appreciate any help you can give us in trending these costs forward to reflect current 1975 costs.

The results of the foregoing analyses (1), (2) and (3) are $5.49 per barrel, $4.14 per barrel and $2.96 per barrel, respectively. A discussion of possible trending methods is provided in the attached analysis.

I will be pleased to answer any questions you have regarding the staff analysis.

Sincerely yours,
LOUIS J. ENGEL,
Supervisory Regulatory Gas Utility Specialist.

COST OF FINDING AND PRODUCING A BARREL OF NEW CRUDE OIL (TOTAL U.S.)[1]

LINE NUMBER, ITEM DESCRIPTION, SOURCE, AND UNIT COST PER BARREL

1. Oil Well Drilling Cost, Sch. 3, $0.43.
2. Lease Acquisition Cost, Sch. 3, $0.37.
3. Production Facilities, Sch. 3, $0.27.
4. Subtotal, $1.07.
5. Dry Hole Drilling Cost, Sch. 3, $0.21
6. Other Exploration Cost, Sch. 3, $0.19.
7. Exploration Overhead, Sch. 3, $0.05.
8. Subtotal, $0.45.
9. Operating Expense, Sch. 3, $0.88.
10. Casinghead Gas Credit, Sch. 3, $0.61.
11. Return on Working Capital, Sch. 3, $0.12.
12. Return on Investment, Sch. 3, $2.28.
13. Royalty at 16%, Sch. 2, $0.80.
14. Subtotal, Sch. 2, $4.99.
15. Total including income tax at 10% of gross income, $5.49.

COST OF FLOWING OIL[1]

Production Cost:[2]	Per barrel
1. Cash Expense	$1.02
2. DD&A	.48
3. Return	.74
Total	2.24
EXPLORATION AND DEVELOPMENT[3] ALLOWANCE (E & D)	
4. Expense	.34
5. Return	.11
Total	.45
7. Total, Production & E & D	2.69
8. FIT computed as 10% of Line 7	.27
Total	2.96

[1] Cost of flowing oil is estimated on a basis comparable to the cost of flowing gas, under past Commission approved methods, in Commission Notice Issuing Staff Rate Recommendation and Prescribing Procedures, issued September 12, 1974, in Docket No. R-478. (See Notice Appendix B, Summary, Schedule No. 1-A, Column (e)). Method further combines operations of Independent Producers, Pipeline Affiliates, and Pipeline Producers which were reported in subject docket in year 1972 for the Lower 48.

[2] Production costs are based on current year 1972 operations on leases producing essentially oil only or leases producing oil and casinghead gas. Leases producing both oil and gas-well gas (combination leases) were excluded from study because of the complexity in allocation procedures. Allocation of joint product oil and casinghead gas costs was made on the basis of relative costs, i.e., through consideration of what it would cost to produce the products singly as measured by the cost of separate product gas-well gas and single product oil.

[3] E & D costs are based on current expenditures for essentially unsuccessful costs. E & D costs are first assigned, and the remainder allocated, on the basis of the respondents reported intent as between gas reservoir and oil reservoir operations. Costs for oil reservoir operations were then allocated between oil and gas current production, as measured by Btu content, after the oil Btu's had first been modified by a multiple of 2.5. The resulting with E & D cost for oil was then imputed to production of oil on the subject lease types.

Mr. DRINAN. Mr. Chairman, I would the amendments to title III to H.R. 7014, like to take this opportunity to speak on the Energy Conservation and Oil Policy Act of 1975. H.R. 7014 represents a comprehensive energy package which has many commendable and well thought out provisions. I would like to direct my comments at this time, however, to title III, which relates to the oil pricing policies of the bill.

The oil pricing policies as enunciated in H.R. 7014 will bring about a dramatic change in the pricing classification of oil in this country. At present, the price of oil is set according to the largest general categories of "new" versus "old" oil, the former selling at the market price of approximately $13 per barrel, the latter subject to a $5.25 price ceiling. These are the figures which currently govern the domestic sale of petroleum.

Mr. Chairman, if title III of the Energy Conservation and Oil Pricing Act were enacted, the existing price classifications administered by the Federal Energy Administration would be totally phased out over a period of several years. Old oil would be phased out so that by 1980 it would have an average price ceiling of $7.50 per barrel. Conversely, the price of "new" oil, which is presently sold at a free market rate, would be rolled back to the $7.50 per barrel average.

The above description captures the general rationale for title III, Mr. Chairman, but there are a number of special pricing provisions which adhere to the bill. For example, while the average price ceiling is supposed to be $7.50 per barrel, oil from the Outer Continental Shelf, the Arctic Circle, or that which is produced from tertiary recovery, or from high cost properties, could sell for $8.50 per barrel. In addition, an inflation adjustment factor of two-thirds of 1 percent per month, compounded on the respective $7.50 and $8.50 prices is included. The inflation adjustment becomes operative 45 months after the date of enactment, with the result that the $7.50 controlled price would be gradually increased until the price is fully decontrolled. Consequently, we do not have just a price ceiling for oil, but a mechanism for the gradual decontrol of oil prices.

I oppose the decontrol of oil, Mr. Chairman, whether it be a gradual decontrol of prices or an even more ill-advised immediate decontrol similar to what the President is proposing. Should oil be allowed to float to the current market price, it will assume a level of approximately $13 a barrel. The giant oil companies argue that this is the price which they need to develop rapidly our country's fossil fuel resources. I would argue on the other hand, Mr. Chairman, that this $13 level is completely artificial and unwarranted.

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[1] Includes Alaskan data to the extent that 50% of Alaskan oil additions were included in the productivity estimate.

It is popularly said that the $13 price is a free market price, but this is hardly the case. Rather, it is the figure that the OPEC countries have arbitrarily set for the price of oil. Even Treasury Secretary William Simon admits the OPEC price is unrelated to reality, to costs, or to alternative energy sources. It is simply a figure which has been arrived at through political calculation.

The big eight oil companies in the United States are now using the OPEC price as the price which they must have to develop sufficiently U.S. domestic oil. And yet in 1972, the National Petroleum Council estimated the average price would have to rise to only $3.65 a barrel by 1975 in order to stimulate maximum production. At the same time, the Council estimated that "the highest drilling and finding rates would require no more than an incentive price of $6.69 by 1985." In spite of these revealing figures, as new domestic oil prices have tripled, domestic production has continued to fall. If genuinely pressed, oil industry executives will admit that the availability of oil and equipment and personnel shortages, and not price, are the real constraints on production.

I would like to ask at this time, Mr. Chairman, what the big American oil companies are going to charge for oil when the OPEC countries raise their prices again. Will they maintain that they should get $14, $15, or $16 per barrel of oil as a necessary price to spur development? Are they going to say that the politically motivated price has become the new sound figure for energy expansion? If our present experience is any indication, that is exactly what they will do, regardless of what is actually needed to bring about increased oil and gas exploration.

Let us look at the figures if there are those who would doubt the greed of the oil companies. Two years ago, in 1973, the average price of domestic oil was $3.50 a barrel on the free market. A year later, it had reached $7.05. After the latest OPEC price increases, "new" domestic oil in this country shot up to approximately $13 a barrel. The oil industry argues that it needs this type of price and profits as an incentive to drill additional oil. And yet, Mr. Chairman, these same oil executives did not discover $7 to be an inadequate incentive until after foreign oil prices hit $11 only a short time ago. The lesson to be learned here is that the oil companies are willing to charge whatever they can, regardless of the price to the American consumer, to satisfy their craving for higher cost and greater profits.

In short, I do not believe that the oil producers even need $7.50 a barrel to explore successfully for new fossil fuel energy resources. I feel that the $5.25 price which is now being charged for "old" oil provides enough incentive for these companies. However, the giant oil producers will never tolerate such prices when they are capable of successfully charging American consumers so much more for their energy needs.

Returning to the actual provisions of title III, Mr. Chairman, I would like to point out the fact that the President is allowed by this bill to establish a higher price for oil on certain properties such as the Outer Continental Shelf or the Arctic Circle where exploration is deemed to be excessively expensive. In addition, H.R. 7014 grants the President authority to establish higher prices than the $7.50 per barrel for any property in instances where the President determines that the higher price is reasonable and justified in relation to the costs of production of the property.

Mr. Chairman, we already know where the President's predisposition lies in this matter. He would like nothing more than to allow the OPEC oil prices to prevail for all domestic energy supplies. Consequently, how can we grant to him the authority to raise prices to an $8.50 average price? And bear in mind, we are talking about the average price. This means that some oil could be priced at $9.50 or even $10 a barrel, as long as the average did not exceed $8.50.

I do feel that the Interstate and Foreign Commerce Committee has attempted to arrive at a workable compromise in setting an overall oil price ceiling. However, I do feel that they have been overly generous in setting the ceiling at $7.50 per barrel. I genuinely feel that domestic production would receive adequate incentives by setting the price ceiling at the existing $5.25 price for "old" oil. Therefore, Mr. Chairman, I feel that it is necessary to oppose title III of the act.

Mr. Chairman, while I do oppose title III of the Energy Conservation and Oil Policy Act, I do want to say that the overall bill is certainly worthy of support. The bill does in large part extend the important provisions of the Emergency Petroleum Allocation Act, protecting the consumer through an allocation system which takes into account regional disparities and transportation factors. Mandatory automobile fuel economy standards are established providing that auto manufacturers would be fined, starting with the 1978 model, for failing to improve mileage per gallon of gasoline. In addition, the bill calls for the creation of a national civilian strategic petroleum reserve of not more than 1 billion barrels of petroleum. The President is required to develop a plan for the strategic reserve and to submit it to Congress for review within 1 year of enactment.

Other important provisions within H.R. 7014 include a section which requires the President to submit to Congress one or more energy contingency plans and one gasoline rationing contingency plan. Thus, the country will be better prepared for an emergency such as the Arab boycott in the fall of 1973. In addition, the Energy Conservation and Oil Policy Act requires the General Accounting Office to perform an annual audit of the major oil companies' finances and records. This information should help significantly our energy agencies to understand the actual energy situation in which our country now finds itself.

Mr. Chairman, I would also like to commend the Committee for developing standards for energy conservation in the industrial sector, in transportation, and in the labeling of our appliances. These standards are very important in reversing this country's traditional bias against energy conservation. Until this point the Federal Government has virtually ignored vast possibilities in the area of energy conservation.

I regret that I cannot give my full support to H.R. 7014, Mr. Chairman, but I feel strongly that the oil companies need no additional incentives to develop properly our energy supplies. If it were not for title III of this Act, I could enthusiastically support the Conservation and Policy Act, but as this is the determinative section in the bill, I am constrained from lending my full support to the legislation.

Mr. DINGELL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore, Mr. McFALL, having assumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 7014) to increase domestic energy supplies and availability; to restrain energy demands; to prepare for energy emergencies; and for other purposes, had come to no resolution thereon.

PERMISSION FOR SUBCOMMITTEE ON NATIONAL PARKS AND RECREATION OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO SIT ON WEDNESDAY, JULY 23, 1975 DURING THE 5-MINUTE RULE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that the Subcommittee on National Parks and Recreation of the Committee on Interior and Insular Affairs be permitted to sit on Wednesday, July 23, 1975, while the House is proceeding under the 5-minute rule.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from North Carolina (Mr. TAYLOR)?

There was no objection.

ALASKAN LANDS; SUBCOMMITTEE HEARINGS SET DURING AUGUST RECESS

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, for the benefit of persons interested, I wish to announce that the Public Lands Subcommittee of the Interior and Insular Affairs Committee will hold hearings in Alaska, starting Monday August 4, during the August recess, on Alaskan lands problems.

There are now five bills before the subcommittee relating to disposition of Alaskan Public Lands, and particularly the 80 million acres which were set aside by former Secretary of the Interior Rogers C. B. Morton for study as national forest, refuge, park, wild and scenic designation.

The subcommittee will hold hearings in Alaska to get the viewpoints of Alaskans throughout the week of August 4. Further hearings will be held later here in Washington.

My attention has recently been directed to an editorial in the Fairbanks News-Miner entitled "Huge Federal Withdrawals Haunting Alaska's Future."

The editorial lauds a bill by our colleague, Congressman Don Young, who has proposed a system of corridors for commerce to assure orderly economic development and access to Alaskan natural resources.

Congressman Young's bill is a thoughtful proposal and his bill and the News-Miner editorial constitute a constructive contribution to the discussion and consideration of the problem with which the subcommittee will deal.

As such, I am including it in the Record for the information of all those interested.

There is an opportunity in Alaska to plan and to wisely develop a vast new land area of this Nation, which contains a wealth of resources, with minimal disturbance of the beauty and natural values of the land.

The subcommittee is interested in everyone's views and suggestions for it is aware that its decisions will be of great importance now and, as the News-Miner puts it—"down the long road ahead."

The items follow:

Huge Federal Withdrawals Haunting Alaska's Future

Congressman Don Young, who has entered one of five bills in Congress pertaining to the disposition of some 80 million acres of Alaska land which was withdrawn for study by former Interior Secretary Rogers C. B. Morton, has sounded new warnings concerning the withdrawals.

The 80 million acres was set aside when Mr. Morton recommended that it be included in the national forest, national park, national refuge, and wild and scenic rivers systems. Congress is now in the process of evaluating that recommendation.

Rep. Young's bill establishes a 15-million acre scenic reserve system and sets up at least seven multiple-use corridors. The future of Alaska, in some ways, hangs in the balance on the decision made on the 80-million-acre withdrawal.

If all of the 80 million acres, located as it is, would be put into single-use reserves, the opportunity to properly develop the oil, gas and mineral resources of our state would be dealt a crippling blow.

It is for this reason that Alaskans, regardless of how busy they might be, and regardless of how many other pressing short-range problems there are, must remain vigilant on the matter of the use designated for the 80 million acres.

Among the five bills relating to reclassification of that huge amount of land—greater in size than many states—only Rep. Young's bill provides for adequate corridor systems, and his is the only bill that specifically sets aside the corridor for a natural gas transportation corridor to the Cordova area, the route chosen by El Paso Natural Gas Co. in its application for a natural gas pipeline from the North Slope.

As Rep. Young has pointed out many times, single-use designation for the vast land area would not only put in doubt the natural gas line, but also hopes for development of the vast hard-rock mining potential in our state.

The long-range implications of the decision on the 80 million acres are many. Many feel that the mineral potential of Alaska can lead to the United States becoming self sufficient in mineral production.

Mr. Young's bill calls for seven corridors. They are a north-south corridor through the state; a corridor through Petroleum Reserve No. 4 (Pet 4); and east-west corridor through the center of our state from Nenana to Bethel, serving Fairbanks directly; a corridor extending to the Haines Highway; the existing corridor Alaska Arctic Gas would need if its proposed Canadian natural gas route is approved; the corridor to Gravina Point which El Paso Gas proposes; and either of two proposed corridors crossing the north-central part of the state, one of which is directly connected to Pet 4.

These recommendations appear to be the minimum Alaskans could possibly accept. The Bureau of Land Management in its study recommended the withdrawal of some 34 corridors within the state. While all of those may never be necessary, it is far better for us to have them in reserve than to come upon a time when they are needed and have our hands tied behind our back.

Mr. Young's bill is a compromise between the vast recommendations in the BLM study and the position of the strong pro-environmental groups, who would like to see all future development in our state blocked.

The biggest single project immediately at stake is the 'all-American' natural gas line. Businessmen in our state have formed to look after the project in a group known as OMAR. Pacific Northwest businessmen have been alerted to the fact that their participation is as vital now as it was during the battle for the trans-Alaska oil pipeline.

Working together, and keeping the importance of the reclassification uppermost in our minds, it is likely that Rep. Young's bill, or a modification of it, can be implemented to assure a steady economic growth for our state.

We must not get caught up in the hectic boom period we are now experiencing and forget to look down the long road ahead. Setting aside an intelligent corridor system now is in the best interests of all concerned—even the environmentalists.

A workable corridor system will assure an orderly future development, one which allows the job to be done without disturbing any more of our beautiful country than is absolutely necessary.

STATEMENT ON U.S. RELATIONS WITH SOUTH KOREA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Sikes) is recognized for 30 minutes.

Mr. SIKES. Mr. Speaker, our relations with the Republic of Korea have in recent weeks received more and more attention, as it becomes apparent that there are moves afoot in this Chamber to begin the process of abandoning South Korea, as this country abandoned South Vietnam on a step-by-step basis from 1968 until the Communist victory there last April. I urge this body and appeal to my colleagues not to set out on this course, for the end result could be another Communist victory in Asia, a second bitter defeat for a quarter of a century of American policy in the Far East, the persecution of anti-Communists and U.S. supporters in Korea and the anguish of hundreds of thousands or even millions of Korean refugees fleeing to escape Communist tyranny.

Two basic contentions are made by those who favor beginning the policy of abandonment of South Korea. They argue that South Korea's security and stability are not important to the security of the United States. It also is asserted that the United States should end all ties with what is called the undemocratic government of President Park Chung Hee. I will discuss each of these contentions.

Those who say that Korea and the adjacent areas of Northeast Asia are of marginal importance to the United States have neglected their reading of history and fail to understand the intensity of great power interests in that area today. Korea has been the cockpit of conflict in Asia since the late 19th century. Since 1894, five wars have either been fought on Korean soil or involved foreign troops in Korea.[1]

All involved one or more of the four great powers whose interests presently come together in the Korean peninsula. It is a fact that Japan, China, and the Soviet Union have vital political and military interests in Korea. U.S. abandonment of South Korea would spark a major convulsion of great power policies in the region.

Abandonment, in my view, could conceivably rupture the United States-Japan alliance, which could, in turn, end U.S. influence in East Asia. The Government of Japan has made it clear since the fall of Saigon that while Japan saw no vital interests in South Vietnam, South Korea is, in the Foreign Ministry's words, "a different story." On July 10, Foreign Minister Miyazawa listed peace and stability in Korea as the number one Japanese foreign policy objective in Asia.

Some Americans who favor abandonment argue that if this were done over a longer period of a few years, the impact on Japan might be cushioned. I credit the Japanese with more perception than that. They would see abandonment for what it is very early in the game, especially given the precedent in Vietnam; and they would draw the appropriate conclusions: First, that the end result of abandonment would be a Communist takeover of South Korea; and second, that the United States-Japanese Security Treaty had as little value as the United States-South Korea Mutual Defense Treaty.

Already, the Soviet Union and China are offering Japan potential alternatives to the American alliance. China is proposing a common anti-hegemony front to be incorporated into the Japan-China treaty of peace and friendship presently under negotiation. Moscow continues to dangle its Asian collective security scheme in front of Japan with its growing Pacific fleet as an added inducement. U.S. abandonment of South Korea would make these alternatives far more attractive to Japan—coupled perhaps with the alternative of rearmament—as the Japanese sought new sources of security to replace an American defense commitment of dubious value. Thailand's rush to accommodation with the Communist powers in Southeast Asia is an object lesson of the results of American withdrawal and defeat in Asia. It would be a disaster for the United States if Japan, with its vast economic power and potential military power, were to embark on such a course. A steadfast U.S. commitment to the security of both South Korea and Japan is the best way to prevent this.

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[1] The Sino-Japanese War of 1894–95; the Russo-Japanese War of 1904–05; the Japanese takeover of Manchuria, 1931–33; the Soviet invasion of Korea, August–September 1945; and the Korean War, 1950–53.

For China and the Soviet Union, U.S. abandonment of South Korea would have equally strong effects. China would be emboldened to apply a death grip of military and/or economic pressure on the Republic of China on Taiwan, thus dooming the democratic government and the booming economy of the 15 million people of that island. The Soviet Union would have new incentives to continue its naval buildup in the Pacific and to place more pressure on the free Asian nations to move into an anti-United States, Soviet sphere of influence under the aegis of the collective security scheme. The Soviet Defense Ministry recently warned Asian countries to relinquish their security ties with the United States.

In the end the United States could be finished as a power in the Western Pacific. Soviet and Chinese power would predominate as Japan and the other free Asian nations seek to preserve some measure of their independence through accommodation and association with Moscow and Peking. To the United States, Asia would become an essentially hostile land mass using its vast population and tremendous economic resources against the interests of the United States.

And what of the rest of the world? It is well known that the United States has committed itself strongly to the independence of the Philippines, Taiwan, and Israel. However, since 1945, the United States has committed itself equally strongly to the independence of South Korea. We played a primary role in promoting the independence of each of these small countries in the postwar period. Abandonment of South Korea would be a clear signal to every U.S. ally in the world that no defense commitment from the United States is secure from the political whims of the moment in Washington. U.S. credibility would suffer another serious blow.

The human rights issue often is used as a rationale by the proponents of abandonment. However, I find it interesting that these people do not now advocate a reaffirmation of the U.S. defense commitment to Thailand under SEATO and continued aid to Thailand. That country has a democratic government and extensive political freedoms and civil liberties. Are we prepared to abandon that nation to Communist domination? For some, apparently, the human rights issue is only a propaganda tool to be used to influence American public opinion to abandon its commitments in Asia. Where it cannot be used in this fashion, it is conveniently forgotten.

It is true that some of the present internal policies of the Park Chung Hee government are undemocratic and that the majority of the American people probably would disapprove of these policies. It may be justified to criticize President Park for his arrests of political opponents and suppression of the press. However, I would argue that we should not expect the South Korean Government to be a pure, American-style democracy. There is continuing threat from North Korea and constant Communist inspired agitation in South Korea. As a result the government in Seoul must maintain some controls over the populace that we Americans would find unsuited to our own situation. Certainly this is a better situation than communistic rule which would be the alternative. Let us remember that during our own Civil War, President Lincoln had thousands of political opponents in the North arrested—at least 13,000 political prisoners according to Civil War historian James G. Randall—and he had them incarcerated for months and even years without civilian trial. Mr. Lincoln also periodically ordered newspapers shut down in cities like Chicago, New York, and Philadelphia for their criticism of his policies. Mr. Lincoln and his advisers argued that the crisis of civil war necessitated such undemocratic measures. Is South Korea's crisis today any less severe? While we may criticize Park Chung Hee, let us remember our own Civil War experience with civil liberties under a President we today revere as perhaps our greatest President.

Let us remember also that the political opposition in South Korea, while strongly critical of Park, is adamantly against abandonment of South Korea by the United States. The past and present leaders of the major opposition New Democratic Party, Kim Dae Jung and Kim Young Sam, are on public record as favoring continuation of U.S. military aid, the stationing of U.S. forces in South Korea, and the United States-South Korea Mutual Defense Treaty. Kim Young Sam has argued that the withdrawal of U.S. troops and aid and the termination of the U.S. defense commitment would give Park Chung Hee justification for his internal measures.

Despite the present political situation, South Korea has achieved tremendous progress since the Korean War. From the devastation caused by the conflict, it has emerged as a modern, industrializing nation with a steadily rising standard of living for the great majority of its people. South Korea's per capita income of $513 is anywhere from 3 to 10 times higher than that of most less developed nations. Growing new cities are today linked by a modern transportation system to the countryside where rural poverty has been replaced by villages with electricity, rebuilt homes, piped water systems, and modern appliances. Self-sufficiency in agricultural production may be achieved by the end of the decade, and South Korea no longer will need U.S. economic aid to finance its development.

South Korea also is one of the few less developed countries that has made tangible progress in controlling population growth. Where elsewhere there is rhetoric on this question, in South Korea there is achievement. Under the Government's programs, the rate of population increase has fallen from 3 percent in 1961 to 1.8 percent today. Rapid strides also have been made in health and education. Life expectancy has reached 65 years, and over 95 percent of South Koreans 12 years or older are literate.

These vast changes are fast producing a more prosperous, better educated, and more mobile population in South Korea. These developments, I believe, in time will affect the political climate in South Korea and will move the country toward a more free and open government and society. Western democratic values are shared by vast numbers of South Koreans, and the political problems of today should not blot out the promise of tomorrow. If today's problems cause the United States to abandon its commitment to South Korea, that promise will be lost forever. The Communist totalitarianism of North Korea would suffocate all hopes for democracy in South Korea, and the South Korean people would enter a new dark age of regimentation and repression that would endure for decades.

The American people have invested much in South Korea: over 33,000 killed during the Korean War, the commitment of troops for over 25 years, and nearly $12 billion in military and economic aid. In so many ways, South Korea's progress has provided a good return on this investment. The 22 years of peace on the Korean peninsula also has been a good return. Make no mistake about it: the 22 years of peace have been the direct result of the U.S. defense commitment and the maintenance of American troops in South Korea. North Korea realizes better than anyone that the U.S. commitment stands in the way of its plans for conquest in the South, as evidenced by the two recent direct appeals Pyongyang has made to Congress to legislate the withdrawal of American forces. It would be a tragedy for the United States to sacrifice all it has achieved in South Korea and can achieve in the future in promoting the peace and progress of the 33 million people of that country. We should not abandon these worthy objectives.

THE MOVE TOWARD INDEPENDENCE—THE EVENTS OF JULY 1775

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, we witness this month the 200th anniversary of several key, pivotal events which led to the formation of our Republic.

It was during July 1775 that the Continental Congress adopted the Olive Branch Petition—asking for a peaceful settlement of differences, while almost simultaneously adopting the Declaration of the Causes and Necessities of Taking Up Arms—stating the colonies would not yield to enslavement and would consider accepting foreign assistance against Britain. On the last day of the month, the Congress rejected the conciliation plan offered by the British Prime Minister, Lord North.

All this was done with a degree of self-assurance—for two reasons. First, on July 3, George Washington had taken command of the 14,500 troops at Cambridge in Massachusetts. Second, they knew the Olive Branch Petition was still on its way to England. In short, negotiations—backed by strength—were continuing at this point.

The Olive Branch Petition was important in the context of the internal struggle amongst the Members of the Continental Congress also. The independence faction—the liberty party as it was known in the New England States—had been championing that cause for some time, and it was gradually picking up converts. One at a time, the uncommitted Members were moving toward independence, and some Loyalists were moving toward noncommitment. But the process was not without much friction.

John Dickinson, a Member from Pennsylvania and subsequently from Delaware, was among the principal advocates of reconciliation with the Crown. As an articulate, learned, and persistent advocate, he argued against separation on a wide variety of points- -English traditions of loyalty, economic alliance and other dependencies, the presumed inabilities of the colonies to sustain an army and navy—and the quite simple point that a successful separation had never before been done.

Dickinson drafted the Olive Branch Petition from those convictions, and he perceived himself to be acting in the genuine interest of the colonies. Of this petition, Thomas Jefferson, who served with Dickinson, wrote years later:

> Congress gave a signal proof of their indulgence to Mr. Dickinson, and of their great desire not to go too fast for any respectable part of our body, in permitting him to draw their second petition to the King according to his own ideas, and passing it with scarcely any amendment.

There was not that much debate on the Olive Branch Petition. What needed to be said for or against it had already been said.

Here are excerpts from its text:

> "At the conclusion, therefore, of the late war (the French-Indian War), the most glorious and advantageous that had been won by British arms, your loyal colonists having contributed to its success, by such repeated and strenuous exertions, as frequently procured them the distinguished approbation of your Majesty, of the late king, and of parliament, doubted not but that they should be permitted, with the rest of the empire, to share in the blessings of peace, and the emoluments of victory and conquest. While these recent and honorable acknowledgements of their merits remained on record in the journals and acts of that august legislature, the Parliament, undefaced by the imputation or even the suspicion of any offence, they were alarmed by a new system of statutes and regulations adopted for the administration of the colonies, that filled their minds with the most painful fears and jealousies; and, to their inexpressible astonishment, perceived the dangers of a foreign quarrel quickly succeeded by domestic dangers, in their judgment, of a more dreadful kind.
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> Nor were their anxieties alleviated by any tendency in this system to promote the welfare of the Mother country. For tho' its effects were more immediately felt by them, yet its influence appeared to be injurious to the commerce and prosperity of Great Britain.
>
> We shall decline the ungrateful task of describing the irksome variety of artifices, practised by many of your Majesty's Ministers, the delusive pretences, fruitless terrors, and unavailing severities, that have, from time to time, been dealt out by them, in their attempts to execute this impolitic plan, or of tracing, thro' a series of years past, the progress of the unhappy differences between Great Britain and these colonies, which have flowed from this fatal source.
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> Knowing to what violent resentments and incurable animosities, civil discords are apt to exasperate and inflame the contending parties, we think ourselves required by indispensable obligations to Almighty God, to your Majesty, to our fellow subjects, and to ourselves, immediately to use all the means in our power, not incompatible with our safety, for stopping the further effusion of blood, and for averting the impending calamities that threaten the British Empire.
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> * * * * *
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> We solemnly assure your Majesty, that we not only most ardently desire the former harmony between her and these colonies may be restored, but that a concord may be established between them upon so firm a basis as to perpetuate its blessings, uninterrupted by any future dissentions, to succeeding generations in both countries.
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> * * * * *
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> These, related as we are to her, honor and duty, as well as inclination, induce us to support and advance; and the apprehensions that now oppress our hearts with unspeakable grief, being once removed, your Majesty will find your faithful subjects on this continent ready and willing at all times, as they ever have been, with their lives and fortunes, to assert and maintain the rights and interests of your Majesty, and of our Mother country.
>
> We, therefore, beseech your Majesty, that your royal authority and influence may be graciously interposed to procure us relief from our afflicting fears and jealousies, occasioned by the system before mentioned, and to settle peace through every part of your dominions, with all humility submitting to your Majesty's wise consideration whether it may not be expedient for facilitating those important purposes, that your Majesty be pleased to direct some mode, by which the united applications of your faithful colonists to the throne, in pursuance of their common councils, may be improved into a happy and permanent reconciliation; and that, in the mean time, measures may be taken for preventing the further destruction of the lives of your Majesty's subjects; and that such statutes as more immediately distress any of your Majestiy's colonies may be repealed.
>
> For by such arrangements as your Majesty's wisdom can form, for collecting the united sense of your American people, we are convinced your Majesty would receive such satisfactory proofs of the disposition of the colonists towards their sovereign and parent state, that the wished for opportunity would soon be restored to them, of evincing the sincerity of their professions, by every testimony of devotion becoming the most dutiful subjects, and the most affectionate colonists.

That Dickinson believed himself to be acting in the best interest of the colonies is reflected by his subsequent service. Although he voted against the Declaration of Independence, not signing it until May 5, 1779, he served in the Continental Army, rising to the rank of brigadier general of the Pennsylvania militia. He served as a competent governor—it was then known as president—of both Delaware and Pennsylvania after independence, and he was one of the principal authors of the Constitution of the United States.

It is not surprising, therefore, that the almost simultaneously adopted Declaration of the Causes and Necessities of Taking Up Arms was coauthored—with Thomas Jefferson of Virginia—by Dickinson.

The most salient passages from this declaration are, as follows:

> We have counted the cost of this contest and find nothing so dreadful as voluntary slavery. Honor, justice, and humanity forbid us tamely to surrender that freedom which we received from our gallant ancestors, and which our innocent posterity have a right to receive from us. We cannot endure the infamy and guilt of resigning succeeding generations to that wretchedness which inevitably awaits them, if we basely entail hereditary bondage upon them.
>
> Our cause is just. Our union is perfect. Our internal resources are great; and, if necessary, foreign assistance is undoubtedly attainable. We gratefully acknowledge, as signal instances of the divine favor toward us, that His providence would not permit us to be called into this severe controversy until we were grown up to our present strength, had been previously exercised in warlike operation, and possessed of the means of defending ourselves. With hearts fortified with these animating reflections, we most solemnly, before God and the world, declare that, exerting the utmost energy of those powers which our beneficent Creator has graciously bestowed upon us, the arms we have been compelled by our enemies to assume, we will, in defiance of every hazard, with unabating firmness and perseverance, employ for the preservation of our liberties; being with one mind resolved to die free men rather than live slaves. . . .
>
> In our own native land, in defense of the freedom that is our birthright and which we ever enjoyed till the late violation of it, for the protection of our property acquired solely by the honest industry of our forefathers and ourselves, against violence actually offered, we have taken up arms. We shall lay them down when hostilities shall cease on the part of the aggressors and all danger of their being renewed shall be removed, and not before.

On the 22d of July, a committee consisting of Benjamin Franklin of Pennsylvania, John Adams of Massachusetts, Richard Henry Lee of Virginia—who less than a year later was to make the formal motion for Independence, and Thomas Jefferson—who was to author its Declaration, was appointed to consider and report on the Conciliation Plan offered by Lord North.

This plan had been adopted in Parliament on February 20 and had only in July arrived in Philadelphia. Its provisions insisted most actions of the colonies' general councils, assemblies, and general courts had to be placed into abeyance, after adoption, until approved by the King.

This was unacceptable, for it continued—and would have locked in with the consent of the colonies themselves—the prior practice of Royal assent.

The Members, thus persuaded, adopted this formal response in opposition to the plan:

> The Congress took the said resolution into consideration, and are thereupon, of opinion,

That the colonies of America are entitled to the sole and exclusive privilege of giving and granting their own money: that this involves a right of deliberating whether they will make any gift, for what purposes it shall be made, and what shall be its amount; and that it is a high breach of this privilege for any body of men, extraneous to their constitutions, to prescribe the purposes for which money shall be levied on them, to take to themselves the authority of judging of their conditions, circumstances, and situations, and of determining the amount of the contribution to be levied.

That as the colonies possess a right of appropriating their gifts, so are they entitled at all times to enquire into their application, to see that they be not wasted among the venal and corrupt for the purpose of undermining the civil rights of the givers, nor yet be diverted to the support of standing armies, inconsistent with their freedom and subversive of their quiet. To propose, therefore, as this resolution does, that the monies given by the colonies shall be subject to the disposal of parliament alone, is to propose that they shall relinquish this right of inquiry, and put it in the power of others to render their gifts ruinous, in proportion as they are liberal.

That this privilege of giving or of withholding our monies, is an important barrier against the undue exertion of prerogative, which, if left altogether without control, may be exercised to our great oppression; and all history shows how efficacious is its intercession for redress of grievances and reestablishment of rights, and how improvident it would be to part with so powerful a mediator.

We are of opinion that the proposition contained in this resolution is unreasonable and insidious: Unreasonable, because, if we declare we accede to it, we declare, without reservation, we will purchase the favor of parliament, not knowing at the same time at what price they will please to estimate their favor; it is insidious, because, individual colonies, having bid and bidden again, till they find the avidity of the seller too great for all their powers to satisfy; are then to return into opposition, divided from their sister colonies whom the minister will have previously detached by a grant of easier terms, or by an artful procrastination of a definitive answer.

That the suspension of the exercise of their pretended power of taxation being expressly made commensurate with the continuance of our gifts, these must be perpetual to make that so. Whereas no experience has shown that a gift of perpetual revenue secures a perpetual return of duty or of kind disposition. On the contrary, the parliament itself, wisely attentive to this observation, are in the establishment practice of granting their supplies from year to year only.

Desirous and determined, as we are, to consider, in the most dispassionate view, every seeming advance towards a reconciliation made by the British parliament, let our brethren of Britain reflect, what would have been the sacrifice to men of free spirits, had even fair terms been proffered, as these insidious proposals were with circumstances of insult and defiance. A proposition to give our money, accompanied with large fleets and armies, seems addressed to our fears rather than to our freedom. With what patience would Britons have received articles of treaty from any power on earth when borne on the point of the bayonet by military plenipotentiaries?

We think the attempt unnecessary to raise upon us by force or by threats our proportional contributions to the common defense, when all know, and themselves acknowledge, we have finally contributed, whenever called upon to do so in the character of freemen.

We are of opinion it is not just that the colonies should be required to oblige themselves to other contributions, while Great Britain possesses a monopoly of their trade. This of itself lays them under heavy contribution. To demand, therefore, additional aids in the form of a tax, is to demand the double of their equal proportion: if we are to contribute equally with the other parts of the empire, let us equally with them enjoy free commerce with the whole world. But while the restrictions on our trade shut to us the resources of wealth, is it just we should bear all other burdens equally with those to whom every resource is open?

We conceive that the British parliament has no right to intermeddle with our provisions for the support of civil government, or administration of justice. The provisions we have made, are such as please ourselves, and are agreeable to our own circumstances: they answer the substantial purposes of government and of justice, and other purposes than these should not be answered. We do not mean that our people shall be burthened with oppressive taxes, to provide sinecures for the idle or the wicked, under colour of providing for a civil list. While parliament pursue their plan of civil government within their own jurisdiction, we also hope to pursue ours without molestation.

We are of opinion the proposition is altogether unsatisfactory, because it imports only a suspension of the mode, not a renunciation of the pretended right to tax us: because, too, it does not propose to repeal the several Acts of Parliament passed for the purposes of restraining the trade, and altering the form of government of one of our colonies: extending the boundaries and changing the government of Quebec; enlarging the jurisdiction of the courts of Admiralty and vice-Admiralty; taking from us the rights of trial by a jury of the vicinage, in cases affecting both life and property; transporting us into other countries to be tried for criminal offences; exempting, by mock-trial, the murderers of colonists from punishment; and quartering soldiers on us in times of profound peace. Nor do they renounce the power of suspending our own legislatures, and of legislating for us themselves in all cases whatsoever. On the contrary, to shew they mean no discontinuance of injury, they pass acts, at the very time of holding out this proposition, for restraining the commerce and fisheries of the provinces of New England, and for interdicting the trade of other colonies with all foreign nations, and with each other. This proves, unequivocally, they mean not to relinquish the exercise of indiscriminate legislation over us.

Upon the whole, this proposition seems to have been held up to the world, to deceive it into a belief that there was nothing in dispute between us but the *mode* of levying taxes; and that the parliament having now been so good as to give up this, the colonies are unreasonable if not perfectly satisfied: Whereas, in truth, our adversaries still claim a right of demanding *ad libitum,* and of taxing us themselves to the full amount of their demand, if we do not comply with it. This leaves us without any thing we can call property. But, what is of more importance, and what in this proposal they keep out of sight, as if no such point was now in contest between us, they claim a right to alter our charters and established laws, and leave us without any security for our lives or liberties. The proposition seems also to have been calculated more particularly to lull into fatal security, our well-affected fellow subjects on the other side the water, till time should be given for the operation of those arms, which a British minister pronounced would instantaneously reduce the "cowardly" sons of America to unreserved submission. But, when the world reflects how inadequate to justice are these vaunted terms; when it attends to the rapid and bold succession of injuries, which, during the course of eleven years, have been aimed at these colonies; when it reviews the pacific and respectful expostulations, which, during that whole time, were the sole arms we opposed to them; when it observes that our complaints were either not heard at all, or were answered with new and accumulated injury; when it recollects that the minister himself, on an early occasion, declared "that he would never treat with America, till he had brought her to his feet," and that an avowed partisan of ministry has more lately denounced against us the dreadful sentence, *"delenda est Carthago;"* that this was done in the presence of a British senate, and being unreproved by them, must be taken to be their own sentiment, (especially as the purpose has already in part been carried into execution, by their treatment of Boston and burning of Charles-Town;) when it considers the great armaments with which they have invaded us, and the circumstances of cruelty with which these have commenced and prosecuted hostilities; when these things, we say, are laid together and attentively considered, can the world be deceived into an opinion that we are unreasonable, or can it hesitate to believe with us, that nothing but our own exertions may defeat the ministerial sentence of death or abject submission.

By order of the CONGRESS,

JOHN HANCOCK,
President.

Philadelphia, July 31, 1775.

There are lessons from July 1775 which are applicable to our circumstances today, and it would be wise for us to take cognizance of them as we continue our deliberations in these Chambers.

First. We can pursue two apparently divergent courses of action at the same time without them being counterproductive. It is obvious the Members of the Continental Congress knew what they were doing when they pursued both reconciliation on the one hand and prepared for separation on the other. They wanted reconciliation, but they knew realities might compel them to pursue separation. As a modern counterpart, we desire a relaxation of tensions in the world community—for example, détente with the Soviet Union, but we must be fully prepared for other contingencies until those desires become realities. The examples are manyfold.

Second. We must be patient in our attempts to coalesce support for matters of national importance. We must, as they did in letting John Dickinson have passed his olive branch petition, make sure that no large bloc of opinion is left out of the decisionmaking process, for to the degree it is, we have rendered that decision less tenable.

Third. Men of divergent interests and opinions were able to work together in a common cause on what they mutually supported and/or mutually opposed. We can see the shifts in factional memberships within the Second Continental Congress, and instead of being criticized as fickle opinion or sinister political realinements, they should be praised for almost superhuman ability to work together with those in whom one had seldom before found accord.

Fourth. Patience had another facet. They did not want to make abrupt changes in institutional processes and relationships. Those who wanted Independence wanted to make sure the people were capable of sustaining it. This could not be done overnight or—given the poor communications of those years—over months or even years. It took time for people to adjust to the prospect of doing things a different way. Abrupt changes in policy and process can be counterproductive, and usually are. They sought to avoid that danger.

Last. We must be cautious as to ascribing motives to others. The motives of those who espoused reconciliation were, we know from the journals and the writings of Members of the Continental Congress, frequently questioned by the advocates of independence. Yet, their loyalty to the colonies, time after time, was shown. This House of Representatives has a rule against one Member ascribing motives to the other during Floor debate. It is a good rule.

The movement toward independence was now set fully into motion.

NEWARK TO HOST STATEWIDE PUERTO RICAN DAY PARADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 15 minutes.

Mr. RODINO. Mr. Speaker, next Sunday, July 27, the city of Newark will again have the honor of sponsoring the annual Puerto Rican Day celebration in New Jersey. The festivities will culminate in a grand parade which, as the sponsors very aptly state, "has become the rallying point of unity for the entire community throughout our State and metropolitan area."

I certainly want to commend the many New Jersey residents of Puerto Rican ancestry who have worked so tirelessly to make this special day a success. The Honorable Carmen Conway is president of the parade and Antonio Perez is chairman of the yearbook committee. Jose M. Le Bron has served as liaison and coordinator between the county and city and the Puerto Rican community. I want to extend felicitations to Miss Irma Furst, who will reign as queen of the parade and later represent the State of New Jersey in a beauty pageant in Puerto Rico.

A unique tribute is due to my very dear friend, Mrs. Marie Gonzalez. For some years she has not only been vitally involved in Puerto Rican Day events, but every day of every year has given dedicated service to the Puerto Rican community. As a member of the Newark Human Rights Commission, in countless ways she has represented the Puerto Rican community with outstanding ability and compassion, seeking ways to meet their needs and solve their problems.

Puerto Rican Day will be not only a joyous occasion, but one with a most laudable objective—the effort to raise additional funds for college scholarships for needy Puerto Rican students.

This year's celebration will be special for another reason, for it will be a prelude to a most significant cultural event. On September 12, the first annual Puerto Rican Heritage and Cultural Festival will be held at the Garden State Arts Center. Mr. Raul Davila has served as overall cochairman for this landmark occasion.

We all are probably most familiar with the achievements of Puerto Ricans in the fields of politics and sports. Many have been elected to State and local offices. We in the House are fortunate to have as our colleague HERMAN BADILLO, the first citizen of Puerto Rican heritage elected to Congress. He is not only an extremely able and conscientious representative to his constituents, but a dedicated advocate of measures for the betterment of all Americans. I particularly value his effective contributions to our work in the House Judiciary Committee.

There are many Puerto Rican athletes who have gained fame through their skill in such diverse fields as baseball, boxing, horse racing, golf, and tennis. Undoubtedly the most familiar to mainland citizens are the late, beloved Roberto Clemente and the great first baseman Orlando Cepeda. Both were honored by being named Most Valuable Player of the Year—Clemente in 1966 and Cepeda in 1967.

Mr. Speaker, I am particularly delighted that an annual festival will be initiated to display Puerto Rican cultural and educational contributions. Anyone who has visited Puerto Rico cannot have missed the rich and varied culture of the island. It is manifested in such formal ways as the Ponce Museum of Art, with one of the finest collections in Central and Latin America, and the Casals Festival. It is also represented by the rediscovery of folklore, handcrafts, and old music of the people.

Unfortunately, Puerto Rican accomplishments in literature, the arts, drama, and music are not as appreciated as they should be on the mainland. Few realize, for example, that the late New Jersey poet, William Carlos Williams, was the son of a Puerto Rican mother with strong ties to his mother's homeland. Not well known is Piri Thomas' autobiographical novel, "Down These Mean Streets," which brilliantly details the life of Puerto Ricans in the ghettoes of East Harlem.

In the entertainment world, there are distinguished artists of Puerto Rican heritage who come readily to mind—Chita Rivera, Rita Moreno, Jose Feliciano, and Jose Ferrer. Classical music in the United States has also been enriched by the contributions of basso Justino Diaz and concert pianist Jesus Maria Sanroma.

Although Puerto Ricans are latecomers to the U.S. mainland, it is evident from my brief description of their role in this country that they have already made outstanding contributions to American society. For too many, life on the mainland is an ordeal and struggle, since they are forced to start with low-paying jobs, poor housing, and the problem of cultural adjustment. But they are hardworking, ambitious, and proud citizens. It is perhaps sad that they have left their lovely homeland, but I am confident that in the years ahead they will increasingly become citizens of importance and prominence in all areas of mainland life and bring to us some of the beauty of life in the "jardin de flores" from which they came.

Mr. Speaker, I am proud of my constituents of Puerto Rican ancestry, and I am very privileged to number many of them as dear friends and supporters. I salute them all on this day of remembrance and celebration of their heritage to be commemorated July 27.

HOUSING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. METCALFE) is recognized for 5 minutes.

Mr. METCALFE. Mr. Speaker, I have been deeply disturbed by the failure of the section 518(b) housing program to meet the needs of those for whom it was enacted. The section 518(b) program reimburses people who purchased defective Federal Housing Administration—FHA—insured homes for the cost of correcting the defects. Enacted last year as part of the Housing and Community Development Act of 1974, the section 518(b) program has not lived up to its promises.

I am especially concerned about three shortcomings of the program. First, the application deadline was too short. Many eligible applicants would have been unable to complete the complicated forms in time, especially since the Department of Housing and Urban Development—HUD—took few steps to notify eligible homeowners and also delayed the issuance of applications to local HUD offices for 6½ months. Second, the program was restricted to FHA homeowners with one- and two-family unit structures, thereby rendering ineligible many FHA homeowners. Fortunately, Congress has rectified these first two shortcomings by passing Public Law 94–50, the Emergency Housing Act of 1975, section 302 of which both extends the application deadline to 19 months and expands eligibility to three- and four-family unit structures.

However, the third shortcoming has not yet been rectified. Presently, eligibility is restricted ta FHA homeowners who purchased their homes between August 1, 1968, and January 1, 1973, thus excluding many FHA homeowners who purchased their homes after January 1, 1973. As a result, today I am introducing legislation which would extend for an additional 2 years, up to January 1, 1975, the time period during which a mortgage had to be insured in order to qualify for the section 518(b) program. I am hopeful that Congress will act quickly in this matter so that these deserving homeowners will be able to correct defects, thus helping, in a small but important way, to make our deteriorating urban areas more attractive places in which to live.

SST NOISE ABOVE MEDICAL PAIN THRESHOLD IN ENGLAND LAST WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 5 minutes.

Mr. WOLFF. Mr. Speaker, important and conclusive evidence against allowing the Concorde SST to land in the United States reached my office today. A series of newspaper clips from England on Concorde test flights last week report in harrowing detail the incontrovertible fact that the British Government proponents of Concorde—and their deluded allies in our State Department and Federal Aviation Administration—have been misleading the citizens of both nations, and perhaps themselves, about Concorde noise.

Mr. Speaker, colleagues, the Concorde SST last week was measured scientifically for the first time by nonindustry scientists and public health officials. As many of us have predicted, the results were literally shattering. The clips I will submit for the RECORD tell the story far better than any words of mine, but I will point out that far from being "roughly similar" to present-day aircraft, as we were told during the SST debate of 2 weeks ago, the Concorde SST smashes through the minds and consciousness of innocent citizens at levels up to 40 decibels above the medical threshold of pain.

That is 40 decibels, and for those who think that is not much, let me point out that an increase of three decibels amounts to a 100-percent increase in effect. Mr. Speaker, there is no rational way to explain the difference between 90 decibels—the point at which doctors, and the noise control laws, step in to save human beings from harm—and the noise put out by the Concorde SST.

The difference can only be felt, and the innocent people of England felt it, indeed, last week as the actual physical fact of the Concorde flying overhead put the lie to those who would have us believe the Concorde could and should be tolerated anywhere—much less in or over the United States and her people.

As a slightly humorous but nonetheless serious sidelight to this issue, I will also submit news clips detailing the problems created by Concorde in the Middle East as it flew over on test flights.

The Government of Lebanon felt obliged to go on national radio to reassure a frightened populace that the pounding by Concorde as it flew overhead was not, in fact, the breakout of further hostilities in that troubled area. Following this announcement so humiliating to Concorde apologists, the Government of Saudi Arabia, not previously noted for its ecological concern, withdrew overflight rights for Concorde so they could study the effects of sonic boom.

Our Nation has wisely already acted in banning supersonic commercial flights over land, and I add these points today to show that the fears of environmentalists and others in this area, as in so many others, have once again been proven true—and the claims of SST apologists have once again been proven false.

Needless to say, there is literally no way on Earth the Concorde SST can or will meet the 108 EPNdB Federal Aviation Regulation part 36 noise standards being required of American aircraft, no matter how many fancy test-pilot tricks Concorde pilots may plan for John F. Kennedy Airport's noise measurement devices at the end of the runway.

Mr. Speaker, the shenanigans of our Government's ill-advised attempts to shield this House and the American people from the truth about Concorde have finally been exposed for all to see, and will be the subject of hearings this Thursday chaired by our distinguished colleague from Missouri (Mr. RANDALL).

While I plan to join with many of our concerned colleagues in testifying Thursday, I want to remind my colleagues from New York, New Jersey, and Connecticut that final power to ban Concorde from Kennedy rests with the Port Authority of New York and New Jersey.

Some months ago I received written pledges from our distinguished former colleague, Hugh Carey, now Governor of New York, and from Dr. William Ronan, chairman of the Port Authority, that the Concorde will never land in New York unless it can meet the noise and other environmental standards governing Kennedy.

While Kennedy presently allows in aircraft up to 112 EPNdB, or well above the FAR 36 limit, the evidence I will present from England clearly shows that there can be no further debate over whether or not Concorde will meet Kennedy's noise standards—much less the other environmental standards involved.

Accordingly I wish today to put the Port Authority on notice that I will lend every effort to help the citizens of Long Island and the Greater New York area prepare lawsuits to defend themselves from the attack of Concorde.

I know that the Port Authority has researched the issue of liability for noise damage suits carefully because of the threat of Concorde, and I know that the Port Authority's legal experts feel that should Concorde be allowed to land at Kennedy the Port Authority will assume liability for legal damages.

I am sure that the Port Authority shares with mc a heartfelt desire to avoid this sorry state of affairs, and I call on the Port Authority to act swiftly and deny Concorde landing rights so as to once and for all remove this threat to the health and safety of our citizens.

Concorde cannot and will not be tolerated in the United States, Mr. Speaker, and it is bad enough that any citizens anywhere in the world are presently suffering under the SST's murderous pounding, as the following news stories from England so dramatically illustrate:

[From the London Times, July 13, 1975]

HUSH—IT'S ONLY CONCORDE

By the middle of last week, about 200 people had complained to the Department of Trade about the noise of Concorde after only three days of proving flights from Heathrow airport. The Department expects still more complaints by post.

That the number is so high is surprising. Inquiries last week suggested that it needed great patience to complain. Despite the critical importance of the trials, designed to simulate normal commercial flights, no one at Government level seems to have seen a need for special arrangements to monitor public reaction to the plane.

Moreover, what appear to be hasty changes in the customary system of receiving noise complaints have had the effect, of postponing, and possibly distorting, information on whether Concorde broke the Heathrow noise regulations.

The Department would not reveal whether or not Concorde broke the Heathrow noise regulations, on the grounds that it was "not proposing to issue individual figures for individual days."

This is also a departure from previous practice. When a Mr. Coffin complained about a Concorde take-off from Heathrow last October, he received a letter from the Department giving detailed figures of the aircraft's noise on take-off, and which concluded "so you will see it was well within the limits."

The significance of last week's flights compared with earlier tests at Heathrow and Gatwick is that they were conducted at what for all practical purposes was maximum gross take-off weight and on typically warm summer days—conditions which mean using full power on take-off and generating maximum noise. They provided the first opportunity for people living near Heathrow to test their experiences against the makers' claim that Concorde is only slightly more noisy than existing conventional jets.

On the evidence we gathered last week—from several Sunday Times writers as well as one complainant who told us that a BAA staff member at Heathrow agreed "the noise was terrible—wasn't it?" Concorde is very noticeably noisier than other jets. Most people remarked on how much longer the noise lasted, and observers at Dorking (18 miles) and Bromley (28 miles) were shocked by the noise, suggesting that Concorde has greatly extended the traditional Heathrow noise area.

These observations are nonscientific, but they are supported by the readings on the noise meter set up by Geoffrey Holmes, chairman of the Heathrow local authorities noise group, at Hatton Green, some three miles from the start of Concorde's take-off run.

The reading during Concorde's take-off on Monday on Holme's meter—placed in the middle of a residential area—were bad but on Tuesday, they were even worse. Prior to Concorde's departure, the noisiest take-off had been by a Trident which registered 108 decibels. Concorde's reading was 125.

"It's incredible," says Holmes. "But this is an exact fact." Such levels of noise, he says, are generally regarded as being above the threshold of pain. The group present at the Hatton Green meter find it hard to believe that Concorde was within the Heathrow noise limits.

Last week's flights did more than demonstrate Concorde's difficulty in meeting Heathrow noise rules. While no one can seriously believe that the British government will ban Concorde from operating at Heathrow, a concerted public protest from people around the airport will influence the vital American decision on whether to let Concorde fly into New York's Kennedy Airport. British Airway's managing director, Henry Marking, emphasized last week that London-New York is the most important and profitable route for Concorde.

The British Department of Trade is in an equivocal position. It is responsible for aircraft noise policy and its control, but also has to negotiate routes and flying rights for Concorde abroad. It certainly seems that some of the Department's officials are shaken by the reports of readings from the meter in Hatton Green.

Twickenham MP Toby Jessel has no doubts: "The British Government, to try to sell it, are pretending that it's quieter than it really is."

[From the London Guardian, July 9, 1975]

SAUDIS' BAN HITS PLANE

(By David Fairhall)

Concorde ran into trouble from an unexpected quarter yesterday when Saudi Arabia abruptly withdrew permission for the Anglo-French airliner to fly supersonically over its northern desert. Technicians and airline officials had boarded the aircraft at Heathrow Airport for the second of British Airways' route proving flights to Bahrein when the message came through.

According to the Department of Industry, the Saudis requested 48 hours in which to evaluate the effect of the sonic boom—a double bang heard on the ground shortly after the aircraft passes overhead—caused by Monday's flight. I was on that first flight myself and, as I recall it, we crossed the eastern shore of the Mediterranean just south of Beirut, cruising at about 60,000 feet at just over twice the speed of sound, before swinging south across Syria, Jordan, and the Saudi Arabian desert bordering Iraq.

Beirut Radio found it necessary to reassure listeners that the "explosion" heard in the city was caused by Concorde and not renewed fighting, so perhaps this prompted the Saudis temporarily to withdraw their permission. Another possibility being canvassed yesterday was that they wanted to use their "boom corridor" to bargain for airline traffic rights they are known to want, but there seems to be no substance in this.

In spite of some urgent diplomatic telephone calls between London and Jeddah, yesterday's flight to Bahrein was called off and Concorde took off later in the day—at 3:22 p.m.—for a circular flight half-way across the Atlantic and back. Today's proving flight, which was also supposed to have been to Bahrein and back, will be diverted in the same way. But a message from Jeddah yesterday evening gave permission for the planned British Airways test programme to be resumed on Friday, with a one-way flight to Bahrein. Concorde could have flown subsonically all the way to the Persian Gulf, but it would not necessarily have been a useful test and it would probably have been unable to get back to Heathrow before the 11 p.m. curfew.

The final explanation of the Saudi's sudden move may prove quite simple—that they were not fully aware of the proposed flight, because it was to have stopped in Beirut had the fighting not broken out there. But it is nevertheless a demonstration of the extremely delicate negotiation that has to precede Concorde's introduction into commercial service in the new year.

In Washington, eight Congressmen said they will seek a law banning the Concorde from flying to the United States. Complaining about its noise, the eight Democrats said they would seek a House of Representatives vote tomorrow to ban flights.

Their letter said the flights because of "the ear-splitting noise made by the Concorde on take-off," and the possibility of skin cancer if numerous supersonic flights damaged the ozone layer that protects the earth from the sun's rays.

[From the London Evening Standard Reporter, July 7, 1975]

Concorde Roars Into an Uproar

With an ear-splitting, ground-shaking roar the first of British Airways' Concorde fleet left Heathrow today. Behind, she left a mass protest at the "bloody unbearable noise."

Concorde was over an hour late for take off on her first airline condition-proving flight to Bahrein.

Five miles from the "point of roll" members of the Local Authorities Aircraft Noise Council waited with noise recorders.

For 90 minutes they monitored Tridents, Jumbos, Tri-Stars and VO–10s. The noisiest, a Trident, roared over to record a noise factor of 122. Concorde's ear-splitting roar clocked 136.

Then council chairman Mr. Geoffrey Holmes said: "That is equal to the noise of 30 Tridents all taking off at once.

"This Concorde noise level is impossible to live with. People cannot be expected to live here with this," he said.

Mr. Holmes was speaking from the grass-covered centre of Hatton Green—an estate of properties built 25 years ago to house the families displaced when Heathrow was built across Harlington Road. One of those displaced persons is Mr. Fred Wheatley, 68. After Concorde's passing he said: "For 25 years I've learned to live with aircraft noise.

"I don't see how anyone is going to live with that."

Mrs. Ethel Young, 95, is the oldest Hatton Green resident in an old people's bungalow. She said: "That was too terrible for words. It's awful. It's left me shaking."

Loudest and bluntest outburst of all came from Mrs. Gladys Morris, another long-term tenant who said: "I'm still shaking.

"They expect me to pay £8 81 a week for that bloody noise. This is too much. It's the end."

Mrs. Norma Thurgood has lived on Hatton Green for just 12 months. She said: "I wasn't expecting it and when Concorde went over it frightened the life out of me."

Mr. Geoffrey Holmes, who is also chief environmental officer at Reading, said: "The recording went right off the top of our equipment. Something has to be done. No one can expect people living round airports to tolerate that.

The British Airports Authority telephone switchboard at Heathrow received no complaints from local residents living under the airline's flight path.

A spokesman said: "No one complained—quite the opposite, in fact. Our switchboard has been inundated with calls from well wishers.

A NEW URGENCY FOR COMPREHENSIVE REFORM OF FOOD STAMP PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. MEZVINSKY) is recognized for 5 minutes.

Mr. MEZVINSKY. Mr. Speaker, recession has swollen the number of Americans needing food stamps to unprecedented levels, creating a new urgency for comprehensive reform of the Federal food stamp program. In the coming weeks we will be debating many vitally needed changes in food stamp certification procedures, designed to insure that those who need food stamps receive assistance promptly. But we must not stop there. The food stamp program is riddled with outmoded and unjust procedures and regulations, making fundamental reform imperative.

I am introducing legislation today designed to correct several basic inequities in the food stamp program. This bill is not meant to be comprehensive, but it does strike at three regulations which often deny the benefits of this program to the impoverished elderly, the handicapped, and the poor.

The first provision of this bill would eliminate a regulation which requires that a household have a kitchen in order to qualify for food stamps. That requirement works against many elderly citizens who have their main hot meal of the day at a senior citizens' center and use hot plates or eat cold meals at home.

This legislation would also allow elderly or handicapped food stamp recipients to use their stamps to pay for meals on wheels, a program which provides hot meals for individuals confined to their homes. Presently, a food stamp recipient must be both elderly and handicapped before "meals on wheels" can be paid for with the stamps.

Finally, this measure would prohibit the Department of Agriculture from including Federal housing assistance in its determination of a food stamp applicant's income level. Section 7(b) of the Food Stamp Act of 1964, limiting the cost of stamps to "30 percent of the household's income" clearly implies that "income" is that amount of money available to the family to buy food. Government housing assistance goes for rent, yet the USDA persists in calculating housing assistance as "income."

As long as such assistance is included in determining income levels it means that the poorer the family and the larger their housing assistance, the more they will have to pay for food stamps, and the more likely it is that they may not even be eligible for stamps. We must eliminate this "catch 22" predicament.

The House Agriculture Committee is currently preparing a report on needed changes in the food stamp program. It is my hope that the committee will recognize the inequities I have pointed out and move to correct them.

H.R. 8736—PRODUCT DEVELOPMENT AND IMPROVEMENT COSTS OF PUBLISHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I have today introduced a bill to amend section 174 of the Internal Revenue Code of 1954 to make clear that product development and improvement costs of publishers are research or experimental expenditures and to prohibit the retroactive application of revenue ruling 73–395. The bill would make the technical change in the law required to make clear that the tax incentive to capital formation accorded by section 174 is to be available to publishers of books and similar products essential to the Nation's educational system.

Section 174 of the Internal Revenue Code, as enacted by the Congress in 1954, grants all business taxpayers alike the option to currently deduct research or experimental expenditures. However, in September 1973 the Internal Revenue Service published a ruling, revenue ruling 73–395—which purports to interpret section 174 in a fashion that would deny publishers—apparently even for all years beginning prior to publication of the ruling—the option to deduct expenditures incurred for the writing and editing of textbooks and the design and art work of visual teaching aids that occurred prior to the publication of the textbooks and the visual aid. This ruling held, for the first time, that such costs do not constitute research or experimental expenditures under section 174 of the code.

The new IRS ruling marks a departure from the Service's prior administrative practice of permitting current deduction of such expenditures by book publishers who chose to employ that method of tax accounting. The IRS ought not be allowed, through this attempted reversal of its prior administrative practice, to penalize those publishers whose reliance on continuation of that practice led them to commit themselves to make substantial expenditures for the development or improvement of their products.

The bill would make it clear that the recent Service ruling does not reflect the intent of Congress when it enacted section 174 in 1954. The reports of the House Ways and Means Committee and of the Senate Finance Committee which accompanied section 174 upon its enactment in 1954 explain that the purpose of section 174 was to "eliminate uncertainty and to encourage taxpayers to carry on research and experimentation." There is no suggestion in these reports that section 174 would not apply to the costs of research and experimentation necessary to develop products of book publishers, such as textbooks, reference books, visual aids, and other teaching aids, merely because the taxpayer's business is publishing or because the teaching aid or other product of a publisher is in the form of a printed book rather than in the form of a mechanical device. Section 174 should not be interpreted to discriminate against book publishers in the business of developing or in improving reference books, teaching aids or other products.

The bill applies only to expenditures paid or incurred by a taxpayer in connection with his trade or business of publishing. It does not apply to other taxpayers, such as authors.

The expenditures covered by the bill include the costs of writing, editing, compiling, illustrating, designing, and other costs of developing and improving books, teaching aids, and similar products, such as texts published in microfilm. These costs include the costs of the specifically named activities and other activities properly characterized as development or improvement, but do not include the taxpayer's cost of printing or manufacturing books, teaching aids, or similar products.

The Treasury regulations—section 1.174–2(a)(1)—provide that the term "research or experimental expenditures" includes "generally all such costs incident to the development of a product and the improvement of already existing property of the type mentioned." There is no sound reason for discriminating against book products or publishers. Although the Treasury regulation also provides that the term "research or experimental expenditures" does not include expenditures "for research in connection with literary, historical or similar projects," this regulatory exclusion should be confined to its proper scope, for example, to preclude the amateur novelist from deducting his essentially personal expenses in the guise of business research expenses. The regulatory exclusion is no longer necessary because the judicial decisions since 1954 make it clear that section 174 applies only to the development or improvement of products related to a trade or business of the taxpayer.

It should also be pointed out that for nontax financial statement purposes, publishing companies generally charge such expenditures against current income and do not capitalize or otherwise defer such charges. Such an accounting practice, consistently applied over a period of time, clearly reflects income. In revenue ruling 73–395, therefore, the IRS imposes tax accounting concepts on the publishing industry that are at variance with sound financial accounting concepts. Indeed, to require a change in such practice at this time would result in a distortion of income.

Legislative reversal of the revenue ruling will entail no measurable revenue loss. It will merely reaffirm more than 30 years of consistent tax audit experience. Failure to reverse the ruling, however, by denying publishing companies a current deduction for editorial salaries and other similar expenditures, may produce tax revenue from a source never intended by Congress.

I would like to emphasize that the amendment to section 174 of the Internal Revenue Code applies only to taxable years ending on or after the date of the enactment of the bill.

The bill is not retroactive. For taxable years ending before the date of the enactment, the bill merely applies a "do not disturb rule." Under this rule the Internal Revenue Service is prohibited from compelling a change in the method of tax accounting for any expenditure covered by the bill which was treated consistently from year to year under the taxpayer's method of accounting for Federal income tax purposes. This "do not disturb rule" applies to prohibit any such change in an "open" year whether or not the taxpayer has been audited. On the other hand, if claim for credit or refund is barred for the year of the change by any law or rule of law, the bill does not override the bar to provide relief.

Mr. Speaker, it is my hope that the Committee on Ways and Means, and ultimately the Congress, will act promptly in passing this meritorious legislation.

ALL OF US WANT OUR POW'S/MIA'S ACCOUNTED FOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Koch) is recognized for 5 minutes.

Mr. KOCH. Mr. Speaker, the Vietnam war was an agonizing period in the history of this country. Hopefully, we have learned some lessons. Our task now is to bind up the wounds of the Nation. In doing so, we must not forget those Americans who are still serving their country in Vietnam. We must not forget our POW's and MIA's.

I am a cosponsor of the Montgomery resolution calling for a House Select Committee on the POW/MIA issue. This resolution is supported by conservatives and liberals alike. Whatever one's position on the war was, all Americans are united in their desire to see all those who served in Vietnam accounted for. This fact should not be ignored.

LEGISLATION TO AMEND SOCIAL SECURITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. Bedell) is recognized for 5 minutes.

Mr. BEDELL. Mr. Speaker, I am today introducing legislation which is designed to eliminate the present quarterly system of wage reporting by employers required by the Social Security Act. This bill would amend the Social Security Act and the Internal Revenue Code of 1954 to allow the Secretary of the Treasury and the Secretary of Health, Education, and Welfare to consolidate wage reporting requirements to the Social Security Administration and the Internal Revenue Service.

At present, Federal reporting requirements are placing an intolerable and unjustifiable burden on American small business. Comprehensive hearings conducted by the Subcommittee on Government Regulation of the Senate Small Business Committee over the past several years have revealed that Federal paperwork costs small businessmen more than $18 billion annually. And, this figure, as incredible as it may seem does not tell the whole story. It does not reflect the time in man-hours and loss of productivity that businesses incur as a result of Federal reporting requirements.

The main objective of the bill I am introducing today is to lessen the current Federal paperwork burden which falls so heavily on American small business. Its adoption would make it possible for the Social Security Administration to abolish form 941, the Employers Quarterly Federal Tax Return, which runs employers an estimated $235 million a year in clerical and accounting costs.

Under this bill, form 941 could be replaced by an annual form which would be sent directly to the Internal Revenue Service. The information provided by the IRS form would then be forwarded to the Social Security Administration for their official use.

This legislation is very similar to several other proposals, authored by Senator Thomas J. McIntyre of New Hampshire, which have already passed the Senate. In fact, this basic idea was adopted by the Senate as a floor amendment to other legislation on three separate occasions during the 93d Congress. Unfortunately, it was never accepted by the House. Senator McIntyre is also introducing this bill in the Senate today.

In addition, Secretary of the Treasury, William Simon, and Secretary of Health, Education, and Welfare, Caspar Weinberger, are both proponents of the annualization of wage reporting to the Social Security Administration. They stated their position in a joint letter to Representative Al Ullman, then acting chairman of the House Ways and Means Committee, last December. I will submit a copy of this letter for inclusion in the Record upon the conclusion of my remarks.

In my view, there can be little question that the existing Federal reporting system needs a major overhaul. It has grown too large. It is the height of bureaucratic futility.

I do not question the need for a reporting system. What I do question is the need for all the information which is currently required by the Federal Government. The increased number of reports required as well as the complexity of these reports is placing undue stress on the operation of small firms.

The time has come to take action to relieve the paperwork burden which the Federal Government currently places on small business. Adoption of this legislation would constitute a significant step toward that end.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., December 31, 1974.
Hon. AL ULLMAN,
Acting Chairman, Committee on Ways and Means, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Congress (in P.L. 93-490) directed the Secretary of the Treasury and the Secretary of Health, Education, and Welfare to study the effect of a change from quarterly reporting of wages for social security purposes to a combined annual wage reporting system for social security and income tax purposes and to submit a joint report on the study to the Congress.

The enclosed joint report of the Departments of Health, Education, and Welfare and of the Treasury considers two major approaches to annual reporting. One approach is to require annual reporting of annual wages; the other would provide for annual reporting of annual wages with a quarterly breakdown. The report sets out the administrative changes that would be required under each approach and also contains a discussion of the effect of annual reporting on the cost of the social security program, on the administrative responsibilities of the Social Security Administration and the Internal Revenue Service, on employers, and on social security beneficiaries.

The Departments of the Treasury and Health, Education, and Welfare support legislation which would institute a system of annual reporting of annual wages such as the system described in the enclosed report (rather than annual reporting of quarterly wages) and are prepared to assist in drafting legislation to provide for such reporting.

Sincerely,
CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.
WILLIAM E. SIMON,
Secretary of the Treasury.

Enclosure.

AUTOMOBILE EFFICIENCY STANDARDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SHARP) is recognized for 5 minutes.

Mr. SHARP. Mr. Speaker, this week the House will complete action on H.R. 7014. A major provision of this legislation deals with a program of mandatory standards for improvements in the fuel efficiency of automobiles manufactured after 1978. The House has already adopted an almost identical proposal during consideration of H.R. 6860 by a vote of 306 to 86, and its inclusion in this legislation now before us will serve to increase the likelihood of constructive action in this area.

Certain questions have been raised about the goal specified in H.R. 7014 for the year 1985 and beyond. The report issued by the committee refers to studies and documentation to support this figure. For the benefit of my colleagues and for the RECORD, I would like to submit for your attention the following memorandum, drafted by the staff of the Subcommittee on Energy and Power to support the target of 28 miles per gallon as a production-weighted average to be required of all manufacturers by 1985. The figure is in the upper range of all the numbers mentioned for potential improvement in a variety of studies, conducted both in and out of the Government, but, as you will note in the memorandum, it certainly is reasonable and feasible in light of the data now at our disposal.

Recognizing that we are dealing with a changing technology, and that there may be unforeseen events that could interfere with the ability of the industry to meet the specified 1985 goal, the bill provides for the administrative modification of the 1985 standard to insure flexibility.

Yearly reports are required from the administering agencies on the ability of the industry to meet the specified standards, including the target 28 miles per gallon in 1985, and they are required to submit recommendations should other legislation be needed.

The section of H.R. 7014 mandating fuel efficiency improvements was drafted to allow the industry enough lead time to phase in expected improvements and to provide for flexibility should it become impossible to meet the mandated goals beyond 1980. The legislation was drafted after extensive research and consultation with the appropriate Government agencies, as well as studies conducted for the Congress by the Department of Transportation and the Environmental Protection Agency and studies by private consulting firms.

At this point, I would like to insert in the RECORD the memorandum prepared for the members of the Subcommittee on Energy and Power entitled "Automobile Efficiency Standards":

JULY 21 1975.

MEMORANDUM: AUTOMOBILE EFFICIENCY STANDARDS

To: Honorable John D. Dingell, Members of the Subcommittee on Energy and Power

From: Peter Hunt

The target 1985 auto efficiency standard of 28 MPG was judged realistic on the following basis:

1. LEAD TIME

The nine-year lead time was considered sufficient for the automobile industry to develop, test and introduce:

(a) more efficient power plants
(b) automobile body configurations of lower aerodynamic drag
(c) automobiles of lower inertial weight
(d) more efficient drive trains
(e) other technical improvement

2. MODEL OF ANALYSIS

The model assumed for testing the feasibility of the 1985 standard was a 50/50 split between what are now called standard/intermediate and compacts/subcompacts and the following mileage estimates were as follows:

	Compact/subcompact (50 percent mix)			Standard/intermediate (50 percent mix)		
Phase of use	Urban	Highway	Total/average	Urban	Highway	Total/average
Percent	55	45	100	55	45	100
Mileage per gallon	30	38	33.145	21	28	23.657

Note: Overall average mileage, 27.6; Rounded, 28 mpg.

3. CURRENT EXPERIENCE

A. Standard/Intermediate: There are two luxury automobiles available today that more than meet the estimated mileage requirements of the above model. Both are diesel powered and of foreign manufacture.

		Mileage EPA 1975			Percent above standard/intermediate required in 1985
Manufacturer	Model	Urban	Highway	Average	
Mercedes Benz	240 D	24	31	26.7	+13
Peugeot	504 D	27	35	30.1	+27

B. Compact/Subcompact: In reference to the compact/subcompact there are also automobiles of foreign manufacture on the road today that approach the estimated mileage requirements for 1985.

	Urban	*Highway*	*Average*
Datsun 210	27	39	31.3
Honda	27	39	31.3
Audi Fox	21	34	25.4
Rabbit	27	38	28

4. THEORETICAL ANALYSIS

A. Rand Corporation: The Rand Report Summary titled "How to Save Gasoline" provides support to the practicality of the 1985 target. On page 8 of that summary it is stated:

Implication Number Five: Our automobile design analysis indicates that automobiles with new technology, but with the same acceleration and interior space characteristics as today's standard size cars, could achieve over 25 mpg, while subcompacts could achieve over 40 mpg. If a fuel economy standard is to be legislated, this finding suggests that the average range of 16 to 20 mpg standards, in recently proposed legislation,[1] is perhaps unnecessarily low.

Comment: Any fuel economy standard legislated should be written to include the improvements in efficiency attainable by equipping all new cars with radial tires and by minor aerodynamic redesign of new auto bodies, as well as improvements possible with new technology and/or a shift to small cars. Our findings suggest that an average new car fuel economy standard between 21 and 38 mpg is feasible, depending on the alternatives assumed as the bases for the standard.

It seems reasonable that the most general mandate is to be preferred among regulatory policies aimed at improving new car fuel economy, although our analysis does not lead directly to such a conclusion. A more general mandate would reduce the risk of not achieving a given level of gasoline savings and result in a more diverse product mix, offering wider consumer choices in acceleration, comfort, and roominess. In attempting to meet the fuel economy standard, one auto company may choose new technology, another may choose to shift more rapidly to small cars, and still another may choose some combination of the two. Consequently, a more general mandate is likely to result in some production of large cars with very efficient advanced engines and transmissions, and some production of small cars with relatively less efficient and more conventional engines. However, compared with a policy of mandated weight or technology change, a fuel economy standard implies greater uncertainty in other impacts, such as user cost, overall energy conservation, and the transportation service characteristics of new cars.

B. EPA/DOT: The joint EPA/DOT analysis entitled "Potential for Motor Vehicle Fuel Economy Improvement" gives further theoretical support for the realization of this target 1985 mileage. The following figure (not reproduced) relates within a limited spectrum of assumptions mileage improvements to the weight of passenger automobiles.

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[1] See, for example, "Motor Vehicle Fuel Economy Act," Senate Bill S. 1903, introduced by Senator Hollings, 93rd Congress First Session.

Although the report contains disclaimers as to the practicality of reaching the theoretical limit, it should be noted that the analysis is limited by:

(1) Low power to weight ratio automobiles were excluded.

(2) The analysis was limited to the current conventional spark ignition internal combustion engine.

(3) The size sales mix of 1974 (assumed).

All of the above factors are subject to revisions that could increase the fuel economy by 1985 beyond the upper curve of the "theoretical limit for conventional engines—i.e.:

(1) Shift to lower power to weight ratios.

(2) Shift to more efficient engines—note table 7 of the same report indicates a significant incremental improvement if turbocharged Diesels were to be used. (full size + 50%, mid size + 45%, small size + 35%).

(3) Shift sales mix to smaller cars.

5. CONCLUSION

In light of the preceding, the 28 MPG target for 1985 would seem a realistic goal for our domestic automobile industry to reach by 1985.

WESTINGHOUSE PROGRAM BOOSTS MINORITY SUPPLIERS

(Mr. MITCHELL of Maryland asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MITCHELL of Maryland. Mr. Speaker, since coming to the House of Representatives I have tried to be an advocate for the small business community, in general, and the minority business segment, in particular. The services provided by minority businessmen are often overlooked for reasons that are as numerous as they are frequently biased, racist, and ridiculous. Unfortunately, corporate America has been in the forefront of those who would deny the minority businessman a chance to prove his worth.

However, Mr. Speaker, I would be in error to suggest that all of our country's larger enterprises have totally neglected the minority entrepreneur. Some forward strides have been made. Some companies have recognized that the products and services to be provided by minority businessmen are equivalent in quality and usefulness to products and services provided by non-minorities.

When such a significant and meaningful effort is made by one of the larger corporations in our Nation, I feel that such an effort is noteworthy of the attention of my colleagues. Therefore, I commend to my colleagues the strides made by the Westinghouse Defense and Electronic Systems Center in my home State of Maryland in increasing its use of minority suppliers to the better of the entire business community:

WESTINGHOUSE PROGRAM BOOSTS MINORITY SUPPLIERS

We've all heard a lot about the current sad state of the economy. Especially hard hit have been firms owned by minorities. The troubles are so serious that some observers say the future looks bleak for the black capitalism movement.

Despite the gloomy statistics, despite soaring black unemployment, one Baltimore firm is waging an intensive campaign to buck the downward economic trend—the Westinghouse Defense and Electronic Systems Center, Maryland's second largest private employer.

The campaign being waged at Westinghouse is aimed specifically at expanding its pool of minority suppliers—and the campaign is meeting with noteworthy success.

Westinghouse has undertaken a series of positive steps to let the black community know that it is in the market to do business with them.

And as a result of these extra efforts, momentum is building fast and the payoff is being translated into concrete results, says N. V. Petrou, president of the Westinghouse Defense and Electronic Systems Center (DESC).

For example, during 1974 the DESC increased its minority business activity to include 33 vendors and more than $504,000 in contract awards. This compares to just five minority suppliers and $21,000 in business volume the previous year.

Westinghouse's minority business projections for the current year are to increase the number of suppliers to in excess of 75 and the amount of business to approaching $1 million. And according to Mr. Petrou, the company is on target for the first five months of the year.

"When we are dealing with minority suppliers—people who themselves are exploring and blazing new trails—we are providing not only employment, but an opportunity for men and women who in years past may have had no such opportunity—and little hope," Mr. Petrou said.

Westinghouse inaugurated its intensified minority supplier program in February, 1974 by sponsoring a Minority Business Conference in downtown Baltimore, to which minority firms throughout the East Coast were invited to meet personally with company procurement representatives and top management officials to discuss possible business arrangements. More than 300 minority business people from 170 companies attended the conference, which resulted in providing Westinghouse with many important new sources of minority suppliers.

Since the conference, Westinghouse has established minority suppliers committees at each of its major plant locations. These committees meet monthly to monitor program goals and objectives. The committees are comprised not only of purchasing representatives but key personnel from operations, manufacturing, engineering and administration—in short, any department involved either directly or indirectly with procurement activities. In addition, quarterly joint meetings composed of top management and the three committees are held to discuss the overall progress of the program on a multi-divisional basis and to share ideas and suggestions for greater coordination in making the overall effort more successful.

Some of the specific steps that have been taken by Westinghouse to expand the base of minority suppliers include:

An information exchange program with other corporations which have achieved an outstanding record in expanding their minority business programs.

Continued participation in minority suppliers exhibits and trade fairs, locally and throughout the country when appropriate.

Active involvement in such organizations as the Baltimore Resources Center, the Voluntary Council, the Baltimore Minority Purchasing Council, the Federal Executive Board and the business Resource Centers located in the mid-Atlantic states, the East Coast and in Washington, D.C. among others.

An advertising program is currently being prepared by DESC to provide additional support and visibility to its minority suppliers' program and specifically what types of products and services Westinghouse is looking for.

As of the end of May of this year, Westinghouse had already contracted 62 minority suppliers for a total of more than $423,000 in contracts and at that pace is sure to surpass its 1975 minority supplier program objectives.

With the proper attitude, dedication and involvement throughout the total organization, Mr. Petrou said he felt the Westinghouse program is proof that mutually successful relationships between minority suppliers and industry can be established, even if it is not the best of economic times.

CONGRESSMAN STRATTON RELEASES 1974 TAX RETURNS AND CURRENT NET WORTH STATEMENT

Mr. STRATTON. Mr. Speaker, I have long favored a fuller financial disclosure by Members of Congress and other public officials than is presently required by law or the rules of the House. In accordance with a practice I began last year, I am therefore once again making public the 1974 income tax returns of my wife and myself, plus a statement of our net worth as of July 1, 1975:

1974 JOINT FEDERAL TAX RETURN OF SAMUEL S. AND JOAN H. STRATTON

Three dependent children: Kevin, Kim, Brian.

Wages, salaries	$42,500.00
Dividends	None
Interest income	101.83
Other income (capital gain on sale of horse; excess of travel reimbursement over travel cost)	79.00
Total of above	42,680.83
Less adjustments to income (net impact of congressional expenses vs. congressional reimbursements)	363.17
Adjusted gross income	42,317.66
Itemized deductions:	
Medical	150.00
Taxes (local, State real estate, etc.)	5,137.11
Interest expenses	2,026.94
Contributions	327.00
Miscellaneous (congressional office expenses over allowances)	140.00
Total	7,781.75
Gross income less deductions	34,535.91
Exemptions (5)	3,750.00
Net taxable income	30,785.91
Federal tax due	8,186.50
Less tax credit for political contribution	5.00
Total Federal tax	8,181.50
Federal tax withheld	8,630.40
Tax refund	448.90
1974 tax rebate received	100.00
Total	548.90
Total 1974 tax (less rebate)	8,081.50
Total taxes paid, 1974:	
Federal	8,081.50
New York State	3,550.94
Maryland real estate tax	1,045.01
Total	12,677.45

NET WORTH OF SAMUEL S. AND JOHN H. STRATTON, AS OF JULY 1, 1975

ASSETS

Cash on hand and in bank accounts	$4,227.69
Cash value of life insurance	888.64
Accumulated dividends on life insurance	366.00
Home—Bethesda, Maryland (estimated market value)	80,000.00
Government bonds (cash value)	1,637.50
Automobiles (est.):	
1970 Ford	1,275.00
1969 VS	1,125.00
Sailboat (est.)	300.00
Furniture, clothes, personal possessions, etc. (est.)	3,800.00
Accumulated contributions in congressional retirement funds (available only for retirement purposes)	40,843.38
Total assets	134,463.21

Notes on assets:

1. Home purchased in 1965 at $42,600.
2. Amsterdam residence is a rented apartment.
3. Term life insurance held: $55,000 (Federal Employees Term Life Insurance).

LIABILITIES

Accounts payable	$1,407.11
Notes (National Bank of Washington)	2,900.00
Mortgage on Bethesda home	28,230.00
Total liabilities	32,537.11

COMPUTATION OF NET WORTH

Assets	$134,463.21
Liabilities	32,537.11
Net worth	101,926.10

BLOODLESS HOLOCAUST

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, Nobel Prize winner Alexandr Solzhenitsyn is one of those rare individuals who was allowed to leave Russia rather than being sent to Siberia after disagreeing with Communist philosophy and policies. Since leaving Russia, he has been much more outspoken in opposition and the Russians are probably wishing they could get their hands on him again. It is fortunate for the Western World that he is now free to talk. His statements make a lot of sense. They also convey a warning that the free world should heed.

One of his essays has been discussed in a brilliant way by Sea Power for July 1975. It is entitled "Bloodless Holocaust." Mr. Solzhenitsyn says that America's concern on how to prevent World War III comes too late; that it is all over and that we lost. Sea Power's comments on Mr. Solzhenitsyn's statement are well worth reading and thinking on. I submit it for reprinting in the CONGRESSIONAL RECORD:

BLOODLESS HOLOCAUST

From an American point of view, the most urgent national security question of the past three decades has been how to prevent World War III.

Now Nobel prize winner Aleksandr I. Solzhenitsyn, author of "The Gulag Archipelago," tells us—in an essay in the French newspaper Le Monde (translation in the 22 June New York Times), that it is already over.

We lost.

Most Americans won't believe it. But it's true.

We don't think like the Communists do. We believe that a World War must by definition include a shooting confrontation between the world's major political and military powers. We, who pride ourselves on our ability to "judge by results," have been judging by appearances.

The Communists judge by results, and by their standards they have won. Solzhenitsyn is right.

Consider the evidence.

At the end of World War II the United States was, for all practical purposes, the supreme military, political, and economic power in the world. We did not want to be, perhaps, but we were. And we had a monopoly on atomic weapons. The Russians, who even then we knew were potential future adversaries, possessed an excellent and combat-tested army and air force, and abundant but still largely untapped natural resources. But their economy was shattered, their land devastated, their industrial capacity all but wiped out. They had lost 20 million people in the war. Countless other millions already languished in slave labor camps scattered across the broad bleak expanse of Siberia, and would soon be joined by millions more—from the USSR itself, as well as from the conquered nations of Eastern Europe—in the terrible vengeful aftermath of World War II.

The Soviets never stopped fighting. We did. We believed that, because there was no more open bloodshed, there was no more war.

We were wrong, as we can judge from the results of 30 years of unending Soviet war against the West.

Solzhenitsyn ticks off the Soviet gains: Yugoslavia, Albania, Poland, Bulgaria, Rumania, Czechoslovakia, Hungary and East Germany.

But those countries were lost in the first few years after the war, someone objects, before the Marshall Plan, before NATO, before the countries of the West realized what was happening and rebuilt their own armies and navies to stop further Soviet aggression.

Very well. Objection sustained. Strike those countries from the record—as they have, in fact, already been stricken, by the Soviets, from the record of once-free nations.

But the Solzhenitsyn litany goes on: ". . . immense, populous China . . . North Korea, Cuba, North Vietnam, and now South Vietnam and Cambodia; Laos is about to go; Thailand, South Korea, and Israel are threatened; Portugal is leaping into the same abyss. Finland and Austria await their fate with resignation. . . . It is impossible to mention all the small African and Arab countries that have become the puppets of Communism, as well as so many others, even in Europe, that must submit in order to survive."

If the leaders of the Soviet Union had made an open declaration of war against the United States in 1945 their gains could not have been greater. Had they made such a declaration, in fact, their gains would be non-existent. Knowing we were in a war we would have fought back. And we would have won. Of that we are morally certain.

We were comfortable. We wanted to believe we were at peace, and the whole world was at peace.

But ours was the comfort of the coffin, our peace the peace of the dead.

Not dead in body. That would be too easy.

Dead in spirit.

We did not lose the will to survive. But we had indeed lost something more important, the will to struggle. Without that will, there is no survival.

We once were far and away the most powerful nation in the world—more powerful at the time than any nation had been before us in all of recorded history, by every standard of measurement except one: the power of will. And that power cannot really be measured.

We are still powerful in many respects. Now our power is limited. We are vulnerable in many ways.

But that very vulnerability may carry within it the seeds of renaissance. The realization of our vulnerability may give birth to determination. If we regain our determination, of national will, there is still hope.

"There is no longer any point in asking how to prevent World War III," Solzhenitsyn concludes his essay. "We must have the courage and lucidity to stop the Fourth. Stop it we must; not fall to our knees as it approaches."

DESERVED RECOGNITION FOR GENERAL JAMES

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, it is with pride that I bring to the attention of the House the fact that a good friend and a constituent, Gen. Daniel James, Jr., of Pensacola, Fla., has joined the list of those who have shared the high privilege of receiving their fourth star in the U.S. Armed Forces.

Chappie James is the first black man in the history of the U.S. military to be nominated for four-star general. As a full general in the Air Force, he will assume command of the North American Defense Command in Colorado Springs, one of the most important military assignments in the Nation.

His has been a long and dedicated career. A graduate of Tuskegee in Alabama, he entered the U.S. Air Force for pilot training. In Korea, as an Air Force captain, he flew 101 combat missions. He bailed out once, was picked up by helicopter and was back in the air flying the same day. Later, as a colonel, James flew in 78 missions in combat in Vietnam and led the 8th Tactical Fighter Wing. On one sweep over Hanoi, his force destroyed seven Mig's, the highest total kill of any mission during the Vietnam war. On another day, he flew back to Thailand with 52 holes in his plane.

He won his first star in July 1970 under the sponsorship of former Defense Secretary Melvin R. Laird, who recognized his great abilities and his staunch loyalty to America. He has subsequently filled a number of important assignments and is now vice commander at the Military Airlift Command, Scott Air Force Base, Ill.

I want to commend Chappie James for a record of outstanding service to his country, and I am very proud of the recognition that he has received.

General James is one of those dedicated individuals who has enjoyed a successful career in the armed services, but he also has demonstrated a great love and patriotic support for our country by his public statements. This has placed him in great demand as a speaker throughout the Nation. I am proud in being able to claim him as a friend and as a constituent of the First District of Florida.

Congratulations, Chappie James, to you, and to the highly respected family of which you are a member.

ADMINISTRATION POWER PLAY

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, it appears as though the administration, which has proved itself insensitive to the plight of the unemployed and the individual taxpayer during the course of our economic problems of inflation and recession, has now endorsed a program of tax subsidies for utilities in which the burden will again fall upon the taxpayer.

The program was devised by the President's Labor-Management Advisory Committee to help utilities overcome their economic troubles of higher operating costs due to the surge in oil and coal prices, the high cost of borrowing money, and the high cost of construction. Members of the Advisory Committee included the chairman of General Electric, one of the Nation's largest suppliers of electric generating and transmission equipment, a major builder of utility plants, and the heads of some of the largest corporate users of electric power in the Nation.

It is not surprising that the program put forward by the Advisory Committe and endorsed by the President does not call for the revision of electric rates to make large users pay their fair share of the costs of electricity instead of having the taxpapers subsidize the large users as the President proposes.

I am inserting in the RECORD an article written by James P. Gannon that appeared in the Wall Street Journal on July 15, 1975, which sets forth a very good analysis of this situation.

The article follows:

POWER PLAY IN WASHINGTON

(By James P. Gannon)

WASHINGTON.—Labor power. Big business power. White House power. Pork barrel power. Put them all together and you have Washington's big electric power play of 1975.

That's partly pun, but the subject isn't funny. It is no laughing matter when big corporations and big unions together concoct a scheme to siphon $600 million a year from the U.S. Treasury, sell the idea to the President, and then get the Secretary of the Treasury to set aside his principles and act as their special-interest lobbyist in Congress.

That is what's happening, though, under the Ford administration's latest tax proposal, a measure designed to improve the financial health of the electric utility industry and to stimulate construction of more power plants to meet future needs for electricity.

Those are, no doubt, worthy goals. But in proposing a new tax subsidy to help achieve them, the administration has embraced means which contradict its rhetoric, undercut its budget policy, violate its economic philosophy and substitute a hurriedly designed plan for a more fundamental solution to the problem. Furthermore, the utility "crisis" which the new tax plan is designed to relieve shows every sign of dissolving without new federal aid.

It is undeniable that electric utilities have had plenty of troubles lately. Their operating costs exploded last year with the spectacular surge in oil and coal prices; their borrowing costs soared with the 1974 climb in interest rates; their plant-construction costs were bloated by double-digit inflation; their financial pinch was compounded by Wall Street's lack of enthusiasm for utility stocks and bonds. By the end of 1974, the squeeze of these circumstances had many utility executives crying "uncle," or, more specifically, "Uncle Sam."

The plea fell upon some sympathetic ears in the Ford administration. White House economic aide L. William Seidman began pushing the utilities' cause in inner councils, not unmndful of the fact that several of the power companies in the most dire shape were back home in Michigan, where he and friend Jerry Ford come from. Some Federal Energy Administration aides joined the cause. But other officials were cool to a federal bailout for utilities. Prominent among these was William Simon, the Treasury Secretary, who has argued often and eloquently against federal subsidies for special interests.

SHUNTED TO SECRETARY DUNLOP

Somehow, while administration officials still were divided over the issue, it got shunted to a new debating forum: the President's Labor-Management Advisory Committee. This is a 16-man group of union and management bigwigs headed by Labor Secretary John Dunlop, who has a well-earned reputation as a master of backroom bargaining. While the labor-management panel considered the utility problem in private, Mr. Dunlop began talking in public about the plight of the utilities and the prospect of future "blackouts" due to lack of generating-plant capacity.

The labor-management committee agreed in May on a program to aid the utilities. Its key elements are tax advantages. Though Congress in March raised the investment tax credit for utilities to 10% from 4% for 1975 and 1976, the union and business leaders urged a further permanent increase to 12%. The panel also proposed that utility stockholders be allowed to defer taxes on dividends taken in the form of additional shares of stock, and that power companies be allowed more liberal depreciation rules and fast five-year write-off of pollution control facilities. Beyond the tax area, the panel urged, among other things, a relaxation of environmental restrictions on utilities and a speedup in approvals for nuclear plant projects.

The President in June endorsed the recommendations of the panel. Then he thanked the union and company officials for their work "in the national interest."

It is instructive to note the membership of this panel that devised what now is Ford administration policy. It includes Reginald H. Jones, chairman of General Electric Co., one of the nation's largest suppliers of electric generating and transmission equipment, whose sales and profits would benefit from more utility plant construction. It also includes Stephen D. Bechtel Jr., chairman of the Bechtel group of companies, one of the major builders of utility plants. Other management members include the top officers of General Motors Corp., Aluminum Co. of America, and U.S. Steel, whose plants are among the nation's largest users of electric power.

On the union side, the key man is George Meany, president of the AFL–CIO, whose union affiliates in the construction trades are suffering unemployment rates in excess of 20%. The heads of the Teamsters and Steelworkers are members too, and they are naturally concerned that power shortages in the future might threaten plant shutdowns or layoffs.

There is nothing illegal, immoral, or even unethical about a union leader or company executive urging the government to pursue policies that will benefit his interests. That is natural. But it's surprising that the President should ask such a group to devise tax policy on utilities. The results are as predictable as they would be if he asked homebuilders and real estate salesmen to devise his national housing policy, or big-city mayors to draw up his plan for urban aid.

Swallowing his earlier reservations, Treasury Chief Simon now is urging Congress to pass the utility-aid tax bill in hurry-up fashion. He was almost apologetic in outlining the narrow-interest legislation to the House Ways and Means Committee last week. The proposals, he told the lawmakers, "are probably not the same proposals we would advance if we had the luxury of more time, a less critical problem, and the realistic possibility of an overall solution to our country's economic problems." But, he said, "we must be practical and must act, and act quickly." The proposals, he noted pointedly, "have the support of both business and labor." Furthermore, he said, they would provide jobs (which is a magic word in Washington in these days of recession) and help reduce foreign oil imports.

No wonder Mr. Simon felt a bit sheepish. Here is the man who derided public-works jobs programs as "pure pork barrel," merchandising a private-sector pork barrel as a job-creating program. Here is the man who personified resistance to budget deficits, urging Congress to allow a $600 million addition to the red ink this fiscal year, and more in future years. Here is the man who is quick to praise free enterprise and to condemn government handouts, promoting a fast cash transfusion from Treasury to the corporations. Here is the man who demands fundamental, long-range solutions to economic problems (such as the fiscal crisis in New York City) proposing a quick-fix for utilities, because there just isn't time to devise a more considered response.

Some Congressmen asked embarrassing questions. If we give this special tax break to the electric utilities, won't lots of other industries demand equal treatment? Can the Treasury afford this revenue loss in a period of record deficits? If the utilities need more money, shouldn't they get it from their customers instead of the taxpayer? Mr. Simon's wobbly answers boiled down to saying that the utilities were a special case, an exception to his rules.

MR. BRANNON'S OPINION

The utility tax proposals "are a permanent response to a temporary problem," in the opinion of Gerard Brannon, a former Treasury tax specialist who recently analyzed the proposals for Tax Analysts and Advocates, a tax research organization. He wrote: "If inflation, interest rates and fuel costs are bugging the utilities now, will the new tax giveaways be repealed when the market problems abate? You should live so long! Crises are the usual cover for enacting 'reliefs' in the tax law that will be pure rip-offs when the crisis is gone."

The utility "crisis" may be passing already. Utility profits have begun rising again; First National City Bank's first-quarter survey found combined profits of 81 utilities up 20% from the fourth quarter and up 12% from a year earlier. Interest rates have fallen sharply in the past six months, so borrowing costs are lower. Inflation is cooling. Utility stock and bond prices have risen in Wall Street's big 1975 rally, so utilities are again able to raise money in the markets. Most important, fuel escalation clauses are helping power companies recoup higher oil costs from their customers, and state rate-setting agencies are granting faster, bigger rate increases.

But even if the short-term crisis is passing, it's true that utilities face formidable long-term challenges. They will require enormous amounts of capital to build all the facilities needed to power a growing economy in the decade ahead. But the U.S. Treasury isn't the right place to get the money.

The long-run solution to the industry's financial needs is higher rates, as Mr. Simon himself has said repeatedly. The utility customer—including big industries such as GM, Alcoa and U.S. Steel, which currently benefit from outmoded volume-discount rates—ought to pay the bill, not the taxpayer. Tax subsidies, in fact, may only undermine energy conservation by helping keep rates artificially low.

The full cost of providing power ought to be evident in people's and companies' electric bills, not partly hidden in their tax bills. Then, if your power bill seems too high, you can throw away your electric toothbrush or turn down the air conditioner. But once the power companies plug in at the Treasury, you won't be able to switch them off.

THE SECRET DEALS OF THE OIL CARTEL

(Mr. JOHN L. BURTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JOHN L. BURTON. Mr. Speaker, as we debate our national energy policy and seek solutions to the energy crisis, I think it important for us to be aware of the history and circumstances which have brought us to where we are today.

To paraphrase William Shakespeare, "The fault, dear constituents, lies not in our selves, but in our oil companies."

As the accompanying articles from New York magazine effectively illustrate, the real villians behind the skyrocketing gasoline prices were seven international oil companies that control most of the world's refineries, petroleum transport, and marketing facilities.

This is a story that begins with an oil strike near the ruins of the ancient Mosque of Solomon in western Persia and ends with the Yom Kippur war and the establishment of OPEC. It is a story of secret deals and multibillion dollar industries operating without checks or balances.

Mr. Speaker, I believe that these articles may serve as a primer for Members on the history of oil development in the Middle East, and as a background of foreign and domestic politics against which we now consider the direction of America's energy program.

The text of the articles follow:

THE SECRET DEALS OF THE OIL CARTEL: HOW SEVEN COMPANIES CARVED UP THE WORLD—PART I

(By Edward Jay Epstein) *

Although the black, sticky, combustible substance has been known since Biblical times, the commercial development of oil began less than a century ago in the United States. As late as 1920 almost two-thirds of the world's oil was still produced in the United States and was used to fuel most of the world's ships and cars, heat homes, and provide asphalt and chemical materials for roads. After World War I, other great world powers set out to develop their own reserves of oil in the newly conquered territories in the Middle East. Eager to preserve its dominant position, the United States encouraged the American combines to seek Middle East concessions too, even if it meant accommodation with British, French, and Dutch interests.

What emerged in the next half-century was an international oil cartel. The cartel controlled almost all the oil of the Middle East and more than two-thirds of the world's supply. The seven international oil companies which constituted this combination—Exxon Corporation, Mobil Oil Corporation, Texaco, Inc., Gulf Oil Corporation, Standard Oil Company of California, British Petroleum Company Ltd., and the Royal Dutch-Shell Group—also controlled most of the world's refineries, petroleum transport, and marketing facilities.

To be sure, the "cartel" was not a single entity with a board of directors or even unified operations. It was defined, rather, by a loosely knit set of arrangements which effectively restricted the exploration and production of oil around the world, allocating to each member a fixed share of existing and potential markets. It set world oil prices low enough to discourage independent companies from competing with the cartel but high enough to assure the cartel members a profit.

Its world-wide operations were coordinated by committees in New York and London and by secret meetings and correspondence. Since the most lucrative concessions in the Middle East and South America were owned by joint companies in which cartel members participated in varying combinations, it was possible to assure that the cartel always had sufficient information to restrict supply so that it dovetailed with projected demand. The cartel participants, moreover, "pooled" their shipping and refining facilities, thereby achieving maximum efficiency among themselves and preventing effective competition.

Although decisions by the cartel members critically affected the everyday life of the population of most of the industrialized world, no organized account of the cartel and its supranational maneuvers is to be found in the standard histories of the oil companies or in the biographies of their founders. What follows is based on investigation originally done in 1952 by the Federal Trade Commission, which, in turn, led to an investigation by the Department of Justice and the assiduous development of an antitrust case against the American members of the cartel. In 1954 the antitrust case was suppressed by the Eisenhower administration on the ground of national security. Twenty years later, the Senate Subcommittee on Multinational Corporations, chaired by Senator Frank Church, reopened the investigation and declassified many of the pertinent documents, thus allowing a reconstruction of at least the highlights in the operations of the international oil cartel.

What caused the present-day energy crisis? With vast untapped pools of oil scattered under three continents, why in 1973 did large parts of the world suddenly seem in danger of being denied adequate supplies of oil at a reasonable price? Why did the industrial nations allow themselves to become dependent on Middle Eastern oil instead of developing the reserves under the North Sea and Alaska? How did the Organization of Petroleum Exporting Countries gain control over the oil resources the companies once called their own?

To understand these issues and to explain the concentration of power now in the hands of OPEC, the new cartel, it is necessary to go back to the development of the old.

MAY 1908; RICHES IN THE RUINS

An oil strike which stank of sulfur near the ruins of the ancient Mosque of Solomon in western Persia radically altered the geopolitics of the modern world. Until then almost two-thirds of the world's oil was produced in the United States and refined or controlled by John D. Rockefeller's Standard Oil Company.[1] Europe's only other major sources of paraffin, kerosene, gasoline, asphalt, and other vital petroleum products were the oil fields at Baku in Russia, developed by the Rothschild and Nobel interests, vulnerable to revolution and civil strife, and the oil development by the Royal Dutch Company in the Dutch East Indies, halfway around the world.

Facing "oil starvation," as Winston Churchill, then first lord of the admiralty, put it, the British government decided to support with money and troops the exploration efforts of financier William Knox D'Arcy (who shrewdly managed to obtain a 60-year concession from the shah) in Persia. After D'Arcy's crew struck oil, the British government, under strong pressure from Churchill, bought the controlling interest in the new enterprise, which was called the Anglo-Persian Oil Company.[2] Within five years of the strike, one of the world's largest oil refineries was constructed on the island of Abadan at the mouth of the Persian Gulf, and with Persian oil at its disposal, Britain became—along with America—a major power in oil.

OCTOBER, 1918: BETRAYAL IN DAMASCUS

During the First World War, Britain continued its quest for hegemony over the strategic oil of the Middle East. On the eve of the war, preliminary geological surveys had indicated that vast reserves of oil were trapped in limestone formations not only in Persia but throughout the Arab territories adjacent to the Persian Gulf, which were still part of the moribund Turkish Empire. As soon as Turkey entered the war on the side of the Germans, Britain sent a message to Mecca through Lord Kitchener informing Hussein, grand sherif of Mecca and the spiritual leader of the Arabs, that His Majesty's government would recognize Hussein as caliph of an independent Arab nation if the Arabs would aid the allied cause by revolting against the Turks. In 1916, after prolonged negotiations with the British on the boundaries of the Arab State, Hussein began the Arab revolt with a successful attack on the Turkish garrison in Mecca. The British dispatched Lawrence, then a lieutenant, to advise Prince Faisal, Hussein's son. In a campaign of stunning and unexpected victories, the Arab forces captured the railhead at Damascus and cut off the Turkish Army still fighting in Egypt and Palestine.

When General Allenby commander of the British Army in the Levant, reached Damascus, it soon became clear that the British were not about to recognize an independent Arab nation in the Middle East. For even while Lawrence was reassuring Faisal, Sir Mark Sykes of the British Foreign Office and M. Georges Picot of the French Foreign Ministry concluded an agreement which divided all the Arab territories between British and French spheres of influence. In the allies' projected map of the Middle East, England would have direct rule over part of Palestine, the oil-rich Persian Gulf, and eastern portions of Iraq; France would establish a protectorate in parts of Turkey, Syria, and Lebanon. Between the British "red" zone and the French "blue" zone, semi-independent Arab countries would be carved out, but would remain under either British influence (zone B) or French influence (zone A). The oil interests, represented by Sir John Cadman of Anglo-Persian Oil, were not completely satisfied with the Sykes-Picot Agreement.

In December, 1918, Prime Minister Lloyd George renegotiated the agreement with Premier Clemenceau, and France ceded control over all the oil of Iraq, including Mosul, in return for a 25 per cent share of the profits of Turkish Petroleum Company, which Britain was establishing to exploit Arab oil (Anglo-Persian Company and Royal Dutch-Shell were to have the controlling interest). Clemenceau also agreed to cede control over all of Palestine to Britain. Thus, at the Peace Conference at San Remo in 1920, Prince Faisal witnessed the division between Britain and France of the Arab territories for which

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*Edward Jay Epstein, author of "Inquest" and "News from Nowhere," holds a doctorate in political science from Harvard University. His new book, "Between Fact and Fiction," will be published by Random House in the fall.

Footnotes at end of article.

he had fought. Despite its prior promises of an independent Arab caliphate, Great Britain was not about to relinquish control over the vast oil deposits of Arabia.

JULY, 1928: THE RED LINE AGREEMENT

After World War I, American oil companies did not willingly accept exclusion from the vast oil reserves of the Middle East by the British and the French. They pressed the Department of State to intervene on their behalf, and through the release of highly dubious projections of an imminent oil shortage, they managed to arouse concern about what was to be the first of several "energy crises." Thus, in January, 1920, the U.S. Geological Survey warned that "the position of the United States in regard to oil can best be characterized as precarious." This was followed by a spate of authoritative stories in the press predicting that the United States would totally run out of oil by 1925 and thereupon be totally dependent on Britain for its supply. With public fears conveniently rising, the State Department began quietly to negotiate with the British Foreign Office on behalf of the American oil companies. America's participation in the war, the State Department argued, gave it some rights to the fruits of victory in the Middle East. Britain finally relented under pressure and agreed to give American companies a share of the Turkish Petroleum Company, which held valuable concessions in Iraq. Under the negotiated arrangement, Exxon, Mobil, and Gulf would receive 23.75 per cent of the stock;[3] Anglo-Persian and Royal Dutch-Shell (both British-owned) would receive 47.5 per cent; the Compagnie Française des Pétroles (owned by French interests) would receive 23.75 per cent; and the remaining 5 per cent would be retained by Calouste Sarkis Gulbenkian, the Armenian financer who had founded the prewar Turkish Petroleum Company (and fused into it the Shell, Royal Dutch, and Rothschild interests).[4]

There was a catch, however. To prevent continued competition in the search for and development of Middle Eastern oil, Gulbenkian and his British partners insisted on a "self-denial" clause, by which the partners—Exxon, Mobil, Gulf, Anglo-Persian, Royal Dutch, and Compagnie Française—would agree not to develop independently any oil resources in a large portion of the Arab territories. When the oil companies, meeting in Ostend, failed collectively to agree on the exact boundaries of the area to be excluded from future development by each of them individually, Gulbenkian marked a large area with a red line (see map) and said, "That was the Ottoman Empire which I knew in 1914. And I ought to know. I was born in it, lived in it, and served it. If anybody knows better, carry on." All the participants accepted the red line as the boundary (the State Department tacitly endorsed its acceptance by the American companies) and the framework was set for the development—and nondevelopment—of Middle Eastern oil.

Years later, David I. Haberman, one of the prosecutors in the Department of Justice's aborted case against the oil companies, was to testify: "[P]revention of competition was the sole purpose of many of the principal provisions of [the Red Line Agreement].

The present nation states within the Red Line are:

Yemen Arab Republic.
Saudi Arabia.
Jordan.
Israel.
Lebanon.
Syria.
Turkey.
Iraq.
United Arab Emirates.
Oman.
Peoples Democratic Republic of Yemen.
Cyprus.
Qatar.
Bahrain.

SEPTEMBER, 1928: THE GROUSE SHOOT

Less than two months after the Red Line Agreement was signed, the heads of the three most powerful oil combines in the world met in Achnacarry, Scotland—under the pretext of shooting grouse—and arranged to eliminate most of the remaining competition within the world's burgeoning oil industry. The proximate cause of the meeting was a price war in India between Royal Dutch-Shell and Standard Oil of New York which, though settled, demonstrated that free competition could easily lead to the collapse of existing oil prices. Whereas the Red Line Agreement precluded competition in the production of Middle Eastern oil, it didn't deal with the problem of competition for markets. Thus, at Sir Henri's castle at Archnacarry, the "Big Three" laid the basis of a cartel which would control the marketing of the world's oil. The basic means for accomplishing this was the "As Is" principle, under which all agreed that all present and future markets would be divided among them exactly according to the shares of world markets they held in 1928. This meant, in effect, that no matter what concessions or geographic advantage any one company obtained, its share of the market would remain constant, and there would be no competition between them (and whatever other companies joined the "As Is" arangement). The outcome of these negotiations was an unsigned document which specified principles for eliminating "destructive competition" and creating, as one Department of Justice lawyer subsequently testified, "a grand policy blueprint for a corporate world government of the petroleum industry. . . ." The Achnacarry meeting was followed by a Venezuelan arrangement whereby a "conservation board" set production limits and which, under the guise of oil conservation, enforced cutbacks in Latin American production to maintain world prices and "stability." "As Is" committees were set up in both New York and London to administer the necessary production quotas and to coordinate distribution of the world's oil. Through the efforts of these two "committees," the cartel controlled virtually every aspect of the production, refining, and marketing of the bulk of the world's oil for the next decade.

DECEMBER 1931: AN "OPEN DOOR" TO SHUT OUT COMPETITION

Even though the Red Line Agreement had successfully prevented the development of oil in a large part of the Middle East, including Saudi Arabia, an uncontrollable spate of oil strikes in Texas, Venezuela, and Russia confronted the cartel with the specter of a gigantic glut of oil in the early 1930's. When Gulf Oil, which was largely owned and controlled by the Mellon family, attempted to gain a concession in the British protectorate of Kuwait (which had been specifically excluded from Gulbenkian's red line), it further threatened the "stability" of world oil prices, since Kuwait was sitting atop what was perhaps the world's largest and most accessible oil pool. (The ruling sheik had already received considerable "baksheesh," including a $4,000 Sunbeam convertible, from Gulf's intermediates.) But the British Colonial Office, under pressure from Anglo-Persian Oil, sought to disqualify the concession that Gulf was negotiating on the ground that mineral rights in British colonies were restricted to British subjects and corporations. Gulf, not without influence in Herbert Hoover's Washington, asked the State Department to intervene. In response, Secretary of State Henry L. Stimson telegraphed instructions to Ambassador Mellon in London—of the same family holding a major interest in Gulf—to invoke the "Open Door" policy. Supposedly, the "Open Door" policy was instituted to allow free competition among American and foreign firms overseas, but the arrangement that Mellon negotiated with British Foreign Secretary Simon for Gulf Oil in Kuwait had quite the opposite effect. Whereas the final 1933 agreement gave Gulf and Anglo-Persian each 50 per cent of Kuwait's resources, it gave Anglo-Persian (and the British government, which owned a controlling interest in it) virtually complete control over the schedule for developing the vast oil pool. Moreover, it bound Gulf not to use its share of Kuwaitian oil to compete with Anglo-Persian, or attempt to change the existing division of the world market. Thus, the Achnacarry "As Is" agreements were further extended to Gulf and Kuwait. To compensate Gulf for restricting production from Kuwait, Anglo-Persian furthere agreed to sell to Gulf crude oil from its Persian fields at the same price Kuwaitian oil would cost. In keeping with the cartel's policy of reducing the "glut," Anglo-Persian avoided drilling major wells in Kuwait until after Word War II (and Guf agreed to resell a share of its oil to Royal Dutch subsidiaries, thereby maintaining the status quo). The "Open Door" was thus used by Mellon and British interests to shut out competition.

AUGUST, 1933: GOLD SOVEREIGNS FOR A SHIEK

While the Red Line Agreement prevented the participants from competing among themselves for the oil within the restricted area, it did not stop outsiders from competing with the cartel. Thus, in 1928, Standard Oil Company of California, after failing to find oil in Mexico, Venezuela, Ecuador, the Philippines, and Alaska, moved as a last resort into the Middle East, and purchased the concession from Gulf to explore the Arabian island of Bahrain. (Gulf, a signer of the Red Line Agreement, could not itself develop its Arabian concessions.) The discovery of low-cost crude on Bahrain turned the attention of Standard Oil of California to the domes of Saudi Arabia—only twelve miles from the Bahrainian domes which had spouted oil. For a small cash consideration, Harry St. John Philby—a sometime British agent and Ford dealer in Saudi Arabia with close connections to Shiek Abdullah, who was finance minister to King Ibn Saud—agreed to quietly negotiate a concession for Standard Oil of California while at the same time reassuring British interests that the concession had no chance of being granted. (Philby apparently needed the money for the education of his children—among them Kim, who in World War II and several years thereafter continued the family tradition of double-agentry.) Ibn Saud, not trusting Westerners fully (though Philby had converted to Islam), demanded that the down payment for the concession be in gold sovereigns. And though Dean Acheson, then under secretary of the Treasury, turned down Standard Oil's request for permission to export gold, its agents obtained the gold in London and secretly shipped it to Jeddah to consummate the deal.

While it immediately became clear that Saudi Arabia possessed immense reserves of oil, Standard Oil of California had virtually no ready market for it, given the neat division of existing world markets by the cartel. Thus, in 1937, Standard Oil of California gave a 50 per cent interest in its Arabian concession to Texaco, which had been given a fixed share of the Far Eastern markets in return for subscribing to the "As Is" agreements. Subsequently, after World War II, as Arabian oil became the most important reserve of oil in the world, further shares were given to Exxon and Mobil in which was now called the Arabian-American Oil Company (ARAMCO). In return, Standard Oil of California and Texaco received a large share of the cartel's quota for marketing oil.

Exxon became concerned that its market share in Europe might be threatened by the

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Footnotes at end of article.

ARAMCO concession. It therefore offered to share its superior market in Europe with the ARAMCO partners—Standard Oil of California and Texaco. In return Exxon would get a share of ARAMCO.

Although there was at first considerable doubt on the part of some executives of ARAMCO, they finally decided that a guaranteed share of the European markets would be more profitable than competition or even a price war with Exxon. ARAMCO was thus expanded to include two more American participants: Exxon and Mobil.

As matters turned out however, Mobil and Exxon were more interested in reducing the threat of Arabian oil to their market (by restricting ARAMCO's production) than they were in allowing the original ARAMCO partners a share of their markets.

1939: THE USES OF DRY HOLES

The world depression plunged the price of oil in the 1930's to 10 cents a barrel and the plethora of new discoveries in Texas and the Mexican Gulf made it imperative for the international cartel ruthlessly to suppress oil production elsewhere. The Iraq Petroleum Company (IPC) which controlled the Middle Eastern oil within the boundaries of the Red Line Agreement thus drilled a series of persistently unproductive dry holes in northern Iraq and Syria from 1929 to 1939 even though one of the largest pools of oil in the world was discovered in southern Iraq in 1928.

The mystery of these dry holes was clarified by a Federal Trade Commission investigation in 1952 which found by subpoenaing the secret files of the American members of the cartel that IPC engineers in Iraq were specifically instructed to drill exploratory wells only in formations which geological surveys indicated had virtually no possibility of yielding oil. As IPC's general manager in Iraq put it "We have been steadily complying with the letter of the Mining Law by drilling shallow holes on locations where there was no danger of our striking oil. . . ."

Thus, IPC could both conform to its obligations to the Iraq government in drilling a set number of exploratory wells each year and, at the same time, be assured of not discovering oil and thereby adding to the problem of oversupply.

The FTC's finding, and the documents from the archives of the American participants in IPC which supported it, were censored from the commission's report on grounds of "national security." The same technique of "dryholing" also allowed Anglo-Persian Oil to avoid developing Kuwaitian oil (which was discovered in 1938) until after World War II. Indeed, until the outbreak of hostilities in World War II closed down most of the oil fields of the Middle East, the main activity of the cartel, reflected in reports from its London and New York coordinating committees, was to systematically avoid the "discovery" or development of more Middle Eastern oil. Its chief worry remained "glut."

FEBRUARY 14, 1945: RENDEZVOUS ON GREAT BITTER LAKE

The cartel's control over the world's oil supply was seriously threatened in 1945 by the accelerated development of the immense oil reserves of Saudi Arabia by Standard Oil of California and the Texas Company, which were not restricted by either the Red Line or the Achnacarry agreements. During the war, Britain attempted to undermine the American concession there by sending a detachment of troops (under the pretext of battling the Arabian locust) and by promising King Saud financial aid. The American companies appealed to Washington for help on the ground that Arabian oil would become increasingly important as American reserves were depleted. Roosevelt was persuaded. He declared that "the defense of Saudi Arabia is vital to the defence of the United States," extended lend-lease aid to King Saud, and warned Churchill not to interfere with American interests in Arabia. He further set up, under the strong influence of Secretary of the Interior Harold Ickes, a government-owned corporation to finance a pipeline from the Persian Gulf to the Mediterranean and also acquire a large share of the concession itself. The government takeover of Arabian oil was quietly but effectively undermined by the oil companies, however.[5] Subsequently, financial aid to King Saud was provided by a tax device whereby oil companies would pay increased "taxes" to Saudi Arabia, but then would be allowed to deduct the full payment as a "tax credit" from the amount of taxes they owned the U.S. Treasury. In effect, the oil companies simply laundered aid to Saudi Arabia from the U.S. government.

Roosevelt met King Saud on his return from the Yalta Conference to make the American interest in Saudi Arabia abundantly clear—to Britain as well as to King Saud. When Saud raised the issue of Palestine, F.D.R. promised that the U.S. government would not change its policy on Palestine without prior consultation with both the Jews and the Arabs. American hegemony over Arabian oil was thus achieved. Two months later, Roosevelt died (and in 1948 his successor, Harry Truman, recognized Israel).

THE CARTEL AT ITS ZENITH

As the 1950's began, the seven global corporations that comprised the oil cartel, the "seven sisters," accounted for more than one-half the world's crude production (outside Russia and her satellites), two-thirds of the world's privately owned tanker fleet, more than half the world's refining capacity, and dominated "downstream" marketing of petroleum products.

The cartel's control of Middle Eastern crude was almost absolute. Following is the list of major oil concessions there as of 1950. The list, based on FTC studies, shows the oil companies involved and their respective shares of each concession's output.

IRAN

[In percent]

Concessionaire: Anglo-Iranian Oil Co., Ltd., owned by:	
British Government	56
Royal Dutch-Shell	22
Various individuals	22
Total	100

SAUDI ARABIA

[In percent]

Concessionaire: Arabian American Oil Co., owned by:	
Standard of California	30
Texaco	30
Exxon	30
Mobil	10
Total	100

BAHRAIN, QATAR

[In percent]

Concessionaire: Bahrain Petroleum Co., owned by:	
Standard of California	50
Texaco	50
Total	100

CYPRUS, LEBANON, TRANS-JORDAN, SYRIA, IRAQ, TRUCIAL OMAN, DHOFAR OMAN, ADEN PROTECTORATE HADRAMUT

[In percent]

Concessionaire: Iraq Petroleum Co., owned by:	
Royal Dutch-Shell	23.75
Anglo-Iranian (see above)	23.75
Compagnie Française des Pétroles	23.75
Exxon	11.875
Mobil	11.875
Calouste Sarkis Gulbenkian	5.00
Total	100.00

KUWAIT

[In percent]

Concessionaire: Kuwait Oil Co., owned by:	
Anglo-Iranian (see above)	50
Gulf	50
Total	100

The Iraq-Saudi Arabia "neutral zone." Concession rights were held by the Iraq Petroleum Co. and Arabian American Oil Co., each of which had 50 per cent.

The Kuwait-Saudi Arabia "neutral zone." Concession rights were held by American Independent Oil Co. and Pacific Western Oil Co., each of which had 50 per cent.

AUGUST 11, 1953: THE FLIGHT OF THE SHAH

The oil cartel had taken full advantage of wartime allocations administration in both Washington and London to consolidate its control over the world's markets, and by 1951, it had grown so powerful that not even the sovereign governments that supplied it with most of its crude could successfully defy it. Thus in the spring of 1951, when Prime Minister Mossadegh of Iran unilaterally nationalized the concessions and facilities of the Anglo-Iranian Oil Company, the British company withdrew its technicians (as well as key parts) from the Iranian wells and refineries, and other cartel members refused to supply Iranians with either tankers or markets for their crude oil. The cartel was able to compensate for the loss of Iranian oil by increasing production in Iraq and Africa, but Iran was deprived of almost half of its national revenues, and was forced to close down its single largest industry. Mossadegh asked help from America, but the State Department tactfully refused. Dean Acheson, secretary of state in the outgoing Truman administration, subsequently explained that even if the U.S. government wanted to cross Britain—and the oil cartel—and restore Iranian oil production, it would still "require the cooperation of the major American oil companies, who alone, aside from Anglo-Iranian, had the tankers to move the oil"—and that "cooperation" would not be forthcoming in these circumstances.

The National Security Council thus decided in 1953 that the impasse in Iran could be resolved only by returning control of Iranian oil to the major oil companies in America and Britain, which meant in effect that Prime Minister Mossadegh, who was becoming increasingly nationalistic, would have to be removed from power by one means or another. That same spring, Allen Dulles, director of the Central Intelligence Agency and brother of John Foster Dulles, secretary of state in the new Eisenhower administration, went for a "holiday" in Switzerland where he met in his rented villa with Loy Henderson, the U.S. ambasador in Iran; Princess, Ashraf, the shah's twin sister; and Kermit Roosevelt, a specialist in clandestine activities for the CIA. In the course of those secret meetings at the villa, a scenario was worked out for a change of power in Tehran. On August 6, 1953, National Security Council Action Memorandum 875b ordered a "solution which would protect the interests of the free world in the Near East" (and instructed the attorney general to drop, in effect, pending antitrust actions against cartel members so that they could act in concert in Iran).[6] On August 10, the shah sent an emissary on the futile mission of officially dismissing Prime Minister Mossadegh from office.

Mossadegh retaliated, as expected, by arresting the emissary and denouncing the shah, who departed the following day for Rome to await the outcome of events. In Tehran, the departure of the shah signaled a series of "spontaneous" uprisings against the Mossadegh regime which were generously assisted, if not perpetrated, by CIA operatives. The Iranian Army, also in contact with the CIA, immediately moved into Tehran to restore "order," and arrested Mossadegh.

On August 24, the shah returned to his capital, where he received a tumultuous welcome.

The overthrow of Mossadegh planned in Switzerland that spring had been achieved without bloodshed, but the restoration of the shah did not nullify the nationalization of Iran's oil. Indeed, the shah (with American backing) was not about to return the concession to Anglo-Iranian Oil) which had changed its name to British Petroleum after the nationalization). The "American solution," worked out by Herbert Hoover Jr., called for a consortium of international companies—dominated by Exxon, Shell, Gulf, BP, Socal, and Texaco—to operate Iran's oil industry and to turn over to Iran a share of the profits. The consortium would supply BP with the amount of oil it produced from Iran before the nationalization. After some negotiations, the shah accepted the "consortium" arrangement as a means of relieving Iran's economy, by then in a desperate shambles. The consortium agreement among the participants contained, however, a secret "Clause 28" which, in effect, allowed the cartel members to limit or reduce Iranian production to maintain prices or relative market shares.[7] Thus, despite a de jure "nationalization," the cartel managed to maintain de facto control over the production of Iranian oil.

FOOTNOTES

[1] In 1911, the Standard Oil Company was reorganized by antitrust decrees into five major corporations: Standard Oil of New Jersey (now known as Exxon); Standard Oil of New York (which merged with the Vacuum Oil Company and is now Mobil Oil); Standard Oil of California (or Socal); Standard Oil of Ohio; Standard Oil of Indiana; and Marathon Oil.

[2] The company changed its name to Anglo-Iranian Oil in 1935 (when the shah renamed Persia Iran), and to British Petroleum in 1954 (soon after Iran nationalized the British concession), or simply BP. For clarity and consistency, oil companies in this story are in most cases referred to by their present names.

[3] Gulf eventually sold its share to Exxon and Mobil.

[4] Turkish Petroleum Company was subsequently changed to the Iraq Petroleum Company, or IPC.

[5] Financing was provided subsequently by Exxon and Mobil, which were then given a share of the Arabian-American Oil Company.

[6] The criminal antitrust case against Exxon, Mobil, Texaco, Gulf, and Socal was subsequently downgraded to a civil case settled by consent agreement.

[7] The secret clauses were made public in 1974 by the Senate Subcommittee on Multinational Corporations chaired by Senator Frank Church.

THE SECRET DEALS OF THE OIL CARTEL: THE RESISTIBLE RISE OF OPEC—PART II

(By Edward Jay Epstein)

In 1928, the three giants of the still young oil industry—Exxon (then known as Standard Oil of New Jersey*, controlled by Rockefeller interests), Anglo-Iranian Oil (controlled by the British government), and Royal Dutch-Shell (controlled by British banking interests)—combined into a supranational cartel to avoid a spiral of "destructive competition" for the world's oil markets. The basic "As Is" Agreement between the heads of the three companies worked out at Achnacarry Castle in Scotland required that they act in concert to preserve the existing division of markets, and maintain the "as is" ratio in new and developing markets. Moreover, to achieve maximum profitability and to restrict competition from outsiders, the Big Three agreed to pool their resources and provide one another with refined products from the most proximate refinery (hence, the Pool Agreement).

Through joint ownership agreements, in which other companies allowed the Big Three to control production and marketing decisions, the cartel gained complete control over the oil concessions of Iraq, Kuwait, and Venezuela, where in times of "oversupply" they could cut exploration and production. To gain a share of the market, Gulf, Mobil, Texaco, and Standard Oil of California joined the "As Is" cartel. By 1959, the "Seven Sisters," as the cartel members came to be known, controlled not only most of the oil fields outside the United States but also the refiners, pipelines, and tankers.

Although the actions of the seven companies appeared to grossly violate American antitrust laws (at least from the Justice Department's point of view), President Eisenhower declared in a 1953 memorandum: "It will be assumed that the enforcement of the antitrust laws of the United States against the Western oil companies operating in the Near East may be deemed secondary to the national interest." The Justice Department, accordingly, dropped the criminal antitrust action it had prepared against the cartel members, and the cartel was actively encouraged by the State Department to form a "consortium" to operate Iranian oil facilities.

As the international cartel moved into the 1960's, its fourth decade of operation, the main threat it confronted was neither antitrust suits nor even "nationalization" (for, as the case of Iran proved, the oil combine had the power to increase production in other countries while blockading the offending government), but the rise of producers independent of the cartel, such as Getty, Occidental, and state-owned companies in Italy and Japan. For "independents" could provide alternate outlets for producing states, thus breaking the cartel's iron hold on the world's oil supply. This problem was gravely compounded in 1957 when Britain and France withdrew from Suez, and the colonial powers could no longer be relied on to prevent "independents" from moving into unexploited sheikdoms.

JANUARY 22, 1954: OBSTRUCTION OF JUSTICE, AND A SECRET CLAUSE

In 1952, after a grand jury search of the files of 21 oil companies, the Department of Justice developed a powerful antitrust case against the cartel members. But Iran had nationalized the British oil concessions there only the year before, giving rise to a debate within the highest levels of the United States government about the national security interest in preserving the cartel's control of Middle East oil.

The Department of Justice contended that "the cartel arrangements are in effect private treaties negotiated by private companies for whom the profit incentive is paramount. The national security should rest instead upon decisions made by the government with primary concerns for the national interest."

The Department of State, which opposed the antitrust suits, argued that criminal prosecution was "fraught with great potential danger to the United . . . [I]n both Venezuela and the Middle East a wave of economic nationalism which might endanger American interest is entirely possible [if the suits were to bring damaging information to light]."

Then, on January 5, 1955, just before he vacated office, President Truman informed Department of Justice prosecutors that the grand jury investigation had been terminated "solely on the assurance of General Omar Bradley [then chairman of the joint chiefs of staff] that national security called for that action." A civil suit was thus substituted for the criminal prosecution. After President Eisenhower, and the CIA, had disposed of Iranian Premier Mossadegh and restored the shah to power, the United States was faced with a watershed decision—it could either return the Iranian concessions to the cartel or it could turn over the concessions to American independent oil companies. If the cartel retained control over the concessions, the government could be assured that oil prices would remain constant and not be "desettled." On the other hand, if American independent oil companies took over, then one could expect widespread competition with the cartel. Iranian oil production would be greatly increased by the independents, and this seemed sure to lead to a collapse of world oil prices.

For the Department of State, Herbert Hoover Jr. argued persuasively that international oil prices should not be "desettled." He thus worked out a "consortium plan" in which, according to testimony developed in hearings of the Senate Subcommittee on Multinational Corporations in 1974, the cartel members would be given the controlling interest over Iran's oil, with a small percentage given away to American independents as "window dressing."

A secret clause "Clause 28," would allow the dominant cartel members to check the production quotas of all the participants in the consortium and thus control the exploration and production schedule of Iranian oil, thereby not "desettling" world oil prices. The consortium would then sell most of its oil to Anglo-Iranian Petroleum.

In effect, then, the consortium arrangement would return Iranian oil to British Petroleum—and the control of the cartel. To expedite this arrangement it was necessary to guarantee the American oil companies that they would not be prosecuted for antitrust violations for participating in the consortium. On January 21, 1954, the National Security Council endorsed this arrangement and Vice-President Nixon briefed Lyndon Johnson, Sam Rayburn, and other congressional leaders on the decision.

Majority Leader Johnson, however, showed great concern that the Iranian oil might find its way into the American markets, thus competing with Texas oil. Johnson was assured by Nixon and Secretary of the Navy Robert Anderson, another Texan, that Iranian oil would be sold only east of Suez and not reach American or European markets. To assure that this deal was kept, Johnson pushed an import-quota bill through Congress which limited the amount of oil that could be imported into the United States.

This deal had two important consequences. First, it effectively ended the antitrust case against the oil cartel. As President Eisenhower pointed out in a Department of Justice memorandum: "It will be assumed that the enforcement of the antitrust laws of the United States against the Western oil companies operating in the Near East may be deemed secondary to the national security." Second, by restricting imports of oil into the United States, Johnson assured that for twenty years domestic production would be used at capacity.

If import quotas had not been introduced, the United States would have used more Middle East oil and thus would have had greater domestic reserves for use in emergency.

1954: THE SQUELCHING OF ONASSIS

The oil cartel ensured its hegemony over its far-flung concessions in the Middle East and Latin America through its ownership and control of the pipelines and tanker fleets necessary to transport the oil to the markets. By the 1950's, the Big Three cartel members—Exxon, Anglo-Iranian, and Royal Dutch-Shell—controlled 12 million deadweight tons of tankers, which constituted almost two-thirds of the privately owned tankers in the world. And most of the remaining tankers were owned by or chartered to the other participants in the cartel through a myriad of subsidiaries. Moreover, all the pipelines in the Middle East were owned by the members of the cartel. Thus, when Aristotle Onassis offered to commit a fleet of tankers to Saudi Arabia's use in 1954, the cartel viewed it as a potential threat to their virtual monopoly of transport.

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*For clarity and consistency, oil companies are in most cases referred to in this article by the names they have today.

By 1954, the cartel members and their subsidiaries, in retaliation, began canceling short-term charters for Onassis's ships. Not only were his ships lying idle, but he found himself suddenly beset with legal tangles. In New York, he was arrested at the Colony restaurant on charges involving his acquisition of World War II ships. (He was subsequently acquitted.) In France, he was sued by Spyridon Catapodis, a former associate, who claimed he was owed money and who now charged that he had distributed hundreds of thousands of pounds sterling in bribes to members of King Saud's court to obtain the tanker contract for Onassis. (The suit was eventually dismissed.)

In 1955, realizing the futility of fighting the cartel, Onassis quietly backed out of the tanker deal with King Saud, and his ships once again carried oil for the cartel members on a contract basis.

But technology would soon work against the cartel. Supertankers which could reduce the cost of trasporting oil by $1 a barrel were already on the planning boards. With independents like Onassis quick to order these oceangoing behemoths, it was to be only a few years before the oil-producing nations had practical alternatives to the cartel's shipping.

OCTOBER 27, 1962: DEATH OF AN INTERLOPER

The Suez debacle in 1956–1957—the direct intervention of Britain and France in Suez, and the humiliating withdrawal that followed—effectively ended the British sphere of influence in the Middle East and opened up the area to oil companies unaffiliated with the cartel. Among the "independents" who rushed in to seek concessions was Enrico Mattei, head of Ente Nazionale Idrocarburi (ENI), the Italian government-owned energy company. ENI, which had a large share of the Italian market and pipelines to other European markets, presented a serious problem to the cartel. If Mattei succeeded in acquiring a large supply of crude oil in the Middle East, he threatened to break the price of oil in Europe—a price effectively maintained by an Exxon subsidiary.

Mattei offered Iran an unprecedented "partnership" deal whereby Iran would participate in the concession without putting up initial capital. Iran granted Mattei exploration rights in areas in which concessions had not been granted to the "consortium," but the wells ENI drilled there failed to produce sufficient oil to fulfill Mattei's grand scheme.

In the early 1960's, Mattei turned to the only available source not controlled by the cartel: the Soviet Union. He thus arranged, in 1961, to import almost 16 per cent of Italy's oil from the Soviet Union, and greatly to increase the flow once a Soviet pipeline to Italy was completed. Exxon—fearing a flood of cheap Soviet oil—persuaded the Kennedy administration that to supply steel pipe the Soviet Union needed to build the pipeline was to threaten the NATO alliance. As a result, President Kennedy prevailed upon West Germany and other allies to help prevent steel pipe from reaching the Communist bloc (even though they would be the beneficiaries, at least in the short run, of cheaper oil).

In the fall of 1962, Exxon decided to make a deal with Mattei and offered oil from its Libyan concession in return for ENI's rejecting Soviet oil. Exxon also agreed secretly to help finance Italy's Christian Democratic party—Mattei's party.

Mattei seemed agreeable to this plan, and Exxon officials arranged for him to meet with President Kennedy in November. To facilitate the détente, Under Secretary of State George Ball dined Mattei at the American Embassy in Rome and discussed the possibility of the United States' purchasing petrochemical products from ENI.

Before the new arrangement was settled, and a few days before his departure for the United States, Mattei's private plane crashed. The cause of the crash was not determined.

SEPTEMBER, 1964: THE $100-MILLION DINNER

The phenomenal growth of independent oil companies in the postwar years was a direct, and somewhat ironic, result of the cartel's need to dispose of large quantities of oil in order to keep their refineries running at full capacity. Thus, independent marketing companies like Los Angeles-based Occidental Petroleum received from the supranational producers generous allotments of refined products. As demonstrated by the shutting down of the Iranian fields in 1953, and reprisals that followed the British-French invasion of Suez in 1956, the independents found that the cartel's crude supply could be pinched without notice and that, in consequence, their own supply was extremely tenuous. With profits made from marketing the cartel's excess capacity, the independents sought their own concessions even though it meant directly competing with the cartel. While Enrico Mattei of ENI dealt with Iran and the Russians, Jean Paul Getty negotiated a concession in the Neutral Zone between Kuwait and Saudi Arabia; Standard Oil of Indiana began offshore explorations in the Persian Gulf; and Phillips Oil moved into the Trucial States.

But by far the largest pool of oil—and the most economically located in respect to the European markets—lay under the Libyan desert. Armand Hammer, perhaps the most enterprising of all the independents, decided to stake Occidental's fortune on obtaining a concession from the totally corrupt regime of Libya's King Idris. The attempt to gain the concession met with little success until Herbert Allen, the Wall Street investment banker, offered in 1964 to put Hammer in touch with a Libyan who could arrange for Occidental to get the most valuable concessions through his connections with Libyan Oil Minister Fuad Kabazi (who was interested in obtaining some cash to finance a film he had written). The intermediaries for the deal were "General" Pegulu de Rovin, a Spanish-born swindler of some prominence in Europe, and Ferdinand Galic, a Czech-born promoter and *bon vivant* who was an acquaintance of Charles Allen, the founder of Allen & Company, and Herbert Allen's brother.

The principals met the "Libyan connection" in London at Claridge's, and, according to sworn depositions in a subsequent lawsuit, agreed to persuade the oil minister to grant the concessions to Hammer's company. (Oil Minister Kabazi, according to the depositions, received $100,000 for his film *On the Crest of the Dune* from Galic.)

Occidental was awarded the concession by the Libyan government in 1966 and soon struck a major field. But just before Occidental's final offer was submitted, the Libyan government unilaterally canceled its agreement with Allen & Company, cutting Allen out of the deal. Allen & Company thereupon sued Occidental for $100 million for breach of contract. (That suit is still not resolved.)

Occidental's strike in Libya was to become crucially important to Europe. After the Suez Canal was closed in 1967, it was the only "Middle East oil" located west of Suez.

1969: BALANCING ACT

In controlling the balance of the world's oil supply, the cartel faced the delicate problem of restricting the development of its concessions so that it did not exceed projected demands for oil. Most "host" governments were demanding that oil production—and thus oil royalties—be increased in their respective countries, but the major oil companies operated on the theory that the market for oil was a finite "balloon," and that an extraordinary production increase in any one concession area would have to be traded off against a decrease in another.

In 1969, when the shah pressed the consortium to accelerate Iranian production by some 20 per cent a year (or by 2 million barrels a day of additional production by 1973), the consortium members had to reckon that, as a result, they would have to decrease production, or at least the rate of growth, in their primary concessions. Specifically, Exxon, Standard Oil of California, and Texaco thus were faced with the prospect of having to "trade off" Saudi-Arabian growth to satisfy the shah, thereby jeopardizing their standing in Saudi Arabia.

Similarly, Gulf Oil would have to restrict Kuwaitian development in order to favor Iran. Exxon had the additional problem of absorbing between 1 million and 2 million barrels a day that the North Slope of Alaska was expected to produce. Thus, an analysis by Standard Oil of California dated December 6, 1968, gloomily concluded: "It will become exceedingly difficult, if not impossible, to maintain relatively rapid growth in the high-level producing countries of the Middle East and still accommodate reasonable growth of crude production from new as well as old fields . . . outside the Middle East."

In his testimony before the Senate Subcommittee on Multinational Corporations, George Piercy, a senior vice-president of Exxon, explained the dilemma: "If some capacity was brought on anywhere else in the world . . . it is like a balloon and if you bring it on in one place, you punch it one place, something has to give somewhere else. . . . The fact that oil was brought on here or there does not in any way mean that there was more consumption."

Rather than expanding the balloon in Iran, the shah was thus turned down by the oil companies that controlled the consortium's production schedule.

The State Department attempted to keep the restrictive clauses on the consortium agreement secret from the shah—in 1966 Acting Secretary of State George Ball instructed the American Embassy in Tehran "this sensitive subject should not become part of the argument with the Iranians"—but the shah was apprised by the French company in the consortium (CFP) of the secret clause which allowed the cartel members to control Iran's production schedule. He vehemently protested to the American State Department, and on March 28, 1968, Under Secretary of State Eugene Rostow summoned executives from Exxon, Socal, Texaco, Mobil, and Gulf to Washington and bluntly warned them that the Middle East situation was deteriorating and could result in an "oil boycott." Under Secretary of State Eugene Rostow appealed to the majors to accommodate the shah's demand to increase production.

The oil companies adamantly rejected this plea, contending that an increase in Iran might offend Saudi Arabia and Kuwait, since, to compensate, production would have to be cut in those countries. The consortium did switch from the Gregorian calendar to the Persian calendar, so that the shah could save face in meeting his five-year planned schedule, but it flatly refused to "trade" 2 million barrels a day of non-Arab oil for a like amount of Arabian oil. In hindsight, it is clear that if the cartel had acceded to the shah's demand in 1968 the Arab boycott of 1973 would have been less effective, if it would have been possible at all.

JUNE, 1967: PYRRHIC VICTORY

After the armies of Egypt, Syria, and Jordan suffered humiliating defeats in their six-day war against Israel, the Arab nations imposed an oil embargo against the United States and Israel's other allies in Western Europe. Arab strategists counted on the embargo to pressure Israel into withdrawing from Jerusalem and the strategic areas it captured during the war. But within a week, it became clear that the West could easily circumvent the Arab boycott. Algeria and Tunisia continued to sell oil to West Germany, while the oil companies compensated for the shortfall in crude supplies by increasing production in Venezuela and Africa.

More important, the United States, the chief target of the boycott, then produced more than 80 per cent of the oil it consumed at the time. Imports from the Middle East amounted to only 300,000 barrels a day, which could be obtained easily from non-Arab suppliers. With non-Arab oil producers, notably Iran, increasing their share of the market at the expense of Arab producers, Saudi Arabia and Kuwait gave up the embargo by the end of June, thereby effectively ending it.

At a meeting in Sudan that August, Arab leaders came to realize that oil could be an effective political weapon only if all the producers—including such non-Arab nations as Iran, Venezuela, Nigeria, and Indonesia—acted in concert. The Organization of Petroleum Exporting Countries (OPEC), which until that time was reviewed mainly as an instrument for negotiating production schedules with the cartel, suddenly took on new importance as a means of coordinating a boycott.

FEBRUARY, 1970: OIL POLICY AND A PRESIDENT'S DILEMMA

In the 1960's the United States moved from self-sufficiency in oil (indeed, with capacity to spare) to increasingly heavy dependence on imports. With consumption rising at a compound rate and production falling in the United States, it was clear in 1969 that the growing United States need for foreign oil could pose a critical national security problem. Accordingly, less than two months after he took office President Nixon convened a special cabinet-level task force, headed by Secretary of Labor Shultz, to examine the implications of and evaluate dangers inherent in the nation's oil policy. In what constituted perhaps the first intelligent attempt at contingency planning for an energy crisis, the Shultz task force reviewed the potential for an Arab oil boycott and pointed to the feasibility of developing "spare capacity" in the naval oil reserves in Alaska (which could produce 2 million barrels a day) and California, building huge storage capacity in steel tanks and salt domes, and gradually developing other sources of oil (such as shale and coal sands). The report concluded, perhaps too optimistically—since it was based on projections provided by Exxon and other major oil companies—that the president could mitigate the threat of a politically motivated oil boycott by using flexible tariffs to encourage oil imports from more stable (and less hostile) sources of supply, thereby lessening America's dependence on Arab sources.

In the contingency planning of the task force, the probability of an Arab boycott was weighed against the likeliness of the Arabs' being able to achieve unity on a specific issue. The report reasoned: "It is possible that the Arab states might band together as they did briefly in 1967 to ban oil shipments to specified Western countries. If the boycott were brief or were directed selectively against only one or two importing countries, total supply would remain adequate. Thus, to have a problem, one must postulate something approaching a total denial to all markets of all or most Arab oil. The probable duration of any such concerted action may, however, be limited by the difficulty of maintaining political cohesion in the face of sacrifice of immediately needed revenues and the risk of losing market share to exporters not participating in the boycott."

What the task force did not foresee was the possibility that non-Arab exporters would *join* in the boycott in order to raise the price of fuel, even at the risk of offending the oil-consuming powers in the West.

Even before the president officially received the report, however, the oil companies brought pressures to bear on the White House opposing any change in the existing import quota system, which maintained artificially high prices in the East Coast markets. Indeed, when Exxon learned that the task force was going to propose a revision in the quota system, which limited the amounts of oil that could be imported, it hastily revised the projections it presented, thus undercutting its data base.

In March 1970, President Nixon expressed his appreciation to the task force, but, taking into account the oil companies' fear that revisions in the quota system would "destabilize" the American market, he decided not to implement its recommendations. Thus, as the gap between America's oil consumption and its dwindling production grew wider, the government failed to implement, or even restudy, its contingency plan.

JANUARY 11, 1971: THE GO-BETWEEN GETS AN ANTITRUST EXEMPTION

The 1969 coup in Libya by Colonel Qaddafi seriously interrupted the political balancing act of the international oil companies in the Middle East. Qaddafi demanded 50 cents a barrel more for Libyan oil because, since it was located west of the Suez Canal, it involved lower transportation costs. Moreover, Libyan crude was "sweet"—it had a relatively low sulfur content. For a brief time the international oil companies in Libya considered closing down the Libyan fields by purposely provoking Qaddafi, and thus reducing the projected world "glut" of oil James Akins, the State Department's oil adviser, counseled against this action, arguing that the European allies, especially France, Italy, and Germany, would never allow the Libyan fields to be closed down, and if necessary would nationalize the tankers owned by the international oil corporations rather than be denied oil from just across the Mediterranean. Under State Department pressure, the oil companies finally agreed to pay a "premium" to Libya because of the freight advantage.

To extract even better terms, Qaddafi next applied the screws to the independent companies operating in Libya and drawing almost their entire supply from Libyan fields. Occidental, the largest independent, asked Exxon to replace the crude supplies it would lose in nationalization if it failed to meet Qaddafi's terms. Exxon, however, refused this request. With its entire supply of oil at risk in Libya, Occidental therefore agreed to pay a total tax to Libya of 58 percent of the posted price per barrel. Until that time, none of the oil companies had paid more than 50 percent of the posted price in taxes to any of the host governments. Once the independents broke the 50 percent barrier in Libya, the majors took Qaddafi's term. Immediately the Persian Gulf nations—Iran, Saudi Arabia, Kuwait, and others—demanded similar terms. The international oil companies were thus caught in a "ratchet"—Libya could extract better and better terms from the independents operating there and the majors operating in the Persian Gulf would be forced to agree to those terms.

In an attempt to present a unified front against both Libya and the Persian Gulf producers, John J. McCloy obtained a business review letter from the Department of Justice which again exempted the oil companies from anti-trust prosecution. The shah of Iran, however, strongly objected on political grounds to global negotiations between the oil companies and the OPEC producers. He thus obtained State Department approval to "unhinge" the Persian Gulf from the negotiations. Instead, there were to be separate negotiations in Libya and Iran. World oil prices thus "leapfrogged" from the increasingly stiff demands of Libya to those of the Persian Gulf producers and back again, with the effective "take" of the producing governments rising in a few short years from $1 per barrel to $3 per barrel. The international cartel, no longer able to control the world's tankers, refineries, and markets because of the intrusion of independent operators, found that it no longer controlled the concessions in the Middle East.

NOVEMBER 30, 1971: EMPIRE AT SUNSET

The dominance of the cartel in the Persian Gulf was based on British military power after 1928. But after the fiasco in Suez in 1956–1967, in which British and French troops were humiliatingly forced to withdraw under American and Russian pressure, Great Britain began a full retreat from the Middle East which culminated in 1971.

Iran succeeded Britain as the dominant power in the Persian Gulf and thus Britain turned over on November 30, 1971, the strategically important Greater and Lesser Tunb Islands to Iran, along with the island of Abu Musa. Although these islands were mainly occupied by poisonous snakes, they dominated the channel through which 75 per cent of Europe's oil floated each day.

Since these islands were claimed by Arab states, the British transfer of these islands caused a wave of anger in the Arab countries. The shooting incident on Greater Tunb aroused Libya's strongman, Qaddafi, who blamed the British for Iran's takeover. Qaddafi tried but failed to rally other Arab states for a point assault to expel the Iranians. His frustration was part of a chain of events that led to Qaddafi's abrupt nationalization of British oil interests in Libya on December 7, 1971.

OCTOBER 7, 1973: THE YOM KIPPUR WAR

The world supply of and demand for oil had by 1973 been too precariously balanced by the international oil companies. Two days after the Egyptian attack on Israel, the Arab producers jointly ordered a 25 per cent cutback in production and a total embargo against imports by the United States, thus producing a critical shortage of oil in the world. As countries desperately competed for the oil that was available from Iran, Nigeria, and South America, the price of oil quadrupled from $2.50 a barrel to more than $10 a barrel.

MARCH 25, 1975: THE NEW CARTEL

The cartel formed by the seven oil companies comprising the international cartel could exist only so long as it retained control over the vast reserves of Middle East oil. And control over Middle East oil depended, in turn, on the cartel's power to shut down any concession that refused to abide by its production and pricing decisions, as it did in Iran in 1951. This required that the cartel have ample "spare capacity" available to replace the oil lost through a shutdown.

Until 1968, these "seven sisters" had enormous "spare capacity"—in the United States alone there was a "spare capacity" of 4 million barrels a day as recently as 1967. This meant, in effect, that in a crisis America could provide Europe and Japan with up to 4 million barrels a day.

After 1968, however, a number of factors, ranging from the decline in American reserves to the cutting off of the Trans-Arabian Pipeline by a Syrian bulldozer driver, had combined effectively to eliminate the world's "spare capacity." Moreover, independent oil companies provided oil-producing countries with alternative means of shipping and marketing their oil. When Colonel Qaddafi demonstrated that the "independents" could be compelled to give in to the demands of the governments in 1971, he also exposed the fact that the cartel no longer had the power to shut down concessions. Even before the Yom Kippur war, then, the old cartel was quietly displaced by a new cartel, composed of the governments of the oil exporters gathered in the Organization of Petroleum Exporting Countries, or OPEC.

The OPEC cartel's imperatives, however, were based more on precarious political objectives than on fairly rational principles of economics. The main suppliers of oil in OPEC—Saudi Arabia, Kuwait, Abu Dhabi, Iraq, et al.—were committed, at least in their rhetoric, to using oil as a "weapon" to undermine Israel's position in the Middle East and to restore Arab prestige.

Thus, what had been a fairly stable system of distributing Middle Eastern oil under the old cartel was transformed into a political instrument under the new—a situation which was both dangerous and unpredictable.

OPEC's Uncertain Future: When Political Imperatives Replace Economic Goals

From the Achnacarry pact in 1928 to the Yom Kippur war in 1973 the old corporate cartel had more or less maintained the price of Middle Eastern oil—and even reduced it in comparison with the price of Western industrial goods. The cartel members did not maintain low prices for altruistic reasons, but out of enlightened self-interest. Not only did oil at $2 or less a barrel encourage utilities and other fuel users to switch from coal to oil, but, more important, it discouraged new entries and competition from going into the oil business. Oil was known to exist in Alaska, offshore on the Atlantic coast, and under the North Sea, but it simply wasn't feasible for competitors of the cartel to develop these resources if oil could be sold for only $2 a barrel. The cartel could enforce low prices and unfeasible conditions for competitors by simply opening the "spigots" on a Texas gulf and thereby driving down the world price of oil.

Rather than see Alaska, the North Sea, and other uncharted areas of the world developed, the seven sisters preferred to maintain a relatively low price on crude and to make their profits from shipping, refining, and marketing oil, on which the Middle Eastern countries received no tax or royalties.

In contrast, the new cartel, OPEC, has been guided by political rather than economic logic. Thus, a unified OPEC in 1973 raised the price of oil to $10 a barrel, quadrupling it from its earlier level. This satisfied the more nationalistic elements within the OPEC world, but it also has inexorably forced the industrial world to search for new sources of energy. The Alaskan pipeline, delayed by both ecological groups and congressional resistance, was speeded along by President Nixon; the 2 million barrels a day which the Alaskan pipeline will carry into American markets almost equal the amount of oil imported from Arab nations. The development by British Petroleum and other international oil companies of fields under the North Sea will make Britain and the Scandinavian countries almost completely independent of Arab sources for their oil by 1980.

The OPEC cartel will thus be faced with a now-familiar dilemma—it can either cut prices well below present levels and thereby retard, if not undermine completely, production of oil in Alaska and the North Sea, or it can cut back its own production by 4 million or more barrels a day to balance the entry of new supplies of oil.

Each alternative is politically unpalatable, to say the least. If the OPEC nations reduce the price of oil, it will be viewed by their populations—especially the Arab nations—as a humiliating defeat and will possibly unsettle the regimes. On the other hand, only a few of the OPEC nations can afford to cut production sufficiently to balance the flow of oil from Alaska and the North Sea. Venezuela, Ecuador, Nigeria, and Iran cannot cut oil production by significant amounts without destroying their ambitious plans for industrial growth or, in the case of Venezuela and Nigeria, lowering their standards of living. Saudi Arabia and Kuwait are the only OPEC nations which could cut production sufficiently to counterbalance the new sources of oil. But if they were to cut their production by, say, 4 million barrels a day, they would also have to reduce drastically their plans for military and industrial growth—an especially difficult choice to make confronted with the growth of rivals in Iran and Iraq. (Saudi Arabia, for example, has a $140-billion five-year development plan.)

Even at current high prices, oil producers such as Saudi Arabia and Libya have cut back production so drastically that they are actually receiving less money today than they would have been receiving at 1973 production levels under the 1973 negotiated price of $5.66 a barrel.

Since no single nation in the Persian Gulf area can be expected to reduce its standard of living for the benefit of its rivals (as Saudi Arabia has in effect reduced its standard for the benefit of Iran), what can be expected is the breakdown in the solidarity of OPEC. Unlike the corporate cartel, the nation members of OPEC all have different political ambitions and goals. And sooner rather than later, the countries currently cutting back production for the sake of maintaining the price may restore production, thus depressing the world price of oil. The future of the political cartel thus seems destined to be a good deal more uncertain and short-lived than that of the economic cartel.

ARMS CONTROL EXPERT SAYS TURKISH BASES NOT ESSENTIAL FOR MONITORING SALT AGREEMENTS

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, in the current campaign by the administration to obtain a partial repeal of the conditional ban on the shipment of U.S. weapons to Turkey, the argument is being made that certain bases in Turkey are essential in order to police the strategic arms limitation agreements and to monitor the testing of missiles by Russia. Having learned from sad experience that assertions of this sort cannot always be taken at face value, I consulted with Dr. Herbert Scoville, Jr., former Assistant Director of the Central Intelligence Agency for Scientific Intelligence and Deputy Director for Research. Dr. Scoville has also served as Assistant Director for Science and Technology of the U.S. Arms Control and Disarmament Agency and as Technical Director of the Armed Services Special Weapons Project in the Department of Defense. He is currently secretary of both the Arms Control Association and the Federation of American Scientists.

In the opinion of Dr. Scoville, the Turkish bases have only marginal utility in verifying past and future SALT agreements. He believes that other observation sites and satellites would be more useful. He concludes that SALT cannot be reasonably used as a justification for making decisions on our Turkish aid program.

Subsequent to our discussion, Dr. Scoville has written me a letter setting forth his comments in some detail. The full text of his letter follows these remarks:

July 20, 1975.

Dear Congressman Seiberling: This is in answer to your request for my views on the usefulness of our Turkish bases for verifying the SALT agreements. I understand that it has been argued that these bases are essential for ensuring that the Russians are not violating the SALT I ABM Treaty and Interim Agreement on Offensive Weapons and that they are also necessary if we are to verify any future agreements deriving from the Vladivostok Accords.

While there is no doubt that the Turkish bases provide useful information on certain aspects of the Soviet military complex, to say that they are essential for verifying past or future SALT agreements would appear to be such an exaggeration as to raise questions as to the sincerity of those making the statements.

First, with respect to the ABM Treaty, the bases would appear of marginal if any value. A glance at the globe will show their unsuitability for observations of the Soviet ABM Test Site at Sary Shagun, which is on Lake Balkash about 2000 miles east of Turkey. That country is far less satisfactory for observing activities at the Test Site than would be bases in countries directly to the south. Turkey is not a good location for observing whether their radars are being tested in the ABM mode or their SAM missiles are being tested against incoming ballistic missiles. It has no value at all for verifying deployment of ABMs. While the Turkish bases are closer to the Russian ICBM, IRBM, or MRBM test launch areas, which are north of the Caspian Sea, information on such firings that might come from the Turkish bases is not of any great value in verifying the ABM Treaty.

The Turkish bases provide no information relative to the Interim Agreement on Offensive Weapons, since this agreement only freezes deployment of offensive missiles, not their development or testing. Information on deployment comes from observation satellites, not from surface observation posts. Thus, the Turkish bases have little if any value in verifying either of the SALT I Moscow Agreements.

It is harder to be so categorical relative to future agreements, since details on these are still unknown. However, looking at the Vladivostok Accords, it is doubtful whether the bases can be very important. As with the Interim Agreement, the bases have no relation to the ceiling on deployment of delivery vehicles.

They could be of some value relative to the ceiling on MIRVd missiles, since a factor here is what types of missiles have been tested with MIRVs. However, the key observation to determine this is, however, not at the launch end of the test range, but at the reentry point which occurs on the Kamchatka Peninsula in the Pacific Ocean. Both of those areas are subject to observation from US ships or land areas. It is these locations, not the Turkish bases, which have provided the information that the Secretary of Defense has used to announce Soviet MIRV tests. If observation of the launch areas were essential, then verification would be impossible, regardless of whether we had the Turkish bases, since there is nothing to prevent the Russians launching from one of their operational sites far from the Turkish bases. Finally, there are other land areas closer than Turkey for observing the current Soviet missile test launch area to the north of the Caspian Sea.

In sum, the Turkish bases have only marginal utility in verifying past or possible future SALT agreements. Other observation sites and satellites would appear much more useful. SALT cannot be reasonably used as a justification for making a decision on our Turkish aid program.

HERBERT SCOVILLE, Jr.,
Former Assistant Director of CIA for Scientific Intelligence and Deputy Director for Research.

NUCLEAR POWER IMPORTANT IN MEETING FUTURE ENERGY REQUIREMENTS

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE. Mr. Speaker, on July 11, 1975, the Honorable Frank Zarb, Administrator of the Federal Energy Administration—FEA—delivered an important speech before the Commonwealth Club of California on the subject of nuclear power. In his speech, which follows my remarks, Mr. Zarb brought out very clearly the fact that nuclear power continues to be one of our safest, cleanest, and most reliable sources of energy. He also identified the major difficulties presently impeding the growth of this vital new energy source and offers a number of constructive suggestions for resolving these difficulties. I was particularly pleased to see that is is anticipated that FEA will provide a focal point within the administration to assure that nuclear power plays its proper role in the Nation's energy future. I commend Mr. Zarb for making this speech which strongly reaffirms the national decision to fully utilize nuclear energy to help meet our Nation's future energy supplies:

ZARB SPEAKS ON NUCLEAR ENERGY: NUCLEAR POWER, A TIME FOR DECISION

(Remarks of the Honorable Frank G. Zarb, Administrator, Federal Energy Administration, Before the Commonwealth Club of California, Sheraton-Palace Hotel, Market and New Montgomery Street, San Francisco, California, July 11, 1975)

Thank you for inviting me to speak to you today.

Not long ago I gave a speech before the National Coal Association in which I argued for a balanced approach to energy decisions. After describing the truly staggering economic impact of continued dependence on imported oil, I related a succession of personal experiences that illustrated the problem of achieving that approach.

First, I have been told by some people that we should avoid accelerated development of the Outer Continental Shelf, and instead rely on coal, the Naval Petroleum Reserves and Nuclear Energy.

Then, during a congressional hearing I was told that we should avoid accelerated coal development, and instead rely on the Naval Petroleum Reserves, nuclear energy, and the Outer Continental Shelf.

And then I was told by other members of Congress that we should avoid developing the Naval Petroleum Reserves now, and instead rely on nuclear energy, the Outer Continental Shelf and coal.

This explains why it is so hard to put together a balanced energy program that provides enough energy to reduce our dependence on imported oil. Everybody tends to approach the problem from his own viewpoint.

Industry people become locked into the belief that their industry alone can assure the Nation's energy salvation. People with sincere environmental concerns get locked into a stance in opposition to development of a particular resource, be it coal, nuclear power, or offshore oil, because of concern that insufficient measures will be taken to safeguard public health and the environment.

The answer has got to be balance: between our energy and our environmental needs; between efforts to conserve energy and efforts to develop new supplies; and, finally, between the various, abundant sources that the Nation has at its disposal.

The United States possesses extensive resources of fossil fuels—oil, natural gas and coal—and each must contribute to our energy needs in the years and decades ahead.

When our proved and potential reserves of crude oil and natural gas are added together, estimates compiled recently by the U.S. Geological Survey for FEA indicate that we have from 35 to 50 years' supply of gas and from 19 to 32 years' supply of oil—at current consumption rates.

We must provide adequate incentives to maintain and hopefully to increase domestic production. At the same time, increasingly, we must turn to coal and nuclear power, the fuels we have in most abundance.

Estimates by the U.S. Bureau of Mines indicate that we have 434 billion tons of coal—enough to maintain current coal production for well over 700 years. And, even if we achieve our aim of doubling coal production by 1985, we would still have more than 350 years' supply.

But, although we can use more coal for many purposes, it alone can't fill our needs.

Fortunately, our energy resources of uranium are largely untapped, so we have yet another major energy source to help fill future demand. In fact, assuming successful implementation of breeder reactors, these reserves are at least ten times as great as the energy available from coal.

Tapping these resources—both coal and uranium—requires that we solve the many problems that are now hampering their use.

This afternoon, I would like to focus on one of those two resources—nuclear power. Nuclear power can be and should be one of the major keystones of our energy supply strategy in the years to come. At the same time, it *must* be one of our safest and cleanest sources of energy.

The debate between advocates and opponents of increased development of nuclear power appears, in some respects, to be even more emotional, even more heated, than debates on other energy resources, such as coal and offshore oil. Perhaps this is because the potential hazard in the case of nuclear power—namely, radiation—is newer to us and less tangible than the hazards of air and water pollution from coal and oil.

Certainly it's true that, for more than a quarter of a century, nuclear energy has been most closely associated in the public mind with two devastating bomb blasts that brought World War II to an end and opened the door to the so-called nuclear age. And it's true that, in the years of atmospheric testing and political uncertainty that followed, the nuclear age, for most people, meant, simply, the threat of nuclear war. So, from the outset nuclear energy has been laden with popular emotion.

But we can't base our energy policy on emotion—we must base it on hard facts. And these are the facts:

One—the risk-to-benefit ratio of nuclear power in regard to public health is favorable, and like other forms of advanced technology will be publicly viewed as such, as we go forward with its development.

Two—there is no way we can continue to provide the electricity needed by our Nation in the coming years without the responsible expansion of our nuclear resources; and

Three—electricity from nuclear power is a bargain compared to other sources of electricity, even with all costs included, such as insurance and safe disposal of radioactive waste.

Today—in the second year of the energy crisis—the second year of buying foreign oil at an annual rate of more than 25 billion dollars—it is high time to set aside emotion and examine rationally these and the other facts of energy life. Based on those facts, in regard to nuclear power, we should determine to get on with the job of utilizing this vital, clean and abundant energy resource.

In short, it's time for reasonable and competent people to work out any remaining questions in the development of nuclear power and get on with its productive use.

Now, some people argue that the question of nuclear power is beyond the comprehension of the average citizen—that we should leave consideration of it to the scientists who understand and deal with its technicalities. Yet these same people then seem to want only a minority of scientists to be heard. This is the argument of many proponents of nuclear delay.

These proposals would halt construction of new nuclear plants while various committees of scientists and other experts study and debate and draft reports for another two to five years, and then, presumably, educate the rest of us so that we could then make a responsible decision.

This approach ignores two basic facts. *First*, that we already have *behind us* 20 years of successful experience, demonstrating that civilian nuclear power is safe, clean, and represents an important and vital dimension of this nation's energy future.

And, *second*, we have *in place today* one of the most comprehensive sets of laws and regulations to assure that nuclear power continues to be one of our safest, cleanest and most reliable sources of energy; and the recent separation of the regulatory and developmental functions of the Atomic Energy Commission and establishment of the independent Nuclear Regulatory Commission should assure continued and effective enforcement of these laws and regulations.

I think a judgment on these matters *is* within the understanding of the average citizen, and further that it can be made now—without waiting 2 or 5 more years. A decision to *stop* further development—to go through more studies, debates and reports—is a decision to ignore these facts, to turn the clock back two decades, and to start all over again where we were 20 years ago.

In my opinion, the U.S. Government's program to develop nuclear power has been one of the greatest technological achievements ever fostered by the American system—under both Democratic and Republican Administrations. Some of the milestones are worth considering:

The Truman Administration's basic decision in 1945 placed development of atomic energy under civilian control with a charter to make its benefits available for peaceful use.

The Eisenhower Administration's policies led to the successful construction of the world's first commercial nuclear plant at Shippingport, sponsored jointly by the Federal Government and private industry.

The Kennedy and Johnson Administration's policies helped to develop, in cooperation with industry, more advanced reactor concepts. As you know this has been continued by succeeding Administrations.

And most recently, the Ford Administration's decisions can be cited: to set a goal of at least 200 nuclear power plants on line by 1985; to encourage the production of enriched uranium by private industry, and to endorse recommendations made by the President's Labor-Management Committee aimed at accelerating the construction of both coal and nuclear power plants, encouraging research and development to improve the reliability and availability of plants.

During all of this 30-year period, the laws regulating the use of civilian nuclear power have been continually strengthened and improved—by both the executive and legislative branches of government—so that we now have one of the safest and most thoroughly regulated technologies ever. And we are continuing to improve it.

Let's look for a minute at the question of nuclear plant safety and try to put it in perspective. Despite the tremendous amount of adverse publicity given to hypothesized accidents and their potential consequences for the health and safety of the public, the safety of the nuclear power industry is without parallel.

No radiation injury or death has resulted from the operation of any licensed U.S. nuclear power plant.

The unprecedented safety record of the nuclear industry—covering many types and designs of nuclear facilities dispersed among many organizations throughout America—was not achieved by chance.

From the start, we recognized and faced up to the high level of standards for working with nuclear power. As a result, the nuclear industry is one of the safest in the world to be employed in.

Achievement of this safety record depended on formal and rigorous regulatory and public surveillance programs that are without parallel in the history of any technology.

There are more assessments involving safety—more factual data on actual and potential problems—in the nuclear industry than in *any* other energy industry. Nuclear hazards are far better understood than those of thousands of widely used chemical and biological agents.

Each year a United States citizen is exposed to an average of 182 units of radiation. Natural radiation—both cosmic and terrestrial—accounts for 109 units. Another 73 units come from medical x-rays and therapeutic radiation. As of today, the operation of all of our nuclear powerplants—55 operating installations—and all of their supporting activities add less than one-tenth of a single radiation unit to that average.

Of all pollutants our society introduces into the environment, none is so thoroughly monitored—nor are the consequences of any so well understood—as radiation.

The environment is being observed and checked constantly and extensively to guarantee that our food, air, soil and water are kept free of harmful radioactive contamination. The results of these surveys are published monthly by the Environmental Protection Agency.

In all nuclear facilities, people with potential exposure to radiation wear exposure-measuring devices to assure that their cumulative exposure is limited to permissible levels. From its inception, the nuclear industry in this country has maintained exposure records for every person who has worked in a nuclear facility—the equivalent of a record of the number of cigarettes smoked by every smoker in the nation, or a record of all the carbon monoxide, carbon dioxide and sulfur every American has breathed over the past quarter of a century.

Not only do we have better records of our exposure to radiation than to other pollutants, but our knowledge of radiation's biological effects probably exceeds that of almost every chemical or physical agent. And that knowledge is constantly expanding—with a Federal research budget of some $90 million per year.

All this is not to suggest that we should rest on our laurels. We must continue to be vigilant so that the procedures and methods that have been so effective in the past will be equally successful in the future. The likelihood of serious reactor accidents is very small and will continue to decrease as the benefits of design standardization, improving quality assurance, and continuing safety research are realized.

Despite this record and these facts, popular doubt persists about nuclear power—doubt fed by criticisms that, though generally sincere and well-intentioned, are all to frequently ill-founded in substance and hysterical in tone.

In other words, the obstacles to a rational public dialogue on nuclear power are difficult to overcome. But dialogue *must* proceed, and it requires that we deal with those aspects of nuclear power that have become focal points of concern, such as disposal of waste products from nuclear powerplants.

Again, the fact—as opposed to the fiction—is reassuring. There is much confusion in the public mind on this point. The *spent fuel* discharge from reactors is not waste—it is chemically processed to extract the uranium and plutonium, which represent a large energy resource. The waste remaining from the chemical separation is extremely small. A single aspirin tablet has the same volume as the waste produced in generating seven thousand kilowatt hours—which is about one person's share of the country's electric output for an entire year.

Compared to large quantities of other harmful materials, the volume of nuclear waste is miniscule. Of course, we must guarantee that this waste is safely and responsibly stored, over extended periods of time.

Some people argue that we must have an ultimate means of waste disposal before proceeding to build any more plants. But the record of the past twenty years shows that nuclear wastes can be handled with an excellent record of public health and safety.

Right now, the Energy Research and Development Administration, has a major program underway to determine even more permanent ways to store it.

Improved waste disposal methods utilizing waste concentration and solidification are in use today. And still better processes are under development and expected to be in commercial use in the 1980's. The important thing is that we have adequate, safe storage methods that meet reasonable requirements, while we explore the best means for ultimate disposal of wastes.

Another subject that has recently moved up on the nuclear "worry list" is plutonium safeguards.

Although adequate safeguards are certainly necessary for more widespread use of nuclear power, they've still been the subject of a lot of misinformation.

During the past 30 years, thousands of pounds of plutonium and highly enriched uranium have been in widespread use in research reactors, experimental facilities, nuclear powerplants and weapons programs. It has been produced, shipped, fabricated, processed and stored safely without diversion.

Still, in view of the increased frequency of terrorist activities and the proliferation of nuclear weapons capability among the nations of the world, public concern is understandably aroused. The Nuclear Regulatory Commission and ERDA are conducting a comprehensive study of current safeguards and of possible changes to improve their effectiveness for the future. Obviously, such improvements will be pursued and implemented.

However; this does not mean we should stand still while even more effective systems of safeguards are being studied.

Providing proper safeguards has major international implications. Large quantities of plutonium already are deployed throughout the world in nuclear weapons, and increasing quantities are coming into commercial use. A ban on plutonium recycling within the United States would not guarantee us protection against its illicit use, because the material could be obtained abroad.

Another aspect of safeguards that concerns some people is the medical hazards of plutonium. Now there is no doubt that plutonium, because of its radioactivity, must be handled with great care, as must other hazardous substances such as arsenic and mercury. However, the evidence of more than 30 years of plutonium processing in U.S. civilian and military facilities convinces us that the need for care in handling should not prevent us from extracting the enormous energy in plutonium.

Indeed, when one hears the frequent claim that "plutonium is the most toxic substance known to man," he ought to ask: "How many recorded deaths are attributable to the toxic nature of plutonium?" The answer is: *none*.

I've been talking up until now primarily about the risks of nuclear power, as compared to other risks. Let's spend a few minutes on its *benefits*.

The basic benefit, of course, is that it uses a largely untapped domestic fuel resource and hence helps free us from dependence on foreign imports. A second benefit, especially important in these times of rising prices, is that electricity generated by nuclear power is cheaper than that generated by burning coal, oil or gas.

In 1974, Northeast Utilities in New England reported $140 million in savings to its customers from operation of its nuclear powerplants. Commonwealth Edison in the Chicago area reported a $100 million savings, and Florida Light and Power a $140 million saving. The Atomic Industrial Forum reports that, in 1974, nuclear power saved the American consumer more than $800 million in electric bills.

Some critics claim that nuclear powerplants are unreliable, and are out of service so much of the time that customers are paying for a lot of idle capacity. Nuclear plants, in fact, are not as productive as had been expected, but they will become more productive with experience, improved quality control and design standardization. It is important to note that the majority of downtime of nuclear power plants has been due to problems primarily in the non-nuclear parts of their systems.

A Federal Energy Administration study of nuclear and fossil powerplant productivity has identified many actions that can be taken by industry and government to improve productivity of both nuclear and fossil plants.

One of our top priority programs at FEA is to implement these actions on a timely basis so that utilities and their customers will reap the benefits of improved productivity in this decade. However, even if *no* improvement were made in nuclear plant productivity, nuclear power would still be a bargain for the consumers.

We must continue to resolve public issues in a manner that preserves our essential freedoms. The issues involved in nuclear power are vital to this Nation, and they must be resolved. But there is a real danger that we will wind up studying them to death—that by direct or indirect action, or inaction, we will wind up with an unnecessary and counterproductive moratorium on building nuclear powerplants.

In our judgment, a moratorium, despite intentions to limit it to a brief span of years, could well weaken the country's capacity to produce nuclear powerplants to the extent that nuclear power would be foreclosed as a major energy option in this country.

The effect of such a course on our overall energy situation and on the economy—on employment, on our level of oil imports, on balance of payments and so forth—could be devastating.

And we should be mindful that, regardless of the course we choose to take in the United States, other members of the world community will move ahead in their increasing use of nuclear power. Given this fact, can we afford not to proceed ourselves? And would our own best interests not be served, in the increasingly nuclear-powered world of the future, by maintaining the technological lead which other nations will follow?

We are satisfied that the excellent public health and safety record of nuclear power in America reinforces the decision taken by this Administration to move forward promptly—but with care and control—toward an expanded use of nuclear power.

We have, after all, only a few practical options in our lifetime for sustaining essential supplies of reliable, economic and clean energy, even for the most urgent of our needs. Elimination of grossly wasteful energy consumption practices and employment of maximum conservation efforts will help, but we still must satisfy almost all of our energy needs from oil, gas, coal and nuclear sources.

Unfortunately, less than 5% of our total energy comes from the 55 nuclear plants that are now operating, although nearly 188 others are being built or have been planned.

Despite the vital need, many new plants have been delayed or cancelled outright by the utilities over the past two years, primarily because of shortage of capital and uncertainty as to projected load growth and the energy policies of the State and Federal governments.

The President and leaders of both labor and industry have urged that immediate steps be taken to expedite completion of these nuclear plants. They know that each plant represents a real saving equal to 12 million barrels of oil a year—or, at current rates, about $144 million of imports.

They know that the price of those imports is American jobs and American productivity and American security from another, more devastating embargo.

Beyond this, they know that the ready availability of domestic energy at reasonable costs is necessary if the United States is to realize its great goals for the last quarter of the Twentieth Century: to seek full employment, to sustain and improve our standard of living, to extend the benefits of a productive Nation to its less fortunate citizens, to preserve our finite resources for their most useful purposes, and to restore, sustain and enhance our environment.

And they know that attaining those goals—or even making meaningful progress toward them—requires commitment to the continued development of the nuclear power industry.

That commitment must be made by all segments of American society—by business leaders, by labor leaders and by public officials at every level. We in the Federal Government must demonstrate our commitment to this goal by developing a coherent and coordinated national policy for the safe, clean use of nuclear power. In a recent speech before the Edison Electric Institute in Denver, Colorado, Bill Anders, Chairman of the Nuclear Regulatory Commission called for the establishment of a focal point for all Federal efforts in this regard.

We at the FEA anticipate that, in conjunction with the Commission and the Energy Research and Development Administration, we will provide such a focal point—assuring the policy analysis and coordination necessary at the federal level to see that nuclear power plays its proper role in our energy future.

But, ultimately, if that role is to be realized, the commitment to the use of nuclear power must engage the American people as a whole.

By rigorously applying tough health and safety standards and by fostering technological developments that will enable us to meet ever rising standards, government must guarantee the public that nuclear power remains the safe source of energy that it has proven to be thus far in its history.

Our national commitment on nuclear power cannot coexist with the myths of fear that have too often surrounded questions of nuclear energy in the past. Rather, it depends upon an accurate perception of the facts of nuclear power and a clear-sighted view of the contribution it can, and must, make to this Nation's future.

It will be a vital part of our job in government to see to it that those myths are rightly dispelled and that the true facts of nuclear power fully justify the role we envision for it in the years ahead.

Thank you.

SCHOLARSHIP AWARDED TO ENID MARIE BULLOCK AND SUSAN EILEEN SCHADE

(Mr. ALBERT (at the request of Mr. HALL) was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, the National Secretaries Association has for several years sponsored a worthwhile scholarship program for outstanding high school students interested in becoming secretaries. Recently, the District of Columbia Chapter of the National Secretaries Association awarded Barbara G. Wendt, CPS, Scholarships to Enid Marie Bullock of Capitol Heights, Md., and Susan Eileen Schade of District Heights, Md. Both girls will attend the Washington School for Secretaries.

I am especially proud of Miss Bullock's being awarded a scholarship since she is a former student of CARL ALBERT High School in Midwest City, Okla., where she received numerous scholastic honors.

I want to congratulate both Susan Schade and Enid Bullock on this important event in their lives.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MATSUNAGA (at the request of Mr. O'NEILL), until 5:30 p.m., on account of illness.

Mr. JONES of Alabama, for an indefinite period, on account of the death of a member of his family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. SISK, for 30 minutes today.

(The following Members (at the request of Mr. MITCHELL of New York) to revise and extend their remarks and include extraneous material:)

Mr. CONABLE, for 15 minutes, on July 31, 1975.

Mr. KEMP, for 15 minutes, today.

(The following Members (at the request of Mr. HALL) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 5 minutes, today.

Ms. ABZUG, for 30 minutes, today.

Mr. RODINO, for 15 minutes, today.

Mr. METCALFE, for 5 minutes, today.

Mr. WOLFF, for 5 minutes, today.

Mr. BARRETT, for 10 minutes, today.

Mr. MEZVINSKY, for 5 minutes, today.

Mr. BURKE of Massachusetts, for 10 minutes, today.

Mr. BRADEMAS, for 5 minutes, today.

Ms. HOLTZMAN, for 15 minutes, today.

Mr. KOCH, for 5 minutes, today.

Mr. BEDELL, for 5 minutes, today.

Mr. DODD, for 10 minutes, today.

Mr. SHARP, for 5 minutes, today.

Mr. MOSS, for 5 minutes, today.

Mr. STOKES, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. JOHN L. BURTON, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $1,876.50.

Mr. WHITTEN, and to include extraneous matter in his remarks made in Committee today.

Mr. OTTINGER, to include a letter from FTC.

Mr. HECHLER of West Virginia, on Senate Joint Resolution 23, restoring posthumously full rights of citizenship to Gen. R. E. Lee.

(The following Members (at the request of Mr. MITCHELL of New York) and to include extraneous matter:)

Mr. GUDE.

Mr. YOUNG of Alaska in two instances.

Mr. ARCHER in two instances.

Mr. CARTER.

Mr. BIESTER.

Mr. DERWINSKI in three instances.

Mr. ARMSTRONG.

Mr. ROUSSELOT in two instances.

Mr. WHALEN in two instances.

Mr. HEINZ.

Mr. ANDERSON of Illinois.

Mr. HYDE.

Mr. DICKINSON.

Mr. RHODES in two instances.

Mr. PEYSER in two instances.

Mr. SHUSTER.

Mr. KEMP in two instances.

Mr. BROYHILL.

Mr. FRENZEL in three instances.

Mr. BURGENER.

Mr. SYMMS.

Mr. DEL CLAWSON.

Mr. SARASIN in two instances.

Mr. SPENCE.

(The following Members (at the request of Mr. HALL) and to include extraneous matter:)

Mr. GONZALEZ in three instances.

Mr. ANDERSON of California in three instances.

Mr. BEDELL.

Mr. ROSENTHAL in two instances.

Mr. SOLARZ in three instances.

Mr. MATSUNAGA in two instances.

Mr. FRASER in three instances.

Mr. EILBERG.

Mr. WEAVER in two instances.

Mr. DE LUGO.

Mr. RYAN.

Mr. EDGAR.

Mr. WRIGHT.

Mr. RICHMOND in two instances.

Mr. MEZVINSKY.

Mr. JENRETTE.

Mr. HAWKINS in two instances.

Mr. BURKE of Massachusetts.

Mr. MIKVA.

Mr. STARK in two instances.

Mr. DINGELL in two instances.

Mr. RANGEL.

Mr. ZEFFERETTI.

Mrs. BOGGS.

Mr. BONKER in two instances.

Mr. FITHIAN.

Mr. SIMON.

Mr. SCHEUER.

Mr. BEARD of Rhode Island.

Mr. VANIK.

Mr. HELSTOSKI.

Ms. HOLTZMAN.

Mr. MAZZOLI.

Mr. TRAXLER.

Mrs. SULLIVAN in two instances.

Mr. PATTISON of New York.

Mr. MILLER of California in two instances.

Mr. MELCHER.

Mr. BADILLO.

Mr. MCDONALD of Georgia in two instances.

Mr. FOUNTAIN.

Mr. MCCORMACK.

Mr. MINETA in three instances.

Mr. STOKES in two instances.

SENATE ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolutions of the Senate of the following titles:

S. 435. An act to amend section 301(b)(7) of the Agricultural Adjustment Act of 1938, as amended, to change the marketing year for wheat from July 1–June 30, to June 1–May 31;

S.J. Res. 41. A joint resolution to provide for the reappointment of Thomas J. Watson, Jr., as citizen regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 42. A joint resolution to provide for the reappointment of Dr. John Nicholas Brown as citizen regent of the Board of Regents of the Smithsonian Institution.

ADJOURNMENT

Mr. HALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 33 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, July 23, 1975, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speakers' table and referred as follows:

1435. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a draft of proposed legislation to amend the Federal Deposit Insurance Act (12 U.S.C. 1811–31b), and for other purposes; to the Committee on Banking, Currency and Housing.

1436. A letter from the Deputy Assistant Secretary of the Interior, transmitting notice of the receipt of a loan application from the Wenatchee Heights Reclamation District, Chelan County, Wash., under the Small Reclamation Projects Act of 1956, pursuant to section 10 of the act [43 U.S.C. 422j]; to the Committee on Interior and Insular Affairs.

1437. A letter from the Commissioner of Indian Affairs, Department of the Interior, transmitting a draft of proposed legislation to amend certain laws relating to livestock trespass on Indian lands; to the Committee on Interior and Insular Affairs.

1438. A letter from the Comptroller, Defense Security Assistance Agency, transmitting quarterly reports on foreign military sales direct credit and guaranty agreements, pursuant to subsections 36(a)(3) and (4) of the Foreign Military Sales Act, as amended [22 U.S.C. 2776(a)]; to the Committee on International Relations.

1439. A letter from the Secretary of Commerce, transmitting the annual report of the National Marine Fisheries Service for the year 1974, pursuant to 16 U.S.C. 742th; to the Committee on Merchant Marine and Fisheries.

1440. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 3-year period; to the Committee on Public Works and Transportation.

1441. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Highway Safety Act of 1966 to authorize appropriations, and for other purposes; to the Committee on Public Works and Transportation.

RECEIVED FROM THE COMPTROLLER GENERAL

1442. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during the month of June 1975, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

1443. A letter from the Comptroller General of the United States, transmitting a report prepared by the joint financial management improvement program on productivity programs in the Federal Government; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FLOOD: Committee on Appropriations. Adverse report on H.R. 6461. A bill to amend certain provisions of the Communications Act of 1934 to provide long-term financing for the Corporation for Public Broadcasting, and for other purposes; (Rept. No. 94–245, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on housing for the elderly: The Federal response (Rept. No. 94–376). Referred to the Committee of the Whole House on the State of the Union.

Mr. REUSS: Committee on Banking, Currency and Housing. H.R. 8650. A bill to assist low-income persons in insulating their homes, to facilitate State and local adoption of energy conservation standards for new buildings, and to direct the Secretary of Housing and Urban Development to undertake research and to develop energy conservation performance standards (Rept. No. 94–377). Referred to the Committee of the Whole House on the State of the Union.

Mr. BERGLAND: Committee of Conference. Conference report on S. 555 (Rept. No. 94–378). Ordered to be printed.

Mr. DIGGS: Committee on the District of Columbia. H.R. 8719. A bill to provide for an amendment to the Washington Metropolitan Area Transit Regulation Compact to provide for the protection of the patrons, personnel, and property of the Washington Metropolitan Area Transit Authority; with amendment (Rept. No. 94–379). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. House Resolution 623. Resolution providing for the consideration of H.R. 4699. A bill to authorize appropriations for fiscal years 1976 and 1977 for carrying out the Board for International Broadcasting Act of 1973 (Rept. No. 94–380). Referred to the House Calendar.

Mr. YOUNG of Georgia: Committee on Rules. House Resolution 624. Resolution providing for the consideration of H.R. 6844. A bill to amend the Consumer Product Safety Act, and for other purposes (Rept. No. 94–381). Referred to the House Calendar.

Mr. MURPHY of Illinois: Committee on Rules. House Resolution 625. Resolution waiving points of order against H.R. 8773. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes (Rept. No. 94–382). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 626. Resolution providing for the consideration of S. 846. An act to authorize the further suspension of prohibitions against military assistance to Turkey, and for other purposes (Rept. No. 94–383). Referred to the House Calendar.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 8714. A bill to amend the Railroad Unemployment Insurance Act to increase unemployment and sickness benefits, and for other purposes; with amendment (Rept. No. 94–384). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARMSTRONG:

H.R. 8789. A bill to amend the Internal Revenue Code of 1954 to provide that members of a Reserve component of the Armed Forces will not be disqualified from taking the deduction for retirement savings because of their participation in the Armed Forces retirement system; to the Committee on Ways and Means.

By Mr. ARMSTRONG (for himself, Mr. BAFALIS, Mr. EVANS of Colorado, Mr. GRASSLEY, Mr. KINDNESS, Mr. MADIGAN, Mr. MCCOLLISTER, and Mr. MCDONALD of Georgia):

H.R. 8790. A bill to limit the liability of a broker who sells any agricultural commodity on behalf of his principal when that commodity serves as security for any loan made, insured, or guaranteed under a program administered by the Farmers Home Administration; to the Committee on Agriculture.

By Mr. BINGHAM:

H.R. 8791. A bill to prohibit all prior restraint against the exercise of first amendment rights except as specifically provided herein; to the Committee on the Judiciary.

By Mr. DE LUGO:

H.R. 8792. A bill to authorize the Secretary of the Interior to appraise the needs and opportunities for agricultural development in the Virgin Islands through irrigation and other technology; to the Committee on Interior and Insular Affairs.

By Mr. FOLEY (for himself, Mr. FRASER, Mr. HANLEY, Mr. HUGHES, Mr. REES, Mr. STARK, and Mr. CHARLES WILSON of Texas):

H.R. 8793. A bill to amend the act of August 24, 1966, as amended, to assure humane treatment of certain animals, and for other purposes; to the Committee on Agriculture.

By Mr. FRASER (for himself, Mr. MAZZOLI, Mr. ANDERSON of California, Mr. BAUCUS, Mr. BEDELL, Mr. BERGLAND, Mr. CARNEY, Mr. CARR, Mrs. CHISHOLM, Mr. CLAY, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. DIGGS, Mr. DOWNEY of New York, Mr. EDWARDS of California, Mr. EILBERG, Mrs. FENWICK, Mr. FORD of Tennessee, and Mr. HAMILTON):

H.R. 8794. A bill to clarify the prohibition against making false statements in matters within the jurisdiction of a department or agency of the United States; to the Committee on the Judiciary.

By Mr. FRASER (for himself, Mr. Mazzoli, Mr. Hannaford, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Jacobs, Mrs. Keys, Mr. Krebs, Mr. Leggett, Mr. McCloskey, Mr. Maguire, Mr. Matsunaga, Mrs. Meyner, Mr. Mineta, Mr. Moss, Mr. Neal, Mr. Nix and Mr. Nolan):

H.R. 8795. A bill to clarify the prohibtion against making false statements in matters within the jurisdiction of a department or agency of the United States; to the Committee on the Judiciary.

By Mr. FRASER (for himself, Mr. Mazzoli, Mr. Ottinger, Mr. Pressler, Mr. Quie, Mr. Rees, Mr. Riegle, Mr. Rosenthal, Mr. Roybal, Mr. Ryan, Mr. Santini, Mr. Sarbanes, Mrs. Schroeder, Mr. Seiberling, Mrs. Spellman, Mr. Stark, Mr. Waxman, and Mr. Wirth):

H.R. 8796. A bill to clarify the prohibition against making false statements in matters within the jurisdiction of a department or agency of the United States; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 8797. A bill to authorize the 101st Airborne Division Association to erect a memorial in the District of Columbia or its environs; to the Committee on House Administration.

By Mr. HINSHAW (for himself, Mr. Ketchum, Mr. Aspin, Mr. Carter, Mr. Roe, Mr. Pepper, Mr. Fish, Mr. Burke of Massachusetts, Mr. Harrington, Mr. Kindness, Mr. Moakley, Mr. Fulton, Mr. Stark, Mr. Esch, Mr. Carr, Mr. Mitchell of Maryland, Mrs. Spellman, and Mr. White):

H.R. 8798. A bill to provide that the U.S. Postal Service may not require the installation of mailboxes at the curb line of residential property in certain localities; to the Committee on Post Office and Civil Service.

By Mr. LANDRUM:

H.R. 8799. A bill to provide for rearranging the period for averaging business profits and losses, to prohibit the trafficking in net operating loss carry-forwards, and for other purposes; to the Committee on Ways and Means.

By Mr. McCORMACK (for himself, Mr. Brown of California, Mr. Teague, Mr. Mosher, Mr. Goldwater, Mr. Hechler of West Virginia, Mr. Bell, Mr. Fuqua, Mr. Winn, Mr. Symington, Mr. Frey, Mr. Thornton, Mr. Esch, Mr. Ottinger, Mr. Conlan, Mr. Waxman, Mr. Hayes of Indiana, Mr. Harkin, Mr. Ambro, Mr. Dodd, Mr. Krueger, Mrs. Lloyd of Tennessee, and Mr. Wirth):

H.R. 8800. A bill to authorize in the Energy Research and Development Administration a Federal program of research, development, and demonstration designed to promote electric vehicle technologies and to demonstrate the commercial feasibility of electric vehicles; to the Committee on Science and Technology.

By Mr. McEWEN:

H.R. 8801. A bill to amend the Internal Revenue Code of 1954 to increase the exemption for purposes of the Federal estate tax, to increase the estate tax marital deduction, and to provide an alternate method of valuing certain real property for estate tax purposes; to the Committee on Ways and Means.

By Mr. MELCHER:

H.R. 8802. A bill to amend the Fair Credit Reporting Act with regard to prohibiting the inclusion of information of records of arrest, indictment, or conviction of crime in consumer reports under certain specified circumstances; to the Committee on Banking, Currency and Housing.

By Mr. METCALFE:

H.R. 8803. A bill to amend section 518(b) of the National Housing Act for the purpose of extending the time period during which a mortgage had to be insured in order to receive benefits under such section; to the Committee on Banking, Currency and Housing.

By Mr. MINISH:

H.R. 8804. A bill to insure the right to an education for all handicapped children and to provide financial assistance to the States for such purpose; to the Committee on Education and Labor.

By Mr. OBERSTAR:

H.R. 8805. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to require as a condition of assistance under such act that law enforcement agencies have in effect a binding law enforcement officers' bill of rights; to the Committee on the Judiciary.

By Mr. PATTERSON of California:

H.R. 8806. A bill to govern the disclosure of certain financial information by financial institutions to governmental agencies, to protect the constitutional rights of citizens of the United States, and to prevent unwarranted invasions of privacy by prescribing procedures and standards governing disclosure of such information, and for other purposes; to the Committee on Banking, Currency and Housing.

By Mr. PATTISON of New York (for himself, Mr. LaFalce, Mr. Scheuer, and Mr. Treen):

H.R. 8807. A bill to authorize the States to carry out certain functions of the Secretary of the Army and the Chief of Engineers on intrastate waters; to the Committee on Public Works and Transportation.

By Mr. PRICE (for himself and Mr. Bob Wilson) (by request):

H.R. 8808. A bill to amend title 10, United States Code, to permit persons from selected foreign countries to receive instruction at the U.S. Military Academy, the U.S. Naval Academy, and the U.S. Air Force Academy, and for other purposes; to the Committee on Armed Services.

By Mr. ROBINSON:

H.R. 8809. A bill relating to collective bargaining representation of postal employees; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ:

H.R. 8810. A bill to amend title II of the Social Security Act to provide that the special minimum primary insurance amount thereunder shall be increased—in like manner as other benefits thereunder are increased—to take account of increases in the cost of living; to the Committee on Ways and Means.

By Mr. YOUNG of Florida:

H.R. 8811. A bill to amend the Communications Act of 1934 with respect to the renewal of licenses for the operation of broadcasting stations; to the Committee on Interstate and Foreign Commerce.

By Mr. BEDELL:

H.R. 8812. A bill to amend the Provisions of the Social Security Act to consolidate the wages by employers for income tax withholding and old-age, survivors, and disability insurance purposes, and for other purposes; to the Committee on Ways and Means.

By Mr. DOMINICK V. DANIELS (for himself, Mr. Esch, Mr. Bergland, Mr. Mottl, Mr. Risenhoover, Mr. Smith of Iowa, Mrs. Spellman, and Mr. White):

H.R. 8813. A bill to amend the Occupational Safety and Health Act of 1970 to provide additional consultation and education to employers, and for other purposes; to the Committee on Education and Labor.

By Mr. FLOWERS:

H.R. 8814. A bill to amend title 39, United States Code, to provide that certain publications of institutions of higher education shall qualify for second-class mail rates; to the Committee on Post Office and Civil Service.

By Mr. FORSYTHE:

H.R. 8815. A bill to amend the Social Security Act to make certain that recipients of aid or assistance under the various Federal-State public assistance and medicaid programs (and recipients of assistance under the veterans' pension and compensation programs or any other Federal or federally assisted purogram) will not have the amount of such aid or assistance reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

By Mr. GUDE (for himself, Mr. Downey of New York, Mr. Hechler of West Virginia, Mr. Fraser, Mr. Brown of California, Mr. Drinan, Mr. Harrington, Mr. Broyhill, Mr. Pressler, Mr. Mikva, Mr. Krebs, Mr. Bedell, Mr. Cohen, Mr. Boland and Mr. Anderson of Illinois):

H.R. 8816. A bill to amend title 39, United States Code, to increase to 90 days the period before an election during which a Member of, or Member-elect to the Congress may not make a mass mailing as franked mail if such Member or Member-elect is a candidate in such election; to the Committee on Post Office and Civil Service.

By Mr. HEINZ:

H.R. 8817. A bill to amend title 38 of the United States Code in order to provide that recipients of veterans' pension and dependency and indemnity compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. KOCH (for himself, Mr. Bingham, and Mr. Gilman):

H.R. 8818. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. MAGUIRE (for himself, Mr. McHugh, Mr. Bedell, Mr. Brown of California, Mrs. Chisholm, Mr. Conyers, Mr. Downey of New York, Mr. Fraser, Mr. Krebs, Mr. Meeds, Mr. Ottinger, Mr. Pattison of New York, Mr. Simon, Mr. Udall, and Mr. Vander Veen):

H.R. 8819. A bill to amend the Internal Revenue Code of 1954 to provide for public financing of congressional primary and general elections; to the Committee on House Administration.

By Mr. MEZVINSKY:

H.R. 8820. A bill to amend the Food Stamp Act; to the Committee on Agriculture.

By Mr. MILLER of Ohio:

H.R. 8821. A bill to provide that in a civil action where the United States is a plaintiff, a prevailing defendant may recover a reasonable attorney's fee and other reasonable litigation costs; to the Committee on the Judiciary.

By Mr. MINETA:

H.R. 8822, A bill to amend sections 8331 and 8332 of title 5, United States Code, with respect to the creditable service of U.S. Commissioners for purposes of civil service retirement; to the Committee on Post Office and Civil Service.

H.R. 8823. A bill to amend title 5, United States Code, to allow credit for civil service retirement purposes for time spent by Japanese-Americans in World War II interment camps; to the Committee on Post Office and Civil Service.

By Mr. MINISH:

H.R. 8824. A bill to prohibit the use of dogs by the Department of Defense in connection with the research, testing, development, or evaluation of radioactive, chemical, or biological warfare agents, and to require the Department of Defense to develop and use, where feasible, alternative, nonanimal methods of experimentation; to the Committee on Armed Services.

By Mr. OTTINGER (for himself, Mr. Roe, Mr. Bingham, Mr. Peyser, Mr. Forsythe, Mr. Corman, Mr. Scheuer, Ms. Spellman, Mr. Eilberg, Mr. Rodino, Mr. Melcher, Mr. Badillo, Ms. Chisholm, Mr. Hechler of West Virginia, Mr. Mazzoli, Mr. Pepper, Mr. Rangel, Mr. Studds, Mr. Moakley, Mr. Downey, of New York, Mr. Solarz, Mr. Rooney, and Mr. Biaggi):

H.R. 8825. A bill to assist the construction and operation of burn facilities; to the Committee on Interstate and Foreign Commerce.

By Mr. PEYSER (for himself and Mr. Hillis):

H.R. 8826. A bill to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers; to the Committee on Education and Labor.

By Mr. RAILSBACK (for himself, Mr. Kastenmeier, and Mr. Baldus):

H.R. 8827. A bill to regulate lobbying and related activities; jointly to the Committees on the Judiciary, and Standards of Official Conduct.

By Mr. ROGERS:

H.R. 8828. A bill to require that certain members of the Armed Forces discharged for service-connected disabilities before the taking effect of the Career Compensation Act of 1949 be provided transportation on military aircraft on a space-available basis; to the Committee on Armed Services.

By Mr. TREEN:

H.R. 8829. A bill to amend the Internal Revenue Code of 1954 to provide for automatic cost-of-living adjustments of the income tax rates, of the amounts of the corporate surcharge exemption, personal exemption, and standard deduction, and of the depreciation deduction, and for other purposes; to the Committee on Ways and Means.

By Mr. CHARLES WILSON of Texas:

H.R. 8830. A bill to amend the Federal Aviation Act of 1958 to require the Civil Aeronautics Board to rescind the authority of any air carrier to provide nonstop service between any two points if such authority is not utilized within a certain period of time; to the Committee on Public Works and Transportation.

By Mr. CHARLES WILSON of Texas (for himself, and Ms. Keys):

H.R. 8831. A bill to amend the definition of "rural area" in the Consolidated Farm and Rural Development Act and title V of the Housing Act of 1949 in order to permit towns of 25,000 or less inhabitants to be considered rural areas for purposes of those acts; to the Committee on Agriculture.

By Mr. CHARLES WILSON of Texas (for himself, and Mr. Pickle):

H.R. 8832. A bill to amend the act establishing the Big Thicket National Preserve to provide for the acquisition of property; to the Committee on Interior and Insular Affairs.

By Mr. EILBERG (for himself, Mr. Traxler, Mr. Rodino, Mr. Carney, Mr. Brown of California, Mr. Gradison, Mr. Nix, Mr. John L. Burton, Mr. Blanchard, Mr. Yates, Mr. Downey of New York, Mr. Flood, Mr. Ottinger, Mr. Rees, Mr. Drinan, Mr. McDonald of Georgia, Mr. Harris, Mr. Long of Maryland, Mr. Pepper, Mr. Moorhead of Pennsylvania, Mr. Frenzel, Mr. Gilman, Mr. Rosenthal, Mr. Hyde and Mr. Solarz):

H.J. Res. 579. Joint resolution to designate January 6, 1976, as Haym Salomon Day; to the Committee on Post Office and Civil Service.

By Mr. EILBERG (for himself and Mr. Waxman):

H.J. Res. 580. Joint resolution to designate January 6, 1976, as Haym Salomon Days; to the Committee on Post Office and Civil Service.

By Mr. MYERS of Indiana (for himself, Mr. Carney, Mr. Downey of New York, Mr. Cleveland, Mr. Fraser, Mrs. Sullivan, and Mr. Symington):

H.J. Res. 581. Joint resolution to authorize the President to issue a proclamation designating the week of November which includes Thanksgiving Day in each year as National Family Week; to the Committee on Post Office and Civil Service.

By Mr. PEYSER (for himself and Mr. Fish):

H.J. Res. 582. Joint resolution authorizing the President to proclaim January 17, 1976 as National Volunteer Firefighter Day; to the Committee on Post Office and Civil Service.

By Mr. TRAXLER (for himself, Mr. Rose, Mr. Vander Veen, Mr. Riegle, and Mr. Jenrette):

H.J. Res. 583. Joint resolution to require the Attorney General of the United States to conduct an investigation to determine whether antitrust violations are occurring in the manufacture or marketing of replacement home canning lids and for other purposes; to the Committee on the Judiciary.

By Mr. WHITEHURST (for himself and Mr. Litton):

H.J. Res. 584. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. BINGHAM (for himself, Mr. Mikva, Mr. Peyser, Mr. Frenzel, Mr. Carney, Mr. Adams, Mr. Cotter, Mr. Lent, Mr. Conte, Mr. Steelman, Mr. Maguire, Mr. Horton, Mr. Litton, Mr. Dominick V. Daniels, Mr. Brademas, Mr. Hannaford, Mr. Brown of California, Mr. LaFalce, Mr. Green, Mr. Boland, Mr. Burke of Massachusetts, Mr. Rose, Mr. Mazzoli, Mrs. Spellman, and Mr. Krebs):

H. Con. Res. 350. Concurrent resolution disapproving the proposed sales to Jordan of the Hawk missile and Vulcan antiaircraft systems; to the Committee on International Relations.

By Mr. BINGHAM (for himself, Mr. Helstoski, Mr. Fisher, Mr. Seiberling, Mr. Murphy of New York, and Mr. McKinney):

H. Con. Res. 351. Concurrent resolution disapproving the proposed sales to Jordan of the Hawk missile and Vulcan antiaircraft systems; to the Committee on International Relations.

By Mr. CRANE (for himself, Mr. Burke of Florida, Mr. Ketchum, Mr. Bauman, Mr. Lent, Mr. Steiger of Arizona, Mr. Kemp, Mr. Madigan, Mr. O'Brien, and Mr. Hyde):

H. Con. Res. 352. Concurrent resolution disapproving the proposed sales to Jordan of the Hawk missile and Vulcan antiaircraft systems; to the Committee on International Relations.

By Mr. McDONALD of Georgia:

H. Con. Res. 353. Concurrent resolution to invite Alexandr Solzhenitsyn to address a joint meeting of the House of Representatives and Senate; to the Committee on Rules.

By Mr. RANGEL (for himself, Ms. Abzug, Mr. Badillo, Mr. Bedell, Mr. Biaggi, Ms. Burke of California, Ms. Chisholm, Mr. Cotter, Mr. Downey of New York, Mr. Edwards of California, Mr. Ford of Tennessee, Mr. Hawkins, Mr. Kindness, Mr. Koch, Mr. Metcalfe, Mr. Mitchell of Maryland, Mr. Mottl, Mr. Murphy of Illinois, Mr. Ottinger, Mr. Patterson of California, Mr. Pepper, Mr. Peyser, Mr. Quie, Mr. Riegle, and Mr. Roe):

H. Con. Res. 354. Concurrent resolution relative to the elimination of illegal drug traffic from Turkey; to the Committee on International Relations.

By Mr. RANGEL (for himself, Mr. Rosenthal, Mr. Roybal, Mr. Russo, Mr. Solarz, and Mr. Zeferetti):

H. Con. Res. 355. Concurrent resolution relative to the elimination of illegal drug traffic from Turkey; to the Committee on International Relations.

By Mr. HANLEY:

H. Res. 618. Resolution establishing a select committee to study the problems of U.S. servicemen missing in action in Southeast Asia; to the Committee on Rules.

By Mr. HYDE:

H. Res. 619. Resolution to create a Select Committee on Energy; to the Committee on Rules.

By Mr. LONG of Maryland (for himself, Mr. Hawkins, Mr. Dominick V. Daniels, Mr. Ketchum, Mr. Murphy of Illinois, Mr. Helstoski, Mr. Mitchell of New York, Mr. Rodino, Mr. Downey of New York, Mr. Fithian, Mr. LaFalce, Mr. Badillo, Mr. Fisher, Mr. Cohen, and Mr. Stark):

H. Res. 620. Resolution to amend rule X of the Rules of the House of Representatives to establish a permanent Select Committee on Energy; to the Committee on Rules.

By Mr. PICKLE (for himself, Mr. Rose, Mr. Teague, Mr. Richmond, Mr. Dickinson, Mr. McCormack, Mr. Mosher, and Mr. Dingell):

H. Res. 621. Resolution directing the Architect of the Capitol to study the feasibility of using solar energy in certain House office buildings, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. RUSSO (for himself, Ms. Abzug, Mr. Ambro, Mr. Beard of Rhode Island, Mr. Biaggi, Mr. Blouin, Mr. Brown of California, Mr. John L. Burton, Mr. Dominick V. Daniels, Mr. Downey of New York, Mr. Edwards of California, Mr. Eilberg, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Howard, Mr. Mikva, Mr. Mineta, Mr. Moffett, Mr. Murphy of Illinois, Mr. Nolan, Mr. Rangel, Mr. Whitehurst, Mr. Yatron and Mr. Zeferetti):

H. Res. 622. Resolution expressing the sense of the House of Representatives that the ban on military assistance to Turkey should not be lifted until such time as Turkish forces are withdrawn from Cyprus and there is a negotiated settlement in Cyprus; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HANNAFORD:

H.R. 8833. A bill for the relief of June Howard; to the Committee on the Judiciary.

By Mr. HASTINGS:

H.R. 8834. A bill for the relief of Chester F. Kozlowski; to the Committee on Merchant Marine and Fisheries.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

173. The SPEAKER presented a petition of the Chicago Captive Nations Week Committee, Chicago, Ill., relative to the Captive Nations and U.S. relations with the Soviet Union which was referred jointly to the Committees on International Relations, Armed Services, and Rules.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 7014

By Mr. EDGAR:

Page 298, in line 18, after the comma, add "as equipped,"

Page 298, in line 22, add the words "and equipment"

Page 300, after line 6, add the following:

(e) no manufacturer, distributor, or retailer may make any representation—

(1) in writing (including a representation in an advertisement), or

(2) in any broadcast advertisement,

a miles per gallon fuel efficiency figure as measured by EPA to represent a model or model type unless at least 60 percent of the vehicles represented in such writing or broadcast advertisement are certified by EPA as achieving the minimum fuel efficiency cited in the representation.

(f) any representation of EPA fuel efficiency figures which does not comply with (e) must show the entire range of EPA figures for that model or model type as represented, as well as the projected sales weighted average fuel efficiency of the model or model type represented as determined by EPA.

(g) no manufacturer shall designate models with confusingly similar names. Violation of this provision will be a civil penalty. The Federal Trade Commission will prescribe regulations to enforce this provision, assess and collect fines.

Page 300, strike out the period and insert ", or"

Page 300, after line 18, add the following:

(4) failure to comply with representation standards under section (506)(e), (506)(f), and (506)(g)

Page 303, after line 22, add the following:

(c) If the Federal Trade Commission determines that a manufacturer, distributor, or retailer has violated section 506(e) and/or 506(f) of this Act, it shall assess penalties provided for under subsection (1)

(c)(1) Any manufacturer, distributor, or retailer who the Federal Trade Commission determines to have violated Section (506)(e) and/or (506)(f) of this Act shall be liable for a civil penalty equal to $5000 for each violation, each representation violating Section (506)(e) and/or (506)(f) constituting a separate violation.

(c)(2) The amount of such civil penalty shall be assessed and collected by the Federal Trade Commission in a civil action. The Federal Trade Commission shall have the discretion to compromise, modify, remit, with or without conditions, any civil penalty assessed against a manufacturer, distributor, or retailer only to the extent necessary to prevent the insolvency or bankruptcy of such manufacturer, distributor, or retailer.

By Mr. JEFFORDS:

Page 306, line 20, after the period, add the following: "With respect to beverage containers, the term 'energy use' means energy efficiency."

Page 306, line 23, after the period, add the following: "With respect to beverage containers, the term 'energy efficiency' means the relationship of the units of energy resources required to produce a beverage container to the amount of beverage it contains. The Secretary, in determining the energy efficiency with respect to beverage containers, shall adjust any such determination to take into account the extent to which such containers are reused or recycled."

Page 308, after the period in line 12, insert the following: "With respect to beverage containers, the term 'manufacture' also means the recycling or reuse of a beverage container."

Page 309, after line 5, add the following:

(16) The term "beverage container" means a bottle, jar, can, or carton of glass, plastic, or metal, or any combination thereof, used for packaging or marketing beer or any other malt beverage, mineral water, soda water, or a carbonated soft drink of any variety in liquid form which is intended for human consumption."

Page 309, after line 18, insert the following:

(12) Beverage Containers.

Page 309, line 19, strike out "(12)" and insert in lieu thereof "(13)".

Page 310, line 11, strike out "(11)" and insert in lieu thereof "(12)".

Page 312, line 6, after "(9)", insert "and paragraph (12)".

Page 312, line 14, strike out "(12)" and insert in lieu thereof "(13)".

Page 313, line 11, strike out "(11)" and insert in lieu thereof "(12)".

Page 315, after line 16, insert the following:

(4) If the Secretary determines that consumer products of the type described in paragraph (12) of section 551(b) achieve the energy efficiency target described in section 554(a)(1), then no labeling requirement under this section may be promulgated or remain in effect with respect to such type.

Page 317, line 20, strike out "(11)" and insert in lieu thereof "(12)".

Pafe 317, line 20, strike out "(11)" and insert in lieu thereof "(12)".

By Mr. OTTINGER:

On page 267, in section 412(a)(1) (line 8), change $2,000,000 to $5,000,000.

On page 268, change the period in line 4 to "; and" add a new subsection (D) following line 4 as follows:

"(D) exchange of information from one State to another and evaluation of the results of various techniques and technologies used to reduce per capita usage of energy, including supporting data; such evaluations to be transmitted to appropriate Federal agencies and to the Congress as well as to other States, to units of local government and to the general public."

Page 306, line 18, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 307, line 5, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 307, line 11, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 309, strike out lines 4 and 5.

Page 309, line 20, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 310, line 6, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 310, line 22, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 311, line 18, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 313, line 3, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 313, line 11, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 313, line 23, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 314, lines 12 and 13, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 315, line 6, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 315, line 19, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 316, line 4, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 317, line 10, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 317, line 13, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 317, line 17, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 318, line 1, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 318, line 15, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 318, line 23, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 319, line 23, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 320, line 5, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 320, line 9, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 320, lines 15 and 16, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 320, line 18, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 320, lines 20 and 21, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 321, line 3, strike out "Secretary" in both places it appears and insert in lieu thereof in both places "Administrator".

Page 321, line 9, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 321, line 16, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 322, line 23, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 322, line 25, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 323, line 3, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 323, line 8, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 323, line 13, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 323, line 22, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 324, line 3, strike out "Secretary" and insert in lieu thereof: "Administrator and the Commission may each".

Page 324, strike out lines 10 and 11, and insert in lieu thereof the following: "person subject to this part, the Secretary and Commission may each seek an order from the district court".

Page 327, line 2, before the period insert ", which shall be assessed by the Federal Trade Commission".

Page 327, line 3, strike out "Secretary" and insert in lieu thereof "Commission".

Page 327, strike out line 25 and line 1 on page 328 and insert in lieu thereof the following: section 553 or 554. Such action may be brought in any United States district court for a

Page 328, line 11, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 328, line 22, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 329, line 8, strike out "Secretary" in both places it appears and insert in lieu thereof in both places "Administrator".

Page 330, line 6, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 330, line 6, strike out "The Secretary" and all that follows down through line 9.

Page 330, line 12, strike out "such agreement" and insert in lieu thereof "this part".

Page 330, strike out line 15 and all that follows down through line 10 on page 331 and insert in lieu thereof the following:

"(b) The Administrator may enter into an agreement with the National Bureau of Standards to aid the Administrator, on a reimbursable basis, in performing research and analyses related to energy use and energy efficiency of products, and in developing and recommending to him test procedures, labeling requirements, and energy efficiency standards."

By Mr. SANTINI:

On page 273, after line 4, insert the following:

GOVERNMENT USE OF LIMOUSINES

SEC. 416. (a) As used in this section:

(1) The term "limousine" means a type 6 vehicle as defined in the Amendment to Interim Federal Specification, Automobile Sedan, issued by the General Services Administration, December 1, 1974.

(2) The term "passenger automobile" has the same meaning as such term has under section 501 of this Act.

(3) The term "Government agency" means any department, agency, instrumentality, or authority of the executive, legislative, or judicial branch of the Federal Government, or any independent agency thereof.

(b) Except as provided in subsection (c), a Government agency may not—

(1) purchase, hire, lease, operate, or maintain any limousine;

(2) employ or procure the services of any person as a driver for a single officer or employee of a Government agency; or

(3) purchase, hire, lease, operate, or maintain passenger automobiles for the transportation of any officer or employee of a Government agency between his dwelling and his place of employment, except in the case of (A) a medical officer on outpatient medical service, or (B) an officer or employee engaged in field work in remote areas, the character of whose duties make such transportation necessary, and in either such case, only when such exception is approved by the head of the Government agency concerned.

(c) Subsection (b) does not apply to the purchase, hire, lease, operation, or maintenance of—

(1) motor vehicles for the transportation of Ambassadors stationed or conducting business abroad, or for the personal use by the President, and one each for use by the Vice President of the United States, the head of each Executive Department, the Chief Justice of the United States, the President pro tempore of the Senate, the Speaker of the House of Representatives, the Majority and Minority Leaders of the Senate and of the House of Representatives, the Majority and Minority Whips of the Senate and of the House of Representatives, and the United States Representative to the United Nations, or

(2) motor vehicles primarily designed for military field training, combat, or tactical purposes.

(d) No officer or employee of a Government agency, other than those referred to in subsection (b)(3)(A) or (B) or subsection (c), may be furnished a passenger automobile for his exclusive use if such vehicle is to be operated by a person other than such officer or employee.

H.R. 8773

By Mr. DINGELL:

Page 10, line 4, strike out "$1,000,000" and insert in lieu thereof "$10,000,000".

By Mr. GOLDWATER:

Page 39, line 20, strike the figure $406,594,000 and insert in lieu thereof the figure $444,404,000.

And on page 40, line 14, strike the figure $104,568,000 and insert in lieu thereof the figure $113,108,000.

Page 41, line 5, strike the figure $20,425,000 and insert in lieu thereof the figure $26,425,000.

And on page 41, lines 12 and 13, strike the figure $8,200,000 and insert in lieu thereof the figure $10,100,000.

By Mr. HECHLER of West Virginia:

On page 17, line 7, strike "$76,136,000" and insert therein "$77,536,000".

On page 17, line 22, insert a comma after the word "authorized" and the following: "in consultation with authorized representatives of the miners,".

On page 18, line 17, insert a semi-colon after the word "research" and the following: "*Provided*, That no funds shall be available for such research that is not coordinated with the Mining Enforcement and Safety Administration."

By Mr. McCORMACK:

Page 39, line 20, strike the figure $406,594,000 and insert in lieu thereof the figure $473,504,000.

And on page 40, line 14, strike the figure $104,568,000 and insert in lieu thereof the figure $121,268,000.

Page 41, line 5, strike the figure $20,425,000 and insert in lieu thereof the figure $27,625,000.

And on page 41, lines 12 and 13, strike the figure $8,200,000 and insert in lieu thereof the figure $10,100,000.

By Mr. SOLARZ:

At page 12, line 9, strike out "$26,255,000" and insert in lieu thereof "$28,755,000" and, line 12, strike out "$7,100,000" and insert in lieu thereof "$7,725,000".

SENATE—*Tuesday, July 22, 1975*

Legislative day of Monday, July 21, 1975

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by Hon. DALE BUMPERS, a Senator from the State of Arkansas.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, DD., offered the following prayer:

O God, whose spirit has been promised to those of a humble and contrite heart, let Thy spirit pervade this place. May Thy spirit be in our minds, to guide our thoughts. May Thy spirit be in our hearts to keep our motives pure. May Thy spirit be upon our lips, to preserve us from wrong speaking, to help us to speak truly. May Thy spirit be upon our hands that they may perform deeds of service. May Thy spirit unite us in common endeavor that we may advance Thy kingdom of justice and righteousness. May Thy spirit so completely rule our lives that they may be wise with Thy wisdom and beautiful with Thy love.

We pray in His name who taught us the way of the Servant. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 22, 1975.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DALE BUMPERS, a Senator from the State of Arkansas, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. BUMPERS thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, July 21, 1975, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF TIME FOR FILING COMMITTEE REPORT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Government Operations be authorized to file reports until midnight tonight.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations will be stated.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The assistant legislative clerk read the nomination of Forrest David Mathews, of Alabama, to be Secretary of Health, Education, and Welfare.

Mr. MANSFIELD. Mr. President, I think that this is an extremely fortunate nomination of this young man of such great promise, who has accomplished so much in a short lifetime, has been unanimously reported by the Committee on Finance. I anticipate that he will be one of the outstanding members of the President's Cabinet.

Mr. HUGH SCOTT. Will the distinguished majority leader yield?

Mr. MANSFIELD. I am delighted to yield.

Mr. HUGH SCOTT. I have just met Dr. Mathews. I am very much impressed with him. He has administrative experience. He seems to have an entirely realistic attitude about the problems of the Department and yet a compassionate concern for the work which the Department was designed to do. I join in the praise of his appointment.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I am delighted to yield.

Mr. ALLEN. Mr. President, I am proud that the President of the United States has seen fit to nominate for Secretary of HEW Dr. Forrest David Mathews, now president of the University of Alabama. I have mixed feelings about this matter, because we hate to lose Dr. Mathews from the State of Alabama, even for a short time. He has been an outstanding citizen of our State. He has done a tremendous job as president of the University of Alabama. He is truly one of our outstanding citizens.

Dr. Mathews did not seek this appointment. The position sought him. The President sought him and offered him the position. Dr. Mathews has a deep sense of responsibility, a deep sense of his obligation to his country and to a career of public service. I feel that he is an outstanding choice. For that reason, I am glad that he has been nominated, because I believe he will do a magnificent job as Secretary of the Department of HEW. I have known Dr. Mathews for many years. I regard him as an independent thinker, a man of excellent character and integrity, a man of rare competence and administrative ability. I join in urging the Senate to confirm his nomination.

I am appreciative of the favorable and friendly comments made by the distinguished leaders, Mr. MANSFIELD and Mr. HUGH SCOTT. My distinguished senior colleague (Mr. SPARKMAN) was on hand at the Committee on Finance and at the Committee on Labor and Public Welfare when Dr. Mathews appeared separately before these committees. He was high in his praise of Dr. Mathews and he joins me in urging the Senate to confirm this nomination. I feel that an excellent choice has been made.

I question why Dr. Mathews would want to leave the presidency of the University of Alabama, where he is so highly regarded, and where life is much more tranquil and pleasant, I am sure, than he will find it in the complex affairs of the Department of HEW. I am proud that the President has come to Alabama for the choice of a man who will head this well-nigh unmanageable department. If anybody can manage the Department of HEW, I believe that Dr. David Mathews is that man. I highly recommend him.

I thank the Senator for yielding.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the nomination. Without objection, the nomination is considered and confirmed.

The assistant legislative clerk read the nomination of John Meier, of Colorado, to be Chief of the Children's Bureau.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. I say to my good friend from Alabama (Mr. ALLEN) that it is now an accomplished fact that his friend of many years, Dr. Forrest David Mathews, is now the Secretary of HEW.

Mr. ALLEN. I thank the distinguished majority leader.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today except when the New Hampshire issue is pending.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 54—PROVIDING FOR A CONDITIONAL ADJOURNMENT OF CONGRESS FROM AUGUST 1, 1975, UNTIL SEPTEMBER 3, 1975

Mr. MANSFIELD. Mr. President, yesterday the Senate passed an adjournment resolution, Senate Concurrent Resolution 54. It was my intention at that time to ask for a rollcall vote. I forgot it. So I ask unanimous consent at this time that the matter be reconsidered.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MANSFIELD. And that the vote occur at the hour of 12 o'clock noon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 11 a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. HUGH SCOTT. Mr. President, with this much agreement, I think I had better not say anything at all.

I yield back my time.

The ACTING PRESIDENT pro tempore. The question recurs on H.R. 6219.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business for not to exceed 10 minutes for the introduction of bills and the making of statements.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 280 and Calendar No. 281.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ALLEN. Mr. President, reserving the right to object, what are the bills, may I ask?

Mr. MANSFIELD. One is Calendar No. 280 on page 8 of the calendar at the bottom, and the other is Calendar No. 281 at the top of page 9 of the calendar. The first is out of the Rules Committee, of which the distinguished Senator is a member, having to do with two additional temporary professional staff members and two additional temporary assistants for the Committee on Finance.

Mr. ALLEN. I withdraw my reservation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADDITIONAL TEMPORARY STAFF FOR THE COMMITTEE ON FINANCE

The resolution (S. Res. 41) continuing the authorization for two additional temporary professional staff members and two additional temporary clerical assistants for the Committee on Finance was considered and agreed to, as follows:

Resolved, That the Committee on Finance is authorized, from March 1, 1975, through February 29, 1976, to employ two additional professional staff members and two additional clerical assistants, to be paid from the contingent fund of the Senate at rates of compensation to be fixed by the chairman in accordance with the provisions of section 105(e) of the Legislative Branch Appropriation Act, 1958, as amended.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON FINANCE

The Senate proceeded to consider the resolution (S. Res. 42) authorizing additional expenditures by the Committee on Finance for routine purposes, which had been reported from the Committee on Rules and Administration with amendments, as follows:

On page 1, in line 4, strike out "amounts" and insert in lieu thereof "amount"; and beginning with line 6, strike out "1946, and in Senate Resolution 148, Ninety-third Congress, agreed to August 2, 1973" and insert "1946".

The amendments were agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That the Committee on Finance is authorized to expend from the contingent fund of the Senate, during the Ninety-fourth Congress, $30,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The time for morning business has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for morning business be extended for an additional 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNCLE SAM: THE RELUCTANT BILL COLLECTOR

Mr. HARRY F. BYRD, JR. Mr. President, on April 10 of this year, I introduced a bill, S. 1416, the provisions of which state:

> That no debt owed to the United States by any foreign country may be settled in an amount less than full value of such debt unless the Congress by Concurrent Resolution approved of such settlement.

As cosponsors, I have the distinguished Senator from New Mexico, Mr. DOMENICI, the distinguished Senator from West Virginia, Mr. RANDOLPH, and the distinguished Senator from Alabama, Mr. ALLEN.

Our Nation is the world's most eager loan maker—and also the world's most reluctant loan collector.

As of today, debts owed the United States by foreign nations total approximately $53 billion.

Four recent events demonstrate what I mean when I say our country is a reluctant loan collector.

In 1966, France required our forces and those of our North Atlantic Treaty Organization allies to leave her soil. The facilities we left behind cost us $550 million. We made a claim for $370 million.

This claim was recently settled for $100 million. Of this amount, we would have to pay NATO $36 million because they paid our previous relocation expenses. Not only does this $100 million carry no interest, but we allowed the French to stretch their payment in 5 years.

So for a $370 million claim against France, we shall receive only $64 million, or less than 20 cents on the dollar.

We also have a 30-percent stake in the approximately $300 million NATO claim with France, which has yet to be settled. To date, little or no progress has been made.

We did no better with the Soviet Union. Our claim was $2.6 billion for their World War II debts. They offered to settle the debts for $722 million. Of this, only $48 million was unconditional; the other $674 million was contingent upon the Russians obtaining the most-favored-nation tariff treatment and long-term credits from the U.S. Export-Import Bank.

To date, the Soviet Union has paid only the $48 million. They have indicated that nothing will be paid on the other $674 million. This $48 million payment is less than 2 cents on the dollar.

Another example: India originally owed the United States a rupee debt of $3.3 billion, in addition to her $3.5 billion hard currency debt. The rupee debt arose as a result of massive U.S. food aid programs.

We canceled $2.2 billion of the $3.3 billion rupee debt. But according to our agreement with the Indian Government, the remaining $1.1 billion rupee debt can only be used to pay our expenses in India.

Most recently, it came to my attention that one of the oil rich nations in the world, Iran, still owes us $35 million. This debt arose from our sale of surplus property after World War II. According to agreement this amount should have been paid in 1950.

Now, from news accounts, we all know Iran, in recent months, has purchased interest in European industrial giants, powerplants from France, and military hardware from us. Certainly, Iran can afford to pay the debt.

What I have said so far all points to one thing: the State Department's apparent feeling that if we press too hard for full and prompt payments, we will somehow lose our face and favor.

Well, I say it is time the tail stopped wagging the dog.

I say we must be firm, forthright, and businesslike in demanding full and prompt payment of our foreign debt.

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. BUMPERS) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE INDEPENDENT NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS—A MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. BUMPERS) laid before the Senate a message from the President of the United States transmitting the Sixth Annual Report of the independent National Corporation for Housing Partnerships, which, with the accompanying report, was referred to the Committee on Banking, Housing, and Urban Affairs. The message is as follows:

To the Congress of the United States:

As required by Public Law 90-448, I am transmitting herewith the Sixth Annual Report of the independent National Corporation for Housing Partnerships and the National Housing Partnership.

GERALD R. FORD.

THE WHITE HOUSE, *July 22, 1975.*

MESSAGES FROM THE HOUSE

At 12:05 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills and joint resolutions in which it requests the concurrence of the Senate:

H.R. 71. An act to amend title 38, United States Code, to provide hospital and medical care to certain members of the armed forces of nations allied or associated with the United States in World War I or World War II;

H.R. 508. An act to amend title 5, United States Code, to authorize civilians employed by the Department of Defense to administer oaths while conducting official investigations;

H.R. 3650. An act to clarify the application of section 8344 of title 5, United States Code, relating to civil service annuities and pay upon reemployment, and for other purposes;

H.R. 4573. An act to amend chapter 83 of title 5, United States Code, to establish time limitations in applying for civil service retirement benefits, and for other purposes;

H.R. 3954. An act to amend title 10 of the United States Code, to provide for an exclusive remedy against the United States in suits based upon medical malpractice on the part of military or civilian medical personnel of the armed forces, and for other purposes;

H.R. 4152. An act to amend title 28 of the United States Code as to the title of the commissioners of the U.S. Court of Claims and for other purposes;

H.R. 6971. An act to amend the Sherman Antitrust Act to provide lower prices for consumers;

H.R. 4799. An act to amend sections 6, 306, and 308 of the Rural Electrification Act of 1936, as amended;

H.R. 6151. An act to authorize appropriations for services necessary to nonperforming arts functions of the John F. Kennedy Center;

H.R. 8240. An act to amend title 38, United States Code, to provide special pay and incentive pay for certain physicians and dentists employed by the Department of Medicine and Surgery of the Veterans' Administration in order to enhance the recruitment and retention of such personnel, and for other purposes;

H.R. 8598. An act to amend title IV of the Social Security Act to make needed improvements in the recently enacted child support program;

H.J. Res. 549. A joint resolution to approve the "Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America," and for other purposes; and

H.J. Res. 560. A joint resolution to amend the Defense Production Act of 1950, as amended, to extend the National Commission on Supplies and shortages.

At 3:08 p.m., a message from the House of Representatives delivered by Mr. Berry announced that the House has passed, without amendment, the joint resolution (S.J. Res. 23) to restore posthumously full rights of citizenship to Gen. R. E. Lee.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 5522) to give effect to the International Convention for the Conservation of Atlantic Tunas, signed at Rio de Janeiro May 14, 1966, by the United States of America and other countries, and for other purposes.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6950) making appropriations for the legislative branch for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes; and that the House recedes from its disagreement to the amendments of the Senate numbered 1 through 35 inclusive, 50, 58, 59, 60, 61, 65, 73, 87, 101, 103, 105, 106, 107, and 108 to the aforesaid bill, and concurs therein.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled bill and joint resolutions:

S. 435. An act to amend section 301(b)(7) of the Agricultural Adjustment Act of 1938, as amended, to change the marketing year for wheat from July 1-June 30, to June 1-May 31.

S.J. Res. 41. A joint resolution to provide for the reappointment of Thomas J. Watson, Junior, as citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 42. A joint resolution to provide for the reappointment of Doctor John Nicholas Brown as citizen regent of the Board of Regents of the Smithsonian Institution.

The enrolled bill and joint resolutions were subsequently signed by the Acting President pro tempore (Mr. BUMPERS).

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. BUMPERS) laid before the Senate the following letters, which were referred as indicated:

REPORT ON RESCISSIONS AND DEFERRALS BY THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report on the deferrals and proposed rescissions which the President submitted to the Congress on July 1 in his first special message for fiscal year 1976 (with an accompanying report); to the Committees on Appropriations, Budget, Commerce, Public Works, Finance, Agriculture and Forestry, Armed Services, Labor and Public Welfare, Interior and Insular Affairs, and the Judiciary, pursuant to the order of January 30, 1975, and ordered to be printed.

PROPOSED LEGISLATION BY THE OFFICE OF MANAGEMENT AND BUDGET

A letter from the Director of the Office of Management and Budget transmitting drafts of two legislative proposals to provide for the orderly transition to the use of the new fiscal year (with accompanying papers); to the Committees on Appropriation, Budget, Finance, Labor and Public Welfare, Agriculture and Forestry, Foreign Relations, Public Works, the Judiciary, Post Office and Civil Service, Armed Services, the District of Columbia, and Interior and Insular Affairs, jointly, pursuant to the order of January 30, 1975, and ordered to be printed.

REPORT BY THE INDIAN CLAIMS COMMISSION

A letter from the Chairman of the Indian Claims Commission transmitting, pursuant to law, a report on the final determinations in respect to the claims of the Seneca-Cayuga Tribe of Oklahoma, et al, in Docket Nos. 341-A and 341-B (with an accompanying report); to the Committee on Appropriations.

APPROVAL OF LOAN BY THE REA

A letter from the Administrator of the Rural Electrification Administration transmitting, pursuant to law, a survey in connection with the approval of an REA-insured loan to Tri-County Electric Association, Inc., of Sundance, Wyo. (with accompanying papers); to the Committee on Appropriations.

PROPOSED LEGISLATION BY THE DEPARTMENT OF THE ARMY

A letter from the Acting Secretary of the Army transmitting a draft of proposed legislation to provide greater training flexibility for Reserve officers ordered to active duty for training for not more than 6 months by deleting the requirement that they be ordered to active duty for not less than 3 months (with accompanying papers); to the Committee on Armed Services.

REPORT OF THE EXPORT-IMPORT BANK

A letter from the Chairman of the Export-Import Bank of the United States reporting, pursuant to law, on the extension of a direct credit to certain companies; to the Committee on Banking, Housing and Urban Affairs.

REPORT OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

A letter from the Chairman of the Board of Governors of the Federal Reserve System transmitting, pursuant to law, the 61st annual report of the Board for the calendar year 1974 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

PROPOSED LEGISLATION BY THE SECRETARY OF COMMERCE

A letter from the Secretary of Commerce transmitting the draft of proposed legislation to empower the Secretary of Commerce to permit certain personnel to carry firearms and to make arrests (with accompanying papers); to the Committee on Commerce.

PROPOSED LEGISLATION BY THE SECRETARY OF TRANSPORTATION

A letter from the Secretary of Transportation transmitting a draft of proposed legislation relating to war risk insurance (with accompanying papers); to the Committee on Commerce.

RESPONSE OF THE MAYOR OF THE DISTRICT OF COLUMBIA

A letter from the Mayor of the District of Columbia responding, pursuant to law, to the report of the Comptroller General entitled "Resource Management Can Be Improved by Greater Use of Productivity Techniques" (with accompanying papers); to the Committee on the District of Columbia.

INTERNATIONAL AGREEMENTS OTHER THAN TREATIES

A letter from the Assistant Legal Adviser for Treaty Affairs of the Department of State transmitting, pursuant to law, copies of international agreements other than treaties entered into within the past 60 days (with accompanying papers); to the Committee on Foreign Relations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Further Action Needed To Make All Public Buildings Accessible to the Physically Handicapped" (with an accompanying report); to the Committee on Government Operations.

REPORT OF THE FEDERAL ENERGY ADMINISTRATION

A letter from the Administrator of the Federal Energy Administration transmitting, pursuant to law, a report reflecting changes in market shares of statutory categories of retail gasoline marketers (with an accompanying report); to the Committee on Interior and Insular Affairs.

PROPOSED PLAN FOR THE DISTRIBUTION OF JUDGMENT FUNDS

A letter from the Secretary of the Interior transmitting, pursuant to law, a proposed plan for the use and distribution of Cherokee Nation judgment funds awarded in Docket 173-A before the Indian Claims Commission (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORTS OF THE IMMIGRATION AND NATURALIZATION SERVICE

A letter from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, copies of reports concerning visa petitions which the Service has approved (with accompanying papers); to the Committee on the Judiciary.

PROPOSED REGULATIONS OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Executive Secretary to the Department of Health, Education, and Welfare transmitting, pursuant to law, copies of proposed regulations governing the education of the gifted and talented (with accompanying papers); to the Committee on Labor and Public Welfare.

REPORT OF THE SECRETARY OF TRANSPORTATION

A letter from the Secretary of Transportation transmitting, pursuit to law, a report concerning a revised estimate of the cost of completing the National System of Interstate and Defense Highways (with an accompanying report); to the Committee on Public Works.

REPORT OF THE SECRETARY OF COMMERCE

A letter from the Secretary of Commerce transmitting, pursuant to law, a report entitled "The Effects of Pollution Abatement on International Trade–III" (with an accompanying report); to the Committee on Public Works.

PROPOSED AMENDMENT TO BUDGET REQUEST FOR THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—(S. DOC. 94-85)

A communication from the President of the United States transmitting a proposed amendment to the budget for the fiscal year 1976 in the amount of $5 billion for the Department of Housing and Urban Development (with accompanying papers); to the Committee on Appropriations and ordered to be printed.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. BUMPERS):

Assembly-Senate Joint Resolution Nos. 80 and 81 adopted by the Legislature of the State of New York; to the Committee on Banking, Housing and Urban Affairs:

"ASSEMBLY JOINT RESOLUTION NO. 80, SENATE JOINT RESOLUTION NO. 81

"Joint resolution of the Legislature of the State of New York memorializing the Congress of the United States to enact the National Mass Transportation Assistance Act Amendments of 1975

"Whereas, On February 11, 1975, Senator Harrison A. Williams, Jr. of New Jersey and six other senators introduced in the United States Senate the "National Mass Transportation Assistance Act Amendments of 1975"; and

"Whereas, This act would require that the Secretary of Transportation ensure that all funded projects are planned, designed, constructed and operated to allow effective utilization of public transportation for the handicapped and the elderly; and

"Whereas, This act would also increase the amount available to state and local bodies and non-profit corporations and associations in providing accessible public transportation for the handicapped and elderly and further provide operating assistance to certain rural and small areas for such projects; and

"Whereas, There has previously been a declaration of national policy that elderly and handicapped persons have the same right as others to utilize mass transportation facilities and services; and

"Whereas, The National Mass Transportation Assistance Act of 1974 does not authorize operating assistance for rural and small urban areas; and therefore, be it

"*Resolved*, That the Congress of the United States be, and it hereby is, respectfully memorialized to enact legislation entitled the "National Mass Transportation Assistance Act Amendments of 1975" (S. 662) to provide additional mass transportation assistance to more fully meet the needs of the elderly and handicapped; and authorize operating assistance for rural and small urban areas; and be it further

"*Resolved*, That copies of this resolution be transmitted to the President of the Senate of the United States, the Speaker of the House of Representatives, and to each member of the Congress of the United States from the State of New York."

Assembly Joint Resolution No. 15 adopted by the Legislature of the State of California; to the Committee on Commerce:

"Assembly Joint Resolution No. 15

"Relative to labeling of self-pressurized containers

"Legislative Counsel's Digest

"AJR 15, Craven. Labeling: self-pressurized containers.

"This measure would memorialize the President and the Congress of the United States to support and enact legislation requiring that all aerosol and self-pressurized containers be labeled with a list of all ingredients, including inert ingredients, with the percentages of such ingredients, and designating propellants as such.

"Whereas, The increasing awareness in the public mind of the hazards of aerosol or self-pressurized containers to individuals and to the environment requires that consumers be able to identify all ingredients contained in aerosol or self-pressurized containers before purchasing or using the commodities packaged in this manner; now, therefore, be it

"*Resolved* by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to support and enact legislation requiring that all aerosol and self-pressurized containers be labeled with a list of all ingredients, including inert ingredients, with the percentages of such ingredients, and designating propellants as such; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

Assembly Joint Resolution No. 8 adopted by the Legislature of the State of Wisconsin; to the Committee on Finance:

"Assembly Joint Resolution 8

"Petitioning congress to develop appropriate legislation granting renters of residential property a federal income tax deduction for a portion of their payments

"Whereas, a substantial number of people rent their primary residences rather than purchase them; and

"Whereas, homeowners are presently entitled to deduct, for federal income tax purposes, such items as real estate taxes and interest on indebtedness incurred in purchasing their residences; and

"Whereas, renters of residential property are not presently entitled to comparable federal income tax deductions; and

"Whereas, this legislature finds that renters are thereby unfairly treated; now, therefore, be it

"*Resolved* by the assembly, the senate concurring, That the legislature of Wisconsin respectfully petitions the congress of the United States to examine and investigate this disparate treatment under federal income tax law of persons who own and those who rent their primary residences and to develop legislation appropriate to put both on the same footing; and, be it further

"*Resolved*, That certified copies of this resolution be immediately transmitted to the president of the senate, the speaker of the house of representatives, the chairmen of the house committee on ways and means and the senate finance committee of the United States congress and to each member of the congressional delegation from Wisconsin."

A resolution adopted by the City Commission of the City of Kalamazoo, Michigan, relating to the user fee for airline passengers; to the Committee on Commerce.

A resolution adopted by the DeKalb County Board of Education, Decatur, Georgia, regarding Federal surplus property; to the Committee on Government Operations.

A petition seeking a redress of grievances from three citizens of the State of New Jersey; to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAYH, from the Committee on Appropriations, with amendments:

H.R. 8365. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes (Rept. No. 94–291).

By Mr. MUSKIE, from the Committee on Government Operations, with an amendment:

S. 1359. A bill to coordinate State and local government budget-related actions with Federal Government efforts to stimulate economic recovery by establishing a system of emergency support grants to State and local governments (together with supplemental and additional views) (Rept. No. 94–292).

By Mr. McGEE, from the Committee on Appropriations, with amendments.

H.R. 8561. An act making appropriations for Agriculture and Related Agencies programs for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes (Rept. No. 94–293).

By Mr. MONTOYA, from the Committee on Appropriations, with amendments:

H.R. 8597. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes (Rept. No. 94–294).

By Mr. TUNNEY, from the Committee on the Judiciary, with amendments:

S. 1279. A bill to amend the Voting Rights Act of 1965 to extend certain provisions for an additional ten years and to make permanent the ban against certain prerequisites to voting (together with minority views) (Rept. No. 94–295).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following executive reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Foreign Relations:

Denis M. Neill, of Maryland, to be an Assistant Administrator of the Agency for International Development.

Walter J. P. Curley, Jr., of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

Statement of Political Contributions

The following contributions are reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of nomination.

Nominee: Walter J. P. Curley, Jr.

Contributions, amount, date, and donee:

(1) Self, $500, March 15, 1972, Lindsay, '72 Campaign.

$100, April 4, 1972, Finance Committee for the Re-election of the President.

$15, May 19, 1972, Republican National Finance Committee.

$100, July 6, 1972, Young Voters for The President.

$50, September 26, 1972, Friends of Chafee (Providence, R.I.).

$25, September 26, 1972, George S. Pillsbury Volunteer Committee (Wayzata, Minn.).

$100, January 28, 1974, Javits Committee.

$50, July 17, 1974, Angell for Congress Committee (Poughkeepsie, N.Y.).

$150, July 22, 1974, Friends of Mary Goodhue for State Assembly (Mt. Kisco, N.Y.).

$150, October 20, 1974, Citizens Committee for Javis.

$100, April 14, 1975, Republican National Finance Committee.

$500, April 14, 1975, National Republican Congressional Committee: VP Special Fund.

$50, April 14, 1975, Senate Republican Campaign Committee.

$50, April 14, 1975, Manhattan East Republican Club.

Total, $1,940.

(2) Spouse: None.

(3) Children: Margaret Curley (25) None; Walter Curley (23) None; John Curley (22) None; James Curley (17) None.

(4) Parents: Walter Curley, Sr. (deceased 1971); Marguerite Curley (deceased 1953).

(5) Grandparents: Joseph Cowan (deceased 1928); Mary Cowan (deceased 1924); John Curley (deceased 1913); Mary Curley (deceased 1920).

(6) Brothers and sisters: (No brothers or sisters.)

I have listed above the names of each member of my immediate family including their spouses—if any. To the best of my knowledge, the information contained in this report is complete and accurate.

Herbert J. Spiro, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Cameroon, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

Political Contributions

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Herbert J. Spiro.

Post: Cameroon.

Contributions, amount, date, donee.

1. Self: $35, March 7, 1971, Republican Action Fund.

$25, January 6, 1972, Republican National Committee.

$25, July 16, 1972, Finance Committee for Re-election of the President.

$25, February 17, 1973, Republican National Finance Comm.

$25, August 9, 1974, Republican National Finance Comm.

2. Spouse: None.

3. Children and spouses names: None.

4. Parents-in-law names: Howard C. Petersen, $1,000, 1972, Committee to Re-Elect the President.

$125, 1972, CREEP (25% of dinner in honor of Tom McCabe).

$100, 1972, Congressman Herman T. Schneebeli.

$100, 1973, Senator Richard Schweiker.

$100, 1974, Senator Richard Schweiker.

5. Grandparents names: No grandparents.

6. Brothers and spouses names: No brothers.

7. Sisters and spouses names: No sisters.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

(The foregoing nominations from the Committee on Foreign Relations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following House bills and joint resolutions were each read twice by their titles and referred as indicated:

H.R. 71. An act to amend title 38, United States Code, to provide hospital and medical care to certain members of the armed forces of nations allied or associated with the United States in World War I or World War II; to the Committee on Veterans' Affairs.

H.R. 508. An act to amend title 5, United States Code, to authorize civilians employed by the Department of Defense to administer oaths while conducting official investigations; to the Committee on Post Office and Civil Service;

H.R. 3650. An act to clarify the application of section 8344 of title 5, United States Code, relating to civil service annuities and pay upon reemployment, and for other purposes; to the Committee on Post Office and Civil Service;

H.R. 4573. An act to amend chapter 83 of title 5, United States Code, to establish time limitations in applying for civil service retirement benefits, and for other purposes; to the Committee on Post Office and Civil Service;

H.R. 3954. An act to amend title 10 of the United States Code, to provide for an exclusive remedy against the United States in suits based upon medical malpractice on the part of military or civilian medical personnel of the armed forces, and for other purposes; to the Committee on Armed Services;

H.R. 4152. An act to amend title 28 of the United States Code as to the title of the commissioners of the United States Court of Claims, and for other purposes; to the Committee on the Judiciary;

H.R. 6971. An act to amend the Sherman Antitrust Act to provide lower prices for consumers; to the Committee on the Judiciary.

H.R. 4799. An act to amend sections 6, 306, and 308 of the Rural Electrification Act of 1936, as amended; to the Committee on Agriculture and Forestry;

H.R. 6151. An act to authorize appropriations for services necessary to nonperforming arts functions of the John F. Kennedy Center; to the Committee on Public Works.

H.R. 8598. An act to amend title IV of the Social Security Act to make needed improvements in the recently enacted child support program; to the Committee on Finance; and

H.J. Res. 549. A joint resolution to approve the "Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America", and for other purposes; to the Committee on Interior and Insular Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HUGH SCOTT:

S. 2155. A bill to authorize the transfer of one of the Gettysburg Address manuscripts from the custody of the Library of Congress to the custody of the Secretary of the Interior. Referred to the Committee on Rules and Administration.

By Mr. McINTYRE (for himself, Mr. McClellan, Mr. Hathaway, Mr. Nelson, Mr. Philip A. Hart, Mr. Tower, Mr. Humphrey, Mr. Hollings, Mr. Brock, Mr. McGee, Mr. Nunn, Mr. Abourezk, Mr. Clark, Mr. Packwood, Mr. Bayh, Mr. Sparkman, and Mr. Mondale):

S. 2156. A bill to amend the provisions of the Social Security Act to consolidate the wages by employers for income tax withholding and old-age, survivors, and disability insurance purposes, and for other purposes. Referred to the Committee on Finance.

By Mr. JAVITS (for himself, Mr. Beall, Mr. Williams, Mr. Schweiker, Mr. Ribicoff, Mr. Buckley, Mr. Humphrey, Mr. Brooke, Mr. Case, Mr. Pell, Mr. Jackson, Mr. Stafford, Mr. Percy, Mr. Thurmond, Mr. Laxalt, Mr. Eagleton, Mr. Randolph, Mr. Hugh Scott, Mr. Kennedy, Mr. Brock, Mr. Goldwater, Mr. Hathaway, and Mr. Dole):

S. 2157. A bill to amend Title XX of the Social Security Act to provide that no State shall be required to administer individual means tests for provision of education, nutrition, transportation, recreation, socialization, or associated services provided thereunder to groups of low income individuals aged 60 or older. Referred to the Committee on Finance.

By Mr. STENNIS (for himself and Mr. Eastland):

S. 2158. A bill to increase an authorization of appropriations in order to complete the Mission 66 Bypass Road at Vicksburg, Mississippi. Referred to the Committee on Interior and Insular Affairs.

By Mr. HARTKE:

S. 2159. A bill to increase the availability of guaranteed home loan financing for veterans and to increase the income of the National Service Life Insurance Fund, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. HELMS:

S. 2160. A bill to utilize legal limitations on scholastic and heuristic investigations and theories. Referred to the Committee on Labor and Public Welfare.

By Mr. DOMENICI:

S. 2161. A bill for the relief of Cesar Grana. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself and Mr. Pearson) (by request):

S. 2162. A bill to provide a comprehensive system of liability and compensation for oil spill damage and removal costs, to implement the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, and for other purposes. Referred to the Committee on Commerce, Interior and Insular Affairs, and Public Works, jointly, by unanimous consent.

By Mr. BUCKLEY (for himself, Mr. Fannin, Mr. Helms, Mr. Curtis, Mr. Hansen, and Mr. McClure):

S.J. Res. 111. A joint resolution—European Security Conference Resolution. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUGH SCOTT:

S. 2155. A bill to authorize the transfer of one of the Gettysburg Address manuscripts from the custody of the Library of Congress to the custody of the Secretary of the Interior. Referred to the Committee on Rules and Administration.

Mr. HUGH SCOTT. Mr. President, I am today introducing a bill to authorize the transfer of one of the two Gettysburg Address manuscripts presently in the custody of the Library of Congress to the custody of the Secretary of the Interior, for the purpose of placing such manuscript on display in Gettysburg National Park, Pa.

It has been over a hundred years since Gettysburg has heard the crash of musketry and the booming of cannon and those who gave their lives there have long since been laid to rest. But because of the epic proportions of the struggle that took place there, history chose to linger and indeed, as President Lincoln so prophetically foresaw, the world was not to forget what was done there.

To the more than 4 million people who visit Gettysburg each year, the battle and the address of President Lincoln are synonymous. This is as it should be for it was Lincoln's 10 sentences that did justice to the incredible bravery of all those thousands of young Americans who fought there and it was these same 10 sentences that gave a new expression to the ideals of democracy.

There are five original copies of that famous address and I can think of no more proper repository for one of those copies than that hallowed ground that President Lincoln so movingly dedicated. The 2,000 monuments and statues that line the roads of Gettysburg were placed there by men trying to capture something of what happened at that place and their endeavors will be incomplete until a manuscript of that great dedicatory address is placed beside them.

Assured as I am by the National Park Service that it is most willing to cooperate with the Library of Congress regarding the proper housing for the document, I urge the Senate to act expeditiously on this important Bicentennial-related project.

By Mr. McINTYRE (for himself, Mr. McClellan, Mr. Hathaway, Mr. Nelson, Mr. Philip A. Hart, Mr. Tower, Mr. Humphrey, Mr. Hollings, Mr. Brock, Mr. McGee, Mr. Nunn, Mr. Abourezk, Mr. Clark, Mr. Packwood, Mr. Bayh, Mr. Sparkman, and Mr. Mondale):

S. 2156. A bill to amend the provisions of the Social Security Act to consolidate the wages by employers for income tax withholding and old-age, survivors, and disability insurance purposes, and for other purposes. Referred to the Committee on Finance.

THE COMBINED OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE-INCOME TAX REPORTING AMENDMENTS OF 1975

Mr. McINTYRE. Mr. President, I am today introducing, for appropriate reference, for myself and the Senator from Arkansas (Mr. McClellan), the Senator from Maine (Mr. Hathaway), the Senator from Wisconsin (Mr. Nelson), the Senator from Michigan (Mr. Hart), the Senator from Texas (Mr. Tower), the Senator from Minnesota (Mr. Humphrey), the Senator from South Carolina (Mr. Hollings), the Senator from Tennessee (Mr. Brock), the Senator from Wyoming (Mr. McGee), the Senator from Georgia (Mr. Nunn), the Senator from South Dakota (Mr. Abourezk), the Senator from Iowa (Mr. Clark), the Senator from Oregon (Mr. Packwood), the Senator from Indiana (Mr. Bayh), the Senator from Alabama (Mr. Sparkman), and the Senator from Minnesota (Mr. Mondale), a revised bill to require the annualization of wage reporting to the Social Security Administration. This bill would amend the Social Security Act and the Internal Revenue Code of 1954 to enable the Secretary of the Treasury and the Secretary of Health, Education, and Welfare to consolidate wage reporting requirements to the Social Security Administration and the Internal Revenue Service, lessening the paperwork burden on the Nation's employers, 8½ million of whom are small businessmen.

This bill is similar in intent to several other measures that have already passed the Senate. The principle of the bill has the support of the Secretary of the Treasury and the Secretary of Health, Education, and Welfare, who informed the distinguished chairman of the Senate Finance Committee that they would support a move to annualize wage reporting to cut the national paperwork burden.

This bill would certainly cut down on the voluminous amount of paperwork that we are requiring of the Nation's businessmen. It will provide a way for the Social Security Administration to abolish form 941, the Employers Quarterly Federal Tax Return. This form, which all employers must file with the Internal Revenue Service to report all wages received by employees, is often cited as the most onerous piece of paperwork small business is required to complete.

Instead of requiring that this form be filled in, my bill will allow a once-a-year form to be sent to the IRS and the information to be forwarded to the Social Security Administration.

Clearly, the time is now to act on this bill. It has had a long and interesting career through the Senate and in various forms has already been passed three times.

I introduced the bill, during the 93d Congress, to allow for consolidated reporting of wages to the Social Security Administration and the Internal Revenue Service. That bill, S. 2445, was added as an amendment to H.R. 3153, a bill to amend the Social Security Act. H.R. 3153 passed the Senate on November 30, 1973. However, my amendment was dropped from the legislation when questions were raised about administering it and I agreed to further study and development of a bill which would have broader support.

This new version was added as an amendment to H.R. 8214, a tax bill, and passed the Senate. However, H.R. 8214 was recommitted to the Finance Committee on January 24, 1974.

Then, later last year, the Finance Committee reported out a tariff bill with my proposal as an amendment. It passed the Senate again but the House conferees did not accept it, directing instead that the Secretaries of the Treasury and Health, Education, and Welfare study the prospect of annualization of wage reporting.

While the system that the Secretaries have discussed is not identical to my bill, I am hopeful that the legislation can develop in a way that will end the need for this burdensome Report 941. That way, we will be putting action where our words were when we passed the bill to establish the Commission on Federal Paperwork last December.

As a member of that Commission, I am totally committed to removing the unnecessary paperwork burden that falls on all our citizens. As chairman of the Select Committee on Small Business Subcommittee on Government Regulation, and as a long-time opponent of government red-tape I urge that action be taken on this bill quickly.

I ask unanimous consent that the bill I am introducing today be printed in full, together with the letter from Treasury Secretary William E. Simon and Health, Education, and Welfare Secretary Caspar W. Weinberger.

There being no objection, the bill and letter were ordered to be printed in the Record, as follows:

S. 2156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Combined Old-Age, Survivors, and Disability Insurance-Income Tax Reporting Amendments of 1975."

Sec. 101. (a) Title II of the Social Security Act is amended by adding after section 231 the following new section:

"PROCESSING OF TAX DATA

"Sec. 232. The Secretary of the Treasury shall make available information returns filed pursuant to part III of subchapter A of chapter 61 of subtitle F of the Internal Revenue Code of 1954, to the Secretary for the purposes of this title and title XI. The Secretary and the Secretary of the Treasury are authorized to enter into an agreement for the processing by the Secretary of information contained in returns filed pursuant to part III of subchapter A of chapter 61 of subtitle F of the Internal Revenue Code of 1954. Notwithstanding the provisions of section 6103(a) of the Internal Revenue Code of 1954, the Secretary of the Treasury shall make available to the Secretary such documents as may be agreed upon as being necessary for purposes of such processing. The Secretary shall process any withholding tax statements or other documents made available to him by the Secretary of the Treasury pursuant to this section. Any agreement made pursuant to this section shall remain in full force and effect until modified or otherwise changed by mutual agreement of the Secretary and the Secretary of the Treasury.".

(c) Section 232 of the Social Security Act, as added by subsection (b) of this section, shall be effective with respect to statements reporting income received after 1975.

(d)(1) Section 201(g)(1) of such Act is amended to read as follows:

(g)(1)(A) The Managing Trustee of the Trust Funds (which for purposes of this paragraph shall include also the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund established by title XVIII) is directed to pay from the Trust Funds into the Treasury—

"(i) the amounts estimated by him and the Secretary of Health, Education, and Welfare which will be expended, out of moneys appropriated from the general fund in the Treasury, during a three-month period by the Department of Health, Education, and Welfare and the Treasury Department for the administration of titles II, XVI, and XVIII of this Act and subchapter E of chapter 1 and subchapter A of chapter 9 of the Internal Revenue Code of 1939, and chapters 2 and 21 of the Internal Revenue Code of 1954, less

"(ii) the amounts estimated (pursuant to the method prescribed by the Board of Trustees under paragraph (4) of this subsection) by the Secretary of Health, Education, and Welfare which will be expended, out of moneys made available for expenditures from the Trust Funds, during such three-month period to cover the cost of carrying out the functions of the Department of Health, Education, and Welfare, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1954 other than those referred to in clause (i). Such payments shall be carried into the Treasury as the net amount of repayments due the general fund account for reimbursement of expenses incurred in connection with the administration of titles II, XVI, and XVIII of this Act and subchapter E of chapter 1 and subchapter A of chapter 9 of the Internal Revenue Code of 1939, and chapters 2 and 21 of the Internal Revenue Code of 1954. A final accounting of such payments for any fiscal year shall be made at the earliest practicable date after the close thereof. There are hereby authorized to be made available for expenditure, out of any or all of the Trust Funds, such amounts as the Congress may deem appropriate to pay the costs of the part of the administration of this title, title XVI, and title XVIII for which the Secretary of Health, Education, and Welfare is responsible and of carrying out the functions of the Department of Health, Education, and Welfare, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1954 other than those referred to in clause (i) of the first sentence of this subparagraph.

"(B) After the close of each fiscal year the Secretary of Health, Education, and Welfare shall determine the portion of the costs, incurred during such fiscal year, of administration of this title, title XVI, and title XVIII and of carrying out the functions of the Department of Health, Education, and Welfare, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1954 (other than those referred to in clauses (i) of the first sentence of subparagraph (A)), which should have been borne by the general fund in the Treasury and the portion of such costs which should have been borne by each of the Trust Funds; except that the determination of the amounts to be borne by the general fund in the Treasury with respect to expenditures incurred in carrying out such functions specified in section 232 shall be made pursuant to the method prescribed by the Board of Trustees under paragraph (4) of this subsection. After such determination has been made, the Secretary of Health, Education, and Welfare shall certify to the Managing Trustee the amounts, if any, which should be transferred from one to any of the other of such Trust Funds and the amounts, if any, which should be transferred between the Trust Funds (or one of the Trust Funds) and the general fund in the Treasury, in order to insure that each of the Trust Funds and the general fund in the Treasury have borne their proper share of the costs, incurred, during such fiscal year, for the part of the administration of this title, title XVI, and title XVIII for which the Secretary of Health, Education, and Welfare is responsible and of carrying out the functions of the Department of Health, Education, and Welfare, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1954 (other than those referred to in cluase (i) of the first sentence of subparagraph (A)). The Managing Trustee is authorized and directed to transfer any such amounts in accordance with any certification so made.".

(2) Subsection (g) of such section is further amended by adding at the end thereof the following new paragraph:

"(4) The Board of Trustees shall prescribe before January 1, 1977, the method of determining the costs which should be borne by the general fund in the Treasury of carrying out the functions of the Department of Health, Education, and Welfare, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1954 (other than those referred to in clause (i) of the first sentence of paragraph (1)(A)). If at any time or times thereafter the Boards of Trustees of such Trust Funds deem such action advisable they may modify the method so determined.".

(e) Any persons the Board of Trustees finds necessary to employ to assist it in performing its functions under section 201(g)(4) of the Social Security Act may be appointed without regard to the civil service or classification laws, shall be compensated, while so employed at rates fixed by the Board of Trustees, but not exceeding $100 per day, and, while away from their homes or regular places of business, they may be allowed traveling expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently.

(f) The Secretary shall not make any estimates pursuant to section 201(g)(1)(A)(ii) of the Social Security Act before the Board of Trustees prescribes the method of determining costs as provided in section 201(g)(4) of such Act. The determinations pursuant to section 201(g)(1)(B) of the Social Security Act with respect to the carrying out of the functions of the Department of Health, Education, and Welfare specified in section 232 of such Act, which relate to the administration of provisions of the Internal Revenue Code of 1954 (other than those referred to in clause (i) of the first sentence of section 201(g)(1)(A) of the Social Security Act), during fiscal years ending before the Board of Trustees prescribes the method of making such determinations, shall be made after the Board of Trustees has prescribed such method. The Secretary of Health, Education, and Welfare shall certify to the Managing Trustee the amounts that should be transferred from the general fund in the Treasury to the Trust Funds (as referred to in section 201(g)(1)(A) of the Social Security Act) to insure that the general fund in the Treasury bears its proper share of the costs of carrying out such functions in such fiscal years. The Managing Trustee is authorized and directed to transfer any such amounts in accordance with any certification so made.

(g) Section 6103 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subsection:

"(g) Disclosure of Information to Secretary of Health, Education and Welfare.—The Secretary or his delegate is authorized to make available to the Secretary of Health, Education, and Welfare information returns filed pursuant to part III of subchapter A of chapter 61 of subtitle F for the purpose of carrying out, in accordance with an agreement entered into pursuant to section 232 of the Social Security Act, an effective information return processing program.".

(h)(1) Section 230(b)(2) of the Social Security Act is amended to read as follows:

"(2) the ratio of (A) the average of the wages of all employees as reported to the Secretary of the Treasury for the calendar year preceding the calendar year in which the determination under subsection (a) with respect to such particular calendar year was made to (B) the average of the wages of all employees as reported to the Secretary of the Treasury for the calendar year 1972 or, if later, the calendar year preceding the most recent calendar year in which an increase in the contribution and benefit base was enacted or a determination resulting in such an increase was made under subsection (a),".

(2) Section 230(b) of such Act is further amended by adding at the end thereof the following new sentence: "For purposes of this subsection, the average of the wages for the calendar year 1976 (or any prior calendar year) shall, in the case of determinations made under subsection (a) prior to December 31, 1977, be deemed to be an amount equal to 400 per centum of the amount of the average of the taxable wages of all employees as reported to the Secretary for the first calendar quarter of such calendar year."

(i)(1) Section 203(f)(8)(B)(ii) of the Social Security Act is amended—

(A) in clause (I) thereof, by striking out "taxable wages of all employees as reported to the Secretary for the first calendar quarter of the calendar year", and inserting in lieu thereof "wages of all employees as reported to the Secretary of the Treasury for the calendar year preceding the calendar year", and

(B) in clause (II) thereof, by striking out "taxable wages of all employees as reported to the Secretary for the first calendar quarter of 1973, or if later, the first calendar quarter of the most recent calendar year", and inserting in lieu thereof "wages of all employees as reported to the Secretary of the Treasury for the calendar year 1972, or, if later, the calendar year preceding the most recent calendar year".

(2) Section 203(f)(B)(ii) of such Act is further amended by adding at the end thereof the following new sentence: "For purposes of this clause (ii), the average of the wages for the calendar year 1976 (or any prior calendar year) shall, in the case of determinations made under subparagraph (A) prior to December 31, 1977, be deemed to be an amount equal to 400 per centum of the amount of the average of the taxable wages of all employees as reported to the Secretary for the first calendar quarter of such calendar year.".

Secretary of Health,
Education, and Welfare,
Washington, D.C., December 31, 1974.

Hon. Al Ullman,
Acting Chairman, Committee on Ways and Means, House of Representatives, Washington, D.C.

Dear Mr. Chairman: The Congress (in P.L. 93–490) directed the Secretary of the Treasury and the Secretary of Health, Education, and Welfare to study the effect of a change from quarterly reporting of wages for social security purposes to a combined annual wage report system for social security and income tax purposes and to submit a joint report on the study to the Congress.

The enclosed joint report of the Departments of Health, Education, and Welfare and of the Treasury considers two major approaches to annual reporting. One approach is to require annual reporting of annual wages; the other would provide for annual reporting of annual wages with a quarterly breakdown. The report sets out the administrative changes that would be required under each approach and also contains a discussion of the effect of annual reporting on the cost of the social security program, on the administrative responsibilities of the Social Security Administration and the Internal Revenue Service, on employers, and on social security beneficiaries.

The Department of the Treasury and Health, Education, and Welfare support legislation which would institute a system of annual reporting of annual wages such as the system described in the enclosed report (rather than annual reporting of quarterly wages) and are prepared to assist in drafting legislation to provide for such reporting.

Sincerely,

Caspar W. Weinberger,
Secretary of Health, Education, and Welfare.

William E. Simon,
Secretary of the Treasury.

By Mr. JAVITS (for himself, Mr. Beall, Mr. Williams, Mr. Schweiker, Mr. Ribicoff, Mr. Buckley, Mr. Humphrey, Mr. Brooke, Mr. Case, Mr. Pell, Mr. Jackson, Mr. Stafford, Mr. Percy, Mr. Thurmond, Mr. Laxalt, Mr. Eagleton, Mr. Randolph, Mr. Hugh Scott, Mr. Kennedy, Mr. Brock, Mr. Goldwater, Mr. Hathaway, and Mr. Dole):

S. 2157. A bill to amend title XX of the Social Security Act to provide that no State shall be required to administer individual means tests for provision of education, nutrition, transportation, recreation, socialization, or associated services provided thereunder to groups of low income individuals aged 60 or older. Referred to the Committee on Finance.

Mr. JAVITS. Mr. President, I am pleased to introduce at this time for myself, the distinguished Senator from Maryland (Mr. Beall), who is ranking minority member of the Subcommittee on Aging; Senator Harrison A. Williams, the distinguished chairman of the Labor and Public Welfare Committee; Senators Schweiker, Ribicoff, Buckley, Humphrey, Brooke, Case, Pell, Jackson, Stafford, Percy, Thurmond, Laxalt, Eagleton, Randolph, Scott of Pennsylvania, Kennedy, Brock, Dole, Goldwater, Hathaway, an amendment to title XX, the Social Service Amendments of 1974. This measure permits States to waive individual means tests for qualified groups of senior citizens.

Title XX regulations, scheduled to go into effect October 1, 1975, require that each senior citizen undergo a means test in order to be eligible for services in federally funded senior centers. Previous regulations had permitted use by the States of group eligibility.

Elimination of group eligibility has two detrimental effects. First, many senior citizens feel that a means test, involving a declaration and documentation of income, is demeaning and undignified. Administrators of senior citizens centers throughout the country indicate that a great number of seniors now participating in these valuable programs will stay away rather than go through this embarrassing process. Second, a number of senior citizens whose income is above the cutoff point

will no longer be able to participate in the activities and services provided in these federally funded senior centers. The bill I am proposing gives the States the option to use group eligibility where appropriate for services to elderly citizens.

A recent study done by the National Council on the Aging points to the fact that senior centers are generally visited by low income groups rather than the more affluent. In my own State of New York, for example, the Human Resources Administration of New York City did a random sample of the income of individuals using senior centers in different areas of the city to determine whether group eligibility was appropriate. An overwhelming percentage of the senior citizens in a number of areas were found to be current, former, or potential welfare recipients. Individual means tests were waived for all senior citizens in those areas.

In such instances, the administration of individual means tests can be more expensive than supplying services to a few relatively better-off older citizens who might not have qualified with the individual means test. There are no figures to support the assertion that group eligibility has expanded the cost of services.

Mr. President, our senior citizens are entitled to receive the services of federally funded senior centers without being subjected to the lengthy and demeaning process of income disclosure. In addition, income limitations on provisions of group services create undesirable segregation and fractionalization of elderly Americans.

I ask unanimous consent to have printed in the Record some letters I have received supporting the concept of group eligibility. They speak eloquently to the extent of the problem and the need for correction.

There being no objection, the letters were ordered to be printed in the Record, as follows:

National Council on
the Aging, Inc.,
Washington, D.C., July 11, 1975.
Hon. Jacob K. Javits,
U.S. Senate,
Washington, D.C.

Dear Senator Javits: The National Council on the Aging is deeply concerned about the implications of the means test provisions in the new Title XX program authorized in the Social Service Amendments of 1974 (P.L. 93-647). We wish to take this opportunity to express our belief, based on the experiences of our members who serve the elderly throughout the country, that the loss of group eligibility in the Social Service program will prove detrimental to millions of older people.

As you may be aware, NCOA has for 25 years been the leading national organization representing practitioners and organizations working in the field of aging. One of our major programs, the National Institute of Senior Centers, is the only national coordinating body of Senior Centers in the nation. The inclusion of the means test (which results in a loss of group eligibility) in social service programs administered by many of these centers will mean the loss of essential services to countless older Americans.

The Congress has in the past seen to it that programs designed to benefit older people did not include an income means test to determine eligibility. For people who have worked all their lives to maintain their dignity and self-respect, such questioning is a degrading and demeaning process which they justly seek to avoid.

Since we have been told by the Department of Health, Education and Welfare that this matter cannot be handled in administrative regulations, we are hopeful that legislation can be developed which would alleviate the present situation. NCOA would appreciate any assistance you may be able to offer in this regard.

Let me also take this opportunity to thank you for your continued leadership in this field.

Sincerely,

Jack Ossofsky,
Executive Director.

Bronx, N.Y.,
June 5, 1975.
Sen. Jacob Javits,
Senate House,
Washington, D.C.

Dear Senator Javits: We protest the application of regulation number 22861 (determination of eligibility title XX) to senior centers and the services they provide.

Seniors are proud, reluctant to disclose their personal affairs, and will forego many needed services rather than give even the appearance of accepting charity. If a Department of Health, Education, and Welfare wishes to drive them out of the centers, this regulation will help to do it.

Furthermore, it would be false, self-defeating economy. The center budgets are tiny, a little over $1.00 per day per participant, and for this small sum they keep old people alive and functioning in the community instead of being consigned to nursing homes where the cost of maintaining them often exceeds $50.00 per day. Also the clerical expense involved will greatly increase the cost of running the centers without any corresponding benefits to center members.

We therefore, suggest an amendment to the regulation in reference to senior center services which will say "state plans which include senior center service can choose to determine the income level of those served, by the procedures formerly used under title VI, and or exempted from the fee provision."

Such a modification would provide all necessary information without placing an additional financial burden of the senior centers and humiliating senior citizens.

Sincerely yours,

Isabel Weinstein,
Secretary, United Senior Centers of New York; President, Boston Sector Senior Center.

Congress of Senior Citizens of
Greater New York,
New York, N.Y., July 15, 1975.
Hon. Senator Jacob K. Javits,
Senate Office Building,
Washington, D.C.

Dear Senator Javits: I am certain you will understand that I am deeply concerned about the regulations appended to Title XX which mandate a means test to the services rendered in Senior Centers.

These centers are primarily attended by elderly who are very poor and while there might be occasionally a few who would just barely become ineligible, it is unthinkable that all the members be subjected to the demeaning means test which after all is actually a poverty oath.

Obviously this will create class distinction in the centers which certainly is not the American concept, and it would adversely affect the friendly atmosphere which make these centers such a great source of joy to this proud segment of our population.

The generation that weathered the great depression, then put their shoulder to the wheel and put this nation back on the road to prosperity and did it WITHOUT welfare, should never be subjected to the embarrassment of a poverty oath. It is particularly insensitive when you consider that the administrative costs would undoubtedly outstrip the minute savings which such a measure could produce.

I am certain you will do all you can to prevent this injustice to the Nations Elders.

With sincerest regards,

Walter Newburgher,
President, The Congress of Senior Citizens of Greater New York; 2nd Vice President, National Council of Senior Citizens.

Human Resources
Administration,
City of New York, July 15, 1975.
Hon. Jacob K. Javits,
U.S. Senate,
Washington, D.C.

Dear Senator Javits: The Human Resources Administration of the City of New York is very concerned that group eligibility will no longer be permissible under the Title XX regulations scheduled to become effective on October 1, 1975. Given the thrust of the statute which authorizes maximum flexibility to states in the planning and operation of their service plans, and given that nothing in the statute expressly prohibits it, we had hoped that group eligibility would be permissible at state option. However, HEW remains adamant in their interpretation that the maximum eligibility levels implicitly require an individual means test, despite the fact that it is permitted in the regulations soon to expire.

Lack of group eligibility will create serious problems in our senior citizen program. For several years now the Human Resources Administration has been utilizing group eligibility in the senior centers located in defined poverty areas. Sampling of the participants has repeatedly demonstrated that ninety-seven percent of the senior citizens utilizing the centers in these defined areas would be eligible on the basis of an individual eligibility determination.

Use of group eligibility has several distinct advantages. First of all it permits saving of the administrative costs necessarily arising from individual eligibility determinations. More importantly, it enables the senior citizen population of New York City to utilize the services of our centers and still retain their dignity. Senior citizens, individually and through their organizations, have made it clear that individual means tests would be onerous and make them feel that they are applying for welfare. Given their well known antipathy to welfare dependency, I know that numerous senior citizens will choose to do without the service rather than undergo a means test, despite the fact that they are eligible.

Additionally, New York City would not be able to receive federal financial participation in other group services, such as group counseling for teenagers. Given the nature of the street gang problem in the ghettos of our cities, it is crucial that our workers have the ability to gain the trust of these youngsters. Nor is it possible to get the detailed data to determine individual eligibility. As you may be aware, the problem of unemployability is a critical factor in the gang population. Unless we have the capacity to reach these youngsters and help them gain training and skills leading to employment, these youths may well be our next wave of welfare dependents.

In view of HEW's position, we look to Congressional action to resolve this problem. Unless group eligibility is permitted under Title XX, as it is now permitted under Titles IV and VI, New York City will be faced with closing the doors to hundreds of needy eligible individuals. I urge you to take the lead in remedying this situation. The City's critical fiscal situation precludes funding of this program without State and Federal participation.

Sincerely,

JAMES R. DUMPSON,
Administrator/Commissioner.

NATIONAL COUNCIL OF
SENIOR CITIZENS, INC.,
Washington, D.C., July 10, 1975.

Hon. JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: Your proposal to make the senior citizens who are participants in group services, like senior centers and nutrition programs, eligible for services under Title XX of the Social Security Act—Grants to the States for Services—has our unqualified support. As evidence of our unqualified support, I enclose a resolution adopted by our Executive Board on June 8, 1975 and a copy of an article in the July, 1975 Senior Citizens News. Up to now participants in programs of the Older Americans Act have had a wide range of services available to them—transportation, outreach and other services from the State Departments of Social Services without any income test. For these participants to undergo a means test, in our judgment, would deny services to hundreds of thousands of older people who just will not subject themselves to a means test in order to obtain services that their communities have provided to them without such a means test.

These social services, under both the Older Americans Act as well as under title XX make essential contributions to the well being of older people and recognizes that a program of appropriate services is just as essential and necessary as adequate income.

Adequate income does not solve transportation needs of older people living in areas that lack transportation services, doesn't provide an answer to the nutritional and social needs of an older person living alone, nor is more income the answer to the problem of infirm elderly who are forced into institutions simply because our society lacks the services which would make it possible for them to live independently.

In a position which the National Council of Senior Citizens laid before the 1971 White House Conference on Aging, we held that a well structured program of services for older people has significant preventive aspects, and, in our judgment, like Public Health programs, ought to be universally available.

We appreciate the leadership you are taking in assuring that participants in group services will continue to have necessary supplemental services provided without having to undergo a degrading means test.

Sincerely yours,

RUDOLPH T. DANSTEDT,
Assistant to the President.

NATIONAL RETIRED TEACHERS ASSOCIATION, AMERICAN ASSOCIATION
OF RETIRED PERSONS,
July 18, 1975.

Hon. JACOB K. JAVITS,
Russell Senate Office Bldg.,
Washington, D.C.

DEAR SENATOR JAVITS: Our Associations write to call your attention to the need for immediate legislation to prevent the disruption of services through the Title XX Social Services Program to older Americans.

Regulations to implement Public Law 93–647, the new Title XX of the Social Security Act providing for the delivery of services to those in need, have been promulgated by the Department of Health, Education, and Welfare. The regulations require a complex, rigid determination of each individual's eligibility to receive services. This procedure, if allowed, would make it extremely difficult to mesh the services programs of the Older Americans Act (Titles III and VII in particular) with those of the Title XX program. Our Associations fear that unless the Congress clearly spells out the relationship between the services programs of the Older Americans Act and the state social services programs, that there will be a disruption in the delivery of services to the aged.

We solicit your introduction of legislation to provide for an exception to the income and resources means test for those eligibles who are engaged in certain activities consistent with the plan of the State—approved under Title III or Title VII of the Older Americans Act or with organized activities of multi-purpose senior centers. Activities such as education, recreation, transportation, or socialization which are organized group encounters beneficial to older persons, should be exempt from the means test by allowing limited group eligibility. This language, for instance, would allow the state the option not to impose a demeaning determination process upon older persons who wish to engage in the meals-on-wheels program and would overcome the seemingly nonsensical situation where an individual would be eligible for a wholesome meal under the non-means tested Title VII of the Older Americans Act Nutrition program, but not be eligible for the bus ride to the meal site because it is funded under Title XX social services. This would appear absurd; however, if the regulations as promulgated are allowed to be implemented without a clarification of Congressional direction, this example would be commonplace.

The U.S. Senate, by its overwhelming vote last month to extend the Older Americans Act program, clearly showed its mandate that service programs to keep older Americans involved in the mainstream of the community should be given priority. We urge that you follow through on that mandate by clarifying the availability of social service funds as the resources to operationalize the Older Americans Act service delivery mechanism.

Thanking you for your continued interest in needs of older Americans, we urge you to sponsor legislation to clarify the eligibility for social service funds.

Sincerely,

CYRIL F. BRICKFIELD,
Counsel.

Mr. JAVITS. Congress has frequently demonstrated its concern for the quality of life for older Americans. The stigma felt by the older American because of a means test and the resulting segregation of elderly citizens is unconscionable. Group eligibility should be permitted for title XX services to older Americans. Group eligibility represents a commonsense approach. It will reduce administrative costs, allowing funds to be used for services, not paperwork.

Older American citizens who have sacrificed so much to the health, strength, and vitality of this Nation, can no longer be ignored—or told their share of the American Dream is in the past. Nor can we allow services to these older Americans be made inaccessible because of undue redtape. I urge my colleagues to support S. 2157, to permit the active and dignified participation of older Americans in these vital title XX programs.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2157

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2002 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding any other provision of this title, none of the limitations on payments to States which are contained in subsection (a), and which are based on or expressed in terms of an individual's or family's income, or an individual's or family's eligibility for aid, assistance, or benefits under another law or program, shall apply with respect to expenditures made by a State for the provision of education, nutrition, transportation, recreation, socialization, or associated services to groups of individuals, aged sixty or older, if such groups are determined by the State (pursuant to regulations promulgated by the Secretary) to be comprised predominantly of low-income individuals aged sixty or older otherwise eligible for services under this title. Determination of group eligibility pursuant to this subsection may be made by the States without the use of individual means tests or documentation of individual income."

SEC. 2. The amendment made by the first section of this Act shall be effective with respect to payments for quarters commencing after September 30, 1975, as though it had been incorporated in title XX of the Social Security Act at the time of its original enactment.

Mr. BEALL. Mr. President, I am pleased to join the distinguished senior Senator from New York (Mr. JAVITS) in sponsoring S. 2157. This legislation would allow the States to substitute group eligibility for individual means tests in the delivery of social services to the elderly.

I am personally convinced that the elderly will not abuse these services and I do not believe that the Congress intended to exclude senior citizens who are currently participating in social and nutritional programs.

Mr. President, I serve as the ranking minority member on the Labor and Public Welfare Committee's Subcommittee on Aging which is responsible for the Older Americans Act and other legislation designed to improve the quality of life for senior citizens. Most of the programs authorized by our subcommittee do not require means tests of the individual participants. We have specifically avoided making these "poverty" programs or giving them a "welfare" orientation. Income alone is not a good measure of the social and nutritional service needs of the elderly.

I believe that the enactment of this legislation would expedite the coordination of the title XX services with these programs conducted under the authority of the Older Americans Act, and so forth. This would be a positive step toward our goal of delivering services to senior citizens in a coordinated and comprehensive fashion.

I would urge the Finance Committee to give this vital legislation prompt consideration so that it can be enacted before the October 1, 1975 effective date of the title XX regulations.

Mr. WILLIAMS. Mr. President, today I join with my distinguished colleague Senator JAVITS in the introduction of legislation designed to provide a measure of dignity in the delivery of services to our Nation's elderly.

Regulations recently promulgated under title XX of the Social Security Act require each senior citizen to undergo an individual means test to qualify for services. Prior law allowed seniors who participated in group services provided in the aged nutritional programs and senior centers to attain group eligibility.

Lack of group eligibility will create serious problems. The effect of the individual means test for senior centers is that each and every one who goes there for help with rent exemptions, half-car fares, et cetera, will have to divulge every detail of his or her financial condition and provide the documentation to prove it.

Experience has already shown that seniors are proud and self-reliant people. The generation that weathered the Great Depression and then put this Nation back on the road to prosperity will not accept this invasion of their privacy. Many times, they will forego needed social services rather than subject themselves to a poverty oath.

This is self-defeating in that it deprives the elderly of essential social services and disrupts the coordination of group services under title XX and the Older Americans Act which has no means test.

In fact it could undermine the whole concept of senior centers. The seniors would be divided into two classes: the feepayers and those who must plead poverty. Those who refuse to accept what they perceive to be welfare will dropout and suffer the consequent loneliness, isolation, and impairment of mental and physical capabilities.

Use of the group eligibility technique has several distinct advantages. First, it permits saving of the administrative costs necessarily arising from individual eligibility determinations. More importantly, it enables the senior citizens to utilize group services and still retain their dignity.

This bill allows the State the option of adopting the group eligibility method in the delivery of group services to the elderly. Given the thrust of title XX which authorizes maximum flexibility to the States in the planning and operation of their service plans, I urge the early adoption of this option to insure the unique needs of the elderly are met.

In the long run, availability of group social services will benefit both the Government and the elderly by preventing the costly institutionalization which results when they become isolated from contact with their community.

Mr. **SCHWEIKER**. Mr. President, I am pleased to join with my colleague from New York, Mr. JAVITS, in introducing this amendment to title XX of the Social Security Act, to revise the procedure for determination of an individual's or family's eligibility for services under this title. The regulations for Public Law 93-647 issued by the Department of Health, Education, and Welfare impose a "means test" as eligibility for senior citizens' services. I am alarmed over the serious impact of this provision. Many of our programs for older Americans were not intended to require a statement of financial need. I view a "means" or poverty test as an insult to our senior citizens. This measure would give States the option to use group eligibility, as they had done before enactment of Public Law 93-647, where appropriate for services for senior citizens.

I have been contacted by hundreds of senior citizens from the Commonwealth of Pennsylvania expressing opposition to implementation of these regulations. Pennsylvania has taken the lead over the past 2 years in combining local, State, Older Americans Act, and Social Security Act funds to finance the expansion of older persons programs and activities throughout the Commonwealth. During the current fiscal year, it is expected the State will utilize over $12.6 million in Federal Social Security Act, title VI funds, in conjunction with $14.3 million in Older Americans Act and matching funds, of which $4.2 million are Pennsylvania-appropriated State funds. These funds are provided to Area Agencies on Aging and other organizations on a block basis to support activities approved under the State Plan on Aging.

There are no specific income limits for participation in title III and title VII Older Americans Act programs. Many of the local service centers were inaugurated as title VII nutrition sites or title III senior centers which provided an open door to lower income elderly, the isolated, the lonely and those with nutrition deficiencies. However, with the addition of title VI, Social Security Act, services to these basic nutrition and service programs in 350 centers, it has been necessary, unfortunately, to apply SRS/title VI income determinations to all participants and to develop a complex accounting system to track diverse funds. And this is in the face of an explicit Older Americans Act prohibition against such "means tests" as a prerequisite to receiving nutrition services.

The executive director of the Philadelphia Center for Older People has expressed concern that "the threat to senior centers today is from the funding in title XX, which asks for a means test for individuals rather than group eligibility which was allowed in other funding. Centers using title XX to expand their services are an endangered species. How many of their members will tolerate the indignity of a "means test?"

Mr. President, I believe we must find a workable alternative so we can provide these needed social services to our Nation's elderly. I feel this bill would do just that. I urge the support of all my colleagues in this body for this worthwhile legislation.

Mr. **HUGH SCOTT**. Mr. President, I am pleased today to join in sponsoring a bill to alleviate what has recently become a serious problem in Pennsylvania, as well as the rest of the country. Under title XX of the Social Security Act, new and onerous eligibility requirements, termed the "means test," will make it more difficult for some of Pennsylvania's 1.4 million elderly citizens to receive Government-sponsored social services. This bill I join in introducing today changes eligibility procedures and allows the States to make determinations of group eligibility without the use of the means test.

Mr. President, my mail from constituents who feared the means test would require detailed financial disclosures has been overwhelming. Present law establishes an income level cutoff and those whose incomes fall below that level are eligible for social services. Title XX regulations would require an applicant for services to fill out lengthy and highly personal questionnaires. It is essential that our senior citizens not be put through this demeaning and degrading procedure.

Mr. **DOLE**. Mr. President, I am today pleased to cosponsor with the Senator from New York, an amendment to title XX of the Social Security Act. The Senator from Kansas is concerned about the needs of a substantial segment of the American people, the Nation's elderly, and this bill, in my opinion, is responsive to those needs.

In the past, I have consistently supported the cause of the Nation's elderly in securing a happy and comfortable retirement and am happy to do so now. Every social security increase to assist the elderly that was signed into law had my support. In addition, I sponsored the Older Americans Act Amendments of 1974, which did much to aid the senior citizens of this country. The welfare of the Nation's elderly has always been important to me.

The amendment I now support would protect the dignity of senior citizens by removing from title XX the provision for individual means tests for predominantly low-income groups of senior citizens. Those tests have been referred to as poverty oaths.

POVERTY OATH DEMEANING

These tests, scheduled to go into effect on October 1, would force the Nation's elderly to submit themselves to a degrading income check prior to their admittance for participation in community senior centers and programs. Designed to disqualify those senior citizens whose income exceeds an established income level, these tests will force the low-income senior citizens who are eligible to stand out as welfare recipients, a demeaning process for men and women who have worked all their lives and now should be free to enjoy a peaceful retirement. Participation in the federally funded group projects for the elderly, intended to add enjoyment to their lives, will instead humiliate and degrade older Americans if they are forced to announce their poverty in a test of this sort.

Besides the demeaning nature of these "poverty oaths," the enforcement of these tests will necessitate a considerable increase in the Federal redtape and bureaucracy involved in the supervision of aid to the country's older citizens. The evidence available indicates the number of people above the income level who utilize the programs is so small that the administrative costs of the tests probably will greatly exceed the present cost of allowing the higher income group's participation in the programs.

The amendment now proposed would replace the Federal restrictions imposed in title XX based on income with a State determination that the group receiving the social security benefits be "comprised predominantly of low-income individuals otherwise eligible for services." Practically, the State social welfare agencies would then be allowed to provide low-income services to all senior citizens eligible for social security if the membership of the groups in question is at least 51 percent low income.

IMPORTANT TO KANSAS

The importance of this amendment to Kansas is very considerable. At the present time, over 60 elderly citizens centers are in operation throughout the State, employing hundreds of Kansans, and providing an entertainment center for many more. By forcing an individual means test upon the elderly, many may be reluctant to participate in these organizations. In that event, many senior Kansans would lose the social, nutritional, and other benefits they have been receiving.

The amendment now proposed would eliminate the degrading individual means tests and would also eliminate the need for an increase in Federal redtape and bureaucracy to administer those tests. An increase in the cost of the social security programs would be avoided, and the pride and dignity of the Nation's senior citizens would be maintained.

Mr. BUCKLEY. Mr. President, I am happy to cosponsor legislation which will prevent the Department of Health, Education and Welfare from imposing individual certification requirements upon the elderly participants in programs offered by community senior centers.

Under Federal regulations due to become effective October 1, 1975, all senior citizens who benefit from the education, transportation, recreation, and other services provided by a senior center funded under title XX of the Social Security Act will be forced to disclose their income. The money saved by using these person-by-person means tests to bar some well-to-do elderly from receiving free benefits will probably be outweighed by the expense of administering them to tens of thousands of aged Americans, all of whom would thereby be demeaned by needless governmental prying into their personal affairs.

The entire procedure would be penny wise and pound foolish. It would be justified only if there were some evidence of its necessity: if a significant percentage of the elderly who are served by senior centers were abusing their benefits, if many affluent senior citizens were taking unfair advantage of tax-supported programs, or if the administration of the senior centers was marked by laxity and fraud.

But that is emphatically not the case. There is no indication that any appreciable number of senior citizens are improperly receiving benefits. On the contrary, older Americans belong to a generation which has used public assistance only as a last resort during severe hardships. And in many cases, not even then.

They are living examples of the work ethic at its best. They have given their country more than their share of labor and of love. Most of them abhor dependence upon their neighbors and accept governmental aid reluctantly. Elderly Americans do not want welfare.

As a proponent of the principle of federalism, even at a time when its benefits are poorly appreciated, I trust the judgment of the States in designating those low-income areas in which senior centers serve predominantly poor populations. The bill we propose today would permit, but not require, a State to make that decision. I am confident the Congress will see the wisdom of allowing the States to continue with their present arrangements in this regard.

I am somewhat less confident, but nonetheless persistently hopeful, that the Congress and the administration will soon turn their attention to the investigation of those Federal programs which do, in fact, need our scrutiny. Instead of applying costly means tests to senior citizens in hopes of reducing, ever so slightly, their participation in senior centers, let us summon the courage to cut back those numerous programs of Federal assistance in which there has been ample evidence of abuse.

Mr. President, I will continue my efforts to guard the taxpayer's dollar both from careless Federal spending and from the inflation which it generates. I believe there is nothing of greater importance to the elderly than to be relieved of the chronic inflation that is forcing so many into a position of dependency. But, by the same token, I support programs of special assistance to the aged, who have been least able to keep pace with rising costs in their apartments, in the supermarket, and at the drug store. Because their Government has played a large and culpable role in unleashing inflation upon them, it now owes them some special consideration. The Congress can recognize that obligation by granting them ready access to the many beneficial activities of senior centers.

By Mr. HARTKE:

S. 2159. A bill to increase the availability of guaranteed home loan financing for veterans and to increase the income of the National Service Life Insurance Fund, and for other purposes. Referred to the Committee on Veterans' Affairs.

VETERANS HOUSING EXPANSION ACT

Mr. HARTKE. Mr. President, today I introduce a measure to be known as the Veterans Housing Expansion Act. This measure is intended to complement and make more effective provisions of the Veterans' Housing Act of 1974 (Public Law 93-569), enacted last December, by increasing the availability of guaranteed home loan financing for veterans seeking to buy homes. Members will recall that the Veterans' Housing Act of 1974, which I was privileged to author, is a far-reaching measure which among other things significantly expands the authority for veterans to purchase condominiums or mobile homes as well as increasing maximum loan guarantees and restoring GI loan entitlement to veterans of earlier wars, who may have used their original entitlement. Unfortunately, the continued depressed condition of the housing industry, the worst since World War II, has prevented the expanded provisions of this act from being fully effective as intended. Unemployment in the housing construction industry ranges around 30 percent. Housing starts were down 5 percent from May housing starts and at an annual rate of 1.17 million were well below the annual 2 million level of the 1971-1973 period. During the first quarter of the calendar year 1975, the Veterans' Administration made only 56,688 guaranteed loans with a face value of $1.586 billion.

This is nearly 10,000 loans and $100 million less than comparable first quarter 1974 respective figures of 69,337 loans and $1.684 billion. Even more dramatic is to compare this year's first quarter figures with the preceding fourth quarter 1974 figures of 71,704 VA loans in the amount of $1.976 billion. This represents a 20 percent decline in VA loan commitments. The following table, which I ask unanimous consent to have printed in the RECORD, shows monthly data concerning VA loan applications and commitments from July 1973 through May of this year.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Guaranteed loan applications and commitments—Fiscal year 1973

	Applications:	Commitments
July	35,139	27,524
Aug.	40,873	32,662
Sept.	34,592	29,656
Oct.	32,331	25,870
Nov.	31,944	24,627
Dec.	27,181	23,057
Jan.	24,302	19,277
Feb.	25,202	19,518
Mar.	34,005	28,913
Apr.	32,955	27,821
May	34,488	28,662
June	30,323	24,958
Total	383,335	312,545
	Fiscal year 1974	
July	23,290	11,417
Aug.	32,230	32,880
Sept.	25,686	21,588
Oct.	27,480	22,057
Nov.	26,365	21,814
Dec.	21,787	18,702
Jan.	23,308	20,315
Feb.	24,749	19,348
Mar.	31,840	26,904
Apr.	34,666	30,073
May	36,315	30,266
June	32,928	26,447
Total	340,645	281,811
	Fiscal year 1975	
July	29,306	26,401
Aug.	31,991	27,113
Sept.	26,680	22,228
Oct.	26,108	22,262
Nov.	24,592	20,618
Dec.	20,772	17,626
Jan.	21,569	19,291
Feb.	22,947	18,384
Mar.	30,471	25,294
Apr.	35,361	30,458
May	33,866	28,780
June*		
Total	303,663	258,455

*Data not available until July 15, 1975.

Mr. HARTKE. Increased mortgage money made available by this measure would give fuller meaning to the many important provisions of the Veterans' Housing Act of 1974. Under the restoration provision, for instance, nearly all of America's 29 million veterans are potentially eligible for new housing benefits. If a veteran of World War II or the Korean conflict, for example, has discharged his obligations under an original GI bill guaranteed or direct loan by paying off that loan or having an eligible veteran properly assume it, then his eligibility for another VA guaranteed or direct loan is restored. Despite extremely poor housing market conditions in the first quarter of this year, nearly 7,500 veterans used their restored loan entitlement under this new provision of the law. This represents nearly 13 percent of the total commitments made in the first quarter.

Increasing the mortgage money available for veterans would also give added meaning to those provisions in Public Law 93-569 which increased maximum loan guarantees by 40 percent and which granted increased opportunities for veterans to purchase condominiums and mobile homes.

Under the previous law, veterans could not use their GI home loans to purchase condominiums unless at least one unit in the project was purchased by a loan insured by the Federal Housing Authority. Because the FHA had approved few such loans, there was little real opportunity for veterans to purchase condominiums. This procedure was eliminated under the new Veterans Housing Act.

A number of significant improvements in the mobile home loan program were also made under that act. The maximum guarantee for both single-wide and double-wide mobile homes was increased from 25 to 57 percent depending on the unit and lot size. Top loan maturities in some cases were extended up to 20 years, and used mobile homes which meet Veterans' Administration standards are also authorized for guaranteed loans for the first time.

Finally, members will also recall that another provision of the new law boosted the grants available to severely disabled veterans who must have specially-adapted housing. To aid these disabled veterans, the maximum grant was increased to $25,000.

Mr. President, in an effort to insure that veterans who have purchased homes are not caught in the downdraft of today's economy, I and the other committee members wrote President Ford in January, urging him to take available steps to protect veterans against foreclosure. I urged the President to use discretionary authority which Congress has granted him to delay foreclosure proceedings against veterans who receive direct Government VA loans and who are unemployed or in a severe economic squeeze. I also encourage the President to use existing authority to help delay possible foreclosures on those homes funded by private capital guaranteed by the VA, by helping, for example, arrange with private lenders refinancing or new terms and conditions to ease the financial burden on a veteran who may be about to lose his home.

The White House responded with assurances that—

> Every authority under the existing law will be used to prevent the foreclosure of VA loans involving veterans.

I ask unanimous consent that the correspondence be printed in the Record.

There being no objection, the letters were ordered printed in the Record, as follows:

JANUARY 14, 1975.

Hon. GERALD R. FORD,
President of the United States, The White House, Washington, D.C.

DEAR MR. PRESIDENT: As Chairman of the Senate Committee on Veterans' Affairs, I am concerned during the current recession and the worsening condition of the economy, of the ability of veterans to meet their existing financial obligations under programs that are administered by the Veterans' Administration.

Without setting forth economic indicators that portend a worsening economy, I believe the veterans who have given their time and energies to the causes of our country may fare far worse than others. For example, the December Bureau of Labor Statistics indicated that unemployment in the 20 to 24 year old veteran group was an alarming 15.3 percent, which is significantly higher than for capable nonveterans. I am convinced that with the increasing unemployment and decreasing economic conditions many veterans will be unable to meet existing financial obligations under VA guaranteed or direct home loans.

In this connection it is my understanding that you have the intrinsic authority under section 1811(k) of title 38, United States Code (and Veterans' Administration Regulation 36.4506 issued pursuant thereto) to delay payments of principal and interest on direct loans by the veteran.

It is also my understanding that you have the intrinsic authority, under section 1820 (a)(2) and Veterans' Administration Regulation 36.4314 to consent to the modification of guaranteed loans through the Veterans' Administration for the purchase of homes.

Finally, when modification of existing loans is not viable, it is further my understanding that you have the authority under sections 1820(a) (3) and (4) and Veterans' Administration Regulation 36.4318 to require the holder of the loan to transfer and assign the loan and the security to the Veterans' Administration upon receipt of payment in full of the balance of the indebtedness remaining unpaid to the date of such assignment. Following such transfer conditions may be worked out by the Veterans' Administration which could provide for the continued occupancy of the property by the veteran.

Given existing and projected economic conditions, I urge you to insure that defaults under existing VA home loan programs are closely monitored. In the event growing numbers of veterans are unable to meet their obligations under these programs during the current recession, I hope that you would give careful consideration to exercising discretionary authority outlined above in a manner to aid them during this difficult period.

Your assistance and consideration of this matter would be appreciated by the millions of veterans that are affected during these difficult times as well as by members of the Committee.

My sincere and best wishes.

Sincerely yours,
VANCE HARTKE, *Chairman.*

THE WHITE HOUSE,
Washington, D.C., February 18, 1975.

Hon. VANCE HARTKE,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The President shares your concern over the effect the present economic recession may have on veterans who, through no fault of their own, become financially unable to meet their obligations under the terms of their VA guaranteed or direct home loans.

The vast bulk of all G.I. loans are made and held by private lending institutions. VA's regulations have long contained provisions designed to encourage holders and their servicing agents to extend forbearance and indulgence to deserving veterans who are having financial difficulties, particularly through no fault of their own. These regulations authorize advances to be made and added to the guaranteed indebtedness for purposes such as taxes and insurance and preservation of the property which is security for the loan. They also are designed to encourage forbearance and indulgence to deserving veterans through postponement of payment of all or a part of monthly payments—without loss of interest to the holder. They also permit and encourage extension agreements and recasting of loans in appropriate cases.

The VA currently is in the process of distributing to all lenders participating in the G.I. loan program a reminder that the above described procedures are available to assist deserving veterans in retaining their homes and encouraging them to cooperate. In past situations of a similar nature, it has been VA's experience that holders have cooperated.

As a last resort, VA has authority to refund loans to assist deserving veterans to retain their homes in cases where a lender cannot or will not further extend indulgence. The VA has had to use this authority only sparingly over the 30 year life of the program.

In respect to direct loans made and held by the VA, it has, of course, similar authority and does exercise such authority in appropriate cases.

The President wants me to assure you that every authority under the existing law will be used to prevent the foreclosure of VA loans involving veterans.

Sincerely,
ROGER D. SEMERAD,
Staff Assistant to the President, Domestic Council.

Mr. HARTKE. As previously mentioned, although the Veterans' Housing Act of 1974 greatly expanded benefits for veterans, it has not, of course, increased the available supply of mortgage money which prevents so many veterans from actually becoming homeowners in today's tight-money market. It is for this reason that the Veterans' Housing Expansion Act which will provide up to $5 billion of mortgage money is needed today.

The bill would increase the availability of Veterans' Administration guaranteed home loan financing for veterans desiring to purchase homes and increase the income of the National Service Life Insurance Fund, which is composed entirely of veterans' insurance funds.

The current interest rate on Veterans' Administration guaranteed home loans is 8½ percent. Due to higher interest rates in some areas and the prevalence of "points," there is a dearth of money available for financing home purchases generally, and for veterans in particular.

The National Service Life Insurance Trust Fund is a trust fund created from the proceeds of premiums paid, largely by World War II veterans, on their insurance policies. There are now 4,248,890 such policies with a face value of approximately $8 billion. Generally these policies cover individuals who served on or after October 8, 1940, and before April 26, 1951, when this insurance program ceased receiving new applications. The fund is today invested in interest-bearing obligations of the U.S. Government which had an average yield of 5.22 percent for calendar year 1974.

The following table, which I ask unanimous consent to have printed in the RECORD, shows the yield to the fund on the invested interest-bearing obligations of the U.S. Government.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

INVESTMENT YIELDS IN NATIONAL SERVICE LIFE INSURANCE TRUST FUND

Date (1)	Amount of U.S. (or U.S. guaranteed) securities held at end of period (in billions) (2)	Average rate of interest on securities in col. (2) (3)	Amount of U.S. securities purchased or refinanced in the 6 mo ending with date in col. (1) (in millions) (4)	Average rate of interest on investment in col. (4) (percent) (5)
Dec. 31, 1959	$5.7	3.00	[1]	
June 30, 1960	5.8	3.06	$598	3.81
Dec. 31, 1960	5.8	3.07	None	
June 30, 1961	5.8	3.07	367	3.12
Dec. 31, 1961	5.7	3.07	28	3.38
June 30, 1962	5.8	3.09	445	3.25
Dec. 31, 1962	5.8	3.09	5	3.27
June 30, 1963	5.7	3.11	315	3.37
Dec. 31, 1963	5.8	3.11	41	3.46
June 30, 1964	5.8	3.16	483	3.63
Dec. 31, 1964	5.8	3.16	56	3.59
June 30, 1965	5.9	3.21	558	3.63
Dec. 31, 1965	6.0	3.21	64	3.80
June 30, 1966	6.1	3.33	599	4.38
Dec. 31, 1966	6.1	3.43	200	6.03
June 30, 1967	6.1	3.51	512	4.61
Dec. 31, 1967	$6.1	3.53	$167	5.46
June 30, 1968	6.2	3.65	444	5.65
Dec. 31, 1968	6.2	3.77	211	6.11
June 30, 1969	6.3	3.89	347	6.22
Dec. 31, 1969	6.2	3.93	109	6.73
June 30, 1970	6.3	4.23	633	7.51
Dec. 31, 1970	6.4	4.28	133	5.88
June 30, 1971	6.4	4.53	1,173	5.73
Dec. 31, 1971	6.5	4.57	150	5.59
June 30, 1972	6.5	4.69	521	5.49
Dec. 31, 1972	6.6	4.72	189	5.75
June 30, 1973	6.7	4.97	675	6.49
Dec. 31, 1973	6.8	5.02	166	6.41
June 30, 1974	6.9	5.29	581	7.49
Dec. 31, 1974	7.0	5.35	182	7.16

[1] Not required.

Mr. HARTKE. It is estimated that with the availability of $5 billion from the NSLI reserves, and based upon a current average home loan mortgage of $28,000 that approximately 178,000 loans could be guaranteed and purchased under the expansion act. Based on recent VA experience, about 30 percent or 59,300 would be on newly constructed homes and the remaining 70 percent or 118,700 units would be for existing homes. If this bill is enacted, the yield to the National Service Life Insurance Fund would increase to 7½ percent which is the interest payable on the home loans less a 1 percent administration fee.

The NSLI Fund would continue to be fully guaranteed by the government with no possible loss to a policyholder or his beneficiary.

Thus there would be two simple results flowing from enactment of this legislation; namely, the availability of up to $5 billion of mortgage money, and an increase in the interest yield for the NSLI Fund.

The bill establishes in the Treasury a revolving fund which will be known as the National Service Life Insurance Investment Fund—NSLI—or the Investment Fund. The Administrator of the Veterans' Administration is directed to notify the Secretary of the Treasury as to the amount of funds necessary to purchase loans as the consequence of commitments issued or to be issued under the expansion program authorized by this Act.

The Secretary of the Treasury is to transfer funds from the NSLI Fund to the Investment Fund created to cover the Administrator's commitments up to $5 billion. This program is intended to greatly expand the money in the mortgage market available to lenders, especially in financially depressed areas, and make the purchase of a home a reality for veterans who otherwise are unable to do so because of the shortage of capital.

The Administrator will issue a commitment to purchase a proposed home mortgage loan under title 38, if requested by a private lender at the same time it issues a commitment to guarantee the proposed home mortgage loan under the current VA program. Thus in areas where lenders are reluctant to lend money to veterans to purchase homes because of higher interest rates and thus greater return on their investments which they are able to secure elsewhere, mortgage money would be available for veterans to purchase suitable housing.

Under the measure the lender will pay a nonrefundable fee—not to exceed one-half percentum of the amount of the commitment—for the service performed by the Administrator in issuing the commitment and purchasing the mortgage from the lender in the event the lender is unable to dispose of the mortgage through conventional markets.

The Administrator will purchase the loan from a private lender at a percentage of the mortgage, or par. The Administrator is authorized to issue a commitment to purchase the loan at its face value or, at a minimum 96 percent of its face value if assuming that the lender-mortgagee certifies that certain conditions are met. The Administrator is directed to purchase the loan between 60 days and one year from the issuance of the loan guaranty if first, the lender has not been successful in selling the loan to a private investor at a price equal to or in excess of that specified in the commitment; second, the lender has not charged or collected from any person any discount points in excess of the difference between the face amount of the loan and the price specified in the commitment plus the origination fee; and third, the loan is not in default.

The commitment purchase price agreed to between the Administrator and the lender shall not be less than the average price for which one hundred and eight-day purchase commitments were last auctioned by the Federal National Mortgage Association, Fannie Mae. This figure shall never be less than 96 percent of the par value of the mortgage and will take into consideration the economic conditions of the housing market which, as indicated above, will reflect the number of discount points that the lender may charge any person.

This program is designed to provide mortgage money where needed to assist veterans to purchase homes. More veterans should be able to purchase homes under this program because of the increase of money in the housing market. Lenders will acquire the origination fee plus interest on the loan for the period they retain the mortgage.

Mr. President, if this measure is enacted into law, the housing market should be stimulated by the availability of mortgage money, otherwise not available, and additional construction jobs should be provided by the stimulation to the Housing market which will require, on VA experience, if the full amount of commitments are issued, at least 59,000 newly constructed homes. The Veterans' Administration is to be reimbursed for the administrative charge of up to one percent thereby requiring no new outlays for increased administrative personnel or responsibilities.

Of course, the National Service Life Insurance Fund should receive a higher return on its overall investment from 5.22 per cent to a currently projected 7.5 per cent. The only cost to the Government will be the minimal cost of refinancing the investment by the National Service Life Insurance Fund in Government obligations through public sources.

Mr. President, my program will provide more mortgage money in the housing market where it is desperately needed. The President recently called for the increase of mortgage money and released $2 billion in mortgage purchase authority available to the Government National Mortgage Association—Ginnie Mae—previously held up by the administration. The President, in his veto message of the Emergency Housing Act of 1975 on June 24 of this year, called for the increase of Ginnie Mae mortgage purchase authority by $7.75 billion in fiscal year 1976. However, the administration has failed to state whether or not it would use any or all of the additional money authorized, or when.

The administration would have the country and the housing and labor communities believe that the Nation's housing needs are being met with his minimal program. The veterans know better.

Mr. President, I ask unanimous consent to have printed in the Record an article by the Commander of the American Legion, James M. Wagonseller, appearing in the February 1975 American Legion magazine indicating the major problem facing veterans today is the available supply of mortgage money, which remains the chief obstacle to every potential home-buyer, veteran or non-veteran, and the chief depressor of the construction industry.

There being no objection, the article was ordered to be printed in the Record, as follows:

HELP FOR VETERANS IN THE HOUSING SQUEEZE

(By James M. Wagonseller, National Commander, The American Legion)

On Dec. 31, President Ford signed the Veterans Housing Act of 1974. It should be of some help to veterans who have been hurting in the present housing situation, although things aren't going to be too bright for anyone in need of housing until the whole present housing and mortgage situation is eased.

If the purchase of housing has been tough for everyone, it has been especially tough on veterans because the VA's GI home loan guarantee program, and the VA's direct aid for disabled veterans who are entitled to specially constructed housing, had gotten out of date.

The Legion, the Congress and the VA have seen pretty much eye to eye on various needed liberalizations of VA housing programs, and the new law has a number of striking features.

They address themselves to mobile homes, condominiums, direct aid for the seriously disabled who qualify for specially constructed homes, and also to restoring GI loan entitlement to veterans of earlier wars who may long ago have used up their original entitlement.

Some years ago, veterans of earlier wars who had not yet used their GI mortgage privileges (and for whom they had expired) were given a new lease on those rights. The idea of an expiration was cancelled.

If you had never used your GI loan guarantee, the right to use it was restored even though it had long since expired under your original GI Bill.

The 1974 act goes much further. You can now use your VA mortgage guarantee again, even if you had already used it 30 years ago. You can use it as many times as you please, as long as you pay off your old mortgage and sell your old home. Heretofore, you could only reuse it if you presented "compelling reasons" to the VA—and a "compelling reason" was one involving some sort of unusual hardship beyond your control that forced you to change homes. Now, you are the sole judge of your reasons for moving.

In recent years, younger veterans have needed inexpensive housing in a market in which only mobile homes answered that description. In 1970, VA loan guarantees were extended to cover mobile homes and veteran-owned lots on which they would stand. The Legion supported this change, and was hopeful that it would be a valuable aid to Vietnam vets, especially. But it didn't work too well, due to restrictions that were felt necessary at the time. The 1974 law liberalizes the purchase of mobile homes, and lots for them, under VA guarantees in more respects than I can enumerate here. We all hope it will work better.

Condominiums were also brought under VA loan guarantees several years ago. But one restriction was that the VA could only guarantee a condominium loan if the FHA had insured at least one unit in the project. The FHA approved very few—for example up to last spring it had not approved a single condominium loan in Georgia, so the VA couldn't approve any in Georgia.

The 1974 law removes this restriction, so that the VA can be its own judge of condominium loans. Since condominiums represent a growing percentage of all new housing, we are in hopes that the 1974 law will greatly enlarge the amount of housing available to veterans under GI loans.

Though Congress raised the ceiling on VA home loan guarantees as prices rose over the years, by 1973 the latest ceiling of $12,500 had become unrealistic.

The 1974 law raises the ceiling again—to $17,500. The old provision that a VA guarantee will not insure more than 60% of a mortgage remains. As $17,500 is 60% of about $29,100, the guarantee would be less on loans smaller than that, though there is no limit on the size of a mortgage if the $17,500 guarantee will satisfy the lender in cases where it is less than 60% of the whole mortgage.

By last July, the average cost of specially constructed homes for those war-disabled veterans who are entitled to aid in buying them (because of the severity and nature of their disabilities) had risen to $53,000. In 1948, the Congress had allowed $10,000 in direct aid toward the cost of such homes. In recent years, it had increased this to $17,500. The 1974 law, recognizing the soaring costs, raised it to $25,000. This is certainly an improvement, though the Legion would have preferred an allowance of at least half the cost instead of a fixed figure.

Within the framework of the existing housing crisis, there is not a great deal more that one could have asked purely with respect to veterans. The new provisions are certainly going to help some veterans and give all of them who are seeking to purchase homes a few more cards to hold in a difficult situation. The provisions will be of immense help to home-seeking veterans if the present housing crisis eases. The government has been taking some steps to pump new life into the lagging mortgage market and the sagging construction industry and it seems to be imperative that it do more. If it does, veterans will most certainly find the Veterans Housing Act of 1974 to be a welcome addition to the steps Congress has taken to recognize their service.

In one sweep it has renewed the entitlement to a GI loan of every war veteran since WW2, liberalized VA mobile home and condominium provisions, raised the guaranteed loan ceilings and added to the direct aid of war disabled vets entitled to special homes.

It has not, of course, increased the available supply of mortgage money, which remains the chief obstacle to every potential home-buyer, veteran or non-veteran, and the chief depressor of the construction industry.

Mr. HARTKE. Finally, Mr. President, it is important for the country to keep in mind the veterans housing program over the years. The Veterans' Administration has guaranteed 8,765,075 loans with a face value of $112 billion to May 31, 1975. As of the same date there were 3,832,626 loans outstanding with a face value in excess of $57 billion. Without the housing program our veterans would not have been able to purchase homes for their families and this Nation would not have fulfilled a vital commitment to its veterans.

It is important for the Nation, and the President, to keep in mind the sacrifices made by its veterans. The $5 billion that will go into the housing mortgage market with enactment of this bill will not cost the Government a significant amount of money, nor will it alleviate the housing problem facing the Nation. But it will provide badly needed mortgage money and provide additional home buying opportunities for veterans living in financially depressed areas.

Mr. President, the housing needs of our veterans must be filled now. Without the extra mortgage money provided in my bill, the construction of new houses and the turnover of existing houses will be frustrated. Veterans will be unable to purchase a home for their family.

I ask unanimous consent to have printed in the Record the "Veterans Housing Expansion Act."

There being no objection the bill was ordered printed as follows:

S. 2159

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Housing Expansion Act".

Sec. 2. (a) Subchapter III of chapter 37 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 1828. Investment of funds of the National Service Life Insurance Fund in first mortgage loans guaranteed under section 1810 of this chapter.

"(a) When issuing a commitment to guarantee a proposed home mortgage loan under section 1810 of this chapter, the Administrator is authorized and is hereby directed to issue, if such is requested by the lender-mortgagee, a nonassignable commitment to purchase the completed loan from such lender-mortgagee. For each such commitment the lender-mortgagee shall pay a nonrefundable fee of not in excess of one-half per centum of the amount of the commitment. Such commitment shall provide for the purchase of the loan from the lender-mortgagee for the price specified in the commitment (which price shall be specified as a percentage of par) if the lender-mortgagee certifies to the Administrator, not earlier than sixty days nor later than twelve months from the date of the Administrator's issuance of the loan guaranty evidence, that—

"(1) it has not been successful in effecting a sale of the loan to a private investor at a price equal to or in excess of that specified in the Administrator's commitment;

"(2) it has not charged or collected from and will not charge or collect from the seller or builder of the property, or from any third person or entity, directly or indirectly, any discount (points) in excess of the difference between the face amount of the loan and the price specified in the Administrator's purchase commitment plus the origination fee charged by the lender-mortgagee and the commitment fee specified in this subsection (a); and

"(3) the loan is not in default.

The purchase price specified in any purchase commitment issued under this subsection shall not be less than the average price for which one hundred and eighty-day purchase commitments were auctioned by the Federal National Mortgage Association at the last Association auction preceding the issuance of the Administrator's purchase commitment, but in no instance shall the

Administrator agree to pay more than par (unpaid principal balance plus accrued interest) nor less than 96 per centum of par for any loan purchased under this subsection. Insofar as practicable the Administrator shall utilize the purchase authorization in this subsection in those localities where the discount levels are determined by him to be substantially in excess of the discounts entailed in the Federal National Mortgage Association average auction prices for its one hundred and eighty-day purchase commitments.

"(b) There is hereby established in the Treasury of the United States a revolving fund to be known as the National Service Life Insurance Investment Fund (hereinafter called the Investment Fund). The Investment Fund shall be available to the Administrator for all operations under this section, including the payment of expenses and losses, except administrative expenses. From time to time, the Administrator shall notify the Secretary of the Treasury as to the amount of funds necessary to purchase loans as the consequence of commitments issued or to be issued, pursuant to subsection (a) of this section, and the Secretary shall, as authorized by section 720(c) of this title, transfer such funds from the National Service Life Insurance Fund (hereinafter called the Insurance Fund) to the Investment Fund, except that the aggregate of transfers pursuant to this subsection shall not, in the period between the enactment of this section and June 30, 1980, exceed $5,000,000,000.

"(c) The Administrator shall utilize the funds transferred to the Investment Fund as provided in subsection (b) of this section to purchase loans pursuant to commitments issued as provided by subsection (a) of this section. The Insurance Fund shall be paid interest on all funds transferred to the Investment Fund at the same rate as the average interest rate on loans purchased by the Administrator less 1 per centum but in no event less than the average return on the other invested portion of the National Service Life Insurance Fund. All moneys received by the Administrator from the repayment of all loans purchased by the Investment Fund shall be deposited in the Investment Fund and shall also be available, until June 30, 1980, for the purchase of loans pursuant to commitments issued as provided in subsection (a) of this section, except that if at any time the balance in the Investment Fund is in excess of anticipated needs for the purchase of loans, the Administrator shall so notify the Secretary of the Treasury, who shall then transfer such excess to the Insurance Fund. All collections of interest on loans purchased and all nonrefundable commitment fees received pursuant to the authority in subsection (a) of this section shall be deposited in the Investment Fund by the Administrator, who shall, after determining the amount to be retained in the Investment Fund as a reserve for expenses and losses, periodically notify the Secretary of the Treasury as to the amount of such interest collections available for transfer to the Insurance Fund and the Secretary thereupon shall effect such transfers. Such transfers shall constitute the payment of interest to the Insurance Fund. The Administrator is authorized to invest on an interim basis unexpended balances of the Investment Fund, including the reserve for expenses and losses, in obligations of the United States Government or agencies thereof. After June 30, 1980, all moneys received in the repayment of loans purchased pursuant to subsection (a) of this section and all interest collections on such loans, except for such sums which the Administrator determines to be necessary for retention in the Investment Fund as a reserve for losses, shall be deposited in the Insurance Fund. Such deposits shall be continued until the funds transferred to the Investment Fund from the Insurance Fund are repaid in full with interest.

"(d) In the event of a deficiency in the Investment Fund reserves for expenses and losses, the Administrator is hereby authorized and directed to guarantee the Investment Fund against loss of interest or principal and shall discharge such guarantee by transferring to the Investment Fund from available funds of the Veterans' Administration Loan Guaranty Revolving Fund or the direct loan revolving fund established by section 513 of the Servicemen's Readjustment Act of 1944 and continued in effect by section 1823 of this title (hereinafter referred to as the 'Direct Loan Revolving Fund') such sum or sums as may be necessary to defray such deficiency. For the purposes of this subsection the Administrator shall accord priority to the utilization of available funds of the Direct Loan Revolving Fund to the elimination of such deficiency notwithstanding the obligations of that fund in respect to advances theretofore made by the Secretary of the Treasury pursuant to section 1823 of this chapter. Any deficiencies in the Investment Fund defrayed by the Veterans' Administration Loan Guaranty Fund or the Direct Loan Revolving Fund shall be paid to such funds by the Investment Fund as soon as such payment becomes feasible.

"(e) The Administrator may sell, and shall offer for sale, any loan purchased under the authority of this section at a price determined by the Administrator, but not less than the price paid by the Administrator to purchase the loan (that is, the percentage of the unpaid balance of the loan, plus accrued interest). The Administrator may guarantee any such loan thus sold, and guarantee any such loan subject to the same conditions, terms, and limitations as would be applicable were the loans guaranteed under section 1810 of this chapter. The proceeds of any such sales shall be deposited in the Investment Fund.

"(f) Notwithstanding any of the foregoing provisions of this section, the Administrator, when authorized, may set aside first mortgage loan assets of the Investment Fund as the basis for the sale of participation certificates pursuant to and in accordance with the provisions of the Participation Sales Act of 1966 (Public Law 89-429), and until June 30, 1980, the proceeds of any sale of such participation certificates shall be deposited in the Investment Fund and be available for the purposes of that fund. After June 30, 1980, the proceeds of any sales of such participation certificates shall be deposited in the Insurance Fund.

"(g) In the administration and management of the Investment Fund the Administrator shall, to the extent feasible, invest the funds thereof in loans which will represent a broad spectrum of the veteran home buying population in respect to age, income, and location of the properties which will constitute the loan securities. In order to facilitate a more adequate supply of mortgage financing for veterans in the lower and middle income brackets the Administrator shall purchase only loans not in excess of $40,000 which are secured by single-family dwellings only. The Administrator is authorized to adopt such standards, policies, and procedures and to promulgate such regulations as he considers necessary or appropriate for carrying out his functions and responsibilities under this section. In carrying out such functions and responsibilities, the Administrator may contract with private entities for the servicing of any loans purchased by him for the Investment Fund provided that the servicing fee payable pursuant to any such contract shall not exceed the Administrator's estimate of the cost of the direct servicing of such loans by agency employees.".

(b) The analysis of chapter 37 of title 38, United States Code, is amended by adding at the end thereof the following:

"1828. Investment of funds of the National Service Life Insurance Fund in first mortgage loans guaranteed under section 1810 of this chapter.".

SEC. 3. Section 720 of title 38, United States Code, is amended by adding at the end thereof the following new subsection (c):

"(c) The Secretary of the Treasury is authorized and directed to transfer from time to time from such fund to the Investment Fund established under section 1828 of this title such amounts as are necessary to purchase loans as a consequence of commitments issued or to be issued by the Administrator pursuant to subsection (a) of section 1828 of this title, and shall transfer from the Investment Fund to the National Service Life Insurance Fund, upon notification by the Administrator, such amounts as the Administrator determines are available for such transfer pursuant to the provision of section 1828. A transfer of funds from the National Service Life Insurance Fund under this section to the Investment Fund of this title, shall be guaranteed as to principal and interest (computed under section 1828(c)) by the Treasury of the United States.".

SEC. 4. The provisions of this Act will become effective on the first day of the second calendar month following enactment.

By Mr. HELMS:

S. 2160. A bill to utilize legal limitations on scholastic and heuristic investigations and theories. Referred to the Committee on Labor and Public Welfare.

Mr. HELMS. Mr. President, today I am introducing a bill to establish legislative guidelines for the National Science Foundation with regard to its funding of elementary and secondary educational textbooks and materials. Since 1963 the National Science Foundation, in collaboration with a private organization in Cambridge, Mass., known as the Educational Development Center, has been developing a social studies course for fifth grade schoolchildren called MACOS. The term MACOS stands for "Man: A Course of Study." This 1-year course of study was designed by Harvard experimental psychologists under National Science Foundation grants totaling more than $7 million. At present, MACOS is being used in approximately 1,700 schools throughout the country.

In my view, Mr. President, the Federal Government should not be commissioning the writing and promotion of textbooks. Aside from the fact that the MACOS program competes with the commercial publishers through Federal subsidies, in clear violation of the most basic principles of our free enterprise system, it also establishes a dangerous precedent that points in the direction of total Federal control of our public schools.

The American taxpayer is already paying for research and study projects through National Science Foundation grants costing millions of dollars every year. Much of this research can properly be described as wasteful and unnecessary, if not weird and exotic. The Germans have an apt phrase for the pursuit of worthless information—Die Wissenschaft des nicht Wissenwerten—the science of what is not worth knowing. One wonders if this is not the motto of some of the NSF bureaucrats who sanction these programs.

Mr. Donald Lambro, a Washington reporter for United Press International, has reported in his book on "The Federal

Rathole," that during the fiscal year of 1973, the National Science Foundation spent $35.6 million, and an additional $49.5 million in fiscal year 1975, on such projects as: $135,000 to build a compound facility for use in research on language behavior of the chimpanzee, to learn whether this animal can be taught to talk; $21,000 on an investigation of mating calls and partoid gland secretions of the Central American toad; and $43,000 on a study of public ritual and power, to explore the nature and legitimacy in a colonial society, with emphasis on the growth and development of political theory and its relationship to massive public ceremonies developed by the British in India during the 19th century.

According to Mr. Lambro, there are many such programs being funded by the National Science Foundation that are, at best, of the very lowest priority. The fact there are any at all indicates that Congress has failed to exercise its oversight responsibilities in keeping Federal agencies in line and protecting the rights of the American people who are footing the bills. It is our duty to hold all Federal agencies accountable and to prevent the waste and misuse of public funds. Insofar as the National Science Foundation is concerned, we are now reaping the harvest of the seeds of neglect.

But Mr. Lambro's account of strange and occult studies funded by the National Science Foundation pale in significance when compared to its MACOS program. It is one thing to underwrite the follies of the American educationist establishment; but it is another kettle of fish to give Federal encouragement and support to programs that are aimed toward control of the content and bias of the school curriculum. The MACOS program falls into the latter category, if not both.

MACOS was developed in Massachusetts between 1963 and 1969 as a 1-year course for 10-year-old children. The first half of the course is devoted to the study of the social behavior of animals, with sections on the life cycles of salmon, herring gulls, and baboons. The second half is devoted to the life of the primitive Netsilik Eskimo. In addition to booklets and related reading materials, the MACOS course includes films, film strips, slides, records, and games for role-playing.

Without elaborating upon details regarding the purpose, scope, and content of the MACOS program, suffice it to say that the central theme of this course is to improve understanding of the nature of man by comparing the behavior of fish, birds, baboons, and Netsilik Eskimos with that of one's family, classmates, and friends and neighbors.

The inherent bias of this course of study is obvious to anyone who is familiar with that nebulous term of social science. Harvard psychologist Jerome Bruner, one of the architects of MACOS, has built the program on the assumption that social studies call for instruction in the so-called science of behavior rather than history, civics, and geography. In this respect, MACOS reflects the current fad among certain social scientists to establish a "value free," truly "scientific" approach to learning. Such a postivistic or behavioralistic approach to learning is, of course, just as controversial today as it was a century ago when Auguste Comte attempted to establish a true science of society, which he dubbed sociology. Insisting that the only true form of knowledge is that which is based on empirical data and the scientific method, the positivists insisted that we have no knowledge of such matters as ethics or morals or religion or any other such value of Western society because its truth or falsity cannot be scientifically demonstrated.

The MACOS program is built around this one-sided approach to learning. In its evaluation of MACOS, the Council for Basic Education of Washington, D.C., points out, for example, that there is a great deal of doubt as to whether fundamental questions about the nature of man and his society can best be answered by observing animals; or whether cultural relativism and environmental determination are the only valid or the only scientific approaches to a proper understanding of man; or whether 10-year-old children are sufficiently mature to deal with the course material.

Certainly the most objectionable aspect of the MACOS program in the eyes of the general public, however, is that pertaining to the Netsilik Eskimos. MACOS films, for example, show in gory detail a variety of brutal Eskimo practices that are presented to the children as part of the educational program. One film shows an Eskimo father butchering a caribou in vivid color, then cutting the animal's eye out and feeding it to his young child, who eats it as a delicacy. Other films show the children eating the organs of slaughtered animals and drinking warm blood. One wonders whether it is not better, considering the violent times in which we live, to show the beauty and wonders of life rather than its brutal aspects.

In the MACOS booklet, we encounter lurid descriptions of Eskimo tribal practices of cannibalism, incest, infanticide, murder, robbery, and wife-swapping, unaccompanied by any student guide even remotely suggesting that these practices may be wrong. Further, the teacher's guide is programed in such a way as to discourage discussion of value judgments.

At this point, Mr. President, I ask unanimous consent that the following stories from the MACOS material be inserted in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

CANNIBALISM

The wife knew that the spirits had said her husband should eat her, but she was so exhausted that it made no impression on her. She did not care. It was only when he began to feel her, when it occurred to him to stick his fingers in her side to feel if there was flesh on her, that she suddenly felt a terrible fear; so she, who had never been afraid of dying, now tried to escape. With her feeble strength she ran for her life, and then it was as if Tuneq saw her only as a quarry that was about to escape him; he ran after her and stabbed her to death. After that, he lived on her, and collected her bones in a heap over the side of the platform for the purpose of fulfilling the taboo rule required of all who die.

MURDER

As time went on, the old woman grew angry, for she too wanted a husband. She envied her daughter more and more, until one day when Kiviok was out hunting caribou, she killed her. She pulled the young smooth skin from her daughter's face and hand, and with it she covered her wrinkled old face and her bony hands. When Kiviok returned, the mother went to greet him as her daughter always did.

INFANTICIDE

I talked to several Netsilik women in one camp about the children they had. One had borne 11 children—four boys and seven girls, of which four girls had been allowed to die at birth.

WIFE-SWAPPING

Husbands have a very free hand in their married life and it is considered to be quite in order for them to have intercourse with any woman whenever there is an opportunity.

SENILICIDE

When we spoke of Eskimo murder, Father Henry told me about a man now at Committee Bay who had come to him one day, and, after the usual tea and silence, had said to him suddenly: "I took the old woman out on the ice today." It was his own mother that he had driven out and set down at sea to freeze to death.

He was fond of her, he explained. He had always been kind to her. But she was too old, she was no longer good for anything; so blind she couldn't even find the porch to crawl into the igloo. So, on a day of a blizzard, the whole family agreeing, he had taken her out, and they had struck camp and gone off, leaving her out to die.

Mr. HELMS. Mr. President, such is the nature of the reading material in the MACOS course of study for pre-adolescent children in our schools.

When the Educational Development Center in Massachusetts completed the MACOS program in 1969, at a cost of $6.5 million to the American taxpayers, the National Science Foundation then turned to American commercial publishers in the hope of marketing the MACOS course of study. But 58 publishers rejected the offer to publish the materials. Thus left with a controversial program that could not be marketed, the National Science Foundation thereupon entered into an unusual arrangement with a fledgling firm in Washington, D.C., known as Curriculum Development Associates—CDA.

On April 9, 1975, Representative John Conlan of Arizona brought this matter to the attention of the House of Representatives, and gave the following account of the MACOS meeting arrangement that was struck off between NSF, EDC, and CDA:

> But this adverse judgment by experienced professional publishers did not deter NSF and EDC. They seeded Curriculum Development Associates, a small commercial publishing firm in Washington, so that a profit could be made. And NSF gave CDA a special 80-percent cut in the normal royalty required when federally developed school materials are sold commercially so MACOS would sell and undercut competition from other curriculum materials available in the private sector.
>
> In ordinary textbook trade channels, 15 percent royalties are paid to authors or developers of published materials. Since NSF gave most of the money for development of MACOS, one would expect the Foundation to demand the ordinary return on its efforts,

should there be a marketing of the results of such efforts.

In the particular case of MACOS, however, NSF permitted only a 3-percent royalty return to the Government—one-fifth the customary amount—and has in turn received from EDC at last report less than 10 percent of that greatly discounted royalty.

Of the enormous sales revenues generated by NSF for CDA, a mere $5,339 in royalties has been returned to NSF. At the same time, NSF and EDC have spent more than $2 million in direct marketing and promotion of MACOS for its commercial publisher.

This means that NSF has given millions to a small group of closely related individuals in order to enable them to turn a profit by undercutting competition and virtually forcing an undesirable curriculum on parents and educators across the country. The intentions of NSF—to insure a profit on an NSF project to a particular group of friends and to brutally kill off any possible commercial, educational, or parental competition—are amply demonstrated by the extraordinary royalty arrangements made with EDC and CDA for the sale of MACOS materials.

But this is not the end of it, Mr. President. Now the National Science Foundation and the Education Development Center in Massachusetts have embarked upon another bold new plan, to establish an even larger network of these social studies programs. In anticipation of more Federal funds, with more students being brought into this far-flung system, the National Science Foundation has prepared for promotion and marketing a followup program to MACOS called "Exploring Human Nature" for high school students.

A lengthy Educational Development Center grant proposal, approved and funded by the National Science Foundation on January 15, documents the situation we now face.

On January 15, 1975, the National Science Foundation approved and funded a lengthy Educational Development Center grant proposal, which calls for a series of national and regional conferences and workshops for the purpose of establishing social studies courses for use in our schools from kindergarten through the 12th grade. The EDC prospectus, approved by the National Science Foundation as grant No. PES75–01635, presents a timetable for the implementation of the new program, "Exploring Human Nature," in "key target regions and localities throughout the United States," including the State of North Carolina.

At this point, Mr. President, I ask unanimous consent that the NSF approved prospectus entitled "Goals of the Educational Development Center," as presented by Representative Colan to the House of Representatives, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

GOALS OF THE EDUCATIONAL DEVELOPMENT CENTER

The marketing strategy announced in the NSF approved EDC grant proposal included establishing key target regions and localities throughout the U.S. as a first step towards implementing "Exploring Human Nature" in every U.S. high school. They include:

Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington, District of Columbia.

NSF funding for "Exploring Human Nature" undet is 1975 grant provides for a series of promotion conferences to train local school administrators and teachers in the EDC social studies philosophy over the next 18 months. Conferences are scheduled as follows:

June 22–28, 1975—Promotion conference for 40 school administrators and additional teacher leaders from Eastern coastal states.

September, 1975–June, 1976—Two separate promotion conferences for school administrators and teacher leaders to promote additional EDC social science curricula.

July 27–August 9, 1975—EDC will establish an NSF–funded national implementation network of educators to promote the marketing of "Exploring Human Nature." Eight teams of university personnel, administrators, and teacher leaders will be trained for key roles in implementing the program. The teams will:

Conduct dissemination workshops in their local areas to promote EDC social science curriculum programs. Provide the nucleus of a growing national eduactor network to promote and market 'Exploring Human Nature," "Man: A Course of Study," and other delated Harvard/EDC social science programs.

GOALS—1975–76

The announced goals approved by NSF for the promotion and marketing of "Exploring Human Nature," "Man: A Course of Study," and other EDC curricula in Educational Development Center NSF grant number PES75–10635 included:

Implementing "Exploring Human Nature", MACOS, and related EDC curricula with NSF funding in a minimum of 1,900 additional classrooms, in 500 school districts, in 50 states.

Maximizing the impact of EDC goals for education and social change by obtaining the broadest possible dissemination of EDC established and trained at NSF–funded promotion conferences and teacher workshops.

To achieve these goals:

Existing EDC local educator network teams must have sponsored Spring 1975 promotion workshops involving a minimum of 20 teacher-administrator teams, from at least 10 school districts in one-day programs describing and soliciting their involvement in "Exploring Human Nature," "Man: A Course of Study," and other EDC curricula.

From these promotion workshops, three-member teams consisting of one college and two school district teachers, were to be selected for the July 22–August 17, 1975, EDC conference in Cambridge, Massachusetts to become additional teams in the EDC network.

All participants of the NSF–funded EDC promotion/network conferences scheduled for 1975–1976 have a commitment to arrange and staff two full-day staff development workshops in their local areas for a minimum of 20 teachers and other school district personnel to promote at least two of the EDC social science courses included in the conference programs.

Network teams must involve a minimum of three local area classrooms and teachers in each EDC course during the 1975–1976 school year and provide teacher education and technical assistance on a regular basis.

EDC network teams must conduct at least three promotion conferences during the 1975–1976 school year involving at least 120 participants from area schools. These sessions are expected to lead to the introduction of each EDC social science course in a minimum of 20 additional classrooms.

All EDC network teams trained with NSF funds must maintain constant liaison with Education Development Center, Inc. and coordinate regional promotion activities with the national dissemination effort.

In addition, Education Development Center received NSF approval in its grant prospectus to:

Lobby for "Exploring Human Nature," "Man: A Course of Study" and other EDC/NSF social science course among federal, state, and local agencies which provide support services and financial assistance to local school districts and employ personnel who help local school districts introduce new curriculum programs.

Seek arrangements with professional education associations, such as the National Education Association, and participate in a minimum of four national conventions of professional education associations during each year of the NSF grant to promote and market EDC social science curricula.

FUTURE NSF FUNDING

NSF commitments of more than $1,275,000 for a third-year promotion and marketing phase for "Exploring Human Nature" were outlined in the NSF-approved EDC grant prospectus number PES 75–01635. These include:

$150,000 to train 10 additional university/school district teams to promote the course for high school adoption and hold educator workshops in local areas.

Between $1,050,000–$1,200,000 for separate NSF-funding of approximately 30 regional school district and/or teacher projects to promote and disseminate "Exploring Human Nature" and other related EDC social science curriculum programs.

Mr. HELMS. Mr. President, it is abundantly clear that the MACOS program, and its equal, "Exploring Human Nature," constitute a clear and present danger to well-established principles of American freedom. In my view, the publication and marketing of classroom teaching materials, by the Federal Government, for use in social studies courses in our public schools is well beyond the legitimate exercise of Federal power. Indeed, our continued tolerance toward this sort of direct interference in American education is tantamount to an acceptance, at least in principle, of Government-controlled education. What is today regarded as perhaps a trickle over the wall of separation between education and the Federal Government may tomorrow become a raging torrent. Certainly, the precedents are already there.

These are not idle fears, Mr. President, when we stop to consider the alarming extent to which the Federal Government has already invaded the State domain of education through court decrees, bureaucratic edicts, and legislation affecting, and at times determining, school hiring and personnel policies, research programs, textbook and curriculum development, the makeup of the student body, not to mention such matters as the wearing of armbands or athletic programs. Enough is enough. Direct Federal control of the actual content of study materials would mark the end of free education in America and ultimately the death of freedom as we know it today.

As my colleagues are aware, the House Appropriations Committee has wisely heeded the advice of Representative Conlan, and has already taken action to deny funds to the National Science Foundation for the promotion and marketing of curriculum materials in the elementary and secondary schools. In its decision to eliminate all funds for the implementation of courses such as MACOS in 1976, the committee reports that—

> It is greatly concerned about the extent to which the National Science Foundation has supported the promotion and marketing of course curriculum for elementary and secondary schools.

And has adopted the position that—

> The provision of Federal funding for unique education marketing activities tends to give particular courses unfair advantage in the marketplace and therefore it is of extreme importance that federal intervention in the development of curriculum, and especially in its implementation be fully justified on a course-by-course basis to the Congress and to a broad base of public, educator, and professional organizations and parent groups nationwide.

Accordingly the House Appropriations Committee has decided that the National Science Foundation may not use any Federal funds for the purpose of promoting preferred curriculum materials, training teachers in the use of these materials, or engaging in any other activities that are calculated to encourage local school districts to adopt Government-sponsored programs in preference to those that are commercially available.

Mr. President, the burden of responsibility to put a stop to the Federal funding and promotion of these social studies programs now lies with the Senate. With this in mind, I am now introducing a bill to prohibit the National Science Foundation from continuing its promotional and marketing activity of these curriculum programs and materials until the Members of Congress have had an opportunity to assess the far-ranging effects of these programs on the American educational system.

The provisions of this bill are entirely in keeping with the report of the House Appropriations Committee, which has recommended that, if there is to be any further funding of NSF marketing activities in connection with curriculum materials, that the Foundation will have to "inform the Congress and the public of its intentions and the basis on which it has determined the pressing national need for such course material."

The House Appropriations Committee has also taken the position that Congress needs to "fully evaluate the impact of Federal involvement in this field and arrive at effective public policy guidelines for the development and implementation of such materials." My bill seeks to accomplish these objectives by requiring the National Science Foundation to submit a prospectus for each course or curriculum project that the Foundation wishes to fund to the House Committee on Science and Technology and the Senate Committee on Labor and Public Welfare.

This bill also requires that the funding of these curriculum projects be approved in an appropriation act or a resolution of both Houses approving such funding. Further, this legislation establishes ground rules by requiring the National Science Foundation to provide Congress with a prospectus on grant applications, course descriptions of programs to be implemented, and evaluations concerning implementation proposals.

As set forth in the prospectus, all grant applications in the future must be shown to contain adequate information regarding the names and institutional affiliations of applicants, a justification statement for the implementation of the grant, and an estimate of the duration of the project. The prospectus must also contain a statement giving a complete description, educational objectives, and historical overview of the course or curriculum to be implemented, and copies of all evaluations and recommendations concerning the implementation proposal. Finally, this legislation requires that the prospectus include the National Science Foundation budget and fiscal report, and information on the total cost to implement the course or curriculum on a per pupil basis, sources of other funding, and a projection of future Federal funding for the course or curriculum.

Mr. President, the abuses of power that have come to light regarding the National Science Foundation underscore the failure of Congress to exercise in a careful manner its constitutional oversight responsibilities; and their existence confirms the critics of Congress, who have rightly insisted that we have been delegating too much authority to executive agencies in the establishment of Federal programs. The legislation that I am now introducing attempts to reverse this process in a small but important area of national concern.

Mr. President, I urge my colleagues to support this legislation, and I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, notwithstanding any other provision of law, no funds authorized to be appropriated to the National Science Foundation shall be available to implement or market courses or curriculum programs or materials unless the Committee on Science and Technology of the House of Representatives and the Committee on Labor and Public Welfare of the Senate have first been provided a complete prospectus for each course or curriculum project proposed for such funding by the Foundation, and—

(A) The funding to implement or market such course or curriculum programs or materials has been specifically approved in an Appropriations Act; or

(B) Both Houses of Congress have adopted a resolution approving such funding for implementation or marketing.

(2) For purposes of this Act, a prospectus shall include—

(A) The grant application with the names and institutional affiliation of applicants, justification for the implementation grant, and duration of the project;

(B) A complete description, educational objectives, and historical overview of the course or curriculum to be implemented;

(C) Copies of all evaluations and recommendations concerning the implementation proposal; and

(D) The National Science Foundation budget and fiscal report, the total per-pupil cost to implement the course or curriculum, sources of other funding, and a projection of future Federal funding for the course or curriculum.

By Mr. MAGNUSON (for himself and Mr. PEARSON) (by request):

S. 2162. A bill to provide a comprehensive system of liability and compensation for oil spill damage and removal costs, to implement the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an purposes. Referred to the Committees on Oil Pollution Damage, and for other purposes. Referred to the Committee on Commerce, Interior and Insular Affairs, and Public Works, jointly, by unanimous consent.

Mr. MAGNUSON. Mr. President, I introduce, by request, a bill to provide a comprehensive system of liability and compensation for oil spill damage, to implement the International Convention on Civil Liability for Oil Spill Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Spill Damage, and for other purposes. I ask unanimous consent that the letter of transmittal and the text of the bill be printed in the RECORD.

There being no objection, the letter and bill were ordered to be printed in the RECORD, as follows:

S. 2162

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Oil Pollution Liability and Compensation Act of 1975."

TITLE I—DOMESTIC OIL POLLUTION LIABILITY, COMPENSATION, AND FUND

SEC. 101. DEFINITIONS.—For the purposes of this title, the term—

(a) "Secretary" means the Secretary of Transportation;

(b) "Fund" means the fund established by section 102 of this title;

(c) "person" means an individual, firm, corporation, association, or partnership;

(d) "incident" means any occurrence or series of occurrences, involving one or more vessels, ships, public vessels, onshore facilities, offshore facilities, or any combination thereof, which causes or poses an imminent threat of oil pollution;

(e) "vessel" means a watercraft or other artificial contrivance used or capable of being used as a means of transportation on water other than a ship or public vessel;

(f) "public vessel" means a watercraft or other artificial contrivance used or capable of being used as a means of transportation on water which is owned and operated or bareboat-chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign government, when it is used in governmental non-commercial service;

(g) "ship" has the same meaning as in title II of this Act;

(h) "onshore facility" means a structure or group of structures (including, but not limited to, any motor vehicle or rolling stock) of any kind located in, on, or under any land within the United States other than submerged lands;

(i) "offshore facility" means a fixed or floating structure or group of such structures of any kind located in, on, or under any navigable waters or high seas if the structure or structures are subject to the jurisdiction of the United States;

(j) "terminal" means a permanently situated onshore facility, not owned by any agency of the federal government, which receives oil in bulk directly from any vessel, ship, offshore production facility, offshore port facility, onshore pipeline, or a pipeline constructed under the provisions of the Trans-Alaska Pipeline Authorization Act;

(k) "refinery" means a terminal which receives crude oil for the purpose of refinement;

(l) "oil pollution" means the presence of oil, either in an unlawful quantity or having been discharged at an unlawful rate, (1) in or on the navigable waters, on the shoreline adjacent thereto, or in or on the high seas seaward of the navigable waters; or (2) where damages are recoverable by a foreign claimant under this title, in or on the territorial sea, internal waters, or adjacent shoreline of his country;

(m) "navigable waters" has the same meaning as in the Federal Water Pollution Control Act;

(n) "United States claimant" means any resident of the United States, the government of the United States or agency thereof, or the government of a State or political subdivision thereof;

(o) "foreign claimant" means any resident of a foreign country, or the government of a foreign country, or any agency or political subdivision thereof;

(p) "state" includes the various States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(q) "oil" means petroleum, including crude oil or any fraction or residue therefrom;

(r) "appropriate official in charge" means the official of the United States responsible for coordinating response efforts respecting an incident;

(s) "clean-up costs" means costs of reasonable measures taken by any United States or foreign claimant after an incident has occurred to prevent, minimize, or mitigate pollution damage stemming from that incident;

(t) "person in charge" means the individual immediately responsible for the operations of a vessel or ship, if the vessel or ship is subject to the jurisdiction of the United States, or an onshore or offshore facility;

(u) "claim" means a demand in writing for a sum certain for damages recoverable under this title.

SEC. 102. FUND ESTABLISHMENT, ADMINISTRATION, AND FINANCING

(a) There is hereby established in the Treasury of the United States a fund, not to exceed $200,000,000 to carry out the purposes of this title. The Fund shall be administered by the Secretary and the Secretary of the Treasury as specified in this title. The Secretary and the Secretary of the Treasury are each authorized individually to issue rules and regulations as necessary to carry out their respective responsibilities under this title. The costs incurred in administering the provisions of this title shall be borne by the Fund.

(b) The Fund shall be financed in the manner prescribed in this subsection.

(1) All monies received as payment for civil or criminal penalties or fines assessed or adjudged under this Act, section 7 of the Oil Pollution Act of 1961, paragraphs (5) and (6) of subsection (b) of section 311 of the Federal Water Pollution Control Act respecting discharges of oil, section 12 of the Intervention on the High Seas Act, and sections 15 and 18 of the Deepwater Port Act of 1974 shall be deposited in the Fund.

(2) All monies recovered under section 111 of this title and recovered or collected under this section by the Fund shall be deposited in the Fund.

(3) The Secretary of the Treasury, in accordance with regulations promulgated by the Secretary of the Treasury upon the recommendation of the Secretary, shall collect from the owners of refineries receiving crude oil and the owners of terminals receiving any oil for export or entry into the United States, whether for import or transport to a foreign country, a fee, not to exceed three cents per barrel of oil received. The Secretary of the Treasury shall waive, at the request of the Secretary, the collection of a fee from owners of refineries with respect to oil received from pipelines which the Secretary determines do not pose a significant environmental threat to the navigable waters. Any oil upon which a fee has been levied under this paragraph shall not be subject to a subsequent levy under this paragraph.

(4) Any person required by regulation to collect or to pay fees under this subsection who fails to collect or pay those fees shall be liable for the amount of the fees required to be collected or paid, interest on these fees, and for a civil penalty not to exceed $10,000. The Attorney General may, at the request of the Secretary of the Treasury, bring an action in the name of the Fund against that person for the amount for which he is liable under this paragraph. Any person who falsifies records or documents required to be maintained under any regulation promulgated under this subsection shall be subject to prosecution under section 1001 of title 18 United States Code.

(5) The Secretary of the Treasury may from time to time modify the regulation the amount of fees to be collected under paragraph (3) of this subsection as necessary to maintain the Fund at a level not to exceed $200,000,000. Fee modifications made pursuant to this paragraph shall become effective no earlier than the ninetieth day following the date the modifying regulation is published in the Federal Register.

(c) For the purpose of titles II and III of this Act:

(1) The Secretary is designated as the person who suffered pollution damage, with respect to actions taken under subsections (c) and (d) of section 311 of the Federal Water Pollution Control Act, subsection (b) of section 18 of the Deepwater Port Act of 1974, and section 5 of the Intervention on the High Seas Act. The Secretary may recover the costs of these actions and compensation paid to a claimant as applicable in accordance with the provisions of titles II, III, and IV of this Act; and

(2) the Secretary may, with the concurrence of the Secretary of State and the Attorney General, retain legal counsel and do all other necessary acts to institute and maintain legal actions or other proceedings in foreign states.

(d) (1) The Secretary of the Treasury may invest those portions of the Fund which the Secretary determines are not currently required to meet the obligations of the Fund. The investments may be made only in interest-bearing special obligations of the United States.

(2) Special obligations issued to the Fund may be redeemed at any time in accordance with the terms of the special issue and regulations promulgated by the Secretary of the Treasury.

(3) The interest on, and the proceeds from the sale of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(e) If at any time the moneys available in the Fund are insufficient to meet the obligations of the Fund the Secretary shall issue to the Secretary of the Treasury notes or other obligations in the forms and denominations, bearing the interest rates and maturities, and subject to the terms and conditions as may be prescribed by the Secretary of the Treasury. Redemption of these notes or obligations shall be made by the Secretary from moneys in the Fund. These notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act. The purposes for which securities may be issued under that Act are extended to include any purchase of these notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of these notes or other obligations shall be treated as public debt transactions of the United States.

SEC. 103. DAMAGES.—Damages which may be recovered under this Act are as follows:

(a) removal costs;

(b) value of injury to real or personal property directly resulting from oil contamination;

(c) value of injury to natural resources directly resulting from oil contamination;

(d) loss of profits or impairment of earning capacity due to injury to real or personal property or natural resources directly resulting from oil contamination;

(e) value of loss of use of real or personal property or natural resources directly resulting from oil contamination; and

(f) loss of tax revenue for a period of one year due to injury to real or personal property directly resulting from oil contamination.

SEC. 104. CLAIMANTS.

(a) Damages may be recovered by:

(1) any agency of the United States Government or of any State for damages under clause (a) of section 103 of this title;

(2) the President, as trustee, for damages under clause (c) of section 103 of this title respecting natural resources over which the United States has sovereign rights to explore or exploit;

(3) any State, as trustee, for damages under clause (c) of section 103 of this title respecting natural resources belonging to or appertaining to the State, including those resources appertaining to the State under the Submerged Lands Act;

(4) any United States claimant other than the owner or operator of a vessel, ship, onshore facility or offshore facility involved in an incident for damages under clause (a) of section 103 of this title;

(5) any United States claimant for damages under clauses (b), (d), and (e) of section 103 of this title, respecting littoral or riparian real or personal property owned or leased by the claimant or natural resource utilized by the claimant, to the extent the claimant is not otherwise compensated for the damage respecting the real or personal property or natural resource;

(6) any United States claimant for damages under clause (d) of section 103 of this title, respecting littoral or riparian real or personal property or natural resource, where the claimant does not own or lease the property or directly utilize the natural resource and the Secretary has determined that a major incident has occurred, if the claimant derives at least 50 per centum of his earnings from activities which utilize the property or natural resource and is not otherwise compensated for the damages;

(7) any State or political subdivision thereof for damages under clause (f) of section 103 of this title, respecting littoral or riparian real or personal property, where the Secretary has determined that a major incident has occurred;

(8) any foreign claimant for damages under section 103 of this title to the same extent

that a United States claimant may present a claim under this section if (A) the damages stemmed from the presence of oil in or on the territorial sea or internal waters of the country of which the claimant is a resident or on the shoreline adjacent thereto, and (B) the claimant is not otherwise compensated for the damages, and (C) the oil was discharged from an onshore or offshore facility or a vessel or ship located within the navigable waters, and (D) recovery is authorized by an executive agreement between the country of residence of the foreign claimant, or where the Secretary of State, in consultation with the Attorney-General and other appropriate officials, certifies that the country of which the claimant is a resident provides an adequate and similar remedy for United States claimants; *provided*, however, that subclauses (C) and (D) of this clause shall not apply where damages relate to oil that has been transported through the pipeline authorized under the Trans-Alaska Pipeline Authorization Act and loaded on a vessel or ship at the terminal facility of that pipeline prior to the time that oil is first brought ashore in a port under the jurisdiction of the United States; and

(9) The Attorney General on his own motion or at the request of the Secretary, on behalf of any group of United States claimants for damages to which the claimants are otherwise entitled under this subsection, when he determines that the claimants would be more adequately represented as a class in recovery of their claims.

(b) Any owner or operator of a vessel, ship (except where title II is in effect and applicable), onshore facility or offshore facility involved in an incident may recover damages under subsection (a) of this section if entitled to a defense to liability under section 105 of this title and at the time of the incident was in full compliance with all applicable laws of the United States relating to maritime and navigational safety and marine environmental protection.

(c) For the purposes of this section littoral or riparian personal property includes, but is not limited to, vessels and ships.

(d) (1) If the Attorney General fails to take action under clause (9) of subsection (a) of this section within 90 days of the date the Secretary designates a source under paragraph (1) of subsection (b) of section 109 of this title, any member of a group may maintain a class action to recover damages on behalf of that group. Failure of the Attorney General to take that action shall have no bearing on any class action maintained by any claimant under this paragraph.

(2) In any case where the number of members in the class exceeds 1,000, publication of notice of the action in the Federal Register and in local newspapers serving the areas in which potential claimants reside shall fulfill the requirement for public notice established by rule 23(c) (2) of the Federal Rules of Civil Procedure.

SEC. 105. Owner/operator liability.

(a) The owner and operator of a vessel, ship (except where title II of this Act is in effect and applicable), onshore facility, or offshore facility shall be jointly, severally, and strictly liable, in accordance with the provisions of this subsection, for all damages specified in section 103 of this title where the vessel, ship, onshore facility, or offshore facility discharged oil in an incident or, with respect to actions taken under subsection (d) of section 311 of the Federal Water Pollution Control Act and section 5 of the Intervention on the High Seas Act, where the vessel, ship or onshore or offshore facility posed an imminent threat in an incident. No liability shall be imposed under this subsection where the discharge was caused solely by (1) an act of war, hostilities, civil war, or insurrection, (2) an act of God, or (3) a combination thereof. Except as otherwise provided in this title, the total of the liability of a vessel or ship shall not exceed the lesser of $150 per gross ton or $20,000,000, unless the incident was caused by gross negligence or willful misconduct within the privity or knowledge of the owner or operator. Except as otherwise provided in this title, the total of the liability of an onshore facility or offshore facility shall not exceed $50,000,000, or, where a lesser limit has been established under subsection (c) of this section, that lesser limit, unless the incident was caused by gross negligence or willful misconduct of the owner or operator. No liability shall arise under this subsection for damages of a claimant whose gross negligence or willful misconduct contributed to the injury.

(b) Nothing in this Act shall bar a cause of action that an owner or operator subject to liability under subsection (a) of this section has or would have by reason of subrogation or otherwise against any person or governmental entity.

(c) The Secretary may prescribe by regulation limitations of liability, for various classes of onshore facilities and offshore facilities, which are lower than $50,000,000.00. In issuing these regulations, the Secretary shall take into account the size, type, location, oil storage and handling capacity, and other matters relating to the likelihood of incidents of the classes of onshore and offshore facilities.

(d) The Secretary shall, from time to time, report to Congress on the desirability of adjusting the monetary limitation of liability specified in subsection (a) of this section.

(e) (1) Except where titles II and III of this Act are in effect and applicable, in addition to the damages specified in section 103 of this title, and without regard to the limitation of liability provided in subsections (a) and (c) of this section, the owner, operator, or other person providing financial responsibility shall be liable to the claimant for interest on the amount paid in satisfaction of the claim for the period from the date upon which the claim was presented to the owner, operator, or other person providing financial responsibility to the date upon which the claimant is paid, inclusive, less the period, if any, from the date upon which the owner, operator, or other person providing financial responsibility shall offer to the claimant an amount equal to or greater than that finally paid in satisfaction of the claim to the date upon which the claimant shall accept that amount, inclusive. However, if the owner, operator, or other person providing financial responsibility shall offer to the claimant, within 90 days of the date upon which the claim was presented to the owner, operator, or other person providing financial responsibility or of the date upon which advertising was commenced pursuant to section 106 of this title, whichever is later, an amount equal to or greater than that finally paid in satisfaction of the claim, the owner, operator, or other person providing financial responsibility shall be liable for the interest provided in this paragraph only from the date that offer was accepted by the claimant to the date upon which payment is made to the claimant, inclusive.

(2) The interest provided in paragraph (1) of this subsection shall be calculated at the average of the highest rate for commercial and finance company paper of maturities of 180 days or less obtaining on each of the days included within the period for which interest must be paid to the claimant, as published in the Federal Reserve Bulletin.

SEC. 106. FUND LIABILITY.

The Fund shall be liable for all damages specified in section 103 of this title. Except for removal costs specified in clause (1) of subsection (a) of section 107 of this title, no liability shall arise under this section where the injury was caused wholly by act of war, hostilities, civil war, or insurrection or where the gross negligence or willful misconduct of the claimant contributed to the injury. No interest shall be recoverable except in accordance with subsection (d) of section 111 of this title.

SEC. 107. REMOVAL COSTS.

(a) For the purposes of clause (a) of section 103 of this title removal costs are:

(1) costs incurred under subsections (c), (d), and (l) of section 311 of the Federal Water Pollution Control Act, section 5 of the Intervention on the High Seas Act, and subsection (b) of section 18 of the Deepwater Port Act of 1974, including, but not limited to, costs incurred but not reimbursed on the effective date of this title; and

(2) clean-up costs, except as provided for by clause (1) of this subsection.

(b) The appropriate official in charge is authorized, in accordance with regulations promulgated by the Secretary, to obligate money available in the Fund for the purpose of the removal costs specified in clause (1) of subsection (a) of this section.

SEC. 108. FINANCIAL RESPONSIBILITY.

(a) (1) Any vessel or ship (except where title II of this Act is in effect and applicable) over three hundred gross tons, including any barge of equivalent size, but not including any barge that is not self-propelled and that does not carry oil as cargo or fuel, using any port or place in the United States or the navigable waters for any purpose shall establish and maintain, under regulations and in the method prescribed by the President, evidence of financial responsibility to the extent of the limit of liability applicable to the vessel or ship under subsection (a) of section 105 of this title. Financial responsibility may be established by any one or combination of the following methods: evidence of insurance, guarantee, surety bond, or qualification as a self-insurer. Any bond filed shall be issued by a bonding company authorized to do business in the United States. In cases where an owner or operator owns, operates, or charters more than one vessel or ship subject to this subsection, evidence of financial responsibility need only be established to meet the maximum liability to which the largest of the vessels or ships could be subjected.

(2) In addition to any action or claim brought under this title, any claim for costs incurred by any vessel or ship subject to this subsection asserted under subsections (f) and (g) of section 311 of the Federal Water Pollution Control Act may be brought or presented directly against an insurer or any other person producing evidence of financial responsibility as required under this subsection. In the case of any action taken pursuant to subsections (f) and (g) of section 311 of the Federal Water Pollution Control Act the insurer or other person shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.

(3) Any owner or operator of a vessel or ship subject to this subsection who fails to comply with this subsection or any regulation or entry denial or detention order of the Secretary issued thereunder shall be subject to a civil penalty of not more than $10,000. At the request of the agency designated by the President to carry out the provisions of paragraph (1) of this subsection, or the Secretary, with respect to entry denials or detention orders issued under paragraph (5) of this subsection, the Attorney General may bring an action in the name of the Fund to collect the penalty assessed by the agency or the Secretary.

(4) The Secretary of the Treasury shall refuse the clearance required by section 4197 of the Revised Statutes of the United States, to any vessel or ship subject to this subsection, which does not have certification furnished by the President that the financial

responsibility provisions of paragraph (1) of this subsection have been complied with.

(5) The Secretary, in accordance with regulations promulgated by him, shall (A) deny entry to any port or place in the United States or navigable waters to and (B) detain at the port or place in the United States from which it is about to depart for any other port or place in the United States any vessel or ship subject to this subsection which, upon request, does not produce certification furnished by the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

(b) (1) The Secretary shall, by regulation, specify those classes of onshore facilities and offshore facilities the owners and operators of which shall be required to establish and maintain financial responsibility to the extent of the limit of liability, applicable under subsections (a) and (c) of section 105 of this title. Finanical responsibility may be established, in accordance with regulations issued by the Secretary, by any one or combination of the following methods: evidence of insurance guarantee, surety bonds, or qualification as a self-insurer. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

(2) Any owner or operator who fails to comply with the regulations issued under paragraph (1) of this subsection is subject to a civil penalty of not more than $10,000. At the request of the Secretary, the Attorney General may bring an action in the name of the Fund to collect the penalty assessed by the Secretary under this paragraph.

SEC. 109. NOTIFICATION AND ADVERTISEMENT.

(a) The person in charge of a vessel, ship, or onshore or offshore facility shall, as soon as he has knowledge that his vessel, ship, or onshore or offshore facility is involved in an incident, shall immediately notify the Secretary of the incident. Any person in charge who fails to make this notification immediately shall, upon conviction, be fined not more than $10,000, imprisoned for not more than one year, or both.

(b) (1) When the Secretary receives information from any person of an incident involving the discharge of oil, the Secretary shall, where possible, designate the source or sources of the discharge. The Secretary shall immediately notify the owner or operator of the designated source, other person providing financial responsibility, or both of the designation. In addition, where title II of this Act is in effect and applicable, the Secretary shall advertise the designation and the procedures by which claims may be presented thereunder.

(2) Any owner or operator of a vessel, ship (except where title II of this Act is in effect and applicable), onshore facility, or offshore facility which is designated as source under paragraph (1) of this subsection or other person providing financial responsibility may, within five days after receiving notification of the designation, deny the designation and inform the Secretary of that denial. If denial is not made in accordance with this paragraph, that owner, operator, or other person shall, in accordance with regulations promulgated by the Secretary, advertise the designation and the procedures by which claims may be presented to that owner, operator, or other person. Nothing in this title shall be construed as barring any other party involved in an incident from accepting liability for and settling all claims stemming from the incident for which the Fund is liable. If advertisement is not otherwise made in accordance with this paragraph, the Secretary shall, at the cost of the owner, operator, or other person providing financial responsibility, advertise the designation and the procedures by which claims may be presented to that owner, operator, or other person.

(c) In a case where—

(1) the owner or operator of the vessel, ship, onshore facility, or offshore facility designated under paragraph (1) of subsection (b) of this section denies the designation in accordance with paragraph (2) of that subsection,

(2) the Secretary is unable to designate the source or sources of the discharge under paragraph (1) of subsection (b) of this section, or

(3) it appears that the source of the discharge was a public vessel—

the Secretary shall advertise the procedures by which claims may be presented to the Fund.

(d) Advertisement under subsections (b) of this section shall commence no later than 15 days from the date of the designation made thereunder to continue for a period of no less than 30 days.

SEC. 110. CLAIMS SETTLEMENT.

(a) No claim may be presented and no action may be commenced for damages recoverable under this title unless that claim is presented to or that action is commenced against the owner, operator, or other person providing financial responsibility, or the Fund, as their respective liabilities shall appear, within one year from the date upon which advertising was commenced pursuant to section 109 of this title; this statute of limitations to run concurrently with respect to both claims and actions. However, a claim for sums for which the Fund is liable by reason of the limitation of liability permitted by subsections (a) and (c) of section 104 of this title or titles II or III of this Act may be presented within 90 days of a final judgment entered in an action commenced within one year from the date upon which advertising was commenced pursuant to section 109 of this title.

(b) Except as provided in subsection (c) of this section, all claims shall be presented to the owner, operator, or other person providing financial responsibility. However, where the Secretary has advertised in accordance with subsection (c) of section 109 of this title claims invited by that advertising shall be presented to the Fund. Claims presented respecting damages specified in subsection (b) of section 104 shall also be presented to the Fund.

(c) In the case of a claim which had been presented to the owner, operator, or other person providing financial responsibility, and in which the owner, operator, or other person providing financial responsibility:

(1) has denied all liability for the claim, for any reason; or

(2) has not settled the claim by payment to the claimant within 90 days of the date upon which (A) the claim was presented, or (B) advertising was commenced pursuant to section 109 of this title, which ever is later;

the claimant may elect to commence an action in court against the owner, operator, or other person providing financial responsibility, or present that claim to the Fund, that election to be irrevocable and exclusive.

(d) In the case of a claim which had been presented to the Fund, and in which the Fund:

(1) has denied all liability for the claim, for any reason; or

(2) has not settled the claim by payment to the claimant within 90 days of the date upon which (A) the claim was presented to the Fund, or (B) advertising was commenced pursuant to subsection (c) of section 109 of this title, whichever is later;

the claimant may submit the dispute to the Secretary for decision in accordance with section 554 of title 5 of the United States Code. However, a claimant who presented a claim to the Fund pursuant to subsection (b) of this section may elect to commence an action in court against the Fund in lieu of submission of the dispute to the Secretary for decision, that election to be irrevocable and exclusive.

(e) (1) In any action brought against an owner, operator, or other person providing financial responsibility both the plaintiff and defendant shall serve a copy of the complaint and all subsequent pleadings therein upon the Fund at the same time those pleadings are served upon the opposing parties.

(2) The Fund may intervene in the action as a matter of right.

(3) In any action to which the Fund is a party, if the owner, operator, or other person providing financial responsibility admits liability under this Act, the Fund upon its motion shall be dismissed therefrom.

(4) If the Fund receives from either the plaintiff or the defendant notice of such an action as provided in this subsection, the Fund shall be bound by any judgment entered therein whether or not the Fund was a party to the action.

(5) If neither the plaintiff nor the defendant give notice of an action to the Fund as provided in this subsection, the limitation or liability otherwise permitted by section 105 of this title is not available to the defendant and the plaintiff shall not recover from the Fund any sums not paid by the defendant.

(f) In any action brought against the Fund the plaintiff may join any owner, operator, or other person providing financial responsibility, and the Fund may implead any person who is or may be liable to the Fund under any provision of this Act.

(g) (1) The Secretary shall establish uniform procedures and standards for the appraisal and settlement of claims against the Fund.

(2) Except as provided in paragraph (3) of this subsection the Secretary shall use the facilities and services of private insurance and claims adjusting organizations in administering this section and may contract to pay compensation for those facilities and services. Any contract made under the provisions of this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes, as amended, upon a showing by the Secretary that advertising is not reasonably practicable, and advance payments may be made. A payment to a claimant for a single claim in excess of $100,000, or two or more claims aggregating in excess of $200,000 shall be first approved by the Secretary.

(3) In extraordinary circumstances, where the services of such private organizations are inadequate, the Secretary may use federal personnel to administer the provisions of this section, to the extent necessitated by the extraordinary circumstances.

(h) Without regard to subsection (b) of section 556 of title 5 of the United States Code, the Secretary is authorized to appoint from time to time for a period not to exceed 180 days one or more panels, each comprised of three individuals, to hear and decide disputes submitted to the Secretary pursuant to subsection (d) of this section. At least one member of each panel shall be qualified in the conduct of adjudicatory proceedings, and shall preside over the activities of the panel. Each member of a panel shall possess competence in the evaluation and assessment of property damage and the economic losses resulting therefrom. Panel members may be appointed from private life or from any Federal Agency except the staff administering the Fund. Each panel member appointed from private life shall receive a per diem compensation and each panel member shall receive necessary traveling and other expenses while engaged in the work of a panel. The provisions of chapter 11 of title 18, United States Code, and of Executive Order 11222 regarding special Government employees, apply to panel members appointed from private life.

(i) (1) Upon receipt of a request for decision from a claimant, properly made, the Secretary shall refer the dispute to (A) an administrative law judge, appointed under section 3105 of title 5 of the United States Code, or (B) to a panel appointed under subsection (h) of this section.

(2) The administrative law judge and each member of a panel to which a dispute is referred for decision shall be a resident of the United States judicial circuit within which the damage complained of occurred, or, if the damage complained of occurred within two or more circuits, of any of the affected circuits, or, if the damage occurred outside any circuit, of the nearest circuit.

(3) Upon receipt of a dispute the administrative law judge or panel shall adjudicate the case and render a decision in accordance with section 554 of title 5, United States Code. In any proceeding subject to this subsection the presiding officer may require by subpena any person to appear and testify or to appear and produce books, papers, documents, or tangible things or both at a hearing or deposition at any designated place. Subpenas shall be issued and enforced in accordance with procedures in subsection (d) of section 555 of title 5, United States Code and rules promulgated by the Secretary. If a person fails or refuses to obey a subpena, the Secretary may invoke the aid of the district court of the United States where the person is found, resides, or transacts business in requiring the attendance and testimony of the person and the production by him of books, papers, documents, or any tangible things.

(4) A hearing conducted under this subsection shall be conducted within the United States judicial district within which the damage complained of occurred, or, if the damage complained of occurred within two or more districts, in any of the affected districts.

(5) The decision of the administrative law judge or panel under this subsection shall be the final order of the Secretary, except that the Secretary, in his discretion and in accordance with rules which he may promulgate, may review the decision upon his own initiative or upon exception of the claimant or the Fund staff.

(6) Final orders of the Secretary made under this subsection shall be reviewable at the instance of the claimant in the district courts of the United States in accordance with section 706 of title 5, United States Code.

SEC. 111 SUBROGATION.

(a) Any person or governmental entity, including the Fund, who shall pay compensation to any claimant pursuant to this title shall be subrogated to all rights, claims and causes of action which that claimant has under this Act.

(b) Upon request of the Secretary the Attorney General may commence an action against any owner, operator, or other person providing financial responsibility, or any other person or governmental entity, liable to any claimant pursuant to section 105 of this title, or to any claimant or the Fund pursuant to any law for the compensation paid by the Fund to any claimant pursuant to this title.

(c) In all claims or actions by the Fund against any owner, operator, or other person providing financial responsibility, the Fund shall recover:

(1) For a claim presented to the Fund (where there has been a denial of source designation or liability) pursuant to subsection (b) and clause (1) of subsection (c) of section 110 of this title, (A) the amount the Fund has paid to the claimant, without reduction, and, except for any action brought under titles II and III of this Act, (B) interest on that amount, at the rate calculated in accordance with paragraph (2) of subsection (e) of section 105 of this title, from the date upon which the claim was presented by the claimant to the defendant to the date upon which the Fund is paid by the defendant, inclusive, less the period, if any, from the date upon which the Fund shall offer to the claimant the amount finally paid by the Fund to the claimant in satisfaction of the claim against the Fund to the date upon which the claimant shall accept that offer, inclusive, and, except for any action brought under titles II and III of this Act, (C) all costs incurred by the Fund by reason of the claim, both of the claimant against the Fund and the Fund against the defendant, including but not limited to, processing costs, investigating costs, court costs, and attorneys fees.

(2) For a claim presented to the Fund pursuant to clause (2) of subsection (c) of section 110 of this title,

(A) In which the amount the Fund has paid to the claimant exceeds the largest amount, if any, the defendant offered to the claimant in satisfaction of the claim of the claimant against the defendant: (i) the amount the Fund has paid to the claimant, subject to dispute by the defendant; and, except for any action brought under titles II and III of this Act, (ii) interest, at the rate calculated in accordance with paragraph (2) of subsection (e) of section 105 of this title, for the period specified in clause (1) of this subsection; and, except for any action brought under titles II and III of this Act, (iii) all costs incurred by the Fund by reason of the claim of the Fund against the defendant, including, but not limited to, processing costs, investigating costs, court costs, and attorneys fees.

(B) In which the amount the Fund has paid to the claimant is less than or equal to the largest amount the defendant offered to the claimant in satisfaction of the claim of the claimant against the defendant: (i) the amount the Fund has paid to the claimant, without reduction, and, except for any action brought under title II and III of this Act, (ii) interest, at the rate calculated in accordance with paragraph (2) of subsection (e) of section 105 of this title, from the date upon which the claim was presented to the defendant by the claimant to the date upon which the defendant offered to the claimant the "largest amount" referred to in this subclause. However, if the defendant tendered the offer of the "largest amount" referred to in this subclause within 90 days of the date upon which the claim of the claimant was either presented to the defendant or advertising was commenced pursuant to section 109 of this title, the defendant shall not be liable for interest for that period, and from the date upon which the claim of the Fund against the defendant was presented to the defendant to the date upon which the Fund is paid, inclusive, less the period, if any, from the date upon which the defendant shall offer to the Fund the amount finally paid to the Fund in satisfaction of the claim of the Fund to the date upon which the Fund shall accept that offer, inclusive.

(d) The Fund shall pay over to the claimant that portion of any interest the Fund shall recover pursuant to clause (1), and subclause (A) of clause (2) of subsection (c) of this section for the period from the date upon which the claim of the claimant was presented to the defendant to the date upon which the claimant was paid by the Fund, inclusive, less the period from the date upon which the Fund offered to the claimant the amount finally paid to the claimant in satisfaction of the claim to the date upon which the claimant shall accept that offer, inclusive.

(e) The Fund is entitled to recover for all interest and cost specified in subsection (c) of this section without regard to any limitation of liability to which the defendant may otherwise be entitled.

SEC. 112 CONFORMITY WITH INTERNATIONAL LAW

(a) The jurisdiction of the United States for purpose of this title shall be exercised to the fullest extent permitted by international law and the Secretary shall consult with the Secretary of State to assure that no actions are taken pursuant to the title which are contrary to international law.

(b) The Secretary of State is authorized to negotiate and conclude executive agreements described in subclause (D) of clause (8) of subsection (a) section 104 of this title on terms and conditions which he shall determine.

SEC. 113. JURISDICTION AND VENUE.

(a) The United States district court shall have exclusive original jurisdiction over all controversies arising under this title, without regard to the citizenship of the parties or the amount in controversy.

(b) Venue shall lie in any district wherein the damage complained of shall have occurred, or wherein the defendant resides, may be found, or has its principal office. For the purposes of this section, the Fund shall reside in the District of Columbia.

SEC. 114. PREEMPTION.

Except as provided in this Act no action may be brought in any court of the United States or any State or political subdivision thereof for damages specified in section 103 of this title, and no person may be required to contribute to any fund the purpose of which is to pay damages so specified.

SEC. 115. APPROPRIATIONS.

(a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of title I of this Act.

(b) The Secretary is hereby authorized to incur indebtedness on behalf of the United States as provided in section 102(e) of this Act to the extent provided in Appropriation Acts for that purpose.

TITLE II—INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE

SEC. 201. For the purposes of this title, the term—

(a) "Ship" means any seagoing vessel and any seaborne craft of any type whatsoever, actually carrying oil in bulk as cargo.

(b) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, government agency, or instrumentality, any State, or any political subdivision of, or any political entity within a State, any foreign government or country, or any political subdivision of any such government or country, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing.

(c) "Owner" means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship. However in the case of a ship owned by a country and operated by a company which in that country is registered as the ship's operator, owner shall mean such company.

(d) "State of the ship's registry" and other references to registration of a ship in a State mean in relation to registered ships the country of registration of the ship, and in relation to unregistered ships the country whose flag the ship is flying. Registration of a ship in the United States includes the licensing or enrollment of a ship.

(e) "Oil" means any persistent oil, such as crude oil, fuel oil, heavy diesel oil, lubricating oil, and whale oil, whether carried on board a ship as cargo or in the bunkers of such a ship.

(f) "Pollution damage" means loss or

damage caused outside the ship carrying oil or discharge of oil from the ship, wherever by contamination resulting from the escape such escape or discharge may occur, and includes the costs of preventive measures (including the actual cost of removal of the oil) and further loss or damage caused by preventive measures. In the preceding sentence, "contamination" includes, but is not limited to, contamination which is the escape or discharge of any quantity of oil, at such times and locations or under such circumstances and conditions, as are determined, pursuant to paragraph (4) of section 311(b) of the Federal Water Pollution Control Act, as amended, to be harmful to the public health or welfare of the United States.

(g) "Preventive measures" means any reasonable measures taken by any person after an incident has occurred to prevent or minimize pollution damage.

(h) "Incident" means any occurrence, or series of occurrences having the same origin, which causes pollution damage.

(i) "Liability Convention" means the International Convention on Civil Liability for Oil Pollution Damage, 1969.

(j) "Escape" or "discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(k) "United States", when used in a geographic sense, means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and all other territories or possessions of the United States.

(l) "Franc" means a unit consisting of sixty-five and a half milligrams of gold of millesimal fineness nine hundred.

(m) "Ton" means two thousand two hundred and forty pounds.

(n) "Guarantor" means any person providing insurance or other financial security pursuant to the provisions of section 203 of this title or of article VII paragraph 1, of the Liability Convention.

(o) "Ship's tonnage" means the net tonnage of the ship with the addition of the amount deducted from the gross tonnage on account of engineroom space for the purpose of ascertaining the net tonnage. In the case of a ship which cannot be measured in accordance with the normal rules of tonnage measurement, the ship's tonnage shall be deemed to be 40 per centum of the weight in tons of oil which the ship is capable of carrying.

(p) "District court of the United States" includes the courts enumerated in title 28, section 460, United States Code.

Sec. 202.

(a) Except as provided in subsections (b) and (c) of this section, the owner of a ship at the time of the incident, or where the incident consists of a series of occurrences, at the time of the first such occurrence, shall be liable for any pollution damage caused as a result of the incident.

(b) The owner shall not be liable for pollution damage if he proves that the damage—

(1) resulted from an act of war, hostilities, civil war, insurrection, or a natural phenomenon of an exceptional, inevitable, and irresistible character, or

(2) was wholly caused by an act or omission done with intent to cause damage by a third party, or

(3) was wholly caused by the negligence or wrongful act of any government or other authority responsible for the maintenance of lights or other navigational aids in the exercise of that function.

(c) If the owner proves that the pollution damage resulted wholly or partially either from an act or omission done with intent to cause damage by the person who suffered the damage or from negligence of that person, the owner may be exonerated to the same extent from his liability to such person.

(d) This section applies exclusively to pollution damage (other than preventive measures) caused on the territory, including the territorial sea, of the United States or of any foreign country which is party to the Liability Convention, and to preventive measures, wherever taken, to prevent or minimize such damage.

(e) Nothing in this Act shall prejudice any right of recourse of the owner against third parties.

(f) When oil was escaped or has been discharged from two or more ships, and pollution damage results therefrom, the owners of all the ships concerned, unless exonerated under subsection (b), and, to the extent not exonerated under subsection (c), shall be jointly and severally liable for all such damage which is not reasonably separable.

(g)(1) Subject to paragraph (2) of this subsection, the owner of a ship shall be entitled to limit his liability under this Act in respect of any one incident to an aggregate amount equal to the dollar equivalent of 2,000 francs for each ton of the ship's tonnage: *Provided*, That the aggregate amount of an owner's liability in respect of any one incident shall not exceed the dollar equivalent of 210,000,000 francs. The dollar equivalent of a franc shall in any action brought pursuant to this title be calculated as of the date the fund referred to in paragraph (3) of this subsection is constituted.

(2) If the incident occurred as a result of the actual fault or privacy of the owner, he shall not be entitled to avail himself of the limitation provided in paragraph (1) of this subsection.

(3) For the purpose of availing himself of the benefit of limitation provided for in paragraph (1) of this subsection the owner shall constitute a fund in an amount equal to the limit of his liability under this title in a court in which an action is brought under subssection 204(b) of this title, or the owner shall constitute a fund in such amount in accordance with article V of the Liability Convention in any court of a foreign country having jurisdiction as provided in article IX of the Liability Convention in which an action under that Convention is brought or with another competent authority of such a country. A fund constituted in the United States may be constituted either by depositing the sum or producing a bank guarantee or other guarantee considered to be adequate by the court.

(4) A guarantor shall be entitled to constitute a fund in accordance with this subsection on the same conditions and having the same effect as if it were constituted by the owner. Such a fund may be constituted even in the event of actual fault or privity of the owner but its constitution shall in that case not prejudice the rights of any claimant against the owner.

(h)(1) Where the owner, after an incident, has constituted a fund in accordance with subsection (g) of this section and is entitled to limit his liability,

(A) no person having a claim for pollution damage arising out of that incident shall be entitled to exercise any right against any other assets of the owner in respect of such claim;

(B) a district court of the United States shall order the release of any ship or other property belonging to the owner which has been arrested in respect of a claim for pollution damage arising out of the incident, and shall similarly release any bail or other security furnished to avoid arrest.

(2) Paragraph (1) of this subsection shall apply only if the claimant has access to the court administering the fund and the fund is actually available in respect of his claim.

(i) Any claim for compensation for pollution damage may be brought directly against the guarantor of the owner's liability for pollution damage. In such case, the defendant may, irrespective of the actual fault or privity of the owner, avail himself of the limits of liability prescribed in subsection (g)(1) of this section. He may further avail himself of the defenses (other than the bankruptcy or winding up of the owner) which the owner himself would have been entitled to invoke. Furthermore, the defendant may avail himself of the defense that the pollution damage resulted from the willful misconduct of the owner himself, but the defendant shall not avail himself of any other defense which he might have been entitled to invoke in proceedings brought by the owner against him. The defendant shall in any event have the right to require the owner to be joined in the action.

SEC. 203. (a) The owner of a ship registered in the United States which is capable of carrying more than two thousand tons of oil in bulk as cargo shall maintain insurance or other financial security in the sums fixed by applying the limits of liability prescribed in subsection (g)(1) of section 202 of this title. Any sums provided by insurance or by other financial security maintained in accordance with the preceding sentence shall be available exclusively for the satisfaction of claims under this title.

(b) After determining that insurance or other financial security in the sums fixed by applying the limits of subsection (g)(1) of section 202 has been obtained, the President shall issue a certificate to each ship registered in the United States which is capable of carrying more than two thousand tons of oil in bulk as cargo attesting that such insurance or other financial security has been obtained. After making such a determination, the President may also issue a certificate to a ship capable of carrying more than two thousand tons of oil in bulk as cargo which is registered in a State not party to the Liability Convention. The certificate shall be in the form annexed to the Liability Convention and shall contain:

(1) name of the ship and port of registration;

(2) name and principal place of business of owner;

(3) type of security;

(4) name and principal place of business of insurer or other person giving security, and, where appropriate, place of business where the insurance or security is established;

(5) period of validity of certificate which shall not be longer than the period of validity of the insurance or other security.

(c) The certificates shall be carried on board all ships to which the certificates are issued and a copy shall be retained by the President.

(d) No certificate shall be issued if the insurance or other financial security can cease, for reasons other than the expiration of the period of validity of the insurance or security specified in the certificate, before three months have elapsed from the date on which notice of its termination is given to the President. The President shall determine such other requirements related to the financial capability of the owner's guarantor as may be desirable to carry out the purposes of this title and title III of this Act for the issuance of the certificate or the termination of its validity.

(e) Certificates issued or certified under the authority of another state party to the convention shall have the same force as certificates issued pursuant to this subsection. The Secretary of State shall request consultation with the state of a ship's registry if the President seeks to determine whether the guarantor named in the ship's certificate is financially capable for the purposes of this title and title III of this Act. If the President determines that such guarantor is not financially capable for these purposes, he may take such lawful action as he deems appropriate, including but not limited to the barring of the ship from any or all ports of the United States.

(f) No ship registered in the United States to which this section applies shall engage in trade unless a certificate has been issued pursuant to this section.

(g) No ship registered in the United States which is capable of carrying more than two thousand tons of oil in bulk as cargo, and no other ship, wherever registered, actually carrying more than two thousand tons of oil in bulk as cargo, shall enter or leave a port in the United States, or be permitted to arrive at or leave an offshore terminal unless the ship has on board a valid certificate issued by the United States or a foreign country party to the Convention. Any ship required by the preceding sentence to have such a valid certificate on board which enters the territorial waters or a safety zone established under subsection (d) of section 12 of the Deepwater Port Act of 1974 en route to a port or terminal installation (as defined in subsection 301(e) of title III) in the United States, and which fails to have such valid certificate on board, shall for such failure be liable for a civil penalty of not more than $10,000. The President may assess and compromise such penalty. No penalty shall be assessed until notice and an opportunity for hearing on the charge has been given. In determining the amount of the penalty or the amount agreed upon in compromise, the demonstrated good faith of the owner shall be considered by the President.

(h) Any ship owned by the United States or any foreign country which carries a certificate issued by the President, or, if a ship owned by a foreign country, by the country owning the ship, stating the ownership of the ship and that ship's liability is covered to the limit prescribed by subsection (g)(1) of section 202 shall be deemed to have complied with the foregoing requirements of this section. The certificate shall resemble as closely as possible the model described in subsection (b) of this section.

(i) The President is authorized to delegate the administration of this section, including the powers to make determinations and to make and revise regulations, and to redelegate such powers, to the head of those Federal departments, agencies, and instrumentalities which he determines to be appropriate.

Sec. 204. (a) Rights of compensation under this title shall be extinguished unless an action is brought thereunder within three years from the date when the damage occurred. However, in no case shall an action be brought later than six years from the date of the incident which caused the damage. Where the incident consists of a series of occurrences, the six years' period shall run from the date of the first occurrence.

(1) Subject to paragraph 2 of this subsection, the several district courts of the United States shall have jurisdiction over any actions arising under this title and title III of this Act if the action is brought in respect of an incident which has caused all or part of the pollution damage (other than preventive measures) on the territory, including the territorial sea, of the United States or in respect of preventive measures, wherever taken, to prevent or minimize such damage.

(2) Actions authorized under the above subsection may be brought in any judicial district in which one of the plaintiffs or one of the defendants resides or in which pollution damage, including preventive measures taken to prevent or minimize such damage, has occurred or could reasonably be expected to have occurred if such preventive measures had not been taken. For the purpose of this title and title III of this Act, American Samoa shall be included within the judicial district of the district court of the United States for the district of Hawaii and the Trust Territory of the Pacific Islands shall be included within the judicial districts of both the district court of the United States for the district of Hawaii and the district court of Guam.

(3) If the fund referred to in subsection (g)(3) of section 202 has been constituted in a district court of the United States or in a competent court of a foreign country party to the Liability Convention, that court shall have exclusive jurisdiction regarding all matters relating to the apportionment and distribution of the fund.

(c) Subject to the provisions of section 402 of title IV of this Act, any judgment given by a foreign court with jurisdiction in accordance with article IX of the Liability Convention which is enforceable in the country of origin and which is no longer subject to ordinary forms of review therein, shall be enforceable in the courts of the United States except:

(1) where the judgment was obtained by fraud; or

(2) where the defendant was not given reasonable notice and a fair opportunity to present his case.

(d)(1) The provisions of this title shall not apply to warships or other ships owned or operated by a country and used, for the time being, only on Government noncommercial service.

(2) With respect to ships owned by the United States and used for commercial purposes, the United States, in actions brought against it in the United States and in other jurisdictions identified in article IX of the Liability Convention, waives all defenses based on its status as a sovereign state.

TITLE III—INTERNATIONAL CONVENTION ON THE ESTABLISHMENT OF AN INTERNATIONAL FUND FOR COMPENSATION FOR OIL POLLUTION DAMAGE

Sec. 301. For the purposes of this title, the term—

(a) "Convention" means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971.

(b) "The Fund" means the International Oil Pollution Fund established by the Convention.

(c) "Liability Convention," "ship," "state of the ship's registry" and other references to registration of a ship in a State, "person," "owner," "oil," "pollution damage," "preventive measures," "incident," "franc," "ship's tonnage," "escape," "discharge," "United States" when used in a geographic sense, "ton," "guarantor," and "district court of the United States" have the same meaning as in title II of this Act, except that (1) "Oil" shall be confined to persistent hydrocarbon mineral oils for the purposes of this title, and (2) "ton" in relation to oil means a metric ton.

(d) "Contributing oil" means crude oil and fuel oil as defined in subparagraphs (1) and (2) below:

(1) "Crude oil" means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation, and includes crude oils from which certain distillate fractions have been removed ("topped crudes") and to which certain distillate fractions have been added ("spiked" or "reconstituted" crudes).

(2) "Fuel oil" means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to American Society for Testing Materials Specification for Number Four Fuel Oil (designation D–369–69) or heavier.

(c) "Terminal installation" means any site for the storage of oil in bulk which is capable of receiving oil from waterborne transportation, including any facility situated offshore and linked to such site.

Sec. 302. (a) Contributions to the fund shall be made by any person who has received, in total quantities exceeding one hundred and fifty thousand tons in the calendar year preceding the year in which his contribution is calculated.

(1) in the ports or terminal installations in the territory of the United States, contributing oil carried by sea to such ports or terminal installations;

(2) in any installations situated in the territory of the United States, contributing oil which has been carried by sea and discharged in a port or terminal installation of a country not party to the convention, provided that contribution in respect of contributing oil so carried and discharged shall be made only by the first receiver in the United States.

(b) Any person—

(1) who is a subsidiary of or an entity commonly controlled by a person or related group of persons required under subsection (a) of this section to make contributions to the fund and who receives contributing oil as provided in subsection (a) of this section in any amount in the same calendar year as such person or related group of persons, or

(2) who is one of two or more subsidiaries of or entities commonly controlled by a person or related group of persons and such subsidiaries or entities receive, as provided in subsection (a) of this section an amount of contributing oil exceeding one hundred and fifty thousand tons in the aggregate in the same calendar year.

shall also make contributions to the fund. The President shall by regulation determine which persons shall be deemed to be subsidiaries, commonly controlled entities, and related groups of persons for the purposes of this subsection.

(c) Any person required by subsection (a) or (b) of this section to contribute to the Fund shall, upon notification by the Director of the Fund, be liable to pay the Fund the amount of his initial and annual contribution calculated pursuant to article 11 and article 12 of the Convention, as specified by the Director. Such person shall pay the Fund such portion thereof in cash as may from time to time be requested by the Director, and shall give such security for the remaining portions thereof, including amounts in arrears, as the Director may require pursuant to regulations of the Fund. Such person shall be liable to pay interest to the Fund in respect of amounts in arrears at a rate determined by the Fund.

(d) Any person liable to contribute to the Fund and who fails to make a payment or to provide security to the Fund as required by the preceding subsection within three months from the date such payment is due or the provision of security is required, shall for each such failure be liable for a civil penalty of not more than $5,000. The President may assess and compromise such penalty. No penalty shall be assessed until the person has been given notice and an opportunity for a hearing on such charges. In determining the amount of such penalty or the amount agreed upon in compromise, the demonstrated good faith of the persons and the amount of the contribution due shall be considered by the President.

(c)(1) Subject to paragraph (2) of this subsection, any person liable to contribute to the Fund and who fails to make a payment or to provide security to the Fund as required by subsection (c) of this section shall be liable in an action brought in the several district courts of the United States by the Director of the Fund for the amount due or to provide such other relief as the court may determine is appropriate.

(2) Upon a determination of the President that a person to which the judicial power of the United States does not extend in the circumstances set forth in amend-

ment XI to the Constitution of the United States is liable to contribute an amount to the Fund, and that such person has failed to make payment of that amount or any part thereof for more than three months from the date the payment was due, the President shall take such measures as he deems appropriate to collect such unpaid amount and any interest (as provided in subsection (c) of this section) on behalf of the Fund, including the prosecution of an action therefor against such a person in a court of the United States. Upon receipt of the sums collected, the President shall forthwith pay such sums to the Fund.

(f) The Fund shall have capacity under the laws of the United States to contract, to acquire and dispose of real and personal property, and to institute and be party to legal proceedings. The Director of the Fund shall be the legal representative of the Fund. The Director shall be deemed irrevocably to have appointed the Secretary of State his agent for service of process in any action against the Fund in any court of the United States.

(g) The President shall communicate to the Director of the Fund the name and address of any person who is liable to contribute to the Fund under subsection (b) of this section and data regarding the relevant quantities of contributing oil received by such person during the preceding calendar year. The President may require any person who may be liable to contribute to the Fund to furnish such information as he may from time to time deem appropriate for purposes of the preceding sentence. Communications by the President to the Director shall, in any civil action or administrative proceedings arising out of alleged failure to contribute or provide security to the Fund as required herein, be prima facie evidence of the facts stated therein.

(h) The President is authorized to delegate the administration of this section, including the powers to make determinations, and to make and revise regulations, and to redelegate such powers, to the heads of those Federal departments, agencies, and instrumentalities which he determines to be appropriate.

Sec. 303. Sections 304 and 305 of this title respectively apply exclusively to pollution damage (other than preventive measures) caused on the territory, including the territorial sea, of the United States and any foreign country which is party to the Convention and to preventive measures, wherever taken to prevent or minimize such damage, and, with regard to indemnification of owners and guarantors, to pollution damage (other than preventive measures) caused on the territory, including the territorial sea, of the United States and any foreign country party to the Liability Convention by a ship registered in a state party to the Convention, and to preventive measures, wherever taken, to prevent or minimize such damage.

Sec. 304. (a) Any person suffering pollution damage arising out of an incident occurring more than one hundred and twenty days after the entry into force of the Convention shall be entitled to compensation from the Fund if that person has been unable to obtain full and adequate compensation for the damage under the terms of title II or the Liability Convention either—

(1) because no liability for the damages arises under title II or the Liability Convention; or

(2) because the owner liable for the damage under title II or the Liability Convention is financially incapable of meeting his obligations in full and any financial security that may be provided under section 203 of title II or article VII of the Liability Convention does not cover or is insufficient to satisfy the claims for compensation for the damage, provided that an owner shall be deemed to be financially incapable of meeting his obligations and financial security shall be deemed to be insufficient if the person suffering damage has been unable to obtain full satisfaction of the amount due him under title II or the Liability Convention after having taken all reasonable steps to pursue the legal remedies available to him; or

(3) because the damages exceed the owner's liability under the Liability Convention as limited pursuant to subsection 202(g) of title II or article V, paragraph 1 of the Liability Convention or under the terms of any other international convention in force or open for signature, ratification or accession on December 18, 1971.

Expenses reasonably incurred or sacrifices reasonably made by the owner voluntarily for preventive measures shall be treated as pollution damage for purposes of this section.

(b) The Fund shall incur no obligation under the preceding subsection if:

(1) it proves that the pollution damage resulted from an act of war, hostilities, civil war, or insurrection or was caused by oil which has escaped or been discharged from a warship or other ship owned or operated by the United States or a foreign country and used at the time of the incident only on government non-commercial service; or

(2) the claimant cannot prove that the damage resulted from an incident involving one or more ships.

(c) If the Fund proves that the pollution damage resulted wholly or partially either from an act or omission done with intent to cause damage by the person who suffered the damage or from the negligence of that person, the Fund may be exonerated to the same extent from its obligation to pay compensation to such person. The Fund shall in any event be exonerated to the extent that the owner may have been exonerated under subsection 202(c) of title II or article III, paragraph 3 of the Liability Convention. Notwithstanding any other provision of this Act, the Fund shall not to any extent be exonerated with regard to pollution damage resulting from the taking of preventive measures compensable under subsection (a) of this section.

(d) The aggregate amount of compensation payable by the Fund under this Act shall in respect of any one incident be limited, so that the total sum of that amount and the amount of compensation actually paid under title II or the Liability Convention for pollution damage, including any sums in respect of which the Fund is under an obligation to indemnify the owner pursuant to section 205 of this title shall not exceed the dollar equivalent of 450,000,000 franks: *Provided, however,* That if the Fund shall decide to change the figure 450,000,000 francs, such total sum shall, with respect to incident occurring after the date of such change, in no case exceed the dollar equivalent of the amount decided on by the Fund: *And further provided,* That all pollution damage resulting from a single natural phenomenon of an exceptional, inevitable, and irresistible character in every case shall be deemed to have arisen out of a single incident.

Sec. 305. (a) An owner or his guarantor shall be entitled to reimbursement from the Fund, for that portion of the aggregate amount of liability for pollution damage under title II or the Liability Convention arising out of an incident occurring more than one hundred and twenty days after the entry into force of the Convention which—

(1) is in excess of an amount equal to the dollar equivalent of 1,500 francs for each ton of the ship's tonnage or of an amount equal to the dollar equivalent or 125,000,000 francs, whichever is less; and

(2) is not in excess of an amount equal to the dollar equivalent of 2,000 francs of each ton of the ship's tonnage or an amount equal to the dollar equivalent of 210,000,000 francs, which ever is the less: *Provided, however,* That the Fund shall incur no obligation under this paragraph where the pollution damage resulted from the willful misconduct of the owner himself.

(b) If the Fund proves that—

(1) as a result of the actual fault or privity of the owner, the ship from which the oil causing pollution damage (including preventive measures) escaped or was discharged did not comply with the requirements laid down in (A) the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended in 1962; or (B) the International Convention for the Safety of Life at Sea, 1960; or (C) the International Convention on Load Lines, 1966; or (D) the International Regulations for Preventing Collisions at Sea, 1969; or any amendment which has been determined to be of an important nature under article XVI(5) of the Convention mentioned in (A), under article IX(e) of the Convention mentioned in (B) or under article 29(3)(d) or 4(d) of the Convention mentioned in (C); *Provided, however,* That any such amendment has been in force for at least twelve months at the time of the incident; and

(2) the incident or damage was wholly or partially caused by such noncompliance; the fund shall, to the same extent, be exonerated from its obligations under the preceding subsection, without regard to whether the ship was bound by the law of the state of the ship's registry to comply with such requirements.

(c) If the Fund decides that a new convention shall replace an instrument or a part thereof for the purpose of paragraph 3 of article 5 of the Convention, the ship shall on the effective date of such replacement be required to comply with the requirements of the new convention for the purposes of the preceding subsection: *Provided, however,* That any ship registered at the time of an incident in any state party to the Convention (including the United States) which is not a party to the new convention and which has declared to the Director of the Fund that it does not accept such replacement and has not terminated such declaration shall be required for the purposes of the prceding subsection to comply only with the requirements referred to in that subsection until such declaration is withdrawn or the state becomes party to the new convention.

(d) Any ship complying with the requirements in an amendment to an instrument specified in subsection (b) or with the requirements in a new convention, where the amendment or the Convention is designed to replace in whole or in part such instrument, shall be considered as complying with the requirements of subsection (b).

(e) If the Fund shall have assumed the obligations of a guarantor of part of an owner's liability, the owner shall, upon proof of such assumption, be deemed to have complied with section 203 of title II of this Act and article VII of the Liability Convention with respect to that part of his liability. Where the Fund, acting as a guarantor, has paid compensation for pollution damage in accordance with title II of this Act or the Liability Convention, it shall have a right of recovery from the owner to the extent that the Fund would have been exonerated pursuant to subsection (b) of this section from its obligations under subsection (a) of this section to indemnify the owner or his guarantor.

(f) Expenses reasonably incurred and sacrifices reasonably made by the owner voluntarily to prevent or minimize pollution damage shall be treated as included in the owner's liability for the purposes of this section.

Sec. 306.

(a) The several district courts of the United States shall have jurisdiction over actions against the Fund for compensation or indemnification under sections 304 or 305 of this title. Such actions may be brought no sooner than two hundred and forty days after entry into force of the Convention and shall be brought only before a court competent under section 204(b) of title II of this Act.

(b) Subject to the provisions for consolidation of the Federal Rules of Civil Procedure, where an action for compensation for pollution damage has been brought before a district court of the United States or a court of another country competent under article IX of the Liability Convention, against the owner or his guarantor, such court or courts shall have exclusive jurisdiction over actions against the Fund for compensation or indemnification under section 304 or 305 of this title in respect of pollution damage arising out of the same incident and involving the same defendant or his guarantor. However, where an action for compensation for pollution damage under the Liability Convention has been brought before a court of a country party to the Liability Convention but not to the convention, any action against the Fund for such compensation or indemnification may be brought before any district court of the United States having jurisdiction under section 204(b) of title II.

(c) The Fund may intervene of right as a party in any legal proceedings instituted against an owner or his guarantor under title II of this Act.

(d) Subject to subsection (e) of this section, the Fund shall not be bound by any judgment or decision in proceedings to which it has not been a party or by any settlement to which it is not a party.

(e) Where an action under title II for compensation for pollution damage has been brought against an owner or his guarantor in a district court of the United States, each party to the proceedings shall be entitled to notify the Fund of the proceedings. Where such notification has been timely made in accordance with the practice of the Federal courts, any judgment rendered by the court in such proceedings shall, after it has become final and enforceable in the United States, becomes binding upon the Fund in the sense that the facts and findings in that judgment may not be disputed by the Fund even if the Fund has not actually intervened in the proceedings.

(f) Rights to compensate under section 304 of this title or to indemnification under section 305 of this title shall be extinguished unless an action is brought thereunder or notification has been made pursuant to the preceding subsection within three years from the date when the pollution damage occurred: *Provided*, That no action shall be brought more than six years after the date of the incident which caused the pollution damage.

(g) Notwithstanding the provisions of the preceding subsection, the right of an owner or guarantor to seek indemnification from the Fund pursuant to section 305(a) shall in no case be extinguished sooner than six months from the date the owner or his guarantor acquired knowledge of the commencement of an action against him under title I of this Act or under the Liability Convention.

(h) Subject to the provisions of section 402 of title IV of this Act, any judgment given against the Fund by a court having jurisdiction as provided in article 7, paragraph (1) or (3), of the Convention shall, when it is enforceable in the country of origin, and which is no longer subject to ordinary forms of review therein, be enforceable in the courts of the United States except on the same conditions as are prescribed in section 204 of title II.

SEC. 307. The fund, its assets and income, including contributions, shall be exempt from all direct taxation in the United States.

TITLE IV—APPORTIONMENT OF CLAIMS AND SUBROGATION; EXCLUSIVE REMEDY; EFFECTIVE DATE; CONFORMING AMENDMENTS

SEC. 401.—For the purposes of this title, the term—

(a) "Owner's fund" means a fund constituted as provided in section 202 of title II of this Act.

(b) "Compensation Fund" means the Fund as defined in section 301 of title III of this Act.

(c) "Owner," "guarantor," "person," "pollution damage," "preventive measures," "Liability Convention," and "district court of the United States" have the same meaning as in title II of this Act.

(d) "Convention" has the same meaning as in title III of this Act.

SEC. 402. (a) Subject to section 403 of this title—

(1) An owner's fund shall be distributed among the claimants in proportion to their established claims. Claims in respect to preventive measures taken by the owner shall rank equally with other claims against the owner's fund.

(2) Where the aggregate amount of damage arising out of any one incident exceeds the amount referred to in section 304(d) of title III of this Act, the amount available thereunder for compensation of such damage under titles II and III of this Act shall be distributed in such a manner that the proportion between any established claim and the amount of compensation actually recovered by the claimant under the Liability Convention and titles II and III of this Act shall be the same for all claimants.

(b) On the petition of any claimant, owner, guarantor, the Compensation Fund, or any other interested person, any district court of the United States in which an owner's fund is constituted pursuant to section 202 of title II of this Act or if no fund is constituted, any district court having jurisdiction of an action against the Compensation Fund may determine that liability arising from an incident may exceed the limit of liability under titles II and III of this Act. Whenever such determination is made:

(1) total payments made by or for all claimants as a result of such incident shall not exceed 20 per centum of such limit of liability without the prior approval of the court;

(2) the court shall not authorize payments in excess of 20 per centum of such limit of liability unless the court determines that such payments are or will be in accordance with a plan of distribution which has been approved by the court or such payments are not likely to prejudice the subsequent adoption and implementation by the court of a plan of distribution pursuant to subsection (a) of this section; and

(3) any other interested person may submit to such district court a plan for the disposition of pending claims and for the distribution of remaining moneys available. Such a plan shall include an allocation of appropriate amounts for claims which may not be made until a later time. Such a court shall have all power necessary to approve, disapprove, or modify plans proposed, or to adopt another plan; and to determine the proportionate share of moneys available for each claimant. Any person compensated or indemnified shall be entitled to such orders as may be appropriate to implement and enforce the provisions of this subsection, including orders limiting the liability of the person indemnified, orders approving or modifying the plan, orders staying the payment of claims and the execution of court judgments, orders apportioning the payments to be made to claimants, and orders permitting partial payments to be made before final determination of the total claims. The orders of such court shall be effective throughout the United States.

SEC. 403.

(a) If, before an owner's fund is distributed, the owner, any of his servants or agents, the owner's guarantor, or the Compensation Fund has as a result of the incident in question, paid compensation for pollution damage, such person shall, up to the amount he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under titles II and III of this Act.

(b) The right of subrogation provided for in subsection (a) of this section may also be exercised by a person other than those mentioned therein in respect of any amount of compensation for pollution damage which he may have paid but only to the extent that such subrogation is otherwise permitted under law.

(c) Subject to the provisions of section 305 of title III, the Compensation Fund shall, in respect of any amount of compensation for pollution damage paid by the Compensation Fund in accordance with section 304 of title III, acquire by subrogation the rights that the person so compensated may enjoy under title II or the Liability Convention against the owner liable for the damage or his guarantor.

(d) Nothing in titles II and III of this Act shall prejudice any right of recourse or subrogation of the Compensation Fund against persons other than those referred to in the preceding subsection. In any event the right of the Compensation Fund to subrogation to the rights of persons referred to in the preceding paragraph shall be no less favorable than that of an insurer of a person to whom compensation or indemnification has been paid.

(e) Without prejudice to any other rights of subrogation or recourse against the Compensation Fund which may exist, the United States or any foreign country party to the Convention, or any agency thereof, shall acquire by subrogation the rights which a person it has compensated for pollution damage in accordance with the provisions of national law would have enjoyed under the Convention.

SEC. 404. No action for compensation for such damage or preventive measures shall be maintained in the United States against an owner, a guarantor, or the Compensation Fund, otherwise than in accordance with this Act. No action for such damage or preventive measures shall be maintained in the United States against an owner's servants or agents.

SEC. 405.

(a) This section shall be effective on the date of enactment of this Act.

(b) Title I and sections 406 and 407 of this Act shall be effective on the one hundred and eightieth day after the date of enactment of this Act.

(c) Title II of this Act and sections 401 through 404 of this title as applicable thereto shall be effective on the later of the effective date of Title I of this Act or the date of the entry into force for the United States of the Liability Convention.

(d) Title III of this Act and sections 401 through 404 of this title as applicable thereto shall be effective on the later of the effective date of Title I of this Act or the date of the entry into force for the United States of the Convention.

SEC. 406.

(a) Subsection (c) of section 204 of the Act of November 16, 1973 (87 Stat. 587), the Trans-Alaska Pipeline Authorization Act, is hereby repealed.

(b) Section 17 of the Act of February 5, 1974 (88 Stat. 10), the Intervention on the High Seas Act, is amended to read as follows:

"SEC. 17. The Fund established under section 102 of the [Comprehensive Oil Pollution Liability and Compensation Act of 1975] shall be available to the Secretary for actions and activities taken under section 5 of this Act."

(c) Section 311 of the Act of October 18, 1972 (86 Stat. 862), the Federal Water Pollution Control Act, is amended as provided in this subsection.

(1) Subsection (a) is amended by replacing the period following clause (14) thereof with a semicolon and adding a new clause (15) to read as follows:

"(15) 'person in charge' means the individual having immediate operational responsibility."

(2) Paragraph (1) of subsection (c) is amended by (A) deleting the comma after the words "contiguous zone" and inserting in lieu thereof the words "or from an artificial island or fixed structure operating under authority of the Outer Continental Shelf Lands Act" and (B) adding after the word "vessel," the words "artificial island or fixed structure,".

(3) Clause (H) of paragraph (2) of subsection (c) is amended by inserting after the words "of this section" the words "or the Fund established under section 102 of the [Comprehensive Oil Pollution Liability and Compensation Act of 1975], as appropriate."

(4) Subsection (d) is amended by deleting all after the words "incurred under this subsection" and inserting in lieu thereof "shall be reimbursed from the fund established under subsection (k) of this section or the Fund established under section 102 of the [Comprehensive Oil Pollution Liability and Compensation Act of 1975], as appropriate. Any expense incurred hereunder for which reimbursement may be had from the fund established under subsection (k) of this section shall be recoverable from the owner or operator of the vessel in accordance with subsection (f) of this section."

(5) Paragraph (5) of subsection (b) and subsections (f), (g), (h), (1), and (o) are amended by inserting after the word "oil," wherever it appears, the words "other than petroleum, crude oil or any fraction or residue therefrom".

(6) Subsection (k) is amended to read as follows:

"(k) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $35,000,000 to carry out the provisions of subsections (c), (d), (i), and (1) of this section respecting discharges or imminent discharges of oil (other than petroleum crude oil or any fraction or residue therefrom) and hazardous substances. Any other funds received by the United States under this section or paragraph (3) of subsection (a) of section 108 of the Comprehensive Oil Pollution Liability and Compensation Act of 1975 respecting discharges or imminent discharges of oil (other than petroleum, crude oil or any fraction or residue therefrom) and hazardous substances shall also be deposited in this fund for these purposes. All sums appropriated to or deposited in, the fund shall remain available until expended."

(7) Subsection (1) is amended by inserting after the words "subsections (c) and (i) of this section" the words "respecting discharges or imminent discharges of oil (other than petroleum, crude oil or any fractions or residue therefrom)."

(8) Paragraph (1) of subsection (p) is amended by deleting the words "Any vessel over three hundred gross tons, including any barge of equivalent size, but not including any barge that is not self-propelled and that does not carry oil or hazardous substances as cargo or fuel" and inserting in lieu thereof "Any non-self-propelled barge over three hundred gross tons that carries oil (other than petroleum, crude oil or any fractions or residue therefrom) or hazardous substance as cargo or fuel".

(9) Subsection (p) is amended by deleting the word "vessel", wherever it appears, and inserting in lieu thereof "barge".

(d) Section 18 of the Act of January 3, 1975 (88 Stat. 2141), the Deepwater Port Act of 1974, is amended as provided in this subsection.

(1) Subsections (b), (d), (e), (f), clause (1) of subsection (m); and subsections (b), (d), (e), (f), (g), (h), (i), (k), (1), and (n) are deleted. Subsections (c) and (m) are redesignated (b) and (c) respectively. Clauses (2), (3), and (4) of subsection (m) are redesignated (1), (2), and (3) respectively.

Sec. 407.

If any provision of this Act or the applicability thereof is held invalid the remainder of this Act shall not be affected thereby.

To the Congress of the United States:

I am transmitting today proposed legislation entitled the "Comprehensive Oil Pollution Liability and Compensation Act of 1975."

This legislation would establish a comprehensive and uniform system for fixing liability and settling claims for oil pollution damages in U.S. waters and coastlines. The proposal would also implement two international conventions dealing with oil pollution caused by tankers on the high seas.

I consider this legislation to be of high national importance as we seek to meet our energy needs in an environmentally sound manner. Those energy needs require accelerated development of our offshore oil and gas resources and the increased use of tankers and deep water ports. This proposal would provide a broad range of protection against the potential oil spills necessarily associated with these activities.

In recent years, we have taken significant steps to limit and control oil pollution in the waters of the United States. Yet, in 1973 alone, there were 13,328 reported oil spills totalling more than 24 million gallons. One-third of the oil spilled is from unidentified sources, where compensation cannot be obtained under existing law. The ability of claimants damaged by spills to seek and recover full compensation is further hampered by widely inconsistent Federal and State laws. Various compensation funds have been established or proposed, resulting in unnecessary duplication in administration and in fee payments by producers and consumers.

This legislation would help protect our environment by establishing strict liability for all oil pollution damages from identifiable sources and providing strong economic incentives for operators to prevent spills. Equally important, the bill will provide relief for many oil-related environmental damages which in the past went uncompensated. For example, State and local governments will be able to claim compensation for damages to natural resources under their jurisdiction.

This legislation would replace a patchwork of overlapping and sometimes conflicting Federal and State laws. In addition to defining liability for oil spills, it would establish a uniform system for settling claims and assure that none will go uncompensated, such as in cases where it is impossible to identify the source of the spill. The legislation provides for a fund of up to $200 million derived from a small fee on oil transported or stored on or near navigable waters.

This legislation would also implement two international conventions—signed in 1969 and 1971—which provide remedies for oil pollution damage from ships. These conventions provide remedies for U.S. citizens under many circumstances where a ship discharging oil that reaches our shores might not otherwise be subject to our laws and courts. Protection of the international marine environment is basically an international problem since the waters, currents, and winds that spread and carry ocean pollution transcend all national boundaries.

In proposing implementation of the conventions, I am mindful of the fact that the Senate has not yet given its advice and consent to either of them. I urge such action without further delay. The 1969 convention came into force internationally on June 19, 1975, without our adherence, and the continuing failure of the United States to act on such initiatives may weaken or destroy the prospects of adequate international responses to marine pollution problems.

GERALD R. FORD.

THE WHITE HOUSE, *July 9, 1975.*

Mr. ROBERT C. BYRD subsequently said: Mr. President I ask unanimous consent that in respect of a bill that was introduced today by Mr. MAGNUSON, by requests, to provide a comprehensive system liability and compensation for oil spill damage, that the bill be referred jointly to the Committee on Commerce, the Committee on Interior and Insular Affairs, and the Committee on Public Works.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 3

At the request of Mr. KENNEDY, the Senator from Pennsylvania (Mr. SCHWEIKER) and the Senator from Rhode Island (Mr. PASTORE) were added as cosponsors of S. 3, a bill to create a national system of health security.

S. 1009

At the request of Mr. STONE, the Senator from North Carolina (Mr. MORGAN) was added as a cosponsor of S. 1009, a bill to amend title 13 of the United States Code to require the compilation of current data on total population between censuses and to require the use of such current data in the administration of Federal laws in which population is a factor.

S. 1969

At the request of Mr. HARTKE, the Senator from South Dakota (Mr. ABOUREZK) was added as a cosponsor of S. 1969, a bill to authorize recomputation at age 60 of the retired pay of members and former members of the uniformed services whose retired pay is computed on the basis of pay scales in effect prior to January 1, 1973, and for other purposes.

S. 1976

At the request of Mr. HARTKE, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 1976, a bill to establish an educational institution in the United States fulfilling the goal of the Nation's first President, George Washington, to further the understanding of the process and state of peace among nations and coperation between peoples; to consider the dimensions of peaceful resolution of differences among nations; to train students in the process of peaceful resolution of differences; to inform governmental leaders of peaceful methods of conflict resolution; and for other purposes.

S. 2015

At the request of Mr. Eagleton, the Senator from Michigan (Mr. Philip A. Hart) was added as a cosponsor of S. 2015, a bill to amend title 39, United States Code, to assure that certain publications of institutions of higher education continue to qualify as second-class mail.

S. 2051

At the request of Mr. Jackson, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of S. 2051, a bill to amend the Internal Revenue Code to provide an exemption from gross income of certain benefits received under prepaid legal services plans and for other purposes.

S. 2132

At the request of Mr. Proxmire, the Senator from Missouri (Mr. Symington) was added as a cosponsor of S. 2132, the form reform bill, calling for the abolition of every Government form at least once every 5 years.

SENATE CONCURRENT RESOLUTION 48

At the request of Mr. Hollings, the Senator from Oklahoma (Mr. Bartlett), the Senator from Hawaii (Mr. Fong), the Senator from Washington (Mr. Jackson), and the Senator from Maine (Mr. Muskie) were added as cosponsors of Senate Concurrent Resolution 48, inviting Alexandr Solzhenitsyn to address a joint session of the Congress.

SENATE CONCURRENT RESOLUTION 50

At the request of Mr. Case, the Senator from New York (Mr. Javits), the Senator from Michigan (Mr. Philip A. Hart), the Senator from Indiana (Mr. Bayh), and the Senator from Florida (Mr. Stone) were added as cosponsors of Senate Concurrent Resolution 50, to oppose the sale of antiaircraft equipment to Jordan.

SENATE CONCURRENT RESOLUTION 51

At the request of Mr. McIntyre, the Senator from Vermont (Mr. Leahy) and the Senator from Maine (Mr. Hathaway) were added as cosponsors of Senate Concurrent Resolution 51, providing for a conditional adjournment of the Senate.

AMENDMENTS SUBMITTED FOR PRINTING

VOTING RIGHTS ACT EXTENSION—H.R. 6219

AMENDMENTS NOS. 729 AND 730

(Ordered to be printed and to lie on the table.)

Mr. THURMOND submitted two amendments intended to be proposed by him to the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, to make permanent the ban against certain prerequisites to voting, and for other purposes.

AMENDMENT NO. 731

(Ordered to be printed and to lie on the table.)

(Mr. TOWER (for himself and Mr. Fannin) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 6219), supra.

AMENDMENT NO. 732

(Ordered to be printed and to lie on the table.)

Mr. STONE (for himself and Mr. Chiles) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 6219), supra.

Mr. STONE. Mr. President, the senior Senator from Florida (Mr. Chiles) and I have submitted an amendment to H.R. 6219 which would change the trigger formulas in titles II and III in order to eliminate from their coverage jurisdictions as to which there is no evidence of discrimination in voting against language minority citizens.

Titles II and III of H.R. 6219 would expand the scope of the Voting Rights Act to protect citizens who are members of language minority groups. Title II would require of each State and subdivision to which it applies that such State or subdivision provide bilingual versions of all of its registration and voting notices, forms, instructions, and other materials, including ballots. It would also require each of these States and subdivisions to submit all changes in its election laws to the Attorney General or the district court of the District of Columbia for prior approval. Finally, title II would authorize the Attorney General to send Federal examiners and observers into such States and subdivisions. Title III, which is redundant for States and subdivisions which are covered by title II, would require that States and subdivisions to which it applies must provide bilingual versions of their election materials.

The requirements of titles II and III are heavy burdens to place upon our State and local governments and the Congress of the United States should not impose such burdens without a clear showing of need. The House Judiciary Committee report which accompanies H.R. 6219 recognizes that such a showing must be made and states, at page 16:

> In 13 days of hearings and testimony from 34 witnesses, the Subcommittee documented a systematic pattern of voting discrimination and exclusion against minority group citizens who are from environments in which the dominant language is other than English. Based on the extensive evidentiary record demonstrating the prevalence of voting discrimination and high illiteracy rates among language minorities, the Subcommittee acted to amend the current provisions of the Voting Rights Act to broaden its special coverage to new geographic areas in order to ensure the protection of the voting rights of "language minority citizens."

Mr. President, the Senators from Florida support the expansion of the Voting Rights Act to include protection of language minority citizens in areas where discrimination against them has been documented. But the trigger formula contained in H.R. 6219 does not limit the application of titles II and III to such areas. H.R. 6219 provides that the requirements of title II shall apply in any jurisdiction in which more than 5 percent of the citizens are members of a single language minority group if less than 50 percent of the citizens in such jurisdiction registered or voted in the 1972 election and if such jurisdiction did not provide bilingual election materials in 1972. Five Florida counties are brought under the coverage of title II by this trigger formula although there was no evidence in the 13 days of hearings in the House, no evidence in the 7 days of hearings in the Senate, and no evidence in the 483 pages of the January 1975 report of the U.S. Commission on Civil Rights that any county in Florida had discriminated against language minority citizens in the registration or voting process. In other words, there is no evidentiary record of the kind of "systematic pattern of voting discrimination" to which titles II and III are addressed.

I submit that the five Florida counties have been unintentionally and unnecessarily included within the coverage of titles II and III, because the 5-percent trigger levels was arbitrarily chosen without due consideration to whether or not that level was tailored to the purposes of the act. The House report does not spend one line of text to justify the 5-percent figure. Instead, in a footnote on page 24, it cites two district court opininions which are said to establish 5 percent as a relevant cutoff.

Mr. President, I have read those opinions and they do not at all discuss the rationale behind a 5-percent cutoff. The first case cited by the House report is Torres against Sachs. In Torres, voters of Puerto Rican descent challenged the practice by the New York City Board of Elections of conducting elections only in English. The class action in Torres commenced on September 12, 1973, and on September 18, 1973, before any action had been taken by the court, the board of elections resolved to provide Spanish-speaking inspectors in election districts having at least 5 percent Spanish-speaking voters. Without one word of discussion of the 5-percent figure, the court in Torres in effect ratified the board's decision by ordering the bilingual election officials be provided at all polling places located in census tracts containing 5 percent or more persons of Puerto Rican birth or extraction. The court never discussed the rationality of a 5-percent cutoff.

My staff has contacted officials of the New York City Board of Elections to inquire into the justification for the 5-percent figure. Bee Dolan, the Executive Director of the Board of Elections, has told us that after the class action in Torres was filed, people from the Board, the mayor's office, and the community sat down and tried to come to an agreement which would be satisfactory to all the parties. Ms. Dolan said that during these discussions, the 5-percent figure was arbitrarily chosen, because 1 percent "seemed" too low and 10 percent "seemed" too high. The 5-percent figure was not the product of careful analysis or legal reasoning. On the contrary, the 5-percent figure emerged as a compromise from among a small group of people in New York City, who, I might add, intended that it merely to be the basis for providing bilingual observers—not as the trigger for a panoply of requirements such as are contained in titles II and III of H.R. 6219. And I am quite sure that that small group of people in New York could never have imagined that by their action they would be setting a cutoff figure which would be applied by the Congress across the entire country.

The court in Arroyo against Tucker, the other case cited in the House report, merely cites Torres in ordering that bilingual election personnel be provided at polling places within census tracts which were at least 5 percent Puerto Rican. Just as in Torres, the court in Arroyo did not discuss the rationality of the 5-percent level.

Mr. President, I contend that the 5-percent trigger has no justification in law or in fact, and that the purposes of the Voting Rights Act extension can be more exactly met by raising the triggers in titles II and III to 10 percent. The increase in the trigger percentages which I propose will affect a total of 15 political subdivisions and the State of Alaska. The affected jurisdictions are:

Alaska.

Arizona: Apache County, Mohave County, and Pinal County.

California: Yuba County.

Colorado: El Paso County.

Florida: Collier County, Hardee County, Hendry County, and Hillsborough County.

New York: Kings County.

North Carolina: Hoke County and Jackson County.

Oklahoma: Choctaw County and McCurtain County.

Virginia: Charles City.

Seven of the political subdivisions which I have listed are already covered by the Voting Rights Act. These jurisdictions have been and will continue to be required to submit changes in their election laws for preclearance by the Attorney General or the district court of the District of Columbia. Assistant Attorney General Stanley Pottinger has testified that the Justice Department already reviews election law changes by jurisdictions under the 1965 and 1970 provisions of the act with respect to discrimination against language minority citizens as well as with respect to discrimination against blacks. The Justice Department will continue to do so whether or not such jurisdictions fall under the special provisions of titles II and III. The Attorney General also has, and will continue to have, the authority to send Federal examiners and observers into these jurisdictions. The seven jurisdictions already covered by the act include:

Arizona: Apache County, Mohave County, and Pinal County.

California: Yuba County.

New York: Kings County.

North Carolina: Hoke County.

Virginia: Charles City.

Election officials in Yuba County, Calif., and Kings County, N.Y., are already required either by State law or by court order to provide bilingual election materials. Since the Indian language of the language minority group in Charles City, Va., is extinct, the requirement of bilingual election materials in that jurisdiction is senseless. The 10-percent trigger will still require Apache and Pinal Counties in Arizona to provide bilingual election materials, since more than 10 percent of the citizen population of Apache is American Indian and more than 10 percent of the citizen population of Pinal is Spanish-speaking, although these counties will not be required to provide bilingual materials for language minority groups which fall between 5 and 10 percent of the citizen population. No evidence of discrimination in either Mohave County, Ariz., or in Hoke County, N.C., was contained in the recent Civil Rights Commission report even though that report spent many pages discussing discrimination in other areas in Arizona and North Carolina.

In sum, Mr. President, I submit that no harm will be done to the purposes of the act with respect to these jurisdictions by raising the trigger percentages from 5 to 10 percent.

Eight other jurisdictions which are affected by the change in the trigger percentage are not presently covered by existing provisions of the Voting Rights Act. These jurisdictions include:

Alaska.

Colorado: El Paso County.

Florida: Collier County, Hardee County, Hendry County, and Hillsborough County.

North Carolina: Jackson County.

Oklahoma: Choctaw County and McCurtain County.

The State of Alaska was included within the coverage of the Voting Rights Act of 1965 and again in 1970 and each time the courts allowed Alaska to bail out from under coverage. The Civil Rights Commission report presents no evidence of discrimination in Alaska and the House Subcommittee on Civil and Constitutional Rights spent very little time investigating the registration and voting process in Alaska. Similiarly, there is little or no evidence with respect to discrimination in El Paso County, Colo.; Jackson County, N.C.; or Choctaw and McCurtain Counties in Oklahoma. As I told the Senate yesterday and as I have stated again today, there is not one scintilla of evidence of discrimination against language minority citizens in the electoral process in Florida.

Mr. President, I respectfully submit that raising the trigger formulas in titles II and III to 10 percent, which would eliminate from coverage the 15 subdivisions listed above the State of Alaska, will not defeat the purposes of the Voting Rights Act extension. I believe that the Congress should not impose the heavy burdens contained in titles II and III of H.R. 6219 where no justification for their imposition exists. Therefore, I urge the Senate to change the trigger formulas contained in H.R. 6219 by adopting the amendment which the senior Senator from Florida and I have cosponsored.

I would like to point out that one Florida county, Monroe County, will still be included within the coverage of titles II and III even if the trigger formulas are increased to 10 percent. More than 12 percent of the citizens in Monroe County are of Spanish heritage. The senior Senator and I have not proposed that the trigger percentage be raised any higher than 10 percent because we believe that doing so would take out from coverage some jurisdictions where substantial charges of discrimination in voting do exist. I would like to emphasize that we are proposing a change which we believe tailors the application of titles II and III more exactly to the purposes they are meant to serve, without in any way destroying their effectiveness in protecting language minority citizens in jurisdictions where actual discrimination does exist.

Mr. CHILES. Mr. President, the amendment which has been submitted here today will, in my opinion, serve two delicate purposes with respect to the inclusion of language minorities in the act.

First of all, the raising of the "triggering" percentage of title II and III would establish a more equitable percentage than the now commonly quoted 5 percent.

I feel that the 5-percent figure inadvertently draws in some areas where good faith has been in evidence and where monumental effort has been made to assist language minorities in participating in the electoral process.

Second, by inserting a more liberal bailout provision, I think Congress demonstrates to localities that we do not intend to be punitive and inflexible. Certainly, when at least 60 percent of language minorities demonstrate participation, then I think you can justifiably state that fairness and equal treatment does exist.

I do not think anyone denies the scope and the impact of the original Voting Rights Act and the general thrust of the act has my firm support. However, I still feel that we have not devoted proper debate, time and effort to the triggering percentages.

To a large extent, Mr. President, I support a just, nationwide effort to assure the right to vote to every citizen.

I support the ultimate objective of this landmark legislation but I think sometime the authors of the legislation feel that perfection has been reached and anything else is a distraction.

I would hate to see the day when just concerns and legitimate questions are lumped into one bag and classified as delaying tactics when such is not the case.

The people of Florida have demonstrated a willingness to elect officials based primarily on merit.

The investigation that my office conducted, involving the five counties covered under the act has uncovered no charges of discrimination on the part of election officials toward language minorities.

Further, Mr. President, many of the registration officials in Florida have gone beyond the normal call of duty to assure that election material is understood by all.

Under the first provisions of the amendment, even Dade County was covered under articles I and II and I submit that Dade County has an outstanding record of electing language minorities and blacks to public office.

I have stated publicly my basic support for the inalienable right of every citizen to be free from harassment and pressure in the exercise of his vote.

The presumption that Hendry, Hillsborough, Collier, Hardee, and Monroe

Counties in Florida are violating the 14th and 15th amendments, is in error. However, the burden of proof is on those counties, not the Government.

So, in spite of the lack of charges, the absence of harassment, the nonexistence of intimidation, these counties will have to file suit to prove their innocence.

I know of no subtle or covert pressure that have kept language minorities from voting in these counties and if such evidence or charges do exist, I certainly would be most interested in learning of them.

I had hoped that the sponsors of this legislation would have accepted the amendment sponsored by the junior Senator from Florida (Mr. Stone) and myself as perfecting and technical changes. I think that would have been the proper light to view the amendment.

It would seem to me that we could have devoted a little more consideration to the triggering percentages and a little less to rhetoric on this amendment.

AMENDMENT NO. 733

(Ordered to be printed and to lie on the table.)

Mr. STENNIS submitted an amendment intended to be proposed by him to the bill (H.R. 6219), supra.

AMENDMENT NO. 734

(Ordered to be printed and to lie on the table.)

Mr. PERCY submitted an amendment intended to be proposed by him to the bill (H.R. 6219), supra.

VOTING RIGHTS FOR FORMER OFFENDERS

Mr. PERCY. Mr. President, as the Senate this week considers H.R. 6219, the Voting Rights Act extension, I would like to draw attention to a facet of this area which, unfortunately, has remained unaddressed throughout the debate. I am referring specifically to the plight of the former offender, the individual who has served his time in prison or term of parole, who has paid back in full his debt to society, by judgment of the judiciary, for the crime he has committed, and yet is often still denied the most basic privilege of membership in society: The right to vote.

As the crime statistics continue to climb, and recidivism clearly emerges as a major factor in this increase, it becomes apparent that alienation and bitterness among those who have been subject to our system of "rehabilitation" is an intense problem. Presently, only about a third of the States provide for automatic reinstatement of the former offender's franchise upon completion of his sentence. If even this most basic of social membership cards is denied, is it any wonder what the ex-offender considers himself an outcast, a class apart.

For this reason, I am today submitting an amendment to H.R. 6219 to prohibit former offenders who have completed their prison sentences or parole terms from being denied the right to vote in Federal elections if they are otherwise qualified. Congress is accorded the right to take such action by article 3, section 4 of the Constitution. While to many people the effort to reenfranchise the ex-offender may be viewed as tokenism, or of minimal importance, we will soon enter a major election year, involving the selection of a President and Vice President, a third of the Senate, the entire House of Representatives, and many State and local officials. Could there be a more opportune time to take the initiative to draw the ex-offender back into the political process?

As I noted when I introduced this measure as separate legislation in April of this year, it is only equitable that where a person has completed his sentence, he should automatically be able to assume the rights as well as responsibilities of citizenship. Of the rights prescribed by our Constitution, none is more basic and important than the right to vote.

Mr. President, I ask unanimous consent that the amendment be printed in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 734

On page 13, line 14, add the following new section:

"Sec. 407. Title II of the Voting Rights Act of 1965 is amended by adding at the end the following new section:

"Sec. 208. (a) No citizen of the United States who is otherwise qualified to vote in any Federal election shall be denied the right to vote in such election on account of his having been convicted of any crime, if he has served the sentence imposed as punishment therefor, completed any term of parole imposed in connection with such conviction, and is no longer under the jurisdiction of the court with respect to such conviction.

"(b) As used in this section, the term 'Federal election' means a primary, general, or special election held for the nomination for election, or election, of an individual for the office of President, Vice President, Senator, Representative, or Delegate to the Congress, and includes a primary held for the expression of a preference for the nomination of individuals for election as President and Vice President."

Section (2). The present sections 407, 408, 409, and 410 of this act are redesignated as sections 408, 409, 410, and 411.

AMENDMENTS NOS. 735 AND 736

(Ordered to be printed and to lie on the table.)

Mr. ALLEN submitted two amendments intended to be proposed by him to the bill (H.R. 6219), supra.

AMENDMENTS NOS. 737 THROUGH 750

(Ordered to be printed and to lie on the table.)

Mr. WILLIAM L. SCOTT submitted 14 amendments intended to be proposed by him to the bill (H.R. 6219), supra.

AMENDMENTS NOS. 753 AND 754

(Ordered to be printed and to lie on the table.)

Mr. THURMOND submitted two amendments intended to be proposed by him to the bill (H.R. 6219), supra.

AMENDMENTS NOS. 755, 756, AND 757

(Ordered to be printed and to lie on the table.)

Mr. TUNNEY submitted three amendments intended to be proposed by him to the bill (H.R. 6219), supra.

OUTER CONTINENTAL SHELF MANAGEMENT ACT—S. 521

AMENDMENT NO. 751

(Ordered to be printed and to lie on the table.)

Mr. JACKSON (for himself, Mr. Glenn, Mr. Bumpers, and Mr. Hollings submitted an amendment intended to be proposed by them jointly to the bill (S. 521) to increase the supply of energy in the United States from the Outer Continental Shelf Lands Act; and for other purposes.

AUTHORIZATIONS FOR THE STATE DEPARTMENT—S. 1517

AMENDMENT NO. 752

(Ordered to be printed and referred to the Committee on Foreign Relations.)

Mr. DOMENICI (for himself, Mr. Eastland, Mr. Roth, Mr. Allen, Mr. Beall, Mr. Garn, Mr. Goldwater, Mr. Stone, Mr. Curtis, and Mr. Thurmond) submitted an amendment intended to be proposed by them jointly to the bill (S. 1517) to authorize appropriations for the administration of foreign affairs; international organizations, conferences, and commissions; information and cultural exchange; and for other purposes.

Mr. DOMENICI. Mr. President, this past weekend members of families of American servicemen whose fates are still unknown met here in Washington. I am ashamed that we, the leaders of this Nation, have been unable to help these people learn the answers about their loved ones despite the fact that 2½ years ago they were assured that peace would bring an accounting.

My concern has prompted me to support all reasonable efforts to secure the accounting these people are due. I recognize a degree of responsibility for doing all I can toward that end because the missing men were in legitimate service of their country, creating in all of us—leaders and citizens, alike—the obligation to at least see that they are accounted for.

I am convinced that the obligation we have as citizens of the United States extends to all citizens of the world to recognize and protect fundamental human rights—one of the primary reasons for the creation of a world body—the United Nations.

For that reason, I introduced Senate Joint Resolution 69 on April 9 in an effort to force the United Nations to live up to that obligation by helping us obtain a full and accurate accounting of our men who are still unaccounted for. My resolution would have the President direct the U.S. Ambassador to the United Nations to request the U.N. to take all necessary and appropriate steps to obtain an accounting of members of the U.S. Armed Forces in Southeast Asia and to call on North Vietnam to comply with the provisions of the Paris agreement. The resolution would further provide that, if within 6 months the President could not certify to the Congress that the United Nations had taken action which resulted in an accounting of Americans still missing, the U.S. contribution to the United Nations would be reduced from 25 percent to 10 percent.

The meeting of the families this weekend caused me to look for yet another vehicle to involve the U.N. in a meaningful way. By the measure I now introduce, I am seeking to attach the resolution as an amendment to S. 1517, the State Department authorization bill.

Mr. President, I will simply say again that if the United Nations cannot or will not perform this basic humanitarian function, that organization does not deserve the continued disproportionate financial support this country has historically provided.

Mr. President, I ask unanimous consent that my amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 7, immediately below line 22, insert the following new section:

UNITED NATIONS COOPERATION REGARDING MEMBERS OF UNITED STATES ARMED FORCES MISSING IN ACTION IN SOUTHEAST ASIA

SEC. 204. (a) The President shall direct the United States Ambassador to the United Nations to insist that the United Nations take all necessary and appropriate steps to obtain an accounting of members of the United States Armed Forces missing in action in Southeast Asia and to call on North Vietnam to comply with the provisions of the Paris agreement.

(b) Unless the President certifies in writing to the Congress not more than six months after the date of enactment of this section that the United Nations has taken action which has resulted in an accounting of Americans still missing, the amendment made by subsection (c) of this section shall take effect.

(c) Public Law 92–544 (86 Stat. 1109, 110) is amended, in the paragraph under "INTERNATIONAL ORGANIZATION AND CONFERENCES" headed "CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS", by striking out "25 per centum" the first time it appears and inserting in lieu thereof "10 per centum".

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 681

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the senior Senator from Arizona (Mr. FANNIN), be added as a cosponsor of amendment No. 681 to H.R. 8121, the Departments of State, Justice, and Commerce, the Judiciary, and related agencies appropriations bill, an amendment which would deny funds for negotiations to surrender U.S. sovereignty over the Panama Canal.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 694

At the request of Mr. PROXMIRE, the Senator from Massachusetts (Mr. BROOKE) was added as a cosponsor of amendment No. 694 intended to be proposed to the bill (S. 1281 to improve public understanding of the role of depository institutions in home financing.

NOTICE OF A MEETING OF THE BUDGET COMMITTEE TASK FORCE ON CAPITAL NEEDS

Mr. CHILES. Mr. President, the Capital Needs Task Force of the Senate Budget Committee will hold an organizational meeting of Senators to discuss the work program and activities of the task force on Thursday, July 24, at 2 p.m. in room 357 of the Russell Senate Office Building.

DISTRICT OF COLUMBIA COMMITTEE HEARING ON JUDICIAL NOMINATIONS

Mr. EAGLETON. Mr. President, the Committee on the District of Columbia will be holding a hearing July 28, 1975, at 10 a.m., in room 6226 on the nominations by the President of Julia P. Cooper to the District of Columbia Court of Appeals, and Bruce S. Mencher to the District of Columbia Superior Court, each for a term of 15 years.

Persons wishing to testify or to submit written statements in regard to these nominations should contact the staff director of the committee, Robert Harris in room 6222, Dirksen Senate Office Building by noon, Friday, July 25.

NOTICE OF HEARING

Mr. JACKSON. Mr. President, I wish to announce that the Interior Committee has scheduled a hearing for Friday, July 25, on the nominations of Eric R. Zausner to be a Deputy Administrator and Thomas E. Noel and William G. Rosenberg to be Assistant Administrators, of the Federal Energy Administration.

The hearing will begin at 10 a.m. in room 3110, Dirksen Senate Office Building.

ADDITIONAL STATEMENTS

WALLOPS ISLAND: AMERICA'S ROCKET CAPITAL

Mr. HARRY F. BYRD, JR. Mr. President, while the world watched the lift-off and early stages of the Apollo-Soyuz space mission, a small station on the eastern shore of Virginia stood by to halt the Apollo flight in case of a malfunction.

Fortunately, the services of the Wallops Island facility of the National Aeronautics and Space Administration were not required. The flight went smoothly.

But even though Wallops Island remained in a standby status during the historic United States-Soviet space venture, this small installation has played a basic role in the American space effort.

The mission at Wallops Island has been an experimental one. Robert C. Kreiger, director of the facility, said in an interview published in the July 18 edition of the Richmond Times-Dispatch that—

> We do much of the preliminary work that ends up in a big rocket finally launched somewhere else.

Actually, Wallops Island is the rocket capital of the United States. Since the station opened in 1945, it has launched 14,000 rockets—more than any other U.S. installation.

Most of the rockets fired from Wallops Island have carried equipment to make tests in the atmosphere. Many have included new devices being tested for future missions involving larger rockets.

I salute the men and women of Wallops Island, who have quietly made a major contribution to their country's achievements in space.

I ask unanimous consent that the text of the article from the Richmond Times-Dispatch, "Wallops Staff Only Had To Watch," by Jerry Lazarus, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WALLOPS STAFF ONLY HAD TO WATCH

(By Jerry Lazarus)

WALLOPS ISLAND.—When the crew of the Apollo spacecraft shook hands with the Soviet cosmonauts in space Thursday, John Parks Jr. felt a sense of relief and accomplishment. His job was over.

He and other National Aeronautics and Space Administration technicians and engineers watched the docking on the television screens in the darkened control room at the NASA flight center in this Eastern Shore community.

The buttons on the dozen consoles, though unlit, radiated a kind of tension and urgency.

The tension had been apparent Tuesday afternoon. The room had been lit then, and men bustled in and out. Parks and others sat at the console tracking the lift-off of the Apollo rocket in Florida by radar and radio, and charting its path with computers.

Had the Apollo's Saturn IB rocket veered right or left from its assigned trajectory toward populated areas, Parks would have been responsible for pushing a red disc on his console labeled "destruct."

Fuel in the spacecraft's engines would have been cut off, the astronauts would have been evacuated and the rocket would have been blown up.

"I would have pushed the button under orders from the range safety officer at Cape Canaveral," said the 34-year-old electrical engineer. There would have been about five seconds to decide whether to abandon the mission if something had gone wrong.

The path laid out for the rocket took it up the U.S. coastline and then toward the Mediterranean on its way into space. The Wallops Island facility was involved because 400 seconds after lift-off "there are only two stations that can provide good data about what the rocket is doing," Parks said, "the tracking station at Bermuda and the one here."

The Florida space center loses track of the rocket after it goes over the horizon and before it enters space and goes into orbit.

Since January, Wallops Island personnel have been preparing for the Apollo-Soyuz mission, and in the last two weeks they spent hours checking equipment and simulating lift-offs to be ready if something went sour.

"You can never tell when something might malfunction," Parks said.

The computer chart of the Apollo flight showed it was performing as programmed, so Wallops Island only had to stand by.

"We were supposed to track the rocket from 400 seconds after launch to six hours after launch, but we were relieved after 15 minutes," said Parks, "because everything went so well."

The role of Wallops Island as secondary center is characteristic.

Though this was one of the first facilities in the nation from which rockets were launched for use in research, the 3,000-acre center's achievements have been obscured by the aura surrounding Cape Canaveral, from which men have been sent to the moon.

"We work silently," said Robert C. Kreiger, the 59-year-old director of the facility. "We're a lot smaller and we do much of the preliminary work that ends up in a big rocket finally launched somewhere else."

Nearly 14,000 rockets have been launched here since the facility opened in 1945. Between July 1974 and June 1975, 640 rockets were sent into space, according to technical director William Lord.

That number is more than from any other place in the United States, he said. "Most of the rockets are small, though, Canaveral thinks one Appollo cancels out most of the rockets we have shot."

Because this is a civilian-operated missile center, the atmosphere is informal, as are the security procedures.

Most of the one- and two-stage rockets launched here are filled with equipment and experiments to test the atmosphere, and measure wind speeds and air pressure and record temperatures.

Tests are also run on new equipment in the less expensive rockets launched here before they are installed in expensive rockets like the Saturn 1B and for Apollo flights.

Kreiger said that though the glamour is missing, the center has an important role. "We are just in the beginning of the space age," he said, comparing the leap into space in the previous 15 years with the era when airplanes first came into use.

"We are just beginning to recognize the possibilities of having a global viewpoint presented to us by satellites," he said.

LAST SPEECH BY HEW SECRETARY WEINBERGER

Mr. DOLE. Mr. President, a recent address by outgoing Health, Education, and Welfare Secretary Caspar Weinberger has received wide and well-deserved publicity.

The Secretary's Monday speech at the Commonwealth Club of San Francisco, his last major address as Secretary, is a dual message of caution and of hope.

Weinberger warns that we are "creating a massive welfare state" in this country, one "that has intruded into the lives and personal affairs of our citizens." The Secretary cites serious dangers of a continued restriction of personal freedom as one result of this trend, and the danger "that we may undermine our whole economy" as another.

Barring a change in the thrust of our social policies, he foresees the day when "half the American people will be working to support the other half. At that point," he says, "Government would be like a gigantic sponge * * *."

As an alternative, he offers some thoughtful proposals for reform of our welfare system, outlining a cash grant system to replace the several separate categorical aid programs now in being. The cash grants, he would couple with a "strong work requirement" for those who are able to work.

As usual, "Cap" Weinberger's remarks are perceptive, thoughtful, and constructive and I commend them to my colleagues, many of whom, like myself, are proud and privileged to consider the Secretary a friend and all of whom, I know share my profound respect for his achievements and gratitude for his 5 years of service in the Federal Government.

Mr. President, I ask unanimous consent that an article from the Washington Post and the speech of Secretary Weinberger be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HEW CHIEF HITS SOCIAL PLANS

(By Eric Wentworth)

Caspar W. Weinberger, in his last major speech as Secretary of Health, Education and Welfare, warned yesterday that federal programs to solve social ills are leading "egalitarian tyranny" and fiscal bankruptcy.

Weinberger heaped much of the blame on Congress, asserting that it "quite evidently believes that the road to popularity and reelection is to say 'Yes' to every demand for every increase in all existing programs and to agree to most demands for new ones."

He also blamed the lawmakers for perpetuating a "complex tangle of narrowly focused social programs" and for requiring the executive branch to adopt "drastic and often unnecessary regulations."

But the outgoing HEW Secretary, in a speech to the Commonwealth Club of San Francisco, also attacked the Supreme Court for requiring due process in school discipline cases· "In securing the dubious rights of a few, this denies the rights of the many."

And as another example of what he termed "questionable social engineering," Weinberger criticized "the narrow, mechanistic way we are forced to bus children to achieve racial balance."

Weinberger had some harsh words for the executive branch as well, singling out Labor Department regulations for "affirmative action" hiring—which HEW enforces in the academic world.

"It has taken the University of California over a year," he said, "to prepare the mountain of paperwork that Department of Labor regulations, not ours, require for this program. Yet the net effect of this Herculean effort will only be trivial in terms of increasing real job opportunities for minorities and women."

His point, Weinberger said, was "to illuminate how futile and counterproductive it is for a distant government to concentrate on narrow, statistical, mechanistic goals and thereby lose sight of the real goals: equality of opportunity and better schools for all."

Weinberger—who has resigned after two and a half years as HEW secretary and five and a half years' total federal service—defined equal opportunity himself as "the right to compete equally for the rewards of excellence, not share in its fruits regardless of personal effort."

Warning against "faceless gray egalitarianism," he continued, "The real social agenda of America, still unfinished, is to discover and reward excellence wherever we find it"—regardless of race, sex or religion.

On the economic side, the former Office of Management and Budget director warned that the government's "unplanned, uncoordinated and spasmodic" responses to social needs "is quite literally threatening to bring us to national insolvency."

New York City, with one in every eight persons on welfare, is "staring into the abyss," Weinberger noted. "For decades, it spent more than it took in—and today it is hostage to whoever can be persuaded to loan it more billions for its unbelievably swollen operating expenses."

But the federal government itself, he continued, has had deficits in 15 of the last 16 budgets. "If we continue thus," he warned, "the nation will also stand before that abyss some day—only there will be no one with enough resources to rescue the federal government."

A VIEW OF THE FEDERAL GOVERNMENT

(By Caspar W. Weinberger)

(NOTE.—This text is the basis of Secretary Weinberger's oral remarks. It should be used with the understanding that some material may be added or omitted during presentation.)

In a few weeks I will be leaving Federal service, and this is my last major speech as Secretary of Health, Education, and Welfare. I am glad it has worked out that this valedictory can be given in my home here in San Francisco where it all began for me—when I gave my first valedictory in this city—when I graduated from Polytechnic High School. I do not know if the cycle is complete, but there is a certain symmetry about it.

My single overriding observation after these years in Washington is of the growing danger of an all-pervasive Federal government. Unless checked, that growth may take from us our most precious personal freedoms. It also threatens to shatter the foundations of our economic system.

When I came to Washington in 1970, the Federal budget outlay stood at $196.6 billion. It is now $358.9 billion—an increase of 83 percent. Lest you think there is a causal connection between that increase and my residence in Washington, I ask you to listen a bit further.

Apart from its sheer magnitude the most noteworthy thing about this trend is that Federal spending has shifted away from traditional Federal functions such as defense and toward programs that reduce the remaining freedom of individuals and lessen the power of other levels of government.

This shift in Federal spending has transformed the task of aiding life's victims from a private concern to a public obligation. There are benefits and burdens in this:

One benefit is that the care of the less fortunate is guaranteed under law. The sweep of our social program commitments has brought secure incomes for the elderly, the ill, those who are alone, and those who are disabled. They have provided health care for millions and opened the doors of college to young people whose families could not otherwise have given their sons and daughters this opportunity.

But in the process of pouring out all of these compassionate and humanitarian blessings and institutionalizing our social obligations, we have built an edifice of law and regulation that is clumsy, inefficient and inequitable. Worst of all, the unplanned, uncoordinated and spasmodic nature of our responses to these needs—some very real, some only perceived—is quite literally threatening to bring us to national insolvency.

We are also creating a massive welfare state that has intruded into the lives and personal affairs of our citizens. This intrusion affects both those it seeks to help and those who do the helping. The entire human resources field is under the lash of Federal law—doctor, hospital, teacher, college president, student, voluntary agency, city hall and State capital. All of these are subject to the steadily increasing intrusion of the Congress—which requires that drastic and often unnecessary regulations be adopted by the Executive Branch.

It must be emphasized that this increased intrusiveness is a consequence of legislation, not the impulsiveness of the Executive Branch. I had to plead with the Congress to grant a special exemption for Boy Scouts and Girl Scouts from the broad sweep of Title IX, the anti-sex discrimination statute. Yet I venture to say that there is scarcely a person in this audience who does not believe it was all the idea of the Department of Health, Education, and Welfare rather than the poorly drafted statute Congress passed which, unamended, would have required Girl Scout Troops to admit boys and vice versa.

There is an over-riding danger inherent in the growth of an American welfare state. The danger simply is that we may undermine our whole economy. If social programs continue growing for the next two decades at the same pace they have in the last two, we will spend more than half of our whole Gross National Product for domestic social programs alone by the year 2000.

Should that day ever come, half of the American people will be working to support the other half. At that point, government would be like a gigantic sponge, sopping up all the Nation's surplus capital needed for industrial growth and modernization. Lacking funds for these vital purposes, we would no longer have enough surplus capital left to invest in job producing activities in the private sector—and it is that kind of investment which has always pulled us out of recessions and depressions in the past. In all likelihood, we could not maintain our free enterprise, incentive capitalistic economy, if 50 percent of the whole GNP had to be used to pay for domestic social programs alone. And if we lost our free enterprise, incentive system, we will have destroyed, by inaction, the system that has brought more benefits to more people at home and throughout the world than any other system since recorded history began.

Those who urge still more social programs view the problem upside down. It is not more social programs that will solve our Nation's ills, but more economic growth. Growth alone provides the jobs that reduce social ills. Growth alone provides the revenues that finance our social program commitments, yet one of the most iniquitous of the new philosophies we hear today is the smug assertion that "less is better and more is worse."

What we do have to limit is the growth of the welfare state in America. We must summon up a common determination as a people to change drastically our present approach because it is not only not working—but it can ruin all of us. Only a wave of public sentiment in this direction can give Congress the nerve to say "no" to more social programs. As it is, Congress quite evidently believes that the road to popularity and reelection is to say "yes" to every demand for every increase in all existing programs and to agree to most demands for new ones.

Above all, we must recognize that personal freedoms diminish as the welfare state grows. The price of more and more public programs is less and less private freedom.

It is also the propensity of welfare states to spend beyond their means, leaving the day of fiscal reckoning to another generation. The news today is that we *are* that other generation.

New York City, where one out of every eight persons is on welfare, is now staring into the abyss. For decades, it spent more than it took in—and today it is hostage to whoever can be persuaded to loan it more billions for its unbelievably swollen operating expenses.

The Federal government has also been spending more than it has taken in—15 of the last 16 Federal budgets have been red ink budgets. If we continue thus, the Nation will also stand before that abyss some day—only there will be no one with enough resources to rescue the Federal government. This need *not* be the result. Always before we have had the sense, the wisdom and the resolution to change course in time.

But the people will have to *want* to change course so definitely that they let Congress know in unmistakable terms that more and more increases in the old, tired programs that we know do not work is *not* the road to popularity and re-election.

Events can change swiftly. A year ago this time the Nation stood in the depths of its torment over Watergate. The phrase on every lip was "a crisis of confidence."

The doomsday philosophers predicted that evil days lay ahead for the Republic because the American people would never again place trust in their leadership. But they were wrong.

Today, one year later, the Nation is moving ahead again with gathering confidence in its leaders and its economic system. Thanks to the open and candid leadership of President Ford, we are regaining faith in ourselves and confidence in our leaders.

I am proud to have played a role in this open style of leadership. Within my Department, I instituted a series of open government reforms:

We directed that top managers at HEW talk directly to members of the press, without intermediaries in public affairs offices;

We directed that requests under the Freedom of Information Act be answered within 10 days, and appeals within 20 days;

We cut out hundreds of public affairs positions, publications and other materials which we identified as self-serving puffery that was obscuring an open-minded approach to the facts. In fact, we have reduced our public affairs establishment by 80 percent since I took over the Department 2½ years ago.

Clearly we are achieving open government. Now we must achieve effective government.

HEW is big but bigness alone is not its problem. Rather, it is the complex tangle of by Congress over the years and given to us to administer—programs which the Congress refuses to repeal or reduce despite our urgent pleas.

The basic rationale for the structure of the Department of Health, Education, and Welfare is as valid today as it was when HEW was established by President Eisenhower 22 years ago—and that was to bring together the entire field of human resource programs so that people's problems could be dealt with in an integrated and comprehensive way. Wherever that principle has failed of its purpose, it has been because of the hodge-podge of categorical aid laws that Congress keeps adding and refuses to repeal, and which require HEW to deal in narrow, isolated, and fragmented fashion with human needs. What we really need is not to chop HEW up into more administrative pieces but to sew it together with better social law.

Welfare would be a good place to begin. It is a confused tangle of cash stipends that vary from State to State and even among localities. Affixed to this jumble is a series of other separate programs such as food stamps, Medicaid, housing subsidies and an array of other social services.

The total impact of all this is inequity for recipients, unmanageability for administrators, and outrage for the taxpayer. As presently constituted, welfare offers incentives for people not to work. It also encourages family break-up. All of this runs directly counter to the values of our society.

A liberal Harvard sociologist quotes a liberal Boston newspaper article about the case of a Massachusetts mother on welfare. She and her six children are receiving welfare grants, tax breaks, food stamps, and a variety of health, education and social services that, together, equal an annual earned income of $20,000 and four States have even more liberal benefits than Massachusetts. Quite a few working Americans might feel that if they can obtain $20,000 a year in legal benefits for their family by not working and by having the father absent, they should take advantage of such an offer.

But such an offer, I should add, is not without its price in personal freedom. The fact is, this welfare mother's considerable income from the government must be spent largely as the government says. Only $7,188 is in cash, and that too must be accounted for in some fashion to a social worker. The remainder is not in cash but in government-conferred benefits—free medical care, free day care and free education at a private school for three of her children. These items alone would cost income-earning families $8,750 a year were they to choose to spend so considerable a portion of their income for such purposes.

The lesson is plain enough: When benefits are as high and as uncoordinated as that, and when there are so many inducements to go on welfare, there is no real incentive to leave the welfare rolls, even though the government controls over the family budget deny all real personal freedom and decision by those receiving welfare.

There is a way to end the welfare mess, and it is by adopting a completely new system that would be coordinated and administered through our tax system. We should abolish AFDC, Food Stamps and SSI right now, and substitute a simple cash grant, based on need, measured by income, and payable only to those who meet a strong work requirement if they are able to work.

Those with incomes above the figure set by Congress would pay taxes. The amount of cash supplement received, like the amount of taxes paid today, would vary with the income level of the family. This program could be financed largely by eliminating the present welfare cash assistance, food stamps and SSI programs and the new welfare programs the Congress adopted earlier this year. Those programs, a $50 bonus for everyone on Social Security and an earned income credit, were adopted in a single afternoon without an hour of committee hearings or debate. Together they added another $4.2 billion to our welfare bill.

A completely new approach to welfare is needed because that is the only way we can escape the present welfare jungle and have a program that—

Would treat equally everyone actually in need;

Would eliminate the incentives we now have to go on welfare and stay there; and

Would end the intrusive social-worker approach of demanding to look at and control every welfare recipient's personal budget, and much of his personal life.

This latter point is crucial if we are to sustain the personal freedoms we hold dear in this Country. A welfare state inevitably plunges us into a morass of attempted social engineering. So instead of simply trying to alleviate real need and encouraging people to go back to work, we try to regulate all kinds of private matters.

One case in point came to light last winter when the Supreme Court ruled that unruly school children cannot be suspended without due formalities and hearings. This effectively divests school principals of their duty to ensure the orderly classrooms so essential to effective learning for the majority of school children. In securing the dubious rights of a few, this denies the rights of the many.

Another example of questionable social engineering is the narrow, mechanistic way we are forced to bus children to achieve racial balance. The aim of fully integrated education is desirable, indeed necessary. I had the benefits of being educated in wholly integrated classrooms from the Old Frederick Burke School and Polytechnic High School here in San Francisco all the way through the Harvard Law School. But that integration was attained at the same time other equally valuable attributes of public education were achieved: Quality education, parent participation in schools, and the public support so needed for public education. These other values, in addition to the very real values of integration, have to be considered, too, for when fanatics on either side take over, the school child is the one primarily injured.

Still another example of this questionable social engineering by ineffective and meddlesome government concerns the program to end hiring discrimination in colleges. It has taken the University of California over a year to prepare the mountain of paperwork that Department of Labor regulations, not ours, require for this program. Yet the net effect of this herculean effort will only be trivial in terms of increasing real job opportunities for minorities and women.

I think these Labor Department hiring regulations, which our Department must administer, are wholly inappropriate for colleges. They very nearly caused a complete cut-off of vital Federal aid to 30 colleges a few weeks ago. It was only by dint of some last-minute, patient—and if I do say so rather skilled work—that we were able to avert a financial catastrophe for these colleges.

In citing all these examples of how the good intentions of government so frequently come to bad ends, I am not pleading the case against good intentions. What I have been attempting to do is to illuminate how futile and counterproductive it is for a distant government to concentrate on narrow statistical mechanistic goals and thereby lose sight of the real goals: Equality of opportunity and better schools for all.

Justice Louis Brandeis once said, "Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficient. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding."

Those words hit the mark. Those "without understanding" interpret equal opportunity in a narrow, egalatarian sense. They are hypnotized by the game of numbers.

This is egalatarian tyranny, not equal opportunity. Equal opportunity means the right to compete equally for the rewards of excellence, not share in its fruits regardless of personal effort.

An equal opportunity, based on excellence, benefits all. By rewarding excellence, we share in the fruits of that genius. The egalatarians miss this point. They would divide the wealth equally, overlooking the crucial fact that all human progress throughout history owes its origins to the talented and the enterprising. We must keep a system that allows us to develop and use the talents and excellence of all, no matter what their origin. But if we practice inverse discrimination in the name of affirmative action, we may deprive the Country of some of the real genius and talent we desperately need.

Of course we must protect and help the poor and the most vulnerable members of society. But if we do not persevere in the quest for excellence, then our reward will be a dearth of excellence. Those who have escaped the gray, faceless masses of the world's closed societies understand that fact. We, who have perhaps taken the need for quality for granted for so long, seem now to be in danger of forgetting its importance.

Our Country was built by people of energy, daring and ingenuity—the Edisons, the Wright Brothers, the Helen Kellers, the Fultons, the Carnegies, the great musicians and artists and countless others brimming with dreams and filled with the courage to reach out and realize those dreams whatever the odds.

Their kind of daring was nurtured in a social climate that rewarded risk takers and practical visionaries. If we now proceed mindlessly to change that climate to one favoring a faceless gray egalatarianism, we will have lost all that has made America great and enabled us to help so much of the world.

The real social agenda of America, still unfinished, is to discover and reward excellence wherever we find it—under a Black skin, a white skin, in a female or male, in a Catholic, a Jew, a Protestant or an Agnostic. That is the real purpose of equal opportunity.

If we fail to see this as our real agenda, we risk delivering our destinies over to the cold and lifeless grip of a distant egalatarian government whose sole purpose is to ensure an equally mediocre existence for everyone, achieved at the cost of personal liberty.

To avoid so mean a fate, we need men and women with vision. More than that, we need such people to participate in the political process and the workings of government.

For it is not sufficient merely to perceive the difference between democracy and egalatarianism. One must also act on that perception.

Politics and government is and can be an honorable profession. Or it can be just as dirty a business as we let it become. How honorable it is depends on how many honorable men and women participate. The fewer who do, the less likely it is that we shall have clean politics and effective government.

Finally, permit me a brief personal word: My career of public service has been filled with great satisfactions. There have been frustrations and difficulties of course, but I can commend to you, without reservation, the ultimate satisfactions and joys of public service. No other work offers the exciting knowledge that your efforts may help some who need help the most and the equally important belief that you are helping, in however small a way, to keep America and all that it stands for strong and free.

We need people of energy and ability, talent and enthusiasm at every level of government—at the local level, where democracy's roots are sunk, and at the top where the scope for action is so great.

So my message today is a simple one, and one which I would like to leave with you: Get involved in America, take part—don't sit on the sidelines or watch from the stands. Join in, and make your voice heard, and we will have nothing to fear in the future—indeed we may all see the hope and the dreams of America fulfilled in our lifetime.

WHEN A PENSION INCREASE RESULTS IN A PENSION CUT

Mr. ABOUREZK. Mr. President, every year pensioners in this country face a recurring problem when the Congress votes an increase in social security, VA, and other pensions. An increase in one Government pension moves the retired person into a higher "income" bracket and causes a decrease in another pension the individual is receiving.

In many cases, the net result is a decrease in total benefits to that individual or family. This absurd reality calls for prompt congressional action on S. 445, which I had the privilege to introduce along with the Senator from Pennsylvania, Mr. Scott.

S. 445 would require that an increase in one Government payment would not be counted against an individual's situation with respect to other Government benefits. It is thoroughly consistent with our commitment to retired and disabled workers and veterans that we assure that a cost of living increase in benefits voted in Washington means a real increase in the checks reaching people around the country.

The July 1975 issue of the V.F.W. magazine includes a fine article on this anomaly and how it affects members of the Veterans of Foreign Wars and other veterans. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Pension Cuts: Officials Speak Out

(By John J. Stang, V.F.W. Commander-in-Chief)

"My pension was cut $11.63. How come? I thought we were going to get a raise."

"I'm 78 and a veteran's widow. I can't afford to live on what the VA pays me and now my pension was cut."

"I used to eat a steak once in a while, now I can't afford hamburger."

"I fought for my country. Why do I have to fight again?"

These and thousands and thousands more are comments requested in the V.F.W. Magazine in May from veterans or their widows whose sole income was from Social Security and whose pensions were decreased or terminated.

If thousands responded to the small notice, imagine the thousands more who missed it or were unable to reply.

Originally, it was thought—erroneously, as it developed—that the law which went into effect last January raising the income limits by $400 and increasing the monthly payments by 12% would take care of last year's 11% raise in Social Security checks.

In fact, in the report of the House of Representatives on its consideration of the bill, it was stated that the VA assured the Congressmen that no one would be dropped from the pension program if the bill was passed.

Instead the VA has now informed the V.F.W. that over 2,000 were terminated. In addition, approximately 345,000 lost some money in the small amount received under the nonservice-connected veterans and widows pension provision.

Two things happened to create this situation. First, unless the Social Security and VA pension checks were about equal, those with larger Social Security payments got a higher percentage increase than was covered by the increase in their smaller VA check. Eleven percent of a large amount is greater than 12% of a smaller amount. Increases in income automatically reduce the VA pension check.

Second, the cut-off limits for decreases in the VA pension as other income—such as Social Security payments—increases, were changed in the new law in January. This means that if you were in the bracket last year that reduced your VA check by four cents for every one dollar you received over a certain amount, you might find yourself being reduced by five or six cents this year.

The result was that even though a veteran or widow thought the increase in the VA pension would offset the increase in Social Security, some 345,000 people received the shock of their lives.

What can we do? The first thing has already been done. Thanks to your letters and cards, our Washington Office has visibly demonstrated to key members of Congress and the Administrator of Veterans Affairs that your pensions were reduced or terminated. Their reactions may be seen in the accompanying pictures and statements.

We wish that each and every one of the thousands of letters could be answered individually, but we do not have the manpower and we are sure that you would have this effort and cost go to a better cause—that of working to right these injustices. I personally thank each veteran or widow who wrote Cooper T. Holt, the Executive Director of your Washington Office. If official documents were sent with the letters, they will be returned as time permits.

What is the answer? Hard work by Congress and the VA to right this injustice. Almost everyone connected with the pension program agrees that it is inequitable. The program must be fair and it must be based on need. It also must decrease with increased income to some point where it is no longer needed.

But it must allow a veteran or widow to be assured that welfare need never be accepted. A man who fought for his country should be too proud to accept welfare.

We will work to establish an income level which will assure that no veteran need ever apply for welfare. Once this level is agreed upon, it should be adjusted as the cost of living increases—and at the same time, as other income receives the adjustment. A more equitable treatment must be found for counting a spouse's income. It does not seem justified to count her retirement check at a time when the two need the little received. And, when medical expenses are determined to be "unusual" by the VA, should not all of them be counted rather than a certain percent?

We pledge to those receiving pensions that the V.F.W. will lead the fight to eliminate the injustices of the pension program. Injustices which now exist, as shown by the thousands who answered our request for letters, must be corrected.

WHERE TO WRITE

Comments may be sent to these government officials at these addresses in Washington, D.C.

Rep. Roberts, 2455 Rayburn House Office Building.

Sen. Hartke, 313 Russell Senate Office Building.

Rep. Montgomery, 208 Cannon House Office Building.

Administrator Roudebush, VA Building, Vermont at H Street.

THE SHORTAGE OF CANNING LIDS

Mr. HATFIELD. Mr. President, the shortage of replacement lids for canning jars continues, and millions of Americans will see the fruits of their labors spoil unless they can obtain adequate canning supplies. This would be particularly tragic this year, when an estimated 12 million Americans have begun home gardening and canning for the first time in response to food price inflation and the President's call to plant WIN gardens.

As the shortage has become increasingly severe over the past several months, I and many of my colleagues have written to the Agriculture Department, the Department of Commerce, and the Federal Trade Commission seeking an explanation for the shortage. The answers have all come back saying that it is simply a matter of demand substantially outdistancing supply after years of declining sales. Correspondence with the Kerr and Ball Corps., two of the largest canning jar lid manufacturers, indicates that the two companies are working 24 hours a day, 7 days a week to produce replacement lids. Still the shortage continues.

Many of my constituents, and I am sure those of other Senators, have written me asking for help to alleviate the shortage. Others have charged collusion among the manufacturers and distributors to withhold lids from the market, while providing ample supplies of the more expensive complete assembly of jar, cap, and lid. As yet, the Federal Trade Commission has discovered no evidence to substantiate these charges. However, I note with interest that, according to today's Washington Post, a full investigation may begin soon.

I strongly urge that course, so that we can settle these charges of conspiracy. More important, however, is the alleviation of the shortage. This is of particular concern to me because Oregon has been identified as one of the States hardest hit by the lid shortage, and I know how many of my constituents grow and can their own fruits and vegetables.

I ask unanimous consent that an article from the New York Times and one from the Washington Post regarding the canning lid shortage be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SHORTAGE OF CANNING LIDS PROVING COSTLY

(By Ben A. Franklin)

CULPEPER, VA., July 18.—There have been no canning lids, at any price, for months in the stores here and in thousands of other small towns across the country's farm and garden belt. So when Hazel Black's Aunt Bertha mailed her five boxes of lids from Missouri last month, it made Mrs. Black the talk of this town. She could can her tomatoes.

Tens of thousands of outraged housewives in small-town and rural America have been writing angry letters to their Congressmen, to Ralph Nader, to the Agriculture Department, and even to the White House about the nationwide shortage of metal lids for glass home-canning jars.

The canning lid shortage, worsening for the last two years as soaring food prices and exhortations to home cultivation have resulted in six to eight million new vegetable gardeners, has brought both a cultural and an economic loss.

Millions of country kitchens will not steam with the tart canning smells of vinegar, onions, cloves and cinnamon. Millions of quart jars of home grown tomatoes, cucumbers, pickles, relishes, sauerkraut, beans, beets, corn, squash, peaches and jams and jellies will simply not be "put by." And literally millions of dollars worth of home garden crops may go to waste along with the toil and care invested in them.

It is no wonder, then, that Mrs. Black and her aunt in Missouri are the talk of Main Street in Culpeper.

Mrs. Black, it was noted approvingly here this week, shared half her lid windfall with a sister who lives nearby.

A visitor learned of the Blacks' good fortune, for example, from Hult L. Wilson, the director of the Culpeper Chamber of Commerce, who views the lid shortage gravely.

Mr. Wilson has been conducting a one-man investigation of the canning lid shortage locally and, to calm the populace, reporting his findings over radio station WCVA. His check of merchants' stockrooms, he said, failed to find any of the jar lids that some housewives had accused store owners of "holding out for higher prices."

His investigation had been requested by harried, lidless merchants here and agents of the Culpeper County Agricultural Extension Service who have been besieged by angry women with a bumper crop of beans and tomatoes ready for canning.

The women here—as widely elsewhere, according to a sampling of Congressional and White House mail on the subject—believe they are being victimized by merchants or unscrupulous canning equipment manufacturers, or both, Mr. Wilson said.

Cardboard cartons containing 12 new jar "sets"—the quart jars with their attached, two-piece lids and screw-on caps—are stacked high in stores nearly everywhere, widely available for about $3 a dozen.

"HORRENDOUS DEMAND"

But in rural areas, particularly, where the surge in home canning means dusting off old jars that had been stored on cellar shelves, what is needed are replacement lids (lids are usable only once) at from 30 to 60 cents a dozen. And despite the 24-hour, 7-day-a-week production rush of 6.2 million lids a day claimed by the three major manufacturers, they are almost nowhere to be found.

An investigation begun fitfully last month by the Subcommittee on Commodities and Services of the House Small Business Committee has also failed to adduce any hard evidence of conspiracy on the part of corporations or distributors. But the hearings have now been ordered reopened by the subcommittee chairman, Representative Charles J. Carney, Democrat of Ohio.

Ohio has proved to be the hardest hit of the 14 most lidless states—Michigan, Pennsylvania, Indiana, Illinois, Minnesota, Wisconsin, Iowa, Nebraska, California, Washington, Oregon, Virginia and West Virginia.

Spokesmen for the canning equipment industry and the Federal Trade Commission, which has been examining the industry's performance, are expected to repeat their earlier assertions that, upon news of soaring seed sales in 1973, factories were geared up to increase production of complete canning sets, but that the companies failed to foresee what an official of the Kerr Glass Manufacturing Company calls "the horrendous demand for just the lids."

"There is really a 'for-want-of-a-nail-the-rider-was-lost' situation," said a lid manufacturing executive. "The lids couldn't be more simple."

They are round, tinplate inserts with airtight composition gaskets that seal snugly against the mouth of a home canning jar. Held in place at first by open-topped, knurled screw caps, the lids are than literally pulled on with tremendous, sealing vacuum force during the canning process. The pressure cuts deeply into and deforms the rubbery gasket, making it unsafe to use again.

Statistics provided by the largest jar and lid manufacturer, the Ball Corporation of Muncie, Ind., show, for example, what a Ball spokesman calls "a market all bent out of shape."

Merchants here will tell you that a merchandise manager who in December ordered caning lids for delivery before May or June "would have had to be crazy in the old days."

Ball's total sales of home canning equipment for the December-March first quarter of 1973 reflect that. They amounted to $160,000, "normally slow," according to the company. But in the first quarter of 1974, sales from warehouse stocks shot up 35 times to $5.6-million, and in the first quarter this year they rose more than 80 times over the 1973 "normal"—to almost $13-million.

LIDS FOR ALL BY WINTER

"We suddenly had 20 million home gardeners in a shortage frame of mind," said Vern Schanz, a spokesman for Ball. "They bought in December. The whole marketing pattern was changed, and we couldn't start to catch up until this year because last year there was a shortage of tinplate.

"We'll have lids for everyone by this winter, when supply overtakes what I hesitate to call hoarding, but is certainly buying in anticipation of need."

According to other industry spokesmen, daily shipments from factories now on three shifts will bring the year's total production to two billion lids, "but they just evaporate."

In Sand Springs, Okla., the marketing (but not lid making) headquarters of the Kerr Company, the second largest producer, a recent shipment of four cases of lids—60 dozen in a case—reportedly sold out in 45 minutes.

In Brookfield, Mo., where Mrs. Black's

lids were purchased a month ago, stores and supermarkets now are keeping waiting lists for lids—if and when they ever come in.

In Fayetteville, Ark., one store owner complained that in checking a carton of the complete jar sets for a customer he found the lids missing—"stolen right off the jars."

And in Whiteville, N.C., farm women took their complaints last week to the Columbus County Office of Civil Defense. They were referred to their Congressman, Representative Charles G. Rose 3d, in Washington. And in what may have been a political miscalculation, Mr. Rose, a Democrat, sent his young summer interns out to round up 2,160 lids—all the stock of several stores in the capital—for distribution back home.

He has since received not only a frowning letter from Virginia Knauer, President Ford's adviser on consumer matters, but also a suggestion from six Washington-area Congressmen for a "blockade" of his district "until all canning jar lids pillaged from this area are returned to their rightful territory."

Keeping the Lid on or Blowing a Top: The FTC Investigates

(By Marian Burros)

The Federal Trade Commission is expected to announce a field investigation of the nationwide canning-jar lid shortage at a congressional hearing Wednesday.

The shortage of replacement lids for canning jars is forcing thousands of people into an untenable situation. Since lids can be used only once, canners either must buy complete new jar units—far more costly than 8-cent replacement lids—or let the produce they have grown rot on the vine. For those who are canning out of economic necessity, the situation is bleak.

There were 20 million home gardens in 1973, and 32 million this year, many of which have doubled in size. But at the beginning of 1975 the canning jar manufacturers were assuring government agencies and the general public that there would be no shortage of lids.

The FTC's investigation is in response to repeated requests over the last 18 months by Rep. Charles Vanik (D-Ohio). Until last week the agency had refused to conduct a study because, it told Vanik, there was no reason to believe there was anything wrong.

FTC changed its mind after receiving a letter from Vanik on July 16 that included the findings of a survey conducted among 13,000 families in his district. More than 50 per cent of those who responded said they could not find canning-jar lids to buy.

In this letter Vanik said he had been assured there would be no shortages and that any "problem stemmed from excessive purchases by consumers.

"However, continuing shortages and total lack of supplies bring these explanations into grave question.

"Either the companies did not manufacture adequate supplies because they wanted consumers to by jars with lids, or lids are now being withheld from the market to accomplish the same goal."

A spokesman for the Ball Corp., manufacturer of almost half the replacement lids in the country, said the company is not withholding anything. Public relations director Bill Brantley said: "We are sending out the lids as fast as we make them." He insisted that "the brokers are getting their allocations."

The Washington area broker for Ball, Walter Leaman Co., is not so sure. "There is no question about it, we are behind in our shipments," according to Austin Burroughs. "Maybe we will make up what they've allocated to us by Sept. 1.

The area broker for Kerr Glass Manufacturing Corp., which accounts for another 49 per cent of the replacement lids, is quite sure he has gotten "155 per cent more caps and lids than I got last year." But Robert Becton of Becton-Fitzwater refused to say how many lids he got last year.

One wholesaler, supplied by Becton-Fitzwater, said, "If they say so, okay, but we didn't get anywhere near enough last year."

The story is repeated at several hardware chains. Walter Adams of McIntyre's said: "We were supposed to get 50 cases of dome lids, we got one; we were supposed to get 12 cases of wide-mouth lids, we got two. If they are making more than ever, I'd like to know where they are going."

Giant Foods and Grand Union said they are a little behind last year; Safeway is the only retail outlet reporting more lids than in 1974.

The Ball spokesman said he does not know what happens to the lids "once we ship them. After that, they are out of our hands." Brantly said the industry is manufacturing enough lids to supply 24 million families with 70 replacement lids per family, "but not if this is skewed by consumers' hoarding."

There have been suggestions that hoarding is taking place before the lids get to consumers. Representatives of the supply chain deny this. And according to James Liedquist, the FTC director of the bureau of competition, even if someone is holding back in order to make more money, "there is nothing we can do about it unless there has been a conspiracy." Liedquist will testify before the House Small Business Subcommittee Wednesday.

ISLAND GRABBING

Mr. GARY W. HART. Mr. President, as the distinguished Senator from Virginia (Mr. Harry F. Byrd, Jr.) and I have tried to point out to the Members of this body for the past several months, the citizens of the United States and a wide variety of newspapers and opinion-making publications have serious questions about the wisdom of the White House's plan to make the Mariana Islands a part of our Nation.

These concerns of many Americans, who are disturbed that the administration is making fundamental changes to our foreign and military policies without discussions in Congress, should be recognized by the Senate. They will be if the forthcoming hearings on a bill to legitimize the White House's action are as thorough as they should be.

The Senator from Virginia and I have been assured by the Senator from Washington (Mr. Jackson) that the hearings before the Interior Committee will be complete, and we are grateful for this because until now Congress has been ignored while the President's men have promised and delivered much in the name and at the expense of the people of the United States. It remains to be seen if Congress wishes to fund the rest of the promises made to the citizens of the Marianas, but before we decide that issue, we have an obligation to answer the basic question of what benefit absorbing the Marianas would bring to the United States.

An editorial appearing in the July 19, 1975, issue of the Nation asks if the White House is about to stampede the country into a new type of imperialism without the proper review by the Congress and the people. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Island Grabbing

Though small in population and size, the fourteen northern Mariana Islands may figure prominently in U.S. foreign policy, beginning in the 1980s. While Pentagon planners lick their chops in anticipation of yet another territory for a major U.S. military presence, the people of the northern Marianas are being carried along toward commonwealth status by a wolf-in-sheep's-clothing process that would do Boss Tweed proud.

Most of the corporate media hailed the recent vote by a majority of the residents of the islands for formal Americanization as a victory for pro-U.S. feelings, but critical analysts there and in this country have seen that what is going on signals something else entirely: the Ford Administration is bent on grabbing military bases in the South Pacific and will ignore the United Nations, the U.S. Congress and our past anti-colonial rhetoric to do so.

The United States has since 1947 administered Micronesia, including the northern Marianas, as a trust territory for the U.N. The trust agreement expires in 1981. Apparently because of its supposed military value, Presidents since Kennedy have been requesting—and receiving—aid money from Congress for the Micronesians in an attempt to enlist their allegiance to the United States. Once it became clear, in the early 1970s, that the leaders of Micronesia were looking forward to true independence in 1981—from the Americans and everyone else—the Nixon administration began promoting a secessionist policy, concentrating its strategy on wooing the northern Marianas into permanent American orbit.

Without consulting Congress, the Ford Administration promised the northern Marianas the equivalent of $1,000 a year in aid for every man, woman and child (a figure George McGovern was eviscerated for in 1972 when he advocated it as a minimum income for Americans) if a majority were to vote to go American. According to Sen. Gary Hart (D., Colo.), real estate and gambling interests mounted a rough, pro-commonwealth-status campaign, castigating those favoring independence or continued union with Micronesia as dishonest and unpatriotic. Being no less greedy or manipulable than anyone else—and, apparently, not having noticed what commonwealth status has done to Puerto Rico—the residents of the northern Marianas voted against their chance for freedom in 1981.

Since the U.N. trusteeship agreements cannot be altered or amended without permission of the Security Council, the United States will eventually have to secure the approval of that body—or it can simply wait until the agreement expires and rely on what will be a virtual *fait accompli*. Whatever the supposed benefits the Pentagon sees in acquisition of the northern Marianas, an inevitable consequence will be further American involvement in the South Pacific. "America will turn a peaceful tropical island into an armed camp poised for military adventure," Stephen C. Murray wrote recently in these pages. "We shall be told that we have made a 'commitment' to the Marianas that we cannot back out of," warns Senator Hart.

In can be assumed that the well-being of the residents of these islands has not been a prime consideration of American policy. The subject once came up when Walter Hickel was Secretary of the Interior and he quotes Secretary Kissinger as saying: "There are only a few thousand people, who gives a damn?" But by what "divine right" do we divide the islands, ignore the U.N. trusteeship agreement, and act as though Congress merely had to be consulted, as a formality, after the grab had been made? We have grabbed territory before but never with so little protest from the press, public or the Congress. Senator Hart, and his odd ally on this issue, Sen. Harry Byrd of Virginia, are trying, belatedly, to foil the Pentagon's strategy. In doing so they represent the best interests of the residents of the northern Marianas as well as those of the people of the United

NATIONAL ENERGY POLICY

Mr. BUCKLEY. Mr. President, I congratulate my several colleagues whose remarks last Friday on our country's energy problems constitute an informed and incisive record of factual data and prudent advice. I trust the Congress and the American people will profit from their thorough review of this crucial matter.

Mr. President, in our increasing concern over this Nation's serious energy shortage, we seem to have lost sight of the fact that the real problem is a growing shortage of natural gas.

The gas shortage actually is a deficiency in readily available supply, rather than a lack of potential sources which can and must be developed. This potential will remain only a potential unless and until we take direct action to provide necessary incentives for exploration and production; and the greatest incentive, by all odds, is the removal of Federal regulation of wellhead prices for new gas. If we fail to provide such economic encouragement, we can hardly expect gas producers to risk enormous investments in the search for energy.

I submit that we already have specific energy legislation on the floor which will help solve the natural gas shortage. I would also observe that our efforts up to this time have been largely focused on curtailments and allocations—in other words, taking a negative approach instead of turning to positive steps to increase gas supply.

The necessity of building gas supply is underlined by the fact that more than 44 million homes, business establishments and industrial plants depend on it for essential requirements.

Natural gas, moreover, is the dominant domestic energy source. It supplies more than 40 percent of total U.S. energy use, exclusive of transportation needs.

At the same time, is it far and away the least expensive energy form in the United States. For specific example, the average price per million Btu to the residential gas customer in 1974 was $1.42, compared with $2.54 for the heating oil customer and $9.65 for the electric customer.

If natural gas is deregulated immediately, it is estimated that by 1985 the comparative costs of energy per million Btu would be $3.96 for gas, $5.30 for heating oil and $21.74 for electricity. Thus, the consumer cost of gas would remain in the bargain sategory while the supply situation would be greatly enhanced.

We should be concerned here not only with adequate supply and equitable prices. In these uncertain days in our national economy, we must also think of the millions of jobs at stake when major industries are deprived of essential fuels.

A 20 percent gas supply reduction in the industrial sector, for example, could create unemployment for an estimated 2,000,000 manufacturing and related industry workers. The 20 percent figure is not out of line with predicted natural gas curtailments of 2.9 trillion cubic feet this year. This represents about 16 percent of the gas that would be used if it were available.

Detailed studies have been made of the current national impact of the continuing gas shortage, as well as the effect on the people and the economy of each of our 50 States. These facts present a compelling case for deregulation of new gas wellhead prices and they merit our closer attention.

I refer my colleagues to the enlightening material submitted to the RECORD on Friday, July 18, by the Senator from Idaho (Mr. MCCLURE). I wish to thank him for presenting that information in my name, and I ask unanimous consent that there be printed in today's RECORD a statement on natural gas supply problems that John N. Nassikas, chairman of the Federal Power Commission, presented on July 15 to the Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce of the U.S. House of Representatives.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF JOHN N. NASSIKAS, CHAIRMAN OF THE FEDERAL POWER COMMISSION DURING HEARINGS BEFORE THE SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, U.S. HOUSE OF REPRESENTATIVES, JULY 14, 1975

Mr. Chairman and members of the Committee, I welcome this opportunity to discuss with you some of the critical natural gas supply problems which face our Nation today.

DECLINE IN RESERVES AND PRODUCTION

The latest reported natural gas reserve and production data, covering 1974, are now at hand and the news is not good.[1] During 1974, our proved reserve inventory continued to decline at an alarming rate and the Nation experienced its first significant decline in natural gas production in the modern history of the gas industry. Proved reserves in the lower 48 states have now declined 29 percent from the peak year of 1967, from 289 trillion cubic feet to 205 trillion cubic feet at the end of 1974.

The decline in domestic gas supply has been even more evident than our declining domestic crude oil supply because, in the case of gas, the domestic supply gap cannot readily be filled by imports. Pipeline imports from Canada and Mexico, which have historically accounted for less than 5 percent of total U.S. gas supply, also declined by 6.8 percent in 1974.

Gas supply for the interstate pipelines is deteriorating at an even faster pace largely because interstate pipelines are being outbid by intrastate buyers in competition for new gas supplies. Interstate reserves have dropped 39.2 percent from their 1967 peak to year-end 1974,[2] and interstate production has declined by more than 9 percent since 1972. Since neither imports nor substitute forms of synthetic gas are available to plug the supply gap, the natural gas shortfall increases month by month as domestic production continues to decline. The result is a widespread denial of gas service to prospective new customers, increasing curtailments of firm and interruptible service to existing customers, and the imminent threat of dislocations in our economy.

Curtailment of natural gas service to consumers[3]

Total net curtailments of firm service on the interstate gas system were 286 billion cubic feet in calendar year 1971 and by calendar year 1974 had risen 500 percent to nearly 1.7 trillion cubic feet. The rate of curtailments is continuing to accelerate with the net firm supply deficiencies of the major interstate pipeline companies projected to reach 2.9 trillion cubic feet for the year April 1975 through March 1976.[4] This represents an annual projected gas supply deficiency equivalent to 516 million barrels of crude oil annually or approximately 1.4 million barrels of oil per day. These firm curtailments do not fully measure the national gas supply shortfall, since there has also been a shrinkage of interruptible sales projected to amount to 283 billion cubic feet during the year April 1975 to March 1976 and undoubtedly there have also been some curtailments of service in the intrastate gas market for which we do not have data. These curtailments do not measure the demand referred to other fuels by prospective customers, including many potential residential users. It is important to point out that unfilled demand for natural gas is largely referred to high priced imported oil, thus increasing consumer costs and our vulnerability to cutoffs by foreign exporters. Five hundred sixteen billion barrels of oil would constitute more than 20 percent of U.S. imports of oil and oil products at 1974 levels. At $12.00 per barrel, 516,000,000 barrels equate to $6.2 billion or roughly double the total revenues of $3.1 billion[5] to domestic producers for sales to interstate pipelines for the 12 months ended in March 1975. We may further observe that unfulfilled demand for natural gas may also be referred to electricity in increasing quantities at higher prices to consumers.

The Commission believes that it is essential to prepare for shortages of this magnitude and toward that end we are requiring the fourteen major pipelines who projected firm curtailments in excess of 20 percent during the upcoming heating season, and their customers, to verify the accuracy of their projected curtailments, to inform us how the projected shortages will impact upon their systems, how they plan to deal with the shortages, and the flexibility the pipelines and their customers may call upon in dealing with these shortages.[6]

IMPACT OF REGULATION ON NATURAL GAS SUPPLY

It is not possible to quantify the increment of interstate dedications as the direct result of the Commission's regulatory policies. However, we can identify the volume of commitments to the interstate market under the various pricing policies adopted by the Commission to allocate our gas resources more effectively.

As of March 1975 natural gas was sold by domestic producers to interstate pipelines at an average wellhead price of about 32 cents per Mcf. Table 1 presents a summary by calendar quarters from 1971 through the first quarter in 1975 of the volume and weighted average of the initial price of new sales committed to the interstate market pursuant to various Commission orders relating to the national base rate, area rates, optional procedure, limited term sales, small producer sales, 60-day and 180-day emergency sales.

The table shows the total yearly new dedication to the interstate market (exclusive of 60 and 180-day emergency deliveries) have declined from 1.1 Tcf in 1973 to 631

Footnotes at end of article.

Bcf in 1974. From 1971 through the first quarter of 1975, approximately 4.1 Tcf of new natural gas has been delivered to the interstate market. Of this amount, limited term sales and 60–180 day emergency sales accounted for approximately 1.6 Tcf, or 39 percent. The average price of new sales deliveries to the interstate market during this period (exclusive of 60–180 day emergency sales) was 35 cents per Mcf. The average price of 60-day emergency sales was 44 cents, and the average price of 180-day sales was 57 cents. The overall average of all sales for the four-year three-month quarter of 1974, when the national base rate of 50 cents was adopted, 60 percent of interstate deliveries of new commitments of natural gas have been made at the national rate.

TABLE 1.—NATURAL GAS SALES COMMITTED TO THE INTERSTATE MARKET, 1971–75 (1ST QUARTER)

	Long-term contracts												Emergency sales [5]			
	National rate ceiling		Area rate ceilings [1]		Optional procedures [2]		Limited-term sales [3]		Small producer sales [4]		Estimated total annual		60-Day sales		180-Day sales [6]	
	Deliveries [7] (000,000 Mcf)	Average price [8] (¢/Mcf)	Deliveries [9] (000,000 Mcf)	Average price [8] (¢/Mcf)	Deliveries [9] (000,000 Mcf)	Average price [8] (¢/Mcf)	Deliveries (000,000 Mcf)	Average price [8] (¢/Mcf)	Deliveries [9] (000,000 Mcf)	Average price [8] (¢/Mcf)	Deliveries (000,000 Mcf)	Average price (¢/Mcf)	Deliveries [7] (000,000 Mcf)	Average price [8] (¢/Mcf)	Deliveries [7] (000,000 Mcf)	Average price [8] (¢/Mcf)
1971:																
1st quarter			37	22.79							37	22.79	79	31.74		
2d quarter			65	21.77			41	33.46			106	26.29	39	34.08		
3d quarter			132	22.51			104	32.83			236	27.06	36	34.33		
4th quarter			172	24.21			61	34.97			233	27.03	18	33.05		
Total			406	23-87			206	33.59			612	27.14	172	32.94		
1972:																
1st quarter			117	24.29			50	34.23	22	25.95	189	27.11	19	35.36		
2nd quarter			295	24.61			51	34.89	87	29.06	433	26.17	28	34.64		
3d quarter			66	24.99			138	33.30	63	34.02	267	31.42	24	34.78		
4th quarter			49	24.03	1	26.50	121	35.59	58	38.67	229	33.86	17	32.58		
Total			527	24.54	1	26.50	360	34.39	230	32.53	1,118	29.36	88	34.43		
1973:																
1st quarter			124	23.38			113	37.07	36	41.07	273	31.38	35	41.34		
2d quarter			71	25.18	36	45.00	74	40.99	37	42.29	218	36.72	36	47.97		
3d quarter			50	25.68	42	35.00	76	41.76	53	45.67	221	37.77	45	48.34	21	50.66
4th quarter			21	27.46	9	40.42	77	45.83	55	48.79	162	44.15			87	53.77
Total			266	24.63	87	39.93	340	40.85	181	45.01	874	36.68	116	46.11	108	53.15
1974:																
1st quarter			25	24.52	29	41.77	53	41.21	38	51.54	145	41.15			88	61.85
2d quarter	40	26.78	22	26.78			41	42.73	42	51.07	145	38.33	16	58.84		
3d quarter	177	51.55			13	45.00			42	57.47	232	52.25	11	74.72		
4th quarter	51	49.02	1	25.41	12	45.00	13	56.00	32	58.70	109	58.04	38	79.26		
Total	268	47.37	48	25.57	54	43.27	107	43.68	154	54.42	631	46.46	65	73.46	88	61.85
1975: 1st quarter	194	52.31	6	24.72			1	63.53	19	63.54	220	52.58	16	83.40		
1971: 1975 (1st quarter) Total	462	49.45	1,253	24.38	142	41.10	1,014	37.39	584	43.20	3,455	35.60	457	44.10	196	57.06

[1] Area rate ceilings established in commission orders issued as follows: Hugoton-Anadarko (Op. 586), Sept. 18, 1970; Appalachia (Order 411), Oct. 2, 1970; Texas Gulf Coast (Op. 595), May 5, 1971; Rocky Mountain (Order 435), July 15, 1971; Southern Louisiana (Op. 598), July 16, 1971; Other Southwest (Op. 607), Oct. 29, 1971; Permian Basin (Op. 662), Aug. 7, 1973. Also includes sales in Permain Basin under paragraph 12, Docket No. R-389A, issued July 17, 1970.

[2] Order No. 445, issued Aug. 3, 1972.

[3] Order No. 431, issued Apr. 15, 1971.

[4] Order No. 428-C, issued Apr. 10, 1972.

[5] Order No. 418 (60-day sales) issued Dec. 10, 1970.

[6] The procedures for emergency and limited term sales were discontinued on June 21, 1974, by Opinion No. 699 and reinstated on Sept. 9, 1974, by Opinion No. 699B.

[7] Anticipated deliveries during indicated period.

[8] Initial prices weighted by anticipated annual sales volumes (or by total deliveries during period of emergency sales).

[9] Anticipated annual sales volumes.

Note: Data are rounded and do not always add to totals shown. Volumes estimated by multiplying anticipated monthly or daily quantities by term. Actuals used where available.

Sales committed to the interstate market under the various pricing procedures from 1973 through the first quarter of 1975 totaled an estimated 2.1 Tcf at an average price of 45 cents per Mcf. These are broken down under the various pricing procedures as follows:

	Estimated deliveries (Bcf)	Average price (cents per thousand cubic feet)	Percent of total
National rate ceilings	462	49.45	21.8
Area rate ceilings	320	24.77	15.1
Optional procedure	141	41.21	6.7
Limited term sales	448	41.55	21.2
Small producer sales	354	49.61	16.7
60-day emergency sales	197	58.16	9.3
180-day emergency sales	196	57.06	9.2
Total	2,118	45.04	100.0

It is too early to tell whether the discouraging trends of the past will be reversed by the adoption of the national rate and its biennial review or by other supplementary pricing and regulatory procedures adopted by the Commission. Clearly, however, the level of prices prescribed by the Commission for interstate deliveries of gas as required by the Natural Gas Act is substantially lower than intrastate prices of natural gas, Canadian imports, the marginal cost of Alaskan, synthetic and liquefied natural gas from foreign sources, as well as the price of competitive fuels. Unless the Natural Gas Act is amended to deregulate new natural gas prices as recommended by the Commission or on the basis of economic evidence, then I believe the intrastate market will receive the lion's share of new natural gas commitments, production will fall short of meeting the demands of the national market for gas, higher price gas supplements and substitute fuels will increase the price paid for energy by consumers, and dislocations in energy markets will adversely impact on our economy.

On January 9, 1975, the Commission issued Order No. 521 for the purpose of establishing a data collection system designed to investigate rates charged by jurisdictional natural gas companies for sales of natural gas which were not subject to Commission jurisdiction made pursuant to contracts executed on or after January 1, 1974. Responses to this order from 138 companies totalling 1,485 intrastate contracts executed between January 1, 1974, and January 9, 1975, are being compiled by computer. Data obtained from 592 of these contracts compiled to date are summarized below in Table 2. This data was analyzed by FPC gas areas so that statistical trends in price could be determined. Nationally, the data shows that 78.6 percent of the total volumes from contracts compiled to date were sold at a price ranging between 83.09c and 89.63c during the January 1, 1974, to January 9, 1975 period.

TABLE 2.—PRICE

[Cents per thousand cubic feet]

FPC area	High	Average	Volume
Appalachian-Illinois [1]	75.00	52.95	7,164,886
Other southwest [2]	152.53	116.93	24,251,836
Southern Louisiana [3]	121.19	87.99	25,031,297
Texas Gulf Coast [4]	207.22	83.09	256,864,228
Permian Basin [5]	146.79	89.63	185,258,708
Hugoton-Anadarko [6]	110.60	73.99	56,770,320
Rocky Mountain [7]	77.00	27.43	3,108,302
Other Areas [8]	243.89	131.76	3,941,964

[1] Areas of New York, Pennsylvania, Ohio, West Virginia, Maryland, Virginia, Kentucky, Illinois, and Indiana.

[2] Areas of Mississippi, Louisiana, and Texas.

[3] Southern Louisiana.

[4] Areas of Texas.

[5] Areas of Texas and New Mexico.

[6] Areas of Texas, Oklahoma, and Kansas.

[7] Areas of Louisiana, Utah, New Mexico, Colorado, Wyoming, Nebraska, Montana, North Dakota, and South Dakota.

[8] The remainder of the Continental United States not included in any of the other producing areas.

In order to alleviate curtailments and meet consumer demands, more and more risk capital, primarily from the pipeline and distributor sector, is being committed to supplemental gas projects, often at prices to consumers of two to three times the delivered price of natural gas from traditional domestice sources. The indicated prices of these supplements (dollars per Mcf) as of January 1975 are $1.30–$1.50 delivered into the pipeline transmission system for an approved LNG project; and range upwards to as much as $3.00 for other applications, about $4.00 for SNG, $2.40–$3.00 for coal gas, $2.50–$3.00 for Alaskan gas, whereas the prices paid by distributors to interstate pipelines for domestic gas from the lower 48 as of July 1, 1974 approximates $1.14 in Boston, 72¢ per Mcf in New York, 56¢ in Chicago, and 50¢ in Los Angeles. As of November 1, 1975, the Canadian National Energy Board has set the price of gas exports to the U.S. at $1.60/Mcf, compared to an average price of 55.35¢ per Mcf in 1974.

NATURAL GAS PRICES COMPARED TO THE PRICES OF COMPETITIVE FUELS

Natural gas in the interstate market is the best energy bargain in the U.S. today. Price increases in natural gas have lagged far behind the price increases in other fuels, as illustrated in Table 3:

TABLE 3.—WHOLESALE PRICE INDEX AND COMPONENT—INDEXES FOR FUELS

[1967=100]

Year	All commodities	Fuel and power	Natural gas	Residual fuel oil	Diesel fuel and No. 2	Bituminous coal
1967	100.0	100.0	100.0	100.0	100.0	100.0
1968	102.5	98.9	101.6	95.7	101.9	103.4
1969	106.5	100.9	103.2	93.3	102.4	112.3
1970	110.4	106.2	106.1	125.5	106.5	151.9
1971	114.0	114.2	112.2	166.0	110.0	184.9
1972	119.1	118.6	121.0	158.8	111.3	197.4
1973	134.7	134.3	131.3	190.4	139.7	222.5
1974	160.1	208.3	155.1	485.4	272.0	339.5
May 1975	173.2	238.8	222.0	491.3	296.1	389.6

The Commission collects price and quality data on fossil fuel purchases by electric utilities. As can be observed in Table 4 below, the price paid by electric utilities for natural gas is currently less than one-third the price paid for low sulphur residual No. 6 oil, about one-third of the price paid for distillate oil and about 88 percent that received for coal. It should be noted, however, that these prices are national averages and do not represent the price relationships in specific geographical regions.

TABLE 4.—1974-75 FOSSIL FUEL PURCHASES BY ELECTRIC UTILITY STEAM PLANTS

[Price in cents per Million Btu]

Fuel and Percent of sulfur content	1974 3d quarter	1974 4th quarter	1975—1st quarter
Coal:			
Less than 1	78.1	73.8	76.4
1.01 to 3	91.6	115.9	91.0
3.01 or more	61.8	71.6	70.5
No. 6 oil	194.3	202.1	204.8
Distillate Oil: Less than 0.1	214.1	208.5	207.8
Natural gas	52.4	55.0	66.4

Source: FPC Form No. 423

Table 5 illustrates the comparative prices of natural gas and No. 2 fuel for residential heating in certain major cities throughout the U.S. in April 1974 and 1975. For all the cities shown, the price of natural gas for residential heating is less than the price of No. 2 fuel oil.

TABLE 5.—ENERGY PRICES AT POINT OF CONSUMPTION—REPRESENTATIVE CITIES

[Dollars per million Btu]

	April 1974				April 1975				Percentage change, April 1974–75			
	Gas		No. 2 fuel oil	Electric	Gas		No. 2 fuel oil	Electric	Gas		No. 2 fuel oil	Electric
	Heating	Nonheating			Heating	Nonheating			Heating	Nonheating		
Atlanta	1.16	1.68	(1)	7.60	1.33	1.85	(1)	11.46	14.7	10.1	(1)	50.8
Baltimore	1.63	2.03	2.49	12.45	2.12	2.56	2.65	13.77	30.1	26.1	6.4	10.6
Boston	2.12	3.50	2.46	13.26	2.72	4.02	2.78	14.53	28.3	14.9	13.0	9.6
Buffalo	1.47	1.95	2.90	9.94	2.09	2.61	2.88	12.08	42.2	33.8	−.7	21.5
Chicago, Northwest Indiana	1.26	1.86	2.37	10.71	1.57	2.19	2.45	11.74	24.6	17.7	3.4	9.6
Cincinnati	1.05	1.19	(1)	8.86	1.55	1.70	(1)	10.45	47.6	42.9	(1)	17.9
Cleveland	1.01	1.47	(1)	10.19	1.27	1.74	(1)	11.71	25.7	18.4	(1)	14.9
Dallas	.89	1.06	(1)	8.34	.96	1.14	(1)	9.52	7.9	7.5	(1)	14.2
Detroit	12.3	1.81	2.47	10.05	1.40	1.98	2.54	12.63	13.8	9.4	2.8	25.7
Houston	1.06	1.70	(1)	7.75	1.49	2.02	(1)	8.64	40.6	18.8	(1)	11.5
Kansas City	.83	1.34	(1)	9.29	1.01	1.53	(1)	11.59	21.7	14.2	(1)	24.8
Milwaukee	1.45	1.96	2.49	8.69	1.58	2.09	2.48	9.69	9.0	6.6	−.4	11.5
Minneapolis-St. Paul	1.21	2.05	2.46	9.77	1.42	2.26	2.55	12.19	17.4	10.2	3.7	24.8
New York-Northeast New Jersey	1.96	3.15	2.52	20.61	2.53	3.88	2.89	22.34	29.1	23.2	14.7	8.4
Philadelphia	1.75	2.42	2.44	12.21	2.12	2.79	2.69	14.15	21.1	15.3	10.2	15.9
Pittsburgh	1.19	1.73	(1)	9.62	1.54	2.13	(1)	13.39	29.4	23.1	(1)	39.2
St. Louis	1.20	2.05	2.55	8.75	1.60	2.45	2.68	11.06	33.3	19.5	5.1	26.4
San Francisco-Oakland	.93	1.29	(1)	8.27	1.34	1.69	(1)	8.68	44.1	31.0	(1)	5.0
Seattle	1.59	2.37	2.68	3.97	2.00	2.75	2.89	4.06	25.8	16.0	7.8	2.3
Washington, D.C	1.66	2.23	2.60	11.47	2.28	2.82	2.79	12.65	37.3	26.4	7.3	10.3

[1] No report.

Source: Retail prices and indexes of fuels and electricity 1975 (Bureau of Labor Statistics). Prepared by Office of Economics, Federal Power Commission.

During the period 1964–1974, the average price paid at the wellhead for natural gas by major interstate pipelines increased from 16.59 cents per Mcf to 26.73 cents per Mcf, an increase of about 61 percent. The Consumer Price Index increased 59 percent during the same period.

AVERAGE PRICES PAID AND RECEIVED BY MAJOR INTERSTATE PIPELINES

[Cents per thousand cubic feet]

Year	Price paid at wellhead	Price received at city gate
1964	16.59	37.14
1965	16.71	36.59
1966	16.87	36.08
1967	17.13	35.60
1968	17.32	35.33
1969	17.62	36.39
1970	18.11	38.56
1971	19.23	42.33
1972	20.69	46.07
1973	22.62	49.98
1974	26.73	60.90
1975 (12 mo. ending March)	28.03	66.23

Source: FPC Form 11.

By way of comparison, the average value for crude oil received at the wheelhead in 1974 was about $1.22 cents per MMBtu, compared to 29.2 cents per MMBtu [7] at the wellhead for natural gas. For "old" crude oil at the wellhead in the Gulf Coast, as of December 31, 1974, the posted maximum price is 93.6 cents per MMBtu and for "new and released" oil, about $1.97 per MMBtu,[8] compared to the average wellhead price for natural gas of 29.2 cents per MMBtu [9] for 1974.

In a calculation by our Office of Economics, utilizing the GNP implicit price deflator, it was determined that in terms of 1958 dollars, the 1960 average price for gas at the wellhead was 13.6 cents per Mcf. Inasmuch as the actual average price paid in 1974 of 29.9 cents is only 17.6 cents per Mcf in terms of 1958 dollars, it is indicated that the average wellhead "constant dollar" price, for gas increased only 4 cents per Mcf during the 1960–1974 period.

ESTIMATES OF POTENTIAL GAS RESOURCES

As we strive to meet the Nation's long-term needs for natural gas, another constraint is becoming increasingly important—physical limitations on the amount of natural gas resources which remain to be discovered. The latest estimates of undiscovered recoverable natural gas resources by the U.S. Geological Survey are substantially lower than previous estimates by the Survey. The latest estimates put the total U.S. undiscovered natural gas resource base between 322 Tcf and 655 Tcf. The lower end of the range is regarded as discoverable at a 95 percent probability (19 in 20 chance) while the upper end of the range is judged as having a probability of 5 percent (1 in 20 chance). This compares with a previous USGS estimate (March 1974) of between 1000 and 2000 Tcf. This latest USGS estimate of undiscovered natural gas, when combined with our present proved and inferred reserves in the lower 48 states, results in an estimated production life of between 31 and 45 years. The following chart shows the "Years of Remaining Natural Gas Production at 1974 Level Assuming No Imports" for the latest USGS estimate and several other recent estimates of undiscovered natural gas resources.

Even though the estimates of our potential gas resources are considerably below the level once thought to exist, a substantial volume of gas remains to be found given the proper

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Footnotes at end of article.

policies for its development. The timely development of these resources will require, however, that new impetus be given to the development of policies designed to stimulate conventional supply to the maximum extent possible. The national welfare also requires that we increase the availability of supplemental gas supply, promote conservation and reduce demand for natural gas and foster the use of alternate fuels wherever practicable. While under the best of circumstances I do not envision an immediate improvement in our ability to meet demand, these longer term policies must be actively and aggressively pursued in order to minimize the impact of the deepening gas shortage on our economy.

INADEQUACY OF SUPPLY

Tables 6, 7 and 8 set forth the United States' natural gas supply in the lower 48 states and Alaska. Appendix A summarizes the definitions of proved reserves used by the American Gas Association, the Federal Power Commission, the Federal Energy Administration, the Federal Trade Commission and the Securities and Exchange Commission and dscribes various methods of estimating proved natural gas reserves. Also included in Appendix A is (1) a description of the methodology used in various estimates of potential (undiscovered) natural gas resources, (2) a table of recent published estimates of undiscovered resources, and (3) a second table including the latest U.S. petroleum and natural gas resources estimates of the USGS.

As can be seen on Table 6, proved gas reserves in the lower 48 states reported by the A.G.A. have declined by 84 trillion cubic feet since 1967 and the finding to production ratio has averaged 0.4 during the past five years. In other words, we have used almost two and one-half times as much gas as we found during that period. If we include the Alaskan reserves, proved reserves declined from a high of 292.9 Tcf in 1967 to 237.1 in 1974 or an overall decline of 55.8 Tcf.

One of the most important facts to be derived from the 1974 data is that total natural gas production declined significantly for the first time in the history of the data series as shown on Table 6. Total production, which was 22.5 Tcf in 1973 declined to 21.2 Tcf in 1974, a decrease of almost 6 percent.[10] This production decline of 1.3 Tcf is equivalent to about 231 million barrels of crude oil. Reserve additions, which failed to equal or exceed production for the seventh straight year, were the lowest recorded in the history of the A.G.A. data series except for 1969 and 1973. This low level of reserve additions (8.3 Tcf) resulted in the continued decline in the lower 48 states gas reserve inventory to 205.3 Tcf at the end of 1974, the lowest level since 1952.

The R/P ratio for the lower 48 states during 1974 remained at 9.7, the same as 1973. This resulted from production and reserves declining on an equal percentage basis. Since reserve additions were less than production in 1974, the finding-to-production ratio was again less than 1.0 for the seventh straight year.

As can be noted from Table 7 there was little change in the Alaskan gas supply situation during 1974. Production, which has amounted to slightly more than one half of one percent of total U.S. production since 1970, will probably not increase significantly until a transportation system is developed to move the gas from the North Slope to markets in the lower 48 states. Reserve additions in 1974 were similar in magnitude to those reported in the three previous years.

Footnotes at end of article.

TABLE 6.—U.S. NATURAL GAS SUPPLY EXCLUDING ALASKA,* 1946–74

[All volumes in trillions of cubic feet at 14.73 Psia and 60°F]]

Year (1)	Production (2)	Reserve additions (3)	Proved reserves (4)	R/P ratio (4)÷(2)** (5)	F/P ratio (3)÷(2)** (6)
1946	4.9	17.6	159.7	32.5	3.6
1947	5.6	10.9	165.0	29.5	1.9
1948	6.0	13.8	172.9	28.9	2.3
1949	6.2	12.6	179.2	28.9	2.0
1950	6.9	12.0	184.6	26.9	1.7
1951	7.9	16.0	192.8	24.3	2.0
1952	8.6	14.3	198.6	23.1	1.7
1953	9.2	20.3	210.3	22.9	2.2
1954	9.4	9.6	210.6	22.5	1.0
1955	10.1	21.9	222.5	22.1	2.2
1956	10.9	24.7	236.5	21.8	2.3
1957	11.4	20.0	245.2	21.4	1.7
1958	11.4	18.9	252.8	22.1	1.7
1959	12.4	20.6	261.2	21.1	1.7
1960	13.0	13.8	262.2	20.1	1.1
1961	13.4	16.4	265.4	19.8	1.2
1962	13.6	18.8	270.6	19.9	1.4
1963	14.5	18.1	274.5	18.9	1.2
1964	15.3	20.1	279.4	18.2	1.3
1965	16.2	21.2	284.5	17.5	1.3
1966	17.5	19.2	286.4	16.4	1.1
1967	18.4	21.1	289.3	15.7	1.1
1968	19.3	12.0	282.1	14.6	.6
1969	20.6	8.3	269.9	13.1	.4
1970	21.8	11.1	259.6	11.9	.5
1971	21.9	9.4	247.4	11.3	.4
1972	22.4	9.4	234.6	10.5	.4
1973	22.5	6.5	218.3	9.7	.3
1974	21.2	8.3	205.3	9.7	.4

* Data represents total U.S. natural gas supply prior to 1960. Alaska's natural gas supply was not reported until 1960. Includes gas in underground storage.

** Computed prior to rounding.

Source: A.G.A.

TABLE 7.—ALASKA NATURAL GAS SUPPLY 1960–74

[All volumes in trillions of cubic feet at 14.73 p.s.i.a. and 60° F.]

Year (1)	Production (2)	Reserve additions (3)	Year-End reserves (4)	R/P Ratio (4)÷(2) (5)	F/P Ratio (3)÷(2) (6)
1960	0.0003	0.050	0.107	356.7	166.7
1961	.0016	.816	.922	576.2	510.0
1962	.0036	.716	1.634	453.9	198.9
1963	.0045	.061	1.691	375.8	13.6
1964	.0064	.147	1.831	286.1	23.0
1965	.0076	.162	1.985	261.1	21.3
1966	.013	.974	2.947	226.7	74.9
1967	.023	.711	3.635	160.8	30.9
1968	0.042	1.659	5.252	125.0	39.5
1969	.087	.037	5.202	59.8	0.4
1970	.145	26.074	31.130	214.7	179.8
1971	.154	.388	31.365	203.7	2.5
1972	.147	.237	31.455	214.0	1.6
1973	.131	.318	31.643	241.9	2.4
1974	.144	.368	31.867	211.4	2.6

* No data available prior to 1960.

Source: A.G.A.

TABLE 8.—U.S. NATURAL GAS SUPPLY * 1946–74

[All volumes in trillions of cubic feet at 14.73 p.s.i.a. and 60° F.]

Year (1)	Production (2)	Reserve additions (3)	Proved reserves (4)	R/P ratio (4)÷(2) ** (5)	F/P ratio (3)÷(2) ** (6)
1946	4.9	17.6	159.7	32.5	3.6
1947	5.6	10.9	165.0	29.5	1.9
1948	6.0	13.8	172.9	28.9	2.3
1949	6.2	12.6	179.4	28.9	2.0
1950	6.9	12.0	184.6	26.9	1.7
1951	7.9	16.0	192.8	24.3	2.0
1952	8.6	14.3	198.6	23.1	1.7
1953	9.2	20.3	210.3	22.9	2.2
1954	9.4	9.6	210.6	22.5	1.0
1955	10.1	21.9	222.5	22.1	2.2
1956	10.9	24.7	236.5	21.8	2.3
1957	11.4	20.0	245.2	21.4	1.7
1958	11.4	18.9	252.8	22.1	1.7
1959	12.4	20.6	261.2	21.1	1.7
1960	13.0	13.9	262.3	20.1	1.1
1961	13.5	17.2	266.3	19.9	1.3
1962	13.6	19.5	272.3	20.0	1.4
1963	14.5	18.2	276.2	19.0	1.3
1964	15.3	20.3	281.3	18.3	1.3
1965	16.3	21.3	286.5	17.6	1.3

Footnotes at end of table.

TABLE 8.—U.S. NATURAL GAS SUPPLY * 1946–74

[All volumes in trillions of cubic feet at 14.73 p.s.i.a. and 60° F.]

Year (1)	Production (2)	Reserve additions (3)	Proved reserves (4)	R/P ratio (4)÷(2) ** (5)	F/P ratio (3)÷(2) ** (6)
1966	17.5	20.2	289.3	16.5	1.2
1967	18.4	21.8	292.9	15.9	1.2
1968	19.4	13.7	287.4	14.8	.7
1969	20.7	8.4	275.1	13.3	.4
1970	22.0	37.2	290.7	13.2	1.7
1971	22.1	9.8	278.8	12.6	0.4
1972	22.5	9.6	266.1	11.8	.4
1973	22.6	6.8	250.0	11.1	.3
1974	21.3	8.7	237.1	11.1	.4

* Includes gas in underground storage.
** Computed prior to rounding.

Source: A.G.A.

Jurisdictional pipelines transport about three-fifths of all natural gas produced in the United States to various distribution utilities, industries and other consumers. A comparison of reserve additions as reported by jurisdictional pipeline companies on FPC Form 15 with A.G.A. reserve additions is set forth in Table 9. The trend of declining reserves is closely parallel to the A.G.A. reported reserves. For instance, reported reserves declined from a high of 198.1 Tcf in 1967 to a low of 120.4 Tcf in 1974, a decline of 77.7 Tcf. Moreover, average annual interstate net reserve additions for the 1970–1974 period were 0.3 Tcf as compared with approximately 11.4 Tcf for the 1964–1969 period. The intrastate market during 1964–1969 average 5.6 Tcf or about 50% of the rate of reserve additions for the interstate market. For 1970–1974, the inferred annual intrastate reserve additions were 8.6 Tcf or 29 times the interstate additions.[11]

Footnotes at end of article.

TABLE 9.—COMPARISON OF AGA AND FORM 15 DATA (LOWER 48 STATES)

[Volumes in trillions of cubic feet]

	End of year reserves		Net production		Reserve to production ratio		Reserve additions		Finding to production ratio	
	AGA	Form 15	AGA	Form 15	AGA	Form 15	AGA	Form 15	AGA	Form 15
1963	274.5	188.5	14.5	9.4	18.9	20.2	18.1	NA	1.2	NA
1964	279.4	189.2	15.3	10.0	18.2	18.9	20.1	10.6	1.3	1.1
1965	284.5	192.1	16.2	10.4	17.5	18.5	21.2	13.3	1.3	1.3
1966	286.4	195.1	17.5	11.1	16.4	17.5	19.2	14.2	1.1	1.3
1967	289.3	198.1	18.4	11.8	15.7	16.8	21.1	14.8	1.1	1.2
1968	282.1	195.0	19.3	12.6	14.6	15.5	12.0	9.5	.6	.8
1969	269.9	187.6	20.6	13.4	13.1	14.0	8.3	6.1	.4	.5
1970	259.6	173.6	21.8	14.1	11.9	12.3	11.1	0	.5	0
1971	247.4	161.3	21.9	14.2	11.3	11.5	9.4	1.7	.4	.1
1972	234.6	146.9	22.4	14.2	10.5	10.3	9.4	(.2)	.4	(0)
1973	218.3	134.3	22.5	13.7	9.7	9.8	6.5	1.1	.3	.1
1974[1]	205.3	120.4	21.2	12.9	9.7	9.3	8.3	(1.0)	.4	(.1)

[1] Preliminary data.

One measure of the severity of the natural gas shortage which faces the Nation can be readily seen when the response over the next 15 years necessary to close the presently anticipated supply-demand imbalance is considered. Staff has postulated the following estimate of natural gas required for supply-demand equilibrium to 1990.

If we assume that a reserve-to-production ratio of 10 is maintained and that a reasonably optimistic development rate for supplemental gas source is attained, then an annual development rate of nearly 40 trillion cubic feet of new gas will be required, beginning in 1975, and extending through 1990, in order to meet demand rising to a level of 35 Tcf in 1980 and to 47 Tcf in 1990 in order to equilibrate supply and demand. It is important to note that this rate of development would be required in conjunction with the timely development of supplemental gas supplies and would be substantially higher in the absence of such supplemental supply availability. The supplemental gas supplies anticipated in 1990 in this estimate include pipeline imports of 1.9 Tcf; LNG imports of 4.0 Tcf; high Btu gas from coal of 3.3 Tcf; and gas from Alaska of 2.3 Tcf.

The needed rate of natural gas resource development would require for the next 15 years a sustained level of annual additions to reserves greater than that reached in 1970 when 26 Tcf of Alaskan gas were added to the reserve inventory for total U.S. reserve additions of 37.2 Tcf, or an amount equal to 1⅗ times the all-time record annual lower 48 reserve additions of 24.7 Tcf reached in 1956.

DRILLING EFFORT

As shown in Table 10 the total number of wells drilled for hydrocarbons in the United States peaked in 1956 when 57,170 wells were drilled. Between 1956 and 1971 the number of wells drilled for oil and gas fell sharply to 25,851. While there was an improvement in the number of total wells drilled in the 1972–1974 period, the total number of wells drilled in 1974 was 31,698 or only about 55 percent of the 1956 peak rate.

Gas well drilling has, in general, also followed this same pattern but there have been some noteworthy differences. Gas well drilling peaked in 1961 when 5,459 wells were completed. Subsequent to that peak, there was a period of general decline in the number of gas wells drilled until 1968 when a low of 3,456 was reached. Gas well drilling was then fairly stable during the years 1969, 1970 and 1971 but, beginning in 1972, there was a sharp and pronounced increase in the number of gas wells completed to record levels of 6,385 in 1973 and 7,240 in 1974. The total number of gas wells completed in 1974 was 13.4 percent greater than the previous record set in 1973 and 32.6 percent greater than the 1961 peak. These new records in the number of gas wells drilled have also been accompanied by similar records in the amount of gas well footage drilled.

The statistics for exploratory gas well drilling as seen in Table 11 are even more striking. The historical peak for this important category of drilling was reached in 1959 when 912 exploratory gas wells were successfully completed. Exploratory gas wells drilled subsequent to 1959 fell sharply to a low of 430 in 1968. The number of exploratory wells completed in 1969, 1970 and 1971 were somewhat erratic but 1972 saw the beginning of a rise to a new record of 1,195 which was attained in 1974. This new record for exploratory gas wells drilled is 31 percent greater than the previous 1959 peak and is particularly important because it is this category of well which is necessary to the development of new sources of supply.

TABLE 10.—TOTAL WELLS DRILLED FOR HYDROCARBONS[1]

[Footage drilled in thousands of feet]

Year	Total wells	Footage	Average depth	Oil wells	Footage	Average depth	Gas wells	Footage	Average depth	Dry holes	Footage	Average depth	Successful wells (percent)
1945	23,601	87,546	3,709	13,738	50,956	3,709	2,637	9,300	3,527	7,226	27,289	3,777	69.4
1946	27,975	97,393	3,481	15,962	56,632	3,548	3,510	11,801	3,362	8,503	28,960	3,406	69.6
1947	30,833	109,358	3,547	17,478	62,802	3,593	3,809	13,169	3,457	9,546	33,387	3,497	69.0
1948	36,659	131,187	3,579	21,760	77,307	3,553	3,387	12,312	3,635	11,512	41,567	3,611	68.6
1949	37,312	135,619	3,635	21,352	79,428	3,720	3,363	12,437	3,698	12,597	43,754	3,473	66.2
1950	42,050	157,358	3,742	23,812	92,695	3,893	3,439	13,685	3,979	14,799	50,978	3,445	64.8
1951	43,643	172,145	3,944	23,179	95,106	4,103	3,438	13,946	4,056	17,026	63,093	3,706	61.0

Footnotes at end of table.

TABLE 10.—TOTAL WELLS DRILLED FOR HYDROCARBONS [1]—Continued

[Footage drilled in thousands of feet]

Year	Total wells	Footage	Average depth	Oil wells	Footage	Average depth	Gas wells	Footage	Average depth	Dry holes	Footage	Average depth	Successful wells (percent)
1952	44, 563	184, 134	4, 132	23, 290	98, 147	4, 214	3, 514	15, 257	4, 342	17, 759	70, 730	3, 983	60. 1
1953	47, 740	194, 245	4, 069	25, 323	102, 135	4, 033	3, 968	18, 248	4, 599	18, 449	73, 861	4, 004	61. 4
1954	51, 109	208, 009	4, 070	28, 141	113, 362	4, 028	4, 038	18, 857	4, 670	18, 930	75, 790	4, 004	63. 0
1955	55, 150	226, 182	4, 101	30, 432	121, 149	3, 981	4, 266	19, 931	4, 672	20, 452	85, 102	4, 161	62. 9
1956	57, 170	233, 280	4, 080	30, 523	120, 351	3, 942	4, 531	22, 738	5, 018	22, 111	90, 191	4, 079	61. 3
1957	51, 995	217, 046	4, 174	27, 364	110, 043	4, 021	4, 475	23, 836	5, 326	20, 156	83, 167	4, 126	61. 2
1958	46, 941	193, 304	4, 118	23, 774	93, 105	3, 916	5, 005	25, 556	5, 106	18, 162	74, 643	4, 110	61. 3
1959	47, 563	200, 893	4, 220	24, 043	94, 611	3, 935	4, 931	26, 607	5, 396	18, 589	79, 476	4, 275	60. 9
1960	45, 547	192, 078	4, 217	22, 233	86, 538	3, 892	5, 129	28, 199	5, 498	18, 185	77, 341	4, 253	60. 1
1961	44, 254	189, 633	4, 283	21, 413	85, 508	3, 993	5, 459	29, 179	5, 345	17, 382	74, 947	4, 312	60. 7
1962	44, 158	194, 634	4, 408	21, 727	88, 432	4, 070	5, 353	28, 950	5, 408	17, 078	77, 253	4, 524	61. 3
1963	41, 467	182, 649	4, 405	20, 135	81, 809	4, 063	4, 570	24, 533	5, 368	16, 762	76, 307	4, 552	59. 6
1964	42, 293	187, 420	4, 431	19, 905	80, 463	4, 042	4, 694	25, 597	5, 453	17, 694	81, 359	4, 598	58. 2
1965	38, 773	174, 882	4, 510	18, 065	73, 322	4, 059	4, 482	24, 931	5, 562	16, 226	76, 629	4, 723	58. 2
1966	35, 730	165, 420	4, 630	16, 216	67, 430	4, 158	4, 321	25, 636	5, 933	15, 193	72, 353	4, 762	57. 5
1967	32, 234	141, 357	4, 385	13, 329	58, 634	3, 825	3, 659	21, 580	5, 898	13, 246	61, 143	4, 616	58. 9
1968	30, 599	144, 970	4, 758	14, 331	59, 517	4, 153	3, 456	20, 716	5, 994	12, 812	64, 737	5, 053	58. 1
1969	32, 187	157, 108	4, 881	14, 368	61, 582	4, 286	4, 083	24, 162	5, 918	13, 736	71, 363	5, 195	57. 3
1970	28, 120	139, 266	4, 953	13, 020	57, 092	4, 385	3, 840	22, 889	5, 961	11, 260	59, 285	5, 265	60. 0
1971	25, 851	124, 240	4, 806	11, 858	48, 552	4, 094	3, 830	22, 624	5, 907	10, 163	53, 064	5, 221	60. 7
1972	27, 291	134, 602	4, 932	11, 306	48, 534	4, 293	4, 928	26, 766	5, 431	11, 057	59, 303	5, 363	59. 5
1973	26, 592	136, 391	5, 129	9, 902	44, 642	4, 508	6, 385	35, 600	5, 576	10, 305	56, 149	5, 449	61. 2
1974	31, 698	150, 551	4, 750	12, 784	50, 209	3, 927	7, 240	38, 986	5, 385	11, 674	61, 356	5, 256	63. 2

[1] Includes Alaska. Excludes service wells and stratigraphic and core tests.

Sources: 1945–66, "World Oil"; 1967–74, AAPG–API.

Note: These statistics may not include all wells drilled in a given year because AAPG statistical procedures may result in certain wells being held in a "suspense file" until all required well data have been made available. For additional detail see annual AAPG bulletin on North American Developments, usually published in August.

TABLE 11.—TOTAL EXPLORATORY WELLS DRILLED FOR HYDROCARBONS [1]

[Footage drilled in thousands of feet]

Year	Total wells	Footage	Average depth	Oil wells	Footage	Average depth	Gas wells	Footage	Average depth	Dry holes	Footage	Average depth	Successful wells (percent)
1945	5, 610	23, 049	4, 109	836	3, 750	4, 486	376	1, 772	4, 712	4, 398	17, 527	3, 985	21. 6
1946	5, 759	22, 338	3, 879	762	3, 455	4, 534	375	1, 832	4, 885	4, 622	17, 052	3, 689	19. 7
1947	6, 775	26, 393	3, 596	982	4, 281	4, 359	396	1, 895	4, 787	5, 397	20, 217	3, 746	20. 3
1948	8, 013	32, 751	4, 087	1, 098	4, 883	4, 447	365	2, 306	6, 319	6, 550	25, 562	3, 903	18. 3
1949	9, 058	34, 798	3, 842	1, 406	5, 950	4, 232	424	2, 409	5, 682	7, 228	26, 439	3, 658	20. 2
1950	10, 306	40, 175	3, 898	1, 583	6, 862	4, 335	431	2, 356	5, 466	8, 292	30, 957	3, 733	19. 5
1951	11, 756	49, 344	4, 197	1, 763	8, 125	4, 609	454	2, 496	5, 497	9, 539	38, 723	4, 059	18. 9
1952	12, 425	55, 615	4, 476	1, 776	8, 491	4, 781	559	3, 394	6, 071	10, 090	43, 731	4, 334	18. 8
1953	13, 313	60, 664	4, 557	1, 891	9, 432	4, 761	699	3, 952	5, 654	10, 633	47, 280	4, 447	20. 1
1954	13, 100	59, 601	4, 550	1, 985	9, 409	4, 740	726	4, 399	6, 059	10, 389	45, 792	4, 408	20. 7
1955	14, 942	60, 206	4, 632	2, 236	10, 774	4, 819	874	5, 212	5, 964	11, 832	53, 220	4, 498	20. 8
1956	16, 207	74, 337	4, 537	2, 267	11, 111	4, 901	822	5, 179	6, 301	13, 118	58, 047	4, 425	19. 1
1957	14, 714	69, 181	4, 702	1, 945	9, 794	5, 036	865	5, 967	6, 898	11, 904	53, 420	4, 488	19. 1
1958	13, 199	61, 484	4, 658	1, 745	8, 712	4, 993	822	5, 472	6, 657	10, 632	47, 300	4, 449	19. 4
1959	13, 191	63, 253	4, 795	1, 702	8, 545	5, 021	912	6, 031	6, 613	10, 577	48, 676	4, 602	19. 8
1960	11, 704	55, 831	4, 770	1, 321	6, 829	5, 170	868	5, 466	6, 298	9, 515	43, 535	4, 575	18. 7
1961	10, 992	54, 442	4, 953	1, 157	5, 900	5, 099	813	5, 249	6, 457	9, 022	43, 293	4, 799	17. 9
1962	10, 797	53, 616	4, 966	1, 211	6, 205	5, 124	771	5, 187	6, 728	8, 815	42, 223	4, 790	18. 4
1963	10, 664	53, 485	5, 015	1, 314	6, 409	4, 877	664	4, 230	6, 370	8, 686	42, 847	4, 933	18. 5
1964	10, 747	55, 497	5, 164	1, 219	6, 715	5, 509	577	4, 204	7, 285	8, 951	44, 578	4, 980	16. 7
1965	9, 466	49, 204	5, 198	946	5, 366	5, 672	515	3, 757	7, 295	8, 005	40, 081	5, 007	15. 4
1966	10, 313	55, 223	5, 355	1, 030	5, 880	5, 708	578	4, 881	8, 445	8, 705	44, 462	5, 108	15. 6
1967	9, 059	49, 124	5, 423	1, 039	5, 990	5, 765	556	4, 231	7, 609	7, 464	38, 903	5, 212	17. 6
1968	8, 879	50, 958	5, 739	863	5, 036	5, 835	430	3, 320	7, 720	7, 586	42, 603	5, 616	14. 6
1969	9, 701	57, 486	5, 924	1, 084	6, 563	6, 054	616	4, 985	8, 092	8, 001	45, 918	5, 739	17. 5
1970	7, 693	45, 253	5, 882	790	5, 055	6, 399	481	3, 675	7, 639	6, 422	36, 524	5, 687	16. 5
1971	6, 922	40, 383	5, 835	651	3, 712	5, 701	437	3, 328	7, 616	5, 834	33, 347	5, 716	15. 7
1972	7, 539	45, 044	5, 975	684	4, 002	5, 851	601	4, 592	7, 641	6, 254	36, 450	5, 828	17. 0
1973	7, 466	44, 777	5, 997	619	3, 854	6, 226	900	6, 171	6, 856	5, 947	34, 753	5, 947	20. 3
1974	8, 619	50, 262	5, 832	814	4, 852	5, 961	1, 195	7, 674	6, 421	6, 610	37, 736	5, 709	23. 3

[1] Includes Alaska. Excludes stratigraphic and core tests.

Source: AAPG—API.

Note: These statistics may not include all wells drilled in a given year because AAPG statistical procedures may result in certain wells being held in a "suspense file" until all required well data have been made available. For additional detail see annual AAPG bulletin on North American developments usually published in August.

Developmental gas well drilling has also improved substantially. New records for this category were set in both 1973 and 1974 when developmental gas well drilling exceeded the previous peak attained in 1961 by 18.1 and 30.1 percent, respectively.

Onshore v. offshore drilling

These increases in gas well drilling activity have occurred primarily onshore. Table 12 shows a comparison of reported offshore and onshore gas well footage drilled from 1970 through 1974. Offshore gas well footage drilled increased from 8.3 percent of the U.S. total in 1970 to 9.6 percent in 1971. By 1974, however, the offshore percentage had declined to 4.5 percent of the U.S. total. This decline reflected the combined effect of a reduction of 20 percent from 1971 to 1974 in gas well footage drilled offshore and an increase of 82 percent in gas well footage drilled onshore. Taking gas well exploratory footage alone, there was a decline of almost 75 percent offshore between 1971 and 1974, while during the same period onshore exploratory drilling rose over one and one-half times, from 2.9 million feet to 7.6 million feet.

It should be noted, however, that because of unique drilling techniques and reporting requirements, particularly in the offshore areas, not all wells are reported the year in which they are drilled. According to the American Association of Petroleum Geologists (AAPG), at the end of 1973, 410 wells were held in a "suspense file" pending the availability of certain additional data required for classification and reporting purposes.[12] Of these 410 suspense wells, 337 (82.2 percent) were located in the Louisiana offshore area. Over half of these wells were drilled after the end of 1970.

The number of offshore wells held in the suspense file was even greater at the end of 1972. As of that date, there were 391 in the offshore Louisiana area out of a total of 569 which had not been included in U.S. drilling statistics as reported by the American Petroleum Institute (API).[13] Although the suspense well data for 1974 have not yet been published, it is likely that the number of offshore wells in the suspense file will be over 300.

A significant reason for the apparent spurt in onshore drilling in recent years is the rapid rise in intrastate gas prices to levels that are well above the national rate ceiling for interstate sales. The effect of this price difference can be seen in the drilling

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Footnotes at end of article.

results for 1974, compared to 1973, which show a decline of 31 percent in offshore gas well drilling where the gas is subject to FPC regulation, and an increase of 13 percent in onshore gas well drilling. However, during the 1971–1974 period almost $10.5 billion was spent by producers just to acquire Federal offshore oil and gas leases. This would indicate that producers believe substantial oil and gas deposits exist offshore. Offshore drilling for gas thus far, however, has been less than might have been expected.

TABLE 12.—U.S. GAS WELL FOOTAGE DRILLED OFFSHORE VERSUS ONSHORE 1970–74[1]

Year well classification	Total United States	Offshore	Offshore percent	Onshore	Onshore percent
1970:					
Exploratory	3, 674, 557	260, 584	7.1	3, 413, 973	92.9
Developmental	19, 214, 724	1, 638, 126	8.5	17, 576, 598	91.5
Total	22, 889, 281	1, 898, 710	8.3	20, 990, 571	91.7
1971:					
Exploratory	3, 328, 365	411, 309	12.4	2, 917, 056	87.6
Developmental	19, 295, 191	1, 749, 547	9.1	17, 545, 644	90.9
Total	22, 623, 556	2, 160, 856	9.6	20, 462, 700	90.4
1972:					
Exploratory	4, 592, 273	138, 293	3.0	4, 453, 980	97.0
Developmental	22, 172, 910	1, 517, 542	6.8	20, 655, 368	93.2
Total	26, 765, 183	1, 655, 835	6.2	25, 109, 348	93.8
1973:					
Exploratory	6, 170, 512	173, 738	2.8	5, 996, 774	97.2
Developmental	29, 429, 819	2, 348, 032	8.0	27, 081, 787	92.0
Total	35, 600, 331	2, 521, 770	7.1	33, 078, 561	92.9
1974:					
Exploratory	7, 673, 663	105, 955	1.4	7, 567, 708	98.6
Developmental	31, 312, 819	1, 631, 632	5.2	29, 681, 187	94.8
Total	38, 986, 482	1, 737, 587	4.5	37, 348, 895	95.5

[1] Includes Alaska.

Source: American Petroleum Institute, "Quarterly Review of Drilling Statistics for the United States."

A brief summary of the expansion in gas well drilling since 1971 and a comparison with the previous peak years is presented in the following tabulations (Table 13):

First quarter 1975 drilling data released by the American Petroleum Institute indicates that the total wells drilled exceeded first quarter 1974 levels by about 22 percent. First quarter gas wells drilled were down by slightly more than one percent when compared to the first quarter of 1974 but gas well footage was up by more than two percent. This indicates that during the first quarter of 1975 most of the increase in drilling activity was directed toward oil. Exploratory gas wells and footage drilled, however, continue to show improvement over year-ago levels with increases of 8 percent and 3.5 percent respectively.

While these are encouraging signs, total oil and gas drilling is today taking place at only about one-half the peak level of 1956 while the demand for oil and gas has soared. We have also not yet seen a response of gas supply commensurate with the recent sharp increases in gas well drilling. If we are to meet the demand for oil and gas from domestic sources without excessive reliance on imports, the level of exploration and development for both must continue to increase beyond present levels.

TABLE 13

Year	Wells		Footage	
	Number	Percent increase over previous year	Millions of feet	Percent increase over previous year
Total gas well drilling:[1]				
1974	7, 240	13.4	39.0	9.5
1973	6, 385	29.6	35.6	33.0
1972	4, 928	28.7	26.8	18.3
1971	3, 830	(2)	22.6	(2)
1961 (previous peak year)	[3] 5, 459		29.2	
Exploratory gas well drilling:[1]				
1974	1, 195	32.8	7.7	24.4
1973	900	49.8	6.2	34.4
1972	601	37.5	4.6	38.0
1971	437	(2)	3.3	(2)
1959 (previous peak year)	[4] 912		6.0	
Developmental gas well drilling:[1]				
1974	6, 045	10.2	31.2	6.4
1973	5, 485	26.8	29.4	32.7
1972	4, 327	27.5	22.2	14.9
1971	3, 393	1.0	19.3	0
1961 (previous peak year)	[5] 4, 646		23.9	

[1] AAPG—API data for years 1971–74.
[2] Decrease.
[3] World oil data.
[4] AAPG data.
[5] World oil total minus AAPG exploratory.

DOCUMENTATION OF SHORTAGE

Since 1969, I have documented the gas shortage in numerous Congressional hearings and public statements, as has the Commission in our decisions, rulemakings and policy statements. In September 1969, our staff issued *A Staff Report on National Gas Supply and Demand*. This report was important in two major respects; it represented one of the earliest detailed documentations of the developing natural gas supply and demand imbalance, and it set out a number of specific findings and projections which later served as key indicators for responsive regulatory policy to cope with an emerging crisis. For instance, this report focused upon and anticipated the critical nature of the five-year period from 1969 through 1973 and projected that the national R/P ratio (excluding Alaska) would drop from the year-end 1968 level of 14.6 to 10.2 by year-end 1973. (Data for calendar 1973 show that the R/P ratio for the lower 48 states stood at 9.7 at year-end). Furthermore, the report anticipated and forewarned of regional supply deficiencies even national R/P ratios exceeding 10; forecast the natural gas industry's limited capacity for growth by 1974; projected the Nation's increasing dependence on supplementary sources of gas in the years beyond 1973; identified synthetic gas from coal, LNG imports and Alaskan natural gas as the most promising of these supplemental sources; and recommended increased exploration incentives, new Federal leasing policies, expedited imports of pipeline gas and LNG, establishment of end-use priorities in short supply situations, and increased Federal and private R&D expenditures for synthetic fuels. I will supply a copy of the Staff report for the record.

The Staff's second report, which I will also supply for the record, was entitled, *National Gas Supply and Demand, 1971–1990, Staff Report No. 2* and was published in February of 1972. Insofar as it provided an analysis of all supply and demand data available at that time, it was similar in character to the 1969 report. However, as indicated by the title, it was a more far-ranging report and contemplated the period extending from 1971 to 1990. Its major findings included the projection of a continuing and increasing disparity between the theoretical demand for gas and available supply; a projection that domestic production would peak in 1973 or 1974; the expectation of a continued heavy reliance on imports and other supplemental gas supplies to 1990; and projections of a continued decline in the reserve inventory of the contiguous 48 states to 1990. Because of the time frame embraced by this report, history must ultimately be the judge as to the accuracy of these prognostications.

Current activity with regard to the type of analyses described here is centered in the Commission's recently completed *National Gas Survey*.[14] The Survey, however, provides an even broader and more complete overview of the natural gas industry. A complete set of all volumes of the Survey will be provided for the record.

I earlier outlined to you those annual quantities of gas which would have to be developed in order for supply to meet projections of the demand for gas. It is obvious, however, that we cannot realistically expect demand-supply balance under present policies. The Staff's analysis in *A Realistic View of U.S. Natural Gas Supply*, released in January 1975 forecasts bleak prospects for national gas supply.

In this report, Staff estimates of national gas availability were made to the year 1985 assuming that historical reserve addition trends of recent years would continue. Two levels of annual additions to reserves were considered; a continuation of the average experienced from 1960 through 1973 (14.7 Tcf per year), and a projection of the average experienced since 1968 (9.5 Tcf per year). Estimated 1985 production under the higher of these two average levels of resource development was 17.4 Tcf. Production in 1985 at the lower rate of additions to reserves was estimated at 13.8 Tcf. Thus, a projection of even an optimistic average rate of historical additions to reserves indicates that anticipated 1985 production from conven-

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tional sources in the lower 48 states will fall far short of present rates of production.

In their report, the Staff also estimated that, on a national basis, average annual additions to reserves would have to rise to 22–24 Tcf per year in order to maintain production at the 1973 level of 22.5 Tcf. Actual reserves added during the period 1968 through 1973 averaged only 9.5 Tcf per year. The addition of 8.3 Tcf in 1974 reduces this average to just over 9.3 Tcf per year. The deficiency in annual reserve additions to stay even is 14 Tcf. Maintenance of our approximate 1973 level of production requires that we develop about 253 Tcf of new gas supplies between now and the end of 1985. If present rates of reserves development continue, we will only have added a cumulative 102 Tcf through 1985 for a shortfall of about 151 Tcf and an attendant reduction in productive capacity to less than 14 Tcf annually. Through 1985, this cumulative shortfall of 151 Tcf would be equivalent to about 26.9 billion barrels of crude oil. On a daily basis, the oil equivalency of this shortfall would range from a 1974 level to about 0.6 million barrels per day to a 1985 level of about 4.1 million barrels per day.

I think these figures serve to illustrate a point with respect to the quality of the reserves data presently available to the Commission which should be made here. The Commission has found and the U.S. Supreme Court has affirmed, that the reserves data used to determine producer rates was reasonably reliable.[15] However, the reserves, drilling and other cost data fall short of our public policy objective of utilizing more precise information subject to regulatory audit. As discussed elsewhere in this statement, the Commission seeks to acquire data superior to that presently available through the implementation of its proposed Forms 40 and 64.[16] When this data collection system becomes operational, the Commission will then have available to it current, accurate and verifiable data on reserves and production of a type and quality not now available.

The Commission wants to formulate and administer policies which will foster the timely and efficient utilization of the Nation's gas resources commensurate wth protection of the public interest. But those who emphasize the frailties of our present data and who would base national gas policy on the supposition that vast quantities of gas are being withheld from the markets are not, in my opinion, being realistic about the magnitude of the problem which we face. If natural gas is being withheld from the market, the potential for withholding is, in my view, simply not large enough to substantially alter the dimensions of the gas shortage as we now know it. This is because we need to add between 250 and 440 Tcf of proved reserves between now and year-end 1985 depending on the supply-demand assumptions utilized. Additions at the lower rate would permit the maintenance of our 1973 annual rate of production of about 22.5 Tcf per year while the higher rate would be necessary to meet the current projections of the prospective demand for gas over this same period.

SURVEILLANCE OF GAS SUPPLY

Information concerning the present and anticipated gas supply position of the Nation is critical to the discharge of the Commission's responsibilities under the Natural Gas Act. These data are required for pipeline and producer rate making and for certificate purposes. Because of the central importance of these data, the Commission has been devoting an ever increasing share of its attention and available manpower to the surveillance of gas supply matters. Areas of investigation have included studies of natural gas reserves available for sale, an independent estimate of natural gas reserves on a national basis, studies of shut-in and non-producing reserves and other investigations relating to specific facets of gas supply.

The first study of gas available for sale was initiated by order of March 17, 1970, in connection with the second South Louisiana Area Rate Proceeding in Docket No. AR69–1. Estimates of gas reserves available for sale as of December 31, 1968, and December 31, 1969 were compiled for onshore South Louisiana from reports of large gas producers (having companywide jurisdictional sales exceeding ten billion cubic feet) and for offshore Louisiana from reports of all gas producers.

On November 4, 1970, the Commission issued a rulemaking proposal in Docket No. R–405[17] designed to fulfill the responsibilities of the Commission for reliability of gas and electric service under the Federal Power Act and Natural Gas Act. Pursuant to this action, and in the implementation thereof, the Commission's investigatory officers, by letter dated November 20, 1970, directed 75 large gas producers to report proved natural gas reserves available for sale as of December 31, 1969 and October 1, 1970.

On September 12, 1972, the Commission issued an "Order Updating Nationwide Investigation" in Docket No. R–405 and requested large jurisdictional gas producers to file data as of December 31, 1971 and June 30, 1972.

On August 1, 1973, the Commission again issued an "Order Updating Nationwide Investigation" in Docket No. R–405 (subsequently renamed Docket No. R–405–A) and required 85 large producers to report gas they had available for sale as of December 31, 1972 and June 30, 1973. This order provided that the information submitted would be made available for inspection or copying by the public and would not be maintained in confidential status and would be subject to audit. The Commission recognized that the data sought had heretofore been treated as confidential and proprietary in nature and granted those producers who opposed the filing of data without assurance of confidentiality an opportunity for a hearing on this issue. Pursuant to Opinion No. 673 issued February 4, 1974, the Opinion No. 673–A issued April 3, 1974, reports were received from 84 of the 85 producer-respondents. One respondent, King Resources Company, was relieved of that obligation because its jurisdictional gas sales had fallen below 10 billion cubic feet for several years. The Commission staff is currently auditing the data submitted by respondents in R–405–A.

Table 14 below summarizes the reserves available for sale collected in each investigation. The 84 companies reported uncommitted reserves of 3.0 trillion cubic feet in the lower 48 states as of June 30, 1973, or 1.4 percent of the total proved reserves for the lower 48. When Alaska is included, the total reported uncommitted reserves were 30.8 trillion cubic feet, which is about 12 percent of the national proved reserves total. Large volumes of natural gas are available for sale from the North Slope of Alaska but the transportation system required to bring these volumes to market has not yet been approved.

TABLE 14.—PROVED NATURAL GAS RESERVES AVAILABLE FOR SALE, IN STAFF INVESTIGATION IN DOCKET AR69-1, AND IN NATIONWIDE INVESTIGATION IN DOCKET R–405 AND R–405–A [1]

[All volumes in trillions of cubic feet]

	Total United States [2]	Lower 48 States	South Louisiana	
			Onshore	Offshore
AR 69–1:				
Dec. 31, 1968	(3)	(3)	[4] 1.3	[5] 3.3
Dec. 31, 1969	(3)	(3)	[4] 1.5	[5] 1.1
R–405:				
Dec. 31, 1969	6.0	4.6	1.0	1.0
Oct. 1, 1971	6.1	4.4	1.1	1.1
Dec. 31, 1971	31.6	3.8	.6	1.2
June 30, 1972	31.2	3.4	.4	1.5
R–405–A:				
Dec. 31, 1972	30.5	2.7	.1	.7
June 30, 1973	30.8	3.0	.1	1.0

[1] Volumes in R–405 and R–405–A were as reported by slightly different lists of reporting companies, and none of the studies purports to contain 100 percent of the uncommitted reserves in the United States. Also, some of the companies included modifying footnotes in their reports.

[2] Includes North Slope of Alaska beginning with Dec. 31, 1971.

[3] No data reported.

[4] Includes zone 1 offshore.

[5] Excludes zone 1 offshore, but includes data from all producers having interest in leases in Federal domain, offshore Louisiana.

NATIONAL GAS RESERVE STUDY

Because the effective discharge of the Federal Power Commission's regulatory responsibilities requires access to gas reserve information of established credibility and quality, the Commission directed its staff to obtain an independent estimate of the Nation's proven natural gas reserves, as of December 31, 1970, in conjunction with the National Gas Survey. The program which followed was unprecedented and represented the first independent government appraisal and evaluation of nationwde proven natural gas reserves ever undertaken. The analysis was conducted through the combined efforts of the FPC staff and other concerned Federal and State agencies. Major Federal agencies involved included the U.S. Geological Survey, the Office of Naval Petroleum and Oil Shale Reserves, the Bureau of the Census and the Office of Management and Budget. The regulatory agencies of the major gas producing states also provided assistance and advice.

The heart of the evaluation program was an independent estimation, on a reservoir-by-reservoir basis, of the gas reserves of a carefully selected sample of gas fields. These estimates were made by reserve analysis teams composed of geologists, engineers, economists and other professional employees of the FPC and other participating agencies. The estimation of reserves involved the examination, evaluation and utilization of all pertinent basic reservoir data including well logs, core analyses, maps, production data and production tests. The sample of gas fields, selected by expert statisticians from government and the academic community, was designed to maximize coverage within the limits of the time and manpower available and to assure the ability to draw statistically sound conclusions with respect to the level of the total national reserves from the sample. A program was also conducted to independently identify all productive gas fields in the Nation to insure that all reserves were accounted for.

Analysts examined data for gas fields comprising approximately 50 percent of the national proven gas reserves. In all, 303 fields were examined. This coverage was obtained by examining all fields having indicated reserves equal to or greater than 400 billion cubic feet (108 fields), a sample of fields having less than 400 billion cubic feet of reserves (50 fields), and all fields omitted by the A.G.A. from its estimate (145 fields). Of the 145 total fields suspected of having been omitted, 83 were eliminated because they either were not traceable in official state records, had been depleted, or were plugged and abandoned prior to 1970. Reserve estimates were made for each of the remaining 62 omitted fields.

The program culminated in the publication of the *National Gas Reserves Study* in May 1973 (Revised, September 1973).[18] This first independent estimate of national proven gas reserves found that, as of year-end 1970,

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Footnotes at end of article.

proven reserves amounted to 258.6 trillion cubic feet. The A.G.A. estimate at that time was about 10 percent greater.[19]

INVESTIGATION OF PRODUCIBLE SHUT-IN LEASES

During 1974, the FPC with the cooperation of the U.S. Geological Survey (USGS) conducted an investigation concerning Federal oil and gas leases in the offshore Louisiana and Texas areas classified by the USGS as "Producible Shut-In." The study was divided into two phases. The First Phase was to (1) identify and determine the number of producible shut-in leases, (2) determine the reasons the leases were so classified, and (3) ascertain the availability of the basic reservoir data necessary to estimate the proved reserves attributable to the leases. The Second Phase of the investigation was to estimate the proved and probable gas reserves underlying the producible shut-in leases identified in the First Phase. The investigations were completed with First and Second Phase Reports subsequently being published in March and July 1974, respectively.[20]

A producible shut-in lease is a lease upon which at least one well has been drilled and is determined to be capable of being produced in paying quantities and for which a suspension of production or operations has been approved by the USGS supervisor.

The first phase investigation indicated that a total of 168 leases were classified as producible shut-in as of January 1974. Included in this total were 60 leases in their primary 5-year terms, 96 leases in extended terms and 12 leases in exploration or production units. The type of hydrocarbon production thought to be available from these leases is as follows:

Type of hydrocarbon:	
Gas	128
Oil	30
Oil and gas	5
Undefined	5
Total	168

Of the total 168 leases in primary and extended terms and in units, 45 were (according to FPC files) dedicated to interstate pipeline companies by gas purchase contracts and 32 were committed by reason of advance payment agreements made by FPC regulated pipeline companies to the lessees. This left 91 producible shut-in leases which had not been dedicated or committed and for which we had no information concerning the possibility of connection to a pipeline system or the magnitude of gas reserves.

The second phase of the study indicated that the 168 producible shut-in leases involved contained approximately 4.7 Tcf of proved reserves and approximately 3.3 Tcf of probable reserves. About 62 percent, or approximately 5 out of 8 trillion cubic feet of the reserves associated with these leases were either already dedicated to interstate gas purchase contracts or committed by advance payment agreements.

Of the approximately 3 trillion cubic feet of proved and probable reserves not dedicated or committed, about 2 trillion cubic feet were associated with leases still in the primary term. The remaining 1 trillion cubic feet of proved and probable reserves were associated with 64 leases in the extended-term category.

There is an interesting footnote to our study of producible shut-in leases. As I stated previously, the FPC staff report, Phase II, was released to the public in July 1974. Six months later, on January 28, 1975, Dr. Vincent E. McKelvey, Director of the Geological Survey, in a letter addressed to Dr. Phillip Handler, President, National Academy of Sciences, stated that:

> The conclusions of this investigation have been challenged and the Secretary of the Interior has asked that I request the National Research Council (NRC) to conduct an evaluation of the estimating techniques and procedures and of the gas reserves estimates for a representative sample of the OCS shut-in leases reported in the FPC analysis.

I was informed of the existence of this letter on February 12, 1975. On February 20, 1975, I sent letters to Dr. Handler and Dr. McKelvey offering the full cooperation of the FPC staff should the NRC undertake such an evaluation and requesting more specific information concerning the "challenge." To date, I have received no response to my letters requesting the basis for the "challenge."

However, the NRC has undertaken the evaluation mentioned above and has established a Panel on Gas Reserve Estimation to carry it out. Our staff has been cooperating fully with the panel and will continue to do so.

DISPARITY BETWEEN A.G.A. REPORTED RESERVES AND FPC STAFF ESTIMATES FOR OFFSHORE LOUISIANA

As part of staff's continuing surveillance of U.S. natural gas supply, a comparison was made between Bureau of Natural Gas (BNG) estimates of gas reserves for offshore Louisiana and data reported by the American Gas Association (A.G.A.) for the years 1971 and 1972. This comparison indicated that during those two years A.G.A. offshore proved non-associated gas reserve additions were considerably lower than the BNG estimates. The apparent difference between these two sets of reserve estimates led to the preparation of a joint Office of Economics (OEC) and BNG Staff Report entitled, "Report on Indicated Disparity in Reporting of Offshore Louisiana Non-Associated Natural Gas Reserves", dated March 1974.[21]

Because of the possible implications of this indicated disparity in the determination of productivity factors which are utilized in the costing and pricing of new natural gas supplies, the Commission included the indicated disparity report as Appendix B–1 to a Notice issued March 21, 1974, in Docket No. R–389–B. This Notice, among other things, requested comments from all parties to explain the indicated disparity.

On June 21, 1974, the Commission issued Opinion No. 699 in Docket No. R–389–B which established a uniform national base rate of 42 cents per thousand cubic feet for post-December 31, 1972, sales of natural gas in interstate commerce. On page 47 of this Opinion, the Commission commented on the report of the reserve disparity as follows:

> On March 21, 1974, we issued a Staff Report which indicates that significant new discoveries of nonassociated gas reserves reported by A.G.A. for the Southern Louisiana area for 1971 and 1972 are approximately 1.7 Tcf less than our Staff's estimate for the nonassociated natural gas reserve additions for 31 selected leases which were sold in the December 1970 lease sale (Notice of March 21, 1974, Appendix B–1, mimeo, p. 1). While this disparity may be due simply to a reporting lag by A.G.A. (Notice of March 21, 1974, Appendix B–1, mimeo, p. 8), it is also possible that A.G.A. does not have complete access to the subsurface data necessary to estimate new reserve additions for all areas and that its report is less than complete.

In Opinion No. 699–H, issued December 4, 1974, Docket No. R–389–B, the Commission found a just and reasonable national base rate of 50 cents per Mcf based on a cost range of 48 to 52 cents.

We stated in Opinion No. 699, Docket No. R–389–B, issued June 21, 1974 (p. 40):

> Our cost analysis in this decision is based upon the methodology which was developed in the first Permian Basin area rate proceeding, *Area Rate Proceeding, et al. (Permian Basin)*, 34 F.P.C. 159 (1965), affirmed, *Permian Basin Area Rate Cases*, 390 U.S. 747 (1968), and modified in the second Southern Louisiana proceeding, *Area Rate Proceeding, et al. (Southern Louisiana Area)*, 46 F.P.C. 86 (1971), *affirmed, Placid Oil Company, et al.* v. *F.P.C.*, 483 F.2d 880 (5th Cir. 1973), *affirmed sub nom. Mobil Oil Corporation, et al.* v. *F.P.C.*, 42 U.S.L.W. 4842 (U.S. June 10, 1974).

The costing formula seeks to derive a unit cost for finding and producing each Mcf of new gas by dividing nationwide gross non-associated natural gas reserve additions into the nationwide cost of finding and producing gas. Specifically, productivity is computed by relating nationwide A.G.A. reported reserve additions of nonassociated gas to nationwide gas well footage drilled. An increase in nonassociated natural gas reserve additions results in increased productivity and reduced unit costs.

The staff's report of a disparity in reserve additions as reported by the A.G.A. reinforced "our conclusions that using only the most recent data on reserve additions in a short time period of four years is unreliable, with or without negative revisions, and should not be the primary basis for our decision" in that proceeding. Instead, we relied "upon reserve additions for the most recent ten year period (1963–1972) to compute the low end of the reasonable cost range and the most recent seven years (1966–1972) to compute the high end of this range." (Pages 50–51, Opinion No. 699, Docket No. R–389–B, issued June 21, 1974.)

We then stated:

> This time span is of sufficient length to insure that a reporting lag or the lack of the information required to make a reserve estimate in any given year will not unduly influence the end result while at the same time giving the requisite consideration to the more recent industry experience in finding new supplies of nonassociated and associated natural gas.

We also "computed a range of costs based upon A.G.A. reserve additions adjusted to reflect a disparity of 1.7 Tcf" (P. 95, Opinion No. 699), and adjusted our base cost range to reflect the disparity. This yielded a range of costs of 37.01 cents to 41.9 cents per Mcf compared to a range of 37.54 cents to 42.74 cents without adjustment.

Illustratively, the impact of reserve additions ranging from 1.0 Tcf to 10.0 Tcf over and above the reserve additions as reported by the A.G.A. upon the imputed cost of new nonassociated natural gas supplies and upon the just and reasonable rate found in our Opinion Nos. 699 and 699–H is shown in the following schedule prepared by staff:

Footnotes at end of article.

STAFF ANALYSIS

IMPUTED COST OF NEW NONASSOCIATED NATURAL GAS SUPPLIES

Reserve additions	Productivity (Mcf/ft)	1972 data		Trended data		
		Cost (cents per Mcf)	47.79 cents less imputed cost (cents per Mcf)	Cost (cents per Mcf)	51.46 cents less imputed cost (cents per Mcf)	Variance from 50 cents national base rate (cents per Mcf)
As reported by the American Gas Association	485	[1] 47.82	0	[2] 51.46	0	+1.46
As reported by AGA + 1 Tcf	490	47.20	.59	50.97	.49	+.97
As reported by AGA +1.7 Tcf	494	[3] 46.77	1.02	50.46	1.00	+.46
As reported by AGA +2.7 Tcf	500	46.29	1.50	49.81	1.65	−.19
As reported by AGA +5 Tcf	515	44.71	3.08	48.19	3.27	−.81
As reported by AGA +10 Tcf	546	41.87	5.93	45.15	6.31	−4.85

[1] Opinion No. 699-H at 34; app. C, sheet 1 of 7. The comparable figure in opinion No. 699 is 42.74 cents per thousand cubic feet. See opinion No. 699 at 95; app. C, schedule No. 1, sheet 1 of 9, col. (f).

[2] Opinion No. 699-H at 34; app. C, sheet 1 of 7.

[3] The comparable figure in opinion No. 699 is 41.9 cents per thousand cubic feet. Opinion No. 699 at 95–96; revised app. C, schedule No. 1, sheet 1 of 7, col. (d).

The addition of the 1.7 Tcf disparity to the proved reserves reported by the A.G.A. would increase productivity from 485 to 494 Mcf/ft. resulting in a difference in cost of 1 cent per Mcf, or the same just and reasonable national base rate of 50 cents found by the Commission. The addition of 2.7 Tcf to the reserves reported by A.G.A. would indicate productivity of 500 Mcf/ft., a cost of 49.81 cents per Mcf and an overall difference from the high end of the cost range of 1.65 cents per Mcf. Here again, the national base rate of 50 cents would be supported by the imputed cost of 49.81 cents. If we were to assume a 5.0 Tcf addition over and above A.G.A. reported reserves, productivity would increase to 515 and the cost becomes 48.19 cents per Mcf, a variance of 3.27 cents per Mcf from the cost of 51.46 cents, or 0.81 cents less than the national base rate of 50 cents. A 10.0 Tcf addition would increase productivity from 485 to 546 Mcf/ft. and reduce costs to 45.15 cents per Mcf, or a difference of less than 5 cents from the national base rate.

FPC EXAMINATION OF A.G.A. REPORTED RESERVES IN BIENNIAL REVIEW OF NATIONAL RATE (DOCKET NO. RM75–14, JUNE 16, 1975)

We have initiated a searching inquiry into the reliability of the American Gas Association reserves reporting system. One June 13, 1975, in Docket No. RM75–14, we issued our order instituting an investigation to update a prior staff study relating to a disparity in the reporting of offshore Louisiana nonassociated natural gas reserve additions determined by the staff report issued March 21, 1974, to approximate 1.7 Tcf between the A.G.A. figures for the entire South Louisiana area and the reserve additions found by the staff to exist in only 31 leases sold in that area in the December 15, 1970 offshore lease sale. We ordered:

(1) a staff investigation to determine the extent of proved reserves present in fields discovered in 1971–1972 located in the Gulf of Mexico, and

(2) natural gas companies that hold or held proved natural gas reserves in those fields to submit to the Commission under oath (a) their respective reserve estimates through December 31, 1974, (b) the background data supporting the estimates such as well logs and production histories, plus (c) all information supplied by any producer or its representative to the A.G.A. Committee on Natural Gas Reserves or its subcommittees for these fields in the years 1971 to 1974.

In addition, on June 13, 1975, I wrote Chairman Engman, Federal Trade Commission to invite the participation of the Federal Trade Commission staff in the proceedings in Docket No. RM75–14, relating to the biennial review of the national rate prescribed in Opinion No. 699-H. We also requested that the Federal Trade Commission staff submit to our staff:

(1) the gas reserve estimates that they have obtained from representatives to or from the A.G.A. Reserves Committee;

(2) the gas reserve estimates the FTC staff acquired from the proved reserve ledgers of the various companies reviewed by the FTC staff, and disparities between the A.G.A. Reserves Committee data and that recorded on certain of the companies' proved reserve ledgers; and

(3) all of the actual field/lease data which the FTC staff obtained from A.G.A. for offshore Louisiana for the years 1966 through 1973.

Finally, I requested that our staff be provided with the gas reserves data received by the FTC staff thus far in reponse to the reserve data questionnaire recently submitted by the FTC to producers of natural gas. A copy of my letter to Chairman Engman will be provided for the record.

I also wrote Secretary of the Interior Hathaway on June 13, 1975, inviting the participation of the staff's of the Bureau of Mines and the U.S. Geological Survey in the proceedings in Docket No. RM75–14. While my invitation to participate would encompass all issues in RM75–14, I specifically requested the following information for the Gulf of Mexico Federal domain:

"(a) List of new fields with discovery dates for the years 1971–1974 together with reserve estimates your staff might have for the leases which comprise these fields.

"(b) Identification of all wells drilled on these leases including date of completion and total depth."

I further requested that the Geological Survey submit for the record of our proceedings, their analysis of the Gulf of Mexico gas potential and the basis for their conclusion that: "most of the prospects which remain in the Gulf of Mexico have high risks and less reserve potential."

With reference to the Bureau of Mines, I noted that the Bureau of Mines has relied in the past on the A.G.A. Reserves Committee published data for its reserve base, and further noted that the Bureau of Mines has a representative serving on the A.G.A. Reserves Committee. I have requested that the Bureau of Mines staff submit to the FPC staff the gas reserve and production figures from representatives to or from the A.G.A. Reserves Committee and the gas production figures they have acquired from the various companies regularly reviewed by Interior staff.

"We are particularly interested in any additions to production, or potential production your staff may have received from the A.G.A. Reserve Committee and that that may have been submitted by any of the companies covered in your annual reports.

"I have been advised that your Bureau of Mines has relied in the past on the A.G.A. Reserve Committee published data for its reserve base. I might inquire whether or not the production figures you obtain and publish have ever caused the Bureau to revise, adjust or question the reserve figures published by the A.G.A."

As you know, the Federal Energy Administration is also conducting a comprehensive natural gas reserves study. Accordingly, I have requested by letter to Frank G. Zarb, Administrator of the Federal Energy Administration, that the FEA staff submit the gas reserves data received by the FEA staff thus far in response to the data questionnaire (FEA P-301-S-O (11-74)) recently submitted to producers of natural gas, "along with any other studies or inventories of gas reserves your staff may have that would be germane to the issues in the proceeding in Docket No. RM75–14."

After evaluation of all data submitted by parties to RM75–14 or in response to specific requests to various Federal agencies, the Commission will then be in a position on the basis of a comprehensive evidentiary record to determine the data series which should be used as well as whether any adjustments to the report of nonassociated gas reserves added in any year or years are appropriate in applying our rate methodology to determine a just and reasonable national base rate pursuant to our biennial review.

Until the FPC is in a position to establish a functional comprehensive data reporting system through Form 40 (Order No. 526, Docket No. RM74–16, issued February 25, 1975) and Form 64 (Notice of Proposed Rulemaking, Docket No. RM75–24, issued March 13, 1975), we must perforce rely upon available data critically examined to assure that the public interest is protected.

FPC STAFF SURVEILLANCE OF FORM 15 PIPELINE FILINGS OF NATURAL GAS RESERVES

As a routine procedure in the staff's surveillance of Form 15 filings of natural gas reserves, teams of geologists and reservoir engineers are sent to the offices of the pipeline respondents to review the basic production and well data on which the estimates are based, to review the methodology of the estimates, and when necessary, to recommend changes in estimating methods and procedures to insure greater accuracy. During 1974 the FPC staff made in-depth reserve estimates for El Paso Natural Gas Company, Trunkline Gas Company, Panhandle Eastern Pipe Line Company, and Northwest Pipeline Corporation. Those followed two in-depth reserve studies made in 1973 for United Gas Pipe Line Company and Transcontinental Gas Pipe Line Corporation.

FPC COORDINATION WITH SEC ON REPORTED GAS RESERVES

Another facet of our Form 15 reserve evaluation program involves a review of the reserve data reported to the Securities and Exchange Commission in prospectuses filed with them and a comparison of these data with information filed in FPC Form 15. Pursuant to communications between Chairman Garrett and Commissioner Loomis of the

SEC and myself, we established procedures whereby the FPC staff reviews prospectuses filed with the SEC. These review procedures encompass all pertinent areas of the filings, including gas reserve data. In those instances where the data submitted to SEC do not agree with information on file with the FPC and my staff cannot satisfy itself as to the reasons for the disparity, the SEC staff is notified in writing. These review procedures were initiated in June of 1974. Since July 1, 1974, we have reviewed in excess of 235 prospectuses, of which over 70 incorporated gas reserve information.

The reserves reported to the SEC are generally on a consolidated basis, i.e., information on the parent and each of its subsidiary companies are included in the prospectuses, including nonjurisdictional companies that are not required to report reserves to FPC. In cases involving reporting by identical company units, any differences in reserve data reported to SEC and FPC are usually due to timing differences. That is, the FPC Form No. 15, Natural Gas Companies Annual Report of Gas Supply, is prepared annually by the filing companies, but the reserve data included in the SEC prospectuses usually include reserves at an earlier or later date. The reserves reported in the prospectuses, therefore, include the impact of additional production and any additional reserves that might have been acquired since the date of the latest Form No. 15 available.

Another factor bearing on differences in reported natural gas reserves involves the individuals preparing the reports to the FPC and SEC. The prospectus data are usually prepared by an independent consulting firm and the FPC Form No. 15 data are generally prepared by company personnel. The raw data are based on technical information that must be interpreted by experts and is not quantifiable by mere application of mathematical formulas, and such interpretations may vary. Because of these factors, under an agreement with the SEC, the FPC staff has begun attending, in an observer capacity, meetings at the SEC with registrants and SEC staff at which the methodology used in preparing the reserve estimates is discussed and evaluated.

I have requested the FPC staff to prepare a revision to Form 15 through a proposed rulemaking which would compel companies to explain in detail on Form 15 any differences in reserve estimates filed with the SEC, or any other Goverment agency, and those reported to the FPC.[22]

REVISED FPC PROCEDURES FOR RESERVES REPORTING AND ASSOCIATED COST DATA

Form 40

In recognition of the limitations of the available natural gas reserves reporting systems and for the purpose of instituting a natural gas reserves reporting program not subject to the same limitations and improving its ratemaking procedures, the Commission, on February 25, 1975, issued Order No. 526 (Docket No. RM74-16) which requires "all persons who have been found to be natural gas companies under the Natural Gas Act [note omitted] or who are affiliates (associates) or subsidiaries of natural gas companies" to file annually on Form 40 "uniform information on proved domestic natural gas reserves." It is estimated that approximately 90 percent of the Nation's total natural gas reserves would be reported through this system.

By granting rehearing for purpose of further consideration, we have temporarily stayed the effective date of Order No. 526 pending clearance by the General Accounting Office under Public Law 93-153. We have instructed our staff to cooperate with the General Accounting Office in an effort to reduce alleged duplication between FPC's Forms 40, 64, and 15, and to minimize the compliance burden, particularly for small respondents. In the event that we are unsuccessful in resolving the problems raised by the General Accounting Office consistent with public policy considerations under the Natural Gas Act, the Commission has reserved the right to issue Form 40, with or without revision, as may be warranted by the public interest. I am hopeful that we will be able to work out a mutually satisfactory solution to all issues raised by the General Accounting Office within the next 30 days.

In promulgating Form 40, the Commission found:

The compilation of information on natural gas reserves held by natural gas companies (or by their affiliates and/or subsidiaries) is a necessary exercise of the Commission's powers under Section 14(a) of the Act to gather data required for the performance of the Commission's duties under Sections 4, 5, and 7 of the Act and to enable the Commission to establish a sufficiently comprehensive and reliable data base pertaining to natural gas reserves for the purpose of recommending any further legislation to the Congress which the Commission may deem necessary. (Order No. 526 at 5.)

Form 40 is necessary to the Commission's ratemaking responsibilities since the data gathered thereby "will aid the Commission in evaluating whether the establishment of higher rates to encourage greater exploration and development of domestic gas reserves is resulting in additional gas dedications to the interstate market or whether the gas is escaping to the intrastate market or whether alternative alternate investments not related to natural gas are more attractive." (Order No. 526 at 6.)

Because reserve additions are only one part of the formula used to determine productivity, Form 40, as proposed, was modified by Order No. 526 to also require the reporting of drilling footages associated with the reserve additions to enable the Commission to determine the productivity.

Form 64

As a supplement to Form 40, we have proposed in Docket No. RM75-24 (Notice of Proposed Rulemaking, issued March 13, 1975), the adoption of a Form 64 "providing for the systematic collection of data and information concerning producer and producing affiliate expenditures, exploration and development activities, reserve additions, production [volumes] and revenues. This form would also be submitted by all persons found to be natural gas companies and their affiliates and/or subsidiaries. Form 64 would, in its proposed form, provide for the filing of cost and reserve additions data for the past 10 years in the initial filing and for each subsequent year thereafter. Moreover, as proposed, the form would provide that the data be supplied for various subareas of the United States. The stated purpose of this proposed form and with Form 40 is to permit the Commission in its ratemaking proceedings to rely upon "information submitted directly to us and auditable by us, rather than to be forced to rely upon published data not open to close scrutiny."

Form 40 and proposed Form 64, if adopted, are the beginning of a comprehensive data gathering system by the Commission which will eventually supplant the reliance on published data, and allow the Commission to establish rates based upon timely and comprehensive data supplied to the Commission which is subject to audit.

The data-gathering effort such as the one hereby launched will give to the Commission information against which it can measure the accuracy and methodology by which published data is derived, and can determine whether trends demonstrated thereby are reflected in the Commission's own data. In addition, it can move the Commission towards having the option of calculating productivity, as well as costs, on the basis of the activity of jurisdictional companies only at some time in the future. (Order No. 526 at 7.)

The data collected via Form 40 and proposed Form 64, if adopted, will over a period of years provide a more reliable and precise data base upon which to prescribe rates. It will also provide "an additional test of the veracity of reserves reported by the A.G.A. for that year and will provide the first independent governmental check of productivity as estimated from data currently reported by A.G.A. and the American Association of Petroleum Geologists (A.A.P.G.)."

(Order No. 526 at 9.) "[P]rompt development of an independent data collection system by the Commission will provide a more accurate and reliable data base which will better serve the broad regulatory responsibilities delegated to the Commission." Copies of Order No. 526 and the Notice of Proposed Rulemaking in Docket No. RM75-24 will be provided for the record.

INVESTIGATION OF NONPRODUCTING GAS RESERVES IN THE GULF OF MEXICO

In February 1975, the Commission issued a report on its staff's preliminary investigation of nonproducing gas reserves in the Gulf of Mexico as reported to the Commission by regulated pipeline companies in their annual gas supply (FPC Form No. 15) reports. Concurrently with the release of this report the Commission instituted an investigation and ordered 12 interstate pipeline companies and 68 independent producers to show cause why certain natural gas reservoirs in the offshore Federal domain area of the Gulf of Mexico are currently in a nonproducing status and why they "could not or should not" be produced. (RI75-112, Feb. 20, 1975.) This hearing began on May 20, 1975. A second phase of this investigation will cover offshore state and onshore dedicated nonproducing reserves. While a conclusive finding as to the amount of gas which may be available from these nonproducing reserves can be made only upon completion of these hearings, I would observe that the volumes involved are insufficient to avert a long-range natural gas crisis, although in the short-range accelerated production of these reserves will mitigate deepening curtailments. A tabulation of nonproducing and total dedicated gas reserves in the offshore Gulf of Mexico for the 11-year period 1964-1974 is given in Table 15.

TABLE 15.—COMPARISON OF NONPRODUCING AND TOTAL DEDICATED GAS RESERVES IN OFFSHORE GULF OF MEXICO, 1964 THROUGH 1974.

[All volumes in MMcf at 14.73 p.s.i.a. and 60° F]

Year	Nonproducing	Total offshore	Percent nonproducing of total
1964	7,626,515	19,245,080	39.6
1965	7,561,439	22,184,289	34.1
1966	9,364,551	24,871,199	37.7
1967	9,364,070	27,234,977	34.4
1968	9,857,167	29,254,458	33.7
1969	10,389,937	33,062,086	31.4
1970	8,269,031	34,009,872	24.3
1971	7,247,039	32,380,630	22.4
1972	9,008,658	32,461,354	27.8
1973	7,914,728	30,461,836	26.0
1974	[1] 8,526,533	[1] 27,428,681	31.1

Source: FPC Form 15.

[1] Preliminary data. The nonproducing reserves for 1974 were determined by staff from company form 15 reports but have not been verified by staff in the pipeline company offices nor have the total remaining recoverable reserves been checked for compliance with form 15 reporting procedures.

At page three of our order we addressed the inability to draw conclusions from this preliminary report as follows:

On the basis of the Staff Investigation con-

Footnotes at end of article.

ducted so far, it is not possible to form definite conclusions with respect to the undeveloped reserves reported on Form No. 15. We need to determine in the first instance, whether the Form No. 15 data is reliable and accurate, for if reserves have been overstated then the reserve inventory of the interstate pipelines is lower, and the Nation's gas supply posture is worse, than earlier studies indicate. If the Form No. 15 data is reliable and accurate, then we need to determine whether nondevelopment has occurred because of engineering and technical constraints, or by reasons of conservation regulations of the Department of the Interior, or because of inadequate transportation capacity, or because of failure of producers to meet or pipelines to enforce contract or certificate obligations, or because of factors within control of this Commission. The purpose of this investigation is to determine facts, and take such remedial action, if any, which is within our power.

We directed the Presiding Administrative Law Judge to:

. . . render an initial decision addressing *inter alia* the following matters and in so doing draw conclusions as to fact and law and make recommendations where appropriate: (1) Determine (a) reasons why gas from nonproducing reservoirs is not being produced, (b) when, under current practices, production from these reservoirs is anticipated, (c) the economic and engineering feasibility of accelerating the date for placing such nonproducing reserves on producing status, and (d) whether there is compliance with certificate obligations as to the rate of delivery of gas from the dedicated acreage of which these nonproducing reservoirs are a part. (2) Determine the accuracy and reliability of the FPC Form No. 15 reporting process and veracity of the data reported by the respondents herein; and recommend what, if any, action should be taken to improve the usefulness, accuracy and reliability of the report form. (3) Set forth what, if any, recommendations concerning the development, purchase or transportation of offshore nonproducing reserves in the Federal Domain should be made to the Department of the Interior pursuant to the Outer Continental Shelf Lands Act. . . . (4) Set forth areas of consideration for possible recommendations to the Congress for legislation relating to the natural gas industry.

The investigation in Docket No. RI75–112 is but the latest in a series of Commission actions directed toward the identification and investigation of uncommitted, shut-in or otherwise nonproducing resources as may be available for the interstate market.

OTHER FPC SUPPLY DATA

Producer forms 301–A, 301–B and 314–B

The FPC requires all producers selling gas in interstate commerce except small producers with exemption certificates to file with the Commission copies of each of its sales contracts with an interstate buyer. Such contracts contain complete data on price, daily delivery volumes, description of dedicated acreage committed to buyer and other contract provisions covering such matters as gas pressure, quality, delivery points, metering, gas processing for removal of liquids, periodic price escalations, possible interruptions in service and penalties for not meeting certain contract terms. The contracts are designated as FPC gas rate schedules and their submission is a requirement for obtaining an FPC producer sales certificate. Any amendments to such contracts must also be filed with the FPC. These contracts contain the basic information on which producer sales of natural gas are regulated by the FPC.

The only other information which the FPC requires from its jurisdictional producers on a continuing basis are annual reports which summarize total annual interstate sales volumes and revenue (FPC Forms 301–A, 301–B and 314–B).

FPC Form 301–B is required from all producers selling more than 10 million Mcf of natural gas per year in interstate commerce (about 85 producers who account for about 88 percent of all interstate sales). Form 301–A, which contains total volume sales and revenue and the data on working interest of respondent and others, is required from the small producers (under 10 million Mcf per year sales) who have not requested or received small producer exemption certificates (about 1500). These forms provide for the reporting of total sales volumes and revenues, a listing of sales contracts filed with the FPC, including rate and name of purchaser for each, the fractional working interest of others in each contract and the working interest of the respondent in sales contracts filed by other producers, name of the producing field for each contract and some delivery point data. FPC Form 314–B is an annual statement required from small producers who have been granted exemption from certain FPC rate regulations under FPC Order No. 428, dated March 18, 1971 (about 4400). This form requires a listing of sales contracts, including sales volumes, revenues, and names of purchasers. This statement is necessary to keep the FPC informed as to the continuing status of the respondent as a small producer.

Form No. 14, annual report for importers and exporters of natural gas

On February 2, 1973, the Commission issued Order No. 471 prescribing the addition of a new form entitled, "Annual Report for Importers and Exporters of Natural Gas" (FPC Form No. 14). Form No. 14 provides data on imports and exports of natural gas, including LNG. In addition to providing monthly, peak day, and annual data on the volume and dollars paid or received for imports and exports, the Form conveniently shows the importer or exporter, point of entry or exit, foreign buyer or seller, transporter, mode of transportation, FPC docket number, weighted average annual price, and weighted average annual Btu content. The Form is filed annually by March 31 for the preceding calendar year. A separate schedule is filed for each FPC docket number under which an export or import occurred. Where more than one geographic point of import or export occurs under one authorization, a separate schedule is filed for each point. I will supply for the record the latest staff report compiling the data collected on Form No. 14.

Form No. 15, natural gas companies annual report of gas supply

Since 1963, Form No. 15 has been filed annually by interstate pipeline companies which own or control 50 billion cubic feet or more of natural gas reserves. Reserves estimates and deliverability projections are reported for each source of supply, e.g., reservoir, gas field or gas plant. Maps showing the location and delineating the boundaries of each reported gas reservoir are also filled. I will supply for the record the latest Commission publication detailing Form No. 15 data.

On March 6, 1973, the Commission issued Order No. 476 which prescribed revisions to improve the reporting procedures by ADP methods and required the reporting of detailed basic reservoir reserve and production data such as porosity, connate water, reservoir pressure and gas well deliverability test results not previously reported. With these improvements the Commission staff is better able to continuously monitor the interstate gas supply situation.

In conjunction with the Form 15 program the staff continually, critically evaluates the techniques of reserves and deliverability analyses used by the interstate pipeline companies, particularly during in-depth studies of pipeline company supply status. The key feature of these in-depth studies is the staff audit of supporting information underlying company reserve estimates and deliverability projections. The studies are conducted both as an on-going program and in response to specific regulatory needs in certificate proceedings before the Commission.

Form No. 16, report of gas supply and requirements

By order No. 489 issued August 24, 1973, the Commission issued FPC Form No. 16, a Gas Supply and Requirements Form required to be filed by all natural gas pipeline companies that make sales of natural gas for resale in interstate commerce. It is required to be filed twice yearly (April 30 and September 30) and shows the company's actual monthly gas supplies, firm and interruptible requirements and curtailments for the year prior to the reporting date and comparable projections for the year following the reporting date. It also shows the same data for peak day of the year prior to the reporting date and projected for the year following the reporting date. This information is particularly useful in revealing the companies' actual and anticipated curtailment situation and gives a direct comparison, month by month, between the most recent actual data and projected data for the year immediately following the reported year. The latest staff report reflecting Form 16 data will be supplied for the record.

Proposed form No. 69, alternate fuel requirements of curtailed gas customers

As a complement to the Form 16 program, the Commission issued a proposed rulemaking on May 12, 1975, which would gather data relating to the alternate fuel requirements of direct end-use customers of interstate pipeline companies due to natural gas curtailments.

In order to have these data available on a systematic basis, the Commission proposes to initiate a new report Form (No. 69) to be filed by all regulated suppliers of natural gas—including liquefied natural gas and synthetic natural gas—to end use customers. The proposed new form was developed by the FPC in coordination with the Federal Energy Administration (FEA) and the National Association of Regulatory Utility Commissioners (NARUC) and other government agencies who participated on an informal basis.

FEA plans to circulate a similar form which would gather substantially identical information from all suppliers of nautral gas which are beyond the scope of FEA's jurisdiction. In this way, a single coordinated form may be filed by those reporting to the FPC that will satisfy the reporting requirements of both the FPC and FEA, while reducing the overall reporting burden and enabling better coordination of information between the FPC, FEA, and the membership of NARUC. Views, comments and suggestions on this proposal were due by June 13, 1975.

Form No. 17, report of natural gas pipeline curtailments

FPC Form No. 17 is a Report of Natural Gas Pipeline Curtailments filed monthly by those pipeline companies that have curtailed firm deliveries to their customers during the month immediately previous to the date the report is filed. It is required to be filed on or before the 15th day of the month following the reported month. It lists the names of the customers that were curtailed during the reported month, the volumes curtailed, the duration of curtailment, the rate schedule under which the curtailment was made, whether the customer is a jurisdictional or non-jurisdictional customer (indicating firm or interruptible for the non-jurisdictional customers) and the base from which the volume curtailed was determined (contract demand, entitlement, maximum day, etc.). This form provides the Commission with timely curtailment information and keeps it abreast of the shortage situation. I will supply for the record the latest compilation from Form 17.

All of the forms I have described are available to the public, and FPC staff reports analyzing and summarizing the information reported in the forms are also made available to the public.

FPC investigations of Transco and Tennessee revised curtailments

In compliance with FPC regulations, Transcontinental Gas Pipe Line Corp. (Transco) filed on September 30, 1974, its semi-annual FPC Form 16 (Report of Gas Supply and Requirements). Curtailments for the 1974–1975 season were projected at approximately 28 percent; 307 billion cubic feet out of about 1,107 billion cubic feet of total firm requirements. Curtailments for the November 1974–March 1975 heating season were projected at about 20 percent; 101 billion cubic feet out of about 510 billion cubic feet of total firm requirements.

Transco then began a series of notifications to its customers, culminating in a final notification on December 30, 1974, that production "outages" would result in an additional 15 billion cubic feet of firm requirement curtailment during the winter heating season. Unforeseen production and reservoir problems were cited by Transco. One specific problem area was identified by Transco as Brazos Area Block A–76, Offshore Texas. The operator of Block A–76 reported that additional remedial work was required on one of the wells and estimated a delay in production until January 20, 1975. Transco considered this date to be optimistic and based a portion of its announced revised curtailment on a production date of February 15, 1975.

Primarily in response to these notifications, numerous submittals by several gas customers, in the form of petitions for "permanent extraordinary relief," indicated an increasing dissatisfaction with the trend of Transco's gas supply situation.

In view of the foregoing, the Commission on January 8, 1975, (Docket No. RP75–51) instituted a comprehensive investigation of the circumstances surrounding the increased curtailment on Transco's system and a determination as to the current projections of curtailment for said system. Hearings were set for January 27, 1975, with evidence to include the adequacy of the gas reserves held or controlled by Transco or dedicated to it; the change, if any, in the level of production from such reserves; the effect on deliverability of gas from reserves affected by adverse weather such as hurricanes, tornadoes, etc.; and the actions taken to fully reactivate the production from those reserves. In addition, Transco was required to show its storage inventories (inclusive of that stored by others) and its injections and withdrawals, for the immediate past 12-month period on a monthly basis.

As part of this investigation FPC staff conducted a field investigation on January 10, 1975, of the South Brazos Block A–76 Offshore Texas production platform operated by Cities Service Oil Company. Also, staff on January 11 and 12, 1975, checked related documents in the Houston office of Cities Service.

On January 12, 1975, Transco instituted a new series of announcements culminating March 6, 1975. The effect of these announcements was to "restore" 14 billion cubic feet of the previously announced 15 billion cubic feet of additional curtailment. Most notable was the announcement January 18, 1975, that Block A–76 would be restored to production between January 20 and 23, 1975, as originally estimated by the operator. This was an earlier date than was previously estimated by Transco and resulted in restoration of about 2 billion cubic feet of the 15 billion cubic feet of additional curtailment.

Accordingly, all of the petitions for "permanent extraordinary relief" have been dismissed as moot. Inquiry into the reasons and facts surrounding this case is continuing and the case is now in the hearing stage before an Administrative Law Judge.

On July 1, 1975, the Commission issued its order in Docket No. RP75–51 enlarging the scope of the Transco investigation "to determine the extent of the alleged necessity for any curtailment on the system of Transco. This investigation shall encompass all facts bearing upon the alleged need for any curtailment by Transco to its customers. . . ."

Also in compliance with FPC regulations, Tennessee Gas Pipeline Co. (Tennessee) filed on October 23, 1974, its semi-annual FPC Form 16 (Report of Gas Supply and Requirements). Curtailments for the 1974–1975 season were projected at approximately 8 percent; 104 billion cubic feet out of about 1,369 billion cubic feet of total firm requirements. Curtailments for the November 1974–March 1975 heating season were projected at about 7 percent; 44 billion cubic feet out of about 613 billion cubic feet of total firm requirements.

On December 23, 1974, one of a number of recent submittals in the form of a petition for relief and complaint was filed by Knoxville Utilities Board, et al., indicating a Tennessee systemwide curtailment in excess of twice the amount projected by Tennessee. In view of this sharp and inordinate increase of actual curtailments over projected curtailments, the Commission on December 24, 1974, instituted an immediate investigation as to the severity and causes of the shortfall on the Tennessee system, (RP75–45) inclusive of the allegations made in the Knoxville complaint, and stated that:

"Said curtailment is in addition to an earlier curtailment invoked by Tennessee in October, 1974, which was allegedly based upon losses in production sustained by the hurricane Carmen, a failure to bring production on the line which had earlier been relied upon by Tennessee, and a drop in pressures in wells presently attached.

"Such hasty, ill-considered action by Tennessee has led to numerous assertions being made that this action is a 'power-play' to accomplish a result of (a) increasing the chances of deregulation of natural gas in Congress, (b) preventing the passage of a depletion allowance restriction by Congress, (c) to aid Tennessee in its rate case now pending before this Commission to prove that its depreciation allowance should be substantially increased, and numerous other similar assertions and charges."

The Commission directed that Tennessee's evidence include an explanation of the causes for the increased curtailment beyond Form 16 projections, as well as the adequacy of its gas reserves, any change in production levels from such reserves, the effect on deliverability from reserves affected by adverse weather, and actions taken to reactivate production from the reserves. Tennessee must also show storage inventories and injections and withdrawals for the immediate past 12-month period on a monthly basis.

It is pertinent to note that on February 3, 4 and 5, 1975, FPC staff members made a limited field investigation in the offices of Tenneco Oil Company and Continental Oil Company in Houston, Texas. This investigation was of certain documents and records concerning 13 of the 23 fields cited by Tennessee as being the primary supply sources where production and other problems had been the cause of the increased curtailment. More recently, on February 28, 1975, the Commission denied, among others, a motion by the Commonwealth of Virginia asking the FPC to institute a comprehensive field investigation of the causes of the shortfall on Tennessee's system. In doing so, the Commission noted that its order instituting this proceeding provided for a comprehensive investigation and that it is up to FPC staff to decide the extent of field investigation required to comply with the Commission order. However, it was made clear that if the parties and staff failed to compile an adequate evidentiary record, the Commission would take appropriate action.

The hearings in this case have now been concluded and the case is procedurally in the briefing stages.

CONCLUSIONS

Since 1969, the Commission has taken numerous actions in an attempt to create an appropriate economic and operational climate to elicit adequate and reliable natural gas supplies at reasonable prices to consumers. These actions include the establishment through rulemaking proceedings of a nationwide rate for new gas to replace the complex area rate structure. These procedures will enable prompt Commission response to changing costs and conditions and should increase the capital commitment to exploration and development of natural gas to serve the requirements of the interstate market at reasonable prices to consumers. The ratemaking methodology has been adjusted and refined with the goal of insuring that producer can earn fully the allowed rate of return—a step essential to capital attraction. An optional procedure for certificating high cost projects has been provided. Limited-term sales are granted where it is established that the gas is available to the interstate market only for the term and at the price requested. Other short-term procedures have been utilized to give the interstate pipelines in curtailment an opportunity to compete with the aggressive intrastate markets for gas. Small producers have been relieved of the burdens of the sale certification process. Through these actions and others, the Commission has fully used the powers delegated to it by Congress, but these actions, while constructive and helpful, have not resulted in a reversal of the deepening gas shortage. The lesson of this experience is clear. We require a return to an economic environment in which the impersonal forces of a competitive market, appropriately monitored as to price trends, will determine the supply-demand relationships of gas and other primary energy sources in a competitive energy market.[23]

In Chapter I of the National Gas Survey the Commission prescribed eight action imperatives as the nucleus of a two-pronged program to increase America's long-term supply of natural gas and, simultaneously, maximize the contribution of our gas resources to our national economic welfare. The Commission's recommendations include the following:

Deregulation of new natural gas wellhead prices

Adequate financing for the industry

Coordination and optimization of resource development on public lands

Conservation and efficient use of available gas

Establishment of an optimum national energy balance among coal, oil, gas and electricity

Orderly curtailment where required, and allocation of gas to highest priority end use

Maintenance of proper balance between the need for energy and environmental considerations

Greatly expanded government funding on energy research and development and initiation of an industry portion of a national energy research and development program

The keystone of the Commission's program is the decontrol of new interstate gas

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Footnotes at end of article.

prices at the wellhead, with assurance that the public interest is protected. We outlined the following safeguards:

"Prices must be reported regularly and monitored to make certain that producers do not use the present shortage situation as an opportunity to indulge in practices which result in restraint of trade. There must be strict surveillance by the FPC, the Department of Justice and other agencies, and strict enforcement of antitrust laws to safeguard against anticompetitive conduct in any market area.

"In order to provide assurance that increased producer revenues will be used to augment the supply of gas, it may be necessary for Congress to require a 'windfall profits' or 'excess revenues' tax. Such a tax, if reasonably drawn and rationally administered, would assure the ratepaying public that increased gas prices would not merely enrich the producers. If such a tax is enacted, it is essential that it be coupled with a provision for appropriate tax credits for all investments made in energy research and development, including investments in gas exploration and development. The shortage of gas, and of all domestic fuels, demands that all possible encouragement be given to investment in facilities designed to provide new energy supplies.

"We believe that a monitored rate deregulation program of this type will serve the consumer better than a continuation of the present system of regulation. Even though an increase in consumer gas prices may be expected, as controls are lifted, the rate impact on the gas consuming public will be considerably less than the rate impact which will flow from the introduction of high-cost supplementary gas supplies, such as substitute natural gas (SNG) from coal or liquids or from dependence upon imported LNG; we believe further that the American consumer will be better served by paying a slightly higher price for increased domestic supplies than he will be paying higher rates for underutilized pipeline and distribution facilities.

"Deregulation will lessen the traumatic burden of continuing gas shortages. Deregulation will further tend to eliminate the present dichotomy of the gas industry wherein less than two-thirds of national production flows to the interstate markets, which are subject to regulation, while the remainder is essentially price unregulated in the intrastate market. Deregulation will restore the competitive position of the interstate sector, and otherwise make greater supplies available to both interstate and intrastate customers.

"If the deregulation of wellhead prices for gas for resale in interstate commerce cannot be legislated, we must at a minimum amend the Natural Gas Act to authorize the Commission to go beyond 'current costs' and consider other economic and market factors, including the price of competitive fuels and alternate sources of supply, in setting rate levels. Only after considering all relevant factors will the Commission be able to determine the prices required to elicit the exploration and development activity necessary to satisfy the projected needs of customers. Without consideration of all of these factors, rates would have to continue to be set at levels which would continue to make gas the cheapest of all fuels for most purposes. Such a situation would only perpetuate the present situation of stimulated demand, depressed supply, and resulting deepening curtailments." (Chapter I, National Gas Survey, pp. 4–5)

FOOTNOTES

[1] *Reserves of Crude Oil, Natural Gas Liquids, and Natural Gas in the United States and Canada and United States Productive Capacity as of December 31, 1974,* published jointly by American Gas Association, American Petroleum Institute and Canadian Petroleum Association, Vol. 29, May 1975.

[2] As reported on Federal Power Commission Form 15.

[3] On June 12, 1975, I testified before the House Committee on Government Operations, Subcommittee on Conservation, Energy and Natural Resources regarding the curtailment of natural gas service by 31 major pipeline companies, the impact of curtailments on our economy and consumers, FPC natural gas allocation policies, procedures and actions, the potential for increasing natural gas supply for the 1975–1976 winter season, coordination with other energy agencies, and Commission initiatives to encourage natural gas conservation.

[4] As reported on Federal Power Commission Form 16.

[5] Source: FPC Form 11 Monthly Report—March 1975.

[6] *Alabama-Tennessee Natural Gas Company, et al.,* Docket No. RP74–42, *et al.,* Order Reopening Proceedings, Providing for Hearings and Establishing Procedures, issued June 11, 1975.

[7] 29.9 cents per Mcf adjusted for 1,021 Btu per cubic foot.

[8] As reported by the Federal Energy Administration.

[9] See footnote 7.

[10] Interstate production reported on Form 15 by pipelines declined from 13.7 Tcf in 1973 to 12.9 Tcf in 1974, a decline of 0.8 Tcf or 5.8 percent. If we infer that the difference in reported A.G.A. production and production as reported in FPC Form 15 is attributable to the intrastate sector, then intrastate production declined from 8.8 Tcf in 1973 to 8.3 Tcf in 1974, a decline of 0.5 Tcf or 5.7 percent.

[11] See also pp. 17–18, *A Realistic View of U.S. Natural Gas Supply,* Staff Report, Bureau of Natural Gas, December 1974.

[12] American Association of Petroleum Geologists (AAPG) Bulletin, August 1974, page 1504.

[13] AAPG Bulletin, August 1973, page 1404.

[14] See particularly *National Gas Survey,* Volume I, FPC Report, Chapter 5, The Current Gas Shortage, and Chapter 9, Future Domestic Natural Gas Supplies.

[15] *Permian Basin Area Rate Cases,* 390 U.S. 747 (1968); *Placid Oil Co., et al.* v. *FPC,* 483 F. 2d 880 (5th Cir. 1973); *Mobil Oil Corp.* v. *FPC,* 42 U.S.L.W. 4842 (U.S. June 10, 1974).

[16] Order No. 526, Docket No. RM74–16, issued February 25, 1975; Notice of Proposed Rulemaking, Docket No. RM75–24, issued March 13, 1975.

[17] Reliability of Electric and Gas Service, Docket No. R–405, issued November 4, 1970, Policy Statement Notice of Investigation and Proposed Rulemaking with Respect to Developing Emergency. Commissioners Carver and Brooke dissenting.

[18] A critique of the National Gas Reserves Study by Energy Research, Inc., in a report done for the Congressional Research Service of the Library of Congress entitled *Analysis of Salient Issues Regarding the Estimation of Proved Oil and Gas Reserve Figures,* November 1973, stated at page 38 that "The FPC study should be considered of very high quality and its results (with qualifications as described later) may be used as a benchmark of gas reserves as of December 1970." Application of each of the "qualifications as described later" would have had the effect of lowering the National Gas Reserves Study estimate.

[19] In compliance with Public Law 93–275, Section 15(b) the Federal Energy Agency (FEA) has recently completed a report titled, "Initial Report on Oil and Gas Resources, Reserves and Productive Capacities." The preliminary findings displayed in the report, based on FEA's incomplete study, are that year-end 1974 total United States' natural gas reserves amounted to approximately 237 trillion cubic feet compared to the American Gas Association's estimate (excluding reserves in underground storage) of 233.2 trillion cubic feet, a difference of about 1.6 percent. The FEA estimate is based on a survey of the Nation's oil and gas field operators in which the FEA requested that the operators submit estimates of the reserves and capacities for each of the properties they operate.

[20] These reports were presented to the Subcommittee on Activities of Regulatory Agencies of the Permanent Select Committee on Small Business. See Committee Print, House Report No. 93–1648. My response to Chairman Dingell dated March 12, 1975, and FPC staff commentary, as well as my letter to Secretary Rogers C. B. Morton dated March 12, 1975, are being provided for the record.

[21] The background and history of this investigation was described at length in a letter from me to Congressman Dingell dated March 12, 1975, a copy of which was forwarded to Chairman Moss by my letter of March 24, 1975.

[22] The SEC has requested that registrants provide, in filings made pursuant to the securities laws, an explanation of the differences between the natural gas reserve estimates contained in such filings and any such estimates reported to the FPC or reported to any other regulatory authority within one year prior to such filing.

[23] Commissioner Smith would limit those producers whose new gas prices would be freed from FPC regulation to the small producers who control individually less than 1 percent, and collectively approximately 25 percent of the natural gas supplied to the interstate market. This action would reduce currently regulated producers to a number (less than thirty) which could be regulated on a more rational and responsive basis than is currently possible, while retaining public price surveillance over the bulk of the current supply. Commissioner Smith believes deregulation could be extended to all producers if fuel prices cease to be dominated by the OPEC cartel, and if small producer deregulation results in expanded exploration and development of natural gas.

Appendix A: Definitions of Proved Gas Reserves

The most commonly cited definition of proved gas reserves is that used by the American Gas Association's Committee on Natural Gas Reserves and by the American Petroleum Institute. Their definition is as follows:

"Proved reserves are the current estimated quantity of natural gas (and natural gas liquids) which analysis of geologic and engineering data demonstrate with reasonable certainty to be recoverable in the future from known oil and gas reservoirs under existing economic and operating conditions. Reservoirs are considered proved that have demonstrated the ability to produce by either actual production or conclusive formation test.

The area of a reservoir considered proved is that portion delineated by drilling and defined by gas-oil, gas-water contacts or limited by structural deformation or lenticularity of a reservoir. In the absence of fluid contacts, the lowest known structural occurrency of hydrocarbons controls the proved limits of the reservoir. The proved area of a reservoir may also include the adjoining portions not delineated by drilling but which can be evaluated as economically productive on the basis of geological and engineering data available at the time the estimate is made. Therefore, the reserves reported should include total proved reserves which may be in either the drilled or the undrilled portions of the field or reservoir."

The desire to avoid confusion over definitions of proved reserves has led the Federal Power Commission to utilize this basic and established definition of proved reserves in nearly all of its own work and in the specifications of reports to be submitted to it by the gas industry. The A.G.A. definition was used as the basis for the first independent estimate of the Nation's proved gas reserves, as reported in The National Gas Reserves Study, Federal Power Commission Staff Report, 1973. It also serves as the definition in the proposed FPC Form 64, Report of Producer Expenditures, Exploration and Development Activity, Production, Reserve Additions and Revenues.

Proposed FPC Form 40, Annual Report of Proved Domestic Gas Reserves, which seeks the most complete coverage of independently verifiable proved gas reserves data yet attempted, utilizes the same definition but clarifies the economic and operating assumptions by addition of the following paragraph:

"Proved gas reserves include those identified in reservoirs regardless of the availability or operative status of production, gathering or transportation facilities. The following assumptions relates to existing economic and operating assumptions and are to be used in reporting reserves on FPC Form No. 40.

1. A ready market will exist for all volumes of gas produced.

2. Environmental regulations will not restrict gas recovery.

3. Compression will be installed (initiated) if and when economically justified."

FPC Form 15, Annual Report of Gas Supply, which has been filed by jurisdictional natural gas companies (pipelines) since 1963, utilizes the following definition:

"Recoverable—Proved Reserves. The proved reserves as of Dec. 31st of any given year are the estimated quantities of Certificated natural gas which geological and engineering data demonstrates with reasonable certainty to be recoverable in the future from known natural oil and gas reservoirs under existing economic and operating conditions."

Where certificated (or dedicated) reserves are:

". . . defined as the volume of recoverable salable gas reserves committed to, controlled by, or possessed by reporting pipeline company and which are used for acts and services for which both the seller and the company have received certificate authorization from the Federal Power Commission."

Note that unlike the A.G.A. and API definition, the FPC Form 15 definition does not require demonstration of the ability of a reservoir to produce through actual production or conclusive formation test in order for the reserves to be considered proved.

The Federal Energy Administration in its Form P–301–S–O, Oil and Gas Reserves Survey, a one-time report form, uses the A.G.R. definition but adds the following qualifications:

(a) The phrase "(reserves) . . . as of Dec. 31 of any given year." was added to the first paragraph of the A.G.A. definition.

(b) The second paragraph of the A.G.A. definition was rewritten by adding the following to it:

"Natural gas reserves take into account the shrinkage of the gas volume resulting the hydrocarbon gases and the reduction from removal of the liquefiable portion of of volume due to exclusion of non-hydrocarbon gases where they occur in sufficient quantity to render the gas unmarketable."

The latter is also implicitly accounted for by the A.G.A.

The Federal Trade Commission's Special Report, Natural Gas Survey, a one-time effort, uses the same definition as used by the FPC in Form 40, with the exception that the list of assumptions relating to economic and operating conditions includes a fourth item:

"4. The current price paid for gas represents the respondent's best estimate of the present market and field conditions."

The Securities and Exchange Commission presently uses the following unofficial definition for proved reserves of liquid and gaseous hydrocarbons:

"Proved reserves are those quantities of oil, natural gas, and natural gas liquids which, upon analysis of geological and engineering data, are demonstrated with reasonable certainty to be recoverable in the future from known natural oil and gas reservoirs under existing economic and operating conditions."

The Securities and Exchange Commission does not consider "probable" reserves to fall within the bounds of this definition.

METHODS OF ESTIMATION OF PROVED RESERVES

Proved reserves figures, regardless of the definition used, are only estimates based upon whatever geologic and engineering knowledge of a reservoir is available at the time the estimate is made. The accuracy of an estimate of proved reserves for any given reservoir cannot be fully determined until the reservoir has been depleted to the abandonment stage, a point usually reached years after the initial reserves estimate is made. The reliability of proved reserves estimates is therefore dependent upon the ability of the estimator as well as on the quality and quantity of information available about the gas reservoir at the time the estimate is prepared. The initial and intermediate estimates should be continually revised and at least for the major reservoirs and fields, usually are as more information becomes available. Changes in economic and operating factors also affect the reserves estimate, particularly with respect to expectations as to the time of abandonment, adding a set of non-physical variables to the problem of estimation.

Estimates of proved reserves are made using several techniques, the most common of which are (1) the volumetric method, (2) the production decline method, (3) the material balance method, and (4) a comparison with similar reservoirs.

1. Volumetric estimation methods are commonly used early in the life of a reservoir and revision of estimates is often necessary as better information subsequently becomes available. The method develops estimates of the total gas originally in place in the reservoir, considers the percentage of that gas which is producible (the recovery factor), and computes the volumetric expansion that occurs during withdrawal from the reservoir to the surface. Corrections are made to volumes computed in order to state reserves at standard conditions. Estimates of recoverable gas in the reservoir are based upon estimates of the total volume of the reservoir, the average porosity (amount of void space) in the reservoir, the proportion of the porosity occupied by gas (some of the porosity is occupied by water), reservoir pressure, reservoir temperature, gas composition, and compressibility of the gas. The accuracy of gas reserves estimates thus prepared depends upon the accuracy and completeness of the reservoir data available. The most subjective parameter involved is the recovery factor.

2. The production decline method recognizes that upon withdrawal of gas from a reservoir, there is a proportionate reduction in the pressure of the remaining gas. Theoretically, withdrawal of gas to "zero" pressure (equilibrium with atmospheric pressure at the wellhead) is possible, but in actual practice reservoirs are abandoned for economic reasons prior to reaching "zero" pressure. Often this is because the wellhead gas pressure is insufficient to deliver gas into a gathering system and the amount of gas remaining in the reservoir is insufficient to justify installation of compressor facilities at the prevailing gas price. In the production decline method of estimation the incremental volumes of gas produced per unit drop in pressure are plotted, the plot is extended to "zero" pressure to yield the pressure decline curve, and the area under this curve is taken to represent the recoverable reserves. This technique is one of the most widely used and most reliable methods of estimation, but is dependent upon accurate measurement and recording of cumulative gas production and reservoir pressure throughout the life of the reservoir.

3. The material balance method, while applicable to both nonassociated gas and to gas associated with oil in the reservoir, is primarily applied to the latter case. Withdrawal of gas from an associated gas (gas cap) reservoir affects the dissolved gas in the liquid phase of the reservoir. The opposite is also true. During production, gas from a gas cap may migrate into the oil, solution gas may migrate into the gas cap, and in somes wells the yield may be a mixture of gas from both portions of the reservoir. For these reasons, material balance equations which clarify the mechanism of reservoir performance are used. The accuracy of this method is dependent upon the availability of highly detailed and precise reservoir condition data and production data by product, including any water produced with the gas and oil. The method is not acceptable for estimation early in the life of the reservoir due to lack of sufficient data. Note that in any event, the volume of gas cap gas can be readily estimated independently using the volumetric method.

4. The most inaccurate method is that of comparing the reservoir to be estimated with apparently similar reservoirs whose productive performance is known. This empirical method is to a certain extent more judgmental than the other methods, and is used only in those cases where no other method can be applied.

ESTIMATES OF POTENTIAL (UNDISCOVERED) NATURAL GAS RESOURCES

Estimates of the potential volume of natural gas remaining to be discovered and developed have been prepared by various estimators ranging from individual researchers to industry estimates, those of United States Geological Survey and the Potential Gas Committee,[1] are discussed below in terms of their defiinitional basis and methodology of estimation. Several other estimates exist, but their definitional bases are not clearly spelled out or are unavailable and they are not outlined herein. Suffice it to say that no common definition of potential resources ties the existing estimates together, nor is there a consensus as to methodology of estimation or type of data upon which estimates should be based. As a consequence, existing estimates of total recoverable domestic natural gas resources range from 443 Tcf (Mobil Oil Co.) to 880 Tcf (Potential Gas Committee).

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[1] The Potential Gas Committee is sponsored by the Potential Gas Agency, Mineral Resources Institute, Colorado School of Mines Foundation, Inc., Golden, Colorado, and is composed of members from the gas producing, pipeline and distribution industry, from state geological surveys, the United States Geological Survey and from the geological faculties of universities. Membership also includes representatives from Canada and Mexico and observers from the Federal Power Commission, Federal Energy Administration, and the national Association of Regulatory Utility Commissioners.

On June 20, 1975, the United States Geological Survey issued Geological Survey Circular 725 which contains their latest estimates of the Nation's undiscovered oil and natural gas resources. The natural gas estimates range from 322 Tcf to 655 Tcf. In the preparation of these new estimates, the USGS departed from their previous approaches to natural gas resource estimation. New methods and techniques for resource appraisals were adopted and large quantities of new geological and geophysical data were obtained and used. More than 100 possible petroleum provinces were individually analyzed. Probabilities were then applied to the resulting estimates to establish confidence levels. The low estimate of 322 Tcf has a confidence level of 95 percent compared to a confidence level of only 5 percent for the high estimate of 655 Tcf.

The USGS estimates are broken out into four certainty categories:

Measured Reserves: That part of the identified resource which can be economically extracted using existing technology, and whose amount is estimated from geologic evidence supported directly by engineering measurements. In this study, they are considered to be equivalent to A.P.I. and A.G.A. proved reserves.

Indicated Reserves: Reserves that include additional recoveries in known reservoirs (in excess of the measured reserves) which engineering knowledge and judgment indicate will be economically available by application of fluid injection, whether or not such a program is currently installed (A.P.I., 1974). In this study indicated reserves are equivalent to A.P.I. additional reserves.

Inferred Reserves: Reserves in addition to demonstrated reserves eventually to be added to known fields through extensions, revisions, and new pays.

Undiscovered Recoverable Resources: Those economic resources, yet undiscovered, which are estimated to exist in favorable geologic settings.

Their most recent estimates for natural gas are:

Measured, 237.1 Tcf.[2]
Indicated-Inferred, 201.6 Tcf.
Undiscovered, 322–655 Tcf.

An estimate prepared every two years by the Potential Gas Committee is tied to the definition of proved reserves used by the A.G.A.:

"Potential supply of natural gas . . . means . . ., at a given date and underlying a particular geographic area, that prospective quantity of natural gas yet to be found and proved (as the term proved is used by the A.G.A. Committee on Natural Gas Reserves) by all wells which may be drilled in the future under assumed conditions of adequate but reasonable prices and normal improvements in technology."

Within this broad definition the PGC separates estimates on the basis of a qualitative assessment of confidence in the volumes estimated in each category:

"Probable potential gas supply:

(1) Supply from known accumulations obtained by

(a) Future extensions of existing pools in known productive reservoirs.

(b) Future new pool discoveries, within existing fields, in reservoirs productive elsewhere within the same field.

(2) Supply from new pool discoveries obtained by:

(a) Future shallower and/or deeper new pool discoveries, within existing fields, in formations productive elsewhere within the same geologic province or sub-province, under similar geologic conditions.

(b) Future shallower and/or deeper new pool discoveries, within existing fields, in formations productive elsewhere within the same geologic province or sub-province, under different geologic conditions.

Possible potential gas supply:

Supply from new field discoveries obtained by:

(a) Future new field discoveries, in formations productive elsewhere within the same geologic province or sub-province, under similar geologic conditions.

(b) Future new field discoveries, in formations productive elsewhere within the same geologic province or sub-province, under different geological conditions.

Speculative potential gas supply (associated with nonproductive formations):

(1) Supply from new pool discoveries in formations not previously productive within a productive geologic province or sub-province.

(2) Supply from new field discoveries obtained by:

(a) Future new field discoveries in formations not previously productive within a productive geologic province or sub-province.

(b) Future new field discoveries within a geologic province not previously productive."

Their method of estimation is given as:

"The basic technique for estimating potential gas supply is to compare the factors that control known occurrences of gas with factors present in prospective areas. Known occurrences are expressed as the volume of natural gas ultimately recoverable per unit volume of reservoir rock within an adequately explored portion of a geologic province. Such known relationship, with appropriate adjustment for variations in geological and reservoir conditions, is then attributed to incomplete explored or totally unexplored sedimentary rocks in the same or in a similar geologic province."

The latest estimates prepared in this manner amounted (as of December 31, 1972) to 1146 Tcf, of which 780 Tcf were located in the contiguous 48 states. By category, the estimates were:

[In Tcf]

	Lower 48 States	Alaska	Total
Probable resources	212	54	266
Possible resources	290	94	384
Speculative resources	278	218	496
Total resources	780	366	1,146

The FPC adopted the following definition of probable reserves (a portion of total undiscovered resources) for its report *Offshore Investigation: Producible Shut-In Leases*, Bureau of Natural Gas Staff Report, July 1974:

Probable reserves of natural gas are the quantities of natural gas which geological and engineering data demonstrate with reasonable probability to be recoverable in the future from indicated natural oil and gas reservoirs under existing economic and operating conditions.

Reservoirs are considered probable if economic producibility is supported by core analyses and electric log evaluations indicating probability of the presence of hydrocarbons. The area of a reservoir considered probable includes: (1) that portion delineated by drilling and defined by gas-oil, gas-water, or oil-water contacts, (2) the adjoining portions not yet drilled but which can reasonably be judged as economically productive on the basis of available geological and engineering data. In the absence of information on fluid contracts, the lowest known structural occurrence of hydrocarbons controls the lower probable limit of the reservoir.

This definition was used only for the purposes of the particular report involved and differs from the definitions of proved reserves used by the A.G.A. and API in that a reservoir need not be flow tested to be characterized as probable. In all other respects the definition is identical to the definition of proved reserves.

The following table shows the latest U.S. petroleum and natural gas resource estimates of the USGS. A second table compares the USGA estimates of undiscovered natural gas resources with some of the most recent estimates made by others.

TABLE 1.—PRODUCTION, RESERVES, AND UNDISCOVERED RECOVERABLE RESOURCES OF CRUDE OIL, NATURAL GAS, AND NATURAL GAS LIQUIDS FOR THE UNITED STATES, DEC. 31, 1974 (ONSHORE AND OFFSHORE TO WATER DEPTH OF 200 METERS)

Area	Cumulative production	Reserves			Undiscovered recoverable resources—range (95 percent to 5 percent)[4] [5]
		Demonstrated			
		Measured[1]	Indicated[2]	Inferred[3]	
Crude oil (billions of barrels)[6]					
Lower 48 onshore	99.892	21.086	4.315	14.3	20–64
Alaska onshore	.154	9.944	.013	6.1	6–19
Total onshore	100.046	31.030	4.328	20.4	37–81
Lower 48 offshore	5.634	3.070	0.308	2.6	5–18
Alaska offshore	.456	.150	Nege	.1	3–31
Total offshore	6.090	3.220	.308	2.7	10–49
Total onshore and offshore	106.136	34.250	4.636	23.1	50–127

Footnotes at end of table.

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[2] A.G.A. proved reserves at year-end 1974.

TABLE 1.—PRODUCTION, RESERVES, AND UNDISCOVERED RECOVERABLE RESOURCES OF CRUDE OIL, NATURAL GAS, AND NATURAL GAS LIQUIDS FOR THE UNITED STATES, DEC. 31, 1974 (ONSHORE AND OFFSHORE TO WATER DEPTH OF 200 METERS)—Continued

Area	Cumulative production	Reserves			Undiscovered recoverable resources—range (95 percent to 5 percent) [4] [5]
		Demonstrated			
		Measured [1]	Indicated [2]	Inferred [3]	
Natural gas (trillions of cubic feet) [6]					
Lower 48 onshore	446.366	169.454		119.4	246–453
Alaska onshore	0.482	31.722		14.7	16–57
Total onshore	446.848	201.176		134.1	264–506
Lower 48 offshore	33.553	35.811	NA	67.4	26–111
Alaska offshore	0.423	0.145	NA	0.1	8–80
Total offshore	33.976	35.956	NA	67.5	42–181
Total onshore and offshore	480.824	237.132		201.6	322–655
Natural gas liquids (billions of barrels): Total onshore and offshore	15.730	6.350	NA	6	[7] 11–22

[1] Identified resources that can be economically extracted with existing technology. Estimates are the "proved reserves" of the API and AGA.

[2] Identified resources, economically recoverable if known fluid injection technology is applied. Estimates are from the API.

[3] Resources estimated to be recoverable in the future as a result of extensions, revisions of estimates, and new pays in known fields beyond those shown in indicated reserves.

[4] The low value of the range is the quantity associated with a 95 percent probability (19 in 20 chance) that there is at least this amount. The high value is the quantity with a 5 percent probability (1 in 20 chance) that there is at least this amount. Totals for the low and high values are not obtained by arithmetic summation; they are derived by statistical methods.

[5] The reader is cautioned against averaging ranges. Statistical mean values are shown in tables 4 and 5.

[6] Cumulative production and estimates of reserves and resources reflect an assumed recovery of about 32 percent of the oil and 80 percent of the gas-in-place. Some portion of the remaining oil-in-place is recoverable through application of improved recovery techniques. Estimates are based on figures released by the American Petroleum Institute (API) and the American Gas Association (AGA) in April 1975.

[7] The calculated estimates of undiscovered recoverable resources are derived from natural gas estimates by applying historical NGL/natural gas ratios. These figures suggest that if added to crude oil estimates, natural gas liquids would increase the estimates of petroleum liquids by approximately 20 percent.

Source: Geological survey circular 725.

TABLE 2.—RECENT ESTIMATES OF UNDISCOVERED NATURAL GAS RESOURCES [1]

[Trillions of cubic feet]

Area	PGC [2]	Moody [3]	Hubbert [4]	NAS [5]	USGS	USGS [6]
Lower 48 States	568	234			725–1,450	286–529
Alaska	312	209			275–550	29–132
Total, United States	880	443	540	530	1,000–2,000	[7] [8] 322–655
Date of release	1973	1974	1974	1975	1974	1975

[1] Excludes probable reserves.

[2] Potential Gas Committee.

[3] John D. Moody, former Mobil Oil Co. Senior Vice President for exploration and production.

[4] M. King Hubbert, USGS (personal estimate).

[5] National Research Council of the National Academy of Sciences.

[6] United States Geological Survey summary estimate released May 7, 1975. A more detailed estimate is expected to be made available to the public by the end of May 1975.

[7] That portion of the resource base judged to be discoverable and recoverable within the limits of 95 percent and 5 percent probability. The USGS estimates that the probability of finding 322 Tcf is 95 percent compared to only 5 percent probability of finding 655 Tcf.

[8] Totals for the low and high values are not obtained by arithmetic summation; they are derived by statistical methods.

A VIEW OF THE FEDERAL GOVERNMENT

Mr. THURMOND. Mr. President, Secretary of Health, Education, and Welfare Caspar W. Weinberger made his last major speech as Secretary of HEW yesterday to the Commonwealth Club of San Francisco. Mr. Weinberger warned of the fiscal ruin our Nation is facing as a result of ill-conceived, expensive, social programs perpetuated by the Congress. We have witnessed that for the most part these programs have been failures and represent no more than a fraud on the American public. We must realize that equality cannot be purchased, and programs that attempt to insure equality in that manner are doomed to failure. Of further concern is the fact that these programs are destroying incentive, an element essential to the preservation of the free enterprise system. Of course, we want to provide equal opportunity for all our citizens, but as the Secretary points out:

> Equal opportunity means the right to compete equally for the rewards of excellence, not share in its fruits regardless of personal effort.

Mr. President, I commend Secretary Weinberger on his fine address and for his commitment to fiscal responsibility and the restructuring of the maze of inefficient, unworkable, and costly social programs. The blame for the Secretary's lack of success in achieving meaningful reform in this area must rest with the Congress. Congress created these monstrous programs and Congress has the power to put an end to them. I call on my colleagues to heed the warning of outgoing Secretary Weinberger and request unanimous consent that the full text of the Secretary's speech be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A VIEW OF THE FEDERAL GOVERNMENT

(Remarks by the Honorable Caspar W. Weinberger, Secretary of Health, Education, and Welfare)

In a few weeks I will be leaving Federal service, and this is my last major speech as Secretary of Health, Education, and Welfare. I am glad it has worked out that this valedictory can be given in my home here in San Francisco where it all began for me—when I gave my first valedictory in this city—when I graduated from Polytechnic High School. I do not know if the cycle is complete, but there is a certain symmetry about it.

My single overriding observation after these years in Washington is of the growing danger of an all-pervasive Federal government. Unless checked, that growth may take from us our most precious personal freedoms. It also threatens to shatter the foundations of our economic system.

When I came to Washington in 1970, the Federal budget outlay stood at $196.6 billion. It is now $358.9 billion—an increase of 83 percent. Lest you think there is a causal connection between that increase and my residence in Washington, I ask you to listen a bit further.

Apart from its sheer magnitude the most noteworthy thing about this trend is that Federal spending has shifted away from traditional Federal functions such as defense and toward programs that reduce the remaining freedom of individuals and lessen the power of other levels of government.

This shift in Federal spending has transformed the task of aiding life's victims from a private concern to a public obligation. There are benefits and burdens in this:

One benefit is that the care of the less fortunate is guaranteed under law. The sweep of our social program commitments has brought secure incomes for the elderly, the ill, those who are alone, and those who are disabled. They have provided health care for millions and opened the doors of college to young people whose families could not otherwise have given their sons and daughters this opportunity.

But in the process of pouring out all of these compassionate and humanitarian blessings and institutionalizing our social obligations, we have built an edifice of law and regulation that is clumsy, inefficient and inequitable. Worst of all, the unplanned, uncoordinated and spasmodic nature of our responses to these needs—some very real, some only perceived—is quite literally threatening to bring us to national insolvency.

We are also creating a massive welfare state that has intruded into the lives and personal affairs of our citizens. This intrusion affects both those it seeks to help and those who do the helping. The entire human resources field is under the lash of Federal law—doctor, hospital, teacher, college president, student, voluntary agency, city hall and State capital. All of these are subject to the steadily increasing intrusion of the Congress—which requires that drastic and often unnecessary regulations be adopted by the Executive Branch.

It must be emphasized that this increased intrusiveness is a consequence of legislation, not the impulsiveness of the Executive Branch. I had to plead with the Congress to grant a special exemption for Boy Scouts and Girl Scouts from the broad sweep of Title IX, the anti-sex discrimination statute. Yet I venture to say that there is scarcely a person in this audience who does not believe it was all the idea of the Department of Health, Education, and Welfare rather than the poorly drafted statute Congress passed which, unamended, would have required Girl Scout Troops to admit boys and vice versa.

There is an over-riding danger inherent in the growth of an American welfare state. The danger simply is that we may undermine our whole economy. If social programs continue growing for the next two decades at the same pace they have in the last two, we will spend more than half of our whole Gross National Product for domestic social programs alone by the year 2000.

Should that day ever come, half of the American people will be working to support the other half. At that point, government would be like a gigantic sponge, sopping up all the Nation's surplus capital needed for industrial growth and modernization. Lacking funds for these vital purposes, we would no longer have enough surplus capital left to invest in job producing activities in the private sector—and it is that kind of investment which has always pulled us out of recessions and depressions in the past. In all likelihood, we could not maintain our free enterprise, incentive capitalistic economy, if 50 percent of the whole GNP had to be used to pay for domestic social programs alone. And if we lose our free enterprise, incentive system, we will have destroyed, by inaction, the system that has brought more benefits to more people at home and throughout the world than any other system since recorded history began.

Those who urge still more social programs view the problem upside down. It is not more social programs that will solve our Nation's ills, but more economic growth. Growth alone provides the jobs that reduce social ills. Growth alone provides the revenues that finance our social program commitments, yet one of the most iniquitous of the new philosophies we hear today is the smug assertion that "less is better and more is worse."

What we do have to limit is the growth of the welfare state in America. We must summon up a common determination as a people to change drastically our present approach because it is not only not working—but it can ruin all of us. Only a wave of public sentiment in this direction can give Congress the nerve to say "no" to more social programs. As it is, Congress quite evidently believes that the road to popularity and reelection is to say "yes" to every demand for every increase in all existing programs and to agree to most demands for new ones.

Above all, we must recognize that personal freedoms diminish as the welfare state grows. The price of more and more public programs is less and less private freedom.

It is also the propensity of welfare states to spend beyond their means, leaving the day of fiscal reckoning to another generation. The news today is that we are that other generation.

New York City, where one out of every eight persons is on welfare, is now staring into the abyss. For decades, it spent more than it took in—and today it is hostage to whoever can be persuaded to loan it more billions for its unbelievably swollen operating expenses.

The Federal government has also been spending more than it has taken in—15 of the last 16 Federal budgets have been red ink budgets. If we continue thus, the Nation will also stand before that abyss some day—only there will be no one with enough resources to rescue the Federal government. This need *not* be the result. Always before we have had the sense, the wisdom and the resolution to change course in time.

But the people will have to *want* to change course so definitely that they let Congress know in unmistakable terms that more and more increases in the old, tired programs that we know do not work is *not* the road to popularity and re-election.

Events can change swiftly. A year ago this time the Nation stood in the depths of its torment over Watergate. The phrase on every lip was "a crisis of confidence."

The doomsday philosophers predicted that evil days lay ahead for the Republic because the American people would never again place trust in their leadership. But they were wrong.

Today, one year later, the Nation is moving ahead again with gathering confidence in its leaders and its economic system. Thanks to the open and candid leadership of President Ford, we are regaining faith in ourselves and confidence in our leaders.

I am proud to have played a role in this open style of leadership. Within my Department, I instituted a series of open government reforms:

We directed that top managers at HEW talk directly to members of the press, without intermediaries in public affairs offices;

We directed that requests under the Freedom of Information Act be answered within 10 days, and appeals within 20 days;

We cut out hundreds of public affairs positions, publications and other materials which we identified as self-serving puffery that was obscuring an open-minded approach to the facts. In fact, we have reduced our public affairs establishment by 80 percent since I took over the Department 2½ years ago.

Clearly we are achieving open government. Now we must achieve effective government.

HEW is big but bigness alone is not its problem. Rather, it is the complex tangle of narrowly-focused social programs adopted by Congress over the years and given to us to administer—programs which the Congress refuses to repeal or reduce despite our urgent pleas.

The basic rationale for the structure of the Department of Health, Education, and Welfare is as valid today as it was when HEW was established by President Eisenhower 22 years ago—and that was to bring together the entire field of human resource programs so that people's problems could be dealt with in an integrated and comprehensive way. Wherever that principle has failed of its purpose, it has been because of the hodge-podge of categorical aid laws that Congress keeps adding and refuses to repeal, and which require HEW to deal in narrow, isolated, and fragmented fashion with human needs. What we really need is not to chop HEW up into more administrative pieces but to sew it together with better social law.

Welfare would be a good place to begin. It is a confused tangle of cash stipends that vary from State to State and even among localities. Affixed to this jumble is a series of other separate programs such as food stamps, Medicaid, housing subsidies and an array of other social services.

The total impact of all this is inequity for recipients, unmanageability for administrators, and outrage for the taxpayer. As presently constituted, welfare offers incentives for people not to work. It also encourages family break-up. All of this runs directly counter to the values of our society.

A liberal Harvard sociologist quotes a liberal Boston newspaper article about the case of a Massachusetts mother on welfare. She and her six children are receiving welfare grants, tax breaks, food stamps, and a variety of health, education and social services that, together, equal an annual earned income of $20,000 and four States have even more liberal benefits than Massachusetts. Quite a few working Americans might feel that if they can obtain $20,000 a year in legal benefits for their family by not working and by having the father absent, they should take advantage of such an offer.

But such an offer, I should add, is not without its price in personal freedom. The fact is, this welfare mother's considerable income from the government must be spent largely as the government says. Only $7,188 is in cash, and that too must be accounted for in some fashion to a social worker. The remainder is not in cash but in government-conferred benefits—free medical care, free day care and free education at a private school for three of her children. These items alone would cost income-earned families $8,750 a year were they to choose to spend so considerable a portion of their income for such purposes.

The lesson is plain enough: When benefits are as high and as uncoordinated as that, and when there are so many inducements to go on welfare, there is no real incentive to leave the welfare rolls, even though the government controls over the family budget deny all real personal freedom and decision by those receiving welfare.

There is a way to end the welfare mess, and it is by adopting a completely new system that would be coordinated and administered through our tax system. We should abolish AFFDC, Food Stamps and SSI right now, and substitute a simple cash grant, based on need, measured by income, and payable only to those who meet a strong work requirement if they are able to work.

Those with incomes above the figure set by Congress would pay taxes. The amount of cash supplement received, like the amount of taxes paid today, would vary with the income level of the family. This program could be financed largely by eliminating the present welfare cash assistance, food stamps and SSI programs and the new welfare programs the Congress adopted earlier this year. Those programs, a $50 bonus for everyone on Social Security and an earned income credit, were adopted in a single afternoon without an hour of committee hearings or debate. Together they added another $4.2 billion to our welfare bill.

A completely new approach to welfare is needed because that is the only way we can escape the present welfare jungle and have a program that:

Would treat equally everyone actually in need;

Would eliminate the incentives we now have to go on welfare and stay there; and

Would end the intrusive social-worker approach of demanding to look at and control every welfare recipient's personal budget, and much of his personal life.

This latter point is crucial if we are to sustain the personal freedoms we hold dear in this Country. A welfare state inevitably plunges us into a morass of attempted social engineering. So instead of simply trying to alleviate real need and encouraging people to go back to work, we try to regulate all kinds of private matters.

One case in point came to light last winter when the Supreme Court ruled that unruly school children cannot be suspended without due formalities and hearings. This effectively divests school principals of their duty to ensure the orderly classrooms so essential to effective learning for the majority of school children. In securing the dubious rights of a few, this denies the rights of the many.

Another example of questionable social engineering is the narrow, mechanistic way we are forced to bus children to achieve racial balance. The aim of fully integrated education is desirable, indeed necessary. I had the benefits of being educated in wholly integrated classrooms from the Old Frederick Burke School and Polytechnic High School here in San Francisco all the way through the Harvard Law School. But that integration was attained at the same time other equally valuable attributes of public education were achieved: Quality education, parent participation in schools, and the public support so needed for public education. These other values, in addition to the very real values of integration, have to be considered, too, for when fanatics on either side take over the school child is the one primarily injured.

Still another example of this questionable social engineering by ineffective and meddlesome government concerns the program to end hiring discrimination in colleges. It has taken the University of California over a year to prepare the mountain of paperwork that Department of Labor regulations, not ours, require for this program. Yet the net effect of this herculean effort will only be trivial in terms of increasing real job opportunities for minorities and women.

I think these Labor Department hiring regulations, which our Department must administer, are wholly inappropriate for colleges. They very nearly caused a complete cut-off of vital Federal aid to 30 colleges a few weeks ago. It was only by dint of some last-minute, patient—and if I do say so rather skilled work—that we were able to avert a financial castastrophe for these colleges.

In citing all these examples of how the good intentions of government so frequently come to bad ends, I am not pleading the case against good intentions. What I have been attempting to do is to illuminate how futile and counterproductive it is for a distant government to concentrate on narrow statistical mechanistic goals and thereby lose sight of the real goals: Equality of opportunity and better schools for all.

Justice Louis Brandeis once said, "Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficient. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding."

Those words hit the mark. Those "without undertanding" interpret equal opportunity in a narrow, egalitarian sense. They are hypnotized by the game of numbers.

This is egalitarian tyranny, not equal opportunity. Equal opportunity means the right to *compete* equally for the rewards of excellence, not share in its fruits regardless of personal effort.

An equal opportunity, based on excellence, benefits all. By rewarding excellence, we share in the fruits of that genius. The egalitarians miss this point. They would divide the wealth equally, overlooking the crucial fact that all human progress throughout history owes its origins to the talented and the enterprising. We must keep a system that *allows* us to develop and use the talents and excellence of all, no matter what their origin. But if we practice inverse discrimination in the name of affirmative action, we may deprive the Country of some of the real genius and talent we desperately need.

Of course we must protect and help the poor and the most vulnerable members of society. But if we do not persevere in the quest for excellence, then our reward will be a dearth of excellence. Those who have escaped the gray, faceless masses of the world's closed societies understand that fact. We, who have perhaps taken the need for quality for granted for so long, seem now to be in danger of forgetting its importance.

Our Country was built by people of energy, daring and ingenuity—the Edisons, the Wright Brothers, the Helen Kellers, the Fultons, the Carnegies, the great musicians and artists and countless others brimming with dreams and filled with the courage to reach out and realize those dreams whatever the odds.

Their kind of daring was nurtured in a social climate that rewarded risk takers and practical visionaries. If we now proceed mindlessly to change that climate to one favoring a faceless gray egalitarianism, we will have lost all that has made America great and enabled us to help so much of the world.

The real social agenda of America, still unfinished, is to discover and reward excellence wherever we find it—under a Black skin, a White skin, in a female or male, in a Catholic, a Jew, a Protestant or an Agnostic. That is the real purpose of equal opportunity.

If we fail to see this as our real agenda, we risk delivering our destinies over to the cold and lifeless grip of a distant egalitarian government whose sole purpose is to ensure an equally mediocre existence for everyone, achieved at the cost of personal liberty.

To avoid so mean a fate, we need men and women with vision. More than that, we need such people to participate in the political process and the workings of government.

For it is not sufficient merely to perceive the difference between democracy and egalitarianism. One must also act on that perception.

Politics and government is and can be an honorable profession. Or it can be just as dirty a business as we let it become. How honorable it is depends on how many honorable men and women participate. The fewer who do, the less likely it is that we shall have clean politics and effective government.

Finally, permit me a brief personal word: My career of public service has been filled with great satisfactions. There have been frustrations and difficulties of course, but I can commend to you, without reservation, the ultimate satisfactions and joys of public service. No other work offers the exciting knowledge that your efforts may help some who need help the most and the equally important belief that you are helping, in however small a way, to keep America and all that it stands for strong and free.

We need people of energy and ability, talent and enthusiasm at every level of government—at the local level, where democracy's roots are sunk, and at the top where the scope for action is so great.

So my message today is a simple one, and one which I would like to leave with you: Get involved in America, take part—don't sit on the sidelines or watch from the stands. Join in, and make your voice heard, and we will have nothing to fear in the future—indeed we may all see the hope and the dreams of America fulfilled in our lifetime.

A NEW U.S. COMMONWEALTH?

Mr. GARY W. HART. Mr. President, on June 17, the day the administration's plebiscite was held in the Marianas but before the entirely predictable results were known, the Chicago Tribune ran an editorial more or less in favor of what it termed imperialism. The Tribune saw enormous military advantages accruing to the United States in the White House's territorial acquisition plan. It is quite possible that the Tribune is correct and the new colony is needed for our national security, but the Congress, which is about to be faced with rubberstamping an arrangement already concluded by the administration and a hand-picked group of islanders, has not even discussed this aspect of the issue. What is more, the administration does not intend that the discussion be held, so accustomed is it to the Congress accepting without question any commitment no matter how expensive in principle and public funds.

The Tribune did not miss the obvious conclusion. It is that the administration encouraged the vote in favor of the new colony by promising every man, woman, and child in the Marianas $1,000 a year for 7 years and all of it in constant dollars, an unprecedented arrangement.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Chicago Tribune, June 17, 1975]

A New U.S. Commonwealth?

The few thousand adults in the Marianas are set to vote on a matter important to their future—and, increasingly so, to our own. The plebiscite will determine whether their dotted line of islets in the far Pacific will become a United States commonwealth.

The land area of the 14 or so islands amounts to only 183 square miles, but their location near Asia gives them major strategic significance. With the American military finding itself increasingly unwelcome in leased bases thruout the Far East, these isles offer tempting anchorages and air fields.

Oddly, the Marianas had almost been forgotten in 1973 when commonwealth talks began. Few Americans remembered that we had administered Micronesia since 1947 under a United Nations mandate. And the persons doing the administering mishandled Micronesia.

Older Americans will well remember names like Saipan and Tinian that figured so prominently and heroically in World War II, but at least until recently hardly anyone recalled that Artemus L. Gates, assistant secretary of the Navy, said in 1945 that the U.S. must keep the Marianas forever because they would give us an irreplaceable military operating base in the western Pacific.

Of course, no matter what happens in the plebiscite, we will still have military installations on Guam, which is geographically part of the Marianas tho it has been a U.S. territory since 1898. But Pearl Harbor taught us the danger of putting too many planes and ships in one place. With bases in the rest of the Marianas, we would not have to concentrate too much on Guam.

Under the commonwealth covenant, we would pay $19.5 million for a 100-year lease on 18,000 acres, mostly on Tinian. We are considering building a $300 million base there. This could become crucial to our effort to keep shipping lanes open in the western Pacific and Indian Oceans.

The arrangement could also be a boon to the Marianas people. Those who wished could become U.S. citizens. The islands would have the same status as Puerto Rico, which has found its commonwealth rank conferring economic benefits galore. We would provide the Marianas with $14 million a year for seven years, no small aid for a territory with a population of only about 13,000. Our military presence would bring jobs and contribute to prosperity.

Commonwealth status would also improve the prospects for other economic activities such as tourism. If the people of the Marianas recognize this and vote for the commonwealth, it will be the first time in 50 years that the United States has acquired new territory [the last was part of Samoa]. Anti-imperialists all over the world will no doubt insist that the vote was rigged. But the islands will be self-governing in most domestic affairs; if we let them do so, and refrain from forcing western ways on any who don't want them, then the association will be a long and beneficial one for both sides.

PROTECTING THE PROPERTY RIGHTS OF HOMEOWNERS LIVING ON RESERVED MINERAL LANDS

Mr. GOLDWATER. Mr. President, as thousands of residents living in the Tucson Estates and Avra Valley areas of Tucson, Ariz., have learned, and residents living in many other localities throughout the Western States could discover, a modern-day conflict exists between the rights of mineral developers under ancient mining laws and the rights of homeowners who are living in well-settled residential communities.

There are over 70 million acres of lands, most of them patented under the Stock Raising Homestead Act of 1916, where only the surface rights have been sold to private purchasers. The mineral rights to these lands were retained in public ownership.

What this means is that under Federal law, prospectors may enter upon private lands to search for and claim mineral deposits without any consent of, or even notification to, the surface owner.

There is no requirement that the mineral explorer post a bond to prospect; nor is there any statutory obligation for the prospector to compensate the surface owner for damages to home and related residential improvements, natural desert vegetation, or real estate values of the lands.

While the law currently provides that before actual mining may be commenced, the developer must reach an agreement with the surface owner or post a bond, the bond is usually small because its protection is limited solely to agricultural values, and not real estate values.

Recently, these problems erupted in an area southwest of Tucson where mineral exploration had stymied private development and threatened some of the finest desert growth in the region. At least three groups of prospectors became involved in a hunt for minerals in an area occupied by thousands of families which is lying next to several desert parks and monuments.

After making a firsthand investigation of the situation, I introduced general legislation aimed at providing protection to homeowners against these kinds of problems. The bill which I introduced, S. 2590, of the 93d Congress, would permit homeowners to acquire the mineral rights in their lands, if they wish; provide specific guarantees that damage to residential values will be compensated; and require that no one can prospect on private lands of this type unless he first posts a bond for the full damages for which he might become liable.

In March of last year, I obtained a hearing on the bill before the Senate Subcommittee on Minerals, but the legislation never reached the markup stage. Instead, the Senate Interior and Insular Affairs Committee approved a provision addressed to the problem of private homeowners which was attached to the strip mining bill.

This provision, which I supported, would have permitted homeowners to petition the Secretary of Interior to prevent mining within lands of a predominately urban or suburban character used primarily for residential purposes. Unfortunately, this solution, which might well have been enacted into law upon its own merits, was lost when the surface mining bill was eventually vetoed. As my colleagues know, this process was again repeated in the opening months of the 94th Congress.

Mr. President, it is important that we in Congress continue to focus our attention on the very old problem of the conflict between the interest of the mineral explorer and the rights of surface owners, and I intend to reintroduce shortly, some type of legislation which is addressed to the problem. To this end, I recently came upon an excellent article discussing the subject which is published in the current issue of the Arizona Law Review.

This paper, which is written by Mr. Bruce A. Burke, a third year student at the University of Arizona College of Law, presents a historical review of the situation, launches into a thorough and detailed analysis both of the bill which I had introduced and the amendment which was added to the strip mining legislation, and concludes with suggestions of some possible solutions to the conflicts between surface and mineral interests.

Mr. President, I know this legal discussion will be of immense help to those of us who are working on the problem and in order to share this valuable contribution with my colleagues, I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Vol. 16, Arizona Law Review]

MINERAL PROSPECTING IN URBAN AREAS: A STUDY OF SURFACE AND MINERAL RIGHTS CONFLICTS UNDER THE STOCK-RAISING HOMESTEAD ACT

(By Bruce A. Burke)

To the dismay of many people living in the Western United States, mineral prospecting on their land without their permission may be legal when the owner of the subsurface mineral estate is the federal government. The source of this problem may be traced in many instances to the Stock-Raising Homestead Act of 1916 [SRHA],[1] which permits federally-owned land to be conveyed into private ownership while reserving mineral rights to the United States. The Act allows prospectors to enter onto stock-raising homestead property in search of valuable mineral deposits even after the property has been conveyed into private ownership.[2] This exploration activity was compatible with the agricultural uses for which the lands were originally sold by the government. With the eventual urbanization of many Western areas, however, these lands were often acquired for or turned into residential and commercial developments. Where this has occurred, severe surface-mineral rights conflicts may develop when mineral exploration is later undertaken.

This Note first will present a brief historical review of the growth of our nation's public land and mineral development policies in order to arrive at some understanding of the existing system of law. Consideration then will be given to the adverse effects the present mineral development scheme has had upon intensive surface uses in some areas of the country. Finally, possible solutions to conflicts between surface and mineral interests will be explored.

THE DIMENSIONS OF THE SURFACE-MINERAL RIGHTS CONFLICT

During the early part of this century, a conflict between factions desiring unrestricted development of the public domain and those seeking conservation of the nation's resources resulted in a protracted struggle over federal land and mineral development policies.[3] This conflict prompted, in 1909, the federal policy of conveying surface estates in land to permit agricultural and other surface development while at the same time reserving part or all of the mineral rights for future exploitation.[4] Severance of the two estates provided a political compromise between those favoring ready disposition of public lands and those seeking to conserve the nation's resources.[5] This compromise also had the advantage of permitting multiple use of natural resources.[6]

The SRHA was one of the most important pieces of early legislation [7] implementing the multiple use concept. Enacted to encourage agricultural development in the Western states, the Act authorized grants of 640-acre homesteads with reservation of coal and other mineral rights in the federal government.[8] Despite the fact that raising livestock on desert land usually proved commercially infeasible,[9] many people continued to apply for homesteads; the applications averaged from 5,000 to 7,000 annually until 1934.[10] In all, over 70 million acres of surface lands were patented under the SRHA.[11] Because they contain mineral reservations, these 70 million acres present settings for potential conflicts between surface and mineral estates.

Acquisition of minerals on homestead property

In an attempt to limit damage to and interference with the surface estate, the SRHA places some minimal restraints on the prospecting and mining of reserved minerals.[12] During the initial exploration period, a prospector is expressly liable for damage to crops on the land.[13] The prospector also is prohibited from damaging the permanent improvements of the surface owner.[14] If minerals are discovered and located, the prospector acquires the additional right to reenter the land and occupy so much of the surface as is reasonably necessary to remove the minerals.[15] Entry for the purpose of continuous mining, however, may not be undertaken until the prospector has either obtained written permission from the surface owner, agreed to pay for the damages done to crops or tangible improvements, or, if unable to reach agreement with the surface owner, posted bond with the Secretary of the Interior to guarantee compensation for such damages.[16] In addition, when strip or open pit mining methods are employed, the mineral developer is also liable for damages which diminish the value of the land for grazing purposes.[17] Whether the surface owner may recover for other damage caused to the land and whether the SRHA precludes recovery for damage to nonagricultural improvements is unclear.[18]

To ensure development of reserved minerals, the SRHA permits acquisition in accordance with the mineral laws in force at the time of their disposition by the government.[19] The mineral laws currently govern-

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Footnotes at end of article.

ing the disposal of minerals reserved under the SRHA are Mineral Location Act of 1872 [Location Act] [20] and the Mineral Leasing Act of 1920 [Leasing Act].[21]

The Location Act, which governs the development of metalliferous minerals, evolved prior to the SRHA during a time when little concern was shown for conserving this country's mineral wealth.[22] Consequently, the Location Act embodies a laissez-faire philosophy sanctioning virtually unrestricted and unsupervised mineral development. The Location Act provides that valuable mineral deposits belonging to the United States shall be "free and open" to exploration and development.[23] The governmental regulation authorized under the Act, which is partly delegated to state control,[24] is limited primarily to functions such as establishing location procedures,[25] validating patent applications,[26] and adjudicating questionable claims.[27] Because the Location Act was passed prior to the development of the concept of multiple use, it contains no provisions permitting regulation of mining activities which may be detrimental to surface users.[28] Thus, the only real restraints placed on exploration activities for reserved, locatable minerals on stock-raising homestead land are those enumerated in the SRHA. As a result, serious conflicts may develop when prospectors seek minerals governed by the Location Act on homestead property developed or being developed for residential or commercial uses.

The Leasing Act, which applies only to designated nonmetalliferous minerals, was enacted subsequent to the SRHA during a time when the nation's leadership was particularly concerned with preserving federally-owned resources.[29] Reflecting this concern, the Act permits considerable regulation of mining and drilling activities. The Leasing Act gives the Secretary of the Interior control over access to and development of land containing leasable minerals.[30] An application for a lease may be denied altogether if the Secretary determines that mineral development would be detrimental to the public interest.[31] Additionally, mineral lands located within incorporated cities and towns may not be leased.[32] Approved prospecting permits and leases may contain specific provisions for the protection of the surface, natural resources, and improvements.[33] Thus, while the Location Act permits little control, surface damage resulting from mineral exploration and development may be regulated and thereby minimized under the Leasing Act.

Available controls under the Leasing Act suggest that this type of development scheme could serve as a model for legislation regulating metalliferous mineral development. The viability of this alternative as a solution to surface-mineral conflicts will be considered subsequently. In view of the control of mineral exploration and development available under the Leasing Act, the following discussion of surface-mineral conflicts will be limited to problems arising from exploration and development under the Location Act.

The objective of exploration activities for locatable minerals is to make a mineral discovery, since discovery of a valuable mineral deposit is essential to obtaining exclusive possession of minerals owned by the United States.[34] During this initial exploration period, a prospector diligently searching for minerals has a possessory right to occupy surface property under the judicially-developed doctrine of pedis possessio.[35] Although this right precludes clandestine or forcible intrusions by others upon a prospector's claim,[36] it is not a vested right in any way diminishing the title held by the United States.[37] After discovery, a prospector obtains possessory title to the claim which becomes a vested property right enforceable against the United States so long as he continues to fulfill certain obligations under the Location Act.[38] Should the locator desire, he may eventually obtain a patent to the reserved minerals.[39] When the patent is issued, the locator is freed from all obligations under the Location Act,[40] although the obligations imposed by the SRHA remain.[41] Thereafter, the surface interest held by the miner is analogous to a profit à prendre.[42]

Consequences of uncontrolled exploration in urban areas

The location system may be an acceptable development scheme on stock-raising homestead property if the surface is used for agricultural purposes. Where formerly rural stock-raising homestead lands are acquired for intensive urban uses, however, plans of surface owners are likely to conflict sharply with prospectors' desires to enter and explore for minerals. Under the SRHA the interests of the prospectors prevail.[43]

This type of conflict occurred on stock-raising homestead property surrounding Tucson, Arizona.[44] As Tucson expanded into what were formerly rural areas, stock-raising homestead property was sold for residential purposes.[45] Subsequent purchasers often took title in ignorance or disregard of the mineral reservations indicated in the deeds.[46] In the early 1960's, prospectors entered these residential areas and began to explore for locatable minerals as authorized under the SRHA.

Initial activities of the Tucson prospectors involved only exploratory procedures designed to discover valuable mineral deposits. The nature of these operations, as viewed from the perspective of surface owners, was described as follows:

> Lands were invaded. Staking crews proceeded with the destruction of valuable trees and flora in cutting "brush" lines to facilitate running of surveys—this without notice to or permission from the landowner. Backhoe tractors followed to excavate location pits. Next, roads were "dozed" with further destruction of trees and flora . . . . Only the facilities of the locators were considered. Only after entry had been made, trees cut, damage done, and after we had contacted the locator, were we notified of their intent.[47]

These procedures undoubtedly caused extreme noise and disturbance in areas surrounding the exploration sites.[48] Although the damage inevitably had a significant impact on both the individual property owners and the Tucson community in general, the exploration activity was fully permissible under the provisions of the SRHA.[49] The prospectors' casual attitude toward surface damage was perhaps encouraged by language in the Act permitting surface owners only limited recovery during the prospecting period.[50]

While most of the activity undertaken by prospectors was in good faith, a few took unfair advantage of the law.[51] A common practice of these individuals was first to enter upon homestead property to locate a mining claim. Once the claim was secured, the locator would offer to sell it to the surface owner. If the owner failed to accept the high sales price, he would be threatened with destruction of his surface property, as the locator allegedly developed the claim in accordance with the law. The damages provision of the SRHA provided little protection to the homeowner.[52]

Potential interference with the surface uses eventually hindered the development of Tucson's residential community. Lending institutions refused to finance home mortgages if the land to be encumbered had mineral rights reserved to the federal government.[53] Title companies refused to insure homestead land in many cases.[54]

Under normal circumstances, the nuisance aspects of these activities, as well as the health and safety hazards they caused, would have been prime targets for local government zoning and performance standard regulations.[55] In this instance, however, it was believed that local governments were barred from action by a state statute prohibiting zoning which restricted or otherwise regulated mining activities.[56] In addition, attempts at city or state regulation might have been preempted by controlling federal law.[57] Inasmuch as the basic problems were fostered by federal rights, relief was eventually sought from the federal government.

In response to this problem, Congress, in 1962, withdrew from future exploration and purchase a sizable portion of federally-owned mineral rights held beneath Tucson's stock-raising homestead property.[58] This special legislation was in large part molded after suggestions presented by the mining industry.[59] Mining and exploration companies favored special legislation over enactment of a general law which would have given the Secretary of the Interior broad administrative authority to deal with similar situations as they developed elsewhere.[60]

Limited congressional withdrawals of mineral rights provide no satisfactory long-range solution, as is evidenced by the fact that similar surface-mineral rights conflicts have developed again in Tucson on surface land not affected by the 1962 withdrawal.[61] Indeed, the potential for the continued recurrence of this problem is substantial. In Arizona alone there are approximately 3 million acres of land that have been patented under the SRHA.[62] There is also increasing concern that substantial surface-mineral rights conflicts will continue to occur in other states, notably California, Nevada, and Colorado.[63] If projected increases in the national population are accurate, there will be greater demand upon surface lands for living space.[64] The inevitable consequence is that more stock-raising homestead property will be converted from rural to urban use. In conflict with this trend is the increasing pressure to develop new sources of minerals as national and world requirements grow.[65] The laissez-faire philosophy of present legislation dealing with locatable minerals under patented surface lands affords federal administrators virtually no power to regulate development of either surface or subsurface resources.

REMEDIES FOR SURFACE-MINERAL RIGHTS CONFLICTS

Two approaches may be employed to achieve more satisfactory protection for surface interests. On the federal level, legislation providing additional compensation for surface owners or allowing regulation or elimination of potential conflicts could be enacted. Congress recently has considered, but failed to enact, legislation which would have given additional protection to certain classes of surface owners. As will later be suggested, however, the legislation would have been inadequate in many respects. Thus, it is necessary to consider other sources of governmental power which may be employed to resolve surface-mineral rights conflicts. Second, there exists an intriguing question whether and to what extent state and local governments may exercise their police power to resolve conflicts which develop under the federal mineral location system.

State resolution of conflicts

1. *Limits on State Authority Before Patent.* In all probability, the Location Act substantially curtails state authority to regulate mining activity during the period before the mineral prospector obtains a patent to the mineral rights. Zoning or other regulations altogether precluding mineral exploration normally would provide an excellent means of preventing surface damage in urban areas.[66] Where zoning ordinances apply to

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federal mineral reservations, however, their validity would be judged in light of federal interests expressed in the Location Act. The basic objectives of this Act are to encourage the discovery and development of mineral resources in the United States.[67] If these objectives are to be realized, the right of exploration necessarily includes access to federal mineral deposits.[68] In addition, the law requires the locator to perform $100 of assessment work annually to preserve his claim.[69] Thus, any zoning regulation which precluded exploration or assessment work would be in direct conflict with federal law. Under these circumstances, the zoning regulation undoubtedly would be precluded by federal law.[70]

Although apparently without authority to preclude exploration and assessment work prior to patent, states may have authority to minimize the adverse impacts of these activities. While as a matter of constitutional allocation of authority the states are without power in their own right to regulate private acquisition of federal property,[71] the states do have considerable authority, in the absence of preemptive federal legislation, to regulate activity on federal lands over which the federal government does not have exclusive jurisdiction.[72] Thus, for many purposes, the police power of the states extends over the public domain.[73] In addition, Congress may delegate authority to the states to partially regulate acquisition of federal property interests,[74] as in fact is the case under the Location Act.[75] Both the state police power and the delegated authority under the Location Act deserve consideration as a basis for regulations which could aid surface owners.

A careful examination of the authority delegated under the Location Act suggests that the powers granted to the states are not sufficiently broad to reach many of the mineral exploration and development activities that are detrimental to surface interests. The delegated power is limited in substance to laws governing location procedures.[76] Thus, while the revision of state location laws may modify location procedures in order to offer greater protection to surface interests,[77] this delegated power cannot reasonably be construed to permit regulation of exploration activity that occurs prior to location.

Despite the fact that the state has no delegated authority which would permit significant regulation of mineral exploration, it is arguable that the Location Act does not entirely preclude the exercise of state police power with respect to prepatent mineral activity. The Act is essentially a regulatory scheme for the disposition of federal mineral interests.[78] Arguably, this scheme may be sufficiently narrow in scope to permit exercise of state police power to protect legitimate state interests.[79] Thus, states might be permitted to promulgate performance standards for the regulation of excessive noise, dust, and other offensive byproducts of exploration.[80] Standards of this nature, which would not significantly interfere with federal interests in the development of mineral rights, would serve only to promote local community interests in health and safety and thus would not be invalid on the basis of federal preemption.[81] Care must be exercised in drafting local or state regulation, however, for a mere difference in purpose between state and federal law does not necessarily preclude a finding of preemption.[82] The regulations may not be so stringent in their operation as to make exploration either commercially or technologically infeasible, lest such regulations be found to conflict with the "free and open" exploration policy of the Location Act and the federal government's paramount interest in controlling disposition of the public domain.[83]

The protection offered by performance standards would minimize the adverse impact of mining activity on the surface community. These provisions, however, would not substantially alleviate the surface community's basic problem. Mining activity would still cause severe damage to surface property and urban displacement. At most, a state may only require that this be done with as little disruption as possible.

2. *Limits on State Authority After Patent.* Although state and local exercises of the police power are significantly impaired prior to patent by the federal preemption doctrine, the situation may be altered when a patent to mineral rights is obtained. Thereafter, the mineral interests become private property and as such are subject to local and state law.[84] Under these altered circumstances, it may be argued that the preemption problem does not exist since the federal government no longer has an interest in the property. If this is the case, then consideration may be given to imposition of zoning or other regulations restricting mineral development in order to protect surface interests.[85]

The simplicity of this argument, however, may be deceptive. Since the intent of the Location Act is to encourage development of the nation's natural resources,[86] it is open to question whether this paramount federal interest is defeated by the mere act of patent. Support for the argument that the federal interest survives patent may be found in the SRHA, which recognizes the right to reenter homestead property for the purpose of mining and removing minerals and specifies restraints under which reentry, mining, and renewal may occur.[87] While the SRHA may be read as merely providing a starting point for resolving potential controversies between surface and mineral interests, the argument also may be made that this Act should be construed as protecting the federal interest in mineral development by indicating, through negative implication, the maximum extent to which mining activity may be restrained.[88] Any alteration of the scheme of rights established by the SRHA through state regulation therefore may be invalid. According to this argument, the SRHA would prevent the state from restricting mining activity even though title to mineral interests no longer remains in the federal government.[89]

Imposition of stringent state regulations also may be tempered by the nature of the property interest owned by the mineral patentee.[90] A regulation which prohibits the use and enjoyment of this special property interest may diminish the value of the mineral estate so severely as to constitute a taking without just compensation. If this is the case, a restrictive regulation may be held unconstitutional under the due process clause of the fourteenth amendment.[91] In *Pennsylvania Coal Co. v. Mahone*,[92] the United States Supreme Court held invalid a Pennsylvania statute prohibiting underground mining operations which might cause surface subsidence. Petitioner coal company had conveyed the surface property but had expressly reserved the right to remove all coal which might lie underneath. Emphasizing that the state law virtually destroyed the value of the subsurface property interest, the Court declared the statute unconstitutional because it constituted a taking of private property without just compensation.[93]

The theory that the taking issue primarily turns on the degree of economic harm inflicted on private property has appeal because of its simplicity. A review of constitutional doctrine in this area reveals, however, that the Supreme Court has yet to adopt a conclusive rationale when dealing with relative rights of property owners vis-a-vis the state's police power.[94] It has been observed that the Court is selective in applying the "magnitude of harm" analysis used in *Pennsylvania Coal*.[95] The theory is applied only in cases where there is neither a physical takeover—clearly a taking—nor a restriction on activity which has been properly deemed a nuisance.[96] Where the activity constitutes a nuisance, the Court has had little difficulty denying compensation claims and upholding prohibitive regulations even though the value of the regulated property has been severely depreciated.[97]

Because mineral development activity may do considerable harm to neighboring urban property interests and thereby constitute a nuisance, the *Pennsylvania Coal* doctrine is probably no major bar to state regulation for the purpose of abating nuisances. Indeed, regardless of whether particular forms of mining activity constitute a nuisance, the rationale of *Pennsylvania Coal* has been called into question. It has been suggested that the doctrine has lost vitality in light of subsequent Supreme Court decisions recognizing the validity of comprehensive zoning and its necessarily prohibitive effect on commercial activities.[98] More recent decisions of the Court have refused to follow the *Pennsylvania Coal* precedent even though the economic losses to the affected party were considerable.[99] Thus, although *Pennsylvania Coal* may not be ignored, it does not stand as an absolute obstacle to restrictions on the development of patented mineral rights.

The complexity of the issues surrounding state regulation suggests that no sound conclusion as to the validity of post-patent regulations may be reached in the absence of concrete factual circumstances. Even if zoning regulations will generally be sustained, it should be recognized that considerable irreparable damage may be inflicted by mining activity that occurs prior to patent. If zoning regulations are constitutional only after patent, the restrictions may come too late to protect the surface interests adequately. Furthermore, the mineral claimant is under no obligation to obtain a patent prior to the removal of mineral deposits.[100] Thus, regulations which validly may be applied only after patent may be avoided altogether simply by mining minerals without a patent.

Federal Remedies for Surface-Mineral Rights Conflicts

The lack of wholly effective state means to regulate mining activity relating to federal mineral rights makes it clear that adequate relief for surface owners can be provided only at the federal level. Under the United States Constitution, Congress is granted authority to "make all needful rules and regulations" respecting property interests owned by the United States.[101] Pursuant to this authority Congress may resolve surface-mineral rights conflicts by appropriate legislation, provided the mineral rights remain in the public domain. Although the United States Constitution specifically vests Congress with power to regulate federal land use and disposition, the Supreme Court has recognized that the power to withdraw federal land from development and sale also may be exercised by the President independent of express legislative consent.[102] The Court has viewed continued congressional acquiescence in executive withdrawals as a delegation of Congress' power to the President.[103]

Exercise of the presidential power to withdraw mineral rights from development might serve as a solution for surface-mineral rights conflicts under stock-raising homestead property. The nature of the conflict seems to meet the very situation in which this power may properly be exercised. For as the Supreme Court noted in *United States v. Midwest Oil Co.*: [104] "[The] rules or laws for the disposal of public land are necessarily general in their nature. Emergencies may occur, or conditions may so change as to require that the [President] should, in the public interest, withhold the land from sale . . . ." [105] Since the laws governing disposal of mineral interests do not adequately

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resolve surface-mineral rights conflicts in urban areas, there is a sound basis for executive action in this matter. Realistically, however, action by the executive department is not likely to be obtained. Executive withdrawals adversely affecting mineral interests historically have been the subject of great controversy.[106] The executive branch also may hesitate to resolve the controversy while Congress is giving active consideration to remedial legislation.

Two legislative proposals recently before the 93d Congress sought to resolve surface-mineral rights conflicts. A bill was introduced in the United States Senate which would have authorized conveyance, free of charge, of federally-reserved mineral rights to owners of developed surface property.[107] The bill also provided some relief where reserved minerals already had been patented to other than surface owners. A different proposal originating in the House was revised in Conference Committee and then approved by the entire Congress. The bill of which the proposal was a part, however, was vetoed by the President.[108] This plan, which constituted a separate title under the proposed Surface Mining Control and Reclamation Act of 1974,[109] would have authorized the Secretary of the Interior to designate as unsuitable for mining certain surface lands subject to federal mineral reservations. Land so designated would either not have been subject to mining activity or subject to such activity only under regulation by the Secretary of the Interior. Since the problem of surface-mineral conflicts will again be dealt with by the 94th Congress,[110] a critical evaluation of both proposals is warranted.

Within 12 months after enactment of the Senate bill, all SRHA and other surface patentees whose land supported a residential dwelling or commercial structure would have been eligible to notify the Secretary of the Interior that the government's mineral reservation should be terminated.[111] If locatable mineral rights had not been claimed as of the date of this notification, these rights were to be conveyed to the surface owner on condition that he agree to pay a royalty to the federal government if mineral rights were subsequently developed.[112] If a mineral claim already existed on the property, the Secretary would have been authorized to acquire the claim by appropriate means so that the entire locatable mineral estate might have been deemed terminated and of no effect.[113] To have effectuated this acquisition, notice of requests for termination would have been given by publication or other appropriate means to affected mineral claimants.[114] Any person having an affected mineral claim would in turn have been required to notify the Secretary,[115] and failure to provide such notification would have been deemed an abandonment of the claim.[116]

In addition to eliminating unclaimed mineral rights, the Senate bill would have provided protection for owners of surface lands, even if mineral rights were not terminated pursuant to the provisions of the legislation. The bill would have imposed liability for damages equal to one and one-half times the damage to all surface improvements and surface values resulting from prospecting for, mining, developing, or removing locatable minerals on lands subject to United States mineral reservations.[117] In addition, prior to any mining activity, a bond posted with the Secretary of the Interior would have been required to secure the payment of such damage.[118]

In contrast to the Senate proposal, the Conference Committee bill would have established an administrative system which permitted the Secretary of the Interior to withdraw from mining activities federal lands designated as unsuitable for such operations.[119] Valid existing mineral rights, however, would not have been affected by the bill.[120] Federal lands could have been designated unsuitable for mining operations in areas predominantly urban or suburban in character or where mining operations would have had an adverse impact on land used primarily for residential or related purposes.[121] Upon request by a state governor [122] or upon petition by a person "having an interest which may be adversely affected" by mining activity,[123] the Secretary of the Interior would have been required to review the federal lands in question to determine their suitability for mining operations.[124] If a governor rather than a private party had requested review, the Secretary could have withdrawn the land from mineral entry or lease for up to 2 years pending the review.[125]

Prior to any decision, the Secretary would have been required to prepare a statement detailing the impact a designation of unsuitability would have had upon mineral resources availability.[126] In addition, the Secretary's statement would have had to consider the environmental impact resulting from his decision on the suitability of an area for mining.[127] Upon a finding that the benefits resulting from designation would have been greater than the benefits to the regional or national economy resulting from mineral development, the Secretary could have withdrawn lands designated unsuitable from mineral entry and leasing or conditioned such entry or leasing.[128] A designation of unsuitability would not necesarily have prohibited mineral exploration. Exploration activities could have continued if the written consent of the surface owner had been obtained.[129] Finally, the Secretary was authorized to promulgate regulations to minimize the adverse effects of such exploration.[130] Any party having a valid legal interest who had appeared in the Secretary's proceedings and who had been aggrieved by his decision could have appealed for review to the federal district court for the district in which the subject land was located.[131]

Having set forth the pertinent provisions of the Conference Committee and Senate bills, it is necessary to assess the effectiveness of these proposals. Consideration also will be given to additional procedures and restrictions which may serve as solutions to present surface-mineral rights conflicts.

Conveyance of Mineral Rights to Surface Owners—The Senate Proposal

In an effort to prohibit exploration on patented surface lands, the Senate bill contemplated conveyance of reserved locatable minerals to surface owners.[132] This conveyance would have effectively precluded further mineral exploration without the surface owner's permission. Conveyances made regardless of whether there was an impending conflict between surface and subsurface interests, however, would have improperly divested the federal government of its mineral wealth and unduly restricted mineral exploration at a time when the demand for minerals was increasing. Recognizing this, the Senate bill limited conveyances of locatable minerals to those surface owners who had constructed a dwelling or commercial structure on the property in question.[133] The proposal was further restricted by the requirement that construction must have been commenced prior to October 18, 1973, the introduction date of the legislation.[134] Finally, the proposal was further limited since all requests for termination of reservations had to be initiated within 1 year after its enactment.[135]

Several criticisms may be made of the reservation-conveyance provisions of the Senate proposal. While it was desirable to restrict conveyances to areas where potential conflicts existed, the limitations in the Senate bill might have often defeated its purpose. Limiting conveyances to surface owners who had constructed a dwelling on the surface property would have precluded conveyance of mineral rights in undeveloped urban land and therefore permitted mineral development. Thus, under the Senate bill, a residential community consisting of patented lands containing a significant amount of undeveloped acreage could easily have become pockmarked with undesirable mineral claims.

The limited availability of the opportunity to obtain the conveyance of mineral rights is another criticism. Because many surface owners are unaware of the significance, or even the existence, of mineral reservations in their deeds,[136] it is unlikely that many would not have considered acquiring subsurface mineral rights in the absence of imminent threats of invasion by prospectors. Thus, where a surface-mineral rights conflict developed after the period allowed for conveyance, the unwitting surface owner would have been unable to prevent mineral exploration.[137]

Despite the apparent weaknesses in the Senate proposal, the bill would have provided significant protections to the surface owner. In addition to providing for termination of mineral reservations, the Senate plan also would have allowed recovery of one and one-half the damages inflicted on surface property.[138] The SRHA, by contrast, contemplates only limited recovery for surface damage.[139] The Senate bill, by allowing more extensive recovery, would thus have provided more equitable protection.[140] It also would have remedied another inadequacy of the SRHA by establishing a bond requirement prior to entry for exploration.[141] Hence, while the Senate scheme would not have eliminated all potential surface-mineral rights conflicts, the proposal represented a significant improvement over the provisions of the SRHA.

Administrative withdrawals—The conference committee proposal

Unlike the Senate bill, the Conference Committee proposal provided neither an exploration bond nor broad damage coverage. The bill sought instead to protect surface owners by allowing withdrawal from mineral development of areas appropriately designated as unsuitable for mining operations.[142] If a designation had been made and if the benefits of withdrawal outweighed those of development, exploration activity could not have been undertaken without the written permission of the surface owner.[143] This requirement would have prevented prospectors operating in designated areas from relying upon language in the SRHA granting an unqualified right to explore.[144]

In so protecting surface owners, the Conference Committee proposal ameliorated some of the problems inadequately treated by the Senate bill. Designating areas as unsuitable for mining activity would have offered greater efficiency in dealing with surface-mineral rights conflicts than the Senate bill since entire areas could have been protected by a single administrative act. Area designation also offered greater security to the surface community since the protection provided would not have depended upon each surface owner in a given area acquiring his respective mineral rights. Nevertheless, the Conference Committee bill contained several deficiencies.

The most obvious weakness of the Conference Committee proposal was that it left all undesignated areas vulnerable to the inadequacies of the SRHA. In addition, the bill's effectiveness was impaired by allowing the mineral prospector to obtain the surface owner's consent to explore.[145] If several surface owners in designated areas had consented to exploration, the adverse effects of mining activity would once again have been experienced by the residential community. The proposal, however, also authorized the Secretary to promulgate regulations to minimize

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the adverse impact of exploration and extraction, implying that the Secretary could have required a bond securing damages[146] or promulgated performance standards controlling offensive by-products such as dust and excessive noise.[147]

Another criticism of the Conference Committee proposal is that the criteria guiding withdrawal did not provide clear standards with which to anticipate the Secretary's decision.[148] While it might have been desirable from a legislative standpoint to set forth only the general framework for an administrative program, both surface owners and mineral prospectors would have desired to predict with greater precision whether an area could have been designated as unsuitable. This criticism might have been overcome with time as a body of precedent construing the criteria and demonstrating their application in given circumstances was developed. Additionally, the Secretary could have promulgated interpretative regulations clarifying the appropriate criteria.[149] For instance, the term urban area could have been given more explicit meaning by adopting one or more of the definitions used by the Bureau of the Census.[150] Similarly, the boundaries of specific urban areas could have been delineated by placing reliance on metropolitan or regional land-use plans. Since these plans are intended to guide long-range land development in specific urban areas,[151] they could have served as an indicator of future urban uses which might warrant preference over mineral development. In view of these considerations, Congress might find it desirable to incorporate more specific legislative criteria to guide the Secretary in his determination on withdrawals.

Finally, a criticism of withdrawal schemes often advanced by mining interests is that they unnecessarily place some of the nation's natural resources in "cold storage," out of reach of either the mineral prospector or the surface owner.[152] In fact, ownership and control of the mineral rights would have remained in the federal government; if mineral development later became desirable, the Secretary could have reopened the area to exploration. Redesignation of an area could have been initiated either by the Secretary's own action[153] or by the petition of one whose interest had been adversely affected by designation.[154]

In summary, the Conference Committee proposal would have done a great deal to eliminate surface-mineral rights conflicts. The withdrawal scheme had the considerable benefit of providing security to the entire surface community through a single administrative act. The withdrawals could have been predicated on a set of administratively established guidelines which required balancing of the competing mineral and surface interests. The effectiveness of the withdrawal scheme would have been severely hampered, however, by a clause in the bill that would have protected vested rights.

Eliminating Existing Mineral Rights in Urban Areas

Generally, designation and withdrawal of an area as unsuitable for mining operations would have had the effect of halting altogether mining activity on reserved land. These consequences would have been curtailed, however, by a qualification in the Conference Committee proposal that "[v]alid existing rights shall be preserved and not affected by such designation."[155] While the meaning of this limitation is not clear, it could have had the effect of allowing exploration commenced prior to designation to continue and of allowing mineral removal after designation where a claim or patent previously had existed.[156] Thus, protection of surface rights might have been severely impaired.

If the goal of remedial legislation is to protect urban surface interests, some means of eliminating preexisting and undesirable mineral claims is necessary. Although the Conference Committee proposal obviously failed to consider this problem, the Senate bill required the Secretary to acquire valid conflicting mineral claims by "any appropriate means,"[157] thus permitting the subsequent conveyance of mineral rights to the surface owner. No provision was made for acquiring patents.[158] The "appropriate means" would usually have been condemnation through the power of eminent domain.

To lawfully exercise the power of eminent domain, the government must take private property for a public use and with just compensation.[159] Public use has been an evolving concept.[160] Under early definitions of public use, the power of eminent domain could not be exercised unless the property taken was ultimately used by the general public.[161] More recently, however, this definition has been broadened by equating public use with public advantage.[162] A use is public under this broad definition so long as it is conducive to community prosperity.[163] Thus, taking property from one person for the purpose of transferring it to another will be permitted so long as some public benefit or advantage accrues from the transfer.[164]

Governmental acquisitions of mineral rights in urban areas would further general community interests by removing the threat of continued mining activities, thus encouraging intensive surface development and providing greater security to economic interests desiring to invest in the locality. Furthermore, the acquisitions would preclude mining activity which otherwise might be hazardous to the health, safety, and culture of the community. So long as these general community interests are fostered by the acquisitions, takings might not be found unconstitutional despite subsequent conveyance of the mineral rights to the owner of the surface estate.[165]

To aid in the acquisition of existing claims, the Senate bill would have required mineral claimants to notify the Secretary of claims on land for which the surface owner had indicated his desire to terminate the mineral interests.[166] Had a claimant failed to inform the Secretary of his interest it would have been deemed abandoned.[167] Notice of this requirement was to be given to the mineral claimant "by publication in the Federal Register and other appropriate means (such as newspapers and periodicals)."[168]

Because a mining claim is property in the constitutional sense,[169] due process would have entitled the claimant to prior notice whenever the government attempted to extinguish his interest.[170] Notice must be reasonably calculated to apprise the concerned party of the pending action.[171] It is very doubtful whether notification of mineral claimants by publication alone would have satisfied due process requirements. Where property ownership is either known or reasonably ascertainable, publication alone violates due process notice standards.[172] The Location Act requires that the name of a locator be recorded with his claim,[173] and state laws often require recording of a claim in the county recorder's office.[174] Given the availability of this information, due process standards would have required reasonable effort to give some form of personal notice to the mineral claimant.[175] Thus, notice by "other appropriate means" in the Senate proposal would have to have been construed as including personal notice, an intent not clearly expressed by the proposal.

The foregoing review of the Senate and Conference Committee bills reveals that while both offer significantly greater protections to surface interests than the SRHA, neither deals fully with resolution of surface-mineral rights conflicts. It is interesting to note that the bills are often complementary, and more equitable resolution of the competing interests could be obtained through careful incorporation of the two proposals. Generally, the administrative withdrawal scheme appears to provide the greatest assurance of protection to surface community values. Deficiencies in the Conference Committee proposal could be remedied by adopting the Senate bill's exploration bond and damage recovery provisions. To afford complete relief the designation and withdrawal scheme also should provide a means for eliminating existing mining claims.

Environmental considerations

Designation of areas as suitable or unsuitable for mining would have had significant impact on both the nation's economy and environment. Since passage of the National Environmental Policy Act [NEPA],[176] any major federal action significantly affecting the quality of the environment must be preceded by a detailed environmental impact statement setting forth, among other things, the adverse environmental effects of and alternatives to proposed action.[177] Designation or nondesignation decisions would have involved significant impacts on environmental quality, thus requiring preparation of impact statements.[178] Actions of the Secretary under the Senate proposal, on the other hand, would probably not have required an impact statement.[179]

Since the Conference Committee proposal explicitly predicated a withdrawal decision upon a report detailing both the environmental and economic consequences of such a decision, the question arises whether the designation report would have been supplementary to or a substitute for a NEPA impact statement. The designation report would have fulfilled the major purpose of the NEPA requirement since it built into the Department of Interior's decisionmaking process a consideration of the environmental aspects of the proposed action.[180] Nevertheless, both a designation report and a NEPA impact statement might have been required prior to a final designation decision, for the policies and goals of NEPA are explicitly supplementary to the other existing duties of federal agencies.[181] On the other hand, the more limited requirements of a designation report might have been as a congressionally-authorized exemption from the impact statement obligations of NEPA.

The Conference Committee proposal authorized judicial review of a designation decision when sought by any party with a valid legal interest who had appeared in the designation proceedings and who had been aggrieved by the Secretary's decision.[182] Review would have examined a decision's compliance with the proposal itself and NEPA.[183] The courts presently are in disagreement as to whether an agency decision governed by NEPA should be subjected to substantive review beyond that usually exercised by courts.[184] A reviewing court might not view NEPA as imposing any substantive constraints upon the agency's ultimate decision[185] and thus would determine only whether NEPA's procedural requirements were met.[186] On the other hand, a court holding that NEPA imposes substantive constraints would require the decisionmaker to employ a balancing test giving full and good faith consideration to environmental values.[187] Under this scope of review, a court would reverse an agency decision which was based upon an arbitrary or capricious balancing of relevant factors or which clearly gave insufficient weight to environmental values.[188]

Under the Conference Committee proposal, the primary question for the Secretary's determination in a withdrawal decision would have been whether the benefits of withdrawal would have outweighed the economic benefits resulting from mineral development.[189]

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Since the Secretary would have been required in the designation report to make findings as to the environmental impact of withdrawal,[190] environmental values would have been considered as an element of the benefits of withdrawal.[191] Thus, the Secretary's decision would have involved a balancing similar to that required under NEPA by some courts. Accordingly, those courts which would have exercised limited substantive review under NEPA of the Secretary's decision would probably have exercised review similar in scope under the Conference Committee proposal itself.

This is not to say, however, that those courts which would not have exercised substantive review under NEPA also would not have exercised such review under the Conference Committee proposal. As noted, those courts refusing to exercise limited substantive review under NEPA do so on the basis that NEPA places only procedural, and not substantive, constraints on agency decisionmaking.[192] In their view, NEPA requires no balancing. The Conference Committee proposal itself, however, expressly requires balancing in reaching a decision. Additionally, as indicated, the proposal authorizes judicial review of the Secretary's decision. It might have been anticipated, therefore, that all courts would have employed the same scope of review in appraising decisions under the proposal—whether the decision was arbitrary or capricious or gave insufficient weight to the considerations to be balanced.

Leasing as an alternative to the location system

Federal reservation of locatable minerals on stock-raising homestead property poses a continuing problem for intensive surface development. The substantial statutory revisions presented in the Conference Committee and Senate bills might have alleviated some of the problems. Those revisions, however, would have left intact the Location Act's laissez-faire system of mineral development and would not have significantly altered the mineral development scheme which exacerbates the current surface-mineral rights conflicts.[193]

If the present location system were abandoned in favor of a general leasing system, many of the problems presented by the location and patent laws would be eliminated. To be fully effective, however, the system would have to provide some means, perhaps similar to the Senate proposal, for acquiring outstanding mineral rights.[194] Under a lease system, presently unregulated exploration activity could be brought under control through the issuance of prospecting and mining permits.[195] NEPA environmental impact statements could be required prior to authorization of mining activity to ensure that an informed judgment is made regarding the merits of exploration and development.[196] The Secretary also would have the authority to include in the lease provisions adequate protections for surface interests.[197] Under a lease system, the government would have authority to police mining activities, thereby ensuring the lessee's compliance; noncompliance with lease provisions would be grounds for termination.[198]

The leasing system could be patterned after the Leasing Act[199] which, as has been observed, differs in many important ways from the location system.[200] In substance, a general lease law would provide the Secretary of the Interior with a greater degree of control in determining when and how federal mineral resources should be developed.[201] Increased flexibility in the management of these resources would facilitate resolution of surface-mineral rights conflicts by permitting the administrator to adjust mineral development procedures to the varied competing demands found in different areas of the nation.

CONCLUSION

The states are presently powerless to effectively protect surface interests, although considerable protection is in fact essential. Only after the patent stage—long after destructive exploration and location activities have occurred—may the states perhaps apply their police power. Adequate protection of surface interests can be provided only at the federal level, for it is the federal government which owns and controls disposition of reserved mineral rights.

The surface-mineral rights conflicts created by reserve mineral rights originated in the Stock-Raising Homestead Act, which created a dominant mineral estate and a subservient surface estate without providing adequate protection for surface interests. The problems are exacerbated by an outdated federal mining law providing virtually no supervision of locatable mineral development. Two remedies have been proposed. The first would retain the scheme of the Location Act but preclude its operation in urban areas through either the conveyance of mineral rights to the surface owner or the withdrawal of these rights from exploration. The other would replace the Location Act with a general leasing system permitting stringent regulation of potentially destructive mineral development activities. The relative merits of these two remedies may well provide grounds for debate, but it is beyond dispute that it is incumbent upon Congress to provide some form of relief.

FOOTNOTES

[1] 43 U.S.C. §§ 291–301 (1970).

[2] *Id.* § 299.

[3] P. Gates & R. Swenson, History of Public Land Law Development 738–40 (1968).

[4] 1 Rocky Mountain Mineral L. Foundation, American Law of Mining § 3.23, at 531–32 (1973) [hereinafter cited as Am. L. Mining].

[5] P. Gates & R. Swenson, *supra* note 3, at 729.

[6] Maximum utilization of public resources is achieved by permitting multiple concurrent uses of federal land. *See generally* Davis, *Multiple Uses of Public Lands*, 1 Rocky Mt. M.L. Inst. 495 (1955).

[7] In addition to the Stock-Raising Homestead Act [SRHA], the other principal surface entry law of this period was the Act of July 17, 1914, ch. 142, 38 Stat. 509 (codified at 30 U.S.C. §§ 121–24 (1970)). Less significant legislation similar in design to these acts also was passed. *E.g.*, Act of Mar. 3, 1909, ch. 270, 35 Stat. 844 (codified at 30 U.S.C. § 81 (1970)); Act of June 22, 1910, ch. 318, 36 Stat. 583 (codified at 30 U.S.C. § 83 (1970)); Act of Aug. 24, 1912, ch. 367, §§ 1–3, 37 Stat. 496 (repealed 1930). This discussion will deal only with the provisions of the SRHA.

[8] 43 U.S.C. §§ 291, 299 (1970). *See generally* P. Gates & R. Swenson, *supra* note 3, at 512–17.

[9] *See* P. Gates & R. Swenson, *supra* note 3, at 519–22.

[10] *Id.* at 519. The adoption of the Taylor Grazing Act of 1934, ch. 865, 48 Stat. 1269 (1934), *as amended*, 43 U.S.C. §§ 315 to -315o-1 (1970), effectively replaced the SRHA.

[11] Bureau of Land Management, U.S. Dep't of the Interior, Public Land Statistics table 29, at 58 (1972).

[12] 43 U.S.C. § 299 (1970).

[13] *Id.*

[14] *Id.*

[15] *Id.*

[16] *Id.*

[17] *See* Act of June 21, 1949, ch. 232, § 5, 63 Stat. 215 (codified at 30 U.S.C. § 54 (1970)). *See generally* Note, *surface Damages from Strip Mining Under the Stock Raising Homestead Act*, 50 Denver L.J. 369 (1973).

[18] The courts have been inclined to construe the damages provisions of the federal land acts quite narrowly. There have been only three decisions, however, dealing at length with the problem of liability once the mineral claimant has obtained the right to reenter and remove the reserved minerals. In Kinney-Coastal Oil Co. v. Kieffer, 277 U.S. 488 (1928), the United States Supreme Court stated that recovery for damage to improvements under the Act of July 17, 1914, ch 142, 38 Stat. 509 (codified at 30 U.S.C. §§ 121–24 (1970)), should be confined to agricultural improvements. The Court's reasoning was founded on the theory that recovery should be limited to the uses contemplated for the surface estate. The *Kieffer* rationale was adopted in Holbrook v. Continental Oil Co., 73 Wyo. 321, 278 P.2d 798 (1955), a case involving tracts of land patented under both the Act of July 17, 1914 and the SRHA. In that decision, the Supreme Court of Wyoming determined that the surface owner could not recover for damages to the land itself but only for damages to crops and agricultural improvements. Under this rationale, damages under section 299 of the SRHA would be limited to the purposes contemplated by section 291. Those purposes do not contemplate residential and commercial development.

The narrow construction of the damage provisions found in *Kieffer* was avoided, however, in Bordieu v. Seaboard Oil Corp., 48 Cal. App. 2d 429, 119 P.2d 973 (Ct. App. 1941), another case involving both stock-raising homestead and Act of July 17, 1914, lands. The *Bourdieu* court held that statutory authority allowed surface occupation only to the extent reasonably necessary to facilitate mining operations. *Id.* at 436–37, 119 P.2d at 977. Thus, the court permitted recovery in trespass for the use of facilities and structures on the surface owner's land to handle oil and gas produced on other lands. *Id.* at 433–34, 119 P.2d at 977–78. The holding of this case, therefore, provides some assurance to surface owners that where exploration and mining is not confined to activity reasonably incident to the mineral rights being developed, on the land in question damages may be recovered for injurious activities which are not at least implicitly privileged by the SRHA. For more extensive discussion of *Kieffer, Holbrook,* and *Bourdieu,* see 1 Am. L. Mining, supra note 4, § 3.49; Note, *Protection for Surface Owners of Federally Reserved Mineral Lands,* 2 U.C.L.A.—Alas L. Rev. 171, 175–85 (1973).

[19] 43 U.S.C. § 299 (1970).

[20] 30 U.S.C. §§ 21–54 (1970).

[21] *Id.* §§ 181–287.

[22] Despite vast acquisitions of mineral-rich public land during the 19th century, there existed no federal legislation to govern the orderly disposition of mineral resources until 1866. Colby, *Mining Law in Recent Years,* 33 Calif. L. Rev. 368, 369–71 (1945). Undoubtedly, the absence of such legislation was not the result of congressional oversight, but rather evidenced a lack of need for a uniform system of laws. During the first half of the 19th century, there was no significant mining on public lands. *Id.* The discovery of gold on the public domain in California in 1848 brought strong pressures to bear on Congress to enact legislation which would regulate disposition of the newly discovered mineral wealth. *Id.* at 370–72.

Beginning in 1866, a series of laws was passed to regulate the acquisition and purchase of federal mineral lands. *Id.* at 371–74. These acts were finally amended and republished as a single statute known as the Mineral Location Act of 1872, ch. 152, 17 Stat. 91 (1872), *as amended,* 30 U.S.C. §§ 21–54 (1970). *See also* Colby, *supra,* at 374. This Act, which deals with location and patent of both lode and placer claims, remains today, with some modification, the basic law governing private acquisition of federal lands containing metalliferous minerals.

Reflecting the political philosophy of the era, the Location Act and other contemporaneous laws were designed to encourage the rapid development of the West. *Id.* at 380. The mineral resources affected by this legislation were open to free exploration and acquisition, 30 U.S.C. § 22 (1970), and the lands containing these minerals were offered for sale on liberal terms. Id. §§ 29, 37. The country's natural resources were regarded as inexhaustible. P. Gates & R. Swenson, *supra* note 3, at 725, and as a result, were often developed in a careless manner. 1 Am. L. Mining, *supra* note 4, § 1.24, at 71.

[23] 30 U.S.C. § 22 (1970).

[24] *See Id.* §§ 22, 26, 28.

[25] *Id.* § 28.

[26] *Id.* §§ 29, 35–37.

[27] *Id.* § 30–32.

[28] *See* Herman D. Ruth & Associates, Public Land Review Commission Study Report No. 10: Regional and Local Land Use Planning IV–105 (1970).

[29] The waste of natural resources which accompanied the era of rapid development prior to the turn of the century, *see* discussion note 22 *supra,* soon caught the attention of the nation. At the turn of the century, under the leadership of Theodore Roosevelt's administration, a conservationist movement gained national support. P. Gates & R. Swenson, *supra* note 3, at 725. Motivated by sentiment that legislation permitting unrestricted exploitation of natural resources had outlived its usefulness, 1 Am. L. Mining, *supra* note 4, § 1.26, at 75 n.5, the Roosevelt administration initiated broad ranging reforms. The advocates of reform proposed adoption of a lease system for mineral fuels. P. Gates & R. Swenson, *supra* note 3, at 728. The proposed system met with strong opposition from Western mining and oil interests which were reluctant to abandon the laissez-faire development policy of the Location Act. *Id.* at 738–40. The resistance to change offered by the development-oriented interests was met by an equally uncompromising attitude on the part of reformers. *Id.* Consequently, Congress became embroiled in a protracted controversy regarding mineral development policy. *Id.* Finally, in 1920, the Leasing Act was passed, establishing a lease system for designated nonmetalliferous minerals. *Id.* at 740–45.

[30] *See* 30 U.S.C. §§ 181–287 (1970). *See also* Herman D. Ruth & Associates, *supra* note 28, at IV–105.

[31] Pease v. Udall, 332 F.2d 62, 63–64 (9th Cir. 1964). *See also* Udall v. Tallman, 380 U.S. 1 (1965); United States *ex. rel.* McLennan v. Wilbur, 283 U.S. 414 (1931); Duesing v. Udall, 350 F.2d 748 (D.C. Cir. 1965), *cert. denied,* 383 U.S. 912 (1966). In determining what is in the public interest, however, it appears that the Secretary may have to rely upon some congressional or excutive expression of that interest rather than his own discretion. *See* Udall v. Tallman, *supra*; Pease v. Udall, *supra. But see* Duesing v. Udall, *supra.*

[32] 30 U.S.C. § 181 (1970). This provision suggests a congressional intent to resolve surface-mineral conflicts with respect to leasable minerals in favor of the surface interests when exploitation of the mineral interest would impair urban development. It thus may be argued that the Secretary acts in the public interest in denying leases of federally-owned mineral lands which are not situated within an incorporated city but which would impair intensive surface development if exploited. *See also* text & note 33 *infra.*

[33] 30 U.S.C. §§ 183, 188 (1970). By the terms of the agreements made under the Leasing Act, the permittee or lessee may be required to take steps to prevent soil erosion, pollution of the environment, damage to surface improvements, and the destruction of historic sites. In addition, the mineral developer agrees to fill excavations, remove or cover debris, and otherwise restore the surface land to its former condition. *See* Twitty, Sievwright & Mills, Public Land Law Review Commission Study Report No. 30: Nonfuel Mineral Resources of the Public Lands app. 6, at VI–4 (Prospecting Application and Permit, § 12); *Id.* at VI–10 (Potassium Lease, § 5); *Id.* at VI–14, Sodium Lease, § 5) (1970). While the Leasing Act does not expressly provide recovery of damages for injuries to surface interests, there is apparently no legislative or constitutional bar to a lease provision requiring payment for damages incurred by the surface owner during mineral development. *Cf.* Forbes v. United States, 125 F.2d 404 (9th Cir. 1942) (decision upholding as consistent with the Leasing Act a regulation permitting the government to recover cost incurred in plugging a well drilled on permitted lands when lessee fails to plug well properly).

[34] 30 U.S.C. §§ 22, 26, 29 (1970). United States v. Coleman, 390 U.S. 599 (1968); Cole v. Ralph, 252 U.S. 286 (1920); United States v. Frazier, 491 F.2d 243 (6th Cir.), *cert. denied,* 417 U.S. 971 (1974). *See also* 30 U.S.C. § 23 (1970); 1 Am L. Mining, *supra* note 4, at § 2.4; Note, *Marketability and the Mining Law: The Effect of United States v. Coleman,* 10 Ariz. L. Rev. 391 (1968).

[35] Davis v. Nelson, 329 F.2d 840, 845–46 (9th Cir. 1964). *See* Cole v. Ralph, 252 U.S. 286, 294 (1920). Pedis Possessio, a prediscovery right of entry and possession, may be conveyed to third persons. Consolidated Mut. Oil Co. v. United States, 245 F. 521, 525 (9th Cir. 1917); Rooney v. Barnette, 200 F. 700, 710 (9th Cir. 1912).

[36] Cole v. Ralph, 252 U.S. 286, 294–95 (1920); Davis v. Nelson, 329 F.2d 840, 845 (9th Cir. 1964).

[37] Davis v. Nelson, 329 F.2d 840, 845 (9th Cir. 1964); Crossman v. Pendery, 8 F. 693, 694 (D. Colo. 1881).

[38] 30 U.S.C. §§ 26, 28, 28b–e (1970); Davis v. Nelson, 329 F.2d 840, 845 (9th Cir. 1964); United States v. Deasy, 24 F.2d 108, 11 (N.D. Idaho 1928). During this period, paramount title remains in the United States, Belk v. Meagher, 104 U.S. 279, 284 (1881), with little consequence, however, to the rights of the claimant. Union Oil Co. v. Smith, 249 U.S. 337, 348–49 (1919).

[39] The patent would be issued in accordance with procedures specified in the Location Act. 30 U.S.C. § 29 (1970). The SRHA technically modified the Location Act in that the latter law originally contemplated the sale of mineral land rather than the sale of mineral rights. *Compare* 30 U.S.C.§ 29 (1970), *with* 43 U.S.C. § 299 (1970), [*and*] 43 C.F.R. § 3814.2(b) (1973) (regulation pertaining to application for disposal of reserved minerals under the SRHA).

[40] Benson Mining & Smelting Co. v. Alta Mining & Smelting Co., 145 U.S. 428 (1892). *See* 1 C. Lindley, Lindley on Mines § 22 (3d ed. 1914).

[41] *See* 43 U.S.C. § 299 (1970). *See also* text accompanying notes 12–18 *supra.*

[42] A profit à prendre is a right to make some use of the soil of another, including the right to use as much of the surface as is necessary and convenient for the exercise of a right. Costa Mesa Union School Dist. v. Security First Nat'l Bank, 254 Cal. App. 2d 4, 11–12, 62 Cal. Rptr. 113, 120–21 (Ct. App. 1967). *See also* Black's Law Dictionary 1376–77 (4th ed. 1951).

[43] *See* 43 U.S.C. § 299 (1970).

[44] *See generally Hearings on the Disposition of Reserved Minerals Before the Subcomm. on Mines and Mining of the House Comm. on Interior and Insular Affairs,* 87th Cong. 2d Sess. (1962) [hereinafter cited as *Hearings on Reserved Minerals*].

[45] *Id.* at 63.

[46] *Id.* at 119.

[47] *Id.* at 112.

[48] *Cf.* Newsweek, Oct. 15, 1973, at 96.

[49] 43 U.S.C. § 299 (1970).

[50] *Id. See* text & notes 12–18 *supra.*

[51] *See Hearings on Reserved Minerals, supra* note 44, at 101–03, 119.

[52] 43 U.S.C. § 299 (1970). *See* text & notes 12–18 *supra.*

[53] *Hearings on Reserved Minerals, supra* note 44, at 72.

[54] *Id.* at 126–28.

[55] See text & note 80 *infra.*

[56] *See Hearings on Reserved Minerals, supra* note 44, at 43–45. The belief, however, may have been erroneous. The present and substantially unchanged version of the relevant statute, Ariz. Rev. Stat. Ann. § 11–830 (Supp. 1974–75), states: "A. Nothing contained in any zoning ordinance authorized by *this chapter* shall:

. . .

2. Prevent, restrict or otherwise regulate the use or occupation of land or improvements for . . . mining . . . purposes, if the tract concerned is five or more contiguous commercial acres." (Emphasis added.) This chapter, chapter 6, of the *Arizona Revised Statutes Annotated,* deals exclusively with *county* zoning and planning. Arguably, the City of Tucson therefore could have regulated mining activities under the municipal enabling statute, which contains no restrictions with respect to mining activities. *See id.* §§ 9–461.05(C)(1), –461.08(B)(2), –462.01 (A)(1) & (2). It also should be noted that the restriction on the county's zoning power applies only when the tract in question is larger than 5 commercial acres. *Id.* § 11–830 (A)(2). If the acreage restriction is construed to apply to the surface land involved in mining activity, then even the county would be empowered to impose restrictions on mining for the benefit of many homeowners.

[57] See text & notes 66–70 *infra.*

[58] Tucson Withdrawal Act of Oct. 5, 1962, Pub. L. No. 87–747, 76 Stat. 743 (1962).

[59] *Compare id., with Hearings on Reserved Minerals, supra* note 44, at 21–36.

[60] *Hearings on Reserved Minerals, supra* note 44, at 13, 24–25.

[61] *See* Newsweek, Oct. 15, 1973, at 96.

[62] Bureau of Land Management, U.S. Dep't of the Interior, Public Land Statistics table 29, at 58 (1972).

[63] *Hearings on Reserved Minerals, supra* note 44, at 149–50. *See generally* Carpenter, *Severed Minerals as a Deterrent to Land Development,* 51 Denver L.J. 1 (1974).

[64] *Hearings on the Establishment of a Nat'l Mining and Minerals Policy Before the Subcomm. on Minerals, Materials and Fuels of the House Comm. on Interior and Insular Affairs,* 91st Cong., 1st Sess. 7 (1969).

[65] U.S. Dep't of the Interior, United States Mineral Resources 1–8 (1973).

[66] *See, e.g.,* Goldblatt v. Town of Hempstead, 369 U.S. 590 (1962); Marblehead Land Co. v. City of Los Angeles, 47 F.2d 528 (9th Cir.), *cert. denied,* 284 U.S. 634 (1931); Village of Spillertown v. Prewitt, 21 Ill. 2d 228, 171 N.E.2d 582 (1961); Davidson County v. Rogers, 184 Tenn. 327, 198 S.W.2d 812 (1947). *See generally* Carpenter, *supra* note 63, at 16–20; Comment, *Constitutional Law—Governmental Regulation of Surface Mining Activities,* 46 N.C.L. Rev. 103, 109–22 (1967).

[67] 30 U.S.C. § 21a (1970). *See* McKinley v. Wheeler, 130 U.S. 630, 632–33 (1889).

[68] *See generally* Rights of Mining Claimants to Access over Public Lands to Their Claims, 66 Interior Dec. 361 (Solicitor Gen. Op. 1959).

[69] 30 U.S.C. § 28 (1970). The purpose of the requirement is to ensure good faith and diligence in development of mineral claims. Chambers v. Harrington, 111 U.S. 350, 353 (1884). *See also* Note, *Annual Assessment Work as Notice to Prospectors,* 6 Utah L. Rev. 391 (1959).

Mining claims which are not maintained as required by law are subject to relocation by other prospectors. 30 U.S.C. § 28 (1970).

Physical evidence of the assessment work may serve as notice that the claim is being properly maintained. *See generally* Note, *supra*, at 392–95. Where the annual work requirement is fulfilled by means of geological, geochemical, or geophysical surveys which leave no physical evidence on the location site, notice is provided by filing a detailed report with the county office in which the claim is located. 30 U.S.C. § 28–1 (1970). *See also* Ariz. Rev. Stat. Ann. § 27–208 (Supp. Pamphlet 1973).

[70] *See* Hirsch, *Toward a New View of Federal Preemption,* 1972 U. Ill. L.F. 515, 526–38; Note, *Pre-emption as a Preferential Ground: A New Canon of Construction,* 12 Stan. L. Rev. 208, 215–16, 221–22 (1959). *See also* Hart, *The Relations Between State and Federal Law,* 54 Colum. L. Rev. 489 (1954).

[71] Utah Power & Light Co. v. United States, 243 U.S. 389, 404–05 (1917).

[72] *Id.* The term exclusive jurisdiction is applied to situations wherein the federal government possesses all authority to regulate activity upon the property in question, to the exclusion of all state regulation. United States Interdepartmental Comm. for the Study of Jurisdiction Over Federal Areas Within the States, pt. II, at 10 (1957). These lands are exclusively controlled by Congress under the authority of article I, section 8, of the United States Constitution. *See* Pollard v. Hagan, 44 U.S. (3. How.) 212 (1845). In contrast, the public domain of the United States is controlled under the authority of article IV, section 3 of the United States Constitution. Utah Power & Light Co. v. United States, 243 U.S. 389, 404–05 (1917). Congressional authority under this article is not exclusive regarding the regulation of activity on public land, thus permitting the operation of state laws which are consistent with the federal government's power to protect its interests and to control the use of its property. Utah Power & Light Co. v. United States, *supra.*

[73] Omaecheverria v. Idaho, 246 U.S. 343 (1917); Bacon v. Walker, 204 U.S. 311 (1907).

[74] *See generally* 1 K. Davis, Administrative Law Treatise §§ 2.01–.16 (1958).

[75] *See* 30 U.S.C. §§ 22, 26, 28 (1970).

[76] *Id.* § 28.

[77] *See* Western Standard Uranium Co. v. Thurston, 355 P.2d 377 (Wyo. 1960).

[78] *See* 30 U.S.C. §§ 21–54 (1970).

[79] *See id.* §§ 21, 22, 28 (1970). Not particularly 30 U.S.C. § 26 (1970), which requires locators to comply with state and local regulations "not in conflict with the laws of the United States *governing their possessory title.* . . ." (Emphasis added.) *Cf. id.* § 43; Woodruff v. North Bloomfield Gravel Mining Co., 18 F. 753 (C.C. Cal. 1884).

[80] *Cf.* Woodruff v. North Bloomfield Gravel Mining Co., 18 F. 753 (C.C. Cal. 1884). The performance standard system would not attempt to preclude mining activity but would attempt to regulate those undesirable byproducts of the activity. Protection would be provided by specifying a maximum level of byproducts to which the activity must conform. *See* McDougal, *Performance Standards; A Viable Alternative to Euclidian Zoning?,* 47 Tul. L. Rev. 255 (1973); York, *Controlling Urban Noise Through Zoning Performance Standards,* 4 Urban Law. 689 (1972).

[81] *See* Huron Portland Cement Co. v. City of Detroit, 362 U.S. 440 (1960).

[82] *See* Perez v. Campbell, 402 U.S. 637 (1971). *See also* Hirsch, *supra* note 70, at 526–38.

[83] *See* 30 U.S.C. § 26 (1970). *See also* Black v. Elkhorn Mining Co., 52 F. 859 (9th Cir. 1892), *aff'd,* 163 U.S. 445 (1896).

[84] Irvine v. Marshall, 61 U.S. (20 How.) 558, 564, (1857); Wilcox v. Jackson, 38 U.S. (13 Pet.) 498, 517 (1839); C. Lindley, *supra* note 40, § 22.

[85] *See generally* Bosselman, *The Control of Surface Mining: An Exercise in Creative Federalism,* 9 Nat. Resources J. 137, 156–60 (1969); Comment, *supra* note 66, at 109–22.

[86] *See* 30 U.S.C. §§ 21a, 22 (1970). *See also* United States v. Coleman, 390 U.S. 599, 602 (1968).

[87] 43 U.S.C. § 299 (1970). *See also* text accompanying notes 15–16 *supra.*

[88] *Cf.* Kinney-Coastal Oil Co. v. Kieffer, 277 U.S. 488, 504 (1928).

[89] *Cf.* Ruddy v. Rossi, 248 U.S. 104 (1918) (homestead act held to provide that federal property conveyed into private ownership shall not become liable for the satisfaction of debts contracted prior to issuance of patent upheld).

[90] See text & note 42 *supra.*

[91] *See* 1 P. Nichols, The Law of Eminent Domain § 142, at 1–104 to –147 (rev. 3d ed. 1974); *cf.* 1 R. Anderson, American Law of Zoning §§ 2.01, 2.06, 2.19–.23 (1968, Supp. 1974–75).

[92] 260 U.S. 393 (1922).

[93] *Id.* at 414–15.

[94] *See* Michelman, *Property, Utility and Fairness: Comments on the Ethical Foundations of "Just Compensation" Law,* 80 Harv. L. Rev. 1165 (1967); Sax, *Takings and the Police Power,* 74 Yale L.J. 36 (1964).

[95] Michelman, *supra* note 94, at 1190–91.

[96] *Id.* at 1191.

[97] Erie R.R. v. Board of Pub. Util. Comm'rs, 254 U.S. 394 (1921); Hadacheck v. Sebastian, 239 U.S. 394 (1915). *Cf.* 1 R. Anderson, *supra* note 91, §§ 6.62–.64, 6.71.

The nuisance or noxious use theory is based on the proposition that action may be taken against an activity which impairs the ordinary use and occupation of surrounding property. Baltimore & Potomac R.R. v. Fifth Baptist Church, 108 U.S. 317, 329 (1883). While there is considerable appeal for a concept which requires the one who causes or creates the harm to bear the costs attendant with its abatement, the theory encounters difficulty when it is subjected to thoughtful analysis. It has been observed that in many cases the problem is not one of moral blameworthiness, but rather a problem of incompatibility between two or more innocent and independently desirable uses. *See* Sax, *supra* note 94, at 48–50. Nevertheless, the theory enjoys widespread acceptance in the courts. *See e.g.,* Hilliard v. Shuff, 260 La. 384, 256 So. 2d 127 (1971) (crude oil storage tanks adjoining residential property constituted a nuisance); Proulx v. Basbanes, 354 Mass. 559, 238 N.E.2d 531 (1968) (laundry business constituted a nuisance when it produced vibrations and fumes which caused damages and disturbed adjoining landowners); Dworkin v. Town of Lakeview, 327 S.W.2d 351 (Tex. Civ. App. 1959) (operation of business which reconditioned pipe and structural steel created odors, noise, and dust which constituted a nuisance). The theory also has received scholarly support. Durham, *Griggs v. Allegheny County in Perspective: Thirty Years of Supreme Court Expropriation Law,* 1962 Sup. Ct. Rev. 63, 75, 80. Despite the weakness of the noxious use doctrine, the decisions relying upon this rationale may often be supported by reliance on a different analysis of the taking problem. When the government functions as mediator to settle conflicts between private claimants, the loss incurred as a consequence of governmental action may be viewed as a noncompensable exercise of the police power. *See* Sax, *supra* note 94, at 61–76. *See also* Sax, *Takings, Private Property and Public Rights,* 81 Yale L.J. 149 (1971).

[98] *See* Comment, *supra* note 66, at 117.

[99] *See* Village of Euclid v. Amber Realty Co., 272 U.S. 365, 384 (1926); *cf.* Goldblatt v. Town of Hempstead, 369 U.S. 590 (1962). *See generally* Sax, *supra* note 94, at 40–46.

[100] *See* 30 U.S.C. §§ 26, 28, 28b–28e, 29 (1970); Davis v. Nelson, 329 F.2d 840 (9th Cir. 1964).

[101] U.S. Const. art. IV, § 3.

[102] *See, e.g.,* Sioux Tribe v. United States, 316 U.S. 317, 324–36 (1942); United States v. Midwest Oil Co., 236 U.S. 459 (1915); Grisar v. McDowell, 73 U.S. (6 Wall.) 363, 381 (1867). *See also* 1 Am. L. Mining, *supra* note 4, at § 1.27; Lowe, *Withdrawals and Similar Matters Affecting Public Lands,* 4 Rocky Mt. M.L. Inst. 55, 55–64 (1958).

[103] Sioux Tribe v. United States, 316 U.S. 317, 326 (1942); United States v. Midwest Oil Co., 236 U.S. 459 (1915).

[104] 236 U.S. 459 (1915).

[105] *Id.* at 474.

[106] *See generally* P. Gates & R. Swenson, *supra* note 3, at 732–38. As a comparison of the majority and dissenting opinions in the *Midwest Oil* decision illustrates, the controversy is based in large measure on differing views as to the proper role of the President in matters dealing with management of federal property. The majority in *Midwest Oil* espoused the view that the President could act in the public interest without express congressional authorization when emergency administrative action is necessary, 236 U.S. 459, 466–83 (1915), while the dissenting justices took the more conservative view that the Constitution authorized Congress, rather than the President, to regulate federal property interests. *Id.* at 484–512. Overzealous exercise of presidential power continues to be an issue about which the judiciary expresses concern. *See* Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1952).

[107] S. 2590, 93d Cong., 1st Sess. (1973).

[108] Los Angeles Times, Dec. 31, 1974, § 1, at 4, col. 2. President Ford vetoed the Surface Mining Control and Reclamation Act of 1974, S. 450, 93d Cong., 2d Sess. (1974), over concern that the measure's environmental curbs would have led to an unacceptable reduction in coal production during a time of energy shortages. The President also was concerned with the inflationary effects of federal expenditures mandated by the bill. *Id.*

[109] The proposal first appeared in H.R. 11500, 93d Cong., 1st Sess. (1973). Subsequently, the bill moved to conference committee where the relevant provision was revised and adopted as part of S. 425, 933d Cong., 2d Sess. (1974). *See* H.R. Rep. No. 93–1522, 93d Cong., 2d Sess. (1974). This Note will deal with the proposal as it was adopted by the Conference Committee and, for convenience, will refer to the proposal as Conference Committee bill.

[110] The Conference Committee bill was reintroduced and passed by the 94th Congress. H.R. 25, 94th Cong., 1st Sess. (1975). The bill was again vetoed by the President, N.Y. Times, May 21, 1975, at 40, col. 1, on the same grounds as the earlier bill. *See* discussion note 108 *supra.*

[111] S. 2590, 93d Cong., 1st Sess. §§ 1-2 (1973).

[112] *Id.* §§ 2, 4.

[113] *Id.* § 3(a).

[114] *Id.* § 3(b).

[115] *Id.*

[116] *Id.* § 3(c).

[117] *Id.* § 5(a).

[118] *Id.* § 5(c). Under the SRHA, no bond need be posted during exploration activities. *See* text & notes 12-17 *supra.*

[119] S. 425, 93d Cong., 2d Sess. § 601 (1974).

[120] *Id.* § 601(d).

[121] *Id.* § 601(b). The term "federal lands" in the Conference Committee proposal was not well chosen, though its intended meaning seems clear. The proposal spoke of "Federal land of a predominantly urban or suburban character." *Id.* At another point the bill defined "federal lands" as any land, including mineral interests. *Id.* § 701(8). A literal interpretation of the term without regard to its definition suggests that a designation might have taken place in areas where mineral interests were predominantly urban or suburban in character. The authors, however, apparently intended to permit designation of

either any land where the surface estate was urban or suburban in character and the mineral interests remained in the public domain or any mineral interest in the public domain whose development would have an adverse impact on land use primarily for residential or related purposes. *See id.* § 601.

[122] *Id.* § 601(a).

[123] *Id.* § 601(c).

[124] *Id.* § 601(a).

[125] *Id.* § 601(c).

[126] *Id.* § 601(e).

[127] *Id.*

[128] *Id.* § 601(f).

[129] *Id.* § 601(d).

[130] *Id.*

[131] *Id.* § 601(a).

[132] S. 2590, 93d Cong., 1st Sess. § 2(b) (1973).

[133] *Id.* §§ 1–2, 6.

[134] *Id.* § 6.

[135] *Id.*

[136] See text accompanying note 46 *supra.*

[137] A similar problem might have arisen because the Senate bill relied wholly on the initiative of individual surface owners. Had a significant number of landowners failed to acquire subsurface rights or later consented to the development of their mineral rights, the community would have remained vulnerable to disruption by mineral prospectors.

[138] While this damage provision would be of obvious benefit to the surface owner, it appears on its face to penalize prospectors who explore on SRHA lands. It would have been more evenhanded to make the mineral prospector liable only for actual damage inflicted.

[139] See text & notes 12–17 *supra.*

[140] S. 2590, 93d Cong., 1st Sess. § 5 (1973). The Senate bill provided that nothing contained in the damages section would have impaired vested legal rights existing on the date of enactment. *Id.* Since claimants and patentees have vested rights, *see* Davis v. Nelson, 329 F.2d 840 (9th Cir. 1964), the bond and damage provisions would have been inapplicable to claims and patents existing at the time of enactment. It was not clear, however, whether this limitation meant merely that the damage provisions would have been inapplicable to injuries inflicted before enactment, thus subjecting those with vested rights to the stiffer damage provision for subsequent damage.

Whether the damage provisions would have been applicable to those merely prospecting at the time of enactment would have depended on the meaning of "vested" in this context. It has been held in other contexts that the possessory right of prospectors, see text accompanying notes 35–38 *supra,* is not a vested interest. Davis v. Nelson, *supra* at 845–46. Moreover, even if the right would have been considered vested, it is not clear that the damage provisions would have been inapplicable to a claim or patent subsequently obtained by one engaged in prospecting prior to enactment. It has been held that: "The right to explore, that is prospect for valuable minerals on public lands, cannot be telescoped with the right to locate the mining claim and occupy and exploit it for its valuable mineral content after such minerals have been found." *Id.* at 845.

[141] S. 2590, 93d Cong., 1st Sess. § 5 (1973). A preexploration bond requirement would have brought the SRHA into conformity with other homestead legislation. *See* 30 U.S.C. § 85 (1970); *Id.* § 122.

[142] The Conference Committee bill provided, nevertheless, that: "Valid existing rights shall be preserved and not affected by such designation." S. 425, 93d Cong., 2d Sess. § 601(d) (1974). For discussion of this limitation's adverse impact on the effectiveness of designation in protecting surface rights, see text & notes 155–56 *infra.*

Presumably the bill's bar on mineral development through designation and withdrawal would have relieved any existing claimant subject to the bar of his obligation under the Location Act to do annual assessment work. See discussion note 69 *supra.* The result is also suggested by the above limitation, Although not specificaly expressed in the bill.

[143] S. 425, 93d Cong., 2d Sess. § 601(d) (1974).

[144] 43 U.S.C. § 299 (1970).

[145] S. 425, 93d Cong., 2d Sess. § 601(d) (1974).

[146] *Id.*

[147] See discussion note 80 *supra.*

[148] S. 425, 93d Cong., 2d Sess., § 601(b) (1974). It is not clear for example whether "land of a predominantly . . . suburban character, used primarily for residential . . . purposes," *id.,* would have included residential desert land of low population density, such as was involved in the recent surface-mineral rights conflicts surrounding the Tucson area. *See* Newsweek, Oct. 15, 1973 at 96.

[149] Interpretative regulations which are promulgated in the absence of statutory authorization, while not controlling on the courts, are entitled to great weight in the construction of a statute. Skidmore v. Swift & Co., 323 U.S. 134, 139–40 (1944). *See generally* 1 K. Davis, *supra* note 74, § § 5.03–.06.

[150] *See generally* U.S. Dep't of Commerce, 1970 Census User's Guide pt. I, 82–83 (1970); 1 U.S. Dep't of Commerce, The Methods and Materials of Demography 151–68 (1971).

[151] *See generally* B. Pooley, Planning and Zoning in the United States 21–39 (1961).

[152] *Cf. Hearings on Reserved Minerals, supra* note 44, at 49–50.

[153] *See* S. 425, 93d Cong., 2d Sess. § 601(a) (1974).

[154] *Id.* § 601(c).

[155] Id. § 601(d). The Senate bill contained a similar provision. See discussion note 140 *supra.* The effects of this clause were mitigated, however, by the power of the Secretary to acquire valid claims and convey them to the surface owner. See text & accompanying notes 157–58 *infra.*

[156] Earlier versions of the proposal suggest the limitation meant that designation could not have precluded mining operations being conducted at the time of enactment or operations as to which firm plans and substantial legal or financial commitments were in existence. *See* H.R. Rep. No. 93–1072, 93d Cong., 2d Sess. 105, 269–70 (1974). Whether such operations would have included exploration is not clear. In any event, since diligent exploration grants the prospector a pedis possession right, see text accompanying notes 35–37 *supra,* this activity might have been protected by the terms of the Conference Committee bill. Thus, exploration activity which was already underway when land was designated unsuitable for mining might have been allowed to continue.

Since the earlier versions suggest that "valid existing rights" were to have been constituted by ongoing activity involving substantial legal or financial commitment, perhaps the mere possession of a claim or patent would have been insufficient to allow mineral removal after designation. Thus, while designation would not have destroyed a claim or patent, it could have disallowed removal on the mere existence of a claim or patent. The fact remains, however, that valid claims and patents are vested property rights enforceable against the United States and comprising the right to mine and remove the minerals they cover. Union Oil Co. v. Smith, 249 U.S. 337, 348–49 (1919); Davis v. Nelson, 329 F.2d 840, 845 (9th Cir. 1964). Thus, disallowing mining and removal of minerals for any length of time might have constituted an unlawful taking without compensation. The taking doctrine, however, has lost vitality where the taking is the consequence of a land use restriction, regardless of the magnitude of the economic harm inflicted. *See* text accompanying notes 98–99 *supra.* If "valid existing rights" were to have been determined by the nature of the activity and commitment, it would follow that exploration not involving substantial commitment also would have been precluded by designation.

[157] S. 2590, 93d Cong., 1st Sess. § 3 (1973).

[158] *See id.* § 3(a).

[159] U.S. Const. amend. V. *See generally,* Campbell, *Condemnation of Mining Properties—Reflections on the Substantive Power of Eminent Domain,* 14 Rocky Mt. M.L. Inst. 231 (1968); Kratovil & Harrison, *Eminent Domain—Policy and Concept,* 42 Calif. L. Rev. 596 (1954); Lange, *The Mineral Estate in Condemnation,* 10 Houston L. Rev. 266 (1973); "Judicial Review in Eminent Domain Proceedings," 15 Ariz. L. Rev. 593, 796 (1973).

[160] 2A P. Nichols, *supra* note 91, §§ 7.1–7.212 (2); Campbell, *supra* note 159, at 236–41; Sackman, *The Right to Condemn,* 29 Albany L. Rev. 177, 180–83 (1965).

[161] 2A P. Nichols, *supra* note 91, § 7.2(1); Sackman, *supra* note 160, at 180–83.

[162] 2A P. Nichols, *supra* note 91, § 7.2(2); Sackman, *supra* note 160, at 180–83.

[163] 2A P. Nichols, *supra* note 91, § 7.2(2); Sackman, *supra* note 160, at 180–83.

[164] *See* Puerto Rico v. Eastern Sugar Associates, 156 F.2d 316 (1st Cir.), *cert. denied,* 329 U.S. 772 (1946). *See also* Sackman, *supra* note 160, at 183.

[165] One practical constraint on the exercise of eminent domain may well be the cost involved in acquiring the claims within a given area. Should it happen that the located mineral interest be extensively developed prior to patent, the cost of acquisition may well be prohibitive. It should be noted, however, that the Senate proposal failed to consider this eventually since the acquisition of the claim was unqualifiedly mandated. S. 2590, 93d Cong., 1st Sess. § 3(a) (1973).

[166] *Id.* § 3(b).

[167] *Id.* §§ 3(b)-(c).

[168] *Id.*

[169] Adams v. Witmer, 271 F.2d 29, 33 (9th Cir. 1958).

[170] Walker v. City of Hutchinson, 352 U.S. 112 (1956); Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950). *See also* Note, *Requirements of Notice in In Rem Proceedings,* 70 Harv. L. Rev. 1257 (1957).

[171] Walker v. City of Hutchinson, 352 U.S. 112 (1956); Mullane v. Hanover Bank & Trust Co., 339 U.S. 306 (1950).

[172] *See Note, supra* note 170.

[173] 30 U.S.C. § 28 (1970).

[174] *E.g.,* Ariz. Rev. Stat. Ann. § 27–203 (Supp. Pamphlet 1973); Colo. Rev. Stat. Ann. §§ 92–22–6(2), 92–22–12(1) (1963); Idaho Code § 47–604 (Supp. 1974).

[175] *See* Walker v. City of Hutchinson, 352 U.S. 112 (1956); Mullane v. Hanover Bank & Trust Co., 339 U.S. 306 (1950). A model for such a procedure already exists. Under the Materials Act of 1947, 30 U.S.C. §§ 601–15 (1970), which provides for private acquisition of common building materials, a procedure has been established to rid the public domain of long dormant mineral claims. This procedure requires that efforts be made to reach the claimants either by personal contact or registered mail, as well as by publication. *Id.* § 613.

[176] 42 U.S.C. §§ 4321–47 (1970).

[177] *Id.* § 4332(C). *See generally* Cohen, *The Anatomy of Environmental Impact Statements,* 10 Land & Natural Resources Div. J. 269 (U.S. Dep't of Justice publication 1972); Cramton & Berg, *On Leading a Horse to Water: NEPA and the Federal Bureaucracy,* 71 Mich. L. Rev. 511 (1973); Friedman, *The Operational Impact of NEPA and Related Environmental Laws, Regulations and Orders on Mineral Operations,* 19 Rocky Mt. M.L. Inst. 47 (1973); Lynch, *Complying with NEPA: The Tortuous Path to an Adequate Environmental Impact Statement,* 14 Ariz. L. Rev. 717 (1972).

[178] *See generally* Note, *NEPA, Environmental Impact Statements and the* Hanly *Litigation: To File or Not to File,* 48 N.Y.U.L. REV. 522 (1972).

[179] Lacking significant environmental consequences, it is doubtful that issuance of a patent conveying mineral reservations to a surface owner would qualify as a major federal action requiring an impact statement. *See* 42 U.S.C. § 4332(C) (1970). Moreover, the mandatory nature of the Secretary's duties under the Senate proposal would have made compliance with NEPA purposeless. *Cf.* United States v. Kosanke Sand Corp., 3 ENVIRONMENTAL L. REP. 30017 (Bd. Land Appeals, Aug. 3, 1973) (Department of the Interior need not prepare environmental impact statement prior to issuance of patent pursuant to Location Act).

[180] *See* Council on Environmental Quality, Statements on Proposed Federal Actions Affecting the Environment, 36 Fed. Reg. 7724 (1971).

[181] 42 U.S.C. § 4335 (1970). Additionally, NEPA requires compliance with its requirements "to the fullest extent possible." *Id.* § 4332. Since compliance with the Conference Committee bill would not have precluded the possibility of compliance with the obligations of NEPA, a NEPA impact statement would arguably have been a continued requirement.

[182] S. 425, 93d Cong., 2d Sess. § 601(g) (1974).

[183] The assumption is that the Conference Committee proposal would not have excluded the application of NEPA. This would probably have been the case since the substantive requirements, if any, imposed by NEPA would have been essentially similar to and consistent with the operation of the proposal. 42 U.S.C. § 4332 (1970).

[184] *Compare* Environmental Defense Fund v. Hardin, 325 F. Supp. 1401 (D.D.C. 1971), *with* Environmental Defense Fund, Inc. v. United States Army Corps of Eng'rs, 470 F.2d 289 (8th Cir. 1972), *cert. denied*, 412 U.S. 931 (1973). *See also* Note, *The Least Adverse Alternative Approach to Substantive Review Under NEPA*, 88 HARV. L. REV. 735 (1975).

[185] National Helium Corp. v. Morton, 455 F.2d 650, 656 (10th Cir. 1971).

[186] Environmental Defense Fund v. Hardin, 325 F. Supp. 1401, 1404 (D.D.C. 1971); Sierra Club v. Hardin, 325 F. Supp. 99, 124–27 (D. Alas. 1971).

[187] Environmental Defense Fund, Inc. v. United States Army Corps of Eng'rs, 470 F.2d 289, 297–300 (8th Cir. 1972), *cert. denied,* 412 U.S. 931 (1973); Calvert Cliffs' Coordinating Comm. v. AEC, 449 F.2d 1109, 1115 (D.C. Cir. 1971).

[188] Calvert Cliffs' Coordinating Comm. v. AEC, 449 F.2d 1109, 1115 (D.C. Cir. 1971).

[189] S. 425, 93d Cong., 2d Sess. § 601(f) (1974).

[190] *Id.* § 601(e).

[191] Note carefully that while environmental considerations would have entered into a decision to designate and withdraw, they would have been neither necessary nor sufficient for designation and withdrawal. Threat to residential and related uses would have been the necessary prerequisite for such designation and withdrawal. *Id.* § 601(b). Thus, mining operations which might have scoured the face of a wilderness mountain range could not have been avoided. See text accompanying note 121 *supra.*

[192] *See* National Helium Corp. v. Morton, 455 F.2d 650, 656 (10th Cir. 1971).

[193] In a recent report by the Public Land Law Review Commission, procedural modifications were recommended which would provide greater control over the manner in which locatable minerals are developed. *See* PUBLIC LAND LAW REVIEW COMM'N, ONE THIRD OF THE NATION'S LAND 121–31 (1970). Nevertheless, these recommendations retain the basic location-patent system of the present law. *Id.* at 131 n.* (separate views of Commissioners Clark, Goddard, Hoff, and Udall).

[194] See text & notes 155–75 *supra.*

[195] *See* 30 U.S.C. §§ 201(b), 211(b), 261 (1970).

[196] *See* Natural Resources Defense Council v. Morton, 458 F.2d 827 (D.C. Cir. 1972) (environmental impact statement for offshore oil lease).

[197] See text & accompanying note 33 *supra.*

[198] *See* 30 U.S.C. §§ 183, 184(h) (1970).

[199] Although the Leasing Act applies only to designated nonmetalliferous minerals, it could be adapted to metalliferous mineral development. *See* Martz, *Pick and Shovel Mining Laws in an Atomic Age: A Case for Reform,* 27 ROCKY MT. L. REV. 375, 388–89 (1955). *See also* H.R. 6253, 92d Cong., 1st Sess. (1971) (proposal to establish a metalliferous mineral leasing system).

[200] See text accompanying notes 22–33 *supra.*

[201] *See generally* Hagenstein, *Changing an Anachronism: Congress and the General Mining Law of 1872,* 13 NATURAL RESOURCES J. 480 (1973).

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the term genocide has several clear implications. The killing of members of a particular group is usually thought to be the accepted definition, and the Nazi holocaust is usually cited. However, it is important to realize that other actions can result in genocide. Today, I would like to bring to your attention the fact that forceful transfers of children from one group to another is a serious matter of genocide and would be punishable under the Genocide Treaty.

In 1947, 28,000 Greek children were taken away from their parents by Communist guerrillas, and kept in Hungary and Czechoslovakia. From the 16th to 20th centuries great masses of Christian children were extracted as tribute from the Balkans and brought to Turkey, under the order of the Sultans of the Ottoman Empire, for upbringing in the Moslem faith.

These acts are certainly atrocities in the sense of human rights and action must be taken to prevent such acts from ever being committed in the future. The Genocide Treaty attempts to punish all public officials as well as individual citizens who commit such acts of genocide. Consequently, the U.S. Government must come out in favor of the safeguards afforded in the Genocide Treaty by immediate ratification. Once again, I urge my colleagues to ratify the Genocide Convention of 1949.

FOREIGN AFFAIRS RECORD OF SENATOR HUGH SCOTT

Mr. CASE. Mr. President, the conduct of our foreign affairs generates a great deal of public interest and discussion. There are those who say that our policies are never wrong and then there are those who say that they are always wrong. But in almost every case, the challenges and decisions that surround the foreign policy of our country demand wise men who can make the difficult judgments inherent in the formulation of an effective and viable foreign policy. Our distinguished minority leader, Senator HUGH SCOTT, of Pennsylvania, is such a man.

Senator SCOTT holds a centrist philosophy—one which recognizes both our strengths and our weaknesses. He feels that the President deserves support for his foreign policy objectives, yet he is not afraid to indicate that there are limits to such Presidential power. As ranking Republican member of the Committee on Foreign Relations, I can say that he is clearly an advocate of the doctrine which states that the United States should help other nations to help themselves. In order that others may examine his record, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the record was ordered to be printed in the RECORD, as follows:

FOREIGN AFFAIRS RECORD OF SENATOR HUGH SCOTT

FOREIGN AFFAIRS—94TH CONGRESS

Legislation

S. 329—a bill to direct the Secretary of Commerce to require reports from foreign investors in the United States and their agents.

S. 824—a bill to provide for the use of certain funds to promote scholarly, cultural, and artistic activities between Japan and the United States.

S. 846—a bill to authorize the further suspension of prohibitions against military assistance to Turkey.

S. 1541—a bill to provide additional humanitarian assistance authorization for South Vietnam and Cambodia for the fiscal year 1975.

S. 1761—a bill to provide foreign assistance to Cyprus.

S. Res. 20—Vladivostok Agreement and Strategic Arms Control.

S. Con. Res. 35—extension of the nondiscriminatory treatment with respect to the products of the Socialist Republic of Romania.

Votes

Voted for amendment to increase from $440 to $499 million funds for Indochina postwar reconstruction assistance.

Voted for amendment to increase from $140 to $153.9 million funds for the United Nations Development Program.

Voted for the Vietnam Contingency Act of 1975.

Voted for the Vietnam Humanitarian Assistance and Evacuation Act of 1975.

FOREIGN RELATIONS—93D CONGRESS

Legislation

S. 440—a bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

S. 649—a bill to provide for the use of certain funds to promote scholarly, cultural, and artistic activities between Japan and the United States.

S. 1711—a bill to amend the Foreign Assistance Act of 1961, and for other purposes.

S. 1914—A bill to establish Board for International Broadcasting and authorize continuation of assistance to Radio Free Europe and Radio Liberty.

S. 2026—A bill to amend the Foreign Assistance Act of 1961.

S. 2354—A bill authorizing the U.S. participation in the African Development Fund of the African Development Bank.

S. 2665—A bill to authorize the U.S. participation in the Fourth Replenishment of the International Development Association.

S. 3304—Agreement with the People's Republic of China for indemnification for any loss or damage to objects in the Exhibition of the Archeological Finds . . . in the possession of the Government of the United States.

S. 4256—A bill to direct the Secretary of Commerce to require reports from foreign investors in the United States and their agents, and for other purposes.

S. Res. 291—A resolution urging the President to obtain the release of any newsmen who might be held captive in Southeast Asia.

S. Res. 491—A resolution to support efforts of President Ford in seeking world economic stability between oil-producing and consumer nations.

S.J. Res. 21—A joint resolution to create an Atlantic Union delegation.

S. Con. Res. 20—A concurrent resolution commending the President for terminating the involvement of the United States in the hostilities in Vietnam.

S. Con. Res. 63—A concurrent resolution to obtain compliance with the terms of the Paris peace agreement as they apply to prisoners of war and personnel missing in action.

S. Con. Res. 68—Sense of Congress that it condemns the cruel and insensitive refusal of the Democratic Republic of Vietnam to comply with the provision of those agreements to which they are signatories and which call for an accounting of the missing in action.

S. Con. Res. 78—Regarding negotiations for a new Panama Canal Treaty.

Amendment to S. 1248—State Department Authorization Bill.

Amendment to S. 1443—Foreign Military Sales, to strike from bill those provisions which phase out this program over the next four years.

Amendment to H.R. 7447—an amendment to provide that committee amendment barring use of funds to support U.S. combat activities in Cambodia and Laos shall not be effective if the President finds that the Government of North Vietnam is not making an accounting, to the best of its ability, of U.S. military personnel missing in action.

Votes

Voted for amendment to provide for elimination of mandatory deductible on OPIC reinsurance.

Voted for Overseas Private Investment Corporation Amendments Act.

Voted for Peace Corps Authorization Act for fiscal year 1975.

Voted for International Development Association Act Amendments.

Voted for amendment to make the role of the Secretary of DOD in reviewing the export of goods and technology a recommendatory one.

Voted for the Extension of the International Wheat Agreement of 1971.

Voted for the Atomic Energy Act Amendments.

Voted for amendment to bar U.S. economic and military aid to any government which permits the production of opium poppies and which does not effectively prevent the diversion of opium and its derivatives into illicit markets.

Voted for Export Administration Amendments of 1974.

Voted for Export-Import Bank Amendments of 1974.

Voted for Consular Convention with the Czechoslovak Socialist Republic.

Voted for amendment to except from its cut off assistance, cash sales made under the Public Law 480 "Food for Peace" program.

Voted for amendment to halt further fertilizer purchases for Vietnam by limiting funds available for such activities to $85 million.

Voted for amendment to appropriate an additional $200 million for Israel.

Voted for International Air Transportation Fair Competitive Practices Act of 1974.

Voted for amendment to authorize the President to suspend section barring military assistance to Turkey beginning on date of enactment and ending on December 10, 1974, if he determined that such suspension would further negotiations for a peaceful resolution of the Cyprus conflict.

Voted for amendment to make suspension effective only until 30 days after convening of the 94th Congress and authorizing the President to suspend its provisions under certain circumstances.

Voted for the amendment to establish a ceiling of $165 million on contributions authorized for the U.N. or any segment thereof.

Voted for the Foreign Assistance Act of 1974.

Voted for the Emergency Marine Fisheries Protection Act of 1974.

Voted for amendment to authorize the President to waive freedom of emigration requirements of section 402 for Communist countries not currently receiving most-favored-nation treatment.

Voted for amendment to make certain exceptions to the authority of the President to reduce tariffs and duties or import restrictions under certain circumstances.

Voted for Trade Reform Act of 1974.

Voted for Foreign Assistance Act of 1974.

EDITORIALS SUPPORT ANTIRECESSION AID TO CITIES

Mr. MUSKIE. Mr. President, last week, the Government Operations Committee reported out a bill introduced by Senator HUMPHREY, Senator BROCK, and myself—the Intergovernmental Anti-Recession Assistance Act of 1975. The bill S. 1359, was approved by the committee by a vote of 9 to 2.

During the previous week, the antirecession legislation was endorsed by the U.S. Conference of Mayors, meeting at their annual conference in Boston, as one of their highest legislative priorities for this session of Congress.

The rationale behind this legislation is one of good commonsense. The proposal itself is somewhat complex, however. And since it will be before the Senate in the not too distant future, I would like to begin now to alert my colleagues to the merits of the proposal, and to the support which is growing for it around the country.

Recent editorials in the Baltimore Sun, the Boston Sunday Globe, the Portland Evening Express, and County News—the publication of the National Association of Counties—have supported the concept of the legislation, as a proposal which is both timely and needed.

I ask unanimous consent that these four editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, July 9, 1975]

FEDERAL AID TO THE CITIES

The United States Conference of Mayors is scheduled to vote Wednesday on a resolution calling for a significant change in the federal revenue sharing formula. That program now allocates federal funds in a manner which results in every single unit of government in America, some 39,000 of them, getting a share of the federal income tax collections. This floor means that a significant amount of money goes to small and wealthy communities that do not really need the federal income tax to help them finance local government. Even worse the present revenue sharing program imposes a ceiling on how much any one government can receive. No matter how large the city, no matter how broke, no matter how heavy the local tax burden already is, there is an artificial limit imposed on federal aid. Actually, some change is needed in the formula just to keep existing relationships the same. Some big cities have been losing population, causing a reduction of revenue sharing for the new fiscal year.

We think that formula ought to be changed drastically and hope the Conference of Mayors agrees. If it does not, it will be because mayors representing small and middle sized cities without the tax base and service demand problems of the larger cities have turned their backs on their brothers. Should that happen, we would hope the big city mayors would unite in a lobbying effort in Washington. The time to get the revenue sharing formula changed is now, with the original legislation soon to expire.

There is something else the cities need from Washington. That is special, temporary aid during the current recession. The same day the mayors are scheduled to vote, a Senate committee is expected to approve a bill providing so-called counter-cyclical aid to cities, counties and states which have significant unemployment. This aid would start going to hard hit governments whenever the national unemployment rate was over 6 percent. The amount of aid would be related to the amount of local unemployment. This sort of federal assistance makes especially good sense right now. The mayors should be making a stronger lobbying effort for counter-cyclical aid. It could still be weeks before the Senate acts and months before the House does if nothing is done to show that the mayors want this aid, want it badly and are willing to invest political time and prestige in the effort to get it.

[From the Boston Sunday Globe, July 13, 1975]

UNCLE SAM AND THE CITIES

In some respects, the most remarkable feature of the $2 billion emergency aid for cities and states sought by the nation's mayors convening here last week is that the figure is so small. The nation's state and local governments last year ran a collective deficit of almost $8 billion and the situation is still deteriorating.

It is quite reasonable that the mayors turn to the Federal government to assist them in the crisis period through which many of them are now passing. The problems faced by the city of New York are highly symptomatic of those confronting many other municipalities, long-term problems that have been severely exacerbated by the recession. Revenues at the state and local level are failing to meet estimates and expenditures are rising for social programs and to simply keep pace with inflation.

The specific form of assistance backed by the mayors, initially conceived by economist Charles Schultze, is embodied in a bill sponsored by Sens. Edmund Muskie (D-Me.), Hubert Humphrey (D-Minn.), and William Brock (R-Tenn.), expected soon to be reported favorably by the Senate Governmental Operations Committee.

Its key features call for assistance to states and localities based on the unemployment rate starting at 6 percent and total tax receipts. Under its provisions, Detroit, with a staggering 21.6 percent unemployment rate, would receive $38 million. Houston, with 4.5 percent unemployment, would receive nothing.

The virtue of the program in the eyes of its supporters is its anti-recession structure, coming into play at a set level of unemployment and phasing out whenever unemployment drops below that threshold. One might argue about whether the 6 percent figure is the correct one but the program avoids the danger of setting into place major works projects that gain a bureaucratic momentum of their own.

The formula for setting the total amount of available funds is also a subject about which one might argue.

The bill in effect establishes a kitty of $500 million at a national unemployment rate of 6 percent and adds $250 million for each increase of half of one percent in the unemployment rate—hence the $2 billion figure for the approximate 9 percent unemployment rate now suffered nationwide.

But the program is in no sense a device simply for bailing out state and local governments that build up deficits through inefficient operations. While there is no specific ceiling on the proportion of deficits that might be made up through the bill's formula, the $2 billion total would fall far below the needs of state and local governments collectively, and would keep political pressure on those governments to practice fiscal responsibility. It has been suggested that even if the concept were to be expanded, Federal assistance should not as a general rule make up more than half or perhaps two-thirds of state or local deficits.

More than just an expression of the immediate fiscal needs of the cities, the bill is an important antidote to the increasing tendency both at the Federal level and at state levels to treat the cities as civic lepers that should care for themselves.

It is noteworthy, for instance, that the Senate bill failed to win endorsement by the annual governors' conference last month. But that failure may be attributed at least in part to the absence of Govs. Hugh Carey of New York and Michael Dukakis of Massachusetts—each unable to attend because he had to deal with urgent fiscal problems within his state that grew directly out of the kind of problems the bill is designed to correct.

As with so many aspects of state and local government problems that relate to urban life, the issue now hinges on congressional action. Since the plight of the cities and of highly urbanized states has resulted in large part from the underperformance of the national economy, Congress owes no less than the modest aid encompassed by the bill to help ease the problems of our most troubled communities.

[From the Evening Express, July 18, 1975]

Help Where It's Needed

Near unanimous approval this week by the Senate's Government Operations Committee of $1.7 billion anti-recession aid bill sponsored by U.S. Sen. Edmund S. Muskie was not unexpected. But whether the proposal, which could provide up to $8.5 million in aid to high unemployment areas in Maine, will receive White House approval remains in doubt.

The measure would provide emergency aid to state and local governments hard pressed by the current recession. Funding would automatically be triggered when unemployment nationally reached six per cent—it is now 8.6 per cent—and would be available to specific areas depending upon the local unemployment rate. Conversely, the program would be terminated when unemployment fell below six per cent.

In Maine, a state with an unemployment rate of about 11.5 per cent, the $8.5 million in aid would be distributed to high unemployment areas with approximately $3 million going directly to the state. Portland, which has an unemployment rate of approximately 9 per cent would be eligible for $436,000 in assistance.

The money, which would be made available with few strings attached, is designed to make it possible for cities and towns to continue meeting essential services without resorting to additional tax increases during a period of high unemployment. As such, Muskie argues that the emergency aid program would provide a substantial boost to the economy but would be non-inflationary.

There is no doubt that the program would be extremely helpful during a period of high employment, particularly in Maine. The Maine Legislature's approval of a lean $704 million budget was accomplished without additional state taxation only because state aid to cities and towns was reduced by several million dollars. Federal funding to those communities with high unemployment would make possible continuation of essential local programs without the need to further increase property taxes.

But how the Ford administration, concerned over an increasing federal deficit will view the program is another matter. When the measure was first proposed by Muskie the reaction from the White House was negative. Yet, after a delegation of the nation's mayors strongly supported the aid plan Treasury Secretary William E. Simon announced the administration would "reconsider its position."

On balance, we believe the proposal deserves passage. It will provide the aid desperately needed and would bring it to those areas with the greatest need. If it can be funded within the deficit restraints necessary to hold down the deficit to acceptable limits—and Muskie is convinced that it can—it would be of significant benefit to areas of the country, including Maine, now shouldering the massive burden resulting from high unemployment and inflation.

[From County News, July 21, 1975]

County Opinion Anti-Recession Aid

Two Senate committees reported this week emergency legislation designed to help counties, cities and states hard hit by the economic recession. The bills are S. 1587, amendments to the Public Works and Economic Development Act of 1965, and S. 1359, Intergovernmental Anti-Recession Act of 1975. Both of these NACo-supported measures would provide urgently-needed funds to local and state governments so that state and local budget and taxing decisions will be in concert with the federal government's efforts to revitalize our economy.

NACo believes the Congress and the Administration should be taking a comprehensive approach to emergency federal aid and should combine these two bills.

We believe this kind of comprehensive assistance for state and local governments offers the best way to provide employment, while at the same time allowing states and localities to stabilize their budgets. A public works program would provide jobs in the private sector as well as much-needed public facilities.

Emergency grants as provided in S. 1359 would help stabilize state and local government budgets and taxes, and would avoid lay-offs which are contrary to national economic recovery programs. Lay-offs of existing employees in many localities have worked to the detriment of employment programs such as the public service jobs program under CETA.

The two co-sponsors of S. 1359, Senators Brock (R-Tenn.) and Muskie (D-Me.) urged the President "to forge a total economic assistance program for local governments." Both have pointed out that anti-recession aid is not a substitute for general revenue sharing.

Anti-recession aid will be discontinued when unemployment falls below six per cent.

To be effective, all of these programs for economic stimulation must be coordinated at both the national and the local levels. A combination of public works and anti-recession or countercyclical assistance would provide a comprehensive approach.

We urge Congress to act now.

LOOKING BACK ON THE APOLLO-SOYUZ TEST PROGRAM

Mr. PROXMIRE. Mr. President, with the near conclusion of the Apollo-Soyuz mission, it is time to reflect on the lasting meaning of that joint venture. Has the symbolism of a handshake in space been worth the cost to the American taxpayer? What did our millions of unemployed think of this event? Was the $225 million well spent in their opinion?

It is of some considerable value to look back on this mission since it may not be the last. There are indications that future joint missions are under consideration. Therefore, whatever the outcome of the present mission, the lessons may apply to the future.

In a time of economic austerity, the ASTP was a splurge—a costly space circus drawing momentary attention and then fading from view.

Mr. President, Jonathan Spivak of the Wall Street Journal has authored a thoughtful analysis of this mission. From this base we must consider the value, if any, of future joint missions. I urge great caution before this Nation again commit its wealth and prestige with so little justification. The Spivak article is an excellent beginning point, Mr. President, and I ask unanimous consent that the Wall Street Journal article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal,
July 22, 1975]

The First Space Handshake

(By Jonathan Spivak)

Cape Canaveral.—The flight of Apollo-Soyuz, despite all the hullabaloo surrounding it, adds up mainly to a spectacular waste of money.

There's certainly been plenty of ballyhoo. It started, in a sense, back in 1972, when Richard Nixon and Soviet Premier Kosygin agreed to the project. Mr. Nixon, running for reelection then, sought to make a great deal out of the plan for a joint flight. The National Aeronautics and Space Administration, mainly because it had little else to do, went along with the idea.

Once the flight began, the propaganda reached an extraordinarily high pitch. Heads of state, as well as lowly NASA publicists, have touted the flight as heralding a new era of ambitious international space endeavors. The first space handshake seems destined to go down as one of the monumental events of the century. And the propaganda will continue after the Apollo landing Thursday, as the cosmonauts and astronauts embark on a series of joint appearances here and abroad.

But the truth is that the flight has been a costly space circus of almost no scientific significance. Of the dozens of American manned flights beginning with the Mercury mission in 1961, this has been the least useful. It never had any solid scientific or technical objectives; indeed NASA no longer advocates relatively short earth-orbiting flights, simply because so little can be learned from keeping astronauts aloft for only a few days.

For the $250 million that the flight cost NASA (the Russians spent a comparable amount) the space agency could have performed far more important scientific tasks. These include orbiting an astronomical observatory or sending an unmanned probe to Venus. And, of course, Americans who oppose all space spending could list many earthly uses for the money.

FLIMSY ARGUMENTS

None of the arguments advanced by NASA and its supporters to justify Apollo-Soyuz stand up. The main rationale is that learning to link the two spacecraft will enable one nation to rescue another's astronauts. It's indisputable that an emergency system for stranded spacemen is desirable. But this is the final Apollo flight and the $40 million worth of equipment used to link it with the Soyuz won't be used again. New hardware would have to be developed for use in any emergency rescue that required joining future Soyuz craft with the U.S. space shuttle, which hasn't been built yet. Furthermore, NASA will probably have its own rescue capability by the 1980s, when the shuttle is to be flying.

Geography is another factor making future U.S.-Soviet space rescues unlikely. Because of the location of the Russian launch site, there are only a few minutes each day when a Soviet space craft can depart to attain an orbit that would enable it to join an American craft.

Enthusiasts claim that the joint mission largely has ended the secrecy that surrounds the Soviet space program, but that's not true either. Despite some increased openness, the Soviets have carefully limited U.S. access. They refused to let NASA experts examine the Soyuz when it was being manufactured and they did not allow Western newsmen to observe the launching, because the Soviet launch site is a military installation. Most of the exchange in Apollo-Soyuz was a one-way education for the Russians in American methods of managing manned flight missions. As a result, the Soviets were persuaded of the need for more crew training and for more careful record-keeping.

Furthermore, docking equipment was built by each nation independently; there wasn't a common manufacturer or even an exchange of engineering designs. Also, the Russians plan to withhold for a year the data they acquired in two of the five experiments conducted jointly by the cosmonauts. (One involved photographing an artificial solar eclipse, and the other involved metallurgical work with the small furnace carried aloft by Apollo.)

What about the gains for science? NASA claims that 28 highly important experiments are being conducted on the flight, but that, too, is questionable. In fact, science has been given a low priority throughout the project. The experiments originally devised by NASA, in hurry-up fashion, were so unsatisfactory that the National Academy of Sciences was able to persuade the government to design a new set with more help from non-NASA scientists.

Of the flight's $250 million cost, only $16 million represents science spending—a far lower ratio than on previous flights. (NASA originally intended to allocate only $10 million for scientific work.) There wasn't enough money to accomplish all that the experimenters wished. A test designed by the University of Alaska to determine the strength of electrical fields in the earth's magnetic belts was dropped when it's cost rose to $1.5 million.

In contrast, NASA spent $4 million on the Apollo television system, mainly to get more and better camera angles of the astronauts. One TV camera was positioned at the rear of the command module to give a picture, for the first time, of all three astronauts at the controls. A similar setup was installed in the Soyuz at NASA's request. With considerable cost, the TV system was modified to operate entirely from earth so there would be no restrictions on its use. On previous missions, astronauts had to run the cameras themselves and they found that they had little time for that.

None of the flight's scientific experiments can be considered of fundamental importance and most have been performed on other manned or unmanned flights. James Fletcher, NASA administrator, readily admits that Apollo-Soyuz would not have been flown for science alone.

In one experiment, Apollo blocked out the sun to provide an artificial eclipse for the Soyuz cameras. That's a neat navigational trick, but similar solar observations with far more sensitive equipment were performed one and one-half years ago by U.S. astronauts on the Skylab space station.

One supposedly high-priority experiment seeks to determine the density of nitrogen and oxygen in the upper atmosphere, but unmanned craft are already obtaining such information, and at much less cost. Another experiment is to determine how rapidly bacteria grow in the spacecraft and how they affect the astronaut's immunity to infection, but such studies have regularly been performed on previous manned flights.

POLITICS WON OUT

Even the highly-touted docking of the two craft lessened the flight's scientific value. Accurate scientific observations are difficult to carry out during a time when two spacecraft clank together. Also, during the linkup the space men were kept busy traipsing back and forth for ceremonial purposes. Scientists wanted only one day of docked flight so the men could devote more attention to scientific work, but that wouldn't have permitted enough time for performance of all the political amenities. The political viewpoint prevailed, and for two days of docked flight the men busied themselves with projects such as exchanging tree seeds and melding what was called a "symbolic alloy" of gold and lead. ("The symbolism was never well-defined," says a cynical scientist.)

If for any reason the Soyuz hadn't gone into orbit, NASA probably wouldn't have flown this Apollo mission. The scientific rewards were too slim. Indeed, the agency was considering the alternative—certainly more worthwhile—of dispatching astronauts to man the still-orbiting Skylab space station and to return some of its equipment to earth.

The politicians and diplomats are saying that the flight was valuable as an exercise in detente. Perhaps it was. But if the U.S. and the Soviet Union wish to do useful joint scientific work in space, this isn't the way to do it. As the Apollo-Soyuz flight amply demonstrates, politics and international PR should be banned from orbit.

PROPOSED HAWK MISSILE SALE TO JORDAN

Mr. JACKSON. Mr. President, the administration's proposed sale of some 500 Hawk missiles to Jordan along with radar controlled antiaircraft guns is dangerous and unwise. Such an extensive deployment far exceeds Jordan's requirements for a defense of Jordanian territory. Deployed along Israel's border, such a deployment would cover a Jordanian invasion of Israel in the event of another Middle East war. It would, therefore, become an obvious target for Israeli forces in such a conflict. The bottom line is thus clear: the transfer of a massive air defense system to Jordan virtually assures that any future conflict in the Middle East will be widened to include fighting between Israel and Jordan, something that was mercifully avoided in 1973.

Had the administration consulted with the Congress before arriving at the excessively large program it now proposes for Jordan, I believe that a more modest proposal could have been agreed upon. In the time remaining before the Senate votes, to disapprove the administration's proposal, as I am confident it will, I hope that Secretary Kissinger will revise his package in the interests of a more stable peace in the Middle East.

FAIR, BALANCED SUGAR ACT NEEDED

Mr. FONG. Mr. President, it is becoming increasingly clear that Congress must enact a new sugar law to replace the old one which expired last December 31.

Legislation is imperative in order to safeguard America's domestic sugar producers, processors, consumers, and taxpayers from the wild gyrations of the unstable world sugar market.

These gyrations were documented in a research paper entitled "Needed: A New U.S. Sugar Program," just published by the First Hawaiian Bank, under the direction of Dr. Thomas K. Hitch, chairman of the research and planning division, and Mr. Shurei Hirozawa, editor, and sent to me by Mr. John Bellinger, president of the bank.

Pointing out that:

> The world has just gone through a sensational escalation and an equally spectacular collapse of sugar prices.

The paper noted that the price of sugar had not been above 15 cents a pound since just after World War I, until 1974, when prices skyrocketed.

In the United States, the article continued:

> The New York spot price broke through the old record in February 1974 and kept on escalating steadily until October when the price jumped from 34 cents to 64.5 cents in 51 days, peaking out on November 20.
>
> The decline in the spot price has been equally dramatic, dropping below 50 cents in the first week in December, below 40 cents in late January, and below 30 cents in early March. Through most of June, the price has been hovering around 15 cents. So in 18 months the price skyrocketed from 15 cents to 64.5 cents and back to 15 cents.

I might add that sugar prices last week began to climb again, the spot price reaching 20 cents.

How far prices will go up is difficult to predict. The crystal ball has not been very clear over the past year and a half regarding sugar. Both the peak prices in 1974 and the precipitous decline this year were unexpected in most quarters, according to First Hawaiian Bank.

Because of the price gyrations and the confusing supply situation, it was most timely that the Committee on Agriculture of the House of Representatives held hearings last week on the sugar situation. Such hearings are vital to developing the record on which new, balanced sugar legislation can be drafted and acted on by the Congress.

Coming as I do from the State of

Hawaii, which produces approximately 10 percent of our Nation's sugar requirements; which has 16 sugar companies and more than 500 independent sugarcane growers; which has 9,000 year-round sugar workers dependent for their livelihood upon a healthy viable sugar industry; and which relies upon sugar as a mainstay of our island economy, I am deeply concerned by the lack of a governing sugar statute.

As I told the House Committee on Agriculture on July 14:

> Without an effective sugar program, Hawaii would face an economic disaster. Nine thousand workers would face unemployment. Their combined pay roll of more that $80 million would be lost to Hawaii's economic community. More than $30 million in taxes would be lost to the U.S. Treasury from Hawaii's sugar companies and more than $8 million in State taxes, based on 1973 figures.

I further told the committee that:

> Survival of Hawaii's sugar industry will be in grave doubt without a fair, balanced, long-range sugar program. . . . There is no viable alternative to sugar that can provide jobs for some 9,000 Hawaii workers.

But it is not just Hawaii that is concerned by the lack of a balanced, long-range sugar act.

Every consumer, including every housewife in America, is affected, to say nothing of the sugarcane growers, the beet farmers, the cane and beet processors, the industrial users and employees, the grocers, and so on.

For the simple facts of life are that sugar is a staple in the diet of the American people and we in America do not produce enough sugar to meet our needs. We produce only about 55 percent of our sugar requirements and, therefore, we are forced to rely on foreign producers to meet the balance of 45 percent.

America's sugar industry—cane and beet combined—employed about 150,000 people and produced a crop valued at more than $3 billion in 1974. While the industry can perhaps tolerate the absence of sugar legislation over the short-run, the long-range implications of a lack of firm U.S. sugar policy and program are grim, in my judgment.

I urge, therefore, enactment of a new sugar statute that will be fair to U.S. sugar producers, sugar workers, consumers and that will serve our Nation wisely in the international community.

Such a statute should include:

First. A congressional statement of policy that definitely reserves a substantial share of the U.S. market for domestic producers;

Second. Allocation by Congress of at least 55 to 60 percent of U.S. sugar requirements to America's sugar producers;

Third. Domestic quotas for U.S. cane and beet-producing areas with an upper limit that would emphasize maximum production;

Fourth. Country-by-country quotas for foreign producers so as to assure that America's annual deficiency in sugar would be filled;

Fifth. Continuation of competition in the U.S. marketplace and for sugar so consumers have a price choice;

Sixth. A price objective mechanism for producers and consumers; and

Seventh. Five or more years' duration of the new act in recognition of the nature of the sugar industry, particularly in Hawaii where sugar is a 2-year crop and massive capital is required.

With reference to the excise tax, compliance payments features of the Sugar Act that expired last December, it appears prospects are dim for reviving those provisions. I would only point out that Hawaii's sugar companies recommend abandonment of those provisions, whereas the small sugar growers in Hawaii recommend reinstatement of compliance payments.

Therefore, I urge Congress to include in a new sugar act some substitute provisions to make sure small producers of sugar crops do not suffer loss of income now that compliance payments to them have ended.

Because of the importance of sugar to America, I ask unanimous consent to have the full text of the First Hawaiian Bank article and of my statement before the House Committee on Agriculture printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Needed: A New U.S. Sugar Program

(A Monthly Report by the Research and Planning Division, Dr. Thomas K. Hitch, Chairman)

The world has just gone through a sensational escalation and an equally spectacular collapse of sugar prices. Both the peak price levels last year and the rapid and precipitous decline to current levels were unexpected in most quarters. The result of this disturbance has been a severe dislocation of the market —affecting producers, refiners, industrial users, retailers, and consumers. The supply-demand imbalance that caused this wild swing in prices may take some time to correct, and even if corrected, the factors that caused this swing could flare up again with the next crop or the following. The world has learned by experience that the best way to maintain guaranteed supplies at reasonable prices is through negotiated agreements fair to both producer and user. This is why the U.S. Congress should enact a new sugar program to replace the Sugar Act, which worked so successfully for 40 years before it expired at the end of 1974.

Last year, the best estimates were that there would be a shortage of sugar because adverse weather conditions cut the beet sugar crop in Europe and drought reduced the cane crop in many of the sugarcane areas in the Northern Hemisphere in the face of record high demand. Demand has been steadily increasing as expanding disposable income around the world has made it possible for millions of people to afford this historically low-priced commodity. The price of sugar had hardly been above 15 cents a pound, and that was way back just after, World War I. Since then the record high before 1974 was 13 cents in 1963. The world shortage last year caused a lot of stockpiling by industrial users, especially in developed countries. In this country the New York spot price broke through the old record in February 1974 and kept on escalating steadily until October when the price jumped from 34 cents to 64.5 cents in 51 days, peaking out on November 20.

The decline in the spot price has been equally dramatic, dropping below 50 cents by the first week in December, below 40 cents in late January, and below 30 cents in early March. Through most of June, the price has been hovering around 15 cents. So in 18 months the price skyrocketed from 15 cents to 64.5 cents and back to 15 cents.

The demand for sugar had long been considered inelastic, but high prices last year generated massive consumer resistance. The food and beverage industry turned to sugar substitutes, mainly fructose type sweeteners made from corn syrup. These were the two main factors that softened demand for sugar way below earlier estimates.

Large inventories accumulated at high cost last year by industrial users in the U.S. and Japan are being worked off slowly in the face of reduced demand, and this has depressed prices much sooner than expected. But there are signs now that demand is beginning to improve slightly, with the price rising to 21½ cents by July 11.

The big question now is how large will the next crop be. Beet growers in Europe intend to increase their acreage by 8 percent over the last crop. And beet growers in the United States expect to increase their acreage by 22 percent. If weather is normal this year, world sugar production by the crop year ending August 1976 may exceed world demand by a few million tons, something that doesn't happen very often. Although the developed nations have a temporary surplus, the world supply situation is still tight. If weather adversely affects the European beet crop, for example, a shortage could develop again, leading to another round of price escalation.

Trade agreements between producing and consuming nations broke down in the past year or two when prices escalated unrealistically. But new agreements have been or are being negotiated around the world in order to guarantee sufficient supplies at fair prices.

It would also be prudent for the United States Congress to legislate a new sugar program in order to protect domestic producers, processors, and consumers from the gyrations of sugar prices that are bound to happen if we remain in the unstable world market. The United States enjoyed 40 years of guaranteed supplies at reasonable prices until it became apparent to supplier nations in the spring of 1974 that Congress probably would not extend the Sugar Act. Then the supplier nations had everything to gain by not fulfilling their U.S. quota and selling their sugar in the higher-priced world market—a market that normally is priced below the domestic market. This forced the U.S. Department of Agriculture to go to the world market to make up that shortage, which forced domestic prices higher.

One misunderstood issue in the debates about the Sugar Act was that of "compliance payments" which many people mistakenly equated with crop subsidies. Subsidies for food grains and other agricultural commodities were always paid out of general tax revenues and therefore were an expense to the federal government. But compliance payments to domestic sugar producers who complied with requirements set by the Department of Agriculture were financed by an excise tax on refined sugar—a tax which has been a money-making proposition for the U.S. Treasury. In fact, since the first Sugar Act became law in 1934, the program has put more than $600 million above its costs into the U.S. Treasury.

Now that we have had this dizzying demonstration of what happens to prices without the Sugar Act, Congress should see that a new sugar program similar to the expired program would be in the best interest of everyone.

Statement Urging New Sugar Law by U.S. Senator Hiram L. Fong (R. Hawaii) Hearings, House Committee on Agriculture July 14, 1975

Mr. Chairman and Members of the Committee:

Mr. Chairman, at the outset I would like to commend you for holding hearings on the sugar situation, including the possible need for sugar legislation to replace the expired Sugar Act.

Without question, a sugar program is one of the most complex and far-reaching subjects to legislate, and I am pleased that you have called these hearings to help build a better understanding of what is involved.

I thank you for the opportunity to express my strong conviction that our Nation needs a balanced, long-range sugar statute that will be fair to U.S. sugar producers, workers, consumers and taxpayers and that will serve our Nation wisely in the international community.

Representing as I do the State of Hawaii, which produces approximately ten per cent of our Nation's sugar requirements, I cannot over-emphasize how critical it is that Hawaii continue to have a healthy, viable sugar industry to provide jobs and livelihood for so many of our citizens. I want to add that Hawaii's State Legislature, our State Governor and his Administration and the sugar industry and labor organizations in Hawaii are united in requesting that Congress enact new sugar legislation.

A new sugar act is needed to assure American consumers adequate supplies at all times at reasonable prices; to provide U.S. producers a fair return and stability in the sugar program to permit their long-range planning and production and to maintain a healthy and competitive U.S. industry; and to promote U.S. export trade.

The need for a new sugar program for America is discussed in the report of the General Accounting Office, released last Thursday, July 10, entitled "Review of U.S. Import Restrictions—Need to Define National Sugar Goals."

The GAO report pointed out that:

"With the expiration of the Sugar Act on December 31, 1974, the U.S. is not committed to either free trade in sugar or protection of its sugar industry."

The report went on to say:

"There are compelling reasons, therefore, for considering the need for a more precise policy, either through new legislation or development of a new sugar program.

"The challenge for those designing a new policy is to strike a balance among U.S. industry, U.S. consumers, and foreign interests."

We in Congress who have over the years struggled to write balanced, fair and effective sugar laws are well aware of the difficulties involved, because interests and problems of the sugar cane producers differ from those of the beet growers; interests and problems of the refiners differ from those of the producers; small producers have different interests and problems from large companies; housewives and industrial consumers may have different interests and problems from each other and from the producers.

Further complicating the picture is the fact that we in America are not self-sufficient in sugar. We are an importer of sugar and therefore there are foreign policy considerations and international agreements that must be considered as we in Congress struggle to draft sugar legislation.

CONGRESS SHOULD NOT IGNORE PRIOR EXPERIENCE

In devising a new sugar program, we in Congress should not ignore experience under prior sugar laws enacted in the 1934–74 period. While we do not want to return to all of the features of the latest sugar statute, the one that expired last December 31, the goals of the Act were certainly valid and some features of the Act could well be adopted, perhaps with modifications, while some others would be better left dead.

SUGAR ACT GOALS VS. PERFORMANCE

Measured against the goals of the Act that just expired, performance was, until very recently, remarkably good.

As in our prior sugar acts, these goals were:

1. To assure consumers of adequate supplies of sugar at reasonable prices.
2. To maintain the domestic sugar industry.
3. To promote the export trade of the United States.

As for goal number one, under the revised Act passed in 1948, American consumers had dependable supplies of sugar at fair and reasonable prices until 1974. In fact, since 1934, when our modern sugar program began, the index for the refined price of sugar generally stayed below the over-all food price index and had generally been lower and more stable than sugar prices in the 1860-1934 period before the 1934 Sugar Act was passed.

From 1940–1973, the index of sugar prices increased at a lesser rate than the index of retail prices of all foods. This situation continued until last year when a combination of factors sent prices soaring.

These factors included the fact that world consumption outstripped production in four of the last five years, changing the sugar picture from one of chronic surplus to one of shortage; the sudden emergence of the Soviet Union as a major sugar purchaser in the free world market; increased consumption by developing countries; the energy crisis; worldwide inflation; and defeat of legislation to extend the U.S. Sugar Act.

Until this combination of events, which produced the sharp prices rise in 1974, U.S. consumers had fared better than consumers in most other developed countries. According to latest comparative figures available (1972), the retail price of a pound of sugar in America averaged 13.9 cents. In Japan, the retail price was 22.2 cents; Sweden, 19.9 cents; Canada, 15.7 cents; West Germany, 15.4 cents; and France, 14.5.

In terms of purchasing power, U.S. sugar prices had been typically the lowest in the world. In 1972, it took 1.8 minutes to earn a pound of sugar. In Japan, it took 6.9 minutes; France, 3.5 minutes; Sweden, 2.8 minutes; West Germany, 2.7 minutes, and Canada, 2.2 minutes.

In regard to the second goal of our old sugar program, to maintain America's sugar industry, the General Accounting Office report to which I have already referred, stated in part:

"From 1935 through 1973, U.S. production increased about 82 per cent, from approximately 3.4 million to 6.2 million raw tons, which allowed the United States to remain at a relatively constant 55-per-cent self-sufficient ratio throughout most of these 39 years."

The report pointed out however, that

"Despite the protection provided the U.S. industry by the Sugar Act, not all segments benefited to the same extent. A large portion of the industry probably would have failed during periods of world surplus without the protection provided by the Sugar Act because foreign sugar would have entered the U.S. market in direct competition with the high-cost producers in Louisiana, Puerto Rico, and even Hawaii."

Insofar as the third goal is concerned, the GAO report found it "impossible to determine" the "direct" impact of the U.S. sugar quotas granted to foreign countries on our export trade with each of those countries. The report cited one indirect indicator, increased purchasing power, saying the total value of sugar exported to the U..S by quota holders increase 106 percent between 1964 and 1973; while U.S. exports to those sugar-quota countries increased 126 percent in the same period. On the other hand, the report said, U.S. exports increased at a faster rate to non-sugar-quota countries during the same period.

So the GAO did not find any direct relationship between quotas and exports and found the indirect relationship spotty and inconclusive.

Nevertheless, I believe it should be pointed out that the quotas to foreign countries were very important in assuring to American sugar consumers an adequate supply of this basic commodity, for the United States never has produced enough sugar for its needs and is unlikely to do so in the foreseeable future.

HEALTHY, VIABLE SUGAR INDUSTRY IN U.S. IS IMPERATIVE

A cardinal tenet of U.S. sugar policy since 1894 has been "to preserve within the United States the ability to produce a substantial portion of our sugar requirements."

In this connection, our Government has recognized it was unlikely any significant amount of sugar would be grown in the United States if American producers had to compete in the open world market against sugar producers in other countries who had ample cheap labor or who received subsidies from their government.

Hawaii, one of five sugarcane-producing areas under U.S. jurisdiction, is keenly aware of the disadvantages U.S. sugar producers have in meeting low-cost foreign competition in the world market. A sugar-producing area since the late 1830's (the first successful plantation was founded in 1835), Hawaii faces competition also from U.S. mainland beet sugar producers.

In order to remain competitive in the marketplace, Hawaii's sugar industry has made strenuous efforts, through its own self-financed research and modernization programs, to increase sugar yields per acre by mechanization and irrigation and improved strains of cane.

Today Hawaii's sugar industry is the most efficient and productive per acre and per man-hour in the world.

At the same time, Hawaii's field sugar workers receive the highest wages among fulltime, year-round agricultural workers in the world ($43.34 a day in 1973, on the combined basis of their average daily cash earnings and the value of their employee benefits).

Today in Hawaii there are 16 sugar plantations and more than 500 independent sugarcane growers. Their combined output supplies ten percent of America's total sugar consumption.

In addition to the efficiency and productivity of Hawaii's sugar industry, there is another reason the industry has survived despite intense competition from foreign sugar and mainland beet sugar. Our Nation's sugar policies have provided a fair shake in the U.S. marketplace for Hawaii's sugar at a fair price. Moreover, the Sugar Acts, beginning with that of 1934, provided by law the stability requisite for continued capital investment to modernize sugar plants and facilities in what is a most capital-intensive industry.

SUGAR INDUSTRY IS ECONOMIC PILLAR IN HAWAII

The sugar industry in Hawaii is indeed a mainstay of our island economy. It provides year-round employment for about 9,000 Hawaii workers. As an income-producer for Hawaii's economy it is surpassed only by Federal Government expenditures (primarily for national defense purposes) and by tourism. In normal years, it brings into Hawaii's economy more than $200 million annually; an unprecedented $740 million in 1974, when sugar prices skyrocketed worldwide.

PROBLEMS OF HAWAII'S SUGAR INDUSTRY

Hawaii's sugar industry knows that to survive in the future it must continue to improve sugar yields per acre. There are about 225,000 acres devoted to cane in Hawaii and at least one-half of this acreage must be irrigated. Expansion of acreage is limited and costly because of Hawaii's mountainous terrain.

Hawaii's sugar industry faces multi-million-dollar costs in complying with our Nation's water and air pollution control requirements. Most of these expenditures will simply increase production costs without increasing productivity or per-acre yields or without generating an economic return.

Higher costs for equipment and fertilizer, two "musts" if Hawaii sugar is to remain competitive, work counter to the industry's desire to hold down costs to consumers. Fertilizer increased 50 percent in cost in one year; 100 percent over two years. A single new harvester with two buggies costs $460,000, nearly half a million dollars. It takes a lot of sugar sales to afford such needed equipment.

Hawaii's closest market for sugar is San Francisco, some 2,400 miles away. Most of the Hawaiian sugar is refined at Crockett, near San Francisco, and is marketed in 26 western and mid-western States and Alaska. Only five per cent of Hawaii's sugar output is sold in Hawaii. That is sufficient to supply Hawaii's people. But nothing can be done about geography, so Hawaii's sugar must be competitive despite the shipping costs involved in reaching mainland U.S. markets.

Let me repeat. Hawaii supplies ten percent of America's total sugar requirements. If Hawaii were to try to expand its output significantly in a national effort to become more self-sufficient in sugar, I am told it would cost $130 million to set up an 80,000-ton plantation.

To set up a new sugar mill, GAO estimated it would cost $40 to $60 million. If this is an estimate for the mainland U.S. the cost in Hawaii would be even higher.

Without protection against volatile prices of the free market, with its sharp ups and downs, and without assurance of a ready outlet for Hawaii's sugar, expansion in any significant terms appears out of the question. In fact, survival of Hawaii's sugar industry will be in grave doubt without a fair, balanced, long-range sugar program.

WITHOUT EFFECTIVE U.S. SUGAR ACT, HAWAII FACES DISASTER

I repeat. The sugar industry is a mainstay of Hawaii's economy. There is no viable alternative to sugar that can provide jobs for some 9,000 Hawaii workers.

In one area of Hawaii, where two years ago a marginal sugar company announced it would terminate sugar operations in 1975, a State Task Force has been desperately searching for alternate economic development that could provide employment for the sugar workers who face loss of their jobs. Despite intensive efforts, only minimal success has been achieved to date and no long-range solution is in sight.

So I want to emphasize with all the strength I can muster that, without an effective sugar program, Hawaii would face economic disaster. Nine thousand workers would face unemployment. Their combined payroll of more than $80 million would be lost to Hawaii's economic community. More than $30 million in taxes would be lost to the U.S. Treasury from Hawaii's sugar companies and more than $8 million in State taxes, based on 1973 figures.

SUGGESTIONS FOR NEW U.S. SUGAR ACT

Given this situation, we in Hawaii urge Members of this Committee to write new sugar legislation that will meet our Nation's traditional goals of an ample supply of sugar for consumers at fair prices; a domestic sugar industry providing at least 55 to 60 percent of America's total requirements; and opportunities for expanding the export trade of the United States.

It seems to me components of a new sugar act should include:

1. *A Congressional statement of policy that definitely reserves a substantial share of the U.S. market for domestic producers.* This would give assurance that our Nation intends to maintain a healthy, viable domestic sugar industry, encompassing both cane and beet sugar, American cane and beet sugar farmers and producers would know that they will indeed have a ready market for their crops at a fair return. Only with such assurance will producers remain in the sugar growing and processing businesses. Such a policy statement would also give notice to the world that the United States does not intend to allow itself to be vulnerable on a basic commodity like sugar, just as we have already given notice that we as a Nation do not intend to remain vulnerable in petroleum.

2. *Allocation by Congress of a substantial share of the U.S. sugar market to America's sugar producers.* At least 55 to 60 percent of U.S. sugar requirements should be allotted to America's sugar producers; the balance to foreign sugar producers.

3. *Domestic Quotas.* Under this, the Secretary of Agriculture could continue to estimate annual domestic consumption. Quotas would be assigned U.S. cane and beet producing areas with an upper limit that would emphasize maximum production. With quotas set for domestic sugar producers, the law could also set quotas on imported sugar from various foreign sugar-producing countries. In this way, we could avoid violating our GATT agreements.

4. *Country-by-Country Quotas.* These are preferable to a global quota system, under which our recent experience has been sour. Country-by-country quotas would go far to assure American consumers the deficit between domestic production and domestic sugar needs would be met. With penalties for noncompliance with assigned quotas, we would have added assurance of reliable sources of supply. With quotas assigned to a number of foreign countries, we would be less vulnerable in case supplies from any one of them should be cut off for any reason. As the world's largest importer of sugar (about $3 billion in 1974), the U.S. must make special arrangements to obtain sugar that enters the world market, estimated at only about 28 percent of total world production. Of this 28 percent, almost half was subject to preferential arrangements, such as the U.S. Sugar Act, the United Kingdom-Commonwealth Sugar Agreement and Cuban-Soviet Union trade agreements.

5. *Continuation of competition in the U.S. marketplace for sugar.* As under the Sugar Act which expired last December 31, a new Sugar Act should contain features allowing for competitive prices so that housewives and other sugar consumers could have a choice in their purchases of sugar to buy sugar at the lowest price.

6. *A price objective mechanism for producers and consumers.* This should be such that consumers would pay reasonable prices, producers would obtain a fair return, and workers would receive fair wages. Important to a determination of a price objective would be authorization of U.S. Department of Agriculture studies of costs of production.

7. *Five or more years' duration of the new Act.* Given the nature of the sugar industry, particularly in Hawaii where sugar is a two-year crop and massive capital is required, stability and long-term duration of sugar legislation are imperative. Otherwise, people will not want to invest their funds and undertake the long-range commitments that are an integral part of the sugar industry. A one-year or two-year act is virtually useless at least to Hawaii's sugar industry.

With reference to the excise-tax/compliance-payments features of the Sugar Act that expired, I understand Hawaii's sugar companies will recommend continued abandonment of those portions of the old law. These indeed proved highly controversial and were generally misunderstood by the public.

On the other hand, I have received from Mr. Wallace Nitta, President of the Hawaii Farm Bureau, correspondence expressng the Bureau's view that there "must be a method to assure the small farmer a fair voice against the large processors' economic power." The Bureau regards the compliance-payment/sugar-tax provision as "beneficial . . . basically fair to grower, consumer, and taxpayer . . ."

While my political antennae signal that prospects are dim for reviving the excise tax/compliance-payment system of the old Sugar Act, I do urge this Committee to endeavor, as it endeavored last year, to insure that small producers of sugar crops do not suffer loss of income for lack of compliance payments to them. Last year, your Committee tried to offset for small producers the Committee's recommended reduction in compliance payments. Now, with compliance payments likely to remain non-existent, the Committee has a problem of greater magnitude.

CONCLUSION

In conclusion, Mr. Chairman, may I again express gratitude for your scheduling of these important hearings. We in Hawaii have always supported our national sugar legislation and its multiple goals. We believe that, by and large, this legislation served our Nation's diverse interests far better than if the sugar industry of America had been left to suffer the old feast-or-famine, cutthroat competition by low-wage or subsidized foreign sugar.

We believe that the best interests of the American sugar consumers, American producers, and American workers and U.S. national and international interests require early enactment of new balanced and fair sugar legislation.

While America's sugar industry, which employed about 150,000 people and produced a crop valued at more than $3 billion in 1974, can perhaps tolerate the absence of such legislation over the short-run, the long-range implications of a lack of firm U.S. sugar policy and program are grim, in my judgment.

I wish you every success in coping with this complicated and far-reaching subject. Should the Committee decide to draft new legislation that will sustain the domestic sugar industry and protect consumers in terms of supply and price, please be assured of my desire to be of every possible assistance.

Thank you and aloha.

COMMISSION ON MAINE'S FUTURE

Mr. **MUSKIE.** Mr. President, anticipating and planning for the sweeping changes in store for modern society is a vital and difficult task. My home State of Maine recently established a 40-member Commission on Maine's Future to undertake just such an analysis.

The commission is charged with nothing less than determining the needs of Maine people in the year 2000 and recommending a growth and development policy which will meet those needs. It is an enormous, and an enormously important, undertaking.

The chairman of the commission is Halsey Smith, a respected Maine banker who now directs the Center for Research and Advanced Study at the University of Maine at Portland-Gorham.

He wrote recently in a Maine business publication, Maine Business Indicators, that—

> The task is mind-boggling. . . . The one factor which makes the Commission's task more exciting is the fact that unlike many other states, Maine's future is not "locked in" by preestablished constraints.

To share with my colleagues the reasoning behind an idea which has applications in all the States, I ask unanimous consent that Halsey Smith's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Maine Business Indicators, July 1975]

MAINE'S LONG TERM FUTURE

(By Halsey Smith)

What will be the primary determinant of Maine's long range future?—Maine's people, business, government, or external forces originating from decisions made elsewhere in the nation or region?

Will state and local governments in their present form, size, and procedures be able to serve adequately the needs of Maine people 25 years hence?

How much of Maine's development is being directed by non-elected bureaucrats and non-voter-mandated programs?

How can Maine's social welfare programs be made less addictive and humanly demeaning? Who should pay the costs of such programs and how?

Can Maine's present environmental quality afford any additional pollution without destroying it? How much can or should it stand? How can a reasonable line be drawn between economic and environmental "necessity"?

These are just a few of the provocative questions one must confront when one looks into Maine's long term future.

The job of looking into that long range future has been assigned to the Commission on Maine's Future, which was created by the 106th Maine Legislature. That legislative action called for creation of a 40-member Commission, to be appointed by the Governor under a formula which would insure at least two representatives from each of the eight planning districts, at least one member from each County, six Representatives, six Senators, and the Director of the State Planning Office. The formula for selection of representatives from the Planning Districts called for selection on the basis of the pro-rata population of the Districts to the total population of the State, and since County lines and Planning District boundaries don't coincide in all cases, twenty-seven members of the Commission are Planning District/County representatives. These, together with the Legislators and the Director of the State Planning Office, brought the membership to 40. (See List on next page.)

Since the effective date of the Legislation was set at January 1, 1975, Governor Curtis, recognizing that the work of the Commission would take place during the term of his successor, chose to leave appointment of the membership to the next Governor. Consequently, on March 5, 1975, Governor Longley announced creation of the Commission.

LD 2528, which created it, requires that the Commission prepare for consideration of the Governor, Legislature and People of Maine, a *proposed growth and development policy* for the State of Maine, together with recommendations as to the means of most effectively implementing such a policy. The statute further requires the Commission to present a preliminary report in November 1976 and calls for its final report to be submitted in June 1977.

The task, obviously, is mind-boggling both because of its broad scope and the time constraints imposed by the statutory deadlines. While the bulk of the work will be the Commission's own research, study and forecasting, the Commission will also want to hear from the people and businesses of Maine as to what they want for the future. Its task will then be to integrate that public input with its own data, "massaging" all of it with creative and imaginative thinking. It must also consider changes which it might feel must be made in existent structures and decision-making processes in order to produce an end-product which is practical, exciting, and desirable.

The one factor which makes the Commission's task more exciting is the fact that unlike many other states, Maine's future is not "locked in" by preestablished constraints. As you think of many other states, you can identify many, which, because of previous development, have very limited future options open. Either they are over-urbanized, over-industrialized or are now committed to one or another form of development. They simply don't have the same variety and number of alternatives open as Maine.

Obviously, it would be unrealistic to assume the Commission could produce recommendations which will be 100% acceptable to 100% of the people. It would be equally unrealistic to assume that its recommendations should be considered as inflexible or permanent. Conditions and influences are not static. In fact, the velocity of change is great. Consequently, the Commission, while it must make the best and most practical recommendations possible at the moment, must provide for flexibility and constant evaluation as time goes on.

All one has to do to understand the need for flexibility is to think back 25 years and ask oneself with what degree of accuracy one could have predicted the changes in technology, economics or even human attitudes that have occurred over the past quarter century. Also, it is apparent that the Commission cannot consider Maine as an island. Thus Maine's interrelationship with its region and nation must be taken into account in any recommendations that are made. Consequently, while the Commission will undoubtedly make some specific recommendations, it will have served well if it can devise an ongoing procedure by which Maine can anticipate future problems with greater accuracy and lead-time. This procedure will permit the State to eliminate the need for crisis reaction to the greatest possible extent while, a the same time, providing a definite outline which Maine should follow.

At the moment the Commission, having come into existence only in March of this year, is still in the process of wrestling with the processes by which it will attack its task. While it would be reasonable for the Commission not to resolve its procedural questions for several more months, there is no reason why the people and businesses of Maine should not be using that time to do some hard thinking themselves as to the kinds of futures they would like to see. Thus, by the time the Commission is ready to receive public input, people can be prepared to convey to the Commission their hopes, desires, and needs.

Taking the questions which opened this article as simply a starting point, sit down and ask yourselves what quality of life you would like to see in Maine in the year 2000 for yourself, your grandchildren, your business, or organization. Also ask yourself what changes you think will have to be effected in order to make that possible. It is your state and your future, and they deserve your thought and attention.

MEMBERS OF COMMISSION ON MAINE'S FUTURE

Member's name, county, and planning district

Halsey Smith, Chairperson,
Roberta Weil, Vice Chairperson.
Lillian Caron, Androscoggin, Androscoggin Valley.
Thomas H. Reynolds, Androscoggin, Androscoggin Valley.
Stanley Salwak, Aroostook, Northern Maine.
W. Jerome Strout, Penobscot, Penobscot Valley.
Mary R. Thompson, Cumberland, Cumberland.
Clyde F. LeClair, Cumberland, Cumberland.
Wende Frutchy, Franklin, Androscoggin Valley.
Sister Lucy Poulin, Hancock, Eastern Maine.
Sylvia Lund, Kennebec, Kennebec Valley.
J. Neal Martin, Kennebec, Kennebec Valley.
Robert Strider, Kennebec, Kennebec Valley.
Russell Brace, Knox, Midcoast.
Edward Myers, Lincoln, Midcoast.
Louise Lincoln, Oxford, Androscoggin Valley.
David Fox, Penobscot, Penobscot Valley.
Arthur Johnson, Penobscot, Penobscot Valley.
Jennie Magaro, Penobscot, Penobscot Valley.
King Cummings, Piscataquis, Penobscot Valley.
Esther H. Dougherty, Sagadahoc, Midcoast.
Abbie Norling, Somerset, Kennebec Valley.
Paul Reynolds, Waldo, Midcoast.
Sherwood Prout, Washington, Eastern Maine.
Mary Merrill, York, Southern Maine.
Marion F. Brown, York, Southern Maine.
Lloyd LaFountain, York, Southern Maine.
Judith Kany, House of Representatives.
Richard Spencer, House of Representatives.
Neil Rolde, House of Representatives.
John L. Martin, House of Representatives.
Richard Morton, House of Representatives.
Linwood Palmer Jr., House of Representatives.
Joseph Sewall, Senate.
David G. Huber, Senate.
John L. Thomas Jr., Senate.
Neal C. Corson, Senate.
Robert Clifford, Senate.
Peter W. Danton, Senate.
Allen G. Pease, Director, State Planning Office.
Richard Sherwood, Staff, State Planning Office.
Joan Hazzard, Staff, State Planning Office.

HERB DENENBERG, THE KIND OF PUBLIC OFFICIAL AMERICA NEEDS

Mr. PROXMIRE. Mr. President, all of us have our heroes: Hank Aaron, John F. Kennedy, Alexandr Solzhenitsyn.

Mine is Herb Denenberg. Herb Denenberg does not hold any public office now. And that is a great shame for this Nation and especially for the State of Pennsylvania.

A recent article in the Journal of Commerce tells why in just about as brash and straightforward a manner as Herb Denenberg himself would.

I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Journal of Commerce, July 21, 1975]

DENENBERG VERY ACTIVE IN CONSUMERISM AREA

(By John M. Baer)

PHILADELPHIA, PA.—He may be out of politics and out of government, but Herbert S. Denenberg—former insurance commissioner of Pennsylvania and nationally noted consumer advocate—is not out of wind, words nor the public eye.

Beaten last year in his primary bid for a U.S. Senate seat, and "dumped" this year from the administration of Governor Milton J. Shapp, Mr. Denenberg currently is four-walling (actually three-walling) Philadelphia with consumer news.

ACTIVITIES

He has a radio show on WYSP–FM; is a consumer reporter for WCAU–TV (CBS); and he writes a weekly column for the Philadelphia Bulletin. He's also writing magazine articles (Family Circle and Progressive, for example) and is getting ready to author or co-author his eighth book.

In short, the briefly deposed "Horrible Herb" is alive, well and kicking harder than ever.

"The utility industries and politicians," he says, when asked who or what earns the bulk of his attention in columns and reports. "They're a lot alike—crooked. And people love to hate them, and they love to hear and read why they are right in hating them."

He adds quickly that he has not forgotten any old friends: lawyers (he says one in four is incompetent), doctors (thieves who perform too many unnecessary operations), hospitals (dens of thieves), the insurance industry, dentists, local, state and federal government (with a special venom for regulatory agencies) and the Congress.

Those few who escaped his near-maniacal wrath as a state official are now fair game as a columnist-reporter. Whatever barbs he held back as a political appointee are now trawling all waters at all depths. He is even taking on funeral directors as "perpetrators of the ultimate rip-off."

The force, some say demon, that drives Mr. Denenberg seems to be insatiable. He is a relentless, abrasive fast-talker who does his homework and who has all the answers. It's cut and dry. Government doesn't work, and the industries are run by Shylocks. And people should be mad enough to get organized and do something about it.

CAMPAIGN BANNER

That was the banner he carried across Pennsylvania during his campaign for the Democratic Senate nomination in the spring of 1974. He carried it virtually alone. He had no organization, no political support, no help from Gov. Milton Shapp Jr. who had hired him in 1971 then told him to resign if he wanted to run for office, and certainly no contributions from the state medical society or the state bar association.

But people seemed to like him, and they seemed to agree with what he was saying. It's just that on election day, they stayed home. Pittsburgh Mayor Peter Flaherty won the primary and was defeated in November by Republican incumbent Richard S. Schweiker, R-Pa.

Mr. Denenberg's first taste of politics turned out to be a personally expensive lesson that he says he will never forget. He thinks he was done in by good old political black-balling on the part of the State Democratic Party and his once-staunch supporter, Milton Shapp.

If he had some doubts about being double dealed then, they now are gone. For in the period from June 1974, to April 1975, Mr. Denenberg was chased from one administration post to another. The state Supreme Court delayed him, for unique and questionable grounds, from practicing law in Pennsylvania. Those who for years had called for his head began to move in.

STATE AGENCY

He was appointed to a state agency, the Public Utility Commission, that he had called the "worst regulatory agency in the world, maybe the universe." And the appointment had to be confirmed by the state senate, a body that for three years he had labeled a bad joke. It laughed last, and voted him out.

Mr. Denenberg, who ran up the highest grades in the history of Creighton University; who holds both law and sociology degrees and a doctorate in applied economics from Harvard; who left the University of Pennsylvania's Wharton School and a professorial chair in insurance; who gave up $62,000 a year to become state insurance commissioner for $25,000 a year, was out.

He had, as commissioner, written some two dozen nationally distributed consumer guides. He had ordered every insurance company in Pennsylvania to appoint an ombudsman. He had forced readability into insurance policies. He had turned down $300 million in requested rate hikes. He had made hospitals buy generic drugs. And he claimed, with little modesty, but probable accuracy, to have saved more dollars and lives than any state official in the nation. He said that he "made government work." And now he was out.

But he contends the experience has not embittered him forever against either government or politics.

THE MONITOR AND THE SOUTHERN CROSS ENDORSE THE GEORGE WASHINGTON PEACE ACADEMY

Mr. HARTKE. Mr. President, the list of organizations, periodicals, and individuals endorsing the establishment of the George Washington Peace Academy embodied in my bill, S. 1976 as the first piece of legislation during our Bicentennial in 1976 continues to grow with the addition of two distinguished publications, the Monitor and the Southern Cross.

The Monitor contained a paragraph which I think should be brought to the attention of my colleagues:

> In this age of national and international violence, we find this suggestion of a Peace Academy to be most refreshing. We hope it will be accepted by the Congress and that by the time of the bicentennial celebration next year, that such an academy is in operation, furthering the works of peace.

As I pointed out in my introductory remarks accompanying S. 1976—

> We are all aware that the means and methods of devastation of life available to developed nations, and increasingly becoming available to developing nations, insure that future conflicts will be even more costly of lives than those of the past.

The events in the international community that portend worsening relationships between nations should be more than callously or lightly considered. Now, more than in time of conflict, the study of the dimensions of peace should be begun to insure full inquiry into the process, state, and art of peace.

I ask unanimous consent to have printed in the RECORD the article appearing in the July 10, 1975, Southern Cross entitled "Let's Hear It for Peace" and the article appearing in the July 10, 1975, Monitor entitled "Peace Academy."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Southern Cross, July 10, 1975]

LET'S HEAR IT FOR PEACE

(By Michael Newman)

Strange though it seems, we have no official government agency or educational institution devoted to peace. We have academies to train men—and women now—for commissioned rank in the armed services, but no academy to teach and to promote the arts and sciences of peace.

However, if the bill to establish the George Washington Peace Academy Act is passed by Congress, we will have something to fulfill one of Washington's own dreams. Way back in 1783 the first President of the United States wrote, in a circular to the States: '. . . there can be little doubt but Congress will recommend a proper Peace Establishment for the United States."

But somehow, 200 years have slipped by and we seem to be little nearer the establishment of the George Washington ideal. But, jointly sponsored by Sens. Hartke and Hatfield, a bill was introduced a few weeks ago to try again, and make the subject of peace a matter for significant study as a bicentennial milestone. If established, the academy is visualized as an American-international institution of up to 500 students, with a board of trustees headed by the President.

Of course, Catholics have long been used to the idea of academies of peace—named in honor of Our Lady of Peace. We would welcome George Washington to the esteemed and revered company.

[From the Monitor, July 10, 1975]

PEACE ACADEMY

We were encouraged the other day to note a Bill introduced into the United States Senate which would establish a Peace Academy.

Bill S-1976 was introduced by its cosponsors, Senators Vance Hartke (D.) Indiana, and Mark Hatfield (R.) Oregon. Its title is The George Washington Peace Academy Act.

The aim of the Act would be "to further the understanding of the process, state, and art of peace among nations and between peoples, to consider the dimensions of peaceful resolution of differences among nations, to train students in the process of peaceful resolution of differences, and to inform governmental leaders of peaceful methods of conflict resolution."

In this age of national and international violence, we find this suggestion of a Peace Academy to be most refreshing. We hope it will be accepted by the Congress and that by the time of the bicentennial celebration next year, that such an academy is in operation, furthering the works of peace.

Is it too much to hope that the first students of this Peace Academy will be the heads of State in the international community?

THE HELSINKI SUMMIT

Mr. JACKSON. Mr. President, there are times in international diplomacy when the President of the United States ought to stay home. By cooperating with Brezhnev at the Helsinki summit in fostering the illusion that substantive progress toward greater security in Europe has been made, President Ford is taking us backward not forward, in the search for a genuine peace.

The European Security Conference is yet another example of the sort of one-sided agreement that has become the hallmark of the Nixon-Ford administrations. Once again the United States has permitted the timetable of a complex negotiation to be determined by the Soviet Union and its allies. The predictable result is a series of Western concessions unmatched by comparable movement on the part of the East.

For three decades, the Soviets have sought formal Western recognition of their domination of Eastern Europe, just as they have sought international acceptance of their conquest of the Baltic States. The President's signature on the CSCE declarations will be invoked by the Soviets as a sign of the West's retreat from this crucial point of principle. As far as I am concerned, the ambiguous language on borders in no way legitimizes Soviet domination over these nations, but where is President Ford's reaffirmation of the principled American stand on this issue?

Moreover, by failing to insist on a complementary and concrete agreement on mutual and balanced force reductions—as the substantive counterpart for the pious declarations produced by CSCE—the Soviet military presence in Eastern Europe will continue and doubtless even grow, a military presence which still has as one of its principal objectives stifling the human, cultural, and political rights of the peoples in that region.

The CSCE pronouncements dealing with human rights and the freer movement of people and ideas in particular are purposefully imprecise and so hedged as to raise considerable doubt about whether they can or will be seriously implemented. Unless the Government of the United States makes it absolutely clear that it is committed to implementing in full the provisions on the freer movement of people and ideas, it is doubtful that anything will be salvaged from them.

The Ford-Kissinger administration has given little indication of its commitment to human rights, especially in its recent actions. One of this century's most forthright defenders of human rights—a Nobel Prize winner of international reputation—has been attacked by the American Secretary of State as a threat to the peace. The White House continues to search for ways to eviscerate the East-West trade and emigration provisions of the Trade Act—provisions whose objectives are repeated in the declarations of the Security Conference itself. Unfortunately, the Soviets need only look at the record of an administration which has remained silent in the face of repeated violations of internationally guaranteed rights to conclude that they have a license to continue business as usual. For if the United States, in its own diplomacy, does not stand up for human rights, there is little prospect that nations whose governments are based on the denial of fundamental rights, will make even a minimal effort to comply with the human rights pronouncements.

THE VOTING RIGHTS ACTS—RETRIBUTION THEORY IN PRACTICE

Mr. ALLEN. Mr. President, when I testified before the Subcommittee on Constitutional Rights of the Senate Judiciary Committee on April 8 of this year, regarding a bill introduced by Senators BYRD and SCOTT of Virginia and me, to repeal sections 4 and 5 of the 1965 Voting Rights Act as amended, I stated:

> I fully support the right of every qualified citizen to cast a ballot and to have his vote faithfully recorded. Under the circumstances, I will support every provision of the Act which has uniform applicability throughout the United States. By the same token, I will continue to oppose provisions of the Act which do not have uniform applicability.

In passing H.R. 6219, the House of Representatives has provided for an extension and expansion of the discriminations inherent in the 1965 Act and the 1970 amendments thereto, and I must speak out against the pending legislation because, even with the passage of time, and the improvements for voting opportunities in the covered States, the Congress appears bent upon a course of perpetuating the errors of the past.

Most importantly, the legislation before us most decidedly does not provide for uniform application of the provisions of the Act throughout the United States. Why not? There have been tons of statistics submitted and volumes spoken and written on the need for an extension of the anti-South, new reconstruction legislation which H.R. 6219 and S. 1279 are essentially. But in all that material I will venture an estimate that the proponents will not prove nor accomplish their unwritten and unspoken goal of equality and good feeling between the races and between the minorities and majorities of the Nation with a bill that is punitive, that ignores progress, or a measure which freezes-in for the foreseeable future, so-called remedies for practices which brought about the original act in the first place.

While it is not popular to speak bluntly about the effect of the pending legislation, I will say that I believe many of the congressional proponents of this measure have been convinced of their course of action by a body of thought, represented by and in various pressure groups around the country, that the Voting Rights Act is justified on the grounds of retribution.

One will not find explicit examples of the retribution theory in the data submitted to the two congressional committees during their hearings on the subject of extending the act. The retribution theory is only a theory, but the actions of the majority in the House of Representatives in rejecting every single amendment designed to make the act national in scope, meaningful to all citizens, applicable to all voters, and representative of the new facts of 1975 rather than those of 1865 or 1965, lend credence to the proposition that a majority in the Congress is enamoured of its power to reconstruct, a second time, some of the States of the old Confederacy.

Mr. President, I express my strong opposition to any further extension of the 1965 act unless the full force of all the provisions of the current law are made applicable in every county, parish, town, and city of the 50 States. My position is based on my belief that the current law is discriminatory and that it applies basically to only one region of the Nation—the South. Furthermore, with the proposed expansion of the act by the pending legislation, such discriminations will be extended over the country by segmenting and selecting-out, other small parts of the Nation's population, in specified groups, for coverage under the act.

The current application of the law is certainly not in keeping with the publicly announced viewpoint of the many members of the two congressional judiciary committees who profess their belief in the equal and fair application of all public laws in a like manner throughout the United States.

Mr. President, based on the record submitted by the Justice Department in its publication, "The Voting Rights Act: Ten Years After," there is ample proof that there is and has been, vast improvement in voter registration, voter participation, and minority representation in my State of Alabama and indeed, throughout the whole of the South which is currently under the onerous shadow of the Voting Rights Act. I believe it is time for the Congress to realize that this law has outlived its usefulness and is no longer needed. In fact, I could go so far as to say that the law is becoming counterproductive in that those it was intended to assist most, are now becoming its victims, particularly in those areas where electoral representation brings with it the responsibility for making changes in laws, ordinances, and the like, to effect local improvements. I have learned that no matter what the color of an elected representative's skin, such elected representative is less than happy with the state of affairs that now exists in the South where his actions, as a legislator, are questioned and presumed discriminatory at the outset, because such representative of the people comes from a particular section of the country. And the pending legislation would make the situation worse by extending this presumption to other minorities, in other parts of the country.

The Southern States should be given credit for the vast strides they have taken in the last 10 years to completely open their voting rolls to all citizens. Southerners should no longer be singled-out for continued harassment for alleged misdeeds of a bygone era. I submit that the Civil War is over, that the era of Reconstruction is over, and that it is time for the Congress to recognize that the future of all races and all minorities, which make up the diverse population of this Nation is in jeopardy if Congress allows, even encourages, the Federal Government's legion of bureaucrats to dictate for all time, the ways and means by which citizens at the local level, make decisions which are of particular and unique importance to them and them alone.

What is happening to the fundamental constitutional concept that the Federal Government derives its powers from those governed? What is happening to the theory of government which founded the Nation, that a republican form of government is best? What is happening to the nearly 200-year-old belief that that government is best which governs least? With the Voting Rights Act and legislation of a similar nature, these noble concepts have been casually tossed aside by the Congress of the United States. The Constitution is no longer supreme; it has been supplanted by the legislative dictates mandated by pressure group politics in an attempt to make up to those same pressure groups, for the sins of past generations.

Mr. President, the Voting Rights Act has been called by some the most important piece of civil rights legislation enacted in the past decade. It is argued that the act has righted wrongs and provided new and expanded opportunities for minority representation in the governing of all our citizens. One might ask, when does the righting of wrongs cease and the establishment of new wrongs begin?

There is no questioning of the facts that show that minority representation at the local, State, and Federal levels of government has increased. But there is also no denying the fact that in codifying for all time, the retributive aspects of this law, the country has embarked on a course of action which classifies, and thus governs, on the basis of race, language, and/or national heritage. I thought that was the antithesis of our form of government. One wonders how long it will be before the religious views of a citizen are codified and classified and, by statute, taken into account in terms of government representation. Some will scoff at the suggestion, but the seeds have been sown.

Were the Voting Rights Act to expire when it is due to expire, the burden for maintaining the gains achieved by minorities would be on the communities and citizens most affected by the current law.

Obviously, the South will be under particular pressure to see that that which has been gained by some of its citizens will not be taken away or diluted. Having suffered for 10 years at the hands of the Federal Government, through the instrumentality of all three branches of that Government, under the retribution theory which originally prompted this act, there is no reason to believe or suppose that the South will turn its face toward the past and undo all that has been done in the past decade. Knowing of the oppressive weight of Federal intervention into local affairs, why would southern citizens bring down upon themselves the curse of the past 10 years when the easier and more equitable solution to the problem of equal representation and equal rights is to be found in expanding the franchise? There is no logical reason to believe that the citizens of the South will not act in accord with their awareness of the inalienable right of all its citizens to fully participate in the affairs of state. I categorically reject the assumption of the vocal pressure groups which castigate all citizens of the South, of all colors, as simply waiting for the expiration of the act to "backslide" into the 19th century. Such talk is preposterous and demeaning of all the citizens of the covered States.

I believe I can speak for the majority of the citizens of Alabama in this regard, and I believe that my fellow Senators from the rest of the covered States will concur in my belief that the South has indeed entered into a new era in the struggle of all men to be treated equal before the law—just laws. We do not need a gun pointed at our heads by the Federal Government. A gun which has a trigger that when pulled, all but does away with local and/or State initiative.

If H.R. 6219 or S. 1279 were enacted and the Voting Rights Act of 1965, as amended in 1970, and then expanded in 1975 became the law of the land, then the Congress will have, for all intent and purposes, permanently reduced the now-covered States of the South to the status of conquered provinces. And, just as horrendous, the Congress will have launched the United States on an entirely new tack in governmental theory, to wit: Government by classification of its citizens in groups, rather than Government by individuals.

Heretofore, the goal of Government in America has been to erase for purposes of governing by law through the electoral process, the special distinctions between men. Legislation which changes this fundamental concept and makes groups the determinating factor of representative government, violates the spirit of the U.S. Constitution. The Constitution has withstood many tests in our nearly 200 years as a nation of individuals and individualists; whether or not the Constitution can survive the assault upon reason and reasonableness of the pending legislation will be a major test if the subject bill is passed by the U.S. Senate.

Mr. President, in 1965 and 1970, the Congress proposed and passed stop-gap, temporary remedies for past injustices to some citizens. In 1975, the time has come for Congress to allow the lessons of the legislation and the past 10 years to sink-in and allow the covered jurisdictions to work their way toward accommodation, change, and justice without the sword of Damocles hanging over their heads. The time for retribution is past; we should not enter our third century as a government by covertly changing the form of government, of the people, by the people, for the people, to one of group identification, classification, and pressure. The path of liberty and justice for all does not lie with the enactment of legislation designed to set one group of citizens against another, nor to set different criteria for the functioning of government or the opportunity to be a representative of government, based on color, race, creed, national origin, or language spoken. The path to liberty is to let my people go.

JOSHUA CHAMBERLAIN'S FANTASTIC ORDER AT GETTYSBURG

Mr. MUSKIE. Mr. President, an excellent account of the 20th Maine Regiment's successful battle at Little Round Top at Gettysburg was published recently in a letter to the editor of the Washington Star. Jack Ben-Rubin of Arlington, Va., describes the battle led by Joshua Chamberlain, who was later to become Governor of Maine. I ask unanimous consent that Mr. Rubin's letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Letters to the Editor: A Brilliant Move at Gettysburg

I commend The Washington Star for publishing the interchange of letters on the Battle of Gettysburg, the most important battle fought on American soil.

In my previous letter (May 31), I mentioned the 20th Maine Regiment and Little Round Top, and implied that noticeable honor to these gallant soldiers was overlooked in history. On a corner of the battlefield, this regiment executed one of history's decisive small-unit military actions which baffles students of military history to this day. I think it is one aspect of the battle that should be told:

Little Round Top was the highest point on the Union line. If this position fell into the hands of the enemy, the Confederates would have the key to the battlefield: They would be able to oversee the whole Union line all the way up to the Cemetery Ridge. From this position, the Confederates could enfilade and decimate the Union line, command the critical Taneytown Road, and penetrate between Gen. Meade's troops and Washington.

When Gen. Gouverneur K. Warren saw that the strategic and vulnerable Little Round Top was undefended, in desperation he quickly enlisted the aid of contingents of the 5th Corps who were moving west to support Gen. Daniel E. Sickles' precarious position. The leading brigade were troops led by Col. Strong Vincent, and near the front was the 20th Regiment Infantry, Maine Volunteers, commanded by Joshua L. Chamberlain.

The 20th Maine was positioned to the left of the 83rd Pennsylvania Regiment at the base of Little Round Top and was the end of the Union line. To the left of the 20th Maine, was a valley at the foot of Big Round Top, a hill which was covered with thick vegetation and large boulders, practically impassable. The order was to hold at all costs.

As events were later to reveal, by being situated at the end of the Union line, the 20th Maine had been placed in the spotlight of history.

As the action began, Col. Chamberlain saw the gray mass of Col. William C. Oates' 15th and 47th Alabama Regiments, together with the 4th and 5th Texas Regiments of Gen. Evander M. Law's brigade, advancing along the valley toward the left of the 20th Maine. The Union regiment was outnumbered almost two to one.

Under such a battle situation, to avert a flank attack, it would be necessary to change the front of the entire regiment. But this maneuver would be precarious because the troops were on the spur of the high ground extending out from Little Round Top, and to swing the whole regiment back would necessitate breaking the link with the 83rd Pennsylvania Regiment. Actually, what Chamberlain did was incredible, considering that the regiment was under intense fire. He ordered the lower half of his line to move to left and rear, in a jackknife movement, to be eventually at right angle with the upper half of his line.

Accordingly, while under unrelenting fire (trees were actually cut down by rifle bullets) and inaudible commands (the fray was ear-splitting), the lower half moved backwards, taking sidesteps to the left in a chorus-line manner, meanwhile keeping up their fire to the original front, without regard to targets, in order to conceal their movement. The regiment settled into a new deployment and the "L" formation surpassed and forestalled the Confederate thrust.

The fusillade on the swung troops was relentless: They were steadily being bent back, like the closing of a scissor's blade, to the rear of the upper half of the line which had remained stationary throughout. At this time, the regiment lost about a third of its men, almost depleted of ammunition, exhausted, on orders not to withdraw, and knowing that they could not repel an impending Confederate attack.

It was then that Chamberlain gave another fantastic order. He ordered his men to attack—with fixed bayonets. But to do this was a difficult matter, the lower half of the line was bent back so far that a charge might disperse the regiment or cause it to split in two at the pivoting point of the lower and upper halves. The lower half had to swing over 90 degrees around first, until it lined up with the upper half, before the whole regiment could move forward.

This was done successfully, again under intense fire. The entire regiment then charged down on the enemy and the shocked Confederates fell back. Little Round Top was saved for the Union side.

Col. Chamberlain, a theologian and college professor with less than one year of military service at the time of the battle, was awarded the Congressional Medal of Honor. His war record transformed his life and he ascended to the governorship of Maine and the presidency of Bowdoin College.

The greatest tribute came from his brave foe, Col. Oates, who said that there were never harder fighters than the 20th Maine and their gallant colonel, who saved Little Round Top and the Army of the Potomac from defeat.

JACK BEN-RUBIN.

ARLINGTON, VA.

CITIZENSHIP FOR GEN. ROBERT E. LEE

Mr. HARRY F. BYRD, JR. Mr. President, I rise to advise my Senate colleagues that the House of Representatives has just voted favorably to restore full rights of citizenship to Gen. Robert E. Lee, retroactive to June 13, 1865.

The vote was 407 to 10, meeting the required two-thirds approval mandated by the third section of the 14th amendment to the U.S. Constitution.

This is a step which has been a long time in coming.

Indeed, it is a step which should have been taken by the Nation long ago.

We in this Congress can add nothing to the fame of Robert E. Lee, nor does this resolution add to his stature. It does, however, accomplish that which General Lee himself sought 110 year ago.

The qualities of his character, his compassion and his sense of duty are known to any person who has taken even the most casual interest in the history of our great Nation.

In my estimation, Robert E. Lee and his contemporary and adversary, Abraham Lincoln, are two of the greatest men this Nation has produced.

One of the finest eulogies of General Lee that I have ever read was a brief oration by Senator Benjamin J. Hill of Georgia, who served in the Senate of the United States from March 4, 1877, until his death August 16, 1882.

The text of Senator Hill's speech was brought to my office last week by my friend Miss Janet W. Meetze of Alexandria.

Miss Meetze, a native of Fauquier County, Va., presented me with a beautiful hand-printed and painted illumination of the 19th century eulogy of Robert E. Lee. She had found the text of Senator Hill's speech in a newspaper which had been saved by her grandmother.

On this day on which the House of Representatives voted to restore full rights of citizenship to General Lee, I feel no tribute to General Lee could be more appropriate, nor more concise, than the words of Senator Hill of Georgia, which I shall read to the Senate on this 22d day of July 1975, approximately 100 years after Senator Hill's death.

ROBERT E. LEE

He was a foe without hate, and a friend without treachery, a soldier without cruelty, and a victim without murmuring.

He was a public officer without vices, a private citizen without wrong, a neighbor without reproach, a Christian without hypocrisy and a man without guile.

He was Caesar without his ambition, Frederick without his tyranny, Napoleon without his selfishness and Washington without his reward.

HUGH BURNS

Mr. HATFIELD. Mr. President, in this Bicentennial year our heritage has become ever so important. There have been many great pioneers, some of whom received their deserved recognition and others who labored unceremoniously. One such man was Hugh Burns. Burns was very active in Oregon affairs in the early years of our history, but his most outstanding accomplishment never received any real acclaim.

Hugh Burns rode the first overland route 14 years before the better known Kit Carson, and without any of the recognition that we have come to associate with the Pony Express.

Born in Westmeath, Ireland, in 1807, Burns immigrated to the United States to reside in Missouri. He came to Oregon country in 1842 on the wagon train led by Elijah White, arriving in September of that year.

On his arrival Hugh Burns claimed a 640-acre plot along the Multnomah River, now the Willamette River, and named his new-found city, Multnomah City. He quickly established himself as an outstanding citizen in the Oregon territory. Active in civic affairs, Burns served as a justice of the peace, he signed the Champoeg resolution to establish a provincial government in Oregon, and served as a magistrate in that government and he was also an original member of the provincial house of representatives.

One of the first acts of this body was to appoint C. W. T'Vault, editor of the Oregon Spectator, as postmaster general. As postmaster general, T'Vault sought to respond to the settlers who were being cut off from their friends and relatives back in the States. Letters were usually sent by way of trappers, who passed the letters on, or by travelers going by boat. Either way there was no assurance of delivery. In response to the settler's, demands, T'Vault contacted Hugh Burns to ride an overland route from Oregon City, Oreg., to Weston, Mo. The price was 50 cents a sheet, half going to Burns, with the promise that the mail would get through.

In the spring of 1846, Hugh Burns left for Weston 2,000 miles away. He was one man with one horse. This hardly compared with the later day Pony Express, which had a crew of approximately 120 riders that covered the distance in 10 days. It took Hugh Burns nearly 6 months to complete the round trip. Traveling by way of Sacramento, Calif., Burns was left to negotiate the deserts and prairies, with no provisions beyond his immediate supply, and no protection except for his own gun. Despite this adversity, Hugh Burns did get the mail through to Weston.

The profit of this excursion was minimal and thus the overland route was discontinued. Regular post office service was initiated shortly thereafter in the autumn of 1847, when the U.S. Post Office Department sent Oregon a deputy postmaster general and a special agent. Hugh Burns continued to carry the mail to and from California during the gold rush, years after his original trip. Burns eventually moved to San Francisco, Calif., where he died on May 6, 1870.

As a history buff I was aware of some of the accomplishments of Hugh Burns, but the additional details were provided by Joseph McKay, a great great nephew of Hugh Burns, who is maintaining the family tradition in St. Paul, Oreg., where he is the postmaster. Since I am an admirer of his accomplishments, I strongly believe the feats of Hugh Burns should not be forgotten, thus I am contacting the U.S. Postmaster concerning this matter. I believe a commemorative stamp should recognize his contributions to the Postal Service history. In addition, I ask unanimous consent that material be printed in the RECORD describing the life of Hugh Burns, as written by Ms. Harriet D. Munnick, and a letter by Mr. Thomas Vaughan, director of the Oregon Historical Society.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 26, 1975.

POSTMASTER GENERAL
Stamp Advisory Board,
U.S. Postal Service,
Washington, D.C.

DEAR SIRS: A basic responsibility of this 103 year old society is the preservation of our historical heritage for present and future generations. In the course of carrying out this charge we naturally are aware of many personalities and events which might well be commemorated by the issuance of stamps. However, knowing the many nominations which are made to your Board, we have always counseled restraint on the part of various local interest groups in our Northwest region.

Now, however, we have come upon a situation where the time, the place, and the man are in a most fortunate position. We would like to suggest that a stamp be issued honoring Hugh Daniel Burns who made the first overland mail run in the United States 130 years ago, 14 years before the first Pony Express riders made their dash from St. Joseph, Missouri to Sacramento, California.

Burns was given a "one trip only" contract by the postmaster general of the Oregon Territory to deliver the mail from Oregon City, Oregon to Weston, Missouri. The charge was 50 cents a sheet, half of the fee to go to Mr. Burns. The contract turned out to be a one-man-only, six month, round-trip mail delivery. His way led through mountains, rivers, and deserts, and through hostile Indian country with no relays of riders and horses to spell his journey. Rider and horse were completely on their own, but the mail got through.

It is our hope that the Stamp Advisory Board will consider the issuance of a stamp commemorating this earliest cross-country mail delivery. We would be glad to provide further information on Mr. Burns and his exploit if desired.

Sincerely,

THOMAS VAUGHAN,
Director.

PRE-PONY EXPRESS: PLANNER, CONTRACTOR, RIDER—ALL ONE MAN—HOW OREGON STATE INSTITUTED ITS OWN ONE-MAN MAIL LINE ACROSS THE GREAT PLAINS IN EARLY 1880'S

(By Harriet D. Munnick)

Fourteen years before the celebrated pony express riders made their first dash from St. Joseph, Missouri, to Sacramento, Calif., Oregon had instituted a mail line of its own across the Great Plains. Whereas the pony express employed as many as one hundred twenty riders, who covered the distance of almost two thousand miles in the remarkable time of ten days, the Oregon version had but one rider, who apparently spent six months on a round trip.

The planner, contractor, and rider was all one man, Hugh Daniel Burns. He was an immigrant from central Ireland who had arrived in Oregon City with Elijah White's wagon train in 1842. He was a blacksmith by trade, "the best smith west of the Rocky Mountains," by one account, but being young, enthusiastic, and somewhat brash, would try his hand at anything, even as camp cook on occasion.

The train reached Oregon City late in September. Within two weeks Burns had "settled his claim" by staking out 640 acres on the west side of the Williamette River and putting up a shelter of some sort. His claim fronted the river from the present Oregon City-West Linn bridge to a point opposite the mouth of the Clackamas, and ran up the ridge behind to include the flat known as Lonesome Bottom that lay inside a gentle crescent of the river. Within a few years he had begun a ferry here in acrimonious opposition to Robert Moore, whose ferry crossed a little nearer the falls.

Besides running the ferry, Burns plunged at once into numerous civic and private enterprises. These included signing the Champoeg resolution for a provincial government, serving as "magistrate" under it, setting up a store on his claim, and plotting his "City of Multnomah". Although he sold a few lots and gave away others, his dream of establishing a rival to Oregon City fell through. So did his application to build a bridge across the river, and his offer of "32 lots and a building 15 by 35 feet, two and a half stories high" for a provisional capital at Multnomah City.

Upon the appointment of W. G. T'Vault, editor of the *Oregon Spectator*, as postmaster general of the new organization, Burns got a contract from him to carry mail from Oregon City to Weston, Missouri, "for one trip only." Charge was fifty cents for a single sheet, with half of the fee to go to Burns.

According to family tradition, he rode by way of Sacramento, and may have made more than one trip, but this is uncertain. Whatever his route, it was certainly more difficult than that of the later pony express. The trail across mountains, rivers, and deserts was scarcely laid out in 1846, no rest stations permitted a change of rider or horse, and no protection against hostile Indians could be expected outside the widely spaced forts of the fur companies. Rider and horse were completely on their own, but the mail got through.

There was no money in the deal, however, and the ambitious scheme of overland mail service became another casualty in a raw young land. Burns stayed with his Multnomah City until the late 1850's, for he attended the funeral of Dr. John McLoughlin, whom he admired greatly; he wrote a letter to a friend in the East describing the event and excoriating those who "have destroyed him." Shortly afterward Burns left for San Francisco, dying there in 1870.

A large framed photograph of this pre-pony express rider is now displayed in the Pioneer Museum at Champoeg. It was recently presented by the postmaster of St. Paul, Joe McKay, a great-grand-nephew of Hugh Burns.

JAMES HOGE AND KOREA

Mr. PERCY. Mr. President, recently the editor of the Chicago Sun-Times, Mr. James Hoge, wrote a perceptive article about the situation in Korea, following a reporting trip to Northeast Asia. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KOREA—25 YEARS LATER, A WAR OF NERVES

(By James Hoge)

SEOUL.—It's 11:45 p.m., an odd hour for a traffic jam. Yet it occurs every night in downtown Seoul. Autos, taxis and buses squeeze against one another, horns blare, panicky drivers fight for space in a mad dash for home.

By the stroke of 12 the burst of commotion is over and the streets are deserted, save for police. The curfew is in effect—as it has been for many years now.

Seoul is not the kind of tank town which folds up at such an hour naturally; rather it is a bustling, skyscraper city of restaurants and pleasure spots which would toast the wee hours anywhere else.

Yet, at the appointed time, the more than 5½ million citizens of this capital city close it up tight, with some grumbling to be sure, but with no apparent urge (even among young bucks) to test the strictures.

Of course, there is the authoritarian government of President Chung Hee Park to help everyone make the right choice. But, more importantly, the willingness of Koreans to put up with this nightly inconvenience is a small but continuing reminder of their united resistance to the Communist threat from North Korea.

The curfew, like so many other restrictions in South Korea these days, is justified by pointing northward to the 38th Parallel.

There, blue-helmeted United Nations troops watch over the cease-fire forged 22 years ago after three years of warfare in which more than 54,000 American soldiers lost their lives.

Across the demilitarized zone at the 38th Parallel, North Korea is making preparations which alarm officials in the South to varying degrees.

U.S. Embassy officers play down the danger signals and caution that some South Korean anxiety is designed to blunt arguments for the removal of America's 40,000 troops.

President Park, himself, said in an interview that "we have passed the first phase of danger after the U.S. withdrawal from Cambodia and South Vietnam."

But he is worried about what might occur next year if the presidential campaign preoccupies and partially immobilizes the United States.

Similar concerns are held by several key American military commanders and South Korean intelligence experts who believe North Korean President Kim Il Sung still hopes to reunify the nation by force.

In assessing Kim Il Sung's temptation to strike again, most of these on-the-scene observers agree that three crucial factors are interlinked—the level of support from China or the Soviet Union, the strength of the American commitment to South Korea and the amount of disenchantment with the Park regime.

Kim Il Sung noticeably toned down his blustery rhetoric after vising Peking in April. But no one in South Korea knows how long he will be restrained or what the Chinese would do if Kim were to provoke fresh hostilities.

Within South Korea, immediate concern over American resolve has been tempered by public reassurances from President Ford, Sec. of State Henry A. Kissinger and leaders in Congress. For the future, doubt runs deep. "What will happen after 1976?" is a constant question from Koreans who wonder if America's retrenchment in Asia has run its course.

Among South Koreans, Park's brand of authoritarianism is a clear—if unenthusiastic —choice over North Korean communism. Agents, infiltrated from the North in growing numbers of late, can still find no "sea among the peasantry" in which to swim. Opposition politicians pointedly strike a common chord with Park in calling for national unity and American support against North Korea.

But disaffection is spreading below the surface calm imposed by Park's curtailment of civil liberties, done in the name of national security. Intellectuals and professional people in this increasingly urbanized society are alienated. University students, always volatile in Korea, are still smarting from the quick suppression of a protest in May.

In the countryside, opponents of Park say frustration is simmering among peasants who feel they were shortchanged during the last decade's successful industrialization push and now are suffering the added burdens of recession.

Park has moved to shore up support by redirecting government attention to rural problems.

He has also sought to boost morale and stem corruption in two other sensitive areas by raising salaries for civil servants and military officers.

These efforts are little more than palliatives in the eyes of Park's most stubborn political opponent, Kim Dae Jung. A close second to Park in the 1971 presidential contest, Kim is now on trial for violating election laws. Under the watchful eyes of the Korean CIA, Kim largely confines himself to his home, where he receives visitors in a study. On one wall is a sympathetic letter from Sen. Edward M. Kennedy (D-Mass.).

Kim worries that Park's repressions will undermine the people's loyalty to the nation and weaken resistance to challenges or enticements from North Korea.

"The threat from North Korea will be there as long as it is Communist," he said. "That continuing threat doesn't justify suppressing our people. We must give them something of value to secure their allegiance. If we ask them to oppose communism, we must give them reasons, which are freedom and bread."

Eventually, Kim hopes the prospects of renewed war on the Korean peninsula can be diffused by four-power guarantees from China, Russia, Japan and the United States. But first, he thinks the two Koreas must move toward more normal relations.

The trend would appear to be going in the opposite direction. Talks between North and South, begun in 1971, have now been disrupted by the Communists, who apparently sense fresh opportunities in Seoul's political tensions.

North Korea has stepped up infiltration and mounted a diplomatic campaign to oust the UN-authorized force of U.S. troops. Most ominous is the intelligence on military preparation coming into South Korea's CIA.

Close behind the DMZ, the North Koreans have built four airstrips and constructed concrete bunkers for artillery that is targeted to provide cover for ground troops advancing across the truce line. Frog missiles, with the capability of hitting Seoul, are also in place.

Within the mountainous no-man's land of the DMZ, sensors indicate the North Koreans are continuing to dynamite tunnels, even though two of them have been exposed. Officials suspect there may be no fewer than 14 such tunnels, which they say can send down several thousand armed soldiers in an hour.

Meanwhile, behind the front lines, the North Koreans have stockpiled a 90-day reserve of fuel and 230 days worth of food rations. Informers also report a step-up in guerrilla and paratroop training.

At this stage, the North Koreans' hustle and bustle amounts to a war of nerves. U.S. and South Korean officers consider an outright invasion the least likely action. Rather, they expect "incidents," such as clashes around offshore islands, quick probes over the border and sabotage within South Korea. The aim, they suspect, would be to embarrass the Park government and thereby undermine its stability.

"It would be a mistake to be lulled by an all-or-nothing view," cautioned Kim Kyung Won, Park's 34-year-old, Harvard-trained assistant. "The North Koreans are enormously persistent and are quite prepared to wear us down."

If an invasion was launched, it would be met by major elements of South Korea's well-trained 620,000-man army. U.S. artillery and air support would come into play to equalize the North's Soviet-supplied field pieces.

U.S. strategy, revised in the wake of Vietnam, calls for stopping any attack at the border and within a matter of days by the use of intense firepower. This "short war" concept, which would keep U.S. troops in reserve and out of action, may be militarily sound; it is also viewed by its originators as the only palatable strategy for a nation dead set against another drawn-out involvement on the Asian mainland.

If (as now seems unlikely) South Korea was left to fend for itself before completion of its military modernization program, a whole new danger would arise. Park has talked guardedly of nuclear weapons and both he and rival Kim Il Sung have gone into the marketplace to purchase reactors.

In time, then, the Korean peninsula could become the first place to realize the worst fears of the age of nuclear proliferation.

RECENT GAS PRICE HIKES: FAIRNESS AND DUE PROCESS DUE TO OIL COMPANIES

Mr. PERCY. Mr. President, the Permanent Subcommittee on Investigations of the Government Operations Committee and the Subcommittee on Oil and Gas Production and Distribution of the Commerce Committee have recently concluded joint hearings on the recent increases in gasoline prices at the pump. Since I have had some time to reflect upon these hearings, I think it might be beneficial if I shared with my colleagues some valuable lessons learned from the proceedings just concluded. Away from the television cameras and the bright lights of the hearing room, time and distance lend perspective to what might otherwise be perceived by the public as another unfortunate and regrettable congressional harangue.

As is outlined in my opening statement and my correspondence with subcommittee Chairman JACKSON which follow, a procedural question arose as to the proper format for the witnesses to appear before the subcommittee. Officially requested by the subcommittee to appear as a panel, representatives of the seven largest oil companies expressed to subcommittee members their desire to testify in an individual capacity rather than as a panel. I felt it to be a fundamental issue of fairness and due process that these executives be allowed to testify individually before the subcommittee, without the presupposition of collective corporate culpability.

At the hearings, my colleagues on the minority side, Senators JAVITS, ROTH, STEVENS and WEICKER, agreed that a special effort must be made to accord to the witnesses fundamental fairness. Senator RIBICOFF, chairman of the full Government Operations Committee joined in that observation. In response to this concern, and after lengthy discussion, it was finally agreed that each oil company representative should be allowed to give his testimony and to respond to questions individually, not as a member of a panel. I was pleased that the subcommittee and Chairmen JACKSON and STEVENSON, to the satisfaction of all, were agreeable to such a just course of action.

I might add that our efforts to insure the fairness and due process of our proceedings produced an additional beneficial result. While procedurally the individual format adopted was immeasurably fairer to the witnesses, I feel I can say with full assurance that last week's session was, in a substantive sense, also unquestionably more productive than would otherwise have been the case. The questioning of the witnesses, and particularly their responses, were unusually crisp, comprehensive, and helpful to our understanding of the recent increases in the price of gasoline. From both a substantive and procedural standpoint, the recently concluded hearings were, in the opinion of many, far superior to the similar set of oil hearings the Permanent Subcommittee on Investigations held in January 1974, during the height of the Arab oil boycott.

Out of 2 days of hearings, out of the questioning and statement of Federal Energy Administrator Frank Zarb, and out of my review of the transcript of Thursday's session with the seven major oil companies, I repeat, what I said at the start of the hearings, that I have not yet seen any evidence to justify a conclusion that the oil companies manufactured a shortage in late June and early July by manipulating refinery runs.

In the final analysis, the lesson to be gained from the session of July 17 is that corporations too have rights, just like any other citizen. And if congressional committees want to call them to account, then at the very least the accusers must accord the accused the decency of fundamental fairness and due process.

Mr. President, I ask unanimous consent that my opening statement at the July 17 hearing and my correspondence with Senator JACKSON prior to that session, be printed in the RECORD, since it is important that the principles involved be commonly understood.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OPENING REMARKS OF SENATOR CHARLES H. PERCY AT OIL HEARINGS OF THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS AND THE SUBCOMMITTEE ON OIL AND GAS PRODUCTION AND DISTRIBUTION, JULY 17, 1975

The fact that these hearings are being held *today* is lamentable, and the format under which they are about to be held constitutes, in my view, a denial of any semblance of fairness to the witnesses.

I believe that each company represented has communicated to the Subcommittee its desire to testify in an individual capacity and not be forced to be grouped as a panel in the manner which apparently is intended. The element of unfairness is specifically addressed in the comments of several of the companies to the respective chairmen of these two subcommittees. In the interest of brevity, I will simply ask that the correspondence be included in the record following my remarks, while expressing the hope that the witnesses will not feel intimidated and will, individually, address this point in the course of their remarks this morning.

The prospect of this kind of spectacle occurred to me last week and it was for that reason that I asked the minority counsel to discuss an alternative arrangement of receiving separate testimony from the individual witnesses. If that were to take more time, even several days, I would be prepared to sit in the interest of fairness to the participants. On Tuesday, having been apprised of the stated objections of these companies to appearing in this panel forum, and disturbed about several other aspects of this hearing which caused me to question the motivation behind them, I discussed with Senator Jackson in written form my specific concerns, requesting that a Subcommittee session be convened, prior to the hearing, to discuss whether it should take place today and, if so, under what conditions. The chairman declined to convene such a Subcommittee session, and informed me last evening that my requests were denied. He suggested that I raise these issues at the start of today's hearings.

Let me add that I also shared my letter with Senator Stevenson and discussed the matter with him in person.

My reasons, as discussed in that letter, were twofold. First, the session was being planned and carried out without due consideration for the fundamental fairness which should be accorded any witness appearing before the Government Operations Committee and its several subcommittees all the time. And I am sure the same holds for the Commerce Committee. But those panels are set up with the consent of the witnesses, often at their own request. The circumstances of today's session, however, are wholly different. The witnesses, having been summoned, have asked to appear in an individual corporate capacity and have specifically urged that they not be grouped together. Moreover, there have already appeared in public print charges and insinuations which lead to the belief that today's session may well be conducted as an adversary proceeding more closely resembling a public pillory. That being the case, a special effort must be made to accord every reasonable element of due process to those so requesting.

Second, in view of the fact that substantial volumes of information and documents were requested from the oil companies by letter of July 9, 1975, from the respective chairmen, it was clear as of Tuesday that all the information could not be submitted in time for the members of these two subcommittees to have an adequate opportunity to analyze the responses, some of which would necessarily be incomplete due to time pressures.

It makes no sense to me whatever—if we are trying to make findings and conclusions as to the important issues of supply and price of gasoline during this summer period and the months following—that we do not allow ourselves sufficient time to receive and digest relevant information which has been assembled by these companies after hundreds of man hours of work. This is the very information which will enable us to document our conclusions as well as to assist in the questioning of the very witnesses who are most informed on this subject.

My concerns were heightened even further by what seemed to me several conclusory statements which issued even prior to the commencement of these hearings. A "possibility" was cited more as an insinuation that "some oil companies, apparently to maximize profits, acted *deliberately* to reduce gasoline supplies in order to maintain and raise prices while simultaneously building supplies of crude oil in anticipation of reaping windfall profits." And, another statement issuing from the Subcommittee concluded that "Clearly, the oil companies have manufactured a shortage through manipulation of refinery output so they could raise retail gasoline prices as much as 7 cents a gallon during the season vacationing Americans buy more gasoline."

As of Tuesday, and as of today, I have seen nothing from the responses of the oil companies or of Federal officials who testified and were questioned yesterday, nor any other evidence which would lead me to conclude that either a conspiracy to raise prices or unconscionable corporate conduct did in fact take place.

So that there is no misunderstanding, I ask that my letter to Senator Jackson, and his response, be placed in the record at the close of my remarks this morning. Let me simply read from the concluding paragraph of that letter so that those who are in attendance today and those who are mindful of these hearings can be fully apprised of my motivation. I quote:

"In sum, I have no objection to there being hearings on this subject. I believe, however, that they should be held only after Subcommittee staff and the members themselves are fully familiar with the relevant information which the oil companies are now in the process of furnishing. And, unless you have knowledge of actual collusion on the part of all or several of the companies whose attendance has been sought—evidence of which I have not seen—I see no reason why the representatives of each company which has so requested cannot be heard and questioned on an individual basis, allowing every fair and reasonable opportunity for a full and even-handed discussion of the vital issues at hand."

Finally, if there was any possibility that these hearings would assist us to understand the critical issues of gasoline price and supply which will be facing the American people in the days ahead—and I truly believe there was every such hope of a dispassionate consideration of the facts as has been the custom of the Permanent Subcommittee on Investigations in the past—that possibility and that hope have now been effectively quashed by the decision to rush to hearings at this time and in the manner intended.

WASHINGTON, D.C.,
July 15, 1975.

Hon. HENRY M. JACKSON,
Chairman, Permanent Subcommittee on Investigations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Last week, I asked Minority Counsel to discuss with the Chief Counsel, Howard Feldman, some of the concerns that I held in connection with the oil hearings scheduled for Wednesday and Thursday of this week, July 16 and 17, which you have called together with Adlai Stevenson. Having now reviewed some of the correspondence, requests for information submitted to the oil companies, and the public statements that have been made in connection with these hearings, I am even more concerned that, particularly Thursday's scheduled session with the seven major oil companies, is being planned and carried out without due consideration for the fundamental fairness which is due to any witness appearing before a Congressional committee.

I have reviewed the request for postponement on the part of Mobil Oil Corporation which has been denied without any consultation with the minority. And I have reviewed the telegrams and correspondence from Exxon, Shell, Standard Oil of California, and Mobil, all indicating that there is insufficient time to produce and compile the substantial volumes of information and documents which were requested in your letters of July 9, 1975, to all the oil companies scheduled to testify. I am now convinced that it would be unfair and unjust to rush ahead with these hearings this Thursday. Not only will we not have in hand all the information requested, but whatever documents and data are submitted to the Subcommittee between now and Thursday morning will not be read much less carefully studied and digested. The members will not have had an adequate opportunity to thoroughly analyze the reams of valuable information which has been sought, let alone try to reach any conclusions as to the important issues of supply and price which are the subject matters of these hearings.

Furthermore, I note from the correspondence of the four companies named, that there is considerable and understandable objection to being forced to have their representatives appear as part of a panel instead of being permitted to testify individually with respect to the issues raised. If I learned anything from the widely publicized oil hearings that this Subcommittee held in January, 1974, it was that such proceedings can be inherently unfair in grouping together some of the oil companies who have demonstrated themselves to be outstanding corporate public citizens, with others whose corporate behavior is less than exemplary. By being grouped together on that occasion—all subject to charges and insinuations at times lacking in substance—the entire industry was unfairly stigmatized, including some of the highly responsible members whose actions were entirely in the public interest. I hardly see any need for a repeat of this kind of public spectacle. Particularly where a company has so requested, I see no reason why its representative cannot be permitted to testify individually and be given every opportunity to give a studied and thoughtful response to the specific questions which apply to that particular company.

I think the lesson of the past takes on especial significance in view of the fact that, in connection with these upcoming hearings, certain statements have already been made which imply in none too subtle terms that any possible spot shortages which might be experienced this summer are attributable to the possibility that "some oil companies, apparently to maximize profits, acted deliberately to reduce gasoline supplies in order to maintain and raise prices while simultaneously building supplies of crude oil in anticipation of reaping windfall profits." Another direct quotation was to the effect that, "Clearly, the oil companies have manufactured a shortage through manipulation of refinery output so they could raise retail gasoline prices as much as 7 cents a gallon during the season vacationing Americans buy more gasoline."

To me, this language seems more conclusory than is justified on the basis of any evidence I have seen or which has been shared with me to date. Indeed, if there is such evidence arising from the Subcommittee's inquiry to date, I anticipate that it will be brought to the attention of all the members at the earliest possible moment. If, on the other hand, the session is truly designed to ascertain whether unconscionable corporate conduct did take place, then I reiterate my concern that neither the format of the hearing nor the public statements which have been made about it to date seem designed to assure a fair, impartial and thoroughgoing inquiry.

I am taking the privilege of sharing these deep concerns which I have with my colleague from Illinois, Senator Stevenson, as well as Senator Stevens the ranking minority member of the Oil and Gas Subcommittee of Commerce. I believe these concerns may be shared by other members of our own Subcommittee, and should be discussed at an open Subcommittee session prior to any such hearing.

In sum, I have no objection to there being hearings on this subject. I believe, however, that they should be held only after Subcommittee staff and the members themselves are fully familiar with the relevant information which the oil companies are now in the process of furnishing. And, unless you have knowledge of actual collusion on the part of all or several of the companies whose attendance has been sought—evidence of which I have not seen—I see no reason why the representatives of each company which has so requested cannot be heard and questioned on an individual basis, allowing every fair and reasonable opportunity for a full and even-handed discussion of the vital issues at hand.

Sincerely,

CHARLES H. PERCY,
Ranking Minority Member.

WASHINGTON, D.C.
July 16, 1975.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR CHUCK: I have reviewed your letletter of July 15, 1975 on the oil hearing scheduled for Thursday, July 17, in which you state your conviction that "it would be unfair and unjust to rush ahead with these hearings this Thursday" as well as your objection to the panel method we intend to use to receive testimony.

To date, only Mobil has requested a postponement of the hearings. All of the companies, including Mobil, have delivered to us detailed responses to our questionnaire as well as articulate opening statements on corporate policies and actions. Copies were immediately forwarded to Minority Counsel. Staff is now in the process of evaluating this material which, along with the record we made in today's testimony, will enable us to seek hard answers on important questions of gasoline prices and supplies.

With regard to the panel form, it is my belief that this method enhances our fact finding capabilities by enabling us to receive, at one time, answers from all participants to the same question or questions. This, in turn, will enable us to compare the performance of the companies.

In sum, it is my feeling that proceeding tomorrow in panel form provides the best opportunity to examine the key questions of gasoline prices and supplies. Your letter states that your "concerns may be shared by other members of our own Subcommittee, and should be discussed at an open Subcommittee session prior to any such hearing." Accordingly, if you still feel that we will not present these companies a fair opportunity to testify you should bring these matters up prior to our receiving testimony tomorrow.

Sincerely,

HENRY M. JACKSON,
Chairman.

NO EXPIRATION DATE FOR VOTING RIGHTS ACT

Mr. ALLEN. Mr. President, an item from the Washington Post of July 17, 1975, indicates a general misconception in the language "* * * the Act is due to expire next month."

In the original bill, there were but

five provisions which made any reference to time factors. All of these were in section 4 which related to States using "any test or device" as a precondition to voting.

This section precludes the use of such test or device unless authorized by a declaratory judgment of the U.S. District Court for the District of Columbia.

As a matter of proof the State or political division requesting such a judgment must demonstrate that such test or device had not been used for discriminatory purposes during the 5 years preceding the filing of the action.

It further provides that a declaratory judgment shall not be issued for a period of 5 years after the entry of a final judgment of any other court which has determined that tests and devices had been used for discriminatory purposes.

The third reference to time is in the provision which states that the U.S. District Court for the District of Columbia shall retain jurisdiction of any action pursuant to this subsection for 5 years after judgment.

The fourth reference relates to the consent of the Attorney General to the entries of a declaratory judgment if he has no reason to believe that any test or device has been used during the 5 years preceding the filing of an action.

The fifth reference is the provision relating to the triggering criteria based on data as to the use of a test or device as of November 1, 1964, and voter registration and participation data as of November 1, 1964.

It will be noted that each of these dates except the triggering device dates refer either to the date of filing for a declaratory judgment or the date of a judgment.

The 1970 amendments added, under supplemental provisions—title II, section 201—that prior to August 6, 1975, no citizen in any State not covered by suspension of the literacy test provisions of section 4(a), may be denied the right to vote for failure to comply with such test or device. Title II, section 203 of the 1970 amendments sets up a judicial procedure for enjoining the denial of the right to vote in other than targeted States. It permits the U.S. Attorney General to file in the appropriate U.S. district court and does not subject State legislation to prior approval procedures.

Again, with reference to the 1970 amendments, States not covered by the 1964 triggering criteria are made subject to the suspension of tests or devices based on voter registration and participation figures as of November 1, 1968.

In addition, criteria for the enactment or administration of voter qualifications, standards, and so forth, different from those in force or effect on November 1, 1968, are made subject to prior approval procedures.

The point is that the Voting Rights Act will not expire on August 6, 1975, except for the 1970 supplemental provision—title II, section 201—which suspended the use of tests or devices in all States not covered by the targeting mechanism.

On the other hand, if sections 4 and 5 were repealed, there remains section 3 (a) of the original act which authorizes the Attorney General to institute suits in appropriate U.S. district courts to enforce the guarantees of the 15th amendment. The courts are authorized in the exercise of their equity discretion to appoint Federal examiners in such number and for such period of time as the judge may deem necessary.

Furthermore, if the court finds in such a case that a test or device has been used for discriminatory purposes, it is empowered to suspend the use of such test and device for such period of time as the court may deem necessary.

Also, the court is authorized to retain jurisdiction of suit for such period of time as it may deem appropriate.

During such period of retained jurisdiction, no voting qualifications or prerequisite to voting, or standard practice or procedure may be enforced or administered if it is in any way different from those in force or effect at the time the proceeding was commenced.

If the court finds that the new procedure is not discriminatory in purpose or effect, the new rule, ordinance, or statute may be enforced.

The standard practice or procedure may be enforced also if submitted by the chief legal officer or other appropriate official, to the Attorney General and the Attorney General does not interpose on objection within 60 days.

The point here is that the judicial remedy is applicable throughout the United States and, in fact, is authorized by many other Civil Rights Acts.

Furthermore, if sections 4 and 5 were repealed, the State of Alabama would be covered under the provisions of title II, section 203 of the 1970 amendments. Provided, of course, that section 203 is extended beyond 1975.

I ask unanimous consent that this item from the Washington Post be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

> VOTING RIGHTS ACT
>
> Senate Majority Leader Mike Mansfield (D-Mont.) and Minority Leader Hugh Scott (R-Pa.) pledged last night that a bill extending the 1965 Voting Rights Act for another 10 years will come to the Senate floor before the August recess, regardless of any stall attempts by Southern opponents.
>
> "This bill is going to come up," Mansfield told the Senate.
>
> Scott said, "I can guarantee the majority leader, he has substantial help on this side and the President favors" the extension. The act is due to expire next month. A subcommittee headed by John V. Tunney (D-Calif.) approved the extension, 8 to 2, June 11, and the full Judiciary Committee will meet today to consider the bill.
>
> Senate Judiciary Committee Chairman James Eastland (D-Miss.), who has been in the hospital with broken ribs, has named Sen. Philip A. Hart (D-Mich.) to act as chairman today when the committee meets.
>
> The act designed to protect the voting rights of blacks in the South, has been called the most successful civil rights measure ever passed.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The time for morning business having expired, morning business is concluded.

AMENDMENT OF THE VOTING RIGHTS ACT

The ACTING PRESIDENT pro tempore. The question recurs on H.R. 6219, which the clerk will state for the information of the Senate.

The assistant legislative clerk read as follows:

> A bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, to make permanent the man against certain prerequisites to voting, and for other purposes.

Mr. ALLEN. Mr. President, I call for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is not a sufficient second.

Mr. MANSFIELD. Mr. President, what is the question?

The ACTING PRESIDENT pro tempore. The yeas and nays have been requested on passage of the bill.

There still was not a sufficient second.

Mr. ALLEN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TUNNEY. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. TUNNEY. Mr. President, I ask unanimous consent that Dorothy Parker of the staff of the Committee on the Judiciary be granted the privilege of the floor during the consideration of this measure.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I understand that a vote is scheduled at 12 o'clock.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. STENNIS. I shall conclude before that time, but I wish to take advantage of this interim time. I appreciate the cooperation of the manager of the bill in helping me get the floor.

I wish to discuss, Mr. President, in this brief period—just discuss, without calling up—amendment No. 707 to the bill, which has been submitted heretofore, and has been printed.

Mr. President, the purpose of that amendment—and I call this to the attention of the Senator from California, the able manager of the bill—is to make this proposed law apply to all of the States of the Union, rather than a selected few. The amendment would, therefore, in effect strike out the triggering clause of the present law and the present proposed extension of that law, and insert terminology to provide for its general applicability, or at least bring those terms forward. It would still assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color, and so forth, as to Federal, State, and local elections. In other words, it would cover all elections within the 50 States, and be applicable in the way of providing regulations, requirements, watchers, examiners, and the other provisions of the bill.

Mr. President, in arguing here for an amendment such as this, to provide this complete applicability, I pose this question: Why under the present facts have any law at all on it, on the subject matter that is not going to apply to all of the States?

Ten years ago the first law on this subject was enacted, in response to the qualifications of voters, for instance, in some of the States, particularly the Southern States.

A limitation, though, was put upon the time, because the argument was that on its face the law was discriminatory itself. But the argument was to give 5 years of the application of such a law and that would clear up and clean up the situation, whatever it was, that sponsors were shooting at at that time.

Five years did bring about changes. For 5 years the law was applied, I think rather uniformly, but it was felt, and the majority of Congress agreed, that it should be extended for another 5 years. So the bill was reenacted.

Now, 10 years later, the proponents are back with the some proposal, not for another 5 years, but for 10 additional years, which would make it applicable for 20 years. This proposed 10 years to be added is made in the face of the fact that there is no substantial or appreciable showing in all the proof of any real abuses in the ways of holding elections, certainly no more in those States originally to be affected than in many others. There is not any use of so-called artificial qualifications to be eligible to register and vote. The proponents just do not recognize that a great deal of progress has been made in black registration and voting since 1964.

Two-thirds of the blacks of voting age are now registered in Mississippi, according to the statistics gathered recently and presented to Congress by our able attorney general of our State.

According to Federal figures, Mississippi in April 1974, had 191 black elected officials. I am not trying to draw these particular distinctions. It is the bill that draws them. That number was more than any State in the Nation, except Michigan, which although much larger had only 194, only three more than Mississippi.

Those are black elected officials. That was another fact. The figures I have quoted show this registration here of more than two-thirds, and they show that their black elected officials are more than any State in the Union, except Michigan, which is a much larger and more populous State. Michigan has only 194.

California has only 132. That is the most populous State in the Nation. That is one of the finest States, which is well-represented here by the Senator who is the floor manager of this bill. I make no reference to him personally except in a complimentary way, and I mean it. He and I have been adversaries here in this Chamber, and we have worked together. He is a commendable gentleman, an able man either way. So I make no reference to him except in a complimentary way. But I ask the question: If this is good for Mississippi, why is it not good for California?

If we just want to protect voting rights now, what reason could anyone give for excepting their State and putting this law on another State?

But back to these statistics: The second largest State by population in the Nation, New York, has only 174 black elected officials, and Illinois, another very highly populous State, has only 152. If this law is good for Mississippi, why is it not good for Chicago?

I speak with all deference of Chicago. I think they have a fine mayor. But we know, since we were little boys, voting patterns there have been in the news. That has been in the news all over. It has not all been complimentary. The Southern States have been in the news some, also, in that field and that had not all been complimentary. We are not trying to out-compliment or out condemn anyone here.

But I ask the question over and over again. If this is good for Louisiana, Alabama, Georgia, Mississippi, or any of those States, why is it not good for Chicago? Why is it not good for States and cities in the great State of Ohio, Cleveland, Ohio; Gary, Ind.? Ohio now has, according to the records, according to these Federal figures, only 139 elected black officials.

I have already given the figures we have in Mississippi. 191. Pennsylvania—there is the great State of Pennsylvania, with Philadelphia, Pittsburgh, and those populous areas—why are they not entitled to the protecting benefits of this law? Pennsylvania has only 83 black elected officials.

I am emphasizing the number of these elected officials, because it is some indication of participation by them and their political friends, both black and white. These things are irrefutable.

If it is good for the areas where we have it applying, why is it not good for Pennsylvania with only 83 and West Virginia with only 5, only 5 black elected officials?

Some States have none, Mr. President.

I challenge someone now for the logic and the political reasons, or for any reasons, why we should have here a law that has 10 more years to run under all of its terms but just applicable to a relatively small area of the Nation?

I know this. I know, if the real question were whether the law was going to apply to all the States and had been brought in here with all States included, any effort to kill all amendments would have been beaten to death in many ways. It would have been ignored, and that is the effort here today.

The effect of amendment No. 707, Mr. President, would make nationwide the application of this highly regulatory election law bill.

Mr. President, when this bill was originally passed 5 years ago, the representation of the proponents was, give us this bill 5 years and, if it works, that is the substance of it, that would be the end. Well, at the end of 5 years, with tremendous proof that it had moved along a great deal in the direction intended, they asked for 5 additional years.

That was finally enacted and 10 years have passed and now the proposal is to extend it 10 years more even though the facts are really not substantial that support it.

There has been a change in the voting requirements of electors. There are no superficial or artificial barriers attempted to be interposed for qualifications and these elections have been conducted in a fair and proper way. It is true that a few States have been under police surveillance that at times has been more rigid than military surveillance. But there has been a great move for the races to work together and to move forward in this principle, in this area of voting rights, legislation and voting and the election of officials, black or white.

I know in my home county by observation a few days ago, a rural county, there are more blacks than whites. I know that the county candidates for county office and district offices within the county make house-to-house canvasses. They canvass regularly among the black people, the red people—we have some American Indians—and the white people.

I do not know any better index to show participation than a count as to the registration, and in my State two-thirds of the voting age blacks are now registered.

Those figures were compiled by our attorney general, and these figures I am going to quote now and put in the RECORD are from the hearings on this bill in the House, page 659. It shows all the States to which the bill as written now would apply.

Mississippi has 191 black elected officials. I say that proves participation better than any other single statistic could, and more black elected officials than any State in the Nation except Michigan, which is much larger, and they have only 194 as compared to 191 in Mississippi.

Here are the specifics on some other States. California has only 132 black elected officials. It is the highest populated State in the Nation. New York, the second highest population in the Nation, only 174. Illinois, only 152. Fine States, all of them.

I raise the question here, Mr. President, if we are going to have an election law now that will apply in Alabama or Arkansas or Georgia, what about Chicago? Why not have the same rules of fairness and surveillance apply in Chicago? And I speak with deference to Chicago; of course, I do. They have one of the outstanding public officials of the entire Nation there in Mayor Daley.

But right is right and wrong is wrong.

Mr. President, there is no basis whatsoever for the discrimination that is shown in the way this bill is written. No basis except one: this is purely a political bill. It is not based on right or justice or logic or the Constitution of the United States, in my humble opinion. This is a political bill.

Now, that does not impugn the character of anyone that might vote for it, but this bill has overwhelming political aspects and implications.

Why, the order already about it is, pass it as it is, do not let in any amendments.

It went through what seems to me a farce here in referring a Senate bill to the Senate committee. They voted on it before it could be reported. Why we took up this bill here at the desk.

Well, a man does not have to be around long to know why those things are done. They want to pass this matter now and pass it without an amendment, pass it regardless. That is the word. That is the effort here.

The last time it was up, an amendment similar to this was offered to make it applicable throughout the Nation, as I recall by the former Senator from Kentucky (Mr. COOPER). Then it was a very, very close vote. It did not get into the law. But as I remember, it missed passing the Senate rollcall vote by a very slim margin.

As I recall, the Senator from Montana, running over with fairness always, voted for it. He voted for it.

But getting back to my figures here, Alabama has 149 elected black officials. California—I refer to them again, because they are the most populous State in the Nation—has only 132. Georgia, another one that is under the ax here in this bill, 137 elected black officials, and California, again, only 132.

Turning over the page here, Louisiana, the deep South, 149 elected black officials.

I do not raise this question here about the officials being black or white. This bill raises that question. That is what it does. We cannot talk about this bill without talking about blacks and other minorities, smaller minorities.

But back to my point, Louisiana, 149 elected black officials, but we would keep them under the severity of this penalizing, humiliating law for 10 long years.

Well, there is California, except maybe for a little area there that I will look into later, it has only 132 black elected officials.

I quote these figures here as reflecting election participation and certainly with immunity.

Louisiana again, 149; Ohio only 139, with the great cities of Cleveland and others. What about the law applying to Louisiana and not applying to Illinois, Ohio, and Indiana? There I was thinking of Gary.

North Carolina is under the law, most of it is, with 159 black elected officials.

Pennsylvania, a much larger State, more populous, huge cities—Philadelphia and Pittsburgh, for two—has only 83 elected black officials.

Where is the fairness, the justice? Where is the reason? Where is the logic? It is not there. This is a political bill, pure and simple. It is a political bill of what I call the lower order.

In South Carolina, black elected officials number 116.

In Pennsylvania again, there are only 83.

In Virginia, another State under the penalty of this law, they already have 63 elected black officials.

Some States do not have any, not any. West Virginia, a fine State, with good representation here, has only five elected black officials, according to my information from this exhibit 19. I am citing it as proof that there is participation. There is successful candidacy by these black candidates. Doubtless, some of these represent those who were reelected.

Mr. President, this is a farce, it seems to me, to be bringing back this bill with a mandate on it—a mandate: pass it. Pass it. Not just pass it, but pass it as it is.

That is the word that has gone out around the Chamber, as I understand.

I am pleased that the rules of the Senate will allow me another chance within the limited time available, another chance to present this matter to this body. I have been speaking for about 14 minutes, and now I have three Senators in the Chamber, and one is the Presiding Officer. Some Senator has to be here for that purpose.

I am complimented to have the floor manager of the bill present, the Senator from California, and also the Senator from Alabama.

Mr. TUNNEY. Will the Senator yield?

Mr. STENNIS. I yield.

Mr. TUNNEY. We are not under controlled time, so the fact that the Senator has used 14 minutes does not make any difference, because he can have as much time as he requires.

Mr. STENNIS. I thank the Senator very much.

Mr. President, I propose to yield the floor now. If the Senator from California is going to speak, I want to remain and hear him as long as I can, consistent with some of my other duties that he is familiar with.

Mr. TUNNEY. I know the Senator is pressed for time, and I know he also is going to have an opportunity to discuss this matter later on. I would be happy to accommodate the Senator from Mississippi, my distinguished friend, and respond to his remarks later on, if he would so desire.

Mr. STENNIS. It would certainly fit into my schedule of today, which is all official schedule.

Mr. TUNNEY. Fine. I will respond later on.

Mr. STENNIS. I thank the Senator.

Mr. President, I yield the floor.

SENATE CONCURRENT RESOLUTION 54—PROVIDING FOR A CONDITIONAL ADJOURNMENT OF CONGRESS ON AUGUST 1, 1975, UNTIL SEPTEMBER 3, 1975

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now vote on Senate Concurrent Resolution 54. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Hawaii (Mr. INOUYE), and the Senator from Rhode Island (Mr. PELL), are necessarily absent.

I also announce that the Senator from Michigan (Mr. HART), is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BARTLETT), is absent due to a death in the family.

The result was announced—yeas 72, nays 22, as follows:

[Rollcall Vote No. 307 Leg.]

YEAS—72

Abourezk
Baker
Bayh
Beall
Bellmon
Bentsen
Biden
Brock
Brooke
Buckley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Clark
Cranston
Culver
Dole
Domenici
Eagleton
Fong
Ford
Glenn
Gravel
Griffin
Hart, Gary W.
Hartke
Haskell
Hathaway
Huddleston
Humphrey
Jackson
Javits
Johnston
Kennedy
Laxalt
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGovern
Metcalf
Mondale
Montoya
Morgan
Moss
Muskie
Nunn
Packwood
Pastore
Pearson
Percy
Randolph
Schweiker
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Stone
Symington
Tower
Tunney
Williams
Young

NAYS—22

Allen
Cannon
Curtis
Fannin
Garn
Goldwater
Hansen
Hatfield
Helms
Hollings
Hruska
Leahy
McGee
McIntyre
Nelson
Proxmire
Ribicoff
Roth
Taft
Talmadge
Thurmond
Weicker

NOT VOTING—5

Bartlett
Eastland
Hart, Philip A.
Inouye
Pell

So the concurrent resolution (S. Con. Res. 54) was agreed to, as follows:

S. CON. RES. 54

Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on Friday, August 1, 1975, they stand adjourned until 12 o'clock noon on Wednesday, September 3, 1975, or until 12 o'clock noon the second day after their respective Members are notified to reassemble in accordance with section 2 of this resolution, whichever event first occurs.

SEC. 2. The Speaker of the House of Representatives and the President pro tempore of the Senate shall notify the Members of the House and the Senate, respectively, to reassemble whenever in their opinion the public interest shall warrant it or whenever the majority leader of the House and the majority leader of the Senate, acting jointly, or the minority leader of the House and the minority leader of the Senate, acting jointly, file a written request with the Clerk of the House and the Secretary of the Senate that the Congress reassemble for the consideration of legislation.

SEC. 3. During the adjournment of both Houses of Congress as provided in section 1, the Secretary of the Senate and the Clerk of the House, respectively, be, and they hereby are, authorized to receive messages, including veto messages, from the President of the United States.

Mr. PROXMIRE. Mr. President, I voted against the resolution because I am opposed to the August recess and I considered this resolution as affirming the August recess. For that reason I have voted no.

CLOTURE MOTION

Mr. MANSFIELD. Mr. President, I send to the desk a cloture motion and ask that it be read.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The legislative clerk proceeded to read the motion.

The PRESIDING OFFICER. Will the Senators take their seats? The Senate will be in order. The Senators will take their seats and clear the aisles. The Senate will be in order.

The clerk will read the cloture motion.

The legislative clerk resumed and concluded reading the cloture motion as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon H.R. 6219, an act to amend the Voting Rights Act of 1965 to extend certain provisions, etc.

> Mike Mansfield, John V. Tunney, Alan Cranston, Gale W. McGee, Charles McC. Mathias, Joseph R. Biden, Jr., Ted Stevens, Henry M. Jackson, Jacob K. Javits, Howard H. Baker, Jr., Richard S. Schweiker, Robert T. Stafford, Charles H. Percy, Edward W. Brooke, Robert Taft, Jr., Lowell P. Weicker, Jr., Mark O. Hatfield, Frank E. Moss, Jennings Randolph, Hubert H. Humphrey.

CLOTURE MOTION

Mr. HUMPHREY. Mr. President, I wanted to be a signatory to the cloture motion, and I ask unanimous consent to have my name added.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The cloture motion set forth above reflects the foregoing unanimous-consent request.)

TIME LIMITATION AGREEMENT—SENATE RESOLUTION 160

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. Res. 160, a resolution disapproving construction projects on the Island of Diego Garcia, is called up before the Senate—and it will not be this week—there be a time limitation thereon of 5 hours to be equally divided between Mr. STENNIS and Mr. THURMOND; provided also that Mr. WILLIAM L. SCOTT have 30 minutes and that Mr. TAFT have 30 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, will the Senator yield? I do not have in mind objecting, but if the Senator will yield——

Mr. ROBERT C. BYRD. Yes.

Mr. STENNIS. It is a little odd situation here, but the majority of the Armed Services Committee voted in disapproval of that resolution, and I really would expect to be the floor manager for that side of the question—I think the members are expecting me to be. So might I ask that I have control of the time.

Mr. ROBERT C. BYRD. I stated that the time would be under the control of Mr. STENNIS and Mr. THURMOND.

Mr. STENNIS. Excuse me, I thought the Senator had called someone else. I have no objection, Mr. President.

Mr. ROBERT C. BYRD. May I say to the distinguished Senator that my request also included 30 minutes, in addition to the 5 hours, for Mr. William L. Scott and 30 minutes, in addition to the 5 hours, for Mr. Taft.

Mr. STENNIS. Mr. President, if the Senator will yield—and I shall not object—the Senator from Virginia (Mr. WILLIAM L. SCOTT) has agreed—the time was short—that he would share some of his time, and I feel that the Senator from Ohio (Mr. TAFT) would be willing to do the same, although I have not seen him.

I do not object.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The text of the unanimous-consent agreement is as follows:

Ordered, That during the consideration of S. Res. 160, a resolution disapproving construction projects on the island of Diego Garcia, debate on the resolution, any debatable motion, or appeal shall be limited to 5 hours, to be equally divided and controlled by the Senator from Mississippi (Mr. STENNIS) and the Senator from South Carolina (Mr. THURMOND): *Provided,* That in addition to the 5 hours, there are reserved 30 minutes for the Senator from Virginia (Mr. WILLIAM L. SCOTT) and 30 minutes for the Senator from Ohio (Mr. TAFT).

TIME LIMITATION AGREEMENT—SENATE CONCURRENT RESOLUTION 35

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as Senate Concurrent Resolution 35, a concurrent resolution approving a bilateral commercial agreement between the United States and the Socialist Republic of Romania, is called up and made the pending question before the Senate that there be a time limitation thereon of 2 hours, to be divided equally between Mr. LONG and Mr. CURTIS, and that there be 1 hour on an amendment by Mr. HELMS, with a time limitation on any other amendment of 20 minutes.

Mr. JAVITS. Ten minutes on a side.

Mr. ROBERT C. BYRD. And that the agreement be in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Reserving the right to object, I am glad the Senator has provided for amendments because we did not know of any but, as we see, there is one of Senator HELMS. There may be others, and I appreciate that very much.

Will the Senator include motions, and so forth, so that tabling would be in order?

Mr. ROBERT C. BYRD. Yes, and that there be a time limitation on debatable motions, appeals, and points of order if the Senator is allowed by the Chair to discuss such points of order, of 20 minutes, to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator for yielding.

Mr. ROBERT C. BYRD subsequently said. Mr. President, I ask unanimous consent that with respect to the unanimous-consent agreement that was entered into earlier on Senate Concurrent Resolution 35, the concurrent resolution approving bilateral commercial agreement between the United States and the Socialist Republic of Romania, that any reference which I made therein to amendments be stricken from the agreement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The text of the unanimous consent agreement is as follows:

Ordered, That during the consideration of S. Con. Res. 35, a concurrent resolution approving a bilateral commercial agreement between the United States and the Socialist Republic of Romania, debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the resolution: *Provided,* That in the event the manager of the resolution is in favor of any such debatable motion, appeal, or point of order, the time in position thereto shall be controlled by the Minority Leader or his designee.

Ordered further, That on the question of agreeing to the said resolution, debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Louisiana (Mr. LONG) and the Senator from Nebraska (Mr. CURTIS): *Provided,* That the said Senators, or either of them, may, from the time under their control on agreeing to the said resolution, allot additional time to any Senator during the consideration of any debatable motion, appeal, or point of order.

AMENDMENT OF THE VOTING RIGHTS ACT

The Senate continued with the consideration of the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, and for other purposes.

Mr. BUMPERS. Mr. President, I ask unanimous consent that Bill Pursley and Glen Reichardt of Senator STONE's staff be allowed the privileges of the floor during the consideration of H.R. 6219.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, this past week Americans and Russians joined hands in space. Détente was affirmed, but a very great imperative remains here at ground zero, and that is the affirmation of our democracy.

At a time when increasing numbers of Americans are feeling alienated, feeling that their institutions are not responsive to their needs, I think it is indispensable that we in the Senate, in the Congress, do what we can to mantain our political institutions with the freedom traditionally insisted upon, and giving every person in this country a chance to be a part of the political power structure.

I think it is very clear from recent polls that have been taken, and from those of us in public life who have the opportunity to travel the length and breadth of the country, that many citizens are distrustful of their elected officials.

As a matter of fact, I saw a recent poll in which 75 percent, I believe the figure was, of American citizens feel that their political leaders have consistently lied to them for the past 10 years.

I submit that no democracy can long survive if people feel that their leaders are constantly lying to them and if they feel that their democratic institutions are not working in their behalf.

I do not think there is anything that is more fundamental to our political process than the right to vote. I would couple the right to vote in order of importance with the right of free speech and the right to make one's views known. But it does not do any good to the right to make your views known if you do not have the power to do anything about it, or if you do not have the ability to elect those officials who are going to govern your life.

The Voting Rights Act is, if nothing else, a formidable reaffirmation of that right, the right to vote. It is a proclamation to all the world that our democracy is strong, is vital, and is working. It is a declaration that voting is open to all. It is an invitation to all Americans to participate in the process of government and, as such, will dilute the alienation which threatens our system.

Presently, time could run against renewal of the Voting Rights Act. It must be renewed by August 6, and every tick of the clock in this Chamber could toll against the fundamental rights of millions of Americans. Because time is so limited, and because the consequences of the act are so fundamental to our country, we are proceeding with the House-passed version so that we can assure that we will have legislation on the President's desk for signature prior to the time that the Congress goes out on recess, and certainly prior to the time that the act expires, on August 6.

One thing that perhaps is not understood by some Senators is that the Senate version of the bill as reported by the Committee on the Judiciary is very similar in nature to the bill passed by the House of Representatives. There are a very few differences:

One difference was an amendment which I introduced in the Constitutional Rights Subcommittee, which authorizes courts to order attorneys' fees to be paid to a prevailing party in cases brought to enforce our civil rights laws. This amendment would help many individuals who are not rich, who may be disenfranchised, who feel that their rights are being abused, or who feel that people similarly situated are not getting the opportunity to have their rights sustained. They can go into court with an attorney knowing that, if they prevail, the court has the authority to see that their attorneys' fees are paid. This represents a slight but very important addition to the House legislation.

However, because of the fact that we are getting so close to the end of the time in which this act will be in force, it is my feeling that we ought to pursue a policy of getting the House bill through and sending it to the President without the need of going to conference. I am fully aware of the fact that, if we come back from conference even with a very acceptable bill, the conference report would be subject to unlimited debate unless there was another cloture motion. That could delay us another 2 days, and it might very well be that the period would go by when we would be able to get a bill to the President before we recess for the August break. That would be a tragedy.

I have submitted to every Senator a memorandum that was prepared by the staff of the Constitutional Rights Subcommittee, indicating what some of the problems would be if the act expired. I ask unanimous consent that that memorandum be printed in the Record at this point.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

MEMORANDUM

To Chairman John V. Tunney
From Constitutional Rights Subcommittee Staff
Date July 15, 1975
Re Legal Effect of Possible Failure by Congress to extend the Voting Rights Act prior to August 6, 1975.

Per your request, here is an analysis of the legal effect of the failure of Congress to extend the Voting Rights Act prior to August 6, 1975.

I. *Nationwide Suspension of Tests and Devices.* The Voting Rights Act Amendments of 1970 (Section 201 of the Voting Rights Act of 1965, 42 U.S.C. sec. 1973 aa) suspended nationwide the use of "literacy tests," "good character tests" and other tests and devices as a prerequisite to registration or voting. That provision will expire on August 6, 1975. Therefore, after August 6, 1975, all states or political subdivisions not covered by the "automatic provisions" of Section 4 of the Act will be free to reinstitute "tests or devices" in the voting process. In view of the testimony at the Subcommittee hearings of harassment and other obstructions to voting for citizens in areas outside the covered jurisdictions, particularly in the Southwest, the failure to extend Section 201 could well result in the disenfranchisement of many minority citizens.

II. *The Automatic Provisions of the Voting Rights Act.* States or other jurisdictions covered by the "trigger formula"[1] of the Voting Rights Act (1) cannot impose a test or device; (2) must submit all changes in voting procedure to the Department of Justice or to a U.S. District Court in the District of Columbia for approval; and (3) are subject to the use of Federal examiners or observers, at the discretion of the Attorney General. As a technical matter, these restrictions will continue after August 6, 1975. However, after August 6, covered jurisdictions will be in a position to file a bail-out suit in the U.S. District Court for the District of Columbia with a high probability—almost a certainty—of success. And while one cannot say conclusively how soon after August 6, 1975 a covered jurisdiction could obtain the necessary declaratory decree, it would not be difficult for the jurisdiction in most cases to obtain an injunction against the enforcement of these provisions at the time the suit is filed.

Under the Act, a state or political subdivision can "bail out" from under the automatic provisions by obtaining a declaratory judgment from the District Court for the District of Columbia that a test or device has not been used with the purpose or effect of discriminating against racial minorities within the past ten years. All tests or devices have been suspended in the covered jurisdictions since August 6, 1965 (or August 6, 1970 for those areas covered by the 1970 amendments.) Thus, if the Act is not extended past August 6, 1975, states or political subdivisions presently covered by the "automatic provisions" of Section 4 will be able to bring a bail-out suit at any time thereafter and assert that no tests or devices have been used in a discriminatory manner in the past ten years. And unlike a suit filed before August 6, 1975, the Department of Justice in most instances will have no legal basis for opposing such an action.

It is difficult to say with certainty how long it will take a covered jurisdiction to obtain a favorable declaratory decree after it files the action. If a petition were filed on August 7, 1975, the maximum time for relief would be 20 days, as set out in the Federal Rules of Civil Procedure. However, in view of the weakness of the Justice Department's position in such an action, an order could be obtained in much less time if necessary. For example, a jurisdiction wishing to implement a new redistricting plan or to create a new appointive office probably could obtain an injunction against the enforcement of the Section 5 pre-clearing provisions. Under the Federal Rules, this could be done in at most ten days, and with a properly drafted petition, at the time of the initial filing.

In summary, it must be stressed that as a technical matter a jurisdiction covered by the automatic provisions of Section 4 remains covered until it obtains the necessary declaratory judgment from the United States District Court for the District of Columbia. Thus, a covered jurisdiction wishing to implement a reapportionment plan after August 6, 1975 technically must still submit the plan to the Justice Department for approval. However, as a practical matter, it would seem that a jurisdiction covered by the Act for 10 years would bring the bail-out action as soon as possible to begin the process of removing itself from the Act's special provisions. And as discussed above, the necessary declaratory judgment could be obtained in many instances on August 7, 1975 or shortly thereafter.

III. *If a jurisdiction brings a bail-out suit after August 6 and receives a declaratory judgment, what would be the effect of subsequent congressional action changing the required period of time from 10 to 20 years?*

The legal questions surrounding this issue are murky, at best.[2]

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[1] A jurisdiction is specifically covered under Section 4 of the Act (as amended in 1970) if in 1964 (or 1968) it applied a test or device *and* if in that year fewer than 50% of its voting age population voted in the presidential election. (Section 4(b), 42 U.S.C. sec. 1973b(b).)

[2] The legislative problems of enacting such a statute after some jurisdictions have obtained a declaratory judgment in the U.S. District Court in the District of Columbia are not addressed in the memorandum.

> At first blush, it would seem that if a jurisdiction comes under the formula, it is covered. If the formula of S. 1279 or H.R. 6219 were adopted, a jurisdiction covered by the formula would have to show there had been no discriminatory use of a test or device for the previous 20 years. Just as a jurisdiction which bailed out from the special coverage of the Act prior to the 1970 extension (for example, Apache County, Arizona) was recovered by the new 1968 trigger created by that extension, a jurisdiction that bails out would be recovered by an extension in 1975.
>
> Several factors, however, cut against this mechanical interpretation.
>
> First are the constitutional questions raised by the ex post facto nature of such legislation (Art. I, Section 9).
>
> Second, what precedent there is on this situation suggests the jurisdictions in question would *not* be recovered. Wake County, North Carolina, and all but 4 Alaska election districts bailed out between 1965 and 1970 and were not recovered by the new 1968 trigger. The question whether these jurisdictions would be recovered by the change from 5 to 10 years of nondiscrimination was apparently not discussed in Congress. The Department of Justice has administered the Act on the assumption that these jurisdictions are not covered as a result of the 5 year extension of 1970. If Congress extends the Act without explicit mention of this question the congressional silence might be interpreted as an endorsement of the position that jurisdictions that have bailed out are not recovered by a change in the number of years of nondiscrimination required.
>
> Third are the constitutional issues raised by the enactment of the original Act. Federal involvement in the state election process was justified as a proper exercise of Congress' Fifteenth Amendment powers in light of the massive evidence of discrimination in these areas. *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966). Congress would be on much shakier Fifteenth Amendment grounds with a state or political subdivision that has obtained a declaratory judgment from a United States District Court in the District of Columbia that it has not used a test or device in a discriminatory way for the past ten years.

Mr. TUNNEY. I think it is clear that it would be a major tragedy for many blacks in this country and for many language minorities, who would be covered by the House bill and by the Senate bill, if before the recess we did not send to the President a bill which he can sign.

Mr. President, there are some who ask, "Why did we go ahead and even bother marking up the Senate bill, if it was the intention of the leadership to bring up the House bill?"

I might point out—I mentioned this point yesterday in the debate—that we held our hearings in the Constitutional Rights Subcommittee in April and the first week of May. We marked up the bill in the early part of June, and as a matter of fact June 11 we reported it out of the Constitutional Rights Subcommittee to the full Committee on the Judiciary. Unfortunately we were not able to get an executive session of the full Committee on the Judiciary to report the bill to the floor.

I understand the problem. We were working on Wyman-Durkin, and the chairman of the Judiciary Committee felt that during the consideration of Wyman-Durkin it was impossible to hold an executive session of our committee in order to get this bill considered. However, the point is clear that those of us who were proponents of this legislation were preapred to move from June 11 on in the full committee, so that we could get the matter to the floor and get early consideration. I know that there are a number of amendments that individual Senators have, which have much appeal, and under other circumstances I might be inclined to vote for many of them myself. As I have suggested, I had an amendment accepted in the subcommittee on the payment of attorneys' fees which I would like to see become a part of the law, but at least at the moment my thinking is that I will forego introduction of that amendment simply because I feel that it is imperative that we get a bill through the Senate, which will alleviate the need to go to conference, and the Voting Rights bill will then go to the desk of the President and be signed before August 1.

Mr. President, I think that it is clear that the reason we have a Voting Rights Act, which some say is contrary to the spirit of Article I, Section 4 of the Constitution, is the massive abuse of the rights of blacks for so many decades in this country. I do not think that one has to justify being in favor of giving to every citizen the right to vote. I think if we look at the history of certain parts of this country, blacks for whatever reasons, did not have the right to vote. In 1964, in the State of Mississippi, for example, only 6 percent of the black population was registered to vote. Six percent.

It is true that there have been many changes since then. It is true that much progress has been made. But I think it is fair to say that if we do not get an extension of this act for 10 years, we are going to have a great possibility of backsliding. And I would like to believe that when we have gone through this period of another 10 years, assuming that the bill passes, it never again will be necessary to have a Voting Rights Act. I am certainly hopeful that we will not have another Voting Rights Act. I would hope that we would see such progress made that there could be no suggestion of backsliding.

But, Mr. President, I do not think that time has yet come. Later on, as amendments are offered, I shall be pointing out specific examples of States that are covered by section 4 and section 5, and how, in the past 10 years, they have discriminated against black voters. One has to draw the inference that if the Voting Rights Act expired, there would be significant retrogression in the opportunity for blacks to register and vote.

I might also point out that in the bill that we have before us—both the House bill and the Senate bill are parallel in this respect—we are going to extend to language minorities the same rights that have been extended to blacks. It is unfortunate that in certain parts of the country language minorities have suffered the same abuse, have experienced the same inability to utilize the right of franchise, as blacks have suffered in other parts of the country.

The present Voting Rights Act is generic in nature. It applies nationwide. There is nothing in the act that mentions Alabama, Mississippi or South Carolina, et cetera. There are counties in California, my own State, that presently are covered. There are going to be more counties in California that are going to be covered under the language minority section. There are counties in Arizona that are covered. There are counties in New York that are covered. There are counties in Hawaii that are covered. In short, the bill has national applicability. It does not apply only to one region.

Rather, the act is targeted to a particular kind of abuse, an abuse that existed particularly in some of the Southern States.

I would hope that it would be possible in the near future to look back upon this era of the fight that is going on over voting rights and say that it is past history, it is behind us, and that we do not have to worry in the future because everyone's rights are protected by State law and we do not need a Federal statute to achieve those rights. Mr. President, I would suggest however that the time has not yet arrived.

Mr. ALLEN. Mr. President, will the Senator be kind enough to yield?

Mr. TUNNEY. Yes. The Senator from Maryland I believe wishes to make a unanimous consent request.

Mr. MATHIAS. Yes, if the Senator from Alabama is agreeable.

I just ask unanimous consent, Mr. President, for Mr. Mark Ferber, a member of my staff, be accorded the privilege of the floor during the debate on the extension of the Voting Rights Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. I thank the Senator.

Mr. TUNNEY. I yield to the Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator from California (Mr. TUNNEY), who is the distinguished floor manager of the bill, for yielding to me in order that I might make inquiries about the bill, his understanding of the bill, and also the work of his committee, which spent long hours studying this problem and heard many dozens of witnesses.

The first question I propound is: The Senator has spoken and has mentioned two or three times in the course of his remarks that the voting rights law will expire on August 6, 1975, unless renewed. I would like to ask the distinguished Senator to cite to the Senate the section in the act that calls for an expiration of the law at any time, August 6, or any time. I make that inquiry.

Will he be good enough to point it out to me?

Mr. TUNNEY. I would point out to the Senator that title II, section 201(a) states:

> Prior to August 6, 1975, no citizen shall be denied, because of his failure to comply with any test or device, the right to vote in any Federal, State, or local election conducted in any State or political subdivision of a State as to which the provisions of section 4(a) of this Act are not in effect by reason of determinations made under section 4(b) of this Act.

What will happen after August 6 is that that section of the bill will make it possible for States not presently covered by the automatic practices to resume literacy tests and other devices. In view of the testimony at the subcommittee hearings of harassment and other obstructions in these areas, the failure to extend the nationwide ban on literacy tests could well result in the disenfranchisement of many minority citizens. Moreover, States covered by the automatic provisions could come to the District Court for the District of Columbia, and request a declaratory judgment taking them out from under section 4 and section 5 coverage. That declaratory judgment could easily be handed down in the period of a few days, and the States covered by section 4 and section 5 will no longer be covered.

Mr. ALLEN. Is it not true that the covered States have had to show that for a period of 10 years there had been no violation of anyone's voting rights or no act or discrimination against anyone or any use of any device during that 10-year period?

Mr. TUNNEY. Because the Voting Rights Act suspended "tests or devices" for 10 years, on the face of it they would be able to show that there had not been a test or a device. So, in effect, what would happen would be, just a matter of a simple ministerial act, the court would have to release the covered States from coverage under the act.

Mr. ALLEN. I think the Senator makes it entirely too simple to say that by just a ministerial act they would come out from under the law.

Would they not still have to show the 10 years of nonviolation? Did not the State of Virginia recently try to come out from under the law, and it was pointed out that, because during that 10-year period they had had a dual school system, a dual school system was itself a device; therefore, they could not come out from under the law even though no specific acts of discrimination were shown? Did not Mr. Pottinger, in testimony before the House of Representatives committee, state that it was impossible for Southern States to come out from under the provisions of the act?

Mr. TUNNEY. Yes. The court did determine that the dual education system amounted to a test or a device such as required continued coverage of Virginia. There is no doubt about that.

Mr. ALLEN. The Senator is overlooking section 4, though, that provides that it takes 10 years for 10 years' proof of nondiscrimination. I believe that is what is being amended now in the House bill. Is it not?

Mr. TUNNEY. It is being amended to require an additional 10 years, that is correct.

Mr. ALLEN. That 10 years would still be there, even if this bill is never extended.

Mr. TUNNEY. Yes, but on its very face, because the Voting Rights Act of 1965 forbade a covered State to use a test or device to preclude a citizen from voting, that State would simply have to show that for the past 10 years they had been covered by the act.

Mr. ALLEN. In other words, the Senator would not feel that 10 years of faithful action, where no device or means or method—when I speak of "device," I am not talking about something tangible, of course, as the Senator knows. That is some method by which voting is restricted. The Senator would not think that 10 years of full compliance everywhere in the State would be sufficient to show an attitude of full observance of everyone's voting rights by the State?

Mr. TUNNEY. No; I do not feel that 10 years is enough, unfortunately. I wish it were. I know the sensitivity of the States that are affected. On the other hand, you had a history of massive abuse of the voting rights of a segment of the population in certain parts of this country, and it is just going to take more time than 10 years.

Let me read from the Voting Rights Act, the publication by the U.S. Civil Rights Commission. Just taking Mississippi, the statement on Mississippi, they say:

> Acts of violence against blacks involved in the political process still occur often enough in Mississippi that the atmosphere of intimidation and fear has not yet cleared.
>
> In 1970 John Buffington, who is black, was a candidate for mayor in West Point, Mississippi. During the campaign he received so many threatening telephone calls that it was necessary to get three additional lines in order to conduct the campaign. He recalled:
>
> "Some of the callers threatened my life, others told me that I should not start the ignition of the car. Many were obscene or racial in nature. Frequently, my car was tailgated during the campaign by cars driven by whites. On several occasions white West Point police officers called obscenities to me as they drove by in their patrol cars."
>
> Despite the threats and intimidation Buffington placed second in the first primary and resumed campaigning for the runoff. On August 15, 1970, John Thomas, Jr., a "key campaign worker" was murdered as he sat parked in a campaign van. "A white man approached the van and shot Johnnie Thomas five times and killed him."
>
> Although a white factory worker was disarmed at the scene of the crime and subsequently tried for the murder, he was acquitted by an all-white jury.

And so on and so forth.

Mr. ALLEN. They needed a murder indictment there, rather than a Voting Rights Act, did they not? I do not see that the Voting Rights Act would help.

Mr. TUNNEY. You need a murder indictment, but you also need the continued coverage of the Voting Rights Act; because I think it is very clear that those attitudes of hostility against blacks having the right to register to vote in some areas, some quarters, still exist.

I am not now in any way impugning the integrity and the honor of any Senator in the Chamber who disagrees with the position I take, who feels that it represents a significant overreaching by the Federal Government to control the election process in his home State. I am not in any way suggesting that those Senators have anything other than the most honorable objectives in mind.

I am simply saying that I disagree that the problems have been cleared away, that the mists which have shrouded the rights of blacks to vote in certain parts of the country have been burned away. I do not think they have been. That is why I favor an extension of the act.

Mr. ALLEN. On analysis, does not the Senator think he is stretching the language just a little, to speak of the Voting Rights Act as expiring, in view of the fact that, actually, it does not expire?

Mr. TUNNEY. I do not think that it is really inaccurate to describe the act as expiring; because, as I interpret the act, I look upon August 6 as being a critical date. After that date any covered State could come into the district court in the District of Columbia and, by a simple filing of a motion for a declaratory judgment, receive favorable consideration of that motion if it showed that, in fact, it had been covered by the Federal statute for the past 10 years.

Mr. ALLEN. One would have to show freedom from any alleged violation for a period of 10 years. It is not just the filing of a paper in court. Would not it be subjected to the necessary proof and could not that be contested? In other words, if it were an isolated instance of somebody's voting rights being violated—say, 9 years ago or 9½ years ago—that would be sufficient to prevent the court from letting the Sate come out from under the provisions of the act.

Mr. TUNNEY. Section 4(a) states this, and I am now breaking the paragraph in the middle. The paragraph starts this way:

> To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color, no citizen shall be denied the right to vote . . .

Then it says:

> . . . unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color . . .

Mr. ALLEN. That would not be repealed, would it?

Mr. TUNNEY. No, that would not be repealed.

Mr. ALLEN. It would not expire.

Mr. TUNNEY. The act itself does not allow the use of a test or device to deny or abridge the right to vote. So what the State would simply show would be that it had been covered by the act for the preceding 10 years and that, under the act, it had not denied or abridged the right to vote on account of race or color.

Mr. ALLEN. That would be subject to proof, not just an allegation.

Mr. TUNNEY. The proof would be that they had been covered by the act.

Mr. ALLEN. Then, if anybody could come in, as the Senator has read, and show that his rights had been violated, the court would not be justified or authorized to allow the State to use that device or to come out from under the act, as the case might be.

Mr. TUNNEY. The act provides that no test or device can be used once a jurisdiction becomes "covered." So what the State could say, that they had been under the act for the preceding 10 years, and that's it; they are out.

Mr. ALLEN. And had been guilty of no violations for that 10-year period.

Mr. TUNNEY. No. The standard is not "guilty of no violations"; the standard is the use of a test or a device.

Mr. ALLEN. Yes, that is any method.

Mr. TUNNEY. But they cannot use a test or device. They are prohibited from using a test or device. So if they are prohibited from using a test or device, how can it be shown that they used a test or device?

Mr. ALLEN. Well, the Senator is talking about a millenium. We have laws against everything. If they could show that anybody's rights had been violated or any law passed that impinged on anybody's rights, then that would be sufficient to show that for 10 years, they had not violated the provisions of that. It would still be subject to proving that, for a period of 10 years, they had been free from all fault. So that provision would not expire.

Mr. TUNNEY. We have to understand that we are using words of art. Tests or devices—such things as the literacy test, the good character test—those things have been prohibited by the law. We are not talking about other forms of discrimination which may have been applied. The court could not look at actions that were taken, such as coercion, such as force, to keep people from voting. The court could not look at that. The court could only look at the question of whether or not a test or a device was used. Because the act itself has prohibited the use of good character tests and literacy tests, there would be no way that the Attorney General or anyone else, in my view, could show that those States had used a test or device.

They might be able to show, and I think they would be able to show that in the States covered there had been a violation of the right to vote through the use of economic coercion, through the use of fear of physical injury. But they could not show that they had used a test or device. That is why I have used the phrase "expiration of the act" as it relates to section 4 and section 5, because in my view, it would just require the attorney general of the State covered to come in and file a motion for declaratory judgment and there would be no way that the court could deny it.

Mr. ALLEN. I think the Senator has a wrong conception of what can be shown there. Obviously, the 10-year period would continue, even though the act of renewal does not pass by August 6. There are many devices. It is not just a literacy test. A device would be a reapportionment of the State legislature, an annexation of more property into a city. So it would not just apply to a literacy test.

Mr. TUNNEY. The test or device is defined in the bill in section 4(c). Section 4(c) says:

> The phrase "test or device" shall mean any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

It does not say anything about economic discrimination. It does not say anything about physical coercion. It does not say anything about gerrymandering. It just refers to four things. On its face, because the act prohibits the use of a test or device, it is going to be easy for the covered States to demonstrate that they have not used a test or device, because they have been suspended for 10 years.

Now, if, under the phrase "test or device," we did have gerrymandering, if we had multimember districts, if we had a physical coercion as a part of that definition, then I would say that the Senator is right. But I think that it is clear that the Senator's interpretation is incorrect, based upon the definition as I have read it and as it has been applied.

Mr. ALLEN. That is the Senator's opinion. The Senator from Alabama retains a different opinion.

With respect to the Virginia case stating that a dual system was a test or device, how would the Senator reconcile that decision of the Supreme Court with the view that he is enunciating here, on the floor?

Mr. TUNNEY. I think it would depend——

Mr. ALLEN. That is no test or device, is it? Yet the court said it was.

Mr. TUNNEY. It would be dependent upon the kind of education the States had given black students in contrast to white students. A literacy test fairly administered would still have the effect of discriminating against blacks if the State had denied its black citizens access to an adequate education.

Mr. ALLEN. Would the Senator have thought that would come under the definition he read of what a test or device is?

Mr. TUNNEY. Of course. And the Supreme Court agreed, unanimously I might add.

Mr. ALLEN. I understand, but it would not come under the definition as the Senator read it, I believe.

Mr. TUNNEY. It requires a degree of interpretive reasoning to include it, I suppose, but it was so included by the Court.

Mr. ALLEN. I would say, then, that this interpretive reasoning could well be applied to the other illustrations of test or device that the Senator from Alabama has pointed out.

Mr. President, I wish to ask the distinguished Senator another question on a similar situation.

One of the great objections that I have to the bill or the act, as it now exists or as it is proposed to be amended, lies not in the fact that Federal registrars and Federal observers may be sent into the various States for the purpose of registering voters and observing elections, because we have clean elections in Alabama and we encourage all of our citizens to register as part of our public policy. What I do object to is the fact that every time we pass a law at the State level or an ordinance at the city level or a resolution at the county level that has, by any stretch of the imagination—a wide stretch of the imagination, I might say—anything to do with the voting rights or in the way of voting, it has to be approved either by the Attorney General here in Washington or by the Federal district court for the District of Columbia. One of the amendments that the Senator from Alabama plans to offer—and the Senator from Alabama understood the distinguished Senator from California to say that he is going to oppose any amendments of any sort, no matter how good they are—I wonder what the Senator would feel about allowing our State, county, or city governments, as an alternate method of obtaining preclearance of our statutes, ordinances, and resolutions, to go to the Federal district court of the State involved for preclearance of these enactments, rather than have to come up here to Washington for approval—having in mind that the district courts throughout the South, at the direction of the Supreme Court, did carry on a massive program of desegregating our public schools and did a tremendous job, a job tremendous in magnitude, in desegregating our schools. Could our Federal district courts not be trusted with the matter of preclearing our enactments of our various political subdivisions?

Mr. TUNNEY. As the Senator from Alabama knows——

Mr. ALLEN. This is just a philosophical question, because I know the Senator is going to oppose the amendment.

Mr. TUNNEY. I understand.

As the Senator from Alabama knows, I have great respect for the work of the Judiciary in this country. Of course, there are individual judges that all of us know about who are not qualified or who do not do the job that they should. Some do not have the ability. But the great majority, the vast majority of our Federal judges are able, conscientious men who do a good job of interpreting the laws and applying the laws to our individual citizens.

I am most unhappy at the thought of having to oppose an amendment which would give to the local judicary an opportunity to interpret the Voting Rights Act as it applies to that region of the country. However, I do oppose it because I think that the Department of Justice and the District of Columbia, where the authority to decide these Voting Rights Act questions has resided for the past 10 years, has built up a degree of expertise on the Voting Rights Act that is invaluable.

I might also point out, contrary to what some may think, the district court here in the District of Columbia is truly a national court. Of the judges on the court, only two were born in the District of Columbia. Thirteen were born in a variety of States throughout the Union. Only two of the district court judges on the court here in the District of Columbia are black; the rest are white. So we do not have a court which is packed or which is loaded against the viewpoint of the States that are covered by sections 4 and 5 of the act. I think it is an excellent court. I think it is a court that has attempted to apply the law fairly, when asked to make an interpretation of it.

I might say, in all honesty, to my distinguished colleague, and a man for whom I have great personal respect, I think that in the area of civil rights there is a great deal of peer pressure on judges in the South, just as I think in more regional problems affecting perhaps my State of California there is peer pressure on judges in those issues as they arise. But in the case of civil rights I think there is a lot of peer pressure, and I would only have to point to the fact that recently the Supreme Court unanimously reversed a three-judge court in Mississippi that had approved a reapportionment measure that had been initiated in the Mississippi State Legislature.

What the Mississippi three-judge Federal Court did was to approve a plan which was similar to the State plan. A petition was filed in the District Court asking for an injunction against the State legislative plan, and the Mississippi courts said:

> We are going to, in effect, take this problem into our own hands, and we are going to do the reapportionment.

And they did.

They made some minor changes in the State legislative plan. It then was appealed directly to the Supreme Court of the United States, and the Supreme Court of the United States unanimously overturned the plan of the Mississippi three-judge bench, and they said it was discriminatory.

Now, I am not saying that the judges who made that decision in Mississippi were racists; I am not saying they were trying purposefully to create a situation where blacks would not have an equal voting strength with whites. I am only saying that in their best judgment they made up a plan which the Supreme Court of the United States unanimously overturned. I am saying that it was discriminatory against blacks.

So I think we have a situation still today in certain parts of the country, as it relates to civil rights measures, where it would be best to have the Attorney General or the district court in the District of Columbia make that decision.

Mr. ALLEN. I am sure the Senator has read the Katzenbach against South Carolina case.

Mr. TUNNEY. Yes.

Mr. ALLEN. And also the dissenting opinion of Mr. Justice Black in that case wherein he pointed out that to make a State bring its enactments here to Washington for approval deprived that State of being a sovereign State and made it a conquered province.

I believe he likened the situation to one of the evils that was pointed out in the Declaration of Independence wherein King George was charged with having his legislative bodies meet at strange places, unusual places, in an effort to try to wear the people out.

I wonder if the distinguished Senator has given any thought to the arguments, persuasive arguments, made by Mr. Justice Black in that case?

Mr. TUNNEY. I read his arguments, and I must tell the Senator from Alabama I thought the points he made were powerful ones and, under normal circumstances, I would agree with the application of those opinions to the facts at hand. I am not disposed personally to see a Federal Government which is in complete control of the habits, the attitudes, and the lifestyles of people at the local level.

I believe in a Federal system in which you do have sovereign States, and in which you do have county boards of supervisors, and you do have city councils that are able to pass laws and ordinances to govern the lives of their citizens.

I cannot help but feel under most circumstances you have a far greater degree of responsiveness on the part of local officials than you do on the part of Federal officials, who are so far removed from the constituency for which they are responsible. But in the case of a basic constitutional right, like voting, I have to believe that the Federal Government has been far more responsive than local government, and this is one of those areas where I think the logic behind Justice Black's opinion falls apart because, as a practical matter, if we had not enacted the Voting Rights Act, if we had just let the States and the local governments do what they please, I think that today we would have the same kind of low registration, and voter turnout in the black community that existed in 1964.

I remember reading a statement that was made by Congressman ANDY YOUNG, I guess the first black Congressman from the Deep South since Reconstruction, he asked the rhetorical question, "What is it like living under a Voting Rights Act in which the Federal Government dictates to local officials or local governments what they should do with respect to balloting and places of election?"

He said, "Well, I will tell you how it feels, it feels just great." He said it feels just great, and he felt it was just great because he was getting an opportunity for the first time to vote, to run for office, and get elected. If it had not been for the Voting Rights Act he would not have been elected.

I would point out to my distinguished friend that since 1965, 95 percent of the black officials who have been elected in the South were elected as a direct result of this act.

I mean, that is very impressive and the Senator from Mississippi pointed out that 194 blacks hold public office in the State of California. But the fact is that in California our Lieutenant Governor is black, the superintendent of education, a statewide office, is black, the mayor of the city of Los Angeles is black, and this is a State in which blacks represent maybe 10 or 11 percent of the vote.

I might also say with a great deal of pride that in my State one of our statewide officeholders is Asian-American and a woman, March Fong Eu, is secretary of state.

I think that in California we have come a long way toward eliminating race as a factor in elections. I am sure that in certain areas it may still be, but we have shown through the last few elections clearly that race is not a factor in statewide office and I am proud of that record.

I also am very proud as an American of the fact that in the South we have seen tremendous changes take place and I think that racial attitudes in the South are very different than they were 10 years ago. I have spoken frequently in the South, in the Senator's home State, and I have always enjoyed myself and I have always found the hospitality to be unparalleled.

I think that the feeling of the black constituents of the Senator from Alabama are such that things are a lot better today than they were 10 years ago. I know the Senator from Alabama had a very large percentage of black votes in his last election and that the black voters in his State think he is doing a good job. But I still have to believe, when it comes to the question of voting rights, that we still need this law. We still need a basic framework upon which we can build a change of attitude which will root out the last vestiges of a discrimination which I know the Senator from Alabama feels was a horrible chapter in American history.

Mr. ALLEN. I thank the distinguished Senator for his answer.

I, too, want to say that since the Voting Rights Act was passed we have had a tremendous upsurge in registrations in Alabama, both black and white, and while the Voting Rights Act is largely, I will say, responsible for much of that increase, I would say definitely that it is the public policy of our State to encourage registration by all citizens, black and white, and we would like to have universal suffrage in our State.

We seek to encourage not only registration but actual exercise of the franchise at the polls and in our State every vote that is cast is properly counted.

So we are proud of the fact that we do have a large registration in Alabama and I would like to see a narrowing of the gap between the registration of black voters and white voters. I believe somewhere around 56 percent or 57 percent of our black citizens of voting age are registered, whereas it is about 79 percent or 80 percent among the white.

While we are speaking of what the Voting Rights Act and the Federal registrars have accomplished, I would like to pay tribute to the duly constituted boards of registrars, by whatever name called in the South. I do not know whether the Senator has read the House report on H.R. 1629, I feel sure that he has, but on page 11 of that report this statement is made, and this is talking about the registration that has taken place since 1965:

> In general, it is estimated that 18.9 percent of black registration has been accomplished through Federal examiners.

There is 18.9 percent. Well, where did the other 81.1 percent come from? It came from the duly constituted boards of registrars, by whatever name called in those jurisdictions.

I am proud of the great job that has been done in the matter of increased registration and increased voter participation, and no one in Alabama has any difficulty registering or voting or having his vote counted. We are proud of the increase in registration and we are hopeful that it will continue to increase.

I was disappointed when the distinguished Senator said that he, as floor manager of the bill, backed by some 75 or 80 or 85 Members of the Senate, doubtless, is not going to countenance the acceptance of any amendments to this bill, irrespective of their merits, and he pointed out the very fine amendment that he had.

He is not going to be willing to put on his own amendment for fear of something or other, I do not know just what. I assume that he feels that might impede its passage, but I do not feel that it would and I think everybody really, on both sides of this question, would welcome open exchange. Let the Senate be the great deliberative body that it is said to be, or to have been, let the free play of reasoning in this matter control.

Let us have amendments considered on the merits, having in mind that it would have to be a mighty good amendment to be able to survive a recommendation by the distinguished floor manager that it be defeated, but we have got another day or so of debate and discussion and offering amendments here, do not make the arbitrary decision that one is not going to allow any amendments.

I think that this would deprive us of the weeks and weeks and weeks of study that the distinguished Senator's subcommittee has given to this subject, the scores of witnesses who appeared before his committee, and to say that we are going to defeat every amendment that is offered, that does not leave a very good taste in the mouths of some Senators who are trying to come up with a better bill.

I would really question that the Senator would want to deprive the Senate and the Congress and the Nation of the expertise that he and his subcommittee have acquired, deprive us of the improvements that his committee could make to this bill, and just say, why, everything that the Senate has done with respect to this bill in the last 6 months, everything that we have done is a nullity, it is going to be wiped out no matter how good an amendment is, we are not going to allow the Senate to pass it.

I just wonder if the Senator really wants to stand by that position. The time is not close. If the Senator's subcommittee has come up with some good ideas, with some good suggestions, they ought to be laid before the Senate and let the Senate consider these matters.

I just think in the formulation of a monumental bill such as this——

Mr. HANSEN. Will the Senator yield?

Mr. ALLEN. After I finish my sentence.

I just hope that this bill being such a monumental bill as the Senator has stated, he should allow the Senate to have the benefit of the work his subcommittee has done and not toss it out the window as so much surplusage or so much unnecessary and worthless matter.

I do not have the floor.

Mr. HANSEN. Mr. President, if the distinguished floor manager of the bill will yield on my time——

Mr. TUNNEY. There is no time. I would be happy to yield. We will not be under time until we pass a cloture motion.

Mr. HANSEN. May I say, then, to my good friend from California——

The PRESIDING OFFICER. The Chair will ask, does the Senator from California yield the floor?

Mr. TUNNEY. I yield.

Mr. HANSEN. I did not mean to get the floor. I would be happy to speak on such time——

Mr. TUNNEY. I am yielding to the Senator as much time as he wishes.

Mr. HANSEN. I just want to make the point, Mr. President, that I think the observations made by the distinguished Senator from Alabama are reasonable. I would hope that we do not often adopt a posture in this body that despite the persuasiveness of amendments which may be offered, we will say even before we hear amendments that we are not going to consider any and we are not going to countenance the adoption of any amendments.

It seems to me that that does go beyond what a sense of fairness and openmindedness would indicate and dictate. To my good friend from California, I must say that this certainly is not the posture that he normally would take. I have found him to be a very reasonable person.

Mr. TUNNEY. Was the Senator from Wyoming on the floor when I discussed this a few minutes ago?

Mr. HANSEN. I heard some observations that led to my saying that. Maybe I misunderstood.

Mr. TUNNEY. Let me make it clear why I feel that we ought to try and pass the House bill with no amendments, if possible. There are several reasons.

The Senate bill, as passed out of the Judiciary Committee, is almost identical to the House bill. There are four differences that I can think of, three of them very minor and one, an amendment that I had offered, which would give the court the power to award attorney fees to a prevailing party in a civil rights case.

We are running out of time. The clock is tolling. If we do not get a bill by August 1, there is going to be a gap of 4, 6, or 8 weeks between the time that this bill and some of its very important provisions expire and the time that we could get a new bill through which would represent a reenactment but, in effect, it would be a new enactment of the legislation.

I feel a lot of damage could be done in that interval of 4, 6, or 8 weeks to the voting rights of blacks.

My feeling is that inasmuch as the Senate bill as reported by the Judiciary Committee is so similar to the House bill there is no reason not to take the House bill. I think the leadership was perfectly correct in moving the House bill when they did because if we had waited until the Senate bill had been reported, and we were able to bring the Senate bill up in due course, it would have been Wednesday before it would have been possible to bring it before the Senate. That would have meant no cloture vote until Friday and we would not have gotten to the merits of the bill until next week, whereas we are on the merits of the bill now. The leadership saved us a lot of very valuable time.

I am very deeply concerned about going to conference and having a significant disagreement between the House and the Senate on some amendment which its author may feel is perfectly meritorious but which would have the effect of delaying us in conference to the point tht we would not get a reenactment of this legislation before August 1. That is the reason that I feel as I do. I am not trying to shut anyone off.

As I pointed out in my initial remarks, we passed this bill out of the Constitutional Rights Subcommittee on June 11. If we had brought this matter before the Senate on June 20, say, I would have had no objections whatsoever to considering a number of amendments and probably would have voted for a number of amendments. But we now are at a critical point in time. I just do not feel that we can afford to allow this act to expire.

It has a tremendous symbolic significance to many millions of Americans. If this act should expire because the House and the Senate could not get together, or because of the loss of time or because perhaps of a filibuster, I think people would revile us in the Congress for our inability to pass this legislation.

Mr. NUNN. Will the Senator yield for a question?

Mr. TUNNEY. Yes.

Mr. NUNN. As I understand this morning's vote, we voted to give the majority and minority leaders the right to call Congress back into session at any time during the August recess. Is that correct?

Mr. TUNNEY. It is my understanding that the House would have to concur. The distinguished majority leader is here and can answer himself. It is my understanding that the House would have to concur with the action we have taken.

Mr. NUNN. The point I want to make concerns amendments to the voting rights bill. I am sure if there was any amendment that was placed on this bill as passed by the Senate which differed with the House passed bill, then it seems to me that the August 6 deadline would certainly not come into consideration. I am certain that, on a matter of this urgency and of this importance, the majority leader and the minority leader, who both support this act, would make certain that the act did not expire. I would hope the Senator from California would look at each amendment on its merits. If the Senator from California feels that some of these amendments may be meritorious and fair in eliminating some of the inequities to States like Georgia and other southern States, I am sure the Senator from California would be frank about it and say so.

We all know by the pattern of voting here so far that, unless the Senator from California and the other main supporters of the bill really support consideration of one of these amendments, we are not going to have anything passed—that is obvious.

When we are trying to eliminate one form of discrimination in this country, it is ludicrous to have the Senate floor manager of the bill in a position of not accepting any amendments and not even allowing the supporters of the bill to vote aye on any of the amendments because of a so-called time problem. We have a built-in inequity to seven States in this country, certain counties, and perhaps even the Senator's own State of California. The Senate is considering a matter of significant magnitude which will last for 10 years—a matter that my particular State will have to live with for 10 years, because it will pass. The least the Senate can do would be to assure that the floor manager of the bill and his supporters are going to consider the amendments on their merits.

I find it incredible that the Senate is in the position that this is not going to be done.

Mr TUNNEY. Has the Senator from Georgia taken a look at the calendar and seen how many days we have left under a statute where we have to recess for August?

Mr. NUNN. That is my point. I understood from the Senator from Montana that the majority leader and the minority leader could call us back into session. I am not in favor of having this measure run out by delaying mechanisms. I would truly like to vote for the final passage of this bill. However, it is going to be extremely difficult for me to vote for it when I feel that not only does it discriminate against certain areas of the country, but also that the Senate has debated the bill with the managers of the bill being adamantly opposed to any amendment regardless of its merit. Even if they could support the amendment on its merits, they will not do so, because of some time limitation that is really not applicable.

Even without the action we took in giving the majority leader the right to call us back, we could easily complete this measure, have a conference on it, within the deadline of August 1, if we make up our minds to do so.

I hate to go back home and tell the people in the State of Georgia, "Not only are you going to have to live with this act for 10 years, and not only is there no provision—no matter how well you behave under the act and comply with the law—to get out from under it for 10 years, but also, because of certain self-imposed deadlines that Congress put into effect, the Senate did not even consider any amendments on their merits. Instead the Senate took a blanket position against all of them, and the majority went right on down that railroad track and over all of us."

Mr. TUNNEY. I point out to the Senator that the Constitutional Rights Subcommittee gave to the full Judiciary Committee this legislation on June 11. If we had been able to have an executive session sometime in the early part of June, we would have had an opportunity to consider this bill long before now. But we did not have that opportunity.

The leadership pulled the House bill off the calendar, because they were afraid, and I concurred with that decision, although I did not know anything about it in advance, that they would not be able to get an extension of the act if the Senate bill was brought up on Wednesday of this week, because if you look at the various motions that would have to be made and the motions for cloture that would have to be filed, and if you look at the various amendments that could be introduced before the cloture motion, and with the 15 minutes for every vote, those people who were opponents of the bill—not speaking of my distinguished friend from Georgia—would have been able to push consideration of the bill back to the point that we would not have been able to act prior to the time of the August 1 deadline, and maybe not prior to the time of the August 6 deadline, when the act expires.

Mr. HANSEN. Mr. President, if the distinguished floor manager of the bill will yield to me for one observation, because I have to leave to go to a meeting of the Committee on Finance, the point I want to make underscores precisely what has been said by the distinguished Senator from Georgia, and that is that this act will extend a law for 10 years. It seems unconscionable to me, Mr. President, that in 1975, a year in which there are not too many elections taking place in this country, particularly between now and the time of our reconvening, not to consider carefully every proposed amendment.

I was one who voted not to adjourn for the recess. I thought the people of New Hampshire are entitled to representation in the Senate, and I wanted to stay over here—not as enthusiastically as normally might be the case, but nevertheless I thought that was important.

But I wish to make this point: As I understand my good friend from California, he is saying that if we change in any important respect the bill that has come to the Senate from the House of Representatives, there is a chance that there may be disagreement and it will take some time to resolve that.

I am paraphrasing what the Senator said; I do not mean to put words into his mouth. But if we are talking about a bill that is to be the law of the land for 10 years, it seems to me that we ought to give every consideration to every amendment that may be proposed.

I can give the Senator an example of what I mean. The Senators from Florida (Mr. CHILES and Mr. STONE) voted to proceed to the immediate consideration of this bill. At the same time, they have pending an amendment which would exclude the application of the act from four Florida counties, for a very good reason: There is no evidence, none at all, that there has been any discrimination there that comes under the terms of this act.

So here are the two Senators from the State of Florida who hope this amendment of theirs might be considered, and yet, as I understand my good friend from California, the prospects are that it will probably not be considered.

Mr. TUNNEY. It will certainly be considered. If the majority of Senators vote for it, it will be accepted.

Mr. HANSEN. By the same token, when my good friend from California spoke about the actions of the subcommittee of the Committee on the Judiciary, I must say that I am a member of the Committee on Interior and Insular Affairs, and of several subcommittees. We have more energy amendments than you can possibly imagine. We have accepted some of them, and some we have not accepted. Senator TALMADGE, also from the State of Georgia, and I are due back over there before very long, to take up an energy bill this afternoon.

But any time the Senate of the United States or the House of Representatives of the United States is persuaded by the author of any amendment that it has merit, and by affirmative vote it endorses that amendment, giving it the stamp of approval that it carries, I think that the amendment does deserve consideration, and that ought to be reason enough to say, "Let us hold up on this law that we are going to enact for 10 years, and take a look at what the other body thinks."

I just have to say, Mr. President, that I am disappointed that apparently the leadership, insofar as this bill is concerned, is almost determined that there will be no amendments acted upon favorably, despite whatever supporting evidence there may be in their behalf.

Mr. TUNNEY. Mr. President, I just point out to the Senator from Wyoming, my friend, that we have had many discussions about other legislation. Sometimes we agree, and other times we disagree, but always I have found him to be a man of sound and sober judgment.

Mr. HANSEN. I have come nearest to winning when the Senator from California was on my side. I have never won yet, though I have been here almost 9 years.

Mr. TUNNEY. My reason for feeling that the Senate ought not to adopt amendments relates only to the tremendous importance I attach to getting this bill on the desk of the President before the law expires. I think there are many other Senators who feel the same as I. There is no desire on our part to railroad anyone. I sat through every day of the hearings, every hour of the hearings. Most of the time I was the only Senator there. We have a hearing record that is 1,000 pages long.

Mr. NUNN. Let me ask the Senator this question: What are the chances, if there are good amendments that are rejected this week because of the time exigency, of coming back with any kind of corrective legislation within the next 10 years?

Mr. TUNNEY. It depends on what the amendments are, but I think it might be pretty good.

May I yield at this point to the senior Senator from Georgia?

Mr. NUNN. Yes.

Mr. TALMADGE. I am indeed grateful to the distinguished Senator from California for yielding to me briefly on a privileged matter.

SENATE CONCURRENT RESOLUTION 55—TO CORRECT AN ERROR IN THE ENROLLMENT OF S. 555

Mr. TALMADGE. Mr. President, I send to the desk a Senate concurrent resolution, and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER (Mr. TAFT). The concurrent resolution will be stated.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 55) to correct an error in the enrollment of S. 555.

Mr. JAVITS. Mr. President, reserving the right to object, has that been cleared on this side of the aisle?

Mr. TALMADGE. I checked with the Senator from Nebraska (Mr. CURTIS). It merely corrects a drafting error in a conference report agreed to last evening, which left off two lines that are essential.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. TALMADGE. Mr. President, last evening the Senate adopted the conference report on S. 555, a bill to amend the Consolidated Farm and Rural Development Act. The bill makes needed changes in the emergency loan program administered by the Farmers Home Administration.

The concurrent resolution simply authorizes and directs the Secretary of the Senate, in the enrollment of S. 555, to insert, after the enacting clause of the bill, two lines which were inadvertently omitted. The material omitted merely specifies that S. 555 amends the Consolidated Farm and Rural Development Act.

Mr. President, I move the adoption of the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 555) to amend the Consolidated Farm and Rural Development Act, the Secretary of the Senate is hereby authorized and directed, in the enrollment of the said bill, to make the following correction, namely: Insert after the enacting clause the following: "That the Consolidated Farm and Rural Development Act (the Act) is amended as follows:".

Mr. TALMADGE. I thank the Chairman. I thank my distinguished friend from California who is the floor manager, managing the pending measure.

Mr. TUNNEY. I thank the Senator.

TIME FOR FILING REPORT ON S. 1279

Mr. TUNNEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary have until midnight tonight to file its report and minority views on S. 1279.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TUNNEY. It is our hope that we will have tomorrow in printed form the majority and the minority report for all Senators so that they can evaluate what the Committee on the Judiciary did on the legislation when it passed the Voting Rights Act out of the Judiciary Committee last Friday.

AMENDMENT OF THE VOTING RIGHTS ACT

The Senate continued with the consideration of the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, and for other purposes.

Mr. TUNNEY. Does the junior Senator from Georgia seek recognition?

Mr. NUNN. Mr. President, I would just like to ask a couple of questions.

Mr. TUNNEY. I am happy to yield.

Mr. NUNN. I will ask the Senator from California just a couple of questions about this measure.

Assume it passes in the form as passed by the House of Representatives, which is the form we are considering here now, assume the State that happens to be covered has not had any kind of voting device, literacy test, or other similar measure for a period of years, and assume a State that is covered has its voting participation, say, in 1976 going beyond 50 percent. Is there any way that a State under those circumstances can get out from under this particular measure?

Mr. TUNNEY. I would quote to the Senator from Georgia the language of the act and then will discuss what it means.

The section 4(d) states:

For purposes of this section, no State or political subdivision shall be determined to have engaged in the use of tests or devices for the purpose or with the effect of denying or abridging the right to vote on account of race or color if (1) incidents of such use have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

Mr. NUNN. Will the Senator give me that section again so I can follow. What section is that?

Mr. TUNNEY. That is section 4(d).

In applying that formulation to a specific circumstance, the State of Alaska was able to bail out, because the incidents of a test or device were few is number, were promptly and effectively corrected by State or local action, that the continuing effect of such incidents had been eliminated, and there was no reasonable probability of their recurrence in the future.

Mr. NUNN. What about a State that had a dual school system? How long a time does that have to have been eliminated?

Mr. TUNNEY. Under the Gaston decision it is not celar how long it would apply. The court was not specific in establishing a timetable. But under the Gaston decision, it stated that it was a test or device to use a literacy test where there was a segregated school system.

I point out to the Senator from Georgia that, up until the time of the Civil War, it was a crime to educate a black in many parts of the South. It was a crime to do so. Then when blacks achieved their liberty from slavery, a dual system was set up for education. Blacks were not given the same educational or social opportunity, and Lord knows there was a tremendous degree of psychological scarring.

Mr. NUNN. The Senator from Georgia certainly does not approve of those practices any more than my colleague from California, and I do not in any way condone them.

I think the events around the country have demonstrated pretty decisively in the last few years that these kinds of problems are not confined to the South alone. I am sure the Senator from California would agree with that.

Mr. TUNNEY. I agree with that.

Mr. NUNN. The great distinction has been that the people in the South always have their deepseated feelings and emotions in the form of legislation, and people in the other parts of the country have not done that. Nevertheless, many other States in other geographical areas have carried out almost exactly the same practices. So the question of proof of this kind of discrimination is easier to document in the South than perhaps other sections of the country. However, I do think events are demonstrating that certainly it is not a problem confined to our section alone.

My point, without in any way going back and debating past practices, is really the future. What incentive does the State of Georgia have under this legislation to not only comply with the expressed provisions of it, but also with the intent of it? There is no hope of ever getting out from under the special provisions of this legislation that require Justice Department approval of any changes in regulations.

Of course, Alaska is a different case because they have not had a dual school system.

For Georgia, there is no way to bail out. There is no way by good performance to become exempted from the act. I do not know of any prison system, probation system, or judicial system in the country that does not give even a prisoner some way of earning his way back into society.

The Senator from Georgia finds it very objectionable that there is nothing in this bill that gives any incentive to a particular State like Georgia to really comply except by the sheer force and review of it by the Justice Department. I think the Senator will agree that relationships really cannot be dictated by law. There are many matters that can be enforced by law. But I would think that the bill itself could do a much better job of insuring the voting rights, if there were some provision that says: "If you in these particular States comply with the act, then you will no longer be subjected to the burdensome procedures of the act."

Mr. TUNNEY. I say to my distinguished friend that I could not agree with him more. Racial prejudice and discrimination know no State boundaries, and no national boundaries. There is discrimination in every part of the world, in every culture, and probably there has been through the history of mankind. Certainly, as far as I know, it has been the case, and that is one of the great tragedies of human nature in a way.

We could go on and have quite a discussion about that, but the fact is today what we are dealing with is a question of whether or not we ought to extend for 10 years, not indefinitely, for 10 years, or, if an amendment is offered, for some lesser period, a Voting Rights Act that has worked. It has worked. It has done very good things.

I was mentioning this to the distinguished Senator from Alabama (Mr. ALLEN) a few moments ago. I feel when I am in the South, when I am speaking in the Senator's home State of Georgia, that there has never been anything but the greatest courtesy shown to me. I have had an opportunity to speak to blacks and whites on race relations, on the improvements, and what needs to be done. I think that the South in its racial relations has come an awfully long ways, and I think there is a completely different attitude today in the South than existed 10 years ago.

Mr. NUNN. I would agree with the Senator on that. I can also say that I believe that the vast majority of the people in the State of Georgia, both white and black, fully believe in the intent of this particular legislation, that is, to insure everyone that they have equal opportunity to vote. I think the right to vote certainly is one of the reasons why we have made so much progress in the South in the relationship between the black and the white races. I think we can make a strong case that we have a much better relationship in my State of Georgia now than in many States that are not in the so-called Southern section of our country.

The point is this: Assuming, hypothetically, that in the Presidential election in 1976—or any other election the Senator might want to choose—that we had a 90-percent registration of all eligible black citizens in the South, and assuming that 90 percent of the people of both races voted in the 1976 election, and assuming that there was no literacy tests or other devices in law under those conditions would the State of Georgia be able to bail out of this particular act, or would we be subject to having every city ordinance, every county ordinance, every act of the State legislature affecting voting, being continuously reviewed in the Justice Department before implementation?

Mr. TUNNEY. I think it is fair to say that unless the State of Georgia could comply with—and prove to the court—the provisions of section 4(d) and section 4(a), it would remain covered.

Mr. NUNN. Does the Senator mind taking the time to explain exactly what those provisions are, so that we will have it clear?

Mr. TUNNEY. No; not at all.

Section 4(d) refers back to section 4 (a). Section 4(d) says:

> For purposes of this section no State or political subdivision shall be determined to have engaged in the use of tests or devices for the purpose or with the effect of denying or abridging the right to vote on account of race or color if (1) incidents of such use have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

If that can be shown, then we go back to section 4(a).

Mr. NUNN. On that particular point, is any time element involved? Is there a 10-year period?

Mr. TUNNEY. In section 4(a) there is; not in section 4(d).

In section 4(a) it states that a State must show that no test or device has been used during the 10 years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color. That is the existing law. There would be a change in the law, under the proposed legislation as we are offering it and as it has been passed by the House of Representatives, and the 10 years is changed to 20 years.

Mr. NUNN. Twenty years is in this?

Mr. TUNNEY. Twenty years is in both the House and the Senate versions of the extension of the Voting Rights Act.

Mr. NUNN. So even if you had had a device 10 years ago—and a device has been defined by one court decision as a dual school system——

Mr. TUNNEY. Yes, if it also instituted a literacy test.

Mr. NUNN. I do not think anybody would quarrel with the fact that we had a dual school system in the Southern States at one point.

So even if there were compliance in every other respect, if the State had had a dual school system within the 20 years, under this bill, no matter what its performance, no matter what its attitude change, no matter what its black registration, no matter what its number of black officeholders, no matter what it does in any way, it still would be under this act, unless it could show that it had had 20 years without any so-called device. Is that a correct interpretation?

Mr. TUNNEY. That is correct.

Mr. NUNN. How does the Senator justify that, with a perfect record for 20 years?

Mr. TUNNEY. If there were a perfect record for 20 years, we would not need to consider reenacting this legislation.

Mr. NUNN. That means that, no matter what is done in the next 10 years, any State in the Union—which would be mainly the Southern States—that had had a dual school system within 20 years would not be eligible in any way to bail out of the act, no matter what its performance. Is that correct?

Mr. TUNNEY. It would not be able to do so, under the proposed amendments to the Voting Rights Act. Under the extension legislation we are now considering, a 20-year period would be required during which tests or devices were not used.

If, during that 20 year period, no tests or devices were used, I think there is no likelihood of a new voting rights act being passed by Congress. So there is something to work toward, if this measure is passed.

I point out one thing: It is not all wine and roses insofar as the importance of this act and cooperation with the spirit of the act are concerned in the covered States. As an example, I refer the Senator to page 598 of the hearing record, where there is a listing of 38 section 5 objections by the Attorney General to various procedures of the State and local governmental jurisdictions in Georgia when they proposed to change their election laws. As the Senator from Georgia knows, under section 5 there has to be a preclearance of all municipal, county, and State ordinances and laws which would purpose to change the election laws.

Mr. NUNN. The Senator is saying that these are violations?

Mr. TUNNEY. These are objections that the Attorney General made to the proposed changes by the local jurisdictions, and the objections were made by the Attorney General on the ground that they were discriminatory.

Mr. NUNN. Let me give the Senator a little example.

If the Senator will look down the page, under the State of Georgia, about two-thirds of the way down, he will see "Perry, city of; city election: majority requirement." Let me tell the Senator about that particular case, because if this kind of scrutiny were given any other State in the Union, there would be more objections than are demonstrated here.

I happen to be from the city of Perry. I happen to have grown up there. My father happened to have been mayor there for 8 years. We have had a series of city election laws, and I am sure the Senator is familiar with the way local bills work. They automatically pass in the State legislature, if proposed by the legislative delegation, and so forth.

In this particular case, for something like 60 or 70 years, the city of Perry had a majority requirement, just as many States in the Union do—that means a plurality would not win. If there were three candidates in the race and one of them did not get a majority, the two leading candidates would have a runoff.

I happened to have been in the State legislature, and we were amending a law that increased the term of city councilmen and mayors from 2 years to 4 years—a simple law that did that and did not require Justice Department approval.

This bill amended inadvertently the majority requirement and the Perry law reverted to a statute that existed in the 1800's where there had been a great question of whether a majority was required or a plurality was required. So in amending the statute—going from 2 years to a 4-year term, for a small town—it was interpreted in a local court decision that, instead of simply amending that, we had gone back to a requirement of a plurality rather than a majority in the election. Everyone in town, everyone in the city council—with no objections—agreed this was not the intent; it was simply a mistake. So in the next session of the legislature, we introduced a bill to go back to a majority requirement, which had been on the books for something like 60 or 70 years. The Department of Justice gets involved. The Department of Justice says, "You cannot do that. You cannot do that because this changes the voting requirement from a plurality to a majority"—even though in all those years, for 60 or 70 years, there had a majority requirement.

This is one of the objections, right here, that I am personally familiar with. It had nothing whatsoever to do with race, and had nothing whatsoever to do with discrimination. No one even contended that it had anything to do with discrimination. Yet the Justice Department sits here in Washington overruling the city council of Perry, the mayor, all the citizens of Perry, and the Georgia State Legislature, because they said this could infringe on somebody's rights.

Let me outline what actually happened under the Justice Department's ruling. There was a well-qualified black man who ran for city council several years ago. He ran about 2 or maybe 4 years before that—I do not remember the exact date. I happen to have supported him at that time. He came within 50 or 60 votes of getting elected with a majority. However, what happened when he ran under the interpretation of the Department of Justice was that the people of the town got fed up. I happen to believe that under the old law, he would have been elected to the city council.

Yet, the Department of Justice, in trying their best to make sure there was no discrimination, lost him that election. The reason it happened was that no one was going to vote with Washington, D.C., saying, "You have to continue this absurd situation," with a law no on ever intended to amend.

That is just one example. Here it is listed in the book as if the State of Georgia and the city of Perry had an act of discrimination. I contend that if this microscopic criteria were applied anywhere in the country, it would inflame the local and State citizens to a point of outright indignation.

The Attorney General himself, if he had reviewed this, would never have ruled in that manner. Anyone responsible in the Justice Department would not have. We all know what happened. Some GS-12 in the Department of Justice looked at the Perry situation, not knowing or understanding anything about it whatsoever, and rejected it and sent it back. This is what the cities and counties in my State are having to go through.

I do not think that the Senator from California, if he had been through that himself, would in any way condone that kind of interpretation.

Mr. TUNNEY. No, he would not.

I might point out that California has two counties which are covered under the 1971 extension of the Voting Rights Act. We are going to have many more counties covered as a result of subtitle 3, which is the minority language provision of the bill that is before us.

I think that it is very objectionable, nobody can say that it is not objectionable, to have local city ordinances sent to Washington, D.C., for preclearance. On the other hand. racial discrimination or ethnic discrimination, as it relates to voting rights, is worse. There would have been no need for the Voting Rights Act if we had not had that kind of discrimination.

When this Voting Rights Act passed in 1965, there were less than 6 percent of the blacks in Mississippi registered to vote. They had no part of the political process. Today in Mississippi, we have 34 percent black population and there is one member of the legislature who is black. There is not one black who has been elected statewide in any of the covered States.

Mr. NUNN. We have many members in the State of Georgia. We have, I think, more members in the legislature of Georgia that are black than any State in the Union. I think that is correct, though I am not sure.

Mr. TUNNEY. I believe it is correct.

Mr. NUNN. We have a great many blacks making a fine contribution to our State. We have a fine black Congressman, Mr. YOUNG, making a great contribution. I am not going to debate that point with the Senator, because I am happy to agree. I would like to see every eligible black voter in my State registered and voting. And I would like to see something in this bill that would give the incentive to our people in Georgia, to the State legislature, to the Governor, and to everyone else to really put on a massive registration effort, not just with blacks; with whites and everyone.

But there is absolutely no incentive under the act and absolutely no way that a State, no matter how hard it tries, no matter what it does, no matter what kind of change there has been in atmosphere and political philosophy, there is absolutely no way for a State to get out from under this act if they have had a dual school system any time in the last 20 years.

That is intolerable. I really have to believe that if the Senate were not under this kind of time pressure brought about by a recess, the Senate would discuss these considerations more carefully.

I happen to believe, too, because I have great faith in the Senator from California, that if he did not feel this severe time constraint, he would himself support some reasonable amendments to provide some incentives that would do a lot more to increase voting in my State.

I cannot speak for other States; I do not know about them. But I think there are ways to make this act much stronger in trying to increase black participation in the South, by giving incentive there to really comply with the act, thereby avoiding the rather humiliating experience of having to submit every single change by elected officials in every single city and county ordinance pertaining to elections through some unelected GS-12 bureaucrat over at the Department of Justice.

Mr. TUNNEY. I know that the Senator from Georgia speaks from his heart and from his conscience when he says that he abhors racial discrimination and when he says that he wants to see everybody given an opportunity to register and vote. I know he feels that way. He is my friend and we have had too many discussions about the matter of race relations and the matter of trying to improve opportunities for people everywhere in the country not to know that he is strongly on the side of full participation. I applaud those objectives.

I also understand why the Senator from Georgia feels that the act creates very serious problems for some elected officials in his State, which, sometimes, make it almost impossible to move quickly in getting an ordinance changed in time for the election. I understand all of that. The only thing that I say is that I also understand—and I think the Senator from Georgia does, but perhaps our perspective is a little different on this—that the humiliation of the blacks in the covered districts, their inability to vote, to participate in the political process for many, many years, has resulted in the Voting Rights Act as it now stands on the books.

I mentioned to the distinguished Senator from Alabama a bit earlier that Representative YOUNG from Georgia—I guess the first black elected to Congress from the Deep South since the Reconstruction days—said at one time "Yes, there is this Federal imposition of controls on local election codes and, you know what it feels like to be a black and be under this Federal authority? It feels just great."

Mr. NUNN. He also, I might add, testified, and I believe he supported, on the floor, an amendment that would make this act apply nationwide.

Mr. TUNNEY. I do not believe that is correct. But it is going to apply nationwide, particularly titles II and III, where we talk about minority language coverage. We are saying that Mexican Americans, Spanish-speaking persons, Asian Americans, and American Indians are all going to be covered under this act. We are going to include many counties that are not presently covered. The State of California is going to have a number of counties that are covered because of the Mexican-American problem.

Mr. NUNN. I think that is good. I commend the Senator for that. I think it is good that the concept is being expanded. However, we all know that the definitions here point in certain directions.

Mr. TUNNEY. Yes, to the areas where the problems were most serious.

Mr. NUNN. The Senator is correct in using the past tense. I would say that was correct in the past tense—1965—when the act was first passed.

Does the Senator think it is correct to apply 1965 criteria to a 1975 problem?

Mr. TUNNEY. I cannot answer that question in as broad a sense as it has been asked by the Senator from Georgia. I think insofar as the Voting Rights Act is concerned you certainly must look to what occurred prior to 1965, as well as what has occurred from 1965 to 1975.

Mr. NUNN. I certainly hope the Senator does not use exhibit 5 for these objections.

Mr. TUNNEY. In the case of Georgia there have been since 1965, 809 changes in State and local laws which have had to be precleared by the Attorney General, and there have been 37 objections to changes. That is on page 582 of the hearing record.

I would just like to read from Assistant Attorney General Pottinger's statement to the Constitutional Rights Subcommittee in the hearings that we held on this legislation.

I am reading now from page 583 of the hearings toward the bottom of the page. He said:

> In recent years we have objected to the change of polling places to an all-white segregated private school (Lafayette Parish, La., July 16, 1971) and to an all-white segregated club (St. Landry Parish, La., Dec. 6, 1972); to a racial gerrymander of voting districts using non-contiguous areas as a part

> of the district (E. Feliciana Parish, La., Dec. 28, 1971) and a racial gerrymander resulting in "an extraordinarily shaped 19-sided figure that narrows at one point to the width of an intersection, contains portions of three present districts, and suggests a design to consolidate in one district as many black residents as possible" (Orleans Parish, La., August 20, 1971). In several instances covered jurisdictions submitted proposed annexations of white areas, while refusing to annex black areas; attached, for example, as Exhibit 8 are our objection letter of February 5, 1975 regarding a proposed annexation to Granada, Miss., a map of the proposed annexation and, for comparison purposes, a map of the voting change held unconstitutional in *Gomillion v. Lightfoot*, 364 U.S. 339 (1960).

Mr. NUNN. I say to the Senator that all of those acts I would certainly deplore if the allegations the Attorney General made are correct. But that brings into focus the question of whether you have an act at all, and does not focus on the question of whether a State, with its good performance and with its good faith compliance, can earn its way out from under the act.

I am not arguing against the Voting Rights Act per se. What I argue against is the procedure here in the Senate that appears to preclude any kind of reasonable amendments having any chance of being adopted. Such a procedure and amendment would not only give a sense of equity to the States in my section of the country, particularly my own State but, in the opinion of the Senator from Georgia, also increase the very goal that the Senator from California is so dedicated to; that is, to increase the voting registration and voting participation by minority groups.

I think you can do both at one time. To me, that is the tragedy in this situation we are going through. I believe you can create an incentive system whereby the States in the South would want to earn their way out from under this amendment. At the same time, I think you could further the very goals that the Senator from California is shooting for, and that is minority participation. The tragedy is that an amendment which could achieve both those goals could be devised but there is very little chance of its passing under the present Senate atmosphere.

Let me ask the Senator one other question that does not——

Mr. TUNNEY. Before we go on I would just like to read from "The Shameful Blight" which was a report of the Washington research project, a group evaluating the effectiveness of the Voting Rights Act. This was published in 1972. They were reporting on incidents that had taken place from 1965 to 1970 or 1971, but they were talking about Georgia, in Stewart County:

> In the summer of 1970 blacks encountered significant difficulties in attempting to register in Stewart County. It was reported to the VEP (Voter Education Project) that the registrar's office closed at noon on Friday, July 9, 1970, and that it would be closed the following day. The office was generally open only 5 or 6 hours a day even though it was officially supposed to be open 8 hours a day. The short hours came in the midst of a local registration drive.
>
> A representative from the Justice Department was in Stewart County from July 16 to 19 and resolved the registration difficulties. The resolution proved to be short-lived, however, for the day after the Department representative's departure Tuesday, July 20, the registrar's office was again reported to be closed without any explanation. Further assurances from the Department of Justice came in November when the Deputy chief of the Voting Section wrote to the VEP that:
>
> "It is my understanding that the registration problems have been successfully resolved and, therefore, we do not contemplate any action by the Department at this time."
>
> Peace County. The Citizens Education Committee of Peace County reported to the VEP that registration hours, while officially from 9 a.m. to 5 p.m. every weekday, were actually whenever the registrar decided she wanted to open the office.
>
> Mr. Houston Smith, head of the committee, reported that they received very little local cooperation.
>
> In Lowndes County the registrar's office was normally opened 8 hours a day, Monday through Friday. The schedule was extended through Saturday after a special request made by the Black Community Action Group. On Friday, August 28, 1971, however, the registrar's office was closed. The Action Group's report explained, "The young lady that works took sick and had to be home. The way we found out is we took two elderly people down and one was crippled."

I could go on reading specific incidents. But the point I am trying to make is that there still is a need for the Voting Rights Act not for many public officials who live in the covered areas, certainly not because of attitudes reflected by the very distinguished junior Senator from Georgia, but because there are local election officials who still are using whatever stratagems are available to them to avoid having blacks register and vote.

Mr. NUNN. I might mention that closing an office early in the day probably is an occupational hazard that exists in almost every office, in every county courthouse around our Nation—not just to voter registration offices.

I do not defend this in any way, but I would say if someone watched every voter registration place around the United States, you would find early closings by certain people regardless of whether the district was all white, all black, or all Spanish. I am not justifying that in any way, but I am saying if closing early is the criterion for applying provisions of this act, then I think we are going to be in this situation, not just for the next 20 years, but for the next 200 years.

I submit that in every county in California, in every county in New York, in every county in Michigan and anywhere else, you would find violations if this were the criterion for being under the act. I hope we can approach it with a little more reasonableness.

Mr. TUNNEY. Well, one proof, of course, is the results of such office closings, and the comparison between the whites who are registered and the number of blacks who are registered.

Mr. NUNN. I would like to form some criteria that said the States that had the most black elected officials in view of the percentage of blacks and white registered would not be under the act. I think provisions as that are relevant. My point is that Georgia has moved far ahead on that score, but we see no hope of being able by good faith or good performance to get out of it. The Senator is still talking and considering past tense.

Mr. TUNNEY. Right.

Mr. NUNN. Past tense and history are certainly relevant, but I am talking about the future. I am saying that 4 years from now, if Georgia has done a good job, if Alabama has done a good job, and if they can come up and prove it before the proper tribunal, there ought to be some way and some hope under this kind of provision to be excluded from the act.

Mr. TUNNEY. Well, I am not talking in the past tense, I am talking in the future tense.

Mr. President, I ask unanimous consent that the segment of the Voting Rights Commission report, "The Voting Rights Act: 10 Years After," which appears on pages 379 through 382, be printed at this point in the RECORD.

There being no objection, the pages were ordered to be printed in the RECORD, as follows:

TABLE 2–A

State/county	Population	Percent black	Offices held: Governing body members	Offices held: Law-enforcement officials	Offices held: School board members	Offices held: Others
Georgia:						
Atkinson	5, 879	32. 0				
Baker	3, 875	53. 0				
Baldwin	34, 240	38. 0				
Ben Hill	13, 171	31. 3				
Bibb	143, 418	34. 5			2	
Brooks	13, 739	46. 2				
Brvan	6, 539	27. 2				
Bulloch	31, 585	36. 3				
Burke	18, 255	60. 2				
Butts	10, 560	43. 0				
Calhoun	6, 606	63. 1				
Camden	11, 334	36. 2			1	
Candler	6, 412	32. 4				
Charlton	5, 680	33. 7				
Chatham	187, 767	33. 9	2		2	
CyCl	3, 636	61. 7				
lianch	6, 405	31. 7				
Coffee	22, 828	25 8.				
Cook	12, 129	31. 3				
Coweta	32, 310	31. 9				
Crawford	5, 748	53. 2				
Crisp	18, 087	40. 3				
Decatur	22, 310	41. 8				
Dodge	15, 658	25. 4				
Dooly	10, 404	50. 1				
Dougherty	89, 639	34. 2				
Early	12, 682	45. 9				
Echols	1, 924	25. 6				
Elbert	17, 262	31. 9				
Emanuel	18, 189	30. 5				
Evans	7, 290	35. 0				
Fulton	607, 592	39. 1				

TABLE 2-A—Continued

State/county	Population	Percent black	Offices held			
			Governing body members	Law-enforcement officials	School board members	Others
Georgia:						
Grady	17,826	35.7				
Greene	10,212	51.8			1	
Hancock	9,019	73.8	2	4	4	3
Harris	11,520	45.0				
Henry	23,724	32.0				
Irwin	8,036	33.4				
Jasper	5,760	49.3				
Jefferson	17,174	54.5				
Jenkins	8,332	44.4				
Johnson	7,727	32.1				
Jones	12,218	38.5			1	
Lamar	10,688	38.7			1	
Lanier	5,031	29.3				
Laurens	32,738	33.7				
Lee	7,044	43.6				
Liberty	17,569	34.2	1			
Lincoln	5,895	46.1				
Long	3,746	31.8				
Lowndes	55,112	29.0				
McDuffee	15,276	39.7			1	
McIntosh	7,371	49.9	1			
Macon	12,933	61.0			1	
Marion	5,099	52.4				
Meriwether	19,461	47.9			2	
Miller	6,397	28.8				
Mitchell	18,956	48.5			1	
Monroe	10,991	46.3				
Montgomery	6,099	34.7				
Morgan	9,904	45.1				
Muscogee	167,377	25.7				
Newton	26,282	31.1				
Oglethorpe	7,598	37.2				
Peach	15,990	57.1		1		
Pike	7,316	40.4				
Pulaski	8,066	36.8				
Putnam	8,394	48.7				
Quitman	2,180	60.1				
Randolph	8,734	55.7				
Richmond	162,437	29.9	1	1	3	
Schley	3,097	44.8				
Screven	12,591	46.7				
Seminole	7,059	35.0				
Spalding	39,514	26.7				
Stewart	6,511	64.4				
Sumter	26,931	44.4			1	
Talbot	6,625	67.8	1			
Taliaferro	2,423	63.6				
Tattnall	16,557	30.8				
Taylor	7,865	44.8				
Telfair	11,381	34.5				
Terrell	11,416	59.5				
Thomas	34,515	39.7				
Tift	27,288	26.3				
Toombs	19,151	26.8				
Treutlen	5,647	32.5				
Troup	44,466	31.8			1	
Turner	8,790	35.2				
Twiggs	8,222	56.3				
Upson	23,505	28.2				
Walton	23,404	27.7				
Warren	6,669	59.1				
Washington	17,480	53.6				
Webster	2,362	58.4				
Wheeler	4,596	30.3				
Wilcox	6,998	31.3				
Wilkes	10,184	47.3				
Wilkinson	9,393	46.1				
Worth	14,770	37.4				
Total (counties 25 percent black)			8	6	22	3
Total (all counties)			8	6	26	3

Mr. TUNNEY. What this does is to demonstrate where things stand now in Georgia in the counties.

Just taking at random, Atkinson, population of 5,000, 32 percent black. No governing body members are black, meaning the county board of supervisors or the equivalent, no law enforcement officials are black, no school board members are black, and no other elected official.

Mr. NUNN. Let me say this.

Mr. TUNNEY. Let me just go on.

Mr. NUNN. We are not going to get any elected officials that are going to be of any minority race until there exists good faith between the two, as well as those in a minority.

If we have 32 percent black and have got a situation where people are not getting along and not cooperating, we are never going to get an election like that. That was the very point I made in reference to the situation in my hometown of Perry.

In the city of Perry, I cited the example of a particular black official who would have been elected if there had been the kind of cooperation that existed 2 years before the Justice Department, under this very act, took what most people felt was an absurd position. Their position was the kind of action that prevented the cooperation that would have enabled his election. I know that one case.

My point is, if we apply this kind of criteria, I think we would find in almost every State in the Union that every political subdivision would be lacking in some respect.

That does not mean I am saying that all the cities and counties in Georgia are perfect. We probably never have been and probably never will be. I do not know of any State in the Union that has a perfect record in this regard.

What I am saying is that there should be some kind of hope, some kind of equity, that compliance with the act would enable any State to earn its way out.

If this time constraint the Senator has described did not exist, would the Senator from California believe or think he could find a way to support some kind of reasonable amendment that would offer hope to the Southern States that we could earn our way out of this particular act by good performance?

Mr. TUNNEY. Well, I hate to answer that question in the abstract simply because I feel that when we talk about getting out from under, or a bailout mechanism, we are talking about the very heart of the legislation.

Such an amendment would have to, in my view, reflect what is absolutely critical, namely, that there be no retrogression or opportunity for retrogression at a time when, in all deference to the Senator from Georgia, I think there still is a chance of such retrogression in many of the covered States, if not all.

I know that the Senator is aware of the Civil Rights Commission Report, and they recommend that there be a 10-year extension of the act to go beyond the 1980 census because with the 1980 census we are then going to have a reapportionment of all our State legislatures, and the Congress, House, and if we did not have the Voting Rights Act operative through that period there would be a significant potential for retrogression through gerrymandering, through controllable districts, et cetera.

That is why I have supported an extension that would go beyond the 1980 census.

Mr. NUNN. I understand that particular point of view.

Would the Senator yield for one final question?

Mr. TUNNEY. Yes.

Mr. NUNN. Would the Senator be willing, assuming the Senator is reelected next year, which I have every confidence he will be based on his performance, his astuteness, and his service to the people of his State and this Nation, would the Senator be willing to hold hearings after the 1976 election, say, sometime during 1977, and take a fresh look at this situation and look at the performance to determine if there can be framed some kind of reasonable legislation that would provide some hope and some equity for the States that are trying to comply with the act and the spirit of it?

Mr. TUNNEY. Yes, I would be.

Mr. NUNN. I thank the Senator.

I yield the floor to the Senator from Virginia.

Mr. WILLIAM L. SCOTT. I thank the Senator for yielding.

Mr. President, I have a number of amendments to the Senate version of the Voting Rights Extension Act and I would send them to the desk and ask that they be printed, and I ask permission to fill in the blanks in an appropriate way when we determine what we can put in those blanks.

The PRESIDING OFFICER (Mr. STAFFORD). Is there objection to the request of the Senator from Virginia?

Mr. TUNNEY. Reserving the right to object, I am sorry, I did not hear your request.

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr. WILLIAM L. SCOTT. All I have asked is, I have sent amendments to the Senate bill, in the event that at sometime in the future the Senate bill is substituted for the House bill, I would have those printed. I asked unanimous consent to fill in the blanks to show the page numbers in the Senate bill, and that it is a substitute for whoever offers the motion to substitute, if that is done.

Mr. TUNNEY. I see.

So, the Senator is introducing similar amendments to the House bill?

Mr. WILLIAM L. SCOTT. That is right.

Mr. TUNNEY. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 712

Mr. WILLIAM L. SCOTT. Mr. President, I call up my amendment No. 712 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

Mr. TUNNEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TUNNEY. Does not the Senator from Mississippi have an amendment?

The PRESIDING OFFICER. The Chair is advised the Senator from Mississippi spoke to an amendment, but did not call it up.

The clerk will state the amendment of the Senator from Virginia.

The legislative clerk read as follows:

> The Senator from Virginia (Mr. WILLIAM L. SCOTT) proposes an amendment No. 712.

The amendment is as follows:

> On page 6, line 24, after "that" insert "(1)".
>
> On page 7, line 3, before the period, insert a comma and the following: "(2) the provisions of this subsection shall not apply if the language of the minority is extinct. For the purposes of this provision, a language is extinct if there are no individuals known to have been raised with it as the primary language".
>
> On page 9, line 25, after "that" insert "(1)".
>
> On page 10, line 4, before the period, insert a comma and the following: "(2) the provisions of this subsection shall not apply if the language of the minority is extinct. For the purposes of this provision, a language is extinct if there are not individuals known to have been raised with it as the primary language".

Mr. WILLIAM L. SCOTT. Mr. President, this is an amendment that was adopted by the Judiciary Committee of the Senate. It has just been prepared to reflect the heading of H.R. 6219. In fact, part of the amendment was written by the distinguished floor manager for this bill. It was a compromise to one that I had proposed in the committee. It relates to the Chickahominy Indians in Virginia.

It is proposed that under the Senate bill, and I believe the House bill also, that we print the language of a minority on the ballot where there is a second tongue spoken by a given percentage of the people.

I would like to read from a memorandum prepared by the Library of Congress in response to my request. The analyst at the Library said:

> Last night I did manage to get in touch with Oliver Adkins, Chief of the Chickahominy, by telephone, and he stated that none of his tribe could speak a native language although they know a few words here and there. For your further information Chief Adkins stated there were about 700 members in the Tribe at this time.

I would like to read further, Mr. President, from an affidavit that is signed by Michael Holmes. He says:

> I am County Administrator of Charles City County and am an American Indian of the Chickahominy tribe. I am on the Board of Directors of the Chickahominy Indian Tribe, Inc., recently incorporated under the laws of the Commonwealth of Virginia. I am thoroughly familiar with the Chickahominy tribe in Charles City County which comprises approximately 8.9 percent of the population of the county.
>
> In 1901, a Chickahominy tribal school was established in Charles City County. This was an English speaking school dedicated to educating members of the Chickahominy tribe. The American Indians in Charles City County have been educated since 1901 in this school and other English speaking schools throughout the county.
>
> Chickahominy is a dead language. It is not reduced to written form, nor is it spoken by members of the Chickahominy tribe. There are only a few members of the tribe left who understand even a few words.
>
> I am of the opinion that to require the Commonwealth of Virginia to print election material in Chickahominy would not only be an impossibility, but would be of no benefit whatsoever to members of the tribe since, as indicated, none have any comprehensive understanding of the language.

This is signed by Michael Holmes and is sworn to before a notary public.

Mr. President, the Library of Congress further responded to our request. I would like to read this memorandum dated June 20. The subject is the Chickahominy Indian language.

> This is in further response to your question concerning whether Chickahominy is a "dead" Indian language. We contacted Ives Goddard, Associate Professor of Linguistics at Harvard (now temporarily working for the Center For the Study of Man at the Smithsonian Institute) who is a linguistic specialist in North American Indian languages.
>
> Dr. Goddard states that Chickahominy is not a "dead" language since some words and phrases evidently are known but that it is classified as an "extinct" language since there are no individuals known to have been raised with it as their 1st language.
>
> Dr. Goddard referred me to an article in the American Anthropologist of 1907, by James Mooney, entitled "The Powhatan Confederacy, Past and Present." In that article (p. 145) Mr. Mooney, in referring to the Pamunkey, Nansemond, Chickahominy and Mattapony, states:
>
> "They have entirely lost their aboriginal language . . . According to the statements of several persons of middle age, their parents some fifty years ago had conversational knowledge of the old language. Even this knowledge must have been limited, as the present writer, by the most careful search, could find but one old man, William W. Weaver, a Nansemond, from whom even half a dozen words could be obtained. . . . He died about a year later, in 1902, and with him faded away the last echo of the Powhatan as a living language."

My position is this, Mr. President: We cannot force a State or political subdivision to do the impossible. There is no written Chickahominy language. Nobody would understand it if there was a written Chickahominy language. There is no oral Chickahominy language. Nobody within the Chickahominy tribe would be able to understand it if there were. It seems absurd to require a State to do something that it is impossible to perform. This was brought out at the committee meeting, and the committee, in its wisdom, with the concurrence of the distinguished floor manager, did adopt this amendment in committee.

I would like to ask the distinguished Senator from California whether or not he will accept this amendment at this time.

Mr. TUNNEY. I would like to say to my good friend from Virginia that I will not accept the amendment. I feel that whereas the amendment would have considerable merit if we were talking about a different time situation than we are today, I cannot accept it at this time because of my feeling that we should make sure that the act is extended. We should not go to conference with the House of Representatives, and we should get a bill on the President's desk before the 1st of August.

I would like to point out to my friend, if he will continue to yield since there is no time limitation on the amendment, that in my view the matter which he raises can be taken care of by the present language of the act.

I would like to point out that I agree with what the Senator's approach is.

Mr. WILLIAM L. SCOTT. I believe it can be taken care of by going to court. I believe any court in the land worthy of the name would throw it out. I think it is invalid law insofar as it affects the Chickahominy. But why should we compel the people of Virginia to go to court to have the court determine that something is impossible of performance?

Mr. TUNNEY. I do not think there is any need to go to court because I cannot imagine anyone taking it to court when one reads the language of the bill and when one reads the language of the committee report, which is going to be filed tonight. I have already approved the language of the committee report. It has gone to the printer and will be with us in a few hours. I would like to read the language of the bill and the language of the committee report to make it very clear, through this colloquy, what the legislative intent of the floor manager of the bill is as it respects the Senator's amendment.

Mr. WILLIAM L. SCOTT. The report is the report of the Senate Committee on the Judiciary, which adopted this amendment. Therefore, the report language would reflect the language of the Senate Judiciary Committee that adopted the very amendment that we are talking about. Would that not make a difference?

Mr. TUNNEY. I do not think it would make a difference, because the language that is used in the committee report reflects the intent of the committee as it relates to this particular provision, whether or not the amendment is in the bill.

Mr. WILLIAM L. SCOTT. All right. I will be glad to hear what the Senator has to read.

Mr. TUNNEY. Title 3, section 203(c) says:

> Whenever any State or political subdivision subject to the prohibition of subsection (b) of this section provides any registration or voting notices, forms, instructions, assist-

ance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language: *Provided,* That where the language of the applicable minority group is oral or unwritten, the State or political subdivision is only required to furnish oral instructions, assistance, or other information relating to registration and voting.

In the Senator's particular Chickahominy situation, there would be no need, in my view, under the language of the bill as it is written, to have written instructions in Chickahominy; and I might say that the committee report is going to contain language—it will be with us tomorrow when we are voting on other amendments—which will state:

> Of course, in cases where a language minority's mother tongue has fallen into disuse and is essentially historic, the act's intent is that assistance be given in the language commonly use, which in most cases would be English.

It is my view that, inasmuch as the Chickahominy language is an extinct language, inasmuch as it is a language which no person living today learned as his mother tongue, the only instructions you would be required to have would be instructions in English, and the only assistance you would be required to have would be assistance in English, not in Chickahominy.

That is my intent. I know it is the intent of the majority of those on the committee. The committee will be approving the report; it will be signed by all those who are supporting the bill; and I think the legislative history that we are making here makes it very clear that we do not intend to have any written instructions or oral instructions in Chickahominy. They will and should be in English, and that is the intent and spirit of the act.

I will oppose the Senator's amendment simply because I feel it makes changes which are unnecessary. Valid as the purposes are, I think they are unnecessary. I commend the Senator from Virginia for calling this matter to our attention. I think the colloquy on the floor is very important, and I think the fact that he pursued this matter with such diligence before the committee is important, but I think we have established a clear legislative history here which nullifies the need for the amendment, and, therefore, I oppose it.

Mr. WILLIAM L. SCOTT. Mr. President, I appreciate the distinguished Senator's comments. My staff member tells me that in amendment No. 712 some of the page number references are incorrect, in that they make reference to the Senate bill rather than the House bill, and I ask that they may be corrected by the clerk as we have indicated they should be corrected.

The PRESIDING OFFICER (Mr. DOMENICI). The Senator has a right to modify his amendment. It will be so modified.

The amendment, as modified, is as follows:

> On page 6, line 10 after "that" insert "(1)".
>
> On page 6, line 14, before the period, insert a comma and the following: "(2) the provisions of this subsection shall not apply if the language of the minority is extinct. For the purposes of this provision, a language is extinct if there are no individuals known to have been raised with it as the primary language".
>
> On page 9, line 14, after "that" insert "(1)".
>
> On page 9, line 18, before the period, insert a comma and the following: "(2) the provisions of this subsection shall not apply if the language of the minority is extinct. For the purposes of this provision, a language is extinct if there are no individuals known to have been raised with it as the primary language".

Mr. WILLIAM L. SCOTT. Mr. President, I appreciate the comments of the distinguished Senator from California and his view that the report of the Senate committee will cure the defect here insofar as this particular Indian tribe is concerned. But we do not have the Senate bill before us. We have the House bill. I am not an authority on something of this nature, but it would not seem that, in a Senate report, we could correct the language that is contained in the House bill. If we had the Senate bill before us, the Senate bill as approved by the committee would have this amendment with it.

I am going to insist on my amendment. It seems to me that this is a good criterion for measuring the intentions of the majority in the Senate, because, you know, sometimes those of us who have a minority view are accused of filibustering or extending debate; but I think this illustrates why that is sometimes necessary, when you have a—I am not going to yield until I finish my remarks here—because when you have something that is so utterly absurb as to require a committee to do something it is impossible to do, I think a view like that is untenable.

I believe we ought to have a rollcall vote, and I believe we ought to have a quorum call and then a live quorum, so that the word can get around among the Members of the Senate as to just what we are voting on. Unless the Senators know the substance of the amendment I doubt that a majority would support this proposal. But if they realize it is just commonsense not to require a State to do something that it is impossible to do—and we have only 3 Senators on the floor at this time, three out of 99—if we have a quorm call, and have an opportunity to pass the word around, and the Senate knows what it is voting on, I believe that might accomplish something.

Mr. President, I ask for the yeas and nays.

Mr. TUNNEY. Mr. President, will the Senator wait a moment?

Mr. WILLIAM L. SCOTT. Yes.

Mr. TUNNEY. I think it is important that the Senator have an opportunity to have a record vote on his amendment. I am going to move to lay his amendment on the table, but not until such time as the quorum call brings forth a quorum of Senators on the floor, so that the Senator can have an opportunity to fully explain his amendment to those Members who show up on the floor; and after I have had an opportunity to respond to the Senator from Virginia, I shall move to table. But I want him to know that I certainly will in no way attempt to cut off his opportunity to explain his amendment fully to other Senators.

Mr. WILLIAM L. SCOTT. I appreciate the Senator's courtesy.

QUORUM CALL

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[Quorum No. 63 Leg.]

Allen
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cranston
Culver
Domenici
Griffin
Mansfield
Scott,
William L.
Tunney

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Pending the execution of the order, the following Senators entered the Chamber and answered to their names:

Baker
Bayh
Beall
Bellmon
Bentsen
Biden
Brock
Brooke
Buckley
Bumpers
Burdick
Cannon
Case
Chiles
Church
Clark
Curtis
Dole
Eagleton
Fannin
Fong
Ford
Garn
Glenn
Goldwater
Gravel
Hansen
Hart, Gary W.
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Humphrey
Jackson
Javits
Johnston
Kennedy
Laxalt
Leahy
Long
Magnuson
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Morgan
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Roth
Schweiker
Scott, Hugh
Sparkman
Stafford
Stennis
Stevens
Stevenson
Stone
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Williams
Young

The PRESIDING OFFICER (Mr. GARN). A quorum is present.

Mr. WILLIAM L. SCOTT. Mr. President, while we have a few additional Senators here, I wish to explain the purpose of my amendment. Then I am going to ask for a rollcall vote. I understand that the Senator from California is going to move to table.

This is a provision that nullifies the provision of the bill that says we must have the ballot printed in the language of a minority. My amendment says:

> The provisions of this subsection shall not apply if the language of the minority is extinct.

The Chickahominy Indians in Charles City County, Va., were called to my attention by the secretary of the State Board of Elections in Virginia. I have an affidavit by Michael Holmes, who is the county administrator of Charles City County.

The PRESIDING OFFICER. May we have order in the Senate so the Senator from Virginia can be heard?

The Senator will proceed.

Mr. WILLIAM L. SCOTT. Mr. President, it just does not make sense for us to pass a law requiring something to be done that is impossible of performance. We cannot print a language if we do not know the language. Nobody knows the language. I have read from memorandums that I have had from the Library of Congress saying that there is not one living person who knows this language, either orally or written. I wish to read an affidavit from the county administrator of Charles City County.

Mr. TUNNEY. Will the Senator yield for a unanimous-consent request?

Mr. WILLIAM L. SCOTT. Yes.

Mr. TUNNEY. I ask unanimous consent that on this vote, we have the yeas and nays.

The PRESIDING OFFICER. Is there objection? The yeas and nays are ordered on the motion to table.

Is there a sufficient second? Without objection, it is so ordered.

Mr. TUNNEY. I shall be making a motion to table. The unanimous-consent request is with respect to the motion to table.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WILLIAM L. SCOTT. Mr. President, the county administrator recites that he is a Chickahominy Indian himself. He says:

> 1. I am County Administrator of Charles City County and am an American Indian of the Chickahominy tribe. I am on the Board of Directors of the Chickahominy Indian Tribe, Inc., recently incorporated under the laws of the Commonwealth of Virginia. I am thoroughly familiar with the Chickahominy tribe in Charles City County which comprises approximately 8.9 percent of the population of the county.
>
> 2. In 1901, a Chickahominy tribal school was established in Charles City County. This was an English speaking school dedicated to educating members of the Chickahominy tribe. The American Indians in Charles City County have been educated since 1901 in this school and other English speaking schools throughout the county.
>
> 3. Chickahominy is a dead language. It is not reduced to written form, nor is it spoken by members of the Chickahominy tribe. There are only a few members of the tribe left who understand even a few words.
>
> 4. I am of the opinion that to require the Commonwealth of Virginia to print election material in Chickahominy would not only be an impossibility, but would be of no benefit whatsoever to members of the tribe since, as indicated, none have any comprehensive understanding of the language.

It is sworn to by the administrator of the county.

My distinguished friend from California indicates that, in view of the short period of time that we have left before the temporary portions of this bill will run out, we cannot have any amendments of any kind. This is an amendment that was agreed to by the Senate Committee on the Judiciary. They agreed to this. The language, in part, was prepared by the distinguished floor leader of this bill. We have 10 days left before we go into recess. But Virginians would have to live and the other people in the 25 States affected by this extension will have to live with this for 10 years—10 days versus 10 years.

I feel that this bill can be passed with amendments, but moreover the House is not even going to ask for a conference on something as ridiculous as this is. I cannot conceive of the House saying, "We want to go to conference to decide whether we will accept an amendment that the Senate put in saying a State need not do what is impossible to do."

Mr. President, to me this is an amendment that should be adopted. The Senate Committee on the Judiciary did adopt it, and I just feel any other view is an untenable view.

I will be glad to yield to the Senator from California.

Mr. TUNNEY. Mr. President, the language of the legislation as it passed the House of Representatives takes care of the problem that the Senator from Virginia has alluded to. I think it is ridiculous to require an extinct language to be used for the purposes of instructing the voters in writing or orally.

Referring to section 203(c) of the bill it states clearly where there is a requirement that a minority language be used that there is an exception and that is:

> That where the language of the applicable minority group is oral or unwritten, the State or political subdivision is only required to furnish oral instructions, assistance, or other information relating to registration and voting.

Mr. WILLIAM L. SCOTT. Will the Senator tell me where he is reading from?

Mr. TUNNEY. From pages 9 and 10 of the bill, starting with line 25 on page 9.

Now, additionally, I have made it very clear already in the colloquy that we had a few minutes ago there is no intention on the part of the floor manager of the bill to have the Chickahominy Indians receive instructions orally or written in Chickahominy.

In the report language that will be filed tonight and will be available to Senators tomorrow the Senate Judiciary Committee is going to state in the majority report:

> Of course, in cases where a language minority's mother tongue has fallen into disuse and is essentially historic, the Act's intent is that assistance be given in the language commonly used which, in most cases, would be English.

That is not only in the committee report, that is also my intention here today to make it clear that I affirm that language in the committee report as it relates to the House bill, as it relates to the language of the bill we are now considering.

In addition, I have written to Ms. Joan Mahan, State Board of Elections of the Commonwealth of Virginia, State Capitol, on July 2, 1975, in which I discuss this problem, in response to her letter.

Mr. WILLIAM L. SCOTT. The Senator tells her she can go to court if she does not like it.

Mr. TUNNEY. Well, I will read the letter.

Mr. WILLIAM L. SCOTT. I think it would be very well to put it in the RECORD.

Mr. TUNNEY. There is no better evidence of what the letter said.

JULY 2, 1975.

MS. JOAN S. MAHAN,
State Board of Elections, Commonwealth of Virginia, State Capitol, Richmond, Va.

DEAR MS. MAHAN: This is to acknowledge your letter of June 10, 1975. While my letter of May 27, 1975, was in reference only to Title III, your reply covers far more ground than that. I will attempt to give you my thinking on the subjects you have raised.

First let me say that Charles City is covered under Titles I, II, and III of the proposed extension of the Act, S. 1279 (the Senate version of H.R. 6219). Title I of the bill, which extends the original Voting Rights Act of 1965 has the coverage formula of "tests and devices" and less than 50% voting age population registered for voting in 1964 or 1968. Title I, needless to say, has nothing to do with "language minorities". Virginia, as you know, tried unsuccessfully to "bail out" of these provisions in 1975 in the case of *Virginia* v. *United States,* ——— U.S. ———. As a result Charles City would continue to be covered under the Act no matter what status it may obtain eventually under the other Titles of the bill.

Title II of the bill extends the protections found in Title I to language minorities. Its trigger is 1) a 5% language minority in the state or political subdivision, and 2) less than 50% of the voting age population registered or voting in the last Presidential election year. If the state or county can prove that its use of English-only elections did not have the purpose or effect of denying the language minority their right to vote, then the state can be excused from complying with that title. This, as I am sure you can tell, is very similar to the present bail-out provisions of the Act. Obviously, if the Chickahominy Indians speak only English, the English-only elections can not be considered as discriminatory. In short, I would foresee no problems for Charles City under Title II.

Title III calls for bilingual elections where there is a 5% language minority in a political subdivision, and an illiteracy rate greater than the national average (illiteracy being defined as less than a fifth grade education). The bail-out provision here is simply to raise the minority's literacy rate. As I have said before, Virginia's salvation lies in the fact that if the terms are impossible to fill, as they seem to be in this case, the party affected is excused from performance. I would refer you to page 16910 of the Congressional Record of the 94th Congress. There, Mr. Edwards, a Democrat from California, during the debate on H.R. 6219, said, "Further, if an American Indian language is historic in nature and is not used by the population of the relevant tribes, then it is obvious that not even oral assistance in such nonspoken language will be required. Moreover, it is obvious that the Attorney General would not enforce a bilingual mandate in such situations". The intent of Congress is plain. Mr. Edwards, who is the Chairman of the House Subcommittee which considered H.R. 6219, and who managed it on the floor, clearly feels that the bill as it now stands recognizes and deals with the problem you have raised. In short, Charles City would not be expected to comply with Title III under the circumstances you describe.

I hope this clears up any misconceptions you may have had. Please feel free to call on me for any information you might require.

Sincerely,

JOHN V. TUNNEY,
Chairman.

Mr. President, I ask unanimous consent that a letter dated June 10, 1975, from Joan S. Mahan, secretary, State Board of Elections of the Commonwealth of Virginia, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMONWEALTH OF VIRGINIA,
STATE BOARD OF ELECTIONS,
Richmond, Va., June 10, 1975.

Hon. JOHN V. TUNNEY,
Chairman, Subcommittee on Constitutional Rights, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR TUNNEY: Thank you for your letter of May 27, 1975, regarding the extension of the Voting Rights Act of 1965, as amended, and the proposed new legislation, Title III, calling for bilingual elections if a state or political subdivision comes under the formula of the Act.

I note that in Virginia Charles City County would be covered by Title III of the Act as in this jurisdiction 8.9 percent of the voting age population in the county is American Indian, the Chickahominies, and there was less than 50 percent voter participation in 1972.

In your letter you ask my opinion as to the need and effectiveness of such a provision and that I estimate for the Subcommittee the cost of such a program.

As I understand H.R. 6219, Charles City County would be required to provide all election assistance and materials, including ballots, either printed or oral, in two languages, that of the language minority group, Chickahominy, as well as English.

I would like to point out that in many instances the language of these minority groups is not in written form. In the absence of an appropriate amendment to the Act, it would be impossible to comply with the requirement of the Act that materials be printed in a language of the minority. In other cases, as is the case in Virginia, the language of the minority group is a dead language. These language minority people comprehend, speak, and write only English.

Enclosed is an affidavit to that effect from Michael Holmes, County Administrator of Charles City County and an American Indian of the Chickahominy tribe.

There should be an appropriate amendment to insure that the provisions of the Act are not imposed upon states where, though a minority group exists, that group has no minority language.

If such an appropriate amendment is not included, the Act would put some states, such as Virginia, at a disability. The Act should not force Virginia or any other state to go into court to seek relief from a provision with which it is unable to comply. Such a step immediately imposes on the state the burden of bearing the costs of litigation, estimated to be $10,000, to prove an obvious fact which Congressional responsibility should remedy by legislation as I have above suggested.

Your consideration, Mr. Chairman, of an appropriate amendment to H.R. 6219 to remove the disadvantage to the Commonwealth of Virginia if this legislation is passed is respectfully requested. If I can be of any assistance in this matter, please call upon me.

Sincerely,

JOAN S. MAHAN,
Secretary.

Enclosure.

AFFIDAVIT

Commonwealth of Virginia, Charles City County, ss.:

Michael Holmes, being duly sworn, deposes and says:

1. I am County Administrator of Charles City County and am an American Indian of the Chickahominy tribe. I am on the Board of Directors of the Chickahominy Indian Tribe, Inc., recently incorporated under the laws of the Commonwealth of Virginia. I am thoroughly familiar with the Chickahominy tribe in Charles City County which comprises approximately 8.9 percent of the population of the county.

2. In 1901, a Chickahominy tribal school was established in Charles City County. This was an English speaking school dedicated to educating members of the Chickahominy tribe. The American Indians in Charles City County have been educated since 1901 in this school and other English speaking schools throughout the county.

3. Chickahominy is a dead language. It is not reduced to written form, nor is it spoken by members of the Chickahominy tribe. There are only a few members of the tribe left who understand even a few words.

4. I am of the opinion that to require the Commonwealth of Virginia to print election material in Chickahominy would not only be an impossibility, but would be of no benefit whatsoever to members of the tribe since, as indicated, none have any comprehensive understanding of the language.

MICHAEL HOLMES.

Mr. TUNNEY. I would like to say to my distinguished friend that I think the legislative history we have created makes it clear that we do not want extinct languages to be used for instructing voters, and that applies to the Chickahominies, and I do not know how we can make it any clearer than that. This amendment is unnecessary although, as I said——

Mr. WILLIAM L. SCOTT. By adopting my amendment you can make it clearer.

Mr. TUNNEY. Although, as I said to my friend, I compliment him on raising the point. I am very happy that he did raise the point, and I think he raised it effectively in committee. He has raised it effectively here on the floor, and I think we have been able to explain the amendment.

Mr. WILLIAM L. SCOTT. Mr. President, I might say, in response, that the amendment was adopted in the committee. It was adopted unanimously in the committee. If we were taking up the Senate bill, as amended, it would be one of the Senate amendments. But, unfortunately, we are taking up the House bill, and the report that the distinguished Senator speaks of is the report on the Senate bill. It is a report on the Senate bill when we have the House bill under consideration. It may well be that what the distinguished Senator says is true. I hope it is. But it seems ridiculous not to accept an amendment that would clearly state you do not have to print a language that is nonexistent. That is all the amendment says.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. WILLIAM L. SCOTT. I yield.

Mr. GOLDWATER. I am very interested in the discussion that is going on because in my State of Arizona we probably have the largest problem relating to this of any State in the Nation. We have 15 different Indian tribes speaking three different language roots, and none of which has any vocabulary or any printed language.

Now, we have met this by printing the ballots either in Spanish or in English, and where the need is present we have interpreters from each party to explain to the Indians or, if need be, which would rarely be, to the Spanish-speaking people.

As long as the distinguished Senator has yielded to me, I would though like to correct something that might give a wrong impression that is in the report on page 19, and I read:

> For example, although Navajos residing on the reservation constitute about three-quarters of Apache County's population, the three supervisors' districts are drawn in such a way that all the Navajos are placed in one grossly overpopulated district.

Now, it is true that the Navajos did elect a member of the board of supervisors, and it is true that he was denied seating until the supreme court of the State ruled. However, this is probably the only political subdivision in the whole United States where the white man is a minority, and that an attempt has been made to divide this county into two counties because the Navajo pays no taxes and is not subject to the laws of the State or the laws of the county.

Now, I do not raise this in a critical way. We fought this out in Arizona. I wanted to have it a part of the record so that one reading it would not get the impression that Arizona is dedicated against Indians. We are not. We have several Indian members of our legislature. We have Indians serving in office, more and more of them every year.

In fact, we have a Mexican Governor of whom this Republican is very proud.

I am in sympathy with what the Senator from Virginia is faced with. We were as apprehensive about it when it originally came out as he is now. To begin with, even the news dealers gave up on trying to print Navajo. They spent a bucket of money trying to print Navajo, and even the people who made up the alphabet could not read it, so they gave it up.

But we are getting along and living with it under the conditions that I explained.

Mr. WILLIAM L. SCOTT. I appreciate the Senator's comment.

Let me say in seriousness, the Chickahominies all speak English. That is their only language, so if it is printed in English, every one of them understands it. They have been educated in English schools. There is no Chickahominy language, either written or oral, and that is what makes this absurd, not to accept an amendment that says that when a language is extinct it need not be printed.

Mr. GOLDWATER. I will go a step further for the Senator's education in this field. We have one of the highest percentages of Mexican origin people in the United States, about 20 or 21 percent, and finding one of these people in my hometown of Phoenix that will speak or can speak Spanish is virtually impossible. Yet we are required to print ballots in Spanish, in nearly all of their counties, whereas I would say 96 percent, 97 percent of these people speak English and many of them resent having Spanish spoken to them.

Again, we did not like this. Many of our people of Mexican ancestry did not like it. But we are living with it.

Mr. WILLIAM L. SCOTT. I appreciate the Senator's comment.

Mr. GOLDWATER. It is pretty hard for this Congress or this Federal Government to hurt people in the West. We are pretty tough.

Mr. DOMENICI. Mr. President, will the Senator from California yield for just a discussion?

Mr. WILLIAM L. SCOTT. I am glad to yield to the Senator.

Mr. TUNNEY. The Senator from Virginia has the floor.

Mr. WILLIAM L. SCOTT. I am willing to yield.

Mr. GLENN. Will the Senator yield for a unanimous-consent request?

Mr. WILLIAM L. SCOTT. Certainly.

Mr. GLENN. Mr. President, I ask unanimous consent that Reginald Gilliam be granted privilege of the floor during the duration of the Voting Rights Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAM L. SCOTT. I am glad to yield to the Senator from New Mexico and after his comments I understand the Senator from California is going to move to table my motion.

I see no need for any extended discussion.

Mr. DOMENICI. I shall not take a great deal of time, but I would just like to spend a few moments talking with the Senator from California about the issues.

First, I am not going to try to delay the act at all. I am one of those that want to see it adopted as soon as possible.

But I think it would serve a good purpose to discuss with the Senator a little bit the question of bilingualism and minority groups from the vantage point of the State of New Mexico because I think the Senator from California and those who have drafted the new voter's registration bill ought to know about a State that for some reason or other seems to be 10 or 15 years ahead of the rest of us and ahead of this bill.

Would the Senator believe that Spanish-American or Mexican-American is a minority in our State of over 35 percent and would the Senator believe we had bilingual ballots in New Mexico for 10, 12, 15 years? By bilingual I mean they were there in both English and Spanish-American.

In 1969 by act of a Spanish-American secretary of state, they decided that that was an absolute absurdity in the State of New Mexico and did away with it.

Now, this is not speaking from a State that has any discrimination because, as I have told the distinguished Senator from California and as our State attorney general wrote him personally, the State attorney general being a Spanish American with the name Anaya, we are the only State that could even claim to be close to any threshold that any Voter Registration Act could attempt to get to.

We have a House and a Senate, and in both House and Senate there are more than 30 percent Spanish-American representatives and senators. We have an attorney general who is; we have a secretary of State who is Spanish American. We have a Governor who is Spanish American. We have the entire legislature, both bodies, with only two negative votes, sending to the Senator's committee a resolution stating these facts and asking that New Mexico not be compelled to be under it.

I only state this so that we will have it in the record, so that those who think that the way to protect against discrimination at the ballot box for minorities is in some miraculous way solved by having a ballot that is bilingual or trilingual, or maybe in some of the other counties in four languages, that there are some States that have found a much better way.

I would just tell the Senator from California—and then I shall yield the floor so we can vote on his motion to table—that we found a much better way in what we call a Voter Assistance Act where we permit not only an interpreter, but we basically permit a relative, and we define a relative in our statute, to accompany anyone into the ballot box that has any of the kinds of impediments aside from language, whether it be blindness, physically disabled, and including unable to understand or read or write.

The Senator received from our secretary of State, who happens to be a Spanish American, a member of our major minority group, a letter telling the Senator that in years of serving in that position she has never had one complaint in that State about voter discrimination as we are trying to correct it in this bill.

In spite of this, I say to the Senator from California, I understand the predicament we are in in terms of time, in terms of expiration of this act. I do not have any desire to be dilatory.

I am somewhat sorry that we are under such time constraints that we cannot seriously consider some amendments that would take care of the situations as I have described here, for it appears to me that a State like ours which has reached the enviable threshold of representation in both houses to the extent of 30 percent, and in one instance 35 percent, and approaching 40 percent of the principal minority group, that certainly that is the goal of the Voter Registration Act. Yet my State is going to have three counties covered by it because of the 50 percent triggering mechanism, because of the election the Senator uses.

I am not going to be able to do anything about that. I have an amendment pending saying if a State had reached the threshold that mine reached of 30 percent representation of the minority in each house, of each of the two in the State, ought to be exempt because we cannot do any better than that.

I know it is not going to pass under the approach that the Senator is going to take and it will not even get considered, but I will offer it later in the week.

I thought we ought to talk about the fact that just to mandate two or three different languages as far as the ballot is in no way the only way to assure that those who have trouble with the language, trouble understanding, can, in fact, get registered and vote and get representation, which is the ultimate threshold that we seek.

Mr. GOLDWATER. Will the Senator yield?

Mr. DOMENICI. I thought I ought to bring that up and have it in the Record and before I am through in the ensuing days I shall put all that documentation in the Record.

There is no other State in the Union with reference to a major minority group that has that kind of record.

We have one Senator and one Representative out of four that are of the minority extraction.

We are all familiar with Senator Montoya. We have a Representative, Mr. Lujan. Fifty percent. Repeating, both of our houses are more than 30 percent Spanish American.

Our Governor is now Spanish American. Both Houses sent the Senator a resolution in his subcommittee. One resolution was initiated by nine members of one body, and eight of them were Spanish Americans, elected by their people in their counties saying—

> Though there may be something else wrong with New Mexico, it is not discrimination because we are here and our name is—

And they signed the resolution. I think we are different in that respect than any of the others. I could find no way to exempt us other than if we complimented New Mexico for reaching the 30 percent representation, even using the Senator's triggering date, so we would not be up and down during the 10 years, and put 30 percent in each house. That would exempt us. I understand that because of time constraints we are not going to get a chance to consider it seriously, for I assume the Senator will move to table it as he is this one.

I understand on this particular amendment the Senator clearly does not intend it to be vitiated; he intends it to be the law. I know the Senator cannot do that with mine without letting this body vote on it.

But when a State does what ours has done, when it is documented as this is, not by the Senator here speaking but by everyone from that person who takes care of the voters to the legislature, which is composed of the minority group saying, "We do not need it in our State," I would have hoped we would have had enough time to seriously consider that in the ensuing days. I thank the distinguished Senator for yielding.

Mr. TUNNEY. I thank the Senator from New Mexico for enlightening us as to the factual situation in New Mexico. I think that New Mexico has done an outstanding job in eliminating discrimination in voting rights. I would point out that under title III the requirements are of a nature that it would not require New Mexico to do anything other than what it is already doing. It already is giving even more coverage than title III provides. There are three counties in New Mexico that would be covered under title II. Although I cannot make any predictions, I would daresay that New Mexico would have an excellent chance of bailing out under title II, under the formulation as it exists in the law that is now on the statute books.

My feeling is that New Mexico has done an outstanding job. The various resolutions that the Senator talked about have been made a part of the hearing record. That will be distributed, if it has not already been distributed, to every Senator.

I want to thank the Senator from New Mexico for the understanding that he has shown with respect to the problems that we face in getting this legislation through.

In a colloquy with the junior Senator from Georgia, I indicated that I would be prepared, after January 1977, if I am reelected, to hold additional hearings on ways by which we can clean up some of the matters in the legislation that perhaps have not been taken care of by this extension. Certainly, the matter that the Senator brings to us is one of these matters that should be addressed.

I feel, and I hope the Senator from New Mexico understands, that the act is so important and the dangers are so great in not getting this legislation through and signed by the President before August 1 or August 6, depending, that we just cannot accept amendments which are going to bring us into conference with the House of Representatives.

Mr. DOMENICI. Will the Senator yield for 1 additional minute?

Mr. TUNNEY. Yes.

Mr. DOMENICI. I think the Senator heard me say that I, too, consider it that important. I do not believe there is any way short of further dialog on a couple of sections that we might, by administration, be exempt. Before I offer my amendments I will bring those sections to the Senator's attention, perhaps tomorrow, and discuss some ambiguities and see if there is a possibility that under one of the sections, by interpretation, we might not intend these three counties be covered just because of that triggering mechanism if the other things required in the act are present. I thank the Senator from California.

Mr. TUNNEY. I thank my friend from New Mexico.

Mr. ROBERT C. BYRD. Will the Senator yield to me for 1 minute?

Mr. TUNNEY. I yield.

ORDER FOR BILL TO BE HELD AT THE DESK—H.R. 8240

Mr. ROBERT C. BYRD. Mr. President, I understand that this request has been cleared on both sides of the aisle.

I ask that the message from the House of Representatives on H.R. 8240, to provide special pay and incentive pay for certain physicians and dentists employed by the Department of Medicine and Surgery of the Veterans' Administration, and for other purposes, remain at the desk until the Senate companion bill is reported and further action thereon is taken.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED, TO EXTEND THE NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Joint Resolution 560, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 560) to amend the Defense Product Act of 1950, as amended, to extend the National Commission on Supplies and Shortages.

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read twice by its title.

Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. ROBERT C. BYRD. Mr. President, I understand this has been cleared on the other side of the aisle.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

There being no objection, the joint resolution (H.J. Res. 560) was ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. GRIFFIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT OF THE VOTING RIGHTS ACT

The Senate continued with the consideration of the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, and for other purposes.

Mr. TUNNEY. Mr. President, I move to lay on the table the amendment of the Senator from Virginia, as modified.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senate will be in order. Senators who have not voted cannot hear their names. The vote will not proceed until the Senate is quiet.

Senators are still conversing in the well and in the aisles.

Mr. MANSFIELD. Mr. President, I think the Chair is entitled to the courtesy of having its views adhered to. I would hope that the Chair would not have the clerk resume the call of the roll until all Senators are seated.

The PRESIDING OFFICER. I thank the distinguished majority leader, and again renew the plea that Senators clear the well and sit down, and then we will proceed with the rollcall.

The rollcall was resumed and concluded.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Hawaii (Mr. INOUYE), and the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. ABOUREZK), and the Senator from Michigan (Mr. HART) are absent because of illness.

I further announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

The result was announced—yeas 59, nays 34, as follows:

[Rollcall Vote No. 308 Leg.]

YEAS—59

Bayh
Beall
Bentsen
Biden
Brooke
Bumpers
Burdick
Byrd, Robert C.
Case
Church
Clark
Cranston
Culver
Eagleton
Ford
Glenn
Gravel
Hart, Gary W.
Hartke
Haskell
Hatfield
Hathaway
Huddleston
Humphrey
Jackson
Javits
Johnston
Kennedy
Leahy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Morgan
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Proxmire
Ribicoff
Roth
Schweiker
Sparkman
Stafford
Stevenson
Symington
Tunney
Weicker
Williams

NAYS—34

Allen
Baker
Bellmon
Brock
Buckley
Byrd,
  Harry F., Jr.
Cannon
Chiles
Curtis
Dole
Domenici
Fannin
Fong
Garn
Goldwater
Griffin
Hansen
Helms
Hollings
Hruska
Laxalt
McClellan
McClure
Percy
Scott, Hugh
Scott,
  William L.
Stennis
Stevens
Stone
Taft
Talmadge
Thurmond
Tower
Young

NOT VOTING—6

Abourezk
Bartlett
Eastland
Hart, Philip A.
Inouye
Randolph

So the motion to lay on the table was agreed to.

LEGISLATIVE APPROPRIATIONS, 1976—CONFERENCE REPORT

Mr. HOLLINGS. Mr. President, I submit a report of the committee of conference on H.R. 6950, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. GARN). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6950) making appropriations for the legislative branch for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the Congressional Record of July 17, 1975, at page 23296.)

Mr. HOLLINGS. Mr. President, as Senators will recall, the budget estimates for the legislative branch for fiscal year 1976 amounted to $838,265,425. When the bill passed the Senate on July 9, it contained appropriations totaling $825,302,485. The amount recommended by the conferees is $827,546,570, which is $2,244,085 more than the amount approved by the Senate. The principal reason for the increase over the Senate approved bill is that on the eve of the conference, the Government Printing Office informed the committee they had misled us with respect to a $3,500,000 reduction that the Senate made in connection with the Office of the Superintendent of Documents.

We had a good conference on the legislative appropriations this year and the report reflects the true spirit of compromise that is necessary in these deliberations. As Senators will recall, this bill provides for no new actions with respect to the west front of the Capitol. The west front remains in a status quo situation, with nothing in the bill for restoration or extension of the last remaining wall of the original Capitol. I look forward to the 1977 Appropriations Act as the vehicle for obtaining approval of preservation of the west front. Last year the other body, by a margin of only 11 votes, rejected restoration of the west front. The debate on that vote indicates that the House of Representatives is coming toward restoration, but did not want construction to be occurring during the Bicentennial.

In this year's bill, we have provided for a master plan for future development within the Capitol grounds and future enlargements of such grounds. We have also provided for alterations and improvements to the buildings and grounds to provide facilities for the physical handicapped. The committee expects the architect to commence work as soon as possible on these improvements so that our handicapped visitors will have an easier time in visiting the Capitol and other buildings on Capitol Hill.

In large part, the final appropriations recommended are identical to those approved by the Senate, so I will not delay the Senate by reviewing all the items in the conference report.

I am pleased to report that the Senate provided one other new item in the bill amounting to $337,000 for the National Commission on New Technological Uses for Copyrighted Works. This Commission was authorized by Public Law 93–573 to study and compile information concerning the unprecedented problems arising from the uses of copyrighted works by means of photocopy, computer retrieval and other new means of information processing and transfer. The distinguished chairman of the Committee on Appropriations, the senior Senator from Arkansas (Mr. McClellan) was the sponsor of this Commission and work can now get underway on this important report which must be completed by no later than December 31, 1977.

Unfortunately, the Senate was not able to prevail on authorizing the Office of Technology Assessment to rent some space in a privately owned office building adjacent to the Capitol grounds. Earlier this year, the other body acquired the building that formerly housed the FBI's Identification Division because of the staff increases authorized for their committees and members. As Senators will recall, some $14.5 million was appropriated to make that building suitable for office space. The managers on the part of the House insisted that there was sufficient room in this building for the OTA and that the necessary alterations to the space could be accomplished within 10 weeks.

Over the last few years, Congress has created the OTA and the Congressional Budget Office to assist the members and committees. The other body apparently has adequate space to house these organizations, but the committee expects that the space assigned to the OTA, CBO, or other joint congressional ventures, to be suitable and commensurate with their responsibilities.

There has been some interest in the recommendation of the conferees that the various publications of the Federal Register program be sold at a price that would recover their costs. The price of these publications are established by the Administrative Committee of the Federal Register. Currently, the committee has set the annual subscription rate for the Federal Register at $50 a year. As the table on page 1140 of the committee's hearings indicates the cost of a subscription to the Federal Register amounts to $139.21 per year. There are similar differences with regard to the other publications included in the Federal Register program. One is the Weekly Compilation of Presidential Documents, which is no more than a batching up and printing of the President's press releases, and I see no reason why the taxpayers should subsidize subscriptions to such a publication to the tune of $17.80 a year. However, the decision rests with the Administrative Committee; and if they cannot carry out our recommendations, I am sure they will be in contact with us.

Mr. President, I have checked this with my distinguished counterpart on the other side of the aisle, the junior Senator from Pennsylvania (Mr. Schweiker). We have worked hard on this matter and have a good reconciliation.

I ask unanimous consent to have printed at this point in the Record a table comparing the conference agreements with the amounts for fiscal year 1975, the budget estimates for fiscal year 1976 and the transition period, and the amounts recommended in the House and Senate versions of the bill.

There being no objection, the material was ordered to be printed in the Record, as follows:

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1976 (H.R. 6950)

	New budget (obligational) authority enacted fiscal year 1975	Budget estimate of new (obligational) authority fiscal year 1976 and transition period	New budget (obligational) authority House bill	New budget (obligational) authority Senate bill	New budget (obligational) authority conference	Conference compared with—			
						Fiscal year 1975 enacted	Budget estimates	House bill	Senate bill
TITLE I									
SENATE									
Compensation and Mileage of the Vice President and Senators and Expense Allowances of the Vice President and Leaders of the Senate									
Compensation and mileage of the Vice President and Senators	$4,790,695	$4,809,240		$4,809,240	$4,809,240	+$18,545		+$4,809,240	
Transition period		1,205,000		1,205,000	1,205,000			+1,205,000	
Expense allowances of the Vice President and Majority and Minority Leaders:									
Vice President	10,000	10,000		10,000	10,000			+10,000	
Transition period		2,500		2,500	2,500			+2,500	
Majority Leader of the Senate	3,000	3,000		3,000	3,000			+3,000	
Transition period		750		750	750			+750	
Minority Leader of the Senate	3,000	3,000		3,000	3,000			+3,000	
Transition period		750		750	750			+750	
Total expense allowances	16,000	16,000		16,000	16,000			+16,000	
Transition period		4,000		4,000	4,000			+4,000	
Total, Vice President and Senators	4,806,695	4,825,240		4,825,240	4,825,240	+18,545		+4,825,240	
Transition period		1,209,000		1,209,000	1,209,000			+1,209,000	

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1976 (H.R. 6950)—Continued

	New budget (obligational) authority enacted fiscal year 1975	Budget estimate of new (obligational) authority fiscal year 1976 and transition period	New budget (obligational) authority House bill	New budget (obligational) authority Senate bill	New budget (obligational) authority conference	Conference compared with—			
						Fiscal year 1975 enacted	Budget estimates	House bill	Senate bill
Salaries, Officers and Employees									
Office of the Vice President	552,045	584,065		584,065	584,065	+32,020		+584,065	
Transition period		146,000		146,000	146,000			+146,000	
Offices of the Majority and Minority Leaders	215,460	239,000		239,000	239,000	+23,540		+239,000	
Transition period		60,000		60,000	60,000			+60,000	
Offices of the Majority and Minority Whips	110,580	185,440		185,440	185,440	+74,860		+185,440	
Transition period		46,360		46,360	46,360			+46,360	
Office of the Chaplain	28,500	30,200		30,200	30,200	+1,700		+30,200	
Transition period		7,600		7,600	7,600			+7,600	
Office of the Secretary	2,766,870	3,093,265		3,064,575	3,064,575	+297,705	−$28,690	+3,064,575	
Transition period		775,000		775,000	775,000			+775,000	
Committee employees	8,494,520	8,934,592		8,934,592	8,934,592	+440,072		+8,934,592	
Transition period		2,235,000		2,235,000	2,235,000			+2,235,000	
Conference committees:									
Conference of the Majority	174,135	185,425		185,425	185,425	+11,290		+185,425	
Transition period		46,250		46,250	46,250			+46,250	
Conference of the Minority	174,135	185,425		185,425	185,425	+11,290		+185,425	
Transition period		46,250		46,250	46,250			+46,250	
Administrative and clerical assistants to Senators	42,503,814	45,720,118		45,642,178	45,642,178	+3,138,364	−77,940	+45,642,178	
Transition period		11,450,000		11,450,000	11,450,000			+11,450,000	
Legislative assistants to Senators		3,500,000		3,500,000	3,500,000	+3,500,000		+3,500,000	
Transition period		900,000		900,000	900,000			+900,000	
Office of Sergeant at Arms and Doorkeeper	11,998,500	13,095,160		13,095,160	13,095,160	+1,096,660		+13,095,160	
Transition period		3,275,000		3,275,000	3,275,000			+3,275,000	
Offices of the secretaries for the Majority and Minority	265,050	296,245		296,245	296,245	+31,195		+296,245	
Transition period		74,100		74,100	74,100			+74,100	
Agency contributions and longevity compensation	4,000,000	4,750,000		4,750,000	4,750,000	+750,000		+4,750,000	
Transition period		1,200,000		1,200,000	1,200,000			+1,200,000	
Total, salaries, officers and employees	71,283,609	80,798,935		80,692,305	80,692,305	+9,408,696	−106,630	+80,692,305	
Transition period		20,261,560		20,261,560	20,261,560			+20,261,560	
Office of the Legislative Counsel of the Senate									
Salaries and expenses	545,290	584,110		584,110	584,110	+38,820		+584,110	
Transition period		147,000		147,000	147,000			+147,000	
Senate Procedure									
Compiling, preparing and editing 1974 edition	5,000					−5,000			
Transition period									
CONTINGENT EXPENSES OF THE SENATE									
Senate policy committees	715,720	738,110		738,110	738,110	+22,390		+738,110	
Transition period		185,000		185,000	185,000			+185,000	
Automobiles and maintenance	40,000	40,000		40,000	40,000			+40,000	
Transition period		10,000		10,000	10,000			+10,000	
Inquiries and investigations	16,833,800	17,654,500		17,654,500	17,654,500	+820,700		+17,654,500	
Transition period		4,415,000		4,415,000	4,415,000			+4,415,000	
Folding documents	85,445	86,575		86,575	86,575	+1,130		+86,575	
Transition period		40,000		40,000	40,000			+40,000	
Miscellaneous items	13,089,550	14,347,680		14,184,000	14,184,000	+1,094,450	−163,680	+14,184,000	
Transition period		3,605,000		3,550,000	3,550,000		−55,000	+3,550,000	
Postage stamps	2,485	2,485		2,485	2,485			+2,485	
Transition period		625		625	625			+625	
Stationery (revolving fund)	25,975	29,250		29,250	29,250	+3,275		+29,250	
Transition period		7,325		7,325	7,325			+7,325	
Total, contingent expenses of the Senate	30,792,975	32,898,600		32,734,920	32,734,920	+1,941,945	−163,680	+32,734,920	
Transition period		8,262,950		8,207,950	8,207,950		−55,000	+8,207,950	
Total, title I, Senate	107,433,569	119,106,885		118,836,575	118,836,575	+11,403,006	−270,310	+118,836,575	
Transition period		29,880,510		29,825,510	29,825,510		−55,000	+29,825,510	
TITLE II									
HOUSE OF REPRESENTATIVES									
Payments to Widows and Heirs of Deceased Members of Congress									
Gratuities, deceased Members			$85,000	85,000	85,000	+85,000	+85,000		
Transition period									
Compensation and Mileage for the Members									
Compensation of Members	20,373,580	20,494,120	20,494,120	20,494,120	20,494,120	+120,540			
Transition period		5,123,530	5,123,530	5,123,530	5,123,530				
Mileage of Members	210,000	210,000	210,000	210,000	210,000				
Transition period		52,500	52,500	52,500	52,500				
Total, compensation and mileage for the Members	20,583,580	20,704,120	20,704,120	20,704,120	20,704,120	+120,540			
Transition period		5,176,030	5,176,030	5,176,030	5,176,030				
House Leadership Offices									
Office of the Speaker	328,272	333,000	333,000	333,000	333,000	+4,728			
Transition period		83,250	83,250	83,250	83,250				

	New budget (obligational) authority enacted fiscal year 1975	Budget estimate of new (obligational) authority fiscal year 1976 and transition period	New budget (obligational) authority House bill	New budget (obligational) authority Senate bill	New budget (obligational) authority conference	Conference compared with—			
						Fiscal year 1975 enacted	Budget estimates	House bill	Senate bill
Office of the Majority Floor Leader	236, 844	240, 965	240, 965	240, 965	240, 965	+4, 121			
Transition period		60, 245	60, 245	60, 245	60, 245				
Office of the Minority Floor Leader	180, 782	183, 650	183, 650	183, 650	183, 650	+2, 868			
Transition period		45, 915	45, 915	45, 915	45, 915				
Office of the Majority Whip	195, 756	198, 860	198, 860	198, 860	198, 860	+3, 104			
Transition period		49, 715	49, 715	49, 715	49, 715				
Office of the Minority Whip	195, 756	198, 860	198, 860	198, 860	198, 860	+3, 104			
Transition period		49, 715	49, 715	49, 715	49, 715				
Total, House leadership offices	1, 137, 410	1, 155, 335	1, 155, 335	1, 155, 335	1, 155, 335	+17, 925			
Transition period		288, 840	288, 840	288, 840	288, 840				
Salaries, Officers and Employees									
Office of the Clerk	3, 921, 145	4, 151, 245	4, 151, 245	4, 151, 245	4, 151, 245	+230, 100			
Transition period		1, 037, 815	1, 037, 815	1, 037, 815	1, 037, 815				
Office of the Sergeant at Arms	7, 337, 010	8, 557, 145	8, 557, 145	8, 557, 145	8, 557, 145	+1, 220, 135			
Transition period		2, 139, 290	2, 139, 290	2, 139, 290	2, 139, 290				
Office of the Doorkeeper	3, 269, 255	3, 330, 860	3, 330, 860	3, 330, 860	3, 330, 860	+61, 605			
Transition period		832, 715	832, 715	832, 715	832, 715				
Office of the Postmaster	960, 675	1, 056, 695	1, 056, 695	1, 056, 695	1, 056, 695	+96, 020			
Transition period		264, 175	264, 175	264, 175	264, 175				
Office of the Chaplain	19, 770	19, 770	19, 770	19, 770	19, 770				
Transition period		4, 950	4, 950	4, 950	4, 950				
Office of the Parliamentarian	204, 140	220, 000	220, 000	220, 000	220, 000	+15, 860			
Transition period		55, 000	55, 000	55, 000	55, 000				
Compilation of precedents of the House of Representatives	203, 080	235, 000	235, 000	235, 000	235, 000	+31, 920			
Transition period		58, 750	58, 750	58, 750	58, 750				
Official reporters of debates	475, 465	478, 060	478, 060	478, 060	478, 060	+2, 595			
Transition period		119, 520	119, 520	119, 520	119, 520				
Official reporters to committees	528, 495	549, 540	549, 540	549, 540	549, 540	+21, 045			
Transition period		137, 390	137, 390	137, 390	137, 390				
Two printing clerks for majority and minority	28, 055	28, 420	28, 420	28, 420	28, 420	+365			
Transition period		7, 110	7, 110	7, 110	7, 110				
Technical assistant, Office of the Attending Physician	25, 215	25, 540	25, 540	25, 540	25, 540	+325			
Transition period		6, 390	6, 390	6, 390	6, 390				
House Democratic Steering Committee	263, 560	292, 520	292, 520	292, 520	292, 520	+28, 960			
Transition period		73, 130	73, 130	73, 130	73, 130				
House Republican Conference	263, 560	292, 520	292, 520	292, 520	292, 520	+28, 960			
Transition period		73, 130	73, 130	73, 130	73, 130				
Six minority employees	214, 655	216, 000	216, 000	216, 000	216, 000	+1, 345			
Transition period		54, 000	54, 000	54, 000	54, 000				
Total, salaries, offices and Employees	17, 714, 080	19, 453, 315	19, 453, 315	19, 453, 315	19, 453, 315	+1, 739, 235			
Transition period		4, 863, 365	4, 863, 365	4, 863, 365	4, 863, 365				
Committee Employees									
Professional and clerical employees (standing committees)	11, 973, 615	20, 766, 000	20, 766, 000	20, 766, 000	20, 766, 000	+8, 792, 385			
Transition period		5, 191, 500	5, 191, 500	5, 191, 500	5, 191, 500				
Committee on Appropriations (Studies and Investigations)									
Salaries and expenses	2, 128, 000	2, 274, 000	2, 274, 000	2, 274, 000	2, 274, 000	+146, 000			
Transition period		571, 000	571, 000	571, 000	571, 000				
Committee on the Budget (Studies)									
Salaries and expenses	138, 000	354, 000	354, 000	354, 000	354, 000	+216, 000			
Transition period		88, 500	88, 500	88, 500	88, 500				
Office of the Law Revision Counsel									
Salaries and expenses		340, 000	340, 000	340, 000	340, 000	+340, 000			
Transition period		85, 000	85, 000	85, 000	85, 000				
Office of the Legislative Counsel									
Salaries and expenses	1, 088, 500	1, 165, 000	1, 165, 000	1, 165, 000	1, 165, 000	+76, 500			
Transition period		291, 250	291, 250	291, 250	291, 250				
Members' Clerk Hire									
Clerk hire	82, 505, 000	85, 000, 000	85, 000, 000	85, 000, 000	85, 000, 000	+2, 495, 000			
Transition period		21, 250, 000	21, 250, 000	21, 250, 000	21, 250, 000				
Contingent Expenses of the House									
Miscellaneous items	13, 467, 200	15, 265, 600	15, 265, 600	15, 265, 600	15, 265, 600	+1, 798, 400			
Transition period		3, 816, 400	3, 816, 400	3, 816, 400	3, 816, 400				
Telegraph and telephone	6, 500, 000	6, 500, 000	6, 500, 000	6, 500, 000	6, 500, 000				
Transition period		1, 700, 000	1, 700, 000	1, 700, 000	1, 700, 000				
Stationery (revolving fund)	2, 304, 750	2, 853, 500	2, 853, 500	2, 853, 500	2, 853, 500	+548, 750			
Transition period									
Postage stamp allowances	419, 530	525, 155	525, 155	525, 155	525, 155	+105, 625			
Transition period									
Government contributions	7, 401, 400	8, 000, 000	8, 000, 000	8, 000, 000	8, 000, 000	+598, 600			
Transition period		2, 000, 000	2, 000, 000	2, 000, 000	2, 000, 000				
Special and select committees	15, 058, 170	20, 000, 000	20, 000, 000	20, 000, 000	20, 000, 000	+4, 941, 830			
Transition period		5, 000, 000	5, 000, 000	5, 000, 000	5, 000, 000				
Reporting hearings	422, 500	775, 000	775, 000	775, 000	775, 000	+352, 500			
Transition period		193, 750	193, 750	193, 750	193, 750				
Furniture	2, 496, 000	1, 123, 000	1, 123, 000	1, 123, 000	1, 123, 000	−1, 373, 000			
Transition period		158, 000	158, 000	158, 000	158, 000				

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1976 (H.R. 6950)—Continued

	New budget (obligational) authority enacted fiscal year 1975	Budget estimate of new (obligational) authority fiscal year 1976 and transition period	New budget (obligational) authority House bill	New budget (obligational) authority Senate bill	New budget (obligational) authority conference	Conference compared with—			
						Fiscal year 1975 enacted	Budget estimates	House bill	Senate bill
Leadership automobiles	67,730	68,460	68,460	68,460	68,460	+730			
Transition period		17,115	17,115	17,115	17,115				
Revision of laws	40,980					−40,980			
Transition period									
New edition of the District of Columbia Code	100,000					−100,000			
Transition period									
Total contingent expenses of the House	48,278,260	55,110,715	55,110,715	55,110,715	55,110,715	+6,832,455			
Transition period		12,885,265	12,885,265	12,885,265	12,885,265				
Total, title II, House of Representatives	185,546,445	206,322,485	206,407,485	206,407,485	206,407,485	+20,861,040	+85,000		
Transition period		50,690,750	50,690,750	50,690,750	50,690,750				
TITLE III									
JOINT ITEMS									
Joint Committee on Reduction of Federal Expenditures	80,400	85,440				−80,400	−85,440		
Transition period									
Contingent Expenses of the Senate									
Joint Economic Committee	971,220	1,283,800	1,283,800	1,084,615	1,168,000	+196,780	−115,800	−115,800	+83,385
Transition period		320,950	320,950	271,150	292,000		−28,950	−28,950	+20,850
Subcommittee on Fiscal Policy	135,000					−135,000			
Transition period									
Total, Joint Economic Committee	1,106,220	1,283,800	1,283,800	1,084,615	1,168,000	+61,780	−115,800	−115,800	+83,385
Transition period		320,950	320,950	271,150	292,000		−28,950	−28,950	+20,850
Joint Committee on Atomic Energy	624,030	632,000	632,000	632,000	632,000	+7,970			
Transition period		158,000	158,000	158,000	158,000				
Joint Committee on Printing	415,100	447,650	447,650	447,650	447,650	+32,550			
Transition period		111,910	111,910	111,910	111,910				
American Indian Policy Review Commission		1,827,500		1,500,000	1,500,000	+1,500,000	−327,500	+1,500,000	
Transition period		300,000		300,000	300,000			+300,000	
Total, contingent expenses of the Senate	2,145,350	4,190,950	2,363,450	3,664,265	3,747,650	+1,602,300	−443,300	+1,384,200	+83,385
Transition period		890,860	590,860	841,060	861,910		−28,950	+271,050	+20,850
Contingent Expenses of the House									
Joint Committee on Internal Revenue Taxation	1,213,565	1,324,380	1,324,380	1,324,380	1,324,380	+110,815			
Transition period		331,095	331,095	331,095	331,095				
Joint Committee on Defense Production	158,870	160,465	160,465	160,465	160,465	+1,595			
Transition period		40,120	40,120	40,120	40,120				
Joint Committee on Congressional Operations (including Office of Placement and Office Management)	615,420	835,000	835,000	635,000	635,000	+19,580	−200,000	−200,000	
Transition period		208,750	208,750	158,750	158,750		−50,000	−50,000	
Total, contingent expenses of the House	1,987,855	2,319,845	2,319,845	2,119,845	2,119,845	+131,990	−200,000	−200,000	
Transition period		579,965	579,965	529,965	529,965		−50,000	−50,000	
Office of the Attending Physician									
Medical supplies, equipment, expenses, and allowances	274,604	288,485	288,485	288,485	288,485	+13,881			
Transition period		72,125	72,125	72,125	72,125				
Capitol Police									
General expenses	592,360	562,225	540,225	564,820	564,820	−27,540	+2,595	+24,595	
Transition period		92,305	92,305	92,305	92,305				
Capitol Police Board	1,400,355	1,400,345	1,400,345	1,400,345	1,400,345				
Transition period		350,090	350,090	350,090	350,090				
Total, Capitol Police	1,992,705	1,962,570	1,940,570	1,965,165	1,965,165	−27,540	+2,595	+24,595	
Transition period		442,395	442,395	442,395	442,395				
Education of Pages									
Education of congressional pages and pages of the Supreme Court	159,515	186,615	186,615	186,615	186,615	+27,001			
Transition period		46,660	46,660	46,660	46,660				
Official Mail Costs									
Expenses	38,756,015	46,101,000	46,101,000	46,101,000	46,101,000	+7,344,985			
Transition period		11,525,000	11,525,000	11,525,000	11,525,000				
Capitol Guide Service									
Salaries and expenses	360,770	374,350	368,450	374,350	374,350	+13,580		+5,900	
Transition period		93,600	91,700	93,600	93,600			+1,900	

	New budget (obligational) authority enacted fiscal year 1975	Budget estimate of new (obligational) authority fiscal year 1976 and transition period	New budget (obligational) authority House bill	New budget (obligational) authority Senate bill	New budget (obligational) authority conference	Conference compared with—			
						Fiscal year 1975 enacted	Budget estimates	House bill	Senate bill
Statements of Appropriations									
Preparation	13,000	13,000	13,000	13,000	13,000				
Transition period		3,250	3,250	3,250	3,250				
Total, title III, joint items	45,770,214	55,522,255	53,581,415	54,712,725	54,796,110	+9,025,896	−726,145	+1,214,695	+83,385
Transition period		13,653,855	13,351,955	13,554,055	13,574,905		−78,950	+222,950	+20,850
TITLE IV									
OFFICE OF TECHNOLOGY ASSESSMENT									
Salaries and expenses	4,041,000	6,500,000	5,600,000	6,500,000	6,050,000	+2,009,000	−450,000	+450,000	−450,000
Transition period		1,625,000	1,400,000	1,625,000	1,512,000		−113,000	+112,000	−113,000
Reappropriations	655,000			435,000	435,000	−220,000	435,000	+435,000	
Transition period									
Total, title IV, Office of Technology Assessment: New budget (obligational) authority	4,696,000	6,500,000	5,600,000	6,935,000	6,485,000	+1,789,000	−15,000	+885,000	−450,000
Transition period		1,625,000	1,400,000	1,625,000	1,512,000		−113,000	+112,000	−113,000
Appropriations	(4,041,000)	(6,500,000)	(5,600,000)	(6,500,000)	(6,050,000)	(+2,009,000)	(−450,000)	(+450,000)	(−450,000)
Transition period		(1,625,000)	(1,400,000)	(1,625,000)	(1,512,000)		(−113,000)	(+112,000)	(−113,000)
Reappropriations	(655,000)			(435,000)	(435,000)	(−220,000)−	(+435,000)	(+435,000)	
TITLE V									
ARCHITECT OF THE CAPITOL									
Office of the Architect of the Capitol									
Salaries	1,423,700	1,988,000	1,578,100	1,578,100	1,578,100	+154,400	−9,900		
Transition period		425,000	425,000	425,000	425,000				
Contingent expenses	440,000	150,000	113,000	120,000	120,000	−320,000	−30,000	+7,000	
Transition period		38,000	28,250	30,000	30,000		−8,000	+1,750	
Reappropriations		100,000	100,000	100,000	100,000	+100,000			
Transition period									
Total, Office of the Architect of the Capitol	1,863,700	1,838,000	1,791,100	1,798,100	1,798,100	−65,600	−39,900	+7,000	
Transition period		463,000	453,250	455,000	455,000		−8,000	+1,750	
Capitol Buildings and Grounds									
Capitol buildings	4,962,100	4,248,500	4,819,800	4,144,500	4,144,500	−817,600	−104,000	−45,300	
Transition period		1,391,000	1,391,000	1,391,000	1,391,000				
Reappropriations	1,127,000	956,500	956,500	956,500	956,500	−170,500			
Transition period									
Total, Capitol buildings	6,089,100	5,205,000	5,146,300	5,101,000	5,101,000	+988,100	−104,000	−45,300	
Transition period		1,391,000	1,391,000	1,391,000	1,391,000				
Capitol grounds	1,437,100	3,086,700	1,686,700	1,685,000	1,685,000	+247,900	−1,401,700	−1,700	
Transition period		405,000	405,000	405,000	405,000				
Reappropriations	250,000					−250,000			
Transition period									
Total, Capitol grounds	1,687,100	3,086,700	1,686,700	1,685,000	1,685,000	−2,100	−1,401,700	−1,700	
Transition period		405,000	405,000	405,000	405,000				
Master plan for future development of the Capitol grounds and related areas		350,000	350,000	350,000	350,000	+350,000			
Transition period									
Senate office buildings	7,075,600	8,011,400		8,000,000	8,000,000	+924,400	−11,400	+8,000,000	
Transition period		2,028,000		2,050,000	2,050,000		+22,000	+2,050,000	
Reappropriations		225,000		225,000	225,000	+225,000		+225,000	
Transition period									
Total, Senate office buildings	7,075,600	8,236,400		8,225,000	8,225,000	+1,149,400	−11,400	+8,225,000	
Transition period		2,028,000		2,050,000	2,050,000		+22,000	+2,050,000	
Construction of an extension to the New Senate Office Building	16,322,000					−16,322,000			
Transition period									
Acquisition of property as a site for parking facilities for the U.S. Senate	866,000					−866,000			
Transition period									
Senate garage	120,200	127,300		127,300	127,300	+7,100		+127,300	
Transition period		34,000		34,000	34,000			+34,000	
House office buildings	24,293,800	9,814,700	9,814,700	9,814,700	9,814,700	−14,479,100			
Transition period		2,596,000	2,596,000	2,596,000	2,596,000				
Reappropriations	9,700					−9,700			
Transition period									
Total, House office buildings	24,303,500	9,814,700	9,814,700	9,814,700	9,814,700	−14,488,800			
Transition period		2,596,000	2,596,000	2,596,000	2,596,000				
Acquisition of property, construction, and equipment, additional House office building (liquidation of contract authority)	(145,000)	( )	( )	( )		(−145,000)	( )	( )	( )

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1976 (H.R. 6950)—Continued

	New budget (obligational) authority enacted fiscal year 1975	Budget estimate of new (obligational) authority fiscal year 1976 and transition period	New budget (obligational) authority House bill	New budget (obligational) authority Senate bill	New budget (obligational) authority conference	Conference compared with—			
						Fiscal year 1975 enacted	Budget estimates	House bill	Senate bill
Capitol Power Plant (operation)	8,688,400	9,063,000	9,063,000	9,063,000	9,063,000	+374,600			
Transition period		2,442,000	2,442,000	2,442,000	2,442,000				
Total, Capital buildings and grounds	65,151,900	35,883,100	26,060,700	34,366,000	34,366,000	−30,785,900	−1,517,100	+8,305,300	
Transition period		8,896,000	6,834,000	8,918,000	8,918,000		+22,000	+2,084,000	
Alterations and Improvements, Buildings and Grounds, to Provide Facilities for the Physically Handicapped									
Alterations and improvements		2,700,000	2,700,000	2,700,000	2,700,000	+2,700,000			
Transition period									
Library Buildings and Grounds									
Structural and mechanical care	1,741,000	2,396,000	2,050,000	1,821,000	1,821,000	+80,000	−575,000	−229,000	
Transition period		524,000	524,000	485,000	485,000		−39,000	−39,000	
Reappropriations		70,000	70,000	70,000	70,000	+70,000			
Transition period									
Total, Library buildings and grounds	1,741,000	2,466,000	2,120,000	1,891,000	1,891,000	+150,000	−575,000	−229,000	
Transition period		524,000	524,000	485,000	485,000		−39,000	−39,000	
Total, title V, Architect of the Capitol:									
New budget (obligational) authority	68,756,600	42,887,100	32,671,800	40,755,100	40,755,100	−28,001,500	−2,132,000	+8,083,300	
Transition period		9,883,000	7,811,250	9,858,000	9,858,000		−25,000	+2,046,750	
Appropriations	(67,369,900)	(41,535,600)	(31,545,300)	(39,403,600)	(39,403,600)	(−27,966,300)	(−2,132,000)	(+7,858,300)	
Transition period		(9,883,000)	(7,811,250)	(9,858,000)	(9,858,000)		(−25,000)	(+2,046,750)	
Reappropriations	(1,386,700)	(1,351,500)	(1,126,500)	(1,351,500)	(1,351,500)	(−35,200)		(+225,000)	
Transition period									
Appropriation to liquidate contract authority	(145,000)					(−145,000)			
Transition period									
TITLE VI									
BOTANIC GARDEN									
Salaries and expenses	1,018,000	1,208,600	1,208,600	1,205,000	1,205,000	+187,000	−3,600	−3,600	
Transition period		297,000	297,000	297,000	297,000				
TITLE VII									
LIBRARY OF CONGRESS									
Salaries and expenses	49,825,000	58,675,000	57,096,000	57,525,000	57,285,000	+7,460,000	−1,390,000	+189,000	−240,000
Transition period		15,308,000	14,838,500	14,976,500	14,895,000		−413,000	+56,500	−81,500
Copyright Office, salaries and expenses	5,992,000	6,958,000	6,753,500	6,883,500	6,753,500	+761,500	−204,500		−130,000
Transition period		1,819,000	1,768,000	1,800,500	1,768,000		−51,000		−32,500
National Commission on New Technological Uses of Copyrighted Works, salaries and expenses		337,000		337,000	337,000	+337,000		+337,000	
Transition period		114,000		114,000	114,000			+114,000	
Congressional Research Service, salaries and expenses	13,722,000	17,810,000	16,136,700	17,050,000	16,606,000	+2,884,000	−1,204,000	+469,300	−444,000
Transition period		4,845,000	4,286,300	4,584,000	4,433,000		−412,000	+146,700	−151,000
Distribution of catalog cards, salaries and expenses	10,780,000	11,387,000	11,285,000	11,285,000	11,285,000	+505,000	−102,000		
Transition period		2,997,000	2,971,500	2,971,500	2,971,500		−25,500		
Books for the general collections	1,458,000	1,695,000	1,695,000	1,695,000	1,695,000	+237,000			
Transition period		456,000	456,000	456,000	456,000				
Books for the law library	229,000	251,000	251,000	251,000	251,000	+22,000			
Transition period		75,000	75,000	75,000	75,000				
Books for the blind and physically handicapped, salaries and expenses	11,416,900	15,941,000	15,813,000	15,941,000	15,872,000	+4,455,100	−69,000	+59,000	−69,000
Transition period		3,760,000	3,728,000	3,760,000	3,742,000		−18,000	+14,000	−18,000
Collection and distribution of library materials (special foreign currency program):									
Payments in Treasury-owned foreign currencies	1,718,500	1,718,500	1,718,500	1,718,500	1,718,500				
Transition period		426,000	426,000	426,000	426,000				
U.S. dollars	295,600	295,600	295,600	295,600	295,600				
Transition period		72,000	72,000	72,000	72,000				
Total, collection and distribution of library materials	2,014,100	2,014,100	2,014,100	2,014,100	2,014,100				
Transition period		498,000	498,000	498,000	498,000				
Furniture and furnishings	3,319,000	4,930,000	4,036,500	4,100,000	4,078,000	+759,000	−852,000	+41,500	−22,000
Transition period		152,000	138,700	145,300	145,300		−6,700	+6,600	
Reappropriations		20,000	20,000	20,000	20,000	+20,000			
Transition period									
Revision of Annotated Constitution, salaries and expenses	34,000	34,000	34,000	34,000	34,000				
Transition period		9,000	9,000	9,000	9,000				
Total, title VII, Library of Congress:									
New budget (obligational) authority	98,790,000	120,052,100	115,134,800	117,135,600	116,230,600	+17,440,600	−3,821,500	+1,095,800	−905,000
Transition period		30,033,000	28,769,000	29,389,800	29,106,800		−926,200	+337,800	−283,000
Appropriations	(98,790,000)	(120,032,100)	(115,114,800)	(117,115,600)	(116,210,600)	(+17,420,600)	(−3,821,500)	(+1,095,800)	(−905,000)
Transition period		(30,033,000)	(28,769,000)	(29,389,800)	(29,106,800)		(−926,200)	(+337,800)	(−283,000)
Reappropriations		(20,000)	(20,000)	(20,000)	(20,000)	(+20,000)			

	New budget (obligational) authority enacted fiscal year 1975	Budget estimate of new (obligational) authority fiscal year 1976 and transition period	New budget (obligational) authority House bill	New budget (obligational) authority Senate bill	New budget (obligational) authority conference	Conference compared with—			
						Fiscal year 1975 enacted	Budget estimates	House bill	Senate bill
TITLE VIII									
GOVERNMENT PRINTING OFFICE									
Printing and binding	80,000,000	108,500,000	108,500,000	108,500,000	108,500,000	+28,500,000			
Transition period		27,125,000	27,125,000	27,125,000	27,125,000				
Office of Superintendent of Documents, salaries and expenses	36,765,000	36,976,000	36,765,700	33,250,000	36,765,700	+700	−210,300		+3,515,700
Transition period		9,244,000	9,191,400	8,312,000	9,191,400		−52,600		+879,400
Environmental impact study on the relocation of the Government Printing Office	300,000					−300,000			
Transition period									
Government Printing Office revolving fund	12,000,000					−12,000,000			
Transition period									
Total, title VIII, Government Printing Office	129,065,000	145,476,000	145,265,700	141,750,000	145,265,700	+16,200,700	−210,300		+3,515,700
Transition period		36,369,000	36,316,400	35,437,000	36,316,400		−52,600		+879,400
TITLE IX									
GENERAL ACCOUNTING OFFICE									
Salaries and expenses	124,989,000	139,540,000	136,565,000	135,930,000	135,930,000	+10,941,000	−3,610,000	−635,000	
Transition period		36,886,000	35,955,000	35,800,000	35,800,000		−1,086,000	−155,000	
TITLE X									
COST-ACCOUNTING STANDARDS BOARD									
Salaries and expenses	1,628,000	1,650,000	1,642,000	1,635,000	1,635,000	+7,000	−15,000	−7,000	
Transition period		413,000	410,000	410,000	410,000		−3,000		
Grand total, new budget (obligational) authority	767,692,828	838,265,425	698,076,800	825,302,485	827,546,570	+59,853,742	−10,718,855	+129,469,770	+2,224,085
Transition period		209,731,115	175,001,355	206,887,115	207,391,365		−2,339,750	+32,390,010	+504,250
Consisting of—									
1. Appropriations	765,651,128	836,893,925	696,930,300	823,495,985	825,740,070	+60,088,942	−11,153,855	+128,809,770	+2,244,085
Transition period		209,731,115	175,001,355	206,887,115	207,391,365		−2,339,750	+32,390,010	+504,250
2. Reappropriations	2,041,700	1,371,500	1,146,500	1,806,500	1,806,500	−235,200	+435,000	+560,000	
Transition period									
Appropriation to liquidate contract authorization	(145,000)					(−145,000)			
Transition period									
Memorandum—									
1. Appropriations and reappropriations including appropriations for liquidation of contract authorizations	767,837,828	838,265,425	698,076,800	825,302,485	827,546,570	+59,708,742	−10,718,855	+129,469,770	+2,244,085
Transition period		209,731,115	175,001,355	206,887,115	207,391,365		−2,339,750	+32,390,010	+504,250

Mr. HOLLINGS. Mr. President, I yield to the distinguished Senator from Pennsylvania.

Mr. SCHWEIKER. Mr. President, I strongly support the chairman, the distinguished Senator from South Carolina, in his recommendation. The minority is in full accord with the chairman and the majority in this matter, and I strongly urge the acceptance of the conference report.

Mr. HOLLINGS. Mr. President, I move the adoption of the conference report.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from South Carolina.

The motion was agreed to.

CONTROL OF OIL PRICES

Mr. MANSFIELD. Mr. President, just for the purpose of making a statement, it is my understanding that the House of Representatives a short while ago voted to disapprove the administration's plan of gradual control of oil. In his message to the House of Representatives on yesterday, the President stated, and I quote:

> . . . If decontrol is not accepted, I will have no choice but to veto the simple six-month extension of these authorities now being considered by Congress.

Mr. President, what I am about to say I do in my capacity as a Senator from the State of Montana and not as a majority leader and not speaking for the Democrats but speaking for MIKE MANSFIELD.

There is no question but that the price of gasoline is going to increase, no matter which way we turn. The President has proposed a gradual decontrol of prices on oil produced in this country from fields that were in operation in 1973, that is, "old" oil. The price of that oil is $5.25 per barrel, while the "new" oil produced sells for roughly $13.50 a barrel, the same, in effect, as imported foreign oil. There are no price controls on crude oil produced from new fields, from small stripper wells in old fields, or on above-1972 production levels for old wells.

There is little or no incentive for owners of wells which produce an average of 15 to 20 barrels a day to keep on producing under present circumstances. They could let their production decline below 10 barrels daily so that they could qualify for the free market stripper-well prices and, as a result, could make more money from producing less oil. They will not invest in secondary or tertiary recovery methods because they could not afford to do so while they receive $5.25 a barrel.

The existing controls expire on August 31, and the President has said, I repeat, in his message to the House of Representatives on yesterday:

> If decontrol is not accepted, I will have no choice but to veto the simple six-month extension of these authorities now being considered by Congress.

To repeat again, the existing controls expire on August 31. If they do, there will be a very abrupt increase in prices which will tend to halt the economic recovery which now seems to be in progress and turn it into a backward slide. The President has proposed a plan to gradually lift controls on a month-by-month basis over a 30-month period.

That proposal has again, to repeat, been disapproved by the House of Representatives.

Federal Energy Administrator Zarb estimates that prices would increase by 1½ cents per gallon by the end of this year, by 2½ cents more in 1976, and by 3 cents more in 1977, for a total increase of 7 cents a gallon. This, in my opinion, is an underestimation of the price rises which would very likely occur.

I would suggest that, instead of decontrols being phased out over a 30-month period, that serious consideration should be given to phase them out over a 4- to 6-year period. The President also should put an end to the $2-a-barrel tax on imported oil. An excess profits tax should apply not just on producers of decontrolled oil, but on profits from new oil as well.

It appears to me that there is room for compromise between the congressional and the administration points of view. If something is not done and this deadlock is allowed to continue, the people will suffer more and more. The oil produced will be less and less and the consequences, based on the effect this would have throughout the economy, would be disastrous. The President cannot and must not allow all controls to expire on August 31. The deadlock which now exists must be broken and perhaps some of the suggestions I have made could be used as the basis for a compromise which would benefit the people of the Nation and the economy. If we cannot, as representatives of the two branches of Government, work toward such a possibility for the common good, then what I have said at the beginning would still hold, except that the "rippling" economic results would be catastrophic.

No matter what we do, it is going to call for increased costs. What we ought to endeavor to do is to handle these increased costs on a prolonged basis so that the economic effect will be minimal. I repeat, no matter which way we turn, the cost of oil is going to increase. There is no way to avoid this and with that fact in mind, the Congress and the President have a duty to get together to work out an agreement which will be best for the Nation.

Mr. HUGH SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I am glad to yield.

Mr. HUGH SCOTT. Mr. President, the distinguished majority leader, in his capacity as the Senator from Montana, has made a serious and a concerned statement.

Controls do not need to expire in early August if we work together. It is not alone the President, of course, who must give. It is Congress which must give. The Senator has abstained, in his usual manner, from casting blame, and that is appreciated.

The Senator also has suggested an extension of 48 months or more. The President's extension proposal is 30 months. Someone else has said 33 months.

I do not think we should go home without having done something about energy. It is obvious now that we cannot do that without the cooperation of Congress and the President, each giving a little, each conceding something. Congress must bear its share of the blame, because it has refused the President the authority he has requested under the 5-day notice. At the same time I am sure that the President does not want to go on vetoing bills, if he can find some other way out of this, in the national interest. The way, it seems to me, as I suggested originally some weeks ago, is for the leading persons concerned in the House and the Senate to meet with the President and the energy officials, to see if some solution can be had, and had promptly.

Another way to do this would be for the President to send up an alternative proposal, since Congress will not accept this one. There is no point, however, in his sending up an alternative proposal unless it has some chance of acceptance.

What the President is saying, as I understand him, is that he has a proposal, and he has made it, and Congress has said it will not take it. The President would be willing to send up an alternative proposal. But before we go home during the recess to indulge ourselves in rather widespread recriminations, one party against the other, we should bear in mind that the average American taxpayer is not going to be the least bit interested in whose fault it is. He is going to be concerned only about the result. He is going to blame every one of us, regardless of party. He is going to say, "Don't give me excuses. Give me results."

We are not going to get the results, in my opinion, unless we stop this sparring, unless we stop this business of each side trying to leave the responsibility on the other, and sit down in advance, in some sort of preparatory means and a conciliatory mood, through which we can find the means to extend this authority, whether it be 30 months, 33 months, 48 months, or whatever it is.

The distinguished Senator from Montana has suggested an area of compromise. I have suggested another—namely, an alternative proposal. But I sincerely hope that we can go home with some vestige of statesmanship, so that we will not have to escape blame by pointing the finger at somebody else. The blame is upon all of us. The blame also will be upon the executive if he cannot find a mutually satisfactory means of compromise.

I commend the distinguished majority leader for his statement.

Mr. FANNIN. Mr. President, I join the distinguished minority leader in his comments regarding the recommendations that have been made by the very able and capable majority leader.

I agree with the statement of the majority leader that we must join with the President to produce legislation that will answer the great needs we have in this country. Compromise is certainly in order. I know that we are considering proposed energy legislation in the Senate; and I compliment also the chairman of the Committee on Finance in regard to the work he is supervising in that committee, on which I have the privilege to serve. I hope in the near future, even this week, we can come up with proposed legislation that will accomplish what the distinguished minority leader and majority leader have discussed in their colloquy this afternoon.

This is of vital importance to the Nation. We know that the prices of petroleum products are going to increase and must increase if we are going to meet the energy obligations we have in this great Nation to continue our forward progress. We cannot have cheap fuel. Cheap fuel is a thing of the past. We must recognize that cheap energy is not going to be with us again and that we are the victims of what has happened worldwide, with the cartel that has been formed by the OPEC countries.

This is, of course, a great burden upon this Nation.

We have had legislation recommended by our President, legislation that has been considered for some time. We have arrived at the type of legislation that is satisfactory as far as meeting the needs of this Nation. We are working on such legislation now in the Committee on Finance and, I think, doing a very commendable service.

So, Mr. President, if we all work together and give the President the support that he has asked for, and if we work with the Members of the other body, we can accomplish something in the very near future—when I say the very near future, I mean the next few days.

Mr. LONG. Will the Senator yield?

Mr. FANNIN. I am very pleased to yield to the chairman of our committee.

Mr. LONG. I wish there were as much bipartisan cooperation and good will in other aspects of the energy bill as there are in the Committee on Finance. As far as I can see, there should be no significant difference between the Senators on that committee. We simply look at each item, whether it is a matter involving solar or geothermal power or insulation and, on a completely nonpartisan basis, our group is moving ahead to what appears to be in the national interest, with a majority view, and the minority so far have been extremely gracious in accepting the view of the majority.

I think if we could proceed in the fashion that we are working in the Committee on Finance this moment, there is some hope that we will resolve some of this for the benefit of the people of this country.

Mr. FANNIN. I thank the distinguished chairman of our committee and commend him for the splendid leadership he has been giving over the years in this field of endeavor. He is extremely knowledgeable and cooperative in trying to achieve the goals. He is certainly recognizing the problems that we have as far as petroleum products are concerned. He is willing to move into other issues and assist greatly in the competitive field of the petroleum industry without any qualms whatsoever.

I realize that with his knowledge and background in the energy field that I am talking about, petroleum products and other areas of endeavor, we will make progress and produce some satisfactory legislation. I hope that it can be brought out in the next few days and that we can have something which will be acceptable to the House and approved by the President.

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Wyoming without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, I thank my good friend from Georgia, the distinguished senior Senator (Mr. TALMADGE). I should be very happy to hear him first. I have found that always results in my being better informed.

Mr. TALMADGE. I assumed he wanted to speak on the energy situation.

Mr. HANSEN. Yes, I did.

Mr. TALMADGE. I wanted to bring up an amendment.

Mr. HANSEN. Mr. President, I think what has been said by the distinguished majority leader represents the observations of a concerned, well-informed individual. I agree with many of the things that Senator MANSFIELD has said.

I point out, as I probably need not do to people who have been following the energy situation, that with the passage of the Tax Reduction Act earlier this year, the number of drilling rigs operating in America is down. It is down significantly. That has been confirmed on a regional basis. It has been confirmed by the SIPES group in Texas; and it has been confirmed by different people throughout the public lands areas of the West, as well as those along the coast.

The distinguished majority leader questions whether or not the prediction that there will be a 7-cent-per-gallon rise in price is correct. I am certainly in no position to argue with him. There are people on both sides, who are very knowledgeable, who contend that the increase may be more than that and that 7 cents is all that it will be. I say that the proposal made by the President to phase out, over a 30-month period of time, controls on oil represents a pretty rational, reasonable proposal. I say that because, as each month is brought in and the 3 percent per month of oil is decontrolled, there would be, according to a proposal made, a tax levied, which would be returned in large measure to users of energy in this country. This would avoid giving those persons least able to afford to pay the tax the added burden of increased costs.

Of far greater importance than that point, I think, is the fact that we do have a very serious balance of payments problem in the United States. This is so despite the fact that in the last quarter, we had a slight credit in payments, when we add our Federal foreign aid programs and the exports of products that have a tax incentive or a tax credit to get them out of the country. If we had, as has been reported out by the distinguished chairman of the Committee on Finance, a true reflection of our costs alongside of our receipts, taking into account the costs of insurance and freight, then we find we do not have a favorable balance of trade. Actually, on that basis; we have a negative balance of trade.

Additionally, one of the reasons that the President proposed the tariff and, indeed, has applied it to imports, is not to raise the price in this country for the sake of raising the price alone, but to urge in a very practical way, a greater conservation effort on the part of the general public. That is the purpose of it, to discourage overuse of energy.

It will do one further thing. It will blunt the clout that is now held by the OPEC countries, as well as other exporters of petroleum to the United States. When that oil becomes more costly, there will be a corresponding interest by all Americans in using less oil. That, of course, is the purpose of the tariff institution.

The President has made it clear on a number of occasions that as we move to a complete decontrol of energy in this country, he will favor abolishing that tariff so it will not continue beyond the time of full decontrol. The distinguished Senator from Louisiana (Mr. JOHNSTON) has proposed that we immediately decontrol all secondary and tertiary recovered oil, for a very good reason: our oil reserves at the present time in the United States—this is discovered oil that is in place. We do not have to speculate on whether it is there or not; it is here. Its presence has been confirmed by all competent authorities, including the U.S. Geological Survey. Given present selling prices of petroleum products on the one hand, compared with the costs of recovering the oil, we have now recoverable reserves between 39 and 40 billion barrels of oil. If we were to eliminate the present price controls on secondary and tertiary recovered oil, the estimation, by all competent authorities, is that we could add to the roughly 40 billion barrels of oil reserves another 60 million barrels. That is not foreign oil. That does not contribute to further balance of payments problems. That is American oil. It means American jobs. I think it makes very good sense to take the step that has been recommended by the Senator from Louisiana.

I hope very much that the House will recognize that it has talked about coming up with an energy plan and, so far, has failed to do it and will give consideration to the proposal made by the President.

I thank my colleague.

Mr. TALMADGE. I thank my distinguished colleague from Wyoming.

Mr. President, I ask unanimous consent that I may yield to the distinguished junior Senator from Arkansas without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I thank the Senator from Georgia for yielding to me for just a few moments to express what may be a slightly different attitude from those who have been championing a bipartisan effort to come to grips with a knotty problem which remains unsolved.

I think we should not lose sight of what the overall purpose of lessening our consumption is. It is to become less dependent on Arab oil. It is to become self-sufficient here in the United States.

When the $2 import fee was defeated, which the President put on after vetoing the congressional bill which would have prohibited his levying a $2 import fee, oil prices in this country immediately went up the same $2.

The $2 increase that the oil companies put on imported oil also raised the price of decontrolled oil in this country, but this money did not go into the U.S. Treasury, as did the $2 import fee charged on imported oil. It went into the treasuries of the oil companies.

There is another thing I think most of us lose sight of, and that is the President has the authority at this very moment, if he is really serious about decontrolling the price of oil, to set all oil at any price he chooses without congressional approval. If he really wants to set old oil and new oil at $13.50 a barrel, he has that privilege right now. The only thing the law specifically prohibits him from doing is decontrolling the price completely and allowing it to float at the international rate.

If the President really wants to decontrol it, he can set it at whatever the OPEC price is because that is the level where oil prices are going to be for some time to come.

If we are going to become independent of Arab oil and cut down on imports, the President has the authority right now to administratively and by Executive order say, "We are going to reduce our imports by *x* number of barrels."

He has talked about it a great deal this year but nothing has been done about it.

I think even though he has said he will veto the bill which we passed here a couple of months ago, which was S. 662, and which would set national and State conservation programs in motion, and which would give the President the authority to close filling stations on Sunday, and to institute other measures to conserve fuel, I think the President already has that authority under the Defense Production Act.

So if he were really serious about conserving fuel in the country right now, that would be his first step and he could take it administratively by executive order.

The President says that by decontrolling gas or decontrolling crude oil or petroleum prices over a 30- or 36-month period the price of gasoline will go up 7.5 cents.

It is my opinion—and this is based on hearings we have held in the Interior Committee—that the President far undershoots the mark. Gasoline prices will almost certainly, if not before the end of this year by the end of that 30-month period, go up two, three, possibly four times that much.

Mr. JACKSON. Mr. President, will the Senator yield just for a brief colloquy?

Mr. BUMPERS. The floor has been yielded me by the Senator from Georgia, if he has no objection.

Mr. TALMADGE. I yield to the Senator from Washington.

Mr. JACKSON. I want to commend the Senator from Arkansas for his comments.

The President, in the state of the Union message on January 15 of this year called for decontrol of all "old" prices on April 1. Since then he has proposed various suggestions for changing the price schedule on old oil, phasing it out over different periods of time.

The President's second proposal for a 25-month phaseout was in late April. Now, in the last few days he has come up with another. He is asking Congress to ratify that which he can do himself by increasing the price. As a matter of fact, if he increases the price of oil, he does not even have to come to Congress. It is only when he moves to totally decontrol the oil.

I would like to point out that the House voted 262 to 167 earlier today to reject the President's proposal for inflation and recession on the installment plan. That is what his program amounts to. The President is asking Congress to do that which he has full authority to do. He wants Congress to be responsible for increasing the price of oil. He does not want to take any of the responsibility. That is what it boils down to.

His whole program, his much vaunted energy program, is based on price—price, meaning decontrol—to slow down the consumption of gasoline and other products. Well, there has been some slowdown. But that is because there are 10 million Americans who are not driving to work because they are out of work.

Second, he says he wants uncontrolled oil prices in order to increase production.

I point out, Mr. President, that the facts are that new oil is decontrolled, has been for 18 months, and production has gone down.

The only thing his program can do is to further aggravate the inflationary forces that are at work.

The Bureau of Labor Statistics announced today prices are up again .8 of 1 percent for 1 month, the biggest jump this year. And they point out that prices will go even higher if the lid comes off petroleum products.

So it is very, very clear that the President has this authority. He simply wants to put the monkey on someone else's back. I am convinced that Congress is not going to be a party to a program which will drive the price of gasoline, drive the price of propane, drive the price of fuel oil, heating oil, all of the products of a barrel of petroleum, up and up and through the ceiling. It will mean, if you follow the President's program, that for a family of four it is going to cost $75 more a month.

The President has painted himself into a corner. I want to be reasonable and fair. He compromised and agreed to the extension last time to August 31, and he said that is the end of it. Now he wants to come around with a totally different program. What is his program? I do not know what it is. It changes day by day. All I suggest is that the President agree to extending price controls and make it possible for us to maintain some kind of price stability. Unless we have that kind of cooperation we are not going to be able to have a stable economy.

I want to commend the Senator from Arkansas for his analysis of the law and his most sensible remarks about what the issues are all about. The American people are not going to stand for unbridled inflation by administrative or legislative action; they are not going to stand for turning the pricing of our oil products over to the OPEC cartel.

When the President talks about the free market he is not talking about the free market. He is talking about the cartel market. The very idea of allowing this big ripoff, Mr. President, a $2 billion ripoff, overnight on product inventory increases, and a $190 billion ripoff on the appreciation of the value of oil in the ground, less the cost of production, is so outrageous that we should not even be discussing it further.

I hope the President will indeed sign the legislation we are sending down again to extend the authority to keep a lid on old oil prices until March 1.

I commend the Senator.

Mr. BUMPERS. Mr. President, the distinguished Senator from Washington has said many of the things I had intended to say.

I would simply summarize my own personal thoughts by saying I hope nobody will misconstrue what I am saying here as railing against the President. That is not my intent. I simply disagree with his whole philosophical approach to the solutions to the energy problem.

I regret that Congress has not come to grips with a good conservation program. I regret the President takes the posture he does. Incidentally, I might add that this business of conservation by price has not worked, and we should not lose sight of the fact that gasoline at this moment is twice as high as it was 2 years ago and consumption continues unabated.

I have no reason to believe the consumption would abate significantly if gasoline went to a dollar.

So we have already seen that that is not a viable approach.

But I will say this. It is the Congress, the President, and the country, which all suffer as a result of the confrontation that now exists, the standoff that now exists, between the President and the Congress.

I for one applaud the majority leader's bipartisan effort, his expression of a willingness to serve the interests of the country rather than whatever the interests of the present Congress might be, be it economic or political.

So I am willing, for one, to say that any compromise that is submitted I will look at as objectively as I can with a view toward economic recovery which is just now beginning to take place, with a view toward what I think is an egalitarian effort we are all committed to, and with a view toward the long-range effect of any such compromise proposal.

Those are my thoughts, Mr. President.

I thank the Senator from Georgia for allowing me to explain these thoughts.

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield briefly to the distinguished Senator from South Carolina, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, let me commend the distinguished Senator from Arkansas who brings this picture back into focus.

I always feel sympathetic with our distinguished majority leader and certainly with the spirit of compromise. That is Government, the art of the possible. But somehow, somewhere, we have lost sight of the compromises—to the detriment of the people—that have already been experienced. It is somewhat like Alice in Wonderland.

I am thinking back now to the news media reporting this standoff, this high noon we are coming to August 31, and there is Congress and the President, and who is going to blink first?

Absolute nonsense. The Congress and the President are together on exactly the very subject we were speaking of just 6 to 8 months ago.

It was at that time when someone started venturing and nibbling with the idea of increased gasoline prices and taxes, that the President of the United States, Gerald R. Ford, summarily discharged John Sawhill, the energy czar, when he started talking in these terms.

The distinguished President came to our State and he indicated that under no circumstances would he countenance an increase in gasoline prices.

There was no amazement to me that the House rejected this approach. The news media constantly said that here is a Democratic program and a Ways and Means Committee submitting it, and here was a ways and means now developed into a marshmallow.

That was a program, Mr. President, No. 1, that three-quarters of that House of Representatives had been elected pledged against those increases and two, the President had joined in with them in a commitment against higher energy prices.

On November 23, 1974, he reiterated his opposition to increased gasoline prices and said we had experienced enough, of an increase. He said before the Business Advisory Council the chief reason for the inflation—the international inflation—was the inordinate and unsupportable increase in the prices of oil by the OPEC cartel.

When December 31 came he had a cargo preference bill—I wish someone would pull the veto message—he said this was inflationary. It called for a 12 cents increase per barrel of oil. That is when news media, the Congress, and the President were all going together, because of what we had experienced. We had an increase from October 1973, from 35 cents a gallon to 55 cents a gallon—and now it is up to 62 cents a gallon. We have therefore experienced a 75 percent increase per gallon in a few short months.

We have compromised 9 million into unemployment. We have compromised some $65 billion deficit.

Does anyone remember when the distinguished President was asking for a balanced budget last November?

Does anyone ever think for a second that we had to go for this $65 billion deficit due to the OPEC cartel?

Then why join them? Why talk about compromise with the OPEC cartel and while the President is playing one-upmanship. He has got two-thirds of his three-thirds program, $2 of the $3 requested. It has not saved but zero gallons of gas in consumption.

No one in the media asked, how is the President's $2 program working, or the President's program working?

Oh yes, when he took action at the end of January and submitted his program and went to Houston, Atlanta and Kansas City, to Mayors and Governors and to anyone who would listen, we, the Congress, listened to the people. By February 19 we had taken action—all we could do. An overwhelming majority, not a two-thirds, voted not to raise and use that excise tax approach to oil profits.

When we took action, it was not action. When he took action, it was action, in the news media's mind.

Now, we are down to the distorted picture of that high noon, the last day of August, and why do not the two parties get together?

Because we have compromised unavoidably too much already and we cannot countenance further.

How can the President say that his $2 is wise and supportable but the $2 now that OPEC is considering for September is unsupportable?

There is the answer to the question. We have already compromised. We are not trying to play politics with the President on this one. It is a proposition of going along in April and May and giving these tax rebates and tax reductions to turn the economy around, then please, my gracious, do not come back in June and July and take it away with the President's program.

I hope the media would report it and that we do not adopt this approach of inflation on the installment plan. The Secretary of the Treasury of my State just a few weeks ago, spoke about the long-range implications of actions taken now by this particular Congress. The implications are we are just playing the game for November 1976, as to who is going to win. We have larger considerations here.

We cannot take this inflation. It will, just on the installment plan, forestall all the supplies.

The point is the President's program has not worked. The Democrats have tried their level best. They have done away with oil depletion allowance. This is the only Congress I know that has raised taxes and revenue by billions of dollars already.

Second, we tried to convert coal twice on the compromise with the coal-mining bill and the President continues to veto it. We still tried our very best to bring through that coal conversion.

We enacted on the Senate side mandatory conservation, on which the distinguished Senator from Georgia has spoken so eloquently.

If we could impose that 55-mile-an-hour speed limit and close these filling stations weekends, and all else that is required, we would be back in 1975 to where we were in 1974 with a good deal of conservation saving over a million barrels a day.

We passed a fuel economy bill. We passed the coastal zone impact bill. We therefore have the offshore drilling with no delay.

We are trying to pattern with a voluntary program by way of sensible and disciplined regulation and, as we inch toward it, all we hear is about the confrontation and why do we not compromise in an area where we have already compromised too much.

We have already damaged our economy and we are facing what we never would have had to face, namely, a $65 to $70 billion deficit that we cannot compromise. There is the President and his veto program. He is asking for more inflation, for more unemployment, for more stimulus to the economy to turn it around, to have more deficits, and then demagogue it all over the land that here he is, trying to hold the line against that spend-thrift Congress.

I think the Congress has generally acted very responsibly. The Budget Committee is working. Its will is working into an alternative to take a problem and avoid a crisis. But right to the point, the President's treatment of this particular problem makes it a crisis.

I thank my distinguished friend for yielding.

AMENDMENT OF THE VOTING RIGHTS ACT

The Senate continued with the consideration of the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, and for other purposes.

Mr. TALMADGE. Mr. President, on behalf of myself and my colleague (Mr. NUNN), the Senator from North Carolina (Mr. HELMS), the Senator from Wyoming (Mr. HANSEN), the Senator from Louisiana (Mr. LONG), and the Senator from South Carolina (Mr. HOLLINGS) I send an amendment to the desk and ask for its immediate consideration. I point out that this amendment is virtually identical to amendment No. 704 which is on the desk of each Senator.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Mr. TALMADGE, for himself and others, proposes an amendment.

Mr. TALMADGE. Mr. President, I ask that further reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, strike out lines 3 through 6 and insert in lieu thereof the following:

That this Act may be cited as the "Voting Rights Amendments of 1976".

TITLE I

SEC. 101. (a) Section 4 of the Voting Rights Act of 1965 is repealed.

(b) (1) Section 5 of such Act is amended by striking out "a State or political subdivision with respect to which the prohibitions set forth in section 4(a) based upon determinations made under the first sentence of section 4(b) are in effect" and inserting in lieu thereof: "any State or political subdivision".

(2) Section 5 of such Act is further amended by striking out "a State or political subdivision with respect to which the prohibitions set forth in section 4(a) based upon determinations made under the second sentence of section 4(b)" and insert in lieu thereof "any State or political subdivision".

(c) Section 6 of such Act is amended by—

(1) striking out "unless a declaratory judgment has been entered under section 4 (a),", and

(2) striking out "named in, or included within the scope of the determination made under section 4(b)".

(d) (1) Section 12(a) of such Act is amended by striking out "section 2, 3, 4, 5, 7, or 10" and inserting in lieu thereof "section 2, 3, 5, 7, or 10".

(2) Section 12(c) of such Act is amended by striking out "section 2, 3, 4, 5, 7, 10, or 11 (a) or (b)" and inserting in lieu thereof "section 2, 3, 5, 7, 10, or 11 (b) or (b)".

(3) Section 12(d) of such Act is amended by striking out "section 2, 3, 4, 5, 7, 10, or 11, or subsection (b)" and inserting in lieu thereof "section 2, 3, 5, 7, 10, or 11, or subsection (b)".

(e) (1) Section 14(b) of such Act is amended by striking out "section 4 or".

(2) Section 14(d) of such Act is amended by striking out "section 4 or".

TITLE II

On page 1, line 7, strike out "102" and insert "201".

On page 2, beginning with line 7, strike out through line 20, on page 7.

Mr. TALMADGE. Mr. President, my amendment would extend the act to all of the 50 States. Every State and political subdivision would enjoy equal coverage. Every citizen would enjoy the equal protection of this law.

The bill already contains a provision imposing a nationwide ban on literacy tests and similar devices as prerequisites to voting or registration. My amendment would make the other administrative provisions of the act—required prior Federal approval of new voting laws under section 5, appointment of Federal examiners under section 6, and assignment of Federal observers under section 8—apply nationwide.

The Voting Rights Act of 1965, the 1970 amendments and the pending bill all require that every covered State and political subdivision submit for prior Federal approval every new law dealing with any voting qualifications and all forbid enforcement of any laws without prior Federal approval.

Consequently, every State and local action that affects elections in any way is invalid until the State has submitted the law for approval by either the U.S. District Court for the District of Columbia or by the U.S. Attorney General and approval has been granted.

However, Mr. President, these preclearance requirements as well as other extraordinary remedies contained in the Voting Rights Act have been imposed only upon a certain few States and political subdivisions and not upon other jurisdictions due to a "triggering" device which I consider unreasonable and unfair.

The so-called trigger formula, found in section 4(b), provides that any State or political subdivision will be subject to the preclearance provisions of the act if it maintained a literacy test or device on November 1, 1964, or on November 1, 1968, and if less than 50 percent of voting age eligible persons living in that jurisdiction were registered for and voted in the presidential election of that year.

This is based on the assumption that low voter turnout was the direct consequence of a jurisdiction's use of a literacy test or other registration requirement to practice discrimination on the basis of race or color.

Mr. President, to say that low voter

participation which may have resulted from the administration of literacy tests in some jurisdictions is bad while similarly low voter registration and turnout which resulted from other obnoxious factors is good is patently insane.

We know from excellent studies of the League of Women Voters and other organizations that persons of eligible voting age across the country have not registered or voted because of inconvenience, embarrassment, or bureaucratic redtape and disarray. Early closing deadlines, unfair registration requirements, and inaccessible registration offices are familiar difficulties in many States. They have been cited time and again as contributing to low voter registration and turnout.

In the 1972 Presidential election, according to the Census Bureau, only about 55 percent of the voting age population went to the polls. Almost 63 million Americans failed to even participate in this basic right of citizenship.

Two years later, in the 1974 general election, in only six States did as many as half the voting-age population cast a ballot. That was a mere one-third the number of States in which at least half the voting-age population voted in 1960.

In my view, the Voting Rights Act has been imposed in an unreasonable and discriminatory manner on one section of the country for the last 10 years. And now it is proposed to continue the act for an additional 10 years. It is argued that extraordinary Federal measures to protect voting rights are necessary for at least another decade. But the formulas and statistics used under section 4(b) to place the State of Georgia and certain other States under the act are now more than 10 years old. As a result, once a State is covered, it remains covered regardless of the progress it has made.

Mr. President, if the purpose of the Voting Rights Act was to encourage black political participation, then the act has accomplished its purpose in the covered States. Black citizens are politically active to a high degree in these States.

In 1972, the estimated percentages of black persons of voting age who were registered to vote in covered States in the South were as follows: In Alabama, 57.1; in Georgia, 67.8; in Louisiana, 59.1; in Mississippi, 62.2; in North Carolina, 46.3; in South Carolina, 48; in Virginia, 54. In these States taken together, 56.6 percent of the black voting age population was registered in 1972.

In the presidential election of 1972 approximately 3,324,000 black citizens in the South reported that they voted. This number was slightly less than half—48 percent—of the black population of voting age in the South.

Black citizens in the South are registering and voting. Black candidates are being elected to office. Following the elections of November, 1974, there are now 94 black State legislators in the South—10 State senators and 84 State representatives. In 1974 there were 63 black mayors in the South.

In fact, more than half—54 percent—of all black elected office holders in the entire country in 1974 were in the South.

I think we can say, Mr. President, that if the Southern States are trying to prevent black people from voting and from electing black candidates, they are doing a pretty poor job of it.

At the same time, we have evidence of racial discrimination in registration and voting in States outside the South. These are more subtle methods of voting discrimination, however.

While minority citizens register and vote in jurisdictions outside the South, their votes may be diluted by racial gerrymandering, or the registration office may be located inconveniently far from their homes, or they may not be able to get there during the limited hours for registration, or in order to vote they may have to go into a predominantly white area.

Racial gerrymandering is a prime example. Voters of a minority race may determine the outcome of an election in a single-member district in which they are a numerical majority. However, they may never be able to do so in a multi-member, at large district in which they are a numerical minority. A three-judge court of the U.S. District Court for the District of Hawaii said in 1963 that the districting plan of the Hawaii Legislature disregarded "racial factors." The court ordered redistricting for single-member districts. Although the Supreme Court reversed, we are left with the suspicion that racial gerrymandering may indeed occur in States outside the South.

In 1969, a Federal court in Indiana ordered that Marion County, which includes Indianapolis, be redistricted from a multi-member, at-large district for election of members of the Indiana house and senate into single-member districts in order to give concentrations of black voters a chance to elect their own candidates. The Court said that single-member districts should protect "the legally congizable racial minority group against dilution of its voting strength." Again the Supreme Court reversed, but again we have evidence that reapportionment has been used to dilute the voting power of racial minorities outside the South.

Low voter turnout in 1968 has brought three boroughs of New York City—New York County which is Manhattan, Kings County which is Brooklyn, and Bronx County under the Voting Rights Act. These three counties were reapportioned in 1972. Claims that the redistricting had the effect of diluting black and Puerto Rican voting power were upheld by the Justice Department, which required Manhattan and Brooklyn to redraw their electoral districts for the State legislature so as—in the words of the Justice Department—"to eliminate racial discrimination." Does this instance not reinforce the view that racial gerrymandering may be a nationwide threat to minority voters?

The Seventh Ward of Chicago has gradually changed in racial composition from being majority-white to being majority-black. Not long ago a Federal court found that the Chicago city council had redrawn the boundaries of the ward in such a way as to eliminate a black majority that could have elected its own candidate. The Court ordered the city council to redistrict the ward.

Here we have four instances, Mr. President, of reapportionment having the effect of diluting minority voting power. These instances did not occur in the South. They occurred in Hawaii, in Indiana, in New York, and in Illinois. I submit that they are merely the tip of the iceberg.

We must also remember that the entire country will be subject to required redistricting after the 1980 census. Therefore, the danger to minority voters of having their voting power diluted by racial gerrymandering will be magnified tremendously. This is not a sectional danger but a nationwide danger. And if Congress intends to protect minority voters against racial gerrymandering it should do so not in one section of the country alone but nationwide.

Indeed, districting is not the only kind of election law, which may have a racially discriminatory effect. Other conditions operate to discourage black and white citizens alike from registering to vote. These conditions confront would-be voters throughout the country.

The first of these inhibiting conditions is residence requirements. Section 202 of the Voting Rights Act has abolished residence requirement for voting in presidential elections and limits registration deadlines for presidential elections to 30 days before election day. Still, 30 States or more in 1972 imposed a 1-year residence requirement for voting in State and local elections. It can be argued that restrictive residency requirements hit hardest at minority groups, which traditionally tend to have high mobility rates within States and cities.

A second possible inhibiting condition is registration deadlines. In many cities, voters must register 2 or more months before elections. For example, Pennsylvania, California, and Rhode Island close their registration books well over a month and a half before elections. Often, voters become aware of political issues only when candidates debate them during campaigns. When these voters' awareness and concern are sufficient to make them want to vote, it may be too late to register.

The third condition which may discourage minority and white voters in northern cities is the relatively great distance of many registration offices from their neighborhoods. Many of these persons, especially minorities, do not own cars, and so they must pay the price of public transportation. Moreover, such registration offices may be in unfamiliar, even hostile, parts of the city. Also, in some western States, ranchers must travel over many miles to register.

A fourth possible inhibiting condition is hours for registration. Registration offices in many northern cities surveyed are open only Monday to Friday from 9 a.m. to 5 p.m. The vast majority of voting jurisdictions have no Saturday or evening registration in nonelection months. Absentee registration is an exception rather than a rule throughout the Union. Very few States have laws for time off from work to register to vote. Weekend registration, which might be helpful, is rarely used. This means that people who work for an hourly wage—

and a high proportion of black and minority people work for an hourly wage—must sacrifice income if they want to register and vote.

Other States and cities outside of the South have hardly been immune from challenge to their election laws. Washington State, for example, was called into court over its English-only elections law. Court decisions in Philadelphia, Chicago, Buffalo, and New Jersey have emphasized the significant barriers to voting that have existed in those jurisdictions.

In fact, the Chairman of the U.S. Commission on Civil Rights, in a statement submitted to the Judiciary Committee of the House of Representatives, suggested that section 5 preclearance would be helpful in meeting voter discrimination in other areas of the country aside from those States now covered by the Voting Rights Act.

Mr. President, is Congress truly determined to protect minority voting rights and to encourage minority political participation by means of extraordinary Federal legislation under the 15th amendment? If it is, then evidence of redistricting which has the effect of diluting minority votes and the evidence of conditions which inhibit and discourage minority registration and voting in States and cities in the North should compel Congress to extend the special coverage provisions of the Voting Rights Act to every one of the 50 States.

This is precisely what my amendment would do, Mr. President.

In recommending rationwide coverage of the Voting Rights Act, I might call the attention of the Senate to the testimony of Mr. John Lewis, who is the executive director of the voter education project which is headquartered in Atlanta. In testimony on March 3 of this year before the House Civil and Constitutional Rights Subcommittee, Mr. Lewis strongly recommended that a "permanent, national act should be passed to guarantee permanent minority voting rights protection."

Such legislation, Mr. President, would mean no longer conclusively presuming the guilt of one section of the country. Congress should not and cannot legislate in a spirit of vindictiveness. If we are truly determined to assure maximum voter participation throughout this great country, then my amendment, which would help achieve that goal, should be adopted.

Evidence of wrongdoing and discrimination in other cities and States should not be treated differently than that alleged in the cities and States currently covered by the Voting Rights Act.

The proponents of the bill have made much mention of the gap between black and white registration in the South. Yet, the evidence we now have strongly indicates that the Southern States have made tremendous progress in assuring the right of their citizens to vote. The gap between black and white voter registration has narrowed from 44 percent to 11 percent between 1965 and 1972.

Yet, the proponents of this bill have failed to make much, if any, mention of the fact that that gap between black and white registration in the North and the West actually increased by over 4 percent from 1968 to 1972. Nor have they paid much, if any, attention to the fact that the gap between black and white voting in the North and in the West during the same period also increased by over 4 percent.

Instead, they argue that the low percentage of black elected officials in the South is proof positive of voter and candidacy discrimination which should be corrected through an extension of the 1965 and 1970 Voting Rights Act.

If that be the case, then I find it remarkable that the proponents of this bill do not also propose that coverage be extended to the States of Michigan and Indiana, which have a smaller percentage of black elected officials in comparison to their respective black populations than the States of South Carolina and Georgia. The State of Louisiana, which is covered by the Voting Rights Act, has a higher percentage of black elected officials in comparison to its black population than the State of Nebraska. Nevertheless, the proponents of the bill have not suggested that Nebraska be brought under the law.

I can take no pride in nor can I in good faith support a bill which has such regional inequities.

My amendment, by applying the Voting Rights Act to all States, would go a long way toward making this legislation less punitive in nature. And, of course, my amendment would guarantee that every citizen enjoys the equal protection of the laws.

Mr. President, the first thing I learned when I was in law school studying constitutional law, was that we must have equal and fair application of all the laws to all of the citizens of our land.

I hope the United States Senate will take that fact in consideration in voting on this amendment, and I hope that they will give us equal protection of the laws, the same as every other State and every other citizen in this land is entitled.

I thank the Chair.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to my distinguished colleague, the junior Senator from Georgia.

Mr. NUNN. I have a question that I would like to ask.

I congratualte my colleague, the distinguished senior Senator from Georgia, for what I think has been an excellent presentation. I am proud to be a cosponsor of his amendment.

I think if all our colleagues in the United States Senate had been present in the Chamber to hear this presentation, this amendment, in spite of what I presume to be the objection of some of the authors of the bill, would pass overwhelmingly.

I think had the people here in this Chamber, who really beileve in the right of minorities to fully participate in governmental affairs, local, State, and Federal, heard this presentation, the amendment of the Senator from Georgia would receive overwhelming support.

He has documented it. I would be very interested as to whether anyone here in the Chamber is going to rebut these facts and figures. I think they speak for themselves.

I believe, if the amendment of the Senator is passed, then we would have a much stronger Voting Rights Act, we would have much more participation by minorities throughout the country, not just in the South, and we would have a better country.

I also would say if the amendment of the Senator is passed, the junior Senator from Georgia would not have any difficulty whatsoever in voting for final passage of this act.

Mr. TALMADGE. Neither would the senior Senator from Georgia.

Mr. NUNN. In that event, I would do everything possible to see that it is not only passed but fully implemented.

So, I congratuate my senior colleague, and I appreciate the opportunity of participating with him as a cosponsor of this amendment.

Mr. TALMADGE. I thank my distinguished colleague for his comments and support.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. I yield to the distinguished Senator from Virginia.

Mr. HARRY F. BYRD, JR. I commend the able senior Senator from Georgia for an outstanding statement.

It is one of the finest statements on this subject that I have heard and, as the colleague of the Senator from Georgia has just pointed out, it is well documented. As to those who will oppose the amendment offered by the Senator from Georgia, I hope they will attempt to break down those facts, if they can break them down; at least they should address themselves to those facts, because I think that the Senator from Georgia makes very telling points in opposition to this legislation and on behalf of the amendment which he has adopted.

Mr. TALMADGE. I am grateful indeed to my distinguished friend, the distinguished Senator from Virginia.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to the distinguished Senator from Alabama.

Mr. ALLEN. I commend the distinguished senior Senator from Georgia (Mr. TALMADGE) for this amendment and for the unanswerable logic with which he supported it.

I feel that this amendment and this presentation have been the most effective amendment and presentation on this subject that has been offered in this Chamber on this debate.

Mr. TALMADGE. I thank my distinguished friend.

Mr. ALLEN. The amendment hits at one of the main objections that we in the South have to this legislation; that is, the fact that it is not nationwide in application, that it singles out our region for punitive and discriminatory legislation. The fact that we are so singled out for this harsh treatment makes it very hard and very difficult, indeed, for us to accept the passage of this legislation and the extension of this law with good grace.

I do believe that if the amendment should be adopted here in the Senate and approved by the House of Representatives in the conference committee that this bill would have no further trouble in being enacted.

Mr. TALMADGE. I think it could pass in a matter of minutes.

Mr. ALLEN. I think that it would.

I think it would get well-nigh unanimous support in this Chamber. I think it is the fairest amendment that has been offered. It is the most logical amendment that has been offered. It is an amendment that can do much to bring together the sections of our country. It would help unite our people and would make us in the South feel that we are part of the Union again.

Mr. TALMADGE. That we have equality under the law.

Mr. ALLEN. Yes, that is exactly right, that our States are sovereign States, as Mr. Justice Hugo Black said in the Katzenbach versus South Carolina case, that we would be sovereign States and not conquered provinces.

I commend the distinguished Senator on his amendment.

I request that he make the request that I be added as a cosponsor.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the distinguished Senator from Alabama (Mr. ALLEN) be listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. I thank my friend from Alabama for his comments and support.

Mr. President, I yield the floor.

Mr. TUNNEY addressed the Chair.

The PRESIDING OFFICER. Does the Senator from California seek recognition?

Mr. TUNNEY. Yes.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. TUNNEY. Before responding to the able Senator from Georgia on the merits of his amendment, I would assume that the Senator would like to have the yeas and nays.

Mr. TALMADGE. Yes, indeed. I was hopeful that the Senator from California would accept the amendment. I was rather persuaded that he would, being a fair and generous man, an excellent student of the law, and being familiar with the proposition of equal protection of the laws. I am shocked and surprised that the Senator from California does not accept the amendment.

Mr. TUNNEY. I think the Senator is in for a shock.

Mr. TALMADGE. The Senator studied law at the University of Virginia.

Mr. TUNNEY. I will move to table the amendment.

Mr. TALMADGE. I am going to ask for the yeas and nays.

Will the Senator yield?

Mr. TUNNEY. I yield.

Mr. TALMADGE. The Senator studied law at a very illustrious law school, the University of Virginia, as I recall.

Mr. TUNNEY. That is correct.

Mr. TALMADGE. Did the Senator not learn when he was studying constitutional law, about equal protection of the laws?

Mr TUNNEY. I learned a lot about equal protection of the laws.

Mr. TALMADGE. Does not the Senator from California believe in that principle?

Mr. TUNNEY. I believe in that principle.

Mr. TALMADGE. Does not the Senator from California believe that a Federal law that prevails in Georgia should prevail in every State of this Union?

Mr. TUNNEY. I think that the constitutional law should prevail in every State in the Union.

Mr. TALMADGE. Why does not the Senator accept the amendment? I am shocked that he would answer this question in the affirmative and then not support the amendment.

Mr. TUNNEY. Unfortunately, if the Senator from Georgia's amendment were accepted, I am afraid that we would not have equal application of the constitutional law, because we would tie up the Justice Department with so much trivia that it would not have the resources to apply the law where it is needed most, and that is the area where there has been a history of voting discrimination.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. NUNN. Does that imply that the Senator thinks there are violations throughout the country and not just in the South? Otherwise, why would the Justice Department be tied up?

Mr. TUNNEY. The Justice Department would be tied up because the Senator's amendment would require preclearance from every jurisdiction in the country, and that would mean that the Justice Department's resources would be strained beyond limits in trying to evaluate every city council, every county board of supervisors ordinance, and every State legislative law that was passed.

Mr. NUNN. We could add to that an amendment that would let the Justice Department investigate only those complaints in any region of the country where complaints were filed. That would cure that problem.

Mr. TUNNEY. No, that would not suffice. There are a number of objections to the amendment, and I am just giving one.

Mr. NUNN. Let us talk about the others.

Mr. TUNNEY. Let me finish my remarks on the one we were talking about initially, and that is in applying the constitutional law equally across the country.

Yes, I believe that the constitutional law should be applied equally across the country, and that was the reason for the Voting Rights Act and its passage in 1965. If it had not been for the feeling that the constitutional law was not being applied equally across the country, this bill never would have been passed.

The Senator from Alabama has referred to the case of South Carolina versus Katzenbach in several instances during the debate this afternoon. The Senator from Alabama has read the lone dissenting opinion. I am sure he has read the entire case and that he has read the opinion of the Court as it was written by Chief Justice Earl Warren. But he has only quoted from the opinion by Mr. Justice Black, which dissented in part. It is a well-written opinion. But 8 Justices disagreed with Mr. Justice Black. So certainly the Supreme Court had no problems upholding the constitutionality of the act.

I point out also that we have another problem besides tying up the resources of the Justice Department, and that is the basic constitutional question of requiring a preclearance in those jurisdictions where you do not have a record of serious 14th amendment or 15th amendment violations.

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. TUNNEY. I yield.

Mr. TALMADGE. Does not the Senator think that that provision of law should apply equally to all areas in the United States?

Mr. TUNNEY. I would say that if we were to apply the the law nationwide, we would have to have a constitutional justification for doing so. It is clear from the majority opinion in South Carolina against Katzenbach—and I am going to quote from that opinion to underline the point I am making—that you have to have a serious violation of voting rights in order to impose a special remedy such as preclearance.

Mr. TALMADGE. Mr. President, will the Senator yield further?

Mr. TUNNEY. Let me read from the opinion. I am reading now from 383 U.S. 1965, at page 334. The Chief Justice wrote:

> The act suspends new voting regulations pending scrutiny by Federal authorities to determine whether their use would violate the 15th amendment. This may have been an uncommon exercise of congressional power, as South Carolina contends; but the court has recognized that exceptional conditions can justify legislative measures not otherwise appropriate.

There is no indication that there are exceptional circumstances in other parts of the country so as to justify what is clearly an exception to the provisions of article I, section 4, of the Constitution.

Mr. TALMADGE. Did the Senator hear the instances I referred to in my remarks with regard to Hawaii, Indiana, Illinois, and New York?

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. JAVITS. Mr. President, one thing is being overlooked completely in this part of the debate, and I should like to ask the Senator about it.

Is it not a fact that under section 3 of the Voting Rights Act, the Attorney General of the United States can sue in any State at any time, under any circumstances, with respect to redress of a constitutional right to equal voting opportunity?

Mr. TUNNEY. That is correct.

Mr. JAVITS. Therefore, there is universal coverage, except that the court's decision in the case under discussion directed itself to a situation where there was a record of consistent violation going back for decades, and hence Congress could draw legislation dealing specifically with those violations.

The fact is that the act is fair, because the argument of the Senator from Georgia shows it to be fair by the fact that it has included other jurisdictions.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. JAVITS. The Department of Justice has been alert to the fact that that can happen elsewhere. I have a right to speak to that, I think, with some kind of feeling, just as the Senator has a right to speak to his proposition, inasmuch as three large counties and the largest city in the United States, in my own State, have been covered, as they should be. I always argued that in respect of civil rights law, and that is the way it should be.

But now, to try to break the back of this law with a burden of activity which is not called for by the Constitution or the decisions of the courts is just another way of beating what we are trying to do, when the steam of the legislation makes it unnecessary, by virtue of the fact that you have coverage where coverage is due under this bill; and to seal up any of the holes in it, the Attorney General can sue in any given situation.

Mr. TUNNEY. That is correct.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. JAVITS. Senator Tunney has the floor.

Mr. TUNNEY. I should like to respond, and then I will yield to the Senator from Georgia.

The Senator is absolutely correct. This is a national law. Nothing in this law talks about Mississippi, Alabama, or Georgia. It is generic in nature. There are certain triggering devices that require coverage of certain States where the discrimination and the voting abuses were the greatest. The Supreme Court has already determined that it was perfectly constitutional to have those triggering devices because of the exceptional circumstances.

As the Senator from New York has pointed out, section 3 gives the Attorney General the power to go into court in any jurisdiction. There are counties in New England that are covered; there are counties in California that are covered. This is true not only with title II under the bill that is before us, as it relates to language minorities, but under the present act we have States and counties throughout the Union that are covered by the Voting Rights Act. It so happens that only six States are entirely covered and half of another State.

Mr. TALMADGE. Both the Senator from California and the Senator from New York mentioned the Attorney General's authority to sue under section 3 of the act. I think the record will show that the Attorney General never has filed a suit in any area except the covered States.

Mr. TUNNEY. I point out that the bill before us amends section 3 to give private parties the right to sue. I think that this is an important extension of the principle that we ought not to rely solely upon the Attorney General of the United States to bring actions. The Attorney General has not used section 3, although he has filled in certain voting cases under the 14th and 15th amendments. But by giving private citizens the right to sue under section 3, I think that we have made a very significant improvement in the law. It will make it truly more national in coverage. When we incorporate language minority, as we do in the bill before us, it becomes even more national in its coverage in the sense that we are going to pick up many counties that are not presently within the Voting Rights Act coverage.

Mr. MATHIAS. Will the Senator yield for just a moment?

Mr. TUNNEY. Yes, I yield.

Mr. MATHIAS. The distinguished Senator from Georgia has referred to equal protection of the law. In the bill as it is now before the Senate, the act would be amended not only to broaden the right of action on a nationwide basis, from the Attorney General to any aggrieved person, but it also is broadened in its jurisdiction because the action can be brought either by the Attorney General or by an aggrieved person on the basis of a violation of rights guaranteed by either the 14th or the 15th amendment. In the past, it has only been deprivation of rights guaranteed by the 15th amendment.

Mr. TALMADGE. Will the Senator yield?

Mr. MATHIAS. The Senator from California has the floor.

Mr. TUNNEY. I yield to the Senator from Georgia.

Mr. TALMADGE. I commend the distinguished Senator for broadening the bill. All I am trying to do is broaden it further, to make it apply to all the 50 States in the Union and treat identically, as I understand the Constitution to contemplate, all the citizens of this country.

If we have a high crime rate, say, in Atlanta or Chicago or some other area of the country, we do not make laws regarding those crimes applicable to only those cities themselves, limiting them to Chicago or Atlanta. We make the same law applicable to every jurisdiction and every citizen in the United States. That is what I thought the Constitution of the United States contemplated by equal protection of the laws.

Mr. ALLEN. Will the Senator yield?

Mr. TUNNEY. I do not think that there is any question that we want to have the constitutional precepts as they relate to voting rights apply across the country. The problem, of course, as it relates to this specific legislation, is that in certain parts of the country, blacks were denied the opportunity to register and to vote. At the time this act was passed, there were grievous examples of discrimination against blacks. What we attempted to do when this legislation was passed in 1965—as a Member of the House of Representatives, I voted for it—was to give blacks in those jurisdictions covered by sections 4 and 5 an opportunity to register and vote. And the act has been remarkably successful.

Mr. TALMADGE. Will the Senator yield?

Mr. TUNNEY. It has made very great progress. Still more progress has to be made, in my view, but we have made great progress.

I yield.

Mr. TALMADGE. What is the population of California?

Mr. TUNNEY. About 21 million.

Mr. TALMADGE. What is the percentage of blacks of that population?

Mr. TUNNEY. Approximately 10 percent, I believe.

Mr. TALMADGE. About 2,000,000. How many blacks are there in the California Legislature?

Mr. TUNNEY. I believe we have, in the assembly, four or five blacks. We have a black Lieutenant Governor. We have a black superintendent of education, which is a statewide office. We have a black mayor of Los Angeles.

I might say, going back to the black superintendent of education, here is an area where there is perhaps a greater degree of sensitivity than almost any other area in our society. That is the education of our children. The State of California elected a black to be our superintendent of education, despite all the concern in many regions of the country about busing, about integration of classrooms; still, California elected a black superintendent of education, who is extremely popular and who has been reelected since his initial election back in, I believe it was 1970.

Mr. TALMADGE. Will the Senator yield further?

Mr. TUNNEY. Yes.

Mr. TALMADGE. I believe the Senator stated there are four or five black legislators in the California Assembly. How many members are in the California Assembly?

Mr. TUNNEY. There are 80 in the California Assembly.

Mr. TALMADGE. The State of Georgia, I believe, has 16 blacks in the State senate and in the statehouse. I think that is the highest number of any State in the Union, though perhaps Michigan may have an equal number.

I think the benefits of this act ought to be applied to every State in the Union. Certainly, the applicable benefits in Georgia are highly visible and every State ought to have those benefits which we have.

Mr. TUNNEY. Will the Senator yield?

Mr. TALMADGE. Sure.

Mr. TUNNEY. Does the State of Georgia have any black elected statewide to office?

Mr. TALMADGE. No, but I think we have about as many black mayors and county officials as probably any State of the Union, as well as black members of boards of education, and so on. And we have one black Congressman from Georgia.

Mr. TUNNEY. I have already inserted this in the RECORD, but it comes from the Commission on Civil Rights report, "The Voting Rights Act 10 Years After." The report on Georgia lists a number of different counties. It lists probably about 50 or 60 different counties. It lists all the black elected officials in the local government, the governing body members, law enforcement officials, school board members. As we go through it, we find that, for instance, in one county in Georgia, with over 18,000 in population, the black population is 60 percent. None of the governing body members are black. None of the law enforcement officials are black.

None of the school board members are black.

Mr. TALMADGE. What county is that?

Mr. TUNNEY. Burke County.

Calhoun County, over 6,000 population, 63 percent black, has no black representatives among local officials.

Mr. TALMADGE. They might not have run in those counties. They have a large amount of black registration.

I point out to the Senator that in my State, we have slightly over 4 million population, about 4.6 million, as I recall. More than a million of those are black and half a million blacks are registered. In some counties in my State, we have a higher percentage of blacks registered than we do whites.

Mr. TUNNEY. I do not gainsay the tremendous strides that the State of Georgia has made. There is no question about that.

Shall we get the yeas and nays? Would the Senator from Georgia like to get the yeas and nays? I think we have enough Senators on the floor to get the yeas and nays.

I am going to make a motion to table, so the yeas and nays will be on the tabling motion.

Mr. TALMADGE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ALLEN. May we also get the yeas and nays on final passage? I do not believe that has been done. I ask unanimous consent for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays are ordered on final passage.

Mr. TUNNEY. Does the Senator from Georgia have anything further he would like to add?

Mr. TALMADGE. I have concluded my remarks, unless somebody else wants to address a question to me.

Mr. ALLEN. Will the Senator yield?

Mr. TUNNEY. Yes, I yield.

Mr. ALLEN. The Senator from New York mentioned a moment ago that, at least in a sense, the act has nationwide application.

The PRESIDING OFFICER. Will the Senator suspend for just a minute on a point of clarification?

Did the Senator from California ask for unanimous consent to get the yeas and nays on the Senator's motion to table?

Mr. TUNNEY. Yes.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The Chair thanks the Senator. The Senator from Alabama is recognized.

Mr. ALLEN. Will the Senator from California yield?

Mr. TUNNEY. I yield.

Mr. ALLEN. The distinguished Senator from New York made the statement that in a sense, or that actually, this bill has nationwide application in that the Attorney General could move in States outside of the South where voting rights were denied or were abused. I believe the distinguished Senator from Georgia then pointed out that the Attorney General had never proceeded in any such instance.

I believe that statement was made without repudiation. But the point the Senator from Alabama wishes to make is that in areas outside of the South the States are presumed to be innocent of any discrimination, and it takes action by the Attorney General to show they have been guilty of discrimination; whereas, in the South, the Southern States are conclusively presumed to be guilty of discrimination, and that is the difference here.

So actually we have two different standards: In areas outside of the South proof has to be made of discrimination, but in the South we are conclusively presumed to have been guilty of discrimination, and we are under the provisions of the law by this trigger arrangement based on the 1965 formula based on the 1964 election.

Mr. JAVITS. Mr. President, if the Senator will yield to me for a reply——

Mr. TUNNEY. I yield.

Mr. JAVITS. The reason section 3 has not been used is obviously because the trigger mechanism has worked well and it is not a fact that this law, these restrictions are being applied only to the South.

One of the big arguments made by the Senator from Georgia is that other areas in the North have been included because they have come under the trigger.

The point respecting the guilt or innocence of individual States I really do not think at this time in our history any of us would wish to argue that. It is a heritage which I do not believe any American would be proud of, but it is a heritage. The fact is that it is a heritage, that there is a long record of it, that even to this day efforts are still made because people have a hankering to go back to the old times with respect to the various jurisdictions that have suffered from this incubus.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. JAVITS. Not yet. Senator Tunney yielded to me.

Hence the problem still remains with us in an historical sense, and the committee cites some figures on that score.

No one will deny, and I do not deny, that remarkable progress has been made in the south of our country, and I think also there still remain some vestiges of the past. For example, the committee cites at the top of page 7 in its report the following two sentences:

> Despite these impressive gains in the area of black registration, a bleaker side of the picture yet exists. Most recently available data reveal that percentage point disparities of 23.6, 16, and 17.8 can still be found in the States of Alabama, Louisiana and North Carolina, respectively.

I cite these figures not for the purpose of indicting any State or any people because, as I said a minute ago——

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. JAVITS. May I finish? Remarkable progress has been made without any question, but we still do have vestiges of the past which carry over; and, coupling the provisions of the statute which we are seeking to extend, with section 3 which gives a right of suit to the Attorney General where he needs to invoke it, and the decided cases, particularly the Katzenbach case, it seems to me, as one Senator, that the scheme of the legislation holds together in terms of any attributes of fairness which we would intend to ask of us.

Mr. TALMADGE. Mr. President, will the Senator yield for a comment?

Mr. TUNNEY. I yield.

Mr. TALMADGE. The Senator from New York made the point there is still some disparity between the white percentage voting in the South and the black. That is true. But that disparity has been declining, whereas in the North, East, and West that disparity has been increasing. I think that is the best argument why it ought to be nationwide in scope.

Mr. JAVITS. I do not have in mind the figures that the Senator has in mind. Will the Senator introduce the figures as to where——

Mr. TALMADGE. The disparity in the North, East, and West increased by 4 percent between 1968 and 1972 whereas the disparity in the South decreased from 44 percent in 1965 to 11 percent in 1972.

Mr. JAVITS. The South, of course, had a lot further to go than the North.

Mr. TALMADGE. That is true, but the South started from virtually zero 25 years ago.

Mr. JAVITS. I will be very glad to see those figures.

Mr. TALMADGE. I will be delighted to insert in the Record a revealing table showing the percentage of white, black, and Spanish-speaking registered voters nationwide and in the South as of 1972.

Voting registration

The following chart shows the percentage of white, black and Spanish-speaking voters registered to vote in 1972.

Nationwide:	*Reported registered*
White	73.4
Black	65.5
Spanish-speaking	44.4
South:	
Urban:	
Black	65.1
White	70.7
Rural:	
Black	61.9
White	68.2
Total, South:	
Black	64.0
White	69.8

Mr. TUNNEY. Did the Senator from South Carolina seek recognition?

Mr. THURMOND. Mr. President, a statement was made a short time ago concerning the situation in the South. As far as South Carolina is concerned, nobody is deprived of the right to vote, and I challenge anybody to show where anyone in my State has tried to prevent anyone from voting.

I was Governor of South Carolina from 1947 to 1951. I advocated removing the poll tax as a prerequisite to voting. I wanted any stumbling block to anybody's voting removed.

People have been voting in our State all these years, and just about the same percentage of the black population is registered to vote as the white population as they relate to the total population. The Senator cited some figures, I believe, a few days ago in committee on South Carolina showing that is the case.

Therefore, as I understand it, the purpose of this bill originally was to remove any discrimination in voting. Well, if there is no discrimination then why keep the State under it? Why apply it to a State?

I think it is completely humiliating, insulting and disgusting that my State has to come to Washington and get the Attorney General to approve any little change in the election law, including the hours of holding an election, the place of holding an election or any other detail.

Furthermore, if there is a case to be tried under this act the Federal judges in my State are not even allowed to try it. We still have to come to Washington. I do not think the judges here are more unbiased. I think the judges in my State will render a decision just as they see it, and I think it is very unfair to insinuate—and that is what it is—in the passage of such a law as this, that the judges would do otherwise.

As I stated yesterday, the very fact that a State is placed under this law simply because fewer than 50 percent registered is very unfair. I know the civic groups in my State, the Junior Chamber of Commerce, the League of Women Voters, and all of those people down there, the leaders in the State, have encouraged people to register and vote.

I have gone all over South Carolina encouraging people to vote, regardless of their color. Color no longer plays any role in my State so far as voting is concerned or so far as attending school is concerned.

However, the very fact that you are going to put a State under this bill because fewer than 50 percent of the electorate are registered to vote is unfair.

Furthermore, to include a State under this law if fewer than 50 percent actually voted who were registered is unfair. How are you going to make people vote? This is a free country; this is a republic; this is a democracy. People have more freedom than anywhere in the world. They can vote or they cannot vote. We encourage them to vote. If they do not vote I do not know how we can make them vote.

No one that I know has alleged that anyone has been deprived of voting in South Carolina. If they can show that, that is another matter. Then if they can prove that, that is another matter. But they cannot prove it because it has not occurred.

Discrimination, as I understood, was the purpose of this bill. Well, if there is no discrimination, why keep South Carolina under this bill?

Mr. TUNNEY. Mr. President, I move to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Georgia.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. Senators will be in order and take their seats. Those Senators having already voted will take their seats or go to the cloakroom. Will Senators take their seats?

The clerk will suspend.

Will Senators cease their conversations or withdraw to the cloakroom. Senators will clear the aisles. The clerk is suspending until we can get order in the Senate.

Will the members of the staff and the officers of the Senate clear the aisles?

The clerk will resume.

The legislative clerk resumed and concluded calling the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. Eastland), the Senator from Hawaii (Mr. Inouye), the Senator from Kentucky (Mr. Ford), the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from Minnesota (Mr. Mondale), the Senator from North Carolina (Mr. Morgan), the Senator from Rhode Island (Mr. Pastore), and the Senator from West Virginia (Mr. Randolph) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. Abourezk) and the Senator from Michigan (Mr. Hart) are absent because of illness.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Pastore) would vote "yea."

I further announce that, if present and voting, the Senator from West Virginia (Mr. Randolph) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from New York (Mr. Buckley), and the Senator from Delaware (Mr. Roth) are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. Bartlett) is absent due to a death in the family.

The result was announced—yeas 46, nays 38, as follows:

[Rollcall Vote No. 309 Leg.]

YEAS—46

Bayh
Beall
Bentsen
Biden
Brooke
Bumpers
Burdick
Case
Church
Clark
Cranston
Culver
Eagleton
Fong
Glenn
Gravel
Hart, Gary W.
Hartke
Hatfield
Hathaway
Huddleston
Humphrey
Jackson
Javits
Leahy
Magnuson
Mathias
McGee
McIntyre
Montoya
Moss
Muskie
Pearson
Pell
Percy
Proxmire
Ribicoff
Schweiker
Scott, Hugh
Stafford
Stevens
Stevenson
Taft
Tunney
Weicker
Williams

NAYS—38

Allen
Bellmon
Brock
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Curtis
Dole
Domenici
Fannin
Garn
Goldwater
Griffin
Hansen
Haskell
Helms
Hollings
Hruska
Johnston
Laxalt
Long
Mansfield
McClellan
McClure
Metcalf
Nelson
Nunn
Packwood
Scott,
  William L.
Sparkman
Stennis
Stone
Symington
Talmadge
Thurmond
Tower
Young

NOT VOTING—15

Abourezk
Baker
Bartlett
Buckley
Eastland
Ford
Hart, Philip A.
Inouye
Kennedy
McGovern
Mondale
Morgan
Pastore
Randolph
Roth

So Mr. Tunney's motion to lay on the table was agreed to.

Mr. TUNNEY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. MONTOYA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Senators will clear the aisle. Senators will please take their seats.

Mr. BUCKLEY. Mr. President, when the time comes to vote on the Voting Rights bill that is now under debate, I shall vote for it for political reasons. Lest my use of the adjective be misunderstood, let me explain that I will vote "aye" in order to associate myself with the objectives of the legislation even though I disapprove of most of its specific provisions.

In the ordinary case, I would vote against such a bill to record my view that it ought to be referred back to the drawing board. On rare occasions, however—and this is one of those—a particular bill will assume a symbolic importance that far transcends its component parts. In this instance, a significant proportion of our population, men and women who are members of minorities that in the past have been subject to discrimination at the polls, view the extension of the Voting Rights Act as a test of our commitment to the proposition that no American citizen shall be deprived of the right to vote by practices and tactics designed to discourage their exercise of their franchise.

I have learned the hard way that where complex legislation is concerned, the only message that gets transmitted is how a Senator voted, and not why he voted as he did. And this is where the politics comes in, Mr. President: I believe that it is vitally important that black and Spanish-speaking Americans, and members of other minority groups, understand that those who are labeled "conservative" are as concerned over the protection of fundamental civil liberties as anyone else in the country. I happen to think that in practice, we are more solicitous about protecting the rights of individuals from unwarranted intrusions by government than are those who because of the symbolic importance of are usually labeled "liberal." Therefore the Voting Rights Act extension, because how I vote on the bill will affect perceptions as to how I feel about its objectives, because a negative vote on my part will not result in better legislation, I will vote for the extension even though it contains more serious defects than can be corrected through the amendatory process.

I believe the most important of the amendments now at the desk are those that would eliminate the highly discriminatory application of the bill to a few States, and give it equal application to every State. The adoption of such an amendment would be to cover the bill's often punitive provisions to every State. On the other hand, I believe that our best chance to secure the necessary corrections in the law will be to have it applied to all 50 States rather than to a half-dozen of those of the Old South where the abuses the law is aimed at correcting were most prevalent. Failing such national application, the bill should at least contain provisions that would allow individual States, upon proper showing, to exempt themselves from its provisions.

I happen to believe that most of the abuses are now part of history, and that the more prudent courses would be to substitute new legislation that would affirm the Federal interest in equal access to the polls, and then let the courts determine when such access is being denied. I recognize, however, that such a bill will not be enacted this year. I would hope, however, that by the time the extension we will be adopting expires, there will be a sufficient national assurance that past practices are in fact dead to enable us to adopt permanent legislation that restores the proper relationship between Federal and State officials in matters affecting the qualifications of voters and the supervision of elections.

ORDER FOR NOMINATIONS TO BE HELD IN STATUS QUO DURING RECESS OF THE SENATE, AUGUST 1, 1975–SEPTEMBER 3, 1975

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all nominations currently being considered by the Senate or received by the Senate by August 1, 1975, be considered as remaining in status quo during the adjournment of the Senate from August 1, 1975, until September 3, 1975, unless the majority leader or the minority leader, or both of them, notify the President of the United States within 10 days of August 1, 1975, that a nomination or nominations would not be so considered and would be returned to him and, therefore would have to be resubmitted in order for the Senate to act thereon after it reconvenes on September 3, 1975.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. The Senate will meet tomorrow at 11 a.m. Immediately the 1 hour under the cloture rule will begin running, and at the hour of 12 noon the clerk will call the roll to establish a quorum. Upon the establishment of a quorum the automatic rollcall vote on the motion to invoke cloture will occur. That rollcall vote, therefore, will occur at about 12:15 p.m.

I would imagine that tomorrow will be a very active day in the Senate with quite a number of rollcall votes. The Senate is already alerted to the fact that we may have a very long session tomorrow.

RECESS UNTIL 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 11 a.m. tomorrow.

The motion was agreed to; and at 6:40 p.m. the Senate recessed until tomorrow, Wednesday, July 23, 1975, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate July 22, 1975:

DEPARTMENT OF DEFENSE

Martin R. Hoffmann, of Virginia, to be Secretary of the Army, vice Howard H. Callaway, resigned.

ENERGY RESEARCH AND DEVELOPMENT

Austin N. Heller, of New York, to be an Assistant Administrator of Energy Research and Development (new position).

DEPARTMENT OF COMMERCE

James A. Baker, III, of Texas, to be Under Secretary of Commerce, vice John K. Tabor, resigned.

FEDERAL RAILROAD ADMINISTRATION

Asaph H. Hall, of Maryland, to be Administrator of the Federal Railroad Administration, vice John W. Ingram, resigned.

URBAN MASS TRANSPORTATION ADMINISTRATION

Robert E. Patricelli, of Connecticut, to be Urban Mass Transportation Administrator, vice Frank C. Herringer, resigned.

FEDERAL POWER COMMISSION

John Holliday Holloman, III, of Mississippi, to be a member of the Federal Power Commission for the remainder of the term expiring June 22, 1976, vice Rush Moody, Jr., resigned.

DEPARTMENT OF THE TREASURY

Edwin H. Yeo, III, of Pennsylvania, to be Under Secretary of the Treasury for Monetary Affairs, vice Jack Franklin Bennett, resigned.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

David S. Cook, of Ohio, to be an Assistant Secretary of Housing and Urban Development, vice Sheldon B. Lubar, resigned.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

James D. Isbister, of Maryland, to be Administrator of the Alcohol, Drug Abuse, and Mental Health Administration (new position).

IN THE AIR FORCE

The following officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10 of the United States Code:

To be major general

Brig. Gen. Hoyt S. Vandenberg, Jr., [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

To be brigadier general

Col. Robert L. Thompson, Jr., [redacted]FR (colonel, Regular Air Force, Dental), U.S. Air Force.

The following officers for appointment in the Reserve of the Air Force to the grade indicated under the provisions of chapters 35, 831, and 837, title 10, United States Code:

To be major general

Brig. Gen. John A. Johnston, [redacted]FG, Air National Guard.

Brig. Gen. Billy M. Jones, [redacted]FG, Air National Guard.

To be brigadier general

Col. J. E. Gardner, [redacted]FG, Air National Guard.

Col. Paul E. Hoover, [redacted]FG, Air National Guard.

Col. Walter C. Leonardo, [redacted]FG, Air National Guard.

Col. Lawrence A. Quebbeman, [redacted]FG, Air National Guard.

Brig. Gen. Billy M. Jones, [redacted]FG, Air National Guard.

CONFIRMATIONS

Executive nominations received by the Senate July 22, 1975:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Forrest David Mathews, of Alabama, to be Secretary of Health, Education, and Welfare.

John Meier, of Colorado, to be Chief of the Children's Bureau, Department of Health, Education, and Welfare.

(The above nominations were approved subject to the nominee's commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.)

EXTENSIONS OF REMARKS

ENERGY CONSERVATION AND OIL POLICY ACT

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. RHODES. Mr. Speaker, for the benefit of my colleagues I am inserting in the RECORD a copy of a letter I received today from the State Department regarding the Energy Conservation and Oil Policy Act, H.R. 7014. The letter expresses that Agency's concern over several provisions of H.R. 7014:

DEPARTMENT OF STATE,
Washington, D.C.

Hon. JOHN J. RHODES,
Minority Leader, House of Representatives,
Washington, D.C.

DEAR MR. RHODES: I am writing to express our concern that several of the provisions of the proposed Energy Conservation and Oil Policy Act of 1975 could prevent full implementation of the Agreement for an International Energy Program (the IEP), and would require the United States to express a formal reservation in its adherence to the IEP. Indeed, the numerous restrictions, in the form of advance approvals and potential one-House vetoes, cast serious doubt on the value of the authority conferred. These restrictions appear in the conservation and strategic reserve provisions of the proposed bill. They not only threaten to undermine the IEP, but also extend the role of the legislative branch of government into operations to an extent inappropriate to the emergency situation with which the legislation is intended to deal.

A key element of the IEP is an agreement by the participating countries to prepare, and to have ready for implementation, contingency plans for achieving demand restraint in case of a supply cutoff. The purpose of these demand restraint measures is to insure that, in all embargo situations, in addition to sharing available supplies, each participating country will reduce its consumption by a previously agreed amount (7% or 10% depending on the level of reduction of supplies). The IEP envisions that these measures be made applicable as automatically as possible, in order to increase the likelihood of effective and prompt implementation in an actual emergency, and thereby to strengthen the deterrent effect of the IEP. Obviously the more credible the measures, the less likely it is that another embargo will be imposed.

The requirement now contained in section 201 of the bill for positive Congressional approval with respect to each and every contingency plan would present two serious problems in terms of implementing the IEP. First, Article 5 of the Agreement requires each participating country to "at all times have ready a program of contingent oil demand restraint measures . . ." The requirement for advance, affirmative Congressional action would create uncertainty as to whether this obligation could be met. Second, and more fundamentally, the United States is obligated to seek legislative authority which would enable us to fully implement our IEP obligations. The deadline for all countries to complete these legislative procedures has been extended to September 1, 1975, but under the current draft of the bill completion of the procedures in the United States would be insufficient since the basic approval of demand restraint measures would only come at some later date, and even then, would be subject to Congressional veto. Under these circumstances, the United States would be required to take a formal reservation in its adherence to the IEP, pending further Congressional action. Should Congress refuse to adopt any contingency plan, the United States would not be able to remove this reservation.

In addition to our objections to the advance approval mechanism, we are equally concerned over the bill's requirement that Presidential actions be subject to disapproval by either House of the Congress. This would place us in an untenable position going into an emergency since we would never know whether the veto power would be exercised. Furthermore, it would cast immediate doubt as to whether the United States will ever in fact be able to discharge its IEP obligations.

If, as a result of the restrictions contained in section 201, the United States were required to take a formal reservation to its adherence to the IEP, this would have very unfortunate political consequences. It would undermine the solid front among industrialized oil consumers which we are endeavoring to create, and would be a particularly unfortunate step since it has been vigorous United States leadership, commencing with the Washington Energy Conference in 1974, which has forged the measure of unity of consumer countries which now exists. The passage of such limited legislative authority and the problems it would create in terms of adherence to the IEP could also leave the United States open to the criticism that it has changed its attitude toward the IEP, and could hamper our ability to achieve other negotiating objectives in the energy area.

The same problems arise in connection with Congressional veto provisions with respect to the establishment and utilization of the proposed Petroleum Reserve. Not only would a plan have to be submitted to Congress before implementation and not be rejected, but also certain extraordinary measures, including condemnation, described in section 255 would be required to pass a similar hurdle, and any draw down from the Reserve would be subject to a one-House veto. The cumulative effect of these restrictions is to cast doubt on whether the United States would ever in fact be able to establish and utilize such a Reserve.

In addition, we believe that section 204 of the bill initially considered by the Subcommittee, relating to the authority to increase production in emergency circumstances, should be restored. This could be an important tool for use in an emergency. We also believe that the information section of the bill (section 214) is inadequate because of the provision requiring certain information to be submitted to the IEA in aggregated form. The potential availability of information was perceived by many other countries as an important incentive to them for entering into the IEP. Specific information requirements, as well as their purpose and uses, are currently the subject of discussion in the IEA. If the United States were unilaterally to foreclose the possibility that certain types of data provided for in the IEP might be made available, while the issue is actively being discussed by the IEA members, it would hinder our efforts to keep these other countries solidly behind the Program. In this regard we should like to reiterate that we are sensitive to the possible security problems in the IEA and to the anti-competitive potential of disaggregated data. We believe that the IEP agreement itself and the authority in the legislation to withhold information which would prejudice competition combines fully adequate means to protect data. Therefore, we oppose this aspect of the information section of the bill.

With reference to the antitrust provisions of section 212, we wish to emphasize the importance of workable antitrust provisions, which are crucial to the effective implementation of the IEP. To this end we strongly suggest that the House accept the comparable immunity subsection in S. 622 which was adopted, with the support of Senators Jackson and Hart, by the Senate. These provisions were worked out by several of the parties concerned, and we believe, should provide a workable immunity subsection coupled with fully adequate procedural safeguards to prevent anticompetitive abuses.

In conclusion, may I say that I understand that there is a strongly held concern with Congressional oversight to which the advance approval and veto procedures are addressed. Nevertheless, it must be emphasized that the authorities which we request are for emergency use only—and for an emergency which will be less likely to occur if these authorities are granted. We are most concerned that the IEP develop into a viable instrument of the consumer countries, which will serve as a genuine deterrent against future embargoes, and we believe that if the IEP is to be effective, the authorities behind it must be real, and must be perceived as real. Hence, we reiterate our request that the Executive be granted authority to carry out the key elements of the IEP.

Sincerely yours,
ROBERT J. MCCLOSKEY,
Assistant Secretary for Congressional Relations.

"BEAUREGARD H. MILLER DAY"

HON. LINDY BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mrs. BOGGS. Mr. Speaker, on August 2 the city of Gretna, La., will celebrate "Beauregard H. Miller Day" to honor the man who has served as the city's chief of police for 50 years.

A long-time and devoted friend to Hale and me, the chief has dedicated his distinguished career to the safety of the citizens of Gretna since 1925 when he first took office as city marshal. In those days the chief was literally a one-man police force and his "equipment" was a .38 revolver and a Buick; but in the past 50 years Gretna has grown incredibly and "Burry" has kept pace by developing the Gretna Police Department into the model of efficiency it is today, with 38 officers, a detective bureau, a K–9 corps, and 10 squad cars.

It is no exaggeration to describe the chief's career, a national record at half a century, as a living history of the development of contemporary law enforcement technique. However, there is more to effective law enforcement than manpower and technology; the most important ingredient is the man who performs the job. Chief Miller's 50 years on the force have been characterized by fearlessness, dedication, and tireless work—he is still on call 24 hours a day.

His ability was recognized in 1948 when incoming Gov. Earl K. Long offered "Burry" the appointment as State superintendent of police; the chief preferred to remain on the job in Gretna, however, and declined the promotion. Probably the most convincing evidence of Chief Miller's competence is the fact that the voters of Gretna have elected him chief of police of their city for 14 consecutive terms, and on August 2 they will formally honor him by dedicating a day of celebration to his career of public service.

I would like to take this opportunity to congratulate Chief Beauregard H. Miller, and to express my deep gratitude for the excellent job he is doing for the citizens of Gretna, La., and for law enforcement generally.

INCREASING APPROPRIATIONS FOR WETLAND ACQUISITIONS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. DINGELL. Mr. Speaker, the appropriation bill for the Department of the Interior and related agencies, H.R. 8773, is scheduled July 23 for House floor action. I will offer an amendment to obtain a $10 million advance for fiscal year 1976 under the Migratory Bird Conservation Account for the acquisition of wetlands. The amendment reads as follows:

Page 10, line 4, strike out "$1,000,000' and insert in lieu thereof "$10,000,000".

In 1961, Congress enacted the Wetlands Loan Act, which authorized a $105-million loan fund to be used in combination with duck stamp receipts to accelerate Federal efforts to prevent and offset serious loss of waterfowl production habitat. It set as a goal acquisition of 2.5 million acres of high quality breeding and other waterfowl habitat.

Despite the fact that there remains $19.1 million in loan authorization now available for appropriation in 1976, no request was made against this authority in the President's budget. The Appropriations Committee has recommended an appropriation of $1 million. Yet, a shortfall of some 600,000 acres exists to accomplish the initial goal of the program.

The U.S. Fish and Wildlife Service has carried on an agonizing struggle to acquire important waterfowl habitat against the pressures of increasing land prices and competition for land, with inadequate funding. The administration has consistently assigned low priority to land acquisition. The least we can do is to honor the loan commitment the Congress made, which also is to be repaid by duck hunters. Furthermore, this body only several weeks ago overwhelmingly extended the wetlands acquisition program, due to expire June 30, 1976.

Unquestionably, the need to identify and preserve wetlands has never been more critical. Wetlands are disappearing at increasing rates and likewise, the cost of remaining wetlands is doubling and tripling. The need for a source of funds in excess of duck stamp receipts to continue acquisition is essential.

The current economic recession has presented unusual opportunity to acquire land from owners and developers who are financially hard pressed. Inadequate funding for this program now will further postpone the initial objectives set by Congress under the Wetlands Loans Act and greatly increase the cost of preserving the habitat necessary to maintain our wildlife heritage.

I urge support of this amendment. The following Members join me in this effort: Hon. ROBERT L. LEGGETT; Hon. SILVIO O. CONTE; Hon. EDWIN B. FORSYTHE; Hon. PAUL N. MCCLOSKEY; Hon. LUCIEN N. NEDZI; Hon. BOB CASEY; Hon. WILLIAM D. FORD; Hon. ROBERT I. LAGOMARSINO; Hon. JOHN E. MOSS; and Hon. ROBERT L. F. SIKES.

SUPERIOR COURT JUDGE RETIRES

HON. LEO J. RYAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. RYAN. Mr. Speaker, it is a great pleasure for me to acknowledge the retirement of Superior Court Judge Frank Blum, an outstanding California jurist. On August 2, 1975, the people of San Mateo County will honor Judge Blum at a retirement dinner and I feel it is fitting to bring to the attention of my colleagues the esteemed career of such a highly respected jurist from my own State.

Judge Blum received his bachelor of laws degree and doctor of jurisprudence degree from San Francisco Law School and was admitted to the California Bar in 1941. During World War II, Frank saw action in North Africa and Italy while serving as a first lieutenant in the Army Air Corps. Included among the medals and citations he received in combat were: Three battle stars, the African Mediterranean Theatre, Victory, and the American Theatre, the Rome-Arno Campaign, the North Appenine Campaign, and the Po Valley Campaign. Upon returning home, he resumed the practice of law and in 1949 became Daly City's second city attorney. Eight years later, after a notable career of service to the people of Daly City, Frank was appointed judge of the superior court. He was presiding judge of the superior court in 1958, 1960, and 1962. Since 1957 San Mateo County residents have been privileged to have the benefit of Judge Blum's prudent administration of justice.

The judge's other achievements include: National President of the International Conference of Conciliation Courts for 1971. In 1972 Frank was the guest lecturer of the California Trial Lawyers Association and in 1973 he served as a faculty member of the National College of Advocacy, Hastings College of the Law. He is also a life member of the National and International Association of Probate Judges.

Judge Blum is looking forward to enjoying his retirement years with his wife Lois, his two sons Frank Jr., and Bill, his daughter Dian, and his two grandchildren Jennifer and Julie. Retirement does not mean rest for the judge who will return to the practice of law joining his son Frank Jr., in the firm of Hupf, Etcheverry, and Blum.

We in San Mateo County are grateful that Judge Blum, a 50 year resident of the county, plans to practice in Daly City where his outstanding grasp of jurisprudence and concern for his fellow citizens will continue to be felt and appreciated.

Finally, and most important to me, he is a good and personal friend, whose warmth, enthusiasm, and understanding have been a constant source of support to me for many years.

HANNAFORD ENDORSES VETERANS' ADMINISTRATION PHYSICIANS AND DENTISTS COMPARABILITY PAY ACT OF 1975

HON. MARK W. HANNAFORD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. HANNAFORD. Mr. Speaker, passage of the Veterans' Administration Physicians and Dentists Comparability Pay Act of 1975, H.R. 8240, is a significant step in solving the recruitment and retention crisis in the Department of Medicine and Surgery in the Veterans' Administration. The VA's inability to offer competitive salaries to its physicians and dentists has incited a mass exodus of qualified personnel. From July 1, 1974 through March 31, 1975, 279 full-time physicians have terminated their employment. In addition 153 physicians have converted to part-time employment.

A recent survey conducted by the Veterans' Affairs Committee indicated that of the approximately 5,500 full-time physicians presently employed by the VA, 40 percent are affected by the $36,000 salary limitation and cannot expect any increases in the near future. Comparing VA physician salaries with other categories of physicans further exemplifies this inequity.

Average net income	
Non-federal physicians	$49,415
Physicians in group practice	52,000
Full-time academic medicine	37,600
Military medicine	37,355
VA physicians	31,000

H.R. 8240 attempts to achieve pay comparability for VA physicians and dentists in the uniformed services. This bill would authorize up to $5,000 a year in special pay and $8,500 a year in incentive pay to VA physicians and half that to VA dentists. It would also direct the Comptroller General to conduct an investigation related to the problems of attracting and retaining qualified physicians and dentists and report back to the Veterans' Affairs Committee by August 31, 1976, with a permanent legislative solution.

I believe H.R. 8240 in the short run will restore the VA's ability to recruit and retain well-qualified physicians and dentists. It will also give the Veterans' Affairs Committee and other parties involved time to develop a permanent solution.

CAPTIVE NATIONS WEEK

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. WHALEN. Mr. Speaker, I am pleased to be able to join with so many of my colleagues in commemorating the 17th anniversary of Captive Nations Week.

The world's hopes for détente doubtless are bolstered as the Apollo and Soyuz space vehicles join overhead and hurtle around the world. As one commentator observed during this historic week, it is not possible to see any boundaries on the surface of the Earth, however hard one might look. The spirit of Apollo-Soyuz is the spirit of worldwide hope, that we can exchange the animosity of the cold war for the openness of lasting peace.

There is no alternative to the goal of effective world peace in the nuclear age. So we must strive for it relentlessly. At the same time, we cannot ignore, nor do we wish to for a moment, those formerly free nations now dominated by the Soviet Union. The U.S.S.R. knows full well of the consistent concern of the United States in this matter, because we are made up, in large part, of people who made the agonizing decision to leave the lands of their birth and find a haven in the United States rather than endure subservience.

We need to reiterate our strong concern for the captive nations as much to reassure those peoples that we have not forgotten them as to remind the Soviets that these many subjugated nationalities are in our minds and hearts. The remembrance is especially strong during this, our Bicentennial year, the 200th anniversary of American independence.

Détente is a noble objective. To me, it conveys the notion of reasonableness, something for which there has been little room during the many years of the cold war. I believe that in Apollo-Soyuz we have seen a manifestation of a Soviet inclination toward reasonableness. And I hope that ultimately it can be extended to such issues as the right of individual nationalities to determine their own destinies. The Baltic States, for example, were not allowed to make that decision. They were directed to "vote" under the presence of Soviet military forces in 1940 and have suffered that domination for the ensuing 35 years, managing, however, to remind the world and the Russian of their ceaseless nationalism.

Captive Nations Week is not a very pleasant time. Not for us, not for the Soviets, not for the peoples of those countries. Nor should it be. I look forward to the day when we will no longer need to hold this observance, when the transit from one country to another throughout the world will be as easy as it has been this week for Apollo-Soyuz.

TEACHER'S HELPERS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. MILLER of California. Mr. Speaker, as a member of the House Committee on Education and Labor, and of its Subcommittee on Select Education, I am particularly aware of the many problems in the field of early childhood education. Over the course of the last several years, various techniques and innovations have been introduced in an attempt to improve the quality of elementary and preschool education. Some of these programs have not been as successful as we might have hoped, while others have achieved results far beyond original expectations. An article in the Wall Street Journal of June 12, 1975, illustrates one of the newer techniques in operation in my home State of California.

I believe there are several strong points to the early childhood education program. One is that the entire program is keyed to individualized instruction for each child. Through emphasis on individualized education, the program enables teachers and teacher helpers to uncover learning problems far sooner than they are detected in regular classroom settings. Naturally, individualized instruction requires a considerable increase in the number of supervisory personnel. This, in my opinion, leads to the second great strength of the early childhood education program: the massive involvement of parents, grandparents, and even older children in the education of young students. I believe that by involving parents and siblings in educational programs, we might bind families closer to each other in common endeavor.

Another attractive feature of this concept is it provides a flat amount of money on a per pupil basis to the local school to be used in any way that a joint council of parents and teachers determine will best meet children's needs. As the author of an amendment to the Education of All Handicapped Children Act of 1975 which establishes a parental-professional advisory board for handicapped children's education, I strongly support a provision which joins parents and teachers together in planning educational programs.

Last, we should look at the record of this experimental program. After 1 year of the program in California, ECE helped increase pupil performance in reading and math by from 10 to 40 percent, depending upon the school. The State department of education noted that ECE alone was responsible for the improvement registered in these tests. Importantly, the gains in test scores were present throughout all socio-economic levels of students.

The enthusiasm with which the early childhood education program has been greeted by teachers, parents and administrators alike requires that we in Congress examine its features and its successes when considering legislation dealing with education. I am pleased to introduce into the RECORD a story which gives in great detail the record of this experimental education program in California.

The article follows:

[From the Wall Street Journal, June 12, 1975]

TEACHERS' HELPERS: PARENTS PLAY BIG ROLE IN CALIFORNIA PROGRAM TO AID STARTING PUPILS

(By Earl C. Gottschalk Jr.)

LOS ANGELES.—Outside the wire fence surrounding the 107th Street Elementary School in this all-black section of Watts, life is hard. The crime rate is so bad that each classroom's doors must be locked from the outside to protect against muggers and rapists. Most of the parents work in menial jobs or are on welfare. The average family makes a paltry $7,078 a year, and two-thirds of the children come from fatherless homes.

Outside the fence surrounding the Warner Avenue Elementary School in the Holmby Hills section of Los Angeles, it's another world. The average family makes $46,000 a year, and mansions, including Playboy entrepreneur Hugh Hefner's, border the school. Members of the parent-teacher association include executives, attorneys and entertainers like Connie Stevens, James Farantino, Anna Marie Alberghetti and Shelley Berman.

The settings of the two Los Angeles elementary schools couldn't be more different. Yet both are being transformed by the same program—Early Childhood Education, one of the most far-reaching reforms of primary education ever attempted by a state. The two schools are among 1,300 elementary schools in California from all economic levels participating in the second year of the state's new educational strategy. In all, some 280,000 school children, or 22% of the total in kindergarten through third grade, are involved.

The approach differs from previous educational reforms like the federal government's Head Start program that were aimed at helping low-achieving pupils in poor areas. Early Childhood Education is aimed at all students—rich and poor—and is a complete restructuring of education instead of an enrichment program for the disadvantaged.

EARLY WARNING SYSTEM

Early Childhood Education is designed to individualize education for each child. It stresses the need for early detection of learning problems and early intervention to correct problems before they become serious. Under the plan, each teacher has an individual profile of the strengths and weaknesses of every child in all the basic skills, and especially in reading and mathematics. Armed with this profile, the teacher can diagnose the child's learning problems and prescribe remedies.

Since individualized education obviously is impossible in a classroom with one teacher and 30 students, the key to the California plan is a massive infusion of volunteers into the classroom to lower the adult-to-pupil ratio to at least one-to-10. Grandparents, parents, junior and senior high school students, older elementary-school children and other volunteers help the teacher give each child special attention.

Another major facet of the program is getting parents intensely involved in the schools in other ways. The project requires that parents help teachers plan the school's goals. Parents themselves also attend classes to learn how and what their children are being taught.

Parents at both the 107th Street School and the Warner Avenue School seem to like the new emphasis on individualized education and their new voice in their children's education.

"By the time my son gets to fourth grade, he'll know more than my older boy who's in the eighth grade," says Bob Francis, organizer of a fathers' club at the 107th Street School. Louise Epstein, a Warner Avenue parent, says: "We have so many volunteers we've lowered our adult-to-pupil ratio to four-to-one. You can send your child to the most expensive private school and not get that. We're picking up reading and perceptual problems early with all this individual attention."

PLEASED PRINCIPALS

The principals are happy, too. "It's turned our teaching around," says Patricia Marshall, 107th Street principal. "The parents have a new pride in the school." Robert Searle, Warner Avenue principal, says, "Affluent kids have problems, too, and this program is meeting their needs."

Educators and governmental experts across the U.S. are watching the California program to see if it can meet needs elsewhere. "What California is doing is very promising," says Terrel H. Bell, U.S. Commissioner of Education. "I agree with it 100%. I think there's a need for Early Childhood Education at all socioeconomic levels. I believe that parents need to be intensely involved in the schools because the success of the children is closely related to the parents' involvement.

Testing after the first year of the California program showed that Early Childhood Education apparently helped increase average pupil performance in reading and math by 10% to 40%, depending upon the school. Children of all socioeconomic levels have shown good gains. "The first-year results were far beyond anything we anticipated," California State School Superintendent Wilson Riles says "We didn't expect to show any improvement for the first year because we were gearing up for a new program." Mr. Riles expects further gains when analysis of this school year is completed.

FINANCIAL SUPPORT SET

In addition, the Early Childhood Education program has won at least some assurance of continued financial support. It hasn't been affected by the general budgetary cutbacks in California schools because, as a statewide education program, it isn't dependent on average daily attendance figures or local property taxes. It began during the 1973–74 school year with a $25 million appropriation from the legislature and with programs for 12% of the state's kindergarten through third-grade children. For 1974–75 the legislature appropriated $40 million to cover 22% of such children, and the 1975–76 program is also stated in Gov. Edmund Brown's budget at the 22% level, which seems assured. Mr. Riles would like to expand it to 40% of the children—a proposal that still is in the hands of the legislature.

In the first year, 44% of the money was spent to hire additional instructional aides, 15% on new materials and 22% to hire more teachers and other professionals—and only 2% on administration.

Each local school in the program gets $130 per pupil to spend in any way a local council of parents and teachers (with parents constituting the majority) decide it can best meet local needs. "All we at the state level say is that parents must be involved, a clear plan must be made, it must emphasize diagnosing each child's needs and prescribing an answer, the adult-to-student ratio must be at least one-to-10 and education must be individualized," says Marian Joseph, a legislative coordinator for the state education department.

And different schools do spend their money in different ways. At 107th Street School, some of the money was used to hire parent volunteers because in a poor district many mothers can't donate their time. It was also used to buy more professional help. At Warner Avenue School, classrooms were inundated with some 150 parent volunteers who didn't need the money. Funds were used to hire professional experts to improve curriculum and to get much-needed instructional materials.

Early Childhood Education in California began after Mr. Riles was elected in 1970. One of his campaign pledges had been to put more resources and effort into providing a good learning environment early for children. "Research findings consistently document that 50% of a person's intellectual potential is developed by the time that a person is four or five, and 80% is developed by the time the child is eight," Mr. Riles says. He appointed a task force to make recommendations, and the result was Early Childhood Education.

SOME EARLY CRITICISM

Mr. Riles wanted to start with four-year-olds. But that raised vehement opposition. "People charged that I wanted to take babies away from their parents and brainwash them," he says. The superintendent says he had a recurrent nightmare in which he seized babies from their mothers' breasts and repeated to them, "Read, read, read."

Once he dropped four-year-olds from the plan, Early Childhood Education sailed through the legislature.

But after the first year, the plan ran into some criticism. A few educators and the state's legislative analyst questioned Mr. Riles' enthusiasm for the program, charging that it was impossible to say that Early Childhood Education alone had raised the test scores. They said other extra funds also had been given to schools showing test increases. Mr. Riles replied that his program was a total strategy designed to fill in the gaps where other "categorical" or "special" funding left off. ECE was the catalyst behind the increases, he said.

Indeed, the State Department of Education says it was able to prove that ECE alone made the difference. Analysis of test scores showed that when ECE was added to schools that had either no other special funding or a combination of other funding programs, the ECE schools had superior performance compared with non-ECE schools that were matched in terms of socioeconomic backgrounds and other funding resources.

The biggest problem with ECE is the amount of preparation and paper work that teachers have to do, Mr. Riles says. Since the plan's basic concept is to individualize education, a teacher must keep voluminous records on the progress of each student, for example, in the dozens of subskills that make up a complex skill like reading. "This requires a fantastic amount of organization," says Mrs. Peggy Boyd, coordinator at the 107th Street School in Watts. "The record keeping is driving us wild."

SOME UNHAPPY TEACHERS

As a result, teachers are working harder than ever before. One principal in the San Francisco area, in fact, says he doesn't want the program because "of all the extra work involved." A teacher in a Northern California school complains that "the parents and the state are trying to work us to death with no increase in pay."

But there are benefits to the extra work. "I hate doing all that record keeping," says Cheri Garcia, a teacher at West Novato Elementary School near San Francisco, "but it makes me a better teacher. I know exactly where each child is."

Teachers are also finding that under the plan, parents are invading what had been their exclusive "turf"—the classroom—and some teachers deeply resent that. In one school, some teachers became so angry at what they considered to be impertinent parental suggestions that they cut off all communications with parents. The principal had to spend most of his time mediating.

At Grant Elementary School in Los Altos, a pleasant town near San Jose, there were plenty of teacher-parent conflicts in getting the program started. "The first year was traumatic," says Karen Valentine, a parent leader. But after the smoke cleared there was "a new openness" between parents and the teachers, she adds. The collaboration led to a better program for the children, she says.

The teacher's role in the classroom also has changed under ECE. A visitor to the multi-age (kindergarten, first and second grade) classroom of Marilyn Austin, in the middle-class West Novata School near San Francisco, found 33 children working with four adults—two parent volunteers, one student teacher and Mrs. Austin. It was hard to tell who was the teacher. Four groups of children were working at different learning stations on separate projects in the class study of the earth's surface. In small groups with plenty of supervision, they all seemed interested and eager.

TEACHERS KEEP FINAL SAY

"It's time that the teacher gets over being a power figure and lets other individuals become more important," Mrs. Austin says. But the teacher retains the final say in day-to-day teaching.

All in all, Early Childhood Education requires a lot more structure, a lot more managerial skills than regular education, says West Novato principal Ray Munson, a 25-year veteran. "It takes an expert to know how to manipulate children moving around to all these activities and how to use parent volunteers."

ECE is also the first such educational program to "reward success instead of failure," says Dale Doty, a principal in Cupertino, near San Jose. State inspectors visit ECE schools to see if the parents and teachers are actually doing what they promised to do. If they aren't, they don't get expansion funds. "In most federal programs," Mr. Doty says, "the worse job you do in educating the kids, the more federal aid your school gets because the government figures you need the most help."

There's one thing on which everyone agrees—the California program has tapped a new educational reservoir, the 26,000 parent volunteers. In Grant Elementary School in Los Altos, parent volunteers man a one-on-one tutoring program for children with special reading and math problems. When music was eliminated because of school budget cutbacks, parent volunteers wrote a music program. They also developed a sophisticated physical education program and library materials.

At La Canada Elementary School in La Canada, an affluent suburb north of Los Angeles, principal Don Hingst successfully uses senior citizens are volunteer tutors. One volunteer in the first grade, 77-year-old Emma "Cookie" Koester, says, "I get more out of it than the children. It's been a wonderful experience."

Another unusual volunteer at La Canada Elementary is television director Christian Nyby. Mr. Nyby works with second-graders to write scripts for shows he has directed, like "Six Million Dollar Man" and "Emergency!" He says he has been astounded by the children's imagination.

VOLUNTEERS ARE THE KEY

But what happens if a school can't recruit volunteers? "If you can't recruit them, you're in trouble," says Leonard Blanar, principal of Panama Elementary School in Sunnyvale, "And if you pay all of your volunteers, you don't have enough money left to do the job."

Mr. Blanar contends that the program so far is underfunded and that it's relying too heavily on volunteers. With the present school funding cutbacks and pessimistic economic outlook, Early Childhood Education is unworkable, he believes. He says his school received only half the funds needed to reach its goals.

And Bettye French, principal at Eaton School in Cupertino, says her school tried to get into the Early Childhood program but couldn't because "we just couldn't get enough volunteers. A lot of wives in our district either work or are in school," she says.

"I'm all for Wilson Riles," Mrs. French adds, "but he doesn't have the right to legislate parent responsibility." Through the legislation, Mr. Riles has made it mandatory for parents to participate in their schools, she says. "He doesn't have the right to demand that a parent spend time in school," she asserts.

SOLD ON THE SYSTEM

Whatever the funding situation, parents and teachers in the Early Childhood Education schools say they'll never go back to the old methods if they can help it. Dolly Lesky, a parent volunteer at West Novato School, says, "I'm angry my two older children didn't get the chance to experience this kind of education. When you start out giving the children extra help in the early years, you don't need to try to give it in the upper grades when it's too late. And if a child needs extra help, no one knows it because the program is individualized. Everyone uses different papers and different books. You never have the feeling that one kid is doing badly or is 'stupid.'"

Says Superintendent Riles: "I'm willing to fight for Early Childhood Education. I've been in education and politics long enough to know that you can't choose to die on every hill—but this is one hill I'm willing to die on."

NEED FOR IMPROVEMENT OF AGRICULTURE DEVELOPMENT IN THE VIRGIN ISLANDS

HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. DE LUGO. Mr. Speaker, at the request of my good friend, Virgin Islands' Senator Noble Samuel, I am introducing today legislation authorizing the Secretary of the Interior to conduct a study of the possibilities for improving agricultural development in the Virgin Islands. Specifically, the Secretary is authorized to study the opportunities for increasing agricultural production through irrigation, drainage, and other water management techniques.

One of the major reasons for the high cost of living in the Virgin Islands is the need to import almost all of our food supplies. This legislation could eventually point the way toward making the Virgin Islands more self-sufficient in food production and toward reducing the need for high-cost imports.

The legislature of the Virgin Islands has been working very hard on this problem, and I would especially like to commend the efforts of Senator Samuel on this particular bill.

AMNESTY FOR ALL

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. SCHEUER. Mr. Speaker, today the House of Representatives considered and passed a resolution to give posthumous recognition to Gen. Robert E. Lee by restoring his citizenship and his full civil rights. I was one of a handful of Members who opposed this legislation, not out of any disrespect for the memory of General Lee, but because it is morally wrong to restore the rights of one man who has been dead for a century while we continue to deny these same rights to thousands of young Americans now living.

When General Lee left the service of the United States to join the forces of the Confederacy, he did what he felt to be right. Faced with an anguishing choice between supporting the policies of his Government and acting in accordance with his own beliefs, General Lee chose the course of conscience. So, too, did thousands of American men 100 years later when their Government demanded that they fight a war they believed to be unjust and unjustified. Now the House of Representatives makes the symbolic gesture of restoring full rights to General Lee, who can no longer enjoy them, but has yet to give serious thought to the plight of Vietnam war resisters, now scattered throughout this country and abroad, who recognized early on that our Indochina adventure was both wrong and self-destructive.

The process of reconstructing the Union after the Civil War was long and painful. In one important respect—the achievement of full equality of opportunity for black Americans—that process is still incomplete. Let us do everything within our power to heal the wounds of Vietnam more quickly, and begin by heeding Lincoln's admonition that we do so "with malice toward none, with charity for all." The war in Indochina did not force Americans to take up arms against each other, but it surely divided families and split this country apart to an extent which can only be compared with the Civil War. The overwhelming majority of Americans now agree that it was a profound mistake for the United States ever to have become entangled in Southeast Asia. Yet we continue to penalize young men for their insight and their courage to act on their convictions. The time is now past due to grant full and free amnesty to these men who sacrificed their comfort, their good names, and often their freedom, in opposition to a war which almost everyone now agrees should never have been begun.

I am a sponsor of H.R. 7875 which would provide for a program of amnesty which is both more complete and more equitable than the abortive clemency program which President Ford has allowed to expire. I am delighted that my colleagues on the Judiciary Committee are considering this bill, and I urge that it be enacted into law at the earliest possible moment.

TRUTH IN GOVERNMENT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. FRASER. Mr. Speaker, today my colleague, ROMANO L. MAZZOLI, and I are reintroducing the Truth in Government Act, with 50 cosponsors.

Our proposed amendment would hold "any person, including any officer or employee of the Federal Government or any elected official thereof" legally accountable for making false statements. The penalty for violation is a fine of not more than $10,000, or 5 years imprisonment, or both.

We are deeply concerned over the people's increasing distrust of our Government and the assumption that lying is not a crime unless it is done under oath. We are concerned that Government officials who lie to the people are seldom penalized.

Section 1001, title 18 of the U.S. Criminal Code makes illegal any false statements about matters within the jurisdiction of a Federal department or agency. The statute, however, is worded so ambiguously that in practice the Government holds private citizens accountable for false statements to the Government, but fails to apply the same standard to itself.

Almost all cases involving section 1001 relate to lies by private citizens to the Government. In those cases which do involve lying by Government officials, the courts disagree on the applicability of the statute.

For example, a 1955 decision by a California District Court in the case of United States against Myers affirmed that the "statute making willfully false statements or entries, in any matter within jurisdiction of any department of the United States, an offense, was designed to insure to the whole world, Government employees and general public alike, that any record, document, instrument, or statement made by a governmental employee, great or small, in his official capacity and in the course of his official duties, can be relied upon by all."

However, in a 1967 ruling in the case of Friedman against United States, the court held that

> This statute should not be given a broad literal interpretation to be applied to all areas of our national life. Such an interpretation was not envisioned by the enactment, reaches patently absurd results, and is fundamentally dangerous. This statute must have some effective limitation.

In subsequent cases, this interpretation has been reaffirmed.

Unless the statute is amended, it is unlikely that the courts will apply it as a vehicle to curb Government lying. What our amendment does is clarify and restate what the law already says.

Members who have cosponsored the Truth In Government Act are listed below:

Mr. Anderson of California, Mr. Baucus, Mr. Bedell, Mr. Bergland, Mr. Carney, Mr. Carr, Mrs. Chisholm, Mr. Clay, Mrs. Collins of Illinois.

Mr. Conyers Mr. Diggs, Mr. Downey, Mr. Edwards of California, Mr. Eilberg, Mrs. Fenwick, Mr. Ford of Tennessee, Mr. Hamliton, Mr. Hannaford.

Mr. Hawkins, Mr. Hechler, Mr. Helstoski, Mr. Jacobs, Mrs. Keys, Mr. Krebs, Mr. Leggett, Mr. McCloskey, Mr. Maguire.

Mr. Matsunaga, Mrs. Meyner, Mr. Mineta, Mr. Moss, Mr. Neal, Mr. Nix, Mr. Nolan, Mr. Ottinger.

Mr. Pressler, Mr. Quie, Mr. Rees, Mr. Riegle, Mr. Rosenthal, Mr. Roybal, Mr. Ryan.

Mr. Santini, Mr. Sarbanes, Mrs. Schroeder, Mr. Seiberling, Mrs. Spellman, Mr. Stark, Mr. Waxman, Mr. Wirth.

A SENSIBLE POLICY FOR AGRICULTURAL COMMODITY EXPORTS

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. RICHMOND. Mr. Speaker, I would like to call to the attention of my colleagues a proposal by my good friend Mr. WEAVER, to make the Commodity Credit Corporation the sole bargaining agent for our raw agricultural commodity exports.

My colleague, Mr. WEAVER, should be commended for his foresight in proposing that the Government, not the large agribusiness conglomerates, negotiate grain deals with Russia and other export transactions. Consumers and farmers can benefit from public, open negotiations, and purchases made at current market prices. Consumers must know they are paying a fair price for their food, while farmers must get a fair return for their work.

We need a vehicle for insuring that no one profits from inside information about impending wheat deals; we need open negotiations, and we need a domestic grain reserve to cushion any price changes caused by adverse weather here or abroad. By moving in this direction, we can insure a food policy that represents farmers, consumers, and all Americans.

STATEMENT ON FULL EMPLOYMENT

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. HAWKINS. Mr. Speaker, the following statement grew out of a meeting on June 23, 1975, of distinguished economists and social scientists called by the

Economics Task Force of the Committee for Full Employment. I wish to insert a copy of this statement along with a list of the 44 economists and social scientists who signed the statement in the RECORD for the information of my colleagues:

ECONOMISTS AND SOCIAL SCIENTISTS ATTACK CONTRIVED UNEMPLOYMENT-INFLATION TRADEOFF

(The following statement grew out of a meeting on June 23, 1975 of distinguished economists and social scientists called by the Economics Task Force of the National Committee for Full Employment.)

STATEMENT ON FULL EMPLOYMENT

To talk of "coming out of the recession" at a time when the officially defined unemployed number nine million persons and millions more are too discouraged to seek work is simple arrant nonsense.

To describe as "economic recovery" a situation in which twenty to twenty-five million persons will be unemployed at some time over the course of the next year is deceitful.

Continuing high unemployment is both brutal and costly. A policy of full employment is *not* costly. Indeed, the total net cost of reducing the unemployment rate to 3.0% over the next eighteen months is inconsequential compared with the fact that each extra 1% of unemployment costs 900,000 jobs, $50 billion in unproduced goods and services, and $14 billion in uncollected taxes. Sustained full employment is the way to replace horrendous federal deficits with a balanced federal budget.

The achievement of full employment would *not* cause inflation. Inflation is caused by administered prices, the shortage of goods and services, the consequences of a reactionary monetary policy, and the uncertainties of a deliberately contrived roller-coaster economy. The mismanaged economy of the past several years has produced both high inflation *and* high unemployment. A democratically planned economy can achieve both full employment and lowered inflation.

The cost of failure to achieve full employment affects everyone:

The people who are without jobs;

The workers who fear for their jobs, whose collective bargaining rights are threatened, and whose real wages are eroded;

The youth who neither have a job nor can look forward to one;

The consumers who cannot meet their needs because of the goods and services not produced;

The nation's annual loss of $225 billion in production and sales;

The citizenry who cannot get on with the necessary work of achieving social equity and an improved quality life; and

The people as a whole who increasingly lack faith in their government.

It is a myth too long perpetuated that the price of fighting inflation is ever-increasing unemployment. Full employment is the key to raising living standards, achieving social justice, and fighting inflation. A guaranteed job for all who wish work is the proper expression of our country's heritage. The right of all to perform useful and rewarding work at decent wages enhances human dignity and furthers all other rights.

STATEMENT ON FULL EMPLOYMENT—SIGNED BY

1. John Atlee
2. Roy Bennett
3. Emile Benoit
4. Randolph T. Blackwell
5. Robert Browne
6. Herrington Bryce
7. Paul Bullock
8. Domingo Clemente
9. Eli E. Cohen
10. Nathan E. Cohen
11. Wilbur J. Cohen
12. Peter B. Edelman
13. Allen Ferguson
14. Betty Friedan
15. Herbert J. Gans
16. Alan Gartner
17. Corinne Gilb
18. Helen Ginsberg
19. Woodrow Ginsberg
20. Marilyn Gittell
21. Bertram Gross
22. Howard W. Hallman
23. Bennett Harrison
24. Hazel Henderson
25. Frederick S. Jaffee
26. Leon H. Keyserling
27. Mary D. Keyserling
28. Charles Killingsworth
29. Robert Lekachman
30. Leonard Lesser
31. S. M. Miller
32. Stanley Moses
33. Eleanor Holmes Norton
34. Timothy E. Nulty
35. Arthur Pearl
36. Frank Riessman
37. Sumner Rosen
38. Harold Sheppard
39. Arthur B. Shostak
40. Charles Taylor
41. Lester C. Thurow
42. Melville J. Ulmer
43. Nat Weinberg
44. Elizabeth Wickenden

JACK ANDERSON SAYS ADMINISTRATION KOWTOWS TO OIL CARTEL WHILE AMERICAN CONSUMERS SUFFER

HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. EDGAR. Mr. Speaker, last night the President returned without approval H.R. 4035, the Petroleum Price Review Act. This veto represents yet another disappointment for the American consumer. Punitive taxation and prohibitive pricing may in fact yield a slight decrease in consumption of fuel, but this limited benefit will be far outweighed by the external diseconomies and social costs of decontrol.

By raising the price of fuel to consumers we will force the poor out of the market—but we will also be pulling billions of dollars out of the economy and putting it into the hands of multinational corporations.

Why has the administration opted for the limited benefit of slightly decreased consumption at the unacceptable cost of a renewed cycle of inflation and recession? Nationally syndicated Columnist Jack Anderson, in his Washington Merry-Go-Round of July 20, offers his analysis. I believe this article should be of interest to my colleagues and am, therefore, including it at this point in the RECORD:

OIL INDUSTRY GETS ITS WAY IN ADMINISTRATION'S POLICIES

WASHINGTON.—The international oil cartel could not do better if the president of Exxon were President of the United States.

Through the good offices of Gerald Ford, the oil men seem firmly in control of U.S. energy policy. Virtually every move made by the Ford Administration has been suggested in industry energy blueprints and applauded in the corporate boardrooms.

The few crusaders against Big Oil still in the Administration are relegated to dusty corners in the Justice Department, Federal Trade Commission and Federal Energy Administration. Even there, they are pro-consumer misfits.

Indeed, it is now more difficult to get action against Big Oil than it was during the last Nixon year. As one example, the beginnings of a massive antitrust case—one of the few measures short of prison terms that oil presidents fear—has stagnated.

Yet a few powerful oil companies subtly or directly control all phases of oil production and distribution. They also dominate natural gas, the coal industry, nuclear power and even geothermal energy.

At the FEA, youthful Frank Zarb talks tough to consumer advocates, complaining in frustration about Big Oil's swashbuckling tactics. But he balks at using his popularity with the President to push antitrust action or stronger regulation.

As evidence of his public unwillingness to take on the issue, he recently ducked an appearance with Ralph Nader on a national TV show. Zarb agreed to participate on the program until he learned that Nader also would be a guest. The consumer advocate was eager to debate Zarb on the government failure to curb the oil companies. Zarb backed down.

In the industry itself, talk of government intervention in running the industry brings laughter. One of our old acquaintances described to us a cigar-and-brandy gathering of oil executives at an exclusive oil club.

"The Government would never know how to run it," bragged one executive. "We're the only ones with enough knowledge!"

At the moment, the White House is pushing what may turn out to be the most disastrous concession of all: decontrol of "old" domestic oil—the oil in production before the current crisis.

In 1972 this "old" oil was priced at $4.25 per barrel. But, at the behest of the oil men, the Cost of Living Council arbitrarily raised it to $5.25, where it now stands.

The President's decontrol plan would gradually phase out controls over the next 30 months. Every precedent indicates the oil industry will then peg the price to Arab oil, now $13.50 per barrel and on the way to a possible $17.50.

President Ford and his advisors contend that decontrol will add only seven cents to a gallon of gasoline by 1976. The higher prices will cut consumption and provide funds to find new oil and stimulate production, they believe.

This, President Ford insists, is the best way to reduce dependence on Arab oil while the nation searches for new energy sources in coal, shale oil, nuclear reactors and "exotics" like solar generators.

But study after study has shown that the only thing certain about higher oil prices is higher oil company profits. Price increases since the 1973 Arab embargo have not significantly cut consumption or stimulated production.

They have, however, placed a hardship on every American. Even the "modest" rise of $1 allowed by the Cost of Living Council cost consumers $1.9 billion, according to a Library of Congress study. The new decontrol measure and tariffs will cost every person in the country $225 a year, Nader has estimated.

A congressional analysis of the Ford plan found that it would add a staggering $318 billion to oil company coffers over a decade.

The impact, of course, is not simply on the motorist at the gas pump. There is a "ripple effect" throughout the economy because of the widespread use of oil in generating electricity, transportation, even fertilizers. Moreover, coal and other energy prices tend to rise along with oil.

President Ford's people have been admirably candid on most subjects, but on the economic impact of energy, they have been devious.

Last winter, for example, White House aide William Seidman used "executive privilege" to dodge testifying on the topic. And Congress was refused a copy of a study prepared for the Council on Wage and Price Stability on the economic impact of the White House's energy plan.

The President himself has vetoed a half-dozen measures because they would stimulate inflation. But, contrary to his own executive order issued in February, Mr. Ford neglected to send Congress an inflation impact statement along with his plan to decontrol oil prices. The higher cost of oil, needless to say, would have a critical effect on inflation.

Meanwhile, the oil companies have prospered awesomely. Federal decisions favoring the oil industry since 1970 have helped the U.S.-based oil companies reap more than $60 billion in profits. Exxon's profits rose 31.8 percent from 1973 to 1974. Texaco's earnings were up 98.7 percent from 1973 to 1974; Mobil's up 66 percent, and Standard of Indiana's rose 80.8 percent.

The prospect of decontrolled domestic oil also means more than higher prices and profits. Many experts see grave international implications.

Decontrol could make the U.S.-based multinational oil companies more beholden to the Arabs than they are to the United States. There is already evidence that the oil men are willing to cave in to their Arab business associates.

In 1973, for example, the Arabian American Oil Company (Aramco), a consortium of U.S. companies operating in Saudi Arabia, undertook an extensive propaganda campaign designed to undermine Israeli war support in the United States at the request of the late King Faisal.

Decontrol of "old" domestic oil would give the U.S. multinationals even more of an incentive to help the Organization of Petroleum Exporting Countries cartel. After all, U.S.-produced oil, if decontrolled, would be pegged to Arab prices. And the higher the prices, the more profits for the oil men.

JORDAN ARMS SALE OUGHT TO BE BANNED

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. FRENZEL. Mr. Speaker, on July 10, 1975, the President notified the Congress of his intent to sell $350 million worth of air defense equipment to Jordan. Today I am cosponsoring a concurrent resolution to disapprove this sale.

America has had a long and mutually beneficial friendship with Jordan. I hope that this friendship continues. However, I believe that this proposed sale of military equipment is ill-timed, of a magnitude that is not justified, and will endanger the relative peace which is prevailing in the Middle East.

Jordan has four neighbors who could conceivably pose a threat to its security. Their neighbor to the South and East, Saudi Arabia, is footing the bill for this military sale. To the Northeast, Iraqi-Jordanian relations have recently improved as part of Iraq's less militant policy vis-a-vis its neighbors. To the North, Jordan has recently established a joint military command with Syria.

Deputy Secretary of State Atherton told the International Relations Committee Subcommittee on Political and Military Affairs that if the United States does not supply this air defense system, the Jordanians will probably attempt to get Soviet equipment through the Syrians. Disregarding the tremendous problems Soviet military technicians would cause King Hussein, this would be an incredible reversal of Jordanian foreign policy and would belie the constructive force for moderation the King has played in the Middle East.

I believe that there is one and only one nation that this air defense system can be directed against; namely, Israel. Any argument that the Jordanians do not have the Israeli's in mind as the motivating factor for this system simply does not hold water when one looks at the entire picture.

King Hussein has said that the lack of an air defense system is one reason why he stayed out of the Yom Kippur War. While this may not have been the compelling factor, the existence of a sophisticated air defense system will take away an inhibiting factor if the efforts for peace fail. The 1973 war is a pretty good indication that Jordan has nothing to fear if it does not enter the fighting. Israel respected Jordan's sovereignty, it did not attack nor go through Jordan during the fighting. Hence, the Jordanians only need a defense against Israel if they make a decision to enter the fighting.

It should be emphasized that the Improved Hawk system is mobile. Fifty trucks and trailers can transport a battery. While not as mobile as the Russian made SAM-6, the Improved Hawk can be used as an offensive weapon much as the Egyptians and Syrians used the SAM's during the 1973 war. The Redeye is handheld and can cause high casualties against helicopters and other slow moving aircraft. While it is probably true that the Jordanians would have to expose some vital targets by moving these missiles, past experience has shown that Arab armies have done just that to start or protect a military offensive.

I am not against military sales to Jordan per se. In fact, I welcome small volume sales as a sign of our friendship and support for King Hussein. Additionally, I would welcome large-scale U.S. backed investment in Jordan to bolster their economy. I would prefer to do something more constructive with the $350 million they wish to spend on an air defense system.

I would hope that such investment would be considered after the missile sale matter is resolved. It should be a part of a larger Middle East package including the much awaited request for large-scale continued military and economic assistance for Israel.

However, this sale is far too large and the systems are too important. Delicate negotiations are still taking place between Israel and Egypt. This proposed sale, despite some semantics by its advocates, violates the spirit, and the groundrules, of the administration's reassessment. I cannot support the President's proposed action and urge my colleagues to join the effort to stop this sale. We have only until July 30 to act. I am hopeful that the International Relations Committee will report this resolution to the House floor for quick action.

AMNESTY

HON. EDWARD W. PATTISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. PATTISON of New York. Mr. Speaker, just before the July 4 patriotic weekend recess, the Judiciary Committee on which I serve, by a vote of 34 to 1, reported a general amnesty bill to the House. The reported bill is identical to one already passed by the Senate by voice vote with no apparent dissent. Today it passed the House by a vote of 407 to 10. Is it surprising that the matter has received almost no attention in the press? Allow me to explain.

The bill not only grants general and unconditional amnesty, it covers the case of an American citizen, a West Point graduate and officer of the Army sworn to uphold the Constitution, who not only refused to fight for the Nation but actually joined the opposing army to serve as a high ranking officer.

The bill covers only one person. His name is Gen. Robert E. Lee, commander in chief of the Confederate Army in the Civil War, who was indicted for treason at the end of that conflict.

I apologize for the literary teaser, but obviously I am trying to make a point. The point is that the issue of amnesty is with us again; as it has been at the conclusion of every war. It is an issue with which we must deal, to the extent possible, in a calm and sensible way.

After the Civil War, President Andrew Johnson granted amnesty to "all persons engaged in rebellion." Excepted from the general proclamation were 14 categories of persons which consisted of a very small group—in general, those of high military or political rank. However, the President added that "clemency will be liberally extended" to those excluded who made individual application.

Further proclamations designed to reunite these individuals with their country were issued on September 7, 1867, July 4, 1868, and December 25, 1868, and by Congress on June 8, 1898. With all these opportunities for reconciliation, why was Lee never absolved?

The Confederate general actually

applied for amnesty. But due to unexplained circumstances, the required amnesty oath be filed was misplaced, not to turn up until 1970 in a duty box in the National Archives. As a result Lee was never granted amnesty and only now, after 100 years, is his case being reviewed.

Great divisions in American society resulted from the Civil War and from the punitive laws of the "Reconstruction Era" which followed. The bitterness between North and South lasted for more than a century and some of the scars are still visible. Can anyone today argue for the wisdom of those policies?

Another civil war, this time in Southeast Asia, likewise caused deep divisions in our society. Like the aftermath of the War Between the States, many of the wounds of the Vietnam conflict are still festering and unhealed. Will we learn the lesson from our past history?

In recent years, many young men made a decision not to participate in a war which they considered to be wrong. One can argue the merits of their judgments as one can argue Lee's decision to join the enemy. But their decision is no longer an issue; anymore than the correctness of Lee's decision is an issue. "Amnesty" means to forget, as in amnesia. It does not imply that those receiving it were right—or wrong. It is a neutral word. It is what occurs when a child commits a transgression and the parent says, "Let's just forget the incident," so that the normal family relationship can be reconciled and resumed.

The Nation "forgot" the transgressions of the Confederate soldiers who were volunteers and who fought no doubt in good faith, against their own country. The case for unconditional amnesty could be said to be a good deal weaker for the rebels, who in the legal sense were guilty of treason, than for those in the Vietnam era who neither were volunteers nor fought against their country, but merely refused to participate in the Indochina war. This is especially true in light of how easily many others avoided the draft through a variety of means without suffering the condemnation of their countrymen. Many avoided service by attending college, joining the National Guard, becoming a teacher or other essential worker, by being physically unfit—a category which many professional athletes seemed to fit into—or female, or by proving conscientious objection to all war.

Of course, there is no doubt that some of those who refused to participate in the Vietnam conflict did so for less than noble reasons. When fishing for mackerel with a net, you are bound to catch a few catfish, some seaweed and an old tire or two. That can only be avoided by fishing with a rod and line, which is not always the best method if you want to feed a lot of people.

This is the amnesty question before us now: What is the best way to accomplish our objective? Did the case-by-case method of President Ford's now-ended clemency program accomplish the announced objective of reconciliation? To this date, about 250 cases have been processed through the clemency board program.

My own feeling is that Ford's very courageous and wise goal has not been accomplished and that it is time to say to our sons and brothers: "The war is over. It was a bad experience for all of us. Let's forget it; come on home and let's regain that relationship we once had. Join the family again. We have a lot to do to fulfill the promises of this great Nation."

THE INCREASING COST OF FOOD

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. MIKVA. Mr. Speaker, everyone who has to buy food realizes that prices have been going up. But as time goes by, as an increase is replaced by a savings to be followed by yet another increase, we tend to lose our perspective on just what is happening.

To help remedy this, I began surveying prices a year ago in 25 groceries located throughout my district in Chicago's northern suburbs. The yearlong results provide a clear, black-and-white picture of what has happened to food prices since last summer.

On June 29, 1974, a shopper could walk into a grocery store in my district and pay an average price per pound of $9.10 for eight meat items. By June 21, 1975, the average price for the same eight meat items was $12.03, an increase of more than 30 percent.

During the same period, the price for a typical market basket of 27 items—including meat and poultry, dairy products, produce, frozen foods, canned goods, and household items—went up more than 10 percent. The average price on June 29, 1974, was $17.86. By June 21, 1975, it was $19.20.

The only solace my constituents have is that prices are even higher elsewhere. A few weeks ago I went into a grocery in the Washington suburbs and discovered that comparable meat items cost 11.2 percent more there than in my district and the market basket was 7.7 percent higher.

Mr. Speaker, I am entering the detailed results of the year-long survey, in the RECORD and I hope that they will help spur us into taking some prompt action to get our country off of its roller-coaster ride to higher food prices. I believe the first fundamental step should be to help stabilize grain prices by instituting vigorous antitrust action against the handful of companies that currently control the vast majority of the grain trading in our country and by establishing a national grain reserve that would buy commodities in the good years and hold them in reserve for the lean years. We should also suspend those Government regulations that contribute to the higher cost of transporting food.

The survey showed that:

A pound of bacon registered the greatest increase over the yearlong survey. It went from 98 cents on June 29, 1974, to $1.74 on June 21, 1975—an increase of 77.6 percent.

The greatest price decrease was registered by a head of lettuce, a very volatile product, which went from 57 cents on June 29, 1974, to 47 cents on June 21, 1975—a drop of 17.5 percent. For nonperishable products, the biggest decrease was for a turkey TV dinner, which dropped 10.1 percent, from $1.48 to $1.33.

Eleven of the nonmeat case items surveyed actually had lower prices on June 21, 1975, than they did on June 29, 1974.

Over the yearlong survey, no particular food chain emerged as having consistently lower prices.

AVERAGE PRICES FOR 10TH CONGRESSIONAL DISTRICT

	Individual items surveyed—				Percent yearly increase		Individual items surveyed—				Percent yearly increase
	June 29, 1974	Sept. 20, 1974	Feb. 8, 1975	June 21, 1975			June 29, 1974	Sept. 20, 1974	Feb. 8, 1975	June 21, 1975	
Sirloin steak	$1.53	$1.63	$1.36	$1.99	30.1	Crackers	$0.60	$0.68	$0.70	[1] $0.59	−1.7
Rump roast	1.44	1.50	1.37	1.77	22.9	Cereal	.76	.76	.77	[1] .69	−9.2
Pork chops	1.42	1.66	1.49	1.87	31.7	Frozen vegetable	.42	.45	.49	.47	11.9
Hot dogs	.99	1.19	1.14	1.23	24.2	T.V. dinner	1.48	1.48	1.45	[1] 1.33	−10.1
Chicken	.47	.61	.62	.67	42.6	Orange juice (frozen)	.62	.64	.66	[1] .61	−1.6
Round steak	1.38	1.37	1.26	1.71	23.9	Canned peaches	.50	.61	.61	.59	18.0
Ground beef	.90	1.06	1.00	1.05	16.7	Vegetable shortening	.70	.84	.87	.71	1.4
Bacon	.98	1.46	1.50	1.74	77.6	Catsup	.49	.55	.57	.56	14.3
Bananas	.19	.19	.20	.26	36.8	Peanut butter	.61	.64	.68	.63	3.3
String beans	.54	.38	.71	.64	18.5	Gelatin	.16	.19	.26	.24	50.0
Lettuce	.57	.44	.57	[1] .47	−17.5	Soup	.22	.22	.22	[1] .21	−4.5
Eggs	.62	.83	.81	[1] .61	−1.6	Dog food	.33	.33	.35	[1] .32	−3.0
Milk	.74	.73	.77	[1] .70	−5.4	Paper towels	.59	.65	.69	.63	6.8
Cheese	1.02	.98	1.10	[1] .99	−2.9	Detergent	1.09	1.13	1.32	1.26	15.6
Cottage cheese	.59	.58	.67	.68	15.3	Aluminum foil	.77	.79	.85	.82	6.5
Bread	.54	.56	.58	[1] .50	−7.4						

[1] These June 21, 1975 prices are lower than when the survey started on June 29, 1974.

NATIONAL CIVILIAN STRATEGIC PETROLEUM RESERVE—H.R. 7014, SECTIONS 251–260

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. FRASER. Mr. Speaker, I wish to voice my strong support for the creation of a national civilian strategic petroleum reserve.

A reserve of this kind is an integral part of current strategy to protect us against an interruption in foreign oil supplies. Emergency reserves are required by the International Energy Agreement entered into by the following 18 nations: Austria, Belgium, Canada, Denmark, Germany, Ireland, Italy, Japan, Luxembourg, The Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States. Countries under this agreement must maintain sufficient reserves to sustain current consumption without imports for 60 days—later to be increased to 90 days. While definitions in the agreement were kept loose enough for us to qualify, in actual fact we have only 15 to 20 days of usable commercial reserves. If half our imports were embargoed, our commercial storage would be exhausted in 6 weeks.

A strategic oil reserve is only one part of an overall program to reduce our vulnerability to a foreign supply disruption, but it is perhaps the most important part. The final draft version of a National Petroleum Council study, "Petroleum Storage for National Security," released on June 27, 1975, concludes that while all options for emergency preparedness—conservation, conversion to alternate fuels, and increased production—should be pursued, "a standby petroleum reserve would be the major factor in compensating for a future embargo or supply interruption."

Cutting consumption to reduce imports by 1 billion barrels a day would not give us the security of a storage program and would, moreover, plunge us deeper into recession. Switching to alternate fuels could save at best only 100 to 150,000 barrels a day of imports, a saving that would afford little or no security in the event of an embargo. Nor is increased domestic production a viable alternative, for this decade at least.

Developing reserves in place—or shut-in capacity, as some have suggested, would be no substitute for stockpiles. The cost of developing and maintaining new standby production is prohibitively high, both in capital and resource requirements. More importantly, shut-in reserves could not supply the flow of oil we would need in the event of a foreign supply disruption. The maximum rate at which the petroleum reserve at Elk Hills could produce, for example, is 400,000 barrels a day. By contrast, stockpiles of the kind planned in this legislation, could be drawn down at the rate of 3 million barrels a day, enough to offset an embargo of half our total imports, the maximum that is even likely to occur.

The National Petroleum Council has estimated the cost of salt-dome storage—leaching plus pipeline construction—at from 60 to 80 cents a barrel. Others have estimated the total cost of such storage at a maximum of $1.60 a barrel. Even if this cost were borne wholly by consumer, it would amount to only a few cents a gallon.

I include at this point in the RECORD a chart of preliminary storage costs prepared by the Federal Energy Administration:

PRELIMINARY STORAGE COSTS

[In dollars per barrel]

Type	Construction	Annual maintenance cost
Steel tanks	3.00– 5.00	0.06 –0.10
Salt domes:		
Onshore	.50– 1.00	.002– .005
Offshore	.75– 1.50	.005– .01
Abandoned mines	.20– 1.50	(1)
Mined caverns	3.00–10.00	(1)

[1] 0.5 percent of investment.

Storage of a billion barrels of oil would require roughly $2 billion in investment for facilities plus the cost of the oil itself—which would be recovered when the oil was used.

The Project Independence Report, which strongly recommended strategic petroleum storage, points out the favorable cost/benefit ratio for oil stockpiles. The 1973 embargo cost us 500,000 jobs and from $10 to $20 billion lost in GNP. If another embargo should occur, the economy would save $3 to $5 for each $1 cost of storage.

Moreover, costs must be considered relative to costs of other proposals with similar objectives. Military costs of defending our oil import flow would run very high. It has been estimated that 2 carrier task forces and 75 escort ships might be needed to protect the tanker route from the Persian Gulf. The 10-year cost of such an escort would be over $15 billion, and its chances of success would be slim.

It is 2 years since Congress first held hearings on a strategic petroleum storage program. In September 1974, the National Petroleum Council completed a study of emergency preparedness against a disruption of foreign oil supply. The Council reported at that time that a strategic petroleum storage program should be established and that "efforts to implement such a program should begin immediately because of the long construction leadtimes involved." The Council has followed up with an in-depth analysis and specific recommendations on the implementation of a stockpile system. In the final draft version of this study, released only a few weeks ago, the Council recommends 500 million barrels of security crude oil storage as a first target of a national security storage program.

The Federal Energy Administration has in the works a comprehensive long-range plan, as well as an early storage program. This early storage program could give us 150 million barrels of storage by 1978. A recent FEA working paper on strategic storage emphasizes that because of long construction leadtimes, implementation of an early storage program should begin as soon as possible.

If we start now, in 5 to 6 years we will have enough oil in storage to enable us, with modest emergency precautions, to withstand an embargo without economic hardship for 6 to 8 months. The mere existence of national oil stockpiles would serve as a deterrent to future embargoes and would increase the flexibility of U.S. policymakers. I urge support of the strategic petroleum storage program created in this bill. A strategic reserve, together with modest emergency standby provisions, is our most effective near-term strategy against both a wartime and peacetime supply disruption. Our substantial dependence on foreign oil makes it imperative that we move ahead at once with this important program.

SENATOR TED STEVENS ON GUN CONTROL

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. YOUNG of Alaska. Mr. Speaker, in recent months we have heard more and more talk about the need to curb and control guns in America. While it is true that many crimes committed in this country involve the use of guns, it is also true that it is people who commit those crimes and people who are held accountable for them.

Lately, however, it seems that many of our well-intentioned citizens have lost track of this fact. They no longer seek to fault the person for the crime, rather, they seek to blame the weapon for the crime. "Take the weapons off the streets and crime will go away," they say.

In a speech to the Safari Club International earlier this year, my colleague Senator TED STEVENS addressed himself to this very real and important problem. I would like to bring his remarks to the attention of the rest of my colleagues in Congress.

The article follows:

REMARKS OF SENATOR TED STEVENS

There's a fellow named Sam out in the boondocks who bought a new typewriter. He waited weeks for it to come, all his family and neighbors came over to watch it get unpacked and set up on the table. Late that afternoon, a neighbor who had been away when the typewriter arrived came by and was astonished to see the new machine sitting atop his neighbor's garbage can. "Sam," his neighbor cried, "what's your new machine doing in the garbage can?" "Well," said Sam, "it operates real purty, but it can't spell worth a durn."

Which makes my point that a piece of hardware can't do anything the user doesn't make it do. A typewriter—or a gun—is not intrinsically good or bad—though some seem to want us to believe guns are the primary evil—not the criminal.

No, a gun is only as good or as evil as the person who wields it. As the bumper sticker slogan says, "Guns don't kill people; people kill people."

And that, I feel, is how most people view gun control—not as an end in itself, but as a means to an end. That end is crime control. Crime—not guns—is the central issue. But often this distinction is blurred in the emotional debate over the pros and cons of gun control!!

Despite the loud and dedicated passions on each side, both proponents and opponents of gun control *agree* on one thing: that the criminal in America must be stopped and that crime is the ultimate evil to be reckoned with. Let's bring this central issue—crime and the criminal—back into the spotlight where it belongs; let's look beyond the means to the end.

This Congress I have cosponsored, and intend to work very hard to see enacted into law, S. 216, a bill which would make commission of a federal crime with a firearm a separate offense. This measure, if enacted into law, would create a mandatory sentence of not less than one year for the first conviction, and a jail sentence of not less than five years for the second or subsequent offense. What this measure means is that the judge has no discretion; once a person is convicted of the offense of using a firearm to commit any felony for which he may be prosecuted in a court of the United States, he MUST GO TO JAIL.

I am firmly convinced that this type of legislation is a responsible means of cutting down on the illegal use of firearms. Those who would misuse this piece of machinery must be dealt with swiftly and severely, but those law abiding citizens should not be deprived of their right to own guns for hunting, recreation, and protection. We must also invest the time and resources necessary to improve our local police forces so they can more adequately handle the rising crime rate, eliminate the bottlenecks in our courts to insure that justice is swift, and improve our prison system so that those sentenced to a period of internment come out better—not worse—for their stay.

The areas I have described, if worked on conscientiously, would reduce the illegal use of firearms and would generally reduce the level of crime. My proposal asks a great deal of all Americans, but I feel is much more responsible than a knee jerk suggestion from ALBEIT SINCERE CITIZENS that the way to reduce violent crimes is to disarm law-abiding Americans as well as the criminal.

The anti-gun forces were active in the 93rd Congress and I am sure will be active again this year.

Last year, the Senate debated S. 1401, a bill to establish a national criteria for the imposition of the death penalty. While the Senate was considering this matter, an amendment was offered by the anti-gun forces calling for the establishment of a federal registration and permit system for all handguns.

I strongly oppose such a measure not only on its face, but also because I believe it is nothing more than another step towards complete Federal control, AND POSSIBLE CONFISCATION, of all firearms.

In fact, one of the proponents of the registration and permit amendment made the following statement on the floor of the Senate. I quote:

"In my own book, I think the need is to prohibit ownership of handguns by private citizens in this country except only for law enforcement personnel and to permit a citizen to own a handgun if he is a member of a licensed and recognized gun club and if he keeps it on the premises of the gun club."

The amendment was defeated when the Senate voted to table it by a margin of 68–21. I voted to table this amendment as well as another amendment regarding "Saturday Night Specials." I voted against the amendment regarding the ban on the sale of the "Saturday Night Special" because it did not contain a workable definition of a handgun designed for sporting purposes. This amendment also failed.

In my State of Alaska, guns, including handguns, are an absolute necessity for many people. To put on my people the burden of registration and licensing would mean that many of them would have the duty to travel literally hundreds of miles to go to a Federal official to register their guns. And for what?

As a practical matter, in the areas where the licensing laws and registration laws exist today, the rate of crime is higher. Where there are no such laws and where there is a preponderance of guns today, the studies that have been conducted indicate that crime rates are lower. Where more guns are in private hands, crime rates are lower.

I cite, for example, a pamphlet prepared by New York Law School, under the New York Law Forum, entitled "A Controlled Look at Gun Controls." It shows that five States—Iowa, North Dakota, Vermont, Washington, and New Hampshire—have an average homicide rate of 1.8 percent.

That is much lower that those States that have strong gun control laws. Some people would say, "Well, that's because these are low population density States." One can look at the State of Rhode Island, for instance. It had a very low homicide rate of 2.2 percent, despite its very high density, and it had no gun control laws in effect at the time the study was conducted.

However, the battle is not yet over. As I am sure most of you are aware, there is currently brewing a scheme to effectively outlaw the use of handguns by most Americans. Last year a citizens group calling themselves the Committee for Handgun Control petitioned the Consumer Product Safety Commission and asked that it institute steps to ban the interstate sale of handgun ammunition. The Commission, I feel quite correctly, held that Congress had not given them the jurisdiction to deal with this issue, and denied jurisdiction.

However, this did not end the matter. The citizens group next went to the Federal District Court in Washington, D.C., and asked that the Commission's decision be overruled. It was. The judge held that the Consumer Product Safety Commission had jurisdiction, not under the Consumer Product Safety Act, but on the face of the Federal Hazardous Substances Act, and ordered the Commission to consider the citizen's group petition.

Some private groups and citizens have recently filed a motion to intervene and a motion asking the judge to vacate the complaint. In effect, these groups are asking the judge to reconsider his initial decision. They argue that Congress never delegated this type of authority to an administrative agency. They also point out that the judge did not consider the legislative history relevant to the Federal Hazardous Substances Act and he is now being asked to consider this information.

I believe that if the intent of Congress is considered by fair minded individuals on either side of the gun control issue, it is abundantly clear that Congress would not delegate the authority to an administrative agency to effectively outlaw the use of handguns. This is a gut issue in Congress and invokes strong feelings on the part of people on both sides of the issue. It is far too important and the ramifications of a decision on this point too far reaching to be delegated—the issue is for Congress alone to decide.

Let there be no mistake, if a decision of the Consumer Project Safety Commission banning the interstate sale of hand-gun ammunition survived judicial and congressional scrutiny, it would have the same effect as Congressional action outlawing the private ownership of handguns. In Alaska and I'm sure many other States, no ammunition is manufactured commercially. A handgun is both a necessary and respected item for many of the citizens of Alaska. A further objection which I have to the petition now being considered by the Consumer Product Safety Commission and most gun registration proposals is the lack of distinction between the States it affects. The use of handguns in Alaska differs significantly from the use of handguns in other States; those primarily composed of urban areas. I am convinced that gun control legislation requiring registration should not be enacted at the Federal level, but is more appropriately a matter for State legislation. The problems facing citizens of the large inner cities, such as Detroit and New York are vastly different from the problems facing the citizens of rural States such as Alaska.

I am not prepared to stand idly by when this matter is considered by the courts and the Commission. I strongly support a bill introduced by my friend, Senator McClure, which would make it clear that the Consumer Products Safety Commission may make no ruling or order that restricts the manufacture or sale of firearms, firearm ammunition, or components of firearm ammunition.

The battle I have just described is not the only one that will be facing us this year. I am convinced that there will be activity in Congress to pass more restrictive anti-gun laws. Just last Tuesday, a bill was introduced in the House of Representatives which would outlaw the private ownership of handguns.

The facts show that crime and guns are not synonymous and, in fact, controlling guns may have the opposite effect. Many people in their anger against the criminal have turned on guns as the scapegoat. We must redirect this strong anger back toward the real culprit, the person who would use a gun to harm another human being. The fight should be to strengthen our police, streamline our courts, and remodel our prisons so crime control is a reality and gun control is a moot reality.

VANIK ANSWERS OIL INDUSTRY ARGUMENTS ON DECONTROL

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. SEIBERLING. Mr. Speaker, in recent months we have witnessed a new lobbying offensive by the oil industry. Having abandoned the fight to retain the depletion allowance, the industry is now focusing its efforts to win public and congressional approval of a complete decontrol of oil prices. As part of this offensive, Charles E. Spahr, chairman of the Standard Oil Co. of Ohio, recently published an article in the Cleveland Plain Dealer setting forth his arguments for price decontrol.

The stakes in this controversy—billions of dollars in additional fuel costs to American consumers and business—are simply too great to take the step of removing price controls without a full and complete ventilation of the facts. For the interest of every Member, I wish to present the views of our distinguished colleague, CHARLES VANIK, as they appeared in the Plain Dealer on July 19, 1975, in response to Mr. Spahr's presentation.

Mr. VANIK's article follows:

[From the Cleveland Plain Dealer, Saturday, July 19, 1975]

OIL AND GAS: INDUSTRY HOLDS ALL OF THE CARDS

(By CHARLES A. VANIK)

In the July 5 Plain Dealer Forum I read an interesting article entitled "Oil supply OK today but watch out in fall." In this article Charles E. Spahr, chairman of Standard Oil Co. (Ohio), suggested that the problem of oil shortages resulted from policies of government and suggested the need for immediate oil decontrol.

Congress has no real access to the truth of oil and gas production or the extent of known or potential reserves. This information is the most highly guarded secret in America. We don't really know how much oil and gas is in the ground waiting to come out—when the price is right. The great big government of America—which many would like to miniaturize—begs the oil and gas information from an industry-managed reporting facility. There are no penalties for false information, the suppression of truth or the under-reporting which would serve the best interests of the industry, which can multiply profits by keeping oil and gas in the ground for higher prices in the years ahead.

In this vacuum of information, the oil industry holds all of the cards. A legislator has no means to develop information for public decisions or to test the industry-supplied reports. Nor can he determine which oil and gas wells are really dry—or which are simply sealed off for more favorable market conditions. One fact we do know—the longer the already discovered oil and gas is kept off the market, the higher its price and the greater the profit that can be made from it.

However, the oil industry has convinced President Ford that the decontrol of natural gas and "old" oil will produce greater supplies of both. The recent crushing escalation in the price of oil we purchase from abroad did not increase world oil supplies. It simply resulted in a shocking flow of capital from this nation. Imported oil cost Americans $7 billion in 1973, $25 billion in 1974 and an estimated $30 billion this year. It promises to cost $50 billion by 1980.

The domestic oil and gas producer says that of course he can do nothing about the multiplication in the world price. But he certainly enjoys it! Everytime the Organization of Petroleum Exporting Countries stirs for a boost in its oil bounty there is jubilation in Houston, since more and more domestic oil produced from new wells can be sold at the exciting new world prices.

President Ford and the oil industry want an instant decontrol of oil and gas prices so they can ascend to the world price levels where the sky is the limit! At present about 40% of the "old" or already discovered oil is sold at a "controlled" price of about $5.25 per barrel. Our present oil and gasoline prices represent a "mix" between old oil at controlled prices and imported oil or "new" oil at the world price.

Congress—in its wisdom or folly (depending on whether you are a consumer or a producer)—froze the price of old oil during the embargo crisis to protect the American consumer from the manipulation of oil prices developed by the OPEC cartel which would otherwise have affected all oil used in America at an added annual consumer cost estimated between $55 billion and $85 billion.

Another reason for restricting the price of "old oil" was that it was found and developed with heavy tax incentives and subsidies provided by the American taxpayers. This oil discovery and development occurred in considerable part from capital which would otherwise have been taxed by the federal tax collector.

The issue of decontrol is before Congress and now is being fully debated. However, should Congress act without officially confirming through government sources the extent of the oil and gas, or should it gradually "phase-in" decontrol to cushion the inflationary impact as the nation recovers hopefully from a recession which was substantially the result of price escalation in oil?

In his support for immediate decontrol, I fear that President Ford is the victim of bad advice from advisers whose oil orientation is deeper than their public responsibility. It is incredible to suppose that there can be or should be a free market in a scarce commodity controlled by so few. A free market in oil is an invitation to the oil men of the world and the oil men of America to rip off consumers without review, without audit, without reason. A complete relaxation from review and control would invite economic disaster.

The fact is that the price of oil was controlled for a long time. For 14 years, between 1959 and 1973, the American oil industry limited the importation of foreign oil—which was available in unlimited supplies for as little as 16 cents per barrel—in order to sell American domestic oil at $1.65 per barrel. The oil industry prevailed on President Eisenhower to limit imports to protect the markets of the domestic oil industry from the crushing impact of 16-cent oil from abroad. American consumers were "ripped off" to the tune of $77 billion for the difference in price. I don't remember prominent oil men in those days urging America to use all of the cheap 16-cent-per-barrel oil it could get from abroad and leave American domestic supplies in the ground for future needs. Who in the oil industry was thinking about us in those days, in which it was national policy to use up American domestic supplies as fast as possible?

In 1959 I called President Eisenhower's oil import quota regulation Price Control Order No. 1. For 13 years the price of oil was "rigged" for the benefit of the American oil producer—and his profits. If it was "right" to limit imports and rig oil prices for the American oil producers for 13 years, is it "wrong" to extend price control for the benefit of the American consumer for at least a few more years?

We in America, who are now moving into our bicentennial year, rejoice in our freedom and our capacity to preserve it. Most of us are descendants of either serfdom or slavery. However, the power of oil in our world threatens the freedom of every American. If a few people can drain us of our earnings and our savings to buy the oil and gasoline we think we must use we will be moving into a new kind of serfdom and slavery.

These circumstances demand that responsible people in government use care and caution in removing government from the arena of oil policy. The survival and economic well-being of our people is at stake. At this time I am unwilling, unprepared and unconvinced that the well-being of our people will be secure in a marketplace of scarcity, cartel and sheer greed.

I am, therefore, unwilling to immediately decontrol oil and gas and submit to the judgment and discretion of the oil industry. While there are occasions in which the public has suffered because of indiscretions on the part of government and those who serve it, there is practically no basis in history to support public confidence in the oil industry. For some it may be a difficult choice. But from my vantage point I would prefer that the federal government maintain a close surveillance and continue controls over an industry that has the capacity to bring the nation and all of its people to their knees and keep them in a state of permanent genuflection.

NO ARMS TO TURKEY

HON. LEO C. ZEFERETTI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. ZEFERETTI. Mr. Speaker, a coordinated, energetic drive is being mounted in Congress to repeal the ban on sales of American arms to Turkey. In the past several weeks, this move has gained enormous momentum and endorsements from a variety of quarters. Many reasons, some of them seemingly plausible, have been offered for such an act by Congress. I oppose any move to resume such arms sales to Turkey at this time, and I believe for equally if not more important reasons.

There are certain issues which transcend the convenience and temporary gain offered by advocates of lifting the ban. Turkey, for example, has utilized our weapons, not merely to hold up her end of NATO's responsibilities, but to make war upon another member of NATO; Greece. One year ago, Turkey invaded Cyprus, taking over a large part of the island and displacing several hundred thousand of its Greek inhabitants. Nothing has happened since then to alter the situation, one brought into being by Turkey's unilateral action. Therefore, I see no reason at this time to reward such reckless military adventurism with more U.S. arms. The area is too volatile; to drop the ban on arms sales would only insure that more powder kegs are placed in the already loaded arsenal, one ready for war.

I am not convinced by recent arguments that a lifting of the ban by our country will bring about a negotiated peace settlement. All signs indicate to the contrary. Can the placement of additional military weapons into a country where political infighting suggests no move to enter into peace talks, either at present or in the near future, ever result in a peaceful settlement? Any reasoning to suggest this seems, to me, not only fallacious, but absurd as well.

Another reason which prompts me to oppose such a resumption of arms sales and shipments is the decision on the part of the Turkish Government to allow cultivation of the opium poppy. Despite Congress' acceptance of the bona fides of the Turkish Government to monitor the situation more closely and demonstrate its good faith on the opium question, the opium derived from Turkish crops has continued to end up on the streets of our cities, destroying the lives of our people. There is no doubt in anyone's mind as to the direct connection of this crop and drug-related crime in our cities. We have tried to halt this cultivation in Turkey and the resultant traffic from that country in opium. I sincerely believe that until we witness the complete halt in opium traffic, it would be counterproductive for us to reward such policies with further arms shipments.

There is also the question of simple justice. Turkey has shown no willingness to be flexible in any of the area's described herein. No effort has been made to resolve the worsened situation created by her military actions on Cyprus. Instead, the United States has been warned that we either ship them weapons or stand the chance of losing our military bases. Although I would deplore the loss of such facilities, I know that we should not give in to such open coercion.

As one of the cosponsors of House Resolution 553, expressing the sense of the

House that the ban on military aid to Turkey would not be lifted until Turkish forces are withdrawn from Cyprus and a negotiated settlement arrived at among Greek and Turkish Cypriots, I shall continue to oppose this attempt to resume military assistance.

EQUITY FOR RESERVISTS

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. ARMSTRONG. Mr. Speaker, today I am introducing a bill to correct an obvious oversight in the Employee Retirement Income Security Act of 1974.

The pension reform bill created a little noticed inequity which should be remedied. A self-employed businessman who belongs to a Reserve component is, by law, prohibited from having an individual retirement account.

It does not matter that his Reserve pension at age 65 may only be $40 a month, or that his counterpart, who does not belong to the Reserves, may save thousands of dollars a year toward retirement, tax-free.

In the first place, the law is unfair, and unjustly penalizes any self-employed individual who belongs to a Reserve unit.

In the second place, such a law will make the Reserve forces less attractive, and may in fact force reservists to choose between the Reserve unit and an adequate retirement.

Self-employed individuals make a vital contribution to both our culture and our economy—and to penalize those who are in the Reserve forces for their loyalty, when self-employed Americans are already among the most harassed and regulated members of society, is certainly not equitable.

This legislation would remedy the situation by allowing self-employed reservists to set up individual retirement accounts for any year in which less than 30 days were spent on active duty. These reservists would have to meet all other criteria for eligibility.

Mr. Speaker, the Employee Retirement Income Security Act of 1974 was complicated and massive. Not all the implications and ramifications could have been anticipated. But as adverse reactions become apparent, they should be dealt with fairly—and expediently. And that is what I am proposing today—that self-employed reservists get fair treatment from pension reform.

The bill follows:

H.R. 8789

A Bill to amend the Internal Revenue Code of 1954 to provide that members of a reserve component of the Armed Forces will not be disqualified from taking the deduction for retirement savings because of their participation in the Armed Forces retirement system

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (c) of section 219 of the Internal Revenue Code of 1954 (relating to definitions and special rules for retirement savings) is amended by adding at the end thereof the following new paragraph:

"(3) Members of a reserve component of the Armed Forces.—For purposes of subsection (b)(2), no individual shall be treated as being an active participant in any plan described in clause (iv) of subsection (b)(2)(A) for any taxable year solely by reason of being a member of a reserve component (as defined in section 101(27) of title 38, United States Code) of the Armed Forces unless such individual was called to active duty during such taxable year for a period in excess of 30 days."

(b) The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1975.

ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. EILBERG. Mr. Speaker, Sunday, July 20, marked the anniversary of the Turkish invasion of Cyprus. It has been an entire year since thousands of armed Turkish troops landed on the independent Republic of Cyprus to wrest political control of the northern part of the island from the Cypriots. Turkish destroyers shelled coastal targets, and Turkish jets fired on Cypriot towns and on the Cypriot countryside.

Innocent people were driven from their homes in terror during the bombardment. All of the horrors of destruction and suffering which accompany warfare were in evidence. Forty percent of the island fell to Turkish control during the attack; and to this day, Turkish forces continue to illegally command that portion of the Republic.

There has always been some controversy between Turkey and Greece over Cyprus. Most of its citizens are of Greek origin but it is only 40 miles off the Turkish coast. The Turks apparently did not trust the democratic machinery of the Cypriot Constitution to treat them fairly, so they have militarily intervened there in the name of national defense. This deed created a conflict, not only between the Turks and the Cypriots but between Greece and Turkey. We share a bond with both these countries due to their professed adherence to free world principles like that of national self-determination. In these circumstances, how can we continue to regard both these nations on the same terms? The Turkish breach of our mutual ideologies should not be ignored.

Such activity clearly violates very basic principles of international cooperation which are necessary in order that civilized nations may interact peaceably to the benefit of all peoples. Neither are these principles merely implied concepts which because of their universal application are assumed to be shared by all. The invasion of Cyprus was a transgression of clearly enunciated agreements embodied in the United Nations Charter and that of NATO. Turkey is a member of both organizations. Are the tenets of our international accords so inconsequential that we can allow one party to ignore them if it chooses?

The territorial integrity of an independent republic was violated last year. The Turks claim that they were provoked by Greece into military intervention. Both countries are NATO members and as such have access to numerous diplomatic channels through which to settle disputes. In fact, one of the primary functions of the organization is to peaceably eliminate such friction as may arise between fellow members. Before invading Cyprus, had Turkey exhausted all diplomatic means to settle the controversy?

Eighteenth century conflict-settling tactics cannot be allowed to prevail in this, the 20th century. In a technologically advanced world, alternate means must be employed in coming to terms with differences among national entities. Until militaristic actions such as those employed by the Turks cease to be exhibited, there can be no hope for lasting world peace.

The affront of invasion in violation of the doctrine of national sovereignty has been compounded by the fact that today the Turks are still in Cyprus, and their control is firmly entrenched. The Cypriots have seen their land criminally seized and held. Since the unwelcome landing on the island a year ago, Turkish forces have been responsible for slaughtering hundreds of Cypriots and making refugees of thousands more. As if to emphasize the undisguised nature of the Turkish takeover, they have been settling citizens from Turkey into areas in Cyprus from which Greek Cypriots have been displaced. Naturally, the majority of Cypriots themselves have been opposed to the foreign meddling. Their country was invaded, and almost half of it was taken away from them to virtually become part of a neighboring country.

That such a blatant act of imperialistic aggression could occur in this day and age among what profess to be civilized nations is appalling. That we actually seem to condone the activity by letting the situation exist for so long while we exhibit friendly relations toward the aggressor nation is far sadder. Turkey receives a large amount of U.S. military aid and we know that this aid was used directly in the invasion and is still being used to dominate Cyprus. Unquestionably, a violation of our Foreign Assistance and Foreign Military Sales Acts occurred. These laws explicitly prescribe that American implements of war can only be used for self-defense of the recipient nation. We must acknowledge this infraction and act accordingly.

Political problems cannot be permanently resolved by might and the force of arms. With Turkey's illegal control of Cyprus as an example, how can the world hope to gain confidence in peaceful coexistence? There can never be equitable dealings among the various nations of the world while the threat exists that the more militarily advanced a country is the more heavily its interests will be weighed.

A whole year has passed and Turkey has refused to negotiate a Cypriot solution which would entail her leaving the island. As it now stands, the Turks stilll do not appear to have any intention of relinquishing their control in the area. The United States cannot allow such situations to continue in existence. Let us persist in our efforts to urge mediation and an equitable resolution of differences. Cyprus must be helped to regain her rightful independence.

VOTER REGISTRATION BY MAIL

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. BONKER. Mr. Speaker, both Houses of Congress will soon be voting on a measure to provide for voter registration by mail. This is a concept which I have long advocated based on my experience as an elections official. However, I do not favor the two bills which have the most visibility, H.R. 1686 and S. 1177. Both bills provide for mass mailing of postcards to all postal patrons in the country, a measure which I contend is expensive and potentially confusing to voters and administrative officials.

I have introduced my own bill on voter registration, H.R. 6079. While it provides for postcard registration, it does not impose the mass mailing of cards. Rather it stipulates that cards, developed by the States, be made widely available for pick up by those who are not alredy registered. In addition, it includes incentives for States and local governments to develop other methods for improved voter registration.

On July 25, 1975, the National Association of Counties—NAC—and the National Association of County Recorders and Clerks—NACRC—adopted a resolution on voter registration by mail. They affirm their support of postcard registration but emphasize their disagreement with H.R. 1686 and S. 1177, for the same reasons which I have indicated. Both organizations stress that they would support a bill which includes voter registration by mail—but not mass mailing of forms—and other incentives for increased voter registration. These exact provisions are contained in my proposal, H.R. 6079.

The text of the resolution follows.

VOTER REGISTRATION BY MAIL RESOLUTION ADOPTED BY NACo MEMBERSHIP

The U.S. Congress is presently considering a measure that would mandate voter registration by mail for federal elections. The bills seek to register voters by mass mailing postcards to all postal patrons in the country.

The National Association of Counties (NACo) and the National Association of County Recorders and Clerks (NACRC) support the overall goal of the legislation which is to achieve maximum voter registration.

NACo remains strongly opposed to S. 1177 (the McGee Bill) and H.R. 1686 which would lead to this desired goal. As local officials facing the day-to-day problems of voter administration and management (999 elections out of 1,000 are non-federal), we maintain that this legislation would result in administrative chaos, voter confusion, voter disenfranchisement and waste.

We could, however, support amendments that would remove the undesirable features of the legislation. For instance, postcards made widely available but not mass mailed could be an effective way to register potential voters. Postcards should be used as a supplement to other proven methods of voter registration.

NACo and NACRC would strongly endorse a bill that would contain the following provisions:

Allow maximum flexibility to state and local government for developing methods to increase not only voter registration numbers but also voter participation rates. This could include registration by mail techniques.

Create a program to provide financial and technical assistance to state and local governments seeking to increase their capability to effectively manage and administer local programs.

Set federal standards that would have to be met in order to qualify for federal, technical and financial assistance.

Provide financial incentives to state and local governments to adopt postcard voter registration as a complement to other methods of registration.

Provide an adequate time-frame for states to adopt a registration by mail (i.e., postcards or affidavits) system.

Therefore, NACo and NACRC oppose S. 1177 and H.R. 1686 unless the Congress enacts voter registration by mail legislation containing the above provisions.

UNEMPLOYMENT: TO KEEP LABOR DISUNITED

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. HAWKINS. Mr. Speaker, as the administration plods along with its ill-fated and misguided economic policy regarding the high level of unemployment in the United States, a growing number of distinguished economists are beginning to recognize the negative side effects of Mr. Ford's policy. One such person is Mr. Frank Riessman, the editor of Social Policy magazine.

In a letter written to the New York Times on July 1, Mr. Riessman astutely observes that the recent layoffs in industries across the entire country have caused conflicts within labor over the seniority system versus affirmative action. Perhaps, as Mr. Riessman infers, that is the intention behind the administration's lack of commitment to a full employment policy for the United States by the end of 1976.

Mr. Speaker, I wish to insert a copy of this letter in the RECORD for the information of my colleagues:

UNEMPLOYMENT: TO KEEP LABOR DISUNITED

To the Editor:

The largest single increase in the Federal budget this year was for unemployment insurance. Annual payments are now estimated at over $20-billion. In addition, the recent tax cut cost $22 billion. This total alone ($42 billion) could easily provide five million jobs in needed areas of work such as health, transportation, education, environmental conservation. Moreover, the workers thus employed would pay taxes and purchase goods, with the multiplier effect extending the benefits far beyond the initial input. Unemployment insurance, on the other hand, produces no services or goods.

A recent Congressional Research Service study reports that it would be possible to reach a level of 3 per cent unemployment by the end of 1976. The net cost of this program at the end of the first year, after taking into account returns to the Government in income and Social Security taxes, as well as reduced unemployment insurance payments, would be only $8.1-billion. Moreover, for every one million jobs lost, the Government loses $16 billion in revenue—$2 million in unemployment insurance payments and $14 billion in taxes. Surely job creation is less costly. Why is it not the favored method of dealing with the current economic crisis? Why is full employment rejected as being too costly, when in essence far more expensive programs are being accepted? Why is the economy being deprived of the goods and services that would be produced by full employment?

Some argue that full employment would produce huge Federal deficits, which are in turn inflationary. Actually, the data indicate that the deficits arising from unemployment seem to be at least as great as those that would be incurred if we moved toward 3 per cent unemployment and a full employment economy.

There must be some other reason. There must be something about unemployment that is important enough to the Administration to make various income transfer payments, such as unemployment insurance, welfare, food stamps and health insurance, attractive to conservative politicians.

George Meany, in a recent speech, suggested that the Administration prefers unemployment because it keeps labor weak and wages down, and it "disciplines the work force." No longer do we hear people talking about the quality of work, as they did in the sixties. Instead, massive layoffs have caused conflicts within labor over the seniority system versus affirmative action.

Perhaps it is not the cost of full employment that is decisive but rather that unemployment keeps the work force disunited and quiet. The Administration would rather pay for this than for jobs.

FRANK RIESSMAN,
Editor, Social Policy.

NEW YORK, *July 1, 1975.*

BEARING THE COSTS OF GOVERNMENT

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. WHALEN. Mr. Speaker, much has been said recently concerning the cost of operating Congress and, in particular, the Member's allowance system.

Unfortunately, discussion of the issues involved has tended to generate more heat than light. Rhetoric often is directed against "congressional extravagance," while essential questions about the capacity of Congress to meet increasing legislative and constituent demands are neglected.

Also overlooked in the debate are the alternatives to public support of the costs of representative Government: decreased congressional services or the election of Members who must either rely upon their personal fortunes or solicit private contributions to pay their expenses.

To help place these issues in proper perspective, I commend to my colleagues the following editorial by Chairman

WAYNE L. HAYS of the House Administration Committee, which appeared in the Washington Post on July 18:

[From the Washington Post, July 18, 1975]

BEARING THE COSTS OF GOVERNMENT

The auto industry has better resources to determine whether a new compact car will sell than the House of Representatives has when deciding on a declaration of war.

If the auto industry wants to find a new color scheme to capture the youth market, it has unlimited resources to call upon. Corporate executives commission expensive marketing surveys. The top brass fly to a secluded resort on the company's fleet of planes for a week of high level meetings until the proper decision is made. The entire extravaganza is at industry expense, which is, of course, passed on to consumers.

When General Motors makes the wrong decision, only money is lost. But if the Congress fails, it can cost millions of lives.

A congressman is confronting issues that affect the well-being of the entire nation, yet in his effort to arrive at the proper decision, his resources are limited.

Recent news accounts about the members' allowance system have been misleading at best. The average reader is led to believe that a member of Congress has a vast wealth of material assets. Yet, there are members of Congress who are forced to pay communication, travel and office expenses from their own pockets because the allowance system is inadequate for their needs.

News accounts have portrayed the allowance system as being personally beneficial to individual members of Congress, yet there are congressmen who cannot do as complete a job of serving the public as they would like because they lack financial resources.

The president of a major cosmetics firm earned enough in salary last year to pay the basic allowance for five congressmen.

The entire House of Representatives runs on an annual budget that is just slightly more than the $233 million Procter and Gamble spent on radio, television, newspaper and magazine advertising during 1973.

While there has been a lot of information bandied about lately concerning the expense of running Congress, the fact is that it costs a mere $1.25 per man, woman and child in this country to operate the House of Representatives for a year.

Taken in proper perspective, the price tag is less than one tenth of one per cent of the entire federal budget.

At the same time, the responsibilities of the Congress have grown. The workload has increased markedly over the past few years. In addition to overseeing an enormous federal bureaucracy, a member of Congress is often the only person that half a million constituents back home can turn to for help.

In its battle to make the executive branch of government more responsive, the Congress remains at a disadvantage. A bureaucrat in any federal agency can call every city in the nation without cost. A member of Congress has limited telephone time.

The executive branch of government operates more than 6,000 computers, while the House of Representatives owns just three.

President Ford requested a staff budget increase of $2.2 million for the coming fiscal year, while a congressman can receive an additional $22,500 for his employees.

On an average day recently, no fewer than 70 congressional committees or subcommittees scheduled meetings on issues ranging from oversight of the National Aeronautics and Space Administration's budget to an investigation of Arab pressure on American businessmen.

The legislative calendar for a typical week will range from the complicated foreign aid appropriations bill to intricate and often confusing tax proposals.

At the same time, a member of Congress is called upon to travel back home and meet with local groups, advise cities on how to obtain federal grants, or assist an elderly constituent in retrieving a lost Social Security check.

It is vital that members of Congress have the tools to be effective legislators and representatives.

There are two schools of thought on how a member of Congress can go about serving his constituency.

The first holds that a congressman bear the full cost of representing his district himself. That is, he must be wealthy enough to pay for his office equipment, stationery, telephone service, trips between the district and Washington, staff and communications with constituents. Or, if he is not of the wealthy class and aspires to be in Congress, he must solicit private contributions to pay for these expenses.

The trouble with requiring a member of Congress to pay personally, however, is that it would surely pave the way for an exclusive club of rich representatives, or worse, open the door for rampant corruption.

The second school of thought, to which I subscribe, holds that the people ought to bear the cost of representative government.

DIFFICULTIES OF WASHINGTON STAR

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. ROUSSELOT. Mr. Speaker, the role of the newspaper in America, particularly in our Nation's Capital, is a vital one. Our political system works best when citizens have available diverse sources of news and, of course, competitive news philosophies.

This issue is pointed up in the matter of the Washington Star. The Star has been losing money at a staggering rate and its continued existence is in doubt. The Star management proposes to convey control over the newspaper and its sister television and radio facilities to a new owner. Thus the Star will continue, if it continues at all, as a part television, radio and newspaper entity.

To make matters worse, this can only be achieved by bending the Government's regulatory rules. The Federal Communications Commission has a rule that prohibits cross-ownership of broadcast and newspaper facilities in the same market, when the ownership of a major broadcast facility is transferred. Inherent in this policy is the expectation that, over a long period of time, a greater diversity of media ownership will result.

I hope that the FCC does not bend its own rule in this important test case. The policy to encourage a diversity of news ownership is sound. The city of Washington, in particular, needs competing newspapers. If the FCC upholds its rules in this matter the possibility exists that the Star can be bought and operated independently from radio and television outlets.

I hope, Mr. Speaker, that my colleagues will join with me in insisting that, at the very least, the FCC set this matter down for a full evidentiary hearing. The importance of independent news sources is too vital to be decided without the fullest possible record.

FAIR WARNING TO THE U.N.

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. DERWINSKI. Mr. Speaker, Secretary Kissinger has developed a pattern of using specific audiences to deliver policy statements on positions which our Government is pursuing. Recently, in addressing a gathering in Milwaukee, Wis., he commented on the developments at the United Nations and the U.S. Government's view on its impact on that world body.

In my judgment, it is imperative that the United States take a hard look at the U.N. and that we work to save it from shortsighted and thoughtless members.

This point is very properly made in an editorial which appeared in the Chicago Daily News of July 20. The commentary follows:

FAIR WARNING TO THE U.N.

In language strong enough to be heard around the globe, Sec. of State Kissinger has warned that the United States commitment to the United Nations is not indelible. If the UN General Assembly continues to follow the track it took in the last session, Kissinger said in a Milwaukee speech, the countries that need the UN most could "inherit an empty shell."

The meaning was clear. The UN depends heavily on the United States for both financial and moral support. Yet the recent trend has been for the so-called "third world" countries to gang up on the United States at every opportunity and with their numerical majority in the swollen Assembly to push through measures contrary to U.S. interests. Much more of this, Kissinger was saying, and Congress and the American people will be ready to withdraw their support from the UN.

Kissinger was not the first to issue such a warning. At the close of the 1974 Assembly session, U.S. Ambassador John Scali made the same point with his description of third-world tactics as a "tyranny of the majority." Scali's replacement at the UN, Daniel P. Moynihan, has been sounding the same theme both before and since his appointment.

But the Kissinger speech put the undoubted stamp of U.S. policy on opposition to the capricious goings-on in the global body. He referred, without naming names, to the "procedural abuse" that barred South Africa from its Assembly seat in the last session in violation of the terms of the charter; to the expulsion of Israel from some phases of the work of the United Nations Educational, Scientific and Cultural Organization (UNESCO), and to the fact that the International Labor Organization has also been "heavily politicized."

In the background is the threat of a move this year to expel Israel from the UN via Assembly action, when only the Security Council can legally act on such a matter. Staving off such a move was undoubtedly one of the purposes of the Kissinger speech.

It is true, of course, and Kissinger acknowledged it, that the United States ran things in the UN pretty much its own way in the early days of the organization. Times have changed, and with the membership grown to 138 through decolonization and the appearance of mini-states, the United States can no longer expect to win on every point. But neither does it have to submit to coercion from nations that have been major

beneficiaries of U.S. help when they needed it most.

The American people for the most part still look to the UN as a vital instrument for carrying out global projects of great significance, and as a forum for airing grievances which, if bottled up, could lead to war. But the people are also, as Kissinger so plainly put it, "understandably tired of the inflammatory rhetoric against us, the all-or-nothing stance accompanied by demands for our sacrifice which too frequently dominate the meeting halls of the United Nations."

The message has gone out. The obstreperous bloc should listen.

FLAWS AND FALLACIES OF GUN CONTROL

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. ARCHER. Mr. Speaker, I am concerned over the rationale behind the current attempt on the part of some individuals to enact new gun control legislation. The entire issue of firearms is one which is intertwined with emotionalism since crime and shooting deaths are on the increase. It is important to make a distinction between crime control and gun control. We should be concerned with crime control. Gun control will not automatically bring us crime control. It is best that we carefully examine this matter and extract fact from emotion, regardless of the sincerity of most gun control proponents.

First of all, there should not be interference with the Bill of Rights, which provides important constitutional guarantees to every American. The second amendment grants the "right to keep and bear arms." This is an important guarantee in our body of liberties. Our Founding Fathers were aware that the presence of an armed citizenry is a strong deterrent to threats of dictatorship. If we compromise on this issue by restricting the right to own guns for law-abiding citizens, we must be prepared to accept the gradual erosion of our heritage of political freedom.

Dr. Alan Krug of Penn State University recently revealed a study which confirms earlier research by others that shows gun control laws fail to stop criminals from using firearms in theft, murder, and rape. Other examples from throughout the country show clearly that where registration laws exist, the only ones who abide by them are the lawful citizens.

The criminal element has no intention of complying with registration or confiscation laws. It is only the law-abiding citizen who will comply. If we restrict the purchase or possession of guns even in high crime areas, it is the law-abiding citizen residing in these areas not the criminal, who will be at a disadvantage. We were told that with the enactment of the Gun Control Act in 1968 that crime would be reduced. However, crime has increased since that time. The arguments then and now show that it is a mistake to equate gun control with crime control.

If we adopt registration or confiscation of guns, we are being unfair to our many law-abiding citizens. Statistics show that 99.9 percent of all handguns are not used to commit crimes. Yet, some individuals advocate controlling 100 percent of all handguns because abuse occurs with less than 1 percent of handgun owners. This is certainly a case of overreaction to a problem confronting our society.

There has been great concern in recent years over certain governmental agencies maintaining dossiers on individuals. If we adopt a national system of gun registration, there would be a record on each individual because that individual wanted to exercise the constitutional right to own a gun. A system of national registration of guns would interfere with individual liberty and cost us billions of dollars and add another level of bureaucracy at the Federal level. Despite all of this it would still not guarantee us that crime could be reduced.

It is time that we recognize the crime problem for what it really is—a problem of human behavior. It is a mistake to aim laws at people who want firearms and will not abuse them. The legitimate gun owner, who desires a gun for self-protection or for hunting, should not be made the scapegoat for a lack of effective law enforcement in our society. Rather than chisel away at the remaining freedoms of our people, more stringent laws regarding crime in general should be adopted. The use of a firearm in any criminal activity should increase the penalties for the criminal. Those who are repeat performers and use guns in their law-breaking should be dealt with more severely by our legal system. The issue of crime should be dealt with by reviewing laws already in effect, and strengthening the present laws where needed to make them more effective. Proponents of broad gun control legislation seem to forget that the criminal is at fault, not the average, law-abiding American gun owner. Our laws should be directed to controlling criminal behavior, not all behavior.

I strongly oppose the Federal Government interfering with the constitutional rights of the ordinary citizen to own a gun. It is essential that we preserve the freedom of our citizens while at the same time adopting laws which will control the criminal. Gun control would impose a burden on the citizen not the criminal. Congress should thoroughly consider the issue before adopting broad restrictions on the ownership of guns.

COST OF LIVING ADJUSTMENTS FOR SOCIAL SECURITY SPECIAL MINIMUM BENEFICIARIES

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. SOLARZ. Mr. Speaker, I have today introduced a bill to provide cost of living adjustments for special minimum beneficiaries under the social security program.

The special minimum benefit was enacted in 1972 in order to provide a more equitable system of benefits for these who have worked in covered employment for a long period of time, but at low pay. Under special minimum, benefits are computed by multiplying $9 by an individual's covered social security employment above 10 years but not greater than 30 years, rather than by income. To compute benefits for these individuals based on average earnings represented a gross injustice because their benefit levels did not reflect their contributions to the social security system. The special minimum benefit compensates individuals for their years of input to social security.

The program is a sound one. It is not a giveaway program. Recipients of special minimum, like other social security recipients, deserve benefits at least commensurate with their contributions. Currently, special minimum provides necessary assistance for individuals who would have otherwise been denied adequate benefits.

But there is an urgent need to perfect this measure. The bill that I am introducing is designed to make two important improvements. First, it would extend the automatic cost-of-living adjustment mechanism to special minimum payments.

When this provision was adopted in 1972, it was decided not to apply the automatic escalator mechanism to this measure, essentially for two reasons:

Additional time was needed to obtain information about these beneficiaries to determine whether there was, in fact, a clear-cut need to increase their payments when prices rise; and

SSI did not have a cost-of-living adjustment mechanism.

These reasons, however, are no longer applicable today. Quite to the contrary, the 12.2 percent increase in living costs during 1974—the steepest jump since 1946—provides very compelling reasons to extend the cost-of-living provision to special minimum beneficiaries.

Today the vast majority of retirees under Federal income maintenance programs have built-in protection against inflationary pressures. More than 30 million social security beneficiaries will receive a cost-of-living increase in July. Moreover, the SSI program now has an automatic escalator provision with the enactment of Public Law 93-368. Additionally, proposals are being advanced to extend similar protection for railroad retirees and VA pensioners.

There is no reason why special minimum recipients should be deprived of protection against increases in the cost of living in the same fashion. Surely they are no less deserving than other social security beneficiaries. In fact, they may be in greater need of this protection because they are ordinarily struggling on very limited incomes. They typically depend upon their special minimum payments for their primary source of income. In some cases these benefits are an aged person's sole source of support.

More than 120,000 persons now receive

special minimum payments. For retired workers who receive these benefits, the average monthly payment is $159. This contrasts with the average monthly benefit of $188 for all retired workers under social security.

Second, this bill would correct an inequity concerning the application of last year's two-step, 11-percent increase for special minimum beneficiaries.

This proposal would, in effect, pass on the second stage of last year's social security increase to these individuals. This would occur simultaneously with the provision to make the automatic cost-of-living adjustment mechanism applicable for special minimum beneficiaries, effective for June 1975.

I share the concern of Senator CHURCH, who is sponsoring this bill in the Senate, over the vital need for cost-of-living increases in special minimum social security benefits, and I am proud to join him by introducing this important legislation in the House of Representatives. Surely we owe our constituents and all the elderly in the special minimum category speedy action on this important proposal.

SLAUGHTER CONTINUES ON ANTIQUATED ROADS

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. SHUSTER. Mr. Speaker, Americans living in concrete-covered urban areas must hold a special detachment for freeways—those four-, six-, or even eight-lane slabs stretching from one end of most cities to the other, and all points in between. These super roads have become a source of frustration to most urban dwellers, seemingly as if with freeways come traffic snarls, air pollution, and frayed nerves. However, without them, as the saying goes, "you could not get from here to there."

But most important, Mr. Speaker—with modern freeways come traffic safety and saved lives. The people living in my primarily rural congressional district would welcome with open arms some of these "unwanted" urban super roads, because they know all too well that these roads are more than twice as safe as the 1920 vintage roads on which they must drive—and they do not have a choice, as do most city folks who can use public mass transit.

To illustrate this alarming but factual point, I am inserting in the RECORD the official Federal Highway Administration motor vehicle mileage fatality rates for the year 1973 through May 1975—the most recent data available.

This table makes my point painfully clear. If you travel in rural America, the chance of being killed on the highway is almost three times as great as urban travel. If you visit the beautiful countryside of my central Pennsylvania district, I urge you to wear your seat belts—at the height of the Vietnam war, 8 boys in my district were killed in combat while 211 people were killed on our highways. One might say it was 26 times safer to fight in Vietnam than drive on our roads.

If the highway trust fund is destroyed, antiquated roads will not be improved, and the highway slaughter will continue. America needs the highway trust fund.

MOTOR VEHICLE MILEAGE FATALITY RATE[1]

	1973		1974		1975	
	Rural[2]	Urban[3]	Rural	Urban	Rural	Urban
January	6.16	2.43	4.99	1.97	4.74	2.17
February	5.87	2.24	4.78	1.88	4.76	2.02
March	6.25	2.40	4.96	1.93	4.76	2.11
April	6.32	2.45	5.02	2.06	4.58	2.33
May	6.32	2.52	5.00	2.07	5.14	2.16
June	6.62	2.62	5.58	2.09		
July	6.29	2.50	5.36	2.09		
August	6.41	2.32	5.42	2.23		
September	7.02	2.39	5.92	2.27		
October	7.05	2.69	5.98	2.27		
November	6.57	2.44	5.97	2.58		
December	6.20	2.40	5.48	2.42		
Annual rate	6.28	2.61	5.29	2.31	4.81	2.16

[1] Fatalities per 100,000,000 vehicle miles for all motor vehicles, as reported by Federal Highway administration, July 18, 1975.

[2] Rural—Less than 5,000 population.

[3] Urban—5,000 and more population.

THE FDA AND CARCINOGENS: A WOMAN'S CONCERNS

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. MATSUNAGA. Mr. Speaker, each year an estimated 90,000 women discover they have cancer of the breast; and yet, medication which has been shown experimentally to possess carcinogenic properties continues to be openly marketed and prescribed. Muriel Nellis, a coordinator for the 1975 National Drug Abuse Conference, terms the prevalent use of these carcinogens the result of "a myopic attitude" on the part of the Food and Drug Administration. In an article appearing in Engage/Social Action, Ms. Nellis explores this subject in detail. So that my colleagues and other readers of the RECORD may have the benefit of her analysis, I include her article "Women Are an Endangered Species" at this point:

WOMEN ARE AN ENDANGERED SPECIES

(By Muriel Nellis)

Beginning in the first Nixon administration a clarion call was heard throughout the country proclaiming a national "Crusade Against Cancer." This program was signified by a massive public service television campaign which, by repeating endlessly available statistics that one in four of us would die of this scourge, urged Americans to make financial contributions and undergo self-examination.

Implicit in this orchestrated effort were several messages: this plague was skulking among us all as a non-respector of persons and currently unconquerable; awareness and preventive pursuit of such treatment as the limited state-of-the-art would provide might permit some of us to survive; and finally, that our partners-in-concern for the protection of our lives was and is the Federal Government.[1] Such statements of purpose that simultaneously evoked fear and support also raised expectations and inquiry. That is when beneficent premises began to crumble and our continuing fears challenged the consistencies that emerged between rhetoric and action.

WHAT SORT OF SOPHISTRY?

What sort of sophistry is it that urges the estimated 90,000 American women forecasted each year to discover breast cancer to find satisfaction in assuming the responsibility for that discovery—when they are simultaneously aware of the increasing numbers of eminent scientists decrying the mastectomy, the current treatment-of-choice, as "too routine"? [2] What sort of preventive medical process is that? Who dispenses such advice and therapy? Are these the same professionals who once swore "to first do no harm"?

They are the same people who continue to prescribe the use of the drug Metronidazole (Flagl) to more than *two million women* annually for the treatment of a localized vaginal irritation.[3] This drug, in an avalanche of reports, has been causally linked with breast tumors, mutations, birth defects, and stillbirths.[4]

These are the same medical authorities through whose auspicies the pharmaceutical manufacturers huckster expedient, if not fully efficacious, birth-control pills, abortion-prevention medications, and morning-after pills and injections. The one common ingredient in each of these prescriptions is estrogen, a vital hormone that remains undisputedly contra-indicated for any woman whose condition or family history suggests a possibility of mammary tumors or cancer.

Animal laboratory tests have indicated estrogen as the likely promoter of carcinogens in a variety of organs including breast, uterus, and ovaries. Moreover, recorded human tragedy sharpens the spectre of the irreversible contamination of hormone-based treatment, as evidence in 1971 emerged that led to the identification of 100 cases of cervical cancer in the daughters of those women who were given DES during pregnancy, ten to twenty years earlier.[5]

These practitioners of the art of healing have sought to treat the effects of hypertension and high blood pressure in about *3½ million current* patients with a drug called reserpine. This substance—the original tranquilizer—has been found in several recently published studies to more than treble the risk of breast cancer in women exposed to its use.[6]

A further exposition of the carcinogenic properties of the many prescribed medications that are currently being marketed for the alleviation of the broad spectrum of physiological or psychological symptoms of women would only serve to reinforce our

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Footnotes at end of article.

well-founded anxieties. Moreover, condemnation of the use of these chemicals in prescriptions alone would be insufficient. If only that was done, a simple remedy for cancer contamination might appear to be found in patients abstaining from the use of these and similar substances and the villainy laid to the medical profession alone. But such a conconclusion would deny the concomitant responsibility of both the source of supply and its supervision. Consider then, the activities of that other component partner-in-health, the Food and Drug Administration.

The FDA has been vested with the authority and responsibility to protect the citizens of this nation from unsafe, useless, or contaminated chemicals, foods or other ostensibly therapeutic devices or substances. FDA's mandate is clearly enunciated in the Food, Drug, and Cosmetic Act of 1938 and subsequent amendments, including the so-called "Delaney Clause."[7] This amendment is of particular importance to us in this context because its language intended that, in the absence of positive proof to the contrary, no substance containing any carcinogenic properties may be approved for human consumption or application, either directly or indirectly through food intake.

Nevertheless, over the years, FDA, the guardian of the nation's health, has not only approved various drugs to which earlier reference was made, but has permitted ten different natural or synthetic sex hormones to be used in the production of food animals, for growth promotion, and industry efficiency. DES is but one of several used that are identified as belonging to the cancer-suspect estrogen variety.[8]

The charge that the FDA is constantly using its "rule-making" powers to defy Congress and the legislative intent of the Food, Drug, and Cosmetic Act, is often countered by an appeal, usually publicly made by FDA leaders, for a more reasonable understanding of insufficient statistics and frequently accompanied by an arbitrary, interpretive leap-of-logic that is referred to as a policy of "benefit-to-risk."[9]

Aside from the fact that the binding regulations on the FDA do not support such theories, consider the impact of such an operational philosophy on the lives of women. Consider the cavalier reasoning which, in spite of public and private admissions of relative ignorance of the specific nature, substances, or measures of the precursors of breast, ovarian, cervical, or vaginal cancer, chooses to understate, not only the potential threat of specific medications, but appears to evince no interest in the need for an emergency review of the likely *cumulative* effect of the many individually approved tolerance-levels of ingested carcinogens, particularly on women and their progeny.

This myopic attitude persists, despite clear imperative signals at judicial, scientific, and congressional levels.

In a precedent-setting case,[10] the Court of Appeals noted in a 1972 decision that: ". . . the record also shows that it may take many years, as much as the greater part of a life-span, for a carcinogen to produce a detectable cancer, and that the quantity of DES required to cause a cancer is presently unknown. All that is positively known is that there is a definite connection between DES and cancer. Furthermore, it was shown that prolonged exposure to even small amounts of carcinogenic substances is more dangerous than short-term exposure to the same or even larger quantities."[11]

More recently, in an effective effort to forestall the imminent approval of yet another birth-control drug, Congressman Fountain of North Carolina said, in an October 1974 letter to Secretary Weinberger, ". . . with the number of new cancer cases and the cancer mortality rate continuing to rise each year, I believe the greatest possible caution must be exercised in considering whether women should be exposed to still another proven carcinogen."[12]

Even now, USDA continues to report DES residues in beef cattle.[13]

Red Dye No. 2, which has been on "provisional" status since 1960 and has been under review since 1971—as a result of charges of that additive's potential cause of cancer and fetal damage—remains the most widely used food coloring in an estimated $10 billion worth of products last year.[14]

Representatives of the AMA continue to oppose legislation designed to impose restrictions on the promotional practices of drug companies and to provide the government with stronger tools by which the inappropriate prescription of drugs may be regulated, insisting that American physicians are knowledgeable with respect to good therapeutic practice.[15]

In March 1973 the National Council of Churches noted among its findings and conclusions of the "Project on Drug Advertising" ". . . Drugs have been extensively promoted to the public and physicians for uses beyond those that are medically indicated . . . ," and that " . . . this widespread practice has contributed to . . . inappropriate prescribing of some drugs by physicians."

SURVIVAL CONSCIOUSNESS

The purpose of this article is neither to allay anxiety, nor merely to identify some of the major incongruities affecting the medical treatment of women. My interest is in raising the survival-consciousness of women. It is intended to inspire something other than supine reliance on the sufficiency of the current standards and procedures of a federal agency that has been continually found remiss by Congress and the Comptroller General of the United States.[16]

It is meant to motivate deeper questioning and oversight of physicians who, trusting to their limited sources of information and pharmacological education, prescribe one available therapy or another. Constructive changes in the Congress and through local initiatives are needed.

Such remedies might include:

1. A review of the existing laws governing the Food and Drug Administration, with special attention to the need for a drug to be proven "effective" and "safe" for the long clinical run, rather than for the immediate chemical duration of application purposes.

2. An intensive basic research project, established for the purpose of determining the degree of retention of carcinogenic substances in the body, its systems and organs, and the results of interaction with additional medications or foods containing measurable amounts ingested either simultaneously or sequentially.

3. New personnel requirements for the FDA, which would prohibit the employment of senior administrators whose major prior experience had been with an industry that is regulated by the Administration, and further, imposing a five-year moratorium on such industry employment upon leaving the regulatory agency.

4. The imposition of new criteria for certification of practicing physicians that would require a minimum two-year course of study in clinical pharmacology at an accredited medical college and/or a comparable course of study in continuing education programs to assure currency.

5. A congressional investigation of the investment portfolios of ostensibly non-profit national and local medical societies and associations, in order to determine whether and to what degree investments in various industries, which are indigenous to the practice of its membership-constituency, may be in conflict with ethical standards or the public interest.

6. A revitalization of the "Delaney Clause," relevant to harmful food additives and a similar statement of urgent purpose applied to the procedures that relate to other human chemical therapies, including the added expediency of injunctive powers; thereby diminishing human experimentation as the basis for statistical substantiation.

Until the time arrives when women join together in a *coalition-for-survival*, arising with intelligent indignation, to give the lie to patronizing suggestions that detection-after-the-fact is a viable prognosis for a life-saving crusade against cancer; until there is action taken that grows out of the certain truth that as women pursue their medical and nutritional needs they jeopardize their existence; until such time, women continue to be an endangered species!

FOOTNOTES

[1] *Public Health Services Act; National Cancer Act of 1971* (P.L. 92–218), as amended July 23, 1973 (P.L. 93–352).

[2] *Washington Star-News*, Nov. 1974; Mastecomy called too 'routine' ", by Judith Randall.

[3] *National Drug and Therapeutic Index*, 1972, Lea, Inc., p. 1277.

[4] *Washington Post*, October 1974: "Disclosure of New Findings Relating to the Drug Metronidazole" by Morton Mintz.

[5] *Cancer Research*, Vol. 23, p. 1503; 1963. *DES Congressional Hearings*, No. 1971, p. 8, p. 62, p. 33; House of Representatives, 91st Congress. ("We do not have enough data or knowledge at the present time to say what the smallest dose or the shortest duration of exposure to this drug is that could cause trouble." Dr. Roy Hertz, Rockefeller University and Dr. Mort Lipsett, N.I.H. [experts in hormonal cancer] . . . "the best available information suggests that all estrogens given at comparable doses for comparable periods of time as DES would cause the same carcinogenic effects." "Addition to any artificial estrogen beyond the natural estrogen produced in the body disturbs a natural balance which . . . is precarious [and] . . . one in 16 women will develop breast cancer . . . [Hertz]. "The amount of DES given daily as a Morning-After pill is about 500 times that produced daily in the body." [Lipsett]:

N.I.H. Center for Population Research, Dec. 1972, report by HRG: "Most university health services are giving the Morning-After Pill." See. f.n. 8.

[6] *Washington Post*, Sept. 1974, "Three Studies on a Cancer Threat," by Stuart Auerback; (3 reports in the British Medical Journal, *Lancet*, and results of Boston Collaborative Drug Surveillance Program, " . . . which compared the history of drug use of patients with breast cancer against the past drug use of non-cancer patients, more than three times as many breast cancer patients had taken reserpine than non-cancer patients."

[7] *"Report to the Congress"—Assessment of the Food and Drug Administrations Handling of Reports on Adverse Reactions from the Use of Drugs*, March 7, 1974, by the Comptroller General of the United States; ("FDA is responsible, under the Federal Food, Drug and Cosmetic Act [F.D. & C Act], as amended [21 USC 355], for insuring that drugs in interstate commerce are safe and effective: "FDA is responsible for monitoring drugs to identify adverse reactions and, when warranted, taking regulatory action to protect the public." ". . . the system has not been adequately used for its intended purpose." ". . . it has not taken timely action." "The monitoring unit does not receive all adverse reaction information available to FDA nor does it attempt to collect it." ". . . the monitoring unit does not furnish to the regulatory divisions all the information it has on adverse reactions, even when the information is specifically requested." However, since Dec. '72 . . . ". . . will provide information only when requested . . . and only provide numerical information."

FDA's Drug Regulation has not been entirely effective, because its adverse drug reaction reporting system . . . intended to assist in regulating drugs is inadequate for that purpose.")

[8] *"Regulations of Diethylstilbestrol (DES) and Other Drugs Used in Food Producing Animals"*—12th Report by the Committee on Government Operations, Dec. 10, 1973 (House Report No. 93–708); 93rd Congress; (". . . the Delaney Clause . . . was intended to protect the public from the possible hazards of consuming carcinogenic [that is, cancer-inducing] chemicals. ". . . the Delaney Clause prohibited FDA approval of any food additive use "if it is found to induce cancer when ingested by man or animals, or if it is found, after tests which are appropriate for the evaluation of safety of food additives, to induce cancer in man or animal." . . . "FDA regulation of [DES] for use as a drug in animal feed was inadequate because of errors in judgment and deficiencies in administration." "FDA was tardy in warning physicians that the use of DES during pregnancy is unsafe". "FDA made regulatory decisions concerning DES use in pregnancy on the basis of alleged analysis for which no records exist." "Current FDA policy concerning the danger from low levels of carcinogens in the food supply and environment is weaker than longstanding FDA and HEW policy and the recommendations of the 1970 advisory committee to the Surgeon General." "FDA has excessively delayed regulatory decisions concerning some widely used animal feed drugs of questionable safety.")

[9] *Address of Alexander M. Schmidt, M.D.,—Commissioner of Food and Drug Administration; before the AAAS Symposium on Food Additives, Beneficial or Deleterious;* Feb. 25, 1974, San Francisco, Calif.; ("In FDA decisions, as in all aspects of human endeavor . . . accept the probability of nonexistence of absolute safety. We usually make our regulatory judgments based on an ACCOMMODATION between benefits and risks."

[10] *Bell* v. *Goddard*, 366 F. 2d 177 (CA 7, 1966).

[11] Court of Appeals for the District of Columbia, Case No. 72–1864.

[12] *Washington Post, Oct. 7, 1974;* "New Birth Control Drug May Be Linked to Cancer," by Morton Mintz.

[13] *Associated Press* release to *Washington Star-News*, Dec. 31, 1974, "DES Residues in Beef Cattle."

[14] *Washington Post*, Nov. 1, 1974; "Red Dye No. 2 Under Attack by Nader Health Research Group", by William Rice.

[15] *Washington Star-News*, Oct. 1974, "Prescription Drug Deaths Minimized".

[16] See also Footnotes 7 and 8.

(NOTE.—The author is a special Consultant to the Office of Drug & Alcohol Concerns, United Methodist Division of General Welfare; Project Editor of the Nat'l Institute of Mental Health's "Resource Book for Drug Abuse Education", 2nd. edition; member, Administrative Law Associate, American Bar Association; Mid-Atlantic Regional Coordinator, 1975 National Drug Abuse Conference.)

FRANCINE MORRISON DAY TO BE OBSERVED IN FORT WORTH

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. WRIGHT. Mr. Speaker, August 10, 1975, will be a very special day for the city of Fort Worth and one of its finest citizens. Francine Morrison Day will be observed on the occasion of this superlative singer's 25th year as a resident of Fort Worth.

Francine Morrison came to Fort Worth on Christmas Day, 1950, from Paris, Tex. We did not fully realize then how precious that Christmas gift from Paris to Fort Worth really was.

Over the past 25 years Francine has thrilled the hearts of people all over the world with her beautiful, God-given voice. Her spiritual and patriotic message in song has been heard throughout Europe and the Holy Land and in the Soviet Union.

Francine sings only spirituals, hymns and patriotic songs. "When she sings 'God Bless America,' you know you have been sung to," exclaims Mr. Don Woodard, a prominent Fort Worth civic leader.

The list of Mrs. Morrison's appearances and honors is long indeed. She has sung for gubernatorial inauguration ceremonies and in 1969 she sang at the celebration in Fort Worth honoring Apollo astronaut Alan Bean and his fellow space travelers. Also in 1969, she was honored by the Press Club of Fort Worth which named her Female Newsmaker of the Year—the first black to receive that award.

Last year, at the invitation of Mrs. Lyndon B. Johnson, she sang before an audience at the L.B.J. Library at a meeting of Gov. NELSON A. ROCKEFELLER'S Commission on Critical Choices for America. Again this year, Mrs. Johnson invited Francine to sing for a meeting sponsored by the Texas Bicentennial Commission.

Francine's love for her God, her country, and her community is an inspiration to us all. She is to be commended for her work as a "singing ambassador" for the United States. I feel certain that the good will resulting from her appearances will last for years to come.

I join the citizens of Fort Worth in expressing appreciation to Francine Morrison for all she has done for us. It is my hope that in the future her message in song will be heard by thousands more.

VOLUNTEERS FOREGO HOLIDAY, CONSTRUCT PLAYGROUND

HON. EDWARD G. BIESTER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. BIESTER. Mr. Speaker, all too often the only news to which we are exposed is the reporting of disasters, of human suffering of conflict. The real cooperation, the sharing and the good will which are so much a part of our daily lives is generally considered too commonplace to be "newsworthy." Because of this, I feel an obligation to bring to the attention of my colleagues one small example of community action and innovativeness.

Over Memorial Day weekend, military personnel stationed at Willow Grove Naval Air Station, Willow Grove, Pa., volunteered their weekend to work with the parents and teachers of Richland Elementary School students to construct an experimental playground. The plans drawn up previously by planner Paul Hogan of the Pennsylvania Department of Community Affairs called for the utilization of castoff materials such as worn tires, railroad ties, and cable wheels. The servicemen and area businessmen contributed their time, muscle and machinery to help realize this plan, while the parent-teacher organization coordinated the project and provided food for the 2-day affair.

Following is the article which appeared in the Allentown Morning Call on May 27:

VOLUNTEERS FOREGO HOLIDAY, TOTS HAVE NEW PLAYLOT

(By Sonya Sharp)

It was a study in cooperation. The end result has people in the Quakertown area smiling.

It's for kids—whatever their age—and they love it.

The Richland Elementary School, in particular, and the Quakertown area, in general, became richer by an experimental playground over the weekend, thanks to a massive effort by a peace-time military unit under a new directive, local developers and commercial establishments, as well as parents and citizens who provided the bulk of work in 90-degree heat, the equipment and raw materials to build an obstacle course playground at the rear of the school.

Teacher-parent Organization President Noel DeSusa, who is also a teacher at the school, called the cooperation "a good thing, with economic conditions as they are."

He pointed out "We're getting thousands of dollars worth of work done here for $100 worth of food."

The TPO provided food and beverages for the workers for two days. The crowds of helpers at one point swelled to 150. Willow Grove Naval Air Base, commanded by Capt. J. G. McDonald, sent 37 men. They represented the Navy Seabees, Army, Marines and Air Force. With them came a considerable amount of Navy, Army and Air Force heavy equipment on loan for the weekend to do the heavy work on the project.

It all came about because of A1C. Jeff Johnson, an aviation storekeeper at the Willow Grove base. Johnson lives in Richland Meadows Mobile Home Park in Richland Township and has a daughter Lauren, age 6, in kindergarten at the Richland School. He saw an opportunity because of a new Navy directive which says the Navy may be involved in civilian youth projects. Each serviceman who participates will have notation made on his permanent record which will be reviewed at the time promotions are handed out.

Johnson had heard of proposals by elementary physical education instructor Jane Stover and others to get an experimental playground for the community that provides options for the youngster and invites the child to use his imagination.

The hope was to get internationally-known master playground planner Paul Hogan to design the project. Hogan was invited to talk to Quakertown Borough Council last year, which he did, and, at the same time, looked over Memorial Park in the borough as a site for such a playground. He found a suitable site close to the wading pool area. The area was to get the parents and other local citizens to build the playground in a day with cast-off materials no longer usable in the adult world. But for some reason, that project has been stalled.

So, Johnson talked to Mrs. Stover and Michael Hertsko, principal at the school, who is also a Quakertown Borough councilman.

The teacher-parent organization came up with $200, then the school board followed with a matching $250 and the federal government came through with $500, working through Bucks County Intermediate Unit. That kicked it off.

Hogan planned the project without charge as part of his duties as playground designer for the Pennsylvania Department of Community Affairs. He and Johnson came up with a load of telephone poles from a national park service.

Quakertown Mayor Philip Richter heard about the project and provided a truck so a local policeman, who has children in the school, could drive to Ivyland to pickup a load of used tires. These were planted over the weekend on the playground and became a squishly, zig-zag walking wall. Other large tires were planted to crawl through to give the youngsters the crawling experience.

The high school's environmental group contributed some railroad ties that the military rapidly turned into a bridge. A huge dirt hill was already there, but Hogan put it to better use. A wide, stainless steel slide in two sections was stretched down the east side. The steel had to be purchased, but the plastic tubing installed on the sides of the slide was contributed by Willow Grove Plumbing & Heating Supply Co.

The kids get to the top of the hill by walking up an old coal conveyor belt donated by Quakertown Borough. Workers removed the metal rods on Saturday, leaving the rubber belt a smooth, flat, slip-free surface.

The youngster who wants to walk up the other side of the hill may do so—up over a swinging bridge made from a planted cable reel and a length of the conveyor belt stretched loosely to almost the top of the hill. Or, he has another option. Coming off the hill, he finds a telephone pole jutting out at an angle and braced about three feet off the ground. After the balancing act to walk the pole, it's just a hop from the bridge, which leads to the climbing area. A 15-foot high bright yellow climbing net (which had to be purchased) is stretched over a telephone pole frame, which also holds a heavy swinging and climbing rope.

Another alternative to getting to the climbing area is walking first a wooden peg path at alternating heights, then onto secured cable reels, then still higher on planted lengths of telephone poles. There is also a wall of boulders to walk. The volunteers found these took some doing to plant. An entranceway to the playground is made of boulders. The boulders were brought in by local contractor Ray Breiner, who had a problem unloading them because they stuck on the tailgate lifting the front of the truck high into the air. He used a claw to rectify the problem.

Richland Meadows Mobile Home Park donated use of a 10-wheel dump truck and a front-end loader as well as a tag-along trailer.

Quakertown developer Peter DePaul donated enough topsoil from his new development, Quakers Green, to build one soccer and two baseball fields.

Heresko explained the school district has had trouble draining the north area behind the school. The playground is located in the much dryer south side. A grader was donated by DePaul to level the area. He also provided several dump trucks to haul some of the topsoil.

The Navy came up with four heavy trucks and four pieces of earth-moving equipment. There was also an Army three-quarter-ton truck and an Air Force 2½-ton truck.

The naval contingent senior man in charge was Johnson; the Army sent Sgt. Charles Freeman, USA National Guard, Co. C., Doylestown; the Marines, Stephen Okruhlica, Marine Air Detachment, Group 7; the Seabees, Edward Worley, builder first class, all of Willow Grove Naval Air Station.

Heresko explained grading of the soccer and baseball fields is not finished. Johnson plans to wait until Wednesday when this area is expected to be dry, then he will return with five men from the Willow Grove base to complete spreading the topsoil.

Following that, Johnson explained, the job will be turned over to high school students and senior citizens who have volunteered to complete raking of the area and planting of grass seed.

Heresko commented yesterday:

"This project should be dedicated to the people who helped create it, particularly the people from Willow Grove Naval Air Station. Without them it couldn't have been done, and we're grateful for the parents who stood there and cooked for these men for two days."

He pointed out the project is not really limited to school activity, saying:

"We also were thinking of the people who live in this area where there is nothing there for them in the way of recreation."

Ms. Stover, who is Quakertown Borough's summer recreation director, asked the media to "send a real thank you to all those people who helped show kids that they really care about the things kids know are important."

1975 QUESTIONNAIRE RESULTS

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. BROYHILL. Mr. Speaker, at this time, I would like to present the results of my 13th annual public opinion poll conducted over the past several months in the 10th Congressional District of North Carolina. A questionnaire was distributed to every household in the district, and I am pleased to say that the response this year was enthusiastic. Over 17,300 constituents responded to the poll.

This year's poll included six questions and covered the issues of energy policy, food contributions to other nations, voter registration and Federal handgun control. Since the questions were designed to cover subjects foremost in the minds of the American public and the Congress, three of the six questions sought opinions from my constituents on energy policy.

Question 2 offered respondents a choice among several alternatives for reducing fuel consumption. The great majority of my constituents favored the alternative that would impose the least governmental control over fuel prices and supply. Many of those responding wrote in a fifth alternative—to completely deregulate fuel prices. Less than 15 percent favored any form of increased fuel tax and only 20 percent supported gasoline rationing. I agree with the sentiment expressed by the majority of these responding. I have been a strong proponent of gradual deregulation of fuel prices, and I have voted against higher taxes on gasoline. To increase domestic energy supplies and availability, I have sponsored legislation that would alleviate our present energy shortages by allowing the free market mechanism to operate as much as possible. I have also proposed several measures to increase short-run supply of natural gas. Legislation to establish a windfall profits tax on oil companies is also needed.

The response to questions 3 and 4 indicates that those answering are concerned about energy conservation. By a 3-to-1 margin, they indicated they were in favor of measures to conserve fuel by achieving better gasoline mileage and by purchasing home appliances that minimize the use of energy.

Two more questions drew equally resounding responses. Question 1 dealt with foreign aid policy and question 5 dealt with voter registration. Three-fourths of those who responded were against increased U.S. food contributions to other nations. The twin burdens of inflation and recession, I am confident, were factors affecting the responses to this question and justifiably so. H.R. 6972 which I introduced in May of this year would limit food contributions to those nations that make reasonable and productive efforts to control their nation's population growth and thereby reduce the need for continuued American assistance.

The response to question 5 indicated an equally strong response against allowing voter registration by postcard rather than by personal registration.

In contrast to the decisive responses elicited by these issues, the response on question 6 dealing with a Federal bar on the sale of handguns unsuitable for sporting purposes was about equally divided. This is the only question where response based on sex made a significant difference. By narrow margins, men opposed such legislation while women favored it. In an attempt to deal with this problem, I have introduced H.R. 4890 to amend the Federal criminal code. This legislation would penalize persons who use firearms in the commission of a felony by imposing mandatory sentences for a crime committed with the use of a handgun.

Total responses to each question averaged about the same, but significantly higher responses were elicited on energy issues. I believe this reflects my constituents' concern about energy problems. Another interesting observation indicated by the response was that husbands and wives tend to hold basically the same views on the issues. Despite this tendency to agree, there was always a minor degree of overall difference in the percentages.

The views indicated in this poll have proved quite informative and helpful to me as have the polls of the previous 12 years. I would like to thank the thousands of residents of the 10th District of North Carolina for their time and interest in responding. The detailed results of the poll are as follows:

[Figures in percentages]

	Yes			No
1. Would you favor increased U.S. food contributions to starving nations if it meant that Americans would have to pay more for food?				
His	26.6			73.4
Hers	21.8			78.2
Total	24.3			75.7
2. Which of the following suggestions for reducing consumption of petroleum products would you prefer? (Check one) (a) gasoline rationing; (b) higher taxes on gasoline, heating oil, and all petroleum products; (c) higher taxes on gasoline only; (d) a plan to allow purchases of a limited amount of gasoline at normal price, with additional amounts at a higher price?				
	(a)	(b)	(c)	(d)
His	15.2	5.7	11.5	67.6
Hers	24.2	3.8	8.9	63.1
Total	20.0	4.5	10.0	65.5
3. As a way to achieve increased gasoline mileage, would you favor a freeze on today's clean air standards for automobiles and a delay for 5 yr of tougher requirements?				
His	75.7			24.3
Hers	73.3			26.7
Total	74.5			25.5
4. Do you favor legislation requiring labeling of home appliances to show how much energy they use?				
His	74.5			25.5
Hers	73.8			26.2
Total	74.2			25.8
5. Do you favor voter registration by postcard rather than the present requirement to register in person?				
His	28.3			71.7
Hers	29.4			70.6
Total	28.8			71.2
6. Do you favor Federal legislation barring the sale of handguns which are unsuitable for lawful sporting purposes?				
His	48.7			51.3
Hers	54.4			45.6
Total	51.4			48.6

REV. MARTIN LUTHER KING, SR. RETIRING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. RANGEL. Mr. Speaker, after more than 41 years of service to Ebenezer Baptist Church, the city of Atlanta, and the larger community, the Reverend Martin Luther King, Sr. will retire from the pastorate on July 31. I would like to take this opportunity today to pay tribute to this "giant of a man."

The teachings of Reverend King, like those of his beloved son, envision an America existing in harmony, free of racial prejudice, His method for achieving this ideal is nonviolence. He has held true to this conviction all his life. Even when faced with the tragic deaths of his wife and son at the hands of assassins, he did not succumb to feelings of resentment or hatred. Reverend King would often tell his listeners:

> I am not bitter. I carry no ill will in my heart against any man. I shall never stoop low enough to hate anybody. And don't any of you hate either.

Suffering, Reverend King would say, makes a man whole.

For a true understanding of the sources of Reverend King's dedication, strength, and service to community, one must return to the southland of his boyhood, Stockbridge, Ga. Born on December 19, 1899, Reverend King was the oldest of 10 children in a household of sharecroppers. Longtime friends remember him as an industrious and serious young man with a burning desire to become a preacher.

To pursue that end, Reverend King traveled to Atlanta to attend Morehouse College. There, he courted and married Alberta Williams, the daughter of Rev. A. D. Williams, whom he followed, eventually, as the pastor of Ebenezer Church.

Reverend King's ministry was marked by its compelling activism. He was always willing to involve his church in the secular affairs of his congregation and fellow Atlantans. Whether it be community development work, leadership in civil rights boycotts, or as an arbiter in a union dispute, Reverend King brought to his ministry a deep spiritual commitment coupled with an acute awareness of the outside world. Ebenezer Church was never a used-on-Sunday-only monument, but an alive, active participant in the political and social development of the community, indeed, the Nation.

As Reverend King's retirement date approaches, let us all pay tribute to his commitment, faith, and laudable achievements. But more importantly, let us learn from his teachings the great lesson of moral leadership. Rev. Martin Luther King, Sr., thank you.

THE FOOD RESEARCH AND DEVELOPMENT ACT OF 1975

HON. FLOYD J. FITHIAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. FITHIAN. Mr. Speaker, Congressman JOHN SEIBERLING of Ohio recently introduced H.R. 7620, a bill to establish grants for research endeavors for the purpose of assisting in the development and utilization of new and improved methods of food fertilizer production. I was pleased to be a cosponsor on this legislation, entitled Food Research and Development Act of 1975.

This bill is pending before the Domestic Marketing and Consumer Relations Subcommittee of the Committee on Agriculture and will probably be taken up this session.

With regard to this legislation, I asked four professors at Purdue University if they would comment on this legislation. I believe that their letters are informative and analytical and will help everyone in understanding the implications of this legislation. I highly recommend their comments to my colleagues in the House. Their letters are reprinted as follows:

PURDUE UNIVERSITY,
West Lafayette, Ind., July 15, 1975.

Hon. FLOYD FITHIAN,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR FLOYD: I think your Bill H.R. 7620 is good and that more research in these areas will benefit the U.S. citizens and the World. I support it.

I have the following comments about it:

1—It is sound to include up to 10 percent for foreign use. This is where much applied research is needed if we are to improve the diets of the people of the World. We cannot export enough to feed them over any time period.

2—Much of the research you are calling for includes plant breeding. This is not a short-time type of research. Therefore, you may need to allow for the renewal of certain projects beyond the five years.

3—If many of these changes are brought about in U.S. Agriculture, it will require the active participation of Cooperative Extension. Cooperative Extension is just what the name implies and not a direct-line organization of the Secretary of Agriculture like most of the agencies of the Department. Therefore, you might wish to have on your Committee a representative of the Cooperative Extension Service.

4—I think if you are going to get much fundamental research in the areas outlined in this Bill, you are going to have to contract heavily with the Agricultural Experiment Stations. It might be wise to indicate that a certain proportion of the funds be allocated this way.

This is my belief that both society and Purdue would benefit from such legislation.

Sincerely,

J. CARROLL BOTTUM,
Professor Emeritus.

PURDUE UNIVERSITY,
Lafayette, Ind., July 10, 1975.

Hon. FLOYD J. FITHIAN,
House of Representatives,
Washington, D.C.

DEAR FLOYD: This is with reference to H.R. 7620, "To establish grants for research endeavors for the purpose of assisting in the development and utilization of new and improved methods of food and fertilizer production."

As you know I have no experience in the administration of research, so I speak as a researcher who first spent almost four years in underdeveloped countries concerned with resource utilization and different institutional structures to enhance basic food production. Since I joined the staff at Purdue, domestic agriculture and resource utilization policy have been the focus of my work, but I believe I am still able to place our domestic concerns in the context of the world food situation.

With agricultural research funding having contracted somewhat in recent years, the research establishment has not picked up new trends and problems as quickly and energetically as many would like. Its very natural that with stable or decreasing resources it is difficult to conduct the constant reassessment of current work which might result in the termination of a portion of this so resources could be transferred to new problems. It was easier to get on to "new" problems when resources were constantly expanding as they did during much of the 1960's.

With this as a background let me comment on some specific provisions.

As I am sure you recognize, the preamble on page one with respect to world food supplies and the adequacy of production techniques is open to different interpretations and answers. For example; with respect to rice production and consumption (which was my major concern for a number of years in the Far East), I believe we may have some surplus quantities on commercial markets soon, particularly as our vast exports to Vietnam and Cambodia have been terminated. Even if these countries continue to run deficits it may not be our lack of productive capacity that results in areas of malnutrition, but the political unacceptability of bilateral trade or aid. I have far more confidence in mankind's ability to produce food both domestically and around the world than I do in our ability to make sure that available surplusses reach those in need. However, this is not meant as a criticism of the bill; it is on the right track. We do need to concentrate more of our resources in the areas it mentions, but we must not convince ourselves that abundance and productive capacity will automatically solve nutrition problems domestically or internationally.

Page 2, lines 1–6. I believe we are already beginning to make some progress in this area. High grain prices have led to renewed interest in the better utilization of forage and pasture for livestock.

Lines 7–11. Current direct energy inputs into the production of most agricultural commodities are still a relatively small proportion of total costs, as illustrated below:

Input costs and prices received per bushel of corn

Energy input costs:	
1970	$0.05
1974	.09
Difference	.04
Total variable costs:	
1970	$0.44
1974	.73
Difference	.29
Price Received:	
1970	$1.31
1974	2.87
Difference	1.56

Agricultural producers are not going to turn their operations inside out to save a few cents. I believe we are on to some very worthwhile things that we can do to save substantial amounts of energy, but there is going to be no quick or easy fix and incentives for adoption of new technologies will be limited with current energy prices. Our research proposal to the National Science Foundation addresses itself to this concern in a broad context. I have enclosed a very brief summary of this project which may be of interest to you. We still do not know whether it has been funded or not.

Lines 12–14. Again, I think we are already beginning to make a little progress here. For example; our pest control models can substantially reduce pesticide use. I have enclosed a report on one of these, and more work should be very productive.

Section 2(b). No one can argue with this, and we should be doing it if we are not already engaged in such efforts.

Sections 3–17. Given that you want to encourage a shift in the emphasis in research towards the concerns of Sections 1 and 2, it would be nice to do this with the creation of as little new bureaucracy as possible. I don't know whether sections 3 through 17 fill this bill or not. My limited experience would induce me to fight the initial battle with the traditional line agency and require it to make whatever changes Congress might wish rather than set up a parallel structure. The course this bill takes appears to be somewhere in between.

I hope these few comments have been helpful.

Sincerely,

Otto C. Doering,
Assistant Professor.

Purdue University,
West Lafayette, Ind., July 1, 1975.
Hon. Floyd Fithian,
Congress of the United States, House of Representatives, Washington, D.C.

Dear Congressman Fithian: Thank you for sending a copy of H.R. 7620, a Bill to be cited as the "Food Research and Development Act of 1975".

Let me first say that I applaud your intent. It is important that this work be supported. On the other hand, I am highly disappointed in the approach.

There are literally thousands of granting entities in existence in Federal government, in State government, in various foundations, both public and private, and in industry. Each "donates" funds to a public institution like Purdue for the purpose of temporarily bending the University's activities toward its specific aims. This Bill creates one more granting agency in Federal government.

Section 2(b) specifies the purpose but does not define the scope nearly as well as Section 2 of the original Hatch Act of 1887 or Section 1 of the Agricultural Marketing Act of 1946. Section 4(a) specifies a 12 member committee who will award temporary grants on the basis of proposals received, whereas; the original Act of 1887 (Sec. 2) appropriately specifies ". . . researches bearing directly on the agricultural industry of the United States . . . having due regard to the varying conditions and needs of the respective States . . .".

The last legislation of this type was PL 89–106 which provided for special competitive grants administered by CSRS, a division of USDA. This year 3.4 million dollars was distributed under PL 89–106 in 5-year grants. Twenty-six out of about 300 proposals were funded. Cost of developing the proposals is estimated at about $300,000 in staff time. Indirect costs to universities is estimated at about 1.1 million which leaves about ⅔ of the appropriation for gainful research. But since these are temporary grants, there is no provision for developing a lasting capability over time which can be directed to new problems as they arise.

This picture is in contrast to the Land-Grant college concept under which agriculture has been brought to its present reasonably high state of efficiency. I would note that the $50,000,000 appropriation suggested in the Act would constitute more than a 50% increase in the Hatch appropriation where it would be used more effectively and efficiently.

I appreciate having this opportunity to comment on H.R. 7620. I am certainly appreciative of your concern for improving our food production capacity. These concerns are exactly parallel to our own, so that the question is not one of whether or not this kind of agricultural research should be supported but rather how it can be done most logically and efficiently.

Very truly yours,

H. H. Kramer,
Associate Dean.

Purdue University,
West Lafayette, Ind., July 17, 1975.
Congressman Floyd Fithian,
Longworth House Office Building,
Washington, D.C.

Dear Mr. Fithian: In your letter of June 20, you requested my comment on H.R. 7620. I have read the bill and am pleased that you are directing your attention to this particular area. I am also pleased that you have asked for my comments and analysis of the bill.

Before I get into the bill, I would like to make a few comments which express my view of the world food situation and the U.S. position relative to it. The world is facing a serious shortage of food, primarily in the developing countries. The problems of malnutrition and starvation are likely to continue to grow as population grows at the rate of 2% per year or greater. However, the U.S. has no immediate fear of food shortages. Nor do I think it will in the next 10 to 15 years. The recent food scares in the U.S. which resulted in much higher food costs for consumers were a result of an unusual set of circumstances which I believe are not likely to be repeated. Current crop prospects indicate that this year's harvest will bring prices down significantly. And, as you know, they already dropped substantially from 1974 levels. Attention in the U.S. may again turn to the questions of how to support farm prices and farm incomes.

The foregoing suggests that agricultural techniques plus ongoing research are adequate for producing food supplies for U.S. needs. Further, it suggests for U.S. needs that there is not the interest in shifting away from consumption of grain by livestock in order to make cereals available for direct human consumption. These comments imply that the problem is not primarily one of increasing food supplies, but one of transferring of food to peoples who do not have means of paying for the food. If we can solve the problem of transferring food, then the need for increasing supplies becomes more important.

In the long run, from a world point of view, there is need to increase the supplies of food and do it in such a way as to not place intolerable burdens on the environment. There is also a need for getting better balance between growth in world food supplies and growth in population. I realize that this bill cannot and should not address itself to both the food and population problems, but it does seem futile to me to put all the emphasis on increasing food supplies with the resulting burden this places upon the environment without putting any emphasis on bringing population growth rates under control.

Since the food problem is a world problem and given the U.S. situation, I believe that our country does have a definite role to play in expanding world food supplies. No other country in the world has the research and organizational capability for producing food that we have. This means we can play a significant role as a humanitarian nation and also contribute to expanding world trade in agricultural and other products. Expanded world trade should result in more efficient use of the world's resources.

I believe my comments put the bill in a somewhat different focus. However, I recognize it may have been your and the other sponsors intention to use the focus presented here for strategic purposes.

I do have a few specific comments to make about the bill. This bill sets up an organization for evaluating research proposals and provides for increased funding of agricultural research. To the extent that this would increase funding of agricultural research over a time, the bill would represent a contribution to solution of world food problems. However, I could see that over time, this Act would compete for funds and would be competing against such things as the Hatch Act and other ongoing authorizations for research in the agricultural experiment stations. This could be harmful if it tended to diminish the support which ongoing research now receives. This is particularly true since the way the proposal now reads reseachers would be required to submit project proposals, await evaluations, and receive grants before doing the work. This would be a less dependable source of funds than some of the current sources of funds, and would make it somewhat more difficult to expand or retain permanent staff for doing the work.

In my opinion, one of the past problems of research which has been sponsored by AID has been its lack of certainty of continuity. For many years, they did not put much emphasis on research. In more recent years, they have shifted toward more funds going to research. But, the problem of certainty of funding continues to plague the organization. It certainly plagues the researcher who is working under such a grant.

Section 15 of the proposed bill is concerned with the impact of the new methods on the economic conditions of small farmers. Given that an evaluation would require at least a two-step process, it appears to me that the 18 months limit written into the bill is too short. It wil take at least a year or so before significant results are available from the study of methods. This would mean there would simply not be time in the 18 month period for any evaluation to be done on the economic conditions of small farmers.

My comments may come across more negatively than I intend. The bill does represent a step in the right direction and to the extent to which it would add funds to agricultural research it would merit the support of many people. It would be a bill which I think you would be proud to have had a part in over the long run.

If I can be of further assistance, please do not hesitate to call on me.

Sincerely yours,

B. F. JONES,
Associate Professor.

PURDUE UNIVERSITY,
West Lafayette, Ind., July 15, 1975.

Hon. FLOYD FITHIAN,
U.S. House of Representatives, Congress of the United States, Washington, D.C.

DEAR FLOYD: I am in full support of H.R. 7620 which you introduced on the floor of the House. The purposes which the bill are designed to achieve are most worthwhile and timely, and I hope it receives favorable consideration.

I would raise the following points for your consideration:

(1) The kinds of research objectives which appear to be envisioned under the project seem to be rather long run and basic rather than short run and applied. Such an emphasis seems to me to be correct, and it gives rise to two implications:

(a) Often a period of time longer than 5 years is required to achieve fundamental research breakthroughs, in some of the areas mentioned in the bill. I would like to see provision made for some of the research contracts under the bill to run longer than 5 years or be considered for renewal beyond the initial 5 year period.

(b) The types of research called for are the types for which the Agricultural Experiment Stations have a comparative advantage in undertaking. Many of the stations have lines of work under way which would complement the work called for. There is also a tradition of research problem-solving know-how in the stations, along with a research environment, which would contribute to effective use of research resources. I believe it would be wise to earmark a portion of the funds specifically to support and strengthen the work of the Agricultural Experiment Stations in the lines of work mentioned under the bill.

(2) There are a couple of minor points on page 2 concerning emphasis. The implication under paragraph (3) that meat and dairy products in the U.S. should be reduced to free greater amounts of food resources for direct human consumption might be modified. In any country, some combination of livestock products and food directly from plant sources would probably provide greater nutritive potential and abundance than food from plant sources alone. Some feed resources would be wasted entirely without livestock. The question is the appropriate balance between plant and animal products, given a variety of factors which must be taken into account. Relative incomes, prices, preferences and food production costs are always working toward a balance. It might be possible, for example, that a fundamental breakthrough in efficiency of feed production or in livestock nutrition would enable more people to be adequately fed with even more livestock than putting total emphasis on shifting consumption away from meat and dairy products. On the other hand, it could be that the development of high protein grains would lessen the need and place of livestock products in the diet. My point here is that some qualification to the statement as it is now written would seem appropriate.

The other point which might be qualified is under (5) on page 3. The flat statement that "the large amount of chemical now used is having an adverse effect on the environment" seems overstated. There may be areas or situations where this is true. There are probably others where chemicals are neutral or improve the environment.

In summary, the worthy objectives of the bill far outweigh any possible deficiencies. If some modification of the bill is considered, I would emphasize particularly the points I mentioned under (1) above.

Thank you for giving me an opportunity to comment.

With best wishes.

Sincerely,

PAUL L. FARRIS,
Head of Department.

NEEDED: FOOD STAMP REFORM

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. ARCHER. Mr. Speaker, I was pleased to join with a number of my distinguished colleagues to cosponsor the National Food Stamp Reform Act of 1975.

The food stamp program has been our fastest growing welfare program. It was a program originally designed to dispose of our surplus food by providing this food to low-income Americans at a reduction in normal cost. The method was through the purchase of food stamps which could be redeemed for food enabling low-income people to buy more food at their local stores. A bulletin from the U.S. Department of Agriculture describes the program:

> Under the Food Stamp Program a household pays a certain amount for an allotment of food coupons having a greater monetary value. The amount a household pays—called the purchase requirement—is determined on the basis of the household's size and income after certain deductions have been allowed. The purchase requirement represents a reasonable investment on the part of the household, but, by law, may not exceed 30 percent of the household's net income. Households with little or no income receive their food coupons free.

The coupon allotment is based on the cost of the economy food plan which has been developed by the Agricultural Research Service. The coupon allotment is adjusted to reflect changes in the price of food semiannually.

This food stamp program has mushroomed into a program which encompasses not only the low income, but also middle-class Americans including the so-called voluntary poor. This program has been in addition to all of our other welfare programs. The growth of the food stamp program has revealed a program with too many loopholes and a system open to easy abuse. It is time to halt the growth of this program, close the loopholes, curb the abuses, and bring the program back to its original purpose—a program designed to help the truly needy.

A look at the statistics reveals an alarming trend. When the food stamp program was initiated, the total caseload numbered 442,359—March 1965. Within a decade, the caseload jumped to 19,142,359—March 1975. Expenditures in this period have skyrocketed from $36,353,797 in 1965 to almost $5.2 billion. The food stamp program caseload grew by 4,227 percent and the expenditures increased by 14,203 percent—all within 10 years.

Another amazing development is the potential of future growth for this program. Although there are an estimated 21.8 million participants presently, the potential eligible to participate has been estimated to be 52.8 million persons or one out of every four Americans. Recent attempts at an "outreach" program and self-certification mechanism would greatly increase the number of participants. It is time to enact a major reform of this program.

The objective in any welfare program should be to help those who cannot help themselves; no program should become the means by which the voluntary poor or those who do not wish to work can live at the expense of the hardworking taxpayers.

It is my firm belief that if we adopt the National Food Stamp Reform Act, we will be able to cut out the abuses in the program while providing assistance to those who really are in need. Although this reform bill contains 41 specific proposals, I would like to comment on some of the major changes.

The food stamp program is a welfare program and does not belong in the U.S. Department of Agriculture. The administration of this program through USDA and the administration of our other welfare programs through the Department of Health, Education, and Welfare constitute unnecessary duplication. Such a division of responsibility leads to additional paperwork, two separate administrative bureaucracies, a lack of coordination over our total welfare effort, and opens the door to errors and illegal activities. Presently, more than 50 percent of the individuals who receive food stamps are eligible for assistance under the aid to families with dependent children—AFDC—program administered through HEW. Despite this fact that more than half of those on food stamps would have their eligibility established, the eligibility worker must still fill out two forms, one for each agency. The National Food Stamp Reform Act (H.R. 8145) would shift the entire program from USDA to HEW to improve administrative efficiency.

If enacted, H.R. 8145 would eliminate individuals with high incomes from participation in the program, provide better benefits to the genuinely needy, close eligibility loopholes, eliminate some present administrative complexities, provide a more responsible system for cash and coupon accountability, allow local jurisdictions to make a choice of commodities or food stamps, require an annual report filed with Congress by the HEW Secretary discussing the implementation of the program and reforms, provide State participation through block grants, and enact new measures to tighten controls in order to prevent fraud and theft.

A very significant change in the present program will be a change in the formula for eligibility. Eligibility should be based on gross rather than net income. The deductions allowed under the present formula have been responsible for putting many high income individuals on the food stamp rolls. Under the provision in H.R. 8145, anyone whose gross income exceeds the poverty level established by the Office of Management and Budget—$5,050—could not participate. Other considerations; that is, value of property—would be evaluated in order to assure that the program reaches the truly needy.

The genuine needy would receive benefits based on the low cost diet plan which is 129 percent of the economy diet plan. This change, assisting the poor and needy, would provide a 29 percent increase in food stamp coupons for the recipients.

Cost of food stamps for the elderly would be reduced with a special deduction of $25 per month for all households in which the head of the household is 65 years or older.

Restrictions would be placed on those who are voluntarily unemployed; that is, strikers, college students—so that the food stamp program will not provide a subsidy for them.

Individuals who receive cash or in-kind assistance for food or housing from other governmental programs would have this factor included in determining their eligibility for food stamps.

The "outreach" program would be redirected toward nutritional education—rather than merely increasing the number of people receiving food stamps.

Stricter controls would be placed on receipt and handling of coupons; for example, identifying all receipts as Federal funds and prohibiting any use for individual or corporate profit.

A clearance system would be established to gather information and a referral system would act to prevent recipients from receiving food stamps in more than one jurisdiction. This device would also check actual earned income against income reported by households in order to detect understating of income.

Food stamp coupons would have to be countersigned by recipients—similar to endorsements on travelers checks. Recipients would have to provide a monthly income report each month.

Financial assistance would be provided to localities for costs resulting from investigations and prosecutions of fraud in the food stamp program.

The present tremendous growth of the food stamp program should make it obvious to all concerned with the best interests of our country and the taxpayers that action must be taken to bring this program into reasonable and sensible limits. Abuses in the food stamp program are becoming more and more widespread—high-income individuals receiving stamps, fraudulent use of stamps, counterfeiting of stamps, and overpayments to recipients.

The time is now to take meaningful action before the food stamp program escalates into a $10 or $15 billion program.

If we enact the provisions of H.R. 8145, the national food stamp reform program, we will be able to stop the overwhelming growth of this program. We should be able to reduce the recipients from 21.8 million to a more reasonable figure, 10 or 12 million. We should be able to reduce expenditures from $5.2 billion to a more desirable amount, $3 billion. This reduction would save the taxpayers at least $2 billion. If we adopt this program proposal, we would be able to eliminate much of the waste and abuse in the food stamp program while providing assistance to the poor and needy.

It is my hope that Congress will enact H.R. 8145 into law as soon as possible.

BICENTENNIAL LEGISLATION

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. SIMON. Mr. Speaker, recently I introduced a resolution which asks that we celebrate our Bicentennial by enacting a significant commemorative piece of legislation.

The Subcommittee on Census and Population has oversight responsibilities for the Bicentennial. In hearings before that subcommittee, we have heard some positive and encouraging reports of activities being planned in the local communities, among various ethnic groups, and by privately funded programs such as the American Issues Forum. There has been criticism, too—some based on the way funds have or have not been spent—and we have heard also a general expression of dissatisfaction and of the sense that we may be losing an opportunity to do something great.

My own expression in the hearings was that what the Bicentennial lacked was not funds, but dreams.

In responding to criticism by a committee member that the festival and commercial aspects seemed to be getting too much emphasis—with the wristwatches, T-shirts and ballpoint pens all being officially emblemized—a staff member of ARBA stated that "we want everyone to have something to remember the Bicentennial by."

But how well will we remember the Bicentennial after the firecrackers have stopped exploding, the image has faded from the T-shirt, the wristwatch has broken a spring, and we have permanently misplaced that ballpoint pen? Will the speeches and bellringing—or even the dialog—be sufficient to make us remember how we celebrated 200 years of independence and freedom? Or even why we bothered?

We have heard people say that we should avoid the "bricks and mortar" approach to commemoration—that a statue or monument is not what we need. And perhaps that's true. But there are other possible dreams—many ways we might use this opportunity to commemorate our gratitude for the past and faith in our future.

We might launch a dramatic cultural enrichment program for the entire country; or begin a student assistance program for all Americans, old and young, patterned after the G.I. Bill; or make a national commitment, in specific terms, to the recognition that all human beings on the face of the Earth have the right to an adequate diet; or we might—as suggested by the National Committee for a Bicentennial Era—recognize a period of 13 years for concentrated effort toward the achievement of specific goals. I could list dozens more, and others will have many more ideas.

House Joint Resolution 540 asks that a panel of citizens be appointed by the American Revolution Bicentennial Administration to look carefully at possibilities and then recommend to Congress the program we can enact to make certain that we and our children will remember the Bicentennial and how and why we celebrated.

In 1876, during our Centennial, our Nation was not in a reflective mood. The keynote was growth and development and limitless faith in the ability of man to lift himself through technology. Americans expressed that mood in a giant trade fair in Philadelphia. But they left no lasting commemorative of the celebration.

In 1976, I hope we will be in a more reflective mood. We have more of a history—with both proud and shameful moments—to contemplate. And we can no longer have an unbounded faith in the genie of technology, because we have learned about the payment it extracts. But if we are older and more reflective, we can, perhaps, be wiser, too. We can see an opportunity and seize it. We can, if we choose to, give all Americans something to remember the Bicentennial by bceause it made a lasting impact on our lives.

The text of the resolution follows:

Joint Resolution to require the American Revolution Bicentennial Administration to establish a committee to report to the Congress ways to significantly commemorate our Nation's Bicentennial.

Whereas this Nation is celebrating in 1976 the two hundredth anniversary of its birth; and

Whereas this will be an occasion for important activities in communities across the Nation now being planned by the American Revolution Bicentennial Administration and local leaders; and

Whereas it can also be a period of self-evaluation; and

Whereas the Bicentennial should be an opportunity not only for celebration and reflection, but in the year 1976—in tribute to our heritage and as an expression of confidence and hope in our future—this Nation should also take the opportunity to initiate a significant commemorative act for this country, which would give some permanent significance to the Bicentennial observance; and

Whereas the American Revolution Bicentennial Administration has not been specifically directed to produce such a concept by its legal mandate: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the American Revolution Bicentennial Administration shall appoint, within sixty days of enactment of this resolution, a committee of thirteen members to examine the possibility of initiating a significant Bicentennial Commemorative for the Nation through congressional action in 1976, and that the thirteen-member committee so appointed solicit ideas from citizens throughout the Nation as to what the nature of this action by the Congress and the executive branch of the Nation should be, and that the committee report to the American Revolution Bicentennial Administration, to the President, and to Congress by February 15, 1976, so that hearings and action by the Congress can be completed by July 4, 1976.

THE UNLEARNED LESSON

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Ms. HOLTZMAN. Mr. Speaker, President Ford suggests we look forward and forget the evils of Watergate. We cannot, however, bury our heads in the sand—at least not until we take steps to prevent a repetition of the abuses of power that characterized the Watergate matter.

Philip Kurland, a professor at University of Chicago Law School, made some important suggestions for preventing future Watergates to the Delaware Bar Association on June 4, 1975. While I do not agree with every proposal he makes, I commend his remark to my colleagues' attention.

The text follows:

THE UNLEARNED LESSON OF WATERGATE

We are beginning to celebrate the bicentenary of the Declaration of Independence. But I would remind you that this nation was not born in 1776; It was born in 1787 with the American Constitution. And before we can celebrate the bicentennial of the American Constitution, we must successfully get past "1984." If I were in charge of some bicentennial celebration this year, I would require the participants to read George Orwell's "1984" to show what the new nation was created to avoid.

It is hard for me to accept the fact that it was a bare 10 months ago that a President of the United States was forced to resign his office because of abuse of power by him and his administration. The successor in office, after pardoning his predecessor, has behaved as if the events of Watergate never occurred.

Like Nixon, President Ford has asked us to look forward and not backward, to forget—indeed, to ignore—the evils that occurred. Unlike Mr. Nixon, President Ford has been rather successful in this effort. So successful that he has invoked the same processes with respect to the Vietnam war as with Watergate. I expect this success is due to the fact that none of us likes to recall pain and unpleasantness. But nothing is clearer than the fact that the events of Watergate demonstrated real and continuings dangers to American freedom and justice.

There were two principal aspects of Watergate: one personal, the other institutional. The first was concerned with the removal from office and punishment of those who committed Watergate crimes. Since almost all of the Watergate culprits from Mr. Nixon down have been granted clemency, I would say no more of those personal derelictions than to quote John Stuart Mill's dictum: "As for charity, it is a matter in which the immediate effect on the persons directly concerned, and the ultimate consequences to the general good, are apt to be at complete war with one another."

REFORM NEEDED

Watergate, however, revealed more than the weaknesses of men in high places. It revealed basic institutional deficiencies that have not and will not be corrected unless and until an aroused American public or an aroused Congress demands and secures reform.

I must concede that there are many whom I respect who would deny even the existence of institutional problems, who believe that the transgressions of "The White House" and the Nixon administration, were merely personal malefactions and that the removal and replacement of evil men has cured the disease.

Perhaps they should read Ben Bradlee's book about Kennedy, or, more to the point, George Reedy's morality tale about the White House, introduced with these words: "It is not that the people who compose the menage are any worse than any other collection of human beings. It is rather that the White House is an ideal cloak for intrigue, pomposity and ambition. No nation of free men should ever permit itself to be governed from a hallowed shrine where the meanest lust for power can be sanctified and the dullest wit greeted with reverential awe. . . . It is not enough to say that the White House need not be like this if it is occupied by another set of personalities. . . . The fact remains that the institution provides camouflage for all that is petty and nasty in human beings, and enables a clown or a knave to pose as Galahad and be treated with deference."

As Madison put it in the 51st Federalist: "If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a goverment which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed, and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity for auxiliary precautions."

The real problem of the post-Watergate era is not to assign blame for the creation of the imperial presidency. Nor should the objective of reform be the destruction of power. The problem is rather to provide legitimate and necessary presidential power. The problem is rather to provide those "auxiliary precautions" of which Madison spoke, that will make the exercise of presidential authority responsible to "We, the People." Some of these proposed "auxiliary precautions" are the subjects of my consideration.

ATTACK THE REAL ISSUES

(1) The first is the suggestion that responsibility to the people is fulfilled by the election process and tinkering with that will do the trick. The responsibility of a quadrennial election is not enough to assure such responsibility, for at least two reasons: First, the period between elections is too long; too much damage can be done to the fabric of our society between elections. Second, there can be no real accountability, even at an election, when the actions of the administration have been shrouded in secrecy, so that the public never knows what miners and sappers have been at work at the substance of a free society. This is a clear lesson from recent events. Some would nevertheless tinker with the presidential election by a constitutional amendment for direct popular elections or for national presidential primaries, or to provide for election of the Vice President by the people rather than by Congress when that office becomes vacant, or any combination thereof. I don't believe that any of these addresses our fundamental problem, and, in fact, may well divert attention from the real issues.

(2) A different constitutional proposal does address the basic issue. This would substitute a parliamentary system for the presidential system. Administrations could be changed when the confidence of the legislature was lost or the people impressed their representatives with the need for change. But this constitutional revision is a most unlikely event, even if it were a desirable one. The proposed system could work in this country only if there were a real two-party system in this nation. Today there is not. The so-called national parties are faction ridden. And in a parliamentary system with a multiplicity of parties, the instability overweighs any possible gain from responsibility.

(3) We need not, however, think of reform of the presidency in constitutional terms. The work of the Senate Watergate Committee was ultimately overshadowed by the impeachment proceedings, the Nixon resignation and the Ford pardon. The committee did, however, file a lengthy report which not only detailed the facts that were uncovered by the Senate investigation but also contained a series of legislative recommendations. Just before the close of the 93rd Congress, Senator Ervin introduced a bill based on the committee recommendations. It was too late in the session to hope for serious consideration, but it has been revived in the current Congress under the principal sponsorship of Senators Ribicoff and Percy. At the moment it is languishing in the Senate Government Operations Committee and it may well rest there, for the leadership of neither party has come forth to move it toward realization.

The bill has many important provisions, but I would mention only two. The first would create a permanent office of Special Prosecutor, essentially to be concerned with the revelation and prosecution of criminal activities by high government officials, and the other would create the office of Public Attorney within the Congress. For me, the second is more important than the first.

There is ample machinery within Congress for the revelation of misbehavior by Executive Branch officials. There is, however, a dearth of personnel to deal with that misbehavior except in the context of partisan political action. A permanent, well-staffed, legal office charged with real oversight of Executive Branch activities could not only uncover illegal actions, which are the lesser part of the wrongdoing, but the far more common and deleterious executive actions in disregard of congressional commands or in frustration of them. Even the judiciary could be subjected to such scrutiny, not for purposes of impeachment and removal, but rather so that statutory construction that flies in the face of the plain intent of the lawmakers could be subjected to legislative correction and amendment.

(4) Another legislative proposal of Senator Ervin's that died in the 93rd Congress seems to me of more dubious merit. It called for the

separation of the Department of Justice from the Executive Branch of the government. The consensus seems to be that this separation would be constitutionally doubtful and practically unwise. And yet the reason for the proposal is sound and deserves further attention. For as the incumbent Attorney General said when he took his oath of office: "We have lived in a time of change and corrosive skepticism and cynicism concerning the administration of justice. Nothing can weaken the quality of life or more imperil the realization of the goals we all hold dear than our failure to make clear by word and deed that our law is not an instrument for partisan purposes and it is not to be used in ways which are careless of the higher values within all of us."

(5) Legislation by way of a new reorganization act may be the appropriate answer to another problem of governmental irresponsibility. There are at least two cancerous growths on the American body politic. One is the burgeoning power of the Executive Branch. The other has occurred within the Executive Branch itself, where power has shifted from the departments and old-line agencies to what is called "The Executive Office of the President." In fact, it is here that a government policy is made, and except for the President himself—and in the case of Mr. Ford, including the President himself—the wielders of that power are all unelected, and with little or no responsibility to Congress except through the appropriations process.

The White House office shares some power with other branches of the Executive Office, particularly the Office of Management and Budget, the Council of Economic Advisers, the Central Intelligence Agency, the Council on Environmental Quality, the Council on International Economic Policy and the Federal Energy Office. It is here, in the Executive Office of the President, that the "presidency" is to be found.

There are perhaps two ways of solving the problems of lack of responsibility of "the presidency," of these governors of the American people. The first, which I would prefer, would be to dissolve these agencies and distribute their powers and authorities among the old-line agencies and departments which are creatures of the Congress and can be made accountable to the Congress. The second is to attempt to make these branches of the government directly responsible to Congress, although leaving them with their present authority. Among the ways to create such responsibility is to see that all the major domos in the Executive Office are required to have the approval of the Senate before they assume control of their fiefdoms.

(6) If nonresponsibility is the basic problem, it is most seriously demonstrated by the so-called "intelligence agencies" of our government. Aside from the presidential tapes themselves, the most startling revelations of the Watergate period were the hints of the perversion of these intelligence forces into political police forces. It is of quintessential importance, therefore, that our intelligence and counterintelligence agencies be confined and restricted to the limited functions they were created to deal with. If oversight by Congress is not to be the answer, it is hard to conceive of an answer. It is only through an agile and exercised press that we have had any information about the scope of the efforts of our intelligence agencies. Grateful as we should be to the press, we must accept the fact that the press is a necessary but not a sufficient safeguard against a dreaded politicization of intelligence services.

(7) This brings up the fact that in recent years the government cloak of secrecy has been erected into an impenetrable screen by the assertion of "executive privilege." One need not go so far as Prof. Raoul Berger did in his volume on "Executive Privilege" to recognize that the doctrine of recent growth, is a tool for the preclusion of the power of legislative oversight, which is the only real check on abuse of executive power.

THE SUPREME COURT'S ROLE

Watergate has left us a legacy here, too. For the Supreme Court in the form of a decision in Nixon vs. United States has created out of whole cloth a privilege of constitutional statute, a privilege apparently breachable only by the Judiciary itself for the purpose of carrying on its criminal processes. Having created the privilege, the court abstained from saying whether Congress could assert for its purposes the power to breach the privilege that the court asserted for its own ends.

Since I believe that there is no basis in the Constitution for such a privilege, and since I believe that there is no warrant in the creation of such a privilege by judicial fiat, and since I believe that there are times when such a privilege should exist, I believe that pursuant to its authority: "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof," Congress should provide a statutory definition of executive privilege and a statutory definition of the appropriate procedures. These are necessary conditions to the reality of responsibility of the Executive Branch to the people through the Congress.

King John had his Magna Carta; King Charles had his Bill of Rights; King George III had his American Constitution, and the Nixon administration should have no less glorious a monument to reform.

PENSION CUTS: OFFICIALS SPEAK OUT

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. BEDELL. Mr. Speaker, on July 3, 1975, social security recipients received an 8-percent cost-of-living increase. If past experience holds true, many of these individuals will suffer subsequent reductions in other pensions or subsidies because of an oversight in existing law.

In fact, many Members of Congress are already hearing from their contituents about such benefit cutbacks. This development should not come as anv great surprise to legislators.

Last year, the Congress enacted an 11-percent social security cost-of-living increase. As a direct result of this action, over 300,000 veterans and their dependents suffered unexpected reductions in their non-service-connected disability pensions, and an additional 2,000 individuals were dropped from the veterans' pension program altogether. Similar benefit reductions were encountered by social security recipients who also receive other Federal benefits, such as supplemental security income, low-income housing, and aid to families with dependent children. These cutbacks occur when the greater social security payment places the recipient in a higher income bracket, thus allowing other Federal agencies to reduce or withdraw support which they had previously extended to that individual.

And what can we expect to be the result of this year's social security cost-of-living increase? The potential impact on veterans alone is staggering. Over 75 percent of recipients of veterans' pensions receive both social security and veterans benefits. The Veterans' Administration has already estimated that they will be able to reduce veterans' pensions by $219 million in 1976 as a result of the July 3d increase in social security benefits. This would effectively cancel the relief provided by that much needed cost-of-living increase.

In the July issue of the Veterans of Foreign Wars magazine, the commander-in-chief of the VFW, John J. Stang, discusses the problems created by the existing situation for veterans and their dependents. Included in the article are responses from the chairmen of the Senate and House Committees on Veterans Affairs, the Administrator of the Veterans' Administration, and the chairman of the House Subcommittee on Compensation, Pension, and Insurance. As the reader can readily perceive, the officials most immediately responsible for the administration of veterans' programs are deeply concerned about the existing problem.

I believe that the need for prompt congressional action on the entire question of social security cost-of-living increases and their impact on other Federal pensions and programs is apparent. It is imperative that congressional hearings be held on this issue as soon as possible so that the Congress can take timely and responsible action to prevent a recurrence of last year's situation.

Mr. Speaker, I include Mr. Stang's article and the responses as printed in the Veterans of Foreign Wars magazine to be printed in the CONGRESSIONAL RECORD:

PENSION CUTS: OFFICIALS SPEAK OUT

(By John J. Stang, V.F.W.
Commander-in-Chief)

"My pension was cut $11.63. How come? I thought we were going to get a raise."

"I'm 78 and a veteran's widow. I can't afford to live on what the VA pays me and now my pension was cut."

"I used to eat a steak once in a while, now I can't afford hamburger."

"I fought for my country. Why do I have to fight again?"

These and thousands and thousands more are comments requested in the V.F.W. Magazine in May from veterans or their widows whose sole income was from Social Security and whose pensions were decreased or terminated.

If thousands responded to the small notice, imagine the thousands more who missed it or were unable to reply.

Originally, it was thought—erroneously, as it developed—that the law which went into effect last January raising the income limits by $400 and increasing the monthly payments by 12% would take care of last year's 11% raise in Social Security checks.

In fact, in the report of the House of Representatives on its consideration of the bill, it was stated that the VA assured the Congressmen that no one would be dropped from the pension program if the bill was passed.

Instead, the VA has now informed the V.F.W. that over 2,000 were terminated. In addition, approximately 345,000 lost some money in the small amount received under the nonservice-connected veterans and widows pension provision.

Two things happened to create this situation. First, unless the Social Security and VA pension checks were about equal, those with larger Social Security payments got a higher percentage increase than was covered by the increase in their smaller VA check. Eleven percent of a large amount is greater than 12% of a smaller amount. Increases in income automatically reduce the VA pension check.

Second, the cut-off limits for decreases in the VA pensions as other income—such as Social Security payments—increases, were changed in the new law in January. This means that if you were in the bracket last year that reduced your VA check by four cents for every one dollar you received over a certain amount, you might find yourself being reduced by five or six cents this year.

The result was that even though a veteran or widow thought the increase in the VA pension would offset the increase in Social Security, some 345,000 people received the shock of their lives.

What can we do? The first thing has already been done. Thanks to your letters and cards, our Washington Office has visibly demonstrated to key members of Congress and the Administrator of Veterans Affairs that your pensions were reduced or terminated. Their reactions may be seen in the accompanying pictures and statements.

We wish that each and every one of the thousands of letters could be answered individually, but we do not have the manpower and we are sure that you would have this effort and cost go to a better cause—that of working to right these injustices. I personally thank each veteran or widow who wrote Cooper T. Holt, the Executive Director of your Washington Office. If official documents were sent with the letters, they will be returned as time permits.

What is the answer? Hard work by Congress and the VA to right this injustice. Almost everyone connected with the pension program agrees that it is inequitable. The program must be fair and it must be based on need. It also must decrease with increased income to some point where it is no longer needed.

But it must allow a veteran or widow to be assured that welfare need never be accepted. A man who fought for his country should be too proud to accept welfare.

We will work to establish an income level which will assure that no veteran need ever apply for welfare. Once this level is agreed upon, it should be adjusted as the cost of living increases—and at the same time, as other income receives the adjustment. A more equitable treatment must be found for counting a spouse's income. It does not seem justified to count her retirement check at a time when the two need the little received. And, when medical expenses are determined to be "unusual" by the VA, should not all of them be counted rather than a certain percent?

We pledge to those receiving pensions that the V.F.W. will lead the fight to eliminate the injustices of the pension program. Injustices which now exist, as shown by the thousands who answered our request for letters, must be corrected.

BY SEN. VANCE HARTKE (IND.)

Chairman, Senate Committee on Veterans' Affairs

The letters presented to us, together with other information we have received, is strong evidence that the veterans pension program must be thoroughly revised and expanded to insure that all eligible veterans and their widows can live out their lives in dignity.

Such a new pension program must provide a truly adequate income above any subsistence level so that no veteran will have to turn to welfare assistance. This new pension program would also treat veterans of equal needs identically and provide greater assistance to those with greater needs.

Finally, a new pension reform act, which I will introduce shortly, must guarantee regular automatic increases in pension that fully account for all the increases in the cost-of-living.

In addition, it is my intention to introduce with my close friend, Sen. Strom Thurmond, who also has been long concerned with their problems, the "World War I Veterans and Survivors Pension Bonus Act" which will provide special additional and needed assistance to our veterans of World War I and their widows.

BY REP. RAY ROBERTS (TEXAS)

Chairman, House Veterans Affairs Committee

The Committee is engaged in a continuous study of the veterans non-service-connected pension program and we are pleased to receive information and assistance from the Veterans of Foreign Wars.

We receive a great many letters from veterans and widows when there has been an increase in income and a corresponding reduction in the pension. Most of these letters mention Social Security, but, as a matter of fact, most of the cases we look into involve increases in income of other types such as rental or interest income, additional income to be reported by the wife and increased retirement income. Unusual medical expenses may have caused an increase in the pension one year, but are reduced the next causing the pension to be reduced.

Invariably, when the pension of a veteran or widow is reduced, it is because his other income has been increased. This is the nature of any program which operates on income limits.

BY RICHARD L. ROUDEBUSH

Administrator of Veterans Affairs

The V.F.W. is to be commended for the voluminous material it has gathered for presentation to Congress concerning the impact of Social Security payments on VA pensions.

As a former member of Congress, I can assure you that our legislators do welcome having all possible data on hand when they are considering legislative matters.

Recently, VA Deputy Administrator Odell W. Vaughn and Director of the Compensation and Pension Service Charles Peckarsky joined me in discussing with Executive Director Cooper T. Holt the tremendous volume of mail he had received in regard to the pension change notice carried in the V.F.W. Magazine.

We were, quite frankly, impressed by the great outpouring of mail in response to the magazine notice and the VA has offered to review all of the individual letters just to make sure there has been no error on the VA's part in adjudicating pension cases in keeping with the current law.

BY REP. G. V. MONTGOMERY

Chairman, Subcommittee on Compensation, Pension, and Insurance

The Subcommittee is quite concerned that the program operates equitably and fairly with all veterans and widows. In general, most major retirement programs such as Social Security, railroad retirement, company and union pensions, civil service and so forth have increased over the years. At the same time we have kept the pension program in line with changes in the cost-of-living. In this way we have attempted to protect the veteran and widow. In addition, we have continued to raise the upward income limitation.

The Subcommittee has also tried to maintain a perspective and proper relationship between the non-service-connected pension and compensation for service-connected disabled veterans.

KIDNEY PATIENTS AND DRUG COSTS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. VANIK. Mr. Speaker, persons who have undergone a kidney transplant or are undergoing kidney dialysis incur very large drug expenditures, often running as high as several thousand dollars yearly. To investigate whether or not there would be an appreciable savings if a renal disease patient purchased the needed drug items under their generic names, I requested the Oversight Subcommittee staff of the House Ways and Means Committee to conduct a telephone survey to examine the amount of difference an end stage renal disease patient must pay if the drugs he is taking are purchased under their brand names as opposed to their generic names.

Two phone calls were made to each of 10 pharmacies in Washington, D.C., and Maryland. The purpose of the first call was to determine the cost of 100 tablets of the generic name product, Prednisone, one of a number of drugs required by kidney disease patients, at a strength of 5 mg. The follow-up call asked for the cost of 100 tablets of Deltasone, the brand name of Prednisone that is manufactured by the Upjohn Co., also at a strength of 5 mg.

At all 10 pharmacies, the brand name drug item, Deltasone, would have cost the patient from 5 percent to 226 percent more than if he had purchased the drug under its generic name, Prednisone. In one year an individual requiring 50 mg. of Prednisone per day could spend over $300 more if purchasing the brand name product instead of generic name. This is a substantial burden on patients who already face crippling medical expenses. When the example of Prednisone is added to the other drug purchases needed by kidney disease patients, the difference between generic versus brand name costs could amount to over a thousand dollars for some patients.

During the Oversight Subcommittee's hearings on June 24, I asked Dr. Robert Van Hoek, Acting Administrator, Health Services Administration, HEW, what assistance can be provided patients in obtaining the lowest priced available drugs. Dr. Van Hoek pointed out that where drugs are reimbursed on an outpatient basis under medicare and medicaid, they will now be subject to regulations which call for a maximum of allowable cost for such drugs. He said:

> Where we do not reimburse, where the patient pays directly for the cost, we have no direct influence over that. We hope that the physicians and pharmacists would take into account the economic factors for patients where they are going to be on prolonged therapy and they would hopefully advise them on what is the most effective and least costly drugs to use.

Mr. Speaker, I do not believe that this "hopefulness" is adequate. Kidney patients cannot easily face out-of-pocket expenses—even after medicare assistance—of $6,000 to $8,000 per year. It is time that the Social Security Administration took a more active role in advising patients of lower cost services wherever possible. Recent revelations have shown that some physician groups and pharmaceutical firms are hand-in-glove. I believe that the Federal Government must take the leadership in advising patients of drug pricing.

MILITARY RECOMPUTATION AND OTHER ISSUES—CONCERNS OF HAWAII CHAPTER, ARMY RETIREE COUNCIL

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. MATSUNAGA. Mr. Speaker, on May 17 I had the distinct honor and pleasure of addressing an open house of the Hawaii chapter of the U.S. Army Retiree Council at Fort Shafter in Honolulu. My purpose was to bring the 3,500 registered—as well as the many unregistered—Army retirees in Hawaii up to date on my continuing efforts to legislate a long-overdue recomputation of retiree pay, the latest effort of which is H.R. 1168, introduced by Mr. Wilson of California and cosponsored by myself, among others.

Prior to my speech, Maj. Gen. Charles R. Hutchinson—U.S. Army, retired—chairman of the council, made some introductory remarks which I feel convincingly sum up many of the recomputation-related and other problems which all military retirees now face. In further support of my efforts and those of my colleagues to effect legislative reform in this area, I insert his thoughtful remarks in the Record at this point:

U.S. Army Retiree Council, Hawaii, Open House, May 17, 1975

The Army Retiree Council, Hawaii is appointed by the Commander, U.S. Army Support Command, Hawaii. The Council membership is 10 enlisted and 10 officer Army retirees of which I am the Chairman. We meet the first Saturday each month at 0900 at the Personnel Center at Fort Shafter, which is located in the building just diamond head of this theater. We welcome your attendance at any or all of our meetings.

We consider our primary mission to determine problems and needs of retirees and do what we can to assist them. We are receiving top notch support from General Bolton's command in solving local problems, but our major problems can only be resolved at the Washington level.

There are some 3,500 Army retirees registered with the Retiree Section of the Personnel Center—we feel sure there are many more not registered. You are urged to get these unregistered on our rolls so they can participate in our programs.

You have told us, over and over again, that, by far, the most important needs of retirees are: (1) Recomputation of retired pay. (2) Holding the line on entitlements, i.e., medical-dental care, commissaries, PX's, etc. Your Council has taken a very strong position, that the Government has breeched an unwritten contract by changing the basis for computation of retired pay, and curtailing long established entitlements, something that wouldn't have happened if the military were strongly organized like Federal civil service employees are.

What have we (the Council) done about it? We have written dozens of very forceful but polite letters to the President's office, the Secretary of Defense, Chairmen of the Senate and House Armed Services Committees and Appropriation Committees and to the Hawaii Congressional Delegation. We have hit hard at the recomputation and commissary problems.

Regarding recomputation, there is no money in the President's budget, and the Secretary of Defense opposes recomputation. Thus it appears that our only remaining avenue to eliminate this gross injustice is to the Congress. For several years now the U.S. Senate has voted for recomputation, but it has been thwarted by the House Armed Services Committee. So it is particularly important we work on the U.S. House members.

We have pointed out that ⅔'s of the one million retirees, all services, retired prior to 1958, when the tie-in of retired pay with active duty pay was eliminated. One half of this group receives less than $4,000 per year retired pay. And the average retired pay of this group is 35% or more below that received by current retirees. There is something radically wrong when we find a 1958 M/Sgt retiree drawing $5,000/year while a 1974 M/Sgt retiree draws over $10,000/year, both with 30 years service. And a 1958 Brigadier General retiree with less pay than a current Lieutenant Colonel retiree. Worse yet, the gap widens every time there is a cost of living increase.

In reply to our letters, Senators Fong and Inouye and Representatives Mink and Matsunaga definitely state they support recomputation.

The DOD budget calls for commissaries to become self supporting—one half commencing 1 July this year and the other half 1 July 1976. The present overall average commissary savings is 24% plus or minus depending on locations. For a family of four, buying $200 monthly from commissaries, this is a savings of about $50/month. The DOD plan would mean an additional 12% surcharge later this year and another 12% next year. Commissary savings would drop to practically nothing. No matter what language DOD describes this action, our Council calls it a cut in pay for every military member, active or retired who uses commissaries.

In reply to the Council's letters on commissaries:

Senator Fong states the Council's views will be given full and careful consideration.

Senator Inouye states he will keep the Council's view in mind as he studies them.

Representative Matsunaga states that efforts to retain present commissary system will meet stiff resistance, but will support measures to reasonably compensate persons detrimentally affected.

Representative Mink states that full consideration will be given to this matter.

Why is the military in its current predicament? The answer is simple—we have avoided getting into politics and thus have little political punch. In the long run, active and retired military need a strong central organization, instead of a loose affiliation of many associations going in many directions. As of today only ⅓ of all active and retirees have membership in the many associations such as Association of the U.S. Army, Air Force and Navy, Retired Officers Association, Retired Enlisted Association, National Association of the Uniform Services, etc. But until we get a strong central organization, I urge you to join with the National organization appropriate for you such as the Retired Enlisted Association, Retired Officers Association, and in particular, the National Assoication of the Uniformed Services, whose membership includes enlisted, officers both active and retired. These organizations are carrying the torch for us in Washington, but they need more members to improve their political punch.

I think there are too many of us who just sit around and gripe and then complain that nothing happens. I urge you to write letters to the President, Secretary of Defense, and Members of Congress. And why can't neighbor, social, and organization groups get up petitions to the President with copies to Members of Congress? Believe me, if in sufficient volume, attention is paid to them. Ask Members of Congress how they stand on the recomputation and commissary issues.

Let me give you an example of what I am talking about. A week or so ago, the U. S. Civil Service Commission announced a reduction from 15% to 12½% in the Hawaii cost of living allowance for Federal workers. I am not in a position to judge the validity of the Civil Service Commission's decision, but if it is correct, there would presumably be no reduction in purchasing power of civil service employees. Even, if in error, the cut would be smaller than the cut in pay for military commissary users, under the DOD proposal.

Did you note the headlines on page B–10 of the Star Bulletin day before yesterday? Senators Fong and Inouye are jumping into this problem with both feet. Why? Let me read from the article: "Hundreds of letters, telegrams and petitions have been pouring into our offices."

I haven't heard of anyone jumping into the commissary problem like this. And I haven't heard of any concerted letter and petition drive here by Army active duty military or dependents to fight for their commissary entitlements. I hope there has been some that I haven't heard about. I do know a number of veteran and retirement organizations that are conducting such a campaign.

For sometime now, I have felt there is a pretty general feeling among Army retirees that the Army Washington HQ isn't doing anything to restore and hold the line on entitlements so vital to retirees. Or if the Army is doing anything we are not being told about it.

Therefore on behalf of the Council I wrote a letter to the Army Chief of Staff, advising him of the situation, and recommended: 1) That the Department of the Army two Councils be made on joint Council and 2) The Retired Army Bulletin be drastically revitalized and mailed on an expeditious basis—and be made a medium for the Army Joint Council to inform retirees what is happening to their entitlements, and what retirees can do to combat their erosion, ie, information of the type found in publications of National Associations. I'm certain we're all aware that the present content of the Retired Army Bulletin is almost worthless, since it doesn't hit the vital issues of all retirees—recomputation and entitlements.

Our program today includes presentations by the Veterans Administration, The Pacific Exchange Service, and Representative Matsunaga who has been a long time and solid supporter of recomputation of military retired pay.

U.S. ARMS SALES TO JORDAN: ANOTHER DISTURBING CHAPTER IN THE MIDEAST ARMS BUILDUP

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. BONKER. Mr. Speaker, on July 10, 1975, Congress was informed of the administration's proposed sale to Jordan of

$350 million worth of sophisticated weaponry. This notification was carried out in accordance with section 36(b) of the Foreign Military Sales Act of 1974, which stipulates that the President notify Congress of any proposed military sales in excess of $25 million. Congress then has 20 calendar days in which to disapprove any sale, if it so desires, by adopting a concurrent resolution in both Houses. Representative JONATHAN BINGHAM and Senator CLIFFORD CASE have each introduced such resolutions of disapproval. Action on them must take place by July 30.

The events surrounding the proposed sale, the motivations behind the request for the weapons and the potential impact of such an arms transfer in the Middle East deserve the careful study of all Members of the House as they determine within the next several days how they are goingt to act on the Bingham resolution, House Concurrent Resolution 337, the first working test of section 36(b), the disapproval process.

The first administration disclosure of Hawk missile sales to Jordan, in May of this year, stipulated no more than a $100 million price tag. Now the figure is $350 million for the antiaircraft missile system, over three times its original amount. Why the increased dollar figure within a 2-month period is an issue which remains questionable.

Timing represents another curious and troubling factor. King Hussein has wanted an up-to-date air defense system for his country for several years. Congressman ROSENTHAL has pointed out that the administration granted such a request during the Middle East policy reassessment period when, according to the White House, there would be no new arms sale to any Mideast nation. I must agree with his observation that such an action certainly at least raises the question as to whether Israel is being punished "for the failure of American diplomacy in arriving at a Middle East settlement."

Not as shrouded from scrutiny as the aforementioned are the weapons which make up the package and their awesome capabilities. The so-called defensive system consists of 14 improved Hawk batteries of 6 launchers each with a total of 532 missiles, 100 Vulcan radar-directed antiaircraft guns, and 300 Redeye shoulder fired heat-seeking missiles. The capabilities of each of these weapons and similar weapons produced by other countries are clinically described in 1972–73 Jane's Weapon Systems. These weapons are not either modest—as they have been called by the administration—or strictly defensive.

The Vulcan weapon system "can be made available on a variety of platforms" including a towed trailer or a self-propelled land vehicle. The Redeye is also portable. The Hawk, described as a "homing-all-the-way-killer" is approximately equivalent to the Soviet SA-6. The Hawk can be operated from mobile carriers. Clearly, all three types of weapons are easily moved from one place to another and, therefore, can provide cover for offensive operations.

The regular Hawk is in the inventories of Belgium, Denmark, France, Israel, Italy, Japan, Netherlands, Saudi Arabia, South Korea, Spain, Sweden, Taiwan, and West Germany. However, the improved Hawk, that which the administration proposes to supply to Jordan, is only presently being used by our own troops. Given Hussein's recent statement on a cooperative military arrangement with Syria, it appears all too possible that the improved Hawk system will fall to the scrutiny of the Soviet advisors in Syria. The Soviets could conceivably test the Hawk's capabilities and develop weapons systems to overcome it, thereby threatening one of the mainstays of our NATO defense system.

Recently, I was in Amman, Jordan and had the opportunity to discuss this matter personally with King Hussein. The King maintains the Hawk missiles are essential for Jordan's defense and would be placed only in and around Amman and several major airfields in Jordan. He said Jordan was highly vulnerable to every air attack from any source and needs these precautions. The King said further that if the sale were not completed with the United States, Jordan would be forced to do business elsewhere. I presume he meant Russia since that country is the only one that produces a comparable weapon.

I also met with Premier Rabin and other Israeli leaders on my tour of the Middle East. They are convinced that a complete antiair defense system would give the Jordanians enough security to join Egypt or Syria in a further confrontation with Israel. They believe that Jordan abstained from direct involvement in the Yom Kippur war because of its vulnerability in Israeli air attacks.

Jordan is an integral part of the Arab-Israeli balance of power which military asymmetries among the nations involved. Israeli balance of power which is based on military asymmetries among the nations involved. As long as these asymmetries remain within the ratio of three to one in major weapon systems, Israeli could, despite difficulties, cope with the situation. The moment these asymmetries grow above the ratio, such as Hawk missiles to Jordan, it will increase the probability of Arab attack or force Israeli to take premature action.

Mr. Speaker, any reasonable person must wonder at the thought processes of the administration officials who advocate arms transfer of such sophisticated materiel and of such magnitude. I am not opposed to selling Jordan defense weapons but they must be of a reasonable amount and provided within a phased time period. Congressman BINGHAM has suggested that any future delivery of weapons to Jordan should be piece meal and contingent upon the situation in the Middle East. I fully endorse that position.

Finally, as we are all well aware, this proposed arms transfer is not occuring in a vacuum. Last year, $6.5 billion in weapons from the United States went to the Mideast with the Arab countries receiving the lion's share. The Persian Gulf area this year alone has purchased $3.6 in weapons from the United States. Quite simply, there is more than enough in armaments in the Middle East to royally support any of the conflicts which might flare up at any time. The United States is the major supplier of these tools of war.

I question the absence in our Government of a framework for decision making with respect to governmental grants, credits and sales and private sector sales. The provision of military weapons or lack thereof is every much a part of foreign policy as is the signing of a treaty. Developing and changing power bases by the provision of military weaponry should be a carefully thought out, openly arrived at process, not an after-the-fact justification. I believe that Congress must immediately serve notice to the administration of its determination to force such a process. By voting for House Congressional Resolution 337 to prevent the proposed sale to Jordan, we will be taking an important first step in this direction.

THE 1915 GENOCIDE OF THE ARMENIANS

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. HELSTOSKI. Mr. Speaker, earlier this year, I introduced House Joint Resolution 148, which would have designated April 24, 1975, as a "National Day of Remembrance of Man's Inhumanity to Man" in commemoration of the 1915 Armenian genocide. Over 50 Members joined as cosponsors of this resolution which was passed by an overwhelming margin in the House on April 8, 1975. The Senate failed to act on this important measure; nevertheless, Americans of Armenian origin and their friends throughout the world set aside that day, the 60th anniversary of the first heinous act of genocide of this century, to reflect upon man's past inhumanity to his fellow man.

In the course of my efforts in behalf of this resolution, I received a very large volume of correspondence from all parts of the country concerning the tragic plight of the Armenians who perished in Turkey in 1915. Although the proposed day of observance has since passed, I would still like to commend to the thoughtful attention of my colleagues one particularly scholarly and moving letter written to me on the necessity of preserving an accurate historical record of this horrible episode, as well as other acts of wanton human destruction, to serve as a compelling reminder to us that we must constantly guard the infinitely precious quality of human life.

Following is the text of this excellent letter from Marjorie Housepian (Mrs. M. Dodkin), associate dean of studies and associate in English at Barnard College, on leave this year and working as research fellow at Bryn Mawr:

DEAR CONGRESSMAN HELSTOSKI: I am writing in support of your Bill H.J. Res. 148. As author of, among other books, The Smyrna Affair (Harcourt Brace Jovanovich, 1971) which concerns the burning of that city (now called Izmir) in Turkey, in 1922, and the massacre of its Armenian and Greek population, I spent eight years doing research not only on that event but on the historical background which led to it. This necessarily included the Armenian genocide during World War I, and the stance of the great Powers, most especially of the United States during both these periods. Much of my research was done in the archives of the U.S. Department of State and in the Naval Records, as well as the manuscript division of the Library of Congress. In addition, I consulted unpublished British documents, the private papers of American Consul George Horton and the diaries of some of the U.S. naval personnel stationed at Smyrna during the fire to protect American installations. I read exhaustively in French, as well as British and American sources and in translation from Greek, German and Turkish sources—some of the latter are on file in our State Department archives.

My primary interest is in the historical record, which has been consistently distorted by Turkish sources, and also—sometimes wittingly and at other times unwittingly, by Americans and Europeans. The leadership in the U.S. of the Protestant missions in Turkey, for example, found it expedient, after a time, to hush the accounts of their missionaries who had been eyewitnesses to the events, especially those which occurred during World War I. In the same way the Department of State in its press releases concerning the fire of Smyrna and massacre of minorities in 1922, contradicted the testimony of U.S. Intelligence sources in that city whose blow by blow accounts of Turkish atrocities are on file in the archives. Since that time considerable confusion has resulted regarding both the genocide of 1915 and its sequel, on a far smaller scale, toward Greeks and Armenians in Smyrna, in 1922. Few history books deal with the minorities in Turkey during and after World War I, and the few that do have aodpted the Turkish view and minimized the happenings; while the majority of Americans have very little notion of the Near East, and even some "experts" concerned with that area have very little understanding of the attitudes and feelings which have resulted from the events of the not-so-distant past. Those who know better have either ignored the touchy issue of genocide and massacre of minorities in Turkey (foreign historians seeking to do research in Turkey can obviously investigate only areas approved by those who control the Turkish archives and would moreover be considered persona non grata were they to concern themselves with investigations unpopular with the Turks), or have accepted the Turkish view in a persistent effort to appease the sort of xenophobia which is ironically enough fostered by these very efforts. Therefore, what was indeed the first genocide of the 20th century has never been officially acknowledged by Turkey and has been largely forgotten by mankind.

The danger of such forgetfulness is that it contributes to ignorance and self-deception, the victims of these being the peoples of every nation, including our own. It is therefore in our own self interest to foster the remembrance of things past, so that the present and the future may profit from those principles which the chain of events we call history brings to light.

While secondary sources (books based not on first hand documents or witnesses, but at second-hand, on hearsay and other books) have largely ignored or distorted the treatment of Turkey's minorities after the turn of the century, there is no lack of impartial primary sources, both published and unpublished, to verify that a genuine genocide—as we now call a concerted, deliberate effort on the part of a government to exterminate a race or group—did indeed take place. In other words the Turkish view that the massacre of Armenians was largely a measure of self-defense because the Armenians were aiding and abetting the Allies during World War I, is absolutely false according to all the available evidence. Our own American Ambassador, Henry Morgenthau, has stated that the Turks were intent on wiping out the entire Armenian population, using the War as an excuse to rid themselves of a group that could be potentially troublesome. ("Those who are not guilty today may be guilty tomorrow," the Ambassador was told by the Turkish leaders.) German documents, as well as American consular reports emphasize that the Turkish leaders were moreover desperately in need of a scapegoat for their initial staggering defeats in the Caucasus at the outset of World War I, a war which was unpopular with the masses of Turks who had no appetite for fighting the British, or indeed for fighting at all at that time. The relative prosperity of the Armenian population was also a sore point; by banishing the Armenians into oblivion the Turkish government could also confiscate and redistribute their properties.

There is not a shred of evidence to substantiate Turkish claims that the Turkish Armenians were traitors to the Turkish war effort; and this in spite of the fact that a considerable Armenian population in Russia was fighting with the Russians against the Turks. The motives for the attempted extermination of the Armenians are complex, too much so to sum up in a short statement, but the evidence is glaring that the Armenians provided no provocation whatever despite considerable attempts to provoke them into retaliating, and that at least three-fourths of the Armenian people—approximately 1,500,000 men, women and children at conservative estimate were wiped out by "deportation" into the deserts where they were at the mercy of the gendarmerie and tribesmen. Those not killed outright, or more often after sadistic torture, very effectively perished from a lack of water and food.

Thus the "Armenian problem" was settled, indeed before it ever arose, for the vast majority of Armenians had not until this time been seeking territorial independence. Only those Armenians remained who were fortunate enough to live in Constantinople or Smyrna (where the leaders of the communities were sent to their deaths) where there were too many foreigners to witness sterner measures; or those who managed to escape over foreign borders. Many of these last returned after the war, under promises of Allied protection, only to be massacred later when the Allies vied with each other to gain Turkey's favor; each hoping to beat the other to the exploitation of the oil fields of Mosul, then a part of Turkey.

In the end, of course Turkey lost Mosul to Iraq, and became nothing more than a sieve for foreign—largely American-aid. For all their pains the Board of Missions lost their schools, one by one: at this writing three remain out of an original 353. Turkey's most profitable export has been heroin. The fields once cultivated by the Greeks and Armenians and which provided the breadbasket of Turkey have been devoted, since the demise of the minorities or their expulsion (in the case of the Greeks) to the less strenuous production of poppies—U.S. aid providing the grain. And then one wonders, in the age of the airplane, of exactly how much value is Turkey's geo-political position. Not enough, surely, to maintain a historical deception and in so doing to encourage others to take the cynical view expressed, in 1938, by Adolph Hitler when he asked, "Who, after all, remembers the extermination of the Armenians? . . . The world believes in success alone." Hitler, let it not be forgotten, was a great reader of history.

Yours sincerely,

MARJORIE HOUSEPIAN.

H.R. 7014 OFFERED BY MR. CARTER

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. CARTER. Mr. Speaker, I offer for the consideration of my colleagues a newly revised draft of my proposed amendment to the bill, H.R. 7014.

The revisions made in this amendment are, for the most part, technical. I have made one substantive change to assure that acquisition of sites, construction of facilities, and acquisition of raw materials shall not be accomplished by condemnation.

The article follows:

AMENDMENT TO H.R. 7014 AS REPORTED—OFFERED BY MR. CARTER

Page 338, after line 25, insert the following:
Liquefaction and Gasification of Coal

SEC. 607. (a) The Administrator shall establish a program of assistance to private industry for the construction and operation of one or more facilities for the liquefaction or gasification of coal. In order to effectuate such program, the Administrator may make loans and issue guarantees to any person for the purpose of engaging in the commercial operation of facilities designed for the liquefaction or gasification of coal.

(b) (1) For the purpose of making loans or issuing guarantees under this section, the Administrator shall consider (A) the technology to be used by the person to whom the loan or guarantee is made or issued, (B) the production expected, (C) reasonable prospect for repayment of the loans.

(2) In making such determination, the Administrator is to give preference to projects which would provide additional employment opportunities in depressed areas and increase competition within the coal and petroleum industry.

(3) The Administrator shall not make any loan or issue any guarantee to any person which is owned or controlled directly or indirectly, by any foreign government or instrumentality of such government, including any national oil company of such foreign government, unless the President finds that such loan or guarantee is in the national interest and authorizes the Administrator to make such loan or issue such guarantee.

(c) (1) The Administrator may enter into purchase agreements to assure a market for the output of such facilities when the cost of production exceeds current market prices.

(2) The Administrator shall, in order to assure adequate supplies of material, equipment, and market outlets for the output of such facilities, guarantee performance of contracts by persons receiving loans from the Administrator for the purchase, construction, or other acquisition of equipment and supplies necessary to develop, construct, and operate any such facility.

(d) The construction plans and actual construction of any facility (including any exploration) financed, in whole or in part, under this section shall be reviewed from time to time by the Administrator of the Environmental Protection Agency who is authorized to require the use in such facility of the most thorough pollution control devices then available. The cost of such devices shall be included in the total cost of each such facility and shall be taken into consideration by the Administrator in granting any loan or entering into any guarantee agreement or purchase or price support agreement under this section.

PURCHASES OF SITES, RESERVES AND CONSTRUCTION OF FACILITIES

SEC. 608. (a) the Administrator is authorized—

(1) to acquire sites by purchase, except by condemnation, and construct facilities deemed necessary by him to carry out the gasification and liquefaction of coal under section 607 of this Act.

(2) with respect to each such project, to acquire, by purchase, except by condemnation, such reserves of coal as he may deem necessary to assure supplies of raw materials adequate for the attainment of the objectives of such project, and

(3) to acquire, except by condemnation, from private interests such facilities as may have therefore been constructed or acquired by such interests, whether in whole or in part, in connection with any project for the liquefaction or gasification of coal at prices to be negotiated by the administrator with such private interests: *Provided, however,* That in connection with any such acquisition the private interests shall be granted an option to lease such facilities.

upon the terms and conditions provided for in subsection (b) of this section, such option to be exercised within six months from the date on which the facilities were transferred to the Administrator, if complete, or within six months from the date when such facilities are completed by the Administrator.

(b) (1) Facilities acquired or constructed under this section shall be leased to any person at such rentals and upon such terms and conditions as shall be agreed to by the parties.

(2) Each such lease shall provide that the lessee may sell at prevailing market prices or acquire for its own account at such prices, the output of such facilities.

(3) Each lease shall further provide that the lessee shall have options to purchase the facilities at any time within ten years after the date of the respective lease at a price to be agreed upon by the parties. Each option shall be conditioned, however, upon the right of the Administrator within the ten-year term to offer the facilities for sale at public auction and the lessee shall be entitled to purchase the facilities if he meets the highest bona fide offer in excess of the agreed option price. In order that an offer may be considered bona fide, it shall be offered by a bidder who shall have been determined by the Administrator to be financially and technically qualified to purchase and operate the facilities.

(4) No private interest shall be permitted to lease or purchase any facility covered by this section if such interest is a person who is owned or controlled directly or indirectly by any foreign government or instrumentality of such government, including any national oil company, unless the President finds that such sale or lease is in the national interest and specifically authorizes such lease or purchase.

DEFINITIONS

SEC. 609. As used in sections 607 and 608:

(1) The term "facilities" means land, mineral rights, mines, water rights, rights-of-way, easements, and other interests in land, pipelines, machinery and equipment, and all other property, real, personal, or mixed, used or to be used in connection with any project for the liquefaction or gasification of coal.

(2) The term "person" does not include Federal, State, or local governments or any subdivision or agency thereof.

AUTHORIZATION OF APPROPRIATIONS

SEC. 610. (a) There are authorized to be appropriated sums not to exceed $750,000,000 for fiscal year 1976 to carry out section 607.

(b) There are authorized to be appropriated sums not to exceed $750,000,000 for fiscal year 1976 to carry out section 608.

ADMINISTRATION CONCERN OVER H.R. 6844

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. RHODES. Mr. Speaker, I have received letters from OMB, the Justice Department and the Civil Service Commission expressing concern over some of the provisions in H.R. 6844, the Consumer Protection Safety Commission Improvements Act. For the benefit of all my colleagues in the House, I am inserting these letters at this point in the RECORD in order to inform the Members about the specific objections raised regarding H.R. 6844.

The letters follow:

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., July 6, 1975.

Hon. JOHN J. RHODES,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RHODES: We would like to call to your attention a number of problems in H.R. 6844, the "Consumer Product Safety Commission Improvements Act." We understand that H.R. 6844 is scheduled for House floor action in the near future.

We strongly object to Section 4 since it ignores the principle of the career/noncareer distinction in the Federal civil service system. CPSC would be allowed to appoint individuals to career civil service positions without having to comply with the rules and regulations governing such appointments applicable throughout the civil service system.

Section 12 of H.R. 6844 would authorize the Consumer Product Safety Commission (CPSC) to represent itself in all civil enforcement and subpoena enforcement proceedings. We strongly oppose this section because it violates the long-standing tradition of Justice Department control over the conduct of Federal litigation. Centralization of Federal litigation is necessary to present a uniform position on important legal issues before the courts, to exercise selectivity in the filing and presentation of cases in order to place the Government's position in the most favorable light, to provide greater objectivity in the handling of cases, and to achieve better rapport with courts through the daily working relationships developed by U.S. Attorneys.

We understand that the Civil Service Commission and the Department of Justice will be submitting letters to you shortly which discuss the above objections to Sections 4 and 12 in more detail.

H.R. 6844 would authorize $51 million for fiscal year 1976, $14 million for the transition quarter, $60 million for 1977, and $68 million for 1978. We believe that these appropriations authorizations in H.R. 6844 are excessive. We recommend that they be amended to be consistent with the President's Budget request for CPSC of $36.6 million for 1976 and $9 million for the transition quarter.

We also recommend repeal of Subsection 27(k) in the Consumer Product Safety Act, which provides for simultaneous submission to the Office of Management and Budget and Congress of all budget request and legislative information. Our experience during CPSC's three years of operation has been that this provision leads to confusion. Subsection 27(k) also prevents the coordination of legislative recommendations among CPSC and other Federal agencies. It does not allow CPSC to benefit from the views of other affected agencies before submitting its legislative proposals, or to comment on the legislative proposals of other Federal agencies before congressional submission. The provision, therefore, prevents necessary issue development and dialogue within the Executive Branch. Repeal of Subsection 27(k) would help assure maximum effectiveness of both CPSC and other Federal agencies through better coordination and development of consistent programs.

For all of the above reasons, the Office of Management and Budget strongly urges that H.R. 6844 be amended as recommended above.

Sincerely yours,

JAMES T. LYNN,
Director.

DEPARTMENT OF JUSTICE,
Washington, D.C., July 16, 1975.

Hon. JOHN J. RHODES,
Minority Leader, House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RHODES: The Department of Justice would be pleased to present its views on H.R. 6844, the proposed "Consumer Product Safety Commission Improvements Act."

Section 12 of H.R. 6844 would constitute a major abridgment of the Attorney General's traditional position of supervising the conduct of government litigation. Subsection (a) would delete references to the Attorney General in subsection 11(a) of the Consumer Product Safety Act (15 U.S.C. 2060(a)) concerning the judicial review of certain Consumer Product Safety Commission rules. Subsection (b) would amend subsection 27 (b)(7) (15 U.S.C. 2076(b)(7)) to authorize the Commission to initiate, prosecute, defend, or appeal (other than to the United States Supreme Court) any civil action in the name of the Commission for the purposes of enforcing the laws subject to its jurisdiction, and to initiate, prosecute, defend, or appeal any criminal action in the name of the Commission for the purpose of enforcing the laws subject to its jurisdiction, through its own legal representative with the concurrence of the Attorney General. Subsection (c) of section 12 of the bill would delete from section 27(c) (15 U.S.C. 2076(c)) the requirement that the Commission obtain the concurrence of the Attorney General before it brings its own subpoena enforcement actions.

The Department of Justice strongly opposes the amendments proposed by section 12. We consider them inconsistent with sound policy and precedent, and wholly unnecessary to assist in vigorous and effective enforcement of the important public safety statutes within the Commission's responsibility.

The basic and traditional policy with respect to Government litigation is declared by 28 U.S.C. 516, 518, and 519, which provide that, except as otherwise authorized by law, officers of the Department of Justice, under the direction of the Attorney General, are responsible for the supervision and conduct of litigation involving the interests of the United States or its agencies. The policies underlying this rule include the desirability of the government speaking with one voice on common issues of law and policy arising under diverse statutes; the necessity for consistency and fairness in law enforcement; the ability to exercise selectivity in the filing or presentation of cases in order to maximize the likelihood of a successful result, since court determinations frequently have impacts beyond the particular agency involved; and the importance to success for the Government's cases against local defendants in local courts that they be presented by local attorneys from the United States Attorneys' offices. It also encourages a sensible division of responsibilities under which agency lawyers concentrate on the intricacies of administrative activities under statutes with which they are intimately familiar, while Department attorneys concentrate on the area of their familiarity and expertise—Federal court litigation.

Unfortunately, from time to time, Congress has made exceptions to the salutary principle of centralized control of Government litigation. Indeed, the Consumer Product Safety Act itself is such an exception, insofar as the Attorney General can authorize the agency to represent itself in civil enforcement matters. These statutory exceptions follow no consistent pattern, either as to subject matter of litigation or scope of independent authority. The Department of Justice has generally opposed these exceptions, and we continue to oppose further piecemeal deviations from what heretofore has been a consistent policy.

The Department of Justice and the Commission have a working arrangement whereby the Department has agreed to permit the Commission to represent itself in any civil enforcement matter which the Department declines to file. This agreement, which has been extended to any suit in district or appellate court in which the agency is named as defendant, insures that the agency's interest in any civil litigation, whether it appears as plaintiff or defendant, will be fully and fairly presented to the court. Interestingly, this agreement has never been utilized for the simple reason that every Commission recommendation for a civil enforcement action has been duly filed and prosecuted by the Department with the advice and cooperation of the Commission's General Counsel. Every request from the Commission that the Department represent the agency as defendant in suits filed in federal court has been honored by the Department.

The Department of Justice recommends the deletion of section 12 of H.R. 6844 because it ignores the principle of centralized control of Federal litigation and because it is simply unnecessary, offering no improvement in result, conferring no authority not already available as a practical matter, and holding only the promise of the loss of Department expertise and unnecessary duplicative expenses.

Sincerely,

MICHAEL M. UHLMANN,
Assistant Attorney General.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., June 30, 1975.
Hon. JOHN J. RHODES,
Minority Leader, House of Representatives, Washington, D.C.

DEAR MR. RHODES: We wish to submit for your consideration the Civil Service Commission's views on the personnel provisions of H.R. 6844, the Consumer Product Safety Commission Improvements Act.

Section 4(b) authorizes the Chairman of the Consumer Product Safety Commission (CPSC) to designate up to 25 positions as "noncareer" if their principal duties involve (A) significant participation in the determination of major Commission policies, or (B) service as a personal assistant or as an advisor to the Chairman or any other Commissioner. The Civil Service Commission (CSC) finds the provisions of section 4(b) highly objectionable in that they contradict the principle of the career/noncareer distinction in the Federal civil service system. The concept behind the creation of the so-called "noncareer" except (provided by the Executive Assignment System) was to place positions with politically oriented policy and advocacy responsibilities outside the competitive service. The "exception" provided by section 4(b) does not fit that context. Criterion (A) in the section is oriented strictly toward the management of CPSC programs which, according to statements by Chairman Simpson, may at times be controversial but are apolitical in nature and are not reflective of the political policies of a given administration. Under the Executive Assignment System positions that are principally concerned with internal management of an agency's programs do not qualify for exclusion from the competitive service. We believe that this principle should continue, and, accordingly, are opposed to enactment of section 4(b) since it would create an entirely new and unnecessary criterion.

Criterion (B) in effect duplicates the existing noncareer executive assignment criterion pertaining to positions filled by persons who "serve as a personal assistant or as an advisor to the Chairman or any other Commissioner." It is, therefore, superfluous. In fact, the CSC recently approved a GS-16 noncareer position in the CPSC on the basis of this criterion. This section in application could literally result in a situation where all the supergrade positions established in the CPSC could be "noncareer." We feel that it is reasonable to speculate that almost any supergrade position in an agency of this size would be assigned responsibilities that involve "significant participation in the determination of major Commission policies" (Criterion (A)). Those that are not assigned such responsibilities would probably be advisors or assistants and could be declared "noncareer" using Criterion (B). Such a situation would give a relatively small agency, that has a mission that is stated to be apolitical in nature, a higher percentage of "noncareer" positions than any other Federal agency. This would seriously truncate the career service within the supergrade ranks.

This section also vests the Chairman of the CPSC with the authority to except positions from the competitive service. This is a power that heretofore had been reserved to the Civil Service Commission, the President, and the Congress. It does provide for prior Civil Service Commission review to determine that the duties of a position actually meet the "noncareer" criterion. However, it imposes a 20-day time limit on the Civil Service Commission in reviewing proposed noncareer appointment authorities for positions authorized by section 4(b) and evaluating the qualifications of candidates proposed for these positions. As the provision is stated, the CPSC would unilaterally act on such proposals if the Civil Service Commission failed to complete action on them within 20 days (excluding Saturdays, Sundays, and legal holidays).

This provision is highly objectionable, both in terms of its negative impact on effective management and the extremely undesirable legislative precedent in regard to Federal personnel management that it would represent.

The imposition of such a time limit is completely arbitrary and creates a situation where evaluation of the true merits of administrative actions could easily become obsolete. The provision places the burden of performance entirely on the CSC. It does not require the agency to meet any standards of quality in making its proposals. Obviously, the agency could exploit this provision by forwarding inadequate submissions and then simply "running the clock out" while the CSC was trying to develop the information to make a fair decision. In this fashion, both the authority to except supergrade positions from the competitive service and the authority to determine that individuals are qualified for these positions would, in fact, rest solely with the agency. The agency could effectively remove itself from the provisions of statute and Executive order that are designed to protect the integrity of the merit system and that provide constraints intended to maintain the high quality of executive manpower management.

In terms of representing an undesirable legislative precedent, a proliferation of provisions of this type could literally render the present Federal personnel management system inoperable.

This section contains provisions for appointments to and removals from the "noncareer" positions it authorizes. It provides that (1) appointments and removals made by the Chairman, CPSC, shall be subject to the approval of that Commission; (2) appointments and removals of personal assistants to the Chairman or other Commissioners Criterion (B) of section 4(b), shall not be subject to the approval of any other Commissioner; and (3) appointments and removals shall not be subject to the approval of any officer or entity within the Executive Office of the President, or OMB, or any officer thereof, or by any office or agency of the Federal government other than the Commission. It further provides that such appointments and removals may be made without regard to any provision of title 5, United States Code, governing appointments and removals in the competitive service except for section 3324 (CSC approval of qualifications for supergrade positions).

The intent appears to be to exempt the positions authorized by section 4(b) from the same provisions of title 5 from which the existing category of noncareer executive assignment positions are exempted. As worded, however, it may go beyond that by, for example, exempting the positions from the removal requirements that apply to preference eligibles who serve in the usual noncareer executive assignments. We feel that this provision is another objectionable feature of section 4(b).

Accordingly, the Civil Service Commission strongly objects to section 4(b) in its entirety and feels that it should be deleted.

Section 4(c) authorizes the CPSC to establish 15 GS-16, 17 and 18 positions "without regard to chapter 51 of title 5, United States Code," except or section 5114. (Section 5114 is the reporting requirement for supergrade positions.) These provisions would give the CPSC 15 quota spaces that are in the general schedule but are not subject to provisions of law covering the classification of such positions. We feel that the legislating of supergrade spaces for specific positions or agencies is contrary to the effective management of supergrade spaces on a governmentwide basis. It is our opinion that if supergrade spaces are legislated they should be assigned to the governmentwide pool from which they may be allocated on the basis of a system of program priorities and national needs. We are strongly opposed to section 4(c) and feel this section should also be deleted. As written, the section has the additional negative aspect of removing the positions from coverage of chapter 51, title 5, United States Code. This means the positions even though they are in the general schedule are not subject to the laws governing position classification. While the Civil Service Commission would have the responsibility for reviewing the qualifications of candidates for these positions this review would apply only to an analysis of the individuals' qualifications against those of the position. There would be no CSC analysis in terms of the grade worth of the duties assigned to the position.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

ROBERT HAMPTON,
Chairman.

ADDRESS DELIVERED BEFORE THE WORLD ANTI-COMMUNIST LEAGUE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. DERWINSKI. Mr. Speaker, it is with a great deal of pleasure that I insert into the Record an address delivered before the World Anti-Communist League's mass rally in Taipei, Taiwan by our distinguished colleague from Idaho, Steve Symms. As last week marked the 16th year of the observance of Captive Nations Week, the people of the Republic of China held a rally in support of freedom for those nations enslaved under the bondage of communism.

Congressman Symms, the featured speaker at this gathering, expressed the significance of the struggle for the promotion and preservation of freedom for all nations and victory over oppressive Communist rule. In view of the Communist aggression in Indochina and the fall of Cambodia and Vietnam during this past year, the importance of this mass rally against communism and the participation of Congressman Symms in the cause, provides spiritual support to those held captive.

It is a great honor to insert this address by Steve Symms which was delivered on July 15, in Taipei:

Address of Congressman Steve Symms Before the World Anti-Communist League, Taipei, Taiwan

Mr. Chairman, Ladies and Gentlemen of the Conference, it is a great honor for me to be with you in the Republic of China today to observe Captive Nations Week with one of America's oldest and best allies.

The theme of this Week is Freedom. Reflecting upon this, I realize that those of us who have lived in freedom and known nothing else are really not able to fully appreciate its blessings. Americans, for example, have never felt the heel of tyranny bear heavy upon their necks. They have never witnessed their freedoms being stripped away at the hands of communist oppression. The Italian poet Dante tells us that the greatest tragedy is to be living in slavery and despair while remembering liberty from the past. No one understands the value of liberty more than those who once enjoyed it and then watched it slip away. For this reason, I dedicate my remarks today to all those in the world who are now being denied their rights as free men . . . to those who live in the Captive Nations.

The peoples of the Soviet Union certainly yearn to be free, as one quickly gathers from the writings of Alexandr Solzhenitsyn. Recently, this great spokesman for Russian liberty described the pattern of events which has led to the enslavement of so many hundreds of millions during the past three decades:

"When we study the course of these last thirty years," he tells us, "we see it as a long, sinuous descent—an unbroken descent toward enfeeblement and decadence. The powerful Western states, having emerged victorious from two previous world wars, in the course of these thirty years of peace have lost their real and potential allies, ruined their credibility in the eyes of the world, and abandoned to an implacable enemy whole territories and populations: China (which had been their most important ally in the Second World War), North Korea, Cuba, North Vietnam, today South Vietnam, today Cambodia. Laos is being lost; Thailand, South Korea are in danger, Portugal is throwing herself irretrievably into the abyss; Finland and Austria are resigned to their fate, powerless to defend themselves and unable, on the evidence, to expect help from outside. There is no room to list all the little countries of Africa and the Middle East that have become puppets of Communism, and all the others, even in Europe, that hasten to grovel on their knees in order to survive."

The important thing for us to remember is that Communist victory is not inevitable—it can be stopped. Communist conquests are only inevitable if we consider them to be. Resigning ourselves to a fate of slavery is exactly what our enemies would like us to do. The chief aim of all communist propaganda is the erosion of our spirit and will to resist. We must never allow ourselves to play into the hands of the enemy by accepting the Big Lie that communism is inevitable.

Almost exactly 199 years ago today the founders of my country declared that "All men are created equal." By this they meant that all men everywhere are equal in their natural yearning for liberty. It is in the very nature of man to be free. They believe, as I do, that some day every man on this planet will be free. Yet believing in this alone will not bring it about. Freedom is not free. Mankind must fight to win it and must always be prepared to fight to defend it. The founders of my country were tired of the yoke of tyranny and took it upon themselves to throw it off. These were men who were determined to change the course of their destinies and, against tremendous odds, would settle for nothing less than total victory. If it could be done in America, then it can be done anywhere in the world. I have faith that it will be done. If not our children, then our grandchildren will join in burying the last vestiges of totalitarianism on this earth.

Many in my country urge that we "coexist" and cooperate with tyranny, but I am not one of them. The founder of my political party, Abraham Lincoln, once observed that no nation can endure half-slave and half-free, that liberty and tyranny are incompatible. The same axiom can be applied to the world at large. Freedom and slavery are in perpetual conflict and, in the end, one or the other must triumph. The leaders of the Free World must recognize that there can be no peace with oppression. The only real choices are victory or surrender. For this reason I am not interested in "detente" or "coexistence" with communism. I am interested in victory over communism! Only through victory can genuine peace ever be achieved.

When I say I look forward to the day when all men everywhere will be free, I am speaking as one U.S. Congressman. I am confident, however, that I speak for the majority of the American people, and a large contingent of my colleagues in Congress. The American people have always been willing to stand up for freedom, to fight for freedom and, if necessary, to die for freedom. That our State Department policies have seldom reflected the same dedication and the same resolve is one of the great tragedies of our time.

Your great leader Chiang Kai-shek has warned us that "Communists are communists, first, last and always." Unfortunately, many Americans still need to learn that lesson. Many of our leaders still do not understand the true nature of communism. As a result, American foreign policy over the past 40 years has amounted to nothing more than a steady string of disastrous concessions and backdowns to the Communist World. We have on the one hand supplied communist countries with huge quantities of U.S. aid, and on the other hand, with every conceivable type of American technology it wished. Meanwhile, we have fed its appetite for conquest with appeasement after appeasement at the conference table.

These policies have got to stop. In the aftermath of the Vietnam debacle, America must start anew. We must learn the painful lessons of a twelve year, no-win war, and re-dedicate our nation to the ideals of victory and freedom. We must reaffirm our unquestioned support for the government of Free China and regard as inevitable the liberation of the mainland from communist rule. America must proclaim to the world that it will tolerate no more stalemates and no more defeats. America's retreat has come to an end.

In saying this, I am not advocating the commission of U.S. troops to battle around the world. With all my heart, I pray it will never come to that. What I do advocate is a willingness of my country's leaders to extend moral and economic support to freedom fighters around the world, and to stop making senseless and suicidal concessions to World Communism. At the same time, it is of utmost importance that the United States maintain a strategic nuclear superiority that can be challenged by none. Only from a position of strength can we ever hope to achieve peace and freedom.

In the few days I have been in your country it has become clear to me that you are winning the struggle with the Barbarian rulers who are occupying—temporarily—the mainland of your nation. You have done so by showing to the world that freedom works. Your people, working in freedom, have created a far more prosperous economy than the slave-masters on the mainland could ever hope to accomplish with all their terror and coercion. Walking through the streets of Taipei, I have seen firsthand the liberty your people enjoy—freedom to buy what they want, and say what they want. Moreover, the Republic of China has kept alive the great cultural heritage which spans thousands of years of Chinese civilization. I only wish our Secretary of State would spend some time in your great country, and learn to appreciate the tremendous accomplishments of the free Chinese people.

This coming year is the Bicentennial of the American Revolution. At that time, I would like nothing better than to return to China and to celebrate the Fourth of July not only in Taipei, but also on a liberated mainland. There could be no greater birthday present to the American people than to know that one-third of the human race is once again free, and that the great Chiang Kai-shek lies in his proper resting place in the town of his birth.

One day soon, we will meet again to celebrate freedom—in all of China—in Taipei, in Shanghai, in Nanking, in Canton . . . and in *Peking!* In the meantime, be assured that this is one American who will never shake the bloody hand of Mao nor toast to the tryrant, Chou en Lai.

THOMAS J. FLANAGAN, GREAT AMERICAN

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to take this opportunity to congratulate and offer my best wishes to an old and dear friend of mine Thomas J. Flanagan of Milton, Mass., who on July 20, 1975, celebrated his 75th birthday.

Torn was born in south Boston on July 20, 1900, the son of James and Mary Flanagan. He attended the Lincoln School and the High School of Commerce in Boston and the Knights of Columbus Accounting School. His business career has been in the field of accounting, starting with the Internal Revenue Service. After 10 years with the service, in 1929, he joined the New England Electric System's accounting department and in 1948 was appointed vice president in charge of taxes, a position he held until his retirement in 1965. He has also been a consultant on taxes to numerous companies and organizations and is still very active in tax consulting work today. He has also served on the boards of numerous banks in the Boston area.

In addition to his very busy professional life, Tom has always given freely of his time to charitable organizations such as the Holy Name Society and the 100 Club. Dear to his heart are the organizations of Irish background. He has long been a member of the Chowder and Marching Society, the Erie Society of Boston, the Charitable Irish Society and the Clover Club of Boston where he has been treasurer for more than 8 years. Tom was most proud of all when in 1947, His Holiness Pope Pius XII named him a Knight of Malta, the highest honor the Catholic Church can bestow on a lay person.

Again, let me extend my congratulations and best wishes for many more happy and productive years to come.

AID FOR SPECIAL VETERANS

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. ZABLOCKI. Mr. Speaker, it is fitting that the House has recognized the needs of the members of the armed forces of Poland and Czechoslovakia who so valiantly fought against nations at war with the United States in World War I and World War II, and who after immigration to the United States, found themselves without adequate medical and hospital benefits. H.R. 71, long overdue legislation, would provide recognition to the Polish and Czech freedom fighters who have been American citizens for at least 10 years and who are not entitled to adequate medical care by a foreign government, and would provide them with that basic assistance.

Those brave soldiers who would benefit from the legislation fought with great courage in alliance with, and against the foes of the United States and its major allies. When the Governments of Poland and Czechoslovakia changed many of the freedoms for which these men fought were relinquished. In their subsequent quest for their freedom, many Poles and Czechs immigrated to the United States and became contributing and active citizens in our country.

As you know, similar legislation was introduced in the 93d Congress and received broad support from many Members and citizens concerned with providing aid to well-deserving defendants of the philosophy of freedom. The House passed the bill last session, however, unfortunately it did not receive consideration by the Senate before adjournment.

I hope that this bill can be expedited and the long-deserving recipients eligible to apply immediately. Those benefiting from adoption of this bill have lived in the United States at least 10 years. Recipients would be required to provide eligibility in the form of an authenticated certification from the French Ministry of Defense or the British War Office.

We must now recognize that these veterans have worked within the American system and made valuable contributions to our social well-being. It is time that we terminate any indication of second-rate citizenship, and provide them with benefits available to the veterans of the U.S. Armed Forces.

Mr. Speaker, the House of Representatives has recognized the rights that all our veterans who fought side by side in the agonies and traumas of war, for the freedoms we cherish in times of peace. I hope the Senate will quickly verify that right, and provide hospital and medical care to these deserving veterans.

THE TORCH OF LEARNING AWARD

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. SPENCE. Mr. Speaker, recently I had the honor of attending an especially impressive ceremony in my district. The occasion was sponsored by the American Friends of the Hebrew University, and its purpose was to honor four outstanding men for their contributions to education and to the welfare of mankind.

Those of my constituents who were recognized at the Torch of Learning Dinner of the American Friends of the Hebrew University are as follows: David Baker, former president of the Jewish Welfare Federation of Columbia, United Jewish Appeal, and B'nai B'rith campaign chairman of the United Fund, and vice president of the Columbia Chamber of Commerce; Irwin Kahn, past president of the United Jewish Appeal, president of the Beth Sholom Synagogue, Columbia Jewish Community Center, chairman of the United Fund, and member of the Board of Trustees of Benedict College Endowment Program and Human Relations Council; and Bernard Kline, past State chairman of Radio Free Europe, director of the Columbia Chamber of Commerce, member of the Board of Trustees of United Community Services, and chairman of the South Carolina United Jewish Appeal.

A special posthumous award was presented to the late Samuel Rubin—1915–73—treasurer of United Jewish Appeal for 25 years, treasurer of the Columbia Jewish Welfare Federation, member of the board of the Columbia Jewish Community Center, commander chef de gare of American Legion Post No. 6, State vice commander of the American Legion, and judge advocate of the American Legion.

All of these gentlemen have contributed to the vitality of my home city and State, Mr. Speaker, and they are highly respected throughout South Carolina. I am proud that they have received this outstanding recognition from the American Friends of the Hebrew University, and I am proud to have them as my constituents.

The description of the Torch of Learning Award which appeared in the official program for the awards dinner, sets out very eloquently the meaning and significance of this honor:

> THE TORCH OF LEARNING AWARD
>
> The Torch of Learning Award was created by the American Friends of the Hebrew University as a mark of recognition for leaders of American Jewish communities who have influenced the course of Judaism and education in the United States and Israel.
>
> Higher education and research have become the most significant endeavors in Israel next to the problem of security. To continue her progress as a viable, self-sustaining democracy, Israel must maintain a high level of qualified leaders for social, political, economic, educational and research programs. The Hebrew University of Jerusalem, this year celebrating its 50th Anniversary, provides a treasured reservoir for this indispensable manpower.
>
> The Torch of Learning statuette was sculptured by the noted American artist, Chaim Gross, who donated it to the American Friends as his tribute to the Hebrew University. Each bronze statuette, which depicts a young student holding high the emblem of the Hebrew University, is numbered and signed by the artist.
>
> For both its artistic and symbolic value, the Torch of Learning ranks amongst the most cherished honors in American Jewish life.

ETHNIC PATRIOTS DESERVE RECOGNITION DURING BICENTENNIAL—PART I

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. BIAGGI. Mr. Speaker, in the near future I intend to introduce a resolution in the House calling on the President to set aside 1 day during next year's Bicentennial celebration to honor the many contributions of ethnic patriots. In the interim, I intend to pay tribute to these patriots of various foreign extraction who played such a critical role in our early history.

The first ethnic group I would like to salute are the Italians. As in the case of all major ethnic groups there were many great Italians who came to this Nation and contributed to our success as a nation. I would like to concentrate on two specific figures of the Revolutionary and early Independence periods of our Nation's history—Dr. Philip Mazzei and Mr. Vincent Paca.

Dr. Philip Mazzei was a man who loved freedom. He was a man invited to the United States to provide early American figures with his wealth of knowledge on matters related to agriculture. Once here, he became an eloquent advocate for American independence. His theories were so in line with the emerging cause of American independence that they were adopted by some our earliest spokesmen such as Benjamin Franklin and Thomas Jefferson.

Mazzei became respected in his own right through his scathing essays denouncing the tyrannical rule of the Colonies by the British Government. Mazzei spent a great deal of time working with the Virginia County Committee promoting the cause for American freedom His excellent and numerous contributions to early America were saluted by the late John F. Kennedy in his book a "Nation of Immigration" who referred to Mazzei as an "Assistant Founding Father." Incidentally, Dr. Mazzei did not forget his original purpose for coming to this Nation and provided this Nation with a great deal of new agricultural knowledge which served us well in the early going.

Vincent Paca was another Italian who brought much and gave much to his adopted Nation. He served in the Continental Congress representing Maryland. He, too, was a dedicated advocate of American freedom and his personal efforts were realized when he was bestowed the honor of signing the Declaration of Independence. Paca continued in service to early America by serving as Chief Justice of the Court of Appeals of Maryland as well as Governor.

As this Nation's 200th birthday approaches, I feel it incumbent on us to make efforts to fully understand and salute the contributions of all men and women to our Nations beginnings. We remain a nation with a sense of unity as Americans but a unique level of ethnic pride. We are a nation where people of diverse backgrounds can and do live. I will continue my salute to ethnic patriots in future days.

NATIONAL VOLUNTEER FIREFIGHTER DAY

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. PEYSER. Mr. Speaker, next year we will be celebrating our Bicentennial. I believe that it would be most fitting if we were to include in our Bicentennial plans a tribute to a group of people who have contributed and sacrificed greatly on behalf of the public safety of this Nation—our volunteer firefighters.

From the earliest days of the Republic, volunteer firefighters have tirelessly worked to protect their communities from the ravages of fire. Today, many communities around the country still depend on the skill and vigilance of volunteer firefighters.

These volunteers represent the unselfish spirit and courage which have helped to make this country what it is today, and certainly we should take the time to honor their contribution during the Bicentennial celebration. Accordingly, I have today introduced a resolution designating January 17, 1976 as "National Volunteer Firefighter Day" in order to honor the many contributions that volunteer firefighters have made to our Nation.

A copy of the Joint Resolution follows:

H.J. RES. ——

Joint resolution authorizing the President to proclaim January 17, 1976 as "National Volunteer Firefighter Day."

Whereas firefighting has been a basic public safety function since the founding of the American Republic; and

Whereas the first firefighters were individuals who volunteered their services in order to protect their communities; and

Whereas in many communities throughout the nation today this same public safety function is still performed by volunteers in the same tradition as the early colonists; and

Whereas this spirit of volunteering to protect the public safety from the ravages of fire is in the best tradition of the American heritage; and

Whereas it would be fitting to commemorate the many sacrifices and contributions made by volunteer firefighters during the Bicentennial celebration of our nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and requested to issue a proclamation designating January 17, 1976 as "National Volunteer Firefighter Day", and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

STUDY SHOWS ORGANIC FARMING IS ECONOMICALLY SOUND

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. RICHMOND. Mr. Speaker, an important and far-reaching report on the economic viability of farming without inorganic fertilizers and pesticides has just been released by the Center for the Biology of Natural Systems in St. Louis, Mo. Headed by the widely respected Dr. Barry Commoner, this study, entitled "A Comparison of the Production, Economic Returns, and Energy Intensiveness of Corn Belt Farms That Do and Do Not Use Inorganic Fertilizers and Pesticides," presents the results of a research study by CBNS. The study was supported by funding from the National Science Foundation, and shows that farming without chemical fertilizers and pesticides is practical, and economically feasible.

The report compares crop production on a sample of 16 mixed crop-livestock farms in the Corn Belt on which no inorganic fertilizers and almost no pesticides are used, to that of a matched sample that uses conventional fertilization and pest control practices. There was no difference between the two group's crop production returns, that is, value of production less operating costs. The energy intensiveness—defined as energy input divided by value of production—on the farms that do not use fertilizer is an average of one-third as much as that of the conventional group.

The results of the study indicate that farms using organic fertilizer and pest control methods may be less vulnerable than conventional farms to further disruptive effects of the energy crisis. Because the organic farms are not dependent on the use of inorganic fertilizers or pesticides, they are protected against shortages and increased prices of these materials, which are likely to be aggravated by expected continued increases in energy costs.

Another important implication of CBNS' study is that the profitability of organic farms, as compared with conventional farms, is less vulnerable to a decline in crop prices. While yields were lower on the organic farms, these farmers still had a favorable return. This suggests that organic farming is economically viable, and should become more so as energy costs and needs increase. Operating costs are a smaller fraction of the total value of production for the organic farmers than for conventional farmers—19 percent compared to 27 percent. Thus, the decline in crop prices that occurred between 1974 and 1975 would make the economic returns per acre in the organic sample higher than those of the unconventional sample, if all other factors remained unchanged.

The study graphically points out the need to take a fresh, new look at the design of conventional farming methods. In turn, this calls for a new approach to agricultural research, one that is receptive to the idea of examining unconventional practices.

From the evidence in the CBNS study, it appears that certain fundamental changes toward more energy-efficient and ecologically sound agricultural methods have great potential for improving the agricultural production system in the United States. A new kind of research approach is needed if this potential is to be realized, as well as an expanded awareness by the agriculture community that organic methods are practical and economical. Secretary Butz has been in the forefront of the large agribusiness interests who claim we need more and more chemicals to grow more food, and this study, for the first time presents some documentation that we may not need all these chemicals.

The article which follows, from the New York Times of July 20, details some of the findings of the CBNS study. I would urge my colleagues to read this article and become familiar with some of the possibilities of new research directions in agriculture:

[From the New York Times, July 20, 1975]

ORGANIC FARMS FOUND EFFICIENT

(By Roy Reed)

ST. LOUIS, July 18.—Research scientists here have found that a test group of organic farmers who used no inorganic fertilizers or synthetic pesticides made as much money last year as did a comparable group of conventional farmers who used those substances.

Dr. Barry Commoner, director of the Center for the Biology of Natural Systems at Washington University, organized the study after fertilizer prices doubled and in some cases tripled last year as a result of the oil shortage. The price of manufactured nitrogen, which is credited with greater yields of many crops, increased most rapidly. Much of it is made from natural gas.

"Rising fertilizer prices have seriously cut into farmers' incomes," Dr. Commoner said in connection with the center's report, which will be made public Sunday. "We were interested in learning whether there is an economically viable alternative that would allow farmers to become less vulnerable to this kind of problem."

Dr. Commoner said that although the findings of the study were tentative, they suggested that organic farming should be further investigated as a possible way to get around mushrooming farm costs.

IMPLICATIONS NOT CLEAR

The implications of the study for consumers are not clear. One of the organic farmers interviewed had laboratory reports showing that his crops were much higher in nutrients than those raised by the conventional method. The researchers intend to compare nutrients from the crops of the two kinds of farms as the study continues.

Whatever the message to consumers, the study is a sharp challenge to the accepted farming practices of the last 30 years, during which farmers have turned increasingly to labor-saving technology and to manufactured substances to stimulate plant growth and control weeds and insects.

The report suggested that farmers and scientists might profitably take a new look at such "outmoded" practices as crop rotation, frequent and careful tillage, planting legumes to capture nitrogen from the air and fertilizing with animal and plant wastes.

That would mean a heavier reliance on human labor than on chemicals which raises a question of where the labor would come from. Millions of persons have fled the farms this century and farmers everywhere complain of being unable to find workers.

LESS FOSSIL FUEL ENERGY

The researchers found that the organic farms used one-third as much fossil fuel energy as the conventional farms to produce the same amount of crops. Both types were fully mechanized so the difference lay in the large amounts of fuel required to manufacture fertilizers and pesticides.

The study covered 16 organic farms and 16 comparable conventional farms in five corn belt states—Illinois, Iowa, Minnesota, Nebraska and Missouri. All raised livestock as well as such crops as corn, soybeans, wheat, oats and hay. All were full-scale commercial operations. They varied in acreage from 175 to 785, with the average being 476.

The study is continuing this year. Dr. Commoner and five members of the center's staff

* * * * *

Gertler, Sarah Fast and Daniel O'Leary—are conducting the investigation as part of a long-term study of energy problems in agriculture. The study is being financed by the National Science Foundation's program of Research Applied to National Needs.

The organic farms in the study produced crops with an 8 per cent lower market value than the conventional farms. But their costs were only 19 per cent of the value of their production compared with 27 per cent for the others, so that the organic farms made as much profit as the conventional.

CORN CROP RESULTS

The main yield difference was in corn, which is highly responsive to heavy doses of nitrogen fertilizer. The organic farms produced 69 bushels an acre compared with 77 on the others. The organic yields of oats were also slightly lower, but those of soybeans and wheat were about the same as those of the conventional farms.

Another question raised by the study is what would replace the commercial fertilizers as a source of plant food. Present supplies of livestock manure and decaying plants probably would be inadequate. Several American universities are studying the possibility of using human waste as fertilizer by carrying sewage sludge to the farms.

Organic farms are a small minority in the United States, but they have increased in recent years. One reason is the rising cost of fertilizers. Another is that some farmers have become fearful of the environmental and health impacts of synthetic pesticides and large amounts of inorganic fertilizers.

Another recent study by Dr. Commoner's group found that certain Middle Western streams contain levels of nitrogen from fertilizer runoffs that exceed Public Health Service standards.

In addition to those who call themselves organic farmers, many other farmers have sharply reduced the use of fertilizers the last two years because of their cost.

A southern Minnesota man who was one of the center's "conventional" farmers for the study said in an interview that the higher prices had forced him to cut his fertilizer application in half this year.

This farmer had read the center's report, but he was not persuaded to switch to organic farming. He said he still believed he could get higher yields with at least a selective use of commercial fertilizers. He said it was necessary for him to get the highest possible yields because he owed a large debt for land he had bought.

Three farmers in the study were interviewed. The center asked that they not be identified because the study is continuing. All the participants were promised anonymity by the center.

One of the largest farms studied was in eastern Iowa. It is more than 700 acres and has 500 hogs and more than 800 head of cattle. It has been farmed organically for 18 years.

RASHES CAUSED

The farmer said he stopped using inorganic fertilizers and synthetic pesticides after he and several members of his family began suffering from a rash that their physician attributed to chemical poisons.

He uses animal manure and periodic applications of various commercial orgemanic fertilizers such as fish ulsion. For insect control, he relies on ladybugs and crop rotation.

Along with many other organic farmers, he believes that "healthy soil"—that is, soil well supplied with micro-organisms—does not attract as many insects as "dead" soil that has been treated many years with inorganic materials.

Dr. Commoner and his staff said they knew of no scientific basis for that belief. They noted, however, that organic farmers counted heavily on the return of natural predators to feed on insects once they stopped using chemical poisons.

The Iowan had copies of laboratory reports showing that his crops, especially his corn, tested much higher in protein and other nutrients than crops raised on conventional farms.

He said his animals had grown healthier since he stopped using chemicals. He said a few of his neighbors, most of whom had "bitterly condemned" him, are switching to his methods.

A southeastern Minnesota farmer has been farming organically since 1970. He owns 339 acres of rolling hill land and a dairy herd of 42 cows. He raises corn, oats and alfalfa to feed the herd and soybeans and wheat as cash crops.

He became interested in organic methods after reading an advertisement for an organic fertilizer of marine sediment. He toured some organic farms elsewhere in the Midwest and came away convinced that their crops and animals were healthier.

He said his corn yield had dropped from 125 bushels an acre to "over a hundred" after he stopped using commercial nitrogen and switched to the marine sediment. But he saves so much on his fertilizer bill, he said, that his income has remained steady.

The center's report speculated that the lower cost of the organic farms would make those farms less vulnerable to declining crop prices than the conventional farms.

NEIGHBOR'S REACTION

The Minnesota organic farmer no longer uses herbicides so he spends many more days plowing to control weeds. He uses a chisel plow, a narrow blade that makes a much shallower trench than the huge moldboard plow that is widely used by conventional farmers. That leaves the humus and the soil bacteria relatively undisturbed, the farmer said.

He makes no special effort to control insects but says he has no problem with them.

"Any time you use poison, you're really destroying life," he said.

He said only one or two of his neighbors had abandoned chemicals. He was asked what the others thought of organic farmers.

"They just think you're a nut or something," he said.

Dr. Commoner said his research found that American farmers now use five times as much commercial fertilizer as they did in 1950. He said pesticides had increased 40 per cent between 1966 and 1971. And while corn yields have doubled since 1950, he said, the cost of fertilizers and pesticides now make up half the cost of raising it.

Earl L. Butz, the Secretary of Agriculture, said on a television program in 1971:

"Without the modern input of chemicals, of pesticides, of antibiotics, of herbicides, we simply couldn't do the job. Before we go back to an organic agriculture in this country somebody must decided which 50 million Americans we are going to let starve or go hungry."

Dr. Commoner's group noted that most agriculture research in recent years had been oriented toward the conventional system.

"It seems plausible," the report said, "that a comparable effort for organic methods could result in an even higher level of performance than we have observed in our sample."

HIGHER COST OF ENERGY IN NEW ENGLAND

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. CONTE. Mr. Speaker, during debate on House Resolution 605, I referred to two documents showing the impact of price decontrol on Massachusetts and the higher cost of energy in New England. For the RECORD, these documents are submitted at the point:

[Memo from Massachusetts Energy Policy Office]

IMPACT ON MASSACHUSETTS OF DOMESTIC OIL PRICE DECONTROL PLAN

FACT SHEET

President Ford's plan to decontrol old oil would allow the cost of old oil to rise from $5.25 to $13.50. This would cause the following price increases for products in Massachusetts:

Gasoline, 7.8¢/gallon increase.

Home heating oil, 7.6¢/gallon increase.

Electricity, 0.1¢/kwh increase.

An average household heating with oil would face the following annual increase in energy costs:

1,600 gallons heating oil, $121.60 increase.

1,000 gallons gasoline, $78.00 increase.

4,800 kilowatthours electricity, plus $4.80 increase.

Total direct impact per household is $204.40 increase in energy costs.

The total direct annual impacts on the various sectors of the Massachusetts economy are as follows:

Sector:	
Residential	$90,474,980
Industrial	28,977,220
Commercial	114,971,440
Transportation	+190,093,200
Total direct impact on State economy	424,516,840

However, because this money would be leaving the state to go to oil producers located in other parts of the country, the effect on the total economy of the region is compounded. Because of this "multiplier" effect, the energy cost increases given above can be expected to have a total negative impact on the state's economy of about $850 million when the indirect effects are passed through.

FEDERAL ENERGY ADMINISTRATION,
Boston, Mass., June 24, 1975.

Hon. SILVIO O. CONTE,
House of Representatives,
Washington, D.C.

DEAR MR. CONTE: The attached paper is an update of a study done one year ago. It compares the prices paid for energy by the end user to those in the United States as a whole. In 1974 the prices paid for energy were 35% higher in New England than in the United States. This is an increase over the 1973 differential of 32% and the 1972 differential of 28%.

A new section in this paper is an estimate of the energy cost components.

The methodology used and sources of data are the same as those described in the June 1974 paper. Additional copies of the 1974 paper are available.

Please contact my office for any additional questions you may have.

Sincerely,

ROBERT W. MITCHELL,
Regional Administrator.

THE PRICE DIFFERENTIAL FOR ENERGY BETWEEN NEW ENGLAND AND THE UNITED STATES—UPDATE

NEW ENGLAND—UNITED STATES ENERGY PRICES

In 1974, the price paid by end users for major forms of energy was 35% higher in New England than in the United States as a whole. This is an increase over the 1973 differential of 32% and the 1972 differential of 28%. The 1974 increase in the differential is attributable to the substantially higher electric prices. (The increase in residual fuel oil prices were much higher than those for coal or natural gas). Table 1 illustrates the trend 1970–1974.

TABLE I.—PRICE OF ENERGY TO THE END USER IN NEW ENGLAND AND IN THE UNITED STATES

	New England (dollar per million Btu)	United States (dollar per million Btu)	New England higher than United States (percent)
1970	1.7880	1.4003	27.7
1971	1.9638	1.5224	29.0
1972	2.0076	1.5739	27.6
1973	2.2909	1.7287	32.5
1974	3.4406	2.5410	35.4

If New England were taken out of the U.S. figure, in 1974 the energy prices in New England would exceed those in the rest of the United States by 38%.

The overall energy price is determined by weighting the price of coal, natural gas, residual oil, gasoline, distillate, and electricity by the nonutility consumption of these products. All prices are exclusive of taxes.

The 1974 breakdown by product is shown in table 2 and figure 1.

TABLE II.—1974 FUEL PRICES AND INDEX WEIGHTS
[Dollars per million Btu's]

	New England		United States		New England price higher than United States (percent)
	Weight	Price	Weight	Price	
Coal			8.0	$1.1290	
Natural gas	11.4	$2.4636	35.9	1.0786	128.4
Residual	21.0	1.9135	5.3	1.8657	2.6
Gasoline	27.8	3.2876	25.9	3.2340	1.7
Distillate	29.8	2.6174	12.9	2.4652	6.2
Electricity	10.0	10.6900	12.0	6.7425	58.5
Total	100.0	3.4406	100.0	2.5410	35.4

New England pays the greatest premium for natural gas and electricity. However, the prices it pays for oil products are not substantially different from those paid in the United States as a whole.

If New England paid the same prices for energy as the United States, the differential would only be 11%. So it can be concluded that the 35% differential is due primarily to higher natural gas and electricity prices, and to New England's consumption patterns which are concentrated in high price fuels, particularly distillate fuel oil.

COST COMPONENTS OF NEW ENGLAND ENERGY PRICES

It appears that cost components differ substantially among fuel types. Preliminary information based on a telephone survey indicate that the cost of crude is the major component in New England's oil costs, the price of coal at the mine is the primary component in coal costs, and distribution is in the case of natural gas. The components are shown in figure 2.

Gasoline and distillate show average U.S. crude costs to the refiner, $9.22/bbl, refining costs, and transportation from Texas to Massachusetts via pipeline and barge. To this is added terminalling costs in the region and the retailer's margin to make up distribution costs. The taxes shown are federal and state at the pump.

The natural gas production cost is the welhead price, $26/MCF. Transportation is from Texas to the final distributor in Massachusetts, via pipeline. Distribution costs are the difference between the cost to the distributor and the end-user.

The coal costs are composed of the price at the mine in West Virginia, $25/ton, and the transportation from there to New Hampshire, $6.11/ton. Since utilities contract for nearly all of the coal directly there are no distribution costs shown.

It can be seen that the production costs amount to 80% of the total cost of coal, 59% of distillate, 42% of gasoline, and 10% of natural gas. Accordingly, further increases in the price of coal at the mine or in crude oil would have a large relative effect on the final end price. However, doubling of the wellhead price of natural gas would only result in a 10% increase in the final price.

SUMMARY

Forecasts of price differentials between the U.S. and New England cannot be made without taking into account the capital changes that may be required in the conversion to alternate fuels. However, it appears that some actions would probably lead to reduced differentials. These include: deregulation of the price of natural gas; increased use of coal; and increased use of nuclear plants for electric baseload. Further work is required to determine the optimum fuel mix for the region in terms of price, security, environmental, and economic objectives.

RUNAWAY SPENDING

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. DEL CLAWSON. Mr. Speaker, an editorial in the Lamplighter of La Mirada, Calif., calls attention to a study of obvious importance for this Congress. The problem of freeing ourselves from past program decisions cannot be overemphasized. The editorial entitled "Runaway Spending" from the June 21 issue of the newspaper is included at this point in the RECORD for the information of my colleagues:

RUNAWAY SPENDING

Almost every president, congressman and senator talks at one time or another about economy in government.

Not many do anything about it.

One reason is that they have set up the system so that it's difficult for them to do anything.

A study by the nonprofit Tax Foundation demonstrates that the areas in which Congress and the President exercise control of expenditures are relatively limited. The federal budget is described by the foundation as "not so much a financial plan (as) a forecast of the consequences of program decisions made in earlier years."

Indeed, the foundation reports that about three-fourths, or $261 billion, of the expenditures projected in the original federal budget for the 1975–76 fiscal year were not subject to annual control by either Congress or the President.

That does not mean they are uncontrollable, the foundation points out. It does mean that if Congress and the President are to control such expenditures they will have to exercise care at the time new programs are created.

Social Security, Medicare, veterans' benefits, housing assistance, food stamps, retirement pay for military officers—these and other programs are among those that lead the foundation to describe government as "a massive transfer agent, collecting dollars from some groups of people and then paying out those dollars to other groups of people."

All the programs listed are good ones. But it is easy for such programs to take over the budget—and require higher and higher taxes. That will happen if Congress builds into these programs automatic escalator clauses, if it inaugurates the programs without planning their financing, and if it sets them up in a form that restricts annual budget review.

The payments to individuals involved in these and other programs cost $41.8 billion as recently as 1967. In the current fiscal year, their estimated cost is $165.1 billion.

There are no easy solutions, but if such programs are not to go even more wildly out of control, solutions will have to be found. Among the solutions suggested by the Tax Foundation:

1. Require that program expansion or new programs be accompanied by tax increases or offsetting reductions in other programs.
2. Establish special goals and guidelines when programs are set up.
3. Provide an annual budget review for all programs.
4. Limit application of automatic escalators in benefit programs.

"In fashioning a new budget," the foundation says, "both Congress and the executive have to an important degree become prisoners of past program decisions."

So far as possible, they should release themselves from this thralldom and resolve to avoid imposing it on future Congresses and future presidents.

TO PROVIDE FULL-YEAR RETIREMENT CREDIT FOR U.S. COMMISSIONERS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. MINETA. Mr. Speaker, I today have the privilege of introducing a measure allowing for full-year retirement credit for the service provided to the United States by former U.S. Commissioners prior to the enactment of the Federal Magistrates Act of 1968.

Prior to 1971, U.S. Commissioners performed valuable and necessary service to the United States. Under the commissioner system, prior to the appointment of the first magistrate in each Federal judicial district, the Commissioners were authorized by the Federal Rules of Criminal Procedure to receive complaints, issue warrants, and conduct precommitment proceedings in criminal cases in the district courts. In certain instances, they were legally authorized to try and sentence persons committing petty offenses in places where the United States had exclusive or concurrent jurisdiction. In addition, these Commissioners were authorized to take depositions, to issue attachments and conduct subsequent hearings in internal revenue matters, and to settle or certify the nonpayment of seamen's wages.

The U.S. Commissioners were on call 24 hours a day, unless physically absent from their official station and not within reach, for the issuance of legal process and the conduct of bail hearings, which by law must be held without unnecessary delay following an arrest. When not conducting formal proceedings, the Commissioners were oftentimes obliged to justify sureties, entertain motions, alter bail conditions, issue release and commitment orders, and communicate with law enforcement personnel, defense attorneys, and court officials; as well as prepare the documents required in their duties such as docket sheets, orders appointing defense attorneys, status reports to U.S. attorneys and marshals, notices to probation officers, and receipts and accounts for fine and surety money.

Their full-time service, in the literal sense, is virtually without parallel in the past or present civil service. Yet, their salaried remuneration for this truly full-time service was statutorily set at $10,500 annually.

Based on a January 15, 1974, ruling by the U.S. Civil Service Commission, interpreting section 8332(i) of title 5, United States Code, those former U.S. commissioners now serving as U.S. magistrates can receive only one two-hundred-and-sixtieth of a year in civil service retirement credit for each day in which service performed by the then Commissioner is either shown on fee vouchers submitted or verifiable through the docket sheets retained in the court clerk's records.

Unfortunately, however, for the 28 former U.S. Commissioners who are now magistrates, the nature of their office required the performance of official duties on days other than those for which fees were claimed and docket entries made. Oftentimes, the provided fees were of the single fee nature "for all services rendered after the presentation of the accused" or "in lieu of all other fees provided in this section" where petty offenders were tried and sentenced, and did not reflect the fact that the Commissioner's efforts extended over more than a single day.

It is important here to note that these 28 former Commissioners, in order to qualify for coverage under the Civil Service Retirement System, had to earn at least $3,000 annually for 3 consecutive years after June of 1945. In view of the small size of the fees and the number of sequential proceedings which had to take place before any fee could be claimed, a Commissioner would have to conduct an average of 300 to 400 proceedings a year to have reached the $3,000 level.

Given the fact that these 28 magistrates met the above requirements during their service as U.S. Commissioners, I believe that it is fair and equitable to assume that they must have performed the 260 days of service required for a full year's retirement credit during their appointment as Commissioners. Such an assumption, which the measure I have introduced today would codify, is both just and necessary if we are to make the former Commissioners' compensation commensurate with the volume of their workload, the time they were required to expend, and their services to the people of the United States.

AFRICAN TALENT—ATHLETICS TO ART

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. STOKES. Mr. Speaker, I am pleased to bring to the attention of my colleagues the United States of America-African Invitational Track Meet that will be held in Cleveland on Wednesday, July 23, 1975. This important and beneficial event is being sponsored by the Lake Erie Chapter of the Amateur Athletic Union of Baldwin Wallace College in Berea. I am sure my colleagues will agree that there is no better way to initiate much needed improvements in this country's working relationship with African nations than to participate in nonpolitical events such as this. The city of Cleveland is honored to sponsor this kind of cooperation.

The athletes involved represent some 15 countries, including Kenya, Nigeria, Ghana, Ethiopia, Uganda, Algeria, Ivory Coast, Egypt, Upper Volta, Mali, Senegal, Gambia, Tanzania, and Tunisia. After the Wednesday track meet they will stay in Cleveland 2 additional days to meet with city officials and visit a few of our fine tourist attractions, including the National Aeronautics and Space Administration. They will also enjoy a soul food dinner and fashion show at the Karamu House. The festivities will culminate on Friday, July 25, with a welcome to Cleveland banquet at the Crawford Auto and Aviation Museum.

In addition to Mr. Buddy Rich, who is the coordinator of the meet, hosts and hostesses to the delegation include William H. Seawright of Seawright Enterprises, the official host; Mrs. Mae Stewart, commissioner of East Cleveland; Mrs. Cheryl Wills, of the House of Wills; John Nagy, commissioner of recreation; Dr. Donald G. Jacobs of the Greater Cleveland Interchurch Council; Artha Woods of the Artha-Jon Modeling School; George Anthony Moore; Larry Plants; and Charles Patterson.

Mr. Speaker, I cannot overemphasize the importance of American-African interaction to all nationalities involved, and to black Americans in particular. I look forward to November 22, 1975, when this week's events will be reciprocated at the Second World African Festival of Arts and Culture in Lagos, Nigeria. Representatives from Cleveland are already making plans to attend, most notably the Karamu House.

Mr. Speaker, I am sure that my colleagues join me in extending their best wishes for a successful, rewarding, and unifying 3 days. A recent outstanding article on this event written by George Anthony Moore appeared in the Cleveland Press on Friday, July 18, 1975. I commend that article to my colleagues:

AFRICAN TALENT—ATHLETICS TO ART

(By George Anthony Moore)

On Tuesday 50 African athletes will arrive here to take part in the United States of America-Africa Invitational Track Meet sponsored by the Lake Erie Chapter of the Amateur Athletic Union at Baldwin Wallace College in Berea. They will represent some 15 countries of black Equatorial Africa and those north of the Sahara Desert.

Their presence in our city should be a gentle reminder to us that Nov. 22 of this year will mark the opening of the Second World African Festival of Arts and Culture in Lagos, Nigeria. It will extend to Dec. 29, exhibiting another dimension of African life.

Cleveland is making plans to send musicians, dancers, artists and dramatists to this event, and we hope the world famous Karamu Theater will be asked to perform. Mrs. Mildred Mitchell, a faculty member of Cleveland State University, is the coordinator for this area. I know that many Clevelanders are planning to attend as visitors.

When I visited Nigeria in October of 1966 I was impressed to learn that this is the most populous country in Africa and it accounts for almost 25% of black African people. It covers an area about the size of California, Nevada and Arizona combined, and has a population of 79.8 million people.

Among its natural resources are oil, tin, iron ore, coal, limestone, lead, zinc and timber. This nation ranks eighth in the production of oil and is the world's largest exporter of peanuts and palm products and second largest in cocoa. It also has significant rubber and cotton production.

A festival village is being constructed by the federal government of Nigeria in Lagos for participants and visitors. There will be apartment complexes totaling 10,941 units. Some will have three bedrooms, sitting and dining rooms and other amenities. Others will have either two or four bedrooms and sitting-dining rooms. Additional accommodations will be available in a number of luxury ships.

Dr. Leopold Sedar Senghor, president of Senegal and Gen. Yakubu Gowon, Nigeria's head of state, are the patrons of the festival. Dr. Senghor is a world-famous poet.

Nigeria's new national theater will be the center of activities. The ultra-modern $40 million building is the largest of its kind in Africa. The theater complex comprises a theater hall seating 5,000, a conference hall with 1,000 seats and two large exhibition halls and two cinema halls of 800 seats each, all air-conditioned.

After the track meet at BW Wednesday, the African delegates attending the AAU meet will remain in Cleveland for two days before their charter plane arrives to take them to their respective countries.

The Cleveland community will be host for a series of events that will include sight-seeing, a visit with Council and the mayor, a soul food picnic outdoors at Karamu House, climaxed by a "Cleveland welcomes you" banquet and reception at the Crawford Aviation Museum that is open to the public.

I urge all citizens to attend and help improve international relations.

MICHAEL J. HARRINGTON: A TRUE PATRIOT

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. STARK. Mr. Speaker, the New Republic has as its lead article this week an excellent piece by our colleague, Michael Harrington, explaining, in detail and with precision, his exact role in the question of the CIA's involvement in Chile.

I urge my colleagues—especially those who have criticized Mr. Harrington—to read this piece with care, and to note well that Mike Harrington followed every appropriate channel within the Congress to bring the issue to its proper conclusion.

Mr. Speaker, I submit that Mr. Harrington's only "crime" was to recognize the horror of what our Government did in Chile, in trying and indeed succeeding in overthrowing the democratically elected government of Salvador Allende. If that indeed is a punishable offense, then we have surely betrayed our basic constitutional beliefs in open and honest Government.

I applaud Michael Harrington's courage and conviction in recognizing bureaucratic crime in this country, and in attempting, by all appropriate means, to make our Government responsive not to a small elite group of decisionmakers, but to the needs and wishes of our people.

Mr. Speaker, I insert the New Republic article in the Record:

Congress CIA Coverup—Getting Out the Truth

(By Michael J. Harrington)

If a President engages in a cover-up of government wrongdoing, as happened in the Nixon White House, he can be challenged through the process of impeachment, which amounts to indictment and trial by the Congress. But what do we do if the Congress engages in a cover-up? Individual members can be censured or expelled, of course, but what if the cover-up is institutional, a product of the most time-honored rules and rituals?

This is precisely the problem that confronts us in the unfolding story of CIA and other intelligence agency misdeeds. To be sure presidential decisions and actions are involved here too, but now we have a situation where members of Congress, in their capacity as overseers of intelligence agency operations, had knowledge of the most blatant crimes and improprieties and nevertheless did nothing. The instance I am most familiar with concerns the CIA's accomplishments on our behalf in Chile in the early 1970s. The reactions to that record by those who came to hear of it are a sobering illustration of the great congressional weakness—the habitual reflex of avoidance and acquiescence, masked by the illusion of activity.

In April of last year, CIA Director William Colby appeared at a closed session of Rep. Lucien Nedzi's Armed Services subcommittee on intelligence and described his agency's long-term involvement in the political process in Chile, where a bloody coup against Salvador Allende Gossens in September 1973 had led to the installation of a military dictatorship. Mr. Nedzi had called Colby in at my urging, so naturally I wanted to know what the director had to say. Not being a member of Armed Services, I had to make special arrangements to view the classified transcript in the committee offices—the privilege of any House member—and after some initial difficulties with the staff there, I got my first look at the material on June 4. What it said left me appalled.

The authorization of bribery, the funding of political factions and propaganda campaigns, the fomenting of strikes and demonstrations, a myriad of destabilizing actions—all directed against the duly elected leader of Latin America's most sophisticated democracy—are now matters of public record. Not only does that record indicate violations of standing treaties and other affronts to Chilean sovereignty; it also shows that President Nixon and Secretary Kissinger had lied repeatedly to the American people about our involvement there and that some administration figures had apparently perjured themselves on the matter before certain committees of Congress.

Determined to get some congressional action that would bring these things to light, I approached Mr. Nedzi and asked him what he planned to do with this information. He replied with a philosophical shrug. He had taken the testimony as I asked—what more could one do? This information, after all, was secret.

Knowing full well from my short-term experience as a member of Armed Services (ending in 1973) that Chairman F. Edward Hébert would be even less inclined to pursue the matter than Mr. Nedzi, I spoke with several subcommittee chairmen of House Foreign Affairs, of which I am now a member, and then with some of my staff. I also sought the advice of Larry Stern of *The Washington Post*, a personal friend who clearly understood that the story was not to be released. But the reactions of the subcommittee chairmen and other Foreign Affairs colleagues, though generally sympathetic in tone, were equally lacking in commitment. Yes the Chile story sounded pretty bad, but that was the province of another committee and besides, the information was secret.

I finally wrote to "Doc" Morgan, chairman of the full committee, and to Senator Fulbright. In those two long letters of July 18, I reviewed Colby's April testimony and argued that "the Congress and the American people have a right to know what was done in our name in Chile . . . I urge you to turn this matter to the attention of the Foreign Relations [Affairs] Committee for a complete, public investigation. . . ." I pointed out that the Forty Committee, the interdepartmental body chaired by the President's national security adviser, had authorized the expenditure of about $11 million between 1962 and 1973 to help block Allendés election and then to "destabilize" his government after he won.

"The agency's activities in Chile were viewed as a prototype, or laboratory experiment," I noted, "to test the techniques of heavy financial involvement in efforts to discredit and bring down a government." I gave a general breakdown of the amounts authorized from 1962 through 1973, and explained to the respective chairmen that since acquiring this information I had tried to persuade well-positioned colleagues to pursue the facts but that nothing seemed to be happening. I said I was writing to them as a last resort. Rep. Morgan did not answer my letter. Sen. Fulbright replied, but not very substantively, suggesting that the real solution to the problem was the establishment of a joint committee on oversight.

I felt ambivalent at this point as to how I ought to proceed—I did want to stick with the congressional process but could see no obvious lines to follow. At any rate the matter was set aside in my preoccupation with the summer's major event: the impeachment proceedings of the House Judiciary Committee. Then on September 6, Seymour Hersh of *The New York Times* called me up to inquire about the context in which those letters had been written, saying that he had a copy of one of them. I told him I didn't want the issue raised in this manner and, suspecting he may only have heard a rumor, I said I wouldn't comment on the substance of the letter until I saw his story in print. He assured me I could read it in the *Times* on Sunday, two days later, which I did.

Shortly thereafter Mr. Nedzi asked me to appear before his Armed Services subcommittee to account for the egregious leak. I explained to the group, meeting against my objection in closed session, that the *Times* had not gotten the story from me or my office. But this was not satisfactory, for the point was raised that House Rule XI, Section 27(o) says that no evidence or testimony taken in secret session may be released or used in a "public session" without the consent of the committee. A further issue was the pledge I had to sign in order to read the Chile material, which said that classified information would not be divulged to any unauthorized person. Unauthorized persons, the ensuing exchange made clear, included other members of Congress.

This meeting did not maintain the highest level of discourse—one member compared me to Benedict Arnold—but I tried to make to the subcommittee a distinction between genuine concern for the national security and the facile use of that label to cover official acts of duplicity and illegality. Suggesting this distinction was one of the principal lessons of Vietnam and Watergate, I maintained that the cover-up of U.S. actions in Chile was yet another case of national security's fraudulent application. My remarks did not set well with the subcommittee.

Nevertheless the storm seemed to pass. The next day I wrote to Mr. Nedzi asking that a transcript of the session we had just completed be made available to me when it was prepared. The letter was never answered, and I concluded that Armed Services had decided to drop the matter. I went off to campaign for reelection.

Meanwhile Mr. Hersh had turned over another rock, and in December and January wrote a series of stories alleging that the CIA had conducted a program of massive surveillance of American citizens in direct violation of its charter. Although cynics might have suggested that this only amounted to bureaucratic overlap with the FBI, the revelation jolted Congress in a way that harassment and assassination of foreigners never seemed to—possibly because some reports charged that the agency had snooped on senators and representatives. In any case hard on the heels of the President's establishment of the Rockefeller commission, the Senate voted to set up a select committee to investigate the full range of U.S. intelligence activities. I proposed formation of a similar committee in the House, and after a month-long minuet of maneuver and delay, we had a select committee, too. I felt pretty good about it until the Speaker announced his choice for chairman—Lucien Nedzi.

Lucien Nedzi, the man who had sat on his hands as chairman of that permanent subcommittee on intelligence since 1971, who had listened to the agency horror stories about the bludgeoning of a democracy in Latin America without so much as a murmur to his colleagues—this was the man assigned to conduct the special investigation that would logically include his own lack of action as a subject of inquiry. I went to the floor of the House on the day his chairmanship became official and said I thought it was an outrage. This indiscretion, I was told later by horrified staff and collegaues, was not likely to advance my career—I had been given a seat on the committee myself and would therefore have to work with him—but I felt it had to be said.

Other members of the select committee later came to agree with me. The press really had the scent by now, and it soon came out that Nedzi, as chairman of that Armed Services subcommittee, had been briefed on CIA assassination plots more than a year before and, once again, had done nothing. With this news in hand, the select committee Democrats rebelled, demanding a different chairman. But Speaker Albert balked at dealing with the controversy, advising patience, and the full House later gave Nedzi a resounding vote of confidence by refusing to accept his resignaiton. This left Nedzi in charge of a committee with which he refused to work, and the investigation came to a standstill.

A major reason for that vote and the subsequent select committee stalemate is what was happening back at Armed Services. Curiously that committee's leadership decided to take up the question of my access to its classified files—stemming from the Chile controversy nine months before—at the very moment when Mr. Nedzi's failure as an overseer of intelligence operations had come to national attention. On June 10, five days after *The New York Times* broke the story of Nedzi's inaction on assassination schemes and at the height of the controversy over his remaining as Select Committee chairman, House Armed Services met in an improperly announced closed session and, without a quorum present, voted unanimously to bar me from further access to its files. No notice had been given me that this action was being considered—in fact I didn't find out about it until two days later.

I won't dwell on the several ways in which this action, reaffirmed at a later date by a narrow majority of the total committee, was itself a violation of House rules, except to say that a committee cannot take away the privileges a congressman holds under the rules of the House as a whole—one such privilege being access to all committee records, regardless of committee membership. A more telling point is the action's glaring hypocrisy.

Columnist Jack Anderson, for example, was quick to say that he has received leaks of classified information from many members of House Armed Services on many occasions—"I have no difficulty getting secrets out of that committee when I want them," he said. There are tolerable leaks and intolerable leaks, apparently, and the characterization depends not on the strict dictates of the rules but on the current interests of the committee leadership or the Executive branch.

The Armed Services action was perfectly timed to shift the focus of debate on the handling of classified material from Lucien Nedzi to Michael Harrington. And at least over the short term, the tactic seems to have worked. Certainly it contributed to the outpouring of affection for the harried select committee chairman who just happened to have his resignation considered by the House on the day of the second Armed Services vote against me. From the swirl of publicity over another member's endangering of the nation's defenses, Mr. Nedzi was borne up on wings of angels. The vote was 290 to 64.

If one takes a step back from all of this, what emerges is not a narrow controversy over a chairmanship and a member's prerogatives, but a pattern of congressional acquiescence in the seductive game of shared secrets. It starts with the pleasant feeling of being privy to things unknown to the ordinary citizen, but it works very much like blackmail. The more you know about dubious secret operations, the more you are responsible for hiding, and the more you hide, the tighter the grip of the State Department or the CIA or the Pentagon. A large part of Lucien Nedzi's problem is that he got to know so many and such distasteful secrets that he was effectively bound and gagged by them.

There are only two ways to avoid that position. You can stick your head in the sand and let the administration handle such things, or you can challenge the terms of the game itself, for the game is basically a fraud. Certainly the United States needs a first-rate intelligence gathering system, and maintaining that system will require that we keep some secrets. But the acceptance of a classification system gone wild—the mindless rubber-stamping of every conceivable piece of information with the national security label—has obscured the distinction between legitimate intelligence gathering and manipulation of people and institutions. It has provided the cover for almost every kind of crime and impropriety at home, and it has sanctioned covert adventures overseas that have done tremendous damage to our international standing.

After 10 years of Vietnam and the Watergate affair, the American people understand this. They know that their leaders have lied routinely, cloaking arrogance and bullying and greed in terms of the national interest. They know that a secret agency that can overthrow a foreign government is a threat to democracy here. They know that a Congress that will turn away or masquerade to hide those kinds of actions can also dissemble in its handling of just about anything else. The Congress knows this, too, but refuses to admit it. And that is why the House investigation of US intelligence operations will remain a touchy undertaking no matter who is doing the investigating. In the back of every member's mind is the uncomfortable sense that the biggest scandal in the sordid story of CIA wrongdoing is the failure of effective oversight—the cover-up by the Congress.

HANDS OFF POLICY

Henry Kissinger, June 1970: "I don't see why we need to stand by and watch a country go Communist due to the irresponsibility of its own people."

President Nixon, February 1971: ". . . we are prepared to have the kind of relationship with the Chilean government that it is prepared to have with us."

Charles Meyer, Assistant Secretary of State for Inter-American Affairs, March 1973: "(The US government) financed no candidates, no political parties before or after the September 8 or September 4 (elections in 1970)."

Edward Korry, US Ambassador to Chile (1967–1971), March 1973: "The United States did not seek to pressure, subvert, influence a single member of the Chilean Congress (which confirmed Allende) at any time in my entire four years."

Harry Schlaudeman, Deputy Chef of Mission, US Embassy in Chile (1969–1973), June 1974: ". . . we had nothing to do with the political destabilization in Chile, the US government had nothing to do with it."

James Schlesinger, Secretary of Defense, June 1974: ". . . the United States government, the Central Intelligence Agency, had no role in the overthrow of the regime in Chile."

Henry Kissinger, September 1973: "The CIA had nothing to do with the coup, to the best of my knowledge and belief."

President Ford, September 1974: "There is no doubt in my mind, our government had no involvement in any way whatsoever in the coup itself."

MACOS AND MORAL VALUES

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. SYMMS. Mr. Speaker, by now everyone is fairly familiar with the controversy surrounding the MACOS program. The Monday, July 21, 1975, issue of the Wall Street Journal contains an editorial entitled "MACOS and Moral Values." The editorial discusses the efforts of our colleague, Congressman JOHN CONLAN of Arizona, in bringing to the attention of the Congress the abuses of the National Science Foundation in promoting MACOS. I would at this time like to extend my personal thanks and appreciation to Congressman CONLAN for his perseverance in this matter, and I would now like to read into the RECORD, for the benefit of my colleagues, the Wall Street Journal editorial:

MACOS AND MORAL VALUES

When the House of Representatives recently approved the appropriation for the National Science Foundation, it prohibited NSF from using funds to promote or market school materials. How the Senate will vote is anybody's guess, but the House action helps call attention to a simmering educational dispute that has received far less notice than it deserves.

NSF is involved because the federal agency spent nearly $7 million to develop a controversial fifth-grade social studies course that has been adopted by some 1,700 schools in 470 school districts nationwide. The course is called "Man: A Course in Study," a harmless enough title, but one that sounds like fighting words to a growing number of congressional and parental critics. MACOS, as it is known, has aroused passions much like the recent West Virginia textbook dispute, but the issue here is national rather than regional.

The purpose of MACOS is to foster an appreciation of alien customs among fifth graders. Students examine several species of animals plus the Netsilik Eskimos, a society of hunters who live in the Canadian Arctic. But critics say the course promotes cultural relativism by adopting a morally neutral attitude in its many references to cannibalism, adultery, bestiality, infanticide, incest, wife-swapping and gerontocide.

It's easy to brush aside that concern as ethnocentric or ignorant, but it should not be dismissed so lightly. Youngsters should be taught that other civilizations have much to admire, even so-called primitive peoples whose very survival is a miracle of adaptation and resourcefulness. But the process of education is a process of drawing distinctions; what is civilization, after all, if it is not drawing moral judgments about cannibalism or infanticide?

Moreover, although the educational process necessarily must confront students with new experiences and break down existing barriers to understanding, there is no apparent excuse for subjecting pre-teenagers to vivid films of Netsilik killing caribou and seals, then drinking their blood and eating their eyeballs. Perhaps these scenes are no worse than the scenes of violence youngsters routinely see on television in their own homes, but there is no reason for schools to compound that error.

However, some serious questions about MACOS go beyond course content. Paramount among them is to what lengths federal agencies should go to develop and promote curriculums and textbooks. As Robert Merry outlined it in The National Observer, the original MACOS grant was awarded in 1963 to the Education Development Center, a nonprofit organization dedicated to innovation in education. In 1967, after receiving $4.8 million in NSF grants, EDC's curriculum was ready to market. But more than 50 textbooks publishers turned the course down because it was too controversial, too expensive or inadequate.

So EDC sought more NSF funds to establish a "dissemination network" to publicize MACOS. It established a five-week workshop to familiarize academics, teachers, and school administrators with the curriculum. Many participants, some of whom received college credits for attending, later applied for their own NSF grants to conduct similar lobbying activities. Other curriculums are reportedly being funded in part by NSF, and a multimillion dollar sequel to MACOS for high schools was recently developed at taxpayer expense.

MACOS officials say that no school district is forced to adopt the curriculum. But this argument ignores the potential corrupting influence of federal money. The course clearly would never have gotten off the ground without what Congressman John Conlan describes as "a sophisicated and aggressive promotion and marketing network being organized at taxpayers' expense. . . ."

No wonder a growing number of Congressmen are concerned about possible tax and financial irregularities within the MACOS program. They insist that the NSF peer review system, used as the basis for the curriculum grant awards, is rampant with cronyism and federal grantsmanship. Still, the more important question is why Washington is dabbling in curriculum matters at all. And since it is, why is it reluctant to affirm a preference for Western values, products not of ethnocentrism but of a proud and honorable moral tradition?

EDUCATION FOR HANDICAPPED CHILDREN

HON. EDWARD P. BEARD

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. BEARD of Rhode Island. Mr. Speaker, the Education for All Handicapped Children Act of 1975 is the kind of legislation that makes me proud to be here in the Congress. The Education and Labor Committee, its staff, and those who helped to develop this bill are to be complimented.

It is a tremendous advance for our handicapped children to realize that decent educational opportunities are finally visible. For too long our country has neglected to understand the importance, ability and potential of our handicapped children. It is an inspiration to me to be part of a team that is helping to remedy the problems faced by our youngsters. Not only is this legislation needed, it is humanitarian and progressive.

PERSPECTIVE ON THE MILITARY SITUATION IN KOREA

HON. JAMES WEAVER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. WEAVER. Mr. Speaker, I would like to enter into the RECORD a letter printed in the Washington Post on July 1, written by Edward L. King of the Coalition of National Priorities and Military Policy. The letter points out some of the possible ramifications of the presence of U.S. troops in South Korea. Hopefully, Congress learned a lesson from our experience in South Vietnam and will guard against any further U.S. involvement in land wars in Southeast Asia.

[From the Washington Post, July 1, 1975]

PERSPECTIVE ON THE MILITARY SITUATION IN KOREA

(By Edward L. King)

The Evans and Novak article on Korea ("Strategy for a Short, Violent War," Post, June 16) is yet another in a seemingly endless number of recent factually misleading scare-stories about the gravity of the military situation in South Korea.

The situation in Korea should be looked at in a more balanced perspective. In their fascination with U.S. military operational details and portraying Kim Il Sung's inexperienced legions as ten feet tall, Evans and Novak ignore the main issues which the American people must consider in South Korea. These are the threats South Korea faces and our bona fide treaty commitments.

This year the Defense Department in stating the "threat" to South Korea said, "We believe both the PRC (Peoples Republic of China) and the USSR would see aggression in Korea as "contrary to their interests . . . North Korea could not sustain combat operations without support from one of these nations." There have not been any Soviet or Chinese military units stationed in North Korea since 1955. And recently press reports have indicated that both the Soviet Union and China have turned cold shoulders to Kim Il Sung's pleas for increased military assistance.

There is no article in the 1954 U.S.-ROK Mutual Security Treaty which requires the U.S. to keep troops in South Korea. The treaty states that in the event of armed attack the U.S. will consult with the South Korean government and then take whatever action we deem appropriate in accord with U.S. constitutional processes.

But how could U.S. constitutional processes be able to effectively function in determining whether or not to declare war, when our 2d Infantry division stationed north of Seoul would be almost immediately involved in combat in the event of an attack by either side in Korea? Evans and Novak say the division would be pulled back in reserve once the warning of invasion came. Why shouldn't it be pulled back from its position now to avoid the danger of automatic U.S. involvement in another land war in Asia that the Congress and the American people have not been consulted on or agreed to support?

Furthermore, why is a U.S. infantry division needed to help defend Seoul? The South Korean ground forces number over 612,000 men. Many of these soldiers and the one million reservists who back them up are Vietnam combat vets. These battle experienced troops that Evans and Novak inexplicably claim lack experienced officers for coordinating land-air operations, face a 450,000 man North Korean Army backed up by 900,000 reservists who have not been in combat since June 1953. Can't we assume the North Koreans have an even greater shortage of experienced officers? And it should be remembered that the more combat-experienced, numerically superior South Korean forces will supposedly be on the defensive. Under any military doctrine the North Koreans would have to be assured of at least a 2 to 1 numerical advantage to hope to launch any kind of a successful offensive against the well entrenched ROK Army.

Evans and Novak also cry wolf because the South is outnumbered in aircraft. But numbers of aircraft are relatively meaningless. South Korea is not inferior in the air, because most of the North Korean planes are old model MIG's that are no match for the qualitatively superior South Korean F-4's and F-5E's that have been furnished under the 5-year $1.5 billion U.S. military assistance grant program that is 60% delivered.

Plus the North Koreans would have to reckon with hundreds of land and carrier based U.S. fighters from Korea and Japan.

The most real danger to South Korea is not from a massive northern military attack. Such military insanity is highly unlikely even by North Korea. The real danger to South Korea's future is the repressive regime of President Park which denies segments of the South Korean people basic human rights.

Allowing U.S. generals to dictate the strategy and command the forces for the political and military defense of President Park's martial law regime is just the kind of mixed-up military meddling that brought us Vietnam. When are our civilian and military leaders ever going to learn?

A FOURTH STAR FOR GEN. CHAPPIE JAMES, AN AMERICAN HERO WHO NEVER QUIT

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. KEMP. Mr. Speaker, many persons have observed that every generation should have its heroes. I firmly believe in this adage.

Among America's contemporary heroes, I am convinced there are few who surpass Lt. Gen. Daniel "Chappie" James, Jr. in his noble field as an inspiring American military leader.

Soon, when the Senate confirms his nomination for a fourth star, Chappie will be the first black man in American military history to be a full general. By his outstanding courage, by his patriotism, his faithful service and his remarkable ability, he has more than deserved such recognition and his new assignment as Commander, North American Air Defense Command.

Personally, I am proud to call Chappie

James—whom the Washington Post headline describes as "An American Success Story"—a friend. Indeed, he is the friend of every freedom-loving American.

All of us, I believe, should have known Chappie's mother, whom he relates in the Post article, told him "There is an 11th Commandment: Thou Shall Not Quit."

This is the kind of unwritten law that helps produce our American heroes, like Chappie James.

Mr. Speaker, I respectfully request permission to reprint the Post article for the benefit of all those young and old Americans, regardless of color who need to know that individually we all must learn, "Thou Shalt Never Quit."

The article follows:

[From the Washington Post, July 21, 1975]

AN AMERICAN SUCCESS STORY

(By William Greider)

SCOTT AIR FORCE BASE, ILL.—The general is a man of heavy presence, tall and broad shouldered, with a deep and serious voice, a natural "command voice" that subtly extracts deference from those around him.

So it was a rare moment, listening to this man after hours, over drinks, in the standard red-brick general's house assigned to the base's vice commander. His voice turned soft and rheumy as he stretched out in the lounge chair and sketched word pictures from his past.

"When I was going to school with my mother, we always did shows," he said. "We'd have an Easter operetta, a Fourth of July patriotic blast and I'd have the largest speaking parts."

Lt. Gen. Daniel James Jr., 55, talked about a small boy nicknamed "Chappie" standing on a stage, dressed in a pink tuxedo with white lapels, while his cousin Mabel sang to him a song written by his older sister.

The general's voice shifted to a falsetto imitation of his cousin Mabel and he began to sing:

"Handsome is as handsome does, So the wise man say. Feathers fine may make fine birds, But folks are not that way.

"It's what is in your heart that counts, Deny it if you can; I'm not impressed with how you dress, 'Cause clothes don't make the man."

The general laughed at his own singing. Why, he wondered, do those words stick in his memory after all these years? He was growing up poor in Pensacola, Fla., only he didn't know it. His mother never told him.

The television set in the corner was turned to the evening news, with the sound turned down, when the general's own face appeared abruptly on the screen. The general jumped up to turn up the volume.

A news announcer introduced him: Gen. Chappie James, the first black man in the history of the U.S. military to be nominated for four-star general. The first black man to win four stars in the Air Force, the first in any branch of the armed forces. When the Senate confirms his promotion, he will take charge of the North American Defense Command in Colorado Springs.

On the TV screen, the interviewer was asking Chappie James the same question that has followed him everywhere in his career, the question about racial equality. James gave the same confident answer he always gives.

"We still got another mile to run in that race for equality," the general said in his general's voice. "But we got a lot better track to run on and the trophies at the end are a lot better than they used to be."

James nodded unconsciously, endorsing the words of his filmed image. Some black people, he volunteered, resent that answer. Behind his back, they whisper the familiar put-down words—"token" and "Oreo"—and they talk about Gen. James, the fighter pilot who made it to the top, as though he were a 6-foot-4 puppet of the white man's establishment. Chappie James' "command voice" turned suddenly to an old soldier's growl.

"These young people today," the black general said scornfully, "suffering all these obstacles to equality. B-u-l-l--! Most of their obstacles are illusionary. You can vote. You can go to any school you want to. Most of them are making a career out of being black. They don't know what suffering is."

His tone shifted again, impatient but more sympathetic, almost pleading. "I hate to see kids going back, trying to pretend they have to do this all over again," he said. "These black kids aren't fighting any battles today—they're going back over plowed ground. All they need to do is solidify the gains that have been made."

James was there when the racial barricades were still up and, in his own way, he helped to push them down. He attended segregated schools and sat in the back of the bus. He entered the Army Air Corps when black cadets were carefully kept apart, when black officers couldn't get a drink in the white officers' club. James was there when the now celebrated "Tuskegee Airmen" and other black servicemen staged their frontal protests against Jim Crow in the midst of World War II, the agitation and demonstrations that some scholars believe were the seedbed of the civil rights movement.

On one level, his career is a striking measure of how much America has changed in a generation, how very far it has come from rigid caste system into which he was born. In another way, however, the success of Chappie James is an ordinary story in an old tradition—a strong-hearted mother, stern father, a home in which he learned upward American values: hard work, ambition, honesty, the precious rewards of education.

James is a complicated man. He comes on belligerently orthodox in his values, yet boyishly sweet in his gratitude to family. Faintly bitter in his memories of Jim Crow, but reluctant to dim the glow of success by recalling those shadows. Proud of that time when black officers stood up to defy the established order, yet mildly embarrassed, now that he is one of those in authority, to remember the time, when he struggled against its abuses.

Chappie James would rather talk about his mother and father, both dead now. His parents had 17 children, 10 of whom died before their last son, Daniel Jr., was born in 1920.

They lived in a small frame house on North Alcaniz Street in Pensacola, which, unlike the streets in the white neighborhood four blocks away, was unpaved and without street lights. "They just called it the sandbed," James remembered, "because that's where the pavement stopped. I remember pop trucks would get stuck down there and kids loved that. We'd run up and grab pop. If my mother caught me, I'd get it. That's one thing, we didn't steal and we didn't lie."

His father worked first as a lamplighter, then in the gas plant, pushing a coal dolly. As a boy, the general ran down to the gas plant to deliver his father's hot lunch. If the food was cool, dad knew that Chappie had stopped to daydream on the way.

"They used to say I was the baby," James said, "but I remember getting my whacks. It was pretty tough standands all the way through. Lot of love from Mom, lots of love, Dad, he was a tough taskmaster."

The general's mother, the daughter of New Orleans servants, fixed her life on education. She had a high school education, but she concluded that the segregated "colored school" in Pensacola was not good enough for her children. So she started her own school.

The Lillie A. James School at 1606 North Alcaniz St. started with her children, then grew to as many as 70 children as neighbors asked her to take theirs too. Tuition was a nickel a day for those who could pay. Others attended on credit, which had more dignity than charity.

"I don't ever remember being hungry or raggedy." James remembered. "We were middle class in that time. As Bill Cosby says, we were poor but we didn't know it. We worked hard. We were never on welfare, I'll tell you that."

Lillie James taught her children a great deal more than reading and writing. Today, when Gen. James makes speeches before young black people, as he often does, his preaching echoes his mother's sermons:

"My mother used to say, 'Don't stand there banging on the door of opportunity, then when someone opens it, you say, wait a minute, I got to get my bags. You be prepared with your bags of knowledge, your patriotism, your honor, and when somebody opens that door, you charge in.' "

And: "For you, my son, there is an 11th commandment: thou shalt not quit."

And: " 'Prove to the world that you can compete on an equal basis.' "

And: " 'Don't go somewhere else looking for your piece of the pie. Your piece is right here. You're an American, you're not an African and don't you listen to any of this stuff about niggers going back to Africa. You answer: "I didn't come from Africa. I came from 1606 North Alcaniz Street, Pensacola, Fla."

If those articles of faith strike some of his present-day audiences as naive or simplistic, James reminds them that faith in the future was about all that American blacks had going for them when he grew up.

When James went off to study at Tuskegee Institute in Alabama, he thought he would become an undertaker, one business in which segregation by race was not a barrier to success. But he also wanted to fly.

"Pensacola was the Navy's main training base for fliers, the sky was full of airplanes everyday and naturally as a young man I wanted to fly," James said. "I didn't want to go into the Navy, although that was my first love, because I wanted to fly. I didn't want to cook," the task of many blacks in the Navy then, he said.

Even after the Army Air Corps began gingerly to accept young black men for flight training (an elite of the best educated, most ambitious recruits), they were kept apart, training at Tuskegee in everything from Piper Cubs to P40s. "It was a helluva traffic pattern," said James, who was commissioned in the summer of 1943. "With all the different speeds, surviving was a big thing."

After training at Tuskegee, the "Tuskegee Airmen" were transferred to different bases. Some went to Europe and flew combat with the 99th Squadron. Others went on to train in bombers and cargo planes. But they were always kept together, segregated, a black air force fighting for democracy, both at home and abroad.

At Selfridge Air Force Base in Michigan, where James was assigned, the airmen encountered separate facilities for white officers and black, despite military regulations prohibiting segregation on bases.

The black officers, after a while, decided to change things. They started going to the white club. The club would close. When it reopened, they went back, again and again.

What started small was building to a crisis when the black airmen were abruptly transferred to other air bases—all in the South where they might be less eager to confront Jim Crow.

But, notwithstanding official threats that they could be accused of mutiny in wartime, the protests continued. At Godman Field, next to Ft. Knox, Ky., James and the others tried again to enter the white clubs. One of the aggressive leaders among them was a young labor organizer from Detroit named

Coleman Young, who today is mayor of Detroit.

"They shipped the bomber group to Freeman Field at Seymour, Ind.," Young remembered, "and took the noncommissioned officers club and gave it to the black officers. We had determined to do the same thing. They read an order warning us that we would be arrested and court-martialed if we tried to enter the [white] club.

"I was in the first wave arrested, then we persuaded others. The damn thing started to escalate and pretty soon every black officer on the place was marching on the officers club, demanding to be arrested."

That was April 5, 1945, and 101 black airmen were arrested, charged with mutiny, treason, disobeying an order, and conduct unbecoming an officer. One of the "barracks lawyers" among them was a bright, young law student from Philadelphia, William T. Coleman, who is now Secretary of Transportation. James remembers "Bumps" Coleman as a curbstone strategist.

"Coleman was smooth. He said, 'If you guys don't go too far, you listen to me, you won't get locked up.' So we listened to him and we got locked up. Next day, he came in and says, 'You guys went too far. But, don't worry, I'm going to get you out.'"

The "101" were flown back to Ft. Knox under guard and confined in their old barracks—with a new barbed-wire fence and armed MPs outside. But the nation hardly noticed. One week after the mass arrests President Franklin D. Roosevelt died and the Air Corps' embarrassment was obscured by the nation's grief.

It is a small point, perhaps, but some others in the "101" do not remember that Chappie James was one of those arrested. They do not remember that his name is on the list, which has become something of a latter-day honor roll.

But Coleman Young remembers that Lt. James aided the group in another way. James was piloting daily courier flights from Ft. Knox in a C-47 and he helped spread the word to the black press and official Washington that 101 black officers had stood their ground against segregation, almost unnoticed. Coleman Young would dictate press releases to a black orderly with a typewriter and would slip them through the fence to James, who would deliver them to newspapers in the East.

"Coleman would get the stuff out to me," said James, laughing at the memory, "and I'd drop it off in the big cities. Boy, they'd have killed me if they'd known I was doing that—using military aircraft."

The Army put three men on trial in July, 1945, and all were acquitted. One defense lawyer, sent in by the NAACP, was Thurgood Marshall, now Justice Marshall of the Supreme Court. Another was Theodore Berry, now mayor of Cincinnati. After the acquittals, the other charges were dropped and the men continued on their careers, in and out of the service.

Chappie James stayed in, though he remained at the rank of first lieutenant for more than six years, perhaps because of the shadow of that earlier episode, perhaps because promotions were scarce in those postwar years. President Truman, meanwhile, issued the historic 1948 order integrating all of the armed forces.

In Korea, where he became Air Force Capt. James, he flew 101 combat missions. He bailed out once, was picked up by helicopter and was back up in the air flying the same day. He also was living what his mother taught him about competing on an equal basis.

"Over a few beers, I've even had white guys say they like me, but you can keep all those others," James said. "They respect me. They've seen me roll in on that target when the flak was heavy, just like they did, and come scooting out the other side. They respect me."

As a colonel, James flew combat again in Vietnam, 78 missions, and led the 8th Tactical Fighter Wing. On one sweep over Hanoi, it destroyed seven MIG's, the highest total kill of any mission during the Vietnam war. On another day, he flew back to Thailand with 52 holes in his plane. He also was noticed by Washington—a black combat pilot willing to stand up for the war, for the government, for the flag. James won his first star in July, 1970 and, under the sponsorship of former Defense Secretary Melvin R. Laird, he has gotten an additional star every summer since. The steady promotions rankle some white officers who didn't get them, but others figure that James is just catching up for the lost time of the Jim Crow years.

His appointment in 1970 as assistant secretary of defense for public affairs made him a "name" in Washington and he still travels widely for speaking engagements, trying to convince young blacks that "equal opportunity" is a reality in the armed services, that the door is open.

His four stars, he said, are "important to me in the largest sense, the effect it will have on some young kid on a hot sidewalk in the ghetto, where I was as a youngster, needing an inspiration to show that better things are possible."

And, though he did talk about them, James would just as soon forget those earlier days when black officers were treated as different and conflict with authority ensued. "I hate to think of that time," he said. "It makes me bitter at a time of life when I ought to feel good."

HAWK SALE WILL FURTHER UPSET MIDEAST BALANCE OF POWER

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. ROSENTHAL. Mr. Speaker, in an effort to wrest concessions from Israel, the administration appears to have embarked on a course of weakening Israel militarily. This ill-conceived policy has disastrous implications for peace in the Middle East and around the globe. Symptomatic of this short-sighted approach to Middle Eastern affairs is the administration's recently announced decision to sell to Jordan Hawk missiles and other highly-sophisticated military hardware costing in excess of $350 million. This sale threatens further to upset the delicate balance of arms between Israel and the Arab bloc. In the interest of world stability, Congress should exercise its right under the Foreign Military Sales Act to disapprove this sale by concurrent resolution.

The consequences of a failure to stop this sale are ably analyzed in a column by George F. Will, "Selling Arms to Jordan," which appeared in yesterday's Washington Post. An excellent discussion of recent dangerous developments in the Middle East balance of power, including the effects of the proposed Jordan missile purchase, is contained in an article by Terence Smith in the New York Times, July 20, "The Real Threat to Peace is North of Israel, Not South."

I commend these pieces to my colleagues' attention:

[From the Washington Post, July 21, 1975]

SELLING ARMS TO JORDAN

(By George F. Wills)

Congress, pursuant to its constitutional duty to keep the Executive branch on a short leash, has given itself power to veto, within 20 days of notification, any arms sale exceeding $25 million. It has until July 30 to veto the administration's proposal to sell Jordan a $350 million anti-aircraft missile system.

Jordan's King Hussein has said that one reason Jordan refused to join the Arab war against Israel in October 1973 was that Jordan lacked an air defense system. The proposed arms sale would eliminate that inhibition, and would enhance Hussein's offensive capability against Israel.

Hussein has told a Beirut magazine that he wants the weapons so he can help Syria in any future war against Israel. Equally alarming, the administration's proposal has about it a certain deviousness which, considering the lameness of administration arguments for the proposal, compels this suspicion: one purpose of the sale may be to make Israel more vulnerable.

The administration, which has been fanning war fears, may believe, contrary to experience and reason, that Israel will become more compliant to Arab (and U.S.) pressures as it becomes more vulnerable to Arab weapons.

In May the administration indicated that the sale would involve only three Hawk missile batteries and 36 Vulcan units. The Vulcan is a radar-guided anti-aircraft gun designed to cope with aircraft flying low enough to elude Hawks.

Even a three-battery system might have the destabilizing effect of diminishing the inhibitions Jordan felt in October 1973. But a three-battery system could be considered merely defensive: It could defend Amman, Jordan's capital, and could not be moved toward Israel without denuding Amman.

Now the administration wants to sell Jordan 14 Hawk batteries with 532 missiles (about the number of Israeli aircraft) and 100 Vulcans. Such a system would be useful to Hussein in the contingency for which he says he wants it—a joint Jordanian-Syrian war effort against Israel.

Israel, unable to match her enemies man-for-man or tank-for-tank, relies on air power. Fourteen anti-aircraft batteries on the east bank of the Jordan River could provide cover for Jordanian and Syrian ground forces advancing 22 miles into Israeli territory. And the batteries can be moved quickly with advancing forces.

The 1973 war revealed a fragile modus vivendi between Israel and Jordan. Evidently Israel will not attack Jordan unless Jordan first attacks Israel, which Jordan is only apt to do if it has the sort of anti-aircraft system the administration suddenly wants to sell.

The administration's primary argument for the sale is, predictably, that if the U.S. doesn't sell Jordan the anti-aircraft system, Jordan will get an equivalent system from the Soviet Union. This argument is implausible, and it is inharmonious with the administration's secondary argument, which is that Hussein is moderate and pro-Western but the weapons sale is necessary to keep him that way.

In fact, Hussein is not anxious to change his reliance on U.S. arms, in part, no doubt, because he is not anxious to receive the Soviet technicians who would come with any comparable Soviet missile system.

If Hussein is as moderate as advocates of the arms sale say he is, then he does not mean what he says about wanting the missiles for a joint war effort with Syria. In that case Israel will not strike at Jordan, and Hussein will not need 14 anti-aircraft batteries. If Hussein is not that moderate, he cannot be trusted with the offensive advantage 14 batteries would give him.

Anyway, why does Jordan need 14 batteries of the newest version of the Hawk to defend itself against Israel, while Israel has only 10 batteries of an older version of the Hawk to defend itself against all its Arab enemies?

Unfortunately, it is possible that the proposed sale of anti-aircraft weapons to Jordan, and the current delays of aircraft and other weapons to Israel, are aspects of the same policy. It is a reckless and ignoble policy of U.S. pressure designed to achieve a Mideast settlement by extorting endless concessions from Israel.

Fortunately, Congress can veto this folly at no risk other than that of an admittedly tedious but otherwise unimportant recurrence of Secretary Kissinger's laments about congressional incursions into process of government.

[From the New York Times, July 20, 1975]

The Real Threat to Peace Is North of Israel, Not South

(By Terence Smith)

Jerusalem.—Nearly hidden amid the attention given to the future of the United Nations forces in the Sinai, almost lost among the speculations about a New Sinai accord, a small news dispatch last week began.

Baghdad—Iraqi President Ahmad Hassan al-Bakr called yesterday for the establishment of a "joint military front" between Syria and Iraq against Israel. . . . and for the presence of Iraqi troops in Syrian territory.

The proposal for a joint military command between Iraq and Syria could prove to be more of an omen in the Middle East than all the diplomatic activity over the Sinai. For it is on Israel's northern and eastern front, along her borders with Syria and Jordan, that the most immediate threat to the fragile Middle East cease-fire lies.

No one expects war there tomorrow, but there is an accepted consensus in Israel, shared by many American officials, that limited fighting is more likely than not. It may come late this year or early next, it may take the form of scattered commando actions or a controlled "war of attrition" in which the two sides pound each other with artillery from behind fixed lines.

Iraq's proposal for a joint military command with Syria was all the more remarkable for coming, as it did, after months of public friction between Baghdad and Damascus. The two regimes are headed by rival factions of the militant Baath (Renaissance) party and the relations between them were recently described by an Israeli expert as "roughly equivalent to Cain and Abel."

The Iraqi proposal was only the latest in a series of developments to the north and east that the Israelis have been watching closely. The most important include the following:

The rapprochment between Syria and Jordan. After an official visit by Syrian President Hafez al-Assad to Amman last month, the two countries announced the formation of a permanent joint high commission to coordinate their policies in military, political, economic and cultural fields. Although this stops short of a joint military command, it achieves what the Syrians wanted most, a close military coordination that will protect their south-eastern flank against an Irsaeli attack.

The Jordanian shift of infantry, armor and anti-aircraft units from the Jordanian-Syrian frontier to the Jordanian-Israeli front. Although the units involved apparently are not large, they will effectively block an Israeli flanking movement against Syria and have aready permitted Syria to pull troops from the southern Golan Heights and reposition them elsewhere.

New contacts between Jordan and the Palestine Liberation Organization. After their military showdown in 1970–71, and their political confrontation at the Rabat conference in September, 1974, the two have been groping towards a new understanding.

United States military assistance to Jordan. A battle for Congressional approval is in the offing, but the Administration has proposed the sale to Jordan of a modern, $350-million air defense system, including Hawk antiaircraft missiles. The system will provide Jordan with the kind of air-defense shield which King Hussein has admitted kept Jordan from all-out involvement in the October, 1973, war.

The fighting in Lebanon and the emergence there of a new, militant regime closely allied to the Syrians and on good working terms with the Palestinians.

Obviously none of these developments bodes well for Israel.

A NEGATIVE FACTOR

However, there is a constant factor in the formula that should not be ignored: the perennial inter-Arab friction that often causes these marriages of convenience to dissolve before they amount to anything.

Premier Yitzhak Rabin's strategy for dealing with the threat from the north is to conclude an agreement first in the south. That is, he hopes to sign an accord with Cairo that will effectively remove Egypt from the action if new fighting erupts in the north.

There are some in Israel who think that this is hopelessly naive, that Israel has no real chance to drive such a wedge into the Arab world, that Egypt would be forced by Arab pride to join in a new war.

Mr. Rabin concedes that a war in the north would be the ultimate test of the validity of any new agreement he is able to reach with Egypt. If Egypt joins in, he says, then Israel's doubts about Cairo's true motives will be confirmed. If Cairo stands aloof, a gap of seismic proportions will have been opened in the wall of Arab unity.

It is a high-risk policy, but Mr. Rabin's supporters say, there are no safe bets in the Middle East.

CHILD CARE AGENCY SCANDAL IN NEW YORK CITY EXPOSED—PART VI

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. BIAGGI. Mr. Speaker, today I wish to insert the final article in a six-part investigative series conducted by the New York Daily News into the private child care agencies in the city of New York.

The previous articles uncovered some very serious abuses in the system including misuse of funds, and abuse and neglect of children housed in these agencies. Yet the most serious charge leveled at these agencies deals with their failure to provide permanent adoption opportunities for children.

I intend to hold a congressional hearing on August 19 and 20 in New York to examine the problem and propose remedial legislation. I intend to call agency officials as well as children victimized by agencies as witnesses. It is my hope that meaningful legislation can be developed and passed by Congress to rid this Nation of this unconscionable scandal.

Mr. Speaker, at this point in the Record I insert the final article in the series entitled "Adoption Agencies Work Hard—at Keeping Kids."

The article follows:

Adoption Agencies Work Hard—At Keeping Kids

(By William Heffernan and Stewart Ain)

Private child-care agencies, intent on keeping homeless city children locked in long-term foster care, are openly resisting a new organization whose sole purpose is to find adoptive homes for children the agencies have labeled "impossible to place."

In a three-month investigation of the city's child-care system, The News found that thousands of children were being denied the chance of finding permanent homes while these private agencies collect millions of tax dollars for their continued maintenance.

The investigation found also that many of these agencies have refused even to meet with the new organization CS-Spaulding for children, the only private agency created specifically to find adoptive homes for difficult-to-place children.

Other agencies, it was found, have refused to give Spaulding information needed for the adoptive process and some have even "hung up" on Spaulding telephone contacts about possible adoptions.

Eve Smith, Spaulding's director, told The News that most of the private agencies her organization has contacted seem "to be geared to keeping children in care, rather than getting them back to their families or into adoptive planning."

She cited the case of a 2-year-old brain-damaged girl recently referred to her organization by the New York City Interagency Relationship Program. When Spaulding tried to contact the agency caring for the child, who is legally free for adoption, the agency "refused to meet with us, let us see the child or in any way look for an adoptive home for her," Mrs. Smith said.

In the few months Spaulding has been working to move children out of foster care, they have managed to place seven children in adoptive homes and are in the midst of placing seven others.

Mrs. Smith stressed that her organization's policy is to "cooperate with and serve agencies who refer children to us." But while some agencies have been cooperative, the others have thrown roadblocks in Spaulding's path.

"We have encountered various forms of resistance," Mrs. Smith said. "One agency's adoption worker talked about referring a black, 11-year-old girl to us. The referral was 'squashed' by the director of the agency because the director felt Spaulding was 'still too new.' So the child goes unplaced, even though we presently have a prospective adoptive family requesting such a child."

TRY TO "DUMP" KIDS

"There have been other instances when an agency showed a desire to use Spaulding to 'dump' kids for whom there is no other place," she said.

Mrs. Smith cited the case of a 17-year-old boy whom an agency worker referred to Spaulding. A check of the child's records showed that he was not legally free and had never been consulted about whether he wanted to be adopted. But the worker had to "move the boy and saw Spaulding as a convenient way of getting rid of the problem."

In another instance, an agency caseworker expressed "ambivalence" about the adoption possibilities of a 12-year-old black boy referred to Spaulding a year ago when the child became legally free.

"Although we have offered our assistance to the agency and spent many hours helping the worker prepare the child for adoption, there has been no movement," Mrs. Smith said.

The child, Mrs. Smith explained, was abandoned at infancy by his mother and was placed in "foster care directly from the hospital where he was born." The child was never freed for adoption until he was 11.

Such examples of children who have been kept in foster care since infancy are not uncommon, Mrs. Smith said. One of the cases referred to her agency was that of a 5-year-old boy who could have been made legally free for adoption when he was an infant.

"Despite several overtures on our part, the agency has neglected to follow through," she said. "Because he has already been in several foster homes and is showing what seems to be an emotional disturbance, the agency has decided that he is 'unadoptable.'"

In still another case, Mrs. Smith said, an agency disagreed with a doctor regarding the placement of a 9-year-old, slightly retarded black girl. The agency wanted to place the child in an institution even though the doctor believed the child could be placed in an adoptive home.

When the case went before the courts for review, the judge agreed with the doctor and ordered the child placed for adoption. The agency was so furious that it declared it was "washing its hands" of planning responsibility for the child. Spaulding is now waiting for the agency's approval to print the child's picture to help recruit adoptive parents.

Mrs. Smith places part of the blame for agency resistance on the city child-care system itself, which is based on a daily reimbursement rate for each child in foster care.

AGENCY LOSES FEE

"When children are sent back to their biological families or placed for adoption, the agency loses the daily rates," she said. "That fact most certainly contributes to many voluntary agencies' seeming reluctance to 'let children go.'"

The children referred to Spaulding are those who are older, those who have been in foster or institutional care for some time and those who are considered the most difficult to place by the agencies themselves.

Nevertheless, Mrs. Smith said, all but one of the 14 children she has worked with could have been placed for adoption much earlier if they had been identified as adoptable and made legally free.

"Four could have been placed prior to the age of 1," she noted. "Three of the four were apparently not placed because it was discovered that they had physical handicaps."

USE HANDICAP AS EXCUSE

She added that her experience to date indicates that "many older and/or handicapped children are adoptable" but agencies must make an effort to find adoptive parents for them. But the News has found that agencies often use handicaps, both emotional and physical, as an excuse not to make a child available for adoption.

It has also found, however, that of the 1,203 prospective adoptive parents now listed with the State Adoption Exchange, 1,190 have actually expressed a preference to adopt a child with a handicap.

STORY OF STEVEN

One caseworker spoke about Steven a 4-year-old black child who is legally free for adoption.

In 1973, the caseworker said, Steven's picture appeared in the Amsterdam News so that an adoptive home could be found for what the newspaper described as a "bright, friendly, affectionate child."

A middle-aged, childless black couple living in Connecticut saw Steven's picture and immediately inquired about adoption.

"At first they were told they couldn't be considered because they were too old," the caseworker said. "So the husband (age 53) and the wife (age 40) contacted their lawyer and were told refusal on those grounds was illegal.

"But when they told that to the agency," the caseworker added "the reason was suddenly changed. The new reason for turning them down was that Steven had to be placed in a home with other children because that best suited his psychological needs."

GAVE UP FIGHT

"But they've recently adopted a child from Massachusetts," the caseworker said. "Meanwhile, Steven is still in foster care and the older he gets, the fewer chances he'll have of ever being adopted."

The News spoke with numerous couples who attempted to adopt children through the child care system and found an assortment of stumbling blocks thrown in their paths.

Those couples said agencies alienate potential adoptive parents by "putting them through the wringer" in a series of interviews that probe their innermost thoughts and sexual relations in an almost voyeuristic way. The interviews are often embarrassing, they said.

Couples are questioned both together and separately, and many wonder whether to reveal their true feeling or to recite answers they believe the agency is seeking.

Guidelines established by the State Department of Social Services clearly state that once an agency has completed its review of an applicant, the applicant must within a given time be informed where he stands.

But a number of persons have said they were never informed of whether they had met agency requirements and were kept on tenterhooks for months awaiting a possible call from the agency.

"Everytime the phone rang I died a little," recalled one woman. "For eight months I sat with a lump in my throat wondering whether or not the agency had approved our application. We lived on pins and needles, afraid to make a phone call in case the agency called to say they had found a child for us. We cut all of our phone conversations short and lived in suspense."

That woman was lucky. But other couples have not been so fortunate. A registered nurse in the Bronx has been waiting nine years. She has been to three agencies, none of whom have informed her whether her application has been either approved or rejected.

State guidelines emphasize also that "families with children by birth or adoption should be given the same consideration as childless couples. The important qualification is their capacity to extend parenthood to another child."

Nevertheless, The News has interviewed couples who said they were flatly rejected because they have children of their own.

The state guidelines stress also that the primary aim of child care agencies is to see that children get adopted as quickly as possible so long as no serious impediments are found when investigating prospective parents. Indeed, say the guidelines, "most couples do have the capacity for adoptive parenthood."

But Gary Rollnick, president of the Adoptive Parents Committee of New York State, said that he and his wife were turned down as adoptive parents on the ground that his wife was "too fat."

The Rollnicks eventually adopted a child from another state that did not believe his wife's weight precluded her ability to offer loving care.

ARMS SALES TO JORDAN

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. MOAKLEY. Mr. Speaker, I wish to voice my opposition to the administration's decision to sell $350 million worth of military armaments to Jordan.

The very existence of Israel is threatened by this proposed sale of arms, especially in view of the fact that Jordan and its neighbor, Syria, have announced the establishment of a joint military command. It is a distinct possibility that these weapons, intended for Jordan, could end up in the hands of a more aggressive Syria, thus bringing the Mideast to the brink of another war.

I wish to remind my colleagues, that President Ford has announced a "reassessment" of American policy toward the Mideast. I believe that a "reassessment" resulting in the announced sale of $350 million worth of military hardware is no reassessment at all, but rather is a conscious decision to "let twist slowly in the wind" our long-standing friend and ally, the state of Israel.

Mr. Speaker, I urge my colleagues in the House of Representatives, to voice their concern in this matter and to support House Concurrent Resolution 337 disapproving the proposed sale to Jordan of advanced missile systems.

WNBC–TV RUNS EDITORIAL SERIES ON NEW YORK CITY HOUSING PROGRAM

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. PEYSER. Mr. Speaker, along with New York City's current fiscal problems is a serious housing shortage caused by abandoned buildings, many of them structurally sound, that are no longer on the city's active tax rolls. Actually, these buildings are on the delinquent tax rolls.

The city has developed programs of rehabilitation of these buildings for low-income groups, but they have failed. Recently, WNBC–TV aired a series of four editorials outlining the housing problem which effects part of my district that falls within the boundaries of New York City. One of the editorials described the efforts of private tenant groups and their homesteading program.

These groups have taken vacant, rundown houses and, unencumbered by restrictive bureaucratic regulations which have not worked, they have restored these buildings within the framework of building codes and subsequent examination by building inspectors.

These homesteaders have completed the restoration of these buildings themselves. Even more important, these restored buildings are now back on the tax rolls of New York City thanks to the energy and independence of homesteaders who have remained aloof from the city's own unworkable programs of a similar nature. Following are the four WNBC–TV editorials which outline the problem and present an alternative solution that should be examined by urban areas throughout the country:

SAVING THE CITY'S HOUSING I

The recent announcement by the Beame administration to spend millions of dollars for the construction of new housing in rundown areas of the city can only be described as non-sensical. Skyrocketting construction costs make it impossible for the city to consider new construction as the solution to inadequate living conditions in low income neighborhoods. Rehabilitation of the present housing stock is now the most promising solution.

There are approximately thirty six thousand apartments abandoned every year in the city of New York. A great percentage of these are structurally sound units that can be renovated at relatively low costs. The key to successful renovation is to start immediately after abandonment and before the building is vandalized and burned. But, the city has failed to provide any successful program that can help low income tenants purchase and renovate these units.

The municipal loan program, for example, provides low income tenants with money to buy and renovate their future co-op apartments—but ties them up for thirty years paying up to 8½ percent interest. Ninety percent of those loans are currently in default. With the present budget crisis, it is estimated that all loans awaiting approval will be denied and new ones won't be processed for at least three months.

The Beame administration must make changes in the legal system to make it easier for the private sector to participate, and stop this piecemeal approach encouraging programs to rehabilitate whole blocks.

Saving the City's Housing II

A tenant group interested in co-oping and renovating an abandoned or semi-vacant building, may have to wait up to two years until the project is finally completed. The tenant group usually sponsored by non-profit organizations approaches the city's Co-op Conversion Office at the Housing and Development Administration and goes through months of un-ending paper work and bureaucratic red tape.

Adopt A Building and Mobilization For Youth Legal Services, are two of the most active organizations aiding tenant groups in the lower East Side, where most co-op projects take place. Both organizations though, have produced only minimal results. After five years in operation, Adopt A Building is yet to see the completion of any of its co-op projects.

Mobilization For Youth Legal Services, responsible for offering legal advice to prospective low income co-opers, has seen the completion of only three buildings. A typical Co-op venture sponsored by this organization may take up to twenty four months, until it is finally completed.

The housing and development administration together with these two organizations are obviously producing poor results—and wasting a great deal of time on a system of Co-op conversion that is improperly handled.

Tomorrow, we will discuss the city's neighborhood preservation program.

Saving the City's Housing III

The city's current financial crisis should move Mayor Beame to quickly eliminate city programs that only prove costly and ineffective. The neighborhood preservation program is one such program. Under the office of the housing and development administration, this program is responsible for preventing housing decay in five areas of the city.

The neighborhood preservation program is allowed to make loans totalling up to forty-five million dollars, has more than seventy full and part-time employees whose salaries cost the city approximately one million dollars a year: and, operates from six different offices.

After eighteen months in existence, the neighborhood preservation program has managed to complete only one apartment house. Two other buildings are nearing completion, but one hundred and seventy-nine are still in the first stages of bureaucratic paperwork. (End graphic)

We urge the mayor and the housing and development administration to encourage more efficient and less costly ways of rehabilitating our present housing stock, by making the legal changes necessary to enable the private sector to participate.

Tomorrow we will discuss a successful homesteading program in the lower east side.

Saving the City's Housing IV

The lower east side around the Avenues B, C, and D, is a perfect example of urban housing decay in the City of New York . . . rundown houses, vacant burned down constructions and abandoned buildings deep in tax arrears, are a typical sight in this area.

Various city programs to rehabilitate neighborhoods such as this one have proven unproductive and a virtual waste of time and money.

A successful homesteading program by private tenant groups on East Seventh Street could teach the city a good lesson in housing rehabilitation. Ten buildings on this street have been "saved" by private tenant owners. (End film) Because the tenants do their own work in the building, the original seventy-five dollars maintenance per apartment from four years ago is still the same, compared to one hundred and twenty-five dollars to one hundred and eighty dollars maintenance for buildings under city programs. Unlike the public sponsored buildings, these private co-op buildings are paying city real estate taxes.

The city administration must encourage programs such as the one on Seventh Street, by establishing the following guidelines:

1. Forgiveness of all back property taxes and penalties on the abandoned building.
2. Permission to persons of any sex, color or economic status to be part of the co-op rehabilitation projects.
3. Assistance by building inspectors to co-op owners in saving, repairing and maintaining the structure.
4. Allow the public sale of apartments without expensive legal requirements.

We urge the city to adopt these guidelines so that other independent groups may have an easier time co-oping and renovating the hundreds of abandoned buildings now in danger of becoming derelict.

THE WORKERS WORLD PARTY: PROFESSIONAL COMMUNIST AGITATORS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. McDONALD of Georgia. Mr. Speaker, the Workers World Party, a militant, proterrorist Communist organization, is seeking to exacerbate a landlord-tenant dispute in Baltimore, Md., through the actions of its front, the Center for United Labor Action—CULA.[1]

The Workers World Party activists are not local Baltimoreans, but have been previously of the Wilmington, Del., or Washington chapters of the Workers World Party youth cadre, Youth Against War and Fascism—YAWF.

On July 9, 8 women and 10 men were arrested after confrontations with police during the eviction of rent-striking families from the federally subsidized Uplands Apartments in Baltimore. The Baltimore media reported among those arrested the following persons who were nonresidents of the apartment complex:

Susan D. Lesser, 22, of Greenbelt, Md., a member of the CULA—and a former member of the Trotskyist Communist Socialist Workers Party.

Sharon M. Ceci, 19, of the 3200 block of Avon Avenue—until recently she and her husband, Raymond, were mainstays of the Wilmington chapter of Youth Against War and Fascism—CULA.

Eileen "Patty" Colligan, 33, of the 3000 block of North Calvert, CULA—extensively active with YAWF in the Washington metropolitan area.

Michael J. Pione, 21, of the 3900 block of Frisby Street, charged with obstruction of justice and released on $50 bail. The Baltimore Sun reported: Mr. Pione said he was a member of the Center for United Labor Action, a leftist political group.

Joe C. Bigelow, 25, of the 1400 block of West Lombard Street, a member of CULA.

John H. Sinnigen, 30, of the 3100 block of St. Paul Street, a teacher.

Garland Kearney, 25, of the 1800 block of Madison Avenue, a clerk.

Stanford P. Scribner, 21, of the first block of North Fulton Avenue, a student.

Robert M. Matthews, 28, a news photographer for the Baltimore Afro-American. Matthews was charged with hindering police officers and interfering with arrests and was released in his own recognizance.

With the exceptions of Pione and Matthews, all others arrested were charged with refusing to obey the request of a police officer and were released in their own recognizance.

WORKERS WORLD PARTY

The Workers World Party—WWP—is self-described in a 1972 internal history of the party, as:

> An independent communist party that follows the ideas of Marx, Engles and Lenin and is oriented toward the development of a democratic centralist combat party based in the working class in the United States. * * * We support all socialist countries in the struggle against imperialism, in the development of the planned economy, and in the internal struggle against the forces of counter-revolution.
>
> WWP supports all peoples struggling got national liberation. The party has made very important contributions in the United States to the development of the movement against the war in Indo-China (we organized the first U.S. demonstration against the war in 1962, struggled within the antiwar movement as it developed later for the position of immediate withdrawal of U.S. forces; and have undertaken much propaganda and agitation to unmask the imperialist motives for U.S. aggression); to building a movement of support for the Palestinian struggle and other Middle East liberation groups (Youth Against War & Fascism organized the only U.S. demonstrations at the time of the

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[1] For convenience, the principal anagramatical abbreviations used in this report are: CULA—Center for United Labor Action; WWP—Workers World Party; YAWF—Youth Against War and Fascism; PSC—Prisoner's Solidarity Committee; ASU—American Servicemen's Union; CSMEL—Committee to Support Mid-East Liberation. These organizations are fronts of the Workers World Party.

> June 1967 war, and then set up the Committee to Support Middle West Liberation which has kept up a high level of action and propaganda); and to support for the independence struggle of the Puerto Rican people. * * *"
>
> * * * * *
>
> Our party believes that the struggle between the basic classes in society—monopoly capital and the proletariat—is irreconcilable, and can only be ended with the overthrow of the bourgeoisie and the socialist reconstruction of society. We feel that all compromises, all 'peaceful' interludes in the class war and in the struggle that exists on a world scale between the socialist and the capitalist systems, are only temporary in character and that the struggle will of necessity break out again and again. * * * Peace, in the age of imperialism, is only * * * a period for the preparation of new wars.

The Workers World Party originated in 1959 as a dissident splinter from the Socialist Workers Party, a Trotskyist Communist organization. WWP states that while it feels that Trotsky, the founder of the Red Army, made great contributions to revolutionary theory, "because most radicals associate Trotskyism with the degenerated parties of the Fourth International—particularly the WWP's rival Socialist Workers Party—a position on Trotsky is not a requirement of membership in our party, not is it a factor in our relationships with other organizations."

While the total membership of WWP does not exceed 200, the organization strives to give the impression of substance by the creation of issue-oriented subgroups. These subgroups are a part of the main WWP organization. Unlike the front groups of the Communist Party, U.S.A., WWP does not encourage non-WWP members to join its fronts or subgroups. In other words, Workers World Party fronts are disciplined cadre groups, not recruiting tools themselves.

Internationally, the WWP supports all Marxist-Leninist governments. While it does consider the U.S.S.R. worthy of support although a "deformed workers state," WWP's special praise has been reserved for Castro's regime, the North Vietnamese, and North Korean regime of Kim Il Sung, which WWP regards as the exemplar of what a Communist state should be. Andrew Stapp of WWP has twice visited Pyongyang, and in return, North Korean newspapers have printed statements of support from the WWP.

Since May the Workers World Party and its subgroups have waged a propaganda campaign in support of Kim Il Sung's saber rattling. On June 25, in New York City, the WWP and YAWF held a street demonstration supporting North Korea, and on June 27, participated with other revolutionary groups as sponsors of the Ad Hoc Committee in Solidarity With the Korean People at Washington Square Methodist Church. Other sponsors included the Third World Women's Alliance; the Indochina Peace Campaign, recently renamed Friends of the Indochinese People; Third World Newsreel; and the Puerto Rican Socialist Party, whose representative at that meeting, political committee member Florencio Merced Rosa, had just returned from North Korea.

Workers World Party is a vociferous supporter of many Marxist guerrilla terrorist organizations including the MIR in Chile, the ERP in Argentina, the Palestine Liberation Organization, the Popular Front for the Liberation of Oman, the Zimbabwe, Rhodesia, African National Union, and the Eritrean Liberation Front. WWP and YAWF frequently participate in demonstrations with U.S. groups of revolutionary foreign nationals in support of the terrorist liberation movement in their homeland.

Workers World has not restricted its support of the use of terrorist tactics to foreign countries. In March 1974, writing of the Symbionese Liberation Army, two members of which were recently convicted of the ambush murder of Oakland school principal Marcus Foster, Andy Stapp, an editorial staff member of the WWP newspaper, Workers World, and a leader of the party, charged those leftists who opposed the SLA's "premature" use of terrorism with having "forgotten the elementary lessons of class solidarity" and questioned whether they were "cowardly" in their "eagerness to prove that they are not to be confused with 'terrorists.' "

Workers World Party has also supported members of the Black Liberation Army, the terrorist urban guerrilla network which arose from the Eldridge Cleaver faction of the Black Panther Party, who have been tried for crimes ranging from murders of police officers through bank robbery, through the WWP's Prisoners Solidarity Committee working with several radical defense committees for accused BLA members.

The Puerto Rican terrorist FALN—Fuerzas Armadas de Liberacion Nacionale—also has WWP's revolutionary approval. An article in Workers World, December 27, 1975, reporting the maiming of a New York City police officer in an FALN boobytrap ambush concluded:

> In this action, the FALN has picked up the banner carried by the Black Liberation Army until their brutal extermination by the repressive forces of the state.

The Workers World Party operates several front groups of WWP cadre including Youth Against War and Fascism—YAWF—its principal agitational arm; the Center for United Labor Action—CULA; the Prisoner's Solidarity Committee—PSC; the Committee to Support Middle East Liberation—CSMEL; Women United for Action—WUA; and the virtually inactive American Servicemen's Union—ASU.

The Workers World Party headquarters are at 46 West 21st Street, New York, N.Y. 10010. Members of the WWP National Committee include national chairmember of the Socialist Workers Party National Committee at the time of the man Sam Ballan, alias Sam Marcy, a 1959 split; Dorothy Ballan, alias Dorothy Flint—Mrs. Sam Marcy—also a former member of the Socialist Workers Party National Committee; Vincent Copeland, also a former member of the Socialist Workers Party National Committee; Deirdre Thaddeus Griswold Stapp, stepdaughter of Vince Copeland, editor of Workers World, wife of Andy Stapp, and was in 1964 executive director of NLG attorney Mark Lane's Citizen's Commission of Inquiry into the Kennedy Assassination; Fred Goldstein; Key Martin, National Chairman of YAWF; and Ted Dostal.

Workers World Party and its subgroups have chapters in New York City; Boston/Cambridge, Mass.; Buffalo, N.Y.; Champaign and Chicago, Ill.; Rochester, N.Y.; Norfolk, Va.; Wilmington, Del.; Baltimore, Md.; Houston; Milwaukee; Cleveland, Ohio; and other cities.

YOUTH AGAINST WAR AND FASCISM

Youth Against War and Fascism—YAWF—is the principal agitational force of the Workers World Party, and indeed, because the majority of WWP members are under 35 years of age, the other WWP subgroups may also be considered subgroups of YAWF.

YAWF makes up for its overall lack of numbers by its vehemence and willingness to engage in physical confrontation with police, and by their attempts, often successful, to work in support of other, issue-oriented radical groups and individuals. For example, Tom Gardner of the Norfolk, Va., Center for United Labor Action/YAWF chapter, has been very active in other areas of the South with the Southern Conference Educational Fund, a former Communist Party, U.S.A., front taken over by a Maoist coalition late in 1973. Gardner remains on good terms with his old colleagues from the Southern Student Organizing Committee who now head the Institute for Southern Studies and the Georgia Power Project in Atlanta.

CENTER FOR UNITED LABOR ACTION

The Center for United Labor Action first appeared in New York City demonstrations with YAWF in June, 1971, as the Workers World Party's consumer interest organizing arm, protesting city tax increases, rent hikes, and utility rate increases.

An internal WWP directive from John Catalinotto, WWP director of national communications, dated October 9, 1971, ordered "Those branches which have not yet formed a CULA should do it if at all possible." This document, and the others quoted earlier, have been published together with other internal WWP documents in "The Workers World Party and Its Front Organizations," a Study Prepared by the Minority Staff of the House Committee on Internal Security, 1974.

Sam Marcy, founder, chairman, and theoretician of the WWP, described the rationale behind the creation of CULA in a report, "Political and Organizational Problems Facing Our Party":

> We projected the Labor Center in anticipation of a working class resurgence. Why is the Labor Center necessary? Because we can't function in the labor movement in the name of the Party or YAWF as openly as we would like to. The trade union movement is bureaucratic and restricted, and it is necessary to have a type of functioning organization where workers from a variety of industries, organized and unorganized, can have a place to come with their problems, and where the Party can function more easily and take initiatives in the name of the Labor Center. Without it such activity would be more restricted or otherwise ineffective or even impossible.
>
> The Party's program, insofar as it directly

> affects the workers, and especially the trade unions, may first be initiated through the Labor Center and in that way the Party's program has a better way of getting a hearing.
>
> The most important aspect of this work is the coordination of the local Labor Centers with the national Labor Center.

CULA operations have been organized in most areas where Youth Against War and Fascism is also active. In addition to a New York headquarters at 167 West 21st Street, CULA contacts include:

69 Clinton Ave., Albany, NY 12201 [518/465–7046].
595 Massachusetts Ave., Rm. 205, Cambridge, MA 02139 [617/661–0345].
454 Connecticut St., Buffalo, NY 14213 [716/882–3832].
920 N. Cicero, Chicago, IL 60651 [312/261–6474].
P.O. Box 2598, E. Cleveland, OH 44112.
P.O. Box 2439, Wilmington, DE 19801.
103 Alexandrine, Detroit, MI 48201 [313/832–4847].
3520 Moore, Houston, TX [713/277–4022].
P.O. Box 321, College Park, MD 20740.
2402 St. Paul St., Baltimore, MD 21218.
P.O. Box 91663, Federal Station, Milwaukee, WI 53202.
P.O. Box 7002, Norfold, VA 23509.
292 Andrews St., Rochester, NY 14604 [716/546–4759].

A check of CULA addresses indicates in many cases a sharing of post office box, street address, and/or telephone numbers with other Workers World Party subgroups such as YAWF, Women United for Action, or the Prisoners Solidarity Committee.

WOMEN UNITED FOR ACTION

Women United for Action—WUA—a group which appears identical with the YAWF Women's Caucus and the CULA Women's Caucus, has been involved with various consumer issues, protesting increases in rents, utility rates, food prices, transit fares, et cetera.

The Workers World Party revolutionaries, representing themselves as members of "grassroots" community organizations, namely CULA and WUA, have been granted the opportunity to testify before various regulatory bodies against various price increases, and thus have been given legitimacy for further organizing. In April 1974, WUA representatives testified before the Senate Agriculture Committee to protest compensation to chicken farmers for pesticide contaminated flocks.

PRISONERS SOLIDARITY COMMITTEE

The Prisoners Solidarity Committee—PSC—was formed as an outside support group for rioting prisoners in New York State's Auburn Prison in November 1970. Workers World has described the PSC as an "indispensable product of the spirit which lives on in rebellion." Its leaders have stated that its goals are "to free all the prisoners and tear down the walls."

The Prisoners Solidarity Committee has been active in demonstrations in North Carolina in support of accused murderer Joan Little. The PSC is also active in propagandizing on behalf of the inmates charged with offenses from the Attica riot in September 1971. States Tom Soto of WWP, the PSC leader, "All prisoners are political prisoners. Tear the prisons down."

AMERICAN SERVICEMEN'S UNION

The American Servicemen's Union—ASU—was founded and led by Andy Stapp of the WWP ostensibly for the purpose of organizing and unionizing Army enlisted men. Stapp explained its true purpose in these terms:

> Just as the Bolshevik party organized through the soviets in 1917 against the Czar and the depression in Russia, the American Servicemen's Union is organizing soviets within the U.S. imperialist army.

The ASU, now virtually inactive, was not highly successful in its mission to subvert the U.S. Army. Its lack of success was possibly one of the contributing factors in moving ASU members at Camp McCoy, a Wisconsin Army Reserve training base, to terrorist actions.

In July 1970, water, power, and communications facilities at Camp McCoy were bombed. On January 16, 1973, after some 2 years of legal proceedings, Tom Chase, Danny Kreps, and Steve Geden, all organizers for the ASU, pleaded guilty to charges of attempted arson and the destruction of Federal property.

COMMITTEE TO SUPPORT MIDDLE EAST LIBERATION

The Committee To Support Middle East Liberation—CSMEL—is Workers World Party's subgroup operating in support of Arab terrorists in the Middle East. CSMEL and the WWP have expressed support for acts of international terrorism, including the Black September massacre of athletes at the Munich Olympics, charging that the slaughter was justified retaliation against "U.S. imperialism." Michael Rubin, a CSMEL activist from Seattle, has written:

> And here to paraphrase Mao Tse-Tung that political power comes out of the barrel of a gun, only a protracted Peoples warfare against U.S. imperialism and the state of Israel will accomplish that, therefore all support for the Palestinian liberation struggle.

Certainly the Workers World Party and its front organizations, with their proven record of street fighting and physical confrontation with police, their support of international terrorist organizations, and their connections with the Communist regime in North Korea, are suitable subjects for continued monitoring by those concerned with the internal security of this country.

STUDYING CONGRESS IN A TIME OF CHANGE

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. GUDE. Mr. Speaker, "interns" have become an institution on "the Hill," and intern programs have expanded greatly in the past few years. In fact, the Bipartisan Intern Committee lists 2,500 interns serving this summer alone.

My own intern program consists of a college student, a community college student, and 40 high school interns. While my college and community college interns work primarily in the office, the high school students attend a series of tours and seminars designed to acquaint them with the workings of the Federal Government on all levels and of all three branches. Dr. Martha J. Kumar, associate professor at Towson State College addressed all of my interns at an opening day luncheon. Dr. Kumar has long been involved with the legislative branch of Government, not only academically, but through her work as a research consultant for NBC on congressional elections, and also through her recent coauthorship of a book on the House and Senate Judiciary Committees.

Dr. Kumar's remarks were so well atuned to the changing nature of the Congress, as well as being a brief and realistic overview of the roles of Members of Congress, that I am bringing them to the attention of the Members of the House as I think they might be of interest to all congressional interns.

The remarks follow:

STUDYING CONGRESS IN A TIME OF CHANGE

As you prepare to spend three intense weeks studying your government, you must be wondering what you can learn in that amount of time and how best to focus your energies. I suggest that you look for some of the major developments in what governmental institutions are doing, the kinds of activities they undertake, and get a sense of what changes are taking place in the relationships which parts of the government have with one another.

Government is of a dynamic character with the activities and relationships of the various institutions constantly changing. The structure and focus of institutions alter to meet the new demands which are made of them by the public and by those in other parts of the government. Alterations in the system also arise through changes in the environment within which the political system operates. Flexibility has served as a critical element in the ability of our political system to adapt to the enormous changes which have taken place in the world system in technological, social, and economic areas. The framers of the Constitution did not want to bind future generations into a rigid political structure; and they wanted the system they created to be a flexible one. And it has been. I would like to focus on the element of change in one governmental institution which you will be studying: the Congress. I choose the concept of change because an internship is particularly well suited to studying the dynamic elements of government.

You have come to study your government at an important point in its history; Congress is in a period of change. Change in its external and internal relationships. With the movement for change in the Congress has come both tumult and hope. The tumult arises in disagreements among the members over what the structure of the Congress should be and identifying its proper role as a governmental institution. And hope has risen with the interest of the Congress in revitalizing itself as an institution. While change has characterized what has been going on in many of the operations of the Congress, I would like to focus on change in three particular areas which heavily affect the vitality of Congress as a representative institution: a broadening of the concept of its legislative duties; change in the structure through which the Congress arrives at its decisions; change in its membership. These three areas are key elements in the ability of Congress to be a vital institution in our governmental system.

First let us look at how Congress is involved in broadening its concept of its legislative duties. The news media has hit hard at the Congress for the difficulty it has been having in trying to initiate its own policy proposals, such as its failure in the energy area to come up with an alternative to President Ford's proposal. A recent political cartoon, borrowing on the cover drawing on the book, Jaws, has President Ford swimming unconcerned with a large shark entitled the Congress below him. The caption of the cartoon is "Gums". Is it realistic to expect that a Congress of 435 people in the House and 100 in the Senate can come together to present a unified alternative to presidential proposals? While we might wish that the Congress could initiate its own proposals, reality tells us that only rarely can it do so.

For reasons we will investigate shortly, the Congress has found it increasingly difficult in the twentieth century to write its own policies. Since World War II the Congress has been developing other legislative interests, ones very relevant to policy development, which have given us a new meaning to what legislative duties encompass. These new roles which the Congress has been performing are: legislative oversight of executive agencies; the investigation of governmental problems seeking definition and solution; the duty of informing and educating the public on particular issues; the role of ombudsman—the member as a problem solver for his constituents. We will investigate each of these roles in turn but I would first like to explore some of the reasons why Congress finds it so difficult to initiate legislation and why it has developed related interests. It certainly is not because the members fail to work hard or that they take their duties lightly. The impeachment hearings of the House Judiciary Committee showed us how serious and hard working our members really are.

Why is it then that Congress has trouble initiating policy as the framers of the Constitution intended for it to do? At least a part of the answer lies in the fact that the size and population of the country has changed and the nature of the problems has changed as well. The framers expected that the policy initiative was to come from the Congress. When there were only thirteen states, the public interest was not so hard to define. But our country has grown and our society changed radically since then. Industrialization has brought with it an increase in the functions which all levels and all branches of government perform. As the size of the country has grown, with it has grown a diversity of interests. Now it is almost impossible to determine what the public interest is; if indeed there is such a thing as the public interest.

Take the question of energy policy. Congress is confronted with many conflicting interests; the public says it wants less dependence on Arab oil but the people in New Jersey do not want any offshore oil rigs, the environmentalists complain of the ecological dangers posed by the Louisiana offshore rigs, and New Hampshire says no to having an oil refinery. People often express conflicting desires to their representatives: reduce the importation of foreign oil, but don't change my life style.

The inability to find energy solutions is a reflection of ambivalent constituent views. Congress is a representative institution and has come to reflect the diversity of interests which exist across the nation. Representatives do just what their name implies: they represent their constituents. Can we expect a body of representatives to achieve a policy when there is no consensus on the subject among the citizenry?

Congress has rejected this growing diversity and in the twentieth century has found it increasingly difficult to take the legislative initiative. Yet at the same time, the demands upon the federal government for action have increased sharply. States and localities find it difficult, and sometimes impossible, to resolve the problems with which they are confronted. We have seen the welfare problem move from being an area of private interests in the nineteenth century to becoming a local government problem. Then the localities were finding themselves bankrupted and the states had to take it over. But the states have been unable to deal with the problem since the difficulties sometimes relate to the variations between states in their regulations which results in people leaving one state to go to another.

Issues, such as welfare, have become federal problems because they have not been solved by private forces nor by state and local action. But Congress has the same difficulty which the states and localities have in answering conflicting demands.

In order to cope with the increasingly complex task of legislation, Congress in the twentieth century has gradually assigned responsibilities to the President. The President has become the beneficiary of many congressional responsibilities because of the several advantages he has in the policymaking process which the Congress can never have. First, he is a lone official and therefore does not have the problem of speaking with many voices. Because he is one person, he can act decisively when emergencies require quick responses. Second, the President and the Vice-President are the only nationally elected officials we have. Since the President is elected by the whole nation, he looks at problems in a broader manner which the Congress cannot do. Congress is a national institution but don't forget that it is made up of 435 local districts and 50 states. Third, the President has an advantage over the Congress in the information sources which he has. As of January 1, 1975, there were 2,812,217 civilian employees working for the executive branch while there were only 35,083 working for the Congress. The President has much larger information sources at his command than has the Congress when creating policy in areas such as intelligence.

Because of the nature of the presidency and the Congress as institutions as well as a result of social and economic changes in the country, Congress cannot be expected to be the prime initiator of policy for our country. The initiation of legislation is a process which now realistically requires the work of both the President and Congress. The President can propose and the Congress consider the merits of his judgments.

Congress is now trying to work out what the relationship between the President and the Congress should be in the legislative responsibility to the President, such as the budget area. One of the major alterations in the original balance between the President and Congress resulted from the assigning of the responsibility of the preparation of the annual budget to the President. In the Budget and Accounting Act of 1921 the Congress gave to the President the responsibility of pulling together the estimates of executive agencies. Presidents then naturally used the budget as an instrument of their policy preferences. Congress, however, has sought to regain some of the budgetary initiative by creating committees which will make their own recommendations after reviewing both appropriation and revenue estimates coming from the President. The new budget committees went into operation this year for the first time and prepared themselves for their future work by doing a trial run with the fiscal 1977 budget. The desire to regain a lost initiative in the budget area is a hopeful sign of congressional willingness to assume what had become a presidential responsibility.

The effort by Congress to assign itself a larger role in the budget business received a strong impetus from the Watergate revelations. Watergate has shown us the functioning of three roles important to the development of policy which Congress has developed since World War II: legislative oversight; investigation; education. As the number of governmental programs and employees has multiplied enormously since World War II, Congress has developed a responsibility for examining the programs and discovering if they are being implemented as they were designed to be. This duty is called legislative oversight. The Congress oversees both the implementation of the program and the process by which the agency responds to the demands upon it. It has become an important part of the Congress's legislative duties because it tells us if the programs which have been created are achieving the results which they were designed to. Congress, particularly the Senate Judiciary Committee, was very successful in discovering how the FBI functioned in its Watergate investigation. The committee used its hearings relating to the appointment of L. Patrick Gray to be the permanent director of the FBI to discover how the agency was really being run. Sharp questioning brought out the abuses, such as the destruction of relevant files, involved in the agency's Watergate investigation. Congress is increasingly using its powers of oversight as a strong legislative tool.

The Watergate crisis also demonstrated the ability which Congress has—when it decides to use it—to investigate problems within the government. Congress has the power, as an adjunct to its legislative power, to investigate general problems which it finds need resolution. At the conclusion of the trial of the original Watergate burglars, Judge Sirica felt that he had failed to discover in his courtroom what had really gone on in the burglary of the Democratic National Committee and what efforts had been made to cover up information relevant to the case. The public too seemed dissatisfied. Early in 1973 the Senate appointed a special committee, called a select committee, to investigate the presidential campaign activities of 1972. That committee headed by Senator Sam Ervin brought together much of the information which was later to serve as a basis for many of the cases brought by the special prosecutor's office. Ervin's committee discovered: irregular corporate campaign donations; misuse of agencies such as the Internal Revenue Service and the FBI; attempts at the obstruction of justice in covering up the ties of the burglars to the White House and the Committee to Reelect the President. These same investigative skills can be used to probe other problems in government.

The impeachment debate which resulted from the trail of misdeeds first uncovered in the Ervin hearings, demonstrated the valuable role which the Congress can play by informing and educating the public. The House Judiciary Committee pulled together all of the evidence of presidential misconduct and presented it bit by bit to the nation. In a time when problems are viewed by constituents as being more and more complicated, the Congress has a very valuable role to play in educating people. They can help to define problems as well as to articulate them, as the members of the House Judiciary Committee did so masterfully in their impeachment inquiry.

The members can also help to identify for their constituents what the various solutions could be and what the alternatives involve. Woodrow Wilson long ago saw the importance of this role of the Congress. He said: "the informing function of Congress should be preferred even to its legislative function."

Another role which Congress has developed in the post war period is that of casework. The members act as an ombudsman—the name of a Swedish official who has as his job the ironing out of problems which individual citizens are having with their government. The ombudsman acts as a court of last resort for people who feel they have no place else to turn. In the United States Congressmen serve as intermediaries between their constituents and government by ironing out the problems which people cannot work out for themselves, such as tracing down lost Social Security and Veterans benefit checks.

Congressmen have been asked to perform an ombudsman role and can use the opportunity to discover additional information concerning the actual functioning of government. Problems in agencies, such as the Veterans Administration, have undoubtedly come to the attention of members first through casework and only later in oversight hearings.

Congress has developed these new roles: overseer; investigator; educator; ombudsman. But so far, except for the ombudsman one, it has been only on an episode basis; they have yet to perform them consistently. Committees, for example, rarely perform oversight hearings on a regular schedule. Rather, they tend to open them when the members get wind of a problem. As the Congress develops these roles into regular legislative tools, it will help to redefine what the role of Congress is. It is unrealistic to try to get the members of Congress to be legislators in the sense of being the sole initiators of policy. The creation of policy is now a process which should and does involve the President. Congress can create policy on its own without presidential initiative, as it did with the campaign financing reform bill, but we should expect that the initiative generally come from the President in areas of social and economic legislation.

While Congress has been revitalizing itself as an institution by creating new legislative tools, it has also given life to its institution by trying to alter the structure of the body. The second type of change in which the Congress has been involved is structural change. The House adopted a policy in 1973 and the Senate in 1975 of opening its meetings to the public. The policy was also extended this year to include the opening of the conference committees which iron out differences between House and Senate bills. Now you can attend meetings where bills are being rewritten after hearings have been held on them; these are called mark-up sessions and were once thought of as a private affair. Yet today you can attend these very sensitive proceedings except when committee members in a recorded vote decide to close them, and see what changes are being made and hear the reasons members give for making alterations.

The public has always been allowed to attend and listen to debate on the floors of the Congress, but it is only recently that citizens have gained easy access to their committees. Yet it is the committee which is the critical point in a bill's history. The amount of legislation considered by the Congress is enormous and getting larger. The committees are where the fate of legislation is decided. Woodrow Wilson observed in the late ninetenth century that Congress in committee is Congress at work. Since that time, the committees have gotten stronger. In the 92nd Congress, there were 25,354 bills and resolutions introduced in that two year period. Yet only 767, or 3%, became law. Most of those died in committee; only about 12% of those introduced were reported out of committee.

When we are talking about the visibility of the legislative process to the citizenry, it is therefore very important that committees be open to public view as well as floor activities. By allowing public entry into this very sensitive area, however, the Congress has brought into public view some of the dissension which had remained private in the past. This exposure has emphasized and exacerbated the divisions which do exist between members. Mark Twain once pointed out that while confession may be good for the soul, it is bad for the reputation. Public scrutiny of formerly private proceedings has done the same for the Congress.

The Congress has also tried to alter its structure by providing for the election of its chairmen. For the first time in January, the House of Representatives voted out as chairmen three men who held those jobs on the basis of seniority. When the revolt against the powerful Speaker took place in 1910, seniority became the critical point in the choosing of committee chairmen. Now the criteria have been expanded to include the opinions of the full membership of the majority party, By using means other than how long a person has served on a committee as a measure of who should serve as chairman, the members have added a dynamic element to their committees. This change leaves the committees the potential to provide for whatever leadership the majority feels is most capable to handling the committee business. In the short run, it means younger men as chairmen: the three deposed chairmen were an average age of 77 years old while the members taking their place as heads of those committees are an average age of 59.

The change in the committee chairmen as it relates to age brings us to our third type of change in the Congress: the membership. This year the House of Representatives has the lowest average age it has had since world War II. It is now 49.8 in the House. The youngest member, Thomas Downey (D–N.Y.), at 26 is probably less than ten years older than all of you. That is a change for Congress. Members are younger than they were in the last Congress to a large extent because of the unusually large turnover in membership. The average number of new members elected to the House since World War II is 65. This year, however, there were 86 new members sent to the House. Of course 1974 wasn't your regular election year but there is a possibility that a trend is starting to build which involves the shortening of the length of tenure.

While the image of the House of Representatives that we sometimes get from the media is one of an institution of men elected for several decades, statistics show a different picture. Actually two thirds of the membership of the House has been elected since 1964. While the chairmanships are now dominated by men who have been in the Congress for many years, that will not always be so. Members are taking an important role in Congress at a much earlier point in their careers. Today members do not want to hang around the Congress for a few years before they can be involved in the substantive aspects of congressional business; they demand that right upon election.

Congress is slowly bringing in as members persons from groups not heretofore well represented in the governmental structure, such as womeh and blacks. Both groups have more members in this Congress than they have had in this century. There are now 18 women and 16 blacks; low figures to be sure and ones which show us how far Congress has to go to be a truly representative institution. But there are significant changes taking place in both groups in the House. Prior to Shirley Chisholm's entry into the Congress in 1969 and Bella Abzug's in 1971, women in Congress, with a few exceptions, were generally seen and not heard. The usual way in which women had come into their seats in the House was through a husband who died in Congress. The local party found that the method of filling the seat which would generate the least amount of bitterness was to let the wife have it. This was the tradition of the "widow's mandate." With Shirley Chisholm we have the development of a new pattern: women elected to the Congress on the basis of their own careers in state politics. The women in your own congressional delegation, Congresswomen Spellman and Holt, are examples of this new pattern.

As the number of women has slowly increased so too has the number of black members. Ten years ago the black members came from Northern districts which were heavily black in their population. Today members come from Southern states as well as Northern ones and represent districts which have white majorities. The three black members who come from the South—Andrew Young of Georgia, Barbara Jordan of Texas and Harold Ford of Tennessee—all come from districts where over fifty percent of the population is white.

The Supreme Court in its 1964 decision of Wesberry vs. Sanders contributed to change in the Congress by providing that the Constitution requires that "as nearly as is practicable, one man's vote in a congressional election is to be worth as much as another's." That means that congressional districts must be as nearly equal in size within a state as is possible. In the early 1960's you had a situation in Texas where you had 951,527 people in one district and 216,371 in another. Since the Court's decision there has been a redrawing of the district lines for all congressional districts with the inequities erased. Now the weight of the vote of a person in one congressional district is worth the same as that of voters in other districts in the same state. Most districts today have about 465,000 people in them. One of the effects of the Court's ruling was to reduce the influence of rural districts and to increase the number of suburban districts which we have. Your own district is an example of the benefits of the Westberry decision; it was after that decision that the 8th Congressional District was created.

All of these changes—in membership, structure, and in legislative work—are moving the Congress toward a more vital role in the governmental process than it has been playing in the past few years because all of the changes make it a more representative body than it was. And that was what the framers of the Constitution intended for Congress to be. Now it is true that these changes have had the effect of slowing down the legislative process. That is to be expected because there are so many diverse interests expressed in the body and because power is becoming decentralized now that more members are sharing it. We should not expect that the legislative process be a tidy one. Instead let us ask that it truly be representative.

REPORT OF SUBCOMMITTEE TO REVIEW LIQUID METAL FAST BREEDER REACTOR

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. McCORMACK. Mr. Speaker, in continuation of my practice of keeping this body informed of the activities of the Joint Committee on Atomic Energy's Subcommittee to Review the National Breeder Reactor Program, I have the following report:

On July 17, the subcommittee in open session received testimony from Dr. Robert C. Seamans, Administrator of the Energy Research and Development Administration on the subject of ERDA's breeder reactor program. During this session, there was discussion of the comprehensive energy research and development plan which ERDA submitted to the Congress on June 30, the role of the liquid metal fast breeder reactor—LMFBR—in achieving the goals of that program, and the proposed final environment statement on the LMFBR program, on which findings have recently been reached by the Administrator, ERDA. I was pleased that Senators Stuart Symington and James L. Buckley, and Congressmen JOHN YOUNG, TENO RONCALIO, JOHN B. ANDERSON, MANUEL LUJAN, Jr., FRANK HORTON, and ANDREW J. HINSHAW were able to attend and participate in the questioning of the witness.

After welcoming Dr. Seamans at the start of the hearing, I reviewed briefly the sessions held to date by the subcommittee, as reported in previous issues of the CONGRESSIONAL RECORD. I also read into the record of the hearing of the impressions resulting from the subcommittee's recent trip to England, Scotland, France, and West Germany, for the purpose of reviewing the status and future plans of breeder reactor programs in those countries, which appear in the CONGRESSIONAL RECORD of Thursday, July 17, 1975, at page 23454.

Dr. Seamans then proceeded with his testimony.

In his prepared statement, Dr. Seamans discussed the breeder reactor development program in the context of the energy R. & D. plan which he submitted to the President and the Congress on June 30 and his findings on the environmental statement on the breeder program which he also released on June 30. He cited the energy plan's conclusion that only simultaneous pursuit of all promising technological options can meet our future energy needs.

To meet near-term energy needs, the plan proposes early expansion of existing oil, gas, coal, and uranium energy systems and the application of conservation technologies that will reduce energy consumption. The plan proposes to develop technologies which utilize virtually inexhaustible resources, such as the breeder reactor, solar energy, and fusion, for meeting the long-term—beyond 2000—energy needs.

Particularly important for the breeder, Dr. Seamans pointed out that the plan reaffirms continuation of research, development, and demonstration of the breeder reactor as a priority matter.

Dr. Seamans said that his review of the proposed final environmental statement amply demonstrates the need to continue research, development, and demonstration of the LMFBR concept. He went on to point out that there is no presently available or prudent alternative to this course of action.

Dr. Seamans said there are several significant problems, including in particular those related to reactor safety, safeguards, and waste management, which remain unresolved. He said that although these problems must be resolved satisfactorily before the LMFBR can be commercialized, the record strongly suggests that the problems identified in the LMFBR concept are amenable to solution, wholly or partially, by a continuation of the breeder program.

Dr. Seamans anticipated that a final impact statement will be issued within about 3 months.

Dr. Seamans said that he has requested certain funding reductions in the LMFBR program, including the Clinch River breeder reactor project, because of delays in the breeder development program caused by licensing and environmental issues.

Dr. Seamans mentioned that there has been speculation that these funding changes indicate a lessening of resolve on ERDA's part to continue the breeder program. He said such speculation is erroneous and that the importance and priority of the LMFBR program remain unchanged.

Dr. Seamans also pointed out that the National Academy of Sciences will be conducting a study that will center on public concern about nuclear energy and the degree to which the Nation should rely on nuclear power.

In the questioning period following his testimony Dr. Seamans was asked what he thought were the chances that the safety, environmental, and safeguards problems relating to the breeder could be solved. He said there was a 90- to 95-percent chance of success.

In response to a question on whether he was downgrading the breeder, Dr. Seamans said he was not and that he intends to vigorously pursue the program.

In response to a question on why the Europeans are ahead of the United States in breeder development, Dr. Seamans said the breeder is a complicated and difficult project, the success of which depends on such factors as starting date, budget support, and clearly designated responsibility for the program. He said he is in the process of clearing up ambiguities which existed with the utilities' involvement and establishing clear project direction. He said that in about 1½ months he would have new budget requests reflecting the program changes he is making.

In response to questions relating to why the United States cannot just build a Phenix on the Clinch River site instead of continuing development of our own program, Dr. Seamans said it is not possible to just buy a foreign technology and expect it to work easily. Capabilities in manufacturing, licensing, and operating must be built up domestically and this requires the United States to build a demo plant. He said he would be reluctant to proceed into the next century relying on another country's breeder technology.

In response to a question as to how far we are behind the Europeans in our breeder program, Dr. Seamans said we are not far behind. We have a broad based program with many trained people to carry out designs and to test, manufacture, and construct our plants.

One member expressed his concern that we not study the breeder to death. Dr. Seamans said that progress is achieved by doing and that the Clinch River plant must be constructed to bring the whole program together.

Dr. Seamans was also asked whether ERDA had made any attempt to use foreign facilities to test breeder components. He said he plans to look into this on his upcoming trip to Europe.

It was pointed out to Dr. Seamans that in spite of a host of reports refuting the hot particle issue, the ERDA Internal Review Board which studied the PFEIS still considered this issue unresolved. Dr. Seamans said he would consider the body of scientific knowledge represented in those studies in making his final decisions.

In response to a question as to the reason for delays in the program, witnesses reported that the need for licensing approval was a primary factor. They stated that the current need for Nuclear Regulatory Commission to consider two designs for the CRBR, one with and one without a core catcher, was an important consideration in the start of construction—receipt of a limited work authorization—now being projected to occur not before August 1976, about 1 year later than had been previously anticipated.

SHOULD PUBLIC FINANCE PERPETUATING AN OUTRAGE?

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. FOUNTAIN. Mr. Speaker, recently there appeared in the Goldsboro News-Argus of Goldsboro, N.C., an interesting article on how to succeed without a Government subsidy.

The story—a success story—relates how the Florida East Coast Railway Co. became a profitable, taxpaying business through the simple expedient of increased productivity.

The article is as follows:

SHOULD PUBLIC FINANCE PERPETUATING AN OUTRAGE?

Amid growing conviction that huge government subsidies or nationalization represent the only salvation of some of our railroads, comes a refreshing story from Florida.

Bill Kemp, Jr., president of Kemp Furniture Industries, brought it to the attention of the North Carolina congressional delegation when he and other Wayne County industrialists visited Washington recently.

The story itself is in a report by W. L. Thornton, president of the Florida East Coast Railway Company (FEC).

In 1960, the FEC found itself in essentially the same predicament facing the Penn Central before it folded.

Its operating income was less than its fixed expenses. It could not afford to maintain its tracks and modernize its equipment.

It was operating with a work force twice the size it needed.

Today the Florida East Coast Railway is a model of modern, well-maintained equipment and efficiency.

Since 1961, the FEC has installed 261 miles of centralized traffic control, 238 miles of welded rail, 134 miles of concrete crossties, replaced a third of its fleet with new Diesel locomotives, and purchased 700 new freight cars—56 per cent of its fleet.

And get this: It was all done from earnings.

Meanwhile, the railway was reducing its indebtedness from $50 million to $18 million.

In 1960 it didn't have enough income to meet fixed charges. Last year, the FEC had a net income of $6 million after paying $8.3 million in taxes. More than half of the tax bill went to the Federal Government.

Compare this to the $47.9 million lost by Penn Central in January, 1975—$13.7 million more than it lost in January, 1973.

How can this be?

FEC President Thornton insists that the success of his railway lies in its having eliminated antiquated operating work rules designed to meet conditions of 100 years ago.

For example, under union contracts, some train operating crews are paid for a day's work on the basis of 100 miles travelled or eight hours—whichever comes first.

During the last century, it took eight hours to go 100 miles. Today's trains knock out 100 miles in two to three hours. As a result, three crews of four to five men each are required to move a train 300 miles. Each of the crew members works only two or three hours but is paid for a full day.

Two men, insists Thornton, could do the job by working a normal work day and increase efficiency 600 to 700 per cent.

"Multiply the inefficiency by the thousands of trains operated every day and it can readily be seen why the nation's railroads are so pitifully inefficient and why so many are in bankruptcy . . ." he observed.

In 1960, a freight operating from Jacksonville to Miami on the FEC line required 15 men—three five-man crews. Today, two men operate the train the same distance. In 1960, three through freights were operated in each direction per day. Today, eight through freights operate in each direction daily.

Thornton says that one of the major problems facing railroads is the debt being incurred from financing new freight cars.

Actually, he insists, there is no freight car shortage. The problem is the lack of utilization of the cars because of infrequency and inefficient service.

In 1973, the average freight car moved 57.7 miles per day. Thornton says increased efficiency could easily push that average to 85 miles per day. This would mean, he points out, a 50 per cent increase in the effective supply of rail cars without incurring any debt.

To purchase a 50 per cent increase in the nation's rail car supply would represent an investment of more than $16 billion.

Thornton suggests that so long as the bulk of today's railroads operate under antiquated requirements, no series of mergers and elimination of "unprofitable" lines will enable them to survive without massive infusions of taxpayers' money.

The FEC president argues that Congress should by resolution eliminate the archaic rules from working agreements negotiated by the railroad companies and the unions.

This would give the railroads not only a chance to survive but an opportunity to provide better transportation services—and at a profit rather than at the expense of a subsidy.

Operations of the Florida East Coast Railway document the soundness of the approach. The defunct and near defunct railroads of the northeast can do the same if given the chance.

The United States Congress, instead of bleeding the taxpayers to perpetuate an outrage, should put an end to it.

FAVORITE PASTIME

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. MILLER of California. Mr. Speaker, I have received a communication from a sportsmen's organization which I believe should be brought before this House for consideration. The Sportsmen's Committee on Political Education was formed to insure that sportsmen be permitted to enjoy their favorite pastime. This organization provides its members with information regarding governmental actions which might affect their interests. And, I might add, the committee has been most helpful in informing elected representatives of the sportsman's view of pending legislation.

The sportsmen's committee has written concerning Department of Interior plans to file an environmental impact report prior to the setting of migratory bird hunting season dates for 1975–76. Mr. Speaker, there is no one in this Chamber who more thoroughly endorses the EIS concept as it relates to environmental protection than I. But I must agree with the committee that there seems little need for an EIS on this subject.

Control of the management and protection of migratory birds rests with the Bureau of Sports, Fisheries and Wildlife of the Department of the Interior. Through the purchase of migratory birds stamps at the beginning of each season, hunters themselves have been the major supporters of the management activities of the Bureau. The hunter's concern for wildlife management and the protection of endangered species dates from long before the contemporary focus of the environment.

The proof of the concern of the Bureau, and its supporters in caring for migratory bird populations is the record that office has achieved. Since the late 1930's, when the migratory bird population was seriously endangered, the bird hunter and the Bureau have joined hands in a joint effort to protect these creatures and to provide them with safe and extensive nesting grounds.

As a result, there are more migratory birds today than there were 40 years ago. I applaud the accomplishments of this program, which have helped protect endangered birds and expand the bird population.

I think that a successful wildlife management and protection program deserves praise for its achievements. Certainly we ought to require comprehensive environmental evaluation where States or local areas fail to establish adequate standards. But California's deep concern with game management and protection has long been an example to the Nation, and sportsmen like those of the Committee on Political Education have been the strongest proponents of that conservation program.

To insist upon an EIS where the adequacies of the present conservation and management program are a matter of record seems to me to be a waste of valuable time and an affront to the dedication of many public and private citizens. I would hope that each Member of Congress will take a few moments to read the petition from the Sportsmen's Committee on Political Education:

RESOLUTION

Whereas; in the congestion and complexities, the tensions and frustrations of today's life, the need for outdoor recreation and the opportunity to get away from it all has become of crucial importance, and

Whereas; the Congress of the United States of America in 1969 passed the National Environmental Policy Act containing a provision that an environmental impact report must be made by any federal agency in which their activity has a significant impact on the human environment, and

Whereas; there are few pursuits providing a better chance for healthy exercise, peaceful solitude, and appreciation of the outdoors than the sport of hunting, and

Whereas; in 1974 several groups challenged the Department of Interior in United States Federal District Court for not filing an environmental impact statement with respect to their Bureau of Sports Fisheries and Wildlife usual practice of setting migratory bird hunting season dates and in order not to delay the hunting season, the Department of Interior agreed to file an environmental impact statement before setting the 1975–1976 migratory bird hunting season dates, and

Whereas; the spiritual, ethical, and consumptive environment of hundreds of thousands, of Americans benefit immensely from the sport hunting of migratory birds, the migratory birds flying in, over, and through the United States are the best managed wildlife species on earth, with more funds having been expended since 1937 to propagate and protect migratory birds than has been expended on any other species; more funds have been expended to rehabilitate the habitat necessary for migratory birds than for any other wildlife habitat reconstruction; more volunteer hours have been expended by truly concerned conservationists than have been expended on any other species, and

Whereas; the migratory bird hunter of the United States of America has provided the funds for management, propagation, and protection of our migratory birds and habitat, and demands from those delegated the responsibility for this management program; that all possible be done to maintain and increase the habitat necessary for the nesting and rearing of young migratory birds, and

Whereas; a most important by-product of this program financed by the migratory bird hunter has been the restoration, propagation, and protection of many vanishing species of wildlife, the creation of habitat for these species which no other group has seen fit to give even lip service until the present management system was proven a success, and

Whereas; without the funds derived from the volunteer contributions made by the hunter, the restored and reconstructed habitat could and possibly would be again lost, never to again be reclaimed so that our grandchildren might enjoy the wildlife as we have and the funds presently contributed by these hunters through their purchase of migratory bird stamps would no longer be available for the preservation and enhancement of wildlife and its habitat, or to finance the operation of the Bureau of Sports Fisheries and Wildlife, and

Whereas; there can be no rational contradiction to the proven success of the migratory bird management program directed by the Bureau of Sports Fisheries and Wildlife, although certain misguided people attempt to show that if left to themselves the migratory birds would fluorish in great abundance, but will not admit or recognize the fact that in the late nineteen thirties, the migratory bird species in America was almost an endangered species and because of this, the migratory bird hunter contributed the necessary funds to reclaim and rebuild the nesting habitat in the great plains of Canada, and that through these efforts, we have more migratory birds in America today than in the nineteen twenties:

Now therefore, be it resolved; by the Senate and the House of Representatives of the United States of America assembled, that proper steps be taken either by executive action or through legislation to assure that the United States Department of Interior be exempt from now or in the future, the necessity of filing any environmental impact report prior to or thereafter setting of dates for hunting migratory birds.

Respectfully submitted.

BENNIE F. WRIGHT,
President, for the Board of Directors.

JUSTICE DEPARTMENT SHOULD INVESTIGATE CANNING LID SHORTAGES

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. TRAXLER. Mr. Speaker, today, I have introduced a resolution calling upon the Attorney General to investigate possible antitrust violations in the manufacture, marketing, and sale of replacement home canning lids. It is my fervent hope that a comprehensive investigation by the Department of Justice can help to get to the bottom of this puzzling lid shortage and give the Congress the answers that so many of our constituents are demanding.

Twenty-two million home canners in this country are facing the potential loss of their homegrown fruits and vegetables, because they cannot find replacement lids for their jars. At the same time, there seem to be plentiful supplies of canning jar-and-lid combinations available—at much higher prices. In addition, it seems that canners can get lids if they are willing to buy a certain brand of instant coffee. The availability of lids in these combination units, and the special promotion of lids with coffee, as well as rumors about blackmarket sales, hoarding by distributors, and other questionable practices, raise enough serious questions about this crisis to call for a full and complete investigation by the Federal Government.

It has been reported that the Bureau of Competition in the Federal Trade Commission will soon announce a new investigation into this area. I am pleased that the FTC has finally agreed to look into this crisis in some depth, but I am concerned that the FTC has been unwilling to conduct such an investigation for some 18 months. The critical shortage of canning lids has been apparent to most home canners for some time, but the FTC was apparently blind to this crisis and refused to do anything even though many consumers, as well as many Members of Congress, requested them to look into the matter. Past failure to act gives one little confidence in the degree of interest the FTC will show in this area.

Furthermore, my resolution, which requests the Justice Department to investigate, would set a time limit of 60 days for the Department to give the Congress a preliminary report. The FTC has not promised to report within any specific period. I believe this Congress should request, through passage of my resolution, a thorough investigation and a speedy report. America's home canners expect nothing less.

The resolution follows:

JOINT RESOLUTION

To require the Attorney General of the United States to conduct an investigation to determine whether antitrust violations are occurring in the manufacture or marketing of replacement home canning lids, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General of the United States (hereinafter in this joint resolution referred to as the "Attorney General") shall investigate the manufacture, marketing, and sale of replacement home canning lids to determine whether practices in violation of the Sherman Antitrust Act (15 U.S.C. 1–7), the Clayton Act (15 U.S.C. 12–27, 44), or any other antitrust law of the United States are occurring in such manufacture and marketing. The Attorney General shall, in conducting such investigation, give particular attention to practices in which replacement home canning lids are marketed only to purchasers who agree to buy additional products or services.

SEC. 2. (a) The Attorney General shall submit an interim report to the Congress not later than 60 days after the date of the enactment of this joint resolution. Such report shall include detailed statements of—

(1) the findings of the Attorney General concerning any occurrence of practices described in the first section of this joint resolution;

(2) any action which the Attorney General has taken or intends to take against any person engaged in any such practice; and

(3) any recommendations of the Attorney General concerning the necessity or desirability of any legislative or other action to assure that any existing or future shortage of replacement home canning lids is not caused by anticompetitive practices in the manufacture and marketing of such lids.

(b) The Attorney General shall submit a final report to the Congress not later than one year after the date of the enactment of this joint resolution. Such report shall include a detailed statement of any action which the Attorney General has taken after the submission of the interim report required by subsection (a), or any action which the Attorney General intends to take, against any person engaged in any practice described in the first section of this joint resolution.

AUTHORITY FOR THE INTERNATIONAL ENERGY PROGRAM—IEP—H.R. 7014, ENERGY CONSERVATION AND OIL POLICY ACT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. FRASER. Mr. Speaker, the House this week is considering H.R. 7014, a major portion of the President's energy package. Part of H.R. 7014, sections 210, 211, and 212, provide the authority necessary for the United States to carry out its responsibilities under the agreement on an international energy program—IEP—signed on November 18, 1974.

The primary goals of the international energy program are to serve as a deterrent against future interruptions in petroleum supplies, to improve our ability to withstand the economic impact of an oil embargo, and to assure that all members of the IEP will assist any other member which might be the target of a selective embargo.

These goals are to be achieved principally through: First, coordinated energy conservation policies; second, coordination of expanded energy research and development program; third, exchange of information; and fourth, burden-sharing of petroleum shortfalls in emergency situations.

Last December my Subcommittee on International Organizations and Movements held hearings on the purposes and operations of the international energy agency. As the international authorities in the President's energy package impinge on the jurisdiction of the Committee on International Relations, three of our subcommittees—the Subcommittee on International Organizations, Subcommittee on International Resources, Food and Energy, and Subcommittee on International Trade and Commerce—held oversight hearings earlier this year on the proposed legislation. These hearings were followed by correspondence from the interested subcommittee members to the Committee on Interstate and Foreign Commerce. That correspondence detailed our position on the proposed international authorities. I am pleased to say that the Committee on Interstate and Foreign Commerce was receptive to our views and that sections 210–212 closely correspond to our position.

While the international energy program, at least on paper, serves the critical purpose of furthering cooperation among the industrial nations on energy policy and problems, this is only one portion of the problem, and U.S. policy has ignored the other part—cooperation with energy-importing developing nations.

There are two principal reasons why the United States should devote more of its international efforts toward the energy problems of the underdeveloped nations. One is that a number of them, particularly the MSA's—those "most severely affected" by the increase in oil prices—but also such advanced developing nations as Brazil, are facing serious problems due to the five-fold increase in petroleum prices, including major setbacks in development. The United States has valuable technical and financial resources that can assist nations in easing these bottlenecks. The United States has a humanitarian responsibility to devote more of its resources toward such efforts. It is with this in mind that several members of the Committee on International Relations are amending the Foreign Assistance Act to specifically direct AID to enter the energy field and to promote and disseminate intermediate energy technology.

Second, the United States has a political interest in assisting the developing nations with their energy problems. To date, most underdeveloped nations have maintained solidarity with the OPEC nations and supported their right to arbitrarily increase petroleum prices. The oil-importing developing nations have maintained this solidarity because of the psychic pleasure they understandably receive from seeing a group of their fellow underdeveloped nations stand up to the industrial world and successfully blackmail their economies. Furthermore, these oil-importers see a better chance of receiving additional financial assistance from the rich OPEC nations than from the traditional international donors who are strapped with serious economic problems.

However, this would seem to be a short-term and short-sighted position.

While the OPEC nations may have been "fellow have-not" nations yesterday, they are quickly becoming "have" nations. The United States should attempt to convince these importer nations of where their long-term interests lie—as consumers—and to terminate their irrational support for OPEC price policies. It must be understood that while certain aspects of the new international economic order will work to the general good of all developed nations and to the construction of a more equitable international economic system, other aspects, such as producer associations and indexation, will serve the benefit of only a few nations—the OPEC, a few other LDC commodity exporters, and advanced commodity exporters such as Canada, Australia, and even the United States.

Cooperation among all petroleum-importing nations is essential if their mutual problems are to be solved and if reason and fairness are to return to international economic decisions.

THE FUTURE AND HISPANIC AMERICANS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. BADILLO. Mr. Speaker, I would like to call the attention of other Members of Congress to the following adaptation of a speech given at a Pan-American dinner in Chicago by Marcelino Miyares. This adaptation appeared in the New York Times on Monday, July 21, 1975.

Marcelino Miyares is a Cuban-born author. He was formerly chairman of the political science department at Illinois Benedictine College, and now heads a Chicago market-research and advertising concern.

The speech follows:

HISPANIC-AMERICANS' STRATEGY FOR THE FUTURE

(By Marcelino Miyares)

There are more than 11 million Hispanic-Americans in this country, by 1985 there will be 15 million, and by the year 2000 it will be difficult to enjoy the privilege of being a minority group, since there will be 20 million—or 8 per cent of the total population.

Hispanic-Americans in the United States are concentrated in few areas or markets; thus, our social, political and economic impact is likely to be stronger in those areas of concentration, and by virtue of the visibility for being different, in this electronic media-oriented system, our impact in the nation is likely to be greater than our numbers.

We are in a developing stage within a highly developed and changing society. Our success as a group is likely to be determined by our ability to see our present reality, to establish practical and realistic objectives, and to design and implement sound strategies of development. In two words, thinking and working: Thinking theoretically, thinking strategically, thinking practically . . . and working very hard.

As a developing group our tasks are these: first, to increase group awareness, in terms of our common interests; second, to identify the real needs of the group in terms of education, communications and political and economic participation in the system, and finally to work very hard at the individual, family and organizational levels to satisfy those needs.

In the mid-seventies the facts are, however, that our educational level is low, our access to local and national media is non-existent, our income is far below average and, in consequence, our degree of political participation is very low.

While the educational process is slow by nature, the increased acceptance by the nation of the need for bilingual education is likely to speed up the process. Thus, we should concentrate efforts in the establishment of bilingual programs. In business, Federal and local minority programs have increased our opportunities; thus, our main task is to identify them and the people capable of developing viable business enterprises.

In political participation, however, our capabilities have not been properly used and the closed nature of our political parties has not provided the opportunities available in the educational and business areas.

Thus, while the grand strategy of development is biculturalism, business development and real political participation for the next 25 years, the most pressing area of development is political participation.

For this reason I consider it essential to think about strategies and tactics aiming at the development of a greater and more realistic political participation of Hispanics for 1976 and thereafter.

The strategy that I consider workable is the organization of a Hispanic congress structured by committees in charge of studying the problems affecting our community, each committee to be led by people capable of identifying needs and defining problems.

Economic reasources would be invested in seeking professional guidance in the development of conceptual alternative solutions, and tactics to make them operational within the system. As progress is made, the executive committee would be continuously communicating to the community with the objective of giving the community the opportunity to think about issues and problems. The first step is the political participation process.

In this fashion, parties and candidates would find themselves in a position of having to "sell" their product, and in order to do it will have to seriously consider whether or not our definition of problems and our vision of what is good for this society are in agreement with theirs.

Thus, I am recommending a strategy of study, work, respect and healthy politics. This strategy would give us what we do not have—namely, resources, organization, image and respect.

Individuals in the more than 2,000 volunteer organizations of Hispanics in the nation can transform into reality what might now sound like an impossible dream. But it is part of our Hispanic character to dream the impossible and it is America's tradition to reach the unreachable. Thus as Hispanic-Americans we have to dream and to reach. I invite all to dream and to participate in the life of this great country in order to make it even greater for future generations.

THE ROLE OF NUCLEAR ENERGY

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. McDONALD of Georgia. Mr. Speaker, the high price of energy is of great concern to the American people as we all know. However, the Congress has neglected the only real solution—expansion of supply—and instead attempts to use the collectivist approach to control the marketplace. Holding the price of energy below the natural level is deceivingly enticing to those demagogues who would tell their constituents that government fiat is the answer. I wish to emphasize that a ceiling on the price of a valuable commodity forces it off the market. The price of energy will fall when new sources are developed and made available to consumers.

Unfortunately, government has thwarted attempts at new energy development. Particularly in the field of nuclear energy, fanatics like Ralph Nader have promoted reactionary steps to be taken against the growth of energy sources. Nuclear physicist Dr. Edward Teller countered this Nader nonsense in a speech delivered at Hillsdale College in Michigan. Taken from Imprimis, the monthly publication of the College's Center for Constructive Alternatives, the text of the speech follows:

THE ROLE OF NUCLEAR ENERGY

(By Edward Teller)

Right now I am working on the Commission on Critical Choices for Americans under the chairmanship of Nelson Rockefeller. And furthermore, the topic of my work is energy. Some of us have seen the energy shortage coming. Had we done the right thing about it, there would not be an energy shortage now. The oil embargo came just a little less than a year ago. This year we have wasted. We have made practically no progress toward solving the energy shortage. And the energy shortage must be solved.

You have heard this from others: each year a hundred billion dollars are paid to the oil producing countries who can use only 40 percent of that money. The rest remains floating capital. The accumulation of this capital will transfer an amount of wealth to these countries which in ten years will amount to the value of everything that you can buy on the New York Stock Exchange. And it will be six times the value of the world's gold reserves. If this is not unstablizing, I don't know what is. I don't know what will happen, and in this respect I'm just as good as the economists. They don't know either. But disorder that may come could be bigger than that connected with the great depression. The great depression led to Hitler, and Hitler made the Second World War.

We have in the United States an oil shortage which we can live with, although it might be disagreeable. The Europeans, the Japanese, many of the developing countries including India, cannot. The problem is a global one. And our main concern should not be ourselves. Our main concern should be how the effect of unemployment, hunger, other disasters occurring around the world will react back on us. That may drag us down. There is no *one* solution, and whoever claims that there is one solution, I am sure that he is either a liar or a fool.

One of the things that can be done fastest and should be emphasized most, is conservation: to use less energy in every possible way. There are many other approaches, and you have heard some of them. I will concentrate on nuclear energy, not because it is *the* solution, but because it is a very big part of the solution, and because I happen to know about it more than I know about the other problems. So I talk about what I know.

For us in the United States nuclear reactors are important. In ten years they could deliver more than one-third of our electric power. In 20 years if we go about it the right way they could deliver well over one-half, maybe three-quarters of our electric power. And that is what we should be aiming for. If we abstain from building nuclear reactors it will be harder, but we shall not be faced with insoluble problems.

There are many places in the world where nuclear reactors are a must. For instance, this holds for Japan, which has no oil, which has very little coal, and which probably has geothermal energy that is still to be developed.

Nuclear energy has one peculiar property in common with oil and one property different from oil. Both are favorable for nuclear energy. The common property is that nuclear fuel can be transported even more cheaply than oil, although oil can be transported very cheaply. Coal and liquid natural gas are much harder to transport. Nuclear fuel is available in very many places around the world in abundance. We are not going to run short of nuclear fuel, and this is the second point where I say nuclear fuel is different from oil. An oil shortage, if it is not here yet, is coming. The Arabs, the Iranians, could pump out oil more rapidly. Probably they should—perhaps we can persuade them to do so. But in 20 years or 40 years these supplies are apt to run short. Nuclear fuels are going to last at least for 100 years, and I believe much longer.

Now here I come to a somewhat controversial point. It is not a point about which the broad public is getting excited. But in the technical public it is controversial and it should be understood. It has been claimed that the kind of nuclear fuel that we are now using will be short, certainly in 20 years, perhaps a little sooner. And, therefore, we have to develop a new type of reactor, a breeder reactor. Now the breeder reactor has this advantage; instead of using only approximately one percent of the energy in the uranium, it can use close to 100 percent of the energy. And you can gain in principle a factor 100. This was known in 1945. No new idea has been added. The engineers have been busy all around the world. A couple of billion dollars have been spent, the best talent has worked on it, we still have no breeder. It happens to be a really difficult problem and nobody believes that we are going to have a fast breeder before 1990, at least none that can make a real difference. And we need the energy now.

There is a solution: uranium is not the only fuel. There is another element in the close neighborhood of uranium, called thorium. Thorium can be used as a supplementary fuel. It can take over at least 80 percent of the energy production in reactors similar to those we have today. These reactors don't need the long research that the breeder needs, and if we utilize this possibility then we are going to have enough fuel for everybody in the whole world for at least 100 years. I guess that it might turn out in the end to be closer to 500 years. In the meanwhile, all kinds of other things will be developed. So that point needs not worry anybody.

There is another point about which people are very worried: the nuclear accident. Now this is very peculiar. I have a little personal involvement with this point. Around 1950 I was chairing the world's first Reactor Safeguard Committee. And at that time, among my colleagues who wanted to build nuclear reactors very fast, I was known as something like a "Mini-Nader" (although that expression at that time didn't exist yet. I will gladly concede that Nader is bigger, but I will not concede that he is necessarily better). We tried and succeeded in making reactors exceedingly safe.

A nuclear reactor can go wrong in many ways, although none has ever gone wrong yet. All these accidents are imaginery. And by imagining them we are avoiding them. We have no precedents. We build cars, let them collide, get into trouble and then find the safety measures. With the reactors you better not do this, and we haven't.

I want to give you an example from the early days, a very simple one. A reactor came up for consideration on Long Island, to be built in a place to be called Brookhaven. Now this reactor consisted of two big pieces, and between them there was an open slab in which the cooling air was to come out. I started to get nightmares. What if Long Island had a very big earthquake, and the two pieces slid together? Then the darned thing would be more than critical, it would blow up. Now I didn't quite say that. I didn't quite imagine that, because that couldn't happen. They could slide together, the reactor could develop too much energy and ruin itself. But it would not blow up, even under the most extreme conditions. It cannot blow up, because it is not constructed that way. You have to be very careful to construct a nuclear device in such a way so that it should blow up. We had a hard time in persuading nuclear devices to blow up in Los Alamos. A reactor won't even do it for us. But the reactor could ruin itself and a lot of radioactivity could get loose, and that's what I was worrying about.

So our committee asked an earthquake expert to come and talk to us. You may know that the best earthquake experts in the United States are the Jesuit fathers. Their missionaries in China used seismology to tell the Chinese emperor where the earthquake would occur, before he could have any message, which was, of course, miraculous, or divine. And the Jesuits made much of it. So a small Jesuit father, who incidentally could not be cleared for the secrets of the reactors (because in those days the reactors were secret) came to us under guard in the AEC. They sat him down at the head of the table in a big armchair, the little father, and he kept answering questions for half an hour. In that period we ran out of questions, but he did not run out of answers. When it was clear that no more answers were coming he pulled himself up in the chair, growing in stature, and looked us in the eye one by one. He looked at me last and said, "Dr. Teller, I can assure you on the highest authority that no major earthquake will occur in Long Island in the next 50 years." He got up and marched out of the room. That was the most difficult moment of our committee, but we behaved grandly. There was not a single smile until the door closed after the Jesuit father. And he had it on the highest authority, just like the Jesuits in Chinese imperial days.

I tried to tell this to you because there is this mixture of the unreal and the very real, the very practical, which we run into. More and new difficulties can be imagined. We don't want a nuclear accident and we should never have one. I have advocated, and I am still advocating, that nuclear reactors should be built underground. They are exceedingly safe, but they should be even safer; this should not mislead you into believing that the reactors are not safe as they are. The urgency of the present situation is so great that we should build them.

Let me try to tell you of two little points. No industrial nuclear reactor has killed anyone yet. The critics of nuclear reactors have the highest of praise for hydro electricity—for dams. The collapses of dams have killed hundreds of people and have made many more thousands homeless.

As another example, we are running short of natural gas. We begin to practice the importation of gas in the form of liquefied natural gas (LNG) in big ships. It is conceivable that such a ship may blow up. Not long ago two railroad cars carrying butadiene blew up in Houston with the force of many tons of TNT. Many people were hurt, and windows miles away were broken. Liquefied natural gas, because it has a lower boiling point, is more dangerous than butadiene, and a big ship is very much bigger than the two railroad cars. You have right there enough energy to supply five Hiroshimas. I don't know whether it can happen, but it can happen much more easily than a malfunction of a nuclear reactor. Do not believe that anything we are doing is safe.

In the special case of nuclear reactors there is an aura of danger which quite possibly comes from the fact that we are uneasy about what happened in Hiroshima, which probably shouldn't have happened. We probably should have tried to end the war with a demonstration, rather than with killing people. That nuclear energy first was used in war has colored our thinking on the subject.

Nuclear reactors are safe. Nuclear reactors are generally available. Unfortunately, they cannot be built quickly. Today it generally takes ten years to build a nuclear reactor, although we could speed up the building of nuclear reactors to five years. In the meantime there will be serious shortages.

Now let me talk about these reactors a little more. Even if I do that I will not manage to exhaust the criticisms of nuclear reactors. One of the criticisms is that nuclear reactors emit radiation even in their normal operation, and that this radiation may endanger people. I have a colleague, Dr. Tamplin, who appeared at a hearing of the Dresden III reactor and objected to the Dresden III reactor because it emits radioactivity in normal operation. A young employee of the AEC who was present at the hearing asked Dr. Tamplin, "From what do you get more radiation, from leaning up against the outside of this recator, as close as you can get, for a full year, or from your habit of sleeping each night with your wife?" Dr. Tamplin did not seem to understand. So the AEC man explained. "I am not trying to imply that your wife is particularly dangerous. But all of us have radioactive potassium in our blood. And you get more radiation from your own potassium than you get from the gamma rays that your wife's potassium emits. But you get some from her. Now then, potassium is well shielded; so is the radioactivity of this reactor. Just for comparison, from which do you get more radiation?"

Dr. Tamplin still couldn't answer, so this AEC man went back to Washington and wrote a memorandum, and forgot to classify it, and I got a copy. This memorandum said, "I have made the calculation, and you get more radiation from the Dresden III reactor than you get from your wife. Therefore, I am not going to suggest to the AEC that twin beds should become obligatory for all married couples. But from the point of view of radiation hazard, I must warn you against the habit of sleeping each night with two girls, because then you get a little more radiation than from the Dresden III."

Probably I should not talk this way because we are speaking of extremely serious problems. But you should realize that at a time when more energy, including more energy from reactors, has become practically a matter of life and death, objections as trivial as the one I have just mentioned are being raised and are believed. I think reactors can be built, must be built, and I am confident will be built. I hope they will be built safely.

It has been proposed to produce energy not from nuclear reactors, which derive their energy from the splitting of heavy atoms, but from controlled fusion, with the energy from the union of the lightest atoms—that is, on fusion of hydrogen. Fusion was used in an explosive form in the hydrogen bomb. The question is whether we can use it in a controlled form to produce energy.

I have been arguing that all research on fusion should be open. After many years of argument I got permission to go to the second Atoms for Peace conference and talk about it publicly. The Russians came and talked about it too. It is now a subject of internal cooperation which is a complete success. We have good reason to be convinced that even the Russians don't hold back. They are working on it more diligently than we are.

Unfortunately, the problem is difficult and we will not succeed in my opinion before the year 2000. It may succeed in the next few years in the sense of building a demonstration plant which gives an electric profit, meaning more electricity would be produced than consumed. An electrical profit, however, is not a dollar profit. It will be a big engineering job to make fusion economically usable. It cannot be done before the year 2000. The same holds for the much more ingenious and much more difficult idea of laser fusion.

We started to talk about fusion at an international conference in 1958. And while I was at it I also got permission to talk about a proposal we had in our laboratory, the Livermore Laboratory—a proposal to use nuclear explosives for peaceful purposes, which I briefly did in Geneva in 1958. No sooner did I finish than Professor Emilianov, the leader of the Russian delegation, got to his feet and denounced our proposal on Plowshare (the peaceful use of nuclear explosives) as an imperialistic plot designed to legitimize more nuclear explosive experimentation. With an enormous exercise of self-control I refrained from answering him. But a few hours later in the press conference, a reporter from New York asked him, "Isn't it true, Professor Emilianov, that at the time of the first Russian nuclear explosion in 1959, a member of the Politboro claimed that this explosion was not for war, but for peaceful purposes? Now you say that nuclear explosives cannot be used for peaceful purposes." The professor said, "That was a politician speaking, and we Russian scientists never listen to what the politicians say."

I have to tell you that in the meantime the Russian scientists seem to have listened. We are not progressing on Plowshare because some people who believe they are environmentalists are objecting. The Russians are going full speed ahead. They have used nuclear explosives to put out fires in gas wells. They drill a hole next to the gas well, explode the nuclear device and shove the earth over in a massive explosion, and that shuts off the burning. They have made a big hole in the desert as a water catchment area. They are planning to connect two rivers, the Pechora and the Kama, which flow westward from the Ural mountains. One, the Pechora, flows into the Arctic Ocean, which has enough water. The Kama flows southward into the Volga and eventually into the Caspian. The Caspian is drying up—it's too salty. Fish don't thrive so well and the Rusians are getting a little short of proletarian caviar. They are planning in a very reasonable environmental fashion to deflect the Pechora into the Kama, which means digging a long canal over elevated terrain, which you can do by nuclear explosions—a very admirable project.

Now all this has a recent sequel. You know that the Hindus have exploded a nuclear device. They claim they are doing it for peaceful purposes. They furthermore claim that they have done it in shale because they want to squeeze oil out of oil shale. They say that nobody should object. In principle they may be right, but in practice, who knows?

But what about this question of squeezing oil out of oil shale? Nuclear reactors will solve a part of the energy problem. But as we now know the subject, nuclear reactors will mainly produce electricity. They will not produce a fluid that can be used to drive automobiles. Shale (peculiarly enough) does not contain any oil, but it has organic substances which if cooked make a fluid which looks like oil. You can think of oil attached to rock: that is oil shale. The cooking tears the oil loose from the rock. The approved method is to dig up the oil shale, put it into a retort, ignite at the top, and it will start to burn down if you supply oxygen or air. As the burning progresses downward, layer after layer is heated. As the layer gets sufficiently heated, the oil is liberated and vaporizes. The vapor then condenses in the layer even lower down. And this oil can be pumped out. That is how oil shale gets retorted today. But first you must dig it up, and then you must retort it—very expensive. Furthermore, it takes a lot of steel, a lot of capital investment. And in order to do that we have to get hundreds of thousands of people to Colorado, Wyoming and Utah, into desert places—a big displacement of population. And we must use lots of water to cool the retorts, and then you are left each day with millions of tons of unused shale, which is a real environmental nuisance.

Now one of my acquaintances, Don Garrett, has proposed a way around these troubles. He excavates a room below the oil shale, then puts high explosives into the ceiling, collapses the ceiling, and produces a rubble chimney in the oil shale. Then he uses this chimney as a natural retort. He does the whole thing underground. It is cheaper, it is better, and it should be done.

I don't think it's good enough. It should be done, but the development in the end will go even farther. In Colorado, in one place in the Piceance Basin, we have approximately two A units of hydrocarbon. An A unit is the amount of oil that the Arabs are known to have underground. And Colorado has at least 2 A units, probably more. And some of it is 2,000 feet thick. What you can do here is to drill down under the shale, blow up a nuclear explosive, maybe 50 kt., maybe 100 kt. There would be an earthquake on the surface, so you better move the people out. But it is a desert area where for one shot you have to move out maybe 50 people. And the damage found afterwards in the few buildings is quite small. It's a moderate earthquake, not a very big one. Then you are left with an enormous rubble chimney. You have saved the whole mining operation, you have brought out no shale, everything is underground. You might get oil as cheaply as $3 to $5 a barrel in great quantities, enough for us for the next 100 years. Furthermore, oil shale in one form or another is widely distributed throughout the world. The Plowshare method is only one way—it may be the best.

Yes, but some people have proposed an amendment to the Colorado constitution: no nuclear explosives in Colorado. I am told the amendment will pass.* I am told I better not go to Colorado and speak there, because I am a carpetbagger with an accent, and it will only make matters worse. But I'm going just for the fun of it.

I have told you the story about oil shale, about the Hindus, about the Russians, and about our own efforts to try to give you an idea how many ways there are in which the energy problem can be handled. And I can assure you that there are a dozen other possibilities which I haven't mentioned.

I am firmly convinced that we must try to work on many fronts. On those that will pay off later, we still should work a little.

Furthermore, I am convinced that we must not go into this research and development by ourselves. It is a worldwide problem. It should be attacked on an international basis, which indeed is already done in connection with controlled fusion. We have not done it in connection with the breeder reactor. The job should be performed jointly. Plowshare should be jointly pursued. It should be open. The Hindus may learn a little from us, and I would be very happy to learn, in turn, from the Hindus and the Russians. It is a problem as important for them as it is for us.

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* It has passed.

AID TO TURKEY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention my supplemental views to the International Relations Committee report on S. 846, a bill to authorize the further suspension of prohibitions against military assistance to Turkey.

The supplemental views follow:

SUPPLEMENTAL VIEWS OF HON. LEE H. HAMILTON

The vote of the House of Representatives on S. 846 may be the most important single vote for Congress on a foreign policy issue this year, and I hope Members will support this bill.

The vote is important because it touches on several key foreign policy interests, including: the future of the southern flank of NATO, U.S. bilateral relations with Greece, Turkey and Cyprus, the ability of the United States to deal effectively with future mediterranean and Middle East crises, the ability of the United States to promote successful negotiations for a just and lasting resolution of the Cyprus problem and an end to the suffering of the Cypriot people, and the ability of the United States to continue to gather information vital to our national security.

The crucial question here concerns the means that the United States Government has to influence the Governments of Turkey, Greece and Cyprus to deal with an unacceptable and deteriorating situation in the Eastern Mediterranean. More precisely, the question is whether the several U.S. foreign policy interests in the area will be better served by continuation or modification of the arms embargo against Turkey.

In my view the arms embargo has been detrimental to the maintenance of a strong southern flank of NATO, to United States efforts to play a constructive role in the region, and to the preservation of important, if not irreplaceable, U.S. intelligence gathering facilities.

In short, the nearly six month ban has simply not worked and it is time to take a new approach. If the ban is removed, the United States will be in a better position to promote favorably its several interests in the Eastern Mediterranean.

Several arguments are being used against S. 846 and in support of the arms embargo, and I would like to comment on them:

Argument: Turkey violated provisions of American law when it used U.S. equipment in invading Cyprus.

Counter:

Unfortunately, the issue is not so simple. As a guarantor of the independence of Cyprus under the 1960 accords, Turkey felt its duty was to protect the independence of Cyprus when the Greek Government helped engineer the overthrow of Archbishop Makarios in July 1974.

Turkey was, then, caught between conflicting legal responsibilities. If Turkey did not act to protect Cypriot independence and the Turkish-Cypriot minority, which it felt were threatened by the July 1974 coup. Turkey would be ignoring its international legal obligations under the 1960 agreements on Cyprus; on the other hand, if Turkey did act, its actions could be construed to be in violation of American law.

Whatever its position with respect to American law, Turkey felt it was acting according to international law and the 1960 accords to which Turkey was a party.

Moreover, Turkey has been punished for nearly a half year for its invasion of Cyprus.

The effect of the law has been felt and the principle honored. The law was not intended to punish Turkey, or anyone else, indefinitely, especially when the cause of peace and promotion of the national interest argue strongly for a modification of the embargo.

In addition, the United States law should not be selectively enforced. Several other similar military agreements that have been violated by friendly states around the world have not led to denials of aid and the United States has furnished arms to countries which were in possession of territory of other states.

There is, for example, uncontradicted evidence that Greece has transferred U.S. military equipment to Cyprus since the mid-1960s in violation of law.

Argument: If the United States resumed aid, we will set a precedent encouraging other states to use U.S.-supplied arms as they please.

Counter:

The law has been punitive to Turkey. Nations are on notice that if they misuse American arms, they risk losing access to those arms. The only reason for suspending the provisions of the law with respect to Turkey is because of a new situation.

This action will have no impact on Persian Gulf states or other states in the Middle East—the only way we can persuade other states not to use arms for purposes other than those prescribed in the law is through bilateral presentations and we do that. The particular facts of each situation will determine the use of American arms, not this or any other precedent.

We have upheld the principle that violators of U.S. laws and regulations relating to military equipment provided to foreign nations will be penalized.

Argument: The Turkish military is hurting now and Turkey will eventually make concessions.

Counter:

Turkey can buy arms elsewhere. The British are willing to sell them equipment. Others in Europe, including the Soviet Union, could supply arms.

Pressure on Turkey in the last several months has only hardened its position. Given the Turkish national character and their unanimity of view in opposition to the embargo, Turkey is not likely to make concessions under duress and this means that suffering on Cyprus only continues.

The Turkish military may be hurting, but not that much. Over the years it has been able to cannibalize equipment and it can do so now. The ban is simply forcing the Turks to turn for help to other nations whose interests may not be harmonious with ours.

Argument: The embargo did not work because the President and Secretary of State did not want it to work. Rather than pressing for Turkish concessions, the U.S. told Turkey "wait, we will bring Congress around on the aid issue."

Counter:

Under Secretary of State Sisco denied this charge. He said that we have made vigorous efforts to try to obtain concessions and meaningful negotiations. I would not try to defend every move of the Administration in dealing with Cyprus. The fact is, however, that with the embargo, our ability to work with, and to influence Turkey has diminished, and Turkish cooperation is essential if progress is to be made on Cyprus, as well as on other crises in the area.

Argument: We are only acting now because Turkey gave the U.S. an ultimatum that bases may be closed after July 17. If we give in to extortion, now we will only up the ante and face future Turkish demands.

Counter:

We are acting now, not because of any ultimatum, but because it is in our national interest to act.

Most Turkish political parties have been calling for a review of base and facility arrangements for some time. This is not a new issue.

There is neither extortion nor ultimatum here. Our security arrangement with Turkey is for the mutual benefit of Turkey and the United States. Because of the embargo, it is only natural that Turkey is reviewing its security ties.

We are not upping the ante: our security relationship with Turkey has always been at the core of our ties.

Argument: Turkey will not make concessions and compromise on this issue or other issues like the opium poppy growing issue.

Counter:

While Turkey has resumed production of opium poppies, the harvest is only now beginning and we do not know whether its substantial efforts to keep opium out of illicit markets will work. We will have to judge these efforts later.

We have had a 30-year relationship with Turkey and our mutual interests in preserving that relationship are great. In the past, they have shown a willingness to cooperate and to compromise, and there is no reason to think they will not in the future, provided that we treat them as a partner in a mature relationship.

We need good relations with the Turks if we are to be able to work with them on some issues that matter to us, like the opium issue and the Cyprus problem.

The embargo only reduces our ability to work with and influence Turkey on these and other issues.

Argument: Resuming aid will seriously jeopardize United States-Greek relations.

Counter:

The basis of our dealings with one ally—Greece—should not hinge on what we do with another ally—Turkey. Greece cannot complain if she and Turkey are treated equally, which would be the effect of a lifting of the ban.

The best judgment of our diplomats is that a modification of the ban will not produce a major reaction in Greece. Many Greeks recognize that the ban has introduced a complexity into the negotiations which is, at least, delaying a solution.

There is only one way to improve and preserve the close relations we want with Greece and that is directly with Greece in our bilateral ties. These bilateral dealings continue to need urgent, direct attention.

We are working with Greece now on further military assistance and there is a likelihood of economic help in the future. The bill before the House encourages assistance to Greece. Greece intends to buy considerable military equipment from the United States, and Greece's relationship with the United States is more important to Greece than what we sell to Turkey.

Argument: S. 846 is no compromise. It gives Turkey everything it wants.

Counter:

This bill continues to put restrictions on what we give Turkey. Upon enactment of this bill, Turkey will not have everything it wants. This bill releases to Turkey equipment it has already purchased. Only when the Foreign Assistance Act of 1975 is enacted will Turkey be able to buy equipment directly or on credit. The denial of grant aid to Turkey continues.

This bill, with a partial lifting of the arms embargo, is a compromise between the President and Secretary of State who wanted a total and immediate removal of the arms embargo, and the proponents of the arms embargo in Congress who wanted no removal without prior Turkish concessions or assurances of them.

If Turkey fails to respond to this effort and if no meaningful negotiations result, the partial lifting of the ban can be removed and the full ban reimposed.

LEE H. HAMILTON.

SAVING OUR CITIES BY MAKING THEM SAFE

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mrs. SULLIVAN. Mr. Speaker, the National Association of Housing and Redevelopment Officials—NAHRO—an outstanding organization of professional men and women in the field of urban planning and housing improvement, recently held a national conference in my city of St. Louis to discuss the social goals and social impact of housing and community development. As the ranking member of the Subcommittee on Housing of the House Committee on Banking, Currency and Housing, and a member of that subcommittee since it was established 20 years ago, I was pleased to accept NAHRO's invitation to deliver the keynote address at the opening of the conference.

The picture I painted of the outlook for our cities, unless fundamental changes are achieved in the safety and well-being of the fearful people who reside in our cities, was rather grim. The acute housing problems cannot be solved by professionals in the housing field alone, or by unlimited appropriation of funds for them to administer. It is going to take the combined and coordinated efforts of many professional groups—the sociologists, the clergy, the educators, the political leaders, the police, the prosecutors, the judges, and the probation officers, among others—to save our cities by making them once again safe and satisfying places in which to live. We must find a way to meld all of these professionals into a strike force for human safety and dignity, and enlist the people of the community into the same war.

That was supposed to be the concept of model cities, until model cities was transformed from a concentrated demonstration approach in a limited number of areas into yet another broad program for channeling some additional Federal funds into every city. So we ended up with no truly "model" cities.

Mr. Speaker, I now hope that many of our cities will use substantial amounts of their fund allocations under the new community development block grant program, which supersedes the old categorical assistance programs, to coordinate their attack on housing problems with an attack also on all of the other problems in the community which contribute to neighborhood decay and urban blight. And first and foremost is the necessity to make the city a safe place to walk, in which householders are secure in their homes, mass transit safe to ride, and in which the average income family which pays its own way and pays the taxes for the subsidies for others feels that its needs are also being fully and seriously taken into account.

TEXT OF ADDRESS TO NAHRO

I submit as part of my remarks, Mr. Speaker, the keynote address I delivered on July 8 at the national conference at the Chase-Park Plaza Hotel in St. Louis of the National Association of Housing and Redevelopment Officials, as follows:

ADDRESS BY CONGRESSWOMAN LEONOR K. SULLIVAN

During twenty years of service on the Subcommittee on Housing of the House of Representatives—ever since the Subcommittee was established in 1955—I have probably learned all there is to know about the *needs* of our cities in solving the problems of bad housing, urban blight, neighborhood deterioration, insurance red-lining, spreading slums, congestion, traffic strangulation, air pollution, overtaxed waste disposal, inadequate community facilities, and crime. I am a walking encyclopedia of problems recognized and conceded.

I only wish I were as knowledgeable about how to solve them.

We have tried—oh, how we have tried!—in those 20 years to devise programs to meet these needs. Each new program was launched with widespread hope and even enthusiasm. Billions of dollars of Federal funds in outright grants, in matching funds, and in loans, poured out of the United States Treasury in a belief that, while money couldn't solve everything, nothing could really be solved without Federal financial help and technical assistance.

Sometimes we might wonder whether, if we had done less, the results might have been at least the same, if not better. I am sure that would not have been the case. There is overwhelming evidence throughout the country that urban redevelopment programs have accomplished tremendous improvements in the physical appearance of every major city and of hundreds of smaller ones. The costs have been high—in dollars and in dislocation of families and businesses forced to move to different locations to make room for the dramatic new projects—but the results in many instances are impressive and often thrilling.

SOLUTIONS DIFFER—PROBLEMS PERSIST

Public housing, with all of its publicized failures, has nevertheless provided decent, sanitary, solidly-built, brightly promising new homes for many thousands of families which would otherwise have lived in misery—except that many of the public housing projects themselves turned into islands of misery where problem families were thrown together to stew in environments of despair. The public housing high hopes of the Thirties turned into high-rise warehouses of crime, vandalism, and decay.

Not all public housing projects deteriorated into horrors, by any means. But the public image of public housing became so tarnished that we are now running pell-mell away from the concept, abandoning it while more and more of our population is being priced out of the private housing market by inflation.

We tried subsidized home ownership for the poor, only to have greed and avarice and scandal virtually destroy public support for this approach.

Now we are putting most of our eggs in the basket of subsidized rents in private housing. The program was authorized last year on a comprehensive scale with promises that by the end of calendar 1975—within six months from now—we would have 400,000 new Section 8 units in place. Instead, only about 20,000 units are actually in construction.

The Department of Housing and Urban Development, which so confidently gave us the 400,000 figure last year when the Housing and Community Development Act of 1974 was being pushed through the Congress under Administration support and pressure, now informs us that the problems of setting up the Section 8 program were for more complex than had been anticipated, but that things should pick up quickly now that the difficult preliminary work has been accomplished. Let us hope so, for the needs are so urgent they scream for solution.

THE BLOCK GRANT APPROACH

Unlike the housing assistance program under Section 8, the Community Development Block Grant program has been moving more quickly with more than 1300 applications flooding in, and with strong evidence that the communities applying for funds are planning to use them in support of the major objectives of the Act, as measured by *locally identified* priority needs, and that these needs generally coincide with national objectives.

All well and good—and hopeful.

But it is certain that whatever funds are provided are not going to be enough to satisfy local planners, and you are all going to have to redefine and redefine and sharpen your plans. But instead of arguing each dollar's assignment with HUD bureaucrats in Washington and in the field, you are going to have to argue them out with your own city governments and with the voters of your own constituencies. I do not look for instant unanimity there, any more than you found it in the HUD bureaucracy.

I hope the idea of local autonomy in setting priorities on housing and community development programs works as effectively as its proponents argued it would when the legislation was being considered over the past four years. Certainly the idea makes great sense. But then we must remember that every idea and plan we adopted in the past forty years in solving the housing and urban development needs of our communities made great sense at the time. Each was adopted with a sense of expectation and enthusiasm. If a plan worked satisfactorily on a small pilot basis, it was automatically expanded into a program of incredibly large proportions with its own cheering section and bureaucracy in every locality, only to lead to the inevitable squabbles and disillusionment over results and costs.

So if some of us are skeptical about the eventual superiority of Section 8 over public housing, or of Community Development Block Grants over Model Cities, Urban Renewal, Open Spaces, Slum Clearance, and all of the other categorical programs of the past now superseded by and merged into CDBG, it is certainly not because we don't *hope* the new plan will succeed but merely that we've been through a lot of disappointments together in this field of urban revitalization.

INSTILLING RESPECT FOR RIGHTS OF OTHERS

Some of us have preached—and I'm afraid that is the only appropriate word—we have preached the need for far greater attention to the *perversity of the human beings* who are at the heart of our housing and urban problems.

Back in the earliest days of Federal programs in the housing field, it was felt by most of the experts that all you had to do to assure a decent environment for poor families was to provide new and clean and dry and vermin-free housing for those living in slums, clean out the slums, and our urban living problems would be solved. A similar panacea today is that if poor families had more money to spend as they see fit, they would opt for all of the proper things for a satisfying life—and our social problems would be solved.

As a New Dealer, Fair Dealer, New Frontierswoman and Great Society partisan through all of those years of exciting economic and social development, I have nevertheless clung to the rather old-fashioned idea that helping people helps them in the long run only to the extent that you help them help themselves—to make themselves self-reliant, self-respecting and self-improving.

Being poor does not make one either noble or community minded, any more than wealth automatically brings such individual virtues to the fore. We have all had to be taught decency, morality, good manners, honesty—and we learned these things at home, in church, in school, somewhere. Even the most advantaged of Americans not always learned these lessons effectively, so it is not entirely a case of income.

But in the jungles of our city slums, the temptations are infinitely greater and the difficulties of achieving so-called middle class values are infinitely more rigorous. We fight alcoholism, drug addiction, crime, delinquency and violence in a variety of ways, some more successfully than others, but until we find ways to instill a respect for the rights of our neighbors and the *stranger* on the street, we are fighting a losing battle in urban rehabilitation.

A STRIKE FORCE FOR HUMAN SAFETY AND DIGNITY

Is this a professional concern of the housing and redevelopment experts? I think so. For you are never going to succeed in your objectives—which are, of course, the objectives of the whole community—until you join with the sociologists, the clergy, the educators, the prosecutors, the courts, and the politicians in an all-out combined war on the anarchy and lack of self-discipline which pervade much of our cities.

People must once again be free to walk in our cities—in any part of our cities—in safety. Householders in every part of our cities must be secure in their homes. Children must want to go to school and learn and must be enabled to do so without fear of bodily harm and mugging to and from school, or paying ransom for safe passage. People who work for a living must be protected in their passage, too.

Is this asking for Utopia? In many of our cities today, I am afraid it sounds like an impossible dream. But life for millions of residents of those cities—whether in public housing or in middle class neighborhoods—is a nightmare of physical and emotional fear. And such fears are now widespread in the suburbs, too.

Instead of the police holding seminars for policemen and policewomen on how to handle their part of the job, and housing and redevelopment experts like you men and women holding conferences on your part of the job, and the clergy doing the same, and the sociologists, and the educators, and the prosecutors, and the judges and the probation officers and the all of the other professional segments of the community and of the nation sitting down to commiserate among themselves over the problems they face in coping with *their* assignments, we must find a way to meld all of these professionals into a strike force for human safety and dignity, and enlist the people of the community into the same war.

This was the concept behind Model Cities. What happened to that *idea?*

We are spending billions of the taxpayers dollars these days on urban mass transit, but as long as a comparatively few hoodlums can make riding on these facilities a joust with physical danger, people will continue to drive their own cars to wherever they are going, with the resultant pollution, congestion, and waste of energy.

We have devoted endless amounts of money to rehabilitation of deteriorating neighborhoods, only to have newly remodeled homes vandalized and torn apart before they are even occupied; only to have boarded up windows giving an atmosphere of desolation and devastation to an entire area of well-built, solid, good housing occupied by people afraid for their lives in the night.

MEETING NEEDS OF AVERAGE INCOME FAMILIES, TOO

As I told you at the start of my talk, I am a walking encyclopedia of the problems of our cities. But when do we in the Congress begin getting some feedback from you and other urban professionals on successful solutions?

In recent hearings, one theme seemed to be dominant—people need more money. Certainly they do. They need jobs. That is basic—as basic as fighting crime. How President Ford could have vetoed a bill to provide hundreds of thousands of public service jobs at a time when all of our cities and towns are finding it almost impossible to cope with the most fundamental of their responsibilities in serving the public is incredible; how he could get away with it is incomprehensible.

The housing bill he vetoed with similar success was not, in my opinion, a satisfactory measure. But it was something—it was an important step forward in meeting the needs of middle income families for housing such families could afford. My complaint was that it subsidized the upper levels of the so-called middle income group—those whose incomes are 120% of median—to buy houses costing from $38,000 to $42,000. Like many of our programs, this would have had the average-income families paying taxes to subsidize families more affluent than they are, while being denied any measure of support themselves.

I have been struggling for six years to enact a program of home ownership assistance for the average working family—without subsidies—through a direct Federal loan program, the Home Owners Mortgage Loan Corporation, at interest levels no higher than 6½%. This idea will eventually win, because it is the average income working family—now making from $12,000 to $17,000—that is paying the subsidies for lower-income families' assistance and the tax breaks for the upper income people as well.

MIDDLE-CLASS FEELS IGNORED

The middle income families are left out. And they are angry. They see families on welfare living, in many instances, better than they can, and eating better, too. As the Member of Congress most responsible for the existence of the Food Stamp program, and as one who has voted for many, many other assistance programs for the poor, I can acknowledge the legitimacy of these complaints. The answer is not to deny help to the poor; it is to make sure the middle income families which pay their own way can make their way in these topsy-turvy days of inflation and bitter recession. Unless we do that—unless we can reassure the average income family that its contributions to this society of ours are recognized, appreciated, and fairly rewarded, all of our social programs are going to collapse in the heap of popular repudiation.

When I was invited to speak to this gathering today, I was asked to keynote the meeting by discussing the social goals and social impact of housing and community development programs. I realize I have painted a rather grim picture. Many of you may disagree with it. But if I thought the situation were hopeless—that we aren't smart enough as a nation to solve these problems—I certainly would not have accepted your invitation. But I don't think your profession can solve the problems of our cities by yourselves, nor can we as politicians, nor can any one group in the community or in the nation.

When George Washington took command of the "Colonials" in Cambridge, Mass. 199 years ago, they had already lost some major battles and knew they faced many bitter trials ahead. But we're all mighty glad that the founders of this Nation kept up that fight, and we've got to do the same thing to redeem the heavy losses of our urban society. We are not going to abandon our cities, come what may.

CIVIL SERVICE RETIREMENT CREDIT FOR JAPANESE-AMERICAN WORLD WAR II INTERNEES

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. MINETA. Mr. Speaker, I today join several of my distinguished House colleagues from California through my introduction of a measure aimed at redressing a serious transgression from the principles of equality and justice upon which this Nation was founded. My reference here to bills offered by Members of the House of Representatives is to H.R. 4787, introduced by the Honorable ROBERT L. LEGGETT; H.R. 5560, introduced by the Honorable PHILLIP BURTON; and H.R. 5954, introduced by the Honorable WILLIAM M. KETCHUM. A similar measure has been introduced as S. 1424 by Senator DANIEL K. INOUYE of Hawaii.

The transgression from equality and justice which I refer to is the mass relocation of 110,000 Japanese-Americans during World War II.

Although the internment and detention of persons of Japanese ancestry occurred more than 30 years ago, I do not believe that we should allow ourselves to wipe those dark events from our individual or collective memories. To do so is to bring further injustice to those denied their human and constitutional rights in the past and to deny the painful but vitally important lessons to be taken from those times—in the words of Tom C. Clark, past Associate Justice of the U.S. Supreme Court.

> First, that the mere existence of a legal right is no more protection to individual liberty than the parchment upon which it is written, and second, that mutual love, respect, and understanding of one another are stronger bonds than constitutions.

Among those Japanese Americans who suffered the stress of confinement, lost property, and the humiliation of being regarded as traitors by their own government were many individuals who had, prior to the issuance of Executive Order 9066 on February 19, 1942, contributed directly to the well-being of this country as Federal employees. Still others of the 110,000 Japanese American internees joined the U.S. Civil Service subsequent to their release from the detention and internment camps. Many of those evacuated from their homes under Government order went on to serve and defend the United States in the Armed Forces.

Although the detention and internment of Japanese Americans occurred more than 30 years ago, it is not too late to provide some measure of acknowledgment for the suffering and anguish caused Americans of Japanese ancestry during World War II. Following the precedent actions of the 92d Congress in its enactment of Public Law 92–603, which provided credit under the Social Security Act for the time spent by persons of Japanese ancestry in internment camps, the bill I am introducing today would allow for the crediting of time spent by Japanese Americans in World War II internment and detention camps under the Federal Civil Service Retirement System.

Through the adoption of such a measure, we can achieve and further equity on two bases. In the narrower sense, we can provide to Federal employees the same treatment afforded to present and future social security recipients interned during World War II. Toward the principle of equity in the broader sense, we can provide some redress for the wrongful and deplorable actions of some 30 years ago—taken in the name of "the national security"—which deprived 110,000 individuals of their civil and human rights.

CAPTIVE NATIONS WEEK

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. ZABLOCKI. Mr. Speaker, in accord with Public Law 86–90, the third week in July has been set aside as Captive Nations Week, dedicated to the commemoration of the fate of the millions of people denied basic human rights by Communist oppression.

It is important that we in the Congress take time to reaffirm our basic belief in the right to freedom for all men, and also reaffirm our commitment to those living in captive nations who, because of the support of the United States, have not lost hope for freedom. Because of the tragedy of Southeast Asia there are some who may question our commitment to those who have been denied their freedom. For this reason, it is particularly fitting that we reaffirm this commitment to the millions of people all over the world living in closed societies, who are unable to hear the facts, speak the truth, and fully determine their own form of government.

In this era of détente we must not be allowed to lose our perspective toward the captive nations of Eastern and Central Europe. The U.S.S.R. has sought our acquiescence of its control over these countries, a control that precludes free exchange of ideas, personal mobility, and the exchange of information. This area of Europe has long endured as the traditional power fulcrum in maintaining a balance of power. It should not be abandoned to provide the Soviet Union with sufficient leverage to penetrate further into the European Continent. The United States must declare, therefore, that it will not accept any permanent Russian hegemony over this part of Europe.

In keeping with this position I have cosponsored House Congressional Resolution 262, expressing the sense of the Congress that the U.S. delegation to the European Security Conference should not agree to the recognition by the European Security Conference of the Soviet Union's annexation of Estonia, Latvia, and Lithuania, and it should remain the policy of the United States not to recognize in any way the annexation of the Baltic nations by the Soviet Union.

The Department of State agrees with the stipulation of the resolution that the U.S. delegation to the conference should not agree to the recognition by the conference of the Soviet Union's forcible annexation of Estonia, Latvia, and Lithuania. Although the conference may consider a declaration of principles which will include respect for "frontier inviolability" this must not be interpreted as recognition or condoning of the forcible annexation of the Baltic States. The Western delegations to the conference must insist that any declaration of principles include specific reference to peaceful border changes, to self-determination, and to respect for human rights.

Détente, to be effective, has to consider human and moral as well as political realities. Any future agreements between the Soviet Union, the United States, and the Free World should be made contingent on the Soviets adhering to a policy which respects the fundamental rights of all people. Without this insistence the citizens living in captive nations will be forced to endure only more oppression. Our priorities should be clear, and it is my hope that soon freedom and liberty will again return to those living in captive nations of the world.

ENERGY BILL POSES DANGER TO OUR OWN COUNTRY

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. SARASIN. Mr. Speaker, the Congress of the United States has hardly won great praise, nor has it deserved it, for its handling of our energy problems. We have yet to come up with a real program and much of what we have done can best be described as "cosmetic."

While initially the public and the media seemed to accept the timid and halting approach to making tough decisions necessary to achieve our goal of energy security, accepting the claim that the Congress could come up with a better solution, that time has passed. What has happened is that a new awareness of the magnitude of the problem and the tough steps necessary to meet it is appearing in the press and in the mail from constituents.

We are presently debating proposed energy legislation that does have some teeth, H.R. 7014 as reported out by the Commerce Committee. The trouble is that these teeth are so designed that they can only take bites out of our own domestic petroleum supply, leaving us even more at the mercy of foreign oil producers. There are some good provisions in this bill, and we could, through amendments, transform it into a solid start toward an energy program.

Unfortunately, the House has so far not exhibited the will to do this. If the Congress adopts this bill in its present form, we will deserve the criticism we shall receive. At this point I wish to include in the RECORD two editorials from the Hartford Times of Wednesday, July 16, concerning the question before us:

ENERGY BILL WILL TAKE OVER U.S. PETROLEUM INDUSTRY

The House Commerce Committee's energy legislation, known as the Dingell bill, will do more to threaten any hope the United States may have of achieving energy independence than any single measure ever considered by the Congress.

The bill, in fact, represents a virtual takeover of the nation's petroleum industry, and it is being presented as a "constructive alternative to President Ford's massively inflationary and recessionary" program, which would insure that this nation has the energy it needs.

Already there is very little "free enterprise" remaining in the petroleum industry and, as a result of that fact, the nation continues to suffer petroleum, petroleum product and natural gas shortages even though there are identifiable deposits of those materials within the reach of the continental United States.

Under the so-called Dingell bill, the inequitable allocation program now in effect would be extended, allegedly to "protect independent refiners and marketers from monopolistic practices." What is not explained is what "monopolistic practices" actually exist in the petroleum industry, which is one of the most competitive industries remaining in the United States today. No single petroleum company controls a truly significant share of the market, and independents and smaller petroleum companies have been growing at a rate far faster than the majors.

The legislation would also "stabilize" the price of new oil discovered in the United States at an average of $7.50 per barrel—apparently regardless of the fact that discovery and production of that new oil might cost $10 or $15 per barrel. How much "new" oil does the Congress truly believe that proposal will generate?

In addition to tampering with the domestic pricing market, the legislation would put the federal government in the petroleum business, and most Americans can guess what the consequences of that would be. The federal government would be in the position of purchasing foreign oil by sealed, competitive bidding, thus replacing the private companies in that operation and requiring establishment of a costly new federal bureaucracy.

The legislation also would establish a nationwide monthly ceiling on gasoline consumption; would tamper with the automobile industry by establishing automobile fuel efficiency standards; would tamper with industry by establishing industry conservation standards, energy efficiency labeling of appliances, and appliance energy efficiency standards; and would tamper with the transportation industry by establishing requirements on energy conservation in transportation.

In short, those provisions alone should be sufficient to sound the death knell for free enterprise in the industry—and perhaps in many related industries as well.

As if those things are not bad enough, the legislation also gives the President the power and authority to decide how much petroleum producers should extract from their sources and when. The legislation states that the President "may require producers to produce oil at the maximum efficient rate" when he chooses, regardless of what that decision might cost the nation's private petroleum industry, which, for the record, is not owned by the government in the first place.

Also, it gives the President absolute authority over related industries which manufacture petroleum production equipment and materials.

And, to top it all off, the legislation authorizes the federal General Accounting Office to perform an annual audit of the finances and records of the nation's major oil companies.

The Dingell bill is unquestionably one of the most dangerous pieces of legislation ever introduced and considered by the Congress. It would in effect nationalize an American industry without compensating those who actually own the industry and without informing the American people of the fact that that is exactly what is happening.

There is absolutely no grounds upon which the legislation can be justified and the only insurance against its implementation should it pass the Congress as expected is the certainty of a presidential veto.

Free enterprise must not be allowed to die by congressional fiat in the petroleum industry. The Dingell bill must not be allowed to become the law of the land.

AND FORD'S ALTERNATIVE

President Ford has submitted both a sane and a viable alternative to the Dingell bill to the American people for their consideration: His plan to decontrol petroleum prices in order to provide the nation's oil and natural gas producers with the incentive essential to the stimulation of exploration and development of new sources.

The President's approach is the only rational one. It recognizes that new energy sources will not be sought and developed unless American industry is assured that it can expect decent profit in return for its efforts.

The President also has insured in his proposal that the American public will be protected: It includes a tough windfall profits provision that guarantees that unless income resulting from higher prices is used for exploration and development of new energy sources the profits will wind up in the federal treasury.

The price increases resulting from the President's program could be phased in gradually over a nearly three-year period and would average about 3.3 per cent per month during that time. It is of course true that the final increase would be substantial in terms of burden on the nation's consumers, but the alternative, insufficient energy supplies and probably an even more severe energy crisis in the future, as well as continued Arab blackmail, is far less palatable.

At present, the federal government controls approximately 60 per cent of all domestic petroleum production, production which accounts for about 40 per cent of the nation's total consumption. Prices on that 40 per cent of consumption are held artificially and unrealistically low by the federal government's price controls.

There are extremely important conservation aspects of the President's proposal as well. He estimates that the higher prices resulting from his program will curb petroleum consumption by 300,000 barrels a day, and when added to his other conservation measures, that consumption will have been curbed by as much as 900,000 to one million barrels per day.

There is no question that energy consumption must be curbed. The only question concerns the manner by which to curb consumption, one which seeks to insure the exploration for and development of new energy sources, or one that would insure the nation's continued reliance on foreign imports.

The President's proposal would do the former, while the Dingell bill would do the latter. Clearly, the President's proposal is infinitely more preferable and less dangerous.

PERSONAL EXPLANATION

HON. CLAIR W. BURGENER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. BURGENER. Mr. Speaker, I was not present on the floor today when the vote was taken on House Resolution 605, the Disapproval of the President's Order on Oil Decontrol.

Had I been present, I would have voted "nay".

SENATE—*Wednesday, July 23, 1975*

(Legislative day of Monday, July 21, 1975)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by Hon. PATRICK J. LEAHY, a Senator from the State of Vermont.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God to whom all hearts are open, all desires known, and from whom no secrets are hid, cleanse the thoughts of our hearts by the inspiration of Thy Holy Spirit that we may perfectly love Thee and worthily magnify Thy holy name.

Keep our values high, our vision clear, our motives pure that with patience and power we may serve this Nation to the honor of Thy name and for the good of all mankind.

We pray in the name of the great Redeemer. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 23, 1975.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. PATRICK J. LEAHY, a Senator from the State of Vermont, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. LEAHY thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, July 22, 1975, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today, except during debate on the Durkin-Wyman issue.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations will be stated.

DEPARTMENT OF STATE

The assistant legislative clerk read the nomination of Walter J. P. Curley, Jr., of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland; and the nomination of Herbert J. Spiro, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Cameroon and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed.

AGENCY FOR INTERNATIONAL DEVELOPMENT

The assistant legislative clerk read the nomination of Denis M. Neill, of Maryland, to be Assistant Administrator of the Agency for International Development.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR CHURCH TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the two leaders have been recognized under the customary procedure and courtesy that the Senator from Idaho (Mr. CHURCH) be recognized tomorrow for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the minority leader yield back time?

Mr. HUGH SCOTT. Mr. President, I yield back my time.

AMENDMENT OF THE VOTING RIGHTS ACT

The ACTING PRESIDENT pro tempore. The question recurs on H.R. 6219, which the clerk will state for the information of the Senate.

The assistant legislative clerk read as follows:

A bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, and for other purposes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time before the vote be allocated evenly between the distinguished Senator from New Mexico (Mr. DOMENICI) and the distinguished Senator from California (Mr. TUNNEY), or his designee.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, the time to be charged equally to both sides.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DISAPPROVAL OF THE PRESIDENT'S PROPOSAL TO DECONTROL OLD OIL PRICES—SENATE RESOLUTION 145

Mr. ROBERT C. BYRD. Mr. President, S. Res. 145, Calendar No. 279, now being moot, the House having acted, I ask unanimous consent that that measure be indefinitely postponed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that the action taken earlier today on indefinitely postponing Senate Resolution 145 be vitiated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. This would mean that the measure would remain on the calendar, would it not?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

TIME-LIMITATION AGREEMENT—H.R. 8561

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the bill making appropriations for the Department of Agriculture (H.R. 8561) is called up and made the pending business before the Senate there be a time limitation of 2 hours on that bill, to be divided between Mr. McGee on this side of the aisle and Mr. Fong; with a 1-hour time limitation on any amendment and a 30-minute limitation on any debatable motion or appeal.

Mr. GRIFFIN. Reserving the right to object, that is in the usual form?

Mr. ROBERT C. BYRD. Yes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The text of the unanimous-consent agreement is as follows:

> *Ordered,* That, during the consideration of H.R. 8561, the Agriculture Appropriation Bill for 1976, debate on any amendment shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill, and that debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided,* That in the event the manager of the bill is in favor of any such amendment or motion or point of order, the time in opposition thereto shall be controlled by the Minority Leader or his designee.
>
> *Ordered further,* That on the question of the final passage of the said bill, debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Wyoming (Mr. McGee) and the Senator from Hawaii (Mr. Fong): *Provided,* That the said Senators, or either of them, may from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

TIME-LIMITATION AGREEMENT—H.R. 8070

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the HUD bill (H.R. 8070) is called up and made the pending business before the Senate, there be a time limitation of 2 hours on the bill, 1 hour on amendments, and 30 minutes on any debatable motion or appeal, with the debate on the bill to be divided between Mr. Mathias and Mr. Proxmire.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The text of the unanimous-consent agreement is as follows:

> *Ordered,* That, during the consideration of H.R. 8070, the Housing and Urban Development appropriation bill for 1976, debate on any amendment shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill, and that debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to thirty minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided,* That in the event the manager of the bill is in favor of any such amendment or motion or point of order, the time in opposition thereto shall be controlled by the minority leader or his designee.
>
> *Ordered further,* That on the question of the final passage of the said bill, debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Maryland (Mr. Mathias) and the Senator from Wisconsin (Mr. Proxmire): *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

ORDER THAT AGREEMENT FOR CONTROL AND DIVISION OF TIME ON H.R. 8070 AND H.R. 8561 BE IN THE USUAL FORM

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that with respect to the control and division of time on the HUD and Agriculture appropriation bills, the agreement be in the usual form.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HOUSE CONCURRENT RESOLUTION 349—CORRECTIONS AUTHORIZED IN ENROLLMENT OF H.R. 5522, INTERNATIONAL CONVENTION FOR THE CONSERVATION OF ATLANTIC TUNAS

Mr. ROBERT C. BYRD. Mr. President, I call up a message from the House and ask for its immediate consideration. It has been cleared on both sides.

The ACTING PRESIDENT pro tempore laid before the Senate a message from the House of Representatives on House Concurrent Resolution 349, which was read by title as follows:

> A concurrent resolution (H. Con. Res. 349) authorizing corrections in the enrollment of H.R. 5522.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 349) was agreed to.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask that the time be charged equally to both sides.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF THE VOTING RIGHTS ACT

The Senate continued with the consideration of the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, and for other purposes.

Mr. STEVENS. Mr. President, the legislation we have before us today is an extension of what has been called the most successful civil rights law ever enacted. The Voting Rights Act has been instrumental in improving minority voter registration, increasing minority voting, and generally decreasing those obstructions which had arisen to the right to vote.

I shall support the extension of the Voting Rights Act of 1965 and I compliment those who have worked so very hard on this important piece of legislation.

However, certain provisions of H.R. 6219 need to be clarified in regard to the effects which will occur to my State, Alaska.

The amendments which I would like to submit today will clear up certain questions which have arisen in regard to Alaska's coverage.

Mr. President, my State has twice come under the provisions of the Voting Rights Act. In 1965 and again in 1970 Alaska was included within the act's coverage due to the act's triggering device.

In both the 1964 and 1968 Presidential elections fewer than 51 percent of the eligible voters in Alaska exercised their right to vote. In 1965, Alaska also had an English literacy requirement. Each time my State filed a court action in the U.S. District Court for the District of Columbia requesting that it should be released from coverage under the act. On both occasions, in 1966 and 1972, the court exonerated Alaska's position and found that Alaska had not employed a test or device for the purpose or with the effect of denying or abridging the right to vote on account of race or color. I am also very proud to point out that on August 25, 1970, the people of Alaska by constitutional amendment repealed Alaska's English literary requirement. Alaska does not discriminate against any minority person wishing to exercise his or her right to vote.

However, under H.R. 6219, Alaska is

again included within the coverage of the Voting Rights Act. The problem with this coverage is that a blanket national standard has been created with no regard for the particulars of place and circumstance.

There are 20 different Eskimo and Aleut dialects in the State of Alaska. A knowledge of one dialect is no assurance of an understanding of any one of the other 19. One of these languages is only spoken by five Native Alaskans. A number of these languages are only spoken by a few hundred people at most. Under H.R. 6219, Alaska will be required to provide registration and voting materials, including ballots, in Native dialects as well as in English. It is true that where the language of the minority group is oral or unwritten, the act only requires the State to furnish oral assistance or instructions relating to registration and voting, and I am hopeful that we will have colloquy here later with the Senator from California concerning that.

However, writing systems for all of the Alaskan Native dialects have now been developed by the University of Alaska. These are not historically written languages. This has occurred only during the last 15 years. The problem is that only a few Natives are able to read their language. Those are the very old people, who are not able to read the language, who may be more reliant upon the oral language. The younger people, who are learning now to read the language as it has been developed by the University of Alaska and certain missionary groups, are very much bilingual and very capable in the English language.

Under these circumstances the printing of a bilingual ballot in Alaska would serve no useful purpose. The people for whom the bilingual ballot was printed would not be able to read it. Sam Kito, president of the Alaska Federation of Natives, has telegrammed me in this regard. He states that Alaska should not be included under the bilingual ballot provision, as such inclusion is unnecessary and would only confuse Alaskan Natives in their efforts to vote. What it would do, however, is increase the cost of printing election ballots by as much as 60 percent. Further, Alaska already provides voter assistance. Alaska statute 15.15.240 provides that any voter who cannot read, mark the ballot, or sign his name may request a judge or other person to assist him in casting his vote.

Mr. President, I have a series of amendments which could alleviate this problem, if indeed there is a problem after colloquy with the Senator from California, by providing that the members of the language minority be able to read their written language before being included under the bilingual provisions.

If a language minority's predominant written language is English it serves no useful purpose to print bilingual election materials and ballots in the minority's language which they cannot read themselves.

I am also offering amendments which would place a minimal limit on the number of persons required to trigger inclusion under the Voting Rights Act.

For instance, according to a preliminary Bureau of Census count, there are less than 300 Alaskan Natives residing in one of Alaska's voting districts. However, that figure comprises more than 5 percent of that entire subdivision's population.

In such instances, the sparsity of Alaska's population is really what triggers inclusion under the act. It is not the intent of the legislation, as I understand it, to put such a burden on very small election districts.

I am sure that there are many subdivisions in the United States in which reside thousands of persons of a language minority, but the act is not triggered because of the large nonminority population in the same area. Certainly, there should have to be a minimal number of persons of the language minority in a voting district before the act is triggered. My amendment would set that figure at 5,000 people as the top limit.

I also have amendments that would reduce this down to 2,000. I think somewhere between those two figures is a reasonable minimum number of persons of a language minority which would, in fact, trigger this act's applicability.

Mr. President, I ask unanimous consent that the texts of my amendments be printed in the Record at the conclusion of my remarks together with letters which I and Congressman Don Young have received on this subject.

As I mentioned, I have a telegram which I received just recently from the new president of Alaska Federation of Natives in which he states that the bilingual ballots are unnecessary because the Alaska Native languages are oral.

I also have a letter from the Lieutenant Governor who, under our system, is the person in charge of voting procedures and the administration of our voting laws; a letter from the office of the Governor, plus the letters that were submitted to our Congressman, Don Young, in connection with the House consideration of this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Exhibit 1

AMENDMENT NO. 778

On page 8, line 21, afer the word "minority" insert the following: "and have the ability, as determined by the Attorney General, to read the language of the single-language minority of which they are members".

AMENDMENT NO. 779

On page 8, line 21, after the word "minority" insert the following: "and whose predominant written language is other than English".

AMENDMENT NO. 780

On page 8, line 19, after "that" insert "at least 3,000 persons and".

AMENDMENT NO. 781

On page 8, line 19, after "that" insert "at least 2,000 persons and".

Amendment No. 782

On page 5, line 25, after the word "minority" insert the following: "and have the ability to read the language of the single-language minority of which they are members".

Amendment No. 783

On page 5, line 25, after the "minority" insert the following: "and whose predominant written language is other than English."

Amendment No. 784

On page 5, line 23, after "that" insert "at least 5,000 persons and".

Amendment No. 785

On page 5, line 23, after "that" insert "at least 4,000 persons and".

Amendment No. 786

On page 5, line 23, after "that" insert "at least 3,000 persons and".

Amendment No. 787

On page 5, line 23, after "that" insert "at least 2,000 persons and".

Amendment No. 788

On page 8, line 19, after "that" insert "at least 5,000 persons and".

Amendment No. 789

On page 8, line 19, after "that" insert "at least 4,000 persons and".

Exhibit No. 2

[Telegram]

Anchorage, Alaska,
July 7, 1975.

Senator Ted Stevens,
Capitol Hill,
Washington, D.C.

AFN position on the voting rights act is that bilingual ballots are unnecessary because Alaska native languages are oral and not written. Ballots written in the native language would only serve to confuse voters with the exception of bilingual ballots. AFN believes that the provisions of the voting rights act should apply to Alaska as well as other States with substantial minority populations.

Sam Kito, *President,*
Alaska Federation of Natives, Inc.

State of Alaska,
Juneau, April 18, 1975.

Hon. Ted Stevens,
U.S. Senate,
Russell Building,
Washington, D.C.

Dear Ted: The U.S. House Judiciary Subcommittee on the 1965 Votings Rights Act voted on April 17, 1975 to add Alaska to the states covered by this Act.

The State of Alaska should be exempted from the provisions of the Voting Rights Act of 1965 as amended for the following reasons:

(1) no "test or device" is applied as a prerequisite for voting,

(2) a large ratio of military personnel reside in Anchorage, Fairbanks, Kodiak and the Aleutian Islands and vote absentee in other states,

(3) assistance is provided to any voter with a language barrier or a physical disability, and

(4) in 1966 and in 1971, the State filed suit in the U.S. District Court in Washington, D.C. and was exempted from the Voting Rights Act in both instances.

The voters of Alaska ratified a Constitutional Amendment at the Primary Election on August 25, 1970 to delete any reference to reading or speaking English as a prerequisite for voting. Attached are copies of the sample ballot and the official election returns from that election. Prior to the ratification of the constitutional amendment, the ability to read or speak English was interpreted as being able to say "Hello" and to state name. No other "test or device" has been applied to voters in the State of Alaska.

A large number of military personnel reside in the Anchorage, Fairbanks, Kodiak and Aleutian Islands areas. Most of these people prefer to vote in the states of their homes of residence. The military personnel are, of course, included in the decennial census for Alaska.

Alaska provides assistance to any voter who desires help in reading or marking the ballot. AS 15.15.240 states: "Assisting voter by judge. A qualified voter who cannot read, mark the ballot, or sign his name may request a judge, a person, or not more than two persons of his choice to assist him. If the judge is requested, he shall assist the voter. If any other person is requested, the person shall state upon oath before the election judge that he will not divulge the vote cast by the person whom he assists." Many voters do ask for and receive assistance as provided in this section of the Alaska Statutes. In Alaska, there are many different Eskimo and Indian dialects. English is the only language spoken and understood by all minority groups.

The State of Alaska had to file suits in 1966 and in 1971 in the U.S. District Courts in Washington, D.C. to be excluded from the Voting Rights Act of 1965 as amended. In both instances, the determination was made that no "test or device" was used as a prerequisite for voting. Therefore, the State of Alaska should not be required to go through this procedure again.

If I may be of any assistance, please do not hesitate to call on me.

Sincerely,

Lowell Thomas, Jr.,
Lieutenant Governor.

State of Alaska,
Juneau, May 28, 1975.

Hon. Ted Stevens,
U.S. Senate, Russell Building,
Washington, D.C.

Dear Senator Stevens: The purpose of this communique is to plead exemption for the State of Alaska from the provisions of the 1965 Voting Rights Act, as voted on April 17, 1975 by the U.S. House Judiciary Subcommittee, for reasons as stated below:

1. The tests and devices clearly defined throughout the Act, are non-existent in the State of Alaska; other than the registered voter be alive at the time of voting—and I am confident no one would argue the logic of that requirement.

2. Congress declared that in order to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it was necessary to prohibit the States from conditioning the right to vote of such persons on ability to read, write, understand or interpret any matter in the English language. There are no schools within the State of Alaska in which the predominant language is other than English, and no such conditioning exists prohibiting a voter his rights. Further, the Alaska Statutes clearly allow all voters the right of assistance by persons of his choice should the voter have a physical disability or experience difficulty regarding language.

3. Some 96,000 military personnel were included in the decennial census for Alaska, which reflects an untrue percentage in relation to the 50 per centum ratio requirement of the Act, as most military personnel prefer to vote in the states of their homes of residence.

4. The administrative and cost factors involved in printing bilingual ballots representative of all language minority groups in Alaska, regardless of size, would be staggering. Should this become mandatory, the State of Alaska could be facing a situation of printing upwards of 40 languages, as there are at least 18 distinct native and Eskimo languages, as well as other minorities represented within Alaska such as Norwegian, Russian, Japanese, Phillipino, and so on, as all minorities must be afforded the same opportunity to vote ballots printed in their historical and living tongue.

5. Interpreters must be present at all voting locations where bilingual ballots are distributed, in order that all voters be assured they will receive the proper ballots printed in their specific language and dialect. Interpreters must also be present on the State Canvass Board as well as the Election Offices, the Data Processing Receiving Board, the Data Processing Control Board, the Data Processing Review Board and the Facsimile Board to insure legal and proper processing of all voted ballots. Notwithstanding the tremendous increase in election costs, the availability of qualified interpreters, and their willingness to serve, is quite limited at best.

6. Alaska would also be burdened with the presently unresolved problem of printing ballots in the several dialects that are not in written form. I must defer conclusion of this task to those more learned than I to resolve, prior to the 1976 election period.

As an Election Supervisor, I wish to suggest a possible alternative. Perhaps printing "sample" bilingual ballots would be a plausible solution. Sample ballots printed in all those languages which are in written form could be effectively disseminated to the public through a number of ways—the news media, posted in public gathering places, election offices, registrars, city and borough clerk's offices, village and minority leaders, as well as the candidates themselves. Here would be a means whereby the voter would have the opportunity to study, discuss, and decide, prior to all elections, in the privacy and leisure of his own time and language, what and how he will vote. It must be remembered that although a great majority of the Alaskan population is fluent in other languages, very, very few people do not speak, read or understand the English language. Sample bilingual ballots can be the only logical means of reaching this small percentage of our population, without implementing a burdensome, unnecessary and somewhat more confusing feature to our voting system—and still obtain the same objective!

As a final point, one must never forget that the voting public, in spite of any language barrier that may or may not exist, is not an ignorant, mindless mass that must be lead step by step to the voting booth, and there, explained in simplistic form equal to that of an infant, how, why, what and who to vote for. Voters at any educational level, know who they are going to vote for. They do indeed know the candidates' names and the issues at hand, and bilingual ballots are not going to sway their decisions, nor change the outcome of any election—however hopeful proponents of this Act may be.

As the Southeastern Election Supervisor of the State of Alaska, I respectfully urge your support in every way possible for Alaskas exemption from the provision of the Voting Rights Act of 1965.

As a tax paying registered voter in the State of Alaska, I demand exemption for Alaska!

Sincerely yours,

Mrs. Lory B. Leary,
Southeast Election Supervisor,
State of Alaska.

Hon. Don Young,
House of Representatives, Longworth House Office Building, Washington, D.C.
Attention: Jim Lexo.

Dear Congressman Young: The following information is provided regarding the different languages spoken in the State.

There are 20 different dialects in the State of Alaska which are mutually unintelligible. These 20 different dialects are such that they can be considered as different languages. The attached Table 1 indicates the language population and number of people speaking the language.

The different languages are now being taught particularly in the State Operated Schools. In the above mentioned Table I, most of the people speaking the language are those children currently receiving instructions in the language.

Writing systems for the languages have been developed since 1960. Only in the last 3 to 4 years have writing systems been developed. As a result, many older people are unable to read the newly developed writing system.

The University of Alaska, Bilingual Center, will have available next week a map entitled "Native People and Languages of Alaska". This map will show which languages are spoken in the different areas of the State. By referring to the enclosed article titled, "Alaska Native Languages and their Present Situations", I have determined that Election Districts 1, 5, 15, 16, 17, 18, 19, 21, and 22 would require a minimum of 2 ballots printed in the native languages. In several districts I feel that 4 or 5 ballots printed in the native languages would be required. In some of the languages, there is no word for "Vote" and "Ballot".

The map mentioned above will be mailed to you as soon as it is received.

The enclosed table and article are, also, enclosed for your information.

Sincerely,

Patty Ann Polley, *Director.*

[Telegrams]

Anchorage, Alaska, *April 30, 1975.*

Congressman Don Young,
Capitol Hill, Washington, D.C.

The Alaska Federation of Natives Incorporated does endorse the position of Congressman Don Young in his efforts to exempt the State of Alaska from printing bilingual ballots. Many native languages and dialects are just being put into written form, the number of Alaskan natives able to read their language is minimal. Alaska does not have literacy test as a condition of voting. The problem of Alaskans in voting is not solved by different writings or languages, nor will the general Native populous benefit from this section of H.R. 6219.

Roger Lang, *President.*

April 30, 1975.

Attention: Don Young.

Doyon, Ltd., representing 10,000 Indians in interior Alaska wish to oppose the requirement for voting ballots to be written in Indian dialects. Under State law Alaska has no requirement that voters must read or write.

Additionally a requirement such as this would be an extreme hardship to the State as we have over 35 dialects and very few people actually know how to read or write in any language.

John Sackett, *President.*

Anchorage, Alaska, *April 30, 1975.*

Representative Don Young,
Capitol Hill, Washington, D.C.:

Cook Inlet Region, Inc., supports your position in striking Alaska from section 207 of H.R. 6219 Voting Rights Act of 1975.

Randy Johnson, *President.*

Mr. STEVENS. Mr. President, I wish to inquire of the Senator from California——

Mr. TUNNEY. I yield.

Mr. STEVENS. I would be pleased to accommodate him as to his time to discuss this matter.

My staff has informed me the Senator now has a new—or it may not be new as far as the Senator is concerned, but it is new to us—a new position that oral languages are those which do not have a history of a written form and a history being handed down to the minority.

I wonder if the Senator would be willing to discuss that in a colloquy at this point to determine whether or not these amendments are, in fact, necessary.

As I have stated, we know of no language, native languages, there were not developed in total written form until approximately 15 years ago. There were some that were developed by missionaries who attempted to develop for a particular village or group a written form of the language as they understood them. Since that time, the University of Alaska has had a language development program and has developed some of the languages, but they have not had a history of utilization by the minority group. The minority group has handed down its language in oral form.

The requirement to now print the ballots in written form which is not understood by the bulk of those who use the oral form would be of no purpose.

As I have said, Sam Kito, who is now the leader of our Alaska Native people, duly elected by the Alaska Federation of Natives, agrees with this position and so does the State.

I think it may be that our amendments that we have suggested here are unnecessary if the committee has got some approach which deals with a history of utilization of the language which would be required under the triggering device of 5 percent and I am talking about both title II and title III.

The same triggering device occurs. Would the Senator have time at this time to discuss that matter?

The ACTING PRESIDENT pro tempore. All time in opposition has expired. The Senator from California has 10 minutes.

Mr. TUNNEY. I would be happy to use the 10 minutes that I have to discuss the amendment with the Senator right now.

I would like to say that the Senator from Alaska is correct in his approach that it would be ridiculous to suggest that the language which has been passed down from generation to generation in oral form and which was only transcribed in written form in, say, the last 25 years should become a written language which would be used on the ballot in an election. That does not make any sense whatsoever to me. It certainly is not our intention by including the amendments to section 4 and section 5, which are in titles 2 and 3 of the bill before us, to bring about that result.

To put the thing in context, I would like to read the language of title 3, section 203(c):

> Provided, that where the language of the applicable minority group is oral or unwritten, the State or political subdivision is only required to furnish oral instructions, assistance, or other information relating to registration and voting.

The committee report, which is in the process of being printed and will be before us this afternoon, states:

> A jurisdiction with a minority group whose language is oral is, of course, required only to provide oral assistance, and obviously a jurisdiction is not required to provide materials or assistance in an extinct language. The subcommittee sent letters to election officials in all areas to be covered by title 3. A great majority responded that the cost was not prohibitive.

Mr. STEVENS. May I interrupt my friend there?

Mr. TUNNEY. I would like to finish my thought.

Senator GOLDWATER and I entered into a colloquy yesterday and he indicated that in Arizona all his State has responded meaningfully.

I wish to make it clear that by "responding meaningfully" we are not referring to the requirement that a State provide a ballot in writing or election materials in writing in a language that was only developed in written form by anthropologists in the last few years. What we are referring to is a language that has existed in written form for many years, for many generations, and which is understood in its written form by a substantial number of the people who speak it.

Mr. STEVENS. I am pleased to have that statement from the Senator from California. These languages are not extinct, however. As a matter of fact, if there is any series of growing and developing languages in the written form, it is in fact the Alaskan Native dialects. They very much want to preserve their culture. They are using English a great deal more, and for the purpose of preserving their culture they are trying very much to develop, and we have assisted them in developing bilingual education, for instance, to try to get the new generations to understand this language not only in an oral but in a written form.

I am familiar with the proviso on page 9, and we do comply with that already. Our statutes provide that that assistance must be provided by the election judge or the election supervisor upon the request of any person.

The difficulty that I have is that there are in fact studies which show the number of people who are capable of using the oral form. We have no studies, to my knowledge, which show any statistics as to the number of people in Alaska who would be capable of using the written form of any of these minority dialects.

Does the Senator from California agree with me—and I know he has stated that there should be a history over several generations—that the provisions of title II and III of this act that trigger on the 5 percent basis mean that the 5 percent would be those who would be relying upon primarily the written form of the minority language?

In other words, we are trying to provide them assistance in voting and this would be the kind of assistance that those people are primarily relying in the written form of the language upon this minority language.

Mr. TUNNEY. I cannot agree to it as the Senator has stated it. We do, after all, have a serious problem for some of these language groups.

Mr. STEVENS. I understand that, too.

Mr. TUNNEY. How much time does the Senator from California have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 4 minutes remaining.

Mr. TUNNEY. If we could, I would like to continue this dialog a bit later under controlled time.

Mr. STEVENS. I would be happy to do so.

Mr. President, I submit my amendments at this time to make sure they are on the desk.

The PRESIDING OFFICER. The amendments will be received and will lie on the table.

Mr. TUNNEY. I yield to the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MORGAN). Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Kansas (Mr. DOLE) I ask unanimous consent that Janet N. Anderson have the privilege of the floor during the debate on H.R. 6219.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. One hour having passed since the Senate convened, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon H.R. 6219, An Act to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, to make permanent the ban against certain prerequisites to voting, and for other purposes.

Mike Mansfield, Alan Cranston, Stuart Symington, Gale W. McGee, John Glenn, Gary W. Hart, William Proxmire, Gaylord Nelson, John Culver, Lee Metcalf, John V. Tunney, Richard (Dick) Stone, Jennings Randolph, Charles McC. Mathias, Jr., Richard S. Schweiker, and Bob Packwood.

CALL OF THE ROLL

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[Quorum No. 64 Leg.]

Abourezk
Allen
Baker
Beall
Bellmon
Bentsen
Biden
Brock
Brooke
Buckley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Curtis
Dole
Domenici
Eagleton
Fannin
Fong
Ford
Garn
Glenn
Goldwater
Gravel
Griffin
Hansen
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Laxalt
Leahy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Morgan
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Stone
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND) and the Senator from Indiana (Mr. BAYH) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

The PRESIDING OFFICER. A quorum is present.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, to make permanent the ban against certain prerequisites to voting, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), and the Senator from Mississippi (Mr. EASTLAND) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

The yeas and nays resulted—yeas 76, nays 20, as follows:

[Rollcall Vote No. 310 Leg.]

YEAS—76

Abourezk
Baker
Beall
Bellmon
Bentsen
Biden
Brock
Brooke
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Dole
Domenici
Eagleton
Fong
Ford
Garn
Glenn
Gravel
Griffin
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Laxalt
Leahy
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Stafford
Stevens
Stevenson
Stone
Symington
Taft
Tower
Tunney
Weicker
Williams

NAYS—20

Allen
Buckley
Byrd, Harry F., Jr.
Curtis
Fannin
Goldwater
Hansen
Helms
Hruska
Long
McClellan
McClure
Morgan
Nunn
Scott, William L.
Sparkman
Stennis
Talmadge
Thurmond
Young

NOT VOTING—3

Bartlett
Bayh
Eastland

The PRESIDING OFFICER. The Senate will be in order. The Senators will take their seats.

On this vote, the yeas are 76, the nays are 20. Three-fifths of those duly chosen and sworn having voted in the affirmative, the motion is agreed to. Each Senator has 1 hour to speak.

Who yields time?

Mr. STONE addressed the Chair.

AMENDMENT OF THE VOTING RIGHTS ACT

The Senate continued with the consideration of the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, and for other purposes.

Mr. STONE. Mr. President, I call up my amendment cosponsored by Mr. NUNN and Mr. CHILES.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Mr. STONE, for himself, Mr. NUNN, and Mr. CHILES, proposes an amendment: On page 4, line 16, insert after the first period and before the quotation marks the following sentence: "The provisions of subsection (a) shall also apply in any State or in any political subdivision of a state with respect to which the Attorney General has instituted a proceeding referred to in section 3(a)."

Mr. STONE. Mr. President, may we have order?

The PRESIDING OFFICER. May we have order, please?

Mr. STONE. Mr. President, my amendment——

Mr. NUNN. Mr. President, this is a very important amendment. The Senate is not in order, and the Senator is entitled to be heard.

The PRESIDING OFFICER. Will the Senate be in order, please, with those in the aisles taking their seats?

Mr. STONE. Mr. President, this amendment triggers all of the provisions of this act for which the Senator from Florida has voted cloture several times now if the lawsuit provision of section 3(a) is triggered by action of the Attorney General of the United States.

The Senator from Florida and the other cosponsors of this amendment believe if a situation involving discrimination against a person's right to vote in any jurisdiction in this country is serious enough to warrant action by the Attorney General of the United States, it is serious enough to warrant action against the jurisdiction in all of the protective remedies granted by the act.

In order to show that this is not a regional approach, in order to show that this is not a sectional bill, in order to show that this is a bill designed to stamp out discrimination against the right and the ability to vote and register in every part of the country, the Senator from Florida urges the adoption of this amendment and hopes it can be accepted by the sponsors and voted on by this body.

Mr. STEVENS. Mr. President, will the Senator from Florida yield?

The PRESIDING OFFICER. Would the Senator use his microphone.

Mr. STEVENS. Is the amendment of the Senator from Florida the one he placed in the RECORD in a statement?

Mr. STONE. No, Senator, it is not. This is an amendment which is different. The other amendment has not yet been called up.

As explained by the managers of the bill yesterday, the bill is national in its scope because if an aggrieved party, either for himself or through the person of the Attorney General of the United States, has a proceeding then a lawsuit can be filed in any jurisdiction in the country, and that was the explanation of why this bill is not motivated by antisectional bias or regionalism.

What the Senator from Florida and the other sponsors of this bill seek is to generalize on that approach so that if the Attorney General of the United States finds serious discrimination, serious enough to warrant his proceedings—and may the Senator from Florida point out to his colleagues that in 10 years not one such proceeding was filed, but may the Senator from Florida point out that the Assistant Attorney General in charge of this area, Mr. Pottinger promised more action in the future. Now, if there is action in the future serious enough to warrant movement by the Attorney General in court, then the other provisions of this act ought just as well be available for the stamping out of the discrimination. The Senator from Florida believes if this amendment would be accepted and this approach accepted, this whole idea accepted, that in that situation many, many Senators from the States originally covered by this act can support the act in all of its provisions.

Mr. STEVENS. I thank the Senator.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. STONE. Mr. President, I request the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second to the request for the yeas and nays? There is a sufficient second.

The yeas and nays were ordered.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. STONE. Yes.

Mr. TUNNEY. I oppose the amendment for a number of reasons. In the first place, I think it is clear from Assistant Attorney General Pottinger's testimony before our Subcommittee on Constitutional Rights, that although actions were not brought under section 3, actions were brought under the 15th amendment. I quote from what he said:

> Therefore, we have brought suit on numerous occasions under the 15th Amendment without needing to rely on section 3. That is the first thing that needs to be cleared on the record. We have not failed to bring suit to enforce the 15th Amendment rights. Where we have had—

Mr. STONE. The Senator from Florida does not dispute that and finds no fault with that.

Mr. TUNNEY. But the Senator from Florida uses as one of his justifications for the amendment that the Attorney General has not acted.

Mr. STONE. Not at all because the Senator from Florida forecasts more frequent use of section 3 by reason of the testimony of Assistant Attorney General Pottinger, and he finds no fault with that.

Mr. TUNNEY. Mr. President, will the Senator yield further?

Mr. STONE. Yes.

Mr. TUNNEY. I would also point out that in the amendment to section 3 we are giving to private citizens the opportunity to bring lawsuits, and within the amendment itself we say that the court, upon its own finding that it would be equitable, can award attorney's fees to the prevailing party, which would mean the private attorney.

So we have taken care so that in a particular State or jurisdiction which is not automatically covered under sections 4 and 5 a private person can go into court and sue to eliminate acts of discrimination. So the act will apply with full force in the uncovered jurisdictions.

I might just point out that if the Senator's amendment——

Mr. STONE. Will the Senator yield?

Mr. TUNNEY. Just let me conclude my remarks.

If the Senator's amendment carries, it would be a significant gut of the Voting Rights Act as it presently exists. I would hope that Senators who are not on the floor would realize what they were doing if they support the amendment of the Senator from Florida.

And, of course, it would completely overburden the Justice Department, as we have indicated, if they had to have preclearance for every State or county of the country.

Mr. STONE. The Senator from Florida will answer very briefly and then yield to the Senator from Georgia for further answer to the remarks of the Senator from California.

The Senator from California cannot have it both ways. If it has never been used, then to use it would not overburden the Justice Department.

If there are complaints, the Senator from Florida would like to point out to the Senator from California, if there are complaints, then all remedies appropriate to eliminate the discrimination involved are appropriate and fair.

The Senator from Florida would further point out that his amendment does not eliminate the private suit complaint and the Senator from Florida proves it.

Therefore, the Senator from Florida cannot see how this will gut the bill in any way, shape, or form, because if there are conditions sufficient to trigger the Attorney General's movement under section 3, which it has been testified had never been used because the constitutional approach had been sufficient, then they are sufficient to provide all of the other remedies involved.

The Senator from Florida yields to the Senator from Georgia for further answer.

Mr. NUNN. I thank my colleague from Florida.

I would like to support this amendment. I am a cosponsor of it. I think it carries out the intention expressed yesterday by several different Senators around the Senate Chamber.

The Senator from California made it clear yesterday he felt section 3 really did give this act national coverage.

Now, what we are saying is that if section 3 is implemented by the Attorney General of the United States by bringing a lawsuit, then that particular subdivision, or political subdivision, whether a State or local government, would be covered under the automatic provisions of the other sections, under which the Southern States are now covered.

The Senator from California made the statement yesterday in arguing against the Talmadge-Nunn amendment that would have made this act nationwide in scope instead of regional in scope, that this was an attempt to overburden the Justice Department, that the Justice Department would be overburdened under this national scope approach and, thereby, dilute the act.

I do not agree with that particular contention, but if that is true, the Stone-Nunn amendment cures that problem because this does not automatically cover every jurisdiction in the United States as far as the automatic preclearance provisions are concerned.

What this amendment says simply is that if the Attorney General of the United States brings action under section 3, then, certainly, there is a serious enough problem in other jurisdictions outside the so-called regional jurisdictions of the South to warrant the automatic preclearance coverage provided by section 5.

Now, the Senator from California argues that the 15th amendment has been used by the Attorney General, rather than section 3. It seems to me the Senator from California is arguing directly against the overburdening argument he used yesterday because this amendment would not affect jurisdictions if the Attorney General brought the action under the 15th amendment, as I understand it.

Mr. STONE. That is true.

Mr. NUNN. It would only affect jurisdictions sued by the Attorney General of the United States under section 3.

Mr. TUNNEY. Will the Senator yield for a question?

Mr. NUNN. It is totally incongruous.

Mr. TUNNEY. Will the Senator yield for a question?

Mr. NUNN. Yes.

Mr. TUNNEY. In other words, what the Senator from Georgia wants is to have the Attorney General bring all his suits under the 15th amendment rather than under section 3.

Mr. NUNN. This would be a matter for the Attorney General to decide. So far, the Senator from California, says he has moved in this direction. If that continues, the Stone-Nunn amendment will not even be applicable because the jurisdiction will not be used under section 3.

Mr. TUNNEY. Then what value has the amendment in bringing about national coverage if the Senator from Georgia admits it will have no effect if the Attorney General brings his action under the 15th amendment?

Mr. STONE. If the Senator from Georgia permits——

Mr. NUNN. Surely.

Mr. STONE. That would allow the Attorney General's office two options, either to have the option of suing under the Constitution, in which case the only thing that would happen would be a lawsuit, or to have the option of not only suing under the act, but triggering all the other protective mechanisms, not as to the whole country, only as to the jurisdiction offended. and I think the time has come when the rest of this body should recognize that what we want here is applicability of the benefits and protections wherever the offenses occur.

With that approach, this regional feeling will be dissipated and one will not have to worry, not to have to worry about the use of the rules, or delays, or anything else.

Mr. TUNNEY. Will the Senator yield for another question?

Mr. NUNN. Will the Senator yield?

Mr. STONE. I yield to the Senator from Georgia for 1 minute.

Mr. NUNN. What this really does is give someone in the United States of America namely, the Attorney General of the United States, an open invitation to apply a law across the Nation rather than in one section, and it lets those people in this body and in the House who are really interested in the voting rights of minorities, as opposed to a bill that hits only one section of the country, put their rhetoric into action because it gives the Attorney General the discretion, if he sees a county in California, or even the whole State of California, has so flagrantly violated the voting rights of their citizens so as to warrant coverage by section 5, to bring a 15th-amendment suit to substantially have California covered under these other provisions.

I think it would be used very judiciously. I think the Attorney General would be very careful before he brought such an action that would automatically cover other jurisdictions.

I am sure the Senator from California would also think that. So really, this is an effort to be equitable and it will separate those people who want to insure voting rights for minorities and those people who are really intent on enforcing this kind of law only in one section of the country.

Mr. TUNNEY. Will the Senator yield for another question?

Mr. STONE. Certainly.

Mr. TUNNEY. It is my understanding at the time that the Attorney General files his complaint there would be automatic coverage.

Mr. STONE. That is correct.

Mr. TUNNEY. Before there was any proof.

Mr. STONE. Well, the Attorney General would not file a proceeding which he has not even used in 10 years without proof.

Mr. NUNN. Will the Senator will yield.

Mr. STONE. I yield to the Senator from Georgia.

Mr. NUNN. A much greater presumption of innocence exists under this particular amendment than there is in the present law aimed toward the States in the South.

We are already deemed guilty. We have already been tried and convicted under the provisions of the law right now. The Senator from California is now incredibly bringing up the question of whether there is a presumption of guilt in this situation.

Certainly, there is some presumption here, but not nearly to the extent already being pronounced as a verdict on the States in our section of the country.

Mr. TUNNEY. Will the Senator yield for a question?

Mr. JAVITS. Will the Senator yield on my time, yield to me on my time?

Mr. TUNNEY. Well, it is the Senator from Florida.

Mr. STONE. The Senator from Florida yields to the Senator from New York on his time.

Mr. JAVITS. On my time.

Mr. President, as to the particular amendment, the Senator from California, I think, has put his finger on the main point, which is the no proof with respect to this proceeding, and yet, the particular restraints of the law apply.

I cannot agree on the whole scheme of the legislation respecting the reason why it applies in given Southern States.

We argued that 20 times, a long history in this particular field, the remains of which still continue in the disparities in the registration, which were explained yesterday.

The courts have upheld that as a proper distinction.

Rather than to argue this particular amendment, if I could have the attention of the manager of the bill—and this is on my time—I think it is very important to lay down some ground rule here because of the feeling on the part of the manager of the bill and the manager on the minority side, as well as many of the supporters of the bill, that our problem right now is not so much with the validity of any particular amendment as with the amendment process itself. The fact is that there will be enormous prejudice to the effort to enforce voting rights constitutionally if this bill lapses for any length of time at all. We have gone into that time and again.

So it is my understanding now that it is the intention of the manager of the bill not to accept any amendments and to move to table each amendment which is offered. Is that correct?

Mr. TUNNEY. I would say to my good friend and distinguished colleague from New York that it is my intention not to accept any amendments. I am not sure that I am going to move to table every amendment. We may vote up or down on the merits on one or two amendments. But certainly the great majority of the amendments I am going to move to table.

Mr. JAVITS. Do I understand, therefore, that this is necessary in order to avoid a conference with the House which might delay completion of final action on the bill before August 6, and that this is intended to avoid prejudice to the basic purpose for which the bill is sought to be enacted?

Mr. TUNNEY. That is correct.

Mr. JAVITS. Now, may I proceed to ask a few other questions?

Will the Senator, the manager of the bill, please advise the Senate of the amendments which were adopted by the Senate Judiciary Committee which appear in the Senate version of the bill but not in the House version of the bill, whereas it is the House version which is now before us?

Mr. TUNNEY. There were four amendments. The first which was adopted in the subcomimttee in response to the Supreme Court decision in Alyeska versus the Wilderness Society would provide for the awarding of attorneys' fees in cases brought under civil rights statutes.

The second amendment changed the date for the required census mandated by title IV.

The third amendment, which was offered yesterday by Senator SCOTT of Virginia and which was tabled by the Senate, would have provided an exemption from the bilingual provisions of title II and III where the language in question was extinct.

The fourth amendment required the Justice Department to provide an opportunity for consultation with State officials within 45 days after the attorney general determined there was a probability he would object to a voting change.

I might say to my friend that I very much regret that some of these amendments cannot now be considered because of the very real threat of a filibuster which became evident earlier this week. I feel that it is necessary to conform to the House bill, much as I would have liked to have considered a number of amendments on their merits.

Mr. JAVITS. Does the Senator, in his capacity as chairman of the Constitutional Rights Subcommittee and as manager of the bill, plan any further action on these amendments which he has just outlined which are in the Senate and not in the House bill and on other serious amendments to this bill?

Mr. TUNNEY. Yes. I plan to introduce separate legislation incorporating the four committee amendments. If necessary, I will have hearings in the subcommittee before the end of the year.

At this time, also, I want to give the following assurance to Senators proposing amendments to the pending bill: when the four committee amendments are heard, we will also consider other amendments which may have merit but which, because of the exigencies of time, just have to be tabled or have to be voted down.

Mr. JAVITS. Mr. President, I think that is an extremely important assurance. I hope Members will pay serious attention to that. Also I believe it fair to say that for myself—and I have talked with a good many other supporters of the bill—there will be a very open attitude toward any need for amending the bill after the bill becomes law. We are simply up against the kind of pressure which will defeat the objective of all of us and harm seriously the policy of the country unless this idea which we have urged upon the manager of the bill is carried through.

I thought that early in the debate, when the first amendment was up, it was critically important to make that clear to the whole Senate.

May I say, too, that I have another matter I would like to cover. I know other Members are waiting but this is very brief. That is again a question for the manager.

It is a question which has been raised with me by the Orthodox Jewish community in New York which qualifies for funds under bilingual education programs because many members of these groups speak Yiddish as their first language. They are concerned that the definition of language minorities in this bill, which is limited to Spanish, Arabian, Indian, Eskimo, and Aleut, will, by inference, be adopted by other Federal agencies in the administration of other programs as being the sole language minorities which there are, thereby excluding Orthodox Jews from participation in bilingual education or other programs.

May I ask the manager whether my understanding is correct that it is not the intention of the proponents of the bill to so limit other language programs administered by the Federal Government or in any way to set a precedent to be followed in the Federal establishment that the specified language minorities are the only ones which exist in our country?

Mr. TUNNEY. I want to make it very clear that the floor manager's understanding is precisely as suggested by the Senator from New York. We intend to have no impact upon funds that might be disbursed under other laws to other types of so-called language minorities.

When we talk about language minorities for coverage under this act, we are not in any way referring to other types of language minorities that would receive benefits under other acts of Congress.

Mr. JAVITS. I thank my colleague. I yield to the Senator from Maryland.

Mr. MATHIAS. As a matter of legislative history, I would want to concur with the remarks made by the Senator from California, the manager of the bill.

I would also like to refer to a subject which the Senator from New York wisely and prudently raised a few minutes ago. That is the subject of what happens if there is an amendment to this bill, what kind of difficulties lie ahead of us in view of the agreement of the Congress that we will adjourn on the 1st of August.

It has been 7 years since I left the other body. I never was an expert on the rules of the House of Representatives, and I do not claim to be an expert on the rules of the House of Representatives now. But my understanding is that if there is an amendment, it will take a unanimous-consent request propounded in all probability by the chairman of the House Judiciary Committee. If there is 1 out of 435 Members of the House of Representatives who objects then this legislation is in trouble. There may be some who object out of conscience and there may be some who object out of benevolence. But for whatever reason, the legislation can be in serious trouble. The alternative then is to get a rule. That was not always the easiest thing to do and I do not suppose it is the easiest thing to do now, particularly with the kind of time frame in which we have to work.

So the Senator from New York, I think, with his usual careful approach to legislation has given us a warning of just what will happen if we get into the situation where we become dependent upon the favorable response of every single Member of the House of Representatives in order to get an amendment added to this bill.

I think it is a great pity that we find ourselves in this situation, but that is where we are.

Mr. JAVITS. I thank the Senator very much for his contribution. The Senator from New York has also tried to show a way out to Senators who have serious and deserving amendments, and I hope that the friends of the bill will have that very much in mind as we act upon individual amendments, because that is the way in which to do justice, and also to do the even greater justice of getting this bill through in time.

Mr. President, I thank the Senator from Florida for allowing me to speak while he had the floor. The time is charged to me, with no loss to him, and I reserve the remainder of my time.

Mr. CRANSTON. Mr. President, will the Senator yield to me?

Mr. STONE. I yield to the Senator from California under the same terms.

The PRESIDING OFFICER (Mr. FORD). The Senator from California is recognized on his own time.

Mr. CRANSTON. I think that the Senator from New York has performed a valuable service in asking the questions that he has asked of the manager of the bill. I would like to say I think it is very unfortunate that we have been forced into the position where we are unable to consider good amendments or bad amendments. Some good amendments, from my point of view, have been offered on the legislation, and some have been offered which I do not like, which I will call bad amendments.

But I think it is very unfortunate that we are in a situation where we dare not give adequate consideration to each amendment on its merits. We are dealing with procedure rather than with principle, and I think that is very unfortunate. But why is that?

We are in this situation because certain opponents of this bill made it very, very plain by many actions that they took that they originally intended, whatever their intentions may be now, to resort to every parliamentary maneuver, tactic, rule, and precedent to block this bill, so that we would be confronted, first, by the deadline of the congressional recess on August 1, and second, by the deadline of August 6 when certain of the provisions of the Voting Rights Act will no longer be effective.

Facing that possibility, the manager of the bill, my colleague (Mr. TUNNEY), very wisely sounded the alarm, talked with the leadership, and talked with other Senators about the need for proceeding as rapidly as possible. The leadership responded magnificently, and Senator MANSFIELD and Senator ROBERT C. BYRD have been of invaluable help in moving the legislation along and using the strength of the leadership and the knowledge of the rules possessed by Senator BYRD to move the legislation as swiftly as we have seen it moved.

So some of those who have had amendments that they wanted to have seriously considered are themselves responsible for the fact that we find it very difficult if not impossible to give the consideration that those amendments may or may not merit. Some amendments that will be offered or have been offered certainly merit great consideration, and I would like to vote for some of them. But it is not the decision of the leadership and it is not the decision of the Senator from California that we get into a situation where we cannot deal with amendments on their merits. We would like to deal with them in that way.

I hope my colleague will not move to lay on the table every amendment. I think we should, as much as possible, even now under the prevailing circumstances, vote up or down on as many as possible, consistent with moving along the action in the Senate. As my colleague knows and as the Senator from West Virginia, the majority whip, knows, I have suggested that we might explore other ways of giving greater opportunity to consider amendments on their merits, and I am very sorry that the circumstances make that impossible.

I hope that we can, under future circumstances if not during the consideration of this particular bill, find a way to give ample opportunity to review the legislation and to consider improving amendments; for there are many amendments that would improve this legislation.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Florida yield to me?

Mr. STONE. I yield, under the same conditions.

Mr. ROBERT C. BYRD. I yield myself 1 minute from my own time.

TIME LIMITATION AGREEMENT—TREASURY-POST OFFICE APPROPRIATIONS—H.R. 8597

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, this request having been cleared on the other side of the aisle, that at such time as the Treasury-Postal Service appropriation bill is called up and made the pending business before the Senate, there be a limitation of 2 hours on the bill, to be equally divided between and controlled by the Senator from Oregon (Mr. HATFIELD) and the Senator from New Mexico (Mr. MONTOYA); that there be a time limitation on any amendment of 1 hour; and that there be a time limitation on any debatable motion or appeal of 30 minutes. I ask unanimous consent, with respect to the division of time, that the agreement be in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the unanimous-consent agreement is as follows:

Ordered, That, during the consideration of H.R. 8597, the Treasury-Postal Service Appropriation Bill for 1976, debate on any amendment shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill, and that debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 30 mintues, to be equally divided and controlled by the mover of such and the manager of the bill: Provided, That in the event the manager of the bill is in favor of any such amendment or motion or point of order, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Oregon (Mr. Hatfield) and the Senator from New Mexico (Mr. Montoya): Provided, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

ORDER FOR RECOGNITION FOR SENATOR CULVER TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the Senator from Idaho (Mr. CHURCH) is recognized tomorrow under the order previously entered, the Senator from Iowa (Mr. CULVER) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the Senator from Florida.

AMENDMENT OF THE VOTING RIGHTS ACT

The Senate continued with the consideration of the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, and for other purposes.

Mr. STONE. Mr. President, the Senator from Florida is going to conclude and ask for the vote, the yeas and nays on which have already been ordered, after using a minute or so to sum up.

I was a part of the movement which proceeded the flow of this legislation along expeditiously. I signed a cloture motion. I voted for cloture twice. I intend to vote for this bill.

But for the manager of the bill to say that, in addition to cloture, no amendment, no matter how deserving, can be listened to or considered on the merits, is a condition that I believe to be intolerable to any legislation as important as this, particularly when not hours remain before the recess, but days.

The real issue, where there are amendments which to improve the bill, which do eliminate this feeling which, deserved or not, persists that the framers of the legislation have regional desires in mind, and are unwilling or unable to accept an equal impact wherever discrimination occurs, would be most unfortunate for the national interest.

I conclude, therefore, by urging that this amendment be considered on its merits with an up or down vote, the yeas and nays on which have already been ordered.

Mr. TUNNEY. Mr. President, will the Senator yield for a brief question?

Mr. STONE. I yield on my own time for the Senator's brief question.

Mr. TUNNEY. I appreciate the Senator's courtesy. I would just like to point out to the Senator from Florida that the bill that emerged from the Senate Judiciary Committee, as well as the bill that came over from the House of Representatives, significantly expand section 4 and section 5 coverage by covering "language minority groups."

Mr. STONE. I do not object to that.

Mr. TUNNEY. Through the triggering device, the act would now include parts of Oklahoma, New Mexico, Florida, New York, and other States throughout the Union.

There is no desire to be regional in this regard. It just so happens that in certain parts of this country, for many decades, there was the worst kind of discrimination and abridgement of the right to vote of blacks and the language minorities.

Mr. STONE. Will the Senator yield right there?

Mr. TUNNEY. And now we know of other language minorities, such as the Spanish-speaking minorities, American Indians, and others.

Mr. STONE. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. STONE. Does the fact that discrimination existed for decades in other parts of the country excuse the discrimination that may not have existed for decades, but exists now and has for years, in other parts of this country?

Mr. TUNNEY. If the Senator will permit me to finish——

Mr. STONE. I would like to have an answer.

Mr. TUNNEY. I do not want to use up all the time.

Mr. STONE. I am still accepting the time.

Mr. TUNNEY. I would like to make very clear that we do not want to see one region of the country set off against another region of the country.

Mr. STONE. Then why not accept this amendment?

Mr. TUNNEY. That is one reason why we included the private attorney general provision under section 3, to give people all over the country the right to file their own complaints. The Attorney General has had that power for the past 10 years.

Mr. STONE. Reluctantly, I must reserve the remainder of my time because I have other amendments.

Several Senators addressed the Chair.

Mr. ROBERT C. BYRD. Mr. President, I yield myself 1 minute. May I say I will have to object to Senators interrogating other Senators on the time of the Senator who is doing the interrogation.

The PRESIDING OFFICER. The Chair is well aware of that. The Chair will try to see that it does not happen again.

Mr. NUNN. Mr. President, just summarizing my position, I share the views of the Senator from Florida. I commend the Senator from Florida whose State is not currently covered by this act for being fair-minded, for wanting to insure equity throughout the country and for making sure that the intent of this act is carried out not just in one section of the country but throughout the country. I believe his amendment would do that. I think he would leave to the discretion of the Attorney General the duty to ascertain if any evidence existed of discrimination against minorities, in any section of the country, based upon which he could bring suit and thereby make sure that they are subject to the same provisions of the act as the States in the South.

The Senator from Florida does not have a personal stake in this amendment or this particular act, except he is interested in making sure that every section of the country is treated fairly. I happen to be one who would like very much to vote for final passage of this act. I believe very strongly that every person in this country, regardless of race, regardless of creed, color, or language, should be able to enjoy the full fruits of citizenship and certainly a prerequisite to that is the right to vote. But I believe that it is not only long overdue, that we not have discrimination against anyone by reason of their color, it is also long overdue, Mr. President, that we not discriminate against one section of the United States of America. We are all Americans; we are all citizens. Every State has the same rights as every other State.

I think that this amendment would go a long way to insuring that principle and making certain that, while we are eliminating one form of discrimination, we do not create another form.

So I commend the Senator from Florida for his initiative in this regard and for his deep concern that every section of the country be treated alike. In doing that, he would be expanding, not contracting, the right of minorities to participate fully in their government. So he would be creating equity between sections of the country and at the same time making certain that every citizen of this country, whether he lived in the South or North, would be protected even if he happened to be a member of a minority group.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Mr. President, I feel obliged to oppose this amendment, and I oppose it on two grounds, first, on the procedural grounds which we have already discussed, that any amendment is going to expose the bill to the possibility of defeat because either the unanimous consent of every Member of the House of Representatives cannot be obtained or, in the alternative, a rule cannot be obtained in the House before the date of expiration of the bill, and I think that is a serious objection.

But I also oppose the amendment on the basis of its substance, because it provides a new trigger which is a totally new approach to the whole problem of discrimination. The historic approach, the one which we have followed and which we have followed successfully in this bill and in other bills in other areas of civil rights legislation, is that we are trying to extinguish a pattern or practice and that is what the bill is designed to go after, a pattern or practice. I think, much as we may regret isolated and individual incidents which violate the spirit and the letter of the 14th and 15th amendments, I think it is impossible for anyone to say that such isolated incidents of unfortunate human conduct will not occur. They occur everywhere. None of us are so disciplined that we do not occasionally make mistakes. It is not the occasional, the isolated incident.

Mr. NUNN. Mr. President, will the Senator from Maryland yield on my time.

Mr. MATHIAS. When I finish my statement, I will be happy to.

It is not the isolated, the individual incident that we can reasonably hope to prevent. It is the pattern or practice which deprives large numbers of people of their rights, and that is what this bill goes after, and it is that principle which I think should be embodied in the law, and that is why I will vote against this amendment.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Maryland yield?

Mr. MATHIAS. I will yield to the Senator on his time. I regret that I cannot on my own.

Mr. ROBERT C. BYRD. Mr. President, the Senator can only yield for a question and cannot yield to another Senator on his time.

The PRESIDING OFFICER. The point of order is well taken. He may yield for a question.

Mr. MATHIAS. On the Senator's time.

The PRESIDING OFFICER. On the Senator's time.

Mr. NUNN. I will wait and be recognized in my own right.

Mr. MATHIAS. No, I am happy if we can yield on his time.

The PRESIDING OFFICER. On the Senator's time.

Mr. MATHIAS. On his time.

The PRESIDING OFFICER. No.

Mr. NUNN. I would like to ask the Senator——

Mr. ROBERT C. BYRD. Just yield for a question.

The PRESIDING OFFICER. The Chair states that the Senator cannot yield for a question on another Senator's time. If he will not yield on his time, the Senator cannot be recognized.

The Senator from Tennessee is recognized next.

Mr. BROCK. Mr. President, I will comment on the two points raised by the Senator from Maryland, the first being the procedural question.

I have favored this bill and I voted

for it back in the House of Representatives, but I do think there is a serious question as to validity of arguments as to procedures. If that were the case, this Senator would have to vote against every Senate amendment that is offered on the bill, and that has hardly been his experience in the last several years in the Senate. So we either have a new precedent, a new argument, or a change in posture on the part of the Senator from Maryland, if the——

Mr. MATHIAS. We have a change in circumstances. The bill expires on the 6th of August.

Mr. BROCK. That does not change the fact that the House of Representatives could, and I think quite obviously would, act before that deadline to resolve this one modest change.

But more fundamentally that that, the Senator wants to establish a pattern or practice as the criteria. I understood that when the bill was first discussed and passed.

The question now though is whether or not there is a pattern or practice in extent now. If that is not the case, then the Senator's own logic would argue against his position in support of the bill. If there is a pattern or practice, the bill should have prohibited it, so the bill is not working. So that argues against the Senator's position.

The fact is that the vestiges of discrimination have been largely eliminated, and we now have a situation in which the civil rights of 200 million Americans should be operated or protected under an equal standard of law and justice. I see no merit to the Senator's position whatsoever based upon pattern or practice.

If there is a pattern or practice that somebody is not enforcing the existing law, they ought to be fired, or the law ought to be improved so as to eliminate that pattern or practice. If there is not a pattern or practice, then there is no standard for the Senator's own position, no standard at all. And that, too, argues for the Senator from Florida's position that the law should apply to 220 million Americans and 50 States, not just to those who happen to live within a defined geographical area.

But the Senator apparently and the advocates of this particular posture will not address those questions. I do not know why. It makes it very difficult for those of us who believe in voting rights and who have supported this legislation to do so on an inconsistent basis such as is presented to us in this particular debate.

I would hope that the Senator would reacquaint himself with the merits of the amendment offered by the Senator from Florida and offer his support to protect the rights of all Americans wherever they happen to live.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I certainly join in the comments of my colleague from Tennessee, and I would just take 1 minute to offer a comment on the substantive argument of the Senator from Maryland rather than a procedural argument. On the substantive argument that we had a historical pattern of discrimination in the South whereas in other sections of the country there is only isolated——

Mr. MATHIAS. If the Senator will observe, I never made such argument.

Mr. NUNN. I thought the Senator from Maryland said only in other sections of the country where there were isolated incidents.

Mr. MATHIAS. I did not mention sections of the country. I said the historic approach to civil rights legislation was to deal with patterns or practices and not with isolated incidents. It had no geographical reference whatever.

Mr. NUNN. Perhaps the Senator from the South is just a little sensitive on the subject, but I think that any fairminded person hearing that argument would draw an innuendo that isolated instances were outside of the South and the historical practices were in the South. I assume that is what the Senator from Maryland intended because, without arguing against extending section 3(a) to other sections of the country, I assume he is intending to say that only other parts of the country have isolated instances.

Mr. MATHIAS. The Senator's judgment of my intentions was practically totally in error. I had no such intention. I am talking about purely the approach to civil rights legislation wherever it happens. In this case, the act is triggered by the State of New York, for one example, because a pattern or practice that existed there.

Mr. NUNN. That is what this amendment does. I think the Senator from Maryland should read this amendment, because he seems to be arguing now in favor of it.

The amazing thing to me is that when we talk about isolated instances wherever they may be, the Senator from Georgia remembers back about 5 or 6 years ago that people said that the discrimination in schools was a historical pattern only in the South and that anywhere else it was certainly an isolated instance. I think that any fairminded person reading the history of this country since then would see that when you put any section of the country under the microscope, you see a lot of germs that you might not have seen when you put the microscope on another section of the country.

Any fairminded person also would see, when looking at the voting situation in other parts of the country as closely as it has been looked at in the South, while it would not excuse any transgressions that may have taken place in the South in voting, that it certainly would be beneficial to other sections of the Nation, and that is what this amendment would do. It would not automatically cover any section of the country, which I would have liked to have done under the Talmadge-Nunn amendment yesterday. It gives to the Attorney General of the United States the authority to look at patterns of discrimination in other sections of the country. If he believes there is a pattern and he can bring a suit under section 3(a), then everybody will be fed from the same pot. That is exactly what the authors of this amendment, if they really are looking to broaden the participation of minorities in this country, should be aiming toward.

I have a hard time seeing how anyone rationally could oppose this amendment.

I have one final comment on the procedural question. The Senator from Georgia has been in the Senate only 3 years and cannot go back any further than that; but I have never seen it argued so successfully before that we cannot have any amendment at all because if we have any amendment at all, the August 6 date, which is some 2½ to 3 weeks off, might catch us and that thereby the act would expire. I have to say that that is a very scanty argument for refusing to look at the merit of any amendment, regardless of its equity, regardless of its merit. This is a very important act. It is going to be with certain sections of this country, as it now stands, for 10 years.

It seems to me to be a very bad practice to have the admission, over and over again, that we are not going to look at the merits of amendments because the time may run out, particularly in light of the fact that we all know that the minority leader and the majority leader can call us back into session, and we all know that every Senator in this Chamber intends to get through with this measure one way or the other before we recess.

I think the procedural argument is being used to impede and object to any matter of substance, regardless of its equity. I find that a very poor practice and a very bad precedent for this body to take in such a major measure.

Mr. TUNNEY. The precedent already has been established many times.

Mr. NUNN. If there is a precedent on it, the Senator from Georgia is not aware of it. It is a very poor precedent, and we should break it right now.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. NUNN. I yield.

The PRESIDING OFFICER. The Senator from Georgia has the floor, and he yields for a question.

Mr. NELSON. I regret that I was occupied elsewhere when the Senator from Georgia called up his amendment.

What is the circumstance under which the provisions of the act would be activated under the Senator's amendment?

Mr. NUNN. If the Attorney General of the United States brought a lawsuit against any political subdivision in the country under section 3, the other sections then would become applicable to that particular jurisdiction. The theory is that the Attorney General would have the discretion to require that a particular subdivision of this country be under the act, just as others are, if we found a pattern of discrimination.

Mr. NELSON. The amendment specifically addresses itself to a particular jurisdiction, whether it be a municipality or a county. Is that correct?

Mr. NUNN. That is correct.

Mr. NELSON. This could be initiated by the Attorney General, on his own motion?

Mr. NUNN. Under section 3. He already has the authority under section 3 to do this. With this amendment, if he takes this initiative, which he has never done—there never has been any section 3 action so far—but if the Attorney General decided to go in this direction, we are giving him the discretion to do it. If he does it, then the other sections—that is, the preclearance provision—would apply to this subdivision, just as they now apply to States that are under the formula.

Mr. NELSON. Perhaps the Senator can advise me, since I have not looked at that statute in a long time, what procedure is followed currently if in some part of the country, in a State not now under the act, a municipality does engage in a discriminatory act by ordinance or in some other way. What is the remedy now, under the law?

Mr. NUNN. As I understand it, there would be two remedies on which the Attorney General could decide.

Mr. NELSON. Under the current law?

Mr. NUNN. Under the current law and under this act if it is passed as now stated, without any amendment. He would have the right to bring a 15th amendment law suit not based on the Voting Rights Act. That would be one remedy. That is the remedy he has been pursuing.

He would have the alternative of proceeding under section 3 of this act. So he would not have to bring an action under section 3 of this act, thereby keeping off the automatic coverage if he chose, and bring a 15th amendment lawsuit even if this amendment is agreed to. This would not restrict his discretion; it would broaden his discretion.

Mr. NELSON. I was trying to get fixed more precisely in my mind how this broadens the present statute and the Attorney General's authority to remedy a situation of discrimination beyond what the statute now permits or authorizes him to do. That distinction is not clear in my mind.

Mr. NUNN. It would not broaden his jurisdiction or his discretion in terms of bringing a lawsuit for any kind of discrimination. It would do this: If he, in his discretion, chose to bring the lawsuit under section 3 of this act rather than under the 15th amendment, the other sections of this act then would be activated automatically as to that particular subdivision. It would not really broaden his initiation of a lawsuit, but it would greatly broaden the coverage of this Voting Rights Act to that particular subdivision.

Mr. NELSON. The Senator is saying to me that under the present law, the Attorney General is unable to initiate such an action under section 3?

Mr. NUNN. No. I am saying that he already can initiate that action; but the effect of it under section 3, if he did it, would not make these other sections, the preclearance sections, applicable to that subdivision.

Mr. NELSON. So the Senator's amendment broadens it to the extent that it makes all the provisions of that act applicable to that jurisdiction in the event——

Mr. NUNN. The Senator is correct.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. TUNNEY. Will the Senator yield for a question?

Mr. NELSON. I am just trying to get something cleared up.

The PRESIDING OFFICER. The Senator from Georgia has the floor. He is being questioned by the Senator from Wisconsin.

Mr. NUNN. The Senator from Tennessee would like to continue this discussion. I yield to the Senator from Tennessee.

Mr. BROCK. I want to try to explain the difference.

Right now, the predescribed areas that are covered by the existing law are under a preclearance procedure for changes in precincts, voting standards, and so forth. That is based upon the statement, as the Senator from Maryland said, that we found or Congress found a pattern or practice of discrimination in the past. What the Senator from Florida has proposed is that, if the Attorney General finds, in some new area not delineated under existing law, some additional area, a pattern or practice of discrimination, not only could he sue for relief in a particular instance, but the other preclearance procedures would come in and then safeguards would come into play so as to protect the individuals, the minorities, in that area from further abuse. That is all the amendment does.

The PRESIDING OFFICER. The Chair is advised that the Senator from Tennessee was on his own time.

Mr. BROCK. Fair enough.

Mr. NUNN. I yield to the Senator from California.

I do not want to cut off the Senator from Wisconsin.

Mr. NELSON. No, the Senator has answered my question.

Mr. NUNN. I yield, then, to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I am really seeking the floor in my own right for a few minutes, but I am glad to ask a question, if I may, of the Senator from Georgia.

Mr. NUNN. I yield the floor then, Mr. President.

The PRESIDING OFFICER. The Senator from Mississippi is recognized on his own time.

Mr. STENNIS. Mr. President, I thank the Chair. If the Senator from California has a question he wants to put to the Senator from Georgia, I will yield. I ask unanimous consent that I may yield, even on my time, Mr. President, for not over 3 minutes.

Mr. TUNNEY. I thank the Senator. It would be just 30 seconds. I thank my distinguished friend from Mississippi.

The PRESIDING OFFICER. The Chair must state that under the cloture motion, questions and answers are on the time of the Senator who has the floor. The Senator from Mississippi now has the floor, so it is on his time.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield 3 minutes on my time to the Senator from California, the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TUNNEY. I thank my distinguished friend. I promise him I shall not use the 3 minutes. I want to point out one thing to the Senator from Wisconsin with respect to this amendment. That is, at the time the Attorney General files the complaint, there is an automatic triggering of coverage under sections 4 and 5. There does not have to be any proof rendered at that point, just the filing of the complaint. I say the amendment is fatally deficient in that very aspect.

If the Senators want to give the Attorney General that power, in any jurisdiction, just by filing a complaint, they will support this amendment. If they do not want that, they will vote against it.

Mr. NUNN. Will the Senator yield to me 1 minute?

Mr. STENNIS. I ask unanimous consent that I may yield 2 minutes of my time to the Senator from Georgia for a question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. The Senator from California is correct in that the initiation of the suit would kick off the coverage, would not require the proof of it. But the Senator from California has not brought out that there are seven States in this Nation that are already prejudged as guilty, with a verdict rendered, that is on much less proof than what the Attorney General, in his discretion, would need to initiate a lawsuit. So I think the Senator from California, in pointing out that defect, really argues against having any one with the preclearance provisions rendered on some States, because that would be done in advance. I prefer that everybody be judged by the same standard.

Mr. STENNIS. Mr. President, I shall take very little time of the Senate. I thank the Senator from Georgia on the point raised by the Senator from California. He has spoken well and he has rendered a judgment on the case.

This bill, which the ukase says must not be amended under any circumstance, but must go to the President's desk as passed by the House—and the President has already said in effect, as I understand, that he will sign it; that is, he would have to to a certain extent—already passes judgment, automatically, on the States that are included in its terms. We do not even have to file a lawsuit. The Attorney General does not have to suggest anything. The terms of this bill bring judgment before any suit is filed, before the facts are looked at or examined. This bill has not even been referred to a committee. So further judgment is rendered so far as those States are concerned.

These little amendments are just fragments, after all, of an effort to get this matter applied nationally. If I can get the time, it will be my privilege to represent that question that was presented so well yesterday by the two Senators from Georgia.

Back to the point: Judgment has already been passed here and this amendment, for which I commend the two authors, merely says that the Attorney General at least may enforce the law uniformly throughout the Nation. He will not be confined—he will not be confined—to these States that are named and a few small areas in addition thereto; just a chance to let him be the same Attorney General for all the Nation that he will be for a part of the Nation under the terms of the bill as written now. That is all it asks for. That is all. That is the same old question we had here with reference to passing laws with reference to schools: Put it on the other fellow, but do not let it touch us. That is the substance of what was said here for years and years and years.

With reference to busing, for instance, when those chickens come home to roost—I am not trying to retry any cases. I am talking about the principle of it. But when those same facts and matters and problems come home to roost, they want nothing more of it. Therefore, I say now, Mr. President, after 10 years of this discriminatory area in the bill, and after 10 years of experience, they want to add on 10 more years, with no one having any rights to come in or get the cause heard or anything else except under the mandates of this limited application. This amendment just says that the Attorney General can be the same Attorney General in all the 50 States that he is in this little area that is designated in the bill.

How can we vote against it? How can we vote against it? How can they bring the bill in here and say "no amendment"? We have destroyed the parliamentary nature of this body when we fall to an argument of that kind. Let us get down to the merits of this thing and let no more be heard of "no amendment."

I thank the Chair.

What time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator from Mississippi has 55 minutes.

Mr. STENNIS. I reserve that time, Mr. President. I yield the floor.

Mr. NUNN. Will the Senator yield for a quick question to the Chair of how much time the Senator from Georgia has remaining?

The PRESIDING OFFICER. The Senator from Georgia has 42 minutes remaining.

Mr. NUNN. I thank the Chair.

Mr. TUNNEY. Mr. President.

The PRESIDING OFFICER. The Senator from Wyoming has been standing for some time for recognition.

Mr. HANSEN. Mr. President, I came to the floor after this discussion had been initiated. As a consequence, I have not heard all of the debate that has preceded my appearance in the Chamber. I find it strange and startling, indeed, that my good friend from California would hold out the fearful specter that the Attorney General of the United States might happen, upon his own initiative, to question how fairly registration and voting is taking place someplace in the United States. It seems to me that what has been said by the distinguished Senator from Mississippi needs to be heard by everyone, everyone in all of these United States.

I support the concept of seeing that we treat all minorities fairly. It just happens that in my State of Wyoming, our biggest minority group is the American Indian. I suspect that in second place would be people with Spanish surnames. We have roughly one-half of 1 percent of the population of Wyoming represented by black people.

I have no reason at all, as far as my constituency is concerned, to have a black on my staff. I happen to have a black on my staff. His home is in Washington, D.C. I think I can fairly say that I do not believe I have any more than the average amount of prejudice that I find in this body. I do not hold any prejudice in my heart against any man. I respect a very competent person on my staff who happens to be a black man. He does a great job and I am proud of him. I do not mind telling anyone, if people in Wyoming wonder how it happens that I have him, I say for one very good reason: he is the best records clerk that I know of in this town and I am grateful to him for the excellent job he does.

Incidentally, he has not finished high school. But he does a truly fine job.

Having said that, let me now say that if there is merit in this bill, if there is any reason at all to continue for another 10 years, as has been proposed, this law, I see no reason at all not to make its application nationwide.

Frankly, I do not think there is any need to extend it, but if there is, and I know some believe very sincerely that it should be extended, I see no reason at all not to extend it to every nook and cranny, to every one of the 50 States.

I feel the same way about busing. It started out—and I was a Member of this body when some of the later Civil Rights Acts were passed—and I know that the argument was made that the only discrimination in schools occurs in the South, so let us strike down de jure discrimination. Now we know that de facto discrimination has been charged and challenged in other parts of the country.

We know that one of our good colleagues from New England has at least displeased some of his constituents because of his support of busing as a means of achieving racial integration.

All I can say is I think my position on this bill is exactly the same as it has been on busing all along. If it is good for the South, let us make it nationwide, and I think that is exactly what we ought to do on this bill.

I just have to say I believe people who do not agree with that—this is a charge I am very reluctant to make—have to be a little hypocritical on this issue, because all we are saying is let us allow people who can be objective or at least to whom we attribute a certain objectivity look the situation over, and if the Attorney General of the United States—and it could very well be a Democratic Attorney General before long, it might be a Republican, I hope it is a Republican, but whoever it is, whoever it may be, will have been confirmed by the Senate of the United States—finds himself persuaded that he should invoke the reaches of this law, wherever it is, I say let us give him that authority.

I am going to support an amendment that I hope may later be proposed that will do this, and I support the amendment now before this body because, it seems to me, there is no reason at all to continue to pick out seven States or parts of seven States in the United States and say:

> Here and here alone, to the exclusion of the other 43, is evidence of the kind of discrimination we think has to be struck down.

And justify the extension of a law for another 10 years.

I was disappointed, frankly, and I say this because I have nothing but the highest regard for my good friend from California, the manager of this bill, when I heard him say either yesterday or the day before he was going to have to oppose every single amendment that might be offered on this bill because, as I recall his words at the time, he was distressed over the damage that could result if we were to let this law lapse and had to wait until after the recess before we got another law put into place.

And somehow—I do not say this was spoken by the Senator from California—someone said:

> You know, there is a chance that if we get to look at it, if we wait long enough, we might just not get it reenacted.

Mr. President, I think this is precisely the road that the framers of the Constitution and those persons who had so much to do with bringing about the written word of law in this country had had in mind when they said, "This should be a deliberative body."

I was here on the floor when Senator Dirksen switched on cloture and made it possible to get a vote on some of the civil rights laws enacted after the mid-1960's, and he said one other thing that I think needs to be recalled by Members of this body, and that was this: That he had never yet seen a time when cloture—and back in those days it required a two-thirds majority—when after sufficient discussion and sufficient understanding, sufficient accommodation by those who had a numerical superiority, on the one hand, and those who were in a numerical inferiority on the other side, or the minority on the other side, when an accommodation had been brought about that was reasonable, that it was impossible to get action by the Senate of the United States because of cloture.

We have changed that law, and now it requires fewer than two-thirds. As I understand it, the law is now that, excepting in the case of changing the rules of the Senate itself, 60 Members must be present and voting for cloture in order to invoke it.

I know we have invoked cloture, and I am sure that what I say will not really change very many minds, but I hope there are some people—and I am persuaded there are many—in this body who are objective and who want to be fair and want to be reasonable, who would listen to the words of the distinguished Senator from Mississippi (Mr. STENNIS) and understand and take time, if they would, to reread, Mr. President, what he said back when we were talking about busing. I heard him, and I remember very well at that time he made the point that the time would come when the tables would be turned around and some who were on the liberal side and who were then saying, "Let us give the Senate a chance to invoke its will," would be on the other side.

I have been here, despite the fewness of my years, long enough to see that happen. I have been here long enough to see some of the persons who were out in the front in their opposition to the Senator from Mississippi hide behind what they said was this cloture rule to prevent a vote on busing up or down. I have been here long enough to see that happen.

It is for that reason, among others, I say that I do not think that, all in all, there are too many people here who are completely objective on every single issue.

I would be the first to admit that I have a lot of bias, but I think on this issue there really is not all that much room for bias. If this is a good law, and it has been in effect now for 10 years, I see no reason at all, Mr. President, not to make its application nationwide.

For those who say, "Well, the Attorney General might move in and without anybody having any right to present any case he might say there is discrimination," Mr. President, all I can say is that that is what the South would say, what some of the States that come under this bill have been saying, for a long time, and there is little recognition given to what has been happening since then.

In the Washington Post a few days ago there appeared a letter from the secretary of state of the State of Texas, and he took the Post to task because, in his opinion, its reporters either did not understand what the facts were or they ignored those facts. He made the point that in his State, the State of Texas, there was a higher percentage of some minority ethnic groups who were represented in office in some of the counties in Texas than were reflected by the percentage that those minority groups represented in terms of the overall percentage of the people living in that county.

I reserve the remainder of my time, although I would be happy to yield to my good friend from Georgia on my time.

The PRESIDING OFFICER (Mr. Ford). The Senator cannot yield on his time, it has to be on the time of the Senator from Georgia.

Mr. TALMADGE. Mr. President, I express my deep and profound appreciation for the logic, effectiveness, reasonableness, fairness, of the great speech the Senator from Wyoming has just delivered on the floor of this body. It has been my privilege to have served on the Committee on Finance with the distinguished Senator from Wyoming for a good many years and I know of his fairness, his logic, and his reasonableness.

The Senator from Wyoming is eminently correct when he states that laws ought to have general application throughout this Nation of ours. They should not be designed as a snare to catch certain areas of the country to the exclusion of other areas of the country, yet that is exactly what this bill does. It was deliberately designed to do that.

It has been in effect now for 10 years and we have enjoyed the benefits of this act. We want other sections of the Nation to enjoy some of these benefits.

I congratulate the Senator.

Mr. HANSEN. Mr. President, I thank my good friend from Georgia very much. I appreciate his kind words and all of the adjectives he used.

I might find some little, teeny shred of merit in some of them. However, as far as my effectiveness is concerned, I would have to say at that point the Senator from Georgia went far overboard.

Mr. STONE. Mr. President——

Mr. THURMOND. Mr. President, will the Senator yield on my time?

Mr. President, I want to take this opportunity to commend the distinguished and able Senator from Wyoming upon the remarks he just made.

I would just remind the Senate that the Senator from Wyoming does not come from a State in the South. I would remind the Senate that he has very small minority groups in his State of any kind. He has no reason to have any bias. I point this out because frequently it seems that the Senators from the South are accused, either openly or not openly, with being biased on matters of this kind.

The Senator from Wyoming, in my judgment, is one of the finest and ablest Senators in this body and I have held him in high esteem ever since he has been here, and after his remarks today I would say that every Senator in this body could well emulate this fair, this just, this honorable citizen who is a member of this body.

Mr. President, I am in favor of this amendment. I am in favor of it because it is a fair and just amendment.

If there is discrimination in some States other than the South, why should not the Attorney General investigate and approach it regardless of where it occurs? ,

Why does the Senate want to continue harassing the South? Why does the Senate want to go back to 1964 figures instead of using later figures? That is a long time ago, that is 11 years that have passed. Conditions have changed and if the southern people and southern leaders have changed the situation and have improved the situation, they ought to be commended. They ought to be encouraged, instead of having Senators come here and introduce a bill that lends no encouragement, but shows a complete lack of knowledge of the situation in the South and shows a very unobjective attitude towards the South.

Mr. President, for instance, in my State of South Carolina, as of 1974—and catch these figures—60.8 percent of all blacks of voting age were registered to vote in South Carolina. That speaks for itself. Not quite two-thirds, but almost.

Now, one may say, "Well, what about the whites?" Well, let me give the figure on the whites.

This compares favorably with the voting registration for white citizens of 61.3 percent. In other words, only one-half of 1 percent of the white people in my State were registered than were black people.

So we have just about as many blacks registered, and yet the percentage of whites to blacks in South Carolina is about 70 to 30, and we have as large a percentage, less one-half of 1 percent, of the blacks who registered as compared with the whites.

Mr. President, there is no discrimination in my State. I have said that before, and I say it again now, and I challenge anyone to show any discrimination. If there is discrimination, it should be corrected. If it exists in California, it should be corrected, or Connecticut, or any other State.

Mr. President, why not treat the whole country alike? That is what the Constitution provides.

Mr. President, I hope this amendment will be adopted.

Mr. STONE. The Senator reserves the remainder of his time. The yeas and nays have been ordered and we ask for the vote.

Mr. TUNNEY. Mr. President, I move to lay the amendment on the table.

Several Senators addressed the Chair.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. Hatfield). Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh) and the Senator from Mississippi (Mr. Eastland) are necessarily absent.

I also announce that the Senator from Michigan (Mr. Hart) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bartlett) is absent due to a death in the family.

The result was announced—yeas 49, nays 46, as follows:

[Rollcall Vote No. 311 Leg.]

YEAS—49

Abourezk
Beall
Biden
Brooke
Burdick
Case
Church
Clark
Cranston
Culver
Eagleton
Fong
Ford
Glenn
Gravel
Hart, Gary W.
Hartke
Hatfield
Hathaway
Huddleston
Inouye
Jackson
Javits
Kennedy
Leahy
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Pastore
Pearson
Pell
Percy
Proxmire
Schweiker
Scott, Hugh
Stafford
Stevenson
Symington
Taft
Tunney
Weicker
Williams

NAYS—46

Allen
Baker
Bellmon
Bentsen
Brock
Buckley
Bumpers
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Curtis
Dole
Domenici
Fannin
Garn
Goldwater
Griffin
Hansen
Haskell
Helms
Hollings
Hruska
Humphrey
Johnston
Laxalt
Long
McClellan
McClure
Metcalf
Morgan
Nelson
Nunn
Packwood
Randolph
Ribicoff
Roth
Scott,
  William L.
Sparkman
Stennis
Stevens
Stone
Talmadge
Thurmond
Tower
Young

NOT VOTING—4

Bartlett Eastland Hart, Philip A.
Bayh

So the motion to lay on the table was agreed to.

Several Senators addressed the Chair.

Mr. TUNNEY. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. MATHIAS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The VICE PRESIDENT. The Senate will be in order.

Mr. NUNN. Mr. President, I ask for the yeas and nays on that.

Mr. HUMPHREY. The Senator is too late.

The VICE PRESIDENT. The result has been announced.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, I have a letter from the President of the United States.

Mr. President, I ask for order.

The VICE PRESIDENT. The Senate will be in order. Senators will please take their seats.

Mr. MANSFIELD. Mr. President, under the date of July 21, I am in receipt of a letter from the President of the United States relative to the pending business. It reads as follows:

DEAR MIKE: With only two weeks left before the Congressional recess, I want to let you know how important it is that Congress extend the temporary provisions of the Voting Rights Act before the August recess.

These provisions expire August 6, 1975, and they must not be allowed to lapse.

My first priority is to extend the Voting Rights Act. With time so short, it may be best as a practical matter to extend the Voting Rights Act as it is for five more years; or, as an alternative, the Senate might accept the House bill (H.R. 6219), which includes the important step of extending the provisions of the Act to Spanish-speaking citizens and others. To make certain that the Voting Rights Act is continued, I can support either approach.

However, the issue of broadening the Act further has arisen; and it is my view that it would now be appropriate to expand the protection of the Act to all citizens of the United States.

I strongly believe that the right to vote is the foundation of freedom, and that this right must be protected.

That is why, when this issue was first being considered in 1965, I co-sponsored with Representative William McCulloch of Ohio a voting rights bill which would have effectively guaranteed voting rights to eligible citizens throughout the whole country.

After it became clear at that time that the McCulloch-Ford bill would not pass, I voted for the most practical alternative, the Voting Rights Act of 1965. In 1970, I supported extending the Act.

Last January, when this issue first came before me as President, I proposed that Congress again extend for five years the temporary provisions of the Voting Rights Act of 1965.

The House of Representatives, in H.R. 6219, has broadened this important law in this way: (1) The House bill would extend the temporary provisions of the Act for ten years instead of five; and (2) the House bill would extend the temporary provisions of the Act so as to include discrimination against language minorities, thereby extending application of the Act from the present seven States to eight additional States, in whole or in part.

In light of the House extension of the Voting Rights Act for ten years and to eight more States, I believe this is the appropriate time and opportunity to extend the Voting Rights Act nationwide.

This is one nation, and this is a case where what is right for fifteen States is right for fifty States.

Numerous civil rights leaders have pointed out that substantial numbers of Black citizens have been denied the right to vote in many of our large cities in areas other than the seven Southern states where the present temporary provisions apply. Discrimination in voting in any part of this nation is equally undesirable.

As I said in 1965, when I introduced legislation on this subject, a responsible, comprehensive voting rights bill should "correct voting discrimination wherever it occurs throughout the length and breadth of this great land."

I urge the Senate to move promptly—first, to assure that the temporary provisions of the Voting Rights Act do not lapse. As amendments are taken up, I urge you to make the Voting Rights Act applicable nationwide. Should the Senate extend the Act to American voters in all 50 states, I am confident the House of Representatives would concur.

I shall be grateful if you will convey to the members of the Senate my views on this important matter.

Sincerely,

GERALD R. FORD.

Several Senators addressed the Chair.

AMENDMENT NO. 776

Mr. STENNIS. Mr. President, I have an amendment that I submitted this morning, which is largely a re-run of the Talmadge-Nunn amendment passed on yesterday afternoon. There is an added provision there that is not controversial.

I call up now, Mr. President, for consideration by the Senate that amendment that was introduced this morning. As far as I know, it has not been printed. But all of the provisions except one are in the Talmadge-Nunn amendment No. 704.

The VICE PRESIDENT. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. STENNIS), for himself and Mr. NUNN, proposes an amendment, No. 776.

The amendment is as follows:

On page 1, strike out lines 3 through 6 and insert in lieu thereof the following:

"That this Act may be cited as the 'Voting Rights Amendments of 1976'.

"TITLE I

"SEC. 101. (a) Section 4 of the Voting Rights Act of 1965 is repealed.

"(b) Section 5 of such Act is amended by striking out 'a State or political subdivision with respect to which the prohibitions set forth in section 4(a) are in effect' and inserting in lieu thereof: 'any State or political subdivision'.

"(c) Section 6 of such Act is amended by—

"(1) striking out 'unless a declaratory judgment has been entered under section 4 (a),', and

"(2) striking out 'named in, or included within the scope of the determination made under section 4(b)'.

"(d)(1) Section 12(a) of such Act is amended by striking out 'section 2, 3, 4, 5, 7, or 10' and inserting in lieu thereof 'section 2, 3, 5, 7, or 10'.

"(2) Section 12(c) of such Act is amended by striking out 'section 2, 3, 4, 5, 7, 10, or 11 (a) or (b)' and inserting in lieu thereof 'section 2, 3, 5, 7, 10, or 11 (a) or (b)'.

"(3) Section 12(d) of such Act is amended by striking out 'section 2, 3, 4, 5, 7, 10, or 11, or subsection (b)' and inserting in lieu thereof 'section 2, 3, 5, 7, 10, or 11, or subsection (b)'.

"(e)(1) Section 14(b) of such Act is amended by striking out 'section 4 or'.

"(2) Section 14(d) of such act is amended by striking out 'section 4 or'.

"TITLE II"

On page 1, line 7, strike out "102" and insert "201".

On page 2, beginning with line 7, strike out through line 20, on page 7.

At the appropriate place in the bill add the following section:

The Attorney General of the United States shall report to Congress by July 1, 1976 criteria by which any State or political subdivision may be exempted from the provisions of title I section 5 and section 6 of this Act. In developing this criteria the Attorney General shall consider all jurisdictions of the Nation covered by this Act and their record of performance in assuring all citizens the right to vote regardless of race, creed, color, or language.

Mr. HRUSKA. Mr. President, will the Senator yield for a brief question?

Mr. STENNIS. I am glad to yield on his time. Mr. President, I ask unanimous consent that I may yield to the Senator on his time.

Mr. HRUSKA. On my time.

Mr. STENNIS. How much?

Mr. HRUSKA. Just 2 minutes.

Mr. STENNIS. Three minutes.

Mr. HRUSKA. Mr. President, this Senator has been in receipt of a letter which is identical in text with the letter that has just been read by the majority leader, with the request also that it be communicated by me to the Members of the Senate. In a very few minutes photocopies of that letter will be distributed and placed on the desk of each Senator. It is my intention to support the amendment of the Senator from Mississippi, and in due time I expect to talk at greater length and detail on the text and merits of it.

Mr. STENNIS. Mr. President, I thank the Senator.

Mr. President, on a matter of perhaps importance, on my time I ask unanimous consent that I may yield to the Senator from Alabama 2 minutes.

Mr. ROBERT C. BYRD. Mr. President, I will not object.

The VICE PRESIDENT. The Senator can only yield for a question.

Mr. ROBERT C. BYRD. I will not object in this instance, but at some point objection will have to be made to yielding on other Senators' time.

Mr. STENNIS. I will yield on my time. I appreciate the leader's suggestion. I am not going to abuse his patience.

Mr. HUMPHREY. Mr. President, will the Senator yield for just a unanimous-consent request? Will the Senator from Mississippi yield to me?

Mr. STENNIS. I ask unanimous consent that I may yield to the Senator for a noncontroversial unanimous-consent request.

Mr. HUMPHREY. I merely ask unanimous consent that a member of my staff, Louise Bracknell, be accorded the privilege of the floor during this debate of the Voting Rights Act?

The VICE PRESIDENT. Without objection, it is so ordered.

Order in the Senate, please.

Mr. MATHIAS. Mr. President, I ask unanimous consent that Mr. Colbert King may have the privilege of the floor during the debate.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, will the Senator yield for a unanimous-consent request?

The VICE PRESIDENT. The Senator from Alabama has the floor.

Mr. STENNIS. I am rightfully under fire here from the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, is it for a unanimous-consent request for a staff member to be accorded the privilege of the floor?

Mr. BELLMON. Yes.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may let the Senator from Oklahoma make a unanimous-consent request.

Mr. BELLMON. Mr. President, I ask unanimous consent that Mr. Charles Waters, my legislative assistant, be accorded the privilege of the floor.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I have already yielded to the Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator from Mississippi. I did not request the Senator from Mississippi to yield to me. Some of the Senators over here were somewhat interested.

Mr. TALMADGE. Mr. President, may we have order.

The PRESIDING OFFICER. Order in the Chamber, please.

Mr. ALLEN. Some of the Senators, who were interested in the last amendment, stated to me that they would have voted for the amendment which in a sense would have made the law nationwide to a limited extent, if they had been assured that further discussion would not have been made of the conference report, if there be a conference report.

I give assurance, as far as the Senator from Alabama is concerned, if this amendment now being proposed by the distinguished Senator from Mississippi is agreed to and it becomes part of the bill, Senators will not hear anything further from the Senator from Alabama, because he believes that this bill should be applied nationwide, and that would remove the chief objection the Senator from Alabama has.

I comment, also, on the letter of the President of the United States. The Senator from Mississippi yesterday charged that this is a political bill, and it is a political bill.

But this strong statement that the President of the United States has made about making this bill apply nationwide is the greatest stroke that he has made yet toward fairness and toward the promotion of unity in this country. I say it is going to serve him in good stead next year. I would certainly advise this Democratic Congress to meet the President halfway on this issue.

I thank the distinguished Senator.

Mr. STENNIS. Mr. President, I do not propose now to detain the Senate very long. This matter has already been argued and well debated in the Chamber yesterday afternoon, by the two Senators from Georgia, and was voted on by the membership and lost by a close vote. But as more than one has told me, there was some confusion as to just what the issue was and that they would cast a different vote.

Mr. President, I do not care to rehash and go over again and again the hard, cold facts of this case. This law has been in effect 10 years. It was designed to bring about better understanding and conditions for voting rights, and it has made a difference and made progress.

I read the figures here yesterday. I was able to show here by the tabulation that in my own State now we have 191 black elected officials. I was thinking in terms here of the number of elected black officials, which is a mighty good indication of free participation. We have 191 black elected officials, and that is the second highest number of any State in the Union, except Michigan, and that State has a population of three, four, or five times as much.

Mr. President, I yield for a question to the Senator from Connecticut. May we have quiet? I do not want to ask for order. I just ask for quiet, Mr. President.

Mr. RIBICOFF. Mr. President, I would like to stay for the entire debate, but the Finance Committee is marking up the energy bill.

I will support the amendment of the Senator from Mississippi.

On February 9, 1970, the same problem was before the U.S. Senate on the question of busing, and at that time I thought it was only eminently fair that the entire Nation should have the same rules and should be guided by the same laws and the same regulations.

I think that if we are ever going to have equity and understanding in this Nation, we cannot have one set of rules for one section of the country and another set of rules for another section of the country. The North should be willing to be bound by the same rules as the South.

On the basis of fairness and equity, this is a proper amendment, and I shall vote and support the distinguished Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. I thank the Senator very much.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from California if he will speak on his time.

Mr. TUNNEY. On my time, yes.

I point out to my friend from Connecticut that when he says that he is supporting the amendments that have been offered by the Senator from Mississippi he thereby suggests that it is not a nationwide bill now. It is a nationwide bill. There is nothing that singles out individual States in this legislation.

The act has a trigger formula that picks up areas where voting discrimination was most severe.

The same kind of discrimination did not exist to the same degree in other parts of the Nation. After hearing testimony, the committee decided to expand the law with a bill similar to the one before us, by including language minorities. And, we are giving individuals the right to bring their own suits under section 3, the private attorney provision.

I say to my friend that if we apply section 5 nationwide, it in all probability would be declared unconstitutional. The Constitution says in article I, section 4, the time, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislation thereof, but Congress may at any time make or alter such regulations except as to the place of choosing Senators.

The Supreme Court, in South Carolina against Katzenbach, said:

> The Act suspends new voting regulations pending scrutiny by Federal authorities to determine whether their use would violate the 15th Amendment. This may have been an uncommon exercise of Congressional power, as South Carolina contends, but the Court has recognized that exceptional conditions can justify legislative measures not otherwise appropriate.

I should like the Senator from Connecticut to recall that those special circumstances, those exceptional circumstances, have not been demonstrated to exist in areas other than where there are language minorities, and we include language minorities under the bill as it is presently before the Senate.

Mr. RIBICOFF. Then, it will not be a problem in those States.

All I am asking is that there be uniform application of the law in the 50 States; and if it is uniform, it certainly is not going to be declared unconstitutional.

I think the time has come when we cannot be dividing this country on a sectional basis. If there is wrongdoing in connection with civil rights in the South, we should address ourselves to it. If there is wrongdoing in connection with civil rights in California, we should address ourselves to it. All I am asking is that when we pass a law in the U.S. Senate, the same principles, the same rules, the same regulations should apply to the entire Nation.

How can anyone take exception to that type of principle? I think it is wrong to try to write a law on the floor of the U.S. Senate by which we make fish of one and fowl of another. I can understand why people from other sections of the country can be upset.

I said in 1970, and I say again, that the time has come for the North to cut out its hypocrisy. There is enough hypocrisy in the North. I said in 1970 that we also must recognize that it is easy to find fault and make corrections 1,500 miles away from home; but we are unable and unwilling to address ourselves to problems right around the corner from where we live.

If we are going to solve the dissension in this country, one of the places to start is to make sure there is uniformity in the application of national laws in the 50 States.

Mr. TUNNEY. Perhaps the Senator does not understand the meaning of preclearance. Under the proposed amendment, every State and county throughout the country would have to submit all changes in its election laws or procedures to the Attorney General for approval. The Supreme Court has made it very clear that to have an intervention like that by the Federal Government in the State election process, there have to be exceptional circumstances. What we have done in this bill is to recognize that there are exceptional circumstances in certain parts of Connecticut, in certain parts of California, in certain parts of New Mexico, Oklahoma, and other States where there are language minorities, and we have included language minorities in those jurisdictions.

But this amendment is probably, almost certainly unconstitutional, and I cannot think of an amendment better designed to destroy the action of the Voting Rights Act than the amendment that is being offered. Maybe we do not need the Voting Rights Act any more, but I happen to think we do. I should like to believe that we will not need an extension of the Voting Rights Act 10 years from now. It is my fervent hope that we never will need it.

I point out what Congressman ANDY YOUNG said, the first black elected in the deep South since Reconstruction:

> What is it like to be under the Voting Rights Act, to be under the strictures of the Federal Government? I'll tell you what it's like. It's just great. It's just great.

Mr. RIBICOFF. How is that going to be destroyed by the amendment of the Senator from Mississippi? I am at a loss to understand. I do not understand the amendment of the Senator from Mississippi to be that he is trying to change the rules for Georgia or Mississippi. My understanding is that he is saying that the same rules and application of law that apply in Mississippi should apply to Connecticut and California.

Am I incorrect, as I analyze the purpose of the Senator from Mississippi's amendment?

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I am asking the Senator from Mississippi. Is the Senator from Mississippi asking that Mississippi or Georgia or Alabama be treated any differently from the way Connecticut or California are treated?

Mr. STENNIS. Absolutely not. The substance of this amendment is merely to make the act apply uniformly in the 50 States, and with equality—just the same.

Mr. RIBICOFF. Will that destroy the Voting Rights Act?

Mr. STENNIS. Not a bit. It will extend the act. It will extend the act to every possible area that may feel a need for it, or in which the Attorney General may feel that he should institute a suit, or where an individual might want to institute a suit. It is not trying to do anything to anyone or any State. It is trying to make the act uniform and do it for those officials or those individuals who want to intervene. This is the test; that is all.

Mr. RIBICOFF. I think that we in the Northern States are in a very poor position to keep saying constantly that the South should do something we are unwilling to do. If we are looking for equity and justice, all of us in the 50 States have to put ourselves in the position in which we say to the people of our States and of the Nation that we want to be treated exactly the same as the poeple are being treated in any of the 50 States; and if something is wrong in our State, the same law should be applicable to us as in the State of Mississippi or the State of Alabama.

Mr. TUNNEY. Does the Senator feel that in the State of Connecticut, for example—where certain counties already are covered under the act and more counties will be covered if the bill is passed, that there are such exceptional conditions as to justify an act which is going to impose a situation in which the State, itself, must get preclearance and all the communities in the State must get preclearance for any changes in the voting laws.

Mr. RIBICOFF. No. I think Connecticut is fair in the way it treats every minority. But I would not be so smug and so self-righteous in any State in the Nation. We sense great movement.

In 1970, when we were faced with the problems of de facto and de jure busing, I pointed out the fact that there was no difference between the two. I am for busing, but I felt they should be treated the same.

There are great movements and great emotions in this land, and I have no assurance that in the next 5 or 10 years one of the Northern States will not be guilty of the same problems. When we see the turmoil in Boston at the present time, what happened in Mississippi and Alabama could happen in Massachusetts.

All I am saying is that if we are going to pass a law applicable to civil rights in the United States, everybody's civil rights should be protected. We are not writing a law just for 1961 or 1965 or today. We are writing a law for the next 5 years, and I cannot predict what the emotional factors will be in any State in the 5 years ahead of us.

Mr. TUNNEY. We are talking about voting discrimination here. We are not talking about educational discrimination or other forms of discrimination. We are talking about voting discrimination. If the Senator feels that his State justifies this kind of coverage because of the exceptional circumstances that exist in the way of voting discrimination in his State, then I can understand his position.

Mr. RIBICOFF. I say to the distinguished Senator from California that I am not going to allow him to shift the argument. Connecticut does not discriminate.

All I am saying to my distinguished friend is that I want the State of Connecticut to be governed by the same rules and regulations and principles that govern the State of Mississippi. I do not want any exception. The State of Connecticut is a State that observes the law; I have no fear of the law. But if the State of Connecticut were at fault, I would want the law to apply to the State of Connecticut as well as to the State of Mississippi.

I cannot advocate a law on the floor of the U.S. Senate that would be discriminatory against a group of States and have a law apply only to a group of States and say that I am unwilling to have the same principles apply to my own State.

Mr. ALLEN. Mr. President, will the Senator yield for 1 minute?

Mr. STENNIS. Mr. President, I do not want to appear to hold the floor. I want to make a few remarks and then yield to the Senator from Nebraska. I ask unanimous consent that I may yield to the Senator from Alabama for 1 minute only.

Mr. RIBICOFF. For the distinguished Senator from Mississippi, it can be done on my time.

Mr. STENNIS. Yes, but I have the floor.

Mr. ALLEN. Mr. President, I wish to state that there are few statesmen in this Chamber, but, based on the position that the Senator from Connecticut took with respect to forced desegregation in the public schools throughout the country, his stand for uniformity in that regard, and his stand for uniformity with regard to voting rights, it is clearly indicated to the Senator from Alabama that the distinguished Senator from Connecticut (Mr. RIBICOFF) is a true statesman and such an appellation is certainly capable of being applied to mighty few individuals in this entire Congress.

Mr. STENNIS. Mr. President, I thank the Senator.

Mr. President, I am just going to make a two-sentence comment.

The Senator from Connecticut has made a powerful point here, in that those who have been trying to bring about affirmative, positive results with reference to everyone exercising his voting rights are entitled to some encouragement. This bill as written will discourage them. It will tear down, and disassemble, and retard, and put a drawback to the accomplishments already being made. Here are the figures.

No. 2. I want this bill, in all the country, to move forward. Progress in Mississippi, progress in California, progress in Nebraska—anywhere and everywhere. Let us move together. This is not discriminating against a State or any individual. This is opening up the doors of the church. Let anybody come in who wants to. There is no reason, with regard to cities, why one rule should apply in New Orleans and a different rule in Chicago, at the other end of the valley. No one has given a reason for that.

Mr. President, I do not want to hold the floor. The Senator from Nebraska is held here from an important conference. I yield such time as he may wish on his time, then I shall yield the floor.

Mr. HRUSKA. I yield myself 10 minutes, Mr. President.

Mr. President, the merits of the amendment of the distinguished Senator from Mississippi have been discussed at length today and yesterday. I believe there is growing sentiment among Members of this body in support of this measure.

I remind my colleagues that this Senator has a long acquaintance with the pending legislation. The original Voting Rights Act was processed in 1965 while I was a member of the Committee on the Judiciary, as I still am. I have long been in sympathy with civil rights legislation. In 1965 I supported the Voting Rights Act.

The results achieved under this 1965 act were impressive and I believe all thoughtful individuals recognize that the act served the extraordinary purposes for which it was enacted. It must also be recognized, however, that the facts and circumstances which the act sought to rectify have changed dramatically in the 10 years since its enactment.

It should be noted, I believe, that when the act was passed in 1965 it was done so with the thought that it was a temporary measure designed to apply unusual remedies to a few States of the Union where voting discrimination seemed prevalent. The act's provisions were a departure, I believe, from the general rules of good legislation in that they produced a troublesome precedent of Federal interference in State matters. This departure was tolerated by this Senator, and by at least some others in this body, in the belief that the discrimination which existed at that time was of the proportion that serious remedies were required.

Ten years have now passed since the act was implemented. A review of the voter registration figures of the six Southern States originally covered under the 1965 act indicate a tremendous increase in minority voter registration, in some cases the totals being higher than in many States of the Union.

Nevertheless, the legislation as presently drafted seems to ignore the reversal of discriminatory practices in those States and their large gains in voter registration. Under the terms of the bill, the six States originally covered would continue to be covered for an additional 10 years, no matter how successful they are in removing all vestiges of discrimination. I do not believe the regional onus which these States have been under for the past few years should be continued in view of their performance in the past decade.

The legislation before us, H.R. 6219, in its present form, totally ignores the record of gains made in those States initially covered and automatically extends coverage, based upon prior misdeeds, which have long been corrected. To extend the act to these States for an additional 10 years based upon standards which existed in those States some 10 years ago lends credence to those who argue that this bill is punitive in nature.

The amendment before us would remove this regional onus while at the same time protecting citizens all over the country in the exercise of their constitutional right to vote.

The Attorney General would be able to bring action wherever individuals were being discriminated against, including those several States originally covered under the act, if discrimination was found to presently exist. Those States, however, originally "caught" under the act would not continue to be "frozen" under the Attorney General's supervision if discrimination did not presently exist.

Mr. President, in 1970, a strong case was made for legislation which contained the very thrust of the amendment which we have before us today. In 1970 the House passed an extension to the Voting Rights Act, supported by the Attorney General and the administration, which would have applied the act on a nationwide basis. At that time, although this feature was not ultimately accepted by the Senate and, therefore, not enacted, testimony was received from a number of extremely credible and well informed experts, during the hearings on the 1970 extension, in support of nationwide application. The case for such application has been made even stronger in the past 5 years in light of the significant advances in voter registration in those States initially covered by the act.

The PRESIDING OFFICER. Will the Senator suspend?

Mr. HRUSKA. Five more minutes.

I want to stress the point that was made by the Senator from Connecticut and also the comments made thereon by the Senator from Mississippi, that this amendment will not detract in substance from the applicability of the terms and provisions of this law to the States which are presently covered by the act if it be shown that discrimination continues to exist in those jurisdictions.

I do not want to belabor those arguments, the record is clear and ample on this point. Rather, I wish to read from the text of President Ford's letter to me, which is similar to one which he addressed to the majority leader.

This letter, I believe, lends much support to the notion of a nationwide coverage of the Voting Rights Act, as is embodied in the amendment now pending.

Mr. President, I will read now part of the text of this letter, dated July 21, 1975, from the President.

Mr. STENNIS. May we have quiet, Mr. President?

The PRESIDING OFFICER. There will be order in the Senate. Will the Senators please take their seats and refrain from discussion?

The Senator may proceed.

Mr. HRUSKA. The President's letter states:

> In light of the House extension of the Voting Rights Act for ten years and to eight more States, I believe this is the appropriate time and opportunity to extend the Voting Rights Act nationwide.
>
> This is one nation, and this is a case where what is right for fifteen States is right for fifty States.
>
> Numerous civil rights leaders have pointed out that substantial numbers of black citizens have been denied the right to vote in many of our large cities in areas other than the seven Southern states where the present temporary provisions apply. Discrimination in voting in any part of this nation is equally undesirable.
>
> As I said in 1965, when I introduced legislation on this subject, a resposible, comprehensive voting rights bill should "correct voting discriminaion wherever it occurs throughout the lengh and breadth of this great land."
>
> I urge the Senate to move promptly—first, to assure that the temporary provisions of the Voting Rights Act do not lapse. As amendments are taken up, I urge you to make the Voting Rights Act applicable nationwide. Should the Senate extend the Act to American voters in all 50 states, I am confident the House of Representatives would concur.
>
> I shall be grateful if you will convey to the members of the Senate my views on this important matter.

Copies of this letter in its full text are on the way to the Chamber for distribution.

Mr. President, I ask unanimous consent that the complete text of this letter be placed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, D.C., July 21, 1975.

Hon. ROMAN L. HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR ROMAN: With only two weeks left before the Congressional recess, I want to let you know how important it is that Congress extend the temporary provisions of the Voting Rights Act before the August recess.

These provisions expire August 6, 1975, and they must not be allowed to lapse.

My first priority is to extend the Voting Rights Act. With time so short, it may be best as a practical matter to extend the Voting Rights Act as it is for five more years; or, as an alternative, the Senate might accept the House bill (H.R. 6219), which includes the important step of extending the provisions of the Act to Spanish-speaking citizens and others. To make certain that the Voting Rights Act is continued, I can support either approach.

However, the issue of broadening the Act further has arisen; and it is my view that it would now be appropriate to expand the protection of the Act to all citizens of the United States.

I strongly believe that the right to vote is the foundation of freedom, and that this right must be protected.

That is why, when this issue was first being considered in 1965, I co-sponsored with Representative William McCulloch of Ohio a voting rights bill which would have effectively guaranteed voting rights to eligible citizens throughout the whole couhtry.

After it became clear at that time that the McCulloch-Ford bill would not pass, I voted for the most practical alternative, the Voting Rights Act of 1965. In 1970, I supported extending the Act.

Last January, when this issue first came before me as President, I proposed that Congress again extend for five years the temporary provisions of the Voting Rights Act of 1965.

The House of Representatives, in H.R. 6219, has broadened this important law in this way: (1) The House bill would extend the temporary provisions of the Act for ten years, instead of five; and (2) the House bill would extend the temporary provisions of the Act so as to include discrimination against language minorities, thereby extending application of the Act from the present seven States to eight additional States, in whole or in part.

In light of the House extension of the Voting Rights Act for ten years and to eight more States, I believe this is the appropriate time and opportunity to extend the Voting Rights Act nationwide.

This is one nation, and this is a case where what is right for fifteen States is right for fifty States.

Numerous civil rights leaders have pointed out that substantial numbers of Black citizens have been denied the right to vote in many of our large cities in areas other than the seven Southern states where the present temporary provisions apply. Discrimination in voting in any part of this nation is equally undesirable.

As I said in 1965, when I introduced legislation on this subject, a responsible, comprehensive voting rights bill should "correct voting discrimination wherever it occurs throughout the length and breadth of this great land."

I urge the Senate to move promptly—first, to assure that the temporary provisions of the Voting Rights Act do not lapse. As amendments are taken up, I urge you to make the Voting Rights Act applicable nationwide. Should the Senate extend the Act to American voters in all 50 states, I am confident the House of Representatives would concur.

I shall be grateful if you will convey to the Members of the Senate my views on this important matter.

Sincerely,

GERALD R. FORD.

Mr. HRUSKA. Mr. President, I believe that the summary of the letter well supports the amendment at hand. There should be a nationwide law; there should not be regional discrimination. Discrimination should not be practiced against States in the name of a bill which professes to have for its objective the elimination of individual discrimination.

It is for those reasons that I urge an overwhelming approval of the amendment which has been proposed by the Senator from Mississippi. I thank him for having yielded.

Mr. STENNIS. Mr. President, I am glad to yield.

I do not propose to try to keep the floor, Mr. President. I propose to yield the floor in just a few minutes. I have conferred with the Senator from Massachusetts. Members have come here who have asked for a few moments. They have come here from a conference.

Mr. GOLDWATER. Mr. President, I am prepared to speak on my own time. If the Senator will yield without losing his right to the floor——

Mr. STENNIS. The Senator from South Carolina wants only 2 minutes.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the Senator from Mississippi be allowed to hold the floor for the duration of his hour and yield to those who want to speak using small portions of his hour, without losing the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. I did not request that.

Mr. President, I ask unanimous consent that I may—it has already been given—now yield 2 minutes on his time to the Senator from South Carolina because I am about to run out.

Mr. HOLLINGS. Mr. President, I just want to say amen to the eloquence of our distinguished colleague, the Senator from Connecticut, Senator RIBICOFF.

I had the pleasure of serving with him at the time he served as Governor, I worked with him when he was a member of President Kennedy's cabinet, and now it is my privilege to serve with him in this body.

There is no more conscientious and dedicated public servant in the Senate.

While I was getting all stirred up to make some kind of argument here he has stated the question better than any of us. I do not know where the Senator from California has gone to—but if he says the application of the doctrine of equal justice under the law destroys either this bill or any part thereof, then bless it, let it be destroyed, because equal justice is all the amendment of the Senator from Mississippi asks for.

The plea that is made now by the Senator from Connecticut—is for this very concept of equal justice. He is not acknowledging discrimination in his own State. On the contrary, he knows of none in his own State.

I happened, at that particular time when they came to our State and they were burning the voting records in a sister sovereign State, I photostated the records for the FBI and the Federal officials. I think there are many other things that go into this computer other than racist participation.

We still have less than 50 percent of those eligible in South Carolina actually participating in an election. On that basis other southern Senators and I have been voting for cloture, against delay, and intend fully to vote for the passage and extension of this Voting Rights Act. But, Heaven's above, do not put us into the position of trying to explain some of you fellows when we go home and say that we could not apply the doctrine of equal justice under the law. That is all this amendment of the Senator from Mississippi does. He just says, "Fine business, do not change it or anything else other than one factor: just apply that doctrine of equal justice under the law to this particular law."

That is all the Senator from Connecticut has called for in the most eloquent fashion, and I join with him.

I would ask my distinguished colleague from Mississippi to add me as a cosponsor, as I was with the Senator from Georgia.

Mr. STENNIS. I thank the Senator very much.

Mr. President, the Senator from Massachusetts is here.

The PRESIDING OFFICER. The Chair recognizes the Senator on his own time.

Mr. BROOKE. I thank the Senator.

Mr. President, my friend from South Carolina has just said, "We want equal justice under the law."

Well, equal justice under the law is the reason why we have the Voting Rights Act of 1965.

The distinguished Senator from Connecticut has supported the amendment offered by the distinguished Senator from Mississippi. It is a very appealing amendment on its face. It does sound like equal justice under the law. It does sound like equity to apply it to all 50 States. But I suggest that the Voting Rights Act already does apply to all 50 States.

The Senator from Connecticut is a very able and skillful lawyer, and I am going to read from the law itself as to why this law is applicable to all 50 States, and I ask him to go along with me. I read the triggering section which says that:

> Provisions of section (a) shall apply in any State or in any political subdivision of a State which (i) the Attorney General determines maintained on November 1, 1964 any test or device and with respect to which (ii) the Director of the Census determines that less than 50 per centum of the persons of the voting age residing therein were registered on November 1, 1964 or that less than 50 per centum of such persons voted in the Presidential election of November, 1964.

Now, that is the provision of the law. It does not mention South Carolina or Mississippi or Georgia or any other State.

Mr. HOLLINGS. Mr. President, will the distinguished Senator yield?

Mr. BROOKE. It says any State where the determination has been made.

Mr. HOLLINGS. Mr. President, will the distinguished Senator yield?

Mr. BROOKE. If I may just have one moment then I will be pleased to yield.

The Senator from Connecticut also stated that he does not know of any discrimination in his State. Well, I want to read from the U.S. Commission on Civil Rights report "Ten Years After the Voting Rights Act," where it says that discrimination was found in the State of Connecticut. And, I am ashamed to say, it was also found in my own State of Massachusetts. The report says:

> More recently it was discovered that certain New England towns met the tests and they have also been covered.
>
> Connecticut: the towns of Southbury, Groton, and Mansfield. New Hampshire: the towns of Rindge, Stewartstown, Stratford, Benton, Antrim, Boscawen, Newington, and Unity; Millsfield Township, and Pinkhams Grant. Maine: the towns of Limestone, Ludlow, Woodland, New Gloucester, Sullivan, Winter Harbor, Chelsea, Charleston, Waldo, Beddington, and Cutler; Caswell, Nashville, Reed, Somerville, Carroll, and Webster plantations, and the unorganized territory of Connor. Massachusetts: the towns of Bourne, Sandwich, Sunderland, Amherst, Belchertown, Ayer, Shirley, Wrentham, and Harvard.

Mr. RIBICOFF. Mr. President, will the Senator yield at that point?

Mr. BROOKE. Yes.

Mr. RIBICOFF. The town of Southbury and the town of Mansfield are the locations of the two large institutions for mental retardation. Many of those residing there are adults over 21 and, consequently, the percentage of people voting in Southbury and Mansfield does not come up to what we would like to have had because they do not have the mental capacity to vote.

In the town of Groton, that is the home of the U.S. submarine base, and many of the people who are living there do not acknowledge the State of Connecticut and the town of Groton as a legal residence. They have their own hometowns, their own States and, consequently, the voting record in the town of Groton is low.

What I say to the distinguished Senator is that I still do not understand the objection of the sponsors of this bill to the amendment of the Senator from Mississippi. As I understand his amendment, all he is saying is that the rules, regulations and the law apply equally to the 50 States. Maybe I misread, maybe I misunderstand the Senator's amendment, and if I misinterpret the Senator's amendment I hope he will correct me; but that is my understanding of the amendment.

Mr. BROOKE. I suggest that is not the purpose of the amendment, as I read the amendment offered by the distinguished Senator from Mississippi.

As I said, I think it has appeal, it sounds like that is what it is, but I think it is really a smokescreen.

The point is that the Voting Rights Act is premised on the fact——

Mr. RIBICOFF. Mr. President, will the Senator yield to me? Will the Senator tell me where it is a smokescreen. I am curious to know what is the smokescreen that the Senator from Mississippi's amendment is accused of creating.

Mr. BROOKE. I am not charging the Senator with a smokescreen. I think the amendment itself is a smokescreen, and it does——

Mr. RIBICOFF. That is what puzzles me.

Mr. BROOKE. First of all, I have pointed out to the Senator from Connecticut that the Voting Rights Act already covers all 50 States. Therefore, No. 1, there would be no necessity for the Senator from Mississippi's amendment if all 50 States are already covered.

Mr. RIBICOFF. If that is the case, and the Senator from Mississippi is just repeating this principle, why is there this objection from the Senator from California and the Senator from Massachusetts to the amendment of the Senator from Mississippi? This is why I am puzzled.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. RIBICOFF. I do not have the floor.

Mr. TUNNEY. Mr. President, will the Senator yield on my time?

Mr. BROOKE. I yield.

Mr. TUNNEY. What the amendment does, to begin with, is strike out section 4 of the bill, which is the section which allows registrars and examiners and others to be sent to the covered States for the purpose of registering voters, and for making sure that the potential registerees are identified so that local registrars can register them. It allows for the sending of poll watchers so that they can make sure that the elections are handled in a fair fashion so that everybody who comes to the polls has a right to vote.

It strikes out section 4, that is what this amendment does.

Now, if the Senator from Connecticut wants to be associated with that kind of amendment, fine, but this is at the very guts of the Voting Rights Act.

Mr. CRANSTON. If the Senator will yield, I would like the Senator from Connecticut to listen to the answer.

I would like to ask my colleague to yield.

I am not an attorney and I do not understand the precise consequences of this amendment, but it is my understanding that the amendment of the Senator from Mississippi, in effect, strikes section 4 of the Voting Rights Act.

Mr. TUNNEY. That is correct.

Mr. CRANSTON. I understand also that there are reasons to believe that the amendment may be unconstitutional, is that correct?

Mr. TUNNEY. It may well be unconstitutional insofar as it relates to section 5 coverage because it spreads section 5 coverage across the entire country without any exceptional circumstances being shown to justify that type of coverage, that is the preclearance coverage.

Mr. MUSKIE. Will the Senator yield on that?

Mr. TUNNEY. Yes.

Mr. MUSKIE. It does repeal section 4 and, in addition, as I read it, what this amendment says is that every voting precinct, every square inch of land in the United States, the whole country must hereafter submit any changes in its election laws whether or not any discrimination has been found or any case for discrimination has been made.

In other words, every change in the election laws of any State must be submitted to the Attorney General of the United States for preclearance and approval before a State legislature can enact them into law.

Mr. TUNNEY. That is correct.

Mr. MUSKIE. In other words, the effect of this, if it becomes law, is to hereafter make the State's prerogatives with respect to writing the laws covering its elections subject to the approval of the Attorney General of the United States and that is completely divorced by the terms of Senator Stennis' amendment from any consideration of discrimination.

Mr. TUNNEY. That is correct.

Mr. MUSKIE. It simply makes the State election laws subject to the supervision of the Attorney General of the United States, as I read the amendment.

Mr. TUNNEY. That is the way I read the amendment.

Mr. MUSKIE. And it takes the discrimination basis.

Mr. TUNNEY. That is correct.

Mr. MUSKIE. For the Voting Rights Act.

Mr. TUNNEY. That is correct.

Also, the Senator has pointed this out most articulately, it eliminates section 4. If the amendment were adopted and later held unconstitutional, there would be no protections for minorities in the areas where the need is the greatest.

Mr. MUSKIE. Will the Senator yield further?

Mr. TUNNEY. Yes; on the Senator's time.

Mr. MUSKIE. On my time.

I would say to the Senator that I could wish that section 4 were more precise, period, because I think there has been progress in the South.

I wish there were some way of recognizing that, and I would agree that there is discrimination in areas of the North, mostly in nonvoting rights citizens, that ought to be subject to the same kind of discipline from national policy that some other regions of the country are. But what concerns me about the Stennis amendment is that under the cloak of giving equal treatment in terms of this policy to the whole country, its effect would be to make the election laws in every State subject to the supervision of the Attorney General of the United States without any basis in any finding of discrimination at all.

It takes the discrimination finding out of the law.

Mr. TUNNEY. That is correct.

I would like to point out to the Senator from Maine and to the rest of my colleagues that in Oregon versus Mitchell, the Supreme Court struck down the 18-year-old vote as unconstitutional as it related to State elections. Preclearance is a much greater intrusion into the State election process.

Almost certainly, this amendment is unconstitutional under the Oregon case. Now, the constitutional precedents are very clear, that the only way we can have this kind of intervention by the Federal Government in local elections is if we have a severe constitutional abridgment of another right, namely, the 15th amendment right to vote. The Supreme Court has held when we weigh one constitutional right, the right to hold your own election and hold the place and time of those elections, against the other constitutional right, that the right to vote prevails.

I just do not see how a Senator can justify passing legislation that would kill the Voting Rights Act unless he is from one of the covered States. But no Senator who has looked at the history of the voting right abridgment in the covered jurisdictions can say that that law is not justified.

I would just like to read something which occurred recently, in 1970. I read this into the RECORD yesterday, this is the Civil Rights Commission report, and they state:

> Acts of violence against blacks involved in the political process still occur often enough in Mississippi that the atmosphere of intimidation and fear has not yet cleared.
>
> In 1970 John Buffington, who is black, was a candidate for mayor in West Point, Mississippi. During the campaign he received so many threatening telephone calls that it was necessary to get three additional lines in order to conduct the campaign. He recalled:
>
> "Some of the callers threatened my life, others told me that I should not start the ignition of the car. Many were obscene or racial in nature. Frequently my car was tailgated during the campaign by cars driven by whites. On several occasions white West Point police officers called obscenities to me as they drove by in their patrol cars."
>
> Despite the threats and intimidation Buffington placed second in the first primary and resumed campaigning for the runoff. On August 15, 1970, John Thomas, Jr., a "key campaign worker" was murdered as he sat parked in a campaign van. "A white man approached the van and shot Johnnie Thomas five times and killed him."
>
> Although a white factory worker was disarmed at the scene of the crime and subsequently tried for the murder, he was acquitted by an all-white jury.

The Civil Rights Commission in its report, the Voting Rights Act, 10 years after has indicated that in all the covered jurisdictions, there have been continuing acts of discrimination. The justification for enacting this law initially is still there. Hopefully, 10 years from now it will not be there.

This has nothing to do with busing, this has nothing to do with economic discrimination of another kind in other parts of the country. There may be that discrimination, we all know it and none of us are hypocrites on that point. We know that on various matters.

But voting rights have not been abridged the way they have in other regions of the country on the basis of race or on the basis of color.

I just feel very strongly that any Senator who votes for this amendment is voting to kill the Voting Rights Act.

If that is what a Senator wants, fine. But let us not use the mellow language, the melifluent rhetoric that we are extending this act nationwide to justify killing the act.

Mr. BROOKE. Will the Senator yield?

Mr. NUNN. Will the Senator yield for one brief technical question?

Mr. BROOKE. I would just like to pursue my colloquy with the Senator.

Mr. NUNN. Will the Senator yield for one clarification, this will not take but 30 seconds?

Mr. BROOKE. I will be pleased to.

Mr. NUNN. I do not want to engage in a dialog, but reference has been made here that the Stennis-Nunn amendment deletes section 4 and thereby deletes the Federal registrars. The Senator from Georgia would like to point out that section 4 is a triggering device section. Section 6 is the section dealing with the Federal registrars. I think that ought to be clarified because that is extremely misleading. This does not repeal the section dealing with registrars.

Mr. TUNNEY. But what it does do is to repeal the triggering which has allowed those examiners and registrars to go down to the covered States at the discretion of the Attorney General.

Mr. NUNN. Of course, it covers the whole country now. The registrars would be able to go anywhere. That is the very purpose of the amendment.

Mr. TUNNEY. But it is not an automatic coverage. That is what section 4 provides for, the automatic coverage.

Mr. NUNN. All the States are automatically covered. The Senator's argument is erroneous and very misleading. Section 6 on the registrars would remain on the bill. There is no deletion of section 6.

Mr. BROOKE. I am glad the Senator from Georgia clarified that. Every State in the Nation is covered under this bill.

Mr. NUNN. Why did the Senator from Massachusetts vote against the amendment proposed a few minutes ago which would give the Attorney General the right to expand the other sections of this bill to all the States? That amendment was argued against and failed by three votes. If that amendment had passed we would have a national law. We would have everybody eating out of one pot. We would have every citizen in this country in the same position in relation to the Federal laws of this country.

I might add while I have just a moment, that if this amendment passes we will not have to worry about a filibuster, we will not have to worry about a conference report, we will not have to worry about any debate. We can have this bill passed in the next 20 minutes if that is what the Senators want.

Mr. BROOKE. I would like to suggest that the Senator from Georgia is exactly right. If this amendment passes, we will not have to worry about a filibuster because the Voting Rights Act will be dead. There is no question that if we take out section 4, which is the triggering device, as the Senator from Georgia describes it, it will gut the Voting Rights Act. I do not think any Senator wants to see the Voting Rights Act gutted. I think they want the Voting Rights Act. I think the President of the United States wants the Voting Rights Act. He wants it to apply to the country. We all want it to apply to the country. But I say to the Senator from Georgia: It already does apply to all States in this Nation. There are areas in the East, in the North, in the South, and in the West that have been found guilty under this trigger device of discriminatory practices.

Mr. NUNN. May I say to my colleague, the Senator from Massachusetts, I have a great deal of respect for his opinion on this matter or any other matter. But I would have to say if the Senator's argument is correct and if the argument of the Senator from California is correct, that we have a national act, we would hope that the President of the United States has some further knowledge. He sent a letter asking us to make it nationwide. I would say he is under some kind of severe apprehension. I would say the Attorney General had something to do with this letter. I would say if the Senator from California is correct and the Senator from Massachusetts is correct, the President of the United States and the Attorney General cannot read the law.

Mr. TUNNEY. He never said anything about amending the law.

Mr. NUNN. Will the Senator from California tell the Senator from Georgia how to make it nationwide without eliminating section 4?

Mr. TUNNEY. Let me read from section 2:

> No voting qualification or prerequisite to voting, or standard, practice, or procedures shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

That applies nationwide.

Mr. NUNN. The Senator picks out one section. Why do we not let the Senator from California have an amendment that would make this whole act apply all the way across the Nation? If he wants to do it in technical language——

Mr. TUNNEY. The reason that section 4 is in there is because there were certain regions of the country that had a history of discrimination and abridging the right to vote of blacks, a history that did not exist in other regions of the country.

Mr. NUNN. We have been through that over and over again. If the Senator wants to argue history, that is fine. But we are talking about trying to eliminate one form of discrimination which the Senator from Georgia hopes we can eliminate, not just in the South but throughout the country. But at the same time the Senator from Georgia hopes we do not set up by this act 10 years of further discrimination against a section of the country. I think that is exactly what the President of the United States is aiming for. If there is anything technically wrong with this amendment, if the Senator from California has the expertise and staff to be able to correct it and carry out the intent of making it nationwide in application, we would certainly accept it. But I do not think we should throw out red herrings about different sections applying across the Nation when everybody knows this act does not apply across the Nation. It applies mainly to the South.

Mr. TUNNEY. I would like to point out that the Civil Rights Commission in their report 10 years after indicated that there were still acts of discrimination existing in the covered States under section 4.

They point out that it is absolutely essential that the Voting Rights Act be extended, and that it be extended with section 4 and section 5 intact, not with section 4 eliminated, not with an extension of section 5 across the country, preclearance across the country, in a way that would be unconstitutional.

Mr. NUNN. Does the Senator from California have any suggestions about how we can perfect this amendment so that his great and I know sincere apprehensions are alleviated? In other words, does the Senator have any kind of perfecting amendment he could offer so that we can apply this whole act across the Nation without deleting section 4?

Mr. TUNNEY. I think that the act does apply across the Nation. If the Senator has some suggestions, I would be happy to listen to them. But I am not prepared to offer any other recommendations than the extension of the act.

Mr. NUNN. The suggestion we have is in the form of the amendment which the Senator has before him.

Mr. TUNNEY. I know. It is good, from the Senator's point of view, because it eliminates the act as far as it has worked in the past.

Mr. BROOKE. Will the Senator yield?

Mr. TUNNEY. Yes.

Mr. BROOKE. The Senator from Georgia raised the question about the President's letter. I think the President's letter states that he just wants to be sure that this act applies to the Nation. Well, I think we all say that. But I do not think the President has any intentions of eliminating section 4 of the Voting Rights Act. If we accept the Stennis amendment, it is clear that we will not have a Voting Rights Act in this country. And I think every Senator ought to understand that the acceptance of this amendment will gut the Voting Rights Act and we will not have a Voting Rights Act. I just cannot believe that here in 1975 on the floor of the Senate we are ready to say to the American people, black or white, red or brown, "You just cannot even be assured the basic right to vote in this country."

What kind of a Bicentennial year will we have in 1976 when we jeopardize the right to vote? We are not talking about busing. We are talking about voting. That is a basic right of every American citizen, and the Senator knows it is a basic right. I cannot believe that the U.S. Senate, and I do not believe the Senator from Connecticut, wants to see us gut the Voting Rights Act by adopting the Stennis amendment.

Mr. NUNN. Will the Senator explain how we are gutting the act?

Mr. BROOKE. I can explain time and time again to the Senator how this amendment would gut the act. And I can also explain time and time again how the bill already covers the Nation.

Mr. NUNN. If he is assuming this bill covers the Nation and every section covers the Nation, the Senator has not read the bill. Nobody can stand on the floor of this Senate and say that every section of this bill covers every part of this country. That is impossible.

Mr. BROOKE. I say the bill covers the Nation, that we have a triggering device, and that all sections of the country are affected by it, if they are not in compliance with the law. The Senator knows that is right. He is an able lawyer. He can read the bill. He has read the bill, I am sure.

Mr. NUNN. That is as if the Senator is saying that if we pass a law saying that every State in the Union with a population of 100,000 is covered by this act, then the Senator from Massachusetts would stand up and say it is a national act, it applies to everybody.

That is impossible. That is the kind of national act we have here.

Mr. BROOKE. The Senator from Georgia knows there are no States mentioned in the act. Not one State is mentioned.

Mr. NUNN. The Senator from Georgia was brought up in the legislative process in Georgia where we passed all sorts of classification acts. We would say that all counties between the population of 50,500 and 50,505 were covered by this act.

We took the position that that was a State act only for the purpose of following a Supreme Court decision that said you could not classify it. If that is the kind of classification we have here, if the Senators just want to do it by population, they can do it by any device they want to. What we are doing is eliminating devices, making it clear that it applies to every State in the Union, and that every section of the act applies to every State in the Union.

Mr. BROOKE. How does it apply to New York? How does it apply to California? How does it apply to Massachusetts?

Mr. NUNN. I can answer the one on Massachusetts very quickly, because Massachusetts has had so-called de facto segregation of the schools rather than de jure. We have had de jure in the South, but the courts of this country have finally decided, as I think they should have years ago, that de facto is just as bad as de jure.

The Senator knows that "dual school system" as defined by the Supreme Court, covers only the South and nowhere else.

Mr. BROOKE. My friend knows that is not true. Moreover, we are not talking about busing, and we are not talking about school systems. We are talking about voting. We are talking about the Voting Rights Act of 1965.

Mr. NUNN. If the Senator would read the court decisions, he would find that a device under this act, a part of the triggering mechanism, is defined as a dual school system.

Mr. BROOKE. That is specious, as the Senator from Georgia very well knows.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

Mr. President, it was to be expected that the passage of this bill in the time we had to pass it would not be easy. What we see now is proof of that fact. I hope, Mr. President, that the proponents of the bill, who have been in very substantial number, will not be panicked by the fact that the President has sent the letter.

He has sent the letter, and it is entitled to great respect. But I have not seen every measure recommended by President Ford passed here, and those who are now wildly enthusiastic about the fact that he asks by this letter, in effect, that this amendment be adopted should not panic us either. There are plenty of measures the President wanted that he has not had. They have been denied not only by votes on the other side, but also by a good many votes here. So let us keep our heads straight on our shoulders.

The first thing the President himself wants is this bill passed, and he wants it to become law by August 6, 1975. He takes for granted the fact, and he says so, that if we adopt this amendment, "I am confident," says he, "the House of Representatives would concur."

Well, we are not confident. On the contrary, everything we know about the situation induces us to believe that exactly the dire results which the President predicts in prejudice to the whole voting rights concept would come to pass if we do not have a law by August 6, and those of us who are working hard for this bill believe that is exactly what will happen if we adopt this amendment. It is a fine rubric and a great slogan, "Make it national."

But the fact is it is national, and I will explain that in a minute. Irrespective of that banner, I hope the proponents of the bill, and they are a decisive majority in this Chamber, will not be panicked by the President's letter. We are going to give the President the essence of what he wants, to wit, a law by August 6. We are convinced that we cannot do it at this time in any other way than by turning down this amendment.

The manager of the bill has already promised, in complete good faith, joined by the Republican manager of the bill, that we will give consideration, through the committee, to any amendments which are of serious character, which would, of course, include this one.

So, Mr. President, I hope, first and foremost, while we can understand that naturally the opponents of this bill, who are deeply convinced of the rightness of their position, are going to leap aboard this vehicle for the purpose of exploiting it to the hilt, Senators will realize that does not mean the rest of us have to cut and run. The fact is, Mr. President, that this bill is indispensable, and the President himself says so, to the laws of the United States in the days ahead, and we are deeply convinced there is only one way to get it, which is by passing the House bill as it is. Otherwise, we believe this piece of legislation will get caught in the trap of rules, unanimous-consent requests, and conferences, and will go down the drain until after we come back from the recess, if indeed we do take a recess under those circumstances. So I hope very much——

Mr. JOHNSTON. Mr. President——

Mr. JAVITS. I do not yield at this time, Mr. President.

So I hope very much, in the first place, that above everything else, we will keep calm and appraise the situation in a fair and balanced way, giving every respect to the President's letter, but not being chased into a tailspin by it.

Now, Mr. President, what is at stake in addition to the bill itself, which will inevitably run into enormous complexities in getting passed by August 6 if we adopt this amendment, is the very nature of the measure itself. Originally it was designed to be a measure which would deal with some way of correcting past derelictions. The scheme of the legislation carries that out. Because it has been carried out in good faith, the trigger has worked, not only for States which have a heritage—and they do have such a heritage, there is no getting away from that—of bitter discrimination against blacks, but many other States, including my own. So I am a very fit person to speak to this issue. There are three very large counties in New York, it might interest Members to know, with a population in excess of 6 million, between 6 and 7 million, which are covered by the Voting Rights Act under the triggering procedure.

Mr. President, what we who are seeking extension of this act contend for is that the triggering procedure as well as the ability to come out from under the procedure continue in effect. That is just as national and as universal as any other law. The fact that we pass a law against trading in drugs does not mean that every American is guilty in trading in drugs. The law applies to those whom its terms cover, and we have good reason, and the Supreme Court has sustained us in this, based on the history of these jurisdictions, to seek the kind of coverage which the act gives, based upon the paucity of voting in areas which are heavily impacted with minority groups that have been discriminated against. So it is national in coverage, in the first instance, in the sense that it applies to every State and every political subdivision which qualifies under the definition of the law, and the law has been held constitutional by the Supreme Court.

Second, where the triggering mechanism may not work and there is discrimination, the Attorney General has, under section 3, the right to sue.

The question was raised here a few minutes ago as to why Senator BROOKE voted against the amendment which was proposed by Senator NUNN and Senator STONE. I voted against it, too, Mr. President. I believe it was an entirely proper and intelligent vote, for this reason: it proposed to place the restraints of the act upon a defendant simply because the Attorney General filed the suit. That, Mr. President, is quite a stretch for a legal doctrine. The Attorney General is not God, either, and he files lots of suits, including lots of indictments, which are thrown out of court as inadequate or insufficient, or where juries and judges bring in verdicts the other way. So I voted against it because I consider it highly improvident jurisprudence to have a finding against the defendant merely upon the entry of a suit, without even a court being entitled to issue an injunction or other relief, whether pendente lite or permanently, based upon a hearing.

I think that amendment, quite substantively, without regard to any need for getting a law passed within the time limit we have, should not have been either approved or voted upon on the merits.

Coming now to the amendment, which, as I say, calls up the slogan of being national in effect, every law is national in effect, but it has certain restrictions and limitations which apply it to many places. For example, Mr. President, we do not make a general law about Indians.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. JAVITS. I yield myself another 3 minutes.

We do not make a general law about dams and other public works. We make a law specifically about a particular area. It may have a dam or some other public work. If we do make general laws, as we do in many cases, many States do and many States do not qualify. My State does not get very much out of the fact that we have some kind of support for cotton, for example, and the same is true of many other States.

So, Mr. President, it is as I say it is, a slogan that one can go for if one is not really thoughtful about it, but it is only a slogan.

Mr. President, finally there is very considerable question about the constitutionality of this amendment as to whether you can place these various requirements upon the States in terms of voting as far as a U.S. official is concerned where there has been no cause shown for it and simply because of "universal applicability."

I believe that with the combination, Mr. President, of running down the drain the trigger mechanism, that was worked and is working, and the fact that it is unnecessary to apply this law to many areas of the country and where it is necessary to apply it, either by the operation of the trigger or by litigation suit by the Attorney General, which is already provided for in law, the law can be applied; we have a perfect system for this legislation, which has worked for 10 years, is working now, and will continue to work, if we do not break it down ourselves by running it down the drain in this way.

The opponents of this particular measure have obviously seized upon this device—and that is what it is—with great pleasure and great alacrity, and I can very well understand that, if the Senate does not really think it through. But I believe the Senate has thought it through before, in its previous voting, will think it through now, and will not be panicked by the President's letter. The President is only a man, too, and he reflects in this letter, by the way, only his own history as a legislator. I yield to no one in my respect for President Ford, but like the rest of us, he is subject to the mores, the gods, and the ideas which he has served all his life. The fact that he sends a message up here—that is not magic in anything else—why should it be in this? We get lots of messages from the President upon which we do not act.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. JAVITS. I will just finish the thought, I say to the Senator from Massachusetts (Mr. KENNEDY), if I may.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. JAVITS. I yield myself another 3 minutes.

So, Mr. President, let us just see what he says.

The President says that this has been his tradition. He says, and I read from page 2 of his letter:

> As I said in 1965, when I introduced legislation on this subject, a responsible comprehensive voting rights bill should "correct voting discrimination wherever it occurs throughout the length and breadth of this great land."

In other words, he is simply saying that for 10 years he has had this view of what the voting rights bill should do when he was a Congressman, et cetera.

That does not mean I have to follow his example or thinking. I respect it. I receive it thoughtfully, but I do not intend to follow it. I do not think the Senate should follow it in its own interest of getting a bill here which can do, does do, and has done for 10 years what needs to be done, without being frustrated at the 11th minute—at the 11th hour by the fact that it will adopt an amendment, which seems interesting on its face to a number of our Members, and yet which will run this whole scheme of legislation down the drain so that it will be impossible to reconstruct.

Mr. President, I hope very much, for all those reasons, that the Senate will not fall for this—and I think it is a curbstone way of expressing it, but it is the fact—and frustrate itself in terms of defeating this whole effort by adopting this amendment.

Mr. JOHNSTON. Mr. President, this amendment has been referred to as a smokescreen and generally as a trick by those who oppose the amendment, by those who oppose the Voting Rights Act, and by those in general who are opposed to extending the right to vote to all citizens of this Nation.

Mr. President, I, for one, would like to say that I voted twice for cloture, that I have indicated all across my State and in this Chamber that I was for the bill. I think it is totally unfair, improper, incorrect, unjust, and inequitable for that charge to be put upon us, who are in fact supporting the bill and supporting the right to vote.

Mr. President, all we are trying to do is to end a law which applies to one part of the country but which does not apply to the rest of it. Anything to the contrary, Mr. President, is just so much hogwash. This law does not apply nationwide, because it depends upon a trigger which depends, in turn, upon facts as they existed in 1964, and not upon facts that exist today.

Mr. President, last weekend I was home in Louisiana in a little town called Jonesboro. I was invited to be the featured speaker there at a black political action meeting, a voter's league meeting there in Jonesboro. Mr. President, at that meeting we had black elected officials from around north Louisiana, we had white elected officials, and we had leaders in both the black and white communities there.

We discussed, among other things, this voting rights bill. Among other things, I told the group that I was for a continuation of the bill and that sentiment was approved by both the black and the white community in that little town of Jonesboro which, with so many other towns of the South, has made such progress.

Mr. President, it was interesting to me to see in that small southern town the changes that had taken place in the 10 years since this bill has been in effect. One of the changes was that a lot of blacks are coming home to the South, coming home from Chicago, from Los Angeles, and from other places in the country, because they sense that things are doing better, they sense what Henry Grady calls a new South is coming to the South.

Mr. President, it is not only a feeling which one can see when one talks to people who come back from Chicago and from Los Angeles to the South, blacks that are coming back because things are better, but it is something one can prove, Mr. President, by looking at all of the statistics, by looking at all of the civil rights reports which show that the South has made more progress, and has done more integration than any other part of the country. So, herein, Mr. President, lies one of our deep-seated problems and deep-seated feelings in the South.

We feel that this act, which we have done so much under and under which we have achieved so much, ought to be applied equally across the Nation, because we think we would get no credit at all for the progress we have made, no credit at all.

Mr. President, I am voting for this amendment, not because the present law is discriminatory against the South, but because the present law is discriminatory against blacks in the North and because the present law is discriminatory against all those people who live out of those triggered areas that are not protected by this bill.

Mr. President, we are told this amendment is unconstitutional. Mr. President, that argument is so much hogwash. In the first place, there has been a decision of the U.S. Supreme Court which has held that, insofar as the act is now applicable, it is constitutional.

If, in fact, it is unconstitutional as applied to any other State in the Nation, the whole act does not fall. They do not throw out the voting rights bill with all its protection. All they would do, in effect, is declare this amendment unconstitutional, and no one would suffer. It would be simply unconstitutional as applied to California, or other States in the Nation.

So, Mr. President, the unconstitutional argument makes absolutely no sense at all.

Mr. President, we are told that if this amendment is tacked on something is going to happen to this bill and it is going to be killed over in the House of Representatives.

Mr. President, we have seen the vote in the House of Representatives. It is overwhelming. The House rules over there do not permit a filibuster. We have found, Mr. President, that there is overwhelming sentiment there. We can pass the bill with this amendment.

I think Senator MUSKIE really put his finger on the opposition to this amendment, and that is that other States do not want to have to clear their voting laws with the Attorney General. They do not want to have to clear them in advance.

Mr. President, I can well remember that in my State in 1965, when this bill was first passed, there were loud cries of dismay. People said:

> What is going to happen to us when we have a Voting Rights Act? What is going to happen when the Federal Government takes over?

I can remember all those old arguments that are almost antebellum in their quaintness.

We found that the sky did not fall under the 1965 Voting Rights Act, that things worked pretty well in the South, the deep South States of the old Confederacy, which readjusted their ways of thinking, readjusted their patterns of voting, readjusted their attitudes toward all people. It worked, Mr. President; it worked.

All we are asking is that that law, which worked so well, which has not been such a burden, be applied nationwide. It is an article of principle with us.

Mr. STONE. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield to my distinguished colleague from Florida.

Mr. STONE. Is it not the case that there exist in parts outside the South gerrymandered districts, precincts that are gerrymandered in the sense that might have existed in the regions affected by this original bill?

Mr. JOHNSTON. Everybody in this Chamber knows that that is true.

Mr. STONE. Mr. President, will the Senator yield further?

Mr. JOHNSTON. I yield.

Mr. STONE. Is it not the case that some of the same offenses under which acknowledged progress has been made under this bill in the South exist in the North with regard to the multimember districts which are set up, as opposed to single member districts, wherein a single member district might elect a black representative but a multimember district might not elect a black representative in such districts?

Mr. JOHNSTON. Of course, that is correct.

Mr. STONE. In those cases, would it not be fair, just, and equitable for preclearance with the Attorney General, who would scrutinize it on the same basis that the Attorney General scrutinizes the same proposed laws and ordinances in the previously-covered territory?

Mr. JOHNSTON. Of course, it would.

Mr. STONE. Is that not what the Senator from Louisiana, who intends to vote for this bill, in all events, means, in the same way as the Senator from Florida, who already has announced not only his cloture votes but also his desire to vote for the bill on final passage?

Mr. JOHNSTON. Absolutely.

There is nothing magical about submitting one of these laws to the Attorney General. Either before or after the law is submitted, you send a copy of it to the Attorney General and say, "Is this discriminatory?" He will keep it for a few days and send it back and say, "No, it is not," or "I recommend these changes." There is nothing onerous or burdensome about that.

Why can it not be done in California, New York, and the other States? Why should blacks and minorities in all sections of this country not be entitled to that minimal protection? It escapes me.

Mr. President, we talk about a smokescreen. I have never heard such a smokescreen on the floor of the Senate, such wonderfully constructed arguments built out of nothing, to try to prove that the law should not be made applicable and its protections should not be made applicable to people all across this land. People should be entitled to those protections everywhere. They should have to meet the same standards everywhere.

Mr. President, we are told about discrimination in the South, and we plead guilty to lots of discrimination in the South in the past. But I challenge someone to compare the South today with Vermont or California or Illinois or Ohio or any of the other States. I challenge that, because I can prove, from the reports of the Civil Rights Commission, that we have made more progress and we have more real integration than in any other section of this Nation. It is sort of in that sense that we get no credit, that we are still looked upon as the land of magnolias and mint juleps, that we are not given any credit at all for having made progress and surpassed the rest of the country; and we are told that we need to be kept as some special little province down there.

I repeat: I want it to be well understood that I speak not as someone who wants to repeal this law or gut this law or end this law or curtail its operations or scuttle it or smokescreen it or do anything but pass it and extend it, not only to those people who live in my State, not only to those people who live in the States of the old South, but to people all across this country as well. If there is a smokescreen in that, if there is a trick in that, I would like to hear it explained to me, because no trick is intended and no smokescreen is intended; but there is, rather, a sentiment that we should extend these protections to all people.

Mr. KENNEDY. Mr. President, I yield myself such time as I may use.

During the course of the exchange here this afternoon, a good deal has been said about the existence of discrimination in different parts of the country. I say to my good friend from Louisiana, and to my friends from all the States which are represented in this body, that there is no attempt by any of us who support this legislation and who have cosponsored it to say that there is no discrimination in other parts of the country. There is not a Member in this Chamber who does not recognize that. There has been racial discrimination in all parts of the country. There is discrimination in the North, as well as in the South. As the result of the finding of a judgment, a Federal district court in Boston, Mass., such discrimination was found in the public school system. Now, the city from which I come is going through a painful situation in an attempt to adjust to that problem. I have stated my complete and unqualified support for the court order, and I believe that the city of Boston will meet its responsibilities.

I also point out, Mr. President, that when the Civil Rights Commission held hearings in Boston, in 1967, about racial discrimination in Massachusetts, I testified about the patterns of discrimination which existed in Boston and actually predicted some of the tragic results that we have experienced in recent times in that city if we did not take action at the local level. But I believe we are on the road now, and I wanted at least to give assurances to our friends in other parts of the country that I do not think that any of us who have supported the rights of all our citizens have been exclaiming with a holier-than-thou attitude on the question of discrimination.

I think there was one critical failure of our Founding Fathers 200 years ago, and that was the failure to face the race issue. As a result of failing to face the race issue, we had a civil war that divided this country, and we have paid a fearsome price in terms of discrimination in various sections of the country during our entire 200-year history.

We are now addressing ourselves to what I consider to be perhaps the most important civil rights legislation we could possibly enact, and that is the Voting Rights Act. I have heard a great deal of talk about how this is singling out different parts of the country. Yet, no Member of this body can suggest any place in this act where we name a State. Quite to the contrary. All one need do is read the language of section 3 of the Voting Rights Act, which says that when the Attorney General institutes a proceeding to enforce the guarantees of the 15th amendment "in any State or any political subdivision," the court may bring that State or subdivision under the full force of the law. In section (b), as well, it talks about the proceedings instituted by the Attorney General under any statute to enforce the guaranties of the 15th amendment "in any State or political subdivision." There is no naming of particular States.

There are towns in my own Commonwealth of Massachusetts which fall within the triggering standards that are included in the Voting Rights Act, which fall within the purview of that legislation.

It is important to recognize that a triggering device was established in the Voting Rights Act to reach the patterns of discrimination which were attested to with the blood and agony and anguish of tens of thousands of American citizens. That record is clear. That record is clear and it is uncontroverted. So a triggering device, was established in legislation. And the Attorney General was authorized to bring the full force of the law upon "any State." It does not say all States but Massachusetts, or all States but Rhode Island, or all States but those in the North or the West or the East.

It is important that we understand that this is all-encompassing legislation. It does have, as I mentioned, the language which sets into motion triggering where the operative sections of the legislation go into effect. It was based upon the testimony not only that was taken in 1965 but which has been reinforced by the Civil Rights Commission and other witnesses in subsequent periods of time, including the hearings on this bill.

Now, after the invocation of cloture, we are asked by the President of the United States—who does a disservice to this body by his letter—to change the scope and standards of the bill. Let me read sections of his letter, and see what he suggests.

First of all, in his third paragraph, he says:

> My first priority is to extend the Voting Rights Act. With time so short, it may be best as a practical matter to extend the Voting Rights Act as it is for 5 more years—

So he wants to extend it for 5 years—

> or, as an alternative, the Senate might accept the House bill.

So on the one hand, he wants the extension for 5 years, but on the other hand, he wants the House bill, which has a 10-year extension.

In the rest of the letter, however, he comes out in support of a general dramatic revision of all the application and tests in the bill—the very heart of the whole legislation. He wants to have it all ways.

He says, I want it one way or another way, or I am prepared to support a completely different kind of alternative.

He cannot have it all those ways. We have a few hours left to consider this legislation and he proposes this particular measure in the final hours, after months of hearings by the Constitutional Rights Subcommittee, after hours of markup by the Committee on the Judiciary, and after debate and after cloture by the U.S. Senate.

I dare say, Mr. President, that this correspondence from the President, offering three different alternatives for the Senate, does very little to clarify the situation on this particular measure. I think, quite frankly, it does a good deal to confuse exactly what the position is of the President of the United States when we are faced with the final hours before the expiration of this legislation.

Mr. TUNNEY. Will the Senator yield?

Mr. KENNEDY. I yield on my time.

Mr. TUNNEY. I thank the Senator.

I point out that the date of the letter is July 21. Senator HRUSKA mentioned, on the floor of the Senate, that he had just gotten it. It leads me to believe that the President of the United States is playing politics with this bill. For 2 days, this letter has been floating around town somewhere before it came down to Senator HRUSKA's desk. We do not know when Senator MANSFIELD got the letter; I have not had the opportunity to ask him. Senator HRUSKA said he just got it. I wonder if this letter was cleared with the Attorney General of the United States.

Mr. MANSFIELD. Will the Senator yield?

Mr. TUNNEY. Yes.

Mr. MANSFIELD. I got the letter yesterday morning.

Mr. TUNNEY. I wish to say to the Senator from Montana that I wish he had showed it to me. I had no idea that the President in his letter was going to indicate that he felt that there ought to be nationwide coverage, which would then be used as a justification for knocking out section 4 and extending the preclearance covering to section 5. As the floor manager of the bill, I wish I had known that.

Mr. MANSFIELD. Mr. President, I did not show the letter to anybody. It was a privileged communication, as far as I was concerned, until I was prepared to read it to the Senate. I read it to the Senate because the last paragraph, the Senator will recall, of the letter says:

> I shall be grateful if you will convey to the Members of the Senate my views on this important matter. Sincerely, Gerald R. Ford.

So as a matter of courtesy, I believe there was nothing else that I could have or should have done. I feel that I acted properly, that I acted on my own, that I made available to the Senate a communication from the President of the United States, and that is the story, as far as I am concerned.

Mr. KENNEDY. Mr. President, if the Senator will yield, the letter that has been circulated is headed, "Dear Roman," the one I am reading from. That is what I understand has just been circulated. At least, it has just come to our attention. I wish the Senator from Nebraska were here and I would give him the opportunity to respond. That is the letter that is supposedly representing the President's position.

Mr. MANSFIELD. Mr. President, if the Senator will yield, I hope that there is no allegation, implied or otherwise, that I am being used by the President of the United States in the reading of this letter. If there is such an allegation or such a thought in the mind of anyone, I wish that he would disabuse himself of that immediately and finally.

As far as the Senator from Nebraska is concerned, when I got through reading the letter, he got up and said that he had received a letter similar in content—exactly similar in content—to the one I had just read to the Senate. I had no knowledge that there were other letters about. I thought this was a letter to me. On that basis, I felt that it was necessary for me to read it to the Senate at that time.

Mr. KENNEDY. Mr. President, if the majority leader was on the floor when I referred to it, he would understand my confusion about the letter. It was not in any way suggesting anything but, as far as my interpretation is concerned, a matter of confusion about the letter. The President says on the one hand he is for the extension of the Voting Rights Act for 5 more years; on the other that the Senate might accept the 10-year House bill. He said he will support either approach. So he has it going either way with regard to those two alternatives.

Then in the next 2 pages of the letter, he comes forth with an entirely new test, which he expounds on.

The point I am making is, no matter how one wants to say it, whether it was yesterday or today or the majority leader or ranking Republican leader, I fail to understand how this kind of communication serves as any clarification of the President's view on this. That is my own personal interpretation of this correspondence.

I was asking the manager of the bill whether he did not have a similar interpretation or a similar confusion about the purposes of this correspondence. That was the point that I was making in my comments with regard to the President's letter.

Mr. MANSFIELD. If the Senator will yield, may I say that is a good point.

Mr. KENNEDY. I thank the leader.

Finally, Mr. President, I know that the argument has been made here that the constitutional aspects that have been raised by the floor manager of the bill, I thought with very great persuasion, are very real. The Constitution is quite clear in pointing out that determining the time, manner, and place of elections will be reserved for the several States. In reviewing those legal decisions which uphold the voting rights cases, it is quite clear that they stated that it was only with the obstruction of the basic and fundamental right to vote guaranteed by the 15th amendment, that the court has recognized the power of Congress to be able to initiate procedures or requirements that would strike down the various tests and devices and other voting procedures which have been used as means for discrimination.

I am talking about a vague proposal, Mr. President, and why many of us have serious reservations about the Stennis amendment. What we would be doing by adopting this amendment would be passing a bill that has got "Voting Rights Act" written all over it but it will be a mile wide and an inch deep, and fail to reach down to meet the particular problems that have existed and do exist in the area of the right to vote.

Mr. President, I reserve the remainder of my time.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Massachusetts knows that I hold him in the highest respect and affection. And he knows that it is not my purpose in speaking to defend the President of the United States—yet in this regard I agree with the President, and I do not find duplicity nor do I find any chicanery or trickery in the submission of this particular amendment.

It was taken from Senator TALMADGE's amendment on yesterday, of which I was a cosponsor.

When the distinguished Senator from Massachusetts rises and he reads from section (a), which is very clear——

> Whenever the Attorney General or an aggrieved person institutes a proceeding under any statute to enforce the guarantees of the fourteenth or fifteenth amendment, in any State or political subdivision . . .——

That is fine.

But now, my distinguished deskmate does not read further. He, in a very clarion voice, says that no State is named in this bill.

On the contrary, I am going to show him where they name States. They paint a very clear selection as of 1965. If he will only turn to page 47 of the House report which, I think, is in the distinguished Senator's hand because we are considering the House bill—here is section (b) under this section 4 where it says, "The provisions of subsection (a) shall apply in any State or in any political subdivision of a State which"—ah, now they begin naming them, and you do not have to be a law graduate or a Member of the Senate to understand this kind of meaning. It is that old joke where they used to give the literacy test and they brought out the Chinese newspaper down there in Mississippi, and the poor black said, "Yes, I can read that. That means no black votes in Mississippi today." That is what it said.

Section (b) of that act is where they start naming—any State which "(1) the Attorney General determines maintained on November 1, 1964, any test or device and with respect to which (2)"—they want them narrowed down first, they do not want just any State, any test or any device determined by the Attorney General, but plus further description, further restriction by, "(2) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1964"—that is further language of description, naming those States, but that was not good enough to make sure, so they said "that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 per centum of such persons voted in the presidential election of November 1964."

Now, in the name of voting rights and equality there is the language of inequality. In the name of nondiscrimination, there is the language of discrimination. In the name of equal justice under the law, there is the unequal justice under the particular political approach used in this bill, which the President of the United States is talking about, and which a substantial body of Senators has been concerned about, including the Senator from Connecticut.

What did the amendment say? What does the Stennis amendment say? It says to take that section 4 out and go to section 5 and reword it.

Incidentally, let me say what the Senator from California said about section 5. It reads on and on; it even describes my home town, the city of Charleston, and said how well it worked there, and he says in the Senate report, "For the reasons above, the committee is convinced that it is largely section 5 which has contributed to the gains thus far achieved in minority political participation." So section 5 is the real guts of this bill.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. HOLLINGS. Yes.

Mr. KENNEDY. Just in reference to my earlier comments, I was listening to the Senator suggest what I did not suggest and then disagree with it with great eloquence, as I stated.

There is no naming. I also stated quite clearly that there was a procedure which went into effect which would qualify any particular State, not any particular Southern State but any particular State, under this language. The language that the Senator from South Carolina read is language that applied to Massachusetts. So what is the Senator from South Carolina suggesting? It is a test that was used to meet the problems of discrimination. The Senator still has not named a State. All the language that the Senator has stated will, under section (b) of section 4—as a matter of fact, that is the very provision that qualifies even, I believe, nine of my own counties under Massachusetts.

So I think it makes the point I was making that it does apply to any State. That section happens to catch Massachusetts. It catches a number of other counties, too, but it makes the very point I was making, and that is the language says any State, and then goes on to have a triggering device. The basis for that triggering device is a pattern or a use of tests or devices of discrimination, and that is the thrust of the Senator from Massachusetts' argument.

I fail at this point to be persuaded that that argument has been met by my good friend and distinguished colleague from South Carolina.

Mr. HOLLINGS. All right, Mr. President, I am going to turn to page 6. On page 6 there is a chart. If there is any doubt about that language of description, if there was any doubt about naming a State, there was not any in the Civil Rights Commission or in the Senator from California or in the House committee or anybody else who considered this particular bill, because the entitlement of the chart is "Registration by Race and State in Southern States Covered by the Voting Rights Act," and there is a chart and the named States. They do not name any Massachusetts there. They do not name any States anywhere else. It is Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia.

There is no use playing Mickey Mouse about this thing and what the language is. If the Senator feels that no State is named, then he should go along with the amendment. That is what the Senator from Mississippi (Mr. STENNIS) says, to eliminate that descriptive language, going all the way back to November 1964 which had, No. 1, the testing device; which had, No. 2, less than 50 percent registered; and which had, No. 3, less than 50 percent voting in the 1964 election. That is exactly how they restricted it.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. HOLLINGS. In just a second, because now we will get back to section 5, which is the real heart of the bill, according to the Senator from California because he wrote this report, and if you get over here you see what the Stennis amendment does. Look at page 49 of the House report, and when you get to section 5, that presently reads, "Whenever a State or political subdivision"—ah, now we start naming, here is how we start naming—"with respect to which the prohibitions set forth in section 4(a) based upon determinations made under the first sentence of section 4(b)"—aha—name them, they renamed them, section 5 all over again. They want to make sure—there is no equal justice under the law there. They are still back to November 1964 and the election of November 1968, and so what does Senator STENNIS do? He says in his amendment, "Strike that and let it read 'Whenever any State or political subdivision shall enact or seek to administer' "—and that is his amendment, that was the Talmadge amendment and that is the Stennis amendment, and there is no gutting of any bill. The States are named. They know they are named, but they do not want to read the full text.

I will be glad to yield to the Senator from Florida.

Mr. CHILES. I just enjoyed listening to the discussion of the distinguished Senator from South Carolina.

As I recall, the Senator from South Carolina voted for cloture on this bill, did he not?

Mr. HOLLINGS. I certainly did.

Mr. CHILES. More than once?

Mr. HOLLINGS. I will again to get to the vote, and to get voting privileges all over the country. I hope we can extend these privileges to Massachusetts.

Mr. CHILES. The Senator voted more than once for cloture under the bill?

Mr. HOLLINGS. Yes. I am just fighting for the people of Massachusetts to get under this bill.

Mr. CHILES. The Senator from Florida also voted for cloture and expects to vote for this bill.

Mr. HOLLINGS. That is right.

Mr. CHILES. It seems that part of the debate here today, yesterday, and some other days on this particular bill, some of us were saying that we want to vote for a voting rights bill, we want to see there is no discrimination, but because there was a past history, do not hold that past history on a section of the country forever, do not hold a section of the country forever down to where they cannot ever show they worked their way out of it.

They are going to pass a 10-year act. Not only that, they are not going to allow an amendment to one district part or one tweedle of this particular bill.

Now, we saw all kinds of amendments, and regardless of the merit of the amendment, there was a motion to table.

Not the amendment, we want no amendment whatsoever. We want a 10-year act that is going to lock in so that there is no way to get out.

The State of Florida does not happen to be one of those named, so we are not worried about getting out, but it seems to me we should be talking about something that is going to apply.

Does this act, if we strike section 4, does this allow South Carolina, or Georgia, or Mississippi, or Louisiana, or Alabama, does this ease their burden in any way?

Mr. HOLLINGS. No, sir, it does not.

Mr. CHILES. Does it allow them to have any kind of discrimination, does it do any change from the present act in regard to those States if we eliminate this section?

Mr. HOLLINGS. No sir, it does not relieve any of the States covered.

I think that is the very important point to be made here, because I was in praise and I still stand in praise of our colleague, the Senator from Connecticut, who stood to support this. He became concerned at the dialog that took place on the floor, particularly with the junior Senator from Massachusetts, inferring only there be no bill, or somehow the States covered would all of a sudden by gimmick be relieved, and otherwise, and in contrast, what he was supporting in good conscience was really some intrigue or device to turn us around at the very last minute voting on a misunderstanding to ball up the voting rights law.

I went back into the cloakroom, double-checked this amendment, and compared the language, to clarify it a little. But of course, under the cloture rule we cannot clarify it further.

I think maybe that would be a pretty good idea, but there is no knowledge.

Mr. TALMADGE Could we not direct the Secretary of the Senate to make clerical and technical corrections of the errors?

Mr. HOLLINGS. The Secretary of the Senate certainly can be directed, but I do not think, really, there is anything technically wrong.

It just happens, if we read the reports about the States covered here, and if in every way they did it as in 1964 and 1965 when they originated this particular act, they were looking right at my State. They were not looking at Massachusetts. They never heard of busing. Mrs. Peabody was in St. Augustine. Does the Senator not remember Mrs. Peabody?

She was in St. Augustine 10 years ago.

So using the same measure of a 10-year vintage they do not want to change it to read the language loud and clear about any State and any political subdivision, but the section 4(b) and the section 5(a) and the guts of this bill, according to the committee report, refers every time back to those particular States, that is why this particular legislation is discriminatory.

Mr. CHILES. So that if we adopt this amendment, none of the Southern States, none of those States now under the act, would be relieved in any way, is that correct?

Mr. HOLLINGS. None of them would be relieved.

They would still have reports, and still be subject to the reviews, still have to submit our proposed amendments and changes, and still have Federal election registrars that would come down and observe us during an election time.

Mr. CHILES. But now, for the first time, there would be a uniform application in that the other States where they were attempting to change their election laws or attempting to change their boundaries, they would have to have some kind of a preclearance before the Attorney General, is that correct?

Mr. HOLLINGS. That is exactly right.

In fact, it is very interesting to read the Senate report and see that when they come to the one man, one vote decision, that really filling up the resolution and everything else that has been used in other sections of the country, gerrymandering, and other things of the citizenry at large, they say this is an unusual thing to occur.

But this is what is happening. The distinguished Senator from Georgia pointed it out on yesterday in that debate of different counties, in Indianapolis, New York City, Chicago, and various other places, but they do not want the language to apply to Massachusetts.

Mr. CHILES. I understand there is a problem again being raised——

Mr. KENNEDY. Will the Senator yield, or if he is going to yield to my friend——

Mr. HOLLINGS. Well, I am a U.S. Senator and I am delighted to represent Massachusetts.

Mr. KENNEDY. Just——

Mr. CHILES. Will the Senator yield for my question now?

Mr. HOLLINGS. I yield to the Senator from Massachusetts.

Mr. KENNEDY. I want to make it very clear, in spite of what my good friend from South Carolina says, Massachusetts is covered, Massachusetts is covered.

Now the Senator from South Carolina can go and say, and say it in a loud, booming voice, that it is not, but it is. And I can say it just as loud as the Senator from South Carolina can say that it is not.

So it is covered, Mr. President.

Mr. JOHNSTON. Will the Senator yield?

Mr. KENNEDY. Not until I finish these comments.

So I just want to make that extremely clear and no one is arguing in the development of the Voting Rights Act, and back in 1965, that a test was set on the basis of pattern or practices of discrimination. Some States fell in it, some did not, but that is the test that was applied, Mr. President.

I just say finally about any kind of comment about Mrs. Peabody, or about a number of other people that came from my State, there were three young people that came from Massachusetts who died in the Southern part of this country as a result of racial discrimination and I am not going to sit here and hear the ideals of any of those young people put on as some kind of a laughing or joking matter.

This is a serious matter, Mr. President, and all of us are attempting to meet our responsibilities seriously.

I, for one, will not remain silent when there are going to be aspersions or misrepresentations in terms of either the motivations or the attempt of any of the citizens of my State to battle against discrimination.

Mr. JOHNSTON. Will the Senator yield?

Mr. HOLLINGS. Wait a minute, now, Mr. President, I have still some time.

The PRESIDING OFFICER (Mr. GOLDWATER). The Senator from South Carolina has the floor.

Mr. HOLLINGS. I shall yield in just a minute.

Let me get this a bit in perspective.

I did not mean any aspersion against any persons from Massachusetts who died.

I did not talk about three people dying. I am just as serious as the Senator from Massachusetts is. He says all the tests. He finally admits there is a test. Some States come under it and some States do not. I wish I had the reporter here to read it back. Now the Senator is finally coming to agreement with the Senator from South Carolina on the test. They did not have this in Massachusetts on November 1, 1964. He said they did not qualify under that test and that is how they named them. So, we are at starting point 1. This, in and of itself, applies to those States that meet that very, very peculiar 10-year vintage test.

Now I yield.

Mr. CHILES. If the Senator will yield, I think it is interesting that the Senator from Massachusetts says that he is covered under the act, that he kind of wants his State to be covered under the act. That is what we want. Florida is covered under the act the way Massachusetts is now, but the Senators from Florida are willing for Florida to be covered under the act like the Senator from Connecticut is willing for his State to be covered under the act, like every other of the 49 States would be covered, so that we all could be covered exactly the same way. That is an inconvenience to Florida because we do not have to file now. We do not have to have a preclearance now. But we are satisfied that the Attorney General is going to be able to look at the history and the pattern of the State of Florida and know that we have not been discriminating and that we are not discriminating. He can make a pro forma clearance of those things that come up there. But then it allows, for the first time, for all of the States to be treated equally. It allows for South Carolina, which is doing better now, to hold its head up and say, "Yes, we are under the Voting Rights Act. We do not discriminate. Everyone is under it. We will get our preclearance like everyone else."

For the life of me, I cannot understand what is wrong with that. I heard some kind of argument that it would dissipate the resources. I do not see how it dissipates the resources for the Attorney

General to have a stamp made for a preclearance, and for every State. If it is Massachusetts not doing anything wrong, and they are complying with the law, what is wrong with the letter going up there and getting that preclearance?

Mr. TUNNEY. Will the Senator yield?

Mr. CHILES. I do not have the floor.

Mr. TUNNEY. Will the Senator yield to me?

Mr. KENNEDY. Will the Senator yield? Massachusetts was mentioned again.

Mr. HOLLINGS. We are not going home yet. We will be around.

When the Senator concluded his question, I wanted to yield to the Senator from Louisiana.

Mr. JOHNSTON. I wanted to make something clear as we have had so much confusion about covering and not covering. I would like to ask the Senator from Massachusetts: Does Massachusetts come under the present requirement that is imposed upon Louisiana to have its Voting Rights Act of its legislature and of its towns precleared by the Attorney General?

Mr. KENNEDY. The answer to that particular question would be no.

Mr. JOHNSTON. Second, does Massachusetts have the provision for Federal registrars as the Deep South States have?

Mr. KENNEDY. No, we do not.

Mr. JOHNSTON. Without reference to all the words and all of that, the point is that some of the Deep South States are covered by provisions, by requirements, by protections that are not applicable elsewhere. We are not trying to get out from under those protections. We are just trying to protect every citizen of this Nation, wherever he may reside, from arbitrary action, whether it be by a city council or a State. We know that States and towns everywhere, in all 50 States, are capable of that action. That is all we are trying to do. We are not trying to disparage the ideals, motivations, the actions or the sacrifices of all those who came South, from the Senator's State and elsewhere. That is not the point. We are saying that everybody in all 50 States enjoys the same right and the same protection.

Mr. KENNEDY. Just as a comment to the Senator, the point that I was making in the earlier time is that this is national legislation. All States are within the Voting Rights Act statute. None of us are trying to dodge the issue that there is established in here a triggering device that does apply where there is discrimination or where there has been discrimination.

I say my friend, the manager of this bill, has pointed out the existing situation based upon current testimony before the committee. But let me point this out: The Senator from Florida, the Senator from Louisiana and the Senator from South Carolina have all supported national legislation that had different tests. To listen to the arguments that have been made here suddenly a test is something entirely new on the Voting Rights Act. Florida gets a certain amount of food stamps and so does Louisiana. So does Massachusetts. But some States get more than others. We put a test in there based upon income and other qualifications. Some States get more under title I of elementary education. What is the basis for that? We say it is a national act. We set out in the statute various requirements.

Mr. JOHNSTON. If the Senator——

Mr. KENNEDY. Can I finish on this point?

It is not dissimilar from the kind of language that has been read into the RECORD. It has a different application, whether it is directed to food stamps, registration or health, whatever it might be. Nevertheless, there is language in there which qualifies some areas for food stamps, title I, health programs, whatever you might say. That is based upon what we have ascertained as to be a need—to be a need. The particular need in this area happens to be on the question of discrimination against the right to vote. I really do not understand those who are suggesting that suddenly the idea that we are going to have some kind of language that will be a triggering device based upon the findings and the testimony over a period of time is some entirely new, innovative and creative concept. It is as old as legislation itself.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. KENNEDY. I will yield for a comment and then I would like to reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. HOLLINGS. Mr. President, I will yield in a moment.

To equate the inalienable right of each and every citizen to vote without discrimination with economic conditions, rules, and regulations with respect to economic assistance under the food stamps, and with respect to income levels, tax levels, and everything else, with respect to schools and impact aid, is very specious indeed. All citizens are created equal. Certainly, the inalienable, fundamental, and primary right is to vote. Certain it is that the citizen of Massachusetts and the citizen of South Carolina are equal.

Why have different tests? Why have a test that would apply only to South Carolina? Why go back to the November 1964 test? Why not bring it up to date? This is 1975. There has been a marked change in many, many conditions. We have all grown and matured. We do enjoy a greater freedom today than we did 10 years ago. We are blessed in that particular regard. Then why not do what the President, Senator TALMADGE, and Senator STENNIS would do? Eliminate that yik-yak about the voting, how many people voted under the poll tax or whatever the device. We do not have poll taxes any more. We do not have literacy tests any more. If they are archaic, or extinct, then why use an archaic or extinct measure? That is all the Stennis amendment is saying. Equal justice under law.

I yield to the Senator from Georgia.

Mr. TALMADGE. It is a fact that even a convicted murderer in due course of time becomes eligible for parole.

Mr. HOLLINGS. That is right. But the murderers of Massachusetts are in better shape than the murderers of South Carolina because those in South Carolina are under this test of 1964. That is the thing that rankles everybody.

How in the name of equality, and in the name of voting rights, can we have Senators stand and deny the equal application of this law? How can we in good conscience do such a thing, unless we reworded it wrongly? That is why I was addressing my comments in specific to the support which has been given this particular measure by the Senator from Connecticut. There is no gimmickry involved. We are not trying to get out from under it. We are under it, and we intend to continue under it, but we would like the equal justice under the law doctrine to apply throughout its entire provision and not let 5(a), which has all the meaningful guts and the meaningful parts, refer back to 4(b) and 4(b) start that 1964 Attorney General, testing and everything else under it.

Mr. President, I yield the floor.

Mr. BROOKE. Will the Senator yield?

Mr. TUNNEY. Mr. President——

The PRESIDING OFFICER. The Senator from California.

Mr. TUNNEY. The Senator from Florida a few minutes ago, and I believe also the Senator from Louisiana, asked what was wrong with national coverage. I can only assume, inasmuch as the bill has national coverage, that they must be talking about what is wrong with having a national preclearance.

I will ask the Senator from Florida if that is what he meant by national coverage was a national preclearance?

Mr. CHILES. Having the bill apply uniformly across the Nation.

Mr. TUNNEY. Does he mean by that national preclearance?

Mr. CHILES. To the 50 States, that all the provisions of the bill would apply across the Nation to the 50 States.

Mr. TUNNEY. All of the provisions of the bill do apply nationwide.

Mr. CHILES. They do not apply when you have a corrective that you are going back and assessing on a record of history, on a record of what past discrimination has been. That is why we say, "If you are going to use preclearance, use it across the country."

Mr. TUNNEY. That is what I thought the Senator was referring to. The problem with that is that a national preclearance is unconstitutional, and the court has made it very clear that when you start at the Federal level to tamper with local election laws, you have to do it in a way that demonstrates that there was an urgent and clear need to do so. The court, in the Katzenbach case, uses the phrase "exceptional conditions can justify legislative measures not otherwise appropriate."

Mr. CHILES. Will the Senator yield further?

Mr. TUNNEY. Not at the moment. "Not otherwise appropriate." Exceptional circumstances. And the court found in the case of the six States totally covered and the one State that is half covered that those exceptional circumstances existed.

However, in the case of Oregon against Mitchell, the Supreme Court found that those exceptional circumstances did not exist, when it struck down an act of Congress which would have extended the right to vote to 18-year-olds in State elections.

What is really happening here is that we are passing a law which is, on its face, unconstitutional, so we can get rid of the entire Voting Rights Act, so Senators can go home and say to their constituents, "We have done it; we have eliminated the Voting Rights Act, because we have passed an unconstitutional section; it will be struck down by the Supreme Court, and we will not have any Voting Rights Act."

We can do that, but I think it would be a tragedy.

Mr. CHILES. Will the Senator yield?

Mr. TUNNEY. On the Senator's own time.

Mr. CHILES. Section 201 of the act provides for a national prohibition against a literacy test. I do not think anyone would argue that that is unconstitutional, and yet it goes against the right of a registrar to impose a literacy test.

Having been a member of a State legislature for a number of years, and having heard lawyers argue whether a bill is constitutional or unconstitutional for a number of years, I would say that any of us who are handicapped with a law degree, I think, can stand up and say this is or is not constitutional, but I will take the other side and say there is nothing in the Stennis amendment that would be unconstitutional, absolutely nothing that would prohibit the Congress of the United States from passing a uniform application of law that would govern the constitutional giving of voting rights to citizens.

Nothing whatsoever would be unconstitutional. I would stake my reputation on that. I stake it on it today. I have no problem in doing that whatsoever, and just as the Senator from California can say it is unconstitutional, I say there is no way in the world anyone can determine that, but I have every confidence that the Supreme Court of the United States is not going to knock down a law seeking to protect, on a uniform basis, the rights of citizens to vote and not to have discrimination against them in the exercise of that right. There is no doubt whatsoever in my mind on that.

Mr. MATHIAS. Mr. President, repeatedly this afternoon the question has come up as to whether or not this legislation is sectional or national in nature.

I think it should be very clear to anyone who has followed the history of the act at all that it is national legislation. For anyone who has any doubt of it, I would suggest they turn to the Senate committee report on page 65, appendix A. I ask unanimous consent, Mr. President, that appendix A be printed in the RECORD at this point.

There being no objection, the excerpt from the report was ordered to be printed in the RECORD, as follows:

APPENDIX A: STATES AND SUBDIVISIONS COVERED BY THE VOTING RIGHTS ACT OF 1965

1965

Alaska.
Alabama.
Georgia.
Louisiana.
Mississippi.
South Carolina.
Virginia.

North Carolina: Anson County, Beaufort County, Bertie County, Bladen County, Camden County, Caswell County, Chowan County, Cleveland County, Craven County, Cumberland County, Edgecombe County, Franklin County, Gaston County, Gates County, Granville County, Greene County, Guilford County, Halifax County, Harnett County, Hertford County, Hoke County, Lee County, Lenoir County, Martin County, Nash County, Northampton County, Onslow County, Pasquotank County, Perquimans County, Person County, Pitt County, Robeson County, Rockingham County, Scotland County, Union County, Vance County, Wake County,[1] Washington County, Wayne County, Wilson County.

Arizona: Apache County,[1] Coconino County, Navajo County,[1] Yuma County.

Idaho: Elmore County.[1]

Hawaii: Honolulu.

APPENDIX B: STATES AND SUBDIVISIONS COVERED BY THE VOTING RIGHTS ACT AMENDMENTS OF 1970

1970

Coverage continued as to Alabama, Georgia, Louisiana, Mississippi, South Carolina, Virginia, the 39 North Carolina counties, and Honolulu County, Hawaii. Newly covered jurisdictions were:

[1]Alaska: Anchorage Election District, Kodiak Election District, Aleutian Islands Election District, Fairbanks-Fort Yukon Election District.

Arizona: Apache County,[1] Cochise County, Coconino County,[1] Mohave County, Navajo County,[1] Pima County, Pinal County, Santa Cruz County.

California: Monterey County, Yuba County.

Connecticut: Southbury, Groton, Mansfield.

Idaho: Elmore County.[1]

New Hampshire: Rindge, Millsfield, Pinkhams Grant, Stewardstown, Stratford, Benton, Antrim, Boscawen, Newington, Unity.

New York: Bronx County, Kings County, New York County.

Maine: Caswell plantation, Limestone, Ludlow, Nashville plantation, Reed Plantation, Woodland, Unorg. Terr. of Connor, New Gloucester, Sullivan, Winter Harbor, Chelsea, Somerville plantation, Carroll plantation, Charleston, Webster plantation, Waldo, Beddington, Cutler.

Massachusetts: Bourne, Sandwich, Sunderland, Amherst, Belchertown, Ayer, Shirley, Wrentham, Harvard.

Wyoming: Campbell County.

Mr. MATHIAS. It makes it clear that this is a national bill. What are the States covered under the 1965 act? Alaska, Alabama, Georgia, Louisiana, Mississippi, South Carolina, Virginia, and some counties in North Carolina, Arizona, Idaho, and Hawaii.

The question came up a minute ago as to whether Massachusetts was covered.

Look at appendix B, showing what happened under the 1970 amendments. I am not going to read the detail, because it will appear in the RECORD. Alaska, Arizona, California, Connecticut, Idaho, New Hampshire, three counties in New York which have to prefile, which have to send in their municipal ordinances to the Attorney General, from metropolitan New York.

It is a national bill. Counties in Maine, counties in Massachusetts, Campbell County in Wyoming.

This is a national bill, and when people raise that question, if they will just refer to appendix A, it is all laid out there: A, B, C.

Mr. HOLLINGS. Mr. President, will the Senator from Maryland yield?

Mr. MATHIAS. It is my understanding that the——

Mr. HOLLINGS. On my time, just for a question.

Mr. MATHIAS. Yes.

Mr. HOLLINGS. Where is the State of Maryland? If it is a national bill, where is Maryland?

Mr. MATHIAS. There are States to the north of Maryland, States to the south of Maryland, and States to the west of Maryland that are all covered. There is not anything sectional about that.

Mr. HOLLINGS. What about Maryland?

Mr. MATHIAS. We have had the happy experience that we overcame this problem at an earlier date than some of the others.

Mr. HOLLINGS. Oh?

Mr. MATHIAS. There are some to the north, some to the west, and some to the south, and there would be some to the east if we had anything to the east.

Mr. HOLLINGS. I am looking at appendix A. I want to read it over again, and I shall ask that it be printed in the RECORD, with the notation under there, "Minus Maryland."

Mr. MATHIAS. Happily so, Mr. President. Happily so.

Mr. JAVITS. Mr. President, one of the questions as to this bill is whether the trigger mechanism would remain with the adoption of this amendment.

The amendment itself says no. The trigger mechanism would be wiped out by this amendment. If Senators will read page 1 of the amendment, lines 6 and 7, nothing could be more clear. It reads as follows:

> SEC. 101. (a) Section 4 of the Voting Rights Act of 1965 is repealed.

Is there any doubt about that? We would be left, Mr. President, with only a bill which requires reports to the Attorney General on various redistricting and other matters. That would be a big burden, because in 10 years they had some 4,400 items of that kind to pass on, and that, relatively speaking, is a small part of the United States. One could, at a very minimum, multiple that by 5 or 10 times.

And this amendment, Mr. President, cannot be changed, because no one could anticipate what would occur, and therefore another amendment to change it does not qualify. It could only be changed by unanimous consent. So the Senate is locked into voting on this as it is.

That is very important, and for this reason: The figure relating to 10 years, Mr. President, is in section 4 of the bill. That is the figure that relates to 10 years. It is found at page 1 of the bill—now speaking of the bill, not the amendment—lines 4 to 6, inclusive, which reads as follows:

> Section 4(a) of the Voting Rights Act of 1965 is amended by striking out "ten" each time it appears and inserting in lieu thereof "twenty".

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[1] Obtained exemption via Section 4(a) lawsuit.

Mr. President, if that is stricken out because all of section 4 is stricken out, including what is in this bill as well as what is in the old law that has carried over into the new law, then this becomes a bill without a date at all, in perpetuity. Therefore, every State in the United States would have to qualify before the Attorney General on anything it does about voting.

I think that raises a most serious question as to whether it stands up at all in terms of constitutionality. And even if it should survive that, it is an extremely cumbersome and unintended action on the part of the U.S. Senate, and for those reasons alone, Mr. President, this amendment ought to be rejected.

Mr. DOMENICI. Mr. President, can the Senator from New York answer a question that is disturbing to me?

Mr. JAVITS. I yield for a question.

Mr. DOMENICI. First of all, I think the notion that we would want to apply this everywhere in the United States certainly is one that every Senator can easily associate himself with. I would like to say that although some parts of this bill disturbed me, in that three counties in my State are covered under one section because of the triggering mechanism, and I do not think that those three counties, because of the way the triggering mechanism was, written really have any discrimination. Two of them happen to have military institutions in them of a large size and they are triggered because not more than 50 percent of the registered voters voted during that election that we use as the new triggering date. I certainly would not want to be supporting an amendment to this bill on that score alone because I think we can rectify that eventually.

I am rather concerned that we might be voting for an amendment that could render the bill unconstitutional, and that is what is bothering me. I do not want to vote for such an amendment. Yet I want to support an amendment that broadens the scope as much as possible within constitutional limits.

I do not subscribe to the argument that the triggering mechanisms have made this a national bill because what they have done is to the extent that they make sense they have brought those States and counties within its scope, but to the extent that that 5 percent and 50 percent do not make sense they are arbitrary.

I will vote in favor of the bill rather than see it destroyed by an unconstitutional amendment.

So I ask the Senator from New York: I have tried to read the amendment. It is very difficult for me to put it into context. Would the Senator explain to me in light of the major cases in point what his views are as to the proposed amendment versus the total constitutionality of the act?

Mr. JAVITS. I believe that the amendment, because there is no basic cause, even historic cause, for bringing about this kind of regulation, the voting procedures in the States, raises questions of very doubtful constitutionality. I believe those questions are made even stronger against the amendment by the fact that, if we pass it as I have just demonstrated, it will be a law without date. It will be in perpetuity. Therefore, I believe there are very serious questions, and it is very doubtful this amendment, if enacted, would stand up.

On the basic issue of national applicability, I will read just one paragraph which answers the question in the Katzenbach case. I think the Senator's own assistant had it. At least, it was just here in front of me a minute ago.

The Katzenbach case answers the question of the national character of this bill by saying, and I quote from page 334 to 335 of the opinion, speaking of this act:

> The Act suspends new voting regulations pending scrutiny by federal authorities to determine whether their use would violate the Fifteenth Amendment. This may have been an uncommon exercise of congressional power, as South Carolina contends, but the Court has recognized that exceptional conditions can justify legislative measures not otherwise appropriate.

It cites a case:

> Congress knew that some of the States covered by § 4(b) of the Act had resorted to the extraordinary stratagem of contriving new rules of various kinds for the sole purpose of perpetuating voting discrimination in the face of adverse federal court decrees. Congress had reason to suppose that these States might try similar maneuvers in the future in order to evade the remedies for voting discrimination contained in the Act itself. Under the compulsion of these unique circumstances, Congress responded in a permissibly decisive manner.

The court, therefore, sustained the constitutionality of that section.

The rest of the national coverage is completed by the fact that section 3 gives the Attorney General the power to sue in situations which are not covered by the trigger. So that in terms of liability for voter discrimination based upon, first, the trigger, which has been sustained, or discrimination, otherwise, the act gives complete coverage to every person and every State in the United States.

Mr. CHILES. Mr. President, will the Senator from New Mexico yield for some further comments with regard to constitutionality?

Mr. DOMENICI. I am glad to yield to the Senator from Florida.

Mr. CHILES. I am not sure the Senator was in the Chamber at the time I rendered my opinion. I felt that this would not in any way hold the act to be unconstitutional. I stand by that opinion.

Mr. DOMENICI. I am interested in the Senator's explanation. I apologize for not being present. I think it would be only fair to those of us who were not present but then did hear the Senator from New York to hear the Senator from Florida once again. It is on my time. So I would like him to express his views to me.

Mr. CHILES. I say to the distinguished Senator from New Mexico that, if he has any problems in that regard of the constitutionality, I really do not think he needs to have them. If he listens to the language of the Katzenbach case, the reason for the court's discussion and how the court was really sort of agonizing for a reason in that case, it was on the basis that in 1965 and when the amendments were passed what Congress had done was to say to a section of the States as to the trigger provision that these States are going to be treated differently. The court was reaching for how one could do that and have it be constitutional, without having the unequal application of the law, without applying the law unequally. That was the real concern of the court, and that was the concern of that decision and the language cited.

I do not think the court would have had any problem, and I do not think they will have any problem in this act, by saying that we, the public policymakers of the country, are going to pass an act that is going to apply uniformly to all 50 States, and the purpose of that act is to protect the voting rights of the citizens of the United States, and that we are going to see that no one in any State discriminates against those citizens, regardless of what their past actions have been, regardless of what their future actions would be.

I really think the court would not have had any problem in the Katzenbach case, and it could have rendered a decision, with no problem at all, had all of the States been covered at that time.

But because they only covered a section of the States, that was the reason for the language in the Katzenbach case and that was the reason that the court had to go through an agonizing process to determine whether one could give that unequal application. That is the only problem in that case and the only real reason.

So to cite it to say that it now would raise some specter that this act would be unconstitutional, because of the uniform application, I think is the furthest thing from any problem.

I assure the Senator from New Mexico that the act will be constitutional.

Mr. TALMADGE. Mr. President, will the Senator yield for an observation?

Mr. DOMENICI. Let me ask the Senator from Florida one question. Then I shall be delighted to yield.

Would the distinguished Senator look at the language in the amendment which charges the U.S. Attorney General with the responsibility set forth in the amendment and indicates he is to report back as to exemptions under it by July 1, 1976?

Mr. CHILES. No. That language gives him the duty to report back to Congress what he thinks the States have done. That does not exempt any State, if the Senator will read that language. It does not give him the right to exempt any State. It tells him to give his recommendations, give his report of what he finds the history has been going on and what his proposal is, because many of us feel that we should have a way, or any State should have a way to be able to earn its way out of this and, if we are going to cover the 50 States, provide that would have him report his findings. In no way does that give him any discretion.

I do not think that should give the Senator any concern.

Mr. NUNN. Mr. President, may I add that: Is the Senator talking about the report language in this amendment?

Mr. CHILES. Yes.

Mr. NUNN. The Senator from Florida is entirely correct on that. This is strictly asking for the Attorney General to give the report to Congress by which he could recommend criteria to allow States to so-called bailout, in other words, to earn their way out from under this act. All it is is a report.

Mr. DOMENICI. What criteria does he use in the meantime?

Mr. NUNN. Under this provision everyone would be covered.

Mr. DOMENICI. No.

Mr. NUNN. This covers everyone in the United States.

Mr. DOMENICI. What criteria do we use in the United States in the meantime?

Mr. CHILES. It would be the same criteria he is using today, and as to any one of the five or six States that are covered, when they are having a voting act law changed or they are changing a boundary or changing a polling place, then it has to come to the Attorney General for preclearance. If he feels it is a State that has no history of discrimination, he gets the stamp out and he says "clear."

Mr. DOMENICI. What criteria does he use to determine whether or not they are clear, under the Senator's last explanation? Is that from the Attorney General of the United States?

Mr. CHILES. I cannot tell the Senator, other than the same criteria he is using with respect to the States that are covered.

Mr. DOMENICI. We have a statute that specifically tells him what to use right now. Is that going to be carried over in this?

Mr. CHILES. It would be. There is nothing here to repeal that. Anything he has would not be changed. It is just that he would be applying it to all the States, including my own State of Florida, because we are not under the act. He would be applying that criteria to Florida as well as to Alabama and everywhere else.

Mr. DOMENICI. And any new criteria in this bill would also be applied across the land by the Attorney General, under the Senator from Florida's interpretation of the Senator from Mississippi's amendment. Is that correct?

Mr. CHILES. That is correct.

Mr. DOMENICI. There would not be any pure discretion on his part as to what is discrimination or is not? The Senator is saying that it would be statutorily defined?

Mr. CHILES. No different from what it is today. If he has some kind of wide discretion today over those six States, he would have it over all of them.

Mr. DOMENICI. If we pass this bill with this amendment, with the other criteria in this bill, it would be applied nationally by the Attorney General, under the Senate's amendment?

Mr. CHILES. That is correct.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. DOMENICI. I yield.

Mr. TALMADGE. The distinguished Senator from New Mexico made an inquiry as to whether or not the proposed amendment would invalidate the constitutionality of the act. I think the distinguished Senator from Florida correctly answered that it would not. However, I wish to read from the highest authority in the United States—to wit, the Constitution of the United States:

> AMENDMENT XV
>
> Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
>
> Section 2. The Congress shall have power to enforce this article by appropriate legislation.

I certainly think that under this provision, congressional action, such as the proposed amendments, to guarantee the right of citizens to vote would be declared constitutional.

Mr. DOMENICI. Would the Senator from Georgia care to comment on the case the Senator from New York discussed? Is it the Senator's interpretation of that case——

Mr. TALMADGE. The Katzenbach case?

Mr. DOMENICI. The Katzenbach case.

Mr. TALMADGE. I believe that the interpretation of the Senator from Florida was correct. Under the 15th amendment, which I have just read, Congress can pass legislation to guarantee the right to vote, and that legislation would be upheld, under the provisions of section 2 of the 15th amendment.

Mr. DOMENICI. I thank the Senator.

Mr. TALMADGE. I thank the Senator from New Mexico.

Mr. MATHIAS obtained the floor.

Mr. BROOKE. Mr. President——

Mr. MATHIAS. Does the Senator from Massachusetts seek recognition?

Mr. BROOKE. Yes.

Mr. MATHIAS. Mr. President, I surrender the floor.

Mr. BROOKE. Mr. President, we have had a very lengthy debate on this issue. It may be the most important vote that the Senate takes on the whole question of the Voting Rights Act. With all the debate we have heard, I do not think any of the proponents of the so-called Stennis amendment have said that the effect of the Stennis amendment would be to repeal section 4 of the Voting Rights Act of 1965. In fact, the language in the amendment clearly spells out that its purpose, its primary purpose, is to repeal section 4 of the Voting Rights Act.

If that is true, if that is clear, and there is no dispute as to that, then there is further no doubt that by repealing section 4 of the Voting Rights Act of 1965, we are gutting the Voting Rights Act.

The Senator from South Carolina said that we all wanted to get under the tent. Well, there would not be any tent if we were to adopt this amendment, because repealing section 4 of the act would remove the tent. So we would not be talking about anything—we would not have a Voting Rights Act.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. CHILES. It seems to me that the tent is section 5, if the Stennis amendment is agreed to. No State comes out if the amendment is agreed to. South Carolina is still under the act; Alabama is still under the act; Georgia is still under the act; Louisiana is still under the act; Mississippi is still under the act.

The only thing we do if we adopt the Stennis amendment is to add some 44 more States. We enlarge the tent. Section 3 is still there. There is no way in the world that we take anybody out.

The Senator says we repeal the trigger. We extend the trigger. We make it apply to everybody. We repeal language that says, "You go back and take the history prior to 1965." We repeal that, and we say that every citizen in this country is entitled to have his voting rights protected, in every State.

The Senator from Massachusetts is making a mistake if he says we are relieving any State, any Southern State that is now under the act, from anything, from any provision.

Mr. HOLLINGS. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BROOKE. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, it is easy to carry things away forensically in a debate of this kind, on a very delicate question of constitutionality; but the point is that the whole structure of the law is dismantled by this amendment.

The structure of the law depends for its constitutionality on the fact that there has been a history in given areas based upon the triggering device of patterns or practices of the denial of voting. So the court has sustained constitutionality, based upon the fact that there is an antecedent state of facts. But the proponents of this amendment are sweeping away that state of facts. Therefore, all they are doing is saying that the Attorney General of the United States is given authority, with no criteria, to review everything that relates to voting. That is all he is told.

The PRESIDING OFFICER (Mr. STONE). Does the Senator from Massachusetts yield to the Senator from New York for a question?

Mr. BROOKE. Yes.

Mr. JAVITS. It is on my time, anyway.

The PRESIDING OFFICER. That is not the rule. It is only for a question.

Mr. JAVITS. I ask the Senator from Massachusetts this question: Is it not a fact that this amendment sweeps away the whole constitutional justification for the act as found in the Katzenbach case and gives to the Attorney General simply power to review everybody's voting procedures and voting actions, with no criteria at all?

Mr. BROOKE. Which is an impossible situation.

Mr. JAVITS. And which must be declared unconstitutional.

Mr. BROOKE. I am sure that the proponents must know that it is an impossible situation. I called it a smoke screen, because obviously it is. The Senators know that the Attorney General could not possibly do that. Of course, the Senator from New York is correct.

Let us stop fooling ourselves, and let us stop fooling the people. We know what the effect of the repeal of section 4 would be on this act. We just would not have a Voting Rights Act.

Mr. HOLLINGS. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. HOLLINGS. Following the thought of the Senator from Florida, which I share: Is it not a fact—asking a question—that what is being done is updating the entire 1965 act to 1975 and that in the updating thereof, different experiences are being added? One experience is the bilingual situation and the testing going on.

Another situation is under Baker versus Carr, where there was redistricting and gerrymandering. There are all kinds of tests now that this particular law updates, and when you go back to section 4, that is the old test, the literacy test, the poll tax, and not having less than 50 percent as certified.

What you are doing is enlarging that test. You are not extinguishing that test at all, but you bring in all the States, a general test for every one of the 50 States. That does not relieve the State of South Carolina one iota from submitting, under the voting rights laws as proposed in this legislation. Is that not correct?

Mr. BROOKE. I respect the opinion of the Senator from South Carolina, but I disagree with him. I do not believe that is the effect of the amendment at all.

I believe the effect of repealing section 4 is to do away with the Voting Rights Act.

Mr. CHILES. Will the Senator yield?

Mr. TUNNEY. Will the Senator yield?

Mr. BROOKE. Yes, I yield.

The PRESIDING OFFICER. The Senator yields to the Senator from California?

Mr. BROOKE. Yes, on his time.

Mr. TUNNEY. I wish to read to the Senate a letter which was sent by Stanley Pottinger on June 2 to Congressman EDWARDS, who is chairman of the Subcommittee on Civil Rights and Constitutional Rights in the House of Representatives and floor manager of the bill in the House. What was at issue was an amendment that Congressman WIGGINS had introduced, which would have applied nationwide. It would have extended the preclearance provisions to every State, every municipality, every jurisdiction in which there was less than a 50-percent turnout of a minority. A minority was defined as blacks or the language minorities. In other words, a national coverage under preclearance.

Pottinger replies, and to save time, I shall not read the whole letter, but I will read the last paragraph:

> I believe it would be entirely appropriate for Congress to consider various approaches to omnibus voting rights legislation once the Voting Rights Act of 1965 has been extended. Presently, the paramount concern of Congress in this area should be extension of the Act. I do not believe that consideration of radically new approaches this late in Congress' deliberations on extension would be consistent with the Administration's position that first priority must go to the enactment of an extension act by August 6, 1975. Each of H.R. 6985's—

That is the amendment—

> changes which is listed above raises considerable legal, administrative and policy issues. I do not believe such issues could be adequately explored on the floor of the House without prior committee hearings. While I am sympathetic with the goal of designing permanent, national voting rights legislation, I recommend that the Congress extend the Voting Rights Act promptly, so that it will then be in a position to give mature, reflective consideration to proposals such as H.R. 6985.

That is signed by Pottinger.

I have tried for the past 45 minutes to get the Attorney General of the United States on the phone—Mr. Levi. He indicated, apparently to his secretary, that he was on the phone; that he would call me back. We called again; he said he was on the phone; he would call me back. Forty-five minutes have gone by. He still has not called me back. I have to assume that Stanley Pottinger, who is the Assistant Attorney General for the Civil Rights Division, still speaks for the administration. He testified at the House hearings and this is his letter saying, let us get an act and let us not get involved in byways with mischievous amendments that may very well undermine the very nature of what this bill is about.

Mr. STENNIS. Will the Senator yield?

Mr. BROOKE. I have the floor.

Mr. TUNNEY. On the Senator's time?

Mr. BROOKE. I think I have the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. TUNNEY. I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
Washington, D.C., June 2, 1975.

Hon. DON EDWARDS,
Chairman, Subcommittee on Civil Rights and Constitutional Rights, Judiciary Committee, U.S. House of Representatives, Washington, D.C.

DEAR CHAIRMAN EDWARDS: This is in reply to your letter of May 28, 1975, requesting our opinion of the appropriateness of H.R. 6985 as a substitute for H.R. 6219.

H.R. 6985 appears designed to serve as permanent nation-wide voting rights legislation. It provides for several notable changes from the Voting Rights Act of 1965:

1. The trigger formula would rely solely on statistics, and not on any discriminatory practices;
2. Coverage would be redetermined every two years;
3. Covered jurisdictions would be required to submit all their voting practices and procedures for federal review rather than limiting such review to changes in practices and procedures;
4. The Act would forbid discrimination on account of national origin;
5. The Bureau of Census would be required to conduct a biennial survey of voting age persons to determine voter registration and participation by race, color, or national origin. All persons would be required to provide this information.

I believe it would be entirely appropriate for Congress to consider various approaches to omnibus voting rights legislation once the Voting Rights Act of 1965 has been extended Presently, the paramount concern of Congress in this area should be extension of the Act. I do not believe that consideration of radically new approaches this late in Congress' deliberations on extension would be consistent with the Administration's position that first priority must go to the enactment of an extension act by August 6, 1975. Each of H.R. 6985's changes which is listed above raises considerable legal, administrative and policy issues. I do not believe such issues could be adequately explored on the floor of the House without prior committee hearings. While I am sympathetic with the goal of designing permanent, national voting rights legislation, I recommend that the Congress extend the Voting Rights Act promptly, so that it will then be in a position to give mature, reflective consideration to proposals such as H.R. 6985.

Sincerely,
J. STANLEY POTTINGER,
Assistant Attorney General,
Civil Rights Division.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Mississippi?

Mr. STENNIS. Will the Senator yield to me to ask one question of the Senator from California?

Mr. BROOKE. Yes; I am very pleased to yield.

Mr. STENNIS. The Senator says the letter is dated June 2. I am sure he heard the President's letter this afternoon, dated yesterday. When it comes to speaking for the administration, is it not rather clear that the letter from the President, dated yesterday, is the voice of the administration, more so than a letter by an Assistant Attorney General in June?

Mr. TUNNEY. The President's letter states that, "My first priority is to extend the Voting Rights Act."

Mr. STENNIS. Yes, I know.

Mr. TUNNEY. So I think we have to take the President's letter at face value. He says his first priority is to extend the Voting Rights Act.

Quite honestly, I tell my friend from Mississippi, I do not see anything in the President's letter that specifically addresses itself to the problem that is posed by the amendment of the Senator from Mississippi, namely, the repeal of section 4 and the extension of the preclearance provisions to every district in the country.

Mr. STENNIS. Is it not clear that the President has advocated in that letter the application of this act nationwide? Is that not the substance of a major part of his letter?

Mr. MATHIAS. Will the Senator yield?

Mr. TUNNEY. I think it is fair to say that the letter does state that the President would like to see a nationwide law, but he does not refer to what he wants in such a nationwide law. He does not say that he would like to see section 4 repealed. Nor does he say that he would like to see the preclearance provisions of section 5 extended nationwide. It just says he wants a nationwide law.

Mr. STENNIS. Every Senator can judge for himself. I wanted to point out the difference in the dates and that the President has written a strong letter.

Mr. MATHIAS. Will the Senator yield?

Mr. STENNIS. I do not have the floor.

Mr. MATHIAS. Will the Senator from Massachusetts yield to me on my own time for just 1 minute?

Mr. BROOKE. Yes.

Mr. MATHIS. The distinguished Senator from Mississippi has made some point of the chronological sequence of the letter from the Assistant Attorney General and the letter from the President. I think we ought to take this letter from the President in some historical perspective.

I was serving with the President in the other body in 1965, when this bill was first passed. The President, at that time, moved to substitute, which would have virtually destroyed the bill at that time. That was his position. He has been perfectly open and consistent and forthright about it.

In 1970, when the extension of the bill was up, the President moved what was, at that time, called the Mitchell bill, or the Mitchell amendment. The President moved it as a Member of the House. That was his position. It is on the record. His position has not changed in that letter. It is the same position he had in 1965, the same position he had in 1970, and the same position he expresses in the letter. It is all on the record.

So the letter really does not add anything to this debate, nor does it take anything away.

Mr. BROOKE. Mr. President, the Senate has acted twice, overwhelmingly, to invoke cloture. Those votes indicate the Senate's desire to take up and to resolve this question of the extension of the Voting Rights Act of 1965. We have heard a rather lengthy, sometimes very spirited debate on this issue. And now the distinguished Senator from New Mexico, who has indicated already, by his votes, that he favors an extension of the Voting Rights Act of 1965, has raised some valid questions. He is concerned as to whether the repeal of section 4 would make this act unconstitutional.

Lawyers will disagree as to the constitutionality of the act. That is why we have the Supreme Court of the United States. I cannot tell the distinguished Senator from New Mexico any more than the distinguished Senator from Florida can tell him whether this act will be unconstitutional or not. I personally believe that if section 4 is repealed the act would be unconstitutional. The Senator from Florida personally believes it will be constitutional. But the distinguished Senator from New Mexico will have to decide the question on his own. I respect him for having raised that question and I hope some assistance will be given to him as to whether it is constitutional or not.

Mr. DOMENICI. Will the Senator yield?

Mr. BROOKE. I am pleased to yield.

Mr. DOMENICI. I have read the case and I think, with respect to this bill and with respect to that bill, they are both right. I do not think the case stands for anything with respect to constitutionality. I think that, under one interpretation, it could be valid; under another interpretation, it could be invalid. I think we shall have to wait for a decision by the Supreme Court.

I think the Senator from Florida finds some excellent language in there indicating that they were squirming to find it constitutional because it applied only to a region. I think the Senator from New York found some other language in there that they found some very valid national reasons, even though it was only regional. That is the essence of the question as to constitutionality. So I do not think that case stands squarely for either proposition.

Mr. BROOKE. I think the Senator from New Mexico has arrived at a very understandable conclusion. I think the Senator from New York unquestionably is one of the most able lawyers in the country, and I think the Senator from Florida is a most able lawyer. I think the Senator from New Mexico is right; we are going to have to wait for the Supreme Court to decide on the issue of constitutionality.

Mr. DOMENICI. Will the Senator yield?

Mr. BROOKE. Yes.

Mr. DOMENICI. I want to ask the Senator from Massachusetts this question and I want to ask the Senator from California this question. If the Senator from Florida wants to comment on it, I should appreciate his comment.

If the Senator from California will give me his attention, as I read the amendment, the section that is stricken from the bill is a section that, for the first time, brings into play the language barrier problem of the Spanish-American, the Indian, the Alaskan Indian, and the Asian speaking. That is not in any old bill. That is brand new, is that not right?

Mr. TUNNEY. That is correct.

Mr. DOMENICI. If we strike it then what we have done is taken out of this bill, excellent motives to make the bill apply nationally, but we have taken out the new thrust that the President of the United States said in his letter he hoped we would keep in, to wit, the extension of this bill to those who have linguistic problems because of their heritage, mentioning specifically Spanish-Americans.

I look at the bill——

Mr. TUNNEY. That is correct.

Mr. DOMENICI (continuing). And we strike that section and then there is no other criterion or reference to discrimination based upon inability to communicate and, therefore, no statutory basis to find the action by a State which might or might not deny voting rights because of that inability, and there would be no statutory basis for that; is that correct?

Mr. TUNNEY. That is correct.

Mr. DOMENICI. The Senator from California knows I have been arguing with him about the procedure which did not permit us to make some proper amendments to these procedures, to these triggering mechanisms, and the Senator from Massachusetts knows of my concern that section 3 covers some counties under the guise of Spanish-speaking discrimination that really if you looked into them you should have supported an amendment that would clarify them.

I do not think we are going to get an opportunity to make those amendments. But I make this point: We could have cleared them up if we were not in this bind of accepting no amendments. I think every Senator here who is concerned about Spanish Americans and discrimination against them ought to understand that we are deleting the section that is any statutory basis for an Attorney General, even under the amendment of the distinguished Senator from Georgia, if it were the law, and we no longer have any criterion that is linguistically related to culture and heritage for him to base discrimination on or voter discrimination on in any of those States.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. DOMENICI. Yes.

Mr. BROOKE. I am cognizant of the Senator's very unusual ethnic problem in the State of New Mexico, and I very well recall the Senator's amendment. But I think the Senator is primarily interested in seeing that the voting rights of his constituents, all of his constituents, are protected. And I can clearly say to the Senator—and I do not think this is a matter for interpretation—that if you repeal section 4, you will not get that protection.

Mr. DOMENICI. I can tell the Senator, whether or not I find that the triggering mechanism is not terribly reasonable in terms of my State, that rather than support an amendment that will delete all reference to discrimination based upon one's language, in particular the 25 million-some-odd Spanish Americans, I will vote for the onerous burden on my State for a few years if we cannot clear it up in dialog as to the intentions so as to clear the inconsistencies between the preamble, the purpose clause, and section 3.

If you can clear them up, we do not have any terribly onerous problem, but I will take the problem rather than delete totally reference to that kind of discrimination, which is just as real as the kind the Senator is trying to cure when we passed the first act.

Mr. BROOKE. I respect the Senator for what he has tried to do. And I also respect the Senator for his decision on this particular amendment.

Mr. President, we have had, as I said, a very lengthy debate. I said earlier in the debate that I thought it regrettable that in 1975 the Senate of the United States had to spend so much time on legislation which guarantees all Americans the basic right to vote.

As I said before, this is not a busing issue. This is the Voting Rights Act. And I think everyone will agree, both proponents and opponents alike, that the Voting Rights Act has been effective, it has been good for this country, and it will continue to be good for the country.

And I say once again that a vote for the Stennis amendment, which would repeal section 4 of the Voting Rights Act will, in effect, gut the Voting Rights Act. It will remove the strongest weapon we have to assure American citizens of their voting rights.

Thus, Mr. President, I move to table the Stennis amendment.

Mr. STENNIS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield and withhold that for just a minute?

Mr. BROOKE. Yes.

Mr. MANSFIELD. Mr. President, the pending amendment before us, the Stennis amendment, does that state that section 4 of the Voting Rights Act of 1965 is repealed?

Mr. BROOKE. Yes, it does; it says it specifically; the language is very clear.

Mr. THURMOND. Mr. President, I was pleased to join the distinguished Senator from Mississippi in his proposal to extend the application of the Voting Rights Act to the entire Nation. This act should not just be focused on the South.

It has been my contention since the inception of this act that if the act should be applied at all, it should be applied on a nationwide basis. No one in this body is foolish enough to think that voting discrimination exists only in the South. Voting discrimination knows no particular section nor State of the country.

Mr. President, the South has borne this burden too long. What obligations are imposed on the South should be imposed on the rest of the Nation. Discrimination is not a phenomenon known only to one section of the country, as recent events have demonstrated. Discrimination should be eliminated wherever it exists, whether in the South, in the North, in the East, or in the West.

I challenge my colleagues to apply the same rules equally across the Nation. America is one country. It is unfair and unjust to treat one section of our Nation differently from other sections. Furthermore, it is unconstitutional to do so.

I urge my colleagues in the name of fairness and justice to adopt this amendment, which I am pleased to cosponsor.

Mr. DOLE. Mr. President, certainly the substance of this amendment proposed by the distinguished Senator from Mississippi (Mr. STENNIS) addresses the very foundation stone of the entire voting rights, indeed the civil rights movement. It speaks directly to our most basic of all legal guarantees—the right to equal and uniform application of the law.

I have no doubt whatsoever that the people of Kansas, indeed the people of this Nation, demand and cherish the safeguards given to them by the 14th amendment. Accordingly they are not ready to promote any abridgement of or variation from those criteria as a feature of legislation which we develop in this Congress.

The times have changed, Mr. President, and no longer are the voting abuses that persisted through the early 1960's a matter of regional identification. The progress which has come about as a result of the Voting Rights Act of 1965 should be a signal to us that it is time to ease the selective nature of the law and expand it to include every citizen in every State.

As the distinguished Senator from Nebraska (Mr. HRUSKA) pointed out earlier, there is no justification for utilizing discriminatory Federal statutes to address situations which are themselves labeled as discriminatory. In my view, that is exactly the practice we would be endorsing if we fail to agree to this amendment—thereby extending a punitive policy which not only lacks positive incentives, but also fosters bitterness and divisiveness.

It seems to me that is contrary to the whole spirit of our American heritage, something we should be especially mindful of as we celebrate our Bicentennial year. If we act in keeping with that tradition and adopt this amendment, I have no doubt it will serve as a springboard to a new and refreshing feeling of unity and joint resolve throughout our Nation.

I am confident that is part of what the President had in mind when he took the highly commendable initiative of delivering the letter which was read in our Chamber this afternoon. I believe he expressed the true sentiment of the grassroots citizenry of this country when he said that—

> This is one nation, and this is a case where what is right for fifteen states is right for fifty states.

President Ford further spelled out his personal observations about the thrust of this legislation when he noted that, as in 1965:

> A responsible, comprehensive voting rights bill should correct voting discrimination wherever it occurs throughout the length and breadth of this great land.

So again, it comes down to a question of equal protection of the law—which includes the voting rights law. I am impressed by the fact that no one is asking for special treatment here—only that they be covered uniformly and without exception to the principles which that landmark measure encompasses.

The Senator from Connecticut (Mr. RIBICOFF) said in very eloquent fashion near the beginning of this discussion that he had no reservations whatsoever about his State being in full conformity with the provisions of this bill. Why, therefore, he submitted, give cause to question their practices by excluding them from its reaches?

I feel precisely the same way about my State of Kansas—and want to be on record as expressing pride in the operation of our electoral process there over the years. Were the Voting Rights Act to be expanded to include us, I think we might perhaps have only one county which would even meet the 5-percent "triggering" conditions established in this extension bill—yet we would have the greater and more significant satisfaction of knowing that our voting system was evaluated in the same manner as that of Georgia, California, or New York.

By that I mean we would welcome such an opportunity to demonstrate that our registration and voting provisions are among the best in the country. In responding to that challenge, I firmly believe a new air of reassurance that their voting rights were in fact being protected would evolve for not only the residents of Kansas, but for those in every jurisdiction.

This has already been the experience in some areas of my State where a substantial Spanish-speaking minority resides. And just to reflect our initiative in those locations, special arrangements have been made to insure that voting instructions are given in both Spanish and English, and that upon request, one is accompanied in the voting area by a person fluent in English.

I am certain that other States are enjoying similar success in implementing the voting guarantees of the 15th amendment—including our friends in the South. But the point is, we can stimulate even greater advances in the future by implementing uniform standards for everyone and working together toward a common, not partitioned goal.

This amendment is essential if we are to convince those we represent that we believe in evenhandedness and do not ourselves condone discrimination in the name of eliminating that very stigma. It is also necessary if we are to avoid the serious paradox which is presented when a well-intentioned majority seeks to limt the rights of one minority in the name of protecting the rights of another.

I, for one, would like to get away from the principles embodied in H.R. 6219 which presume guilt for some areas and presume innocence for others. Moreover, I find it extremely difficult to reconcile the argument that since "resources" do not permit application of the same Federal standards—be they preclearance requirements or whatever—to all States, we should sanction a policy of selective enforcement in only a few.

Mr. President, I urge all my colleagues to carefully consider the ramifications of this amendment and to join me in defeating the tabling motion. The President has alluded to the unique opportunity we have here to be a voice for fairness and equality across the land. I am hopeful we will use it wisely.

Mr. STENNIS. Mr. President, in view of the colloquy here, I ask unanimous consent that I take at least 1 minute to respond to the inquiry.

The PRESIDING OFFICER. Without objection, it is so ordered, and the Senator from Mississippi is recognized for 1 minute.

Mr. STENNIS. Mr. President, let me say this now: After having charges made more or less that this was just a scheme to get the Southern States out from under the operation of law, all these provisions were given the most microscopic examination, and we all concluded that it did not change anything as to the Southern States; that they would have to continue to meet the requirements, but it would just apply nationally, and that is the effect of it. That is all I wanted to say, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts to lay on the table the amendment of the Senator from Mississippi. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, may we have quiet? We cannot hear.

The VICE PRESIDENT. Order, please, in the Senate.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The VICE PRESIDENT. Order in the Senate, please. Senators will please take their seats.

The assistant legislative clerk resumed and concluded calling the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH) and the Senator from Mississippi (Mr. EASTLAND) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

The result was announced—yeas 58, nays 38, as follows:

[Rollcall Vote No. 312 Leg.]

YEAS—58

Abourezk
Beall
Biden
Brooke
Burdick
Case
Church
Clark
Cranston
Culver
Domenici
Eagleton
Fong
Ford
Glenn
Gravel
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Huddleston
Humphrey
Inouye
Jackson
Javits
Kennedy
Leahy
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Roth
Schweiker
Scott, Hugh
Stafford
Stevens
Stevenson
Symington
Taft
Tunney
Weicker
Williams

NAYS—38

Allen
Baker
Bellmon
Bentsen
Brock
Buckley
Bumpers
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Curtis
Dole
Fannin
Garn
Goldwater
Griffin
Hansen
Helms
Hollings
Hruska
Johnston
Laxalt
Long
McClellan
McClure
Morgan
Nunn
Randolph
Ribicoff
Scott, William L.
Sparkman
Stennis
Stone
Talmadge
Thurmond
Tower
Young

NOT VOTING—3

Bartlett
Bayh
Eastland

So Mr. BROOKE's motion to lay on the table was agreed to.

Mr. BROOKE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. TUNNEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. The Senator from West Virginia.

AMENDMENT NO. 721

Mr. ROBERT C. BYRD. Mr. President, I call up my amendment and ask that it be stated.

Mr. PASTORE. May we have order, Mr. President.

The VICE PRESIDENT. The Senate will be in suspension for a second until everyone has the chance to take their seats. Will Senators please take their seats? The Senate cannot proceed until it is quiet in the Chamber.

The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia, for himself, Mr. RANDOLPH, and Mr. NUNN, proposes an amendment No. 721.

The amendment is as follows:

On page 1, line 6, strike the word "twenty" and insert the word "fifteen".

TIME-LIMITATION AGREEMENT— S. 521

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 521, a bill to increase the supply of energy in the United States from the Outer Continental Shelf Lands Act, and for other purposes, is called up and made the pending business before the Senate, there be a time limitation thereon of 4 hours to be equally divided between Mr. FANNIN and Mr. JACKSON; that there be a time limitation of 1 hour on any amendment, with a time limitation on any amendment to an amendment of 30 minutes, and a time limitation on any debatable motion or appeal of 30 minutes.

Mr. ALLEN. Reserving the right to object, which bill is this?

Mr. ROBERT C. BYRD. This is on the Outer Continental Shelf Lands Act.

Mr. PASTORE. Mr. President, may we have order? We cannot hear the speakers.

The text of the agreement is as follows:

Ordered, That, during the consideration of S. 521 (Order No. 277), a bill to increase the supply of energy in the United States from the Outer Continental Shelf Lands Act; and for other purposes, debate on any amendment in the first degree shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill, and that debate on any amendment in the second degree, debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided,* That in the event the manager of the bill is in favor of any such amendment, debatable motion, appeal, or point of order, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

Order further, That on the question of the final passage of the said bill. debate shall be limited to 4 hours, to be equally divided and controlled, respectively, by the Senator from Arizona (Mr. FANNIN) and the Senator from Washington (Mr. JACKSON).

Mr. ALLEN. I have no objection.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered

Mr. PASTORE. I did not hear the request.

Mr. TALMADGE. What is the request?

Mr. ROBERT C. BYRD. That on the Outer Continental Shelf Lands Act, at such time as that bill is called up——

Mr. TALMADGE. What is the number of that?

Mr. ROBERT C. BYRD. S. 521.

Mr. TALMADGE. I have no objection.

Mr. HUGH SCOTT. It has been cleared on this side, I assume.

Mr. ROBERT C. BYRD. It was cleared with Mr. FANNIN.

Mr. SYMINGTON. Reserving the right to object, Mr. President, and I shall not object, may I ask when it is expected that this bill will be brought up?

Mr. ROBERT C. BYRD. Certainly not before the pending measure is disposed of, may I say to my distinguished friend.

Mr. President, was my request agreed to?

The VICE PRESIDENT. Yes, it was.

AMENDMENT OF THE VOTING RIGHTS ACT

The Senate continued with the consideration of the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I am willing to enter into a time agreement on my amendment. I am willing to agree to a 20-minute time limitation or a 10-minute time limitation, equally divided.

Mr. TUNNEY. Reserving the right to object, is the Senator talking about his amendment to this bill?

Mr. ROBERT C. BYRD. Yes.

Mr. TUNNEY. There are a number of Senators, I know, who would like to address this issue. I think that 30 minutes to a side would be appropriate.

Mr. ROBERT C. BYRD. Mr. President, this very simply cuts back the extension of provisions of the Voting Rights Act from 10 years to 5 years. The Senate, when it enacted the original legislation in 1965, provided that that act extend for 5 years. Then in 1970, when the Congress extended the act, it was for 5 years.

The PRESIDING OFFICER (Mr. STONE). Will the Senators take their seats? Will the Senators in the rear of the Chamber please move to the cloakrooms?

The Senator from West Virginia.

Mr. ROBERT C. BYRD. So, Mr. President, the Senate has established a pattern of 5-year periods. I take the position that the Congress ought not to extend this act 10 years on this occasion, basing its decision today on the conditions that were prevalent when the act was first passed 10 years ago. This amendment would simply mean that in 1980 the Congress would again take another look at the act and, based upon the circumstances at that time, could extend the period again if necessary.

Mr. GOLDWATER. Will the Senator yield for a question? I believe I heard the clerk read that as reducing it from 20 to 15 years.

Mr. ROBERT C. BYRD. That is technically correct, but it really means that the extension of the act would be only for 5 years instead of 10 years.

Mr. PASTORE. Mr. President, will the Senator yield to me?

Mr. ROBERT C. BYRD. I yield.

Mr. PASTORE. We are all here on the floor, and I think this is a very simple amendment, whether you are for it or against it. I think we can cut down the time to about 15 minutes for each side, and we will all stay here and listen to the eloquence, and then make our judgment.

Mr. ROBERT C. BYRD. Mr. President,

as I say, I am willing to have a short time limit on this amendment, say 10 minutes, 5 minutes to the side. I can make my statement in 5 minutes, and the distinguished Senator from California can make his statement in 5 minutes. Every Senator understands what the issue is. We either extend the act for 10 years or we extend it for 5 years. If we extend it for 5 years, we take another look in 1980. It is as simple as that.

I ask unanimous consent that there be a time limitation of 10 minutes on the amendment, to be equally divided between myself and the Senator from California (Mr. TUNNEY).

Mr. TUNNEY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ROBERT C. BYRD. Then, Mr. President, I ask unanimous consent that there be a 20-minute time limitation.

Mr. KENNEDY. I would object to that, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. I do so with the full understanding that we may very well arrive at a vote earlier, but there are some very important implications that are suggested by this proposal, and I think we do not want to be foreclosed from the opportunity to debate it.

Mr. TUNNEY. Thirty minutes to a side I have no objection to.

The PRESIDING OFFICER. Is there objection to a time limitation of 30 minutes to a side? Without objection, it is so ordered.

The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, I did not vote for the Voting Rights Act in 1965, for constitutional reasons, it being my understanding of article I, section 2, and article II, section 1, and the 17th amendment to the Constitution that under the Constitution and the amendment thereto, the States had the prerogative of determining the qualifications of voters.

However, the Court has since held the act to be constitutional, and I intend to vote for the passage of the bill in this instance. But my purpose here is to provide that Congress take another look at the act in 5 years rather than 10 years.

Although some here present may regard the review of voting rights as an onerous chore, I welcome it as a necessary ingredient of our responsibility to enforce the 15th amendment by appropriate legislation.

Briefly, the Congress in common with all legislative bodies has a two-fold responsibility—to enact laws as required by the Nation's needs, and to exercise a continuing vigilance over their execution—the so-called oversight function.

The 5-year durational period not only gives Congress the opportunity; it forces Congress to survey developments in this very important area.

There is no doubt that much progress has been made in the States in the 10 years the Voting Rights Act has been in effect.

I believe the Congress would pursue the wiser course in extending the act for another 5 years, rather than 10 not only because the previous periods were for 5 years and in that time the injustices being legislated against may have been eliminated and it would be unjust to continue Federal intervention in those areas; but also, new conditions may well arise which the Congress may need to take action to correct.

The Voting Rights Act Amendments, at 5-year intervals, makes a convenient vehicle for consideration of changing patterns of voting rights discrimination, and forces the Congress to address this issue on 5-year intervals, rather than 10-year periods.

Mr. RANDOLPH. Mr. President, will my colleague yield?

Mr. ROBERT C. BYRD. If I may finish my statement first.

I believe we lose nothing in choosing a 5-year extension rather than a 10-year extension; and I believe we gain, not only the ability to consider ceasing Federal intervention where it is no longer necessary, but also to correct new or recently discovered, injustices relating to voting rights on a more regular basis working within the framework of amendments to the Voting Rights Act of 1965.

I hope the Senate will adopt this amendment and keep the voting rights extension on a 5-year basis, rather than a 10-year term.

I yield to my colleague from West Virginia, that he may be recognized in his own right as a cosponsor of this amendment.

Mr. RANDOLPH. Mr. President, I have noted that the able Senator from Massachusetts (Mr. KENNEDY) has indicated, in reference to the time for discussion of this amendment, that he felt that perhaps the limitation requested was improper. He used the words that he felt the amendment had been offered with "certain implications." That was his wording, "certain implications."

Mr. KENNEDY. No, if the Senator will let me proceed on my own time, I just had——

Mr. RANDOLPH. Yes, I——

Mr. KENNEDY. On my own time, I just want to clarify it. I meant no reflection, or any implications other than those that would follow on the basis of the statutory change. The substantive implications. There were no other implications. The substantive implications, as I am sure the floor manager will indicate, were that a 5-year extension would make the expiration of the act fall during the census of 1980 and it was to be sure that that census would be covered, and to bind that in, which was the reason for the prolonged extension. I know that the floor manager will make these points, and I shall, also; but that was the only implication I felt there ought to be. I felt this could not be done in 10 minutes, quite frankly, and the floor manager in the points he will make, will show why.

Mr. RANDOLPH. Mr. President, I regret that I read into the Senator's actual words an implication that was not implied.

I want the RECORD to be very clear, as a cosponsor of this amendment, being joined by Mr. NUNN, and with its chief sponsor (Mr. ROBERT C. BYRD). I was vigorous in my support of the voting rights bill of 1965. I was equally vigorous in support of the voting rights bill in 1970.

So I am on record, in 1965 and in 1970, as voting and working for the passage of the voting rights bills.

I am in favor of the pending amendment, because we are doing what we have done before in 1970, after we had originally passed the important measure in 1965.

Mr. President, there is merit in the amendment, and I trust that there will be a recognition of the validity of the proposal. If our amendment is not carried on the rollcall I shall regret such an action. I will vote for the 10-year extension on final passage of this legislation.

Mr. President, voting rights for all Americans is a precious—yes an inalienable right. I hope the Senate will provide an assurance, as we did in 1965 and 1970, that basic rights of participation with the ballot is an essential part of responsible citizenship.

Mr. TUNNEY. Mr. President, I rise in opposition to the amendment. First, I would like to say that I am very deeply appreciative of the help that we have received from the distinguished majority whip, the Senator from West Virginia, in getting this bill to the floor, and the support that he has given us on the cloture motions, and I rise reluctantly to speak against an amendment which he has offered.

However, I feel in conscience that I must do so and I would like to explain the reasons why.

There is nothing magical about a 5-year extension or a 10-year extension. When the House of Representatives originally passed the Voting Rights Act of 1965, they had a 10-year term, which was reduced to 5 years in conference because the Senate provided for a 5-year term.

Why today, after 10 years, do we want to have a 10-year extension? Why not another 5 years?

I think that the most important reason is that the Bureau of the Census is going to conduct a national census in 1980, and that census will then be the basis for reapportionment and redistricting, not only of House seats in the Congress of the United States, but also the State legislative seats.

If we take a look at the submissions under section 5, which have been reviewed by the Department of Justice between the years 1965 to 1974—and section 5 is the preclearance section—it is noteworthy that the largest number of submissions have occurred in those years right after the Census when there was this redistricting and reapportionment.

Just to be more specific, in 1965 there was one submission; in 1966 there were 26 submissions; in 1967 there were 52 submissions; in 1968 there were 110 submissions, in 1969 there were 134 submissions; in 1970 there were 255 submissions; in 1971 it jumped up to 1,118 submissions; in 1972 there were 942 submissions; in 1973 there were 850 submissions; and in 1974 there were 988 submissions.

The very reason that we had so many submissions starting in 1971 was because the Bureau of the Census had come up with the Census which then was used as the basis for reapportionment and redistricting.

I also point out that over a third of the rejections of the submissions by the Attorney General occurred as a result of redistricting and reapportionment.

The Justice Department objected to over 100 of 163 of total objections, since 1965, in the area of redistricting and reapportionment; so almost a third of the objections, or over a third of the objections, have occurred as a result of that reapportionment and redistricting.

I think it is important to just look at what can happen in the way of voter discrimination if we have a redistricting or a reapportionment.

The report of the Washington Research Project, called The Shameful Blight, just gives some examples. I am only going to quote one, because of the time.

> In 1970 the board of supervisors of Adams County adopted new districts for the county. The old districts had varied in population from 800 to 16,832. In its instructions to Comprehensive Planners, Inc., a private firm responsible for much of the redistricting in Mississippi, the supervisors indicated that in addition to equating the population of the different districts, CPI should also equalize "as best it could . . . the mileage of roads for county maintenance, and the square mile area of each district." Because the land area of the county is mainly rural and the population is mainly urban the instructions "dictated a plan which would consolidate urban and rural areas into each district. As the new plan was developed therefore, each district converged in spoke-like fashion from a broad rural base into the City of Natchez." Since "[t]he black population of the county is heavily concentrated in the city of Natchez, with the concentration extending into the rural areas that border northwestern Natchez and comprise the northwestern corner of the county," the result was districts that were fairly balanced between blacks and whites. The county is 48 percent black. The method of districting resulted in the reduction of the black percentage in beat 4 from 75 to 67 and prevented the creation of a second majority black district.

I do not have to go any further into the specific examples because it is clear to all of us in the Chamber of the Senate. We are all politicians. We all know what can be done with districting and what can be done with apportionment. One can take a person who is totally set in one district and reapportion him, redistrict him out of that seat, and he can be beaten. It is very simple to do, and it has been done time and time again in this country.

The thing that concerns those of us who would like to see this Voting Rights Act finally come to an end at some point in time is that if we should end it in 1980 it will be before the Bureau of Census has had an opportunity to come up with its census report and before there has been a redistricting at the State level.

I think we ought to extend the coverage beyond the census to cover the redistricting period. That is mainly why I have to object to the amendment.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. TUNNEY. Yes, on the Senator's time, I will be happy to yield.

Mr. ROBERT C. BYRD. The Senator has half the time.

Mr. TUNNEY. But we are operating under——

Mr. ROBERT C. BYRD. No; we are operating under a unanimous-consent order.

Mr. TUNNEY. Oh, I am sorry. I was not aware this was not charged against my time.

Mr. ROBERT C. BYRD. It is charged against the Senator's time if he yields.

Mr. TUNNEY. I will be happy to yield on the Senator's time.

Mr. ROBERT C. BYRD. Well,——

Mr. KENNEDY. Mr. President, I yield to the Senator from California, if he wants to yield on my time.

Mr. ROBERT C. BYRD. The Senator from California has the time, which is 30 minutes, and I have 30 minutes.

Mr. TUNNEY. I have 30 minutes and he has 30 minutes.

Mr. ROBERT C. BYRD. That is right.

Mr. TUNNEY. I am happy when I talk to talk on my time and when he talks he talks on his time.

Mr. ROBERT C. BYRD. I want to ask the Senator a question.

Mr. KENNEDY. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. Will the Senator state his inquiry.

Mr. KENNEDY. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. KENNEDY. Are the rules of cloture still applicable in terms of the amount of time by which each Senator is governed?

The PRESIDING OFFICER. They are.

Mr. KENNEDY. So, even though there is a time distribution of a half hour to each side, any time that a Senator uses is still charged against his hour, as I understand.

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Could I further ask how many amendments are left at the desk under the cloture motion so any of us who want to participate will have some idea?

The PRESIDING OFFICER. There are 82 amendments.

Mr. KENNEDY. Eighty-two amendments.

I thank the Chair.

Mr. BUMPERS. Mr. President, an additional parliamentary inquiry.

Mr. KENNEDY. I will be delighted to yield, unless there is objection, to the Senator from California.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for a parliamentary inquiry. After his recognition, we will return to the Senator from California.

The Senator from Arkansas.

Mr. BUMPERS. Does the 1-hour time limitation on the cloture rule apply to the manager of the bill?

The PRESIDING OFFICER. It does.

The Senator from California is recognized.

Mr. TUNNEY. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. GOLDWATER. Mr. President, parliamentary inquiry.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a question?

Mr. GOLDWATER. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. Will the Senator state the parliamentary inquiry?

Mr. GOLDWATER. How much time does the Senator from California have remaining?

The PRESIDING OFFICER. The Senator from California has 40 minutes remaining.

Mr. GOLDWATER. Is that out of his hour?

The PRESIDING OFFICER. Of his hour.

Mr. TUNNEY. I am happy to answer any questions and use my answers on my time, if the Senator from West Virginia will understand that I want him to use his time in asking the question while he is talking.

Mr. ROBERT C. BYRD. Mr. President, let me say this: If this is the attitude of the distinguished Senator from California, I have not objected today—and I am yielding on my own time.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. I have not objected today to Senators interrogating other Senators on the time of the interrogator. I could have objected many times. If this is the game we are going to play, may I say that I will start objecting and the cloture rule will be strictly enforced and, if it is, the Senator who is managing the bill is the Senator who is going to be hurt most.

Mr. TUNNEY. We all will be hurt most.

Mr. ROBERT C. BYRD. Now the Senator must not forget that I was one of the footsoldiers who helped to establish the original beachhead for him. Now he sits in the catbird seat. But now, if we are going to take this attitude that we will only yield when he has 30 minutes and I have 30 minutes, and we will only yield to each other on each other's time, then we will enforce the cloture rule without fear or favor after this vote.

Mr. President, I yield, if there is no objection, to the Senator on my time, and I will ask him a question. I will yield 1 minute to him to answer that question. He has raised the prospect of a problem with respect to the 1980 census. The answer is this: Congress can simply take a new look at this act in 1980 and extend it again if necessary. It is just that simple. What Congress has done before, it can do again. But I shall make an offer.

Would the Senator agree to a 6-year extension rather than a 5-year extension so as to carry the act to 1981? This would carry the act beyond the year of the census.

Mr. TUNNEY. I think that a 7-year extension would be more apt, because most of the redistricting takes place within 2 years after, but I point out that

I think that what we are really anxious to have here is an extension beyond the reapportionment.

I think that most of the reapportionment and redistricting takes place in the 2 years after the census.

Mr. ROBERT C. BYRD. Will the Senator agree to a 6-year extension?

Mr. TUNNEY. I cannot agree to a 6-year extension.

Mr. ROBERT C. BYRD. Will the Senator agree to a unanimous-consent request that I be allowed to modify my amendment to provide for 7 years?

Mr. TUNNEY. Mr. President, reserving the right to object, is it the Senator's intention to go through all the reapportionment actions which are going to be taken up if there were a 7-year extension?

Mr. ROBERT C. BYRD. Now the Senator is yielding to me on whose time?

Mr. TUNNEY. I yield 1 minute to the Senator. He has been so generous to me.

Mr. ROBERT C. BYRD. I thank the Senator.

I asked the Senator a question as to whether or not he would lodge an objection to my modifying my amendment to provide for a 7-year extension. He can answer yes or no.

Mr. TUNNEY. I reserve the right to object, and I should like to get a clarification of what the Senator wants.

Is the Senator saying that in his 7-year extension, if he should so modify his amendment, he would like to cover all the cases that are arising under the 1980 census reapportionment and redistricting?

Mr. ROBERT C. BYRD. Mr. President, I am simply responding to the Senator's statement earlier that to have a 5-year extension would create problems in connection with the 1980 census. I have asked the Senator whether or not a 6-year extension would relieve such a problem. He indicated that he would object to that kind of extension. I then asked if he would be willing to have a 7-year extension. It seems to me that it is a simple answer—yes or no. He has said that a 7-year extension would be more appropriate.

Mr. PASTORE. Mr. President, will the Senator yield to me on that question, on my time?

Mr. TUNNEY. I yield.

Mr. PASTORE. I understand that the thrust of the manager of the bill right along has been that because this act does expire on August 6, we are very anxious to accept the House version, so that we will not have to go to conference and then, chances are, come back with a situation in which we might have to have either another filibuster or another motion to shut off debate.

Mr. TUNNEY. That is correct.

Mr. PASTORE. My question is this: The bill has not been amended thus far. Is that correct?

Mr. TUNNEY. That is correct.

Mr. PASTORE. I ask my distinguished colleague from West Virginia whether he has any assurance at all that if we do make this 7 years, it will be acceptable to the House.

Mr. ROBERT C. BYRD. No, I do not have any assurance from the House, I say to my distinguished friend from Rhode Island. But I have served in the House, and I have a very strong feeling that the House would not send this bill to conference if the Senate were to adopt a 5-year extension. That does not change the substance of the act.

I do not think the Members of the House would take the risk of sending this bill to conference over a trivial, minor amendment of that nature—merely establishing the same 5-year period as heretofore.

I may say, further, that if this amendment were adopted, and if it came back from the House in the conference report to the Senate, I heard the distinguished Senator from Alabama say earlier today that he would not raise any questions about the conference report if the amendment stays in.

Mr. President, I can understand the concern on the part of those who oppose my amendment.

But I think it only stands to reason that the House would not take a chance—with an August 1 recess confronting Congress—on sending this measure to conference, when there has been no substantive change in the act, the only change being that of amending the 10 years, to make it 5—so as to fit the pattern that Congress has established all along.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. PASTORE. In a sense of compromise, because it is a quarter past 6 on this very long day, would the Senator accept 8 years if it were agreeable to the committee?

Mr. JAVITS. Mr. President, will the Senator yield?

Any Member can object to this, and I do not have to protest my friendship for Senator Byrd. He and I have been very close and work together, and we always will. I would not feel justified in accepting that change tonight. Frankly, I would like to look into the question of how the other House would feel about it.

Having gone this far and struggled this hard to keep this bill as it is—and with the President, himself, saying that is his second priority, even though we were almost torpedoed earlier by his letter—it seems to me, in fairness to ourselves, those of us who slaved over this hot stove, we should find out where we are.

Mr. PASTORE. It is not a matter of slavery. As a matter of fact, the original law was 5 years. We have taken it upon ourselves to make it 10 years. That is an arbitrary decision. I do not question it, but it is a decision that was arbitrarily made.

The majority whip now wants to make it 5 years, consonant with what it was originally. We have reached the point where we have gone 5 years, 6 years, 7 years, 8 years; and it strikes me that if we get it up to 8 years, there will not be that much of a contest in the House, provided we bring them a clean bill. I think it is a sensible compromise.

It is not a matter of slaving over anything. If anybody slaves around here, I think the Senator from Rhode Island slaves as much as anybody else. The point is that the art of politics is the possible. The request is reasonable, and if the Senator will modify his amendment to 8 years, I will be inclined to go along with it.

Mr. ROBERT C. BYRD. I would be perfectly agreeable to make it 8 years, but I have a feeling that someone else will object. But I leave it up to them.

Mr. President, I ask unanimous consent that I may be allowed to modify my amendment to provide for an 8-year extension rather than a 5-year extension.

Mr. JAVITS. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. Mr. President, will the Senator withhold that request for two or three moments and permit the suggestion of the absence of a quorum, to permit the floor manager to make some determination? I think those of us who are interested in it are attempting to accommodate. Personally, I think this could be an entirely appropriate situation. If we could permit a brief quorum call, with the time not charged, we might resolve it.

Mr. President, I suggest the absence of a quorum, without the time being charged.

Mr. PASTORE. Charge it to my time, because I am not going to talk too much on this matter.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. ROBERT C. BYRD. Mr. President, I hope that the distinguished Senator from California will attempt to get a 7-year extension. That would take care of the 1980 census. There is an amendment at the desk which provides for 7 years. There is an amendment at the desk that provides for 6 years. There is an amendment at the desk that provides for 5 years. I hope the Senator will try to get the 7-year extension.

Mr. TUNNEY. In fairness to other Members of this body, I mention that I am going to make a telephone call to the Representative from California, Don Edwards, who is chairman of the Constitutional Rights Subcommittee, and ask him his opinion. Also, I will call the chairman of the full Judiciary Committee of the House of Representatives, Peter Rodino. I will get a reading from them as to what their attitude is.

When I spoke to Representative Edwards today, he said that under no circumstances would they take 5 years. They want to go through the reapportionment period. They said they held something like 13 days of hearings, they heard more than 30 witnesses, they spent hundred of hours, and they felt they should have a bill that would go through the reapportionment period.

Let me give those two men a call, and I will try to get an answer, so that we can allow this unanimous-consent request to go through, because I understand the goodwill of the Senator from West Virginia and why he wants this.

Mr. ROBERT C. BYRD. May I say that it does not make one whit of difference to this Senator whether it is 5 years or 10 years. This cuts no ice either way in West Virginia. I just think that the South is entitled to some consideration for the efforts that it has made over the past 10 years to comply with this law. We have established a pattern of a 5-year period. I think it nothing but just and reasonable and right that we extend it for 5 more years and then take a look at it again.

Mr. President, I hope that the Senator will try for 7 years. There is an amendment at the desk for a 7-year extension. There is one for a 6-year extension; there is one for a 5-year extension. We can vote on all three, but I hope he will try for the 7 years, which does, I am sure, relieve the problem with respect to the census; a problem which he professes to see; a problem which I do not admit.

I suggest the absence of a quorum, Mr. President.

Mr. GOLDWATER. Will the majority whip yield to me for a question?

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. I want to ask the Senator from West Virginia, while this telephone communication is taking place, what is planned tonight? We are sort of spread over this body without knowing much about what we are doing tonight.

Mr. ROBERT C. BYRD. I say to the distinguished Senator, I shall have to consult with the distinguished majority leader before making a statement in answer to his question as to whether we will go on beyond this vote tonight or whether we will try to dispose of this aspect of the legislation tonight and then go out.

Mr. GOLDWATER. Mr. President, is there any chance that we may try to finish the bill tonight?

Mr. ROBERT C. BYRD. I would say the chances will be very slim.

Mr. GOLDWATER. Will there be any chance at all?

Mr. ROBERT C. BYRD. I doubt it.

Mr. GOLDWATER. I have seen slim chances run like the devil.

Mr. ROBERT C. BYRD. I doubt it. If I thought that chance existed to the extent that it would be a 50–50 possibility, then I should say we would try to stay in.

Mr. GOLDWATER. The Senator from Rhode Island has missed his plane. I have missed a good trip down the river. Many of us have missed things. Why not finish the bill tonight and we might be able to play a bit on Friday?

Mr. PASTORE. Will the Senator yield to me on that question?

Mr. GOLDWATER. Certainly.

Mr. PASTORE. I have every confidence that if we can compromise this, we are well on our way to reaching a final vote.

Mr. ROBERT C. BYRD. Mr. President, there are at least 75 amendments at the desk. I do not think we can finish this bill tonight.

Mr. GOLDWATER. I have heard 82, but I cannot believe they are all serious.

Mr. ROBERT C. BYRD. They are serious if they are called up and voted upon.

Mr. BELLMON. Mr. President, I say to the distinguished majority leader that I have an amendment I wish to call up tonight. I hope we can address that possibility.

Mr. ROBERT C. BYRD. Mr. President, I am sure that can be done if need be. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I be permitted to modify my amendment to provide for a 7-year extension instead of a 5-year extension so that the problem which some see as real—which I do not see as real—with respect to the 1980 census would be circumvented.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Reserving the right to object, and I shall not object, I would like to ask the Senator the following question: As I understand it, he also has an amendment at the desk for 7 years.

Mr. ROBERT C. BYRD. There is an amendment at the desk for 7 years.

Mr. JAVITS. Do we know whose it is?

Mr. ROBERT C. BYRD. I have an amendment at the desk for 6 years. Senator ALLEN has one at the desk for 7 years.

Mr. ALLEN. I have one at the desk.

Mr. PASTORE. Reserving the right to object, I realize that we have an impasse here, and I think there has got to be a sense of cooperation. I mean, I am the one who asked our distinguished majority whip whether or not, under the circumstances, he would not agree to 8 years.

Frankly, I would have to vote against the 7 years, but I would vote for the 8 years, and I think it is a fair compromise.

I was wondering, in the spirit of cooperation that, after all, we have been struggling with this bill for a long time, it is legislation that expires on August 6, could the majority whip, in his good grace, as he is always very gracious, consider the matter of 8 years, and let us take it, and without any fracas, and see what we can do with it because I really would not want to see a yea-and-nay vote on this. I do not like to vote against my majority whip, he knows that. There is a tremendous amount of affection between us, and I would hope that he would agree to the 8 years, as he did spontaneously at one time and then, of course, I do not blame him when resistance was made, in the spirit of cooperation that he had acted, he felt a little resentful about it, and I do not blame him for it for one moment. But if he would only agree to 8 years, why do we not have it over with, I mean, we are struggling over 1 year, and this is all ridiculous.

Mr. ROBERT C. BYRD. Mr. President, I appreciate the compliments and the kind words that the distinguished Senator from Rhode Island has placed into the RECORD, but initially I said I would not object to an 8-year extension. But resistance to that suggestion was encountered.

Now, Mr. President, if we make it 8 years, why not make it 9; if we make it 9 why not leave it at 10?

Now, I have agreed to 7 years. That gets us by this bugaboo with respect to a 1980 census, and every Senator in this body is kidding himself if he thinks that the House of Representatives is going to send this bill to conference simply because the Senate has tacked on a 7-year extension. Now, that is simply not going to be done.

I have heard some talk that one objection in the House will send this to conference and prevent the House from accepting a Senate amendment.

The House can go to the Committee on Rules, it can get a rule to take this matter off the Speaker's desk and such rule would specify that the House concur in the amendment, or concur with an amendment, or send the matter to conference. So there are ways for the House to get around a single objection to taking the matter from the Speaker's desk, and I am not about to believe the House is going to kill this bill with an August 1 recess just because the Senate amended the bill to provide for an extension of 5 or 6 or 7 years instead of 10.

Mr. PASTORE. Will the Senator yield?

Mr. ROBERT C. BYRD. Now, my answer to the distinguished Senator—and I apologize——

Mr. MATHIAS. Would the Senator not give his answer yet, just hold that answer for 1 minute while I, reserving the right to object, join in the plea of the Senator from Rhode Island, and I do it not only in the spirit of comity and friendship that he has invoked here this evening, but for an additional practical reason.

Mr. PASTORE. Will the Senator yield?

We see that the majority whip has been a marshal of our forces here.

Mr. ROBERT C. BYRD. Absolutely.

Mr. PASTORE. A good one. As a matter of fact, we could not exist without him.

Mr. ROBERT C. BYRD. Oh, really.

Mr. PASTORE. We could not exist without him, so we are calling upon him in a spirit of cooperation, as he has pleaded with us.

Mr. ROBERT C. BYRD. I recognize that.

Mr. PASTORE. As I say why not make it 9 years——

Mr. MATHIAS. Will the Senator yield?

Mr. PASTORE. Why not 7 years?

Give me a chance, I have not reached my crescendo yet.

Mr. MATHIAS. All right, we will get home for dinner with the family yet.

Mr. PASTORE. Very seriously, I would hope if we go along with 8 years, let us have it done. After all, the Senator does want to clear up this calendar.

Mr. ROBERT C. BYRD. I do.

Mr. PASTORE. Before August 1. Now we are hassling for over an hour, and we talk about 7; all right, 9, or 6, what difference does it make? Let us make it 8 and get going for the simple reason, while the Senator is absolutely right, there is merit to their argument as well, and after all, the art of politics is the possible, and if the Senator gets his amendment he can go home and beat his breast and say, "Look, I am the only one that had his amendment accepted."

The PRESIDING OFFICER. The Chair reluctantly calls time on the Senator from West Virginia.

Mr. MATHIAS. Mr. President, reserving the right to object, let me suggest that——

The PRESIDING OFFICER. On the Senator from Maryland's time?

Mr. MATHIAS. On my time.

The PRESIDING OFFICER. Yes, proceed.

Will the Senator from California yield to the Senator from Maryland?

Mr. TUNNEY. I yield to the Senator from Maryland, yes.

Mr. MATHIAS. If we take 7 years, that throws us into 1982.

Mr. ROBERT C. BYRD. Yes.

Mr. MATHIAS. It is a congressional election year. It is not a good year to have this recurrent issue, this very debate we have now.

Mr. ROBERT C. BYRD. How about 6 years then? That would be 1981.

Mr. MATHIAS. Eight years, the Rhode Island formula, it seems to me, is the answer.

Mr. PASTORE. Look, I had it made until the Senator got into it.

Mr. ROBERT C. BYRD. Well, Mr. President, I have to reluctantly say that I believe that there is consent on both sides of the aisle to allowing me to modify my amendment and make it 7 years instead of 5.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. I hope no Senator will object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is so modified.

The amendment, as modified, is as follows:

On page 1, line 6, strike the word "twenty" and insert the word "seventeen".

Mr. JAVITS. Mr. President, I think what is overlooked—and I have no objection to the modification, but I would like to address myself to the point made by Senator Pastore—I think what is overlooked in this situation is that we have felt strongly and have struggled very hard on the amendment presentations which can tie us up in the other house, and though Senator Byrd says what he does—and he is very knowledgeable on the rules—I have served over there for a long time. I think I know a thing or two about them, too.

There is some very, very determined opposition over there to this bill, and we have been on the phone, Senator Mathias, Senator Tunney, and myself, with various opposite numbers over there and we do run the risk, we will run a serious risk in relaxing our strong effort to avoid any amendments and bring about a bill that goes right to the President.

I join with my colleagues in the willingness to run that risk in the spirit Senator Pastore described.

I do not think for a moment those points of view and the indications which we have had on our side from those we have talked with that the number of years named by Senator Pastore—I am willing to take the chance, or frankly, I did not think I would. I felt very, very strongly about this, but I have been persuaded before just as the Senator has. He could not serve in this body if he were not, and I am persuaded that we have a slight chance to get by without a lot of grief if we take the eight-year figure, and I am willing to take a chance on it.

I suggest to the Senate the possibility of deferring that question until the end, but the Senator from West Virginia has very good reasons, I heard him very carefully, for feeling that we cannot do that. I understand that.

The Senator from West Virginia (Mr. Robert C. Byrd) may not think that this is a serious risk. I submit those facts to our colleagues. I do not plan on impulse; it is not my way or his; but I submit those facts to my colleagues as an explanation for why this seems to me to be, everything considered, a fair way out. I hope very much that is the way it may go.

We will run our risks. The Senator will have a material concession, and I am very hopeful neither of us will have any cause to regret it.

Mr. ROBERT C. BYRD. Mr. President, may I say to the able Senator, it makes no difference to me as the Senator from West Virginia whether it is 5 years or whether it is 10 years.

This bill does not cut either way in West Virginia. It does not slice either way. West Virginia is untouched, no matter what happens. But I do feel that having established the pattern of a 5-year period that the Congress ought to continue in that pattern. In 1980, we could take another look, just as we are now reviewing the matter in 1975.

I believe that those areas of the country which have attempted to comply with the law should be shown some approving consideration for their having complied with this act now, and I do not think we show those areas due consideration when we come in here and say now we will extend this act 10 years on the basis of the circumstances that existed 10 years ago but which no longer exist. I don't think it is fair to the handful of States that have been under the act for 10 years and have complied with it. Congress can take another look at extending the act in 5 or 6 or 7 years just as easily as in 10 years.

The country has made great progress under this act. In renewing it for 5 years, as I originally suggested, this would allow Congress to exercise oversight in connection with the act; it would be fair; it would be just; it would be reasonable; and it would be in accordance with the pattern that the Congress has already established.

When the distinguished Senator from California suggested that one of the problems with this 5-year extension was that of the 1980 census, I said, "Will you accept 6 years?" The answer was no.

I believe he said, "Will you make it 7 years?" I agreed to 7 years. Then the distinguished Senator from Rhode Island said, "Will you make it 8?"

I said I would not object, but then the resistance began to build from those who oppose any amendment to the bill.

Having rethought the matter, I think a 7-year extension is a fair compromise, and I will stay with that.

The PRESIDING OFFICER. All the time on the amendment has expired. The question is on agreeing to the amendment.

Mr. JAVITS. Mr. President, I move to lay the amendment on the table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. CRANSTON. Will the Senator withhold for one moment?

Mr. JAVITS. I withhold.

The PRESIDING OFFICER. Time on the amendment has expired.

Mr. CRANSTON. May I have unanimous consent to speak for 30 seconds?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CRANSTON. The manager of the bill, who has been working with Senator Byrd and others, had an understanding that the manager would not move to table. With that understanding, I would ask that the Senator withhold that tabling motion and let the amendment stand on its merits.

Mr. TUNNEY. I did have that understanding with the majority whip.

Mr. JAVITS. I withhold it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate and will the Chair keep the well clear?

The PRESIDING OFFICER. Regular order has been called for. Senators will clear the well and take their seats so that the clerk can conclude the rollcall.

The legislative clerk resumed the call of the roll.

The PRESIDING OFFICER. Will Senators clear the aisles? Will Senators who wish to converse please go to the cloak rooms? The Senate will be in order.

Will the Senators in the rear of the Chamber please withdraw to the cloak rooms or take their seats?

The legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Mississippi (Mr.

Eastland), the Senator from Minnesota (Mr. Humphrey), and the Senator from Arkansas (Mr. McClellan) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Humphrey) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bartlett) is absent due to a death in the family.

The result was announced—yeas 52, nays 42, as follows:

[Rollcall Vote No. 313 Leg.]

YEAS—52

Allen
Baker
Bellmon
Bentsen
Brock
Buckley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Curtis
Dole
Domenici
Fannin
Fong
Ford
Garn
Goldwater
Gravel
Griffin
Hansen
Hart, Gary W.
Haskell
Helms
Hollings
Hruska
Huddleston
Johnston
Laxalt
Long
Mansfield
McClure
McGovern
Metcalf
Morgan
Moss
Nelson
Nunn
Randolph
Ribicoff
Roth
Scott, William L.
Sparkman
Stennis
Stevens
Stone
Talmadge
Thurmond
Tower
Young

NAYS—42

Abourezk
Beall
Biden
Brooke
Case
Church
Clark
Cranston
Culver
Eagleton
Glenn
Hart, Philip A.
Hartke
Hatfield
Hathaway
Inouye
Jackson
Javits
Kennedy
Leahy
Magnuson
Mathias
McGee
McIntyre
Mondale
Montoya
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Schweiker
Scott, Hugh
Stafford
Stevenson
Symington
Taft
Tunney
Weicker
Williams

NOT VOTING—5

Bartlett
Bayh
Eastland
Humphrey
McClellan

So Mr. Robert C. Byrd's amendment (No. 721), as modified, was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 710

Mr. BELLMON. Mr. President, I call up amendment No. 710, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Oklahoma (Mr. Bellmon), for himself and Mr. Bartlett, proposes an amendment numbered 710.

Mr. BELLMON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. Leahy). Without objection, it is so ordered.

Mr. Bellmon's amendment (No. 710) is as follows:

> On page 7, strike the period at the end of line 14, and insert the following: ", and whose dominant language is other than English.".
>
> On page 10, strike the period at the end of line 7, and insert the following: ", and whose dominant language is other than English.".

Mr. BELLMON. I ask unanimous consent that the names of Senators Stevens, Goldwater, and Metcalf be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BELLMON. If the distinguished majority whip would like to have a short rollcall, I would be all for it.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for the rollcall vote be limited to 10 minutes.

The PRESIDING OFFICER (Mr. Stone). Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Does the Senator wish to have a time limitation on the amendment?

Mr. BELLMON. On the amendment, 10 minutes on a side would be agreeable.

Mr. ROBERT C. BYRD. Ten minutes on a side?

Mr. DOMENICI. Mr. President, reserving the right to object——

Mr. KENNEDY. Mr. President, some of us do not even know what the amendment is.

Mr. BELLMON. Amendment No. 710.

Mr. KENNEDY. That helps a lot.

Mr. TUNNEY. Mr. President, I would object to 10 minutes on a side. Let us wait until the Senator explains his amendment, and understand what it is, and then go for unanimous consent.

Mr. BELLMON. Mr. President, the amendment is simple.

The purpose clause in section 203, title II, states it is the purpose of this bill to remedy voting denials for minority citizens whose "dominant language is other than English." Yet because of the definition of "language minorities" in titles II and III as "persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage," bilingual elections will be "triggered" in many counties where there is no dominant language other than English.

My amendment simply adds the words "and whose dominant language is other than English."

It seems to make no sense at all, in a State like Oklahoma, where we have fairly large numbers of American Indians, to require ballots to be printed in more than one language, where those Indians are as competent in the English language as most of us are.

This amendment is perfecting in nature. It would simply clarify the sections in titles II and III, defining the term "language minorities," by adding to the various groups listed—American Indians, Asian Americans, Alaskan Natives, of Spanish heritage—the qualifying phrase "and whose dominant language is other than English." This clause more properly defines those single language minorities who should be subject to protection under the Voting Rights Act. It should be emphasized that the language added by this amendment is not foreign to the bill. The phrase, "and whose dominant language is other than English," is identical to the purpose clause stated in the congressional finding section, section 203, found on page 4, beginning on line 19, which states:

> The Congress finds that voting discrimination against citizens of language minorities is pervasive and national in scope. Such minority citizens are from environments in which the dominant language is other than English.

The goal of the new bilingual provisions contained in titles II and III is a good and just one—to insure that no citizen is denied the right to vote because his dominant language is other than English. I fully support this goal and the remedial device, bilingual elections, as a means to guarantee full participation and equal voting rights. However, there is one major defect in these provisions. Because of the failure to add the qualifying language from the purpose clause, "and whose dominant language is other than English," in the definition sections stating which minority groups are covered, many political subdivisions will be forced to conduct bilingual elections even though there is no single language minority where 5 percent of the voting age citizens have a dominant language other than English.

Let me explain. In reviewing this proposal, especially after reading section 203, I naturally assumed that the traditional Voting Rights Act remedies of "preclearance" with the Justice Department, Federal registrars; and the new remedy, bilingual elections, would be employed only in areas where the dominant language of 5 percent of the voting age citizens in a minority group is something other than English. But when one examines the definition sections for the meaning of the term "language minorities," there is absolutely no mention of this phrase previously stated in the purpose clause. For example, the definitions sections simply states, that if you are an American Indian you are in a minority language group. This makes the false assumption that one automatically has a dominant language other than English if he is an American Indian. Obviously, if the definition sections are not changed to conform to the purpose clause this bill will be improperly applied to many counties where it is absolutely not needed.

Bilingual elections will be held in counties where there is in fact no single language minority, no 5-percent group whose dominant language is other than English. Applying a congressionally mandated, costly bilingual election when there is no demonstrated need will only frustrate the purpose of this act and further erode the credibility of Congress. Unless the definition sections of titles II and III are modified to conform to the purpose clause, as proposed by my amendment, two Oklahoma counties, Choctaw and McCurtain, will unnecessarily be covered by title II with no assurance that a bilingual election is needed because 5 percent of the voting age citizens have a dominant language other than English. In addition, 23 Oklahoma counties will be required to conduct bilingual elections where there is, in fact, no single language minority simply because 5 percent of the voting age citizens of these counties are American Indians.

It is highly inaccurate to assume that

every American Indian has a dominant language other than English. The definition of "language minority" contained in the bill demonstrates a basic misunderstanding of conditions existing in my State. I seriously doubt if there is a county in Oklahoma where 5 percent of the voting age population is not American Indians. It is incorrect to assume that because less than 50 percent of the voting age citizens registered or voted in the last Presidential election that this low turnout is due to the citizens' failure to speak or write the English language. It is incorrect to conclude that because the illiteracy rate, as defined in the bill, is below the national average there is another language—American Indian—used by these citizens. Based on these faulty premises, the remedial devices of the Voting Rights Act contained in titles II and III are triggered. It is ridiculous to force a bilingual election simply because 5 percent of the voting age citizens are American Indians without the additional assurance that their dominant language is other than English. There is no casual connection whatsoever between the trigger mechanisms contained in the bill and the remedies required.

This oversight in the bill can lead to an absurd result, a bilingual election with all the costs and problems inherent in such an election when, in fact, only a few or none of the voting age citizens have a language other than English.

In my opinion, this problem would have been corrected if more of my colleagues fully understood the condition of the Indian citizen in Oklahoma. Most Oklahoma Indians are proud, well-educated people. They are fully assimilated into society and yet have managed to maintain their traditions and culture. For example, contrary to popular opinion, we do not have Indian reservations in Oklahoma.

Mr. President, this week I was visiting with Sylvester Tinker, chief of the Osage Tribe. In explaining this bill's provisions to Chief Tinker, he was amazed. He proceeded to explain to me that although far more than 5 percent of the voting age citizens in Osage County are Osage Indians, only a very few of the tribe can read or speak the Osage language. Even as chief of the tribe, he has difficulty himself in reading the Osage language although he can speak it fluently. This one illustration can be multiplied and is analogous to practically every, if not all, tribes in Oklahoma.

To lend further absurdity to this situation, one must consider the different dialects and tribal languages there are in Oklahoma. Once covered by title III, a county may have to print its bilingual ballots in five, six, or seven different languages even though all the voting age citizens speak the English language. There is only one fair way to prevent this from occurring, and this is for the Senate to adopt the language of my amendment, which will insure that the costly and burdensome bilingual registration and voting mechanism will only be applied where there is an actual need to assure citizens' voting rights because of an English deficiency.

This change will strengthen the bill. The remedies and triggering provisions of titles II and III are still intact. No instance of voting discrimination cited in either the House or Senate reports will fail to be corrected because of the adoption of this amendment.

Mr. President, I ask unanimous consent that a concurrent resolution adopted by the Oklahoma Legislature be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESOLUTION No. 41

A concurrent resolution memorializing Congress to prevent the expansion of the voting rights act of 1965 to include any counties in Oklahoma; and directing distribution

Whereas, the Congress of the United States is considering legislation to expand the Voting Rights Act of 1965; and

Whereas, one proposal would place two counties in Oklahoma, McCurtain and Choctaw, under provisions of the Act; and

Whereas, another proposal would place twenty-three counties in Oklahoma, Harmon, Tillman, Adair, Latimer, Okfuskee, Craig, Blaine, McCurtain, Osage, Delaware, Caddo, McIntosh, Ottawa, Hughes, Cherokee, Mayes, Rogers, Johnston, Coal, Muskogee, Pushmataha, Seminole and Sequoyah, under provisions of the Act; and

Whereas, the reason presumably is that the American Indians residing in said counties constitute a "language minority" and thus do not participate fully in the election process; and

Whereas, said counties on the contrary have outstanding records of voter participation, including participation by said American Indians; and

Whereas, no evidence has been offered by anyone to show that a single Oklahoma citizen was denied his opportunity to vote because of his inability to speak English; and

Whereas, inclusion of certain counties in Oklahoma would require that the county election boards in those counties obtain approval by the United States Department of Justice before performing such routine tasks as changing polling places and precinct boundaries; and

Whereas, counties affected by the Act would be required either to print election materials in an Indian language or to provide interpreters at each stage of the voting process; and

Whereas, imposition of the Voting Rights Act on these counties in Oklahoma would prove to be expensive and unworkable and would not accomplish its intended purpose of increasing voter participation.

Now, therefore, be it resolved by the Senate of the 1st session of the 35th Oklahoma Legislature, the House of Representatives concurring therein:

Section 1. The Oklahoma Congressional delegation is hereby memorialized to oppose proposed legislation that would expand the Voting Rights Act of 1965 to include any counties in Oklahoma.

Section 2. Copies of this resolution shall be transmitted to both United States Senators from the State of Oklahoma, and to each member of the United States House of Representatives from the State of Oklahoma.

Adopted by the Senate the 3d day of June, 1975.

Mr. BELLMON. The purpose of the bill was to deal with problems where there is a dominant language other than English. My amendment simply applies that rule in sections 2 and 3.

I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I previously pointed out that there are 20 languages besides English in use in Alaska in an oral form. These languages have been reduced to writing by the University of Alaska. Yet unless the amendment of the Senator from Oklahoma is adopted, the mere fact that the language exists could lead to the interpretation that all these ballots must be printed for these people in a language they cannot read.

I think that they ought to really make sense out of it. The Senator from Oklahome has found the key. The Senator from California and I previously had a discussion about the problem of language. If the dominant language upon which they rely in written form is in fact other than English, we join in seeking to have the ballots printed for them. But in this circumstance, this language was not a traditional language in a written form. It was traditional only in an oral form in Alaska. Therefore, there is no reason, in my opinion, for the type of provision that is in the bill unless it is amended to be consistent with the prior concept of being the dominant language that is in use. The dominant language throughout my State is, in fact, English. I support the amendment of the Senator from Oklahoma because of that.

Mr. DOMENICI. Mr. President, will the Senator yield?

Mr. STEVENS. I yield to the Senator.

Mr. DOMENICI. Mr. President, I repeat what I have said before.

In this instance, what we are doing in section 3 is talking about giving people the ballot in more than one language.

Instead of talking in the bill about what language they understand or use, we talk about their heritage. So what we have is in my State we include Spanish heritage people. But we for many years had bilingual ballots. In other words, we already knew we had a problem both of understanding and of heritage.

But the Senate ought to know that the State of New Mexico in the year of 1969 decided that it was optional with each county whether they wanted bilingual ballots or not. So we have already reached the point where there is a gap between heritage and dominant language.

But in this bill we will not relate what the dominant language is to the ancestral background. If in fact the triggering mechanism system comes along, it will be put in effect even if the dominant language is not the language of the minority group.

We have some Spanish Americans who do not speak Spanish. But the Senator would count them in the group and supposedly give them a ballot in the Spanish language.

In our State we have already grown to the point where we do not have to do that any more. So it appears that the request of the Senator from Oklahoma that we tie the dominant language to the ancestral background is a very logical and reasonable request.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. DOMENICI. I am glad to yield.

Mr. TUNNEY. I am extremely sympathetic with the purposes of the amendment of the Senator from Oklahoma. But the problem is that he uses some words of art in his amendment which I just feel is going to destroy the effectiveness of the language minority of the section of the bill before us here.

The Bureau of the Census does not have any data on dominant language. They have data on mother tongue, and they have data on national origin, but they do not have any data on what is a dominant language in a household. We are using now the data of the 1970 census, we are not going to be able to apply the provisions of title 3 if this amendment is accepted. I just feel that it is unfortunate that the amendment of the Senator is worded in this way.

Mr. BELLMON. Mr. President, if the Senator will yield, if the Senator will look at page 4, line 22, he will find precisely the language used in my amendment. The language is out of the bill. We are trying to make the bill consistent in sections 2 and 3 of titles II and III with the language in the purpose clause.

Mr. TUNNEY. Yes, that is correct. But its significance in the purpose clause is not as a word of art as it is in the amendment that the Senator has offered to the body.

Being used as a word of art, it is a trigger for the operation of the entire section dealing with language minorities. The Census Bureau would be unable to relate statistics on dominant language.

So, whereas, I am very sympathetic with the point that the Senator makes, I have to object to the amendment and say that it is my opinion that it is going to very seriously impair the operation of this bill as it relates to language minorities.

Mr. STEVENS. It is not correct. We are not changing the triggering device. We are changing the definition portion of the bill. This is the portion that defines what is a language minority or a language minority group. We have not changed the triggering device, which is what I want to do. I have amendments up there to do it.

This means that my State can come along, as we did after the 1965 act and after the 1970 act, and prove that our minority group is a language group, that English is the dominant language, and we can trigger ourselves out of this act. Unless this language is in there, we cannot do it. But this does not affect the triggering mechanism that is in here for the 5 percent. We still have to have that requirement but it gives us a chance to trigger ourselves out of this act, as we have done before.

Mr. TUNNEY. But the triggering device refers to language minority, and then we define what is a language minority.

Mr. STEVENS. Right.

Mr. TUNNEY. What the amendment of the Senator from Oklahoma does is to change the definition and it talks about, for instance, an American Indian or a person of Spanish heritage whose dominant language is other than English.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. TUNNEY. The Census Bureau has no information on that.

Mr. GOLDWATER. Will the Senator yield at that point?

Mr. TUNNEY. Certainly.

Mr. GOLDWATER. I point out—and I believe that it is a grave mistake in that particular paragraph—the Senator says, "Oral Spanish heritage." That would exclude Mexicans in my State, Puerto Ricans in New York, Guatemalans wherever they might live in this country, or any other American who happened to come from some other origin than Spanish. Spanish has a real meaning in our Southwest. He is of Spanish origin. He is not of Mexican origin.

But with this language I am afraid if one wants to get a real sharp lawyer, we are going to exclude anyone except those whose forefathers were from Spain.

Mr. TUNNEY. The Senator from Arizona raises a good point in support of that, but the Census Bureau considers Mexican-Americans as persons of Spanish heritage. We made this definition conform with the Census Bureau data.

Mr. GOLDWATER. Why not make that slight correction, because I can assure the Senator that one can be beaten in court on this by not too smart lawyers.

Mr. TUNNEY. In the committee report, we say that persons of Spanish heritage are identified as persons of Spanish language in 42 States and the District of Columbia, persons of Spanish language as well as persons of Spanish surname in Arizona, California, Colorado, New Mexico, Texas, and persons of Puerto Rican birth in New York, New Jersey, and Pennsylvania.

Mr. GOLDWATER. The Senator uses Spanish surnames. These are not Spanish surnames. They are Mexican surnames.

I am very interested in this. I believe in what the Senator is trying to do. I think it would be much better if we just put the word "Spanish-speaking heritage" in there. As far as the amendment of the Senator from Oklahoma, I am in complete sympathy with that. We have 15 Indian tribes in my State.

They speak three different languages. Not a single language is written, nor is there any way to write it. The dominant language is English, although we must come under this act because that language is included.

Actually, when we print our ballots in Spanish, many people of Mexican origin ask, "What are you trying to do? None of us speak Spanish."

I wish the Senator would listen to the problems of these States and not just ceremoniously say, "We cannot take the amendment." These are real problems, believe me. I am going to vote for this bill. I would have voted for it had I been here in 1965. But it has a lot of these little harassing mistakes that haunt the States of the Southwest and the Far West, where there are a sizable number of Spanish-speaking people and Indians.

I think the Senator should pay attention to these amendments.

Mr. TUNNEY. I appreciate the comments of the Senator from Arizona. But this amendment is drafted in a way that we will never be able to get the statistical data from the Census Bureau, and the Census Bureau will not be able to make the determinations which the amendment assumes they will make.

Mr. President, I am prepared to vote. I think almost all the Senators are in the Chamber, and they understand what it is all about.

Mr. STEVENS. I am prepared to vote, too, but I think the Senator is being unfair to state that the burden of proof would be on the Federal Government. The burden of proof is on the State to show that it should be triggered out. We are asking for a fair definition of what the situation is with regard to heritage versus language in this bill. We have that burden of proof, but we cannot get out under this bill, although we have been twice in the past.

Mr. DOMENICI. Mr. President, will the Senator yield 1 minute, so that I may ask a question of the Senator from California?

Mr. BELLMON. I yield.

Mr. DOMENICI. Will the Senator from California refer only to title III? I am not talking about title II, just subsection (e) of title III. That is not a section that has anything to do with triggering. It has already been triggered. This has to do with how you decide whether or not you give people one ballot in one language, two languages, three languages, and so forth.

I ask the Senator whether or not the intent of that section—section (e), which I am talking about—is that you would be required to give the ballot to a voter in a language other than English if they are from one of these minority groups in sufficient proportion and their dominant language is not English. I am talking about intention. I am not trying to argue the amendment.

Mr. TUNNEY. The intention is to require bilingual assistance in those instances where the language the minority speaks is their basic language, a language other than English.

Mr. STEVENS. Whether they can read it or not?

Mr. DOMENICI. If their dominant language is English but they happen to be in the minority group, the Senator does not intend that they get two ballots or get a ballot in a language other than English? It is just the way the statute is drawn, and that is the way it might be?

Mr. TUNNEY. If the person is illiterate, I say to the Senator from Alaska, he will get oral assistance in a language other than English. We want to give to people who are language minorities an opportunity to know for whom they are voting and on what they are voting. If they are illiterate, they can get oral help. If they are literate, they get a ballot in their language, if they qualify under other sections.

Mr. STEVENS. I would concur 100 percent if the House had done that. Unfortunately, they have us in the position where if there is 5 percent or more of a minority group as defined in this bill, we must provide bilingual printed materials, even though no one can read the language. The written form was prepared by the University of Alaska. They speak the language but cannot read it. Giving them printed material in a language they cannot read will confuse them rather than help them in terms of voting procedures.

Mr. BELLMON. Mr. President, I am ready to vote.

Mr. HANSEN and Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized, and then the Chair will recognize the Senator from Massachusetts.

Mr. HANSEN. Mr. President, I am delighted that, so far, the distinguished floor manager of the bill has not yielded on this point. I perhaps am motivated by different reasons than are those who support the amendment. I oppose it, and I do so for this reason.

I think the application of this bill should be made nationwide. I spoke on that earlier today. Anything that makes its application broader than may have been intended, I say, is all to the good. If it is a good law, we should all enjoy it; we should all have the opportunity of working under it. I hope the distinguished manager of the bill does not yield on this point.

I am well aware that he said that if we amend the bill in any way, the law may lapse, because the House is adamant. It will take no amendments. We cannot amend it at all.

With some reluctance, I voted earlier this afternoon to shorten the time, because if something is good, it seems to me that one would want it for 10 years instead of 7. But I was persuaded by my good friend from California to support it, so I did. But I hope that on this point he will not yield.

Let us make it apply all the way around; and if it catches more States, perhaps the next time we can get all 50 States under it. I see no reason not to have it apply to all 50 States. I hope my good friend from California stands fast. [Laughter.]

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the role.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD (after having voted in the affirmative). Mr. President, I have a live pair with the distinguished Senator from Minnesota (Mr. HUMPHREY). If he were present and voting, he would vote "No." If I were permitted to vote, I would vote "Yea." Having already voted in the affirmative, I now withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. ABOUREZK), the Senator from Idaho (Mr. CHURCH), the Senator from Montana (Mr. METCALF), the Senator from Mississippi (Mr. STENNIS), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Nebraska (Mr. HRUSKA) are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

The result was announced—yeas 26, nays 59, as follows:

[Rollcall Vote No. 314 Leg.]

YEAS—26

Allen
Baker
Bellmon
Brock
Buckley
Byrd,
 Harry F., Jr.
Cannon
Curtis
Dole
Domenici
Fannin
Garn
Goldwater
Griffin
Johnston
Laxalt
Long
McClure
McIntyre
Roth
Scott,
 William L.
Sparkman
Stevens
Thurmond
Tower
Young

NAYS—59

Beall
Bentsen
Biden
Brooke
Bumpers
Burdick
Case
Chiles
Clark
Cranston
Culver
Eagleton
Fong
Ford
Glenn
Gravel
Hansen
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Inouye
Jackson
Javits
Kennedy
Leahy
Magnuson
Mansfield
Mathias
McGee
McGovern
Mondale
Montoya
Morgan
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott, Hugh
Stafford
Stevenson
Stone
Taft
Tunney
Weicker
Williams

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Byrd, Robert C., for.

NOT VOTING—13

Abourezk
Bartlett
Bayh
Church
Eastland
Helms
Hruska
Humphrey
McClellan
Metcalf
Stennis
Symington
Talmadge

So Mr. BELLMON's amendment was rejected.

Mr. ROTH. Mr. President, to those of minority races and nationalities there is almost no piece of legislation of more importance than the voting rights bill. Since I have been in the Congress I have always supported voting rights legislation and find this new bill even more meaningful than past ones because it includes Spanish-speaking minorities as well as racial minorities.

Many Americans may have forgotten the abuses and injustices which made this legislation necessary in the first place. It was the result of long years of withholding or abusing voting rights for a large segment of the population of some States through various devices such as the literacy test.

These devices have been used to thwart the constitutional rights of blacks and Spanish-speaking minorities as well and we must extend this legislation to prevent a return to past abuses and to preclude future attempts to disenfranchise Americans from exercising their right to vote. All of us regardless of race, color, creed, or national origin have this right and must continue to exercise it if our democratic heritage is to be maintained and if our system of Government is to continue to be a viable one.

An American citizen has no greater right than the right to cast a ballot for the candidate of his choice in an election. And in my view there is almost no greater transgression against an American's freedom than the abuse or loss of that right by whatever means. That is why it is so important that this legislation be passed. All Americans are equal under the law, and any equivocation with this important constitutional principle denies its full meaning—not just to those whose rights are being abused but to all Americans who believe in true representative government.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, has there been any morning business today?

The PRESIDING OFFICER. There has not been any morning business today.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes each for the purpose only of the introduction of bills, resolutions, petitions, memorials, and statements into the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. And reports of committees, the Chair inquiries?

Mr. ROBERT C. BYRD. I have no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there morning business?

AMENDMENT OF THE VOTING RIGHTS ACT

Mr. ALLEN. Mr. President, I ask unanimous consent that in view of the fact that the distinguished Senator from California (Mr. TUNNEY) has to answer all of the amendments that are brought up he be extended an additional hour of time during debate on this bill.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I certainly recognize the problems of the manager of any measure when cloture is invoked, and I am not going to object to this request. I think it is a reasonable request, and I think that the distinguished Senator from California should have another hour and, as a matter of fact, if the Senator from Alabama wants to make it 2 hours, I will not object.

But I will say this: The Senate has been operating under a pretty freewheeling procedure today. Under the cloture rule a Senator can only yield for a question, and under the rule a Senator cannot yield another Senator time upon objection. A Senator cannot interrogate another Senator and have the time charged against the interrogator if an objection is raised.

I have not raised any objection because

I have felt that the distinguished Senator from California is the one Senator here who, under this cloture motion and who, having to manage this bill, is the one Senator who really needs the time, and I have not objected today, although the rule was transgressed many times.

But I want the Senator from California to know that I could object and it would make it very difficult for him to oppose amendments because his 1 hour under the rule would quickly expire. So I want the Senator to know there are such things as rules in the Senate, and that when the cloture motion is invoked it is the greatest parliamentary bear trap that has ever been devised and, if the rules are enforced, the manager of the bill is the first individual to feel the grip of the bear trap.

So I will not object. It may be that later when the Senator from California needs another hour I will not object again. But I just want to say to him that I did not take very kindly to his remarks today when he had the bit in his mouth, so to speak—which was made in a tense situation, and which I am not going to hold that against him—if I did hold it against him he would be in a difficult situation now that the Senate has invoked cloture. [Laughter.]

Mr. TUNNEY. Reserving the right to object, I want to say, first of all——

Mr. ROBERT C. BYRD. I have not objected.

Mr. TUNNEY. But I want to say something.

Mr. ROBERT C. BYRD. The Senator is not going to object.

Mr. TUNNEY. I want to thank the Senator from Alabama for his great courtesy, and it is deeply appreciated by me. I think it is very typical of the Senator from Alabama to do it because he always has been very courteous, fair, and generous with me.

I also want to thank the Senator from West Virginia for what he said and the fact that he has been kindly disposed to the Senator from California. I recognize that he could have on a number of occasions interposed an objection, and I appreciate that he did not.

I hope that he believes, as I do, that I certainly did not intend ever to violate the rules of the Senate, and he knows that I did not. I have always been trying the best I could in answering these amendments to argue on the basis of the merits as I saw them. I know that sometimes there is a difference of opinion, and I have never in my life held any statement on the floor against any Senator, and I would hope that no Senator would hold anything that I say on the floor against me when we are talking about issues.

I have never talked in personalities and I have never intended to.

I appreciate the kind words of the Senator from West Virginia and also the efforts of the Senator from Alabama.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, in a more serious vein now, I think we have to realize that the Rules of the Senate under cloture are going to have to be enforced. Perhaps not to the utmost degree, but if half of the amendments at the desk are called up, this would mean that at least 40 amendments would be called up for votes, and action on the bill would not be completed this week. I do not know how many amendments will be called up, it may be that only a few of the remaining 75 or 80 amendments will be called up, but if they are called up and debated and if rollcall votes occur thereon and if there are live quorums, the Senate would be very hard put to dispose of this bill this week without having all night sessions Thursday night and Friday night.

So, I say all that to say this: There are going to be times when the cloture rule in its entirety may have to be enforced without fear or favor if we are to finish with this bill this week.

I have observed today a number of times in which Senators would say, "Well, would the Senator from California yield for a question on my time?"

Under the rule, that cannot be done if there is an objection.

Now, when there is no objection, that is a way of transferring one's hour to another Senator. That cannot be done except by unanimous consent. But it is a way of transferring the hour to another Senator, and if we do that we can utilize the full 100 hours on this bill, and any Senator can count for himself, if we ran 8 hours a day, how many days would pass before the 100 hours would be consumed—and that would not count the time consumed on quorum calls.

I spoke earlier facetiously, but I speak now seriously, and I say it for the benefit of those who are proponents of the measure, that if they really want to get this bill and get it tomorrow or Friday, somebody is going to have to start observing the rule, and if they do not observe the rule, somebody will have to start asking the Chair to enforce the rule.

So I say all of this without any unfriendly feeling toward anyone. I am just calling it to the attention of Senators if we expect to get this bill passed this week. We cannot operate under cloture as we would operate otherwise under usual procedure.

Mr. MATHIAS. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. MATHIAS. I think the Senator has made a valid point.

I think perhaps we have taken advantage of his good nature and we should give him some assistance. I would like to volunteer in any way that I can because I do think it is important and, of course, it is vitally important that we complete action on this bill if there is going to have to be a conference. If there is going to be a rule obtained in the House all time becomes of the essence.

I think the Senator has given us a lot of leadership through out this whole debate. I listened very carefully to him tonight, and I heard what he said.

Mr. ROBERT C. BYRD. I thank the able Senator.

Mr. President, what I said was not meant to be pointed toward any particular Senator or group of Senators. I merely wanted to call the attention of the Senate to the fact that under cloture, the rule ought to be reasonably enforced, and if this bill is to be passed within a reasonable length of time, the cloture strictures are going to either have to be voluntarily observed or they will have to be enforced.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. ALLEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLEN. The time yielded by Senators during this period for the transaction of routine morning business which is being transacted by unanimous consent is not charged against Senators' time under the cloture motion?

The PRESIDING OFFICER. The Senator is correct.

Mr. ALLEN. Mr. President, the statement has been made, and we have read it in the press and we have heard it on the media, that the Voting Rights Act will expire on August 6, 1975.

That is not correct. The Voting Rights Act will not expire on August 6, 1975. In fact it will not expire.

That is a careless statement to say the Voting Rights Act is going to expire on August 6. The provisions will continue. The only change that will be made with regard to any expiration is the expiration of the ban on literacy tests that was put into the law in 1970. It is true, that will expire.

That is a ban, however, on literacy tests in areas outside of the covered States and one would assume that since they are not being used for purposes of discrimination they would not be used even though the bill did expire.

What about this 7-year extension, or 10-year extension, or 5-year extension?

That is a misnomer, Mr. President, in that what takes place is that the time during which a State operates without a test or device is to be extended for 10 years or 7 years or some length of time——

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. ROBERT C. BYRD. Mr. President, if the Chair will recognize me, I will yield my 3 minutes to the Senator.

The PRESIDING OFFICER. The Senator from West Virginia is so recognized.

Mr. ALLEN. I thank the distinguished Senator from West Virginia.

So this time of the sentence, the time of the length of proof of compliance, is what is changed. The Voting Rights Act would continue on, and even though nothing was done the Voting Rights Act would still be in full force and effect except for the ban on tests outside of the covered area.

What is being done is that the sentence against these covered States is being extended. They had a sentence of 5 years, then just as they were about to get out from under that, they added another 5 years. Now they are going to add another 7 years to the sentence, not to the time during which the Voting Rights Act would be in full force and effect, and the statement has been made here on the floor many times today that we have a nationwide Voting Rights Act.

Well, nothing was said about the nationwide Voting Rights Act expiring on August 6 and what is being talked about is not an extension of the act. That is a misnomer.

It is an extension of the time of the sentence imposed on the covered States.

I think that is a point many Senators are overlooking and the public generally is overlooking that, because this law will not expire and all of this frantic hurry, haste, "Let us not amend anything, let us ram this through," all that is needless.

This added sentence could be added later because the act goes on and on.

I would like to point that out during this period for the transaction of routine morning business and possibly on tomorrow I will also point it out. The Voting Rights Act will not expire, and I think it is time that that point is called to the attention of the Senate.

I yield back the remainder of my time.

ORDER FOR RECESS UNTIL 8 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 8 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order tomorrow morning, the following Senators be recognized, each for not to exceed 15 minutes and in the order stated, and without the time being charged against them under the cloture rule: Mr. Harry F. Byrd, Jr., Mr. Culver, Mr. Roth, Mr. Church, Mr. Tower, Mr. Ford, and Mr. Mansfield, after which the Senate resume consideration of the voting rights bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME-LIMITATION AGREEMENT—S. 1587

Mr. ROBERT C. BYRD. Mr. President, this request has been cleared on the other side of the aisle. I ask unanimous consent that when S. 1587, a bill to amend the Public Works and Economic Development Act, has been called up and made the pending business before the Senate, there be a time limitation thereon of 3 hours to be divided between Mr. Brock and Mr. Montoya; that there be a time limitation on any amendment of 1 hour, to be equally divided between the mover of the amendment and the manager of the bill; if the manager of the bill supports the amendment, then the time in opposition thereto be under the control of the Republican leader or his designee; that there be a time limitation on any debatable motion or appeal of 20 minutes, to be equally divided in the same way; that there be a time limitation on any point of order if the Senate is allowed to discuss such point of order by the Chair's sufferance, of 20 minutes, to be equally divided between the majority and the minority leader; and that the time limit on debatable motions be applied to any motion to reconsider.

Mr. MATHIAS. Reserving the right to object, would the majority whip again tell us what number it is?

Mr. ROBERT C. BYRD. Calendar Order No. 278, S. 1587.

Mr. MATHIAS. I am just wondering about the senior Senator from Tennessee, who is the ranking minority member of the committee with jurisdiction.

Mr. ROBERT C. BYRD. It was my understanding that it was cleared with him. This comes out of the Committee on Public Works. I had discussed it with Mr. Randolph, Mr. Muskie, and Mr. Montoya. They had discussed it with Mr. Brock and I thought it had been cleared with Mr. Baker.

Mr. President, I ask that the time for debate on the bill, S. 1587, be under the control of Mr. Montoya and Mr. Baker, or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO VITIATE THE VOTE ON SECOND CLOTURE MOTION—H.R. 6219

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to vitiate the vote on the second cloture motion on H.R. 6219.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Time for morning business has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for morning business be extended for another 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. Leahy) laid before the Senate messages from the President of the United States submitting the nomination of Clarence A. Brimmer, Jr., of Wyoming, to be U.S. district judge for the district of Wyoming; and withdrawing the nomination of Clarence A. Brimmer, Jr., of Wyoming, to be U.S. attorney for the district of Wyoming, which were referred to the Committee on the Judiciary.

MESSAGES FROM THE HOUSE

At 11:02 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 504. An act to amend subchapter III of chapter 83 of title 5, United States Code, to provide for mandatory retirement of employees upon attainment of 70 years of age and completion of 5 years of service, and for other purposes;

H.R. 3350. An act to amend title 38 of the United States Code in order to make certain technical corrections therein, and for other purposes;

H.R. 7053. An act to amend chapter 83 of title 5, United States Code, to eliminate, subsequent to the death of an individual named as having an insurable interest, the annuity reduction made in order to provide a survivor annuity for such an individual.

The message also announced that the House agrees to the concurrent resolution (H. Con. Res. 349) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 5522, in which it requests the concurrence of the Senate.

The message further announced that the House agrees to the resolution (H. Res. 605) disapproving the amendment to the regulation under section 4(a) of the Emergency Petroleum Allocation Act of 1973.

At 3:10 p.m., a message from the House of Representatives delivered by Mr. Berry announced that the House agrees to the amendment of the Senate to the bill (H.R. 7767) to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans and to increase the rates of dependency and indemnity compensation, and for other purposes, with an amendment in which it requests the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled bill and joint resolutions:

H.R. 6950. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

H.J. Res. 560. Joint resolution to amend the Defense Production Act of 1950, as amended, to extend the National Commission on Supplies and Shortages.

S.J. Res. 23. A joint resolution to restore posthumously full rights of citizenship to General R. E. Lee.

The enrolled bill and joint resolutions were subsequently signed by the Vice President.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. LEAHY) laid before the Senate the following letters, which were referred as indicated:

Report of the Defense Civil Preparedness Agency

A letter from the Secretary of Defense transmitting, pursuant to law, the 1974 annual report of the Defense Civil Preparedness Agency (with an accompanying report); to the Committee on Armed Services.

Proposed Legislation by the Department of the Army

A letter from the Acting Secretary of the Army transmitting a draft of proposed legislation to provide for more efficient disposal of lost, abandoned or unclaimed personal property that comes into the custody or control of military departments (with accompanying papers); to the Committee on Armed Services.

Proposed Legislation by the Federal Deposit Insurance Corporation

A letter from the Chairman of the Federal Deposit Insurance Corporation transmitting a draft of proposed legislation to amend the Federal Deposit Insurance Act, and for other purposes (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

Report of the District of Columbia Bail Agency

A letter from the Director of the District of Columbia Bail Agency transmitting the report of the agency for the period June 1, 1974 through May 31, 1975 (with an accompanying report); to the Committee on the District of Columbia.

Reports of the Comptroller General

A letter from the Comptroller General of the United States transmitting, pursuant to law, a list of reports of the GAO for the month of June 1975 (with accompanying papers); to the Committee on Government Operations.

Report of the Comptroller General

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Productivity Programs in the Federal Government Fiscal Year 1974" (with an accompanying report); to the Committee on Government Operations.

Proposed Legislation by the Department of the Interior

A letter from the Commissioner of Indian Affairs transmitting a draft of proposed legislation to amend certain laws relating to livestock trespass on Indian lands (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Legislation by the Civil Service Commission

A letter from the Chairman of the Civil Service Commission transmitting a draft of proposed legislation to amend the Federal employees health benefits law, title 5, United States Code, chapter 89 (with accompanying papers); to the Committee on Finance and the Committee on Post Office and Civil Service, jointly, by unanimous consent.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a communication from the U.S. Civil Service Commission proposing to amend the Federal employees health benefits law be referred jointly to the Committee on Finance and the Committee on Post Office and Civil Service.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. METCALF, from the Committee on Interior and Insular Affairs, with an amendment:

S. 391. A bill to amend the Mineral Leasing Act of 1920, and for other purposes (together with minority and additional views) (Rept. No. 94–296).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

S. 253. A bill for the relief of Janice Elaine Groves and her daughter, Anna Groves (Rept. No. 94–297).

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. 907. A bill to authorize the Smithsonian Institution to plan museum support facilities (Rept. No. 94–298).

S. 1657. A bill to amend the National Portrait Gallery Act to redefine "portraiture." (Rept. No. 94–299).

H.R. 5327. An act to reserve a site for the use of the Smithsonian Institution (Rept. No. 94–301).

S. Res. 217. An original resolution temporarily suspending rule IV of the rules for the regulation of the Senate Wing of the U.S. Capitol to permit a photograph of the Senate in session (Rept. No. 94–300).

H. Con. Res. 143. A concurrent resolution to authorize the printing of the hearing on nomination of Nelson A. Rockefeller to be Vice President of the United States (Rept. No. 94–302).

By Mr. CANNON, from the Committee on Rules and Administration, with amendments:

S. Res. 37. A resolution authorizing additional expenditures by the Committee on Aeronautical and Space Sciences for inquiries and investigations (Rept. No. 94–303).

S. Res. 15. A resolution authorizing additional expenditures by the Committee on Agriculture and Forestry for inquiries and investigations (Rept. No. 94–304).

S. Res. 87. A resolution authorizing additional expenditures by the Committee on Armed Services for inquiries and investigations (Rept. No. 94–305).

S. Res. 57. A resolution authorizing additional expenditures by the Committee on Banking, Housing and Urban Affairs for inquiries and investigations (Rept. No. 94–306).

S. Res. 50. A resolution authorizing additional expenditures by the Committee on the Budget for inquiries and investigations (Rept. No. 94–307).

S. Res. 63. A resolution authorizing additional expenditures by the Committee on Commerce for inquiries and investigations (Rept. No. 94–308).

S. Res. 71. A resolution to authorize a study of the purpose and current effectiveness of certain Federal agencies (Rept. No. 94–309).

S. Res. 30. A resolution authorizing additional expenditures by the Committee on the District of Columbia for inquiries and investigations (Rept. No. 94–310).

S. Res. 51. A resolution authorizing additional expenditures by the Committee on Finance for inquiries and investigations (Rept. No. 94–311).

S. Res. 84. A resolution authorizing additional expenditures by the Committee on Foreign Relations for a study of matters pertaining to the foreign policy of the United States (Rept. No. 94–312).

S. Res. 49. A resolution authorizing additional expenditures by the Committee on Government Operations for inquiries and investigations (Rept. No. 94–313).

S. Res. 66. A resolution authorizing additional expenditures by the Committee on Interior and Insular Affairs for inquiries and investigations (Rept. No. 94–314).

S. Res. 72. A resolution authorizing additional expenditures by the Committee on the Judiciary for inquiries and investigations (Rept. No. 94–315).

S. Res. 40. A resolution authorizing additional expenditures by the Committee on Labor and Public Welfare for inquiries and investigations (Rept. No. 94–316).

S. Res. 52. A resolution authorizing expenditures by the Committee on Post Office and Civil Service (Rept. No. 94–317).

S. Res. 44. A resolution authorizing additional expenditures by the Committee on Public Works for inquiries and investigations (Rept. No. 94–318).

S. Res. 53. A resolution authorizing additional expenditures by the Committee on Veterans' Affairs for inquiries and investigations (Rept. No. 94–319).

S. Res. 47. A resolution authorizing additional expenditures by the Select Committee on Small Business (Rept. No. 94–320).

S. Res. 54. A resolution continuing and authorizing additional expenditures by the Select Committee on Nutrition and Human Needs (Rept. No. 94–321).

S. Res. 62. A resolution continuing and authorizing additional expenditures by the Special Committee on Aging (Rept. No. 94–322).

S. Res. 10. A resolution continuing and authorizing additional expenditures by the Special Committee on National Emergencies and Delegated Emergency Powers (Rept. No. 94–323).

By Mr. DOLE, from the Committee on Agriculture and Forestry, with an amendment:

S. 1649. A bill to amend the Act of March 4, 1927, to authorize the Secretary of Agriculture to accept and administer on behalf of the United States gifts or devises of real and personal property for the benefit of the National Aboretum (Rept. No. 94–324).

By Mr. HARTKE, from the Committee on Veterans Affairs, with an amendment:

S. 1711. A bill to amend title 38, United States Code, to provide special pay and other improvements designed to enhance the recruitment and retention of physicians, dentists, nursing personnel, and other health care personnel in the Department of Medicine and Surgery of the Veterans' Administration, and for other purposes (together with minority views) (Rept. No. 94–325).

ENROLLED BILL AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that today, July 23, 1975, he presented to the President of the United States the following enrolled bill and joint resolutions:

S. 435. An act to amend section 301(b)(7) of the Agricultural Adjustment Act of 1938, as amended, to change the marketing year for wheat from July 1-June 30, to June 1-May 31.

S.J. Res. 41. A joint resolution to provide for the reappointment of Thomas J. Watson, Jr., as citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 42. A joint resolution to provide for the reappointment of Dr. John Nicholas

Brown as citizen regent of the Board of Regents of the Smithsonian Institution.

HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred as indicated:

H.R. 504. An act to amend subchapter III of chapter 83 of title 5, United States Code, to provide for mandatory retirement of employees upon attainment of 70 years of age and completion of 5 years of service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 3350. An act to amend title 38 of the United States Code in order to make certain technical corrections therein, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 7053. An act to amend chapter 83 of title 5, United States Code, to eliminate, subsequent to the death of an individual named as having an insurable interest, the annuity reduction made in order to provide a survivor annuity for such an individual; to the Committee on Post Office and Civil Service.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ABOUREZK:

S. 2163. A bill to establish a Solar Energy Loan Administration to assist homeowners in purchasing and installing solar heating or combined solar heating and cooling equipment, including solar hot water systems, by providing low-interest long-term loans. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. HUGH SCOTT (by request):

S. 2164. A bill to amend the National Environmental Policy Act of 1969 so as to make administration of that act more effective by prohibiting the retroactive application of regulations, guidelines or policies and procedures promulgated under such act, and to establish a time limitation on the filing of suits to review environmental impact statements pursuant to such act. Referred to the Committee on Interior and Insular Affairs.

By Mr. MAGNUSON (by request):

S. 2165. A bill to amend the provisions of title XIII of the Federal Aviation Act of 1958, as amended, relating to war risk insurance. Referred to the Committee on Commerce.

By Mr. NUNN:

S. 2166. A bill to amend the Federal Property and Administrative Services Act of 1949 to establish procedures for the use of Federal property and services for the protection of the President of the United States and other persons. Referred to the Committee on Government Operations.

By Mr. MUSKIE (for himself and Mr. JAVITS):

S. 2167. A bill to provide for the recording and public disclosure of lobbying activities directed at the Congress and the executive branch and for other purposes. Referred to the Committee on Government Operations.

By Mr. RANDOLPH:

S. 2168. A bill to amend the Clean Air Act to provide for regulation of emissions from railroad locomotives and other railroad equipment. Referred to the Committee on Public Works.

By Mr. ABOUREZK:

S. 2169. A bill to amend the definition of "rural area" in the Consolidated Farm and Rural Development Act and title V of the Housing Act of 1949 in order to permit towns of thirty thousand or less inhabitants to be considered rural areas for purposes of those acts. Referred to the Committee on Agriculture and Forestry and the Committee on Banking, Housing and Urban Affairs, jointly, by unanimous consent.

By Mr. STEVENS:

S.J. Res. 112. A joint resolution to designate the third week of September of each year as "National Medical Assistants' Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ABOUREZK:

S. 2163. A bill to establish a Solar Energy Loan Administration to assist homeowners in purchasing and installing solar heating or combined solar heating and cooling equipment, including solar hot water systems, by providing low-interest long-term loans. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. ABOUREZK. Mr. President, I introduce today a bill to provide low-interest, long-term loans to assist homeowners in purchasing and installing solar heating and cooling equipment.

In brief, this measure establishes the Solar Energy Loan Administration to make low interest loans to homeowners, a separate agency to administer these loans. It provides for creation of consumer cooperatives or other nonprofit associations to take advantage of the provisions of this act.

Many of us in the Congress and many people of the Nation are convinced, Mr. President, that:

First. Solar cooling and heating equipment, including equipment for hot water, is the best opportunity available now, to provide a portion of our energy needs by this renewable resource.

Second. There are potential benefits to the homeowner in using this equipment.

Third. The nation would benefit in many ways from the earliest possible widespread use of this equipment, by conserving the nonrenewable fuels now being used for this purpose.

Fourth. That the single obstacle that prevents widespread use of equipment for solar heating and cooling is the cost.

Fifth. That the cost of this equipment will become competitive with equipment using other forms of energy when a mass-market is developed.

The bill that I introduce today will provide the means, I believe, to create a mass market for this equipment. In several ways, the act is patterned after the REA Act as it was adopted in 1936 and which was successful in bringing central station electric service to most of rural America.

The bill provides loans for the total cost of purchase and installation of this equipment at 2 percent interest for a period of up to 25 years.

It does so for these reasons:

It is in the national interest to develop as quickly as possible widespread use of alternative energy sources. To accomplish that important goal there must be sufficient economic incentive for the homeowners so that they benefit from the use of this equipment. To install solar equipment in a new home or to retrofit an existing home with this equipment costs in the range of $5,000 to $8,000, although there are special cases able to do so for about $3,000. The average cost for this equipment for the typical home is about $5,000. Most homeowners cannot afford this investment even though there may be savings in its long-term use.

Several measures introduced in this Congress provide for loans at the cost of money to the Government, plus one-half of 1 percent, or on today's market about 8.5 percent interest rate for the homeowner. I commend the sponsors of that legislation for their support of developing solar energy, but I do not think that these loan provisions are good enough to create the mass market quickly so that all homeowners can benefit from having solar equipment at no cost to the Government. Principal and interest payments on a $5,000 loan with 8.5 percent interest for an 8-year period—the terms specified in several bills—would require amortization payments of $72 monthly. For 15 year loans, the monthly payments to amortize a $5,000 loan with 8.5 percent interest would be $49. I do not believe that this provides enough incentive for the average homeowner to consider installation of solar heating equipment. In most cases, solar heating and cooling equipment provides only a part of the energy requirements for these purposes. Other equipment is needed; other fuels are needed. Even though there would be advantages after a loan of this type were fully paid, most homeowners could not afford these additional payments. The obvious answer to provide immediate economic benefits is thus to provide lower interest rates with a longer repayment period. A loan for $5,000 with an interest rate of 2 percent with a repayment period of 25 years requires $21.20 monthly payments for the principal and interest.

These 2 percent loans, I am convinced, would provide savings for homeowners using solar equipment to heat and cool their homes in nearly every region of the country.

There is a natural and understandable reluctance on the part of all of us when a new technology is developed to wait to see how the new model works, whether we are talking about a car, a television set, a new air conditioner or furnace. Solar heating and cooling equipment is a new technology. It is not being mass produced. There have been no shakedown periods. Those homeowners that are now installing this equipment on an experimental or demonstration basis are providing benefits for all of the future users of this equipment. Any incentive or Government program that has as its purpose the support of this new technology must, therefore, give these "pioneers" in using this equipment appropriate economic advantage for doing so.

Once that equipment is in place it will be costly to take out and put in new equipment. The homeowners who make possible mass production and marketing of this new equipment in most cases will not be able for economic reasons to take advantage of the lower-cost equipment which mass production will provide. That, too, is justification for giving them the benefit of the 2-percent, 25-year loans so that they will benefit on something of an equal basis with those who use solar equipment at later dates.

I am convinced that making available substantial numbers of those low-interest loans would provide sufficient economic incentive so that in something like 5 to 10 years, solar equipment would be produced on a competitive market so that any of us could afford it without Federal assistance.

I am equally convinced that without such a program that it will be a slow process and the benefits of solar heating and cooling will be available only to the relatively wealthy. We will delay for many years the conservation of the fossil fuels that solar heating and cooling could provide.

There is an interesting parallel in this regard in the development of electric heat for homes and businesses. Until 1952, electric heat was used only for a supplemental source in the bathroom or in another room, with a small heater with an electrically heated conductor. A fan distributed the heat.

In 1952 and 1953 a new concept of electric heat was developed, using glass panels with electrical conductors fused into them. The heat was distributed without fans, by radiation. Development of these units and installing electric conductors in plaster in ceilings was the beginning of using electric heat for dwellings, as the only heat source, as we know it today.

Only a few companies made these products in the early 1950's. The products had imperfections. It was found, for instance, that square panels were sometimes noisy, that a door or some object too close to them could be a fire hazard. In 4 or 5 years, a new concept was developed, the baseboard unit, which spread out the unit over a longer area. Installation in existing homes was easier because of this improved design.

By 1955, 250,000 homes were heated electrically. Paul C. Greiner, vice president of Edison Electric Institute, New York City, reports the following growth of the electrical heat—dwelling units using electric heat:

1960	719,000
1965	2,200,000
1970	4,790,000
1971	5,540,000
1972	6,475,000
1973	7,626,000
1974 (estimate)	8,500,000

The bill that I introduce today provides for creation of a new agency, the Solar Energy Loan Administration. I propose a separate agency for this assignment for several reasons. The Department of Housing and Urban Development, which is administering part of the Solar and Cooling Act of 1974, has already more assignments than it can carry out. The Farmers Home Administration also has many programs to administer. Putting the responsibility of making loans for solar equipment in either of these two agencies would make it compete with hundreds of other programs already administered by HUD and FmHA.

The Energy Research and Development Administration is likewise charged with enough responsibility and again, the program envisioned here would compete with all of the other programs in that agency. The agency that is proposed here would only operate for 10 years under this act. By that time, if it does its job and creates a mass market for solar heating and equipment at competitive costs, there would be no longer any reason for its existence. Hopefully, by that time, solar heating and cooling equipment will be added to dwelling units at the rate of 500,000 to 1,000,000 units annually.

The act also provides that homeowners may allocate up to 10 per cent of the cost of purchasing and installing solar cooling and heating equipment to cooperatives and nonprofit organizations set up to take advantage of the provisions of this act. The purpose of that section is this:

Solar heating and cooling equipment is available from only a relatively small number of firms. The average homeowner would have difficulty finding out about the equipment, how it should be installed, what are the costs. The average homeowner would have difficulty dealing with a new Federal agency.

Those tasks, I believe, will be solved much easier and more quickly by groups of people working together. I think this provision would make it possible for groups of 50 to 100 or more people to form a cooperative or non-profit organization to handle their engineering, to prepare the plans for installing solar heat and cooling equipment, to prepare the forms for the new agency. Not all the members of these groups would want to use the same equipment, but there are certain to be economies associated with design, purchase and installation of this equipment. More importantly, from a standpoint of promoting this new industry, the new agency in many instances could approve applications in groups of 50 or 100 or more, with only minor variations in these plans that would have to be reviewed.

The cooperative principle, combined with long-term low-interest loans, made it possible to bring electricity to the rural areas of this Nation. I am convinced that we must use these same principles to make solar heating and cooling reality for a significant number of the Nation's dwelling units.

Forming cooperatives or nonprofit agencies has another special advantage. By combining a group of applications for loans into one single package, the bureaucracy necessary to administer these applications could be greatly reduced. Again the REA program is an interesting parallel. That agency has a staff here in Washington. It has representatives in each of the States, one or two for each State, I understand. One or two representatives in each State could review groups of applications, especially if they were similar in some respects. In effect, the nonprofit agencies would be doing work usually performed by a bureaucracy. Representatives of the Federal agency would be dealing with relatively few people, probably 50 to 100 in each State.

Mr. President, it took nearly 25 years for the electric industry to sell electric heating units to provide 12.5 percent of the total requirements for this purpose in the United States. That electric industry included the manufacturers of the heating equipment, it included wholesale and retail marketing organizations and the electric utilities selling the energy for these units. If we agree that it is in the national interest to heat and cool as many homes and buildings as possible with energy from the sun—as soon as possible—then we must match that worthwhile goal with the resources to accomplish it. I submit that low-interest loans, a new Federal agency free to act with consumer cooperatives and nonprofit agencies can get the job done, at a reasonable cost, in a reasonable time.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Solar Energy Equipment Loan Act".

SEC. 2. The Congress finds and declares that—

(1) energy expended in residences for heating, cooling, and hot water accounts for approximately 25 percent of the nation's energy consumption;

(2) recent events have driven up the cost of fossil fuels and current estimates indicate a limit to the long-term availability of such fuels at a reasonable economic and social cost;

(3) present United States dependence on foreign petroleum and the unpredictability of costs of foreign petroleum create inflationary pressures with serious economic consequences;

(4) technical feasibility has been demonstrated for solar space heating and hot water heating, and combined solar heating and cooling systems are expected to be feasible within a few years;

(5) manufacturers are beginning to make solar heating and hot water heating systems and subsystems available now, but the current high cost of solar hardware for residential purpose inhibits its use on a large scale;

(6) a program of Federal assistance in purchasing and installing solar equipment in homes would expedite the use of this hardware;

(7) the widespread use of solar energy in place of conventional methods for residential purposes would have a significantly beneficial effect upon the environment;

(8) an increased public demand for domestic solar hardware resulting from the availability of low-interest loans will lead to the development of lower cost hardware through mass manufacturing; and

(9) the mass production and use of solar hardware for residential purposes will help to eliminate the dependence of the United States upon foreign energy sources and promote the national defense.

SEC. 3. As used in this Act—

(1) the term "homeowner" means an individual or family which owns and occupies a single family detached dwelling or a mobile home;

(2) the term "Administrator" means the Administrator of the Solar Energy Loan Administration; and

(3) the term "solar hardware" means equipment which utilizes solar energy to provide heating, cooling, or domestic hot-water, used alone or in combination (including all necessary fittings, and including cooling by means of nocturnal heat radiation, evaporation, or other methods).

The Administrator is authorized by regulation to prescribe such additional definitions as may be necessary to make the benefits available under this Act available to builders, condominium owners, and owners of multi-family housing projects.

SEC. 4. There is established as an independent agency of the executive branch a Solar Energy Loan Administration to provide financing to homeowners for the purchase and installation of domestic residential solar hardware. The Administration shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for an individual occupying a position under level 2 of the Executive Schedule. For the purpose of carrying out his functions under this Act, the Administrator shall have access to, and shall utilize to the maximum extent practicable, information services available from the Energy Research and Development Administration and other appropriate agencies.

SEC. 5. The Administrator is authorized to make loans in amounts sufficient to meet all expenditures related to the purchase and installation of solar hardware, including the costs of engineering or architectural planning and any fees under section 6. Any loan made under this section shall bear interest at a rate of 2 per centum per annum and shall be repayable over a period of not more than 25 years.

SEC. 6. The Administrator may authorize the payment out of the proceeds of any loan made under this Act of not more than 10 percent of the principal amount thereof as a fee for the purpose of compensating any cooperative or nonprofit loan referral agent certified and licensed by the Administrator who assisted the borrower in obtaining qualified solar hardware suitable to their needs.

SEC. 7. Any person who makes any false statement or misrepresents any material fact for the purpose of obtaining a loan under this Act, or who violates any provision of this Act or of a loan contract entered into under this Act, shall be fined not more than $1,000 or imprisoned not more than one year or both.

SEC. 8. Each application for a loan under this Act shall be accompanied by a detailed plan for the purchase and installation of the proposed equipment and an estimate of the costs involved. No such application shall be approved unless the Administrator finds that the proposed equipment is suitable and appropriate and will be effective, that the costs will not be excessive and that the purchase and installation of the equipment will not involve elaborate or extravagant design or materials.

SEC. 9. In making loans under this Act, the Administrator shall determine that the equipment to be installed meets the minimum standards as developed under the Solar Heating and Cooling Demonstration Act of 1974 (Public Law 93–409) with respect to durability of parts, acceptability of cost, technical feasibility of design or proven workability and other matters as the Administrator may consider relevant or appropriate.

SEC. 10. There are authorized to be appropriated not to exceed $100,000,000 to provide an initial amount for the program under this Act, and such additional sums thereafter as may be necessary to carry out such program. Amounts appropriated pursuant to this section shall be placed in and constitute a revolving fund which shall be available to the Administrator for use in carrying out this Act.

SEC. 11. The authority of the Secretary to make loans under this Act shall become effective six months after the date of the enactment of this Act, and shall expire ten years after such date.

By Mr. HUGH SCOTT (by request):

S. 2164. A bill to amend the National Environmental Policy Act of 1969 so as to make administration of that Act more effective by prohibiting the retroactive application of regulations, guidelines or policies and procedures promulgated under such act, and to establish a time limitation on the filing of suits to review environmental impact statements pursuant to such act. Referred to the Committee on Interior and Insular Affairs.

Mr. HUGH SCOTT. Mr. President, today I am introducing, by request, a bill to amend the National Environmental Policy Act of 1969. Mr. President, I ask unanimous consent to have the text of this bill printed in the RECORD immediately following my remarks, along with a copy of a letter to me from the Pennsylvania secretary of transportation, Jacob G. Kassab.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 2164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is amended by adding the following new sections at the end of title I thereof:

"SEC. 106. Any regulations, guidelines or policies and procedures promulgated for the purpose of determining full compliance with the purposes and provisions of this Act shall not be applied to any major Federal action for which a final statement pursunat to section 102(2)(C) has been filed with the Council on Environmental Quality prior to such promulgation.

"SEC. 107. After the thirty day period following the date on which the notice of availability with respect to any final statement pursuant to section 102(2)(C) is published in the Federal Register by the Council on Environmental Quality, such statement shall not for the purposes of this Act be subject to review by any court in any suit instituted after such period.".

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Harrisburg, Pa., May 21, 1975.

Hon. HUGH SCOTT,
U.S. Senate,
Old Senate Office Building, SW.,
Washington, D.C.

DEAR SENATOR SCOTT: I am enclosing herewith copies of draft legislation for amendments to the National Environmental Policy Act. These amendments were drawn up by the attorneys in the Environmental Law Section of our Legal Bureau. The purposes of the amendments are to provide a statute of limitations for the institution of suits to enjoin projects which are federally aided, as well as to avoid the problems of retroactive application of new guidelines and regulations designed to implement the National Environmental Policy Act.

These amendments are necessary in order to insure that the purposes for which the National Environmental Policy Act was created are indeed carried out. As the law currently stands and as it has been currently interpreted by the courts, the purposes for which the National Environmental Policy Act was created are not being implemented. Many environmental groups under the current law can sit back and allow a project to go forward without making comments or recommendations as to how a given project should be designed, located or constructed in order to avoid environmental problems. The reason such groups do this is that they are aware that due to the state of the art of environmental sciences being in a constant flux new regulations and guidelines will be developed in order to incorporate new technological advances in the environmental sciences. When these new guidelines are promulgated the environmental groups attack a project not on substantive grounds as to environmental harm but on procedural grounds as to violation of the new procedures established in the guidelines in order to incorporate the new technological advances.

The various governmental agencies which are responsible for the development and implementation of the various projects have always been willing to accommodate new technological advances. However, given that new guidelines are established it is virtually an impossibility for any project once initiated to procedurally comply with the new requirements. Therefore, while the agency may be more than willing to adopt a new design or a new location or a new plan in order to eliminate a newly discovered environmental problem or hazard, it will not be able without considerable increase in cost to reprocess the project under the new procedures.

The cost of the retroactive application of these new procedural guidelines is considerable, as the environmental groups can enjoin a project until the new procedures are followed regardless of whether or not the actual environmental harm is being eliminated or reduced. The reason environmental groups do this is that they are in opposition to any given project regardless of what attempts and measures are taken to eliminate environmental harm.

This is not the purpose for which NEPA was enacted. The National Environmental Policy Act was enacted in order to insure that governmental projects do not unnecessarily infringe upon the environment and to insure that the environment is given full and complete consideration in the planning process for the project. NEPA was not intended to prevent the implementation of governmental projects nor of private projects requiring federal approval.

The amendment calling for a statute of limitations in which an environmental suit can be instituted is designed to insure that the environmental groups come forward with their information prior to the implementation of the project to a point where the costs of retracing or redoing the project are prohibitive.

As the law now stands, it is possible for "environmentalists" to wait until the time of construction before filing suit. In fact, numerous major projects in Pennsylvania as well as in other States have been stopped well after construction has begun. You can well imagine the increased costs which are engendered when projects are stopped at this point. (I have quoted the word "environmentalists" to differentiate between those whose main object is obstruction of projects, as noted earlier, rather than those groups who have a true concern for the environment and whose interest could be better protected during the planning of the project).

The statute of limitations will insure that the environmental groups come forward during the planning process rather than when the planning process has been completed and the implementation of the plan is about to begin. This too will insure that unnecessary cost increases do not result. It will also insure that environmental considerations be taken into account during the planning process when they can be accommodated and protected rather than during the implementation of the project when it may be too late or too costly. Also, without retroactive application of new procedural guidelines it will be possible to accommodate newly discovered environmental concerns by shaping the further major incremental actions during the implementation of the project without incurring the substantially greater costs involved in reprocessing the project.

It is our belief that the proposed amendments will insure that the basic principles for which the National Environmental Policy Act was created are indeed carried out.

Very truly yours,

Jacob G. Kassab,
Secretary of Transportation.

By Mr. MAGNUSON (by request):

S. 2165. A bill to amend the provisions of title XIII of the Federal Aviation Act of 1958, as amended, relating to war risk insurance. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce, by request, for appropriate reference, a bill to amend the provisions of title XIII of the Federal Aviation Act of 1958, as amended, relating to war risk insurance, and ask unanimous consent that the letter of transmittal and the bill be printed in the Record.

There being no objection, the bill and letter were ordered to be printed in the Record, as follows:

S. 2165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1312 of Title XIII of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1542), is amended by striking out the words "September 7, 1975", and by inserting the words "September 7, 1980" in place thereof.

Sec. 2. Section 1306(a) of the Federal Aviation Act of 1958, (49 U.S.C. 1536(a)), is amended by inserting at the end thereof the following: "Upon the request of the Secretary of Transportation, the Secretary of the Treasury may invest or reinvest all or any part of the fund in public debt obligations of the United States. The interest and benefits accruing from such securities shall be deposited to the credit of the fund."

The Secretary of Transportation,
Washington, D.C., July 16, 1975.
Hon. Nelson A. Rockefeller,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed for appropriate referral and introduction is a draft bill, "To amend the provisions of Title XIII of the Federal Aviation Act of 1958, as amended, relating to war risk insurance."

Section 1 of the draft bill would amend section 1312 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1542) (hereinafter called the Act), to extend the authority to provide aviation war risk insurance and reinsurance under Title XIII of that Act until September 7, 1980. This authority otherwise would expire on September 7, 1975.

Title XIII of the Act, as amended, authorizes the Secretary of Transportation, with the approval of the President, to provide premium and non-premium war risk insurance for the protection of aircraft and of persons and property transported aboard them, and against other liabilities of a kind that insurance would customarily cover, when commercial insurance cannot be obtained on reasonable terms and conditions from U.S. insurers.

Under Title XIII, a department or agency of the United States may, with the approval of the President, procure from the Secretary of Transportation war risk insurance if it enters into an agreement with the Secretary to indemnify him against all losses covered by the insurance provided under the Act. This insurance is provided without premiums and is presently provided to air carriers that have contracts with the Departments of Defense and State.

The premium war risk insurance program is intended to provide coverage for American carriers in addition to what is available commercially. This coverage of war risks is necessary because the ordinary aviation insurance policy covers only the usual perils of fire, damage, and other risks, and excepts certain named "war risks" from coverage. Commercial policies usually include a clause, or clauses, excluding from coverage any claim for loss or damage occasioned by war, hostilities, insurrection or acts of foreign enemies, among other explicit situations. An air carrier should not be expected to assume the risk of the loss of its aircraft from such excluded perils. The concentrated, high value of the aircraft and equipment could be a total loss in a single incident.

The Congress has extended the war risk insurance program on four previous occasions: (1) for 5 years to June 13, 1961, under P.L. 84–746; (2) for another 5 years to June 13, 1966, under P. L. 87–89; (3) for 4 years to September 7, 1970, under P. L. 89–477; and (4) for 5 years to September 7, 1975, under P. L. 91–399. The reasons for these past extensions are equally compelling now. To ensure, therefore, that there is no break in the continual coverage under the war risk insurance program, we urge that the Congress promptly enact the requested extension.

Section 2 of the proposed legislation would amend section 1306(a) of the Federal Aviation Act (49 U.S.C. 1536(a)) to permit the Secretary of the Treasury, at the request of the Secretary of Transportation, to invest all or part of the aviation war risk revolving fund in public debt obligations of the United States, and credit the earnings to the fund.

At present premiums received as consideration for war risk insurance policies or other receipts under Title XIII of the Act are deposited in the revolving fund in the Treasury. But there is no express authority to invest the premiums or receipts for the benefit of the fund.

The Department of the Treasury has advised us that the investment of treasury revolving funds is a common practice but that express statutory authority is a prerequisite to such investment. Examples of such authority are found in 38 U.S.C. § 5228 which confers authority to invest and reinvest money in the General Post Fund of the Veterans Administration; 12 U.S.C. § 1783 which confers investment authority in relation to the National Credit Union Share Insurance Fund of the National Credit Union Administration; and 46 U.S.C. § 1288 (a) which confers investment authority in relation to the maritime war risk insurance program.

The closest analogy is with the maritime war risk insurance program on which the aviation war risk program was patterned. The resemblance was recognized when the aviation war risk provisions were first enacted in 1951 (see S. Rept. No. 128, 82nd Cong., 1st Sess., p. 4). The similarity was commented upon again when, in 1962, the maritime program was amended by Public Law 82–743 (codified at 46 U.S.C. 1288(a)) to expressly authorize the investment of the funds reposing in the maritime war risk insurance fund. H. Rept. No. 2220, 87th Cong., 2nd Sess. (1962), reprinted at 1962 U.S. Code Cong. and Adm. News 2782.

Today, in view of the sizable sum of money that is currently available in the aviation war risk revolving fund and the possible continued growth of the fund, we recommend enactment of this proposed amendment, which is similar to the 1962 amendment to the maritime act, to authorize the Secretary of the Treasury to invest and reinvest all or any part of the aviation war risk insurance revolving fund upon the request of the Secretary of Transportation.

We believe that the funds accumulated under the war risk program should properly be permitted to earn a reasonable return in this way for the support of the program. As of December 31, 1974 the cash balance in the fund was approximately $13.7 million. The program is currently earning premium receipts of approximately $16,000.00 per year. At the present premium level a conservative estimate of the annual investment income resulting from the enactment and implementation of this proposal would be in excess of $650,000.00.

The Department has considered the environmental and inflationary implications of this proposed action and believes that implementation of this proposal would have no significant impact in these areas.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this proposal to the Congress.

Sincerely,

William T. Coleman, Jr.

By Mr. NUNN:

S. 2166. A bill to amend the Federal Property and Administrative Services Act of 1949 to establish procedures for the use of Federal property and services for the protection of the President of the United States and other persons. Referred to the Committee on Government Operations.

PRESIDENTIAL PROTECTION ASSISTANCE ACT

Mr. NUNN. Mr. President, today I am introducing the Presidential Protection Assistance Act of 1975. This measure, which is similar to a bill that passed the House of Representatives on May 5 of this year, is designed to correct certain deficiencies in existing laws and procedures relating to the security and protection of the President, Vice President, their families, and other persons whom the Secret Service is directed to protect.

This bill contains the same provisions as H.R. 1244 introduced by Representative Jack Brooks, who has been largely responsible for exposing the excessive expenditures made on Presidential residences during the past few years and who has shepherded his bill through the House. I introduce my bill simply for purposes of discussion so that the serious issues it addresses can be aired and additional comments can be solicited from Federal agencies which are affected by its provisions. In addition, it may be more appropriate to amend the Federal Property and Administrative Services Act, since the issues in this bill pertain to the procurement and utilization of Federal property, and I have drafted my bill as a new title to that act. This is the only difference between my bill and Chairman Brooks' measure.

In recent years Presidents have spent less time at the White House and more time at Camp David and at their own private homes. Because of this situation, the Secret Service has had to face the problem of providing adequate security at such facilities. The equipment and the installation of such equipment, to insure that it is made as unobtrusive as possible, is often costly and may involve some disruption and damage to the locations where it is installed.

Former President Nixon, for example, maintained three private homes: two in Key Biscayne, Fla. and one at San Clemente, Calif. All of these homes were acquired after he was elected President in November 1968. The extravagant installation of Federal property at Mr. Nixon's homes is shocking indeed.

The General Accounting Office has accounted for at least $9.4 million in improvements, maintenance, communications facilities, and administrative support in connection with Mr. Nixon's homes: $3,360,000 at the Florida location and $6,060,000 at the San Clemente location. An additional $176,000 was spent in connection with the property of a friend of the former President, Robert H. Abplanalp, in the Bahama Islands. These figures do not include approximately $4.6 million for permanently assigned Government personnel at Key Biscayne and $3 million at San Clemente. Total expenditures for these properties amounted to over $17 million during the period when Mr. Nixon was President. During the entire period of the Johnson administration, a total of $5.9 million was spent to provide security and communication for the President at his ranch in Texas.

I well understand the concern of the American people for the security and safety of their leaders in light of the tragic assassinations of the past decade. Nevertheless, Congress has a responsibility to insure that Government activities at all levels are conducted responsibly with a view toward economy and efficiency, and that no person is unjustly enriched because of these activities.

Much of the Federal money spent at Mr. Nixon's private homes was obligated under the guise of Presidential protection. Items serving no security purposes were paid for by the Federal Government allegedly to meet Secret Service needs. Nongovernmental personnel were permitted to obligate Federal funds, and personal enrichment occurred as the result of improvements made on property owned by the former Chief Executive.

Evidence of such activities was established during hearings held by the Government Activities Subcommittee of the House Committee on Government Operations in October, 1973. The purpose of this investigation, conducted by Representative BROOKS, was to determine whether recent presidential expenditures were excessive or for unauthorized purposes; whether appropriate management procedures had been instituted to control such expenditures; and whether further legislation was necessary. Findings and recommendations from these hearings are contained in House Report 93–1052: "Expenditure of Federal Funds in Support of Presidential Properties."

The Committee on Government Operations and the Committee on the Judiciary in the House of Representatives held additional hearings on this matter in February and April, 1975, respectively. The bill H.R. 1244 was reported from the Committee on the Judiciary on March 20, 1975 and reported from the Committee on Government Operations on April 22, 1975: H.R. 1244 passed the House on May 5, 1975. The bill which I introduce today is identical in thrust to H.R. 1244.

The investigations which preceded passage of this act by the House revealed that the excesses and abuses which occurred in the expenditure of funds could in part be attributed to the indefiniteness of existing laws governing such expenditures. The Presidential Protection Assistance Act would give a statutory basis for many of the recommendations which resulted from the investigation and adopted by the House Committee in its detailed report on the subject:

FINDINGS

A. The White House, the Secret Service, White House Communications Agency, Department of Transportation, Department of Defense, and General Services Administration have spent $17 million in public funds in connection with President Nixon's three privately owned properties and at the office complexes established in connection with those locations. Of this, approximately $9.4 million has been for capital improvements, communications, maintenance, and administrative support, with the remaining $7.6 million for permanently assigned personnel.

B. GSA paid for items allegedly for security that were not requested by the Secret Service and that served no security function.

C. Secret Service agreed to seek GSA payment for items procured by private persons not authorized to commit the Government and for which the Secret Service has not initiated a request.

D. GSA procured items which cost far in excess of what was required to meet security requests.

E. GSA officials authorized Federal Government payment for goods and services ordered by non-Government personnel.

F. Location of obligational authority and accounting responsibility in separate agencies has resulted in a loss of fiscal responsibility.

G. Secret Service used the assistance provisions of Public Law 90–331 to shift many routine agency expenditures to the budgets of other agencies.

H. Secret Service failed to develop fundamental managerial controls over expenditures of Federal funds in providing security at private properties.

I. Secret Service and GSA developed no procedures for handling requests from the Secret Service for expenditures by GSA.

J. Undue haste to complete improvements at San Clemente within 1 month resulted in grossly increased costs.

K. GSA constructed and equipped a $720,000 single purpose office complex on Coast Guard property adjacent to the San Clemente estate.

L. Excessive numbers of Government personnel were permanently assigned to the San Clemente and Key Biscayne locations.

M. Inadequate consideration has been given to apportioning costs on private property between the Federal Government and the property owner.

N. There has been no limitation on the number of homes owned by a President which can be made secure.

The Presidential Protection Assistance Act if enacted would remedy this situation by explicitly setting forth the conditions under which the Secret Service can expend public funds on private property and the terms under which it can seek the assistance of other Federal agencies.

It provides that assistance rendered by other Federal departments and agencies must be at the request of the Director of the Secret Service or his or her authorized representative. This will avoid repeating incidents in which Government agencies have made procurements or rendered services at the request of other officials of the Government and at times at the request of persons not part of the Government at all.

The Secret Service is required to reimburse the assisting agencies from the Service's own appropriated funds for the services, equipment, and facilities which the assisting agencies supply. This will provide a substantial control on expenditure and provide the centralized responsibility that is needed.

This bill exempts the Secret Service from having to reimburse the Department of Defense and the Coast Guard for such facilities, services, and equipment they may provide in the protection of the President, Vice President, and the officer next in order of Presidential succession. These agencies provide services for the President in his capacity as Commander in Chief as part of their regular duties, and such expenditures are part of their operating budgets.

The bill further provides that only one private property designated by each protectee be given full-time protection at any one time. Federal agencies may only provide cumulative expenditures for full-time security at private properties, other than the one designated by each protectee up to $10,000 for each property, unless both the Committees on Appropriations of the House and Senate approve.

Purchases and contracts would be in accordance with the policies and procedures stipulated in the Federal Property and Administrative Services Act, likewise the bill requires that procurements be made only by officers or employees authorized by the Director of the Secret Service.

The bill directs that improvements and other items acquired for protective purposes shall continue to be the property of the Federal Government and not, by default of action or otherwise, become the property of the owner of the private property where placed.

The report requirement in the bill will assure proper congressional oversight of the bill's provisions.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Presidential Protection Assistance Act of 1975".

SEC. 2. The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 *et. seq.*) is amended to add a new title, as follows:

"TITLE IX—PRESIDENTIAL PROTECTION

"SEC. 901. In performance of the protective duties of the United States Secret Service pursuant to section 3056 of title 18 of the United States Code (pertaining to the protection of the President of the United States and other persons) and the first section of the joint resolution entitled 'Joint resolution to authorize the United States Secret Service to furnish protection to major presidential or vice presidential candidates', approved June 6, 1968 (Public Law 9–331; 82 Stat. 170), Federal departments and agencies shall assist the United States Secret Service by—

"(1) providing, when requested by the Director of the United States Secret Service or his authorized representative and on a reimbursable basis, services, equipment, or facilities on a temporary basis except that the Department of Defense and the Coast Guard shall provide such services, equipment, or facilities on a temporary basis without reimbursement when assisting the United States Secret Service in its duties directly related to the protection of the President or Vice President of the United States or other officer next in order of succession to the office of the President;

"(2) providing, upon advance written request of the Director of the United States Secret Service or his authorized representative and on a reimbursable basis such facilities, equipment, and services as are required by the United States Secret Service to provide full-time security for each protectee at no more than one property at a time not in Government ownership or control, such property having been designated by a President, President-elect, former President, or any other person entitled to protection under the above provision of law, as the one property to be secured under this paragraph. Where more than one family member is eligible for Secret Service protection, there shall be only one such designated property allowed per family: *Provided, however*, That such limitation shall not be construed to apply to members of the immediate family who do not permanently reside with the person entitled to protection:

"(3) providing, upon advance written request of the Director of the United States Secret Service or his authorized representative and on a reimbursable basis such facilities, equipment, and services, as are required by the United States Secret Service to provide full-time security at any property not covered by paragraph (2) of this section and not in Government ownership or control to the extent that such expenditures do not cumulatively exceed $10,000 at any one property owned, leased, occupied, or otherwise utilized by persons entitled to protection under such sections of title 18 and such Act unless approved by resolutions adopted by the Committees on Appropriations of the House and Senate, respectively.

"Sec. 903. Expenditures by the United States Secret Service for maintaining a permanent guard detail and for permanent facilities, equipment, and services to secure non-Government property owned, leased, occupied, or otherwise utilized by persons entitled to protection under the above provisions of law shall be limited as provided in section 902(2) and 903(3) of this title.

"Sec. 904. All purchases and contracts entered into pursuant to sections 902(2), 902 (3), and 903 of this title shall be made in accordance with the provisions of this Act.

"Sec. 905. No payments shall be made pursuant to this title for service, equipment, or facilities ordered, purchased, leased, or otherwise procured by persons other than officers or employees of the Federal Government duly authorized by the Director of the United States Secret Service to make such procurements.

"Sec. 906. All improvements and other items acquired pursuant to this title shall be the property of the Federal Government. Upon termination of entitlement to Secret Service protection or if a President, President-elect, former President, or other person entitled to protection under section 3056 of title 18 of the United States Code and the first section of the joint resolution entitled "Joint resolution to authorize the United States Secret Service to furnish protection to major Presidential or Vice Presidential candidates," approved June 6, 1968 (Public Law 90–331; 82 Stat. 170), designates a different property to be so secured, all improvements or other items shall be removed from the original property unless it is economically unfeasible to do so, as determined by the Untied States Secret Service, except that, such improvements or other items shall be removed and the property restored to its original state, regardless of the determination of economic unfeasibility, if the owner of such property at the time of determination requests removal. If improvements or other items are not removed, the owner of the property containing the improvements at the time of termination shall compensate the Government for the original cost of such improvements or other items or the amount they have increased the fair market value, as determined by the General Accounting Office, of the property as of the date of transfer or termination whichever is less.

"Sec. 907. Expenditures under this title shall be from funds specifically appropriated to the United States Secret Service for carrying out the provisions of this title, with the exception of those expenditures exempted in section 902(1). Public funds not so appropriated shall not be used for the purpose of securing any non-governmentally-owned property owned, leased, occupied, or otherwise utilized by persons entitled to protection under section 3056 of title 18 of the United States Code and the first section of the joint resolution entitled "Joint resolution to authorize the United States Secret Service to furnish protection to major presidential or vice-presidential candidates", approved June 6, 1968 (Public Law 90–331; 82 Stat. 170).

"Sec. 908. The Director of the United States Secret Service, the Secretary of Defense, and the Commandant of the Coast Guard shall transmit a detailed report of expenditures made pursuant to this title to the Committees on Appropriations, Committees on the Judiciary, and Committees on Government Operations of the House of Representatives and Senate on March 31 and September 30 of each year.

"Sec. 909. Expenditures made pursuant to this title shall be subject to audit by the Comptroller General and his authorized representatives, who shall have access to all records relating to such expenditures. The Comptroller General shall transmit a report of the results of any such audit to the Committees on Appropriations, Committees on the Judiciary, and Committees on Government Operations of the House of Representatives and the Senate."

Sec. 3. Section 2 of the joint resolution entitled "Joint resolution to authorize the United States Secret Service to furnish protection to major presidential and vice-presidential candidates", approved June 6, 1968 (Public Law 90–331; 82 Stat. 170), is repealed.

By Mr. MUSKIE (for himself and Mr. Javits):

S. 2167. A bill to provide for the recording and public disclosure of lobbying activities directed at the Congress and the executive branch and for other purposes. Referred to the Committee on Government Operations.

THE LOBBYING DISCLOSURE ACT OF 1975

Mr. MUSKIE. Mr. President, today I am introducing, with Senator Javits, legislation which I believe constitutes an important and much needed reform of our Federal lobbying laws.

For far too long, the elaborate network of interest groups which influence congressional and executive branch decisions has remained a secret. We have seen some estimates that more than $1 billion a year has been spent for lobbying in Washington, and yet less than one-tenth of 1 percent of that figure is included in reports filed by those that are registered as lobbyists.

The legislation we are introducing today would close many of the loopholes in the present law.

Earlier this spring, the Committee on Government Operations held 3 days of hearings on proposals to replace the existing Federal Regulation of Lobbying Act. Both the witnesses at those hearings and members of the committee raised questions about many of the approaches offered to achieve reforms.

As members of that committee, we are hopeful that our proposal is responsive to many of those constructive suggestions and will help to form the basis for a continuing effort in this area.

The "Lobbying Disclosure Act of 1975" represents a composite of many suggested reforms and incorporates provisions from many measures under consideration in both the House and Senate.

Mention should be made of the work of the House Committee on Standards of Official Conduct and one of its former members, the Senator from Vermont, Senator Stafford, who along with Senator Kennedy is the author of a principal bill now before the Government Operations Committee. Suggestions also have been generated from a similar measure proposed by the Senator from Illinois, Senator Percy, and from a bill offered by Senator Kennedy to provide a public record of outside contacts with the executive branch.

Particular credit is due to the leadership of the distinguished chairman of the committee, Senator Ribicoff, who has helped launch this important committee effort to revise the laws affecting lobbying.

The proposal we offer today would broaden the definition of a lobbyist and require reporting of lobbying activities by many organizations and individuals not now affected by the present law. The definition in this bill would include not only those who attempt to influence decisions before the Congress, but also decisionmaking in the executive branch.

It further would cover efforts by those who solicit others to influence decisions in the legislative and executive branch.

Certain provisions of our proposal offer new alternatives to the Senate for defining the activities of lobbyists, for improving enforcement of the registration and reporting requirements, and reporting requirements, and for the protection of the constitutional right of each citizen to petition his Government for the redress of grievances.

It defines a lobbyist in terms of a principal and agent relationship and includes as well those who solicit other persons to lobby.

A person employed as a legislative agent as well as the person or organization employing that agent would be required to register as lobbyists.

Officers or employees of an organization, who as part of their duties lobby the Congress or the executive branch would be required to register and file reports. Their employer also would have to register and file.

The proposal also would apply to "grass roots" lobbying efforts to solicit at least 100 other persons to communicate with the Congress or executive branch or more than $5,000 to make such communications. Soliciting more than 25 other persons who would be paid to lobby also would be covered.

Present law fails to cover the efforts by major lobbying interests to drum up support through advertising and direct mail campaigns to get other people to write to their Senators and Congressmen.

Such efforts are disguised to appear to be spontaneous outpourings of public opinion and are in fact the direct result of a creative public relations effort to artificially stimulate interest in a matter affecting an employer or client.

In the committee hearings, we heard testimony about the American Trial Lawyers Association effort to oppose no-fault insurance legislation.

Association members needed only to call Western Union and give the names of friends and associates and for each name given, 10 messages were sent off to Capitol Hill.

The result was a deluge of messages to key congressional offices protesting no-fault insurance and all seemingly sent individually by concerned constituents

The Comptroller General would be directed to administer this act and given the tools to enforce it. The lack of proper enforcement constitutes one of the weakest parts of the present law. We believe that the General Accounting Office, which is experienced in conducting audits and investigations and in reporting to the public on governmental activities, is particularly qualified to handle this task.

As an example of the failure of the enforcement provisions in the present system, reports by lobbyists are filed with the Clerk of the House of Representatives and with the Secretary of the Senate, but neither is authorized to report or investigate violations. Between March 1972 and February 1975, only five possible violations have been referred to the Department of Justice.

Of those five matters, two were initiated by Members of Congress and three by journalists. One case has been closed, and the other four are still under investigation.

The Deputy Comptroller General told the Government Operations Committee in April:

> I hope you would recognize that whoever you (ask to administer the act) be given the enforcement powers to carry it out.

Under our bill, the Comptroller General would be authorized to investigate and hold hearings on alleged violations, to issue cease and desist orders to direct compliance, and to seek civil remedies in a U.S. district court. Possible criminal violations would be referred to the Department of Justice.

Finally, in recognition to the constitutional right of citizens to communicate with their Government, we have attempted to permit certain individual and organization contacts without having to register or file reports as lobbyists. Included would be an individual who uses his own resources and who writes letters or makes calls solely in his own behalf. Such a person should be able to contact his governmental representatives as frequently as necessary to express his point of view on an issue without registering as a lobbyist.

Also exempted are communications by organizations with the Congressman or Senators representing their district or State.

Organizations or employees who are not retained as legislative agents would be permitted to make up to 15 legislative or executive communications in a calendar quarter without having to meet the registration or reporting requirements.

This bill in other respects would go considerably beyond the present law in requiring lobbyists to file more detailed reports of their activities. These reports would have to include expenditures for lobbying of more than $15, including any gifts or expenditures for congressional or executive branch officers or employees. It also requires a report of each contact made with Members of Congress or their staffs of executive branch officials.

Lobbyists would have to include in quarterly reports copies of any letters or a description of efforts to solicit other persons to communicate with executive or legislative branches in order to influence legislation or other decisions.

The Lobbying Disclosure Act of 1975 contains an additional feature to help broaden public understanding of the executive branch decisionmaking process. Senior agency officials, either at a level comparable to GS-15 or other officials engaged in important decision making agency functions, would be required to make records or oral and written communications relating to proceedings before the agency.

Present rules affecting ex parte communications are not broad enough to adequately inform the public about the operation of the executive and administrative processes.

The decisionmaking process can only benefit from maximum public knowledge of and participation in its processes and this title of our bill is designed to promote that increased awareness and involvement.

It is our belief that the existing law falls far short of its original goal of providing the Congress and the public with a complete understanding of the forces which work to shape legislative and executive branch decisions. The proposal which we introduce today will go a long way toward bringing lobbying into the open and thereby help improve our representative system of government.

I ask unanimous consent that the text of the Lobbying Disclosure Act of 1975 and a summary of the bill be printed in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 2167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Lobbying Disclosure Act of 1975".

TITLE I

FINDINGS AND PURPOSE

SEC. 101 (a) The Congress finds—

(1) That the confidence in government depends upon the degree to which its people are well informed about government activity.

(2) That the accountability which is essential to the democratic functioning of both the legislative and executive branches of government can be assured only through the greatest possible disclosure of the information, opinions, and efforts of persuasion which are directed toward the policy-making process;

(3) That as the policy-making process has become more complex, the lines of accountability have become more obscure, and consequently, public confidence in government is at a very low level, a majority of Americans feel alienated from the operations of their government, and many Americans believe that special interest groups get more from the government than they do;

(4) That the exercise of the freedom of speech and the right to petition the government for redress of grievances which are cornerstones of our democratic system are themselves diminished when the public and the policymakers lack complete understanding of the pressures on the governmental process, including the information, opinions, activities and identities of persons engaged in efforts to persuade the Congress or the Executive branch;

(5) That consideration of the public interest requires that information and opinions expressed to Congress and the executive branch by the advocates of one view or interest be balanced against the information and opinions of advocates of alternative points of view;

(6) That public and timely disclosure should be made of all efforts employed to persuade members of the Congress and key officials of the Executive branch to pursue a particular course of action whether by direct communication or by solicitation or employment of others to engage in such efforts;

(7) That the existing legislation designed to provide public disclosure of efforts to affect the policy-making process fails in a narrow interpretation of those considered to be lobbyists and in the limitation to the legislative process.

(b) It is the purpose of this Act to provide for the disclosure of the communications, activities, and the origin, amount, and utilization of funds and other resources of and by persons who seek to influence the legislative or executive process, and by so doing, to—

(1) assure elected representatives and executive branch officials that those who petition the government represent the interests of the citizens for whom they speak;

(2) assure elected representatives and executive branch officials that the demands of special interest groups will not obscure the needs of other special and public interests by projecting an illusion of public sentiment when such sentiment does not exist;

(3) inform citizens of the different pressures brought to bear on the policy-making process;

(4) assure a balance of information in the policymaking process by providing timely notice to the public of activities of all persons representing interests before the legislative and executive branch of government.

DEFINITIONS

SEC. 102. As used in this Act, the term—

(a) "Federal agency" includes any executive department, military department, government corporation, government controlled corporation, Federal Advisory Committee, or other establishment or independent instrumentality in the executive branch of the government including the Executive Office of the President;

(b) "individual" means a human being;

(c) "person" includes an individual, corporation, company, association, firm, partnership, society, joint stock company, association, or other organization or group of persons;

(d) "officer or employee of the Congress" means any officer or employee in the Legislative Branch of the Federal Government and includes a Member of Congress, Delegate to Congress, or the Resident Commissioner from the Commonwealth of Puerto Rico, officers and employees of the United States Senate, the House of Representatives or any joint, standing, special or select Committee or subcommittee thereof, or any Member of Congress, Delegate to Congress, or the Resident Commissioner of Puerto Rico;

(e) "legislative process" means any action taken by an officer or employee of the Congress to effect or prevent the introduction, consideration by Committee or staff of a Committee, passage, defeat, or amendment of legislation including any bill, resolution, proposal, constitutional amendment, nomination, hearing, report, investigation, or other matters pending or proposed in either House, and any other matter which may be subject to action by either House;

(f) "Federal officer or employee" means any officer or employee of a Federal agency and includes the President and the Vice President;

(g) "executive policymaking process" means any action taken by a Federal officer or employee with respect to the legislative process or with respect to any pending or proposed rule, rule of practice, adjudication, determination, hearing, investigation, contract, grant, or license;

(h) "income" means—

(1) a salary, gift, donation, contribution, payment, loan, advance, service, or other thing of value received; or

(2) a contract, promise, or agreement (including a contingent fee contract), whether or not legally enforceable, to receive any item referred to in paragraph (1);

(i) "expenditure" means—

(1) a salary, gift, donation, contribution, purchase, payment, distribution, loan, advance, service, or other thing of value made, disbursed, or furnished, or

(2) a contract, promise or agreement, whether or not legally enforceable, to carry out any transaction referred to in paragraph (1);

(j) "Committee" means any Committee of the Senate or House of Representatives or any subcommittee of any such Committee or any Joint Committee of Congress or any subcommittee of any such Joint Committee or any special or select committee of the Congress or any subcommittee of any such special or select committee;

(k) "legislative communication" means any communication by any person (except an exempt communication) with an officer or employee of the Congress to influence the legislative process;

(l) "executive communication" means any communication by any person (except an exempt communication) with a Federal officer of employee to influence the executive policymaking process;

(m) "exempt communications" means—

(1) any communication by any individual, acting solely on his own behalf, for redress of his grievances or to express his own opinion;

(2) any communication by any person to a department, agency, establishment, or instrumentality of any branch of the Federal Government in the exercise of a right of petition granted by section 553(e) of title 5, United States Code;

(3) a communication or solicitation by a Federal officer or employee acting in his official capacity provided that such communication is not in violation of section 3107 of title 5, United States Code and that the officer or employee does not solicit or attempt to solicit more than 50 persons to make a legislative or executive communication;

(4) a communication or solicitation by a State or local government officer or employee acting in his official capacity provided that the officer or employee does not solicit or attempt to solicit more than 50 persons to make a legislative or executive communication;

(5) any appearance by any person before a Committee or Federal agency in public or executive session in connection with any measure or matter before such Committee or Federal agency and any written statement submitted by any person in connection with such matter or measure and accepted for inclusion in the records of the Committee or Federal agency provided that such appearance or statement is made a matter of public record by the Committee or Federal agency within a reasonable time after the appearance or submission;

(6) the publication, distribution or dissemination—

(A) in the normal course of business by a newspaper, magazine, or other periodical distribution to the general public in the form of news, editorial views, letters to the editor or like matter;

(B) in the normal course of business by a radio or television broadcast in the form of news, editorial views, letters to the editor or like matter; or

(C) in a book published for the general public;

(7) a communication or solicitation by a candidate, as defined in section 591(b) of title 18, United States Code, made in the course of a campaign for Federal office;

(8) a communication or solicitation by or authorized by—

(A) a national political party of the United States or a national, State, or local committee or other organizational unit or a national political party regarding its activities, undertakings, policies, statements, programs or platforms;

(B) a political party of a State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States, or a committee or other organizational unit of such political party, regarding its activities, undertakings, policies, statements, programs or platforms;

(C) a candidate for political office of a State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States, or a committee or other organizational unit acting on behalf of such candidate regarding the activities of the candidate including undertakings, policies, statements, programs or platforms; or

(9) in the case of an individual, or the officers, directors, or employees of a corporation, company, firm, partnership, society, joint stock company, association, or other organization, legislative communications with members of Congress or the personal staff of such members representing the States and districts in which such individual, officers, directors or employees reside;

(n) "Comptroller General" means the Comptroller General of the United States;

(o) "legislative agent" means any person who, for any consideration (other than exempt travel expenses), is retained in a capacity other than as an officer or employee of the person by whom he is retained, to make legislative or executive communications or to solicit others to make legislative or executive communications acting either by himself or through any other person acting for him;

(p) "exempt travel expenses" means any payment or reimbursement of expenses for travel solely from one point in the United States to another point in the United States, but only if such payment or reimbursement does not exceed the actual cost of the transportation involved plus a per diem allowance for other expenses in an amount not in excess of 125 per centum of the maximum allowance payable under section 5702(c)(1) of title 5, United States Code, for Government employees, except that in no case shall any amount more than $1,000 paid to one person within one year be considered to be exempt travel expenses;

(q) "voluntary membership organization" means an organization composed of persons or individuals who are members thereof on a voluntary basis and who, as a condition of membership, are required to make regular payments to the organization;

(r) "identification" means in the case of an individual, the name of the individual and his address, occupation, principal place of business, and title or position held in the business; and in the case of a person other than an individual, the name of the person, its officers and board of directors, and its address and principal place of business;

(s) "lobbyist" means—

(1) a legislative agent;

(2) any person who retains a legislative agent in any quarterly filing period, except that a person shall not be considered as being within the purview of this paragraph solely by reason of being a member of a voluntary membership organization which may itself be a legislative agent;

(3) any officer or employee of any person (other than a legislative agent), if such officer or employee receives pay for his services as such an officer or employee and if he makes no more than fifteen legislative communications or executive communications in any quarterly filing period; except that no more than five such communications may be made in any one day;

(4) any person (other than a legislative agent) who employs any officer or employee as provided for in paragraph (3);

(5) any person who—

(A) solicits (other than as provided for in paragraph (6)), orally or otherwise, other persons to make legislative or executive communications, if such solicitation reaches or with reasonable certainty may be expected to reach at least 100 persons, or

(B) solicits at least twenty-five persons who, for their efforts to make legislative or executive communication, are paid, or are promised the payment of, any consideration (other than exempt travel expenses) by the person who made the solicitation or by any other person acting for him, or

(C) solicits contributions totaling $5,000 or more in any quarter to be used for the purpose of making legislative or executive communications;

(6) any person who, in the ordinary course of business, publishes, distributes, or circulates, as the publication of such person, a house organ, or a trade, labor or trade union, or commercial journal, or any other publication having the same general purposes as a house organ or a trade, labor or trade union, or commercial journal, if such publication—

(A) is not distributed to the general public as a usual and customary practice; and

(B) contains any matter soliciting the reader to make a legislative or executive communications, except that, this paragraph shall not apply to the reproduction or retransmission of a communication from any other person who is required by this Act to register as a lobbyist if such reproduction or retransmission specifically identifies such other person;

(t) "lobbying" means the activities of any lobbyist in making legislative or executive communications, soliciting other persons to make legislative or executive communications, or soliciting contributions to make legislative or executive communications;

(u) "quarterly filing period" means any of the four calendar quarters which begin on January 1, April 1, July 1 or October 1; and

(v) "United States" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

REGISTRATION OF LOBBYISTS

SEC. 103. (a) Each lobbyist shall register and file a representation notice with the

Comptroller General not later than 5 working days after first becoming a lobbyist, and each lobbyist who has filed such a notice and has been inactive as a lobbyist for three consecutive quarterly filing periods shall also register and file a representation notice when that lobbyist again engages in lobbying. The representation notice shall be in such form and contain such information as the Comptroller General shall prescribe, including—

(1) an identification of the lobbyist;

(2) an identification of each person on whose behalf the lobbyist expects to perform services as a lobbyist;

(3) a description of the financial terms and conditions (including any contingent fee arrangement) under which the lobbyist is employed or retained by any person, and the identification of that person;

(4) each aspect of the legislative process or executive policymaking process which the lobbyist expects to seek to influence, including any officer or employee of the Congress, any committee, Federal agency, or any Federal officer or employee, to whom a communication is to be made, the form of communication to be used, and whether the communication is to be for or against any measure or action;

(5) an identification of each person who, as of the date of filing, is expected to be acting for such lobbyist and to be engaged in lobbying, including—

(A) the financial terms or conditions (including any contingent fee arrangement) of such person's activity, and

(B) each aspect of the legislative process or executive policymaking process such person expects to seek to influence; and

(6) in the case of a voluntary membership organization, the approximate number of members and a description of the methods by which the decision to engage in lobbying is made.

(b) If at any time, the information contained in a representation notice filed by a lobbyist is not current, accurate and up to date, in all respects because of any change in circumstances or conditions with respect to such lobbyist (including termination of his status as a lobbyist), such lobbyist shall file with the Comptroller General within five working days after such change has occurred, any amendment or amendments to such notice as may be necessary to make the information contained in such notice completely current, accurate, and up to date in all respects. Each representation notice shall also be amended by the lobbyist at such intervals of time as the Comptroller General shall prescribe to reflect the current activities of the lobbyist.

RECORDS

SEC. 104. Each lobbyist shall maintain such financial and other records of lobbying activity as the Comptroller General shall prescribe. Such records shall be in accordance with generally accepted accounting principles and be preserved for a period of not less than two years after the date of the activity. Such records shall be available to the Comptroller General for inspection and shall include the following information—

(a) the total income received by the lobbyist and the total income received by the lobbyist for lobbying;

(b) the identification of each person from whom income for lobbying is received, including the purpose and specific application of any such income received and the amount received;

(c) the expenditures of the lobbyist, including—

(1) the total expenditures of the lobbyist attributable to lobbying;

(2) an itemization of each expenditure for lobbying which exceeds $5 in amount of value, including the identification of the person to or for whom the expenditure is made, the date of the expenditure, and a description of the nature of the expenditure;

(3) expenditures relating to research advertising, staff, entertainment, offices, travel, mailings, and publications used for lobbying; and

(4) the amount and the name of the recipient of any contribution made to a candidate as defined in section 591(b) of title 18, United States Code, made in the course of a campaign for Federal office; and

(d) such other information as the Comptroller General shall prescribe to carry out the purpose of this Act.

REPORTS

SEC. 105. Each lobbyist, not later than 10 working days after the last day of a quarterly filing period in which such lobbyist made a legislative communication or executive communication, shall file a report with the Comptroller General covering the lobbyist's activities during that period. Upon his own initiative or pursuant to a request by a committee or a Federal agency, the Comptroller General may request lobbyists to submit reports of activities each week during a period of consideration of a major public issue in the legislative process or executive policymaking process, with which the lobbyists are involved. Each report shall be in such form and contain such information as the Comptroller General by regulation shall prescribe, including—

(a) an identification of the lobbyist;

(b) an identification of each person on whose behalf the lobbyist performed services during the period;

(c) an identification of each person, including other lobbyists, who engaged in making legislative or executive communications or soliciting others to make legislative or executive communications on behalf of the reporting lobbyist during the filing period;

(d) the total income received by the lobbyist during the reporting period to make legislative or executive communications or to solicit others to make legislative or executive communications including an identification of the source and purpose of the contribution except that—

(A) a person shall not be required to identify any person from whom income of less than $100 in value is received in the filing period to make or solicit legislative or executive communications, but the report shall contain the number of such persons together with the aggregate of such income;

(B) in the case of a voluntary membership organization, the organization shall not be required to identify any member whose payments in the filing period to the organization for lobbying did not exceed 5 percent of the total expenditures of the organization in the filing period for such purposes;

(C) if any item of income or expenditure is attributable in part to lobbying and in part to other purposes, such item may be reported, at the option of the person filing the report and in conformity with regulations prescribed by the Comptroller General—

(i) by a reasonably accurate allocation which sets forth that portion of the item received or expended to engage in lobbying as that portion bears to the sum of all such items received or promised, and the basis on which the allocation is made, or

(ii) by showing the amount of the item together with a good faith estimate by such person of that part of the item reasonably allocable to the classification of income or an expenditure to engage in lobbying;

(e) the expenditures of the lobbyist including—

(1) the total expenditures attributable to lobbying;

(2) an itemization of each expenditure for lobbying which exceeds $15 in amount of value, including the identification of each person to or for whom the expenditure is made, the date of the expenditure and a description of the nature of the expenditure;

(3) expenditures relating to research, advertising staff, entertainment, offices, travel, mailings, and publications used for lobbying;

(4) any expenditure made directly or indirectly to or for any officer or employee of the Congress or Federal officer or employee which exceeds $15 in amount or value and any expenditure made directly or indirectly to or for one or more such officers or employees which, in aggregate amount or value, exceeds $60 in a calendar year, including an identification of the person or persons making and receiving such expenditure and a description of the expenditure; and

(5) the amount and the name of the recipient of any contribution made to a candidate as defined in section 591(b) of title 18, United States Code, made in the course of a campaign for Federal office;

(f) each decision of the legislative process or executive policy-making process the lobbyist sought to influence including any bill, docket, or other relevant identifying numbers;

(g) a copy of any written communication used by the lobbyist during the period to solicit other persons to make legislative or executive communications, an estimate of the number of such persons to whom such written communication was made, and an estimate of the number of such persons who subsequently made legislative or executive communications;

(h) a description of the procedures, other than written communications, used by the lobbyist during the period to solicit other persons to make legislative or executive communications, an estimate of the number of such persons solicited, an estimate of the number of such persons who made legislative or executive communications, the specific purpose of the legislative or executive communication, and the officers or employees of the Congress or Federal officer or employee contacted;

(i) a record of each legislative or executive communication made to a Federal officer or employee or an officer or employee of the Congress and the decision which was sought to be influenced including any bill, docket, or other relevant identifying numbers; and

(j) such other information as the Comptroller General by regulation may prescribe to carry out the purposes of this Act.

EFFECT OF FILING ON CERTAIN DETERMINATIONS UNDER THE INTERNAL REVENUE CODE OF 1954

SEC. 106. Compliance with the requirements of sections 103, 104, or 105 of this Act shall not be taken into consideration in determining, for purposes of the Internal Revenue Code of 1954, whether a substantial part of the activities of an organization is carrying on propaganda or otherwise attempting to influence legislation.

TITLE II—DISCLOSURE OF EXECUTIVE BRANCH COMMUNICATIONS

SEC. 201. (a) Any agency official who receives an oral or written communication which pertains to any Federal agency activity or policy issue shall prepare a record of that communication as prescribed in legislation creating or regulations promulgated by the agency. For the purposes of this title, the term "agency official" includes—

(1) all officials and employees of any Federal agency compensated at a rate equal to or in excess of that for grade GS-15 in the General Schedule, and

(2) any officials and employees of any Federal agency who are compensated at a rate

less than that for grade GS-15 in the General Schedule only to the extent that such communications pertain to their involvement in any rulemaking, investigative, prosecutorial, or adjudicative function connected with a proceeding before any Federal agency or the courts.

(b) The records of communication shall be in such form and contain such information, as the Comptroller General shall prescribe, including—

(1) the name and position of the agency official who was a party to the communication;

(2) the date of receipt or occurrence of the communication;

(3) an identification, so far as possible, of the person with whom the communication occurred and of the person on whose behalf the outside party was acting;

(4) a brief summary of the subject matter of oral communications, including relevant docket numbers to which the communication pertains if known;

(5) in the case of communication through letters, documents, briefs, and other written material, copies of such material in its original form as received;

(6) a brief description of any action taken by the official in response to the communication.

(c) Records of all such communications required under subsection (a) shall be filed for public inspection and copying with the public reading room of the agency within two working days of receipt or occurrence of the communication, except that—

(1) the record of a communication with a party outside the Federal agency which pertains to a pending agency proceeding shall be placed in the public record of such proceeding,

(2) the record of a communication with a person who acts as an informant by offering incriminating material under a specific assurance of confidentiality, to a Federal agency for use in a civil or criminal enforcement proceeding shall be placed in a central file solely for purposes of internal agency review, and

(3) no record of communication shall be filed in conjunction with receipt or occurrence of a communication with a member of the working press.

(d) Each Federal agency shall maintain such files of records of communication and a central index organized by subject matter and cross-referenced as to parties other than those of the agency. Files of such records shall be maintained for a period of at least 5 years.

(e) Each Federal agency shall prepare and maintain a prospective and retrospective public calendar and such cumulative calendars and records to provide such notice and recordation of Federal agency activities as the Comptroller General shall prescribe, including—

(1) public hearings;

(2) commission or agency meetings;

and meetings with outside parties as the Comptroller General may prescribe.

TITLE III—DUTIES OF THE COMPTROLLER GENERAL

SEC. 301. It shall be the duty of the Comptroller General—

(a) to develop forms for the registration and filing of notices of representation, records, and reports required pursuant to sections 103, 104, and 105 of this Act and to furnish such forms upon request;

(b) to prepare a manual setting forth recommended uniform methods of bookkeeping and reporting and to furnish such manual to lobbyists upon request;

(c) to file, code, and cross-index registration statements and reports to carry out the purposes of this Act;

(d) to make the registration statements, notices, and reports filed with him available for public inspection and copying, commencing as soon as practicable, but not later than the end of the second day following the day on which any such item was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person, provided that any charge therefor shall not exceed actual marginal costs, but no information copied from such reports and statements shall be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;

(e) to preserve the originals or copies of such notices and reports for a period of ten years from date of receipt;

(f) to compile and summarize, with respect to each filing period, the information contained in such notices and reports in a manner which facilitates the disclosure of efforts to influence the legislative process or executive policy making process, including but not limited to, information on—

(1) lobbyist activities and expenditures pertaining to specific legislative or executive actions, including an identification of the lobbyists involved, an identification of the persons in whose behalf the lobbyist acted, and the amount of income received by the lobbyist from such persons, and

(2) the activities and expenditures of lobbyists who share an economic, business, or other common interest in the legislative or executive actions which they have sought to influence;

(g) to have such information compiled, summarized and published in the Federal Register within ten working days after the close of each filing period; except that, with respect to reports concerning major issues required to be filed each week, compilation, summarization, and publication shall take place no more than three working days after the close of the filing period for each week;

(h) to have each representation notice which is filed by any lobbyist published in the Federal Register within three days after each such representation notice is received by the Comptroller General;

(i) to ascertain whether any lobbyist has failed to comply fully and accurately with the disclosure requirements of this Act and promptly notify such person to file such representation notices and reports as are necessary to satisfy the requirements of this Act or regulations prescribed by the Comptroller General under this Act;

(j) to ascertain whether any agency official has failed to comply fully and accurately with the record of communication requirements of this Act and promptly notify such official to file such records as are necessary to satisfy the requirements of this Act or regulations prescribed by the Comptroller General under this Act;

(k) to make audits and field investigations with respect to the notices and reports filed under the provisions of this Act, and with respect to alleged failures to file any notice or report required under the provisions of this Act, and upon complaint by any individual, with respect to alleged violations of any part of this Act;

(l) to prepare a special study or report upon the request of any Member of the House of Representatives or the Senate from information in the records of the Comptroller General; or if such records do not contain the necessary information, but the information would fall under the scope of information required by this Act, the Comptroller General may inspect the records of the appropriate parties and prepare the report, but only if such special inspection can be completed in a reasonable time before the information would normally be filed; and

(m) to transmit reports to each House of the Congress no later than March 31 of each year, containing a detailed statement with respect to the activities of the Comptroller General in carrying out his duties under this title, together with recommendations for such legislative or other action as the Comptroller General considers appropriate.

ADVISORY OPINIONS

SEC. 302. (a)(1) Upon written request to the Comptroller General by any person, he may render an advisory opinion, in writing, within a reasonable time with respect to whether any specific transaction or activity by such person is covered by the provisions of this Act.

(2) Notwithstanding any other provision of law, any person with respect to whom an advisory opinion is rendered under section (1) who acts in good faith in accordance with the provisions and findings of such advisory opinion shall be presumed to be in compliance with the provisions of this Act.

(3) Any request made under section (1) shall be made public by the Comptroller General. The Comptroller General shall, before rendering an advisory opinion with respect to such request, provide any interested person with an opportunity to transmit written comments to the Comptroller General with respect to such request.

(b) The Comptroller General shall take all actions necessary to the publication, codification, indexing, cross-referencing, and distribution to Federal Depository Libraries of all advisory opinions issued by him pursuant to this section. Copies of all such opinions and indexes shall be available at cost to any person upon written request.

RULEMAKING

SEC. 303. The Comptroller General shall prescribe such rules and regulations, which shall conform to the provisions of chapter 5 of title 5, United States Code, as may be necessary and appropriate to carry out the provisions of this Act.

POWERS OF THE COMPTROLLER GENERAL

SEC. 304. (a) The Comptroller General has the power for the purposes of this Act—

(1) to require, by special or general orders, any person to submit, in writing, such reports, records, notices, and answers to such questions as the Comptroller General may prescribe relating to the execution of his duties; and such submission shall be made within such a reasonable period of time and under oath or otherwise as the Comptroller General may determine;

(2) to administer oaths or affirmations, and to delegate the power to do so;

(3) to require by subpena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of his duties;

(4) in any proceeding or investigation, to order testimony to be taken by affidavit or by deposition before any person who is designated by the Comptroller General and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under paragraph (3) of this subsection;

(5) to pay witnesses the same fees and mileage as are paid in the like circumstances in the courts of the United States;

(6) to initiate (through civil proceedings for injunctive, declaratory, or other appropriate relief) defend, or appeal any civil action in the name of the Comptroller General for the purpose of enforcing the provisions of this Act, through the General Counsel of the General Accounting Office;

(7) to formulate general policy with respect to the administration of this Act; and

(8) to develop and prescribe such forms

as may be necessary to carry out the purposes of this Act.

(b) Any United States district court within the jurisdiction of which any inquiry under this Act is carried on, may, upon petition by the Comptroller General, in case of refusal to obey a subpena or order of the Comptroller General issued under subsection (a) of this section, issue an order requiring compliance therewith. Any failure to obey any such order of the court may be punished by the court as a contempt thereof.

(c) No person shall be subject to civil liability to any person (other than the Comptroller General or the United States) for disclosing information at the request of the Comptroller General.

ENFORCEMENT

SEC. 305. (a) Any person who believes a violation of this Act has occurred may file a complaint with the Comptroller General.

(b) (1) The Comptroller General, upon receiving a complaint under subsection (a), or if he has reason to believe that any person has committed a violation of this Act, may serve upon such person a complaint stating charges in that respect and a notice of a hearing upon a day and place therein fixed at least 30 days after service of said complaint. The person so complained of shall have the right to appear at such hearing and show cause why an order should not be entered by the Comptroller General requiring such person to cease and desist from activities in violation of the law so charged in the complaint, and why such person should not affirmatively comply with the provisions of this Act in such manner as prescribed by the Comptroller General. The testimony in any such hearing shall be reduced to writing and filed in the office of the Comptroller General.

(2) If upon such hearing, the Comptroller General shall be of the opinion that the person complained of did violate or is violating this Act he shall make a report in writing in which he shall state his findings of facts and shall issue and cause to be served on such person an order requiring such person to cease and desist from activities in violation of this Act and to affirmatively comply with provisions of this Act in such manner as prescribed by the Comptroller General.

(c) Until such time as the Comptroller General enters an order pursuant to subsections (b), the Comptroller General may endeavor to correct violations of this Act by informal methods of conference, conciliation, and persuasion, provided that any person against whom a complaint has been issued and elects to resolve any such complaint by informal methods must sign a compliance agreement, if such agreement represents any such person's willing and informed resolution of the allegations of the complaint, under such conditions as the Comptroller General may prescribe, as a binding final resolution and adjustment of any such complaint, the violation of which may be punished by any district court of the United States as a contempt thereof.

(d) Complaints, orders, and other processes of the Comptroller General under this section may be served by anyone duly authorized by the Comptroller General either by—

(1) delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the society, joint stock company, association, company, or other organization to be served;

(2) leaving a copy thereof at the residence or the principal place of business or principal office of such person to be served; or

(3) mailing a copy thereof by registered mail or by certified mail addressed to such person at the residence or principal place of business or principal office of such person to be served.

The verified return by the person so serving said complaint, order, or other process setting forth the manner of said service shall be proof of the same, and the return post office receipt for said complaint, order or other process mailed by registered mail or by certified mail as aforesaid shall be proof of the service of the same.

(e) An order of the Comptroller General to cease and desist from activities in violation of this Act and to affirmatively comply with provisions of this Act in such manner as may be prescribed by the Comptroller General shall become final—

(1) upon the expiration of the time allowed for filing a petition for review pursuant to section 307 (b), if no such petition has been duly filed within such time;

(2) upon the expiration of the time allowed for filing a petition for certiorari pursuant to section 307 (b), if the order of the Comptroller General has been affirmed, or the petition for review has been dismissed by the court of appeals, and no petition for certiorari has been duly filed;

(3) upon the denial of a petition for certiorari, if the order of the Comptroller General has been affirmed or the petition for review dismissed by the court of appeals; or

(4) upon the expiration of 15 days from the date of issuance of the decree of the Supreme Court, if such Court directs that the order of the Comptroller General be affirmed or the petition for review dismissed.

(f) (1) Whenever the Comptroller General has reason to believe that any person has violated, or is violating, any provision of this Act, or regulations promulgated thereunder, and that the enjoining thereof pending the issuance of a complaint by the Comptroller General, until such complaint is dismissed by the Comptroller General or set aside by the court on review, or until the order of the Comptroller General made thereon has become final, would serve the purposes of this Act, the Comptroller General by any attorney designated by him for such purpose may bring suit in a district court of the United States to enjoin any such activity.

(2) Upon a showing that such action would serve the purposes of this Act and after notice to the defendant, a temporary restraining order or a preliminary injunction may be granted; *Provided however*, that if a complaint is not filed within 10 days after the issuance of the temporary restraining order or within 30 days after the issuance of a preliminary injunction, any such temporary restraining order or preliminary injunction shall be dissolved by the court and be of no further force and effect; *Provided further*, that in proper cases the Comptroller General may seek, and the court may issue a permanent injunction. Any such suit shall be brought in the district in which such person resides or engages in such activity complained of or transacts business.

(g) Whenever the Comptroller General has reason to believe that any person has violated, or is violating, any provision of this Act, the Comptroller General through the General Counsel of the General Accounting Office may bring an action for recovery or imposition of civil penalty as provided by section 306 (b) in any district court of the United States.

(h) The Comptroller General shall refer apparent criminal violations of this Act to the appropriate law enforcement authority.

SANCTIONS

SEC. 306. (a) After hearing and upon a finding that any person has violated or neglected duties imposed pursuant to sections 103, 104, 105 of this Act, the Comptroller General may issue a censure of such person.

(b) Any person who violates any provision of this Act or an order of the Comptroller General after it has become final, and while such order is in effect, shall forfeit and pay to the United States a civil penalty of not more than $5,000 for each violation which shall accrue to the United States and may be recovered in a civil action brought by the Comptroller General. Each separate violation of a Comptroller General's order shall be a separate offense, except that in the case of a violation through continuing failure to obey or neglect to obey a final order of the Comptroller General, each day of continuance of such failure or neglect shall be deemed a separate offense.

(c) After hearing and upon a finding that any Federal officer or employee has violated or neglected duties pursuant to Title III of this Act, the Comptroller General may censure such officer or employee.

(d) The Comptroller General may refer to the Civil Service Commission for appropriate disciplinary action any apparent violation through knowing failure or neglect of a final order of the Comptroller General by any federal officer or employee.

(e) Any lobbyist who intentionally falsifies any part of a representation notice or any report which such lobbyist filed with the Comptroller General under this Act shall be fined not more than $10,000, or imprisoned for not more than 2 years, or both.

(f) Any lobbyist who intentionally violates sections 103, 104 or 105 of this Act shall be fined not more than $10,000, or imprisoned for more than 2 years, or both.

JUDICIAL REVIEW

SEC. 307. (a) The Comptroller General, or any person who is or may be covered by this Act, may institute such actions in the appropriate district court of the United States including actions for declaratory judgment as may be appropriate to construe the constitutionality of any provision of this Act.

(b) Any person required by an order of the Comptroller General to cease and desist from activities in violation of this Act and to affirmatively comply with provisions of this Act in such manner as prescribed by the Comptroller General pursuant to Section 305 may obtain a review of such order in the court of appeals of the United States, within any circuit where such activity occurred or where such person resides or carries on business, by filing in the court, within 30 days from the date of the service of such order, a written petition praying that the order of the Comptroller General be set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Comptroller General, and thereupon the Comptroller General shall file in the court the record in the proceeding, as provided in section 2112 of title 28 U.S.C. Upon such filing of the petition the court shall have jurisdiction of the proceeding and of the question determined therein concurrently with the Comptroller General until the filing of the record and shall have power to make and enter a decree affirming, modifying, or setting aside the order of the Comptroller General, and enforcing the same to the extent that such order is affirmed and to issue such writs as are ancillary to its jurisdiction or are necessary in its judgment to prevent obstruction of the purposes of this Act. The findings of the Comptroller General as to the facts, if supported by evidence, shall be conclusive. To the extent that the order of the Comptroller General is affirmed the court shall thereupon issue its own order commanding obedience to the terms of such order of the Comptroller General. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfication of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Comptroller General, the court may order such additional evidence to be taken before the Comptroller General and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper. The Comptroller General may modify his findings as to the facts, or make new findings by reason of the evidence so taken, and shall file such modified or new findings, which, if any, for the modification or setting aside of its original order, with the return of such additional evidence. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon filing of a petition for certiorari, as provided in section 1254 of title 28, United States Code, except that such petition must be filed within 60 days of issuance of the order of the court of appeals.

(c) It shall be the duty of the district courts, the courts of appeals, and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any action instituted under this Act.

TITLE IV—GENERAL PROVISIONS

TRANSFER OF FUNCTIONS AND RECORDS

SEC. 401. (a) All rights, powers, and duties vested in the Clerk of the House of Representatives or the Secretary of the Senate for purposes of registering or controlling lobbyists or lobbying activities are hereby transferred to the Comptroller General.

(b) All documents, papers, and any and all other information in the custody or control of the Clerk of the House of Representatives or the Secretary of the Senate obtained or prepared pursuant to the provisions of the Federal Regulation of Lobbying Act or any other similar laws are hereby transferred to the custody and control of the Comptroller General.

AMENDMENTS AND REPEALS

SEC. 402. The Federal Regulation of Lobbying Act (2 U.S.C. 261 et seq.) is hereby repealed.

EFFECTIVE DATE

SEC. 403. The registration, reporting, and recordkeeping requirements of section 103, 104, and 105 of this Act shall become effective 60 days after the regulations necessary to the operation of such sections are promulgated by the Comptroller General pursuant to section 301(a) and section 303 of this Act.

SUMMARY OF THE LOBBYING DISCLOSURE ACT OF 1975

TITLE I

This act is designed to expand public disclosure of lobbying activities and expenditures of certain individuals, other than those acting with their own resources and solely on their own behalf, and organizations who communicate with the Executive Branch of the Congress in an effort to influence the policymaking process.

The lobbying activity may be directed at any action taken by the Congress with respect to the passage, defeat, or amendment of any bill, resolution, proposal, nomination, hearing, report, investigation, or other action in Congress or at any pending or proposed rule, rule of practice, adjudication, regulation, determination, hearing, investigation, contract, grant, or licensing action in the Executive Branch.

Activities which are not considered lobbying under this bill are:

1. Communications by an individual using his own resources and acting solely in his own behalf to petition for a redress of grievances, or to express his own opinions.

2. Appearances before Federal agencies or committees where the appearance or statement submitted becomes part of a public record.

3. Communications by local, State or Federal officers or employees acting in their official capacities provided they do not solicit more than 50 other persons to make a legislative or executive communication.

4. News, editorial views or letters to the editor or similar material presented by newspapers, magazines, radio or television broadcasts or books, when dissemination is to the general public.

5. Candidates for local, State or Federal office or local, State or Federal political committees.

6. Communications by a corporation or other organization or its employees with the Congressman or Senators representing their district or state.

A lobbyist would include a legislative agent retained to make executive or legislative communications; the person or organization employing the agent; the employees of any person or organization who are paid to make legislative communications when they make more than 15 in one quarter or 5 in one day; the person or organization for whom such employee works; any person who solicits at least 100 persons to make communications or contributions of $5000 or more to make such communications; and any person who solicits at least 25 persons who will be paid to make communications.

A person who falls under the definition of a lobbyist must register, file reports of expenditures and income related to lobbying. All income for lobbying is included except personal travel and lodging expenses comparable to Federal per diem expenses which do not exceed $1000 in one year.

Registration is required within 10 working days of becoming a lobbyist. As long as the lobbyist is active, reports of receipts and expenditures must be filed each quarter, or weekly if required by the Comptroller General to give a timely accountingg of activities related to a pending major issue.

Lobbyists must keep accurate records of their contacts and expenditures and their quarterly reports to the Comptroller General must include:

1. An identification of the lobbyist and the persons on whose behalf he has acted. In the case of the voluntary membership organizations, members would have to be identified only if they contribute for lobbying purposes more than 5 percent of the organization's annual budget for lobbying.

2. An identification of each decision of the legislative or executive policymaking process the lobbyist or anyone acting on his behalf attempted to influence and each Congressional or Executive Branch officer or employee with whom the lobbyist communicated.

3. A record of each oral and written communication expressing an opinion or containing information with respect to the Executive or legislative processes.

4. A copy of each written communication and a description of the procedures used by the lobbyist to solicit other persons to make executive or legislative communications and an estimate of the number of persons contacted and who engaged in lobbying.

5. The total income and expenditures of the lobbyist for lobbying.

6. An itemization of each expenditure made directly or indirectly to or for any Federal officer or employee which is over $15 within that quarter or which in the aggregate is $60 a year.

7. The amount and recipient of any contribution to a candidate for Federal office.

Section 106 of the act states that compliance with the registration and reporting provisions shall not be taken into consideration in determining for IRS purposes whether a substantial part of the activities of an organization is carrying on propaganda or otherwise attempting to influence legislation.

TITLE II

Disclosure of executive branch communications

All Federal officers or employees compensated at a rate equal to or more than a GS-15, and all other officers or employees involved in rulemaking, investigative, prosecutorial or adjudicative functions connected with any proceeding before an agency or the courts are required to record any contact with a person outside the agency which pertains to agency activities or policy issues.

The report shall include:

1. An identification of the parties to the communication.

2. A brief summary of any oral communications and copies of the written communications.

3 A brief description of action taken in response to the comunication.

The records are required to be filed in the public reading room of the agency and with any file on a pending agency proceeding to which the communication relates. Provisions are made for summarizing or deleting classified material or material from confidential sources.

No record would be required of contacts with the working press.

Records would be maintained for five years.

The agency is required to prepare a calendar of agency activities to include public hearings, commission or agency meetings, and such staff meetings, speeches, symposiums, and meetings with outside parties as the Comptroller General shall prescribe to be included.

TITLE III

Duties of the Comptroller General

The Comptroller General is directed to administer the Act. He is to prepare forms and procedures for complying with the act, to develop a cross-indexing system to identify lobbyists with issues, and make notices of representation and reports available for public inspection.

Each quarter the Comptroller General shall summarize information from the quarterly reports to describe lobbying activities related to specific legislative or executive actions and lobbying activities or persons who have an economic, business or other common interest in the actions they sought to influence.

The Comptroller General shall file these summaries and all notices of representation in the Federal Register.

Among other duties the Comptroller General shall:

1. Ascertain if any lobbyist has failed to comply with the disclosure requirements of the act or if any Executive Branch officer or employee has failed to record communications with outside parties and to promptly report such failure to that person.

2. Make audits and field investigations of failures to comply with the act on its initiative or upon any complaint by an individual.

3. Prepare reports for members of the House or Senate from materials in its files.

4. When he deems necessary and is requested by any person to issue advisory opinions as to whether a person or activity is covered by this act.

Powers of the Comptroller General

The Comptroller General is empowered to initiate or defend any civil action through the General Counsel of the General Accounting Office to carry out the provisions of this Act.

The Comptroller General is given the power of subpoena for materials or witnesses to carry out the provisions of this act.

Upon receiving a complaint or upon its own initiative, the Comptroller General may serve a complaint stating charges along with a notice of hearings within 30 days:

1. The person charged may appear and show cause why an order should not be entered by the Comptroller General to cease and desist from violations of the act.

2. If, after hearing, the Comptroller General finds a violation has occurred the violator may appeal to the United States Court

of Appeals. An order shall not become final until all appeals are completed.

3. Pending a final order the Comptroller General may seek to reach a voluntary compliance order signed by the person charged.

4. The Comptroller General also is authorized to seek injunctive relief to insure compliance with the act pending issuance of a complaint or completion of a hearing on an alleged violation.

5. The Comptroller General may petition a United States District Court to assess a civil penalty of up to $5000 when it has reason to believe that a person has violated or is violating any provision of the act.

6. The Comptroller General shall report any apparent criminal violation of the act to the appropriate law enforcement authority.

Sanctions

Among the sanctions for violations of this act are:

1. Censure by the Comptroller General of a person for violation of the registration, recording or reporting requirements of the act.

2. District Court may assess a civil penalty of up to $5000 for violation of a final order of the Comptroller General, with each separate violation considered a separate offense and each day of continuing failure to be a separate offense.

3. A Federal officer or employee who violates the requirements of Title II to log contacts with outside parties may be censured by the Comptroller General. The Comptroller General may refer to the Civil Service Commission for appropriate disciplinary action any apparent violation through knowing failure or neglect of a formal order of the Comptroller General by any Federal officer or employee.

4. An intentional violation of the registration, recording, or reporting sections of this act by a lobbyist or an intentional falsification of any filing required by the act is punishable by up to two years and $10,000.

The Comptroller General shall report annually to the Congress on activities in carrying out his duties under the Act.

By Mr. RANDOLPH:

S. 2168. A bill to amend the Clean Air Act to provide for regulation of emissions from railroad locomotives and other railroad equipment. Referred to the Committee on Public Works.

Mr. RANDOLPH. Mr. President, I introduce the Railroad Locomotive Exhaust Emission Standards Act, a bill to provide Federal regulation of air pollutants emitted from railroad locomotives, locomotive engines, and secondary power sources on railroad rolling stock. This bill was drafted by the Association of American Railroads, and I am introducing it at their request, so it may have careful consideration in the markup sessions of the Subcommittee on Environmental Pollution.

The Class I railroads of the Nation operate more than 28,000 diesel locomotives over approximately 200,000 miles of railroad lines in the 48 contiguous States. In the course of operations, railroad locomotives and rolling stock are constantly moving back and forth across State lines and in and out of countless political subdivisions. While some of the railroad locomotives may be devoted exclusively to either road haul operations or switching operations, most of them might be found in switching operations on 1 day and in line haul service the next day. The increased use of interrailroad power pools and run-through trains makes it impossible to predict or identify all of the jurisdictions in which a locomotive may operate in a given period. The locomotives of a given railroad may enter States in which the owning road does not operate.

The railroads feel strongly that as these locomotives pass from State to State, and county to county and from one city to another, they should be subject to a common standard and that there should be a consistent rationale in the formulation and implementation of those standards. Today, of course, there is no common rationale behind the varying standards established by a multitude of regulations promulgated by many Federal regulation of locomotive emissions at all.

It has been suggested that the railroads could avoid the problem posed by the multiplicity of regulations by simply adjusting the locomotives so that they would comply with the strictest standards. The railroads indicate that this is not practical, because of the extremely high cost that would be involved. Not all State and local governments are required to consider the technological feasibility of complying with their standards or the total economic impact their regulations may have on the railroad system.

While the railroads are concerned with what they consider to be unduly restrictive standards, their greater concern is with their current inability to address their problems to a single enforcement agency which employs a common standard based on a consistent policy.

Therefore, the railroads are encouraging the enactment of preemptive emission control legislation. Federal control of aircraft exhaust emissions is already provided for in the Clean Air Act. More recently, in enacting the Noise Control Act of 1972, (Public Law 92–574), the Congress has provided for Federal control of aircraft, railroad, and motor carrier noise emission standards preempting noise emission standards of States and localities.

During consideration of the Clean Air Act of 1970, the Senate included emission standards for railroads. However, that provision was dropped in the conference. The Association of American Railroads has asked that this subject, and the bill which I introduce today, be considered by the Subcommittee on Environmental Pollution during its current markup of proposed legislation to amend the Clean Air Act.

I do not consider the language of the bill introduced today to necessarily be the best approach to the Federal control of locomotive emissions. I believe that a more appropriate legislative treatment of this subject could be drafted on the basis of section 17 of the Noise Control Act of 1974, which provides for noise emission regulations for surface carriers engaged in interstate commerce by railroads. I will, however, ask that standards for exhaust emissions from railroad equipment be considered by the Subcommittee on Environmental Pollution for inclusion in this year's Clean Air Act Amendments.

By Mr. ABOUREZK:

S. 2169. A bill to amend the definition of "rural area" in the Consolidated Farm and Rural Development Act and title V of the Housing Act of 1949 in order to permit towns of 30,000 or less inhabitants to be considered rural areas for purposes of those acts. Referred to the Committee on Agriculture and Forestry and the Committee on Banking, Housing and Urban Affairs, jointly, by unanimous consent.

Mr. ABOUREZK. Mr. President, it has long been recognized that there is a sort of shifting "no-man's land" between our urban programs in housing and community and related development and our programs for rural areas. For most purposes, the Rural Development Act is aimed at communities of less than 10,000 people. This is traditionally the limit of jurisdiction for the Farmers Home Administration, which is responsible for most of those rural development activities.

The Department of Housing and Urban Development has no statutory restriction on its service area, but there are definite institutional limits. These relate to the reliance on local lending institutions in the housing field and they relate to the agency's primary focus on the problems of metropolitan areas. Thus, I think it is generally conceded that HUD programs tend to operate most effectively in the metropolitan centers and to be less and less effective in serving the needs of smaller and smaller towns. It is my view that this results in towns in the 10,000 to 30,000 population range frequently "falling through the cracks"—in terms of being too big to qualify for Farmers Home Administration programs while being small enough to have difficulty in securing assistance under HUD programs.

I believe that we should work on this problem from both directions. I think that all of our national programs and the agencies that administer them should be made increasingly responsive to the special problems and needs of smaller communities. That is why I have introduced S. 1851 to establish a Smaller Communities Administration, and it is why I am giving careful study to the present system of allocating community development block grants to see if legislative reform might be appropriate.

At the same time, I believe that the service area of the Farmers Home Administration should be expanded since that agency already has experience and familiarity with the special needs of smaller towns and has programs which are designed to meet the special problems of smaller towns. I am, therefore, introducing today a bill to amend the Consolidated Farm and Rural Development Act and the rural housing title of the 1949 Housing Act so as to extend services under both pieces of legislation to towns of up to 30,000 population.

In my own State of South Dakota, the 1970 census listed six communities in the population range of 10,000 to 30,000 and another two that were rapidly approaching that category. Those communities often find that they are unable on the one hand to qualify for Farmers Home Administration assistance in, say, funding water and sewer facilities, while they find it almost as impossible to secure HUD assistance. Under this legislation, they would at least have their prospective source of aid doubled.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that a bill introduced by Mr. Abourezk be referred jointly to the Committees on Agriculture and Forestry and Banking, Housing and Urban Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. STEVENS:

S.J. Res. 112. A joint resolution to designate the third week of September of each year as "National Medical Assistants' Week." Referred to the Committee on the Judiciary.

Mr. STEVENS. Mr. President, there is in this country a large group of unsung heroes in the medical profession without whose dedication the service and quality of medical care would be considerably diminished. Medical assistants are highly trained in the skills of their profession to provide the physician with timely information and assistance in order that diagnosis, treatment, and convalescence be expeditiously and accurately carried out. A physician's job would be an impossible task without the aid of the medical assistant.

Therefore, I introduce a Senate joint resolution to designate the third week of September of each year as "National Medical Assistants' Week." With respect to the invaluable services performed by medical assistants each day, 1 special week a year is certainly worthy to show our appreciation.

I ask unanimous consent that this resolution be printed in the Record immediately following my remarks.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 112

Whereas medical assistants provide invaluable assistance to the physicians of this country; and

Whereas their services help to insure that adequate medical care is available for the citizens of this country; and

Whereas recognition should be given to the devotion with which these individuals perform their duties: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the third week of September of each year is designated as "National Medical Assistants' Week"; and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups and organizations to observe that week with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 3

At the request of Mr. Kennedy, the Senator from Iowa (Mr. Culver) was added as a cosponsor of S. 3, a bill to create a national system of health security.

S. 32

At the request of Mr. Kennedy, the Senator from Idaho (Mr. Church) was added as a cosponsor of S. 32, a bill to establish a framework for the formulation of national policy and priorities for science and technology, and for other purposes.

S. 388

At the request of Mr. Church, the Senator from Mississippi (Mr. Eastland) was added as a cosponsor of S. 388, a bill to amend titles II, VII, XVI, XVIII, and XIX of the Social Security Act to provide for the administration of the old-age, survivors, and disability insurance program, the supplemental security income program, and the medicare program by a newly established independent Social Security Administration, to separate social security trust fund items from the general Federal budget, to prohibit the mailing of certain notices with social security and supplemental security income benefit checks, and for other purposes.

S. 613

At the request of Mr. Hatfield, the Senator from Colorado (Mr. Haskell) was added as a cosponsor of S. 613, a bill to prohibit the introduction into interstate commerce of nonreturnable beverage containers, and for other purposes.

S. 1479

At the request of Mr. Williams, the Senator from Washington (Mr. Jackson) was added as a cosponsor of S. 1479, a bill to protect the economic rights of labor in the building and construction industry.

S. 1711

At the request of Mr. Cranston, the Senator from Wyoming (Mr. McGee) was added as a cosponsor of S. 1711, a bill to amend title 38, United States Code, to provide special pay and other improvements designed to enhance the recruitment and retention of physicians, dentists, nursing personnel, and other health care personnel in the Department of Medicine and Surgery of the Veterans' Administration, and for other purposes.

S. 1949

At the request of Mr. Curtis, the Senator from Ohio (Mr. Taft) was added as cosponsor of S. 1949, a bill to amend section 103 of the Internal Revenue Code of 1954.

S. 1992

At the request of Mr. Church, the Senator from Massachusetts was added as a cosponsor of S. 1992, a bill to amend title II of the Social Security Act to revise the provisions relating to automatic cost-of-living increases in benefits, and for other purposes.

S. 2001

At the request of Mr. Eagleton, the Senator from Florida (Mr. Stone) was added as a cosponsor of S. 2001, a bill to amend title II of the Social Security Act to reduce from 20 to 10 years the period of time a divorced woman's marriage to an individual must have lasted for her to qualify for wife's or widow's benefits on the basis of the wages and self-employment income of such individual.

S. Res. 67

At the request of Mr. Taft, the Senator from Minnesota (Mr. Mondale) was added as a cosponsor of Senate Resolution 67, concerning the safety and freedom of Valentyn Moroz, Ukrainian historian.

S. Con. Res. 29

At the request of Mr. Curtis, the Senator from Connecticut (Mr. Weicker) was added as a cosponsor of Senate Concurrent Resolution 29, expressing the sense of the Congress regarding the annexation of the Baltic nations.

S. Con. Res. 50

At the request of Mr. Case, the Senator from California (Mr. Tunney) was added as a cosponsor of Senate Concurrent Resolution 50, relating to arms sales to Jordan.

SENATE RESOLUTION 217—ORIGINAL RESOLUTION REPORTED PERMITTING A PHOTOGRAPH OF THE SENATE IN SESSION

(Placed on the calendar.)

Mr. CANNON, from the Committee on Rules and Administration, reported the following original resolution:

S. Res. 217

Resolved, That rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the United States Capitol Historical Society to photograph the United States Senate in actual session.

Sec. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefor, which arrangements shall provide for a minimum of disruption to Senate proceedings.

AMENDMENTS SUBMITTED FOR PRINTING

VOTING RIGHTS ACT EXTENSION—H.R. 6219

AMENDMENTS NOS. 758 AND 759

(Ordered to lie on the table.)

Mr. ALLEN submitted two amendments intended to be proposed by him to the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, to make permanent the ban against certain prerequisites to voting, and for other purposes.

AMENDMENT NO. 760

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill (H.R. 6219), supra.

AMENDMENT NO. 761

(Ordered to be printed and to lie on the table.)

Mr. MORGAN submitted an amendment intended to be proposed by him to the bill (H.R. 6219), supra.

AMENDMENTS NOS. 762 THROUGH 765

(Ordered to be printed and to lie on the table.)

Mr. ALLEN submitted four amendments intended to be proposed by him to the bill (H.R. 6219), supra.

AMENDMENTS NOS. 766 THROUGH 774

(Ordered to be printed and to lie on the table.)

Mr. WILLIAM L. SCOTT submitted nine amendments intended to be proposed by him to the bill (H.R. 6219), supra.

AMENDMENT NO. 775

(Ordered to be printed and to lie on the table.)

Mr. STONE (for himself, Mr. Nunn and Mr. Chiles) submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 6219), supra.

AMENDMENT NO. 776

(Ordered to be printed and to lie on the table.)

Mr. STENNIS (for himself, Mr. Talmadge and Mr. Nunn) submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 6219), supra.

AMENDMENT NO. 777

(Ordered to be printed and to lie on the table.)

Mr. NUNN submitted an amendment intended to be proposed by him to the bill (H.R. 6219), supra.

AMENDMENTS NOS. 778 THROUGH 789

(Ordered to be printed and to lie on the table.)

Mr. STEVENS submitted 12 amendments intended to be proposed by him to the bill (H.R. 6219), supra.

AMENDMENT NO. 790

(Ordered to be printed and to lie on the table.)

Mr. TOWER (for himself and Mr. Fannin) submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 6219), supra.

AMENDMENT NO. 791

(Ordered to be printed and to lie on the table.)

Mr. STONE (for himself and Mr. Chiles) submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 6219), supra.

AMENDMENT NO. 792

(Ordered to be printed and to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to the bill (H.R. 6219), supra.

AMENDMENT NO. 801

(Ordered to be printed and to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill (H.R. 6219), supra.

Mr. DOLE. Mr. President, during our consideration of the Voting Rights Act Extension, I intend to offer an amendment which would better clarify the scope of H.R. 6219 as it relates to potential litigation under the 14th amendment.

The language I propose would make certain that any suits for relief under section 3 of the act which are based on the 14th amendment be racial in origin. This would, I believe, be totally consistent with the purpose and intent of the legislation, while at the same time serve to eliminate the possibility of 14th amendment complaints which are not truly relevant.

In my view, we should continually seek to be more definitive in our drafting—thereby leaving less to interpretation by both the courts and the executive branch.

The minor refinement which my amendment contemplates would accomplish exactly that objective without either strengthening or weakening the scope of the overall act.

Mr. President, I ask unanimous consent that this amendment be printed in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

> On page 15, line 20, strike out the word "before" and insert in lieu thereof the word "after"; on line 21, strike out the word "voting" and insert in lieu thereof the phrase: "against discrimination in voting on account of race, color, or membership in a language minority."

AMENDMENT NO. 802

(Ordered to be printed and to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill (H.R. 6219), supra.

AMENDMENT NO. 803

(Ordered to be printed and to lie on the table.)

Mr. ROBERT C. BYRD submitted an amendment intended to be proposed by him to the bill (H.R. 6219), supra.

AMENDMENT NO. 804

(Ordered to be printed and to lie on the table.)

Mr. LONG submitted an amendment intended to be proposed by him to the bill (H.R. 6219), supra.

AMENDMENTS NOS. 805 AND 806

(Ordered to be printed and to lie on the table.)

Mr. ALLEN submitted two amendments intended to be proposed by him to the bill (H.R. 6219), supra.

VOTING RIGHTS ACT EXTENSION—S. 1279

AMENDMENTS NO. 793 THROUGH 800

(Ordered to be printed and to lie on the table.)

Mr. WILLIAM L. SCOTT submitted eight amendments intended to be proposed by him to the bill (S. 1279) to amend the Voting Rights Act of 1965 to provide a new test for releasing States and political subdivisions from the provisions of section 4 of that act, and for other purposes.

THE NATURAL GAS PRODUCTION AND CONSERVATION ACT—S. 692

AMENDMENT NO. 807

(Ordered to be printed and to lie on the table.)

Mr. HELMS. Mr. President, I am today submitting to be printed an amendment to S. 692, the Natural Gas Production and Conservation Act. This amendment contains the text of S. 504, the Natural Gas Emergency Purchase Act, which I introduced last January.

THE NEED

Congress has before it many proposals to try to solve the energy supply problems in the United States. There are many views, many of them conflicting, about what is to be done. This is particularly so with regard to increasing the supply of natural gas to the consuming States where no supply is available within the State or offshore.

But even if we resolve these conflicting views immediately, there will be a time lag before new wells can be drilled and brought into production.

Meanwhile, as everyone knows, the winter season is rapidly approaching, and we will soon be faced with an emergency situation in which natural gas pipeline transmission companies will be going deeper and deeper into curtailment. Some pipelines will undoubtedly be curtailing more than others because their supplies will go down faster; some of the local distribution companies which buy their gas from the transmission companies will be curtailed more than others because of the end use to which the gas they sell is ultimately put. Instead of curtailing all users on a pro rata basis, the Federal Power Commission requires curtailment according to a set of priorities based on the end use and the availability of other forms of energy.

The situation of last winter provides a mild illustration of what we can expect this coming fall and winter. At that time North Carolina, which is served solely by the Transcontinental Pipeline Corp.—Transco—was suffering a curtailment of 42.95 percent. That created an energy shortage which went far beyond anything that alternate fuels or energetic conservation programs could correct. And, since North Carolina's industrial base has been created in the past 20 years around Transco's pipeline, there was an imminent danger of plant closings, a stoppage in production, and the like. A very important fertilizer plant at Tunis, N.C., was actually forced to close for a while. This plant produces vital fertilizer for agriculture throughout the Southeastern United States. Thus, people in other States who depend on North Carolina products were also threatened with shutdowns. More importantly, payrolls were threatened by plant layoffs.

Of course, North Carolina was not the only State that was sharply affected by curtailment. On the Transco pipeline alone, the following curtailments were in effect for part of last winter in addition to North Carolina's 42.95 percent:

Alabama—54.70 percent; Georgia—32.85 percent; South Carolina—48.19 percent; New York—21.49 percent; Virginia—31.68 percent; Maryland—31.85 percent; Delaware—31.85 percent; New Jersey—25.90 percent; and Pennsylvania—26.84 percent.

Unlike North Carolina, some of these States are served by additional pipelines, but in most cases those pipelines were also in curtailment.

Now, by all projections, the situation this coming winter will be much worse. All estimates indicate that curtailments in North Carolina for this coming winter will exceed 60 percent. This will affect virtually every commercial or manufacturing use of natural gas in the State. Only residential use is considered to be secure. The large scale unemployment that will result from the inevitable plant closings, due to lack of natural gas, is obvious. Thousands upon thousands of employees will be out of work. Of course, the emergency in North Carolina will be repeated, in varying degrees, in other States. We cannot stand idly by while this happens.

Further, S. 692, as well as proposed amendments, would not provide the needed relief this coming winter. Even if Congress acts immediately, it will be 2 or 3 years at best before we can get relief.

THE SOLUTION

Fortunately, there is a way to get emergency gas if Congress will pass the emergency provision which I propose. It is not a long-term solution. The authority is limited to 1 year although naturally Congress may decide to extend it if the emergency is still existing. But it will bring new supplies of natural gas into the interstate pipelines almost immediately.

North Carolina, and other States similarly situated, will have a chance to get help this coming winter. It is the only way to avoid more plant closings, people out of work, payrolls ending, and critical material shortages across the country.

The principle of my amendment is very simple. Despite the nationwide shortages, there are short-term supplies of natural gas available in some of the producing States. This gas is not available in the interstate market because Federal regulations have kept the price of interstate gas artificially low. The intrastate gas has an unregulated price but this price, determined as it is by market conditions, tends to be more in line with the equivalent price per Btu for oil. At present, producers of this intrastate gas are not willing to sell it in the intrastate market because the interstate price is artificially depressed by Federal regulations and because the Federal regulations also prohibit them from withdrawing from the regulated interstate market once their gas has been committed.

There is, however, a solution. That solution is to permit the available intrastate gas to be sold in the interstate market for limited short-term periods at the normal intrastate rates. Naturally, the amount of gas made available on an emergency basis could not fill all the high priority needs that are presently in curtailment. But the availability of this gas could mean the difference between acute distress and a manageable situation.

There is no doubt that this proposal will work. The method has been tested already. It was because of a proper realization of the serious need for an increased availability of natural gas in the interstate market that the Federal Power Commission issued order No. 491 on September 14, 1973, extending its traditional 60-day emergency purchase period to 180 days. It issued this order pursuant to section 7(c) of the Natural Gas Act (15 U.S.C. § 717f(c)) which provides in pertinent part as follows:

> (The Commission) may by regulation exempt from the requirements of this section temporary acts or operations from which the issuance of a certificate will not be required in the public interest.

However, despite this action by the Federal Power Commission responding to the public interest in the availability of natural gas in the interstate market, the matter became embroiled in court litigation testing the authority of the Commission to issue such an order. On October 3, 1973, the U.S. Court of Appeals for the District of Columbia Circuit stayed order No. 491 pending final action by the Commission after receipt of the public comments on a subsequent Commission order regarding the rate at which emergency volumes of such gas would be committed to interstate pipelines.

On November 2, 1973, the Commission issued a third order in this series which reaffirmed the day emergency purchase period under section 7(c). The court stay was thus vacated. Again, on December 10, 1973, the court of appeals granted a stay of the Commission order, which stay was subsequently vacated by the U.S. Supreme Court on December 20, 1973. The matter dragged on for some time. Since the authority of the Commission to allow such an emergency purchase period was in question, the Commission subsequently took the position that it would not allow such action—though it continued to support the proposal—pending final resolution of the litigation. No such resolution having been forthcoming, on January 16, 1975, the Commission asked the court of appeals to expedite its final determination of the matter because of the drastic increase in pipeline curtailments. The Commission, of course, hoped that a final decision would reinstate its order and allow this much needed emergency purchase procedure to continue. However, on March 13, 1975, the court issued its final decision reversing and remanding the Commission order. Essentially, the court concluded that Congress had not provided the Commission with the legislative authority to allow 180 days emergency purchase periods.

Thus, a much needed, effective proposal to cope with emergency situations was brought to an end because of legal technicalities—not because it did not work, was not equitable, or was not in the public interest. It was simply stopped because of a judicial interpretation placed on section 7(c) of the Natural Gas Act. Indeed, during the brief period when the Commission order allowing extended emergency purchases was in effect, more than 172 million cubic feet of natural gas was provided in States suffering very serious curtailments. The procedure did work, and it worked very effectively.

Of course, since the only question regarding the proposal is the authority of the Federal Power Commission to implement it, Congress now has the duty to act. Congress has the authority to rectify this most unfortunate situation, and give the Federal Power Commission the authority it needs to carry out the duties Congress long ago delegated to it. That is what my amendment does.

THE AMENDMENT

Briefly, this amendment provides clarity where ambiguity has previously existed. It amends section 7(c) of the Natural Gas Act (15 U.S.C. 717f (c)) to provide that the Federal Power Commission shall by regulation exempt from the provisions of the Natural Gas Act the sale of such gas to an interstate natural gas pipeline company which is curtailing deliveries pursuant to a curtailment plan on file with the Commission and which does not have sufficient supply of natural gas to meet the firm requirements of the ultimate consumers on such pipeline system. Of course, boiler fuel consumers would not be included in this group because they can find alternative fuels. Such exemption could not exceed 180 days. However, for good cause shown the Commission could extend the original period for an additional 180 days.

Finally, the amendment provides that interstate natural gas pipeline companies that purchase such exempted natural gas shall not be denied the right to recover all or any part of the purchase price paid for such gas. In other words, the pipeline companies would be allowed to pass through any increased costs that may result from the purchase of exempted gas. And, of course, since this sale of intrastate gas is exempted from the Natural Gas Act, the producers' supplies would not become committed to interstate commerce and Federal regulation. Rather, only that portion sold under this provision would become committed to interstate commerce.

Now, one immediately raises the question of where the burden of any such increased costs will ultimately fall. I am advised that once interstate natural gas enters the State where it is to be consumed, the retail price is regulated by the various State utilities commissions. It would be up to the utilities commission in each State to determine the rate such gas shall be sold for in the retail market. Since home users of natural gas are currently receiving an adequate supply because they enjoy the highest priority level, it is possible that the increased costs may not be assigned to them, but rather it might be assigned to the industrial users who benefit from the increased availability of natural gas. However, as stated, this is a matter for the various State utilities commissions to determine.

And, of course, whatever their decision, this intrastate gas will be mixed in with lower priced interstate gas so that any price increase will be greatly diluted.

POSITIVE RESULTS

Finally, if this amendment becomes law, how much natural gas will actually be made available on the interstate market? Because of fluctuations in production levels, as well as other factors, it is impossible to respond with great certainty. However, we can examine past experience and draw some conclusions. FPC Order No. 491, et sequitor, were very successful in bringing supplies of natural gas to the interstate market that would not otherwise have been available during the 1973–74 winter season. Under these orders, there were over 500 sales made and over 172 million Mcf committed to the interstate market between September 1973 and September 1974. This includes approximately 25 million Mcf of sales made by intrastate pipelines to interstate pipelines. This was under the 180-day extended emergency purchase period subsequently held invalid by the Court.

By comparison, in the period between September 1972 and September 1973, the traditional 60-day emergency purchase period accounted for only 89 million Mcf of gas. Thus, the extension from the traditional 60 to the 180 days for emergency purchases accounted for over 80 million Mcf of additional gas. Such additional volumes on the interstate market would be of tremendous aid in eliminating at least a portion of the existing supply deficiencies and the resulting economic problems related to such deficiencies.

For Congress to clearly define the authority for the Federal Power Commission to allow such emergency sales for a full period of 180 days, with the authority to extend such period for a like term, would be a very substantial measure in protecting the environment from the abusive effects of alternative fuels, and it would greatly alleviate fears of unemployment and economic hardship.

Mr. President, I ask unanimous consent that the text of this proposed amendment to S. 692 be printed in the RECORD in full at the conclusion of my remarks.

There being no objection, the amendment was ordered to be printed in the RECORD as follows:

Add a new section as follows:

SEC. ( ). Section 7 (c) of the Natural Gas Act is amended by inserting "(1)" after "(c)" and by adding at the end thereof the following new paragraph:

"(2) Within fifteen days following the enactment of this paragraph, the Commission shall, by regulation, exempt from the provisions of this Act the sale of natural gas not committed to interstate commerce to an interstate natural gas pipeline company which is curtailing deliveries pursuant to a curtailment plan on file with the Commission, and which does not have sufficient supply of natural gas to meet the firm requirements of the ultimate consumers on such pipeline system exclusive of boiler fuel. No exemption granted under this paragraph shall exceed one hundred and eighty days in duration, but any such exemption may, for good cause shown, be extended for an additional one hundred and eighty days. Interstate natural gas pipeline companies which purchase such gas under this exemption, or any extension thereof, pursuant to Commission regulations, shall not be denied by the Commission the right to recover all or any part of the purchase price paid for such gas.".

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 689

At the request of Mr. KENNEDY, the Senator from Maine (Mr. HATHAWAY), the Senator from South Dakota (Mr. ABOUREZK), the Senator from Maine, (Mr. MUSKIE), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Montana (Mr. MANSFIELD), and the Senator from Indiana (Mr. HARTKE) were added as cosponsors of amendment No. 689 intended to be proposed to the bill (S. 1517), authorizing appropriations for the administration of foreign affairs, international organizations, conferences, and commissions; information and cultural exchange; and for other purposes.

AMENDMENT NO. 734

At the request of Mr. PERCY, the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of amendment No. 734 intended to be proposed to the bill (H.R. 6219), the Voting Rights Act extension.

AMENDMENT NO. 752

At the request of Mr. DOMENICI, the Senator from New York (Mr. BUCKLEY) was added as a cosponsor of amendment No. 752 intended to be proposed to the bill (S. 1517), supra.

ANNOUNCEMENT OF HEARING ON "TRANSPORTATION AND THE ELDERLY: PROBLEMS AND PROGRESS"

Mr. CHURCH. Mr. President, on Tuesday, July 29, the Special Committee on Aging will hold a hearing on the efforts of the Department of Transportation and the Administration on Aging to improve transportation services to older Americans. Testimony will center on the 16(b) (2) program under the Urban Mass Transportation Act of 1965 and the rural demonstration program authorized by section 147 of the Federal Aid Highway Act of 1973. The hearing will convene at 10 a.m. in room 6226, Dirksen Senate Office Building. Senator LAWTON CHILES will preside.

ANNOUNCEMENT OF HEARINGS ON S. 1989

Mr. RIBICOFF. Mr. President, the Senate Government Operations Committee will conduct a hearing on S. 1989, a bill which would require the President to collect information from agency heads to assist the Federal Government in negotiations with oil producing countries. Senator CHILES will chair the hearing.

The committee will hear from among the following witnesses: Senator STONE, Fred C. Bergsten, Senior Fellow, Brookings, and also from representatives of the Department of State and the Department of the Treasury.

The hearing will be held on Friday, July 25, at 10 a.m. in room 3302, Dirksen Building.

ANNOUNCEMENT OF PUBLIC HEARING ON FOREIGN ASSISTANCE

Mr. HUMPHREY. Mr. President, I wish to announce that the Subcommittee on Foreign Assistance of the Committee on Foreign Relations has scheduled a hearing to receive testimony from public witnesses on the Foreign Assistance Act of 1975. The hearing will be held on July 29 at 2 p.m. in room 4221 of the Dirksen Senate Office Building.

Persons interested in testifying are requested to communicate with the committee staff without delay.

BUDGET COMMITTEE HEARING ON OVERSIGHT OF CONGRESSIONAL BUDGET OFFICE

Mr. MUSKIE. Mr. President, the Committee on the Budget will hold an oversight hearing on the Congressional Budget Office, as required by the Congressional Budget Act of 1974, in connection with the Budget Committee's responsibility as oversight committee for the Congressional Budget Office.

The hearing will be held on July 31, 1975, at 10 a.m. in room 357 of the Russell Senate Office Building.

ADDITIONAL STATEMENTS

CONSUMER PROTECTION MOVEMENT

Mr. FANNIN. Mr. President, one of my great concerns about the so-called consumer protection movement is that rather than helping the American consumer it could end up enslaving him. It appears that the well-publicized consumer advocates in our society seek not to be leaders but to be dictators. They want to establish bureaucracies which would decide what is best for American consumers, then dictate to industry what can be manufactured, to what specifications, and at what cost. There no longer would be any freedom of choice for consumers; there would no longer be freedom of the marketplace to develop new products and services; the most basic of our freedoms would be lost.

A column in yesterday's Washington Post demonstrates the determination of the so-called consumer advocates or public interest extremists to impose their will on fellow citizens.

Mr. President, I ask unanimous consent to have printed in the RECORD the Noel Epstein column, "Nader, Nader Everywhere," from the Washington Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 22, 1975]

NADER, NADER EVERYWHERE

(By Noel Epstein)

Ralph Nader strikes a lot of people as sometimes becoming a noodge—someone who just cannot keep out of every corner of your life, and at other times as simply overbearing. We do not lose our respect or affection for him because of this, but we certainly do reserve the right to tell him sometimes that he is not always right about everything.

At present, for example, Nader is pestering a number of colleges and universities about his large family of public interest research groups at some 140 U.S. campuses. In particular, he is noodging Pennsylvania State University to charge a $2-a-term student fee that would finance the so-called "PIRG" (for Public Interest Research Group) at that campus, even though many students have expressed no desire to pay for the group's activities.

We do not doubt the value of these groups. They spend a lot of time worrying for us about how the environment affects us, whether we are being treated fairly when we buy something, the corporate impact on our communities and other matters worthy of their research. But we do question whether students or any other group should be forced to contribute funds to these activities if they express no desire to do so.

What the Nader people have proposed, at Penn State and elsewhere, is a "negative checkoff," a device that unions have made use of to help finance political activities and one that does not reflect well on the Nader family. Under negative checkoffs, your money is first taken from you, and you then must go through the trouble of requesting a refund if you are not pleased. As the experience of organized labor shows, not too many people end up asking for their money back.

The university's trustees have rejected this compulsory fee and have favored instead a "positive checkoff." That means the school would do the job of collecting fees from all those volunteering to help finance the Nader group, an advantage enjoyed by no other organization at that campus.

As it happens, the Penn State PIRG collected signatures from about 24,000 students favoring the $2-a-term fee increase, representing a majority of the student body. But the campus PIRG has asserted, in a strange twist of democratic principles, that if a majority wants to pay this fee, the rest should be compelled to. It is almost as if they believe a Nader group can take on the proportions of a governmental body that can levy a tax on a minority that does not wish to pay it.

As reported in the Chronicle of Higher Education, a Nader spokesman charged that the trustees' decision to collect voluntary contributions for the PIRG was "tantamount to killing the program." A peculiar position, to say the least, though understandable in light of the money involved and of the Nader-Penn State relationship.

Under the compulsory fee plan, the Nader group stood to get a total of $270,000 a year before collection charges and any refunds, according to a PIRG source cited by the Chronicle, while voluntary contributions might have been as low as $10,000 to $30,000 a year. If accurate, that does not reflect a very confident PIRG view of how many students actually might end up helping them or how democratic the compulsory system would be.

At the same time, Nader has announced a series of investigations of public universities and colleges—with Penn State high on the list of those to be scrutinized on their use of funds and other matters.

It gives one a peculiar feeling, however, to have to remind the Nader family that ends do not necessarily justify means, a lesson the nation has been hearing at great length in recent years. Surely it is not a position Nader should be urging on the young, not after all we have gone through on that score.

Whatever conflict-of-interests or other revelations at the Nader group may expect to find at Penn State or any other public university, it surely cannot justify compelling some students to pay for their research and then calling it an exercise in fairness.

It represents, in fact, one of those occasions when Nader gets overbearing, a transgression we can understand and forgive but not sanction. Yes, we should not forget to put on our seat belts, and we should not go too fast. But neither should we forget the underlying principles by which we live. With these we should indeed be very, very careful.

ACCOMPLISHMENTS OF SENATOR HUGH SCOTT IN THE AREA OF LAW ENFORCEMENT

Mr. HRUSKA. Mr. President, the level of crime and violence in America continues to receive major attention by the President and the Congress. As a member of the Committee on the Judiciary, the Senator from Pennsylvania (Mr. SCOTT) has been in the forefront of efforts to improve and strengthen the system of our criminal laws. As a Member of this body, he has been vigorously active on the floor of the Senate in his support and with his votes.

Since 1968, the Federal Government has spent millions of dollars assisting States and local governments in their fight against crime. These funds have been used for riot control, for the training of law enforcement personnel and for prison rehabilitation programs. As the ranking Republican on the Senate Judiciary Committee I have long noted Senator SCOTT's efforts to strengthen these and other essential programs. I ask unanimous consent to have printed in the RECORD the outstanding accomplishments of Senator SCOTT in the area of law enforcement.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ACCOMPLISHMENTS OF SENATOR SCOTT

LAW ENFORCEMENT—94TH CONGRESS

Legislation

S. 1—a bill to codify, revise, and reform Title 18 of the United States Code; to make appropriate amendment to the Federal rules of criminal procedure; to make conforming amendments to criminal provisions of other titles of the United States Code.

S. 565—a bill to amend Title 28, United States Code, to provide more effectively for bilingual proceedings in all district courts of the United States.

Votes

Voted for amendment to provide for a 10-year term for the appointment of the Director of the Federal Bureau of Investigation.

LAW ENFORCEMENT—93D CONGRESS

Legislation

S. 253—a bill to provide an additional permanent judgeship for the Middle District of Pennsylvania.

S. 566—a bill to define the circumstances in which foreign states are immune from the jurisdiction of the U.S. courts and in which execution may not be levied on their assets.

S. 567—a bill to revise Title 28 of the United States Code.

S. 716—a bill to amend Chapter 235 of Title 18, United States Code, to provide for the appellate review of sentences imposed in criminal cases arising in the district courts of the United States.

S. 780—a bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor.

S. 2963—Criminal Justice Information Control and Protection of Privacy Act. Imposes certain restrictions upon the type of information which can be collected and disseminated by law enforcement agencies.

S. 2964—Criminal Justice Information Systems Act of 1974.

Amendment to S. 821—to improve the quality of juvenile justice in the United States and to provide a comprehensive approach to the problems of juvenile delinquency.

Amendment to S. 3265—a bill to establish job protection for persons serving on Federal juries.

Votes

Voted for amendment to provide additional sentences for commission of a felony with the use of a firearm.

Voted for amendment to provide mandatory sentences for persons convicted as pushers of hard narcotics who were not addicts themselves.

Voted for Victims of Crime Act of 1973.

Voted for amendment to require 75 percent of block grant funds under the Omnibus Crime Control and Safe Streets Act be given directly to States and eligible units of local government.

Voted for amendment to transfer from the District of Columbia government to the U.S. Bureau of Prisons in the Department of Justice the jurisdiction over Lorton penal institution.

Voted for amendment to require that District of Columbia Chief of Police be appointed by the President by and with advice of the Senate.

Voted for Amendments of 1973 to Federal Law Relating to Explosives.

Voted for Antitrust Procedures and Penalties Act.

Voted for amendment to set penalties for persons convicted of embezzlement of political contributions.

Voted for Convention for the Protection of Producers of Phonograms.

Voted for Extradition Treaty with Italy.

Voted for Treaty with Uruguay on Extradition and Cooperation in Penal Matters.

Voted for amendment to provide a criminal penalty for the second offense of willful black marketeering of petroleum product.

Voted for amendment to prohibit the execution of a pregnant woman.

Voted for amendment to increase the degree of proof for the aggravating factors from the standard of "preponderance of evidence" to the standard "beyond a reasonable doubt".

Voted to establish rational criteria for the mandatory imposition of the sentence of death.

Voted for amendment to bar U.S. economic aid to any government which permits the production of opium poppies and which does not effectively prevent the diversion of opium and its derivatives into illicit markets.

Voted for Comprehensive Drug Abuse Prevention and Control Act of 1970 Amendments.

Voted for Juvenile Justice and Delinquency Prevention Act of 1974.

Voted for amendment to provide for the appointment of the Director of the Federal Bureau of Investigation. Limits to one 10-

year term the period which an FBI Director could serve.

Voted to establish rules of evidence for certain courts and proceedings.

A DANGEROUS MILITARY POSITION

Mr. CHURCH. Mr. President, I have long advocated the withdrawal of the 2d Infantry Division from Korea for reasons similar to those discussed by Edward L. King in a July 1 letter to the editor of the Washington Post.

It is true that the United States is committed to assist South Korea in repulsing an armed attack but only in accord with our constitutional processes. Mr. King asks:

> How could U.S. Constitutional purposes . . . function in determining whether or not to declare war when our Second Infantry Division stationed north of Seoul would be almost immediately involved in combat in the event of an attack by either side in Korea?

I put the same question.

Once American troops are engaged, the United States will be caught up in another war, the Congress and the people notwithstanding. Why should not the 2d Division be pulled back from its position now to avoid the danger of automatic U.S. involvement in another land war in Asia? South Korea has numerical superiority which makes attack from the North highly unlikely. Mr. King says:

> The real danger to South Korea's future is the repressive regime of President Park which denies segments of the South Korean people basic human rights.

Authoritarian rule seems to be on the rise throughout the world. While in most cases there is little we can or should do, the United States can at least insure that its well-being is not threatened by involvement in the defense of dubious regimes without the consent of Congress. One place to begin insuring against that possibility is in Korea where a measured disengagement of our troops—from the front lines and ultimately from the Korean peninsula—is in our best interest.

I ask unanimous consent that the letter of Edward L. King be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PERSPECTIVE ON THE MILITARY SITUATION IN KOREA

The Evans and Novak article on Korea ("Strategy for a Short, Violent War," Post June 16) is yet another in a seemingly endless number of recent factually misleading scare-stories about the gravity of the military situation in South Korea.

The situation in Korea should be looked at in a more balanced perspective. In their fascination with U.S. military operational details and portraying Kim Il Sung's inexperienced legions as ten feet tall, Evans and Novak ignore the main issues which the American people must consider in South Korea. These are the threats South Korea faces and our bona fide treaty commitments.

This year the Defense Department in stating the "threat" to South Korea said, "We believe both the PRC (Peoples Republic of China) and the USSR would see aggression in Korea as "contrary to their interests . . . North Korea could not sustain combat operations without support from one of these nations." There have not been any Soviet or Chinese military units stationed in North Korea since 1955. And recently press reports have indicated that both the Soviet Union and China have turned cold shoulders to Kim Il Sung's pleas for increased military assistance.

There is no article in the 1954 U.S.-ROK Mutual Security Treaty which requires the U.S. to keep troops in South Korea. The treaty states that in the event of armed attack the U.S. will consult with the South Korean government and then take whatever action we deem appropriate in accord with U.S. constitutional processes.

But how could U.S. constitutional processes be able to effectively function in determining whether or not to declare war, when our 2d Infantry division stationed north of Seoul would be almost immediately involved in combat in the event of an attack by either side in Korea? Evans and Novak say the division would be pulled back in reserve once the warning of invasion came. Why shouldn't it be pulled back from its position now to avoid the danger of automatic U.S. involvement in another land war in Asia that the Congress and the American people have not been consulted on or agreed to support?

Furthermore, why is a U.S. infantry division needed to help defend Seoul? The South Korean ground forces number over 612,000 men. Many of these soldiers and the one million reservists who back them up are Vietnam combat vets. These battle experienced troops that Evans and Novak inexplicably claim lack experienced officers for coordinating land-air operations, face a 450,000 man North Korean Army backed up by 900,000 reservists who have not been in combat since June 1953. Can't we assume the North Koreans have an even greater shortage of experienced officers? And it should be remembered that the more combat-experienced, numerically superior South Korean forces will supposedly be on the defensive. Under any military doctrine the North Koreans would have to be assured of at least a 2 to 1 numerical advantage to hope to launch any kind of a successful offensive against the well intrenched ROK Army.

Evans and Novak also cry wolf because the South is outnumbered in aircraft. But numbers of aircraft are relatively meaningless. South Korea is not inferior in the air, because most of the North Korean planes are old model MIG's that are no match for the qualitatively superior South Korean F-4's and F-5E's that have been furnished under the 5-year $1.5 billion U.S. military assistance grant program that is 60% delivered.

Plus the North Koreans would have to reckon with hundreds of land and carrier based U.S. fighters from Korea and Japan.

The most real danger to South Korea is not from a massive northern military attack. Such military insanity is highly unlikely ever by North Korea. The real danger to South Korea's future is the repressive regime of President Park which denies segments of the South Korean people basic human rights.

Allowing U.S. generals to dictate the strategy and command the forces for the political and military defense of President Park's martial law regime is just the kind of mixed-up military meddling that brought us Vietnam. When are our civilian and military leaders ever going to learn?

EDWARD L. KING.

FUTURE AIRCRAFT CARRIERS

Mr. TAFT. Mr. President, there has been a spate of newspaper articles in recent days on the question of future aircraft carrier designs. I note in particular an article from the Washington Post of July 23, entitled, "Navy Urged To Build Smaller Carriers," which I ask unanimous consent be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. TAFT. Mr. President, I am compelled to say that I am not impressed with the quality of the debate over future carrier size, as it has thus far been presented. We seem to be arguing over equipment size, as if it were a question in itself. In fact, in order to discuss carrier size and design logically we must step back a pace and look at the concepts involved.

The background for the increasing debate over future carrier designs is a growing awareness that we are no longer the unquestionably dominant naval power. The Soviet Union has also become a major naval power.

Soviet naval power is based on a conceptual response to the concept upon which our Navy is based. The basis of our Navy is the striking power of the aircraft. The Soviets realized that our aircraft are dependent on a comparatively small number of platforms: according to current plans, 12 aircraft carriers. The Soviet Navy is based on the concept of knocking those aircraft carriers out of action, for the duration of the battle, through a preemptive strike by antiship missiles.

The Soviets today have a very real capability to do this. But let us remember the key to their whole strategy: the fact that our aircraft are dependent on a small number of carriers. The more carriers we have, the more problems the Soviets face in planning or carrying out a strike. They know that if some of our carriers survive that first strike, the opposing Soviet warships are in serious trouble; our aircraft remain a very capable threat to the Soviet ships, sufficiently capable to give us the initiative if we have operable carriers after the Soviet preemptive strike. Thus, the best conceptual answer to the Soviet naval challenge is to increase the number of platforms—aircraft carriers—in our Navy.

What does this say to the question of future carrier design, in particular, carrier size and type? It says that since you want as many platforms as possible, and since the cost of a platform is related to its size, you want small carriers.

We must, however, make a distinction between two projected classes of small carriers. The first is a class of 50,000-ton carriers, designed for catapult aircraft and probably for nuclear propulsion. The other alternative is a class of carriers in the 20,000- to 30,000-ton range designed for VSTOL aircraft and probably powered conventionally.

The 50,000-ton class would probably not cost a great deal less than the current 90,000-ton *Nimitz* class. On the other hand, the curve of carrier efficiency rises steeply with size, so that the *Nimitz* class would probably be materially more effective than a 50,000-ton class. In other words, it would appear that by adopting a 50,000-ton class, we would have less effective carriers. Because of the roughly equivalent cost per ship, however, we would have approximately the same total number of carriers.

The 20,000- to 30,000-ton-class VSTOL carriers should, on the other hand, be materially less costly than a *Nimitz* class. It should, therefore, be possible to have a significantly larger carrier force, in terms of total numbers of carriers, by adopting this alternative. Again, this is what we need to meet the Soviet challenge—a larger total number of platforms, of carriers.

I must note that we cannot substitute small VSTOL carriers for the *Nimitz* class on a 1-to-1 basis. We should build at least two, and possibly three, small VSTOL carriers for each planned *Nimitz* class, if we are to meet the Soviet challenge effectively.

The small VSTOL carrier is a possible alternative not only to new additional *Nimitz* class carriers, but also at least in part, to the Navy's requested strike cruiser. I ask unanimous consent that a letter I sent on this subject to the Secretary of the Navy, Mr. Middendorf, be printed in my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

July 17, 1975.

Hon. J. William Middendorf II,
Secretary of the Navy, Department of the Navy, Pentagon Building, Washington, D.C.

Dear Mr. Secretary: In the Armed Services Procurement Conference, I have had the pleasure of reading the letter regarding the Navy's preference between the DLGN–42 and a nuclear powered strike cruiser which you sent to the Chairman of the Armed Services Committee, as well as the material attached thereto. I appreciate your taking the time to inform the Committee of the Navy's position.

Regrettably, I have problems at this time with the assessment of the Navy.

As even *Janes's Fighting Ships* has pointed out, the DLGN's appear increasingly outmoded by developments in Soviet offensive naval systems. In particular, the principal armament of the DLGN—the Tarter SAM system—is of little use against Soviet antiship missiles. To construct another of these ships would not be, in my opinion, an effective use of our defense dollars, although the possibility of converting existing DLGN's to the AEGIS system should be thoroughly explored.

Nor can I at this time support a commitment to a class of nuclear powered strike cruisers. Until the missions of this ship are clarified, and a clear relationship between the proposed design characteristics of the ship and the nature of the missions can be established, I regard as premature any such commitment.

As stated in the material you sent to the Committee Chairman, the strike cruiser is anticipated to have two missions: carrier escort and independent operation. Although it is possible that a ship such as a nuclear powered strike cruiser might be effective in these roles, and I may support initial funding for such a ship, I question whether a fundamental review of all possible alternatives would not suggest a different approach.

I question as cost-effective the use of a high-value ship for the purpose of carrier escort. As you are fully aware, we can afford but few high-value ships; and to use high-value ships in an escort role, where they contribute little offensive power to the overall fleet, does not seem an efficient use of limited resources. It is my belief that we should design escort ships to be "low-mix" ships. I would be interested to hear your views as to the possibility of designing an austere escort, incorporating only the required ASW and AEGIS capability, for this role.

As to the strike cruiser in the independent role, I fear a sad continuation of the myopia regarding the development of the Soviet Navy. For too long many did their best to ignore the rapidly developing power of the Soviets—power particularly disconcerting to some in our naval establishment because it was based on conceptual innovation, directed at the weakest points in our naval system. Now—thanks in large part to your personal leadership— the Navy is awakening to the meaning of the Soviet challenge. Unfortunately—as the strike cruiser demonstrates—the Navy's reflex response seems to be to copy the Soviets: the Soviets base a significant portion of their striking power on fast, modern missile cruisers, so the Navy seems to think it is appropriate for us to do the same.

The Navy is forgetting the point, which I must repeat and emphasize, that the Soviets *did not* copy us when they decided to build an ocean-going navy: they looked for the weak points in our approach to naval power, and sought to take advantage of them. In particular, they sought to take advantage of the fact that most of our striking power was in aircraft, and that those aircraft were dependent on ships—carriers—which were few in number and vulnerable to pre-emptive attack with medium and long-range missiles.

I believe we should copy the Soviets not in the details of their equipment but in their fundamental approach: look for the weak points in your opponent's system and take advantage of them. It would seem to me that the best answer to Soviet surface warships is not cruisers modeled on their cruisers, but aircraft. The weak point in their system is that they depend on us having comparatively few and vulnerable platforms for those aircraft.

Should we not base our answer, or at least a fundamental part of our answer, to the Soviet challenge on diversifying and thus increasing the number of our aircraft-capable platforms? There are a number of possible approaches to doing so: the one which I find most interesting, in terms of potential cost-effectiveness, is a VSTOL aircraft carrier in the 20–30,000 ton range. Improved VSTOL aircraft, possibly using the TAW wing concept, would be a priority development item for such a system.

Such a ship—which should be regarded doctrinally as a "low-mix" ship—would not only have greater capability in a sea control strike role than would the requested strike cruiser, but it would have significant capability in roles in which the strike cruiser will have no capability: projection of power ashore, long-range reconnaissance, medium-range ASW, etc. Those capabilities, in turn, will permit it to serve most effectively in the presence role. In other words, it would be capable of many independent missions, not just one.

Before I could possibly concur in supporting a full class of nuclear strike cruisers, I would require a cost-effectiveness analysis of this or a similar alternative: i.e., of a very austere AEGIS ship for the task force escort role, and a small, probably VSTOL carrier for the strike and independent missions role. I believe that the far greater capability of a small VSTOL carrier, in terms both of ability to perform any one mission and, even more, in terms of mission flexibility, could very possibly make a small carrier/austere escort program more cost-effective, and more effective militarily, than any conceivable high-mix cruiser.

Sincerely,

Robert Taft, Jr.

Mr. TAFT. Mr. President, the question of future carrier designs—and designs for other types of ships as well—is one of the most important we face. New technology, such as VSTOL aircraft and non-displacement hulls, present us with the opportunity to build a new generation Navy—a Navy that will be as different from and as superior to our current Navy as the steel navy of the 1880's was to the Civil War *Monitor* and gunboats it replaced. But we must face this opportunity squarely. We must not hesitate to deny requests for ships that fail to show adequate innovation in design. We must face the basic conceptual questions involved, and design and build the best possible ships to fulfill the mission requirements, instead of repeating ship types invented for mission requirements of 30 years ago. I believe that we, in the Congress, have a responsibility to insure that the debate be in these terms.

Exhibit I

Navy Urged To Build Smaller Carriers

(By George C. Wilson)

The U.S. Navy must think smaller, not bigger, when it comes to building any new class of aircraft carrier, the deputy secretary of defense said yesterday.

William P. Clements Jr., in an interview after testifying before a Senate Government Operations subcommittee, said the Navy cannot afford to let carriers get any bigger or costlier than the Nimitz class under construction.

"We may see the size coming down in the years ahead," Clements said in declaring that the Nimitz class represents the "maximum size" the nation should build for the future.

Since Clements is the Pentagon's chief executive for most procurement matters, his inclination toward building smaller carriers will strengthen the hand of those within the Navy who want to steer that same course—starting with the fiscal 1977 budget, now in preparation.

The nuclear powered Nimitz, Vinson and Eisenhower—each 1,092 feet long and displacing 95,000 tons—thus could be the last of the giants. The Nimitz, according to the Navy, cost $684 million to build. The other two, under construction, are expected to run over $1 billion, not counting the airplanes that go with them.

One alternative to these giants that is now under study within the Pentagon is a ship that would take a leaf out of the Soviet navy's book by emphasizing helicopters and planes that can take off vertically or in a short space. This would eliminate the expensive and complicated launching and landing gear needed for heavier fighter-bombers on the big carriers.

The Soviet Moskva, for example, is about half the size of the nuclear-powered attack carrier Enterprise—645 feet compared to 1,123 feet—and is basically an anti-submarine ship. It carries helicopters, not attack aircraft like the Enterprise.

The rising cost of giant carriers is one reason some Pentagon and congressional leaders are predicting that the U.S. Navy is pricing itself out of the 600-ship fleet it wants for

1980. Another reason for the prediction is that Congress directed the Pentagon last year to build big warships powered by onboard nuclear plants unless the President sought a special exception.

Clements did see some daylight, saying shipbuilding costs have fallen about 12 percent since the beginning of the year because demand for oil tankers has suddenly decreased.

CAPITAL NEEDS IN THE SEVENTIES

Mr. HUMPHREY. Mr. President, the issue of future capital formation in the United States is a topic that has received a great deal of attention recently and is one that Congress must address quite carefully and critically over the next few months. Our specific task will be to decide if businesses need further tax incentives to spur capital formation, and if so, what are the most efficient and equitable tax changes to enact.

That the administration gives this area high priority was evidenced recently in Treasury Secretary Simon's appearance before the House Ways and Means Committee. Over three-fourths of his 44-page prepared statement stressed the "urgent" need to spur capital formation and business investment.

The critical question, of course, is what are the investment needs of this country, because it has to be clearly documented that we do indeed face a shortfall of savings relative to investment needs before we can justify granting further business incentives. In the recent past, the first estimate of investment needs presented, and therefore the most well-known, was the New York Stock Exchange $4.5 trillion figure for the period up to 1985. Given a maximum level of savings of $4 trillion, they concluded that the United States is facing a $500 billion capital shortage over the next decade.

Today, I wish to draw attention to a study just released by the Brookings Institution titled "Capital Needs in the Seventies." In this study, Barry Bosworth, James Duesenberry, and Andrew Carron examine the probable supply of and demand for capital in the remainder of the 1970's. Their primary conclusion is that our capital needs through 1980, though large, will be manageable in an expanding economy with a growing capacity to supply savings. Or, as they put it quite succinctly—

> Our answer is that we can afford the future, but just barely.

It should be noted that the authors' objective was not so much to forecast what will actually happen as to "provide a basis for judging both the implications of the fiscal and monetary policy decisions that will have to be made in the next few years and whether existing investment programs and public expenditure policies have already overcommitted resources."

Their major estimates were summarized as follows:

> The estimates indicate that with normal growth and without unusual sacrifices the economy will be able to meet the capital demands that can reasonably be projected for the remainder of the decade. At the same time, very careful fiscal management will be required to avoid a capital market crunch or a renewal of inflationary demand pressures (on top of the cost-push that is likely to persist for several years).
>
> Our projections suggest that once the economy returns to a full employment growth path the rate of capital formation should exceed the rates achieved during the 1960s in relative as well as absolute terms. Gross private domestic capital formation for 1980 is projected at 15.8 percent of the gross national product, about the same as the average for the 1950s and for the year 1973, but well above the average for the 1960s.
>
> Business investment as a percentage of GNP is expected to be higher than in the 1950s, but the share going to residential construction is expected to fall off. Two million housing starts a year (exclusive of mobile homes) will meet the national housing goal while absorbing a declining share of a rising GNP.
>
> The projected rise in business investment, though not spectacular, implies a significant shift in the long-run direction of fiscal policy. At full employment, private investment is likely to exceed private saving; accordingly, a full employment surplus rather than a deficit will be appropriate.

In estimating that the share of total output devoted to private investment will rise to about 16 percent in 1980, if all the objectives are met, they were quite thorough. I mean by this that not only did their projections include a large number of costly programs in energy production, pollution abatement, mass transportation, housing, and raw material processing, but they also took into account anticipated offsetting reductions in needs in other areas: the growth of educational expenditures may be slowed due to the end of the postwar baby boom; the near completion of the Interstate Highway System; and a slower expansion of demand will reduce capital needs in the consumer goods industries.

An important part of their conclusion that we can "afford our investment needs" is their assumption about stabilization policy. Since the rise in the personal saving rate over the last decade is not projected to continue, and only a modest rise in the share of output going to profits is anticipated, private saving will fall slightly short of investment needs. This means that "a significant shift toward larger Government budget surpluses and an easier monetary policy is needed."

This, I feel, is a critical point in their analysis for it certainly is open to serious questioning. Given the present forecasts on unemployment and growth rates through 1980, their assumption that budget surpluses will be instrumental in alleviating a capital shortage just does not seem justified.

As I see it, this is the fundamental weakness of their optimistic conclusion of no serious capital shortage. For in order to have a "significant shift toward larger government budget surpluses," they make many optimistic assumptions which at this point seem to have no chance of being borne out. For example, they assume that the economy will return to a full employment growth path shortly. They also employ the base case assumption that a 4 percent unemployment rate will prevail in 1980. They acknowledge this in the last paragraph of their study:

> This study is based on an assumed rapid return to low levels of unemployment in the United States.

These criticisms do not negate the value of the study. They do imply that the Federal budget surplus they cite as necessary would have to be quite large if current forecasts of relatively high rates of unemployment through 1980 are accurate. I seriously question whether such surpluses will be forthcoming in such a short timespan.

Undergirding their broad conclusions is a wealth of information concerning claims on output in the 1970's and the financial market implications which would be very useful to those interested in the issue of capital formation. The study was done by highly competent economists, who simply ran into the problem of conducting most of their analysis before both the energy crisis arrived in full force and the 1974–75 recession. This, however, only affects the magnitudes involved and not the general thrust of the study. I would highly recommend it as one of the major thorough analyses of future capital formation done in the past 2 years.

Having said that, however, there is a need to examine this question in much more detail before we take any action on this issue. I believe at least the following questions ought to be answered.

First. To what extent are the capital projections inflated?

Second. How can private savings be increased so that this can be a source of funds for further investment?

Third. What tax changes would be most effective in stimulating private investment?

Fourth. What are the investment policies of other countries?

Fifth. To what extent has the current recession undermined business profits and investment?

These questions deserve further review and I have instructed the Joint Economic Committee to develop studies on investment needs. I will report these findings to my colleagues as they become available.

FAIRNESS DOCTRINE: "VAGUE, DANGEROUS"

Mr. HRUSKA. Mr. President, it long has been my belief that the broadcast media—radio and television—in this country should be entitled to full first amendment rights. Because of certain regulations promulgated by the Federal Communications Commission and certain laws passed by the Congress, broadcasters have been denied the rights which other segments of the press in America take for granted.

Among the restrictions on the broadcast press, is the so-called "fairness doctrine" which discriminates against the broadcast media and interjects the hand of the Federal Government into the operations of this element of the Nation's press.

To help achieve a fully free press in this country, I have introduced a bill, S. 1178, which strives to free the broadcast press from the oppressive regulations and laws that now bind it and make it less equal than the printed press.

Among other things my bill would repeal the so-called "fairness doctrine" and do away with the present law prohibiting the advertising of cigarettes and "little" cigars on radio and television.

Several years ago, the Congress, in response to questions about the dangers of smoking, banned cigarette commercials from the airwaves. It did not ban the manufacture or distribution of cigarettes nor did it ban cigarette advertising from other types of media—newspapers, magazines, or billboards.

It is my opinion that the law unfairly discriminates against broadcasting and is yet another example of the violation of broadcasters' first amendment rights.

The excuse was given at the time that a ban on TV and radio cigarette commercials would lead to a reduction in consumption of these tobacco products.

This is certainly not the case.

A scientific study recently conducted by James L. Hamilton of the Department of Economics, Wayne State University, is very revealing in this regard.

Mr. Hamilton set out to determine how a total ban on cigarette advertising would affect cigarette consumption.

In Mr. Hamilton's words:

> As concern has grown over the hazards of cigarette smoking to public health, a feeling also has grown that advertising of a potentially hazardous product should not be permitted. Indeed, some persons have felt that one way to curb smoking was to curb cigarette advertising, which they believed stimulated cigarette consumption. In many countries, governments have acted to ban cigarette advertising in one form or another. My inquiry, then, has focused on the effectiveness of such advertising bans as a means for reducing cigarette consumption. Is an advertising ban an effective tool of public policy for reducing cigarette smoking in order to reduce the smoking-related health hazards? Has advertising actually been an inducement for increasing cigarette consumption? I have examined cigarette consumption in various countries that have imposed a government ban on cigarette advertising. I have tried to gauge the effects of those bans in order to offer some generalizations about their usefulness as a means of reducing cigarette consumption.

I think my colleagues would be interested in knowing that after studying evidence from the United States and several foreign countries, Mr. Hamilton has concluded that the evidence shows "advertising bans in the broadcast media have had virtually no effect on per capita consumption."

He adds:

> On the basis of my studies, I could not recommend that any public health agency spend its time advocating a government ban on cigarette advertising.
>
> The arguments for banning cigarette advertising seem based largely on assumptions and anecdotes about advertising and on undocumented assertions about the effects of advertising on the consumption of other products. Certainly these form an uncertain basis for proposing or enacting public policy. The evidence that cigarette smoking is related to the incidence of disease is fundamentally statistical evidence. Similarly, the evidence that cigarette advertising increases smoking (and that a ban would decrease it) must be statistical. My study did not find such statistical evidence: perhaps my study is inaccurate. But, without such evidence, a public health agency that decided to advocate a ban would risk wasting its resources on an ineffective policy.

It should be noted that Mr. Hamilton's study was funded in part by the American Cancer Society.

Obviously, then, the law prohibiting the broadcasting of cigarette commercials should be reviewed. The evidence suggests that the ban is ineffective and only harms the radio-TV industry. It does nothing to help the people of America.

My bill would repeal this ban on cigarette commercials and help restore some of the first amendment rights that have been denied the broadcast press. This restoration would be one step along the path to freedom for radio and television.

Mr. President, I ask unanimous consent that an address by Mr. Hamilton given to the third World Conference on Smoking and Health, which was held in New York City on June 3, 1975, entitled, "The Effect of Cigarette Advertising Bans on Cigarette Consumption," be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, there has been an increasing amount of comment on the wisdom of the so-called "fairness doctrine."

One of those who sees the dangers in the continuation of this repressive dictum is Steven J. Simmons, assistant professor of law at the University of California, Irvine.

In an article entitled "Fairness Doctrine: 'Vague, Dangerous,'" in the June 11, 1975, edition of the Los Angeles Times, Mr. Simmons comments:

> In the case of broadcast journalism . . . the traditional First Amendment strictures against government interference in editorial decision-making have been cast aside. In fact, the fairness doctrine impels the federal government to thrust itself into broadcast journalism's decision-making process.
>
> But does not the public's right to hear and see a robust and diverse discussion of public issues over the limited number of broadcast frequencies justify such intrusion? If the fairness doctrine actually performed its intended function, the answer might be yes. Unfortunately it does not.
>
> In fact the doctrine contains not only the potential for partisan abuse but also serious operational flaws.

I heartily concur with Mr. Simmons' observations on this point.

In order that my colleagues might have the benefit of Mr. Simmons' arguments in this regard, I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FAIRNESS DOCTRINE: "VAGUE, DANGEROUS"—PARTISAN ABUSES THREATEN BROADCASTERS' FIRST AMENDMENT RIGHTS

(By Steve Simmons)

The fairness doctrine—a Federal Communications Commission requirement that radio and television stations present both sides of controversial issues—has long been the center of controversy itself. Broadcast journalists have complained that the rule inhibits their work and that the government uses the rule to infringe on their First Amendment rights.

There is little doubt that the doctrine has been abused—but the extent of government twisting of the rule is only now becoming clear.

Partially because it unleashed Spiro Agnew and partially because its relations with the press in general were always so stormy, the Nixon administration has come to be identified with assaults on broadcasters' rights.

While this perception is certainly accurate, it is also true that John Kennedy and Lyndon Johnson attempted to suppress criticism of their administrations through use of the fairness doctrine.

In a recent magazine article, Fred Friendly, former president of CBS News, alleged that Kennedy aides, utilizing the fairness doctrine, harassed radio stations into dropping right-wing editorials and into granting pro-Kennedy spokesmen free time in which to reply to those already aired. The Johnson administration apparently followed suit with an attempt to keep pro-Goldwater sentiment off the air during the 1964 presidential election.

Friendly says that one Democratic Party staff member who was involved in the 1964 election told him that the harassment effort netted the Johnson campaign more than "1,700 free radio broadcasts." Even more significant, however, was the staff member's assertion of "the effectiveness of this operation in inhibiting the political activity of these right-wing broadcasts."

Though the actions of the Kennedy and Johnson administrations were blatant infringements on broadcasters' First Amendment rights, they were still less chilling than those contemplated by some Nixon aides. One document released during the Watergate probe, for instance, revealed that White House assistant, Jeb Stuart Magruder, proposed that more pro-Nixon programming be obtained by having the FCC set up an "official monitoring system" to prove television network bias.

Former FCC commissioner Nicholas Johnson has also charged that Nixon aides forced a popular talk show to interview a proponent of the administration's controversial SST program by contending it was the only manner in which the station's fairness doctrine obligations could be met.

Taken as a whole, these and similar cases suggest one crucial conclusion: The fairness doctrine, well-intended as it may be, must either be modified or abolished altogether. Simply stated, the doctrine, which was written into law by Congress in the Communications Act of 1959, consists of two requirements: (1) broadcasters have an affirmative obligation to air controversial issues of public importance; (2) stations must present opposing sides to such issues.

The doctrine differs from equal-time requirements for political candidates in that both sides of a given issue must be presented with reasonable balance—but precisely equal air time is not necessary.

Such federal regulation is needed because there are a limited number of frequencies to be allocated to the many applications for broadcast licenses. Thus, licensees become, in a sense, public trustees and may not selfishly broadcast their own views to the exclusion of others.

In the case of broadcast journalism, however, this means that the traditional First Amendment strictures against government interference in editorial decision-making have been cast aside. In fact, the fairness doctrine impels the federal government to thrust itself into broadcast journalism's decision-making process.

But does not the public's right to hear and see a robust and diverse discussion of public issues over the limited number of broadcast frequencies justify such intrusion? If the fairness doctrine actually performed its intended function, the answer might be yes. Unfortunately it does not.

In fact, the doctrine contains not only the potential for partisan abuse but also serious operational flaws. Here are a few:

The FCC requires that the totality of a licensee's programming be balanced, and not any one show. But how many people who see a 7:30 p.m. broadcast of one side of a controversial subject will see a 10 p.m. presentation of the other side—especially if it occurs weeks or months later? Both audiences received only one side of the issue. Even if a complaint is filed over a one-sided program, by the time the FCC can order an airing of the other side the issue may be well resolved.

How does one define a controversial issue of public importance, and precisely how much balance is really necessary? The FCC refuses to delineate these issues and, thus, broadcasters are left in a tenuous and insecure position.

Enforcement of the fairness doctrine is really up to the public. If a citizen sees or hears a fairness violation, he or she must report it to the station and, if no satisfactory response is forthcoming, to the FCC. But, though there are over 7,000 television and radio stations in the United States, the FCC received just 2,400 fairness complaints in 1973. Only 94 of them resulted in rulings against the licensees.

Under the doctrine, a station which cannot secure a commercial sponsor for the airing of an opposing viewpoint must provide the time free. This can be extremely costly, since a station's only source of revenue is the sale of air time. In addition, if a fairness complaint is filed the legal costs to a station can run into tens of thousands of dollars. Such costs can actually discourage a station from airing controversial issues, the first objective of the fairness doctrine.

The Supreme Court recently ruled that measures like the fairness doctrine cannot be applied to newspapers, but in 1969 upheld the rule's application to broadcasters. Yet in many cities newspapers are far more scarce and exercise far more influence over the marketplace of ideas than do television or radio stations. Should print journalists be entitled to constitutional protection denied their electronic brethren?

Thus, the fairness doctrine is a two-edged sword. While it does prevent broadcasters from continuously spewing forth one-sided propaganda, it does so by infringing their First Amendment rights and generating a host of other problems.

Elimination of the fairness doctrine would certainly be one solution to this dilemma, but since it still enjoys wde support in Congress, such a move is unlikely. A useful intermediate step, therefore, would be a change in application.

The FCC might, for instance, review a station's compliance with its fairness obligations only when its license is up for renewal every three years instead of every time a complaint is made. Such a change would significantly lessen the day-to-day governmental pressures on broadcast journalists and eliminate most of the economic hardships that complaints impose on individual stations. It would also eliminate the hypocritical contention that requiring a later broadcast of an opposing viewpoint really ensures fairness.

Broadcast journalism has become too vital a factor in America's political life to allow it to labor under so vague and dangerous a regulation as the current fairness doctrine. In fact, it may be time for the nation to ask itself whether the public interest is really served by denying to broadcasters those First Amendment rights which have served Americans all so well so long.

EXHIBIT 1

THE EFFECT OF CIGARETTE ADVERTISING BANS ON CIGARETTE CONSUMPTION*

(By James L. Hamilton)

I. INTRODUCTION

I am reporting today on a statistical study of cigarette consumption and cigarette advertising. My purpose has been to estimate how a total ban on cigarette advertising would affect cigarette consumption. As concern has grown over the hazards of cigarette smoking to public health, a feeling also has grown that advertising of a potentially hazardous product should not be permitted. Indeed, some persons have felt that one way to curb smoking was to curb cigarette advertising, which they believed stimulated cigarette consumption. In many countries, governments have acted to ban cigarette advertising in one form or another. My inquiry, then, has focused on the effectiveness of such advertising bans as a means for reducing cigarette consumption. Is an advertising ban an effective tool of public policy for reducing cigarette smoking in order to reduce the smoking-related health hazards? Has advertising actually been an inducement for increased cigarette consumption? I have examined cigarette consumption in various countries that have imposed a government ban on cigarette advertising. I have tried to gauge the effects of those bans in order to offer some generalizations about their usefulness as a means of reducing cigarette consumption.

My investigation was able to draw on a variety of different experiences from different countries. In Italy the government has banned all forms of cigarette advertising since 1962. Australia will have phased out all cigarette advertising by the end of 1975. The most common public actions, however, have had less scope. Usually, governments have banned cigarette advertising only on radio or television. In some countries, such as Switzerland, Sweden, and Norway, advertising has never been permitted in the broadcast media. My study drew on this variety of experiences.

It would be interesting to predict how cigarette consumption would be affected by a complete ban on all forms of cigarette advertising. Unfortunately, Italy is the only country that has had such a total ban. Generalizations about the effects of a total ban could not be based on the experience of a single country. Consequently, my study mainly could predict only the effects of broadcast advertising bans. Even so, it appears that the broadcast media are by far the most effective means of advertising such products as cigarettes. Accordingly, the effect of a ban on broadcast advertising probably would exceed the effect of a ban on other forms of advertising. The only way to predict the effect of a total ban would be, first, to gauge the effect of broadcast advertising bans and, then, to extrapolate from those effects to predict the effect of a total ban.

As I proceed, I shall first review some previous studies of cigarette advertising relating to the experience in the United States. Then I shall report on my study of the various advertising bans in other countries. Finally, I shall offer what generalizations I believe can be drawn about the usefulness of advertising bans as a means of promoting public health.

II. CIGARETTE ADVERTISING IN THE UNITED STATES

Several studies have been made of cigarette advertising in the United States. These have revealed little consumer sensitivity to advertising. Some researchers could find no solid evidence that advertising had influenced per capita cigarette consumption at all. Other researchers did find a positive effect, but it always was very small. In a statistical study of U.S. cigarette consumption, I found that two other factors had a much greater influence on cigarette consumption than did advertising.[1] First, the large increase in personal income appeared as the single most important influence. The second major influence was the growing public awareness of the connection between smoking and disease. While rising incomes tended to increase consumption, the awareness of health hazards tended to decrease consumption. By comparison, advertising appeared as a rather minor influence.

If advertising has had so little influence on cigarette consumption, why have the profit-seeking cigarette companies spent so much money advertising their cigarettes? Economists generally have concluded that cigarette advertising in the U.S. has been a competitive weapon that companies have used to divide the cigarette market: it has not been used as a means for expanding the cigarette market. Certainly, each company advertised in the hope of expanding the market for its own brands, and hence it own profits. But, since all of the companies advertised, their competitive advertising has been offsetting. No particular company was able to get any large competitive advantage from its advertising. Once all the companies advertised, each had to advertise, just to protect its sales and profits. Total cigarette consumption was but little augmented by this advertising. The competitive advertising of rival brands to capture the consumers' dollar has not increased the total number of dollars consumers have spent for cigarettes.

These studies have but one implication. Since cigarette consumption has not been increased much by advertising, then consumption would not be reduced much if advertising were banned.

With this presumption in mind, let me now turn to my study of advertising bans in various countries.

III. ADVERTISING BANS AND CIGARETTE CONSUMPTION

For the purpose of this study, I have measured cigarette consumption for each country as the annual per capital cigarette consumption by adults. For each country, this simply was the total number of cigarettes consumed in a year divided by the total population aged 15 years or older. Presumably, the greater was per capita cigarette consumption, the greater the incidence of smaking-related diseases, and the lower was the public health of the country. Conversely, the lower was per capita consumption, the better was public health. Consequently, one could consider the public health to have been improved *only* if per capita adult cigarette consumption *actually was reduced.*

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*This study was supported in part by a grant from the American Cancer Society. The viewpoints and conclusions in this paper are my own and do not in any way represent the views of the American Cancer Society.

[1] James L. Hamilton, "The Demand for Cigarettes: Smoking, Health, and the Advertising Ban," *Review of Economics and Statistics* (1972).

The first question to be considered, then, is this: Have the governmental bans on broadcast advertising of cigarettes reduced per capita cigarette consumption? To answer that question, I examined the time series of per capita consumption for a group of 11 developed countries. The 7 European countries were the United Kingdom, France, West Germany, Switzerland, Italy, Sweden, and Finland. In addition, I examined Canada, Japan, New Zealand, and Australia.

It was clear that broadcast advertising bans have not reduced consumption. In those countries, the long-term trend in per capita consumption has been upward. In some of these countries the government ban on advertising did initially reduce consumption; but these reductions were strictly temporary. Within one or two years following the ban, per capita consumption again rose, and the long-term upward trend resumed. In other countries, however, the advertising bans did not reduce consumption even temporarily: the long-term upward trend was not even interrupted by the bans. Furthermore, several countries never had any broadcast advertising of cigarettes. Even so, the long-term trend in those countries also has been upward. No particular differences were noticeable between the trend in countries that had cigarette advertising and the trend in countries that did not.

All of these observations are consistent with the implication of the earlier studies, namely that cigarette advertising is not a particularly important influence on per capita cigarette consumption, and that, accordingly, advertising bans would not cause any permanent reductions in consumption. In fact, in the countries I examined, per capita consumption did not decline even a little as a result of the cigarette advertising bans.

The conclusion, then, is that advertising bans have not been responsible for any improvement in the public health. If the public health goal is to *reduce* per capita consumption, then advertising bans offer little or no hope as a policy to achieve that end.

There is, however, a second question to be considered. Even though advertising bans have not actually reduced per capita consumption, one might ask whether cigarette advertising bans have at least slowed down the long-term upward trend. Would per capita cigarette consumption have increased even more in the absence of the advertising bans? Perhaps the bans have kept the public health from being worse that it might have been. In that more limited sense, the cigarette advertising bans might have made a kind of contribution to the health of the public.

To make such an investigation required some assessment of what per capita consumption would have been without the advertising bans. We are interested in knowing what the difference was between actual consumption and what it would have been otherwise. Such an analysis has two aspects. First, one must consider all of the other things that cause per capita consumption to be larger or smaller. In general, economists have expected per capita consumption to be greater as a result of growth in personal income, price reductions, and advertising. Likewise, they have expected consumption to be smaller as a result of declining income, price increases, and growing awareness and concern about the health consequences of smoking. When all of these influences on consumption are considered simultaneously, one recognizes that an advertising ban might have had a negative effect on consumption, but that this effect was outweighed by the other influences pushing consumption upward. My analysis has attempted to sort out the various influences on consumption and to isolate the effects of advertising and bans on advertising. Second, the only way to accomplish this sorting is through statistical techniques. For those who are interested in the particular techniques, I used multiple regression analysis (which economists call "econometrics"). This technique simultaneously could consider the influences of income price, and health awareness, as well as advertising. These factors together determine the actual changes in per capita cigarette consumption. This statistical technique could sort out the relative importance of each factor. In the process, this sorting also could isolate the effect of the advertising bans.

This statistical technique was used in two different ways to estimate what per capita cigarette consumption would have been and what effect the advertising bans have had.

IV. ANALYSIS OF INDIVIDUAL COUNTRIES

The first approach was to examine each country individually. Of the eleven countries in my group, in seven the government had taken some action to restrict cigarette advertising. Usually, this was a ban on advertising in the broadcast media. For each of those seven, the statistical techniques were used to sort out the relative importance of income, price, awareness of health hazards, and the advertising ban.

A major difficulty in my research was that I did not have data on the actual amount of advertising in these countries. In my study of the United States, I was able to obtain such data and to examine directly the relative importance of advertising. But, for these other countries, I was not. Consequently, the influence of the advertising itself was not sorted out and isolated. The best I could do was to sort out the relative importance of the advertising bans.[c]

I discovered very litle evidence that the advertising bans have, in general, slowed down the long-term trend per capita consumption. In the United Kingdom, Italy, and New Zealand advertising was banned prior to 1965. Yet, in those countries, after taking into account all of the changes in income, price, and awareness of health hazards, the statistical analysis did not show consumption to have grown more slowly as a consequence of the bans. In Canada, West Germany, and Japan advertising was not banned until 1970 or later. In those countries, advertising bans were associated with a somewhat slower rate of growth in consumption. The same slowdown was observed in Italy and the United Kingdom, however, immediately after the bans in those countries. But, per capita consumption there continued to grow: over a longer period of time the growth does not seem to have been slower as a consequence of the advertising bans. In New Zealand the ban had neither temporary nor long-term effects. The experiences in Italy, New Zealand, and the United Kingdom indicate a strong possibility that the slowdowns will not persist in Canada, Japan, or West Germany. Ten years after the bans in the later countries, consumption growth may not have been slower than otherwise as a consequence of the bans.

Furthermore, in the statistical analysis, the estimated effects of the advertising bans emerged as statistically valid in only 30–40 percent of the cases. Moreover, in about half of those cases, the effect of the advertising ban seemed to be to increase consumption, rather than decrease it. That, of course, contradicted common sense.

What the statistical techniques have revealed, in general, is that the advertising bans have had a very weak impact on the growth in cigarette consumption. This is the reason the statistical techniques often failed to isolate the advertising bans as statistically valid and often produced illogical results. While per capita cigarette consumption may have increased at a somewhat slower rate immediately following the advertising bans, across a longer time span consumption growth was not perceptibly slower. The conclusion seems to be that the advertising bans have not slowed down the upward trend in per capita consumption. If there was a long-term slowdown, it was so small as to be imperceptible.

V. COMPARISONS OF COUNTRIES WITH AND WITHOUT ADVERTISING BANS

The second approach was to compare countries. Countries that had banned broadcast advertising were compared to countries that had not. They also were compared to countries that had never had broadcast advertising. The goal was to see whether the trends in per capita consumption were different among those countries. Has consumption grown more slowly in those countries with advertising bans in the broadcast media than in those that have not banned it? Has consumption grown more slowly in those countries that never have permitted broadcast advertising? The same statistical methods were used, only they were applied to the data for groups of countries, rather than to the data for each country individually.

What I discovered by this group approach was not substantively different from what I discovered by analyzing the countries individually. Income and the awareness of health hazards emerged as the most important influences on per capita cigarette consumption. The effect of the advertising bans seemed even weaker than in the preceding approach. In almost no case were the estimated effects of the advertising bans shown to be statistically valid. Again, if advertising bans did cause cigarette consumption to be lower than it otherwise would have been, the effect certainly was very small.

VI. CONCLUSION

In conclusion, is an advertising ban an effective policy for reducing smoking in order to improve the public health? Have advertising bans in the broadcast media been sufficiently effective that countries could further improve the public health by banning all cigarete advertising in all media? For those concerned with the adverse public health consequences of smoking, the goal must be to reduce per capita cigarette consumption. In my study, I have examined the data for several countries that have banned broadcast advertising of cigarettes. This evidence revealed that such advertising bans in the broadcast media have had virtually no effect on per capita consumption. Certainly these bans have not actually reduced consumption. There is very little evidence that the bans have even slowed down the long-term upward trend in consumption. Consequently, extending such bans to all other media would surely have equivalently small effects on consumption. I must conclude that a policy for eliminating all cigarette advertising offers almost no hope of reducing smoking and improving public health.

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[c] Without data on the advertising variable, the statistical model of cigarette demand was misspecified. Two approaches were used in estimating this misspecified model. First, advertising was dropped as a variable in the model, and the model then was estimated directly, including corrections for autocorrelation. Second, advertising was retained in the model until the reduced form of the model was obtained; then the advertising variable was dropped. The second approach was possible because in the model advertising was specified as a variable with a distributed lag. By retaining the advertising variables, the reduced form retained all of the lag variables and lost only the current advetising variable. The estimating equation was nonlinear in the parameters of the model. For the model of cigarette demand used and the method of obtaining a reduced form, see J. Hamilton, "The Demand for Cigarettes: Smoking, Health, and the Cigarette Advertising Ban," *The Review of Economics and Statistics,* November 1972.

From my statistical analysis of consumption, the single most important influence generally was income. Certainly it would not seem plausible to curtail personal income in order to reduce smoking! While price did not seem to be a substantial influence, cigarette prices have declined relative to the prices of other goods. Since high prices generally discourage consumption, a policy to increase tobacco taxes would keep the prices relatively high. The most important factor discouraging cigarette consumption has not been the ban on cigarette advertising. Rather, it has been the growing public awareness of the potential health hazards of cigarette smoking. The major episodes in this evolving awareness occurred in the early 1960's, with the publicity given to the major scientific reports connecting disease with smoking. In my statistical studies, these episodes seem to have reduced cigarette consumption considerably below what it would have been in the absence of the publicity.

The most effective policy for reducing per capita cigarette consumption seems to be to continue to increase public awareness of smoking hazards. No other influence on cigarette consumption offers any hope as a means for exerting strong downward pressure on consumption. Income growth cannot be halted. Price seems to have little effect. Advertising does not seem to be an important influence. Only the public awareness of health hazards remains. And the only apparent means of further raising public awareness is through educational campaigns. That conclusion sounds trite. Nonetheless, it seems to be the only means of exerting strong pressure on cigarette consumption. In my statistical studies, it was the only important factor depressing consumption.

If agencies concerned with public health intend to spend money, time and emotional resources to enact government policies to reduce per capita cigarette consumption, then advocating an advertising ban would not seem to be the most effective use of those resources. Rather, that energy and that money could be used to advocate the allocation of government funds to support public educational programs that would increase the public awareness of the health hazards. My perception is that such educational programs generally have received meager funding. Certainly their impact must be proportional to the funds they have. On the basis of my studies, I could not recommend that any public health agency spend its time advocating a government ban on cigarette advertising.

The arguments for banning cigarette advertising seem based largely on assumptions and anecdotes about advertising and on undocumented assertions about the effects of advertising on the consumption of other products. Certainly these form an uncertain basis for proposing or enacting public policy. The evidence that cigarette smoking is related to the incidence of disease is fundamentally statistical evidence. Similarly, the evidence that cigarette advertising increases smoking (and that a ban would decrease it) must be statistical. My study did not find such statistical evidence: perhaps my study is inaccurate. But, without such evidence, a public health agency that decided to advocate a ban would risk wasting its resources on an ineffective policy.

MILES LABS CALL ARAB BLUFF

Mr. CHURCH. Mr. President, the administration is encouraging American corporations to establish business operations in Arab countries. These Arab countries often require as a condition of doing business that American firms comply with the Arab economic boycott of Israel. Such a boycott is directly contrary to U.S. policy as expressed in U.S. law. As the attached article demonstrates, it is encouraging to know that Miles Labs, of Eckhart, Ind., adheres to principle and refuses to go along with the boycott.

Mr. President, I ask unanimous consent to have printed in the Record at this point the article by William J. Drummond of the Los Angeles Times entitled "Miles Labs Call Arab Bluff."

There being no objection, the article was ordered to be printed in the Record, as follows:

Israel Operations Flourish—Miles Labs Call Arab Bluff

(By William J. Drummond)

Haifa, Israel.—For more than a decade, the Arab economic boycott has been directed against Miles Laboratories Inc., of Eckhardt, Ind., the big pharmaceutical company.

"We just do not do any business at all in the Arab countries," says an official of Miles, which boasts of operations in 140 other countries.

The Arab world is a big and potentially lucrative market for such Miles consumer products as its new vegetable protein food line, which is being developed as a meat substitute. The boycott has effectively squeezed Miles out for over 10 years, except for a trickle of covert trading.

"The company had the option in 1966 to get off the list—by liquidating all operations here in Israel," the Miles spokesman says, "but the company made the decision to cope with it."

Miles Laboratories has, in fact, annually been calling the boycott's basic bluff that Arab economic power can cripple a major company. The American firm has been continually expanding investment in Israel—and making a profit at it.

The boycott, backed by the 20-nation Arab League, has become a prominent factor in international business life, especially since the 1973 war when the Arabs discovered their economic clout with the oil embargo.

Two days after the outbreak of the war, Miles Laboratories phoned Israel to announce that the company had approved a new project in the country, and currently a $5 million investment is being made in a citric acid plant on Haifa Bay.

The reasons why Miles has been able to buck the boycott provide insights into the limits of Arab economic power as well as the strengths of the Israelis.

Miles is not a Jewish firm.

Instead it seems to be motivated by a mixture of the Protestant ethic and the spirit of capitalism.

"By their deeds ye shall know them," declared Miles president George W. Orr, Jr., quoting the New Testament at the recent dedication of a new Miles facility in Jerusalem.

"Of all the places I visit, there is no question that the most exciting one, the one that has the most profound impact on me, is Israel," he said. "It has to be true that one of the great, incredible happenings in all the history of mankind is that a people could sustain a goal, a purpose—generation after generation—and achieve that goal by taking this abused land and transforming it literally into a land of milk and honey.

"Not only have you transformed it, but at the same time you have had to defend it."

For the president of a firm that last year had sales of $386 million—roughly half of which derived from international operations—to make such a pro-Israel statement is remarkable indeed.

The more usual practice nowadays, observed Jerusalem Post economics specialist David Krivine, has been for companies to compete feverishly for petrodollars in such a way as to outboycott the boycott in a frenzy of ingratiating salesmanship.

"Petrodollars are all the rage," he said, but to compete for big business deals in the wealthy Persian Gulf states, the businessman requires the so-called negative certificate of origin, testifying that his firm has "no commercial, industrial and or any other relations with Israel."

The direct impact of the boycott on Israel is virtually impossible to calculate in dollars and cents.

Total foreign investment in the Jewish state in 1972 was $150 million. In 1973, the year of the war, it fell just below $100 million. Last year, it was $70 million, less than half the prewar level.

"The boycott has only marginally affected investment," says Commerce and Industry Minister Haim Bar-Lev.

He attributes the fall in investment to economic recession in the West and to "our high military mobilization rate . . . This atmosphere is not the best for investment."

Bar-Lev separates the foreign companies affected by the boycott into three groups.

First, a number of small and medium-sized companies choose not to do business in Arab countries. Second, large firms, such as Miles Laboratories, are aware of the boycott but choose to ignore it, and third, there are companies "who give in to blackmail," Bar-Lev says.

"The companies who do not give in to the boycott do not necessarily lose," the minister adds.

In the Six-Day War of 1967, Israeli troops advancing to the banks of the River Jordan found packets of Alka-Seltzer, the flagship of the Miles consumer products line, on the shelves of Jordanian drugstores.

Carloads of Alka-Seltzer are reportedly smuggled to the Arab world via Kuwait every year.

Miles Laboratories was the first major American company to begin operations in Israel under its own name in 1962.

It now operates two subsidiaries—Nutrition Products (Miles), Ltd., and Miles Israel, Ltd., both in Haifa—and two joint ventures, Ames-Yissum, Ltd., in Jerusalem and Miles-Yeda, Ltd., in Rehovot.

The total sales of the Israel-based enterprises last year was $11.66 million, $8 million of which was derived from exports. These enterprises employ 350 persons, about 30 per cent of whom are professionals—scientists and engineers.

The products range from citric acid and vegetable protein foods to serums and medical diagnostic systems.

A vivid illustration of how Miles operations succeed despite the Arab boycott is the joint-venture firms Ames-Yissum, which manufactures medical kits that test thyroid functions in the body.

The firm is owned 60 per cent by Miles and 40 per cent by the Hebrew University of Jerusalem.

It has earned a profit in every year of operation since it began in mid-1969. Last year, it did $2.2 million in sales and shipped its products to 30 countries.

The effect of the Arab boycott on the sales of the medical kits is negligible, says an Ames-Yissum official, "because, in the Arab countries, medicine is not sophisticated to the degree that these kits would be required.

"The modern world needs them more than the semideveloped world."

On the other hand, the main advantage that Miles derives from operating in Israel is access to low-cost, advanced scientific research resources.

At its disposal are the best minds at Hebrew University—the junior partner in the Ames-Yissum concern—the Weizmann Institute, which is a partner in Miles-Yeda, and the highly regarded Israel Institute of Technology, called the Technion, which collaborates with the Haifa concerns.

For example, practical ideas and innovations with economic potential from the campus of Hebrew University are channeled to the laboratories of Ames-Yissum. The marketing experience and other expertise of the parent Miles company then translates the professors' ideas into money-making products.

The salary of research scientist with a doctorate here is $10,000 a year which, Miles spokesmen say, is about one-third of that in the United States.

It is this reservoir of cheap, trained manpower that is Israel's special advantage, company officials say. The Arab countries, for all their wealth, cannot duplicate it.

"You cannot overleap the process of building scientific and technical human infrastructure. You cannot push a button and get 20 engineers," an Israeli manager of a Miles enterprise says.

"If there are no alternatives for the Arabs, they buy from Miles. They do not love us for it, but this is a fact," the manager says.

"This trade, however, is covertly carried out through middle men and nobody knows how much trade with the Arabs has gone on under the table."

The Miles experience has demonstrated that Israeli operations can be profitable. However, government officials here are determined to counter the boycott directly.

An office has been created of "adviser to the government on matters concerning economic warfare."

Commerce Minister Bar-Lev says: "I definitely think we could mobilize important economic parties that could create a counterpressure."

In other words, he is saying that any company yielding to the Arab boycott could be subject to a Jewish boycott.

The continual need for trained scientific researchers can always be met in Israel and at costs much lower than in the United States, Miles officials say.

They point to statistics that show there are more research scientists per square mile in Israel than in any other country in the world. There was more scientific literature generated in Israel than that produced by all the laboratories in Africa and South America combined.

AUGUST RECESS RESOLUTION

Mr. TAFT. Mr. President, it was my decision to vote against the resolution to declare a congressional recess during August.

The No. 1 problem facing our Nation today is the energy crisis; yet the Senate has wasted the entire summer debating the disputed election in New Hampshire. Unfortunately, the pending bills on the subject are wholly inadequate. Apparently, the Democratic majority thinks it is more important to seat John Durkin than it is to take action to save thousands of jobs in Ohio and throughout the Nation.

I am deeply concerned over the failure of Congress to act responsibly in the energy field. From every report I have received from Ohio, I believe that this winter could see the closing of many large plants across the State because of the natural gas shortage. Yet, in spite of this warning, the Senate majority refuse to end the lengthy New Hampshire matter and send that State's issue back to the State electorate where it belongs.

The simple fact of the matter is that the Nation can no longer afford the continuation of congressional inactivity. As of this date, Congress has not acted on natural gas deregulation; Congress has not completed action on the energy tax bill; Congress has not completed action on oil stockpiling; Congress has not completed action on standby energy controls; Congress has not completed action on amendments to the Clean Air Act; and the list goes on and on.

I believe that we should consider as many of these bills as possible and send them to the President before we adjourn for any recess.

NATIONAL ECONOMIC PLANNING

Mr. HUMPHREY. Mr. President I am greatly heartened by the widespread favorable response to the planning bill that Senator JAVITS and I introduced earlier in this session.

It is increasingly obvious that this great Nation cannot be allowed to flounder continually. We need much greater capability for long-range planning and much better information for policy guidance. That is what the bill is supposed to do and it does it on a democratic basis with full participation by the public and the Congress.

Recently there came to my attention an excellent editorial from the Des Moines Register entitled, "National Economic Planning." I consider this to be an accurate and perceptive explanation of the bill and the basic reasons for adopting such a program.

I commend to your attention, Mr. President, and to my colleagues this interesting editorial and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NATIONAL ECONOMIC PLANNING

National economic planning is attracting more attention these days than it has since the Great Depression of the 1930s. Senators Hubert Humphrey and Jacob Javits have introduced a bill to establish federal machinery for designing and adjusting a plan to serve as a guide for both private and public economic decision-makers.

The reason for the renewed interest in planning, of course, is the failure of government and business to cope satisfactorily with the recission, unemployment, the energy shortage and the related problems of transportation, housing, etc.

The Joint Economic Committee of Congress held hearings on the subject in June. Earlier, the Fund for New Priorities in America held a congressional conference on long-range economic planning in a free society. Senator John Culver of Iowa was the prime mover of this conference.

Both conferences revealed a surprising breadth of support for the idea of national planning from business leaders, labor union executives, government officials and others. It is fair to say, after reading the statements, that a consensus has been reached in these circles for a new step toward more rational employment of economic resources.

The first big move toward guiding the American private economy to full employment was the Employment Act of 1946. This was a plan for using the fiscal and monetary powers of the federal government flexibly to counteract economic recession and inflation. It was the American version of Keynesian economic theory in practice.

In the last 30 years the deliberate creation of federal deficits to stimulate economic expansion has become routine. Even so conservative a president as Gerald Ford did not hesitate to plan for and recommend a huge budget deficit to try to pull the economy out of the recession.

The counterpart policy of budget restriction and monetary restraint to fight inflation also has been followed most of the time—but with less enthusiasm. Now the economic tools of the 1946 act seem inadequate to cure the unemployment disease or to stop inflation. For the first time, economic policymakers in the industrialized world are confronted with recession in output and jobs at the same time as inflation roars ahead.

This has led such business chieftians as Henry Ford II and such labor leaders as Leonard Woodcock of the United Auto Workers to agree with such bankers as Robert Roosa, partner in Brown Brothers, Harriman, that the time has arrived for national economic planning.

The Scandinavian countries, France and Japan have been most successful among democracies in trying to develop national economic planning. They are seeking to do by democratic means what the Communist countries do by coercion—and do it more effectively, for there is an inescapable loss in productive efficiency under a coercive system. In the "indicative" (democratic) planning systems, business firms are not compelled to fulfill plan objectives. But government tries to furnish various incentives to the steel industry, for example, or petroleum refining to adjust capital expenditures and output plans to the national plan.

This is fully compatible with the planning which big business organizations carry out on their own. The Humphrey-Javits bill would attempt to fit and shape individual industry plans into a rational plan for the whole economy.

Under Humphrey-Javits, an Economic Planning Board in the Office of the President would design a national economic plan. The board would be aided by a public-private national advisory committee and would seek the "active participation of state and local government and private sector organizations. This planning work would be supervised by a council made up of cabinet officers and other leading economic officials.

When a plan was prepared and agreed to by the president, it would be sent to Congress for debate and modification. Finally, Congres if it agreed, would pass a resolution on a plan to be transmitted to the president.

The plan might again be adjusted by the president and the revised plan approved or rejected by Congress.

Ultimately, the agreed plan would serve as a guide for budgeting in the government. Every agency head would have to show the consistency of his proposed budget with the national plan. Private planning would be voluntary, but the national goals would be valuable guideposts for business planning.

The whole idea of planning appears to be anathema to the Ford administration. In agriculture, where planning has been working reasonably well for many years under several administrations, the system has been dropped. Agriculture Secretary Earl Butz does not believe in using the acreage adjustment, commodity loans and other instruments of the 1973 farm act for stabilizing prices and supplies. Instead, he preaches a sort of primitive "free market" philosophy and shuns any government effort to interfere.

But the Ford administratilon is alarmed and even attempting some planning in the field of energy. The crisis in the oil business may move Ford and other anti-planners in the direction of the Humphrey-Javits bill, even if food and agriculture problems do not.

The free market is fine when it is free. But when it is dominated by such giants as the OPEC cartel and huge blocs of business and union labor economic power, then a stronger government hand in coordination, setting objectives in the public interest, seems more and more attractive.

Indeed, many of the business men who have admired the planning efforts in Japan and Europe believe national planning here is essential to the survival of the private-enterprise, capitalist system. Certainly the persistence of 9 per cent unemployment moves people to seek desperate remedies.

The cooperation of private sector economic institutions with the national government is a non-radical, non-ideological procedure for making modern economic systems work better for agreed national objectives.

DESPITE RECESSION, PRICES STILL GOING UP

Mr. HUMPHREY. Mr. President, a New York small businessman recently felt compelled to purchase several very expensive column inches of advertising space in the New York Times to vent his anger about the impact of inflation.

Mr. Joseph Kipness, proprietor of Pier 52 Restaurant, has found, like so many others, that abating inflation has left us with no panacea. As I have emphasized many times in recent days, the administration's lack of responsiveness to the true supply-cost-profit push pressure has contributed greatly to the persistence of inflation while people lose jobs and real earning power.

Since the Congressional Record does not sell advertising space, and his message is so important, I ask unanimous consent that Mr. Kipness' open letter to President Ford be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Open Letter to President Ford!

To the President:

Whenever you're on TV I make it my business to hear what you have to say.

I listened with great interest to last week's address and was particularly elated when you stated that inflation in the United States is now over. I rushed over to my Pier 52 Restaurant and happily told the manager that we'd soon be lowering many of the prices on our menu. It was the most genuine touch of optimism I'd felt about the economy in many a month, but alas it was short lived.

I phoned my various purveyors and one by one they informed me that they had indeed heard your speech but that as far as they could see the fact is that prices are still very much on the rise.

With all due respect, sir, I must say I don't know whom to believe—or what to do. By way of example—"Lulu the Lobster," a fabulous 4½ pounder priced at $21, is a big favorite with my customers:

I've been determined to hold the price line on "Lulu" but my supplier tells me the price of lobster can only keep going up in the months ahead.

Frankly, Mr. President, like many other American businessmen, I'm a bit confused.

Yours respectfully,

Joe Kipness.

SENATOR STAFFORD URGES THE PRESIDENT TO SIGN S. 66

Mr. STAFFORD. Mr. President, President Ford has before him S. 66 the Nurses Training Act and Health Revenue Sharing Act and because of its impact on health care in this country, I would urge that budgetary problems be put aside and the bill be signed.

Previous Nurse Training Act legislation has produced many benefits for my State, Vermont, through special project grants, school construction, and student financial assistance. Vermont depends heavily on Federal moneys for its 3 schools of nursing and more than 650 nursing students.

For example, the Nurse Training Act of 1971 established a special project grant for curriculum development for the University of Vermont School of Nursing's baccalaureate program. A special project grant made possible the nursing school's family nurse practitioner program, especially important to Vermont's rural areas.

At Castleton State College in Castleton, Vt., nurse training funds through a special project grant provides for a study for increasing the number of qualified nurse practitioners.

Nurse Training Act funds in part provided for the construction of the Lyman S. Rowell building for nursing and allied health services at the University of Vermont.

Another significant area where Federal moneys have served nursing education well in Vermont is in the area of student financial assistance. Nearly 29 percent of the university's 480 nursing students received Federal aid during the 1974–75 school year. The assistance was not enough, however, because there was $48,623 in unmet requests for aid.

The university's school of nursing received $67,337 in capitation grants in 1974–75. These grants have been essential to hire faculty, expand programs, and increase enrollments.

Vermont, like many other States, needs this Federal support for nurse training programs in order to develop quality education and improve health services for its citizens.

This bill also provides support for 12 important health services programs. It is a major health bill. Failure of its enactment could have a major negative impact on health care in this country. I urge the President to sign it.

CONFERENCE ON SECURITY AND COOPERATION IN EUROPE

Mr. MUSKIE. Mr. President, next week leaders of 35 nations will meet in Helsinki to sign a document which has resulted from 2½ years of negotiations at the Conference on Security and Cooperation in Europe—CSCE. These negotiations have been supported enthusiastically by the Soviet Union, but from the point of view of the participating Western nations, the Conference results are mixed at best. A succinct analysis of the Conference appears in the latest issue of Newsweek, "Cold War to Cold Peace," by Alfred Friendly, Jr. of Newsweek's Moscow Bureau. Mr. Friendly formerly served as counsel to my Subcommittee on Intergovernmental Relations, and I have the highest respect for his analytical ability, his judgment, and his sense of history. His recent article is a concise and cogent presentation of the complex issues of European security, and I ask unanimous consent it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Cold War to Cold Peace

(By Alfred Friendly, Jr.)

Unless some last-minute hitches crop up, leaders of 35 nations will soon converge in Europe to sign what amounts to an ersatz peace pact, a document that defines the boundaries of post-World War II Europe 30 years after the fact. Couched in the elusive language of diplomats, the document, written to the specifications of the Soviet Union, declares Europe's frontiers inviolable, but says they are amenable to peaceful change. It abjures the use of force, but does not rule out the threat of force. It pledges nonintervention in the internal affairs of the signatories, but does not specifically forbid interference in such affairs. Finally, it endorses "respect for human rights and fundamental freedoms," subject, however, to respect for local laws and traditions, which may limit such rights and freedoms.

All this delicate compromise reflects the work of Eastern- and Western-bloc delegates to the Conference on Security and Cooperation in Europe (CSCE), a 30-month-old negotiating marathon now drawing to a weary close. The delegates are aiming for ratification of the principles of the security conference at a gala summit in Helsinki beginning July 30. But even as the summit preparations begin, many Westerners are wondering just how much security they have won. Was so much time and effort really necessary to declare a formal end to the cold war, only to inaugurate what a British commentator calls "the cold peace"?

The Russians seem to be taking great pleasure in the document formalizing the

CSCE. Never mind that it is a nonbinding agreement that one U.S. negotiator calls "a masterpiece of weasel-wording"; it still goes a long way toward assuaging Soviet insecurity. As Russian officials see it, the CSCE agreement in Helsinki will confirm their hegemony in the socialist bloc. Equally important it will promote Moscow's image as a good neighbor to the confrontation-weary democracies of the West.

While Moscow derives that psychic bonus from the summit (the largest gathering of heads of state since the Congress of Vienna sought to freeze the European status quo 160 years ago), the West earns some benefits as well. From the beginning it has linked its support of the CSCE to Russian support for negotiations to reduce military forces in Europe. So far the mutual, balanced force reduction (MBFR) talks in Vienna have been stalemated. But once the Helsinki summit concludes, Western diplomats say, progress at the MBFR talks will become the "acid test" of the Soviets' sincerity on détente.

Loopholes: The Westerners also hope that "baskeet three"—the section of the CSCE negotiations dealing with humanitarian issues—can be made into an "aspirational code of conduct" for Russia. The hitch is that the language of the agreement is riddled with loopholes. As it stands, basket three requests countries only to "look favorably on" applications to reunite families and to "encourage" accords for the international distribution of printed matter. Thus, while the West may have scored a theoretical point by insisting that cooperation between East and West had to include freer movement of people and ideas, in practice basket three proves relatively empty. For instance, although it grants Western journalists visas good for multiple trips in and out of the Soviet Union, it does not guarantee Russians any better chance than they have now to read what those journalists write.

Nevertheless, there is some possbility that the Western nations will use the "code of conduct" as a test of Soviet compliance with the concepts of CSCE. "Even though we're not getting a legal document," explained one American diplomat, "this puts human-rights issues on the permanent agenda of East-West relations. I think there is a real prospect of public protests if the Communist states systematically violate what some in the West regard as a significant set of guidelines for international behavior."

Secrecy: Despite such optimism, however, the CSCE has to be reckoned a one-sided Soviet success. On the much ballyhooed agreement over advance warning for military maneuvers, it is hard to see how 21 days advance notice of major troop maneuvers can protect Romania or Yugoslavia from an oversolicitous Soviet interest in orthodoxy in the socialist camp. Nor, in the age of spy satellites, does volunteering such information make a great breach in the Soviet penchant for secrecy.

Explaining that penchant to visitors, Georgi Arbatov, a senior Politburo adviser on U.S. affairs, alludes to centuries of Russian isolation among hostile neighbors and justifies secrecy as a weapon of self-defense. But such rationalization only begs the standard question about Moscow's policy: how far does the West have to go in accepting the Soviet Union on its own terms before winning reciprocal acceptance of the Western status quo? CSCE seems to embody the Soviet principle that what's ours is ours and what's yours is negotiable. MBFR may force Moscow's hand more clearly, but no "charter of European relations" will put much of a brake on its drive for self-assertion. "The only thing you can be sure of about the follow-up to CSCE," says a cynical European ambassador, "is that Brezhnev will launch a new peace offensive as soon as he's tucked this one under his belt. The Soviets think they can talk the West into a sense of security because the message they're putting out is what we want to hear. Often, I'm afraid they are right."

It may be just an irrelevant historical note, but Russia, Austria and Prussia followed the Congress of Vienna by forming the Holy Alliance and appealing to Christian rulers to live as brothers and preserve the peace in Europe. A British statesman dismissed this as "sublime mysticism," but the alliance did serve as a justification for Czar Alexander I to offer his troops for use in conflicts as far from home as Italy. Now 160 years later, the "troops" may be local Communist activists in Italy or Portugal, but it seems entirely possible that the Russain interpretation of brotherhood is unchanged.

EFFORTS TO SAVE FRANKFORD ARSENAL IN PHILADELPHIA

Mr. HUGH SCOTT. Mr. President, I have today drafted a letter to the Philadelphia Inquirer, and I ask unanimous consent to print this letter in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Dear Editor: I reject Mr. Ewart Rouse's entirely inaccurate references to me in his July 3 story regarding the U.S. District Court's decision to turn down the request of the Pennsylvania Congressional delegation which asked that the Arsenal be kept open.

The saving of the Arsenal—the saving of jobs at the Arsenal—has been an abiding and active commitment of mine since the initial announcement by the Department of Defense November 23, 1974, of its intentions to shut down the Arsenal.

This concern has not been one of cheap politics, and I deeply resent Mr. Rouse, in a so-called "news story," giving credence to Congressman Eilberg's charge that the latest setback in these efforts is my "fault." Throughout these many months I have worked closely with Mr. Lewandowski, head of the Arsenal Employees Union, and union members in every way possible to keep the Arsenal from being closed.

Mr. Lewandowski and the union members know how hard I have been working on their behalf, and how hard I continue to work on their behalf. I would appreciate the opportunity in your newspaper to set the record straight.

First of all, on the very day of the Pentagon's initial announcement, I immediately called both Secretary of Defense Schlesinger and then-Secretary of the Army Callaway to personally advise them of my opposition to the closing.

On November 29—just six days after the announcement—I arranged for Mayor Rizzo, Senator Schweiker and myself to meet with President Ford and Secretary Callaway at the White House. At that time, we presented a proposal by the City of Philadelphia to construct a new facility. Since that meeting I have had personal conversations with the President, Secretary Schlesinger and the Secretary of the Army in an effort to express my strongest hopes for a favorable decision on the Arsenal.

Over the years I have had numerous meetings with members of the Congressional delegation to weigh all avenues which we might pursue in our mutual desire to retain the Arsenal. All of these discussions took place with full knowledge and consideration of Mayor Rizzo's efforts to achieve a favorable decision.

I personally contacted the Comptroller General to express my support of an audit by the General Accounting Office to determine the acceptability of procedures used by the Defense Department in deciding that the Arsenal should be closed. The GAO decision, regrettably, stated that the Army's plans were in compliance with proper procedure.

Following this, at my request, the Chairman of the Senate Armed Services Committee, Senator John Stennis, and the Ranking Minority Member of that Committee, Senator Strom Thurmond, agreed to conduct a study to determine if the Army was violating the so-called "Arsenal Act" in planning to phase out the Arsenal. During the period of that study, then-Secretary Callaway agreed to my request to delay plans to close the Arsenal pending outcome of the Senate Armed Services Committee study.

Senators Stennis and Thurmond, after an investigation, advised me that under existing law, the Act would not be violated by the closing of the Arsenal.

Then, I joined the Congressional delegation in supporting the union workers' lawsuit to block the closing, and I have agreed to join any appeal to a higher court the union workers wish to pursue.

I am greatly disturbed that the Inquirer has failed to report these efforts which are in the interest of saving jobs and instead says that I am somehow at "fault."

The fault truly lies with those members of Congress who voted to cut defense appropriations. It is a fact that defense installations cannot be cut without cutting jobs.

I voted against cuts in defense spending. The final defense appropriations bill for FY 1975 was approved at a level of $4.3 billion less than the President's budget request of $87 billion. One of the most vocal critics of my efforts is Congressman Eilberg, who is on record as having wanted to slash the defense budget by an additional $2.2 billion.

I am proud of my efforts to save Frankford Arsenal. I am proud of my voting record which is for jobs in the military. I believe that I have led the fight to save the Frankford Arsenal in Philadelphia. I will continue to lead the fight, the demagogues notwithstanding, and I am grateful to your newspaper for giving me the opportunity to document the facts.

THE GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, opponents of the Genocide Treaty have stated that once the treaty is ratified, the United States would be obligated to prevent or suppress genocide wherever it appears in the world. They seem to be concerned that the United States would have to take on the responsibility of a watchdog for international human rights.

This is not so. In fact, the convention only obligates contracting parties to prevent and punish genocide in their own territory. This would of course go along with the human rights laws already in effect in this country.

Article VIII of the Genocide Treaty provides means by which the appropriate organs of the United Nations may be called upon by any contracting party to prevent and suppress acts of genoside. Clearly, it is not the responsibility of the United States to prevent genocide in other countries. However, the treaty does offer us an appropriate channel to voice our complaints concerning other countries.

Once again it becomes obvious that the Genocide Treaty is a document that closely resembles the ideals and laws of this Nation. In no way does it contradict any of the American goals, it only complements and offers added strength to them. However, until the United States ratifies this treaty, the world will always be able to question the sincerity of our Government. Therefore, I once again call upon my colleagues to ratify the Genocide Convention without further delay.

THE SPIRIT OF VMI

Mr. HARRY F. BYRD, JR. Mr. President, Virginia Military Institute, throughout its long history, has inspired intense loyalty among its students and its alumni.

Having attended VMI myself, I may not be in a perfect position to make an objective appraisal, but I have long felt that the admiration felt for this institution by its student body and graduates is well deserved.

Recently the VMI class of 1960 held its 15th reunion. On that occasion, an address saluting the spirit of VMI was delivered by John B. Cary, a member of that class, an attorney for the Federal Communications Commission and a vice president of the Capitol Hill Chapter of the Reserve Officers Association.

Mr. Cary ably summed up the feelings of those who have been associated with VMI. I ask unanimous consent that the text of Mr. Cary's speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

The Spirit of VMI

The theme of my few remarks tonight has something to do with self-appraisal. And, as I was thinking about what to say, I began to wonder whether I shouldn't take a hard look at myself, and see how much I had changed. And I began to wonder even more . . . whether I was the same person at all as I was when I was a cadet. So I started at the logical place: my body. I got out my old coatee and began to put it on. I buttoned a couple of buttons; I got down to about three, maybe four; and I stopped. I couldn't go any further. For the sake of completeness, however, I fastened my collar, and then I turned around and looked in the mirror. And that gave me my answer: I'm one hell of a lot different than I was back then. There's no getting around it. And I was wondering how much we'd all changed . . . how much, indeed, we have left of what we were when we were cadets.

Looking at our familiar faces, I see us still in our blouses and white ducks, and drinking beer out of milkshake cups. Yet, almost fifteen years have passed since we tossed our shakos in the courtyard that June day in 1960. And, since then, it has been a long and sometimes an uphill road for all of us in many ways.

This reunion is a good time to take stock of ourselves, both as individuals and as a class. We have been out of VMI long enough to have gained some degree of perspective, but not to the point that we're unable to put it to use. So let's take a moment to recall who we once were; examine ourselves to see who we are now; and look ahead to consider who we perhaps may become.

We have attained, hopefully, a fair amount of success as others see us, and we will undoubtedly go on to accomplish more. But success is far more than outer appearances, and it results from far more than luck. We have learned by now that the goals we set are often harder to win than they appear. And also, that getting there is more than half the fun.

But we know we can win these goals through the process of continuing inner growth. And that growth, in turn, comes from considerable and wisely directed effort. I believe each of us is seeking self-fulfillment according to his lights, and is progressing in his quest.

We certainly can't credit VMI entirely for that. Wives, parents, teachers, friends and native attributes have all played their part in fashioning what we are tonight. And of course, after we had graduated, we soon found we were very much on our own.

Nevertheless, the years we spent here left their mark. They unquestionably gave us a solid foundation for lifelong intellectual development. And more, perhaps in spite of ourselves, they gave us at least three rare and lasting qualities of character. We can be thankful for that. For intellect without character is useless; or, worse, as recent events in Washington have reminded us, potentially dangerous.

First, we gained self-reliance in the development of our sometimes latent resources. For the giants of the modern philosophy of individual achievement have nothing on the wisdom of Stonewall Jackson. If only by osmosis, the enduring truth of his maxim, that you may be whatever you resolve to be, was branded on our souls just as it is chiseled above the Arch. Otherwise, we could not have become the full-fledged alumni we first aspired to be. And, might I add parenthetically, how many others have taken paragraphs attempting to say what Jackson did so succinctly, and not said it nearly as well?

But Jackson was plainly not referring merely to external labels. Rather, his statement must be viewed in light of the whole man concept with which VMI has traditionally imbued—or should I say beaten into?—its sons. Naturally enough, as cadets few of us understood its full meaning. But now, some years later, perhaps we have come to realize that this thought is probably the single greatest secret of success. Stated another way, it says you can do it if you really think you can. It tells us if we believe in ourselves, we haven't begun to discover the depth of our potential. And that we should pursue our own brand of excellence, and are limited only by the extent of our horizon and the strength of our determination.

Next, we learned perseverance in the face of the adversity we must all inevitably confront. The spirit we learned as cadets is our way of life, for we are a fiercely proud lot, and we do not quit. And that spirit is no less real for all its curious elusiveness of definition. We have the courage to endure with equanimity the hardships that come our way, and the strength to react gracefully under pressure. By facing those challenges unflinchingly, we gained the wisdom to recognize undreamt of opportunities and blessings.

And, finally, the concepts of duty and honor were woven into our everyday lives. We do what we say we will do without fail, and our word is our bond. We do not shirk the hard right for the easy wrong. We do what we know to be the right thing, in the very best way that we can. And we do it when it needs to be done, even under severe adversity. We know the consequences of adhering to mediocrity, and that our rewards are usually commensurate with our contributions. Hence, we go the extra mile, and we go it honorably and well with that "energy, efficiency and reliability" for which our alumni are rightly noted. For considering the demands VMI placed on us, how could it possibly be otherwise?

Colonel Dillard once said how sad it was that, for some, their cadetships would be the high point of their lives. That hasn't been so for us. When we left the Institute, we didn't leave behind what we learned there. Rather, I trust, we have applied that knowledge along whichever paths we have chosen to travel. And this even though we perhaps couldn't define what we were applying, or weren't even conscious of the process. In so doing, we found we were able to meet life on our own terms. To us, then, graduation was but one more step in our self-development. The company gathered here tonight bears living testament to that fact.

These are but some aspects of our splendid heritage. With that heritage we can control our destinies. And that is power—and responsibility—of an awesome degree. What use we make of it is up to us. Let us guard it jealously, for the qualities we possess by its virtue are no ordinary ones, at least in these times.

Let us never change in respect to those attributes. For that is the best reason for being here tonight: to remember the qualities we earned here, and to replenish our supply if need be. For these qualities will take us wherever we want to go.

Yet there is a part of us that will never leave the barracks. That, too, is all to the good. Time has healed the wounds of our cadet days with a film of more-or-less pleasant memories. And that mystic VMI syndrome, once contracted, is delightfully incurable. For we have gained yet something else from VMI: the unique privilege of belonging to the finest fraternity in the world. The price of admission was damned stiff, and it included bruised egos and butts. I think most of us believe the rewards we earned were worth the price.

That fraternity is not limited to our Class. It includes all who admire and love VMI, as well as those who wore the gray. It is a treasure of incomparable value, of which this reunion is but a symbol. And we stand together, both as members of our Class and of our alumni body. Let us gladly help those who need it, and welcome the counsel and friendship of those who offer it. For such loyalty will enrich our lives in ways not immediately apparent; and that richness will grow with the passing years.

I'll close with two wishes and some thanks. First, let each of us return five years hence. And second, Godspeed til next we meet.

Thank you for being yourselves. You are the finest people I know. God bless you.

MAINE'S FISHING INDUSTRY

Mr. MUSKIE. Mr. President, a recent issue of the Thomas Business Review, published by Thomas College of Waterville, Maine, is devoted to issues of concern to Maine's fishing industry. I ask unanimous consent that the articles in this issue be printed in the Record: "The Fishing Industry in Maine," by Nathaniel Barrows, who is president of the nonprofit organization, Fisheries Communications, and publisher of its monthly paper, Maine Commercial Fisheries; "Law of the Sea Conference: Geneva

Session," by John Norton Moore, Deputy Special Representative to the President for the Law of the Sea Conference; and my own article entitled "The Case for a 200-Mile Fishing Limit."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE FISHING INDUSTRY IN MAINE: RESOURCES, PEOPLE, ECONOMICS

(By Nathaniel Barrows)

> . . . fishermen look upon their occupation and gain satisfaction from their work in a much different way than do comparable landbound workers. The ideational findings add further support to our contention that fishing is not simply an occupation, but a way of life, having more influence on the feelings of individuals and being more pervasive in their lives than most landbound occupations.*

*John J. Poggie and Carl Gersuny, "Fishermen of Galilee," Marine Bulletin Series Number 17 (Sociology and Anthropology—Sea Grant, University of Rhode Island)

A special combination of resources, people, and economics in Maine has produced a way of life which is unique to this state and perhaps to the nation. Of the 18,000 Maine residents now licensed by the Department of Marine Resources to handle seafood, perhaps half make most of their living from harvesting or handling seafood in some way. Through a combination of laws and traditions, the other license holders are able to enjoy access to the marine resources of the state to supplement their incomes and activities.

The following article is an overview of the resources, people, and economics which make up this unique industry.

RESOURCES

Take a look at a map of the Maine coast. As the crow flies, it is less than 300 miles from Kittery to Eastport; but stretching out all the peninsulas, coves, and bays, it is over a 3,000-mile distance. Within these 3,000 miles and the adjacent offshore waters of the Gulf of Maine lies a unique combination of features which produces one of the richest marine resource areas, for its size, in the world.

The coast is south-facing. This means direct sunlight shines into the coves and inlets to supply photosynthetic energy for the whole eco-system.

A number of rivers, large and small, most relatively unpolluted and free of silt, provide estuarian discharge of basic nutrients into the coastal waters. These coastal waters move, for three seasons, in a counter-clockwise motion along the coast and in the Gulf of Maine. This means that the nutrients and energy present in the immediate offshore waters are carried around and through the spawning grounds for the major commercial fish species on the offshore banks in the Gulf of Maine. The spawn and fish from these grounds, in turn, tend to be carried around and along the coast.

Just as there is more and diverse animal and plant life in the zone between field and forest, there tends to be more salt water fish and plant life in intertidal and immediate offshore zones of the ocean. Maine, with what the geologists call a "drowned" coastline, has thousands of islands, coves, and marshes which provide, with this flow of nutrients, ideal growing areas for a rich abundance and diversity of marine life—much of it commercially harvestable.

Because of its unique water temperature range, the Maine coastline is at the southern limit of waters frequented by many northern species of fish and at the northern limit frequented by many southern species of fish.

Because Maine has been a "backward" state, the coastal segment of its economy never went through the heavy industrialization which devastated the marine resources of the states to the south through its ever-present by-product—pollution. Of course the marine resources of the state have not escaped pollution; but the present levels have not seriously affected the marine harvest in most areas. However, this idyllic picture faces challenges in two areas, both caused by man: pollution and depletion of the resources.

Here is a serious inconsistency. On the one hand, millions of dollars are being spent by industries, towns, and individuals to control the discharge of pollutants into the marine environment; on the other hand, incompatible industrial complexes, such as nuclear plants and oil refineries, are being considered.

The beauty of the natural system is that, free of pollution, these marine resources are renewable, with no effort by man. If, however, too much effort is expended by man in harvesting the most desirable commercial species, the reproductive capacity of this species, despite the size of the system we are talking about, will break down. In effect, the short-term commercial gain will be canceled out by the long-term ecological loss. For it takes many years and generations for a species to build itself back up once serious depletion takes place. This sort of conservation can be done only by those directly involved: the fishermen.

THE PEOPLE

What about the Maine Fisherman? Is he (it is a male-dominated occupation) the last American folk hero, embodying the old American virtues of self-reliance, hard work and determination? Or is he confined to fishing, by accident of birth or geography, because there is nothing else, or because he can't cut it on shore?

Neither, really. These and other traditional cliches don't and shouldn't fit.

Perhaps the overriding truth about the people in the Maine marine resource industry is that their lives, even more than those of farmers, are completely regulated, on a daily and seasonal basis, by the rhythms of the natural world around them. This is not to be glossed over lightly, for it is a concept completely alien to the 9–5 world. Telephones, time clocks, business appointments, luncheon conferences are not part of this world.

Instead, the weather, the tides, the temperature, the movement of the sun and moon are the factors affecting the working habits of fishermen.

Of course there are a number of types of personnel who derive most of their living from the sea, from the clamdigger, to the lobsterman, to the draggerman, to the herring packers. The majority of these are self-employed.

Usually the rewards, or disappointments, are immediate, with pay following the sale of each day's catch or dig. At sea, there are no repair services for the on-the-water fisherman; thus he has to be mechanic and repairman as well. Depending on no one but himself, working alone, he develops pride and self-reliance as part of his work ethic. Usually the amount of effort expended by an individual directly affects his income. If he doesn't fish or whatever on a given day, he makes nothing, unlike his shoreside counterpart who may have a business which keeps going even if he is home or away.

The fisherman's chronic problem is shortsightedness. Because of his "if-I-don't-it-today,-someone-else-will-tomorrow" philosophy, conservation is a significant problem. Another problem is what could be called aim of vision. With his ocean perspective, the fisherman tends to ignore land-based activities. Traditionally, the fishing industry has been removed from the political process, which has resulted in political naivete and impotence. This aim of vision also causes communication problems, especially with regard to the general public's understanding about the resources, people, and economics of the fishing industry. This is especially true in the case of economics. To hear a fisherman talk, one would think he is on the verge of poverty, isn't catching much of anything and is on the verge of being put out of business by the government. Well, this may be partly true or not true at all.

The "talk poor" ethic is all part of the resource-exploitive occupation. Simply put: a fisherman's territory is all-important. If he can maintain that his territory is not all that lucrative, the competition for it will not be so keen and he will be better able to protect it.

On the whole, the "talk poor" ethic has the public believing that the average fisherman is poor. This is not the case.

ECONOMICS

Certainly the Maine fishing industry has a number of marginal operators; but with the increasing overhead involved in harvesting most species today, the marginal operators cannot endure.

Instead, fishing is big business in the Maine economy, not only on a direct landings level (see Appendix) but also in the spin-off through handling, processing and resale of the product, and support services.

The primary landings figures, or money paid directly for seafood, was $41,411,142 for a grand total of 147,823,259 pounds of finfish and shellfish landed in Maine ports in 1974.

The figures show only that generated by one segment of the seafood industry, the horizontal harvesting segment. When the amount of dollars generated by the processing, transporting, retailing, and restaurant segments are figured in a vertical progression, the total worth of seafood products is in the 100's of millions of dollars.

As an example, let's look at the additional value a bushel of clams has when followed along the chain. A digger gets, let's say, around the current price of $10 a bushel (an average professional digger can dig between 3 and 6 bushels on one low tide). The buyer then employs some people to shuck these clams. The shucked meats are now worth three times as much—$30—when sold. A restaurateur then serves these meats as fried clams bringing him a total of $160 when sold, or 16 times the original value!

Another important aspect of figuring the value of the state's fishing industry is the amount of capital and labor tied up in supportive services. It has been said that in the downeast fishing towns, the total economic livelihood of the town can be measured by the flow of lobsters from traps to the refrigerated trucks. This is deceptively simple but in many cases true. But consider the average lobster boat on its mooring—a picture enshrined on calendars and magazine covers as the image of Maine. If built within the last 5 years, as many of the boats are, the basic hull and engine of the average 32'-38' lobster boat is worth upwards of $20,000. Then add on hydraulic steering and pot hauler, controls, CB radio, depth sounder and/or recorder, possibly radar and/or Loran, and the investment approaches $30-$35,000. Even on the new fiberglass-hulled boats overhead is high, demanding services of boatyards, mechanics and electronics technicians and investment in piers, wharfs, and so forth.

Unfortunately, the art of economic study in the fisheries is not greatly developed; otherwise some of the hidden capital and labor spin-off would be more generally known and appreciated.

APPENDIX—A SELECTION FROM THE TOTAL LANDING FIGURES FOR 1973–74

MAINE SEAFOOD LANDINGS AND VALUE

[Maine fishermen landed 147,823,259 lbs. of finfish and shellfish in 1974 worth $41,411,142. However, even though the landings were up 4,505,000 lbs. over 1973, the fishermen were paid $1,649,000 less for their product than in the previous year]

Species	1973		1974	
	Pounds	Dollars	Pounds	Dollars
Alewives	2, 691, 509	88, 322	3, 309, 520	113, 980
Anglerfish			31, 347	3, 819
Bluefish	59, 029	5, 472	29, 665	3, 868
Cod	4, 034, 496	497, 620	4, 003, 607	541, 265
Eels, common	75, 890	29, 555	79, 524	32, 318
Flounder	2, 411, 443	436, 584	1, 634, 966	359, 131
Haddock	351, 770	123, 630	228, 661	86, 281
Hake	299, 682	29, 039	3, 815, 149	269, 105
Halibut	60, 063	54, 084	47, 555	53, 626
Herring	37, 229, 185	1, 079, 550	47, 397, 980	1, 792, 546
Mackerel	379, 235	40, 129	283, 602	33, 868
Menhaden	6, 935, 560	143, 693	10, 148, 600	155, 089
Ocean Perch	36, 091, 575	2, 577, 955	30, 626, 106	2, 326, 643
Pollock	2, 356, 762	187, 118	3, 593, 862	328, 663
Salmon, Atlantic	63	69	68	84
Shad			588	69
Shark	10, 562	1, 214	9, 508	1, 220
Skate	3, 220	268	19, 490	1. 041
Smelt	92, 479	38, 179	67, 661	26, 710
Sturgeon	318	40	368	75
Swordfish	406	525	119, 420	118, 161
Tilefish			510	168
Tuna, bluefin	107, 201	43, 969	238, 794	135, 203
Whiting	5, 517, 104	299, 263	2, 868, 425	174, 597
Wolffish	20, 245	1, 007	23, 298	1, 429
Unclassified	557, 791	50, 854	289, 846	22, 071
Total fish	101, 804, 018	5, 963, 420	109, 600, 040	6, 657, 504
Crabs, rock	1, 121, 197	109, 004	963, 820	91, 902
Lobsters	17, 044, 194	23, 269, 859	16, 457, 666	23, 212, 808
Shrimp	12, 073, 851	3, 555, 365	9, 770, 732	3, 465, 764
Claims, soft-shell	7, 260, 488	5, 701, 697	5, 903, 413	4, 510, 771
Conch	679	550	1, 644	332
Mussel	439, 489	116, 000	308, 328	82, 630
Periwinkles	27, 859	28, 392	33, 958	31, 515
Quahogs	3, 117	2, 943	210	169
Scallops	803, 573	1, 472, 120	445, 290	722, 663
Squid	2, 644	153	20, 991	2, 500
Sea Moss	852, 000	26, 900	2, 736, 000	109, 440
Sea Urchins	128, 398	9, 078	46, 725	3, 365
Bloodworms	803, 158	1, 744, 832	712, 262	1, 569, 823
Sandworms	953, 387	1, 060, 402	822, 180	949, 956
Total shellfish	41, 514, 034	37, 097, 295	38, 223, 219	34, 753, 638
Grand total	143, 318, 052	43, 060, 715	147, 823, 259	41, 411, 142

LAW OF THE SEA CONFERENCE: GENEVA SESSION

(By John Norton Moore)

For several years, the Executive Branch has believed that there were reasonable prospects of adhering to the General Assembly schedule and completing the work of the Third United States Conference on the Law of the Sea during 1975. Indeed, this timing has been a cornerstone of our interim policy. It is now clear, however, that the negotiations cannot be completed before mid-1976 at the earliest and, at this time, it is not clear whether or not a treaty can be completed during 1976. The Conference has agreed to recommend to the General Assembly that the next session be held for eight weeks beginning on March 29, 1976, and that the Conference then decide whether an additional session is needed during the summer of 1976. Though such a schedule could conclude a treaty during 1976 if there is sufficient will to do so, a target date to conclude a treaty was unfortunately not agreed upon by the Conference despite what seems to be a majority sentiment for conclusion during 1976.

In light of this timing problem we are now conducting a thorough reevaluation of our interim policy to ensure that the necessary balance is found between our broad interest in a multilateral resolution of oceans' problems and our more immediate needs, particularly the protection of coastal fisheries stocks and access to the raw materials on the seabed. This reevaluation will take into account various factors, including the strong preference of many members of Congress for an extension of coastal fisheries jurisdiction to 200 miles, the nearly universal acceptance by the Conference of the 200-mile economic zone, and the need to construct an interim policy which encourages the timely conclusion of a comprehensive Law of the Sea Treaty in the interests of all nations.

Because of the concern of many members of Congress and the public with our immediate oceans' needs the Executive Branch will be consulting closely with interested committees of both Houses of Congress. As a responsible nation and a good neighbor, we will also be consulting with our immediate neighbors and other affected nations.

Despite the disappointment with respect to the pace and timing of the Conference work program, the Geneva session made progress and, in some respects, substantial progress. Most significantly, the will to negotiate, which had been largely missing at the Caracas session of the LOS Conference, was in greater, if not universal, evidence. There was no general debate, and negotiations in small, informal groups of principally interested states largely replaced less useful restatements of positions in the Committees of the whole. This increased will to negotiate led directly to the most important achievement of the session: the preparation of a single negotiating text on virtually all subjects before the Conference. The single text was prepared by the Chairman of each of the three Committees pursuant to a formal Conference decision. Although the single text is not a fully negotiated or consensus document, it is in important respects, at least in regard to Committees II and III, an indication of an overall package necessary for a satisfactory treaty. Moreover, in many areas, for example the articles on baselines, innocent passage in the territorial sea, the high seas, and many general articles on the protection of the marine environment, for the most part the single text reflects broad consensus. On other issues, for instance the economic zone and transit of straits, it largely reflects areas of broad support negotiated within informal working groups. In some other respects, particularly in Committee I which deals with the difficult problem of a regime and machinery for deep seabed mining, the single text in our opinion did not reflect the kind of accommodation necessary for agreement.

Even though it is not a negotiated or consensus text, the preparation of the single text is a significant and necessary step toward a treaty. For the first time, the Conference will be able to focus on a specific text rather than a multitude of alternatives and national proposals. For the first time, too, it will be possible to study the overall relationships inherent in a comprehensive package agreement. Though no government, including our own, will be completely satisfied with the content of the single text, it now makes more rapid Conference progress possible. I believe that, for the most part, at least for the work of Committees II and III, it also reflects a widely shared view about the nature of the overall package in a manner conducive to the achievement of a realistic and widely acceptable Treaty.

Moreover, the single text in Committee II strongly confirms coastal State conservation and management jurisdiction over coastal species of fish out to 200 miles and provides realistic protection for anadromous stocks within and beyond 200 miles. While the text also contains recognition of the need for international management of highly migratory species, informal negotiations have not yet produced the same degree of consensus evident with respect to coastal and anadromous stocks.

The Conference of the Law of the Sea is one of the most complex and important negotiations in our history. It touches the raw nerves of national interests in almost all nations of the world, and particularly of the United States which has perhaps the largest and most diverse oceans interests of any nation. Our disappointment at the pace of the negotiations is genuine and requires a careful rethinking of our interim policy. But it is equally necessary in reformulating a realistic interim policy that we not lose sight of our shared commitment to a comprehensive treaty. A treaty which fully protects the vital interests of the United States and of the world community as a whole is in the interest of all nations. We will continue to do our part to encourage such an agreement.

I believe that the common purpose that has sustained the Law of the Sea negotiations through its difficult, time-consuming early stages is intact. That purpose is the shared conviction of leaders from all parts of the world that law, not anarchy, will best serve man's future in the oceans. The real problems of nations that make this negotiation difficult will not disappear if we do not succeed; they will become worse. There are, of course, basic differences in national interest and the sense of urgency of resolving our oceans' problems, as well as basic differences of perception on how best to protect common interests. But no one, I believe, would willingly choose the course of chaos in which even great power prevails at great cost.

THE CASE FOR A 200-MILE FISHING LIMIT

(By Edmund S. Muskie)

Our fishing industry is falling into serious decline and it is time for our government to reverse its traditional policy of neglect toward that industry.

One of the most important steps the federal government can take immediately is declaration of a 200-mile fisheries management zone off our coasts.

Inflation and recession have severely hurt our fishermen. Operational costs have risen sharply without a corresponding rise in fish prices.

And our coastal fishermen are forced to compete for their catch against a growing number of heavily outfitted and frequently subsidized foreign vessel. The prices our fishermen earn for their catch are depressed by the glut of processed fish imported from the same foreign fleets. Fishing pressure has increased so dramatically that without quick government action, there may well be no stocks left to protect.

The international community has shown a growing awareness of overfishing, and is curently negotiating a new law of the sea, under United Nations auspices. But conferences last year in Caracas, Venezuela, and this past spring in Geneva have produced only a preliminary draft to serve as a basis for further negotiation.

The draft treaty, drawn up in Geneva, includes a 200-mile economic zone. But the issues which remain unresolved at the Law of the Sea Conference are massive, and it is unrealistic to expect an enforceable international agreement in the immediate future.

Because of this, I expect Congress to act this summer on a unilateral 200-mile limit proposal I have cosponsored, along with Sen. Warren G. Magnuson, D-Washington, and about 30 other senators.

Simply put, the legislation now pending in Congress would provide the United States with management jurisdiction over fish within a 200-mile nautical zone, pending the conclusion of an international oceans agreement.

The bill also provides special protection for anadromous species that are hatched in this country and then migrate out into the high seas before returning to spawn in the streams of their origin. Management of migratory species such as tuna would be handled by international commissions.

Similar legislation passed the Senate last year, but was not brought to a vote in the House.

The need for the 200-mile limit is well documented.

Within the last five years alone, the foreign fishing effort off our coast has increased severalfold. And scientists are now saying that about 25 species of fish are depleted or threatened with depletion, largely as the result of overfishing.

Maine's experience demonstrates just how serious the situation is, especially in view of the fact that so many Maine residents depend on these fish stocks for their living.

In 1950, Maine fishermen landed 353 million pounds of fish of all species. By 1970, that total had been more than cut in half, and in 1974, fish landings totaled only 148 million pounds.

For individual species of fish, the statistics are even more dramatic. Since 1966, Maine's whiting catch has declined by 90 percent, from 30 million pounds to 3 million pounds in 1974. The catch of sea herring has declined 75 percent; ocean perch, 61 percent; cod, 30 percent; pollock, 42 percent; and haddock, 97 percent, from 6.5 million pounds in 1950 to 220,000 pounds last year.

Perhaps the chief remaining roadblock to adoption of a 200-mile limit is the Administration, which strongly supports the concept of international negotiations.

I agree with the Administration, and I think, with the majority in Congress, that international negotiations are the only long-term solution to the problems caused by increasing competition for the world's fish and other ocean resources.

But the present structure of international agreements is clearly inadequate to provide the interim protection our fish stocks so desperately need.

At present the United States is party to 22 international fishing agreements and virtually all of the fish stocks depleted or threatened with depletion are subjects of those agreements. Obviously, further steps must be taken to prevent the depletion of our offshore stocks—for the sake of conserving the world's fisheries resources as well as preserving the U.S. fishing industry.

The world's fishing effort is now so much greater than a decade ago that stocks can be decimated in a season or two, a rate much too fast for international negotiations to cope with. Protecting these stocks is something more than a regional or national interest. It is a global interest.

In addition, nothing in the 200-mile fish limit legislation is inconsistent wth our negotiating position at the Law of the Sea Conference.

Ambassador Stevenson, head of our Law of the Sea delegation, has said this country is "prepared to accept, and indeed, would welcome, general agreement on a twelve-mile outer limit for the territorial sea and a 200-mile outer limit for the economic zone provided that it is part of an acceptable comprehensive package."

The U.S. position accepts the concept of 200 miles for fishery management jurisdiction. It also accords with the two other fishery management proposals contained in the proposal before Congress—management of anadromous species by the nation in whose rivers they spawn; and management of migratory species through international commissions.

The key to a 200-mile limit worldwide, according to the U.S. position, is a "responsibility" that coastal states have to ensure the highest and best use of offshore resources.

I believe the United States has the responsibility to act now, on an interim basis, or there will be no stocks left to protect.

It is my own guess that it will take at least until 1976 before the nations represented at the Conference can work out the complex range of issues—and there are some ninety of them—that must be worked out if a new law of the sea is to be written. Time and time again in discussions with foreign diplomats in Caracas, I heard it said that "we need time to build new international law." Certainly, time is needed for ideas to mature concerning some of the more complex issues the conferees are dealing with. But if we are to preserve our offshore stocks, I do not think we can afford to wait until the Law of the Sea Conference produces a treaty.

In Caracas, several foreign delegates suggested to me and the other U.S. Senators attending the Conference that the U.S. ought not to act irresponsibly by enacting unilateral fish legislation. If we are being asked to exercise restraint with respect to this kind of legislation, then it seemed to me not unreasonable to ask restraint in the short-run of those who have created the problem off our coasts—the Soviets, the Germans, the Poles, the British, and the Japanese. But when I suggested this to their delegates in Caracas, I got very little positive response and sensed few of these nations share our sense of urgency about the need to protect offshore fish stocks in the North Atlantic.

If the United States does not take effective short-run action to protect the fish stocks off our coasts, who will? Are America's—or the world's—best interests really served by our waiting a couple of more years for diplomats to negotiate a comprehensive international oceans treaty before any meaningful steps are taken to preserve our offshore stocks? I think not. And I believe an increasing number of members of Congress agree.

A second key Administration objection is supposedly related to our national security. The Defense Department supports the U.S. position on the 200-mile limit.

But the department is worried about the possible reaction of other nations to a unilateral U.S. action. It seems to believe that if the United States enacts this legislation, other nations will automatically abrogate unilaterally our rights of free transit and overflight.

As an official advisor to the U.S. delegation, I attended the meetings in Caracas last year and talked with many foreign delegates. In none of my conversations was there any indication that the major nations of the world would react to our passing a 200-mile fish limit bill by immediately ending our rights of free transit and overflight. Of course, in some of these talks, foreign delegates expressed reservations about America's enacting interim 200-mile limit legislation. But my guess is that their first reaction, after denouncing the legislation, would be to negotiate at the next session of the U.N. Conference with a new sense of urgency.

It is important to remember that this legislation will not prohibit other nations from fishing in the 200-mile zone. In fact, it would preserve the rights of nations which have traditionally fished off our shores. But it would reserve to the United States the right to manage our offshore stocks to assure their best and most prudent use.

Finally, I believe the 200-mile limit is important as a sign of good faith to our fishing industry. Our fishermen in Maine and nationwide are an independent group. They have not been anxious for regulation of any kind, and in fact they suffer under various government restrictions and duties on equipment from foreign sources which hamper their ability to compete.

They seek no relief from these restrictions. But the 200-mile limit has become a symbol—a rallying cry for fishermen who see the livelihood of generations threatened by rapacious foreign competition.

Government's failure to adopt a 200-mile limit will be nothing more than a desertion of this traditional segment of our economy. I will be working to see that does not happen.

PEOPLE DESERVE TO BE HEARD ON POST OFFICE CLOSINGS

Mr. ABOUREZK. Mr. President, it is no surprise that the recommendations of the General Accounting Office on closing third- and fourth-class post offices have aroused comment from the people served by those offices.

Rural and small town people depend on their post offices and are rightly indignant that the GAO would propose closing the doors without regard for local problems or preferences.

Because I believe that it is essential for people in the local communities to be consulted, I have introduced Senate Resolution 200. This is a "sense of the Senate" resolution which would express the view that any post office closings should be dealt with individually, case by case.

We in the Senate sometimes deal with problems in the abstract. This is one issue which demands that we think in terms of individuals and communities. The correspondence I have received opposing the GAO recommendations show graphically why an ax job on small post offices would be a serious mistake.

I ask unanimous consent that excerpts

from some of the dozens of letters I have received on this topic be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Hitchcock, S. Dak.: I believe that before they close the 3rd and 4th class post offices it should be looked into and checked out as to which is best for the people of the area both in location and service.

Wolsey, S. Dak.: We are a small town here in So. Dak., but we include quite a large territory in mailing addresses. I really can't think of a meaner thing to do than take away our post office. At least we should be entitled to that much.

Hayes, S. Dak.: They'd better come out here in Western South Dakota and see for themselves before cancelling out our local post office. Even that is a 24 mile trip to mail packages and get stamps. If they close the Hayes post office, we will have a 52-mile trip to mail packages and get stamps.

Harrold, S. Dak.: I think it's up to the people to have a say in this kind of a deal. I for one am tired of being a football.

Piedmont, S. Dak.: Our newly remodeled office has just been occupied this Spring and I believe nearly every box is rented and there must be at least 200 people receiving mail on a rural route.

Harrison, S. Dak.: We need our rural post offices and the employment it furnishes for many honest hard-working people out in the country rather than flocking to bigger cities, only making the situation worse.

Hayes, S. Dak.: We only get our mail every other day as it is and in winter or when it is muddy, the mailman can't travel his route, we can at least make it over to Hayes in a four-wheel drive pickup to get our mail. There have been many times that we wouldn't have had mail for two weeks at a time because of weather conditions.

I realize it is hard for many of the larger city people and especially back east to see our problem. But we are human and not stupid. Would they travel half way across the country for their mail?

LaBolt, S. Dak.: The small post office is the hub of every town and village and renders service to the community far beyond the call of duty.

Corson, S. Dak.: The carrier stops for less than a minute and waiting to catch him to get mail or try to send a package is almost impossible. Packages left by the mailbox to get rained on or taken are also a worry. We know that the post office will be open all day and can go up there at our convenience.

Trail City, S. Dak.: I'd hate to drive 20 miles if I had a large package that they couldn't put in a mailbox just to pick up my package.

Firesteel, S. Dak.: I think that it would be a terrible thing to do to the small towns that are struggling to make a go of it. Also it would cut off the small towns and rural citizen from his only connection with the government that he still has. Please do everything you can to keep the small offices from closing. Rural America needs them to keep their identity.

Columbia, S. Dak.: I cannot imagine the short-sightedness of the people in the General Accounting Office in making such a recommendation. The postal service in our area is excellent and provides a service that no small community should be without. Our post office and rural carrier here do a great job of delivering the mail to well over 250 families—and it is very much our feeling that the service they render is vital and cannot be lost to us.

Roslyn, S. Dak.: Closing all these post offices would bring undue hardship on so many people—especially the elderly and disabled.

Gayville, S. Dak.: Our town is one of a lot of retired people who depend so much on the convenience of a post office close by.

Vienna, S. Dak.: Our small towns are fading fast; if we remove more businesses they won't be a part of our S.D. heritage. There will be more ghost towns.

Enning, S. Dak.: Our family is lucky to live close to our post office. We may use the mails more than our neighbors because we run a repair business in this rural area. We order many parts by mail; those parts are sent to us by mail. Because of the nature of our work, we send for those parts as we need them, which can be several times a week. If we do not receive the right parts, we must return them. Although we have United Parcel Service delivery, we do not have pickup service. If our post office is closed, we will be forced to drive to Sturgis or Rapid whenever the wrong part is sent to us, simply to replace a small piece. Those towns are 50 and 80 miles from us, and you can see that would not be practical.

We have never been in the habit of going to town each week; we space our trips several weeks apart, planning our purchases to conserve time and fuel.

If we had a rural carrier we would have to meet him at the designated point because we do not feel we should have expensive packages left in a mailbox. If by driveway service you mean a mailbox within sight of the house, we would approve, but it should not take the place of our local post office. However, this might not work in some areas; we can only speak for our own location and situation. Some people live many miles from the mail route, whereas our family doesn't need a mailbox.

I would not want to live more than 10 miles from a post office; other persons think 25 miles is a reasonable distance. Still, to us, even 10 miles would be an inconvenience, especially in the winter.

Bruce, S. Dak.: Adee Honey Farms, with branches in Nebraska, Kansas and Mississippi is headquartered here (Bruce). We have 14 people employed who are residents of the community and enjoy living here. Because Bruce is a small town, most of our business is carried on with people outside the local community. Consequently, a good share of it has to be handled by mail or over the phone which is followed up by mail. . . . Are not those people and businesses who have chosen the small town as their home entitled to the same services the government provides for those who live in cities?"

Meckling, S. Dak.: In some ways we get superior service from Mrs. Betty Mead's post office here that the larger ones cannot equal.

CONCLUSIONS CONCERNING THE SALE OF WHEAT TO THE SOVIET UNION

Mr. HUMPHREY. Mr. President, I wish to point out two informative articles in the July 18 edition of the New York Times on the sale of wheat to the Soviet Union.

The first article by Robert Trumbull deals with the Canadian sale and the impact which it had on prices for wheat and other grains. It points out that the prices for these grains fell initially after the announcement of the transactions. The sales had been anticipated by the market, and the relatively small size of the transaction led to the price drop.

The second article, "Wheat Men Ponder Soviet Deal," by H. J. Maidenburg, dealt with, among other things, the issue of low-protein content in U.S. hard yellow wheat. The Soviet Union wanted wheat with a minimum protein content of 12 percent. But, according to the author, the protein content of much of the winter wheat crop was less than 11 percent for the first time in years. One reason, according to Kansas City experts, was that farmers decreased their use of nitrogen fertilizer and another reason was that adequate sun was lacking during the growing season.

Mr. President, there has been a great deal of concern expressed over sales of grain to the Soviet Union because of the impact which the 1972 exports had on our supplies and prices. It is clear that in light of our anticipated bumper harvest that we will need to make large exports this year. However, we must exercise a close monitoring of these sales. In contrast to 1972, our stock carryover from the previous year is rather modest. We are talking in terms of selling from this year's production. We will use only about one-third of our wheat production, for example, and since our livestock herd has been substantially reduced we will need to export a substantial volume of corn. I hope that we have learned a valuable lesson from our 1972 exports, and that we will not ignore the lessons of that experience.

Mr. President, I ask unanimous consent that these two articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

WHEAT MEN PONDER SOVIET DEAL

(By H. J. Maidenberg)

When the Department of Agriculture confirmed yesterday that the Soviet Union had bought 3.2 million metric tons of wheat from two American grain exporters, it answered one question but raised a number of others vital to the trade and consumers.

The news, which was followed by a Canadian Wheat Board announcement that Moscow had bought 2 million long tons of wheat in that country, served to confirm recent reports that the Soviet Union is in the world market for grain.

What was left unanswered is whether the Soviet purchases were for its own use or for shipment to Cuba and other political allies.

Further the confirmation that Cook Industries, Inc., Memphis, had sold 2 million tons and Cargill, Inc., Minneapolis, 1.2 million tons to the Soviet Union did not answer the question of what kind of wheat was involved and where it will come from.

The last question fascinated the grain trade yesterday because of the dearth of high-protein wheat in the nation. And the Soviet Union has traditionally bought only the best grades available.

Yesterday, Agriculture Secretary Earl L. Butz reiterated his view that the record wheat harvest this season—59.5 million metric tons, up 22 per cent from last year—would provide sufficient supplies to meet all possible domestic demands for grain.

Actually, the nation requires fewer than 21.8 million metric tons for food, seed and animal feed each year.

However, the historic 46.4-million metric tons of winter wheat now almost harvested has shown another poor protein content. Indeed, most of the winter wheat cut thus far has been classified as No. 2 hard yellow, not the high-protein hard red variety.

For the Soviet Union and other lands dependent on bread for a large part of their protein needs, hard yellow wheat has rarely been acceptable, according to grain traders.

"Moscow wants wheat with a minimum protein content of 12 per cent," one trader said, "and hard yellow usually doesn't come up to 11 per cent."

Moreover, to produce bread with a 12 per cent protein content, millers need at least 13 per cent protein grain.

Protein is also important to American millers and bakers because without it their bread and hard rolls do not hold their shape and firmness. The loss of those properties would complicate packaging by modern automated production machinery, for one thing.

Most domestic bakers thus require a protein content of at least 12 per cent for their quality breads and hard rolls. Lower grades of wheat may be used for soft rolls, quick breads, cakes and the myriad of so-called junk foods where protein is a lesser concern.

Kansas, the nation's leading wheat-producing state, reported last week that its winter-wheat crop showed a protein yield of less than 11 per cent for the first time in years.

One reason, Kansas experts said, was that farmers cut their use of nitrogen fertilizers, a key factor in protein yields, because of the rising cost of that chemical. Lack of adequate sun during the growing period was another reason, they added.

"If Russians want hard red wheat," one Kansas City grain specialist declared yesterday, "they won't find it from here to the Gulf of Mexico. We have loads of cheaper stuff, but not what they traditionally want from us."

Perhaps that is why Edward W. Cook, chairman of Cook Industries, stressed upon his return from Moscow yesterday that "not all the wheat we sold will come from the United States."

And that may also be why, with a record American wheat crop looming, the Soviet Union has also purchased 2 million of Canada's estimated harvest of 17 million long tons—of 2,240 pounds each, compared with 2,204 pounds for a metric ton.

Canadian wheat is normally higher in protein than United States grain, with their average content about 13.5 per cent.

Canadian Wheat Is Sold to Soviet

(By Robert Trumbull)

Ottawa, July 17.—The Soviet Union has purchased two million metric tons of high grade wheat from Canada for delivery in the fall, the Canadian Wheat Board announced today.

The Canadian sale, combined with the Soviet purchase of 3.2 million metric tons from the United States, should strengthen the market for the grain "for quite a while," a spokesman for the board said in a telephone interview from the board's headquarters in Winnipeg.

Negotiations in Winnipeg between the Canadians and the Soviet grain organization, Exportkhleb, followed the appearance of a shortfall in the Soviet harvest, which produced only 197 million tons of the 215 million ton target for this year.

The fact that the Moscow buyers took mainly No. 1 and No. 2 grades of Canadian western red spring wheat was taken as an indication that the Soviet harvest had fallen short of expectations in quality as well as quantity.

"The sale has made people aware how thin the world's supplies of wheat have been and how quickly the market can turn around," a Wheat Board official said, commenting on the strengthening of prices for the commodity in the last three weeks, as rumors of the Soviet negotiations reached traders.

DOLLAR VALUE WITHHELD

While the Wheat Board policy is to withhold the dollar value of its foreign sales, observers acquainted with the market have estimated that Canada would realize about $330-million from the transaction. Yesterday's price of the No. 1 grade figuring in the sale was $4.74 a bushel at Thunder Bay, the main wheat port on Lake Superior, and $5.18 in Vancouver, while the No. 2 variety was $4.63 a bushel in Thunder Bay and $5.57 in Vancouver.

The contract reportedly includes an option to ship part of the purchase to Cuba in the form of wheat or flour.

Approximately 400 tons of the shipment will leave Canadian West Coast ports beginning in October and the remainder is to be shipped on the St. Lawrence River starting the following month.

Wheat Falls Sharply

(By Elizabeth M. Fowler)

With the recent announcement of the Soviet wheat purchases, wheat prices dropped sharply yesterday under the pressure of commercial sales.

September delivery wheat closed at $3.62 a bushel, down from $3.75. Corn and soybeans, despite some active buying by commercial concerns, also ended with sharp declines. September corn closed at $2.73, off more than 7 cents; September soybeans closed at $5.51, down from $5.66 a bushel.

The Department of Agriculture released the weekly export commitment figures, which tended to show that the actual Soviet purchase might have been made through Cook Industries, Inc., and Cargill, Inc., about July 3, a day the price for September wheat rose from $3.02 to $3.05½ or the following week when prices began to move up sharply. Exporters generally buy futures shortly after they receive a big order to assure their supplies at then current prices.

Export commitments that week jumped 70 million bushels, to a total of 294 million bushels. Some analysts pointed out that this amount was the size of the recent Soviet order for wheat and that they knew of no other sizable purchases at that time that would account for the increase.

SOYBEAN AND CORN DEALS

No deals have been announced as yet about Soviet purchases of soybeans and corn, but it is thought that announcements are pending and that such purchases might have been made recently through the same companies.

Sugar prices moved up again on the New York Coffee and Sugar Exchange, still under the influence of rumors about a possible Soviet purchase of sugar from the Philippines because of drought conditions in the Soviet sugar-beet growing areas. September sugar jumped the limit during the session to 17.40 cents a pound and then closed at 16.40, up from 16.30.

The downturn came after some heavy selling by the Czarnikow-Rionda Company, Inc., a sugar dealer. A spokesman for the company said that the selling had nothing to do with the Soviet rumor and that the Company was selling as it does from time to time in the course of regular business.

OPEC OIL PRICES

Mr. STONE. Mr. President, it is my strong conviction that full economic recovery cannot take place with the artifically high prices of imported oil imposed by the OPEC cartel.

Whatever else this Congress may do about energy—and we need to be doing a great deal—we cannot ignore the predicament of our dependence on foreign petroleum and the apparent determination of OPEC nations to take full advantage of this situation. I believe that this country cannot be successful in meeting the challenge of the energy crisis unless we proceed to develop an effective policy for countering the imposition of exorbitant and increasing prices for imported petroleum.

In an effort to address this situation I have introduced S. 680, a bill which would set a ceiling price of $9.50 per barrel for both imported and domestic crude oil; and S. 1989, a bill which would direct the executive agencies to prepare and submit to the President information describing the many economic, agricultural, and technological relationships between the United States and oil producing nations. The Senate Government Operations Committee, recognizing the need to compile information necessary to negotiate effectively with the OPEC cartel has scheduled hearings on S. 1989 on July 25, 1975.

Mr. President, William V. Shannon has urged a firm policy with respect to the OPEC cartel in an article which appeared in the July 22, 1975, edition of the Washington Star.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Star, July 22, 1975]

Fight the Oil Cartel

(By William V. Shannon)

The oil problem is essentially political in nature and can only be overcome by the power of government. But the United States has been unable to cope with the problem because the Nixon and Ford administrations insist upon treating it as an economic issue that can be resolved by the natural play of market forces.

Because of the sudden, huge increase in the price of oil, the inflation and the recession were both made much worse than they would otherwise have been. As long as President Ford persists in his mistaken policies, the United States will continue to suffer severe economic damage in lost jobs and depreciated currency.

Ford follows the judgment of the major international oil companies on oil problems in the same way that he amiably heeds the advice of other big businesses on the problems that interest them. This is partly because, like Nixon before him, he is heavily dependent on the oil industry as part of his political base. He is also a stolid believer in the business ideology of rugged individualism, free markets and price competition virtues that exist more clearly in his mind than they do in the practices of the international oil industry.

But, basically, Ford plods ahead with his disastrous policies because he does not know any better.

The fundamental fact is that there is no oil shortage and no energy crisis. Rather, one is a political crisis. In this crisis, no one is defending the interests of American consumers. Although five of the seven major international oil companies are American-owned, their interests and the nation's interests are not identical.

With the world market now glutted with oil, these American companies help the Arab countries allocate and rationalize the cutbacks in production that are necessary to keep prices from falling. As business partners of the Arabs in the Middle East and as producers of oil in the United States, these companies have no incentive to keep the price of oil down. On the contrary, they are the propaganda and political protagonists inside this country for the cartel.

Ford is now urging Congress to abolish the price ceiling of $5.25 a barrel on oil from wells that were producing before 1973. This so-called "old oil" provides 40 per cent of

U.S. supplies. The rest of native oil is selling at the world cartel price of about $13 a barrel.

Since companies produce both old and new oil, they are getting an average price for their total output of roughly $7.50 a barrel. This is triple the price of only two years ago. Yet the companies have the audacity to say that they need to get the extortionate world price for all their oil if they are to have any "incentive" to search for and produce additional oil in this country.

The United States ought to have the political will and toughness to refuse to be blackmailed. It should stabilize the price of domestic oil, old and new, at $7.50 a barrel as provided in a bill sponsored by Rep. John Dingell, Michigan Democrat. It should then make a concerted effort to break the world cartel price.

The Arab countries supplied only 1.3 million barrels of oil a day to this country in the first quarter of this year, less than 8 percent of total U.S. oil requirements. By conservation, the U.S. could promptly reduce oil consumption by that amount. A sustained cutback of this magnitude would be a significant political signal to the cartel.

Gasoline consumption could be limited by law to the present level. As the economy recovered and as Detroit produced more fuel-efficient cars, gasoline consumption could gradually be reduced from present levels by steeply rising gasoline taxes.

The United States could adopt a much firmer policy toward Saudi Arabia and Iran than merely getting some of its depreciated dollars back by selling them military equipment and petrochemical plants. They should both be treated the way one treats any blackmailer.

As the world's strongest economic power and greatest single user of petroleum, the United States could face down the cartel and win. But not as long as its President espouses the policies of the American division of the world oil cartel.

SOUTHERN CONFERENCE OF BLACK MAYORS ENDORSES DR. F. DAVID MATHEWS AS SECRETARY OF HEW

Mr. SPARKMAN. Mr. President, on yesterday the Senate confirmed Dr. David Mathews as Secretary of the Department of Health, Education, and Welfare. Just today I have received a telegram from A. J. Cooper, Jr., mayor of Pritchard, Ala., a very able and successful mayor of a large city. He is also president of the Southern Conference of Black Mayors, strongly endorsing Dr. Mathews. I believe this endorsement should be printed in the CONGRESSIONAL RECORD even though Dr. Mathews has already been confirmed. Accordingly, I ask unanimous consent to have the telegram printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

PRITCHARD, ALA.

DEAR SENATOR SPARKMAN: I am pleased to find it possible to write to you in support of the nomination of Doctor David Mathews by President Gerald Ford for the position of Secretary of Health, Education, and Welfare. Doctor Mathews' nomination has caused some comment with regards to his liberality or lack thereof depending on one's perspective.

I can comfortably support this nomination as a result of both personal experience and close observation. As an attorney I represented black students at the university in a suit to desegregate the university's athletic department and recently at the university's request I represented black football players during a dispute at the Sugar Bowl. In both instances Doctor Mathews was a positive force for good. In general Doctor Mathews has had not only a liberal ivy effect with regard to the university but specifically he has had a liberalizing influence on the entire State.

David Mathews represents an image this State needed and I believe brings to the Federal Government an image the youth of this Nation needs. He brought to University of Alabama, the practicality and commitment I believe he will continue to demonstrate most importantly. David Mathews has demonstrated the capacity to change and I must say in Alabama this have been a key facet to our progress.

In conclusion the last decade of life in Alabama has seen change in many quarters, some more rapid than other men like David Mathews, while not deliberals some of us would want them to be, have been sincere and strong forces for positive change. I believe Doctor Mathews will fulfill his legal obligations with courage and will discharge his leadership responsibilities with vision and energy.

Sincerely,

A. J. COOPER, Jr.,
Mayor of City of Pritchard, Alabama and President of Southern Conference of Black Mayors.

THE PRESIDENT'S DECISION TO DECONTROL OLD OIL

Mr. PELL. Mr. President, I am deeply concerned by President Ford's announcement over the weekend to veto any legislation extending the price control and allocation authority beyond August 31. It is most disturbing that the President has chosen to totally disregard the wishes of a clear majority in the Senate and House, including many Republican colleagues, to extend price and allocation authorities through the end of the year and possibly into 1976. Furthermore, the President has also completely disregarded the resolution of the FEA Consumer Affairs Advisory Committee condemning the decontrol proposal. This group was established specifically to represent consumer interests in FEA/administration decisionmaking.

The announcement is especially disturbing in that it comes at a time when questions are being raised regarding the adequacy of Federal Energy Administration efforts to monitor the pricing, as well as marketing practices of the major oil corporations and to push antitrust action when appropriate.

Mr. President, there is no question in my mind that the administration's decision to proceed with phased decontrol of old oil or possibly immediate decontrol by August 31 would have grave consequences for the Nation. As prospects for economic recovery are beginning to brighten, decontrol would slow that recovery by fueling inflation, showing production and delaying industrial expansion, and increasing unemployment. Furthermore, according to the Library of Congress, the rise in the price of two-thirds of our domestic production from $5.25 to the current uncontrolled price of $13 along with the continuation of tariffs would cost the consumers almost $20 billion annually. Ralph Nader recently estimated the new decontrol measure and tariffs would cost every person in the country $225 a year. These figures furthermore, would not take into consideration the "ripple effect" of the price increases throughout the economy due to the widespread use of oil in many sectors of the economy, especially transportation, agriculture, and in generating electricity.

Eventually, there will be higher prices for the finite and increasingly used up resource that is oil. However, we must spread this rise over as long a period as possible so that alternative energy sources are available. We can do so by concentrating on sensible programs of conservation and insulation. As of now, we are still the most wasteful nation in the world when it comes to the consumption of petroleum products.

Equally alarming to the potentially dramatic fuel price increases is the fact that failure to extend the legislation beyond August 31 would end existing authority for continuation of the mandatory fuel allocation program. This authority has provided protection for independent marketers and retailers, especially important in New England, and permitted a quick response to future shortages as well as the possibility of another embargo. It is highly questionable at this time whether adequate authority would exist under the Defense Production Act to fill this gap.

If these two matters are not troubling enough, the abrupt ending of all price controls or even a phased decontrol would place oil companies in a position to make staggering windfall profits as the oil price climbs to OPEC levels possibly even to $17 after October 1. Furthermore, under decontrol, major producers would have little incentive to compete with OPEC since their price and profits would be pegged entirely to the cartel price. Although President Ford has attempted to correct this situation by proposing a windfall profits tax with a plowback provision, such taxing authority does not presently exist. In addition, congressional efforts to impose such a tax during the 93d Congress, which I strongly supported, met with considerable opposition, and were never formally adopted. The prospect for such windfall profits has led one congressional analysis to conclude that decontrol would add $318 billion to oil company funds over the next decade.

Without any question what concerns me most about the President's program of decontrol, as well as continuation of the tariff, is its impact on consumers and industry in New England and specifically, Rhode Island. As I have remarked before on the Senate floor, energy prices in New England have been far higher than those in the rest of the country as a whole. A recent Regional Federal Energy Administration study prepared last month confirms this fact again. The report shows that in 1974, prices paid for energy were 35-percent higher in New England than in the United States—an increase over the 1973 differential of 32 percent and the 1972 differential of 28 percent. I ask unanimous consent that the FEA study be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. Mr. President, unfortunately what the administration fails to recognize is that, with the region's heavy dependence upon oil as the primary source of energy, the program of decontrol and continuation of the tariff would pose an enormous challenge to the consumer's purchasing power, and to industry by further frustrating their efforts to compete with other regions of the country. The program would also make it extremely difficult to promote industrial development or expansion in New England. Needless to say, with unemployment ranging between 16 and 17 percent in Rhode Island, such a proposal without further Federal assistance would be totally unacceptable.

The adverse impact of the administration's decontrol and tariff program to the region has been well documented by Paul London of the New England Economic Research Office. According to Mr. London, the President's tariff program alone is costing the region an additional $534 million, this figure based upon the region's consumption of petroleum products—445 million barrels per year. With the President's decontrol proposal added to the above figure, New England would pay an additional $900 million to $1.2 billion annually. The cost to Rhode Island based upon the State's fuel consumption last year—37.6 million barrels—would be an additional $120 to $196 million including the existing tariff fees and decontrol. For individuals, these two programs would raise the price of gasoline, heating oil and other fuels approximately 10 cents per gallon either after August 31 or by 1977 at the latest. As mentioned previously these costs to consumers would not take into consideration the "ripple effect" on the economy.

Mr. President, in my view, the administration's decision is irresponsible, especially, if one considers the enormous problems posed by immediate decontrol after August 31. The President's decontrol cost/benefit analysis submitted to Congress on July 17 is superficial, dealing only briefly with the issue and only on a national level. Although the goals of the administration are ones I share very much and strongly endorse, especially the better conservation of petroleum products, increased production of domestic supplies, and reduction of imports, the material presented for my examination as a justification for the program only reinforces my earlier conclusions that the Executive is giving very little attention to the impact of such drastic programs on specific regions and those groups most affected by the proposals. Certainly such factors as fuel costs, energy dependency, and unemployment ought to be of prime importance in any final determination of policy.

Furthermore, although the administration goals merit strong support, I fail to be persuaded that the President's approach will accomplish his stated objectives. Price hikes since the 1973 embargo have not significantly stimulated production or cut consumption. In fact, our consumption levels in certain fuels are rapidly approaching the 1972 levels. In this regard, I would remind the administration that New England has led the national efforts to conserve energy. Figures according to the FEA indicate that overall consumption of energy has declined 1 percent in New England between 1972 and 1974. During the same period, energy consumption increased 2.7 percent in the United States. In addition, between 1972 and 1974 petroleum consumption declined 5.6 percent in New England, but increased 1.1 percent in the United States as a whole. No other region has sacrificed so much—or had so many of its interests so sacrificed by a hard-hearted Washington bureaucracy.

Mr. President, as I have remarked before, I am deeply aware of the grave situation which confronts our Nation with respect to energy, especially with the continuing outflow of dollars to OPEC estimated at $25 billion annually, as well as our rising imports of oil rapidly approaching 40 percent of total consumption. I am aware, to, that a third of our driving, of our gasoline consumption, is for recreational purposes and that we still have far to many gasoline-guzzling automobiles on our roads. I would agree that some criticism of Congress is warranted and that prompt action by Congress on a total national energy policy is absolutely essential. On occasion, though, Congress has responded very quickly to energy problems, especially during the oil embargo in 1973, far ahead of the administration. Moreover, since that time, Congress has adopted numerous pieces of legislation accelerating the development of alternative energy sources. More recently, only last week the Senate passed a major fuel economy legislation, S. 1883, which by 1985 will meet almost one-half of the administration's import reduction goal of between 3 and 5 million barrels—this step causing no harm to the economy and resulting in much savings to the consumers.

I firmly believe therefore, that the confrontation on energy issues between the Congress and administration must end. There is, indeed, room for compromise between both branches and we must continue to work together to resolve our most critical domestic problem. Any compromise, however, must not be at further expense to consumers and small business interests, who have already sacrificed tremendously.

In view of the potentially drastic impact that an abrupt end to price controls and allocation authority would have on the Nation and specifically New England, I strongly urge the President to reconsider his position on the issue and extend the basic allocation authority adopted by the Senate under S. 1849. This legislation would provide the necessary time to implement a windfall profits tax on any decontrol move, increase Federal assistance to those regions and groups most affected by any price rise, and insure adequate protection to the independent sector of our petroleum energy industry.

EXHIBIT 1

[Federal Energy Administration, Region I]

THE PRICE DIFFERENTIAL FOR ENERGY BETWEEN NEW ENGLAND AND THE UNITED STATES—UPDATE

(By Linda K. Mansfield, May 30, 1975)

NEW ENGLAND—UNITED STATES ENERGY PRICES

In 1974 the price paid by end users for major forms of energy was 35% higher in New England than in the United States as a whole. This is an increase over the 1973 differential of 32% and the 1972 differential of 28%. The 1974 increase in the differential is attributable to the substantially higher electric prices. (The increase in residual fuel oil prices were much higher than those for coal or natural gas). Table 1 illustrates the trend 1970–1974.

TABLE I.—PRICE OF ENERGY TO THE END USER IN NEW ENGLAND AND IN THE UNITED STATES

	Dollars per million Btu		New England higher than United States percent
	New England	United States	
1970	$1.7880	$1.4003	27.7
1971	1.9638	1.5224	29.0
1972	2.0076	1.5739	27.6
1973	2.2909	1.7287	32.5
1974	3.4406	2.5410	35.4

If New England were taken out of the U.S. figure in 1974 the energy prices in New England would exceed those in the rest of the United States by 38%.

The overall energy price is determined by weighting the prices of coal, natural gas, residual oil, gasoline, distillate, and electricity by the nonutility consumption of these products. All prices are exclusive of taxes.

The 1974 breakdown by product is shown in table 2 and figure 1.

TABLE II.—1974 FUEL PRICES AND INDEX WEIGHTS

	New England		United States		N.E. price higher than United States (percent)
	Weight	Price per million Btu	Weight	Price per million Btu	
Coal			8.0	$1.1290	
Natural gas	11.4	$2.4636	35.9	1.0786	128.4
Residual	21.0	1.9135	5.3	1.8657	2.6
Gasoline	27.8	3.2876	25.9	3.2340	1.7
Distillate	29.8	2.6174	12.9	2.4652	6.2
Electricity	10.0	10.6900	12.0	6.7425	58.5
Total	100.0	3.4406	100.0	2.5410	35.4

New England pays the greatest premium for natural gas and electricity. However, the prices it pays for oil products are not substantially different from those paid in the United States as a whole.

If New England paid the same prices for energy as the United States, the differential would only be 11%. So it can be concluded that the 35% differential is due primarily to higher natural gas and electricity prices, and to New England's consumption patterns which are concentrated in high price fuels, particularly distillate fuel oil.

COST COMPONENTS OF NEW ENGLAND ENERGY PRICES

It appears that cost components differ substantially among fuel types. Preliminary information based on a telephone survey indicate that the cost of crude is the major component in the New England's oil costs, the price of coal at the mine is the primary component in the coal costs, and distribution is in the case of natural gas. The components are shown in figure 2.

Gasoline and distillate show average U.S. crude costs to the refiner, $9.22/bbl, refining costs, and transportation from Texas to Massachusetts via pipeline and barge. To this is added terminalling costs in the region and the retailer's margin to make up distribution costs. The taxes shown are federal and state at the pump.

The natural gas production cost is the wellhead price, $.26/MCF. Transportation is from Texas to the final distributor in Massachusetts, via pipeline. Distribution costs are the difference between the cost of the distributor and the end-user.

The coal costs are composed of the price at the mine in West Virginia, $25/ton, and the transportation from there to New Hampshire, $6.11/ton. Since utilities contract for nearly all of the coal directly there are not distribution costs shown.

It can be seen that the production costs amount to 80% of the total cost of coal, 59% of distillate, 42% of gasoline, and 10% of natural gas. Accordingly, further increases in the price of coal at the mine or in crude oil would have a large relative effect on the final end price. However, doubling of the wellhead price of natural gas would only result in a 10% increase in the final price.

SUMMARY

Forecasts of price differentials between the U.S. and New England cannot be made without taking into account the capital changes that may be required in the conversion to alternate fuels. However, it appears that some actions would probably lead to reduced differentials. These include: deregulation of the price of natural gas; increase use of coal; and increased use of nuclear plants for electric baseload. Further work is required to determine the optimum fuel mix for the region in terms of price, security, environmental, and economic objectives.

EXTENDING THE VOTING RIGHTS ACT

Mr. MONTOYA. Mr. President, the Senate is engaged in vigorous debate concerning an issue which forms a basic thread in the fabric of American democracy. We are concerned in this debate with legislation that seeks to guarantee each citizen the right to vote. It has become an accepted fact that the right to vote is not an effective one when encumbered by artificial barriers such as literacy tests and other "tests or device." The Voting Rights Act of 1965 developed a set of interacting mechanisms, of varying application, for both immediate and long-run impact. The act served the immediate need to increase registration by suspending literacy tests and the future needs by the preclearance provisions in section 5.

Mr. President, the Voting Rights Act is 10 years old now, and we are being asked to extend the act for an additional period so that its protection will be available not only to those previously covered but to new groups and areas of the country as well.

Much progress has been made during the last 10 years, minority political participation has increased substantially; more minority citizens are registered, voting, running for office, and holding office than at any time in our Nation's past. In the Southern States covered by the act, black registration has increased by over 1.1 million, meaning that over 56 percent of the eligible black voters in those States are now registered. The disparity in registration rates between white and black citizens has also been reduced, dropping to 11.2 percent from over 40 percent. This progress, I believe, reaffirms the original wisdom of the Congress in passing the act and also argues for extension which is now being proposed.

Mr. President, this bill not only extends the act for 10 years it also expands the law to cover other minority groups, such as Spanish-speaking and American Indians. Let me take this opportunity to state that I fully support this expansion of the act. We cannot ignore the fact that significant numbers of minority citizens other than blacks have been victims of discrimination in the voting process. As Members of the Senate, I believe it is incumbent upon us to take decisive action to correct this situation so that all citizens will enjoy the full protection afforded by the 14th and 15th amendments. A country, such as the United States, which has such a wealth of racial and ethnic diversity cannot allow any citizen to be barred from voting, because of either overt or covert discrimination. The bill before us today takes much needed steps to eliminate even the remote possibility that any citizen may be deprived his basic right to vote. Mr. President, earlier I mentioned that new areas of the county as well as new groups were covered under this expansion of the 1965 act. In addition to continuing coverage in those areas covered by the 1965 act as amended in 1970 the "1975 Extension" would expand coverage in primarily the Southwest and West. The act will, if the current version is adopted, extend coverage to three counties in New Mexico.

Now, Mr. President, I want to make it clear that I do not believe any voter discrimination exists in my State. Spanish-surnamed officials have been a regular part of the New Mexico political scene as long as I can remember. Currently, over 35 percent of the State legislature, the Governor, attorney general, secretary of state, commissioner of public lands, State auditor, and a corporation commissioner of the State are of Spanish descent, and of course one-half of our congressional delegation is Spanish-surnamed. Not only is there high representation of Spanish-surnamed citizens in State and Federal offices, but the same representation is found throughout county, city, and among appointed officials as well. Furthermore, New Mexico can count many American Indians among its State and local officials. The above facts lead me to conclude that New Mexico cannot be charged with discrimination against any group of voters. These same facts also compel me to believe that New Mexico and the three counties which are included by the triggering formula used in the act have nothing to fear from inclusion within the law. Mr. President, while it would be preferable for New Mexico to be exempted from the coverage of this act, I am sure that the "bail-out" provisions of the act will operate to allow the three New Mexico counties which are covered an opportunity to remove themselves from the scope of the act. I would not that jurisdictions in Alaska, Arizona, Idaho, North Carolina, New York, Wyoming, and California were able to exempt themselves by utilizing the "bail-out" provisions of the act. I am confident that the three New Mexico counties covered by the act will also be able to secure their exemption. Let me stress that those areas of the country such as my own State of New Mexico, who have a strong history of commitment to equal opportunity for all citizens, have nothing to fear from the bill before us today.

Mr. President, the 1975 Voter Rights Extension Act is a significant piece of legislation which will provide the ammunition necessary for us to continue the battle for full equality for all our citizens. The facts demonstrate that much has been accomplished in the 10 years since the original act was passed, but they also show that there is much to be done. The current law expires in just a few weeks and it is clear to me that the Congress cannot recess without extending this vital law. It is my hope that the Senate could act expeditiously on this matter without amending the House version so that this measure could be sent directly to the President for his signature. I do not assert here that the bill is perfect in all respects, but I am convinced that it is more important to secure the uninterrupted extension of the law than it is to seek to delay the bill further. Also, I understand that the distinguished chairman of the subcommittee, and manager of this bill, Senator TUNNEY, had made known his intention to hold additional hearings for the purpose of amending the act once it is extended. I urge my colleagues to hold amendments until that time and act with dispatch in approving H.R. 6219, as passed by the House so that the President can sign this bill into law well in advance of the expiration of the present law.

EXHIBITION OF ARCHEOLOGICAL FINDS FROM THE PEOPLE'S REPUBLIC OF CHINA

Mr. SYMINGTON. Mr. President, "The Exhibition of Archeological Finds From the People's Republic of China" recently completed a very successful showing at the Nelson Gallery-Atkings Museum in Kansas City, Mo.

Two hundred and seventy thousand

Midwesterners enjoyed this exhibit from April 20 through June 8, thanks to the combined efforts of Greater Kansas City leaders and the educational and cultural affairs section of the Department of State.

The show itself elicited an exceptional amount of civic pride and energy in the "Heart of America" in this contribution to a better understanding and appreciation of the cultural heritage of the most populous member of the family of nations.

I ask unanimous consent that a letter from Mr. John Richardson, Jr., Assistant Secretary for Educational and Cultural Affairs for the Department of State, and clippings from the Kansas City, Mo., Times reporting on the success of this exhibition, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Department of State,
Washington, D.C.

Hon. Stuart Symington,
U.S. Senate,
Washington, D.C.

Dear Senator Symington: "The Exhibition of Archeological Finds from the People's Republic of China," has just completed a very successful showing at the Nelson Gallery-Atkins Museum in Kansas City, Missouri. For the Exhibition, the Nelson Gallery received a grant of approximately $397,000 from the National Endowment for the Humanities, and arrangements were facilitated by the Department of State under the Mutual Educational and Cultural Exchange Act of 1961 and the Shanghai Communique of February 1972. In view of the significance of this exhibit in your region in helping to strengthen understanding between the United States and China, I thought you would be interested in a brief report concerning its reception thus far.

I would like to express my appreciation for the support Congress has given this exhibit. Congressional enactment of P.L. 93–287 in May 1974 authorizing the Department to enter into an indemnification agreement with the People's Republic of China against loss or damage to the objects in the exhibition, helped assure that this major exhibition could be held in the U.S.

As you may know, the exhibit opened last December at Washington's National Gallery of Art, where it drew the largest crowds in the museum's history. It will conclude its U.S. tour at San Francisco's Asian Art Museum this summer. In Kansas City, where approximately 270,000 people attended, the Exhibition is being lauded as one of the most important cultural events held in the Midwest in recent years. The Midwestern region has drawn creatively upon resources from professional circles in business, education and the arts to support and extend the impact of the show. It has elicited an exceptional amount of civic pride and energy. We are pleased that so many Americans have had the opportunity to participate in an international cultural event of this kind.

As the enclosed clippings suggest, the Chinese Exhibition has contributed to American understanding of China. And, we believe that through the process of arranging and mounting this exhibit, the Chinese scholars and officials involved have learned about our society, too. We look forward to further shared endeavors between Congress and the Administration to bring about new educational and cultural exchanges of similar importance.

Please do not hesitate to call on me if you would like more information on this or other cultural exchanges.

Sincerely,

John Richardson, Jr.,
Assistant Secretary for Educational and Cultural Affairs.

Chinese Exhibition Lures 6,000 to Gallery Opener

(By Kathleen Patterson)

The Friends of Art of the Nelson Gallery of Art waited in 50-degree temperatures under the stars until 11 o'clock last night to view the Exhibition of Archaeological Finds of the People's Republic of China. Once through the turnstiles, they took the first day attendance to more than 6,000 persons.

A party atmosphere pervaded even the lines outside the gallery, which grew to 2,000 persons. A corresponding number of unticketed cars lined the no-parking areas along Rockhill Road.

Soon after the 7 p.m. Friends of Art reception began, Han Hsu, leader of the Chinese delegation, made a brief stop at the gallery. His car drew cheers from the waiting patrons.

Yesterday afternoon 1,800 persons from as far away as New York and Michigan stood in line about an hour and a half for the first public showing of the exhibition. Attendance was below what had been expected, but gallery officials said it was just as well—more persons could not have been accommodated in the 4-hour afternoon showing.

About 150 persons were turned away when the doors were closed at 4 p.m. Another 300, the last admitted, waited in lines inside. Those who waited their turns, in the afternoon and evening, said the time was well spent.

The invitational reception for the Friends of Art, the membership group that supports the gallery, was to have run in two shifts, from 7 to 9 p.m. and 9:30 to 11:30 p.m. But the plan was scratched when turnout was much larger than expected. About 9 p.m. officials went through the lines outside with the news that the gallery would stay open as late as possible to let all the members through.

At 10 p.m. officials announced that the special shuttle buses from the Country Club Plaza and south on Oak to 52nd would continue running until 3 a.m.

"It's a thrilling experience," Mrs. Beryl Flathmam, 108 W. 103rd, said while walking out of the exhibition. "Kansas City is very fortunate." When the exhibition leaves this country, it will have been shown in only two other American cities, Washington and San Francisco.

Equally eager were those outside. "We don't mind waiting at all," members of the Alan Ryder family, of 8508 W. 88th, Overland Park, said. "We've been here about an hour," Ryder said. "It's not bad. I'm sure it's worthwhile."

No one in the line, which was replete with long gowns and dark suits, abandoned plans to see the show. Two-hour waits were average.

In the Rozelle Court gallery officials took a break. Mrs. Philip F. Rahm, chairman of the planning committee for the receptions last night and Saturday, suggested a pool to guess the total attendance last night. She guessed 7,200 persons. Ralph T. Coe, assistant gallery director, guessed 6,800 and Laurence Sickman, director, took the lowest number, 5,100. There was mention of the winner treating the losers to a Chinese dinner.

The officials' days had been long. Coe escorted Han Hsu and two other members of the Chinese delegation around the city, including the stockyards, Kemper Arena, Truman Sports Complex, the Liberty Memorial, and even a dairy farm 60 miles from the city.

Mrs. Rahm began at 9:30 a.m. tearing down the decorations for the Saturday night reception, to replace a huge centerpiece in Kirkwood Hall with more room for lining up persons during the afternoon public opening.

The reception refreshments last night included 100 cases of white wine and 150 pounds of pastry. Around 10 p.m. more wine was ordered.

Friends of Art membership jumped when the Chinese exhibition and the Friends of Art reception, were announced. Mrs. Glenna Youngstrom, executive secretary of the organization, said the 5,000 memberships had grown to nearly 6,500 since March 1, including family memberships.

Another party is scheduled for tonight, Mrs. Rahm said. Sickman is giving a party for all employees at the gallery, including workers hired to help set up the exhibits, and the policemen assigned to duty at the gallery throughout the exhibition.

"He is giving the party to thank everyone who has worked so hard," Mrs. Rahm said.

The crowd on hand for the first public showing of the historical collection yesterday afternoon included a couple from Ann Arbor, Mich. They flew to Kansas City yesterday morning and planned to return to Ann Arbor last night.

"We love art," Jerry and Gerry Dombchik explained. They read about the exhibition in the New York Times. "But I think we could get to China faster," Mrs. Dombchik, a student and painter, said, looking from the second floor lounge to the line below in Kirkwood Hall.

Four students from Omaha were turned away at the entrance in the last afternoon and complained they would not be able to return because of impending final exams.

At the entrance to the exhibition, after individuals wound their way through the gallery's west wing, then through a maze in Kirkwood Hall, they were told to go through the exhibition at their own pace. They could linger to read about the excavations which produced the objects. Most viewers did, taking an average of an hour and a half to wander through the exhibition.

Robert K. Martin, project director, said about 500 persons toured the exhibition each hour. For future reference, he said, the public opening yesterday indicated persons could figure on about three hours at the gallery for the Chinese show, including time for waiting in line.

Police stationed at the gallery said there had been no traffic problem although the parking lots were full most of the afternoon. Special shuttle busses from the Country Club Plaza and University of Missouri-Kansas City ran empty or half full. A driver at the Sears parking lot at the Plaza, where busses left three times an hour, said he carried 42 persons on his first trip, then no more than 12 on successive trips. His seventh trip arrived empty.

A Blue Springs family arrived at 9 a.m. in hopes of being first in line for the opening. They followed four other persons, but claimed to be the first family admitted.

Mr. and Mrs. Raymond Naudet, and Amy, 12, Pat, 10, and Kelly, 7, all of 171A Lake Tapawingo picnicked while they waited.

"We wanted the children to remember as long as they lived that they were first in line for the Chinese exhibition," Mrs. Mary Kay Naudet said. The children attend a Montessori school owned by their parents, and had been schooled on the exhibition. Kelly was able to explain to another group in the exhibition just why the Chinese depict a horse with wings.

"When horses die, they turn into dragons," Kelly said. "They believe that the horse will take them into the other life."

They liked the "happy dragon," a wine vessel in the shape of a dragon with a grin on its face. Amy was interested in the acupuncture needles.

"They had them 2,000 years ago, and we're just now beginning to get into it," she said, but admitted she wouldn't want to try the surgical method unless the practitioner knew what he was doing.

Several parts of the exhibition held their viewers for more than a few minutes. A crowd gathered around the jade shroud sewn with gold thread and worn by Tou Wan, wife of Prince Ching of Chung-shan. A parent-child interchange next to the suit's glass case:

"Did they really put a man in there?"

"No, it was a woman."

'Did they really put a woman in there?"

"Yes."

"How come they buried her in that?" No reply.

Mrs. Julianna Liu, of 3506 N.E. 46th Terrace, was impressed by the jade suit. "It looks perfect," she said, sitting next to her 4-year-old daughter and Chinese-speaking mother-in-law, Mrs. Nancy Liu.

Now an American citizen, Mrs. Liu said she moved from Peking to India at the age of three and has lived in this country for six years. Friends in New York who saw the exhibition while it was in Washington recommended it, she said.

THE GREAT CHINESE EXHIBITION AT THE NELSON

Kansas City's good fortune as one of the few cities of the world selected for the display of artifacts discovered in the People's Republic of China was not exaggerated. Thousands here have seen it already and tens of thousands will see it before the June 7 closing. Most will testify to the beauty and historic grandeur of an ancient civilization outlined at the William Rockhill Nelson Gallery of Art.

Taken as a whole, as a procession of man's climb through the ages, the collection is almost overwhelming. Taken separately, the beauty of individual works—some done by craftsmen 6,000 years ago—is evidence of man's constant yearning toward utility and beauty, and of the timeless creative spark that generated incredible skills in unknown centuries of prehistory.

Among the 385 objects, each viewer will have his own favorite. The Flying Horse of Kansu is the centerpiece for many. It is displayed in a shaft of light but with strategically placed openings in the room from which a procession of similar horses and warriors can be seen from dramatic perspectives. The little gilt-bronze leopards of the Han dynasty with their blazing garnet eyes have been favorites in every city. Those who have seen the exhibition elsewhere say that the display is superior at the Nelson.

The Chinese prescribed the order of the objects and specified all wall labels, maps and photographic materials. The gallery staff, in co-operation with the Chinese, has mounted an exhibition that is ingenious in its arrangement for the convenience and ease of the visitor. The lighting is outstanding, the cases can be viewed from two or more sides to reduce crowding, and the channeling of the viewers encourages leisurely or quick inspection. Not all gallery buildings are flexible enough to absorb a display of this scope.

"The Exhibition of Archaeological Finds of the People's Republic of China" will draw immense crowds to the Nelson over the next six weeks. Kansas City, along with the Chinese, is host to one of the great anthropological and artistic occasions of the age. It is a time of cultural opportunity for the region and a source of pardonable pride.

IMPROVING THE COST-OF-LIVING ADJUSTMENT MECHANISM

Mr. KENNEDY. Mr. President, enactment in 1972 of the cost-of-living adjustment mechanism represented an important first step in protecting elderly persons from the impact of inflation.

Nearly 31 million social security beneficiaries received an 8-percent automatic adjustment on July 3 of this year, instead of the 5-percent ceiling proposed by President Ford.

I was pleased to join Senator CHURCH, the chairman of the Committee on Aging, in resisting the administration's outrageous attempt to reduce monthly benefits authorized by law. It would have cost the elderly recipients $2.1 billion in lost income had it been designed.

The automatic escalator was designed to protect the elderly from inflation. President Ford's proposal, however, struck at the very heart of this concept.

Because the Congress prevailed, the average social security beneficiary will receive approximately $70 more during the next year than under the administration's recommendation.

When the administration could propose a 35-percent hike in weapons research and development, I find it incomprehensible that the administration could have decided to force the elderly to bear the major burden of budget cuts.

Inflation continues to be the aged's No. 1 enemy. The cost-of-living adjustment mechanism, to be sure, has provided valuable protection. But other actions are still needed if older Americans are to have full protection from inflation.

Recently, Senator CHURCH introduced the Social Security Cost-of-Living Improvement Act which I cosponsored. The bill is designed to strengthen the automatic escalator provision in two ways:

First, it would authorize adjustments up to twice a year, provided the Government's Consumer Price Index increases by at least 3 percent from one base period to another.

Second, it would direct the administration to develop a special Consumer Price Index for the elderly.

Recently Wendell Coltin, of the Sunday Herald Advertiser, Boston, Mass., wrote an excellent article, describing Senator CHURCH's Social Security Cost-of-Living Improvement Act.

Mr. President, I commend this account to my colleagues, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEDICARE MAILBOX—SENATOR CHURCH FILES BILL CALLING FOR SEMIANNUAL COST OF LIVING HIKES

(By Wendell Coltin)

Even before the 31 million Social Security beneficiaries endorsed their checks received three days ago, containing the first cost-of-living increase (8 percent) under the 1972 amendments, Sen. Frank Church (D.-Idaho) introduced legislation to authorize cost-of-living adjustments up to twice a year.

Sen. Church, chairman of the Senate Committee on Aging, was the sponsor of the cost-of-living adjustment mechanism and was quoted in our special section Tuesday, June 10, as stating its enactment "represented a major victory for the nation's elderly."

Incidentally, because of numerous inquiries—and orders we continue to receive for that special section—requests should be addressed to SS-75, Herald American, PO Box 900, Boston, Mass. 02103. Along with enclosing 25 cents for each copy requested, those requesting it for themselves, or to be mailed to others, should be sure to include the name and address where each paper should be sent.

Sen. Church's proposal to improve the cost-of-living adjustment mechanism for Social Security beneficiaries is designed to strengthen the automatic escalator provision by authorizing twice-a-year payments and directing the Social Security Administration to develop a special index to serve as the basis for such adjustments. His bill calls for adjustments to be made in April and October instead of once a year.

"A special index is needed now," he said, "to reflect more accurately the impact of inflation upon the elderly. In recent years, some of the sharpest increases in prices have occurred in areas where the elderly have the greatest expenditures."

During the past year, food, housing, medical care and transportation increased at a rate ranging from 29 to 43 percent higher than other items in the Government's inflation measurement index, it was pointed out. These expenditures typically account for about 80 percent of an aged family's limited budget.

Sen. Church said the change to two SS adjustments a year would allow benefits to be kept current with rising prices during periods of accelerated inflation. It would also provide an extra hedge against inflation, particularly when living costs jump precipitously, he stated.

PARKS ARE FOR PEOPLE

Mr. MOSS. Mr. President, in recent months there has been a significant shift in National Park Service policy. The National Park Service seems determined to eliminate overnight lodging concessions from the national parks. This policy has important ramifications for those people who visit our national parks because it would limit the use of the parks which belong to the people.

The Park Service claims this policy is consistent with their Organic Act of 1916 which directed the agency to conserve the scenery and natural and historic objects and wildlife therein and to provide for the enjoyment of the same in such manner and by such a means as will leave unimpaired for the enjoyment of future generations. However, I am certain that those wise legislators who foresaw that hundreds of visitors in the 1920's would become thousands and even millions in the 1960's, never intended to seal off use of the parks so that most latter-day Americans could not enjoy them.

We are forgetting, I believe, that our national parks are for people, and that a vast majority of Americans see most of our natural wonders from the window seats of their automobiles, or after a short hike from a visitor's use area. They come into our national parks not with a pack on the back, but with a car full of children.

Are we over emphasizing wilderness and under emphasizing people? I think so. At least the situation in my State of Utah leads me to think so. The National Park Service is proceeding on schedule to phase-out the lodging facilities at Zion National Park. Zion Park is the most popular park in the State. Last year over 900,000 people visited Zion Park and the rate of visitation is up this year. Elimination of the overnight facilities will lead undoubtedly to a significant drop in total visitation. There are not tourist facilities available to fill the void created by the elimination of Zion's overnight facilities. The National Park Service expects the town of Springdale—population 172—and the town of Virgin—population 119—to meet the tourist demand. These small communities cannot do it. A draft environmental impact statement prepared by the Department of the Interior recognizes this problem but it seems the Park Service cannot be deterred. The environmental impact statement states that the town of Springdale is expected to absorb the increase of overnight travelers. However, the draft goes on to say that initially Springdale most likely will not be able to handle the increased tourist demand and the result would be inconvenience to the park visitor and a continuation of lodging facilities for at least 6 to 8 years may be a necessary alternative.

The National Park Service should be seeking, in the words of past Park Director Hartzog:

> To extend more broadly to all Americans the many values and opportunities represented in their national park system.

Instead it is attempting to limit use of the national parks.

LIMITED NUCLEAR WAR

Mr. SYMINGTON. Mr. President, the administration's recent statements concerning the possible use of nuclear weapons by the United States have stimulated considerable debate on American nuclear policy both within and outside the Government.

Among the various articles and statements which have recently appeared in the press on this subject, two in particular illustrate the central issues in this debate.

The first is an article by George C. Wilson which discusses the administration's proposed new nuclear strategy of "limited nuclear warfare." This article appeared in the Washington Post on Sunday, July 20.

The second is a letter to the editor of the Post by Dean Adrian Fisher of the Georgetown University Law Center, which discusses U.S. nuclear policy toward nonnuclear nations. It appeared on July 21.

As these writers make clear, any change in U.S. nuclear policy will have significant implications not only for the defense of this country, but the perception of America by the rest of the world.

At a time when the administration is seeking to lessen international tension through the Strategic Arms Limitation Talks—SALT—and various other arms control, trade and cultural efforts, it would appear that any shift in our nuclear doctrine toward making a so-called limited nuclear war more acceptable could upset the present nuclear balance as well as possibly encourage further nuclear proliferation.

I ask unanimous consent that the two articles in question be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

NEW U.S. STRATEGY FOR NUCLEAR WAR

(By George C. Wilson)

The congressman from Michigan took the floor of the House on Jan. 19, 1951, to demand that the White House and State Department let the U.S. Air Force bomb deep inside China to help American troops "pressed to the breaking point" in Korea.

"First and foremost," he said, "we must bomb the Chinese Communist supply bases in China itself. . . . The fallacy of fighting the hordes of Asia on the ground is obvious. We are bleeding ourselves to death, which is just what Stalin wants us to do. It is utter stupidity to continue such a policy when we are not fighting with both fists."

Back then, in 1951, he was Rep. Gerald R. Ford, an obscure Republican from Grand Rapids, Mich. Today he is President Ford—commander-in-chief of military forces that could incinerate the world in half an hour. He talked about Korea and the use of American power again, as President, just a few weeks ago.

"Mr. President," a reporter asked him at his June 25 press conference, "let me just ask you this question point blank: If North Korea attacked South Korea, would you use nuclear weapons to stop that?"

After some verbal fencing, the President responded: "I am not either confirming it or denying it. I am saying we have the forces and they will be used in our national interest, as they should be."

While Congressman Ford in the 1950s was complaining about restraints on American power, a Harvard professor was calling for more imaginative use of our A-bombs and H-bombs. In 1957, the professor set down his thoughts in a book entitled "Nuclear Weapons and Foreign Policy." He argued that nuclear weapons could be used without crossing the firebreak separating little wars from world holocaust.

"With proper tactics, nuclear war need not be as destructive as it appears when we think of it in terms of traditional warfare," he wrote.

"Without damage to our interest," he argued, "we could announce that Soviet aggression would be resisted with nuclear weapons if necessary; that in resisting we wuold not use more than 500 kilotons explosive power unless the enemy used them first; that we would use 'clean' bombs with minimal fallout effects for any larger explosive equivalent unless the enemy violated the understanding; that we would not attack the enemy retaliatory force or enemy cities located more than a certain distance behind the battle zone. . . .

"A limited nuclear war does not guarantee success by itself," he wrote, "but it would use the sociological, technological and psychological advantages of the United States to best effect. . . ."

Back then, in 1957, he was Prof. Henry A. Kissinger, executive director of the Harvard International Seminar and a strategist confined to consulting the government. Today he is Secretary of State Kissinger, maker and implementer of government policy, staff boss of the President's National Security Council. In those jobs, he has signed off on changes in American nuclear war strategy—with some concepts reminiscent of the ideas he set down in his 1957 book and amended in a subsequent study.

Another college professor—this one an associate professor of economics at the University of Virginia—joined Kissinger in the 1950s in theorizing about how America could use its power in the world more effectively.

"We have not reconciled ourselves emotionally to the need for the continual exercise of power to protect our interests," this professor wrote in a book published in 1960 and entitled "The Political Economy of National Security."

He contended that "we must become adjusted to the heavy costs of limited warfare as a condition of life. . . ."

This same professor later devoted full time to analyzing military strategy as director of strategic studies of the Rand Corp. from 1963 to 1969. He never served in any military service himself and thus was denied the chance to see what happens to many theories in actual combat.

Today he is Secretary of Defense James R. Schlesinger—civilian head of the world's mightiest military establishment and adviser to President Ford, both as defense secretary and member of the National Security Council.

Mr. Ford, Kissinger and Schlesinger—who came together by a series of political accidents—are now this nation's civilian triad for making military policy. Their past statements portray them as hawks, believers in using American military power forcefully—including setting off nuclear weapons on a battlefield, under some circumstances, in the common belief this would not necessarily lead to uncontrolled incineration of the world.

THINKING THE UNTHINKABLE

The extraordinary willingness of these three top government executives to think and talk about the unthinkable—nuclear war, including firing the first "nuke"—has aroused concern among arms control specialists in this country and drawn fire from Soviet spokesmen over the last several weeks.

The public perception has been that nuclear weapons would be used only if everything else had failed—the American or NATO cause appeared almost lost or Russia had hit us first. But the Ford-Kissinger-Schlesinger willingness to consider nuclear war controllable has resurrected some of the old scenarios about using nukes like conventional artillery on the battlefield. Army theoreticians—to the disgust of some battle-hardened officers who know that actual combat is often mass confusion—are holding secret meetings in the Pentagon these days for example, to sing the praises of the new nukes that destroy only the target—nothing else. "Zero collateral damage" is one of the buzz phrases used by this once "out" group that now finds itself "in."

Strategic Air Command bomber crews, to cite another reaction to this "nuclear wars can be small" theory, are being trained to swing their sights to smaller targets in Russia, such as a single refinery or factory, rather than a big target like an airfield or missile base or city.

The first question one might ask about all this is whether there is anything really new in what our government's hawkish triad is saying and doing about American nuclear strategy? Secondly, if there are changes being made in long-standing American strategy, are they anything to worry about? The main source for the answer to the first question is Schlesinger, whom President Ford has let explain administration policy in this area.

There is indeed something new—as Schlesinger himself has said publicly on a number of recent occasions. These are a few of his specific statements on this first question of newness and change, listed in chronological order:

"There has taken place . . . a change in the strategies of the United States with regard to hypothetical employment of central strategic forces. A change in targeting strategy as it were . . ." Jan. 10, 1974, before the Overseas Writers Association.

"The main point of this change in strategic doctrine is to introduce flexibility and options for the national command authorities so they may deal with a set of events without being forced by prior planning to make a decision that would bring about a degree of devastation that neither the Soviet Union nor the United States, nor our allies around the world, would find palatable . . ." April 4, 1974, before two subcommittees of the Senate Foreign Relations Committee.

"The change in targeting doctrine is, of course, both broader and more limited than counterforce attacks." (Counterforce is the term for weapons shot at the other side's missiles and bombers—his military force as distinguished from his cities.) ". . . The purpose of our changing our targeting doctrine has been to enhance deterrence . . . A major change which results from the change in targeting doctrine is that we are paying much more attention than previously to planning for the possibility of these kinds of selective strikes we have been talking about . . ." Sept. 11, 1974, before the Senate Foreign Relations Arms Control subcommittee.

So we have Schlesinger's own word that there is something new in American nuclear doctrine—that there have been changes made, even though some Pentagon officials are still reluctant to admit it.

TO WOUND, NOT KILL

The basic objective of the changes is to let the President aim for the enemy's ear lobe, leg or arm with the nation's nuclear gun—not just the heart or other vitals. The President under this changed strategy could merely wound his adversary—not necessarily kill him.

This option to wound rather than kill could mean that in a war the President would give an Army colonel permission to set off nuclear mines to stop Soviet troops marching toward West Germany; order a B–52 bomber pilot to fire one of his SRAM nuclear-tipped missiles at a single Russian refinery or factory; radio a submarine skipper to shoot a missile at a Soviet airfield; approve the launch of a few Minuteman ICBMs to knock out the communications center for Soviet rocket forces without hitting cities in the process.

Without such an option to wound, Schlesinger argues that the American President might be afraid to fire the nuclear gun at all. Schlesinger has made that point in the complex phrases of the nuclear strategist—a specialist sometimes hard to understand:

"The point is that we should deter nuclear attacks on the United States across the spectrum" by preparing for a limited nuclear conflict as well as an all-out war. "If an opponent were to decide that we would be self-deterred because the President of the United States lacked adequate response options, and if an opponent were a risk taker, then such a selective nuclear attack becomes conceivable."

Having sold this strategy to President Ford, with the help of Kissinger or at least his compliance, the defense secretary is now trying to give America's nuclear forces more of a wounding capability than they have had in the past as well as a killing one. For the moment, this requires tinkering with the missiles and bombers we already have rather than building new ones. The idea is to make these wepons more selective, more accurate and more responsive to the President's commands.

For example, before Schlesinger started to implement the changes, it would take up to 24 hours to go inside a Minuteman III long-range missile targeted on Russia and tinker with its brain—a computer—so it would shoot at a different target than the one previously programmed. The Air Force is now installing what it calls a command data buffer system so the missile's mechanical brain can be washed of its old targets and re-instructed within 36 minutes to hit new ones. The men making the change would no longer have to go inside the missile silo itself.

Such tinkering and research on ways to make our nuclear weapons more surgical will cost about $300 million in this year's Pentagon budget, but that is just the beginning unless the United States and Soviet Union find a way to call off this pursuit of precision.

The second question, about whether changes in American nuclear strategy are anything to worry about, is the tougher and more important one. Certainly, respected members of the arms control community and of Congress are worried about the changes, even if Ford, Kissinger and Schlesinger are not.

THE KING'S NOSE

Critics of the new targeting doctrine recall the age-old warning about never hitting a king in the nose unless you intend to kill him. They contend that there is no such thing as a little nuclear war—that once either the United States or Russia hits the other's homeland with a nuke there will be no way to control the nuclear incineration. Schlesinger escalated their concern by recently asserting that the United States might fire a nuclear-tipped Trident submarine missile at Russia before the Soviet Union had resorted to nukes in a war in Europe. This willingness to threaten "first use" of a big strategic missile like Trident—as distinguished from smaller battlefield nuclear missiles like mines or short-ranged missiles which would not reach Russia from Germany—is considered provocative by some arms control specialists.

Sen. Stuart Symington (D-Mo.), a former Air Force secretary and member of the Senate Armed Services, Foreign Relations and Joint Congressional Atomic Energy Committees, heard Schlesinger explain the new targeting strategy in top secret briefings and came to this conclusion:

"The new targeting program lowers the nuclear threshold and increases the possibility of the beginning of nuclear weapons use in war. . . . The more you lower the kilotonnage of these weapons, the more you disperse them around the world, the more you make them common practice for utilization of our services and those of our allies, the greater the chance of their going off and the world blowing up."

Sen. Edmund S. Muskie (D-Maine), chairman of the Senate Foreign Relations Arms Control Subcommittee, is worried that the unthinkable idea of using nuclear weapons has already become thinkable by virtue of officials in the United States and Soviet Union portraying them as legitimate arms for battle. Said Muskie to Schlesinger:

"Whether or not this new strategy is designed to lower the nuclear threshold, it seems to me at the very least to reflect the fact that perhaps the nuclear threshold has already been lowered; that both sides now are less horrified by the prospect of nuclear war; that both sides are now more willing to consider the use of tactical nuclear weapons."

"What concerns me," Muskie said in another exchange with Schlesinger, "is that in building these limited responses we cloak the possibility of massive exchanges" of H-bombs and thus erode the deterrent value of "massive retaliation" which has kept the United States out of a nuclear war so far.

"If we add evidence to our doubts upon our willingness to go the full route," Muskie argued, "it seems to me that we add assurance to the other side's belief that we will be self-deterred. Therefore, you encourage the development of limited war as an acceptable kind of conventional military involvement. And when you escalate the possibilities to that level, it seems to me you escalate the possibility for ultimate nuclear war."

In rebuttal of such fears, Schlesinger has cited the desires of earlier Presidents to have something besides "an all or nothing at all" option; stressed that the United States would only fire nukes in response to aggression, and that even then it would be an agonizing decision; said filling in the gaps in our nuclear deterrence, while strengthening conventional forces, will make nuclear war less—not more—likely.

Schlesinger has translated his theory about the possibility of selective nuclear warfare into a Soviet missile attack on the Whiteman Air Force base outside St. Louis, Symington's hometown. Whiteman is a big launching pad for Minuteman missiles targeted on Russia and thus might be selected by Kremlin leaders trying to hit military targets instead of cities—a so-called "selective" strike.

If Russia, said the Pentagon, hit each of the 150 Minuteman II silos at Whiteman with two, big dirty nukes and attacked Strategic Air Command bomber bases as well, as many as 750,000 people in St. Louis would die and another 210,000 would be injured by the radioactive fallout carried to the city by the wind after what the Pentagon called a "worst case comprehensive counterforce attack." Russia would not aim at cities in such a counterforce attack, but at American missiles and bombers.

The Pentagon said it figured those casualties on the basis of the average fallout protection in U.S. metropolitan areas. It did another calculation figuring the shelter St. Louis itself actually has available, estimating the fallout casualties from the "dirty" attack would be 51,000 deaths and 540,000 injuries.

If the Kremlin's leaders concentrated on precision and aimed a single "clean" one-megaton bomb at each of Whiteman's missiles, the casualties from fallout would be much less in St. Louis but still not comforting. The Pentagon figured 26,000 people in St. Louis would die from fallout coming from a selective, clean attack and 130,000 would be injured—using the national average of fallout protection. With what the Pentagon called "effective" use of shelter available in St. Louis, the Pentagon said deaths in St. Louis from fallout might be brought under 1,000 and injuries would go down to about 3,000.

If the wind were blowing from east to west, said the Pentagon, the fallout from such a precision attack on Whiteman would hit Kansas City—killing 216,000 and injuring 477,000 people there, using the national average of city protection. Those figures would be lowered to 1,500 deaths and 8,000 injuries if Kansas City's shelters were used effectively, the Pentagon added.

Thus, if the Ford administration pursues this new selective targeting doctrine to its logical conclusion, it will have to re-issue the politically unpopular call for spending more money on fallout shelters.

With rhetoric which Hollywood might put into a Dr. Strangelove movie, the Pentagon has put together a slide show on the new targeting doctrine to help congressmen and others understand it. Slide 17, for example, makes the argument this way:

"The Soviets have a capability to conduct limited nuclear strikes on U.S. military targets. Nth country attacks will by their nature be limited in the foreseeable future.

"Although the probability of nuclear war is extremely remote, a limited strike scenario—as contrasted with a full exchange scenario with the Soviet Union—may be the more likely way a nuclear war could start.

"By: Developing pre-planned options for less than SIOP (Single Integrated Operation Plan)—level strikes. Investing in C3 (command, control and communications) and retargeting flexibility to provide improved ad hoc response capability.

"We can contribute to deterrence of such attacks by improving our capability to deny the hypothetical attacker his objectives.

"To do otherwise would result in unacceptable alternatives in the face of such an attack—no response or holocaust.

"The likelihood of limited nuclear attacks cannot be challenged on the assumption that massive civilian fatalities and injuries would result."

KEEPING UP WITH MOSCOW

In plain language, the Pentagon is arguing that the Soviet Union is pushing ahead with nuclear weapons that could be used for selective as well as all-out attacks; that the United States must keep up with Russia in this endeavor unless both sides agree to call off the development and fielding of more precise nuclear weapons.

But how will such neat theories about nuclear warfare stand up if they ever have to be tested in battle? The Vietnam experience is hardly comforting in this regard. Before that war got out of hand and required the presence on the ground of a 500,000-man American expeditionary force, the theorists were talking about keeping the war manageable through a strategy of graduated response—tit-for-tat.

Ironically, Kissinger himself—despite his support of the new targeting doctrine today—warned against expecting limited nuclear war to remain limited. In his 1960 book, entitled "The Necessity for Choice," he wrote the following:

"While it is feasible to design a theoretical model for limited nuclear war, the fact remains that 15 years after the beginning of the nuclear age no such model has ever won general agreement. It would be next to impossible to obtain a coherent description of what is understood by 'limited nuclear war' from our military establishment.

"The Air Force thinks of it as control over a defined air space. The Army considers it vital to destroy tactical targets which can affect ground operations, including centers of communications. The Navy is primarily concerned with eliminating port installations.

"Even within a given service, a detailed, coherent strategy is often lacking. The Strategic Air Command and the Tactical Air Force almost surely interpret the nature of limited war differently.

"Since disputes about targets are usually settled by addition—by permitting each service to destroy what it considers essential to its mission—a limited nuclear war fought in this manner may well become indistinguishable from all-out war."

LETTERS TO THE EDITOR—ON THE QUESTION OF FIRST USE OF NUCLEAR WEAPONS

In its July 14 editorial the Post, in my judgement, was properly critical of a proposed unilateral declaration of no first use of nuclear weapons applicable even to another nuclear power. However, your editorial did not explore the matter in depth.

The question of first use of nuclear weapons is critical not only to the relationship between the U.S. and the U.S.S.R., but equally to the relationship between these two powers and the rest of the world, particularly as it affects the vitality of the non-proliferation policies of the United States. Put in its simplest terms, we are now asking other countries to accede to the Non-Proliferation Treaty (NPT) and thereby to renounce nuclear weapons. It would seem that under the circumstances the least that we can do is agree not to use nuclear weapons against parties to the NPT who have pledged not to acquire nuclear weapons of their own. This is the issue.

The issue is *not* whether we should agree not to use nuclear weapons against another nuclear power in the event of hostilities. Viewed in this light, the argument that an agreement not to use nuclear weapons against non-nuclear states would threaten the stability of NATO appears to be irrelevant. I know of no person who is seriously concerned about an attack against the NATO powers carried out by the Warsaw Pact powers without the involvement of the U.S.S.R. By the same token, I know of no American official who has said what Secretary Schlesinger has stated in one important respect: He is the first to assert publicly that we could conceivably retaliate against the *Soviet homeland* with strategic nuclear weapons in response to a conventional Soviet attack in Europe. Past pronouncements have always dealt with a scenario wherein a conventional attack in Europe is met by a nuclear response in Europe with tactical battlefield nuclear weapons. That traditional scenario is horrendous enough to contemplate, but the launching of nuclear weapons against the Soviet homeland would almost certainly escalate into all-out nuclear war.

The U.S., at least on one occasion, has worked out what seemed to many to be a credible solution of this no first use against non-nuclear countries dilemma. I refer to the ratification of Protocol II to the Treaty establishing the Latin American Nuclear Free Zone (the Treaty of Tlatelolco) in which the United States explicitly undertook "not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty." In its resolution consenting to ratification of the Protocol the Senate qualified that commitment somewhat to assert that the United States government would "have to consider that an armed attack by a Contracting Party, in which it was assisted by a nuclear weapon-state" would invalidate the United States' no-first-use pledge.

A formulation of this kind in an agreement with the U.S.S.R. dealing with the non-use of nuclear weapons would resolve the dilemma. It would remove the U.S. from the untenable position of asking other countries to sign the Non-Proliferation Treaty while not indicating any willingness to restrict its own nuclear options. It would also satisfy any legitimate concern about an attack on NATO carried out in concert with the Soviet Union.

While such a formulation is not perfect it would however, be infinitely better than the continuation of a policy of threatening to be the first to unleash the horrors of nuclear war.

ADRIAN S. FISHER,
Washington.

CUBA

Mr. KENNEDY. Mr. President, an apparent shift of attitude and policy by the administration recently with regard to Cuba deserves our commendation and support. The strong trend within the hemisphere supporting an end to the anachronistic policy of isolation has been evident for some time. Now it appears at last that the United States has begun to move with the hemisphere tide rather than against it.

In practice, if not formally espoused as yet as policy, we have acted within the Organization of American States in support of lifting the sanctions against Cuba imposed more than a decade ago.

Had such an attitude been exhibited at Quito last fall, we could have avoided the past months of continued dissension within the OAS on this issue. The hemisphere sanctions would have been lifted and each nation could then have proceeded on its own course of normalization.

The efforts to modify the Rio Treaty to permit a majority decision to amend that measure now is underway at Costa Rica. Prospects from recent reports and from the Department of State are positive in that regard. And we are supporting that conclusion.

More important, there appears to be general agreement to promptly hold a subsequent session of the OAS members in a formal "organ of consultation" in order to specifically act on the issue of the sanctions themselves. Although this decision would require a two-thirds majority, the administration is now supporting this decision. That altered attitude offers positive perspectives that the necessary two-thirds will be obtained.

In the aftermath of that action, I would hope the administration then would move expeditiously to begin the process of normalization of our own bilateral relations with Cuba.

I urged the start of that process some 5 years ago. The administration's past failure to take steps in this direction increasingly has been an obstacle to our fulfilling the concept of the new dialog proposed by the Secretary of State.

In that regard, I have introduced S. 935 to remove the legislative authorization for the trade embargo against Cuba. Senators CRANSTON, CULVER, HATHAWAY, MCGEE, MCGOVERN, SYMINGTON, and TUNNEY have joined me in that effort. In the House of Representatives, Congressman BINGHAM, Congressman HARRINGTON, and others have introduced similar measures.

At a time of acute awareness of the impact of embargoes, the maintenance of our own trade embargo against Cuba reflects a glaring contradiction in policy on our part. In addition, the embargo has failed to achieve its original objectives and reflects attitudes which can no longer be defended in a time of renewal of relations with China and with the process of détente with the Soviet Union.

In addition, more normal relations with Cuba holds out hope for advances in several important areas of humanitarian concern. It clearly would result in more flexible travel policies between our two countries, policies that would likely permit long-separated families to meet once again.

Also it could well have a positive impact on the political prisoners still languishing in Cuban jails. However many individuals have exited from prison during the Cuban process of rehabilitation, a substantial number still remain behind bars. There is no question that our past policies have not been effective in achieving any change in the condition of those prisoners.

The removal of the embargo and the diminution of the specter of a perpetually hostile U.S. adversary on the other hand may set the stage for humanitarian actions on the part of the Cuban Government in this area. And there have already been some indications of this possibility in the freedom granted to a small number of U.S. citizens held prisoner following the visits of Senators JAVITS, PELL, and MCGOVERN.

I would hope that the normalization of relations with Cuba would be the outcome of the process whose opening chapter is now being written in Costa Rica, and being written with the acquiescence of the administration.

I ask unanimous consent that recent articles on our change in policy at the OAS be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, July 16, 1975]

CUBA EMBARGO THE MAIN ISSUE AS OAS MEETS

(By David Binder)

SAN JOSE, COSTA RICA, July 16.—Delegates of 24 member countries of the Organization of American States convened here today to seek ways to accommodate Cuba once more in the hemisphere body, ending 11 years of boycott.

The O.A.S. failed to lift the 1964 embargo on trade and political relations with the Government of Premier Fidel Castro in an attempt at a meeting of foreign ministers last November in Quito, Ecuador.

At that time, a pro-Cuba faction believed it had sufficient supporters—14 of the 12 members who imposed the embargo—to lift the ban. But only 12 countries voted for the change. The United States was among those abstaining.

Now the promoters of change, including the United States, are attempting a more elaborate exercise involving amendment of the 1947 Treaty of Rio de Janeiro upon which the O.A.S. is founded.

Over the next two weeks, the delegates assembled here at the Irazú Hotel, named for Costa Rica's quiescent volcanic mountain, will attempt to alter the treaty to allow such matters as the Cuba issue to be dealt with by a simple majority instead of a two-thirds majority.

That shift and others would still require ratification by the parliaments of the O.A.S. members, a process that could take up to two years. But in the view of some members, a change in the voting rules would indicate a shift on the Cuba question.

If it succeeds, hemisphere officials said, the United States and other members would propose jointly that the O.A.S. delegates here transform themselves into an "organ of consultation" at the close of the formal session and then take up the Cuba issue directly.

In the O.A.S. charter, an organ of consultation is empowered to vote a change forthwith.

[From the Washington Post, July 17, 1975]

OAS SESSION OPENS, WITH UNITED STATES CHANGING STANCE ON CUBA

SAN JOSE, COSTA RICA, July 16.—The Organization of American States began a two-week conference here today that could lead to prompt dropping of collective sanctions imposed on Cuba 11 years ago.

U.S. ambassador William S. Mailliard declared last night that he feels enough votes, including his own, are lined up to end the sanctions.

Even so, that move probably would come at another meeting, perhaps immediately after this one, where the delegates would be properly constituted as an organ of consultation under the Rio Treaty of mutual assistance.

It was under that treaty that the required two-thirds of the 21 signatories voted to isolate Cuba. Venezuela had documented charges that in 1964 the Communist government was arming guerrillas there. The United States, which had earlier broken diplomatic relations with Cuba, encouraged the OAS to move.

The purpose of the present conference is to modernize the 1947 Rio Treaty, including to make possible lifting of sanctions by a simple majority. When the OAS met in Ecuador last fall on Cuba, only 12 nations, two short of the required 14, voted to repeal sanctions. Latin advocates of normalization had miscounted their votes.

That time, the United States abstained. Last night, Mailliard told newsmen that now, "I think there are 14 votes." He indicated that the United States would join if its vote was needed.

Mailliard said he did not know that Cuba has renounced a policy of exporting revolution, but Cuban subversion "in the area is now at a very low ebb compared to what it was some years ago. Times have changed . . . the world has changed."

A proposal circulated by the U.S. delegation would have the OAS, voting as an organ of consultation, free each member to determine "the policies it will follow with respect to the government of Cuba."

Thus the U.S. embargo of Cuba would continue, although the ongoing relaxation of that policy would also.

Nine OAS members already have diplomatic relations with Cuba. They are: Colombia, Peru, Argentina, Panama, Mexico, Venezuela, Trinidad-Tobago, Barbados and Jamaica. However, the last three are not voting members since they did not sign the Rio Treaty.

Any modifications of the treaty that are approved face lengthy ratification processes in member states.

In today's opening session, the new secretary general, Argentine Alejandro Orfila, said, "The overall mission of the OAS is to permit the exchange of ideas in an atmosphere of mutual respect to reach solutions acceptable to all. The sacrifice of extreme positions is the only way to achieve a continental consensus."

PROGRESS, PROBLEMS ON 202 HOUSING FOR THE ELDERLY

Mr. WILLIAMS. Mr. President, my Subcommittee on Housing for the Elderly held hearings last month to evaluate proposed regulations for the popular section 202 housing program for the elderly and handicapped. I must sadly report that the Department of Housing and Urban Development remains unwilling to implement this program as Congress intended. Even though the law was passed 11 months ago, HUD has still not approved one single unit for the elderly—in fact, we do not have final regulations for the program.

A few words of background will help to illuminate the issues explored at our hearings on June 6 and June 26.

EARLY DEVELOPMENTS

The section 202 program originally was authorized in the Housing Act of 1959 (12 U.S.C. 1701), and provided direct, 50-year Federal loans to nonprofit sponsors for construction of housing for the elderly and handicapped. While limited dividend sponsors were also permitted to participate, the program soon became a vehicle for the nonprofit sponsor almost entirely. The emphasis on the nonprofit aspect of this program is most important for it meant that experienced, well-established, local organizations with a long history of dedication to their communities could use section 202 as a means of service or even "ministry" to the elderly in their area. Typical sponsors were church or other religious groups, labor unions, and service organizations such as the Elks or the VFW. In other words, the section 202 program attracted sponsors who became long-term managers with the commitment to make the building livable and financially viable for many years. The 202 loan was made directly to the nonprofit sponsor who thus could control the major decisions necessary to insure development of a project that would last. This program protected the sponsor from a builder or developer who simply wanted to throw something together and leave the management problems to someone else. Perhaps, most importantly, sponsors saw section 202 structures as much more than buildings. They saw the building as the central core for bringing in many other services to the elderly of their community.

It is no wonder, then, that section 202 was a smashing success. In the program's brief 10-year lifetime, approximately 45,000 units were built, representing about 330 projects. To date only one of those projects has suffered foreclosure—a success record unparalleled in the history of the Department of Housing and Urban Development.

Then in 1969, this program was phased out by administrative decision. One reason given for its demise was the apparently heavy impact of a direct loan program on the annual Federal budget, even though the loans were to be paid back. For several years I introduced legislation to continue section 202, with no result. Finally, in the last Congress we changed some of the features of the program that had brought it into administration disfavor and incorporated them into the 1974 Housing and Community Development Act. This bill was signed into law on August 22, 1974. Later in the year, Congress passed a Supplemental Appropriations Act which approved a borrowing level for the 202 program of $215 million for fiscal year 1975. It looked like we were finally making some headway. But then new signs of trouble appeared.

In late January 1975, then HUD Secretary James T. Lynn announced that the Department was going to "move ahead" with section 202, but the direct loans would be limited to short-term, or construction, financing. This major policy change was totally unexpected. Congress had clearly intended that the program provide long-term, or permanent financing, which was how section 202 had always been used in the past. Nonprofit sponsors waiting anxiously to apply for section 202 money were troubled by this new direction announced by HUD, but they could see some virtue in it. If the loans were restricted to short-term—18–24 month—construction financing, then the money could be returned to HUD and loaned out again. In other words, it could be "turned over" much more rapidly, and many more units could be built. This would certainly be an advantage, but the success of such an approach hinged on the availability of permanent financing once the short-term loan was repaid. Without the long-term financing, most nonprofits would be unable to proceed, and they waited anxiously for promised regulations in hopes that HUD would provide some feasible vehicle for refinancing the short-term money so that the nonprofits could use the program.

PROPOSED REGULATIONS PUBLISHED

The wait was in vain. On May 15, HUD published proposed regulations in the Federal Register (24 CFR part 895) detailing the restriction of section 202 money to construction financing. Construction loans would be made, however, "only in instances where the applicant has obtained a commitment, satisfactory to HUD, for permanent long-term financing of the project upon completion of construction."

In other words, no nonprofit would be able to make the first move until it had arranged permanent financing with a lending institution. Helping nonprofit sponsors finance housing for the elderly was the purpose of section 202 and the new regulations ruled nonprofits right out of it.

Within weeks I received many letters from experienced section 202 sponsors lamenting these new regulations. Mr. Clark Harshfield, executive director of the Retirement Housing Foundation, wrote:

> . . . it now appears that the administration has again frustrated the whole nonprofit industry by arbitrarily limiting its application to interim financing. As an interim financing program, it is absolutely useless, redundant, and ridiculous. The only reason for 202 nonprofits is to provide a more flexible permanent financing vehicle for such facilities, hopefully at a lower rate of interest than the market provides. If those purposes cannot be achieved, then you might as well forget it because as it stands, it is useless.

Mr. Stanley Axlrod, president of the National Association for Nonprofit Retirement Housing—representing most of the current section 202 sponsors—agreed:

> The proposed rules are unworkable and, in our judgment, clear evidence of HUD's continued resistance to Congressional intent for prompt and effective implementation of the 202/8[1] program for elderly housing as manifested in the Housing Act of 1974 and accompanying Committee reports.
>
> The most fundamental deficiency of proposed 202 rules is the absence of permanent loan financing or provisions for obtaining permanent financing.

JUNE 6 HEARING

In the face of this mounting criticism of HUD policy, my subcommittee met on June 6, 1975, to hear testimony about the proposed regulations.

Representing a coalition of 11 national organizations for the elderly, Mr. John B. Martin, former Commissioner of the Administration on Aging, and presently special consultant to the National Retired Teachers Association—American Association of Retired Persons, testified:

> . . . it is the unanimous opinion of the cooperating organizations that comprise the Ad Hoc Coalition on Elderly Housing that the proposed regulations promulgated by the Department fail to meet the statutory language of Section 210 of Public Law 93-383, the Housing and Community Development Act of 1974. The promulgated regulations neither offer nonprofit sponsors an adequate opportunity to build under the designed program nor establish an administratively viable program that will provide quality housing for older Americans.

Besides NRTA-AARP, the ad hoc coalition included the following organizations: AFL-CIO, American Association of Homes for the Aging, B'nai B'rith, Cooperative Services, Inc., Lutheran Housing Coalition, National Association for Nonprofit Retirement Housing, National Caucus of Black Aged, National Council of Senior Citizens, National Council on Aging, and Senior Advocates International. All the other witnesses on June 6 echoed the same conclusions of the ad hoc coalition. In addition, I have yet to receive any communication from nonprofits indicating that this new approach will work.

I am often asked by those outside this field why nonprofits cannot obtain permanent financing. Perhaps a word of explanation is helpful here, for this issue lies at the core of the problem. First, one must understand, the average nonprofit group does not carry great financial clout; it has little if any assets; and certainly it has, at best, very little ready cash. Unlike the big builder or developer, the nonprofit cannot walk into a lending institution and exhibit an indepth balance sheet covering several years. Bargaining for a long-term loan is therefore difficult.

More specifically, should the nonprofit seek a conventional loan—that is, without Federal insurance—the lender would require a downpayment of probably no less than 20 percent. Twenty percent of a $3 million project of 150 units would require $600,000 in cash. Should the nonprofit try to obtain an FHA-insured loan instead, he could probably get 100-percent financing and not need a downpayment. However, FHA maximum rates are now set at 8.5 percent, and lending institutions are seeking 10 percent or more on their long-term loans. Consequently, to obtain permanent financing, nonprofits would be required to pay the lender points—in other words, pay at closing an estimated $270,000 in cash for an FHA-insured 100-percent loan at 8.5 percent for the same $3 million building. Nonprofits very simply do not have this kind of money; and, for obvious reasons, the direct loan, no downpayment advantages of the section 202 program have in the past been the "open window" for their participation.

JUNE 26 HEARING

HUD Secretary Carla A. Hills had been unable to arrange her schedule to testify on June 6, but we were able to work out a date 3 weeks later. The 30-day comment period on the proposed regulations had ended on June 16, 1975, and the subcommittee was anxious to hear what changes might be forthcoming in the face of almost unanimous opposition. To our dismay, Secretary Hills offered no change at all.

As proposed, the revised section 202 program will work in conjunction with the administration's new section 8—housing assistance payments—program under which HUD contracts with private landlords agreeing to pay the difference between fair market rent for a unit and no more than 25 percent of the tenant's income. In answer to the charge that the 202 regulations are unworkable for nonprofits because they provide no assistance for obtaining permanent financing, the Secretary said over "40 percent of the applications for new section 8 units received to date are for the elderly and handicapped; over 50 percent in the case of new construction." She added:

> The high rate of applications for housing for the elderly under the Section 8 program also indicates that there are sources of permanent financing for subsidized housing for the elderly in the private sector.

Since it is clear that a great many of the applications coming in for section 8 are from public housing authorities and State housing finance agencies—both having authority to raise their own permanent financing through bonds and other means—I asked how many of these applications for the elderly were from nonprofits. HUD representatives could not say because they said they do not have that fine a breakdown of the applications at this point. Without such a breakdown, I find their argument specious to show that nonprofits can find permanent financing in the private market.

In summary, despite negative nationwide reaction to the "construction loan only" approach, HUD seems determined to hold fast to this policy. Housing experts and all my mail argues in opposition to this policy, and HUD has yet to explain satisfactorily to anyone how the nonprofit is supposed to obtain permanent financing. I would add one further word of caution. Should permanent financing remain unavailable to the nonprofit, the section 202 program will be used—and controlled—solely by private builders and developers. Any participation by nonprofits would be only as a "front" organization lending its name and good will to a project over which they have no effective control. Such a program would perhaps build housing for the elderly, but it would not deserve the name or the reputation of section 202.

1976 APPROPRIATIONS

I feel very strongly that it is incumbent upon this Congress to continue sending to the administration firm indications of our intent that section 202 be implemented in a feasible manner for nonprofits by providing some mechanism to insure access to permanent financing. In this regard, on June 2, I wrote to Senator WILLIAM PROXMIRE, chairman of the Appropriations Subcommittee on HUD-Independent Agencies, asking for an increase in the borrowing level for section 202. At this stage no clearer support for 202 could come forth than approving the full authorized level of $800 million for fiscal year 1976, and I strongly recommended that the subcommittee approve this amount.

I am delighted that Mr. PROXMIRE's subcommittee has seen fit to respond positively to the spirit of my request. On July 16, the subcommittee approved a borrowing level of $500 million for 1976, and I would like to say a word of special thanks to my colleague Senator MATHIAS, the ranking minority member of that subcommittee, whose leadership was primarily responsible for the action taken.

I am equally delighted to report that yesterday the full Senate Appropriations Committee approved the $500 million level including statute language directing HUD to make funds available for permanent financing for housing for the elderly. The bill will soon go to conference where I hope similar results will prevail.

Finally, Mr. President, I ask unanimous consent to have two items printed in the RECORD at the close of my remarks. The first is a syndicated article that appeared in the Record, Hackensack, N.J., on July 6, 1975, by Theodor Schuchat who writes frequently on matters concerning the elderly. In this article which summarized very well the issues I have addressed, Mr. Schuchat quotes at some length Mr. Nelson H. Cruikshank, president of the National Council of Senior Citizens. I would like to thank Mr. Cruikshank and the National Council for all their support on behalf of section 202. They, as well as others, have made it a high priority issue with their organization, and I greatly appreciate their dynamic assistance.

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[1] Section 8 is described briefly later in this statement.

The second item presents the results of an informal survey I took of all section 202 and section 236 housing projects for the elderly. Significantly, this survey indicates that for each unit of housing for the elderly there is approximately one person on a waiting list to get in. Second, it indicates that the average waiting time for admittance to housing for the elderly of this type is nearly 21 months. These findings, I feel, only accentuate the already commonly known fact that decent housing for the elderly is both scarce and in great demand.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

HOUSING FOR AGED IMPERILED

(By Theodor Schuchat)

The U.S. Department of Housing and Urban Development has found a new way to keep the hard-pressed construction industry from building senior citizen housing.

Nearly a year ago, Congress passed legislation reestablishing the program of low-interest, long-term federal loans to nonprofit groups to enable them to build apartments for low-income retirees.

The Department had opposed the program for years. Though President Ford signed the bill into law, the bureaucrats think they have found a way to veto it.

They proposed regulations that would require all loans from the government to housing sponsors under the so-called Section 202 program to be repaid within 12 months after construction is completed.

The National Council of Senior Citizens filed a strong protest immediately. Council President Nelson H. Cruikshank explains that "any organization which wants to create housing units for the elderly will have to go to commercial lending institutions with FHA insurance and the grant under Section 202 to apply for loans at the commercial rate."

"Since banks and lending institutions accepting construction loans with FHA insurance are limited in the amount of interest they can charge on such loans, they will load up any such loans with 'points'—a procedure which is allowed under FHA-insured borrowing," he said.

A church or fraternal organization that applies for a $3 million loan of this kind might have to pay as much as $250,000 extra to get the loan. If they had that kind of money, these groups would not need a government loan in the first place.

"Our protest centers on three points," Cruikshank continues.

"First, the regulation passed by HUD will destroy nonprofit participation in a program that has proved successful and that has the clear support of Congress."

"In this respect we believe the regulations are illegal and violate the intent of Congress."

"Next, the time factor in getting these regulations out is a clear indication of a pattern established under President Nixon to get HUD out of the senior citizen housing construction loan business." Even if the regulations are changed now, Cruikshank notes, a year will have gone by with no loans made under the new law.

This he calls "impoundment by delay" and assails it as a step which is in clear violation of the intent of the Impoundment Control act.

"The HUD regulations, if accepted as proposed, will further wound one of this nation's most seriously depressed economic sectors—the building trades."

"The housing industry is in terrible economic shape," says Cruikshank. "Yet the Section 202 program, which these HUD regulations would destroy, is the only potentially active housing construction program in the whole of HUD."

SUMMARY OF QUESTIONNAIRES

In May 1975, Senator Harrison A. Williams, Jr., Chairman of the Subcommittee on Housing for the Elderly of the U.S. Senate Special Committee on Aging sent out questionnaires to more than 700 sponsors of housing projects specifically designed for elderly residents. Each recipient of a questionnaire managed a housing project built under either the Section 202 Direct Loan Program (Housing Act of 1959) or under the Section 236 Interest-Subsidy Program (Housing Act of 1968).

Senator Williams conducted a similar survey in 1973. The later results and a comparison with earlier survey are provided below.

I. 1975 SURVEY

A. Total sent, 735.

B. Total Number of Projects Responding, 440 (60%).

C. Those Responding Report:

1. Units Under Management, 66,780.
2. Average Units per Project, 152.
3. Number of Elderly on Waiting List, 63,767 (8 projects did not respond here).
4. Average number on Waiting List, 148.
5. Estimated Average Waiting Time,* 20.6 months (29 projects did not respond here).

*Actual question posed: "If an elderly person applied for an apartment today, how long do you estimate it would be before he or she could move in?"

II. 1973 SURVEY

A. Total sent, 511.

B. Total Responses, 303 (59%).

C. Those Responding Reported:

1. Units Under Management, 46,620.
2. Number of Elderly on Waiting Lists, 44,577.
3. Average Number on Waiting List, 147.

THE MARIANAS

Mr. GARY W. HART. Mr. President, a few days ago the House held hearings on a bill which would ratify the White House's arrangements with the Mariana Islands, which serves as a 7-year authorization act to provide almost $10,000 for every single islander and which would make the islands a part of the United States. One would think that these fundamental matters would have drawn more interest from those who can see the obvious military, political, and foreign policy implications in our Nation absorbing new peoples and territories into the United States after many years of denying ourselves the rewards of conquest.

Yet, the witnesses at the House hearings were entirely White House appointees plus a substantial delegation of Marianas islanders who, to a man, argued that the United States was doing the right thing allowing them to become Americans and, by inference, wards of the taxpayer. Not one witness discussed or even mentioned the possible benefits that the United States gains by accepting the Marianas as a new colony. Naturally, the islanders who came to Washington for the hearings were in favor of the arrangements concluded by the administration in isolation from Congress. They were in favor because the bill, if passed without alteration, is a dream come true, a promise of substantial American tax dollars for years to come. Given the same choice, no doubt half the world would like to make the same arrangement with us.

But there is a further explanation why no Marianas citizens who oppose the acquisition of their homeland by the United States appeared in Washington. It is because only those who supported the bill were given free passage to the hearings, and some of them even got tickets for their wives. The source for the funds paying the way for the 20 or more "friendlies" was the government of the Marianas, which is to say the trip was paid for by the American taxpayer.

No doubt the White House will tell us that no opponents could be found to take the free trip to Washington offered to so many, but I have received a letter from the acting president of the United Carolinian Association who complains that not one opponent was given the opportunity to present the other side. And there is another side because the Carolinian minority fears its culture will be submerged, other Marianas peoples do not understand what choices they had in the recent plebiscite and the "education" campaign preceding the plebiscite has been seen by some as completely one-sided.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED CAROLINIAN ASSOCIATION,
Saipan, Mariana Islands, July 10, 1975.

Hon. GARY W. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: The representatives of United Carolinian Association and other concerned citizens on Saipan would like to meet with you to discuss the problems of the proposed covenant recently approved by many misinformed citizens of the Northern Mariana Islands.

The delegation from the procovenant group on Saipan, are already scheduled to meet with Congressman Phillip Burton and his subcommittee on July 14, 1975. We are concerned of the fact that our legislators, comprised of procovenant group can appropriate fund for themselves to testify in the hearing but cannot appropriate fund not even for one representative from the anticovenant group. Our persistent argument against their action, among other things, is that we are also taxpayers in the Northern Marianas, therefore, we are entitled to use the fund for the trip to the hearing.

We are determined to find some funds from other sources in order to meet with you and your colleagues to discuss some of the glaring problems of the covenant. We think it is only fair and appropriate that we also present our views to the United States Congress at the same time the procovenant group are there to lobby for the covenant.

Because Congressman Phillip Burton and his committee are very much sold on the terms stipulated in the covenant, we would like to ask that we only meet with your group to hear our views and arguments.

Your earliest response to this matter shall be greatly appreciated.

Very sincerely yours,

Abel R. Olopai,

Acting President of the United Carolinian Association.

TODAY'S PIONEERS

Mr. MOSS. Mr. President, tomorrow at 5:18 p.m. the Apollo spacecraft will splash down in the Pacific Ocean. With this splashdown we conclude what is one of the greatest pioneering efforts of man. It is significant to me, and many others from Utah, that these modern-day pioneers are concluding our first manned space flights on July 24. Everyone in Utah holds a special reverence for that day. It was on July 24, 1847, that the Mormon pioneers concluded their trek across half a continent through the vast unknown reaches of what are now the Rocky Mountain States. So, just as today's pioneers are ending this journey into space and will go on with new programs to help build a better world, so, too, the Mormon pioneers entered the Salt Lake Valley to end their long journey and build a great center of commerce, industry, and productive farms.

One hundred twenty-eight years ago the first company of Mormon pioneers arrived in Salt Lake Valley under the leadership of Brigham Young. The final journey from the Missouri River to Utah was of 3 months duration. In the company were 143 men, 3 women and 2 children.

Tomorrow my people in Utah will celebrate the anniversary of the arrival of the first Mormon company.

To further honor those brave and noble pioneers of 1847, I ask unanimous consent that the names of the members of the first company be printed in the Record.

There being no objection, the names were ordered to be printed in the Record, as follows:

Barnabas L. Adams, Rufus Allen, Truman O. Angell, Millen Atwood, Rodney Badger, Robert Baird, Lewis Barney, Charles D. Barnum, Ezra T. Benson, George Billings, Francis Boggs, George Brown, John Brown, Nathaniel T. Brown, Thomas Bullock, Charles Burk, Jacob D. Burnham.

Albert Carrington, William Carter, James Case, Solomon Chamberlain, Alexander P. Chesley, William Clayton, Thomas Cloward, Zebedee Coltrin, James Craig, Oscar Crosby, Lyman Curtis, Hosea Cushing.

James Davenport, Isaac Perry Decker, Franklin B. Dewey, John Dixon, Sterling Driggs, William Dykes, Sylvester H. Earl, Ozro Eastman, Howard Egan, Joseph Egbert, John S. Eldridge, Edmund Ellsworth, William A. Empey, Datus Ensign, Addison Evrett.

Nathaniel Fairbanks, Aaron Farr, Perry Fitzgerald, Green Flake, John S. Fowler, Samuel B. Fox, John M. Freeman, Monroe Frick, Burr Frost, Andrew Gibbons, John Gleason, Eric Glines, Stephen H. Goddard, David Grant, George R. Grant, John Y. Green, Thomas B. Grover, Joseph Hancock, Alvarus Hanks, Hans C. Hansen, Appleton M. Harmon, Charles A. Harper, William Henrie, John S. Higbee, John Holman, Simeon Howd.

Matthew Ivory, Levi Jackman, Norton Jacobs, Artemas Johnson, Luke S. Johnson, Philo Johnson, Stephen Kelsey, Levi N. Kendall, Ellen Sanders Kimball, Heber C. Kimball, William A. King, Conrad Kleinman, Hark Lay, Tarleton Lewis, Jesse C. Little, Franklin G. Losee, Chauncey Loveland, Amasa M. Lyman.

Samuel H. Marble, Stephen Markham, Joseph Matthews, George Mills, Carlos Murray, Elijah Newman, John W. Norton, Seeley Owen, John Pack, Eli Harvey Pierce, Francis Pomeroy, David Powell, Orson Pratt, Tunis Rappleye, R. Jackson Redden, Willard Richards, Orrin P. Rockwell, Albert P. Rockwood, Benjamin Rolfe, Joseph Rooker, Shadrach Roundy.

George Scholes, Joseph S. Schofield, Henry G. Sherwood, Andrew Shumway, Charles Shumway, George A. Smith, William C. A. Smoot, Erastus Snow, Roswell Stevens, B. Franklin Stewart, James W. Stewart, Briant Stringham, Gilbard Summe, Seth Taft, Thomas Tanner, Norman Taylor, Robert T. Thomas, Horace Thornton, Marcus B. Thorpe, John H. Tippetts, William Vance.

Henson Walker, George Wardle, William Wardsworth, Jacob Weiler, John Wheeler, Edson Whipple, Horace K. Whitney, Orson K. Whitney, Almon M. Williams, Wilford Woodruff, George Woodward, Thomas Woolsey, Brigham Young, Clarissa Decker Young, Harriet Page Wheeler Young, Lorenzo D. Young, Loreenzo Zobieski Young, Phinehas H. Young.

CHILE

Mr. KENNEDY. Mr. President, I want to call the attention of my colleagues once more to recent developments involving U.S. policy toward Chile.

It appears that despite the continued use of repression and torture by the Chilean regime, the arbitrary detention of several thousand individuals on political grounds and the continued denial of individual liberties in that country, a move is afoot within the administration to seek a loophole in the current prohibition on any U.S. military assistance to the Chilean junta.

What is even more unsettling is that these discussions come on the heels of the Chilean junta's preemptory rejection of the scheduled visit to that country of the United Nations Human Rights Commission.

This inquiry which followed testimony before the Commission, and United Nations resolutions urging a halt to repression by the junta, actually first was proposed by Chile in arguing that the Commission did not have sufficient evidence to reach a judgment on human rights in that country.

A recent press report of the Washington Post on the subject of the cancellation of the Human Rights Commission visit notes some of the reaction around the world.

In Geneva, the International Committee of Jurists—which condemned human rights violations in Chile after an on-scene study last year—declared that cancellation of this week's visit "inevitably leads to the conclusion that the Chilean government was not in a position to face an objective investigation."

Reports from Chile of continuing detention confirm that conclusion.

And reports from our own officials on the scene there also confirm a continuing high level of repression and denial of human rights.

In fact, the denial of permission to the United Nations Human Rights Commission initially drew a strong reaction—and an appropriate reaction—from Deputy Secretary of State Robert S. Ingersoll. He sharply criticized the Chilean action, according to news reports, in a meeting with the Deputy Foreign Minister of Chile.

It therefore is extremely difficult to see any basis in the human rights area—the basic reason for congressional adoption of my amendment barring military transfer under any arrangements to the junta—for lifting that prohibition.

Not only is there no justification in Chile's own actions to commend any change in the prohibition, but any such action without positive congressional action I believe is clearly prohibited by section 25 of the Foreign Assistance Act.

That prohibition was extended through the Continuing Resolution. Let me quote the colloquoy in the Senate floor debate between my colleague Senator Brooke, the ranking minority member of the Foreign Operations Subcommittee, the distinguished chairman of the Senate Appropriations Committee, Mr. McClellan; and the ranking member of the full Committee, Mr. Young:

Mr. Brooke. "As the ranking member of the Subcommittee on Foreign Operations, I simply want to emphasize that the prohibition contained within Public Law 93–559 barring any military assistance of any kind, including grants, credit sales, cash sales, guarantees or transfers to the Government of Chile remains in effect and is in no way altered by this continuing resolution. The Appropriations Committee report of this year, Senate Report 94–39, also affirms the inappropriateness of U.S. Government involvement in the acquisition of military equipment by Chile while the current state of affairs in that country continues.

"I would just like to know if that is the understanding of the distinguished chairman of the Appropriations Committee and also if that would be agreed to by the distinguished ranking minority member (Mr. Young)."

Mr. McClellan. "I believe that is the understanding. It is my understanding."

In addition, as the author of the initial Senate action on this subject, I made the following statement during consideration of the continuing resolution:

Mr. Kennedy. Mr. President, with regard to the consideration of the continuing resolution, I simply want to emphasize that this resolution does not in any way contain any authority to void any of the prohibitions contained within the Foreign Assistance Act of 1971, Public Law 93–559.

In that regard, I want to emphasize that the prohibition of any military assistance to Chile, including grant, credit sale, cash sale, guarantee or transfer, that is, any U.S. Government acquiescence to Chilean military purchases in this country, remains prohibited.

As the author of that amendment, I simply wanted to emphasize that it is my understanding after consulting with the Appropriations Committee and legal counsel, that the prohibitions remain fully in effect.

I also want to note once more that continuing reports of torture in Chile of political prisoners, the continued detention of some 5,000 persons, the continued arbitrary detention of individuals for their political views and the continued repressive nature of the regime unfortunately still justify our refusing to provide that regime with military aid.

In that regard, high officials in the State Department recently have affirmed the existence of such conditions in Chile. That affirmation also comes from the Inter-American Commission on Human Rights whose report on violations of human rights was accepted by the General Assembly of the Organization of American States at its recent meeting here last month.

Thus, it is clearly the intent, conviction, and belief of the responsible Senators that any action now being contemplated to vitiate in any way the military aid prohibition is barred by law.

Finally, let me note that any change in policy would be a particularly disturbing development following the positive posture taken by our delegates at the Organization of American States general assembly sessions here in May. They rightly supported the Inter-American Commission on Human Rights which had discovered and reported gross violations of international human rights standards.

I would hope that the administration would come directly before the Congress during the consideration of the Foreign Aid legislation to justify, if it believes a case can be made, for any alteration in the denial of military assistance to Chile. I do not believe such a case can be made. And until it is and a positive change in the law takes place, all such attempts to provide military equipment to Chile remain prohibited.

I ask unanimous consent to have printed in the RECORD, articles by Lewis Diuguid of the Washington Post and David Binder of the New York Times on this subject, as well as other recent articles on the continuing repression in Chile.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 2, 1975]

U.N. VISIT TO CHILE CANCELED; GEN. PINOCHET REVERSES STAND ON RIGHTS UNIT

(By Lewis H. Diuguid)

Chile has canceled the visit of the U.N. Human Rights Commission, due to begin Thursday, in a break with the military government's prior policy of permitting international investigation of torture charges.

President Augusto Pinochet, announcing the cancellation in a speech Friday night, said: "I know that this is going to attract strong reaction from the Marxist world and that they are going to continue to attack us."

Gen. Pinochet earlier called U.N. Secretary General Kurt Waldheim asking that the commission investigate Cuba, the Soviet Union and other Communist countries, in the same manner as it has been studying the charges of human-rights violations in Chile since the overthrow of its Marxist government in 1973.

Chile actually had proposed the commission visit when the U.N. Economic and Social Committee took up the torture charges last year. In March, the Foreign Ministry offered its cooperation as "an example for those countries that brag about their concern for human rights outside their borders but that systematically refuse" investigation of charges at home.

In Geneva, the International Committee of Jurists—which condemned human rights violations in Chile after an onscene study last year—declared that cancellation of this week's visit "inevitably leads to the conclusion that the Chilean government was not in a position to face an objective investigation."

Chileans expelled by the Pinochet government report that in recent days numerous families in Chile have made frantic calls abroad for help following arrests without charge. Pressures from abroad have been credited with influencing the junta to make some concessions to human rights.

The most detailed investigation to date of conditions in Chile came from the Human Rights Commission of the Organization of American States, which spent 12 days on the scene last August.

When that commission's report chronicling cases of arbitrary detention, torture and disappearances was put before the OAS general assembly in May, the Chilean delegation asked that general discussion of its content be put off until after the U.N. group's visit.

The six-nation U.N. group was already assembling this weekend in Lima, Peru, for the trip to Santiago on Thursday.

During 10 days ending last week, the Geneva-based U.N. Commission had taken secret testimony in New York.

Among those heard were Laura Allende, sister of the late President Salvador Allende; Ralph Dungan, former U.S. ambassador to Chile; former Attorney General Ramsey Clark; Orlando Letelier, a minister in Allende's Cabinet who was jailed for a year after the coup; and Galo Gomez, a former university vice rector who was jailed for a year and a half.

Dungan and Clark have made investigatory visits to Santiago.

Also testifying were several expelled Catholic priests and students from across Chile's once-broad spectrum of political tendencies. All parties have now been disbanded by the military.

The ruling junta has consistently argued that Marxists are directing a campaign against it.

Pinochet said Friday that "International Marxism, which feels it has lost this battle (for Chile), does not hesitate to lie, to send commissions here to see that human rights are respected . . . We are David and they are Goliath, but Chile is a free and sovereign nation."

Members of the rejected commission come from Pakistani, Belgium, Austria, Sierra Leone, Romania and Ecuador.

Gen. Pinochet has contended that prisoners in Chile are treated in keeping with international norms. In an interview in May with Joanne Omang of The Washington Post he said that soldiers guilty of mistreating prisoners were themselves in jail.

Omang's followup of the names provided by Pinochet failed to produce evidence of their involvement in torture cases. After her reports of the matter, Omang was declared persona non grata as a reporter in Chile.

[From the New York Times, July 12, 1975]

U.S. AIDE REBUKES CHILE FOR BARRING U.N. INQUIRY

(By David Binder)

WASHINGTON, July 11.—Deputy Secretary of State Robert S. Ingersoll strongly admonished Chile's Deputy Foreign Minister Wednesday and again today over the decision of his Government to deny entry to a United Nations panel seeking to investigate charges of violations of human rights.

The six-nation United Nations Human Rights Commission had been scheduled to visit Chile yesterday, having been invited to investigate by the Chilean Government. But on July 4, President Augusto Pinochet declared that the group could not come at this time.

The panel members, from Pakistan, Sierra Leone, Belgium, Rumania, Ecuador, and Austria, were assembling in Lima, Peru, last weekend to prepare for the visit when General Pinochet's message reached them.

"RIOT ACT" WAS READ

A Chilean diplomat said Mr. Ingersoll "read the riot act" to the Deputy Foreign Minister, Enrique Valdez, who is an army colonel, in their initial meeting here Wednesday, telling the Chilean that American public opinion and Congressional sentiment was sharply opposed to General Pinochet's about-face.

A State Department official said that Mr. Ingersoll met with Colonel Valdez again today and "talked very clearly" about the matter. According to Chilean diplomats, Colonel Valdez replied that Chile had not "canceled" the visit of the United Nations panel, but had merely "postponed it until a more opportune time."

The Ford Administration was described by another American official as being extremely annoyed by the Pinochet decision, since the United States had gone along with other members at the general assembly of the Organization of American States in May, when it was decided to postpone an airing by the organization of the Chilean human-rights issue.

The premise for the O.A.S. decision was that Chile had welcomed the United Nations inquiry into reports of torture, arbitrary imprisonment and other violations of human rights since the military coup of September, 1973, that brought General Pinochet to power.

A State Department official said it was "unusual" to speak to a senior foreign official as Mr. Ingersoll did. The official acknowledged, however, that United States Ambassador David H. Popper has repeatedly and firmly addressed the human-rights questions in his talks with authorities in Santiago, the Chilean capital.

U.N. ASKED TO DISSOLVE POWER

At the United Nations, Claudio Collados, the Chilean delegate, sent a letter to Secretary General Waldheim asking that the human-rights panel be dissolved, since Chile had refused it entry. Earlier, the Chilean Government denounced the panel as Communist-dominated and therefore not objective. But Mr. Collados apparently did not exclude the possibility that the United Nations panel could be reconstituted for a future investigation in Chile.

Chile has been barred from receiving United States arms under congressional action taken last winter in protest against human-rights violations. Santiago, however, still hopes to receive American weapons, especially antitank missiles.

NORTHERN MARIANAS PART OF U.S. FAMILY—ALMOST

Mr. GARY W. HART. Mr. President, before long the Senate will be considering whether to accept unchanged or to reject the agreement made by the White House with the people of the Mariana Islands in the middle of the Pacific. The agreement would make the islands part of the United States and the islanders Americans. If we approve it, it will authorize $1,000 for every man, woman, and child in the islands for each of the next 7 years. What is more, these promised payments would be in constant dollars, using fiscal year 1975 as the base. Is it any wonder that the islanders voted overwhelmingly last month to accept the very document now before the Senate?

I have said that the choice seems to be acceptance or outright rejection. This is because, if the Senate changes one word of the agreement-authorization bill, the whole document must go back to the Marianas for another look. This would, of course, upset the White House's timetable, and that is why the pressure is on Congress to rubberstamp the arrangement.

What this points out is that the administration has intended all along to do as it wishes with Micronesia and the Marianas without any thought of Congress. It has, in effect, presented us with a fait accompli, just as the Senator from Virginia (Mr. BYRD) and I told this body last March was going to happen.

Those of you who read the July 17 Christian Science Monitor's comments on the House's lightning quick approval of the White House plan can get a hint of what the pressures are. In the article "A Knowledgeable Senate Source" is quoted as saying the Senate will go along because the people of the Marianas voted 60 percent for the administration's arrangements. This seems to me insufficient grounds to commit the taxpayer of the United States to a big front-end payment followed by U.S. support forever. The only reason heard so far is that the islanders obviously are delighted by this arrangement, but no doubt half the world would make the same choice given the same financial reward. The proper question for the Senate to ask is: Of what possible benefit is it to our country to make these obscure islands our colony?

Hearings to which members of the Armed Services and Foreign Relations Committee have been invited, will be held by the Interior Committee next Thursday. At them the proper questions can be asked for the first time since the White House began its campaign to sever the Marianas from all of the Micronesian Trust Territory several years ago. It is about time that the American people were told reasons the White House wants them to take on new economic burdens, apart from the only one so far heard which is that the islanders want it that way.

I ask unanimous consent that Lucia Mouat's article from the July 17, 1975, Christian Science Monitor be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NORTHERN MARIANAS PART OF U.S. FAMILY—ALMOST

(By Lucia Mouat)

WASHINGTON.—Congress is expected to add its seal of approval soon to the Northern Marianas' recent vote to become part of the American family.

By 78.7 percent plurality last month, eligible voters in that part of Micronesia chose to move away from United Nations trusteeship toward United States commonwealth status.

The vote representing the 14,000 Northern Mariana residents is considered strong enough to net the necessary majority vote sanction required of both arms of Congress.

The House is expected to approve the joint resolution Monday afternoon. The House Committee on Interior and Insular Affairs reported the measure out to the full House this week after one day of hearings by a 30-to-0 vote.

Both the timing and the unanimity of the Senate vote are less sure.

In addition to a crowded Senate floor schedule, there is a question as to whether the measure may be the subject of hearings in the Senate Armed Services Committee and possibly even the Foreign Relations Committee as well as the Interior and Insular Affairs Committee.

Whatever the path, however, Senate majority approval is still considered certain. "I don't know of a substantive reason why the Senate wouldn't go along with the vote out there," comments one knowledgeable Senate source. "If the plebiscite had been 60 percent for and 40 against . . . but this way. . . ."

In any case, one senator who is making his many reservations about cemented political and economic ties with the Northern Mariana residents loud and clear is Sen. Gary Hart (D) of Colorado.

He is pushing hard for hearings in committees other than Interior on grounds that there are long-range foreign policy, military, and economic implications that need to be explored thoroughly. Referring to the "new colony in the far reaches of the Pacific Ocean," Senator Hart repeatedly has charged in remarks on the Senate floor that the plebiscite was a "triumph of advertising techniques" and the result of a one-sided educational campaign in which residents were made "extravagant promises of huge cash payments and endless federal subsidies." In addition to $1.5 million in planning money the Northern Marianas are to receive $14 million over each of the next seven years.

Senator Hart charges that the Ford administration is in effect trying to "steamroller" the taxpayer by telling him little or nothing about the benefits he receives from the new arrangement.

Even after congressional action, many technicalities lies ahead before residents of the Northern Marianas ever become U.S. citizens. For one, the UN Security Council must approve separation of the district from the rest of Micronesia which as a whole has been under UN trusteeship since 1947. For another, the U.S. must approve the Northern Marianas constitution once it has been drafted.

EXPLANATION OF HEW TITLE IX REGULATIONS

Mr. BELLMON. Mr. President, on Monday, June 21, the HEW title IX regulations mandated by the Education Amendments of 1972 and 1974 took effect.

These regulations have caused a fury of concern from many well-intentioned citizens who honestly believe that the implementation of these regulations, particularly those dealing with athletics, will have a devastating impact on our public elementary and secondary schools and institutions of higher learning. Unfortunately, the public debate on the title IX regulations has generated a great deal of misunderstanding. The purpose of this statement is to clarify several questions and to urge Congress to exercise diligent legislative oversight as these regulations are implemented.

Certainly Congress intended to accomplish a worthwhile and long overdue objective—the elimination of discriminatory practices in education—by enacting title IX. The regulations developed by HEW attempt to accomplish this goal in a wide range of educational practices, including admissions, employment, classroom composition and athletics. Since the debate has focused primarily on the regulations relating to athletics, I am afraid the broader and more important aspects of this law have largely been ignored. At the outset several false notions should be dispelled. For example, in the area of college athletics, allegations have been made that the title IX regulations will require an equal expenditure of funds and an equal number of scholarships for women athletes. This simply is not true. The regulations specifically state that providing an "equal opportunity in college athletic programs" does not mean an equal expenditure of moneys. Instead, the colleges and universities are given wide latitude through broad guidelines to tailor their own programs to insure an equal educational opportunity for all students.

Although I cannot agree wholeheartedly with every detailed provision, It is my firm conviction that the basic objective of these regulations is desirable. Unfortunately, those of us who have taken this position are placed in the awkward position of defending not the actual provisions of the title IX regulations, but rather the public misconception of the regulations which has been formed through the unfair and oftentimes deliberate dissemination of misinformation regarding their likely impact. As one who has been in public life for nearly 15 years, I have learned from experience that this is not an uncommon occurrence. We have witnessed on many occasions the attempt to mold public opinion with this tactic on other emotional issues such as busing, abortion, guncontrol and land use planning. For this reason, I ask unanimous consent that an excellent memorandum explaining the title XI regulation and accurately answering the most frequently asked questions be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

TITLE IX QUESTIONS AND ANSWERS

Question: What is Title IX?

Answer: Title IX is that portion of the Education Amendments of 1972 which forbids discrimination on the basis of sex in educational programs or activities which receives Federal funds.

Question: Who is covered by Title IX?

Answer: Virtually every college, university, elementary and secondary school and preschool is covered by some portion of the law. Many clubs and other organizations receive Federal funds for educational programs and activities and likewise are covered by Title IX in some manner.

Question: Who is exempt from Title IX's provisions?

Answer: Congress has specifically exempted all military schools and has exempted religious schools to the extent that the provisions of Title IX would be inconsistent with the basic religious tenets of the school.

Not included with regard to admission requirements ONLY are private undergraduate colleges, nonvocational elementary and secondary schools and those public undergraduate schools which have been traditionally and continuously single-sex since their establishment.

However, even institutions whose admissions are exempt from coverage must treat all students without discrimination once they have admitted members of both sexes.

Question: Does the law cover social sororities and fraternities?

Answer: Congress has exempted the membership practices of social fraternities and sororities at the postsecondary level, the Boy Scouts, Girl Scouts, Camp Fire Girls, Y.W.C.A., Y.M.C.A., and certain voluntary youth services organizations. However, if any of these organizations conduct educational programs which receive Federal funds open to nonmembers, those programs must be operated in a nondiscriminatory manner.

Question: May a vocational school limit enrollment of members of one sex because of limited availability of job opportunities for members of that sex?

Answer: No. Further, a school may not

assist a discriminatory employer by referral of students or any other manner.

Question: In athletics, what is equal opportunity?

Answer: In determining whether equal opportunities are available, such factors as these will be considered:

whether the sports selected reflect the interests and abilities of both sexes;

provision of supplies and equipment;

game and practice schedules;

travel and per diem allowances;

coaching and academic tutoring opportunities and the assignment and pay of the coaches and tutors;

locker rooms, practice and competitive facilities;

medical and training services;

housing and dining facilities and services;

publicity.

Question: Must an institution provide equal opportunities in each of these categories?

Answer: Yes. However, equal expenditures in each category are not required.

Question: What sports does the term "athletics" encompass?

Answer: The term "athletics" encompasses sports which are a part of interscholastic, intercollegiate, club or intramural programs.

Question: When are separate teams for men and women allowed?

Answer: When selection is based on competitive skill or the activity involved is a contact sport, separate teams may be provided for males and females, or a single team may be provided which is open to both sexes. If separate teams are offered, a recipient institution may not discriminate on the basis of sex in providing equipment or supplies or in any other manner.

Moreover, the institution must assure that the sports offered effectively accommodate the interests and abilities of members of both sexes.

Question: If there are sufficient numbers of women interested in basketball to form a viable women's basketball team, is an institution which fields a men's basketball team required to provide such a team for women?

Answer: One of the factors to be considered by the Director in determining whether equal opportunities are provided is whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes. Therefore, if a school offers basketball for men and the only way in which the institution can accommodate the interests and abilities of women is by offering a separate basketball team for women, such a team must be provided.

Question: If there are insufficient women interested in participating on a women's track team, must the institution allow an interested woman to compete for a slot on the men's track team?

Answer: If athletic opportunities have previously been limited for women at that school, it must allow women to compete for the men's team if the sport is a noncontact sport such as track. The school may preclude women from participating on a men's team in a contact sport. A school may preclude men or women from participating on teams for the other sex if athletic opportunities have not been limited in the past for them, regardless of whether the sport is contact or noncontact.

Question: Can a school be exempt from Title IX if its athletic conference forbids men and women on the same noncontact team?

Answer: No. Title IX preempts all state or local laws or other requirements which conflict with Title IX.

Question: How can a school athletics department be covered by Title IX if the department itself receives no direct Federal aid?

Answer: Section 844 of the Education Amendments of 1974 specifically states that: "The Secretary shall prepare and publish . . . proposed regulations implementing the provisions of title IX of the Education Amendments of 1972 relating to the prohibition of sex discrimination in Federally-assisted education programs which shall include with respect to intercollegiate athletic activities reasonable provisions considering the nature of particular sports."

In addition, athletics constitutes an integral part of the educational processes of schools and colleges and, thus, are fully subject to the requirements of title IX, even in absence of Federal funds going directly to the athletic programs.

The courts have consistently considered athletics sponsored by an educational institution to be an integral part of the institution's education program and, therefore, have required institutions to provide equal opportunity.

Question: Does a school have to provide athletic scholarships for women?

Answer: Specifically, the regulation provides: "To the extent that a recipient awards athletic scholarships or grants-in-aid, it must provide reasonable opportunities for such awards for members of each sex in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics."

Question: How can schools and colleges interested in a positive approach to Title IX deal with its provisions?

Answer: To encourage each school and college to look at its policies in light of the law, the final regulation now includes a self-evaluation provision. This requires that during the next year the educational institution look at its policies and modify them to comply with the law as expressed by the regulation. This includes remedying the effects of any past discrimination.

Question: Does Title IX cover textbooks?

Answer: No. While the Department recognizes that sex stereotyping in curricula and educational material is a serious matter, it is of the view that any specific regulatory requirement in this area raises constitutional questions under the First Amendment. The Department believes that local education agencies must deal with this problem in the exercise of their traditional authority and control over curriculum and course content.

Question: Many universities administer substantial sums of scholarship money created by wills and trusts which are restricted to one sex. If the will or trust cannot be changed to remove the restriction, must the universities cease administration of the scholarship?

Answer: Where colleges administer domestic or foreign scholarships designated by a will, trust or similar legal instrument, exclusively for one sex or the other, the scholarship recipients should initially be chosen without regard to sex. Then, when the time comes to award the money, sex may be taken into consideration in matching available money with students to be awarded the money. Scholarships, awards or prizes which are not created by a will, trust, or similar legal instrument, may not be sex-restricted.

Question: What are the Title IX requirements for counseling in schools and colleges?

Answer: An institution using testing or other materials for counseling may not use different materials for males and females, nor may it use materials which lead to different treatment of students on the basis of sex.

If there is a class or course of study which has a disproportionate number of members of one sex, the school is required to assure that the disproportion does not stem from discrimination by counselors or materials.

Question: May a college administer or assist in the administration of sex-restrictive scholarships, such as the Rhodes, which provide opportunities for students to study abroad?

Answer: Yes, if (1) The scholarship was created by a will, trust, or similar legal instrument, or by an act of foreign government, and (2) The institution otherwise makes available reasonable opportunities for similar studies abroad by members of the other sex. Such opportunities may be derived from either domestic or foreign sources.

Mr. BELLMON. Mr. President, in my opinion, it is absolutely imperative that we exercise a high degree of legislative oversight with title IX since the improper implementation of these regulations by Federal officials will not only frustrate their objective but will cause an undue amount of Federal interference with our institutions of learning. It is my feeling that the vast majority of our citizens are sick and tired of governmental interference and regulation in our daily lives brought about frequently by the failure of Congress to live up to its oversight responsibility. For example, my colleagues will recall that in 1970, Congress passed the Occupational Safety and Health Act with the idea of guaranteeing safe working conditions for all our citizens. At that time it was thought that this was a good idea whose time had come. However, through the administrative process, the Occupational Safety and Health Administration went entirely too far in the promulgation of burdensome and unnecessary regulations to implement this law far beyond what Congress ever intended. These OSHA regulations are now so complex and numerous that they are impossible for the small businessman acting in good faith to even understand, let alone comply with. This over-regulation has been counterproductive and in fact frustrated the very reason for passage of this law. We must be careful that this very same thing does not happen with title IX.

For this reason, I have introduced legislation which would establish a new congressional procedure, a "legislative veto," to guarantee that all regulations promulgated by the executive branch conform with the congressional intent of the enabling legislation. Hopefully, this proposal will one day receive the Senate's attention and a mechanism of this nature be approved. I ask unanimous consent that an earlier statement explaining this bill, S. 727, be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Mr. Bellmon. Mr. President, today I am introducing legislation which would significantly reform the administrative process by insuring that regulations promulgated by the executive branch conform to congressional intent.

During the 93d Congress, we witnessed a reassertion of Congressional authority in several historical confrontations with the executive branch. For example, the Budget Reform Act was approved in order that Congress may have better control over the budgetary process. The Director of OMB is now subject to Senate confirmation. The War Powers bill was passed and other legislative measures enacted—all with the stated objective of reasserting Congress' authority in the decisionmaking process and restoring a balance of power with the executive branch.

My proposal would further extend congressional authority over governmental process by requiring that agencies and departments which promulgate regulations pursuant to enabling legislation conform to the congressional intent of that legislation. This proposal requires that when a governmental agency promulgates regulations in order to implement Federal legislation the congressional committee of origin has 60 days to disapprove the proposed regulations.

The need for legislation of this nature is clear. The Senate is aware of the frustration of American citizens who believe that the Federal officials are callous and arbitrary. A system of checks and balances over the Federal bureaucracy is needed to insure that the will of Congress is followed in the regulatory process.

The problems we now face in controlling the agencies and bureaus have evolved over time. When the first regulatory agency, the ICC, was formed in the late 1800's there was no way to predict the eventual expansion of regulatory agencies. Congress has shared by giving agencies and departments the power to issue regulations, licenses, and permits if the agency deems it to be "in the public interest."

For example, implementation of regulations concerning the Occupational Safety and Health Act are left to those administrators who for the most part have never worked in private enterprise and do not understand the practicalities and expenses involved in many of the regulations which they require. These regulations apply equally to the giants of industry as well as the smallest, least sophisticated business in the country.

All sections of society, corporations, as well as the workingman and the poor, are affected by these broad generalized grants of authority to administrative agencies. Millions of citizens are in a poor position to defend themselves against arbitrary agency actions. Congress needs to make certain that regulators do not become dictators. Any member who has attempted to influence a Federal agency in the promulgation of regulations will understand the feeling of futility which is held by citizens across this land.

Many agencies, most notably those which have been granted the authority to disburse money for various Federal programs to individuals, organizations, and to the States, have almost the absolute power to turn on and off the flow of money.

The promulgation of regulations which are extremely complex and confusing to even the well educated are the sources of agency power. These rules and regulations are the conduit through which the agency imposes its views upon the general public, and the practical opportunities for protest are limited. Arguably, the opportunities for protest are present because of the Administrative Procedure Act. However, it is difficult and costly for citizens to hire Washington lawyers to represent them before the agencies. It represents the classic David against Goliath situation.

The effect of this legislation would be to provide a check on those agencies. The check would be imposed by the Congress from which the agency's power is initially derived. The values at stake are of constitutional impact and importance. Clearly the public can no longer stand helplessly by while Federal agencies make decisions which affect their very livelihood. Congress can no longer allow the laws to be misconstrued by the agencies and bureaus which Congress created.

The agencies have promulgated regulations so extensive and so complex that the public is endangered by the Government its taxes support. The effect has been to reduce the respect which the American people have for their Government. When Government is unresponsive to their needs, a sense of frustration and anger overwhelms them. As Winston Churchill remarked:

> If you have 10,000 regulations, you destroy all respect for the law.

The purpose of this bill is to restore this lost respect for the law, by providing a check on the regulatory process.

I ask unanimous consent that the text of this bill be printed in full in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Regulatory Control Act of 1974".

SEC. 2. That section 301 of title 5, United States Code, is hereby amended to read as follows:

"(a) The head of an executive department or military department may prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use, and preservation of its records, papers, and property. This section does not authorize withholding information from the public or limiting the availability of records to the public.

"(b) That upon the promulgation of proposed rules and regulations implementing public laws, the committee of origin, whether in the Senate or in the House of Representatives, shall give approval or disapproval of said rules and regulations within sixty days from the date of submission of said rules and regulations.

"(c) In the event the said committee fails to disapprove the proposed rules and regulations within sixty days, such abstention shall be deemed to be approval of said rules and regulations."

IN SUPPORT OF PORTUGUESE DEMOCRATS

Mr. KENNEDY. Mr. President, last year, the Portuguese people overturned a government that had denied the rights and liberties of its people for nearly half a century. The new government set itself three tasks: To restore democracy to that country; to build up its economy; and to end 5 centuries of colonial rule in Africa. The last of these objectives has now virtually been achieved; and for that, Portugal has earned the respect and gratitude of free men everywhere.

Yet the democratic experiment in Portugal is in serious trouble. The coalition government has now been dissolved; a free press has ceased to exist; the two major democratic parties have been forced into public demonstrations to demonstrate the depth of their pouplar support. These events have taken place despite efforts in the Congress—and in some West European countries—to lend support to the Portuguese democratic experiment in both symbolic and tangible ways, through foreign aid—$15 million from the United States last fiscal year, under an amendment which I introduced. Regrettably, however, there was not enough support for the Portuguese democratic experiment, either from the U.S. administration or from most West European governments, during this difficult period.

If the Portuguese democratic experiment fails, it will be cause for deep sadness in the West—and cause for soul-searching about the roots of our commitment to Western democracy, to the real strength of our Western political system.

Of course, we can and must respect what Portugal does on its own. While giving what support we can to democratic forces—which gained nearly two-thirds of the vote in free elections for a Constituent Assembly last April—we must also grant the Portuguese a respect for their own sovereignty.

We in the West continue to bear an obligation to every member nation of the Western system to support democracy—an obligation on which we woefully defaulted during the Salazar and Caetano regimes in Portugal, and during the military junta in Greece. We are paying now for that default—that failure to live up to our commitments as democratic nations and as signatories of the North Atlantic Treaty. And the U.S. Government threatens to default on its obligations to democratic forces once again, by a premature effort to bring Spain into the Western Alliance.

Last week, the member nations of the European Community decided that its aid to Portugal should for the foreseeable future be conditioned on the development of a "pluralistic democracy" in that nation.

I agree with the judgment that further aid should wait for the outcome of today's efforts by Portuguese democrats. At the same time, however, I believe it is important that we assure the people of Portugal that we are prepared to help that nation economically, in tangible ways, if they can succeed in promoting the democratic experiment—if they can continue the effort to bring Portugal into the ranks of free and democratic nations in Western Europe. In the final analysis, democratic forces in Portugal can only succeed through their own efforts and determination. Yet they must also know that we stand ready to help; that a democratic Portugal will have major and sustained support for developing its economy and providing for the well-being of its people.

The United States has done too little to assist Portuguese democracy in the past; we must not make that mistake again.

We should also not repeat our mistakes in Portugal in neighboring Spain. Instead of seeking to include Spain in the North Atlantic Alliance, we should be indicating support for the further development of democratic institutions in that country. Nor should our emphasis in any event be on bringing Spain into NATO, where its membership would add little to Western defense that cannot be gained under current arrangements. Rather, we should be encouraging our European neighbors, in the European Community, to hold out the promise of full membership in the Community to a democratic Spain.

In this way, the nations of the West can indicate to democratic forces in Spain that we support a transition to democracy in that country—that efforts in that direction will have our firm suppor.

SUPERSONIC TRANSPORTS—THE NOISE OF THE FUTURE

Mr TUNNEY. Mr. President, during the past year we have heard a great deal about regular, commercial flights of the Anglo-French Concorde and the Soviet TU-144 into this country. Rumors have abounded about the dangers these aircraft pose to the ozone, to the human ear, to the air and to our domestic economy. In each case, the FAA or representatives of the French and British Governments have attempted to refute claims about the dangers of regular SST flights.

In the past, I have counseled a wait and see attitude based primarily on the plethora of conflicting information about the ravages imposed by foreign supersonic jumbo jets. The Department of Transportation informed us that damage to the ozone is minimal; the National Academy of Science told us otherwise. The Environmental Protection Agency published a proposed rule which would have permitted at least the first 16 Concordes to conduct regular flights, then suddenly, refuted the FAA environmental impact statement which favored Concorde flight from Europe to New York and Washington. The question about low level vibration has never been adequately addressed in any study done to date.

Today, however, data are beginning to amass which point out that the Concorde, under summertime, full payload conditions, far exceeds the noise limits of FAR 36, and worse, exceeds the 120 dBA level established as the noise pain threshhold. We have long been told that the effect of Concorde or other commercial SST flights is no worse than many other aircraft which are too old to comply with FAR 36. The news reports from the London Sunday Times and the Daily Standard clearly point out that far from being roughly similar to present-day aircraft, the Concorde inflicts noise levels which are clearly adverse to neighboring airport populations.

What distresses me even more is the fact that not only is the noise inflicted on nearby communities much greater than that experienced as a result of subsonic aircraft landings and takeoffs, but the "footprint," the area impacted by aircraft noise, is greatly expanded. The meaning of this for Los Angeles International and other airports around the Nation into which Concorde may fly is tremendous. These airports must assume liability for noise damage suits—suits which, in the case of Concorde, could be avoided. It is likely that airports may bear the brunt of nuisance suits resulting from low-level vibration of these aircraft as well. All of us may someday bear the burden of a depleted ozone layer if Concorde is allowed to assume regular commercial flights and if the National Academy of Science report is accurate.

Mr. President, I urge my colleagues to read the following articles carefully and consider the grave consequences we may face if regular SST flights by foreign aircraft are mandated without sufficient concern about their possible effects on the people of our Nation.

I ask unanimous consent that the following two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the London (England) Sunday Times, July 13, 1975]

HUSH—IT'S ONLY CONCORDE

By the middle of last week, about 200 people had complained to the Department of Trade about the noise of Concorde after only three days of proving flights from Heathrow airport. The Department expects still more complaints by post.

That the number is so high is surprising. Inquiries last week suggested that it needed great patience to complain. Despite the critical importance of the trials, designed to simulate normal commercial flights, no one at Government level seems to have seen a need for special arrangements to monitor public reaction to the plane.

Moreover, what appears to be hasty changes in the customary system of receiving noise complaints have had the effect, of postponing, and possibly distorting, information on whether Concorde broke the Heathrow noise regulations.

The normal practice is for complainants to ring the British Airports Authority operations room at Heathrow. The invariably courteous staff in operations take down the complainant's name and address and the time of the noise. With this information, operations can usually identify the guilty aircraft. After the check, the complainant normally gets a letter saying whether or not the aircraft was within the noise limits as it flew over the appropriate point.

On this occasion, the complaints are being gathered together and submitted by the BAA to the Department of Trade. "This is a trial operation," explained the Department last week. "And we are anxious to get a genuine and co-ordinated response." Geoffrey Holmes, chairman of the local authorities aircraft noise council, has been told that this information is now "embargoed," and that the Department is deciding how to release it.

During Monday and Tuesday the BAA was receiving complaints on its usual two telephone lines. On Tuesday, one caller who rang after Concorde passed overhead at 3.24 pm found the number engaged until 3.40. When he managed to get through, he had to hold the line until 4.07. "A lot of people who would be complaining have been put off," says Mrs. Evelyn Atlee, chairman of the Federation of Heathrow Anti-Noise Groups. A BAA spokesman admitted such delays were disurbing and that it might be necessary to think about special arrangements.

He added that the switchboard had been "swamped by people saying how quiet it was—we were surprised." However, a Department of Trade spokesman said that all 200 calls were adverse. "Maybe the BAA isn't passing the others on," he said.

The Department would not reveal whether or not Concorde broke the Heathrow noise regulations on the grounds that it was "not proposing to issue individual figures for individual days."

This is also a departure from previous practice. When a Mr. Coffin complained about a Concorde take-off from Heathrow last October, he received a letter from the Department giving detailed figures of the aircraft's noise on take-off, and which concluded "so you will see it was well within the limits."

The significance of last week's flights compared with earlier tests at Heathrow and Gatwick, is that they were conducted at what for all practical purposes, was maximum gross take-off weight and on typically warm summer days—conditions which mean using full power on take-off and generating maximum noise. They provided the first opportunity for people living near Heathrow to test their experience against the makers' claim that Concorde is only slightly more noisy than existing conventional jets.

On the evidence we gathered last week—from several Sunday Times writers as well as one complainant who told us that a BAA staff member at Heathrow agreed "the noise was terrible—wasn't it?" Concorde is very noticeably noiser than other jets. Most people remarked on how much longer the noise lasted, and observers at Dorking (18 miles) and Bromley (28 miles) were shocked by the noise, suggesting that Concorde has greatly extended the traditional Heathrow noise area.

These observations are nonscientific, but they are supported by the readings on the noise meter set up by Geoffrey Holmes, chairman of the Heathrow local authorities noise group, at Hatton Green, some three miles from the start of Concorde's take-off run.

The reading during Concorde's take-off on Monday on Holmes's meter—placed in the middle of a residential area—were bad but on Tuesday, they were even worse. Prior to Concorde's departure, the noisiest take-off had been by a Trident which registered 108 decibels. Concorde's reading was 125.

"It's incredible," says Holmes. "But this is an exact fact." Such levels of noise, he says, are generally regarded as being above the threshold of pain. The group present at the Hatton Green meter find it hard to believe that Concorde was within the Heathrow noise limits.

Last week's flights did more than demonstrate Concorde's difficulty in meeting Heathrow noise rules. While no one can seriously believe that the British government will ban Concorde from operating at Heathrow, a concerted public protest from people around the airport will influence the vital American decision on whether to let Concorde fly into New York's Kennedy Airport. British Airway's managing director, Henry Marking, emphasised last week that London-New York is the most important and profitable route for Concorde.

The British Department of Trade is in an equivocal position. It is responsible for aircraft noise policy and its control, but also has to negotiate routes and flying rights for Concorde abroad. It certainly seems that some of the Department's officials are shaken by the reports of readings from the meter in Hafton Green.

Twickenham MP Toby Jessel has no doubts: "The British Government, to try to sell it, are pretending that it's quieter than it really is."—ROGER EGLIN.

[From the London (England) Evening Standard, July 9, 1975]

"SHATTERING CONCORDE ROAR" ROW

Concorde's shattering descent into Heathrow last night caused widespread alarm in West London.

Residents long-used to aircraft noise rushed into the streets to see what had caused the ear-splitting roar.

The supersonic airliner was flying on only three of its four engines because of a fault in the monitoring system, the British Aircraft Corporation said today. Apart from that the landing was "perfectly normal."

But in a terrace of 13 cottages at Richmond, four householders dashed into the street. Mr. Walter Mills, who has lived beneath the flight path for many years, said:

"I was watching television when everything in the house started shaking. I am so used to planes flying over that I tend to switch off and not hear more than a drone.

DEAFENING

"But this was something totally new. I couldn't hear the television three yards from me. The roar was so loud I covered my ears. It was genuinely scarifying."

A neighbor added: "Allowing for the fact it was a warm evening and all the windows were wide open the volume of noise was deafening. I also covered my ears. It seemed as if the plane was coming through the French windows and flying out the front door.

In Grena Road, Richmond, one resident said: "Concorde followed about five other planes into Heathrow which flew overhead with scarcely a thought or a glance, and it illustrated quite clearly the difference in noise level.

"Nobody will ever be able to persuade me that Concorde is just the same as any other aircraft. It isn't."

Mrs. Eileen Murray, who lives off Bath

Road, beneath the Heathrow flight path, said: "I for one will not be too happy if Concorde is taking off and landing regularly at the airport."

Mr. James Howard of Whitton, said: "It was noisy enough last night to make me go out and watch it. I am so used to airplanes overhead I learn to switch off after a while but for some reason this made me want to take a look.

BAC said later that yesterday's fault would not affect today's flying.

Mr. Philip Sayer, chairman of the Kew Society, said when he heard the Concorde from his home in Fitzwilliam Avenue, Kew, he thought the aircraft was just about to crash.

"The noise was really frightening," he said. "And I rushed out of the house, as did my neighbours and heard the ear-shattering noise as the plane went over. The noise got worse as the plane went off into the distance."

In the Hounslow area some people said they felt so battered by aircraft overhead every two minutes that Concorde had gone unnoticed this week.

The Department of Trade, to which noise complaints are being channelled is understood to have received a modest reaction to yesterday's flight, but it was noted today that some calls from people living in areas not usually disturbed by aircraft noise.

VALUES AND PRIORITIES

Mr. BEALL. Mr. President, the Wall Street Journal on July 21 contained an excellent editorial entitled "MACOS and Moral Values."

MACOS, as my colleagues know, is a controversial fifth grade social studies course developed under a National Science Foundation grant. Aside from the questions with respect to the grant itself, the Committee on Labor and Public Welfare on which I serve was deeply concerned regarding NSF's promotion and development activities.

It is my judgment that NSF had no business promoting and marketing such a controversial work through workshops and other lobbying activities.

As the ranking minority member of the Education Committee, it seems to me the priority of the Nation are not for research and curriculum development such as MACOS. In the fifties, NSF developed a physics textbook that became very popular and useful. In that instance, there seemed to be a critical need to upgrade scientific instruction in the Nation's schools following Sputnik.

If MACOS is a priority project for NSF, then they obviously have money to fund other than priority projects. With so many education problems, such as reading in which I have been interested, I find it indefensible that NSF expended millions for the promotion of this project.

I ask unanimous consent that this Wall Street Journal editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, July 21, 1975]

MACOS AND MORAL VALUES

When the House of Representatives recently approved the appropriation for the National Science Foundation, it prohibited NSF from using funds to promote or market school materials. How the Senate will vote is anybody's guess, but the House action helps call attention to a simmering educational dispute that has received far less notice than it deserves.

NSF is involved because the federal agency spent nearly $7 million to develop a controversial fifth-grade social studies course that has been adopted by some 1,700 schools in 470 school districts nationwide. The course is called "Man: A Course in Study," a harmless enough title, but one that sounds like fighting words to a growing number of congressional and parental critics. MACOS, as it is known, has aroused passions much like the recent West Virginia textbook dispute, but the issue here is national rather than regional.

The purpose of MACOS is to foster an appreciation of alien customs among fifth graders. Students examine several species of animals plus the Netsilik Eskimos, a society of hunters who live in the Canadian Arctic. But critics say the course promotes cultural relativism by adopting a morally neutral attitude in its many references to cannibalism, adultery, bestiality, infanticide, incest, wife-swapping and gerontocide.

It's easy to brush aside that concern as ethnocentric or ignorant, but it should not be dismissed so lightly. Youngsters should be taught that other civilizations have much to admire, even so-called primitive peoples whose very survival is a miracle of adaptation and resourcefulness. But the process of education is a process of drawing distinctions; what is civilization, after all, if it is not drawing moral judgments about cannibalism or infanticide?

Moreover, although the educational process necessarily must confront students with new experiences and break down existing barriers to understanding, there is no apparent excuse for subjecting pre-teenagers to vivid films of Netsilik killing caribou and seals, then drinking their blood and eating their eyeballs. Perhaps these scenes are no worse than the scenes of violence youngsters routinely see on television in their own homes, but there is no reason for schools to compound that error.

However, some serious questions about MACOS go beyond course content. Paramount among them is to what lengths federal agencies should go to develop and promote curriculums and textbooks. As Robert Merry outlined it in The National Observer, the original MACOS grant was awarded in 1963 to the Education Development Center, a non-profit organization dedicated to innovation in education. In 1967, after receiving $4.8 million in NSF grants, EDG's curriculum was ready to market. But more than 50 textbooks publishers turned the course down because it was too controversial, too expensive or inadequate.

So EDC sought more NSF funds to establish a "dissemination network" to publicize MACOS. It established a five-week workshop to familiarize academics, teachers, and school administrators with the curriculum. Many participants, some of whom received college credits for attending, later applied for their own NSF grants to conduct similar lobbying activities. Other curriculums are reportedly being funded in part by NSF, and a multimillion dollar sequel to MACOS for high schools was recently developed at taxpayer expense.

MACOS officials say that no school district is forced to adopt the curriculum. But this argument ignores the potential corrupting influence of federal money. The course clearly would never have gotten off the ground without what Congressman John Conlan describes as "a sophisticated and aggressive promotion and marketing network being organized at taxpayers' expense. . . ."

No wonder a growing number of Congressmen are concerned about possible tax and financial irregularities within the MACOS program. They insist that the NSF peer review system, used as the basis for the curriculum grant awards, is rampant with cronyism and federal grantsmanship. Still, the more important question is why Washington is dabbling in curriculum matters at all. And since it is, why is it reluctant to affirm a preference for Western values, products not of ethnocentrism but of a proud and honorable moral tradition?

ADMINISTRATION OF CRIMINAL JUSTICE

Mr. BENTSEN. Mr. President, our criminal justice system is on trial today. The FBI has announced an 18-percent first quarter increase in the Nation's crime rate. Other crime statistics are not merely alarming, but frightening.

Although the system has remained essentially unchanged over the past few decades, changes in society and increases in the occurrence of violent crimes indicate a breakdown in many areas of criminal justice administration. Much of the problem is in numbers, particularly in urban areas where there seems to be a direct correlation between crime and urban overcrowding. The problem is not a simple one, and there are no simple solutions. But it is my view that swift, fair, and certain judicial action is the most effective response to the rising crime rate.

The difficulty is balancing our society's interest in order with society's interest in the protection of the rights and liberties of individuals. Both interests are legitimate, but our concern for the perpertrators of crime might have weighed too heavily in this balance with too little concern for their victims, too little little weight given to the interests of our society.

Punishment for the criminal offender in this country is no longer swift and by no means sure. An adult burglar knows that he has only 1 chance in 412 of going to jail for any single burglary he commits. The robber arrested in England is more than three times as likely to go to jail as the robber arrested in New York. Too often too many officials are too hesitant to even face the issue squarely, preferring to speak in terms of "rehabilitation" rather than "punishment" or "detention."

The result is a crisis of confidence not only with our criminal justice system, but with government in general. Rising crime, therefore, threatens not only faith in our criminal justice system but menaces the very fabric of our society as well.

I cosponsored the Speedy Trial Act approved by Congress last year and have introduced several pieces of crime-related legislation this year, including legislation to change rules of procedure in Federal rape trials and mandatory imprisonment for certain classes of convicted criminals found in possession of a handgun. I am preparing legislation to provide stiffer penalties for repeat offenders and to encourage more effective use of police, court, and prison personnel.

The criminal today can expect a lengthy delay from the time of arrest until and between the trial and completion of the appeal process. He can depend on crowded court dockets to enhance his chances of a reduced charge through plea bargaining. He can depend on a murky, discretionary parole and probation system to eliminate or ameliorate his prison term should he be ultimately convicted and sentenced. It is not surprising that serious crime in this country went up 18 percent during the first 3 months of this year.

For example, in theory the guilt or innocence of an accused in our system is determined at trial; the fact is that the overwhelming majority of convictions result not from trials, but from plea bargaining. The system should be revised providing for more, not less, judicial control rather than allowing the two opposing attorneys to freely bargain with the accused's fate. New methods for expediting and improving trials would also reduce the present need for plea bargaining.

Other improvements are needed such as stronger police forces, which in turn would require more meaningful internal administrative regulations. Our grand jury and pretrial hearings system should be reviewed. Courts should be responsible to keep the dockets moving, disallowing perversions of the system such as unneeded postponements.

Mr. President, we must be openminded, willing to examine methods which may differ radically from traditional concepts. Only by revamping our criminal justice system and by changing our attitudes about the purpose of that system to insure swift, fair, and certain judgments, can we combat the epidemic of crime that is sweeping the United States.

ARMY BAND HEADQUARTERS UNNECESSARY NOW

Mr. PROXMIRE. Mr. President, the action of the Department of the Army in continuing to emphasize frills at the expense of combat skill by proceeding with plans to build a military band and chorus training center at a cost of $2,680,470 is unwise and financially imprudent.

The armed services already maintain a force of some 100 bands and 5,500 uniformed musicmakers or roughly one-third of an infantry division. They resort to the defense priorities system to buy sheet music and instruments on a preferential basis for this musical force. And now the Army has let a contract to construct a special training facility at Fort Myer, Va.

There is no need for this extraordinarily expensive building. Why cannot the band and the Army Chorus practice in an existing military facility? There are many defense installations with underutilized buildings right now.

This new, fancy training center would have individual practice rooms and a recording studio as well. At $2.6 million it should be the envy of band centers everywhere.

The planned training center for the Army Chorus and Band is but another part of the costly public relations programs of the military services. It serves absolutely no military function and its impact on morale will be slight, since the Army Band plays mainly for social and ceremonial functions in the Washington area. There are already too many of these bands and too many military music schools at the service training commands.

If the Army is truly serious about improving image and morale, it could spend these funds much more wisely on improved troop facilities or on enhancing military skills.

At a time when we are trying to economize in Government and especially in the swollen military budget, this kind of frivolous spending makes absolutely no sense at all. Rather than improve the Army's image, it undermines Army credibility, with the public, as a well-managed fighting force.

MARIANA ISLANDS

Mr. GARY W. HART. Mr. President, on Wednesday, July 16, 1975, Senate Joint Resolution 107, the covenant to make the Mariana Islands part of the United States, was introduced and referred to the Committee on Interior and Insular Affairs for action. Hearings will be held on this measure on Tuesday, July 24, 1975, at 10 a.m.

Senate Joint Resolution 107 is a particularly momentous piece of legislation because it makes fundamental changes in the military and foreign policies of the United States, not to mention that it creates a new form of colonialism. In respect to military policy, if the covenant, which is a White House creation negotiated and signed without the approval of Congress, as yet, is approved, the Senate will have authorized a military land acquisition measure, brought new concepts into our Pacific defense policies and will have, for the first time in our history, absorbed foreign territories for the specific purpose of acquiring military base locations.

In the foreign policy area, covenant approval means we have decided to put at risk U.S. control of the major part of Micronesia which is not included in the administration's territorial acquisition plan. This will happen because the other island groups are free to shop around among the nations of the world for a sponsor who would be as generous to them as the administration proposes to be to the Marians. Surely, the United States cannot afford equal magnanimity to all of Micronesia.

Furthermore, acquisition by a U.N. trustee power of part or all of the territory and people given to its care by the United Nations is unprecedented. We do not know from the White House—so far the only actor, in addition to the peoples of the Marianas—who will profit greatly by the arrangements promised by the administration, whether the United Nations Security Council or General Assembly will approve of what we plan to do. It may be that the administration intends to present the U.N. with a fait accompli, just as it has done with Congress. Perhaps this is what the Congress and the citizens of the United States want to do, but so far we have no evidence on which to form an opinion.

For these reasons and for others, the covenant deserves a thorough airing before the Senate acts on it. In addition, the covenant is a 7-year authorization act, which means it has significant fiscal implications. Fortunately for the United States, the upcoming Interior Committee hearings will provide the forum for this essential analysis and will provide an opportunity for the Senate to take its proper place as part of the national structure the Constitution establishes to make foreign and military policy decisions.

This will happen because the distinguished Senator for Washington (Mr. JACKSON), in recognition of the importance of the covenant, will invite the membership of the Armed Services and Foreign Relations Committees to participate in the Interior Committee hearings tentatively scheduled for this Thursday morning. I urge all members of these committees to accept this opportunity to join in the review of this important piece of legislation.

ENERGY CONSERVATION

Mr. BROOKE. Mr. President, a solution to the problem of pricing oil and natural gas is as long overdue as is the enactment of a tough national energy conservation program. The Congress has so far failed to act decisively. And we have come to a confrontation with the President in which it would seem each side is seeking to put blame on the other for whatever controversial program ensues. The nation cannot afford such political gamesmanship. An opportunity for serious negotiation of a compromise solution is at hand, and we must all seize it.

I support the vote yesterday of the majority of the House which disapproved the oil decontrol proposals of the President. The proposal would have been entirely too costly for our faltering economy. But this vote should not be taken as the final congressional word. This should simply represent a rejection of the President's opening offer in the process of arriving at a fair price which will encourage domestic production but not impose unbearable hardship on our people. It is up to the Congress to offer a reasonable alternative.

Yesterday, I wrote a letter to the President of the United States emphasizing those issues I believe to be of paramount significance in the solution of the fossil fuel pricing problem. These are as follows:

First. The price of natural gas must be linked to the price of oil, as these two fuels compete for the same users;

Second. There should be no tariff on crude oil imports, as these do not affect equally all parts of the country; and

Third. There must be established a ceiling price for oil and gas which covers the costs of exploration and production, but which does not give excessive profits to the producers. We must not exchange an American regulatory system for one manipulated by the oil cartel.

In the letter, I expressed the hope that the Congress and the President be flexible in the process of negotiating a prompt resolution to this conflict.

Mr. President, we must act now. The prospect of the expiration of oil price controls is grave indeed. Elected officials must face squarely the fact that fuel prices will continue to rise. No one is going to enjoy this. But that is no excuse for ducking our responsibilities. We must help shape an effective energy program. And we must delay no longer.

Mr. President, I ask unanimous consent that the full text of my letter to the

President of the United States be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., July 22, 1975.
President Gerald R. Ford,
The White House,
Washington, D.C.

Dear Mr. President: Although I share your frustration with the slow pace of Congressional response to our energy crisis, I would respectfully like to suggest some energy pricing questions which I believe merit your further consideration.

First, let me say I applaud your endorsement of a price ceiling which protects our domestic energy markets from arbitrary OPEC pricing. However, I feel that a price system which controls oil but lets natural gas prices rise without limitation is not in our best interests. The competitive economic relationship among all fossil fuels would, in an unregulated market, mean that all their prices become equivalent btu-for-btu. A decontrol proposal which seeks to eliminate some of the economic irrationalities of regulated pricing should not encourage new distortions in the relationship between oil and gas prices. I believe a favorable climate for the deregulation of natural gas could be created if wellhead gas prices were tied to a plan for the reregulation of oil prices. I hope you will give this proposal serious consideration.

Second, I am disappointed that the $2.00 tariff is not removed by your proposed program. As I have indicated in the past, I feel the tariff is the least useful tool for reducing imports. It penalizes those regions which depend on imports, inhibits development of a domestic refining capability, and falls on vital products which are being used conservatively, like home heating oil, just as hard as it impacts on products whose use could be reduced, like gasoline.

Finally, I feel a $13.50 ceiling is too high. While I share your concern for reducing demand, I believe such measures must be balanced against the economic shock of such large increases coming over so short a period as three years. I view the findings of the Congressional Joint Economic Committee on the impact of phased decontrol with considerable concern. Even if the studies indicating the costs of recovery run well over $12 are correct, oil producers will make a substantial profits from the price gains on their old oil. Let me add in that regard that I wholeheartedly support your call for a windfall profits tax.

I would like to offer you any assistance I might be able to provide in the negotiations for a comprehensive fossil fuel pricing policy which I hope will be forthcoming in the next few weeks. I, too, feel that the inaction of the Congress on a national energy policy has been unfair to the Nation. But I am mildly optimistic that as a result of your leadership, these issues are being given the prompt and serious consideration they have so long deserved.

With every good wish,

Edward W. Brooke.

FOREIGN POLICY

Mr. CRANSTON. Mr. President, on July 4 my colleague from California, Senator Tunney, addressed a distinguished audience which included experts in the field of national security policy, members of the British and several foreign governments, and representatives of the international press. The setting for this address was the prestigious International Institute for Strategic Studies in London, best known for its yearly assessments of the world's military situation, the "Military Balance," and the "Strategic Survey."

In his speech, Senator Tunney sought to address two issues of great concern to our allies. The first is the effect of growing congressional influence in foreign policy decision-making upon U.S. commitments abroad. The second is the need to alter our perspectives on foreign policy to include issues outside the traditional bounds of strategic doctrine but nonetheless of vital significance to the security of the developed nations in an increasingly interdependent world.

In the words of Senator Tunney:

> Today, the issues which loom large for foreign policy go far beyond the bounds of strategic weapons, military alliances or the sheer force of arms. The equation of world leadership has become a complex one indeed.

Mr. President, because of the importance of the Senator's remarks in the context of the Senate's upcoming debate over the fiscal year 1976 foreign assistance budget, I ask unanimous consent that they be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Address of Senator John V. Tunney

First, I would like to express my appreciation at your invitation to address the institute. It may seem a bit strange for an American to be addressing a British audience on American Independence Day.

To me, however, it is quite appropriate, for while my country is as proud of her independence as your own, its future is as inextricably bound to yours as at any time since Englishmen first set foot on American shores. Speaking before the House of Commons in 1948, Sir Winston Churchill said: "In the ever-closer unity of the English-speaking world lies our main hope for freedom and the greatest part of our hope for survival."

For years your institute has been one of the most respected international forums for evaluating international problems.

You have heard from many distinguished Americans—Congressman Les Aspin, Admiral Elmo Zumwalt, Senator Edward Kennedy to name a few—but perhaps none has spoken at a time of greater world-wide doubt about the solidity of our support for our historic allies.

Vietnam hammered great fissures in American unity at home and weakened confidence in America abroad. Watergate and the resignation of the President resulted in further doubts about American leadership. During the recent North Atlantic assembly conference in Brussels, I was quite surprised at the depth and scope of concern over America's continued role in the alliance.

America remains strong. Her constitution, founded in the bedrock of the English common law and the strength of man's aspirations for personal liberty, has prevailed through foreign and domestic turmoil.

The end of the conflict in Indochina in no way signals an abrogation of America's responsibilities around the world. While the United States was mistaken in its commitments in Southeast Asia, it can hardly be accused of defaulting on them. The collapse of Vietnam and Cambodia sprang not from a failure of American resolve, but from a failure of American understanding.

I have just come from my home state of California where I have talked with hundreds of my fellow Californians in large cities and small towns, on the assembly lines and along main street.

At the vast aerospace plants outside Los Angeles or along the shaded streets of Auburn in the foothills of the Sierra, the message is the same: Americans want a strong United States—seeking world peace and fulfilling its world responsibilities.

It would, therefore, be a grave mistake for any nation to misread the withdrawal from Vietnam as the harbinger of American withdrawal from its world role. It would be equally mistaken to overestimate the differences between the administration and Congress on foreign policy.

To international observers, familiar with political systems in which the legislative and executive branches are more congruent, congressional action may appear to be little more than interference in an otherwise orderly process. Actually, Congress is attempting to introduce an element of stability by clearly reaffirming the constitutional bounds within which foreign policy may be conducted.

By enacting the war powers act, by investigating the activities of the CIA, by embargoing arms to Turkey, Congress seeks to establish the ethical framework within which the President can exercise his discretion. Such participation is an integral part of the American system of checks and balances.

In attempting to re-establish itself as a coequal branch of government with the President, Congress may appear a leaderless, groping and stumbling institution—overshadowed in time of crisis by the President who can act with a single mind. As a conglomerate of many minds, each struggling to grasp the needs and aspirations of the United States as a whole and of each constituency in particular, Congress sometimes is a frustration to friends overseas. And, I must say, to voters at home. Nevertheless, for all its faults, Congress has knocked the armor from the imperial presidency and is asserting anew its rightful role in foreign policy—no longer as the affirming echo of presidential fiat—but as a check on arbitrary action and as a guardian against precipitate decision.

For example, there is growing pressure to review our agreements with nations whose repressive internal politics—characterized by press censorship, suppression of political opposition and suspension of free elections—are the reverse of our own. This reflects a lesson learned the hard way in Vietnam and Chile, and one which I was pleased to see Secretary of State Kissinger publicly acknowledge last week. He said in substance—without the support of the people it purports to represent, no government can seriously hope to prevent subversion or maintain its own security.

For the present, American military commitments to nations such as Korea or the Phillippines will remain in force.

The price of American assistance, however, is likely to rise as the Congress insist that our interests be allowed to determine our commitment rather than the commitments our interests. I hope to offer an amendment this year to the foreign assistance bill to reduce American aid to Korea and the Philippines unless there are significant changes in their repressive domestic policies.

While I recognize the right of a sovereign state to conduct its internal affairs free from direct foreign intervention, I don't think that the American taxpayer has a responsibility to subsidize oppressive governments.

The time has also come for greater congressional oversight of secret executive agreement. I would like to see the Congress adopt legislation requiring Senate confirmation of key overseas base agreements, such as the one with Spain, which expires in August.

As for the President's reassessment of American policy in the Middle East, it will undoubtedly run into formidable roadblocks on Capitol Hill. There is a general consensus that both sides in the Middle East conflict will have to make accommodations if another war is to be avoided. But public announcements of reappraisals and ultimated at a time when Israel is approaching multilateral negotiations in Geneva—against a united front of the Arab states and the

Soviet Union—is highly prejudicial and totally unwarranted.

As to NATO, America's commitment should remain steadfast. The House of Representatives last month voted overwhelmingly to reject a measure to reduce American troops overseas. The Senate did not even consider the Mansfield amendment during debate on the military procurement bill—a bill which authorized the Department of Defense to raise our combat forces in Europe by a division and procure an additional 6 AWACS aircraft for deployment in the central region.

In the face of shifting economic fortunes, however, Congress is likely to insist upon closer links between economic and military policy in Europe. For one thing, it may again propose that Europeans assume a greater share of their own defense burden. Rising U.S. defense costs together with declining European contributions as a percentage of gross national product, will produce strong congressional pressures for a realignment of cost-sharing arrangements; and any West German rejection of a renewal of the 14-year-old offset agreement will have a marked negative impact on congressional opinion.

Beyond financial considerations, questions of defense doctrine will be subject to more careful scrutiny. The debate over AWACS and the deployment of "mininukes" in Europe are examples.

So, too, is the administration's new reliance upon a doctrine of flexible tactical nuclear response, which seriously lowers the nuclear threshold in Europe and raises the spectre of limited nuclear war in which, specialists estimate, some 20 million Europeans could be killed.

Closely related is the question of maintaining 7000 nuclear weapons in Europe. Recent studies have shown that the dual functions of deterrence and augmentation of NATO's war-fighting capability can be accomplished by a much smaller number of weapons. Even Secretary Schlesinger, in his testimony on the fiscal year 1976 defense posture statement, suggested that the oft-invoked Shibboleth of overwhelming Warsaw Pact conventional superiority was becoming less and less credible.

I personally think financial savings can be achieved and the problem of security at over 100 weapons storage sites simplified without adversely affecting NATO's defensive position. The number of tactical nuclear weapons deployed should be significantly but gradually reduced. Units now protecting those weapons should be transferred to conventional units. NATO tactical aircraft should be more widely dispersed to assure that a greater number will survive any Soviet first-strike. And to resolve problems with command and control, more emphasis must be placed in the NATO general strike plan on conventional response.

In a strategic context, many of my colleagues in Congress have strongly opposed Secretary Schlesinger's revision of American targeting doctrine. I agree with them. Continued development testing of a maneuverable reentry vehicle for the Minuteman 3, combined with breakthroughs in terminal guidance and warhead miniturization, threaten to upset the strategic balance. From a Soviet perspective, the upgrading of our counterforce capacity suggests the creation of a first-strike potential.

I do, however, support procurement of the B-1 bomber and for the time being continued development of the cruise missle. While the B-1 program will cost over $20 billion, a strategic force which can be swiftly dispersed, recalled, and placed on airborne alert provides a wide range of options for use if war clouds ever again darken our skies.

This brings me to something of a turning point in my speech. I would like to discuss now some issues which might seem to lie outside the traditional bounds of national security, but which I believe are of increasing relevance to our survival.

In his address accepting the Nobel prize for literature in 1953, Winston Churchill said: "Since 1900 we have entered an age of storm and tragedy.

The power of man has grown in every sphere except over himself. Never in the field of action have events semed so harshly to dwarf personalities. Rarely in history have brutal facts so dominated thought or has such a widespread individual concern found so dim a collective focus. The fearful question confronts us: Have our problems gotten beyond our control?

Today, the issues which loom large for foreign policy go far beyond the bounds of strategic weapons, military alliances or sheer force of arms. I have been particularly impressed over the past few years by the absolute insufficiency of military or strategic theory to explain the ebb and flow of international fortunes. The equation of world leadership has become a complex one indeed.

Years ago, an American historian suggested that the history of civilization is distinguished by the irreversible progression of society from lower forms of organization to immensely more integrated and complex ones. Today, as the process of integration continues and accelerates, transcendent issues and problems will further blur national boundaries. As this happens, national security itself will become an increasingly amorphous concept.

Sometimes, as I listen to the debates over our nuclear posture, along with the inevitable comparisons between our arsenal and the Soviets', and the ephemeral scenarios of what might happen if the Russians in a moment of supreme irrationality should launch a first-strike against us, I am struck by the unreality of it all.

Armageddon may not result from a clash between the so-called super-powers, but may come because of explosive circumstances affecting the small and the poor as well as the big and the well-off.

Of particular concern to me is nuclear proliferation. Quite frankly, I was greatly disturbed at the announcements of the German and French Governments that they will transfer complete nuclear fuel cycle technology and reprocessing facilities to South Korea, Pakistan, Brazil, and Argentina.

It has with satisfaction that I noted the opening in London last week of a 7-nation conference on the question of controls and safeguards on nuclear exports. Early reports indicate that some progress was made and that another meeting will be held.

But we can't wait 3 or 4 years for results. By then it may well be too late to stop the proliferation spiral. Once Brazil develops enrichment technology, Agrentina will have to have it. Now that India has tested a nuclear device, Pakistan will have to test one. If South Korea gets reprocessing facilities, North Korea will demand them. The time for action is now.

While the non-proliferation treaty was a major step forward, it was not enough. The NPT contains at least one gaping loophole—there is nothing in it to prevent any Nation who has been given a full fuel cycle or reprocessing technology from duplicating that technology on its own and using it to build weapons.

A first major task before us, then, is to amend the treaty as soon as possible to provide safeguards against such dangers. In the interim, the exporting countries must impose a moratorium on the export of enrichment technology. There is a resolution pending in the United States Senate of which I am a cosponsor that would require the President to undertake, as a top priority, initatives to obtain such an agreement.

There is no reason why Nations not already possessing enrichment technology need that technology for the development of an indigenous nuclear power industry. Fuel supplies can be obtained from a variety of sources with little prospect of their embargo. And under a plan offered by the U.S. arms control and disarmament agency, regional enrichment facilities could be established to ensure a continuous supply of fuel.

In the absence of multilateral agreements, I would favor unilateral action by the United States. American exports of nuclear technology should be keyed to bilateral guarantees under which the recipient would agree to adopt restrictions on all its plants of whatever origin in return for economic concessions from the United States.

Beyond nuclear proliferation, other lethal problems stalk our planet. A nuclear war might incinerate 20 million persons. Yet, last year alone nearly 20 million persons died of starvation. Over 400 million people are suffering from malnutrition, and according to the retiring chief of the United Nations food and agricutlural oragnization, the situation is deteriorating. The world food conference set a target figure of 3.6% for annual growth in world food production, but only 1.6% has been achieved. At the same time, population around the world is expanding at a rate of 2% per year. It takes no mathematical merlin to conclude that the gulf between food and hungry mouths is widening at an alarming rate.

The same day that FAO made its assessment, the European Common Market Commission refused to increase its contribution of grain to needy countries, and authorities in the United States were openly discussing a policy of triage.

While there seems to be an unwillingness on the part of nations to step up their contributions to the economic and agricultural needs of the lesser developed countries, there doesn't seem to be any similar reluctance to provide military assistance. As all of you know, the international trade in conventional arms has grown dramatically over the last 5 years. In 1970, the dollar value of the international market was approximately $6 billion. Today it is closer to $12 billion.

In the United States—the world's largest arms supplier—some progress is being made in stemming the tide of grant arms flows. Both the military assistance advisory group program and the military assistance program were scaled down by congressional mandate. Legislation has been introduced to require prior congressional notification and approval for individual credit arms sales over $25 million and aggregate sales over $50 million. I think the measure stands a good chance of passage.

Personally, I would like to see a provision that would cut the level of American assistance to a country—except for emergency humanitarian aid if that nation plows a substantial portion of its money into armaments rather than into farms. Under such a proposal, American foreign aid would be cut off when that nation's military budget exceeded 2 or 3 percent of its GNP.

As the Overseas Development Council stated in its 1975 report: "A modest diversion of the enormous amounts now expended for military purposes to constructive investments of the kind outlined in this report would make significant strides toward solving some of the common problems that threaten the world's people."

With both conventional arms and nuclear weapons technology spreading at the same time as world food and population problems mount, world stability clearly is threatened, and leaders confronted with starving millions at home may well resort to nuclear blackmail to get needed food supplies.

Food is just one element of the resource question—a question which I have examined in depth in my book to be published this fall, "The Changing Dream."

Another resource of vital importance to the health and security of the developed world is energy. The Arab oil embargo and its accompanying four-fold price rise demonstrates how vulnerable we really are—despite our overwhelming military superiority.

The embargo was limited in its duration and scope. Yet its impact was tremendous.

In the United States a reduction of only 10% of the imported oil, and lasting less than half a year, cost Americans half a million jobs and over 1% of GNP; it added at least 5 percentage points to the price index and set the stage for the most serious inflation and recession since the great depression. Its impact was so adverse that it resulted in severe warnings from the President against a repetition. Implicit in those warnings was the threat of military intervention.

But even if military conflict is unlikely, economic warfare is not, and in a world of cut-throat economic competition everyone suffers. The differences that new resource policies have produced even within the consuming States is reflected in a debate that is now going on in the United States between Secretary of State Kissinger and Secretary of the Treasury Simon. Secretary Kissinger maintains that international agreements on price and availability between OPEC and the importing Nations are imperative to avoid confrontation.

To Secretary Simon, confrontation is an essential ingredient of an approach which will eventually leave the importers dominant. In his view, the United States retains enough economic influence on its own to force the Arabs to back down on future price increases and rollback previous ones. I definitely disagree. As an energy expert expressed it to me: "Right now, the Arabs need American money and markets a lot less than we need their oil."

I think the western Nations, and especially the U.S., are going to have to face the facts. It will be decades before energy self-sufficiency can be achieved through exploitation of high-technology alternatives like nuclear fusion, or solar or geothermal power. Assuming that our energy needs will continue to grow—they are doubling now each decade—and assuming that military actions are not viable, it is clear that some accommodation will have to be reached with OPEC.

The prospects for such an accommodation are better today than at any time since the embargo. Oil importing nations have agreed on the principle of a floor price. An international energy agency has been established. The next step is consensus on a "safety net" to minimize the effect of member-states' balance of payments deficits brought on by the oil price rise.

Later this year, the energy summit will probably take place. Initially discussions will center around guarantees on price and supply. Ultimately, the problems of indexation and ties to development assistance will have to be faced. Therefore, it is vital that these problems be given a higher priority in national planning, and that they be considered as closely related to other international problems.

In conclusion, oil, food, proliferation, population, and resource availability are examples of issues of growing importance to the security of developed nations in an increasingly interdependent world. They serve to underline the need for revisions in the way we look at foreign policy. Questions of broad strategic doctrine may be fascinating and are important, but they carry with them an air of unreality. Population control, food, and the spread of conventional weapons may be less exciting but are more immediate.

A few days ago, I spoke with a former aide to Dr. Kissinger. He impressed me with a parallel he drew between this period and the period following the Congress of Vienna.

He said the last 3 decades of the 19th century in Europe were characterized by relative peace, prosperity and mutual understanding. But beneath the surface of the relative calm were fundamental structural changes which were all but ignored. Monarchies were collapsing, rigid ideologies were emerging, and the old economic order was decaying.

Ultimately, the structural changes converged to produce a cataclysm which according to one of the leaders involved was "unexpected, unwanted and unnecessary." I hope that in our concern over sophisticated questions of national defense and foreign affairs, we don't miss the import of the fundamental structural changes going on around us.

EGYPTIAN REVOLUTION

Mr. HARTKE. Mr. President, the Arab Republic of Egypt, often referred to as Egypt, celebrates the anniversary of the revolution, July 23, which is proclaimed as a national holiday.

In recent months Egypt has moved very swiftly in trying to secure a lasting peace in the Middle East. The actions of President Anwar Ah Sadat in harmony with our own Secretary of State have been milestones on the highway of world peace.

The United States and Egypt formally renewed diplomatic ties in February 1974, and since that time both countries have shown a willingness for mutual understanding.

For many years the mainstay of Egyptian economy has been agriculture and with the advent and opening of the great Aswan Dam on the Nile River in southern Egypt has opened the Nile Valley for more arable land and new industrial complexes.

On September 11, 1971, Egypt's permanent constitution, based on studies by the Arab Socialist Union and the People's Assembly, was passed by general referendum. It embodies the goals and principles of the revolution and serves as the basis for government.

It is hoped that the question of peace keeping, the United Nations forces withdrawals from the Sinai and other areas of contention can be settled soon between all parties concerned.

The recent opening of the Suez Canal is surely an added boost to the economy of the entire world, since it shortens travel time for most of the world's oil supply and adds to the gross national product of Egypt.

Mr. President, I take this opportunity to salute the people, the Government, and the President of the Arab Republic of Egypt on their National Day.

CORRUPTION IN THE GRAIN TRADE X: THE BOX CAR BLACK MARKET

Mr. CLARK. Mr. President, a little-known problem associated with large-scale grain sales, such as those now being made to the Soviet Union, is the industry practice of tying up huge numbers of railroad cars for these shipments, thus freezing out farmers and country elevators from rail transport.

Often this situation leads to a kind of "black market" in freight cars, forcing Midwest producers to sell grain at a discount as the only means of getting it moved.

On Monday documents filed at the Interstate Commerce Commission by its bureau of enforcement revealed just how serious this practice has become. They make clear how important it is that small producers are protected from a recurrence of the freight car shortage which developed after the 1972 Russian wheat sales.

Clark Mollenhoff, writing in yesterday's Des Moines Register, and William H. Jones, writing in yesterday's Washington Post, report that eight grain exporting firms allegedly have exacted discounts from independent operators for the use of railcars they have tied up for their own use.

I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 22, 1975]

GRAIN EXPORTERS CONTROL BOXCARS

(By William H. Jones)

Small and independent country grain elevator operators throughout the Midwest often must pay a special fee to large grain exporting firms in order to secure rail freight cars for shipping wheat, corn and other farm products, federal investigators have told the Interstate Commerce Commission.

Documents filed at the ICC yesterday by its bureau of enforcement portrays a situation where the major grain export firms have managed to gain control of a significant share of available freight cars.

One result, during periods of heavy harvest, is a freight car shortage that the railroads can't completely solve because much of their equipment already is committed. Unable to get boxcars or hoppers for grain and unwilling to let the crops rot in elevators, Midwest producers have been forced in many instances to sell grain at a discount to big grain firms—just to get it moved.

Generally, this practice has been described as a "black market" in freight cars and some grain elevator operators have called it "extortion."

In ordering an investigation of complaints last year, ICC chairman George M. Stafford said the big grain firms could be reducing their overall transportation costs illegally by the practice and could be violating the Interstate Commerce Act or antitrust laws.

The documents filed yesterday came at a time of new concern about the ability of producers to have equitable access to the nation's transportation network. Sen. Dick Clark (D-Iowa) already has asked the ICC to help avert a repeat of the last grain shipping crisis, which occurred after the 1972 sales of wheat to Russia.

"As yet," he said, "we have no assurances that an inequitable distribution of rail cars favoring the major grain companies will not reoccur, blocking grain movement from the farm, and forcing farmers and country elevators to sell grain to the major companies at below market prices."

That is exactly what has been happening, according to the documents filed at the ICC.

One agency investigator, Haldon G. West of Indianapolis, said eight grain exporting firms had engaged in the practice of providing rail cars designated for their use to independent operators—by exacting a discount.

The firms named were Lincoln Grain, Inc.; Tabor & Co.; Bunge Corp.; Louis Dreyfus Corp.; Continental Grain Co.; Central Soya Co.; Cargill Inc.; and Cook Industries.

Although officials of Continental in Chicago denied to ICC investigators the existence of such discounts in exchange for transportation, other former and current Continental officers supported the allegation.

For example Continental merchandising officer Patrick Gossen in Des Moines told the ICC that if equipment is hard to find the service is offered with a discount of about 10 cents a bushel. "The amount charged is whatever the market will bear . . . there is a market for equipment," he said.

In some instances the ICC found discounts ranging as high as 15 cents a bushel—meaning that the local producers got that much less for their produce than the going market prices.

One Continental Grain letter dated March 1, 1974, and submitted to the ICC yesterday outlined that firm's objections to plans of the Milwaukee Railroad to alter its rates for "unit" trains—that is trains made up of 25 or 50 cars carrying grain and operated continuously from the farm belt to ports for export.

"A major objective of Continental is quite frankly to gain control of the transportation and logistics of the grain flow from the country to its export elevators" said Continental transport officer R. J. Helms.

The grain exporters strongly denied that they were engaged in any illegal practices, in interviews with ICC investigators.

For Memphis-based Cook Industries, senior officers Christopher R. Parrott and Michael H. Swanson said the "discount" concept is used as a qualitative standard to reflect lower grades of crops, for example. They argued that the grain companies themselves were providing a healthy portion of freight cars by leasing them on their own and not tying up the railroads' fleets.

Evidence submitted by the investigators showed that a number of railroads, however, were committing hundreds of freight cars each month for unit-train operations by the big grain firms. Among the railroads engaged in this practice were the Milwaukee Road, Rock Island, Chicago & North Western, Penn Central, Norfolk & Western and Illinois Central Gulf.

The investigators found different policies on different rail lines—with Union Pacific, Burlington Northern and Missouri Pacific, for example, dividing up available cars on a pro-rata basis among all customers.

[From the Des Moines Register, July 22, 1975]

ICC PROBERS FIND LARGE-SCALE BLACK-MARKETING OF GRAIN CARS

(By Clark Mollenhoff)

WASHINGTON, D.C.—Interstate Commerce Commission (ICC) investigators have uncovered large-scale black-marketing of railroad grain cars in large section of the Midwest.

In a dozen sworn statements filed with the ICC Monday, the investigators said the big grain companies have been taking advantage of discount rates for large quantities of big, covered hopper cars, thus tying up a major portion of grain transportation fleets of Midwest railroads and making it nearly impossible for farmers and grain elevator operators to obtain cars when needed.

LOWER PRICES

When the country elevator operators can't obtain cars on their own, the investigators concluded they are forced to accept lower prices from the big grain companies that have the cars available.

The farmer, in turn, receives lower prices for grain that he might have received if the elevator operator could have bid with knowledge that he could obtain the needed grain cars.

The investigators affidavits said discounting practices have been uncovered in Indiana, Illinois and Iowa, involving at least eight grain companies, including the Bunge Corp., Louis Dreyfus Corp., Continental Grain Co., Central Soya Co., Cargill, Inc., Cook Industries, Inc., Lincoln Grain, Inc., and Tabor and Co.

REPORT TO CONGRESS

Railroads involved in the investigation included the Chicago and North Western; the Chicago, Milwaukee, St. Paul and Pacific, and the Chicago, Rock Island and Pacific.

ICC Chairman George Stafford immediately ordered the investigators' statements sent to both houses of Congress, where members of the Commerce and Agriculture committees have requested the results of the probe.

The black marketing gained public attention about a year ago when some shippers complained at ICC hearings on the restructuring of bankrupt northeastern railroads that the big grain firms were tying up railroad car fleets.

ICC investigator Loyd O. Addy implied that the incidents began about the time of the 1973 Russian grain deal, when Midwestern states felt an unprecedented demand for rail cars and the supply of both covered hopper cars and grain boxcars was insufficient to meet demand from country grain elevators.

RAILROADS "UNAWARE"

According to investigators' reports, the railroad supplying the grain cars were unaware of the inequitable distribution of hopper cars or did not want to become involved in disputes with their biggest customers—the grain merchandising giants.

Addy said a "black marketing" grain merchandiser would exact a discount in purchase price when buying grain from a country elevator in exchange for the merchandiser's agreement to furnish the freight cars to be used in transporting the grain.

"The 'discount' is, in effect, a charge to the country elevator for use of the grain car supplied by the merchandiser," he said. "Generally the discount is reflected in a per-bushel price lower than would have prevailed had the country elevator undertaken to supply the car."

"UNIT TRAINS"

Addy said his investigation covered the multiple car shipment arrangements referred to as "unit trains," which are "dedicated to a grain merchandising firm for a minimum of five consecutive trips and may be continued for an indefinite number of trips."

Addy said that by thus allocating a large portion of their fleet of covered hopper cars, the railroad reduced the number of free-running grain cars, which country elevators depend on when loading grain under single-car rates.

The combination of an insufficient supply of free-running cars and the control by grain merchandisers of a large fleet of railroad-owned cars that "magnified the opportunity for the black marketing in freight cars," Addy said.

CORRUPTION IN THE GRAIN TRADE IX: A BIG BREAKTHROUGH

Mr. CLARK. Mr. President, the grain scandal which has come to light in recent weeks, only to be minimized by the Secretary of Agriculture as being played out of proportion, reached proportions hard to overplay yesterday when a Federal grand jury in New Orleans indicted the Bunge Corp., one of the Nation's largest grain companies, and 13 present and former executives and employees of that company on charges of conspiracy to steal grain by short-weighing shipments.

These charges, if they can be proven, will confirm what we have suspected for some time; namely, that multinational grain companies have been involved in the systematic short-weighing of grain they purchase from the American farmer. The result is excess stocks that the companies sell at 100-percent profit.

The indictments underline the urgent need for a Federal grain inspection system, including tight supervision of weighing as well as grading. U.S. grain exports, which now total over $10 billion annually, are simply too important to be left exclusively in the hands of the international grain traders and private grain inspection agencies.

The indictments further highlight just how little we know about the multinational grain companies. Seven of these firms control 90 percent of America's grain exports, and 80 percent of grain exports worldwide. Yet, as George Anthan pointed out in Sunday's New York Times:

> The simplest query directed to a grain company can produce a response worthy of a request for atomic secrets.

That is why it is so important that the investigations into the grain trade now being conducted by the Subcommittee on Multinational Corporations and the Subcommittee on Foreign Agricultural Policy proceed as rapidly as possible.

Mr. President, I commend the U.S. attorney in New Orleans for the thorough investigation he is conducting and I ask unanimous consent that a number of articles concerning the recent indictments, as well as Mr. Anthan's story, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Des Moines Register, July 22, 1975]

FIRM INDICTED IN GRAIN THEFTS

(By George Anthan and James Risser)

WASHINGTON, D.C.—A federal grand jury in New Orleans, La., Monday indicted Bunge Corp. and 13 present or former corporate executives and employes on charges of conspiring to commit systematic thefts of millions of dollars worth of grain bound for overseas customers of the U.S.

Bunge, one of the half-dozen large international companies that control most U.S. grain exports, and the individuals named also were charged with defrauding the U.S. Department of Agriculture (USDA).

TWELVE YEAR CONSPIRACY

The indictment, returned before U.S. District Judge Frederick J. R. Heebe, charges the defendants conspired to steal export grain over a 12-year period, starting in the summer of 1961.

Among other things, the indictment said, there were 33 fictitious sales between 1965 and 1970 of 857,449 bushels of corn, wheat, soybeans and sorghum valued at more than $1.5 million.

The Des Moines Sunday Register reported July 13 that indictments of some top grain company officials were pending in the federal investigation of the grain export business.

The indictment Monday stemmed from a widespread investigation at New Orleans and other port cities into bribery and other corruption in the inspection, grading and weighing of U.S. export grain. The existence and extent of the investigation first was disclosed by the Des Moines Register May 4.

COMPANY POLICY

In the case of Bunge, the grand jury heard evidence that it was "company policy" to shortweight each outbound ship as it was loaded. The grain saved by underloading each ship could then be used to load on other ships and thus was sold twice.

Bunge Corp. is a division of Bunge and Born, a Buenos Aires, Argentina-based conglomerate that has offices in 80 countries, has more than 20 river and five terminal elevators in the U.S. and operates barges, rail cars fleets and ocean-going ships.

Among the defendants indicted Monday were Bunge executives Walton F. Mulloy of Kansas City, Mo., vice-president and regional manager of the company's office there, and Clayton E. Wilcox of Hindsdale, Ill., assistant vice-president and regional manager at

Bunge's St. Louis, Mo., and Destrehan, La. offices.

The indictment charged that Bunge's shortweighting scheme involved ships loaded at the firm's export elevators at Destrehan and at Galveston, Tex.

ONE OF FOUR FIRMS

Bunge is one of at least four grain companies under investigation by the U.S. attorney's office in New Orleans, FBI and the USDA office of investigation. The probe is being directed by U.S. Atty. Gerald Gallinghouse and by asst. U.S. atty. Cornelius Heusel in New Orleans.

Two of the persons indicted Monday served as top managerial personnel for Bunge at both elevators at different times. Defendant D. A. Negrotto, jr., of New Orleans, was a foreman and superintendent at the Destrehan elevator and assistant superintendent and manager at the Galveston facility.

Daniel G. Delaney of Old Bridge, N.J., was described in the indictment as having been superintendent at Destrehan and manager at Galveston.

Defendant Negrotto was said by one of the federal investigators Monday to have been "a big help" in establishing the case against Bunge and the other defendants.

VENAL MOTIVE SEEN

Negrotto voluntarily went to the federal investigators last fall and gave them extensive information about the Bunge operation. Investigators said Negrotto apparently was motivated in part by a law that may allow him to collect 10 per cent of all money collected by the Internal Revenue Service in the investigation of Bunge and other grain firms.

The participants divided the money obtained and did not pay federal income taxes on it, according to the investigators.

After providing these details to federal officials, Negrotto went into hiding in another state to avoid reprisals.

INDICTED EMPLOYES

Other present or former Bunge officials and employes indicted Monday were:

Harry O. Dolesh, sr., or Metairie, La., Edwin L. Wolfe of Kenner, La., Alvin Joseph Morales, jr., of Destrehan, Andrew J. Voelkel of River Ridge, La., George J. Deharde of Galveston, Harvey R. Hickman of Dickenson, Tex., Willie E. Horn of Galeston, James F. Kesinger of Hitchcock, Tex., and John H. Gonor, sr., of La Place, La.

It is believed the grand jury moved to issue the indictment Monday because of a possibility the federal statute of limitations could have protected some of the defendants if there had been a delay.

The grand jury that issued the indictment Monday has been meeting for about 18 months and its term will expire Aug. 15. A new grand jury will be empaneled and will begin meeting that day.

Federal investigators had indicated previously that higher Bunge officials, including the top management, were under scrutiny.

"We indicted all company officials today whom we felt we could prove a case against at this point," an official source said.

"But the investigation is not over," he said. "We're not closing the books on Bunge simply because of one indictment."

MASSIVE WRONGDOING

Persons in New Orleans familiar with the investigation have told The Register that the grand jury has received evidence of massive wrongdoing at the Bunge elevator there.

Witnesses before the panel reportedly have detailed how grain of an inferior grade to that being sold was secretly loaded onto ships at the elevator. Records were falsified to show the loading of the proper grade of grain, the grand jury was told.

Other shipments from Bunge have on several occasions contained crotalaria seeds, a toxic substance that can be fatal to animals given feed made from the grain, according to grand jury witnesses.

As part of the scheme to shortweight shipments of grain from the Bunge elevator, water was sometimes loaded into ballast tanks of train ships, the grand jury also has been told. This made the ships ride lower in the water, indicating more grain on board than was actually loaded.

The defendants also were accused of conspiring to defraud the USDA by impeding, obstructing and defeating the lawful functions of the USDA in its supervision of federally licensed grain warehouses. The grain-stealing scheme, investigators said, involved issuance of false weight certificates and the conspiracy prevented the USDA from keeping accurate and complete records on grain stored in elevators under the U.S. Warehouse Act.

Maximum penalty for conviction under the federal conspiracy statute is five years in prison and $10,000 fine.

Other companies being probed in addition to Bunge include Cook Industries, Inc. of Memphis, Tenn., the Mississippi River Grain Elevator Co. and the St. Charles Grain Elevator Co.

The private agencies that handle grain inspection at these elevators also are under investigation. The Bunge elevator at Destrehan is inspected by the Destrehan Board of Trade. That agency was set up by a Louisiana state legislator, Bryan J. Lehmann, jr., with a $10,000 loan from Bunge. The same agency also inspects the nearby Cook Industries elevator.

Under the 60-year-old U.S. Grain Standards Act, initial inspection of export grain cannot be performed by federally-employed inspectors. Although inspectors are federally licensed, they work for private boards of trade, chambers of commerce, grain exchanges and similar organizations, many of which are controlled by grain and shipping interests.

[From the New York Times, July 22, 1975]

BIG GRAIN CONCERN INDICTED WITH 13 IN EXPORT THEFTS

(By William Robbins)

NEW ORLEANS, July 21.—A Federal grand jury indicted the Bunge Corporation, one of the world's largest grain companies, and 13 present and former executives and employes today on charges of conspiracy to steal grain by short-weighting shipments and conspiracy to cover up the thefts.

A part of the alleged conspiracy, the grand jury charged, was a system of interoffice accounting entries purporting to show sales by regional offices to the New York headquarters, with credit memorandums then sent to local offices in the Galveston and New Orleans area. There, the indictment said, the transactions would be shown in the company's records as income for grain sold.

INQUIRY AT HIGHEST LEVEL

Today's indictments raised to the highest level thus far the spreading investigation into alleged corruption in the handling, weighing and grading of grain for export.

A total of 20 indictments had been returned previously in the New Orleans and Houston areas, but they largely involved grain inspectors licensed by the Department of Agriculture but employed by private concerns and others allegedly involved with them in bribery schemes. None of those involved officials or employes of large companies.

Those indicted besides the Bunge Corporation itself included Walton F. Mulloy, a vice president for its Kansas City regional headquarters, and Clayton E. Wilcox, a former vice president for its St. Louis regional headquarters. The others included managers, supervisors and other employes at local levels in the New Orleans and Galveston areas.

Those named were alleged in the indictment to have been involved with other "co-conspirators known and unknown to the grand jury." It did not indicate what position those others might hold.

Although the exchange of documents involving fictitious grain shipments was alleged to involve the New York office, no individuals in that area were cited. But the trail of papers is known to have turned the attention of investigators in that direction.

The United States Attorney's office here said the investigation was continuing.

Bunge is one of three large grain corporations that had been reported by sources close to the case to be under investigation. The others are Cook Industries, Inc., and Mississippi River Grain Elevator, Inc.

But the United States Attorney's office here, in a statement accompanying the indictments today, made clear that activities at all elevators in the New Orleans area were under investigation. The number would include the Continental Grain Company's elevator. Other elevators here are operated by a cooperative, the Farmers Export Company, and the Public Elevator Company and the St. Charles Elevator Company.

Continental is one of the world's two largest grain companies along with Cargill Inc. Cook is believed to rank third and Bunge fourth in grain shipments. Mississippi River Grain Elevator is owned by Serafino Ferruzzi of Ravenna, Italy, who is a major factor in soybean processing in Europe. Public and St. Charles Elevators handle grain for a number of other companies.

Cargill reportedly is not under investigation, but Federal agents are said to be looking into activities of some inspectors who grade its grain.

Today's indictment did not go into other areas known to be under investigation here. They include thefts of grain by grain company employes and others for their own benefit and misgrading of grain to enhance its value.

But the United States Attorney's office noted in a statement that the grand jury would continue the inquiry through Aug. 15, when it will expire and be replaced by another grand jury.

The investigation is being coordinated by the United States Attorney here, Gerald J. Gallinghouse, and Cornelius R. Heusel, the assistant attorney, aided by agents of the Federal Bureau of Investigation, the Agriculture Department's Office of Investigation and the Internal Revenue Service.

NEARLY EMPTY COURT

Today's indictments were returned in a nearly empty courtroom. At the call of Mr. Heusel, Alvin Martin, the black foreman of a mostly white grand jury, stood in the jury box and passed indictment papers to United States District Judge Frederick Heebe. At the request of Mr. Heusel, the judge set bail that would leave those indicted free after signing a $10,000 bond.

[From the Washington Post, July 22, 1975]

GRAIN FIRM, 13 INDICTED IN SWINDLE

(By Dan Morgan)

A federal grand jury in New Orleans yesterday indicated one of the world's largest grain companies and 13 of its current or former executives and employees on charges of conspiring for 12 years "systematically" to steal U.S. grain and soybeans on their way to customers abroad.

Named in the indictment was the Bunge Corp. of New York City, a conglomerate said to control about 20 percent of global grain shipments from its home base in Buenos Aires.

The indictment alleged that the defendants had violated the federal conspiracy statute through a scheme to steal grain by shortweighting ships loaded at Bunge elevators in Destrehan, La., and Galveston, Tex., from 1961 to 1973.

According to the indictment, the alleged scheme resulted in excess grain accumulating in Bunge's Gulf Coast grain terminals, and company records were then adjusted or falsified to show fictitious deliveries to account for the excess. The scheme was accomplished with the help of interoffice accounting entries between Bunge offices in New

York City, Kansas City and St. Louis, the grand jury charged.

The value of the stolen grain was fixed at more than $1.5 million for the period between May, 1965, and July, 1970.

The announcement of the charges was the most dramatic result so far in a 16-month investigation of corruption in the handling of grain in the Lower Mississippi River. Earlier indictments named only low-level grain inspectors and employees of local elevators.

U.S. Attorney Gerald J. Gallinghouse and Assistant U.S. Attorney Cornelius Heusel said in a statement that they would make available to authorities in other port areas pertinent information that was developed in their Gulf Coast inquiry.

Sources in New Orleans said the investigation there remained open and more indictments could not be ruled out.

The Bunge Corp., in a statement released from its New York City office, said: "The company's senior management has stated that it has never condoned and will not condone any illegal or improper conduct on the part of any officer or employee."

Two of the defendants, Walton F. Mulloy of Kansas City, Mo., a company vice president, and Clayton E. Wilcox, as assistant vice president, were charged with having planned in January, 1961, a scheme to shortweight vessels loading at the Bunge elevator at Destrehan.

In September, 1964, Bunge began handling grain at a new elevator in Galveston, and the conspiracy to steal grain spread to that port, the grand jury charged.

It said that between May 20, 1965, and July, 1970, Wilcox, Mulloy and some of the firm's low-level managers and clerks organized 33 fictitious sales of a total of 850,449 bushels of corn, wheat, soybeans and sorghum valued at more than $1.5 million. The grain had been acquired by the shortweighting at Destrehan, the grand jury said.

In order to account for excess grain, the company had to show that it had been received. According to the indictment, this was done in one case by recording a "delivery" from a barge that actually was loaded with alumina at Paducah, Ky., when it was supposed to be making the grain delivery.

The shortweighting of outgoing vessels was accomplished by manipulating or bypassing scales, it was charged.

In addition to the theft, the grand jury alleged that the defendants tried to obstruct efforts by the Department of Agriculture to supervise grain handling.

Later, the grand jury asserted, the defendants tried to cover up the facts on how they had cheated the foreign customers.

Wilcox of Hinsdale, Ill., listed as regional manager at Bunge's St. Louis and Destrehan offices, could not be located. Mulloy, who works at Bunge's Kansas City regional office, was not at home or at his office. When asked if Mulloy was still vice president, a Bunge employee in Kansas City said, "He was."

[From the Wall Street Journal, July 22, 1975]

GRAIN THEFT LAID TO BUNGE CORP. BY FEDERAL JURY

WASHINGTON.—Bunge Corp. was accused by a federal grand jury of cheating foreign customers out of about a million bushels of grain and covering it up through an elaborate, fictitious reporting scheme.

Also named in the one-count indictment, issued at federal district court in New Orleans, were 13 current or former employes of Bunge, including what the government describes as the company's regional managers in St. Louis and Kansas City.

The indictment is the biggest development so far in the government's widening investigation into what could be a major grain-export scandal. It's understood, however, that the investigation will be spreading from Gulf port operations into other big grain-shipping ports as the Justice Department accumulates more evidence.

Bunge Corp., based in New York, is the third biggest grain-exporting company in the U.S., trailing only Cargill Inc. and Continental Grain Co. in size. Bunge is privately owned and always has kept its operations a tight secret.

According to the Justice Department, yesterday's indictment says the Bunge defendants frequently would arrange to load aboard vessels less grain than contracted for by a foreign country. This was done primarily through short-weighting, or manipulating the scales to shave the amount of grain officially listed as being aboard the ship. This occurred at Bunge's grain export elevators in Destrehan, La., and Galveston, Texas, the Justice Department said.

Most of this grain was shipped to countries that didn't have their own weighing systems and had to rely on weight certificates from the elevator to know how much grain they were receiving.

In most cases, the Justice Department said, the shortage averaged around 2,000 bushels a ship. This went on from 1961 to 1973, and totaled at least one million bushels of grain, the department said.

This alleged cheating left the two Bunge grain-export elevators with more grain than they should have had, the Justice Department said. To cover up the extra grain, some of the defendants worked up an elaborate reporting scheme involving fictitious shipments to the elevators in what turned out to be empty railroad cars, empty barges and even one barge loaded with aluminum oxide, the department said.

To conceal the scheme from Agriculture Department inspectors, some of the defendants devised a complex record-keeping system involving the company's Kansas City and St. Louis branches and the main office in New York, the Justice Department said.

U.S. Attorney Gerald J. Gallinghouse of New Orleans says the indictment charges that the defendants juggled the books to cover false deliveries to the elevators in several instances. On March 12, 1966, for example, the records showed delivery by barge to the Destrehan elevator of 50,400 bushels of corn when, in fact, that barge was empty at the time and en route to Cairo, Ill., Mr. Gallinghouse said. On Feb. 15, 1968, Bunge records showed delivery of 54,981 bushels of corn in a barge that at the time actually was transporting aluminum oxide near Paducah, Ky., the prosecutor said.

The records also falsely showed "receipt at Bunge's elevator in Galveston of 90,000 bushels of wheat in rail cars that was never delivered," the U.S. attorney said.

Among the 13 individuals indicted were Walton F. Mulloy, described as vice president and regional manager of Bunge's Kansas City office, and Clayton Eugene Wilcox, described as head of the company's St. Louis Destrehan offices. (The St. Louis office said yesterday Mr. Wilcox isn't with the company any longer.) Some of the other persons indicted worked first at the Destrehan elevator and later transferred to Galveston after Bunge began operating an elevator there in 1964.

If convicted, the company faces a maximum fine of $10,000, while the individuals could be sentenced to as much as five years in prison and fined $10,000.

Before the Bunge indictment, the Justice Department's 16-month investigation into grain-handling operations at Gulf ports mostly involved charges against grain inspectors. They were accused of taking bribes to certify dirty transport ships as being clean enough to receive grain.

It's figured the investigation is likely to expand as more persons try to avoid prosecution by informing government investigators of other alleged wrongdoings in the grain trade. Much of that information is being channeled through the Justice Department to U.S. attorneys covering other port cities across the country.

In New York, Bunge declined comment on the specifics of the indictment, other than to say that it had cooperated with federal authorities and will continue to do so.

Bunge insisted, however, in a statement issued through the office of its president, Walter C. Klein, "that the company's senior management has stated that it has never condoned and won't condone any illegal or improper conduct on the part of any officer or employee."

The individuals named couldn't be reached.

[From the New York Times, July 20, 1975]

GRAIN DEALS WITH RUSSIA ARE STILL MARKED BY SECRECY

(By George Anthan)

WASHINGTON.—In wide areas of the Volga region, the southern Urals and northern Kazakhstan, important Soviet grain-growing areas, the corn has been tasseling at waist-level, the leaves are curled and the stalks are orange near the ground. The wheat stands are uneven and drab in color. These and other signs of a poor harvest mean that, unless they decide to tighten their belts, the Soviets will have to turn to the world market for wheat and corn.

Much of it could come from the United States, where farmers and consumers have a vivid memory of the "great grain robbery" of 1972, the sale of 19 million tons, most of the country's reserves, to Russia at bargain prices. The economic shock of that deal caused world grain prices to rise precipitously and fueled the inflation of American supermarket prices.

Thus, when it became known that Russia was again interested in buying American grain, an effort was made by the United States Government and the dealers to make the transaction seem open and aboveboard. Secretary of Agriculture Earl Butz warned members of Congress that United States traders were in Moscow and promised that this time American taxpayers would not be subsidizing the purchase. When their deal was concluded last week, Cook Industries Inc., and Cargill Inc., two of the firms which control most United States grain exports, promptly made the deal public, even though Government regulations permitted them to keep it secret for eight more days.

THE NATIONAL INTEREST

However, despite the surface indications of openness, the current dealings with the Russians point out some serious deficiencies in the way the United States handles overseas sales of grain, one of its most important export commodities, accounting for foreign exchange earnings of $10-billion to $12-billion a year. Mr. Butz was asked by a Senator if anyone representing the Government is in Moscow to protect the national interests of the United States in negotiations for the sale of American grain. "The Government doesn't have a single bushel to sell," replied Mr. Butz. "It's all being handled by the private trade."

The private trade is dominated by a few companies—Cook, Cargill, the Continental Grain Company, the Bunge Corporation and the Louis Dreyfus Corporation. There is little or no oversight of their activities by the United States Department of Agriculture. Except for Cook, they are privately held and are not required to file information on their financial and corporate affairs with any United States Government agency. They are multinational corporations, and some of them have strong foreign ties. "The grain business is one of the most secret kinds of operations there is," said Dr. Ronald Knutson, director of the Farmers Cooperative Service at the Agriculture Department. "We just don't have a good picture of the whole thing."

The simplest query directed to a grain company can produce a response worthy of a request for atomic secrets. Merton Sarnoff, counsel for the Louis Dreyfus Corporation, was asked during a recent telephone conversation where the company's United States headquarters is located. "I'm speaking from a New York number," he said. "It's not normally our policy to comment to the media about our business." Asked if Gerard L. Dreyfus was president of the firm, Sarnoff said, "I will make an exception" and confirmed that Dreyfus heads the company. Later, however, Sarnoff changed his mind: "That mention of Gerard is off the record. I should not mention that he's president. It might be embarrassing to me here."

Questions are beginning to be raised in Congress, the General Accounting Office and the Federal Trade Commission about reliance of the United States on the international grain traders. Canada, Australia and the European Common Market countries, the other major grain exporting nations, either have state trading agencies or exercise certain controls on the activities of export firms. "All of these countries start out with one basic purpose in their grain business—their national interest," an F.T.C. official observed. And a General Accounting Office investigator argued that the United States "is, in a sense, a no-man's-land for the grain trade: For all practical purposes, there are no regulations." Hyde Murray, the Republican counsel to the House Agriculture Committee, has "always had the feeling that like war, which is too important to be left to the generals, the grain trade is too important to be left to the grain companies."

A Washington representative for the nation's wheat farmers said he suspects that grain companies may have made tentative deals with the Russians weeks ago, then hurried quietly to buy up United States supplies when prices were low. "Obviously," commented Senator Dick Clark, Democrat of Iowa, "the only thing we know about what's going on in any negotiations in Moscow for our grain, is what the grain companies tell us."

The answer, according to a growing number of Congressional critics of the grain industry, is for some sort of official agency to represent the Government, farmers and consumers in negotiating foreign sales of American agricultural commodities. Next fall the House Agriculture Committee will consider a bill that would create a government board to handle all sales abroad; the exporting firms would become agents of the board, receiving a commission for their efforts. The bill is not likely to be passed, but the mere fact that it is being considered is deeply troubling to the entrepreneurs of the international grain trade.

LIVESTOCK GRAZING ON PUBLIC LANDS

Mr. DOMENICI. Mr. President, animal agriculture will play an increasingly important role in the food production of this Nation and in the economy of the West. Most of the western section of the United States is not suitable for intensive crop production, but it does contain vast resources which can be used for livestock production.

The 17 States westward from the Great Plains have almost 750 million acres of range and forest land now being grazed by ruminant livestock. This land, which is either too rough, too dry, or too infertile for crop production, represents one-third of the total land area in the United States. These 750 million acres could not be utilized as a food source, except for the unique ability of cattle and sheep to harvest the energy and other nutrients provided by this renewable resource.

Approximately one-half of the land in the 11 Western States is owned by the Federal Government, and domestic livestock graze on 73 percent of this land area. There is a total of 262 million acres of land allocated for grazing, and this represents more than one-fourth of all grazing land in the United States. Eighteeen percent of our beef breeding herd is located in these western States, and many of these cattle are on public lands at least part of the time. I want to stress the fact that approximately 35,000 families have permits to graze some 5 million head of cattle on public land, and in most cases, without this land, they would not have economically viable ranch units.

The grazing of this public land by cattle and sheep is compatible with other land uses, including recreation and wildlife use. By utilizing existing technology and management techniques, the other uses of this land can be enhanced while the food production capability of these lands can be increased further. In view of the importance of our western livestock industry, we must pursue wise public policies to guarantee its future.

Mr. President, I ask unanimous consent that recent reports dealing with range conditions and the livestock industry be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RANGE CONDITION REPORT

(By the U.S. Department of the Interior, Bureau of Land Management, January 1975)

SUMMARY

The Senate Appropriations Committee Report on the FY 75 Appropriations Bill directed the Department of the Interior to review its programs and range conditions and submit a report on its findings together with recommendations for correcting major deficiencies. In response, this report presents the status of the range management program, describes the conditions of the Federal rangelands, identifies potential for improvement, and makes recommendations for correcting deficiencies. To further assist the committee in its deliberations, the report includes the Department's recommendations for accomplishing the identified management objectives.

Background

Domestic livestock grazing has been a significant use of the public lands since the late 1800's. Excessive and mismanaged use by livestock, combined with other uses over a period of time, led to the eventual passage of Federal legislative control via the Taylor Grazing Act of 1934, currently administered by the Bureau of Land Management (BLM).

BLM authorizes the use of nearly 12 million animal units months (AUM's) of forage by 3.5 million cattle and 4.9 million sheep annually on the public lands. Licenses, leases, and permits numbering 20,400 allow grazing use of about 150 million acres in the Western States. In addition, wildlife and wild horses and burros utilize forage, often in competition with domestic livestock.

Present condition

General rangeland condition reached its most critical level at about the time of the passage of the Taylor Grazing Act. Subsequent administration and management of grazing have slowed the rate of decline but have not reversed it except on approximately 25 million acres (16 percent) under intensive management and in some localized areas. As a result, over 50 million acres (33 percent) are in poor or worse condition—an area roughly equal to all the lands in the State of Utah.

Present studies show only 28 million acres (17 percent) of the public grazing land is in satisfactory or better condition and 135 million acres (83 percent) are producing less than their potential. Because of these conditions, the BLM has assigned a high priority to correcting identified deficiencies in problem areas related to grazing use in excess of the recognized grazing capacity and to insure adequate supervision of rangelands within the limits of currently available management resources. Corrective action is being taken Bureauwide on administration deficiencies to insure compliance with the grazing regulations for NRL's.

Present range condition is as follows:

	Condition classes				
	Excellent	Good	Fair	Poor	Bad
Percent	2.0	15.0	50.0	28.0	5.0
Acreage (million)	3.2	24.4	81.5	45.6	8.2

Condition Trends

With present management capability, BLM will be able to reverse the declining trend in rangeland condition generally on only those areas under intensive management.

Present range condition trends are as follows:

	Improving acres	Static acres	Declining acres
Percent	19.0	65.0	16.0
Acreage (million)	31.0	105.9	25.7

Public rangeland will continue to deteriorate; projections indicate that in 25 years productive capability could decrease by as much as 25 percent—a decline that could be reflected in the possible loss of livestock grazing privileges resulting in local economic disruption. Other losses will be suffered in terms of erosion, water quality deterioration, downstream flooding, loss of wildlife and recreation values, and decline in basic productive capability.

Stabilization of the basic soil mantle from which all renewable resources are generated is of primary importance in management of surface use of the public lands. At present, only slightly more than half of the public lands is in satisfactory erosion condition. The remainder, over 62 million acres, is an unacceptable condition because of depleted vegetation and excessive runoff. At present management levels, it is estimated another 11 to 12 million acres will deteriorate to an unacceptable condition in 25 years. As soil is lost, the land's productive capability and capacity to respond to treatment declines.

Management options

In developing and advancing recommendations for correcting deficiencies as requested by the Senate, BLM considered three alternative management options with differing objectives: (1) continuing the current management level, which may neither stop decline on all areas nor result in overall improvement of condition on the public lands; (2) an intermediate level of management directed at stopping decline only, without attempting improvement of condition; and, (3) a high level which would not only stop deterioration, but result in substantial improvement and maintenance of range condition.

Comparative results and investments required are as follows:

Program level and cost over 20 yr [1]	In millions of acres: Good to excellent range condition	Acceptable erosion condition	Wildlife habitat satisfactory condition	Livestock forage produced (million AUM's)
Present management level ($216,000,000):				
Condition now	27.6	75.6	59.0	13.8
Condition by 2000	35.6	70.0	55.0	12.6
Change (plus or minus)	+8.0	−5.6	−4.0	−1.2
Change (percent)	+28.0	−7.0	−7.0	−9.0
Intermediate management level ($443,000,000):				
Condition now	27.6	75.6	59.0	13.8
Condition by 2000	48.6	80.1	57.2	16.0
Change (plus or minus)	+21.0	+4.5	−1.8	+2.2
Change (percent)	+75.0	+6.0	−3.0	+16.0
High management level ($578,300,000):				
Condition now	27.6	75.6	59.0	13.8
Condition by 2000	106.9	100.8	83.7	19.8
Change (plus or minus)	+79.3	+25.2	+24.7	+6.0
Change (percent)	+285.0	+33.0	+42.0	+43.0

[1] Does not include ongoing administrative costs; e.g., licensing billing, contests and appeals, trespass, advisory boards, transfer, custodial supervision, etc.

Continuing at the present level of management may limit condition improvement to only a minor portion of the public lands and possibly limit the rate of deterioration on the majority of the NRL's from becoming any more serious. Investment in this kind of a program effort could show little beneficial impact except perhaps slowing the rate of deterioration.

Attempting an intermediate level of management will require a considerable increase in capability over the current level and analysis indicates the investment necessary is disproportionately high relative to estimated results and benefits. It may be impractical, if not impossible, to achieve only stability of condition without simultaneous improvement owing to the nature of biological response to management and treatment.

The high level of management necessary to improve range condition to good or better, reduce erosion to an acceptable level, and maintain wildlife habitat and wild horse and burro numbers within a thriving ecological balance, is only slightly more costly than the intermediate level of management. Total one-time investment required at this level is about $330 million; annual operating and maintenance costs after full development is about $33 million. Preliminary estimates indicate that annual benefits in watershed stability, additional livestock forage production, and improved range condition can be valued at nearly $125 million. Additional intangible results such as enhancement of wildlife habitat, reduced flood danger, savings on fossil fuels, and economic stabilization of communities dependent upon the NRL's can be identified but are not readily susceptible to quantification in dollar terms.

If either the intermediate or the high level of range management is adopted as a program goal, the Bureau's present planning capability would have to be expanded for the preparation of additional management framework plans and allotment management plans required to develop the detailed investment plans for implementation.

In summary, analysis of data shows that range conditions are deteriorating except under intensive rangeland management. Significant decline may continue under current management. The only viable solution for significantly correcting these deficiencies is acceleration of the intensive management and development program to arrest deterioration and increase the productivity of the public lands for a multitude of uses.

INTERIOR SETS A 13-YEAR SCHEDULE FOR PREPARING ENVIRONMENTAL IMPACT STATEMENTS ON GRAZING LANDS

The Department of the Interior will prepare 212 detailed environmental impact statements on 150 million acres of public land in the West which are available to ranchers for grazing domestic livestock.

All of the environmental statements are scheduled to be completed by July 1988 under terms of a court-approved agreement between the Federal Government and a group of organizations which had challenged the manner in which the requirements of the National Environmental Policy Act (NEPA) are being followed on National Resource Lands used for grazing and administered by Interior's Bureau of Land Management (BLM). At issue in a 1973 suit filed in Federal District Court for the District of Columbia was the continued issuance of grazing authorizations without the preparation of environmental impact statements.

The plaintiffs, the National Resources Defense Council, Inc., and five others contended that a general programmatic impact statement for the overall grazing program did not satisfy NEPA requirements because it failed to consider individualized "on the ground" effects on local environments.

On December 30, 1974, Federal Judge Thomas A. Flannery granted the plaintiffs' motion for summary judgment, and directed the Government and plaintiffs to work together in seeking a mutually satisfactory schedule for the preparation of environmental statements covering lands affected by the livestock grazing program.

The agreement, which included the condition that Federal defendants dismiss their appeal of the December 30, 1974, decision, was presented to Judge Flannery on April 24, 1975. It was approved by the Court on June 18 and is now binding on all parties to the suit.

According to the schedule, only one localized environment impact statement will be completed by July 1976. This statement, to be prepared on the Challis Planning Unit in BLM's Salmon, Idaho, District, will serve as a model for future statements.

During the second through sixth years—Fiscal Years 1977 through 1981—the Bureau of Land Management will complete 70 statements covering a total of 104 million acres. The schedule for this period is attached.

From Fiscal Years 1982 through 1988, according to the schedule, the remaining 141 environmental impact statements are to be completed at a cumulative minimum rate of at least 14 percent of that number a year.

During discussions regarding terms of the schedule, BLM pointed out that one of its main concerns was how best to coordinate the new impact statement schedule with its ongoing administration of National Resource Lands.

By July 1975, about 70 percent of all BLM-administered land, excluding Alaska, will be covered by Management Framework Plans which identify and describe general management guidelines for decisions that will affect certain land areas.

The Bureau noted that it has spent some $40 million of public funds over 10 years to develop and implement intensive range planning and management covering 25 million acres.

Within each Management Framework Plan are many smaller areas for which Allotment Management Plans (AMPs) have been or will be developed to guide grazing use of such lands. The AMP is not oriented only to livestock grazing, but to the total management program as well, including wildlife, water, aesthetic and other resource management objectives that can be achieved by manipulation of livestock.

The Bureau plans to prepare 212 environmental impact statements to cover logical groupings of AMPs. The Bureau anticipates that a total of about 7,000 AMPs will be developed for public grazing lands.

Under the agreement, BLM will not implement any Allotment Management Plan after June 30, 1975, before completing an impact statement covering such an AMP.

The environmental statements will discuss in detail livestock grazing activities and "all reasonable alternatives" to such present or proposed grazing activities.

Federal officials estimate that preparation of the environmental statements would cost the Government more than $55 million over the 13-year period. At present, no funds have been appropriated or manpower allocated for the large-scale project.

Referring to the schedule, BLM Director Curt Berklund said, "The Bureau has entered into this agreement in good faith and we are determined to make every effort to comply.

"We are fully aware that preparation of environmental impact statements solves no problems unless they are instrumental in furthering programs that bring about changes on the ground. It is our intention that each statement will become a part of such a program.

"Much of the evidence cited as affecting the Court's decision came from our own Bureau reports that were critical of efforts to improve the public range over the years.

"The Secretary of the Interior cannot legally obligate the Department to do things requiring future expenditures since appropriations are made on a yearly basis and the agreement contemplated the possibility of court-approved schedule deviation if circumstances warrant. However, consistent with the schedule, I am advised that the Department will request sufficient funds each year to meet requirements to prepare statements."

Preparation of an environmental statement is a time-consuming process, requiring the skills of experts in a variety of social, scientific, and technical disciplines.

Livestock operators now hold about 24,000 BLM licenses, permits and leases to graze stock on public lands. An estimated 14 percent of the Nation's livestock graze on National Resource Lands at some time in their lives.

Besides the Natural Resources Defense Council, plaintiffs included: the Ada County Fish and Game League, Boise, Idaho; National Council of Public Land Users, Grand Junction, Colorado; Nevada Outdoor Recreation Association, Carson City, Nevada; Oregon Environmental Council, Portland, Oregon; and James Morgan, Stevensville, Montana.

The Pacific Legal Foundation, Sacramento, California, and Public Lands Council, Inc.

were parties to the suit as Defendants-Intervenors.

* * * * *

EIS Areas

FISCAL YEAR 1977

State, name, and approximate acres in thousands:

Arizona: San Simon, 1,312.
California: Sheldon Game Range, 547.
Colorado: Royal Gorge, 550.
Idaho: Bennett Hills, 594.
Montana: C. M. Russell Game Range, 2,998.
Nevada: Tonopah, 3,775.
New Mexico: Rio Puerco, 510.
Orgeon: Drewsey, 449.
Utah: Hot Desert, 541.
Wyoming: Sandy, 2,534.

FISCAL YEAR 1978

Arizona: Kofa, 660; Gerbats, Mid Gila, 1,060.
California: Tuledad, Home Camp, 662.
Colorado: Grand Junction, 1,471.
Idaho: Juniper Mountain, 397; Owyhee, 943.
Montana:
Nevada: Caliente, 3,180; Denio, 2,300.
New Mexico: East Side, Socorro, 860.
Oregon: Ironside, 914.
Utah: Canyonlands, 1,129.
Wyoming: Seven Lakes, Ferris, 650.

FISCAL YEAR 1979

Arizona: Vermillion, 1,327.
California: Red Mountain, 568; Kingston, 1,313.
Colorado: Montrose, 392.
Idaho: Malad Hills, Arbon, 350; Jarbridge, Saylor Creek, 3,185; Little Lost Birch Creek, 381.
Montana: Mountain Foothills, 1,075.
Nevada: Shoshone, Eureka, 4,086; Elko District, 3,031.
New Mexico: East Side Rosewell, 1,543.
Oregon: High Desert, 4,510; K–L, 615.
Utah: Great Basin, 4,866; Mountain Valley, 413.
Wyoming: Greeen Mountain, 1,243.

FISCAL YEAR 1980

Arizona: Rainbow, Hualapai, 1,221.
California: Mountain Dome, 34; Turtle Mountain, 7,128.
Colorado: Little Snake, 2,561.
Idaho: Jerusalem, 11; Sun Valley, 243; Ellis, 146.
Nevada: Reno Area, 681; Buffalo Hills, 1,298; Paradise, 2,091.
New Mexico: San Juan, Chaco, 1,080.
Oregon: John Day, 424; Los Desert, 283.
Utah: Uintah Basin, 483; Vermillion, Escalante, 3,315.
Wyoming: Broken Back, 1,461; West Slope, 602.

FISCAL YEAR 1981

Arizona: Shivwits, 1,384.
California, Owens Valley, 414; Massacre Cowhead, 1,010.
Colorado: Glenwood Springs, 166.
Idaho: Salmon-Snake, 123; Salmon, 101; Boise Front, 10.
Montana: Prairie Pothole, 1,709.
Nevada: Fallon Area, 2,455; Ely District, 4,078.
New Mexico: Las Cruces, 2,179.
Oregon: Owyhee, 4,792.
Utah: Colorado Desert Plateau, 4,548.
Wyoming: South Big Horn, 264; Dull Knife, 88.

Opportunities To Increase Red Meat Production From Ranges of the U.S.A. (Non-Research) U.S. Department of Agriculture

THE ASSIGNMENT

The report upon which this Executive Summary is based was commissioned in December 1973 by Robert W. Long, Assistant Secretary of Agriculture for Conservation, Research and Education.

A Work Group representing the five USDA Agencies in Conservation, Research and Education was assigned to "prepare a USDA viewpoint on accelerated meat production from rangelands." The Group was expanded to include Economic Research Service.

Objectives of the study as defined by the Work Group was:

"To present for consideration of the Secretary a report on cost-effective opportunities to increase red meat production from America's ranges by a program of research, education, extension cooperation and action, giving consideration for environmental values and contributing to rural development."

Scope of the assignment was modified by the Assistant Secretary and his Agency Heads to a two-phase effort.

Phase I—Opportunities excluding research.

Preparation of recommended programs and necessary financial plans for achieving the opportunities was not to be part of the Phase I effort.

Phase II—Research Opportunities.

Phase II is to be developed over the next six months.

RANGE AND DEMAND FOR ITS USE

Range is all land producing native forage for animal consumption and land that is revegetated naturally or artificially that is managed like native vegetation. Range embraces forest lands that support an understory or periodic cover of herbaceous or shrubby vegetation available for large herbivores.

Rangeland has been defined as "land on which the native vegetation (climax or natural potential) is predominantly grasses, grass-like plants, forbs or shrubs suitable for grazing or browsing use. Rangelands include natural grasslands, savannas, shrublands, most deserts, tundra, alpine communities, coastal marshes and wet meadows."

Range, consisting of grasslands, shrublands and open forests, covers more than one billion acres—54 percent of the land area of the 48 States. Included in these definitions are sizeable areas in the humid portions of the nation that many would term pastures and forage-producing lands. Because of climate and soil, rangelands (grasslands and shrublands) cannot grow cultivated crops consistently year after year. For the most part, these lands have no alternative for contributing to food production for man other than by way of the grazing animal. Yet they have many other values and uses including watershed, wildlife habitat, and recreation.

DEMAND

Increased long-range demands are expected for range forage as a direct response to need for a sustained increased supply of red meat at acceptable prices to consumers and reasonable profits to producers. Supporting this conclusion are recent complex interactions of economic, political, and social factors including: world markets for grain, vegetable protein and meat; balance of payments deficit; changing price relationships; energy problems and fossil fuel shortages; use of agricultural lands for other purposes; and associated factors.

Given the changing nature of the many interrelated factors and resultant expected increases in demand for range, two, demand estimates for range have been developed.

The demand estimates for range are aimed at year 1985 primarily but are extended to year 2000 because of long-range planning needs and the often lengthy response time of range improvements and management systems. Projections of population, gross national product (GNP), disposable income, etc., are the same in both demand levels. Also common to both demand levels are such range-related factors as amount of land available for range and/or other uses.

The low demand estimate results in an anticipated increase in range grazing requirements of 18 percent by 1980 and of 24 percent by year 1985. For this estimate to be valid, many of the economic, technological and attitudinal events of the last three years must be considered as temporary.

The high demand estimate assumes a continuing and increasing preference for beef. Thus, the per capita consumption of beef continues to increase in spite of increases in beef price levels relative to other foods, and increases in general food price levels relative to the 1950–1970 period. However, large available supplies of plant protein could replace part of the demand. The increased consumption of beef in a higher price situation is possible since the projection of increased personal income permits a higher absolute quantity of dollars flowing to food items.

The accumulative effect of assumed higher relative prices of livestock feeds, increased exports of agricultural products (grains and soybeans) and increased production costs for grains resulting from higher prices for energy reduces the quantity of non-grazed feeds available for livestock and increases their price. (An effect of high grain prices on beef feeding is indicated by a 40 percent drop in number of cattle entering feedlots in May 1974 compared to May 1973, in spite of increased cow numbers in 1973.) The relative value of grazing increases in response to the overall demand for livestock products and the proportion of beef produced in feedlots remains at 1960–70 levels. Range demand increases 40 percent by 1980 and by 55 percent by 1985 at the high level.

RELATED ISSUES

The economy has been expanding faster than its natural resources would permit. This has shown up in either sharply rising prices or absolute shortages of products derived directly from forestry, agriculture, minerals and metals, and especially from energy. Such scarcities, particularly in fossil fuel, come at a time when agriculture and other raw material segments of the economy are being used in world trade to ease the balance of payments deficit.

Prospects are that increased U.S. exports of grain and vegetable proteins will continue. These higher export levels, while helping overcome the dollar deficit, will result in lower domestic supply, increased domestic prices for these products, and create a need to alter existing systems of meat production, including range use.

Several adjustments may occur as a result of the expected continuance of higher feed grain prices. First, cattle feeders may include more forage in their rations, particularly if cattle continue coming into the feedlot at lighter weights. This would place a higher demand on forages. Second, cattle could be placed on feed at heavier weights, with the result that increased forage demands would be placed on both range and cropland forages. Thirdly, a movement toward grass-fat cattle as a system may become a reality if the prices of feed grains remain exceptionally high and if consumer acceptance of grass-fat beef can be achieved and if changes of meat grades could be made.

Feed grains now constitute the highest proportion of total livestock feed requirements in history and more cattle than ever are being fed. This increased feeding of grain has resulted in the highest inputs ever in fossil fuel energy applied to cattle through feed grains. Increased development and utilization of range for livestock production can reduce the drain on future national energy requirements for meat animal production. Production of livestock on a range basis requires lower energy input from fossil fuel sources than do production systems heavily dependent upon feed grains.

POTENTIAL OF RANGE TO MEET PROJECTED DEMAND

Given a normal climate, capital to invest in available improved range technology, recognition that grazing is compatible with other range uses, and means for overcoming inertia, ranges of the U.S. can produce more forage. These lands, including eastern range areas, have potential that is not being used at today's demand. They have potential that can help meet tomorrow's expected higher demands.

THE RANGE BASE

Of the 1.2 billion acres of forest and rangeland, 69 percent is non-Federally owned and 835 million acres were grazed in 1970. Thirty percent of this grazed area was forest.

Production of grazing from ranges approximated 213 million animal unit months in 1970. This is the equivalent of supplying the year-long forage requirements for about 17 million cows, which is about 40 percent of the beef cow population for that year. Of the 213 million AUM's, only 14 percent came from the Federal lands, with 86 percent from the non-Federal sector.

Many ranges are used as integral parts of a forage-feed system that includes cropland forages, improved pastures, hay, silage, or other sources of livestock feed energy. Most Federal grazing lands compose part or all of a seasonal supply of forage for stabilizing ranching operations and rural agricultural communities.

RANGE POTENTIAL

The range has a potential that can be developed to meet the highest predicted demand for grazing (426 million AUM's per year). This means investments in improvements and management. Range, as a source of livestock feeds, remains competitive at the high demand levels in the face of increasing cost for range facilities because the implications of recent events cause marked increases in costs of alternative feed sources. If the per capita consumption of beef, the export of feed grains, and the increased price and shortage of fuels continue on the trends of the last 3 years, the competitive cost position of range may even improve at the higher demand levels.

Intensive management of all of the available range area would result in production of 566 million AUM's and this production could be achieved within the multiple use context. However, this supply level exceeds estimated demands. In addition, application of intensive management to all lands denies the existence of differences in the relative capability of the many range ecosystems, as well as the differences in productivity from site to site within an ecosystem.

The ultimate production capacity of the range of 1,700 million AUM's is over 8 times current production (an estimated 213 million AUM's) and 4 to 5 times the probable quantity demanded. The extreme high represented by this estimate is not an acceptable measure of real capacity. Achievement of that ultimate level of output would be very expensive in terms of environmental impact and in the reduction of other outputs now produced by the same land. It would result only from maximizing livestock output upon a large portion of forest areas as well as rangelands, and this is unacceptable.

Properly managed, most range ecosystems can be grazed without undue stress on alternative uses such as watershed protection, wildlife habitat, timber production and recreation. In the range of competitive relationships between or among these uses, product prices and rates of substitution would allocate the uses of ranges to the most profitable arrangement. To a large degree these uses may be complementary or supplementary, resulting in situations where multiple uses have a place, with no one specific use detracting economically from returns from the other use or uses. However, some ranges have been allocated to non-range uses, thus placing more pressure upon a smaller production base.

BENEFITS AND COSTS

A detailed and quantitative evaluation of a USDA range program needed to achieve an efficient increase in red meat production through the proper utilization of range requires assessment of all beneficial effects (benefits) and all adverse effects (costs). Many data elements of such information are not now available. Listed herewith are "benefits" and "costs" that should be considered:

Selected range benefits and costs

Benefits

Commodity and world trade: More beef and lamb, More wool and mohair, Increased agricultural exports, Improved balance of trade, Lower relative use of fossil fuels and fertilizer, Wood growth and water yield maintained, Lower total cost for a given level of agricultural production, Lower relative food costs.

Rural development: Increased rural income, Increased rural economic activity and development.

Environmental: Quality of water maintained, Stream sediment loads not increased, Wildlife and natural beauty not impaired, Improved condition of NFS ranges.

Costs

USDA

Investments: NFS range (direct land improvements), education, demonstration.

Expenditures: technical assistance, incentive payments, cost sharing.

State Agencies

Expenditures: technical assistance.

Private

Investments: Land (land improvements), livestock, other livestock operation facilities.

Expenditures: operating costs, interest, risk.

RECOMMENDATIONS

With its broad agricultural responsibilities, encompassing both direct relationships with the agricultural production community, as well as its public land administration responsibilities, the United States Department of Agriculture has a key role in the degree to which range can contribute to the economic, environmental and social well-being of the Nation.

Current world events, including higher long-term demand for red meat and the high input of fossil fuel for cereal crops, strongly suggest this is a time of great opportunity for USDA to plan effectively for exerting its responsibilities in range. Long-term economic, social and environmental benefits will result.

The USDA Work Group on Range Production recommends that full (USDA) interagency staff consideration be given to the following in developing long-range programs that involve range as herein defined. We further recommend that USDA agencies outside the area of authority of the Assistant Secretary for Conservation, Research and Education be consulted as their interests are involved and that the effort be expanded to other departments of Federal and State government as opportunities are recognized. The Work Group urges that full consideration be given to the need for sustained long-term commitments of personnel, facilities and financing because of the lengthy response time of range development and management systems.

PRIORITY FOR RANGE

Eliminate the disparity in USDA policy emphasis between range production and crop production and give range a higher level of priority and emphasis.

Although range has contributed greatly in meeting this Nation's needs for food and fiber, emphasis over the past 40 years has been on crop production, confinement feeding of livestock, and intensive high yield per acre. This report indicates the real opportunity values of range to livestock production. However, there needs to be a shift of emphasis, of priorities, if the productive opportunity of range is to be realized. This review suggests strongly the need to exercise a higher degree of concern for Range. The complementarity of range with other sources of livestock feed energy, not range as a supplement to them, needs stressing.

EDUCATION

More fully utilize the Department's educational resources in communicating the opportunities, technologies and values of range to producers.

Know range technology is not being applied to the extent possible. Agencies of the USDA should pool their resources and join with appropriate State and other agencies, universities and professional groups, such as the Society for Range Management, in surfacing, sampling, selecting, and selling existing range technology. The objective should be to get range technology fully and expeditiously into use.

TECHNICAL ASSISTANCE

Accelerate technical assistance to all U.S. range operators.

Effective use of existing range technology needs to be extended both through education and direct assistance. Significant progress toward better use of ranges has resulted from assistance to private landowners. Special emphasis on assistance is needed in the South and Southeast where range production potentials are high. Little assistance has been provided small forest landowners in proper grazing of livestock on their forest areas toward the goal of higher annual cash incomes and higher timber growth.

DEMONSTRATIONS

Establish a demonstration program on public lands administered by the Department and on associated non-Federal lands which incorporates the total knowledge base of USDA agencies and land grant universities into an optimum range management program.

In the National Forest System, the United States Department of Agriculture has a land base upon which it can demonstrate the best there is in range management. These lands extend through 44 States, include most of the many different range ecosystems and contain grazed area in 36 States. USDA agencies together with State representation and private cooperators should pool their knowledge and their resources and apply them effectively on these lands.

Conceivably, such demonstrations could serve as testing grounds for new research that has reached pilot-scale testing level. They could also provide feedback to test the validity of generally accepted practices. They should be tied to strong education and technical assistance programs. Successful demonstrations of sound range management systems on non-Federal lands should be fully utilized toward accelerating acceptance and installation of proven range management systems.

PUBLIC LAND MANAGEMENT

Establish range programs that will enable the National Forests and National Grasslands to fulfill their role in meeting National needs.

The National Forests and National Grasslands, about ⅛ of the range land area base, are a fundamental USDA tool for development of low-cost range forages. National Forest System ranges are the most direct tool for investment in range available to the USDA.

The range resources of the National Forests and National Grasslands should be developed and managed at levels at which they are economically and environmentally competitive with other Federal and non-Federal ranges.

RURAL COMMUNITY DEVELOPMENT

Foster rural community development through improving range management.

Hundreds of Western and Southern rural communities depend heavily upon cash flows generated from livestock raising on a range basis. An accelerated USDA range effort resulting in better range management, effectively applied, would mean more income and more stability to these communities. In addition, increased range production could have the desirable effect of slowing migration of younger people from these range-oriented areas. A set of management systems based on business management specifically developed for these purposes and tied to strong educational, technical assistance, demonstration, and incentives, would be very effective.

USDA MEAT QUALITY GRADING

Change the USDA meat quality grades so that they are not discriminatory and better reflect consumer preference.

Current quality grades favor grain-fed beef animals and make it uneconomical to market grass-fed beef.

If the fossil-fuel energy efficiencies of range beef production are to be fully realized, the meat grading system needs to be adjusted. The nutritional equality and health-advantages of forage-produced beef with grain-fed beef need to be revealed.

FINANCING AND INCENTIVES

Develop improved financing and incentive programs for range operators.

In the main, investment capital for range improvement is quite scarce and is limited to the larger operators with considerable equity. Application of range improvements on the scale necessary for meeting increasing demands for ranges to produce meat will require government participation through offering guarantees and appropriate interest rates on loans of a longer-term nature with built-in flexible repayment schedules.

Improved incentives or cost-share programs will be an important aid in assuring installation of range management systems planned by the land user with technical assistance from USDA agencies. Long-term agreements should be favored over short-term agreements. In addition, there is a need to establish the cost-sharing or incentive aspects of improved grazing programs on forest lands.

RANGE INFORMATION SYSTEM

Develop and maintain a dynamic resources and economic information base and monitoring system.

Better information is needed about the Nation's range resources, their use, and contributions to the total economy. The current related resource base and other statistical and economic intelligence is not aggregated into an efficient system reliable for, and usable for long range planning. For example, there is no national recurring inventory or survey of range resources such as is available for forest resources. Nor is there a planning system that associates range with other livestock production opportunities from which alternatives could be derived for setting national policy.

1975 WESTERN GOVERNOR'S CONFERENCE ON AGRICULTURE

REGIONAL RANGELAND AND PASTURE IMPROVEMENT PROGRAM—RANGELAND DEVELOPMENT

Co-Chairmen: Mr. Joseph H. Francis, Commissioner, Department of Agriculture, State of Utah; Mr. Dave Smith, Executive Secretary, Society for Range Management, Denver, Colorado.

The following report contains a brief summary of the discussions and actions taken during the "Rangeland Development Workshop Session" of this Western Governors' Conference on Energy and Agriculture.

PREFACE

As we relate energy to agriculture, we are prone to think in terms of our underground resources and minimize the fact that our surface land is agriculture's most valuable and important energy resource.

This surface land energy resource is a renewable resource dependent on man's ingenuity and resourcefulness to develop its potential productive capacity, to provide for the multiple needs of our citizenry including those essential products such as food and fiber, and other intrinsic values of life such as recreational and environmental concerns.

Of particular interest and concern to the Western States is the fact that 83% of the total land resource is classified as rangeland which defined "includes those lands producing native forage for animal consumption."

To get a proper prospective of the vastness and importance of rangelands in the Western States, reliable sources provide the following information:

There are approximately 975 million acres of land included in the boundaries of the Western States. Of this vast land resource 77%, 754 million acres, are classified as rangelands.

Surveys show that about 50 percent (377 million acres), are suitable for development, wherein the production capacity could be increased varying from 10 to 500 percent by applying known and proven practices, providing a reasonable amount of financing is made available.

Unfortunately, the task to improve this vast undeveloped resource is complicated by the fact that Federal, State and private lands are substantially intermingled in a checkerboard fashion dependent on each other for maximum use potential. Any realistic and feasible development program must result from a cooperative effort and input from each of the respective landlords.

Such an undertaking to carry out a program for development of this vast resource can only be accomplished if sponsored by an organizational entity such as the Western Governors' Conference, where each of the Western States has a mutual interest and involvement.

The ground work for placing into effect a realistic and workable program was instigated during the Western Governors' Conference on Agriculture held a year ago in Salt Lake City. Substantial progress has been made during the past year towards formalizing the program.

The purposes and objectives of this workshop session was directed towards further emphasizing the importance and need of development of western rangeland resources. Second—To approve a continued permanent program. Third—To draft a report and resolution to be presented to the Western Governors' Conference requesting their approval and support.

The following resolutions as approved are submitted as part of this report.

RANGELAND DEVELOPMENT RESOLUTION

RANGELAND DEVELOPMENT WORKSHOP SESSION: 1975 WESTERN GOVERNORS' CONFERENCE ON AGRICULTURE

Whereas, the proper development and management of western rangelands is vitally important to all segments of our population, including the rural family and community which depends on livestock grazing for their livelihood and economic stability; the consumer who desires a reasonably priced diet that includes red meat products; the tourist and recreationist seeking scenery and enjoyable outdoor experiences; the people interested in a healthy, viable wildlife population; and the urban resident demanding a dependable, high quality water supply; and

Whereas, western rangelands are one of our most important, yet neglected and underdeveloped resources; this undesirable situation has resulted in accelerated soil erosion, sedimentation, and unproductive plant communities; and these depleted rangelands would have more value for all uses of man and grazing animals if developed to their potential; and

Whereas, ranchers, range and other management specialists have proven that proper range development and management practices can correct these deteriorated range conditions; plants desirable for livestock forage, wildlife habitat, and watershed protection can be economically doubled on many western ranges; and this increased production and improved range condition can be maintained over time without large and frequent inputs of energy and materials;

Therefore let it be resolved, that the delegates attending the Rangeland Development Workshop Session of the 1975 Western Governors' Conference on Agriculture petition the Governors to recognize western rangelands as a renewable resource that can contribute to solving current food and energy crises. The delegates also request that the Governors assign a high priority to the proper development and management of these lands; and

Let it be further resolved that the Governors provide leadership in initiating a program to develop western rangelands to their potential by increasing permanent cover of desirable vegetation for reduced soil erosion and sedimentation, a reliable yield of water, enhancement of a quality environment, and increasing the productive capacity for all rangeland uses and values; and

Let it be further resolved that to accomplish these objectives the Workshop delegates strongly recommend that:

A. Rangeland development committees be established in each state to implement, coordinate, and provide leadership to state rangeland development programs and in developing a coordinated and accelerated range improvement program that encompasses all rangelands in their states regardless of ownership.

B. A Western States Rangeland Development Committee composed of representatives of each western state should be established, and staffed, to provide leadership in initiating coordinated and accelerated range educational, research, development, and management programs that encompass all western rangelands.

C. Funds should be solicited from all available sources to accelerate development and management of all western rangelands, including:

1. Development of Private Rangelands—increased funding for the Soil Conservation Service and Agricultural Stabilization and Conservation Service for technical and financial assistance to private land owners for development of long-term development and management plans.

2. Development of Federally Controlled Rangelands—increased funding for the Bureau of Land Management and the Forest Service (currently estimated annual needs are 15 million dollars and 11 million dollars, respectively) to plan, conduct environmental assessments, and implement range development and management programs on federal rangelands, and encourage and recognize private funding on these lands.

3. Development of State Owned Rangelands—Encourage State Land Agencies to invest a larger percentage of earnings received from state leased ranges in development of these lands.

4. Funding for rangeland development programs should be developed in such a manner that desired objectives can be accomplished by the year 1985.

Whereas, many of the critical national energy supply problems are a matter of incomplete planning and distribution; and

Whereas, the food and fiber crisis will possibly become a greater problem than the energy crisis unless proper planning is instituted.

Therefore be it resolved, that the 1975 Western Governors' Conference on Agriculture place equal priority on the development of range and other food producing resources as they do on the development of energy resources.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

RECESS UNTIL 8 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 8 a.m. tomorrow.

The motion was agreed to; and at 8:07 p.m., the Senate recessed until Thursday, July 24, 1975, at 8 a.m.

NOMINATIONS

Executive nominations received by the Senate July 23, 1975:

THE JUDICIARY

Clarence A. Brimmer, Jr., of Wyoming, to be U.S. district judge for the district of Wyoming, vice Ewing T. Kerr, retired.

WITHDRAWAL

Executive nomination withdrawn from the Senate July 23, 1975:

Clarence A. Brimmer, Jr., of Wyoming, to be U.S. attorney for the district of Wyoming for the term of 4 years, vice Richard V. Thomas, resigned, which was sent to the Senate on April 7, 1975.

CONFIRMATIONS

Nominations confirmed by the Senate on July 23, 1975:

DEPARTMENT OF STATE

Walter J. P. Curley, Jr., of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

Herbert J. Spiro, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Cameroon, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Denis M. Neill, of Maryland, to be an Assistant Administrator of the Agency for Innational Development.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

HOUSE OF REPRESENTATIVES—*Wednesday, July 23, 1975*

The House met at 10 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

If My people who are called by My name humble themselves and pray and seek My face, and turn from their wicked ways, then will I hear from heaven, and will forgive their sin and heal their land.—II Chronicles 7: 14.

O God, in whom we live and move and have our being, make Thy presence real to us as we live through the hours of these days. Fill our minds with wisdom, our hearts with love, and our spirits with the intent to walk humbly with Thee.

We are glad that we are citizens of this glorious land of liberty. Let no prejudice, no violence, no ill will mar our relationship as Americans, nor dim our vision of a free people living together harmoniously, working for peace in our world.

As we respond to our President's call for a National Day of Prayer tomorrow we pray for a better existence for all, for strength to meet the challenges of these days, for wisdom to make sound choices, and for gratitude to Thee for Thy goodness and Thy guidance through this 200th year of our existence as a free nation.

In the spirit of Him who is the way, the truth, and the life, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 560. Joint resolution to amend the Defense Production Act of 1950, as amended, to extend the National Commission on Supplies and Shortages.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6950) entitled "An act making appropriations for the legislative branch for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes."

The message also announced that the Senate had passed concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. Con. Res. 54. Concurrent resolution providing for a conditional adjournment of the Congress from August 1, 1975, until September 3, 1975; and

S. Con. Res. 55. Concurrent resolution to correct an error in the enrollment of S. 555.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

The official picture of the House will be taken immediately following the first quorum call.

CALL OF THE HOUSE

Mr. NATCHER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 419]

Abdnor
Andrews, N.C.
Ashley
Barrett
Blouin
Brown, Calif.
Burton, John
Conlan
Dellums
Diggs
Dingell
Fraser
Fulton
Gaydos
Gude
Harsha
Hinshaw
Jarman
Jones, Ala.
Kemp
Leggett
McKinney
Macdonald
Madigan
Matsunaga
Murphy, N.Y.
Nolan
Obey
Reuss
Teague
Udall
Ullman
White
Wiggins

The SPEAKER. On this rollcall 400 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of House Resolution 597 the Chair announced that he has designated this time for the taking of official pictures of the House in session. The Chair has been advised that the entire process will take about 7 minutes and the Chair would request that Members remain in the Chamber and remain in their positions during this period.

PERSONAL EXPLANATION

Mr. FOUNTAIN. Mr. Speaker, on rollcall No. 412, the Veterans' Administration physician's comparability pay bill, I inserted my card in the slot. I understand my vote was not recorded.

Mr. Speaker, I would like the permanent RECORD to show that I would have voted for the bill had my vote been recorded.

PERMISSION FOR COMMITTEE ON INTERNATIONAL RELATIONS TO SIT DURING HOUSE SESSION TODAY

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be permitted to sit today while the House is in session.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was so objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. MURPHY of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1976

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 625 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 625

Resolved, That during the consideration of the bill (H.R. 8773) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes, all points of order against the following provisions in said bill for failure to comply with the provisions of clause 2, Rule XXI are hereby waived: In title I—"Department of the Interior"—beginning on page 26, line 11 through page 27, line 19; and in title II—"Related Agencies"—beginning on page 39, line 10 through page 42, line 3, and beginning on page 45, line 9 through line 17.

The SPEAKER. The gentleman from Illinois is recognized for 1 hour.

Mr. MURPHY of Illinois. Mr. Speaker, I yield 30 minutes to the minority, to the distinguished gentleman from California (Mr. Del Clawson) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 625 permits the Committee on Appropriations to submit the 1976 appropriation bill for the Department of the Interior and related agencies for action on the House floor.

House Resolution 625 provides that all points of order against the provisions of clause 2, rule XXI of the Rules of the House of Representatives, prohibiting unauthorized appropriations, are waived with respect to certain items for the Department of the Interior and related agencies.

In requesting a rule from the Rules Committee, the distinguished chairman of the Appropriations Subcommittee on Interior indicated that waivers were necessary on the following items.

First. The authorization for the Trust Territory of the Pacific Islands (H.R. 7688) passed the House on June 16, 1975, but has not been enacted into law;

Second. The authorization for the Energy Research and Development Administration (H.R. 3474) passed the House on June 20, 1975, but has not been enacted into law;

Third. The authorization for the Indian Claims Commission (H.R. 3979) passed the House on June 16, 1975, but has not been enacted into law; and

Fourth. The appropriating paragraphs for the Trust Territory of the Pacific Islands and the Energy Research and Development Administration also contain certain legislative language which technically would not be in accordance with the provision of clause 2 of rule XXI.

Mr. Speaker, I urge that we waive points of order for lack of authorization and legislation in an appropriation bill.

The total amount recommended in the bill in new obligational authority is $4,090,302,000 for fiscal year 1976 and $1,142,810,900 for the transition quarter. Also recommended are appropriations to liquidate contract authority totaling $237,840,000 in fiscal year 1976 and $39,021,000 in the transition period. The total new budget authority is $104,732,690 more than fiscal 1975.

Appropriations are also made in the bill for the Federal Energy Administration, Smithsonian Institution, National Capital Planning Commission, among other agencies.

Mr. Speaker, I urge the adoption of House resolution in order that we may discuss and debate H.R. 8773.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as explained by the gentleman from Illinois (Mr. Murphy) this rule provides for a waiver of points of order against several provisions of H.R. 8773, Interior appropriations bill for failure to comply with clause 2 of rule XXI. This rule prohibits legislation on an appropriations bill and unauthorized appropriations.

Three programs have not yet been signed into law. They are:

First. The authorization for the Trust Territory of the Pacific Islands found on page 26, line 11, through page 27, line 19;

Second. The authorization for the Energy Research and Development Administration found on page 39, line 10, through page 42, line 3; and

Third. The authorization for the Indian Claims Commission found on page 45 line 9 through line 17.

Both the Trust Territory of the Pacific Islands and the Energy Research and Development Administration also contain legislative language.

Mr. Speaker, I know of no opposition to this rule and urge its adoption.

Mr. MURPHY of Illinois. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. YATES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8773) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from Pennsylvania (Mr. McDade) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8773) with Mr. Flowers in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Illinois (Mr. Yates) will be recognized for 1 hour and the gentleman from Pennsylvania (Mr. McDade) will be recognized for 1 hour.

The Chair recognizes the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is said that everything comes to he who waits. I take great pride, Mr. Chairman, in bringing to the House today the bill making appropriations for the Department of the Interior and related agencies for fiscal year 1976 and the transition period.

It is a good bill. It is a good bill because a good subcommittee of the Committee on Appropriations worked on this bill.

My good friends, the gentleman from Utah (Mr. McKay), the gentleman from Maryland (Mr. Long), the gentleman from Colorado (Mr. Evans), the gentleman from Pennsylvania (Mr. Murtha), the gentleman from Pennsylvania (Mr. McDade), and the gentleman from Ohio (Mr. Regula) all contributed very significantly and very substantially to the appropriations that are included in this bill.

I want to say, too, Mr. Chairman, that we had very good staff work.

Mr. Chairman, I inadvertently omitted in my statement from membership on the subcommittee the gentleman who perhaps has a greater interest than any of the others in this bill, the gentleman from Oregon (Mr. Duncan). That was not deliberate, Mr. Chairman, but may I say that perhaps it is in reply to the implications of what is contained in his additional views to the committee's report where he refers to the fact that he found himself working with a great subcommittee, even though most of them were from the East.

Mr. DUNCAN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to my good friend, the gentleman from Oregon.

Mr. DUNCAN of Oregon. Mr. Chairman, even though the gentleman's omission was not intentional, I might suggest that it was Freudian and somewhat in the same vein as the gentleman's reaction to my additional views which I note are printed upside down in the committee print.

Mr. YATES. May I say that that was not my doing, but I think it is perhaps the result of the printer's interpreting the gentleman's views.

Mr. Chairman, Mike Kirwan, who was one of the great chairmen of the Subcommittee on Interior and Related Agencies of the Committee on Appropriations, used to call this subcommittee "America's Committee" because it deals with America's national and natural beauties. It deals with America's parks, it deals with America's forests, its prairies, its purple mountain majesties, to use the phrase from "America the Beautiful," its wild and scenic rivers, its animal kingdom, and all the things that make up America's natural heritage.

The committee has reviewed the state of America's heritage, and in short, Mr. Chairman, has found in many respects that the condition of that heritage is wanting. We could have appropriated much more money under this bill. We could have appropriated almost an endless amount for the reforestation needs of the country; we could have appropriated much more money for placing the grazing lands and other resources of the country in a condition that would return a much greater amount of money to the Treasury for the use of the people.

I may say, Mr. Chairman, that, try as we might, we were unable to keep the amount of appropriations within the budget. I may say that I find myself in agreement with the additional views of the distinguished gentleman from Oregon (Mr. DUNCAN), when he pointed out that there was a great deal more money that should have been spent over the years during which time we were paying lipservice rather than providing for the resources as we should have been doing.

This bill provides funds for agencies that return an estimated $9.3 billion in revenues of various kinds to the Federal Treasury. The bill, therefore, returns a net amount of $4.1 billion to the Treasury, so that there is no raid on the Treasury in this bill.

As a matter of fact, there was a feeling in the committee that perhaps we might have appropriated more funds for our natural resources, but that will have to wait for future years.

I urge the House to take a look at the report prepared by the committee. I think it is a good report. It talks about the condition of the grazing lands of our country. The condition of our Federal grazing lands is deplorable. Seventy-nine percent of Forest Service grazing land is in poor or fair condition. Eighty-three percent of the Bureau of Land Management lands are in fair condition or worse condition. This totals nearly 175 million acres of land in deteriorated condition.

Why? Because over the years they have been overgrazed. There has been an insufficient amount invested in these lands to recondition them. However, in this bill, Mr. Chairman, the committee takes the first step in a program to provide for a rehabilitation of the grazing lands of the country.

The committee has recommended an additional $967,000 for the Forest Service and $6 million for the Bureau of Land Management over the administration budget.

This program is intended to begin a recovery program that will bring the public lands of this country up to proper management standards and provide increased revenues to our country.

The subcommittee also believes, may I say, that those who use the range land should contribute a fair share in maintaining them, and the committee has recommended that grazing fees on Federal lands be raised in equal annual increments so that by the 1980 grazing season, the fees that are to be paid will be in line with the schedule that was prepared some years ago.

Mr. Chairman, the committee continues a program of reforestation, a 10-year program, that was initiated last year, over the objections of the administration. The reforestation backlog in the United States is huge and has been growing over the years.

The amounts provided in this bill by the committee will reduce that backlog and take steps toward ending that backlog over a 10-year period.

The committee bill provides an increase of over $20 million above the President's budget request to continue the reforestation program, for a total of $76 million.

Mr. Chairman, the bill before you provides new budget—obligational—authority of $4,090,302,000 for the regular fiscal year and $1,142,810,900 for the transition quarter. In addition, the bill provides appropriations to liquidate contract authority of $237,840,000 for the regular fiscal year and $39,021,000 for the transition quarter. The total of new obligational authority and appropriations to liquidate contract authority is $4,328,142,000 for the regular fiscal year and $1,181,831,900 for the transition quarter.

The new obligational authority provided in the bill exceeds the budget estimate by $57,935,000 for the regular fiscal year and is under the budget estimate by $22,352,000 for the transition quarter. The bill exceeds the budget in appropriations to liquidate contract authority by $16,407,000 for the regular fiscal year and $500,000 for the transition quarter. The net effect on fiscal year 1976 expenditures resulting from actions reflected in this bill is an increase of about $44,000,000 over the budget.

Mr. Chairman, I would like to review some of the major changes recommended by the committee. I will refer to changes in the regular fiscal year. In most instances, there are corresponding changes in the transition quarter.

DEPARTMENT OF THE INTERIOR

For the Bureau of Land Management, the committee recommends an appropriation of $246,850,000, an increase of $6,850,000 over the budget estimate. These increases are part of the reforestation and rangeland management programs which the committee has initiated. Included in the increases are $1,370,000 for timber management and development, $4,000,000 for range and forage management, $1,000,000 for soil and water resources management, and $1,000,000 for wildlife management. In addition the committee report addresses the situation with respect to three game ranges which the Department of the Interior has proposed to transfer to the sole jurisdiction of the Bureau of Land Management. The Charles Sheldon Antelope Range, Nevada, the Charles M. Russell National Wildlife Refuge, Montana, and the Kofa Game Range, Arizona, have been previously administered jointly by the Bureau of Land Management and the Fish and Wildlife Service. The committee is disturbed that this decision was taken without public input, without proper notification of the subcommittee, without adequate study by the Department, without preparation of an environmental impact statement, and without proper consideration of its impact on the national wildlife refuge system. The committee believes the departmental decision was shortsighted and questionable because the transfer would establish two agencies with responsibility for administering the national wildlife refuge system. The committee is aware that authorizing committees are now considering legislation on this subject. The committee has decided that until the legislative intent is clear, management responsibility for these areas should be vested as before, jointly with the U.S. Fish and Wildlife Service and the BLM and the committee directs that the Secretary not transfer administrative jurisdiction over these refuges to the BLM unless and until authority for such transfer is provided by appropriate legislation.

The committee recommends an appropriation of $18,905,000 for the Office of Water Research and Technology. This appropriation will provide for a saline water research program of $4,100,000, the amount provided in the authorizing legislation and $1,100,000 over the budget estimate. The amount recommended also includes a reduction of $500,000 in water research which the committee believed duplicated work performed by other agencies.

The recommended appropriation for the land and water conservation fund is $309,761,000, an increase of $9,761,000 above the budget estimate. The appropriation will provide $175,840,000 in grants to States for recreation programs and $127,728,000 for the National Park Service, the Forest Service, the Fish and Wildlife Service, and the Bureau of Land Management for recreation-related land acquisition. The major increases over the budget are for newly authorized areas such as Cuyahoga Valley National Recreation Area, Golden Gate National Recreation Area, Cape Canaveral National Seashore, and Great Dismal Swamp National Wildlife Refuge. Increases recommended for land acquisition by the Forest Service in California and Montana are in areas where there is heavy pressure for development and where land acquisition now will avoid higher costs in the future.

The committee recommends a total appropriation for the Fish and Wildlife Service of $131,213,000, an increase of $12,053,000 above the budget estimate. Major increases for this bureau are $2,500,000 for implementation of the Endangered Species Act of 1973, $2,085,000 for implementation of the Indian fishing rights decision in Washington—the so-called Boldt decision—$7,502,000 for necessary construction and rehabilitation at national fish hatcheries and national wildlife refuges, and $1,000,000 for the migratory bird conservation account to accelerate acquisition of wetland habitat for migratory birds.

The Fish and Wildlife Service has proposed to continue the program initiated 2 years ago to transfer a number of warm water fish hatcheries to State operation. For the past 2 years, the committee has expressed its concern about this procedure. Specifically, the committee wants to be sure that the Federal investment in land and capital equipment in these hatcheries is maintained and that the States which assume responsibility for operating them have adequate budget resources to do a proper maintenance and management job. The committee points out that funds have been included in the 1976 budget to continue operation of the hatcheries. The committee directs that the Department secure the approval of the committee prior to any transfer of hatchery operations to State jurisdiction and prior to any reduction in hatchery output for the farm pond program.

The bill provides total appropriations of $307,334,000 for the National Park Service, an increase of $1,897,000 over the budget estimate. Included in this total are decreases below the budget of $3,000,000 for Bicentennial special events and $2,000,000 for recreation projects financed from user fees. Major increases over the budget for operation of the national park system provide additional operating funds for Bicentennial areas such as Boston National Historical Park and Independence National Historical Park and for the Gateway National Recreation Area which provides recreation opportunity for millions of people living along the eastern seaboard. Major increases over the budget in the construction program provide for additional development work at Gateway National Recreation Area and Ellis Island, N.Y. The bill also provides an appropriation of $24,666,000 for the historic preservation program, including $20,000,000 for grants-in-aid to States.

The bill includes appropriations for three Interior Department Agencies which have important programs in energy and mineral resources: the Geological Survey, the Mining Enforcement and Safety Administration and the Bureau of Mines. The appropriations recommended in the bill for these bureaus will increase $31,943,000 over fiscal year 1975; they reflect a net decrease of $3,337,000 below the budget estimates. Decreases in the geologic and mineral resource surveys and mapping activity in the Geologic Survey are partially offset by an increase of $2,606,000 for offshore geologic surveys. The committee believes that an accelerated Outer Continental Shelf leasing program requires a maximum effort in resource evaluation so that a fair return to the Government is assured from the leasing of these resources. Decreases for the Mining Enforcement and Safety Administration are for programs where the committee believed there was unnecessary duplication. These reductions will have no impact on the mining health and safety enforcement effort. For the Bureau of Mines, increases are provided for the establishment of a mining research center at Carbondale, Ill., and for mined land investigations and demonstrations in the anthracite area. The committee is aware of the serious dispute between the Bureau of Mines and the Mining Enforcement and Safety Administration regarding the research program for mine health and safety. Such bureaucratic feuds injure the public purpose of the agencies, handicapping the Nation's miners and wasting the public's tax funds. The committee is sympathetic to the need to make the research program more responsive to the needs of health and safety as perceived by the enforcement personnel in MESA and understands and appreciates the technological expertise which exists in the Bureau of Mines. This intolerable situation must be corrected promptly. The committee expects to be kept fully informed.

Total appropriations of $727,787,000 are provided for the Bureau of Indian Affairs, an increase of $26,551,000 over the fiscal year 1975 appropriation and a decrease of $7,662,000 below the budget estimate. Together with appropriations for the Indian Health Service and Indian Education, the bill includes more than $1 billion for programs relating to Indians. The committee has been most concerned with the complex problems of the American Indians, so many of which have been complicated by lack of funds. Particularly is this true of Indian health and Indian education. So many of the Indian hospitals and Indian schools are antiquated and obsolete and need replacement, rather than piecemeal rehabilitation. The committee was impressed with the testimony of outside witnesses like the health aide from Alaska who portrayed graphically the loneliness of her installation and the enormous distances to be serviced where communication is achieved only by means of radio. Then, there were witnesses from the Navajo reservation who testified that their children must travel 2 or 3 hours to get to elementary schools over roads which break shock absorbers and deteriorate their vehicles. Other witnesses described hospitals which were built in the 1920's and which are so ramshackle as to lose their accreditation for treatment of patients. The appropriations recommended by the committee, which granted the full budget request in most instances and exceeded it in some, must be acknowledged to be only preliminary steps in dealing with the problems involved.

For operation of Indian programs, Bureau of Indian Affairs, the bill provides increases over the budget of $2,500,000 for assistance to formerly private schools, $1,000,000 for operation of the Navajo Community College, $2,000,000 for operation of the Intermountain Indian School, Utah and $2,252,000 for implementation of the Indian fishing rights decision—the Boldt decision. Decreases are recommended for the direct employment program—$1,000,000—and the business enterprise development program—$1,000,000. These decreases are more than offset by the $11,095,000 increases requested in the budget for Indian Action teams and by the funds provided last year and this year to carry out the provisions of the Indian Financing Act.

The committee received extensive testimony on the serious situation with respect to law enforcement on Indian reservations. The problem is not only one of a need for additional resources but one of coordination between the tribes, local law enforcement officials, the Bureau of Indian Affairs, and other Federal law enforcement officials. There is a $14,305,000 increase provided in the bill for this program and the committee is concerned that these additional funds be used in the most effective and efficient manner possible. To the maximum extent possible, overlap and duplication in law enforcement should be eliminated. This means that in many instances the most effective use of law enforcement funds is by contracting directly with the tribes for their own law enforcement program rather than building up the Bureau of Indian Affairs police force. The committee understands that not all tribes have the capability to effectively and efficiently administer such a program; but some do. The committee directs that where Indian tribes demonstrate the capability to administer a law enforcement program, law enforcement funds appropriated in this bill be used on a contract basis with those tribes if they so choose.

The Bureau of Indian Affairs has proposed a new formula for distribution of Johnson-O'Malley funds under the program of assistance to public schools. The committee understands the need for a more equitable distribution of funds but is concerned about the serious dislocation which will result in some States from the implementation of this plan in a single year. The committee therefore directs the Bureau to provide that no State receive less than 75 percent or more than 125 percent of the fiscal year 1975 distribution in fiscal year 1976.

The bill provides $63,556,000 for construction for the Bureau of Indian Affairs. The $2,156,000 increase over the budget estimate includes $1,156,000 for phase II construction at the Riverside Indian School, Okla., and $1 million for replacement of the Chitimacha Day School in Louisiana.

The committee has recommended decreases below the budget of $10 million for the Indian loan guaranty and insurance fund and $5 million for the revolving fund for loans. Information supplied to the committee indicated that substantial funds carried over from prior year appropriations will offset these decreases.

The full budget request is recommended for programs administered by the Office of Territorial Affairs. In addition, the bill provides $2,000,000 for the Guam Economic Development Fund, an increase of $1 million above the budget estimate. The bill includes $14 million for American Samoa, $81 million for the Trust Territory of the Pacific Islands, $10,000,000 for the Micronesian Claims Fund, and $2,270,000 for an ex gratia payment, Bikini Atoll.

The bill provides $30,895,000 for the Office of the Secretary, a decrease of $6,440,000 below the budget estimate. The committee held extensive hearings with the Office of the Secretary and reviewed not only the regular budget justifications but also additional information supplied by the Department. The committee found several instances where offices appeared to be overstaffed, duplicative of other offices, or serving no useful purpose and has recommended corresponding decreases in the budget estimates for these offices. In addition, the committee has recommended no appropriation for the special foreign currency program. The committee believes that in times of budgetary constraint, the programs funded by this appropriation are of relatively lower priority in comparison to other programs funded in the bill.

RELATED AGENCIES

The committee has recommended a total appropriation of new obligational authority for the U.S. Forest Service of $516,842,000, an increase of $38,308,000 above the budget estimates. In addition, $117,859,000 in appropriations to liquidate contract authority is recommended for the road construction program, an increase of $9,634,000 over the budget estimate. The major increase for the Forest Service is in the forest protection and utilization appropriation. The majority of the increases over the budget are part of the reforestation and rangeland management programs initiated by the committee. Specifically, the committee bill provides an increase of $967,000 for rangeland management, $20,687,000 for reforestation, $3,372,000 for State and private forestry cooperation, and $2,744,000 for urgently needed forest research. The bill also provides an increase of $2,143,000 over the budget for various construction projects, most of which will provide for additional recreation facilities in national forests. Finally, the bill includes an increase of $9,600,000 over the budget estimate for the Youth Conservation Corps, for a total 1976 appropriation of $20 million. When combined with the estimated carryover from current appropriations, there will be approximately $27 million available for the YCC program in the summer of 1976.

The U.S. Forest Service and the Department of the Interior are considering issuing oil and gas leases for 125,000 acres of the 250,000 acres in the Shawnee National Forest, Ill., on a noncompetitive, first-come first-served basis contending that these lands are not within a known geological structure, as defined under the mining laws. The testimony before the committee disclosed controversy concerning the nature and extent of resources within the Shawnee National Forest.

The committee believes that oil and gas resources within the Shawnee National Forest should be leased under a competitive leasing system because there is oil and gas production on private lands in close proximity to the forest. For that reason leasing in the Shawnee should take place on a competitive basis.

The committee has included language in the bill to prohibit expenditure of funds by the Secretaries of the Interior and Agriculture for the noncompetitive leasing of oil and gas resources on Federal lands within the Shawnee National Forest. The committee is fully aware of the important role the Shawnee and other national forest lands can play in meeting the Nation's energy and mineral crises, but the committee does not want a giveaway of public resources. The prohibition on noncompetitive leasing is intended to insure a reasonable return to the public for the resources leased in the Shawnee. This same standard for protecting the public interest should be applied to other comparable areas.

For the Energy Research and Development Administration, the bill provides an appropriation of $433,669,000, an increase of $7,994,000 over the budget estimate. The increase will provide for an accelerated program in oil and gas recovery research.

The annual authorization for this program has passed the House but final congressional action is not yet complete. Furthermore, the Federal Non-nuclear Energy Research and Development Act (Public Law 93-577) required a review by the Administrator of the energy research program and the development of a national program by June 30, 1975. That plan is presently being considered by the administration and recommendations will be submitted to the Congress, including recommendations for additional funding in some areas. The committee recognizes the uncertainty which currently exists with respect to the congressional and the administration program for energy research, and has therefore recommended an appropriation which is fairly close to the amount proposed by the administration in its January budget submission. The committee recognizes that there will be upward adjustments in many of these programs, but believes that it is prudent at this time to wait until there is further action by both the Congress and the administration.

There are presently nine pilot plants operating or under construction which test various technologies for converting coal to alternative fuels such as synthetic coal and gas. These plants represent the fruition of many years of work begun in the Department of the Interior by the Bureau of Mines and the Office of Coal Research. The funding for most of these plants has been shared with the industry, usually one-third industry and two-thirds government. Based on the experience gained in the operation of these plants, we are now ready to move to the next stage, the demonstration plant. At this stage there will be larger industry contributions to the costs—at least 50 percent. Funds in fiscal year 1975 provided for the preliminary design of a demonstration plant for the production of a synthetic liquid fuel. A contract has already been awarded for this purpose. Funds recommended in fiscal year 1976 will continue the pilot plant operations, provide for additional conceptual design of the liquid fuel demonstration plan, and provide for initial conceptual design of high Btu and low-Btu gas demonstration plants. In addition, funds are provided for long lead time equipment procurement for the first liquid fuel demonstration plant. The objective of this total program is to have the technology so that full scale commercial plants can be initiated in the early 1980's and to provide at least 1 million barrels per day equivalent of synthetic fuels capacity by 1985.

The committee appreciates very much the importance of energy conservation as a part of the solution to our total energy problem. The committee is aware of the limited funding of energy conservation research proposed in the January budget submission for ERDA. The end use energy conservation research program in particular is a new program and an important program, but the committee believes that the growth and ultimate size of the program must be consistent with prudent management and adequate program planning. The presentation by ERDA witnesses to the committee was totally inadequate. There appeared to be insufficient analysis of the anticipated objectives of the program and how those objectives were proposed to be accomplished. In addition, there appeared to be insufficient coordination between this program and other energy conservation programs in the Federal Government. The committee did not feel warranted in approving substantial increases based on faith rather than fact.

The committee is aware that additional program planning and analysis has been undertaken since the hearings and that the new administration program for energy research will propose additional funds for conservation research. The committee recommends the entire budget estimate for this program contained in the January budget and will consider additional appropriations when estimates are received from the administration and additional hearings are held.

The bill provides an appropriation of $98,388,000 for salaries and expenses of the Federal Energy Administration. The recommendations of the committee are substantially below both the 1975 appropriation and the budget estimates which include a phaseout of the petroleum allocation program. The committee understands that the Congress will make significant changes to the administration's energy program, including the probable extension of the petroleum allocation program. However, the exact nature of the congressional energy program is not now clear. The committee understands that additional funds will be required as new programs are created and existing programs are changed as a result of congressional action. The committee believes, however, that it is prudent at this time to wait until congressional action is completed so that the exact requirements can be determined. It is virtually certain, therefore, that the total appropriation for the Federal Energy Administration will be somewhat higher before the end of the fiscal year.

Although the committee is aware of the strong support of the States for the program under which the States are reimbursed for their expenses in carrying out energy programs, it wishes to point out that the authorization for this program is for reimbursements to States for their assistance to the administrator in carrying out Federal energy programs. It is not a State grant program and there is currently no statutory authority for a State grant program. This provision was included in the Federal Energy Administration Act at a time of an earlier energy emergency. When the Federal Energy Administration allocated the $10,000,000 provided in the current fiscal year, it made it clear to the States that "similar funds may not be available next year and the program planning should take this into account." The committee has recommended $5,000,000 for this program in fiscal year 1976, a reduction of $5,000,000 below the budget estimate.

The committee understands the importance of energy conservation as a part of the solution to our total energy problem. In fact, energy conservation actions are the principal short-term solution to the energy supply situation. The committee is not convinced, though, that the kinds of programs described to the committee by the witnesses for the Federal Energy Administration will result in the progress which must be made in energy conservation. Furthermore, the committee is concerned that there is, or potentially might be, overlap and duplication between the energy conservation programs of the Federal Energy Administration and the Energy Research and Development Administration. The committee has made the reductions in the energy conservation program identified above in the belief that the substantial funds remaining will provide an adequate program in this area.

The bill provides $316,775,000 for the programs of the Indian Health Service. The budget estimate for the Indian Health Service for fiscal year 1976 provided an increase of $17,896,000 over the appropriations for fiscal year 1975. The committee has recommended the full request with the exception of the uniform 10 percent reduction for GSA space. In addition, the committee has recommended $5,776,000 over the budget to accelerate the important programs carried out by the Service. Only stringent budgetary considerations restrained the committee from recommending additional amounts above the budget. Moreover, this entire subject is being reviewed by the appropriate authorizing committees and by the American Indian Policy Review Commission.

The committee notes the outstanding accomplishments of the Indian Health Service in improving the overall health of the American Indian population. Nonetheless tremendous needs still exist. Life expectancy for Indians is 6 years below the national average; the infant death rate after the first month of life is twice the national average; alcoholism continues to be a serious problem. In addition, only 14 of the 51 Indian Health Service hospitals have been built since 1955 and the cost of putting these hospitals into acceptable condition, or replacing them, is between $250 million and $300 million. Only 25 hospitals are accredited by the Joint Commission on Hospital Accreditation, only 12 hospitals meet the fire and safety codes in the States in which they are located.

The bill also provides $57,055,000 for the Indian education program administered by the Department of Health, Education, and Welfare. This is an increase of $15,000,000 over the budget estimate, attributable largely to the increased number of Indian children identified as being eligible for this program.

The committee has recommended reductions which total $5,357,000 for the Smithsonian Institution. Under salaries and expenses, the committee has allowed requested increases which relate to increased operating costs of the Smithsonian museums and to the increased visitation to these museums expected during the Bicentennial. The reductions below the budget estimates are primarily for requests relating to additional support staff for scientists not specifically related to the Bicentennial. The bill also includes a reduction of $1,160,000 below the budget estimate for construction and improvements, National Zoological Park. The $8,390,000 provided in the bill will continue the modernization and renovation program initiated in fiscal year 1974. The third major reduction for the Smithsonian Institution is $2,000,000 for the special foreign currency program. The committee recommends no appropriation for this program because these research projects are of lower priority relative to the other programs of the Smithsonian Institution and the other programs in this bill. In addition there is a serious question as to whether the $1,000,000 proposed in the budget for the salvage of archeological sites on the island of Philae, Egypt, a cooperative program with UNESCO, can be legally obligated. Public Law 93-559 places severe restrictions on the use of Federal funds to support UNESCO directly or indirectly. Therefore, although the committee believes this project to be a highly worthy one, it has recommended no funds for it.

The bill provides $169,910,000 for the National Foundation on the Arts and the Humanities, an increase of $10,627,000 over fiscal year 1975 and a decrease of $5,090,000 below the budget estimate. The amount recommended in the bill will provide $79,500,000 for the National Endowment for the Arts and $79,500,000 for the National Endowment for the Humanities. The committee believes that the Foundation's programs and efforts have greatly contributed to an increased awareness of the values of the arts and humanities throughout the Nation. These values can be translated into tangible terms: Into more jobs in a time of economic travail, into more pleasure for increasing audiences, and into more participation and involvement by all segments of our society. But these valves are also related to our growth as a mature nation which recognizes the importance of its talented artists and its growing cultural heritage. The committee believes that the endowments served as significant catalysts to foster this growth, and especially in these times to encourage much needed private support, and to maintain a momentum of progress.

Finally, Mr. Chairman, the bill provides $9,000,000 for the American Revolution Bicentennial Administration.

Citizens throughout the land—from villages and hamlets and towns and cities and States—have urged proper recognition of this Nation's Bicentennial anniversary. The committee has responded to this petitioning by recommending adequate funds for an historic commemoration. The reduction of $1 million in the agency's request should not diminish or dull the administration's effectiveness in providing programs which will highlight the birthday celebration in 1976.

Mr. Chairman, this summarizes the major actions recommended by the committee in this bill. I include at this point in the RECORD a comparative statement of new budget—obligational—authority for 1975, the budget estimates and the amounts recommended in the bill for 1976 and the transition period:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1975 AND THE BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1976 AND THE TRANSITION PERIOD

Agency and item (1)	New budget (obligational) authority appropriated, 1975 (enacted to date) (2)	Budget estimates of new (obligational) authority 1976 and the transition period[1] (3)	New budget (obligational) authority recommended in bill (4)	Bill compared with: New budget (obligational) authority, 1975 (5)	Bill compared with: Budget estimates of new (obligational) authority, 1976 and the transition period (6)
TITLE I—DEPARTMENT OF THE INTERIOR					
Land and Water Resources					
Bureau of Land Management					
Management of lands and resources	[1] $175,886,000	$186,989,000	$193,839,000	+$17,953,000	+$6,850,000
Transition period		57,380,000	59,092,000		+1,712,000
Construction and maintenance	6,725,000	9,061,000	9,061,000	+2,336,000	
Transition period		2,238,000	2,238,000		
Public lands development roads and trails (appropriation to liquidate contract authority)	(4,070,000)	(4,683,000)	(4,683,000)	(+613,000)	( )
Transition period	( )	(1,121,000)	(1,121,000)	( )	( )
Oregon and California grant lands (indefinite, appropriation of receipts)	38,200,000	38,200,000	38,200,000		
Transition period		10,200,000	10,200,000		
Range improvements (indefinite, appropriation of receipts)	4,187,000	5,450,000	5,450,000	+1,263,000	
Transition period		600,000	600,000		
Recreation development and operation of recreation facilities (indefinite, special fund)	242,000	300,000	300,000	+58,000	
Transition period		100,000	100,000		
Total, Bureau of Land Management	225,240,000	240,000,000	246,850,000	+21,610,000	+6,850,000
Transition period		70,518,000	72,230,000		+1,712,000
Office of Water Research and Technology					
Salaries and expenses	19,792,000	[3] 18,327,000	18,905,000	−887,000	+578,000
Transition period		4,516,000	4,411,000		−105,000
Total, land and water resources	245,032,000	258,327,000	265,755,000	+20,723,000	+7,428,000
Transiton period		75,034,000	76,641,000		+1,607,000

				Bill compared with	
Agency and item (1)	New budget (obligational) authority appropriated, 1975 (enacted to date) (2)	Budget estimates of new (obligational) authority 1976 and the transition period[1] (3)	New budget (obligational) authority recommended in bill (4)	New budget (obligational) authority, 1975 (5)	Budget estimates of new (obligational) authority, 1976 and the transition period
Fish and Wildlife and Parks					
Bureau of Outdoor Recreation					
Salaries and expenses	$5,380,000	$5,645,000	$5,912,000	+$532,000	+$267,000
Transition period		1,411,000	1,478,000		+67,000
Land and Water Conservation Fund					
Appropriation of receipts (indefinite)	307,492,000	300,000,000	309,761,000	+2,269,000	+9,761,000
Transition period		75,000,000	75,488,000		+488,000
U.S. Fish and Wildlife Service					
Resource management	103,798,000	112,433,000	115,984,000	+12,186,000	+3,551,000
Transition period		27,038,000	27,389,000		+351,000
Construction and anadromous fish	14,397,000	6,727,000	14,229,000	−168,000	+7,502,000
Transition period		1,060,000	1,060,000		
Migratory bird conservation account (definite, repayable advance)	1,000,000		1,000,000		+1,000,000
Transition period					
Total, U.S. Fish and Wildlife Service	119,195,000	119,160,000	131,213,000	+12,018,000	+12,053,000
Transition period		28,098,000	28,449,000		+351,000
National Park Service					
Operation of the national park system	220,138,000	240,121,000	240,413,000	+20,275,000	+292,000
Transition period		74,485,000	74,022,000		−463,000
Planning and construction	60,412,000	22,800,000	26,255,000	−34,157,000	+3,455,000
Transition period		6,000,000	7,100,000		+1,100,000
Road construction (appropriation to liquidate contract authority)	(26,026,000)	(38,820,000)	(46,093,000)	(+20,067,000)	(+7,273,000)
Transition period	( )	(9,400,000)	(9,900,000)	( )	(+500,000)
Preservation of historic properties	24,476,000	24,516,000	24,666,000	+190,000	+150,000
Transition period		6,040,000	6,040,000		
Planning, development and operation of recreation facilities (indefinite, special fund)	11,900,000	18,000,000	16,000,000	+1,000,000	−2,000,000
Transition period		5,000,000	4,000,000		−1,000,000
Total, National Park Service	316,926,000	305,437,000	307,334,000	−9,592,000	+1,897,000
Transition period		91,525,000	91,162,000		−363,000
Total, Fish and Wildlife and Parks	748,993,000	730,242,000	754,220,000	+5,227,000	+23,978,000
Transition period		196,034,000	196,577,000		+543,000
Energy and Minerals					
Geological Survey					
Surveys, investigations, and research	[4] 254,146,000	268,259,000	265,065,000	+10,919,000	−3,194,000
Transition period		67,200,000	66,425,000		−775,000
Mining Enforcement and Safety Administration					
Salaries and expenses	67,913,000	79,500,000	76,136,000	+8,223,000	−3,364,000
Transition period		20,600,000	20,035,000		−565,000
Bureau of Mines					
Mines and minerals	[5] 133,807,000	143,387,000	146,608,000	+12,801,000	+3,221,000
Transition period		35,700,000	36,505,000		+805,000
Total, Energy and Minerals	455,866,000	491,146,000	487,809,000	+31,943,000	−3,337,000
Transition period		123,500,000	122,965,000		−535,000
Indian Affairs					
Bureau of Indian Affairs					
Operation of Indian programs	485,932,000	[6] 537,849,000	543,031,000	+57,099,000	+5,182,000
Transition period		173,186,000	174,474,000		+1,288,000
Construction	64,804,000	61,400,000	63,556,000	−1,248,000	+2,156,000
Transition period		13,550,000	13,550,000		
Road construction (appropriation to liquidate contract authority)	(59,500,000)	(66,705,000)	(66,705,000)	(+7,205,000)	( )
Transition period	( )	(28,000,000)	(28,000,000)	( )	( )
Indian loan guaranty and insurance fund	20,000,000	20,000,000	10,000,000	−10,000,000	−10,000,000
Transition period					
Revolving fund for loans	38,000,000	12,000,000	7,000,000	−31,000,000	−5,000,000
Transition period					
Alaska native fund	70,000,000	70,000,000	70,000,000		
Transition period		40,000,000	40,000,000		
Trust funds (definite)	3,000,000	3,000,000	3,000,000		
Transition period		750,000	750,000		
Trust funds (indefinite)	19,500,000	31,200,000	31,200,000	+11,700,000	
Transition period		8,298,900	8,298,900		
Total, Bureau of Indian Affairs	701,236,000	735,449,000	727,787,000	+26,551,000	-7,662,000
Transition period		235,784,900	237,072,900		+1,288,000

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1975 AND THE BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1976 AND THE TRANSITION PERIOD—Continued

Agency and item (1)	New budget (obligational) authority appropriated, 1975 (enacted to date) (2)	Budget estimates of new (obligational) authority 1976 and the transition period [1] (3)	New budget (obligational) authority recommended in bill (4)	Bill compared with New budget (obligational) authority, 1975 (5)	Bill compared with Budget estimates of new (obligational) authority, 1976 and the transition period (6)
Territorial Affairs					
Office of Territorial Affairs					
Administration of territories	$15, 350, 000	$15, 000, 000	$16, 000, 000	+$650, 000	+$1, 000, 000
Transition period		3, 800, 000	3, 800, 000		
Payments to the U.S. Virgin Islands and Puerto Rico (indefinite)	4, 452, 000			−4, 452, 000	
Transition period					
Permanent appropriation (special fund)	(625, 000)	(600, 000)	(600, 000)	(−25, 000)	( )
Transition period	( )	(185, 000)	(185, 000)	( )	( )
Transferred from other accounts (special fund)	(875, 000)	(975, 000)	(975, 000)	(+100, 000)	( )
Transition period	( )	(253, 000)	(253, 000)	( )	( )
Trust Territory of the Pacific Islands	69, 750, 000	81, 000, 000	81, 000, 000	+11, 250, 000	
Transition period		15, 100, 000	15, 100, 000		
Micronesian claims fund, Trust Territory of the Pacific Islands	1, 400, 000	10, 000, 000	10, 000, 000	+8, 600, 000	
Transition period		8, 600, 000	8, 600, 000		
Ex gratia payment, Bikini Atoll			2, 270, 000	+2, 270, 000	+2, 270, 000
Transition period					
Total, Office of Territorial Affairs	90, 952, 000	106, 000, 000	109, 270, 000	+18, 318, 000	+3, 270, 000
Transition period		27, 500, 000	27, 500, 000		
Secretarial Offices					
Office of the Solicitor					
Salaries and expenses	[7] 11, 082, 000	12, 014, 000	11, 143, 000	+61, 000	−871, 000
Transition period		2, 727, 000	2, 626, 000		−101, 000
Office of the Secretary					
Salaries and expenses	19, 839, 000	21, 343, 000	18, 514, 000	−1, 325, 000	−2, 829, 000
Transition period		4, 850, 000	4, 150, 000		−700, 000
Departmental operations	[8] 10, 618, 000	14, 278, 000	12, 381, 000	+1, 763, 000	−1, 897, 000
Transition period		2, 920, 000	2, 445, 000		−475, 000
Salaries and expenses (special foreign currency program)	192, 000	1, 714, 000		−192, 000	−1, 714, 000
Transition period		100, 000			−100, 000
Total, Office of the Secretary	30, 649, 000	37, 335, 000	30, 895, 000	+246, 000	−6, 440, 000
Transition period		7, 870, 000	6, 595, 000		−1, 275, 000
Total, Secretarial Offices	41, 731, 000	49, 349, 000	42, 038, 000	+307, 000	−7, 311, 000
Transition period		10, 597, 000	9, 221, 000		−1, 376, 000
Total, new budget (obligational) authority, Department of the Interior	2, 283, 810, 000	2, 370, 513, 000	2, 386, 879, 000	+103, 069, 000	+16, 366, 000
Transition period		668, 449, 900	669, 976, 900		+1, 527, 000
Consisting of—					
Appropriations	2, 283, 810, 000	2, 370, 513, 000	2, 386, 879, 000	+103, 069, 000	+16, 366, 000
Transition period		668, 449, 900	669, 976, 900		+1, 527, 000
Definite appropriations	(1, 897, 837, 000)	(1, 977, 363, 000)	(1, 985, 968, 000)	(+88, 131, 000)	(+8, 605, 000)
Transition period		(569, 251, 000)	(571, 290, 000)		(+2, 039, 000)
Indefinite appropriations	(385, 973, 000)	(393, 150, 000)	(400, 911, 000)	(+14, 938, 000)	(+7, 761, 000)
Transition period		(99, 198, 900)	(98, 686, 900)		(−512, 000)
Memoranda—					
Appropriations to liquidate contract authority	(89, 596, 000)	(110, 208, 000)	(117, 481, 000)	(+27, 885, 000)	(+7, 273, 000)
Transition period		(38, 521, 000)	(39, 021, 000)		(+500, 000)
Total, new budget (obligational) authority and appropriations to liquidate contract authority	(2, 373, 406, 000)	(2, 480, 721, 000)	(2, 504, 360, 000)	(+130, 954, 000)	(+23, 639, 000)
Transition period		(706, 970, 900)	(708, 997, 900)		(+2, 027, 000)
TITLE II—RELATED AGENCIES					
Department of Agriculture					
Forest Service					
Forest protection and utilization:					
Forest land management	419, 362, 000	338, 297, 000	358, 746, 000	−60, 616, 000	+20, 449, 000
Transition period		111, 388, 000	116, 759, 000		+5, 371, 000
Forest research	77, 612, 000	79, 211, 000	81, 955, 000	+4, 343, 000	+2, 744, 000
Transition period		21, 550, 000	22, 277, 000		+727, 000
State and private forestry cooperation	34, 784, 000	30, 222, 000	33, 594, 000	−1, 190, 000	+3, 372, 000
Transition period		9, 202, 000	10, 052, 000		+850, 000
Total, Forest Protection and Utilization	531, 758, 000	447, 730, 000	474, 295, 000	−57, 463, 000	+26, 565, 000
Transition period		142, 140, 000	149, 088, 000		+6, 948, 000
Construction and land acquisition	31, 337, 000	14, 475, 000	16, 618, 000	−14, 719, 000	+2, 143, 000
Transition period		11, 074, 000	11, 074, 000		
Youth conservation corps	10, 392, 000	10, 400, 000	[9] 20, 000, 000	+9, 608, 000	+9, 600, 000
Transition period		8, 054, 000			−8, 054, 000
Forest roads and trails (appropriation to liquidate contract authority)	(124, 578, 000)	(108, 225, 000)	(117, 859, 000)	(−6, 719, 000)	(+9, 634, 000)
Transition period	( )	( )	( )	( )	( )
Acquisition of lands for national forests:					
Special acts (special fund, indefinite)	161, 000	161, 000	161, 000		
Transition period					
Acquisition of lands to complete land exchanges	39, 310	35, 000	35, 000	−4, 310	
Transition period					
Acquisition of lands, Klamath Indians	49, 000, 000			−49, 000, 000	
Transition period					

				Bill compared with	
Agency and item (1)	New budget (obligational) authority appropriated, 1975 (enacted to date) (2)	Budget estimates of new (obligational) authority 1976 and the transition period[1] (3)	New budget (obligational) authority recommended in bill (4)	New budget (obligational) authority, 1975 (5)	Budget estimates of new (obligational) authority, 1976 and the transition period (6)
Cooperative range improvements (special fund, indefinite)	$700,000	$700,000	$700,000		
Transition period					
Assistance to States for tree planting	1,355,000	1,359,000	1,359,000	+$4,000	
Transition period		829,000	829,000		
Construction and operation of recreation facilities (indefinite, special fund)	1,260,000	3,674,000	3,674,000	+2,414,000	
Transition period		2,212,000	2,212,000		
Total, Forest Service	626,002,310	478,534,000	516,842,000	−109,160,310	+$38,308,000
Transition period		164,309,000	164,203,000		−1,106,000
Energy Research and Development Administration					
Operating expenses, fossil fuels	[10] 330,936,000	398,600,000	406,594,000	+75,658,000	+7,994,000
Transition period		102,570,000	104,568,000		+1,998,000
Plant and capital equipment, fossil fuels	[11] 13,260,000	20,425,000	20,425,000	+7,165,000	
Transition period		8,200,000	8,200,000		
Special foreign currency program		6,650,000	6,650,000	+6,650,000	
Transition period					
Total, Energy Research and Development Administration	344,196,000	425,675,000	433,669,000	+89,473,000	+7,994,000
Transition period		110,770,000	112,768,000		+1,998,000
Federal Energy Administration					
Salaries and expenses	[12] 130,035,000	112,435,000	98,388,000	−31,647,000	−14,047,000
Transition period		48,000,000	25,439,000		−22,561,000
Federal Metal and Nonmetallic Mine Safety Board of Review					
Salaries and expenses	60,000	60,000		−60,000	−60,000
Transition period		15,000			−15,000
Department of Health, Education, and Welfare					
Health Services Administration					
Indian health services	235,672,000	269,541,000	273,017,000	+37,345,000	+3,476,000
Transition period		73,028,000	73,580,000		+552,000
Indian health facilities	57,431,000	41,458,000	43,758,000	−13,673,000	+2,300,000
Transition period		11,084,000	11,084,000		
Total, Indian Health	293,103,000	310,999,000	316,775,000	+23,672,000	+5,776,000
Transition period		84,112,000	84,664,000		+552,000
Office of Education					
Indian education	42,034,000	42,055,000	57,055,000	+15,021,000	+15,000,000
Transition period		516,000	516,000		
Indian Claims Commission					
Salaries and expenses	1,324,000	1,420,000	1,411,000	+87,000	−9,000
Transition period		355,000	352,000		−3,000
Smithsonian Institution					
Salaries and expenses	70,706,000	79,408,000	77,908,000	+7,202,000	−1,500,000
Transition period		22,010,000	21,634,000		−376,000
Museum programs and related research (special foreign currency program)	2,000,000	2,000,000		−2,000,000	−2,000,000
Transition period		750,000			−750,000
Science information exchange	1,805,000	1,875,000	1,500,000	−305,000	−375,000
Transition period		500,000	406,000		−94,000
Construction and improvements, National Zoological Park	9,420,000	9,550,000	8,390,000	−1,030,000	−1,160,000
Transition period		1,440,000	1,440,000		
Restoration and renovation of buildings	1,490,000	1,467,000	1,192,000	−298,000	−275,000
Transition period		400,000	400,000		
Construction (appropriation to liquidate contract authority)	(7,000,000)	(3,000,000)	(2,500,000)	(−4,500,000)	(−500,000)
Transition period					
Salaries and expenses, National Gallery of Art	7,015,000	7,598,000	7,564,000	+549,000	−34,000
Transition period		1,946,000	1,937,000		−9,000
Salaries and expenses, Woodrow Wilson International Center for Scholars	954,000	975,000	962,000	+8,000	−13,000
Transition period		244,000	238,000		−6,000
Total, Smithsonian Institution	93,390,000	102,873,000	97,516,000	+4,126,000	−5,357,000
Transition period		27,290,000	26,055,000		−1,235,000
National Foundation on the Arts and the Humanities					
Salaries and Expenses					
Endowment for the arts	67,250,000	74,500,000	72,000,000	+4,750,000	−2,500,000
Transition period		33,750,000	33,125,000		−625,000
Endowment for the humanities	67,250,000	74,500,000	72,000,000	+4,750,000	−2,500,000
Transition period		21,375,000	20,750,000		−625,000
Administrative expenses	10,783,000	11,000,000	10,910,000	+127,000	−90,000
Transition period		2,750,000	2,727,000		−23,000
Total, salaries and expenses	145,283,000	160,000,000	154,910,000	+9,627,000	−5,090,000
Transition period		57,875,000	56,602,000		−1,273,000
Matching Grants					
Endowment for the arts (indefinite)	7,500,000	7,500,000	7,500,000		
Transition period		500,000	500,000		
Endowment for the humanities (indefinite)	6,500,000	7,500,000	7,500,000	+1,000,000	
Transition period		500,000	500,000		
Total matching grants	14,000,000	15,000,000	15,000,000	+1,000,000	
Transition period		1,000,000	1,000,000		
Total, National Foundation on the Arts and the Humanities	159,283,000	175,000,000	169,910,000	+10,627,000	−5,090,000
Transition period		58,875,000	57,602,000		−1,273,000

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1975 AND THE BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1976 AND THE TRANSITION PERIOD—Continued

				Bill compared with	
Agency and item (1)	New budget (obligational) authority appropriated, 1975 (enacted to date) (2)	Budget estimates of new (obligational) authority 1976 and the transition period [1] (3)	New budget (obligational) authority recommended in bill (4)	New budget (obligational) authority, 1975 (5)	Budget estimates of new (obligational) authority, 1976 and the transition period (6)
Commission of Fine Arts					
Salaries and expenses	$176, 000	$200, 000	$198, 000	+$22, 000	−$2, 000
Transition period		45, 000	45, 000		
National Capital Planning Commission					
Salaries and expenses	1, 777, 000	1, 895, 000	1, 876, 000	+99, 000	−19, 000
Transition period		424, 000	419, 000		−5, 000
American Revolution Bicentennial Administration					
Salaries and expenses	9, 686, 000	10, 000, 000	9, 000, 000	−686, 000	−1, 000, 000
Transition period		1, 876, 000	1, 626, 000		−250, 000
Franklin Delano Roosevelt Memorial Commission					
Salaries and expenses					
Transition period		6, 000	6, 000		
Lowell Historic Canal District Commission					
Salaries and expenses			75, 000	+75, 000	+75, 000
Transition period			19, 000		+19, 000
Joint Federal-State Land Use Planning Commission for Alaska					
Salaries and expenses	693, 000	708, 000	708, 000	+15, 000	
Transition period		120, 000	120, 000		
Total, new budget (obligational) authority, related agencies	1, 701, 759, 310	1, 661, 854, 000	1, 703, 423, 000	+1, 663, 690	+41, 569, 000
Transition period		496, 713, 000	472, 834, 000		−23, 879, 000
Consisting of—					
Appropriations	1, 701, 759, 310	1, 661, 854, 000	1, 703, 423, 000	+1, 663, 690	+41, 569, 000
Transition period		496, 713, 000	472, 834, 000		−23, 879, 000
Definite appropriations	(1, 685, 638, 310)	(1, 642, 319, 000)	(1, 683, 888, 000)	(−1, 750, 310)	(+41, 569, 000)
Transition period		(493, 501, 000)	(469, 622, 000)		(−23, 879, 000)
Indefinite appropriations	(16, 121, 000)	(19, 535, 000)	(19, 535, 000)	(+3, 414, 000)	
Transition period		(3, 212, 000)	(3, 212, 000)		
Memoranda—					
Appropriations to liquidate contract authority	(131, 578, 000)	(111, 225, 000)	(120, 359, 000)	(−11, 219, 000)	(+9, 134, 000)
Transition period					
Total, new budget (obligational) authority and appropriations to liquidate contract authority	(1, 833, 337, 310)	(1, 773, 079, 000)	(1, 823, 782, 000)	(−9, 555, 310)	(+50, 703, 000)
Transition period		(496, 713, 000)	(472, 834, 000)		(−23, 879, 000)
RECAPITULATION					
Total, new budget (obligational) authority, all titles	3, 985, 569, 310	4, 032, 367, 000	4, 090, 302, 000	+104, 732, 690	+57, 935, 000
Transition period		1, 165, 162, 900	1, 142, 810, 900		−22, 352, 000
Consisting of—					
Appropriations	3, 985, 569, 310	4, 032, 367, 000	4, 090, 302, 000	+104, 732, 690	+57, 935, 000
Transition period		1, 165, 162, 900	1, 142, 810, 900		−22, 352. 000
Definite appropriations	(3, 583, 475, 310)	(3, 619, 682, 000)	(3, 669, 856, 000)	(+86, 380, 690)	(+50, 174, 000)
Transition period		(1, 062, 752, 000)	(1, 040, 912, 000)		(−21, 840, 000)
Indefinite appropriations	(402, 094, 000)	(412, 685, 000)	(420, 446, 000)	(+18, 352, 000)	(+7, 761, 000)
Transition period		(102, 410, 900)	(101, 898, 900)		(−512, 000)
Memoranda—					
Appropriations to liquidate contract authority	(221, 174, 000)	(221, 433, 000)	(237, 840, 000)	(+16, 666, 000)	(+16, 407, 000)
Transition period		(38, 521, 000)	(39, 021, 000)		(+500, 000)
Grand total, new budget (obligational) authority and appropriations to liquidate contract authority	(4, 206, 743, 310)	(4, 253, 800, 000)	(4, 328, 142, 000)	(+121, 398, 690)	(+74, 342, 000)
Transition period		(1, 203, 683, 900)	(1, 181, 831, 900)		(−21, 852, 000)

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[1] Public Law 93–344 changed the fiscal year to Oct. 1 to Sept. 30 and establishes the transition period as July 1, 1976 to Sept. 30, 1976.

[2] Includes $12,400,000 transferred from the Office of Coal Research, "Salaries and expenses," fiscal year 1975.

[3] In fiscal year 1976 the Office of Water Research and Saline Water Conversion were combined to form the Office of Water Research and Technology.

[4] Includes $2,600,000 transferred from the Office of Coal Research, "Salaries and expenses," fiscal year 1975.

[5] Excludes $87,198,000 in 1975 for activities transferred to "Operating expenses, fossil fuels," Energy Research and Development Administration, pursuant to Public Law 93–438.

[6] Includes budget amendment of $10,923,000 contained in H. Doc. 94–112.

[7] Excludes $1,285,000 in 1975 for activities transferred to "Salaries and expenses," Federal Energy Administration.

[8] Excludes $85,000 in 1975 for activities transferred to "Salaries and expenses," Federal Energy Administration.

[9] Excludes $10,000,000 contained in the continuing resolution of 1976 (Public Law 94–41).

[10] Includes $226,737,000 transferred from the Office of Coal Research, "Salaries and expenses," and $86,298,000 transferred from Bureau of Mines, "Mines and minerals," fiscal year 1975.

[11] Includes $13,000,000 transferred from the Office of Coal Research, "Salaries and expenses," fiscal year 1975.

[12] Includes $69,590,000 transferred from fuel allocation, oil and gas programs, "Salaries and expenses"; $26,875,000 from Office of the Secretary, "Energy conservation and analysis"; $19,000,000 from Federal Energy Office, "Salaries and expenses"; $1,285,000 from Office of the Solicitor, "Salaries and expenses"; and $85,000 from Office of the Secretary "Salaries and expenses."

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. YATES. Yes, I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I appreciate the gentleman's yielding.

First of all, those of us from southern California are most appreciative of the committee's action to increase the effort of fuel modification which is, in fact, a form of fire prevention. The fuel modification program is especially as we approach the more critical fire season in our U.S. Forest Service areas in southern California.

I know that the gentleman from Chicago and the gentleman from Pennsylvania (Mr. McDADE), as the ranking minority member, have been extremely helpful in making sure that this extra item was included.

I realize the fuel modification program is not fully understood. Many people think it is just an additional fattening of the budget.

So, Mr. Chariman, I want to compliment the subcommittee on the action it has taken to improve appropriations in this area.

Mr. YATES. Mr. Chairman, I thank the gentleman.

May I say that the gentleman from California (Mr. ROUSSELOT) was one of those who requested additional appropriations, and the committee saw the justice of the position that was advanced by the gentleman from southern California. We hope that the amount to be made available will help in preventing the very terrible brush fires that have occurred on the southern California slopes in the past years, brush fires that have been fanned and spread by the so-called Santa Anna winds that blow through that area in periods of dry weather. It is a most deplorable situation.

Again I want to commend the gentleman from California for having brought this to the attention of the committee, together with other members of the delegation from southern California such as my good friend, the gentleman from California (Mr. Talcott) who is sitting next to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I thank the gentleman. I might add that we have had specific examples where this fuel modification program has in fact slowed down the fires and made it possible to handle the fires more promptly, and we are extremely grateful for that consideration.

Mr. YATES. I thank the gentleman.

Mr. COHEN. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Maine.

Mr. COHEN. Mr. Chairman, I thank the gentleman for yielding.

First, Mr. Chairman, I would like to express my appreciation for the concern and consideration of the chairman of the subcommittee on the problems now affecting the State of Maine, and other parts of the New England area concerning the spruce budworm infestation.

The gentleman from Illinois was responsible in large measure along with the gentleman from Oregon (Mr. Duncan) for agreeing to increase the supplemental appropriations for making further spray work possible. But, I might add, that this is only part of the problem we now face in the State of Maine, and the devastation continues unabated. The spraying program was not completely successful, as of the 5 million acres involved, only approximately 2 million acres were sprayed. But everyone recognizes that its not just the problem of spraying these areas, but there is the need for long-term research as to how to cure the problem of the infestation.

I notice on page 42 of the report that, of the $17.5 million that has been appropriated for forests insect and disease research, that none of it seems to be earmarked for spruce budworm. I have seriously considered offering an amendment at the proper time to increase the appropriation to include funds for research in this area for the reason that I received a copy of a letter from the U.S. Department of Agriculture Forestry Service wherein they say they have developed a program to conduct the type of research that is necessary, and they would like about $10 million for a 5-year period, but at a minimum they will need $1.45 million per year. This letter was sent—and at the proper time I will ask permission to include it in the Record—to the person in charge of the State of Maine Forestry Service.

However, I would like to receive a comment from the gentleman in the well as to whether or not any portion of this money could be earmarked in the area of research on the spruce budworm, particularly in view of the article in Time Magazine stating that there is a biological time bomb that is about to explode in the North Woods of Maine.

Mr. YATES. Mr. Chairman, I appreciated the gentleman from Maine (Mr. Cohen) calling this to the attention of the committee, and of the House, at the time of the last supplemental appropriation bill. I was very pleased to join with the gentleman from Maine in making available funds that were needed to combat the spruce budworm, because of the devastation that that insect has caused to the area the gentleman from Maine represents, and throughout the State of Maine.

May I say that I do not think there is any need for the gentleman from Maine to offer an amendment today because I can tell the gentleman that it is the intention of the committee that the campaign initiated by the funds that were made available in the last supplemental bill is to be continued and conducted in full force. The committee is determined to do everything it can to alleviate the devastation that has occurred in the State of Maine.

The fact that the report has not stated a separate funding for the campaign against the spruce budworm does not mean, that the campaign shall be lessened or stopped in any way.

Mr. COHEN. I thank the chairman for his comments. As I understand it, on the supplemental appropriation, that money was specifically designed for the spraying operation. Is it my understanding now, even though there is no specific designation for the funds being used to conduct research on the spruce budworm, that funds under this appropriation, a portion of them, should be designated for the study and long-term research?

Mr. YATES. For continuing the fight and for undertaking the research that is necessary to eliminate this pest.

Mr. COHEN. I would submit this letter again from Mr. Thornton to Mr. Holt dated May 7, 1975, for the Record in explanation:

U.S. Department of Agriculture,
Forest Service,
Washington, D.C., May 7, 1975.

Mr. Fred E. Holt,
Director, Bureau of Forestry, Department of Conservation, State Office Building, Augusta, Maine.

Dear Fred: In recent months the Forest Service has put considerable effort into planning a program of research and development activities to address the spruce budworm problems East and West. If fully funded, the program would, in five years, provide land managers with more direct action options than now available for dealing with budworm infestations and make a good start toward improving long-term management strategies.

The short statement enclosed was prepared in response to questions by Members of Congress and others interested in the eastern and western spruce budworms program. The cost of the full national program as planned would be about $10 million per year for five years but less annually if extended over a longer period. If the full program cannot be funded at this time, we could substantially accelerate western spruce budworm research and initiate a program in the East with additional funding of $1,450,000 per year.

The complete planning document for the spruce budworms program is quite technical and probably of little interest to Members of Congress. We can provide copies if you think they will be useful.

We sincerely appreciate your interest and support for the spruce budworms program. Please call on us if we can be of further assistance.

Sincerely,

Philip L. Thornton,
Deputy Chief, S&PF.

The Spruce Budworm in the United States

INTRODUCTION

The spruce budworms [1] are the most widely distributed and destructive forest defoliators in North America. In the caterpillar stages they consume foliage of spruces, true-firs, Douglas-fir and associated conifers and attack new buds, cones, and terminals of other species. The goal of the Forest Service is to reduce intolerable impacts of these insects by sound pest management practices.

Spruce budworms are native insects of spruce-fir forests in the Northeast, Lake States, and Western United States and Canada. Widespread and destructive outbreaks have resulted in serious growth loss, top-killing, and tree mortality in pole-size and sawtimber stands. During the last 4 years, infestations have fluctuated from 1.5 million to 7.9 million acres in the Northeast and Lake States and from 1 to 6 million acres in the West. Since 1949, 2.5 million acres have been aerially sprayed in the Northeastern States and Lake States to prevent tree damage and mortality. In the West, 12.3 million acres were treated during the same time.

The ecological and economic impacts of the spruce budworms may be slight and transitory or severe and long-lasting, depending on the intensity and duration of infestation and the resource values affected. The most significant damage is growth loss as a result of defoliation. More spectacular is the tree mortality that occurs if the infestation is severe and prolonged. The less striking effects of defoliation on form of trees, forest stands and loss of seed through cone destruction can be significant.

Single-thrust approaches to suppression of spruce budworms with chemicals have not always succeeded. More accurate and reliable means of assessing and predicting population trends and the consequent impacts must be developed to better judge when and where to take remedial action. Moreover, the diversity of ecological conditions over the eastern and western coniferous forests of the United States, the values involved, and other considerations require a variety of pest management strategies.

CURRENT SITUATION

Maine forests are heavily infested with severe damage, including widespread tree mortality likely. In the West, populations are widespread with more than 5 million acres showing visible defoliation in 1974. Static or rising populations are in Montana, Idaho, Oregon, Washington, Utah, and Wyoming. The Colorado population is decreasing.

RESEARCH PLANNING

The eastern and western spruce budworms have many common biological characteristics. It is possible to cross-walk research results from one to the other with minor modifications, so research planning involves both pests. Research planning to develop an accelerated program of research development and application to provide an array of management alternatives is being done using the Convergence Planning Technique. This technique utilizes some of the general features of systems and network approaches which are modified to meet the special requirements of research. The Convergence Planning Technique was used to plan and guide the Douglas-fir Tussock Moth, Gypsy Moth and Southern Pine Beetle programs.

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[1] Spruce budworm=*Choristoneura fumiferana* (Clem.); western spruce budworm=*C. occidentales* Free. Other species of *Choristoneura* are not considered in this Research and Development planning document.

The technical planning committee consists of the most knowledgeable researchers and pest control specialists available. They represent universities and the Forest Service.

Canadian specialists on the Canadian Spruce Budworm Working Committee are informed of the proposed program and will review the final planning documents. U.S. researchers have met with the Canadian group and reviewed the Canadian program of work to assure the research is complementary.

COOPERATION

Joint research now exists between Canada and the Forest Service on behavioral chemicals (sex attractant). Several universities also are active in spruce budworm research.

COST

To accelerate research on the spruce budworms to meet the immediate need for means to protect the forest through the laboratory and field testing of promising pesticides, to begin development of silvicultural controls to minimize the frequency and duration of future outbreaks, and to improve detection and population trend prediction capability would require additional funding of $1,450,000 per year.

The Research, Development and Applications Convergence Proposal to resolve the spruce budworm problem within 5 years through providing a comprehensive array of management alternatives would cost approximately $10 million per year for 5 years. By extending this period the cost per year would be reduced accordingly.

RESEARCH LOCATIONS

Eastern—With the infestation centering in Maine at the present time, it is proposed to make the focal point of the proposed research at Orono, Maine, in cooperation with the University of Maine. The skills and capabilities of other universities and Forest Service units would be involved as the research is initiated.

Western—Ecological studies would be centered at the Forest Service Research and Disease Laboratory at Corvallis, Oregon. Field testing of insecticides and laboratory insecticide evaluation would be centered in Forest Service facilities in California where capability for such research is available.

BATTLING THE BUDWORM

There is a biological time bomb in Maine's north woods armed with a fuse set to explode it in a month. Awakened by the warning sun, billions of tiny spruce-budworm larvae will hatch and turn into ravenous caterpillars, ready to eat all the needles and buds on spruce and balsam fir, hemlock and tamarack. Before their appetite is sated, the budworms are expected to chew their way through some 6 million acres of conifers. For 3.5 million of those acres—an area larger than Connecticut—this will be the third straight year of defoliation, and even healthy trees cannot survive such continuous attack.

DESCENDING CLOUDS

Though the budworm infestation has been a fact of Maine's forest life for years, it grew to epidemic proportions last July after the caterpillars became moths. In addition to Maine's native budworms, hordes more were swept southeast on prevailing winds from Canada, where 75 million acres are also infested. "Clouds" of the insects—one measured 64 miles long by 16 miles wide—were tracked by the U.S. Weather Service's radar operators. When the moths landed, they clogged factory ventilators and auto radiators; their crushed bodies coated highways with a slippery, accident-causing goo; in some places, people shoveled the bugs off their porches like snow. But most of the moths ended up in the vast forests, where they quietly laid billions and billions of eggs in preparation for this spring's attack, which promises to be the worst in 56 years.

If the trees on the 3.5 million acres are killed, the U.S. will lose enough wood to have built 1.3 million houses or enough paper to have kept 92 million Americans in newspapers, tissues and wrapping for a year. That is not the only potential loss. Maine would be deprived for the 40 years needed for forest regeneration of at least $13.6 million a year in taxes from the forest-products industry. Workers and businesses serving the timber industry could lose another $106 million per year. Beyond that, Maine's $450 million-a-year tourist industry will suffer; no campers or hunters will want to go into a gloomy wasteland of dead trees. In the competition with the budworm, concludes Lester DeCoster, New England regional manager of the American Forest Institute, "man cannot afford to lose."

Trouble is, man's prospects for winning are not very bright. Ever since the use of DDT was banned in 1967, Maine has had few weapons in its battle against the budworm. Environmentalists have suggested gradually cutting down the spruce and balsam trees to deny the caterpillar its food and replacing them with hardwood varieties immune to attack. But that plan is not practical; spruce and balsam are best adapted to the north woods and, says Fred Holt, director of Maine's bureau of forestry, "they always come back when you plant something else." Biological controls—most notably one that involves spraying the foliage with a solution containing *Bacillus thuringiensus*, a bacterium that kills only caterpillars—are still too expensive and difficult to apply over a wide area.

That leaves only one immediate alternative spraying with short-lived pesticides that do not harm other forms of wildlife. Assuming that Maine officials can find enough such chemicals to douse 3.5 million acres this spring, they still must face the fact that the insecticides will kill only a fraction of the moths and that others will take their place next year, attracted by the trees that survive this spring's onslaught. Thus Maine can only wage a holding action against the budworm and hope that nature will lend a hand with a caterpillar-killing cold snap next month.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. YATES. I am glad to yield to the gentleman from Massachusetts.

Mr. BOLAND. I thank the gentleman for yielding.

Mr. Chairman, I take this time to compliment the distinguished gentleman from Illinois (Mr. YATES) for the work he has done on this subcommittee and for the magnificence of the report itself. I also commend his subcommittee members on this side of the aisle, as well as the distinguished ranking minority member, the gentleman from Pennsylvania (Mr. McDADE) and his minority members.

I say with great delight that I welcome the distinguished gentleman from Illinois to the College of Cardinals, so to speak, as one of the subcommittee chairmen of the Committee on Appropriations. The gentleman from Illinois has served with very great distinction in this body. As he indicated in his opening remarks, oftentimes things do come to those who wait. He has waited a long time to rise to a subcommittee chairmanship but that wait really has been one that he himself is responsible for. He would have been the chairman of the subcommittee that I chair on appropriations had he decided to remain in the House and keep his service constant and continuous. But some time ago he decided that he would seek another office and left the House and gave me the opportunity to chair the HUD, Space, Science subcommittee.

I am delighted that he has taken the opportunity in this report to make reference to our late and beloved colleague, the gentleman from Ohio, Mr. Michael Kirwan, for the work that he did as chairman of this subcommittee. I note that his subcommittee in its report rightfully states that Mr. Kirwan considered this as the all-American bill, and so it is. That was the feeling of the gentlewoman from Washington, Mrs. Julia Hansen, Mr. YATES' immediate predecessor as chairman of this subcommittee. I know this is the feeling of the present chairman and all of those who now serve with him on the subcommittee.

I am sure that the gentleman from Illinois has the same feeling about the preservation of our natural resources, our historic sites, our forests and our lands, as does every Member of this body.

I want to compliment him for the report that he brings to this floor and the bill that he brings to the floor I express also my appreciation for an item that has been added by the committee for the Springfield Army National Historical Site.

Again I offer my congratulations and my commendations. It is my desire and hope that the gentleman from Illinois will serve for many years to come as chairman of this subcommittee because of the intense interest he has in America and what this bill actually means to the people of this great land of ours.

Mr. YATES. I thank the gentleman very much for his very generous and gracious statement. His reference to the fact that I might have become chairman of the subcommittee the gentleman now chairs had I not sought another office is correct, but I want to point out that the fact that he became chairman of the committee permitted him to make a much greater contribution to the country than I could have made as chairman of that subcommittee.

He has displayed a tremendous insight into the activities of the agencies that made up the HUD and Independent Agencies Subcommittee and has shown himself to be one of the very great Members of the House of Representatives over the years that he has been a Member.

SPRINGFIELD ARMORY NATIONAL HISTORIC SITE

Mr. BOLAND. I thank the gentleman for his gracious remarks.

I would like to dwell on two items in the bill that hold particular interest for me.

Mr. Chairman, I would like to express my support for H.R. 8773 and point out the importance of an appropriation of $272,000 for initial operating costs for the Springfield, Mass., Armory National Historical Site. This appropriation, included in this bill, will insure the smooth operation of the Springfield Armory Museum by the National Park Service. It designates $218,000 for fiscal year 1976 and $54,000 for the transition quarter.

For years my colleague from western Massachusetts, Congressman Silvio O. Conte, and I have worked to insure the preservation of the Springfield Armory and the surrounding area as a historical site. On October 26, 1974, President Ford signed a bill cosponsored by Mr. Conte and myself that officially established the Springfield Armory National Historic Site. The signing of that bill was a great moment for the people of Springfield and the appropriation in the bill now before us will help this fine museum operate to the fullest extent.

Each year the Armory Museum attracts 40,000 visitors. Now, under the operation of the National Park Service, the armory site is sure to attract many more thousands of visitors. The reasons are obvious to any one who has visited the museum.

For nearly two centuries the armory has been the heart of the Springfield area. From the beginning, the operating center of the Springfield Armory has been Armory Square, where its historic buildings are located on a magnificent bluff overlooking the center city and the picturesque Connecticut River.

The Armory Square complex contains a tree-covered parade and various historic buildings once used for housing, administration, manufacturing, and storage at the armory. Since 1968, when the armory was deactivated, many of these buildings have been converted to educational uses by the Commonwealth of Massachusetts which operates the recently established and highly successful Springfield Technical Community College. The State has agreed that the college will assure the historical integrity of the site and the nearby buildings.

The Armory Square complex, surrounded by a majestic iron fence, is on a commanding site overlooking the original town and is notable for the spacious surroundings allotted its buildings. The consistent scale and restrained, dignified character of the structures, and the uniform use of sturdy brick construction, all contribute to a harmonious totality in which the sum is greater than any single part.

Armory Square has retained its identity and overall architectural composition for the past 100 years. The square's size and distinction, provided in part by its elevation and the iron fence enclosing it, provide a degree of isolation from the adjacent urban environment. Within walking distance is the famous quadrangle that is considered the cultural heart of Springfield.

The Springfield Armory National Site commemorates the important role of the Springfield Armory in the Nation's military and industrial history. For nearly 200 years, the armory was a center for manufacturing and development of small arms, producing weapons which achieved a justified reputation for quality, accuracy, and dependability. For a substantial portion of this time, the armory made Springfield the small arms center of the world.

The Springfield Armory played an important role in the development of the principle of interchangeability of parts, a necessary forerunner of the modern assembly line techniques of American industry. In 1822, an armory workman named Thomas Blanchard designed a machine for turning gunstocks; though conceived for that specific purpose, his machine proved a forerunner of subsequently perfected machinery for making other interchangeable gun parts. Blanchard's gunstock machine is in the museum collection at the armory.

When, in 1774, the British Parliament imposed an embargo on the shipment of firearms to the American colonies, the Massachusetts committee of safety took measures to supply the need. An armorer for the colony was named and all qualified gunsmiths were encouraged to address themselves diligently to their trade. In the Springfield area, three local mechanics became engaged in fabricating guns: one making barrels; a second, locks and rigging; and the third turning the stocks.

Col. Henry Knox, commanding a Continental artillery regiment within the defenses of New York City, on September 27, 1776, suggested to the Continental Congress the establishment of "one or more capital laboratories" for manufacture of guns and ordnance stores. In December of that year, General Washington had Knox promoted to brigadier general, named him chief of artillery and assigned him the job of setting up such laboratories at York, Pa., and Hartford, Conn. After careful inspection of potential sites, Knox selected Springfield over Hartford as the "best place in New England for a laboratory, cannon foundry, et cetera." Though located on the Connecticut River for a power source, Springfield was far enough upstream for safety against attack by heavy war vessels.

Buildings at first were rented in the town of Springfield in 1777. Initial production was of paper cartridges. During that first year all the extra powder belonging to the Continental Army at Boston was sent to Springfield for storage and ammunition production. Arms also were sent there for storage at an early date. Springfield early in the Revolution thus became a military supply depot of major importance, a distributing point for ordnance needs throughout the northeastern theater of war.

The requirements of the burgeoning establishment soon necessitated an expansion of the physical facilities. The site selected was the militia training field on a hilltop just outside the town and there, in 1778, were erected a magazine, barracks, and accommodations for operation of the laboratory. These were the first constructions on the site of the present Armory Square.

George Washington's successful campaign of 1781 having assured a cessation of hostilities, attention was given to adequately safeguarding the large supplies of powder remaining in Government hands. In 1782, the Congress ordered the establishment of "good and sufficient magazines" at Springfield, Mass.; West Point, N.Y.; Yellow Springs, Pa.; and New London, Va.

In addition to its historical role in the development and manufacturing of small arms, Springfield Armory was also the site where Shay's rebellion was quelled. On January 25, 1787, the rebellion of small farmers under Daniel Shay against unfair taxation ended at Springfield Arsenal, with their defeat as they attempted to seize the magazine.

Following the Revolutionary War in 1794, President Washington recommended, and the Third Congress authorized, the establishment of the U.S. Arsenal at Springfield.

I believe that the Springfield Armory represents a heritage of Government arms development and manufacture that is worthy of preservation. In April 1963, the armory was dedicated as a national historical landmark. And at its 65th meeting in October 1971, the Secretary's Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, "heartily endorsed the establishment of the Springfield Armory as the Springfield Armory National Historic Site."

After deactivation in 1968, part of Armory Square was conveyed to the city of Springfield, which in turn leased a portion to Springfield Armory Museum, Inc., a nonprofit foundation, for preservation and management. And in the 93d Congress the armory was officially established as a national historic site by the Conte-Boland bill.

The value of the Springfield Armory has been firmly established by history and today we have before us an appropriation that will protect that history. I urge swift passage of this funding for the Springfield Armory National Historic Site.

THE CONNECTICUT RIVER

Mr. Chairman, I would also like to mention another item of H.R. 8773 which impinges upon the economy and ecology of my district. I refer to the appropriation in the bill for the continuation of the anadromous fish conservation programs.

In particular, I call attention to the appropriation of $500,000 for continued construction of the White River National Fish Hatchery at Methel, Vt. This hatchery, when finished, will play a major role in the restoration of anadromous fish strains to the Connecticut River. The recent discovery of Atlantic salmon in the lower reaches of the river and the recovery of at least one salmon in the vicinity of my own hometown, Springfield, proves that we have finally made enough progress in reclaiming this beautiful natural resource from the pollution and filth, which had, until recently, marred its great course to attract the salmon which used to spawn along the upper reaches.

I applaud that progress. It is, of course, only partial success, but it points the way for the possible benefits we can expect to enjoy if we continue to enlarge and improve the existing fishways along the length of the Connecticut River.

Additional fish ladders should be built along the upper reaches of the river near

Turners Falls. I endorse that project. It seems to me that with the approaching reality of a major fish hatchery at Bethel and with an improved fishway system, the entire Connecticut Valley could once again enjoy the recreational and economic opportunities that a revitalized waterlife population could provide. New England has few recreational resources to compare with those of many other States. It should preserve and improve those which it now has.

It was my good fortune to serve with the gentleman on the Appropriations Committee for these many years, and I think it is as much as 20 years that he and I have been Members together. It is one of the great pleasures of my service in the House to have come to know the gentleman. I thank him for his very gracious remarks.

Mr. SIMON. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Illinois (Mr. Simon).

Mr. SIMON. Mr. Chairman, I thank the gentleman for yielding. I associate myself with the remarks of the gentleman from Massachusetts in commending the chairman of the subcommittee and the members of the committee.

The only place I might differ with the remarks of the gentleman from Massachusetts is that he wants to put the gentleman from Illinois in the College of Cardinals and I am not sure that will help the gentleman with his constituents particularly.

I do want to express my appreciation to the chairman of the subcommittee and the members for their consideration of the special problems and opportunities we have in southern Illinois, including those in connection with Shawnee National Forest, the Crab Orchard Refuge, and the coal mine situation. They have shown a sensitivity to these.

As the chairman of the subcommittee knows, and his district is approximately 400 miles from my district, we have some great economic problems in southern Illinois and this measure not only takes advantage of the resources that are there but also helps an area that really needs some help.

In line with the remarks of the gentleman from Massachusetts, all over Illinois we are very proud of the chairman of this subcommittee, the gentleman from Illinois (Mr. Yates). We tried to send the gentleman to the U.S. Senate unsuccessfully one time, but there is no office within the reach of the people of this Nation that the gentleman from Illinois (Mr. Yates) could not fill with distinction. I am pleased to join with my colleague from Massachusetts. I appreciate the job this subcommittee has done.

Mr. YATES. I thank the gentleman very much for his most generous contribution.

Mr. JOHN L. BURTON. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from California (Mr. John L. Burton).

Mr. JOHN L. BURTON. Mr. Chairman, I thank the gentleman from Illinois for yielding. I commend the chairman and the members of the subcommittee for the attention they have paid to the problems and beautiful areas in our bay area, that are part of the Point Reyes National Seashore and the Golden Gate National Recreation Area. I think they have done a fine thing not only for the people in that area but also for people throughout the Nation and for generations yet to come.

I would like to address one question to the distinguished gentleman. Would it be consistent with the planning and construction money that is made available to the National Park Service that if they saw fit and the Federal lands within the national park were available they could construct with their planning and construction moneys comfort stations for the visitors to these areas so that they would not have to be utilizing the facilities of the private businesses and local communities, but they could in fact construct privies and comfort stations within the park?

Mr. YATES. As I remember the Point Reyes appropriations, it was for operating funds and for land acquisition. I am not sure that appropriation will cover the construction of facilities, but let me say this to the gentleman, that the construction of facilities throughout the national parks is important because of the tremendous number of people who will be visiting the facilities that are operated by the National Park Service.

I will tell the gentleman that if it is within the purview of the appropriations made available in this bill for construction of such facilities, it is the intention of this committee that such facilities be constructed.

Mr. JOHN L. BURTON. I thank the gentleman from Illinois. I was referring to the construction funds and not the land acquisition funds, that the Park Service could use these construction funds and it would be the intent of the committee that within their various parks where they have none of the facilities it is certainly a wise expenditure of such construction funds of such magnitude as is available for the funds to be used for such a purpose.

Mr. YATES. I will tell the gentleman that of the millions of visitors who come to the national parks every year I believe all will subscribe completely to the viewpoint of the gentleman. There should be comfort stations for those who come to the national parks.

Mr. JOHN L. BURTON. And these construction funds could be used for that purpose?

Mr. YATES. I understand that through reprograming procedures this could be accomplished.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Virginia.

Mr. HARRIS. Mr. Chairman, I want to compliment the subcommittee. I do have one question from the Subcommittee on the Bicentennial. I note that there is a rather substantial cut in the American Revolutionary Bicentennial funds of some $1.6 million, I believe. The investigation of my subcommittee indicated that the planning was somewhat behind time with regard to our Bicentennial activities. We know that many other countries are participating in the funding of the Bicentennial program.

I personally have a very strong feeling that we ought to make sure that this program is adequately funded, right in this critical period before the Bicentennial starts and the planning should be going on.

I wonder if the chairman has any opinion as to the restoration of these funds in the conference?

Mr. YATES. Mr. Chairman, the reduction was made on the basis of the presentation made to the committee. We recognize it is a substantial reduction. The fact remains that next year is the Bicentennial year and one would have thought the full amount would have been granted to the agency. The committee felt, nevertheless, that the amount that was cut was not unduly crippling to the agency. It is to be made in the operations of the national ARBA office located in the District of Columbia, rather than in the cooperating areas throughout the country. It was believed for that reason the administration could absorb the reduction.

May I say to the gentleman that the agency has another opportunity to make their presentation to the other body. If the other body finds that the funds should be restored, I will say to the gentleman that every consideration will be given to restoring the funds in conference.

Mr. HARRIS. I know the gentleman is sympathetic to the Bicentennial Commission, too, and I would encourage such sympathy.

Mr. McKAY. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Utah.

Mr. McKAY. Mr. Chairman, there is one other point, that is, the Bicentennial Commission also has at its disposal receipts from the sale of medals which they anticipate will be something like over $11 million, for the purpose of the Bicentennial.

Mrs. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the very distinguished gentlewoman from Louisiana, who is the majority member of the ARBA executive committee on the Bicentennial.

Mrs. BOGGS. Mr. Chairman, as the majority Member from the House of the American Revolutionary Bicentennial Board, I would like to say the estimated receipt from the sale of medals and other Bicentennial logo items will hopefully amount to perhaps $6 to $7 million, half of which the Congress has mandated that we share equally with the States. We have only the remaining half to be able to share with the Bicentennial programs and projects.

There is an estimation there will be over 40 million persons coming to our Nation's Capital. Even though they are the guests of the District of Columbia, I think we all as Members of Congress are going to be made hosts and hostesses to the people from our own districts coming to the Bicentennial celebration. The impact on this area is going to be tremendous. I would hope that whatever funds have been deleted from the ARB Administration Commission will be restored.

Mr. YATES. Mr. Chairman, may I say to the gentlewoman that no funds have been deleted from the District of Columbia Bicentennial Commission. The reduction relates to the national organization.

Mrs. BOGGS. I know, but I understood—I am sorry. I thought I understood the gentleman to say this would not be cut from the operations outside the District.

Mr. YATES. That is right. I misinterpreted the gentlewoman's comment. I thought she was talking about the D.C. Bicentennial Commission. What I was referring to was the ARBA itself.

Let me repeat to the gentlewoman what I said to the distinguished gentleman from Virginia, that another opportunity will be available to the Commission to make its case before the other body, and we will review in conference the appropriation and will certainly review it very sympathetically.

Mrs. BOGGS. It really is very desperately needed, and it is needed now because the planning has to be done now.

Mr. YATES. May I say to the gentlewoman that the best argument in favor of the restoration has been made by the gentlewoman from Louisiana herself.

Mrs. BOGGS. I thank the gentleman.

Mr. GINN. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Georgia.

Mr. GINN. Mr. Chairman, I rise to commend the able gentleman from Illinois and his subcommittee and the staff for bringing such a fine bill to the floor. Also, during the time the subcommittee was considering this bill, some 50 Members of the House, including myself, communicated with the gentleman regarding our concern over the desire of the department to terminate the farm pond program. On page 22 of the report, the subcommittee inserted this point:

> The committee directs that the department secure the approval of the committee prior to any transfer of hatchery operations to state jurisdiction and prior to any reduction in hatchery output for the farm pond program.

In view of that language, Mr. Chairman, is it the intent of the Committee that the farm pond program which is a part of the warm water hatchery operation, be continued without change or reduction?

Mr. YATES. I would tell the gentleman that it is the intention of the Committee, as indicated by the language in the report, that the farm pond program be continued as it has been operated over the recent years.

Mr. GINN. May I ask one further question? Is it correct that under the provisions and legislative history of this appropriation bill, that no reduction can be made at any of the farm pond programs throughout the United States?

Mr. YATES. I would not be willing to go as far as the gentleman has in his statement because I do not know what circumstances may arise in connection with the farm program during the course of the fiscal year. May I say to the gentleman that in the absence of circumstances altering the conditions, that it is the intention of the Committee that the farm pond program be continued on the same level as it has been in previous years.

Mr. GINN. I thank the gentleman.

Mr. WIRTH. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Colorado.

Mr. WIRTH. I thank the gentleman, and I wish to join my colleagues in commending the committee and the gentleman from Illinois for their fine work. I would like to comment about white water and white water rafting in the United States. Am I correct that one of the purposes of this bill is to allocate moneys for programs of the Department of the Interior, including the National Park Service?

Mr. YATES. The gentleman is correct.

Mr. WIRTH. Does the use of whitewater rivers and permit allocations fall within the jurisdiction of the National Park Service?

Mr. YATES. It does.

Mr. WIRTH. Mr. Chairman, the gentleman and I have discussed the potential inequities between commercial and qualified noncommercial users of our whitewater rivers. I would like to discuss briefly the fact that I have been informed that the allocation of use between commercial and qualified noncommercial users is 92-percent commercial and 8-percent noncommercial on the Colorado River through the Grand Canyon National Park.

The existing law (16 U.S.C. 3) states that the Secretary of the Interior may grant privileges, leases and permits for the use of land for the accommodation of visitors in the various parks, monuments or other reservations, and no natural curiosity, wonder or object of interest shall be leased, rented or granted to anyone on such terms as to interfere with free access to them by the public.

Does it not seem that the National Park Service procedures for granting permits to Grand Canyon National Park may be in violation of the law, or the spirit of the law, which prohibits the Secretary from denying anyone any access to any natural curiosity, when we consider that it is 92-percent commercial and 8-percent qualified noncommercial?

Mr. YATES. I would rather not comment on the question as to whether or not the law is being violated. I will say to the gentleman that it seems to me that the percentages for commercial use as against private use are inordinately in favor of the commercial user. The National Park Service makes the representation that in providing for commercial users to such an extent, it is able to police and to provide for a much safer operation. It also avoids pollution.

These are the reasons that have been advanced by the National Park Service, and it is true that in the past individual users have littered the area and have undertaken some pollution.

I would say to the gentleman that I have talked with the Park Service. I think there is an unfortunate and a heavy accent on commercial users to the white water, and I would like to suggest to the gentleman that the Park Service ought to alter that percentage in favor of private individual use. I want to assure the gentleman that I will be pleased to cooperate with him in trying to achieve that change.

Mr. WIRTH. I thank the gentleman. I think we should make a distinction in definition between private and noncommercial; you cannot let anyone on the river to pollute it, or who does not know how to use the river. But there are a number of qualified noncommercial groups who are having increasing difficulty getting on the river, people who are very skilled and experienced on the river, but as the commercial users tend to dominate the use of the river it has been difficult for outdoor groups, Explorer Scouts, and so on, who are very well trained, to use the river.

Along with approximately 30 colleagues in the Congress, I have introduced a resolution calling upon the Secretary of the Interior to initiate a comprehensive revision covering this area, and I was hoping that it might be appropriate that the funds in this appropriation act might be used by the Secretary, in part, to take a look at the regulations that might be in use for the white water.

Mr. YATES. I think the gentleman has a very good point, and I am glad he brought it to the attention of the committee and the House. I think it is something the gentleman will want to discuss with the Park Service in order to permit qualified noncommercial users to have greater access to the river.

Mr. WIRTH. I thank the gentleman.

Mr. Chairman, I would like to introduce into the RECORD at this point a copy of the resolution and supporting letters.

The material referred to follows:

JULY 3, 1975.

DEAR CONGRESSMAN WIRTH: Please send me a copy of your resolution to give private users greater access to whitewater rivers. This a very real problem—I'm sure you will hear more about it in the future. On some federally controlled rivers, (NPS, USFS, BLM), 90% of the allocations for use go to commercial outfitters and the private recreationist doesn't get to go (unless he can afford to pay the outfitter), even though he may be a skilled boatman with proper equipment.

Thanks,

HAROLD BELISLE,
Lakewood, Colo.

JULY 7, 1975.

DEAR REPRESENTATIVE WIRTH: My wife and I are both very active whitewater boaters, and as such would like to express our support for your river use resolution. I along with many others, have written to Mr. Yearout of the Grand Canyon expressing our concern over the allocation of river use days.

We are pleased to finally receive some support for our efforts.

Sincerely,

TOM and CHAR PATTERSON,
Boulder, Colo.

Lakewood, Colo.,
June 9, 1975.

Representative Tim Wirth,
Democrat, Colorado's 2nd Congressional District, House Office Building, Washington, D.C.

Dear Representative Wirth: I read recently with interest that you've introduced a resolution that will allow private boaters greater use of our western rivers. Independently I've been waging that good fight for several years. You have my complete support for such a resolution. This action is necessary and should be only a first step toward more equitable solutions to this mounting problem.

As a private river-runing veteran of ten years standing, I've had my share of difficulties getting on the rivers in recent years. With each passing season I've watched river traffic boom and witnessed the frustrated attempts of officials trying to regulate the situation. Unfortunately, attempts at control seem influenced largely by commercial outfitters who have multi-million dollar interests to protect. Consequently, the policies adopted have served to placate the outfitters at the expense of private river runners. Time is long overdue for more equitable solutions to the situation.

For the past several years, my position has been, "Equality of treatment and opportunity for all." It is not fair that public rivers be used almost exclusively by a handful of commercial river operators thereby denying opportunity to an emerging generation of river runners. The "pie" should be cut into smaller pieces allowing more people the opportunity to participate both in the commercial and private use of public rivers. It is not just that individuals who head river companies can hire boatmen to carry passengers down the same river over and over again in one season whereas other persons are denied the chance to run their own personal trips with their crews and passengers.

In view of the increasing demand for river trips, a greater number of participants should be allowed use of public rivers. This will involve public expenditures to provide facilities that will help avoid undue congestion at points of entrance and egress—facilities such as boat ramps, etc.

Regarding environmental effects—boats do not harm our rivers. Granted, some campgrounds are heavily used, but the impact can be reduced by necessitating the use of proper equipment such as portable toilets, firepans, and perhaps, in some areas, even requiring gas stoves. It has been my experience that 100 trips conducted by veteran river runners, private or commercial, produce a lesser impact on the environment than the harm that one carload of unconcerned, careless campers can inflict on a river bank during a moonlit beach party. Those of us who love the river do our utmost to preserve its eco-cycle.

I would like to offer my assistance to your staff with the hope that my contribution on the matter might be helpful in reaching fair solutions to this thorny situation.

River-running has become an avocation. After frustrating experiences, I'm delighted to find a public official who shares my concern for a problem that will affect future generations of river runners. Feel free to call on me.

Sincerely,

Alfred E. Couture.

H. Con. Res. 331

Whereas there has been a dramatic increase in the use of our outdoor recreational resources, and specifically in the use of the spectacular white water trips down the Colorado River through the Grand Canyon National Park; and

Whereas one hundred and twenty-five qualified noncommercial parties involving roughly two thousand people have been denied permission for trips down the Colorado River for the 1975 river running season; and

Whereas the cost of passage by commercial concessionaires is at least twice as great as the cost experienced by noncommercial users in comparable white water trips; and

Whereas a similar situation prevails on other rivers regulated by the National Park Service of the Department of the Interior, such as the Yampa and Green Rivers in Dinosaur National Monument and the Colorado River in Canyonlands National Park; and

Whereas the law states that the Secretary of the Interior may "grant privileges, leases, and permits for the use of land for the accommodation of visitors in the various parks, monuments, or other reservations . . . and no natural curiosity, wonder, or object of interest shall be leased, rented, or granted to anyone on such terms as to interfere with free access to them by the public . . ." (16 U.S.C. 3); and

Whereas the law further states that "It is the policy of the Congress that such development shall be limited to those that are necessary and appropriate for public use and enjoyment of the national park area in which they are located and that are consistent to the highest practicable degree with preservation and conservation of the areas . . ." (16 U.S.C. 20); and

Whereas all efforts have been made to petition the Department of the Interior for relief from the capricious use of 1972 as a base year in determining the allocation between commercial and qualified noncommercial use of the Colorado River: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Interior should initiate a comprehensive revision of regulations governing the allocation of use between commercial and qualified noncommercial users of the Colorado River through the Grand Canyon National Park, and governing the use of all other rivers with recreational potential in lands administered by the Department of the Interior, to insure a fair and equitable allocation of use between commercial and qualified noncommercial users.

Sec. 2. Until such time as fair and equitable regulations can be written pursuant to the first section of this resolution, the allocation of use of all rivers with recreational potential in lands administered by the Department of the Interior, if such an allocation of use is deemed desirable by the Secretary, should provide for the maximum use of such rivers by the qualified noncommercial users, including organized educational groups, and for the remaining use by the commercial users.

Mr. YATES. Mr. Chairman, the committee has received commendations on what it has done from various Members. I am sure the committee is going to receive brickbats, too, and I think it is unfortunate that there has been a lack of agreement with some of the Members of the House on appropriations for some of the energy programs. I just wanted to make the point that the committee went into the programs very, very thoroughly and gave very serious consideration to each request. It granted appropriations in full to one of the primary energy agencies in our Government at the present time—ERDA. We find that we are in apparent disagreement with some of the members of another committee. I am sure that will be discusssed later.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman.

Mr. HECHLER of West Virginia. I thank the gentleman for yielding.

I know that the administration, the President, in the budget, asked for $60,000 for the Federal Metal and Nonmetallic Mine Safety Board of Review. I would like to commend the gentleman in the well and the committee for not appropriating any funds whatsoever for the useless Agency.

I would like to ask the gentleman from Illinois whether there are any problems with the abolition of a completely useless agency, since the action was taken under the initiative under the continuing resolution?

Mr. YATES. In reply to the distinguished gentleman, may I say that my action was taken upon the initiative of the gentleman from West Virginia because he was the one who brought it to the attention of the committee and, I think, rightfully so. The fact remains that the action of the Congress has been questioned, and the point has been made that perhaps the remaining right of appeal to the Secretary of the Interior does not give those who question the decision the opportunity to appeal such decisions.

The Board, they feel, would have given that extra right. I do not believe that. I propose to place in the Record a copy of a letter that we received which questions the decision of Congress. I do not happen to agree with it; I agree with the gentleman from West Virginia.

The letter follows:

American Mining Congress,
Washington, D.C., July 7, 1975.

Hon. Carl D. Perkins,
Chairman, Committee on Education and Labor, U.S. House of Representatives, Washington, D.C.

Dear Mr. Chairman: This is to call your attention to an apparent oversight in S. 1774, passed by the Senate on June 24, 1975 (*Congressional Record,* 20446). which was referred to your Committee on June 25 (*Congressional Record,* 20888). The purpose of the bill is to abolish the Federal Metal and Nonmetallic Mine Safety Board of Review and to transfer its functions to the Secretary of the Interior by amending certain sections of the Federal Metal and Nonmetallic Mine Safety Act (P.L. 89–577). The Board was also "abolished" and its funding withdrawn in an amendment to H.J. Res. 499, on June 17 (*Congressional Record,* 19181).

Although the American Mining Congress takes no position on the transfer of such functions so long as an administrative and judicial appeal procedure from "withdrawal orders" issued by federal mine inspectors is preserved, it appears that one very important function of the Board was not preserved in the amendatory language transferring the Board's functions to the Secretary.

S. 1774 and H.J. Res. 499 repeal sections 2(e), 10, and 11 of the Act, and further amend section 9 by adding a new subsection (d) which provides, "No temporary relief shall be available for an order issued pursuant to the provisions of section 8(a)." Section 8(a) is the section of the Act dealing with imminent danger withdrawal orders. The specific language currently contained in the Act under section 11(d), which would be repealed, provides that the Board may grant, after a hearing, such temporary relief from orders issued by the Secretary as the Board may deem just and proper. The Federal Coal Mine Health and Safety Act of 1969 (P.L. 91–173) also provides in section 105 (d) that temporary relief may be granted by the Secretary from orders issued by federal mine inspectors except in cases of imminent danger.

It would be highly desirable to include language in the bill which would preserve the authority of the Secretary to grant temporary relief, under appropriate circumstances, from orders other than those issued in the case of imminent danger. In order to preserve the temporary relief provisions, section 2 of S. 1774 might be amended as follows:

Section 2. Section 9 of the Federal Metal and Nonmetallic Mine Safety Act (80 Stat. 777; 30 U.S.C. 728) is amended by adding at the end thereof the following new subsection:

"(d) Pending completion of the Secretary's consideration of applications filed pursuant to section 9(b) of this Act, the applicant may file with the Secretary a written request that the Secretary grant such temporary relief from the order under review as he may deem just and proper. Such temporary relief may be granted by the Secretary only after a hearing has been held in which all parties affected were given an opportunity to be heard."

Due to the considerable time period necessary for completion of investigations by the Secretary, the availability of temporary relief might be an extremely important matter indeed. It must be pointed out that the granting of such temporary relief would be discretionary and entirely within the control of the Secretary and therefore would not endanger the health or safety of those protected by the Act.

It should also be pointed out that under section 3 of S. 1774, which amends section 12 of the Metal Mine Act, the Secretary may appeal his own orders to a U.S. Court of Appeals. Obviously this is another oversight easily corrected by minor revisions in language.

The American Mining Congress would greatly appreciate your Committee's consideration of its views on this important matter. Members of my staff conversant with this legislation are available to explain our views in greater detail if you deem that advisable and convenient.

Sincerely,

J. ALLEN OVERTON, Jr.,
President.

Mr. HECHLER of West Virginia. Mr. Chairman, I thank the gentleman from Illinois.

I certainly hope that the Congress will take the necessary action to insure whatever legal rights are necessary to noncoal mine operators, but I think it is outrageous that the administration cannot come up with some solution as to how to abolish once and for all this agency which has done absolutely nothing. I think the Congress has made a meaningful attempt to abolish the agency. The gentleman from Illinois (Mr. YATES) has taken the leadership in the continuing resolution.

But I certainly think there is some obligation on the part of the administration to come up with some solution to these legal problems which they keep raising. They continue to throw roadblocks in our way while they are, at the same time, continuing to urge fiscal responsibility on the Congress, and yet they continue to include these funds in the budget. It is their responsibility, too.

Mr. Chairman, I commend the gentleman from Illinois for seizing the initiative to abolish this useless agency.

Mr. YATES. Mr. Chairman, I thank the gentleman.

Mr. RONCALIO. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Wyoming.

Mr. RONCALIO. Mr. Chairman, I appreciate the gentleman from Illinois yielding.

I wish to commend the gentleman in the well for bringing this excellent bill to us from the subcommittee. I remember some of the highlights of the gentleman's career on these matters, as included in the great debate on the SST.

I will have more to say later about him, but I would like to direct several questions to the chairman of the subcommittee at this time.

Appeals were made in the past for funds to control noxious weeds in the State of Wyoming, and no funds were appropriated or line itemed specifically for that purpose. However, we find $967,000 for the Forest Service and $6 million for the Bureau of Land Management, and these are identified as funds for comprehensive rangeland improvement programs.

My question is this: Was it not the intent of the subcommittee that a substantial portion of some funds in those two appropriated items ought to be expended for the control of noxious weeds in restoring the rangelands of the West?

Mr. YATES. Mr. Chairman, I will say to the gentleman that it is the intention of the committee to improve the rangelands of this country. That is why the committee went over the budget and made funds available to rebuild and rehabilitate the rangelands. Certainly as one aspect of that program, the agencies that are involved will examine the noxious weeds in question.

Mr. RONCALIO. And they will make an effort to control and eliminate those thistles and other noxious weeds on the public lands adjoining the national parks and forests?

Mr. YATES. Mr. Chairman, the answer to the gentleman's question is: Yes.

Mr. RONCALIO. I thank the gentleman very much.

Mr. McDADE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the Interior appropriations bill for fiscal year 1976.

Before discussing the bill at will, I would like to offer my commendations to the gentleman from Illinois (Mr. YATES) for the outstanding job he did in his first trip around as chairman of this important subcommittee. I heard the gentleman say in the full committee that it took him 25 years to become chairman of this subcommittee of the Committee on Appropriations. I think that the Members on both sides of the aisle will agree that he was worth waiting for, because he conducted our hearings in a very open and a very bipartisan way. He invited participation from both sides of the aisle, and he got maybe more than he bargained for, because I do not think there is a member of the subcommittee—in fact, I know there is not a member of the subcommittee—who has not contributed mightily to the work product of this bill.

I do want to say also as the ranking Republican member that it has been a great pleasure for me to have had the opportunity to work with the gentleman from Ohio (Mr. REGULA), who came to the committee from the authorizing side and did a magnificent job in helping to create this piece of legislation.

The same is true of my colleagues, the gentleman from Utah (Mr. MCKAY), the gentleman from Maryland (Mr. LONG), the gentleman from Colorado (Mr. EVANS), the gentleman from Oregon (Mr. DUNCAN), and the gentleman from my own State of Pennsylvania (Mr. MURTHA). All of us worked together to try to bring to the House a piece of legislation that we could all quite comfortably put our trust and faith in, and I hope that we have done that.

This bill plans carefully for our future needs. It protects our present natural resources. And it restores some of the damage we have done in the past while developing our natural resources.

Mr. Chairman, this bill is slightly above the budget estimate submitted earlier this year by the executive branch. But such comparisons do not tell the whole story. The bill contains $4.090 billion in new obligational authority, $57.9 million above the amount requested. The committee scrutinized this budget carefully. Where we could cut bureaucratic fat, we cut. Where we could invest funds for a positive rate of return, we added funds. This bill is self-liquidating twice over. Receipts generated by the investment in this bill total $9.3 billion.

These receipts accrue to the Treasury of the United States from oil lease sales and royalties along the Outer Continental Shelf lands. They accrue from the harvest of 11 billion board feet of timber from our national forests and BLM lands. They are realized from the production of nearly one-half of the western water supply of our Western States. And they are realized through the management of lands containing 8.5 million head of livestock and 2.5 million big game animals.

To husband our natural resources is the most important but not the only function of this bill. Nearly one-fourth of these are used to provide a multitude of services for the needs of our native Americans. The members of this committee, as well as the Congress, can be proud of our actions in trying to cope with the tremendous health, education, and economic hardships of our Indian population. This bill reaffirms that annual commitment.

In the past 18 years through the funds provided in this bill, the infant death rate among Indians has dropped 69 percent; the incidence of TB has dropped 89 percent; influenza and pneumonia are down 54 percent; and the incidence of gastritis and related stomach disease is down 86 percent. These impressive statistics mean that our funds are being put to good work at the Indian Health Service. They do not mean that our efforts can relax, so the committee has wisely granted a significant $23 million increase to continue the long struggle to bring the health needs of the Indians up to national standards.

The funds contained in this bill will provide care and educational opportunity for over 150,000 Indian children in public schools and BIA boarding schools. Another 96,000 Indian children will benefit from the child guidance services of the Bureau of Indian Affairs. The committee has increased funds for the Indian Education Act. The additional 15 million added by the committee will improve the level of educational attainment for Indian young people. These grants will serve an additional 11,000 Indian students plus the 10,000 adults that will take advantage of the act's adult education provisions.

The Members will note that another $1 billion is earmarked for the energy related activities contained in this bill. The committee has jurisdiction over the fossil energy development activities of the U.S. Bureau of Mines and the Energy Research Development Administration. All of us are searching for new ways to help alleviate our energy dilemma. We can enthusiastically support the actions of the committee in providing all of the funds for these two agencies.

For those Members interested in activities aimed at increasing our energy supply, the committee has added $8 million to the ERDA budget request to accelerate their research programs of tertiary oil recovery.

One of the most promising answers to our energy dilemma is the possibility that improved technology will enable us to extract from the ground a greater percentage of our known recoverable reserves. With present technology, we recover only one-third of our oil. The remainder is left behind in the ground. In addition, if we could recover 1 percent more, we would have added as much oil to our supplies as we have in the entire North Slope of Alaska.

Experts from the U.S. Bureau of Mines, industry and academic community, have testified that as much as 60 billion barrels of oil could be recovered from existing fields, once secondary and tertiary methods are perfected.

In hearings before our subcommittee, Dr. Seamans indicated ERDA's belief that our most significant short-term payoff could come from our efforts in this area. Last year, our committee provided $17 million for this research. This year, ERDA requested $26 million from OMB. Unfortunately, they were cut back to $22 million.

OMB's action in cutting back their original request did more than attempt to prune the budget. It cut back the number of experiments that could be conducted to develop this promising concept. At the present time, it takes from 3 to 4 years to perfect the various techniques involved in tertiary recovery. The committee believes that if we invest these funds today, we will be adding more oil tomorrow. We have, therefore, added $8 million to ERDA's extraction technology budget to give them the money they need for a full-scale effort to perfect this research.

Another $1 billion in this bill in provided for the agencies with responsibility of protecting our national forests, grasslands, and seashores while providing recreational opportunities unparalleled anywhere in the world. I am referring to the Forest Service, the Bureau of Outdoor Recreation, the Park Service, and the Fish and Wildlife Service. These four agencies must see to it that our resources are made available for camping, hiking, fishing, and year-round recreation. They must also acquire, protect, and develop large quantities of our most precious resources, our land and water.

The Forest Service received the largest increase of any agency funded in this bill—$38 million. These funds will be committed to the 10-year reforestation plan begun last year at the committee's behest. They will also fund fire protection, disease control, and timber management.

We increased the Bureau of Outdoor Recreation by $9 million above the budget to assist with the staggering backlog of high priority land acquisition projects that require Federal investment now before inflation drives the price of such acquisition even higher.

The Fish and Wildlife Service was increased by $12 million to accelerate construction and rehabilitation of fish hatcheries and wildlife refuges and to acquire additional wetlands for preservation. The Fish and Wildlife Service produces 7.6 million pounds of fish per year supporting 44 million fishermen day's annually.

The National Park Service received an increase of nearly $2 million above the budget request to help with the tremendous responsibility of accommodating the estimated 227 million visitors coming to our parks this year. These funds will also help make our Nation's Bicentennial celebration next year a more meaningful experience. One particular action of the committee deserves special attention. That is the addition of funds for 76 additional positions at Independence Hall Historical Park in Philadelphia.

Next year Philadelphia will be one of the Nation's prime Bicentennial centers of activity. Unfortunately, the Office of Management and Budget refused to grant funds to the Park Service for staffing Independence Hall. Despite the fact that in the past 3 years the Park Service has spent $23 million for construction of new facilities here, the committee has restored the original request to OMB in the interest of making Independence Hall a focal point of the Bicentennial.

There are three items of particular importance to the people of the 10th Congressional District of Pennsylvania contained in this bill. First is the committee's provision concerning the need for a multiagency program to alleviate the anthracite coal situation in northeastern Pennsylvania.

Mr. Chairman, last winter the numerous and growing problems of the anthracite coal industry came to a head with a situation involving short supplies of anthracite and a corresponding rise in prices that the people of that area could not afford to pay. Industry production declined to its lowest level in history while prices trebled, with nearly 40 percent of the residents of the northeastern Pennsylvania SMSA reliant upon coal for home heat.

Despite these high prices and shortages of supply, there remains in this area a huge residue of spoil banks known to the local residents as CULM banks. These ugly reminders contain, according to the U.S. Bureau of Mines, nearly 100 million tons of anthracite which if brought onstream could ease our coal crisis.

During the past year, I have had numerous discussions with officials of the Bureau of Mines, ERDA, and the FEA about the need for a coordinated Federal program to bring this coal onstream. To date, such efforts have been unsuccessful. The directive contained on page 8 of committee report notes that this potential source of supply has not received the attention that it deserves.

At my request, the committee has directed these three agencies to implement a process that will confirm the size of these supplies, the cost of producing them, and any other constraints that need to be eliminated to get this coal into the marketplace. Unless this is done, homeowners are going to continue to convert from coal to oil contrary to our national policy of conserving oil and developing coal. Action by the Government now can bring this coal into supply with the result that coal prices now hovering near $70 per ton in parts of Pennsylvania can be brought down to a level consumers can afford.

The committee has also agreed to my request for $2.5 million to initiate construction of the Northeast Fisheries Research Center in my congressional district. This action guarantees that funds will be available this fiscal year for a construction start. I am pleased that progress on the center is moving ahead of schedule. This important facility will be unique in that it will be devoted entirely to the production of better fish cultures and higher quality fish. Its ancillary benefits, more fish for local ponds and streams, a major tourist attraction, and additional employment make it a focal point in the fish and wildlife service program.

Another provision in this bill earmarks $2 million for the U.S. Bureau of Mines to expand their environmental improvement activities in northeastern Pennsylvania. These funds will be used to test new techniques related to the highly successful pressure flushing method which has provided subsidence protection and land land restoration in Pennsylvania and Wyoming. I believe this is the most important research program developed by the Bureau of Mines.

It has successfully restored the subsurface conditions previously unaccessible by other known methods. This program has been a tremendous success in the Scranton area in providing protection for homes and businesses threatened by subsidence. It has also helped us to restore previously mine scarred lands and convert them to industrial and recreational opportunities.

In summary, Mr. Chairman, this bill

is the result of many months of hard deliberation on the part of your committee. We have tried to plan for the needs of our renewable resources: our timber, our water, and our grazing lands. We have invested in the safe, environmentally acceptable development of our energy resources. We have provided funds for the very human needs of our Indians and the citizens of the trust territories. And we have tried to simulate the cultural legacy of America by planning for a meaningful Bicentennial. These programs benefit all of us and I am pleased to recommend to the House the swift passage of this bill.

Mr. RONCALIO. Mr. Chairman, will the gentleman yield?

Mr. McDADE. Yes I yield to the gentleman from Wyoming.

Mr. RONCALIO. Mr. Chairman, I thank the gentleman, my colleague from Pennslvania (Mr. McDade), for yielding.

I want to commend him upon the matters he just discussed because I am aware of the tremendous importance this has to the Nation and particularly to those States where exploratory oil well drilling and production is of such vital necessity.

With respect to the tertiary recovery that the gentleman mentioned, may I ask my colleague this: Was the use of water as a hydraulic factor eminent?

Mr. McDADE. Yes, I think that most of the companies that are bringing up oil today are using water. They are waterflooding now.

Mr. RONCALIO. Would it not then follow that it would ill behoove any State to permit any of its water from deep sources and surface waters, to leave the borders of that State, and not be returned in such things as coal slurry pipelines, when it is necessary and vital for the recovery of these billions of barrels of oil that the gentleman just mentioned?

Mr. McDADE. I know the gentleman from Wyoming has the best and the worst of both worlds in that they produce a lot of oil in Wyoming, and they have large coal deposits, but how we bring them to market, and under the use of what resources, is a good question, and I commend the gentleman from Wyoming in being interested in it, but I do not wish to be dogmatic and state my opinions on a matter that I consider of such great importance.

Mr. RONCALIO. I appreciate the gentleman's statement.

I might point out that the hearings have indicated that water is a necessity without which we cannot have this so important tertiary oil recovery take place, and I think that we have made that point clear.

Mr. McDADE. It is a very, very important part of the process.

Mr. RONCALIO. I thank the gentleman for yielding to me.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McDADE. Mr. Chairman, I yield myself 2 additional minutes.

Mr. SEBELIUS. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from Kansas.

Mr. SEBELIUS. I thank the gentleman for yielding.

I want to join in commending the committee for the fine work they have done on the appropriation bill.

I note on page 25 where it states:

> The committee is disturbed by the personal harm and injury that resulted from the recent "Human Kindness Day". . . .

The fact that they have reduced the budget by $125,000 should be an admonition that there should be something done there.

I compliment the gentleman. I have great interest as the ranking Republican on the National Parks and Recreation Subcommittee of the Committee on Interior and Insular Affairs. I am very much interested to see that these parks are a service kept for the pleasure of everybody, and I think that is the type of reaction the gentleman's committee has taken, and I commend him for it.

Mr. McDADE. I thank my colleague, the gentleman from Kansas, and I thank him for his interest in this problem. Lawlessness has no place in our National Park System, and we attempt to prevent that from occurring.

Mr. WAMPLER. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the distinguished gentleman from Virginia.

Mr. WAMPLER. I thank the gentleman for yielding.

I want to commend the chairman of the subcommittee, the gentleman from Illinois (Mr. Yates), as well as the gentleman from Pennsylvania (Mr. McDade), and the other members of the subcommittee for what I consider to be an excellent bill. I note on page 19 of the committee report there is a provision for the Mount Rogers National Recreation Area in Virginia in the amount of $1,500,000. I simply wanted to say to my colleague that I deeply appreciate this; my constituents deeply appreciate this, because this will permit the Forest Service to continue to develop the Mount Rogers National Recreation Area which has such great potential for recreation. The gentleman from Pennsylvania alluded to this in earlier remarks.

I am also particularly appreciative of what the gentleman has done and what the subcommitte has done in the field of energy because, like myself, the gentleman from Pennsylvania represents a great coal-producing area of the country. I think this bill represents an intelligent approach to many problems of the coal industry.

I appreciate the recognition that the committee has afforded to this important field of energy and to providing funds for research and safety and other programs that mean so much to those of us who are deeply concerned with the production and utilization of coal. I believe coal provides the best hope for this Nation for its energy needs for the next several decades if our economy is to grow and prosper as we all would like to see it do.

I want to thank my colleague.

Mr. McDADE. May I say to my friend, the gentleman from Virginia, that the reason that we have been able to take care of this problem in the National Forest in Virginia is because of his interest. I commend him for bringing it to the attention of the committee and for making sure that we have been able to provide the necessary funds to make it a viable recreation area.

Mr. YATES. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Washington (Mr. McCormack).

Mr. McCORMACK. Mr. Chairman, I want to commend the chairman of the Subcommittee on the Interior of the Appropriations Committee, the gentleman from Illinois (Mr. Yates) for the outstanding job that he and his committee have done. It is a tough job, and they have certainly done well. I want to particularly express my appreciation for their efforts with regard to reforestation that has been discussed here this morning. This is a most important conservation issue, and I congratulate him and the committee for it.

However, I am extremely disappointed with the committee's failure to appropriate adequate funds for energy conservation research and development programs under the Energy Research and Development Administration. Accordingly I have filed an amendment to the bill which will add approximately $90 million to the appropriation proposed in H.R. 8773, to bring it to the same level as the authorization provided by the Committee on Science and Technology for energy conservation under the Energy Research and Development Administration.

Mr. Chairman, the Task Force on Energy, which started its work 4 years ago, and the Subcommittee on Energy, and now the Subcommittee on Energy Research, Development, and Demonstration of the Committee on Science and Technology, have all spent a great deal of time during these last 4 years on energy conservation and on technologies associated with conserving energy. We have held extensive hearings in conjunction with the Subcommittee on Conservation and Natural Resources, chaired by the Honorable Henry Reuss, of the Committee on Government Operations, and we have done extensive work to help develop an energy conservation research and development program for this Nation that will accomplish our goal of finding ways to reduce energy consumption significantly without lowering the standard of living of the people of this country.

This spring, the subcommittee authorized a total of $134 million for energy conservation research and development for fiscal year 1976, and included in it a program of energy conservation education and information for the people of this country. This amount was approved by the House during its consideration of H.R. 3474. Jurisdiction for appropriating for conservation programs is divided between the Subcommittee on Public Works, chaired by the Honorable Joe Evins, and the Subcommittee on Interior, chaired by the Honorable Sidney Yates. The difference between the programs authorized by the Committee on Science and Technology and the appropriations provided by the Yates subcommittee for those programs within its jurisdiction is more than $90 million.

All of us who are truly interested in energy conservation and who recognize the importance of these programs found this deficiency in the appropriations bill quite disturbing. The Members may be interested to know that the research and development programs which we have authorized include programs for research and development in advanced automotive power systems, which have been previously assigned to the Environmental Protection Agency, but are now transferred to the Energy Research and Development Administration. This Nation consumes one-fourth of all its energy in transportation, and this is almost entirely petroleum, making it a primary target for meaningful conservation. Research and development on improved designs for more efficient diesel and gasoline engines for trucks and automobiles are an example of the research and development programs authorized. We have authorized research into the use of alternate fuels such as methanol and methanol/gasoline mixtures. We have also authorized extensive programs in energy conservation in commercial, industrial, and residential activities. We hope to reduce energy consumption in residences and other buildings by as much as 30 percent, and in industrial processing by as much as 20 percent. We have authorized an aggressive research and development program in the use of wastes of every kind, including urban solid wastes and sewage and animal wastes, particularly for their conversion to fuel or directly to electrical power. We have authorized programs for increasing the efficiency of electric energy production by developing bottoming and topping cycles, as well as hybrid power cycles, fuel cells, and the use of magnetohydrodynamics. Many of these programs will be wiped out at the authorization levels provided by the bill before us.

Let me list for you the limitations under which ERDA would be forced to operate at the appropriation levels requested in H.R. 8773:

First. Funds would not be available for expeditiously carrying out the programs and activities specified for fiscal year 1976 in the ERDA comprehensive energy plan as submitted to Congress.

Second. ERDA would be unable to move out promptly into hardware-related demonstrations of near-term energy conservation measures. Many activities beyond those of a study nature, particularly new programs, which have the potential for demonstrating ways of reducing energy consumption, would be significantly delayed or possibly not done at all.

Third. The allowance for capital equipment would be totally inadequate to support the highly experimental programs in electric energy storage and conversion.

The following are specific topics where the reduced budget would curtail or eliminate proposed activities:

ADVANCED TRANSPORTATION POWER SYSTEMS

(1) ERDA would be limited to a minimal evaluation of electric vehicles and hybrid vehicles.

(2) ERDA would have to eliminate its support effort on the development of high temperature gas turbines.

(3) ERDA would limit its consideration of alternative fuels to methanol only.

(4) ERDA would have to eliminate its assessment effort of water, rail, and air modes of travel.

(5) ERDA would not do one complete design for a light weight, light duty diesel engine.

(6) Most technology assessments and new concept efforts would be curtailed.

END USE

(1) It would delay the ERDA program on the development of materials, methods, and processes including heat pumps for retrofitting existing buildings.

(2) ERDA would have little capability for a comprehensive conservation information and technology transfer function, a task mandated in legislation.

(3) ERDA would be able to study only very few of the very large number of comprehensive energy savings projects that involve more than one consuming sector.

IMPROVED CONVERSION EFFICIENCY

(1) ERDA would stop all effort on advanced, closed cycle conversion.

(2) Work on fuel cell evaluation would be reduced to a token effort, e.g., the evaluation of United Technology's hardware.

(3) ERDA would eliminate its work on high-grade heat utilization.

(4) ERDA would reduce its planned program in applied combustion.

WASTE UTILIZATION

(1) All programs in technology development would be delayed one year. The target in the National plan calls for a saving of one million barrels of oil per day by 1985. A relatively small program of RD&D could accomplish this.

(2) ERDA would do no hardware work, only studies, in a field that has already been studied to death. Legislation mandates that ERDA become involved in this area.

(3) ERDA would have no capability to structure incentive plans for encouraging State and local governments to proceed with projects.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, the behavior of the administration on the subject of energy conservation has been outrageous. ERDA with the obvious backing of the Office of Management and Budget, had the gall to come before the Committee on Science and Technology with a pitifully minimal program of energy conservation. ERDA asked for an authorization of only $40 million in this area, of which a ridiculously low amount of $3 million was allocated for end-use conservation.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. YATES. Mr. Chairman, I yield the gentleman 1 additional minute.

I yield to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, aside from reliance on our abundant reserves of coal, certainly conservation is the best way to meet the Nation's energy needs without damaging the environment. I hope that the Committee on Appropriations can provide sufficient funds for this most important program.

The Committee on Science and Technology increased the administration request of $40 to $134 million for energy conservation. Ever since ERDA was established on January 19, 1975, the Committee on Science and Technology has stressed, underlined, urged, and pleated with ERDA to initiate more aggressive programs in energy conservation.

I feel very strongly that this Nation must place greater stress on energy conservation. The energy production industries and their advertising affiliates are so geared up to encourage waste that it has been difficult for them to change course. Conservation results in immediate saving of energy without polluting the environment.

Despite the clearly expressed intent of Congress, ERDA went before the House Appropriations Committee and gave such a poor presentation on conservation that the Appropriations Committee voted a deep cut from the authorization of $134 million in this area. Now, Mr. Chairman, cognizant of the fact that you can lead a horse to water but you cannot make him drink. I sympathize with the House Appropriations Committee for not supporting increased funds when the administration refuses to submit a specific program to expend these funds.

The Congress has set forth explicit programs in conservation. A number of Members, including myself, spelled out a number of specifics needed in the energy conservation area in a special order on July 14. It is high time the administration put greater emphasis on an aggressive program on energy conservation.

Mr. McCORMACK. Mr. Chairman, I thank the gentleman from West Virginia.

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. YATES. I yield an additional 2 minutes to the gentleman.

Mr. McDADE. Mr. Chairman, I yield the gentleman 1 minute.

The CHAIRMAN. The gentleman from Washington is recognized for a total of 3 minutes.

Mr. McCORMACK. Mr. Chairman, I want to recognize the fact that Congress just created ERDA, and that ERDA may not have made their case as well as they could have, held down as they were by the Office of Management and Budget. They were not even allowed to testify that we had authorized money for programs that we had established for them. However, on June 30 ERDA reported to Congress with a new program, for the Nation's energy and development programs. The first emphasis is on producing more energy with coal and nuclear energy. The second is for immediate focus on the conservation effort.

They spell out the highest priority supply, and the highest demand. The highest demand priority is of equal emphasis to the highest supply priority. Among these they list conservation in building and consumer products, industrial energy efficiency, transportation efficiency, and conversion of waste materials to energy. These are the exact programs not funded adequately in the bill before us.

Mr. Chairman, we have projected an energy growth for this Nation between now and 1985, and to the year 2000. Our hope to provide energy production within even a very limited growth projection. We find this is an extremely difficult thing to do. This country must undertake a Spartan conservation program. We hope by 1985 to cut the current growth rate from 54½ to 48 million barrels of oil equivalent per year, that is, to cut back by 6½ million barrels of oil equivalent per day, equal to this Nation's entire imports of today.

We hope by the year 2000 to cut 20 million barrels below the 87 million that we would reach without a conservation program. That would be a cut from 87 million to 67 million. This would still require going all out in every area of energy production, but we have to have the energy conservation programs. This is why I plead with the chairman to support these energy conservation levels we have authorized. I wonder if I might ask the gentleman from Illinois (Mr. YATES), if he is willing to enter into a colloquy with me on this matter.

Mr. YATES. Mr. Chairman, if the gentleman will yield, I will be very glad to.

Mr. McCORMACK. I thank the gentleman. Mr. YATES, I have submitted an amendment to increase the appropriation in H.R. 8773 by more than $90 million, bringing it into compliance with our authorization. I would be glad to withdraw that amendment if I have the assurance of the chairman that if the other body appropriates at the higher levels I have recommended, that the chairman would be willing in the conference committee to seriously entertain these programs.

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. YATES. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. Chairman, I am sure he has read our report.

Mr. McCORMACK. Yes, sir.

Mr. YATES. We are as interested as the gentleman is in the conservation effort. We pointed out in the report that we were willing to put more funds into the bill. More than willing, we were anxious to provide funds for the bill which would build up the conservation effort. However, there was no case made before the committee. Our committee gave the agency every penny it requested.

The gentleman objects to the fact that OMB has not cleared more money for this purpose. I am disturbed by that fact, too, even in the new budget request for fuel conservation, only $19 million was asked for. Something is wrong with either the agency or OMB.

I do not find anything wrong with the gentleman's program or the gentleman's committee. The problem is how do we obtain the ability in the agency to use the money appropriated?

I would hope that the agency has made a better presentation for funds before another body. The gentleman is asking what the disposition of our committee would be. We are as interested in conservation as the gentleman and we will view what the other body has done very seriously and very sympathetically if it increases the appropriation we approved.

Mr. McCORMACK. Mr. Chairman, I thank the gentleman for his cooperation. I am looking forward to working with the gentleman.

Mr. YATES. We want to cooperate with the gentleman.

Mr. McDADE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. Chairman, I thank the gentleman for yielding to me. I would like to join with my colleague from Washington (Mr. McCORMACK) in his comments. I serve on this same committee, and I have had the same reservations as the chairman of the Appropriations Committee has had about ERDA being able to spend these moneys. In fact, when we held our hearings and took our testimony, we got pretty much the same presentation as the gentleman did.

Our committee, recognizing that we need to accelerate conservation, increased the authorization to $90 million. During our hearings I raised the same questions raised by the chairman of the committee, that is, "Can ERDA justifiably and economically spend these moneys?" This was back in February.

Since then, I truly believe and I am convinced that ERDA is capable of spending additional amounts of money.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentleman from Illinois.

Mr. YATES. That is why I say and indicate to the distinguished gentleman from Washington that I cannot understand how the budget amendment came out of OMB for only about $19 million. Certainly, this is either a reflection on OMB or on the Agency itself in not having made an adequate presentation to OMB for greater sums of money.

Mr. GOLDWATER. The problem is between OMB and ERDA. Our subcommittee has been working very closely with ERDA. Obviously, they have had a struggle to get organized, but we are convinced that after many studies, greater dialog and coordination, that they are in a position to manage a well thought-out program, and we are hopeful that the chairman will entertain some additional funds once ERDA makes this presentation to the Appropriations Committee.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentleman from Washington.

Mr. McCORMACK. Mr. Chairman, I want to point out to the gentleman from Illinois that OMB has also taken out and cut funds for solar energy research, for geothermal research, and for other major programs. We have had to take the lead in our committee and outline their programs for them and do their work for them. We have been literally doing their program, and the fact that they were not able to come in and testify as well as they should have is undoubtedly the key to this whole matter.

Mr. GOLDWATER. Mr. Chairman, I was prepared to offer an amendment. This amendment would increase the appropriations for fiscal year 1976 in the critical energy R. & D. area of energy conservation research to $60 million from the current figure in the bill of $16 million. I offer this amendment in the spirit of compromise and in the spirit of a proper balancing of accelerated energy R. & D. and fiscal responsibility.

The distinguished chairman of the Interior Subcommittee, our colleague from Illinois is understandably concerned about increasing this appropriation while the Energy Research and Development Administration, ERDA, is still finalizing its definition of the conservation research program. My own Science and Technology Committee is convinced that the conservation research program is of the highest national priority and should, therefore, be fully funded at the authorized level of $90 million.

The Energy Research, Development and Demonstration Subcommittee of which I am ranking member strongly urges full funding and that is why our distinguished chairman from the State of Washington has offered his amendment to increase the energy conservation to the higher level. Now, I honestly believe that both gentlemen are right. We have accelerated energy R. & D. if we are ever to do something in the predictable future to break the crippling dependence on foreign, cartel controlled oil. At the same time, we must balance any acceleration with the fiscal responsibility which is absolutely mandatory in the light of current fiscal and economic conditions. I believe that my amendment would strike just that balance.

The amendment would make the following subprogram increases in the ERDA conservation R. & D. appropriation for fiscal year 1976 and proportionate amounts in the transition period budget totaling $13.9 million.

Advanced transportation propulsion systems: $9 million to $18 million.

End use conservation: $5 million to $30 million with element increases of buildings, appliances, and lighting, $2 million to $13 million; industry, including agriculture, $2 million to $10 million; cross section, including utility, $1 million to $7 million;

Increased conversion efficiency: $1.75 million to $6 million; and

Capital equipment: zero to $6 million.

Now, our colleague from Illinois would certainly be justified in asking where these figures came from, and others of my distinguished colleagues may be wondering why the Federal Government should be involved in conservation research in the first place. Let me explain for all of us.

As you know, the Committee on Science and Technology authorizes all ERDA nonnuclear energy R. & D., including energy conservation R. & D. In structuring the ERDA nonnuclear authorization for fiscal year 1976, the Science and Technology Committee gave particular attention to conservation R. & D. because, unlike many of the other nonnuclear programs, conservation R. & D. was virtually nonexistent in predecessor agencies in any form other than studies. There was very little actual hardware research, development or demonstration in progress. The immediate requirement, therefore, was to determine whether such R. D. & D. was needed in light of the national energy situation, and if so the types which should be pursued by the Federal Government.

While there are many conservation actions and research which will result from private sector reactions to markedly increased energy and fuel prices, our committee concluded and I firmly believe that there were many other areas which, although offering the potential for substantial reductions in consumption or increased supply flexibility, simply would not be accomplished in the private sector because of high research costs, long payback times, and so forth. The committee also concluded that there were significant potential gains in terms of overall reduced national energy demand which were achievable from the projected results of Federal conservation research.

These conclusions were based not only on our hearings, both this year and in the last Congress, but also on detailed review and analysis of the most authoritative studies of energy demand and conservation potential. These included the Project Independence studies, the Ford Foundation's Energy Policy Project Report, the Office of Technology Assessment analysis of the ERDA budget, and particularly, the Federal Energy Administration, FEA-led interagency 5-year program planning document for end use energy conservation research, development, and demonstration.

In a broader sense, it was apparent from our review that the proposed ERDA budget woefully neglected conservation research while focusing primary attention on research which would increase domestic supply. Perhaps this neglect reflects the oft-expressed concern that conservation and resulting reduced energy demand would adversely impact the Nation's economic growth. I firmly reject that argument, and believe that the Nation must develop and have available the technology to increase our overall efficiency of energy utilization. Unquestionably conservation R. & D. is and should be a significant element of our national energy policy. Our authorization for this research was made in that spirit and my amendment would provide a compromise in funding that authorization.

Our committee authorizations for conservation R. & D. in the three subprograms handled by your subcommittee represents substantial increases above the administration requests, as shown in the attached table. The committee finalized these levels after an intensive programmatic review of the FEA 5-year plan and other relevant planning inputs. OTA provided much of the staffing in defining useful research which could actually be accomplished by ERDA. Therefore, we had great confidence that the authorized levels can, in fact, be effectively utilized by ERDA. I would note that the House agreed and passed that authorization.

Because of the understandable concern of the gentleman from Illinois, I commissioned a review of those authorizations by the committee staff to determine what the absolute minimum levels would be in each subprogram to enable ERDA to get the solid programs underway now, taking maximum advantage of cost spreading between this fiscal year and next. The levels in my amendment reflect the results of that review and intensive discussions with all interested parties.

Now, the appropriation committee report on this bill acknowledged the critical need for research in this area, but was concerned about ERDA's capability to carry out the program. Let me quote the report because I think it is significant:

> With respect to conservation research, an activity which the committee believes to be of vital importance, testimony indicated a lack of appreciation for the task involved and no additional funds above the budget request are recommended at this time. The committee wants to point out its willingness, really its anxiousness, to provide the money for this essential field and recalled witnesses several times in an effort to bolster their testimony.

Let me assure the gentleman from Illinois that I shared his concerns but I now believe that ERDA has done the analysis, has organized for this critical effort and with our support is ready to get the program off the ground now. Regardless of the February testimony before the Appropriations Committee by ERDA on these programs, ERDA now is ready, willing, and, most importantly, able to implement a congressional mandate to do it. I would candidly confess that the February ERDA testimony before our subcommittee was less than overwhelming, but in all fairness to Bob Seamans and his staff, they had only opened for business in January and were forced by circumstances to defend an OMB prepared budget. A great deal of positive progress has been made in the past 6 months.

The recently released ERDA national plan for energy research, development, and demonstration provides the first overall R. & D. strategy for long-term energy self-sufficiency. We were pleased to note that the plan concluded that conservation research was of the highest and most immediate priority. As with the other near term actions recommended in the plan, the resulting technology is clearly shown in the accompanying analysis to be an essential element in obtaining additional time to develop new domestic sources of energy supply before our current fossil fuel resources become significantly depleted, while at the same time minimizing dependence on imported oil. In fact, ERDA concluded that conservation research is of priority in overall national energy research in the near term, in order to provide time to develop new and expanded domestic energy sources.

Additionally, ERDA has acted positively to obtain OMB approval of increased funding in this critical area at levels I understand are approximately equal or slightly above those which my amendment includes. Dr. Seamans described all of this in a letter to our distinguished chairman, the gentleman from Texas, on July 3 of this year. Let me quote to you from that letter, because I think it answers the concerns of the gentleman from Illinois:

> During my appearances before the House Science and Technology Committee on February 6 and 20, 1975, I stressed the need for a balanced conservation research and development program as an essential element of ERDA's overall R&D plan. I stated, "This is an area in which I feel we must make intensive efforts. It is not simply enough to increase energy supply; we must also find new ways to reduce energy demand if we are to become nearly self-sufficient by 1985 or any time in the foreseeable future."
>
> The studies leading to the National Plan for Energy Research, Development and Demonstration which we submitted to the Congress on June 30, 1975, also supported the need for a vigorous conservation program with primary targets in automotive transportation, buildings and industrial processes. As a result, we have obtained OMB agreement to an increase . . . for conservation activities in the 1976 Budget now before the Congress. We expect that a budget amendment reflecting this increase will be transmitted to Congress in the near future.
>
> I appreciate the Congressional interest in accelerating our conservation programs, as reflected by the increase of $97 million for these programs in the authorization bill, which the House of Representatives passed on June 20, 1975. I want to assure the Committee that we will be working very hard to put into place quickly sound programs in such major areas as energy storage, advanced automotive power systems, improved conversion efficiency, and end-use conservation. The latter program is to develop and demonstrate technologies which use energy more efficiently yet which probably would not be developed rapidly by private industry.
>
> Examples include the development and promotion of the use of new materials, methods and appliances for residential buildings, accumulation and analysis of data as well as R&D activities on improved materials and design for commercial buildings, productive utilization of waste heat, and more efficent production and process technologies in U.S. industries and agriculture. In addition, there are opportunities for major savings which overlap several of the areas. For example, the utilization of urban solid wastes for electric power, the conversion of organic wastes into gas and liquid fuel, and improved and integrated utility systems offer opportunities for greater overall efficiencies.
>
> I am very hopeful that with a solid program and support of the Congress, we can make some real progress in this important area.

Dr. Seamans appeared before the Science Committee on Monday of this week to testify on the national plan. Members of that committee questioned the Administrator closely on this critical program and he reaffirmed both the criticality of research in this area and the need to get going now to buy time with conservation to develop new domestic energy sources, while minimizing dependence on foreign oil in the interim. In short, there is every indication that ERDA now is ready to go and go responsibly in this research.

Now, not to be negative, but I think that we have to look at what we will lose if we do not increase this appropriation. I say lose because we all know that if we do not appropriate the funding now it will probably be April of next year before we will get a budget amendment through as the gentleman from Illinois has implied in his report and remarks.

I have reviewed the probable program efforts with the funding which ERDA requested and the appropriations committee has recommended, versus that in my amendment. The results are very disturbing. (1) Basically, the conservation research program in FY 1976 would be reduced to a study program at the $16 million level. In the transportation area, ERDA would have to significantly limit authorized research in electric and hybrid vehicles, high temperature gas turbines, alternative fuels, and others. The end use conservation subprogram, the key element in the authorized conservation program, would be essentially emasculated. This would include virtually all building, industrial and cross-sectoral demonstrations, in addition to development of building standards, building data analysis, and development of conservation retrofit approaches.

A whole series of industrial conservation technologies and applications would be deferred and the cross-sectoral research in energy storage and conversion would not be carried out. The promising research in improved conversion efficiency, much of which is planned in cooperation with industry, will be reduced to theoretical study. Finally, the high priority capital equipment procurements which must accompany the initiation of any serious hardware research program would be totally eliminated.

As I said the bottom line is that at $16 million all we get is continued study with very little actual hardware R. & D. I am convinced that we have studied quite enough. The December 1973 landmark study, "The Nation's Energy Future," by a Federal task force under the leadership of then AEC Chairman Dixy Lee Ray—the Governments initial response to the Arab embargo in the R. & D. area—recommended a fiscal year 1975, I repeat 1975, budget in conservation of $166.2 million. It is interesting to compare those recommendations with the Appropriation Committee figures, now a year and a half later. For instance, in end use, the Ray report recommended $29.9 versus this bill with $1 million; advanced automotive, Ray $53 million and this bill $9.4; and so on. Every other major study and report has recommended programs much larger than this bill.

We had our own OTA review this budget and they concluded as I have. In their report, OTA said the following:

> The OTA Panel and the OTA Task Group believe that this sector of the ERDA budget and the ERDA program should receive greater emphasis. The discussion pointed particularly to more intensive efforts related to energy saving through automobile design, to energy storage devices and procedures, and to modifications in the end-use of energy.
>
> The Panel gravely questioned the adequacy of the support for research on automobiles aimed at fuel economy and fuel efficiency contemplated by the ERDA budget.

OTA concluded in a particularly important passage:

> The Panel could not comprehend why or how the ERDA FY 76 budget provision for research on "end-use conservation" was set at so low a figure as $3 million.

In more detailed discussion, OTA stated the following:

> Technically speaking there are many ways to use energy more efficiently that are already proven. This implies that quick progress can be made by applying known technology. In the longer term, new technical developments will be necessary to achieve the ultimate potential for energy conservation. Economically speaking there are many ways to save money while saving energy—while still maintaining, or improving, the standard of living. Institutionally speaking we have much to learn and a long way to go. There is a long distance between an opportunity and an actuality. Therefore a rational end-use conservation R&D plan should include activities aimed at technology transfer, or commercialization of technology. This means that scientific and engineering research must be bolstered by economic, motivational, and institutional research. It also means that in many instances major demonstration projects should be carried out as part of both evaluation and technology transfer.
>
> Essentially every serious study, both in and out of government agrees that progress toward closing the energy import gap will depend heavily on a lower energy growth rate. This conclusion assumes that we will make decisions based on total economic costs and benefits. Over the next several decades assuming (1) current prices of energy relative to other goods, and (2) that we make rational economic decisions, the overall average efficiency of energy use can increase by 50 percent. Therefore lower energy demand growth is a vital option in both the short and long run.
>
> Several studies have been made of end-use R&D opportunities. They fall in the range of a $30 to $150 million annual budget. An Interagency (16 agencies) five-year plan was developed in June 1974 for FEA's Office of Energy Conservation. The R&D plan covered Research, Development, and Demonstration to (a) increase efficiency of energy use (e.g., better air conditioners); (b) provide functional substitutes for energy (e.g., improved insulation); (c) affect energy use patterns through minor lifestyle changes.
>
> A major portion of any additional funds could be used in demonstration and pilot projects which apply existing technology to cut energy waste in buildings and industry. Some existing technology, such as heat pumps, needs to be improved (e.g., to increase efficiency; lower unit cost; make possibly larger unit size). Many technical, economic, and social research ideas have emerged over the past year which could lead to new technologies, easier implementation, and lower costs.
>
> The FEA-led study mentioned above resulted in a "Program Planning Document for End-Use Research, Development, and Demonstration." The following table from it summarizes the total suggested Federal effort.

RECOMMENDED EXPENDITURE BY SECTOR

[Millions of dollars]

	Buildings	Industry	Transportation	System studies	Total
Fiscal year 1974 (actual)	3.2	1.2	47.7	2.0	54.1
Fiscal year 1975 (base)	9.1	8.9	64.5	7.0	89.5
Fiscal year 1975 (suppl.[1])	17.1	22.8	27.0	21.6	88.5
Fiscal year 1975 (proposed)	24.2	32.9	97.9	28.6	165.6

[1] The Supplemental request was not forwarded to OMB.

> This document offers one of the best available specific program plans for end-use conservation since it targets expenditures explicitly and allocates funds on the basis of overall priorities (i.e., relative importance of the work in terms of energy savings).

I would note in passing that our own OTA recommends the FEA as the most authoritative program recommendation and that recommendation for fiscal year 1976 is $165.6 million. This bill would appropriate one-tenth of that recommendation, and that being only enough to continue to study the problem. I would also note that this very same bill includes $20 million for FEA conservation and environment, which by law is supposed to be and is limited to studies and administrative actions—not R. & D. It also appears from the report that the Appropriations Committee is concerned about overlap between ERDA and FEA and intends to review the issue. Gentlemen, there would be no overlap if we put ERDA in its proper business-hardware research and development.

In short, I am forced to conclude that it simply is not responsible for this House to leave ERDA and the Nation exactly where we were at the time all the various energy conservation studies were made. It is not responsible to continue to study the problem after consensus conclusions have been reached in all of the authoritative studies that: First, the Nation must achieve a more efficient use of energy supplies; second, conservation R. & D. can provide the technologies to meet that goal, and in many cases, in the near future; and third, the Federal Government must play an active role in many of the research areas because the capability or incentive does not exist in the private sector.

In fact, ERDA concluded that conservation research is of priority in overall national energy research in the near term, in order to provide time to develop new and expanded domestic energy sources. Either we proceed aggressively with the authorized programs and make a start now to develop conservation technologies or we continue to merely study the problem.

For purposes of making it absolutely clear what the $16 million would mean, other than more study, let me list the activities which ERDA will not do this year with the current bill so there is no mistake about what this amendment is about:

Specifically, lack of the additional funds would preclude the following program activities:

1. *Transportation*—

a. Electric vehicles and hybrid vehicles.

b. The gas turbine.

c. Characteristics and use of methanol in diesel engines.

d. Methanol-diesel fuel combination.

e. Synthetic fuels characterization and use.

f. Hydrogen applications.

2. *Buildings Conservation*—

a. Develop thermal performance standards and indoor air quality standards.

b. Demonstration of a minimum energy dwelling.

c. Data collection and analysis on energy use in dwellings and appliances.

d. Retrofit—Develop methods, materials and processes.

e. Demonstration, e.g., Jersey City Breakthrough site.

3. *Industry Conservation*—

a. Demonstration of improved heat management.

b. Develop bottoming cycles for industrial waste heat streams.

c. Develop improved furnace designs.

d. Develop improved measurement technology.

4. *Energy Conversion—*

(a) Develop fuel cells.

(b) Develop alternative systems for waste and high-grade heat utilization.

Gentleman, I believe it is clear we must take the lead, we must not wait for the budget process to redo all of this again; we must not wait for the executive to lead the way. We must seize the initiative now and get this critically important progam off the ground. This House did that with the Navy nuclear power program in the fifties, we did it again with the space program in the sixties and I believe it is time we acted today to get going in conservation research.

I see this energy crisis as a race. The Arabs challenged us in November with their embargo to a race to energy self-sufficiency, to freedom from dependence on foreign oil. Now energy R. & D. is not a short race, not a 100-yard dash. It is a long race, perhaps even a marathon, because these efforts will take years to come to fruition in some areas. But as in any race we must make a start. In all of the other energy R. & D. areas we have made that start. In conservation research we have not. In fact, we are still in the starting blocks, as if waiting for the gun to go off, this bill would leave us in the starting block for at least another 9 months. I believe that is unacceptable.

I believe that the choice for the House, for the Congress and for the Nation is clear and obvious. We must fund the conservation budget this year. Continued study will not serve to make a start toward energy self-sufficiency, toward breaking the continuing dependence on foreign imports. I believe that we have studied the problem long enough and now it is time to apply the Nation's vast technological capabilities to the problem. Let us get out of the starting blocks now.

Mr. McDADE. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, as a new member of the Committee on Interior Appropriations, I want to commend the chairman and the members for what I think was a very even handed approach to the problems in this bill. This is an excellent subcommittee; it is free from partisanship, hard working, and I think perhaps in terms of attendance had a better record than any subcommittee I have had the privilege of serving on. The attendance was illustrative of the interest that the members had in producing good legislation and the confidence of the members in the leadership of the chairman.

This is a tough bill to deal with because it appropriates funds for generally popular projects. This is evidenced by the fact that this bill appropriates about $4 billion, and there were presented to our committee "add-ons" by people testifying, something like an additional $3 billion. This figure gives us an idea of the pressure that exists, because this bill contains the kind of projects Members have a high degree of interest in, as well as the public. The fact that there was proposed to the committee some additional $3 billion in "add-ons"; that the committee had to, by and large, refuse most of the "add-ons", is evidence that the committee worked hard in trying to stay within the budget.

I have done a little calculation, and I note that the committee went about 1.4 percent over the budget, or $58 million.

If every committee in this House were to stick with a 1.4-percent average, I think we would have a lot less deficit than we are going to have. When we consider the kind of pressures that are on a committee of this type, I think it is remarkable that the committee held to an amount in excess of the budget of only 1.4 percent.

A policy matter that is in this bill is support for urban parks. We have heard a lot of lip service given to the idea of putting parks where the people are. In the committee's action, they did more than that. The committee funded the kind of urban parks that are going to be vitally important in the future, the parks which will be readily accessible to the public in a time of fuel shortages. It is very important that these be available. I think that the committee, in establishing a policy of funding urban parks, is recognizing the wave of the future. One of the national weekly periodicals had an article this week about how people are taking vacations this summer, and the article pointed out that people are staying home and they are going to the city parks, the county parks, the State parks, and, hopefully, with the expansion of urban parks, to national parks.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. I thank the gentleman for yielding.

The gentleman has referred to urban parks. On page 19 of the report, I see where we spent $1 million, which was in line with the request for a national recreation area known as Whiskeytown. Is that part of the urban area park appropriation?

Mr. REGULA. I suppose that wherever there would be Whiskeytown there would be an urban area.

Mr. STEIGER of Arizona. Can the gentleman explain what we are going to do with a million bucks in Whiskeytown and how the good folks are going to benefit from that?

Mr. REGULA. I cannot give a specific answer. I will yield to the gentleman from Oregon to answer that question.

Mr. DUNCAN of Oregon. Mr. Chairman, if the gentleman will yield, I will take a moment, on behalf of our distinguished colleague, the gentleman from California (Mr. JOHNSON), who, if he were here, would be able to explain that the name is a hangover from the early days, the more rowdy days in early California, and it is one of the great recreation places in northern California. The name is not symbolic of the drinking habits of the present inhabitants of the area.

Mr. REGULA. The statement of the gentleman from Oregon is that Whiskeytown is a hangover from the early days.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from New York.

Mr. SCHEUER. I thank the gentleman for yielding.

Mr. Chairman, I represent the 11th District in New York City—the area that includes the Gateway National Park. We are not a rowdy people; we are very, very well behaved. I want to thank the gentlemen on the minority for their kind support for the additional appropriations for Gateway. They showed an enormous sensitivity to urban recreation, and I commend the gentlemen.

Mr. REGULA. Mr. Chairman, I thank the gentleman for his remarks.

I have to say I have a little bit of prejudice toward including in the urban park funding the Cuyahoga Valley National Park and I want to thank the members of the committee for supporting this appropriation because it is an area that will soon be gone unless we save this land. It will provide the first national park in Ohio and will serve approximately 4 to 5 million people in the northern Ohio urban area.

I would draw the committee's attention to another matter in the bill, and that is the fact that the appropriation for the Federal Metal and Non-Metallic Mine Safety Board of Review has been withdrawn. This expenditure has received a lot of press attention, and by action of this House, through an amendment, the responsibilities of this Board were transferred to the Department of the Interior, so we will no longer have the playing of Beethoven being financed by the taxpayers.

The youth conservation program that is funded in this bill is an excellent expenditure of money, and it is one of the areas that has gone over the budget, but I heartily support this. This appropriation provides a meaningful kind of work for young people. It not only contributes to their well-being, to a return to the out-of-doors, but it also provides a useful development of our national resources.

At the risk of puncturing some of the euphoria that surrounds a bill of this type, I would have to say that I am disturbed by the apparent overlap of activities of the many agencies of Government in the energy field.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McDADE. Mr. Chairman, I yield 2 additional minutes to the gentleman.

Mr. REGULA. Energy is a popular field, at this point in time, and it seems to me, from listening to the testimony, that we do have many of the agencies trying to get into this area and, in the process, I suspect there is a substantial amount of duplication of effort. I would hope that the committee the next time around can go further into this apparent duplication to avoid the wasteful expenditure of taxpayers' dollars that results from the duplication of research and development in the energy field.

Mr. Chairman, I would also hope that the Indian Policy Review Commission, of which the distinguished chairman, the gentleman from Illinois is a member, will produce some meaningful new ideas that we can bring to the funding of Indian affairs. We have gone the traditional way in this field for many years. Hopefully out of the Indian Policy Review Commission study we will learn some exciting new ideas that will enable us to move the matter of Indian problems toward a more meaningful response by this Nation.

Lastly, I would hope that in the Senate we can get some additional funds appropriated to ERDA for the support of research of the Devonian shale. There is a lot of natural gas trapped in this shale in the Midwest. If we can develop a productive research program, I would hope that this would in the short term produce natural gas which is desperately needed by the Midwestern States.

Mr. McDADE. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. Steiger).

Mr. STEIGER of Arizona. Mr. Chairman, I hope the Chair will stay awake to hear my remarks, because they will be very profound.

The CHAIRMAN. The Chair will do his best to stay awake.

Mr. STEIGER of Arizona. Mr. Chairman, it occurs to me that the activities of the gentleman from Illinois (Mr. Yates) as the new chairman of this fantastic subcommittee should have laid to rest once and for all the false imagery that only Westerners can appropriate properly for the needs of our national resources. It seems to me we should be able to say that, that it is false.

Unfortunately, after carefully reviewing this report in the last 30 minutes, I have come to the conclusion that the gentlewoman who preceded the gentleman from Illinois is going to be sorely missed. I am taking her name in vain, but I will be happy to reply or provide time for an answer.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Arizona. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I would hope that it is not in vain.

Will the gentleman from Arizona yield so I may propound a question?

Mr. STEIGER of Arizona. Not yet. I am building up to this with some background. At any rate, I will advise the chairman of the subcommittee, I will give him some further time. I say that to the gentleman because I do not want the gentleman to stand because of his condition.

Mr. Chairman, as a matter of fact, as a result of having this distinguished subcommittee made up mostly of folk from the urban East, we have a situation which is understandable. We have good men, intelligent men, men who have not the faintest idea of what they are appropriating money for, and so they call in experts to advise them and they accept the word of the experts.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Arizona. I yield gladly to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, may I point out to my good friend, the gentleman from Arizona, that the members of the subcommittee include not only the gentleman from Maryland (Mr. Long), who obviously is from the East, but also the gentleman from Illinois (Mr. Yates), who is from the Midwest, the gentleman from Colorado (Mr. Evans), the gentleman from Utah (Mr. McKay), and the gentleman from Oregon (Mr. Duncan). They certainly are not city folk who are unacquainted with the problems.

Mr. STEIGER of Arizona. Mr. Chairman, that is an eloquent response. They are clearly outnumbered, there is no question about that. That is why their eloquence and their views were not followed.

Mr. DUNCAN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Arizona. I will yield but these constant interruptions are going to constitute an even longer ordeal for the Members.

Mr. DUNCAN of Oregon. Mr. Chairman, I would like to suggest that the position of the gentleman in the well is a little bit tenuous. He is from Arizona and like the members of the committee from Utah and Colorado live far to the East of Oregon.

Mr. STEIGER of Arizona. Mr. Chairman, that is a devastating put-down. I have simply no response to that.

Mr. Chairman, I would like to point something else out to my friends.

The CHAIRMAN. The Chair will advise the gentleman from Arizona that he has consumed 3 of his 5 minutes.

Mr. STEIGER of Arizona. Mr. Chairman, that does seem incredible. How time flies when you are having fun. Is that not right, Mr. Chairman? I appreciate the Chair advising me of that.

Mr. Chairman, I would point out that as a result of this lack of background and this dependence upon the experts, the committee has looked to the logical place for experts.

They have looked at the agencies and departments and bureaus within the Department of the Interior. They are asking for money. Of course, these people are hardly objective.

That brings me to the point of my complaint, which I have been a long time getting to. On page 13 of the report, the committee commits probably the most heinous sins that can be committed in an appropriation bill. They have legislated—yes, my friend, they have legislated; I know the gentleman looks at me with some disbelief, but it is true—they have legislated on page 13 of the report, I point out, and not only legislated, but done so on a basis that is entirely not factual.

I will read.

> The Charles Sheldon Antelope Range, Nevada, the Charles M. Russell National Wildlife Refuge, Montana, and the Kofa Game Range, Arizona which have been previously administered jointly by the Bureau of Land Management and the Fish and Wildlife Service are proposed by the Interior Department to be transferred to the sole jurisdiction of the Bureau of Land Management.

Not so. That was not a proposal. That was an administrative order justified legislatively appropriate and arrived at after a great deal of study.

I read further:

> The committee is disturbed that this decision was taken without public input . . .

Not so. In the Arizona section alone, two public hearings were held, one in the Yuma area and one in the Phoenix area. In excess of 300 witnesses were heard, and the public input was received in writing for 6½ months prior to the decision.

The report says further,

> . . . without proper notification to the subcommittee . . .

I would point out that I assume they mean the subcommittee that created this heinous sin. No, I will tell the Chair, it is the subcommittee that made this error in judgment.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. Steiger) has expired.

Mr. McDADE. Mr. Chairman, I yield 3 additional minutes to the gentleman from Arizona to continue his enlightening comments.

Mr. STEIGER of Arizona. At any rate, through this levity, I would tell my friend, the gentleman from Illinois (Mr. Yates)—and that is not a ritualistic address; I consider the gentleman most talented—yet, I am very sincere when I tell the gentleman that these statements in this report, the ones that I define as inaccurate, are indeed inaccurate.

It says:

> . . . without preparation of an environmental impact statement . . .

Not so.

It continues:

> . . . and without proper consideration of its impact on the national wildlife refuge system.

Not so. All of these were the subject of extensive reports.

It goes on to say:

> The committee believes the departmental decision was shortsighted and questionable because the transfer would establish two agencies with responsibility for administering the national wildlife refuge system.

The irony of that sentence was that, again, the committee was the victim of obviously somebody who only desired to impede because the purpose of the administrative order was to eliminate the dual administration of these public lands.

In short, Mr. Chairman, I will say what happened. There is a gentleman down in the Interior Department. His name is Nathaniel Reed. This has become an obsession with Mr. Reed.

There is further reference here to a deferment of this administrative decision until the proper legislative authority has been established.

I will tell my friend, the gentleman from Illinois, that the decision was made under proper legislative guidance. What my friend refers to is a piece of legislation initiated by Mr. Reed in the wrong committee and now in the process of being pushed.

Mr. Chairman, I will tell my friend this—and I certainly will yield to him to dispute it—the point is that the committee has been caught up in a strictly intramural setup that does not do it service. The committee is being abused.

I will tell my friend that I have fought this battle with Mr. Reed up and down the avenue. Mr. Reed is tenacious. He is wealthy, he is arrogant, and he is an advocate.

I will also tell my friend, the gentleman from Wyoming, who is rushing to the aid of Mr. Reed, that he does not need to help. He can buy his own help, I will tell the gentleman from Wyoming that.

I will tell my friend, very seriously, that this is clearly the basis of a point of order but, as I understand, we have simply waived all points of order.

I would also tell my friend that on any kind of balance that the committee has done a magnificent job, and I mean that. But I will tell my friend that his good offices have been seriously abused obviously by collusion of his staff—and I will include the minority staff for not being alert—and I will blame myself for not calling it to the gentleman's attention.

But this is a misstatement, I will tell my friend, in this report. It is a misstatement of the situation as it is. And the chairman's statement that the administrative order should not be carried out because it is an inappropriate order is wrong.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. STEIGER of Arizona. Mr. Chairman, would the gentleman from Pennsylvania (Mr. McDade) yield me an additional 3 minutes, and I might add that if he is not going to yield it to me he will probably be in a great deal of trouble.

Mr. McDADE. Mr. Chairman, I will be most happy to yield the gentleman from Arizona an additional 3 minutes.

Mr. YATES. Mr. Chairman, if the gentleman will yield, may I say to the gentleman since his remarks were addressed to me, as chairman of the subcommittee, and properly so, that this was a subject that was thoroughly discussed by the members of our subcommittee. It was felt that the subject matter was so important that it ought not to be the subject of an administrative order.

All that our committee proposed to do was to have it remain in status quo until the gentleman's committee had had an opportunity to look at it, and come forward with appropriate legislation. I do not consider that our committee has taken a legislative step in that regard. All that we were doing was to give some cognizance to the objections that had been made from not only Mr. Reed, but from a great many organizations throughout the country who thought this should not be done.

Second, may I say that it is not subject to a point of order because there is no such provision in the bill, and if the gentleman from Arizona wants to make a point of order on that he can do so.

Mr. STEIGER of Arizona. The gentleman's logic about the point of order is so devastating that I will succumb to it. But I will tell my friend that the information that is in this report is inappropriate. My friend's posture that this administrative order was not justified, and should require legislative action, does not reflect the facts. The administrative order was a function, and the responsibility of the Secretary of the Interior. The legislation proposed is an attempt to thwart that existing responsibility. It is done out of pique. It is done in defiance of public opinion, and it is done in the face of those who are directly involved.

Mr. YATES. If the gentleman from Arizona will yield, the gentleman talks about pique. Who is the gentleman talking about, the pique of the subcommittee?

Mr. STEIGER of Arizona. Absolutely not, I will tell my friend from Illinois.

Mr. YATES. Whose pique was the gentleman talking about?

Mr. STEIGER of Arizona. It was the pique of Mr. Reed, the Director of one of these agencies.

Also I would point out that on page 21 of the committee report there is a most fascinating subject—and I realize that with a budget the size of the volume the committee had to consider, there was no way they could understand what they were doing.

But on page 21 the appropriations for endangered species have risen more than double to an excess of $11 million, and yet nowhere in there are they taking care of the poor fellow in Hammond, La., who is up to his hips in alligators. As the gentleman knows, because of the administrative confusion, and again back-biting within the National Wildlife Endangered Species Agency direction, this poor guy for 9 years has been operating an alligator farm, and apparently by designation of the Federal Government as of last year on domestic alligators, the guy finds out that he cannot slaughter them, he cannot release them, he cannot do anything but feed them.

He now has 12,000 alligators on 20 acres. He has appealed time and time again to the Wildlife Service for some relief, and they have referred it to minuscule bureaucrats in the bowels of the National Wildlife Service. Here we are appropriating $11 million for endangered species.

The CHAIRMAN. The time of the gentleman has expired.

Mr. YATES. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. Scheuer).

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I will be happy to yield to my distinguished colleague on the Committee on Science on Technology, the gentleman from West Virginia (Mr. Hechler).

Mr. HECHLER of West Virginia. I thank the gentleman from New York for yielding.

Mr. Chairman, since the authorization bill for the Energy Research and Development Administration, H.R. 3474, passed the House on June 20, 1975 and has not yet been signed into law, I wanted to clarify some of the items which were passed by the House in its consideration of the ERDA authorization.

The Science and Technology Committee carefully developed the line items contained in the authorization which were adopted for fossil energy. Each line item contains a total obligation for each program. Both the cost and changes in selected resources are contained within the program. On page 47 of the report accompanying this bill 94–374, a chart is printed which indicates that selected resources are broken out separately, $56,920,000 for fiscal year 1976 and $40,650,000 for the transition period. This chart appears to aggregate the total amount of funds for fossil energy which are not committed as costs. The authorization for fossil energy was adopted on a line item basis, to assure that funds cannot be shifted between programs without the procedure contained in the authorization bill H.R. 3474. Therefore, the chart may be illustrative of the ERDA's pooling of its selected resources, but the control will still be the line item amounts contained in the authorization.

Somewhat along the same line, I note that on page 40 beginning on line 5, the bill reads:

> *Provided further*, That the amount appropriated in any other appropriation act for "Operating expenses" for the Energy Research and Development Administration for the fiscal year ending June 30, 1976, shall be merged, without limitation, with this appropriation.

This language appears to be boilerplate language developed to give the Treasury some flexibility in establishing a single account of ERDA instead of having to provide two accounts because of the two appropriation bills which give it its total appropriation. I approve of this procedure but emphasize that the words "merged, without limitation," do not in any way affect the authorization of the programs or permit the agency any new flexibility to shift funds from one program to another.

ADEQUACY OF ENERGY DATA

The Appropriations Committee's report (H. Rept. 94–374) also comments on the problem of collecting energy data which is of concern to the Science and Technology Committee. The report states on page 7:

> The increased urgency of the energy problem has resulted in the expansion of existing programs and the creation of new ones with vastly increased demands for timely and accurate information. *After going into the matter carefully, the committee is impressed that the search for energy-related data and other information has apparently resulted in overlap and duplication by a number of agencies.* The Department of the Interior has for many years been the nation's principal source of energy and mineral resources information. The Federal Energy Administration is developing its own extensive data gathering and processing capability. The newly created Energy Research and Development Administration is moving to establish its own energy resources data bank. *It is evident that the three closely associated and cooperating agencies are duplicating their data collecting efforts, an actively that the committee believes is also being undertaken by other agencies as well.* The result, of course, is a waste of taxpayers' dollars and a severe hardship on the industry which must supply information to the government. The logical answer is to create a single national system which can serve all users.
>
> Therefore, the committee will request its investigative staff to check the extent of overlap and duplication by the agencies listed above, and others. It is hoped that the investigation will lead to a more orderly development of energy data systems." (Italic supplied.)

Since the Arab oil crises of 1973 a number of congressional committees have held extensive hearings into the question of the adequacy of energy data.

Indeed, on December 30, 1974, the Subcommittee on Activities of Regulatory Agencies of the then Permanent Select Committee on Small Business issued a report (H. Rept. 93-1648) entitled, "Energy Data Requirements of the Federal Government," after several days of hearings. That report states that investigation of "oil shale development and the Federal prototype oil shale lease program revealed significant inadequacies in the Interior Department's data base which adversely affected formulation of oil shale policy." More recently, the Geological Survey issued Circular 725 entitled "Geological Estimates of Undiscovered Recoverable Oil and Gas Resources in the United States." That circular states on page 73:

> The best source of reserve data currently available is that published [not by the Interior Department or any other Federal agency] by the American Gas Association, the American Petroleum Institute, and the Canadian Petroleum Association.

The Small Business Committee's report, supra, comments on these industry sources of energy data as follows on page 9:

> . . . without exception the Government is totally reliant upon voluntarily reported industry data for its information on oil, natural gas, coal, and uranium. This reliance upon industry data was confirmed by the Department of the Interior and Federal Power Commission . . .
>
> Government and public witnesses testified that a particularly serious problem created by reliance upon industry data is the lack of assurances of accuracy and reliability of the data reported. Significant incentives exist for individual firms reporting on a voluntary basis to misstate the data reported. These incentives may be of a competitive nature or may arise from self-preservation instincts. The significance of these incentives is accentuated by the lack of sanctions for misreporting.
>
> At any rate, without independent auditing of the data reported, there can be no assurance of the reliability of the data reported and its accuracy must, therefore, remain suspect. Witnesses pointed out that predication of Federal energy policy on such suspect data is a highly questionable practice which should not be perpetuated.

Similar testimony was received this year by the subcommittee which I chair of the Science and Technology Committee.

Part of this problem is, as noted above, the lack of any real sanctions for reporting bad data. Interior, for example, lacks a statutory mandate to collect data. It relies substantially on some very old organic acts of the Geological Survey and the Bureau of Mines and on its mineral lease provisions, orders, or regulations. The Mineral Leasing Act of 1920, the Mineral Leasing Act for Acquired Lands, and the Outer Continental Shelf Lands Act are all silent on this subject.

Only the FEA has any meaningful authority to collect such data, verify it, and impose sanctions for deliberately providing bad data, et cetera. But that authority—section 11 of the Energy Supply and Environmental Coordination Act of 1974—expired on June 30, 1975. Congress sought to extend it in H.R. 4035, but, as we know, the President vetoed that bill on July 21, 1975.

The Science and Technology Committee is concerned about this problem. Knowledge is power. Agencies having energy responsibilities must have that knowledge. For example, to deprive ERDA of the chance to assemble information on the grounds that FEA or Interior already have the capability to get that information or already have it would be to deprive ERDA of an essential tool to fulfill its R. & D. mission and to insure the Federal money for R. & D. is well spent.

I think that the Appropriations Committee and others should explore this problem. But I hope that the committee will look at the substance of this issue; namely, how does Congress assure itself that Federal programs have accurate and reliable data upon which to base decisions that will shape our energy policies and programs for years to come. Let us not be hung up on that nice term called "duplication." Duplication is not always bad and wasteful.

Mr. SCHEUER. Mr. Chairman, I rise in support of H.R. 8773, which includes appropriations for the operation of the National Park System. I am particularly pleased that the Committee on Appropriations has increased the funding level requested by the administration for the planning, operation, and construction of the Gateway National Recreation Area (NRA) in New York and New Jersey. I am sure all my colleagues, especially from New York and New Jersey, join me in expressing our thanks to our good friend and distinguished colleague from Illinois (Mr. YATES) for his efforts on behalf of the millions of people whom we represent. The understanding and support we have received from Mr. YATES, has been one of the most important factors contributing to the success of the entire Gateway program.

The Committee on Appropriations has approved an additional $1,113,000 for the fiscal year ending June, 1976, and $278,000 for the transition quarter, plus an additional $1,000,000 has been recommended for park development at Gateway. These appropriations are justified by the promise of Gateway, and will permit imaginative and comprehensive planning for the most beneficial use of the Park. As the committee report notes:

> The location of Gateway NRA offers an opportunity for recreation to the millions of people living along the congested Eastern seaboard.

Indeed, the park will serve fully 10 percent of the population of the United States—the 20 million people who live in the New York City metropolitan area who are within a subway token reach, or train, or bus ride, of Gateway. To take full advantage of this opportunity will require wise and creative planning.

Mr. Chairman, I trust that this appropriation marks the beginning of the very type of resource use planning that was envisioned by the Congress in the broadest sense when it enacted the National Environmental Policy Act of 1969, and specifically, when it created Gateway in 1973.

We must now provide for the systematic and comprehensive development of Gateway. Happily, Gateway operations, under the direction of the National Park Service and its Gateway field staff, have been better than expected during the first hectic year. The cleaning and policing of Park beaches and upland areas and the development of both recreational and educational activities have been well handled. Compliments are accordingly due to the Park Service and its Gateway field staff. I particularly wish to commend Joe Antosca, superintendent of Gateway, and his associate, Jane Henzi, area manager for the Jamaica Bay Unit of Gateway, for the cooperation and responsiveness they have shown, not only to my office in the myriad details of the operation of the park on which we have conferred, but as well to the many interested community and civic groups with whom they have worked in a forthcoming and friendly atmosphere.

Yet in the long run, the success of Gateway operations is dependent upon comprehensive, urban-oriented planning. The Park Service has had little experience with the planning of urban recreation areas. Never before has it planned for an area like Gateway; they have had several teams of Park Service planners attack the planning of Gateway over the last several years—in fits and starts—and at considerable expense to the taxpayers. Nothing has come of their efforts, over this span of months and years. Gateway is still lacking any semblance of a comprehensive master plan. The Park Service urgently needs outside help.

Therefore, the process of developing the Gateway master plan is especially significant as it will set an important precedent regarding planning priorities and objectives for future urban and national parks.

The uniqueness of Gateway as a natural environmental and recreational resource in America's largest urban region, the changing and complex nature of urban recreation and lifestyles, the interdependence of urban and natural areas, and the intense competition for space in a densely populated area, all combine to necessitate a totally new planning approach. This approach must differ from the traditional Park Service approaches developed for areas such as Yellowstone Park. Hence, the need for outside talent and outside assistance.

Mr. Chairman, it is imperative that the Gateway planning process include a consortium of outside consultants. The collective insights of an integrated team of architects, engineers, recreation specialists, waste management technicians, transportation planners, as well as other urban planning, environment, and education specialists, must be harnessed to the development of a multidisciplinary and comprehensive master plan.

The planning team should consider the needs of the communities neighboring Gateway as well as the park itself, and should reach out to evaluate the needs of the people of the surrounding area and assess existing community resources in the process of planning Gateway's future development. The result of diversifying this planning process would be a more thorough analysis of the creative planning which Gateway requires not only for long-term physical development, but also for the day-to-day scheduling of events, programing, and coordination of activities among the scattered units of Gateway.

I consider it essential, therefore, that the task of creating a comprehensive and multidisciplinary master plan for the development of Gateway by the Park Service be accomplished by a consortium of outside experts and consultative planners—in close working association with Park Service planners, and benefiting from the insights of, and in cooperation with, regional, State and local officials and public groups within the surrounding communities—which consortium or planning team would be funded by a significant portion of the funds appropriated for the Gateway planning process. These groups which might be consulted by the Park Service in selecting the consortium, and which would be consulted during the planning process would include among others:

The Gateway Advisory Commission; the Gateway Citizens Committee; the New York City Planning Commission whose chairman, John Zucotti, in my view, is the finest planning commission chairman in New York City's history and one of America's most brilliant and creative urban planners; the Parks Council of New York City; the New York City Council on the Environment; the Regional Plan Association; and their public and private New Jersey counterparts, as well as nationally recognized groups such as the American Institute of Architects, the American Institute of Planners, the American Society of Landscape Architects, and the National Recreation and Park Association.

Mr. RONCALIO. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman from Wyoming.

Mr. RONCALIO. I thank the gentleman for yielding.

I want to commend the gentleman in the well for his contributions in the park area. I would like the record to show that we ought to remember the distinguished gentleman from Colorado, Mr. Wayne Aspinall, who retired, who was so interested in and contributed so much to our national parks. He walked the beaches with me while in the 90th Congress. I hope they do something about the one-quarter to one-half inch of tar and oil found on mile after mile of that beach.

Mr. SCHEUER. I agree with my colleague. I have flown over the park in a helicopter with Joe Antosca, a Regional Director of the Park Service in charge of Gateway and he and I have bled as we have looked at the tar on the park beaches. They are desperately in need of getting funds to correct this problem.

I know that my colleague, the gentleman from Wyoming, would want to add the name of the late Honorable William Ryan, former Member of Congress, along with that of the Honorable Wayne Aspinall, in acknowledging their long and splendid support for the Gateway National Park.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding.

I, too, compliment the gentleman on his statement and associate myself with his remarks. As one of the original sponsors of Gateway National Park, I commend the chairman (Mr. YATES) and the members of the committee for going over the budget and allowing us to start work on this great national park which will serve not only the people of New York, but the people of the entire Nation in the year of our Bicentennial. I also congratulate the gentleman from Illinois (Mr. YATES) as the new chairman of this subcommittee on the outstanding work he has done as he carries on the great traditions of past chairmen such as Mike Kirwan and the beloved Julia Hansen.

Mr. SCHEUER. I thank my colleague for his constant and longtime support.

The CHAIRMAN. The time of the gentleman has expired.

Mr. YATES. Mr. Chairman, I yield 1 additional minute to the gentleman from New York.

Mr. SCHEUER. I would ask the gentleman whether it was the intent of the committee and the intent of the Congress that a significant and substantial percentage of those planning funds, but certainly not more than half, would be expended in funding a consortium of outside experts who would create a comprehensive multidisciplinary master plan for the development of the park, which would be available to the Park Service, which they could accept in its entirety, or in part, as they saw fit, and that in the selection of the experts in this consortium the Park Service would consult with the public and private local and national groups such as the ones I have just mentioned?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman from Illinois.

Mr. YATES. Let me say to the gentleman that the subject of urban parks is a new area for the Park Service, not only the Gateway, the gentleman's urban park, but also the Golden Gate National Recreation Area on the west coast and the Cuyahoga Valley National Recreation Area in Ohio. They all present different kinds of situations and different kinds of problems than parks have presented in the past. I think it would be very desirable for the Park Service to consult with and use experts on landscape, experts in the field of urban planning who may have different views and perspectives respecting the use of urban parks as contrasted to the other parks.

Mr. SCHEUER. And present a comprehensive master plan for developing Gateway?

Mr. YATES. And I would hope and expect a comprehensive plan.

Mr. SCHEUER. I thank the gentleman.

Mr McDADE. Mr. Chairman, I yield 3 minutes to the gentleman from Maine (Mr. COHEN).

Mr. COHEN. Mr. Chairman, I do not wish to be redundant about the problem of the spruce bud worm which is currently afflicting the State of Maine but I would like to make a few additional statements. I was impressed by the remarks of the gentleman from Arizona about the problem of 12,000 alligators located on 20 acres of land. However, we have a much bigger and more serious problem in the State of Maine.

The proportions of the problem are staggering, because of 7.8 million acres of spruce fir in the State of Maine, over 5 million are heavily infested with the spruce bud worm, an area much larger than the State of Connecticut. There are clouds of the insects which are hanging over the State. One of them, 64 miles long by 16 miles wide, was tracked on radar. The insects are clogging ventilators and radiators, and people have to sweep and shovel them off their porches like snow.

This infestation is a matter not confined to the State of Maine but also extending to 350,000 infested acres in the lake States and in eastern Canada it is of epidemic proportions, with 60 to 70 million acres being infested. The economic and social and environmental consequences are catastrophic. It is affecting the forestry products industries, the lumber and paper and other forest-related industries which represent one-third of the jobs in Maine, which are directly related to forest products industry.

Forestry experts are predicting it may be necessary to close millions of acres to the public because of the serious fire hazard that will exist as tree mortality increases in the face of this tragedy. We must consider the fact that the United States Department of Agriculture is conducting no research—I would repeat, no research—on this problem because it has no funds. So I was prepared to offer an amendment to increase the appropriation by $1,450,000, the minimum amount the Forestry Service maintains it needs to conduct the necessary research.

This is the minimum amount that the Forestry Service needs to maintain and conduct the necessary research.

However, in view of the chairman's statement earlier today that funds under this appropriation should be and would be devoted to research on the spruce bud worm, I will not offer the amendment at this time.

Mr. McDADE. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. EVANS).

Mr. RONCALIO. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Colorado. I yield to the gentleman from Wyoming.

Mr. RONCALIO. Mr. Chairman, I would like the record to show that in Teton County, Wyo., Rocky Mountain pine beetle is about to exterminate thousands of acres of pine trees in the several national parks in that county.

I want the record to include that point, because this is a problem to be faced by the Forest Service, as is the problem earlier touched on by the gentleman from Maine (Mr. COHEN).

Mr. EVANS of Colorado. Mr. Chairman, I appreciate the gentleman from Pennsylvania yielding to me, because I think it is more appropriate that I get my time from his side of the aisle, rather than our side, in view of the comments I am going to make.

I have heard gentlemen stand in the well before and congratulate various chairmen of committees for the fine job they have done. This year, more than before, I have been aware what it takes for a committee member to have the responsibility to take over the committee as chairman. It is one thing to be a member of the committee and make contribution from day to day, and year to year; but to suddenly become the chairman, to steer the entire committee, to become as expert as he can in all the items in the bill is the difference between night and day.

I want to congratulate my colleague, the gentleman from Illinois (Mr. YATES), who after 25 years in this Congress now finds himself as chairman of the Interior Subcommittee of the Committee on Appropriations and is now presenting this bill for the first time. This committee oversees much of the national wealth of the country. I think our colleagues should know one extremely important thing. I cannot remember once in the many years I have been on this committee, and certainly not once under the current chairman, and the able ranking Member from Pennsylvania (Mr. McDADE) when there has ever been a partisan attitude toward the many issues that come before us.

I also want to say, I have never seen so much care and attention given by the gentleman from Illinois and the committee members, and certainly the distinguished gentleman from Pennsylvania (Mr. McDADE) in terms of reviewing the requests of Members. As was pointed out earlier, this bill has some $4 billion in it. Our colleagues requested an additional amount in the neighborhood of some $3 billion. We have to say "No" sometime to some people and proceed in a reasonable, orderly fashion. It is not easy, because so many requests were reasonable and we hope sometime they can be met.

Of course, scheduling of witnesses on the part of the chairman and the patience the gentleman showed in that regard and the encouraging of participation on the part of all of us, no matter whether a freshman or second- or third-term member of the committee, was outstanding; the recalling of witnesses when their additional testimony was needed to make a good judgment and the patience and interest the gentleman from Illinois gave to the various members of the public who came in the hundreds to testify before the committee, I believe was outstanding. The gentleman from Illinois had to totally immerse himself in all the aspects of this complicated bill brought before us today. I think the gentleman's keen intellect and probing interest in the major details has resulted in a bill of which I am proud to have been a part and of which all the members of the committee can be proud. I again commend the gentleman from Illinois (Mr. YATES).

Mr. McKAY. Mr. Chairman, the Interior appropriation bill represents a short-term investment that provides long-term answers to environmental problems. To quote the words of the late Congressman Michael Kirwan used in our committee report, the Interior appropriation provides funds "to take care of our national heritage." It is my firm belief that we cannot put off the programs included in this bill. To do so would endanger the future of this Nation. If we have learned anything from the energy crisis it is that we cannot delay development and conservation of our resources until times of crisis. The committee has added $967,000 for the Forest Service and $6 million for the BLM to initiate a comprehensive rangeland improvement program. These funds represent an investment in the future rather than a subsidy for cattle and sheep interests.

It is not widely understood that America's rangelands are a unique natural resource. Unlike many resources that we must conserve today, our rangelands are renewable resources that can actually be expanded through improvement and careful management. The proposed use and development of these rangelands is a critical source of water, wildlife habitat, scenery, open space, and recreational facilities. The rangeland improvement begun under this bill is a balanced investment in the environment and the economy; it is vital to all segments of our population. It is important to the tourist seeking scenery or outdoor experience; the urban resident demanding a high-quality water supply; the person interested in a healthy, viable wildlife population; and the rural family and community which depends on livestock grazing for their livelihood and economic stability.

Some have suggested that rangeland development benefits only a small segment of the population, and that all public lands should be reserved for recreational and wildlife purposes. This attitude does not take into account the benefits that flow from multiple use of Federal lands. For example, research has shown that overgrazed ranges will improve more rapidly with proper livestock grazing than with no livestock grazing. Livestock can be used to trample desirable seed into the soil or to graze undesirable plants or remove stifling old growth on plants. In short, more can be accomplished with proper livestock grazing than without. Under proper management, both environmental and economic interests can be served by our rangelands.

Another misconception about rangeland development is that it represents a subsidy to cattle and sheep interests. In fact, it is an investment that returns funds to the Public Treasury. My distinguished colleague, the Congressman from Oregon, pointed out in his additional views in the committee report that after an initial investment of $328.6 million, the annual return on BLM lands will be $124 million, while annual costs will be only $33 million. It is important to remember that the entire Interior budget is less than half of the amount returned to the Federal Treasury in receipts from the Department of the Interior and the Forest Service. Despite the obvious benefits that flow from improved rangelands, we have allowed our ranges to deteriorate seriously. BLM projections of last January indicate that the productive capability of our ranges could decrease by as much as 25 percent in the next 25 years, unless we take corrective action.

The present bill recognizes the deterioration of Federal rangelands and attempts to reverse this trend. At the same time, the bill tries to close the gap between fees for private and public grazing lands. This provision ignores the economic differential between these two types of grazing land. The grazing fee hike included in the bill charges the user for a product that does not yet exist. Only 17 percent of BLM administered land is in good or excellent condition. Seventy-nine percent of Forest Service rangeland is producing at 60 percent or less of its potential. Private lands comprise the most desirable areas and include extensive water and fencing improvements, while public lands offer few of these advantages. For example, in Utah, 25 percent of private grazing land is in good condition, while only 5 percent of BLM land meets the same standards. The animal unit month—AUM—employed to charge rangeland tenants makes no distinction between the animal that must feed over a vast Federal area and the animal that may feed on a small private lot for the same 30-day period. The jump in fees included in this bill charges the user today for improvements that will not be made until tomorrow.

The bill's fixed-fee schedule for Forest Service and BLM rangeland ignores variations in the quality of Federal ranges and fluctuations in the market price of livestock. A more realistic approach to grazing fees would include a mechanism that would set fees according to the value of a given tract of rangeland and peg those fees to fluctuations in the livestock market.

While I have some serious reservations about some of the provisions of this bill, I think it is a step in the right direction. America's rangelands, one of our most valuable renewable natural resources, have been one of our most neglected and underdeveloped assets. This bill begins to reverse that trend.

TOPHEAVY BUREAUS AND AGENCIES

Also, Mr. Chairman, the Department of the Interior appropriation bill represents a serious effort to deal with the Nation's problems while recognizing the necessity of budgetary restraint. The bill attempts to eliminate unnecessary administrative expenses in the Office of the Secretary. The committee also heard a good deal of testimony on personnel ceilings and their impact on performance.

While I think the committee made progress in streamlining the Department, I am concerned about the quality of service at the grass-roots level. Despite increasing appropriations year after year, it appears that funds may be supporting a topheavy administrative structure rather than improving service to the public. For example, the Rocky Mountain region of the U.S. Fish and Wildlife Service reports that during the first half of the 1975 fiscal year, most enforcement patrols in Utah, Colorado, Wyoming, Montana, North Dakota, and South Dakota were canceled. Despite increasing appropriations over the past several years, there are only 178 fish and wildlife enforcement agents in all. That is one fewer than a decade ago.

It seems to me that the Interior Subcommittee of the Appropriations Committee should make it an item of first priority to look into the problem of top-heavy administration. We ought to find out whether funds are going to administrative rather than operational activities in the Department of the Interior. As we take up the fiscal year 1977 budget requests in committee, we should take a close look at each agency and bureau in the Department for evidence of administrative fat. I am including an article which sites an example of this matter.

I support the bill before us today, Mr. Chairman, but I am concerned because Congress has not been doing all that it might to make the agencies of the Federal Government direct servants of the public.

Mr. McDADE. Mr. Chairman, I yield 5 minutes to my good friend from the extreme Northwest, the gentleman from Oregon (Mr. DUNCAN).

Mr. DUNCAN of Oregon. Mr. Chairman, I thank the gentleman for yielding me this time. I would like to endorse all the plaudits that have been handed to the ranking minority member of the committee and the chairman of this committee. The chairman has served his apprenticeship of 25 years well, and I think we can say that he is a worthy successor to his worthy predecessor, the gentlewoman from Washington (Mrs. Hansen).

I might say that there was a great deal of anxiety and trepidation on the part of my constituents at the loss of Mrs. Hansen and the accession of an Easterner to the chairmanship of this committee.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN of Oregon. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, when we had this bill in the subcommittee, I indicated to the gentleman in the well that he had the task of succeeding two extreme Northwesterners. May I say that he has done a magnificent job. He is articulate and vociferous and has his say in matters. I might not agree with him, but he has been an able member of the subcommittee.

Mr. DUNCAN of Oregon. The gentleman is very kind. Even though we joke about our geographical origins and our political affiliation, we do work well together, and I want this record to show that the doubts facing my constituents were removed with the leadership of the gentleman from Illinois (Mr. YATES). And, while the Republicans and Democrats may have minimal differences in our approach to the problems, they are, indeed, minimal. If it were not for the fact that there are so few of them, one would not know the difference between Republicans and Democrats on the committee.

I would like to say also that the gentleman from Ohio (Mr. REGULA) practices his conservation not only as a legislator, but personally. I happen to know of the great interest he has in reforestation and of the trees he has planted on his own property. Some wise sage has said, "He who plants a tree has great hope for the future." The gentleman from Ohio has demonstrated his hope many times over.

Mr. Chairman, I find myself in an uncomfortable position as a member of this subcommittee. I added my additional views to illustrate that point. In my previous service, I have been one who has wanted to cut, to hold down the appropriations, to balance the income of the Nation, but in this committee I find myself in a different position because this committee is on the cutting edge of the great natural resources programs of this country.

What money we spend in this bill is not an expenditure for current outgo for pencils and paper or wages and salaries—although there is that in it—but what we are trying to do here is to make the capital investments that are necessary in order to carry out the public policies that this Congress lays down in many and many a bill, and unless this committee does its job, then we will not have the reforestation of our cut over acres, the rehabilitation of our range lands, our water resources, the enhancement of our wildlife, the establishment of great recreational areas. These philosophical expressions must be turned—by this subcommittee—into new young growing trees, productive grass lands, clear and abundant water, and accessible, usable recreational areas.

Mr. Chairman, I hope the next step that we take in the development of our budget process, is to set up a capital investment budget so that we will be able to distinguish and spread out over a number of years the capital investments that we must make, rather than trying to charge them off as normal operating expenses each year.

It has been said that this is a bill for all America, and this is true. It contains funds for the Indians, energy, arts, humanities, parks, wildlife, the territories, as well as the range lands and the national forests. It touches all parts of the Nation, not just the West. For example, in the field of forestry, a particular interest of mine, I have learned that some 60 percent of the timberlands of this country lie east of the Mississippi River, and some 60 percent of the timber lies in small holdings of a few acres. While it is true that much of the logging products come from the national forests and the great industrial forests of the area I come from, much of the great potential for expanding our supply of logs and timber and fiber lies in these other areas.

Mr. Chairman, like some of my colleagues, I find myself dissatisfied with the amount of money we spend on insect control and noxious weed control. Certainly Oregon has a very great interest in these matters because we, too, are infested with these—we hope soon to be—endangered species. There is not enough money in here for the Indians, for recreation, for reforestation, for road construction, for surveys, for land acquisition. This budget finances a timber harvest on the national forests 1.7 billion board feet less than last year and last year's projected harvest was well below the sustained yield allowable cut. There is also a reduction in the projected timber harvest on the lands managed by the BLM. Today the country debates an energy shortage. Already we face a timber and lumber shortage which threatens high prices and inflation as the housing industry begins to recover. The time to meet these problems is now. The time to renew our renewable resources is now.

But with the huge deficit we are facing, I must say that my disappointment is tempered with pleasure at the extent to which this committee has recognized its responsibility.

I would like to point out two specific items which I think are very important. The gentleman from Pennsylvania (Mr. McDADE) has already referred to the work former Congressman Wyatt did in the field of reforestation with the cooperation of the gentlewoman from Washington (Mrs. HANSEN) and paid tribute to our colleague, Wendell Wyatt, who, while he was here, distinguished himself by his knowledge and integrity and industry in this and many other fields.

He and Mrs. Hansen got started a great program for reforesting the denuded acres of this country. This budget does keep that program on schedule.

We have also initiated a range rehabilitation program, a program that can double the number of animal units that our public grazing lands can sustain and still leave forage for an increased supply of our wildlife. The livestock convert forage, unpalatable to humans, into nourishing protein, releasing our arable lands for the production of grains that can be used for human consumption.

This is a great bill. It is a start. I am confident that this committee can continue to fulfill its responsibilities.

Mr. McKAY. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN of Oregon. I yield to the gentleman.

Mr. McKAY. I thank the gentleman for yielding. Would the gentleman also concur that when we put range management moneys in, that we are not just talking about AUM, but the whole environment is improved, otherwise there is no AUM?

Mr. DUNCAN of Oregon. Exactly.

Mr. McKAY. If the gentleman will yield further, we get more water development, resources to save the erosion, to make better habitat for the wildlife, and so the total purpose is far beyond the AUM.

Mr. DUNCAN of Oregon. There is no question about it. The gentleman from Utah has been in the forefront of this fight.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. YATES. Mr. Chairman, I yield the gentleman from Oregon (Mr. DUNCAN) 1 additional minute.

Mr. DUNCAN of Oregon. I would like

to say that all too often the work that needs to be done in this area has been held back by an unseemly dispute between the industrial users of our public lands, both the range and forest, and the groups who are familiarly called environmental or recreational groups. I was pleased that, this year, these two groups were able to join together and make recommendations for improvements and for increases in this budget. The fact of the matter is that each of their interests can only be sustained by the support of both of those groups. The fact is that each of them have a common interest in seeing that these improvements are made in our national resources agencies. The days when the industrial users could dismiss the environmental groups are long since gone. Environmental groups and industrial users both have an interest in the development and the policies of these natural resource agencies. Each must be heard. Each will be heard. The cooperation that we see developing I think augurs well for the future.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. Meeds).

Mr. MEEDS. I thank the gentleman for yielding.

Mr. Chairman, I just want to take this time to express my appreciation and commendation to the chairman of the subcommittee, the gentleman from Illinois (Mr. Yates), and all of the members of the Subcommittee on Interior Appropriations.

Mr. Chairman, I am just amazed at the way the gentleman from Illinois took over this committee after the very fine work of my friend and colleague from Washington, Mrs. Hansen, how he took over and grasped the issues of forestry, of minerals, of water, of Indian affairs, and other matters that that subcommittee handles, and I personally want to acquaint this House with that fine work. I also want to tell this House that I have worked closely with him on the subcommittee, particularly on Indian affairs, and I find his knowledge in his field and his sensitivity to the needs of the Indian people has been beyond the expectation of anyone. I think he deserves the highest commendation from the House.

Mr. McDADE. Mr. Chairman, I yield 4 minutes to the able gentleman from Massachusetts (Mr. Conte).

Mr. CONTE. Mr. Chairman, fellow Members: Restoration of the Atlantic salmon to its original habitat in the Northeastern rivers was initiated by me several years ago, and to date several millions of dollars has been invested in the effort. We were really thrilled just several weeks ago, when, in a fish bucket, in Holyoke, going over one of the power dams, a 22-inch salmon was caught in the bucket.

And now we have that salmon in captivity in a hatchery in my district, and we are studying it. This is a great sign that the Connecticut River is being cleaned up and will one day be restored and become one of the great salmon rivers in this country, as it was in the early times of our Nation.

Critically necessary for the continuation of the Atlantic salmon restoration program is continued and increased funding of the National Fish Hatchery at Bethel, Vt. The committee recommends $500,000 for this project. There was no funding request in the fiscal year 1976 budget.

Mr. Chairman, I want to commend the committee, and I want to commend the chairman of the subcommittee, the gentleman from Illinois (Sid Yates). I, too, want to join with all my colleagues in commending him for the way he has operated and for the way he has led that committee as the new chairman of the Subcommittee on Interior. He is certainly a credit to the Congress and he is a credit to the Committee on Appropriations.

However, this level of funding is almost, to me, somewhat ineffective, and I want to discuss this on the floor. The program is entering its second phase of development, and it needs $2.23 million for completion.

I also want to take this opportunity to commend the former chairman of the subcommittee, Julia Hansen, who has cooperated fully with me on this, on this project and I want to commend as well the ranking Republican member the, gentleman from Pennsylvania (Joe McDade).

I have spoken of this hatchery many, many times. This hatchery is not in my district; it is in Vermont. People wonder why I take such an interest in it. If we are ever going to have the salmon back in New England, the hatchery at Bethel, Vt., will be one of the keys.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, may I say to the Members of the House that the gentleman in the well is one of the outstanding outdoorsmen in the House. He is a very distinguished fisherman; he is a fine hunter.

The gentleman has been one of the leaders of the House in making sure that those who enjoy outdoor life in America are given every opportunity to do so. I want to commend the gentleman for his great efforts in this field.

I want to say in passing, too, that even though he has this enormous interest in outdoor activities, that has not deterred the gentleman from continuing to be very active on the appropriation bills that come before the House.

Mr. CONTE. Mr. Chairman, I thank the gentleman from Illinois for his very kind remarks.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Chairman, just for a point of information, will the chairman of the subcommittee inform the Members how one can be an outdoorsman in the House?

Mr. CONTE. Mr. Chairman, the one-half million dollars recommended in the bill, I am afraid, will not cover the $700,000 cost for the rearing pools and the pool covers. I would like to pose a very modest increase of $730,000. I am going to withhold that amendment today.

This increased level will cover the cost of the rearing pools and the pool covers, as well as $30,000 for equipment requirements. This will result in a $230,000 increase above the committee recommendation.

According to the U.S. Fish and Wildlife Service, a minimum of $700,000 is needed to construct the necessary rearing pools and covers. Funding at this level, plus $30,000 for equipment, will enable a significant portion of the second phase of the project to be accomplished.

We must realize that our citizens in the Northeast have the most limited recreation opportunities of any area in the Nation; yet we are one of the most populous regions. It is programs such as restoring the salmon to its natural waters that can greatly enhance the quality of the outdoor experience available to the residents of our crowded cities and suburban areas.

Let us keep in mind that this is not a new request. About $2.25 million has been appropriated for this project.

So I would like to ask the chairman of the subcommittee this: If the Department of the Interior goes to the Senate and says that they need the $730,000, if they put that request in and say they feel it is needed to complete this phase of the project this year, will the gentleman give that some consideration?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I will say to the gentleman that the committee is very sympathetic with the purposes of this project, and certainly if the other body provides additional funds in the bill for the project, the committee will consider that very sympathetically.

Mr. CONTE. Mr. Chairman, I appreciate that.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, the gentleman from Massachusetts, as long as I have been a member of the subcommittee, has been aggressively pursuing the construction of this facility. When this bill was on the floor last year, I said that when the project is finished, they ought to name it in honor of the gentleman from Massachusetts.

I say that most sincerely. The gentleman from Massachusetts (Mr. Conte) has done a great job with it. We are most sympathetic to his request; and we will, of course, look to what the other body does with great interest.

Mr. CONTE. Mr. Chairman, I thank the gentleman very much.

Mr. MOORHEAD of Pennsylvania. Mr. Chairman, I rise in support of the language in title I of the Interior appropriations bill, which would prohibit the Secretary of the Interior from transferring sole administrative jurisdiction over the Kofa Game Range, the Charles M. Russell National Wildlife Refuge, and the Charles Sheldon Antelope Range to the Bureau of Land Management.

As you know, Mr. Chairman, the Secretary of the Interior's decision to transfer the three game ranges from joint Fish and Wildlife Service-BLM management to sole jurisdiction of the BLM is a highly controversial one which has raised serious questions about future management of these wildlife resources. Because of the controversial nature of this decision, the Conservation, Energy, and Natural Resources Subcommittee, of which I am chairman, initiated a staff investigation of the game range transfer to determine the basis for the decision, if any, and the ramifications for future wildlife management. This investigation has been concluded, and the findings of the investigation indicate conclusively that the decision to transfer the three ranges to BLM is not in the public interest and cannot be justified as a measure designed to improve wildlife management in the affected areas.

In general terms, the report accompanying the Interior appropriations bill accurately summarizes the problem I have with the game range decision. As the report indicates—

> This decision was taken without public input, without proper notification of the subcommittee, without adequate study by the Department, without preparation of an environmental impact statement, and without proper consideration of its impact on the national wildlife refuge system.

The findings of the investigation by the subcommittee staff can be summarized as follows:

The game range decision sets a bad precedent for future decisions on public land management;

BLM management of the game ranges cannot be expected to improve the condition of the game ranges and could prove detrimental;

Joint administration of the game ranges, while creating certain management problems, nevertheless kept a balance under the fund are situated in our resource exploitation;

The personnel ceiling imposed on the Fish and Wildlife Service presently prevents that agency from accepting sole jurisdiction over all three game ranges in question;

Neither an environmental assessment or an environmental impact statement was prepared on the transfer of these three game ranges despite the controversial nature of the decision;

The transfer of the Kofa range is the most objectionable of the game range decisions from a Government operations standpoint; and

There would be a substantial difference in the amount charged for grazing per animal unit month on the game ranges under BLM jurisdiction compared to Fish and Wildlife jurisdiction.

I include the subcommittee staff report in full at this point in the Record:

SUMMARY OF FINDINGS OF AN INVESTIGATION BY THE STAFF OF THE CONSERVATION, ENERGY, AND NATURAL RESOURCES SUBCOMMITTEE CONCERNING THE SECRETARY OF THE INTERIOR'S DECISION TO TRANSFER THREE GAME RANGES TO THE BUREAU OF LAND MANAGEMENT

The following are the conclusions of the staff investigation into the controversial decision by the Secretary of the Interior to transfer the Kofa Game Range in Arizona, the Charles M. Russell game range in Montana, and the Charles Sheldon Antelope Range in Nevada from joint Bureau of Land Management/Fish and Wildlife Service jurisdiction to sole jurisdiction of the Bureau of Land Management.

1. The game range decision sets a precedent for the transfer of other wildlife refuge lands being administered by the Fish and Wildlife Service to Bureau of Land Management jurisdiction without public input, adequate congressional notice, or an environmental impact assessment. Such a precedent left unchallenged could open the door to additional administrative decisions affecting the Wildlife Refuge System, which could compromise the integrity of the Refuge System to the detriment of the wildlife resources it was designed to protect.

2. BLM management cannot be expected to improve the condition of the game ranges and could prove detrimental. Two recent reports by the BLM have demonstrated that BLM's management of the rangeland has been inadequate. One report, entitled "Range Condition Report", dated January 1975, indicates that only 17 percent of the rangeland administered by BLM is in satisfactory or better condition while 83 percent is classified as being in fair to poor condition. Another BLM report, entitled "Effects of Livestock Grazing on Wildlife, Watershed, Recreation, and other Resource Values in Nevada" relates a sad story of mismanagement of the public land in Nevada The report states flatly that "with existing manpower it is not possible [for BLM] to provide adequate livestock grazing supervision on the National Resource lands in Nevada."

3. While joint administration of the game ranges created certain internal problems within the Department, it nevertheless provided for a single system of management which assured the maintenance of a balance between wildlife management and resource exploitation, e.g., grazing, mining, and recreation. Simply stated, the management relationship between the two agencies was such that the Fish and Wildlife Service was responsible for protection and management of the wildlife resources and their habitat while the BLM supervised grazing, mining, and other developmental activities. The decision to transfer three of the four game ranges in controversy to the sole jurisdiction of the BLM upsets this balance in favor of grazing and mining and creates a two-headed game range system, which is contrary to effective, sound management.

4. The personnel ceiling imposed on the Fish and Wildlife Service prevents that agency from accepting sole jurisdiction over all three game ranges in question. In the event the Congress should determine that the Fish and Wildlife Service is the proper agency to solely administer the game ranges, then additional funding will be necessary in order for the FWS to hire enough management personnel to accommodate the increased management responsibility that would result.

5. Neither an environmental assessment or an environmental impact statement was prepared on the game range transfer decision despite the fact that the Secretary was informed by the Assistant Secretary for Fish, Wildlife and Parks that an environmental impact statement would be necessary. In fact, the Fish and Wildlife Service has prepared an impact statement on the transfer of sole jurisdiction of the Cabeza Prieta Game Range, which has not been released by the Department, to it. Pending litigation (*Wilderness Society* v. *Hathaway*) will decide whether the Interior Department must prepare an impact statement on the transfer of the three ranges.

6. The Kofa Game Range transfer is the most objectionable of the game range decisions from a government operations standpoint, and the reasons for the decision are undocumented and unconvincing. A review of all of the internal documents related to the game range transfer, as well as conversations with key Department of the Interior officials involved in the decision, has established the fact that the decision by Secretary Morton to transfer the Kofa Game Range to the BLM cannot be supported. This decision was reached despite a previous agreement between BLM and FWS officials that the wildlife values of the Kofa range necessitated that it be placed under sole jurisdiction of the U.S. Fish and Wildlife Service. An in-house study conducted by Fish and Wildlife Service officials had confirmed the relatively high wildlife values of the Kofa compared to the other game ranges. Only one Department of the Interior document, dated July 19, 1974, recommends transfer of the Kofa Game Range to the BLM. This is the so-called "Fallini Report" which summarized comments made at public hearings held in Yuma and Phoenix, Arizona, in April, 1974, by the Department of the Interior. The purpose of the hearings was to obtain public reaction to the proposed abandonment of joint management of the Kofa Range by transferring sole jurisdiction over Kofa to the Fish and Wildlife Service. The report, written by the Arizona BLM director, argues that, on the basis of negative comments made at these hearings concerning Fish and Wildlife Service administration of Kofa, the range be transferred to sole BLM jurisdiction. There is no documentation whatsoever which indicates that any high-level official in the BLM or the Fish and Wildlife Service or at the Assistant Secretary or Under Secretary levels recommended to the Secretary of the Interior that he transfer the Kofa range to the BLM. The Assistant Secretary for Fish, Wildlife and Parks, expressed reservation and warned Secretary Morton of the adverse public reaction that would result from his decision (which has in fact occurred), and advised him of the "obvious need" for preparation of an environmental impact statement.

7. While the Department of the Interior contends that the transfer of the Kofa Game Range to the BLM will not affect the management of that range, there would be a substantial difference in the amount charged for grazing per animal unit month under sole BLM jurisdiction compared to sole Fish and Wildlife Service jurisdiction. In the past, grazing on the Kofa Game Range has been regulated by BLM under the Taylor Grazing Act. Grazing permittees on the Kofa are charged $1.00 per animal unit month (AUM), which is only 51% of the fair market value and which is approximately the rate charged by BLM on all of the public lands that it administers. However, the Fish and Wildlife Service has separate authority to regulate grazing on public lands; and the price set per AUM for grazing under its regulations is generally competitive with fees paid for grazing rights on comparable adjacent privately-owned lands. Grazing fees on the Fish and Wildlife Service lands generally range from roughly $2.50 to $6.00 per AUM. Clearly, BLM jurisdiction over the Kofa Range would result in a continuation of the present schedule for grazing permittees on that range, which would mean that less revenues would be available for range improvement than would be the case if the Fish and Wildlife Service were given sole management responsibility.

It is our conclusion that the Department of the Interior has not provided the staff with any documentation concerning the game range transfer decision which demonstrates that this decision was based on a desire to improve the management of wildlife resources on the ranges. In fact, no documentation exists to support a conclusion that the transfer of the ranges to the Bureau of Land Management would in any way result in improved management of the three ranges.

Mr. ALEXANDER. Mr. Chairman, the bill now before us appropriates funds for probably the widest variety of activities of any funding bill we consider. It contains moneys for support of performing and nonperforming arts; energy research; mining; land, water, fish and wildlife resource management, and Indian programs.

All of these programs are important to the Nation. Many of them are directed at protecting our national heritage as represented by our national parks, forests, fish and wildlife refuges, scenic rivers, wilderness areas, and endangered species protection programs.

Unfortunately, in the past, disproportionate emphasis has been put on activities in our great Western States. I recognize the value of the unique ecological systems and geological formations in the American West. I support efforts to protect these and to keep their wonders and beauties available for public enjoyment now and in the future.

At the same time, there are many beauties and wonders in other regions of our Nation that deserve and need conservation and enhancement. There are millions of citizens who can benefit from national parks, recreation areas, wildlife refuges and forests nearer their homes who may never visit the Grand Canyon or Yosemite or Yellowstone.

I am encouraged to find in the section of the committee's report dealing with the use of the land and water conservation fund that a goodly number of the recently authorized areas under the jurisdiction of the National Park Service intended to benefit from the fund are located in regions outside our Western States. It is my hope that this means the distribution of funds for Department of the Interior programs will be more fairly distributed.

Nevertheless, 30 of the 62 projects, or 48.3 percent, intended to receive assistance under the fund are situated in our Western States, according to the chart on pages 17–20 of the committee's report on this bill.

During the consideration of regular appropriations bills in the past, I have discussed the manner in which funds of various departments and independent agencies have been distributed between metropolitan and nonmetropolitan areas. I am pleased to be able to say that, as would be expected from the programs which DOI is charged to operate, a majority of the Department's past spending has been done in nonmetropolitan areas.

Of the $1.08 billion spent by DOI in fiscal year 1972 on programs influencing development, 63.6 percent went into nonmetropolitan areas. But, this percentage dropped in fiscal year 1973 by more than 10 percent. The data for fiscal years 1974 and 1975 are not yet available to me. While I recognize the need for some DOI activity in metropolitan areas, I would hope that the change in spending patterns seen between 1972 and 1973 is not the beginning of a detrimental alteration in DOI operations that will carry as its price tag the deterioration of national parks, recreation areas, fish and wildlife refuges, scenic rivers, forests, and wilderness areas in our nonmetropolitan regions.

Mr. SEIBERLING. Mr. Chairman, I rise in support of H.R. 8773, the 1976 appropriations bill for the Department of Interior and related agencies. It is particularly heartening that the Interior Appropriations Subcommittee, in its first year under the chairmanship of our distinguished colleague from Illinois (Mr. YATES) has had the wisdom and foresight to promote increased funding for many vitally needed programs. The members of the subcommittee are to be commended for coming to grips with some of the most pressing problems facing our Nation's natural resources.

Each year the Department of the Interior, unlike most Federal departments, returns millions of dollars to the Federal Treasury from the use of our public lands and other natural resources. As these revenues are increased each year, it is fitting that more funds be spent in protecting and enhancing the lands and resources from which they are derived.

As a member of the Interior and Insular Affairs Committee and its Parks and Recreation Subcommittee, I am particularly pleased with the parts of the appropriation bill dealing with our national parks. For too long, the national park system has been at the bottom of the totem pole in the administration's priorities. Today our parks are suffering from a shortage of funds and personnel so severe that the future of the system may well be in doubt. Campgrounds and picnic areas have been closed, visitor services cut back and maintenance reduced in many parks. NPS has over 5,000 historic structures in its care—indeed, over half of the parks are historical in nature—and many of them are in a serious state of deterioration.

In recent years Congress has added to the system a number of urban parks, such as the Golden Gate, Gateway, and Cuyahoga Valley National Recreation Areas in San Francisco, New York, and Akron-Cleveland, and the Indiana Dunes National Lakeshore near Chicago and Gary. These four parks alone have the potential of serving almost 25 percent of our Nation's population in areas where the need for outdoor recreation opportunities is most acute. But these parks will not fulfill their potential without adequate funding.

Despite the extreme problems facing our national parks, the administration's budget request for 1976 proposed a mere 1 percent increase for the National Park Service, with a $36 million cut in planning and construction from last year, a reduction of almost 100 permanent employees from 1974—about 1,400 fewer than Congress has authorized—and a $4.4 million decrease in grants for historic preservation. No funds were requested for the initial operations of the 12 new areas added in 1974, which would have meant no staffing, no new facilities for public use and only minimal custodial care.

Yet while the administration is proposing cuts in park spending—and I submit that a 1-percent increase in the face of current inflation is a reduction and not an increase—visitation to parks continues to grow at a fantastic rate. Since 1960, the park system has acquired almost 100 new areas and visitation has more than tripled. This year the National Park Service expects that total visitation will reach a record figure of 227 million, up almost 10 million from 1974. That's more than the total population of the United States and, of course reflects millions of multiple visits by the same people. But even if every person in the United States did visit a national park this year, the cost per visit would be only slightly more than $1.

While I am hopeful that far more funds will be available in the future, I believe that the gentleman from Illinois and his subcommittee have done an excellent job in directing our park dollars to be spent where they are most needed. I am especially pleased at the subcommittee's emphasis on parks in our urban areas and on fulfilling the desire of Congress to put more parks where the people are. The increased staffing and development funds for Gateway and Indiana Dunes, land acquisition funds for Golden Gate and Cuyahoga Valley, initial staffing for the Boston National Historical Park and development work for Ellis Island in New York—all of these will do a great deal to protect and enhance these parks for the millions of people who will use them.

At the same time, the subcommittee has not neglected our Nation's traditional parks and has given the National Park Service most of what the administration requested and in some cases more. Unfortunately, the administration has not requested enough to do the job well, and I am hopeful that a more realistic request will be forthcoming in the next fiscal year.

In the meantime, the subcommittee is taking a much needed step in investigating the personnel ceilings which have been arbitrarily imposed by the Office of Management and Budget, to see whether they are imposing an unreasonable restraint on agency operations. Without adequate staff, the Park Service cannot do what Congress has willed it to do, and the park system will face even more serious problems in the future.

All of the Members have a stake in a well-managed, well-maintained national park system. Over one-third of us have at least one or more national park areas in our districts. Most of us have a substantial portion of our constituents who visit national park areas each year. With increased leisure time, longer vacations and earlier retirement, visitation to national parks will continue to grow dramatically, placing even greater pressures on our parks. We must take steps now to preserve these great natural and historical treasures or they may be lost forever. And once lost, they will never be redeemed at any price.

Mr. RONCALIO. Mr. Chairman, in earlier remarks today, and in my testimony earlier this year before the Subcommittee on Interior Appropriations I raised the question of the need for funds to deal with noxious weed control on lands adjacent to national forests, which is a major problem in many parts of Wyoming.

Although there is no lone item indicated in either the Forest Service or BLM appropriations for assistance to agricultural landowners or local weed control districts to combat the spread of weeds from the national forests to private lands, I see that the committee has added $967,000 for the Forest Service and $6 million for the BLM to "initiate a comprehensive rangeland improvement program."

I am pleased my good friend and the distinguished chairman of the subcommittee has assured me earlier in debate today that it is hoped some of this additional money will be used to control the weed problem in the areas adjacent to the national forests, and to support local efforts to do so. Mr. YATES has thus assured us in Wyoming that noxious weed control is a very real part of proper comprehensive rangeland improvement programs.

Mr. EDWARDS of California. Mr. Chairman, in its report to accompany the appropriations bill for Interior and related agencies, the Appropriations Committee has identified an issue of nationwide concern. It is the question of who should administer the National Wildlife Refuge System.

The Department of the Interior earlier this year proposed to transfer three major wildlife ranges to an energy agency—the Bureau of Land Management—and to oust the U.S. Fish and Wildlife Service from the areas. If this transfer is implemented, it could be the first step toward the dissolution of a great, national conservation program. The National Wildlife Refuge System, of which these ranges are a part, was built through the efforts of many millions of citizens, over a span of almost 75 years. Duck hunters, fishermen, bird watchers, citizens from every walk of life have supported the system through the years. I believe the public has a right to expect management of the system by an effective wildlife agency.

The Bureau of Land Management is not a wildlife agency. Only 1 percent of its budget is devoted to wildlife programs. According to the BLM budget for fiscal 1976, 59 percent of BLM's activities are in energy programs, such as offshore oil, coal leasing, geothermal leasing, and oil shale.

Even its wildlife programs leave something to be desired. BLM's current wildlife habitat condition data show that, as of 1974, 55 percent of the big game habitat managed by BLM was in unsatisfactory condition, and the rest was going downhill. The Chief of BLM's Division of Wildlife predicted that, at the present rate of deterioration, all BLM big game habitat would be unsatisfactory by 1990. Similar trends were reported for small game habitat and streams. I include at the close of my remarks a BLM memorandum on this subject, giving further details.

The Kofa Game Range, Charles Sheldon Antelope Range, and C. M. Russell National Wildlife Range are held in trust for the American people, not simply for those who live in Arizona, Nevada, or Montana. The well-being of the wildlife populations they sustain concerns citizens all across the Nation.

My State of California includes a number of wildlife refuges, including the San Francisco Bay National Wildlife Refuge in my district. I believe we can ill afford to begin turning over refuges to agencies such as BLM. If we start on that path, all the refuges will be in trouble because of the conflicting energy and exploitation programs BLM administers.

The Appropriations Committee has recognized this problem and has directed the Interior Department not to transfer the Kofa, Sheldon, and Russell Wildlife Ranges unless legislation is enacted to permit such a transfer.

The House is soon to take up H.R. 5512, which has been reported favorably by the Committee on Merchant Marine and Fisheries, and of which I have the pleasure to be a cosponsor. The bill requires that all units of the National Wildlife Refuge System be administered by the U.S. Fish and Wildlife Service. The only exceptions would be areas now jointly administered by the Service and any other agency; these could continue in joint status. Since BLM has been in a joint management role with the Fish and Wildlife Service in Kofa, Sheldon, and Russell, this status could continue there.

The important point of H.R. 5512 is that the wildlife agency cannot be kicked out of any unit of the National Wildlife Refuge System.

I include at this point a memorandum signed by John E. Crawford, Chief of the Division of Wildlife at BLM, and an editorial from the Scottsdale Daily Progress, entitled, "Save Kofa Range."

[Memorandum]

MARCH 31, 1975.

To: Assistant Director, Resources (300).
From: Chief, Division of Wildlife (360).
Subject: Urgency of FY 1976 Sikes Act Package.

New data provided by the 1974 Wildlife Annual Reports, which were recently submitted by each State Director, show an accelerating trend in the deterioration of wildlife habitat.

Table 1, page 6, of the FY 1976 Sikes Act Package has been revised to reflect this new information (Enclosure 1). In addition, data from Wildlife Annual Reports back to 1968 have been plotted (Enclosure 2). The curves shown are typical of an accelerating process.

The Wildlife Program must move ahead to reverse these trends before it is too late!

JOHN E. CRAWFORD.

[From the Scottsdale (Ariz.) Daily Progress, Apr. 7, 1975]

SAVE KOFA RANGE

In 1939 President Franklin D. Roosevelt established five game ranges in the West. One was the 660,000 acre Kofa Game Range in southwestern Arizona. The goal was to protect America's vanishing wildlife.

The Kofa provides a livable habitat for big horn sheep, peregrine falcons, ringtailed cats and mule deer among other species. It also provides a wonderful escape from urban life for campers and students of nature.

This winter Interior Secretary Rogers Morton decided to give total control of three of the game ranges to the Bureau of Land Management. His action sent a shiver through the ranks of conservationists.

Over the years the bureau has won a reputation as the advocate of big grazing and mining interests. It has shown little concern for ecology or protecting endangered species of animals.

Last year, according to its own report, 83 per cent of BLM administered land was in "fair, poor or bad condition." This hardly bodes well for the preservation of desert wildlife.

Is there an alternative? Certainly. Continue management by the Fish and Wildlife Service. It may not be a perfect, but it has worked.

Nationally the Wilderness Society is leading the fight to protect the three game ranges. In Arizona representatives of 26 civic and conservation groups have joined together to oppose the secretary's decision.

This is one of the most important environmental fights in recent years. For if Morton's decision is allowed to stand, it will be a major change in federal policy, and it will have a negative impact on wilderness preservation throughout the country.

TABLE 1.—TRENDS IN WILDLIFE HABITAT CONDITION ON NRL (EXCLUDING ALASKA)

Habitat	Unsatisfactory condition (percent) 1968	Unsatisfactory condition (percent) 1974	Percent decline per year	Date all will be unsatisfactory [1]
Big game	38.5	55.4	2.8	1990
Small game	25.1	56.1	5.2	1983
Streams	32.4	51.5	3.2	1989

[1] Assuming no increase in present rate of deterioration.

Mr. BINGHAM. Mr. Chairman, we in Congress have grown so used to casually appropriating sums in the tens and hundreds of millions of dollars, that an item which costs a mere $1.5 million might easily escape notice. The Interior Subcommittee's decision to appropriate $1.5 million for public visitation of Ellis Island, however, will be regarded as highly significant by millions of Americans—not simply those who are themselves immigrants, or the descendants of immigrants, but by all who have a deep feeling for our Nation's historical roots.

For taking a major step toward opening Ellis Island to the public, Chairman YATES and his subcommittee merit our thanks.

From the people of New York City, Chairman YATES and his subcommittee deserve a special thanks; not only for their decision on Ellis Island, but also for including among the Interior appropriations additional funds for the operation and development of Gateway National Park. Eight million people are expected to visit Gateway this summer; without the subcommittee's extra attention, this most frequently visited of all our national parks might have been unable to cope with its numerous visitors.

To mark the passage by the House of this year's Interior appropriations bill, I should like to here introduce an article based upon a recent trip to Ellis Island. The author is David Rosen, my legislative assistant, who visited the island a week after Chairman YATES himself did—as a reading makes clear, the article was written before the subcommittee's decision on Ellis Island was made:

Visiting Ellis Island

You can get a close look at Ellis Island, on any clear day, from the Statue of Liberty: the grand red mass of the Main Building, trimmed all about with light green copper, and set in a thick jungle of vegetation, is one of the most striking sights in the Harbor. You can look, too, at a detailed model of Ellis Island in the American Museum of Immigration, which is housed in the base of the Statue. The model proclaims that the Island, America's reception station for the 16 million immigrants who arrived here after 1892, will soon be restored as part of the Statue of Liberty National Monument.

It almost certainly will not.

Nor can you now find your way to Ellis Island to see what has become of it since the Immigration and Naturalization Service abandoned its structures to the elements twenty-one years ago. Unless funds are appropriated for the purpose, the National Park Service, operating under what amounts to an austerity budget, can take only government officials and press to the Island.

If you do fit into one of these categories, however—or if Congress decides to make available the necessary cash—you may arrange an Island tour; one that could fairly be advertised as both a time trip and a survey of dank wreckage, an emotional journey past the familiar green lady with the uplifted arm, and into the root of our history.

On the ferry to Liberty Island, I asked Park Service Superintendent Bill Hendrickson what kind of shape the Ellis Island buildings are now in. He asked, in turn, if I had seen Part II of the Godfather. Coppola had wanted to film the Ellis Island hospital scene on the Island, he said; and, in fact, the Park Service did cooperate with Paramount to keep modern visitors out of sight while footage of the Statue of Liberty was shot.

But the film-maker, upon seeing Ellis Island, decided to build the young Vito a hospital room elsewhere, rather than tackle the task on Ellis. This despite the financial advantages that Paramount has over the stripped Park Service.

"You'll see why when we get there," said Hendrickson.

On the Park Service boat from Liberty Island to Ellis, we discussed the recent proposals to establish "limited visitation" by the public to Ellis Island. The Park Service has estimated that such a program, which would not involve any restoration efforts, would cost $1.5 million during its first year; and the idea has been pushed hard as a bicentenial project by WCBS and a number of New York area Congressmen. Reacting to this interest, Hendrickson tells me, a delegation of Congressmen led by Sidney Yates of Illinois—the Chairman of the House Subcommittee on Interior Appropriations, who will ultimately have the most say about whether the required funds are appropriated—had recently toured the Island.

I asked if the delegation had come by helicopter, or on the same aging boat we were travelling on.

"I insisted they come by boat," said Hendrickson. "I wanted them to see the Island the way the immigrants did." We were approaching the ferry slip; to either side of us, the Island's seawall showed prominent gaps and breaks.

"That, yes," he said, after a pause, "but also I wanted them to get a taste of what it is to deal with this day by day. That you don't just swoop down and say, things should be better, and how the hell did the Service let them get to this pass anyway."

The boat tied up in the slip beside an entrance to the Main Building. A box was produced on deck, from which we each took a yellow hardhat and a flashlight. Then we leaped up to the pavement, and pushed toward the Main Building through the tangle of greenery that, since 1954, has sprung up to occupy every foot of open space on the Island.

In the sunlight of a perfect day in late May, the thick and wild growth lent the place an almost tropical quality.

Entering the building, the sensation is more that of speelunking than of museum hopping. The air is cool and moist. Huge piles of fallen plaster, recalling stalagmites more than immigrant history, emphasize the need to keep your hardhat on. Turning on the flashlight reveals little but exposed pipes in the entry room.

We enter the central hall of the Main Building after climbing a dark stair-case. Several hundred yards from lower Manhattan, the only audible sounds have been that of my coughing—brought on by an overdose of plaster dust—and our conversation.

The sight of the central hall stills even these sounds.

The hall is a total contrast with the passage that preceded it: a huge room, light and airy, it is distinguished for the beauty of its vaulted, terra cotta ceiling, as well as for its unmatched historical associations. It was in this room that up to one million immigrants per year were inspected—for basic health and "morality" (sexual, primarily, though the morals of left-wing immigrants were also open to question), and later for literacy—before being admitted to the U.S.

The instant impression of the hall's immensity is augmented by its nearly total emptiness. Where once fifteen chaotic lines of new arrivals occupied every foot of space, today there stands nothing but five or six old benches. The rest of the room, though bare, is remarkably clean—a development due in large measure to voluntary efforts by the Monument's staff, particularly Manager Luis Garcia.

Every physical detail of the hall tempts the imagination. Just where did they enter? How and where did lines form? How long did it take? Which end of the hall was it that was decorated by the gigantic American flag that so prominently presides over every photograph of the great hall?

Bill Hendrickson has definite answers to a few of my questions: the inspection process, for example, could take as little as 48 minutes—through how this precise figure was hit upon, I am unable to ascertain. (For more obvious reasons, there is no equivalent figure for the maximum time that one might have to wait on line). On some other questions, the answers are guesses, speculation: they must have entered here, probably left there and proceeded directly to the ferry slip, or the station we will see where they sold railroad tickets. . . . Still other questions elicit nothing—why that odd line of bars near the door to the east: questions too trivial to require answers, subjects for the nostalgic imagination to seize and dwell upon in private, unbothered either by their triviality or by the lack of definite answers.

Mr. Hendrickson interrupts my reveries and speculation. The tour must be brief. Last week, he says, the visiting Congressmen all indulged their curiosity to the utmost, wandering all over the place to ask what was this, and that, so that it seemed there would be no end to it.

I am content to move on from the hall, preserving, in my imagination, as many objects as possible for later thought.

The subject of Ellis Island has arisen a number of times since 1965, when President Johnson proclaimed it part of Statue of Liberty National Monument. Immediately after that Proclamation, a bill was introduced by New York's Congressman Jonathan Bingham to authorize the expenditure of $6 million for the restoration of Ellis Island. Utterly uncontroversial, the bill passed through without a splash.

Of the $6 million, only about $500,000 has actually been appropriated and spent—and that on repairs to the roof above the central hall of the Main Building, repairs which have made its currently presentable state possible.

Aside from that bit of roof maintenance, the money already authorized has never been appropriated. This, however, has not deterred planners from imagining how hypothetically vast funds might be used; elaborately drawn up plans have carried price tags that range beyond $60 million, and the ranks of planners have included such distinguished names as Philip Johnson (whose proposals prominently feature huge tablets, inscribed with the names of all the immigrants who entered the Nation via Ellis Island). Beyond plans for physical restoration, proposals have also included plans to use the Island for ethnic fairs and celebrations.

That Congress has never appropriated the money to realize these visions should not be seen as evidence of indifference to America's immigrant heritage—a suggestion which has been made by certain supporters of restoration efforts. Rather, the matter must be viewed within the context of a federal budget that literally starves the National Park Service—against whose budget Ellis Island expenditures would inevitably be counted. It is a peculiar situation: a Service which is automatically cited by so many as evidence of the fact that a federal bureaucracy can "work," providing to people benefits that are utterly tangible, is the Service where the budget masters of OMB have decided to save the citizens' money. The Park Service has been allotted only 1% more for Fiscal Year 1976 ($346.8 million) than it was given during FY 1975—an effective cut, of about 9.4%, in its budget.

The effect of this is that all Park Service activity has been curtailed. Land acquisition for Parks already authorized by Congress—the current backlog is $572.6 million—has become virtually impossible. Even more importantly, the Park Service has been ordered to prune its permanent positions from a Congressionally authorized 8,491, to 7,118. This despite the fact that over the past three years, national park visitation has leaped from 186 million to 236 million visits per year, an increase of 27%.

The budget squeeze has a very real impact on the New York area. The beaches of Fort Tilden, ceded to Gateway National Park by the Defense Department, will not be opened this year—for lack of cash, and personnel. Gateway as a whole, which expects eight million visits this summer, has a budget of $6.7 million; it regards an increase of $3 million as absolutely necessary, if it is to avoid stagnation. The proposed economies, of course, will be felt primarily by New Yorkers who, because of inflation and unemployment, are unable to do "travel" of the more traditional, mobile sort.

At the Statute of Liberty, Bill Hendrickson points out another aspect of the personnel crisis. Jobs which are obviously permanent jobs—ranging from basic maintenance of toilet facilities to captaining Park Service boats—have been termed "temporary," so as to evade the ceiling on permanent positions. "They make a liar out of me every twelve months," says Hendrickson; "every time I ask to have one of these so-called 'temporary' positions filled, they make a liar out of me, because I know damn well that the men's room needs cleaning today, on Christmas, next July 4, and on the one after that. Every year, when I have to fill the same 'temporary' position, they are making me lie."

The waste inherent in retraining a new person every year for the same job is apparent, and measurable. Less tangible, though clearly of greater importance, is the pain inflicted on employees trained to perform a permanent job, who are let go at the end of each year in order to satisfy "ceilings" set by the budget masters; the instability injected into their lives is another part of the price paid for the marvelous goal of "holding down" the size of the Park Service.

It is in this context that decisions about the future of Ellis Island must be viewed. If the Island's future is to be decay, its dying buildings exhibited only to the few who are "privileged" to the members of government or the press, then the fault will not be governmental indifference to immigrants and their descendants; rather, the failure will be that of a mad and phony thriftiness, which economizes on basic recreational needs while splurging on highways and missiles.

One of the major obstacles to doing any thorough restoration of Ellis Island is the plain vastness of its buildings. The Main Building itself is honeycombed with rooms whose wreckage offers little explanation of what they once were—though some of them must have been not places of hope but of sorrow, cells where deportees were housed while awaiting their next grim trans-Atlantic trip, single rooms where families of German nationals were housed during World War II.

Signs still decorate the long corridors. Some, reading "Inquiries," point vaguely toward the area where bureaucrats made momentous decisions for the Island's population of non-citizens. Beside them, other signs—pointing in the same direction—say: New York. Still others, if you follow them will lead you to what can still be easily identified as the ticket office for the railroads that brought immigrants directly to America's interior.

In a long room distinguished by the powerful smell of grease, we find piles of little cards that were the literacy test of immigrants who arrived after 1917. I snatch up a handful. They each contain a brief biblical quotation; if an immigrant could read it, either in English or his native language, he passed.

As we hurry through the halls again, I leaf quickly through the cards, my only Ellis Island souvenirs. The first reads: Class No. 2: Serial Number 4732: Finnish (Roman): "They shall be abundantly satisfied with the fatness of thy house; and thou shalt make them drunk of the river of thy pleasures."

My tour accelerates after a visit to the roof of the Main Building, where we quickly survey the damage done by vandals who have ripped off whole chunks of the building's elaborate copper trimming.

Vandalism is a topic, too, in the long corridor of the Island's main hospital building. All the hospital's copper pipes have long since been ripped out. Green vines have crept into the corridor through smashed windows.

"We've been lucky," says Hendrickson, gesturing toward a stretch of windows that have been left alone, "other than the copper, the destruction here has been random, for the fun of it. If anybody'd been really serious about it, they could have broken every window here in five minutes."

Endless tiny hospital rooms, where sick immigrants were quarantined. One contains a pair of trapped, thin pigeons, flapping their wings weakly, dying.

We pass concrete lampposts with their metal lanterns dangling down, tangled in tall weeds. And take a quick pass through a building that once housed hospital staff. On the kitchen table, a 1954 calendar is turned to May; the days circled in red appear to be paydays.

The tour ends where it began, on the ferry slip. I would like to linger there, over the sight of the ferry boat "Ellis Island": the boat, which sank ten years ago, sits in the slip with two-thirds of it still visible above the water-line (some of the Ellis Island plans now call for hauling it out, and restoring it). Its placid bulk, its slowly rotting boards, seem to make almost palpable the history of so many immigrant laden voyages from the little slip to Manhattan; they demand a few minutes, at least.

But we have only a few seconds.

As we leave the slip, standing on the stern of "Liberty II," Bill Hendrickson mentions how expensive repairs to the sea-wall will probably be.

Henry James, probably America's most famous tourist (certainly its most literate), published, in 1907, a lengthy account of his 1904–5 travels through his native U.S. After a twenty year absence, the expatriate novelist found the country not particularly congenial. Of New York, and the new skyscrapers that had already begun to dominate it, he wrote:

"Crowned not only with no history, but with no credible possibility of time for history, and consecrated by no uses save the commercial at any cost, they are simply the most piercing notes in that concert of the expensively provisional into which your supreme sense of New York resolves itself."

The novelist observed, too, the central position of immigrants in the social upheaval that was making of America a society of continual change. For this reason, he made Ellis Island a key stop on his American tour; and his account of the Island is one of the climaxes of *The American Scene*. "I think," wrote James, ". . . that the simplest account of the action of Ellis Island on the spirit of any sensitive citizen who may have happened to 'look in' is that he comes back from his visit not at all the same person that he went. He has eaten of the tree of knowledge, and the taste will be forever in his mouth."

For James, Ellis Island symbolized the forces that made America a land of no-history, the nation of constant becoming, where old churches were forever being replaced by skyscrapers, and old New York English by a babel of Italian and Yiddish. For us, descendants of those immigrants, the opposite must be true: such history as we claim has its roots in Ellis Island, the place of transients; its vandalized buildings, its sunken ferry and majestic central hall are, for us, the roots of our America.

Visit the Island, if you can, when you can—that is, if the budget masters allow; the experience may not change you utterly, as it did James, who observed the thousands still passing through it—but it will give you a unique taste of your history, a rare opportunity to see, smell and feel the presence of the American past.

Mr. JOHNSON of California. Mr. Chairman, I rise at this time to express my appreciation to the distinguished chairman of the Committee on Appropriations (Mr. MAHON) and to the distinguished ranking minority member (Mr. CEDERBERG) for their kind efforts this year in bringing to the floor of the House of Representatives appropriations bills which meet the needs of the country adequately and effectively.

Mr. Chairman, I especially at this time would like to extend my congratulations and appreciation to my colleagues (Mr. YATES) the chairman of the Interior Appropriations Subcommittee, who has done an outstanding job in his first year as chairman of this subcommittee. Likewise, I salute Mr. McDADE, the ranking minority member of the subcommittee, who, together with the chairman and members of the subcommittee, have put together an appropriations bill for the Department of Interior and related Federal agencies designed to effectively deal with the Nation's natural resources.

In this year's bill, we have programs in the important fields of conservation, reclamation, water research, forestry, minerals, outdoor recreation, and Indian affairs. Of particular interest to the Congress this year are the funds for the Energy, Research, and Development Administration, and the Federal Energy Administration. As the Congress seeks to formulate a national energy policy, these two agencies will be implementing the actions of the Congress. Likewise, this year's bill also provides funds for the American Revolution Bicentennial Administration, an important agency as we approach the 200th anniversary of our country.

As urbanization spreads across our country and finds its way into more and more areas, and as people find more and more leisure time, it is significantly important that we in the Congress plan ahead for adequate use of our natural resources. We must counterbalance the needs of conservation, recreation, and energy. This is a difficult task and I believe the Interior Appropriations Subcommittee has done a masterful job in preparing a budget for programs in these fields. They are to be commended for their fine work.

Mr. FRASER. Mr. Chairman, the bill now before us, H.R. 8773, will enable the Indian Health Service to continue to provide primary health care for more than a half million Native Americans.

The committee's bill, by providing $5.8 million for the IHS over and above the budget request, will permit expanded services at a small number of the more than 130 Indian health facilities throughout the country. I think we must recognize, however, that the Indian health budget, set at $317 million in this bill, will not enable us to make significant progress in dealing with the severe health problems facing native people.

Although significant advances have been made in the health status of Indian and Alaskan Natives in recent years, their environment, both physical and economic, predispose them to the ravages of disease to a far greater degree than the general population. Consequently their health needs far exceed those of the general population. Illustrative of these needs are the following: The mortality rate for tuberculosis is 5.4 times higher for Indians and Alaska Natives than the rate for all citizens of the United States, accidental death is 3.9 times greater, cirrhosis of the liver is 4.4 times greater, the diabetes rate is 2.1 times as high, and the infant mortality rate is almost 1.1 times the national average.

In juxtaposition to these adverse health statuses and conditions are Indian Health Service programs and facilities that are inadequate both in quantity and quality to successfully achieve the program mission. For instance, analysis of the funding and operating level of the Indian Health Service shows that it is currently able to meet only approximately two-thirds of its programmatic needs. The remaining approximately one-third program shortfall significantly inhibits the progress of the program in achieving its goal, mission, and objectives.

This one-third program shortfall in staff and operating resources was determined by systematically assessing the health indices of the Indian people including prevalence and incidence of illnesses, diseases, and conditions; applying accepted levels and standards of care needed to adequately provide the services indicated; and by converting the services needed into manpower and dollar projections. These projections are based on the underlying assumption that health services for Indians should at least be on a par with those available to the U.S. general population. It should be clearly understood that the current staffing and operating level of the IHS is significantly below that of the U.S. general health care system. For example, the number of physicians in the IHS is only 58 percent of the U.S. rate or 169 physicians deficient. The number of registered nurses is approximately 60 percent of the U.S. rate or 986 positions deficient. In the same manner the deficiency in pharmacists is 162. Applying the same systematic logic to the total IHS program of inpatient care, outpatient care, and field health services, a total IHS resource deficiency of 3,692 man-years and $122,035,000 has been identified.

Mr. Chairman, every year the budgetary restraints under which Congress operates become more severe. Every year, we can find more reasons why important programs cannot be expanded. But Indian health is one area, I feel, where budgetary belt tightening is not appropriate.

The Indian Health Service must confront a problem that is both a national tragedy and a national disgrace, and it must do so on a budget that lets it do little more than keep running in place.

This budget will not enable the Indian Health Service to do the job that must be done. Next year, I hope we can do better.

Mr. McDADE. Mr. Chairman, I have no further requests for time.

Mr. YATES. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, $193,839,000.

Mr. RONCALIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope so much that this bill might mark the first year's appropriation in the career of the former Governor of Wyoming, Stanley K. Hathaway, so that he might continue his first year as Secretary of Interior with enthusiasm and with the support of all of us and with an adequate authorization for 1 fiscal year's work.

I am happy to note in the newspapers that he is apparently resting well at the hospital, and I wish him a speedy recovery and a speedy return to his duties.

After the stress that was his during his confirmation hearings in the other body, I knew that this man would do an excellent job in administering the law evenly, fairly, and justly. I am sure that he will see that the endangered species, such as the alligators Mr. Sam Steiger referred to this morning, do not overrun us all.

I know all of the Members will join with me this morning in hoping that he has a speedy recovery at the Bethesda Hospital from his mild and wearisome cares.

Mr. Chairman, I rise to also express my admiration and congratulations to the chairman of the subcommittee, Mr. Yates.

This is the first major bill brought to the floor under the management of our colleague from Illinois, and the first bill reported from the Interior Appropriations Subcommittee under his able leadership.

Mr. Yates was first elected to this body in 1948. Had he remained here in continuous service, he no doubt would have long ago been shepherding bills through floor debate. But in 1962, he chose to take on an uphill Senate race against none other than Everett McKinley Dirksen. The Cuban missile crisis unfolded just before the election and our colleague still did admirably well at the polls.

Following his defeat, the chairman of the subcommittee served his President and the Nation as a special emissary to the United Nations with Adlai Stevenson and with the rank of Ambassador.

Returning to the House in the 89th Congress, Mr. Yates had lost all seniority, an experience we retreads know well, but his decency, integrity, and legislative expertise led him to the forefront in major issues before this body. He led the successful opposition to the SST in the 91st and 92d Congresses and just last week reasserted his leadership in that cause.

A reading of the committee report on the bill before us today will verify that the chairman of the subcommittee is equal to his task and has no qualms about setting about to rectify abuses of the public lands and trust. The chairman and his staff have been extremely cooperative in accommodating needs expressed by Members and I am grateful for the cooperation extended to me and my State of Wyoming.

I congratulate the chairman of the subcommittee on his excellent work and wish him many continued productive and rewarding years of leadership on the Appropriations Committee and in the House.

Mr. DUNCAN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. RONCALIO. Yes, I yield to the gentleman from Oregon.

Mr. DUNCAN of Oregon. Mr. Chairman, I would like to endorse the good wishes of my friend, the gentleman from Wyoming (Mr. Roncalio) with respect to the Secretary of the Interior and to express my own hope that he will have a speedy recovery.

Mr. DEL CLAWSON. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that he will vacate proceedings under the call when a quorum of the committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word.

Mr. Chairman, earlier some complaints were made about legislation on appropriation bills and in reports. Generally I agree with that, but I am about to point out now that with respect to energy, I want some legislation on any kind of report or any kind of bill we can get it on.

In 1970, a subcommittee I happened to be privileged to chair, of the Small Business Committee, started hearings concerning the energy problem. It was apparent at the time that no serious thought was really being given to the fact that we were going to have an energy problem. The oil companies said we did not need to worry and General Lincoln, who was supposed to be the spokesman in the administration for energy, said we did not need to worry. Our committee soon realized there was little reliable information available in the Government on which to base conclusions.

Finally in those hearings we secured some information from the Government and from other sources which is still as far as I can find out the only information that is available with regard to some of these reserves. That information is still being used by Senate and House committees dealing with energy.

I notice that this report calls for a more vigorous effort to update that information to make available energy and mineral resource information. That is certainly a very important thing if we are going to understand the breadth of our problem in developing a national energy policy. The information we secured 4 years ago was perhaps the best available at that time. It was not even complete enough at that time. So we certainly do need to have it updated at this time.

We did not have a national energy policy then and we still do not have a national energy policy, and we need the information in order to understand the problem.

Coal has been ignored in this country for far too long. It is a great national asset and it ought to be used. We have had a great concentration of control of all kinds of energy resources by the fuel oil companies primarily. One of the big oil companies now has acquired 10 percent of the coal through acquisition of one coal company.

Now we are moving or have already moved into other kinds of energy resources. In addition to that, we have the unique situation where the pipelines can be jointly owned under the permission that was granted at the beginning of World War II, so distribution of energy resources is being concentrated in a few big companies that can also control competing energy sources.

So we have a very unusual situation here. It is not easy to secure control of the throttle. The Nation has worshipped oil as a resource for too long, partly because of Government laws causing energy companies to go overseas to import what they thought was cheap oil from a reliable source, but that turned out not to be a reliable source forever.

So I am at the point now where I want this subcommittee to do what it apparently is starting to do to secure the information and bring in legislation if necessary so we can get a handle on the energy resources in this country.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I just want to compliment the gentleman on the magnificent hearing that his subcommittee of the Small Business Committee held in 1971. I had occasion to read this hearing over the weekend. It dealt with the concentration of ownership in the energy industry in this country. It appears that over the last 10 years there has been a taking over of a great deal of the coal lands in the West by the major oil companies. This kind of takeover has created a great many problems as to whether or not freedom of competition will continue to exist in the coal industry.

I would hope that the appropriate legislative committee would review and take as a base for action the hearings that the gentleman conducted which accomplished so much good.

I would hope they would look into that.

Mr. SMITH of Iowa. Mr. Chairman, I thank the gentleman and again I commend the committee for really doing good work on this legislation.

Mr. YATES. Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there any points of order against any provision in the bill?

Mr. WEAVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to commend the Committee on Appropriations and my colleague from Oregon, ROBERT DUNCAN, for an excellent job of evaluating the Forest Service budget for timber resource management, reforestation, and stand improvement. Realizing that responsible, intensive forest management is crucial to maintaining this country's timber supply, the committee added $20.7 million to the President's budget.

In the Northwest, where most of our softwood inventory is located, as well as in other areas, there is no escaping the ominous fact that we are harvesting at a far greater rate than we are replanting. The Congress is simply not appropriating enough money for the national forests to catch up with their 3-million-acre backlog needing reforestation. Just today, I received a report from the Library of Congress which shows that in small timberland holdings, the Nation is 75 percent understocked. That represents a potential of 25 percent of all timber lands. In large industrial holdings, we are 40 percent understocked. What these figures mean is that we are 20 to 30 years behind in reforestation.

The appropriations in this bill have the Federal public lands agencies heading in the right direction, and it is to be hoped that in future sessions the committee will follow up with further appropriations. Because, quite bluntly, if this House does not take vigorous action to guarantee funds for forest management, the entire country is threatened with a serious timber shortage. I need not elaborate on what that means in terms of the lumber industry, the housing industry, and the economy as a whole.

Mr. Chairman, I would like to emphasize one point. This Congress is on the cutting edge of our national policies toward the great natural resource agencies of the country, the Forest Service and the Department of the Interior, including the Bureau of Land Management, the Fish and Game Service, the National Park Service, and others. Appropriations for these agencies are appropriations for capital items which add to the productive capacity of the country and which are investments calculated to return the appropriated sums many times over to the Treasury.

By approving such appropriations, Congress has shown it has the imagination to make the farsighted capital investments necessary to translate beautiful, philosophical expressions into new, young, growing trees, productive grasslands, clear and abundant water, and accessible, usable recreational areas.

AMENDMENT OFFERED BY MR. HECHLER OF WEST VIRGINIA

Mr. HECHLER of West Virginia. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

> MINING ENFORCEMENT AND SAFETY ADMINISTRATION
>
> SALARIES AND EXPENSES
>
> For expenses necessary to promote health and safety in mines and in the minerals industry through development, promulgation and enforcement of regulations, including mine inspections, technical support, and education and training as authorized by law, $76,136,000: *Provided*, That no part of the funds appropriated by this Act shall be used to pay any public relations firm for any promotional campaigns among coal miners.

The Clerk read as follows:

> Amendment offered by Mr. HECHLER of West Virginia: On page 17, line 7, strike "$76,136,000" and insert therein "77,536,000".

Mr. HECHLER of West Virginia. Mr. Chairman, the Appropriations Committee has recommended $3,364,000 less than the President's estimate in his budget for the Mining Enforcement Safety Administration. I think, at a time when we are expanding our production of coal, it becomes even more necessary to place additional emphasis on the safety of those who mine the coal. I think it is shortsighted to cut down the amount of money for the Mining Enforcement and Safety Administration by close to $4 million, and particularly in the area where we have many coal gob pile impoundments that threaten people throughout the coal mining areas.

In my own congressional district, 125 people lost their lives on the 26th of February 1972, with the collapse of such a coal waste impoundment in the Buffalo Creek Valley of Logan County, W. Va. The Department of the Interior Mining Enforcement and Safety Administration has a very positive program for the utilization of $1.4 million and 20 people to do the necessary research and evalution of these coal mine waste impoundments.

What are these funds going to be used for? I would reemphasize, particularly to those of my friends who are interested in protecting and preserving the budget against extensive and excessive expenditure, that even with the expenditure of this $1.4 million for research in coal mine waste impoundments, this will still leave the total Mining Enforcement and Safety Administration area $1.9 million below what the President requested in his budget.

Specifically, what will these $1.4 million accomplish? No. 1, to analyze and oversee the correction of presently existing critical safety problems at active and abandoned coal mine waste gob piles. Second, to establish techniques to prevent such problems from developing in the future at existing waste locations. Third, to develop the necessary techniques for stabilizing and eliminating coal waste stockpiles and the impoundments which are abandoned and inactive. Fourth, to carry out the necessary research for the safety and health hazards for those coal waste facilities present, or those that are currently recognized. In addition, there is need for training inspectors and representatives of the miners to recognize the dangers involved and to provide the techniques for notifying the proper authorities and developing procedures for informing the public about these piles.

Anybody who travels throughout the coal fields of West Virginia, particularly, can see just by passing along the main highway, these waste piles which stand 250, 300, or 400 feet, with water backed up behind them, which is impounding slurry and sludge and hanging like swords of Damocles over the people down in the valleys below.

We need action in this area, and this $1.4 million denied by the committee is very necessary. The research is critically needed on how to design these coal gob piles so as to minimize the hazards.

Mr. Chairman, this work is not being done by anyone else. There has been some conversation before the committee that there has been some work at a Bureau of Mines facility out in Spokane, Wash., doing this work. But testimony by Mr. James Day, at the time he was head of the Mining Enforcement and Safety

Administration, and Mr. Don Schlick before the committee in volume 5 of the hearings specifically indicates that this work is not being done in Spokane, Wash. The record clearly demonstrates the specific need for these funds.

I want to stress that these funds are needed in order to provide the necessary research to protect not only the coal miners themselves, but the general public and those who live in those areas that are threatened by these great swords of Damocles that hang over them.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

(On request of Mr. MURTHA and by unanimous consent Mr. HECHLER of West Virginia was allowed to proceed for 5 additional minutes.)

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to my friend from Pennsylvania.

Mr. MURTHA. I thank the gentleman for yielding. There is no one on the committee who is more concerned about the very thing the distinguished gentleman from West Virginia is talking about. We discussed this at great length. As a matter of fact, the chairman of the subcommittee, the gentleman from Illinois (Mr. YATES), suggested that I personally study this subject of duplication of effort between MESA and the Bureau of Mines.

We felt very strongly, every member of the subcommittee, that there was a duplication of effort which actually obstructed the work in both of these very important areas. I have been delegated, and I am looking into it now. There are two complete studies by both agencies. I would certainly appreciate it if the gentleman in the well would withhold his amendment until next year when we will have an opportunity to look into who should have jurisdiction in this very important area.

Mr. HECHLER of West Virginia. I would say to my good friend from Pennsylvania that his remarks are directed a little more specifically to a subsequent amendment which I am going to offer, which requires coordination between the Bureau of Mines and the Mining Enforcement and Safety Administration. The specific pending amendment I have now offered applies to the increase in funds by $1.4 million for the Mining Enforcement and Safety Administration, to the extent of the President's budget request in the area of coal mine waste piles.

Mr. MURTHA. If the gentleman will yield further, as the gentleman knows, in Pennsylvania we have the same problem. We have written a very comprehensive law. We are also looking into it, and I would assure the gentleman that in this coming year we would hope to be able to come up with language that would do the very thing the gentleman is talking about.

I understand the gentleman's concern, and I know the problems the gentleman has in his area. We are addressing ourselves to that problem, and we do not think at this stage, at this late stage, from the position of the bill, that we would be able to come up with legislation that could do all of the things we want to do. I would hope that the gentleman would withhold this amendment until we have a report, to study it, to refine it, and come up with proper legislation. And it may be the same thing the gentleman in the well is offering, something we can live with and will do the very thing the gentleman is talking about.

Mr. HECHLER of West Virginia. May I ask the gentleman from Illinois (Mr. YATES) and the ranking minority member, the gentleman from Pennsylvania (Mr. McDADE), is it not true that in the area of the Mining Enforcement and Safety Administration that the committee has voted more than $4 million below the President's request in this area? At the time when we are expanding coal production should we not also protect not only the safety of the miners but also the general public in such areas as coal mine gob piles, with which the gentleman from Pennsylvania (Mr. McDADE) is familiar? Should we not be at least coming halfway toward the President's request in this area?

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from Pennsylvania.

Mr. McDADE. I thank the gentleman for yielding.

Mr. Chairman, the gentleman knows, I am sure, that every dollar of the request to put mine inspectors in mines to make them safe has been appropriated by the committee. The gentleman knows that, I am sure.

Mr. HECHLER of West Virginia. The gentleman is correct insofar as the area of mine inspectors is concerned.

Mr. McDADE. If the gentleman will yield further, does not the gentleman know that of the roughly $3 million cut, $1.1 million of it was requested to put furniture in an academy in the gentleman's State?

Mr. HECHLER of West Virginia. My amendment is directed to a very, very vital project, I would say, to protect people. Of course I favor anything which can be done in my State, and furniture may prove necessary.

Mr. McDADE. But I am sure the gentleman will agree it does not have the gravest impact, only in passing.

Mr. HECHLER of West Virginia. What I am specifically zeroing in on is not furniture. It is not duplication. It is specifically the protection of people who live in areas threatened by these coal waste gob piles, where the administration has requested $1.4 million more than the committee was willing to grant.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. I thank the gentleman for yielding.

Mr. Chairman, let me assure the gentleman that this subcommittee has great concern about the very thing the gentleman talked about and that the gentleman has suggested.

What we are asking for is a little time to try to work out the details of the amendment so that we can have the proper wording and provide the proper safety for the very thing the gentleman is proposing.

Mr. HECHLER of West Virginia. Mr. Chairman, I will say to my good friend, the gentleman from Pennsylvania, with whom I am usually 99.44 percent cooperative, that this is not a matter of phraseology; this is just a matter of money. We have waited over 3 years since the Buffalo Creek disaster, and we are still threatened with these disasters throughout the coalfields.

Mr. MURTHA. Mr. Chairman, we are certainly in our subcommittee doing everything in this area to assume the position which the gentleman is taking, and hopefully we will come up with the proper legislation.

Mr. HECHLER of West Virginia. Mr. Chairman, I thank my good friend, the gentleman from Pennsylvania.

I will say to my good friend that I will split the difference with him. I will probably offer two other amendments, and I will be glad to cooperate with the committee and will withdraw them if they wish, but this particular amendment is of such vital significance to the lives and safety of the people in my area that I will ask for a vote on this particular amendment.

Mr. YATES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from West Virginia (Mr. HECHLER) is, of course, one of the great champions of mine safety in the House. The committee is very much aware of his efforts in the past.

However, I should like to point out to the House that there are two members of this subcommittee from mining areas who are as vitally interested in preserving the safety and welfare and wellbeing of miners as is the gentleman from West Virginia.

The committee was very much aware of the question of the Buffalo Creek disaster, and the committee is also aware of the need for obtaining information respecting coal waste impoundment. But I should like to point out to the House that there is a very unfortunate jurisdictional struggle going on at the present time between the Bureau of Mines and the Mining Enforcement and Safety Administration. There is research that is being done on the subject, and there are funds that have been appropriated for the purpose of conducting research in this field. The work that is being done in this field is being done by the Bureau of Mines.

The amendment offered by the gentleman from West Virginia seeks to exacerbate the present jurisdictional fights going on between the Bureau of Mines and MESA by giving money for the same purpose and providing a duplication of effort. I do not think it makes sense to make the situation worse than it is by providing these funds.

Mr. Chairman, we are aware of the situation, and we do want the research to continue. There are adequate funds in this bill for that purpose.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, I thank

the chairman of my subcommittee for yielding. I will be very brief.

I think the gentleman's comments are directly on the point. I think the House ought to know that in this budget, as in every budget, every dollar for mine safety inspections has been appropriated. This does represent a dispute between two agencies which my colleague, the gentleman from Pennsylvania, indicated he is attempting to work on.

I think we should not put money in this. We should not adopt this amendment. We are just going to make an in-house quarrel worse, as the chairman of the subcommittee said, and accomplish nothing. We will bring no more mine safety to bear with this amendment than we would otherwise. We will take care of the mine safety problem.

Mr. Chairman, I hope the House will vote down this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. HECHLER).

The amendment was rejected.

AMENDMENT OFFERED BY MR. MURPHY OF NEW YORK

Mr. MURPHY of New York. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of the Interior, including not to exceed $2,000 for official reception and representation expenses, $18,514,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $4,150,000.

The Clerk read as follows:

Amendment offered by Mr. MURPHY of New York: On page 28, line 21, delete "18,514,000." and substitute therein "18,599,000".

And on line 23, delete "4,150,000" and substitute therein "4,171,000".

Mr. MURPHY of New York. Mr. Chairman, the purpose of this amendment is to restore $85,000 to the budget of the Secretary to permit him to continue having three people on the staff payroll. One of these people is the U.S. delegate to the Law of the Sea Conference and who is also the head of the Ocean Mining Division in the Department of the Interior. Mr. Chairman, this amendment will make available funds to assure the continuation of the leadership role which the Interior Department has taken within the executive branch in promoting and encouraging the development of a U.S. ocean mining capability.

The $85,000 that this amendment will earmark for the Ocean Mining Administration will be, in my opinion, one of the most cost-effective expenditures in the Federal Government. Since 1967 a very small staff in the Department of Interior has worked to increase our national understanding of the immense mineral resource potential of the deep seabeds.

I have personally seen them in sometimes hostile international negotiations, they have served as the guardians and spokesmen for our critical resource interests.

They have had the foresight to plan for protection of U.S. interests in seabed minerals. Their task has been difficult and frustrating, and their efforts tireless. They have a finger in the dike and the Congress must continue to support them until a resolution is reached over the question of jurisdiction is settled by the administration.

Let me take a moment to recount the accomplishments of the Interior Department personnel who have worked on deep ocean minerals. The floor of the oceans is literally carpeted for thousands of miles with fist-sized nodules that contain copper, cobalt, manganese, and nickel. Scientists have known of their existence since the last century. But until recently it was not technically possible to utilize the minerals contained in the nodules. American industrial genius began to experiment with nodule recovery techniques a decade ago and today it is possible to commercially mine the ocean floor and bring to our country critical minerals which otherwise we would import. In fact, the ocean mining industry cannot only eliminate the threat of American dependence on unreliable sources of minerals found in the seabed, but could even present our country with the happy prospect of being an exporter of those minerals in another decade—minerals which are today heavily imported by the United States.

The prospects for ocean mining, however, have remained clouded by an uncertain investment climate. In general, the administration has ignored the importance of ocean mining.

Official policy has been to negotiate an international treaty and let ocean miners await the pleasure of a global U.N. Conference on Sea Law.

But the Interior Department staff worked vigorously to develop information for the executive branch that demonstrated the tremendous potential of ocean mining. Indeed, as a result of their leadership and commitment, the United States has continued to defend the right of the American people to access to the resources of the deep seabed. It is not by accident that the chief negotiator on deep sea resources in the Law of the Sea Conference is the head of Interior's Ocean Mining Administration. The executive branch turns to Interior for advice and counsel on mineral resource issues because Interior is the Government repository of expertise on mineral resources, and because when others turned a deaf ear, Interior listened and acted.

As the Law of the Sea Conference progressed, the deep ocean resource negotiation has proven to be exceedingly difficult. We are all familiar with the economic and political demands that are being made by the developing nations. As I pointed out in my report on the Law of the Sea Conference, the so-called group of 77 demands that seabed resources be owned and controlled by an international organization favoring the so-called third world countries. The United States has been subjected to vitriolic attacks for insisting that all nations have an equal right to the seabed resources.

Mr. Chairman, I know that had it not been for the work of the Interior Department, the executive branch might long ago have thrown up its hands in despair and conceded over ocean mining interests to the developing countries. But the Interior Department had investigated, evaluated, and studied the progress of ocean mining. They educated, persuaded, and cajoled their colleagues in the State Department and in other agencies for 5 years so that now, confronted by their efforts, no responsible Government official can advocate compromise of U.S. resource interests no matter how discouraging the negotiations.

There are many in this Congress who believe that America must act to protect its critical raw materials needs. But without a U.S. Government program to affirm the legal rights of ocean miners and to insure their investments against irresponsible actions of the international community, a fullscale investment in ocean mining will likely be deferred.

I have announced earlier that I will hold hearings of the Subcommittee on Oceanography to consider legislation concerning ocean mining. On this point, again, the Interior Department has been willing to move forward in order to prepare the Government for its future role in ocean mining. Studies were conducted of regulatory schemes applicable to ocean mining, investment guarantee programs that would help stabilize the investment climate, and work was initiated in conjunction with the National Oceanic and Atmospheric Administration on an environmental impact statement. In addition to the above Interior has undertaken the first executive branch effort to draft legislation that would establish a domestic ocean mining program. The State Department has promised Congress for 2 years that it would bring forward legislation to solve these problems in the interim while we wait for the new law of the sea treaty. Interior stepped in to draft such legislation when all Congress had were broken promises.

Mr. Chairman, the amendment which I have proposed will accomplish the minimum that this Congress can do to offer support for the activities I have just described. In February of this year the Interior Department decided to upgrade and reemphasize their efforts related to ocean mining.

An Ocean Mining Administration was created.

The executive branch has not even asked for additional funds over fiscal year 1975 to support this new entity which will provide still more efficient management and coordination of ocean mining activities. More importantly, though the Ocean Mining Administration will insure that as international events and domestic priorities force this country closer to decisions with a profound and lasting impact on ocean mining, the Interior Department will be ready to afford senior level policy consideration of the issues in the Office of the Secretary of the Interior.

I believe that we should be providing for a greater and not lesser role for the ocean mining activities of the Interior Department. For this reason I am concerned with the recommendation of the Committee on Appropriations related to the Ocean Mining Administration.

I have the utmost respect for the work of the Appropriations Committee.

I believe that the collective wisdom of its distinguished members in matters relating to efficient expenditures of Government funds is unquestioned.

Therefore, I am confident that in light of the broader perspective which I have outlined my colleagues on the Appropriations Committee will agree that $85,000 to pay for the operation of an office that has made an outstanding contribution to our Nation's acquisition of secure new sources of raw materials—an office that we need more than ever to carry on this work—is a sound investment for our country.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. MURPHY of New York. Yes, I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, I want to say that I think the gentleman from New York (Mr. MURPHY) has raised a very important point.

Speaking for those of us on this side of the aisle, we have no objection to his amendment. We urge its adoption.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. MURPHY of New York. Yes, I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I agree with the gentleman from Pennsylvania (Mr. McDADE).

This is in a gray area of jurisdiction between the Department of the Interior and the Department of Commerce. There is no question but that this is a most important activity. The subject of undersea mining is one that can only grow in importance as time goes on, and I think that this amendment is a good one.

I have discussed it with our side of the aisle, and we have no objection to the amendment.

Mr. DOWNING of Virginia. Mr. Chairman, will the gentleman yield?

Mr. MURPHY of New York. Yes, I yield to the gentleman from Virginia.

Mr. DOWNING of Virginia. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, legal arguments exist on both sides of the Interior/NOAA dispute and NOAA claims jurisdiction, because a small technical facility was transferred to them from Interior's Bureau of Mines in 1970. It should be noted that within a short time after receiving this facility NOAA abolished it and did not fund any programs in the area of marine mining until 1974 when they began to do baseline studies for the environmental impact statement which Interior is drafting. Interior's jurisdictional claim rests on the basic statutory authorities of the Bureau of Mines and the Geological Survey which include economic aspects of mineral development for the United States, mining technology and metallurgical processing, resource assessments and conservation. The chief lawyers of both agencies have written legal opinions defending their respective positions.

The legal dispute aside—Interior has actively been promoting and encouraging ocean mining since 1968 through a variety of offices and bureaus and has supplied the principal U.S. negotiator in the Law of the Sea Conference on ocean mining since 1972. No other agency of Government has seriously engaged in any of these activities to date. Interior created the Ocean Mining Administration last spring to more efficiently coordinate what it has been doing since 1968. It took on no new additional functions.

The U.S. industry is anxious to see Interior continue its work and be the agency in charge of ocean mining within the administration.

Ocean mining is an infant industry with great potential for reducing U.S. dependence on imports. It needs high-level attention—particularly with the State Department ever eager to negotiate a treaty which may well serve as a disincentive to further capital investment. NOAA is a subordinate organization within the Department of Commerce and has little clout in the administration. Interior has located the Ocean Mining Administration in the Office of the Secretary with high visibility, and good access at the executive level in the administration. In short, Interior has clout which is badly needed until ocean mining is a going thing. NOAA cannot offer that kind of clout in Washington.

Interior has the kind of infrastructure that will be needed for a comprehensive ocean-mining program. They have the U.S. Geological Survey and the Bureau of Mines which together provide the Nation's total governmental expertise in minerals both onshore and offshore. Thus, if transferred to NOAA, ocean mining would depend on cooperation with another department. If it stays in Interior, the human and organizational resources are all at their fingertips.

As a practical matter, Interior's role has been to promote and encourage development, to carry out studies leading toward regulation of the industry and to conduct the negotiations for the United States which may make or break the industry. NOAA has done what it is best suited to do—carry out ocean-mining environmental studies. For the time being, we should leave it this way. There is no urgent need to consolidate these two functions which were handled compatibly until this jurisdictional dispute began. Interior has recently let contracts and grants to better prepare for the eventuality of domestic regulation or to interface with an international organization if one is created by treaty. NOAA has let contracts on the environmental side. There appears to be no overlap and with a little coordination this situation can continue. Interior proposed a Memorandum of Understanding to NOAA 6 months ago to insure effective coordination between the two agencies' programs; NOAA refused to even discuss the matter.

We have legislation pending in Congress which would establish jurisdiction and provide for a domestic ocean-mining program. We can let this jurisdictional issue ride pending congressional action on that legislation and that would be my recommendation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. MURPHY).

The amendment was agreed to.

Mr. EVANS of Colorado. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just came on the floor at the tail end of the remarks made earlier by the gentleman from Iowa (Mr. SMITH) on something that I think is extremely important and which I think this House should understand.

I am not here offering an amendment. I am here to have some conversation with the distinguished gentleman from Pennsylvania (Mr. McDADE) and with the chairman of the committee and perhaps other Members of the House.

We have some jurisdiction over energy in this subcommittee, and we are very concerned about certain practices of the Department of the Interior as they relate to their responsibility in the area of energy.

For example, we discovered a couple of years ago that the Department of the Interior was about to take off on a vast new program of leasing coal lands owned by the Federal Government at a time when literally thousands and thousands of acres of Federal lands had already been leased to coal and oil companies. Yet, the vast majority of these lands that had been leased were not producing anything. As a matter of fact, the Department of the Interior was almost treating these leases as though they were leases in perpetuity, for they were not requiring that development work be done on these leases.

It disturbed the subcommittee to see the former Secretary of the Interior, now the current Secretary of the Interior, formulating a program and policy of additional leasing of coal lands on top of all the outstanding unproductive leases that had been leased.

It concerned us. We looked into it further, and we saw that our distinguished colleague, the gentleman from Iowa (Mr. SMITH), as the subcommittee chairman of the Committee on Small Business, had looked into this previously. I think it was in 1971. The gentleman from Iowa (Mr. SMITH), with his subommittee, developed, through their hearings, some interesting facts which I would like to bring to the attention of the members of this committee.

For example, the major oil companies in the United States of America, one of the reports disclosed, control or own 84 percent of the United States refining capacity; 72 percent of the natural gas production; 30 percent of the coal reserves; 20 percent of the coal production capacity; 50 percent of the uranium reserves; and 25 percent of the uranium milling capacity.

Under these circumstances, I think we have a real problem on our hands as we address ourselves to the development of new sources of energy. Can we as a matter of public policy allow this to continue? What is going to happen in terms of competition of oil company against oil company? What is going to happen in terms of competition when coal has replaced oil? What will happen, I think, will be that it will be done in the interest of the major oil companies so far as the development of new sources of energy in this country. Can we rely upon them to go out at breakneck speed to develop coal as a replacement for oil, or coal gasification to replace natural gas, or to undertake a crash program to develop oil shale production or geothermal energy? I seriously doubt that they will.

I understand why these companies do what they do, and I can understand that when their oil supplies dwindle then I suppose they will look for other sources of energy, but I think we can see that they will do this some time in the future in the company's best interest, but not in the best interest of the people of the United States.

So, Mr. Chairman, I have taken these few brief moments to express to the Members the deep concern I have, and I know that the chairman of the subcommittee also views that with deep concern, and I think the gentleman from Pennsylvania (Mr. McDade) has concern on this matter.

But can anyone support this policy on these conditions at a time when we are doing our best in the Congress to develop new sources of energy in our country?

Mr. YATES. Mr. Chairman, if the gentleman will yield, the gentleman from Colorado has raised a most important point. I cannot understand why the Antitrust Division of the Department of Justice, or why the Federal Trade Commission are not more active in this field when it is provided in section 27 of the Mineral Lands Leasing Act of 1920:

> If any lands or deposits subject to the provisions of this chapter shall be . . . possessed, or controlled by any device . . . or in any manner whatsoever, so that they form a part of or are in any wise controlled by any combination in the form of an unlawful trust, with consent of the lessee . . . or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal . . . the lease, option, or permit shall be forfeited by appropriate court proceedings.

Yet today some of the largest oil corporations in the country have acquired our Federal coal lands. Also they have acquired uranium lands, they have acquired leases for oil shale, tar sands, and for gas. I think it is most vitally important that in order to prevent a concentration, or a further concentration, of power in the energy field in this country with the resultant loss of competition and production from the lack of competition between the companies in this country, that the departments consider the matter immediately.

Mr. EVANS of Colorado. I think the gentleman from Illinois is correct.

Mr. RONCALIO. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Colorado. I yield to the gentleman from Wyoming.

Mr. RONCALIO. Mr. Chairman, I would say to my good friend, the gentleman from Colorado (Mr. Evans) that we have lost this battle. This battle was lost 30 or 40 years ago in the Congress of the United States when after hearings by the famous Wyoming Senator, Joseph C. O'Mahoney, which lasted some 4 years, called the Temporary National Economic Committee.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. Evans of Colorado was allowed to proceed for 2 additional minutes.)

Mr. RONCALIO. That he and other Members of the Senate and people from around the Nation, concluded that there was in this Nation a concentration of economic power which, if not outlawed, would frustrate free enterprise, and the day would soon come when there would be no healthy competitive system in energy resources.

So it would be utterly useless to try to invoke the antitrust laws against these companies whose philosophies are in part neo-fascistic. Our opportunity to do something about this is gone forever, and we seem to be having a renewed partnership with the government of these neo-fascists.

Mr. EVANS of Colorado. Mr. Chairman, I appreciate the comments and the viewpoint of the gentleman from Wyoming. However, in my breast hope springs eternal, and I believe we should consider here in the Congress actions which will result in laws prohibiting this strangulation of competition in the field of energy and the discouragement of accelerated development of new sources of energy.

Under existing laws corporations have been required to disgorge properties in the past, and I would hope such can happen in the near future in this vital area of energy, it ownership, development, and competition.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Colorado. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I thank the gentleman for yielding.

The gentleman from Colorado is absolutely correct, as is the gentleman from Illinois, and the gentleman from Iowa. It is time that the Congress insist that the antitrust laws be enforced vigorously, and that the Federal Trade Commission stiffen its backbone. The intent of the Congress must be expressed that these energy resources must not be exploited by these big and growing conglomerates at the expense of the public interest.

Mr. EVANS of Colorado. I am glad the gentleman concurs. I would say one last thing. This is not a partisan matter that we face. Democrat and Republican administrations have totally refused to do anything effective about the problem, and I think if the Congress is going to be a coequal branch of Government in the United States, then this is one area in which we can begin to bring real pressure to bear upon the subject that has been, as the gentleman from Wyoming said, festering as a sore for 30 or 40 years. With that intention I think the Congress can force something to be done.

The CHAIRMAN. The time of the gentleman has expired.

AMENDMENT OFFERED BY MR. SOLARZ

Mr. SOLARZ. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

> PLANNING AND CONSTRUCTION
>
> For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451); the acquisition of water rights; expenses necessary for investigations and studies to determine suitability of areas to be included in the National Park System, the designation of wilderness areas, and the management of water resources; the preparation of plans for existing and proposed park and recreation areas; provisions of technical assistance to other Federal agencies, and to States and private institutions in the planning, development, and operation of landmarks, parks and recreation areas; and for financial or other assistance in planning, development, or operation of areas as authorized by law or pursuant to agreements with other Federal agencies, States, or private institutions, including not to exceed $196,000 for the Roosevelt Campobello International Park Commission, $26,255,000, to remain available until expended.
>
> For "Planning and construction" for the period July 1, 1976, through September 30, 1976, $7,100,000, to remain available until expended.

The Clerk read as follows:

> Amendment offered by Mr. Solarz: At page 12, line 9, strike out "26,255,000" and insert in lieu thereof "$28,755,000" and, line 12, strike out "$7,100,000" and insert in lieu thereof "$7,725,000".

Mr. SOLARZ. Mr. Chairman, I will be very brief. This is the Ellis Island Amendment. It would add an additional $2½ million to the appropriation for the National Park Service in order to enable them to provide for the further rehabilitation of the facilities on Ellis Island.

Let me say at the outset that I think that this Congress and the country owes a great debt of gratitude to the distinguished Chairman of the relevant Appropriations Subcommittee, our colleague, the gentleman from Illinois (Mr. Yates), whose leadership has made possible, for the first time since Ellis Island was added to the Statue of Liberty National Monument in 1965, an appropriation to begin the process of rehabilitating this historic landmark.

In the bill before us there is an appropriation of $1½ million to begin the process of making it possible for the people of this country to return to the scene where so many of their parents and grandparents first set foot in this great land. My amendment would add an additional $2½ million in order to accelerate that process even further.

I had an opportunity to visit Ellis Island several weeks ago. I must tell the Members that it was a very moving experience. Since Ellis Island was first opened up around the turn of the century as a way station to those immigrants who were coming to our country for the first time, 16 million people have passed through Ellis Island on their way to becoming citizens of our country.

I was informed by the National Park Service that today literally one out of every two Americans in the entire country can trace in one way or another the origin of their own family in America to that initial process which their forebears went through on Ellis Island.

So I just want to say, in conclusion, that it seems to me that in this bicentennial year it would be entirely appropriate for the Congress to recognize the fact that Ellis Island is really what America is all about. We are a nation of immigrants, and I think that if we could restore those facilities and turn them into a meaningful monument to the immigrants who did so much to make this country great, we would have a fabulous facility, not just for those who live in New York, but for Americans throughout the length and breadth of this land, so they could get a sense of what it was like when their forefathers first came to our country many years ago.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

I want to commend the gentleman for bringing this subject to the attention of the House. I also want to commend the gentleman for having brought the subject to my attention and to the attention of our committee. It was at the gentleman's suggestion, together with the recommendation of other Members of the House from New York and New Jersey, that our subcommittee visited Ellis Island and visited Liberty Island. We are appalled by the condition of Ellis Island. Nothing has been done to keep that installation in any kind of a state of repair. The walls are falling in; the plaster is falling in; it is overgrown with weeds; the seawall is collapsing.

We asked the Park Service, sharing as we do the gentleman's belief that Ellis Island has made an immortal contribution to the progress of our Nation, what it would cost to rehabilitate Ellis Island. We learned that it was possible to place a portion of it in shape for the Bicentennial year at a cost of $1.5 million, so this committee put that sum of money in the bill over and above the budget.

The Park Service said that in order to place Ellis Island into condition it would vary in cost from $20 million to $100 million. What the committee is doing now is looking into what it would cost for a reasonable rehabilitation of Ellis Island. We are as interested as the gentleman is in restoring it. I think it should be restored, but we do not think we want to spend over $100 million above the budget at the present time or even $50 million.

The point I am making is that I want the gentleman to know the committee does share his interest in the subject, that we do want to see Ellis Island rehabilitated within reasonable proportions, depending on what the cost is, and lastly we want again to commend the gentleman for bringing this to the attention of the House. But I hope the gentleman will withdraw his amendment at this time in view of the interest of the committee. We do not see frankly that the additional $2 million at this time would make any significant contribution.

Mr. SOLARZ. Mr. Chairman, in view of the gentleman's concern over, and commitment to, the further rehabilitation of Ellis Island, which I am very appreciative of, I would be happy at this time to withdraw the amendment.

Mr. YATES. I thank the gentleman.

Mr. SOLARZ. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PATTEN. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from New Jersey.

Mr. PATTEN. Mr. Chairman, included in this legislation appropriating funds for the Department of Interior is a small but important item that was authorized 10 years ago but was never funded. I speak of the appropriation for the rehabilitation of Ellis Island.

That small island, a short distance from the Statue of Liberty National Monument, played a very large role in the development of the United States. From the turn of the century to only 20 years ago, Ellis Island was the first American soil on which stepped 16 million immigrants, on their way to becoming freedom-loving Americans. Through the vast main building walked men, women, and children who fled famine, war, and oppressions that are alien to this democracy we share.

This great symbol of everything for which this country stands and which promised liberty and freedom to all who entered, now lies in a decrepit state and in dire need of restoration.

President Lyndon B. Johnson recognized the importance of preserving Ellis Island as the symbol of the American gateway open to those in need and an historic period in the development of the United States. In 1965, authorizing legislation was enacted that provided for $6 million for the restoration of the island as a landmark.

The National Park Service has long planned to restore facilities on the island to permit public visitation; however, it seems that the master plans for the rehabilitation of the island and buildings were of such a large scale that funding of a project would require many millions of dollars.

Recently, a different approach was taken and the request to the Park Service was made to determine how much can be accomplished with limited funding. The target was the establishment of public visitation in time for the Bicentennial.

Chairman YATES and the Subcommittee of Interior Appropriations have done an admirable job in researching the matter and communicating with the National Park Service as to how the project might be started. The result is the $1.5 million in this bill to begin work. As Ellis Island represents the first step millions of people took on the road to becoming free Americans, this appropriation is the first step toward the rehabilitation and preservation of an important national landmark in a Bicentennial year.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

MIGRATORY BIRD CONSERVATION ACCOUNT

For an advance to the migratory bird conservation account, as authorized by the Act of October 4, 1971, as amended (16 U.S.C. 715k-3, 5; 81 Stat. 612), $1,000,000, to remain available until expended.

The Clerk read as follows:

Amendment offered by Mr. DINGELL: Page 10, line 4, strike out "$1,000,000" and insert in lieu thereof "$10,000,000".

Mr. DINGELL. Mr. Chairman, I do not want the offering of this amendment in any fashion to be construed as being in any way critical of the legislation before us or of the efforts of the subcommittee or the accomplishments of the distinguished gentleman from Illinois, the chairman of the subcommittee. They have done a fine job in presenting the House with a good piece of legislation, one which goes a long way toward meeting our national needs and one which goes a long way toward meeting the needs of the cause of conservation.

When I say this I want to be understood that the $1 million that has been put in the bill for the funding of the accelerated wetlands acquisition program is a most useful and desirable step forward. This is the fund which provides advanced funding for the acquisition of wetlands and migratory bird habitat. This is better and more generous assistance than has been provided in many instances, by the subcommittee and the Interior Appropriations Committee over the years.

But, Mr. Chairman, I rise to offer an amendment on behalf of myself and a large number of my colleagues who are troubled about the inadequate funding program for the acquisition of migratory bird habitat through the accelerated wetlands acquisition program. It is an unfortunate fact that the whole refuge acquisition program is falling very badly behind.

This amendment I am offering on behalf of my colleagues, the gentleman from Florida (Mr. SIKES), the gentleman from Texas (Mr. CASEY) and the gentlemen from California (Mr. LEGGETT, Mr. LAGOMARSINO, Mr. MCCLOSKEY, and Mr. MOSS), and the gentlemen from Michigan (Mr. NEDZI and Mr. FORD) and the gentleman from Massachusetts (Mr. CONTE), and my dear friend from New Jersey (Mr. FORSYTHE), as well as a number of others.

I think that $10 million, an increase of $9 million at this time, is the minimum appropriate amount to buy habitat, to buy the rapidly vanishing wetlands as a habitat for the migratory birds of this country.

This is not wasteful.

On the contrary, it is a prudent investment in the future of this country. Not only is this investment necessary to see to it that the national goals set out by Congress and just reiterated a few weeks ago when the Congress passed an extension of this program by 400 to 0, and authored by my friend and colleague, the gentleman from Minnesota (Mr. OBERSTAR), is very much in the public interest.

This amendment says that the appropriations process will keep faith with the authorization process and that a program which has passed the House unanimously to buy habitat for migratory birds and refuges will be carried forward according to the intent of the law.

I urge your support for my amendment which would provide $10 million for the acquisition of wetlands under the migratory bird account in fiscal year 1976.

As former chairman of the Subcommittee for Fisheries and Wildlife Conservation and the Environment of the Merchant Marine and Fisheries Committee and as a member of the Migratory Bird Conservation Commission, I have watched the Fish and Wildlife Service in the Department of the Interior carry on an agonizing struggle to protect important waterfowl habitat against the pressures of increasing land prices and competition for land, with inadequate funding.

In 1961, Congress enacted the Wetlands Loan Act, which authorized a $105 million loan fund to be used in combination with duck stamp receipts to accelerate Federal efforts to prevent and offset serious loss of waterfowl production habitat. It set as a goal acquisition of 2.5 million acres of high quality breeding and other waterfowl habitat.

Despite the fact that there remains $19.1 million in the loan authorization to be appropriated for fiscal year 1976, no request was made against this authority in the President's budget. The Appropriations Committee has recommended an appropriation of $1 million. Yet, a shortfall of some 600,000 acres exists to meet the initial goal of the program.

If the $105 million were appropriated within the original 7 years, this coupled with duck stamp receipts would have been sufficient to reach the acquisition goal of this accelerated program. Now the word "accelerated" is almost a joke. The delay has resulted in a drastic diminishment of the dollar's purchasing power. Since 1961, land costs have soared due to inflation and demands.

The current economic recession has presented unusual opportunity to acquire land from owners and developers who are financially hard pressed. Inadequate funding for this program now will merely postpone the initial objectives set by Congress under the Wetlands Loan Act and greatly increase the cost of preserving the habitat necessary to maintain our wildlife resources.

Unquestionably, the need to identify and preserve wetlands has never been more critical. Wetlands are disappearing at increasing rates and likewise, the cost of remaining wetlands is doubling and tripling. It chafes me that the administration is to limit funding for these lands to the direct contributions of duck hunters. There is a broad range of benefits from these lands that accrues to the general public. The least we can do is to honor the commitment the Congress made, which is to be repaid by the duck hunters.

I would like to remind my colleagues that only 2 weeks ago on July 8, the House voted by a unanimous 400 yeas to extend the acquisition program an additional 7 years and to increase the appropriation authorization from $105 million to $200 million. Therefore, I think it is imperative that we now come forward and satisfy this mandate and appropriate what I consider to be a reasonable amount for fiscal year 1976 of $10 million.

I urge your support of this amendment.

This program provides more than just swamps for migratory birds. It provides refuges.

Mr. CASEY. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Texas.

Mr. CASEY. Mr. Chairman, I appreciate the gentleman yielding and I want to commend the gentleman for his amendment and join in endorsing it and hope we can pass it.

I think we should point out this is advance funding and will be repaid.

Mr. DINGELL. Mr. Chairman, the gentleman is correct. We will advance the money, which will be repaid by the sportsmen.

Mr. CASEY. By the sportsmen who buy migratory bird stamps.

Mr. DINGELL. By advancing this money we are enabling the purchase of lands at the current prices, which are most advantageous.

Mr. CASEY. As the gentleman knows, there is not much more land and if we do not acquire this quickly, much of it will disappear due to drainage and development.

The gentleman from Michigan and I and all bird lovers know that unless we preserve this land, we will see a further decrease in our migratory waterfowl.

Mr. DINGELL. The gentleman is correct. Unless this land is acquired or shortly acquired, it will never be acquired. We will never be able to afford it. The land will be drained and developed and our waterfowl resources are fast going.

This is a loan, an advance which must be repaid. This is the only legislation where the sportsmen fund it themselves, where the money is repaid by the duck hunters who hunt ducks every fall.

Mr. Chairman, I yield to my friend, the gentleman from Minnesota, who recently sponsored this legislation that passed 400 to nothing.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman and I compliment the gentleman for his leadership for many years in the conservation movement. I think it is important that the House back up that 400 to 0 vote and provide the funds proposed in this amendment.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(At the request of Mr. OBERSTAR and by unanimous consent, Mr. DINGELL was allowed to proceed for an additional 3 minutes.)

Mr. DINGELL. Mr. Chairman, I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the House, as the gentleman from Michigan just said, passed a bill saying that we should extend this wetlands program, that we should acquire this needed acreage and I think it is important that we move to back up that commitment. Wetlands are disappearing at an incredible rate. In Minnesota alone we have lost 40 percent of the wetlands available in the last 10 years. Nationally we need an additional 1.3 million acres, to get up to a total nationwide need of 3.8 million acres, and we are nowhere near that figure yet.

There is an authorization on the books dating back to 1961 for $105 million in loan funds to acquire wetlands. We have spent only $86 million of that amount and that is really an advance loan which must be repaid out of duck stamps, bought by duck hunters. There is $19 million available, unspent from that original authorization.

The gentleman's amendment, therefore, is asking us to appropriate only half the amount the wetlands program is entitled to on the basis of the law now in force. It is a modest, reasonable proposal.

Mr. Chairman, I support the gentleman's amendment.

Mr. DINGELL. Mr. Chairman, I yield to my friend, the gentleman from Nebraska (Mr. McCOLLISTER).

Mr. McCOLLISTER. Mr. Chairman, I thank the gentleman and add my support to his amendment.

Mr. DINGELL. Mr. Chairman, I yield to my colleague and associate on the Migratory Bird Commission, who works with me to try and see to it that we get to keep this precious habitat, the gentlemen from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I rise in support of an amendment to increase the level of funding under the migratory bird conservation account from $1 million to $10 million.

I serve as a member of the Migratory Bird Conservation Commission which reviews and approves national wildlife refuge purchases proposed by the Department of Interior with moneys from the migratory bird conservation fund. The funds are composed of duck stamp receipts and advance appropriations against future receipts. The authorization for these advances expires at the end of fiscal 1976. Appropriations have actually been less than one-half the rate intended by Congress in the 1961 Wetlands Loan Act, which authorized a total of $105 million. Thus far, $19.1 million is still unappropriated.

The Interior budget requested $12 million, which would actually be provided through the sale of duck stamps. I would like to commend the subcommittee for providing $1 million for advance against future receipts, when none were requested.

However, $10 million is needed to restore the wetland acquisition program to an effective level. The importance of the program cannot be denied—the committee recognizes this at page 23 of the report.

Although $12 million in receipts from the sale of duck stamps appears to be a substantial sum, we must realize that the wetland acquisition program in Minnesota and the Dakotas alone will almost consume the entire amount raised through the sale of duck stamps.

As of this date, there is more than an 88,000-acre/$32 million backlog of tracts that the Migratory Bird Commission has approved, but cannot afford to purchase. Further, there is a need to acquire 250,000 additional acres that have not even been presented to the Commission for review as yet. Land values are constantly increasing—reducing the purchasing power will only result in more Federal dollars purchasing less acreage in the future.

Expediting acquisitions now, will save money in the long run.

Another consideration we must reckon with is the fact that the longer acquisition is held up—more and more necessary waterfowl habitat will be drained to make prime farm ground or development lands. Finally, we must realize that massive wetland destruction has occurred already, particularly in coast estuaries and floodplains of our major rivers.

I urge your recognition of these needs by approving the funds necessary to continue the Atlantic salmon restoration program.

Acquisition for our wetlands deserves to be funded as originally intended when the Wetlands Improvement Act was approved by Congress.

We have a firm commitment to our waterfowl hunters, conservationists, and to all Americans to preserve these natural habitat. We must follow through with that commitment.

Thank you, Mr. Chairman.

Mr. DINGELL. It is not uncommon for us to pay for wetlands which have risen in cost from $25 to $2,500 per acre, at increases of 800, 1,000, or 1,200 percent.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I too would like to add my voice in support of this amendment. We often underestimate the wetlands value not only to nature and land, but as a means of flood control also. We have many flood problems at this moment, in my own district and State, and many of them could have been avoided if we had bought up our wetlands.

Mr. Chairman, I hope the amendment is agreed to.

Mr. DINGELL. I thank the gentlewoman for her comments.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Kentucky?

Mr. PERKINS. Mr. Chairman, I wish to associate myself with the distinguished gentleman from Michigan. The gentleman from Michigan is exactly right. This is the time to take action, and if it is not done now, it may never be done.

Mr. DINGELL. I thank my dear friend from Kentucky.

Mr. NOLAN. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Minnesota.

Mr. NOLAN. Mr. Chairman, I also wish to associate myself with the remarks of the gentleman from Michigan, and support this amendment.

Mr. DINGELL. Mr. Chairman, to recapitulate briefly, the amendment only adds $9 million to the total in this bill. This is a loan which must be repaid by the sportsmen who fund the program. The lands to be bought are refuges for migratory birds, but they are also lands that are used far more by campers, by picnickers, by birdwatchers, by hikers, by schoolchildren, and by students. They are a tremendous investment which will never be replaced if we let this situation pass by.

Mr. Chairman, I urge adoption of my amendment.

Mr. Chairman, I call to the attention of the House the report (H. Rept. 94–374) of the Committee on Appropriations which states (pages 13–14):

> The Charles Sheldon Antelope Range, Nevada, the Charles M. Russell National Wildlife Refuge, Montana, and the Kofa Game Range, Arizona which have been previously administered jointly by the Bureau of Land Management and the Fish and Wildlife Service are proposed by the Interior Department to be transferred to the sole jurisdiction of the Bureau of Land Management. The committee is disturbed that this decision was taken without public input, without proper notification of the subcommittee, without adequate study by the Department, without preparation of an environmental impact statement, and without proper consideration of its impact on the national wildlife refuge system. The committee believes the departmental decision was shortsighted and questionable because the transfer would establish two agencies with responsibility for administering the national wildlife refuge system.
>
> The committee is aware that authorizing committees are now considering legislation on this subject. The committee has decided that until the legislative intent is clear, management responsibility for these areas should be vested as before, jointly with the U.S. Fish and Wildlife Service and the BLM and the committee directs that the Secretary not transfer administrative jurisdiction over these refuges to the BLM unless and until authority for such transfer is provided by appropriate legislation.

Mr. Chairman, I commend the Committee for this statement and for its decision not to appropriate funds to the Interior Department to allow the Bureau of Land Management to take over sole administration of these Ranges. It is a wise decision. It should be supported by the House. The Congress, not the Secretary of the Interior, should decide which agency should administer the national wildlife refuge system.

H.R. 5512 which the distinguished chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment, Congressman LEGGETT, Congressman REUSS, and myself sponsored on March 26, 1975, after the Interior Department indicated that it would not abandon its outrageous decision of February 15, 1975, to transfer administrative jurisdiction over three game ranges from the Fish and Wildlife Service to the Bureau of Land Management has been approved by the Committee on Merchant Marine and Fisheries. Fifty-three of our colleagues joined us in sponsoring this important proconservation bill.

The objective of that bill is to protect and preserve the National Wildlife Refuge System which has been in existence for many years and established by Congress in 1966. It will preclude future tinkering and efforts to dismantle the System by executive branch fiat. This is the legislation referred to by the Appropriations Committee.

When Congress enacted the National Wildlife Refuge System Administration Act of 1966, we confirmed the existence of the System and, at that time, we thought we were also confirming administration of the System in the Fish and Wildlife Service. But since 1973, some Interior Department officials have been quietly moving in the direction of carving up the System and transferring some of its parts to other Federal and State agencies for administration without any meaningful opportunity for public or congressional review or comment. This effort culminated in the Secretarial decision of February 15, 1975 to transfer jurisdiction over three game ranges, Kofa, Charles Sheldon, and Charles M. Russell, to the BLM effective July 1, 1975.

This was a bad decision. It was made without public input. This controversial decision was made in violation of section 102(2)(C) of the National Environmental Policy Act of 1969 which I authored. I understand that the U.S. District Court for the District of Columbia, in Wilderness Society, et al. versus Hathaway, granted a temporary injunction to the plaintiffs preventing this transfer. This is welcome news.

For over 30 years these ranges, pursuant to Executive Orders 7522 and 7509 of 1936 and Executive Order 8039 of 1939, have been jointly administered by the BLM and the FWS. The BLM has been responsible for grazing, mining and similar uses. The FWS has been responsible for the care and preservation of wildlife. There have always been problems with such sole jurisdiction. Indeed, it was revealed at our subcommittee hearing last May that the Fish and Wildlife Service prepared a report entitled "Proposal for Single Agency Management" of these ranges some time ago. This report was first made public at that hearing. It said:

> Because of differences in public laws governing each Bureau's activities; interpretations of various public laws governing the management prerogatives of each Bureau; differences in policy direction within the Department; and differences in natural resource philosophy of each agency, irreconcillable conflicts have developed. As a result of these unresolvable differences, the public, in whose name these areas are managed, have not received full benefits of the natural resources found therein, nor have these resources been adequately protected.

Not mentioned in this report is the fact, documented by Interior's Audit Division in a July 21, 1972, report, that the national wildlife refuge system "is seriously underfinanced." That report points out that O. & M. funding for the system increased from $10.8 million in fiscal year 1967 to $19.9 million in fiscal year 1972, but "most of the increase went for higher salaries." The appropriation in fiscal year 1974 was $20.3 million and in fiscal year 1975 it was $22.8 million. Additionally, though the system has increased in size, employment has declined from 1,066 people in fiscal year 1968 to 843 in fiscal year 1975.

Instead of taking steps to reverse this trend and request the needed funds from Congress, the Assistant Secretary for Program Management who has no line responsibility for the system or working knowledge about it recommended in his "Administratively Confidential" memorandum of January 1973 to the Secretary that the ranges "be transferred to BLM" and that, in addition, "14 big game refuges should be turned over to the States." It is interesting to note that no other Interior official in Washington made a similar recommendation to the Secretary. Yet 2 years later the Secretary followed the secret 1973 recommendation and ordered the transfer of the game ranges to BLM.

The Fish and Wildlife Service report made a different recommendation. It said:

> Numerous reports examining the problem have recommended that the Ranges be placed under the sole administrative jurisdiction of the Bureau of Sport Fisheries and Wildlife. Proper management of the wildlife resources would continue to be the primary objective of each area. Other compatible uses will be permitted including grazing, recreation, hunting, etc. The Bureau of Land Management will continue to administer mining laws but access for mineral exploration will be controlled by the Bureau of Sport Fisheries and Wildlife.

However, that report was purportedly never presented to the Secretary and, of course, it was not made public until after the Secretary made his decision last February, as I noted in my letter of June 2, 1975, to Acting Secretary Kent Frizzell (see CONGRESSIONAL RECORD, June 27, 1975, pages 21335–21337.

Mr. Chairman, the Appropriations Committee is right in saying that this decision "was shortsighted and questionable." The committee is right in saying that it is "disturbed" that the decision was made "without public" congressional "input." Finally, the committee is right in continuing the status quo, as it existed before the February decision, namely, that the ranges continue to be jointly administered by the BLM and the FWS. This action of the committee, and I hope the Congress, shall require revocation of the recent public land orders transferring jurisdiction to the BLM.

Mr. YATES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment most regretfully. I recognize that my good friend from Michigan is very well intentioned, and I certainly would support him if financial conditions were not what they are. Our committee believes in conservation. Our committee believes in the acquisition of wetlands. It is for that reason that our committee put a million dollars in this bill over and above the budget.

The gentleman's request would add another $9 million over and above the budget at a time when our bill is already about $58 million over the budget for various appropriations throughout the bill. I have asked the Fish and Wildlife Service about this amendment, and the information that was given to us was that, yes, there ought to be wetlands acquisition. There ought to be 1,900,000 additional acres acquired at a cost of $450 million. That is what the estimate is for acquiring the wetlands that the Fish and Wildlife Service say should be acquired.

The problem of acquiring land and adding it as a part of our national holdings is one of the major problems we have. For example, in this bill we went over the budget not only with respect to the wetlands; we went over the budget for the acquisition of Cape Canaveral National Seashore lands. We put in a million dollars.

We went $4 million over the budget in order to acquire lands for the Cuyahoga Valley National Recreation Area. We went $5 million over the budget to acquire lands for the Golden Gate National Recreation Area in California. We went $1 million over the budget for the Mount Hagin Ranch in Montana. We went $5 million over the budget for acquiring land in the Lake Tahoe Basin in California. We went $2½ million over the budget for the Great Dismal Swamp in Virginia. The committee is very much aware of the necessity for buying land at this time because we know that the cost of those lands is going to escalate. But how much land can we buy in one appropriation bill? We have the problem of acquiring lands in the future, which is enormous. For example, the cost of acquiring the needed additional land for the National Park Service is $938 million; for the Forest Service it is $1,483,000,000; for the land for the Fish and Wildlife Service, apart from wetlands, it will be another $453 million; for the Bureau of Land Management, $21,972,000. The total of the lands that we must acquire at today's prices is $2,897,000,000.

It may be argued, "All right, why do you not start on this program and spend another $9 million?"

The amount that we could spend is endless. It is like a marshland, part of the wetlands. The amount one could invest is just tremendous.

The committee thinks it has achieved a reasonable compromise in the amount it has put into the bill, going over the budget in making these acquisitions.

I dislike very much to argue against the proposition of the gentleman from Michigan, and yet I feel I must in this instance because I think the committee has gone as far as it should go.

Mr. Chairman, I urge the defeat of the amendment.

Mr. LEGGETT. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

The amendment seeks to obtain additional funds for acquisition for wetlands, as I understand it. We have a critical need in this general subject area. I appreciate the penuriousness of the chairman of the subcommittee in his management of the money of the committee, and I commend him for his watchfulness in this regard. However, I think we have to keep in mind that we are only asking here, in a spending program which will probably have outlays in this fiscal year on the order of, as I recall, 360 some billion dollars, depending on what we finally agree upon, for the magnanimous sum of $9 million for additional environmental protection, habitat acquisition, et cetera.

Mr. Chairman, I am going to offer an amendment in a few minutes for $5 million to rehabilitate 1,500 refuges in the country; for all of these tremendous game refuges we have, we have a total of approximately five employees per refuge. I frankly think the American people think they are getting more in the refuge system than they get. We have an obsolete domestic military plant, as a practical matter, as far as our housing capability, et cetera. But so far as the refuge system, we have a tremendously obsolete plant. It is not manned. It is not operated effectively. $9 million costs, $5 million costs, these are what we call in the Defense Committee "clerical error amounts." When we finally round out the amounts we want in our program, we normally do not even include these. We give discretion to counsel to round out the amounts we will need.

I think we ought to keep in mind that this year we are expanding procurement alone in defense from the $12 billion spending level to the $18 billion spending level. That is a total outlay increase of $6 billion. This has been fully supported by this House.

I would think this is a rather nominal amount, this amount of $14 million represented by these amendments. I do not think we should confuse my amendment with the amendment offered by the gentleman from Michigan (Mr. DINGELL), but I do think this amount is well within the budget.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Mr. Chairman, I, along with the chairman of the subcommittee, find it difficult to rise in opposition to this amendment, but I am constrained to do that.

We have had great difficulty in making judgments, because we are so far behind in so many areas, whether it is in land management, whether it is in reforestation, or whether it is in range management. We have made the best decisions we could in terms of the budget request and in terms of how much we can afford to go over the budget before we get to the point of a possible veto. We have gone over and over the questions the gentleman has raised.

The gentleman from California has said he is going to offer an amendment in the same area for additional amounts. That would mean we would go $14 million over what the committee is recommending. We have looked this over, and I do understand the position of the gentleman. But I think, given the facts before the committee, considering the balanced judgment we have made in our work in going over the budget, I am constrained not only to oppose the amendment offered by the gentleman from Michigan (Mr. DINGELL), but also the amendment to be offered by the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, I am sure the gentleman does that with considerable reluctance, because I know what the priorities of the gentleman from Colorado are. I would hope that we can avoid whatever pride of authorship there may be in this general subject area.

I commend the gentleman from Illinois (Mr. YATES) for his leadership on this particular committee. He has put in a lot of dough that was not asked for. I am well aware of that. We do have a progressive piece of legislation.

On the other hand, I think that we must recognize that the departments these matters relate to are not nearly as aggressive as some of the other departments of Government when it comes to asking for what we call an adequate budget.

What we are asking for in these

amendments is strictly within the realm of reasonable requests and reasonable capability and reasonable utilization.

Mr. NOLAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I will not take my full 5 minutes in my presentation, but in order to help the House understand the seriousness and the immediacy of this problem, I would just like to share with the Members the experience of what has happened in my district in Minnesota.

According to survey conducted by the Fishery and Wildlife Services, in the last 10 years 26,000 class 3, 4, and 5 marshes have been drained. A class 3 marsh is one that contains water most all year around, except during an exceptionally dry period, and in class 4 and 5 marshes there is water at all times. Class 1 and 2 marshes are virtually nonexistent.

The fact is, the demands for food in this country and around the world have forced the farmers to engage in accelerated ditching and draining of these wetlands in order to put the land into food production and unless we agree to this amendment and start appropriating moneys now, it will be too late. In addition to that, the land costs are skyrocketing, and if there are any wetlands available after a few more years, with this accelerated demand, their cost will be prohibitive.

So with the availability of the wetlands diminishing at an accelerated rate, we are really posing some very serious threats to the water tables in this country. We are threatening and making possible much greater soil erosion. We are threatening the wildlife and the environment. I believe that ultimately we will even lose in actual food production as a result of diminishing the water tables and increasing erosion.

Most importantly, Mr. Chairman, if we fail to agree to this amendment, we will lose a most valuable natural resource and we will seriously diminish the quality of life in this country.

Mr. Chairman, I strongly urge that we agree to this amendment.

Mr. McDADE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The question was taken; and on a division (demanded by Mr. DINGELL) there were—ayes 23, noes 34.

RECORDED VOTE

Mr. DINGELL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 220, noes 203, not voting 11, as follows:

[Roll No. 420]

AYES—220

Abzug
Adams
Alexander
Ambro
Anderson, Calif.
Archer
Aspin
AuCoin
Badillo
Bafalis
Baldus
Baucus
Beard, R.I.
Bedell
Bennett
Bergland
Biaggi
Biester
Blanchard
Blouin
Boggs
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Buchanan
Burke, Calif.
Burton, John
Burton, Phillip
Butler
Carr
Casey
Chisholm
Clausen, Don H.
Clay
Cleveland
Cohen
Conable
Conte
Corman
Cornell
Coughlin
D'Amours
Danielson
Davis
de la Garza
Dellums
Diggs
Dingell
Downey, N.Y.
Downing, Va.
Drinan
Eckhardt
Edgar
Edwards, Calif.
Emery
Esch
Fascell
Fenwick
Fish
Fisher
Fithian
Flowers
Ford, Mich.
Forsythe
Fraser
Frenzel
Frey
Gilman
Goldwater
Gonzalez
Green
Gude
Hagedorn
Hammerschmidt
Hanley
Hannaford
Harkin
Harrington
Harris
Hastings
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hightower
Holtzman
Howard
Hubbard
Hughes
Jacobs
Jeffords
Jenrette
Johnson, Pa.
Jordan
Kasten
Kastenmeier
Kazen
Kelly
Keys
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Leggett
Lehman
Lent
Long, La.
Long, Md.
McClory
McCloskey
McCollister
McHugh
Macdonald
Madden
Madigan
Maguire
Mathis
Matsunaga
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mineta
Mink
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Morgan
Moss
Nedzi
Nichols
Nolan
Nowak
Oberstar
Obey
O'Hara
Ottinger
Patterson, Calif.
Pattison, N.Y.
Perkins
Peyser
Pike
Pressler
Preyer
Price
Quie
Rees
Reuss
Richmond
Riegle
Rinaldo
Roberts
Rooney
Rose
Rousselot
Ruppe
Russo
Ryan
St Germain
Santini
Sarbanes
Scheuer
Schroeder
Schulze
Seiberling
Sharp
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Staggers
Stark
Steelman
Steiger, Wis.
Stokes
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Thompson
Thone
Thornton
Traxler
Tsongas
Udall
Vander Jagt
Vander Veen
Vigorito
Walsh
Waxman
Weaver
White
Wilson, Bob
Wilson, Tex.
Wirth
Wolff
Wright
Wydler
Yatron
Young, Alaska
Young, Ga.
Young, Tex.

NOES—203

Abdnor
Addabbo
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Armstrong
Ashbrook
Barrett
Bauman
Beard, Tenn.
Bell
Bevill
Bingham
Boland
Brown, Mich.
Brown, Ohio
Broyhill
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byron
Carney
Carter
Cederberg
Chappell
Clancy
Clawson, Del
Cochran
Collins, Ill.
Collins, Tex.
Conyers
Cotter
Crane
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Delaney
Dent
Derrick
Derwinski
Devine
Dickinson
Dodd
Duncan, Oreg.
Duncan, Tenn.
du Pont
Early
Edwards, Ala.
Eilberg
English
Erlenborn
Eshleman
Evans, Colo.
Evans, Ind.
Fary
Findley
Flood
Florio
Flynt
Foley
Ford, Tenn.
Fountain
Fuqua
Gaydos
Giaimo
Gibbons
Ginn
Goodling
Gradison
Grassley
Guyer
Haley
Hall
Hamilton
Hansen
Hawkins
Hébert
Hefner
Henderson
Hicks
Hillis
Holland
Holt
Horton
Howe
Hungate
Hutchinson
Hyde
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kemp
Ketchum
Kindness
Landrum
Latta
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Lott
Lujan
McCormack
McDade
McDonald
McEwen
McFall
McKay
McKinney
Mahon
Mann
Martin
Mazzoli
Michel
Milford
Mills
Minish
Mitchell, Md.
Montgomery
Moore
Moorhead, Calif.
Mosher
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nix
O'Neill
Passman
Patman, Tex.
Patten, N.J.
Pepper
Pettis
Pickle
Poage
Pritchard
Quillen
Railsback
Randall
Rangel
Regula
Rhodes
Risenhoover
Robinson
Rodino
Roe
Rogers
Roncalio
Rosenthal
Rostenkowski
Roush
Roybal
Runnels
Sarasin
Satterfield
Schneebeli
Sebelius
Shipley
Shriver
Shuster
Sikes
Simon
Sisk
Skubitz
Slack
Spellman
Spence
Stanton, J. William
Stanton, James V.
Steed
Steiger, Ariz.
Stephens
Stratton
Symms
Taylor, Mo.
Treen
Ullman
Van Deerlin
Vanik
Waggonner
Wampler
Whalen
Whitehurst
Whitten
Wiggins
Wilson, C. H.
Winn
Wylie
Yates
Young, Fla.
Zablocki
Zeferetti

NOT VOTING—11

Ashley
Conlan
Evins, Tenn.
Fulton
Harsha
Hinshaw
Jones, Ala.
Karth
Miller, Ohio
O'Brien
Teague

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. SKUBITZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first I want to commend the chairman of the committee, the gentleman from Illinois (Mr. YATES), and the gentleman from Pennsylvania (Mr. McDADE), the ranking Member, for the outstanding job they have done in preparing this bill and bringing it to the floor. However, the reduction disturbs me. I would like to have the attention of the gentleman from Illinois (Mr. YATES).

I note that, on page 28, line 26, the committee authorized $12,800,000 for certain operations that provide departmental services. Now, this is $1,897,000 less than requested. It is not a very large amount, but by this action the committee has drastically reduced the funds for the Office of Mineral Policy Development.

Mr. Chairman, the Office is a small office. I think it employs only 10 or 12 people, but it is clothed with the responsibility of reviewing the requests and recommendations that are made by the bureaucrats and advises the Secretary of its findings. I wonder just why the committee reduced the funding for the agency of this Office.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. SKUBITZ. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the committee was very concerned about the operation of the Office of the Secretary. In a most unusual action for the committee, I will tell the gentleman, the committee called departmental witnesses before the committee not once but three times.

That was because it was concerned with some of the operations. The committee agreed to the reductions because the committee was of the opinion that the testimony did not warrant any greater amount.

We did it most carefully. I will tell

the gentleman. This was not a superficial kind of a judgment that the committee made, but one that resulted only after we had extensive discussions with the witnesses from the Department.

Mr. SKUBITZ. I would be correct in saying, then, that the committee action was due to the department failure to do its homework in presenting its case?

Mr. YATES. I would say that was one of the reasons. I would also say that the committee was impressed by the fact that there seemed to be no reason for increased appropriations.

Mr. SKUBITZ. Mr. Chairman, I thank the chairman.

Mr. Chairman, the primary responsibility of the Office of Minerals Policy Development is to serve as the focal point for the Department of the Interior's mineral and energy policy development activities, and thus contribute to the attainment of Project Independence objectives and to appropriate and timely planning for strategic minerals such as aluminum, chromium, palladium, and palladium to lessen the dependence of the United States on insecure foreign supplies.

The major reasons for establishing OMPD in 1973 were to create an analytical disinterested team as a staff group to coordinate interbureau and interagency activities, to emphasize conservation of resources, to analyze the adequacy and coverage of Bureau data gathering, and for the Assistant Secretary—Energy and Minerals to have an analytical group capable of short-term analyses.

Major activities planned during fiscal year 1976 included the development of supply curves for oil and gas. Such estimates are basic to development of the appropriate energy policy stance for this country in achieving energy independence. Another major effort included the development of long-run supply and demand estimates for aluminum and steel, et cetera, make possible analysis of the impacts of cartel behavior, policy options to counter such behavior, and the impact of proposed international economic policies such as minerals price stabilization.

A 57 percent budget cut for OMPD for fiscal year 1976 would cripple the development of these studies as well as coordination and other activities of the OMPD.

A more specific treatment of the impacts of the 1976 budget cut on OMPD activities is presented in the following chart.

THE OFFICE OF MINERALS POLICY DEVELOPMENT

RATIONALE

1. Need by Assistant Secretary E&M of analytical group oriented towards problems and not mission oriented i.e. distinterested from perspective of constituency groups.

2. Need for staff group to facilitate interbureau coordination as well as interdepartmental and intergovernment coordination.

3. Need for group to emphasize policy mix fostering conservation of energy and mineral resources, i.e., the demand equation for energy minerals.

4. Need for group to analyze adequacy and coverage of Bureau data gathering.

5. Need by Assistant Secretary E&M for excellent independent analytical group to develop short-term policy analyses.

MAJOR ACHIEVEMENTS DURING FY 1975

1. Economic and Risk Analysis of alternative Alaskan Natural Gas Pipeline Transportation Systems (ongoing), Evaluation of OCS areas by the net Financial Benefits and Environmental Costs of Development; Economic Evaluation of Issuing Preference Right Leases for Phosphate Mining on Osceola Forest.

2. Shut-in Gas Task Force; inflationary implications of strip mining legislation; synthetic fuels study;

3. Study of demand for critical minerals such as aluminum, chromium, platinum and palladium.

4. Publication of "Energy Perspectives; Critical Commodity Analysis."

5. Econometric analyses of economic impacts of coal strike; analysis of fine structure of MESA; financing problems of electric utilities.

EXPECTED OUTPUTS DURING FY 1976

1. Economic Efficiency, environmental trade-offs. Analysis of viability of electric power industry, and effective policy mix to further viability net social benefits from improved regional planning of electric utility production and transmission; productivity studies.

2. Removing bottlenecks to realization of OCS objectives.

3. Demand estimates for energy. Estimation of long-run supply and demand functions for copper, aluminum and steel; short-run and long-run demand forecasting of electric power by region and nationally. Influence of regulatory process on electric utilities.

4. *Energy Facts*. Further critical commodity studies.

5. Estimates of impacts of cartel action by foreign suppliers of copper, aluminum and steel, and most effective policy mixes to counter such behavior; impact of proposed international economic policies; policy mix to further domestic production.

OUTPUT LOSSES DURING FY '76 DUE TO OMPD BUDGET REDUCTION OF 57 PERCENT

1. Elimination of in-house modeling capability to perform sophisticated analysis of pressing problems in minerals and energy supply such as estimation of short-run and long-run supply functions for oil and gas, and the impacts of cartel behavior by foreign suppliers of minerals.

2. Serve retardation of coordination efforts needed to avoid Bureau activity duplication, functions, bottlenecks in programs tied to Project Independence.

3. Elimination of contract research on policy including demand forecasting of electric utilities, mineral conservation policies.

4. Future publication of critical commodity studies not possible.

5. Development of program analysis group in OMPD not possible, and with limited staff fewer short-term analyses possible of impact of international and national policy options on U.S. economic, regional, energy and mineral situation.

Mr. HICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I might have the attention of the chairman of the committee and the ranking minority member, the gentleman from Pennsylvania (Mr. McDADE), it is my understanding that included within the Indian Health Services is the sum of money that is set forth more particularly on page 52 of the report. If I can call the attention of the Members to page 52 of the report, and page 53, there is the statement on page 53 as follows:

> The additional funds provided for the Puyallup health program is contingent upon the transfer by the State of Washington to the tribe of the Cushman Hospital, which will provide the facilities to carry out this program.

There is some confusion at that point, Mr. Chairman. I testified before the committee, as the gentleman may recall, and there were two programs that I was talking about. One was an outpatient clinic which consisted of a building on the same grounds upon which the Cushman Hospital is located known as the Crestview Cottage. The Crestview Cottage is the structure in which the outpatient clinic will be utilized. The Cushman Hospital, on the other hand, was a program where the Indians hoped to take back this large hospital building by having funds appropriated to repay the State of Washington for improvements that they had made to it, and then they would carry out certain programs here that would be financed.

The committee in its wisdom did not approve that program, but did approve the outpatient program. The confusion will arise on the condition here saying that it is contingent upon the conveyance of the Cushman Hospital. The Cushman Hospital will not be conveyed. The Crestview Cottage will be and has been leased, and if the language can be corrected to Crestview Cottage, I believe this would clear up any difficulty that may arise.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. HICKS. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, may I say to the gentleman that on behalf of the committee I am very sorry for the confusion that has arisen as a result of the language used in the committee report. The committee action was predicated upon the testimony which the gentleman gave in committee, and the committee sought to carry out the purposes of the testimony of the gentleman.

If the gentleman tells us the language in the report should read Crestview Cottage instead of Cushman Hospital, I for one would be willing to accept the language.

On behalf of the committee, I am willing to accept that change, if it is all right with the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. HICKS. I yield to the gentleman.

Mr. McDADE. I thank the gentleman for yielding.

Mr. Chairman, I am well aware of the gentleman's appearance before the committee, and I have absolutely no objection on this side of the Chamber.

Mr. HICKS. I thank the committee. I hope it was not my testimony that confused the issue. If it was, I apologize.

I want to take this opportunity to commend the committee and especially the chairman, the gentleman from Illinois (Mr. YATES), and say that he is operating in the great tradition of the great lady from Washington, Mrs. Hansen, whom he replaced, and I hope he continues.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. HICKS. I yield to the gentleman.

Mr. MEEDS. I thank the gentleman for yielding.

I also would like to take this time to make some legislative history.

The chairman of the subcommittee will recall that he added $1,200,000 to the Indian health budget because $1,200,000 had been taken from other HEW programs which had been used for Indian health. Among those was the Urban Indian Health Center in Seattle, which I think was in the area of $600,000 short.

It is my understanding, from talking with counsel, that this $1,200,000 was not specifically earmarked for these specific urban Indian programs from which other HEW funds had been taken and for which this was to take that place.

Will this legislative history I am now establishing, if the Chairman will answer this in the affirmative, be sufficient to make sure that funds go to those specific urban centers where they have had other HEW funds taken away?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. HICKS. I yield to the gentleman.

Mr. YATES. I thank the gentleman for yielding.

Mr. Chairman, I will tell the gentleman that his statement is correct. The reason for placing the $1,200,000 amendment in full committee for the urban Indian health program was to take care of the programs which are losing their funds as a result of the reductions in the title 314 program and for additional projects.

Specifically, I will tell the gentleman that $600,000 of that sum was supposed to be allocated for the program in Seattle, Wash.

Mr. MEEDS. Mr. Chairman, I thank the gentleman. I am sure that will be sufficient.

Mrs. BURKE of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, would the chairman of the subcommittee, the gentleman from Illinois, please tell me whether it is true that there are no funds that have been earmarked in this bill for the Sewell-Bellmont House here in Washington, which is of great historical interest to the Feminist Movement?

Mr. YATES. If the gentlewoman will yield, to my knowledge, no.

Mrs. BURKE of California. Does the National Park Service have the discretion to use their funds and the funds that have been allocated in this bill for the purpose of restoring that house?

Mr. YATES. If the gentlewoman will yield, I would think it would have the discretion to do so through a reprogramming.

Mrs. BURKE of California. Does the gentleman believe that it is of the utmost importance and it should be established as a priority to set aside the $200,000 that will be necessary for the restoration and maintenance of this historical site.

Mr. YATES. If the gentlewoman will yield further, I will tell the gentlewoman that I really do not know whether the Park Service has $200,000 available for that purpose, but I want the gentlewoman to know that I share her views that the Park Service should move toward that position.

Mrs. BURKE of California. Is it true that this matter was not brought before the committee and that the urgency of this appropriation was not called to the attention of the subcommittee and as a result this money was not in the bill?

Mr. YATES. If the gentlewoman will yield further, the answers to that question is yes, the matter was not presented to the committee in public testimony.

Mrs. BURKE of California. I thank the gentleman, and I do hope that every attempt is made that as this bill moves to the Senate that there is some attempt to earmark these moneys that are very necessary. We are only talking about $200,000 and, certainly, as we approach the Bicentennial, I would hope that this historical site would be restored and maintained.

Mr. YATES. If the gentlewoman will yield further, I will tell the gentlewoman that the house in which she and I are interested is redolent with history and certainly should be maintained.

Mrs. BURKE of California. I thank the gentleman.

AMENDMENT OFFERED BY MR. RONCALIO

Mr. RONCALIO. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

PRESERVATION OF HISTORIC PROPERTIES

For expenses necessary in carrying out a program for the preservation of additional historic properties throughout the Nation, as authorized by law (16 U.S.C. 461–467, 470), and investigations, studies, and salvage of archeological values, $24,666,000, to remain available until expended.

For "Preservation of historic properties" for the period July 1, 1976, through September 30, 1976, $6,040,000, to remain available until expended.

The Clerk read as follows:

Amendment offered by Mr. RONCALIO: Page 13, line 9, after "expended." insert the following:

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, $2,575,000.

For "John F. Kennedy Center for the Performing Arts" for the period July 1, 1976, through September 30, 1976, $741,000.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. RONCALIO. I will be happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the gentleman presents a worthy amendment, in my opinion. The reason that the committee did not include these funds in the bill is because no authorization bill had been passed by either body at the time of the markup.

The committee has taken the position that if an agency has its funds authorized in a bill that has been adopted by the House, it will include these funds. Now that the authorizing legislation for the John F. Kennedy Center has passed the House. I have no objection to the gentleman's amendment, and I urge its adoption.

Mr. REGULA. Mr. Chairman, will the gentleman yield.

Mr. RONCALIO. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we have no opposition to the amendment on this side.

Mr. RONCALIO. Mr. Chairman, I thank the gentleman.

I would like the record to show that it is my responsibility and I assume full fault that the authorization was not passed before Monday last. I assigned other priorities to my work, and I do apologize.

Mr. Chairman, I thank the gentleman very much.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming (Mr. RONCALIO).

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. LEGGETT

Mr. LEGGETT. Mr. Chairman, I offer amendments.

The portion of the bill to which the amendments relate is as follows:

UNITED STATES FISH AND WILDLIFE SERVICE
RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; and maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, $115,984,000.

For "Resource management" for the period July 1, 1976, through September 30, 1976, $27,389,000.

The Clerk read as follows:

Amendments offered by Mr. LEGGETT: Page 9, line 11, strike out "$115,984,000" and insert "$120,984,000".

Page 9, line 13, strike out "$27,389,000" and insert "$28,639,000".

Mr. LEGGETT. Mr. Chairman, the amendment which I offer today is vital to the future of our National Wildlife Refuge System.

Over the years, the Subcommittee on Fisheries and Wildlife Conservation and the Environment has initiated a steady stream of legislation to increase the acreage contained in the National Wildlife Refuge System until today the system covers some 31 million acres. During this Congress that acreage is expected to nearly double with the addition of lands in Alaska set aside under the provisions of the Alaska Native Claims Settlement Act. The subcommittee is justifiably proud of its role in providing these lands for the conservation and protection of our country's wildlife and its habitat and for the recreational side benefits which accrue to our citizenry, for wildlife appreciation.

In addition, Mr. Chairman, over the past few years the responsibilities of the Fish and Wildlife Service, which has operational jurisdiction over the Refuge System, have substantially increased as a result of the passage of such laws as the Endangered Species Act, the Marine Mammal Protection Act, the National Environmental Policy Act, and the Fish and Wildlife Coordination Act.

But the fact is that because of the failure to accompany this steady increase with appropriately increased funding, we are faced today with a National Wildlife Refuge System which is in an alarming state of disrepair, the details of which provide a bleak picture and a warning for the future which must be heeded.

Let me hasten to state, Mr. Chairman, that I mean to imply no criticism of my distinguished colleague, Mr. YATES or the members of his subcommittee. On the contrary, I want to commend their efforts to recognize the program needs of the Fish and Wildlife Service. The committee bill before us does provide some increased funding for several important needs of the Service, particularly in the area of endangered species and Northwest Indian fishing rights. However, the increased funds provided by the committee—a total of about $4 million—will all be passed through to the States. I have no quarrel with this, in fact, I heartily endorse these increases for I am keenly aware that many of the programs carried out by the Service to accomplish its mission of assuring the well-being of the Nation's living resources and public enjoyment thereof, are handled through financial aid to the States.

My immediate concern, and that of my subcommittee, is with the provision of adequate funding for the operation, maintenance, and rehabilitation of our refuge facilities, and with making a beginning toward repairing the damage which has accrued from years of neglect. I am asking today for an increase for these purposes of $5 million for fiscal year 1976 and $1.25 million for the transition period—July 1, 1976 to September 30, 1976. I believe this is the absolute minimum amount necessary to begin to reverse the disastrous trend of the past. If we fail to make this small start toward recovery of these vital national resources now, we may well wind up in the not too distant future with a system which provides neither refuge nor recreation.

Mr. Chairman, as you know, I also serve on the House Budget Committee and I am highly cognizant of the need for fiscal responsibility; but a review of the facts concerning the desperate circumstances of our Refuge System cries out for at least this small increase if we are not to become the embarrassed landlords of the world's largest outdoor slum. Delay can only add to the cost.

Over the past 18 years, acreage in our Wildlife Refuge System has doubled and visitor use has tripled. As I said earlier, the addition of lands in Alaska will likely redouble the acreage and some 22.5 million visits are projected this year. This has and will continue to occur in a period of tight budget constraints, declining manpower, halving of the buying power of the dollar and increasing demands for the products of our Refuge System. We cannot continue to increase the lands in the system without providing for their development and protection. Untended and unprotected, such areas degenerate rapidly, reflect poorly on our country, and benefit neither wildlife nor people.

Today, our Refuge System is faced with an escalating backlog in rehabilitation and construction needs of profound magnitude. The combination of a 45–50 year old, undermaintained physical plant, acceleration of new acquisitions, declining manpower, inflation, and increased visitation have led to an $83 million maintenance backlog in existing refuges.

In its 1976 budget request, the Department of the Interior asked for some $1.6 million to meet this backlog. Our Appropriations Committee has wisely added another $1.3 million for rehabilitation of certain existing refuge facilities. Unfortunately, these moneys fall far short of what is presently needed and fail to take into consideration future increased needs.

The Appropriations Committee has expressed concern over reports that funds appropriated to the Fish and Wildlife Service are being used for programs other than those designated in the appropriations. I share this concern, but it is a situation we make unavoidable when we fail to provide adequate funding. Like the housewife who defaults on the rent to feed her family, the Fish and Wildlife Service has been forced to divert funds and manpower to meet emergencies and the results are obvious. We can not and must not continue to tolerate such conditions.

I am asking the Congress today to support my amendment in order to begin in a very minimal way to reverse the present untenable situation. Obivously, the $6.25 million will not significantly reduce the present $83 million backlog; but it will allow the Service to meet some of the Refuge System's most critical rehabilitation needs.

This amendment represents an initial sustaining action which, together with gradual increases over the next few years, will ultimately eliminate the backlog by allowing for orderly, well-planned replacement and rehabilitation of the system's facilities. We must face up to this problem at some point and the cost can only increase drastically if we fail to make this small beginning today.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. Yes; I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I tell the gentleman what I told the gentleman from Michigan (Mr. DINGELL): We do not like to oppose an amendment of this type. Yet, what would the gentleman have the committee do?

The committee is aware of the backlogs that have been built up over the years when just lip service was paid to taking care of our resources.

What the committee did in this bill was to go over the budget by about $7 million in order to build up the rangelands of the West. The committee went over the budget by about $20 million to continue a reforestation program. The committee has gone over the budget in other areas.

The problem is that, were we to take care of every program, this bill would be vetoed for having gone over the budget by several billions of dollars.

The point that I am trying to make is that the gentleman is talking to a person—I am talking about myself—who has a 100 percent conservation record. I probably lost that as a result of having opposed the Dingell amendment a few minutes ago. The point is that we do not like to oppose these very worthwhile amendments, but we cannot take care of every program in 1 year. We have to do it over a period of time.

It is for that reason, Mr. Chairman, that I most regretfully must say that I have to oppose the gentleman's amendment.

Mr. LEGGETT. Very good. I think the gentleman's attitude is not in question. I know of the job that he has done. He has done a good job, but we have to face the fact that the record before us is undisputed, that we have on 3,000 different projects in our refuge system a $83 million backlog.

The CHAIRMAN. The time of the gentleman from California (Mr. LEGGETT) has expired.

(By unanimous consent, Mr. LEGGETT was allowed to proceed for 2 additional minutes.)

Mr. LEGGETT. Mr. Chairman, we have the $83 million backlog, and even if we accede to this rather demonstrable effort to change our priorities by $5 million, it will take us upwards of 20 years to accomplish the objectives that we seek to reach, some kind of reasonable level of operation of the refuge program.

I cannot chair a committee and express concern in these areas and not come here to offer this rather nominal amendment.

I would like to offer an $80 million amendment and bring this program up to optimum in a very short period of time, but that would be, obviously, perhaps unreasonable. But I have offered $80 million amendments before.

It seems to me that we ought to go ahead and recognize we have a budget committee, and recognize that that budget committee has been given some discretion to weigh priorities and to make recommendations between appropriation bills. I would say that the wise course for us to take at this point would be to go ahead and make this modest investment in the environmental future of these 1,500 wildlife refuges with some 3,000 facility deficiencies that are operating with 150 enforcement officers, where they really need 250, according to the statement of the director, and then let the budget committee make recommendations with respect to the overall priorities with which we are faced.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I would ask the gentleman from California if it is not true that in the course of hearings held earlier this year in the subcommittee that the gentleman in the well now chairs, it was pointed out that the Wildlife Service has gone 5 or 6 years without an increase in staff, and in the things that they have had to do they have been hurt, and they have been cut back, and that the Nation is now paying the price because of the deficiency in the progress that has been made in this area?

Mr. LEGGETT. There is no doubt about it. They have also been eaten up by inflation. It is eating up all of the wildlife refuges. I am glad to take the money the committee gave to this purpose, but I think we could well take that plus this that I propose, and not do the committee any harm.

Mr. EVANS of Colorado. Mr. Chairman, I rise in opposition to the amendments offered by the gentleman from California (Mr. LEGGETT).

Mr. Chairman, I would just like to make a few comments of a similar nature on this amendment as those that were alluded to by the distinguished gentleman from Pennsylvania a few moments ago in opposition to the amendment that just passed.

Let me give the Members an idea of the problems we have on this committee in areas similar to that spoken of by the gentleman from California (Mr. LEGGETT) and we have many such areas. This is just one area in which we have given serious considerations, and on which we have made a difficult decision. We have had to make many similar and difficult decisions, and in doing so we have recommended $60 million above the President's budget request.

The gentleman, as I say, points to one area on which there could be additional funds spent, that is true. But we believe that there are many areas of equal or greater importance that far outweigh the proposal offered by the gentleman from California (Mr. LEGGETT). Take, for instance, the matter of Indian health. How much money could be spent in the field of Indian health? How much money could be spent in the field of Indian housing? At the current rate we are spending for Indian housing it will take 100 years—100 years—to get Indian housing up to an acceptable standard.

I am sure the distinguished chairman of the subcommittee, the gentleman from Illinois (Mr. YATES) could go on at length and tell us about the deplorable conditions of Indian health and housing, and we have gone over the budget in both areas.

Take the area of reforestation. We went along until about 2 years ago when this subcommittee insisted that the Department of the Interior start a 10-year program in order to catch up with the reforestation needed in this country. They have exceeded to our requirements, and they have requested additional funds, and we have provided them, and then had to fight the Office of Management and Budget to get that money spent.

Consider recreation. All over this country we have fine parks and forests, where our present personnel are just not enough to keep up with the additional recreational demands. What do we do? I think the gentleman from Pennsylvania highlighted our problem on the other amendment, and I beg the Members to consider it also in connection with this one.

Yes, we could spend three or four times as much as requested in this amendment. But I hope the Members will stay with the committee, defeat this amendment so that we do not have a veto by the President. We are already now almost $70 million over the budget.

I hope the Members will vote down the amendment.

Mr. PRITCHARD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I voted against the last amendment for the very reasons that have been given here, and I think that we have to be very careful when we attempt to increase the amount of land. The land we now have and the facilities we now have we are being foolish, very foolish, if we do not keep up. We are not getting full utilization. So I support the amendment offered by the gentleman from California because I think in the long run it is going to be the cheapest way to operate.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. PRITCHARD. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

Let me point out to the gentleman a statement made by my friend, the gentleman from Pennsylvania (Mr. McDADE), a few days ago. He was on this subcommittee when it was under the able chairmanship of the late Michael Kirwan, the gentleman from Ohio. When the gentleman from Ohio, Mr. Kirwan, brought the bill to the floor, he expressed the hope 8 years ago that the bill some day would provide appropriations of $1 billion. This bill 8 years later has $4 billion in it.

Our committee is cognizant of the needs of the country. The amount that we could spend is endless, and it should be spent. There has been a reduction in services at recreational facilities in our national parks; we should not be doing this because more and more people are going into the national parks every year. We are not building the facilities that we should be building in various places. We are not acquiring the land that we should be acquiring. There is no question about that. But the question we have to decide is where do we draw the line?

We on the subcommittee drew the line at about $58 million over the budget. We gave the agencies everything they wanted generally, and we went almost $60 million over the budget, knowing that we had not provided as much money as we should have provided for the agencies that are under our jurisdiction.

It is true that the gentleman presents a worthy case. I wish that he had come before our committee with the case. Perhaps we would have given them the money at that time. He did not appear. But I say to the gentleman now as a result of the last amendment, we are an additional $9 million over the budget. As I say, the gentleman has a worthy amendment, but where should we draw the line? It is for that reason that we have to express opposition.

Mr. PRITCHARD. I can appreciate the comments of the gentleman. We have an obligation, on the other hand, to present the amendment and bring out arguments for it.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. PRITCHARD. I yield to the gentleman from California.

Mr. LEGGETT. I thank the gentleman for yielding.

I want to commend the gentleman from Washington for his statement. Certainly I appreciate his support, and I appreciate the chairman of the full committee's stipulating that we have a worthy case. If I had had the time, I would have been before the committee. Certainly we are going to take the gentleman up on his offer for next year, because I think we need the full $80 million. But in the meantime I think I can make a major first step of $5 million, and perhaps if we can show the degree of interest in the subject matter, we can get the department to exert its efforts with OMB, and maybe OMB and Congress will recognize this matter as a rather substantial priority.

This has nothing to do with Indian health programs. The gentleman from Colorado brings up the question of Indian health services. I would say that I would be glad to join with him, because I recognize we need more money in Indian health, and we need more money in reforestation, and I would say that if we have the requirements from the Forest Service on reforestation, I doubt really that they are meeting 25 percent of their actual needs, because I just do not think OMB would clear it.

I know what is needed in this country to build back our cut-over lands and our burned-over lands. That is not my area of responsibility. All we are concerned with is doing something for 1,500 refugees where we have got an average of five employees working on each one trying to maintain them in some kind of reasonable relationship. We want to develop this year an organic act for the refugees so that whether they are operated by the BLM or operated by the Fish and Wildlife Service, they will be operated under some kind of a reasonable rule and procedure. Right now we have got refugees applying to the federal system by means of grants, and so forth, and we need to unify.

The CHAIRMAN. The time of the gentleman has expired.

Mr. YATES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time only to say that the question of Indian health is a part of this bill and a part of the total appropriation, and I disagree with the effort of the gentleman from California to say that it is not a part of his amendment.

Earlier in this debate I had a colloquy with the gentleman from Washington (Mr. McCORMACK) who was very much concerned with the fact that the committee had made available only $16 million in energy conservation research for ERDA rather than the $90 million that his committee had authorized. That is a part of this bill as well. Every agency that is a part of this bill bears upon the efforts of the gentleman from California to obtain more money.

As I indicated to the House, the amount we could place in this bill for taking care of America's resources is infinite because so little has been done in the past. More will be done in the future. I assure the gentleman that this committee has started to move in that direction, but we cannot move a great deal more quickly by going $50 million or $60 million over the budget at one crack.

So I urge opposition to this amendment.

Mr. McDADE. Mr. Chairman, I rise in opposition to the amendment.

I urge my colleagues to take a minute before they vote on another amendment that will increase the expenditures by $5 million. We have an outstanding and effective Fish and Wildlife Service. That is where my able friend, the gentleman from California, wants to add this money. In 1974 under this account we gave them $80 million. Last year we gave them $101 million. This year we will appropriate approximately $120 million. It is over the budget right now. It is still not enough.

We could add the $5 million and there would be those who would come to the well of the House and still say it is not enough.

This is a place where we have got to draw the line. These are the kinds of judgments each of us is being asked to make on behalf of a few overburdened taxpayers in this country. We are over the budget.

I think it is generally acknowledged we have the best fish and wildlife conservation group in the world. They do an extraordinary job. They are amply funded. They are over the budget. I ask the Members not to vote for this amendment for $5 million and I hope Members will reject it.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California (Mr. LEGGETT).

The amendments were rejected.

AMENDMENT OFFERED BY MR. HECHLER OF WEST VIRGINIA

Mr. HECHLER of West Virginia. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations and research concerning the extraction, processing, use and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law; $146,608,000, of which $28,544,000 shall remain available until expended: *Provided*, That no part of the sum herein appropriated shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

The Clerk read as follows:

Amendment offered by Mr. HECHLER of West Virginia: On page 18, line 17, insert a semicolon after the word "research" and the following: *"Provided*, that no funds shall be available for such research that is not coordinated with the Mining Environment and Safety Administration."

Mr. HECHLER of West Virginia. Mr. Chairman, I think this is a very propitious time to offer this amendment. My good friend, the gentleman from Pennsylvania (Mr. McDADE), has referred to the "overburdened taxpayers." We have just voted on two amendments designed to increase the appropriations contained in the pending bill.

My amendment will not increase by one cent any amount in this bill. As a matter of fact, my amendment will save a great deal of money, because it directs coordination between the Bureau of Mines and the Mining Enforcement and Safety Administration. Surely no one here, surely no member of the committee could be against coordination in the area of health and safety. Coordination can result in great saving of money.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. HECHLER of West Virginia. Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. McDADE. Would the gentleman accept the amendment to read, "No unnecessary duplication?"

Mr. HECHLER of West Virginia. The gentleman has touched a very sore point, because he refers to a previous issue which was on the floor when I failed to support the gentleman's suggestion that there be "no unnecessary duplication" between ERDA and the Bureau of Mines. But in this instance, I shall rise above principle and if the gentleman will accept my amendment as modified I would ask unanimous consent that there be "no unnecessary duplication" inserted into my amendment:

. . . no funds shall be available for such research that is not coordinated with or provide unnecessary duplication with the Mining Enforcement and Safety Administration.

Mr. Chairman, I ask unanimous consent to revise my amendment in line with the suggestion.

The CHAIRMAN. Would the gentleman from West Virginia indicate to the Chair where the modification takes place?

Mr. HECHLER of West Virginia. Mr. Chairman, I would be glad to assist the Clerk and reread the amendment:

On page 18, line 17, insert a semi-colon after the word "research" and the following: *"Provided*, that no funds shall be available for such research that is not coordinated with or provide unnecessary duplication of the Mining Enforcement and Safety Administration."

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER of West Virginia. Mr. Chairman, certainly now with the great support of the gentleman from Pennsylvania, I appeal to the gentleman from Illinois to accept this amendment.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. HECHLER of West Virginia. I gladly yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, much as I would like to accept the gentleman's amendment, I cannot do so. Earlier in the debate I read to the gentleman about a jurisdictional dispute between the Bureau of Mines and the Mining Enforcement and Safety Administration. I think the gentleman's amendment would tend to exacerbate that unfortunate conflict.

Mr. HECHLER of West Virginia. Mr. Chairman, in a minute I will yield to the gentleman from Pennsylvania (Mr. MURTHA), because he has been a great leader in this area, in trying to coordinate the activities of the Bureau of Mines and the Mining Enforcement and Safety Administration. The committee is concerned with resolving this very serious dispute which has become almost intolerable. Mr. Chairman, I want to commend the gentleman from Illinois, despite the fact that he is not accepting the amendment, for the statement included in the committee report starting on page 31:

The committee is aware of the serious dispute between the Bureau of Mines and the Mining Enforcement and Safety Administration regarding the research program for mine health and safety.

Such bureaucratic feuds injure the public purpose of the agencies, handicapping the Nation's miners and wasting the public's tax funds. The committee is sympathetic to the need to make the research program more responsive to the needs of health and safety as perceived by the enforcement personnel in MESA and understands and appreciates the technological expertise which exists in the Bureau of Mines. This intolerable situation must be corrected promptly. The committee expects to be kept fully informed. I too am aware of this dispute and agree that such squabbling is "intolerable."

But at the same time, I do not think that the Bureau of Mines health and safety R. & D. program are being effectively carried out for the benefit of the miners. Indeed, as far as I can tell, little has been done by the Bureau to carry out the research mandates of the Federal Coal Mine Health and Safety Act of 1969 such as the mandate for research to provide increased protection from hazards from "trolley wires, trolley feeder wires, and signal wires, the splicing and use of trailing cables, improved roof control measures," et cetera.

In my opinion, there is a need for MESA to have an input into what health and safety research and Bureau of Mines does and its purpose from a short-range and long-range viewpoint. MESA should also be able to work with the Bureau of Mines in developing research priorities.

My amendment will give MESA this role in health and safety research, without giving MESA any veto of the Bureau's research efforts.

I note that Assistant Secretary Carlson recently issued an undated directive to both agencies. That directive requires an "allocation" of not less than "10 percent of health and safety research funds" for the "role discretion of MESA."

I do not think this is a workable or satisfactory solution to the problem. Allocating an arbitrary percentage of funds to MESA's control does not insure that the best health and safety research will be achieved for the benefit of the miners. Indeed, it may well result in MESA dreaming up research projects that have a low priority just so it can continue to control these funds. Coordination is needed, not an allocation of funds. Secretary Carlson's memorandum follows:

Mine Health and Safety Research

As you both know, one of the keystones to the effectiveness of the Department's Mine Health and Safety Research Program is sound interface between those responsible for such research and those charged with the enforcement of mine health and safety legislation. Recent events, particularly the proceedings of the fifteenth meeting of the Secretary's Advisory Committee on Coal Mine Safety Research on August 20, and subsequent discussions by the Advisory Committee through December 1974, have necessitated the review of such interface between the Bureau of Mines and MESA. This review was conducted by Harry Perry, a party agreeable to both of you. Input from you and appropriate officials of your agencies, as well as input from members of the Secretary's Advisory Committee and other interested persons served as the basis for this review. Both of you and your Bureaus have had an opportunity to review and comment on the written report of this review.

As you both have indicated and as has been demonstrated by the Perry Report, there is a clear need to resolve interface problems. Both planning for the use of the '76 resources and development of the fiscal '77 budget requests can be better managed and projected by such resolution.

I

The Bureau of Mines will continue to have program and management responsibility for mine health and safety research.

MESA input will be a major factor in research choices and in research planning processes. In order to ensure proper interface from the conceptual stage up to and including implementation procedures, both agencies will initiate better physical collocation of field personnel necessary to coordinate research. In any event, the allocation of no less than 10% of health and safety research funds will be selected at the sole discretion of MESA, and until that level is achieved, one-fourth of the funds available for new projects shall be designated by MESA. However, no less than $2,000,000 in any one fiscal year shall be so designated at the discretion of MESA. MESA will perform those services that are necessary to carry out their delegated functions of testing equipment for mining operations. The Division of Technical Support will continue to have for its principal mission the transfer of research results to the coal mining industry.

Disputes on any issue that cannot be resolved by the Director or the Administrator will be appealed to the Assistant Secretary—Energy and Minerals.

The overall policy which will guide both the Bureau of Mines and MESA in implementing the above-stated procedures will be the expeditious development, through interface and contacts with other interested persons, of a planning process to identify needs (particularly standards development) based on the mandates of mine health and safety legislation and the mission of MESA. Interface and other appropriate contacts will occur from the time a need is identified, as a research solution is accomplished, and through implementation including technology transfer to the private sector.

To assure that current ongoing research efforts conform to the aforementioned policy, an *ad hoc* task force will be established by the Assistant Secretary—Energy and Minerals in the next few days, consisting of two members from the Bureau of Mines, two from MESA and one from OMPD or ORD. The mission of this task force will be to prioritize new research projects in light of the following criteria:

(a) the magnitude of the expected pay-off of each project

(b) the cost-benefit of each project (including both governmental and private costs)

(c) the timing involved for fruition of each project

The task force is also charged with the responsibility of recommending a procedure to apply the above criteria to ongoing research on a continuing basis. The task force, which will be chaired by either the OMPD or ORD representative, will report to me within 90 days from its establishment. Your respective recommendations of four nominees for the task force from your agency should be submitted to me by c.o.b. on June 23, 1975.

II

In my opinion, the Secretary's Advisory Committee on Coal Mine Safety Research has been and can continue to be an effective vehicle in the research planning process. This Committee will be rechartered in the near future and will render advice to both the Bureau of Mines and MESA as well as to the Secretary.

Both agencies will furnish staff support to the Committee. It is expected that the function of the rechartered Committee will be to examine substantive research issues, including health-related research consistent with the Department's statutory authority thereon.

III

Any thorough review of the problem of sound interface regarding mine health and safety research leads to the inescapable conclusion that the problem is as old as Federal involvement in such research. Equally inescapable, however, is the conclusion that there is no substantive reason for the existence of the problem. Without any question we must allocate research resources in accordance with a planning process designed to most effectively carry out the statutory missions. After thorough consideration, and with the help of valuable contributions from both of you, I have concluded that such allocation can be best performed if the policies and procedures set out above are implemented. Consequently, research projects will be programmed and initiated in compliance with this memorandum.

Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. Murtha).

Mr. MURTHA. Mr. Chairman, let me reiterate what I said earlier today. We certainly in this committee support the gentleman's position very strongly, although we wish the gentleman would withdraw this amendment and give us time to resolve the jurisdictional conflict. We have devoted a lot of time already this year trying to determine who should have jurisdiction. Hopefully, we can work it out and see who has the responsibility, if the gentleman would give us a little time to work it out.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman acknowledge that the Mining Enforcement and Safety Administration indeed should have an input and that the research of the Bureau of Mines in the field of health and safety should be coordinated with the Mining Enforcement and Safety Administration?

Mr. MURTHA. Mr. Chairman, there is no question about it. We hope we will be able to delineate the exact responsibilities of these agencies.

Mr. HECHLER of West Virginia. Mr. Chairman, despite the fact I have the powerful support of the gentleman from Pennsylvania for my revised amendment, I must bow to the inevitable. I would hope that the gentleman from Illinois can support my substitute amendment.

Mr. Chairman, I, therefore, ask unanimous consent to withdraw this pending amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AMENDMENTS OFFERED BY MR. HECHLER OF WEST VIRGINIA

Mr. HECHLER of West Virginia. Mr. Chairman, I offer an amendment.

Mr. ROUSSELOT. Mr. Chairman, I reserve a point of order.

The portion of the bill to which the amendment relates is as follows:

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the Mining Enforcement and Safety Administration may be expended for purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work: *Provided*, That the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further*, That the Mining Enforcement and Safety Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations: *Provided further*, That any funds available to the Deparment may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of major mine disasters.

The Clerk read the amendment as follows:

Amendment offered by Mr. Hechler of West Virginia: On page 17, line 22, insert a comma after the word "authorized" and the following: "in consultation with representatives of the miners,".

Mr. ROUSSELOT. Mr. Chairman, I reserve a point of order. I would be glad to let the gentleman explain the amendment and then I will make my point of order.

The CHAIRMAN. The gentleman from California (Mr. Rousselot) reserves a point of order.

Mr. HECHLER of West Virginia. Mr. Chairman, this amendment simply adds representatives of coal miners to the categories outlined in the bill for receipt of funds from the Mining Enforcement and Safety Administration for the promotion of health and safety education and training.

The way the bill is now written, these funds dispensed by the Mining Enforcement and Safety Administration may be given to States, to industry, or to safety associations. Now, safety associations may or may not include coal miners. Frequently in my State we have safety associations created by a particular industry in order to make awards for safety records in coal mines. They are usually industry-controlled rather than run by coal miners themselves.

It would seem to me in an area like mine health and safety which is of such vital concern to coal miners that the members of the coal miners should have an opportunity to consult with the Mining Enforcement and Safety Administration with respect to health and safety education and training, after all, who is most directly affected than the coal miners themselves?

It is for that reason that I feel that this particular provision would be considerably strengthened by adding representatives of coal miners to the consultative process in addition to States, industries, and safety associations.

The gentleman from Illinois I think rightfully pointed out that if I put the words "authorized representatives" into my amendment, that might be subject to misinterpretation. So I took out the word "authorized" before presenting the amendment.

Mr. YATES. Mr. Chairman, will the chairman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I think the gentleman's amendment is a subject for a legislative committee. This is legislation on an appropriation bill and a subject that ought to go to a legislative committee.

Mr. HECHLER of West Virginia. Is the gentleman supportive of the general concept that coal miners should have an opportunity to consult with a Government agency when it affects so vitally their lives, their safety and their interests?

Mr. YATES. If the gentleman is propounding a question to me as an abstract matter, the answer is yes.

The gentleman from California (Mr. ROUSSELOT) has reserved a point of order against the gentleman's amendment which, in my judgment, is valid, and it should go to the Committee on Education and Labor.

Mr. HECHLER of West Virginia. I will cross that bridge when I come to it, and will argue that the Chair should not sustain the prospective point of order. However, we are now discussing the merits of the issue.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from California desire to be heard on his point of order?

Mr. ROUSSELOT. I do, Mr. Chairman.

Mr. Chairman, I make a point of order against the amendment on the grounds that it would impose additional duties not authorized by law, enacting law where none exists, and therefore violating clause 2 of rule XXI.

The program of consultative health and safety education programs was authorized by Public Law 91–173, the Federal Coal Mine Health and Safety Act of 1969. Although section 503 of this law provides a number of specific administrative standards and requirements for this program, nowhere is there any mention of consultation with "representatives of the miners."

Mr. Chairman, I insist on my point of order.

The CHAIRMAN. Does the gentleman from West Virginia desire to be heard on the point of order?

Mr. HECHLER of West Virginia I do, Mr. Chairman.

Mr. Chairman, I will point out that the provision in the bill now reads:

> *Provided further,* That the Mining Enforcement and Safety Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations.

All my amendment does is to indicate that this must be in consultation with representatives of the miners. The phrase "representatives of the miners" is a phrase which is included in the Federal Coal Mine Health and Safety Act, Public Law 91–173, U.S.C. 115. Scattered throughout the Federal Coal Mine Health and Safety Act of 1969 is the phrase, "representatives of miners" who are made and authorized to be representatives of those processes.

For that reason, Mr. Chairman, I submit that this particular amendment is germane to this appropriation bill and does not represent legislation on the appropriation bill.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from California raises a point of order to the amendment offered by the gentleman from West Virginia (Mr. HECHLER) to page 17, line 22.

The Chair points out that on page 17, beginning with line 21, through line 23, the language which begins, "Provided further, That the Mining Enforcement and Safety Administration is authorized to promote health and safety education and training" does in fact constitute legislation on an appropriation bill, but that no such point of order was raised to this provision of the bill.

The amendment offered by the gentleman from West Virginia (Mr. HECHLER), in the opinion of the Chair, does place upon the Mining Enforcement and Safety Administration consultation responsibilities not shown to be required by existing law, which therefore constitute additional legislation to that permitted to remain in an appropriation bill. The point of order of the gentleman from California is sustained.

Mr. McDADE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to take this time to create a bit of legislative history about the problem which has been referred to; to wit, the apparent dispute between the Bureau of Mines and MESA over their respective jurisdictions.

The members of the committee are aware of it and are looking into it, and the gentleman from Illinois and the gentleman from Pennsylvania are doing a superb job.

I think it ought to be understood that, generally speaking, we believe that the U.S. Bureau of Mines has the authority and responsibility to do basic research in connection with these items, and we believe that it is the function of MESA to coordinate the results of that research and give technical support for the benefit of the health and safety of those who produce the coal in our Nation. To that end, the committee has appropriated considerable sums of money. Since I have been a member of this subcommittee we have attempted to make sure that MESA is adequately funded and the Bureau of Mines is adequately funded, and I know the gentleman from Illinois and other members of the committee share that concern, and that will continue to be the goal.

Mr. HECHLER of West Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do this for the purpose of asking my good friend, the gentleman from Pennsylvania (Mr. MURTHA), who has been very active in the field area of health and safety, whether he considers, despite the fact that my amendment was ruled out by a point of order, there should indeed be consultation between the representatives of the coal miners and the agencies in reference to health and safety research?

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I thank the gentleman for yielding.

I certainly would insist on that, and we will work very closely with MESA and with the Bureau of Mines in trying to assure there there will be proper consultation between the agencies and the actual miners.

Mr. Chairman, I have a very strong conviction that the actual miners themselves put substantial input into any decision that is made at this level. The way they look at things is entirely different from the way one looks at it from a bureaucratic standpoint. I believe very strongly we will be able to work out language this year which will be to the advantage of the working coal miner.

Mr. HECHLER of West Virginia. Mr. Chairman, I thank my good friend, the gentleman from Pennsylvania, for adding this important legislative history on this particular provision of the bill. Despite the fact that a point of order was successfully raised against my amendment, the substantive arguments are irrefutable and undisputed. It is clearly the intent of Congress that coal miners and their authorized representatives must actively participate in the consultative process.

Mr. YATES. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FLOWERS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8773) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. YATES. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SYMMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 417, nays 8, not voting 9, as follows:

[Roll No. 421]

YEAS—417

Abdnor
Abzug
Adams
Addabbo
Alexander
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Aspin
AuCoin
Badillo
Bafalis
Baldus
Barrett
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Carney
Carr
Carter
Casey
Cederberg
Chappell
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Conable
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Davis
de la Garza
Delaney
Dellums
Dent
Derrick
Derwinski
Dickinson
Diggs
Dingell
Dodd
Downey, N.Y.
Downing, Va.
Drinan
Duncan, Oreg.
Duncan, Tenn.
du Pont
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
Emery
English
Erlenborn
Esch
Eshleman
Evans, Colo.
Evans, Ind.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Florio
Flowers
Flynt
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Green
Gude
Guyer
Hagedorn
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Hansen
Harkin
Harrington
Harris
Hastings
Hawkins
Hayes, Ind.
Hays, Ohio
Hébert
Hechler, W. Va.
Heckler, Mass.
Hefner
Heinz
Helstoski
Henderson
Hicks
Hightower
Hillis
Holland
Holt
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jacobs
Jarman
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Keys
Kindness
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Landrum
Latta
Leggett
Lehman
Lent
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McHugh
McKay
McKinney
Macdonald
Madden
Madigan
Maguire
Mahon
Mann
Martin
Mathis
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Michel
Mikva
Milford
Miller, Calif.
Mills
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Passman
Patman, Tex.
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Pressler
Preyer
Price
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Richmond
Riegle
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Ruppe
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Satterfield
Scheuer
Schneebeli
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Shuster
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thompson
Thone
Thornton
Treen
Tsongas
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Waxman
Weaver
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—8

Brodhead
Clancy
Collins, Tex.
Crane
Devine
McDonald
Miller, Ohio
Steiger, Ariz.

NOT VOTING—9

Conlan
Danielson
Evins, Tenn.
Foley
Fulton
Harsha
Hinshaw
Jones, Ala.
Traxler

So the bill was passed.

The Clerk announced the following pairs:

Mr. Fulton with Mr. Jones of Alabama.
Mr. Foley with Mr. Traxler.
Mr. Danielson with Mr. Harsha.
Mr. Evins of Tennessee with Mr. Conlan.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YATES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous and tabular material in connection with the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 349. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 5522.

PERSONAL EXPLANATION

Mr. DAN DANIEL. Mr. Speaker, in the CONGRESSIONAL RECORD of Tuesday, July 22, I note that on page 23953 I am recorded as not voting on rollcall No. 415. I was on the floor and inserted my card, but presumably it did not record. I would, therefore, request that the permanent RECORD reflect that it was my intention to vote in the affirmative.

ENERGY CONSERVATION AND OIL POLICY ACT OF 1975

Mr. DINGELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 7014) to increase domestic energy supplies and availability; to restrain energy demand; to prepare for energy emergencies; and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the Committee resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 7014, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday there was pending the amendment offered by the gentleman from Texas (Mr. KRUEGER) to title III of the substitute committee amendment and the amendment offered by the gentleman from Texas (Mr. WRIGHT) to the Krueger amendment.

Mr. DINGELL. Mr. Chairman, I have a unanimous-consent request which I make at this time. I ask unanimous consent that all debate on the Wright amendment, which as I understand it is the pending business, end in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. BROWN of Ohio. Mr. Chairman, reserving the right to object, I think it might be more appropriate if we could end the debate at 4 o'clock so as to give the opportunity for Members on the floor at least to pick up the thread of where we are.

Mr. DINGELL. Mr. Chairman, I withdraw my unanimous-consent request.

Mr. Chairman, I ask unanimous consent that all debate on the Wright amendment end at 4 o'clock.

Mr. Chairman, I also wish to indicate that I will very shortly, as soon as the Wright amendment is disposed of, ask unanimous consent that there be a limitation on time on the Krueger amendment so that my colleagues who wish to speak on that amendment will prepare to do so and be on the floor.

The CHAIRMAN. Is there objection to the unanimous-consent request of the gentleman from Michigan that all debate on the Wright amendment close at 4 o'clock?

Mr. BAUMAN. Mr. Chairman, reserving the right to object, could the gentleman elaborate on his second request? When is it the chairman's desire to end debate on the Krueger amendment, which we have been on for 2 or 3 days?

Mr. DINGELL. Mr. Chairman, I intend to make that request following approval of the pending unanimous-consent request.

I would indicate to the gentleman I would think that a 30-minute unanimous-consent request would be appropriate under the circumstances. I have not made that request yet. I will make it by asking unanimous consent rather than by a motion so that we can have a fair understanding of the amendments.

Mr. BAUMAN. In other words, the committee is trying to seek a vote on the Krueger amendment?

Mr. DINGELL. If the gentleman will yield, that is right, and we have to have a limit of time.

Mr. BAUMAN. Mr. Chairman, I thank the gentleman and withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The Chair will state that all Members standing at the time the request was made will be recognized for approximately 1¼ minutes each.

The Chair recognizes the gentleman from Virginia (Mr. Harris).

Mr. HARRIS. Mr. Chairman, I have been looking at the Texas plan—the Wright, Krueger plan—and its pretty full of "ifs."

If we pass the Wright amendment.

If we pass the Krueger amendment.

If the Ways and Means writes a new energy tax law.

If the Finance Committee writes a new energy tax law.

If the Senate does not filibuster.

If the House accepts the concurrent resolution.

If the President signs it into law.

If the IRS regulations are promulgated.

If the IRS establishes a new bureaucratic office to administer the tax.

If the consumers pay lots more in energy costs.

If the IRS audits the oil company profits.

If the IRS takes some of the oil company excess profits.

If the Government redistributes some of the taxed profits.

Then the Krueger amendment has worked.

The only thing that is right about the Krueger-Texas plan is that the consumers pay more and the oil companies get more.

(By unanimous consent, Mr. Milford yielded his time to Mr. Wright.)

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut (Mr. Moffett).

Mr. MOFFETT. Mr. Chairman, I rise in opposition to both the Wright amendment and the Krueger amendment as probably the most anticonsumer policies we have left to vote on in this or any other year. Let us keep in mind a couple things about the Wright amendment. No. 1, it contains no price cap for new oil. It postpones any decision on oil prices at a time when the economy is really under inflationary-recessionary pressures.

No. 2, it requires the enactment of yet another piece of energy legislation to recoup windfall profits. If windfall profits legislation is not enacted, there will be no limit to the oil companies' profits.

Let us remember that the Krueger amendment, with or without the Wright amendment, allows OPEC to set the price of oil, not only their oil, but our oil, and within 4 years the President's cap on old oil washes out.

Mr. Chairman, I hope the House rejects both amendments and accepts the provisions of the bill by the gentleman from Texas (Mr. Eckhardt).

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. Charles Wilson).

(By unanimous consent, Mr. Charles Wilson of Texas yielded his time to Mr. Krueger.)

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. Maguire).

Mr. MAGUIRE. Mr. Chairman, the difficulty with the Krueger amendment is that there is no ceiling whatsoever on the price of oil today or tomorrow. The difficulty with the Wright amendment is that not only do we have no ceiling whatsoever on the price of oil today or tomorrow, but we also have absolutely no information about what form the so-called windfall profits tax or plowback provisions would take. In other words, instead of one completely blank check, with the Wright amendment we have two completely blank checks. I do not think this country can afford either the Krueger amendment or the Wright amendment.

Mr. Chairman, I urge that we defeat both amendments and adopt the committee proposal.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado (Mr. Wirth).

Mr. WIRTH. Mr. Chairman, I rise in opposition to the Wright amendment. While I have the greatest respect for the gentleman from Texas (Mr. Wright) and the Committee on Ways and Means, I think there are two clear reasons why we should not vote for the amendment.

First of all, there has been agreement on the administration side, and by many Members of Congress, that there should be some limitation on the amount of financial return to oil companies. That is not the case in the Krueger amendment, and this unfortunate financial situation is exacerbated by the Wright amendment.

Second, without the provision in the Krueger amendment on the 90 percent windfall profits tax, we have no way of knowing what the cost to the consumer is going to be, nor is there any way we can project out what the length of time of the decontrol ought to be.

The Wright amendment has no limitation whatsoever, and it, like the Krueger amendment, should be voted down.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Ottinger).

Mr. OTTINGER. Mr. Chairman, I think that if we adopt the Wright amendment, we will then be worse off than we were with the Krueger amendment because we have no guideline whatsoever with respect to tax provisions which may be adopted. And the tax provisions critical to the whole Krueger amendment in terms of preserving any kind of equity to the consumer and taxpayer.

The Krueger amendment, however, in itself is defective because it allows the price to go up to the world market price, which places an intolerable burden on the consumer, and then the windfall profits tax there provided is, in effect, negated by a 100-percent plowback provision. I do hope that the committee will reject both the Wright amendment and the Krueger amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. Eckhardt).

Mr. ECKHARDT. Mr. Chairman, when I spoke against the Krueger amendment the other day, I pointed out that if we passed the Krueger amendment, we would merely have deferred to a later time the question of pricing and decontrol of oil. We would, of course, do much worse with the Wright amendment because under the Wright amendment we do not even state under what circumstance we will permit the price of oil to go to OPEC price.

The Krueger amendment as originally written at least gave us a policy choice. Whether or not we defer and delegate that policy choice to the Ways and Means Committee, which could for instance put a tax of, say, 10 percent of the difference between $7.50 and the OPEC price with a 100 percent rollback, we do not know what they will come out with. How, during the recess, can we answer our constituents' questions as to what we did?

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. Krueger).

Mr. KRUEGER. Mr. Chairman, the Wright amendment to my original amendment is intended for a very simple purpose, and that is to broaden somewhat the somewhat prescriptive language as it was originally in my amendment, regarding taxation procedures.

But what some would try to obfuscate, but what nonetheless remains true, is the fact that whatever we do, if we adopt this amendment, we will in fact have a windfall profits tax in place before there is any sort of decontrol.

That windfall profit tax would have to be in place for decontrol to proceed. This House, the Members who sit here, would have to pass on that tax. So that by voting for the Wright amendment and then for the Krueger amendment, one is voting for something that is valid. One has a chance to judge precisely how to tax.

If there is anything that this House has demonstrated in the last few days, it is that it does not have the ability to know what the price of one particular commodity should be, and we do not. There has been no agreement whatever on what the price of oil should be. Those kinds of decisions are made in the marketplace, and every economist one can consult, whether it is Otto Eckstein or Charles Schultze or McAvoy or Erickson, any economist argues that a marketplace should set its own price and then, in turn, use taxation to prevent excessive profits.

That is precisely what is suggested by these two amendments, and I urge the adoption of the Wright amendment and then follow that with the adoption of the Krueger amendment.

Mr. WRIGHT. Mr. Chairman, it is both amusing and ironic that a couple of days ago the opponents of the Krueger amendment were attacking it bitterly on the grounds that it was far too specific, and that it was an unwarranted invasion of the rights of the Committee on Ways and Means to write this kind of legislation.

Now we have the Wright amendment. They say, "Oh, it is not specific enough. It leaves it up to the Committee on Ways and Means to make that determination."

We cannot have it both ways.

I do not care whether the Members adopt the Wright amendment or not. It is simply a means of simplifying the question and leaving it to the House to determine exactly what kind of tax we impose. Some Members do not like the tax in the Krueger amendment. I like the Krueger amendment. To those members who fear the effects on the consumers, I would point out that it is not going to do the consumer any good if we let this country run out of oil; and that is exactly what we are going to do ultimately if we do not adopt the Krueger amendment or something similar to it.

It reminds me of the gentleman who went to buy bananas. He was told they were 85 cents a bunch. The man said, "I can get them down the street for 60 cents a bunch." The merchant asked, "Why don't you go down the street and get them for 60 cents a bunch?" The man said, "The guy down the street is out of bananas." The merchant replied, "When I am out of bananas, I sell them for 40 cents."

We are going to intensify our vulnerability to foreign governments unless we do something to encourage the discovery and production of domestic petroleum.

That is what the Krueger amendment does. The Members can vote for or against the Wright amendment, I do not really care; but in the interest of this country, in the interest of self-sufficiency in energy, I urge a vote for the Krueger amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Brown).

Mr. BROWN of Ohio. Mr. Chairman, the Wright amendment provides that the Congress declares by concurrent resolution that suitable taxes have been applied before the decontrol mechanism goes into effect.

The Krueger amendment provides that the President will make that finding.

The Wright amendment provides for the redistribution of tax receipts to substantially mitigate the effect of an increase in energy costs on consumers, and excise taxes or other taxes shall be passed by the Congress, provided the tax should provide incentive for the production of new domestic oil. That, I submit, is desirable. It is all the Committee on Ways and Means wants, because it gives them the option to make a determination about those taxes and, therefore, it should be passed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. Wright) to the amendment offered by the gentleman from Texas (Mr. Krueger).

The question was taken; and on a division (demanded by Mr. Ottinger) there were—ayes 32, noes 39.

RECORDED VOTE

Mr. KRUEGER. Mr. Chairman, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 236, noes 187, not voting 11, as follows:

[Roll No. 422]

AYES—236

Abdnor
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Archer
Armstrong
Ashbrook
Ashley
Aspin
AuCoin
Bafalis
Baldus
Bauman
Beard, Tenn.
Bell
Bennett
Bevill
Boggs
Bolling
Bowen
Breaux
Brinkley
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Carter
Casey
Cederberg
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collins, Tex.
Conable
Conte
Crane
Daniel, Dan
Daniel, R. W.
Davis
de la Garza
Derrick
Derwinski
Devine
Dickinson
Downing, Va.
Duncan, Oreg.
Duncan, Tenn.
du Pont
Edwards, Ala.
English
Erlenborn
Esch
Eshleman
Findley
Fish
Fisher
Flowers
Flynt
Forsythe
Fountain
Fraser
Frenzel
Frey
Fuqua
Gibbons
Ginn
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Gude
Guyer
Hagedorn
Haley
Hamilton
Hammerschmidt
Hannaford
Hansen
Hastings
Hayes, Ind.
Hefner
Henderson
Hicks
Hightower
Hillis
Holland
Holt
Howe
Hungate
Hutchinson
Hyde
Jarman
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Karth
Kasten
Kazen
Kelly
Kemp
Ketchum
Kindness
Krueger
LaFalce
Lagomarsino
Landrum
Latta
Lent
Levitas
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCollister
McCormack
McDonald
McEwen
McFall
McKay
Madigan
Mahon
Mann
Martin
Mathis
Matsunaga
Mazzoli
Melcher
Michel
Milford
Miller, Ohio
Mills
Mitchell, N.Y.
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mosher
Murphy, N.Y.
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nichols
O'Brien
Passman
Patman, Tex.
Perkins
Pettis
Pickle
Poage
Pressler
Preyer
Pritchard
Quie
Quillen
Railsback
Randall
Rees
Regula
Rhodes
Risenhoover
Roberts
Robinson
Roncalio
Rose
Rousselot
Runnels
Ruppe
Sarasin
Satterfield
Schneebeli
Schulze
Sebelius
Shipley
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Spence
Stanton, J. William
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stuckey
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thone
Thornton
Treen
Ullman
Vander Jagt
Waggonner
Wampler
Whalen
White
Whitehurst
Whitten
Wilson, Bob
Wilson, Tex.
Winn
Wright
Wydler
Wylie
Young, Alaska
Young, Fla.
Young, Tex.

NOES—187

Abzug
Adams
Addabbo
Alexander
Ambro
Andrews, N. Dak.
Annunzio
Badillo
Barrett
Baucus
Beard, R.I.
Bedell
Bergland
Biaggi
Biester
Bingham
Blanchard
Blouin
Boland
Bonker
Brademas
Breckinridge
Brodhead
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Chisholm
Clay
Cohen
Collins, Ill.
Conyers
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniels, N.J.
Delaney
Dellums
Dent
Dingell
Dodd
Downey, N.Y.
Drinan
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Emery
Evans, Colo.
Evans, Ind.
Fary
Fascell
Fenwick
Fithian
Flood
Florio
Foley
Ford, Mich.
Ford, Tenn.
Gaydos
Giaimo
Gilman
Green
Hall
Hanley
Harkin
Harrington
Harris
Hawkins
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Holtzman
Howard
Hubbard
Hughes
Ichord
Jacobs
Jones, Tenn.
Jordan
Kastenmeier
Keys
Koch
Krebs
Leggett
Lehman
Lloyd, Calif.
Lloyd, Tenn.
McCloskey
McDade
McHugh
McKinney
Macdonald
Madden
Maguire
Meeds
Metcalfe
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mineta
Minish
Mink
Mitchell, Md.
Moakley
Moffett
Moorhead, Pa.
Morgan
Moss
Mottl
Murphy, Ill.
Murtha
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Hara
O'Neill
Ottinger
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Peyser
Pike
Price
Rangel
Reuss
Richmond
Riegle
Rinaldo
Rodino
Roe
Rogers
Rooney
Rosenthal
Rostenkowski
Roush
Roybal
Russo
Ryan
St Germain
Santini
Sarbanes
Scheuer
Schroeder
Seiberling
Sharp
Simon
Solarz
Spellman
Staggers
Stanton, James V.
Stark
Stokes
Stratton
Studds
Thompson
Traxler
Tsongas
Udall
Van Deerlin
Vander Veen
Vanik
Vigorito
Walsh
Waxman
Weaver
Wiggins
Wilson, C. H.
Wirth
Yates
Yatron
Young, Ga.
Zablocki
Zeferetti

NOT VOTING—11

Conlan
Danielson
Diggs
Evins, Tenn.
Fulton
Harsha
Hébert
Hinshaw
Horton
Jones, Ala.
Wolff

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. DINGELL. Mr. Chairman, I have a unanimous-consent request. I ask unanimous consent that all debate on the Krueger amendment and all amendments thereto end in 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. FRASER. Mr. Chairman, reserving the right to object, would this permit additional amendments to be offered to the Krueger amendment?

Mr. DINGELL. If the gentleman will yield, Mr. Chairman, I would point out under the rule that all amendments to the Krueger amendment which have been published in the Record would be eligible for 5 minutes' debate. All other amendments would be apportioned according to the time available.

The CHAIRMAN. The gentleman's request is that debate on the Krueger amendment and all amendments thereto to end in 30 minutes. Amendments could be offered, and the time for those amendments would be allocated within the 30 minutes.

Mr. FRASER. Mr. Chairman, if the gentleman asks for 60 minutes I would not object. I would not agree to the 30 minutes.

Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent that all debate on the Krueger amendment and all amendments thereto end in 35 minutes.

Mr. VANIK. Mr. Chairman, reserving the right to object, I think it is demeaning for a Member of Congress to be permitted to speak on this floor for something like 15 or 25 seconds or whatever it looks like the time will be. If we cannot give a Member more time than that to speak on an amendment it does not reflect well on this House of Representatives.

Mr. Chairman, I object.

Mr. BROWN of Ohio. Mr. Chairman, further reserving the right to object, we have very few Members standing on this side of the aisle who want to speak. If the gentleman will get some of the Members on his side to sit down, we will save some time.

Mr. ASHBROOK. Mr. Chairman, further reserving the right to object, I tend to agree with my colleague, the gentleman from Ohio. I think it is even more demeaning for a Member to stand for the expressed purpose of transferring his time to another Member, and I will object.

Mr. VANIK. Mr. Chairman, I renew my objection.

The CHAIRMAN. Objection is heard.

Mr. DINGELL. Mr. Chairman, I move that all debate on the Krueger amendment and all amendments thereto end at 5 o'clock.

The CHAIRMAN. The question is on the motion offered by the gentleman from Michigan (Mr. Dingell).

The motion was agreed to.

The Chair recognizes the gentleman from New Jersey (Mr. Hughes).

Mr. HUGHES. Mr. Chairman, I rise in strong opposition to the Krueger amendment, which, in effect, writes a multibillion-dollar blank check to the oil companies. It represents deregulation and decontrol on the installment plan. Given the market power of big oil, and the limited amount of competition in existence in that industry, if the Krueger amendment carries, there will be no cap or ceiling on the price of oil. The price of oil will be set by the OPEC countries and followed by the multinational oil companies.

Accordingly, if the OPEC cartel raises prices from $12.50 per barrel to $15 per barrel, American oil will cost $15 per barrel, even though some 60 percent of the old oil in this country is now selling for a maximum price of $5.25 per barrel.

There can be little justification for such increases in price. Not only does that price bear no relationship to the cost of production, but the evidence clearly demonstrates that there is no relationship between price increases and increases in the supply of oil. In fact, the FEA has testified that there is no additional incentive over $7.50 per barrel, since that price affords the oil industry all the profit that is necessary to serve as an incentive for exploration and development.

One can imagine the nature and extent of profits in the oil industry when one considers that, under the Krueger amendment, the price of oil will have quadrupled in just 2 years. If the Krueger amendment carries, it will mean a decisive victory for big oil and a major defeat for American consumers.

Mr. Chairman, I urge all of my colleagues to join with me in voting against the Krueger amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Ketchum).

Mr. KETCHUM. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Louisiana.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. ASHBROOK. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Chair recognizes the gentleman from California (Mr. Stark).

Mr. STARK. Mr. Chairman, I rise in opposition to the Krueger amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Ketchum.)

Mr. KETCHUM. Mr. Chairman, I yield to the gentleman from Louisiana (Mr. Moore).

Mr. MOORE. Mr. Chairman, any solution to the energy problem is going to have to have two parts, conservation and production. We must conserve by ending wasteful use and increase production of existing and new forms of energy. This bill as written now does nothing to increase production. Indeed, it discourages it.

The Krueger amendment at least brings about an encouragement of production of old oil and new oil. Production is going down every year. The statistics I have from the U.S. Bureau of Mines indicate we were producing 9.4 million barrels per day in 1972. This production goes down continuously at the rate of 2 to 3 hundred thousand barrels of oil a day to 8.38 million barrels per day in 1975.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Rousselot).

Mr. ROUSSELOT. Mr. Chairman, I rise in favor of the Krueger amendment.

Mr. Chairman, I yield to my colleague, the gentleman from Louisiana (Mr. Moore).

Mr. MOORE. Mr. Chairman, domestic oil production is clearly going down every day. If something is not done, it will continue thereby creating long gas lines and shortages all over the country as well as higher prices.

Statistics from the Louisiana Conservation Department show that in June 1974 we had 288 drilling permits issued. In June 1975 it was down to 238.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. Bauman).

Mr. BAUMAN. Mr. Chairman, I yield to the gentleman from Louisiana (Mr. Moore).

Mr. MOORE. This was a decline of 50, almost twice the normal decline in drilling permits and was in part due to the emasculation of the oil depletion allowance by this Congress. Thus, production has been going down, but much faster since Congress action on the depletion allowance.

In addition, the Interstate Oil Compact Commission reports that in 1974, through March of 1975, we had an average of 1,801 drilling rigs working every month drilling oil wells.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Wydler).

Mr. WYDLER. Mr. Chairman, I yield to the gentleman from Louisiana (Mr. Moore).

Mr. MOORE. At the end of July 1975, they report we were averaging only 1,682 drilling rigs, or 119 less rigs working than in 1974. These drilling rig statistics also prove the fact that there is less drilling going on and therefore, less production, than before which reduction has been increased by reduction of the depletion allowance.

In addition, old oil production has decreased. In Louisiana, the abandonment of old oil wells has markedly increased. It has increased by 67 more wells being abandoned in April this year than April 1974, and 21 more wells in May 1975 than May 1974. The regulated price of old oil is no longer profitable when considering the increased cost of secondary recovery procedures from old wells. Therefore, a regulated price of old oil is causing a reduction in production of old oil.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. Mr. Chairman, in yesterday's debate on another amendment to the Krueger amendment, I pointed out to the committee that unless this amendment is adopted, knowledgeable people in the energy legislative area have predicted a Presidential veto. What this amendment does to someone who represents a consumer district, such as mine, where their household has 2½ automobiles, is that it will guarantee they will have a product in the future. In the future that product might cost them 1.2 cents per gallon more under the Krueger amendment, that over the long period floats the price of old oil, but it will guarantee to the consumer more oil in America.

I do not know of any other device or any other critic of the Krueger amendment that has proposed an alternative to guarantee that energy to the consumers of America.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado (Mr. WIRTH).

Mr. WIRTH. Mr. Chairman, I find myself in the strange position of being between two very polarized positions.

I am going to vote against the Krueger amendment as I think that gives away much too much. If the opportunity arises, I am also going to vote against the Eckhardt amendment as I feel that is an unrealistically low price. I still hope we may be able to find a ground in between that we can all agree upon.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ROBERTS).

Mr. CHARLES WILSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Texas.

Mr. CHARLES WILSON of Texas. Mr. Chairman, members of the committee, I would like to point out that yesterday there was distributed on the floor a document which purported to represent findings of the Federal Power Commission, and indicated that the price of finding oil was $5.49 per barrel. The people who disseminated this information failed to point out that these are 1972 figures.

In the industry, there has been inflation of 100 percent, which would mean that the price of finding oil in the United States is $11 per barrel, and I do not quite see how we can find it for $7.50.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. CHARLES WILSON).

Mr. MARTIN. Mr. Chairman, will the gentleman yield?

Mr. CHARLES WILSON of Texas. I yield to the gentleman from North Carolina.

Mr. MARTIN. Mr. Chairman, I support the Krueger amendment.

Mr. Chairman, I do commend the gentleman from Texas (Mr. KRUEGER) for the amendment which he has offered, and which I support. He has sought to focus and forge a compromise to balance the divided interests of consumers.

Consumers expect to pay no more than a fair price. But they insist on an adequate supply. During the height of the oil embargo, in early 1974, I personally walked along the long lines of gas-starved motorists to talk with them and hear their complaints. They were indeed upset at the price rise, but they were downright angry about the shortage. There is no proposal conceivable that would spare all pain to consumers; but the best thing we can do is move to insure that our country does not run out.

Mr. KRUEGER has also forged a compromise between the position of the Commerce Committee majority of 22 and its minority of 21. Without the Krueger amendment we are just spinning wheels. Initially the President called for sudden deregulation. The subcommittee chaired by the gentleman from Michigan (Mr. DINGELL) thought better of that and drafted a more gradual deregulation schedule. The full Commerce Committee then went amok with a punitive bill to tighten regulation with a price rollback.

What the Krueger amendment does is move us back to the solid middle ground of gradual deregulation.

He should also be commended for his efforts to resolve the impasse of acting on a windfall profits tax. His solo effort to draft the terms of such a tax could not be accepted as written and the House has been wise to refer that unencumbered to the tax-writing Committee on Ways and Means.

Earlier that committee, on which I serve, refused to draft a windfall profits tax, rejecting the idea by a straight party-line vote. Some on the majority objected to drafting a tax on profits until we first had a deregulation scheme before us. Others openly opposed consideration of such a tax in order to finesse efforts to bring deregulation before the House. What they sought was an impasse by prohibiting both the chicken and the egg from coming first.

By accepting the Wright amendment we have now arrived at the point where deregulation can be voted on. If the Krueger amendment is now adopted we will shed the albatross laid upon us by the Commerce Committee.

Mr. CHARLES WILSON of Texas. Mr. Chairman and members of the committee, in Colorado in the last 5 years, the average cost for drilling has gone up 250 percent in the Vessels field. In the BMEX field it has gone up 190.68 percent. In the Jones field in west central Texas, it has gone up 221.32.

In 1972, the price of drilling for oil in the United States and bringing in a barrel was $5.49. If inflation in the oil industry was the same as inflation in all other industries in the United States, the price today would be $7.31, and nobody is fool enough to risk his capital and investment, his effort, time, and blood on that.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Chairman, I rise in support of the Krueger amendment.

Mr. CHARLES WILSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman from Texas.

Mr. CHARLES WILSON of Texas. Mr. Chairman, I would like to point out that no thinking investor is going to invest his money at $7.31 for a return of $7.50 except that those are not the correct figures because inflation in the oil industry has been 100 percent over the past 3 years, putting the price of oil at $11 per barrel.

I support the Krueger amendment. The Eckhardt position is sheer folly and will increase our dependence upon Arab oil and the sheiks.

Mr. KAZEN. Mr. Chairman, this is the only piece of legislation we have had that will actually put some oil in our oil supply line.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. MOORHEAD).

Mr. MOORHEAD of California. Mr. Chairman, I rise in support of the Krueger amendment. I believe that this will go a long way toward supplying the incentives that we need to give us more oil in this country. I think it also will assist us in working out an overall energy program that will guarantee jobs for our people in the future.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD of California. I yield to the gentleman from Louisiana.

Mr. MOORE. This simply means the price of old oil has got to be dergulated and allowed to increase in order to increase production.

When considering new oil, it is equally clear that regulation or a ceiling on the cost of new oil or a price rollback on it will only further decrease the production of new oil. The cost of production of new oil has increased dramatically. In Louisiana, in January 1974 it cost $36.01 per foot to drill a well. In 1 year—January 1975—that increased to $41.33 per foot or over 20 percent. The average cost of a well in the United States went up in that year from $78,000 to $103,000.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. FISHER).

Mr. FISHER. Mr. Chairman, I voted for the Wright amendment because I thought it perfected and improved the Krueger amendment and I would prefer Krueger with Wright than without. But I oppose the Krueger amendment for several reasons. It contains no cap. It begins deregulation too soon, while the economy is still depressed, and it may result in too generous a plowback.

The committee bill—the so-called Eckhardt proposal on oil prices—has serious deficiencies also. It lacks adequate price incentive for new oil development. It would result in a clumsy, four-tier oil price system in this country. It would invite numerous administrative difficulties and opportunities for evasion of regulations. And it would never survive a Presidential veto which would be virtually certain.

I think the constructive compromise is yet to come, one that brings together all parties—Democrats, Republicans, the administration—in sufficient numbers to create a policy and pass a law. Such a constructive compromise would include: First, delayed, slow deregulation by phasing out price-controlled old oil; second, a definite cap on oil prices, if possible somewhat below the OPEC-dictated world price; third, a windfall profits tax with limited plowback provisions and rebates to consumers; and fourth, periodic review by the Congress.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Rees).

Mr. REES. Mr. Chairman, I support the Krueger amendment.

Mr. KRUEGER. Mr. Chairman, will the gentleman yield?

Mr. REES. I would like to yield to the gentleman from Texas (Mr. Krueger).

Mr. KRUEGER. Mr. Chairman, I appreciate the gentleman's yielding me this time.

Mr. Chairman, this amendment does several things. On the one hand, it uses the tax structure to protect the consumer. On the other hand, it is the only amendment and the only way we have before us genuinely to increase production.

The CHAIRMAN. The time of the gentleman from California has expired.

The Chair recognizes the gentleman from Texas (Mr. Krueger).

Mr. KRUEGER. I think the current pricing provisions now in the bill do nothing to enhance production. What we must do, if we wish to reduce our dependence on imports, is to up our production. That is what this amendment does. It gives us a chance to come back and consider appropriate tax legislation, and it also indicates that there will be no decontrol until there is an appropriate tax in place. That is a protection for the House and that is a protection for the consumer. That is what the American people want, because if they want anything, they wish us to get on with a genuine positive plan.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. Pickle).

Mr. PICKLE. Mr. Chairman, it seems obvious that we are going to take off control of oil and gas at some time. The question is when. I have come to the conclusion that the only way we are going to do it is to have gradual decontrol over a period of time.

Mr. Chairman, the Krueger amendment does that. Nearly 5 years. The Krueger amendment is a compromise bill around which we can find a final action. If the committee version stays in, it is a thing certain it will be vetoed.

It makes good sense that we move this bill forward at this point. We have something to work with, and I think the American people expect positive action.

Mr. Chairman, I support the Krueger amendment strongly.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Vanik).

Mr. VANIK. Mr. Chairman, I oppose the Krueger amendment. In many respects it is worse than the intolerable proposal of President Ford. It endeavors to make the Congress a partner in a dreadful decision which will affect the American people for a long time to come.

If President Ford desires to decontrol oil and deprive the Congress of an opportunity to develop a suitable program, let him take such action and defend in and the oil-induced inflation which will occur.

Congress is in a difficult dilemma because it lacks the capacity to adequately determine the facts. Congress has no real access to the truth of oil and gas production or the extent of known or potential reserves. This information is the most highly guarded secret in America. We do not really know how much oil and gas is in the ground waiting to come out—when the price is right. The great big Government of America—which many would like to miniaturize—begs the oil and information from an industry-managed reporting facility. There are no penalties for false information, the suppression of truth or the underreporting which would serve the best interests of the industry, which can multiply profits by keeping oil and gas in the ground for higher prices in the years ahead.

In this vacuum of information, the oil industry holds all of the cards. A legislator has no means to develop information for public decisions or to test the industry-supplied reports. Nor can he determine which oil and gas wells are really dry—or which are simply sealed off for more favorable market conditions. One fact we do know—the longer the already discovered oil and gas is kept off the market, the higher its price and the greater the profit that can be made from it.

However, the oil industry has convinced President Ford that the decontrol of natural gas and "old" oil will produce greater supplies of both. The recent crushing escalation in the price of oil we purchase from abroad did not increase world oil supplies. It simply resulted in a shocking flow of capital from this Nation. Imported oil cost Americans $7 billion in 1973, $25 billion in 1974, and an estimated $20 billion this year. It promises to cost $50 billion by 1980.

The domestic oil and gas producer says that of course he can do nothing about the multiplication in the world price. But he certainly enjoys it. Every time the Organization of Petroleum Exporting Countries stirs for a boost in its oil bounty there is jubilation in Houston, since more and more domestic oil produced from new wells can be sold at the exciting new world prices.

The President and the oil industry want decontrol of oil and gas prices so they can ascend to the world price levels where the sky is the limit. At present about 40 percent of the "old" or already discovered oil is not sold at a "controlled" price of about $5.25 per barrel. Our present oil and gasoline prices represent a "mix" between old oil at controlled prices and imported oil or "new" oil at the world price.

Congress—in its wisdom or folly, depending on whether you are a consumer or a producer—froze the price of old oil during the embargo crisis to protect the American consumer from the manipulation of oil prices developed by the OPEC cartel which would otherwise have affected all oil used in America at an added annual consumer cost estimated between $55 billion and $85 billion.

Another reason for restricting the price of "old oil" was that it was found and developed with heavy tax incentives and subsidies provided by the American taxpayers. This oil discovery and development occurred in considerable part from capital which would otherwise have been taxed by the Federal tax collector.

The issue of decontrol is before Congress and now is being fully debated. However, should Congress act without officially confirming through Government sources the extent of the oil and gas, or should it gradually "phasein" decontrol to cushion the inflationary impact as the Nation recovers hopefully from a recession which was substantially the result of price escalation in oil?

In his support for immediate decontrol, I fear that President Ford is the victim of bad advice from advisers whose oil orientation is deeper than their public responsibility. It is incredible to suppose that there can be or should be a free market in a scarce commodity controlled by so few. A free market in oil is an invitation to the oilmen of the world and the oilmen of America to rip off consumers without review, without audit, without reason. A complete relaxation from review and control would invite economic disaster.

The fact is that the price of oil was controlled for a long time. For 14 years between 1959 and 1973, the American oil industry limited the importation of foreign oil—which was available in unlimited supplies for as little as 16 cents per barrel—in order to sell American domestic oil at $1.65 per barrel. The oil industry prevailed on President Eisenhower to limit imports to protect the markets of the domestic oil industry from the crushing impact of 16-cent oil from abroad. American consumers were "ripped off" to the tune of $77 billion for the difference in price. I do not remember prominent oilmen in those days urging America to use all of the cheap 16-cent-per-barrel oil it could get from abroad and leave American domestic supplies in the ground for future needs. Who in the oil industry was thinking about us in those days, in which it was national policy to use up American domestic supplies as fast as possible?

In 1959 I called President Eisenhower's oil import quota regulation Price Control Order No. 1. For 13 years the price of oil was "rigged" for the benefit of the American oil producer—and his profits.

If it was "right" to limit imports and rig oil prices for the American oil producers for 13 years, is it "wrong" to extend price control for the benefit of the American consumer for at least a few more years?

We in America, who are now moving into our Bicentennial year, rejoice in our freedom and our capacity to preserve it. Most of us are descendants of either serfdom or slavery. However, the power of oil in our world threatens the freedom of every American. If a few people can drain us of our earnings and our savings to buy the gasoline and oil we think we must use we will be moving into a new kind of serfdom and slavery.

These circumstances demand that responsible people in Government use care and caution in removing Government from the arena of oil policy. The survival and economic well-being of our people is at stake. At this time I am unwilling, unprepared, and unconvinced that the well-being of our people will be secure in a marketplace of scarcity, cartel, and sheer greed.

I am, therefore, unwilling to decontrol oil and submit to the judgment and discretion of the oil industry. While there are occasions in which the public has suffered because of indiscretions on the part of Government and those who serve it, there is practically no basis in history to support public confidence in the oil industry. For some it may be a difficult choice. But from my vantage point I would prefer that the Federal Government maintain a close surveillance and continue controls over an industry that has the capacity to bring the Nation and all of its people to their knees and keep them in a state of permanent genuflection.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. HEINZ).

Mr. HEINZ. Mr. Chairman, like my colleague, the gentleman from Colorado (Mr. WIRTH), I oppose the Eckhardt provisions of this bill, that is, the present provisions of H.R. 7014, because they provide no incentive for high-cost production. In so failing, it will only serve to make the United States depend more upon the Arabs.

Similarly, since the Krueger amendment has no price ceiling and since the windfall profits tax has virtually been removed by the Wright amendment, I cannot possibly support that large giveaway and that bad deal for the consumer. I urge the defeat of the Krueger amendment, and I also hope we will have a chance to get rid of the totally unrealistic Eckhardt provisions currently in the bill at this point.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I have heard the discussion of the gentleman from Texas (Mr. CHARLES WILSON) about the increase in the price of drilling. Yet I know that from 1972 to 1974 the price of oil more than doubled.

I know that under the Krueger amendment, if it is implemented, the doubling will double again. And when I am told that it costs more money than that, that it costs more money than the first doubling to produce the oil, I remember the statement of old Sam Houston when he started to eat too hot a porridge.

He spewed it out, and he said—and I quote him—"Some damn fool would have swallowed that stuff."

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut (Mr. MOFFETT).

Mr. MOFFETT. Mr. Chairman, I rise in opposition to the Krueger amendment.

We have sat in the committees of this Congress for a number of months waiting for the evidence to come in to support the contentions that so many Members are making and have made that we will see increased production from the Krueger amendment or from decontrol, and yet we have not seen the evidence. But we have seen the evidence and we have found evidence that it will cost $50 or $60 or $100 a barrel for the production of added oil.

That is what this Chamber is about to do, and I urge that we take a careful look at the evidence and see what kind of increased production we are going to get from the Krueger amendment or from the President's plan before we adopt the amendment, and that we look at the evidence to see what kind of conservation we are going to get.

The evidence shows that what increased production or conservation might be obtained from the Krueger amendment would cost so much that we would be most unwise to accept it.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

AMENDMENT OFFERED BY MR. FRASER TO THE AMENDMENT OFFERED BY MR. KRUEGER

Mr. FRASER. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. FRASER to the amendment offered by Mr. KRUEGER: Strike out subsection (b) of section 8 of the Emergency Petroleum Allocation Act added by the Krueger amendment and insert in lieu thereof the following:

(b) Unless a lower ceiling is provided under subsection (c), no producer may charge a price for the first sale of domestic crude oil which exceeds the lesser of—

(1) $11.50 plus the 2 percent adjustment factor, or

(2) the world market price for crude oil, as determined by the Administrator.

For purposes of this subsection, the term "2 percent adjustment factor means, with respect to the sale of crude oil in a calendar month, an amount equal to two percent of the product of (i) number of full calendar months which have elapsed after July 31, 1975 and before such calendar month of sale times (ii) the excess of the world market price for crude oil (as determined by the Administrator) over $11.50.

Mr. FRASER. Mr. Chairman, unless we put a cap on the Krueger amendment, we can be sure that when the OPEC nations next fall raise the price of oil by $3 or $4, the American consumer is going to be faced with an identical price increase.

This amendment puts a cap of $11.50 on this, which permits the adjustment factor to move toward the world market price but not to exceed the rate of 2 percent a month over the gap, which is the difference between the $11.50 and the world market price.

For example, if this fall the price goes up by $3, it would take roughly 4 years to move from $11.50 to the new world market price. With the adoption of this amendment, I could support the Krueger amendment, and without it, I am forced to be opposed to it.

Mr. Chairman, I hope the committee will consider this, because I believe it is the kind of compromise that would satisfy most of the Members.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman and my colleagues of the committee, the gentleman from Minnesota (Mr. FRASER) says that unless we put a cap on oil, OPEC is going to raise their prices. We do not have any control over what OPEC does, regardless of what we do here. That is the thing we have to face up to.

The gentleman from New Jersey (Mr. MAGUIRE) says that the problem with the Krueger amendment is that there is no cap. The problem is that this House has to decide whether we want to try to follow a free-market economy and let supply and demand decide the price of oil to the extent that we can find oil rather than to have no oil at any price. That is what we are facing.

Some Members say that we are going to raise the price of the product to the consumer, and that utility prices are going to go up. Most of these utilities are fired with coal, and more of them are going to be. It is not a problem of oil and gas fuel. Fewer and fewer utilities are going to be fired with oil and gas. Therefore, blame coal, but if we put a ceiling on coal, that is wrong too.

Vote for the Krueger amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS of Texas. I heard the gentleman from Texas as he talked about porridge.

I want to tell him about the three bears and their porridge.

The little bear came in and said, "Someone has eaten up all my porridge." The papa bear came in and said, "Someone has eaten up all my porridge."

Mama bear says, "Bitch, bitch, bitch, I have not even served the porridge."

All these objections on the floor sound like what I heard about oil. We can bitch, bitch, bitch, but if we do not pass this Krueger amendment, we are not going to have any oil.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma (Mr. JONES).

Mr. JONES of Oklahoma. Mr. Chairman, I had intended to offer an amendment which would phase in decontrol of oil over a 4-year period. However, I shall not offer the amendment because I think the issue has been adequately joined during this debate and because I am very hopeful that the President will send a new decontrol plan to Congress later this week which will closely resemble the amendment I would have offered.

There is very little disagreement on what we must do in order to fashion a responsible national energy program. First, we must have a strong conservation program to cut out the enormous waste of energy. Second, we must pay the price to develop alternative sources of energy to meet the needs of future generations of Americans. Third, in order to solve our short-range problem, we must increase the domestic supply of traditional fossil fuels; namely, oil, natural gas, and coal.

What we are dealing with in section 3 of this bill, and specifically the Krueger and Eckhardt amendments, is the question of how do we increase our domestic supply of energy. The Krueger and Eckhardt plans represent two diametrically opposed concepts and it is between these concepts that we must choose in order to determine what the policy of Congress will be.

The Eckhardt proposal is very simply a continuation of price controls. It is a continuation of a national policy of failure, because price controls have not worked on any commodity or at any time in the history of this Nation. Even the Congress recognized the utter failure of price controls and repealed such controls on every commodity and every other industry last year, every industry that is, except oil and gas.

I strongly oppose a policy of further price controls. If the proponents of the Eckhardt plan were serious and truly believed that price controls would solve our problems and would better help the consumer, then they would have included price controls of $7.50 on imported oil. Imported oil is not controlled, because it simply cannot be done effectively. That is no way to break the cartel. The way to break the cartel is to sufficiently increase the supply of domestic crude oil in the United States so that the OPEC market will be diminished.

The only way to increase domestic supply, in my judgment, is to let the marketplace determine the price. In order to protect the consumer we must phase in this decontrol of old oil. But we must firmly establish the policy in this Congress that we do not approve of price controls and that we do plan to have a one-price, free-market system.

We can reach that free-market economy using the mechanism of the Krueger amendment, and I strongly urge its adoption.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL. Mr. Chairman, I rise in support of the Krueger amendment. It is the only legislative proposal before us that can offer any hope for increased production of petroleum within the continental United States. Continued controls will not increase production. It is as simple as that. How can there be any hope of increased production if the shackles of regulation are not removed? All of this talk of increased cost of gasoline is scare talk. The Krueger amendment provides for a gradual decontrol, not sudden decontrol. I could not support sudden decontrol. The time frame of 4½ years for decontrol could not result in severe impact on the economy. In fact, continued control will result only in shortages of gasoline and all the inconveniences and increased costs that accompany shortages. Furthermore, the decontrol action could not start until the enactment of windfall profits tax legislation by this Congress. That is specifically spelled out in the amendment. No decontrol plan can take place until a windfall profits tax plan is passed and in place to protect consumers from undue price increases which result in windfall profits and to provide adequate incentives to plow back profits into new production of gas and oil. That, it seems to me, is very much in the public interest, to take action to increase production of oil in this country, not in the Persian Gulf or South America. We are now dependent for 40 percent of the domestic consumption of oil on foreign countries. Only 60 percent of our needs are supplied here in this country. We cannot continue that kind of dependency. To do so means billions of American dollars flowing out of America and into foreign hands. Far better that we devise a plan, such as found in the Krueger amendment, that will result in more domestic production.

I also favor a ceiling on the price of domestic oil such as proposed by the President of the United States. Such a ceiling must be adequate, and should provide for some flexibility for the Administration of FEA to adjust it within limitations such as suggested by Mr. FRASER of Minnesota.

Mr. Chairman, it may be politically attractive to vote for continued controls. But I cannot, in good conscience, vote for controls when I know the result will be continued dependence on foreign sources for energy and will result in shortages of gasoline at the pump.

I am convinced that increased production is the only way, over the long pull, to increase supplies of oil and thus help the consumer.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. MOORE).

Mr. MOORE. In addition, the cost of production, according to Robert R. Nathan & Associates, who testified before the Senate Finance Committee on July 10, 1975, a liberal economist, is to the effect that the average production cost of oil in this country in 1974 was $12.84 per barrel, up from $8.70 per barrel in 1973. Therefore, these statistics have shown that as production costs have increased, so must the crude oil price or a decrease in production results.

Therefore, the depletion allowance reduction, old oil regulation, and regulated or rollback pricing of new oil has and will only reduce production of oil resulting in shortages, high prices, gas lines, and rationing.

There is only one way to increase production, and that is to decontrol and deregulate it until it finds its natural price. Hopefully this free market price will increase production, insure an adequate supply, and eventually stabilize and reduce prices. We have the choice of paying the market price to domestic producers or to the OPEC countries which would only cause a greater dependence on them for oil and continue our dollar drain overseas. A reduction in production affects adversely $52 million income to Louisiana's government, over 100,000 Louisiana jobs in the oil industry, and consumers, farmers, and small businessmen all over America.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. BURKE).

Mr. BURKE of Massachusetts. Mr. Chairman, I rise in opposition to the Krueger amendment.

I think there is a lesson that we can learn here today. There is a limit to human endurance, and that limit has been about reached by the American public. If the oil companies continue to gouge the American public, I can safely predict that within 5 years the oil companies in this country will be nationalized.

Go ahead, vote for the Krueger amendment, have your victory, but the victory will eventually end up being a defeat.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, the basic and fundamental problem facing the country is that of our increasing vulnerability to the whims of foreign governments because of our increasing shortage of domestic petroleum. The only way to relieve that shortage in the near term is to increase domestic oil exploration. The Krueger amendment does this. The committee bill without the Krueger amendment does nothing to relieve the shortage. It simply shares the shortage and in fact perpetuates and increases the shortage by actually lowering the price for new oil and thus discouraging domestic oil exploration.

In addition to that, the committee bill would perpetuate and prolong the unproductive stalemate between this Congress and the administration. The Krueger amendment offers, I believe, the only presently available hope of resolving that stalemate.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Chairman, the only hope we have for dealing successfully with the energy problem is to encourage production. This has not been done. It must be done.

I am interested in getting more domestically produced oil and gas for American consumers. The Kruger amendment moves in that direction, although not adequately. We must become more self-sufficient and reduce our reliance on Arab oil if we are to best serve our national interests. I rise in support of the Kruger amendment as an improvement of the pending bill.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Chairman, the idea that we have to match the world market price in order to produce oil in this country is absolutely beyond belief. The oil companies testified before the Committee on Ways and Means last year that at $7 a barrel they could produce 100 percent.

Also, it is just nonsense to talk about returning to a free market. I wish we could. I wish we could break the oil companies up, and have free competition, but we do not have anything like that kind of a situation today. We have eight major oil companies that dominate the market; they are vertically integrated and horizontally integrated, so that there is no approach to a free market.

So I strongly urge that we reject the Krueger amendment and adopt the Eckhardt amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. Mr. Chairman, the record of last year shows that there has been no increase in production by the increase in price. Production has gone down even though we have raised the price from the 1960's price of $3 a barrel to over $11 a barrel in 1975. If we decontrol prices now we will not have any more production of oil; it will simply shift income from the consumers to the oil industry of the United States, and produce another recession and inflation similar to that which we had in 1973 and 1974.

Further, all of the prices that the oil companies are paying to produce oil have not increased as much as oil has increased. Oilfield machinery went up less than 29 percent. Oil well casings went up less than 23 percent. Oilfield wages went up less than 10 percent. The money goes simply into the profits of the oil industry. If we do not control oil prices we will have further recession and inflation just as we had in 1973 and 1974.

Let us vote down the Krueger amendment.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, we are in one of the worst inflations America has ever had, but if this Krueger amendment passes, it will be like peanuts. I know that every Member of this House gets complaints from back home about the high prices. The American people will be able to point to every Member who votes for this amendment and say, "You set off the greatest inflationary spiral that ever was in the history of the world."

I would like to ask this question: Should we let the OPEC countries dictate to us what the oil prices should be? I say, no, we should not. I think this is the answer that the Members are going to have to give to all of their people back home. Unless they do so, they will be regarded as having helped to set off this inflationary spiral which is bound to take place.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I rise in support of the Krueger amendment and in opposition to the Fraser amendment.

The Krueger amendment has some prospect of becoming law; the Eckhardt provision does not.

The Krueger amendment recognizes the need for increasing domestic oil production and provides the economic means for doing it; the Eckhardt does not.

The Krueger amendment provides for a tax on windfall profits and the use of those taxes to mitigate the effects of increased energy costs to consumers; the Eckhardt does not.

The Krueger amendment provides a ground for the compromise that all of us, I think, in this body seek; the Eckhardt does not.

I am in support of the Krueger amendment.

I recall the days when we froze the price of beef and then had no beef in the supermarkets. When we froze the price of chickens, they dumped the little chickens into fires. We eventually lifted the price of control on those items. We now have beef; we now have chickens; and we generally have them at lower prices than existed before. The economics point to the sensible nature of the Krueger amendment, and it should be supported.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Michigan (Mr. DINGELL) to close the debate.

Mr. VANDER VEEN. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Michigan for a unanimous-consent request.

Mr. VANDER VEEN. Mr. Chairman, I rise today in support of H.R. 7014, including the Eckhardt pricing provision.

I do not believe any of us in favor of this bill are pleased with the prospect of increased Government regulation of the oil industry. None of us want controls just for the sake of arbitrarily extending bureaucratic power. Only the masochist would welcome the headaches in trying to determine appropriate oil price levels.

But the sad truth is that we have no choice. For the decision is not one between "control" and "decontrol"; this is a counterfeit characterization. The decision is whether we will have control by the U.S. Government or by the OPEC governments supported by the major oil companies. An independent producer from my district has protested that point, and maintained that the OPEC price is only a ceiling that our domestic price may—but need not—rise to. But we can be more accurate than that: It is a magnetic ceiling to which the price of domestically produced oil has consistently been attracted. This fall, we will likely be faced with another OPEC price increase of $2 to $4 per barrel. And even Frank Zarb has stated that the price of uncontrolled domestic crude will also jump that amount.

What can our economy afford? I am convinced that it cannot afford another severe jolt of rapid increases in the price of energy. The oil men who have talked to me are fond of quoting the estimates that decontrol of old oil would only mean a price increase of 7 to 8 cents per gallon of gasoline. But let us take a closer and more inclusive look. Decontrol itself will cost "only" $16 billion. But to this must be added the resulting increase in the price of coal and natural gas: About $6.8 billion. And to this must be added the ripple effect of inflation—the rising costs of all goods, as producers feel the effects of higher power and transportation costs. Estimated at 50 percent of direct costs, this ripple effect is another $10 billion, for a total of over $30 billion—$500 per family of four. And I have not included the near certainty of another OPEC price increase this fall.

In February of this year, the Congress passed the most massive tax reduction and rebate plan in history. Considered an important instrument to boost this country from the recession, this bill returned some $22 billion to consumers to stimulate aggregate demand. We have now, finally, we are told, come to the bottom of the recession. But the recovery is expected to be weak—the weakest recovery from the most severe recession in 30 years. Even the administration is discussing the possibility of extending the tax cut for another year. Where, then, is the logic of taking from the consumer now, or even over the next several months, far more than what we gave back to him earlier this year?

What would decontrol, or even phased decontrol, do. According to the best available estimates, run from the Wharton and Data Resources, Inc. econometric models, real GNP growth by the beginning of 1977 would be 2 to 5 percent less than under continued control; inflation would be almost 2.5 percent higher, and some 700,000 more people would be without work.

If most of this country faces a recession, it is fair to call the conditions in my own State of Michigan for what they really are—a depression. Thirteen percent of the work force is unemployed. Unemployment in our largest industry—automobiles, is 18 percent. If I supported a program of decontrol—in reality, a program that would enshrine the OPEC set price—in the face of the economic consequences of such an action, I do not believe I would be fulfilling my responsibilities to the people of Michigan or to the Nation.

Given, then, the choice between OPEC regulation and U.S. Government regulation, I submit that the lesser of two evils is for all of us—both the Congress and the administration—to do the best, most responsible job we can to establish a fair price.

That best possible job centers in establishing a balance: Weighing the need for increased oil production with the need to strengthen our tentative recovery from the recession. I believe H.R. 7014 provides this balance. A slow rise in the price of old oil to a new ceiling, while rolling back the price of new oil, will provide price stability for the next few years—an essential underpinning of economic recovery.

As for oil production, there is no question that some less oil will be produced under H.R. 7014 than under phased decontrol, but I do not believe that much less will be produced; $7.50 and $8.50 are still more than double the oil price of only 2 years ago. And while oil drilling costs have increased, the figures I have from the Independent Petroleum Association of America suggest that the increases have not been as great as some have claimed. In 1974, the costs per foot of drilling a well were 21.3 percent higher than in 1973, and total costs per well rose 12.2 percent. The composite average price of all of the 19 items and services used in drilling wells increased 20 percent that year. Let us grant the price has gone up since then, and let us grant that drilling will get more expensive as we search in more difficult areas. Still, a price which is more than double the 1973 price should get out the great bulk of that oil.

A further point: Let us suppose that in 1980 decontrol would bring us back up to the plateau of crude oil production that we had in 1970, about 10 million barrels per day. Let us suppose that under H.R. 7014 some 500,000 barrels a day less is produced. What would we be paying to get 10 million barrels rather than 9.5? We would be paying the OPEC price of

$13.50 a barrel not just on the increment, but on all oil—oil which, without the increment, would cost at most $8.50. We would be paying $5 times 10 million barrels, or about $100 per barrel for the last 500,000.

If I could be convinced that total decontrol would quickly bring forth sufficient quantities to make this country self-sufficient, I would more seriously consider that option. But, realistically, that is most unlikely. The FEA estimates that even with phased decontrol, the United States can at best expect to produce somewhat over 12 million barrels per day by 1985. By that time, even with conservation, we will be using over 20 million barrels per day—and thus still be heavily reliant on imported oil. For a far higher price of oil, the consumer would buy some greater amount of American produced oil, but no appreciable increase in economic security.

In sum, I do believe that the Eckhardt amendment has struck the kind of balance it should be our goal to achieve: a reasonable amount of production at a reasonable cost to the consumer, a price that will not hinder economic recovery.

I would also like to comment on the proposed amendments that would release the price of oil, but call for a windfall profits tax if the price jumps above a certain level. To me, such proposals are the worst of all possible worlds: The consumer pays a far higher price, yet little incentive is added for expanded production. In effect, a windfall profits tax simply cuts the Government in on part of the take. The Government could then pass on part of what it takes to the consumer. It would seem to me that it would be far simpler to avoid this entire circle completely, and keep the Government out of the business of collecting and redistributing oil revenues. If the consumers are to benefit, let us have them benefit directly by lower prices to begin with.

Further, as a member of the Ways and Means Committee, I might mention that our committee took many months last year in debating the idea of a windfall profits tax through long and controversial proceedings. It can hardly be taken for granted that our committee could or would pass on a windfall profits tax this year. I am skeptical of passing legislation when its effectiveness depends on another committee passing other legislation that is so controversial.

Mr. DINGELL. Mr. Chairman, I do not rise to speak as a member of the subcommittee; I simply speak as a Member of the House.

I believe that neither of the proposals before us meets the tests that I would establish for proper action on this question. It is my hope that we can continue to work, and ultimately to achieve a meaningful and workable compromise on this issue. In this regard, I would favor the perfecting nature of the amendment offered by the gentleman from Minnesota (Mr. FRASER) in that the Krueger amendment very definitely needs a cap to prevent oil from going to the world price.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. FRASER) to the amendment offered by the gentleman from Texas (Mr. KRUEGER).

The question was taken; and on a division (demanded by Mr. FRASER) there were—ayes 32, noes 70.

So the amendment to the amendment was rejected.

The question is on the amendment offered by the gentleman from Texas (Mr. KRUEGER), as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KRUEGER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 202, noes 220, not voting 12, as follows:

[Roll No. 423]

AYES—202

Abdnor
Anderson, Ill.
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
AuCoin
Bafalis
Bauman
Beard, Tenn.
Bell
Bennett
Bevill
Boggs
Bolling
Breaux
Brinkley
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Casey
Cederberg
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collins, Tex.
Conable
Crane
Daniel, Dan
Daniel, R. W.
Davis
de la Garza
Derrick
Derwinski
Devine
Dickinson
Downing, Va.
Duncan, Oreg.
Duncan, Tenn.
du Pont
Edwards, Ala.
English
Erlenborn
Esch
Eshleman
Findley
Fish
Flowers
Foley
Forsythe
Fountain
Frenzel
Frey
Fuqua
Gibbons
Ginn
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Guyer
Hagedorn
Haley
Hamilton
Hammerschmidt
Hansen
Hastings
Hébert
Henderson
Hightower
Holland
Holt
Horton
Hungate
Hutchinson
Hyde
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jordan
Kasten
Kazen
Kelly
Kemp
Ketchum
Kindness
Krueger
Lagomarsino
Landrum
Latta
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McDonald
McEwen
McKay
McKinney
Madigan
Mahon
Mann
Martin
Melcher
Michel
Milford
Miller, Ohio
Mills
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Mosher
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
O'Brien
Passman
Patman, Tex.
Pettis
Pickle
Poage
Pressler
Preyer
Pritchard
Quie
Quillen
Railsback
Rees
Regula
Rhodes
Risenhoover
Roberts
Robinson
Roncalio
Rousselot
Runnels
Ryan
Sarasin
Satterfield
Schneebeli
Schulze
Sebelius
Shipley
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Spence
Stanton, J. William
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Thone
Thornton
Treen
Ullman
Vander Jagt
Waggonner
Wampler
White
Whitehurst
Wiggins
Wilson, Bob
Wilson, Tex.
Winn
Wright
Wydler
Wylie
Young, Alaska
Young, Fla.
Young, Tex.

NOES—220

Abzug
Adams
Addabbo
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Annunzio
Ashley
Aspin
Badillo
Baldus
Barrett
Baucus
Beard, R.I.
Bedell
Bergland
Biaggi
Biester
Bingham
Blanchard
Blouin
Boland
Bonker
Bowen
Brademas
Breckinridge
Brodhead
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Chisholm
Clay
Cohen
Collins, Ill.
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniels, N.J.
Danielson
Delaney
Dellums
Dent
Dingell
Dodd
Downey, N.Y.
Drinan
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Emery
Evans, Colo.
Evans, Ind.
Fary
Fascell
Fenwick
Fisher
Fithian
Flood
Florio
Flynt
Ford, Mich.
Ford, Tenn.
Fraser
Gaydos
Giaimo
Gilman
Green
Gude
Hall
Hanley
Hannaford
Harkin
Harrington
Harris
Hawkins
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Hefner
Heinz
Helstoski
Hicks
Holtzman
Howard
Howe
Hubbard
Hughes
Jacobs
Jeffords
Jenrette
Johnson, Calif.
Jones, Tenn.
Karth
Kastenmeier
Keys
Koch
Krebs
LaFalce
Leggett
Lehman
Levitas
Lloyd, Calif.
Lloyd, Tenn.
McCormack
McDade
McFall
McHugh
Macdonald
Madden
Maguire
Mathis
Matsunaga
Mazzoli
Meeds
Metcalfe
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mineta
Minish
Mink
Mitchell, Md.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Morgan
Moss
Mottl
Murphy, Ill.
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
Oberstar
Obey
O'Hara
O'Neill
Ottinger
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Peyser
Pike
Price
Randall
Rangel
Reuss
Richmond
Riegle
Rinaldo
Rodino
Roe
Rogers
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Roybal
Ruppe
Russo
St Germain
Santini
Sarbanes
Scheuer
Schroeder
Seiberling
Sharp
Simon
Snyder
Solarz
Spellman
Staggers
Stanton, James V.
Stark
Stokes
Stratton
Studds
Sullivan
Symington
Thompson
Traxler
Tsongas
Udall
Van Deerlin
Vander Veen
Vanik
Vigorito
Walsh
Waxman
Weaver
Whalen
Whitten
Wilson, C. H.
Wirth
Wolff
Yates
Yatron
Young, Ga.
Zablocki
Zeferetti

NOT VOTING—12

Carter
Chappell
Conlan
Diggs
Evins, Tenn.
Fulton
Harsha
Hillis
Hinshaw
Jones, Ala.
Stuckey
Teague

So the amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Teague for, with Mr. Diggs against.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. CHARLES WILSON OF TEXAS

Mr. CHARLES WILSON of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CHARLES WILSON of Texas: Page 214, strike out line 4 and all that follows down through line 3 on page 223.

Redesignate the succeeding sections of title III accordingly.

Mr. CHARLES WILSON of Texas. Mr. Chairman, this is a very simple amendment. It simply strikes the pricing section of H.R. 7014.

Mr. Chairman, there were many Members who felt that the Krueger amendment, because it did not have a cap, because the Fraser amendment did not go on, that by so doing, then we would indeed be allowing OPEC to set the price of domestic oil in the United States.

Mr. Chairman, I agree with much of what the gentleman from Virginia (Mr. Fisher) said. But I think for this Congress to set a cap of $7.50 on domestic oil that it is costing $10 and $11 and $12 per barrel to find would be signaling to the entire world that, for all practical purposes, domestic exploration in the United States is going to slow, slow, slow and, finally, halt.

I think that also by rolling back the price of oil, by rolling back the price to an artificially low price of $7.50, we are signaling to the world that we are not only going to explore and try to produce more oil in the United States, but that we are not going to try to conserve either, that the only thing the United States is going to do is consume, consume, consume, and consume.

Mr. Chairman, I think that there are many things in this bill that are very worthwhile, and that it should be passed. I support all of the other sections of the bill.

Had we had a reasonable incentive for exploration, I could support the bill in its entirety. If this amendment striking what we all know is an artificial, arbitrary, unreasonable, irrational ceiling of $7.50 oil is agreed to, then I believe that the bill will be acceptable.

Mr. Chairman, I urge the Members to vote for the amendment striking the artificial pricing section of H.R. 7014.

Mr. ECKHARDT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there has been some disagreement, to put it mildly, on our committee. However, our own committee has worked hard and carefully and has heard a great deal of evidence on the question of pricing, and the majority of that committee and, I think, the majority of the House have concluded, as evidenced by the last vote, that our section 301 is both a temperate and a thoughtful control on price.

The gentleman from Texas (Mr. Charles Wilson) has said that the prices in this bill are unrealistic, and I hope that the Members noted that he only mentioned the $7.50 price. This committee has made a very careful analysis on balance with respect to pricing. The $7.50 price is the general price to which oil rose, but it is by no means a ceiling.

Under the bill the oil which is so costly to get in four different categories may go, as I have said before, to an average price of $8.50. That means, as has been said from this well several times, that Prudhoe Bay oil at $7.55 may balance off other Alaskan oil which may go to $11 or $12.

Precisely the same thing could occur with respect to hard-to-get, costly oil in the lower 48 States. That is all in the bill. That flexibility is available to the FEA and is commanded or mandated upon the FEA with respect to territory oil, north of the Arctic Circle oil, and Outer Continental Shelf oil. With respect to the other category, the FEA sets it up with the congressional pattern.

Mr. Chairman, I have sent to all offices a note entitled "What is the cost of oil?" That gives the estimates of the Federal Power Commission, in response to inquiries by Senators Stevenson and Magnuson, and in that the Federal Power Commission has estimated the cost of new crude oil at $5.49 and the cost of flowing oil or old oil at $2.96.

It is true that there have been increases in the cost of production. In applying those increases, we were quite careful to check back with the source of the original figures to find out whether we were generous enough or too generous in adding about 50 percent to the cost for that period of about 1 year from the date of the figures supplied by the oil companies and a 10-percent increase on things other than materials like pipe.

We received the reply that we were overly generous, and upon that correction for additional cost we came out with the figure of $6.31 for new oil or $1.24 per barrel less than H.R. 7014 sets as a price ceiling at $7.50.

If the same increases, assuming a 50-percent increase in production costs and a 10-percent tax increase for old oil are applied to the figures, we get a figure of $4.11. H.R. 7014 provides $1.14 per barrel more than the cost of old oil.

These rates are far too generous, according to Louis Engel, the author of the study.

However, let us assume that for some reason we have not given sufficient margin of additional price for oil which is quite deep or in wells which are not as productive as would be hoped for in certain areas, and let us suppose that we need to provide more money for those wells. We have in the bill the $8.50 average price which, as has been repeatedly pointed out, allows some properties to produce at figures as high as $11 or $12 a barrel.

We have checked this in other ways. We have checked the figures.

The CHAIRMAN pro tempore (Mr. Foley). The time of the gentleman from Texas (Mr. Eckhardt) has expired.

(On request of Mr. Seiberling and by unanimous consent, Mr. Eckhardt was allowed to proceed for 2 additional minutes.)

Mr. ECKHARDT. Mr. Chairman, I am most thankful for the generosity of the gentleman from Ohio (Mr. Seiberling).

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Ohio at this time.

Mr. SEIBERLING. Mr. Chairman, I would just like to say to the gentleman at this time that in the colloquy we had last Friday, I thought the gentleman made a very excellent exposition of the way this operates to bring in additional oil and allows sufficient incentive to drill for more expensive oil.

I am going to offer for the record, at the close of this debate, an article from the Wall Street Journal in which an oil expert says that the United States is much less dependent on Arab oil now than it was in 1973 and that the administration is revealing an exaggerated degree of concern in its efforts to justify taking all ceilings off the prices of domestic oil in an effort, apparently, to convince people that we must do this because we are even more dependent on Arab oil now than we were.

The facts appear to be just the opposite. The gentleman's bill takes care of all long-range as well as our immediate needs without resulting in the American people paying an unnecesary price for oil independence.

Mr. Chairman, I commend the committee and the gentleman for his amendment.

Mr. MAGUIRE. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. Yes, I yield to the gentleman from New Jersey.

Mr. MAGUIRE. Mr. Chairman, I thank the gentleman for yielding.

On the averaging, I think it is very important that everybody understands that the $8.50 and $7.50 figures both are average ceilings.

Is it not true that even if we increase our production of domestic oil by a factor of 10 or 15 percent and even if that oil comes in at $10, $11, or $12 a barrel, that would easily average down to an $8.50 figure if the bulk of our oil continues to be produced as it is now, at a $4 or $5 figure?

Mr. ECKHARDT. Yes. The way the bill works is to accomplish a plateau in price so that over the period of about 5 years, until 1980, the price remains at something similar to that plateau which it has reached when it increased and doubled the original price or the earlier price from 1972 to 1974.

The total cost of oil purchases in 1972 was approximately $11 billion. In 1974 it had doubled to $22 billion, which was reflected by its increase in average price from about $3.90.

Mr. MAGUIRE. In effect, if we had $10 or $11 oil, that would average out to $7.75 or $8.20 oil, which the bulk of it would be?

Mr. ECKHARDT. That is correct.

The CHAIRMAN. The time of the gentleman from Texas (Mr. Eckhardt) has again expired.

(On request of Mr. Brown of Ohio, and by unanimous consent, Mr. Eckhardt was allowed to proceed for 1 additional minute.)

Mr. BROWN of Ohio. Mr. Chairman, I have asked that the gentleman from Texas be allowed to proceed for one additional minute so that the gentleman might yield to me, so that I could ask the gentleman from Ohio (Mr. Seiberling) a question.

Mr. ECKHARDT. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, the gentleman from Ohio (Mr. Seiberling) quoted from an article that he intends to place in the Record from the New York Times, and I would ask the gentleman from Ohio who the author of that article was.

Was that the one submitted by the Arab oil authorities which I read in the Wall Street Journal not so long ago, which said, in effect, that the foreign imports really are not all that important? Could the gentleman give me the name of the author of the article?

Mr. SEIBERLING. If the gentleman will yield, the name of the author is Uzi Arda who, far from being an Arab, is an Israeli scholar.

Mr. BROWN of Ohio. I thank the gentleman.

Mr. ECKHARDT. Mr. Chairman, now that I have the chart before the Members I would like to point out what I was talking about as to the spread of the price that would be available.

If Prudhoe Bay oil is around $7.55 we would have a sufficient area of spread for North Slope oil at a rate of $8.50 and for higher cost projection clear up to $9.50 and $10 a barrel.

This is only illustrative of what happens in each of the four categories.

The CHAIRMAN pro tempore (Mr. FOLEY). The time of the gentleman has again expired.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words, and I rise for the purpose of engaging in a colloquy with the gentleman from Texas (Mr. CHARLES WILSON) to try to find out what the amendment does.

I would like to ask the gentleman, No. 1, that I note the amendment strikes section 301.

Mr. CHARLES WILSON of Texas. That is correct.

Mr. DINGELL. Section 301 is the section which relates to mandatory, statutory prices for oil, both new oil and old oil. Is that correct?

Mr. CHARLES WILSON of Texas. That is correct. It would leave old oil at its present rate of $5.25 per barrel.

Mr. DINGELL. That is the next question I intended to address myself to as I note that subsequent sections reestablish or extend the provisions of the Emergency Petroleum Allocation Act. Am I correct?

Mr. CHARLES WILSON of Texas. That is correct.

Mr. DINGELL. I note, further, that the sections of the Emergency Petroleum Allocation Act which remain in effect, and which are extended by subsequent sections of the bill, are sections which would maintain the price of old oil by administrative action by the President at the level of $5.25. Am I correct in that?

Mr. CHARLES WILSON of Texas. That is correct.

Mr. DINGELL. So that the practical effect of the amendment offered by the gentleman from Texas to the committee bill would be to do the following things:

To eliminate the statutory increase in the price of old oil which would be lifted in effect by the committee bill to $7.50 from its present $5.25 a barrel price.

Mr. CHARLES WILSON of Texas. That is correct.

I would like to point out to the gentleman and to the committee that the old oil in this country is owned largely by the major oil companies, and was largely found in inexpensive areas. It is the new oil that is expensive. My amendment would reregulate or leave the regulation of old oil at $5.25, and it could not be changed unless Congress gave its approval.

Mr. DINGELL. The present level of price of old oil is fixed by administrative action by the President, and the President would have to take action to change that price.

Mr. CHARLES WILSON of Texas. That is right; with Congressional approval.

Mr. DINGELL. The amendment also, as offered by the gentleman from Texas, would simply leave in effect the power of the President under the Emergency Petroleum Allocation Act to control prices of both new oil and old oil; is that correct?

Mr. CHARLES WILSON of Texas. That is correct.

Mr. DINGELL. And it would leave in place the subsequent sections which would require that the President's actions to deregulate petroleum prices would be submitted to the Congress for 15 days for disapproval. Am I correct in that?

Mr. CHARLES WILSON of Texas. That is correct, and that is the most important point: That old oil will remain at $5.25, and it would not be increased without congressional approval.

Mr. DINGELL. And under the amendment offered by the gentleman from Texas, the price of new oil would remain at the present price, which is reached through the market mechanism.

Mr. CHARLES WILSON of Texas. Through the market prices, and it would provide incentive for finding new oil. Old oil would remain where it is, and there is, of course, much more old oil than there is new oil.

Mr. DINGELL. I thank the gentleman.

Mr. Chairman, I have done this so my colleagues would have a clear appreciation of the effect of the amendment offered by the gentleman from Texas.

Mr. O'NEILL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have been down the hill on this section now for about 3 days. The committee worked arduously for hour on hour on hour, and finally brought a bill to the floor. This amendment strikes out the very heart of the legislation, in my opinion. The bill sets a price of $7.50 a barrel on old oil, allowing certain high-cost oil to be sold at $8.50. Old oil now, as we know, is selling at $5.25. While oil which has been selling at the OPEC prices earlier in the year was $10.50—and I believe it is $11-something now—the bill would roll it back to $7.50 or $8.50, which was the average price between old and new oil as of January 1975.

Interestingly, in 1972 there was no argument about old oil or new oil. In those days all oil was selling at $3 a barrel, and that was only 3 years ago. It seems to me that an increase from $3 to $8.50 is sufficient. I would hope that we would vote on this as quickly as we possibly could and get title 3 behind us once and for all and see if we can get on with the remainder of the bill.

Mr. PEYSER. Mr. Chairman, will the distinguished majority leader yield?

Mr. O'NEILL. I yield to the gentleman from New York.

Mr. PEYSER. I thank the gentleman for yielding.

I just want some clarification, because I just thought I heard the gentleman from Michigan say that the amendment would leave old oil at $5.25, and I thought I just heard the gentleman from Massachusetts say that old oil would be $7.50.

Mr. O'NEILL. That is right, under the bill all oil would rise to $7.50 over a period of time, as old oil is completely depleted.

Mr. PEYSER. Mr. Chairman, will the gentleman yield further?

Mr. O'NEILL. I yield to the gentleman.

Mr. PEYSER. I thank the gentleman for yielding.

I guess I am not clear on which answer is correct. If the $5.25 price is what the gentleman from Michigan says and the $7.50 price is what the gentleman from Massachusetts says, what does the price of old oil remain at?

Mr. O'NEILL. No; my correction, it remains at $5.25, under this amendment. But under the bill old oil is phased out and new oil would be priced at $7.50 or $8.50.

Mr. ECKHARDT. Mr. Chairman, will the majority leader yield to me?

Mr. O'NEILL. I yield to the gentleman from Texas.

Mr. ECKHARDT. I thank the majority leader for yielding.

I would like to make it clear that under the amendment in 301 virtually all old oil would be held at $5.25. The only portion that would be removed from that is the extent to which old fields are made to produce more oil by secondary tertiary recovery.

Mr. O'NEILL. That is one of the things I believe has been lacking in this debate. Every time a barrel of new oil is produced, of course, a barrel of old oil is deregulated and is allowed to be sold at the regular price. I think we should get on with the bill as quickly as possible.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I thank the gentleman for yielding.

I understood the majority leader to say, and I may have misunderstood him, something about the Eckhardt provisions in the bill rolling back the price of OPEC oil.

Mr. O'NEILL. I would certainly hope that it would roll back the price of oil. If I said OPEC oil, naturally, I did not mean that. What I mean is the standard price we are now charging for domestic oil is being set by the OPEC countries. What this bill would do is prevent us from being blackmailed and having our price set by the OPEC countries. That is what I meant.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from Texas.

Mr. ECKHARDT. I think the majority leader is correct in his general direction.

Actually the total mix of oil in the United States, including both foreign and domestic oil, has risen from about $7 in early 1974 to about $9.50. If we do not control the price of new oil it will go to the OPEC price and the total mixture of all oil used will ultimately by 1980 go from $9.50 to $16. What this does is create a plateau of price, so it does not go any higher than now. So very truly the total mix is held back.

Mr. O'NEILL. Mr. Chairman, I thank the gentleman. That is exactly what I was trying to explain. I am grateful to my friend from Texas. What it really does is stop the OPEC countries from blackmailing us and saying the price on our local oil will be what they decree.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. ROUSSELOT. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts may have 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. BRODHEAD. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. MACDONALD of Massachusetts. Mr. Chairman, remarks have been made today about how gracious it is for the oil companies to go along with the $5.25 for their old oil price, as a gesture to the American consuming public. Yet our subcommittee no less than a year ago was told by a representative of the administration, either Mr. Simon or the gentleman who followed him, who is now president of a university in New York, that at $4.25—and I believe it was Mr. Simon who indicated it, they could make a very decent profit and that included the increase in production, and that anything over $7 was a clear windfall profit.

Whereupon FEA in its wisdom, and it did have the authority under the mandatory allocation bill, gave the companies $1 extra a barrel, and no one could pin down in the FEA why the oil companies needed that extra $1 per barrel or why they gave it to them raising the price to $5.50.

So at this point old oil would go back to $1 more than it cost the companies to produce it plus a profit at the time that Mr. Simon and/or Mr. Sawhill was speaking for the administration.

Mr. KRUEGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall not take the full 5 minutes but I think it would be bad form for one who is most appreciative of the strong support my amendment was given in this House, to move to strike a section which I sought to amend simply because my amendment narrowly failed. Nonetheless, I rise to suggest we should strike this section, because if we look at the history of this particular section, this present amendment failed in the subcommittee. It was not recommended in the subcommittee, and it passed by a margin of 22 to 21—there could hardly be a closer vote—in the full committee. It passed by 22 to 21 in the full committee. The rejection of my own amendment by the House was by virtually the same margin, by a vote of 220 to 204. That suggests there is only a very narrow margin of support for this particular pricing provision.

We can choose to leave this pricing provision in and by leaving it in we will be assured, those of us who dislike other sections of the bill, that the bill will be vetoed. Therefore those who really want to see the whole bill fail will really want to leave this provision in.

I think there are some good things in the bill. I would like to see those other good things have a chance to become law, and for that reason I think it might very well be in the interest of those who think there are other things that are attractive, such as the labeling provision and provisions regarding auto efficiency, and several other things, to strike this section at this time, so we can see whether there might be genuinely a compromise with the executive branch and therefore contribute to the chance of the bill actually becoming law rather than becoming just a debating exercise.

Mr. MAGUIRE. Mr. Chairman, will the gentleman yield?

Mr. KRUEGER. I yield to the gentleman from New Jersey.

Mr. MAGUIRE. Mr. Chairman, in discussing the earlier stage of the committee's work, it is important to note that on the first vote on this pricing section in the full committee, Democrats voted in favor by a margin of 21 to 8. Then it was 22 to 7. Ultimately it was 26 to 3 or some such, when the full bill was reported out of committee.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. KRUEGER. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, do the remarks of the gentleman from New Jersey indicate that the Republican votes have been disenfranchised? As I recall, the vote was 21 to 21, with 1 Member present, until arrangements could be made to change that vote in favor of the Eckhardt amendment. Does my memory disservice me?

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. KRUEGER. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, I merely wanted to say nobody expects the Republicans to be disenfranchised. The point is that all Republicans voted the same way, except one.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. KRUEGER. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, it is precisely the spirit shown by the gentleman from New Jersey which has made compromise on this legislation extremely difficult. I would hope we could rekindle some of the comments that were made yesterday with the spirit of compromise.

Republicans as well as Democrats are going to buy gasoline or be waiting in line at the pumps or will be affected by Arab oil coming into this country. It is not a partisan proposition. It is a matter which is going to affect all Americans. There are a lot of Americans that do not belong to either party that will be adversely affected by this legislation.

Mr. Chairman, I am really kind of amazed at the comments that I heard that would indicate that this is a matter of interest only for one party in this Congress and that it really is such a partisan matter.

I would hope that there is some effort still made to bring us together to get a result for the American people on this issue.

I am just overwhelmed by the comments of the gentleman from New Jersey.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. KRUEGER. I yield to the gentleman from California.

Mr. SISK. Mr. Chairman, I take this time to say I deplore the statement of the gentleman from New Jersey, if he seems to imply that there is something magic about a Democratic vote versus a Republican vote. We have been hung up in the Committee on Rules for the last 2 or 3 months trying to be of some assistance in seeking to compromise with the administration on the matter of energy. This has to be approached, it seems to me, in a bipartisan fashion.

Mr. Chairman, I want to say that I personally deplore the implication that there is something wrong with counting Republican votes in connection with committee action and I certainly join my colleague, the gentleman from Ohio (Mr. BROWN) in deploring this kind of thing.

Mr. WIRTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first I want to commend my colleague, the gentleman from Texas (Mr. KRUEGER) for his most conciliatory statement, and maybe more importantly for the extraordinarily hard work which he put in on this bill. Although I voted against the gentleman from Texas (Mr. KRUEGER) and have been consistently opposed to the Krueger amendment, the gentleman from Texas has done his homework and done it well.

As I said in the discussion on the Krueger amendment, I said I was opposed to the Krueger amendment and that I was also opposed to the Eckhardt amendment. I think that the discussion we have heard over the last week has been a polarized debate. In my opinion, there has been a polarization with the Krueger amendment giving away too much on the one end and the Eckhardt amendment taking back too much on the other end. Through the 6 months there has been no middle ground, albeit an extraordinarily difficult middle ground, to attempt to adhere to.

I have attempted to do that, and I think there are a number of individuals on both sides of the aisle who feel that we in the Congress on both sides of the aisle can come to agreement with the administration. I am standing here in support of the Wilson amendment as recently offered, as I believe the Wilson amendment will provide us with that ability to come to the kind of agreement that is necessary. I think we can come to that agreement; I think we are very,

very close to that agreement. All indications I have heard suggest that that is the case. I would urge my colleagues to vote for the Wilson amendment.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, I had understood that the gentleman in the well, who is, we might say, the Calhoun of his body, had a compromise.

Mr. WIRTH. The gentleman's political analogy is lost on this new Member from Colorado.

Mr. ECKHARDT. I would have thought that the gentleman, if he wanted to strike the middle ground, would have offered his compromise as a substitute for section 301, rather than supporting the motion to strike, because the motion to strike might pass without the distinguished gentleman in the well being able to carry his compromise, in which case he would have been hoisted on his own petard.

Mr. WIRTH. The gentleman makes a very good point on timing, but not on the point of the petard. The point where I think he made an excellent point is, why was not a middle ground amendment offered? It was not offered by myself or by people in the same position, either to the Krueger or Eckhardt amendments because we felt that it was important that, since the issue had been worked out at its two poles for a long period of time, and the House should have an opportunity to first work its will on those two polar proposals.

The House has done so on the Krueger amendment. On the Wilson amendment, the House has the opportunity to vote up or down on the Eckhardt amendment.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I yield to the gentleman from Virginia.

Mr. FISHER. Mr. Chairman, I would like to associate myself with the remarks just made by my colleague in the well. I think the best thing we can do so as to open up the possibility for what I would regard as a more genuine, constructive compromise that would have some chance of enlisting enough support in this House to pass and have a good chance then of actually surviving at the Presidential level and pass into law, it seems to me that short of somebody telling me different, that the best way to achieve this is to vote for the Wilson amendment and then have a look at amendments that may then come forth. I understand the gentleman in the well has such an amendment.

Mr. WIRTH. I thank the gentleman.

Mr. SIMON. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I yield to the gentleman from Illinois.

Mr. SIMON. Mr. Chairman, I would simply like to associate myself with the remarks of the gentleman from Virginia and the gentleman in the well. It seems to me that the Wilson amendment—and I voted against the Krueger amendment and voted for the Heinz substitute—it seems to me does several things:

No. 1, it says that we do not want obscene profits on old oil, and we stop that. No. 2, we encourage the development of new oil. No. 3, we recognize that there is going to have to be a practical compromise. No. 4, we recognize that in this bill there is a great deal of substance in addition to this one section. This is a bill which we can pass; then it can be signed and will be moving forward. I think the Wilson amendment is the practical compromise in this situation.

Mr. WIRTH. I would agree with the gentleman from Illinois. I appreciate his comments. I believe that consideration of the Wilson amendment allows the House to vote, in effect, up or down on the Eckhardt amendment. I plan to vote for the Wilson amendment.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think the time has come to say once again what the Wilson amendment provides and what is in the Eckhart amendment so that we can at least understand where we are.

The Wilson motion seeks to strike section 301, which is the substance of the Eckhardt rollback provisions.

It was quite well developed in the colloquy between the gentleman from Michigan, the chairman of the Subcommittee on Energy and Power of the Committee on Interstate and Foreign Commerce, with the gentleman from Texas (Mr. CHARLES WILSON), that this leaves in place the present Emergency Petroleum Allocation Act price control system that is currently in effect limiting the price of old oil to $5.25 a barrel.

It also leaves new oil priced at the domestic market price, which is somewhere between $1.50 and $3, historically, during the price controls below the OPEC price.

Mr. Chairman, I say that for the benefit of those who feel that the domestic market price and OPEC price are the same thing. They are not.

The impact now is that the average price of all oil consumed in this country is about $9.50.

In effect, if the Wilson amendment is adopted, it will leave oil price controls where they are at this moment. FEA will continue to control old oil prices at $5.25, and the old oil definition will be the same as it was—oil being producer prior to May 1972. It will let new oil be priced at the market levels as it is priced now.

The Eckhardt pricing provision, which the gentleman from Texas (Mr. CHARLES WILSON) seeks to strike from the bill, rolls back new oil prices.

The majority leader used the term "rollback." We should use the term "rollback." I think there can be no argument that it rolls back new oil prices from the current market prices to either $7.50 or $8.50, depending on some definitions which will be found elsewhere in the provision.

What that means is that some new oil being found and produced right now in this country will not be produced. We will, therefore, by that provision, become increasingly dependent on the Arabs and the OPEC nations. And they are not the same. They are two different groups. The Arabs are the Arabs. The OPEC nations are those nations who produce oil and export it to the United States, including the Arabs, Venezuelans, Nigerians and so forth. We will become increasingly dependent upon the OPEC nations because that new domestic oil will not be produced.

With reference to the old oil, the gentleman from Texas (Mr. ECKHARDT) allows a price increase gradually over a period of time from $5.25 up to $7.50 or up to $8.50, again depending on the definition of extraction of old oil. It does that at the rate of 1 percent volume per month based on the 1972 production, just as the amendment offered by the other gentleman from Texas (Mr. KRUEGER) would have proposed to do.

What are the prices of developing new oil? I give the Members 2 distinguished economists, both formerly involved on this side of the aisle, not on my side of the aisle: Robert Nathan, an economist for the AFL–CIO until he went into business on his own, who said that the cost price of oil at the end of 1974 in the United States was $12.73, not $7.50 or $8.50, and I also cite to you Mr. Charles Schulze, who spoke before the Joint Economic Committee within the last couple weeks. Mr. Charles Schulze was formerly Director of the Office of Management and Budget. Mr. Schulze is against setting price ceilings on new oil. He is for a windfall profits tax with a plowback provision. He is for a rebate program to the poor, the needy, and the middle class of this country, to help relieve or mitigate the additional energy costs they will have to pay.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. BROWN of Ohio was allowed to proceed for 3 additional minutes.)

And he is also for a monetary policy which will ease the economic impact.

Mr. Chairman, those are the same things I am for. I am for the same things that Mr. Schulze, the former Democratic Director of the Office of Management and Budget, is for. I want to repeat them.

He is for windfall profits taxes with a plowback; he is for a rebate to help the poor and middle-income people, and assist them in paying their energy bills; he is for a monetary policy to ease the economic impact on those people; and he is against the specific proposals in this legislation now, the proposals that were put there by the amendment offered by the gentleman from Texas (Mr. ECKHARDT) in the full committee and which the other gentleman from Texas (Mr. CHARLES WILSON) seeks to strike from the bill.

This is a difficult problem. We have reached the moment when this problem needs a compromise. The proposal of the gentleman from Texas (Mr. ECKHARDT), as I know and as the Members know, is not likely to become law because the President has already advertised the fact that he would veto H.R. 7014 with these provisions in it.

What is in H.R. 7014 will not become law in any event probably until September or October.

In the meantime, we need some effort toward compromise in the next 2 days, because what is to be presented before this Congress before we recess must be presented by Friday by a Presidential plan, and then this Congress has the opportunity to either reject that or approve it. If they reject it, the President has said that he will veto a simple extension of the Emergency Petroleum Allocation Act, and then the Congress has a Hobson's choice: They will either override his veto and keep the present Emergency Petroleum Allocation Act in place and, additionally, let foreign oil come into this country by discouraging domestic production, or they will sustain his veto and we will have immediate decontrol as of August 31 and suffer the consequent economic impact. Either one of those choices is not a good choice, I will say to my colleagues on both sides of the aisle.

We need this compromise in the next couple of days. The New York Times has said so, the Washington Post has said so, and most of the other newspapers I have read have said so; and I believe the American people want a compromise.

Mr. Chairman, I hope we will support the amendment offered by the gentleman from Texas (Mr. CHARLES WILSON) to strike from the bill the burdensome provisions, the counterproductive provisions, that are in the bill. I speak of the Eckhardt provisions which will discourage further production. That will be a signal that we really do want to try to compromise.

Then hopefully, Mr. Chairman, we can have a group of distinguished leaders on the Democratic side of the aisle sit down with Members on our side of the aisle and with the administration and get that accomplished.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment conclude at 6:10 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. STUDDS. Mr. Chairman, I object.

Mr. EDGAR. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment conclude at 6:15 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. GREEN. Mr. Chairman, I object.

MOTION OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I move that all debate on the pending amendment conclude at 6:15 p.m.

The CHAIRMAN. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GIAIMO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device; and there were—ayes 244, noes 168, not voting 22, as follows:

[Roll No. 424]

AYES—244

Abdnor
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Armstrong
Aspin
AuCoin
Bafalis
Baldus
Barrett
Bell
Bennett
Bergland
Biaggi
Bingham
Blanchard
Blouin
Boggs
Boland
Bonker
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Ohio
Burke, Calif.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Carney
Carr
Casey
Cederberg
Chappell
Chisholm
Clancy
Clausen, Don H.
Clay
Cleveland
Cochran
Collins, Ill.
Collins, Tex.
Conable
Conyers
Corman
Cornell
Cotter
Crane
D'Amours
Daniel, R. W.
Danielson
de la Garza
Delaney
Dent
Devine
Dickinson
Dingell
Downing, Va.
Drinan
Duncan, Tenn.
Edwards, Ala.
Eilberg
English
Eshleman
Evans, Ind.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Flowers
Foley
Ford, Mich.
Frey
Fuqua
Gaydos
Gibbons
Ginn
Gonzalez
Goodling
Gradison
Grassley
Guyer
Haley
Hall
Hanley
Harkin
Harrington
Hastings
Hayes, Ind.
Heckler, Mass.
Hightower
Holland
Holt
Horton
Howard
Howe
Hungate
Hutchinson
Hyde
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Karth
Kastenmeier
Kindness
Krebs
Krueger
LaFalce
Landrum
Latta
Leggett
Lehman
Lent
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
McClory
McCormack
McFall
McHugh
McKay
McKinney
Madden
Madigan
Mahon
Meeds
Melcher
Metcalfe
Meyner
Mills
Minish
Mitchell, Md.
Mollohan
Montgomery
Moore
Morgan
Mottl
Murphy, Ill.
Murtha
Natcher
Neal
Nedzi
Nichols
Nix
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Passman
Patman, Tex.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Peyser
Pickle
Poage
Pressler
Preyer
Price
Quillen
Railsback
Rees
Reuss
Rhodes
Risenhoover
Roberts
Robinson
Rogers
Rostenkowski
Runnels
Ruppe
Russo
Ryan
St Germain
Santini
Schneebeli
Sebelius
Seiberling
Shipley
Shriver
Shuster
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Stanton, James V.
Steed
Steelman
Steiger, Ariz.
Stephens
Stratton
Sullivan
Symington
Taylor, N.C.
Thompson
Thornton
Traxler
Ullman
Vander Jagt
Vander Veen
Vigorito
Waggonner
Walsh
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Tex.
Wirth
Wright
Wylie
Yates
Yatron
Young, Tex.
Zablocki
Zeferetti

NOES—168

Abzug
Adams
Ambro
Andrews, N.C.
Archer
Ashbrook
Ashley
Badillo
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bevill
Biester
Breckinridge
Brown, Calif.
Brown, Mich.
Broyhill
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burton, John
Burton, Phillip
Clawson, Del
Cohen
Conte
Coughlin
Daniel, Dan
Daniels, N.J.
Davis
Dellums
Derrick
Derwinski
Dodd
Downey, N.Y.
Duncan, Oreg.
du Pont
Early
Eckhardt
Edgar
Edwards, Calif.
Emery
Erlenborn
Esch
Evans, Colo.
Florio
Flynt
Ford, Tenn.
Forsythe
Fountain
Fraser
Frenzel
Giaimo
Gilman
Goldwater
Green
Gude
Hagedorn
Hamilton
Hammerschmidt
Hannaford
Hansen
Harris
Hawkins
Hays, Ohio
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks
Holtzman
Hubbard
Hughes
Jacobs
Jeffords
Jenrette
Jordan
Kasten
Kazen
Kelly
Kemp
Ketchum
Keys
Koch
Lagomarsino
Levitas
McCloskey
McCollister
McDade
McDonald
McEwen
Macdonald
Maguire
Mann
Martin
Mathis
Mazzoli
Mezvinsky
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mineta
Mink
Mitchell, N.Y.
Moakley
Moffett
Moorhead, Calif.
Moorhead, Pa.
Mosher
Moss
Myers, Ind.
Myers, Pa.
Nolan
Ottinger
Patten, N.J.
Pettis
Pike
Pritchard
Quie
Randall
Rangel
Regula
Richmond
Riegle
Rinaldo
Rodino
Roe
Roncalio
Rooney
Rose
Rosenthal
Roush
Rousselot
Roybal
Sarasin
Sarbanes
Satterfield
Scheuer
Schroeder
Schulze
Sharp
Spellman
Spence
Staggers
Stanton, J. William
Stark
Steiger, Wis.
Studds
Symms
Talcott
Taylor, Mo.
Thone
Treen
Tsongas
Van Deerlin
Vanik
Wampler
Weaver
Wilson, Bob
Winn
Wolff
Wydler
Young, Alaska
Young, Fla.
Young, Ga.

NOT VOTING—22

Bolling
Bowen
Carter
Conlan
Diggs
Evins, Tenn.
Fulton
Harsha
Hébert
Hefner
Hillis
Hinshaw
Jones, Ala.
Matsunaga
Milford
Murphy, N.Y.
Stokes
Stuckey
Teague
Udall
Waxman
Wilson, C. H.

So the motion was agreed to.

The result of the vote was announced as above recorded.

PREFERENTIAL MOTION OFFERED BY MR. ADAMS

Mr. ADAMS. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. ADAMS moves that the Committee rise and report the bill H.R. 7014 back to the House with a recommendation that the enacting clause be stricken out.

Mr. ADAMS. Mr. Chairman, I have taken this time because there was not an opportunity for those in opposition to the amendment offered by the gentleman from Texas to speak on the matter and to state very firmly that we have spent 3 days trying to develop a pricing section. We have voted on Kreuger, we have voted on amendments to Kreuger, we have voted on caps, and we have voted on all types of amendments that were carefully explained and debated at great length.

Now at the last minute we have an amendment put in the economic effects of which we have not been able to analyze and will not but which in effect takes out completely the pricing sections of this bill, the protections of the bill for the consumers of America.

If we object to or do not like the pricing sections, what I say to the gentleman is: Offer a substitute for this section which can be compared with what we have, or some other compromise. Do not strike the section, because what happens then is we are left with nothing in this bill, and those of us who believe in compromise are going to have to face all the negative factors in trying to carry a motion.

We have carefully debated this and I am stating to the Members that if we knock the section out we will not be able to place a pricing section in which everyone can understand, as we have carefully explained to the Members by letter and by debate and by comment during days of debate here. So I plead with the Members to leave that section in and if other parties wish to offer a compromise, 9 or 10 or more months, let them offer that. I beg the Members to vote this down.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Pennsylvania.

Mr. GREEN. Mr. Chairman, this preferential motion is not being supported by its maker, the gentleman from Washington (Mr. ADAMS) nor by me, but we have had no time to debate the amendment, debate was cut off on the amendment offered by the gentleman from Texas (Mr. CHARLES WILSON) to cut out all pricing sections in this bill. This was done in the name of seeking a compromise when the fact of the matter is this administration has not compromised in any significant way whatsoever for 6 months on this issue.

We have been hearing the statement that the Arab prices of oil dictate the prices of oil in this country, and that is correct. The fact of the matter is that when the Arabs raised their price, this Nation, its President, its leaders in both parties were outraged, but we are being asked now to knock out any kind of pricing provision in this bill in the name of compromise.

This is not the way to achieve compromise. Leave the Eckhardt amendment where it is. If we do not like it, change it somewhat, but do not strike it from the bill and leave us without that and with an administration which has not agreed to compromise significantly on this issue.

Mr. ADAMS. I agree with the gentleman from Pennsylvania.

I will conclude my remarks by saying we have tried and tried to determine if there is a point of compromise. What the gentleman has stated is correct. If we had some offer from the administration of where a price would be set and a number of months that we could work on, we would have talked about it, but these prices that were set were all based on OPEC prices.

We should be using the resources of the United States to protect our consumers, our people, our Nation, during the time when we are under, in effect, economic attack by a group of people overseas that are setting an artificial price. This is what we are attempting to do in this bill, to protect our people in this bill, by saying that the price of oil products domestically will stay at a particular level and then will be allowed to go up over a number years, so that our economy can absorb the shock of this and so we can mix the foreign oil with the local oil and allocate it throughout the United States to carry us through this period of hardship. We are not trying to do anymore than to see to it that the American people have that opportunity.

Mr. Chairman, I hope we will vote no.

Mr. DINGELL. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, it has not been my purpose to have further discussion or to participate myself in the Wilson amendment; but a preferential motion has been offered and certain statements have been made by my good friend, the gentleman from Washington (Mr. ADAMS) regarding what the Wilson amendment does.

I think the House ought to have a fair understanding of what the Wilson amendment does and does not do.

Now, the Wilson amendment removes the statutory ceiling from the bill in section 301, but it does not affect subsequent sections of the bill which retain the basic price control scheme of existing law and regulations. What the Wilson amendment does essentially is to give the House a chance to vote yes or no on the Eckhardt amendment. That is what it does.

Whether or not the Wilson amendment carries, and even if the Wilson amendment does carry, old crude oil would continue to be subject to price controls and any attempt to exempt it from price controls by the President would under subsequent sections of the bill be subject to congressional veto in 15 days under the expedited procedures which assume the disapproval resolution will reach the floor during that period. Indeed, because of the implementation of that under the procedures of the Reorganization Act, it would be required to come to the House floor for the vote.

New oil under the Wilson amendment would, however, continue to be exempt from price controls, unless the President were to impose such controls on old oil.

So I want the House to have these questions clearly before it and the balance of the bill, regardless whether the Wilson amendment carries or does not, remains a viable good bill and controls remain in place on old oil and the statutory authority would continue to exist for the President to impose controls on new oil. The rollback provisions of the Eckhardt amendment would be removed.

Mr. Chairman, I yield to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, for the last 6 months the gentleman from Michigan and I have been working trying to get a bill that would be of benefit to this country. This bill has good material in it, regardless how we feel about the pricing section of the bill. The standby emergency power of the President, as it pertains to future Arab oil embargoes over which we have veto power, the establishment of the civilian petroleum conservation service, the section of the bill which requires the petroleum burning powers plans to convert to coal, which must be extended because that authority expires on the 30th of June, those are good provisions. There are other provisions which are not so good and which need to be modified and amended.

But regardless of how the Members feel on the pricing provision, this bill deserves the consideration of this body. I oppose the motion of the gentleman from Washington to stroke the enacting clause without reference to how I feel about the Eckhardt amendment or the amendment of the gentleman from Texas (Mr. CHARLES WILSON), to strike the Eckhardt provision.

We ought not vote to amend this bill at this moment. We then have nothing on which to deal with reference to compromise, and compromise has been the objective of those of us on the subcommittee who have worked on this bill. I think it should be the objective of the full Congress and I think, in contradiction to the gentleman from Washington, that it has been the objective of the President. Let us oppose and vote down the motion to strike the enacting clause.

PARLIAMENTARY INQUIRY

Mr. McCORMACK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCORMACK. Mr. Chairman, if the Wilson amendment is adopted and the section is stricken from the bill and we rise, can we come back tomorrow and put a similar section back in the bill with different numbers, or under the rules could we not replace that section at all?

The CHAIRMAN. The Chair will have to tell the gentleman that the Chair can only determine germaneness after examination of the proposal. Therefore, the Chair cannot say whether or not any proposals that were offered would be in order, but an amendment different from the text stricken could be in order if germane. The Chair simply cannot state what proposal.

Mr. McCORMACK. So a proposal could be in order that would put in a new price formula tomorrow, even if the Wilson amendment were passed today?

The CHAIRMAN. The Chair finds it extraordinarily difficult to anticipate anything, but the Chair can conceive of a circumstance in which that would be true.

Mr. McCORMACK. I thank the Chairman.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Washington (Mr. ADAMS).

The preferential motion was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CHARLES WILSON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GREEN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 215, noes 199, not voting 20, as follows:

[Roll No. 425]

AYES—215

Abdnor
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
Aspin
AuCoin
Bafalis
Bauman
Beard, Tenn.
Bell
Biester
Boggs
Bolling
Breaux
Brinkley
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burleson, Tex.
Butler
Byron
Casey
Cederberg
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collins, Tex.
Conable
Coughlin
Crane
Daniel, Dan
Daniel, R. W.
Davis
de la Garza
Dent
Derrick
Derwinski
Devine
Dingell
Downing, Va.
Duncan, Oreg.
Duncan, Tenn.
du Pont
Edwards, Ala.
English
Erlenborn
Esch
Eshleman
Evans, Colo.
Findley
Fish
Fisher
Flowers
Foley
Forsythe
Fountain
Frenzel
Frey
Fuqua
Gibbons
Ginn
Goldwater
Goodling
Gradison
Grassley
Guyer
Hagedorn
Hamilton
Hammerschmidt
Hannaford
Hansen
Hastings
Heinz
Henderson
Hightower
Holland
Holt
Horton
Hungate
Hutchinson
Hyde
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Okla.
Jordan
Kasten
Kazen
Kelly
Kemp
Ketchum
Kindness
Krueger
Lagomarsino
Landrum
Latta
Lent
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McDonald
McEwen
McKay
Madigan
Mahon
Mann
Martin
Mathis
Melcher
Michel
Miller, Ohio
Mills
Mitchell, N.Y.
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mosher
Murtha
Myers, Ind.
Myers, Pa.
Natcher
O'Brien
Passman
Patman, Tex.
Perkins
Pettis
Pickle
Poage
Pressler
Preyer
Pritchard
Quie
Quillen
Railsback
Randall
Rees
Regula
Rhodes
Risenhoover
Roberts
Robinson
Roncalio
Rousselot
Runnels
Ruppe
Sarasin
Satterfield
Schneebeli
Schroeder
Schulze
Sebelius
Shipley
Shriver
Shuster
Sikes
Simon
Sisk
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Spence
Stanton, J. William
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Sullivan
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Thone
Thornton
Treen
Ullman
Vander Jagt
Waggonner
Walsh
Wampler
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, Tex.
Winn
Wirth
Wright
Wydler
Wylie
Young, Alaska
Young, Fla.
Young, Tex.

NOES—199

Abzug
Adams
Addabbo
Alexander
Ambro
Andrews, N.C.
Annunzio
Ashley
Badillo
Baldus
Barrett
Baucus
Beard, R.I.
Bedell
Bennett
Bergland
Bevill
Biaggi
Bingham
Blanchard
Blouin
Boland
Bonker
Brademas
Breckinridge
Brodhead
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Chisholm
Clay
Cohen
Collins, Ill.
Conte
Conyers
Corman
Cornell
Cotter
D'Amours
Daniels, N.J.
Danielson
Delaney
Dellums
Dickinson
Diggs
Dodd
Downey, N.Y.
Drinan
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Emery
Evans, Ind.
Fary
Fascell
Fenwick
Fithian
Flood
Florio
Flynt
Ford, Mich.
Ford, Tenn.
Fraser
Gaydos
Giaimo
Gilman
Gonzalez
Green
Gude
Haley
Hall
Hanley
Harkin
Harrington
Harris
Hawkins
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Hefner
Helstoski
Hicks
Holtzman
Howard
Howe
Hubbard
Hughes
Jeffords
Jenrette
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Koch
Krebs
LaFalce
Leggett
Lehman
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
McFall
McHugh
McKinney
Macdonald
Madden
Maguire
Matsunaga
Mazzoli
Meeds
Metcalfe
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mineta
Minish
Mink
Mitchell, Md.
Moakley
Moffett
Morgan
Moss
Mottl
Murphy, Ill.
Neal
Nedzi
Nichols
Nolan
Nowak
Oberstar
Obey
O'Hara
O'Neill
Ottinger
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Peyser
Pike
Price
Rangel
Reuss
Richmond
Riegle
Rinaldo
Rodino
Roe
Rogers
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Roybal
Russo
Ryan
St Germain
Santini
Sarbanes
Scheuer
Seiberling
Sharp
Skubitz
Solarz
Spellman
Staggers
Stanton, James V.
Stark
Stokes
Stratton
Studds
Symington
Thompson
Traxler
Tsongas
Van Deerlin
Vander Veen
Vanik
Vigorito
Weaver
Whalen
Wilson, C. H.
Wolff
Yates
Yatron
Young, Ga.
Zablocki
Zeferetti

NOT VOTING—20

Bowen
Carter
Conlan
Evins, Tenn.
Fulton
Harsha
Hébert
Hillis
Hinshaw
Jacobs
Jones, Ala.
Keys
Long, Md.
Milford
Murphy, N.Y.
Nix
Stuckey
Teague
Udall
Waxman

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. PERKINS. Mr. Chairman, as we move ahead on this tremendously important energy bill under debate today, I want to call the House's attention to the fact that the ultimate solution to our energy problem lies in coal.

We have it in great abundance, in amounts that can only be estimated, and in amounts that will last this Nation for uncounted years.

But to get maximum benefit from it, we have to liquefy it and gasify it, and the technology to do that exists, and has existed since before World War II.

Mr. CARTER and I have an amendment pending which will bring about coal liquefaction and coal gasification on a commercial scale. A letter was distributed to all Members about it today, and it is printed on page 23547 of the July 18 RECORD, so I will not go into details.

But the House should know something about the background of liquefaction and gasification, so I would like to include with my remarks a bill I introduced back in 1951 and some debate from the RECORD which took place in 1953.

I think it will show that we could be energy independent right now if we had done the right thing more than 20 years ago, and I think it will show that unless we pass legislation on commercial scale coal liquefaction and coal gasification, we will never be energy independent.

The material follows:

H.R. 3022

(Introduced in the House of Representatives, March 1, 1951.)

A bill to aid in preventing shortages of petroleum and petroleum products in the United States by promoting the production of synthetic liquid fuels.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Synthetic Liquid Fuel Plants Act of 1951".

SEC. 2. It is the policy of the United States that there shall be available at all times, in the interest of he national security and the national economy, adequate supplies of liquid fuels. It is further declared to be the policy of the United States, in order to supplement supplies of petroleum and petroleum products produced in the United States and imported from foreign countries, (1) to foster and encourage the production in the United States by private industry of synthetic liquid fuels from coal, oil shale, and other substances; (2) to provide such financial and other assistance to private industry as may be necessary to promote and accelerate the construction and operation of such number and types of commercial-sized synthetic liquid fuel plants as are required to furnish an adequate basis upon which to develop a rapidly expandable and technologically advanced synthetic liquid fuel industry; (3) to the extent that private industry fails to undertake the construction and operation of such number and types of commercial-sized synthetic liquid fuel plants as are required to furnish such basis, to provide for the construction and operation of such plants by the Government under contracts with private industry; and (4) to provide financial and other assistance to private industry to promote and accelerate research and development of methods and processes for the production of synthetic liquid fuels.

SEC. 3. As used in this Act—

(a) The term "person" includes an individual, firm, copartnership, corporation, company, or association, and any trustee, receiver, assignee, or personal representative thereof.

(b) The term "United States" includes the several States, the District of Columbia, the Territories of Alaska and Hawaii, and Puerto Rico.

(c) The term "synthetic liquid fuel" means a liquid fuel and any intermediate gaseous products, produced from coal, oil shale, and other substances except petroleum and, for the purposes of section 4 (a) and (c) and section 6 of this Act, except natural gas.

(d) The term "synthetic liquid fuel plant" means any facility, land, mine, building, machinery, or equipment, or part thereof, constructed, reconstructed, erected, installed, acquired, used, or operated for the purpose of producing, storing, transporting, or marketing synthetic liquid fuel or fuels, or required in connection therewith.

(e) The term "commercial-sized synthetic liquid fuel plant" means a synthetic liquid fuel plant, of such designed capacity, not less than five thousand barrels per day, as will best accomplish the objectives of this Act, including the objective of obtaining the necessary engineering and cost data for the production on a commercial scale of synthetic liquid fuels.

SEC. 4. (a) The Reconstruction Finance Corporation is hereby authorized to make to any person, deemed by it to be properly qualified, proposing to construct one or more commercial-sized synthetic liquid fuel plants, such loans, upon such terms and conditions and with such maturities not to exceed thirty years, as it deems appropriate to further the objectives of this Act.

(b) It is the policy of the Congress that the Reconstruction Finance Corporation shall exercise its authority under section 4 (a)(1) of the Reconstruction Finance Corporation Act, as amended (15 U.S.C. 604 (a)(1)), in such manner as will promote and accelerate the construction of commercial-sized synthetic liquid fuel plants.

(c) Whenever the Reconstruction Finance

Corporation determines that, in order to further the objectives of this Act, it is necessary to provide such financial inducements to any person, deemed by it to be properly qualified, operating or proposing to construct and operate one or more commercial-sized synthetic liquid fuel plants, as will assure such person a fair and reasonable return, it may, (1) without regard to the provisions of law requiring competitive bidding, buy and sell, or make commitments to buy and sell at public or private sale, synthetic liquid fuels in such quantities and in such manner and upon such terms and conditions as it determines to be necessary, including the purchase of such fuels with the expectation of selling at an estimated loss, or (2) make payments, or advance commitments for payments, to domestic producers of such fuels in such amounts and in such manner and upon such terms and conditions as it determines to be necessary. No such advance commitment shall extend for a period of more than ten years, and any such commitment extending for more than one year shall be subject to renegotiation at any time after the expiration of the first year. In determining fair and reasonable return, there shall be taken into consideration the amount of private capital employed, net worth, the efficiency of the operator, the nature and extent of the contribution toward the attainment of the objectives of this Act, and such other factors the consideration of which the public interest and fair and equitable dealing may require.

Sec. 5. (a) Whenever, after consultation with the appropriate advisory committee or committees appointed pursuant to section 8 of this Act, the Secretary of the Interior shall determine that in order to accomplish the objectives of this Act it is necessary to provide financial assistance to private industry in order to promote and accelerate research and development of methods and processes for the production of synthetic liquid fuels, he may certify to the Reconstruction Finance Corporation the name or names of any person or persons deemed by him to be properly qualified to undertake such research and development and the type of activities to be undertaken, including the construction and operation of pilot and demonstration plants. Upon receipt of such certification, the Reconstruction Finance Corporation shall promptly enter into contracts or other arrangements, or modifications thereof, for the carrying on (without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)), of such research and development activities. The Reconstruction Finance Corporation, in carrying out such contracts or arrangements, or modifications thereof, may make advance, progress, and other payments which relate to such research and development activities without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C., sec. 529).

(b) Each contract or arrangement, or modification thereof, executed pursuant to this Act which relates to research and development shall contain such provisions, consistent with the laws affecting the issuance or use of patents, governing the disposition of inventions produced thereunder as are appropriate, in the judgment of the Reconstruction Finance Corporation and the Secretary of the Interior, to protect the public interest and the equities of the individual or organization with which the contract or arrangement, or modification thereof, is executed.

(c) No officer or employee of the Department of the Interior or the Reconstruction Finance Corporation shall acquire, retain, or transfer any rights, under the patent laws of the United States or otherwise, in any invention which he may make or produce in connection with performing his assigned activities and which is directly related to the subject matter thereof: *Provided, however,* That this subsection shall not be construed to prevent any officer or employee of the Department of the Interior or the Reconstruction Finance Corporation from executing any application for a patent on any such invention for the purpose of assigning the same to the Government or its nominee in accordance with such rules and regulations as the Secretary of the Interior or the Board of Directors of the Reconstruction Finance Corporation, as the case may be, may establish.

Sec. 6. (a) Upon the expiration of one year following the date of the enactment of this Act, and thereafter at such times as he may deem necessary and desirable but not less frequently than once during each ensuing twelve-month period, the Secretary of the Interior shall study and appraise the action taken by private industry toward the construction and operation of commercial-sized synthetic liquid fuel plants. If, on the basis of such study and appraisal, and after consultation with the appropriate advisory committee or committees appointed pursuant to section 8 of this Act, the Secretary of the Interior shall determine that the action taken by private industry fails to assure the construction and operation of such number and types of such plants as he deems necessary and desirable to furnish an adequate basis from which to develop a rapidly expandible and technologically advanced synthetic liquid fuel industry, he shall certify, after obtaining the approval of the National Security Resources Board, to the Reconstruction Finance Corporation that in order to accomplish the objectives of this Act there should be constructed and operated one or more such plants, the designed capacity of which shall not exceed in the aggregate thirty thousand barrels per day. Upon receipt of such certification, the Reconstruction Finance Corporation shall promptly undertake, by and under contracts with private industry, the construction and operation of such plant or plants, of such designed capacity, in such area or areas, using such raw materials or processes for the production of synthetic liquid fuel or fuels, as the Secretary may specify.

(b) For the purpose of carrying out the provisions of this section, the Reconstruction Finance Corporation is authorized (1) to acquire real property and any right, title, or interest therein by purchase, lease, condemnation, or otherwise, as determined by the Corporation to be necessary or advantageous in carrying out the purposes of this Act; (2) to purchase, lease, build and expand, and contract to build and expand, plants; (3) to purchase and produce, and contract to purchase and produce, equipment, facilities, machinery, supplies, articles, and materials required in the manufacture or handling of synthetic liquid fuels; (4) to lease, sell, or otherwise dispose of such lands, plants, facilities, machinery, equipment, supplies, and materials to any person to engage in the manufacture of synthetic liquid fuels; (5) to procure all or any part of the design, construction, and operation of all or any of the plants by contract or contracts with architects, engineers, constructors, and operators, or firms or corporations thereof; (6) to acquire by purchase, license, or donation, secret processes, technical data, inventions, and patents or rights therein; and (7) to assume the obligation to pay rentals in advance on real or personal property.

(c) Proceedings by the Reconstruction Finance Corporation, under this section, for the acquisition of any interest in real estate by condemnation shall be instituted in the name of the United States pursuant to the provisions of the Act approved August 1, 1888 (25 Stat. 357), as amended (40 U.S.C. 257, 258), and any real estate already devoted to public use which would be subject to condemnation in proceedings instituted upon application of any officer of the Government shall likewise be subject to condemnation in proceedings instituted upon application of the Corporation as herein provided. Sections 1, 2, and 4 of the Act approved February 26, 1931 (46 Stat. 1421), as amended (40 U.S.C. 258 (a), 258 (b), 258 (d)), shall be applicable in any such proceeding. Any judgment rendered against the United States in any such proceeding shall promptly be paid by the Corporation. Upon the vesting of title in the United States of America in any such proceeding, the Chairman of the Board of Directors of the Corporation by deed executed by him, acting for and on behalf of the United States, shall transfer the entire title or interest so acquired to the Corporation, and the Corporation shall thereupon have the same rights with respect to any real estate or right, title, or interest therein so acquired as it has with respect to any real estate or any right, title, or interest therein acquired by purchase pursuant to the authority contained in this Act. Any department, agency, or independent establishment of the Government, or any corporation, all of the capital stock of which is owned or controlled directly or indirectly by the Government, is hereby authorized, notwithstanding any other provision of law, to sell, transfer, or lease, with or without consideration to the Corporation, any real estate and any right or interest therein required by the Corporation in order to carry out the objectives of this Act.

(d) For the purpose of carrying out the provisions of this Act, the provisions of the Act of June 25, 1910 (36 Stat. 851), as amended (35 U.S.C. 68), shall be applicable to the Reconstruction Finance Corporation.

Sec. 7. Whenever the Secretary of the Interior shall determine that such action is necessary in order to accomplish the objectives of this Act, he may, notwithstanding any other provision of law—

(a) create and set aside such reservations of oil shale and coal on public lands as may be required to insure the effective operation of any commercial-sized synthetic liquid fuel plant;

(b) lease any of the oil shale and coal on public lands subject to disposition under the Act of February 25, 1920 (41 Stat. 437), as amended, without regard to any restrictions or limitations contained in such Act, and subject to such rules and regulations as he may prescribe in order to accomplish the objectives of this Act; and

(c) lease, for use in the construction, operation, and maintenance of any commercial-sized synthetic liquid fuel plant, under such terms and conditions as he may prescribe, an area not in excess of three hundred and twenty acres of public lands.

Sec. 8. For the purpose of carrying out the objectives of this Act, the Secretary of the Interior and the Reconstruction Finance Corporation, jointly or separately, shall establish one or more advisory committees including, but not limited to, representatives from the petroleum, coal, and other affected industries.

Sec. 9. For the purpose of carrying out the objectives of this Act, the Secretary of the Interior is hereby authorized and directed to serve as engineering and technical consultant to the Reconstruction Finance Corporation, and the Reconstruction Finance Corporation, in the discharge of its functions under this Act, shall consult with the Secretary of the Interior. All experimental work performed and being performed under the Act of April 4, 1944 (58 Stat. 190; 30 U.S.C., secs. 321–325), including costs and engineering data heretofore developed, may be used and devoted by the Secretary of the Interior to the accomplishment of the purposes of this Act.

Sec. 10. For the purpose of carrying out the objectives of this Act, the Secretary of the Interior may—

(a) conduct surveys, research, development work, and engineering studies to determine suitable processes and plant locations and designs;

(b) employ by contract or otherwise, at such rates of compensation as the Secretary of the Interior may determine, without regard to the provisions of the civil-service laws and the Classification Act of 1949, as amended, engineers, architects, chemists, and other technicians, or firms or corporations thereof, for consultation, to design plants or any part thereof, and to make surveys for plant locations;

(c) enter and inspect at any time any plant constructed and operated pursuant to section 6(a) of this Act, to study the operations thereof and to obtain technological data therefrom;

(d) furnish design and engineering data and other information, and grant licenses under patents and interests therein, owned by the United States and under the judisdiction of the Secretary of the Interior, to the extent that such action is consistent with the terms of any agreements under which such data, information, or patents or interests therein were acquired; and

(e) receive and accept money and property, real or personal, or interests therein, and services, as a gift, bequest, or contribution, for use in any of the activities authorized under this section; and to conduct any of the activities authorized under this section in cooperation with any person, agency, or organization, Federal, State, or private. Any money so received shall be deposited in the Treasury of the United States in a special fund or funds for disbursement by the Secretary of the Interior as the terms of the gift, bequest, or contribution may require, and shall remain available for the purposes for which received and accepted until expended.

SEC. 11. The Secretary of the Interior and the Reconstruction Finance Corporation shall make reports to the Congress at the beginning of each regular session on their respective activities under this Act. The reports shall include suitable recommendations for further legislation and for such appropriations as may be deemed necessary to promote the ultimate operation and maintenance of a privately owned synthetic liquid fuel industry in the United States, and shall also include recommendations, including minority recommendations, of the advisory committee or committees appointed pursuant to section 8 of this Act.

SEC. 12. (a) Whenever the Secretary of the Interior, after consultation with the Attorney General, shall find, and certify to the Attorney General in writing, that the doing of any act or thing, or the omission to do any act or thing, by one or more persons, is requisite to the accomplishment of the objectives of this Act, such act, thing, or omission shall be deemed in the public interest and no prosecution or civil action shall be commenced with reference thereto under the antitrust laws of the United States or the Federal Trade Commission Act. Such finding and certificate may be withdrawn any time by the Secretary of the Interior, in his discretion, by giving reasonable notice of such withdrawal to the Attorney General, whereupon the provisions of this section shall not apply to any subsequent act or omission by reason of such finding or certificate.

(b) The Attorney General shall transmit annually to the Secretary of the Interior, for inclusion in the report provided for by section 11 of this Act, a report of the operations under this section. The Attorney General may, from time to time, transmit to the Congress such additional reports of operations under this section as he may deem necessary or desirable.

SEC. 13. Section 2 (a) of the Administrative Procedure Act, as amended, is amended by inserting after "Contract Settlement Act of 1944;" the following: "Synthetic Liquid Fuel Plants Act of 1951;".

SEC. 14. (a) The aggregate amount of the funds of the Reconstruction Finance Corporation which may be outstanding at any one time for carrying out the provisions of sections 4 (a), 5, and 6 of this Act shall not exceed $350,000,000.

(b) There is hereby authorized to be appropriated annually a sum of not to exceed $1,000,000 to carry out the functions of the Secretary of the Interior under this Act.

[From the CONGRESSIONAL RECORD, Apr. 15, 1953]

THE COAL INDUSTRY

The SPEAKER. Under previous order of the House, the gentleman from Kentucky [Mr. PERKINS] is recognized for 10 minutes.

(Mr. PERKINS asked and was given permission to revise and extend his remarks.)

Mr. PERKINS. Mr. Speaker, with mines closing down daily throughout America, it certainly is bad news to learn that the Interior Department has proposed to shut down its two coal-to-oil demonstration plants at Louisiana, Mo., as revealed by its revised budget for fiscal 1954.

The coal industry throughout the Nation is suffering a severe depression caused by the unrestricted importation of residual fuel oil. Hearings will commence next week before the Ways and Means Committee on proposals to place a 5-percent limitation on imports of foreign residual fuel oils.

As I understand, the Interior Department's appropriation bill, which was to be considered on the floor this week, is now being marked up and will not be considered perhaps for a couple of weeks. Personally, I am unaware of any department in this Government that has carried on a more efficient and economical operation than the Bureau of Mines. Recently money was made available in the supplemental appropriation for 50 additional inspectors to carry out the safety requirements in the coal mines. Necessary funds must be made available if we are to follow through in the future with an effective mine-safety program.

Mr. Speaker, I am hopeful that the Department will reconsider its proposal to shut down its two coal-to-oil demonstration plants. Naturally, such a proposal at this time would have a bad psychological effect on the coal industry throughout the Nation. The oil lobby has contended for some time that synthetic fuel oil shale is more feasible than coal. I believe that we can all agree, from the standpoint of the national interest, that our Government should continue to explore, through its demonstration plants, the development of oil from coal with a view of reducing the price.

Between 1948 and 1951, after careful preliminary analysis, the Interior Department spent $20 million to build and equip these plants for the purpose of testing under actual operating conditions the technology of large-scale production of liquid fuels from our abundant supplies of coal. These plants have been operating with encouraging results as to efficiency, cost, and the quality of diversified products from selected samples of coal.

But now, just when it appears that the processes are on the very threshold of success, and in view of increasing apprehension as to the adequacy of our future supplies of liquid fuels, a proposal is made to shut down these plants in order to pare from the appropriation $2 million needed to operate them through the fiscal year 1954.

The ultimate cost of such abortive action, in terms of the Nation's future security, would exceed by many times the nominal budget saving which is sought. It would be the height of folly to make this far-reaching decision within the narrow context of a single year's appropriation. The two plants in question are vital parts of a comprehensive long-range program for the development of synthetic liquid fuels in every feasible direction.

By 1975, it is predicted, our daily needs for liquid fuels may be several times greater than our domestic production from petroleum. If we were to be confronted with another all-out war, available supplies of liquid fuels would immediately present an acute problem. A growing dependence upon foreign sources of oil would increase our vulnerability and impair our security.

It is, therefore, imperatively necessary for us to push ahead, steadfastly and without interruption, with programs for the development of alternative sources of liquid fuels based upon domestic energy resources, including our abundant supplies of coal. Considered in this broad perspective, it is false economy indeed to pursue a relatively paltry saving of $2 million over the coming fiscal year, at the cost of jeopardizing a vital part of our national fuel development program. When it is necessary for us to spend $50 billion a year for national defense and the development of atomic energy, it seems inconceivable that $2 million would be denied for the furtherance of a program so promising as the conversion of coal to liquid fuels.

Mr. BAILEY. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from West Virginia.

Mr. BAILEY. This program was initiated prior to the distinguished gentleman's coming to Congress. Back during the early part of World War II, when the German submarine menace threatened to destroy most of our ocean tonnage and disrupt our transportation, my former colleague from West Virginia, Jennings Randolph, was the leader of the plan to develop our liquid fuels, making synthetic fuels from coal. There was an initial appropriation of $15,000,000 made for this program. It resulted in the establishment of these demonstration plants the gentleman is speaking about, in Missouri, one near Birmingham, Ala., and a third at Bristol, Tenn. The research plant for this development was at the University of West Virginia at Morgantown, operated jointly by the Bureau of Mines and the West Virginia School of Mines, to develop the old Hitler process of making synthetic gasoline.

Two years ago, when we had up on the floor for consideration the appropriation for the Interior Department, on a point of order I prevented the turning back into the Treasury of $2,800,000 of that appropriation made in 1946, so as to enable the Bureau of Mines to establish a research plant at Morgantown to build new equipment for that. The University of West Virginia donated 45 acres of land as a site for it. That research plant is two-thirds complete.

I want to join the gentleman from Kentucky in protesting our going out of our experimental endeavors in this field of converting coal to liquid fuels including high-octane gasoline and residual fuel oil, if you want to call it that, lubricating oils.

Let me say that if we had that process working right at the present time, 67 percent of the coal of West Virginia has too much sulfur in it for coking purposes, and there is no market for it today so that a lot of our mines are closing, but if this process were in operation the future of the coal fields of the eastern United States, including the State of West Virginia, would be assured for the next 300 or 400 years. It would be processing this coal that has too much sulfur content for fuel manufacture into synthetic products such as high-octane gasoline and lubricating oil.

I commend the gentleman from Kentucky for raising the point because if that is not in the appropriation bill when it comes along the gentleman from West Virginia will join the gentleman from Kentucky in trying to put some money in there, if not all of it, certainly a portion of it, to continue this research work, because I think it is absolutely necessary for the future security of this country.

Mr. PERKINS. I wish to thank the gentleman from West Virginia for his contribution.

In truth, rather than to shut down the two established coal demonstration plants, we should be concerned with the immediate development of additional plants on a larger scale. In the two preceding sessions of Congress, I have introduced bills to provide for the construction and operation of full-scale plants for producing liquid fuels from coal, and I am today introducing a similar bill for this purpose. The security and welfare of our Nation require that this effort be advanced, not retarded, hastened rather than delayed by fitful budgetary changes.

Mr. Speaker, in view of the sudden decision of the Secretary of Interior to close down the coal-to-oil plants, and in view of the wide rumors now prevailing around the Capitol, I am wondering whether or not there is a double payoff involved. It is well known throught unimpeachable sources that the chemical lobby is deeply interested in stopping governmental operation and taking over the control of these particular plants. I am sure that the country as a whole will reach the only inescapable conclusion—if this does happen—that the oil lobby and chemical people are receiving their payoff from campaign promises.

There have been reports that within 2 or 3 years these processes that have been developed at the Louisiana plant would be so far advanced as to be patentable. Such patent rights would be of inestimable value to private industry.

Mr. FENTON. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, I have listened with a great deal of interest to the debate that has taken place so far. I have a great deal of respect for my colleagues who have spoken before me. I want to say that the gentleman from Ohio [Mr. KIRWAN], a great American, is very sincere when he speaks. I know he has America at heart. The gentleman from Ohio [Mr. KIRWAN] and I can always agree in a great majority of cases; however, I would not want the inference to go out that because of the cuts in this particular bill the present administration is at fault due to the fact that whatever administration is in power they are the responsible people to carry out the mandates of the Congress and the people of the United States. This is the first time in some 24 years that the Republican Party has been in power. We have only been in power a little more than 3 months, and I certainly hope that whatever money we give the present administration to carry out the functions of the Department of the Interior, particularly as far as the Bureau of Indian Affairs is concerned, will be sufficient in order that they will be able to do a pretty good job with the Indians.

Mr. Chairman, the chairman of the subcommittee [Mr. JENSEN] has discussed the general, overall appropriations bill for the Department of the Interior for fiscal year 1954.

I believe that the action of the subcommittee of the Appropriations Committee of which I am a member has been in the best interest of the Government, and the people of the United States.

There will no doubt be a great deal of dissatisfaction or disappointment in some sections at the reductions we have suggested; but, I feel certain that the Department of the Interior can get along on the money allowed.

I will not attempt to take the time to discuss each bureau of the Department. I will say something about the Bureau of Mines and the Geological Survey at this time.

BUREAU OF MINES

The Bureau of Mines asked for $29,115,000 in the original 1954 budget.

This amount was reduced to $24,160,000 in the revised budget.

The committee reduced this to $18,750,114, a cut of $5,409,886.

This also represents a cut of $10,364,866 from the original request and a $6,530,[illegible]86 cut under the 1953 appropriation.

The appropriation for the Bureau of Mines is broken down into four categories:

First. Conservation and development of mineral resources.

Second. Health and safety.

Third. Construction.

Fourth. General administrative expenses.

In the conservation and development of mineral resources category the committee allowed $12,178,814, a reduction of $8,321,186 from the original budget of $18,657,000 and a reduction of $5,171,186 of the revised budget. This also represents a cut of $6,478,166 from the current year.

The principle cuts in this item of conservation and development of mineral resources is in the synthetic liquid fuels program.

The program for synthetic liquid fuel called for an appropriation of $7,905,304 in the original budget. The new budget cut it back $2,000,000.

As the report says:

"It was reported to the committee that the Secretary proposed to put the synthetic liquid fuels demonstration plant at Louisiana, Mo., in standby. This plant is used for making gasoline from coal by hydrogenation and gas synthesis processes. It was reported to the committee that refinements accomplished to date in these processes have brought the cost of producing gasoline down to a few cents of being commercially competitive with other methods of producing gasoline."

It was the considered opinion of the subcommittee that if those facts were true regarding the Louisiana, Mo., plant it was indeed all the more reason to put the Rifle, Colo., plant, which is doing research on oil shale in standby. In the Rifle, Colo., program we found that the process used comes even closer, costwise, to being commercially competitive in the production of gasoline than the processes being used at Louisiana, Mo.

The Bureau of Mines has done a fine job in the field of research in producing oil and gasoline from coal and oil shale.

As you know, this program started back in 1944 and was amended in 1948 and 1950. The act will expire, I believe, in 1955. The total overall authorization for the 11-year period is put at $87,600,000.

In addition to the reasons given for curtailing this function at Louisiana is the further evidence from the officials of the Bureau that they are doing research on a much simpler method—a one-step measure, as they call it, and which will, of course, relegate the other methods to obsolescence.

Funds have been provided, however, to keep both Louisiana and Rifle in standby condition in the amount of $500,000.

We have also allowed $767,600 needed for laboratory and pilotplant research on the new refinement program in the hydrogenation process which as I said, holds great promise for the future in the production of synthetic liquid fuels.

Mr. CANNON. Mr. Chairman, this bill deals primarily with money. But in a larger way it deals with the health, happiness, hopes, and heartbreaks of millions of people and that is the point of view which should have priority in this discussion. The bill also concerns directly, in a particularly decisive way, the still more important subject of national defense.

National defense is inseparably associated with oil. Oil is the lifeblood of war. Oil for trucks and supply trains, oil for motorized artillery and tanks, oil to provide for ships, submarines, and airplanes. The greatest army that could be mobilized would be paralyzed, immobile, helpless, without oil. Eminent military authorities have expressed the opinion that lack of oil alone has prevented Russia from striking. It is obvious that in defense of our shores against foreign invaders the first essential is oil.

And it is also unmistakably evident that oil for national defense must be domestic oil. The German submarines in the last war swept our tankers from the sea. They were the old-fashioned submarines and we controlled the air over them. But they got every tanker that ventured out and that winter New York and New England all but froze because we could get no oil to our own coast. That is why we built that astonishing pipe line in such haste and with such lack of regard for expense.

The Russians would be even more effective. They have according to authoritative reports, over 300 submarines, all of them snorkels which do not have to surface to recharge batteries. They can stay under indefinitely and have a cruising radius around the world. Not a drop of oil would ever seep in from abroad through that blockade.

We must depend then on home supplies and although they are still extensive, many oil fields have already been pumped dry and for some time we have been importing large quantities of foreign oil. Here in this process of extracting oil from low-grade coal, which is being worked out at the Louisiana plant, is the answer to the problem. There are vast quantities of subcommercial grades of coal all over the country. Something like two-thirds of the States of the Union can supply this coal in practically unlimited quantities. In most of these States coal miners are idle for want of markets. The perfection of the process being worked out at Louisiana will not only provide oil and gasoline for both peace and war but it will bring prosperity to men and mines throughout the country and at the same time supply every consumer of gasoline with ample fuel at as low a price, if not lower, than the price charged today. Exhaustion of the oil wells will cease to be a cause of apprehension, and the likelihood of increased prices as the underground reservoirs dwindle will no longer concern the owners of the tractor on the farm or the factory in the city.

With so much at stake, why discontinue the work at Louisiana just as it is nearing completion? Already they have produced oil in sufficient quantities and at a cost low enough to bring the total cost within 2 cents of the current price of gasoline. If permitted to continue, there is every prospect that it can be produced cheaper and when it is, ample oil for defense and home use is assured. Why stop just when we are nearing the goal?

The only reason so far advanced is that another process not under study at Louisiana may be more desirable, further advanced, more economical. No one says that is positively true and no one has said that with further progress the two systems in use at Louisiana may not be even more successful. And we do know that the Louisiana plant has increased production and decreased costs until we are already within a minimum of the margin at which processed coal will compete with any domestic oil.

Mr. EBERHARTER. Mr. Chairman, would the gentleman care to yield at that point?

Mr. CANNON. I yield to the gentleman from Pennsylvania.

Mr. EBERHARTER. It has been in line with what the gentleman has just stated, that the difference in cost is about 2 cents a gallon for gasoline. With gas selling today in the District of Columbia at 30 cents a gallon that is only one-fifteenth higher cost for the synthetic gasoline. So I cannot see by any stretch of the imagination why it would be practical to give up the continued experimentation if it is only one-fifteenth different in price today.

Mr. CANNON. The gentleman has analyzed the proposition in convincing terms. The margin has steadily decreased bringing us already within reaching distance of the purpose for which the plant was established.

But, Mr. Chairman, we are overlooking the principal consideration involved in this comparatively minor appropriation.

If they can stop this process now short of completion all that the Government has put into it will be taken over without benefit to the consumer.

If on the other hand we are allowed to perfect the process, it will remain the property of the Government, and the benefits of low cost production will accrue to the consumer. The amounts eventually involved run into the billions.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. CANNON. I yield to the gentleman from Kentucky.

Mr. PERKINS. If I understand the gentleman correctly, more progress has been made in the past year at this particular plant in his district than in all other previous years. This coal-to-oil process proved absolutely successful in Germany more than 10 years ago. In fact, we are more than 10 years behind time now. This is a serious situation when we consider that the Russians now have some of the best German scientists. We all know that Germany successfully extracted gasoline from coal to operate tanks, airplanes, and buzz bombs, that she did not even depend upon the outside world for oil during World War II.

Will the gentleman tell the committee whether or not much of the equipment that is in this plant now was dismantled and much money expended to set up this particular plant in this country?

Mr. CANNON. The plant as it stands today represents an investment in construction of approximately $25 million. To this must be added the annual expenditures on maintenance and operation. It is the most complete and most modern plant of its kind to be found anywhere.

And that brings up the authority conferred by this bill under which the Secretary is instructed to dispose of the plant in accordance with law and agreements. If put up for sale eventually, it would be sold at appalling loss. There would be few bidders, if more than one, and we would have a repetition of the sacrifice of millions of dollars which we saw repeatedly in the disposition of plants after the First World War. I recall one instance in particular in which a plant just completed by the Government at a cost in excess of $100 million was sold for a small percent of its cost and is today the center of one of the most lucrative industries in the United States.

Mr. Chairman, we who have lived in this generation have witnessed in our brief lifetime more progress, mechanical and economic, than was achieved in all the previous centuries since the birth of Christ. The greatest of the factors which have contributed to that advancement has been utilization of electric power and light, accelerated in recent years by its distribution in the rural areas of the country where it has been needed most. I am this morning in receipt of a message from President Fred V. Heinkel, of the Missouri Farmers Association, speaking for 146,000 farm families represented by the association, in which he says that three-fourths of Missouri's farm homes will suffer if this cut in the continuing fund of the Southwestern Power Administration proposed by the pending bill is allowed to stand. In a recent conversation with Mr. H. E. Slusher, president of the Missouri Farm Bureau Federation he expressed the deepest interest on the part of the State Farm Bureau in the progress and expansion of the Rural Electrification Administration.

In that connection I include a telegram from the Missouri State Rural Electrification Association itself as follows:

"Our association membership very much disturbed over report of committee to House on Interior Department appropriations reducing Southwestern Power Administration continuing fund. Particularly do we call attention to that part of report on page 3 relating to letter written by Mr. Frank Wilkes which allegedly was basis for action taken by committee.

"If action of committee is sustained in House it not only will seriously threaten financial structure of rural electric cooperatives in Southwestern Power Administration Service ARDA but will in the opinion of our people, represent the most nefarious and brazen transaction ever manipulated by the private power interests in the Midwest.

"Mr. Wilkes' letter, which was an aftermath of committee hearings, is biased, misleading, ambiguous and a distortion of important facts involved. Approval of committee report involves much more than a complete relinquishing of all public power to the private interests for their selfish exploitation. It would seriously jeopardize a Government financial investment which Congress has a moral obligation to protect and defend. We understand measure will come before House April 28. Your wholehearted support and assistance in restoring deleted funds earnestly solicited.

"MISSOURI STATE RURAL
ELECTRIFICATION ASSOCIATION,
"JULIUS HELM, *Executive Manager*."

May I also include a telegram received this morning, one of many, which outlines the situation in detail:

"Reduction in continuing fund of Southwestern Power Administration on page 3 report of committee to House on Interior Department appropriation prevents 250,000 farm homes from obtaining Government-owned electric power in the Southwest area. The only fund allowed is for disposal of power to private utilities which makes them the only preferred buyer and forces the Government to abrogate contracts with rural-electric systems and wrecks years of effort by thousands of rural people in six Southwestern States. Committee excuse for reduction is based on biased half-truth letter from Mr. Wilkes, president of a private utility company and not on testimony given before scheduled committee hearing on April 1. Action of this committee allows the most brazen looting of public-owned power by private interest ever known in this area. Economic feasibility of entire rural-electric program in this area depends on continuation of contracts for sale and purchase of power from the Government dams. After 3 years of construction our system will be energized next month, then cut off after July 1, unless this reduction in funds is restored to SPA. To avoid jeopardizing our financial structure and to save the successful rural-electric program in this area we ask that you actively support the restoration of the deleted funds on the floor of the House, which, we understand, will be Tuesday, April 28.

"CENTRAL ELECTRIC POWER COOPERATIVE,
"TRUMAN GREEN, *Manager*."

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. CANNON. I yield to the gentleman from Texas.

Mr. RAYBURN. If that provision in the bill goes into effect, those people will still be without power.

Mr. CANNON. Two hundred and fifty thousand farm homes. Two hundred and fifty thousand farm families. Two hundred and fifty thousand farm mothers who work earlier and later than anyone else. Chained to the washtub and the broom and the lantern and the oil lamp. Condemned to mental as well as physical darkness because they are denied even the radio and the television and too often the telephone.

It is the costliest cut in terms of human sacrifice that could be made in any bill. It penalizes those who need light and power most and who deserve it most.

Mr. KIRWAN. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, I wish at the outset to concur in the remarks of the distinguished gentleman from Missouri [Mr. CANNON].

I am glad to learn that the gentleman from Missouri [Mr. CANNON] will offer an amendment to restore the funds necessary to operate the synthetic liquid fuels—coal to oil plants—at Louisiana, Mo. On page 20, of the Interior Department appropriation bill, 1954, we find this statement:

"In the table above the only appreciable change from the amounts allowed in the current fiscal year is for the synthetic liquid fuels program. It was reported to the committee that the Secretary proposed to put the synthetic liquid fuels demonstration plant at Louisiana, Mo., in standby. This plant is used for making gasoline from coal by hydrogenation and gas synthesis processes. It was reported to the committee that refinements accomplished to date in these processes have brought the cost of producing gasoline down to within a few cents of being commercially competitive with other methods of producing gasoline. The Bureau appears to have done an excellent job in leading the way in these important developments which are now at the point where private industry can pick them up."

The report further states that funds have been made available to place the plants on a standby basis. Then we find this language in the last sentence of the paragraph: "The Secretary is instructed to dispose of the two demonstration plants in accordance with existing law and agreements which may be in existence between the Department and other Federal agencies."

This report clearly states that the coal to oil process has been improved to the point where the cost of production is within a few cents of the prevailing costs of securing gasoline and other refined products from petroleum. You will note that this has been urged as a reason for discontinuing the Government research program and to let private industry take over the studies when and if they are ready. But why stop at this point? It is easy to see why some of the oil companies would want the Government research program to stop, but is there any valid reason why the Congress of the United States representing all the people should order the research to stop?

Surely the committee is not trying to tell us that cost reduction can go no further than the level of present costs of petroleum refining. Since these scientists have already made marked improvement in the process and have greatly reduced the costs, is it not possible that they may, if they go on with their work, eventually be able to cut the costs below present costs? Surely the committee is not asking Congress to say that the ultimate has been reached and the scientists cannot produce any more beneficial results. There is just as much logic in saying that they can cut the costs to one-half those now prevailing as to say that because this scientific program has reduced these costs to a certain point, that the goal has been reached and that they should stop.

There is another very compelling reason why this Congress should continue and even expand research to make gasoline, oil, gas, and other useful fuel and energy resources from coal. Reserves of coal are found in 31 of the 48 States. Coal is not only the most abundant mineral fuel and source of energy we have, but it is so widely distributed that if ways can be found to convert it to more useful and convenient liquid forms it would benefit more people and contribute to the efficiency of our economic system more than possibly any other single development. Twenty-two of these thirty-one States have energy values in coal greater than all the oil reserves of the entire country. In contrast to the wide distribution of the coal reserves, the oil reserves are highly concentrated. One State has approximately half while 3 States have 80 percent of the known reserves.

By continuing this research program we may soon be able to make economical and convenient energy fuel readily available to people all over America. This optimistic conclusion has more justification than the one now before us that since the scientists have brought the costs of oil from coal down to within a few cents of the prevailing costs of petroleum refining within 2 cents, as admitted here today that we have reached our ultimate goal and should stop.

Mr. ELLIOTT. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Alabama.

Mr. ELLIOTT. I know the gentleman is thoroughly familiar with the plant at Louisiana, Mo., and some of the other plants, and I wish to congratulate him for the interest he consistently shows in the welfare of the coal industry and those connected with it. I am wondering if he is familiar with the fact that at Gorgas, Ala., there has been carried on by the United States Bureau of Mines and by the Alabama Power Co., cooperating over the past few years, the single greatest experiment in underground coal gasification that this entire world has ever known.

Mr. PERKINS. Certainly I am familiar with that experiment.

Mr. ELLIOTT. Is the gentleman further familiar with the fact that this bill as it stands now, just as it does in connection with the plant at Louisiana, Mo., and the plant at Rifle, Colo., fails to provide one single cent with which to carry on the great experimental project there at Gorgas, Ala., in underground coal gasification?

Mr. PERKINS. The gentleman is absolutely right. As I understand, the only laboratory left is the one at Bruceton.

Mr. ELLIOTT. May I call the gentleman's attention at this point to the fact that experimentation in the field of underground gasification is being carried on by various governments throughout the world. Many of our leading scientists feel that perhaps the Russians are now carrying on intensive experimentation in this field of underground coal gasification. I think it is the height of folly for this Nation right at the time when we are on the brink of accomplishing the greatest scientific results in this field that the human mind can conceive of to say suddenly that no further funds will be provided to carry on the work, and there is no further interest on the part of this great people in carrying on those experiments and allowing them to reach the conclusion which is clearly pointed up by what has gone before in the past 4 or 5 years.

Mr. PERKINS. I thank the gentleman from Alabama for his contribution. I concur wholeheartedly in his statement.

Since coal is so widely distributed and is so abundant having 100 times the energy value of all known petroleum and natural gas reserves combined, nothing is more fundamental than to make all possible efforts to perfect known process and discover all potential processes of utilizing this abundant source of energy.

What would be the predicament of America in event of all-out war that would destroy the lines of communication and cut all overseas sources of oil? All Europe would be paralyzed except for our help.

Would our petroleum industry be equal to the task? How much use will our vast expenditures for research in atomic energy and military facilities be if we do not have the abundant and appropriate energy fuels to supply our ships, airplanes, tanks, trucks, and automobiles?

Along with this recommended scrapping of the liquid fuel research program; does the Congress have assurance that the Communists are also scrapping their research programs?

Mr. FENTON. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield.

Mr. FENTON. I am sure the gentleman wants to be fair and not accuse this committee of wanting to throttle this program. I thought I told you very plainly that there is now another method that they are pursuing which is going to sidetrack the other two methods and put them in a state of standby. That is all. We are not trying to sidetrack them.

Mr. PERKINS. Let me answer the gentleman this way. If we fail to restore these funds here, it will be one of the greatest giveaways of the most valuable property, and one of the greatest errors that this administration could possibly commit.

Mr. FENTON. May I say I am just as much interested in that program, as the gentleman is.

Mr. PERKINS. That is right.

Mr. FENTON. I do not want the program to be scuttled, and if I see there is a tendency to do that, I shall be the first to oppose it.

Mr. JENSEN. Mr. Chairman, I yield myself 1 minute. To prove that this committee has done the thing we figured right and best, we did the exact opposite regarding the plant at Laramie, Wyo., when we said the Government has not yet fulfilled its obligation. We put the money in this bill to continue that plant, even though private industry wanted us to take out that money. We said, "No." So I do not want to hear any more of that kind of talk, because the gentleman from Pennsylvania told the committee, and the gentleman who just left the floor (Mr. PERKINS), exactly why the committee took the action it did. You come on this floor and try to take off our hide and make statements that cannot be borne out by the evidence.

Mr. PERKINS. I can give the reasons why I felt these funds should be restored, from the standpoint of the defense of this Nation. Furthermore, I do not want to follow the philosophy of the oil people in scuttling this program.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

* * * * *

Mr. FENTON. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

"Amendment offered by Mr. FENTON: Page 20, line 5, strike out '$12,178,814' and insert '$13,395,918'."

Mr. CANNON. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

"Substitute amendment offered by Mr. CANNON: Page 20, line 5, strike out '$12,178,814' and insert '$15,842,222'."

Mr. FENTON. Mr. Chairman, yesterday this item was discussed at considerable length. You will recall that during the discussion it was brought out that certain funds were eliminated for the demonstration plant at Rifle, Colo.; at the same time funds were eliminated to put in standby the plant at Louisiana, Mo.

During the debate I realized that there was considerable merit in the argument advanced that maybe we did go a little bit too far as far as Rifle is concerned. The administration and the Bureau of the Budget had allowed some funds for the continuation of Rifle. The committee, however, in their deliberations in the markup of the bill, taking into consideration the argument of the administration and the Bureau of Mines that the reasons for putting Louisiana in a standby condition was simply because they had reached that stage in research, felt that it was no longer necessary to go to the additional expense of that great plant, that had done so much in research for developing oil from coal.

However, the committee was told that the plant at Rifle had advanced even further in their research of developing oil from shale, so we thought that plant, too, could be put in standby and we allowed funds for that plant to be put in standby. I took it up with the Secretary of the Interior and asked him whether or not they were really anxious to keep that program going at Rifle for a year or two longer and they, of course, said they were. They thought it would be a great disservice to discontinue it at this time. So, I am simply restoring the amount that the administration wishes for the functioning of that plant for this coming fiscal year.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. FENTON. I yield to the gentleman from Missouri.

Mr. CANNON. I ask for information. The gentleman proposes to restore money for the operation of what plant?

Mr. FENTON. Rifle, Colo. So, it is the committee wish to reinstate this item, and it has the consent of all the membership of the subcommittee.

Mr. CANNON. Mr. Chairman, I rise in support of the substitute for the amendment offered by the gentleman from Pennsylvania.

Mr. Chairman, I am glad to see that the committee on reconsideration realize they have gone too far. Of course they have gone too far, and it is to be hoped they will not become weary of well doing and stop half way on the way back.

Oil is the most indispensable commercial commodity in the world today. It is as a matter of fact merely a matter of time, war or no war, before the great reservoirs of oil will be exhausted. Already in every oilfield wells are being pumped dry, and the demand for fuel grows.

In order to meet this situation the Government established a number of plants, only two of which need be mentioned here. One was the plant at Rifle, Colo., which the gentleman proposes to reinstate. It deals only with shale. It does not deal with coal. He merely wishes to continue the study of oil processed from shale at the Rifle plant and abandon the study of coal at the Louisiana plant, the Government simultaneously established a plant which is studying the processing of oil from coal, low-grade coal, much of it ineligible for commercial quotation. So he is presenting the rather remarkable proposition here of discontinuing the processing of coal for oil and substituting the processing of shale for oil. Of course, so far as oil is concerned, the source of it is not material. Oil from either shale or coal is.

Mr. ELLIOTT. Mr. Chairman, will the gentleman yield?

Mr. CANNON. I yield to the gentleman from Alabama.

Mr. ELLIOTT. Does the gentleman's amendment also restore the funds to continue the experimental work at Gorgas, Ala., in underground coal gasification?

Mr. CANNON. This proposes to carry on simultaneously the study of oil processed from shale and oil processed from coal. Certainly we should not overlook this possibility of providing a great industry with natural resources.

I may say also in connection with this that in addition to oil we provide something that has not been mentioned before but something that is very essential. All through the Central West there has been a famine of electric power.

We had at this plant at Louisiana a standby generator. This one generator was capable of developing power sufficient to supply many cities. It was not intended for commercial service. It was a spare tire to be used only in case of emergency. But power was greatly needed through the area. After considerable discussion we got through the committee a proposition to start up this generator, and sell the power wholesale to both private and public power agencies, with no distinction. It has been supplying the last 2 or 3 years this much needed amount of electric power. It has been marketed and the Government has received a very substantial sum, whereas the generator would otherwise have lain idle rusting out and the people over a vast area would have been without sufficient power.

This situation which has proven of such benefit to the United States Treasury and to the consuming public in need of power, will have to be discontinued if the pending amendment is defeated. The bill authorizes a continuation of production and distribution of current by the plant but the funds necessary to keep the revolving fund at work and keep the generator running have been taken out by the committee and cannot be restored unless you approve this amendment.

It should not be difficult to reach a decision on this amendment. On one side, it provides oil in limitless quantities both for peace and war. In the second place it rehabilitates a great industry and starts the mines and provides employment for the miners. In the third place it brings into the Treasury a large amount of revenue it would never get. And last, it provides power and light for a great famine area where electric energy is needed for both public and private utilities and by both resident families and large business enterprises.

Mr. Chairman, I trust the amendment to the amendment will be agreed to.

Mr. Fenton. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Missouri.

Mr. Chairman, had the gentleman been here yesterday during general debate, during the entire time, because I know he was here during part of it, he would not have missed my remarks on this particular bill. I believe, if he will recall, that the reason advanced by the administration and by the Bureau of Mines for putting in standby position the plant at Louisiana, Mo., was a very good reason, in my opinion. They have been experimenting there with two types of research. It has been found that they have reached the point with those two particular types of research that they have pretty nearly come to the commercial price of gasoline and oil. So they have discovered another type of research which they call the one-step research method. I believe it is the Pelipetz process, and they can go right down the line at less expense. Certainly, it is more modern. Of course, we do not want to continue types of research that will be becoming more or less obsolete. That is the only reason that the administration is asking that this plan be put in a standby status for the time being. Certainly, the gentleman has no reason to worry about the government continuing its research and development of oil from coal. I happen to come from the coal fields and I am very much interested in the coal mines, and in the development of oil from coal. So I hope the gentleman will not infer that anyone on this committee, or infer that I, particularly, am trying to throttle research and development of synthetic fuel.

Mr. Cannon. Mr. Chairman, will the gentleman yield?

Mr. Fenton. I yield.

Mr. Cannon. The gentleman says we have almost reached the point where oil can now be produced and sold at the current price of gasoline. Is not that the reason why we should go ahead and finish the work and reach the point of actual competition? Why should we stop just short of success and let these private industries who are anxious to control this plant get the patents? Why should we not go ahead and let the Government finish it and hold the patents? It is a question of who is going to control this monopoly—the private industries or the people?

The gentleman has proposed only one plant that confines the recovery of oil to one source. It does nothing for the coking coal industry. It deals only with shale.

Mr. Fenton. Of course, the gentleman knows that private industry certainly would not want to get obsolete patents. So I hope, Mr. Chairman, that the committee will vote down the amendment offered by the gentleman from Missouri and support the committee.

Mr. Perkins. Mr. Chairman, I rise in support of the substitute amendment, and I ask unanimous consent that I may proceed for an additional 5 minutes.

The Chairman. Is there objection to the request of the gentleman from Kentucky?

Mr. Jensen. Mr. Chairman, the gentleman spoke on this amendment several times yesterday. Certainly the gentleman has had plenty of time. He can develop his argument in 5 minutes.

The Chairman. Is there objection?

Mr. Jensen. I object, Mr. Chairman.

Mr. Bender. Mr. Chairman, a point of order.

The Chairman. The gentleman will state it.

Mr. Bender. It is now 5 minutes after 5. We passed daylight saving time yesterday.

The Chairman. The gentleman's point of order is not well taken at this time.

The Chair recognizes the gentleman from Kentucky (Mr. Perkins).

Mr. Perkins. Mr. Chairman, you will note that the gentleman from Pennsylvania (Mr. Fenton) proposes to restore funds to operate the Rifle, Colo., plant—oil shale to oil plant. The gentleman has changed his mind in this connection since yesterday. The oil shale in this country is very much concentrated. In fact, 1 State has one-half of the total, 2 States 80 percent, and 5 States 98 percent. Colorado, Utah, Wyoming, and Nevada are the States where the shale is concentrated. We find some oil shale down in Indiana and Kentucky.

I have nothing against scientific research in this field. In fact, I feel that the funds should be restored for the Rifle, Colo., plant. On the other hand, coal is our most abundant mineral fuel, and scattered throughout the United States. In fact, the coal reserves are so abundant that they have more than 100 times the energy value of all known petroleum and natural-gas reserves combined.

I cannot go along with this line of reasoning. Here we are willing today to restore funds to operate the plant, making oil from oil shale. On the other hand, we have the plant in Louisiana, Mo., which has proved successful in making oil from coal that is being closed.

Where would we get our oil in the event of an all-out war and all of our supplies were cut off from the Near East? We cannot afford to let any selfish group endanger the defenses in this country. Yesterday I asked the committee the question whether any assurance could be given that the Communists are also scuttling their research programs. We can with profit recall that it was not until the German scientists had perfected the synthetic ammonia process to take nitrogen from the abundant supplies in the air to make explosives, thus freeing them from the faraway Chilean nitrogen deposits, that they were ready to start World War I.

I regret to see this committee scuttle the coal-to-oil program here today. This proposal to put the plant on a standby basis is all a camouflage. The Department has the authority to dispose of the plant, and undoubtedly will dispose of it. Let us not destroy our progress made at this plant. Let us support the old process now in operation at Louisiana, Mo., obsolete.

We have allotted $767,600 for the new method of processing which is being carried on at Morgantown and Bruceton. That is the full amount which the Department of the Interior in the newly revised budget requested for that purpose. They have recommended that the Louisiana, Mo., plant be put in a standby status for the present time. Hence the committee had no other recourse than to delete the request for this money for the Louisiana, Mo., plant from the original budget estimate, as did the Eisenhower budget. I say again that it would be a waste of money to appropriate this sum for the Louisiana, Mo., plant because of the fact that it has been found, without question of doubt, that the process there used is obsolete and that the one-step hydrogenation process carried on at Bruceton and Morgantown will be much more effective, much cheaper. Therefore this committee cannot be justified in expending this huge sum of money to carry on the Louisiana, Mo., plant.

Mr. Dawson of Utah. Mr. Chairman, will the gentleman yield?

Mr. Jensen. I yield to the gentleman from Utah.

Mr. Dawson of Utah. I would like to ask the gentleman if he has any figures as to the amount of shale oil that is to be found in the Utah-Colorado area?

Mr. Jensen. I may say there is no limit to the amount of oil shale that can be processed in the Western States.

Mr. Dawson of Utah. I understand there are millions of acres available.

Mr. Jensen. Yes; millions and millions of acres.

Mr. Perkins. Mr. Chairman, will the gentleman yield.

Mr. Jensen. I yield to the gentleman from Kentucky.

Mr. Perkins. First, I want to state that the laboratories at Bruceton, Pa., and at Morgantown, W. Va., are quite different from the plant at Louisiana, Mo., and that the plant in Louisiana, Mo., is not obsolete. It has proven successful, and more progress has been made at the Louisiana, Mo., plant in the last year than in all previous years.

Can the gentleman tell the committee whether or not any scientist has recommended the closing down of the plant at Louisiana, Mo.?

Mr. Jensen. If there are scientists in the Government employed in the Interior Department, then, certainly, there has been such a record established for the benefit of the Department of the Interior.

Mr. Perkins. Can the gentleman tell us why the scientists did not testify?

The Chairman. The time of the gentleman from Iowa has expired.

Mr. Elliott. Mr. Chairman, I offer an amendment to the substitute:

The Clerk read as follows:

"Amendment offered by Mr. Elliott to the substitute amendment offered by Mr. Cannon: Strike out '$15,842,222' and insert '$15,977,622.' "

Mr. Elliott. Mr. Chairman, the purpose of my amendment is to add $135,400 with which to carry on the experimentation in underground coal gasification at Gorgas, Ala., which experimentation has been going on since about 1949.

Mr. Chairman, the United States Government, acting through the Department of the Interior and the Bureau of Mines, has spent $1,348,000 at Gorgas, Ala., on this experiment. In addition, the Alabama Power Co., cooperating in the experiment, has spent another quarter of a million dollars. They have gone to a great deal of trouble to gather a fine scientific team with which to carry on this experiment. They have learned to control to some extent the burning of coal under ground; they have learned how to extract a gas from the burning coal which can be used for the manufacture of chemicals, for the manufacture of gasoline, or for the production of electric power. There are possibilities that the knowledge which they have gained may be used to aid the depressed coal industry in many ways, in addition to adding to our fund of scientific knowledge.

I have had the privilege since coming to Congress to be in close touch with this experiment and to have visited it and observed it on many different occasions. The scientists and officials there tell me, Mr. Chairman, that they have made very, very great progress with this experiment or, more correctly, with this series of experiments at Gorgas, Ala. They need another year, perhaps a year and a half, and at the outside 2 years, in which—to use their language—to establish the engineering factors on which those same scientists can calculate the costs of the various steps in the process of underground gasification by the various methods used, to the end that we may approach a result which can be used by the Government in times of national emergency, and which can be picked up by private industry and turned into good account in developing a stronger economy.

Now to close down this experiment at this time will have the effect of more or less casting aside the knowledge which has been gained through 5 years of experimentation; it will dissolve and dissipate the experimental team that has been gotten together and this knowledge will be lost.

Mr. Chairman, this unwise action comes at a time when we should certainly keep in mind that the Russian Government is going full speed ahead with its experiments in underground coal gasification. The little information that seeps from behind the Iron Curtain indicates that the Russians are probably much ahead of us in this field and that they are now operating several large electric power-generating plants with the gas that they make through their process of underground gasification of coal.

This, Mr. Chairman, is the only experiment of its kind now being operated in the entire free world and, as I see it, it is a great mistake and very disadvantageous to our country to shut the experiment down when we have $1,348,000 invested in it and when no provision is being made, as was so well pointed out in a recent editorial in the Washington Post, that the important research work will be carried on by private sources. Success in this experiment is near. The fields have been plowed, planted, fertilized, cultivated, and harvest time is near.

I have made some inquiry but have found no inkling whatsoever that any private source is now ready to pick up the threads of this experiment and carry it to its logical conclusion.

Mr. Chairman, the coal industry is depressed throughout the United States. Demand for production of coal has been falling for some years. The coal industry in the Warrior coal field, where this experiment is located, is particularly depressed. This experiment is a ray of hope to those who must depend on coal for their sustenance.

I share the hope of all Members of the House that we may be able to balance our budget and reduce taxes. If my amendment is defeated we will thereby cut $135,400 from our spending in the next fiscal year. However, I wonder if we will make any actual saving in so doing. Someone has pointed out that this country is blessed with a supply of coal to last us thousands of years. We will have much coal left when we have used every drop of our natural petroleum.

Should we become involved in an all-out war our known reserves of natural petroleum could not be called upon sufficiently to roll the war machine, and fly the planes which we and our allies would have to put into the field and in the air.

Mr. Chairman, I ask the House to adopt this amendment and let this great experiment go forward. This is not a matter, or at least should not be a matter of partisan politics. Scientific advancement knows no partisanship.

Carried to a successful conclusion, underground gasification of coal will do much to give us an alternate supply of energy for the benefit of mankind.

(Mr. BRAY asked and was given permission to extend his remarks at this point in the RECORD).

Mr. BRAY. Mr. Chairman, our entire country has become dependent upon gasoline and oil. We all remember the inconvenience and downright injury to our economy during the last war when the war effort caused rationing of gasoline. Our civilian economy is even more dependent upon gasoline now than it was at that time. Our war economy has now become even more dependent upon oil than it was during the last war.

I believe that any well-informed person today realizes that another war of the magnitude of the last one would so tax our oil supply that the civilian use of automobiles would of necessity be critically curtailed. This would be true even if the seaways remained open. If submarines prevented the oil of the Near East and South America from reaching us, even our war effort could be dangerously handicapped.

However, a standby solution to this danger is available if we care to use it. Our Government wisely prepared for the day when we must have more oil than is available from the oil wells. All of us know that this day will come within a relatively short span of years.

The CHAIRMAN. The Chair recognizes the chairman from Kentucky [Mr. PERKINS.]

Mr. PERKINS. Mr. Chairman, Walter S. Hallanan's Petroleum Council set up to counsel the Interior Department, recommended in February this year that the coal-to-oil plant at Louisiana, Mo., should be closed. Mr. Hallanan is head of the Plymouth Oil Co. of Pittsburgh, and is the Republican national committeeman from West Virginia. This gentleman, as we all recall, was chairman of arrangements of the Republican National Convention in Chicago last July.

I do not think we should make a decision for oil or coal but that we should proceed with our demonstration processes in both fields without being discriminatory. We have a process that has proved successful and has reached the point of being commercially competitive with crude oil. Yet, because of that fact, we want to destroy that process in favor of the oil lobby, and at the same time, endanger the defenses of this country. That is all we are doing.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. BENDER].

Mr. BENDER. Mr. Chairman, this has been a most enlightening afternoon; we have all understood what is before us; there is no confusion in our minds regarding this issue. I suggest we now vote.

(Mr. BYRD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BYRD. Mr. Chairman, I am in favor of the amendment offered by the gentleman from Alabama [Mr. ELLIOTT]. His amendment would restore funds sufficient to provide for the continuation of production of synthetic fuels from coal and oil shale at experimental plants of the Bureau of Mines.

It would seem to be a sound conservation policy and in the national interest to go forward with the development of this program which would shift as much demand as possible from our limited petroleum supplies to our very large coal reserves. The development of synthetic-fuel processes offers a means of doing this.

Coal has not held its output level since 1920. Instead of sharing very much in the new markets, it has lost its old markets, such as ships, railroads, and homes. In many areas the coal industry is in a depressed state, some mines are working only a few days a week, and in other cases shut down.

In the years ahead coal can provide the answer to America's liquid-fuels problem, and I believe that in view of the remarks which have been offered here today the fundamental research that has been conducted paves the way toward the consummation of this objective.

We would, therefore, in my opinion, be pennywise and poundfoolish to discontinue funds at this time providing for the continuation of a program which promises within a few short years to perfect processes whereby synthetic fuels and valuable chemicals may be derived from a raw material virtually unlimited in its supply.

I hope that the gentleman's amendment will be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. PHILLIPS).

(By unanimous consent Mr. PHILLIPS and Mr. JENSEN yielded their time to the gentleman from Pennsylvania [Mr. FENTON]).

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. FENTON], and in accordance with the Chair's calculations he is entitled to be recognized for 5 minutes.

Mr. FENTON. Mr. Chairman, much as I dislike to oppose a lot of amendments offered by my very good friends, at the same time I think we will have to do that at this time. Something has been said here about our defenses going to be throttled by the relinquishment of certain of these facilities for research. Nothing could be further from the truth. We know that the Secretary of the Interior is a member of all of these great defense committees that have to do with our fuels, gas, oil, metals, and all that sort of thing.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. FENTON. I yield to the gentleman from Illinois.

Mr. PRICE. Has the Secretary of the Interior ever informed your committee that this matter was discussed with the National Security Council?

Mr. FENTON. No; I do not think the Secretary went that far but certainly we have to have some confidence in our administration. I do not think that the Secretary of the Interior would take it unto himself to do away with some very, very important functions of government at the expense of our defense. The Secretary of the Interior has the welfare of our country at heart, as well as I have the welfare of the country at heart. We certainly would not want to do anything that would scuttle or endanger our national defense.

Mr. PRICE. The gentleman knows I consider this a matter of interest to our national defense. Does he not think it would have been advisable for the committee to have asked for a recommendation by the National Security Council?

Mr. FENTON. Of course, we might have gone to that extent, but having confidence in our Bureau of Mines and the Secretary of the Interior we did not think it was necessary to go that far.

Mr. Chairman, that is all I have to say at this time.

Mr. KELLEY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. FENTON. I yield to the gentleman from Pennsylvania.

Mr. KELLEY of Pennsylvania. In the gentleman's opinion does he believe that under the present cost of oil, private industry would take it up or buy it from the Government? They would if the price were competitive, but now you leave it hanging in the air.

Mr. FENTON. I may say to the gentleman from Pennsylvania that certainly it is not the intention of the Government to do research to the point that we are going to drive private industry out of business.

Mr. KELLEY of Pennsylvania. You would not do that because you do not have the facilities to produce that.

Mr. Fenton. I think the functions of Government is to go so far and no further.

(Mr. Chenoweth asked and was given permission to extend his remarks at this point in the Record.)

Mr. Chenoweth. Mr. Chairman, I wish to thank the distinguished gentleman from Pennsylvania, Dr. Fenton, for offering this amendment which will provide for the continued operation of the oil shale experimental plant at Rifle, Colo. It is recognized that this plant has done a splendid job in perfecting the process of producing synthetic fuel from oil shale. This is a project in which the people of Colorado are very much interested. We are indeed gratified over the action taken by the committee in offering this amendment.

I wish also to mention that Colorado has large deposits of coal, and we are intensely interested in the experiments that have been carried on to produce synthetic fuel from coal. I am happy to hear the chairman of the committee [Mr. Jensen] assure this House that the experiments will be continued. We have been following the experiments up to this time with keen interest.

We feel in Colorado that we have excellent sites for the location of a synthetic fuel plant for the use of coal. My home county is the largest producer of coal in the State. There has been a great deal of discussion over the possibility of locating a plant in southern Colorado. I certainly hope that this committee will continue to make the necessary funds available for this experimental work to continue, so that the time may be hastened when private industry will look with favor upon the production of synthetic fuel and byproducts from coal.

The Colorado State Legislature has had a special committee working on this matter for some years. At the session of the legislature this year this committee was continued. Every effort is being made to interest private industry in locating a coal synthetic fuel plant in Colorado. We have the coal and our people are anxious to cooperate in every way possible.

Mr. Chairman, I again wish to express my appreciation to the committee for continuing the oil shale plant at Rifle, Colo., and to Dr. Fenton for offering his amendment, which should receive the unanimous approval of the House.

Mr. SCHEUER. Mr. Chairman, I rise to speak in favor of H.R. 7014 the Energy Conservation and Oil Policy Act of 1975 and I would especially like to make a few remarks addressed to section 411 entitled "Energy Conservation in Policies and Practices of Federal Agencies."

This section comes under title IV which deals with energy conservation in transportation and requires the evaluation of past rulings as they affect energy consumption and the consideration of the impact on energy consumption of future regulatory rulings by the Interstate Commerce Commission, Civil Aeronautics Board, Federal Aviation Administration, Environmental Protection Agency, Federal Power Commission, and Federal Maritime Commission all of which supervise industries and people accounting for the consumption of vast amounts of energy. Since many of the rulings of these commissions, boards, and agencies were first made at a time when the importance of energy conservation was not yet recognized, it is essential that these policies and regulations now be reviewed and, as necessary, revised.

Some of the practices which are either condoned or fostered by these commissions, boards, and agencies illustrate the importance of this provision.

The Interstate Commerce Commission—ICC—has extensive jurisdiction over the transportation of goods and services throughout the Nation. Under an earlier assumption of cheap and available energy supplies the ICC has made rulings which were designed to maximize jobs, but which have also had the effect of condoning vast wastage of energy. For example, the ICC permits private firms to use trucks to deliver raw materials to a subsidiary; but after the materials are delivered, the subsidiary may not use the same trucks to deliver the finished product to the parent company. A recent study of 14 private carriers by the Department of Transportation found that relaxing this restriction could save 1.9 million miles and 480,000 gallons of fuel annually for those 14 carriers alone.

Another and even less justifiable practice fostered by ICC rulings is the "gateways" policy whereby truckers must operate only within designated territories which may in fact only be connected by small stretches of land, thus causing excessive travel in order to move from one territory to another. As a reform measure, the Commission now allows irregular route carriers to eliminate gateways and operate by the most direct routes when the resulting reduction in circuity does not exceed 20 percent. Where the reduction in circuity exceeds 20 percent, the carrier is precluded from operating between end points without obtaining special approval from the ICC. While the Commission order represented a step in the right direction, it did not go far enough. Indeed it is absured to allow carriers with routes which do not exceed 20 percent circuity the right to direct routing without approval, while denying the same rights to carriers with over 20 percent circuity in their route. It would seem to me that the regulations should have been worded in the opposite manner.

The Civil Aeronautics Board—CAB—also has jurisdiction over users of vast quantities of energy and has established many policies which waste energy because those practices also were instituted at a time when the conservation of energy was not considered important. Originally, the CAB was established to protect and regulate the airline industry. Today, we find that once cogent protective policies which reduced competition have resulted in high air fares and correspondingly low load factors on many traveled air routes. High fares encourage air carriers to schedule more flights which results in lower load factors, thus increasing the amount of fuel consumed per passenger.

Additionally, the CAB fosters the waste of energy by its failure to grant airline route awards which reduce the time period when airliners sit on runways at crowded airports. By bypassing crowded hub cities or shifting flights to underutilized secondary airports in major metropolitan areas, delays can be minimized and significant fuel savings achieved.

Currently, the Federal Aviation Administration—FAA—has an opportunity to prevent a drastic increase in our consumption of energy. In addition to the environmental damage inherent in the flying of the Concorde, its fuel consumption is astronomical. Assuming that the Concorde carries 120 passengers on a transatlantic flight of approximately 3,000 miles, the Concorde would consume 2.74 gallons per passenger mile, while the Boeing 747 now consumes only 0.91 gallon per mile. Just about three times as much fuel is consumed by the Concorde than by the 747. Section 411 would require the FAA to consider such fuel consumption when they decided whether to permit the Concorde to land in the United States.

Finally, the Federal Power Commission—FPC—should examine the electric industry's policy of charging proportionately less for large consumers of electricity and proportionately more for smaller consumers. The current policy encourages the conspicuous consumption of electricity and provides economic disincentives for the conservation of electricity. This policy should be changed to one of charging consumers proportionately for what they consume.

These and other examples of energy waste which I encountered in my investigations of these commissions, boards, and agencies led me to introduce section 411 which requires:

First, the examination and reporting to Congress within 60 days of all energy saving steps taken since the beginning of the Arab oil embargo in October of 1973;

Second, that within 6 months the effected commissions, boards, and agencies shall propose to Congress programs for additional savings in energy consumption with a minimum goal of a 10-percent reduction in energy consumption within a year's time over the energy consumed during calendar year 1972;

Third, the examination and reporting to Congress within 1 year of all rulings currently in effect as to their impact on energy consumption; and

Fourth, the consideration of the energy impact and the preparation of an energy impact statement on all proposed future rulings.

All of these studies will be conducted in conjunction with FEA and ERDA and any other appropriate commissions, boards, or agencies.

Only if the Federal Government takes the lead by considering the costs of energy when it sets policies, thereby providing an example for the American people, can we expect to have the cooperation we so desperately need to reduce our consumption of energy.

Mr. Chairman, at this point I would like to address myself to some of the other major provisions of H.R. 7014 which I believe represents a concerted effort to develop a strong foundation for a national energy program by controlling the price of the energy we consume, reducing our consumption of energy, and by increasing the public's awareness of the importance of energy conservation.

Probably the most controversial provision of this bill is the oil pricing section which sets a price of $7.50 a barrel on all domestic oil by 1980, except oil which is particularly costly to produce such as Outer Continental Shelf oil, Arctic oil, or oil produced for tertiary recovery methods all of which have been pegged at a price of $8.50 a barrel. To guard against financial injury to the oil companies an inflation adjustment factor of two-thirds of 1 percent per month has also been included and will only be triggered by the occurrence of future events in the marketplace.

This pricing policy provides the oil companies with more than enough profits with which to continue exploration since when the price was only $4 a barrel they were falling over themselves for the rights to drill on the Alaskan North Slope. It is absurd to decontrol oil prices as has been proposed by President Ford. There is absolutely no reason why the OPEC-cartel should set the price of oil in America. To allow such an action would give OPEC too great a voice in our domestic affairs. The havoc which would be wrought in this Nation by decontrol is almost incalculable. Instead of slowly coming out of the recession, we would be plunged even deeper into an economic crisis which would see spiraling inflation accompanied by major increases in unemployment. Many people who have barely hung on for the last year or so will lose their businesses and homes if the price of our domestic oil rises to the present OPEC level of over $12.50 a barrel, which will probably even rise $2 higher come this fall. There is no free market in oil; prices are set and controlled by a small number of countries and oil companies who maneuver to keep prices and thus their profits high, while at the same time controlling the production of oil so that the marketplace will not be flooded, which would result in a decrease in prices and thus their profits and influence.

The provision on industrial energy conservation is another step in the right direction. Even though it is only a voluntary program which is targeted at the 2,000 largest energy consuming manufacturers, cooperation between these manufacturers and FEA could provide significant savings in energy, and consequent savings to the industries themselves. It must be remembered that GSA has reduced the consumption of energy by over 24 percent over the past year in Government buildings by instituting simple conservation methods such a reducing excessive lighting, turning down the heat in the winter, reducing air conditioning in the summer and properly insulating hot water pipes. There is every reason to believe that industry, with the help of FEA, could conserve as much or even greater amounts of energy.

The provisions of title V on improving energy efficiency of consumer products should be very effective in increasing the awareness of Americans of the need for conserving energy. The establishment of mileage standards for domestic automobiles will help to increase awareness and reduce consumption. Even more effective should be the section on energy labeling and efficiency standards for consumer products. This section will give American consumers the opportunity to select efficient appliances and thus reduce their electric bills while at the same time requiring the appliance industry to increase its aggregate energy efficiency by 25 percent by 1980 on major appliances. Such a standard is not too heavy a burden since the Congress would only be putting into law that which the industry has said it could do.

Finally, I believe that providing for a GAO audit of oil company expenditures and profits is a major step toward our establishing control over the multinational oil companies. This provision would require a uniform annual accounting by all oil companies. Only in this way will we be able to establish just what energy resources we have and how much profits are being made by these companies. I am outraged when I hear reports that oil companies are shutting down old domestic wells and drilling new wells right next to the old well because new oil brings over twice the profits of old regulated oil. Only with a proper accounting of these companies will we be able to control rather than be controlled by the oil industry.

I urge my colleagues to join me in supporting the Energy Conservation and Oil Policy Act of 1975 as a major step in the direction this Nation must travel.

Mr. DINGELL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. O'NEILL) having assumed the Chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7014) to increase domestic energy supplies and availability; to restrain energy demand; to prepare for energy emergencies; and for other purposes, had come to no resolution thereon.

REQUEST FOR PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION AND ITS SUBCOMMITTEES TO SIT TOMORROW, JULY 24, 1975, WHILE HOUSE IS IN SESSION

Mr. MINETA. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation, including its subcommittees, may have permission to sit beginning at 3 p.m., tomorrow, July 24, 1975, while the House is in session.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. ROUSSELOT. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

FUTURE REVENUE SHARING PLANS

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. DE LA GARZA. Mr. Speaker, it is apparent that a strong effort is being mounted to delete or curtail the participation of small cities from future Federal revenue sharing plans.

From the initiation of the revenue sharing program I have been concerned with the second-class status it imposed on small cities. That is why I was unable to support the plan in the past, and I so stated time after time, this plan penalizes the small cities. Even worse is now being serious proposed for the future I am afraid.

We are told, over and over, that revenue sharing money should be spent in the big cities and their major suburbs in order to benefit the maximum number of citizens. We are told that the combined population of all the small cities in the United States is insignificant in the context of the overall picture. We are told that the small cities do not face the overwhelming social, economic, and physical rehabilitation problems of the big cities, so do not really need any funds from revenue sharing.

Mr. Speaker, I strongly reject these contentions.

My own south Texas district is composed mainly of small cities and small towns. I know that they face financial problems proportionately as severe as those of the great metropolitan areas.

I know also that the Federal financial assistance they receive through such categorical programs as the Housing and Community Development Act, the Comprehensive Education and Training Act, the Rural Development Act, and other legislation falls short, entirely too short, of meeting their needs. Important as these programs are, they are underfunded. They reach comparatively few communities.

Besides, the cost of meeting requirements for Federal grants under the categorical programs, I am told by municipal officials in my area, usually runs 30 to 40 percent more than doing the projects in-house. Redtape is expensive as well as frustrating.

There is evidence that these facts are beginning to be recognized even among many former proponents of the revenue sharing program. Mayors and other officials of small cities are awakening to the realization that their communities have already been shortchanged. Now I am told they face a further erosion of their participation in this program.

Proposals to reduce or curtail the participation, the full participation of small cities and towns in any Federal revenue sharing proposal must be strongly opposed. And I shall do my utmost to do so and ask all my colleagues to join with me to protect the interests of our small cities, towns, and rural counties.

THANKSGIVING DAY

The SPEAKER pro tempore (Mr. MCFALL). Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL), is recognized for 15 minutes.

Mr. RANDALL. Mr. Speaker, today, Wednesday, July 23, is really a Thanksgiving Day come early for the Select Committee on the Aging, because this is the day that we have enjoyed the installation of our telephone system in the new offices of the committee on the seventh floor of the old Congressional Hotel, at the southeast corner of New Jersey and C Streets.

As chairman of the committee, for myself and all of the members of the committee, I take this time to express my gratitude to the Speaker and others of the House leadership who have finally provided us with quarters which will, at least so far as space is concerned, equip the committee to pursue the goals and obligations set for it by the mandate of the House when the committee was created last October.

The early months of the life of the committee, established under the Committee Reform Amendments of 1974 last October, have been trying ones. It was almost a month after the convening of this Congress that the members of the committee were named. There was no funding until March 21 and the committee was not afforded working space of any sort until after April 1. In that period until some staff could be appointed to begin the committee's operations, members of my own office staff fielded inquiries directed to the committee and performed its necessary stenographic and clerical work. In the space of some 30 days, over 300 applicants for professional and support positions on the committee were screened.

From early April through mid-July the total office space allotted to the new committee consisted of one old member's suite on the seventh floor of the Longworth House Office Building and one small annex room, about 14 feet by 14 feet, on the same floor of that building. Under these conditions it was literally impossible for the committee to house more than 10 of its present complement of 17 employees. In fact, seven of the staff personnel were scattered around in the offices of the various committee members.

I am happy to say that the committee now has a new home. Its staff, all housed together for the first time, now occupies adequate office space in the House Office Building Annex, the old Congressional Hotel at New Jersey Avenue and C Street. The committee office is room 712, and it can be contacted on extension 59375.

Each member of the committee, without exception, is vitally concerned with and personally involved in seeking real solutions to the major problems our elderly are facing today. We have been most fortunate in having assembled a good professional and clerical staff. The committee is determined to operate in a competent and productive fashion well within the funding provided for it by the House. I am sure the committee will function in accord with the will of the House as set out in the provisions of House Resolution 988 of last October, which established the committee.

It is but a few days now until the August recess. In the period while the House is not in session, our subcommittees have scheduled a series of important hearings in the field, in areas away from Washington.

I am confident that when the Congress reconvenes in early September, the committee will be ready, equipped with the necessary tools—capable staff and adequate quarters—to begin concentrated work in its areas of responsibility as contemplated by the resolution which established it.

It is important that what I have said about our problems to date does not leave the impression that the committee has been inactive. The first hearing was held on April 29 and to date there have been a total of nine hearings held here in Washington and in the field. Our subcommittees have heard testimony on several vital issues including the present state of the social security system, opportunities to work available to the aging, the economic problems of aging women and home health care for the aging. Two committee publications have appeared in print and several others are in the editorial process.

NURSE TRAINING ACT OF 1975

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN of Tennessee. Mr. Speaker, I support S. 66, the Nurse Training Act of 1975, and strongly recommend President Ford sign this bill into law. One result of this bill will be to provide added support for advanced training programs for nurses. My State of Tennessee is currently experiencing a shortage of nurses in the specialty areas.

Nationally, there are only some 65,000 geriatric nurses to staff the Nation's 23,000 nursing homes. There are only 37,000 mental health nurses, and estimates are that we will need more than twice the number by 1980.

We have some good nurse practitioners working in Tennessee, but we need many more to work in the State's isolated rural areas.

One graduate program in community mental health nursing at the University of Tennessee is only in its second year and is just beginning to send graduates into the field.

The progress made toward easing the shortage of nurses in the specialized areas must be allowed to continue. Support for nursing education is only one aspect of this legislation. It is a major health bill that deals with health programs that touch millions of our citizens. The Congress has demonstrated its strong support. I again urge the President to sign it into law without further delay.

SOLZHENITSYN AND DÉTENTE: THE AMERICAN PEOPLE EXPRESS THEIR VIEWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, the refusal of President Ford to meet with Alexandr Solzhenitsyn at the time he spoke to a dinner meeting in Washington, D.C., came as a result of advice given to him by Secretary of State Kissinger and other advisers. These advisers have gone so far as to characterize Mr. Solzhenitsyn's views as "a threat to peace."

It is difficult to understand how truth can be a threat to peace. The Soviet Union, as Mr. Solzhenitsyn has said, remains a police state in which men and women are subjected to every form of indignity and cruelty for expressing dissident opinions. The Soviet Union remains a vast prison, in which men and women are unable to freely emigrate. Beyond this, the Soviet Union is an armed camp, with an ever larger percentage of its gross national product spent on military weapons.

If "détente" means overlooking these harsh realities and substituting the rhetoric used by Soviet leaders about "peaceful coexistence" for the truth, then Mr. Solzhenitsyn's words are indeed a threat. Such a "détente," however, serves only the purposes of the Soviet Union. Both the cause of peace and of human dignity are ill served by such a policy.

Fortunately, the American people sense the truth of Alexandr Solzhenitsyn's words and the shabbiness of their reception by official Washington.

Many Americans have written to their Representatives in the Congress and to their newspapers expressing their dismay at the failure of our governmental leaders to give Mr. Solzhenitsyn the reception he deserves.

I wish to share with my colleagues a representative sample of these comments by Americans as they appeared in the Letters to the Editor column of the Washington Post of July 12, 1975, and insert them into the RECORD at this time:

LETTERS TO THE EDITOR: SOLZHENITSYN AND DÉTENTE

CHEVY CHASE.

Even on July 4, a day when most Americans look with pride upon their 199-year-old tradition of democratic government, President Ford, who heads that government, has managed to elicit my disgust.

Michael Kernan reports in "Mingling At the Memorial" (Style, July 4) that "President Ford canceled an appointment to meet the Nobel prize winning novelist Alexandr Solzhenitsyn on the grounds it could damage detente with the Soviet Union."

Damage detente? If the President of the United States refuses to meet with anyone (Alexandr Solzhenitsyn, a major voice of freedom above all) on the grounds it could "damage detente," then the President is not talking detente at all.

He is talking scared.

GARY SNYDERMAN.

SILVER SPRING,

Maybe the Russian rulers were pleased when the President refused to meet with Solzhenitsyn, but I, for one, found it a little easier to be proud of being an American before it happened.

WALTER GOLMAN.

IRVING-ON-HUDSON, N.Y.

It seems to me that one aspect of President Ford's shameful refusal to greet Nobel laureat Alexandr Solzhenitsyn deserves special notice:

According to newspaper reports, certain White House aides argued against a meeting by raising questions about Mr. Solzhenitsyn's "mental stability". Until now this canard, applied to many Soviet writers and citizens who displease the regime, has been the special property of the KGB. To hear it now coming from Americans in the White House is, quite simply, monstrous.

May we ask that these anonymous aides be identified and immediately asked to leave a House which Americans still hope and believe belongs to us—not the KGB.

Robert K. Massie.

Arlington.

"Ask not for whom the bells tolls . . ."

What Solzhenitsyn is telling us is a universal truth. Each iota of liberty which we countenance the extinction of diminishes our liberty or freedom by the same amount. Therefore the import of his message is clear and every delay or postponement of action by each of us brings closer the day when all our freedom will be gone.

It may appear to be "too late" to lift the Iron Curtain barring access to Eastern Europe or to come to the aid of the struggling hopeful Hungarians or Czechoslovakians, but it is not too late to try to help all who wish to leave totalitarian societies of their own free will, or those who are imprisoned anywhere because they have spoken out against oppression or tyranny.

Perhaps Solzhenitsyn is the Paul Revere of our time to whom we should listen before we are overwhelmed by totalitarian societies.

Lawrence I. Field.

College Park.

Joseph Kraft (Post, July 3) detects in the American response to Alexandr Solzhenitsyn " . . . a hankering . . . for a time when responsible behavior consisted of taking a stand against communism." But now, he concludes, ". . . that time is over and done." Being more "practical" these days, Mr. Kraft believes that we can play off Red China against the Soviet Union (what good this has done he fails to specify). The cost of this policy is merely to dispense with the use of "an intense personal morality." Apparently, we are to compromise (i.e., abandon) the ideals our ancestors paid for in blood two hundred years ago.

More questionable, however, is Mr. Kraft's belief that "we cannot find the way (out of our present-day problems) by looking backward or to foreign guides." Does this mean that we are not to take Solzhenitsyn seriously? Having suffered firsthand the cruelties of that abominable totalitarian system and having through immeasurable strength and courage escaped at great personal cost to warn us of it, are we to dismiss him so superficially?

We can only hope that the pooh-poohings of such editorials do not result in the futile hope that by ignoring the warnings of danger, we can escape them.

Joe Walker.

Washington.

Your editorial of July 4 ("Solzhenitsyn's Politics") and Joseph Kraft's column of July 3rd put down Mr. Solzhenitsyn's message because of his "obsession with the destiny of his own people" and because he and George Meany are unduly concerned with the moral aspects of Communist aggression! Is it possible that both you and Mr. Kraft missed the point?

Mr. Solzhenitsyn is saying that you don't take a wild animal into your home, feed and nurture it and expect it to become a peaceful, domestic companion. This is sound reasoning and especially true as regards Russia, which has a clear record of devouring or attempting to devour every country in its path, has even threatened to "bury" us and is even now undermining our major alliance (NATO) by subverting Italy and Portugal.

Personally, I don't see anything moral or immoral about wanting to stay alive and live in a free country. So, my thanks to Mr. Solzhenitsyn and to Mr. Meany for having brought the Solzhenitsyn message into public focus.

Lawrence M. Gary.

McLean.

It is a pity that President Ford was not open-minded enough to listen to Alexandr Solzhenitsyn's point of view and even refused to meet with him, reportedly on the advice of Henry Kissinger that it would be harmful to detente.

This gives credence to Mr. Solzhenitsyn's thesis. We are so afraid of the Russians that we are too weak to stand up to them, and our President even lacks the courage to meet with one of their dissidents.

How ironic that in this country of free speech and free thought, our own President was not free to hear the other side of the coin, yet in the Soviet Union just the other day 14 senators freely expressed their opposition views to Soviet policy.

Irene Manekofsky.

Washington.

I read with alarm the recent press reports that President Ford had refused to meet with the Nobel Prize winning author, Alexandr Solzhenitsyn.

Clearly President Ford has erred in this decision. He has lost an opportunity to celebrate the Nation's 199th birthday with a salute to the dignity of the individual and his or her right to self-expression. The President has also lost the chance to show that after Watergate and the recent CIA disclosures, the United States still stands for the freedom of the individual citizen. This is the type of leadership we need in these times.

The President has perhaps listened too much to the advice of his Secretary of State, who seems willing to sacrifice nearly any freedom for the sake of his cherished detente. Your paper has reported that this is the major reason for the President not meeting with Solzhenitsyn and I can only feel the tragedy of beginning the celebration of the bicentennial not with the values of 1776, but with the values of 1984.

William Canis.

Washington.

Joseph Kraft's recent column on Solzhenitsyn was disappointing enough, but your own editorial which followed (July 4th) only compounded the shallowness and lack of insight which Solzhenitsyn has been met with in Washington.

The crowning irony of the editorial was found in the heading: "Solzhenitsyn's Politics." Politics *indeed!* Did he not, throughout his speech, urge us to consider a higher sphere than politics, to re-state those sadly antiquated concepts of good and evil. Yet, here, we are so sated with politics and it's flabby labels of conservative and liberal, we are blind to the reality which Solzhenitsyn calls us to. If Solzhenitsyn criticizes (rightly) our present detente efforts, he *does* speak of a "genuine" detente and counsels us on dealing with communism, i.e., firmly; standing on our democratic principles. Solzhenitsyn even traced the successful history of "firmness" in foreign policy in case we disbelieved him.

Mr. Kraft was so anxious to lessen the impact of Solzhenitsyn's visit, that he gave the Russian author one perfunctory sentence of praise and then launched into an unabated criticism of Solzhenitsyn's—what else—politics! Mr. Kraft's essential thrust, though, was to describe Solzhenitsyn as culturally retarded, and therefore unable to grasp the sophistication of our detente—and if there is anything from which Washington recoils, it is the lack of sophistication which Kraft accuses Solzhenitsyn of. We all laugh at Solzhenitsyn's simpleness when he expounds upon the evils of communism, forgetting that Solzhenitsyn is, if anything, overly educated in communism, and is therefore not simple, but *wise*—wiser than Joseph Kraft will ever be—and has much good counsel for us. Solzhenitsyn tells us of the "catastrophic" world situation and we shut him off, but we listen eagerly to those who promise peace and world brotherhood, preferring the kisses of an enemy to the wounds of a friend.

One final note on the President who could welcome soccer stars, Ann-Margret and Las Vegas dancers, and Tennessee Ernie Ford, but could not extend one hand of recognition to a man whose great courage and worth we have not yet begun to comprehend. Not that Solzhenitsyn would have cared—he probably did not—but I, and others I know, did care, and today, July 4th, we are ashamed of our country.

Kristen E. Carpenter.

CONGRESS SHOULD RETURN TO ITS FUNCTION OF MANAGEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Bob Wilson), is recognized for 5 minutes.

Mr. BOB WILSON. Mr. Speaker, in my opinion we have been conducting the affairs of the Nation in a heavy-handed manner. I sense that the present mood of the Congress is one of trying to control every aspect of American life, from the economy to outer space ecology. As a result, we bog ourselves down in a morass of legislation and nothing gets accomplished.

I would suggest that instead of trying to rule, the Congress get back to its function of management. And in management, some things are better left alone to work themselves out.

For instance, Malcolm Forbes writes in the June 1 issue of Forbes magazine that he was talking to Italian entrepreneur Alejandro De Tomaso about Italy's apparent recovery from the brink of bankruptcy—a recovery for which he said there was no visible rationale.

De Tomaso replied:

> Malcolm, we had a meeting of the government and leading Italian businessmen a few months ago, and our politicians wanted to know what they should do to save the country and all of us from bankruptcy.
>
> We kept telling them to do nothing, to leave the economy alone. They didn't want to take our advice, but the government was unable to form or implement an emergency program to save Italy.
>
> So, Italy was saved.

I think we might be wise to take a leaf from the pages of modern Italian history. Let's stop trying to run everything. Then perhaps we can concentrate on the areas where we can help and maybe get the work done that we are getting paid to do.

BIG OIL, BIG PROFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Moss) is recognized for 5 minutes.

Mr. MOSS. Mr. Speaker, I find it ironic that on the same day that President Ford declares that he will veto the proposal to Congress to keep oil prices under control, two important articles provide insight into the consequences of such an action upon consumers.

William V. Shannon, in the New York Times, declares that because the Nixon and Ford administrations have been attempting to resolve the problem by "the natural play of market forces" we will "continue to suffer severe economic damage in lost jobs and depreciated currency."

He indicates that the bill of our able colleague John Dingell demonstrates the will and toughness necessary to keep the United States from being blackmailed by the oil producing nations.

Jack Anderson in a column in the Washington Post points out that study after study has shown that "the only thing certain about higher oil prices is higher oil company profits." Price hikes since the 1973 Arab embargo have not significantly cut consumption or stimulated production.

I commend these articles to my colleagues for reading:

President of Oil

(By William V. Shannon)

Washington, July 19.—The oil problem is essentially political in nature and can only be overcome by the power of Government. But the United States has been unable to cope with the problem because the Nixon and Ford Administrations insist upon treating it as an economic issue that can be resolved by the natural play of market forces.

Because of the sudden, huge increase in the price of oil, the inflation and the recession were both made much worse than they would otherwise have been. As long as President Ford persists in his mistaken policies the United States will continue to suffer severe economic damage in lost jobs and depreciated currency.

Mr. Ford follows the judgment of the major international oil companies on oil problems in the same way that he amiably heeds the advice of other big businesses on the problems that interest them. This is partly because, like Mr. Nixon before him, he is heavily dependent on the oil industry as part of his political base. He is also a stolid believer in the business ideology of rugged individualism, free markets and price competition—virtues that exist more clearly in his mind than they do in the practices of the international oil industry.

But, basically, Mr. Ford plods ahead with his disastrous policies because he does not know any better. No one who knew Gerald Ford and his dreary, negative record during a quarter-century in the House of Representatives would ever have chosen him to lead the nation in meeting a complex and unprecedented situation.

There are many men in both parties in Congress who much more understand the real nature of the oil problem. But because the solutions require sacrifice, it is almost insuperably difficult to put together a two-thirds majority in support of legislation.

The fundamental fact is that there is no oil shortage and no energy crisis. Rather, there is a political crisis. The oil-exporting countries have become cohesive enough to blackmail the wealthy industrial countries by raising the price of oil to an extortionate level, keeping it there, and threatening to raise it still higher.

In this crisis, no one is defending the interests of American consumers. Although five of the seven major international oil companies are American-owned, their interests and the nation's interests are not identical.

With the world market now glutted with oil, these American companies help the Arab countries allocate and rationalize the cutbacks in production that are necessary to keep prices from falling. As business partners of the Arabs in the Middle East and as producers of oil in the United States, these companies have no incentive to keep the price of oil down. On the contrary, they are the propaganda and political protagonists inside this country for the cartel.

President Ford is now urging Congress to abolish the price ceiling of $5.25 a barrel on oil from wells that were producing before 1973. This so-called "old oil" provides 40 per cent of U.S. supplies. The rest of native oil is selling at the world cartel price of about $13 a barrel.

Since companies produce both old and new oil, they are geting an average price for their total output of roughly $7.50 a barrel. That is triple the price of only two years ago. Yet the companies have the audacity to say that they need to get the extortionate world price for all their oil if they are to have any "incentive" to search for and produce additional oil in this country.

The United States ought to have the political will and toughness to refuse to be blackmailed. It should stabilize the price of domestic oil, old and new, at $7.50 a barrel as provided in a bill sponsored by Representative John Dingell, Michigan Democrat. It should then make a concerted effort to break the world cartel price.

The Arab countries supplied only 1.3 million barrels of oil a day to this country in the first quarter of this year, less than 8 per cent of total U.S. oil requirements. By conservation, the U.S. could promptly reduce oil consumption by that amount. A sustained cutback of this magnitude would be a significant political signal to the cartel.

Gasoline consumption could be limited by law to the present level of consumption. As the economy recovered and as Detroit produced more fuel-efficient cars, gasoline consumption could gradually be reduced from present levels by steeply rising gasoline taxes.

The United States could adopt a much firmer policy toward Saudi Arabia and Iran than merely getting some of its depreciated dollars back by selling them military equipment and petrochemical plants. They should both be treated the way one treats any blackmailer.

As the world's strongest economic power and greatest single user of petroleum, the United States could face down the cartel and win. But not as long as its President espouses the policies of the American division of the world oil cartel.

Big Oil, Big Profits

(By Jack Anderson)

The international oil cartel could not do better if the president of Exxon were President of the United States.

Through the good offices of Gerald Ford, the oil men seem firmly in control of U.S. energy policy. Virtually every move made by the Ford administration has been suggested in industry energy blueprints and applauded in the corporate boardrooms.

The few crusaders against Big Oil still in the administration are relegated to dusty corners in the Justice Department, Federal Trade Commission and Federal Energy Administration. Even there, they are pro-consumer misfits.

Indeed, it is now more difficult to get action against Big Oil than it was during the last Nixon year. As one example, the beginnings of a massive antitrust case—one of the few measures short of prison terms that oil presidents fear—has stagnated.

Yet a few powerful oil companies subtly or directly control all phases of oil production and distribution. They also dominate natural gas, the coal industry, nuclear power and even geothermal energy.

At the FEA, youthful Frank Zarb talks tough to consumer advocates, complaining in frustration about Big Oil's swashbuckling tactics. But he balks at using his popularity with the President to push antitrust action or stronger regulation.

As evidence of his public unwillingness to take on the issue, he recently ducked an appearance with Ralph Nader on a national TV show. Zarb agreed to participate on the program until he learned that Nader would also be a guest. The consumer advocate was eager to debate Zarb on the government failure to curb the oil companies. Zarb backed down.

In the industry itself, talk of government intervention in running the industry brings laughter. One of our old acquaintances described to us a cigar-and-brandy gathering of oil executives at an exclusive oil club.

"The government would never know how to run it," bragged one executive. "We're the only ones with enough knowledge!"

At the moment, the White House is pushing what may turn out to be the most disastrous concession of all: the decontrol of "old" domestic oil—the oil in production before the current crisis.

In 1972, this "old oil" was priced at $4.25 per barrel. But at the behest of the oilmen, the Cost of Living Council arbitrarily raised it to $5.25, where it now stands.

The President's decontrol plan would gradually phase out controls over the next 30 months. Every precedent indicates the oil industry will then peg the price of Arab oil, now $13.50 and on the way to a possible $17.50.

President Ford and his advisers contend that decontrol will add only seven cents to a gallon of gas by 1976. The higher prices will cut consumption and provide funds to find new oil and stimulate production, they believe.

This, President Ford insists, is the best way to reduce dependence on Arab oil while the nation searches for new energy sources in coal, shale oil, nuclear reactors and "exotics" like solar generators.

But study after study has shown that the only thing certain about higher oil prices is higher oil company profits. Price hikes since the 1973 Arab embargo have not significantly cut consumption or stimulated production.

They have, however, placed a hardship on every American. Even the "modest" rise of $1 allowed by the Cost of Living Council cost consumers $1.9 billion, according to a Library of Congress study. The new decontrol measure and tariffs will cost every person in the country $225 a year, Nader has estimated.

A congressional analysis of the Ford plan found that it would add a staggering $318 billion to oil company coffers over a decade. The impact, of course, is not simply on the motorist at the gas pump.

There is a "ripple effect" throughout the economy because of the widespread use of oil in generating electricity, transportation, even fertilizers. Moreover, coal and other energy prices tend to rise along with oil.

President Ford's people have been admirably candid on most subjects, but on the economic impact of energy, they have been devious.

Last winter, for example, White House aide William Seidman used "executive privilege" to dodge testifying on the topic. And Congress was refused a copy of a study prepared for the Council on Wage and Price Stability on the economic impact of the White House's energy plan.

The President himself has vetoed a half-dozen measures because they would stimulate inflation. But, contrary to his own executive order issued in February, Ford neglected to send Congress an inflation impact statement along with his plan to decontrol oil prices. The higher cost of oil, needless to say, would have a critical effect on inflation.

Meanwhile, the oil companies have prospered awesomely. Federal decisions favoring the oil industry since 1970 have helped the U.S.-based oil companies reap more than $60 billion in profits.

Exxon's profits rose 31.8 per cent from 1973 to 1974. Texaco's earnings were up 98.7 per cent from 1973 to 1974; Mobil's up 66 per cent; and Standard of Indiana's rose 80.8 per cent.

The prospect of decontrolled domestic oil also means more than higher prices and profits. Many experts see grave international implications.

Decontrol could make the U.S.-based multinational oil companies more beholden to the Arabs than they are to the United States. There is already evidence that the oilmen are willing to cave in to their Arab business associates.

In 1973, for example, the Arabian American Oil Company (ARAMCO), a consortium of U.S. firms operating in Saudi Arabia, undertook an extensive propaganda campaign designed to undermine Israeli war support in the United States at the request of the late King Faisal.

Decontrol of "old" domestic oil would give the U.S. multinationals even more of an incentive to help the Organization of Petroleum Exporting Countries. After all, U.S.-produced oil, if decontrolled, would be pegged to Arab prices. And the higher the prices, the more profits for the oil men.

CHAIRMAN REUSS URGES ACTION ON UNEMPLOYMENT NOW—NOT IN 1976

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Barrett) is recognized for 10 minutes.

Mr. BARRETT. Mr. Speaker, yesterday's New York Times contained an article on the Op-Ed page by our distinguished chairman of the Committee on Banking, Currency and Housing, our colleague from Wisconsin (Henry Reuss). Chairman Reuss takes the Ford administration to task for its dismal performance in managing our economy. The Chairman states:

> The danger is that the administration will understimulate the economy now, accepting the tragic cost of unemployment, then feel compelled to "pour it on" next year as the elections draw near. The result would be a tragic rebound of inflation.

The gentleman from Wisconsin reviews the past errors of the Nixon-Ford administration, particularly the Nixon administration efforts in 1972 to pump the economy so that things were rosy on election day. Of course, not a mention was made at the time by the administration about the inflationary effects of the administration's economic stimulation efforts.

I strongly concur in Mr. Reuss' sonclusions about President Ford's timid economic policies in refusing to reduce the highest unemployment since the depression years of the 1930's. I believe it is our hope that the President realizes the errors of his ways before the 1976 election year rolls around.

Mr. Speaker, I conclude my remarks with the article of yesterday's New York Times for the Record.

Defeating Unemployment Now, Not in 1976

(By Henry S. Reuss)

Washington—President Ford and his economic advisers appear to be so mesmerized by the specter of inflation that they are willing to live indefinitely with high unemployment, stagnant profits, an economy operating far below capacity.

The President, panicked by a depression-induced deficit, behaves as if his only fiscal tool is the veto. His monetary authorities, inopportunely applying the brakes these last weeks, continue to deny relief to the hardest-hit sectors.

The danger is that the Administration will underestimate the economy now, accepting the tragic cost of unemployment, then feel compelled to "pour it on" next year as the elections draw near. The result would be a tragic rebound of inflation.

Not that President Ford is planning it that way; he is not prone to Machiavellian schemes. But the pressures on the Administration from Republican politicians around the country to jazz up the economy in 1976 will be hard to resist. An election-year splurge is exactly what the Nixon Administration did in 1972.

The Administration sent up essentially balanced budgets for the fiscal years 1969–72. Then, in January, 1972, with the Presidential election ten months away, it called for a whopping $28-billion deficit in the upcoming fiscal year—at the very time when unemployment was under 6 per cent and dropping, and inflation serious enough to require continued price controls.

This would have been a deficit even in the "full employment" budget, meaning that with the revenue that would have been produced at 4 per cent unemployment the budget would still have been in the red.

Worse, $11.5 billion worth of additional spending was crammed into the first half of 1972, twice the increase over the previous six months of any period in postwar history!

The Federal Reserve, for its part, opened the floodgates. Surging demand for goods brought surging demands for liquidity, and the Fed accommodated all comers. In February, 1972, the money growth rate ballooned to 13.8 per cent (from 2.9 per cent over the previous six months), March, 11.6; April, 7.5; May, 3.9; June, 6.9; July, 11.8; August, 6.3; September, 7.7; October, 8.7; November, 6.2; and December, 14.7.

Not a word was said by the Administration about the inflationary effects of overstimulation.

Profits went up, unemployment down, and Richard Nixon was re-elected. Unfortunately, this starve-'em-then-stuff-'em strategy helped produce double-digit inflation and horrific unemployment after 1972.

Today President Ford is pursuing a fiscal policy best described as depressing. He seems to believe that the current monster deficit comes not from the fall-off of incomes and revenue but from some illusory surge in Federal spending.

This is bad economics and bad basis for policymaking.

The two job-creating bills he has vetoed (public service employment, with one million jobs in the public sector; emergency housing, with 800,000 jobs in the private sector) are both within the $68.8 billion deficit contained in the Congressional budget resolution. And even that budget target is less than the $75 billion that would be called for to achieve a balanced "full employment" budget.

Clearly we cannot ignore inflation. I do not recommend another spending explosion of the stop-go sort we have seen too much of these last years. But if we are to lick both inflation and recession, we must create a climate of improvement, where both managers and workers alike believe that the conditions exist for steady recovery and growth. Only then will they make the long-term commitments necessary to get the economy on the move. And to do this we must start now.

President Ford's timid economics dashes any hope of reducing the highest unemployment since the nineteen-thirties to acceptable levels any time soon. The longer stagnation drags on, the costlier it will be to turn it around in 1976.

Millions of job-seekers will have endured the humiliation of unemployment; billions in revenue will have been let go by the board; and the sudden large-scale stimulus needed to do the job in six months, rather than a year and a half, could bring back the kind of inflation everyone dreads.

Why not stimulate now? The 10 million unemployed would be grateful—maybe even to a Republican President.

OIL AND THE CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, I have been diligently listening to the course of the debate on H.R. 7014. At the proper time it is my hope to offer the following amendments to this proposed legislation:

Amendment to H.R. 7014, As Reported—Offered by Mr. Gonzalez

Page 233, after line 3, insert the following:

IMPORT QUOTAS ON PETROLEUM PRODUCTS FROM CERTAIN OPEC COUNTRIES

Sec. 307. During calendar year 1976, and each calendar year thereafter, the aggregate quantity of petroleum products which may be imported into the United States from each country which is a member of the Organization of Petroleum Exporting Countries (other than Venezuela, Iran, Ecuador, Indonesia, Nigeria and any other member who did not participate in the petroleum products boycott of 1973) may not exceed an amount equal to the daily average of petroleum products imported into the United States from that country during the first six months of calendar year 1975, multiplied by 365.

Redesignate the succeeding sections of title III accordingly.

Amendment Offered by Mr. Gonzalez to H.R. 7014

On page 333, strike all of section 605, and redesignate the succeeding sections of title VI accordingly.

Amendment Offered by Mr. Gonzalez to H.R. 7014

On page 338, after line 25, insert a new section.

Sec. 607. An additional $100,000,000 is authorized for the Energy Research and Development Administration for a high priority program exclusively geared to the practical application of fusion energy.

Mr. Speaker, there are some unpleasant facts that we must face. One is that H.R. 7014 is very likely to be vetoed. If that should happen, we face the prospect that all oil price controls would end on August 31. The House has not resolved the oil issue; it has merely precipitated a crisis.

The most important single thing that we can do is to remove the effectiveness of an oil embargo. That means that we should adopt measures, as I have proposed in my first amendment, that would deny additional U.S. markets to countries that boycotted our country in 1973. We ought not reward those who have conducted economic warfare against us. And we should build up a national strategic oil reserve. That means not merely voting on a title, but giving the Government of our country the means to carry out the creation of a strategic oil reserve.

Second, we have to face some hard facts.

No matter what the price of oil is, there is no way that this country will ever be independent of outside oil sources, barring some enormous change in our way of life—and that seems most unlikely to happen.

The truth is that we produce just under 11 million barrels of oil a day, and we consume close to 17½ million barrels a day. Nothing is going to close that gap. A country, like ours, that has only 7 percent or so of the world's total oil reserves, cannot burn 30 percent of the world's oil production and be, let alone remain, independent of outside oil resources.

So there is no escaping it: We will always have to import oil, as long as we consume anything like the amount we are consuming today. We simply do not have available enough resources to meet our demand.

Some of us want to see oil priced at a level that will assure that American producers will at least have some reason to find and produce oil. The price for not doing that is to invite a continuing decline in American production, and a rapid increase in our vulnerability to another oil boycott. I do not believe that we can afford to do this. Neither do I believe that this country is going to become self-sufficient in oil production again. What we can do is try to keep the gap from growing any greater, until we can establish some workable program to blunt or destroy the oil boycott weapon.

We cannot wish or blink away the hard realities of our situation. H.R. 7014 in many ways simply ignores the truth. It will not work.

We have labored long and hard, to come to a fruitless result.

I do not believe that the President will approve this bill. If he does veto it, there is no way that Congress can muster the votes to override him.

The real question is, will we have a law, or will we not? The President seems to be saying that no oil price control program at all is better than one such as this bill creates.

We have, it seems, a choice: Either to adopt a gradual decontrol, or see all controls expire at the end of next month, whereupon there would be an explosion in oil prices. If that happens, Congress can only blame itself.

In a few days, barring any change, we will have some kind of emergency session, to establish some kind of oil price decontrol.

We should know in advance that this will happen. We should know that a price rollback is simply not possible. I have sat in committees that tried to make rollbacks work, and know that it cannot be done. The House in its wisdom even refused to consider a bill that would have set up a general program of rollbacks. Yet we are trying again, and we should know that this cannot work. We are on notice: What we have done cannot work, it very likely will be vetoed, and we have not the votes to override any veto. We will either act on a jerrybuilt emergency bill of some sort, or see all laws expire. Perhaps unkindest of all, the President might sign our bill, and let is become law. If he did that, we would see a rapid increase in oil imports, and a rapid rise in fuel costs as a result of that; and we would also see a nation much more dependent on foreign oil that it need be.

It is not easy to face a world in which there are resource shortages. But our actions so far indicate that Congress simply is not willing to take the facts as they are, and act accordingly. Instead, throughout this year, we have acted as if the United States has no problem at all. Congress has placed itself in an unenviable position. The President has enough wit to see that, and no matter how he might falter or stumble, there is hardly any way that he could miss this opportunity.

Mr. Speaker, I also believe that section 605 of this bill is unnecessary, and if it is enacted, would create an enormous burden on the people of my State.

Moreover, section 605 would force a much greater use of oil for boiler fuel, and virtually all of that oil would have to be imported. We are supposed to be trying to conserve oil, not force a greater consumption of it.

As I understand it, the Federal Energy Administrator could require, under section 605, that any plant using natural gas as boiler fuel, but which could use oil, burn oil at all times. In other words, places that have had the foresight to install systems that can use either gas or oil, would be restricted to the use of oil only.

It is a fact that it costs much more to use oil as fuel, because oil is more expensive, and because it is less efficient. So those areas, like my district, which can use oil, would be forced to do it. Other places, places that have been less prudent, would be allowed to go on using gas. That is unfair on its face.

There is no need for this. The people of my State know that it would be good to restrict the use of natural gas to other purposes. The Texas Railroad Commission is moving now to restrict or prohibit outright the use of natural gas as boiler fuel. But the unalterable fact is that 90 percent of the electricity in my State is generated by natural gas, and that situation cannot be changed until tremendous investments have been made in new or revised plants.

Section 605 will not speed up that conversion process. All it will do is to add a tremendous burden on communities that have started the process already, and place them at an even greater disadvantage than they already face.

Section 605 will not save gas; it will just deny it to people whose claim is every bit as valid as everybody else's.

I urge that section 605 be struck. There is no need for it. The effect of it would be to say to the citizens of my city, who have millions of dollars invested in oil fuel and new coal plants, and hundreds of millions committed to nuclear power, that they cannot burn any natural gas in their electric plants. At the same time, the town down the road, that has done nothing to effect this changeover, gets to use all the gas it wants, and can get its hands on. So the people of my town, who have made this investment, would be forced to pay still higher costs for electricity, while their neighbors who have been less prudent, pay less.

Cold economic sense tells us that natural gas today will be eliminated as a boiler fuel. But that will happen in a much more fair and equitable way without section 605.

I urge adoption of my amendment.

Mr. Speaker, as to my third and last amendment, everyone has come to realize that we must develop a reliable, economic, and safe new energy source and scientists around the world are working toward this goal. Many of these scientists believe that thermonuclear fusion will one day provide a limitless and low-cost source of energy.

Research into fusion power began in the late 1950's and has gone through a number of complex phases. In the past few years there have been a number of experimental achievements throughout the world that have strengthened the confidence of scientists that the ultimate goal, demonstration of practical fusion power, can very likely be achieved by the mid- to late-1990's.

This is all very exciting and the Energy Research and Development Administration is currently working on harnessing this energy source. They have received a large sum of money for the next fiscal year to continue their efforts.

However, while ERDA is continuing its work in the research and development phase of this alternate energy source I believe it should also be gearing up for practical application of this source, so I am proposing an amendment to this bill that would provide an additional $100,000,000 for a high-priority program to deal exclusively with the practical application of fusion energy.

The current funds appropriated in the House envision a fusion electric demonstration powerplant between 1995 and the year 2000. I strongly feel that we cannot wait until then and that we must accelerate our efforts in this area and initiate a crash program placing fusion energy as our highest priority.

As each day passes our Nation is placed in a more precarious position vis-a-vis our supply of fossil fuel. We continue to use up our supply without knowing what energy sources will be available for future generations.

Developing a new source of energy will cost money, but the future of our children, our Nation, and the world lies in the balance. I hope that the Members will agree with me and support my amendment.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS CONSUMER PRICE RISE SHOWS AGAIN THAT THE ADMINISTRATION'S RECESSION WILL NOT HALT INFLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 5 minutes.

Mr. O'NEILL. Mr. Speaker, the sharp rise in the consumer price index this past month shows what will happen if we permit fuel prices to rise the way President Ford wants them to.

Twice during the Republican administrations of the last 6½ years we have had inflation and recession running rampant at the same time. Now, under the same administration, we have symptoms of the same thing all over again.

The strategy of the administration has

been to fight inflation by putting people out of work. They are still operating under the mistaken belief that a recession will put an end to inflation.

All that has happened is that the same people get it in the neck twice—they do not have jobs; they are trying to live on unemployment benefits which are at best a fixed income; and they discover that everything they have to buy keeps going up in price.

Consumer prices this June were more than 9 percent above the same prices in June 1974. And another serious aspect of the price increase is that it is across the board. Almost nothing went down.

This can only mean more hardship for the consumer, especially the unemployed worker and his family. It undermines economic stability, and it is another blow to economic recovery.

It is further proof of the bankruptcy of the administration's economic policies.

REPRESENTATIVE HARRINGTON AND THE SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 30 minutes.

Ms. ABZUG. Mr. Speaker, last week, the House voted to reconstitute the Select Committee on Intelligence. This action was taken largely to remove Representative MICHAEL HARRINGTON from the committee. I opposed the removal of Representative HARRINGTON, since it was done in response to a courageous act he took after learning of improper conduct by the administration and others.

Mr. HARRINGTON has outlined the events involved in that episode in a recent article in the New Republic titled "Congress' CIA Coverup: Getting Out the Truth." I would recommend this article to all those interested in an accurate chronicle of the events involved in this congressional action:

CONGRESS' CIA COVERUP: GETTING OUT THE TRUTH

(By MICHAEL J. HARRINGTON)

If a President engages in a cover-up of government wrongdoing, as happened in the Nixon White House, he can be challenged through the process of impeachment, which amounts to indictment and trial by the Congress. But what do we do if the Congress engages in a cover-up? Individual members can be censured or expelled, of course, but what if the cover-up is institutional, a product of the most time-honored rules and rituals?

This is precisely the problem that confronts us in the unfolding story of CIA and other intelligence agency misdeeds. To be sure presidential decisions and actions are involved here too, but now we have a situation where members of Congress, in their capacity as overseers of intelligence agency operations, had knowledge of the most blatant crimes and improprieties and nevertheless did nothing. The instance I am most familiar with concerns the CIA's accomplishments on our behalf in Chile in the early 1970s. The reactions to that record by those who came to hear of it are a sobering illustration of the great congressional weakness—the habitual reflex of avoidance and acquiescence, masked by the illusion of activity.

In April of last year, CIA Director William Colby appeared at a closed session of Rep. Lucien Nedzi's Armed Services subcommittee on intelligence and described his agency's long-term involvement in the political process in Chile, where a bloody coup against Salvador Allende Gossens in September 1973 had led to the installation of a military dictatorship. Mr. Nedzi had called Colby in at my urging, so naturally I wanted to know what the director had to say. Not being a member of Armed Services, I had to make special arrangements to view the classified transcript in the committee offices—the privilege of any House member—and after some initial difficulties with the staff there, I got my first look at the material on June 4. What it said left me appalled.

The authorization of bribery, the funding of political factions and propaganda campaigns, the fomenting of strikes and demonstrations, myriad of destabilizing actions—all directed against the duly elected leader of Latin America's most sophisticated democracy—are now matters of public record. Not only does that record indicate violations of standing treaties and other affronts to Chilean sovereignty; it also shows that President Nixon and Secretary Kissinger had lied repeatedly to the American people about our involvement there and that some administration figures had apparently perjured themselves on the matter before certain committees of Congress.

Determined to get some congressional action that would bring these things to light, I approached Mr. Nedzi and asked him what he planned to do with this information. He replied with a philosophical shrug. He had taken the testimony as I asked—what more could one do? This information, after all, was secret.

Knowing full well from my short-term experience as a member of Armed Services (ending in 1973) that Chairman F. Edward Hébert would be even less inclined to pursue the matter than Mr. Nedzi, I spoke with several subcommittee chairmen of House Foreign Affairs, of which I am now a member, and then with some of my staff. I also sought the advice of Larry Stern of *The Washington Post*, a personal friend who clearly understood that the story was not to be released. But the reactions of the subcommittee chairmen and other Foreign Affairs colleagues, though generally sympathetic in tone were equally lacking in commitment. Yes, the Chile story sounded pretty bad, but that was the province of another committee and besides, the information was secret.

I finally wrote to "Doc" Morgan, chairman of the full committee, and to Senator Fulbright. In those two long letters of July 18, I reviewed Colby's April testimony and argued that "the Congress and the American people have a right to know what was done in our name in Chile . . . I urge you to turn this matter to the attention of the Foreign Relations [Affairs] Committee for a complete, public investigation. . . ." I pointed out that the Forty Committee, the interdepartmental body chaired by the President's national security adviser, had authorized the expenditure of about $11 million between 1962 and 1973 to help block Allende's election and then to "destabilize" his government after he won.

"The agency's activities in Chile were viewed as a prototype, or laboratory experiment," I noted, "to test the techniques of heavy financial involvement in efforts to discredit and bring down a government." I gave a general breakdown of the amounts authorized from 1962 through 1973, and explained to the respective chairmen that since acquiring this information I had tried to persuade well-positioned colleagues to pursue the facts but that nothing seemed to be happening. I said I was writing to them as a last resort. Rep. Morgan did not answer my letter. Sen. Fulbright replied, but not very substantively, suggesting that the real solution to the problem was the establishment of a joint committee on oversight.

I felt ambivalent at this point as to how I ought to proceed—I did want to stick with the congressional process but could see no obvious lines to follow. At any rate the matter was set aside in my preoccupation with the summer's major event: the impeachment proceedings of the House Judiciary Committee. Then on September 6, Seymour Hersh of *The New York Times* called me up to inquire about the context in which those letters had been written, saying that he had a copy of one of them. I told him I didn't want the issue raised in this manner and, suspecting he may only have heard a rumor, I said I wouldn't comment on the substance of the letter until I saw his story in print. He assured me I could read it in the *Times* on Sunday, two days later, which I did.

Shortly thereafter Mr. Nedzi asked me to appear before his Armed Services subcommittee to account for the egregious leak. I explained to the group, meeting against my objection in closed session, that the *Times* had not gotten the story from me or my office. But this was not satisfactory, for the point was raised that House Rule XI, Section 27(o) says that no evidence or testimony taken in secret session may be released or used in a "public session" without the consent of the committee. A further issue was the pledge I had to sign in order to read the Chile material, which said that classified information would not be divulged to any unauthorized person. Unauthorized persons, the ensuing exchange made clear, included other members of Congress.

This meeting did not maintain the highest level of discourse—one member compared me to Benedict Arnold—but I tried to make to the subcommittee a distinction between genuine concern for the national security and the facile use of that label to cover official acts of duplicity and illegality. Suggesting this distinction was one of the principal lessons of Vietnam and Watergate, I maintained that the cover-up of US actions in Chile was yet another case of national security's fraudulent application. My remarks did not set well with the subcommittee.

Nevertheless the storm seemed to pass. The next day I wrote to Mr. Nedzi asking that a transcript of the session we had just completed be made available to me when it was prepared. The letter was never answered, and I concluded that Armed Services had decided to drop the matter. I went off to campaign for reelection.

Meanwhile Mr. Hersh had turned over another rock, and in December and January wrote a series of stories alleging that the CIA had conducted a program of massive surveillance of American citizens in direct violation of its charter. Although cynics might have suggested that this only amounted to bureaucratic overlap with the FBI, the revelation jolted Congress in a way that harassment and assassination of foreigners never seemed to—possibly because some reports charged that the agency had snooped on senators and representatives. In any case hard on the heels of the President's establishment of the Rockefeller commission, the Senate voted to set up a select committee to investigate the full range of US intelligence activities. I proposed formation of a similar committee in the House, and after a month-long minuet of maneuver and delay, we had a select committee, too. I felt pretty good about it until the Speaker announced his choice for chairman—Lucien Nedzi.

Lucien Nedzi, the man who had sat on his hands as chairman of that permanent subcommittee on intelligence since 1971, who had listened to the agency horror stories about the bludgeoning of a democracy in Latin America without so much as a murmur to his colleagues—this was the man assigned to conduct the special investigation that would logically include his own lack of action as a subject of inquiry. I went to the floor of the House on the day his chairmanship became official and said I thought it was an outrage. This indiscretion, I was told later by horrified staff and colleagues, was not likely to advance my career—I had been given a seat on the committee myself and would therefore have to work with him—but I felt it had to be said.

Other members of the select committee later came to agree with me. The press really had the scent by now, and it soon came out that Nedzi, as chairman of that Armed Services subcommittee, had been briefed on CIA assassination plots more than a year before and, once again, had done nothing. With this news in hand, the select committee Democrats rebelled, demanding a different chairman. But Speaker Albert balked at dealing with the controversy, advising patience, and the full House later gave Nedzi a resounding vote of confidence by refusing to accept his resignation. This left Nedzi in charge of a committee with which he refused to work, and the investigation came to a standstill.

A major reason for that vote and the subsequent select committee stalemate is what was happening back at Armed Services. Curiously that committee's leadership decided to take up the question of my access to its classified files—stemming from the Chile controversy nine months before—at the very moment when Mr. Nedzi's failure as an overseer of intelligence operations had come to national attention. On June 10, five days after *The New York Times* broke the story of Nedzi's inaction on assassination schemes and at the height of the controversy over his remaining as Select Committee chairman, House Armed Services met in an improperly announced closed session and, without a quorum present, voted unanimously to bar me from further access to its files. No notice had been given me that this action was being considered—in fact I didn't find out about it until two days later.

I won't dwell on the several ways in which this action, rearmed at a later date by a narrow majority of the total committee, was itself a violation of House rules, except to say that a committee cannot take away the privileges a congressman holds under the rules of the House as a whole—one such privilege being access to all committee records, regardless of committee membership. A more telling point is the action's glaring hypocrisy.

Columnist Jack Anderson, for example, was quick to say that he has received leaks of classified information from many members of House Armed Services on many occasions—"I have no difficulty getting secrets out of that committee when I want them," he said. There are tolerable leaks and intolerable leaks, apparently, and the characterization depends not on the strict dictates of the rules but on the current interests of the committee leadership or the Executive branch.

The Armed Services action was perfectly timed to shift the focus of debate on the handling of classified material from Lucien Nedzi to Michael Harrington. And at least over the short term, the tactic seems to have worked. Certainly it contributed to the outpouring of affection for the harried select committee chairman who just happened to have his resignation considered by the House on the day of the second Armed Services vote against me. From the swirl of publicity over another member's endangering of the nation's defenses, Mr. Nedzi was borne up on wings of angels. The vote was 290 to 64.

If one takes a step back from all of this, what emerges is not a narrow controversy over a chairmanship and a member's prerogatives, but a pattern of congressional acquiescence in the seductive game of shared secrets. It starts with the pleasant feeling of being privy to things unknown to the ordinary citizen, but it works very much like blackmail. The more you know about dubious secret operations, the more you are responsible for hiding, and the more you hide, the tighter the grip of the State Department or the CIA or the Pentagon. A large part of Lucien Nedzi's problem is that he got to know so many and such distasteful secrets that he was effectively bound and gagged by them.

There are only two ways to avoid that position. You can stick your head in the sand and let the administration handle such things, or you can challenge the terms of the game itself, for the game is basically a fraud. Certainly the United States needs a first-rate intelligence gathering system, and maintaining that system will require that we keep some secrets. But the acceptance of a classification system gone wild—the mindless rubber-stamping of every conceivable piece of information with the national security label—has obscured the distinction between legitimate intelligence gathering and manipulation of people and institutions. It has provided the cover for almost every kind of crime and impropriety at home, and it has sanctioned covert adventures overseas that have done tremendous damage to our international standing.

After 10 years of Vietnam and the Watergate affair, the American people understand this. They know that their leaders have lied routinely, cloaking arrogance and bullying and greed in terms of the national interest. They know that a secret agency that can overthrow a foreign government is a threat to democracy here. They know that a Congress that will turn away or masquerade to hide those kinds of actions can also dissemble in its handling of just about anything else. The Congress knows this, too, but refuses to admit it. And that is why the House investigation of US intelligence operations will remain a touchy undertaking no matter who is doing the investigating. In the back of every member's mind is the uncomfortable sense that the biggest scandal in the sordid story of CIA wrongdoing is the failure of effective oversight—the cover-up by the Congress.

HEARING OF SUBCOMMITTEE ON MONOPOLIES AND COMMERCIAL LAW OF COMMITTEE ON THE JUDICIARY ON JULY 30, 1975

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, the Subcommittee on Monopolies and Commercial Law of the Committee on the Judiciary, of which I am chairman, announces that it will hold a hearing on present and past energy investigations by the Department of Justice and the Federal Trade Commission on Wednesday, July 30, 1975, at 9 a.m. in committee room 2141 of the Rayburn Building.

THE WEEK OF WEEKS—CAPTIVE NATIONS WEEK '75

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, the 1975 observance of Captive Nations Week, was, indeed, a week of weeks. Symbolically, accidentally, partially contrived or otherwise, during what week of the year is there packed in one a nationwide observance, the tie-up of a Solzhenitsyn with the freedom of all the captive peoples, the President's support of the week, Kissinger's declaration of the Russian writer as a threat to peace, Members of Congress receiving the freedom fighter, the orbital détente of Apollo-Soyuz, and the culmination of the Conference on Security and Cooperation in Europe? Mr. Speaker, all this interrelated in the week set aside for the captive nations.

With the wonderful response in Congress to the week, I am sure our Members are interested in many examples of the observance as compiled by the National Captive Nations Committee which coordinates its activities both nationally and internationally. I include the following:

Frist, proclamations by Mayor Vincent A. Cianci, Jr., of Providence, R.I.; Mayor Bartholomew F. Guida of New Haven, Conn.; Mayor Robert B. Doyle, Jr. of Mobile, Ala.; Mayor Jack C. Hunter of Youngstown, Ohio; and Mayor Thomas G. Dunn of Elizabeth, N.J.;

Second, an editorial on "The Specter At The Feast" in the New York Sunday News; and

Third, an essay by Dr. Lev E. Dobriansky of Georgetown University on "The Illusions of Détente" circulated by the Americanism Educational League in California.

The articles follow:

Proclamation for the City of Providence by His Honor Mayor Vincent A. Cianci, Jr.

Whereas, the imperialistic politics of Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovia, Latvia, Estonia, Byelorussia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, Cambodia, South Vietnam and others; and

Whereas, the desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas, the freedom loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as the leaders in bringing about their freedom and independence; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86–90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate prayer, ceremonies and activities expressing their sympathy with and support for the just aspirations of captive peoples;

Now, therefore, do I, Vincent A. Cianci, Jr., Mayor of the City of Providence, hereby proclaim the week of July 13–19, 1975, as Captive Nations Week in Providence and call upon the citizens to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

Proclamation of the City of New Haven, Conn.

Whereas: The quest for general relaxation of tension and world peace is the key objective of all freedom-loving peoples and one to which the American Friends of the Captive Nations have always fully subscribed; and

Whereas: One of the requisites for achieving this goal is a Europe united in freedom, with each and every nation able to exercise its inalienable right to self-determination; and

Whereas: The greatness of our Country stems from the most diverse of racial, religious, and ethnic backgrounds; and

Whereas: In accordance with Public Law 86–90, unanimously adopted in 1959 by the Congress of the United States by which the third week of July is annually designated as Captive Nations Week; and

Whereas: Captive Nations Week provides an opportunity for all Americans to show the freedom seeking peoples of Ukraine, Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Romania that they have not been forgotten; and

Whereas: A successful Captive Nations Week would contribute importantly to raising the morale of captive people and would thus serve the vital interests of the United States and the entire free world.

Now, therefore, I, Bartholomew F. Guida, Mayor of the City of New Haven, Connecticut, do hereby designate the period of July 13–19, 1975, as Captive Nations Week and call upon all to observe this week with appropriate ceremonies.

Proclamation

Whereas, the imperialistic politics of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, Byelorussia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, Cambodia, South Vietnam and others, and

Whereas, the desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war, and

Whereas, the freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as the leaders in bringing about their freedom and independence, and

Whereas, the Congress of the United States, by unanimous vote, passed Public Law 86–90 establishing the third week in July each year as "Captive Nations Week" and inviting the people of the United States to observe such week with appropriate prayer, ceremonies and activities expressing their sympathy with, and support for, the just aspirations of captive peoples;

Now, therefore, I Robert B. Doyle, Jr., Mayor of the City of Mobile, Alabama, do hereby proclaim the week of July 13–19, 1975, as "Captive Nations Week" and call upon the citizens to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

Proclamation

Whereas: The imperialistic politics of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, Byelorussia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, Cambodia, South Vietnam and others; and

Whereas, the desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas, the freedom loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as the leaders in bringing about their freedom and independence; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86–90 establishing the third week in July each year as "Captive Nations Week" and inviting the people of the United States to observe such week with appropriate prayer, ceremonies and activities; expressing their sympathy with and support for the just aspirations of captive peoples.

Now, therefore, I, Jack C. Hunter, as Mayor of the City of Youngstown, Ohio, do hereby proclaim the week of July 13–19, 1975, as "Captive Nations Week" in Youngstown, Ohio, and call upon the citizens to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

MAYOR'S PROCLAMATION

Whereas, the imperialistic politics of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, Byelorussia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, Cambodia, South Vietnam and others; and

Whereas, the desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas, the freedom loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as the leaders in bringing about their freedom and independence; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86–90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate prayer, ceremonies and activities; expressing their sympathy with and support for the just aspirations of captive peoples:

Now, therefore, I, Thomas G. Dunn, Mayor of the City of Elizabeth, New Jersey, do hereby proclaim the week of July 13–19, 1975, as "Captive Nations Week" in Elizabeth, and call upon our citizens to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

The Specter at the Feast

By the presidential proclamation, the nation begins its annual observance of Captive Nations Week today.

As far as official Washington is concerned, however, only minimal, dutiful attention will be accorded the occasion.

Sad to relate, Captive Nations Week has come to be regarded by many of our leaders as a disquieting, embarrassing ghost from the past haunting detente banqueters.

Indicative of this new atmosphere is the fact that President Gerald Ford, two days after urging Americans to remember the oppressed of the Communist world, pointedly passed up an opportunity to meet Alexandr Solzhenitsyn, who personifies the sufferings and the yearnings of those people.

The White House later conceded that Mr. Ford snubbed the Russian author and anti-Communist patriot so as not to give needless offense to the Kremlin.

The subsequent disclosure by White House sources yesterday that the President was now "willing" to meet Solzhenitsyn came only after the Russian novelist accepted an invitation to meet with 24 senators on Capitol Hill next Tuesday. This whole performance must be disheartening for the millions of wretched slaves who hoped detente would be used by America as a lever to pry open the Iron Curtain.

That is, indeed, what we should be doing. But instead it appears that the administration has committed itself to acceptance of a European Security Pact—which will tacitly ratify Moscow's claim to hegemony over the vast territories it conquered, occupied, subdued and converted into vassal states at the end of World War II.

By inference, this agreement also acknowledges the validity of the so-called Brezhnev Doctrine, by which the Soviet Union claims the right to use armed force if necessary to keep the Communist yoke fastened on its satellites. It was invoked in 1968 to suppress Czechoslovakia's bid for a measure of national independence.

We believe that such one-sided arrangements violate the whole concept of detente, which must be based on understandings that offer mutual advantages if it is to have any real meaning. It will indeed be a tragedy—for the nation and the world—if our effort to improve relations with the Soviet Union becomes an instrument for sealing the fate of the Captive Nations rather than a means of effecting their gradual liberation.

The Illusions of Détente

(By Dr. Lev E. Dobriansky)

The essential freedom message of the two towering Russian intellectuals—Andrei Sakharov and Alexandr Solzhenitsyn—is not fully understood in the Free World. In calling for the withdrawal of Russian power to the national borders of Russia and the renunciation of Marxism-Leninism, they are in essence calling for the freedom of the 11 non-Russian nations in the USSR, the end of Russian imperio-colonialism, and the open admission of the bankruptcy of Marxist philosophy.

A structure of enduring peace will rest far more on freedom for tens of millions of citizens in the captive nations than on any series of bargained deals between Free World governments and the tyrannical government of the USSR.

With one-third of mankind still in totalitarian, communist captivity, all freedom-loving people must now focus their primary attention on the spreading, dangerous illusions of détente. Part of the antidote to these illusions is a review of the long list of captive nations: 27 peoples held in bondage . . . many since long-ago 1920 . . . nearly half of them in the Soviet Union itself . . . and including one non-Russian nation alone—the Ukraine—with a population of 45 million people!

To evaluate international events today, an understanding of Moscow's traditional three-pronged policy is indispensable. This program for world conquest consists of: (1) A controlled, totalitarian and imperialist consolidation within the inner empire of the USSR and the outer empire of the so-called satellite states of Central Europe; (2) guided by the effective "peaceful co-existence" strategy, the second unit is a divide-and-subvert process in the West; and (3) the final part, generating "wars of national liberation," consists of a progressive infiltration and undermining of the less developed areas of the world.

Sub-parts of this program are the hyper-KGB activities in the USSR, the arrests of hundreds of intellectuals, the unremitting surge of militarism, the tightening of economic controls, "regionalizing" economic plans to reduce national republic distinctions and rampant Russification to destroy the nationalism of each non-Russian nation in the outer empire.

The prime character of the USSR is not socialistic but rather technocratic, totalitarian and militaristic, with most of the Kremlin rulers being trained in the Stalin mold—armed to the teeth, intent on achieving military superiority, and ready to furnish arms to all trouble spots of the world.

An American diplomacy of accommodating compromise, which always results to the net advantage of the Red aggressor, is scarcely a guarantee of continued freedom from communist domination. Treaties, negotiations, cultural exchange, trade and other involvements were rife in relation with Nazi Germany, but all of these failed to alter the course of history. And the injection of the nuclear age does not make such activities any more substantial.

Secretary of State Kissinger has given this definition: "Detente is a process of managing relations with a potentially hostile country in order to preserve peace." The main weakness of this concept is that the USSR, by stated intent and by open and covert action, is hardly just a "potentially hostile country"!

There are 8 major illusions of detente at this time. Briefly, they are (1) The Nation-State Illusion, under which we view the USSR as a "nation-state" with Soviet citizens of different ethnic backgrounds similar to the pattern in the U.S. But in reality, the Soviet, with its millions of unwilling subjects, is an empire-state, multi-inter-national in composition. (2) The Non-Interference Illusion—our agreement not to interfere in the internal affairs of the USSR. In the case of an empire-state, founded on conquest and oppression, and with admitted ambitions for expansion, this policy makes sense only to the imperialist power. A government founded on principles of justice can hardly justify playing mute to grave, clear-cut injustices in the very camp of its chief enemy. (3) The Institutional-Policy Illusion—this is the strange notion that the external policy of a state can be divorced from its internal policy. To hope for substantial changes in the former without essential changes in the latter is the illusion. (4) The Peaceful Coexistence Illusion—under which we believe that "peaceful coexistence" means a "live-and-let-live" policy. For Moscow, it means ideo-political warfare in all its dimensions against the West. In our country it is already an open secret that the F.B.I. cannot cope with the vast inflow of agents from behind the Iron Curtain. (5) The Non-Ideological Illusion—some detentists hold that the ideological power of communism is minimal and that there is little to fear from it. True, its hold on the hearts and minds of the Russian populace and among the captive non-Russian nations is nil. But it is an effective tool to attract all sorts of elements in the Free World who have not experienced the oppression of the captive peoples. (6) The Humanist Illusion—bred by the "mellowed communist" fantasy of the '60s, many detentists view the Kremlin leaders as de-Stalinized types more reasonable to work with toward peace. They forget that tens of thousands still linger in USSR prison camps, psychiatric wards and terminal cells . . . and that Russia, with an economy half our size maintains a military output comparable to ours. (7) The Economic Interdependence Illusion—which is that trade and long-term joint projects will make peace more secure than ever before. But so long as we get no politico-social concessions in the USSR itself, economic interdependence is only an illusion resulting in the Soviets acquiring our advanced technology to shore up their messy, labor-short and capital-starved economy while their overall program for conquest races on. (8) The Non-Morality Illusion—finally, the supposedly hardnosed play of power balances—leaving no room for idealism, human rights, freedom or moral forces—is perhaps the most absurd illusion surrounding detente. Regardless of imperfections, the whole story of America is founded on moral idealism—and the continuing impact of American idealism is one of our greatest weapons against Soviet totalitarians!

Detente pursued on the basis of these illusions will only court disaster for us and for the Free World. A genuine detente must include real, mutual benefits, and must preclude violence, further arms build-up and violation of fundamental human and national rights. Invoking the nuclear scare is no realistic argument for an illusory detente. But a genuine detente, based on the factual counterpoints to the illusions, is the hope of the world!

A PROGRESSIVE PROGRAM FOR "A BACKWARD NATION"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Rooney) is recognized for 5 minutes.

Mr. ROONEY. Mr. Speaker, I had the privilege this noon to hear a most interesting and important address by Lewis W. Foy, chairman of Bethlehem Steel Corp. He spoke at a meeting of Washington's Downtown Rotary Club.

Mr. Foy finds that the United States is a "backward nation" in terms of industrial development and economic growth and urges Congress to consider a "progressive program" to move the Nation forward.

In his message, he identifies specific policies as retarding economic growth and offers specific remedies to create "a dynamic economy that will build our strength in world markets and bring a new prosperity to this land and all its people."

Mr. Speaker, I include Mr. Foy's remarks in the Record and I invite the attention of my colleagues to his thought-provoking address:

A Progressive Program for "A Backward Nation"

(By Lewis W. Foy)

I want to thank you for giving me the opportunity to talk to you today. I have an important message, and I'd like to set the stage by telling you about "a backward nation."

I'm talking about a nation that's been "backward" in terms of economic growth. Over a long period of years that particular nation had an average economic growth rate of only four percent a year—less than half the growth rate in Japan, and 17th among twenty leading industrial nations.

Seventeenth out of twenty in economic growth? I say that's "backward."

I'm talking about a nation that's been "backward" in terms of fixed investment as a share of total national output. Over a period of more than a dozen years (1960–1973), that particular nation was in last place among eleven major industrial nations. Its nonresidential fixed investment rate, 13.6 percent, was a third lower than the average for the entire group.

Last place in fixed investment as a share of national output?—I say that's "backward."

I'm talking about a nation that's backward in terms of plant and equipment modernization. According to a recent survey, more than 20 percent of its manufacturing capacity is twenty years old or older, and the proportion of newer capacity hasn't been going up—it's been going down.

As a prominent speaker said right here in Washington two weeks ago, the percentage of that nation's machinery that's more than ten years old is *double* the percentages in Japan and West Germany.

When one nation lags behind while others are going all-out for modernization, I say that's "backward."

Finally, I'm talking about a nation that's "backward" in terms of productivity.

This particular nation's "average rate of growth of gross domestic product per worker" is dead last among eleven major industrial nations.

And, this particular nation's "annual rate of growth of manufacturing output per man-hour" is in last place among those same countries.

Add it all up and what do you get? A nation with lagging capital investment . . . lagging economic growth . . . lagging plant modernization . . . and lagging productivity . . . and I say that's a pretty fair description of a "backward nation"—a nation that's falling behind.

Well, I guess you know what country I'm talking about. It's our country, the U.S.A.

Most of the figures I recited come from a recent study by the Treasury Department. It was released on April First, but it isn't a joke. It's a shocker! It ought to shatter our complacency and awaken all Americans to the urgent and compelling facts of economic life.

Of course we're still an economic powerhouse. Of course we still have a sizeable lead over most other countries in a lot of respects, but we're losing our lead, and fast. Relative to the other major industrial nations, we're moving backward.

Why? Because too small a share of the nation's output is being allocated to investment. We simply aren't plowing enough of our resources back into productive enterprise, into the engines of growth and progress.

Again, the question is why? And I don't say for one minute that there's only one, single explanation. But I can certainly rule out a couple of possibilities: that the American industrial community doesn't want to invest for modernization and growth, or that we don't see the need for it.

We see the need for it, all right, and we want to get cracking. In fact, now more than ever.

Now more than ever because the cutbacks in capital spending brought on by the business recession only deepen our long-run problem. We've got to make up for lost time, because the growing demand for our products is readily foreseeable. We got a taste of what shortages can mean during the boom of '73 and '74, and it mustn't happen again.

What's more, you don't need a crystal ball to see the need for new employment opportunities. The people who'll be coming into the labor force for years to come are in school right now, and we have a good idea when they'll be looking for jobs.

About a million-and-a-half people will be entering the private labor force every year between now and 1980, and we want to make sure there are jobs for them, and I mean good jobs. But the average investment to create just a single new job opportunity is rising all the time. It's about $25,000 now, and it'll be close to $35,000 by 1980.

You might think about that for a moment: $52½ billion in the year 1980, just to create enough new job opportunities for the people coming into the labor force that year.

All right, then. How are we going to do it, this year, next year, every year? Corporate profits can't generate that kind of money, not the way things have been going.

The equity route is at a dead end these

days, and there are limitations to further borrowings. Even if corporate debt weren't at record heights, there's the crowding-out effect of massive borrowing to cover oversized Federal deficits.

Where's that private investment capital coming from? How in the world is our "backward" nation going to get moving forward again?

In my opinion there's no way to do it without an enlightened and coherent Federal income tax program.

Make no mistake about it, capital recovery is another area where we're backward by the standards of most other industrialized nations.

The nations that have been showing us their dust have more favorable capital recovery allowances than we do for industrial machinery and equipment. They recover their expenditures faster, so they can plow those funds back into new projects.

And that's not all they do to encourage capital investment. Most other countries don't even tax capital gains as income, and practically all other countries avoid double taxation of corporate earnings.

Income tax policy is a hot subject right now, and it's going to be on the front burner for a long time to come. And you can be sure that some people will be doing their best to "give business the business."

But some of us see far beyond narrow political considerations. Some of us see far beyond doctrinaire ideology. Some of us are looking at what's needed to make our economic system work—not for the exclusive benefit of the favored few, but for all Americans.

What I'm talking about aren't so-called "tax breaks" to enrich the nation's investors and line the pockets of corporate executives. I'm talking about the need to get our economy rolling again, and keep it rolling.

Encouraging investment is no more a "giveaway" to investors than encouraging social programs is a "giveaway" to social workers!

But we won't get the economy back into gear unless and until the private sector can generate the capital funds needed for modernization and growth. In the case of my own industry, that's something in the order of $5 billion a year.

Today I want to urge just five tax-related measures that are needed by companies like mine, and industries like the steel industry, and manufacturing and mining industries in general. To my way of thinking, these five measures are rock-bottom requirements.

I want to keep this short, so I'll just give you the highlights.

First, I urge Congress to enact a realistic, effective capital recovery system.

The guts of this system has to be full and fast recovery of expenditures for plant and equipment. Under the present depreciation system we don't recover our investment fast enough to plow it back into more capital spending when, as today, funds for capital spending are in short supply and badly needed.

And cost inflation makes matters a lot worse. Our original cost basis gets more ridiculous every year that replacement costs spiral upward. The longer the period for depreciation, the less we recover of the real costs of replacing our old equipment with equivalent modern equipment.

Just listen to this: in 1974 alone the tax depreciation for the steel industry would have been at least one-third greater if depreciation had kept pace with inflation—and that means about $500 million in depreciation deductions.

By the same token, since 1970 the industry has taken a really colossal shellacking—$1½ billion lost in tax depreciation.

Right there you have a primary reason why there's a capital shortage. The combined effects of Federal taxation and inflation are devouring more than half the capital we'd otherwise be able to plow back into productive equipment.

What can we do about it? For starters, I recommend an immediate 40 percent reduction in the class lives currently allowable under the Class Life (ADR) Depreciation System, with a corresponding reduction in the depreciable lives for industrial buildings.

For the longer term, Congress should replace the present depreciation rules with a true capital recovery system. The cost of machinery, equipment, and industrial buildings should be recoverable over a five-year period.

Further, such a system should permit the investment tax credit to continue at its full rate, and allow the use of accelerated methods of computing the annual capital recovery deduction.

What's more, capital recovery deductions should be allowable when the expenditures are incurred, rather than when the facilities are put into service. That's vital to industries like mine, where capital construction projects—and expenditures—extend over as many as three to five years.

The government wouldn't be losing tax revenues in the long run; the faster we depreciate, the sooner we lose our deductions.

Even more important, the faster we can make those expenditures, the sooner we can stimulate the economy. The sooner we can get capital projects going, the sooner we can provide new jobs, and the sooner we'll get those facilities into operation and generating taxable personal and corporate incomes through increased production.

So let's set our sights on a real capital recovery system. It's a sure-fire formula for economic growth.

Second, all that I've said about capital recovery goes double for the capital we're putting into pollution-abatement facilities.

Those facilities rarely produce a cent of income. In fact, they incur heavy operating costs, year after year. And by the way, they also eat up precious energy at a ferocious rate.

In such cases the usual rationale for depreciation—recovering the expenditures out of earnings—makes no sense at all. There aren't any earnings!

So, I recommended—I urge—that outlays for pollution control may be written off immediately, in the year the costs are incurred, or over any period that the taxpayer elects.

The more we can afford to do to clean up the environment, and the faster we can do it, the better the public purpose is served.

My third recommendation is this: Let's stop playing games with the investment tax credit. The Tax Reduction Act of 1975 took a step in the right direction, but it's only a single step.

At last Congress acknowledged what we've known for a long time, that the tax credit pays off in more investment. So far so good. Raising it from seven to ten percent was a sensible move, but limiting the increase to two years wasn't.

The business community needs certainty in order to plan ahead, and we need more than two years for long-range financial planning.

Let's boost the tax credit to 12 percent, as the President's Labor-Management Committee recommended, and let's make it permanent.

That would be another powerful shot-in-the-arm for economic growth and job formation, and it would lay the basis for increased future tax revenues.

Fourth, let's do something about double taxation of corporate profits. I mean taxing income when earned by the corporation and again when it's received by shareholders in the form of dividends.

Most other industrial nations have systems that provide relief from double taxation, and I think that's the way we ought to go. In the long run it'd help open up the possibility of more capital formation through sales of new issues of corporate stock.

Naturally, if this means better returns to investors in the long haul, some people will say we're lining the pockets of the so-called "fat cats." But let's not forget that about 35 percent of all corporate stock is owned by institutions—pension funds, college endowments, charitable foundations, and other institutions that deliver benefits to most Americans.

But I'm not about to apologize for improved returns on investment, even to the much-maligned wealthier citizens of our land—the "capitalists." Anything that encourages them to put more of their wealth into job-creating business enterprise would be a smart move. It may bother some people, but it'd be good for the country, and that's no small consideration in my book.

There's no need to say exactly how to go about avoiding double taxation. There are a lot of possibilities. But just to give you a clearer idea of the kind of thing I have in mind, a 25 percent deduction for dividends paid would be an excellent move. Initially, it might cost $4 billion or so in Federal revenues, but I think it would more than pay for itself in terms of economic growth.

My fifth and final recommendation has to do with natural resources—mining and energy production.

I'm not suggesting anything new. All I want to do is urge the continuation of the existing tax provisions—notably, percentage depletion. It's terribly important to the extractive industries. It's been a helpful feature of the tax code for more than forty years, ever since 1932.

Today, when the national well-being requires the greatest possible assurance of ample mineral raw materials and energy resources, we've got to encourage exploration, development, and production. This is expensive. It costs like sin. And not only that, but it's just about the riskiest business going.

Both deterrents—high cost and high risk—are escalating. We have to look farther and work harder to get lower-grade ores. For example, my company is the major participant in a joint venture for taconite development in Minnesota. The final tab is going to be about $300 million, and that's a lot of capital right there.

A single new coal mine complex in West Virginia is going to cost us at least $50 million.

The capital demands are staggering, just to meet a small part of our future needs for raw materials. Percentage depletion certainly helps. It can generate a significant amount of the capital required for new raw material projects.

Percentage depletion has worked well for more than forty years, and this is no time to meddle with it. I urge Congress to keep that provision of our tax laws intact.

That's my message. We simply can't afford to be a "backward" nation. There's too much at stake. We've got to move forward.

The economy of this country needs a better capital recovery system; a permanent 12 percent investment tax credit; immediate write-off of pollution-control expenditures; relief from double taxation of corporate profits paid out in dividends; and, retention of percentage depletion to encourage development and production of mineral resources.

The immediate and long-lasting payoff will be nothing less than solid economic growth. And I'm not talking about benefits that, as some people say, would just "trickle down" to all Americans.

I'm talking about jobs; I'm talking about food on the table and goods in the stores; I'm talking about a dynamic economy that'll build our strength in world markets and bring a new prosperity to this land and all its people.

This is worth fighting for, and I hope you'll join me in letting Congress know where we stand!

THE GREAT RAIL HOAX OR HOW THE FEDERAL GOVERNMENT PLANS TO SAVE THE RAILROADS BY DESTROYING THEM

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, any number of individual citizens and organizations in and around my district have been extremely active over the years in trying to promote sensible transportation policies. They succeeded a couple of years ago in preventing construction of a proposed crossing over Long Island Sound, known as the Rye-Oyster Bay Bridge. I have had the pleasure of working with these people overtime in efforts to promote mass transit and block ill-advised highway schemes.

Many of them worked, as I did, in 1971 for the defeat of a multibillion dollar bond issue proposed by New York State which would have had tremendous adverse environmental and transportation effects and which would have increased the State's debt to even higher levels than it then was. We were mightily pleased by the success of that effort, in that it demonstrated some success of the education effort such citizens' organizations have been making these past 10 years.

Several organizations have recently published a flyer about railroads in the Northeast and Midwest which critiques some of the actions—and nonactions—of the Federal Government in supposed efforts to save the rail systems. I would like to share with my colleagues the text of this well thought out flyer, entitled "The Great Rail Hoax, or How the Federal Government Plans to Save the Railroads by Destroying Them." It was prepared by Sound Action, a group in my district which is affiliated with the New York State Transportation Council, the Northeast Transportation Coalition, and the Northeast Corridor Rail Action.

THE GREAT RAIL HOAX OR HOW THE FEDERAL GOVERNMENT PLANS TO SAVE THE RAILROADS BY DESTROYING THEM

What do you think will happen to local businesses, local jobs, consumer prices, and the economy everywhere, if the federal government destroys local rail service in the Northeast and Midwest? Why does the government have a plan which will quickly and inevitably do just that? What will it mean to you, and what can you do about it?

HISTORY

The railroads, now in bad trouble, once were the backbone of transportation.

In the 19th century, government encouraged their growth with land grants. The country grew with the railroads. Then, as they came to monopolize long-haul transport, the government regulated them. But with today's proliferation of motor vehicles, the railroads have long since lost their dominance, and regulations appropriate earlier are inappropriate now.

World War II checked a 50-year decline in U.S. railroads, then after the War the decline resumed. Its causes are many, of which the most important are:

Developing technology of rival transportation modes, especially motor vehicles.

Massive public subsidy of highways, airways, inland waterways.

Deferred rail maintenance because of insufficient earnings.

Today eight railroads in the Northeast and Midwest are bankrupt including the Penn Central, the nation's largest, and the Ann Arbor, Erie Lackawanna, Boston & Maine, Central of New Jersey, Lehigh Valley, Reading, and Lehigh & Hudson.

To save their service from collapse, Congress passed the Regional Rail Reorganization Act of 1973 in order, among related aims, to "preserve and maintain . . . an efficient rail transportation system."

BRINEGAR REPORT

A first requirement under the Act was that the Secretary of Transportation prepare a report on rail reorganization (Brinegar Report), February 1, 1974.

In open misinterpretation of the Act, the Brinegar Report addressed itself to only one goal out of eight of the Act's stated goals—railroad profitability—and flatly disregarded all of the considerations under the Act's Title I, Declaration of Policy, and Title IV, Local Rail Services: energy conservation, environmental protection, local rail services' contribution to energy conservation and environmental protection, employment, safety, cost per ton-mile, and public convenience and necessity.

2,691 witnesses testified on the Report at public hearings, most of them on behalf of local rail service needs.: The Brinegar Report marked as potentially excess one-fourth of the trackage of the Region. These abandonments, if carried out, would destroy thousands of businesses and several hundred thousand jobs.

The 1968 merger of the Pennsylvania Railroad and the New York Central into the Penn Central had stressed this same theme of profitability through abandonment—only, instead of profiting, in 1970 the Penn Central went bankrupt. Similarly, when British Rail took over the British railroad network, it abandoned unprofitable branch lines which fed traffic into profitable lines; its profitable lines in turn became unprofitable, leading to further loss.

By basing profitability of railroads on carloads per mile instead of actual costs and revenues, the Brinegar Report was able to mark whole profitable railroads for abandonment.

Report-recommended abandonments would add 2 million truck loads annually to highway traffic, when trucks consume four times more energy per ton-mile than rail transport consumes—although the Act requires that the Final System Plan use the transportation modes using the smallest amount of scarce energy resources.

An efficient rail pattern is necessarily a grid, a network, of lines for direct haul between points, to save time, fuel, labor, and equipment. The Brinegar Report's designations of "potentially excess" trackage created rail stubs going nowhere.

When choosing between one rail route and another, the Report repeatedly chose a poorly graded, energy-wasteful, longer route, in preference to a better-graded shorter route. The Report took no account of clearances.

The Brinegar Report made no provision for a rail freight corridor in the Northeast extending from Jersey City east of the Hudson, without a detour of from 150 to 335 miles. East of the Hudson are New York City and Boston.

The Rail Services Planning Office (RSPO) at the ICC agrees "with those public witnesses who questioned whether there would be enough lines remaining after applying the DOT Report criteria to form a rail 'system' at all."

The Report was regressive, looking at the rail system as a vestige of the past instead of as what it could be. It paid no attention to the future needs of the Region or to how rail improvement could attract a share of truck traffic to rail. Encouragement to highway construction was implicit in the Report.

USRA "PLAN"

A next requirement under the Act was that the newly created United States Railway Association (USRA) prepare a Preliminary System Plan (the Plan) for rail reorganization in the Northeast and Midwest. The "Plan" appeared in February, 1975.

Following the lead of the Brinegar Report, the USRA Plan again proposed rail reorganization by abandonment. The Rail Services Planning Office (RSPO), a new federal agency which the Act created and placed in the office of the Interstate Commerce Commission, questioned whether the Plan was a Plan at all, finding it to be, rather, a report or commentary. Its underlying carload data were incorrect (based on waybills written so that actual origin and destination of freight could not be determined), its method of selecting lines for abandonment inappropriate and unfair, and, like the Brinegar Report, it pursued only one goal of the eight goals of the Act—that of railroad profitability—while disregarding the other goals, and disregarding the Congress's stated intent in the Act's Declaration of Policy and in the Act's Title IV to foster energy conservation, environmental protection, local rail services' contribution to energy conservation and environmental protection, employment, safety, cost per ton-mile, and public convenience and necessity.

Please note: In criticizing the Brinegar Report and the USRA Plan, we should like to point out that their deficiencies, in part, arise from their writers' decision to cut the cloth to fit what they believed was politically feasible, rather than doing the best possible job of professional planning and leaving political feasibility to the politicians.

The Plan's data base on revenues and costs included errors all the way from omitting one or two carloads to omitting several thousand carloads a year.

The Plan marked for abandonment one-fourth of the trackage of the railroads in reorganization, softened by two years of possible partial subsidy. Of the 1900 persons testifying on the Plan at the public hearings, 1400 testified on the issue of local lines and provided data on most of the 343 lines marked for abandonment—actual data, unlike the Plan's misleading data. Witnesses united vehemently to oppose USRA's method of determining whether a local line should be retained or abandoned, and expressed incredulity that USRA used a statistical local-line analysis similar to the DOT's in its Report, summed up by RSPO as "unanimously rejected by the public at every phase of the reorganization proceedings."

The Plan analyzed the same local-service lines that the Brinegar Report had recommended for abandonment, and carried the Report policy of misleading data and mistaken method even further by dividing local services into sub-segments and expecting them to pay for themselves; while costs of a branch were overestimated by as much as 47%; and revenues frequently underestimated.

Those testifying on the Plan's financial projections were nearly unanimous that they were speculative, unsubstantiated, and unrealistic. Witnesses for the solvent railroads observed that the operating efficiencies anticipated for the Consolidated Rail Corporation (ConRail), created by the Act, were unattainable. USRA's use of modified betterment accounting artificially reduced ConRail's expenses and inflated net income. The Lehigh Valley pointed out that if the Lehigh Valley used USRA's methods, it would have had a net income of $200,000 in 1974 instead of the $5,800,000 loss it actually did have. The consensus was that the federal government would end up paying many more billions of dollars—$6–8 billion instead of the

$2-3 billion shown in the Plan—in loans, grants, subsidies, and acquisition costs. As Governor Milton J. Shapp of Pennsylvania put it, the USRA Plan was just a blank check on public moneys.

Governor Shapp remarked that it was western Congressmen who shepherded the Act through the Congress. If and when ConRail were to fail, the solvent western and southern carriers could skim off the mainlines of the eastern carriers, while ConRail—ultimately the taxpayers—would be liable for deficiency judgments to the creditors of the bankrupts.

The Plan took rehabilitation cost estimates from four different sources without reconciling them, for example, rehabilitation of the 6,200 miles of lines marked for abandonment was estimated variously at $160,000 per track mile ($1 billion total) and $10,000 per track mile ($60 million total) to return these lines to FRA Class 1.

Witnesses observed that some local lines marked for abandonment are essential segments of Amtrak lines, for example, in Indiana and Michigan.

The Sierra Club pointed out that, while the Plan discussed energy and environment, it did not consider them when making any decisions.

USRA in its Plan, like the Brinegar Report before it, assumed that light-density lines were major money losers. Yet light-density-line losses have been proved in fact to be only a small part of the bankrupts' losses. USRA itself estimated them at only 17% in 1974.

The USRA Plan disregarded the revenues generated by the lines it recommended for abandonment: $70 million in 1973 for the railroads that owned the lines, and $200 million for the railroad industry as a whole.

The Plan's statistics for local economic impact were compilations for counties. Local impact disappears at the county level. The USRA Plan therefore did not reveal, but concealed, local economic impact.

The Plan's cost estimates were based on operations on track in such bad condition that trains must move under 10 miles per hour, through seriously deteriorated yards, and using outmoded deteriorated equipment. Nationally as much as 40% of trackage may be under slow-order at one time. RSPO points out that ". . . by relying on historical data from companies whose costs have exceeded their revenues about 10%, the Association built in a bias toward exclusion."

Implicit in USRA's Plan, as in the Brinegar Report before it, was encouragement to increased highway construction.

POLITICS, ANYONE?

It is no accident that the Brinegar Report and the USRA "Plan" transparently encouraged highway construction.

Since the establishment of the federal Highway Trust Fund in 1956, federal and state funding of highway construction has been $20–25 billion a year or $275 billion in all to date, more than a quarter of a trillion dollars. The Department of Transportation is mainly a highway department. Massive pork, patronage, and power are in highway construction, as are the profits of the members of the highway lobby like the oil corporations. Trucks consume 4 times more fuel per ton-mile and automobiles 9 times more fuel per passenger-mile than rail transport consumes.

Claude S. Brinegar, the Secretary of Transportation who fathered the DOT Report, a Nixon appointee, had been an oil company employee. Note that the Secretary of Transportation is a member of USRA's board of directors.

Oil corporations contributed more than $4.9 million to Richard Nixon's 1972 presidential campaign; and the truckers $600,000–700,000, the largest single contribution. President Ford plays golf with top highway lobbyists.

George W. Brown, transportation consultant, has observed that one 72,000 pound interstate truck causes as much damage to high grade pavement as 6000 passenger cars. Through gasoline taxes, passenger cars pay by far the larger share of highway construction funding, while trucks pay relatively little. If the government subsidized freight movement on rails at the same rate that government subsidizes it on highways, the annual rail subsidy would be $34 billion.

In 1974 Congress passed a law increasing the maximum weight of trucks on interstate highways from 72,000 to 80,000 pounds. In June, 1975, President Ford signed into law a bill freeing for use by the states $11.1 billion in highway construction funds, in the name of jobs for the unemployed—even though the Regional Rail Reorganization Act, already law, requires an immense labor force to carry out rail restoration, the primary means that the nation has to reverse energy-waste of motor vehicles and environmental pollution.

WHAT CAN YOU DO AS A CITIZEN, A LEGISLATOR, A BUSINESS LEADER?

If you can afford to pay an inflationary $275 billion in highway construction 1956–74, you and all of us can afford the relatively modest funding that rail rescue requires.

Rail rescue will save thousands of businesses in the Northeast and Midwest along with hundreds of thousands of jobs, and will create millions of man-hours of new work in rail restoration, maintenance, and service.

Of all transportation modes, rails move the largest number of people and the greatest quantity of goods in the fastest time with the least fuel consumption, the least environmental pollution, and the least cost to consumers.

Stop the Great Rail Hoax—Stop the Federal plan to "save" the railroads by destroying them.

If you are a United States Senator or Member of the House of Representatives, we urge you to initiate and support these actions:

Recognize that local service is as important as through- and mainline service to the national economy. Forbid abandonments. Keep all disused track in a track bank on its right-of-way for reactivation when needed.

Establish an Interstate Railway System, on the model of the Interstate Highway System with parity of funding so that rail carriers, paying user fees, can use our rails just as trucks use our highways.

Rehabilitate the fixed plant of the Interstate Railway System. Recognize the railroad fixed plant for what it really is: a public trust. Treat the railways the way we treat highways, airways, inland waterways. The public will pay less in the long run.

Reject the USRA Plan as a transparent device to dismember the railroads for the benefit of the highway lobby, all the while it pretties up the dismemberment with possible temporary subsidies. As one of the Public Counsel at RSPO remarked, the Plan is a shell game. The public pays and gets nothing.

When rail fixed plant has been restored to good condition remove price restrictions from all carriers—railway, highway, airway, and inland waterway—and let them compete. Charge each carrier fees equal to the actual cost of his use of fixed paint

Make rail rehabilitation, purposely and aggressively, the nation's primary means to achieve cheaper and better transportation, conserve energy, protect and improve the environment, restore economy of land use, reduce inflation, lower consumer prices, improve the balance of import-export payments, save hundreds of thousands of jobs, and create millions of man-hours of new work restoring and maintaining the railroads.

If you are a citizen:

Write to your Senators and Congressmen. Urge them to initiate and support the above actions.

Or photocopy this leaflet, clip to it a short handwritten note of your own, and mark with colored pencil the paragraphs you want your Senator and Congressman to notice. Drop in the mail.

Or go in to your Congressman's district office ask to see an aide, point to a paragarph, and pound on the aide's desk.

Tell your Senators and Congressman your views before they freeze their views. Now. The Final System Plan is due to be presented to Congress for approval July 26, 1975.

NATIONAL WILDLIFE RANGES

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, the Committee on Appropriations has taken a very commendable action in the report on the interior appropriations bill with respect to the national wildlife refuge system, a system which directly affects 49 out of the 50 States.

The committee report says that the Interior Department intended to oust the U.S. Fish and Wildlife Service from three western wildlife ranges, and to place these ranges in the sole charge of the Bureau of Land Management, although the impact of this change upon the national wildlife refuge system was not properly considered. The report directs the Interior Department not to transfer these ranges to BLM unless and until authority for such transfer is provided by appropriate legislation.

I applaud this constructive action by the Appropriations Committee, and I observe that the House will soon be considering H.R. 5512, which is now pending on the calendar, a bill that requires the Fish and Wildlife Service to administer all units of the national wildlife refuge system.

The three wildlife ranges in question are of nationwide significance—the Kofa Game Range in Arizona, Charles Sheldon Antelope Range in Nevada and Oregon, and Charles M. Russell National Wildlife Range in Montana. And the precedent that would be set by allowing any of these to be turned over to BLM would be a blow to the integrity of the entire refuge system.

The Bureau of Land Management, after all, is not primarily a wildlife agency. It is not even primarily a land management agency, despite its name. Its predominant functions are in energy development. Under the fiscal 1976 budget, 59 percent of BLM's program is in the energy field. In view of this conflicting mission, BLM clearly is not an appropriate agency to handle national wildlife refuges and ranges.

In New York State we guard jealously the nine refuges which we have in the national wildlife refuge system. Like these refuges, the big Kofa, Charles Sheldon, and C. M. Russell wildlife ranges are national wildlife preserves, deserving permanent protection and management by the U.S. Fish and Wildlife Service. H.R. 5512 would extend a uniform policy to all units of the national wildlife refuge system, protecting them against raids by BLM or any other agency.

I am including an editorial from the New York Times, entitled "Whose Public Lands?":

Whose Public Lands?

Conservationists are rightly aroused by the Interior Department's decision to give exclusive control of three of the country's major wildlife ranges to the Bureau of Land Management. Their concern is warranted enough for Congress to step in if President Ford does not reverse Secretary Morton's deplorable action.

The issue is extremely simple. The Fish and Wildlife Service, which has had joint jurisdiction with the B.L.M. over these areas, has been conscientiously trying to fulfill its duty to protect the wild animal life of the Kofa Game Range in Arizona, the Charles Sheldon Antelope Range in Nevada and the Charles M. Russell National Wildlife Range in Montana. It has resisted overgrazing of the land and destructive mining claims.

The B.L.M., by contrast, has historically concentrated on protecting the interests of livestock grazers and mining interests, with only secondary concern for watershed, wildlife and recreational values. Inevitably the two agencies have been in conflict—notably on such matters as the bureau's plans to destroy the sagebrush of the antelope range by spraying it with herbicides and to confine livestock with extensive fencing, regardless of harm to the wildlife of the area.

The unnatural administrative yoking of the two agencies should no doubt be ended—but the Secretary wants to do that in precisely the wrong way. B.L.M. is already in control of the vast bulk of public lands, as it was intended to be.

But there is no justification for turning over to it the administration of ranges specifically established for the protection of animals that depend on undisturbed environments—among them the desert bighorn sheep, the pronghorn antelope and a variety of raptors. These ranges, which are their habitat, represent less than one-half of 1 per cent of the public lands. They should be assigned to Fish and Wildlife, to which a fourth game range, in Arizona, has in fact been transferred.

The only purpose in Mr. Morton's move is to accommodate the stock and mining interests which have already been overprotected by an indulgent government at the expense of the common heritage. Congress should say no.

ONE-ARM DOVE HUNT

(Mr. BURLESON of Texas asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BURLESON of Texas. Mr. Speaker, I have one of the most unique organizations, and in fact, the only one in existence, in my congressional district, located at Olney, Tex. The purpose of this activity is to stage a one-arm dove hunt, which draws one-armed shooters from a vast area of the country, most of whom are war veterans.

The two men who formed this association, Jack Northrup and Jack Bishop, originated the organization a few years back over a cup of coffee and what started as a joke. Northrop has no right arm and Bishop is missing the left. They kid each other about it.

Now, it is no joke. They decided to invite one-armed outdoorsmen from everywhere for a go at dove hunting.

Said Northrup:

We felt that if we could get together and inspire one or two other handicaps with this, then we've accomplished something. But you don't have to hunt. We're doing this mostly for the fellowship.

The fourth annual hunt has been scheduled for September 5 and 6. A variety of other activities has been scheduled, in addition to the actual hunt on Saturday afternoon. Included in the activities are a fish fry sponsored by the Lions Club, football game, and Cow Chip Chunk'n Contest. The public is even invited to the breakfast on Saturday morning and will be charged 10 cents per finger.

Any arm or hand amputee desiring to hunt or just to fellowship should contact the One-Arm Hunt Association, P.O. Box 582, Olney, Tex.

EXPERT SAYS UNITED STATES LESS DEPENDENT NOW ON ARAB OIL THAN IN 1973

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, one of the major arguments the administration has made to support its efforts to subject American consumers to drastic increases in the price of oil and oil products is that we must diminish our dependence on Arab oil. The impression is given that we have become even more dependent on Arab oil since the lifting of the 1973 embargo and that this trend must be reversed.

In this connection, I think all Members of the House will wish to read an article from the July 14 edition of the Wall Street Journal by Mr. Uzi Arad, an Israeli scholar, which makes the case that, contrary to the impression created by FEA spokesmen, the United States is importing substantially less oil from the Arab countries than it was prior to the Arab oil embargo and that the threat implied by another oil embargo is less serious today than it was in 1973. In fact, the article indicates that the United States is largely invulnerable to direct Arab oil supply curtailment and that proper oil supply and distribution policies could eliminate U.S. supply vulnerability altogether as far as the Arab States are concerned.

The entire article by Mr. Arad follows these remarks:

If Arab Oil Is Embargoed Again?

(By Uzi Arad)

A recent press report, drawing on a Federal Energy Administration study, stated: "The Arab nations are supplying a growing share of U.S. oil needs, making the threat of another embargo more serious than the one that led to long gasoline lines after the 1973 Arab-Israeli war."

A sobering development, if true. But is it? Instead I will argue that:

(1) The economic threat implied by another oil embargo is less serious in reality than it was in 1973.

(2) The U.S. is still largely invulnerable to direct Arab oil supply curtailment.

(3) A variety of near-term policies could eliminate the U.S. supply vulnerability altogether.

(4) Exaggerated expressions of alarm could be self-fulfilling and therefore counter-productive.

Federal Energy Administration (FEA) data indicate that at the end of the first quarter of 1975 Arab oil producers supplied 22.7% of U.S. petroleum imports. While this figure marks an increase over the average of the last quarter of 1974 (17.9%), it still compares favorably with the significantly higher levels of dependence on Arab oil—129.4%—exhibited in the months just prior to the 1973 Arab oil embargo.

In fact, all measures of import-dependence suggest that the U.S. has actually improved its import condition relative to the period in which the embargo was imposed. Thus in both relative and absolute terms, the U.S. is less dependent now on Arab oil than it was prior to the embargo. The volume of imported Arab oil decline from 1.8 million barrels a day in the third quarter of 1973 to 1.3 million barrels a day in the first quarter of 1975. That is, the share of Arab oil in U.S. oil requirements fell from a level of 10.6% before the embargo to 7.8% in early 1975.

Seen in the perspective of total U.S. energy consumption, that share of Arab oil declined from 4.9% to a meager 3.8%. Obviously this is a far cry from European or Japanese rates, which indicate a dependence on Arab oil as an energy source at levels eight or nine times higher.

The implications of such a low American degree of dependence on the Arabs are two-fold: First, the U.S. remains by and large independent of Arab oil and therefore quite invulnerable to direct Arab oil pressure. Second, when measured by its import-dependence rate, the U.S. currently enjoys a smaller degree of vulnerability compared to pre-embargo 1973, not a higher one.

That the U.S. was invulnerable in 1973 to Arab oil pressure might seem contradicted by the most dramatic manifestation of a real shortage—the long gasoline lines of that dreadful winter. Yet, far from being an inevitable product of the Arab embargo, the gas lines were actually caused by faulty management on the part of the Federal Energy Office (FEO) whereby, first, stocks were actually built up during the embargo rather than drawn down and, second, gasoline was misallocated by improvised FEO regulations on refineries.

Two potential sources of supply could compensate for a shortfall incurred by an embargo: stocks and standby or shut-in capacity in secure areas. Both sources have considerably improved relative to the 1973 embargo period. First, U.S. petroleum stocks in March 1974, when the embargo was lifted, were roughly 6% up from a year earlier, and this March were 8% higher than last year's. This improvement in the stockage situation is all the more remarkable since imports in the first quarter of 1975 declined to 5.8 million barrels a day, from an average of 6 million barrels a day in the fourth quarter of 1975 and 6.3 million barrels a day prior to the embargo. Stocks of al oils in April 1975 equalled 760 days' worth of Arab imports; in September 1973 that figure stood at only 553 days. Thus in a year and a half U.S. stockpile preparedness has grown by approximately 37%.

Second, unlike the tight supply-demand situation of 1973, the petroleum market today is marked by surplus productive capacity. Total OPEC shut-in capacity in mid-February stood at 11.6 million barrels a day, compared with only 1.6 million barrels a day just prior to the embargo of October 1973. Shut-in capacity in non-Arab OPEC countries is estimated at more than 3 million barrels a day, the equivalent of roughly three-fourths of the average amount denied by OAPEC during the embargo. (OAPEC is the Organization of Arab Petroleum Exporting Countries. It declared the 1973 embargo, not OPEC, which includes non-Arab producers as well as Arabs.)

Furthermore, all Arab oil-exporting countries today are producing substantially below their pre-embargo levels. In November 1973, the most severe month of the OAPEC embargo, the Arabs produced 15.8 million barrels per day. In February 1975, total Arab production did not even reach 14 million barrels per day. That is to say, current Arab production cutbacks to sustain high oil prices have been more extensive than their most extreme embargo cutbacks.

Production restrictions to maintain high oil prices have already strained the OPEC cartel; embargo cutbacks would have to come on top of the existing ones, thus aggravating already depressed oil production levels.

The opportunities and incentives for cheating among the boycotting nations would certainly be greater in the context of a new embargo than they were in 1973. For instance, Iraq, which did not support the 1973 selective embargo, could at that time merely maintain full production. Today, with shut-in capacity of some 700,000 barrels a day, it could undermine a new embargo by joining the non-Arab oil exporting countries in increasing production to exploit the favorable circumstances.

The Arab oil weapon falls far short of being the all-powerful instrument of influence it is often portrayed to be. It has three serious deficiencies. First, it cannot be applied surgically and selectively; second, its economic effects are too slow to have much political impact, and, thirdly, it is constrained by credible Western threats of force against an Arab "strangulation" policy.

The present International Energy Agency (IEA), which is a real improvement over the oil companies' equalization of supply policy in 1973, effectively defuses the capability of OAPEC to target its enemies. The Arabs, therefore, have lost their past ability to "divide and rule" the oil consuming countries. Deprived of the capability to reward friends and penalize foes, the Arabs, would have to target the entire IEA energy market as one entity, thus requiring proportionately greater cutbacks if meaningful levels of damage are to be threatened.

Secondly, the Arabs' problem of synchronizing the impact of an embargo with the political situation it is supposed to affect has been exacerbated since 1973. Larger stocks in all consuming nations, available non-Arab shut-in capacity (plus the normal transport time), suggest that months—depending on stock drawdowns—would elapse between the moment of "launching" the oil weapon and its "impacting." Since Middle East crises or wars have been considerably briefer than this, it follows that no immediate danger of oil shortages need restrict U.S. diplomatic maneuvering space in case of another Middle Eastern flare-up.

Thirdly, in contrast to Western unpreparedness, confusion and panic during the 1973 embargo, current American declaratory policy places an upper limit on the extent to which OAPEC could go in tightening up supplies again. Statements such as that by Defense Secretary Schlesinger on May 19 that the U.S. would be "less likely to be tolerant of a new Arab embargo" have an obvious deterrent effect which was missing the last time around.

The U.S., in sum, is still virtually independent of Arab oil. That condition need not necessarily change, even if recent trends are reversed and the U.S. increases its general import-dependence. To eliminate its oil vulnerability altogether, the U.S. should further minimize its dependence on Arab sources; increase its stock position and improve its strategic storage. The former option cannot be overemphasized.

Under reasonable import projections, a discriminatory import policy in favor of secure (non-OAPEC) suppliers would maintain present levels of invulnerability and possibly improve over them between now and 1980, even if imports were to grow to around 8 million barrels per day by the end of the decade. Regardless of whether Project Independence is implemented, this discriminatory import policy could make the U.S. virtually independent of unreliable Arab oil within a year or two.

The present oil situation, to conclude, need not worry us too much but certain present administration policies should. The sad aspect of all this is that instead of remaining calm while moving judiciously to reduce whatever vulnerability there exists, the administration is revealing an exaggerated degree of concern over a possible embargo, without taking any concrete action to discourage if or to mitigate its potential consequences. Such an attitude is self-defeating by nature, for it could encourage, rather than deter, the very embargo the administration rightly wishes to prevent.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CARTER (at the request of Mr. RHODES), for today and the balance of the week, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RANDALL, for 15 minutes, today.

(The following Members (at the request of Mr. GRASSLEY) to revise and extend their remarks and include extraneous material:)

Mr. DUNCAN of Tennessee, for 5 minutes, today.

Mr. HEINZ, for 30 minutes, on July 24, 1975.

Mr. CRANE, for 5 minutes, today.

Mr. BOB WILSON, for 5 minutes, today.

(The following Members (at the request of Mr. EDGAR) to revise and extend their remarks and include extraneous material:)

Mr. MOSS, for 5 minutes, today.

Mr. BARRETT, for 10 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. O'NEILL, for 5 minutes, today.

Ms. ABZUG, for 30 minutes, today.

Mr. BINGHAM, for 10 minutes, today.

Mr. RODINO, for 5 minutes, today.

Mr. FLOOD, for 5 minutes, today.

Mr. ROONEY, for 5 minutes, today.

Mr. DODD, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HECHLER of West Virginia, to revise and extend and to include extraneous material during general debate on H.R. 8773, the Department of the Interior appropriations bill, today.

Mr. MCKAY to extend his remarks in the Committee of the Whole immediately following the remarks of Mr. EVANS of Colorado.

Mr. WAMPLER to revise and extend his remarks made earlier during general debate.

Mr. WIRTH and to include extraneous matter on the bill H.R. 8773, following colloquy with Mr. YATES.

(The following Members (at the request of Mr. GRASSLEY) and to include extraneous matter:)

Mr. STEELMAN.

Mr. DEVINE.

Mr. CEDERBERG.

Mr. MYERS of Pennsylvania.

Mr. RHODES.

Mr. FINDLEY.

Mr. STEIGER of Wisconsin.

Mr. MCCLORY.

Mr. TALCOTT.

Mr. TAYLOR of Missouri.

Mr. MOSHER.

Mr. BOB WILSON.

Mr. ROUSSELOT.

(The following Members (at the request of Mr. EDGAR) and to include extraneous material:)

Mr. STEED.

Mr. O'HARA in two instances.

Mr. RANGEL in three instances.

Mr. MCKAY.

Mr. MURTHA.

Mr. GONZALEZ in three instances.

Mr. ANDERSON of California in three instances.

Mr. MIKVA in two instances.

Ms. ABZUG in four instances.

Mr. FRASER in 11 instances.

Mr. ROSENTHAL in 10 instances.

Mrs. SPELLMAN in two instances.

Mr. SANTINI in two instances.

Mr. PATTEN.

Mr. BADILLO in three instances.

Mr. FORD of Tennessee in two instances.

Mr. MEZVINSKY.

Mr. WOLFF.

Mr. FAUNTROY in three instances.

Mr. ROE.

Mr. DINGELL.

Mr. LEGGETT.

Mr. HARRIS.

Mr. MCDONALD of Georgia.

Mr. FLOWERS in two instances.

Mr. LEVITAS.

Mr. TEAGUE.

Mr. STARK.

Mr. ROONEY.

Mr. BYRON in two instances.

Mr. BONKER.

Mr. HUGHES.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 23. A joint resolution to restore posthumously full rights of citizenship to General R. E. Lee.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. HAYS of Ohio, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the following titles, which were thereupon signed by the Speaker:

H.R. 6950. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes; and

H.J. Res. 560. Joint resolution to amend the Defense Production Act of 1950, as amended, to extend the National Commission on Supplies and Shortages.

ADJOURNMENT

Mr. EDGAR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 54 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, July 24, 1975, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1444. A letter from Secretary of the Treasury, transmitting a draft of proposed legislation to provide for increased participation by the United States in the Inter-American Development Bank, and for other purposes; to the Committee on Banking, Currency and Housing.

1445. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council Act No. 1–30, "To amend the Administrative Procedure Act regarding the Council of the District of Committee," pursuant to section 602(c) of Pubic Law 93–198; to the Committee on the District of Columbia.

1446. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council Act No. 1–31, "To establish a District of Columbia Boxing and Wrestling Commission to govern boxing, wrestling and martial arts in the District of Columbia, and for other purposes," purusant to section 602 (c) of Public Law 93–198; to the Committee on the District of Columbia.

1447. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting notice of a proposed amendment to the regulations governing the guaranteed student loan program, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

1448. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a copy of Presidential Determination No. 75–27, concerning the furnishing of sophisticated weapons systems under the Foreign Assistance Act and the financing of the sale of such weapons systems under the Foreign Military Sales Act to certain underdeveloped countries, pursuant to section 504 (a) of the Foreign Assistance Act and section 4 of the Foreign Military Sales Act; to the Committee on International Relations.

1449. A letter from the Secretary of Transportation, transmitting the Department of Transportation's annual report on the Rail Passenger Service Act, pursuant to section 308(c) of the act; to the Committee on Interstate and Foreign Commerce.

1450. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of May 31, 1975, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

Received From the Comptroller General

1451. A letter from the Comptroller General of the United States, transmitting a report that the Department of Housing and Urban Development's environmental assessment efforts for proposed projects have been ineffective; jointly, to the Committees on Government Operations, Banking, Currency and Housing, and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on Government Operations. Report on the attempted unauthorized procurement of computers by Department of the Army (Rept. No. 94–385). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. House Resolution 631. Resolution providing for the consideration of H.R. 5900. A bill to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers. (Rept. No. 94–386). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 632. Resolution providing for the consideration of S. 1849. An act to extend the Emergency Petroleum Allocation Act. (Rept. No. 94–387). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO (for himself, Mr. Barrett, Mr. Fauntroy, Mrs. Fenwick, Mr. Gonzalez, Mr. Neal, Mrs. Spellman, Mrs. Sullivan, and Mr. Wylie):

H.R. 8835. A bill to amend the Truth in Lending Act to protect consumers against inadequate and misleading leasing information, assure meaningful disclosure of lease terms and limit ultimate liability in connection with leasing of personal property primarily for personal, family, or household purposes, and for other purposes; to the Committee on Banking, Currency, and Housing.

By Mr. ASHLEY (for himself, Mr. Blanchard, Mr. Hubbard, Mr. LaFalce, Mr. Rees, Mrs. Spellman, Mr. Evans of Indiana, Mr. Reuss, Mr. McKinney, Mr. J. William Stanton, Mr. Schulze, Mr. Gradison, and Mr. Kelly):

H.R. 8836. A bill to establish a National Center for Productivity and Quality of Working Life to succeed the National Commission on Productivity and Work Quality; to encourage joint labor, industry, and Government efforts to improve national productivity, work life, and output quality; to establish a Federal policy with respect to continued productivity growth and improved utilization of human, capital, technological, and natural resources in the United States; to provide for a review of the activities of Federal agencies including implementation of Federal laws, regulations, and policies which impede the productive performance and efficiency of the American economy, and for other purposes; to the Committee on Banking, Currency, and Housing.

By Mr. BREAUX:

H.R. 8837. A bill to amend section 9441 of title 10, United States Code to provide for the budgeting by the Secretary of Defense, the authorization of appropriations, and the use of those appropriated funds by the Secretary of the Air Force, for certain specified purposes to assist the Civil Air Patrol in providing services in connection with the noncombatant mission of the Air Force; to the Committee on Armed Services.

By Mr. CLAY (for himself, Mr. Bedell, Mr. Biaggi, Mr. Bonker, Mrs. Burke of California, Mr. John L. Burton, Mr. Carney, Mr. Carr, Mrs. Chisholm, Mr. Conyers, Mr. Cornell, Mr. Dominick V. Daniels, Mr. Dellums, Mr. Edgar, Mr. Eilberg, Mr. Fauntroy, Mr. Ford of Michigan, Mr. Harrington, Mr. Hawkins, Mr. Helstoski, Mr. Jenrette, Miss Jordan, Mr. Karth, Mr. Koch, and Mr. Matsunaga):

H.R. 8838. A bill to restore to Federal civilian and Postal Service employees their rights to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CLAY (for himself, Mr. Melcher, Mr. Metcalfe, Mr. Mikva, Mr. Mineta, Mr. Mitchelll of Maryland, Mr. Murphy of New York, Mr. Murphy of Illinois, Mr. Nix, Mr. Oberstar, Mr. Rangel, Mr. Reuss, Mr. Rosenthal, Mr. Seiberling, Mr. Stark, Mr. Stokes, Mr. Whitehurst, Mr. Young of Georgia, and Mr. Zeferetti):

H.R. 8839. A bill to restore to Federal civilian and Postal Service employees their rights to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DIGGS (for himself, Mr. Cederberg, Mr. Blanchard, Mr. Brodhead, Mr. Broomfield, Mr. Brown of Michigan, Mr. Carr, Mr. Conyers, Mr. Dingell, Mr. Esch, Mr. Ford of Michigan, Mr. Hutchinson, Mr. Nedzi, Mr. O'Hara, Mr. Riegle, Mr. Ruppe, Mr. Traxler, Mr. Vander Jagt, and Mr. Vander Veen):

H.R. 8840. A bill to amend the Internal Revenue Code of 1954 to designate the home of a State legislator for income tax purposes; to the Committee on Ways and Means.

By Mr. FOLEY (for himself and Mr. Wampler):

H.R. 8841. A bill to extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for 1 year; to the Committee on Agriculture.

By Mr. FRENZEL:

H.R. 8842. A bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of preparing lists of persons eligible to vote; to the Committee on House Administration.

By Mr. OTTINGER (for himself and Mr. Maguire):

H.R. 8843. A bill to amend title XVI of the Social Security Act to provide for the payment of a special housing allowance to each recipient of supplemental security income benefits whose housing expenses exceed an amount equal to 25 percent of his or her income, so as to reduce such expenses to that amount; to the Committee on Ways and Means.

By Mr. ROE:

H.R. 8844. A bill to prohibit the military departments from using dogs in connection with any research or other activities relating to biological or chemical warfare agents; to the Committee on Armed Services.

H.R. 8845. A bill to prohibit the shipment in interstate commerce of dogs and other animals intended to be used to fight dogs or other animals for purposes of sport, wagering, or entertainment; to the Committee on the Judiciary.

By Mr. ROONEY for himself, Mr. Brown of California, Mrs. Collins of Illinois, Mr. Conyers, Mr. Coughlin, Mr. Edgar, Mr. Edwards of California, Mr. LaFalce, Mr. Murtha, Mr. Nowak, Mr. Ottinger, Mr. Russo, Mr. J. William Stanton, Mr. Studds, Mrs. Sullivan, Mr. Traxler, Mr. Vander Veen, Mr. Udall, Mr. Mitchell of New York, Mr. Roe, Mr. Harrington, and Mr. Patten):

H.R. 8846. A bill to improve the reliability, safety, and energy efficiency of railroad transportation, and to reduce unemployment by providing funds for work in repairing, restoring, rehabilitating, and improving essential railroad roadbeds and facilities; to the

Committee on Interstate and Foreign Commerce.

By Mr. SISK (for himself, Mr. AuCoin, Mr. Baucus, Mr. Bell, Mr. Burgener, Mrs. Burke of California, Mr. John L. Burton, Mrs. Chisholm, Mr. Danielson, Mr. Davis, Mr. Dent, Mr. Derwinski, Mr. Downey of New York, Mr. Drinan, Mr. Eilberg, Mr. Fish, Mr. Ford of Tennessee, Mr. Ford of Michigan, Mr. Frey, Mr. Gaydos, Mr. Gilman, Mr. Gude, Mr. Hanley, Mr. Hannaford, and Mr. Harris):

H.R. 8847. A bill to amend title II of the Social Security Act to provide that when an adverse decision is made on a claim for benefits thereunder, the claimant shall have the right to reconsideration, including an informal conference and a statement of the case, prior to hearing; to impose time limits and make other improvements in the procedures for determining such claims; and to regularize the appointment of administrative law judges hearing such claims; to the Committee on Ways and Means.

By Mr. SISK (for himself, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Hinshaw, Mr. Hyde, Mr. Jenrette, Mr. Johnson of California, Mr. Ketchum, Mr. Krebs, Mr. Long of Maryland, Mr. Lujan, Mr. Mazzoli, Mr. Moakley, Mr. Nix, Mr. Ottinger, Mr. Pepper, Mr. Rangel, Mr. Rees, Mr. Roe, Mr. Ruppe, Mr. Slack, Mrs. Spellman, Mr. J. William Stanton, Mr. Thone, and Mr. Vigorito):

H.R. 8848. A bill to amend title II of the Social Security Act to provide that when an adverse decision is made on a claim for benefits thereunder, the claimant shall have the right to reconsideration, including an informal conference and a statement of the case, prior to hearing; to impose time limits and make other improvements in the procedures for determining such claims; and to regularize the appointment of administrative law judges hearing such claims; to the Committee on Ways and Means.

By Mr. ANDERSON of California (by request):

H.R. 8849. A bill to provide for the competitive movement at fair and equitable rates and charges of household goods shipments moving in the foreign commerce of the United States and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. COHEN (for himself, Mr. Emery, Mr. Lent, Mr. Harrington, Mr. D'Amours, Mr. Macdonald of Massachusetts, Mr. Cleveland, Mr. Bonker, Mr. Meeds, Mr. Treen, Mr. LaFalce, Mr. Ottinger, Mr. Forsythe, Mr. Pattison of New York, Mr. Jones of North Carolina, Mr. Jenrette, and Mr. McCloskey):

H.R. 8850. A bill to amend section 501(c)(5) of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 8851. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish certain limitations respecting the authority of the Secretary of Health, Education, and Welfare to regulate vitamins and minerals under that act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 8852. A bill to amend the Internal Revenue Code of 1954 to avoid duplication of tax imposed under the Federal Insurance Contributions Act and the Federal Unemployment Tax Act in the case of employers of the same employee; to the Committee on Ways and Means.

By Mr. LEVITAS:

H.R. 8853. A bill to amend title II of the Social Security Act to increase to an amount equivalent to the poverty level the amount of outside earnings which is permitted any individual each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. LITTON (for himself and Mrs. Meyner):

H.R. 8854. A bill to amend the Occupational Safety and Health Act of 1970 to provide that the Administrator of the Small Business Administration may render onsite consultation and advice to certain small business employers to assist such employers in providing safe and healthful working conditions for their employees; to the Committee on Education and Labor.

By Mr. MAGUIRE (for himself, Mr. Benitez, Mrs. Boggs, Mr. Carter, Mrs. Collins of Illinois, Mr. Downey of New York, Mr. Ford of Tennessee, Mr. Hannaford, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Litton, Mr. Meeds, Mrs. Meyner, Mr. Mitchell of Maryland, Mr. Ottinger, Mr. Pattison of New York, Mr. Rees, Mr. Riegle, Mr. Roe, Mr. Rosenthal, Mr. Scheuer, Mr. Simon, Mr. Solarz, and Mr. Stark):

H.R. 8855. A bill to amend the Higher Education Act of 1965 to establish a student internship program to offer students practical involvement with elected officials on local and State levels of government and with Members of Congress; to the Committee on Education and Labor.

By Mr. MATSUNAGA:

H.R. 8856. A bill to amend chapter 67 of title 10, United States Code (relating to retired pay for non-Regular service), to authorize payment to persons otherwise eligible, at age 55, and in reduced amounts to such persons who are at least 50 but less than 55 years of age; to the Committee on Armed Services.

H.R. 8857. A bill to provide an incentive plan for participation in the Ready Reserve; to the Committee on Armed Services.

By Mrs. SPELLMAN (for herself and Ms. Holtzman):

H.R. 8858. A bill to amend section 552 of title 5, United States Code, known as the Freedom of Information Act, to secure to employees of the Government the right to disclose information which is required by law to be disclosed by agencies; to the Committee on Government Operations.

By Mr. WALSH:

H.R. 8859. A bill to amend title II of the Social Security Act to provide that the marriage or remarriage of an adult beneficiary shall not terminate his or her entitlement to benefits or reduce the amount thereof; to the Committee on Ways and Means.

By Mr. WHITTEN:

H.R. 8860. A bill to amend the Internal Revenue Code of 1954 to designate the home of a State legislator for income tax purposes; to the Committee on Ways and Means.

By Mr. BYRON (for himself, Mr. Addabbo, Mr. Ambro, Mr. Beard of Rhode Island, Mr. Brown of Ohio, Mrs. Boggs, Mr. Carney, Mrs. Chisholm, Mr. Cohen, Mr. Dominick V. Daniels, Mr. Gilman, Mr. Hanley, Mr. Harris, Mr. Howard, Mr. Jacobs Mr. Kemp, Mr. Lagomarsino, Mr. Long of Maryland, Mr. McHugh, Mr. Mitchell of Maryland, Mr. Murphy of New York, Mr. O'Neill, Mr. Ottinger, Mr. Pickle, and Mr. Regula):

H.J. Res. 585. Joint resolution authorizing and requesting the President to issue a proclamation designating Sunday, September 14, 1975, as "National Saint Elizabeth Seton Day"; to the Committee on Post Office and Civil Service.

By Mr. BYRON (for himself, Mr. Harrington, Mr. Roe, Mr. J. William Stanton, Mrs. Sullivan, Mr. Walsh, Mr. Wydler, and Mr. Yatron):

H.J. Res. 586. Joint resolution authorizing and requesting the President to issue a proclamation designating Sunday, September 14, 1975, as "National Saint Elizabeth Seton Day"; to the Committee on Post Office and Civil Service.

By Mr. BINGHAM (for himself, Mr. Zeferetti, Mr. Dellums, Ms. Schroeder, Mr. Aspin, Mr. Macdonald of Massachusetts, Mr. Foley, Mr. Nowak, Mr. Vander Veen, Mrs. Fenwick, Mr. Annunzio, Mr. Moorhead of Pennsylvania, Mr. Fraser, Mr. Symington, Mr. Ashley, Mr. Reuss, Mr. Levitas, Mr. Barrett, and Mr. Rodino):

H. Con. Res. 356. Concurrent resolution disapproving the proposed sales to Jordan of the Hawk missile and Vulcan antiaircraft systems; to the Committee on International Relations.

By Mr. MOTTL (for himself and Mrs. Spellman):

H. Con. Res. 357. Concurrent resolution expressing the sense of Congress with respect to the complexity of Federal income tax forms; to the Committee on Ways and Means.

By Mr. ZABLOCKI:

H. Con. Res. 358. Concurrent resolution reaffirming provisions of law requiring agreements placing restrictions on use of U.S. furnished defense articles; to the Committee on International Relations.

By Mr. FRENZEL (for himself, Mr. Frey, Mr. Abdnor, Mr. Anderson of Illinois, Mr. Bell, Mr. Brown of Michigan, Mr. Burgener, Mr. Cederberg, Mr. Cohen, Mr. du Pont, Mr. Gude, Mr. Hechler of West Virginia, Mr. Hyde, Mr. Ketchum, and Mr. Kindness):

H. Res. 627. Resolution to amend the Rules of the House of Representatives to provide that House conferees may conduct business only at conference meetings open to the public; to the Committee on Rules.

By Mr. FRENZEL (for himself, Mr. Frey, Mr. McEwen, Mr. McKinney, Mr. Martin, Mr. Mitchell of New York, Mr. Mosher, Mr. Myers of Pennsylvania, Mr. Pressler, Mr. Regula, Mr. Rinaldo, Mr. Ruppe, Mr. Thone, and Mr. Treen):

H. Res. 628. Resolution to amend the Rules of the House of Representatives to provide that House conferees may conduct business only at conference meetings open to the public; to the Committee on Rules.

By Mr. PICKLE (for himself, Mr. Goldwater, Mr. Hechler of West Virginia, Mr. Ottinger, and Mr. Wright):

H. Res. 629. Resolution directing the Architect of the Capitol to study the feasibility of using solar energy in certain House office buildings, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. STEIGER of Wisconsin (for himself, Mr. Eckhardt, Mr. Cleveland, Mr. Fraser, Mr. Frenzel, Ms. Keys, Mr. Erlenborn, Mr. Sisk, Mr. Bolling, Mr. Sarasin, Mr. Pattison of New York, and Mr. Drinan):

H. Res. 630. Resolution to amend the Rules of the House of Representatives to provide that the Congressional Record shall contain a verbatim account of remarks actually delivered on the floor, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

235. By the SPEAKER: Memorial of the Legislature of the State of Louisiana, requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States relative to the national debt; to the Committee on the Judiciary.

236. Also, memorial of the Legislature of the State of Louisiana, relative to funding the education and training of law enforcement officials; to the Committee on the Judiciary.

237. Also, memorial of the Legislature of the State of Louisiana, relative to the census; to the Committee on Post Office and Civil Service.

238. Also, memorial of the Legislature of the State of Louisiana, relative to House Resolution 335; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURGENER:

H.R. 8861. A bill for the relief of Alejandro Ruvalcaba Tejeda Niel; to the Committee on the Judiciary.

By Ms. KEYS:

H.R. 8862. A bill for the relief of Ulis S. Anderson; to the Committee on the Judiciary.

By Mr. LLOYD of California:

H.R. 8863. A bill for the relief of Randy E. Crismundo; to the Committee on the Judiciary.

By Mr. MELCHER:

H.R. 8864. A bill for the relief of Luis A. Franco; to the Committee on the Judiciary.

By Mr. ROBERTS:

H.R. 8865. A bill for the relief of Dr. Maria C. Trinidad; to the Committee on the Judiciary.

FACTUAL DESCRIPTIONS OF BILLS AND RESOLUTIONS INTRODUCED

Prepared by the Congressional Research Service pursuant to clause 5(d) of House rule X. Previous listing appeared in the CONGRESSIONAL RECORD of July 9, 1975, page 21908.

H.R. 7401. May 21, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States for personal injuries, medical and hospital expenses, and other damages and losses suffered as the result of an automobile accident.

H.R. 7402. May 21, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States arising out of the loss of household goods by fire.

H.R. 7403. May 21, 1975. Judiciary. Directs the Attorney General to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond which may have been issued against certain individuals. Specifies that such individuals not be subject again to deportation by reason of the same facts upon which the canceled deportation orders were based.

H.R. 7404. May 21, 1975. Judiciary. Declares a certain individual eligible for naturalization under the Immigration and Nationality Act.

H.R. 7405. May 22, 1975. Banking, Currency and Housing. Extends to the Senate and the House of Representatives authorization for drawing checks in favor of financial organizations and for credit to employees' checking accounts, deposits of savings, or purchases of credit union shares.

H.R. 7406. May 22, 1975. Agriculture. Amends the Food Stamp Act of 1964 by (1) transferring the functions of the Secretary of Agriculture to the Secretary of Health, Education, and Welfare; and (2) revising eligibility requirements to exclude certain households containing a member who is engaged in a labor strike and individuals who receive one-half of their income from an individual who is not eligible for food coupons.

H.R. 7407. May 22, 1975. Interior and Insular Affairs. Directs the Secretary of the Interior to undertake a comprehensive review of the Assateague Island National Seashore in Maryland and Virginia. Repeals certain statutory provisions relating to construction and maintenance of certain facilities for public use within the National Seashore area.

H.R. 7408. May 22, 1975. Judiciary. Amends the Immigration and Nationality Act to make it unlawful for persons to knowingly employ or refer for employed aliens who have not been lawfully admitted to the United States for permanent residence.

Directs the Immigration and Naturalization Service shall increase its staff.

H.R. 7409. May 22, 1975. Judiciary. Amends the Immigration and Nationality Act to make it unlawful for persons to knowingly employ or refer for employment aliens who have not been lawfully admitted to the United States for permanent residence.

Directs that the Immigration and Naturalization Service shall increase its staff.

H.R. 7410. May 22, 1975. Ways and Means. Amends the estate tax provisions of the Internal Revenue Code to allow a limited deduction from the gross estate of the value of the decedent's interest in a family farming operation which passes to an individual related to him or his spouse.

H.R. 7411. May 22, 1975. Judiciary. Amends the Omnibus Crime Control and Safe Streets Act of 1968 to allow the legislature of each State to transfer the control and direction of the planning agency required by the Act from the jurisdiction of the chief executive of the State to the attorney general or any constitutional officer of the State selected by the legislature.

H.R. 7412. May 22, 1975. Ways and Means. Amends the Tariff Schedules of the United States to suspend for 3 years the duty on oil skimming devices.

H.R. 7413. May 22, 1975. Interstate and Foreign Commerce. Establishes a utility services stamp program to assist low-income and fixed income households in meeting monthly utility costs. Directs the Secretary of Health, Education, and Welfare to issue coupons and administer the program.

H.R. 7414. May 22, 1975. Post Office and Civil Service. Requires the Secretary of Commerce to periodically compile current data on total population for each State, county, and unit of local government in periods between the taking of the decennial census. Requires the use of such data in the administration of any Federal law in which population is used to determine the amount of benefit received by State, county and units of local government.

H.R. 7415. May 22, 1975. Post Office and Civil Service. Computes Federal civil service annuities by applying current basic pay scales.

H.R. 7416. May 22, 1975. Ways and Means. Revises the eligibility requirements for disability benefits and the disability freeze under the Social Security Act by extending eligibility to individuals with 40 quarters of coverage regardless of when they were earned.

H.R. 7417. May 22, 1975. Ways and Means. Amends the Trade Act of 1964 to authorize reimbursement of States for unemployment insurance benefits paid to workers eligible for trade adjustment assistance under the Act.

Amends the Internal Revenue Code of 1954 to repeal provisions reducing tax credits for employers in States which do not fulfill the requirements for participation in the worker adjustment assistance benefits program.

H.R. 7418. May 22, 1975. Public Works and Transportation. Amends the Federal Water Pollution Control Act to allow the Administrator of the Environmental Protection Agency to accept State certification as discharging his responsibilities under certain provisions for the development and construction of adequate waste treatment facilities.

H.R. 7419. May 22, 1975. Public Works and Transportation. Amends the Federal Water Pollution Control Act to further define the term "navigable waters" as it applies to the issuance of permits for dredged or fill material by the Corps of Engineers.

H.R. 7420. May 22, 1975. Public Works and Transportation. Amends the Federal Water Pollution Control Act to further define the term "navigable waters" as it applies to the issuance of permits for dredged or fill material by the Corps of Engineers.

H.R. 7421. May 22, 1975. Ways and Means. Creates a national system of health insurance. Establishes a Health Security Board in the Department of Health, Education, and Welfare to administer such health insurance program.

Repeals the Medicare provisions of the Social Security Act and all health benefit plans for employees of the Federal Government. Amends various other provisions of the Social Security Act and the Public Health Services Act.

H.R. 7422. May 22, 1975. Banking, Currency and Housing. Authorizes the Secretary of the Treasury to guarantee emergency loans to units of government. Creates a Loan Guarantee Policy Board to set forth policy with respect to such loans. Requires the Secretary to submit recommendations to Congress with respect to the need for establishment of an Emergency Loan Guarantee Corporation to continue a comparable assistance program.

H.R. 7423. May 22, 1975. Ways and Means. Amends the Internal Revenue Code to designate the home of a State legislator for income tax purposes.

H.R. 7424. May 22, 1975. Armed Services. Repeals the Military Selective Service Act. Transfers the functions of the Reconciliation Service program of the Selective Service System to the Department of Justice.

H.R. 7425. May 22, 1975. Merchant Marine and Fisheries. Provides for the representation of the U.S. Canal Zone by a Delegate to the House of Representatives.

H.R. 7426. May 22, 1975. Education and Labor. Specifies the applicability of certain additional workman's compensation benefits for Federal Government employees who suffered injury or death prior to September 7, 1974.

H.R. 7427. May 22, 1975. Post Office and Civil Service. Requires the Postal Service to consult with agencies of State and local government regarding the construction of certain Postal Service facilities. Establishes hearing procedures with respect to proposals for such construction.

H.R. 7428. May 22, 1975. Ways and Means. Amends the Internal Revenue Code to allow a deduction with respect to the amortization of qualified solar heating and cooling equipment installed in non-residential buildings and to allow an investment credit for such equipment.

H.R. 7429. May 22, 1975. Ways and Means. Amends the Social Security Act to authorize Federal payments to States for programs providing certain social services regardless of the recipient's income or eligibility for benefits under another program, if such social services are provided in a manner consistent with certain State programs.

H.R. 7430. May 22, 1975. Ways and Means. Amends the Social Security Act by directing the Secretary of Health, Education, and Welfare to allow a nursing salary cost differential in determining the reasonable cost of inpatient nursing care for the purpose of reimbursement to a provider of services under the Medicare program.

H.R. 7431. May 22, 1975. Ways and Means. Amends the Social Security Act by directing the Secretary of Health, Education, and Welfare to allow a nursing salary cost differential in determining the reasonable cost of inpatient nursing care for the purpose of reimbursement to a provider of services under the Medicare program.

H.R. 7432. May 22, 1975. Public Works and Transportation. Authorizes the Secretary of the Army, acting through the Chief of Engineers, to conduct dredging and related activities on the Missouri River Oxbow Lakes, with particular attention to Lake Manawa in Iowa.

H.R. 7433. May 22, 1975. Interstate and Foreign Commerce. Requires the Director of the National Institute of Child Health and Human Development to plan and develop a coordinated autism research program. Authorizes the Secretary of Health, Education, and Welfare to make grants, loans and loan guarantees to public or private nonprofit residential or nonresidential centers with education programs for autistic children.

H.R. 7434. May 22, 1975. Veterans' Affairs. Specifies that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits.

H.R. 7435. May 22, 1975. Ways and Means. Amends the Internal Revenue Code to exclude from income during the taxable year a limited amount received as an annuity, pension, or other retirement benefit.

H.R. 7436. May 22, 1975. Atomic Energy. Directs the Energy Research and Development Administration to enter into a cooperative arrangement with Utah to assist in the disposal of certain uranium mill tailings.

H.R. 7437. May 22, 1975. Public Works and Transportation. Authorizes the Secretary of Commerce to make grants through the Economic Development Administration for local public works projects.

H.R. 7438. May 22, 1975. Agriculture. Directs the Secretary of the Treasury to make payments to each State for a five-year period for nutritional programs established and administered by the States. Repeals the Food Stamp Act of 1964 effective upon the commencement of payments to the States under this Act.

H.R. 7439. May 22, 1975. Ways and Means; Interstate and Foreign Commerce. Amends the Social Security Act by (1) revising the method of determining a skilled nursing facility's eligibility for reimbursement and the method of computing payments and over payments to skilled nursing and intermediate care facilities under the Medicaid program; (2) requiring skilled nursing facilities to disclose the identity of persons with whom it does business; (3) further regulating business dealings between a skilled nursing facility and its owners; and (4) conditioning payment for certain services provided to a patient under the Medicare and Medicaid programs upon such patient's meeting certain cirteria of need for such services.

H.R. 7440. May 22, 1970. Ways and Means. Amends the Internal Revenue Code to authorize real property to be valued for estate tax purposes at its value as farmland, woodland, or open land rather than at its fair market value.

Amends the estate tax provisions of the Internal Revenue Code to allow a limited deduction from the gross estate of the value of the decedent's interest in a family farming operation which passes to an individual related to him or his spouse.

H.R. 7441. May 22, 1975. Public Works and Transportation. Amends the Federal Water Pollution Control Act to redefine Corps of Engineers authority to require permits for the discharge of dredged or fill materials into the channels of navigable waters.

H.R. 7442. May 22, 1975. Agriculture. Amends the United States Grain Standards Act to require the use of official inspection personnel and to authorize the Secretary of Agriculture to recover the costs of official inspection under the Act.

Repeals the requirement, under such Act, that official inspectors maintain samples of inspected grain.

Removes the exception to the restriction on conflicts of interest and increases the penalties under such Act.

H.R. 7443. May 22, 1975. Science and Technology. Directs the Administrator of the National Oceanic and Atmospheric Administration to carry out a research and development project to design and implement on a test basis a prototype imminent disaster warning system utilizing existing, commercial FM radio station sub-channels.

H.R. 7444. May 22, 1975. Judiciary Amends the Civil Rights Act of 1964 to include discrimination based on sex within the prohibitions of such Act.

Prohibits special dependency requirements, with respect to eligibility for rights, privileges, or benefits under military or veterans' laws on the Social Security Act, which apply criteria for granting such rights, privileges, or benefits to the spouse or dependent of a female that differ from the requirements applicable to determining eligibility for the spouse or dependents of a male.

H.R. 7445. May 22, 1975. Education and Labor. Authorizes the Secretary of Health, Education, and Welfare to make grants to States and certain gateway cities for the purpose of providing programs in education, job training, counseling and orientation for the benefit of immigrants.

Authorizes travel grants to new immigrants and their families to enable them to accept employment in a distant State.

H.R. 7446. May 22, 1975. Banking, Currency and Housing. Requires financial institutions to maintain and make available to the public certain information on real estate loans and savings accounts.

Directs the Federal Reserve Board to prescribe regulations to carry out the purposes of this Act.

H.R. 7447. May 22, 1975. Ways and Means; Interstate and Foreign Commerce. Amends the Social Security Act by eliminating the requirement that a hospital or extended care facility have a utilization review plan in effect in order to participate in the Medicare, Medicaid, Maternal and Child Health, and Crippled Children's Service programs.

H.R. 7448. May 22, 1975. Government Operations. Authorizes the Secretary of the Treasury to make emergency support grants for economic recovery to the States and to local governments.

H.R. 7449. May 22, 1975. Government Operations. Authorizes the Secretary of the Treasury to make emergency support grants for economic recovery to the States and to local governments.

H.R. 7450. May 22, 1975. Interstate and Foreign Commerce. Amends the Investment Company Act of 1940 to prohibit any registered investment company from redeeming any securities which it issued other than for cash except under certain circumstances.

H.R. 7451. May 22, 1975. Post Office and Civil Service. Prohibits franked mailings by Members of the Congress and certain officers of the United States, other than mailings related to the closing of their official business, after such Members or officers have left office.

Stiplates that mailings related to the closing of official business may be sent as franked mail only during the 90-day period immediately following the date on which the office it left.

H.R. 7452. May 22, 1975. Judiciary. Imposes penalties for the robbery or attempted robbery of any controlled substance from any pharmacy.

H.R. 7453. May 22, 1975. Ways and Means. Creates a national system of health insurance. Establishes a Health Security Board in the Department of Health, Education, and Welfare to administer such health insurance program.

Repeals the Medicare provisions of the Social Security Act and all health benefit plans for employees of the Federal Government. Amends various other provisions of the Social Security Act and the Public Health Services Act.

H.R. 7454. May 22, 1975. Government Operations. Authorizes the Administrator of General Services to assign surplus Federal property to the Secretary of Commerce for disposal of such property to States and local areas threatened by unemployment as a result of the closing of Federal facilities. Requires that such property be used by the transferees for economic development purposes.

H.R. 7455. May 22, 1975. Interstate and Foreign Commerce. Regulates the relationship between sales representatives and business organizations with respect to the rights and obligations of each party, the requirement of written contracts, and the payment of commissions.

H.R. 7456. May 22, 1975. Interstate and Foreign Commerce. Creates an Emergency Coal Administration in the Federal Energy Office of the President to increase the production, transportation, and conversion of coal as a source of energy.

H.R. 7457. May 22, 1975. Armed Services. Eliminates certain reports currently made by the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy and the Secretary of the Air Force to Congress.

H.R. 7458. May 22, 1975. Armed Services. Removes the limitation on the number of cadets or midshipmen who may be appointed from the 2-year Senior Reserve Officers' Training Corps course.

H.R. 7459. May 22, 1975. Armed Services. Eliminates the requirement that members of the Fleet Reserve and Fleet Marine Corps Reserve have a physical examination at least once every 4 years.

H.R. 7460. May 22, 1975. Armed Services. Authorizes the President to authorize the Secretaries of Defense and Transportation to order any unit of the Selected Reserve to active duty under certain circumstances.

H.R. 7461. May 22, 1975. Armed Services. Revises the procedure whereby a member of the Armed Forces Ready Reserve may be transferred to the Standby Reserve.

H.R. 7462. May 21, 1975. Judiciary. Incorporates the United Service Organizations, Incorporated.

H.R. 7463. May 21, 1975. Judiciary. Incorporates the United Service Organizations, Incorporated.

H.R. 7464. May 22, 1975. Judiciary. Incorporates the United Service Organizations, Incorporated.

H.R. 7465. May 22, 1975. Judiciary. Authorizes the National Institute of Corrections within the Bureau of Prisons to make grants to qualified applicants for the purpose of training and/or employing offenders

H.R. 7466. May 22, 1975. Judiciary; Standards of Official Conduct. Requires lobbyists to (1) register with the Federal Election Commission; (2) make and retain certain records; and (3) file reports with the Commission regarding their activities.

Requires certain officials of the executive branch to record their communications with lobbyists.

Repeals the Federal Regulation of Lobbying Act.

H.R. 7467. May 22, 1975. Public Works and Transportation. Amends the Federal Water Pollution Control Act to further define the term "navigable waters" as it applies to the issuance of permits for dredged or fill material by the Corps of Engineers.

H.R. 7468. May 22, 1975. Veterans' Affairs. Increases the rates of wartime disability compensation and survivors dependency and indemnity compensation payable by the Administrator of Veterans' Affairs to disabled veterans and their dependents, or to the widows of veterans.

H.R. 7469. May 22, 1975. Veterans' Affairs. Increases the rates of wartime disability compensation and survivors dependency and indemnity compensation payable by the Administrator of Veterans' Affairs to disabled veterans and their dependents, or to the widows of veterans.

H.R. 7470. May 22, 1975. Veterans' Affairs. Extends the entitlement of veterans to educational assistance from thirty-six months to forty-five months.

H.R. 7471. May 22, 1975. Veterans' Affairs. Establishes a per annum full-pay scale for the Chief Medical Director, the Deputy Chief Medical Director, and the Associate Deputy Chief Medical Director of the Department of Medicine and Surgery of the Veterans' Administration. Revises the pay scale for physicians, dentists and nurses in the Department of Medicine and Surgery and establishes a program allowing six months leave with pay for study in his or her specialty.

H.R. 7472. May 22, 1975. Ways and Means. Amends the Social Security Act to extend medicare hospital coverage to include drugs. Establishes a Formulary Committee within the Department of Health, Education, and Welfare to prepare and maintain a listing of qualified drugs.

H.R. 7473. May 22, 1975. Ways and Means. Amends the Social Security Act by increasing the amount of outside income which an individual may earn without a reduction in Old-Age, Survivors, and Disability Insurance benefits.

H.R. 7474. May 22, 1975. Banking, Currency and Housing. Amends the Federal Credit Union Act with regard to assets, loans, membership, management, including officers and directors, and required reserves. Reorganizes the National Credit Union Administration and establishes two Presidentially-appointed, Senate-confirmed Boards, the National Credit Union Administration Board, to manage the Administration, and the National Credit Union Administration Advisory Board. Creates the National Credit Union Central Liquidity Facility to maintain the liquidity of credit unions, and to provide for the orderly transfer of funds between and among credit unions and other financial institutions.

H.R. 7475. May 22, 1975. Banking, Currency and Housing. Amends the Federal Credit Union Act with regard to assets, loans, membership, management, including officers and directors, and required reserves. Reorganizes the National Credit Union Administration and establishes two Presidentially-appointed, Senate-confirmed Boards, the National Credit Union Administration Board, to manage the Administration, and the National Credit Union Administration Advisory Board. Creates the National Credit Union Central Liquidity Facility to maintain the liquidity of credit unions, and to provide for the orderly transfer of funds between and among credit unions and other financial institutions.

H.R. 7476. May 22, 1975. Armed Services. Authorizes appropriations to the Department of Defense for fiscal year 1976. Prescribes the authorized personnel strength for each active duty and selected Reserve component of the Armed Forces, and of civilian personnel of the Department of Defense. Authorizes military training student loads.

H.R. 7477. May 22, 1975. Agriculture; International Relations. Establishes an Office of Food Administration and directs the Administrator of the Administration to ascertain annually the food requirements for domestic and foreign assistance programs, the availability of food to carry out such programs, the availability of funding for such programs, and to study other world hunger and nutrition-related problems.

H.R. 7478. May 22, 1975. Ways and Means. Amends the Internal Revenue Code to allow a limited credit against the income tax for the expenses of education above the twelfth grade paid by the taxpayer for providing an education for the taxpayer, the taxpayer's spouse, or the taxpayer's dependent.

H.R. 7479. May 22, 1975. Armed Services. Eliminates the annual active duty training requirement for members of the Ready Reserve who were inducted prior to July 1973.

H.R. 7480. May 22, 1975. Interstate and Foreign Commerce. Extends appropriations, under the Public Health Service Act, for emergency medical service systems, and continues the prohibition against making grants to entities that did not receive a grant or contract for establishment, operation, or modernization of facilities in the preceding year.

H.R. 7481. May 22, 1975. Judiciary. Establishes the Federal Corporate Chartering Commission and requires each principal industrial corporation engaged in interstate or foreign commerce to file an application with the Commission for a Federal Corporate Charter.

Directs the Commission to propose a plan of reorganization for the motor vehicle industry, the petroleum industry, and the steel industry.

Vests the Commission with certain enforcement powers.

H.R. 7482. May 22, 1975. Banking, Currency and Housing. Prescribes procedures and standards governing the disclosure of customer financial records by financial institutions to governmental agencies.

H.R. 7483. May 22, 1975. Banking, Currency and Housing. Prescribes procedures and standards governing the disclosure of customer financial records by financial institutions to governmental agencies.

H.R. 7484. May 22, 1975. Ways and Means. Amends the Tariff Schedules of the United States to allow duty-free entry of binder twine and baler twine of manmade fibers.

H.R. 7485. May 22, 1975. Interstate and Foreign Commerce. Directs the Secretary of Health, Education, and Welfare to establish and maintain a program to reimburse providers of utility services to certified households and landlords for a percentage of the cost of such utility services.

H.R. 7486. May 22, 1975. Armed Services. Prescribes regulations for the Armed Forces concerning (1) total strength in members on active duty; (2) computation of service credit for the purpose of determining grade and position, in the case of certain officers; and (2) appointment, including temporary appointments, promotion, separation and retirement of officers.

H.R. 7487. May 22, 1975. Interstate and Foreign Commerce. Authorizes the Secretary of Transportation, in consultation with the Secretary of Labor to make funds available to States, political subdivisions, railroads, or transportation authorities for programs to reduce unemployment and repair, rehabilitate, or improve certain rail roadbeds and facilities.

H.R. 7488. May 22, 1975. Agriculture. Authorizes and directs the Secretary of Agriculture (1) to provide a continuing survey of existing methods of direct marketing from farmers to consumers in each State; (2) to utilize the Extension Service of the Department of Agriculture to disseminate direct marketing information to the States; (2) to establish cooperative enterprises and organizations of farmers to facilitate the interface of organized farmers and consumers; and (4) to establish and maintain, under the auspices of the Farmer Cooperative Service, projects involving the formation of new methods of direct marketing.

H.R. 7489. May 22, 1975. Public Works and Transportation. Permits certain signs and notices along Federal highways right-of-way relating to information about travel-oriented services and facilities.

H.R. 7490. May 22, 1975. Education and Labor. Amends the National Foundation on the Arts and the Humanities Act of 1965 to extend and revise appropriations for project funding under the Act.

H.R. 7491. May 22, 1975. Banking, Currency and Housing. Requires that a certain percentage of funds for community development programs be allocated to units of general local government (other than metropolitan areas, under the Housing and Community Development Act of 1974.

H.R. 7492. May 22, 1975. Banking, Currency and Housing. Requires that a certain percentage of funds for community development programs be allocated to units of general local government (other than metropolitan cities and urban counties) and States for use in metropolitan areas, under the Housing and Community Development Act of 1974.

H.R. 7493. May 22, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 7494. May 22, 1975. Judiciary. Authorizes the admission of a certain individual to the United States for permanent residence.

H.R. 7495. May 22, 1975. Judiciary. Directs the Court of Claims to hear the petition of a certain individual, notwithstanding the statute of limitations.

H.R. 7496. June 2, 1975. Armed Services. Stipulates that time spent by a member of the Armed Forces in a missing status shall be disregarded for the purpose of determining such member's eligibility for being detailed as a student to a law school.

H.R. 7497. June 2, 1975. House Administration. Authorizes and establishes procedures for public financing of primary and general election campaign of candidates for election to Congress.

H.R. 7498. June 2, 1975. Merchant Marine and Fisheries. Amends the National Wildlife Refuge System Administration Act of 1966 to revise provisions relating to the authority of the Secretary of the Interior and the Fish and Wildlife Service with regard to the disposal of lands within the system.

H.R. 7499. June 2, 1975. Merchant Marine and Fisheries. Revises the boundaries of the Tinicum National Environmental Center in Pennsylvania.

H.R. 7500. June 2, 1975. International Relations. Authorizes appropriations for the Department of State for operating costs. Empowers the Secretary of State of utilize appropriated funds for the operation and maintenance of the United States Representative to the Organization of American States. Appropriates contributions to certain international organizations.

Amends regulations for Foreign Service officers, under the Foreign Service Act.

Increases appropriations under the Migration and Refugee Act to meet unexpected refugee and migration needs.

Prohibits the use of funds under this Act for a new passport system.

H.R. 7501. June 2, 1975. Ways and Means. Amends the Internal Revenue Code to increase the exemption from industrial bond treatment for certain small issues.

H.R. 7502. June 2, 1975. Judiciary. Requires that whenever mortuaries or morticians offer pre-need burial plans and deposit proceeds from such plans in federally insured depository institutions the proceeds must be placed in special trust accounts. Stipulates procedures to be used to assure that funds withdrawn from such special trust account are utilized to carry out the plans.

H.R. 7503. June 2, 1975. Public Works and Transportation. Amends the Interstate Commerce Act to prohibit through routes and joint rates in interstate commerce to or from the State of Hawaii under certain circumstances.

H.R. 7504. June 2, 1975. Ways and Means. Amends the Internal Revenue Code to exempt from levy for the collection of tax any building or other structure which is used by a taxpayer as his principal residence and which is used by the taxpayer in a trade or business, if such building or structure is the only location at which the taxpayer engages in such trade or business.

Increases the exemption from levy for the collection of tax applicable to the books and tools necessary for the trade, business, or profession of the taxpayer.

H.R. 7505. June 2, 1975. Armed Services. Authorizes the Secretary of Defense to budget funds specifically for the Civil Air Patrol. Specifies purposes for which expenditures from the Civil Air Patrol budget may be made by the Secretary of the Air Force.

H.R. 7506. June 2, 1975. Science and Technology. Authorizes the establishment of a Federal program of research, development, and demonstration of nongasoline-powered vehicles within the Energy Research and Development Administration.

H.R. 7507. June 2, 1975. Banking, Currency and Housing. Extends for two years the authority of Federal Reserve banks to purchase United States obligations directly from the Treasury under the Federal Reserve Act.

H.R. 7508. June 2, 1975. Ways and Means. Amends the Social Security Act by directing the Secretary of Health, Education, and Welfare to allow a nursing salary cost differential in determining the reasonable cost of inpatient nursing care for the purpose of reimbursements to a provider of services under the Medicare program.

H.R. 7509. June 2, 1975. Public Works and Transportation. Establishes a National Center for Transportation Statistics to collect, publish, and disseminate statistics and other data related to transportation within the United States and other nations.

H.R. 7510. June 2, 1975. Ways and Means. Amends the Social Security Act to allow Federal officers and employees to elect coverage under Old-Age, Survivors and Disability Insurance.

H.R. 7511. June 2, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to transfer all interest of the United States in certain lands in Alaska to the city of Haines, Alaska. Requires that such land be sold at not less than market value and that the proceeds of such sale be used for specified public purposes.

H.R. 7512. June 2, 1975. Ways and Means. Amends the Internal Revenue Code to allow a deduction for interest paid or accrued on indebtedness incurred or continued to purchase or carry obligations the interest on which is tax exempt in the case of a taxpayer who holds such obligations primarily for sale to customers in the ordinary course of his trade or business. Limits the deduction to the amount by which the interest paid to carry or purchase such obligations exceeds the amount of interest received or accrued during the taxable year on such obligations.

H.R. 7513. June 2, 1975. Public Works and Transportation. Amends the Federal Water Pollution Control Act to authorize the use of ad valorem taxes as a user charge system.

H.R. 7514. June 2, 1975. Interstate and Foreign Commerce. Amends the War Claims Act of 1948 to permit adjudication of the claims of additional persons for certain World War II losses.

H.R. 7515. June 2, 1975. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare to provide a medical malpractice reinsurance program to insurance companies and other insurers. Requires a State to have an effective program for arbitration of medical malpractice claims before Federal reinsurance will be available. Requires civil actions for damages on account of alleged malpractice to first be submitted to State arbitration.

H.R. 7516. June 2, 1975. Agricuture. Extends the authority of the Secretary of Agriculture to make direct or insured loans, under the Consolidated Farm and Rural Development Act, to farmers for the acquisition and improvement of owner-operated farms up to the net worth of the farm as improved.

Grants special consideration to young farmers with respect to such loans.

Revises the repayment requirement for such loans.

H.R. 7517. June 2, 1975. Banking, Currency and Housing. Creates a Federal Municipal Bond Guarantee Administration to guarantee bonds issued by municipalities. Establishes in the Treasury of the United States a Municipal Bond Guarantee Fund to be used by the Administration as a revolving fund for carrying out the provisions of this Act.

H.R. 7518. June 2, 1975. Agriculture. Amends the Food Stamp Act of 1964 to require (1) broader dissemination of information concerning the food stamp program; and (2) State agencies to expedite the certification process. Authorizes the Secretary of Agriculture to pay to each State agency 50 percent of its administrative costs.

H.R. 7519. June 2, 1975. Public Works and Transportation. Amends the Federal Water Pollution Control Act to allow the Administrator of the Environmental Protection Agency to accept State certification as discharging his responsibilities under certain provisions for the development and construction of adequate waste treatment facilities.

H.R. 7520. June 2, 1975. Interstate and Foreign Commerce. Amends the Federal Trade Commission Act to exempt from the antitrust laws certain market allocation agreements made as part of a licensing contract for the manufacture, distribution and sale of trademarked foods.

H.R. 7521. June 2, 1975. Ways and Means. Amends the Internal Revenue Code to treat services performed by a spouse as consideration in money or money's worth for the purpose of valuation of a gross estate where the gross estate is subject to certain joint interests.

H.R. 7522. June 2, 1975. Judiciary. Directs the Secretary of Housing and Urban Development to pay a specified sum to a certain individual for repair of certain property pursuant to written authorization of the Federal Housing Administration.

H.R. 7523. June 2, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 7524. June 3, 1975. Rules. Amends the Congressional Budget Act of 1974 to require that every public bill or resolution introduced in either House of Congress contain an estimate of the average cost for each taxpaying family if the bill or resolution were enacted into law. Requires the Director of the Congressional Budget Office to keep tabulations on the average cost to each taxpaying family of the bills passed during each session and directs that the tabulations be printed in the CONGRESSIONAL RECORD.

H.R. 7525. June 3, 1975. Ways and Means. Amends the Internal Revenue Code to increase the corporate surtax exemption.

H.R. 7526. June 3, 1975. House Administration. Prohibits the denial or abridgement of the right of former criminal offenders to vote in elections for Federal office.

H.R. 7527. June 3, 1975. Agriculture. Amends the Commodity Credit Corporation Charter Act to revise the types of storage for which the Corporation may contract.

H.R. 7528. June 3, 1975. Merchant Marine and Fisheries. Prohibits the issuance or enforcement by any Federal officer of regulations banning the use of lead shot for the hunting of waterfowl, unless certain findings are made and the concurrence of the appropriate State agency is obtained.

H.R. 7529. June 3, 1975. Interstate and Foreign Commerce. Prohibits distributors and refiners of petroleum products from cancelling franchises without cause and without prior notice.

H.R. 7530. June 3, 1975. Interstate and Foreign Commerce. Prohibits distributors and refiners of petroleum products from cancelling franchises without cause and without prior notice.

H.R. 7531. June 3, 1975. Post Office and Civil Service. Applies current Federal retirement benefits for law enforcement and firefighting personnel to certain of such personnel who retired prior to the effective date of the current benefits.

H.R. 7532. June 3, 1975. Ways and Means. Amends the Internal Revenue Code with respect to the determination of the allowable tax credit for the purchase of a new principal residence.

H.R. 7533. June 3, 1975. Education and Labor. Directs various boards, commissions and councils to develop an executive program designed to provide private and public service employment to those who seek it. Directs the President to transmit each year a full employment and production plan to Congress.

H.R. 7534. June 23, 1975. Ways and Means. Amends the Social Security Act to authorize Federal payments to States for programs providing certain social services regardless of the recipient's income or eligibility for benefits under another program, if such social services are provided in a manner consistent with certain State programs.

H.R. 7535. June 3, 1975. Post Office and Civil Service. Eliminates the requirement that each Federal agency and executive department submit an annual report to certain committees of Congress concerning the higher classification of civilian positions within such agency or department.

H.R. 7536. June 3, 1975. Small Business. Increases the amount of capital allocated to the Small Business Administration lease and surety bond guarantees fund under the Small Business Investment Act of 1958. Authorizes the Small Business Administration to guarantee payments due under qualified contracts for pollution control facilities.

H.R. 7537. June 3, 1975. Judiciary. Incorporates the United Service Organizations, Incorporated.

H.R. 7538. June 3, 1975. Agriculture. Amends the Rural Development Act of 1972 to establish a minimum level for grants to States by the Secretary of Agriculture, under such Act, and to exclude farm populations from consideration as a factor in determining the amount of such grants.

H.R. 7539. June 3, 1975. Judiciary. Requires the Secretary of State to (1) monitor the business activities of American companies in order to detect possible violations of Federal law and (2) report any possible violations to the appropriate Federal agency.

Makes it a Federal crime for any American company to bribe or attempt to bribe any foreign government, foreign official, or foreign political organization with the intent to influence any official act affecting such company.

H.R. 7540. June 3, 1975. Agriculture. Amends the Consolidated Farm and Rural Development Act to direct the Secretary of Agriculture to give preference in granting farm purchase and improvement loans to nonowner-operators of a farm or to owner-operators who do not rely on the farm for their principal source of income. Authorizes the Secretary to make or insure loans to such nonowner-operators and sets limits for the amount of such loans. Stipulates explicit repayment terms for nonowner-operators of farms who receive loans under the Act.

H.R. 7541. June 3, 1975. Ways and Means. Amends the tariff Schedules of the United States to allow duty-free entry of binder twine and baler twine of manmade fibers.

H.R. 7542. June 3, 1975. Ways and Means. Amends the Social Security Act to authorize incentive payments to a State, under the Child Support provisions of the Aid to Families with Dependent Children program, for the enforcement and collection of child support rights assigned to such State.

H.R. 7543. June 3, 1975. Ways and Means. Amends the Internal Revenue Code to allow a taxpayer to elect to take a deduction for capital recovery in lieu of depreciating eligible tangible property.

H.R. 7544. June 3, 1975. Education and Labor; Veterans' Affairs. Excludes from job preference programs, under the Comprehensive Employment and Training Act of 1973, any person who received an other than dishonorable discharge which was obtained pursuant to the operation of the clemency and reconciliations which was implemented by an Executive Order.

H.R. 7545. June 3, 1975. Ways and Means. Amends the Second Liberty Bond Act to increase the public debt limitation.

H.R. 7546. June 3, 1975. Ways and Means. Increases the public debt limit of the Second Liberty Bond Act.

Amends the Internal Revenue Code to repeal the Domestic International Sales Corporation (DISC) tax exemption.

H.R. 7547. June 3, 1975. Interstate and Foreign Commerce. Extends appropriations under the Drug Abuse Office and Treatment Act of 1972 and instructs the Director thereof to encourage and promote opiate-related research and to cooperate with State and local agencies involved in drug abuse prevention.

H.R. 7548. June 3, 1975. Interstate and Foreign Commerce; Small Business. Grants authority to the Administrator of the Environmental Protection Agency to establish a test protocol for any drug that may present an unreasonable risk to health or the environment, to require 90 days notice when any manufacturer is planning to manufacture or import a new drug, to prescribe rules for the distribution or use of a chemical substance deemed an unreasonable risk to human health or the environment, and to require the revision of inadequate quality control procedures. Exempts pesticides and certain other chemical substances from this Act.

Empowers the Small Business Administration to make loans to assist any small business concern in complying with testing requirements of this Act.

H.R. 7549. June 3, 1975. Agriculture. Exempts from the inspection requirements of the Federal Meat Inspection Act, the custom slaughtering of livestock by any person not engaged in selling or buying meat or meat products when such livestock is delivered by the owner thereof, there is no change of ownership in such livestock, the meat and meat food products are to be used exclusively by the owner, and the premises and slaughtering meet the sanitation requirements of the State.

H.R. 7550. June 3, 1975. Agriculture. Amends the Federal Meat Inspection Act and the Poultry Products Inspection Act to allow meat and poultry that is prepared under State inspection and in accordance with Federal inspection requirements to be distributed in commerce upon the same basis as meat and poultry prepared under Federal inspection provided that it is marked with a combined State-Federal inspection legend.

H.R. 7551. June 3, 1975. Ways and Means. Amends the Internal Revenue Code to include as tax exempt organizations condominium associations, homeowner associations, cooperative housing associations, and other similar corporations and organizations not organized for profit.

H.R. 7552. June 3, 1975. Education and Labor. Stipulates that certain strikes at the site of a construction project are not prohibited as an unfair labor practice under the National Labor Relations Act.

H.R. 7553. June 3, 1975. Education and Labor; Atomic Energy. Directs the Office of Technology Assessment to conduct a comprehensive study of the nuclear fuel cycle.

H.R. 7554. June 3, 1975. Ways and Means. Amends the Social Security Act by increasing the amount of outside income which an individual may earn without a reduction in Old-Age, Survivors, and Disability Insurance benefits.

H.R. 7555. June 3, 1975. Interstate and Foreign Commerce; Science and Technology. Amends the Clean Air Act to require the Administrator of the Environmental Protection Agency, with the assistance of other agencies, to determine the effect on public health and the environment of the discharge of chlorofluoromethane into the ambient air.

Prohibits, subject to such determination, the introduction into commerce of any aerosol spray container which discharges chlorofluoromethane into the ambient air.

H.R. 7556. June 3, 1975. Education and Labor. Stipulates that certain strikes at the site of a construction project are not prohibited as an unfair labor practice under the National Labor Relations Act.

H.R. 7557. June 3, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to authorize the Federal Communications Commission to grant licenses and license renewals for five year terms.

Revises the Act to allow certain appeals from orders or decisions of the Commission to be brought in the United States court of appeals for the circuit in which the broadcast facility is, or is proposed to be located.

Requires the Commission to examine its broadcast license renewal process to determine how the process can be simplified.

H.R. 7558. June 3, 1975. Ways and Means. Extends the temporary eligibility of Supplemental Security Income recipients for food stamps for an additional twelve months.

H.R. 7559. June 3, 1975. Appropriations. Makes additional appropriations for emergency employment programs administered by the Department of Labor and the Department of Health, Education and Welfare, and for administrative expenses of the Department of Transportation.

H.R. 7560. June 3, 1975. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to pay service pensions to certain World War I veterans, their widows, and their, children.

H.R. 7561. June 3, 1975. Banking, Currency and Housing. Directs the Secretary of the Treasury to strike and furnish to the American Revolution Bicentennial Administration certain commemorative medals.

H.R. 7562. June 3, 1975. Interstate and Foreign Commerce. Includes the use of blood and blood products and the management of blood resources within the research and training programs of the National Heart and Lung Institute, under the Public Health Service Act, and extends appropriations for such programs.

Limits the authority of the Secretary of Health, Education, and Welfare to disclose information contained in research grant applications.

Extends appropriations for National Research Service Awards.

Authorizes the Secretary to make grants to and enter into contracts with public and nonprofit private entities for projects related to the testing, diagnosis, counseling, and treatment of individuals respecting genetic diseases.

H.R. 7563. June 3, 1975. International Relations. Requires the Secretary of State to monitor the business activities of American companies in foreign countries to detect any possible violation of Federal law. Requires the Secretary to report any such violation to the appropriate Federal agency.

H.R. 7564. June 3, 1975. Interstate and Foreign Commerce. Creates the "President's Cancer Research Prize" and authorizes the President to annually award such prize.

H.R. 7565. June 3, 1975. Public Works and Transportation. Amends the Federal Water Pollution Control Act to redefine Corps of Engineers authority to require permits for the discharge of dredged or fill materials into the channels of navigable waters.

H.R. 7566. June 3, 1975. Agriculture. Amends the National School Lunch Act to extend appropriations for the summer food program. Revises provisions relating to the (1) disbursement of funds to service institutions; (2) regulations governing the implementation of the summer food program; and (3) administrative costs payable to the States.

H.R. 7567. June 3, 1975. International Relations. Amends the Arms Controls and Disarmament Act with respect to the authority of the United States Arms Control and Disarmament Agency and the duties of its Director. Requires departments or agencies requesting, appropriations of a specified size for an armaments development program to file a statement with the Committee describing the impact of the new armaments on disarmament policies or negotiations.

H.R. 7568. June 3, 1975. Armed Services Authorizes the President of the United States to present in the name of Congress, a Medal of Honor to a certain individual.

H.R. 7569. June 3, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 7570. June 3, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 7571. June 3, 1975. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 7572. June 3, 1975. Judiciary. Declares certain individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 7573. June 3, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 7574. June 3, 1975. Interior and Insular Affairs. Directs the Secretary of the Interior to convey all mineral interests of the United States to the owners of record of certain lands in Virginia.

H.R. 7575. June 4, 1975. Government Operations. Establishes a Consumer Protection Agency within the executive branch to represent the interests of consumers before Federal agencies, to receive and act upon consumer complaints, to perform research on consumer products, and to gather and disseminate information on consumer products and services.

Requires Federal agencies considering policies or regulations which may affect the interests of consumers to notify the Agency, and to consider the interests of consumers.

H.R. 7576. June 4, 1975. Education and Labor. Amends the Federal Metal and Nonmetallic Mine Safety Act of 1966 to eliminate the Federal Metal and Nonmetallic Mine Safety Board of Review. Allows for judicial review by the U.S. Court of Appeals of final orders issued under the Act by the Secretary of the Interior.

H.R. 7577. June 4, 1975. Ways and Means. Amends the Internal Revenue Code to make the requirement that mutual savings banks maintain reserves to cover losses on loans applicable to national mortgage associations.

H.R. 7578. June 4, 1975. Interstate and Foreign Commerce. Amends the Securities Exchange Act of 1934 to require foreign investors and proxies of such investors to file a statement with the Securities and Exchange Commission notifying the Commission of their intention to acquire more than five percent of the equity securities of a United States company.

Authorizes the President to prohibit any such purchase by foreign investors.

Requires issuers of securities to file with the Commission a list of the names and nationalities of the owners of their equity securities.

R.R. 7579. June 4, 1975. Interstate and Foreign Commerce. Amends the Securities Exchange Act of 1934 (1) to prohibit persons who are not citizens of the United States from acquiring more than five percent of the voting securities or thirty-five percent of the nonvoting securities of any issuer whose securities are registered under the Act; (2) to prohibit any person not a citizen who now owns securities in greater percentages than stated above from acquiring any more of such securities; and (3) to direct the Securities Exchange Commission to require the registration of persons not citizens before their acquisition of securities registered under the Securities Exchange Act of 1934.

H.R. 7580. June 4, 1975. Public Works and Transportation. Amends the Federal Water Pollution Control Act to further define the term "navigable waters" as it applies to the issuance of permits for dredged or fill material by the Corps of Engineers.

H.R. 7581. June 4, 1975. Ways and Means. Amends the Social Security Act by reducing the waiting period for disability insurance benefits or qualifying for widow's or widower's insurance benefits on the basis of disability.

H.R. 7582. June 4, 1975. Post Office and Civil Service. Abolishes the United States Postal Service. Repeals the Postal Reorganization Act. Re-establishes the Post Office Department as an executive department of the Federal Government.

H.R. 7583. June 4, 1975. Government Operations. Requires that meetings of Federal agencies be open to the public except as stipulated in this Act. Requires that edited transcripts of all meetings be made available to the public. Prohibits ex parte communications during on-the-record agency meetings.

H.R. 7584. June 4, 1975. Armed Services. Directs the Secretary of Defense to establish regional boards to review military discharges and dismissals. Prohibits the inclusion on discharge certificates of any information pertaining to whether a former member should be accepted for reenlistment. Directs the Secretary of each military department to issue new discharge certificates to individuals whose original certificates contained such prohibited information.

H.R. 7585. June 4, 1975. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to increase or decrease, on an annual basis and in an amount equal to the percentage by which the Bureau of Labor Statistics' Consumer Price Index increases or decreases, the monthly monetary rates for compensation, dependency and indemnity compensation, pension, subsistence allowance, educational assistance allowance, and special training allowance benefits. Increases, under the same procedure, the pension payable under the Veterans' Pension Act of 1959.

H.R. 7586. June 4, 1975. Veterans' Affairs. Repeals the time limit within which a veteran must use his education benefits.

H.R. 7587. June 4, 1975. Ways and Means. Amends the Internal Revenue Code to repeal the Domestic International Sales Corporation (DISC) tax exemption for all corporations and to revise the tax treatment of a former DISC.

H.R. 7588. June 4, 1975. Public Works and Transportation. Terminates the Airlines Mutual Aid Agreement.

H.R. 7589. June 4, 1975. Education and Labor. Stipulates that certain strikes at the site of a construction project are not prohibited as an unfair labor practice under the National Labor Relations Act.

H.R. 7590. June 4, 1975. Banking, Currency and Housing. Directs the Comptroller General to audit annually the Federal Reserve Board, the Federal Advisory Council, the Federal Open Market Committee, and all Federal Reserve Banks and their branches.

H.R. 7591. June 4, 1975. Ways and Means. Amends the Tariff Schedules of the United States to extend the period during which certain dyeing and tanning materials may be imported free of duty.

H.R. 7592. June 4, 1975. Judiciary. Stipulates that Indians committing certain listed crimes within Indian country shall be subject to the same laws and penalties as all other persons committing such crimes within the exclusive jurisdiction of the United States, except that any such offenses not defined and punishable by Federal law shall be defined and punished by the laws of the State in which such offense was committed.

H.R. 7593. June 4, 1975. Public Works and Transportation. Directs the Secretary of the Army to study flooding and related problems along the shoreline in the San Francisco Bay Region in California.

H.R. 7594. June 4, 1975. International Relations. Amends the War Powers Resolution to require that in every possible instance the President shall seek the advice and counsel of the Congress prior to making a final decision to introduce United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances.

H.R. 7595. June 4, 1975. Ways and Means. Amends the Social Security Act by (1) removing the limitation on the amount of outside income which an individual may earn while receiving Old-Age, Survivors and Disability Insurance benefits; (2) revising certain eligibility requirements for Old-Age, Survivors and Disability Insurance benefits; and (3) authorizing direct payment to the provider of services to Medicare supplementary medical insurance beneficiaries under certain circumstances.

Amends the Social Security Act and the Internal Revenue Code to allow individuals 65 years of age or older to elect to exempt wages and self-employment income from social security taxation.

H.R. 7596. June 4, 1975. Ways and Means. Amends the Internal Revenue Code to increase the exemption which allows the exclusion from gross income of interest received on industrial revenue bonds which do not involve capital expenditures of a character subject to the allowance for depreciation.

Limits the exemption to one-time on facilities which are to be used primarily by one person or related persons.

H.R. 7597. June 4, 1975. Education and Labor. Revises reporting requirements, minimum funding standards, and fiduciary responsibility for employee pension benefit plans under the Employee Retirement Income Security Act of 1974. Revises certain duties of the Pension Benefit Guaranty Corporation relating to the providing of insurance coverage to employers against liability for pension plan termination.

H.R. 7598. June 4, 1975. Science and Technology. Directs the Administrator of Energy Research and Development to establish a program of research and development of industrial energy conserving technologies. Authorizes financial assistance in the form of grants and loans for the development and demonstration of such technologies, with special attention to be given to stimulation of depressed industrial areas.

H.R. 7599. June 4, 1975. Science and Technology. Directs the Administrator of Energy Research and Development to establish a program of research and development of industrial energy conserving technologies. Authorizes financial assistance in the form of grants and loans for the development and demonstration of such technologies, with special attention to be given to stimulation of depressed industrial areas.

H.R. 7600. June 4, 1975. Armed Services. Amends the National Security Act of 1947 to designate the majority and minority leaders of each House of Congress as members of the National Security Council.

H.R. 7601. June 4, 1975. Ways and Means. Amends the Internal Revenue Code to exclude from gross income pensions or annuities received by policemen or firemen or their dependents or survivors, for services performed in the employ of a Federal, State or local government.

H.R. 7602. June 4, 1975. Education and Labor. Amends the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize financial assistance to States and local educational agencies for alternative education programs and projects designed to reduce delinquency and crime and increase the safety and security of the students, employees and facilities and elementary and secondary schools.

H.R. 7603.—June 4, 1975. Education and Labor. Amends the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize financial assistance to States and local educational agencies for alternative education programs and projects designed to reduce delinquency and crime and increase the safety and security of the students, employees and facilities of elementary and secondary schools.

H.R. 7604.—June 4, 1975. Post Office and Civil Service. Prohibits certain modifications of health insurance benefits under a plan offered to Federal employees unless notice of proposed modifications has been published and a hearing concerning such modifications has been held.

H.R. 7605.—June 4, 1975. Education and Labor. Amends the Federal Metal and Nonmetallic Mine Safety Act of 1966 to eliminate the Federal Metal and Nonmetallic Mine Safety Board of Review. Allows for judicial review by the U.S. Court of Appeals of final orders issued under the Act by the Secretary of the Interior.

H.R. 7606.—June 4, 1975. Education and Labor. Amends the Federal Metal and Nonmetallic Mine Safety Act of 1966 to eliminate the Federal Metal and Nonmetallic Mine Safety Board of Review. Allows for judicial review by the U.S. Court of Appeals of final orders issued under the Act by the Secretary of the Interior.

H.R. 7607.—June 4, 1975. Armed Services. Authorizes payment of per diem and travel or transportation expenses to members of the Boards of Visitors and advisors to the service academies.

H.R. 7608.—June 4, 1975. Ways and Means. Amends the Internal Revenue Code to exempt cooperative housing corporations, condominium management associations, and residential real estate management associations from taxation on certain types of income.

H.R. 7609.—June 4, 1975. Ways and Means. Amends the Supplemental Security Income provisions of the Social Security Act by (1) mandating benefit increases and emergency assistance grants; (2) prohibiting benefit decreases as a consequence of increases in other social security benefits; (3) adding supplementary housing benefits; (4) revising the basis upon which mandatory minimum State supplementation is calculated; (5) revising administrative procedures for paying benefits; and (6) redefining "eligible spouse".

Amends the Food Stamp Act of 1964 by allowing certain Supplemental Security Income recipients to elect to receive food stamps.

H.R. 7610. June 4, 1975. Ways and Means. Amends the Internal Revenue Code to permit (1) a tax credit for the qualified savings and investment of an individual; (2) the exclusion from an individual's gross income of certain corporate dividends and the capital gains from the sale or exchange of securities; (3) a deduction from the value of the gross estate in the case of certain family farming operations; (4) the adjustment of the corporate normal tax rate; and (5) the increase of the corporate surtax exemption and the investment credit.

H.R. 7611. June 4, 1975. Appropriations. Makes additional appropriations for emergency employment programs administered by the Department of Labor and the Department of Health, Education and Welfare, and for administrative expenses of the Department of Transportation.

H.R. 7612. June 4, 1975. Appropriations. Makes additional appropriations for emergency employment programs administered by the Department of Labor and the Department of Health, Education, and Welfare, and for administrative expenses of the Department of Transportation.

H.R. 7613. June 4, 1975. Ways and Means. Amends the Social Security Act by increasing the amount of outside income which an individual may earn without a reduction in Old-Age, Survivors, and Disability Insurance benefits.

H.R. 7614. June 4, 1975. Government Operations. Authorizes appropriations to the State and Local Government Fiscal Assistance Trust Fund for revenue sharing purposes through fiscal year 1981.

Stipulates that payments under the State and Local Government Fiscal Assistance Act which are waived by the Indian Tribe or Alaskan Native Village entitled to receive then shall become part of the entitlement of the county government in which such Tribe or Village is located.

H.R. 7615. June 4, 1975. Ways and Means. Amends the Social Security Act by removing the limitation on the amount of outside income which an individual may earn while receiving Old-Age, Survivors and Disability Insurance benefits.

H.R. 7616. June 4, 1975. Education and Labor. Stipulates that certain strikes at the site of a construction project are not prohibited as an unfair labor practice under the National Labor Relations Act.

H.R. 7617. June 4, 1975. Veterans' Affairs. Specifies that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of increases in monthly social security benefits.

H.R. 7618. June 4, 1975. Ways and Means. Revises the time at which eligibility for Medicare benefits on account of kidney failure commences and terminates under the Social Security Act. Revises the conditions applicable to payments for services and supplies required by self-dialysis patients.

H.R. 7619. June 4, 1975. Ways and Means. Amends the Tariff Schedules of the United States to define the tariff classification of certain composition cork.

H.R. 7620. June 4, 1975. Agriculture. Establishes a Food Research Advisory Committee within the Department of Agriculture to review applications for and make recommendation on food research grants. Directs the Secretary of Agriculture to project grants for food research to applicants selected by the Committee.

H.R. 7621. June 4, 1975. Ways and Means. Amends the Social Security Act by directing the Secretary of Health, Education, and Welfare to allow a nursing salary cost differential in determining the reasonable cost of inpatient nursing care for the purpose of reimbursement to a provider of services under the Medicare program.

H.R. 7622. June 4, 1975. Agriculture. Amends those provisions of Federal law and the Animal Welfare Act of 1970, relating to the care and treatment of animals, to include protection for birds in pet stores and zoos.

Extends the applicability of such laws to include the terminal facilities used by any common carrier licensed to transport animals.

H.R. 7623. June 4, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 7624. June 4, 1975. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 7625. June 4, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 7626. June 4, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States arising out of surgical and related expenses which were incurred only after the Social Security Administration had erroneously assured such individual that the expenses would be covered under medicare.

H.R. 7627. June 4, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 7628. June 5, 1975. Interior and Insular Affairs. Restores specified lands not needed for the Garrison Dam and Reservoir projects in North Dakota to the original tribal owners, except that the United States retains a flowage easement over such lands.

H.R. 7629. June 5, 1975. Agriculture. Authorizes the Secretary of Agriculture, under the Packers and Stockyards Act of 1921, to require insolvent packers to cease and desist from operating and to grant or deny reparations to complainants who are charged with violations under such Act. Grants priority in an insolvency proceeding to debts owed for the purchase of livestock.

H.R. 7630. June 5, 1975. Interstate and Foreign Commerce. Authorizes the Secretary of Transportation to provide financial assistance to railroads, States, political subdivisions and regional commissions for programs aimed at reducing unemployment and at repairing, rehabilitating, and improving railroad roadbeds and facilities.

H.R. 7631. June 5, 1975. Interior and Insular Affairs. Enlarges the Redwood National Park in California to include additional lands.

H.R. 7632. June 5, 1975. Interior and Insular Affairs. Enlarges the Redwood National Park in California to include additional lands.

H.R. 7633. June 5, 1975. Public Works and Transportation. Amends the Federal Water Pollution Control Act to further define the term "navigable waters" as it applies to the issuance of permits for dredged or fill material by the Corps of Engineers.

H.R. 7634. June 5, 1975. Ways and Means. Amends the Internal Revenue Code to redefine the definition of "regulated investment company" with respect to custodial accounts for employees of certain tax-exempt organizations.

H.R. 7635. June 5, 1975. Interstate and Foreign Commerce. Amends the Regional Rail Reorganization Act of 1973 (1) to require certain analyses of branch lines with respect to their inclusion in the Consolidated Rail Corporation; and (2) to increase the percentage of Federal subsidy of rail lines which are proposed to be abandoned.

H.R. 7636. June 5, 1975. Veterans' Affairs. Directs the Administrator of Veterans Affairs to pay service pensions to certain World War I veterans, their widows, and their children.

H.R. 7637. June 5, 1975. Public Works and Transportation. Amends the Federal Water Pollution Control Act to further define the term "navigable waters" as it applies to the issuance of permits for dredged or fill material by the Corps of Engineers.

H.R. 7638. June 5, 1975. Interstate and Foreign Commerce. Amends the Social Security Act by requiring that medicaid patients in nursing facilities who receive old-age, survivors, and disability insurance benefits be permitted ot retain a portion of such benefits for personal use.

H.R. 7639. June 5, 1975. Ways and Means. Requires States which have entered into agreements with the Secretary of Health, Education, and Welfare for coverage of State and local employees under the Social Security Act to make payments and reports to the Secretary of the Treasury on a calendar-quarter basis.

H.R. 7640. June 5, 1975. Ways and Means. Redefines "income" for the purposes of determining eligibility for, and the amount of, Old-Age, Survivors, and Disability Insurance benefits and Supplemental Security Income benefits under the Social Security Act. Increases the amount of outside income which an individual may receive without a reduction in Old-Age, Survivors, and Disability Insurance benefits.

H.R. 7641. June 5, 1975. Education and Labor. Establishes a Higher Education Reconstruction Finance Corporation as a private corporation, sponsored by the United States, to provide emergency loans to institutions of higher education in order to insure that all students have an opportunity to obtain a higher education at a reasonable cost.

H.R. 7642. June 5, 1975. Armed Services. Retains provisions entitling veterinarians and optometrists in the Armed Forces to special pay for two additional years.

H.R. 7643. June 5, 1975. Ways and Means. Amends the Social Security Act by including the services of registered nurses under the Medicare and Medicaid programs.

H.R. 7644. June 5, 1975. Ways and Means. Amends the Social Security Act by directing the Secretary of Health, Education, and Welfare to allow a nursing salary cost differential in determining the reasonable cost of inpatient nursing care for the purpose of reimbursement to a provider of services under the Medicare program.

H.R. 7546. June 5, 1975. Appropriations. Makes a supplemental appropriation to the Department of Labor for youth summer employment programs pursuant to the Comprehensive Employment and Training Act of 1973.

H.R. 7545. June 5, 1975. Appropriations. Amends the Medicare provisions of the Social Security Act by authorizing payment for emergency inpatient hospital services furnished anywhere outside the United States.

H.R. 7647. June 5, 1975. Post Office and Civil Service. Specifies the allowable rate increase for second-class mail and certain fourth class mail over the next five years.

H.R. 7648. June 5, 1975. House Administration. Authorizes the voluntary withholding of State and District of Columbia income taxes, pursuant to agreements subject to review by the Committee on House Administration of the House of Representatives, in the case of certain legislative officers and employees.

H.R. 7649. June 5, 1975. Banking, Currency and Housing. Prescribes procedures and standards governing the disclosure of customer financial records by financial institutions to governmental agencies.

H.R. 7650. June 5, 1975. Interior and Insular Affairs. Directs the Secretary of the Interior to convey, for fair market value, certain lands to Valley County, Idaho.

H.R. 7651. June 5, 1975. Veterans' Affairs. Redefines the term "eligible veteran" for the purposes of job counseling, training and placement services for veterans.

H.R. 7652. June 5, 1975. Education and Labor. Stipulates that certain strikes at the site of a construction project are not prohibited as an unfair labor practice under the National Labor Relations Act.

H.R. 7653. June 5, 1975. Judiciary. Requires that any regulations required by law to be published in the Federal Register shall be submitted to the appropriate standing committee of the Senate or of the House of Representatives prior to such publication or prior to their circulation for public comment, whichever is to occur first.

H.R. 7654. June 5, 1975. Interstate and Foreign Commerce. Prescribes criteria for Federal, State, and local agencies regulating electric utilities which would require that rate schedules accurately reflect long-run incremental costs of service and that price differentials for different customer classes reflect actual documented differentials in costs of service.

Prohibits any allowance for recoupment of any advertising costs except if such advertising is designed to discourage energy consumption during peak load periods or to encourage conservation of electricity in general.

Establishes standards for the treatment of fuel adjustment clauses and for the determination of effective dates for proposed changes in rates and schedules.

H.R. 7655. June 5, 1975. Ways and Means. Amends the Internal Revenue Code to allow the amortization of any qualified methanol producing facility and to prohibit the imposition of a tax on gasoline or any fuel in a mixture with methanol, if at least 10 percent of the mixture is methanol.

H.R. 7656. June 5, 1975. Agriculture. Directs the Secretary of Agriculture to issue research and promotion orders applicable to persons who produce, sell, acquire, process, or market beef for the purpose of maintaining and expanding existing markets and developing new or improved markets and uses for beef and beef products.

H.R. 7657. June 5, 1975. Ways and Means. Amends the Social Security Act by directing the Secretary of Health, Education, and Welfare to allow a nursing salary cost differential in determining the reasonable cost of inpatient nursing care for the purpose of reimbursement to a provider of services under the Medicare program.

H.R. 7658. June 5, 1975. Ways and Means. Amends the Social Security Act by directing the Secretary of Health, Education, and Welfare to allow a nursing salary cost differential in determining the reasonable cost of inpatient nursing care for the purpose of reimbursement to a provider of services under the Medicare program.

H.R. 7659. June 5, 1975. Ways and Means. Amends the Social Security Act by directing the Secretary of Health, Education, and Welfare to allow a nursing salary cost differential in determining the reasonable cost of inpatient nursing care for the purpose of reimbursement to a provider of services under the Medicare program.

H.R. 7660. June 5, 1975. Ways and Means. Amends the Social Security Act by directing the Secretary of Health, Education, and Welfare to allow a nursing salary cost differential in determining the reasonable cost of inpatient nursing care for the purpose of reimbursement to a provider of services under the Medicare program.

H.R. 7661. June 5, 1975. Ways and Means. Amends the Social Security Act by directing the Secretary of Health, Education, and Welfare to allow a nursing salary cost differential in determining the reasonable cost of inpatient nursing care for the purpose of reimbursement to a provider of services under the Medicare program.

H.R. 7662. June 5, 1975. Government Operations. Authorizes the Secretary of the Treasury to make emergency support grants for economic recovery to the States and to local governments.

H.R. 7663. June 5, 1975. Judiciary. Prohibits the sale of certain types of handguns in the United States.

H.R. 7664. June 5, 1975. Interstate and Foreign Commerce. Grants authority to the Administrator of the Environmental Protection Agency to establish a test protocol for any drug that may present an unreasonable risk to health or the environment, to require 90 days notice when any manufacturer is planning to manufacture or import a new drug, to prescribe rules for the distribution or use of a chemical substance deemed an unreasonable risk to human health or the environment, and to require the revision of inadequate quality control procedures. Exempts pesticides and certain other chemical substances from this Act.

Establishes a Chemical Substances Board in the Environmental Protection Agency to assist the Administrator in carrying out the requirements of this Act.

H.R. 7665. June 5, 1975. International Relations. Extends the authority of the Export Administration Act of 1969 until September 30, 1979.

H.R. 7666. June 5, 1975. Ways and Means. Amends the Social Security Act by increasing the amount of outside income which an individual may earn without a reduction in Old-Age, Survivors, and Disability Insurance benefits.

H.R. 7667. June 5, 1975. Banking, Currency and Housing. Designates specified medallions struck on the reactivated Carson City dollar press by the Nevada American Revolution Bicentennial Commission as national medals.

H.R. 7668. June 5, 1975. Judiciary. Increases the penalties for the use of a firearm to commit any felony or the unlawful carrying of a firearm during the commission of a felony.

H.R. 7669. June 5, 1975. Public Works and Transportation. Revises the definitions of "air commerce" and "air transportation" under the Federal Aviation Act of 1958 to include intrastate matters as defined by the Act.

H.R. 7670. June 5, 1975. Ways and Means. Amends the Internal Revenue Code to permit the deduction of medical expenses from the income tax of persons sixty-five years of age and over without reducing the expenses by the percentage exclusion.

H.R. 7671. June 5, 1975. Ways and Means. Amends the Social Security Act to include optometrists' services and eyeglasses under the Medicare supplementary medical insurance benefits program.

H.R. 7672. June 5, 1975. Ways and Means. Amends the Social Security Act by increasing the amount of the lump-sum death payment.

H.R. 7673. June 5, 1975. Ways and Means. Amends the Social Security Act to extend Medicare hospital coverage to include drugs. Establishes a Formulary committee within the Department of Health, Education, and Welfare to prepare and maintain a listing of qualified drugs.

H.R. 7674. June 5, 1975. Ways and Means. Amends the Internal Revenue Code to exclude the first $5,000 of retirement income from gross income.

H.R. 7675. June 5, 1975. Ways and Means. Amends the Social Security Act by removing the limitation on the amount of outside income which an individual may earn while receiving Old-Age, Survivors and Disability Insurance benefits.

H.R. 7676. June 5, 1975. Ways and Means Amends the Internal Revenue Code to allow a personal exemption deduction for any dependent who has attained the age of 65 by the close of the calendar year.

H.R. 7677. June 5, 1975. Ways and Means Amends the Social Security Act by increasing the amount of outside income which an individual may earn without a reduction in Old-Age, Survivors, and Disability Insurance benefits.

H.R. 7678. June 5, 1975. Government Operations; Rules. Amends the Employment Act of 1946 to establish an Economic Planning Board to prepare a balanced economic growth plan for the United States and to coordinate long-range planning activities of Federal agencies. Establishes criteria for preparation of the plan, and includes provisions for State and local participation and Congressional review prior to final adoption of a plan.

H.R. 7679. June 5, 1975. Agriculture. Exempts from the inspection requirements of the Federal Meat Inspection Act, the custom slaughtering of livestock by any person not engaged in selling or buying meat or meat products when such livestock is delivered by the owner thereof, there is no change of ownership in such livestock, the meat and meat food products are to be used exclusively by the owner, and the premises and slaughtering meet the sanitation requirements of the State.

H.R. 7680. June 5, 1975. Judiciary; Merchant Marine and Fisheries; Government Operations. Amends the Outer Continental Shelf Lands Act to authorize Federal reimbursement of a portion of rentals and royalties collected in connection with Federal leasing activities to affected State and local governments.

Directs the Secretary of the Interior to formulate a coastal State impact measurement criteria plan to identify and evaluate various objectives and problems associated with leases on the Outer Continental Shelf.

H.R. 7681. June 5, 1975. Interstate and Foreign Commerce. Amends the Interstate Commerce Act with respect to regulations for railroad rate changes, line abandonment, revenue levels, and taxation of transportation property.

Directs the Secretary of Transportation and the Interstate Commerce Commission to recommend uniform cost and revenue accounting methods for rail carriers.

Authorizes the Secretary of Transportation to guarantee the securities, obligations, or loans for certain acquisitions or improvements by rail carriers. Establishes a National Rolling Stock Management Information System to expedite rail transport. Amends the National Transportation Policy to allow actions which would lessen competition in national transportation only when no less anticompetitive alternative would be as effective.

H.R. 7682. June 5, 1975. Interior and Insular Affairs. Authorizes the conveyance of oil and gas mineral leases by the State of Oklahoma for certain lands within the Lake Murray Recreational Demonstration Area in Oklahoma. Releases all conditions providing for a reversion of title to the United States as affects such lands authorized to be leased for oil and gas exploration and development.

H.R. 7683. June 5, 1975. Interstate and Foreign Commerce; Interior and Insular Affairs. Establishes a National Energy Information System to contain information relating to energy supply and consumption patterns affecting the United States. Creates a National Energy Information Administration to collect, evaluate, and disseminate such information.

Sets forth procedures for acquisition of energy information from major energy companies, governmental units, and other institutions. Establishes procedures for classification of such information.

Directs the Secretary of the Interior to conduct surveys of United States energy resources on public lands.

H.R. 7684. June 5, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States for damages arising out of the destruction by fire of his personal possessions.

H.R. 7685. June 5, 1975. Judiciary. Deems certain individuals to have been married for the two year period prior to the death of one of them, for purposes of eligibility for civil service survivor's annuities.

H.R. 7686. June 6, 1975. Ways and Means; Interstate and Foreign Commerce. Amends the Internal Revenue Code to impose an excise tax on the deregulation profits from taxable domestic crude oil and to allow an offsetting plowback investment credit.

Authorizes, under the Emergency Petroleum Allocation Act of 1973, an exemption from price regulations for certain domestic crude oil.

H.R. 7687. June 6, 1975. Ways and Means. Amends the Internal Revenue Code with respect to allowing deficiency assessments for activities not engaged in for profit where the taxpayer has postponed the presumption that arises with respect to such activities that realize a profit.

H.R. 7688. June 6, 1975. Interior and Insular Affairs. Authorizes additional appropriations for the continuance of civil government for the Trust Territory of the Pacific Islands.

H.R. 7689. June 6, 1975. Judiciary; Rules. Requires that whenever any officer or agency of the executive branch of the Federal Government proposes to prescribe certain rules and regulations or to make changes in rules or regulations, such proposals must be submitted to each House of Congress with a report containing a full explanation thereof. Stipulates that such rule, regulation, or change shall become effective unless either House of Congress disapproves the same within 60 days.

H.R. 7690. June 6, 1975. Public Works and Transportation. Amends the Federal Water Pollution Control Act to further define the term "navigable waters" as it applies to the issuance of permits for dredged or fill material by the Corps of Engineers.

H.R. 7691. June 6, 1975. District of Columbia. Amends the National Capital Transportation Act of 1969 to authorize an additional appropriation for the Washington Metropolitan Area transit system.

H.R. 7692. June 6, 1975. Education and Labor. Directs the Secretary of Agriculture and the Secretary of the Interior to establish a Civilian Conservation Corps to provide employment for unemployed persons in projects connected with the conservation of the Nation's land and water resources. Authorizes grants for State conservation projects which meet eligibility requirements under this Act.

H.R. 7693. June 6, 1975. Armed Services. Directs the Secretary of Defense to continue to operate and maintain the commissary stores of the agencies of the Department of Defense.

H.R. 7694. June 6, 1975. Ways and Means. Amends the Social Security Act by directing the Secretary of Health, Education, and Welfare to allow a nursing salary cost differential in determining the reasonable cost of inpatient nursing care for the purpose of reimbursement to a provider of services under the Medicare program.

H.R. 7695. June 6, 1975. Agriculture. Stipulates that cost-of-living and other general increases in Social Security benefits shall not be considered income for the purpose of determining eligibility for a coupon allotment under the Food Stamp Act of 1964.

H.R. 7696. June 6, 1975. Ways and Means. Amends the Social Security Act by stipulating that general and cost-of-living increases in Old-Age, Survivors, and Disability Insurance benefits shall not be considered income for the purpose of determining eligibility for Supplemental Security Income.

H.R. 7697. June 6, 1975. Ways and Means. Stipulates that cost-of-living and general increases in Old-Age, Survivors, and Disability Insurance benefits shall not be considered income or resources for the purpose of determining eligibility for Aid to Families with Dependent Children, child welfare services, Medicaid, Headstart-Follow Through programs, and the foster grandparents program.

H.R. 7698. June 6, 1975. Appropriations. Makes emergency employment appropriations for the fiscal year ending June 30, 1975 for certain Federal programs in the Departments of Labor, Transportation, and Health, Education, and Welfare. Allows for availability of such funds beyond June 30, 1975. Places restrictions on procurement of various items with appropriated funds.

H.R. 7699. June 6, 1975. Public Works and Transportation. Establishes procedures for States to assume certain functions assigned to the Secretary of the Army and the Chief of Engineers with respect to intrastate waters.

H.R. 7700. June 6, 1975. Banking, Currency and Housing. Requires financial institutions to maintain and make available to the public certain information on real estate loans and savings accounts.

Directs the Federal Reserve Board to prescribe regulations to carry out the purposes of this Act.

H.R. 7701. June 6, 1975. Education and Labor. Amends the Comprehensive Employment and Training Act of 1973 to authorize emergency financial assistance to units of local government for wages and employment benefits of police and fire personnel in areas where financial hardship has led to a reduction in the numbers of such personnel.

H.R. 7702. June 6, 1975. Education and Labor. Amends the Comprehensive Employment and Training Act of 1973 to authorize emergency financial assistance to units of local government for wages and employment benefits of police and fire personnel in areas where financial hardship has led to a reduction in the numbers of such personnel.

H.R. 7703. June 9, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to authorize the Federal Communications Commission to grant licenses and license renewals for five year terms.

Revises the Act to allow certain appeals from orders or decisions of the Commission to be brought in the United States court of appeals for the circuit in which the broadcast facility is, or is proposed to be located.

Requires the Commission to examine its broadcast license renewal process to determine how the process can be simplified.

H.R. 7704. June 9, 1975. Interstate and Foreign Commerce; Science and Technology. Directs the Administrator of the Environmental Protection Agency, with the assistance of other agencies, to determine the effects on public health and the environment of the discharge of chlorofluoromethane into the ambient air.

Prohibits, subject to such determination, the introduction into commerce of any aerosol spray container which discharges chlorofluoromethane into the ambient air. Establishes criteria for the licensing of manufacturers and importers of chlorofluoromethane.

H.R. 7705. June 9, 1975. Agriculture. Prohibits the importation of honeybees into the United States except by the United States Department of Agriculture or from countries determined by the Secretary of Agriculture to be free of diseases and parasites injurious to honeybees and to have adequate precautions to prevent the importation of honeybees from other countries where harmful diseases or parasites of honeybees exist.

H.R. 7706. June 9, 1975. Ways and Means. Amends the Appendix to the Tariff Schedules of the United States to suspend the duty on natural graphite for three years.

H.R. 7707. June 11, 1975. Ways and Means. Amends the Social Security Act to prohibit States from reducing the amount of supplementary payments to Supplemental Security Income recipients following a general or cost-of-living increase in Federal Supplemental Security Income benefits.

H.R. 7708. June 9, 1975. Ways and Means. Revises the time at which eligibility for Medicare benefits on account of kidney failure commences and terminates under the Social Security Acts. Revises the conditions applicable to payments for services and supplies required by self-dialysis patients.

H.R. 7709. June 9, 1975. Ways and Means. Continues the suspension of duty on certain istle.

H.R. 7710. June 9, 1975. Ways and Means Amends the Tariff Schedules of the United States to classify as duty free watches manufactured in insular possessions of the United States if foreign materials do not exceed 70 percent of the total value of such watches.

H.R. 7711. June 9, 1975. House Administration. Authorizes the Secretary of the Interior to permit the construction of the General Draza Mihailovich Monument in Washington, D.C.

H.R. 7712. June 9, 1975. International Relations. Amends the Export Administration Act of 1969 to prohibit certain actions by United States exporters which import restrictive trade practices or boycotts imposed against countries friendly to the United States by other foreign countries.

H.R. 7713. June 9, 1975. Ways and Means; Interstate and Foreign Commerce. Requires every employer to offer qualified health care insurance to his employees and their families. Establishes a program of Federal participation to provide qualified health care insurance to nonemployed and self-employed individuals and their families. Requires the Secretary of Health, Education, and Welfare to pay the full premium for continuation of qualified health care insurance for individuals receiving State or Federal unemployment benefits.

H.R. 7714. June 9, 1975. Ways and Means. Amends the Social Security Act by directing the Secretary of Health, Education, and Welfare to allow a nursing salary cost differential in determining the reasonable cost of inpatient nursing care for the purpose of reimbursement to a provider of services under the Medicare progam.

H.R. 7715. June 9, 1975. Ways and Means. Amends the Tariff Schedules of the United States to extend the period during which certain dyeing and tanning materials may be imported free of duty.

H.R. 7716. June 9, 1975. Ways and Means. Amends the Tariff Schedules of the United States to remove the duty on certain forms of zinc.

H.R. 7717. June 9, 1975. Veterans' Affairs. Specifies that recipients of veteran's pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of increases in monthly social security benefits.

H.R. 7718. June 9, 1975. Post Office and Civil Service. Requires reasonable public notice of the hearings held by the Postal Rate Commission prior to changes requested by the Postal Service. Requires the Commission to render such decisions within a specified time period. Revises additional provisions of the Code relating to (1) the administrative powers of the Commission Chairman; (2) the terms of office of the Commissioners; and (3) temporary changes in rates and classes.

H.R. 7719. June 9, 1975. Government Operations. Authorizes the Administrator of General Services to assign surplus Federal property to the Secretary of Commerce for disposal of such property to States and local areas threatened by unemployment as a result of the closing of Federal facilities. Requires that such property be used by the transferees for economic development purposes.

H.R. 7720. June 9, 1975. Public Works and Transportation. Extends the Airport and Airway Development Act of 1970 with certain fiscal limitations. Imposes certain environmental requirements for programs under the Act.

H.R. 7721. June 9, 1975. Post Office and Civil Service. Directs the Postmaster General to issue a special postage stamp commemorating the bicentennial anniversary of the Battle of Dorchester Heights.

H.R. 7722. June 9, 1975. Veterans' Affairs. Authorizes the continued payment of certain non-service-connected disability pension benefits to veterans despite a change in income status.

H.R. 7723. June 9, 1975. Interior and Insular Affairs. Authorizes Federal financial assistance for the operation and maintenance of the Theodore Roosevelt Inaugural National Historical Site in Buffalo, N.Y.

H.R. 7724. June 9, 1975. Government Operations. Authorizes the Secretary of the Treasury to make emergency support grants for economic recovery to the States and to local governments.

H.R. 7725. June 9, 1975. Education and Labor. Amends the Federal Metal and Nonmetallic Mine Safety Act of 1966 to eliminate the Federal Metal and Nonmetallic Mine Safety Board of Review. Allows for judicial review by the U.S. Court of Appeals of final orders issued under the Act by the Secretary of the Interior.

H.R. 7726. June 9, 1975. Veterans' Affairs. Terminates the Vietnam era period of war for the purposes of extending benefits under the veterans' laws.

H.R. 7727. June 9, 1975. Ways and Means. Amends the Tariff Schedules of the United States to extend for an additional 2 years duties on certain classifications of silk yarn.

H.R. 7728. June 9, 1975. Ways and Means. Amends the Tariff Schedules of the United States to suspend until October 31, 1975, duty on catalysts of platinium and carbon used in producing caprolactum.

H.R. 7729. June 9, 1975. Armed Services. Amends the Funeral Transportation and Living Expense Benefit Act of 1974 by extending eligibility for benefits to the families of certain deceased members of the Armed Forces whose remains cannot be returned to the United States.

H.R. 7730. June 9, 1975. Agriculture. Amends the Federal Seed Act to extend the protection requirements, and certification of the Plant Variety Protection Act to a seed of a variety for which an application for a certificate of plant variety protection is pending.

H.R. 7731. June 9, 1975. Ways and Means. Amends the Tariff Schedules of the United States to suspend the duty on open-top hopper cars exported for repairs or alteration on or before June 30, 1975.

Extends such suspension retroactively to liquidate the duty paid on such cars after September 1, 1974.

H.R. 7732. June 9, 1975. Interstate and Foreign Commerce. Directs the President to exercise authority granted to him under the Emergency Petroleum Allocation Act of 1973 in order to equalize the ceiling price throughout the United States at which residual fuel oil is sold or exchanged, consistent with reasonable variations in such prices.

H.R. 7733. June 9, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to acquire additional lands for the Indiana Dunes National Lakeshore.

H.R. 7734. June 9, 1975. Post Office and Civil Service. Revises the procedure for crediting service under the National Guard Technicians Act of 1968 for Federal employees' benefits and retirement purposes.

H.R. 7735. June 9, 1975. Post Office and Civil Service. Makes certain publications of institutions of higher education eligible for second-class mail rates.

H.R. 7736. June 9, 1975. Post Office and Civil Service. Authorizes reduced second-class postal rates for certain State conservation publications.

H.R. 7737. June 9, 1975. Ways and Means. Amends the Social Security Act by directing the Secretary of Health, Education, and Welfare to allow a nursing salary cost differential in determining the reasonable cost of inpatient nursing care for the purpose of reimbursement to a provider of services under the Medicare program.

H.R. 7738. June 9, 1975. Ways and Means. Amends the Social Security Act by directing the Secretary of Health, Education, and Welfare to allow a nursing salary cost differential in determining the reasonable cost of inpatient nursing care for the purpose of reimbursement to a provider of services under the Medicare program.

H.R. 7739. June 9, 1975. Ways and Means. Revises the eligibility requirements for Disability Insurance benefits for blind persons under the Social Security Act. Revises the method of computing the primary insurance amount for blind persons under the Social Security Act.

H.R. 7740. June 9, 1975. Ways and Means. Requires States which have entered into agreements with the Secretary of Health, Education, and Welfare for coverage of State and local employees under the Social Security Act to make payments to the Secretary of the Treasury on a calendar-quarter basis.

H.R. 7741. June 9, 1975. Ways and Means. Creates a national system of health insurance. Establishes a Health Security Board in the Department of Health, Education, and Welfare to administer such health insurance program.

Repeals the Medicare provisions of the Social Security Act and all health benefit plans for employees of the Federal Government. Amends various other provisions of the Social Security Act and the Public Health Services Act.

H.R. 7742. June 9, 1975. Ways and Means. Amends the Social Security Act by directing the Secretary of Health, Education, and Welfare to allow a nursing salary cost differential in determining the reasonable cost of inpatient nursing care for the purpose of reimbursement to a provider of services under the medicare program.

H.R. 7743. June 9, 1975. Interior and Insular Affairs. Amends the Pennsylvania Avenue Development Corporation Act to authorize additional appropriations for operating and administrative expenses of the Corporation through September 30, 1980.

H.R. 7744. June 9, 1975. International Relations. Allows the President, under the War Powers Resolution, to introduce U.S. Armed Forces into hostilities in order to rescue U.S. citizens in foreign countries.

Defines "member of the Armed Forces of the United States" for purposes of this Act.

Amends the War Powers Resolution to require that in every possible instance the President shall seek the advice and counsel of the Congress prior to making a final decision to introduce U.S. Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances.

H.R. 7745. June 9, 1975. International Relations. Requires that all executive agreements be approved by the Senate before they become effective.

H.R. 7746. June 9, 1975. Armed Services. Authorizes the President of the United States to present a Medal of Honor to a certain individual.

H.R. 7747. June 10, 1975. Banking, Currency and Housing. Establishes the Federal Municipal Credit Corporation to purchase, refinance, and remarket outstanding municipal debts.

H.R. 7748. June 10, 1975. Rules. Requires that the Budget of the United States Government for fiscal year 1977 and subsequent fiscal years include the same functional categories as those that were in existence for fiscal year 1975.

Amends the Congressional Budget and Impoundment Control Act of 1974 to require the approval of the Committees of Appropriations and the Budget of the House of Representatives and the Senate prior to any change in the functional categories of the United States Budget.

H.R. 7749. June 10, 1975. Post Office and Civil Service. Designates May 30 as Memorial Day and November 11 as Veterans Day.

H.R. 7750. June 10, 1975. Judiciary. Amends the Copyright Act of 1909 to extend exclusive rights with respect to copyrighted sound recordings to include performance in public for profit. Establishes a system of compulsory licensing and royalties for public performance of sound recordings.

H.R. 7751. June 10, 1975. Banking, Currency and Housing. Authorizes the Secretary of the Treasury to guarantee emergency loans to units of government. Creates a Loan Guarantee Policy Board to set forth policy with respect to such loans. Requires the Secretary to submit recommendations to Congress with respect to the need for establishment of an Emergency Loan Guarantee Corporation to continue a comparable assistance program.

H.R. 7752. June 10, 1975. Banking, Currency and Housing. Requires the developers of all condominium projects to disclose specific information on proposed new construction or conversion of existing structures to any federally regulated financial institution and any prospective purchaser as a prerequisite for the granting of a construction of purchase loan.

Establishes the Office of Assistant Secretary for Condominiums in the Department of Housing and Urban Development.

Sets forth regulations to protect the rights of tenants of multifamily rental housing which is to be converted to condominiums.

Authorizes the Secretary of Housing and Urban Development to make grants to State and local governments to establish similar programs.

H.R. 7753. June 10, 1975. Public Works and Transportation. Amends the Federal Aviation Act of 1958 (1) to authorize reduced fares to young and elderly people on a space-available basis; (2) to require the payment of a deposit on all flight reservations; and (3) to prohibit the overbooking of flights by air carriers.

H.R. 7754. June 10, 1975. Education and Labor. Amends the Civil Rights Act of 1964 to make it an unlawful employment practice to discriminate against individuals who are physically disabled because of such disability.

H.R. 7755. June 10, 1975. Ways and Means. Stipulates that certain part-time employees of the State of Indiana shall be deemed to be included in the agreement between such State and the Secretary of Health, Education, and Welfare for coverage of State and local government employees under the Social Security Act.

H.R. 7756. June 10, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to authorize the Federal Communications Commission to grant licenses and license renewals for five year terms.

Revises the Act to allow certain appeals from orders or decisions of the Commission to be brought in the United States court of appeals for the circuit in which the broadcast facility is, or is proposed to be located.

Requires the Commission to examine its broadcast license renewal process to determine how the process can be simplified.

H.R. 7757. June 10. 1975. Agriculture. Authorizes the Secretary of Agriculture, under the Consolidated Farm and Rural Development Act, to approve borrowers' requests for consolidations of Farmers Home Administration Operating Loans.

H.R. 7758. June 10, 1975. Education and Labor. Amends the Civil Rights Act of 1964 to make it an unlawful employment practice to discriminate against individuals who are physically handicapped, because of such handicap.

H.R. 7759. June 10, 1975. Ways and Means. Amends the Internal Revenue Code to permit an additional exemption to a taxpayer who supports a physically handicapped or mentally retarded child.

H.R. 7760. June 10, 1975. Ways and Means. Amends the Internal Revenue Code to exempt from the income tax cooperative housing corporations and condominium housing associations.

H.R. 7761. June 10, 1975. Banking, Currency and Housing. Amends the National Housing Act to prohibit Federal Housing Administration insurance of blanket mortgages on condominium projects, and Federal

National Mortgage Association purchases of conventional condominium mortgages, where the developer retains a leasehold interest in the common areas and facilities of the project involved.

H.R. 7762. June 10, 1975. Ways and Means. Amends the Social Security Act by including the services of registered nurses under the Medicare and Medicaid programs.

H.R. 7763. June 10, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to make grants to assist States in the development and administration of land use programs. Establishes requirements and procedures for State eligibility for such grants and defines necessary elements of State land use programs.

Directs Federal public land management agencies to develop and revise land use plans. Includes provisions for public participation where Federal activities have a significant impact on State and local land use.

H.R. 7764. June 10, 1975. Judiciary. Declares that time spent by American civilians in enemy prisoner-of-war camps and similar places shall be creditable toward pensions, annuities, or similar benefits under various Federal retirement programs as though it were military service.

H.R. 7765. June 10, 1975. Education and Labor. Stipulates that certain strikes at the site of a construction project are not prohibited as an unfair labor practice under the National Labor Relations Act.

H.R. 7766. June 10, 1975. Armed Services. Authorizes eligible persons to receive health benefits under contracts entered into by the Secretary of Defense without regard to such persons eligibility for compensation for service-connected disabilities or death from the Veterans' Administration.

H.R. 7767. June 10, 1975. Veterans' Affairs. Increases the rates of wartime disability compensation and survivors dependency and indemnity compensation payable by the Administrator of Veterans' Affairs to disabled veterans and their dependents, or to the widows of veterans.

H.R. 7768. June 10, 1975. Ways and Means. Amends the Internal Revenue Code to authorize real property to be valued for estate tax purposes at its value as farmland, woodland, or open land rather than at its fair market value.

H.R. 7769. June 10, 1975. Armed Services. Revises the uniformed services retirement and severance pay systems.

H.R. 7770. June 10, 1975. Education and Labor. Amends the Service Contract Act of 1965 by requiring every contract entered into by any of the armed forces to include a provision which permits termination of such contract if the contractor or subcontractor replaces, or attempts to replace, any service employee participating in a strike which relates to certain matters.

H.R. 7771. June 10, 1975. Post Office and Civil Service. Revises the definition of law enforcement officer, for the purpose of Federal officers' and employees' retirement, to include certain employees whose duties include the protection of life and property and the investigation, apprehension or detention of certain individuals.

H.R. 7772. June 10, 1975. Ways and Means. Amends the Supplemental Security Income provisions of the Social Security Act by: (1) authorizing emergency and temporary grants; (2) eliminating the third-party payee requirement for certain recipients; (3) revising the method of determining income for the purposes of the program; (4) revising certain eligibility requirements; (5) authorizing cost-of-living increases in benefits; (6) entitling recipients to food stamps on a permanent basis; and (7) entitling recipients to a hearing on State actions concerning claims for social services.

H.R. 7773. June 10, 1975. Education and Labor. Directs various boards, commissions and councils to develop and executive programs designed to provide private and public service employment to those who seek it. Directs the President to transmit each year a full employment and production plan to Congress.

H.R. 7774. June 10, 1975. Agriculture; Ways and Means. Amends the Food Stamp Act of 1964 to make recipients of supplemental security income or State supplementary payments under the Social Security Act eligible for a food stamp coupon allotment.

H.R. 7775. June 10, 1975. Interstate and Foreign Commerce. Prohibits the Consumer Product Safety Commission from making a ruling or order restricting the sale or manufacture of firearms or ammunition.

H.R. 7776. June 10, 1975. Ways and Means. Amends the Internal Revenue Code to authorize real property to be valued for estate tax purposes at its value as farmland, woodland, or open land rather than at its fair market value.

Amends the estate tax provisions of the Internal Revenue Code to allow a limited deduction from the gross estate of the value of the decedent's interest in a family farming operation which passes to an individual related to him or his spouse.

H.R. 7777. June 10, 1975. Ways and Means. Amends the Internal Revenue Code to increase the estate tax exemption, and to increase the estate tax marital deduction.

Permits the executor of an estate to elect an alternate valuation of certain lands used for farming, woodland or scenic open space.

H.R. 7778. June 10, 1975. Public Works and Transportation; Interstate and Foreign Commerce. Establishes a National Center for Transportation Statistics to collect, publish, and disseminate statistics and other data related to transportation within the United States and other nations.

H.R. 7779. June 10, 1975. Post Office and Civil Service; Judiciary. Revises (1) the annual rate of basic pay for certain levels of the Executive Schedule; (2) salaries for Federal district court judges, judges of the customs court, and commissioners of the Court of Claims; and (3) the maximum compensation for referees in bankruptcy.

H.R. 7780. June 11, 1975. Interior and Insular Affairs. Suspends the authority of the Secretary of the Interior to issue leases or prospecting permits for Federally-owned coal lands or deposits.

H.R. 7781. June 11, 1975. Armed Services. Amends the National Security Act of 1947 to prohibit domestic intelligence activities by the Central Intelligence Agency and to specify certain jurisdictional limits in the performance of authorized duties.

H.R. 7782. June 11, 1975. Education and Labor. Amends the National Foundation on the Arts and Humanities Act of 1965 by authorizing grants to the American Film Institute, and by authorizing grants-in-aid to qualified States for humanities programs.

Establishes within the Department of Health, Education, and Welfare an Institute for the Improvement of Museum Services to provide financial and technical assistance to museums.

Authorizes the Federal Council on the Arts and Humanities to indemnify against loss or damaged works of art, manuscripts, and other artifacts or objects of educational, cultural, historical, or scientific value which are on exhibition in the United States.

H.R. 7783. June 11, 1975. Education and Labor. Amends the National Foundation on the Arts and Humanities Act of 1965 by authorizing grants to the American Film Institute, and by authorizing grants-in-aid to qualified States for humanities programs.

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Authorizes the Federal Council on the Arts and Humanities to indemnify against loss or damaged works of art, manuscripts, and other artifacts or objects of educational, cultural, historical, or scientific value which are on exhibition in the United States.

H.R. 7784. June 11, 1975. Interior and Insular Affairs. Creates an Abandoned Coal Mine Reclamation Fund to be administered by the Secretary of the Interior. Includes provisions for the acquisition and reclamation of abandoned mined lands. Authorizes the Secretary of Agriculture to enter into agreements with owners of lands affected by mining operations to provide for conservation of soil and water resources of such lands.

H.R. 7785. June 11, 1975. Veterans' Affairs. Confers jurisdiction upon the United States District Courts to hear and determine certain disagreements with respect to claims for compensation under any law administered by the Veterans' Administration on account of disability or death.

H.R. 7786. June 11, 1975. Education and Labor. Amends the Older Americans Act of 1965 to direct the Secretary of Health, Education, and Welfare to reimburse States for payments made by the States to elderly citizens in accordance with real property tax relief programs which meet criteria established by this Act.

H.R. 7787. June 11, 1975. Interstate and Foreign Commerce. Amends the Interstate Commerce Act to authorize the Secretary of Transportation to make financial assistance available to qualified applicants for the purpose of providing employment for unemployed or underemployed persons in jobs maintaining or rebuilding railroad rights-of-way, during times of high unemployment.

H.R. 7788. June 11, 1975. Interior and Insular Affairs. Direct the Secretary of Agriculture to study certain lands in the Sierra National Forest, California, for possible inclusion in the National Wilderness Preservation System.

H.R. 7789. June 11, 1975. Banking, Currency and Housing. Amends the National Housing Act to permit changes in rents in federally subsidized projects of State or local housing finance agencies by such agencies to maintain financial viability.

H.R. 7790. June 11, 1975. Small Business. Increases the amount of capital allocated to the Small Business Administration lease and surety bond guarantees fund under the Small Business Investment Act of 1958. Authorizes the Small Business Administration to guarantee payments due under qualified contracts for pollution control facilities.

H.R. 7791. June 1, 1975. Judiciary. Increases the penalties for the use of a firearm to commit any felony or the unlawful carrying of a firearm during the commission of a felony.

H.R. 7792. June 11, 1975. Interior and Insular Affairs. Designates certain lands in the Snoqualmie and Wenatchee National Forests in Washington as the Alpine Lakes Wilderness, to be administered by the Secretary of Agriculture.

H.R. 7793. June 11, 1975. Ways and Means. Revises the administration of Old-Age, Survivors, and Disability Insurance, Medicare, and Supplemental Security Income under the Social Security Act. Transfers the responsibility for administering these programs and the health standards provisions of the Federal Coal Mine Health and Safety Act from the Department of Health, Education, and Welfare to a newly established Social Security Administration.

H.R. 7794. June 11, 1975. Ways and Means. Revises the administration of Old-Age, Survivors, and Disability Insurance, Medicare, and Supplemental Security Income under the Social Security Act. Transfers the responsibility for administering these programs and the health standards provisions of the Federal Coal Mine Health and Safety Act from the Department of Health, Education, and Welfare to a newly established Social Security Administration.

H.R. 7795. June 1, 1975. Armed Services. Authorizes the President to sell certain naval vessels to the Governments of Argentina and Colombia.

H.R. 7796. June 1, 1975. Armed Services. Authorizes the President to sell certain naval vessels to the Governments of the Federal Republic of Germany, Spain, and Greece.

H.R. 7797. June 11, 1975. Armed Services. Authorizes the President to sell certain naval vessels to the Government of the Republic of Korea.

H.R. 7798. June 11, 1975. Armed Services. Authorizes the negotiated sale by the Secretary of Defense of certain equipment, materials, and obsolete spare parts to United States contractors for military export sales.

H.R. 7799. June 11, 1975. Armed Services. Allows Naval officers of flag rank to serve in the Navy Medical Service Corps.

H.R. 7800. June 11, 1975. Armed Services. Authorizes the President to sell certain naval vessels to the Governments of Greece and Korea.

H.R. 7801. June 11, 1975. Armed Services. Amends the Federal Civil Defense Act of 1950 by revising the expiration date of certain authorities under such Act.

H.R. 7802. June 11, 1975. Judiciary. Authorizes the National Institute of Corrections to make grants and loans to qualified applicants for the purpose of training and/or employing Federal, State or local offenders. Directs the Advisory Board for the National Institute of Corrections to exercise oversight over the implementation of this Act.

H.R. 7803. June 11, 1975. Judiciary; Standards of Official Conduct. Requires lobbyists to: (1) register with the Federal Election Commission; (2) make and retain certain records; and (3) file reports with the Commission regarding their activities.

Requires certain officials of the executive branch to record their communications with lobbyists.

Repeals the Federal Regulation of Lobbying Act.

H.R. 7804. June 11, 1975. Interstate and Foreign Commerce. Limits the authority of the Secretary of Health, Education, and Welfare, under the Federal Food, Drug, and Cosmetic Act, to regulate vitamins and minerals.

H.R. 7805. June 11, 1975. Interior and Insular Affairs. Amends the Land and Water Conservation Fund Act of 1965 to authorize additional appropriations for preservation of outdoor recreation resources. Revises procedures for providing financial assistance to States.

Amends the National Historic Preservation Act of 1966 to establish a historic preservation fund from revenues collected from mining leases and leases on the Outer Continental Shelf.

H.R. 7806. June 11, 1975. Ways and Means. Amends the Social Security Act by authorizing payment of Supplemental Security Income benefits to residents of certain nonmedical shelter care facilities.

H.R. 7807. June 11, 1975. Ways and Means. Amends the Social Security Act by including the services of registered nurses under the Medicare and Medicaid programs.

H.R. 7808. June 11, 1975. Banking, Currency and Housing. Authorizes the Secretary of the Treasury to strike national medals commemorating individuals of various ethnic backgrounds who participated in the American Revolution. Specifies that the designs shall be determined by the American Revolution Bicentennial Administration subject to the approval of the Secretary.

H.R. 7809. June 11, 1975. Ways and Means. Amends the Internal Revenue Code to disallow the deduction for amounts paid to advertise alcoholic beverages.

H.R. 7810. June 11, 1975. Ways and Means. Amends the Internal Revenue Code to redefine the definition of "regulated company" with respect to custodial accounts for employees of certain tax-exempt organizations.

H.R. 7811. June 11, 1975. Education and Labor; Veterans' Affairs. Creates, within the Department of Labor, a separate agency known as the Veterans' Employment Service under the direction of the Assistant Secretary of Labor for Veterans' Employment to carry out job counseling and employment placement service functions for veterans.

H.R. 7812. June 11, 1975. Public Works and Transportation. Amends the Airport and Airway Development Act of 1970 (1) to extend the authority of the Secretary of Transportation to make grants for airport development through fiscal year 1980; (2) to limit the consideration of the environmental impact of air port development outside of standard metropolitan statistical areas; (3) to require the preparation of environmental impact statements in projects under this Act; (4) to limit the requirement for public hearings on development projects; (5) to provide an alternate method of computing the Federal share of certain project costs; and (6) to change the tax on air fares.

H.R. 7813. June 11, 1975. Education and Labor. Revises reporting requirements, minimum funding standards, and fiduciary responsibility for employee pension benefit plans under the Employee Retirement Income Security Act of 1974. Revises certain duties of the Pension Benefit Guaranty Corporation relating to the providing of insurance coverage to employers against liability for pension plan termination.

H.R. 7814. June 11, 1975. Interstate and Foreign Commerce. Amends the Natural Gas Act to exempt certain sales of natural gas from regulation by the Federal Power Commission.

H.R. 7815. June 11, 1975. Ways and Means. Amends the Internal Revenue Code to permit an additional exemption to a taxpayer who supports a mentally retarded individual.

H.R. 7816. June 11, 1975. Banking, Currency and Housing. Requires financial institutions to maintain and make available to the public certain information on real estate loans and savings accounts.

Directs the Federal Reserve Board to prescribe regulations to carry out the purposes of this Act.

H.R. 7817. June 11, 1975. Agriculture. Amends the Federal Laboratory Animal Welfare Act to authorize the Secretary of Agriculture to promulgate standards for the transportation, handling and care of certain animals in interstate or foreign commerce.

Prohibits the attendance at, promotion of, or supplying of, animal fighting ventures.

Sets forth regulations with respect to the transportation and handling of certain classes of animals.

H.R. 7818. June 11, 1975. Ways and Means. Amends the Social Security Act by increasing the amount of outside income which an individual may earn without a reduction in Old-Age, Survivors, and Disability Insurance benefits.

H.R. 7819. June 11, 1975. Interior and Insular Affairs. Directs the Secretary of Agriculture to study certain lands in the Sierra National Forest, California, for possible inclusion in the National Wilderness Preservation System.

H.R. 7820. June 11, 1975. Ways and Means. Requires States which have entered into agreements with the Secretary of Health, Education, and Welfare for coverage of State and local employees under the Social Security Act to make payments and reports to the Secretary of the Treasury on a calendar-quarter basis.

H.R. 7821. June 11, 1975. Agriculture. Amends the Food Stamp Act of 1964 by (1) making certain recipients of Supplemental Security Income and State supplementary payments ineligible for food coupons or food distribution until June 30, 1976; (2) requiring broader dissemination of information concerning the food stamp program and nutrition; (3) authorizing the use of food coupons for the purchase of prepared meals by certain disabled individuals; (4) revising the food stamp certification procedure; and (5) authorizing the Secretary of Agriculture to pay each State agency 65 percent of its administrative costs.

H.R. 7822. June 11, 1975. Education and Labor. Stipulates that certain strikes at the site of a construction project are not prohibited as an unfair labor practice under the National Labor Relations Act.

H.R. 7823. June 11, 1975. Ways and Means. Amends the Internal Revenue Code to impose a special tax to be paid by each person who is liable for the tax on wagers or who is engaged in receiving wagers for or on behalf of a person so liable.

H.R. 7824. June 11, 1975. Post Office and Civil Service. Requires the Secretary of Agriculture to take at specified intervals a census of agriculture which shall relate to the year immediately preceding the taking thereof. Requires that a census of irrigation and drainage be taken in conjunction with the agriculture census at specified intervals.

H.R. 7825. June 11, 1975. Interior and Insular Affairs. Amends the Mineral Leasing Act of 1920 to authorize the awarding of reasonable attorneys' fees to prevailing plaintiffs in actions brought under provisions of the Act.

H.R. 7826. June 11, 1975. Judiciary. Authorizes the awarding of attorneys' fees to the prevailing party in Federal courts when the court determines that the interests of justice so require. Stipulates that the Federal government shall be liable for such fees the same as a private person.

H.R. 7827. June 11, 1975. Judiciary. Amends the Clayton Act to authorize the awarding of reasonable attorneys' fees to a prevailing plaintiff in an action for injunctive relief under such Act.

H.R. 7828. June 11, 1975. Judiciary. Authorizes the awarding of attorneys' fees to prevailing plaintiffs in actions brought under certain civil rights laws.

H.R. 7829. June 11, 1975. Merchant Marine and Fisheries. Amends the National Environmental Policy Act of 1969 to authorize the awarding of reasonable attorneys' fees to prevailing plaintiffs in actions brought under provisions of the Act.

H.R. 7830. June 11, 1975. Science and Technology. Establishes in the Executive Office of the President the Office of Science and Technology Policy to advise the President with respect to scientific and technological matters.

H.R. 7831. June 11, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 7832. June 11, 1975. Judiciary. Declares a certain individual an immediate relative of a citizen of the United States for purposes of the Immigration and Nationality Act.

H.R. 7833. June 11, 1975. Judiciary. Permits a certain nonimmigrant alien to remain in the United States for a specified period of time.

H.R. 7834. June 11, 1975. Judiciary. Requires inclusion in the records of the Secretary of Health, Education, and Welfare the specified self-employment income of a certain individual for purposes of benefits under the Old-Age, Survivors, and Disability Insurance program of the Social Security Act.

H.R. 7835. June 12, 1975. International Relations. Amends the Foreign Military Sales Act to require Congressional approval of any sale, credit sale, or guaranty involving a major weapons system or defense service. Requires Congressional approval of the total amount of sales, credit sales, and guaranties made to any country or international organization.

H.R. 7836. June 6, 1975. Education and Labor. Amends the Occupational Safety and Health Act of 1970 by (1) redefining certain terms; (2) permitting employers to maintain safety councils; and (3) enumerating affimative defenses for employers to proceedings brought under the Act.

Directs the Secretary of Labor to assist certain employers in complying with the Act.

H.R. 7837. June 12, 1975. Education and Labor. Amends the Occupational Safety and Health Act of 1970 by (1) redefining certain terms; (2) permitting employers to maintain safety councils; and (3) enumerating affirmative defenses for employers to procedings brought under the Act.

Directs the Secretary of Labor to assist certain employers in complying with the Act.

H.R. 7838. June 12, 1975. Education and Labor. Stipulates that certain strikes at the site of a construction project are not prohibited as an unfair labor practice under the National Labor Relations Act.

H.R. 7839. June 12, 1975. Government Operations. Establishes a Consumer Protection Agency within the executive branch to represent the interests of consumers before Federal agencies, to receive and act upon consumer complaints, to perform research on consumer products, and to gather and disseminate information on consumer products and services.

Requires Federal agencies considering policies or regulations which may affect the interests of consumers to notify the Agency, and to consider the interests of consumers.

H.R. 7840. June 12, 1975. Government Operations. Authorizes appropriations to the State and Local Government Fiscal Assistance Trust Fund for revenue sharing purposes through fiscal year 1981.

Stipulates that payments under the State and Local Government Fiscal Assistance Act which are waived by the Indian Tribe or Alaskan Native Village entitled to receive them shall become part of the entitlement of the county government in which such Tribe or Village is located.

H.R. 7841. June 12, 1975. Science and Technology. Creates the National Technology and Research Corporation as an instrumentality of the United States to make and guarantee long-term loans for research in various areas including (1) the adequacy of energy resources, (2) environmental problems, and (3) the national economy.

H.R. 7842. June 12, 1975. Post Office and Civil Service. Makes Flag Day a legal public holiday.

H.R. 7843. June 12, 1975. Post Office and Civil Service. Designates September 17 of each year as a legal public holiday to be known as "United States Constitution Day".

H.R. 7844. June 12, 1975. Ways and Means. Revises the administration of Old-Age, Survivors, and Disability Insurance, Medicare, and Supplemental Security Income under the Social Security Act. Transfers the responsibility for administering these programs and the health standards provisions of the Federal Coal Mine Health and Safety Act from the Department of Health, Education, and Welfare to a newly established Social Security Administration.

H.R. 7845. June 12, 1975. Interstate and Foreign Commerce. Amends the Interstate Commerce Act to authorize the Secretary of Transportation to make financial assistance available to qualified applicants for the purpose of providing employment for unemployed or underemployed persons in jobs maintaining or rebuilding railroad rights-of-way, during times of high unemployment.

H.R. 7846. June 12, 1975. Judiciary. Specifies that any person, including officers or employees of the Federal Government or elected officials thereof, who makes false statements in matters within the jurisdiction of a department or agency of the United States shall be guilty of a Federal offense.

H.R. 7847. June 12, 1975. Interstate and Foreign Commerce. Amends the Public Health Service Act to revise the basic and supplemental benefits which may be offered by health maintenance organizations.

Extends the authority of the Secretary of Health, Education, and Welfare, under the Public Health Service Act, to provide loans and loan guarantees for such organizations.

H.R. 7848. June 12, 1975. Armed Services. Stipulates that all persons eligible for the contract health care provided to the uniformed services shall pay for such care in accordance with the patient payment provisions which apply to active duty members of the uniformed services and their dependents.

H.R. 7849. June 12, 1975. Agriculture. Redefines the terms "rural" and "rural area" under the Consolidated Farm and Rural Development Act with respect to loans and grants for community medical facilities.

H.R. 7850. June 12, 1975. Public Works and Transportation. Modifies the Tuttle Creek Lake project in Kansas to authorize the construction of an access road by the Secretary of the Army, acting through the Chief of Engineers.

H.R. 7851. June 12, 1975. Public Works and Transportation. Modifies the Tuttle Creek Lake project in Kansas to authorize the construction of a replacement bridge by the Secretary of the Army, acting through the Chief of Engineers.

H.R. 7852. June 12, 1975. Interior and Insular Affairs. Directs the Secretary of Health, Education, and Welfare to make grants and provide scholarships to encourage Indians to enroll in health-related training programs. Authorizes the Secretary to expend funds to better meet Indian health care needs, to provide hospitals and other health facilities, and to supply unmet needs for safe water and sanitary waste disposal facilities. Requires the Secretary to contract with urban Indian organizations to assist such organizations to establish and administer health programs to benefit urban Indians.

H.R. 7853. June 12, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to authorize the Federal Communications Commission to grant licenses and license renewals for five year terms.

Revises the Act to allow certain appeals from orders or decisions of the Commission to be brought in the United States court of appeals for the circuit in which the broadcast facility is, or is proposed to be located.

Requires the Commission to examine its broadcast license renewal process to determine how the process can be simplified.

H.R. 7854. June 12, 1975. Agriculture. Amends the Food Stamp Act of 1964 by making households headed by an individual who is engaged in a labor strike ineligible for food coupons.

H.R. 7855. June 12, 1975. Ways and Means; Interstate and Foreign Commerce. Amends the Social Security Act by abolishing the Professional Standards Review Organizations which were established to review services covered under the Medicare and Medicaid programs.

H.R. 7856. June 12, 1975. Judiciary. Prohibits any civil officer of the United States or any member of the Armed Forces from using the Armed Forces to exercise surveillance of civilians or to execute civil laws.

H.R. 7857. June 12, 1975. Interstate and Foreign Commerce. Amends the Natural Gas Act to authorize the Federal Power Commission to allocate supplies of natural gas. Requires disclosure of information by producers of natural gas as to the amount of natural gas reserves. Directs the Federal Power Commission to prohibit certain wasteful uses of natural gas.

Establishes additional requirements for leasing of Federal lands for natural gas development.

H.R. 7858. June 12, 1975. Science and Technology. Establishes in the Executive Office of the President the Office of Science and Technology Policy to advise the President with respect to scientific and technological matters.

H.R. 7859. June 12, 1975. Public Works and Transportation. Amends the Federal Water Pollution Control Act to further define the term "navigable waters" as used in the Act.

Authorizes waiver of requirements for review and approval of certain activities in or on United States waters by the Secretary of the Army and the Chief of Engineers.

H.R. 7860. June 12, 1975. Agriculture. Authorizes the Secretary of Agriculture, under the Rural Development Act of 1972, to carry out rural conservation employment projects on lands and at facilities within the National Forest System or under the Secretary's administrative jurisdiction which are rural areas of substantial unemployment.

Directs the Secretary to give priority to projects that (1) are labor intensive; (2) have work plans; (3) could be initiated promptly; and (4) could be substantially completed within twelve months after initiation.

H.R. 7861. June 12, 1975. Interstate and Foreign Commerce. Directs the Administrator of the Federal Energy Administration to conduct a continuing study of the nature, quantities, and origin of all petroleum and petroleum products imported into the United States.

H.R. 7862. June 12, 1975. Agriculture. Amends the Farm Credit Act of 1971 to decrease the eligibility requirements in the case of rural electric, telephone, and public utility cooperatives with respect to percentage of voting control held by farmers, producers, or harvesters.

Removes the prohibitions against Federal jurisdiction in suits against institutions of the Farm Credit System.

H.R. 7863. June 12, 1975. Agriculture. Authorizes the Federal Farm Credit Board, under the Farm Credit Act of 1971, to fix the compensation of the Governor and Deputy Governors of the Farm Credit Administration.

H.R. 7864. June 12, 1975. Ways and Means. Amends the Social Security Act by (1) revising the limitations applicable to home health services under the Medicare supplementary medical insurance program; and (2) redefining home health services to include the services of a homemaker or chore service worker.

H.R. 7865. June 12, 1975. Ways and Means. Amends the Social Security Act by increasing the amount of outside income which an individual may earn without a reduction in Old-Age, Survivors, and Disability Insurance benefits.

H.R. 7866. June 12, 1975. Ways and Means. Amends the Social Security Act by directing the Secretary of Health, Education, and Welfare to allow a nursing salary cost differential in determining the reasonable cost of inpatient nursing care for the purpose of reimbursement to a provider of services under the Medicare program.

H.R. 7867. June 12, 1975. International Relations. Amends the Mutual Educational and Cultural Exchange Act of 1961 to permit Federal employees to accept grants and other forms of assistance from foreign governments to facilitate the participation of such employees in specified types of cultural exchange.

H.R. 7868. June 12, 1975. Education and Labor. Authorizes Federal emergency financial assistance to local government units to enable them to hire fire and police personnel to replace those public safety officers who were laid off by the unit due to severe financial hardship.

H.R. 7869. June 12, 1975. Education and Labor. Amends the Comprehensive Employment and Training Act of 1973 to authorize emergency financial assistance to unit of local government for wages and employment benefits of police and fire personnel in areas where financial hardship has led to a reduction in the number of such personnel.

H.R. 7870. June 12, 1975. Interstate and Foreign Commerce. Stipulates that no regulation, or modification of a regulation, concerning intermediate care facilities for the mentally retarded promulgated by the Secretary of Health, Education, and Welfare pursuant to the Medicaid provisions of the Social Security Act after January 1, 1974 shall be effective prior to July 1, 1976, unless such regulation has been approved by the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

H.R. 7871. June 12, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to extend the maximum term of license and license renewal for the operation of broadcasting stations not engaged in the transmitting of pictures from three to five years.

H.R. 7872. June 12, 1975. Government Operations. Establishes an Office of Consumer Protection, which shall be headed by the Consumer Counsel of the United States, to represent and protect the interest of consumers before the Federal Government.

H.R. 7873. June 12, 1975. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to establish a national cemetery near the Fort Randall Dam in South Dakota.

H.R. 7874. June 12, 1975. Judiciary. Requires the registration of all firearms. Sets forth specifications for handguns which must be met before the Secretary of the Treasury may approve the handgun for sale.

H.R. 7875. June 12, 1975. Judiciary. Grants immunity from prosecution and punishment to certain individuals who violated the Military Selective Service Act or committed certain military crimes during the period of United States military involvement in Indochina. Grants similar relief to certain individuals whose cases are being or have been prosecuted, or who are performing or preparing to perform reconciliation service, prior to the enactment of this Act.

Authorizes the district courts to restore the United States citizenship of individuals who renounced such citizenship because of disapproval of United States military involvement in Indochina.

H.R. 7876. June 12, 1975. Judiciary; Standards of Official Conduct. Requires candidates for Federal office, Members of Congress, and certain officers and employees of the United States to file statements with the Comptroller General with respect to their income and financial transactions.

H.R. 7877. June 12, 1975. Interstate and Foreign Commerce. Declares a portion of the Middle River in Maryland as a non-navigable water of the United States.

H.R. 7878. June 12, 1975. Post Office and Civil Service. Prohibits franked mailings by Members of the Congress and certain officers of the United States, other than mailings related to the closing of their official business, after such Members or officers have left office. Stipulates that mailings related to the closing of official business may be sent as franked mail only during the 90-day period immediately following the date on which the office is left.

H.R. 7879. June 12, 1975. Judiciary. Authorizes the admission of a certain individual to the United States for permanent residence.

H.R. 7880. June 12, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 7881. June 12, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 7882. June 12, 1975. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 7883. June 12, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain corporation in full settlement of such corporation's claims against the United States for losses incurred pursuant to performance of a certain government contract.

H.R. 7884. June 13, 1975. Public Works and Transportation. Establishes a program for the removal of drift and debris from publicly maintained commercial boat harbors in the United States and from adjacent land and water areas. Authorizes the Secretary of the Army, acting through the Corps of Engineers, to undertake certain drift removal projects. Requires Congressional approval for large removal projects.

H.R. 7885. June 13, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 by extending the maximum term of license and license renewal for the operation of broadcasting stations from 3 to 5 years. Revises the conditions for approval of applications for licensing renewal. Allows appeals from Federal Communications Commission decisions to be brought in the circuit in which the broadcast facility is, or is proposed to be, located instead of in the District of Columbia Court of Appeals.

Requires the Federal Communications Commission to study possible reduction and consolidation of the filings, supporting documents, and other administrative materials now required for renewal applications.

H.R. 7886. June 13, 1975. Interior and Insular Affairs. Amends the Small Reclamation Projects Act of 1956 to redefine the term "project" and to revise the method of calculating the costs of such projects. Establishes new limitations on the amount of Federal loans under the Act, and increases the appropriations authorization for the purposes of the Act.

H.R. 7887. June 13, 1975. Agriculture. Amends the Food Stamp Act of 1964 by (1) making certain recipients of Supplemental Security Income and State supplementary payments ineligible for food coupons or food distribution until June 30, 1976; (2) authorizing the use of food coupons for the purchase of prepared meals by certain disabled individuals; and (3) revising the food stamp certification procedure.

H.R. 7888. June 13, 1975. Government Operations. Authorizes the Secretary of the Treasury to make emergency support grants for economic recovery to the States and to local governments.

H.R. 7889. June 13, 1975. Agriculture. Directs the Secretary of Agriculture to issue research and promotion orders applicable to persons who produce, sell, acquire, process, or market beef for the purpose of maintaining and expanding existing markets and developing new or improved markets and uses for beef and beef products.

H.R. 7890. June 13, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to authorize the Federal Communications Commission to grant licenses and license renewals for five year terms.

Revises the Act to allow certain appeals from orders or decisions of the Commission to be brought in the United States court of appeals for the circuit in which the broadcast facility is, or is proposed to be located.

Requires the Commission to examine its broadcast license renewal process to determine how the process can be simplified.

H.R. 7891. June 13, 1975. Ways and Means. Amends the Internal Revenue Code to allow certain individuals who have attained 65 years of age or who are disabled a limited credit against the income tax for the amount of real property taxes paid or accrued or the amount of rent constituting real property taxes paid during the taxable year.

H.R. 7892. June 13, 1975. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to establish a national cemetery at Valley Forge, Pennsylvania.

H.R. 7893. June 13, 1975. Judiciary. Restores United States citizenship, upon petition to any United States district court, to any former citizen who lost his nationality through any action taken solely or partially because of disapproval or opposition to the involvement of the United States in military action in Indochina.

H.R. 7894. June 13, 1975. Small Business. Amends the Small Business Act to authorize the making of loans to nursing homes as the Small Business Administration may determine to be necessary or appropriate so that such nursing homes may meet requirements imposed by the Social Security Act as set forth in the Life Safety Code of the National Fire Protection Association.

H.R. 7895. June 13, 1975. Interior and Insular Affairs. Directs the Secretary of Agriculture and the Secretary of the Interior to study the feasibility of a proposed Southern Appalachian Slope National Recreation Area in Georgia, North Carolina, and South Carolina.

H.R. 7896. June 13, 1975. Judiciary. Authorizes the Secretary of Defense or the Secretary of Transportation to pay certain claims incident to the noncombat activities of the Armed Forces, the amount of which was determined by settlement pursuant to an international agreement which explicitly provides for the settlement of such claims.

Permits the United States to enter into an international agreement which provides for the settlement of claims incident to activities of an armed force of the other party to the agreement which cause damage in the United States, or a territory, commonwealth or possession thereof.

H.R. 7897. June 13, 1975. Education and Labor. Authorizes the Commissioner of Education to make grants to local educational agencies or to the States to assist in the cost of providing education and occupational training and retraining to Cambodian and Vietnamese children and adults who are refugees as defined in the Indochina Migration and Refugee Assistance Act of 1975.

H.R. 7898. June 13, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to authorize the Federal Communications Commission to grant licenses and license renewals for five year terms.

Revises the Act to allow certain appeals from orders or decisions of the Commission to be brought in the United States court of appeals for the circuit in which the broadcast facility is, or is proposed to be located.

Requires the Commission to examine its broadcast license renewal process to determine how the process can be simplified.

H.R. 7899. June 13, 1975. International Relations. Amends the War Powers Resolution to require the President to seek the advice and guidance of the leadership and the appropriate committees of the Congress prior to introducing the United States Armed Forces into hostilities.

H.R. 7900. June 13, 1975. Interior and Insular Affairs; Merchant Marine and Fisheries. Designates certain lands and waters in Alaska as units of the National Wildlife Refuge System, the National Park System, the National Wild and Scenic Rivers System, and the National Forest System. Directs the Secretary of the Interior to study the feasibility of designating certain lands in Alaska as wilderness.

H.R. 7901. June 13, 1975. Interstate and Foreign Commerce. Prohibits distributors and refiners of petroleum products from canceling franchises without cause and without prior notice.

H.R. 7902. June 13, 1975. Agriculture. Directs the Secretary of Agriculture to promulgate regulations setting forth procedures for certifying eligible applicants for food coupons under the Food Stamp Act of 1964.

H.R. 7903. June 13, 1975. Banking. Currency and Housing. Amends the Federal

Credit Union Act with regard to assets, loans, membership, management, including officers and directors, and required reserves. Reorganizes the National Credit Union Administration and establishes two Presidentially-appointed, Senate-confirmed Boards, the National Credit Union Administration Board, to manage the Administration, and the National Credit Union Administration Advisory Board. Creates the National Credit Union Central Liquidity Facility to maintain the liquidity of credit unions, and to provide for the orderly transfer of funds between and among credit unions and other financial institutions.

H.R. 7904. June 13, 1975. Post Office and Civil Service. Authorizes officers and employees of the United States to accept for the United States the voluntary services of certain students.

H.R. 7905. June 13, 1975. Post Office and Civil Service. Revises the procedure for crediting service under the National Guard Technicians Act of 1968 for Federal employees' benefits and retirement purposes.

H.R. 7906. June 13, 1975. Judiciary. Proposes an amendment to the Constitution to exempt State financial assistance to a religiously affiliated school from the First Amendment prohibition regarding establishment of religion.

H.R. 7907. June 13, 1975. Ways and Means. Amends the Internal Revenue Code to limit the deductions attributable to farming which can be used by a taxpayer to offset nonfarm income.

H.R. 7908. June 13, 1975. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 7909. June 13, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 7910. June 16, 1975. Ways and Means. Revises the Second Liberty Bond Act to repeal the public debt limit.

H.R. 7911. June 16, 1975. Ways and Means. Amends the Internal Revenue Code to allow a taxpayer to elect to take a deduction for capital recovery in lieu of depreciating eligible tangible property.

H.R. 7912. June 16, 1975. Ways and Means. Amends the Internal Revenue Code to increase the estate tax exemption, and to increase the estate tax marital deduction.

Permits the executor of an estate to elect an alternate valuation of certain lands used for farming, woodland, or scenic open space.

H.R. 7913. June 16, 1975. Ways and Means. Creates a National Urban Corporation through which the Federal Government shall issue and sell national urban bonds in order to provide financial assistance for the construction or rehabilitation of urban housing for low- and moderate-income persons.

Amends the Internal Revenue Code to conform with this Act and to entitle owners of such bonds to certain deductions.

H.R. 7914. June 16, 1975. Ways and Means. Amends the Social Security Act by stipulating that legal process brought for the garnishment of wages of a Federal employee pursuant to the child support provisions of the Aid to Families with Dependent Children program shall not be effective against the United States for a specified period of time.

Directs the President, Comptroller General, and Director of the Administrative Office of the United States Courts to prescribe regulations covering the garnishment of wages.

H.R. 7915. June 16, 1975. Judiciary. Amends the Clayton Act to prohibit persons with nonfarming business assets in excess of $3,000,000 from engaging in the production of agricultural products. Directs the Secretary of Agriculture to acquire, under certain circumstances, any property of interest of which a person must divest himself by virtue of this prohibition.

H.R. 7916. June 16, 1975. Public Works and Transportation. Excludes certain amounts apportioned to any State for a Federal-aid highway system from limitations on the transfer of such funds where such amounts will be applied to rail-highway crossings if the State has no such crossings on its Federal-aid highway systems.

H.R. 7917. June 16, 1975. Ways and Means; Interstate and Foreign Commerce. Amends the Social Security Act by eliminating the requirement that a hospital or extended care facility have a utilization review plan in effect in order to participate in the Medicare, Medicaid, Maternal and Child Health, and Crippled Children's Services programs.

H.R. 7918. June 16, 1975. Interstate and Foreign Commerce. Amends the Railroad Retirement Act of 1974 to set forth the method of computing the amount payable to a surviving spouse of certain retired employees receiving annuities under such Act.

H.R. 7919. June 16, 1975. Interstate and Foreign Commerce. Prohibits distributors and refiners of petroleum products from cancelling franchises without cause and without prior notice.

H.R. 7920. June 16, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 by extending the maximum term of license and license renewal for the operation of broadcasting stations from three to five years. Revises the conditions for approval of applications for licensing or license renewals.

H.R. 7921. June 16, 1975. Post Office and Civil Service. Makes Flag Day a legal public holiday.

H.R. 7922. June 16, 1975. International Relations. Amends the Foreign Military Sales Act to require Congressional approval of any sale, credit sale, or guaranty involving a major weapons system or defense service. Requires Congressional approval of the total amount of sales, credit sales, and guaranties made to any country of international organization.

H.R. 7923. June 16, 1975. Veterans' Affairs. Establishes the Court of Veterans' Appeals which shall be composed of judges appointed from civil life by the President.

Grants the court exclusive jurisdiction to review by appeal all questions involved in decisions of the Board of Veterans' Appeals.

H.R. 7924. June 16, 1975. Interstate and Foreign Commerce. Amends the Interstate Commerce Act to authorize the Secretary of Transportation to make financial assistance available to qualified applicants for the purpose of providing employment for unemployed or underemployed persons in jobs maintaining or rebuilding railroad rights-of-way, during times of high unemployment.

H.R. 7925. June 16, 1975. Ways and Means. Postpones until June 30, 1978, in the case of Puerto Rico, the Virgin Islands and Guam, the requirement that State plans for medical assistance under the Social Security Act permit individuals who are eligible for such assistance to obtain it from any provider who undertakes to furnish it.

H.R. 7926. June 16, 1975. Government Operations. Amends the Freedom of Information Act to exempt from public disclosure naval nuclear propulsion information unless it is determined by the Secretary of Defense and the Administrator of the Energy Research and Development Administration that such release would not be inimical to the interests of the United States.

H.R. 7927. June 16, 1975. Armed Services. Authorizes the Administrator of General Services to dispose of a certain quantity of asbestos chrysotile from the national stockpile and the supplemental stockpile.

H.R. 7928. June 16, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to authorize the Federal Communications Commission to grant licenses and license renewals for five year terms.

Revises the Act to allow certain appeals from orders or decisions of the Commission to be brought in the United States court of appeals for the circuit in which the broadcast facility is, or is proposed to be located.

Requires the Commission to examine its broadcast license renewal process to determine how the process can be simplified.

H.R. 7929. June 16, 1975. Ways and Means. Amends the Internal Revenue Code with respect to the deductibility of interest on corporate acquisition indebtedness where the issuing corporation has acquired control of another corporation.

H.R. 7930. June 16, 1975. Post Office and Civil Service. Prohibits certain modifications of health insurance benefits under a plan offered to Federal employees unless notice of proposed modifications has been published and a hearing concerning such modifications has been held.

H.R. 7931. June 16, 1975. House Administration. Directs the Clerk and the Sergeant at Arms of the House of Representatives, the Architect of the Capitol, and the Librarian of Congress to enter into agreements with the various States and the District of Columbia to withhold State or District of Columbia income taxes of certain Members of Congress or specified employees subject to such income tax who voluntarily agree to such withholding.

Authorizes the Committee on House Administration to review such agreements.

H.R. 7932. June 16, 1975. Education and Labor. Amends the Occupational Safety and Health Act of 1970 by authorizing the Administrator of the Small Business Administration to render onsite construction and advice to certain small business employers to assist such employers in complying with the health and safety standards of the Act.

H.R. 7933. June 16, 1975. Interstate and Foreign Commerce. Prohibits distributors and refiners of petroleum products from cancelling franchises without cause and without prior notice.

H.R. 7934. June 16, 1975. Interstate and Foreign Commerce. Prohibits distributors and refiners of petroleum products from cancelling franchises without cause and without prior notice.

H.R. 7935. June 16, 1975. Agriculture. Amends the Food Stamp Act of 1964 by (1) making certain recipients of Supplemental Security Income and State supplementary payments ineligible for food coupons or food distribution until June 30, 1976; (2) authorizing the use of food coupons for the purchase of prepared meals by certain disabled individuals; and (3) revising the food stamp certification procedure.

H.R. 7936. June 16, 1975. Government Operations. Authorizes the Secretary of the Treasury to make emergency support grants for economic recovery to the States and to local governments.

H.R. 7937. June 16, 1975. Government Operations. Authorizes the Secretary of the Treasury to make emergency support grants for economic recovery to the States and to local governments.

H.R. 7938. June 16, 1975. Ways and Means. Amends the Social Security Act by stipulating that payments made by a State to certain nonmedical shelter care facilities for the care of an individual shall not reduce the amount of such individual's Supplemental Security Income benefit.

H.R. 7939. June 16, 1975. Banking, Currency and Housing. Revises the stock ownership requirements for qualification of directors of national banking associations.

H.R. 7940. June 16, 1975. Merchant Marine and Fisheries. Amends the Shipping Act, 1916, to establish minimum rates for foreign carriers in foreign commerce with the United States. Requires that such rates, as determined by the Federal Maritime Commission, correspond to rates of national carriers, with certain exceptions.

H.R. 7941. June 16, 1975. Judiciary. Authorizes the admission of a certain individual to the United States for permanent residence.

H.R. 7942. June 16, 1975. Judiciary. Authorizes the admission of a certain individual to the United States for permanent residence.

H.R. 7943. June 16, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States for certain mining claims in California which were taken by the United States in condemnation proceedings.

H.R. 7944. June 17, 1975. Banking, Currency and Housing. Amends the United States Housing Act of 1937 and the National Housing Act to require that future social security benefit increases be disregarded in determining (1) eligibility for admission to or occupancy of low-rent public housing, or (2) the rent paid on such housing or other federally assisted housing and eligibility for other Federal housing subsidies.

H.R. 7945. June 17, 1975. Ways and Means. Interstate and Foreign Commerce. Requires every employer to offer qualified health care insurance to his employees and their families. Establishes a program of Federal participation to provide qualified health care insurance to nonemployed and self-employed individuals and their families. Requires the Secretary of Health, Education, and Welfare to pay the full premium for continuation of qualified health care insurance for individuals receiving State or Federal unemployment benefits.

H.R. 7946. June 17, 1975. Education and Labor; Judiciary. Amends the Civil Rights Act of 1964 and the Civil Rights Act of 1968 to prohibit discrimination against disabled persons in the areas of employment or housing.

H.R. 7947. June 17, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 by extending the maximum term of license and license renewal for the operation of broadcasting stations from 3 to 5 years. Revises the conditions for approval of applications for licensing renewal. Allows appeals from Federal Communications Commission decisions to be brought in the circuit in which the broadcast facility is, or is proposed to be, located instead of in the District of Columbia Court of Appeals.

Requires the Federal Communications Commission to study possible reduction and consolidation of the filings, supporting documents, and other administrative materials now required for renewal applications.

H.R. 7948. June 17, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 by extending the maximum term of license and license renewal for the operation of broadcasting stations from 3 to 5 years. Revises the conditions for approval of applications for licensing renewal. Allows appeals from Federal Communications Commission decisions to be brought in the circuit in which the broadcast facility is, or is proposed to be, located instead of in the District of Columbia Court of Appeals.

Requires the Federal Communications Commission to study possible reduction and consolidation of the filings, supporting documents, and other administrative materials now required for renewal applications.

H.R. 7949. June 17, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 by extending the maximum term of license and license renewal for the operation of broadcasting stations from 3 to 5 years.

Revises the conditions for approval of applications for licensing renewal. Allows appeals from Federal Communications Commission decisions to be brought in the circuit in which the broadcast facility is, or is proposed to be, located instead of in the District of Columbia Court of Appeals.

Requires the Federal Communications Commission to study possible reduction and consolidation of the filings, supporting documents, and other administrative materials now required for renewal applications.

H.R. 7950. June 17, 1975. House Administration. Amends the Federal Election Campaign Act of 1971 to authorize appropriations for the Federal Election Commission for fiscal years 1976 and 1977.

H.R. 7951. June 17, 1975. Interior and Insular Affairs. Amends the Land and Water Conservation Fund Act of 1965 to increase appropriations for outdoor recreation programs.

Revises the criteria for the distribution of monies from the Fund to the States.

H.R. 7952. June 17, 1975. Interstate and Foreign Commerce. Requires the Director of the National Institute of Child Health and Human Development to plan and develop a coordinated autism research program. Authorizes the Secretary of Health, Education, and Welfare to make grants, loans and loan guarantees to public or private nonprofit residential or nonresidential centers with education programs for autistic children.

H.R. 7953. June 17, 1975. Interstate and Foreign Commerce; Interior and Insular Affairs. Establishes a National Energy Information System to contain information relating to energy supply and consumption patterns affecting the United States. Creates a National Administration to collect, evaluate, and disseminate such information.

Sets forth procedures for acquisition of energy information from major energy companies, governmental units, and other institutions. Establishes procedures for classification of such information.

Directs the Secretary of the Interior to conduct surveys of United States energy resources on public lands.

H.R. 7954. June 17, 1975. Public Works and Transportation. Amends the Federal Water Pollution Control Act to further define the term "navigable waters" as it applies to the issuance of permits for dredged or fill material by the Corps of Engineers.

H.R. 7955. June 17, 1975. Ways and Means. Amends the Internal Revenue Code to tax married and unmarried individuals at the same rate, and to apply the same requirements for requiring a declaration of estimated income tax and for withholding income tax from wages.

H.R. 7956. June 17, 1975. Ways and Means. Amends the Tariff Schedules of the United States to apply to steel rail anchors the same tariff treatment that applies to rails.

H.R. 7957. June 17, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 by extending the maximum term of license and license renewal for the operation of broadcasting stations from 3 to 5 years. Revises the conditions for approval of applications for licensing renewal. Allows appeals from Federal Communications Commission decisions to be brought in the circuit in which the broadcast facility is, or is proposed to be, located instead of in the District of Columbia Court of Appeals.

Requires the Federal Communications Commission to study possible reduction and consolidation of the filings, supporting documents, and other administrative materials now required for renewal applications.

H.R. 7958. June 17, 1975. Banking, Currency and Housing. Authorizes the Administrator of the Federal Energy Administration to make grants to State Governors and the Mayor of the District of Columbia for weatherization of dwellings of low-income persons.

H.R. 7959. June 17, 1975. Rules. Establishes a Congressional Joint Committee on Intelligence Operations to oversee and exercise exclusive jurisdiction over agencies engaged in foreign intelligence activities and operations.

H.R. 7960. June 17, 1975. Education and Labor. Directs the Commissioner of Education to allot funds appropriated by this Act to local educational agencies to assist in reducing crime against the children, employees and facilities of their elementary and secondary schools.

H.R. 7961. June 17, 1975. Science and Technology. Establishes a program of electric vehicle research and development in the Energy Research and Development Administration. Authorizes the introduction of electric vehicles into fleets used by Federal agencies.

H.R. 7962. June 17, 1975. Appropriations. Makes additional appropriations for emergency employment programs administered by the Department of Labor and the Department of Health, Education and Welfare, and for administrative expenses of the Department of Transportation.

H.R. 7963. June 17, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 by extending the maximum term of license and license renewal for the operation of broadcasting stations from 3 to 5 years. Revises the conditions for approval of applications for licensing renewal. Allows appeals from Federal Communications Commission decisions to be brought in the circuit in which the broadcast facility is, or is proposed to be located instead of in the District of Columbia Court of Appeals.

Requires the Federal Communications Commission to study possible reduction and consolidation of the filings, supporting documents, and other administrative materials now required for renewal applications.

H.R. 7964. June 17, 1975. Ways and Means. Amends the Internal Revenue Code to allow wines containing essences and other flavorings approved by the Secretary of the Treasury to continue to be treated as special natural wines for purposes of the excise tax on wines.

H.R. 7965. June 17, 1975. Judiciary; Standards of Official Conduct. Requires lobbyists to (1) register with the Federal Election Commission; (2) make and retain certain records; and (3) file reports with the Commission regarding their activities.

Requires certain officials of the executive branch to record their communications with lobbyists.

Repeals the Federal Regulation of Lobbying Act.

H.R. 7966. June 17, 1975. Banking, Currency and Housing. Requires the developers of all federally assisted condominium projects to disclose specific information on proposed new condominium construction or conversion to condominium units of existing structures.

Establishes the office of Assistant Secretary for Condominiums in the Department of Housing and Urban Development. Authorizes the Secretary of Housing and Urban Development to make grants to State and local governments to establish similar programs.

H.R. 7967. June 17, 1975. House Administration. Authorizes and establishes procedures for public financing of primary and general election campaigns of candidates for election to Congress.

H.R. 7968. June 17, 1975. Judiciary. Authorizes the awarding of attorney's fees and other litigation costs in certain actions or proceedings to review an agency action where the party seeking the judicial review substantially pervails.

H.R. 7969. June 17, 1975. Judiciary. Amends the Civil Rights Act of 1964 to allow the court to grant attorneys' fees as part of the costs to the prevailing party in specified civil actions under the Act. Stipulates that governmental entities are liable for such fees the same as a private person.

H.R. 7970. June 17, 1975. Ways and Means. Amends the Social Security Act by stipulating that speech pathology services are considered outpatient physical therapy services and are covered under the Medicare supplementary medical insurance program.

H.R. 7971. June 17, 1975. Ways and Means. Amends the Social Security Act to include diagnostic and rehabilitative services furnished by an audiologist, including hearing amplification devices, among the items covered under Medicare.

H.R. 7972. June 17, 1975. Ways and Means: Interstate and Foreign Commerce. Amends the Social Security Act to include speech pathology and audiology services among the items covered under Medicare.

H.R. 7973. June 17, 1975. Interstate and Foreign Commerce. Amends the Federal Trade Commission Act to prohibit the application of a per se rule of illegality under the antitrust laws in the case of certain market allocation agreements made as part of a trademark licensing agreement for the manufacture, distribution and sale of trademarked soft drink products.

H.R. 7974. June 17, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a deduction from gross income the cost of acquiring recycled solid waste materials for manufacture by the taxpayer into useful raw materials or salable products. Permits an optional amortization deduction of any solid waste recycling facility acquired by the taxpayer.

H.R. 7975. June 17, 1975. Ways and Means. Amends the Supplemental Security Income provisions of the Social Security Act by (1) mandating benefit increases and emergency assistance grants; (2) prohibiting benefit decreases as a consequence of increases in other social security benefits; (3) adding supplementary housing benefits; (4) revising the basis upon which mandatory minimum State supplementation is calculated; (5) revising administrative procedures for paying benefits; (5) revising administrative procedures for paying benefits; and (6) redefining "eligible spouse".

Amends the Food Stamp Act of 1964 by allowing certain Supplemental Security Income recipients to elect to receive food stamps.

H.R. 7976. June 17, 1975. Post Office and Civil Service. Directs that accumulated annual leave above the maximum allowed which is restored to a Federal employee who was subject to an unwarranted or unjustified personnel action shall be included in the lump-sum payment of accrued and accumulated annual leave which such employee may elect to receive upon separation. Permits certain former Federal employees to file a claim for such excess accumulated annual leave which was not paid to such employee upon separation.

H.R. 7977. June 17, 1975. Judiciary: Rules. Declares that certain rules proposed by Federal agencies shall take effect only if, after a certain period of time, either House of Congress does not pass a resolution disapproving such proposed rule. Establishes procedures for exercising Congressional disapproval of such proposed rules.

H.R. 7978. June 17, 1975. Judiciary; Rules. Declares that certain rules proposed by Federal agencies shall take effect only if, after a certain period of time, either House of Congress does not pass a resolution disapproving such proposed rule. Establishes procedures for exercising Congressional disapproval of such proposed rules.

H.R. 7979. June 17, 1975. Judiciary: Rules. Declares that certain rules proposed by Federal agencies shall take effect only if, after a certain period of time, either House of Congress does not pass a resolution disapproving such proposed rule. Establishes procedures for exercising Congressional disapproval of such proposed rules.

H.R. 7980. June 17, 1975. Interstate and Foreign Commerce. Establishes the Interstate Railroad System. Authorizes the Secretary of Transportation to acquire, rehabilitate, maintain, and modernize the rail lines through the Interstate Railroad Administration. Directs the Secretary to require minimum maintenance standards for rail lines.

Provides Federal assistance to States for rehabilitation of rail lines.

H.R. 7981. June 17, 1975. Armed Services. Prohibits any military department from using dogs in connection with research and development of any chemical or biological warfare agent.

H.R. 7982. June 17, 1975. Post Office and Civil Service. Revises regulations regarding creditable service for civil service retirement purposes with respect to National Guard technicians.

H.R. 7983. June 17, 1975. Government Operations. Establishes a Consumer Protection Agency within the executive branch to represent the interests of consumers before Federal agencies, to receive and act upon consumer complaints, to perform research on consumer products, and to gather and disseminate information on consumer products and services.

Requires Federal agencies considering policies or regulations which may affect the interests of consumers to notify the Agency, and to consider the interests of consumers.

H.R. 7984. June 17, 1975. Education and Labor. Stipulates that certain strikes at the site of a construction project are not prohibited as an unfair labor practice under the National Labor Relations Act.

H.R. 7985. June 17, 1975. Interstate and Foreign Commerce. Establishes a national plan for no-fault automobile insurance which sets forth national standards for State no-fault insurance plans. Requires every owner of a motor vehicle registered in a State which has no-fault insurance plan to participate in such plan as a condition precedent to operating such vehicle.

H.R. 7986. June 17, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 by extending the maximum term of license and license renewal for the operation of broadcasting stations from 3 to 5 years. Revises the conditions for approval of applications for licensing renewal. Allows appeals from Federal Communications Commission decisions to be brought in the circuit in which the broadcast facility is, or is proposed to be, located instead of in the District of Columbia Court of Appeals.

Requires the Federal Communications Commission to study possible reduction and consolidation of the filings, supporting documents, and other administrative materials now required for renewal applications.

H.R. 7987. June 17, 1975. Veterans' Affairs. Authorizes the Administrator of Veterans' Affairs to offer special pay and incentive pay to physicians and dentists employed on a full-time basis by the Department of Medicine and Surgery of the Veterans' Administration.

H.R. 7988. June 17, 1975. Interstate and Foreign Commerce. Includes the use of blood and blood products and the management of blood resources within the research and training programs of the National Heart and Lung Institute, under the Public Health Service Act, and extends appropriations for such programs.

Limits the authority of the Secretary of Health, Education, and Welfare to disclose information contained in research grant applications.

Extends appropriations for National Research Service Awards.

Authorizes the Secretary to make grants to and enter into contracts with public and nonprofit private entities for projects related to the testing, diagnosis, counseling, and treatment of individuals with respect to genetic diseases.

H.R. 7989. June 17, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to establish the Valley Forge National Historical Park in Pennsylvania.

H.R. 7990. June 17, 1975. Science and Technology. Establishes in the Executive Office of the President the Office of Science and Technology Policy to advise the President with respect to scientific and technological matters.

H.R. 7991. June 17, 1975. Interstate and Foreign Commerce. Extends the maximum term of license and license renewal for the operation of broadcasting stations from three to five years.

H.R. 7992. June 17, 1975. Post Office and Civil Service. Authorizes officers and employees of the United States to accept for the United States the voluntary services of certain students.

H.R. 7993. June 17, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 7994. June 17, 1975. Judiciary. Renews and extends the term of certain design patents issued by the United States Patent Office.

H.R. 7995. June 18, 1975. Judiciary. Grants automatic, general amnesty to any person who, during the period of United States involvement in Indochina, violated the Military Selective Service Act or committed certain military crimes. Establishes an Amnesty Commission to grant general amnesty to individuals who violated Federal, State or local law in the course of protesting against United States involvement in Indochina and to review denials of honorable discharges.

Authorizes the district courts to restore the United States citizenship of war resisters who renounced such citizenship.

Grants jurisdiction to the district courts to hear actions brought to redress the deprivation of rights granted by the general amnesty.

H.R. 7996. June 18, 1975. Ways and Means. Amends the Social Security Act to include diagnostic and rehabilitative services furnished by an audiologist, including hearing amplification devices, among the items covered under Medicare.

H.R. 7997. June 18, 1975. Ways and Means. Amends the Social Security Act by stipulating that speech pathology services are considered outpatient physical therapy services and are covered under the Medicare supplementary medical insurance program.

H.R. 7998. June 18, 1975. Ways and Means; Interstate and Foreign Commerce. Amends the Social Security Act to include speech pathology and audiology services among the items covered under Medicare.

H.R. 7999. June 18, 1975. Judiciary. Amends the Immigration and Nationality Act to make it unlawful for persons to knowingly employ or refer for employment aliens who have not been lawfully admitted to the United States for permanent residence.

Directs that the Immigration and Naturalization Service shall increase its staff.

H.R. 8000. June 18, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 by extending the maximum term of license and license renewal for the operation of broadcasting stations from 3 to 5 years. Revises the conditions for approval of applications for licensing renewal. Allows appeals from Federal Communications Commission decisions to be brought in the circuit in which the broadcast facility is, or is proposed to be, located instead of in the District of Columbia Court of Appeals.

Requires the Federal Communications Commission to study possible reduction and consolidation of the filings, supporting documents, and other administrative materials now required for renewal applications.

H.R. 8001. June 18, 1975. Post Office and Civil Service. Authorizes and directs the Postmaster General to issue a special postage stamp commemorating the bicentennial anniversary of the Battle of Dorchester Heights.

H.R. 8002. June 18, 1975. Interior and Insular Affairs. Designates certain lands in the Point Reyes National Seashore in California as wilderness, to be administered by the Secretary of the Interior.

Designates the Point Reyes National Seashore as a natural area of the National Park System.

H.R. 8003. June 18, 1975. Interior and Insular Affairs. Designates certain lands in the Point Reyes National Seashore in California as wilderness, to be administered by the Secretary of the Interior.

Designates the Point Reyes National Seashore as a natural area of the National Park System.

H.R. 8004. June 18, 1975. Post Office and Civil Service. Prohibits Members of Congress from using the franking privilege for mass mailings within 42 days prior to an election.

H.R. 8005. June 18, 1975. Banking, Currency and Housing. Authorizes the Secretary of the Treasury to strike gold commemorative coins bearing the seal or symbol of the American Revolution Bicentennial Administration and to offer such coins for sale to the public.

H.R. 8006. June 18, 1975. Post Office and Civil Service. Stipulates that an employee paid from nonappropriated funds of the Ship's Service Department of the United States Merchant Marine Academy is deemed not an employee of the Federal government for certain purposes.

H.R. 8007. June 18, 1975. Post Office and Civil Service. Requires the Secretary of Commerce to take an independent census of agriculture every five years and an independent census of irrigation and drainage every ten years.

H.R. 8008. June 18, 1975. Ways and Means. Amends the Internal Revenue Code to include as tax exempt organizations condominium associations, homeowner associations, and other similar corporations and organizations, not organized for profit.

H.R. 8009. June 18, 1975. Education and Labor. Amends the Elementary and Secondary Education Act of 1965 to require that applications for programs of bilingual education shall be developed in consultation with the parents of children enrolled in the schools covered by such applications with the majority of such parents to be parents of children of limited English-speaking ability.

H.R. 8010. June 18, 1975. Post Office and Civil Service. Prohibits the Postal Service from requiring the installation of mailboxes at the curb line of residential property in any locality if the governing authority of such locality prohibits such installation.

H.R. 8011. June 18, 1975. Judiciary. Amends the Omnibus Crime Control and Safe Streets Act of 1968 to require that the comprehensive State plan required under the Act include provisions for the prevention of crimes against the elderly.

H.R. 8012. June 18, 1975. Ways and Means. Revises the administration of Old-Age, Survivors, and Disability Insurance, Medicare, and Supplemental Security Income under the Social Security Act. Transfers the responsibility for administering these programs and the health standards provisions of the Federal Coal Mine Health and Safety Act from the Department of Health, Education, and Welfare to a newly constituted Social Security Administration.

H.R. 8013. June 18, 1975. Interstate and Foreign Commerce, Prohibits distributors and refiners of petroleum products from cancelling franchises without cause and without prior notice.

H.R. 8014. June 18, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to reduce the Federal Communications Commission to 5 Commissioners. Increases the staff allotment of each Commissioner. Requires that certain reports be made to specified Committees of Congress and the Secretary of the Commission. Requires the Commission to establish an Office of Equal Employment Opportunity.

H.R. 8015. June 18, 1975. Judiciary. Amends the Copyright Act of 1909 to extend exclusive rights with respect to copyrighted sound recordings to include performance in public for profit. Establishes a system of compulsory licensing and royalties for public performance of sound recordings.

H.R. 8016. June 18, 1975. Education and Labor. Stipulates that certain strikes at the site of a construction project are not prohibited as an unfair labor practice under the National Labor Relations Act.

H.R. 8017. June 18, 1975. Ways and Means. Amends the Social Security Act by directing the Secretary of Health, Education, and Welfare to allow a nursing salary cost differential in determining the reasonable cost of inpatient nursing care for the purpose of reimbursement to a provider of services under the Medicare program.

H.R. 8018. June 18, 1975. Ways and Means. Amends the Social Security Act by entitling an Old-Age, Survivors, and Disability Insurance claimant to a reconsideration of the initial decision concerning such claimant's eligibility for benefits. Allows such claimant to request a hearing on the reconsideration determination. Requires that such a hearing be presided over by an administrative law judge and conducted on the record.

H.R. 8019. June 18, 1975. Interstate and Foreign Commerce; Ways and Means. Amends the Social Security Act to repeal the requirement that the Secretary of Health, Education, and Welfare pay States for the development and review of proposed capital expenditures for health care facilities and organizations from the Federal Hospital Insurance Trust Fund.

Amends the Social Security Act by authorizing payment for outpatient services provided by an ambulatory health care center under the Medicaid program.

H.R. 8020. June 18, 1975. Ways and Means. Amends the Internal Revenue Code to allow a limited deduction for volunteer services performed by an individual in a Veterans' Administration hospital.

H.R. 8021. June 18, 1975. Ways and Means. Amends the Internal Revenue Code to allow certain tax-exempt organizations to elect to use a portion of their assets to influence legislation.

Prohibits the deduction of out-of-pocket expenditures made by any person on behalf of such eligible organization if the expenditure is made for the purpose of influencing legislation.

H.R. 8022. June 18, 1975. Ways and Means. Amends the Internal Revenue Code to permit every taxpayer to designate that an amount not to exceed $1, or such taxpayer's tax liability for the taxable year, shall be paid over to the Food For Peace Fund which is hereby established in the Department of the Treasury.

H.R. 8023. June 18, 1975. Post Office and Civil Service. Prohibits certain modifications of health insurance benefits under a plan offered to Federal employees unless notice of proposed modifications has been published and a hearing concerning such modifications has been held.

H.R. 8024. June 18, 1975. Banking, Currency and Housing. Extends for one year the authority of the Federal Reserve Board to continue flexible regulations of interest rates on deposits and share accounts in depository institutions.

Prohibits any Federal regulatory agency of financial institutions from approving establishment or expansion of any electronic funds transfer systems for 90 days. Authorizes the National Commission on Electronic Fund Transfers within such period (1) to review such systems; and (2) to develop procedures for monitoring experimentation of such systems.

Requires financial institutions to maintain and make public certain information on real estate loans and savings accounts, through the Secretary of Housing and Urban Development.

H.R. 8025. June 18, 1975. Judiciary. Declares a certain individual to be in compliance with specified provisions of the Immigration and Nationality Act.

H.R. 8026. June 18, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States for expenses incurred by certain air travel compelled by the United States.

H.R. 8027. June 18, 1975. Judiciary. Relieves a certain individual of liability to the United States for overpayments of active duty compensation while employed by the United States Navy.

H.R. 8028. June 19, 1975. Education and Labor. Amends the Civil Rights Act of 1964 to make it an unlawful employment practice to discriminate against a physically handicapped individual because of such handicap.

H.R. 8029. June 19, 1975. Ways and Means. Amends the Internal Revenue Code to permit a taxpayer who has attained the age of sixty-five to take a credit against his income tax for real property taxes paid by him, or for the equivalent amount of his rent constituting such taxes.

H.R. 8030. June 19, 1975. Ways and Means. Amends the Second Liberty Bond Act to increase the public debt limit until November 15, 1975.

H.R. 8031. June 19, 1975. Post Office and Civil Service. Creates the Federal Employee Labor Relations Board to oversee and regulate labor relations between units of the Federal Government and Federal employees. Authorizes Federal employees to form, join, or assist labor organizations. Authorizes Federal employees to strike under certain circumstances. Enumerates unlawful labor acts and empowers the Board to prevent such acts.

H.R. 8032. June 19, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 by extending the maximum term of license and license renewal for the operation of broadcasting stations from 3 to 5 years. Revises the conditions for approval of applications for licensing renewal. Allows appeals from Federal Communications Commission decisions to be brought in the circuit in which the broadcast facility is, or is proposed to be, located instead of in the District of Columbia Court of Appeals.

Requires the Federal Communications Commission to study posible reduction and consolidation of the filings, supporting documents, and other administrative materials now required for renewal applications.

H.R. 8033. June 19, 1975. Banking, Currency and Housing. Authorizes the President to accept participation for the United States in the African Development Fund.

H.R. 8034. June 19, 1975. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare to provide a medical malpractice reinsurance program to insurance companies and other insurers. Requires a State to have an effective program for arbitration of medical malpractice claims before Federal reinsurance will be available. Requires civil actions for damages on account of alleged malpractice to first be submitted to State arbitration.

H.R. 8035. June 19, 1975. Armed Services. Directs the Secretary of Defense and the Secretary of Health, Education, and Welfare to insure that all prescription eyeglasses issued to members of the Armed Forces on active duty consist of impact-resistant lenses and frames.

H.R. 8036. June 19, 1975. Government Operations. Expands the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials.

H.R. 8037. June 19, 1975. Judiciary. Restores United States citizenship, upon petition to any United States district court, to any former citizen who lost his nationality through any action taken solely or partially because of disapproval or opposition to the involvement of the United States in military action in Indochina.

H.R. 8038. June 19, 1975. Ways and Means. Amends the Social Security Act to include a rehabilitation facility as a provider of services and to include inpatient and outpatient rehabilitation services among the items covered under Medicare.

H.R. 8039. June 19, 1975. Judiciary. Authorizes the appointment of special prosecutors by a Federal District Judge in certain criminal proceedings.

H.R. 8040. June 19, 1975. Armed Services. Amends the Military Construction Authorization Act of 1968 to allow the Secretary of Defense to sell, lease, transfer or otherwise dispose of the lands constituting Fort DeRussy, Hawaii.

H.R. 8041. June 19, 1975. Ways and Means. Amends the Internal Revenue Code to allow certain distilled spirits bottled in bond for export or stamped for export to a foreign trade zone to be withdrawn from warehouses or foreign trade zones for consumption in the United States by and for the official or family use of such foreign governments, organizations, and individuals who are entitled to withdraw imported distilled spirits from such warehouses or zones free of tax.

H.R. 8042. June 19, 1975. Education and Labor. Authorizes the Secretary of Health, Education, and Welfare to make grants to States and certain gateway cities for the purpose of providing programs in education, job training, counseling and orientation for the benefit of immigrants.

Authorizes travel grants to new immigrants and their families to enable them to accept employment in a distant State.

H.R. 8043. June 19, 1975. Banking, Currency and Housing. Repeals the Council on Wage and Price Stability Act.

H.R. 8044. June 19, 1975. Ways and Means. Amends the Internal Revenue Code with respect to the definition of, conditions for, and limitations on, the deduction of moving expenses.

Allows a taxpayer to exclude from gross income any amount received or accrued from his employer as a reimbursement for a moving expense which would be otherwise deductible but for such reimbursement.

H.R. 8045. June 19, 1975. Interior and Insular Affairs. Establishes the Santa Monica Mountains and Seashore Urban National Park in the State of California. Authorizes the Secretary of the Interior to acquire the lands, waters, or interests therein which are located within the proposed boundaries of the park.

H.R. 8046. June 19, 1975. Ways and Means. Amends the Internal Revenue Code to allow the widow of a deceased minister to exclude from gross income the rental value of a home or rental allowance which is furnished to her after her husband's death.

Terminates such exclusion upon remarriage of the widow.

H.R. 8047. June 19, 1975. Post Office and Civil Service. Entitles certain prevailing rate Federal employees to night differential pay as part of their basic pay for purposes of determining such pay in conversions to the General Schedule.

H.R. 8048. June 19, 1975. Education and Labor; Judiciary. Amends the Walsh-Healey Act to exempt certain transportation employees of private carriers of property by motor vehicle from provisions of such Act.

H.R. 8049. June 19, 1975. Post Office and Civil Service. Makes certain publications of institutions of higher education eligible for second-class mail rates.

H.R. 8050. June 19, 1975. Ways and Means. Directs the Secretary of Labor to provide Federal payment of State unemployment compensation benefits attributable to services performed in certain Federally-funded public service jobs under the Comprehensive Employment and Training Act of 1973.

H.R. 8051. June 19, 1975. Banking, Currency and Housing. Authorizes the President of the United States to present a Medal of Honor to a certain individual.

H.R. 8052. June 19, 1975. Armed Services. Prohibits any military department from using dogs in connection with research and development of any chemical or biological warfare agent.

H.R. 8053. June 19, 1975. Ways and Means. Amends the Internal Revenue Code to permit (1) a tax credit for the qualified savings and investment of an individual; (2) the exclusion from an individual's gross income of certain corporate dividends and the capital gains from the sale or exchange of securities; (3) a deduction from the value of the gross estate in the case of certain family farming operations; (4) the adjustment of the corporate normal tax rate; (5) the increase of the corporate surtax exemption and the investment credit; and (6) the deduction by an employer of the amount of certain dividends paid with respect to employer securities.

H.R. 8054. June 19, 1975. Ways and Means. Amends the Internal Revenue Code to permit (1) a tax credit for the qualified savings and investment of an individual; (2) the exclusion from an individual's gross income of certain corporate dividends and the capital gains from the sale or exchange of securities; (3) a deduction from the value of the gross estate in the case of certain family farming operations; (4) the adjustment of the corporate normal tax rates; (5) the increase of the corporate surtax exemption and the investment credit; and (6) the deduction by an employer of the amount of certain dividends paid with respect to employer securities.

H.R. 8055. June 19, 1975. Public Works and Transportation. Amends the Federal Water Pollution Control Act to redefine Corps of Engineers authority to require permits for the discharge of dredged or fill materials into the channels of navigable waters.

H.R. 8056. June 19, 1975. Agriculture. Amends the Consolidated Farm and Rural Development Act to authorize loans to farming, ranching, or aquaculture operations which have been substantially affected by the occurrence of a natural disaster under the judgment of the Secretary of Agriculture.

H.R. 8057. June 19, 1975. Small Business. Amends the Small Business Act to make small business establishments primarily engaged in the production of cow's milk eligible for loans to assist in meeting the requirements imposed by the Federal Water Pollution Control Act.

H.R. 8058. June 19, 1975. Post Office and Civil Service. Directs the Postmaster General to issue a special postage stamp commemorating the bicentennial anniversary of the Battle of Dorchester Heights.

H.R. 8059. June 19, 1975. Judiciary. Amends the Immigration and Nationality Act to allow the Attorney General to waive certain requirements for admission to the United States for nationals of other foreign territories during calendar year 1976, for periods not to exceed ninety days.

H.R. 8060. June 19, 1975. Education and Labor. Amends the National Foundation on the Arts and the Humanities Act of 1965 to extend and revise appropriations for project funding under the Act.

H.R. 8061. June 19, 1975. Ways and Means. Authorizes the Secretary of the Treasury to reimburse States which provide property tax relief to households headed by individuals who are 65 years of age or over.

H.R. 8062. June 19, 1975. Ways and Means. Amends the Social Security Act to authorize Federal payments to States for programs providing certain social services regardless of the recipients's income or eligibility for benefits under another program, if such social services are provided in a manner consistent with certain State programs.

H.R. 8063. June 19, 1975. Armed Services; Banking, Currency and Housing. Authorizes the President of the United States to present a Medal of Honor to a certain individual.

H.R. 8064. June 19, 1975. Interstate and Foreign Commerce. Amends the Securities Investor Protection Act of 1970 with respect to (1) the membership and administration of the Securities Investor Protection Corporation; (2) the role of the Corporation in liquidation proceedings; (3) regulations for such proceedings; and (4) certain advances in a bankruptcy proceeding by the Corporation to satisfy claims against customer property.

H.R. 8065. June 19, 1975. Judiciary. Entitles a certain individual to classification as a preference immigrant for purposes of the Immigration and Nationality Act.

H.R. 8066. June 19, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 8067. June 19, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States for personal property which was lost as a result of such individual's internment as a prisoner of war in South Vietnam.

H.R. 8068. June 19, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 8069. June 19, 1975. Makes appropriations for the fiscal year ending June 30, 1976, and for the period ending September 30, 1976, to the Department of Labor, the Department of Health, Education, and Welfare, Action, Community Services Administration, Federal Mediation and Conciliation Service, National Commission on Libraries and Information Science, National Labor Relations Board, National Mediation Board, Occupational Safety and Health Review Commission, Railroad Retirement Board, and the Soldiers' and Airmen's Home.

H.R. 8070. June 19, 1975. Makes certain appropriations for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, for the Department of Housing and Urban Development, American Battle Monuments Commission, Consumer Products Safety Commission, Department of Defense, Environmental Protection Agency, Executive Office of the President, General Services Administration, Department of Health, Education and Welfare, National Aeronautics and Space Administration, National Science Foundation, Selective Service System, Veterans Administration, Federal Home Loan Bank Board, Government National Mortgage Association, and the Federal Savings and Loan Insurance Corporation.

H.R. 8071. June 20, 1975. Ways and Means. Amends the Internal Revenue Code to prohibit a deduction from gross income of expenses for the advertising of alcoholic beverages.

H.R. 8072. June 20, 1975. Ways and Means. Amends the Social Security Act to include services furnished by a physician's assistant, Medex, nurse practitioner, and clinical staff of a community mental health center among the items covered under the Medicare supplementary medical insurance program.

H.R. 8073. June 20, 1975. Interstate and Foreign Commerce. Extends the maximum term of license and license renewal for the operation of broadcasting stations from three to five years.

H.R. 8074. June 20, 1975. Education and Labor. Establishes a national adoption information exchange system to be administered by the Secretary of Health, Education, and Welfare.

H.R. 8075. June 20, 1975. Judiciary. Amends the Immigration and Nationality Act to direct the Secretary of State to determine which countries discriminate in the issuance of nonimmigrant visas to United States citizens on the basis of race, color, religion, sex, or national origin. Directs that upon determination of such discrimination, no nonimmigrant visas shall be issued by the United States to citizens of such countries, with specified exceptions.

H.R. 8076. June 20, 1975. Ways and Means. Repeals prohibitions against the importation into the United States of certain furskins which are the product of the Soviet Union or Communist China.

H.R. 8077. June 20, 1975. Post Office and Civil Service. Designates November 11 of each year as "Veterans Day".

H.R. 8078. June 20, 1975. Judiciary. Creates a rebuttable presumption that a threat to public health exists warranting the granting of equitable relief upon a showing that any person is engaging in a course of conduct of discharging, emitting, or manufacturing any substance, where such conduct presents a reasonable risk of being a threat to public health. Shifts the burden of proof to the person engaging in such course of conduct to disprove or justify the threat to public health in an action brought by or pursuant to a statute administered by the Administrator of the Environmental Protection Agency.

H.R. 8079. June 20, 1975. Armed Services. Prohibits any change in the status of a member of the Armed Forces who was classified missing during service in Southeast Asia until there has been full compliance with the Paris Peace Accord of January 1973, and the President has determined that all reasonable actions have been taken to account for such members and reported such finding to the Congress.

Directs the Senate Committee on Armed Services and the House Committee on Armed Services to study the method whereby the status of a member of the Armed Forces is changed from missing to dead.

H.R. 8080. June 20, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to acquire additional lands and properties in Colonial Germantown as part of Independence National Historical Park in Philadelphia, Pennsylvania.

H.R. 8081. June 20, 1975. Veterans' Affairs. Specifies that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits.

H.R. 8082. June 20, 1975. Ways and Means. Revises the eligibility requirements for Disability Insurance benefits for blind persons under the Social Security Act. Revises the method of computing the primary insurance amount for blind persons under the Social Security Act.

H.R. 8083. June 20, 1975. Education and Labor; Ways and Means. Amends the Employee Retirement Income Security Act of 1974 by requiring that all private pension plans have the effect of a qualified joint and survivor annuity.

Revises the requirements for a qualified trust under the Internal Revnue Code of 1954 to conform to such amendment.

H.R. 8084. June 20, 1975. Interior and Insular Affairs. Prescribes the distribution scheme for funds appropriated to pay certain Indian Claims Commission judgments to the Sac and Fox Tribe of Oklahoma, the Sac and Fox Tribe of the Mississippi in Iowa, and the Sac and Fox Tribe of Missouri in Kansas and Nebraska.

H.R. 8085. June 20, 1975. Interior and Insular Affairs. Amends the Land and Water Conservation Fund Act of 1965 to allow conversion of outdoor recreation property to enclosed or indoor property in the case of extreme weather conditions.

H.R. 8086. June 20, 1975. Education and Labor; Ways and Means. Amends the Employee Retirement Income Security Act of 1974 by requiring that certain pension plan participants, whose benefits have completely vested, be allowed to elect to receive such benefits at the close of the plan year during which such participant is separated from his service by the employer, in lieu of receiving such benefits at the normal retirement age.

Amends the Internal Revenue Code to incorporate the revision made by this Act in the requirements for a qualified trust.

H.R. 8087. June 20, 1975. Education and Labor; Veterans' Affairs. Creates, within the Department of Labor, an agency to be known as the Veterans' Employment Service to provide job counseling and employment placement for veterans.

H.R. 8088. June 20, 1975. Armed Services. Extends the program of special pay for reenlisting nuclear qualified submarine officers.

Creates a program of special pay for certain naval officers qualified for duty in connection with the supervision, maintenance or operation of naval nuclear propulsion plants.

H.R. 8089. June 20, 1975. Armed Services. Increases the amount of the per diem allowance which may be paid to members of the uniformed services who are traveling under orders.

H.R. 8090. June 20, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 by extending the maximum term of license and license renewal for the operation of broadcasting stations from 3 to 5 years. Revises the conditions for approval of applications for licensing renewal. Allows appeals from Federal Communications Commission decisions to be brought in the circuit in which the broadcast facility is, or is proposed to be, located instead of in the District of Columbia Court of Appeals.

Requires the Federal Communications Commission to study possible reduction and consolidation of the filings, supporting documents, and other administrative materials now required for renewal applications.

H.R. 8091. June 20, 1975. Interstate and Foreign Commerce. Amends the Motor Vehicle Information and Cost Savings Act (1) to authorize the enforcement by the Secretary of Transportation of prohibitions against motor vehicle odometer tampering; (2) to make unlawful the sale of odometer tampering devices; and (3) to authorize appropriations for such enforcement.

H.R. 8092. June 20, 1975. Merchant Marine and Fisheries. Amends the Endangered Species Act of 1973 to authorize additional appropriations for fiscal years 1977 and 1978 to carry out the Act.

H.R. 8093. June 20, 1975. Judiciary. Increases the penalties for committing a felony with a firearm or for carrying a firearm unlawfully during the commission of a felony.

H.R. 8094. June 20, 1975. Post Office and Civil Service. Grants court leave to Federal employees called as witnesses on behalf of any party other than the United States or the District of Columbia in connection with any judicial proceeding to which a State or local government is a party.

H.R. 8095. June 20, 1975. Banking, Currency and Housing. Revises the National Housing Act with respect to the mortgage purchase authority of the Secretary of Housing and Urban Development.

Authorizes emergency mortgage relief loans and advances of credit, under criteria established by the Secretary of Housing and Urban Development, to prevent mortgage foreclosures and distress sales of homes due to unemployment. Empowers the Secretary to insure financial institutions against losses they may sustain as a result of such emergency loans or advances of credit.

H.R. 8096. June 20, 1975. Banking, Currency and Housing. Revises the National Housing Act with respect to the mortgage purchase authority of the Secretary of Housing and Urban Development.

Authorizes emergency mortgage relief loans and advances of credit, under criteria established by the Secretary of Housing and Urban Development, to prevent mortgage foreclosures and distress sales of homes due to unemployment. Empowers the Secretary to insure financial institutions against losses they may sustain as a result of such emergency loans or advances of credit.

H.R. 8097. June 20, 1975. Banking, Currency and Housing. Revises the National Housing Act with respect to the mortgage purchase authority of the Secretary of Housing and Urban Development.

Authorizes emergency mortgage relief loans and advances of credit, under criteria established by the Secretary of Housing and Urban Development, to prevent mortgage foreclosures and distress sales of homes due to unemployment. Empowers the Secretary to insure financial institutions against losses they may sustain as a result of such emergency loans or advances of credit.

H.R. 8098. June 20, 1975. Ways and Means. Amends the Internal Revenue Code to exempt aircraft used primarily for agricultural operation from the tax imposed on the use of civil aircraft.

Provides for the refund of the tax on gasoline where fuel has been used for farming purposes in an aircraft and by an aerial applicator who was the ultimate purchaser thereof, and the owner, tenant, or operator of the farm has waived the right to any payment, credit, or refund on such fuel.

H.R. 8099. June 20, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 by extending the maximum term of a license or license renewal for the operation of broadcasting stations from 3 to 5 years. Revises the conditions for the approval of applications for licensing renewal and requires broadcasting stations to ascertain the needs and interests of the residents of their service areas throughout the terms of their licenses.

Allows appeals from Federal Communications Commission decisions to be brought in the circuit in which the broadcast facility is, or is proposed to be, located.

H.R. 8100. June 20, 1975. Interstate and Foreign Commerce. Directs the Federal Energy Administrator to provide financial assistance to regulated electric utilities in order to reduce potential increases in electric utility rates caused by increases in the price of residual oil.

H.R. 8101. June 20, 1975. Ways and Means. Amends the Internal Revenue Code to impose on the producers of crude oil produced in the United States a tax on windfall profits.

H.R. 8102. June 20, 1975. Agriculture. Prohibits the Secretary of Agriculture, when promulgating rules, orders, and regulations under the Agricultural Marketing Act of 1946, from making any change in the grade designations, or specifications for grades in the standards for slaughter cattle or carcass beef which has the effect of raising the grade of any cattle or carcass beef.

H.R. 8103. June 20, 1975. Armed Services. Stipulates that all persons eligible for the contract health care provided to the uniformed services shall pay for such care in accordance with the patient payment provisions which apply to active duty members of the uniformed services and their dependents.

H.R. 8104. June 20, 1975. Armed Services; Banking, Currency and Housing. Authorizes the President of the United States to present a Medal of Honor to a certain individual.

H.R. 8105. June 20, 1975. Ways and Means. Amends the Internal Revenue Code to exclude from gross income any gain resulting from a lottery conducted by an agency of a State acting under authority of State law.

H.R. 8106. June 20, 1975. Banking, Currency and Housing. Authorizes national banking associations to underwrite and deal in nongeneral obligations of States and cities.

Sets limitations and restrictions on dealings in such obligations by national banking associations.

H.R. 8107. June 20, 1975. Appropriations. Makes emergency employment appropriations for the fiscal year ending June 30, 1975 for certain Federal programs in various Federal departments and agencies. Allows for availability of such funds beyond June 30, 1975. Places restrictions on procurement of various items with appropriated funds.

H.R. 8108. June 20, 1975. Ways and Means. Revises the administration of the Social Security Act by requiring that hearings requiring claims arising under the Old-Age, Survivors, and Disability Insurance and Medicare provisions of the Act be presided over by an administrative law judge and conducted on the record. Requires that the claimant be given notice and an opportunity to be heard.

H.R. 8109. June 20, 1975. Interstate and Foreign Commerce. Amends the Social Security Act (1) by stipulating that the 1972 general increase in Social Security benefits shall not be considered in determining eligibility for Medicaid benefits, in the case of individuals receiving both aid under various public assistance programs and Old-Age, Survivors, and Disability Insurance benefits; and (2) by exempting Puerto Rico, the Virgin Islands and Guam from the requirement that Medicaid recipients must be able to obtain medical services from any provider who is willing to furnish such services.

H.R. 8110. June 20, 1975. Education and Labor. Revises the authority of the National Labor Relations Board to delegate its powers to prevent certain unfair labor practices to its administrative law judges under the National Labor Relations Act.

Revises the requirements for standing to sue, in the case of a violation of the prohibition against engaging in certain discriminatory practices under the National Labor Relations Act.

H.R. 8111. June 20, 1975. Ways and Means. Amends the Internal Revenue Code to allow a united credit against the income tax for the expenses of education above the twelfth grade paid by the taxpayer for providing an education for himself or any other individual.

H.R. 8112. June 20, 1975. Education and Labor. Revises the method for determining the amount of Federal aid to which a local educational agency is entitled, with respect to the number of children of parents employed on Federal property who attend a school under the jurisdiction of such local educational agencies.

H.R. 8113. June 20, 1975. Ways and Means. Requires States which have entered into agreements with the Secretary of Health, Education, and Welfare for coverage of State and local employees under the Social Security Act to make payments and reports to the Secretary of the Treasury on a calendar-quarter basis.

H.R. 8114. June 20, 1975. Judiciary. Prohibits certain forms of economic coercion based on religion, race, national origin, sex, support for any foreign government or dealing with or in any foreign country.

H.R. 8115. June 20, 1975. House Administration. Amends the Internal Revenue Code to establish eligibility criteria and administrative procedures for the financing of Congressional campaigns under the auspices of the Federal Election Commission.

H.R. 8116. June 20, 1975. Education and Labor. Stipulates that certain strikes at the site of a construction project are not prohibited as an unfair labor practice under the National Labor Relations Act.

H.R. 8117. June 20, 1975. Small Business; Interstate and Foreign Commerce. Amends the Small Business Act to authorize loans by the Small Business Administration to certain small businesses in the petroleum and petrochemical industries.

Prohibits certain large petroleum refining companies from acquiring or controlling an interest in the marketing of petroleum or petroleum products.

H.R. 8118. June 20, 1975. Judiciary. Deems a certain individual an immediate relative of a citizen of the United States for purposes of the Immigration and Nationality Act.

H.R. 8119. June 20, 1975. Judiciary. Authorizes the admission of a certain individual to the United States for permanent residence.

H.R. 8120. June 20, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 8121. June 20, 1975. Appropriations. Makes appropriations for the Departments of State, Justice, and Commerce and for the Judiciary, and related agencies for fiscal year 1976 and the period ending September 30, 1976.

H.R. 8122. June 20, 1975. Appropriations. Makes appropriations to the Energy Research and Development Administration, the Corps of Engineers, the Department of the Interior, and other related Federal agencies for fiscal year 1976 for various public works, power development, and energy research programs.

H.R. 8123. June 23, 1975. Banking, Currency and Housing. Revises the National Housing Act with respect to the mortgage purchase authority of the Secretary of Housing and Urban Development.

Authorizes emergency mortgage relief loans and advances of credit, under criteria established by the Secretary of Housing and Urban Development, to prevent mortgage foreclosures and distress sales of homes due to unemployment. Empowers the Secretary to insure financial institutions against losses they may sustain as a result of such emergency loans or advances of credit.

H.R. 8124. June 23, 1975. Ways and Means. Amends the Tariff Schedules of the United States to revise the customs treatment of certain woven fabrics of wool which are products of an insular possession of the United States but imported into such possession as fabric for further processing.

H.R. 8125. June 23, 1975. Ways and Means. Amends the Internal Revenue Code to base the tax on large cigars on a percentage of wholesale price.

Requires importers of tobacco products or cigarette papers and tubes to maintain such records as the Secretary of the Treasury shall prescribe.

H.R. 8126. June 23, 1975. Agriculture. Amends the Food Stamp Act of 1964 by revising (1) eligibility standards; (2) the method of determining the amount of the coupon allotment; (3) administration of the program by State agencies, including the eligibility certification procedure and duties imposed on issuing agents; and (4) the method of computing the Federal share of program costs and of making payments to the States. Transfers the functions of the Secretary of Agriculture under the Food Stamp Act of 1964 to the Secretary of Health, Education, and Welfare.

H.R. 8127. June 23, 1975. Banking, Currency and Housing. Revises the Fair Credit Reporting Act with respect to the release of obsolete credit information and disclosure of consumer reports to third parties and to consumers.

H.R. 8128. June 6, 1975. Ways and Means. Amends the Social Security Act (1) by requiring the Secretary of Health, Education, and Welfare to refer certain blind or disabled Supplemental Security Income recipients to State vocational rehabilitation, health, social service or educational agencies; (2) by making eligibility for Supplemental Security Income, in the case of certain individuals, conditional upon accepting vocational rehabilitation services; and (3) by directing the Secretary of Health, Education, and Welfare to develop disability criteria for children under the age of 18 for the purpose of determining eligibility for Supplemental Security income.

H.R. 8129. June 23, 1975. Armed Services; Banking, Currency and Housing. Authorizes the President of the United States to present a Medal of Honor to a certain individual.

H.R. 8130. June 23, 1975. Education and Labor. Stipulates that certain strikes at the site of a construction project are not prohibited as an unfair labor practice under the National Labor Relations Act.

H.R. 8131. June 23, 1975. Judiciary; Standards of Official Conduct. Requires lobbyists to: (1) register with the Federal Election Commission; (2) make and retain certain records; and (3) file reports with the Commission regarding their activities.

Requires certain officials of the executive branch to record their communications with lobbyists.

Repeals the Federal Regulation of Lobbying Act.

H.R. 8132. June 23, 1975. Ways and Means. Amends the Internal Revenue Code to treat services performed by a spouse as consideration in money or money's worth for the purpose of valuation of a gross estate where the gross estate is subject to certain joint interests.

H.R. 8133. June 23, 1975. Ways and Means. Amends the Internal Revenue Code to allow a deduction for State and local public utility taxes.

H.R. 8134. June 23, 1975. Ways and Means. Amends the Internal Revenue Code to allow an investment credit in the case of any battery-powered vehicle in an amount equal to 25 percent of the qualified investment.

Exempts battery-powered vehicles from the Federal excise tax on vehicles.

H.R. 8135. June 23, 1975. Banking, Currency and Housing. Revises the National Housing Act with respect to the mortgage purchase authority of the Secretary of Housing and Urban Development.

Authorizes emergency mortgage relief loans and advances of credit, under criteria established by the Secretary of Housing and Urban Development, to prevent mortgage foreclosures and distress sales of homes due to unemployment. Empowers the Secretary to insure financial institutions against losses they may sustain as a result of such emergency loans or advances of credit.

H.R. 8136. June 23, 1975. Agriculture. Authorizes the Secretary of Agriculture, under the Packers and Stockyards Act of 1921, to require insolvent packers to cease and desist from operating and to grant or deny reparations to complainants who are charged with violations under such Act. Grants priority in an insolvency proceeding to debts owed for the purchase of livestock.

H.R. 8137. June 23, 1975. Agriculture. Directs the Secretary of Agriculture to establish under the Agricultural Adjustment Act of 1938 a national acreage allotment for rice to maintain adequate supplies and to prevent excessive carryover stocks. Imposes an established price for rice under the Agricultural Act of 1949.

H.R. 8138. June 23, 1975. Banking, Currency and Housing. Revises the National Housing Act with respect to the mortgage purchase authority of the Secretary of Housing and Urban Development.

Authorizes emergency mortgage relief loans and advances of credit, under criteria established by the Secretary of Housing and Urban Development, to prevent mortgage foreclosures and distress sales of homes due to unemployment. Empowers the Secretary to insure financial institutions against losses they may sustain as a result of such emergency loans or advances of credit.

H.R. 8139. June 23, 1975. Education and Labor. Amends the Occupational Safety and Health Act of 1970 by authorizing the Administrator of the Small Business Administration to render onsite construction and advice to certain small business employers to assist such employers in complying with the health and safety standards of the Act.

H.R. 8140. June 23, 1975. Agriculture. Directs the Secretary of Agriculture to issue orders applicable to persons engaged in the production, processing or marketing of cattle, such orders to provide for or regulate (1) advertising, sales promotion, and consumer education with respect to the use of beef; (2) research on the marketing and distribution of beef; (3) the inspection of the books and records of producers, processors, and marketers of beef; and (4) the establishment of a Beef Board to administer such orders.

H.R. 8141. June 23, 1975. Agriculture. Directs the Secretary of Agriculture to issue orders applicable to persons engaged in the production, processing of marketing of cattle, such orders to provide for or regulate (1) advertising, sales promotion, and consumer education with respect to the use of beef; (2) research on the marketing and distribution of beef; (3) the inspection of the books and records of producers, processors, and marketers of beef; and (4) the establishment of a Beef Board to administer such orders.

H.R. 8142. June 23, 1975. Interior and Insular Affairs. Creates an Abandoned Coal Mine Reclamation Fund to be administered by the Secretary of the Interior. Includes provisions for the acquisition and reclamation of abandoned mined lands. Authorizes the Secretary of Agriculture to enter into agreements with owners of lands affected by mining operations to provide for conservation of soil and water resources of such lands.

H.R. 8143. June 23, 1975. Ways and Means. Amends the Social Security Act to prohibit States from reducing the amount of supplementary payments to Supplemental Security Income recipients following a general or cost-of-living increase in Federal Supplemental Security Income benefits.

H.R. 8144. June 23, 1975. Education and Labor. Amends the Occupational Safety and Health Act of 1970 by authorizing the Administrator of the Small Business Administration to render onsite construction and advice to certain small business employers to assist such employers in complying with the health and safety standards of the Act.

H.R. 8145. June 23, 1975. Agriculture. Amends the Food Stamp Act of 1964 by revising (1) eligibility standards; (2) the method of determining the amount of the coupon allotment; (3) administration of the program by State agencies, including the eligibility certification procedure and duties imposed on issuing agents; and (4) the method of computing the Federal share of program costs and of making payments to the States. Transfers the functions of the Secretary of Agriculture under the Food Stamp Act of 1964 to the Secretary of Health, Education, and Welfare.

H.R. 8146. June 23, 1975. Agriculture. Amends the Food Stamp Act of 1964 by revising (1) eligibility standards; (2) the method of determining the amount of the coupon allotment; (3) administration of the program by State agencies, including the eligibility certification procedure and duties imposed on issuing agents; and (4) the method of computing the Federal share of program costs and of making payments to the States. Transfers the functions of the Secretary of Agriculture under the Food Stamp Act of 1964 to the Secretary of Health, Education, and Welfare.

H.R. 8147. June 23, 1975. Agriculture. Amends the Food Stamp Act of 1964 by revising (1) eligibility standards; (2) the method of determining the amount of the coupon allotment; (3) administration of the program by State agencies, including the eligibility certification procedure and duties imposed on issuing agents; and (4) the method of computing the Federal share of program costs and of making payments to the States. Transfers the functions of the Secretary of Agriculture under the Food Stamp Act of 1964 to the Secretary of Health, Education, and Welfare.

H.R. 8148. June 23, 1975. International Relations. Amends the Foreign Assistance Act of 1961 to require congressional approval of any suspension of prohibitions against furnishing assistance to any country in arrears more than 180 days on any payment to the United States of any principal or interest on any loan or credit furnished to such country by the United States.

H.R. 8149. June 23, 1975. Post Office and Civil Service. Repeals certain requirements with respect to the accomplishment of wage surveys for the development of wage schedules and rates for prevailing rate employees of the Federal Government.

H.R. 8150. June 23, 1975. Interstate and Foreign Commerce. Amends the Drug Abuse Office and Treatment Act of 1972 by (1) renaming the Special Office For Drug Abuse Prevention the Office of Drug Abuse Policy; (2) authorizing appropriations for such Office; and (3) transferring its functions to the National Institute on Drug Abuse as of July 1, 1976.

Requires the Director of the Office to encourage and promote expanded drug-related research programs and to coordinate Federal drug abuse prevention functions with similar functions of State and local governments.

Prohibits discrimination against drug abusers seeking admission to private or public hospitals that receive Federal support.

H.R. 8151. June 23, 1975. Armed Services; Banking, Currency and Housing. Authorizes the President of the United States to present a Medal of Honor to a certain individual.

H.R. 8152. June 23, 1975. Judiciary. Directs the Secretary of Health, Education, and Welfare to certify certain citizens or permanent residents of the United States who suffered a physical injury or illness which is directly attributable to the explosion of atomic bombs dropped on Hiroshima and Nagasaki, Japan, as eligible for payment for otherwise uninsured medical expenses.

H.R. 8153. June 23, 1975. Education and Labor. Authorizes the Commissioner of Education to make grants to State and local educational agencies to assist in the education of Cambodian and Vietnamese refugee children.

H.R. 8154. June 23, 1975. Banking, Currency and Housing. Requires financial institutions to maintain and make available to the public certain information on real estate loans and savings accounts.

Directs the Federal Reserve Board to prescribe regulations to carry out the purposes of this Act.

H.R. 8155. June 23, 1975. Banking, Currency and Housing. Directs the Secretary of the Treasury to coin a two-cent piece which shall have on its reverse side an emblem of the Bicentennial of the American Revolution.

H.R. 8156. June 23, 1975. Ways and Means. Revises the eligibility requirements for Disability Insurance benefits for blind persons under the Social Security Act. Revises the method of computing the primary insurance amount for blind persons under the Social Security Act.

H.R. 8157. June 23, 1975. Judiciary. Stipulates that a specified period of Government employment shall be used for purposes of computing the armed forces retired pay of a certain individual.

H.R. 8158. June 23, 1975. Judiciary. Stipulates that excess annual leave credit which was extended by error to a certain employee of the District of Columbia Metropolitan Police Department shall not be withdrawn from such employee's annual leave account.

H.R. 8159. June 23, 1975. Judiciary. Declares a certain individual eligible for naturalization under the Immigration and Nationality Act.

H.R. 8160. June 23, 1975. Judiciary. Authorizes the admission of certain individuals to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 8161. June 23, 1975. Judiciary. Declares a certain individual eligible for naturalization under the Immigration and Nationally Act.

H.R. 8162. June 23, 1975. Armed Services. Authorizes the President of the United States to present a Medal of Honor to a certain individual.

H.R. 8163. June 23, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States arising out of certain actions by the Small Business Administration.

H.R. 8164. June 24, 1975. Ways and Means. Amends the Internal Revenue Code to exclude from gross income amounts received by an individual as a pension, annuity, or similar retirement benefit under a public retirement system.

H.R. 8165. June 24, 1975. Agriculture. Prohibits the importation of honeybees into the United States except by the United States Department of Agriculture or from countries determined by the Secretary of Agriculture to be free of diseases and parasites injurious to honeybees and to have adequate precautions to prevent the importation of honeybees from other countries where harmful diseases or parasites of honeybees exist.

H.R. 8166. June 24, 1975. Ways and Means. Amends the Internal Revenue Code to increase the estate tax exemption, and to increase the estate tax marital deduction.

Permits the executor of an estate to elect an alternate valuation of certain lands used for farming, woodland or scenic open space.

H.R. 8167. June 24, 1975. Ways and Means. Amends the Internal Revenue Code to allow a deduction for State and local public utility taxes, so long as the amount of the public utility tax is separately stated.

H.R. 8168. June 24, 1975. Armed Services; Banking, Currency and Housing. Authorizes the President of the United States to present a Medal of Honor to a certain individual.

H.R. 8169. June 24, 1975. Post Office and Civil Service. Places the position of the Director of the Office of Management and Budget in level I of the Executive Pay Schedule.

H.R. 8170. June 24, 1975. Government Operations. Amends the State and Local Fiscal Assistance Act of 1972 to eliminate payments under the Act to State governments and reallocate funds previously granted to the States to local government units.

Extends and increases appropriations to the Trust Fund established by the Act.

H.R. 8171. June 24, 1975. Armed Services. Authorizes eligible persons to receive health benefits under contracts entered into by the Secretary of Defense without regard to such persons' eligibility for compensation for service-connected disabilities or death from the Veterans' Administration.

H.R. 8172. June 24, 1975. Armed Services. Authorizes eligible persons to receive health benefits under contracts entered into by the Secretary of Defense without regard to such persons' eligibility for compensation for service-connected disabilities or death from the Veterans' Administration.

H.R. 8173. June 24, 1975. Armed Services; Banking, Currency and Housing. Authorizes the President of the United States to present a Medal of Honor to a certain individual.

H.R. 8174. June 24, 1975. Government Operations. Amends the Surplus Property Act of 1944 to allow the disposal of certain surplus personal property for the development, operation, or maintenance of a public port, subject to the approval of the Administrator of General Services.

H.R. 8175. June 24, 1975. Banking, Currency and Housing. Authorizes the President to accept membership for the United States in the Financial Support Fund of the Organization for Economic Cooperation and Development.

Declares securities issued by such Support Fund to be exempted securities for purposes of the Securities and Exchange Acts of 1933 and 1934.

H.R. 8176. June 24, 1975. Government Operations. Amends the "Buy American" Act to prohibit the purchase of foreign-made smoke detectors for public buildings with certain exceptions.

H.R. 8177. June 24, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to construct, operate, and maintain permanent facilities for the delivery of a water supply to the city of Yuma, Arizona.

H.R. 8178. June 24, 1975. Ways and Means. Amends the Social Security Act by redefining "United States" for the purpose of participation in the Supplemental Security Income program to include Puerto Rico, the Virgin Islands and Guam.

H.R. 8179. June 24, 1975. Education and Labor. Establishes an Office of Child and Family Services within the Office of the Secretary of Health, Education and Welfare to administer this Act. Establishes a Child and Family Services Coordinating Council to coordinate Federal activity in the field. Requires the Secretary to develop program standards for child care services and a uniform minimum code for facilities used for child care services.

Authorizes the Secretary to make grants for child and family services programs and for the training of professionals and paraprofessionals in the child development field. Authorizes the Secretary to insure mortgages for child and family services facilities.

H.R. 8180. June 24, 1975. Banking, Currency and Housing. Revises the National Housing Act with respect to the mortgage purchase authority of the Secretary of Housing and Urban Development.

Authorizes emergency mortgage relief loans and advances of credit, under criteria established by the Secretary of Housing and Urban Development, to prevent mortgage foreclosures and distress sales of homes due to unemployment. Empowers the Secretary to insure financial institutions against losses they may sustain as a result of such emergency loans or advances of credit.

H.R. 8181. June 24, 1975. Ways and Means. Amends the Social Security Act by requiring, as a condition of eligibility for Federal reimbursement of Medicaid expenditures, States which have a program of supplementation payments in effect pursuant to the Supplemental Security Income provisions of such Act to make an agreement with the Secretary of Health, Education, and Welfare that such State will not reduce the level of its supplementation payments or consider cost-of-living increases in Supplemental Security Income in determining the amount of an individual's supplementation payment.

H.R. 8182. June 24, 1975. Ways and Means. Amends the Social Security Act by directing the Secretary of Health, Education, and Welfare to establish and carry out an informational program designed to advise individuals who are, or may become, eligible for Supplemental Security Income benefits of the eligibility requirements for such benefits, the nature of such benefits, and the way in which such benefits may be obtained.

H.R. 8183. June 24, 1975. Ways and Means. Amends the Social Security Act by directing the Secretary of Health, Education, and Welfare to pay a supplementary housing allowance to certain Supplemental Security Income recipients.

H.R. 8184. June 24, 1975. Ways and Means. Amends the Supplemental Security Income provisions of the Social Security Act by (1) mandating benefit increases and emergency assistance grants: (2) prohibiting benefit decreases as a consequence of increases in other social security benefits; (3) adding supplementary housing benefits; (4) revising the basis upon which mandatory minimum State supplementation is calculated; (5) revising administrative procedures for paying benefits; and (6) redefining "eligible spouse".

Amends the Food Stamp Act of 1964 by allowing certain Supplemental Security Income recipients to elect to receive food stamps.

H.R. 8185. June 24, 1975. Public Works and Transportation. Amends the Airport and Airway Development Act of 1970 to authorize additional appropriations to carry out the purposes of the Act.

H.R. 8186. June 24, 1975. Ways and Means. Amends the Emergency Unemployment Compensation Act of 1974 to increase from thirteen to thirty-nine the maximum number of weeks for which an eligible applicant can receive emergency compensation under the provisions of such Act. Requires States to modify agreements with the Secretary of Labor to conform to the provisions of such Act.

H.R. 8187. June 24, 1975. Ways and Means. Amends the Internal Revenue Code to increase the rate of the Federal unemployment tax.

Directs the Secretary of the Treasury, under the Social Security Act, to transfer certain additional unemployment tax funds from the employment security administration account to the Federal unemployment account for the purpose of making advances to state unemployment funds.

H.R. 8188. June 24, 1975. Interstate and foreign Commerce. Amends the International Travel Act of 1961 to authorize additional appropriations for transition periods in 1976, 1977, 1978, and 1979, to carry out the purposes of such Act. Authorizes appropriations to the Secretary of Interior for fiscal years 1976–78 to promote, through the National Park Service, travel within the United States.

H.R. 8189. June 24, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1947 to declare it the policy of the United States that the regulation by interstate and foreign communication by wire or radio shall be exercised as to encourage the establishment and maintenance of rates for telephone exchange service which are within the economic reach of every household in the United States.

H.R. 8190. June 24, 1975. Armed Services; Banking, Currency and Housing. Authorizes the President of the United States to present a Medal of Honor to a certain individual.

H.R. 8191. June 24, 1975. Ways and Means. Amends the Tariff Schedules of the United States to continue through June 30, 1978, the existing suspension of duties for certain metal scrap.

H.R. 8192. June 24, 1975. Ways and Means. Amends the Medicare provisions of the Social Security Act by authorizing payment for emergency inpatient hospital services furnished outside the United States when the emergency which necessitated such services occurred at a place within Canada or Mexico.

H.R. 8193. June 25, 1975. International Relations. Amends the Foreign Assistance Act of 1961 to require that the President's report to the Congress with respect to the use of funds by the Central Intelligence Agency for operations in foreign countries, other than activities solely for obtaining necessary intelligence, be made in writing prior to the commencement of such operations.

H.R. 8194. June 25, 1975. Judiciary. Directs the Attorney General to make a record of lawful admission for permanent residence for certain aliens illegally in the United States and for certain aliens with the status of nonimmigrant or parolee.

Amends the Immigration and Nationality Act of 1947 to redefine "employment".

H.R. 8195. June 25, 1975. Judiciary. Amends the Immigration and Nationality Act to eliminate the category of "special immigrant" and increase the numerical limitation on total lawful admissions for permanent residence. Requires the Immigration and Nationalization Service to conduct a study of perspective immigration patterns into the United States.

H.R. 8196. June 25, 1975. Banking, Currency and Housing. Authorizes the Secretary of Housing and Urban Development to assist middle-income families with home mortgages by (1) making, or contracting to make, periodic interest reduction payments; and (2) purchasing below-market-interest-rate mortgages.

Authorizes the Secretary of Housing and Urban Development to make repayable emergency mortgage relief payments on behalf of homeowners who are delinquent in their mortgage payments, under certain conditions.

H.R. 8197. June 25, 1975. Banking, Currency and Housing. Authorizes the President to accept participation for the United States in the African Development Fund.

H.R. 8198. June 25, 1975. Rules. Establishes a Congressional Joint Committee on Intelligence Operations to oversee and exercise exclusive jurisdiction over agencies engaged in foreign intelligence activities and operations.

H.R. 8199. June 25, 1975. Rules. Establishes a Congressional Joint Committee on Intelligence Oversight to conduct a continuing study and investigation of the activities, operations, and budgets of agencies engaged in intelligence activities. Requires the heads of such agencies to keep the joint committee currently informed on their activities.

PETITIONS, ETC.

Under clause 1 of rule XXII,

174. The SPEAKER presented a petition of the Latvian Society of Minnesota, Minneapolis, Minn., relative to recognition of the Soviet annexation of the Baltic States; to the Committee on International Relations.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5210

By Mr. DOWNEY of New York:

Page 100, between lines 13 and 14, insert the following:

SEC. 610. The Secretary of Defense shall submit an annual report to Congress which shall set forth, with respect to each contract for construction of not less than $500,000 outside the United States and its possessions which is authorized pursuant to this Act, a summary of the number and nationality of the foreign nationals who were hired to perform services in regard to such contract during the reporting period, the type of skills provided by such foreign nationals, and the average hourly or other wage rate paid to foreign nationals in each skill category.

Page 100, line 14, strike out "610." and insert "611.".

By Mr. EDWARDS of Alabama:

On page 59, strike out lines 22 and 23.

H.R. 7014

By Mr. EDGAR:

Page 298, in line 18, after the comma, add "as equipped,"

Page 298, in line 22, add the words "and equipment"

Page 300, after line 6, add the following:

"(e) no manufacturer or dealer may make any representation

"(1) in writing (including a representation in an advertisement), or

"(2) in any broadcast advertisement,

of fuel economy, as measured by the procedures utilized by the EPA Administrator for model year 1975 (weighted 55 percent urban cycle, and 45 percent highway cycle) or procedures which yield comparable results, to represent a model type unless at least 60 percent of the vehicles manufactured of that model type represented in such writing or broadcast advertisement achieved on the EPA test procedures at least the fuel economy cited in the representation.

"(f) Any representation of fuel economy which does not comply with (e) must show the entire range of fuel economies on the EPA test procedures for the model type represented as well as the fuel economy for the specific model type as equipped for the representation."

Page 300, strike out the period and insert ", or"

Page 300, after line 18, add the following:

"(4) the failure to comply with section (506)(e) and (506)(f),"

Page 303, after line 22, add the following:

"(c) If the Federal Trade Commission determines that a manufacturer or dealer has violated Section 506(e) and/or 506(f) of this Act, it shall assess penalties provided for under subsection (1).

"(c)(1) Any manufacturer or dealer who the Federal Trade Commission determines have violated Section (506)(e) and/or (506)(f) of this Act shall be liable for a civil penalty equal to $5,000 for each violation, each representation violating Section (506)(e) and/or (506)(f) constituting a separate violation.

"(c)(2) The amount of such civil penalty shall be assessed and collected by the Federal Trade Commission in a civil action. The Federal Trade Commission shall have the discretion to compromise, modify, remit, with or without conditions, any civil penalty assessed against a manufacturer or retailer only to the extent necessary to prevent the insolvency or bankruptcy of such manufacturer or retailer."

Page 305, after line 26, add the following:

"SEC. 511. The United States district courts shall have jurisdiction to restrain any violation of Section 507(4). Such actions may be brought by the Federal Trade Commission in any United States district court for a district wherein any act, omission, or transactions constituting the violation occurred, or in such court for the district wherein the defendant is found or transacts business. In any action under this section process may be served on a defendant in any other district in which the defendant resides or may be found."

By Mr. HUGHES:

On page 230, after line 26, insert the following new section:

"LIMITATIONS ON EXPORT

"SEC. 305. Any oil or gas produced from the Outer Continental Shelf except such oil or gas which is either exchanged in similar quantity for convenience or increased efficiency of transportation with persons or the government of a foreign state, or which is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign state and reenters the United States, shall be subject to all of the limitations and licensing requirements of the Export Administration Act of 1969 (Act of December 30, 1969; 83 Stat. 841)."

Renumber subsequent sections of Title III accordingly.

By Mr. MURTHA:

Page 336, strike out line 14.

Page 336, beginning on line 18, strike out "which produce low sulfur coal".

Page 337, line 11, insert "(i)" after "person".

Page 337, line 14, insert before the semicolon the following: "; and (ii) in the case of coal which is not low sulfur coal, who the Administrator of the Environmental Protection Agency certifies can burn such coal without the use of a continuous emission reduction system for sulfur-related emissions".

Page 337, strike out lines 18 through 23 and insert in lieu thereof the following:

"(2) The total amount of guarantees issued to any person (including all persons affiliated with such person) may not exceed $30,000,000. The amount of a guarantee issued with respect to any loan may not exceed (A) 80 percent of the principal balance of the loan, in the case of a loan for the purpose of opening a mine which produces low sulfur coal, or (B) 40 percent of such principal balance in any other case."

Page 337, line 26, insert after the period the following: "Not more than 20 percent of the amount of guarantees issued under this section in any fiscal year may be issued with respect to loans for the purpose of opening new underground coal mines which produce coal which is not low sulfur coal."

By Mr. SNYDER:

On page 334, line 11, add new subparagraph (ix) as follows:

"The Administrator shall not issue any order under this subsection which applies to any power plant which was in existence on June 30, 1975, which during the 12-month period preceding such date did not burn petroleum products, and which the Administrator determines will be operated only for the purpose of providing electric power which would otherwise be provided by one or more of the base load power plants of the same electric power system which cannot be operated because of an air pollution emergency, mechanical failure, or act of God."

On page 334, line 11, add new Subparagraph (ix) as follows:

"The Administrator shall not under this section prohibit, impair, or alter the delivery of natural gas to any existing powerplant which was not equipped to burn petroleum products on June 30, 1975, which would be used under emergency conditions including, but not limited to, air pollution alerts."

By Mr. WIRTH:

Page 223, after line 3, insert the following:

OIL PRICING POLICY

SEC. 301. (a) The Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new section:

"CRUDE OIL PRICE REGULATION

"SEC. 8. (a) For the purposes of this section:

"(1) The term 'crude oil' means a mixture of hydrocarbons that existed in liquid phase in underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities, and lease condensate which is a natural gas liquid recovered in associated production by lease separators.

"(2) The term 'domestic crude oil' means crude oil produced in the United States.

"(3) The term 'producer' means a person who produces crude oil or any person who owns crude oil when it is produced.

"(4) The term 'property' means the right to produce domestic crude oil which arises from a lease or from a fee interest.

"(5) The term 'base period control volume' means—

"(A) the total number of barrels of domestic crude oil produced and sold from a property in the months of May through December 1972; divided by—

"(B) the number of months in which domestic crude oil was produced and sold during the months of May through December 1972 (exceeding any month in which there occurred any shutdown in production from the property).

"(6) The term 'stripper well lease' means a property whose average daily production of domestic crude oil and production condensates, including natural gas liquids, per well did not exceed 10 barrels per day during the preceding calendar year.

"(7) The term 'tertiary recovery techniques' means techniques which employ fluid, heat, or inert gas injection methods including miscible fluid displacement, microemulsion flooding, in situ combustion, cyclic steam injection, steam flooding, carbon dioxide injection, polymer flooding, caustic injection, and other chemical flooding designed to produce production in excess of that attributable to natural or artificially induced water or natural gas displacement.

"(8) The field price on a particular date for a particular grade of crude oil in a field is the highest posted price at 6 o'clock antemeridian, local time, on such date for such grade of crude oil at such field; or if there was no such posted price for such grade of crude oil at that field, the related price for such grade of crude oil which is most similar in kind and quality at the nearest field for which prices were posted at such time and date.

"(9) The term 'inflation adjustment factor' means an amount which equals two-thirds of one per centum (rounded to the nearest whole cent) of the respective ceiling price established by subsections (c)(2) or (c)(3) (without addition of inflation adjustment factor), compounded, for each month commencing between the effective date of this section and the current month of crude production.

"(b) No producer may charge a price which is higher than the ceiling price established under subsection (c) for the first sale of domestic crude oil.

"(c) The ceiling price for the first sale of a particular grade of domestic crude oil shall be—

"(1) except as provided in paragraph (4), in the case of sales from a property (other than sales from a stripper well lease) in a month in volume amounts equal to or less than the base period control volume, the sum of (A) the field price on May 15, 1973; and (B) a maximum of $1.25 per barrel;

"(2) except as provided in paragraph (4), in the case of sales from a property (other than sales from a stripper well lease), from which domestic crude oil was produced and sold in one or more of the months of May through December 1972, in a month in volume amounts greater than the production volume subject to ceiling price but less than the base period control volume, the sum of (A) the field price on May 15, 1973; and (B) $5.60 per barrel plus an inflation adjustment factor but in no case may such price exceeds $11.50 per barrel.

"(3) except as provided in paragraphs (1), (2), and (4), in the case of sales from a property

"(A) located above the Arctic Circle,

"(B) located on the outer Continental Shelf, or

"(C) located in the contiguous forty-eight States of the United States, which did not produce domestic crude oil during any of the months of May through December 1972 but did produce domestic crude oil on or before the effective date of this section,

the sum of $9.50 per barrel plus an inflation adjustment factor, but in no case may such price exceed $11.50 per barrel.

"(4)(A) in the case of sales

(i) from any stripper well lease,

(ii) from a property certified by the President

(I) as having made bona fide application of tertiary recovery techniques and

(II) that such application has or will significantly enhance production from such property, or

(iii) from a property, located in the contiguous forty-eight States of the United States, which did not produce domestic crude oil on or before the effective date of this section,

$11.50 per barrel.

"(B) If the President determines that the amounts specified in paragraphs (1) or the $11.50 per barrel price ceiling specified in paragraph (2) or (3) or this paragraph of this subsection should be modified, he shall publish notice of such determination in the Federal Register and afford interested persons an opportunity to present written and oral data, views, and comments with respect to such modification. The modification shall become effective—

"(i) if the President transmits to the Congress a proposal to modify such amount in accordance with section 751(b) of the Energy Conservation and Oil Policy Act of 1975, accompanied by his findings with respect to the following matters:

"(I) the need for the proposed modification;

"(II) the prices of imported and domestic crude oil, residual fuel oil, and refined petroleum products, and other fuels and forms of energy which are in fact anticipated to result from such modification;

"(III) the impact of such modification upon domestic production and consumption of crude oil, residual fuel oil, and refined petroleum products, and other fuels and forms of energy;

"(IV) the impact of such modification and of the resulting prices of crude oil, residual fuel oil, and refined petroleum products, and other fuels and forms of energy upon living costs, employment and unemployment and real incomes; and differential economic impacts among regions, socioeconomic groups, and industrial sectors of the United States;

"(V) the impact of such modification on competition in the petroleum industry; and

"(VI) the anticipated effects, with respect to the considerations in clauses (iii) and (iv) of this subparagraph, of reasonable alternatives to such modification; and

"(ii) if neither House disapproves (or both Houses approve) such proposal in accordance with the congressional review procedures specified in section 751 of such Act.

"(d) Notwithstanding section 4(e)(2) of this Act and section 405 of the Act entitled 'An Act to amend section 28 of the Mineral Leasing Act of 1920, and to authorize a trans-Alaska oil pipeline, and for other purposes', approved November 16, 1973 (Public Law 93–153), the ceiling price for any first sale of domestic crude oil shall be as specified in subsection (c) of this section.

"(e) the provisions of this section shall terminate at midnight, March 31, 1981."

(b) Section 5(a) of the Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following:

"(3) A violation of section 8(b) of this Act shall be treated as if it were a violation of the regulation promulgated under section 4(a) of this Act.".

(c) The amendments made by this section shall take effect on the first day of the first full month following the date of enactment of this Act.

S. 846

By Mr. BADILLO:

Section 1, page 3, line 3, strike the last words.

EXTENSIONS OF REMARKS

VALLEJO CITIZEN OF THE YEAR, 1975: DAVE BERONIO

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. LEGGETT. Mr. Speaker, my constituent and close personal friend, David Beronio was recently honored as "Vallejo Citizen of the Year, 1975." I am proud that Dave has been recognized by his peers, knowing as I do the qualities he has brought to his community. I insert here an account of his triumphant evening in Vallejo. His colleague Don Gleason reports in the Times Herald:

ELKS CLUB PICKS BERONIO VALLEJO "CITIZEN OF YEAR"

(By Don Gleason)

Dave Beronio had the table turned on him Thursday night. The Times-Herald sports editor usually tells about athletes in his columns, but the sports stars did all the talking about him this time.

More than 400 persons packed into the clubrooms to see Beronio honored as "Vellejo Citizen of the Year" by Vallejo Lodge No. 559, BPO Elks.

A succession of speakers from baseball Hall of Fame Lefty Gomez to football Hall of Famers Ernie Nevers and Leo Nomellini praised Beronio for his professional craftsmanship and his untiring efforts as a goodwill ambassador of the city.

The coveted citizen of the year citation was presented by Yubi G. Separovich of Sacramento, past president of the California-Hawaii Elks Association, on behalf of the Grand Lodge. It praised Beronio's efforts on behalf of youth and various community projects.

Other presentations were made by: Mayor Florence E. Douglas, Gordon Shaffer, Vallejo Chamber of Commerce president; Charles Martin, exalted ruler of Vallejo Elks Lodge; Assemblyman Alfred Siegler, Steve Compagno of the Vallejo Lions Club, Ben Benevento of the Verdi's Club and Jack Minero, general chairman of the testimonial dinner.

Radio personalities Bud Foster and Greg Jordan shared master of ceremonies duties. They introduced an array of athletic celebrities, all personal friends of Beronio, who came from near and far to join in the tribute to the Times-Herald sports editor, who has covered six Olympic Games and is a familiar figure at football press boxes and at ringside of major fights throughout the country.

TWO ROAST MASTERS

Foster and Jordan wound up presiding over a gentle "roasting" of Beronio.

Gomez charged him with assuming an inflated golf handicap. There was a lot of other good-natured needling, but the speaker always turned serious and praised the honored guest for his writing skills and dedication to good reporting.

Mayor Douglas presented a bronze bust of Gen. Vallejo from the city and also an official resolution expressing appreciation for "valuable and distinguished service to the city."

"It is a deserving tribute; the Elks are proud to honor an outstanding American," Separovich said.

LEGGETT SALUTE

James Coakley, representing Rep. Robert L. Leggett, who was detained in Washington, read a letter from the latter "saluting that sport of sports, Dave Beronio."

Shaffer, on behalf of the CofC sports and recreation committee, presented a plaque citing Beronio's "many contributions to Vallejo sports activities."

Braven (Duffy) Dyer made a special presentation from the Citizens' Savings Athletic Foundation, which Beronio serves as a Bay Area all-star team voter.

Messages were read from Pete Rozelle, NFL commissioner; Gordy Soltau, former 49er pass receiver, and Art Johnson, 49er front office aide.

NEVER SERIOUS

The business at hand never became too serious. The speakers wouldn't let it happen. When the sound system briefly acted up with an annoying hum, the witty Gomez remarked. "The same thing happened to my arm."

When all the guests had been introduced, from boxing's great Archie Moore and Buddy Baer, and baseball's Jackie Jensen and Tug McGraw, to Dick Nolan, Gene Upshaw and enough other footballers to man a Super Bowl squad and fellow sports columnists Prescott Sullivan and Art Rosenbaum, Beronio stepped to the podium amid a standing ovation.

"This is the greatest night in my life and I'll always treasure it," Beronio said.

Bob Murphy, executive director of the East-West Shrine Game, and a widely-known sports announcer aided Foster and Jordan in the emcee duties.

The impressive guest celebrity list included Jerry Donovan and Joe Orengo of the Giants. Tom Hamilton, former head football coach at Pittsburgh and Navy and retired Pac–8 commissioner, and Wiles Hallock, present head of the Pac–8.

Special introductions included publisher Sen. Luther E. Gibson and executive editor Wyman Riley of the Times-Herald.

I was unable to attend the testimonial dinner due to the press of congressional business, but my friend was in my thoughts that night, and I would like to think that I was there in spirit, if not in acutual fact. By way of compensation for my absence, let me now record my tribute in a brief description of a brilliant career and a gallant gentleman.

Since joining the sports staff of the Vallejo Times Herald while still a student at Vallejo High School, Dave has maintained a dedication to his craft and freshness of approach that has drawn praise from a highly competitive profession. The intervention of the Second World War took Dave away and into the Air Force as a member of a B–17 flight crew active almost daily over France and Germany. Returning home with an honorable discharge, he continued with the Times Herald and was soon promoted to his present position of sports editor. As columnist and cartoonist, Dave covered major sports events, occasionally being loaned on request to United Press International for special assignments, including every Olympic competition since the Helsinki Games.

Making use of amateur boxing skills, Dave has examined the rigors of the heavyweight ring in sparring matches with Joe Louis, Rocky Marciano, and Ezzard Charles. Close involvement, sometimes to the point of a punch in combat, has marked a journalist whose subjects, the athletes themselves, know he is able to feel the ordeal of competition. His readers benefit from a sensitivity born of exposure to the essence of sport.

When offered position which would have afforded greater national recognition, changes which would require more traveling and a patchwork pattern of residence for his growing family, Dave stayed with his strength; his newspaper and his home.

In ordering his priorities according to values of lasting quality rather than the advances of the moment, Dave Beronio has garnered the trust, support, and the recognition of his fellows. We can all benefit from his example, and those of us who are graced with his friendship will continue to gain by association with him.

THE LATE TOM McGREGOR

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. FLOWERS. Mr. Speaker, the people of Alabama and the American business community suffered a great loss recently in the death of Tom McGregor of Washington, D.C. Mr. McGregor, my good friend for many years, made it big in business but never forgot his humble beginnings in small-town Alabama.

His life reads as the classic American success story. He left his home in Ozark, Ala., during the depression and came to Washington to seek his fortune. He worked for the Federal Government for 10 years and later founded McGregor Printing Co. in Washington.

He built his company into a nationally known firm and was president and chairman of the board at the time of his death from a heart attack. He also headed Marvel Manufacturing Co. of Fairfield, N.J., and was on the board of directors of the District of Columbia National Bank.

Mr. McGregor located two of his printing plants in the Alabama towns of York and Union Springs and remained active in State and local affairs although living in Washington. He contributed generously to local projects and was a member of the board of trustees of Livingston University for many years.

We will all miss him. My family and I extend our deepest sympathy to his widow, Frances, and their two daughters, one of whom is the sister-in-law of my friend and colleague, Congressman GOODLOE BYRON of Maryland.

I would like to share with all my colleagues an editorial about Mr. McGregor which appeared in the Southern Star of Ozark, Ala.:

[From the Southern Star, Ozark, Ala.]

FAREWELL TO TOM McGREGOR

Writing an editorial eulogizing Thomas W. McGregor is something that seems appropriate, yet hard to grasp that this time has come.

Here was a man of rare qualities. To know Tom McGregor and count him as your friend was something solid and lasting. He radiated a warmth and confidence that blended with a dynamic approach to life. His personality was one of intense involvement in whatever he felt was important—his work and politics mainly—but certainly his family.

And to his wife, two daughters, and four grandchildren, we join with others in expressing our condolences.

Tom McGregor left Ozark in the depths of the depression, before he finished high school, and went to Washington, D.C. where he was offered a job by the late Congressman Henry B. Steagall. We've been told the clerical job paid something like $90 a month.

His story perhaps has often been repeated in other places by other people. But Tom McGregor was an Ozark success story. He left here as a penniless youth, and lived to organize corporations that made him millions.

But his worth can't and shouldn't be measured in monetary terms alone. He never forgot his hometown, his old friends, and kept close ties with many people here.

Always intensely interested in politics, he was in his element when a Congressional or Senatorial election would prompt his return to Ozark to set up a district campaign headquarters for the candidate he felt obligated to help.

As a man behind the scenes, he organized, he talked, he pushed himself and others, to get the job done. A non stop telephone talker, he would have people jumping from dawn till dark, stimulating support for his man.

Tom McGregor came to Washington, which was to be his home base for over 40 years, under the tutelage of the late Congressman Henry B. Steagall, and he became a close friend of his successor, the late Rep. George Andrews.

There was an intertwining of the relationship Ozark had with the office of the Congressman from this district through Steagall and Andrews. In Tom McGregor, we had an extension of this relationship, as he was a man of influence, means, know how, and prestige. In a sense he was our "un-elected man in Washington."

Only Tom could have related how many times someone from Ozark had called asking for some help, advice, or assistance in solving a problem, or getting a receptive ear from a Congressman or Senator. When Tom McGregor talked, he got their ear. He had helped them back down the line, and now he was asking a favor. That's the way the game is played.

And we never heard of an instance when Tom McGregor didn't have time to talk to a friend from Ozark, or help them in some way.

As we have said, Tom McGregor never forgot his hometown. He had business interests in other places, but Ozark was home.

When the Frances and Thomas McGregor Foundation looked for a place to give a $60,000 donation recently, Ozark's Vivian B. Adams School was the recipient.

Today a classroom addition is under construction which will bear his name.

He was one of the first to make a contribution to the Ozark Bell Tower, memorializing the late Congressman Henry B. Steagall and George Andrews, and the personnel who had served at Fort Rucker over the years.

A valuable painting, a Whistler original, was donated by his daughters to the Dale County Library a number of years ago in memory of their grandfather, the late Walter Hardzog.

When Rev. William Snellgrove was pastor of Southside Baptist Church, Tom's generosity reached out to aid them in a building program.

There were other instances of his philanthropy, but these are the ones that come to mind.

His generosity went beyond monetary means as his sage advice was sought and given willingly to many. In helping people with problems Tom McGregor was in the sense of the word a humanitarian.

A great many people have lost a close and respected friend. But if you never knew Tom McGregor, rest assured Ozark has lost a native son who was unique, a person who was truly "one of a kind."

STATEMENT OF HERBERT E. HARRIS II, JULY 22, 1975 IN HONOR OF GEORGE WASHINGTON

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. HARRIS. Mr. Speaker, Mr. Donald L. Miller—the president of the George Washington Chapter of the Sons of the American Revolution, a resident of Alexandria, and an ex-officio member of the Alexandria, Va. Bicentennial Committee—delivered the following speech to guests on July 4th at Mount Vernon, the home of our first president. George Washington is one of the giants of our Nation's past and I am proud that his home, Mount Vernon, is located in my district. Mr. Miller's speech expresses George Washington's contributions to this Nation in a manner that some of us may never have considered and I commend his statement to my colleagues:

INDEPENDENCE DAY 1975

We are gathered here at Mount Vernon on this 199th anniversary of that day upon which an assembly smaller than ours adopted a Declaration that changed the world.

We are come together at this place, as in former years on this day, to honor a friend and neighbor.

He laid out the streets of our town of Alexandria. He enlivened many of the homes in which we live and the building we use with his recruiting of troops, his dancing and laughing, and his serious talk of the inalienable rights of man.

We know that he neither voted for nor signed the Declaration. Yet it was he, more than any other, who transformed the Declaration's inspiring words into living, breathing, everyday reality.

George Washington's physical body lies here before us, encased in stone, yet, though dead for these some 176 years, he exercises more influence over the living body of our nation than does any man living today.

How can we honor a man whose greatness is beyond our ability to measure?

There seems nothing we here can say to add to his stature; nothing to further elevate his position in this history of mankind's struggle for liberty.

We can but recall his deeds and the condition of the world when he walked over this very ground, supervising the growing of wheat for export to Europe through the Port of Alexandria.

His were times of contention, of uncertainty and of divided opinion, just as they are now. Delegates to the Second Continental Congress from the north differed in viewpoint from those of the south. Within the delegations there were differences, including ones over the selection of a man to lead the nation.

How certain and inevitable are the events of history as we look backwards at them; how uncertain everything seems as we are living through a crisis? In May 1775 America faced an uncertain future. The Congress was indecisive; delegates were starting to show those signs of negativism which come with uncertainty.

John Adams, the floor leader of the Revolution, out of frustration, determined to give the Congress a problem that would force a decision. He arose in Philadelphia to propose that Congress designate the New England Army as the Continental Army and to place at its head a Colonel from Virginia.

What a moment in history. To vote in favor of putting a southerner in charge of a northern army was unthinkable to some. Such a vote meant a commitment to struggle not as men of Massachusetts or as Virginians, but as Americans.

There were critics. There were opponents. But, in the end, the Congress acted on May 31 to adopt the New England Army as the Continental Army, and on June 15 to designate George Washington as its Commander-in-Chief.

George Washington, our neighbor, whose public career began by recruiting troops at Gadsby's Tavern at Cameron and Royal Streets, and with the reading of the Fairfax Resolves in our courthouse square, went off to lead the American forces that were without munitions, clothing, pay and even encouragement.

So began the uncertain march toward certain victory. So, too, began an American style of approaching momentous issues and great crises.

Standing here on this sacred ground before the First Citizen of Alexandria, our First Commander-in-Chief, and our First President fills the mind with feelings of awe.

Here lies the man who Thomas Jefferson described as the one who kept the Revolution open so that it moved, not from tyranny to tyranny, as so many lesser Revolutions have since, but from tyranny to liberty.

What an incredible achievement.

We can remember the words of Abraham Lincoln, for whom Washington was a guiding star: "Washington is the mightiest name on earth—long since the mightiest in the cause of civil liberty, still mightiest in moral reformation. . . . In solemn awe we pronounce the name and in its naked, deathless splendor leave it shining on."

We can but say a few more lines.

It is said that one honors truth best by practicing it.

How better can we in our time honor George Washington than to determine to be reborn in his spirit?

How better can we keep his presence alive among us than to march forth from this place as missionaries of the principles of civil liberty and of even-handed justice to whose establishment in our land he dedicated his life?

Let us so solemnly dedicate our lives this day and forever more.

FCC VERSUS MR. JOE L. ALLBRITTON

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. CEDERBERG. Mr. Speaker, I urge all of my colleagues on the House side to make themselves aware of an extraordinarily important matter now pending before the Federal Communications Commission. As I think we all know, the Washington Star has recently come under the control of Mr. Joe L. Allbritton. What many people do not know is that Mr. Allbritton's continued ownership of the Washington Star may very well depend on whether or not the FCC will also allow him to acquire effective control of broadcast properties owned by the Star's parent company.

It is my view that it would be a tragic mistake for the FCC to allow its rules to be violated, particularly so since it has only recently banned future cross-ownership of newspapers and broadcast properties in the same market. We need competing and diverse viewpoints in all of our media, but it is particularly important in Washington, D.C., where the influence of the media is so heavily felt right here on Capitol Hill, as well as on the executive branch.

It is my understanding that if the FCC declines to grant this extraordinary waiver, the Washington Star could well become available for purchase independent from its broadcast affiliates. This would mean that more than one viewpoint would be available in Washington's printed press. That would not only be salutary, but is absolutely imperative if we are to continue to have a strong, independent press system in this country.

Thank you, Mr. Speaker.

PETROLEUM ASSOCIATIONS STRONGLY URGE EXTENSION OF EMERGENCY PETROLEUM ALLOCATION ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. DINGELL. Mr. Speaker, I insert in the RECORD at this point pursuant to permission previously granted the appeal by numerous petroleum associations that the Emergency Petroleum Allocation Act be extended beyond its August 31, 1975, expiration date. Their support on this issue is welcome.

I add my strong appeal to Members of the House again at this time to support efforts by myself and other Members to extend this act which is the only remaining statutory basis for continued price regulation of petroleum products.

I insert the letters at this point:

INDEPENDENT TERMINAL
OPERATORS ASSOCIATION,
Washington, D.C., July 23, 1975.

Hon. JOHN D. DINGELL,
House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN DINGELL: Please find enclosed a letter from ten associations, representing independent marketers and refiners, urging that the most immediate consideration be given to extension of the Emergency Petroleum Allocation Act of 1973. This position was unanimously agreed upon by these associations at a special meeting held to discuss this critical subject on July 21, 1975.

This letter has been sent to the President and to each member of Congress.

Very truly yours,
WILLIAM H. BODE,
Acting General Counsel and Secretary.

Enclosure.

JULY 21, 1975.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: The undersigned associations representing the overwhelming majority of independent refiners and marketers throughout the United States strongly urge that the Emergency Petroleum Allocation Act be extended beyond the present expiration date of August 31, 1975.

Precipitous expiration of this important legislation will impose serious hardship on the independent refinery and marketing segments of our domestic oil industry and result in immediate cost increases to consumers. A reasonable extension of the Allocation Act will allow both Congress and the Administration to develop a meaningful and comprehensive national energy program.

American Petroleum Refiners Association, Independent Fuel Terminal Operators Association, Independent Gasoline Marketers Council, Independent Refiners Association of America, New England Fuel Institute, Independent Refiners Association of California, Independent Terminal Operators Association, Mid-American Petroleum Marketers Association, National Congress of Petroleum Retailers, Society of Independent Gasoline Marekters of America.

THOMAS W. McGREGOR

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. BYRON. Mr. Speaker, it was my personal pleasure to know Thomas W. McGregor for many years. His passing on Thursday, June 5, of this year was a great shock to his many friends in Washington, D.C., Maryland, and Alabama.

It is difficult for me to imagine anyone with more interests and enthusiasms than Tom McGregor. His entire history is one of diversity. Those who knew him invariably remarked on his candor, his dynamism, and his uncanny ability to communicate with others. These traits and many others contributed to his great personal and business success.

Tom McGregor arrived in Washington from his native Alabama at the height of the depression in the 1930's. He was a personal friend of the two Representatives from his home district in Alabama and worked closely with both of them, the late Henry B. Steagall and the late George Andrews. He became an unofficial representative in Washington, who worked quietly to assist his many friends in Alabama. His business enterprises prospered, but he never forgot his friends and his home area.

In Washington, Tom McGregor rose rapidly from being a Government messenger to owner of his own printing company, McGregor Printing Corp. in Washington. He also had other business interests in this area as well as in New Jersey. He continued to work closely with the State of Alabama serving as president of the Alabama State Society which coordinated State activities here in Washington in official functions such as the Cherry Blossom Festival.

Tom McGregor was the kind of person who will be long remembered for his achievements and his warm personality. I join with my colleagues from Alabama in tribute to an outstanding man—a unique representative of the best elements of our society and our Nation.

REDLINING BILLS DESERVE SUPPORT OF CONGRESS

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. FAUNTROY. Mr. Speaker, I am pleased to take this time to share with my colleagues the need for legislation which would require the disclosure of mortgage placement and deposit sources by banks, saving and loan associations, and other depository institutions.

While both proposals to extend regulation Q and prohibit implementation of electronic fund transfer systems for some period of time can, and would certainly in the future, have some impact upon the moneys which may be available for inner city development, I, like other members of the subcommittee, am awaiting the testimony of others so that we can decide what to recommend.

I do not feel this hesitation in a subject that is often colloquially referred to as "red-lining" since it, and its various forms of operation, have been faced by me, personally, in my casework, and in the work which I have attempted to do in certain sectors of this city, notably in the Shaw Urban Renewal Area.

Whatever the reasons that lending institutions use, and whatever the name we call the process of denying loans to people, the fact is that it can be and tends to be viewed as discrimination either for one's race or for one's neighborhood. I need not tell you how hard it has been to outlaw discrimination based on race, age, marital status. You have done these things while I have served in this Congress and long before the District of Columbia even thought that it would be represented by—albeit a nonvoting—Delegate.

It will be equally hard to outlaw discrimination of neighborhoods; indeed, it will be harder. Wisely, none of the bills that are presently before this Congress would substitute its judgement for that of the lending institution. I would hope that such an era will never become necessary for when we find it necessary that we must substitute our judgment for whom or for what we should offer credit, our Nation will have reached a nadir of its potential for offering prosperity for everyone, opportunity for all, and that heretofore unique opportunity in America, ownership of one's own home.

In an era, however, when there are few issues which confront citizens of this Nation that are more important than the ability of a large segment of our people to find adequate housing, it is important for us to look at not only the rates which people must pay for borrowed money, but to look at the people to whom the money is lent and, of course, from whom it is obtained.

While a lending institution does have an affirmative responsibility to safeguard the funds of its depositors, it also has an affirmative responsibility to safeguard the viability of the neighborhoods of its primary service areas and, especially, of those areas to which it has previously lent funds even though the outstanding amounts are small.

Citizens who attempt to secure mortgages to finance their homes or construction loans to do the renovation should not find few lending institutions willing to assist them because they want to buy or remodel homes in areas that they, the institution, regard as questionable without concern for the ability of the borrower to repay the loans. It is not the house which will repay the loan; it is the borrower who will repay the loan. A sale resulting from a foreclosure should not be the prime concern of the lender; his prime concern should be whether or not the borrower will repay the loan.

It is important that mortgage lenders understand this because their actions and their fears tend to become self-fulfilling prophecies. Where institutions decline to lend for new home buyers or for home improvements, the deterioration which is predicted will materialize as a fact because few home owners, and fewer renters, are able or would want to use all or most of their own available cash resources to buy or remodel a house. As fewer loans become available in an area, the persons who do come into the area are the speculators, the slum-landlords, or those whose total cash resources have been placed into the dwelling, leaving them with no funds to fix, clean, and otherwise remodel the house into something which is a credit to the neighborhood.

The speculators or slum landlord who often have their own arrangements with lending institutions do not put any amount of funds into a house or into a neighborhood which would make it a credit to the community. Indeed, it is they, in conjunction with a knowing or not-so-knowing lending institution, that will buy housing at rockbottom prices and with some cosmetic changes resell them at enormous profits. In some cases, this will precipitate neighborhood change at what I think are unacceptable social and economic costs for those who now live there.

In time, of course, the neighborhood will change, as do all neighborhoods. That can take many years. Speculators speed that process. Established families who are renting from the speculators or slum landlord are forced to move. It is the poor, the near-poor, and the black family who are forced out and made to move away from their friends, and their schools. These people then enter the already overcrowded and overpriced housing rental market and become a part of the reason that we have such high rental rates and with it a need for rent control.

I do not believe that neighborhoods should have to shift from good to bad and back again with our citizens always being the loser.

The housing crisis has hit the urban centers of this Nation the hardest, and as I am from one of those urban centers, the District of Columbia, I am very familiar with the problem. Most of my experience dealing with the problems of housing has been in the District of Columbia, and I shall address myself primarily to how these problems manifest themselves in the District.

A close examination of the housing crisis in the District of Columbia makes one point abundantly clear: The very life and death of a neighborhood is largely dependent upon the availability of financial credit from local lending institutions for local housing. Without it, the best laid community plans will never be fulfilled and the cycle of deterioration will soon begin.

The original purpose of savings and loan institutions was to enable residents to pool their savings so that there would be a supply of money available to finance the purchase and rehabilitation of homes in the area. This original intent of providing "home finance" has been subverted as savings and loan institutions behave more like downtown commercial banks, making extremely large loans for commercial development. A careful review of the loans made in the District in 1972 through 1974 shows more than 30 loans totaling more than $34 million were made to mortgages of $250,000 and above. This is not "home finance."

Even more distressing is the fact that the savings and loans are no longer serving as a pool for local funds to provide loans to local residents. The Board of Governors of the Federal Reserve Board has now allowed savings and loan institutions to loan anywhere within the State it is located with up to 15 percent of the total loans may be loaned out-of-State. In the District of Columbia, savings and loan institutions may go up to 100 miles from their central office to make loans. This has resulted in a situation where over 88.4 percent of all real estate loans made by savings and loan institutions in the District went outside of the District between 1972 and 1974.

Not only are most of the real estate loans going out of the District, but the scarce funds that are loaned inside the District are concentrated in only a few neighborhoods. This leaves many of the neighborhoods in the District without little mortgage money, even when there are many qualified borrowers residing in the neighborhood.

A study by the District of Columbia public interest research group has revealed several distressing facts:

An area of eleven zip codes which represents 69 percent of the total District population, and has an average 88 percent black population, received only 36 percent of the total District loan volume. Nearly one-half of these loans went to Capitol Hill neighborhoods with rapidly increasing white populations.

Several predominantly black zip code areas in the moderate to middle income range, having a large number of owner-occupied housing units and 1 to 4 unit housing structures, received only 7.7 percent of the total volume of loans made in the city. Their combined populations represented 28 percent of the city's population.

Four predominantly white zip code areas, representing only 14 percent of the city's population, received over 40 percent of the total volume of D.C. real estate loans. One zip code area, representing only 3 percent of the city's population, received 16 percent of the city's real estate loan volume with an average loan size of $72,500. The average loan size in the four black zip code areas mentioned above amounted to only $22,300.

Let me illustrate the point with the neighborhood in which the Congress sits—Capitol Hill. This area is the classic example of the deterioration and forced removal of residents as a result of lending policies of mortgage institutions.

For many years, mortgages were not available to persons who wanted to buy or renovate their homes. In those years, the dollar amounts were minimal. Then came the speculators who bought out the poor and the middle-income family, while forcing the renters to flee. In most cases, these people were poor and they were black.

With a coat of paint, some plaster board, a minor amount of electrical, plumbing, and heating work, the houses were resold for large sums. None of the profit was ever seen by those who were the initial sellers because the differential was a first purchase price of $15,000, a first sale by the speculator of $45,000, and a net profit of possibly $20,000 to $25,000. The second sale, of course, now brings $70,000 or more.

Capitol Hill is now a prestige area. Mortgage lenders are willing to make loans. I want to know where they were years ago when the people who were being bought out under pressure could have been able to live here to now enjoy the fruits of this prestige area if only a little mortgage money was then available.

It is this practice of depriving certain neighborhoods of mortgages that will eventually destroy many fine residential sections by allowing them to deteriorate until only the speculators and the slum landlords can afford and will buy into the neighborhood. We do not need additional experiences of the nature of Capitol Hill.

It is conceivable that this unnatural distribution of mortgages may be the result of a similar distribution pattern of qualified borrowers. It seems that this is unlikely, however, in light of the fact that the only savings and loan institution in the city—Independence Federal—which gave over three-fourths of its mortgages to residents of the city, many of whom lived in neighborhoods which were considered by the other lenders to be "questionable," had the lowest default rate of any savings and loan institution in the city.

This is an instance of a minority founded, owned, and operated Federal Savings and Loan Association which has made a definite commitment to the people of this city from whom it has received most of its deposits. Their experience directly contradicts the conceptualized ideas of those who would have us believe that black city residents do not and cannot make mortgage commitments which are upheld by them.

Whatever the cause of the unnatural distribution it is important that communities which have expressed interest in the placement of mortgage loans by their local lending institution be given information as to where mortgage money is going so that they can evaluate for themselves which institutions are fulfilling the responsibility of a savings and loan institution by providing mortgages for local home purchases or for their depositors.

This information will not only assist potential borrowers but the lending institutions themselves. They will be able to analyze the market through the actions of their competitors and, therefore, know whether or not a market area is "loaned up," "open," truly "unstable"—if there is any such thing—or if one is overly concentrated in an area.

Neither my bill nor any of the others is intended to replace the credit worthiness judgments of a lending institution. Neither are they—nor should they be viewed as being or being potential—quota or allocation schemes. They are, rather, intended to provide in a methodical manner the kinds of information which depositors, borrowers, lenders, and city-regional planners should and must have in order to make the decisions each will make in his individual capacity. I point out again, however, that while I do not wish to substitute my judgment for that of the lender, I do want to make it very clear that I do not regard as legitimate any credit consideration that transcends the ability of a borrower to repay the loan.

For these reasons, I completely support the concepts embodied in these bills. They are pieces of legislation which are needed now, so that future decisions can be made with the knowledge of where mortgage providers are putting their money.

JACK ANDERSON: A COMMENTARY

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. McDONALD of Georgia. Mr. Speaker, it has become obvious that a conscientious attempt to defend the internal security of this country and to expose the aims and tactics of Marxist-Leninist terrorists is sufficient to incur the wrath of Jack Anderson, who maintains his consistent record of attempted character assassination.

What is remarkable is that Anderson did not bother to develop his own insults, but borrowed tired rhetoric from partisan defenders of the Leninist left, including that of the leader of a revolutionary Puerto Rican terrorist support group. There is nothing "clownish" or amusing about the aggressive aims of the Communists, whether directed straight from Moscow or Peking, or through intermediaries in Havana or Pyongyang.

Anderson's own careless research shows in his citing as a typical title of my CONGRESSIONAL RECORD reports "Save Our Santas From Government." If he had checked, he would have seen that my title for the clipping insertion was "Symm's Remarks—Extended to Georgia," and that the topic of the insertion was the fact that the CONGRESSIONAL RECORD does indeed contain material cogent and pertinent to the concerns of the American people.

Why not mention some of the other titles such as "The Assault on Intelligence Gathering: Who Benefits"; "The National Socialist Liberation Front: New Marxist Terrorist Group"; "Chilean Communist Tour United States: Violation of United States Code"; or "Inflation and Unemployment: The Communist Party's New Drive"?

It is clear that the real motivating factor behind Anderson's ire is the content of the CONGRESSIONAL RECORD reports exposing extremist and Marxist-Leninist aims and tactics.

Anderson revealed his bias when he made the inaccurate statement, "He often reprints long membership lists of political organizations and then claims the members are Communists."

No "claims" are involved. If documentation is available that a sponsor or member of an organization or event is also a member of a Communist group, such is clearly stated. Also noted, where appropriate, are persons with public records of support for Communist fronts and causes. Their public records of activity are allowed to speak for themselves, without the "claims" Anderson incorrectly alleges.

Perhaps Anderson feels it is better that the Congress and the American public receive no information at all about internationally active terrorist organizations and their U.S. supporters or about Communist Party involvement in the antidefense movement, in the anti-Chilean propaganda drive, and in U.S. domestic issues?

Anderson also inaccurately alleged that Charles O. Porter had been "smeared as a Communist." As my colleagues who have followed this exchange in the CONGRESSIONAL RECORD are well aware, Charles O. Porter is listed as "chairperson" of the Northwest Committee Against Repressive Legislation under the subtitle, "Western Regional Office" on the letterhead of the National Committee Against Repressive Legislation, a

Communist Party front still headed by identified Communist Frank Wilkinson.

If Mr. Porter is distressed by the public record of his 10-year association with this important Communist front, he could resign and repudiate its goals. To date, Mr. Porter's responses have brought dishonor only upon his own head.

Being unable to develop an attack on the merits of the Congressional Record reports, Anderson padded his column with distorted allegations of campaign financing irregularities. With the complexities of campaign financing reports, one wonders whether any current Members of this body were able to file each campaign report with 100 percent accuracy, avoiding later minor corrections?

Anderson's customary descent to gutter journalism in his frantic effort to discredit my reports is a disgrace to the entire journalistic profession.

CONGRESSIONAL BICENTENNIAL SALUTE TO THE HONORABLE THOMAS W. PATRICK, M.D., PH. G. NATIONAL AND INTERNATIONALLY RENOWNED EDUCATOR, REGISTERED PHARMACIST AND DOCTOR OF MEDICINE—1872–1953

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. ROE. Mr. Speaker, as we move forward into America's Bicentennial 200th anniversary celebration in commemoration of the founding of our country, it is indeed fitting and most appropriate to honor and reflect upon the extraordinary achievements of outstanding Americans whose lives, deeds, and service to their fellowman epitomize to the highest degree the opportunities and challenges of free men and women in a representative democracy. It is my privilege and honor to place before the Congress for recording in the annals of our historic journal of Congress the success story of Dr. Thomas W. Patrick, a native of the Republic of Haiti, who chose our country for his citizenship and achieved the American dream for himself and his many, many students in a noble and illustrious career as outstanding educator, pharmacist, and practicing physician in the extremely complex profession of compounding and dispensing medicines.

Dr. Patrick, a black man, was born in Haiti, West Indies on November 11, 1872. He attended school in Trinidad, British West Indies, where he received his pharmaceutical education. He immigrated to America and settled in Boston in 1892 where he resided until his death on March 5, 1953.

By his strength of character and standards of excellence, Dr. Patrick does indeed symbolize the American dream and I appreciate the opportunity of presenting to you his historic noteworthy achievements as related to me by one of the most esteemed pharmacists in my congressional district and the State of New Jersey, Dr. Gabriel C. Roberto, who is a graduate of the Patrick School of Pharmacy established by Dr. Patrick in Boston in 1892.

During his first year on American soil Dr. Patrick began teaching and founded the Patrick School of Pharmacy in Boston. His educational endeavors not only included the conduct of classes in his school of pharmacy but he established correspondence courses, spanning the globe in providing courses of study to some of our most proficient pharmacists throughout the United States and in many foreign countries. In addition to his success as tutor, teacher, and school administrator, he authored exceptionally outstanding books on pharmacy which have attained acclaim by many learned authorities on the subject.

Dr. Patrick was married and had two children, Thomas W. Patrick, Jr., a graduate of Harvard University and the Berlin Medical School, and a daughter, Charlotte, who is a graduate of the Conservatory of Music.

In 1897, Dr. Patrick became a naturalized citizen and it is interesting to note that his personal individual philosophy which brought him to America was the inherent doctrine of American tradition established by our forefathers. He was known to state on many occasions:

> If an individual, regardless of his color or nativity, sets out with determination to become proficient in any profession, that person will succeed, provided he or she becomes well grounded in the fundamentals.

He particularly stressed his philosophy of reaching out and learning the fundamentals as the key to success with his own people claiming they can succeed if they grasp and persevere to achievement in the opportunities and challenges afforded to them.

Mr. Speaker, it is indeed a privilege and honor to present this commemorative tribute to a great American, Dr. Thomas W. Patrick, whose lifetime of good works in the health care of our people has indeed left a legacy to all of us through his writings and his teachings which will be passed on from generation to generation because he took the time to care, enlighten our young people, and made a difference in the quality of our way of life in America. We commemorate and salute Dr. Thomas W. Patrick, Sr. of Boston, Mass.

10TH CONGRESSIONAL DISTRICT OFFICE FUND AND NEWSLETTER FUND

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. MIKVA. Mr. Speaker, the following is a report of the receipts and expenditures of the 10th district office fund, a fund used exclusively to cover nonpolitical expenses in connection with my congressional office, and of the 10th Congressional District newsletter fund.

10TH CONGRESSIONAL DISTRICT OFFICE FUND REPORT: JAN. 27–JULY 1, 1975

Receipts:	
Loan from Amalgamated Trust & Savings Bank	$5,000.00
Partial payment by 10th Congressional District newsletter fund on loan from office fund	500.00
Expenditures:	
Petty cash	498.92
Subscriptions	556.31
Printing	176.00
Membership fees	590.00
Office supplies	454.28
Photography	445.70
Public announcements	141.14
Miscellaneous	509.56
Total	3,380.91
Loan to 10th Congressional District newsletter fund	2,000.00
Balance—July 1, 1975	$119.09

The 10th Congressional District office fund is an unincorporated organization: president, Angelo Geocaris; treasurer, Judy Gaynor; secretary, John Baird.

10TH CONGRESSIONAL DISTRICT NEWSLETTER FUND REPORT: FEBRUARY 28—JULY 1, 1975

Receipts:	
Loan from 10th Congressional District Office Fund	$2,000
Averon H. Ellis, M.D., Evanston	200
John W. Baird, Winnetka	200
Asa Baber, Evanston	50
Cyrus DeCoster, Evanston	25
Marje and Charles Benton, Evanston	200
Harriet and Robert Richman, Glencoe	200
Rhita and Charles Lippitz, Evanston	50
Harle Montgomery, Northbrook	200
Irene and Angelo Geocaris, Winnetka	200
Shellie and Norman Levin, Chicago	200
Robert Sasser, Park Ridge	200
Howard Adler, Jr., Washington, D.C.	200
Charles W. Davis, Chicago	250
Joan and Julian Berman, Glencoe	50
Jean and Milton Fisher, Highland Park	100
Ruth Roberg, Glencoe	25
Levenfeld, Kanter, Baskes and Lippitz, Chicago	200
Total	$4,550
Expenditures:	
Printing and Production	$2616.48
Partial payment on loan from 10th Congressional District Office Fund	$ 500.00
Balance—July 1, 1975	$1433.52

The 10th Congressional District Newsletter Fund is an unincorporated organization: President, Judith Gaynor; Treasurer, Robert Richman; Secretary, Robert Marks.

UNFAIR ACCUSATIONS AGAINST BARTELS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. RANGEL. Mr. Speaker, along with my colleague, Morgan Murphy of Illinois, I am deeply concerned about the Justice Department's recent preparation and mass mailing of thousands of copies of a statement given by Andrew Tartaglino, Chief Inspector for the Drug Enforcement Administration, before Senator Henry Jackson's permanent Subcommittee on Investigations. The statement, Mr. Speaker, is fraught with unproved accusations against former DEA Administrator John R. Bartels, Jr., and has been sent to all U.S. attorneys, strike force breakers, DEA personnel, and other Justice Department employees throughout the Nation.

Our concern about this action is heightened by the fact that all previous Justice Department reports associated with Mr. Bartels' removal cite management problems and bureaucratic feuding as the reason for the dismissal action. These officials have made it clear to us that no one should infer that the forced resignation of Mr. Bartels is a reflection on his personal integrity. If this is true, Mr. Speaker, then we find it hard to understand the Justice Department's motive for the mass mailing. We want to know, among other things, if the Department is reversing its previous position that alleged improprieties were not responsible for the removal of Mr. Bartels from the position of Administrator.

While we in no way condone the wrongdoing of any agency official, we believe that the dismissal of John Bartels without minimal due process, coupled with the Justice Department's nationwide circulation of a document containing unproved allegations against him, warrants an explanation. In this connection, Mr. Speaker, Congressman Murphy and I have sent a joint letter to Attorney General Levi, addressing our concerns about this matter in some detail. We would like to share the contents of this letter with our colleagues:

Congress of the United States,
House of Representatives,
Washington, D.C., June 26, 1975.

Mr. Edward Levi,
Attorney General, Department of Justice, Washington, D.C.

Dear Mr. Attorney General: As you know there are many people in the House of Representatives who believe that the abrupt removal of John Bartels as Administrator of the Drug Enforcement Administration was ordered by the Administration because of John Bartel's insistance in calling for a strong response by our country in opposition to the resumption of opium poppy cultivation by Turkey.

There was obviously a conflict between his responsibilities to warn the nation of the potential effects of the Turkish opium poppy resumption and the State Department's position that Turkey should not be pressured to maintain the opium ban because of our ongoing sensitive negotiations with Turkey over Cyprus. It is clear that the State Department has tried to avoid offending Turkey for the sake of preserving the NATO alliance.

Prior to John Bartel's dismissal there appeared in the press leaked reports from the staff investigation of the Drug Enforcement Administration by the Senate Permanent Investigations Committee alleging corruption in the DEA fostered and covered up by John Bartels. We in the House of Representatives have monitored the Jackson Committee's hearings to determine whether there was sufficient evidence to warrant the charges.

All of us in the Congress have played a role in approving the reorganization plan that created the Drug Enforcement Administration and therefore we have a special interest in the efficient operation of the Agency and exposing any wrongdoing by the head of this agency. We believe, therefore, that all of the facts should be made public, but certainly in the context of due process.

It is apparent to us that the Justice Department is more interested in justifying its firing of Mr. Bartels than in affording him elemental due process and an opportunity to respond to the charges levelled against him. The Department has printed, we learn, several thousand copies of the testimony delivered by Andrew C. Tartaglino, Chief Inspector of the Drug Enforcement Administration, before the Senate Permanent Subcommittee on Investigations and distributed his testimony to all United States Attorneys, strike force heads, DEA personnel, and other Justice Department employees through out the Nation. Mr. Tartaglino, who appears to be Mr. Bartel's primary accuser, made several charges in his testimony against Mr. Bartels that Mr. Bartels denies. Mr. Bartels has been seeking an opportunity to answer Mr. Tartaglino's charges before the Committee, but to date he has not been afforded the opportunity to do so. In the meantime, the press carries Mr. Tartaglino's unproved allegations as fact and the Justice Department compounds the injustice by distributing Mr. Tartaglino's charges as an official document.

Because of our concern over the political ramifications of the Bartels removal, we would question the motivation of the Department of Justice in distributing thousands of copies of the testimony of Andrew Tartaglino.

Is your distribution of the testimony and indication that Tartaglino's charges are the official Department of Justice position?

Is your distribution of the Tartaglino testimony an indication that you are reversing your published position that Mr. Bartels was not removed because of the allegations of improprieties?

Is the Justice Department planning to distribute Mr. Bartel's testimony in response to the Tartaglino charges?

The integrity of the Justice Department and of the Jackson Committee is at stake. We regard the Department's official distribution of the Tartaglino testimony as a gross violation of the due process to which Mr. Bartels is entitled. He is being defamed without opportunity to respond. We call upon you, Mr. Attorney General, to use your influence to provide John Bartels with a forum for responding to the charges being made against him.

Sincerely,

Charles B. Rangel,
Member of Congress.
Morgan Murphy,
Member of Congress.

BEARING THE COSTS OF GOVERNMENT

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. HUGHES. Mr. Speaker, last Saturday our colleague, the Honorable Wayne L. Hays, wrote an article entitled "Bearing the Costs of Government," which appeared in the Washington Post. As a new Member of Congress, I can hardly be accused of being an apologist for the House "establishment" when I say that the chairman raised some very thoughtful points, the necessity of making available to a Congressman, the staff and tools needed to fulfill the services expected by his constituents.

Mr. Hays writes:

> The trouble with requiring a Member of Congress to pay personally (for his staff and office supplies, trips and telephone expenses) is that it would surely pave the way for an exclusive club of rich Representatives, or worse, open the door for rampant corruption.

These and other thoughts I commend to the readers of the Record in offering for reprinting the remarks of the Chairman of the House Administration Committee.

The remarks follow:

Bearing the Costs of Government

(By Wayne L. Hays)

The auto industry has better resources to determine whether a new compact car will sell than the House of Representatives has when deciding on a declaration of war.

If the auto industry wants to find a now color scheme to capture the youth market, it has unlimited resources to call upon. Corporate executives commission expensive marketing surveys. The top brass fly to a secluded resort on the company's fleet of planes for a week of high level meetings until the proper decision is made. The entire extravaganza is at industry expense, which is, of course, passed on to consumers.

When General Motors makes the wrong decision, only money is lost. But if the Congress fails, it can cost millions of lives.

A congressman is confronting issues that affect the well-being of the entire nation, yet in his effort to arrive at the proper decision, his resources are limited.

Recent news accounts about the members' allowance system have been misleading at best. The average reader is led to believe that a member of Congress has a vast wealth of material assets. Yet, there are members of Congress who are forced to pay communication, travel and office expenses from their own pockets because the allowance system is inadequate for their needs.

News accounts have portrayed the allowance system as being personally beneficial to the individual members of Congress, yet there are congressmen who cannot do as complete a job of serving the public as they would like because they lack financial resources.

The president of a major cosmetics firm earned enough in salary last year to pay the basic allowance for five congressmen.

The entire House of Representatives runs on an annual budget that is just slightly more than the $233 million Procter and Gamble spent on radio, television, newspaper and magazine advertising during 1973.

While there has been a lot of information bandied about lately concerning the expense of running Congress, the fact is that it costs a mere $1.25 per man, woman and child in this country to operate the House of Representatives for a year.

Taken in proper perspective, the price tag is less than one-tenth of one per cent of the entire federal budget.

At the same time, the responsibilities of the Congress have grown. The workload has increased markedly over the past few years. In addition to overseeing an enormous federal bureaucracy, a member of Congress is often the only person that half a million constituents back home can turn to for help.

In its battle to make the executive branch of government more responsive, the Congress remains at a disadvantage. A bureaucrat in any federal agency can call every city in the nation without cost. A member of Congress has limited telephone time.

The executive branch of government operates more than 6,000 computers, while the House of Representatives owns just three.

President Ford requested a staff budget increase of $2.2 million for the coming fiscal year, while a congressman can receive an additional $22,500 for his employees.

On an average day recently, no fewer than 70 congressional committees or subcommittees scheduled meetings on issues ranging from oversight of the National Aeronautics and Space Administration's budget to an investigation of Arab pressure on American businessmen.

The legislative calendar for a typical week will range from the complicated foreign aid appropriations bill to intricate and often confusing tax proposals.

At the same time, a member of Congress is called upon to travel back home and meet with local groups, advise cities on how to obtain federal grants, or assist an elderly constituent in retrieving a lost Social Security check.

It is vital that members of Congress have the tools to be effective legislators and representatives.

There are two schools of thought on how a member of Congress can go about serving his constituency.

The first hold that a congressman bear the full cost of representing his district himself. That is, he must be wealthy enough to pay for his office equipment, stationery, telephone service, trips between the district and Washington, staff and communications with constituents. Or, if he is not of the wealthy class and aspires to be in Congress, he must solicit private contributions to pay for these expenses.

The trouble with requiring a member of Congress to pay personally, however, is that it would surely pave the way for an exclusive club of rich representatives, or worse, open the door for rampant corruption.

The second school of thought, to which I subscribe, holds that the people ought to bear the cost of representative government.

NURSE-MIDWIVES TRAIN AT COUNTY HOSPITAL

HON. GUNN McKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. McKAY. Mr. Speaker, recently the House of Representatives passed the Health Manpower Act of 1975, a measure aimed at helping this Nation meet our future health care needs. The bill is designed to help shift health resources to meet changing demands, and to correct the geographic and specialty maldistributions of health manpower.

I supported the health manpower bill and agreed with what I perceived to be an underlying philosophy of the legislation: the recognition that practical and innovative approaches are often necessary to fill the health care gaps that occur in rural areas, in poor areas, and everywhere physician shortages are a chronic problem.

One such innovative approach is the nurse-midwife program of the University of Utah—1 of only 18 such programs in the United States. It seems to me that this, and similar programs can produce health specialists who are prepared to make important contributions toward easing the impact of physician maldistribution. I believe the Utah program can serve as an example and a model for the Nation.

I would like to enter in the Record a portion of an article from the May 22, 1975, edition of the Vernal Express, Vernal, Utah. I commend this article to my colleagues as an excellent description of an efficient and innovative health program.

The article follows:

Nurse-Midwives Train at County Hospital

Nurse-midwives. This word has been common at the Uintah County Hospital for the past eight weeks, but what is it, who are they?

The nurse-midwife is a registered nurse who by the virtue of added knowledge and skills gained through a program of theory and clinical practice recognized by the American College of Nurse-midwives has extended the limits of his or her practice into the area of management of care of the mother and her infant throughout the maternity cycle as long as their progress meets the criteria of normal.

The student nurse-midwives, Lois Hastings and Karin Hangsleben, are completing a two-year course in maternal-newborn nursing and nurse-midwifery at the University of Utah College of Nursing and both are working on their Masters of Science degrees.

They recently took the national examination for nurse-midwifery certification from the American College of Nurse-Midwives, which will enable them to become licensed in states honoring such licensure.

The program requires each student to have a period of independent clinical practice with qualified physicians and-or nurse-midwives. Lois and Karin selected the Vernal area to meet the course requirements. They are completing their eighth week of activities which included the following: experience in Dr. Paul Stringham and Dr. James F. Allen's offices seeing pregnant women and new born infants, hospital activities which included support and management of laboring patients, deliveries, assessments of post-partum mothers and newborns, inservice education of nursing staff, and patient education. They have held a series of prenatal classes for expectant parents and post-partum classes for mothers 2–4 weeks after delivery for discussion of self-care and baby care. They also have taught a health class at the Uintah School District's Young Mothers Program.

A new concept, The Flexible Family Care Unit, has also been started at the Uintah County Hospital by the student nurse-midwives in conjunction with the hospital staff. This program is designed for the father (or one other designated individual) to visit the mother and baby at any time subject to their health and safety needs. This includes holding and feeding the infant after proper hand washing. The mother may have the baby with her at any time for as long or as short a period as she desires. Either the mother or personnel may take the baby from the nursery or return him or her to the nursery at anytime.

This is quite different from the old hospital rules which usually kept the infant in the nursery at all times except for feeding. In the past only the mother and hospital staff were allowed to be near the baby until after it was released from the hospital.

According to the nurse-midwives there are approximately 18 nurse-midwifery programs in the United States. The University of Utah program has been in effect 10 years. The State of Utah also has a licensing law for nurse-midwives since 1971.

KOSCIUSKO AND PULASKI: GALLANT OFFICERS

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. PATTEN. Mr. Speaker, one of my most active patriotic constituents, John J. Wolczanski, of Perth Amboy, N.J., is chairman of New Jersey Polish Day, which will be observed on Sunday, August 3, 1975, in Somerville, N.J.

Although the program will consist of several interesting events, the feature will be the 2 p.m. program honoring two officers from Poland who became heroes in the Revolutionary War fighting with American forces—Thaddeus Kosciusko and Casimir Pulaski.

An excellent article in the Ford Times by Mary Zimmer covered their remarkable careers fighting for the American cause, so I am inserting it in the Congressional Record with the hope that more of the readers of the Record will appreciate their contributions and sacrifices.

The article follows:

[From the Ford Times]

Kosciusko and Pulaski

(By Mary Zimmer)

In the winter of 1777–78, when General Washington was holed up at Valley Forge, there came and went many distinguished visitors. Among them were two officers from Poland: Thaddeus Kosciusko and Casimir Pulaski.

Not that they came together. On the contrary, if they actually did meet, there is no record of it, though both were given to writing voluminous letters, many of which survive.

They were alike in age, in nationality, and in their selfless zeal for the cause of liberty both in Poland and America. But Kosciusko was a gentle, talented engineer who endeared himself to all who met him, while Pulaski was the very model of a dashing cavalry officer—brilliant, imperious, impatient and often irascible. And in both countries they were allied with opposing factions within the causes they championed.

Kosciusko grew up in the quiet countryside of Lithuania. A clever, studious boy, and the protégé of wealthy royalist Poles, he was sent to study art and engineering in France.

Pulaski was the son of noble and wealthy parents. He had no formal military training but he was a superb horseman; as a boy he practiced daily the riding stunts that would later dazzle American soldiers. In 1768 his father organized the Confederation of Bar, which was dedicated to liberating Poland from Russia, Prussia and Austria. Young Casimir Pulaski plunged into the futile struggle as a commander of cavalry. By the time he was 21 he was a national hero, having won several battles against Russian troops, while Kosciusko was still a student.

Late in 1771 Pulaski fled Poland after being made the scapegoat of an abortive attempt to kidnap the Polish king. There followed two years of disgrace and poverty in Marseilles, including a month in debtors' prison.

Kosciusko, in France at the same time, probably did not meet Pulaski because the latter, disgraced as a regicide, was excluded from Polish royalist circles. When news came of the Battle of Bunker Hill both men saw the fight for American independence as a prototype of their own country's struggle for liberty. In the summer of 1776, Kosciusko sailed for America.

On arrival he found work improving the fortifications in the Delaware River to protect Philadelphia against an expected British attack. Congress appointed him an army engineer with the rank of colonel. When General Horatio Gates was sent north to command Fort Ticonderoga, Kosciusko was his engineer. He formed a deep friendship for the general that never wavered, despite Gates' subsequent misadventures.

At Ticonderoga there immediately arose the question of fortifying Sugar Loaf Hill, from the top of which artillery could command the entire fort. Kosciusko agreed that it was possible, though difficult. But due to a quick sucession of commanders, the project was neglected. On July 5 British forces fortified Sugar Loaf overnight, forcing the Americans to withdraw. It was a shocking blow to American patriots who considered Ticonderoga, so daringly captured by Ethan Allen, a kind of American Gibraltar.

Kosciusko remained with Gates in the Battles of Saratoga that followed, choosing appropriate battlefields and directing their fortification to such good effect that Gates, on being congratulated on his victory over Burgoyne, generously replied, "The great tacticians of the campaign were hills and forests, which a young Polish engineer was skillful enough to select for my encampment."

Pulaski had arrived in America July 23, 1777, his passage paid by Benjamin Franklin who foresaw his value to the American cause. En route he prepared a list of ideas for winning the war which he later presented to Washington. It shows his almost comical ignorance of the American situation. Among other things he suggested seizing the island of Madagascar to hamper British operations in the Indian Ocean, and fortifying the entire American frontier—obviously he had no idea of its vast length.

To his chagrin, Pulaski did not find himself welcomed as an experienced commander, though in Poland he had personally led 18,000 soldiers—more than the entire Continental Army. Instead he had to go hat-in-hand to Congress to ask for a commission. And Congress, having seen too many foreign officers come and go, was in no hurry.

Meanwhile the British were marching on Philadelphia. Impatient for action, Pulaski galloped to Washington's side at the Battle of Brandywine and hastily recruited 30 cavalrymen. The darting forays of this small force against the enemy helped the Continentals to escape from this disaster. Four days later (September 15, 1777), Congress commissioned him a brigadier general and "commander of the horse."

Stationed at Trenton early in 1778 to organize the American cavalry, Pulaski soon faced some unpleasant realities. Instead of being superior to all other forces, as in Poland, the cavalry here was merely a useful adjunct to the infantry. Worse, American generals were rated by seniority, so the late-arriving Pulaski could not prevent their snatching detachments of his troops at will. He was constantly in trouble for requisitioning food and fodder from a populace unwilling to accept almost-worthless Continental money. The clincher was that Washington considered the "commander of the horse" a post of administration and training, not of battle command. Pulaski resigned on February 28. By mid-March he was at Valley Forge persuading Washington to give him his own command.

It was at this time that the two Poles may, or may not, have met. After Gates' victory at Saratoga some factions clamored for him to replace Washington as Commander-in-Chief. Pulaski, of course, sided with Washington, while Kosciusko was known for his devotion to Gates. After a few days he returned north to begin designing and constructing the original fortifications at West Point. (Five months later, Washington inspected his work and was pleased to find the fort already "almost impregnable.")

On April 9, 1778, Congress authorized Pulaski's Legion. He was to have 68 horsemen equipped with lances (Washington would have liked them to have muskets or rifles) and 200 foot soldiers armed as light infantry. By October the Legion was ready, financed partly with Pulaski's personal funds. Its first engagement, at Egg Harbor, New Jersey, was marred by the treachery of one of the deserters whom Washington had forbidden Pulaski to recruit—yet the Legion fought creditably.

Late in 1778 the British sent troops south; it was obvious that they would launch a spring offensive there. Not daring to move his own troops from New York, Washington sent Pulaski's Legion and General Benjamin Lincoln, with 4,000 men, to Charleston, South Carolina.

Now Pulaski was in his element. He arrived in Charleston May 8, 1779, with only 150 men still ablebodied after the 450-mile march. Nevertheless, with Colonel John Laurens he galvanized the city into aggressive action instead of surrender. This, plus Lincoln's imminent arrival, prompted the British to withdraw and Charleston was saved.

Pulaski was happier in Charleston than ever before in America. His small, highly mobile Legion had proved its worth. He was accepted as the practical military advisor of the entire South Carolina forces. Moreover, the plantations around Charleston reminded him of the estates in Poland, and he felt himself among gentlemen of his own kind.

His was a short-lived happiness. A few months later the Americans with the aid of French troops under Admiral d'Estaing stormed Savannah. When d'Estaing fell wounded, Pulaski galloped across enemy fire to rally the French troops. He was hit and mortally wounded. The British gallantly withheld their fire while he was carried from the field. He was 32 years old.

Immediately Pulaski was acclaimed a hero. Forgotten were the outrages of his requisitioning, and his wrangles over supplies. Congress voted to put up a monument to him. Pulaski would have found grim humor in the fact that it was not actually erected—in Washington, D.C.—until 1910.

The news of Pulaski's death reached Kosciusko on November 9 when he was settling in for another bitter winter at West Point. The following June, when Gates was ordered to take command of the Southern Army. Kosciusko received permission to join him. But before he arrived Gates was defeated at the Battle of Camden and disgraced himself by his headlong flight afterward—200 miles in three days! Kosciusko then reported to General Nathanael Greene, remaining with him as the Commanding Engineer of the Southern Army until after the British surrender at Yorktown.

Now followed a pleasant interlude in the South for him, as for Pulaski earlier, with good food, comfortable surroundings and congenial company as the war dragged on to its official end. Despite his six years of service, he received only the blanket promotion accorded all officers, becoming a brigadier general. He also received a certificate for his back pay ($12,280.49) at six percent interest and 500 acres of land. On June 15, 1784, Kosciusko sailed for Europe. He was 39 years old, with the most illustrious years of his long career still ahead of him. Like Pulaski, he was to lead his countrymen unsuccessfully against their old enemies. He remained a leader of his people until his death in 1817.

It was characteristic of his compassion that on a triumphal visit to America in 1798 he had directed that the money realized from his land here be used after his death to purchase the freedom of slaves.

DEATH OF TOM McGREGOR

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. DICKINSON. Mr. Speaker, recently one of Alabama's native sons and a great American, Tom McGregor, passed away. I knew Tom well and we were great friends. As a matter of fact, Tom had stopped by my office and we had talked at length the day before he died.

He was a warm and friendly person, always willing to help those less fortunate than himself. A typical example of how Tom McGregor acted to help those in need is contained in this editorial which appeared in the Sumter County Journal:

IN SHORT NOTICE, IT IS AMAZING—THE LIONS AND THE McGREGORS—THEY REMEMBERED THOSE IN NEED

Sumter County again has spilled its heart!

An appeal made in The Journal last week for help for hurricane stricken New Orleans citizens has been more than answered in this progressive West Alabama County.

Near 50 bundles of selected and sorted clothing was shipped from York last week under the sponsorship . . . but hardly the manual efforts . . . of the York Lions Club. The Lions issued an appeal for clothing, household goods and the like to be assembled and collected for shipment to the flood torn New Orleans area.

Less than 24 hours after the appeal appeared in The Sumter County Journal, more than 47 bundles were sorted, boxed and shipped from the county to New Orleans to an individual for distribution to those who needed it. The clothing and household goods were not shipped to a public supported agency due to the vast and mechanized non-personal method by which the aid was being distributed. The individual was to use his church and Sunday School to distribute the goods to those most needy.

Thos. W. McGregor, owner of McGregor Printing Corp. of York, asked for volunteers in a telephone message from his Washington headquarters to pack and ship the goods raised by the Lions Club. His employees—some on off time and some that he paid—packed and crated the items for shipment by Jack Cole-Dixie Highway Express free of charge to New Orleans. The entire day shift packing and shipping department of McGregor volunteered to sort, package, crate and label the items for shipment to the hurricane stricken area. Plant Supt. Lou Quedeweit selected cartons and boxes which the company contributed to the effort for free to be used for the shipment. H. P. Martin, McGregor vice-pres., offered the company's assistance in any manner, including further packing if needed.

The final shipment, gathered by the Lions and prepared for distribution by McGregor employees, was to leave York Wednesday afternoon.

David Hatcher, Pres. of the York Lions, said on short notice he figured the job was well done.

In addition to being a friend to all, Tom epitomized the Horatio Alger success story as evidenced in the news story of his death which appeared in his hometown newspaper:

FUNERAL SERVICES HELD FOR THOMAS McGREGOR MONDAY

Funeral services were held Monday, June 9, for Thomas W. McGregor, 61, of Washington, D.C., formerly of Ozark, at St. Albans Episcopal Church, Washington, with burial in St. Gabriel Cemetery in Potomac, Maryland.

He died Thursday, June 5, of an apparent heart attack at his home.

Rev. William Snellgrove of Ozark participated in the funeral service, giving a eulogy of his longtime friend.

McGregor was president of three corporations: McGregor Printing Co., with plants in York and Union Springs, Al.; Marvel Manufacturing Co., New Jersey, an aircraft component plant; and Alpha Properties, a management firm.

A native of Georgia, he spent his youth in Ozark, and attended the local schools, before going to Washington in the 1930s.

A successful businessman, he was the benefactor of numerous charitable and civic projects, among them a $60,000 contribution to the Vivian B. Adams School in Ozark, and was a contributor to the Ozark Bell Tower, a memorial to the late Congressman Henry B. Steagall and George W. Andrews.

McGregor was also a former Livingston Universtiy trustee, and was a past president of the Alabama State Society Spring Valley-Wesley Heights Civic Assoc., Washington, D.C.

He was a close friend of a number of Alabama Congressmen through the years, and was active at the State and national political level.

Survivors include his wife, Mrs. Frances Hardzog McGregor, an Ozark native; two daughters, Mrs. Linda Byron and Mrs. Gayle Fearing, Washington, D.C.; a sister, Mrs. Lucille Jimmerson, Ozark; his mother-in-law, Mrs. Walter Hardzog, Ozark; two brothers, Milton McGregor, Enterprise, and Phillip McGregor, and four grandchildren.

Tom McGregor's friendship meant so much to me in the years that we knew each other, and words are not adequate to convey my sorrow at his passing. I extend my personal sympathies to Frances, his widow, and his daughters, Linda Byron and Gayle Fearing, and the rest of his family.

As a token of my admiration and respect for Tom, I would like to insert one last item in the RECORD, a resolution from Tom's hometown:

OZARK CITY COUNCIL MEMORIALIZES LATE THOMAS McGREGOR

The Ozark City Council passed the following resolution upon the death of Thomas W. McGregor:

Whereas, Thomas W. McGregor departed this life in Washington, D.C. on June 5, 1975, and

Whereas, The City of Ozark and its Citizens lost a true and faithful friend in his passing, and

Whereas, The Citizens of Ozark mourn with his family and friends over his death, and

Whereas, The Mayor and City Council of The City of Ozark meeting in a Special Session on June 6, 1975 unanimously adopted the following resolution, to-wit:

"Be It Resolved by the Mayor and City Council of the City of Ozark, Alabama, that we are deeply grieved over the death of Thomas W. McGregor; that the Citizens of Ozark have lost a true friend in his death; that we express to his family our gratitude for his friendship and his many acts and expressions of goodness and kindness to the people of Ozark; that we offer our deepest sympathy in his death and our services to his family anyway that we may aid or comfort them in their loss; that their loss is our loss as well, and that copies of this resolution be spread upon the minutes of the City Council of the City of Ozark, and copies sent to each member of Mr. McGregor's family and to The Southern Star."

Done at Ozark, Alabama on this the 6th day of June, 1975, and the seal of the City of Ozark affixed thereto.

RUSK TESTIMONY TO WOLFF SUBCOMMITTEE

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. WOLFF. Mr. Speaker, my Subcommittee on Future Foreign Policy of the Committee on International Relations was privileged yesterday to have as our witness former Secretary of State Dean Rusk.

I will submit his formal testimony for the RECORD at the close of my remarks today, but in passing, I would like to call attention to just one of the many excellent points made by Mr. Rusk during the question and answer period following his prepared statement.

The most significant point, vis-a-vis Congress and the effort our subcommittee is making to reestablish the House as a powerful and responsible voice in our Nation's foreign policy decisionmaking process, came when Mr. Rusk said that the White House habit of calling in "key congressional leaders" prior to announcing major foreign policy steps should be replaced with genuine consultation prior to the actual decision being made.

Mr. Speaker, colleagues, it is clear that most of the highly publicized "consultations with key congressional leaders" which many of us, at one time or another have been privileged to share in, have, despite the honor of the occasion, been substantively worthless.

We have been nothing more or less than window dressing to give the appearance of unity to a decision already made—a decision, I might add, which might have been considerably different if the people's representatives had truly been "consulted" prior to its promulgation.

To quote Mr. Rusk, meetings with key congressional leaders "should be called earlier, and on a continuing basis." The former Secretary, now a professor of foreign relations and international affairs at the University of Georgia, went on at some length to say why he felt our foreign policy establishment should broaden its decisionmaking process to include in the early stages a mechanism for tapping the innate wisdom of the American people, who—free from the distractions of having to deal point by point with daily events overseas—often have a clearer perception of the spirit of what is actually happening overseas than those burdened with daily crisis.

While Mr. Rusk made many other excellent points, including the observation that the time has come when the United States must put its foot down regarding the absurd excesses of the United Nations General Assembly's repeated violations of the U.N. Charter, I will leave full discussion of those points to my subcommittee report. I now submit for the RECORD Mr. Rusk's formal testimony:

REMARKS BY MR. RUSK

Mr. Chairman and distinguished members of the Committee on International Relations, although I have not sought opportunities to return to Washington since January 20, 1969, I am very glad to visit again with this great Committee of the House for which I have long held the highest possible esteem.

At the very beginning I should like to express my appreciation to the Committee for the study you are now undertaking about United States foreign policy for the future. I, myself, believe that it is of the utmost importance that the American people undertake a far-reaching public discussion in an effort to develop a consensus on the compass bearings which are to give us direction in the years ahead. Hopefully, there can emerge a national and nonpartisan consensus not based upon the contending forces of partisan politics. A President and a Congress cannot pursue important public policies for very long without the understanding and support of the American people. Both the President and the Congress have heavy constitutional responsibilities in the field of foreign policy, and I, for one, welcome the initiative and leadership of this Committee in stimulating the public discussion which is now more urgent than ever.

We are in the presence of a major transition from one generation to another—a transition presenting some very special problems beyond the evitable phenomena of age and succession. My generation is beginning to forget; a younger generation has had no chance to remember. It is not easy to establish the bases of an effective dialogue, but the effort has to be made.

What are we beginning to forget? I shall not take your time here to repeat the lugubrious story of the 1920's and 1930's. My generation of young people was led down the slope into the catastrophe of a world war which could have been prevented. The governments of that day were unwilling, within or outside the League of Nations, to combine to organize a durable peace in the face of persistent courses of aggression.

Did we learn the lessons of those years? Only in part. Collective security was written into Article 1 of the United Nations Charter and was reenforced by security treaties in this hemisphere, in NATO and across the Pacific. On the other hand, we demobilized our armed forces unilaterally and almost completely following V-J Day. In 1946 we did not have a division in our Army or an air group in our Air Force rated ready for combat. The ships of our Navy were put into moth balls almost as fast as we could find berths for them and those which remained afloat were manned by skeleton crews. For three years during the late 40's our defense budget was reduced to a little over 11 billion dollars.

Joseph Stalin, when reminded in a wartime conference by Winston Churchill of the point of view of the Pope on a particular matter replied, "The Pope? How many divisions does he have?" Stalin looked out across the west and saw the divisions melting away. He tried to keep the northwest province of Iran—the first case before the United Nations Security Council. He demanded the two eastern provinces of Turkey, ignored agreements providing for free elections for the political status of the countries of Eastern Europe, supported the guerrillas going after Greece from bases and sanctuaries in Albania, Yugoslavia and Bulgaria, arranged a coup d'etat in Czechoslavakia, blockaded Berlin and gave the green light to the North Koreans to go after South Korea. Despite the strenuous efforts of revisionist historians, these were the events which started the Cold War. If the United States contributed to the origins of the Cold War, perhaps it was because we subjected Stalin to intolerable temptations deriving from our own weakness.

I shall come back to the necessity for arms limitations presently, but at the moment I must express the gravest misgivings about unilateral disarmament not accompanied by corresponding actions by others.

Enough for the moment about those things we are inclined to forget. People of my age must try to understand that this present generation of young people now in our schools and colleges—or just emerging from them—is a very special generation in the long history of the human race. These young people have on their plates certain problems which are different *in kind* than any the human race has faced before and some of these problems must reach a rather definitive solution within the next few decades if homo sapiens is going to make it. I have in mind the harsh necessity of a definitive end to the nuclear arms race and the possibility of an all-out nuclear war.

I also have in mind such matters as irreparable damage to our fragile environment, the awesome problem of population growth, the longer term aspects of the energy situation, the prospect of the disappearance or sharp diminution of certain nonrenewable resources, such as key minerals, and relations among people of different racial, religious, cultural or national backgrounds. This list could be substantially enlarged by other items, but the direction of my concern is apparent. These are the problems which caused me to decide to spend such time as remains to me in working with young people in the field of international law. In passing, let me say that I have an enormous respect for and confidence in this generation of young people, and I shall not patronize them by trying to say why this is so.

Although I believe that there are ways in which we must draw back from certain responsibilities to which we have become accustomed in this postwar period, I am very seriously concerned about a mood of withdrawal from world affairs among many of my fellow Americans. We shall not solve our most urgent national problems over time without a high degree of effective international action. In any event, in a nuclear world, there is no place to hide and isolationism is almost synonymous with suicide.

It should be noted that foreign affairs is that part of our public business which we ourselves cannot fully control. Beyond our borders are more than 140 nations, each with its own problems, traditions, aspirations, ambitions and capabilities and no one of which simply salutes when we speak. We should understand, therefore, that elements of disappointment and frustration are an inevitable part of our experience with the rest of the world. We should not let these irritations, however, cause us to try to live like a hermit nation—the very effort would doom us to disaster.

It seems to me that the Number One problem before the human race remains the organization of a durable peace. My generation came out of World War II believing that collective security could be the key to the prevention of World War III. But let us not delude ourselves—the idea of collective security has significantly eroded. I can understand why that should be so among the American people. We have taken approximately 600 thousand casualties in dead and wounded since the end of World War II—and the effort has not been very collective. We provided some 90% of the non-Korean forces in Korea and some 80% of the non-Vietnamese forces in Vietnam. I can understand a fellow American who wonders, therefore, if collective security is a very good idea.

What we are not doing, however, is talking seriously about this question and which alternatives are available to us, if any, as we turn away from collective security. It may be that our answers for the future will be far more complex than a simplistic idea such as collective security but our answers cannot afford to overlook the problem posed by armed battalions on the march.

At this point it might be well to remind ourselves of the limitations of time and space which impair an effective public discussion of serious and complicated matters. There are not enough trees in the world to permit the written press to print all the news that is fit to print. Our friends in the news media face the very difficult task of deciding how to use the limited column inches and the few breathless moments on electronic journalism to report a fraction of the blizzard of information which is falling in upon the world. We readers and listeners cannot spend all of our time in reading and listening; we have to try to get our jobs done. The result is that we tend to talk about major policies in shorthand—in words and phrases which conceal as much as they reveal.

For example, we have heard a great deal about the word deténte. Does this mean that a new heaven has arrived on earth in which all major problems and dangers between potential adversaries have been resolved? Obviously not, but there are degrees of illusion and euphoria about the word which deserve a note of caution. For some, deténte seems to mean that the Cold War is finished. Have we unilaterally repealed the Cold War only to find that others continue to wage it? Properly understood, it seems to me that deténte represents a necessary and persistent effort to find possible points of agreement on large matters or small, between those who might consider themselves adversaries in order to broaden the range of common interests and to reduce the number of issues on which violence might occur. It does not mean losing our wits, giving away our heritage or undertaking agreements which are not in our own interest as well as in the interest of others. Attempts to find such agreements are not a recent invention but permeate the entire postwar period. One recalls the Baruch Plan to eliminate all nuclear weapons, Secretary of State George Marshall's invitation to the Soviet Union to participate in the Marshall Plan, the Austrian State Treaty and the Antarctic Treaty of the Eisenhower Administration, President Kennedy's Nuclear Test Ban Treaty, the Civil Air Agreement, the Consular Agreement, the Nonproliferation Treaty, the space treaties of the Johnson years and the Four-Power Berlin Agreement, the beginnings of the SALT agreements and effort to improve trade of the Nixon and Ford years.

We share with the Soviet Union a major common interest represented by both sides, namely, the prevention of an all-out nuclear war. We should try, it seems to me, to broaden that common interest by other agreements if and when such agreements become possible without forgetting the major differences in commitment and purpose which remain basic to our two systems.

Another phrase which is more confusing than clarifying is "the domino theory." In reality this is a euphemism reminiscent of a game played on the living room rug which rests upon the problem of territorial and political expansion across international frontiers. The theoretical basis for much that has happened to provoke the expression lies in the Marxist Doctrine of the world revolution. In another era the same problem was posed by "Mein Kampf". Surely, it is not asking too much to take an honest look at what the doctrine of world revolution appears to mean today, what those who are committed to it are saying about it among themselves, and what actions are being taken to advance the world revolution. It may be that the answers to these questions will change from time to time—but at least the question should be examined as honestly as possible.

Another shorthand phrase which confuses our public discussion "the world's policeman." The United States has never attempted that role, our own people would not support it, and other nations would not tolerate it. There are some situations where we have undertaken obligations by our most solemn constitutional processes because the United States concluded that the security of certain areas was vital to its own security. But that has not meant that we have circled the globe looking for places in which to intervene in connection with the some 400 situations of violence which have occurred since 1945.

A major change in the world situation has come about by the explosion of state members of the world community. When the architects of the United Nations were instructed in 1945 as to the basis for planning the new headquarters of the United Nations—then with a membership of 51—the architects were told to prepare for a membership of 60 with a possible expansion to 75. Today there are 138 members with at least another dozen waiting in the wings. Today, less than 10% of the world's population and less than 2% of the financial contributions to the United Nations can cast two-thirds of the votes in the United Nations General Assembly.

This voting power is heady wine, and we should not be unduly surprised if those who have been drinking it are not always sober. We can understand the point of view that a large number of newly independent nations would want some adjustments in the international law in which they had no part in forming, but we must make it very clear that new international law cannot come into being without the consent of the major legal and political systems of the world, including the Soviet Union, Western Europe, North America and Japan.

There are three features of this new large majority in the United Nations which cause me real concern. The first is that the sociology of large group interaction indicates that the most strident voices tend to prevail in the so-called Group of 77 (now 100) and that the more moderate voices either do not speak up or are brushed aside. We should not suppose that all of the resolutions passed by such a majority, in fact, represent the considered views of all of the developing and newly independent countries.

For example, the new charter on the Economic Rights and Duties of States would, if read closely, virtually stop the international flow of private capital; there are many developing countries, however, who do compete successfully in private capital markets and offer attractive and assured investment opportunities.

My second concern has to do with diplomatic technique. Where such a group thinks that it has an overwhelming vote at its disposal, its leaders are not very inclined to negotiate seriously and in good faith to try to find a generally accepted answer. We find this tendency present in discussing the "new economic order" and in such matters as the Law of the Sea. The result is likely to be a series of empty resolutions—empty because they do not adequately represent the views of those who carry major responsibilities in the world community.

A third concern is that this large majority is tempted to think that voting power can undo fundamental law—such as the law of the United Nations Charter. For example, Articles 5 and 6 of the Charter deal with the questions of suspension or expulsion from the United Nations. Any attempt by a voting majority to deprive members of the United Nations of their rights as members in disregard of Articles 5 and 6 can have no other effect but the destruction of the United Nations.

As for the United States, I believe that we should make it very clear that the United Nations Charter is the basic condition for our participation in and support for the United Nations. Majorities in the General Assembly must not be allowed to believe that the General Assembly, even with an overwhelming vote, can amend the Charter.

It is not easy to cover in any brief statement matters which could properly require several books about the future of American foreign policy. Perhaps I should conclude by violating my own injunction against shorthand by calling attention to certain questions which I believe deserve major and urgent attention. I am under no illusions that a person of my age can or should try to write prescriptions for the decades ahead. Perhaps all that I can do is to help identify and underline some of the questions.

At the top of my mind is the problem of restraining the unlawful use of force as a means for settling disputes among nations. On this point, I am deeply persuaded that it is important for the United States to be predictable and to avoid the miscalculations and misjudgments in other capitals which have played their own role in setting off wars which no one wanted.

I would hope that your Committee's discussion would help to clarify our policy and attitude—particularly in those areas where we have formal treaty engagements. On this point, however, I would emphasize that the point is not merely the attitude of the United States but involves the attitudes of all other members of such alliances.

After I joined President Kennedy's Cabinet, I learned that it had become routine for the Secretary of State of the United States to go to each meeting of the NATO Foreign Ministers and to reiterate in the most solemn terms the fidelity of the United States to the NATO Treaty. I told my fellow NATO Foreign Ministers that I would discontinue that practice because I could not accept the notion that this was appropriate for the United States speaking alone; I further stated that if the NATO Foreign Ministers wished to have a common repledging session in which all would reaffirm their commitments, the United States would participate. I do not believe that it is wise for us to have equivocal commitments. We should find ways to make it very clear that we mean what we say in those commitments which are to continue, and we should terminate any which do not represent our real intentions.

Next, Mr. Chairman, I attach the highest importance to the effort to bring the nuclear arms race under control and to turn the level of nuclear weapons sharply downward on the basis of mutual and reliable obligations among the nuclear powers. I must say that if we could find an answer to the problem of verification (against hiding nuclear weapons in salt mines in Siberia or New Mexico), I would be in favor of an immediate return to the Baruch Plan to eliminate all nuclear weapons.

From the point of view of safety of the American people, which is the primary purpose of our defense, it seems quite clear that we are much less safe with nucelar weapons than we were before these wretched things were invented. Thus far, the SALT talks have achieved little more than a welcome and drastic limitation on ABM's and some limitation on submarines. I have great respect for the difficulty and complexity of the problems involved, but I would hope that we would press this effort as strongly and as realistically as possible. If it becomes possible to achieve an agreement on the 2,400 launchers of the Vladivostok Agreement (and that is not yet assured), I would hope that we would move immediately to try to reduce that aggregate to at least one-half such a total.

I am very much concerned about the prospective proliferation of nuclear weapons into hands of more and more nations. If there are governments who think that we are simply trying to maintain a self-serving discrimination between those who have nuclear weapons and those who do not, I would remind them that the United States tried to ensure that there would be no nuclear weapons in national hands and that the possession of nuclear weapons does not liberate but imprisons.

I do not believe that the problem of proliferation can be dealt with by simple generalizations. It will require a diversified effort on many fronts. The greater the number of leaders who have nuclear weapons at their disposal, the greater becomes the chance that these weapons will fall into the hands of someone who may elect to play the role of Samson and bring the temple down around himself and everyone else at the same time.

When one looks ahead for several decades, one cannot escape the fact that the Family of Man is confronted with certain major issues which affect us all and which will require a major common effort if we are to deal with them effectively. For the moment, let me just mention the problems of the environment and of population explosion.

On environmental matters, we are very fortunate that the United Nations Environmental Programme is under the leadership of Mr. Maurice Strong of Canada. I have been concerned by the fact that his resources are so meager that the UNEP effort is not gaining the momentum which we urgently require. One who is genuinely interested in the environment is dismayed by the slender resources which can be allocated by UNEP to the various elements of the problem which need attention. I realize that the Congress has serious problems with a large federal deficit and with a United States contribution which is disproportionate to the contributions of others. It may be, however, that the Administration and the Congress might be willing to consider an earmarked categorical grant to UNEP on one or two matters of much urgency.

On the population issues, the nations of the world appear to be divided about half and half on the policy issues involved. I see no present prospect of dealing with the matter on a basis of coercion, but I would hope that we would be willing to cooperate as extensively as possible in supporting programs which rest upon the voluntary decisions of government and peoples to get at this dangerous question. Unless voluntary action can make a major impact rather quickly, this present generation of young people will see the truisms of Malthus take over and exploding populations will once again become a major cause of war.

As far as hunger is concerned, I believe that the United States should try to play a responsible role in meeting the urgent needs of those who are in desperate danger of starvation. However, the United States does not have the physical and fiscal capacity to feed the hungry people of the world. The scale is simply beyond us.

I would hope, therefore, that the Unitd States and the World Food Council would emphasize the necessity for each country to take the most drastic action with respect to its own food production. If there are nations who think that insistence upon self-help is an unwarranted intervention in their internal affairs, they should be reminded that their calls upon us for help are an interference in our internal affairs. Having had something to do in the past with what is now called the "Green Revolution," I would not attempt to take your time to sketch out the array of measures which are needed if we are to prevent starvation.

There is one matter in which I think the United States should try to pull back from certain involvements which have been habitual with us in the postwar period. The wealth, power and influence of the United States have made influence upon American policy a major goal of many foreign offices right around the world. When two nations, however remote, find themselves in dispute or conflict with each other, each habitually has come to us asking us to support *their* own view of the dispute. If we fail to support both sides 100%, then both go away angry with us. There have been times when we have been able to contribute to the solution of such a dispute, but more often the parties themselves refuse to make the necessary accommodations and enjoy an anti-American resentment. I believe that we should be more careful about being drawn into such quarrels.

Both Britain and Spain, for example, asked us to become involved in their dispute over Gibraltar. We simply reminded them that they had diplomacy before the United States was born, and that we would not get into that problem in any way, shape or form.

I happen to believe that we have been too much involved in the Cyprus dispute—including the days when I was Secretary of State. In the first instance, the responsibility rests upon the Greek and Turkish Cypriots. The second echelon of responsibility rests with Britain, Greece and Turkey, who are the co-guarantors of the Cyprus settlement of 1959–60. In the third echelon, I would put the Secretary-General of the United Nations and the Secretary-General of NATO (Greece and Turkey being fellow members of NATO). If the United States can be of any help to any of these, so much the better, but I would hope that we could find some way to make it clear that we cannot be responsible for the unwillingness of Greek and Turkish Cypriots to cut through their long-standing animosities and to find a way to live together on that common island.

The foreign policy of a great nation like the United States, in a world of more than 140 nations, must of necessity be a very complex matter not capable of being summarized by a few words or sentences. Some one to three thousand cables go out of the Department of State on every working day throughout the year. Often small things can be just as important as the large events which seize the headlines. Self-criticism is the life blood of a vigorous democracy but self-flagellation can be destructive. When we look back upon the actions of the United States during and since World War II, we see a nation which has written a moving story of responsibility, generosity and restraint. Enormous wealth and power have been harnessed to the simple and decent purposes of the American people. There have been mistakes and disappointments in the past as there will be in the future, but it is not a record of which we should be ashamed and is a basis for moving into the future with hope and confidence.

McCLORY RESPONDS TO CRITICS OF HANDGUN REGISTRATION AND LICENSING

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. McCLORY. Mr. Speaker, over the long course of the handgun control debate I have always been struck by the emotional and extreme position which some otherwise well-intentioned persons advocate. I recently had the opportunity to read a position paper of a Washington organization, the National Council to Control Handguns—NCCH—on the subject of handgun registration and licensing. This organization was recently formed in pursuit of the ultimate goal of banning manufacture, sale, and private possession of all handguns. In connection with that extreme view the council issued a position paper which criticized registration and licensing as an effective means of handgun control and expressed strong opposition to any such legislation. The arguments of that position paper contained such faulty assumptions and inaccurate statements that I felt compelled to respond to it. I am submitting the position paper and my letter of response for printing in the RECORD in the hope that those Members of the House who urge the complete abolition of handguns might recognize the folly of that position.

To make the record clear, let me restate my position: I oppose any efforts to eliminate the private possession of handguns or any other firearms by law-abiding citizens. However, because the problem of the criminal misuse of handguns is increasing at such an alarming rate, I propose a system of handgun registration and handgun owner identification as a means of reducing the easy accessibility to handguns by criminals. The position paper and my reply follow these remarks:

NCCH POSITION REGARDING LICENSING AND REGISTRATION

(NOTE.—"Licensing and Registration" is intended here to refer to bills which would allow most citizens to receive a license to possess a handgun; excluded would be convicted criminals, drug addicts, mental defectives, etc. Also, handguns and handgun transfers would be required to be registered.)

The licensing and registration legislation presently up for consideration has been seen by some as a potential first step in the direction of resolving the serious problem of handgun violence in America. But rather than a step forward, the NCCH regards it as a step in the wrong direction.

Such a bill would establish a large bureaucracy at considerable expense to the taxpayer. Mountains of paperwork and endless processing of forms would be required. It's doubtful that even the most efficient agency could keep up-to-date accurate records on every handgun, handgun owner and handgun transaction. Moreover, as has been demonstrated many times in the past, bureaucracies acquire a life of their own. We see the only truly effective handgun control legislation as that which would restrict handgun possession to a small number of appropriate groups; i.e., police, military, licensed security guards and licensed pistol clubs. Such legislation would require a much smaller bureaucracy to administer than licensing and registration. Therefore, a licensing and registration bureaucracy would have a vested interest—namely, their jobs—against the simpler, more restrictive legislation. In other words, they would be a powerful force against stronger legislation.

However, cost and unwieldy administration are not the principal reasons for our opposition to this legislation. We are not necessarily against spending money and establishing bureaucracies. Our primary concern is whether a licensing and registration system would change the statistics of handgun violence. If a criminal used a handgun in a holdup, would it help to know it was stolen from John Smith, age 35; height 5'11"; weight 170 lbs.? If a husband kills his wife, would it change anything that there is a slip of paper in a drawer saying the pistol was registered? While licensing and registration would provide some assistance to law enforcement agencies in tracking down handguns used in crime, it does nothing to prevent such violence.

The problem really is the number of handguns in our society—40 million and increasing at the rate of 2.5 million every year. A bureaucracy processing forms would provide only the illusion that the potential for the violence of handguns would somehow be reduced. First of all, it's not true that so-called normal people are never violent. Many of the people who commit murder could easily get a handgun under the proposed licensing and registration legislation. In addition, the sheer numbers of pistols and revolvers in this country—registered and unregistered—guarantees a supply for criminals by theft and illegal purchases.

In a society where the criminals are armed, it's understandable that decent people would feel safer with a handgun under their pillow. But this is also an illusion. Because of the element of surprise in most criminal attacks, handguns are not defensive weapons. In spite of increases in handgun ownership for self defense, violent crime continues to rise. It's an ever escalating war, and it's hard to see how licensing and registration would do anything to interrupt the spiral of violence.

CONCLUSION

Licensing and registration—would it be expensive? Yes. Unwieldy? Yes. Only marginally efficient? Yes. We would tolerate this if we felt it would, in any way, deal with the problem. But of all the possible responses to the ever increasing threat of handguns to the quality of our life, we see licensing and registration as perhaps the most frightening; frightening because it accepts, legitimizes and actually sets up a system to perpetuate the arming of American society.

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 15, 1975.

Mr. MARK BORINSKY,
Chairman, The National Council to Control Handguns, Washington, D.C.

DEAR MR. BORINSKY: I have recently had the opportunity to review a position paper published by the National Council to Control Handguns regarding licensing and registration. The position paper contains such faulty assumptions and inaccurate statements that I feel compelled to respond in the hope that when presented with accurate information, your organization might change its position.

I understand the goal of your organization to be the complete elimination of the handgun from American society except when used by police, military, licensed security guards, and pistol clubs. In support of that goal, the position paper argues that registration and licensing: (1) would require, at great expense to the taxpayers, a large "unwieldy" bureaucracy with a vested interest against further restrictive controls; (2) would do nothing to prevent "crimes of passion" and other forms of handgun violence; and (3) would provide only "some assistance" to law enforcement agencies in the investigation of handgun crimes. You conclude quite passionately that "of all the possible responses to the ever increasing threat of handguns (you see) licensing and registration as perhaps the most frightening."

It is apparent that you or your organization is abandoning reason—in favor of an emotional appeal in support of your thesis "ban the gun". Also, it appears that you have not been following closely the hearings of the Subcommittee on Crime in which each of your contentions has been demonstrated to be erroneous.

First of all, preliminary studies being conducted by the Subcommittee staff, with the assistance of experts from the General Accounting Office, indicate that registration and licensing systems, whether administered by the Federal or State agencies, would require neither the expenditure of enormous sums of money nor the employment of an inordinate number of personnel. As I am sure you are aware, this is the era of automated data processing and, with the advanced technology presently available, efficient registration and licensing systems could easily be established at acceptable cost levels.

Furthermore, it is not necessary to place the burden of such systems on the taxpayer. Any system of regulation of the ownership of handguns should properly be supported by fees paid by the users of the system—the handgun owners. As in the case of automobile registration and licensing systems, such fees could be quite reasonable, and would not impose an undue burden on law-abiding citizens who purchase, possess and use handguns.

In addition, the fear expressed in the position paper about the self-perpetuating bureaucratic interest of a registration and licensing agency seems essentially to be an argument against the principle of registration and licensing rather than the problems of implementation. The impression I receive from the position paper is not so much that you fear the influence of a registration and licensing bureaucracy, but rather that you abhor the underlying principle of such a system—which is to permit the regulated private ownership of handguns by law-abiding citizens. I will deal with that shortly.

Second, as the position paper acknowledges, financial and administrative costs are not unacceptable burdens if the benefits of a system are attainable and desirable. I agree with the assertion that the primary concern is whether a registration and licensing system would change the statistics of handgun violence. In fact, testimony received by the Subcommittee indicates that such a system would lessen the incidence of handgun violence by serving as a valuable preventive of handgun misuse.

Any system of registration and licensing first would be designed to prevent persons with criminal, mental or other disabilities from obtaining handguns. This would be done simply by checking the personal history of a prospective handgun purchaser, and preventing the purchase if he falls within a prohibited category. Information received from the Bureau of Alcohol, Tobacco & Firearms suggests that the impact of this system on the criminal misuse of handguns can be expected to be effective quickly. Studies have shown that about half of the handguns used in crime are five years old or less. Thus, within a few years, criminal acquisition of new handguns, which unfortunately has been shown to be a current phenomenon, would be significantly reduced. A properly drawn system of registration and licensing would also have an impact on the criminal acquisition of used guns, the remaining half of handguns used in crime. If each owner of a handgun was accountable for his weapon, it can be expected that criminal acquisition and misuse of that weapon would be reduced, since he would take greater care to safeguard it from loss or theft.

Finally, contrary to the implication of the position paper, a system of registration and licensing would also have an impact on the use of handguns in "crimes of passion" between relatives and acquaintances. Information received during hearings has shown that in a substantial percentage of such "crimes of passion" both the victim and the offender had criminal histories. Any system designed to prevent the acquisition of handguns by such persons can be expected to decrease the number of such homicides.

Third, not only is the position paper incorrect in its conclusions concerning the preventive effects of registration and licensing, but it also conveniently understates the value of a system in the investigation of crime. Current registration and licensing systems now in effect suggest that an expanded system would be of enormous value in this area.

You seem not to be aware that the Bureau of Alcohol, Tobacco and Firearms currently conducts a large-scale firearms tracing operation based on the records required to be kept by licensed manufacturers and dealers under the Gun Control Act of 1968. This, indeed, constitutes a limited form of registration. Since its inception, this tracing capability has been expanded so that the Bureau is currently tracing about 3,000 weapons a month. The value of this tracing capability is proven merely by the number of trace requests—over 36,000 annually—submitted by Federal, State and local agencies. The current number of traces alone are persuasive evidence of the value of a tracing capacity. But, as the Director of the Bureau has testified, the tracing capability has not been widely advertised among the 40,000 law enforcement agencies in the United States, and if it were so advertised, the traces requests would at least triple. Furthermore, a survey recently conducted by the Bureau indictes that 73 percent of traces assisted in the investigation of a crime and 42 percent assisted in the prosecution of cases where a firearm was involved. While you seem to feel that the tracing capability of a registration system is of limited value, the law enforcement community takes quite a different view.

Some of these criticisms of registration and licensing are somewhat puzzling since they can be directed with equal force against the solution which your organization proposes—the elimination of the private possession of handguns. Certainly the ban on possession will require a large bureaucracy to receive and handle the handguns which are surrendered to the government. The government will be required to compensate the owners of those weapons as they are turned in. Conservative estimates of such a cost are enormous: if we assume that there are now forty million handguns in private possession (a conservative estimate as Director Davis has testified), and if we assume that the average value of a handgun is fifty dollars (again a conservative "guesstimate"), then it would cost the federal government two billion dollars to compensate handgun owners for their weapons. More realistic estimates are between four and five billion dollars, and this cost is not recoverable.

A ban on possession has even more disturbing civil liberties implications. For, if possession is banned, will we allow the police to raid the homes of previously law abiding citizens who are believed to possess handguns in violation of the possession ban? If this expanded power of search and seizure is expected to be exercised selectively within the discretion of police officials, will not communities where the greatest incidence of both violent firearms crimes and "crimes of passion" occur? Are you willing to tolerate either of these possibilities? And if you feel that the dangers of such expanded power justify a limitation on police will not your ban on possession become unenforceable and, therefore, meaningless? The inevitability of these problems suggest to me that there are serious practical obstacles, in addition to philosophical and political objections to any such ban on handgun possession.

However, by far the most disturbing aspect of your position paper is your description of registration and licensing as "frightening" because it "accepts, legitimizes and . . . perpetuates" the possession of handguns by private citizens—as you describe it "the arming of American society." If, as your paper states, "The number of handguns" is really the problem, then your fear should be tempered by the number of handguns that are not misused, and, indeed, the number of handgun owners who use handguns in lawful ways to the detriment of no one else. For, of the estimated 40 million handguns, far less than one-half of one percent are involved in crimes of passion, crimes of intent, and all other types of misuse taken together. Indeed, almost all handgun owners are aware of the dangers of handguns and handle them with care, in complete accordance with the law and in ways not harmful to others. The point is simply that handguns have always been and may always be accepted and legitimized and perpetuated in America.

Your misconception of the handgun is further aggravated by a misunderstanding of the role of the federal legislature. We are not sent to Washington to engage in the complete redesign of American morals or lifestyle. We are not elected as social engineers to change the beliefs and habits of the overwhelming majority of American citizens who abide by the laws and cause harm to no one. Although your position paper deprecates most such citizens as being "so-called normal people", their interests and desires must be considered and accommodated if possible.

And, in the case of the 99.5 or more percent of handgun owners who follow the law and who possess and use handguns safely, their interests can and should be accommodated. The problem we face today is not their use of handguns, but the misuse by robbers, muggers, and rapists on the streets of America. That is where our attention should be directed. A carefully drafted measure creating the framework for a registration and licensing system would do just that.

It is my hope that organizations such as yours will begin to realize not only that your position, conceived as it is in good faith, is wrong, but also that it is hopeless. This Congress will never pass a complete handgun ban. I doubt that any Congress would ever pass such a ban. Moreover, the position of your group is so extreme that the Preisdent and many legislators have chosen to ignore it. As for myself, I have listened long enough, and I feel that some rebuttal must be made, for it is groups such as yours which are interfering with the chances for a more responsible, effective, and "passable" bill in this Congress.

Sincerely yours,

ROBERT MCCLORY,
Member of Congress.

FINANCIAL STATEMENT

HON. EDWARD MEZVINSKY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. MEZVINSKY. Mr. Speaker, I have long held the view that a public official's financial ties are not his concern alone, but reflect quite properly on his right to hold the public trust. Citizens need to know this information so that they can reassure themselves that their Representative's decisions are honest, independent, and solely in the interests of his constituency. Full financial disclosure is an important step toward establishing this confidence.

It is for this reason that I annually release my income tax records for public scrutiny. They are available, upon request, through our Washington or Iowa offices. In 1974, I paid $5,544.69 in Federal income tax and $1,390.06 in Iowa income tax. Additionally, I submit today an annual detailed accounting of my financial holdings and obligations:

Financial statement of Edward Mezvinsky

ASSETS	
Cash on hand and in banks	$2,561.65
*Securities[1]	191,015.67
*Real Estate[2]	25,000.00
Retirement Plan	8,197.75
Personal Property[3]	20,000.00
	246,775.07
LIABILITIES	
Notes payable to to banks	125,310.69
Notes payable to family corporation[4]	7,500.00
	132,810.69
Net worth	113,964.38
Total liabilities and net worth	246,775.07

[1] Represents 1974 Book Value for: 800 shares of A. Mezvinsky Stores, Inc.: and 317⅓ shares of A & F Realty Company, Inc. 400 shares of A. Mezvinsky Stores, Inc. and 292⅓ shares of A & F Realty Company, Inc. are pledged as security for $96,826.32 in bank loans with Iowa State Bank and Trust; and 260 shares of A. Mezvinsky Stores, Inc., are pledged as security for $28,484.37 in bank loans with New London State Bank.

[2] Represents ⅛ interest in 15 acres of undeveloped land in Iowa City, Iowa.

[3] Fine arts, furniture and other personal possessions.

[4] A & F Realty, Inc.

*These interests have been placed in the Edward Mezvinsky Trust. Mezvinsky has no voice in the management of trust assets.

Finally, we recently established a supplemental account, the First District Congressional Caucus, to assist our congressional office with the rapidly mounting costs of operation. Contributions from May 9 through June 30, 1975, have totaled $3,647.50 and expenditures amount to $3, leaving a balance of $3,644.50. The following is a letter from the caucus' trustee, Barbara Mann, to the Clerk of the House of Representatives, stating its purpose and requesting that its report be made available to the public:

Hon. W. PAT JENNINGS,
Clerk of the House of Representatives,
Washington, D.C.

DEAR MR. JENNINGS: Although I recognize that this committee is not required to file a campaign disclosure report pursuant to the Federal Election Campaign Act Amendments of 1974, the First District Congressional Caucus hereby voluntarily submits a record of its receipts and expenditures for the period of March 1 through June 30, 1975.

The First District Congressional Caucus was created on May 9, 1975 solely for the purpose of assisting with some of the expenses entailed in running a congressional office in excess of those reimbursements provided for by the House of Representatives. All receipts will come from Iowans donating small amounts specifically for this purpose. In every instance, the Clerk will receive full disclosure of all amounts received and expended by the Congressional Caucus.

Therefore, in order to meet our obligation to provide the public with this information I request that the Clerk keep this report on hand and make it available upon request.

Sincerely,

BARBARA MANN,
Trustee, First District Congressional Caucus.

State of Iowa, county of Johnson.

I, Barbara Mann, being duly sworn, depose (affirm) and say that this Voluntary filing of Receipts and Expenditures is complete, true, and correct.

BARBARA MANN.

BB CHAMPIONSHIP CALLED "BEST YET"

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. TAYLOR of Missouri. Mr. Speaker, I am pleased to announce that the Joplin, Mo., Chamber of Commerce-sponsored BB gun team defeated teams from 43 States and Canada to win the 10th annual Jaycee International BB Gun Championship held in Clarksville, Tenn., over the holiday weekend of July 4, 5, and 6.

This is the third time the Joplin team has emerged victorious, having won the championship in 1966 and 1973.

Individual honors went to Daniel English, age 15, who set a new world individual record in the grand aggregate matches and his teammate Steve Julian, age 13, took second place.

Marci Mueller, age 14, won first place in the girls' written examination which determined the contestant's knowledge of gun safety and shooting principles. Daniel English also won first place in this event.

Other members of the team include Mark L. Smith, age 13, who took third place in the standing event, Kelly Russell, age 12, of Webb City; and Randy Ridings, age 11. The team is coached by Bob English, and Jim Ridings is the instructor.

Mr. Speaker, I wish to commend the members of the team, their coach, and instructor, as well as the Joplin Jaycee's for their sponsorship. They have demonstrated a tremendous competitive desire and have brought another honor to their fine community.

A newspaper story from the Joplin Globe is included which will add additional information:

[From the Joplin Globe, July 8, 1975]

BB CHAMPIONSHIP CALLED "BEST YET"

Tenth and "best yet" was the acclaim bestowed on the 10th annual Daisy-U.S. Jaycee International BB Gun Championship won Sunday in Clarksville, Tenn., by the Joplin Jaycee-sponsored team of the top marksmen representing Missouri.

After reading a citation written by The Joplin Globe's Bill Potter on behalf of the Outdoor Writers Association of America citing Daisy and the U.S. Jaycees for the tremendous success of their shooting education program for youth, Bob Steber, the Nashville Tennessean outdoor editor, commented Sunday night during the Banquet of Champions that Potter must have had a "premonition" because "Joplin took it all" with few exceptions.

Joplin team members include Butch English, 15, son of Mr. and Mrs. Bob English, 2002 E. 36th St.; Marci Mueller, 14, daughter of Dr. and Mrs. A. R. Mueller, 615 Hampton Place; Kelly Russell, 12, daughter of Mr. and Mrs. Gene Russell, 107 Golf Road, Webb City; Mark Smith, 13, son of Mr. and Mrs. Floyd Smith, 1916 Grand Ave.; Steve Julian, 13, son of Mr. and Mrs. James R. Julian, Joplin route 2; and team alternate Randy Ridings, 11, son of Mr. and Mrs. Jim Ridings, 2920 Wall Ave.

The coaching staff included Bob English, head shooting coach; Jim Ridings, educational coach; Mike English, 13, and Dr. A. R. Miller, assistant coaches, and David Wunderlin, 14, air rifle mechanic.

Individual scores of the sharp-eyed Joplin youngsters compiled during international competition on the campus of Austin Peay State University in Clarksville are as follows:

Team member	Prone	Sitting	Kneeling	Standing	Totals
Butch English	100—1x	100—3x	96—1x	98—3x	394—8x
Marci Mueller	96	95	93	90	374
Kelly Russell	65—1x	97—1x	88	91	371—2x
Mark Smith	97	99—1x	93	98—1x	387—2x
Steve Julian	95	100—3x	100	99—1x	394—4x
Totals	483—2x	491—8x	470—1x	476—5x	1,920—16x
Alternate Randy Ridings	94—1x	96—2x	90—1x	92	372—4x

The Joplin team had the highest team score, 486, on the written test, which determined the contestants' knowledge of proper gun handling and safety. Jim Ridings, who coached the Joplin youths for the written test, was presented a shotgun.

The youths' individual test scores were English, 98; Mueller, 98; Russell, 97; Smith, 97; Julian, 96, and Ridings, 85. Marci Mueller had the highest score on the written test in the girls' category, and Butch English had the highest score in the boys' category. They both received medallion awards.

Bob English, shooting coach of the new world champions, received a Daisy model 770 air rifle. Butch English set a new match record with his 394-8x (old record 389) to capture the grand aggregate individual world championship. His teammate, Steve Julian, was second with 394-4x and Marla Hobbs, Norton, Kan., was third at 389-3x, the high girl shooter in the match.

Steve Julian's 99-1x in the standing position also set a new match record. English's 98-3x took second in the standing position, and Mark Smith's 98-1x took third. Julian's 100 took first place in the kneeling position, and his 100-3x in the kneeling position, and his 100-3x in the sitting position also won first place. English's 100-3x took second in sitting. The 100-3x scores tied the existing world record in the sitting position. English's 100-1x won second place in the prone position.

The Joplin team reportedly looked like Olympic winners with their many medals and awards following the crowded awards banquet Sunday night. Awards were presented during the banquet by the president of Daisy and the U.S. Jaycees and Karen Peterson, Miss Teenage America 1975. The Acme Boot Company, headquartered in Clarksville, presented the winners each with a pair of fancy boots.

The weatherman smiled on the tournament. Winds and rain Saturday night forced officials and crew to take down the 316-foot canvas backdrop. Then it cleared for Sunday's final round.

Competition included teams from Canada and 43 states, including Hawaii. It was the fifth consecutive year and the seventh time in 10 years that a Joplin team has represented the State of Missouri in the international competition.

It is the third World Championship won by a Joplin team. Joplin's Floyd Smith and Burt Stockton, coaches of the 1966 and 1973 international champions, respectively, attended the 10th anniversary activities. A total of 33 Joplin residents, including competitors, coaches and assistants and parents were on hand for the world competition. The team is expected back in Joplin later this week.

A CONSTRUCTIVE PROPOSAL ON MIDDLE EAST

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. FINDLEY. Mr. Speaker, the cause of world peace continues to be threatened by the unceasing tensions in the Middle East. The urgent need for a resolution of the present hostilities among the nations and peoples of the Middle East is well served by the work of two distinguished American scholars who have developed a well thought out plan for advancing the cause of peace in the Middle East.

Dr. Morton A. Kaplan, director of the Arms Control and Foreign Policy Seminar at the Center for Policy Study of the University of Chicago, and Dr. Cherif Bassiouni, professor of law at DePaul University, have coauthored a "Protocol on Principles of Peace," which is a significant proposal for implementing a viable method of negotiation among the parties involved in the present Mid East conflict. The basis of their proposal is adoption of a set of sound principles to form the basis of negotiations.

If the continuum of change in favor of world peace is to be advanced, proposals such as this "protocol" represent a truly creative step in arriving at a method of constructing an instrument of negotiation for establishing peace in the Middle East.

I urge my colleagues to examine with care the "Protocol on Principles of Peace" by Professors Bassiouni and Kaplan:

A MIDEAST PROPOSAL

(By M. Cherif Bassioui and Morton A. Kaplan)

PROTOCOL ON PRINCIPLES OF PEACE

The parties to this Protocol, desirous of insuring a just and lasting peace that is based on principles of international law, and concerned with the protection of the human rights of all peoples and persons in the area, hereby agree to the Principles enunciated herein as constituting the framework of their negotiations and agreements for a permanent peace between them.

1. The right of all peoples to live in peace, security, and dignity within a recognized state of their choice and under a form of government of their choice.

2. The right of the contracting parties to have secure and recognized boundaries not subject to forcible change and, consistent therewith, the recognition of the principle of non-acquisition of territory by use of force.

3. The restoration of the pre-1967 borders shall be effectuated. Concurrently boundary abutting conditions compatible with the reasonable defenses of the parties shall be established but only for as long as such needs realistically continue to exist. (See Article 9.)

4. Self-reinforcing security conditions shall be established as a result of agreements stemming from the principles of Article 3 and shall be overseen by a joint commission under United Nations auspices. Such commission shall prepare annual reports on their implementation. On the basis of such experience these security conditions shall be reviewed by the parties periodically but at least every five years with a view that in good faith such conditions be terminated as soon as practicable.

5. The right of self-determination of the Palestinian people is hereby expressly recognized, and, consistent therewith, the parties shall cooperate in the prompt establishment of a Palestinian state on the "West Bank" and "Gaza strip."

6. The future political relations between the State of Palestine and the State of Israel are a matter of concern for the peoples of these two states, including the possibility of a strictly peaceful evolution and transformation of their political ties or structures subject to the protection and preservation of the human rights of both communities and of their constituents.

7. The right of all the peoples from the region to return to their homes shall be recognized. That includes the return of Palestinians to Israel, and the return of those who had lived in the Arab states to return thereto, subject to reasonable considerations of continued family ties, national security, and the integrity of national identity. To this end joint commissions, including a joint Israeli/Palestinian commission, shall be established to explore means of implementing this principle.

8. Where individuals in states of the region have been displaced from other states in the region and their property seized, confiscated, or sold at inadequate price, each state shall establish a commission to consider applications for adequate, just, and prompt compensation.

9. The boundary arrangements between Israel, Palestine, and Jordan shall include provisions for the peaceful passage of commerce and for civilian movement through Israel.

10. All parties shall have the right to free and innocent maritime passage in and through the Red Sea and the Suez Canal.

11. Maintenance of the substantial municipal unity of Jerusalem in a manner agreed upon by the parties and subject to the provisions of Article 2. The placement of the holy places in Jerusalem under guardianship acceptable to leaders of the faiths to which they belong and with international guarantees for free access to members of the respective faiths.

12. The parties shall cooperate in the preservation and restoration of the cultural heritage of the region.

13. After the previous principles have been implemented by incorporation in one or more treaties or agreements, good faith efforts shall be made to include, where feasible and consistent with national security and considerations of sovereignty, self-reinforcing procedures for conflict resolution such as, but not restricted to, resort to the International Court of Justice, arbitration, or mediation.

14. The Principles stated above shall be binding on the parties who sign below for six months from the date of signature except that the parties agree that if substantial and good faith efforts are being made to reach agreement, no fewer than two three-month extensions shall be granted.

Signed simultaneously this —— day of ———— 1975.

For the Arab Republic of Egypt, Done in Cairo, Egypt.—

For the State of Israel, Done in Jerusalem, Israel.—

For the Hashemite Kingdom of Jordan, Done in Amman, Jordan.—

For the Palestine Liberation Organization, Done in Damascus, Syria.—

For the Syrian Arab Republic, Done in Damascus, Syria.—

AFRICAN DEVELOPMENT FUND DESERVES FULL AMERICAN SUPPORT

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. FAUNTROY. Mr. Speaker, I am pleased to take this moment to bring to the attention of my colleagues the need for the United States to participate in the African Development Fund, a multilateral development agency in Africa, for whom funds have been requested by the administration and numerous Members of this House.

As a bit of background, allow me to briefly distinguish the African Development Fund, AFDF, from the African Development Bank, AFDB. Both are development institutions committed to improving the opportunities of Africans. The fund was set up in July of 1973 by a group of 15 industrialized nations in cooperation with the AFDB. The United States became eligible for membership in this concessional lending fund on December 31, 1974. We would be recognized as an original member because of U.S. participation in the negotiations of the original agreement establishing the fund. The United States would join Canada, Denmark, Japan, the Netherlands, Norway, Sweden, Switzerland, United Kingdom, and Yugoslavia as nonregional contributors. The nonregional contributors exercise 50 percent of the vote on all loan policies. This vote is divided among the members according to the size of their pledges.

Unlike the Bank, therefore, the United States would have a vote that is in proportion to its contribution to the fund. This is a significant difference because the lack of voting rights in the Bank for non-African States has been of substantial concern for many Members of this Congress and of the executive branch generally.

The fund is the soft-loan mechanism for the African Development Bank. It will support basic infrastructure, such as roads, health care, irrigation and agriculture projects. These soft loans are made with little concern for high return on the investments.

The African Development Bank, on the other hand, is concerned with the earnings on its loans, therefore, concentrating their loans in the industrial or hard loan sector. The responsibility of the Bank is to promote Africa's economic and social development, particularly in the sphere of African cooperation. Their loan terms insure repayment of the loan plus interest at a rate approximating the current market rate. The Bank's investments, which are capital producing, include cement plants, steel mills, electrical powerplants, and the like.

While I have always had a deep and abiding interest in the developing nations, especially those in Africa, that interest was heightened by my trip to the Sahel in December 1973. At that time I saw, in a way which I find hard to describe with detachment, the depths of despair of people who did not know how they would feed themselves, where the nearest source of water could be located, how they would raise and educate their children, or how to explain the reasons that some lived and others died.

I also saw the great anticipation and hope of the kinds of aid that would end this tragedy, that could come from the United States. So often we only hear of the dislike of Americans—and perhaps that is true with respect to some Africans—but I can only tell you of the enormous respect and appreciation for this Nation that were expressed to me. So, today, I want to share with you some of my impressions that I developed then and have kept since that time.

Let me assure you that aid is not going to make Africans into unquestioning allies of America. Let me further assure you that it will not soothe the consciences of black Americans who ask why we have waited so long and, generally, give so little in light of so great a need.

We have given much, it is true. Unfortunately, we have not given enough—not to Africa, not to Asia, not to Latin America. We have fallen far short of the recommended 1 percent of the gross national product contribution to development that many economists think is a reasonable figure for us and other developed nations to give.

In my visit to Africa and during my meetings with the president of the African Development Bank, Adbelwahab Labidi reminded me of the promise by the late President Johnson where he said that the United States would contribute $60 million to the Development Fund. We have not made any efforts toward fulfilling that pledge. While many would argue that no President should make commitments of such a nature without prior consultation and consent, I can honestly say to you that anyone who visited in Africa could not help but be moved to want to give all of the aid that was necessary to help these people.

The dollar amount which I have selected represents both a desire to fulfill the commitment by our President, as well as being equal in our pledges to the Asian Development Bank. Africa deserves as much of our support as does Asia. Although there is a population difference between the two continents, we need to make up for our lack of aid in the past.

The differences in population are generally oversimplified. Right now, Africa has some of the fastest increasing birth rates in the world. The growth rate is higher than in Asia. At the same time, health care facilities are the worst in the world. Kenya spends only 14 cents per person on health care. The life expectancy for a Burundian is 39 years, while an Indian is expected to live for 49.2 years. Although there are some population differences, the need speaks to the amount requested more than amply.

In the case of Africa, we look at a continent which has been left out of the mainstream of international relations and development. While the United States and the more developed nations of the world became involved in the reconstruction of Europe and Asia after World War II, and the East and Southeast Asian wars, they left Africa to devise its own means. Not only was Africa initially left behind the rest of the developing world, it has been left greatly debilitated in the past few years by the deadly and spreading drought and rampant inflation.

The inflation problem is not unique to Africa. It has been patricularly debilitating as costs for oil and oil products rose just as they did in our country, and their orders for heavy machinery also rose to keep pace with our rising prices. The recorded annual inflationary rate of 14 percent during the 12 months ending in September 1974—which is twice that of 1973—fails to adequately tell the full story. Much of the costs of developing nations must be met with exports of raw materials whose prices—with rare exception—generally fail to keep pace with the rising rates of inflation in many industrialized nations.

While there are those who would suggest that developing nations should band together in cartel arrangements, not unlike that of the Organization of Petroleum Exporting Countries, OPEC, the fact is that these nations do not want to use their resources to threaten the United States any more than we want to use our food resources to threaten them or the Arab nations. Certainly, the United States should not be the sole supporter of development. Because of our sheet weight in the world economic structure, however, we have the chief responsibility to set the tone for development and to do the work of development in those countries which seek developmental aid either through us or through multilateral organizations.

The world food crisis has also taken its toll in Africa. Cereal stocks and reserves all over the world fell to their lowest level in years in 1974, with the result that developed countries cut their food aid programs at the very time the least developed nations needed their assistance. The hardest hit areas were the Sahelian and other drought affected African countries, who sustained a sharp curtailment in food production, in addition to decreased international flows of food. According to the African Development Bank, in 22 of the 41 African nations, food production failed to keep pace with the domestic demand for food which tends to increase as nations develop. In 16 of these nations, food production failed to keep pace with the population growth.

The drought, which accounted for much of this gap in food production, continues to be a major scourge on production because not only have the six Sahelian countries been unable to meet its challenges, the drought has spread to the other countries, Dahomey and Nigeria. The challenge cannot be met without trained technicians, adequate roads, communications, and irrigation systems. These are all projects that can be undertaken by the fund; but, they can be undertaken only if the fund has the money to do them.

At the time of my visit in Africa, the then six affected countries proposed approximately 130 projects with an estimated cost of $15,255,000 that were intended to provide necessary short term recovery for the region. None of the projects were extravagant; indeed, some commentators seemed to feel that their simplicity and directness were among the prime causes that their undertakings lacked what some would call "sex appeal." There is no appeal to a drought—only hard work, and I would hope that we could help them begin this work.

These situations, added to the fact that Africa has 16 of the 25 least developed nations in the world, makes the African continent exceeding deserving of our attention. Yet, up to now, we have not responded with a level of aid which would be adequate and equitable for the need with our resources.

The lack of U.S. involvement in African developments is glaringly evident when the amount of aid going into Africa is compared with foreign aid to other areas in the world. For example, economic assistance to Asia which excludes military aid was eight times as much as the amount given to Africa. Yet the fact is that the underdeveloped population of Asia is at most only four times that on Africa. It appears that similar data can be developed for Latin America, although that continent is faced with the more difficult to measure urban poor for these kinds of statistical purposes. I think that it is fair to state that the kinds of aid distribution which we have heretofore accepted are wrong. It is as wrong to discriminate in the giving of our foreign aid as it is wrong for us to discriminate in the granting of credit within our own Nation.

Where the need is equal, the aid should be equal. Not only do we gave a small proportion of our aid to Africa, but this aid is not distributed according to the needs of the African nations. Morocco with its population of 15.5 million received $19.9 million worth of aid for 1974. Nigeria which has 55.5 million people, and which is beginning to be affected by drought conditions, received only $6.5 million in economic assistance. The Sahelian countries received a one time grant of $59.7 million for emergency relief. This is food, not development—aid. Indeed, more than one third of all aid to Africa is given through the emergency fund of food for peace.

Aside from direct aid, the United States does give some multilateral assistance through the World Bank group. The International Development Association has been particularly helpful to the least developed countries in Africa. The World Bank, however, is only a beginning. It does not have enough resources to make up for the lack of U.S. participation in the African Development Fund. Just as we have given to the regional development programs in other parts of the world, we should now commit ourselves to the regional development programs of Africa. The needs are the same; our commitment should be the same.

United States aid in the past seems to have been determined primarily by military interests. We helped to reconstruct Europe after World War II to make it a strong counterforce to the Soviet influence. We have lately been concerned with Asia and the types of governments developing there. We felt the need to protect our interests in that area, and we channelled large amounts of aid to the area. We have always been concerned with keeping Latin America, at the very least, neutral to overseas influence. In view, however, of our recent military ventures, I think we need to redefine our aims and our goals for foreign aid administered through purely bilateral arrangements.

We have already had some shifts away from direct aid to countries in which we have specific interests to multilateral organizations, which have been successful in developing areas. We are beginning to realize that our bilateral agreements are not always the best way to achieve the development and resources in a specific area. Regional economic development associations have proven to be a very effective way to encourage an area's own development, and to keep friendly relations with that area while development goes on. We may not have to worry about immediate military threats from Africa, but there are other sound reasons that make aid to Africa desirable.

We should try to develop friendly relations with Africa. In an era where we have seen so much blood shed and the world is clamoring for peace, we must take every step toward improving world relations, so no misunderstandings develop. One of these steps should be to stop the exclusion of Africa from modern technology that only aid can provide.

Africa has a wealth of natural resources, which we have been, or in the future could, utilize for our industries here. Presently, 34 percent of all cobalt used in the United States comes from Zaire, which is also part of the African Development Fund.

Africa has 10 potential areas of petroleum spread throughout the continent. As the energy crunch squeezes tighter, we need to look to other areas of potential supply as do the Africans themselves. Development of these reserves would give them foreign exchange reserves and a potential for modern, high energy use industry.

Potential mineral resources exist in 25 out of the 26 minerals necessary for an industrialized nation, such as the United States to continue production. We will never be able to use these resources if they are not developed and if there are no roads and communication systems to deliver them.

We should also examine the possible immediate economic benefits the United

States would receive if we were to join the African Development Fund. Much of our investiment will be returned by increased demand for U.S. capital goods, technical assistance, and other necessary components of development. This, in turn, will increase jobs and exports here in the United States. In 1973, the Inter-American Development Bank added $143.7 million to the U.S. economy, while our payments amounted to $15.3 million. In 1973, we gave the Bank $18 million while they placed $122 million in the United States. In our other multilateral development ventures, we have certainly come out ahead, and there is no reason why Africa should vary this pattern.

Regional banks have proven to be worthwhile institutions for developing countries. The Asian Bank has been providing money for important projects in the area. Seventy-five percent of the money is concentrated in the heavy development areas, such as transportation and electric power. The agricultural aid has gone toward building much needed irrigation and dam systems. In 1970 and 1971, the United States had a net outflow of $33 and $34 million, respectively, to the ADB. Since then, the United States has been receiving the benefits—$19 million in 1972 and $104 million in 1973. Obviously, the ADB members have been able to expand their development to the benefit of the entire world.

The African Development Bank and Fund have also provided many necessary projects to help African nations, despite limited contributions from outside sources. In 1974, 60 percent of funds went for transportation and utilities, has been emphasized since the inception of the Bank and fund in 1967. These are similar to the successful Asian development projects. Ghana obtained a loan for $4 million in order to build a water supply system. Tanzania built a road to transport agricultural products from the interior to a port city for distribution. There is still much to be done, and the United States aid can go a long way to help the African nations.

My proposal gives the money to the African Development Fund rather than the Bank. This is desirable for two reasons. First, nonregional subscribers are allowed a voice in determining the projects in the fund. The Bank consists only of African members. Second, the fund provides for soft loans instead of more capital intensive loans of the Bank. Soft loans can be applied to social services, such as health care and education, which do not yield direct economic benefits, but do increase the overall productivity of a country.

Only a small percentage of the Federal budget presently goes for foreign aid, as Professor Howe pointed out in his testimony last week. Considering the net U.S. surplus of $2.673 billion received from foreign aid since its inception, I do not see how we can afford to refuse aid to Africa. Not only will it help African nations to join the rest of the developing world, but it will provide many economic benefits to the United States that I believe it is clear which path we should take.

AN ACCURATE CONGRESSIONAL RECORD

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. STEIGER of Wisconsin. Mr. Speaker, for the benefit of our colleagues considering House Resolutions 568, 569, 570, and 581 mandating a more verbatim account of floor proceedings in the Congressional Record, I am introducing into the Record pertinent articles concerning this issue.

Richard L. Strout, writing an editorial in the July 18, issue of the Christian Science Monitor, has added his respected opinion to those who have criticized the manner in which the Record is used. The editorial follows:

WHAT CONGRESS REALLY SAID

(By Richard L. Strout)

Washington.—Rep. Millicent Fenwick (R) of Bernardsville, N.J., tartly told the House that she was not going to be bullied by any member. Readers of the Congressional Record scanned the passage with perplexity; who had bullied her, what was she talking about? They could not know because Rep. Wayne Hays, the acerb congressman from Flushing, Ohio, had quietly expunged his offending remark to which Representative Fenwick replied.

According to the Congressional Record, Rep. Lawrence P. McDonald (D) of Marietta, Georgia, and Rep. C. W. (Bill) Young (R) of St. Petersburg, Florida, by odd coincidence delivered the same speech almost word for word extolling the virtues of Lithuanian-Americans. Actually, neither had made the speech: they had taken a press release and inserted it in the record. The constituent receiving the material excerpted from the record in a franked envelope would assume they had delivered it to a real audience.

Curious things happen in the Congressional Record. On Oct. 18, 1972, a speech appeared by Rep. Hale Boggs (D) of Louisiana beginning "In the next few minutes I would like to note for members the great amount of significant legislation enacted during the session" and ending, according to the record, with Mr. Boggs wishing everybody a happy Christmas recess.

It never happened. Two days before, Hale Boggs was killed in an airplane accident in Alaska. He had left the speech behind for insertion at the conclusion of the year's session and it was put in verbatim.

Some critics say they don't know whether to file the record as fact or fiction. On Page 5505 of Aug. 14, 1974, for example, under the name of conservative Rep. John M. Ashbrook (R) of Johnstown, Ohio, appeared an article "The Chile Fiasco" which caused readers to rub their eyes. Speaking in the first person, and beginning "Mr. Speaker," the article denounced "pink fellow-travelers" in Chile and proposed that a similar list should be set up in the United States with its members relentlessly pursued. It even nominated 27 prominent people as a starter, including economists J. Kenneth Galbraith, Walter Heller, James Tobin, Simon Kuznets, and others, with Julian Bond and Cesar Chavez thrown in.

While readers were reeling under this sensation they thumbed back to page 5502 and found something equally astonishing. It was headed authoritatively, "Rectifying the Untimely Removal of President Nixon, Hon. Earl F. Landgrebe of Indiana, in the House of Representatives, Wednesday, August 14, 1974: Mr. Landgrebe. 'Mr. Speaker'. . . ."

"As you know," the article concluded, "I was a faithful supporter of our embattled president . . . stating even that I would be shot with him if necessary. Many wonderful people wrote me recommending this course. I hope you will join me in reaffirming such faith right now."

Putting aside the doubtful humor of this parody, it was, of course, a hoax. Neither congressman had seen the material inserted under his name. All that anybody had to do to insert an article in the record a year ago was to put an authentic-looking statement in the insertions box down the corridor in the House. Because of the prank, rules were hastily tightened and insertions must now carry the "actual" signature of the member. He can still, of course, get his staff to write it.

Rep. William A. Steiger (D) of Oshkosh, Wisconsin, wants the House to change things and he has 70 cosponsors for a truth-in-record resolution. He would separate actual floor remarks from remarks inserted later by a distinctive type face. He would require remarks and data to be printed in the order in which they were really delivered. He would limit extensions and revisions "to the correction of grammatical and typographical errors." In no event, the resolution adds, "shall such corrections make any change in the meaning, content, or substance of those remarks."

Today a motion is made automatically after passage of every debated bill to allow members a period of time "to revise and extend their remarks." Maybe the House will accept the Steiger resolution to restrict this privilege, though long-time observers can hardly believe it. If they don't, and if television is ever allowed to poke its impertinent nose into the halls of Congress (as some propose), reviewers are going to be amazed at the difference between what they see and hear and what they read in the record.

Mr. Speaker, I would like at this point to add to the list of cosponsors the names of our colleagues Mr. Sarasin, Mr. Drinan, and Mr. Pattison.

NEED FOR AN ENERGY BILL

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. HYDE. Mr. Speaker, on Monday of this week, Deputy Federal Energy Administrator John Hill told the Senate Interior Committee that the Government's inability to formulate a national energy policy is at least partially responsible for a decrease in petroleum drilling.

At the outset of this Congress, there were many words spoken on the need for a comprehensive energy bill designed to help this country to significantly lessen our dependence upon and vulnerability to costly foreign oil.

Now, more than 6 months later, the need for comprehensive energy legislation is even more urgent. The President has made his proposals but they have received a mixed reception here in Congress. The House Democratic Task Force on Energy made its recommendations last Feburary but these have not been enacted. The House has passed some energy bills, and the Senate has passed some different energy bills, but none of these meet the need for comprehensive and effective legislation. The only energy bills that Congress has passed in these 6 months are ones designed to keep the President from acting unilaterally. These are bills designed to forestall action, rather than make constructive progress.

Mr. Speaker, I think a great deal of the difficulties the Congress is having in enacting comprehensive energy legislation hinge on the complexities of overlapping committee jurisdictions. Energy matters affect the economy, defense, commerce, the environment, tax structure—the list is long. The Energy Research and Development Administration tells us there are 33 congressional committees having some jurisdictional claim over its operations. Thirteen of those are standing committees of the House, while the others are Senate, joint or select committees.

Mr. Speaker, I think we have a case of too many cooks spoiling the broth. The saying, "We have met the enemy and it is us!" has unique application to the legislative tug-of-war between competing committees on the energy problem.

Last January, the distinguished minority leader, Mr. RHODES, introduced a resolution (H. Res. 123) calling for the establishment of a Select Committee on Energy composed of 15 members appointed by the Speaker. This committee would have primary jurisdiction for drawing up a comprehensive energy bill which could be passed by the House. This is an excellent approach. I want to commend the minority leader for his foresight in recognizing that this Congress would need the central leadership of such a select committee. I urge my colleagues to support the Rhodes resolution and enact it quickly. We need a Select Committee on Energy. We have already wasted half a year.

Mr. Speaker, it may be that the majority in this Congress does not wish to enact a Republican proposal. If that is the case, a member on the majority side has recently offered another excellent mechanism by which effective and comprehensive energy legislation could be passed by this Congress. I refer to House Concurrent Resolution 318 introduced by the gentleman from Texas (Mr. MILFORD). This resolution would establish a 34-member Joint Select Committee on Energy composed of the chairmen and ranking minority members of the six committees most concerned with energy matters in the House and in the Senate, together with the leadership of the Joint Committee on Atomic Energy and members at large from the House and Senate appointed by the Speaker and President pro tempore. The Joint Select Committee on Energy would have primary legislative responsibility for a comprehensive energy bill designed to lessen our dependence upon foreign oil sources. The committee would terminate upon enactment of this single comprehensive bill.

But Mr. Speaker, passage by both Houses of the Congress has sometimes proved time consuming. If we on this side are willing to establish a Select Committee on Energy, we should not have to wait long for Senate action.

I have therefore, offered the House yesterday another alternative for establishing a Select Committee on Energy; a resolution similar to the Milford resolution but restricted to the House alone. My resolution would establish a 22-member House Select Committee on Energy composed of the chairman and ranking minority member of each of the six standing committees of the House named in the Milford resolution, plus the House leadership on the Joint Atomic Energy Committee and eight additional members appointed by the Speaker. In this way, the select committee might reflect the two-to-one, plus one ratio of Democrats to Republicans established by the Democratic leadership on House committees.

Mr. Speaker, there is one further alternative before the House for a Select Committee on Energy which I think it would be unwise to enact. I speak of a number of identical resolutions introduced by the gentleman from Maryland (Mr. LONG) which would establish a select committee empowered only to make policy and devoid of legislative authority. I know the sponsors of this approach are as desirous as I of enacting a comprehensive energy bill; but it seems to me that this has already been done. The House Democratic Task Force on Energy was a policymaking body without legislative authority and although the task force made a timely report containing comprehensive recommendations, those recommendations did not become legislation. I fear that a new policymaking body would have no more legislative success than the task force had.

We need a select committee with legislative authority. We need a select committee capable of drafting a single comprehensive energy bill which can draw the support of the House and of the Congress and of the President.

In summary, I emplore the House to create an effective mechanism for centralizing the legislative process so that a comprehensive energy bill can be passed. Personally, I prefer the mechanism provided in the Rhodes resolution (H. Res. 123). I also like the proposal for a joint committee as envisioned in House Concurrent Resolution 318. If neither of these proposals can be quickly adopted, let us at least set up a select committee along the lines of the resolution I am introducing.

Mr. Speaker, I ask that my resolution be printed in the RECORD at this point, following by House Resolution 123 and House Concurrent Resolution 318, so that the Members may compare these proposals in detail.

FIRST ANNIVERSARY OF CYPRUS INVASION

HON. GLADYS NOON SPELLMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mrs. SPELLMAN. Mr. Speaker, Sunday, July 20, 1975, marked the first anniversary of the invasion of the island of Cyprus by Turkish troops. In the long period since that inglorious day, virtually no effort has been made by the Turkish Government to alleviate the suffering of 180,000 displaced refugees. Rather than search for peace and a just solution for all sides, Turkey appears to have directed this same intransigent attitude toward the United States.

I believe the Congress, on the other hand, has conducted itself with great restraint. After the illegal use of American arms in the Turkish invasion, the Congress did not press for an immediate arms cutoff. In fact, Congress agreed to two delays before imposing the suspension of arms to Turkey.

The administration persistently told the Congress, "Give them one more chance." Twice it did. Then, 11 days after the ban became effective, we were advised that a vote for resumption of military aid would encourage the Turks to resolve this tragedy, and open a road to salvation for the many refugees. As a consequence, the Senate accepted this reasoning, and voted to resume aid in anticipation of Secretary Kissinger's and President Ford's trip to Europe to meet with Turkish and Greek leaders. But the Turkish Government has shown no indication whatsoever of a change in attitude. The vote in the Senate only served to further alienate our Greek allies and whet the appetite of the administration and the Turks to push for resumption of military aid rather than consider diplomatic efforts toward any negotiations.

In these last months, we have encouraged the administration to exercise its full diplomatic efforts to persuade the Turkish Government to make some concessions on the island of Cyprus so as to, at least, indicate to the Congress a willingness to work toward a just solution.

However, the record is clear—the administration has, instead, directed its immense energies on diplomatic efforts to reverse the policies of the Congress, to encourage that concessions be made by the House of Representatives rather than Turkey.

Mr. Speaker, I maintain that it is the role of the Congress to uphold the laws of the land. It is the responsibility of the Executive not only to enforce these laws, but also to take whatever diplomatic efforts it can to assure peace and justice throughout the world, and especially with our NATO allies.

I strongly believe in the art of compromise, but I view "compromise" as "conciliation." The proposal offered to the Congress is not compromise or conciliation—it is capitulation.

I would like to enclose the comments of a very respected friend and leader from Maryland, Dr. Andrew Tegeris, chairman of the United Hellenic American Congress. I hope that all of my colleagues will review his comments before reaching conclusions.

The statement follows:

STATEMENT OF DR. ANDREW TEGERIS, CHAIRMAN OF THE UNITED HELLENIC AMERICAN CONGRESS

WHY CONGRESS IMPOSED AN AID BAN

I would like to take this opportunity to review the problem of restoring military sales and foreign aid to Turkey in accordance with S. 846, as amended by the House International Relations Committee. It was indeed a serious and extraordinary act in the history of this House to intervene and stop the military aid to Turkey and take such an active part in the conduct of our foreign policy. However, the circumstances were extraordinary:

U.S. law was violated by Turkey.

A small and defenseless country was invaded in blatant violation of the character of the United Nations and of every sense of human justice.

200,000 Greek Cypriots were forced to abandon their homes and become refugees.

Incredible atrocities were committed against an innocent people.

Greece was forced under the circumstances to leave the NATO alliance and so imperil our defense posture in Eastern Mediterranean.

When Turkey invaded the Republic of Cyprus almost a year ago, she used American-made weapons to displace and maim and rape and kill some of the very best friends this country has ever had. Because of this, Congress voted last year to suspend military aid to Turkey, effective February 5, 1975. In mandating this cutoff, the Congress insisted on the application of U.S. laws, but at the same time gave the Administration a period of time during which it was hoped some understanding could be reached which would facilitate the solution of the Cyprus problem and bring about an end to the plight of the 200,000 Greek-Cypriot refugees.

THE CYPRUS SITUATION IN FEBRUARY

What was the situation at the time of the cutoff?

1. The Turkish troops, 40,000 strong, continued to occupy the island. No reduction had been made.

2. The refugees continued to be homeless and were facing the danger of losing completely their homes and lands. The Turks, it was feared, intended to deliver the homes to the Turkish Cypriots and create a de facto partition of the island through a forced massive transfer of population.

3. The Nicosia airport was still closed and no progress had been made in the effort to reopen it so that the economy of the land could be helped and relief could reach the refugees.

4. No progress had been registered in the question of the ports (Kyrenia and Famagusta).

5. The Red Cross was not allowed by the Turkish Army to circulate freely in the occupied areas.

6. The Turkish Prime Minister, Mr. Ermak, had stated that the occupied territories belong to them while the Turkish Foreign Minister, Mr. Esenbel, had said openly that Turkey is expanding.

Since that time, despite the efforts of the United States, the United Nations, and others, no discernible progress has been made on any of these points. Not only that, but the Turks have started to systematically colonize the island, and, as recently as eleven days ago, prevented at a point of an American-made machine gun one of our own elected Representatives, Congressman Edward Beard of Rhode Island, from visiting the 40% of Cyprus occupied by them. Perhaps they are afraid to have our Representative see the numerous poppy seed fields which have sprung up all over northern Cyprus according to some information we have.

The United States' objectives are proper and clear—that is the earliest possible equitable negotiated settlement on Cyprus and a state of peace and stability in the Eastern Mediterranean. Will either objective be served by the restoration of military aid to Turkey without tangible progress on the points outlined above?

HISTORY OF TURKISH-AMERICAN RELATIONS

Let us take a quick look into history:

1. During World War I Greece fought with the Allies while Turkey fought against the Allies.

2. During World War II, Greece scored the first allied victory against the Fascists in 1940, forced Hitler to pull his elite eighth army out of the Russian front to help overcome the Greek resistance and cost the Nazis priceless summer time in their efforts to over-take Russia. The Battle of Stalingrad followed and the tide of the war turned in favor of the Allies. Turkey, in the meantime, remained conveniently neutral.

3. During more recent times, from 1960 on, Turkey allowed increased Soviet naval transit through the Dardanelles in contravention to the Montreaux Convention.

4. During the 1967 Middle East conflict, Turkey allowed Soviet overflights.

5. In 1970 Turkey concluded a traffic agreement with the Soviet Union for unimpeded overland transit to Syria and Iraq.

6. During the October 1973 Middle East War, Turkey permitted Soviet overflights for the re-supply of Syria and Iraq.

7. In 1960 there were 150,000 Turks in Greece. Today there are close to 180,000, all of them prospering. In 1960 there were about 150,000 Greeks in Istanbul. Today there are only 5,000 left; they are fleeing the difficulties of living under Turkish rule.

8. Turkey has resumed cultivation of poppies, after having received $35 million of U.S. dollars to stop growing them. There are today 100,000 poppy seed farms covering about 500,000 acres widely dispersed throughout Turkey. They are expecting a bumper crop. The Turkish government proposal to control these farms with one hundred Turkish inspectors and eight U. N. inspectors (who are not allowed on the fields) is absurd! We all know what the heroin from this bumper crop will do to our youth!! Who of us is not aware of the destruction of the fiber of a human being addicted to heroin? Who of us is not aware of the crimes in the streets of our cities, due to heroin?

EFFECTS OF AID RESUMPTION

In view of all this, a resumption of arms aid to Turkey will appear to be a U.S. seal of approval upon recent Turkish actions in Cyprus—and could have the effect of damaging long term U.S. interests in a stable Eastern Mediterranean.

It is widely feared that negative effects will be obtained; namely, a deepening of Turkish intransigence on the issue, with resultant greater tension and instability in the area as a whole and with a lesser chance for successful negotiation on Cyprus itself.

Such a green light to the Turks might heighten Greek-Turkish tension in other areas. Aid approval might encourage Turkish leaders to escalate their country's claims to various rights in the Aegean Sea, such as underwater oil drilling rights and air rights. An aid restoration would hardly deter Turkish leaders from continuing to make aggressive expansion statements about the Greek Islands located off the Anatolian coast.

The policy Congress has mandated—that such aid *should not* be resumed until Turkey is again in compliance with U.S. law governing arms assistance—should be allowed to stand until the government of Turkey tangibly demonstrates its understanding that the application and/or threats of force cannot impose a unilateral, one-sided settlement upon the island of Cyprus.

THE SO-CALLED COMPROMISE

The current attempt to circumvent and subvert long existing laws and moral traditions of this country by the Ford Administration, as announced a few days ago, would permit the full and unrestricted commercial sales of military hardware to Turkey. This so-called compromise is not a compromise but a capitulation and a surrender.

The reason given by the Ford Administration for its appeasement and surrender to the Turkish blackmail and demands is that the resumption of military sales to Turkey will bolster NATO. This claim is without foundation.

The principal contribution of Turkey to NATO and our own national security lies with the 23 listening posts and one Air Force base we maintain in Turkey. In our days of seaborne and satellite surveillance and communications, listening and observing facilities in Turkey are of marginal usefulness at best. As for the Air Force base, its value is for Turkey's own defense.

Therefore, it is to Turkey's advantage to continue to have our bases there, and it is to Turkey's advantage to re-establish its compliance with the U.S. laws and to honor bilateral agreement with us, so that it can qualify again for military aid and sales.

America can no longer afford to buy allies of dubious loyalty!! With friends like Turkey the United States does not need any enemies!!!!

It behooves all of us to uphold the laws of our land. It behooves all of us to stand up for America. It is in the best interest of our country to reject unanimously the proposed bill offering to restore military sales to Turkey.

VOTE "NO" ON TURKISH POPPIES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. RANGEL. Mr. Speaker, tomorrow the House considers S. 846, a bill which will terminate the embargo on arms for Turkey. This piece of legislation is advertised as a "compromise," but in reality it provides a one-sided agreement under which Turkey will receive aid with no strings attached. In the meantime, Turkish opium production proceeds unhampered, and people on our streets continue to die as a result of the flow of heroin into this country.

The cities and towns of the United States cannot bear the cost of a "compromise" on this issue. The Drug Enforcement Administration reports that the number of heroin addicts dropped by more than 60 percent while the ban on the growth of poppies was in effect. Crime rates dropped correspondingly; drug-related robberies were down 19 percent and drug-related burglaries down 17 percent. Is it not high time that such statistics are taken into account in the development of our Government's policies?

Pete Hamill has been writing about New York City for many years. Having been raised in the city, Hamill speaks from a position of knowledge regarding the abhorrent effects of heroin. Although his language may appear to be harsh, when one visits the streets of any city and sees the victims of this drug, the words will seem very mild. The alert must be sounded forcefully and that is what he has done.

I insert his column in the RECORD at this point in order that my colleagues may have the benefit of his insightful comments before they vote on resuming aid to this irresponsible nation. His article follows:

COLD TURKEY

(By Pete Hamill)

Last week, representatives of the Turkish government offered me an all-expenses-paid trip to Turkey. There I could meet the noble and oppressed poppy farmers of Anatolia, and learn from them why they must remain in the murder business.

I turned the deal down, of course, because they would only be paying for the trip with American money, either part of the $15 million bribe Richard Nixon paid the Turks to try to get them out of the heroin business, or with part of the billions in foreign aid we have paid the Turks over the years to keep them from having any truck with the dirty, Godless, murderin' Commies. Most important, I didn't accept because I really don't care about the problems of the peasants of Anatolia. To hell with them. I care about New Yorkers.

And the decision by the "liberal" new Turkish government to resume full growing of poppies is going to kill a lot of New Yorkers. It will cause beatings and robberies and homicides. Children who are now in grade school will end up with Turkish heroin in their veins before they are 15. Kids playing ball in summer fields will end up scratching and filthy, sleeping on rooftops, scoring from degenerates, ready to kill their mothers for a shot of dope that comes from Turkey via Marseilles. Anatolian peasants can grow something else, or they can starve. But if they insist on killing us, we should be prepared to kill their fields and their homes.

So instead of trying to con reporters with trips to the poppy fields, it might be a good idea for New York to invite some of the Turks here, to live with the death and misery they give us.

Let Prime Minister Echivit of Turkey send his kids to Bed-Stuy or the South Bronx for two weeks. Give them what an average New York slum kid gets to spend in a week. Let him live the thoroughly undefended life of a street kid. Let him see how long it is before those kids start jamming horse on rooftops and in hallways.

Let his wife try to raise those kids on a welfare budget. Let her live in a welfare hotel, or scrounge with the rats and the cockroaches in one of the great palaces that house human beings in this city. Then have heroin around. See how long it is before someone tries to kill her in a hallway for the pitiful remains of a welfare check, after food is bought for the children. See what happens when she finds out a junkie daughter is turning tricks to support her monkey.

Let the Prime Minister hang around Bellevue, and watch the O.D. cases come in, kids with works jammed in their arms, boys who were never young, kids riding the white horse, others who bought hot shots from other junkies. Let him walk through any park where they wait in ragged sunken-eyed packs, scratching, sucking lemon ices, looking to batter their way to a wallet.

Let this great liberal Turk spend a week locked up in the Tombs. Let him listen to the stories. Let him hear the screams of those going through withdrawal pains, choking on puke, their nerves ravaged and distended. Let him try to sleep through a week of midnights in a neighborhood where heroin has spread like cholera, never knowing when the guy with the knife and the gun in his hand will enter, looking for money for dope.

That's where the education should begin. The poppy farmers are just farmers. They grow what they can sell. But the people who run the Turkish government know better. They know that there is no way to control the flow of heroin made from Turkish poppies.

Well, in that case we know that they have made a cold-blooded decision to kill. The last Turkish election made the poppy a major issue, with various candidates vying for the Anatolian and nationalist votes, and there are reports that if the decision to resume farming again is reversed, then the government will fall. That's just wonderful. Our children will be poisoned, hooked and killed because of Turkish politics. Just wonderful.

Bringing home our Ambassador is just not good enough. Neither are the arguments that drug addiction is an American problem, not a Turkish problem. That's like saying that the bombing of Bach Mai Hospital was a Vietnamese problem, not an American problem. The Turkish government knows precisely what it is doing, and it *is* a problem for Turkey. A nation of honorable human beings does not collaborate in the killing of strangers.

I still think a good old-fashioned piece of power politics is in order here, gunboats and all. The U.S. should ask the UN for the same economic sanctions it uses against places like Rhodesia, and everything possible should be done to smash the Turkish economy. An ultimatum should be delivered, and every means necessary—including war—be used to end this disgusting business. It's too late for nice civilized discussions. These people are killing us.

HEW SECRETARY EXPRESSES HIS VIEWS ON H.R. 8150

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. RHODES. Mr. Speaker, I have today received a letter from the Secretary of Health, Education, and Welfare expressing his Department's views on H.R. 8150, the Drug Abuse Office and Treatment Act amendments. For the benefit of all my colleagues I am inserting the Secretary's letter in the RECORD:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., July 22, 1975.

Hon. JOHN RHODES,
Minority Leader, House of Representatives,
Washington, D.C.

DEAR MR. RHODES: It is our understanding that H.R. 8150, a bill to amend the Drug Abuse Office and Treatment Act of 1972, will be the subject of floor consideration in the near future. We would like to take this opportunity to express our views on this regulation.

The bill would reestablish the Special Action Office for Drug Abuse Prevention (SAODAP) which terminated on June 30, 1975, as the Office of Drug Abuse Policy, and extend its life through June 30, 1976, irrespective of the "date of enactment." Program functions of the previously existing Special Action Office would be continued at lower authorization levels. The authority for a Special Fund "to provide additional incentives to Federal departments and agencies to develop more effective drug abuse prevention functions and to give the Director the flexibility to encourage, and respond quickly and effectively to, the development of promising programs and approaches," would be modified (1) to eliminate the retention of up to ten percent of the sums appropriated for the Speical Fund by the new Office of Drug Abuse Policy and (2) to permit such sums to be distributed to State and local as well as Federal departments and agencies.

The separate authority for direct funding of pharmacological research and development would be repealed, but a new section would be added authorizing the Director, National Institute of Drug Abuse (NIDA), Alcohol, Drug Abuse and Mental Health Administration, to promote research on non-addictive or less addictive synthetic drugs to replace opium derivatives in medical use, non-addictive drugs for treatment of heroin, and detoxification agents. The Director, NIDA, would also be authorized to establish or provide for the establishment of clinical research facilities. The authorizations for these purposes would be at $7 million levels through FY 1978.

The bill would also extend this Department's drug formula and project grant and contract authorities for three years, at the fiscal year 1975 authorization level of $205 million—approximately $45 million in excess of the President's budget request for fiscal year 1976 and by approximately the same amount over the estimated FY 1977 and 1978 levels. A further change would be made in this authority to emphasize that the State plan required for receipt for formula grant funds be prepared in accordance with need.

This bill would also broaden the statutory prohibition against discrimination by general hospitals in admission or treatment of drug abusers "who are suffering from emergency medical conditions . . . solely because of their drug abuse or drug dependence," by striking the word "emergency," and it would require similar appropriate measures to be taken by Veterans Administration facilities.

An additional provision would require that records maintained by the Institute which contain information about patients who are not directly receiving clinical services shall be used solely as statistical records.

Also, effective July 1, 1976, the bill would transfer the responsibilities of the SAODAP Director to the NIDA Director.

Finally, the separate National Advisory Council on Drug Abuse, established by section 502 of the 1972 Act, would be abolished and merged with the National Advisory Council for Drug Abuse Prevention. In addition to making recommendations to the Director of the Office of Drug Abuse Policy, the resultant unitary Council would advise, consult, and make recommendations to the Secretary. The qualifications for Council members would be modified by adopting the requirements of section 502. The authority for SAODAP has now expired and the Office has been closed.

On June 10, Dr. Theodore Cooper, Assistant Secretary for Health, appeared before the Subcommittee on Public Health and Environment, Committee on Interstate and Foreign Commerce, to discuss the Department's drug abuse prevention efforts and the Administration's proposal for the continuation of drug program activities in the aftermath of the legislative termination of the Special Action Office for Drug Abuse Prevention. Dr. Cooper indicated that the intent of the Drug Abuse Office and Treatment Act—to create a special agency to provide the coordinative mechanisms of Federal need—has been met and that the Special Action Office for Drug Abuse Prevention should not be continued in name or in kind. Dr. Cooper stressed, however, "that the Administration recognizes that drug abuse continues to be a major problem in our Nation, and we are committed to a continuing all-out effort to combat it." Consistent with the statutory intent of P.L. 92–255, the National Institute on Drug Abuse has developed into an organization of sufficient strength and capability to ensure the continuation of the program activities fostered and developed by the Special Action Office.

In addition, the President has charged the Domestic Council with the task of undertaking a comprehensive review of the whole spectrum of Federal drug abuse efforts, including drug treatment and rehabilitation, law enforcement, and international control activities. One of the major tasks of the Domestic Council review will be to determine the appropriate level and structure of any necessary executive office coordination of the three principal aspects of the drug abuse program: treatment and rehabilitation, law enforcement, and international control. In view of this, we oppose as premature the reestablishment and designation of SAODAP as the Office of Drug Abuse Policy prior to the completion of this comprehensive review.

We oppose the specification of substantive areas for certain research and development as well as the duplication of existing authorities.

The Administration bill, the Health Services Amendments of 1975, introduced on March 17 as H.R. 4819, would, like H.R. 8150, extend the program of drug formula grants for three years, but at the President's Budget request level of $35 million. The bill would also consolidate under the authority of section 314(e) of the Public Health Service Act, and extend through FY 1978, several project grant structures, specifically including the drug project grants. We believe that this proposal will enable the Department to continue these important programs of assistance while enabling us to simplify the administration of disparate project activities and to have the needed flexibility to marshal resources for the areas of greatest need.

In conclusion, we reiterate our belief that it is unnecessary and inappropriate to proceed with a bill which would continue the Special Action Office and which contains the excessive authorization for appropriations and the administratively burdensome features discussed above. Consequently, the Department opposes enactment of H.R. 8150.

We are advised by the Office of Management and Budget that there is no objection to the presentation of this report and enactment of H.R. 8150 would not be in accord with the President's program.

Sincerely,

CASPAR WEINBERGER, *Secretary*.

WILL ENDING CONTROLS END THE NEED FOR CONTROLS?

HON. ALAN STEELMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. STEELMAN. Mr. Speaker, we in the Congress tend to become so involved in trying to find a solution to a problem facing the Nation that we sometimes overlook its causes. And frequently, this oversight prevents our finding the cure we seek.

This seems to be the case in the current debate over whether to continue oil price controls or to end controls once and for all. Those Members who advocate further controls do so in response to real problems in our past energy policies; however, the original causes of these problems lie partially in past congressional regulations.

This point was clarified and underlined in an editorial which appeared in the Wall Street Journal on Tuesday, July 22, 1975. I commend it to the attention of all Members:

THE GREAT GASOLINE CONSPIRACY

The sudden sharp rise in the demand for gasoline, plus the decline in gasoline stocks, plus the almost simultaneous announcement of gasoline price boosts by most refiners on July 1—all this adds up, in the minds of some Washington politicos, to a great gasoline conspiracy. Senator Henry Jackson, who wants to be President, and Senator Adlai Stevenson, who wants to be President, have announced Senate subcommittee investigations to find out what's going on.

Before they've heard the first witness, though, both gentlemen have announced their findings. Senator Jackson says, "Clearly the oil companies have manufactured a shortage." Senator Stevenson says this is "a classic study in the power of the major oil companies to reverse the normal rules of supply and demand." The prejudgments are a pity, for if the Senators could blot them out of their minds, their hearings would surely prove illuminating and educational.

Take the first question: Why were the price boosts simultaneous? Because under FEA regulations companies can increase prices to pass through costs, but "non-product" costs may be recovered only in the month following the one in which they are incurred. Unlike the cost of crude oil, they cannot be "banked" for recovery in future months when market conditions may be more favorable. In fact recently the companies have been having trouble making price increases stick, so if they are to have any chance to recover non-product costs they have to start as soon as possible. They need no collusion to arrive at the first of the month as the date to post increases. In short, the answer to question one is: The FEA.

On to question two: Why have gasoline stocks dropped so suddenly? Well, the FEA has an obscure rule that requires an oil company to charge everyone in a "class" of customers the same price regardless of geographical location. Before formation of the FEA, a company short on gasoline in California would call other companies and try to buy some, or perhaps swap some for fuel oil. For the right price, a company long in gasoline would sell some to the company that was short.

This no longer happens, because if the second company sold California gasoline at a premium price, it would have to raise its price to similar customers nation-wide. This would mean a loss of market share in other areas, and the premium sale is not worthwhile. So the telephone calls have stopped. It was in these calls, when someone started to find that no one else was long on gasoline, that oil men got the first warning of an impending shortage. Without the calls, a shortage can come as a surprise. So to question two, the answer is: The FEA.

On to question three: Why aren't the nation's refiners, who are operating at less than 90% of capacity, importing more crude oil to make more gasoline? Well, imported crude costs $13, and the FEA will not allow refiners to pass along this cost until the next month. If the refiner is making gasoline from a mix of $5.25 price-controlled oil and $13 imported oil, more imported oil will push up unit costs without any immediate increase in the selling price. Perhaps it would be able to "recover" these costs by higher prices later, but then again maybe not. So the answer to question three is: The FEA.

Now, to give credit where it's due, the FEA runs around frantically writing new regulations trying to undo the damage its past regulations have done. Last week, for example, FEA head Frank Zarb was talking about allowing geographical differentials. But by now, we should be learning that the next regulation will only do something else, that the oil industry cannot be run from Washington without benefit of price signals. That the way to have the oil industry produce gasoline most efficiently, which is to say at the lowest price, is for the government to get out of its way.

Senators Jackson and Stevenson will find, if they conduct fair and honest hearings, that the spot gasoline shortages the nation now faces result not from conspiracy, but from the very controls they and their congressional colleagues created. Once they make this discovery, there no doubt will be public apologies all around to the oil companies and no further attempt to extend controls past the August 31 expiration date. The great gasoline conspiracy was unwittingly concocted on Capitol Hill.

SALUTE TO BILL HARRIS

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. FAUNTROY. Mr. Speaker, jazz is a unique American musical art form that captures all the sweet and bitter emotions of American society. Jazz has served as a musical bridge that has brought all Americans closer to their cultural roots and to their common heritage.

The jazz greats of America have etched their musical genius across the hearts and minds of millions of jazz aficionados throughout the world. The jazz musician of yesterday and today have added a purely American dialect to the universal language of music.

It is for these reasons that I, along with the thousands of other jazz fans in our Nation's Capital, welcomed noted jazz guitarist Bill Harris to the American theatre's evening music series on Saturday, June 28. Bill Harris has been proclaimed as "the preeminent jazz guitarist" in American music.

Bill Harris, who has adopted Washington, D.C. as his home, is also a man of immense dedication to sharing his monunmental talent with future jazz performers. He has given more than his music to the people of this city—he has given his years of experience and his unique understanding of the "message of jazz."

WHUR Radio has proclaimed June 28—Bill Harris Day. I want to invite all my colleagues to share in the genius of Bill Harris at the American Theatre. I am delighted to submit this release announcing Mr. Harris' appearance for the CONGRESSIONAL RECORD:

THE AMERICAN THEATER

That scintillating master of jazz guitar, Bill Harris, headed the list of The American Theater's evening music series, in a special one-night performance on Saturday, June 28, at 8 p.m.

This excitingly versatile black guitarist has won enthusiastic praise from numerous critics. The Washington Post says Bill Harris is "the pre-eminent solo jazz guitarist in American music." Nat Hentoff terms his work "a rare pleasure," and John Wilson raves about this "swinging Segovia." Foremost jazz critic Leonard Feather acclaims "the startling Bill Harris."

Few American master guitarists have the credentials of Bill Harris. He has played with jazz greats Lester Young and Duke Ellington and, with equal ease, performed classical concerts at Lincoln Center under the sponsorship of the Society of the Classic Guitar. He has been a lecturer and instructor of guitar and music theory at Howard University and Federal City College here in Washington. In the field of composing, he was awarded a fellowship from the National Endowment for the Arts.

Having long ago chosen Washington as his adopted home, "Guitar Bill" maintains a studio here where he has taught scores of young area musicians, many of whom have become successful in the jazz field.

At the conveniently located American Theater in L'Enfant Plaza, S.W., Harris' concert featured his *Wes Montgomery Suite* and selections from his latest albums, *Bill Harris Rhythm* and *Harris in Paris* (recorded live in France).

TURKEY OFFERS US POPPY, PETULANCE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. MIKVA. Mr. Speaker, there have been many statements on both sides of the Turkish arms embargo debate. But few statements have been able to surpass in logic and eloquence the one which appeared in the Chicago Tribune, on June 20, by Bob Wiedrich. I would especially recommend that Mr. Wiedrich's views be considered by those who still doubt the wisdom of maintaining the embargo on the sale of American arms to Turkey.

I am inserting this article in the RECORD:

TURKEY OFFERS US POPPY, PETULANCE

(By Bob Wiedrich)

The United States has given Turkey more than $6 billion in economic and military aid since the end of World War II to keep Ankara propped up in the eastern Mediterranean.

Now, the Turks apparently want to shake us down for a few more billions by threatening to oust two dozen U.S. military and intelligence bases from their soil which also happen to be vital to their own national security.

Frankly, that sounds like an empty threat, a burst of petulant behavior by an otherwise usually adult member of the community of nations.

The purpose of this column is not to argue the relative merits of the Greek and Turkish positions in the Cyprus dispute. The issues there have become so emotionally fogged not even Henry Kissinger can resolve them.

But what does concern us is the hypocrisy inherent in the current antagonistic stance of Turkey toward the United States because of an arms embargo against Ankara imposed by Congress last Feb. 5.

The intent was an attempt to bring about a more flexible attitude by Turkey toward the Cyprus problem. It was a sincerely motivated maneuver designed to defuse a potentially explosive situation between two of our allies in the North Atlantic Treaty Organization.

And for that, the U.S. has been branded a bum by the very people who have spent three decades happily bellying up for all those billions of dollars in military and economic aid goodies.

Turkish Foreign Minister Ihsan Sabri Caglayangil charges Washington with unilaterally breaking bilateral agreements with the Turks by imposing the arms embargo.

He has moved to place the American bases on provisional status July 17, giving us one month to lift the arms ban or suffer the consequences of having them shut down.

Further, he implies Turkey might have to seek an accommodation elsewhere since Washington has weakened its defenses thru the embargo. But what about the billions in military hardware we've given Turkey to date? Is it all rusted? Was it chewed up in last year's Cyprus invasion? And what are the Turks using to occupy the northern third of the island today?

Obviously, it is politic for Ankara to threaten the United States with the loss of its military bases closest to Soviet Russia in an attempt to insure a continued flow of freebie firearms from that bountiful arsenal of democracy across the Atlantic.

Camel apples!

Turkey didn't hesitate last year to rescind its embargo on growing heroin-producing opium poppies, thereby unilaterally breaking a bilateral agreement with the United States that had existed since 1971.

They didn't give it a second thought. Nor did they pay attention to American pleas that a two-year absence of Turkish opium on the international heroin market had created a beneficial shortage of high-grade European dope in the eastern half of the U.S.

They just moaned that internal political pressures and the demands of poverty stricken peasant farmers dictated they thumb their noses at world opinion and humanitarian considerations and resume growing the deadly poppy whose first harvest ironically coincides with the 30-day ultimatum to Washington.

They didn't give a damn if American kids got hit with another heroin epidemic. They didn't care if thousands of them died or were reduced to useless human beings as some 600,000 of them had during the previous 10-year heroin flood to North America from Turkey.

None of that mattered. The shaky coalition governments—last year and now—valued only their own skins.

So they reneged on what was considered an honorable agreement to ban opium production in exchange for $35.7 million in U.S. subsidies to convert the Anatolian poppy pluckers to other crops—but not before they had already collected $15.7 million of the cash.

In fact, before even arriving at the poppy ban agreement, the Turks tried to hold up the American allies who had nurtured them for three decades. They knew how badly the Nixon administration wanted the opium embargo. They knew how serious heroin addiction had become in North America. They must have also figured they could strongarm their American benefactors for an extra $400 million, for that is the amount of tribute they first demanded in exchange for the ban.

Perhaps America and its NATO allies need Turkey as a base for early warning systems and a nuclear strike force supersonic minutes from Russia.

But what we don't need is being blackmailed by a purported ally whose fidelity appears available only to the highest bidder.

I SIGNED THE DECLARATION OF INDEPENDENCE

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. DEVINE. Mr. Speaker, last month the very talented Rev. Richard D. Ellsworth of the Central College United Presbyterian Church of Westerville, Ohio, "repreached" a sermon by John Witherspoon entitled, "I Signed the Declaration of Independence" which I think is totally worthy of the attention of all Members of this body as well as others who may read the CONGRESSIONAL RECORD.

I SIGNED THE DECLARATION OF INDEPENDENCE . . . JOHN WITHERSPOON

(Preached by the Reverend Richard D. Ellsworth)

Old Testament—Deuteronomy 28:1–14
New Testament—Matthew 22:15–22

By the use of your sanctified imagination this morning I ask that you might hear my voice coming to you across the centuries—the voice of John Witherspoon. It may seem strange to you that your minister would permit me to speak to you in this manner; your minister has always taken the stand that the Gospel is to be preached from the pulpit and that the pulpit is not to be used for political purposes.

Yet do not think it so strange that he permits my voice to come to you this morning. You see, I, too, believed that the pulpit was not the place for politics or philosophy. This is the position which I took and which put me into a great conflict in the Church of Scotland. You see, I was born near Edinburgh, Scotland, back in the year of 1723. I attended the University of Edinburgh and received my Divinity Degree from there at the age of 20. After serving in a small town in the Ayrshire community I was called to a congregation in the flourishing town of Paisley in 1757. My ministry there continued until 1768.

During the years that I was pastor of that church at Paisley I found myself in constant debate with fellow clergymen and with the trend of the time. You see, I believed in preaching the great and operative views of the Gospel. So much of what was being said from the pulpit was centered in the idea of a theory concerning virtue. So much of the preaching was not centered in God's Word. So much of the preaching was not centered in the great doctrines of the church given to us out of God's Word and summarized so beautifully in the teaching of Calvin.

I fought against this more popular appeal and stressed the need to return again and again to the fundamentals and to the great teachings which come out of the very life of Christ. Not only did I preach the Gospel myself but I also wrote many articles which were circulated among the churches in Scotland. It seemed like an almost impossible task to change the Church in Scotland so I finally accepted a call to assume the presidency of the College of New Jersey which later became known as Princeton University. The call had come to me about two years prior to the time I accepted it in 1768 but my wife did not want to leave Scotland for the unknown and pioneer life in the colonies.

But finally in 1768 we assumed a new role and a new task as I became responsible for developing the College of New Jersey. One of the interesting things that happened to me in my early years there was the arrival on campus of a young fellow by the name of Aaron Burr. It seems that at the age of eleven young Aaron decided to apply to the College of New Jersey where his father had been president. I was not involved in his first visit but I heard from the other authorities that the boy was so short and slender he looked more like a child of seven or eight. It seemed best to refuse his admission and he was told that he had failed to pass the entrance examination and must therefore wait for at least two more years. Burr was furious. He believed that the school had discriminated against him. He was particularly angry because he had a great desire to beat the record set by his grandfather Jonathon Edwards who had entered college at the age of thirteen.

The college refused his admission and Aaron Burr—in spite of his anger—had no choice. It seems that he would apply to no other school. His own code of loyalty demanded that he attend no other college than the one where his father had made a great contribution to higher education. On his thirteenth birthday he again applied to the College of New Jersey—making a second visit there with his uncle. He achieved such high grades on the entrance examinations that he demanded admission to the junior class which would have made it possible for him to obtain a degree in accordance with the original schedule he had set for himself.

I was called into the picture at that time. I met with the boy and I made up my mind that I would not be bullied by a thirteen-year old and therefore, as the President of the College of New Jersey, I refused his request to be put in the junior class. Aaron persisted, however, and he argued his case so effectively that I finally granted permission that he be admitted as a member of the sophomore class and thereby Aaron broke the record set by his grandfather Jonathon Edwards. This must have given to Aaron Burr a great satisfaction.[1]

This, of course, was not my only involvement in the educational life. There were many other things in which I found myself involved as I attempted to increase the strength of that college. During the period that I was there the College of New Jersey took on new life. The endowment fund was increased; the faculty was increased in number; and the student body saw a steady increase.

However, everything was interrupted as we came to what you know in your day as the "time of the Revolution." It was a difficult time for me, my friends. I had disapproved of ministers participating in politics. Certainly I had my opinion concerning what should be done. Yet I did not feel that it was my role to step forward nor did I believe that it was my responsibility to preach revolution from the pulpit.

Yet, coming as I did from the background in Scotland and coming as I did at a time when the colonies were beginning to grow stronger and self-reliant, I realized that something had to be done. In 1774 I did write an essay in which I stated "that it was necessary to declare the firm resolve never to submit to the claims of Great Britain, but deliberately to prefer war with all of its horrors, and even extermination, to slavery; and further to resolve union and to pursue the same measures until American liberty is settled on a solid basis."[2] You can see that I had in my mind what had to be done as early as two years prior to the signing of the Declaration of Independence.

Finally, I could not keep out of the struggle and became involved as a member of a local committee which then led me to being a delegate to the Continental Congress. I was appointed on June 22, 1775, to attend that Congress and I was there at the time of the drafting and the signing of the Declaration of Independence.

You should remember that I, John Witherspoon, was the only clergyman to sign the Declaration of Independence. I was a Presbyterian minister—one who did not want to get involved in the political arena but yet one who felt God's calling to move in this direction when I saw the cause of liberty being challenged. Perhaps you can understand why I moved into this position of being active if I would share with you some thoughts which I used as a part of a sermon preached back in 1776.

It was on May 17 of that year—on a day set aside by the Continental Congress as a day of fasting and prayer—that I preached a sermon entitled "The Dominion of Providence Over the Passions of Men." In it I said:

If your cause is just—you may look with confidence to the Lord and intreat him to plead it as his own. You are all my witnesses, that this is the first time of my introducing any political subject into the pulpit. At this season, however, it is not only lawful but necessary, and I willingly embrace the opportunity of declaring my opinion without any hesitation, that the cause in which America is now in arms, is the cause of justice, of liberty, and of human nature. So far as we have hitherto proceeded, I am satisfied that the confederacy of the colonies, has not been the effect of pride, resentment, or sedition, but of a deep and general conviction, that our civil and religious liberties, and consequently in a great measure the temporal and eternal happiness of us and our posterity depended on the issue. The knowledge of God and his truths have from the beginning of the world been chiefly, if not entirely confined to these parts of the earth, where some degree of liberty and political justice were to be seen, and great were the difficulties with which they had to struggle from the imperfection of human society, and the unjust decisions of usurped authority. There is not a single instance in religious liberty preserved entire. If therefore we yield up our temporal property, we at the same time deliver the conscience into bondage.[3]

My friends, I ask you if what I said back there in 1776 does not have meaning for you today? I ask you to look at history and tell me of a time when religious liberty was preserved after civil liberty was lost. I think you will find that history teaches that it just doesn't happen that way—that when civil liberty is lost so also is religious liberty. That should have meaning—a very important meaning—for you in your day even as it did for us back in 1776.

I went on in that particular sermon to point out what I thought were mistakes being made by Great Britain. I did not let myself become involved in name calling. In fact, I really believed and so stated that the actions of the king and his ministers and the members of Parliament were probably far worse in their effect than the individuals had ever intended for them to be. I went on to say that it was impossible for the king and his associates to rule properly from such a distance. It is difficult to center the power of ruling authority in a place far removed from the everyday affair of life. The distance made it impossible for those in authority to really see what was wrong and there was so much time lost before an error could be reported and remedied.

In some ways I wonder if that doesn't speak to you and a situation which exists in your country in your day. Is it not possible for too much authority to be invested in a national headquarters? There can easily be a failure to know what is really going on out in the streets of America—in its cities and in its rural settings! Perhaps you in your day need to be aware of that which I was trying my best to tell the people in my day back in 1776—that a separation of the ruling powers in distance makes it impossible for them to rule well.

I then went on in that particular sermon I preached back in May of 1776 to point out that certain things were inevitable. I pointed out, "when the branches of a tree grow very large and weighty they fall off from the trunk." So I suggested that the colonies were growing stronger and that they were ready to fall off from that trunk of Great Britain. But having said that I went on to warn the people of my day of something which was of great concern to me and which is of great concern to me as I look at your situation now—200 years after we were involved in the Declaration of Independence.

Again, let me quote to you directly from the sermon I preached:

Suffer me to recommend to you an attention to the public interest of religion, or in other words zeal for the glory of God and the good of others. I have already endeavoured to exhort sinners to repentance, what I have here in view is to point out to you the concern which every good man ought to take in the national character and manners, and the means which he ought to use for promoting public virtue, and bearing down impiety and vice. This is a matter of utmost moment, and which ought to be well understood, both in its nature and principles. Nothing is more certain than that a general profligacy and corruption of manners makes a people ripe for destruction. A good form of government may hold the rotten materials together for some time, but beyond a certain pitch even the best constitution will be ineffectual, and slavery must ensue. On the other hand, when the manners of a nation are pure, when true religion and internal principles maintain their vigour, the attempts of the most powerful enemies to oppress them are commonly baffled and disappointed. This will be found equally certain, whether we consider the great principles of God's moral government, or the operation and influence of natural causes.

What follows from this? That he is the best friend to American liberty, who is most sincere and active in promoting true and undefiled religion, and who sets himself with the greatest firmness to bear down profanity and immorality of every kind. Whoever is an avowed enemy to God, I scruple not to call him an enemy to his country. Do not suppose, my brethren, that I mean to recommend a furious and angry zeal for the circumstantials of religion, or the contentions of one sect with another about their peculiar distinctions. I do not wish you to oppose anybody's religion, but everybody's wickedness. Perhaps there are few surer marks of the reality of religion, than when a man feels himself more joined in spirit to a truly holy person of a different denomination, than to an irregular life of his own. It is therefore your duty in this important and critical season, to exert yourselves every one in his proper sphere to stem the tide of prevailing vice, to promote the knowledge of God, the reverence of his name and worship, and obedience to his laws.[4]

That had meaning, my friends, for the people of my day. Does it not have meaning for you in your day?

The New Testament lesson read for this sermon this morning reminded each one of you of the fact that one had to render unto Caesar, or the government, that which belonged to the government and unto God that which belonged to God. But, as believers in God—as committed Christians living in a nation born out of a struggle for freedom—I submit to you this morning that your responsibility to Caesar, or to the government, demands that you also be responsible to your God. I submit to you that the freedom which has been won for you at a very high cost is now your responsibility to preserve. I submit to you further that that which I said along with others at the time of the birth of this nation—200 years ago—has meaning for you in your day. There is a great need in your day for you and your fellow Americans to recognize the importance of the role of true religion within the life of the nation. It is important for you to realize that the nation can be strong—that the very fabric of society can be preserved—only when men and women and young people want it to be strong and want it to be preserved and are willing to accept the disciplines of justice and love and mercy and liberty.

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[1] Vail, Philip, *Great American Rascal* (New York: Hawthorn Books, 1973), p. 4.

[2] *Dictionary of American Biography,* pp. 435–438. (Material supplied by C. Pratt of the Ohio Historical Society.)

[3] "John Witherspoon," *The Light in the Steeple,* Published by the Ecumenical Task Force on the Religious Observance of the Nation's Bicentennial, pp. 13–14.

[4] *Ibid.*

Do not question why the morals of the nation are becoming rotten if you can see that the morals of individuals living in the nation are becoming rotten. Do not question dishonesty in high places when dishonesty is common on the streets and in the cities and the towns of America.

There is no guarantee in the Declaration of Independence which I signed nor any guarantee in the Constitution which I helped formulate which will assure freedom. Rather, the Constitution is a framework by which individuals who desire freedom can have that freedom if they are willing to work for it—if they are willing to discipline their lives.

On this coming Friday you will celebrate a great day; you will be celebrating the birth of our nation. Oh, my friends it was a great moment for me. Two hundred years ago this coming Friday, I—John Witherspoon—had the great privilege of signing that historic document—the Declaration of Independence. When I did it then I did not realize how great and powerful the nation would become. But, when I signed the Declaration I did have a prayer that the freedom we were seeking would be a freedom which could be preserved and passed on to those who came after us.

So, now—200 years after I signed that document—my voice comes to you across the centuries. It comes reminding you that the freedom you cherish was bought at a high price and it comes reminding you that you in your day can be the best friend to American liberty when you are most sincere and active in promoting true and undefiled religion and when you set yourself against tyranny and injustice and dishonesty—no matter where you may see these forms of evil.

Your nation was born out of the spirit of freedom but it was not an undisciplined spirit of freedom. At the heart and center of it there was the awareness that God was the giver of freedom and the author of liberty.

Oh, my friends, 200 years ago when we were standing on the threshold of the birth of this nation—I and others who shared with me were fervent in our prayer—were devout in our worship—and we truly sought the guidance of Almighty God.

We truly believed in our day that we were in His keeping and that He could work in and through what we would do to enable other individuals to live in freedom and to be able to worship Him without fear. So I challenge you as you come to the celebration of the birth of your nation. Will you be true to that spirit? Will you be a friend to America? Will you let the spirit of God's love prevail in your life and will you be guided by Him and work diligently to stem the tide of prevailing vice and to stir people from their lethargy and be willing to sacrifice if need be to preserve that liberty in this nation which also provides freedom of worship?

If you do—if you accept your responsibilities as we accepted them in our day—then you can be certain that you will be helping to build an America which is strong internally and against which the enemies of justice and love and God will not be able to prevail.

May that same God of grace and glory Who guided us in our day—200 years ago—guide you in your day and truly save you from weak resignation so that those who come after you may be able to celebrate the birth of their nation even as you and I have been able to celebrate it in our respective days. Amen.

(May I express my personal and sincere appreciation to Mr. Fred Milligan, Sr., for his inspiration and encouragement as well as his help in my limited research on John Witherspoon.)

MORE ON PROCEEDINGS OF FEDERAL ELECTION COMMISSION

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. STEED. Mr. Speaker, I am again today continuing my announced program of furnishing the proceedings of the Federal Election Commission for the benefit of my colleagues. Other days on which similar material has appeared include June 2 and 25, and July 9, 14, 15, 16, and 17.

HIGHLIGHTS

Federal Elections—Federal Elections Commission publishes several requests for advisory opinions, comments invited for ten days.

[Notice 1975–7]

FEDERAL ELECTION COMMISSION ADVISORY OPINION REQUESTS

In accordance with the procedures set forth in the Commission's Notice 1975–4, published on June 24, 1975 (40 FR 26660), Advisory Opinion Requests 1975–7 and 1975–8 are published today. Each of the Requests consists of inquiries from several sources which have been consolidated since they present similar, if not identical, issues.

Interested persons wishing to comment on the subject matter of any Advisory Opinion Request may submit written views with respect to such requests within 10 calendar days of the date of the publication of the request in the Federal Register. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Request Section, 1325 K Street, N.W., Washington, D.C. 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered by the Commission before it issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion Requests refer to the specific AOR number of the Request commented upon, and that statutory references be to the United States Code citations, rather than to the Public Law Citations.

AOR 1975–7: Contributions and Expenditures Relating to the Constituent Services of Members of Congress

A. Nature of a Constituent Service Fund and Contributions To It. (Request Summarized and Edited by the Commission)

Congressman Dave Evans has established two "fund-raising entities" to support his Congressional activities. The Dave Evans for Congress Committee has been designated by Congressman Evans as his principal campaign committee. The Dave Evans Constituent Services Fund is described as a non-partisan fund set up to collect monies to assist Congressman Evans in his services to the people of his congressional district.

The Congressman has planned a fund-raising affair, and all the proceeds of the function are to go to the Congressman's Constituent Services Fund. The Federal Election Commission (FEC) has been asked to issue an advisory opinion as to whether the Dave Evans Constituent Services Fund is a political committee within the definition of Title 2, Section 431(d) and Title 18, Section 591(d). Congressman Evans' office provided the following description of the Dave Evans Constituent Services Fund:

"The Dave Evans Constituent Services Fund will be a non-partisan fund set up to collect monies to assist Congressman Evans in his service to the people of the Sixth District. Contributions to the fund will be used for printing newsletters; holding neighborhood office hours, conducting meetings and seminars with representatives of governmental and private agencies, and with elected and appointed officials of the cities, counties and towns of the District; holding periodic open house activities at the District and Washington offices, providing constituents with flags, publications and certain other items that must be purchased; and any other general expenses which, in the opinion of the Committee, are incurred in connection with the Congressman's service to his constituents. Proceeds of this Fund will not be used to present or promote the viewpoint of any political party or philosophy or to influence the re-election of Congressman Evans."

Congressman Evans also requests the FEC to issue an advisory opinion as to the legal requirements pertaining to the identification of the sponsor of the fund-raising event and the disclosure requirements for the use of the proceeds. The Congressman's office provided the following as a sample identification and disclosure provision:

"The Dave Evans Constituent Services Fund is not a 'political committee' as defined in the Federal Election Campaign Act of 1971, as amended. Therefore, a donation to the Fund is not tax deductible or subject to a tax credit as a 'political contribution' pursuant to the Internal Revenue Code of 1954, as amended. Proceeds of the Fund will be used for printing of newsletters, news releases, meeting allowances or other non-political material; purchase of equipment, services or supplies; or any purpose which, in the opinion of the Committee, will assist Congressman Evans, directly or indirectly, in servicing the residents of Indiana's Sixth Congressional District. Signed: Thomas J. Kern, Administrative Assistant for Congressman Dave Evans.

Source: Congressman David Evans by Thomas J. Kern, Administrative Assistant, 4th Floor Administration Building, Weir Cook Airport, Indianapolis, Indiana 40241 (May 6, 1975).

B. Contributions to A Constituent Service Fund (Request Edited by the Commission)

"DEAR MR. CURTIS: * * * A Pennsylvania corporation makes a contribution to a Public Service Committee, such as the one I have established which is used solely to defray the cost of newsletters, reports and questionnaires sent to constituents. Question: Is such a corporation within its legal bounds in making such a contribution or does it contradict present law governing political contributions? * * *" Signed: John P. Murtha, Member of Congress.

Source: Congressman John P. Murtha, 431 Cannon House Office Building, Washington, D.C. 20515 (May 7, 1975).

C. Expenditures To Poll Constituents (Request Edited by the Commission)

"DEAR MR. CHAIRMAN:

* * * * *

Specifically, I would like Commission guidance on the question whether an incumbent Senator or Representative may engage in attitudinal research within his constituency if the purpose is to measure policy issues, job approval perceptions, etc. (not to include political trial heats) without having those expenditures allocated against any applicable spending limitation. Does the fact a Member may have announced his candidacy make a difference in the use of issue-oriented opinion research? I have enclosed a sample list of the questions which might be used in the type of research for which I seek an advisory opinion." Signed: Jake Garn, U.S. Senator.

Senator Garn's sample questions are:

I. STATISTICAL

1. Age
2. Income
3. Occupation
4. Sex
5. Political Registration

II. OPEN END SAMPLES

1. What do you think is the most important issue facing the United States today?

2. What do you think is the most important issue facing your state today?

3. If you were the Congressman from this district and could make one change of improvement, what would it be?

III. FORCED RESPONSES

1. Do you favor or oppose re-establishment of wage and price controls now?

2. Do you favor or oppose placing a one-year lid on new federal spending programs?

3. Do you favor or oppose legislation placing restrictions on the sale of hand guns?

4. Do you favor or oppose rationing of gasoline by issuance of coupons to conserve energy?

5. Do you approve or disapprove of the way Senator ——— from this state is handling his job?

6. Why do you approve or disapprove?

Source: Senator Jake Garn, 4203 Dirksen Senate Office Building, Washington, D.C. 20510 (April 29, 1975).

AOR 1975-8: Honorariums and Related Benefits for Members of Congress.

A. Request of Congressman Dan Rostenkowski (Honorariums) (Request Edited by the Commission).

"DEAR MR. CHAIRMAN:

* * * * *

There is a need for a clarification of Section 616 of Title 18 of the U.S. Code, which was added by the 1974 amendments to the campaign law. This section, which deals with the acceptance of honoraria by federal officials, has raised several questions concerning the suggestion of a charitable gift will have a better understanding of the honorarium.

To help clarify this matter, I would like to describe three * * * situations. I would appreciate your opinion as to the legality of each in order that Members of Congress will have a better understanding of the operation of this new provision.

Case #1: A Member of Congres is offered a $500.00 honorarium as the keynote speaker at a convention. He has accepted $4,000.00 in honoraria during the current calendar year. He prefers not to accept an honorarium for this speaking engagement but suggests to the sponsors of the convention that if they are so inclined, they could give a $500.00 donation to either Charity A or Charity B, both bona fide charitable organizations. Such a donation would not be a prerequisite to or requirement for the making of the speaking engagement. The Member of Congress would not include the amount of any donation to the charity as an honorarium received for purposes of the $15,000.00 limit.

Case #2: A Member of Congress is offered a $1,500.00 honorarium to be the keynote speaker at a convention. To date he has accepted $4,000.00 in total honoraria for the calendar year. The Member of Congress specifies that he will accept a $1,000.00 honorarium and suggests that if the sponsors of the convention are so inclined, they could make a $500.00 donation to either Charity A or Charity B, both bona fide charitable organizations. Such a donation would not be a prerequisite to or a requirement for making the speaking engagement.

Case #3: A Member of Congress is offered a $500.00 honorarium to be the keynote speaker at a convention. He has already accepted his $15,000.00 limit for honoraria in ths calendar year. He accepts the speech and declines the honorarium. He suggests that if the sponsors of the convention are so inclined, they might want to donate part or all of the funds originally reserved for the honorarium to either Charity A or Charity B, both bona fide charitable organizations. Agreement to give such a donation would not be a prerequisite to or requirement for making the speaking engagement." Signed: Dan Rostenkowski, Member of Congress.

Source: Congressman Dan Rostenkowski, 2185 Rayburn House Office Building, Washington, D.C. 20515 (May 8, 1975).

B. Request of Congressman Rhodes (Honorariums) (Request Paraphrased by the Commission).

Congressman Rhodes asks for an advisory opinion construing 18 U.S.C. 616, which limits the amount of honorariums elected officers may accept in any calendar year ($15,000) as well as for any specific appearance ($1,000). The specific question raised is whether a Member of Congress, who has already received the full amount of honoraria permitted by the cited statute, would be in violation of the law if he or she requires or requests that the sponsors of the Member's appearance donate an amount equal to, but in lieu of the honorarium, directly to "bona fide charities" named by the Member or the donor.

Source: Congressman John J. Rhodes, Office of the Minority Leader, H-232, The Capitol, Washington, D.C. 20515 (May 6, 1975).

C. Joint Request of Senators Mansfield and Scott (Reimbursement of Travel Expenses) (Request Edited by the Commission)

"DEAR MR. CHAIRMAN: Section 616 of Title 18 prohibits Members of Congress, among others, from accepting more than $15,000 in honorariums in any calendar year. Of course, some Members will reach that limit in a shorter period of time than others. In such cases, would those Members be able to accept speaking engagements, receive no honorarium, and still be able to have travel and subsistence expenses paid for by the sponsor?

On a related issue, could such a sponsor be a party to this kind of arrangement if that sponsor would ordinarily and otherwise be prohibited from making campaign contributions? * * *" Signed: Mike Mansfield, Majority Leader. Hugh Scott, Republican Leader.

Source: Senator Mansfield, Senator Scott, Office of the Minority Leader, Room: S-230, The Capitol, Washington, D.C. 20510.

Date: June 26, 1975.

THOMAS B. CURTIS,
Chairman, for the Federal Election Commission.

GOVERNMENT RULES AND REGULATIONS

HON. GARY A. MYERS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. MYERS of Pennsylvania. Mr. Speaker, I am inserting in the RECORD two articles from a newspaper in my district, the Beaver Falls, Pa., News-Tribune, which carried first-hand stories of the difficulty business has in making progress under the blanket of Federal Government rules and regulations.

Babcock and Wilcox Co. in my district, Mr. Speaker, operates plants in four States employing 7,000 people. It is trying to accumulate capital for plant additions to employ more people. Soon it will complete one plant in Ambridge, Pa., in my district and employ 600 new workers. But cash is getting scarce. In 1971 Babcock and Wilcox spent $14 million on air and water purification systems and spends another $100,000 a year to maintain them. The Babcock and Wilcox system set the standards for similar industries and the company is proud of what they have done to make the 25th district a better place to live. The public and the government look upon Babcock and Wilcox and other industries of its size as profit takers ripe for tougher economic controls and taxation.

Mr. Speaker, Babcock and Wilcox profits last year were 2.7 cents on each sale dollar.

The articles follow:

[From the Beaver Falls (Pa.) News-Tribune, May 21, 1975]

B&W OFFICIALS FRUSTRATED BY GOVERNMENT

Government indecision, lack of long-range planning and attempts to regulate every phase of business are creating a serious sense of frustration for official of Babcock & Wilcox Co., Tubular Products Division, according to George Kross Jr., vice president and general manager of the division headquartered in Beaver Falls.

"Our enormous government complex seems no longer satisfied with protecting the long-term interest of the American people," Kross said. "Government seems far more concerned with running and regulating business than in planning for and meeting the crucial issues which face the nation.

"Through its present policies, regulations, indecisions and lack of foresight, the government is destroying the businesses and industries that through taxes, products and payrolls have helped build this nation and our current standard of living.

"And unless government does its job and allows business and industry to do their job, there won't be many people left working in this country's industries."

Kross cites the "alphabet of agencies" that now attempts to manage business' every move—in the use of fuels, in profits, in employment practices, in pollution control and in many other areas.

B&W's ability to produce and to employ is directly influenced by numerous agencies created through legislation: Federal Energy Administration (FEA), Interstate Commerce Commission (ICC), Environmental Protection Agency (EPA), state departments of environmental resources (DER), Federal Power Commission (FPC), the Occupational Safety & Health Administration (OSHA), plus other dictated policies from government.

"We at B&W favor much of the more humanitarian government legislation, but there is a limit to what companies like B&W can immediately do. There is a limit to how much money we can immediately afford to spend in non-productive areas," Kross said, "and continue to produce and employ our people."

B&W officials want cleaner air and water both inside and outside their plants. They don't want to spend American dollars on foreign oil. They want reasonable profits. But they also want to keep the more than 7,000 men and women working at their plants in Beaver Falls; Alliance, Ohio; Milwaukee, Wis. and Elkhart, Ind.

"It comes down to a matter of economics. Not what we'd like to do, but what we can economically do.

"This country's growth and future are based on the economic concept of profits: selling goods for a certain price, and then reinvesting profits from sales to expand, modernize and produce more and better goods—goods that are needed by people throughout the world," Kross said. "Without profits and the expansions and modernizations they produce, we will be unable to continue to provide more and better jobs.

"Unless business and industry in this country make a reasonable profit, the only growth we'll see will be in the length of the unemployment lines," he added.

The B&W vice president suggests that the numerous regulatory agencies of government are reducing profits and weakening the economy through their present policies and attempts to control business.

"Every new regulation—whether good or bad, needed or not—cuts a bit deeper into pure profits and the profits of all American industry. And business cannot afford to absorb such tremendous costs, year after year, and still stay in business," he said.

The laws being enacted by Congress are costing billions of dollars for industry to obey. Eventually the public will pay for the regulatory laws, just as the public now pays for the oversized governmental complex, according to Kross.

"No one want to pay more money for anything. But who is going to pay for the implementation of these regulatory laws? Who pays for the agencies, the government? In the long run, the consumer or voter pays for everything. And the 'price' is going up. For proof, just check your grocery bill and the level of unemployment in this country?"

It is Kross' contention that government has grown so large that one hand doesn't know what the other is doing.

"There are actually government agencies on the state and national levels that are enforcing policies that directly contradict each other. And business is caught in the middle of these contradictions."

Kross noted as an example a B&W fuel situation in which the DER's in Pennsylvania and Ohio have told B&W officials to stop burning coal and instead to burn oil in the boilers at the Wallace Run steel mill in Beaver Falls and at the Alliance Plant. The national FEA has told these same B&W officials not to burn oil, but to burn coal. The DER's said that burning coal pollutes the air, and the FEA says the burning of oil sends U.S. dollars to foreign countries.

"It's no wonder we're frustrated with government."

He also commented that pollution control devices needed to meet government regulations are costing more than new production equipment. And the huge amount of electricity needed to run the devices creates more pollution by the electrical utilities, many times, than it actually eliminates at the industrial location.

In looking at the frustrating relationship between government and industry, Kross commented on an irony that exists.

"Listen to the campaign speeches. Nearly every politician will say something to the effect that 'if elected, I'll put government on a more business-like footing'—more efficient, budget-conscious and productive.

"But once in office, our legislators attempt to do everything possible to put business on a more 'Government-like footing'."

"Unless this trend is reversed," Kross concluded, "I'm afraid that the public will continue to experience a growth in prices and in unemployment. And I can't believe that anyone—in business, government or the general public—wants to see that."

Officials Claim Profits Sliced

The beginning of industrial expansions, such as the $50 million project now underway at Babcock & Wilcox Co. Ambridge facility, may soon be a thing of the past. Government policies and regulations are slicing away at American industrial profits that are needed for expansion and growth, according to B&W's Beaver Falls Plant Manager John E. McCann.

American business and industry, like B&W, need money to begin expansions that offer more economic stability, more jobs and more products that the public needs, McCann said. But U.S. businesses are not making a great enough percentage of profit to allow for future expansion and development, he noted.

McCann and other B&W officials blame government for a great portion of the declining percentage of profit, because companies like B&W must spend millions of dollars to meet government regulations.

"We need expansion and modernization industrywide to keep up with the nation's demands for manufactured products, but meeting government regulatory requirements is slicing deeper and deeper into the profits that allow for such development," McCann said.

B&W spent $14 million in 1971 on air and water purification systems at its facilities in Beaver Falls, and the cost of maintaining the systems is more than $100,000 a year, company figures show.

"I think it's a feather in our cap that our pollution control systems have set a high standard for others to follow.

"But the fact remains that the $14 million is money that was spent for nonproductive equipment. The enormous baghouses that 'vacuum' the air at our steel mills do not produce a single specialty steel tube—tubing that would result in more oil and gas wells, more electric power and greater oil refining capabilities in this country," McCann said.

He stressed that B&W is very much in favor of cleaner air and water, better working conditions and the conservation of fuel. But the government is not willing to help business and industry make the changes.

"Meeting government regulations is costing the country's businesses billions of dollars each year, and what is spent in meeting those regulations cannot be spent for needed expansion and modernization.

"And perhaps even worse—these strict regulations are actually forcing some companies out of business and people out of jobs," McCann said.

He noted that B&W is attempting to answer the government requirements, and at the same time, attempting to answer the energy needs of the country through increased production.

"It's difficult to do both. And it's getting impossible."

B&W's Ambridge plant, which will create 600 new jobs, now is partially in operation and is expected to be running at 100 per cent capacity in 1976. In addition to the new jobs, the facility will increase B&W's tubing production in the county by 40 per cent with its cold draw, hot mill and oil well tubing operations.

"This country needs expansions like we're doing in Ambridge. Expansion is needed to supply future energy, as well as economic stability. But industry needs profits for expansions," McCann said.

B&W's worldwide corporation earned $34 million in profits in 1974—a record in total dollars earned by the company. The problem arises in the public and government's view of these profits, according to the plant manager.

"Sure, we made $34 million. But Ambridge is costing us $50 million.

"All the legislators look at is the big money. They seem to think that because a company like B&W makes a record profit of $34 million, it can afford to pay for any new regulation that can be thought up," he said.

What government does not look at, according to McCann, is that B&W made only 2.7 cents on each sales dollar—a very poor return.

"Instead of helping, government seems to be continuously looking for ways to limit the profits of business and industry," he added.

McCann believes that government is using business and industry as a scapegoat to continue wooing voters.

"I'm sure that our legislators recognize that the public is going to pay tomorrow for the government regulation that is passed on to industry today. But they won't tell the public this economic fact.

"What the public doesn't pay for through increased prices, it will pay for more severely through the loss of jobs," McCann added. "You can see this happening right now with increased prices and longer unemployment lines.

"American business cannot continue to foot the bill for everything, as government would like the public to think. There's a limit. And once that limit is reached, as it has been by some businesses, the public really becomes the loser.

"The result of government policies, too often, becomes the opposite of what government says it's attempting to do," McCann said.

"Instead of this country developing, it will be crumbling.

"We'll have clean air and water. We'll have conserved our fuels. We'll have kept the dollars in America. And we'll have the finest working conditions ever possible," McCann said.

"Unfortunately, there will be only a few lucky Americans left working."

THE DAIRY FARM SITUATION

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. MURTHA. Mr. Speaker, the dairy farm issue has become one of those problems that Government spends a great deal of time talking about while making very few positive changes to help the individual farmer.

I would like to insert into the Congressional Record an article from the Greensburg Tribune-Review, Sunday, July 20, that well states the frustration felt by one central Pennsylvania dairy farmer. While all farmers may not share his specific views, they share the general feelings that have led to difficult times for small, independent dairy farmers:

[From the Greensburg Tribune-Review, July 20, 1975]

Gloom Settles Over Dairy Farms

(By Paul Heyworth)

A black cloud of economic gloom is settling over Westmoreland County dairy farms.

William Buttermore of Ruffsdale took a few moments from his endless labors recently to describe the depressed mood of his fellow dairy farmers. Buttermore is on the board of directors of Westland Dairy and the Westmoreland County Conservation District. His beautiful 206-acre farm features 40 purebred Holsteins.

Buttermore says the feeling among farmers goes far beyond the usual complaining and griping.

"The talk is about many farms going bankrupt, about a reduced supply of milk in the fall and about giving it all up," he said.

Why?

The reasons flowed in a depressing chain:

—Dairy farmers are now losing about $1 per hundred pounds of milk they sell. Some farmers are trapped with high permanent bills which forces them to higher volumes. But the more they produce the more they get into financial trouble.

IMPORTS

—Foreign imports of cheese and other milk products have reduced local sales.

—Labor, at reasonable wage levels, is impossible to find. And spiraling, unreasonable labor costs across the nation have boosted the price of farm equipment and replacement parts beyond the farmer's ability to pay.

—The farmers, representing three percent of the population, yet paying a large portion in property taxes, do not have the collective power in government (politics) or in the marketplace to change the economic system bankrupting farm operations.

—Federal and state governments interference with the farming free enterprise system has been disastrous. The great government push for cheap food at any sacrifice, has devastated the agriculture industry.

"It's sad to say, but many farmers are saying they would like to see another depression hit the nation. They say this because they are already in a severe depression and they want the scale of values at least to come out even with them," Buttermore explained.

"We feel helpless and frustrated. We have no union. There is no consortium of farmers joining together for survival. I guess prices will only go up when production goes down—when people hurt enough, they will see the farmer's plight—perhaps," Buttermore said sadly. "People do not know what hard times are. People have forgotten the value of hard work. Some are pleasure crazy. Perhaps a depression would force us all to start over again by eliminating our warped sense of values, our false and wasteful economy," he added.

Buttermore feels dairy farming is the most costly form of agriculture because it requires more equipment and housing than other types. He sees a countywide trend moving toward grain production, even though the topography of the area isn't exactly suited for the large harvesting machine.

AGGRESSIVE

Bill Buttermore is not a negative pessimistic man. He is aggressive and innovative. He supplements his dairy income by "custom work" (renting his combine), selling Holstein breeding stock and marketing some of his wheat.

But he feels farmers have pretty well reached the end of their "efficiency rope." Each year farmers have been able to get more and more food production per acre and more milk per cow. "But this pattern is leveling off. You can only invest so much money per acre to gain better production," he explained.

It boils down to the fact that too many people are "living off a cow" he said. The farmer and workers in supporting businesses get their income from the cow. But truck drivers, for example, can earn more than a manager of a dairy, and when this spiral goes beyond the economic feasibility point the entire structure could collapse—no farmer, no cow, no dairy and no job for the union truck driver.

Buttermore feels the amount of people living off the cow must be reduced by more direct delivery to customers on a local level through key distribution points. He feels $10 per hundredweight of milk to the farmer would be reasonable. It is now around $7 to $8 per hundred. The price is figured in classes as to how the milk is used—which is not controlled by the dairyman. "Milk is milk as far as we are concerned. We don't care if it ends up as ice cream or in someone's coffee—it still cost the same to produce," he said.

But the problem lies deeper than the middleman syndrome. Buttermore is convinced the farmer's woes start in Washington, D.C. "We don't want subsidies, but if prices are not supporting the farmers, then the money will have to come from somewhere—and that somewhere may be taxes," Buttermore said. He believes the federal government has to move away from the misconception that food has to be cheap. It must also stop interfering with the supply and demand scale (with the farmer on the short end of the stick).

"I realize the working man needs unions. I have nothing against organized labor. But unreasonable wages directly tie in with the rising cost of food (in the farmer's equipment and operating costs) and they had better fix the connection," he said.

THE CASE FOR LOW TUITION

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. O'HARA. Mr. Speaker, for some months now, learned educators and economists have been exchanging position papers and research studies on the question of what tuition policies should be for postsecondary education. I think there are a few people left who still advance the argument that increased tuition at some schools will help "increase access" for students at other schools, there are some who still believe that increased tuition will somehow "improve choice," and there are a disturbing number who believe that while low tuition is a good idea, we should let it erode until we can "afford it."

As is so often the case with these great issues, the erudition of the scholars is frequently overshadowed by the insights of those most directly concerned. Not long ago, the Communications Workers of America held its 37th annual convention. The following discussion occurred on the convention floor, prior to the adoption by the convention of a resolution supporting the continuation of our century-old tradition of low tuition public education.

Mr. Speaker, Delegate Thomas G. Hoehn put it better than all the economists, all the legislators, and all the educators:

> Low tuition is a long-term guarantee of access to higher education; student aid cannot be.

I insert the debate and resolution to be printed at this point in the RECORD:

LOW-TUITION PUBLIC HIGHER EDUCATION

The American system of public higher education is a valued national resource, one that looks toward the country's future. Since its beginnings almost 150 years ago, the network of land-grant universities, State colleges and community colleges has grown to the point that it serves nearly three-fourths of all college students.

The 27th Annual CWA Convention, in 1965, adopted a resolution, "Public Education in America," which stated in part: "Higher education should not be the sole privilege of the rich. It should be the right of every young person who desires and seeks educational self-improvement." The 1965 resolution concluded that proper investment in the education of American youth ". . . will inevitably enhance the economic security of our nation."

This Union and the AFL–CIO have consistently supported the principle of low tuition in higher education.

Mounting costs and diminishing federal, state and private support have caused college and university tuition to rise sharply in the last decade, which means ever-increasing hardship on millions of American families whose children are our promising future leaders.

No amount of rhetoric about helping low-income students, saving private higher education, or increasing student choice should be allowed to mask the severe effects of high public college tuition and heavy debts on millions of Americans. Increased student aid is not and cannot be a substitute for low tuition; at best, increased aid to students can be a supplement. Federal and state tuition aid programs are subject to the annually shifting priorities of federal and state bureaucracies and bankers. Low tuition is a long-term guarantee of access to higher education; student aid cannot be.

In 1963 the Congress passed the Higher Education Facilities Act and in 1965 the Higher Education Act; with these, the federal government accepted a share of responsibility for meeting the costs of higher education. Under the Nixon Administration, many programs withered away due to lack of funds. The Federal funds available in recent years have been increasingly limited to student aid, largely restricted to students from low-income families. In the 1976 budget, President Ford has proposed a reduction of $133 million, despite the tuition squeeze.

CWA and the AFL–CIO have joined in a national campaign for low tuition with a number of educational organizations, including the National Association of State Universities and Land Grant Colleges, the American Association of State Colleges and Universities, and the American Association of Community and Junior Colleges.

Resolved: That this 37th Annual Convention of the Communications Workers of America express its support of the low tuition campaign, so that state and federal funding levels will be high enough to keep the costs of higher education from being shifted to students and families unable to bear the burden.

Mr. Chairman, the Resolutions Committee moves the adoption of Resolution 37A–75–11, Low-Tuition Public Higher Education.

President Watts: You have heard the motion to adopt. Is there a second?

. . . The motion was duly seconded . . .

President Watts: Seconded from the floor. On the motion. At microphone No. 3, Delegate Kunath, Local 7104.

Delegate Lorma R. Kunath (Local 7104): Mr. Chairman, Fellow Delegates: I choose not to apologize for the time I'm taking, because when we get upset, I have much to say; and I'm upset.

Each convention is a new learning experience, and it gives us an opportunity to review and evaluate our relationships and our issues within our organization, and this is as it should be.

I come from a State that recognized the need of higher education very early and established one of the original land grant colleges. Yet we now fall short in providing education within reach of all students.

Over the years, we have raised our children to be independent thinkers, young adults that want to do their own thing. Like myself, many of you have had the challenge of raising, and the wonderful experience of watching our children mature. It's disheartening indeed to have a son or a daughter ready, eager, and, yes, insisting that she or he assume the responsibility for the costs of a higher education, only to be stifled by these costs that are blasting out of reach.

Many of us have long had the dream that all children in America can reach for a higher education free from the threat and worry of financial costs. You have seen or heard of outlandish sums spent on sweat studies, or those on bisexual frogs. Or how about the thousands of dollars paid to the Ford Motor Company for not planting wheat? Are these our priorities?

Your tax dollars support and maintain your colleges. Often workers cannot afford to send their own children to these same colleges. The burden of college on the average middle income or lower income family is greater than ever, in part because of the increased number of children coming of college age at the same time.

Rising college costs are the principal reason why so many high school graduates are not going on to college. Furthermore, every study made of student aid emphasizes federal and state funds are far below the level necessary to help even the poor students, much less middle income students who are not eligible for much if any student aid.

For years, the young people of Iowa and other states have immigrated because of the lack of opportunity for low or no tuition education at home. Think about it. How many students have you lost to other states?

The ingenuity and resourcefulness of our youth is indeed a valued national resource. All of us have witnessed endless numbers of improvements in American society which have occurred as a result of education. These range from sending astronauts to the moon, to developing cures for killing diseases and transplanting human hearts. And just this week on the local TV news from Holridge, Nebraska tells of gas being made from corn as a source of fuel for automobiles.

There should be great effort made to urge all of our own local members to campaign for lower tuition or no tuition in higher education. I urge you to pass this resolution and contact your local Congressmen in Washington, the elected federal officials, and the elected representatives in your own state, and inform them of your actions.

All Americans have a stake in lower tuition. The future progress of our own nation depends on the expanding pool of well-educated and productive men and women.

At Microphone No. 3, Delegate Allen, Local 11571.

Delegate Norma Allen (Local 11571): Mr. Chairman, Brothers and Sisters, I rise in favor of this resolution.

I am a graduate of an institute of higher learning. I earned a Bachelor of Arts in English Literature.

I know, personally, how expensive it is to continue one's education after completion of high school. When one calculates the amount one may have earned while attending a college or university, in addition to the cost of tuition, room, board, and other incidentals, this runs into thousands of dollars, constituting an expensive investment.

If an individual does not have the finances and is forced to work while continuing school, the total educational experience suffers.

The institution of a low tuition campaign is necessary and just.

I urge you vote in favor of this resolution for low-tuition, public higher education.

Thank you. (Applause)

President Watts: At Microphone No. 1, Delegate Sparks, Local 12222.

Delegate Lucille Sparks (Local 12222): I move the previous question. (Applause)

President Watts: You have heard the question called for. . . . The motion was duly seconded . . .

President Watts: It is seconded from the floor.

All those in favor of the motion to close debate signify by raising their right hand; down hands; opposed by a like sign; down hands; the motion is carried.

The question before us is the adoption of Resolution No. 11.

Will all those in favor signify by raising their right hand; down hands; opposed by a like sign; down hands; the resolution is adopted.

H.R. 605: DECONTROL OF OIL PRICES

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. GUDE. Mr. Speaker, I want to indicate my support of House Resolution 605, to disapprove the President's oil price decontrol plan. I do this with some reluctance because its passage signifies the continued inability of the Congress and the President to agree on basic energy policy and strategy. If the Congress continues to disapprove administration proposals and the President vetoes congressional actions, the result will be continued stalemate until the end of August when all price controls on petroleum expire. Such an outcome will be the worst possible choice, by all accounts. Nevertheless, I believe the Congress must persevere in its efforts to develop a rational energy policy that is both conducive to obtaining energy independence and fair to consumers.

Regrettably the President's proposal fails on several grounds. First, it is based on a mistaken premise. While it may be true that the free market is the most efficient allocator of resources in the abstract and that, therefore, decontrol makes sense, the fact is that there is no free market at the present time. On the contrary, we have market prices determined by OPEC, and decontrol will only cause domestic prices to rise to OPEC levels. This will have a devastating effect on consumers.

The second premise of the President's plan is that higher prices will bring forth additional oil. This is most likely correct, though the amount of additional oil at any given higher price is subject to intense debate, but it is really asking the wrong question. Given that decontrol will more than double old oil prices, affecting a large part of current domestic production, the proper question is whether paying such a great amount for marginal quantities of a finite resource is worth it. There is serious question in my mind as to whether it is. If a large incrase in price yields only a small increase in production which will surely diminish over time, then we would be better advised to invest more heavily in the development of other, alternative sources of energy.

Tied in with this problem is the question of short-term versus long-term needs. While general agreement has been achieved on the need to develop alternative sources of energy over the long term, we remain divided over steps needed to meet the threat of another oil embargo in the short run. The irony is, however, that decontrol—part of the President's implied short-term solution—is not essentially a short-term strategy. It takes time for the market mechanism to work even when there is a free market, and inevitable delays and equipment shortages mean any new oil brought to the surface by decontrol is several years away at least.

All these reasons create considerable doubt in my mind as to the desirability of decontrol, and I, therefore, voted to disapprove the President's plan.

POLL INDICATES SUPPORT FOR RIGHT TO ABORTION

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Ms. ABZUG. Mr. Speaker, a statement by Representative OBERSTAR which appeared in the CONGRESSIONAL RECORD of March 25 attempted to show that a majority of the American public opposes legal abortion. The poll was also mentioned by Representative ZABLOCKI in the RECORD of April 18. Representative OBERSTAR used the results of only one of many questions asked in a poll by DeVries & Associates for the National Committee for a Human Life Amendment to illustrate his point.

Unfortunately, the one question cited was itself so misleading that it is doubtful any accurate measure of the public's feelings on abortion could have resulted from its use. The question reads as follows:

> . . . The United States Supreme Court recently ruled that all of the states' abortion laws are unconstitutional. For practical purposes, this ruling has made abortion available to a woman on request throughout her pregnancy. The United States Congress is considering four possible courses of action in this matter.
>
> If you were the Congressman from this area which of these alternatives would you vote for?

A list of alternative courses of action followed.

The results indicated by Representative OBERSTAR were that "nearly three out of four Americans believe Congress should take action to correct the situation created by the Supreme Court decision legalizing abortion on January 22, 1973."

It is clear that no accurate results could be obtained from such an inaccurate question. In fact, the Supreme Court rulings did not make abortion available, one, on request or two, throughout a woman's pregnancy. The Doe against Bolton and Roe against Wade rulings make clear that abortion will not be available "on demand" but that the decision to have an abortion must be made by a woman with her doctor during the first 6 months of the woman's pregnancy. Furthermore, abortion is not available "throughout her pregnancy," for in the last 3 months, States may prohibit abortion altogether except in cases where the mother's life or health is at stake.

There can be no validity to a question

based on faulty information. One wonders how different the results would have been on this question if there had been an accurate description of the Supreme Court decisions.

Another question used in the poll which reflects hidden bias deals with abortion stands and political candidates. Individuals being polled were given four alternatives:

1. Stopping abortion is so important that I would vote against any candidate who supported abortion, no matter how many things we agreed upon.
2. The right to abortion is so important that I would vote against any candidate who opposed abortion, no matter how many things we agreed upon.
3. If I believed both candidates for a political office were equally qualified and then learned that one of the candidates supported abortion, I would vote against that candidate.
4. Abortion is not important enough to me as an issue that I would vote one way or another solely on the basis of the issue.

The bias in this question lies in the fact that although alternatives one and two are parallels, reflecting diametrically opposed responses to the same query, there is no parallel to alternative three, which would reflect a pro-choice point of view. Thus the conclusion in the poll that "For 27.7 percent of the respondents a candidate's stand against abortion is a critical factor in his decision to vote for the candidate" and "15.2 percent took the opposite tack saying they would vote against any candidate who opposed abortion" represents a conclusion based on an inherently defective question and thus cannot be said to adequately reflect pro-choice sentiments.

A far more significant finding of the poll is that 72 percent of the total respondents—and 65 percent of the Catholic respondents—believe that abortion should be allowed under certain circumstances. This finding is consistent with those of other national polls taken since the 1973 Supreme Court decision on abortion that indicate that a majority of Americans favor legalized abortion. These include the Harris Poll taken in 1973, the Washington Survey taken by the Bureau of Social Science Research, Inc., conducted in 1974, and the Virginia Slims American Women's Opinion Poll taken in the spring of 1974.

DON BONKER STUDY MISSION TO THE MIDDLE EAST

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. BONKER. Mr. Speaker, recently, I had the opportunity to tour the Middle East as a Member of the House International Relations Committee. This is an area of growing importance worldwide and of special significance to the United States. Several months ago, Secretary of State Henry Kissinger announced the administration's intention to reassess our policies in the Middle East, a move which may well represent a basic shift of U.S. economic and military support of the nations involved in that part of the world. As such, the Congress should be fully apprised of these efforts and participate in any substantive decisions involving the Middle East. As a result of making this trip, I feel better prepared to participate in this process and work toward the goal of achieving a lasting peace in that troubled part of the world.

My 7-day tour allowed me to visit Israel, Jordan, and Egypt. I was pleased and honored that in each of these countries the heads of state were available to meet personally with me, as were their top political and military leaders. One American Ambassador noted that the head of state in that country had personally met with every Congressman who had visited there and the number was well over 100 in the past year. I believe this says something about the growing importance Middle East leaders place on the Congress in formulating U.S. policies that affect their countries. In fact, I was impressed with how sensitive they were to Congress activities concerning the Middle East, and how our policies strongly influence decisions and events in that part of the world.

In my discussions with Premier Rabin and other Israeli leaders, I found a sense of pragmatism coupled with a firm commitment to preserve their security. For a nation that has suffered four wars and repeated terrorist attacks since its founding in 1948, this concern is understandable. They are genuinely receptive and interested in the "step-by-step" approach advocated by Secretary Kissinger, but Israel is also prepared to "go it alone" if necessary. The U.S. aid program is, of course, necessary to Israel's strong defense and economic stability. Dr. Kissinger's statement, which was widely publicized while I was in Jerusalem, that U.S. aid could be jeopardized if Israel did not "concede" in the current negotiations was met with some alarm. Despite the serious consequences of this threat, I got the impression that Israel was determined not to sacrifice what was considered essential to its national security.

Concerning present negotiations over a second-stage disengagement in Sinai, Premier Rabin insisted that Israel's defense requires a military presence in the Mitla and Giddi passes. If Israel is forced to withdraw as part of a settlement, the Premier made clear the necessity of maintaining some electronic surveillance and troops in brigade strength on the eastern rim of the passes. He also wanted guarantees of a long-term, step-by-step agreement, ideally 8 years, minimally 3. On other matters, the Israeli Government felt less strongly about the Abu Rudeis oil fields—though this source amounts to 50 percent of Israel's oil supplies. Premier Rabin said to me, and I have seen it in print elsewhere, that:

> Oil is not blood and so we have not made this an issue.

There was little optimism that an interim agreement was possible with her northern neighbor, Syria, because of the military significance of the occupied territory between the two countries. There is similar doubt about the likelihood of an accord with Jordan within the context of its demand for an Israeli withdrawal 5 to 6 miles along the Jordan River. On another matter, Premier Rabin stated unequivocally that he would not do business with the Palestine Liberation Organization. He distinguished between the Palestinian issue, which he recognizes needs to be dealt with, and the PLO, saying the matter had to be negotiated within the context of a peace agreement between Jordan and Israel.

Israel is a democracy and as such its government is subject to a variety of internal political forces. I met with a number of political leaders, representing all of the factions in the Knesset, including Mrs. Shulamit Aloni, M.K., considered a dove, and Mr. Menachem Beigin, M.K., who is labeled a hawk. There appeared to be little distinction over Israel's common goals but the means of achieving those goals. The underlying theme is Israel's right to exist and ability to survive in what is perceived as a hostile world. Israel's defense is a matter of everyone's concern. Even today there is still much debate and criticism over the Yom Kippur War and the unnecessary setbacks which Israel experienced in 1973. Premier Rabin will not be without his critics if he chooses to go along in the present negotiations. I now have a greater appreciation for his position and courage in leading his beleaguered nation through these difficult times.

Our travels took us through most of the major cities and on a special tour of occupied territory in the Golan Heights. It became readily apparent why this area is of strategic importance to Israel. Prior to the 1967 war, the many kibbutzim with their stretch of high-yielding farmlands which embraced the pre-1967 Syrian border, made them especially vulnerable to sniper attacks from their Syrian neighbors. The area is important not only to maintain the integrity and safety of the kibbutzim, but it has equal value militarily to protect Israel's northern front.

I visited Kibbutzim Manara and Kefar Blum, both located near the Lebanese border where they are vulnerable even today to sporadic attacks from Arab terrorists. One could not help but respect the kibbutnik, their courage and dedication is a way of life that most of us would find impossible to follow. They are making a contribution to the building of the country which is out of proportion to their numbers. With a total under 100,000, which is less than 4 percent of the population, they have been largely responsible for Israel's agricultural development and have more than their proportionate share of representation in the Knesset.

In Afula, I met with Mrs. Ruth Bar-On, director, Information Division, Israel Public Council for Soviet Jewry and Immigrants from U.S.S.R., and conversed with a number of young immigrants who had arrived in Israel recently. Mrs. Bar-On directs one of many immigration centers where processing, educational and relocation programs are in effect.

Israel, like the United States, is a nation of immigrants and as such places high priority on the integration of all immigrants, regardless of origin, into its system. Today, thousands of Jews from many countries are coming to Israel. The processing centers, similar to the one in Afula, allow new immigrants to make the transition to their new world with a minimum of fear and inconvenience.

Every month Israel opens its doors to thousands of immigrants from the Soviet Union. Yet thousands of others are detained in Russia and other Communist countries without any hope of being released. I talked to at least three women whose husbands or brothers were presently imprisoned and denied an opportunity to file for immigration. They pointed out the Jackson amendment was their only hope. When I reminded them that recent statistics show that immigration has actually decreased since the Jackson amendment, they said it was a Russian hoax and that in the long run the amendment will be their only guarantee to freedom.

Throughout my stay in Israel, I had the opportunity to talk to many people representing all aspects of the society. What is immediately apparent to any traveler to Israel is the collective national purpose shared by all Israelis—a deep commitment to survival. Almost everyone, regardless of age or position, proudly accepts military obligation. During my visit, the dreadful explosion in Zion Square occurred, killing 13 and injuring 72 people. Everyone responded in a personal way, as though a family member had been a victim, yet equally significant was the determination that Israel must and will continue not to panic or be swayed by terrorist activities.

My first stop in Jordan, after crossing the Allenby-King Hussein Bridge, was at Bakaa Refugee Camp where approximately 34,000 Palestine refugees are located. Relief moneys, of which the United States contributes $23 million annually, are made avaliable through the United Nations—UNRWA, to help with the refugee problem in the Middle East. As one might expect, the conditions were appallingly substandard, dramatically illustrating the enormity of this problem. However, in meeting with Bakaa representatives, I learned that the conditions concerned them less than their unremitting desire to return home to Palestine—now parts of Old Jerusalem, Gaza Strip and the West Bank. These refugees were understandably bitter about their situation and carry a vengeful desire to return to their previous homes. They are the innocent victims in the Middle East quandry. These unfortunate people do not know whether their future rests with a new Palestine State, accepting the present as permanent, or with their dreams of some day returning to their homeland. The Palestine refugees continue to be the most perplexing and possibly the most soluble problem in the Middle East today.

In meeting with King Hussein and Jordanian officials, I found the sense of moderation which has characterized that country in recent years. The King expressed his hope and sincere commitment to a peaceful settlement with Israel. To my query about his recent political and military pact with Syria, he responded it was a normal course of action among nations and provided some security which he said Jordan was lacking at this time. Concerning the pending sale of U.S. Hawk Missiles to Jordan, King Hussein said they were essential to Jordan's security and would not be placed along the border but around Amman and major airfields in Jordan. He said his country was highly vulnerable to enemy air attack, from any source, and needed to take these precautions. The King said further that if the sale were not completed with the United States, he would be forced to do business elsewhere. I presume he meant the Soviet Union, since that country is the only one that produces a comparable weapon.

Though King Hussein maintained that the Hawk Missiles are for defense purposes only, the Israelis point out that a complete antiair defense system would give the Jordanians enough security to join Syria or Egypt in a confrontation with Israel. They believe that Jordan abstained from direct involvement in the Yom Kippur war because of its vulnerability to Israeli air attacks. It learned that bitter lesson in 1967. Jordan is part of the Arab-Israeli balance of power which is based on military asymmetries among the nations involved. As long as these asymmetries remain within the ratio of one to three in major weapon systems, Israel could, despite difficulties, cope with the situation. The moment these asymmetries grow above this ratio it will escalate chances of Arab attack or a preemptive action by Israel.

Crown Prince Hassan and other high-ranking officials pointed to Jordan's economic progress. Here I discovered, as I did everywhere I traveled in the Middle East, the importance of American aid in helping countries address their social and economic problems. There is a growing mood in the United States, reflected in Congress in recent years on Foreign Assistance votes, which can only be described as antiforeign aid. This is, of course, a tempting but ill-fated course in that our ability to influence decisions toward peace relates, in part, to our willingness to assist other nations. It is clearly the responsibility and burden of a major world power. If we are to continue the status of world leader, then we must accept certain challenges and responsibilities. Also, if we are to limit and reduce Soviet influence in the Middle East, it is to our advantage to assist these countries with their socioeconomic problems and at the same time encourage a course of political moderation.

The last stop on my tour was Egypt. Upon my arrival, I was treated to a thorough analysis of U.S. policy in the Middle East by Ambassador Hermann Fr. Eilts. The Ambassador gave unsparingly of his time in explaining the problems and prospects in the Middle East and added immeasurably to my understanding of the situation there.

In my 1 hour session with President Anwar Sadat, I had the opportunity to discuss with him a number of issues, including United States-Egyptian relations, political and economic issues involving his country and specifically the Sinai and the current negotiations. I found the Egyptian President to be courteous and frank in our discussions. He unhesitantly, and I believe honestly, replied to all the questions that were put to him. Sadat easily conveys the impression that he is moderate and is genuinely interested in a peace settlement that will enable him to concentrate on bringing Egypt out of its primitive past and make it one of the most prosperous nations in the Middle East.

President Sadat outlined what I felt was a rather significant shift in Egypt's relations with the two major powers. Shortly before the United States and Egypt resumed full diplomatic relations in 1972, and approximately 1 year before the Yom Kippur War, Egypt, under President Sadat's leadership, initiated steps to dismantle relations with the Soviet Union. This led ultimately to the dispelling of 17,000 Russian technicians in early 1973. I asked Sadat why he took this action, recognizing that it would cost him heavily in military and economic support. He replied that he would not compromise his independence as a national leader. In short, he found the Soviet presence in his country debilitating, a source of unwarranted criticism, and threatened influence over the Egyptian military. I asked him whether he was still receiving aid from the Soviets. Only very little, he answered, most of which was on earlier contracts. Additionally, he pointed out that the Russians did not resupply their losses resulting from the 1973 war. Sadat grimly reported that prospects were not good for improved relations between the two countries.

At the same time, President Sadat expressed concern over the Soviet buildup in Libya, Iraq, and Syria, posing a possible threat to Egypt's current policy of moderation in attempting to negotiate a peaceful settlement with Israel. The day I was in Cairo, the Egyptian Gazette carried banner headlines of a story about plots within Libya to assassinate President Sadat. At a time when the Arab world is insecure and unpredictable, we should recognize and even encourage leaders like President Sadat who stand for moderation. This can be accomplished through continued U.S. economic assistance to Egypt and political recognition and support of leaders such as Sadat and King Hussein, so that responsible leadership can be sustained. The alternative, of course, would give either Soviet-supported countries or unstable Arab leaders opportunities to assume a greater and inevitably a more volatile role in the Arab world. The result would most definitely pose a greater threat to Israel's security and bring certain war to the area.

In my discussion with the Egyptian President, it became apparent that he has a deep affection for President Ford and openly admires Dr. Kissinger. This cordial relationship is more than just personal diplomacy. It is felt throughout Egypt. One can see in the media and in the bureaucracy, academia, and other institutions a favorable attitude toward the

United States. This is a far cry from the days of former President Gamel Nasser, who vehemently denounced America on every occasion. Thus, it is to our advantage to have close ties and exercise some influence with the chief spokesman of the Arab world. Shortly before we departed from Sadat's summer residence, Ambassador Eilts requested in behalf of our Government that the Egyptian President intercede in securing the release of Colonel Morrison.

Sadat immediately responded that he had already placed calls on the American officer's behalf and said he would continue working on it. Sadat is rapidly proving that he is a trustworthy and responsible world leader. That is to everyone's best interest.

The fundamental question facing Sadat is how far is he willing to go toward reconciliation with Israel. This becomes a complex question as the Egyptian leader attempts to rationalize his behavior with respect to the Israelis. For example, is Sadat willing to acknowledge in public what he has in private—that there is indeed a Jewish state of Israel and that he is prepared to accept it and deal with it as a normal, permanent sovereignty in the Middle East. A simple statement of recognition, followed with normalization of economic and political relations with Israel would do much to pave the way for peace in the Middle East. I fully recognize that these matters, plus a statement of nonbelligerency, are Sadat's bargaining tools, but they are also gestures of good faith.

The most disconcerting moment in my discussions with President Sadat came in response to the following question: Suppose that, under optimum conditions, Israel accepted the pre-1967 borders in the Sinai in return for a statement of Egyptian nonbelligerency for 5 years. Suppose further that in 2 years Syria, after failing to negotiate a similar agreement, launched an attack on Israel's northern border and requested Egypt to join her in the war. What would be your answer? Sadat replied,

> It depends on who fires the first shot.

Any peace agreement is not worth the paper it is written on if there are not absolute guarantees of nonaggression. Sadat, I am convinced, genuinely wants peace, but he still wants flexibility to attack should he find it necessary or desirable later on.

Most of my discussion with President Sadat concerned the present negotiations between Egypt and Israel. I have saved my comments on this matter until now in order to present them along with my analysis of the step-by-step approach. This course offers, I believe, the most realistic chance of attaining an immediate, and hopefully a lasting, peace in that troubled area. It is an approach that is also fully endorsed by both Sadat and Premier Rabin, for they recognize better than anyone that the alternative would bring war and devastation to both sides.

The first and most difficult step is to seek agreement on the territory which lies between Egypt and Israel. Israel makes a justifiable case for the occupied area in the Sinai: It is critical to Israeli national defense. President Sadat, on the other hand, several times eloquently pleaded that this (Sinai) is "our land." "We have a right to reclaim it, and we will," he told me. Both Rabin and Sadat are under considerable pressures in their respective countries to hold a strong line on this issue. The chief obstacle to solving the deadlock is the status of the Mitla and Giddi passes. The passes are apparently the only viable routes through the Sinai mountains for military movement either toward the Suez Canal or away from it toward the Israeli border. Israel, as I understand it, would be willing to pull back to the eastern end of the passes so long as it could maintain electronic listening equipment to monitor possible Egyptian troop movements. Sadat, on the other hand, said he would demand that Israel pull out of both passes completely. He wants U.S. forces to be positioned in the Sinai passes to conduct monitoring activities of mutual benefit to both sides.

Though there is a difference of opinion about the value of the passes and the electronic monitoring systems, there is no doubt about the Israeli high command's commitment to keep them. In meeting with Defense Minister Shimon Peres, it was pointed out to me that any Egyptian armor allowed through the passes could outflank the mammoth Israeli base at Bir Gafgafa. Sadat was just as convinced that the passes were of little value militarily. He said routes existed elsewhere in the Sinai which were equally effective if Egypt wanted to attack Israel. He added:

> Besides, we have advanced weaponry and could launch an effective attack despite the passes.

It appears that the parties are so close and yet so far apart. Neither can afford another war at this time in military or economic terms. The Sinai itself is of little value, aside from the oilfields which Israel is willing to give up. Basic to any agreement is Israel's willingness to give up occupied territory at the risk of losing a foothold in the strategic mountain passes. In return, Egypt must accept reclaiming less than all the Sinai for the time being and sign a short-term peace agreement. The problem appears to be more of principle and status than of substance. Premier Rabin is pressed at home not to relinquish areas which may jeopardize Israel's defense. Sadat must not compromise his honor in the negotiations and will have to deal firmly with Israel if he is to maintain a leadership role in the Arab world.

What about America's role in the Middle East? Until recently, the U.S. position has been one of unflagging support of Israel. With full Soviet backing of former President Gamal Nasser's ambition to drive Israel into the sea, it was a classic example of the two major powers lining up on either side of a conflict. With renewed relations between the United States and Egypt in 1972 and Secretary Kissinger's current efforts to "reassess" U.S. policy in the Middle East, our present position seems less clear.

Indeed, both Hussein and Sadat repeatedly asked me to keep in mind what was truly in America's best interest. At one point, President Sadat told me he did not mind U.S. support of Israel, even military assistance, provided that treatment was fair and objective. Arab and Israeli leaders alike stated that the United States has a critical role in negotiating a peaceful settlement in the Middle East. There is little doubt that our best course lies in the step-by-step approach advocated by Secretary Kissinger. It offers, I believe, the most realistic chance of attaining an immediate, and hopefully a lasting, peace in that troubled area. It is an approach that is fully endorsed by both Sadat and Premier Rabin, for they recognize better than anyone that the alternative would bring war and devastation to both side.

The United States has a clear interest and moral obligation in the survival and security of Israel. The Arabs are amazed by our strong support of Israel, but they fail to realize our roots in Israel are very deep. We not only share a common religious experience, but there are social and cultural ties as well. Israel is a model democracy, which is important to our belief that nations should be free and democratic. A recent Harris survey clearly indicates broad public support for Israel in the United States. Public sympathy for Israel had risen from 39 percent in 1973, shortly after the Yom Kippur War, to 52 percent in January this year. By contrast, 7 percent of the American people expressed sympathy with the Arab side in the present conflict.

I join many others in Congress who fervently believe that America's economic and military support is critical to Israel's survival. Until a peaceful settlement is reached, I am convinced that Israel's military strength is the only deterrent to war in the Middle East. Any hint of erosion of the U.S. commitment to Israel at this time will only be an invitation to escalate tensions in the Middle East. Israel cannot look elsewhere for help as can her Arab neighbors. Most of the third world nations have joined in the Arab cause against Israel.

The oil crisis and the influence of petrodollars have now succeeded in eroding support for Israel among most of the industrialized nations. That leaves the United States as sole supporter of Israel, and even that support is waning with President Ford and Kissinger urging Israel to take greater risks for peace. This year the Congress will act on a $2.5 billion dollar aid and arms request to continue our support of Israel. This assistance is recognition of our continuing support of Israel and hopefully will not be used by our Government as a means to force Israeli concessions at the bargaining table. The Harris poll cited above also revealed that 66 percent of the American public favored sending Israel whatever it needed in the way of military hardware. This is all the more remarkable in view of the decisive 65 percent who oppose military aid in general for other nations.

This raises the question about the coherency and consistency of America's foreign policy. How can we expect Israel, Egypt and other nations to know and to rely on our foreign policy when the

Secretary of State is advocating one course and the Congress another? No where is this more dramatically apparent than in the Middle East. Recently, as President Ford prepared to depart for Salzburg to meet with Egyptian President Sadat, he was presented with a letter carrying the signatures of 76 Senators reaffirming their support of Israel. This division is not limited to the Middle East but prevails in many areas of our foreign policy. After the Truman-Vandenberg agreement in 1946, America enjoyed a bipartisan foreign policy which successfully led us through the post-World War II era. However, that relationship has deteriorated, and the consequences are now being felt in our inability to cope with the major forces that are shaping world affairs. If we are to speak with what Secretary Kissinger terms "central authority," it is necessary for the Congress to have confidence and trust in the administration; at the same time, the administration must be open and honest in informing the Congress and must allow it a degree of participation in the formulation of our foreign policy.

CAPTIVE NATIONS WEEK

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. BADILLO. Mr. Speaker, once again we are commemorating Captive Nations Week.

It is unfortunate, to say the least, that 17 years after the inception of this observation we must still speak of people existing without freedom, self-determination, and bereft of much of their human rights. It is fitting, however, that we remember the plight of such nations at a time when we make ready to celebrate our Bicentennial and the 200th anniversary of our own national commitment to independence and sacred individual rights.

While the recent end of the war in Southeast Asia signaled the end of our own involvement and brought an end to armed combat, it did not signal the end of suffering or hopelessness. Hundreds of thousands throughout the world are still homeless, still hungry, still poor, and still oppressed.

A renewed national commitment to aid those who need our help would surely be the most fitting celebration of our national independence; and a calm determination to reaffirm and uphold individual rights the most suitable safeguard of our own liberties. I hope that as Congress considers legislation which calls for the sharing of our resources with those in need we shall have the wisdom, the compassion, and the courage to do so and thus help advance the cause of human welfare and human dignity throughout the world.

REGISTERING BY MAIL

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. TALCOTT. Mr. Speaker, once again this year an attempt is being made to have the Congress approve post card registration of voters. The theory is that, by making it easier to register, more voters will vote on election day.

I am opposed to post card registration. It is unnecessary, and would only encourage inefficiency, administrative foul-ups, and fraud. Further, if an individual will not even make the minimal effort that is presently required to register to vote, he will probably not vote in any event.

At this point, I ask unanimous consent to insert in the RECORD a recent editorial from the Monterey Herald, Monterey, Calif., which contains an excellent discussion of the reasons why a post card voter registration system should be opposed. The editorial follows:

[From the Sunday Peninsula Herald, Monterey, Calif., June 29, 1975]

REGISTERING BY MAIL

The California Legislature and the Congress of the United States are heading in the wrong direction in their separate efforts to encourage more voters to cast ballots on election day by making it easier for them to register—by mail.

In the Legislature, a bill by Assemblyman James Keysor has cleared the Elections and Reapportionment Committee. It would permit registration by postcard up to 30 days before an election. Another proposal by State Sen. George Moscone defeated Friday would have allowed mail registration up to the day before!

In the U.S. Senate, Sen. Gale McGee, a Wyoming Democrat, is trying for the third time since 1971 to authorize registration by postcard for federal elections. But President Ford opposes the measure and congressional support does not appear sufficient to override a veto.

Advocates of registration by mail claim that the present system—under which registrants must appear personally before deputy registrars—is inconvenient and a deterrent to full and free use of the franchise.

Opponents argue that registration by mail invites voter fraud. Inasmuch as no personal identification would be required to register, the election system would see "tombstone" registration unequalled since the heyday of Tammany Hall.

The post cards would have to be delivered to every household and dwelling, a herculean task in itself. Despite restrictions on forwarding the cards and strict penalties for persons who submit falsified registrations, there would be no truly effective way to police the system.

The detection of fraudulent voters would be impossible without an enormous computer data system that would invite abuses of personal surveillance and invasions of privacy far greater than the recent CIA and Internal Revenue Service exposures.

Of course fraud in the present face-to-face registration procedure also is possible. But opportunities for fraudulent voting on a systematic basis would be greatly expanded by register-by-mail plans.

But the chief flaw in postal registration schemes is that they are based on the false premise that the chief reason persons don't vote is because it's too difficult to register. That's highly unlikely. The chief reason most of us don't vote is because we simply don't have the desire or interest to do so.

Two faculty members at American University in Washington, D.C., recently conducted a study of voting which supports this conclusion. They found that the big argument in favor of postal registration is that it is much less expensive—about $1 per person—than personal registration.

But there is no significant gain in registration totals. After analyzing postcard systems in Maryland and New Jersey, they decided: "Voter interest in the offices and candidates on the ballot, and in the issues, is a far more important factor in voting registration and turnout than is the method."

In California it is particularly easy to register. Residency requirements have been pared to a bare minimum. Registration is possible at numerous convenient locations, at shopping centers and often even at the front door as political parties and service organizations conduct voter registration drives.

Despite this, the 87.9 million persons registered to vote in last November's general elections represents just 62 per cent of the estimated 141.3 million persons of voting age. An indictment of the registration system? Hardly. For of those 87.9 million registered to vote, 24.7 million—or 28 per cent—didn't.

These figures give credence to former Sen. Sam J. Ervin's indictment of the post card registration effort as "the most unwise legislative proposal ever made in the Senate during my more than 14 years of service." His chief objection is that it "puts power in the hands of people who do not care enough about their country" to take the time to appear in person to register.

The solution to low voter turnout is to make people care about and trust in their political system. Certainly it is shocking to see estimates that less than half the 14 million Californians of voting age will cast their ballots in the next statewide election.

But that does not mean that we should throw out the rule book in an eagerness to assure that the highest possible percentage of citizens cast ballots. Our efforts could better be applied to strengthening the two-party system and giving the citizen more reason to value his privilege of registering as a voter and going to his polling place on election day.

TENNESSEANS ON THE WAYS AND MEANS COMMITTEEE

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. FORD of Tennessee. Mr. Speaker, I rise today to call the attention of my distinguished colleagues in the House to the time-honored tradition of Tennessee Democrats serving on the Committee on Ways and Means. This tradition began in the 4th Congress of the United States with the Honorable Andrew Jackson and has become firmly established over the years.

Since that time, at least 17 Tennessee Democrats have been members of this committee: Two of them later became President of the United States; one of them, the Honorable Cordell Hull, served as Secretary of State under President Roosevelt throughout this Nation's involvement in World War II; and three Democrats from the "Volunteer State" rose to the position of chairman of the important tax-writing committee. Mr. Speaker, I am certain you, and a number of my other senior colleagues, will recall with great respect the service rendered by Jere Cooper who chaired the committee during the late 1950's.

Most recently, the interests of the people of this country, and those of the midsouth region, have been very ably represented on the committee by our distinguished friend and colleague from Tennessee, RICHARD FULTON. As you know Congressman FULTON is presently chairman of the Subcommittee on Public Assistance which has jurisdiction over bills referred to the Committee on Ways and Means affecting those provisions of the Social Security Act relating to welfare matters.

Mr. Speaker, Chairman FULTON has had a long and illustrious career in the House of Representatives and has discharged the responsibilities of his office with distinction. I am moved today to express my personal appreciation, and the appreciation of those whom I represent, for his 13 years of diligent work in Congress. I should also like to wish him continued success in his public life.

PAN-HELLENIC EMERGENCY COMMITTEE'S PETITION TO CONGRESS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Ms. ABZUG. Mr. Speaker, in view of the crucial decision we will soon be called on to make concerning the resumption of arms aid to Turkey, I would like to insert in the RECORD the following petition to Congress from the Pan-Hellenic Emergency Committee:

PETITION TO CONGRESS

On this first Anniversary of the Turkish invasion of Cyprus, We, Citizens from all the States of the Union, have assembled before the Nation's Capitol in Washington, D.C. this Sunday, the 20th day of July 1975 to:

Express our satisfaction for the courageous stand and efforts of our elected Senators and Representatives who have withstood undue pressures from the Executive Branch and the Turkish Government and have demonstrated to the World that the United States of America is governed by the rule of law and principles of humanity.

Voice, once more, our indignation with the Secretary of State's misconception of our national interests by disregarding our laws and the various specific agreements with respect to the use of military aid and equipment given to Turkey; and

Appeal, once again, to our Congress to continue to defend the laws of our land and to vote against the adoption of S-846, as amended, and such similar bills, until the Turkish armed forces are withdrawn from Cyprus and the 200,000 Cypriot Refugees are repatriated to their homes.

IS IT RESEARCH OR "RIP-OFF"? TAXPAYERS ARE IRRITATED

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. ROUSSELOT. Mr. Speaker, as the House and Senate conferees consider H.R. 4723, the National Science Foundation Authorization Act for fiscal year 1976, I strongly urge that the Bauman amendment which was passed by the House to give Congress veto power over NSF grants be retained.

An article which appeared in the July 28 issue of U.S. News & World Report emphasizes that American taxpayers are questioning—and with good cause—the allocation of their tax dollars for programs of such doubtful benefits to the citizens of our Nation as:

Nearly $500,000 to determine under what conditions humans and monkeys clench their jaws.

$9,600 for still another biography of Isaac Newton.

$36,500 for a probe of the "Evolution of Song Learning of Parasitic Finches."

$40,000 for a report on "Spider Distribution Associated With Prey Density."

$15,000 for a hitchhiking study.

$81,000 to uncover the social behavior of the Alaskan brown bear.

$5,500 for a similar examination that zeroes in on prairie dogs.

In my opinion, the Bauman amendment expresses the views of the citizens of this country, and it gives the taxpayers a voice in the spending of their tax dollars on NSF grants through their elected Representatives. It is clear to me that this response has been prompted by the poor judgment shown by NSF in approving these grants, but more importantly by the poor judgment of Congress in appropriating tax dollars for these types of programs without congressional oversight. The amendment sponsored by our colleague from Maryland, BOB BAUMAN, would correct this situation.

The full text of the U.S. News & World Report article follows, and I not only urge all of my colleagues to read this material, but to also join with me in letting the conferees on H.R. 4723 know of our strong support for retaining the Bauman amendment in the final version of this legislation:

IS IT RESEARCH OR "RIP-OFF"? TAXPAYERS ARE IRRITATED

Pointed questions about a fresh crop of controversial research projects are making life miserable for some Congressmen.

Pinched taxpayers are complaining long and loud about such federal outlays as—

Nearly $500,000 to determine under what conditions humans and monkeys clench their jaws.

$9,600 for still another biography of Isaac Newton.

$36,500 for a probe of the "Evolution of Song Learning of Parasitic Finches."

$40,000 for a report on "Spider Distribution Associated With Prey Density."

$15,000 for a hitchhiking study.

$81,000 to uncover the social behavior of the Alaskan brown bear.

$5,500 for a similar examination that zeroes in on prairie dogs.

RUMBLINGS BACK HOME

Congressmen—already worrying about next year's elections—are having a tough time explaining such undertakings.

One Representative, referring to an expensive study "on why people say 'ain't,'" suggests that many of his constituents "figure the Congress 'ain't' got any sense when it votes for expenditures such as these." And Washington is being bombarded with protesting mail.

As a result, the Federal Government's scientific community—which spends billions of dollars a year on a staggering array of research projects—is increasingly finding itself called to account on Capitol Hill.

The House of Representatives in April voted 212 to 199 for the "Bauman amendment," which would give Congress veto power over National Science Foundation grants. NSF makes about 15,000 grants a year for independent study in the natural and social sciences. Some lawmakers argued unsuccessfully that screening all those projects would be cumbersome and that the thrust of the amendment is "anti-intellectual."

But Representative Robert E. Bauman (Rep.), of Maryland, sponsor of the amendment, maintained that taxpayers were "fed up with all the spending for these insane and questionable purposes. There are people out of work, and this Government is facing a 100-billion-dollar deficit."

Representative Robert J. Lagomarsino (Rep.), of California, joined in—

"I am not opposed to 'pure research' . . . but I am opposed to pure rip-offs. And I am convinced that somewhere in this country are hundreds of researchers laughing up their sleeves . . . as they collect their grants for studying why kids fall off their tricycles or whatever it is that they have cooked up this year."

As of now, there are few effective controls, committee staff experts say, because most research funds are lumped together under massive, hard-to-untangle appropriations bills.

"BANK ACCOUNT" OF SCIENCE

The research agencies, for their part, claim that the value of their work is not fully appreciated. "We're frequently asked to come up with practical applications for basic research," says an NSF spokesman, "but often what we wind up with is a bank account of knowledge."

Representative Robert C. Krueger (Dem.), of Texas, argues:

"This is a country which has continuously led in scientific research. . . . Our National Science Foundation has allowed us this position of leadership because it has been willing to gamble on important scientific ventures, and because it has recognized that subjects which may to the layman sound frivolous or inconseqeuntial can be of major importance to scientific development."

As an example of a seemingly questionable study that has paid off, researchers point to an Agriculture Department examination of the sex life of the gypsy moth. Though that project drew its share of snickers, its findings are reported to be helping foresters fight gypsy-moth infestation in Northeastern woodlands.

It is argued that without federal financing, much basic research—of which the controversial studies are a part—would not be undertaken.

"The Foundation never supports frivolous research," said NSF Director H. Guyford Stever. But some lawmakers aren't so sure.

Senator William Proxmire (Dem.), of Wisconsin, has flayed NSF for underwriting expensive research on "passionate love." NSF officials claimed the study is much broader than that, dealing with a range of human emotions. But the Senator was not appeased and termed the grant "a disgrace."

OTHER TARGETS

NSF is not the only agency that's getting worked over.

The National Institute of Mental Health has been blistered for a $600,000 project considering how to make mothers better teachers of their children. The National Foundation on the Arts and Humanities invested $8,700 in a widely criticized survey of nineteenth-century European comic books. A Smithsonian Institution-backed study of Yugoslav lizards also caused raised eyebrows.

Many see the House acceptance of the Bauman amendment as a sign that research dollars may be harder to come by.

ANOTHER "DR. STRANGELOVE" SECRET DEAL?

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. STARK. Mr. Speaker, I was shocked and angered this morning at administration attempts to cajole Members of Congress to repeal the ban on arms sales to Turkey.

The Secretaries of State and Defense are pulling all punches to gain their precious majority to resume shipping lethal arms to a nation which in the past has used those arms for offensive purposes, contrary to U.S. law. We are now told, for instance, that our Turkish bases were indispensable during the 1973 nuclear alert in providing intelligence on Soviet nuclear arms. Why wasn't this mentioned when we asked this question over a year ago in reference to the need to call a U.S. nuclear alert?

The Secretary of State's arguments reached the height of folly, however, when he asserted that if five Members of Congress swore themselves to secrecy, he would reveal to them his secret plan to negotiate a Cyprus solution. Mr. Speaker, I would have thought that we had heard enough of secret plans to know better than to accept such a deal; many of us would gladly "swear ourselves to secrecy" if such a commitment meant that we would learn about chances for peace and for repatriation of some 180,000 refugees in Cyprus. We will not, however, swear to such a deal if such action simply means that we sell our souls to become collaborators in a nonexistent scheme.

I regret that I have to differ so with the administration on this issue, but I find their position absolutely warrantless. I urge my colleagues to vote against the bill which will reach the floor tomorrow to resume arms sales to Turkey.

MARITIME SATELLITE SYSTEM WILL INTEREST SEVERAL COMMITTEES

HON. CHARLES A. MOSHER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. MOSHER. Mr. Speaker, I will take this opportunity to insert for the Record my personal report to you on June 16, 1975, emphasizing the attention which several committees of the House inevitably must give, at some future time, to the U.S. role in a proposed international system of maritime satellites. My letter to you was as follows:

Dear Mr. Speaker: In accordance with your action designating me as a Congressional Adviser, I recently attended the First Session of the International Conference on the Establishment of an International Maritime Satellite System, held in London from April 23 through May 9, 1975. The Conference was held under the auspices of the Inter-Governmental Maritime Consultative Organization, a specialized agency of the United Nations, pursuant to Resolution A.305 (VIII), adopted on November 23, 1973, by the IMCO Assembly.

It is important for all of us to recognize that before the United States finally becomes an active participant in the proposed International Maritime Satellite System, the Congress undoubtedly would be required to consider and probably vote its approval for certain aspects of our participation.

Also, it is important to recognize that the policy questions involved in this important matter cut across the jurisdictional lines of several different congressional committees.

Therefore, I consider it essential that we in the Congress begin to anticipate some of the problems potentially involved, and that is an important reason for this personal report to you, Mr. Speaker. I also intend to insert the text of this letter in the Congressional Record, to put on record "early in the game" an indication of the future importance of these matters to the Congress. (Note the final six paragraphs of this letter).

The United States Delegation consisted of representatives of six executive departments and agencies, together with two Congressional Advisers, and eight advisers from the private sector, representing organizations of both management and labor in the communications and maritime fields. The other Congressional Adviser, the Honorable Mario Biaggi, attended sessions of the Conference from April 28 through May 2, 1975, and I was in attendance during the last week of the Conference from May 5 through May 9, 1975.

For some years, it has been recognized that there are specific limitations in the field of maritime communications and that conventional techniques will be unable to fulfill increasing demands in the future, because of increasing congestion of existing facilities and technical limitations on the ability to expand the present system. Beginning in 1966, the Inter-Governmental Maritime Consultative Organization (IMCO) decided to undertake a study of the operational requirements for a satellite communication system. In that year, the Maritime Safety Committee of that organization instructed its Subcommittee on Radio Communications to give detailed and urgent consideration to the matter. Subsequently, the Committee created a Panel of Experts, which held six sessions to consider the subject, filing its final report in October, 1974. That report formed the basis for the work of the Conference we attended.

Participating in the Conference were representatives of 43 maritime nations. Two others sent representatives as observers. Of the 45 governments represented, 10 were from North and South America, 20 were from Europe, and 15 were from Asia, Africa, and the the Pacific. The United States Representatives and Head of the Delegation was the Honorable Raymond J. Waldmann, Deputy Assistant Secretary, Bureau of Economic and Business Affairs, Department of State.

While this first session of the Conference adjourned without reaching any specific agreements, a considerable amount of progress was made. It should be noted that the United States had earlier reserved its position with respect to the report of the Panel of Experts for several reasons, and requested a note of its reservation to be included in the Panel report.

In the statement included for inclusion in the report, the Delegation of the United States to the Panel of Experts pointed out that the establishment of a new international organization is likely to pose problems and result in lengthy negotiations. While agreeing that considerable work was performed by the Panel, the United States Delegation expressed its belief that sufficient analyses of possible alternative institutional arrangements, as well as of closely related economic and technical factors, had not been made. Furthermore, the Delegation statement said that the United States had a number of concerns as to the Panel's work, including certain inadequacies in the proposed draft agreement for a satellite system, the limited nature of the economic analysis completed and certain shortcomings in the study of the operational aspects of system performance. Nevertheless, the United States decided to participate in the Conference and at the end of the session was generally perceived by other Delegations as making a sincere effort to reach overall agreement.

At the beginning of the Conference, the general position of the United States was a decided minority position among delegations. One of the areas of primary concern for the United States Delegation was that United States participation should be in the form of a designated entity, similar to the arrangements existing in INTELSAT, based upon United States communications policy generally, and specifically the provisions of the Communications Satellite Act.

Flowing from the "designated entity" position, the United States further took the position that any new organization created should be created through a two-tiered agreement, the first, an agreement between governments and the second, an operating agreement involving designated entities.

Finally, the United States considered it critical that the distribution of powers within the institutional arrangements of the organization must be such as to make certain that basic technical, operational and financial decisions would not be dictated by political considerations.

The Conference was organized into two Committees, each of which would render reports to the plenary. Committee I was to deal with the designated entity problem, including the appropriate functions and responsibilities of such entities and their governments. Subsequently, Committee I also considered the related question of the proposed power distribution between the Assembly and the Council of the organization. Committee II was charged with the consideration of appropriate investment shares for the creation of the organization, and proper approach to be taken on organization procurement for goods and services.

As the Conference progressed, it became apparent that the principle of providing for designated entities could be accepted by the majority of the delegations with the specific language to be negotiated later. A minority of the Conference, consisting primarily of the Soviet Union and other East European nations, continued to oppose that concept.

As to a related issue, extensive discussion was also held in Committee I on the specifics of Assembly and Council powers and functions. Many governments felt that the Assembly should have the ultimate power and the discussion revealed that many delegations took the position that the Assembly should see that the Council did not act in an *ultra vires* manner. The United States took the position that the Assembly, in which each member State would have a vote, should have the power only to make recommendations to the Council, and that the Council, in which investors would have weighted votes proportional to their investment should have the final authority to decide technical or financial matters and related operational questions. From the discussions, it appears to be a sound basis for an agreement on this issue.

A further area of concern for the United States involved the two-document agreement approach. In the view of the United States, two agreements would be necessary in order to provide for a separate delineation of the rights and responsibilities of designated entities on the one hand and those of governments on the other. Again, toward the end of the session, it appeared that other delegations might be able to agree to the two-document approach, but in view of the continued failure of agreement on this issue by the Soviet Union and some other delegations, no final agreement could be achieved.

In the area of procurement policy for the Organization, a proposal made by various European delegations that in essence contracts should be awarded to bidders offering the best combination of quality, price and the most favorable delivery time, appeared to form the basis for an achievable agreement.

At the conclusion of the session, it was my firm impression that members of the United States Delegation had so conducted their work that many of the basic provisions of the United States position were recognized as valid by the majority of delegations.

Furthermore, I concluded that there is a strong possibility that an overall agreement can be reached during the next session of the Conference now scheduled to be held beginning in February 1976. Such success will depend to some degree on the accomplishments of an international working group to begin its work this summer and to complete its task not later than the end of November.

If and when an agreement on the establishment of an International Maritime Satellite System is achieved, it will be necessary for the Senate to advise and consent to the ratification of the Convention and for the Congress to enact implementing legislation.

The establishment of a system to create a more effective and more capable communications system for maritime use is a very appealing one, particularly when you consider that the created system may also include its utilization beyond mere communications to the fields of maritime safety, both in the area of navigation and response to distress.

From the subject matter, it is apparent that several Committees of the House of Representatives will have an interest in the proposed legislation. There is involved not only the issue of basic communications and communications policy, which concerns the Committee on Interstate and Foreign Commerce, but also the entire question of policy involving maritime use and maritime safety, matters within the fields of interest of the Committee on Merchant Marine and Fisheries.

In addition, of course, in the matter of involvement of the National Aeronautics and Space Administration, the jurisdiction of the Committee on Science and Technology will become involved.

It is for that reason, that I am taking the liberty of forwarding a copy of this letter to the Chairmen of those three Committees, with the expectation that their interests may be coordinated and that future legislation on the subject matter may move expeditiously when submitted for enactment.

My participation as an Adviser at the First Session of the Conference was interesting and gratifying. The confidence which you expressed in me by my appointment is appreciated.

Sincerely,

CHARLES A. MOSHER,
Representative to Congress.

BOY SCOUTS OF AMERICA

HON. GLADYS NOON SPELLMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Ms. SPELLMAN. Mr. Speaker, from July 29 to August 7, 1975, Boy Scouts from all over the world will gather at Lillehammer, Norway, for the 14th World Scout Jamboree. This year there will be 17,000 scouts and scouters from all five continents, representing 90 countries. Once again these young men will be together to strengthen the international scout brotherhood. This jamboree can demonstrate the service that the Boy Scouts give to all nations and to each other in their fellowship.

This year, the Boy Scouts of America contingent will be made up of 2,500 scouts and scouters from 61 troops with 60 scouts/scouters from the Boy Scouts of America contingent staff. I know that many of my colleagues share my pride in the fine contributions that the Boy Scouts of America have made over the years, and we all take even greater pride in this the year before our Bicentennial.

These young men will act as so many goodwill ambassadors, not only in the host country Norway, but with the scouts from the 89 other nations. For me, I take special note in that Boy Scout Troop No. 1 for the Jamboree was selected to represent the Nation's Capital area. These boys will travel throughout Scandinavia under the excellent leadership of Richard Fullmer, of Oxon Hill, Md. I know that many others join me in wishing them our very best as they make their historic trip.

Among these young diplomats of Boy Scout Troop No. 1 will be six from the 5th District of Maryland. It is a particular honor for these gifted young men, and I am sure they will represent us all to the very best of their abilities. Those attending will be: John Aiello, Peter Ballinger, Hugh D. Blocker, Jr., Charles and Paul Leckinger, all of Bowie, Md.; and John C. Takle, of Beltsville, Md. These scouts go to Europe at the same time as the President, also going to Scandinavia, and also going to further the prospects of world peace and understanding. I have the greatest respect for their organization and the greatest pride in their selection.

CONSUMER CREDIT

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. TEAGUE. Mr. Speaker, recently Mr. Lowell Smith, Jr., president of the First State Bank in Rio Vista, Tex., wrote the Federal Reserve Board concerning consumer credit as it applies to banks. He wrote the board because of pending regulations before the Federal Trade Commission.

Mr. Smith's observations concerning this subject and his warnings regarding the regulations seem sound. I hope that each Members of Congress and the general public will read Mr. Smith's remarks.

The letter follows:

FIRST STATE BANK,
Rio Vista, Texas, June 6, 1975.

Re: Comments regarding proposed Regulation 228.2, Unfair Credit Practices.

SECRETARY,
Board of Governors of the Federal Reserve System, Washington, D.C.

GENTLEMEN: Please accept the following comments regarding the above. First, may we tell who we are and our qualifications to comment.

We have been in business over fifty years serving a three county area of Texas. Our bank has approximately twenty seven million in total assets. The population of our town is approximately four hundred people. The makeup of our loan portfolio has *long* been recognized by everyone concerned to be vastly consumer oriented. We feel ours is probably the largest bank, or at least one of the largest banks, in the nation in relation to home town population. We mention the above facts to simply be recognized as having some degree of intelligence regarding the vast, highly confused, over regulated, over talked about, consumer credit field. In making our comments we are taking into consideration many many years of hard earned experience and we do hope that the size of our bank in relation to the size of our town of domicile will give the reader some idea of our background and authority to discuss these proposed regulations.

Our general overview is that these proposed regulations are impractible, self-defeating, unnecessary and completely unworkable. They would cause extreme hardship on the consumer and, without question, act to his detriment, not to his aid.

These regulations would also act to discourage consumer spending by curtailing credit. It is inconceivable that our various regulatory agencies would want to toy with the delicate issue of consumer spending when in fact, we are trying to work our way out of a recession and promote consumer confidence and consumer spending. Does not consumer credit and spending go hand in hand?

These regulations discriminate against a class of people—the debtors. The effect of the discrimination would especially be felt by those that need credit most, the young and the lower income members of society. They are the debtors that often require cosigners and that need to put up extra collateral to obtain purchase money loans.

We would question the constitutionality of some of the provisions of the proposed regulations. First, many provisions strip the individual of some constitutional rights such as limiting the type of assets that may be pledged. Secondly, some of these regulations cover the same area as existing statutory law enacted by an elected legislature. In many, if not most cases the regulations change or amend the existing law rather than provide additional regulations. Does the FTC have the power of an elected body to re-write the existing statutory laws?

There are enough laws and regulations in effect now on both the State and Federal level to accomplish the purpose of these proposed regulations. There has been, in fact, a tremenedous overkill concerning consumer credit legislation and the ensuing rules. Basically, it is a physical impossibility for any one loan officer to have in good faith knowledge of all the laws and regulations to which he must comply as they now exist. There are too many doors open now for suits because of existing difficulties in compliance.

Reasonable men do not do business over an extended period of time in such a manner as to expose themselves to losses, suits, and bad publicity. When the reasonable lenders are forced out of consumer lending, however, all the regulations in the world will not protect the consumer.

Currently, banks in Texas must comply to the Consumer Credit Code of Texas, the Uniform Commercial Code of Texas, the Texas Collection Practices Act, Federal Truth-in-Lending, the Federal Fair Credit Reporting Act, the Texas Banking Code and regulations set forth by the Finance Commission, the Federal Reserve Bank and Federal Deposit Insurance Corporation—to name only a few. Most other states have similar consumer laws. If the authors of these proposed regulations were familiar with all of the existing laws concerning the subject, they would find a preponderance of evidence to substantiate not having Federal Trade Commission Regulations of any kind concerning consumer credit for the banking community.

We have, in the following pages, expressed somewhat more specifically the results that would be forthcoming if these proposed regulations are adopted.

COMMENTS ON THE PROPOSED REGULATIONS GOVERNING CONSUMER TRANSACTIONS IN BANKING

1. Paragraph 228.2(a)(4)(5) and (6) of the regulations restrict the description and use of assets the consumer can use as collateral.

This undoubtedly works an extreme hardship. For example, many young couples wanting to buy their first house, need a down payment and desire to pledge their household furnishings and other personal assets on the loan for the downpayment. Does this mean under the proposed regulations that a person could not borrow on other collateral for the purpose of obtaining a down payment for a house, or any other purchase?

This provision of the regulations would also be detrimental to the lower income citizens of our country. This writer has had many years of observation regarding the Texas homestead statute in which a person cannot mortgage his house except for the purchase thereof or for specific improvements thereto. Although this was probably a good statute some one hundred years ago, there have been many many hardships created by the average consumer not having the benefit of borrowing on his real estate in times of great need. Through consumer preference almost daily a customer prefers to put up collateral entirely different from the purchased item. This is not necessarily the bank's preference, but the customer's for various reasons. The proposed regulations obviously discriminate against the very class of people they are trying to "protect."

Borrowers are a class. These regulations discriminate against them as a class. It gives them no decision or flexibility in their own credit affairs. There have been enormous volumes written on the subject of giving the consumer information regarding prices, interest rates, etc., supposedly for the sole purpose of "shopping" for credit. Now are we to tell our good customer, "Joe, you cannot pledge your pickup for this $2,000.00 loan. Federal law says you have to put up the boat, motor and trailer you are buying whether you want to or not. In other words, Joe, the Federal government has usurped your constitutional right to make simple decisions on what collateral you decide to put up on a perfectly legitimate banking loan!!" If there is any conceivable reason for this restriction of credit it is unknown to this writer.

This writer would have to conclude that fostering additional dead or unencumberable assets such as has been proposed would extremely curtail consumer credit. This would definitely be the outcome of this proposed regulation. There is no question about it.

We presume that most of the unfair practices referred to originate with a vendor when a sale is made. A direct bank loan, in most cases, eliminates the problem that the regulations seem to be referring to.

It is felt by this writer that in a direct loan between a bank and a customer there should be no restriction whatsoever regarding collateral used.

2. Paragraph 228.2(a)(7) of the regulations applies to obtaining fair market value on repossessed collateral.

Currently in Texas notice is given to the debtor of the proposed sale of repossessed collateral and he is given an opportunity to buy it back, maybe for less than what is owed against it. The law provides exceptions to the prior notice provision, for example, where perishables are involved. Usually bids are taken from third parties and the collateral sold for the best obtainable price. In many cases the cost to the bank for making collateral "retailable" would force a larger loss. If the bank is required to credit the note with the "fair retail value" of the collateral without regard to the condition of the collateral or whether or not the collateral even sells, then the regulations have effectively tightened credit. In the opinion of this writer, the reasonable banker would be forced to advance funds on consumer goods if the customer qualified for the loan on an unsecured basis.

A study of the Uniform Commercial Code would reveal an adequate existing statute concerning the subject. The above notwithstanding, it is always in the lenders best interest to seek the highest price on any repossessed collateral anyway; since, obviously, it is the lender that must withstand the loss.

3. Paragraph 228.2(a)(8) and its alternate deal with legal and other costs, derived from the collection of consumer debts, who pays those costs, etc.

As a practical matter in a consumer transaction, simply taking the loss, not legal action, is usually the cheaper way out for all concerned. However, this provision of the regulations would allow some few situations in which litigation would afford a possible recovery to go uncollectible.

The reader will find that most state consumer codes cover this area quite adequately. The Texas Consumer Code is a good example. There is simply no need for this provision.

4. Paragraph 228.2(a)(9) concerns charges for late or extended payments.

The provisions concerning late charges and extensions are again dealt with in existing statutory law. In Texas, the late charges are allowed to be computed as 5% of the amount of the payment, not to exceed $5.00. This is a simple and easily understood charge. There is no money made on this type of charge because of the enormous expense incurred in trying to collect the delinquent payment. There is simply no need to change existing statutory law here.

5. Paragraph 228.2(a)(10) addresses itself to debt collection, who can be communicated with and the basis they can be communicated with.

The Texas Collection Practices Act deals with the subject very effectively. And, of course, the rules in Texas have the full force and effect of statutory law because they are statutory law. Why is double coverage necessary?

Furthermore, these provisions raise more questions than they answer. For example, does this particular provision mean that banks can no longer use collection agencies or recovery bureaus? If so, the FTC in one paragraph has wiped out an entire industry.

Tightening the screws on collection practices injures the paying customer. It costs him more, while the deadbeat does not pay anyway.

It has been our experience that the already in force legal limitations placed on credit investigation, reporting and the mobility of the population make evaluating the credit of the new customer extremely difficult. The banker facing the new customer, knowing that his collection efforts would be limited is definitely forced to take a more conservative view regarding credit extension. Any other view would provide losses or legal trouble or both. This has to limit a consumer's ability to effectively shop for credit.

6. Paragraph 228.2(b) concerns cosigned notes.

The provision in the regulations concerning cosigned notes, without question, discriminates against the young. After all, it is usually the young man purchasing his first car who is required to have a cosigner. The cosigner is usually his father. Are we to say "Johnny, your father must first come into the bank in person from his $6.00 per hour job at least three days before actually signing the note. He must then return to the bank and sign the note, leaving his job again?" These two trips to the bank would be the minimum—three or four would be more like it, by the time the application is made and credit is checked, etc. Or the conversation might run something like—"we know you are a long haul trucker, Mr. Jones and that your new employee needs to borrow the downpayment for a house. However, we must insist that you sign this statement now and wait three days to sign the note. We cannot help the fact that you will be leaving tomorrow for thirty days. The statement must be signed to satisfy Federal law."

This provision concerning cosigned notes will, for all practical purposes, eliminate the guarantee of payment in consumer transactions.

We appreciate this opportunity to comment on the proposed regulation. We hope these coments will be of some help.

Sincerely,

LOWELL SMITH, JR.,
President.

REBUILDING THE CONFIDENCE OF SOCIAL SECURITY BENEFICIARIES

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. LEVITAS. Mr. Speaker: Why should we financially punish retired people who want to work? I don't think we should.

Today I have introduced a bill which will provide needed financial relief to almost 2 million social security beneficiaries. Under present law, each beneficiary under age 72 (except disabled workers or disabled children of retired, disabled, or decreased workers) may earn only $2,520 per year until they suffer a reduction in benefits. If a beneficiary exceeds this limit, his benefits are reduced by $1 for every $2 of annual earnings. This is the so-called earnings limitation test. My bill would amend this provision and add a degree of fairness and flexibility.

Specifically, this legislation would require that the earnings limitation test be equivalent to the poverty level income as determined by the Secretary of Health Education, and Welfare, which at the present time is approximately $4,800 for a family of four. The Secretary will use the poverty criteria developed by the Bureau of the Census and also take into account increases in the Consumer Price Index. In addition, the poverty level figure will reflect such factors as difference in family size and composition, differences in the cost of living between various regions and areas, fluctuation in economic conditions and levels during the year, and such other factors as may be appropriate.

It doesn't seem to be asking too much to let a retired person who wants to work and supplement his income from making the meager poverty level of income before he begins to be penalized. Persons living on unearned income can receive any amount—even a million dollars—without penalty. Why not give the worker a break?

It is essential that we consider the rapidly rising cost of living when determining how much one may earn without suffering a reduction in social security benefits. By encouraging people to be gainfully employed, we help them fight inflation without having to raise social security benefits and taxes. Figures released this week by the Department of Labor lend further credence to that fact. During the month of June, the consumer price index rose 0.8 percent, an increase which doubled the May figure of 0.4 percent. Further, it is interesting to note that the 0.8 percent increase surpasses any other monthly increase so far this year. Unfortunately, the jump in the Consumer Price Index is a strong indication that we have failed to whip inflation, and, as a result, we can expect the disappointing trend to continue. Administration officials have stated that consumer prices can be expected to be 8 percent higher by the end of the year. We need to provide financial relief to social security beneficiaries which will provide for the strain that spiralling inflation imposes on retirees with fixed incomes.

It is significant to note that in June, grocery store prices rose 1.9 percent, a 1.3 percent increase over the May figure. Furthermore, gasoline prices rose 3 percent, after April and May jumps of only 1 percent. More generally, consumer prices are 9.3 percent higher than they were this time last year. It should be clear that something must be done to heed the call of social security beneficiaries who work to supplement their incomes, only to have their benefits minimized to the point where they can no longer acquire products we consider essentials of everyday life. The bill I have introduced today would be a first step in the right direction.

There are those who feel that the concept of a penalizing "test" is wrong and should be eliminated entirely. The argument advances the idea that such a "test" is inconsistent with the "insurance" concept of the system. In other words, benefits are related to the wages of the employee contribution and should be payable without an earnings test. Further, other opponents feel that the "test" provision causes hardship for those individuals who must work to supplement their benefits. As I pointed out earlier, nonwork sources of income such as savings, private insurance pension plans, real estate, and so forth are not recognized in the "test."

These provocative arguments should be included in a comprehensive study and review of the social security system. For this reason, I previously introduced House Joint Resolution 291, with 20 cosponsors, proposing the creation of a national commission to study the entire matter of social security, with a goal of insuring the eventual creation of a new and modern, workable social security system.

Those persons now receiving benefits under social security are rapidly losing confidence in the ability of their government to adequately help them maintain a decent standard of living. Those thinking about the future complain about being forced to contribute to a system from which they never expect to receive full benefit. The measure I introduce today is a far cry from the overhaul that our social security system needs, but it will work to rebuild the confidence of our social security beneficiaries, and help to persuade our younger contributors that their funds are going toward a viable, dependable and workable end.

GOVERNMENT OF CYPRUS OPPOSES RESUMPTION OF AID TO TURKEY

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. BADILLO. Mr. Speaker, I have received a letter from the Embassy of Cyprus today which makes it absolutely clear that the Government of Cyprus is opposed to a resumption of aid to Turkey. For the information of my colleagues, I insert the text of the letter into the RECORD as follows:

GOVERNMENT OF CYPRUS OPPOSES RESUMPTION OF AID TO TURKEY

EMBASSY OF CYPRUS,
Washington, D.C., July 23, 1975.

Hon. Congressman HERMAN BADILLO,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN BADILLO: In relation to your inquiry of today as to whether the Administration is correct in telling you this morning at the Presidential breakfast meeting that the Cyprus Government had remained silent in the question of resumption of aid to Turkey during the hearings of the International Relations House Committee and, that in their view, the Government of Cyprus condones the resumption of aid to Turkey, I would like to inform you that the official position of my country is expressed in a statement made on July 20, 1975, by President Makarios, which I quote hereinunder:

". . . it is with American arms and ammunition that Turkey has invaded Cyprus, occupied 40% of our territory, displaced 200,000 Greeks from their homes and properties and committed hideous acts of violence, although one year has elapsed since the Turkish invasion of Cyprus, Turkey has shown no respect for the United Nations resolutions on Cyprus which provide for the return of the refugees to their homes and the withdrawal of foreign troops from Cyprus. It is with the use and the threat of further use of American arms that our refugees have been driven out and are still kept away from their homes. Peace, freedom and human rights are being suppressed and defenceless people are being oppressed with American arms in the hands of the Turks."

"Without wanting to mix in the internal affairs of the United States, I emphatically say that resumption of the supply of arms to Turkey will be disastrous to the cause of peace in our region."

Yours sincerely,

A. M. ANGELIDES,
Charge D'Affaires, a.i.

HOUSE OF REPRESENTATIVES—*Thursday, July 24, 1975*

The House met at 10 o'clock a.m.

Rev. Christian A. Tirre III, United Church of Christ, Hanapepe, Kauai, Hawaii, offered the following prayer:

God, our Father, we pause at the beginning of another day of life and work for the House of Representatives, to praise You for the goodness given us as individuals and a nation. You have led us in the past; forgiven evil; and are leading us in this time.

O Lord, make us discontent with things the way they are in our Nation, world, and in our own lives. Jar our complacence; expose our excuses; get us involved in the real issues that face our Nation, instead of the rhetoric that produces inaction.

Help the Representatives to uphold the integrity of the position to which they have been elected. May they be willing to be led by Your divine spirit in fulfilling their responsibilities. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

REV. CHRISTIAN A. TIRRE III

(Mrs. MINK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MINK. Mr. Speaker, it gives me great pleasure to introduce the visiting minister from my district in Hawaii, the Reverend Christian A. Tirre III.

A native of New York City, Reverend Tirre came to the Hanapepe United Church of Christ on the island of Kauai in 1970 and has endeared himself to the people of the entire island. Besides serving the members of his church, he has been active with youth groups, schools, and in the elderly community on Kauai. Reverend Tirre has served on the Kauai County Committee on Elderly Affairs and is presently the president of VOICE, which is the Voluntary Organzation in Concern for the Elderly. He has been active with the immigrant groups on Kauai and has made enormous contributions to the spiritual and moral well-being of that island.

He served as chaplain for the Hawaii State Senate in one of its sessions. Before coming to Hawaii, Reverend Tirre served in many capacities with the International Society of Christian Endeavor and as pastor of several churches in the State of Ohio.

He is a man of many talents, with a warm heart and has made a tremendous contribution to my State.

His contributions to the people of my State over the past 5 years is truly exemplary. I applaud the accomplishments of this fine gentleman, and consider it a great honor to receive his prayers and blessings in the House.

Mr. Speaker, I take great pride in extending greetings and aloha to the Reverend Christian A. Tirre, his wife Joanne, and his mother-in-law, Mrs. Ola Pumphrey, to this session of the Congress.

Mr. Speaker, I want also to take this opportunity to express my own personal gratitude to all of my colleagues in the House and to those who serve in the general area and community of this legislative body for the many, many kind words and encouragement that they have given to me and my family in our recent personal ordeal, the occasion of my daughter's accident.

As the prayer was offered this morning by Reverend Tirre, I thought with all my fervor, that words simply cannot express, how much prayers and all that they mean help us come through these terrible moments. I would like to report, Mr. Speaker, that my daughter is well. I spoke to her on the telephone this morning, and I am sure she will be among us here very soon to thank the Speaker for his special kindness to her, and to all of the others in this House whose prayers have sustained us.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT BEGINNING AT 3 P.M. TODAY

Mr. ANDERSON of California. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation, including its subcommittees, have permission to sit beginning at 3 p.m. today, July 24, 1975, while the House is in session.

The SPEAKER pro tempore (Mr. McFall). Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON BANKING, CURRENCY AND HOUSING TO MEET DURING HOUSE SESSION TODAY

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Currency and Housing may meet today while the House is in session under the 5-minute rule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CALL OF THE HOUSE

Mr. GRASSLEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. ADAMS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 426]

Andrews, N.C.
Badillo
Barrett
Boggs
Brown, Calif.
Burton, Phillip
Carter
Chappell
Chisholm
Conyers
Dellums
Diggs
Dodd
Early
Eckhardt
Eshleman
Evins, Tenn.
Fenwick
Fraser
Fulton
Giaimo
Goldwater
Hall
Harsha
Hayes, Ind.
Hébert
Heckler, Mass.
Hefner
Hillis
Hinshaw
Howard
Jacobs
Jarman
Jones, Tenn.
Karth
Leggett
McEwen
Macdonald
Matsunaga
Milford
Mitchell, Md.
Murphy, Ill.
Murphy, N.Y.
Neal
O'Brien
Patman, Tex.
Reuss
Rhodes
Risenhoover
Runnels
Ryan
St Germain
Scheuer
Shuster
Steed
Steiger, Ariz.
Stuckey
Teague
Udall
Waxman
Weaver
Wright

The SPEAKER pro tempore (Mr. McFall). On this rollcall 372 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

REPLACE POLITICS AS USUAL WITH STATESMANSHIP

(Mr. FISH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FISH. Mr. Speaker, by its action yesterday, striking from H.R. 7014 the rollback feature of the bill, the House is left without a Democratic oil price alternative. By a like narrow margin, the House rejected a phased decontrol without a ceiling on how high domestic oil prices can rise.

The issues before us—energy conservation, production incentives, and minimizing the adverse effects of oil price increases on individuals and on economic recovery—are the same issues which have confronted us for the past 6 months. These are the central issues to energy policy. They are principles on which we can agree.

The President's prescription to discipline consumption through phased decontrol stands as the only conservation proposal before us.

The incentive to increase domestic production is in the plowback concept. The public interest can be protected by providing for a windfall profits tax if domestic exploration is not stepped up.

The completely legitimate concern we all have for the effect of higher oil prices on individual consumers must be met. Surely this is not beyond our capability. The President's original energy plan proposed compensation to individuals for higher oil costs.

The catastrophic effect of sudden and total decontrol August 31 is not an option for any of us.

Mr. Speaker, the public interest cries out for enlightened compromise. Phased decontrol provides the framework for negotiations.

The length of the phaseout; the ceiling to which prices will be permitted to rise; providing against undue benefit to the oil companies and amelioration of individual hardship can certainly be hammered out.

With so much at stake, we cannot have politics as usual. Let us replace it with statesmanship.

PERMISSION FOR COMMITTEE ON POST OFFICE AND CIVIL SERVICE TO FILE REPORT ON H.R. 8603

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service may have until midnight tonight to file a report on H.R. 8603.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

EXPRESSING DISAPPROVAL OF EFFORTS TO EXPEL ISRAEL FROM UNITED NATIONS

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, on Monday

I introduced House Resolution 615 which expresses the disapproval of the House of Representatives to the efforts of certain third world nations to expel Israel from the United Nations. I urge the support of my colleagues.

The Senate last Friday passed an identical resolution. I feel it is imperative that the House join the Senate in denouncing this ill-conceived and dangerous plan. Expelling Israel would have serious consequences not only with respect to the prospects for peace in the Middle East—but also in terms of our national interest which would be damaged if there were an unbalanced representation of Middle East nations in the U.N.

My resolution further states that if the effort to expel Israel is successful the United States would begin an extensive review of all present commitments to those third world nations involved in the expulsion.

The United Nations cannot allow the views of a few highly politicized and unstable nations to prevail. Her own impartiality as an international body would be jeopardized if Israel is expelled. As a result this resolution also states that if Israel is expelled we would evaluate the continued feasibility of remaining in the U.N.

I have already received over 30 cosponsors to this resolution. The number should be closer to 100. I urge all my colleagues to join me in support of this resolution. Its passage is crucial as a demonstration of our continued support of Israel as she endures still another threat to her status as a nation.

PETROLEUM PRICE INCREASE LIMITATION ACT OF 1975—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the further consideration of the veto message of the President on the bill (H.R. 4035) to provide for more effective congressional review of proposals to exempt petroleum products from the Emergency Petroleum Allocation Act of 1973 and certain proposed administrative actions which permit increases in the price of domestic crude oil; and to provide for an interim extension of certain expiring energy authorities.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I move that the message, together with the accompanying bill, be referred to the Committee on Interstate and Foreign Commerce.

The SPEAKER pro tempore. Since it has come to the attention of the Chair that the microphone on the Republican side was not working at the time, will the gentleman repeat his motion?

Mr. STAGGERS. Mr. Speaker, I move that the message, together with the accompanying bill, be referred to the Committee on Interstate and Foreign Commerce.

The reason for that is that we are now involved in a very heated debate on another oil bill, H.R. 7014; and I think we probably ought to resolve it, and then this can be brought back from the committee and brought to the House for whatever action needs to be taken; so Mr. Speaker, I would be prepared to move the previous question.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Since the gentleman's microphone was not working, Mr. Speaker, I think the House should know that we are referring to H.R. 4035, a veto message to that legislation, which came up on Monday.

I gather Mr. Speaker, that the motion is to refer this back to the Committee on Interstate and Foreign Commerce.

The SPEAKER pro tempore (Mr. MCFALL). The gentleman is correct.

Mr. BROWN of Ohio. Mr. Speaker, I wanted to concur with my chairman's judgment that that should be done, and I subscribe to the motion.

Mr. STAGGERS. Mr. Speaker I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS).

The motion was agreed to.

A motion to reconsider was laid on the table.

RAILROAD UNEMPLOYMENT INSURANCE ACT AMENDMENTS

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 8714) to amend the Railroad Unemployment Insurance Act to increase unemployment and sickness benefits, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the bill as follows:

H.R. 8714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—RAILROAD UNEMPLOYMENT INSURANCE ACT AMENDMENTS

SECTION 1. (a) Section 1(h) of the Railroad Unemployment Insurance Act is amended—

(1) by inserting "for a 'period of continuing sickness' (as defined in section 2(a) of this Act)" immediately after the words "a statement of sickness" each time those words appear in the second paragraph thereof; and

(2) by striking out from the second paragraph "and ends with the thirteenth day thereafter" and inserting in lieu thereof "and ends with whichever is the earlier of (i) the thirteenth day thereafter, or (ii) the day immediately preceding the day with respect to which a statement of sickness for a new 'period of continuing sickness' (as defined in section 2(a) of this Act) is filed in his behalf".

(b) Section 1(k) of such Act is amended by striking out "$3" from the second sentence and inserting in lieu thereof "$10'".

(c) Section 2(a) of such Act is amended—

(1) by striking out the first paragraph and inserting in lieu thereof the following:

"(a) Benefits shall be payable to any qualified employee for each day of unemployment in excess of four during any registration period: *Provided, however,* That notwithstanding the provisions of section 1(h) of this Act, in any case in which the Board finds that his unemployment was due to a stoppage of work because of a strike in the establishment, premises, or enterprise at which he was last employed, none of the first seven days of unemployment due to such stoppage of work shall be included in any registration period; and subject to the registration provisions of section 1(h), so many of the ensuing seven consecutive calendar days during which his unemployment continues to be caused by such stoppage of work shall constitute a registration period, during which benefits shall be payable for each day of unemployment. Benefits shall be payable to any qualified employee for each day of sickness after the fourth consecutive day of sickness in a period of continuing sickness, but excluding four days of sickness in any registration period. A period of continuing sickness means (i) a period of consecutive days of sickness, whether from one or more causes, or (ii) a period of successive days of sickness due to a single cause without interruption of more than ninety consecutive days which are not days of sickness."

(2) by striking out the second paragraph and inserting in lieu thereof the following:

"The daily benefit rate with respect to any such employee for such day of unemployment or sickness shall be in an amount equal to 60 per centum of the daily rate of compensation for the employee's last employment in which he engaged for an employer in the base year, but not less than $12.70: *Provided, however,* That for registration periods beginning after June 30, 1975, but before July 1, 1976, such amount shall not exceed $24 per day of such unemployment or sickness and that for registration periods beginning after June 30, 1976, such amount shall not exceed $25 per day of such unemployment or sickness. The daily rate of compensation referred to in this paragraph shall be determined by the Board on the basis of information furnished to the Board by the employee, his employer, or both.".

(d) Section 2(c) of such Act is amended—

(1) by inserting "except that notwithstanding the provisions of section 1(i) of this Act, in determining the employee's compensation in the base year for purposes of this proviso and the second proviso of this subsection, any money renumeration paid to the employee for services rendered as an employee not in excess of $775 in any month shall be taken into account" immediately before the colon at the end of the first proviso; and

(2) by inserting immediately after the colon at the end of the first proviso the following: "*Provided further,* That, with respect to an employee who has less than ten years of service as defined in section 1(f) of the Railroad Retirement Act of 1974, who did not voluntarily retire and did not voluntarily leave work without good cause, and who had current rights to normal benefits for days of unemployment in a benefit year but has exhausted such rights, the maximum number of days of, and amount of payment for, unemployment within such benefit year (as extended by the provisions of subsection (h) of this section) for which benefits may be paid shall be enlarged, but not by more than sixty-five days, to include all compensable days of unemployment within an extended benefit period determined pursuant to the provisions of subsection (h) of this section, but the total amount of benefits which may be paid to an employee for days of unemployment within such extended benefit period shall in no case ex-

ceed 50 per centum of the employee's compensation in the base year:".

(e) Section 2 of such Act is further amended by adding at the end thereof the following new subsection:

"(h) (1) For purposes of the second proviso of subsection (c) of this section, an extended benefit period, with respect to an employee, shall begin on the first day of unemployment within a period of high unemployment following the day on which the employee exhausted his then current rights to normal benefits for unemployment and shall continue for seven successive fourteen-day periods (each of which periods shall constitute a registration period). If the general benefit year in which an employee's extended benefit period began ends within such extended benefit period, such benefit year shall, in the case of such employee, be deemed not to be ended until the last day of the extended benefit period. If an employee unemployed within a period of high unemployment is not a 'qualified employee' for the general benefit year then current but was a 'qualified employee' for the preceding general benefit year, such preceding general benefit year shall, for purposes of the second proviso of subsection (c) of this section, in the case of such employee, be deemed not to be ended until the last day of such employee's extended benefit period determined pursuant to the provisions of this subsection.

"(2) For purposes of subdivision (1) of this subsection, a 'period of high unemployment' shall begin with the twentieth day whichever of the following first occurs: (A) there is a national 'on' indicator as defined in section 203(d) of Public Law 91–373, as amended, or (B) a period of three consecutive calendar months in which, for each month included in such period, the rate of railroad unemployment (seasonally adjusted) equalled or exceeded the lowest applicable unemployment rate specified for the national 'on' indicator in section 203(d) of Public Law 91–373, as amended, and shall end with the twentieth day after both of the following occur: (A) there is a national 'off' indicator as defined in section 203(d) of Public Law 93–373, as amended, and (B) a period of three consecutive calendar months, in which, for each month included in such period, the rate of railroad unemployment (seasonally adjusted) was less than the lowest applicable unemployment rate specified for the national 'off' indicator in section 203(d) of Public Law 91–373, as amended.

"(3) For purposes of subdivision (2) of this subsection, the term 'rate of railroad unemployment' for a month means the percentage arrived at by dividing (A) the average weekly number of individuals who filed bona fide claims for benefits for days of unemployment in such month, excluding from such number those individuals whose unemployment was due to a stoppage of work because of a strike, lockout, or other labor dispute, by (B) the average midmonth count of employees of class I railroads and class I switching and terminal companies, as reported to the Interstate Commerce Commission, adjusted, as determined by the Board, to include all employees covered by this Act for the twelve months ending with the second calendar quarter preceding such month.

"(4) Determinations under this subsection shall be made by the Board in accordance with regulations prescribed by it. When a determination has been made that a 'period of high unemployment' is beginning or ending, the Board shall cause notice of such determination to be published in the Federal Register. The Board shall also cause to be published in the Federal Register the formula with it uses to adjust the midmonth count of employees of class I railroads and Class I switching and terminal companies to include all employees covered by this Act, and the formula is uses to make seasonal adjustments in the rate of railroad unemployment.".

(f) Section 3 of such Act is amended by striking out "seven" and inserting in lieu thereof "five".

(g) Section 8(a) of such Act is amended by striking out the last five lines in the table contained therein and inserting in lieu thereof the following:

"$300,000,000 or more	0.5
$200,000,000 or more but less than $300,000,000	4.0
$100,000,000 or more but less than $200,000,000	5.5
$50,000,000 or more but less than $100,000,000	7.0
Less than $50,000,000	8.0".

(h) Section 8(b) of such Act is amended by striking out the first sentence thereof and inserting in lieu thereof the following: "Each employee representative shall pay a contribution with respect to so much of the compensation paid to him for services performed as an employee representative during any month after December 1975 as is not, for any such calendar month, in excess of $400, at the rate applicable to employers in accordance with subsection (a) of this section.".

(i) Section 10(a) of such Act is amended—

(1) by striking out "0.25" from clause (i) and inserting in lieu thereof "0.5"; and

(2) by striking out "and pursuant to subsection (h) of this section" from clause (ii).

(j) Section 11(a) of such Act is amended by striking out "0.25" from clause (i) and inserting in lieu thereof "0.5".

SEC. 2. (a) The amendments made by section 1(a) and 1(c)(1) of this Act shall be effective with respect to days of sickness in registration periods beginning after June 30, 1975.

(b) The amendment with respect to qualifying conditions made by section 1(f) shall be effective for services rendered after December 31, 1973.

(c) The amendments made by sections 1(b), 1(c)(2), and 1(d)(1) of this Act shall be effective with respect to days of unemployment and days of sickness in registration periods beginning after June 30, 1975: *Provided, however,* That the amount of benefits paid for days of unemployment or days of sickness in a registration period beginning after June 30, 1975, and prior to the date of enactment of this Act shall, if paid to an employee who is covered by a nongovernmental plan for unemployment or sickness insurance and who has been paid benefits under such plan for one or more days within the registration period, be reduced by the amount, if any, by which the benefits paid to him under the nongovernmental plan would have been reduced if this Act had been enacted prior to July 1, 1975, so that the employee will receive the full amount of the combined benefits that he would have received under the Railroad Unemployment Insurance Act and the nongovernmental plan if the benefit increases provided by this Act had been enacted prior to said date. The amount of each such reduction in the benefits paid under the amendment made by section 1(c)(2) of this Act shall be paid over by the Board to the insurer of the nongovernmental plan or to the employer if a self-insurer. Reductions in benefits and payments to insurers and employers hereunder shall be made on claims filed with the Board by such insurers and employers within thirty days after the date of enactment of this Act.

(d) The amendments made by sections 1(c)(1), 1(d)(2), and 1(e) of this Act shall be effective with respect to days of unemployment in registration periods beginning after June 30, 1975.

(e) The amendments made by sections 1(g), 1(h), 1(i)(1), and 1(j) of this Act shall be effective with respect to compensation paid for services rendered after December 31, 1975.

(f) The amendment made by section 1(i)(2) of this Act shall be effective on the date of enactment of this Act.

TITLE II—AMENDMENTS TO THE RAILROAD RETIREMENT ACT OF 1974 AND THE RAILROAD RETIREMENT TAX ACT

SEC. 201. (a) Section 15(a) of the Railroad Retirement Act of 1974 is amended by striking out "authorized to be" in the second sentence thereof.

(b) Section 15(b) of such Act is amended by striking out "authorized to be" the first time it appears therein.

(c) Section 15(c) of such Act is amended by striking out "authorized to be" in the second sentence thereof and by adding immediately after "June 30, 1975," the words "out of any moneys in the Treasury not otherwise appropriated.".

(d) Section 15 of such Act is further amended by inserting at the end thereof the following new subsection:

"(h) There are hereby authorized to be appropriated from time to time such sums as may be necessary to provide for the expenses of the Board in administering the provisions of this Act."

(e) The amendments made by this section shall be effective January 1, 1975.

SEC. 202. (a) Section 204 of the Act entitled "An Act to amend the Railroad Retirement Act of 1937 to revise the retirement system for employees of employers covered thereunder, and for other purposes", approved October 16, 1974 (88 Stat. 1352), is amended by adding at the end thereof the following new subsection:

"(c) An individual who was awarded an annuity under section 2(a) of the Railroad Retirement Act of 1937 shall not be entitled to an annuity amount computed under the provisions of section 3(c) of the Railroad Retirement Act of 1974: *Provided, however,* That the provisions of this subsection shall not be applicable (i) to an individual who will have rendered at least twelve months of service as an employee to an employer (as defined in the Railroad Retirement Act of 1974) after December 31, 1974, or (ii) to an individual who was awarded an annuity under section 2(a)(4) or 2(a)(5) of the Railroad Retirement Act of 1937 and who recovered from disability and returned to the service of an employer (as defined in the Railroad Retirement Act of 1974) after December 31, 1974.".

(b) The amendment made by this section shall be effective January 1, 1975.

SEC. 203. (a) Section 1402(b) of the Internal Revenue Code of 1954 is amended by striking out ", but solely with respect to the tax imposed by section 1401(b)," from item (B) of the second sentence thereof.

(b) Section 3231(e) of the Internal Revenue Code of 1954 is amended by striking out "$3" from the fifth sentence of paragraph (1) and inserting in lieu thereof "$25".

(c) The amendments made by this section shall be effective January 1, 1975, and shall apply only with respect to compensation paid for services rendered on or after that date.

COMMITTEE AMENDMENTS

The SPEAKER pro tempore. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments:

(1) On page 2, line 24, immediately after "employed," insert "other than a strike subject to the disqualification in section 4(a–2)(iii),".

(2) On page 3, line 14, after "sickness." insert "; and".

(3) On page 4, line 11, strike out "renumeration" and insert "remuneration".

(4) On page 9, line 4, strike out "amendments" and insert in lieu thereof "amendment".

(5) On page 9, line 5, strike out "and 1(c)(1)".

(6) On page 9, line 11, strike out "(2)".

(7) On page 10, line 14, strike out "1(c)(1),".

(8) On page 10, line 22, strike out "amendments" and insert in lieu thereof "amendment".

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendments be considered en bloc, considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendments.

The committee amendments were agreed to.

Mr. STAGGERS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, this bill is the result of collective bargaining between representatives of all the railroad unions and representatives of all the railroads in the United States. Labor and management have agreed on all the provisions of this bill, and recommend its passage. In general, the bill revises the benefits structure of the Railroad Unemployment Insurance Act. This program is funded 100 percent by the railroads, and no Federal funding is involved.

The bill makes a number of improvements in the railroad unemployment insurance program which I will outline briefly.

First. Under existing law the maximum amount payable as unemployment or sickness benefits to railroad workers is $12.70 per day. The bill will increase this amount to a maximum of $24 per day retroactive to July 1 of this year, with a further increase in the maximum amount to $25 per day as of July 1, 1976.

Second. Under existing law, sickness benefits are not payable until after a waiting period of 7 days of sickness. This 7-day waiting period is reduced under the bill to a 4-day waiting period in a "period of continuing sickness."

Third. Existing law requires that a new entrant in the railroad industry may not qualify for unemployment or sickness benefit unless he has worked 7 months during the base year. The bill reduces this service requirement from 7 to 5 months.

Fourth. Under existing law unemployment and sickness benefits are payable for a basic period of 26 weeks in a benefit year. Employees with more than 10 years of service may obtain extended unemployment benefits after they have exhausted their rights to regular benefits. No extended benefits are payable under existing law to employees with less than 10 years of service. Under the bill, extended unemployment benefits—but not sickness benefits—may be payable for 13 weeks—65 days—when we are in a period of high unemployment, as determined under the Federal-State extended unemployment compensation program for employees with less than 10 years' service.

Fifth. Under existing law an unemployed railroad worker is not disqualified from this receipt of unemployment benefits if he earns "subsidiary renumeration" of $3 or less per day. The bill would increase this amount to $10.

Sixth. Under existing law, unemployment benefits are payable to employees who are unemployed as a result of a strike which is legal under the Railway Labor Act. The bill provides that during the first registration period in which an employee is unemployed as a result of a strike against his employer, he may receive unemployment benefits only for each day of unemployment in excess of 7.

Seventh. Title II of the bill contains amendments correcting errors made in the draft of the Railroad Retirement Amendments of 1974 (Public Law 93-445), and also provides some restrictions on eligibility for certain bonus payments under the Railroad Retirement Act for years of service before 1975 in the case of employees previously retired who return to railroad service for less than 12 months.

All the provisions of the bill are jointly recommended by railroad labor and railroad management. The bill was reported from the committee unanimously by a voice vote and I urge its passage by the House.

Mr. SKUBITZ. Mr. Speaker, I move to strike the requisite number of words. I rise in support of the legislation.

Mr. Speaker, the contents of H.R. 8714 are the result of extensive negotiations between rail labor and rail management. Over the last several months, the distinguished chairman of our Transportation and Commerce Subcommittee, Mr. ROONEY, and myself, have held hearings and considered the matter of railroad unemployment insurance.

During the hearings on this matter, it became clear that the present maximum daily benefit of $12.70 was grossly inadequate. Not since 1968 has there been an adjustment in the rate of unemployment benefits for the railroad worker. As a matter of fact, the unemployment benefit in 1975 would buy only slightly more than 50 percent of what it would buy in 1968.

I had hoped, Mr. Speaker, that we could have increased the benefit and then tied it to some sort of automatic index so that in the future the benefit level could remain more up to date. We were unable to do that. The subcommittee did report to the full committee a bill providing greater cash benefits than under existing law. At that point in time, both labor and management in the rail industry sat down to serious negotiations in order to work out a benefits package satisfactory to both sides. As you know, Mr. Speaker, the benefits provided under this bill do not come out of Federal tax money. All of the expenses are paid for by the industry itself. Our role in this matter is to act as an intermediary or arbitrator. It is only an accident of history that has us involved in this matter at all. All of the provisions as contained in the bill are agreed to by both labor and management.

The most significant feature of the agreed-upon bill would increase the maximum daily unemployment compensation benefit from $12.70 to $24 per day for the first year, and $25 per day for years thereafter.

The 7-day waiting period for sickness benefits under existing law would be reduced to four days.

The bill would provide for extended unemployment benefits of 13 weeks for employees with less than 10 years of service. Extended benefit periods are currently available under existing law for employees with 10 years or more of service. The new group of employees covered by extended benefits would be eligible for those extended benefits depending upon a trigger device similar to the method used for extended benefits under normal unemployment compensation programs; that is, a national trigger is "on" whenever the number of insured employment claimants in the Nation exceeds 4 percent.

The qualification requirement for new employees in the railroad industry is reduced from seven months to 5 months.

The agreed-upon bill provides for adjustments in the carriers' contribution to unemployment insurance fund in an amount to assure adequately funding of the new program.

Some technical amendments are contained in title II of the bill relating to railroad retirement account and the railroad retirement supplemental account.

In addition to the above provisions, the existing law was changed so that an employee cannot receive unemployment insurance benefits during the first 7 days of a strike. Under existing law, unemployment benefits were payable from the beginning of a strike.

Mr. Speaker, I urge all of my colleagues to vote for the passage of the measure before us. As I mentioned earlier in my remarks, both labor and management are to be commended for their diligent negotiations which have lead to an agreement on the provisions contained in this bill. Unemployment in the rail industry is higher than normal, and it is imperative that we pass this law so that benefits can begin from July 1.

AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: Add at the end of the bill the following:

TITLE III—AMENDMENTS TO THE RAILROAD RETIREMENT TAX ACT, AS AMENDED

SEC. 301. Section 3201 of the Railroad Retirement Tax Act is amended by striking out "compensation paid to such employee" and inserting in lieu thereof "compensation paid in any calendar month to such employee."

SEC. 302. Section 3211(a) of the Railroad Retirement Tax Act is amended by striking out "compensation paid to such employee representative" and inserting in lieu thereof "compensation paid in any calendar month to such employee representative."

SEC. 303. Section 3221(a) of the Railroad Retirement Tax Act is amended by striking out "compensation paid by such employer" and inserting in lieu thereof "compensation paid in any calendar month by such employer."

SEC. 304. Section 3231(e)(1) of the Railroad Retirement Tax Act is amended by striking out the first sentence and inserting in lieu therof:

"The term 'compensation' means any form of money remuneration paid to an individual for services rendered as an employee to one or more employers."

SEC. 305. Section 3231(e)(2) of the Railroad Retirement Tax Act is amended by striking out the first sentence thereof.

SEC. 306. Section 3231(e)(2) of the Railroad Retirement Tax Act is amended by adding as the first sentence thereof:

"An employee shall be deemed to be paid compensation in the period during which such compensation is earned only upon a written request by such employee, made within six months following the payment, and a showing that such compensation was earned during a period other than the period in which it was paid."

SEC. 307. The amendments made by Sections 1 through 5 of this title shall apply for taxable years ending on or after the date of the enactment of this Act and for taxable years ending before the date of the enactment of this Act as to which the period for assessment and collection of tax or the filing of a claim for credit or refund has not expired on the date of enactment of this Act. The amendment made by section 6 of this title shall apply for taxable years beginning on or after the date of enactment of this Act: *Provided, however,* That with respect to payment made prior to the date of enactment of this Act, the employee may file a written request under section 6 within six months after the enactment of this Act.

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

Mr. ROUSSELOT. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk continued to read the amendment.

Mr. STAGGERS (during the reading). Mr. Speaker, I renew my unanimous consent request that the amendment be considered as read and printed in the RECORD, after which I will make an explanation of the amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, the Railroad Retirement Tax Act was amended in 1946 in part for the purpose of imposing the tax on a "paid" rather than an "earned" basis. Public Law 79-572 (79th Cong. 2d sess. (1946)). The Senate Commerce Committee report that accompanied the bill stated that the amendments "are necessary to change the computation of benefits and taxed from a 'compensation earned' basis to a 'compensation paid' basis," and that existing law "brings about heavy administrative burdens both on the Railroad Retirement Board and on the employers to make thousands of corrections in report previously filed" which are "useless operations." Senate Report No. 1710 (part 2) (79th Cong., 2d sess., p. 7). Since 1946 the Railroad Retirement Board has permitted carriers to report compensation on an as paid basis, and the Board has recently confirmed the legal propriety of this procedure.

Nonetheless, the Internal Revenue Service has ruled in Revenue Ruling 75-226 (IRB 1975-27, p. 33) that compensation is to be taxed under the Railroad Retirement Tax Act as of the period when earned irrespective of when it is paid. The bill would amend the Railroad Retirement Act to clarify the intention, originally expressed in 1946, that compensation is to be taxed only on an "as paid" basis. Because these amendments are clarifications of existing law they are to apply to all taxable years not yet closed as well as those in the future.

The Railroad Retirement Board also has taken the position that under existing law individual employees may have compensation credited, upon an appropriate showing, to periods when earned for purposes of determining benefits under the Railroad Retirement Act.

The bill ensures that for taxable years in the future individual employees, and only individual employees, may establish, for purposes of the Railroad Retirement Tax Act, that amounts paid in one period were earned, and therefore may be deemed to have been paid, in an earlier period. Under the bill an employee is to be permitted six months from the date of the payment to make the required claim, but he will have that right only as taxable years beginning after the date of enactment of the bill.

Mr. SKUBITZ. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I will be very happy to yield to the distinguished gentleman from Kansas (Mr. SKUBITZ).

Mr. SKUBITZ. Mr. Speaker, as I understand, this amendment was offered by management?

Mr. STAGGERS. That is correct.

Mr. SKUBITZ. And was approved by labor?

Mr. STAGGERS. That is correct.

Mr. SKUBITZ. On this side we have no objection to the amendment.

Mr. STAGGERS. I thank the gentleman.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment was agreed to.

Mr. STAGGERS. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DERWINSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 14, as follows:

[Roll No. 427]

YEAS—420

Abdnor
Abzug
Adams
Addabbo
Alexander
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Aspin
AuCoin
Badillo
Bafalis
Baldus
Barrett
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Carney
Carr
Casey
Cederberg
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
Crane
D'Amours
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Danielson
Davis
de la Garza
Delaney
Dellums
Derrick
Derwinski
Devine
Dickinson
Dingell
Dodd
Downey, N.Y.
Downing, Va.
Drinan
Duncan, Oreg.
Duncan, Tenn.
du Pont
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
Emery
English
Erlenborn
Esch
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Green
Gude
Guyer
Hagedorn
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Hansen
Harkin
Harrington
Harris
Hastings
Hawkins
Hayes, Ind.
Hays, Ohio
Hébert
Hechler, W. Va.
Heckler, Mass.
Hefner
Heinz
Helstoski
Henderson
Hicks
Hightower
Hillis
Holland
Holt
Holtzman
Horton
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jarman
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Keys
Kindness
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Landrum
Latta
Leggett
Lehman
Lent
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McDonald
McEwen
McFall
McHugh
McKay
McKinney
Madden
Madigan
Maguire
Mahon
Mann
Martin
Mathis
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Mineta

Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Passman
Patman, Tex.
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Pressler
Preyer
Price
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Richmond
Riegle
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Ruppe
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Satterfield
Scheuer
Schneebeli
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Shuster
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Thompson
Thone
Thornton
Traxler
Treen
Tsongas
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Waxman
Weaver
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—0

NOT VOTING—14

Andrews, N.C.
Carter
Dent
Diggs
Fulton
Harsha
Hinshaw
Howard
Jacobs
Macdonald
Matsunaga
Milford
Murphy, N.Y.
Teague

So the bill was passed.

The Clerk announced the following pairs:

Mr. Dent with Mr. Diggs.

Mr. Matsunaga with Mr. Fulton.

Mr. Teague with Mr. Jacobs.

Mr. Murphy of New York with Mr. Andrews of North Carolina.

Mr. Macdonald of Massachusetts with Mr. Howard.

Mr. Harsha with Mr. Carter.

Mr. Milford with Mr. Hinshaw.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill (H.R. 8714) just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

PERMISSION FOR COMMITTEE ON INTERNATIONAL RELATIONS TO SIT DURING HOUSE SESSION TODAY

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent that the Committee on International Relations may be permitted to sit today while the House is in session.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE A PRIVILEGED REPORT

Mr. SISK. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Heiting, one of his secretaries, who also informed the House that on July 19, 1975, the President approved and signed a bill of the House of the following title:

H.R. 7405. An act to amend section 3620 of the Revised Statutes with respect to certain disbursements to be made by banks, savings banks, savings and loan associations, and credit unions.

AUTHORIZING FURTHER SUSPENSION OF PROHIBITIONS AGAINST MILITARY ASSISTANCE TO TURKEY

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 626 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 626

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 846) to authorize the further suspension of prohibitions against military assistance to Turkey, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations and Representative Dante Fascell and Representative Edward Derwinski, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on International Relations now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against said substitute for failure to comply with the provisions of clause 7, Rule XVI are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. ANDERSON) pending which I yield myself such time as I may consume.

(Mr. SISK asked and was given permission to revise and extend his remarks.)

Mr. SPEAKER, the reading of the resolution makes it very clear that we are presenting what is an open rule, a rule with 3 hours of general debate on a bill that would authorize the suspension of prohibitions against U.S. military assistance to Turkey. The resolution provides that the 3 hours of general debate shall be equally controlled—and I think it would be well if Members, at least to the extent that they are interested, might listen to this.

Mr. Speaker, we hope to take only a comparatively short time on the rule. However, it is well that we understand that the committee has brought up a rather unusual procedure, although it is not without many precedents.

In connection with the division of time, the 3 hours of general debate will be equally divided and controlled by the chairman of the committee, the gentleman from Pennsylvania (Mr. MORGAN), the gentleman from Michigan (Mr. BROOMFIELD), the gentleman from Florida (Mr. FASCELL) and the gentleman from Illinois (Mr. DERWINSKI), with each controlling 45 minutes of the general debate time.

As the Committee on Rules understands, this means that actually we have an hour and a half time under the control of the proponents of this legislation and an hour and a half controlled by the opponents of the legislation, being divided between the majority and the minority. Therefore, in seeking time, I think it would be well that Members keep that in mind.

The resolution provides that it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on International Relations now printed in the bill as an original bill for the purpose of amendment under the 5-minute rule. It also provides that all points of order against the committee substitute for failure to comply with the provisions of clause 7, rule XVI of the rules of the House—germaneness provisions—are waived.

Mr. Speaker, Senate 846 authorizes the delivery of defense articles and defense services to Turkey with respect to which contracts of sale were signed prior to February 5, 1975. Mr. Speaker, if I could, I would simply like to state that there have been a number of comments by my colleagues with reference to lobbying.

There has been a great deal of effort, I think, on both sides of this issue, and, so far as this Member is concerned, that effort has been in all good conscience on the part of those who have sought to carry their own particular position.

I am sure that each Member of the House, in making a final determination in casting a vote on this issue, will vote as he believes in his own conscience to be in the best interest of his country.

I know I have received a number of telephone calls, and I am sure many of the Members have. In my discussions with some of the people who have become somewhat emotionally involved, I have attempted to discuss with them in a rational way those things which all of us—those of us here in Congress, as well as our constituents at home, who, I am certain, are concerned— consider are in the best interests of our country, regardless of emotional feelings or ethnic ties or any other consideration.

Mr. Speaker, let me make clear my own personal position. I am here today supporting this rule. I am going to vote for this bill, in the firm belief that it is in the best interests of America. This bill, as I understand it, is not tilted, necessarily, in favor of Turkey, nor is it tilted in favor of Greece; but it is an attempt by people, at least in the minds of those who have come to me about it, to provide for negotiations and, ultimately, a peaceful settlement of the Cyprus issue by and between the parties concerned. I sincerely doubt that any Member will, here today, be charged with voting either for or against Greece or for or against Turkey, and so I would hope that, in our considerations and in the final determination that we would make, we would do that which is in the best interest of our country.

Mr. Speaker, I urge the adoption of the resolution.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resoluton 626 makes in order House consideration of S. 846 under an open rule with 3 hours of general debate. The Rules Committee conducted an all-day hearing on this matter on Tuesday of this week, hearing from Members on both sides of this issue. And I think the committee bent over backward in fashioning a somewhat unusual rule to insure that all sides would have a full and fair hearing on the House floor. This rule divides the 3 hours of general debate time four-ways, with 45-minutes each to the chairman and ranking minority member of the International Relations Committee, and Representatives FASCELL and DERWINSKI.

I therefore want to urge adoption of this rule so that the House may proceed to debate this controversial matter. In conclusion, I also want to commend the bipartisan group on the International Relations Committee which put together this compromise bill on Turkey aid. I know it is not everything which the administration would have wanted and so it is not fair to characterize this as an administration bill. This is indeed a congressional initiative aimed at breaking the impasse which exists over the Cyprus issue and protecting the legitimate national security interests of the United States in that important part of the world. I hope this compromise bill will be adopted by the House.

Mr. SISK. Mr. Speaker, I have no further requests for time.

Mr. ANDERSON of Illinois. Mr. Speaker, I have no further requests for time.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BAUMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 15, as follows:

[Roll No. 428]

YEAS—419

Abdnor
Abzug
Adams
Addabbo
Alexander
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Aspin
AuCoin
Badillo
Bafalis
Baldus
Barrett
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Carney
Carr
Casey
Cederberg
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
Crane
D'Amours
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Danielson
Davis
de la Garza
Delaney
Dellums
Dent
Derrick
Derwinski
Devine
Dickinson
Diggs
Dingell
Dodd
Downey, N.Y.
Downing, Va.
Drinan
Duncan, Oreg.
Duncan, Tenn.
du Pont
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
Emery
English
Erlenborn
Esch
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Green
Gude
Guyer
Hagedorn
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Hansen
Harkin
Harrington
Harris
Harsha
Hastings
Hayes, Ind.
Hays, Ohio
Hébert
Hechler, W. Va.
Heckler, Mass.
Hefner
Heinz
Helstoski
Henderson
Hicks
Hightower
Hillis
Holland
Holt
Holtzman
Horton
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jarman
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Keys
Kindness
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Landrum
Latta
Leggett
Lehman
Lent
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McDonald
McEwen
McFall
McHugh
McKay
McKinney
Madden
Madigan
Maguire
Mahon
Mann
Martin
Mathis
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Passman
Patman, Tex.
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Pressler
Preyer
Price
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Richmond
Riegle
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Satterfield
Scheuer
Schneebeli
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Shuster
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Spence
Staggers
Stanton, J. William
Stark
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Thompson
Thone
Thornton
Traxler
Treen
Tsongas
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Waxman
Weaver
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—0

NOT VOTING—15

Andrews, N.C.
Carter
Fulton
Hawkins
Hinshaw
Howard
Jacobs
Macdonald
Milford
Roe
Rogers
Ruppe
Stanton, James V.
Teague
Wright

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Teague with Mr. Fulton.

Mr. Hawkins with Mr. Andrews of North Carolina.

Mr. Howard with Mr. Carter.

Mr. Macdonald of Massachusetts with Mr. Roe.

Mr. Milford with Mr. Ruppe.

Mr. Rogers with Mr. Wright.

Mr. James V. Stanton with Mr. Jacobs.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the Senate bill (S. 846) to authorize the further suspension of prohibitions against military assistance to Turkey, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the Senate bill S. 846, with Mr. Sisk in the chair.

The Clerk read the title of the Senate bill.

By unanimous consent, the first reading of the Senate bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania (Mr. Morgan) will be recognized for 45 minutes, the gentleman from Michigan (Mr. Broomfield) will be recognized for 45 minutes, the gentleman from Florida (Mr. Fascell) will be recognized for 45 minutes, and the gentleman from Illinois (Mr. Derwinski) will be recognized for 45 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. Morgan).

Mr. MORGAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of S. 846 as reported by the Committee on International Relations. In my opinion passage of this bill is vital to the security of the United States and the North Atlantic.

As Members know there has been a total embargo on arms shipments to Turkey since February 5, 1975. The embargo was placed on the shipment of defense articles and services to Turkey because that country used U.S.-furnished arms in the invasion of Cyprus last summer in violation of her agreement with the United States relating to the use of such equipment. In approving the embargo the Congress hoped that it would induce Turkey to end the military occupation of the northern part of Cyprus and to negotiate a peaceful settlement on Cyprus between Greece and Turkey.

Unfortunately, Mr. Chairman, the embargo has not brought about a solution of the problem. During the 5 months the embargo has been in effect progress toward any solution of the problem has been blocked and we have suffered and the people of Cyprus are enduring prolonged suffering. All negotiations have stalled. Turkey's attitude has hardened. Tensions between Greece and Turkey have increased.

Moreover, the ban in military shipments and sales of military arms to Turkey has limited our ability to promote a peaceful solution of the Cyprus conflict, weakened NATO's southern flank, and put in doubt continued U.S. access to important military installations and bases in Turkey.

Mr. Chairman, S. 846, as amended by the Committee on International Relations, is a compromise, a compromise offered in the hope that it will help improve relations between two members of NATO, both our friends, provide a new start for the deadlocked negotiations on Cyprus and assure continued U.S. access to bases which are very vital and important to our own security. In order to achieve these objectives the bill provides the following measures:

First, the bill would lift partly, Mr. Chairman, and only partly, the embargo on U.S. arms shipments to Turkey by permitting the delivery of those defense articles which Turkey purchased from us prior to February 5 of this year. This would allow approximately $185 million in military sales to be released to Turkey.

Second, the bill authorizes the President to issue licenses for exports to Turkey of military equipment through private and commercial channels.

Third, the bill has a clause known as the Fraser amendment, which provides that after the Congress has a chance to review this situation 2 or 3 months from now, and act on the regular Foreign Military Sales Act authorization, government-to-government sales and credits would be executed from the embargo. The suspension of the embargo on government-to-government sales of military equipment would, however, be effective only with respect to the items which are needed for NATO use and only if Turkey meets some other conditions spelled out in the bill.

Fourth, the bill requests the President to begin negotiations with the Greek Government about that country's most urgent needs, including needs for both economic and military assistance.

The President is directed to report on his recommendations on aid to Greece within 60 days from the enactment of this bill.

Fifth, the bill calls on the President to encourage and cooperate in the development of additional humanitarian relief programs for the refugees on Cyprus.

Mr. Chairman, those who oppose S. 846 as reported by the committee argue that there is no compromise involved in this legislation. These critics claim that in exchange for a resumption of arms shipments, Turkey is required to do nothing to correct the action it took on Cyprus.

Mr. Chairman, I want to stress again what we have proposed is a compromise which falls considerably short of what the President asked for: A complete removal of the present arms embargo on Turkey.

First, S. 846 would lift the embargo only partly and only if Turkey does not violate the cease fire, does not increase its forces on Cyprus, does not send any U.S. arms to Cyprus.

Moreover, the bill would not allow at the start any Government arms sales to Turkey. Section 3 of this bill states that such sales could not be resumed, and I emphasize, could not be resumed until the legislation authorizing sales and credits for the fiscal year 1976 has been enacted by this House sometime late this fall.

The committee placed this limitation on resumption of arms sales to Turkey to permit the Congress time to determine what progress, if any, is made with respect to a solution on Cyprus. The committee also wanted to prohibit the use of any funds made available for 1976 under any continuing resolution authority for the sale of military equipment to Turkey.

I can assure the Members of the House that the Committee on International Relations, in response to this partial lifting of the embargo, will give Turkey the closest scrutiny. If there is no progress in negotiations, if there is no good faith effort on the part of Turkey, it is highly probable that the Committee on International Relations and this Congress would certainly not permit any future sales to Turkey.

Second, this bill retains the prohibition against grant military assistance. For those Members who oppose any form of foreign aid, or any form of grant military assistance to Turkey, I want them to know that there is not one single dime of grant military assistance in this bill.

Again, I am saying all we are doing here is partially lifting the embargo. We are letting Turkey pick up the military equipment they bought and largely paid for. Some $85 million has already been paid for items in this $185 million pipeline. The Turks are actually paying storage charges in this country for military equipment which they purchased here. All this bill does is lift the embargo partially by letting that pipeline and commercial sales to be delivered.

I know this is a very emotional issue to some of the ethnic groups in our country; but I want to say to this House, I am a first generation American. I think where I come from, we are good, loyal Americans. I think most of my Greek American friends are among the most patriotic Americans I have ever met. As Americans—all of us—are dealing here with a matter which not only has an emotional content but also affects the security of our country. When we deal with such an issue, we must all try to put aside our emotions and act on it on the basis of what is best for our country and for peace.

The bill which is before us tries to do this. In putting it forward, our committee tried to use an even-handed approach.

We believe, it is important for our country to be friends with both Greece and Turkey.

That is why our bill calls for military and economic aid to Greece, in addition to the partial lifting of the arms embargo on Turkey, and refugee aid.

Last year, Greece purchased $169 million dollar's worth of arms in the United States.

The pipeline of arms going to Greece is over $619 million dollars.

We want Greece to get those arms, even though some Greeks started the fireworks on Cyprus, and even though we received testimony that U.S. arms furnished to Greece were used illegally on Cyprus.

But in addition to helping Greece, we want to help break the deadlock which is hurting everybody; Greece, Turkey, Cyprus, and NATO, and to retain the right of access to critical military bases in Turkey which are essential to the security of our own country.

Mr. Chairman, there are two categories of such military bases and installations in Turkey which are of particular interest to the United States. In the first category are those bases which are oriented toward the common defense of NATO. The second involves those which are of primary importance to U.S. defense needs, including several essential intelligence installations.

Loss of these bases would impair U.S. ability to carry out its NATO responsibilities and would deny the United States use of valuable, if not irreplaceable, intelligence installations which serve U.S. strategic defense needs, separate and distinct from those of NATO. Furthermore, loss of the bases would inhibit or preclude the use of Turkey to support contingency operations elsewhere in the region, including the Middle East, and would restrict overflight of Turkish air space by U.S. military aircraft.

Mr. Chairman, the President, the Secretary of State, the Secretary of Defense, and I assume the National Security Council have made the decision that access to those bases—and peace between Greece and Turkey—are in the national interest of our country. They also concluded that we cannot achieve those things unless we help the negotiations get started by removing the arms ban on Turkey. That is why I am standing in this well. I am not against the Greek people or the Turkish people or the people of Cyprus. I hate to see them fight each other. And when the President of the United States—even though he is of a different political party than mine—comes to me and says that we must remove this embargo in the interest of this country and in the interest of resolving the problem on Cyprus, I am willing to give him a hearing. And I am wishing to move at least part way in his direction.

This may be the only way, the only way we are going to nudge the Greeks, the Turks, and the Cypriots to start negotiations. All of them seem frozen in concrete on this issue. I do not want to go into the history of Greek-Turkish relations to try to explain why each side finds it so difficult to make the first move and compromise. The people of those countries have had some rough times with each other for a thousand years—or more. All this stands in the way of a solution to this problem.

Mr. Chairman, 15 years ago, when Cyprus became independent, three countries—Greece, Turkey, and Great Britain—undertook to guarantee its independence. When Turkey invaded Cyprus a year ago, it did it because, in its opinion, it had to invade in order to fulfill its responsibility under that treaty.

Even my friends who are opposing this bill will admit that Turkey had a right under the treaty of 1960 to go in and try to preserve the independence of Cyprus. The Turks did not start this conflict, The Members know and I know that it was not the Turks who tried to assassinate the elected leader of Cyprus. Turkey had nothing to do with it. So the people who started this have to bear a little bit of the blame for this whole operation. Emotions are high, but we cannot afford to walk out and leave our southeast flank of NATO alone. So, we must make some move to break the deadlock.

We offer this compromise—and it is a compromise, it has got all kinds of safeguards in it—to break that deadlock. All we are saying is that we are going to take the first step. We, the United States, are going to take the first step. It is going to be up to Turkey to take the second step. Then further progress could follow. What we want is to get negotiations started and bring peace to that part of the world.

I want to say something to those of my good friends who strongly support Israel in the Middle East. During the Yom Kippur war, we used the Azores as a staging area to support Israel. The Members know and I know what is going on in Portugal today. The prospects are not very good that we can depend on the Azores if we ever have a conflict in the Middle East again. So our access to bases in Turkey—access which we can only have if there is a friendly relation between our two countries—is very important.

I was the author of the $2.2 billion emergency security assistance bill for Israel. I brought it to this floor in 1973 to bail out a country that has the only democracy in the Middle East. I just wonder what is going to happen then in the future? We have some very important bases in Turkey, both NATO and U.S. intelligence gathering bases, and they are very, very important and they will be important not only to this country but important to our friends in the Middle East if we ever have another conflict there.

So there is quite a bit wrapped up in this bill today. I know that many of us have all kinds of pressures, all kinds of pressures. I even got a call from one of my constituents, and he said to me, "You know, I am going to defeat you next time and put you back to practicing medicine."

I said, "Well, maybe I would be better off practicing medicine than with the job I have now." So I know emotions are running high in this. But I want everybody to assess their position before they vote. When this debate is concluded, I hope the Members will decide the way I did, that the vote for this compromise bill is in the interest of the national security of our country—of peace between Greece and Turkey—of help for the refugees on Cyprus—and of the overall security situation in eastern Mediterranean.

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as we move to debate the proposal to ease the embargo on military assistance to Turkey, let us be clear from the outset about the significance of the choice before us. Congress today is considering an emotionally charged issue of very real consequence to the conduct of our foreign policy, an issue that transcends partisan political considerations and goes to the very heart of our national security interests, the continued vitality of our alliances, and the security situation in the eastern Mediterranean. We seek to help resolve a tragic human situation on the island of Cyprus, but we also seek to strengthen bilateral relationships with important allies, to buttress the southern flank of NATO, and to preserve the status of vital security installations. Our vote today may well be the most important foreign policy decision Congress will make this year. We have a responsibility, to ourselves and to the Nation, to judge this matter on its merits and to act in the overriding national interest.

More than a generation ago, in the aftermath of a World War II, a Republican Congress joined with a Democratic President to meet a Communist threat to Greece and Turkey. In a historic demonstration of bipartisanship and concern for the overriding security objectives of this Nation, Congress and the Executive joined in support of the Truman doctrine. Many isolationists cast their first vote for a policy of responsible internationalism. This departure from past practice was a gamble, intensely debated, and unpopular with many constituents. There was no guarantee that the Truman doctrine would save Greece and Turkey from communism, but it did. In retrospect, one would have to say that Congress acted with courage, wisdom, and foresight.

Today Congress is again confronted with a crisis of major proportions in the eastern Mediterranean, a conflict involving Greece, Turkey, and Cyprus that is growing more acute with every passing day. The United States, deeply involved in the effort to bring peace to the Middle East and well aware of the implications of any future war in that area, can ill afford deterioration of conditions on Cyprus or a new crisis between Greece and Turkey. Our own security interests are very much at stake.

The situation on Cyprus is festering. The embargo on arms to Turkey has not forced negotiating concessions. Rather it has poisoned relations between Ankara and Washington, contributed to tensions the Aegean, damaged NATO solidarity, called into question the status of important U.S. installations in Turkey, and increased the possibility of future conflict in the region.

All of us are aware, Mr. Chairman, that the arms embargo is a hot political issue. There are very few of us in this Chamber who stand to gain popularity back home by voting in favor of this bill. In addition to the political aspects of this question, there are many Members of Congress who see the involvement of profound—and in my opinion frequently legitimate—moral issues. Some would construe easing the embargo as a reward for Turkish aggression on Cyprus, or as a license for other nations around the world to misuse weapons supplied to them by the United States.

On one moral issue, however, there should be no disagreement. All of us are deeply concerned with the plight of the 180,000 refugees on Cyprus who have been displaced for almost a year, living in wretched conditions, yearning to return to their homes. There are honest differences of opinion on how best to move forward the Cyprus negotiations and resolve the refugee problem, but I can say with confidence that all of us are working in good faith to achieve this objective. The legislation before us makes clear our concern with the refugees on Cyprus and encourages the administration to render effective assistance to victims of the conflict.

If we are going to debate the Turkish arms embargo with the seriousness of purpose it so clearly deserves, let us begin by resolving any ambiguity about the legislation before us. This bill does not emanate from the White House; it is barely acceptable to the President, the Department of State, and the Government of Turkey, all of whom have a clear preference for the Mansfield-Scott version. The proposal on the floor is a bipartisan congressional initiative, negotiated and drafted by Members of this body, and I commend my Democratic colleagues on the Committee on International Relations who have made such an important, responsible contribution to this proposal. It is a sincere attempt at evenhandedness: an honest effort to help break the stalemate on Cyprus, to relieve the human tragedy on that island, to improve our relations with important NATO allies—Greece included—and to serve the vital security interests of this Nation.

This legislation does not countenance the illegal deployment of military equipment supplied by the United States. It does not imply tacit recognition of the status quo on Cyprus. It is not pro-Turkish or pro-Greece, nor is it a knuckling under to Turkish pressure on our bases. This bill does not open wide the gates to renewed arms shipments to Turkey. It provides for continuing restrictions on access to arms that leaves Turkey at a distinct disadvantage, in comparison to Greece, in acquiring military equipment. In addition, section 3 of the bill clearly stipulates that Turkey shall acquire only military equipment as the President determines, and certifies to Congress, as necessary for Turkey to fulfill her NATO responsibilities. Section 3 also states that relaxation of the embargo shall only be effective while Turkey observes the cease fire on Cyprus, does not increase its forces on Cyprus, and does not transfer U.S.-supplied arms to that island.

Those who are concerned with punishing Turkey for misuse of American military equipment should understand that that this bill, in effect, places Turkey on parole by denying important military credit and FMS cash purchases to Ankara until such time as Congress acts on foreign assistance legislation for fiscal year 1976.

In its most fundamental sense, the legislation we are debating today is recognition that continued stalemate on Cyprus can only produce consequences unacceptable to all.

Supporters of the bill seek a step back from confrontation with Turkey and a chance to get the Cyprus negotiation off dead center. There is admittedly no guarantee that favorable House action today will lead to peace on Cyprus, mend the fissures in the southern flank of NATO, or even help determine the fate of the 13 American citizens presently unaccounted for on Cyprus. But surely, Mr. Chairman, anyone who looks at the situation objectively will have to admit that the prospects for progress on these fronts are virtually nonexistent under the present circumstances.

As a cosponsor of this bill and an active participant in the negotiations preceding it, I am frank to admit it is my considered opinion that Turkey acted in violation of provisions of U.S. law and agreements in force when it undertook its second phase offensive on Cyprus last year. One could also argue that the Government of Greece is also in at least technical violation of similar agreements, but this is not the question. Turkey has been punished, and punished by Congress, for her transgressions. For how long is it in the national interest of the U.S. Government to punish Turkey? I submit we have reached the stage where continued punishment is counterproductive, jeopardizes the policy objectives we have set out, damages our security interests, and threatens the vitality of important relationships.

Some would maintain that Turkey should be punished until she repents, and penance in this case implies a prior concession on the Cyprus issue. I think we can all agree that the bill before us would lack the drama and emotional content so evident today if the Government of Turkey would agree to make prior concessions, but the fact is that the Turks have made it apparent they are not prepared to make concessions under pressure. This attitude is not unique to the Government of Turkey. Nor, I submit, is it the proper role of the United States to use its leverage on Turkey or other Middle Eastern states to force concessions or prejudice negotiating positions. Our task is rather to help create an environment conducive to negotiations and encourage the parties to the dispute to meet and compromise their differences.

A favorable vote on this bill does not strip Congress of its prerogatives in respect to future military shipments to Turkey. It does provide an incentive for the Turks to negotiate in good faith and, through the provisions of the Fraser amendment unanimously endorsed by the Committee on International Relations, establishes a suspense period—from now until such time as we can act on fiscal year 1976 foreign assistance legislation—in which Congress can gage the Turkish attitude on Cyprus negotiations. The congressional oversight role is fully protected by the requirement that the administration report, at 60-day intervals, on progress toward a negotiated settlement of the Cyprus dispute.

I hope my colleagues on the floor will also bear in mind that, during its deliberations on the arms embargo, the Committee on International Relations addressed on several occasions the question of Turkish control over the opium poppy crop. While the opium issue is essentially unrelated to either the imposition or the relaxation of the arms embargo, it is nevertheless a question of considerable, understandable concern to the American Government. The Turks are currently harvesting their opium crop under a system of controls sponsored by the United Nations. It is still too early to determine if this system will prove effective, but I believe the Government of Turkey deserves an opportunity to demonstrate its good faith on this issue while we monitor the situation closely. I have every confidence that, with Ambassador MacComber serving in Ankara, the Congress will be kept fully and currently informed of any illegal diversion of Turkish opium production.

Congress today has an opportunity to give peace a chance in the Eastern Mediterranean, to make a creative, balanced contribution to American diplomacy. We are not being asked to endorse the administration's preference—a simple lifting of the arms embargo such as passed in the Senate. We are instead assessing an iniative of our own making, one intended to demonstrate our good faith to both the Greeks and the Turks, and one which will hopefully break the impasse that has eroded the strength of NATO, prolonged the tragedy of Cyprus and damaged our bilateral relations with important allies.

Mr. Chairman, after man-years of Executive preeminence, Congress is gradually and effectively asserting its shared responsibility in the conduct of our foreign relations. We have an obligation to see that a shared responsibility is responsibly shared. When Congress imposed the embargo on arms to Turkey, it worked its will on the administration; it initiated foreign policy.

Foreign affairs is not a static discipline. Regardless of the wisdom or lack of foresight inherent in the original decision to ban the shipment of arms to Turkey, it is now apparent that a continuation of this embargo is not in the best interests of the United States, Turkey, Greece, or the people of Cyprus. Action on this issue is imperative. Failure to pass the legislation before us can only result in damage to our vital security interests, increased tensions between Turkey and the United States, dangerous stalemate on Cyprus, and a greater likelihood of further hostilities in the area.

Mr. Chairman, there may be no more vital foreign policy decision before this body this year. I urge every Member to weigh the consequences of his vote carefully and make a judgment based on the real merits of the issue as it affects the national interest of this Nation and our allies.

Mr. FASCELL. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. Mr. Chairman, I rise in opposition to S. 846.

I agree with the gentleman from Michigan (Mr. BROOMFIELD) and the gentleman from Pennsylvania (Mr. MORGAN), the distinguished chairman of our committee, that this is a vitally important vote. It is probably the most important foreign policy vote in this Congress and probably one of the most important foreign policy votes in many, many years.

It involves a number of areas of great interest: United States-Turkish relations, United States-Greek relations, and U.S. relations with other arms purchasing recipients. It also involves deep NATO security interests, and, I think most importantly of all for the long-term future of U.S. national interests, it involves the role of the Congress.

What is the role of Congress in foreign policy? The gentleman from Pennsylvania (Mr. MORGAN) elucidated that the role of Congress must be subservient to the Chief Executive, that he is our Commander in Chief, and that when he, together with the National Security Council, lays out the course of conduct of the Nation, Congress must follow.

That is the question that is before us today.

Equal questions that we have to consider are whether the rule of law or the rule of pragmatism will prevail, whether principle will prevail over expediency; and this decision, each and every one agrees, must be based on U.S. national interests and on nothing else.

Like most of the important issues before the House, this is a complicated subject. It involves conflicts of values, of interest, and of obligations. Close allies are involved, and so, indeed, is an important principle of law.

Equally important for the future is our national policy on arms sales.

As I said earlier, the role of Congress in setting foreign policy limitations and restraint is in serious question.

Some of us have been involved for many years in this and in associated issues. As chairman of the Subcommittee on Europe, I have worked on U.S. policy in the eastern Mediterranean and toward Greece since 1967. During most of those years I had to oppose the Government in Greece and our policy of supporting the military dictatorship. There has been innuendo and talk today of the Greek lobby. Frankly, even though I am opposed to this bill, I would think I am one of the least likely members of that lobby because for 7 years in my community I had to explain to my constituents why I opposed the government in Athens.

Realistically speaking, the issue today is not whether we favor Greece or favor Turkey. The question really is as to what kind of government we are. The question is whether the rule of law still operates in our foreign policy.

I have been to both Greece and Turkey many times, and I know and respect the leaders of both countries. My carefully considered opinion is that both countries will respect the United States, in the long run, only if we reject this bill.

S. 846 is bad policy, it is bad legislation, and it is bad precedent. It is bad policy because it continues a dangerous and basically unfair tilt toward Turkey. It is bad legislation because it carves a fearful loophole in the law which forbids the use of military aid, a law that has been in existence for over 20 years. It is bad precedent because the image of the United States submitting to extortion for the sake of military bases, no matter how worthwhile, will not be lost on the rest of the world.

I could tell the Members that the time I spent on issues concerning the Eastern Mediterranean is not necessarily pleasant, and it was not politically expedient, but this is an important area of the world. It is an important area with respect to both present and future American foreign policy. What we decide today will determine United States foreign policy in the Eastern Mediterranean and in the Middle East, as well as in the Persian Gulf, for the foreseeable future.

The vote we cast today will be registered in Portugal and Spain and in many other places.

The fact of the matter is that this bill cannot be sweetened. I think it is bad legislation which must be rejected as it is presented to us.

If the basic principles of law which have guided our foreign aid policy for 25 years are herewith today abandoned, we may as well abandon any future help of a balancing and meaningful role for Congress in foreign policy.

The separate views in the report list nine reasons why this is bad legislation.

Mr. Chairman, the nine points to which I refer are as follows:

(1) *The so-called compromise is no compromise.* In exchange for a resumption of arms sales, Turkey is required to do nothing to correct actions it took on Cyprus. These agressive actions, made possible by American weapons, caused the arms cutoff.

(2) *A major principle of American foreign policy is abandoned.* Reviving arms to Turkey without any action by Turkey to remedy the consequences of its aggression abandons a fundamental principle of American foreign policy—that weapons are supplied by the United States to other countries for defensive and not for aggressive purposes.

(3) *Restoring arms sales to Turkey condones the continuing violations of law and bilateral agreements.* Over 30,000 Turkish troops, equipped with American arms, still occupy 49% of Cyprus, an independent country. 180,000 Greek Cypriot refugees remain homeless. Turkey refuses to deal with these conditions.

(4) *This bill encourages further Turkish aggression.* Arms ordered by Turkey before the embargo would be released "notwithstanding any other provision of law" including prohibitions against offensive use of American supplied arms. Turkey could use these arms, and all commercial arms which it is also allowed to buy under this bill, in aggression against Greece.

(5) *Resuming arms sales would be yielding to Turkish extortion.* This bill is a surrender to the Turkish threat to close U.S. bases. Yielding to such a threat invites other countries to hold hostage 300 major U.S. overseas bases.

(6) *Passage of S. 846 would encourage other countries to misuse U.S. arms.* Over $8 billion in U.S. arms were sold abroad last year. The legal restraints prohibiting the transfer of these arms and limiting their use to self-defense will be severely eroded elsewhere if Turkey can resume buying U.S. arms under present circumstances.

(7) *The arms embargo has not produced progress on Cyprus because it has been undermined publicly and privately by the Department of State.* On February 16, 1975, 11 days after the arms ban went into effect, an Administration proposal was introduced in the Senate to repeal the arms ban. Administration spokesmen have consistently and repeatedly blamed Congress, which is enforcing the law, instead of Turkey, which is violating it, as the obstacle to peace. This has encouraged Turkey to remain intransigent with the expectation that the Administration would soon cause the ban to be lifted.

(8) *Resumption of arms sales to Turkey could severely damage Greece.* Rearming Turkey could have a "catastrophic" effect on the new democracy in Greece according to former Under Secretary of State George Ball when he testified in opposition to this bill. To rearm Turkey without the fundamental restraints of our laws, as this bill proposes, could also endanger U.S. bases in Greece and a revived Greek role in NATO.

(9) *Opponents of this bill support NATO and want both Greece and Turkey to resume their full participation in the alliance.* American policy must move toward rebuilding the southeastern flank of NATO by supporting a prompt and fair settlement on Cyprus. As long as U.S. policy tilts toward Turkey, the rebuilding of NATO is impossible.

Mr. DERWINSKI. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I believe it is important that, to the degree possible, we keep the debate on this issue directed to the actual facts.

When we stop to think that in the background of any discussion of an issue involving Greece and Turkey, there are over 500 years of historic animosity, one can understand the ease with which a debate and discussion could get completely out of hand.

Mr. Chairman, I rise today to urge the Members to vote against S. 846, as amended. The basic issue in my judgment is whether or not there has been sufficient progress on Cyprus to logically permit resumption of arms shipments from the United States to Turkey.

As we all know, S. 846 allows: a. immediate shipment of $185 million in arms ordered by Turkey before the February cutoff; b. immediate resumption of all commercial arms sales, and c. arms sales by the U.S. Government later this year, including credit sales at subsidized interest rates.

Like many others who oppose the bill, I favor resumption of arms shipments to Turkey, but I believe this should take place only after specific progress has been achieved in restoring property rights to refugees on the island and substantially reducing military forces on Cyprus.

Like many Members, I am also concerned over the fundamental principle that countries receiving or purchasing arms from the United States should not use them for purposes other than the definite alliances by which they are approved.

Those Members who served in the last session will recall that starting in September of 1974 there were a series of resolutions containing restrictions on U.S. arms shipments to Turkey. This came about as the result of the invasion of Cyprus by the military forces of Turkey. Basically, the Congress at that time was saying that there should be a prohibition against further shipment of military arms to Turkey until there was "substantial progress" on the Island of Cyprus.

The original resolution called for "substantial progress." Later on there was a term, "good faith efforts" that was involved in the House and Senate negotiations.

Finally, the third resolution, which was passed, if I recall correctly, in the lame duck portion of the session, required that Turkey not break the cease-fire agreement, nor increase its troops on Cyprus.

This eased the shipment of arms temporarily, allowing for the shipment of spare parts.

Then when this Congress again faced this subject early in this session the present restrictions were placed in a continuing resolution.

In February of 1975, Secretary Kissinger under these provisions, had to announce that only "slight" progress had been made through negotiations on Cyprus.

This is where we find ourselves today.

It is my understanding that later this week the next scheduled round of discussions between the Turkish and Greek Cypriots are planned, and will undoubtedly take place, but I am afraid they will not produce progress, which is the real issue before us.

We all recognized, regardless of one's view on the bill that is before us, that both the Government of Greece and the Government of Turkey face major political complications of their own because of this issue. The fairly new Government of Greece under Mr. Karamanlis cannot make any major concessions on any of its negotiations with Turkey unless there is substantial progress on Cyprus. We have also been told repeatedly that the Government of Turkey, which is a coalition government, could lose control of the Parliament there if it made major concessions in this respect.

We as Members of the Congress know the domestic pressures that we often face, and therefore, we can understand the pressures on the Parliaments of Greece and Turkey.

I would like to concur with the point made earlier by the gentleman from New York (Mr. ROSENTHAL) that this is not a Greek-versus-Turkey issue. Those who are opposed to this message are not doing so as what the press has labeled "the Greek lobby." I think that is a very erroneous and oversimplified concept. As I understand the situation, the issue is whether or not there has been substantial enough progress on Cyprus to warrant the resumption of military sales to Turkey.

If in the judgment of a New York Member the situation on Cyprus is that of substantial progress, then that Member should vote for this measure.

But if a Member believes, as I happen to believe, that there has not been substantial progress on Cyprus, then a "no" vote is called for.

I should also point out that, in this context, that the Greek-Americans across the country who have communicated with all of us in telegrams and mailgrams, letters and telephone calls, are not doing anything more than any other group of interested Americans would do on any subject. The fact that the Greek-Americans feel very involved in this issue and are very concerned with it is perfectly understandable. There is not anything inconsistent with any group of people in America feeling a special pride or interest in the land of their forefathers. If in this case the Greek-Americans are especially concerned, we should expect this as a matter of practical fact. I do not think this should be labeled a Greek lobby or Greek pressure. It is the legitimate views of a very interested group of American citizens.

One last point I wish to make at this time, Mr. Chairman, is my concern over the future of NATO and, of course, the future of United States-Turkish and United States-Greek relations. I have here in my hand a recent article from the Chicago Daily News, and the headline in the article reads: "Kissinger and U.S. Villains to Greece."

We have nothing to gain, as I see it, by alienating either the governments or the peoples of Greece or Turkey. Unfortunately, the Secretary of State, as this headline indicates, has been cast in the role of a villain. I submit that that is obviously an exaggeration but, nevertheless, it is a fact—a fact insofar as opinion is concerned. It is a fact insofar as public opinion in Greece is concerned.

I think what we all want, even though we are not agreeing on the formula to obtain it, is a solid NATO. We want continued strong ties with Greece and continued strong ties with Turkey. We want the Greeks and Turks to remain allies. They have far, far more to gain by working together than they have by drifting apart.

Our differences of opinion today rest on this very simple basis. Has there been enough progress in the resettlement of refugees, the restoration of property rights, of progress in negotiations between the Greek and Turkish-Cypriot leaders? Has there been enough of a withdrawal of troops so that the Government of Cyprus is in fact in control of its island, its domain? One point I am making at this time and that is in my judgment it is not the case. There has not been sufficient progress on Cyprus to warrant the resumption of the shipment of military equipment to Turkey.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Chairman, I rise to urge my colleagues to vote today against the bill, S. 846.

I believe, for a number of reasons, that it would be a profound mistake, in terms of the national interest of the United States, for the House to approve this legislation.

Let me, Mr. Chairman, here set forth the reasons that I believe the House should reject S. 846.

First, this bill, which has been described as a "compromise" is no compromise.

Under the bill, Turkey gets arms from the United States but Turkey is required to do nothing with respect to the Turkish action which caused the cutoff, the use of American arms on Cyprus. Let me here note, Mr. Chairman, that opponents of arms to Turkey have consistently favored resumption of arms provided Turkey takes steps to remedy the consequences of its action on Cyprus, especially with respect to the humanitarian problem of the nearly 200,000 refugees who have been displaced from their homes.

The gentleman from Maryland (Mr. SARBANES) and I visited some of these people on Cyprus last January. Many of them are living in tents.

There is a second reason the House should reject S. 846. It is that the resumption of arms to Turkey without action by Turkey to remedy its aggression on Cyprus will explicitly condone clear violations of conditions of U.S. law and bilateral agreements between the United States and Turkey under which Turkey received the arms.

Mr. Chairman, the issue represented by S. 846, is an issue of the rule of law.

Both the Foreign Assistance Act and the Foreign Military Sales Act contain provisions prohibiting the use of arms supplied by the United States for aggressive purposes and both laws mandate an immediate cutoff in further arms to any country violating this condition.

Surely, Mr. Chairman, Congress cannot be accurately characterized as meddling in the conduct of foreign policy when Congress insists that the laws of the United States be enforced.

A third reason S. 846 is a bad bill, Mr. Chairman, is that the approval of arms to Turkey which S. 846 authorizes only encourages other nations buying or receiving U.S. arms to use them without restraint.

The distinguished former Under Secretary of State, George Ball, in testifying against this bill, warned of the "explosive" effects of a failure by the United States to insist on restrictions on the use of arms that we supply to other countries. With U.S. arms exports increasing dramatically, especially to such volatile areas as the Middle East, such dangers appear all too real.

A fourth reason for the House to reject S. 846 is that by approving arms to Turkey and thereby condoning the use of American arms for aggressive purposes, we will be signaling the abandonment of a fundamental principle of American foreign policy. Turkey conducted its massive invasion of Cyprus on August 14, 1974, with American arms and continues its occupation of 40 percent of Cyprus with American arms.

Mr. Chairman, there is a fifth reason that S. 846 is bad legislation.

The resumption of arms to Turkey which this bill authorizes would have a very damaging impact in Greece.

Such resumption could threaten the new democracy there. Former Under Secretary George Ball told the Committee on International Relations that passage of this legislation would have a "catastrophic" impact in Athens with little hope of bringing about constructive response in Ankara.

Moreover, approval of the legislation could endanger both U.S. bases in Greece and a revived role for Greece within NATO.

There is still another reason the House should reject S. 846, Mr. Chairman. Resumption of arms to Turkey without remedial action by that country on Cyprus would be to yield to Turkish blackmail threats to shut down U.S. bases there.

Secretary of State Kissinger said in Atlanta, Ga., last month that the United States would not surrender to threats of this kind from other countries but, of course, that is precisely what S. 846 represents.

And, Mr. Chairman, for the United States to yield to such Turkish threats would be to invite similar threats to U.S. bases by other countries in which they are located.

Mr. Chairman, we have repeatedly been told by the administration that the arms embargo has not produced progress on Cyprus and should therefore be lifted. But the fact is that Secretary of State Kissinger has, by both public and private automatic, undercut the effectiveness of the embargo from the start.

On February 16, 1975, 11 days after the arms ban went into effect, Mr. Kissinger's bill to repeal the ban was introduced in the Senate. Mr. Kissinger has consistently blamed Congress, which is enforcing the law, instead of Turkey, which is violating it, as the obstacle to peace.

Mr. Chairman, Mr. Kissinger's statements and actions have encouraged Turkey to believe that the administration would be successful in reversing Congress on the Turkish aid issue. It is obvious that this approach served only to kill any incentive Turkey would have had to make concessions on Cyprus. And, Mr. Chairman, I should point out that arms flowed to Turkey from July to February but that during that time Turkey showed no willingness to make concessions on Cyprus.

Mr. Chairman, if we pass S. 846 today, we will not only be authorizing the immediate shipment of $185 million of arms to Turkey and we will not merely be allowing the immediate resumption of commercial sales by U.S. arms manufacturers to Turkey. By passing S. 846 we will also be authorizing the automatic resumption this year of all sales by our Government of military goods to Turkey by cash or by credit subsidized by American taxpayers immediately upon enactment of the regular foreign assistance bill.

I conclude, Mr. Chairman, by saying that S. 846 is a bad bill. It would mean a surrender by Congress of principle, a surrender by Congress of its proper role in insisting that our laws be faithfully enforced. It would mean opening the door to further and dangerous abuses of arms supplied by the United States to other countries.

Mr. Chairman, in the interest of America, this bill should be rejected.

Mr. MORGAN. Mr. Chairman, I yield myself 1 minute because I think the RECORD should be corrected with respect to one statement made by my good friend from Indiana.

I have in my hand here a "Dear Colleague" letter signed by the gentleman from Minnesota (Mr. FRASER), the gentleman from Ohio (Mr. WHALEN), and the gentleman from Alabama (Mr. BUCHANAN).

This letter says:

> George Ball, who testified in opposition to the bill as originally before the Committee, did testify at that time that the U.S. should do something.
>
> His present position is that while he would have preferred that the bill contain a direct linkage to negotiations on Cyprus, that with the Committee amendment which defers any new sales until Congress acts on the military authorization in the fall, on balance it is better to pass the bill as amended than to kill it.

I just want to say that George Ball's position has changed with the adoption of the Fraser amendment.

Mr. BROOMFIELD. Mr. Chairman, I yield 6 minutes to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Chairman, whether or not to continue military aid to Turkey has been the most troublesome issue with which I have had to deal since joining the International Relations Committee in 1971.

With one exception, I have voted for every resolution terminating military assistance to Turkey. I did so for two reasons.

The first was a matter of principle. I felt it wrong to continue to supply weapons to a nation which had used our equipment in invading another country.

Second, I hoped that the discontinuance of aid would result in meaningful concessions by Turkey in the Cyprus negotiations.

Mr. Chairman, it is not easy for a politician to admit a mistake. But I am compelled to do so today, because it is clear to me that I was wrong in both of the assumptions upon which I predicated my past Turkish aid roles.

First, I was not fully informed of all of the facts relating to the use of American arms in Cyprus. I was aware that actions by the Greek Government precipitated the Cyprus conflict. However, I only learned recently that Greek troops equipped with infantry-type American weapons were sent to Cyprus to reinforce Greek troops, 700 of which were illegally positioned there since 1967. Mr. Chairman, principles of law must be applied uniformly. It is now obvious to me that the Congress has not done so in the case of last year's Cyprus conflict.

Second, I misjudged human nature. As has so often happened in the past, a congressional threat generates a response quite the opposite from that which we intended. Turkish politicians are confronted with the same pressure as we are. Thus, I should not have been surprised that national pride would preclude Turkey's caving in to congressional dictation.

For these reasons I have changed my position of the question of limited military aid to Turkey. Thus, Mr. Chairman, I rise in support of S. 846, as amended by the Committee on International Relations.

Today the House should consider this measure in the light of two questions: first, has the objective of the aid ban been achieved? Second, what might we expect if the Congress fails to enact S. 846, as amended?

Let me discuss each briefly?

First, has the cutoff goal been attained? Obviously not, for the reasons which I already have indicated. Cyprus negotiations still are stalemated.

Second, what might occur if the Congress continues to apply a principle unevenly?

The negotiations stalemate undoubtedly will continue. We must remember that concessions are all one way. It is only Turkey which, literally, can give ground.

Congress will put the Government of Turkey in the unwilling, but politically necessary position of taking retaliatory actions against us with respect to our important military bases there.

The Turkish armed forces, in the short run will feel the pinch of the embargo. In the long run, however, Turkey can purchase comparable arms from any number of other nations.

The situation in the Middle East would be further destabilized if Turkey obtains cash or credits from the oil-rich Arab states with which to pay for these acquisitions.

Mr. Chairman, the United States, regrettably, is in the middle of an age-old dispute between two valued friends. Since we already have chosen to ignore the principle of equal application of the law, two other factors command our consideration as we vote on this measure today.

First, will passage of S. 846, as amended, bring progress toward a Cyprus settlement? This I cannot guarantee. The President believes it will. But we do know that the present approach has not worked.

Second, is enactment of amended S. 846 in our national interest? The answer is an unequivocal "Yes." Failure to do so will jeopardize our intelligence-gathering capacity, will weaken NATO, and will perpetuate a cancer which threatens peace in the Middle East and, indeed, the world.

Mr. Chairman, I urge adoption of S. 846, as amended.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. WHALEN. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I am impressed by the thoughtful presentation the gentleman has made, and would like to associate myself with his remarks as the reason why I too join in urging support for this bill.

Mr. WHALEN. I thank the gentleman for his support.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. PEYSER).

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to my colleague from New York.

Mr. ROSENTHAL. Mr. Chairman, the gentelman from Ohio (Mr. WHALEN) has neglected to mention that under section 614 of the Foreign Assistance Act, the President had up to $50 million in grant military assistance which he could give to any one country in any year. In other words, last fiscal year, which ended on June 30, the President could give Turkey $50 million. Beginning on July 1st, the President could give another $50 million. The gentleman from Ohio at no point entered that consideration into his theory of what might happen if this bill is defeated.

Mr. PEYSER. I thank the gentleman for his comments.

Mr. Chairman, this is not an easy vote for me today. I am a Republican, and we have, I believe, an outstanding Republican President sitting in the White House today. But, I also feel that if President Ford were sitting in the House with us today as a Member of Congress, I am confident he would say to us, "Listen to both sides of the argument and act using your own judgment as to what you think is best for this country."

I am equally sure he would never suggest that Congress act as a rubberstamp for the executive branch. I have very much appreciated the opportunity given to me by President Ford to let me hear the administration's side of the picture, and I am equally indebted to the many Members of this body, who have been actively involved over the past 8 months, in learning their points of view. I have, after careful thought, reached a decision on this issue. My decision is based on many factors; but due to the very limited time, I am going to touch on just two of them.

In the fall of 1972 the Turkish Government put into force an agreement reached with the U.S. Government not to have its people grow the poppy that is ultimately used for the production of heroin. In exchange for this, the United States agreed to pay the Turkish Government in excess of $35 million. There is no need for me to outline to the Members the havoc that was being wrought in this country by the influx of heroin.

In the summer of 1974 the same Turkish Government ultimately broke its agreement unilaterally and once again reinstated the right of the farmers in Turkey to grow the poppy. It is estimated by our people this year that over 140 tons of opium will be produced in Turkey.

The impact on our country, if we are not successful in stopping the flow of heroin into this country that is now being produced, is going to be perfectly terrible. For this reason, I feel that the word of the Turkish Government is very much in doubt. This is a government that today says to us: "Approve our arms deal or we will throw you out of the military bases."

I would also like to note that today in the press the Government of Jordan—and this is King Hussein speaking—said:

> Do not attempt to scale down our arms deal or we will go elsewhere. Such attempts will entail adverse effects on the United States and Jordan relationships.

I wonder, are we really about to go down a road in foreign affairs that has a signpost on it that says, "Shout loud enough, threaten us enough, and we will give you what you want, whether we agree with it or not."

I am beginning to believe we are in a period of foreign policy by blackmail, and I hope we can get out of that period and get out of it right now and that foreign governments recognize that our actions will not be controlled by threats.

I believe that the people of this country want us to be part of the world community, but they want and demand that we in Government act independently and not under the threat of reprisal.

I believe that this vote today against further aid to Turkey, at this time, will make our feelings very clear.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DERWINSKI. Mr. Chairman, I yield 2 additional minutes to the gentleman from New York (Mr. PEYSER).

Mr. WHALEN. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Ohio.

Mr. WHALEN. Mr. Chairman, I just wanted to refer to the question posed by the gentleman from New York (Mr. ROSENTHAL). Of course, it is true that during my remarks I did not mention the fact that the President does have a so-called waiver authority, authority to issue some $50 million worth of equipment to Turkey. But this is not the issue. The issue concerning the Turkish Government is the action of the U.S. Congress. If the President does issue a waiver authority, this in no way removes or resolves the issue in the minds of Turkish officials.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from New York.

Mr. ROSENTHAL. Mr. Chairman, the issue is the position of the U.S. Government. If these bases are important—and I think they are important—then the President could have done something to help resolve the issue by giving a grant of $50 million to Turkey this year and $50 million this week—that is $100 million—and if Turkey responded firmly to that, then I would have been in the forefront of leading the Congress to rescind the arms embargo.

Mr. WHALEN. Mr. Chairman, will the gentleman yield so that I may respond to the gentleman from New York?

Mr. PEYSER. I yield to the gentleman from Ohio.

Mr. WHALEN. Mr. Chairman, I say this is in no way the issue. The Turkish Government is not concerned with the attitude of the administration. It is the administration which is, after all, trying to achieve a partial lifting of the ban. The Turkish Government is concerned with the position of the U.S. Congress, and by failing to act, the problem would still pertain.

Mr. PEYSER. Mr. Chairman, there is one statement I would like to make before my time is up.

There are many of us who are taking this position today against giving aid to Turkey who have consistently voted in support of defense funds for the continued strength of the United States and for keeping the United States stronger than any nation in the world.

Mr. FASCELL. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, I would like to emphasize what has just been said by my dear friend, the gentleman from New York (Mr. PEYSER).

It seems as though we have been just concerned with the sensitivities of the Turkish people and their internal political problems, and not the integrity of this Government. The integrity of the U.S. Congress has never become an issue as far as the Turkish Government unilaterally violating an executive agreement is concerned.

The question is: What good is any agreement that we legislate or that the executive branch goes into? What difference does it really make whether we put restrictions on arms that we ourselves give to other nations?

The fact of the matter is the integrity of this country, regardless of who was the President at the time and regardless of who was heading the Turkish Government at the time, involves certain principles of international law and decency. If it means, because the Turkish Government changes its leadership because of political problems, that then Turkey can decide to go into the growing of opium, then we should not have gone into the agreement.

What bothers me is not that one country may insult the United States but that my country will join in that insult instead of asking for enforcement of the agreement. If we were asking diplomatically for explanations as to why the agreement was not enforced, then perhaps I could stand here and say that at least our country is concerned about these tons of poison, this heroin that flows into the streets of our cities; I could be assured that our Government is concerned about the problem.

But what do we find instead? We find our Ambassador, Ambassador Macomber, who fought vigorously, without any support from our administration, begging the Turkish Government to abide by its agreement. And they ignored him, Secretary Kissinger made no remarks, publicly or privately, about the Turkish decision. Then we find our representatives in the United Nations lauding the Turkish Government because they decided to grow opium and produce it by using a straw process that nobody in the United States of America is familiar enough with to know what is going on, since they have no straw-processing machinery in Turkey.

The Turkish Government tells us that they do not want Americans involved in oversight, and that only the United Nations will be able to give them assistance to avoid diversion of opium from their fields, and yet it is this very same Turkish Government that said that the only way to control diversion of opium was to have a ban on opium in Turkey.

If 4 years ago they could not control the growth or the diversion of opium in four provinces, how in God's name are we going to believe that they can control it in eight provinces.

It bothers me that nobody in the State Department has even raised this as an order of priority. I have been told by the State Department and the executive branch that we have to wait to see what happens.

Members of the House, I think that when we go into a contract, at least our side, the party representing the interests of the United States, should not say that we will wait to see what happens.

The Drug Enforcement Administration is just as much a part of the executive branch as the Secretary of State. Therefore, when we go to the Drug Enforcement Administration, the former Director has been saying that we expect that in August and early September, as a result of a bumper opium crop, that the heroin will be on the streets of the United States of America, and the executive branch immediately responded by saying, "Mr. Bartels, you are an honorable man, but you are fired from your job."

That has been the only voice which has been undisputed as the head of the Drug Enforcement Administration, and nobody who has taken over since Mr. Bartels has been fired and has given me any security to believe that that Turkish opium will not be reaching the streets of New York and other major cities.

Therefore, my colleagues, some Members may think that it is unrelated. They may say, "What does this have to do with our international relationship?" I am telling the Members that we are asking the Congress today to enter into some kind of compromise, and based on this, we do not know whether the Turkish Government is going to do anything because they have not agreed to do anything.

I would suggest and respectfully ask the Members to do this: Look at what they did the last time when they actually entered into an agreement. What they decided to do unilaterally, without even telling our President or our Congress, violate the agreement.

The CHAIRMAN. The time of the gentleman from New York (Mr. RANGEL) has expired.

Mr. DERWINSKI. Mr. Chairman, I yield 1 additional minute to the gentleman from New York (Mr. RANGEL).

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. Yes, I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I would like to ask the gentleman from New York (Mr. RANGEL) this question: In the event the lifting of the embargo is not successful, does the gentleman think, in his judgment, that we will have better control, better relations with Turkey over the poppy issue? I think we will have less, and I think it is important.

I think the gentleman will agree that we have one of the top diplomats in the State Department in Bill Macomber, who is working extremely closely with the Turkish Government. They know of our concern.

The gentleman in the well made a very fine presentation before our committee. This is of top priority to the Government of the United States, but I think we would be in a much better position with respect to the lifting of the embargo if our relationships would continue. This is not going to be a low priority matter.

Will the gentleman comment on that?

Mr. RANGEL. I certainly will because until the Turks were in trouble in Cyprus, this never was a priority item with this administration, and my dear friend, Bill Macomber, one of the most dedicated public servants I have ever met, was in the battlefields alone fighting the Turks until the Cyprus situation came along.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. BIESTER).

Mr. BIESTER. Mr. Chairman, I fully appreciate the sensitivity of this issue to each of us as Members.

I would not come to the well of this House and urge a single colleague to risk the anger of good friends and supporters unless I were certain that the interests of the entire American people demanded it.

We have heard arguments and discussion here today about what the role of Congress ought to be in these issues. Obviously, the role of Congress should be that of an equal partner in the development of foreign policy. That is a constitutional responsibility. However, Mr. Chairman, that constitutional responsibility imposes upon each of us, as a Member of Congress, to dispose that responsibility wisely and well in the long-range and short-range interests of all of the American people.

Incidentally, Mr. Chairman, I was somewhat astonished to hear the gentleman from New York (Mr. ROSENTHAL) after a very eloquent initial speech about the role of Congress, say that he would prefer that the President, not the Congress, proceed to ship arms to the Turks.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. BIESTER. I yield briefly on that point.

Mr. ROSENTHAL. Mr. Chairman, my point is that I do not want to see the fundamental law changed, and if the pragmatic situation is in the interest of the United States to get some dialog going with the Turks, then the President has the unique opportunity under existing law to do this, and he chose not to do it.

Mr. BIESTER. Mr. Chairman, I continue to be astonished by the gentleman's remarks.

Mr. Chairman, the strong argument for this bill lies not in any words that we can offer here but lies instead in a view of the map of the Mediterranean Sea. We cannot underestimate the significance of the entire Mediterranean area in terms of a potential outflanking of western Europe and thereby the Finlandization of Western Europe.

We dare not be naive about the Soviet ambitions not only in the eastern quarter of the Mediterranean which they have well displayed, but their ambitions throughout the entire Mediterranean which they display in their interest in the Government of Libya, which they display in their interest in the events in Portugal and which they display in the development of the Communist Party strength in Italy. Certainly each Member of this House must understand thereby the significance and importance of both Greece and Turkey as allies and friends of the American people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 additional minutes to the gentleman from Pennsylvania.

Mr. BIESTER. Mr. Chairman, this is an ancient issue, it is not a new one. Why should we be surprised because in the middle of this ancient issue a proud people like the Turks would decline to be interested in movement toward compromise under the pressures of the American Congress?

Realistically, Mr. Chairman, any Turkish Government which conceded and caved in under that pressure would be swiftly replaced by one which would then repudiate the compromise earlier reached.

I have sat in this Chamber and I have listened over and over again to the development of the idea that we in America must become accustomed to a new role in the world in which, as it has been expressed in recent years, arrogance of power ought not to let us believe that we can control all the issues of the world all the time. In this instance we cannot as an outside party force either one of these two currently quarreling friends of ours to take a particular position in the solution of their long-term dispute. We dare not, in the pursuit of trying to live up to the letter of our own law, under circumstances in which its application is far from clear, jeopardize the long-range interests of the American people.

One can say that he does not care about those bases in Turkey, but, Mr. Chairman, any analysis of what those bases are and what the losses of those bases would mean to the security of the American people, is something each Member will have to consider as he or she casts his or her vote. Are we to ignore the data on the Soviets' space and missile programs? Are we to ignore the data about the early warning radar on Soviet missile attacks? Are we to ignore the data concerning verification of Soviet compliance with agreements limiting ABM development?

I urge support of this legislation.

Mr. FASCELL. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. JOHN L. BURTON).

Mr. JOHN L. BURTON. Mr. Chairman, I rise in opposition to this resolution. I would like to address myself briefly to the great importance that everybody says these bases in Turkey have. I would hope to God that the strength of America and the protection of our people is not based upon an unstable nation, and that we have to rely on Turkey, whose government is unstable, to protect us and give us information regarding the Soviet Union. If we have to do that, we are in big trouble.

I submit, one, the question is Congress and Congress attitude. I think we expressed our attitude last year. We have a right to express it this year. We are being asked to submit to blackmail from Turkey that they might take away these bases from us. I have been told that if all of these bases are taken away, we would have to spend $250 million to come up with the expertise to give us the type of oversight that these Turkish bases give us. But I would rather spend that money and have that oversight within the jurisdiction of this Nation and not in the jurisdiction of a government that is unstable.

The present law merely states that the President certify good faith efforts are being made and that Turkey is obeying the laws of our land. This resolution would not be necessary if that were so, but Turkey has not shown good faith. They have not obeyed our laws, and, therefore, the administration is coming back with Secretary of State Kissinger again saying that he knows it all. He has given his commitment somewhere, and he can break the back of the legislative branch of the people of the United States.

I said last year during the Turkish debate that Kissinger ought to go. I say today Kissinger ought to go, and I think that the Congress, the duly elected Representatives of the American people, should make these determinations. I urge a "no" vote.

ANNOUNCEMENT BY THE CHAIR

The CHAIRMAN (Mr. SISK). Let the Chair admonish the guests in the gallery that they are not to audibly demonstrate or manifest any feeling in connection with debate on the floor. The Chair would expect adherence to that rule.

The Chair recognizes the gentleman from Pennsylvania (Mr. MORGAN).

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. SOLARZ).

Mr. SOLARZ. Mr. Chairman, this is the most difficult question which I have ever confronted in the 7 years I have been in public life. I think the pros and cons with respect to this legislation are so exquisitely in balance that I find it difficult, indeed, to make a determination as to what to do. There are without question strong and substantial arguments on both sides of this issue, and it was with great reluctance, and only after the most serious thought, that I decided to change my mind and support the legislation before us.

I thought that I might briefly this afternoon share with the Members what were for me the governing considerations in this regard. First, I think that we have in Turkey some critically significant intelligence installations which it is clearly in the national interests of our Nation to maintain. I am referring now not to the NATO bases in Turkey, not to the Air Force and naval bases of our own country in Turkey, but rather to those intelligence installations which provide us with a range of information involving the SALT agreements, Soviet intercontinental ballistic missile capacities, and Soviet troop movements, which it is absolutely essential for us to have. To be sure, we could build bases elsewhere in the general area in the unfortunate event that our intelligence installations in Turkey were closed down. But on the basis of information available to our committee and to the Congress as a whole, I think it fair to say that the reliability of our intelligence estimates in the event our installations in Turkey were closed down would be substantially and significantly reduced.

Insofar as these installations give us the capacity to monitor Soviet adherence both to present and possibly to future nuclear arms limitations as well, I think it is critically important for us to maintain our position in Turkey. As someone who is very much committed to the principle that the peace of mankind is contingent on progress in further nuclear disarmament talks with the Soviet Union, I think it very clear that our capacity to enter into such agreements depends on our ability to monitor Soviet adherence to them.

Second, I decided to support this legislation because it seems to me it would tend to facilitate progress in the negotiations between Greece and Turkey with respect to a resolution of the conflict over Cyprus. Quite clearly, any progress in the negotiations is contingent upon concessions by the Turks who, through their control of over 40 percent of the land mass and the presence of 35,000 of their troops in Cyprus, regrettably and unfortunately hold most of the cards in their own hands.

So far we have had the embargo in existence for 6 months and it seems fair to say that however well intentioned the embargo might have been, it has served to harden rather than soften the Turkish position concerning conflict on Cyprus. There is, of course, no guarantee that if the embargo is lifted the Turks will be willing to make the kind of concessions which everyone agrees are a precondition for a solution of the problem. But I think it fair to say that if the embargo is not lifted it is quite clear that concessions will not be made, while if the embargo is lifted there is reason to hope that concessions will be made.

The political situation in Turkey today is such that the Turkish Government is composed of a very shaky coalition which received a vote of confidence when it was first installed by a margin of only 4 votes in the Turkish Parliament. It consists of political parties which are adamantly opposed to any concessions with respect to Cyprus and it is opposed by an opposition party led by the former Prime Minister of Turkey who was in office when the invasion first took place and who as a consequence of that is enormously popular with the Turkish people.

There is strong reason to believe that in the absence of lifting the embargo the Prime Minister of Turkey, however much he might hope to get these negotiations under way, would lack the political ability to do so. It is our hope that if the embargo is lifted it might strengthen the hand of the Turkish Prime Minister sufficiently to enable him to go to the Turkish Parliament and muster enough support to permit him to make the kind of conclusions which are necessary for our agreement.

If lifting the embargo does not work, then there is no reason why the Congress cannot reimpose it. I think it is quite clear that the committee voted to lift the embargo partially in the hope and expectation that it would facilitate concessions by the Turkish Government. I would point out that the Fraser amendment, adopted in committee, provides that no arms can be given to the Turks through government sales, credits, or guarantees until enactment of the Foreign Military Sales Act later in the year. So we will have an opportunity, if this bill passes today, to observe whether or not the Turkish position softens and, if it does not, then I for one would be willing to reimpose the embargo and to vote against any military assistance for Turkey when the Foreign Military Sales Act comes up in the fall.

The major argument against this bill, to my way of thinking, is that there is a fundamental principle involved here and that, if we lift the embargo on Turkey, we will somehow vitiate the restrictions on the use to which American arms can be put by other countries that have bought our weapons elsewhere in the world. This is a significant argument which deserves serious consideration. But I would say, by virtue of the fact that we did impose an embargo for 6 months, that we have already made it clear that we are prepared to penalize those countries which violate the restrictions on the use to which our weapons can be put.

Second, I think this argument is not fully responsive to the complexities of international politics. The fact is that in the last 30 years there have been a series of conflicts including the first Vietnam war from 1945 to 1954; the Nicaragua-Costa Rica dispute in January 1955; the Suez war in 1956; the Honduras-Nicaragua dispute in 1957; the Indonesia-Malaysia war from April 1963 to June 1966; the Rann of Kutch incident in April 1965; the India-Pakistan war in September 1965; the 6-day war in the Middle East in June 1967; and the El Salvador-Honduras war in 1969.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 1 additional minute to the gentleman from New York.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, I want to congratulate the gentleman in the well for presenting a well-reasoned statesmanlike position on this bill. I know it has not been easy politically for the gentleman to come to this position. I regret that only a relatively few Members of the committee are present to hear it, because I think it sums up the whole case for the resolution in a splendid manner.

Mr. SOLARZ. Mr. Chairman, I would like to conclude by referring, in addition to the conflicts I have already mentioned, to the Indo-Pakistan war in 1972, and the Omani-Dhofar war from 1972 to 1974, and the Kurdish Civil War from 1967 to 1975, where American weapons were used in a highly dubious fashion and is a way which was presumptively in violation of the restrictions which we had imposed on them.

So what I simply suggest is that the realities of international life are such that, in the final analysis, the countries to which we sell or give our weapons will determine whether or not to use them on the basis of the immediate situation which confronts them rather than on the basis of abstract principles embodied in the laws of our own land.

Mr. FASCELL. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. RIEGLE).

Mr. RIEGLE. Mr. Chairman, I will have more to say later when I have more time, but I think the proposal before us now to end this embargo is really a terrible mistake.

It is true that we have not accomplished anything during the time that this embargo has been in place. That is because this administration and this Secretary of State have made it absolutely certain that there would not be any progress by opposing the embargo, by fighting in every way to get around it, by suggesting to the Turks if they stood firm in their situation, we would finally come to the exact moment we are at today, namely, the embargo would come off, because this administration would fight to remove it, in spite of the fact there has not been any progress on Cyprus.

The other historical situations cited have no bearing on the Cyprus case today. We are talking about an area where 40 percent of the land is occupied. We have some 200,000 refugees. Turkey moved on Cyprus not once, but twice, using our arms in violation of written, signed agreements with our country. Now we are being asked to set our laws aside today, because this administration does not have the strength or the will to lay it on the line to Turkey, and say there has to be progress on Cyprus coincident with the resumption of U.S. arms shipments.

We are being asked today to break our own laws and I think that is wrong. If by lifting this embargo today, we say to the rest of the world, which is watching closely, "Look, you do not have to stick with the agreements you made with us. If you want to take our arms and use them against another ally the next day, you are free to do so."

If we say that, and that is what we would be saying, the rest of the world is not going to miss that message. If we want more Cyprus-type problems, that is the way to make more of them happen by ending this embargo at this time. I am willing to consider an end to the embargo, if, at the same time, we get some progress on the Cyprus question, but not a minute before.

There is absolutely no excuse, none whatsoever, to use the argument of political instability in Turkey to say there cannot be discussions right now on Cyprus. There have to be.

Mr. DERWINSKI. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. MCKINNEY).

Mr. MCKINNEY. Mr. Chairman, it is extremely difficult, I think, for a Congressman who is pledged to the national security and the strength of his Nation to stand up and have to take a course which means that perhaps this Nation could be made a little weaker within a specific area of the world. I do not think, as one of our earlier speakers said, that I have ever wrestled with a problem as long as I have wrestled with the emotional arguments on both sides of this issue. But, it seems to me that one of our problems is that we have come down to emotion, and forgotten that we are a nation of laws.

Finally, I had to ask myself, why did I run for Congress and why did I come here? When I get back to the base fact, it was because I was committed to stopping what I thought to be an immoral, illegal, and incorrect war in Southeast Asia. Now, I am confronted with another basic issue of American foreign policy. On the one hand, quite rightfully, the President says that we may lose our Turkish bases if we do not remove the embargo; but on the other hand, I have to remember that on January 14 of this year, I stood in this room and once more reaffirmed my oath to the Constitution of this country and to my best judgment as to how I saw it.

The Military Sales Act, the Foreign Assistance Act, both prohibit the sale, delivery, or contract of arms sale to any nation that uses them to attack another sovereign nation.

In response to this point, I have had the argument of Israel thrown at me.

However, I would suggest that the Members of the House read the statements of the Israel Government which clearly stated that should Lebanon make its borders safe and stop harboring the PLO, that Israel would have no need to attack them, and that in attacking them, they were not attacking the nation of Lebanon; and, in fact, had no argument or aggressive intent toward its government.

Certainly, I would admit that there is a gray area there, but there is no gray area in this issue. The Turks are blackmailing the U.S. Government into violating the very laws that this House and the Senate of the United States passed, and should we move to allow this one instance to pass to expediency it will become instead the accepted method of violating our laws and forcing our hand, a precedent we can ill afford.

We have sold, according to my figures, almost $11 billion worth or arms to foreign nations. The potential for blackmail, the potential for misuse, the potential for other Cypruses, appalls me. Do we feel as a Nation that these people buy arms to polish these arms and parade them around on their national holidays? No, we are giving them a potential for blackmail; giving them a potential for war. We are, in fact, giving them the weapons with which to kill.

The people of my district, as I believe I represent them, are tired of it. They are tired of our involvement. They are tired of our arms sales and they are doubly tired of the United States being blackmailed, particularly by a nation which as we will be discussing in 3 or 4 months, the fact that their opium crop is coming into my district and into my neighboring city of New York and destroying American kids by the thousands. It seems to me that to use an argument that the stability of the Turkish Government depends on our action is to admit that we are putting our eggs in a basket that is unstable; that we are saying by our very excuse that we are going to give arms to a nation that does not have a stable government.

I do not think that I will ever have cast a more difficult vote in this particular term than this one, but I will not condone, No. 1, the blackmailing of the United States of America. I will not condone knowingly the use of our weapons in the attack on another sovereign nation. In the debate I have listened to today, everyone seems to forget that Cyprus is a sovereign nation.

Are we to admit that an Irishman in the United States or a Greek or an Italian, or Hungarian, is still Hungarian and not an American. A Turk in Cyprus is a Cypriot, or else he would be back in Turkey.

I know that the Greeks transgressed in the very beginning, but in the form of a coup that we have seen time and time and time again in this world. So let us remember that the second attack of the Turks was an attack of outright force against a sovereign nation and must be condemned by this House.

Last but not least, I shudder to think of the future of my five children in a world where American arms, American bullets, can be used in any manner chosen by any nation, without our concern and in fact our immediate action.

Mr. MORGAN. Mr. Chairman, I yield myself 1 additional minute.

Mr. Chairman, I just want to say I think the gentleman today has made a very conscientious speech, but if he is going to apply the law to all countries, it should be applied evenly. The gentleman admitted that Greece transgressed and we did not cut off our aid. In July 1974, Greece had 1,650 troops in Cyprus, 700 of them illegally. After the coup, that number was increased. When they finally left, there was not any question of the presence of American arms all over Cyprus. Yet Greece has furnished $16 million worth of arms in the United States in fiscal 1975 and $619 million in the pipeline. The embargo does not apply to Greece—only to Turkey.

If we are going to apply our agreements, let us apply them evenly.

Mr. BUCHANAN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I have listened attentively to the debate thus far. I am reminded of a conversation between an elderly British clergyman and a young firebrand of his acquaintance. The younger man had just made a strong point, very heatedly stated, and the clergyman responded, "I am not certain I understand your point of view, but if I understand it I am not certain I agree with it."

The young man replied, "But I have clearly stated the pure and simple truth," to which the clergyman responded, "Young man, the truth is never pure, and seldom simple."

As the chairman of this committee has just illustrated, we are not here dealing with a clear situation where there is a guilty party which must be further punished, having violated our law, and uniquely so, and no more guilt involved in this or other similar situations on the part of other parties.

As the gentleman from New York (Mr. SOLARZ) earlier indicated, there could be a veritable laundry list established of similar uses of American arms in military conflicts in possible and probable violation of our law.

But let us examine this situation, let us review the history here in the Cyprus tragedy. Many of us for years were concerned about the need for restoration of democracy and the rights of the people in Greece. From the time the colonels and pro-Western generals took over the government of that country, doing away with parliamentary government, suspending the civil liberties of the people, many of us were concerned about the restoration of human rights and democracy in the world's cradle of democracy.

May I submit that some of the guilt in this present tragic situation in Cyprus must rest at the door of the instigators of the whole crisis, the Greek military junta which fought to overthrow the lawful government of Cyprus and did succeed with the military action of the mainland Greek National Guard, together with pro-enosis Greek Cypriot factions, in overthrowing the legitimate government and placing their man, Nikos Sampson, as President, in place of Archbishop Makarios.

This was an event which upset the treaty arrangement and which created the crisis in which the Turks under the 1960 enforcement treaty felt they had a right and an obligation to move their forces in. This was the inception of the crisis. The man who was installed to head the new regime was a man feared by the Turkish minority. This had to be a part of the reason for the Turkish reaction.

We may feel, and we do feel, that reaction was extreme and unwarranted, and yet, from the Turkish view, the Turks maintain that rather than acting illegally, they have sought to protect the Turkish minority group on that island, to take action toward the restoration of lawful government on the island of Cyprus and to protect and fulfill their treaty rights and obligations.

I simply say these things to point up the fact that this is not a clear and simple case of guilt. What is clear is that the national security interests of the United States will be well served by the passage of this legislation.

This is not a radical reversal of policy. This is a mild and moderate modification of our position after 6 months of punishment and after the application of our law. This is simply saying that we are not going to give anyone anything, but we are going to release to Turkey material, much of which they have already paid for and all of which is under firm contract and will be carried out as cash sales.

This is a modest reappraisal of our position. What it can do is this: It can protect our national security interests, our legitimate interests in our own national security; it can protect the NATO Alliance from further dissolution; and it can bring about, I believe, a movement on Cyprus and between Turkey and Greece, which would clearly benefit the democratic government in Greece, and ultimately serve to protect the rights of the people of Cyprus as well as the national interests of the United States.

Mr. Chairman, I believe this is reason enough to make this modest reappraisal, and I urge the passage of S. 846, as amended.

Mr. FASCELL. Mr. Chairman, I yield 3 minutes to the distinguished chairman of the Committee on Rules, the gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. Mr. Chairman, yesterday, the Rules Committee held hearings most of the day with various witnesses testifying pro and con on this pending Turkish aid legislation. This bill would permit the President to postpone the embargo to the Government of Turkey on articles contracted for under the Foreign Military Sales Act on or before February 5, 1975. It fould release for shipment $184.9 million in defense articles to Turkey under this authority, also issue licenses for the transportation to the Government of Turkey arms, ammunition, and implements of war, thus removing the ban on the shipment of defense articles purchased by Turkey through commercial channels in the United States. This authorization would be effective only while Turkey observes the cease-fire in Cyprus and neither increases its forces on Cyprus nor transfers to Cyprus any U.S.-supplied implements of war.

Last year, in 1974, the Foreign Assistance Act contained a provision which passed the House 297 to 98 and by voice vote in the Senate requiring the President to suspend all military assistance; sales of defense articles, arms, ammunition, and other implements of war to Turkey.

Our Government maintained this embargo on furnishing such military aid to the Turks and the present legislation now being considered is to waive the embargo provision with certain provisions and continue giving limited amounts of military aid and assistance to the Government of Turkey.

During the recent 4th of July recess, when visiting my congressional district, I attended a picnic gathering of constituents made up mostly of Americans of Greek descent and a great number of other ethnic groups, approximately 5,000 to 6,000 citizens of the Calumet Region in Indiana. The consensus of that gathering was almost unanimous in opposition to any further aid or consideration to the Turkish nation, primarily due to its complete disregard to keep its agreement on international problems made not only with our Nation but with neighboring nations in the Middle East.

Our Secretary of State, Dr. Kissinger's proposal to lift the American ban on further arms to Turkey did not meet with any endorsement of the folks I contacted when I was home in the First District of Indiana.

I believe that our country and our NATO partners must stand against aggression, whether by friend or foe. To do otherwise would be a renunciation of a fundamental principle of our foreign policy—to oppose aggression, not aid or acquiese in it. I must condemn the continued acts of Turkish aggression against Cyprus and its people. It is unconscionable that the Government of the United States should surrender to the threat of Turkey to close our bases there. This is capitulation to blackmail and unworthy of our country.

The Congress has been thoroughly lobbied by the State Department during recent weeks advocating the lifting of the American ban on further aid to the Turkish Government.

But to pit one country against another in this way is as dangerously inflammable and divisive in foreign policy as it is in the Halls of Congress. However, if a choice is to be forced between our military installations in Turkey and the continuation of the support of U.S. installations by a democratic government in Greece, then in my judgment, the Congress should cast a vote for Greece, and against the Kissinger amendment to lift the ban on U.S. arms to Turkey. In my opinion, existing and potential military bases in Greece aid for the Greek people in Cyprus are more important to us than our installations in Turkey.

As the harvest of opium poppies begins this week in Turkey, all Americans should remember that Turkey unilaterally rescinded the ban on the growing of opium poppies for which U.S. Government agreed in return to pay Turkey $35 million over a 3-year period. U.S. taxpayers have already supplied $15 million of this sum to Turkey.

The Turkish Government as usual to this day has totally ignored its agreement to terminate the growing of opium poppies and exports millions of that poisonous weed which is destroying the health and mentality of our American youth, as well as other citizens throughout the globe.

It was 1 year ago that the Turkey armies aggressively took over the island of Cyprus and today occupy about 40 percent of the most productive land on the neighboring island which had been under the control of Greece. Approximately 80 percent of Cyprus is populated by Greek people.

I do hope that the Congress defeats this unfortunate legislation calling for the lifting of the ban on American aid to Turkey.

Mr. DERWINSKI. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. WHITEHURST).

Mr. WHITEHURST. Mr. Chairman, I rise in opposition to this legislation.

I have followed very carefully the record of events that have occurred on the Island of Cyprus for the past year. I have held my breath and hoped with all of my heart that the Turkish Government, certainly in the last 6 or 7 months, would show some spirit of moderation in its conduct, and I have hoped that that government, which has clearly behaved in an excessive way in an effort to protect the Turkish Cypriots, would show some spirit of accommodation, some spirit of compromise.

Mr. Chairman, I regret to say that the record has been the antithesis of that, and at this moment I see no indication on the part of the government in Ankara that it is willing to settle the problem of Cyprus on an equitable basis, one that would go some distance toward restoring the property and the rights of the Greek Cypriots.

I have a substantial number of Greek Americans and Cypriot Americans who live in my congressional district. As a matter of fact, my office has been involved with dozens of those people in an effort to bring their relatives out of Cyprus.

I have a very heart-rending situation right now, a 75-year-old woman, the mother of one of my constituents, who is in the Turkish zone. She has a visa. She can return to the United States. The Turkish authorities will not let her leave. Why? What do they want a 75-year-old woman for?

Mr. Chairman, how could I come here today in this Chamber and cast a vote for this bill in the face of this conduct? No, I cannot do that.

I hope the moral position taken by this House months ago will be sustained this afternoon. If our position was a moral one 6 months ago, certainly it is not less than that at this time. I hope that our action and our firmness will act as a persuasive factor upon the Turkish Government to get on with the business of reaching a peaceful settlement on that island, working out an agreement that will restore peace, a peace that will have a basis that is lasting and meaningful.

Mr. Chairman, I am thankful for this opportunity to speak on this bill.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. WHITEHURST. Yes, I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I would like to say that what really prompted this compromise by members of our committee was the feeling we have for, and the confidence that we have in, the President of the United States.

As the gentleman from Virginia knows, a few weeks ago President Ford did go to Brussels and met with the leaders of Turkey as well as Cyprus and Greece, and his conclusion was that the climate was favorable for negotiations.

Again, the committee that worked out this bill was deeply concerned about the very problems the gentleman from Virginia has just mentioned so eloquently, the 180,000-some refugees in Cyprus, and we are not satisfied with just keeping the status quo, we want some movement there. That is the reason we have tried to develop legislation that did not tilt in favor of either Turkey or Greece, but provided an even-handed approach.

If one wants to look at the amount of weapons and military equipment in the pipeline for Greece they will find that they have over $600 million worth coming to them.

So I hope that when the Members consider this bill today that they will keep in mind that really the people who are pushing the compromise are people who are equally concerned about the problems and who want a settlement of those problems on Cyprus. That is what brought about this compromise.

Mr. WHITEHURST. I thank the gentleman.

Mr. FASCELL. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. KREBS).

Mr. KREBS. Mr. Chairman, let me say that one of the more pleasant surprises that I have had in coming to the Congress has been quality of the Members of this body and listening to the debate today has certainly helped to again enforce my feelings in this regard.

I think this is a very close question regardless of which side of the issue one may be on. It is really in a sense a no win issue which each and every Member of this body must settle for himself, and there is no sense in kidding ourselves about that.

The gentleman from Alabama (Mr. BUCHANAN) very articulately described the history of the Greek junta and I at least will be so brazen as to state that in the final analysis the whole difficulty in which we find ourselves was indeed created by that Greek junta.

It was exactly that same Greek junta that past Congresses, when some of us new Members were not around, were asked to support in the name of our national security.

It is in the same name of our national security that we are being asked now, as, unfortunately, past Congresses have been asked on many other issues previously, as the Members will know, to compromise on the very basic principles that made this country the great country that it is.

I cannot help but feel, Mr. Chairman, that unless we have a change in direction that we are going to find ourselves in the same position in relation to Jordan, if the President's wishes are granted in providing Jordan with $350 million worth of the most sophisticated missiles. We will indeed find ourselves in the same position in Jordan when they will be moving those missiles to sites other than those designated pursuant to an agreement with that country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FASCELL. Mr. Chairman, I yield 1 additional minute to the gentleman from California.

Mr. KREBS. Mr. Chairman, as I say, we will find ourselves in exactly the same position of having to compromise basic principles if the Shah of Iran decides that it is in his best interest to move those billions of dollars' worth of weapons that we have given him to other parts of the Middle East. He will do so only on the basis of the decision that we may be making again in the name of compromise, and national security. Since we are all creatures of our own environment—all this cannot help but remind me, at least, as one Member of the House of some of the compromises we have already made and some of the succumbing to blackmail that we witnessed in the late 1930's. I submit to the Members that this type of compromise is not going to get us any farther than those who have engaged in similar types of compromises in the 1930's.

I thank the gentleman for yielding to me.

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. RYAN).

Mr. RYAN. Mr. Chairman, at this point in the debate we have established several things: First of all, that this is not a partisan issue. The second is that S. 846 is not an administration-initiated bill. This particular bill, this particular compromise began as an effort here in this House in the Committee on International Relations. We have established the fact that this is not an inconsequential vote. Finally, we have established the fact that all of the angels are not on one side.

I would like to zero in, if I can, on a particular matter raised, I think, by both the gentleman from Ohio (Mr. WHALEN), and the gentleman from New York (Mr. SOLARZ) which has to do with the politics of the situation as it exists in Turkey today. Turkey is a parliamentary democracy. The pressures upon Turkist parliamentarians are the same as they are upon us as Representatives in this country. If there is an ethnic base to the debate on this bill in this country—and I believe there is—there is certainly an ethnic base to the nationalistic view of Turkish politicians who must please their own constituents.

I do not think any issue since I have been in the Congress has been more hotly argued at home or more heavily pressured here in Washington than this issue. I have received calls from my district from people for whom I have great respect and affection who are of Greek-American heritage. The man who took my place, as a matter of fact, in the State legislature is Greek, and I have heard from him regularly on this issue. One of the most distinguished members of that legislature for years is a State senator who called me to talk about it. I have had a call from a former mayor of San Francisco about this issue, who is of Greek heritage. This issue of great concern to

Greek Americans, but I submit to the Members that the Greek Americans in this country cannot be as objective as they might be, I think, because of their heritage.

If I can draw a parallel, I think it would be not wise for this House to accept my own opinion regarding matters of Northern Ireland. I happen to have some strong opinions about what should be done there, but I do not believe, in the best interests of the United States, the Members should accept my advice on the matter because I tend to be prejudiced about that particular problem.

If we look at this matter objectively, there is only one question being raised here about this particular issue, as I see it. In February, this Congress passed the Rosenthal resolution against the Turkish nation as a kind of punishment for the invasion of Cyprus. We have heard the word "punishment" used on the floor here today. Reverse the situation. Imagine, if one will, this country's dependence upon some other country for its arms, and then having that other country punish us, and then having us as politicians go home and accept that humiliation easily and willingly before our own people and try to tell our own people that we have been punished by another nation and that we must accept another country's judgment. This arms embargo—this punishment is a matter, I believe, of honor for the Turkish nation and the Turkish people. I do not question the moralities here, because in fact both sides, I think, are guilty of the kinds of actions which could not stand the test of history or the test of severe examination of the law. The question here has to do, then, with whether or not it is in the interest of the United States to pursue a policy which will allow the Turkish politicians and the Turkish people to take some action on their own to relieve the present situation that is a stalemate in Cyprus.

The national interest in this country, it seems to me, is to resolve the Cyprus situation. The Turks have no particular reason for moving from their present position. They already dominate the situation and they can continue to dominate it because Greece cannot change that by force or parliamentary action or diplomatic action.

The United States took an action in response to the Turkish actions on Cyprus, and the result for the last 6 months has been a stalemate. A stalemate in a situation like this is dangerous for this country. In order to move this matter off center, this bill then is offered as a partial solution.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, I think our colleague, the gentleman from Virginia (Mr. WHITEHURST), has done us a favor in focusing our attention on the plight of one little old woman on the island of Cyprus, a 75-year-old woman who has a visa to come to the United States but is being denied that opportunity by the Turkish authorities on Cyprus. The question we ought to consider here today is the effect of our action today on the multitudes of individual human problems like that confronting that little 75-year-old woman.

If we reject this resolution, can anyone in his wildest imagination believe the prospect for that little old woman getting off Cyprus and coming to the United States will be enhanced? Exactly the opposition will occur. Her prospects for getting to the United States will be diminished.

It sems to me we ought to think about this issue that is before us today in those very human terms. What will help these poor helpless individuals the most? Approving the resolution or rejecting it?

A step like that proposed in this resolution which will renew some leverage on the part of our Government would enable us to have some influence, which is today totally lacking, upon the policies of the Turkish Government.

So I hope as we reflect upon the question that will soon come before us we will think of those very human terms suggested by the gentleman from Virginia. When we do that I feel sure we will come up with an affirmative vote and approve this resolution.

Mr. FASCELL. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Maryland (Mrs. SPELLMAN).

Mrs. SPELLMAN. Mr. Chairman, I am concerned—I am frightened. I am frightened that this country might be on the brink of setting a dangerous precedent. A vote for this bill would be capitulating to another nation's demands—demands which amount to blackmail. To resume shipment of arms to Turkey would be a betrayal of our own moral values. To continue to give military aid to Turkey would be a blatant repudiation of our own laws.

The fact remains that Turkish use of American arms in the invasion of Cyprus violated the very agreement by which the Turks obtained those arms. If the House goes along with the Senate in backing down now, we can never again expect that provisions of law will be binding on any recipient of American arms. We would also be saying to the President that we dare not limit his authority in international affairs.

We must also consider the refugees, many little old women—men, women, and children.

There are 200,000 people who will remain homeless as long as this country continues to condone the actions of the country which has displaced them. There will never be a settlement of the Cypriot situation as long as we provide the means for the Turks to continue their pursuit of conquest.

It is time for this country to stop being blackmailed. It is time for us to give an ultimatum to the Turks and to all the nations which might seek to manipulate us in the same way. It is time to say that we cannot support military aggression by either friend or foe.

I have been involved in politics long enough to know that there is often a need for compromise. But this is not compromise. Compromise means conciliation—not capitulation.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, in February, I, along with a solid majority of this House, supported the imposition of the arms embargo to Turkey. The embargo vote was an important statement of American disapproval of what we considered then, and still do, an unwarranted, aggressive action on the part of Turkey. The embargo was a necessary and proper action to express the will of this Congress. I do not regret my vote, nor that of the Congress.

However, our primary interest—and we should never lose sight of this priority—is to end the terrible suffering of the Cypriot people who have been removed from their homes, families, businesses, and farms; to secure the removal of Turkish military forces, and to provide for self-determination by the people of Cyprus.

The embargo, still an important symbolic statement, has been with us for 5 months. Whatever else it has accomplished, it has done nothing to achieve our priority goals. The United States cannot tolerate a stalemate in the quest for those goals, and for a settlement on Cyprus. However important the embargo has been in other respects, it has not changed the stalemate situation, and indeed has undoubtedly extended the stalemate.

The Turkish Government has refused to enter into serious negotiations until there is some sign from our Government that it is willing to lift the embargo, however slightly. I believe that the situation demands American involvement as an honest broker for settlement—a role we have fulfilled elsewhere in the Middle East. I believe that until we are involved in the settlement, there will be no settlement. Until there is a settlement or progress toward a settlement, the suffering of the Cypriot people can only be exacerbated.

There is some reason to believe that the Turkish Government is willing to negotiate if there are signs from the United States that we are willing to resume some limited shipments. Many of us have heard personally from the Secretary of State, the President and other officials of the administration on this subject. We have no guarantee of progress, but we have no other alternative course that even gives us a chance for progress.

Additionally, the Turkish Government has already consented to allow the International Court of Justice to adjudicate oil rights with Greece over recently discovered fields in the Aegean Sea.

The International Relations Committee, which has structured the compromise which is now before us, has given us the additional assurance that it will report legislation to reimpose the embargo if significant progress is not made. We have assurances from the administration that it will not oppose such an effort in the absence of progress.

I am sure that we will have some honest disagreements over a definition of substantial or significant progress, but I think the intent of Congress is clear if we pass this bill today.

The reason that I support this bill,

H.R. 8454, is that it seems to me that it offers the only chance for movement toward the goal of the alleviation of the suffering of the people of Cyprus.

In February I wrote some of the House Members who had exercised important leadership in the vote to impose the embargo. I asked what strategy was now being employed to settle the situation on Cyprus. The letter was not answered formally, but informal discussions revealed that there was no viable alternative policy. Those who wish to have the embargo extended have given us no alternative policy which might lead to hope for settlement, or for reduction in the suffering on Cyprus.

Therefore, if there is a moral issue involved in this debate, I think it relates to our responsibility to help find a solution to the Cypriot problem. Continuation of the embargo offers no chance for a solution. Continuation of the embargo means continuation of stalemate, continuation of Cypriot suffering. This slight easing of the arms embargo offers some chance for progress. I cannot personally pass up the opportunity to grasp that chance, however minimal it may be, especially when it is buttressed by a guarantee that the embargo will be resumed if there is no progress.

I support S. 846, because I strongly believe that the limited resumption of arms sales to Turkey is our only opportunity to begin progress in restoring their homes, vocations, and dignity to displaced and distressed Cypriots. I urge my colleagues to give first consideration to the plight of the people of Cyprus. I believe the humanitarian aspects of this situation tip the balance in favor of the committee's compromise. I hope that the bill will be passed.

Mr. FASCELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Rhode Island (Mr. BEARD).

Mr. BEARD of Rhode Island. Mr. Chairman, 3 weeks ago I experienced really what was the experience of my lifetime. I spent 2 days on Cyprus. During those 2 days on Cyprus I had a chance to talk to many refugees. They told me some horrible stories about poppies being grown in the areas presently occupied by the Turks.

They also mentioned the abuse of churches, because that country does not recognize its obligations on Cyprus to Christians and those under the Christian faith. They do not recognize human dignity.

I spoke to a man 107 years old who had his face kicked in.

Mr. Chairman, I am not a Greek and I am not a Turk. I am a plain American citizen from Rhode Island.

Mr. Chairman, I call this machinegun diplomacy. I requested 1 hour to be able to go to the Turkish side of the border to see what they claim was their side of the story and after presenting my credentials of the House of Representatives and my passport, I was turned away at gunpoint by the Turkish soldiers.

Let us face really what has happened here. This is not more than blackmail—blackmail, that is all it is. Why?

They are telling us, "If you do not give us the arms, then get out of Turkey." Well, we should not give in to blackmail. If we do and they blackmail us out of the Turkish incident, every country where we have a base will raise the stakes pretty high, and if we keep giving in, we will be worse off.

Let us think about those reservations and think about indicating to other countries that we do not get into blackmail. When the Russians came over here under Khrushchev, President John F. Kennedy told them to go back. I am telling the Members right now that, yes, we need the bases and they are imported, but the world is not going to come to an end for the United States if we are told to get out of Turkey. We may end up losing Greece, and she is also an ally of ours.

Mr. DERWINSKI. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. MARTIN).

Mr. MARTIN. Mr. Chairman, as I walked down the center aisle into the well of the House just then, I felt that it was somewhat symbolic for me on this issue. I also felt that it was somewhat symbolic once I got down into the well and found that it was necessary to turn one way or the other in order to be able to address the House, because that symbolizes the difficulty I—as apparently many others in the Chamber—have had in trying to reach a position to take on this particular bill.

As I listened to others speak, I was glad to realize that I am not the only one that has a great deal of difficulty in trying to balance this very complicated issue, this very serious issue. I have tried to solve the riddle and have tried to find the correct way out of the maze. As with many Members, I have talked with representatives of the State Department, the administration, members of the Committee on International Relations which has presented this bill, with representatives of the Justice Party of Turkey, as well as with advocates on the other side of the issue here in Congress and, yes, with partisan constituents of Greek ancestry in my own district. Of course, they certainly have just as much right, just as legitimate a stance to take in this matter as anyone else I have talked with.

Mr. Chairman, I have sought to find a different, a more timely, more acceptable compromise, something with a quid pro quo; something that would give us something definite in return, with some assurances built in that the Turkish Government would have to respond positively in order for us to restore these weapons that are at issue. Regrettably to me, without exception everyone that I talked to felt—and this included advocates on all sides of the issue—that they had to reject such preconditions because that would amount to dictating terms to the Government of Turkey and they might object to that pressure.

So, there is no way to work in that direction. I am aware—and this has been pointed out here—that there was a provocation by the military junta which formerly ruled Greece, but I am also aware that that thorn has been removed. Likewise, I am aware that the Government of Turkey has changed, and it seems to me very tragic that these two more moderate governments have not been able to approach each other and come to terms and resolve the issues on Cyprus.

I am told that the present Government of Turkey is under intense pressure at home from the opposition party, and yet if the present Government of Turkey is unable to parry that rivalry of the opposite political party by moving into negotiations now as a means of restoring armaments and normalcy, if they cannot begin to solve the Cyprus dispute as a part of a combination in which they would gain an advantage in return by receiving these arms shipments, then how can they possibly, Mr. Chairman, make concessions thereafter when they will then already have their weapons in hand? How would their political rivals accept a subsequent moderation of the Turkish gains with no consequent benefit, if they cannot now support such moderation tied to direct benefits?

If the Turkish Government objects to our stating terms to them, terms which they would regard as an offensive ultimatum, then would it not be more appropriate for them to initiate the stating of such terms and say to us what they would be prepared to do, and give us a reason and a confidence for modifying our stance of a few months ago?

So the situation is this:

First, of our having insisted that weapons shipments to Turkey be suspended because of violation of limitations that we have placed on the use of such arms;

Second, of having assured Turkey that under our law, weapons must be withheld until Turkey makes some good faith efforts to negotiate a solution to Cyprus; and

Third, of having witnessed no such progress on Cyprus.

It is in this context that we are now asked to ship the $185 million worth of weapons anyway and are asked to forget these three circumstances I have just listed and hope for the best.

I cannot accept that and, therefore, Mr. Chairman, I must oppose such a resolution until some public assurances are obtained and given by the Turkish Government as to what their response will be.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman.

Mr. BROOMFIELD. I thank the gentleman for yielding. My understanding, based upon information from the Department of State, is that originally there were some 40,000 Turkish troops on Cyprus. There was an initial reduction of 5,000. I have been informed by the Department that there has since been a gradual reduction, and today they are estimating that only 30,000 Turkish troops remain on Cyprus—a reduction of 10,000 troops.

Mr. MARTIN. Mr. Chairman, I would say to the gentleman that I appreciate very much his bringing this to our attention.

Mr. MORGAN. Mr. Chairman, I yield 7 minutes to the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, my colleagues, I think we have to look at this compromise—and it is a compromise—as a solution that we cannot afford to turn down.

Mr. Chairman, if we review the history—and I shall not take the time, because I could not do it in 5 minutes—however, the chronology that is contained in the committee report will clearly indicate what a difficult situation has existed for centuries over Cyprus between Greece and Turkey and which is the burning issue of today.

We have an embargo that is almost in its 6th month, and it has not worked. It is quite clear that if we are going to do something in the interest of Greece, and primarily in the interest of our own country, we must find some way and means for negotiations to meaningfully take place over the issue in that area.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield at that point?

Mr. ZABLOCKI. I will yield briefly for a question.

Mr. ROUSSELOT. I thank the gentleman for yielding. Is it not true, that one of the reasons that we have had some problem with this embargo being ineffective is that some members of our Department of State and our Secretary of State have said to the Turkish Government, "We will help turn Congress around, so do not worry about it"?

Mr. ZABLOCKI. My answer to the gentleman is, as I understand it, there were no such indications on the part of our administration after February 5. There may have been the latter part of last year, when we were discussing the possibility of an embargo.

Mr. ROUSSELOT. If the gentleman will yield further. We all understand that there was a great deal of such conversation by our State Department prior to February 5, but what about after the embargo was imposed by Congress?

Mr. ZABLOCKI. But let me point out that it is not my administration; it is the gentleman's administration. But they did not violate the law. They abided by the law that the Congress passed, despite the difficulties involved.

Mr. Chairman, realizing the negotiations were dead center, our good chairman had asked a few of us on the Committee on International Relations, over the Fourth of July recess, to work on some language which would be a compromise between those who wanted to remove the embargo unconditionally and those who did not want to lift any part of the ban.

The gentleman from Michigan (Mr. Broomfield), the gentleman from Indiana (Mr. Hamilton) and, yes, my good friend, the gentleman from Florida (Mr. Fascell) have contributed much of the language that is in here. That is why I cannot understand why the gentleman from Florida is now on the other side.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. Since I mentioned the gentleman's name, I must yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I will be very happy to explain to the gentleman why I am on the other side. It is because I disagree completely with the thrust of the bill.

Mr. ZABLOCKI. Mr. Chairman, I might say to the gentleman that he expressed disagreement before we had hardly dotted an "i" or crossed a "t" in the language he suggested as a compromise.

Over the Fourth of July recess we worked on a compromise. There had been movement toward solution of the Cyprus problem. Should we let the status quo continue and the situation on Cyprus between Turkey and Greece deteriorate?

The other alternative would be to go the route that was cast in the other body, albeit by one vote, and that would give the President, the administration of the gentleman from California (Mr. Rousselot), the entire suspension of the embargo, of the grants, the sales, and the commercial sales—you name it—to Turkey. We decided we were going to take an evenhanded approach and, therefore, we worked on this compromise which has been explained by the chairman of the committee. The provisions were also explained adequately by the members of the Committee on International Relations on the Republican side, so I shall not repeat them.

But I do wish to make several brief points about the legislation which is before us today:

It is a compromise proposal.

It is not a compromise to help Turkey. It is not a compromise to hurt Greece.

It is legislation designed to bring an even-handed policy to that area, to help get negotiations off dead center, and ultimately to bring peace and to promote our national security interests.

We have three alternatives.

First, we can do nothing. That would perpetuate the present unsatisfactory status quo.

Second, we could lift the embargo completely. That course would be unacceptable to many here for valid reasons.

Our third choice is this compromise. It is a good choice and I urge that it be the choice of the House this afternoon.

I recall that one of the Members who spoke here has expressed concern for the refugees. I think this is a very burning issue. Are we going to sit in this air-conditioned Chamber and not be concerned about the 180,000 to 200,000 refugees many who are living in tents? If we vote against this compromise, we may condemn them to a life of deprivation for many months ahead. How is conscience can we do that? We must be concerned about the refugees.

Mr. Chairman, we must act confidently and resolutely on this matter. I shall in my extension of remarks include other reasons for that, but I just want to leave the Members with one last thought.

Let me assure the Members that I fully realize and recognize the domestic political concerns of my colleagues. I have gone all through this. I have received telegrams; I have received letters.

I met with my Greek-American constituents, and I had, I might say, a heated discussion which lasted an hour and a half. I did not convince them, but I want to share with the Members something that made me feel good. This is something that reaffirms out faith in our Greek-American people, because I know they are patriotic citizens.

I want to share with the Members a memo that I received from one of those, a constituent named Paul Anton. There were others, I understand, who supported him in this.

Mr. Chairman, this memo reads as follows:

> Dear Congressman: Even though we, the Greeks in Milwaukee, feel bitter for your last decision to aid the Turks we must say you are 10 feet tall—and being 5 feet 3½ inches, I feel that is a good compliment—10 feet tall by being frank about the matter and by coming to our picnic.
>
> Personally, I am sorry I did not recognize your responsibility is to our America first and did not give you the proper welcome.
>
> We the Greeks love you and you have our support.

Mr. Chairman, if the Members are concerned about their Greek-American constituents, I suggest they send them the report of our committee, and if they will look on page 9 and if they will read the hearings that we have conducted, they will learn that there cannot be concessions before negotiations; they will learn that it is indeed in the national security interest to have this compromise, and they will applaud the Members for voting for the compromise.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. Lagomarsino).

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of S. 846.

This is a difficult issue for me. I have many Greek constituents, many Greek supporters and friends.

When I voted to impose the arms embargo on Turkey last year, I did so out of a desire to break the deadlock on Cyprus. Since that time I have visited the NATO countries, and talked with a number of people about the situation in the eastern Mediterranean. My discussions convinced me that the boycott should be partially lifted. The fact is the embargo has not worked, and has only served to harden the situation. The 180,000 refugees live in as much misery and squallor as they did before we imposed the embargo. Meanwhile, American interests are in jeopardy.

I am convinced that nothing will be achieved as long as the embargo continues. The Turks have said that the embargo must be lifted for them to be able to negotiate seriously. The domestic political situation in Turkey is very sensitive. The Turkish Government feels it will be in jeopardy if it appears to be yielding to external pressure. Thus, the lifting of the embargo is necessary for serious negotiations on Cyprus.

Lifting the embargo under the very limited conditions of S. 846 will give American diplomats a stronger hand in this sensitive part of the world. The Turkish Government has threatened to close the American bases in Turkey if the boycott continues. If the bases are closed, American influence will be reduced still further. It is in the interests of the Cypriot refugees that we retain a strong voice. Also, with the resumption of opium poppy growing in Turkey, the stakes have become too high for us to risk losing our influence in Asia Minor. If we do, the results could well be disastrous.

NATO has been weakened by the embargo. Turkey has one of the largest standing armies in the alliance but is becoming unable to equip them properly. According to the provisions of the bill before us, the arms we can sell Turkey are those needed to fulfill her NATO commitments. If Turkey does not receive this equipment, her ability to fulfill her NATO obligations will be severely limited.

The bases in Turkey are vital to American and NATO security, and the intelligence bases are invaluable and irreplaceable. We cannot afford to lose them over an embargo that has not even achieved its purpose.

Recent events in Portugal have contributed to the weakening of NATO and of America's European posture. Further losses in NATO's southern tier would have dire consequences in the near future.

My primary concern is that the negotiations produce a meaningful settlement to end the misery of the refugees. I also wish to enable both Greece and Turkey to fulfill their roles as NATO allies. The embargo has not moved anyone toward the negotiating table, and is only hardening attitudes. According to this bill, further arms sales to Turkey depend upon passage of new foreign aid legislation for fiscal year 1975. This will give us time to see if Turkey takes appropriate action toward achieving a solution of the Cyprus problem. I believe that the passage of this bill is necessary if we are to break the stalemate on Cyrus and preserve the strength of our NATO alliance.

Mr. Chairman, I urge a favorable vote on the bill.

Mr. FASCELL. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Illinois (Mr. RUSSO).

Mr. RUSSO. Mr. Chairman, I rise in total disagreement with resuming any type of aid, military or otherwise, to Turkey until it removes its troops from the Republic of Cyprus. I stand here today to remind the Congress of its duty to oversee that the executive branch faithfully execute the Constitution and laws of the United States.

We have been told by the bill's supporters that this is a compromise measure. That may be true, but I think that this amounts to a misuse of the word "compromise." If we take the action requested under this bill, it will be a compromise of the principles upon which this Government was founded. To revise somewhat Pinckney's famous observation: "This would be millions for tribute with no assurance of defense."

If we give in today, gentlemen, I fear it would set a precedent which all of us would dread in the years to come. Every effort to reassert our position as a coequal branch of Government within these past 2 years would have been made in vain. This bill represents more than merely a foreign aid authorization proposal, it represents a challenge from the President and his Secretary of State.

If you read the law which the Congress passed and the President signed last December, you will note a two-prong test for resumption of aid. First, Turkey must comply with the Foreign Assistance Act and pull out its forces from Cyprus; and second, the Cypriots must have made substantial progress toward resolving their differences. Have either of these conditions been fulfilled? No.

What has changed? Have the Turks shown any good faith? No, as a matter of fact they have shown nothing but contempt for the United States. Immediately after discontinuing payment to the Turks so that they would not cultivate the poppy plant, they began growing it again despite our request that they not do so. Reports from Cyprus indicate that the Turks have begun growing poppies on that island. What type of good faith is this?

Turkey does not intend to vacate Cyprus for quite some time. In addition to cultivating dope fields, the Turks are transporting Turkish citizens from the mainland to the island. Later the new population figures of 40 percent Turks—60 percent Greeks will be used as justification for the Turkish Cypriots asserting control to 40 percent of Cyprus; the most valuable 40 percent I might add. It is on this 40 percent that the island's major cities and a substantial portion of its revenue producing industries are located.

Along with its people, the Turks have transported their customs to Cyprus. The Turkish portion of the island now functions according to Turkish mainland time instead of the old Cyprus standard. Churches, formerly Greek Orthodox, were converted into Moslem mosques. For the life of me, I cannot see why we should give into the Turks' demands.

However, something has changed. Since February when the arms embargo became effective, Turkey has threatened to close all of our military installations within it unless we resume military assistance. In short, a blackmail threat. Ransom to which President Ford and Secretary of State Kissinger are willing to pay. After the first installment will we continue to pay? Once we make the first payment it will become easier and easier to make the second, the third and every one after that. Stop now before it is too late.

What if Turkey does go through with its threat and closes all of our bases? Our military experts agree, and even Secretary Kissinger has stated that Turkey needs our help more than we need our Turkish bases. Gen. James Van Fleet has repeatedly indicated that our Greek naval bases are vastly more important for control of the Mediterranean Sea than our Turkish bases. Without Greece we could not protect Turkey; but without Turkey we could still protect the rest of the Mediterranean countries.

Recently the President accused Congress of interfering in international affairs, a domain he believes is reserved exclusively for the Chief Executive. President Ford is correct that the Chief Executive is our exclusive negotiator in foreign affairs, but we are discussing an authorization bill today.

Today the Congress is acting in a field reserved exclusively by the Constitution for us, appropriations. If this appropriations process involves international relations, Congress, and Congress alone, has jurisdiction. Study the history of the Constitution and you will discover why the Congress was vested exclusively with the power of the purse. The Founding Fathers wanted to keep the President from exercising complete control over foreign affairs in the manner of the kings and emperors of their day. This device represents the heart of our check on the President's power today, the Congress will revert to its yes-man status of the Vietnam war days.

Congress has for the last year shown good faith in the execution of our laws. It is the President, sworn to uphold and faithfully execute the law, who has floundered around and evaded faithful execution. Are we now to join him in disregarding our own laws? I think not.

Imagine the reaction of our other allies were we to follow the course set by our leader. They would rightly assume that the United States does not consider itself bound by its international agreements, and that we are supporters of aggression by large nations against smaller countries. As it is, many of our allies openly questioned our willingness to stand by our agreements after the Southeast Asian debacle. I can see their reaction if we support aggression and disregard our own bilateral agreement now.

I hope that you fully realize all of the ramifications of the actions which we are taking here today and vote against resumption of military arms shipments to Turkey.

Mr. FASCELL. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York (Ms. HOLTZMAN).

Ms. HOLTZMAN. Mr. Chairman, I rise in very strong opposition to this resolution that would lift the embargo on arms sales to Turkey.

I think it is important to remember that before the congressionally enacted arms embargo went into effect last February, 5 months passed in which the Secretary of State was unable to get concessions from Turkey on the Cyprus matter. Neither have we had any progress since the embargo has been in existence. My question is, Has the Secretary of State negotiated in good faith on this issue? I do not believe so.

This measure ought to be defeated because the Congress needs to stiffen the resolve of the Secretary of State.

It was only a few months ago in justifying the *Mayaguez* incident that the Secretary of State said, "No one is going to push us around."

Yet, when Mr. Solzhenitsyn came to this country, the Secretary of State got so nervous that he advised the President not to meet with him.

Now Turkey is rattling a few sabers, and the Secretary of State is getting so nervous that he is asking us to abandon our laws.

I think it is important to send a very

strong message to the White House and to our Secretary of State saying that we will not be blackmailed and that we in Congress are going to insist on certain principles in our foreign policy. That is what is at issue here.

I think if we fail to hold firm, if we tell the Secretary of State, "Yes, you can cause us to abandon the rule of law; you can cause us to abandon our statutes on grounds of expediency," then I think we are going to find the next victim will be the Jackson-Vanik amendment, and then we will find next Israel, our closest friend in the Middle East, is in real trouble.

So, Mr. Chairman, I believe we have to send a very strong message downtown to the administration.

I would therefore urge defeat of this measure.

Mr. FASCELL. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, I oppose this legislation because it repudiates the sound position which Congress has taken that we should not aid, by our arms arrangement with other countries, any act of aggression against a third country.

It is my understanding that if this bill passes arms ordered by Turkey before the embargo would be released "nonwithstanding any other provision of law," including prohibitions against offensive use of American supplied arms which were purchased with this restriction on their use.

If the bill passes, Turkey could use these arms, and all commercial arms which it is allowed to buy under this bill, in aggression on another country. I am fundamentally opposed to such a U.S. policy. It is wrong and it cannot be condoned.

America is a great country. It is great, because it stands for great principles. When it ceases to stand for great principles it will cease to be great. The vote of this Congressman, as long as I can cast it, will be to put my constituents and my country on the side of greatness. I am optimistic enough to believe that right principles will win in the end; but if it were not so, I would still want my vote, which is really one cast in trust for my constituents, always to be cast on the side of what is clearly the course of rightness and proper principle.

Mr. MORGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Chairman, although I voted in the past to impose the arms embargo on Turkey, I am going to support H.R. 8454, because action is needed to break the negotiations deadlock over Cyprus.

The embargo has been in effect since February and it has not brought meaningful negotiations. Instead it has hardened Turkish domestic opinion, worsened relations within the North Atlantic Treaty Organization, and provoked threats to close of U.S. military facilities.

Both Greece and Turkey are allies and important members of NATO. Their importance should not be understressed in the volatile Middle East situation.

H.R. 8454 does not completely drop the military aid embargo. It would permit shipments of $185 million in military equipment purchased by Turkey prior to February 5. Of this only $52 million is available for immediate shipment. The bill's symbolic contribution is to give the Turkish Government an opportunity to respond positively in the Cyprus negotiations. There is no momentum in peace talks at this time and this is an attempt to provide some.

It was only after a great deal of thought that I agreed to this temporary lessening of the embargo. H.R. 8454 specifically provides that any new arms sales by the United States to Turkey are forbidden until the 1976 foreign aid bill comes before the Congress this fall. At that time, if Turkey has not responded favorably to this concession and negotiated in good faith, the embargo can be reimposed and in my opinion, should be.

No one's interests are being served by a continuation of the negotiations deadlock and subsequent human suffering. This congressional compromise, if it produces progress toward peace among our allies, will be well worth the limited risk of allowing Turkey the arms it has already purchased and paid for.

Mr. FASCELL. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MINETA).

Mr. MINETA. Mr. Chairman, we have before us a bill which the administration tells us must be passed in the name of national security. Many of us in this House believe, however, that to pass this bill would be to condone past violations against U.S. law, and that we would there by be encouraging similar violations in the future. I personally can see no way in which a bill that condones the use of our military assistance by our allies to weaken and cripple each other, rather than to add to our common strength, furthers our national interest.

This House and the administration are not arguing with each other so much as we are passing each other in the night: Congress discussing the rule of law, the President national security.

The events that brought us to this point are clear. In the wake of the 1959 London and Zurich agreements, any hope for stability in the area required the maintenance of Cypriot sovereignty and the prevention of unilateral aggression by either Greece or Turkey. In the flare-up of 1963–64 and again in 1967, the U.S. State Department, through strong diplomatic initiatives, prevented intervention into Cypriot affairs by either Greece or Turkey. Consequently, after 1967, the chances for an internal Cypriot accommodation began to improve. In 1974, the State Department failed to take the strong diplomatic action necessary to prevent outside interference in Cyprus. The tragic results and the severe strain on our NATO alliance caused by this diplomatic failure are known to us all.

If we now find ourselves in a situation where, in order to fulfill our constitutional obligation to uphold the law, some strain may unfortunately and unintentionally be added to our relations with Turkey, then I believe that the problem dates from 1974 and not from 1975, and that the blame lies with the administration and not with the legislative branch. The congressional position has been clearly spelled out from the beginning—the Foreign Assistance Act of 1961, the Foreign Military Sales Act, and the Foreign Assistance Act of 1974. Our intent has been clear, unequivocal, and public. Any problems now incurred are not the fault of Congress, but are the fault of inadequate diplomacy on the part of the executive branch.

I urge the Members of this House to be unintimidated by any criticisms from the administration and to oppose this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROOMFIELD. Mr. Chairman, I will yield the gentleman from California 1 additional minute so that I may ask the gentleman a question.

Will the gentleman yield?

Mr. MINETA. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, there has been a considerable amount of debate this afternoon about the rule of law, and about the violations of the Turks as far as the use of U.S.-furnished arms are concerned. I for one certainly realize that there have been violations, and I think that could be said of a lot of other nations, many of them have done the same things. But there is no immutable principle that requires the imposition of a total embargo for an indefinite duration as the only permissible response to each such violation. I think that the nature of the response is what the Congress has to decide. In other words, what is the penalty?

How long do we keep it in effect? We believe that the Turks have paid a substantial penalty, and now is the time to move forward and try to get negotiations moving.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DERWINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. SKUBITZ).

Mr. SKUBITZ. Mr. Chairman, I do not hold myself out as an expert in the field of foreign relations or foreign policy—although it appears that the only prerequisite required is membership in the Congress.

I must confess that while my heart urges me to vote no and stop meddling in the affairs of other nations—reason tells me to "stop, ponder, and listen." This I have done.

Several days ago, at the invitation of the President, I attended a briefing at the White House. I listened attentively to the remarks of President Ford, Secretary of State Kissinger, and Secretary of Defense Schlesinger. When such men as Congressman MORGAN and Congressman BROOMFIELD, the chairman and ranking members of the committee, support the President when Congressman WAYNE HAYS of Ohio, certainly no admirer of President Ford's foreign and domestic policies—a man who perhaps knows more about internal affairs of the countries involved, the significance of the legislation and the effect that the failure to pass this legislation would have on the national security and welfare of this Nation—says the President is right on this one—I am persuaded to stop, listen, and ponder.

Mr. Chairman, I shall support S. 846 and take this time to state my reasons for so doing.

In my humble opinion, our national interests in the eastern Mediterranean, our national interests dictate that we maintain and enhance our ties and security arrangements with both Greece and Turkey, our friends and allies of long standing. The importance of both these nations to the continued vitality of NATO—and, thereto, to the continued security of this country—is self-evident.

In Cyprus, we have an important interest in fostering a fair and freely negotiated settlement tolerable to both sides, one which eliminates suffering and removes that island as a flash point in relations between our Greek and Turkish allies.

It is my belief that our policy goals in the Eastern Mediterranean, in Greece, Turkey, and in Cyprus, are related one to the other; they do not stand in isolation. Action such as the arms embargo against Turkey neglect this interrelationship; they are designed to promote one policy goal without adequate consideration of the adverse effects on other objectives, equally valid.

As a result, a false dichotomy is created. We are asked to choose—unnecessarily in my view—between continued good relations with an old and valued ally and progress on a Cyprus settlement. We tend to lose sight of the necessity and importance of both goals to our national interest. We devote time and energy confronting each other, rather than seeking ways to work together to reconcile and promote our common national objectives.

We engage in unproductive debate in which we, our allies, and the suffering people of Cyprus all come out losers. With misplaced confidence in our ability to influence the course of events through threats and overt pressure, we jeopardize a mutual security relationship for uncertain gains.

In the process, we create doubts in the rest of the world about our judgment, our reliability, and our ability to carry through on important commitments to allies.

I would argue that the tactic of suspending aid to Turkey in order to force movement in the Cyprus negotiations has not and will not succeed. Our unique ability to assist in negotiating a just and peaceful resolution of the Cyprus problem is based on the relationship of friendship and trust we have established with the parties concerned. It has become clear that actions such as the arms embargo which cast doubt on any of these friendships can only reduce our ability to be helpful. The way to right any wrongs or excesses that have been committed is not to debase our friendships, but to use them to bridge the gaps of fear, bitterness and suspicion.

Certainly it is evident to all of us that the arms embargo has not forced negotiating concessions on Cyprus. Rather it has made it more difficult for the government in Ankara to agree to major steps to move the negotiations forward. No government, in Turkey or elsewhere, can afford the appearance of knuckling under to unacceptable and overt foreign pressure. This is all the more the case when it involves an issue on which the Turks feel they have been deeply wronged and threatened over the years. By cutting aid, we do not hasten progress; we merely produce a hardening of positions. We create resentment. We inject new issues into a negotiation which is complicated enough as it is. We divert attention from the real issues begging to be addressed. And we prolong a crisis which, if it remains unresolved, can only undermine political stability in all the countries in the region with all the obvious, unacceptable results this entails for the United States.

In our desire to promote a just peace on Cyprus, we should not delude ourselves into thinking that we can legislate progress or resolve by fiat issues rooted deep in history. Nor can we afford to ignore the fact that more rapid progress on Cyprus has been hindered by political factors beyond our influence or control—the fall of a government in Turkey in November, the preoccupation of Greece until December with elections, uncertainties over the return of President Makarios to the island.

Above all, we should not lose sight of the fact that we, the Congress and the Executive, are in close agreement on the main outlines of a settlement and the requirement for progress. We all seek a solution to the Cyprus problem that preserves that island as an independent state. We are disappointed over the slow pace of progress and agree it is up to Turkey as the stronger power to show greater flexibility in the negotiations. And we are determined to see a fair and freely negotiated solution to the Cyprus problem that will resolve the refugee problem.

This, in short, is where we stand today and this is why I am urging that we work together with the administration to find ways to ease the embargo on aid to Turkey and safeguard our vital national interests. Only by relaxing the aid embargo can we preserve the bonds of friendship and alliance which have served us well these many years and give us a unique role to play in a Cyprus settlement. Only by eliminating obstacles to our bilateral relationships can we restore confidence in our leadership of the NATO alliance, safeguard friendships whose importance extends far beyond the Mediterranean, and eliminate a major inhibiting factor to progress on a Cyprus settlement.

This is not the time for recrimination or for the assessment of blame. It is a time to look forward, to assist in formulating realistic foreign policy goals which do not force us to choose between equally valid policy objectives, to preserve and strengthen our relations with our key allies, to assist those allies to reconcile their differences peacefully and to see their mutual interest in a peace of justice and conciliation on Cyprus.

Mr. FASCELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. TSONGAS).

Mr. TSONGAS. Mr. Chairman, there is one issue that I would like to address, out of the many that have been brought to the attention of this body, and that is the very real question of what impact this bill is going to have on the Government of Greece.

Those of us who have been to the White House, and listened to the Secretary of State in his speech in the Department of State, have heard much about the jousting within the Turkish Government, and that, if we do not do this or that, it will have an impact. Such as that Ecevit can criticize Demirel and vice versa. Then we go along with the process of the internal politics of Turkey. We are concerned about that, and perhaps we should be. But does that not raise a question? What is going to happen in Greece? For 7 years Greece was ruled by a rightwing military dictatorship that many of us strongly opposed, and after 7 years we now have a return to democratic constitutional government under Karamanlis, which embodies everything that we as a country profess to believe in.

Why are we not concerned about Karamanlis now? Why are we not in any way structuring this bill to aid his government? We talk about being evenhanded, and I think that we should be. We should evidence interest in what is happening in Turkey, because Turkey is our ally. But that same rationale would argue that we should be concerned with what is happening in Greece.

Not once during the Secretary of State's talk at the Department of State was there any concern expressed about what is going to happen to Karamanlis. I think that is our responsibility even if, indeed, he does not think it is that important. If we were going to come up with a bill that was a real compromise, it should have in some way addressed the internal domestic problems in Greece as well as those in Turkey.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Chairman, I praise the level of debate we have had here today on this very difficult issue of balancing the United States' security interests against some very important principles. I believe personally that where a major principle is at stake, such as the laws of the United States in this issue, that there is even a higher burden than usual on the proponents, those who would have us in this case relax the embargo.

I would like to take the few minutes I have to address some questions to the leadership on this matter. Much has been said about the safeguards in S. 846 if we do lift the embargo. I wonder if I could address my first question to the gentleman from Florida on an issue that I do not think has been given adequate attention, and that is the danger of future aggression against others than Cyprus.

What is to prevent the use of the $185 million worth of arms for aggression by the Turks say against Greece itself or in the Aegean Sea?

Mr. FASCELL. The way I read it, nothing, because the bill says "notwithstanding any other provision of law."

Mr. FISH. There is nothing to prevent it. Would the chairman of the full committee answer that?

Mr. MORGAN. I disagree with that because there is a provision in section 2 which says:

> Any such suspension shall be effective only while Turkey shall observe the cease-fire and shall neither increase its forces on Cyprus nor transfer to Cyprus any United States supplied arms, ammunition, and implements of war.

Mr. FISH. Would the chairman agree that section 2 refers only to Cyprus rather than any other part of the world?

Mr. MORGAN. That is true. But the provisions of our law have been included in all agreements of sale covering the pipeline to Turkey.

Mr. FISH. Just one more question of the chairman. Would he tell us what type arms make up the $185 million, and more specifically whether there are amphibious landing craft included?

Mr. MORGAN. These arms include aircraft, ships, vehicles, ammunition, missiles, communications equipment, supply operations, training, and technical assistance.

Mr. FISH. Were amphibious landing craft included?

Mr. MORGAN. There are miscellaneous boats and craft and spares but it is not spelled out whether any of them are landing craft or not.

Mr. FISH. Any offensive missiles?

Mr. MORGAN. Missiles and support equipment are listed for $18 million.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FASCELL. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York (Ms. Abzug).

Ms. ABZUG. Mr. Chairman, there has been a great deal of debate heard today on this bill which is called a compromise. It is no compromise; it is a sellout of a basic principle. Turkey used our arms illegally in its flagrant aggression against Cyprus. We exercised our congressional power to limit the President's right in foreign affairs, for one of the few times, when we voted a ban on arms to Turkey for its misuse.

I think there has been no evidence that we should change our vote. Turkey has shown no inclination to withdraw the 30,000 troops—supplied with U.S. arms—who still occupy 40 percent of Cyprus nor to take any steps to move toward negotiations.

A great deal of suffering has come about as a result of this illegal use of our arms. We are talking about people, we are talking about refugees, we are talking about men, women, and children, we are talking about the right of people to be sovereign and to be independent without the interference of others by the use of force of arms especially ones we supply; 180,000 Greek Cypriots remain homeless and in need. Are we to ignore them and allow Turkey to impose settlement by force? Perhaps to invade Greece itself?

There has been a great deal of effort by the White House to twist arms. I am perhaps able to come before the Members today and reaffirm my vote of 7 months ago, because I was not one of those brought to the White House to have my arm twisted. Thank heaven for that.

One argument has been used which I think should be addressed by those who speak from here on out, and that is the question of our security; namely, the use of Turkey as an area from which we can verify past and future arms limitation agreements with the Soviet Union. I believe that is a very questionable argument. Dr. Herbert Scoville, formerly with the Defense Department and the Arms Control Agency, says these bases are of marginal utility, in this era of electronic and technological and satellite devices. Verification of any SALT violations can be accomplished in many ways, particularly by satellite.

Will we in this Congress vote to utilize our power under the Constitution to limit the power of the President? Or will we allow funds we appropriate to be used for aggression against innocent people? Will we say to countries hosting some 300 other military installations, that they they are free to disregard our laws?

We have to stand on the side of a commitment to world peace and to helping nations build their country's economy and sovereignty and to defend themselves. We must not allow our funds to be used for aggressive purposes.

Mr. DERWINSKI. Mr. Chairman, I realize it is difficult for any Member to follow the distinguished gentlewoman from New York who just spoke, but I now recognize one of the great statesmen of this body, the gentleman from California (Mr. Rousselot) for 5 minutes.

Mr. ROUSSELOT. Mr. Chairman, I regret that I have been in the Committee on Banking and Currency discussing the issues of monetary policy with the Chairman of the Federal Reserve Board. Therefore, I have not had a chance to be here for the entire debate; but I wonder if the chairman of our distinguished committee could help answer a few questions that I posed to the gentleman from Wisconsin (Mr. Zablocki). I did know that the gentleman from Wisconsin was trying to complete his entire remarks and was not able to totally respond to my questions a moment ago.

Is it not true that part of the problem, as I understand it, in this American embargo to have some impact on the Turkish Government is to encourage them to, first, negotiate on the issue of the Cyprus situation; second, to handle the refugee problem, relates to the Turkish Government actual attitude toward the seriousness of the embargo. The problem has been that certain members of our State Department, including our own Secretary of State, have tended to encourage the Turkish Government to not be too concerned about this embargo, because it was felt by those representatives of our Government that with our President's new-found popularity—this is after February—the President's new-found popularity and the willingness of Congress to be very concerned about our bases in Turkey that, therefore, the Turkish Government really did not need to worry about the embargo, because the State Department and the Secretary were persuaded that Congress could be encouraged to turn this all around by eliminating the embargo.

Mr. MORGAN. Mr. Chairman, if the gentleman will yield, I think the gentleman is wrong. I think both the President and the Secretary of State have tried very honestly to help solve this situation. They did not like the embargo—they thought it would be counterproductive—and they made this clear from the start. But they have also done what could be done to bring the Greeks and the Turks to the negotiating table.

To bring the gentleman up to date, the Secretary of State sat in the Speaker's office when the cut-off date of February 5 was agreed on. That was in December 1974. To get the foreign aid bill, that was the only way the Executive could get the foreign aid bill, and they agreed.

The embargo went into effect on the 5th of February. The Secretary of State prior to that had met with both the Greek and Turkish foreign ministers. Since that time, many other meetings—many other efforts—have been made to solve the problem—all without success.

Mr. ROUSSELOT. Mr. Chairman, I attended with the gentleman the breakfast at the White House. I do believe the President has made a substantial effort to get the Turkish Government to agree to negotiations in Cyprus. What I am saying, whereas the President was trying to get the Turkish leadership to agree to negotiation, there is some evidence from reliable sources that this may not be the whole story.

Mr. MORGAN. That is correct.

Mr. ROUSSELOT. So at the same time, our Secretary of State, I know he feels very strongly on his position, some of our Government representatives were saying, "You need not worry too much about the embargo because we think there is a chance to turn Congress around." Is that not true?

Mr. MORGAN. I never have had that information. I think I have had as many conversations with the Secretary of State on this embargo as any Member of the Congress.

Perhaps the gentleman from Wisconsin (Mr. Zablocki) could answer more fully.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Wisconsin (Mr. Zablocki).

Mr. ZABLOCKI. Mr. Chairman, a question concerning that allegation was asked of the Assistant Secretary for Political Affairs, Mr. Sisco, categorically said there was no such evidence.

Mr. ROUSSELOT. In other words, the Secretary did not say that?

Mr. ZABLOCKI. The gentleman from California is erroneously informed.

Mr. ROUSSELOT. In other words, the Secretary of State has not said to the Turkish Government, to the best of our knowledge that, in fact, "Do not take too much concern about the embargo. We will try have Congress turn around." My question is: Has that not occurred?

Mr. ZABLOCKI. It is the understanding of the gentleman from Wisconsin that it has not occurred.

Mr. ROUSSELOT. My information does conflict with the statements of the gentleman from Wisconsin. Mr. Chairman, I yield to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. Mr. Chairman, within 2 weeks after the embargo took effect on February 5, a resolution was introduced to totally lift the embargo and restore the flow of arms within 2 weeks.

The Secretary himself has frequently said that he is going to seek to reverse the decision of the Congress.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. DERWINSKI. Mr. Chairman, I yield 2 additional minutes to the gentleman from California.

Mr. ROUSSELOT. Could the gentleman tell me where he got the information he has just given us?

Mr. SARBANES. Of course, the introduction of the resolution in the Senate to completely reverse the arms cutoff is a matter of public record, as are the statements of the Secretary and the President. In fact, he then said that he considered this a terrible decision and indicated to the government of Turkey that they were to seek to prevent it.

The comments of our Ambassador to Turkey as reported by the Turkish press and the comments of the Secretary of State are in the same vein, and that was immediately upon its implementation.

Mr. HAYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Ohio.

Mr. HAYS of Ohio. Mr. Chairman, I do not think it has been any deep, dark secret that the Secretary was unhappy about the cutoff.

Mr. ROUSSELOT. We all understand that.

Mr. HAYS of Ohio. And, I voted for it. I have talked as many times, I expect, to the Turkish envoys who were over here as anyone in the House. I talked to the former Turkish Ambassador to NATO, Mr. Birgi, and to Senator Enan, a member of the Turkish parliament, and they were always very anxious and said:

> Is there a chance that we will be able to get the Congress to remove this, because we cannot negotiate under the gun.

At no time did they even infer that the Secretary said that he could turn the Congress around, and I do not think the Secretary thinks he has that power.

Mr. ROUSSELOT. I am not suggesting that the Secretary had a lock on the Congress, because he knows he does not, but I was wondering if the implication was left with the Turkish Government to such an extent that it made it apparent that the embargo was, in fact, to be broken, or in fact had no meaning.

Mr. HAYS of Ohio. The gentleman said that this was a different Turkish Government, and this government in my judgment—and I know the Prime Minister—is willing to negotiate as we go on. I voted for the Jackson-Vanik amendment, and I expect the gentleman did, too, and it has been counterproductive.

Mr. BIESTER. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, this has been an excellent debate, and despite the emotional character and nature of the problem involved, I want to congratulate all the participants who have participated in this debate.

The suggestion is made that what is really involved here is the very broad question of U.S. policy with respect to the sale or grant of arms to other foreign countries; such broad principles as the matter of the enforcement by the executive branch of the laws of our country, that those principles are going to be completely subverted if we adopt this legislation. I will take issue with that analysis of the problem. I would suggest that there is a more immediate concern to which we are directing our attention in the adoption of this bill, and that is the concern that we feel in our hearts for the 180,000 or more Cypriot refugees who have been driven from their homes because of this tragic intercommunal or civil conflict. I would suggest that if we really want to do something for those people, for those refugees, that we ought to adopt this legislation today.

When we look at the Middle East today, what is the problem there that for more than a quarter of a century has continued to fester and break out once, twice, three timees, in tragic war? It has been the problem of the Palestinian refugees, has it not? The problem of hundreds of thousands of people who were driven from their homes, and because we have not had a political or judicial settlement of the issues involving those refugees, they continue to keep the threat of war hanging over the Middle East even today.

I would suggest that unless we can do something to solve the problem of the refugees on Cyprus, unless we can have a political settlement of that dispute, we are going to continue to have the threat of war hanging over that unhappy island. This bill, in my judgment, in my humble opinion, at least moves us off the position of total impasse where we stand today.

The suggestion has been that some of us supporting this legislation are not really interested in the plight of the refugees, that the U.S. Government has been less than concerned about these people driven from their homes.

I think the facts belie any such charges. This country was one of the very few countries to respond to the worldwide appeal that was made by the United Nations High Commission on Refugees and the International Committee for the Red Cross last summer. We have donated in the last fiscal year, the one ended June 30, $36 million for the assistance of these people. We have requested an additional $25 million in the fiscal year 1976 to finance the U.S. support for Cyprus, $15 million of that to cover some of the relief activities, the cost of the U.S. support of the relief activities. The cost of feeding these displaced persons in both zones of Cyprus is estimated to cost more than $3 million a month alone.

Let us do something, I plead with the Members of this House, about the plight of these unhappy people. Let us at least, with the passage of this legislation, try to take one positive constructive step forward to move us out of the present stalemated condition in which we find ourselves, and hope that thereby we can encourage the reasonable ongoing negotiations between the major powers who had agreed to guarantee the security and the independence of Cyprus, that we may achieve a solution rather than a continuation of the stalemate.

Mr. DERWINSKI. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I would like to point out that this is an incredibly complex question, and I do hope the Members do vote objectively. I, frankly, think most have made up their minds. To a degree, all of our debate is for the record. We do not have that many votes in doubt. Even though I am going to vote against the measure, I do so for what I consider positive reasons. I do not happen to be anti-Henry Kissinger. I am not a member of the Henry Kissinger fan club, by the way, either. But I do not think the Secretary is at issue here. The issue is, as I see it, whether or not there has been enough progress on Cyprus, progress in having the refugees return to their property, progress in the political settlement involving the government on the island, progress between the Turkish and Greek Cypriot community. And it is this lack of progress that I consider the central issue.

To give the devil his due, I think the Secretary has acted in good faith. I would question his judgment, but I do not question his sincerity.

The key issue is that Congress has imposed restrictions on arms shipments to Turkey conditioned upon substantial progress. In my judgment, the progress has not been there, and for that reason I oppose this measure.

Mr. FASCELL. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. Mr. Chairman, let me at the outset make one brief prefatory remark, if I may be permitted.

There have been charges about ethnic politics and a Greek lobby, and I want to say to the Members of this House that those Americans of Greek origin and other Americans who are interested in this issue are not a Greek lobby; they are an American lobby. They are an American lobby for decency and for the respect for law; they are an American lobby for an important principle in American foreign policy; namely, that we should seek to deter, not to condone, aggression; and they are an American lobby for the role and the responsibilities of the Congress of the United States in carrying out its constitutional duties.

We would not be here considering this matter today had not Turkey at the peace talks at Geneva in mid-August broken off those talks and launched a major military assault on the island of

Cyprus. There was no effort to cut off arms to Turkey in response to its military action on the 20th of July because that move related to the actions of the Greek junta on the 15th of July precipitating the coup on Cyprus. That move could be viewed as an assertion of responsibility, as a guarantor power under the London-Zurich Accords, in order to reestablish the constitutional arrangements for which the guarantor powers were responsible.

Following the Turkish entry into Cyprus, the coup collapsed, the junta collapsed, and a cease-fire was negotiated. The parties went to Geneva, and talks began on a settlement, talks which offered an opportunity to resolve the situation.

On the 14th of August Turkey broke off those talks in Geneva at 2 a.m. and within 3 hours Turkey had launched a major military assault which had been in the planning stage. This assault overran 40 percent of the area of the island representing 70 percent of its wealth, created 200,000 refugees, one-third of the island's population, and killed and wounded thousands of innocent people.

That was clear blatant aggression, and it is that military assault which has brought us to this point. In response to that aggressive action, the Congress stopped the flow of military arms to Turkey. In doing so, it asserted a fundamental principle of American foreign policy; namely, that weapons are supplied to other nations for defensive and not for aggressive purposes. This is a principle reflected in our laws; it is reflected in the Foreign Assistance Act and in the Foreign Military Sales Act. It has been in those laws for more than a decade.

The principle was not put into the law after the fact. It has been in the law for more than a decade. To reverse now that principle and that law without Turkey's having made one good-faith effort on Cyprus to restore to their homes the refugees, about whom we have heard so much, and alleviate their problems is to abandon the basic principle; it is to condone the aggression.

What lessons are to be drawn around the world about the meaning of our law and about the meaning of American policy if the Congress is to reverse its decision with no steps taken by Turkey to remedy its aggression. Obviously the resumption of military aid must be related to steps to remedy the aggression. To do otherwise is to abandon a basic principle of American foreign policy. Without a principled content to our foreign policy, our leadership position in the world will be premised upon power alone and not also upon principle. We have not in the past been willing to proceed solely on that premise.

Mr. Chairman, on the 4th of July the President came to my district, to Fort McHenry in Baltimore, and quoting Abraham Lincoln, he said that the United States was "the last best hope of mankind."

If we are to be the last best hope of mankind, then we must keep principle as well as power as essential elements of our leadership. That is what we are asking for here today.

We have gone to the Secretary of State again and again and said, "Take this tool of the cutoff which the Congress has given you to work constructively to achieve a resolution on Cyprus. Do not simply address yourself to the task of reversing the Congress, of turning the Congress around. Take some action to meet the pressing humanitarian problem which exists on that tragic island so that we can then move forward with this matter."

Mr. DRINAN. Mr. Chairman, will the gentleman yield?

Mr. SARBANES. Yes, I yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Chairman, I thank the gentleman for yielding.

I want to associate myself with the eloquent remarks of the gentleman from Maryland (Mr. SARBANES).

Mr. Chairman, I do not intend to reiterate the compelling arguments against this legislation which have been made by previous speakers on both sides of the aisle. Nevertheless, in order to clarify my reasons for opposing this bill, a brief historical review is called for. When S. 846 was passed by the Senate on May 20 and referred to the House Committee on International Relations, I began searching diligently to discover any change in the circumstances which had prompted Congress to enact legislation suspending the sale of arms to Turkey in December of last year. On five separate occasions during September and October of 1974, the House had voted overwhelmingly to cut off the shipment of arms to Turkey.

At that time, the case seemed quite clear. On July 20, 1974, following an attempted coup by Greek militarists, the Turkish army invaded the independent nation of Cyprus. By August 16, when a cease-fire was agreed to, 40,000 Turkish troops occupied 40 percent of Cyprus, including most of the country's farmland and economic resources. Nearly 200,000 Greek Cypriots, one-third of the entire population of Cyprus, were driven from their homes by the invading army. Some 6,500 Greek Cypriots were killed or wounded. Civilians were brutally raped and tortured.

We are all familiar with the tragic events of last summer. The facts are undisputed. No Greek soldiers set foot on Cyprus during the fighting. It was a case of naked aggression, with Turkey acting to carry out its vows to seize control of Cyprus from the Greek Cypriots who make up more than 80 percent of the country's population.

In the wake of the Turkish invasion, the administration had no choice under the Foreign Military Sales Act and the Foreign Assistance Act but to cut off all weapons shipments to Turkey. The law is quite clear on this point; American arms can only be used for defensive purposes. Turkey had openly violated the agreement under which it had received our arms. Nevertheless, the administration refused to act to uphold the law.

It took an act of Congress which specifically suspended the sale of arms to Turkey to accomplish that. The bill enacted in December permitted the President to put off the effective date of the arms suspension until February 5, 1975, if he determined that such action would further the progress of negotiations for peace on Cyprus. President Ford made that determination on December 31, 1974, and American arms continued to flow into Turkey until February 5, 1975, when shipments were finally halted.

So, I ask again, how has the situation changed? Has Turkey ceased to occupy a large portion of Cyprus with its invading army? The answer is no. Indeed, Turkey is in the process of transferring some 100,000 Turks to Cyprus to replace the Greek Cypriots who have been forcibly driven from their homes into squalid refugee camps.

Has Turkey agreed to negotiate with Greece to remove its forces and restore Cyprus to its sovereign state? The answer is no. Forty thousand Turkish troops remain in place, and no progress has been made in negotiating their withdrawal.

Has the Congress repealed the requirements in the Foreign Assistance Act and Foreign Military Sales Act which forbid the transfer of American arms to a foreign country engaged in aggression? The answer once again is no.

So there has been no change in circumstances. Yet the administration says that this legislation is needed. Indeed, the President and his Secretary of State have waged an all-out campaign to convince the House to reverse itself on this issue.

I have listened carefully to the arguments for resumption of arms shipments to Turkey presented by the administration and by the proponents of S. 846. I find them all to be completely lacking in substance. First, the proponents assert that the arms embargo has been ineffective in settling the Cyprus dispute and therefore should be abandoned. There are several fallacies in this line of argument. The purpose of suspending arms sales was not to drive Turkey to the bargaining table; it was to enforce our own laws regarding military sales and to stop our involvement as a direct accessory to aggression on Cyprus. Our foreign policy must be grounded in principle to some extent, not molded on the expedient basis of what will work and what will not. Moreover, once the administration stops trying to end the embargo, and Turkey learns that we mean what we say with regard to their forced occupation of Cyprus, perhaps the Turkish Government will be more prone to negotiate seriously.

Second, the proponents say that we are punishing an ally by singling out Turkey for an embargo on arms. These Members ignore the fact that we have given Turkey more than $3 billion in economic and military aid since World War II. They ignore the fact that Turkey had a period of 5 months between the first House vote to cut off arms in September and the imposition of the embargo in February to change its policies. Yet Turkey did nothing. Finally, they ignore the fact that our laws prohibiting the use of American arms for aggressive purposes do not have a time limit of 2 months or 4 months or 6 months. They are operative indefinitely until the offending condition has been eliminated. Turkey has not been singled out for punishment. The United States is simply enforcing its long-established laws regarding foreign military sales.

Third, proponents of this legislation point to Turkey's recent threats to expel American forces from Turkish military bases. "American national security and the preservation of NATO require that we prevent this from occurring," they argue. If this argument is accepted by the House, dozens of nations, large and small, throughout the world, will be handed a license to extract assistance and other promises from the United States by engaging in such blackmail.

On June 23, Secretary Kissinger stated firmly that "no ally can pressure us by a threat of termination." Yet Mr. Kissinger and others now ask us to capitulate to such a threat emanating from Turkey. No evidence has been presented which demonstrates that our survival as a nation would be imperiled should Turkey carry out its threat to close its bases to the United States. As for the survival of NATO, I should point out that NATO was established to prevent armed aggression, not to countenance it. If American support of Turkish aggression on Cyprus is the price we must pay for Turkey's membership in NATO, perhaps we should be willing to suffer Turkey's departure from NATO. I strongly suspect that such a move would imperil the security of Turkey far more than it would our own.

In conclusion, Mr. Chairman, the situation has not changed since last December and no valid reasons for lifting the embargo on arms to Turkey have been presented. This legislation has been labeled a "compromise" and deceptively entitled "An act to promote improved relations between the United States, Greece, and Turkey." In reality, this is no compromise at all. It simply permits the President to supersede existing law and resume the shipment of arms to Turkey. Turkey need take no action in return. There are some constraints imposed on the transfer of such arms under the Foreign Military Sales Act. But commercial arms sales conducted under the Mutual Security Act would be unlimited in quantity and free from prior congressional scrutiny or disapproval. This bill constitutes a blank check for the continued support of Turkish aggression on Cyprus.

As for improved relations, there can be no doubt that the enactment of S. 846 would make Turkey quite happy. On the other hand, I do not see what it would do to improve American relations with the democratic government of Greece. Moreover, it is hard to understand how the resumption of American arms sales to Turkey would enhance relations between Greece and Turkey. This bill could be more accurately named "The Turkish Rearmament Act of 1975." I urge my colleagues to uphold the law, to reassert our Nation's historic opposition to armed aggression, and to reject this attempt at foreign blackmail by soundly defeating this bill.

Mr. PHILLIP BURTON. Mr. Chairman, will the gentleman yield?

Mr. SARBANES. Yes; I yield to the gentleman from California.

Mr. PHILLIP BURTON. Mr. Chairman, I, too, would like to commend our distinguished colleague in the well, the gentleman from Maryland (Mr. SARBANES), for his comments, and I would like to associate myself with his remarks and urge all of my colleagues to reject the proposal before the House.

Mr. MORGAN. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS of Ohio. Mr. Chairman, there is no Member of this body for whom I have higher respect and deeper regard than for the gentleman who just preceded me in the well, Mr. SARBANES.

I can well understand his position, and I can understand that he has deep emotion about it. I supported his position in the last go-round on this issue, as I supported the Vanik-Jackson amendment, because I felt emotional about the treatment of the Soviet Jewish minority by the Soviet Government. It gave me a good deal of personal satisfaction to cast that vote.

However, what has been the result? The results in both cases have been not only counterproductive, but in the case of the Jackson-Vanik amendment, the Russians simply cut the migration of Jews from 36,000 to 6,000; and in the case of the restrictions on Turkey, they simply have refused to negotiate under the gun.

I have talked to the Turks about this, and I have talked to the Prime Minister of Greece. There are great differences of opinion, but I think they are soluble if we can get negotiations started, meaningful, real negotiations.

I think I have a special right to talk about this because in the days of the junta, in the days of the dictatorship, who did more damage to the Greek people even than the Turks did on Cyprus, in physical damage and mental torture? I am the one who introduced an amendment not to give any more arms to that government until a democratic government was installed in Greece.

I am sure that if the gentleman from Maryland (Mr. SARBANES) had been in this body then, he would have supported it, or maybe he did; I am not sure.

Mr. SARBANES. Mr. Chairman, will the gentleman yield?

Mr. HAYS of Ohio. Yes; I yield to the gentleman from Maryland.

Mr. SARBANES. Mr. Chairman, the gentleman from Ohio (Mr. HAYS) offered such an amendment after I became a Member of this body, and I did, indeed, support it.

Mr. HAYS of Ohio. The gentleman from Maryland did support it, and I recall that the gentleman from Indiana (Mr. BRADEMAS) also supported it.

Yet, many of the same voices outside of this Chamber—and I heard some of them in my district—of the so-called Greek lobby, were denouncing me all over this country as an enemy of Greece. They were supporting the junta which had its fingers around the throats of the Greek people.

Mr. Chairman, I want to see this problem in Cyprus settled. I want to see those Greek Cypriots get to go back home. I want a settlement. I want a government. I do not know what we can come up with. My judgment is that we are going to come up with a compartmentalized Cyprus which has a Turkish minority section and a Greek Cypriot majority section, but I think we have to look at the whole picture.

As the gentleman said, the junta did start this, and the Turks did invade, and I agree that they went too far when they broke off negotiations in Geneva.

The Members and I have no disagreement about that, but as I said to Prime Minister Karamanlis in his office in Athens, "You have to think of one thing, Mr. Prime Minister: If it had not been for the Turkish invasion of Cyprus which so humiliated the junta, they would still be in power, and you would still be sitting in exile in your apartment in Paris where I met with you and talked about the future of Greece."

Therefore, this is not all a one-sided thing. What we are really doing if we pass this resolution or bill is saying to Turkey, "Yes, you can have the arms if they are bought and paid for, and we are not trying in the legislation to cut you off in 3 months." However, after July 31, if I am not mistaken, nobody can buy any more arms until there is a new arms sales bill passed, and that is coming up in October, at which time we can take another look.

Mr. BROOMFIELD. Mr. Chairman, I yield the balance of my time to the distinguished minority leader, the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Chairman, I must say that each time I have taken the floor on this subject—and I have done so several times—that it is one of the more difficult jobs that I do as a Member of this body. It is difficult because there is merit on each side of this question, so I can certainly understand how the Members feel. Also, I have no quarrel with anything the gentleman from Maryland (Mr. SARBANES) said, and I agree with the gentleman from Ohio (Mr. HAYS), for whom I have great respect, and for the gentleman from Indiana (Mr. BRADEMAS) who also feels very strongly about the matter.

However, I believe the thing we need to be looking at now is what this does to the United States of America.

This is not a Greek matter or a Turkish matter. As a matter of fact, it is a NATO matter, and it is an American matter. NATO needs both Greece and Turkey. Without both of them the southern flank of NATO is exposed and can be turned by an armed and determined enemy.

Even more, Greece and Turkey need each other because if they end up with permanent enmity then some of the other nations in that part of the world who have been predatory in the past can certainly become predatory again.

So, Mr. Chairman, I believe what we are trying to do here today is to unravel a very knotty problem. It seems to me that this is the first step in solving it.

We need to get people to negotiate, not only on the Cyprus situation but on some of the other matters that involve the relationships between Greece and Turkey in that part of the world. I think the

Aegean Islands are important. I believe that progress can be made concerning them and, indeed, that we could get that matter settled.

The embargo that was imposed at the insistence of this body just flatly has not worked. There have been no negotiations. There has been no progress toward any kind of settlement. The refugees on Cyprus continue to suffer and, in the meantime, the Greek-Turkish schism becomes deeper and wider, and the United States has to move in order to get this situation off of dead center.

Let me just mention some of the things that might occur if this bill is not passed. It has been said that the Turks will demand renegotiation of our bases there, and perhaps it will be necessary for us to close them down. If we do have to close those bases, this will not hurt Turkey, it will hurt us. Also, as the Members know, many of the things which we do at those bases are much more important to the United States and Western Europe and, in fact, to the whole free world, than they are just to Turkey. We need those bases. It is not a matter of their blackmailing us because, after all, according to the Turks—and I can understand that many of the Members disagree with them, but I can also understand their viewpoint—they say we committed the first act of repression by imposing an embargo on them. They felt they had a right to invade Cyprus to comply with their treaty obligations after the Greek junta sponsored a takeover of that island by people who tried to assassinate Archbishop Makarios. Whether right or wrong, that is the way they feel, and I can imagine their feelings because they feel that we in America drew the first sword after having been good friends of ours.

It has not been said before, but I do not think there were any more valiant soldiers in Korea than were the Turks. They fought shoulder to shoulder with our people, and they did a great job. So, as I say, they wonder why we did what we did.

I think it is high time, Mr. Chairman, that we vote in favor of the United States of America, and to me a vote in favor of this bill is such a vote, and I urge the Members to vote for the legislation.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, I rise in strong opposition to the pending bill and urge all my colleagues to vote against it. The only real issue today is what is best for the United States. If this resolution is adopted I respectfully suggest that it is not in the best interests of the United States.

This House went on record by a vote of over 3 to 1 in February of this year deciding the issue with respect to the violation of American law in the use of arms by Turkey for agressive purposes. Speaker after speaker have gotten up here today and said that the issue is a matter of principle.

A principal argument for the bill is that the embargo has not brought about any concession by anybody, so they are no closer to a settlement now than they were before and therefore we in the United States should forget principle.

Mr. Chairman, it is suggested by the proponents of the pending bill that all of us who voted for the embargo on arms the last time as a matter of principle should now turn right around in a complete circle, about-face, and lift the arms embargo. I ask the Members to ask themselves what has changed as a matter of principle? What has changed that would make them make that decision?

I will tell the Members what has changed since we put that embargo on. There are two things: one, the Turkish Government came out very explicitly and said after a period of time, "We, the Turkish Government, are going to review our agreement with the United States on U.S. bases in Turkey." In other words pressure was put on the United States.

Immediately out of our Government came the unilateral conclusion that Turkey's statement affects our national security; therefore, we ought to change our minds and lift the embargo.

The other thing is that it is quite clear, and admitted by everybody—proponents, opponents, the administration—that there is absolutely no guarantee of any kind, or even a possibility—it is just a big if—that if we adopt this resolution that progress will be made on the issues between Greece and Turkey. The Turkish Government is in command of the situation. They have the majority of the island. They have most of the military force. If the Turkish and Greek Governments have not agreed by now, why would they have to agree to anything later?

I do not know why the sole burden is on the U.S. Government to bring about an agreement between Greece and Turkey.

We have bases also in Greece that are important to our national security. But we do not seem to be worried about them.

The answer is, nothing has changed. This resolution will not help it any. The Turkish Government will get the arms but it does not necessarily mean that they will thereafter do what they could have done before.

The United States sells over $9 billion a year in arms to other countries under the same restrictions. If we lift the embargo it will undercut all congressional restraints and executive agreement on arms sales.

In the final analysis it will be clear to all, that the United States caved in under pressure and that an important principle of law has been rejected.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Pennsylvania (Mr. MORGAN) to close the debate.

Mr. MORGAN. Mr. Chairman, I yield the remaining time to the gentleman from Indiana (Mr. HAMILTON).

Mr. Chairman, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. I thank the gentleman for yielding.

I just want to remind the gentleman from Florida (Mr. FASCELL) when he asked what did Greece do, that, of course, the Greeks have taken our bases in Greece and our home-porting privileges, and put them under Greek command.

Mr. HAMILTON. Mr. Chairman, I rise in support of S. 846.

The vote on this bill may be the most important single vote for Congress on a foreign policy issue this year, and I hope the Members of the House will support the bill.

Whatever your view of the arms ban on Turkey 6 months ago, it has become clear today that the ban is not working. It has been counterproductive to America's best interest in the eastern Mediterranean. The ban is now contributing to an unacceptable and deteriorating situation.

The arms ban on Turkey has threatened the viability of the southern flank of NATO and Turkey's ability to carry out its NATO force goals; contributed to a deadlock in negotiations on Cyprus and thereby helped to prolong suffering of the Cypriot people; jeopardized continued U.S. access to military and intelligence installations in Turkey; and undermined Turkish-American relations and, because of the festering Cyprus crises, threatened continued Greek-American relations.

The crucial question here concerns the means that the U.S. Government has to influence the Governments of Turkey, Greece, and Cyprus to deal with this intolerable situation in the eastern Mediterranean.

More precisely, the question is whether the several U.S. foreign policy interests in the area will be better served by a continuation or modification of the arms embargo against Turkey.

If this bill is defeated and the ban continues, the consequences could be serious:

Turkish bases and intelligence-gathering facilities may be lost;

Our 30-year relationship with Turkey may be irreparably harmed;

Turkey may be forced to realine itself with closer ties to the Soviet Union to the north and to some of its less moderate Arab neighbors to the south; and

The stalemate in Cyprus will drag on, with all that means in human suffering by the refugees, and eventual problems for Greece.

Wise policy simply does not risk these kinds of consequences. We have two possible courses of action:

1. The ban be continued. The theory of this approach is that by denying all arms to Turkey pressure will mount on Turkey to make concessions that will get Cyprus negotiations off the ground; and

2. The ban can be modified. The theory here is that a partial lifting of the ban will show the good faith and willingness to compromise of the United States and that a new climate will be created to put in motion a series of moves, some by Turkey, that will lead to successful talk on Cyprus and improvement on other issues.

Keeping the ban in tact tends to perpetuate all the problems that now exists. That course of action simply has not worked. The people in our Government who are closest to this problem believe that the Turks will not buckle under the pressue of the arms embargo and make concessions while the embargo is in effect. It simply runs counter to their national character to do so. Furthermore, they can obtain the equipment they seek from other sources. The fragile internal political situation in Turkey, which permits no sign of weakness on the Cypriot question, also argues against early Turkish compromise under pressure.

The present unacceptable situation requires, then, some action to modify the ban.

This bill represents an effort to break out of the present stalemate. The bill resumes some arms shipment but links their continuation later to progress in Cyprus. If Turkey has a feeling for its continued relationship with the United States, it will accept the opportunity created. If not, the ban can be reimposed.

This bill then should be supported because:

First. The United States, as the superpower, needs to take the first step to help break the present impasse and to prevent further deterioration in the situation on Cyprus;

Second. We need to keep the southern flank of NATO strong and viable. In order to do that we have to have good ties with our two allies, Greece and Turkey.

Third. Our best hope to be able to influence Turkey on issues that matter to us, including the opium issue, is by modification of the arms embargo. A continuation of the ban will simply harden the Turkish position and weaken our ability to insure that there are adequate safeguards against Turkish opium getting into illicit markets.

Fourth. The current diplomatic, political, and military situation in the eastern Mediterranean is intolerable, and, if the arms ban continues, a bad situation will only get worse; and

Fifth. The aid embargo has been counterproductive. It threatens important U.S. interest in the eastern Mediterranean and our access to defense and intelligence installations in Turkey.

A vote then against this bill is a vote for the status quo. It is a dead end—negative—approach. Such a vote represents support for the present, unsuccessful approach to win Turkish concessions on Cyprus.

A vote for this bill is our best hope in the present situation to try to set in motion a series of moves, some by Turkey, that will produce meaningful negotiations on Cyprus; restore vitality to NATO; protect important U.S. intelligence gathering facilities; and improve U.S. bilateral relations in the area.

Mr. BINGHAM. Mr. Chairman, the time has come for some rethinking of our action taken last year imposing an embargo on all arms sales to Turkey. The passage of time and recent developments have persuaded me that we should introduce some flexibility in our stance on Turkey's violation of the Foreign Military Sales Act of 1968 and the Foreign Assistance Act of 1961, and for this reason I support H.R. 8454.

Last September, Congress embargoed further military sales or grant aid to Turkey in the firm belief that we could not allow statutory restrictions on arms sales to be violated. Indeed, Turkey had used arms sold to her by the United States in her occupation of 40 percent of the island of Cyprus, thereby violating section 4 of the Foreign Military Sales Act and section 503 and section 505(a)(1)(c) of the Foreign Assistance Act. These conditions, which Congress has mandated for military aid and sales programs, cannot be disregarded. They stipulate that arms we sell must only be used for self-defense against outside aggressors or against internal subversion, and a flagrant violation of that stipulation cannot be allowed to pass unnoticed. It was on that basis that I voted for the embargo last year.

The hope that an arms embargo would induce Turkey to negotiate constructively with respect to Cyprus also influenced many Members of Congress. However, I did not share that hope at the time, and I am now more convinced than ever that continuation of the total embargo will only anger Turkey without encouraging dialog and compromise.

Political developments in Turkey in recent days demonstrate the counterproductive effects of the arms embargo. This is revealed by the trend in Turkish foreign policy statements. The embargo has pushed Turkey into a more and more inflexible position and closer to a rejection of her alliance with the United States. In mid-June, Prime Minister Suleyman Demirel and his foreign minister, Mr. Ihsan Caglayangil, were making statements no more definite than that the U.S. presence in Turkey needs to be adjusted to the new situation. By the end of June, internal pressure had built tremendously, and Government positions had changed. Prime Minister Demirel has begun to speak out against the United States, and yet his statements are far too moderate to please the majority of his countrymen.

Whereas, in his June 16 notice to the U.S. Embassy in Turkey, Foreign Minister Caglayangil left open the question of the status of U.S. installations during the reappraisal period which was to start July 15, 2 days later he had been attacked by the opposition. He responded to a reporter's question of "who will determine the provisional status of the installations starting July 15?" saying "We shall determine it." Whereas Caglayangil, in his June 16 statement said that, in light of U.S. action, Turkey is entitled to abrogate her treaties with the United States, shortly afterwards he was pressured into saying, during a news conference, "We also told the United States Government that the Turkish Government could no longer continue to consider as valid the joint defense agreements between the two countries."

These are serious developments with grave implications for the future of United States-Turkey relations. Turkey will hold senatorial elections in the fall, and one of the sharpest criticisms used by the opposion is the contention that the Demirel government is not strong or swift enough in retaliating against the United States for having imposed the arms embargo. The issue is one of national pride for Turkey, and, although the embargo itself is not hurting her severely yet, it is having the serious effect of driving her into an increasingly hostile and extreme anti-American direction. If present trends continue unchecked, as they surely will as long as the U.S. arms embargo remains intact, moderate political leaders will be eclipsed by radical new forces and one of our closest alliances in the Middle East may well be disrupted.

The consequences of such disruption would be extremely serious, as Turkey's pro-Western posture and our military installations there are at risk. Our embargo is now placing the future of both in jeopardy. Turkey, in addition to being a major military power in the eastern Mediterranean, includes uniquely strategic points for observation of the Soviet Union. There is no doubt that Turkey is of great importance to the national security of the United States.

I realize that even a partial lifting of the embargo is strongly opposed by most Greek-Americans, and I sincerely regret that I cannot vote on this matter as they would like.

However, I am conviced that, in the long run, it is as much in the interest of Greece as it is in the interest of the United States and the rest of NATO that Turkey not turn away from a pro-Western posture. Greece's dispute with Turkey over the Aegean is extremely serious, probably more dangerous even than the Cyprus problem. Think how much more serious the Aegean problem would become for Greece if Turkey turned away from the West toward the sweet-talking Russians and secured the backing of the Soviets for Turkey's designs on the Aegean.

The importance of Turkey's basic posture is also deeply felt by the Israeli Government. It is greatly concerned by the present impasse and by the possibility that Turkey would abandon its close ties to the United States and the West and turn toward the U.S.S.R. or toward the oil-rich and newly powerful Arab bloc. While the Israeli Government has not felt it could take an official position in the matter, I have every reason to believe the Israelis hope H.R. 8454 will be enacted.

Opponents of this measure assert that Turkey is bluffing. My answer to this argument is twofold. First, I do not believe Turkey is bluffing, for the simple reason that I do not believe any government in Turkey could afford to knuckle under to the pressure of a total embargo. Second, even if that is wrong, no one can be sure, and the stakes are too high for us to risk finding out that the Turks are indeed not bluffing.

As has been pointed out by many speakers, H.R. 8454 is not a lifting of the embargo such as was passed by the Senate. This bill is a compromise, for it allows only commercial cash sales and what was previously contracted for to be supplied to Turkey now. Thus it represents an invitation to Turkey to negotiate and compromise in turn. This bill postpones the issue of FMS credit and cash sales until the fall, when we will be considering the entire military and sales program. This will give Turkey a time in which she can prove her good faith, and will give us an automatic opportunity for a reevaluation of our stand.

This aspect of the bill encompasses a major point of the proposal made by George Ball and Cyrus Vance, in that it mandates a further reconsideration of our position a few months after this initial gesture. However, it does not constitute the kind of a threat which Turkey found intolerable before, that is, specifying that the embargo will be reimposed if Turkey makes no conciliatory moves. Incidentally, I understand Mr. Ball has now endorsed H.R. 8454 in its present form.

Let me now comment on the argument that we should retaliate against Turkey's lifting of her internal ban on opium-poppy growing by continuing the embargo. First, let me say that I yield to no one in my hatred of the devastating curse of heroin addiction and in my anger at those despicable persons who enrich themselves by illicitly trafficking in opium and its derivatives.

But Turkey has announced a new determination to stop the illicit trade in opium, as other nations such as India have successfully done. Turkey has introduced new methods of control and a government buying program, as well as adopted laws which severely punish those who violate the new methods. These measures have been approved by the international experts in narcotics control. We cannot now assume that they will fail. It is simply premature for us to decide to punish Turkey on this ground.

Second, even if Turkey's control methods do not prove successful, we have no reason to believe that continuation of the arms embargo will result in Turkey's reimposition of the earlier poppy growing ban. Indeed, the contrary is the case. If Turkey's anger at what the Turks consider an unfriendly act by a long-time ally produces an unfavorable change in Turkey's foreign policy, one predictable consequence will be a "to-hell-with-you" attitude on opium control as well.

Third, I do not believe that we will ever stop the ghastly flow of heroin to our city streets by attempting to stop the illicit opium trade all over the world. If one source is plugged, another quickly appears to take its place. Southeast Asia is one such source, Mexico is another. I am advised that heroin today is in plentiful supply in New York City, none of it coming from Turkey.

Finally, it has been argued ad nauseam that H.R. 8454 represents an abandonment of principle.

I might be impressed by this argument if the opponents of H.R. 8454 were insisting that all American-supplied arms be removed from Cyprus before any lifting of the ban could take place. But they are not saying that. They are saying "let the Turks do a little something, and then we will ease the embargo." So the argument is not over a matter of principle, nor is it over whether to compromise; it is over the question of when to compromise.

No one can contend that the United States ignored or condoned Turkey's violations. A total embargo for 5 months is a substantial penalty.

Now the question we must answer is whether the United States must, either as a matter of principle or of expediency, extend the penalty indefinitely, at great risk to ourselves, to NATO and, ultimately, to Greece as well.

Mr. BROWN of California. Mr. Chairman, today we are on the threshold of deciding one of the most important foreign policy questions to be entertained by this Government in the immediate post-Vietnam war period. The consequences of our action today will affect not only Turkey and Cyprus, Greece, and our Western alliance, but will have far-reaching implications that will signal the philosophy to which the United States is prepared to adhere in its pursuit and determination of future foreign policy and international relations.

It is thus very important that we fully understand what we will be saying by our vote today. After a former ruling Greek military junta engineered a coup against the duly elected President of Cyprus, Archbishop Makarios, Turkey launched a massive invasion of Cyprus. This invasion was accompanied by large-scale air raids, killing thousands of innocent people, and resulted in the flight of over 200,000 Greek Cypriots from their homes in the north. Cyprus, a NATO ally, largely defenseless, was subsequently occupied by Turkish forces. This occupation by Turkey, now 1 full year later, includes virtual control of the economy and production, as well as the displacement of thousands of Cypriots, now refugees. All of this ravenous occupation occurs under military force.

Our arms, supplied to Turkey for the ostensible purpose of strengthening our Western alliance, have now been used against one of our NATO allies. We are in the precarious position of having supplied arms to one NATO ally who has used them to the ruination, destruction and occupation of another NATO ally. Despite the cries of outrage from other of our allies, as well as the U.N., Turkey has not yielded in its aggression. The intentions of Turkey must now be considered seriously suspect.

Mr. Chairman, I am not unaware of, nor insensitive to, the cogent arguments advanced by those who believe that the United States can proceed in a better negotiating position if we pass this bill. The Congress, and I believe wisely, required the President to suspend all military assistance to Turkey until such time as the President determined that Turkey was in compliance with our laws relating to defense articles supplied by the United States, and until substantial progress had been made towards a settlement with Cyprus. In the absence of such a determination, on February 5 of this year the embargo became effective. We were asserting that the United States would not condone the invasion of one ally by another, that we would not accept the human rights and national sovereignty violations inherent in such an invasion, and that the United States would not be a party, through the supply of arms, to such outrageous aggression. Further, our tradition of freedom and democracy, as well as the lofty ideals of NATO, would not permit us to be associated with such gross violations of democratic principles and blatant aggression. This, I submit, is what we will be explicitly condoning by resuming arms shipments to Turkey, and this I cannot do. Once we establish, openly and forthrightly, and as a matter of public policy, that we will assist in this horror, we will have opened the door that nothing is unacceptable in achieving desired ends. To abandon these principles has, I fear, the gravest consequences for our foreign policy relations and our perception of ourselves as a freedom loving and democratic Nation.

I earnestly urge a defeat of this bill.

Mrs. COLLINS of Illinois. Mr. Chairman, I am strongly opposed to lifting the ban on military aid to Turkey because I feel that to do so will violate existing provisions of American law which prohibit countries receiving American arms from using those arms against our other allies.

Section 505(b) of the Foreign Assistance Act of 1961, as amended, states that—

> No Defense articles shall be furnished . . . to any country . . . unless the President determines . . . that such defense articles will be utilized by such country for the maintenance of its own defensive strength, or the defensive strength of the free world; . . .

Thus, when on August 14–17 Turkish military forces launched a major military assault on Cyprus using American military equipment including tanks, planes, guns, personnel carriers, and landing craft, it clearly violated section 505(b).

Section 4 of the Foreign Military Sales Act states:

> Defense articles and defense services shall be sold . . . solely for internal security, for legitimate self-defense, to permit the recipient country to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations . . .

Inasmuch as the American tanks, planes, guns, personnel carriers, and landing craft were delivered to Turkey for NATO purposes only, it is irrefutable that the Turkish invasion of Cyprus was an explicit violation of section 4. And that is not all. Section 3(c) of the Foreign Military Sales Act states that—

> Any foreign country which hereafter uses defense articles or defense services furnished under this Act, in substantial violation of any provision of this Act . . . shall be immediately ineligible for further cash sales, credits, or guarantees.

And section 505(d) of the Foreign Assistance Act of 1961 as amended states that—

> Any country which hereafter uses defense articles or defense services furnished such country . . . in substantial violation of the provisions of this chapter shall be immediately ineligible for further assistance.

I am sure that my colleagues will agree that Turkey's capture and occupation of 40 percent of the island of Cyprus and 70 percent of the economic wealth; its killing of 5,000 Cypriots; its immobilization of the island economy; and its expulsion of 200,000 Greek Cypriots—all with the use of over 90 percent of the American military equipment—is further evidence that Turkey has indeed violated both of these sections of our law also.

Last week, I listened intently as President Gerald R. Ford, Secretary of State Henry Kissinger and Secretary of Defense James Schlesinger presented persuasive arguments that the U.S. military installations in Turkey are crucial to the well-being of our country.

It is my view that strategic bases in both Turkey and Greece are needed for our internal security and associate myself with the remarks of my distinguished colleague from Michigan, Congressman DONALD W. RIEGLE, JR., who said "bases in one country ought not to be jeopardized for bases in another country."

We must not, therefore, permit ourselves to be browbeaten into breaking our own laws as ransom for U.S. bases abroad and must not jeopardize the well-being of our citizens by setting a precedent that will invite other nations to blackmail the United States over base rights in their countries.

The provisions of this bill are extremely broad. They will: First, allow the immediate sale of all commercial military equipment by the U.S. arms manufacturers to Turkey; second, permit later this year the resumption of all sales by our Government of military goods to Turkey with U.S. taxpayer-paid subsidies—which will provide Turkey with reduced interest rates with which to buy goods either directly or on credit; third, release immediately all goods—totaling $175 million in arms and including 24 F-4-E aircraft—which Turkey now has under contract with the United States; and fourth, open enormous loopholes in existing laws as well as repeal the cutoff amendment which went into effect on February 5 of this year.

For these reasons, Mr. Chairman, I strongly urge my colleagues to defeat this bill.

Mr. ANNUNZIO. Mr. Chairman, the bill before us today, S. 846, asks us to repeal the ban on military aid to Turkey which Congress imposed on February 5, 1975. That ban was instituted in reaction to the illegal use of American-supplied arms and materiel by Turkey in the Turkish invasion of Cyprus last year. In that invasion over 30,000 Turkish troops equipped with U.S. arms occupied 40 percent of the island and drove 200,000 Greek Cypriots out of their homes. Yet today we are asked to support S. 846 which would condone this illegal invasion and occupation.

There are a number of reasons why we should reject S. 846. First, this country has always believed in the rule of law. Yet, Turkey has clearly violated both U.S. law and bilateral agreements in its actions in Cyprus. The Foreign Assistance Act of 1961 and the Foreign Military Sales Act both state that U.S. military assistance and equipment are to be used only for defensive purposes. The Turkish aggression in Cyprus stands in clear violation of these legal provisions.

If we pass S. 846 we will be sending clear signals to the international community that we are abandoning our longtime insistence on limiting weapons assistance to defensive purposes—an insistence which has been a traditional cornerstone of our foreign policy. Permitting Turkey to receive U.S. arms after employing them in contravention of U.S. law would encourage other nations to misuse U.S. military assistance in a similar manner.

There is nothing in this bill to discourage further Turkish aggression. If we waive existing restrictions on the offensive use of U.S.-supplied arms Turkey could use arms supplied under this bill, as well as arms purchased commercially in the United States, to make further encroachments in Cyprus. Indeed, given the volatile situation in the eastern Mediterranean it is not inconceivable that such arms might be utilized in an invasion of Greece itself.

Secretary of State Kissinger has argued that this bill is necessary if we are not to lose the bases we have in Turkey. Do we want to be placed in a position of yielding to Turkish blackmail? I, for one, do not. There are over 300 major U.S. installations in other countries. Yielding to such blackmail would place us in an untenable position with those other countries.

Furthermore, Secretary Kissinger's assertion that the Turkish bases are essential for policing the SALT agreements and monitoring Russian missile testing are open to question. Several experts have testified that these bases are only marginally useful in verifying the SALT agreements, that alternative observation sites and satellites would be more useful, and that the SALT agreements cannot be reasonably used to justify giving arms to Turkey in order to save our bases there.

Some of my fellow members who support this bill argue we should accept it as a "compromise." What kind of compromise is one in which we do not ask that Turkey take positive actions to rectify its illegal depredations in Cypress in exchange for U.S. arms aid? Obviously this would be no compromise at all. Rather it would represent a caving in by this country which would increase the likelihood that future recipients of American arms would not feel bound by the provisions of the agreements by which they obtained those arms.

Supporters of the bill also argue that the present arms embargo has been ineffective because it has not brought Turkey to the negotiating table over the Cypress question. The reason that the embargo has been less successful than anticipated is because the Secretary of State and others in the Ford Administration have undermined its credibility by publicly blaming Congress for enforcing this country's laws. Instead of blaming Congress the Ford administration should be exerting the various diplomatic, economic, and military pressures at its command on Turkey which violated the law. It is not surprising that the embargo has not led to quick negotiations since the actions and words of the executive branch have fueled Turkish hopes that Congress would backdown and lift the arms ban without evidence of substantial Turkish progress toward negotiations.

Passage of this bill would also have serious consequences for the fragile new democratic government in Greece. Such an action would indicate a significant American tilt toward Turkey which could undermine the internal stability of the Greek Government, endanger our NATO and 6th Fleet bases there, and threaten the recently revived Greek participation in NATO.

Finally, this question is part of the larger one of restoring Congress' proper role relative to the Executive in the making of foreign policy for this country. In recent years Congress has taken a number of important steps to redress its power imbalance vis-a-vis the Executive and regain its proper constitutional role in foreign policy. As Tom Wicker noted in Tuesday's New York Times:

> There is . . . no question that where appropriations must be provided, Congress has a right to set certain terms and conditions—make policy—even in the field of foreign affairs.

The argument of the administration that they must ignore American law in order to protect American interests is one that must be rejected. To accept such an argument would be to reject the rule of law on which this country is we will capitulate to Turkish blackmail would be to acquiesce in the further abdication of congressional prerogatives in the field of foreign affairs. To accept such an argument would be to tell our long-time ally and friend, Greece, that we will capitulate to Turkish blackmail and turn our backs on "the cradle of democracy."

I hope the United States will never be put in such a position. I urge my colleagues to vote against aggression, against illegality, and against international blackmail by rejecting S. 846.

Mr. EILBERG. Mr. Chairman, I feel compelled to object to the restoration of American arms assistance to Turkey.

I have come to that decision after considering the important issues of our nation's relationship with both Greece and Turkey, their involvement in NATO, the necessity of preserving military installations in both countries, and the need to resolve the impasse on Cyprus.

Also, I have tried to keep in mind that our actions on this issue will affect our policy with respect to the sale or grants to other foreign countries, and equally as important, our actions will affect Congress role in future foreign affairs decisions.

Recognizing that the United States has a responsibility for international peace and stability commensurate with its capacity to affect external events, the Foreign Assistance Act of 1961 was passed into law. This law was designed to continue supplying military aid to help meet security threats confronting our allies. Our Nation's international security system involving NATO, of which both Greece and Turkey are members, other mutual defense arrangements and military assistance have gone a long way to protect the weak against the ambitions of the strong.

However, the mandate of the Foreign Assistance Act of 1961 is that American arms are not to be used by our allies in aggressive actions. This vital stipulation expressed the moral concern at the Congress about the conduct and consequences of our Nation's foreign policy. It was hoped that the U.S. security assistance program with this fundamental principle behind it would lead to more responsible behavior by our allies.

Today we are asked by the President to resume military sales to Turkey. The administration argues that lifting the embargo is the only way to create a negotiating climate suitable for a Cyprus settlement. The President insists that Turkey will only enter serious negotiations if the Congress lifts the ban on military weapons.

Mr. Chairman, it was with our military assistance that the Turkish forces invaded Cyprus. It is with our arms that the Turks presently occupy 40 percent of Cyprus. It is with our arms that the Turks have murdered and wounded thousands of Greek Cypriots. And it is with our arms that the Turkish army has created a refugee problem mounting to 200,000.

The immediate outlook on Cyprus includes the threat of further Turkish military expansion. In its quest for security, Turkey has become a coercive power on Cyprus.

During the 6-month period between the Turkish invasion of Cyprus in August and the imposition of the arms embargo in February, Turkey did receive American arms aid and yet adamantly refused to negotiate compromises with Greece. Even after negotiations had begun Turkey increased its control of territory in Cyprus.

Today, to our knowledge, neither the President nor Congress have received any assurances that Turkish withdrawal from Cyprus would proceed once military aid was renewed.

Mr. Chairman, armed forces are instruments of war; diplomacy is an instrument of peace. It is through diplomacy and not violence that you safeguard one's own vital interest without hurting those of the other side.

By lifting the arms embargo on Turkey the United States will be losing all influence with Turkey to initiate serious peace negotiations. Our arms will permit the Turkish forces to further entrench their position on Cyprus and to further subordinate the Greek majority.

Lifting the embargo at this point would constitute a violation of the Foreign Assistance Act of 1961, which calls for an arms embargo against any nation who uses American arms for aggressive purposes. One of the principles that law communicates is the solemnity of a commitment. Congress has the responsibility of upholding this legal principle even though it has failed to deter Turkey from its aggression.

Such a violation would permanently injure our relationship with Greece. By our failing to thwart the Turkish invasion and by our subsequent failing to honor our legal commitment, Greece may withdraw from NATO. This would mean a serious weakening in our eastern Mediterranean defense system.

Renewing arms aid to Turkey will give the appearance of a weaker ally making decisions for the United States. Turkey has threatened to renegotiate our bases in mid-July unless we lift the arms embargo. Turkey is of strategic value to NATO, but this is hardly the most vital issue. Under these circumstances the United States must not relinquish its freedom of action to a weaker ally which uses its control over our policies for its selfish purposes.

Furthermore, by resuming military assistance the United States will be giving the impression to all countries that they are free to use American arms regardless of the consequences. Such a free hand destroys the usefulness of international diplomacy and thus, makes the outbreak of war more likely. I am fearful that Congress will suffer as a result of lifting the embargo. Congress will be put in the untenable position of condoning countries employing American arms for aggressive purposes. Congress will undo legislation that calls for responsible behavior by our Government in foreign affairs. And lastly, Congress will show that it is unwilling to enforce existing law in spite of White House opposition.

The political scholar Walter Lippmann once wrote:

> In the clash of arms the laws are silent. We may add that in the truce of arms the laws are heard.

I strongly believe in that principle and it is for that overriding conviction that I presently oppose the lifting of the arms embargo on Turkey.

Mrs. BURKE of California. Mr. Chairman, I rise in opposition to S. 846, which would lift the congressionally imposed embargo on military assistance to Turkey. Passage of this legislation would violate a fundamental moral and legal principle of U.S. foreign policy—that we supply weapons to other nations for defensive, not aggressive, purposes.

Seven months ago, Congress defined American policy on this issue when it imposed the embargo, which suspended military assistance and sales to Turkey until substantial progress had been made toward a settlement of the Cyprus issue. The challenge before us today is to prove that we have the strength of our convictions—that we will not submit to the international blackmail evidenced by Turkey's threat to deprive us of our military and intelligence bases.

Rather than stand up to this threat, our own President asks us to compromise—as he calls it—with the Turks. Mr. Chairman, I fail to see any compromise in this bill. Capitulation, yes. Compromise, no. Under this legislation, Turkey would be able to buy arms from the United States, but is required to do nothing about the Cyprus problem in return for those arms.

Without requiring action by Turkey to remedy the Cyprus situation, the United States weakens its moral stance and condones clear violations of U.S. law and bilateral agreements between the United States and Turkey under which Turkey received the arms in question. Both the Foreign Assistance Act and the Foreign Military Sales Act contain provisions prohibiting the use, for aggressive purposes, of arms supplied by the United States. Furthermore, both laws mandate an immediate cutoff in further arms shipments to any country violating these provisions.

Dr. Kissinger has attempted to persuade us that our military bases in Turkey are more important than American relations with Greece. Yet, ironically, when the military junta was imposing a dictatorship on Greece, the argument was that Greek bases were of vital importance to NATO and the United States. Mr. Chairman, this kind of political expediency fools no one and only serves to undermine our international credibility. Authorizing the sale of arms to Turkey under these conditions simply encourages other nations buying or receiving U.S. arms to use them without the restraints we profess to impose by law.

With regard to our bases, it is argued that loss of the bases would impair our ability to carry out our NATO responsibilities and would deny the United States the use of valuable intelligence installations which serve our defense needs. The irony of this argument is that Turkey does not need an embargo to justify depriving us of our bases. Any political excuse will do. What, for example, is to prevent Turkey's uttering the same threat, should we refuse to continue paying them not to grow opium poppies on the ground that Turkey has violated its part of the bargain? Furthermore, if we back down on the issue of the bases, we are inviting other countries to hold hostage 300 major U.S. bases overseas.

The administration further attempts to persuade us that the purpose of the embargo, which has been in force for 5 months, has not been achieved. Its intent is to influence Turkey to seek a meaningful settlement of the Cyprus situation and to encourage Turkey to withdraw troops and U.S.-furnished defense articles from the island. What this argument does not take into consideration is the fact that, since its inception, the embargo has been undermined publicly and privately by the Ford administration. Six days after the embargo took effect on February 5, the administration had a resolution of repeal introduced into the Congress. This action operated as a clear signal to Turkey that foreign policy was divided in this country and that the embargo might be lifted. Therefore, there was no need for Turkey to seek a settlement with Greece.

We are also accused of undermining Turkey's ability to fulfill its NATO responsibilities, thus weakening NATO's strength in the Mediterranean. This is indeed a strange argument in light of Turkey's contention that NATO and Cyprus are separate issues. So long as Turkey makes any progress on the Cyprus issue contingent on our lifting the embargo, Turkey itself is directly connecting the two issues. Furthermore, should Turkey gain the military assistance it desires, what assurances does Greece have of Turkey's alleged willingness to negotiate? The answer, Mr. Chairman, is that there are no assurances whatsoever. On the contrary, Turkey's ability to wage war would be increased considerably. Under these conditions, how, in good conscience, can this Nation profess to advocate peace on the one hand while supplying the machinery of war with the other? The logic of this position frankly escapes me. Certainly, it deserves decisive rejection by this body.

Only by making it as difficult as possible for the two sides to wage war can we hope to see some negotiated settlement rise out of the ashes of conflict. Today, only Congress has the lawful power to clarify U.S. policy in this controversy. It is a challenge we cannot and must not reject.

Mr. Chairman, I wish to conclude my remarks by offering this thought: The essence of politics may be compromise, but principle must be at the heart of any meaningful international order. The nation which continually compromises those principles it professes to hold dear will one day find itself minus any principles at all. A nation without principles cannot hope to sustain its own existence, much less lead other nations toward a peaceful world order.

Mr. FOUNTAIN. Mr. Chairman, I rise in support of S. 846 as amended by the Committee on International Relations.

I speak as one who voted for the Rosenthal amendment to the Foreign Assistance Act of 1974 which embargoed all shipments of U.S. military equipment to Turkey.

I voted in favor of imposing the embargo at that time for two reasons.

First, I firmly believe that recipient countries should use U.S.-furnished military supplies only for defensive purposes and not for aggression. Clearly, in the case of the Turkish invasion of Cyprus, American arms were used by Turkish forces in an aggressive act. This action by Turkey violated an agreement between the United States and Turkey and, had we continued to furnish arms to Turkey during the invasion, we would have broken our own laws.

Second, I sincerely hoped and expected that the embargo would induce the Turkish Government to enter into productive negotiations with Greece and the Government of Cyprus for a peaceful and equitable settlement of the conflict.

What has happened since the embargo became effective on February 5 this year? In short, no progress has been achieved. To the contrary, the denial of military supplies to Turkey has severely limited our ability to promote a peaceful solution to the conflict. In place of negotiations, the plight of the refugees on Cyprus has been prolonged, the southeastern flank of NATO has been weakened, and continued U.S. access to bases in Turkey which are vital to our security is endangered.

What, then, can the Congress do to resolve this impasse?

In seeking possible legislative solutions to the deadlock between Greece and Turkey over the Cyprus issue, three criteria should be met.

First, such legislation should not violate our principles and laws by furnishing military equipment which will be used, without sanction, by the recipient country for aggressive purposes.

Second, it should not encourage other countries to blackmail us by holding U.S. access to military bases hostage to inflated and unreasonable demands for military and economic assistance.

Third, it should be evenhanded with respect to all parties to the conflict.

Mr. Chairman, it is my judgment that S.846, as amended, meets these criteria and offers a reasonable chance to move negotiations forward.

With respect to the first criterion, I would like to reemphasize those sanctions in the bill against misuse of American supplied equipment which the distinguished chairman of the committee has already cited. The partial relaxation of the embargo will apply only if Turkey—

Does not break the cease-fire;

Does not send more forces to Cyprus; and

Does not send any more U.S. military equipment to Cyprus.

If Turkey violates any one of these provisions, the full embargo would be reimposed immediately.

With respect to the blackmail issue, it should be recognized that the provisions of S. 846 are not based on a quid pro quo of U.S. military assistance to Turkey solely in return for continued U.S. access to bases there. Rather, the bill is based on a step-by-step approach which will give Congress an opportunity to judge future Turkish actions with regard to the Cyprus issue.

Finally, the bill is evenhanded in its provisions. It recognizes that the United States has important security interests in Greece as well as in Turkey and it provides for further assistance to the refugees on Cyprus.

Mr. Chairman, in the interest of bringing about peace on Cyprus, in the interest of the refugees, in the interest of NATO, and in the interest of our own national security, I urge that we take the first step toward breaking the current deadlock by adopting S. 846.

Mr. HANLEY. Mr. Chairman, in good conscience, and after a very difficult period of study and reflection, I cannot support S. 846, a bill to provide for resumption of shipments of arms from the United States to Turkey.

I have listened carefully and long to the President, the Secretary of State and other State Department officials, and I cannot agree at all that the resumption of arms shipments to Turkey is in the best interests of the United States.

Turkey has invaded Cyprus, and Turkey is in the process of consolidating its hold on 40 percent of that nation. The refusal of the United States to ship arms to Turkey under these circumstances is right and proper. Nothing has changed in my judgment, to warrant resumption. The State Department offers no assurances that arms shipments are going to bring about a better climate for a negotiated settlement of the Cyprus situation.

It is wrong for the United States to acquiesce in or reward armed aggression by our friends or enemies. I regret my inability to support the President on this measure, but there is no change in the situation.

Moreover, the climate for bending over backwards to offer a gesture to Turkey is clouded by that country's decision to resume its opium poppy crop. It will not be long now before heroin from that crop enters American cities and the bodies of thousands of our citizens. This country worked hard for an agreement and appropriate payments to Turkey to cease growing opium poppies. That agreement stands broken, as does the agreement that American military weapons would not be used to support armed aggression.

Under the circumstances, I see no choice but to vote against this measure before us today. To approve the resumption of arms shipments to Turkey is to signal other arms recipients that they can ignore with impunity the agreement not to engage in wars of aggression with American supplied weapons.

To support this measure is to openly approve of the Turkish invation of Cyprus, and this I cannot do.

Mr. HAGEDORN. Mr. Chairman, the question of U.S. aid to Turkey which is before us today requires close attention to the facts by every Member of Congress.

Turkey is a vital ally of the United States, and a strong member of the North Atlantic Treaty Organization. Her modern army numbers 460,000, making it second only to ours among the NATO nations.

As part of NATO, Turkey has consistently supported American foreign policy, and helped restrain the Communists in Europe. Her troops and government still participate in NATO, and support its goals. Turkey is the only nation with a navy opposing the Soviets in the Black Sea.

A strong American ally, Turkey has allowed highly classified U.S. military facilities on her soil with the inherent threat of a strike from the Soviet Union, her bordering neighbor. Turkey has steadfastly ignored Soviet protests and pressures over these secret installations.

Greece is also a part of NATO, but has withdrawn her forces from the organization, and contemplates a total end to her NATO involvement.

Late last year, Congress sought to resolve the impasse over the island of Cyprus, which had been largely occupied by Turkish troops seeking to protect the minority Turkish Cypriots from control by the Greek colonels then in power. In its zeal to bring about a speedy return to Cypriot normalcy, Congress ordered the unfortunate cutoff of arms to Turkey.

This cutoff extends to all arms bound for Turkey, including those duly purchased by the Turkish Government. The Turks must now pay storage fees to U.S. firms because they cannot ship the arms and supplies out of the United States. It must be clearly understood that these goods, which are now impounded, were not grants in aid, but valid purchases negotiated by the Turkish Government in good faith with U.S. firms.

Instead of increasing the opportunity for peace, this action has led to widespread discontent among the Turkish people who have long withstood external criticism and remained our firm allies. Now they see their ally leaving their army without resupply requirements under the aegis of "pressure for peace."

The Turkish people recall Turkey stood by us in Korea, and lost many hundreds of their men in that war.

They recall Turkey never tried to force us to leave Vietnam by withholding their support for NATO or U.S. facilities.

They recall Turkey has not attempted to extort outrageous sums in return for friendship and military bases.

What are they to think about their friend, the United States?

There is no precedent for this situation, and the time to rectify this well intended, but most unwise condition, is upon us.

Mr. Chairman, I shall support the plan of the Committee on International Relations, and call upon my colleagues to consider the contributions this solid ally has made toward international security and in favor of the mutual defense of the NATO Alliance before making their decision.

Mr. MURTHA. Mr. Chairman, I vote for this compromise reluctantly, but with the hope that it will generate a just solution between Greece and Turkey.

Up to this point, there have been no serious negotiations. The 100,000 refugees are still in tents and living under dire circumstances. Their future is of grave concern to me.

I have had the privilege of recently meeting with 12 of the most influential Greek Americans in the congressional district. They may not all agree with my position, but they suggested that I should do what I think is in the best interests of the United States. After listening to President Ford and the extensive debate on the floor of the House, it is my opinion that the U.S. bases in Turkey are extremely important to the strategic defense of the United States. It is also clear these bases are in jeopardy if some action is not taken.

Former President John F. Kennedy once said:

> The purpose of foreign policy is not to provide an outlet for our own sentiments of hope or indignation; it is to shape real events in a real world.

I, therefore, with great hope, vote for a compromise which I hope will cause realistic and meaningful negotiations which will liberate the refugees and settle the Cyprus situation as quickly as possible. I believe it is the best way to shape the very real events we face in the real world, without losing sight of America's long-range goals of humanitarian and legal concern for the rights of Greek citizens, peace in the area, and friendly relations for the United States with both nations.

Mr. FORD of Michigan. Mr. Chairman, about this time last year, we witnessed the brutal invasion of Cyprus by Turkey—an act of aggression that has resulted in the occupation of 40 percent of Cyprus by Turkish troops, the creation of 200,000 refugees—about a third of the island's population—and the killing and wounding of thousands of innocent people.

The death and destruction wrought by the Turks on that small peaceful island was carried out with American arms and ammunition which were supplied to Turkey for defensive purposes.

Turkey's use of those weapons was a direct violation of the Foreign Assistance Act of 1961 and the Foreign Military Sales Act which require immediate suspension of aid to countries that use U.S.-supplied arms for aggressive purposes.

After the Cyprus invasion last summer Congress gave the administration time to execute the law, and after it failed to do so, we voted to cut off all military aid despite the intense opposition of the President, Secretary Kissinger and others in the administration.

Since the arms embargo became effective, Members of Congress have urged the administration to seek a negotiated settlement on Cyprus, but these requests have gone unheard. Instead of trying to negotiate a settlement with Turkey, it seems the administration has directed its efforts to reverse the arms embargo enacted by Congress. Had the administration concentrated on pressing the Turks for a settlement rather than attacking the Congress, we may have had a settlement on the issue by now. But the administration's action has only made the Turks more stubborn.

For us to reverse our decision, as the administration proposes, would be a violation of one of the basic principles of our foreign policy—that U.S. weapons are supplied to other countries for defensive, not aggressive, purposes. If this body reinstates military aid to Turkey, which I pray it does not, we will have compromised our own deep rooted principles and set a dangerous precedent in the eyes of the world.

I urge my colleagues from both sides of the aisle to vote against resumption of military aid to Turkey until a reasonable settlement is reached between Turkey and Cyprus.

Mr. ANDERSON of California. Mr. Chairman, one of the most difficult positions a nation can face in foreign policy arises when two of its allies suddenly engage in conflict. This is the situation the United States faces on the island of Cyprus.

We are asked today to resume military aid to Turkey, while that nation still refuses to withdraw from Cypriot territory. I believe the history of this episode leaves us with little choice over which path to take.

At this time, I believe it would be a grave mistake to supply the Turkish Army with additional U.S. weapons.

Slightly over a year ago, Turkish forces invaded the island of Cyprus following the overthrow of the Cypriot Government, ostensibly to protect Turkish Cypriots from the revolutionary junta which had seized power. As a result of those events, the junta failed to maintain control of the government.

The Greek Government renounced the efforts of some extremists to take over Cyprus, and requested that the Turkish Army leave the island. Instead, those forces expanded their control and refused to leave.

Now, a year later, the Turkish Government still maintains its military presence in Cyprus. Huge portions of the island's population, both Greek and Turkish, have been forced to live as refugees, unable to return to their homes.

Turkey, in attacking a fellow ally of the United States with arms supplied by the United States, violated the agreements under which such military aid is made available. Thus, we had little alternative but to cease our military assistance to Turkey until that nation agreed to leave Cyprus in peace.

Turkey got away with threatening Greece, and with dominating the defenseless island of Cyprus. Apparently these successes emboldened that nation, because they are now trying to use the same tactics against the United States.

Instead of promises of a settlement on Cyprus, Turkey has responded by threatening to close down U.S. military bases in her territories.

Instead of peaceful withdrawal, Turkey has violated an earlier agreement with our Government and resumed the cultivation of opium poppies—the fruit of which will inevitably wind up in the streets of our cities, adding further to our own problems in drug control.

Instead of trying to heal the wounds caused by the unfortunate events of last year, Turkey has apparently decided to maintain its militant posture, and threatens to end its alliance with the United States unless we resume military aid.

Mr. Chairman, we cannot bow to threats, even from our own allies.

The bill before us today has been touted as a "compromise measure" by the State Department. Is it a compromise between Greek and Turkish interests? I think not.

This measure is a compromise only in the sense that it appears to be the only way the administration can gain its desire to rearm a nation that has violated its agreements with the United States—and has shown no intention of ending those violations.

This is no longer a "Greek against Turk" issue.

It is not something just opposed by the "Greek Lobby," whatever that is.

The only thing that is compromised by this bill is the integrity and strength of will of the Government of the United States.

And for those reasons, I urge my colleagues to oppose S. 846. Supplying weapons to Turkey will not bring that nation to the conference table—and that is where this dispute must be settled.

Mr. PEPPER. Mr. Chairman, I stated my views and opposition to this resolution when it was before the Rules Committee and I voted against reporting it out of the Rules Committee day before yesterday, the 22d. I think it is hurtful to the prestige and contrary to the interest of the United States to adopt this resolution lifting the arms embargo against Turkey.

That embargo imposed a few months ago was required by the admitted fact that the Turks sent to Cyprus and used in aggressive action their arms, weapons, and instruments of war which had been furnished to Turkey by the United States for use in the discharge of its functions as a member of NATO, in violation of the military sales law which forbade the use of such instruments of war except for the purpose for which they were delivered, namely, in furtherance of Turkish obligations under

NATO. Those facts remain the facts today. Nothing has changed those facts.

If the indirect effect intended by the embargo when it was imposed was to induce Turkey to come to some reconciliation in respect to the dispute between the Greeks and Turks of the Island of Cyprus and the Greek Government and the Turkish Government, then no progress has been made toward the settlement of that dispute. Turkey has done absolutely nothing toward reaching a peaceful settlement of the dispute. The Turks occupied Cyprus using American instruments of war furnished to her as a NATO power only, pressed on into the Isle of Cyprus until it occupied 40 percent of that island—the best part of the island economically. In doing so it dispossessed 200,000 refugees of their homes. They are still dispossessed—still not allowed to return to their homes.

So what is the justification for asking us to lift the embargo. Do the Turks ask us to allow them to be an exception to the Military Sales Law and to be permitted to use the weapons which we furnish for NATO purposes for any purposes for which they may wish to use them—aggressive or otherwise. If they be such an exception, will all the other countries who are subject to the prohibition of the same law ask us that they respectively be made a similar exception. Remember that we sell about $9 billion worth of arms a year and we sell to a great many purchasers. To make this exception would destroy the wise prohibition in the military sales law.

The only other reason given for this resolution is that the Turks have indicated that if we do not lift the embargo they may take away from us the bases—two of which are important—which we have in Turkey which serve the purposes of NATO, enabling us to gain valuable information about military activities of the Russians. But Turkey is a member of NATO and the function of those two bases is important to the security of Turkey—even more important—than it is to the security of the United States. Moreover, Dr. Kissinger made recently what was considered a very timely statement in Atlanta when he said any nation that did not want to have an agreement with us was at liberty not to have such an agreement—that if our agreement with them did not serve their interest as well as ours and they wanted to terminate it they could do so. Now, Dr. Kissinger seems to be retreating from his brave and proper position and making this great country yield a matter of law and, I think, a matter of honor, to the pressure Turkey is now imposing—a threat to take away some of their bases which we use with them for NATO purposes.

I want to make it clear, Mr. Chairman, those of us who oppose this resolution are not antagonistic toward Turkey. We do not approve of all the Turks have done or are doing but they are strong, brave people. They are a good ally for us to have, especially strategically located as they are. But they have no right to ask of us what others similarly situated would have no right to ask. Those of us who oppose this resolution are standing firmly by two principles:

First. Respect for the provisions of the military sales law.

Second. That the United States should not under threat from a nation with whom it has an agreement respecting the mutual security of that country and ourselves, ignore clear violations of our law, a just and wise law, by that country.

So, Mr. Chairman, believing that it is the right course to pursue as a matter of conscience and in the interest of the United States, I shall vote against this resolution and hope it will not be approved by this House.

Mr. CLEVELAND. Mr. Chairman, I will support S. 846, the compromise measure to release a limited amount of military equipment to Turkey in accordance with earlier agreements between that country and the United States. I do so not out of any desire to show favoritism to one ally of our country over another. In fact, I feel that it is imperative for the United States to be evenhanded in its conduct of foreign policy with respect to nations with whom we are friendly or allied.

This bill represents an attempt to demonstrate that kind of balanced approach to the unfortunate and emotionally charged situation which has produced such discord among Mediterranean nations. It is a reasonable piece of legislation dealing with a complex situation at a difficult time, designed to demonstrate to both Turkey and Greece that the United States does not wish to take sides in disputes between these countries or to take actions which will work to the advantage of one country or to the detriment of another. S. 846 provides for the delivery to Turkey of arms which were contracted for prior to the embargo which began in February of 1975, most of which have already been paid for. It proposes new military and economic assistance to Greece and additional humanitarian aid to Cyprus.

What this bill does not do is authorize new military assistance to Turkey without further congressional action. This provision is a particularly sensible one since it will give the United States time to evaluate the Turkish reaction to the lifting of our February embargo and to further examine the attitudes of all parties to the Cyprus difficulties. It also shows Turkey that by lifting our embargo, the Congress is not giving that country a green light to use these arms in any manner it wishes nor to act contrary to the interests of peace and reconciliation in the Mediterranean.

It is in the best interests of all countries involved in this difficult situation to take positive steps toward a peaceful, lasting solution to the Cyprus dispute. An evenhanded U.S. policy toward the principal antagonists, Turkey and Greece, is particularly necessary, not only for a resolution of this particular disagreement, but also for the strengthening of the NATO alliance and the security of the free world by maintaining U.S. access to very important military bases.

Finally, and not least of all, this bill preserves the integrity of congressional action to oversee an ally's use of U.S.-supplied arms, a principle for which I have spoken in the past. On October 15, 1974, when the House considered President Ford's veto of House Joint Resolution 1131 which mandated an immediate cutoff of military aid to Turkey, I offered the following remarks as part of my justification for voting to uphold the veto:

> While I firmly believe that the Congress should reassert its constitutional responsibility in the making of overall foreign policy, much of which has been abdicated to the Executive in recent years, I do not wish to see us overreact in the opposite direction—that of Congress dictating absolute terms for negotiating foreign policy to the Executive.

It is clear from the experience of the past 6 months that the arms cutoff which was intended to influence Turkey in the Cyprus negotiations had no such results. Thus, it is my concern that if we fail to pass this legislation, we will not only continue to harm Cyprus, but will pose grave risks to the security and stability of the entire eastern Mediterranean.

I urge my colleagues to support S. 846.

Mr. GUDE. Mr. Chairman, I do not intend to lengthen the debate at this point by going into great detail on the nature of the Cyprus problem, its genesis, who is responsible for it and other such questions. These are primarily for historians and students of international relations. What is important now is the answer to the problem, and it is toward a viable solution that our efforts must be directed. I do not have that solution, and I doubt that any of my colleagues here have it either. Nor should we have it. Any credible and lasting resolution of the situation on Cyprus can only be one developed and agreed to by those involved—Greece and Turkey and Greek and Turkish Cypriots. It is possible to say with certainty, however, that any solution will inevitably be a compromise. Partisans of both sides in this country should also keep this in mind. Compromise invariably lies somewhere between extremes, and while American policy must be that of justice, it must also be that of peace and compromise, a policy which is neither vengeful nor judgmental.

The question for us today is what policy will help achieve compromise and peace. It is my judgment at this point, that removing the embargo will not help to accomplish that objective. On the contrary, it will serve to justify and sustain all that has happened in the past year, and it will harden the Turkish resolve to impose their own solution on the island rather than to seek to negotiate one.

The administration has suggested that a lifting of the embargo will produce a conciliatory response in Turkey which will unfreeze the situation and lead to a satisfactory resolution. The administration's suggestions, however, must be based on firmer evidence to be convincing. Moreover, the fact remains—and this has never been refuted—the law was broken. Further, it is still being broken, as Turkey continues its use of American-supplied weapons on Cyprus. Not only was the law broken, but an American response was withheld for some 6 months, more than enough time for conciliation had anyone wished to try that approach. At this point I believe it appropriate that the intial gesture come from Turkey. Once made, I am confident that the Congress will reciprocate with a lifting of the embargo. In view of the legal aspects of this question, I believe this would be a more appropriate course of events and one which would more effectively insure that negotiations would take place and that a compromise would occur.

Mr. MAGUIRE. Mr. Chairman, I rise in opposition to restoring arms aid to Turkey.

A little over 1 year ago, tragedy struck the island of Cyprus. Today that tragedy continues. There are nearly 200,000 refugees on the island and the Cypriot economy lies in ruin. Forty percent of the island remains occupied by the military forces of Turkey. We have seen no progress in negotiations. Against this background President Ford is now asking us to resume arms support to Turkey. What Mr. Ford should instead be asking for is more aid to alleviate the human suffering being endured by so many on Cyprus, together with assurances from Turkey as to what positive steps Turkey is prepared to take to resolve equitably and satisfactorily the Cyprus issue.

Mr. Chairman, there is yet another issue at stake here today. In enacting the Foreign Assistance Act and the Foreign Military Sales Act, Congress prohibited arms provided to a foreign nation, either by grant or direct sale, from being used for purposes of aggression. Turkey violated the terms of our agreements with them and the Congress responded properly by placing an embargo on arms shipments to Turkey. We must not today abandon the principles embodied in these laws and agreements by reversing our policy on the embargo on shipments of weapons to Turkey in the absence of any conciliatory move on Turkey's part.

Should Congress choose not to continue the embargo, the consequences could be serious, both for Cyprus and for national and international security. Billions of dollars worth of arms are distributed each year by our country. Any present or future restrictions on the use of this materiel would be rendered all but meaningless. It is imperative that other nations recognize that violations of the terms by which the arms were provided are intolerable and carry the gravest of consequences.

The eastern Mediterranean has become a potential flash point of international tension, threatening both the peoples of the region and the world at large. This is further exacerbated by the volatile situation in the Middle East. For these reasons, coupled with Turkey's violation of law regarding use of our arms and the apparent lack of any positive efforts on Turkey's part to seek a peaceful, negotiated solution to the Cyprus problem, I regard renewed arms aid to Turkey as contrary to the national interest.

Mr. ASHLEY. Mr. Chairman, it is only after real soul searching that I have decided to vote for S. 846 and I will do so because on balance I believe the approach it takes is in the best interests of the United States.

Let me say that I cast this vote with reluctance because of my deep personal bond of friendship for many in my community who strongly and urgently take the opposite view, with reservations because I cannot say with certainty—any more than any one else can—that future events will bear out my perception of the national interest.

In all truth, there is no assurance that a partial lifting of the arms ban against Turkey will promote positive negotiations for a prompt and equitable settlement of the Cyprus issue. Nor is there any assurance that a continuation of the ban will help achieve this end. Events of the last 5 months would seem to offer evidence to the contrary. Faced with the uncertainties of both of these policy alternatives, my judgment is that a partial lifting of the ban—under very restrictive conditions—offers the best hope of prompting a just settlement of the cruel and dangerous situation on Cyprus.

But this is not the only issue involved. Just as France and Greece itself have acted to sharply curtail their participation in NATO, so Turkey is threatening to reduce their NATO commitment and to insist on the removal of key U.S. intelligence facilities from their key locations in Turkey across from the Soviet border.

The security of the United States is very much involved here—as, indeed, are the security of Greece, Turkey and Cyprus. The southern flank of NATO is of enormous strategic importance which cannot be discounted, regardless of our disposition toward one or the other of the allies who occupy this area. Our primary responsibility must be to assure the security of the United States and the other nations which comprise this vital defense organization.

Mr. Chairman, I voted for the imposition of the arms embargo against Turkey because I was offended and outraged by the precipitate military invasion of Cyprus by Turkey following the overthrow of the Cypriot Government at the instigation of the then Greek dictatorship. I do not now favor a complete lifting of this embargo—only a very limited resumption of arms purchased and largely paid for by Turkey prior to February 5, 1975. And I favor this limited resumption only with the certain knowledge that in less than 90 days the Congress will have a full opportunity, when the Military Sales Act is before us, to review developments, particularly the status of negotiations with respect to Cyprus.

Again, Mr. Chairman, this is perhaps the most difficult vote that I have cast since coming to Congress more than 20 years ago. But I must vote my conscience on the basis of my perception of the national interest, on the basis of bringing relief to the 180,000 refugees on Cyprus and restoring stability there, and on the basis of preventing complete disintegration in the relationship between Greece and Turkey.

Mr. HELSTOSKI. Mr. Chairman, as the House prepares to decide whether or not to lift the embargo on military sales to Turkey, a fundamental point of U.S. foreign policy necessarily comes into question. In both the Foreign Assistance Act of 1961 and, more recently, the Foreign Military Sales Act, the Congress has clearly provided that the sale of U.S. arms to foreign nations is contingent upon their use for defensive purposes only. The language of these laws is quite explicit; the Military Sales Act states that—

> Defense articles and defense services shall be sold . . . solely for internal security, for legitimate self-defense, to permit the recipient country to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations. . . .

The question thus raised is, will the United States now simply accept Turkey's blatent violation of our restrictions on the use of our arms, or will we refuse to resume this cooperation with that country until such time as the provisions of the agreement are respected?

The actions of the 30,000 Turkish troops now occupying Cyprus, carried out through the use of plentiful American equipment, are hardly worthy of our support. The economy of the island is being destroyed, as the Turkish-controlled northern sector, which comprises 40 percent of the total land mass of Cyprus and includes 65 percent of the cultivable, produced 80 percent of the island's industrial and farm products and accounted for 70 percent of the gross national product. Vandalism, murder, rape, and torture have become commonplace, while 180,000 Greek Cypriots have been made refugees. The Turks continue to exile Greeks from the land gained in last year's invasion, replacing them with their own people. Terrorism and the destruction of a way of life have resulted because U.S. arms were used for offensive purposes instead of "legitimate self-defense." If we now accept this violation of our laws and allow Turkey to complete her purchases of American arms, we will set a dangerous precedent for our foreign military sales throughout the world.

Supporters of the bill to end the embargo, H.R. 8454, have voiced their concern that by continuing our present policy we may alienate Turkey, weakening NATO and threatening agreements governing U.S. bases in that nation. What is being overlooked in the face of Turkish threats about these installations, is the importance of Greece in NATO and our bases, especially at Souda Bay in Crete, upon which the operations of the 6th Fleet depend. Greece has proved herself a valuable ally in the past, and deserves the same consideration as accorded Turkey; giving Turkey a free hand in the use of American war materials is clearly not in the best interests of Greece. We must be careful not to weaken our alliance with Greece in an overzealous effort to please Turkey. Both nations are essential to an effective NATO alliance.

The occupation of Cyprus by Turkish force and the atrocities being committed against the Greek Cypriots must end before we can consider resuming military sales to Turkey. Only through such a firm stand can we be sure that recipients of American arms will not be so fast to ignore U.S. restrictions in the future. At this point in the RECORD I include the following:

[From the CONGRESSIONAL RECORD, July 15, 1975]

FIRST ANNIVERSARY OF THE TURKISH INVASION

Mr. HELSTOSKI. Mr. Speaker, July 20, 1975, will mark the first anniversary of the Turkish invasion of Cyprus. A full year has passed and the crisis in the eastern Mediterranean still lingers on. Suppressed under a Turkish occupation force that controls nearly half of the island, Cyprus is still capable of touching off a war between Greece and Turkey.

Since the invasion, brutal atrocities aimed at the Greek Cypriots have occurred throughout the island. The Turks have repeatedly inflicted immeasurable suffering on these citizens to the point of being able to make a reasonable comparison with the savage and violent inhumane crimes of the Second World War. Their takeover has affected all aspects of the Cypriots' lives from the economic stability of the island to the education of both high school and elementary students. Vandalism, rape, torture, and murder are among the tales of horror that occur each day as the heavily armed Turks move through Greek Cypriot mountain villages.

I have strongly opposed the aggressive action and unjustifiable behavior of the Turkish Government and occupying forces. I therefore call upon my colleagues in Congress to oppose all measures that will lift the ban on U.S. military assistance to Turkey until such time as Turkish forces are withdrawn from Cyprus and there is a negotiated settlement by both Greek and Turkish Cypriots.

Mr. OTTINGER. Mr. Chairman, I have decided to vote against this resolution lifting the embargo on our military sales and aid to Turkey after much soul searching.

What most persuaded me was concern about undermining the Caramilis government in Greece. It seems to me the administration has acted very badly and against the U.S. interests in Greece over the recent past. We instantaneously recognized the Greek military junta and continued actions which boosted their authenticity despite continued repressive actions on their part against the Greek people. We stood by in incredible silence as the Greek junta attempted to overthrow the Cyprus Government and assassinate Archbishop Makarios. Then, upon the failure of that plot and restoration of democratic government in Greece, we turn our backs on the Greeks, do nothing to assist a resolution of the desperate situation of the Greek refugees on Cyprus, and now proposed to resume military aid to Turkey despite the fact that the Turks have neither made nor promised any progress on Cyprus negotiations. I greaty feared that passage of this resolution might endanger the Greek democratic regime.

Also, I have a great distaste for yielding to Turkish blackmail efforts, threatening to kick us out of our military bases in Turkey if we did not resume aid without conditions. Yielding to these threats would have provoked similar threats throughout the world.

Lastly, resuming military aid to Turkey without any Turkish concessions on Cyprus would serve to undermine the credibility of the important conditions we attach to our sales of military equipment around the world. If we let Turkey off with just a slap on the wrist, no other country would take these limitations seriously.

I was singularly unimpressed by the national security arguments put forward by Secretary of Defense Schlessinger and felt he once again badly misled us. Certainly his claim that we need a military installation on the Bosporus Canal to be able to tell what Russian ships are passing through and what they are carrying is ludicrous. I have been there. The Bosporus is so narrow that anyone can make these identifications from the shore without the necessity for any formal facility. Similarly, the other installations he described as essential defy credibility. Though they may be more convenient, the satellite pictures I have seen, so sharp you can read license plates on automobiles, certainly can provide the intelligence we need, and I understand there are other land-based facilities that can be used as well. This argument also neglects the importance of our Greek military installations that might have been jeopardized had we resumed arms to Turkey.

Indeed, one persuasive factor in making my decision was the lack of candor with which I felt we were treated by both Secretary Schlesinger and Secretary Kissinger on this subject.

In the last analysis, the Turks clearly violated the conditions of our provisions of arms to them. They invaded and occupied 40 percent of Cyprus using our weapons illegally and have grossly abused the Greek Cypriots since their occupation. They have been totally intransigent about settling the Cyprus dispute on any reasonable and acceptable basis. Under these conditions, and subject to the unconscionable threats to which they have subjected us, I just do not see adequate reason to reward this conduct in any way.

Furthermore, the relief offered in order to persuade the Turks to negotiate was totally open-ended in this legislation. Cash and credit sales were to be resumed without limit, the latter only subject to veto if in that act we were to decide to impose another embargo. This, it seems to me, represents serious overreaching by the administration, which appears in all cases to prefer peddling arms to any other diplomatic consideration. Indeed, our whole foreign policy seems based on provision of arms and nuclear sabre rattling, a matter which deeply disturbs me.

All in all, this seems to me to be a bill too fraught with inadequacies and dangers to be worthy of support on the outside chance it might induce Turkey to move toward meaningful Cyprus negotiations.

Mr. WRIGHT. Mr. Chairman, I voted on each of the occasions when the matter was before us previously to place a ban upon the sale of further military implements to the Government of Turkey. I did this because I felt very strongly that the Government of Turkey, under its previous administration, had clearly violated the terms of our military agreement by invading Cyprus.

While it unquestionably can be argued that the previous Government of Greece, under the military junta, also had violated these agreements by its invasion of Cyprus, this did not in my opinion justify our simply abandoning our long-standing policy of insisting that U.S.-supplied military equipment be used only for defensive purposes. This is the very cornerstone of our policy.

Subsequent events and the very urgent pleading of both the President and the Secretary of State have caused me to examine the present bill very carefully, and I believe it now may be timely to permit the limited and tentative resumption of our agreement with Turkey based upon the assurances and guarantees contained in this bill.

Since both Greece and Turkey have undergone changes in their governing administrations since the outbreak of hostilities on Cyprus, and since a settlement of the Cyprus dispute obviously has not been assisted by the hostile attitude which has developed between the United States and Turkey, I think it possible that a tentative relaxation of our total embargo conceivably might be productive of a peaceful settlement. Clearly our President and the Secretary of State believe that it could be.

At the same time, I want to make it absolutely clear that I am voting for this legislation only upon the guarantees contained in sections 2 and 3 of the bill before us.

Specifically, I am relying upon the absolute compliance with the language beginning on line 15 of page 2, as follows:

> *Provided*, That such authorization shall be effective only while Turkey shall observe the ceasefire and shall neither increase its forces on Cyprus nor transfer to Cyprus any United States supplied implements of war;

Further, in connection with any Presidential suspension of future embargoes, I am relying absolutely upon the clear provision contained in section 3, which appears in the bill beginning on Line 17 on Page 4, to wit:

> Any such suspension shall be effective only while Turkey shall observe the ceasefire and shall neither increase its forces on Cyprus nor transfer to Cyprus any United States supplied arms, ammunition, and implements of war.

I want to make it clear that if the present Government of Turkey should fail in any degree to abide by these clear and ambiguous conditions, I shall vote to reinstitute the absolute ban upon the shipment of any goods to that country when the Military Assistance Act comes before us for renewal within the next few months.

My decision to support this tentative and partial lifting of the absolute embargo at this time is influenced by the pleading of President Ford and Secretary Kissinger and their insistent belief that to do so is in the military interest of the United States and in the maintenance of vital U.S. defense installations in Turkey which presently provide our only means of monitoring Soviet compliance with the SALT agreements.

Since the hostilities of last year, both Greece and Turkey have new governments. Perhaps it is timely to let them both begin with fresh slates and a fresh opportunity to make peace on Cyprus, unimpeded by our understandable displeasure over actions of their predecessor governments.

But this willingness to give the new administration in Turkey an opportunity to demonstrate its good faith in negotiating an acceptable settlement on the Island of Cyprus and in a cessation of its aggressive activities on that island emphatically does not and should not justify us to surrender the basic and fundamental principal that military weapons and equipment purchased from this country must not be used for aggressive military adventurism or for offensive attacks on one's neighbors.

If these agreements are to any degree violated in the future, I shall have no hesitation whatever in voting to reimpose the ban.

Mr. MAZZOLI. Mr. Chairman, I rise without any enthusiasm to announce my intention to vote for S. 846 a bill to suspend in part the existing ban on U.S. arms shipment to Turkey.

This issue presents to me an excruciating dilemma.

A vote for S. 846 is a vote to resume the flow of arms and armaments to Turkey—a country in deep conflict with its neighbor, Greece.

I believe it is an unwise and improper policy for the United States to be arms dealer and weapons purveyor to the world.

I think this is wrong regardless of whether the arms are sent to Turkey, Greece, and Arab nations, or to Israel.

On the other hand, a vote against S. 846 is a vote against taking an initiative which might lead to the resolution of the impasse now existing between Greece and Turkey over the Island of Cyprus.

And as long as this impasse is not broken, the plight of the Greek and Cypriot refugees deepens and worsens.

I am persuaded, Mr. Chairman, by the statements of leading Members of Congress, by the President, and Secretary Kissinger that the only real hope for prompt, constructive moves toward a peaceful settlement of vexing issues involved in the Cyprus question is by a partial lifting of the ban—imposed this past February by the Congress—on arms shipments to Turkey.

Resolving this dilemma has been a terrible task for me.

In the final analysis, Mr. Chairman, I have decided to vote for S. 846 only because its passage might ease the human travail and suffering of the people of Cyprus.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the Clerk will now read the amendment in the nature of a substitute printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress reaffirms the policy of the United States to seek to improve and harmonize relations among the allies of the United States and between the United States and its allies, in the interest of mutual defense and national security. In particular, the Congress recognizes the special contribution to the North Atlantic Alliance of Greece and Turkey by virtue of their geographic position on the southeastern flank of Europe and is prepared to assist in the modernization and strengthening of their respective armed forces.

The Congress further reaffirms the policy of the United States to alleviate the suffering of refugees and other victims of armed conflict and to foster and promote international efforts to ameliorate the conditions which prevent such persons from resuming normal and productive lives. The Congress, therefore, calls upon the President to encourage and to cooperate in the implementation of multilateral programs, under the auspices of the Secretary General of the United Nations, the United Nations High Commissioner for Refugees or other appropriate international agencies, for the relief of and assistance to refugees and other persons disadvantaged by the hostilities on Cyprus.

SEC. 2. (a) In order that the purposes of this Act may be carried out without awaiting the enactment of foreign assistance legislation for fiscal year 1976 programs—

(1) the President is authorized, nothwithstanding any other provision of law, to furnish to the Government of Turkey those defense articles and defense services with respect to which contracts of sale were signed under section 21 or section 22 of the Foreign Military Sales Act on or before February 5, 1975, and to issue licenses for the transportation to the Government of Turkey of arms, ammunition, and implements of war (including technical data relating thereto): *Provided,* That such authorization shall be effective only while Turkey shall observe the cease-fire and shall neither increase its forces on Cyprus nor transfer to Cyprus any United States supplied implements of war; and

(2) the President is requested to initiate discussions with the Government of Greece to determine the most urgent needs of Greece for economic and military assistance.

(b) The President is directed to submit to the Speaker of the House of Representatives and to the Foreign Relations and Appropriations Committees of the Senate within sixty days after the enactment of this Act a report on discussions conducted under subsection (a)(2), together with his recommendations for economic and military assistance to Greece for the fiscal year 1976.

SEC. 3. (a) Section 620(x) of the Foreign Assistance Act of 1961 is amended by striking out all after the word "Provided," and inserting in lieu thereof the following: "That the President is authorized to suspend the provisions of this section and of section 3(c) of the Foreign Military Sales Act only with respect to sales, credits, and guaranties under the Foreign Military Sales Act, as amended, for the procurement of such defense articles and defense services as the President determines and certifies to the Congress are necessary in order to enable Turkey to fulfill her defense responsibilities as a member of the North Atlantic Treaty Organization. Any such suspension shall be effective only while Turkey shall observe the cease-fire and shall neither increase its forces on Cyprus nor transfer to Cyprus any United States supplied arms, ammunition, and implements of war.".

(b) Section 620(x) of the Foreign Assistance Act of 1961 is further amended by designating the present subsection as paragraph (1) and by adding at the end thereof the following new paragraph:

"(2) The President shall submit to the Congress within sixty days after the enactment of this paragraph, and at the end of each succeeding sixty-day period, a report on progress made during such period toward the conclusion of a negotiated solution of the Cyprus conflict.".

(c) Nothing in this section shall be construed as authorizing (1) military assistance to Turkey under chapter 2 of part II of the Foreign Assistance Act of 1961, or (2) sales, credits, or guaranties to or on behalf of Turkey under the Foreign Military Sales Act for the procurement of defense articles or defense services not determined by the President to be needed for the fulfillment of Turkey's North Atlantic Treaty Organization responsibilities.

(d) This section shall become effective only upon enactment of foreign assistance legislation authorizing sales, credits, and guaranties under the Foreign Military Sales Act for fiscal year 1976.

Mr. MORGAN (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. BUCHANAN

Mr. BUCHANAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BUCHANAN: Page 3, line 3, immediately before the period insert "pending a final settlement of the Cyprus refugee situation in the spirit of Security Council Resolution 361".

Mr. BUCHANAN. Mr. Chairman, I think this amendment simply clarifies the intent of the committee. I hope it can receive the approval of those on both sides of this issue in that it simply underlines our support of the Cyprus refugees and makes reference to the Security Council Resolution 361, which was passed on the 30th of August 1974 in their support.

The heart of this resolution is this:

1. Expresses its appreciation to the Secretary General for the part he has played in bringing about talks of leaders of the two communities in Cyprus.

2. Warmly welcomes this development and calls upon those concerned therein to pursue the talks actively with the help of the Secretary General and in the interest of the Cypriot people as a whole.

3. Calls upon all parties to do everything in their power to alleviate human suffering, to ensure the restoration of fundamental human rights for every person and to refrain from all actions likely to aggravate the situation.

4. Expresses its grave concern at the plight of the refugees and other persons displaced as a result of the situation in Cyprus and urges the parties concerned, in conjunction with the Secretary General, to search for peaceful solutions of the problems of refugees and take appropriate measures to provide for their relief and welfare and to permit persons who wish to do so to return to their homes in safety.

5. Requests the Secretary General to submit at the earliest possible opportunity a full report on the situation of the refugees and other persons referred to in Paragraph 4 of this resolution and decides to keep that situation under constant review.

6. Further requests the Secretary General to continue to provide emergency U.N. humanitarian assistance to all parts of the population of the island in need of such assistance.

7. Calls upon all parties, as a demonstration of good faith, to take both individually and in cooperation with each other, all steps which may promote comprehensive and successful negotiations.

8. Reiterates its call to all parties to cooperate fully with UNICYP in carrying out this task.

9. Expresses conviction that the speedy implimentation of the provisions of this resolution will assist in the achievement of a substantial settlement in Cyprus.

Mr. Chairman, we agreed in the committee to this section concerning the refugees on Cyprus to indicate our Government's concern for them; but I would add these words to underline that we do not consider this a final solution. We do consider this something that must be addressed in the negotiations. It is simply an underlining of our support of the rights of the Cyprus refugees and I believe fulfills the intent of the committee which it can be important if this legislation does pass.

Mr. BIESTER. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Pennsylvania.

Mr. BIESTER. Mr. Chairman, I support the gentleman's amendment. I think it is a clarification of the committee's intent. In emphasizing the plight of the refugees the gentleman points to the most serious human problem in this entire matter.

Mr. MORGAN. Mr. Chairman, I had read the gentleman's amendment earlier today. I have no serious objection to it, because I agree with the gentleman from Pennsylvania (Mr. BIESTER) that it reflects the committee's intent. I am for these refugees returning to their homes and a settlement on Cyprus.

Mr. Chairman, the majority side has no objection to the amendment.

Mr. BROOMFIELD. Mr. Chairman, we also have reviewed the amendment. We think it improves the legislation and is consistent with our original objectives in this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. BUCHANAN).

The amendment was agreed to.

Mr. BIAGGI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are coming close to the moment of truth, to a difficult decision for most; easy for some. But, I would be remiss if, at this point, I did not bring to the attention of the committee that the chairman of the committee, the gentleman from Pennsylvania (Mr. MORGAN) was responsible for the passage of the $25 million appropriation for refugee relief which I introduced as an amendment earlier in the year. For without his support this amendment would not have passed. I understand the difficulty of his position, and I respect it. However, at that point we part.

Mr. Chairman, I have listened to the entire debate this afternoon and I, like others, have pondered over the merits of the relative positions. I resented in some measure the implication that a lobby was distasteful, that a lobby was something to be avoided. We live in the midst of lobbies every minute of the day. This time, it is different because it happens to be of Greek ancestry. Yet, we were conspicuously silent in the acknowledgment that we did have those of Turkish ancestry lobbying equally as vigorously.

Let me tell the Members about the difference. Each of them believed that they were right. In my judgment and in the judgment concurred in by this Congress early in the year by the enactment of the embargo, the Greek lobby has one thing going for it, and only one, but it is the most compelling reason and the most compelling element for my consideration, at least, and I am sure for other Members. That is simple justice.

Somehow, in this procedural undertaking this afternoon, in the very clinical approach to foreign affairs, we forget the impact of justice. Now, what the devil has happened on that island? Right or wrong, who precipitated it at this point becomes obscure even if we find justification for the Turks invading Cyprus. Can we then find justification for them ravaging Cyprus? Can we find justification for the ravaging of the women, the ransacking of homes, the confiscation of properties?

The gentleman from Michigan (Mr. BROOMFIELD) said early on, "How long do we punish them?" They took that initial action. That would be right if they went onto the island and left it, but Turkey went onto the island and has and still occupys 40 percent of this land with 70 percent of its industrial wealth. I agree with the gentleman from Ohio (Mr. HAYS) when he said that he does not contemplate that the Turks will ever withdraw from Cyprus. The original statement was made that they are there to stay, they intend to stay. We know the intricacies of foreign affairs and the conduct of the Secretary of State and the Department of State, whose record leaves a great deal to be desired. I am certain they will remain in Cyprus no matter what concessions are eventually made.

Nothing has changed. The gentleman from Florida said it. Nothing has changed. The law somehow becomes important with certain issues, with certain people, and with certain nations, but the double standard used here indicates that the law is not important with Cyprus.

Let me tell the Members what frightens me. I see it more and more across the world: the United States is being regarded more and more as a papier mache nation. Its integrity, its fortitude, its determination to remain dominant with integrity is diminished and very seriously eroded.

What if we do pass this resolution today? We will, in effect, be giving a signal to every other nation which benefits as a result of our Foreign Assistance Act to utilize as they will, if it suits their national interests best, those weapons to invade other lands. It is significant. We never thought it would occur, but some people say it is happening. Well, it has happened here in Cyprus, we took action. If it is happening anywhere else, let us take action. This attitude of a double standard is what is perplexing to the American people and confusing to the Congress, and certainly should cease.

Mr. Chairman, I once again find myself rising to oppose the latest administration effort to thwart the will of Congress and resume arms shipments to the Government of Turkey. Their latest vehicle comes in the form of S. 846 which allows Turkey to be sent weapons and materials already purchased, as well as resume commercial sales. This legislation deserves to be soundly and swiftly defeated.

One year ago the island of Cyprus was brutally and illegally invaded by the Turkish Government. In the 12 months since the invasion, Cyprus has been devastated by Turkey and their occupation force. Even 1 full year later we find 40 percent of the island and 70 percent of all industrial and agricultural production controlled by Turkey. Yet even more significant is the fact that there are an estimated 200,000 refugees on the island typifying a deplorable example of human misery and suffering. We have attempted to assist and under an amendment I attached to the Foreign Assistance Act, Cyprus was given $25 million in emergency aid.

Yet peace is far from being a reality in Cyprus. The administration claims that the embargo which the Congress imposed on February 5, has hardened Turkey's resolve to avoid taking steps for peace. The fact is, an overwhelming number of Members feel unequivocally that a cutoff of aid is the only way of convincing Turkey to work for peace on Cyprus. The embargo has not even had long enough time to be effective and already the administration is seeking to lift it.

On what grounds do they seek to do this. One of their main arguments is that Turkey has shown signs of wanting to resolve the Cyprus crisis. I have seen nothing to document this contention and in fact it was only after American initiative that meetings between high Greek and Turkish officials took place.

The only real issue we must concern ourselves is the restoration of peace. This cannot be done by allowing Turkey to obtain more arms, for all this will do is allow them to strengthen their hold on Cyprus. The embargo remains the one key to peace. If the administration and Turkey were so convinced that lifting the embargo would bring peace why then did they offer no assurances to Congress that they would consider the lifting of the embargo a catalyst for working for peace. I am sure that if these assurances were available, there would be a great deal more support for S. 846.

In addition, we cannot forget that we are dealing with an important legal principle. Turkey was and continues to be in strict violation of the terms of the Foreign Assistance Act. Every troop of Turkey on Cyprus is illegal, every offensive action they take is illegal. Do we now vote for legislation which, in effect, condones the yearlong violations of Turkey in Cyprus. I cannot imagine anyone wanting to vote in this fashion, but I am sure there are some. Rejection of S. 846 will be a demonstration of both our support for peace on Cyprus and adherence to the conditions of articles of international law.

I have said on numerous occasions that the handling of the Cyprus crisis represented a sorry era in American foreign policy history. We in Congress sought to work at ending the conflicts and bringing peace to Cyprus. The administration is willing to prolong the misery and suffering which is exactly what will happen if we lift the embargo today. A lifting of the embargo without assurances that conditions will improve for the 200,000 refugees and others suffering on Cyprus would be a tragedy of profound significance. I want no part of such a vote, nor do my colleagues. A no vote is needed to preserve integrity and firmness in our foreign policy as well as offer a ray of hope for peace for the beleaguered people of Cyprus.

Mr. BADILLO. Mr. Chairman, I move to strike the last word.

Mr. Chairman and members of the committee: Now that we have come to the portion of the debate that has to do with the reading of the bill, I think it is important that we read some of the language very carefully, because the language of this bill is dangerous, and is the kind of language that has been dangerous to the Congress in years past.

On page 3, line 7, the bill says:

> The President is authorized, notwithstanding any other provision of law, to furnish to the Government of Turkey those defense articles and defense services . . .

The words, "notwithstanding any other provision of law," really mean that we are being asked to repeal the Foreign Military Sales Act and the Foreign Assistance Act.

We should have learned from the Gulf of Tonkin resolution and from other resolutions never to vote for a bill that uses the words "notwithstanding any other provision of law," because that is the way in which we indirectly repeal legislation that we would not otherwise repeal if the legislation were specifically named.

But we have more dangerous provisions further down in that section on page 3.

It has been said by the gentlewoman from Maryland that what we are doing here is capitulating in Turkey, but if we read on line 15, where is says, "*Provided*, That such authorization shall be effective only while Turkey shall observe the cease-fire and shall neither increase its forces on Cyprus nor transfer to Cyprus any U.S. supplied implements of war," those words are not merely capitulation, they are ratification of an existing condition.

If we vote for this, we will be accepting the fact, we will have voted for the fact, that Turkey is permitted to occupy Cyprus, that Turkey is permitted to have our weapons on Cyprus, because we say that they will not be allowed to increase them. But that means that they are allowed to retain what they have there.

We say that they shall obey the cease-fire, which means we are voting to allow them to remain in 40 percent of Cyprus.

So this wording is dangerous because we are, in effect, ratifying what already has been done.

For these reasons, I think that we must oppose the bill.

Mr. HAMILTON. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from Indiana.

Mr. HAMILTON. I thank the gentleman for yielding.

I appreciate the gentleman's concern in pointing to the phrase "notwithstanding any other provision of law," and I would like to give the gentleman my interpretation of it and point out one additional fact which I think changes the interpretation that the gentleman has given to that provision.

The authorization to complete the delivery of previous contracted-for goods, "notwithstanding any other provision of law," simply makes clear that existing statutes are not going to be an impediment to such delivery.

But the important thing is that Turkey is not relieved from its obligation under existing contracts and agreements which contain all the conditions on use and transfer and security of the U.S.-furnished arms required by U.S. aid policy.

So I do not think we are releasing Turkey from those obligations.

Mr. BADILLO. The gentleman has just confirmed what I said. The gentleman said all this means is that existing statutes shall not be an impediment to the delivery of arms. The existing statutes are section 505(d) of the Foreign Assistance Act of 1961, and section 4 of the Foreign Military Sales Act.

Section 4 of the Foreign Military Sales Act states that—

> Defense articles and defense services shall be sold solely for internal security, for legitimate self-defense, to permit the recipient country to participate in regional or collective arrangements or measures consistent with the charter of the United Nations.

The gentleman is repealing that section by the words "notwithstanding any other provision of law."

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from New York.

Mr. ROSENTHAL. I thank the gentleman for yielding.

The gentleman in the well is absolutely correct that those words "notwithstanding any other provision of law" for the first time repeals section 505 of the Foreign Assistance Act and section 4 of the Foreign Military Sales Act.

Mr. HAMILTON. If the gentleman will yield, the obligation of Turkey exists because of the existing contracts and agreements that they sign when they get this equipment.

Mr. MORGAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think perhaps we had better settle the controversy raised by my good friend, the gentleman from New York.

If the Members will take the committee report and turn to page 16, section 2, I am sure they will find a full description of the meaning of the words, "notwithstanding any other provision of law."

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from New York.

Mr. ROSENTHAL. Mr. Chairman, what this does, if I may suggest this, is to say that the restrictions on Cyprus contained on lines 15 to 19 are still there. These words, "notwithstanding any other provision of law," waive all other existing laws as to this $185 million. What it means is that Turkey could use these weapons, $185 million worth of weapons, for aggressive purposes and not then be in violation of American law if they were used anywhere other than on Cyprus.

In other words, if they used them against Greece or against any other country, they would not be in violation of existing American law. That is exactly what it provides.

Mr. MORGAN. No, sir, they would be. The report says:

> This permits deliveries to be made without regard to section 620(x) of the Foreign Assistance Act of 1961. It should be emphasized, however, that the items to be delivered were purchased under contracts containing all of the assurances and undertakings required by applicable legislation.

Mr. ROSENTHAL. Mr. Chairman, if the gentleman will yield further, the words, "notwithstanding any other provision of law," are to me very self-explanatory. They waive all other provisions of law that would amount to a restraint or a constraint on this $185 million worth of weapons.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from New York.

Mr. SOLARZ. Mr. Chairman, I think it is terribly important to clarify this fact, because if in fact the restrictions on the use to which the $185 million worth of weapons in the pipeline could be put which have been imposed by American law were removed from that phrase, then there might be a very good reason for voting against this legislation.

But in that regard I think there are two points to be made. The first is that the very same restrictions provided for in American law have already been written into the contracts which Turkey had signed at the time they purchased these weapons.

Mr. ROSENTHAL. But, if the gentleman from Pennsylvania will yield, any alteration in the law after that would nullify any other restrictions.

Mr. SOLARZ. Mr. Chairman, the restrictions had already been agreed to by Turkey when it signed the contracts. So even if the gentleman's interpretation is correct with respect to the repeal of American law, the contractual obligations into which Turkey had entered would still be binding.

Second, I think it is very important to call the attention of the Members of the House to the language on page 16 of the committee report which goes directly to the question of legislative intent.

On page 16 the committee makes it very clear—and I am now quoting—that—

> It is the committee's intention that these assurances and undertakings shall remain fully applicable.

Consequently, I do not think that there is any danger that the inclusion of this phrase, "notwithstanding any other provision of law," will result in a situation where the Turks are free to use these weapons for any purpose they want, because they are contractually prohibited from doing so, and the committee makes it clear they are not to be relieved of those obligations by virtue of this legislation.

Mr. BADILLO. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from New York.

Mr. BADILLO. Mr. Chairman, I thank the gentleman for yielding.

When I made my remarks, I want every Members here to understand that I did not get these provisions as the result of any obscure research; I got them from the committee report itself. The proper place to refer the Members is not page 16; it is page 20.

On page 20 the committee says:

> Following are the relevant provisions of law associated with the Turkish aid ban.

The committee has said it. I am quoting their own words. They cannot now say this is not relevant.

Mr. MORGAN. Mr. Chairman, the gentleman from New York is quoting from the minority report, not from the majority report.

Mr. BADILLO. Mr. Chairman, this cites section 3(c), and that is the section of the act we approved. That section says that anybody who uses defense articles or defense services in violation of the act shall be immediately ineligible for further aid at any time in the future.

That does not apply only to the minority report. That applies to Turkey. That applies to all countries. That is a section of the Foreign Military Sales Act.

AMENDMENT OFFERED BY MR. RYAN

Mr. RYAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Ryan: Page 3, line 19, after "war" insert the following:
>
> ": *Provided further*, That the authorities contained in this section shall not become effective unless and until the President determines and certifies to the Congress that the furnishing of defense articles and defense services, and the issuance of licenses for the transportation of implements of war, arms and ammunition under this section are important to the national security interests of the United States".

Mr. RYAN. Mr. Chairman, the amendment which I propose has a single objective: It is to assure that the partial lifting of the embargo on arms to Turkey would not go into effect unless such action is determined by the President to be important to the national security of the United States.

Much has been said in this debate about the southeast flank of NATO and about the various military and intelligence bases which the United States has access to in Turkey.

Those bases, we were told, are important if the United States is to have the necessary flexibility to respond to any crisis in the Middle East, in the Indian Ocean, or in the eastern Mediterranean.

Those bases are also important if the United States is to have adequate means to monitor any arms control agreements with the Soviet Union. SALT II cannot come into effect, it has been said, if we cannot monitor Soviet arms and missile actions. The bases in Turkey are important to such monitoring.

Much of the information about the military intelligence situation in that part of the world is classified. The Congress is in no position to make some of the day-to-day determinations in that field. But the President can, and the President should.

The Congress, at its peril, I believe, acts as its own foreign minister. We do not belong in that business ordinarily. We do not belong in that business in this particular case, and the President can much better determine what action to take.

My amendment would allow the arms which Turkey purchased before the cutoff—before the embargo—to be delivered only if the President certifies to the Congress that such deliveries are important to our national security.

The same thing would apply to commercial sales.

Only the President has the information and intelligence necessary to make such a decision, and it should be his decision to make.

Mr. Chairman, I believe this amendment is a perfecting amendment which allows even tighter or more sophisticated control of the present situation in Turkey.

Mr. JOHN L. BURTON. Mr. Chairman, will the gentleman yield?

Mr. RYAN. Yes, I yield to the gentleman from California.

Mr. JOHN L. BURTON. Mr. Chairman, I thank the gentleman for yielding.

I would just like to state for the record that when I called for Secretary Kissinger's resignation, it was not because I was not invited to one of his breakfasts, but it was out of a profound belief that the people would be better served if Mr. Kissinger served somewhere else.

I say that since that point has been raised to me.

Mr. RYAN. I thank the gentleman from California (Mr. John L. Burton) for making the point.

Whatever the gentleman's particular opinion is of Mr. Kissinger, this Congress, acting as a body, is much less able to make determinations regarding compliance with congressional limitations on a day-to-day basis than is someone in the executive branch.

How well the State Department does its job is our prerogative to comment on, but we should not be doing those day-to-day evaluations ourselves.

Mr. MORGAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I listened to the explanation of the author of the amendment, but I am just wondering about this: Do I understand that the gentleman from California (Mr. Ryan) is putting the responsibility of making the determination upon the President of the United States and that before any of the $185 million that is in the pipeline could move, there has to be a determination by the President of the United States that it is in the national security interest?

Mr. RYAN. The assumption of the Chairman is correct.

Mr. MORGAN. Do I understand, further, that this only pertains to section 2 of the bill?

Mr. RYAN. That is my understanding.

Mr. MORGAN. Mr. Chairman, I see nothing really wrong with the amendment as far as this side of the aisle is concerned.

Mr. BROOMFIELD. Mr. Chairman, I move to strike the last word, and I would rise in support of the amendment.

I think the gentleman from California (Mr. Ryan) has improved the amendment, and we accept the amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Ryan).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FRASER

Mr. FRASER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Fraser: Page 3, line 8, strike out "any other provision of law" and insert "section 620(x) of the Foreign Assistance Act of 1961".

Mr. FRASER. Mr. Chairman, this amendment clarifies the matter that was in contention a few minutes ago as to the meaning of the proviso, "any other provision of law." It would limit the waiver to only section 620(x) so that it could not be argued, if this amendment is adopted, that we are waiving other provisions of law which might open questions which would be of concern to many of us.

In my judgment the committee report is accurate with regard to the intention of the bill, but this amendment would simply assure that the intention stated in the report is, in fact, enacted into law.

So this is a clarifying amendment to remove the uncertainty that the gentleman from New York was concerned with. There is no need to have that uncertainty. Thus I think the amendment should be adopted, and I would hope the Members would support the amendment.

Mr. MORGAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am sure the members of the Committee on International Relations are familiar with this discussion. This amendment was offered during the markup of this legislation by the gentleman from New York (Mr. Bingham). Because the phrase "Notwithstanding any other provision of law" is mentioned in the Foreign Assistance Act many, many times, the committee felt that this was not necessary. But if there are any Members who feel strongly about eliminating the provision "notwithstanding any other provision of law", this amendment would do it and spell out what we are talking about. If that is the wish of the House, then the majority has no objection to the amendment. But we want to make it clear that this does not negate the purposes of the bill as outlined in the legislation before us. The pipeline and commercial licenses could go forward under the amendment as the committee intended.

Mr. BROOMFIELD. Mr. Chariman, would the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I wonder if the chairman, the gentleman from Pennsylvania (Mr. MORGAN) feels that in accepting the amendment we are in any way doing anything that would jeopardize the original purpose of the bill so far as aid going to Turkey is concerned?

Mr. MORGAN. That is right; it would not jeopardize the aid going to Turkey.

Mr. BROOMFIELD. Mr. Chairman, under those conditions, we on this side accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. FRASER).

The amendment was agreed to.

Mr. MOORHEAD of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the decision which faces the House today is difficult to make but easy to articulate.

If the President, the Secretary of State and our Committee on International Relations are correct, a vote for this compromise bill will open the way for negotiations between Prime Minister Caramanlis of Greece and Prime Minister Demirel of Turkey, which negotiations the President has promised to push in his meetings with both Prime Ministers in Helsinki next week.

If the President, the Secretary of State and the committee are correct, then by voting in favor of the bill we will have done a great service for the Greek Cypriots.

If, Mr. Chairman, the President, the Secretary of State and the committee are wrong, then the Congress can reimpose the embargo in October or November when the Congress must act on the Foreign Military Sales Act. Such reimposition of the embargo will have my full and total support.

On five separate occasions last year I voted in favor of the embargo against Turkey. The club of embargo has not worked. Let us now on a short term, limited basis try the velvet glove. I think there is a reasonable chance for success because of the change in governments of both countries since the invasion of Cyprus. Prime Minister Caramanlis was elected after the invasion of Cyprus; Prime Minister Demirel came to office this year. We are not dealing with Prime Minister Ecevit, who was Prime Minister at the time of the invasion of Cyprus.

I know that Greece wants a peaceful settlement on Cyprus. I believe that Prime Minister Demirel would like a peaceful settlement if he can do so without adverse political repercussions in his own country.

I believe that a peaceful settlement of the dispute between our two NATO allies is not only in their best interest, but also in the best interests of the United States.

I believe that enactment of this bill today will enhance the chances of this much to be desired outcome.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD of Pennsylvania. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

The difficulty with reimposition of an embargo is that it is subject to Presidential veto. At the breakfast we attended with the President, he refused to commit himself not to veto the bill. So is that not elusive?

Mr. MOORHEAD of Pennsylvania. The gentleman from Pennsylvania and the chairman cannot tie this reimposition to a nonvetoable bill. If he does, he will not have the continued respect that I expect to have for him.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD of Pennsylvania. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. I thank the gentleman for yielding.

Of course, the Foreign Military Sales Act is a total package, and I do not believe there will be any veto of that bill. If there is a veto, I imagine it will be overridden in this body.

Mr. OTTINGER. If the gentleman will yield further, that bill has not even been passed.

The CHAIRMAN. The time of the gentleman has expired.

AMENDMENT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOODLING: Page 3, strike out line 20 through line 23 and insert in lieu thereof:

"(2) the President is requested to initiate discussions with the Government of Greece to determine the most urgent need of Greece for economic and military assistance and in such discussions the President shall express the sense of the Congress that if Turkey has withdrawn all Turkish forces from Cyprus, no additional military assistance shall be provided to Greece until all Greek military forces are withdrawn from Cyprus.

In exercising the authority granted by paragraph (1), the President shall take steps to insure that the percentage, on a dollar value basis, of the defense articles and defense services authorized to be furnished by paragraph (1) which have been delivered to Turkey at any given time does not exceed significantly the percentage by which the Turkish forces which are on Cyprus on the date of enactment of this section have been reduced prior to such time."

Mr. GOODLING. Mr. Chairman, I have a slight problem with the resolution or the act as it is presented. I have been lobbied by all of the Greek forces and all the Turkish forces, the White House, the Department of State, the committee, and other Members of Congress.

If it is appeasement we are talking about, then I am concerned about Chamberlain going in that direction and we had World War II. If it is fear we are talking about, I am concerned because we feared China and Russia and therefore extended the Southeast Asia conflict for years and years when it could have been ended quickly.

This resolution is intended to demilitarize Cyprus by allowing Turkey to receive arms already purchased and in the pipeline contingent upon the removal of Turkish forces in a directly proportional plan. For example, if Turkey removed 25 percent of its troops in a month, I would receive 25 percent of the armaments authorized. This amendment also provides if Turkey withdraws its forces from the island Greece must do likewise. If Greece fails to remove its troops, now numbering 1,200, and depending on who one talks to one can get different numbers, further assistance would be denied Greece.

I believe such treatment would be evenhanded to both Greece and Turkey and more importantly to Cyprus.

Demilitarization of Cyprus would be a necessary first step in achieving settlement whereby the Cypriots could best determine their own future. My worry and concern is that somewhere along the line we have given up that right of self-determination and I think it is that right of self-determination which separates America from most other countries in this world.

Mr. PEYSER. Mr. Chairman, will the gentleman yield for a question?

Mr. GOODLING. I yield to the gentleman from New York.

Mr. PEYSER. Mr. Chairman, I am interested in what this amendment says. I want to be sure I understand it. The gentleman says in this amendment for instance that if the Turks were to withdraw 10,000 troops, which would be approximately 30 percent of what they have now on the island, that then they would be eligible for 30 percent of what is in the pipeline for them as far as military supplies?

Mr. GOODLING. That is correct.

Mr. PEYSER. And then the Greeks on the island would have to remove 30 percent of their troops. In other words this will keep the ratios equal as they go along on all accounts?

Mr. GOODLING. Yes, that is correct.

Mr. BROOMFIELD. Mr. Chairman, I rise in opposition to this amendment.

First of all the amendment is unrealistic. It seeks to dictate one of the terms of the agreement for a Cyprus solution. Obviously neither the Greek nor the Turkish troops will withdraw while troops of the other country remain. The objectives of this amendment could be achieved only if the parties agreed to a simultaneous and complete withdrawal as part of an agreement. Under the 1960 arrangement both Greece and Turkey are permitted to maintain small garrisons on Cyprus and the troops of both nations have been present there since 1960. It is extremely unlikely, in view of the past history, the existing agreement, and present tensions that a complete withdrawal of all Greek and Turkish troops would take place in the near future under any foreseeable settlement agreement.

The bill is intended to promote a favorable climate for negotiations and encourage an early negotiated solution. But Congress cannot dictate what the terms of an agreement between the Greek, Turkish, and Cypriot parties should be. U.S. assistance should not be conditioned upon the inclusion of specific terms in the agreement. Moreover, the terms contemplated by this amendment—immediate withdrawal of all forces by both sides—are most unlikely. The amendment would not be effective in determining the provisions of the settlement agreement. It would only produce resentment and diminish U.S. influence with all parties.

Mr. EDGAR. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I hope not to take the full 5 minutes.

I stand not only in opposition to the amendment, but also in opposition to the committee bill.

Mr. Chairman, it seems to me that the issue here at stake is the issue of action involving what our foreign policy should be toward Turkey, toward Greece and toward Cyprus. I think one of the major words in that action should be the word "compromise."

I was pleased a few weeks ago with the briefing that was held in the State Department with Henry Kissinger. I think he shared honestly with us the political situation in Turkey and his perception of the importance of the bases in Turkey. At that time he leaned in the direction of compromise.

I know some of my colleagues stood and asked precise questions of Mr. Kissinger. Those questions dealt with the consideration of compromise and how that compromise might be worked out.

Less than 12 hours later there was an announcement made at a Presidential breakfast by the chairman of the committee and the President that a compromise had been worked out.

It seemed strange to me at that point that we had just that previous evening been brought into a dialogue about how important that compromise was and then within a very short period of time that compromise was laid out on the table and, in fact, was not a compromise at all. In fact, it gave to the Turkish Government everything that they had been asking for. It held very little back.

It was very much like having a dollar and compromising with someone who wants to steal that dollar by giving them 95 cents.

I think it is strange that the administration has sought to orchestrate a compromise which, in fact, is not a compromise.

I think it is strange that the Turkish Government has employed American guns provided by American taxpayers to invade and occupy Cyprus. At this moment American guns are trained on Greek Cypriots and American bullets are being used to deny Cypriots their right of self-determination.

Mr. Chairman, today we will be voting on S. 846, a bill to lift the embargo on military assistance to Turkey which was imposed on February 5, 1975 in response to the use of American arms by Turkey in her invasion of Cyprus.

This legislation would allow the delivery of all military arms contracted for sale to Turkey up to the arms embargo and the renewed sale of arms from American manufacturers to Turkey. This legislation further provides for the eventual resumption of the sale of arms subsidized by our Government to Turkey so that the Turkish Government can buy on credit at lower interest rates.

I am firmly opposed to providing arms for the Government of Turkey. Providing aid to Turkey violates the principles of our foreign military assistance program, endangers world peace, and jeopardizes even our own domestic peace.

When President Truman proclaimed the Truman Doctrine in March 1947, he recognized the danger of Soviet aggression against our Greek and Turkish allies. Our military assistance has always been intended to be solely for the defense of our European allies against the aggression of other states.

The Foreign Assistance Act of 1961 and the Foreign Military Sales Act specifically state that U.S. military assistance is only available for internal security, for legitimate self-defense, to permit the recipient country to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations. Why then should our President permit—let alone encourage—military assistance to Turkey in flagrant violation of the law?

Mr. Chairman, the Turkish Government warns us that if the U.S. Congress does not concede to their demands for arms, they will not permit American bases to remain on Turkish soil.

I know that this is a highly sensitive political issue and that these bases are vital to our national security, but if we yield to Turkish extortion today, what demands will other governments who host American military facilities press on us tomorrow?

If our defense agreements require that our Government bribe tyrants and appease aggressors, then we are as corrupt as those we are quick to condemn.

Frankly, I do not believe the Turkish threats. Ordering the removal of American defense facilities would certainly squash all Turkey's future hopes of obtaining military aid from the United States. The weak Demirel government cannot afford to toss out their trump card so early in the game.

If we deny this aid, the Demirel government will try again to obtain American aid, and next time they may realize that they have to make concessions concerning Cyprus to demonstrate their good faith to our Government.

But if we grant this aid, U.S. personnel will most certainly be expelled from our Greek military installations, and our relations with our Greek allies will be irreparably damaged.

Moreover, restoring military aid to Turkey would seriously undermine the stability of the Greek Government. One of our country's most distinguished statesmen, former Under Secretary of State George Ball has stated that lifting the arms embargo to Turkey would have a "catastrophic" effect on the new democracy in Greece.

Will this Congress permit our defense agreements with our allies, which form a net against foreign aggression, to entangle us in endless acts of aggression between and among our allies? If so, then today's vote will begin the slow undoing of American power at the expense of our Nation's security.

Second, lifting the arms embargo to Turkey would jeopardize world peace.

There has been no progress in the peace negotiations. The Turks will not offer concessions to the Greeks. Yet the President insists that the Turks must be given more American arms before they will make peace.

President Ford and Secretary Kissinger have done nothing to compel the Turks to make peace. Since the arms embargo was imposed, the administration has continually assured the Turkish Government that the arms embargo would soon be lifted. Only 11 days after the ban became effective the administration proposed the repeal of the ban. Knowing this, why should the Turkish Government have felt compelled to make any concessions? The administration never gave the arms embargo a chance to succeed in forcing the Turkish Government to negotiate.

The President is responsible, therefore, for Turkey's intransigent attitude toward the peace settlement. The President's appeasement of the Turks may lead to still more fighting and bloodshed among the southern flank of NATO, if we concede to the repeal of the arms ban.

Finally, military aid to Turkey would condone the Turkish Government's unilateral breach of the 1971 agreement to terminate poppy growing. The Turkish Government has permitted the resumption of poppy growing, extended it to three more provinces, and granted a general amnesty for all Turkish citizens previously convicted of drug traffic.

We cannot tolerate this violation of an international agreement, nor can we vote for military assistance to a government which is directly responsible for millions of dollars worth of illegal heroin traffic in the United States. My distinguished colleague from California, Mr. EDWARDS, has stated that at the present rate of heroin addiction there will be 1½ million addicts in the United States by 1980.

Section 2291 of title 22 of the United States Code provides for the suspension by the President of military and economic aid to any country which fails to take adequate measures to control illegal drug traffic. But the President will not exercise this authority. By voting to continue the arms embargo to Turkey, we will signal to that government that their poppy-growing policies will not be tolerated.

A vote to suspend the arms embargo is a vote against America's people, against our cities, our youth, and our future.

Mr. Chairman, to preserve the principles of our NATO defense pact, to restore peace to our Mediterranean allies, and to protect our Nation's cities from the scourge of heroin addiction, I urge my colleagues to vote against S. 846.

Mr. Chairman, thank you.

I think compromise is in order. Therefore, I urge my colleagues to vote down the committee bill, and force the administration and Congress to work out a compromise that makes sense and not the so-called compromise they offer in this position.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, of

course, other compromises are possible, but I think the Members of the House ought to recall that the condition that we added to the bill which is now the law, that became effective in February, was itself a compromise, because we said that we would suspend the operation of our law if the President certified that there was substantial progress in the negotiations for a settlement on Cyprus. In other words, we were willing to waive the provisions of our law, not for final settlement, but just substantial progress. But there has been no substantial progress.

Now, I attended one of the White House breakfasts. I have been searching my soul ever since to figure out the right thing to do here. Each time I come out at the same place as before. We are asked to give up on two principles; one, that we will not be blackmailed by every country that has our bases; second, that we will give or sell arms only to be used for defense. All we get in return for abandonment of these principles is the President's assurance that Mr. Demirel will negotiate. But they have already been negotiating. When I asked what is the difference between what they have been doing and what they have said they would do I was told, "Well they have not been seriously negotiating."

In other words, there has been no substantial progress. So the President was quite right not to sign any such certification.

Let us have a compromise. Let us have a commitment, maybe not a public commitment, but a private assurance, if necessary, that Mr. Demirel's government will withdraw unilaterally from the land they occupied in violation of the U.N. cease-fire line. Then the President can make the certification and we will not have to go through this exercise.

Mr. MORGAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Connecticut (Mr. Moffett).

Mr. MOFFETT. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Pennsylvania (Mr. Edgar).

I was most pleased that the gentleman mentioned the meeting that the new Members had with Secretary of State Kissinger. It is important to point out there has been an effort, not only from us, but from many Members on both sides of the aisle, to compromise, to adopt a conciliatory attitude in this matter. I think the resolution, with all due respect to the committee, simply does not reflect that.

Yet, the resolution, with all due respect to the committee, simply does not reflect that.

Mr. MORGAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Pennsylvania (Mr. Goodling). As another Member has said, this amendment is unrealistic and misguided. Under the Zurich Treaty, Greece has the right to have 950 troops on Cyprus. Under the same agreement, Turkey has the right to have 650 troops.

They must be there, because if we follow the Goodling plan and adopt the Goodling amendment, neither country would have any military forces on Cyprus and we could see the worst bang-up fight we ever saw in our lives, and more people could get killed than perished in the Turkish invasion. This is an amendment that the committee should not accept. It is an amendment that even King Solomon would have difficulties applying, and I think it would be tragic for Greece, Turkey, and Cyprus.

Mr. DENT. Mr. Chairman, I move to strike the last word.

Mr. Chairman and members of the committee, I do not intend to get into a discussion of the merits or demerits of the proposal before us. I just want to talk to the Members for a little bit.

In all my years, whenever an issue came up, I tried to use what I thought was my best judgment, measuring it from all the angles. In the first five votes on this question, I voted for the arms embargo on Turkey, my best judgment of the situation at the time. It was said I voted for the Greeks; if so, I thought they were right at the time.

In recent days, I have had some in-house conversations with some Members, and I looked at it from another view on the basis of what information they gave me. I have always had a very fine relationship with the Greeks and Italians, Irish, Jews and all my neighbors, but I never considered them as ethnic groups, coming from an ethnic group myself that has never in its history in my area of the country formed a pressure group based upon its ethnic background. I think my Greek friends are American as I believe myself to be.

What happened last evening and this morning came at a very bad time. I just happened to be reading an article in the paper that was laying on my desk, which was about ethnic pressure and lobbyists getting into foreign policy. It was very interesting. I did not realize how significant it was until one of my girls came in. She was in tears and said that she just could not take it any longer. She was getting telephone calls, and as fast as she would hang the phone up, she would get another one, and the language was rather abusive in some cases.

One would think that I had never done a favor for anybody of Greek extraction. In the 43 years of being a legislator I thought I was their friend when they came with problems I could help with. All of a sudden someone calls my district and tells them that they heard I was going to vote for what would now be called the Turkish position. I had never voted that way before, so whoever called must have had some information I myself did not possess at that moment.

I told the gentleman from Pennsylvania (Mr. Morgan) that I was going to vote against him on the proposal until I heard some very disturbing things, and I questioned the gentleman from Pennsylvania. He sincerely believes that it is for the welfare of my country and his and that of all the people. It seems the only thing to do to break a stalemate on Cyprus I had decided to vote, not for the Turks or against the Greeks, but for what I think is best for my country.

I do not like to be intimidated. I do not like to be called foul names, and I do not like my girls to hear threats. It is not necessary and does no one any good.

Mr. Chairman, at the proper time I am going to ask permission to revise and extend my remarks to put this article in the Record. It came at a moment which caused me to stop and think.

It is time we quit, voting on the basis of our ethnic, color, or religious beliefs. That should be relegated to the long dead past.

These divisions are destroying the whole legislative process.

I would like to read Kevin P. Phillips' article on "Ethnic Lobbyists":

MEDITERRANEAN—ETHNIC LOBBYISTS DIG IN FOREIGN POLICYMAKING

(By Kevin P. Phillips)

There is a longstanding concept that the United States is the richer for being an ethnic meltingpot—a nation of strength through diversity.

In recent years, it has become apparent that the meltingpot is an illusion, and that ethnic identity is not only persisting but taking on renewed importance. Unfortunately, this same trend carries over to the international sphere. More than at any time since World War II, ethnicity is a major factor in shaping U.S. foreign policy.

Consider the Eastern Mediterranean. It is probably one of the most volatile and strategic areas in the world, but our policymakers cannot pursue national interests without first fighting their way through powerful ethnic lobbies—notably Greek and Jewish—whose interests are more parochial than those of the United States.

Time Magazine recently ran an instructive piece on the "Greek Lobby" captained by Democratic Congressman John Brademas of Indiana and ex-GOP Treasury Department official Eugene Rossides. Washington representative of the American-Hellenic Institute. Angry at Turkish activities in Cyprus, the Greek Lobby is trying to convince Congress to maintain the ban on arms to Turkey. In response, the Turkish government—if the U.S. does continue the arms embargo—may close U.S. military bases that Washington considers vital. When the votes in Congress are counted, what happens to American interests in Turkey may depend less on strategic considerations than on the maneuverings of the Greek lobby.

Only a few hundred miles away, a kindred situation prevails with regard to Israel and the Arabs. American policy is strongly affected by the influence and power of the U.S. Jewish community. Back in 1973, before he retired from the Senate, Foreign Relations Committee Chairman J. W. Fulbright appeared on the program "Meet the Press" and was asked if under certain circumstances, the United States might not be wise to cut off aid to Israel. Fulbright said "Yes, but the United States Government is not capable of doing that, because the Israelis control the policy of the Congress and the Senate . . . the emotional and political ties are too strong. I have witnessed that. I can speak from my own experience in the Senate." In November, 1974, the Israeli newspaper Haaretz ran a detailed article on the operations of the Washington lobby—the American-Israel Public Affairs Committee. Said Haaretz: "The office looks like an operational center. The walls are covered with maps, a board and different signs; this enables those in the office to know the status of every bill or amendment brought to debate in both Houses of Congress."

Here it is appropriate to note, however, that ethnic debate is not so one-sided as in the Greek-Turkish conflict. There are hardly any Turkish-Americans (and the Washington Turkish lobby is non-existent), but the Arab lobby in Washington is grow-

> ing. Officials of the National Association of Arab-Americans met with President Ford and Secretary Kissinger several weeks ago.
>
> Looking westward from Israel, one can find several other American ethnic influences on foreign policy. Take the case of Portugal, where the mid-Atlantic Azores Islands are totally out of sympathy with the Communist-tilted Lisbon regime. There is a big U.S. Air Force base in the Azores, and most Azoreans have relatives in the United States—as many people of Portuguese-Azorean descent live in Massachusetts and Rhode Island as in the islands themselves. Not surprisingly, there has been talk among Azorean islanders of seceding from Portugal and attaching themselves to the United States. Azorean-Americans in New England have picked up this idea, and the U.S. State Department is understandably nervous that such speculation might upset Portugal.
>
> Some of the ethnicity in U.S. foreign policy is benign like the recent visit to Norway of Senators Hubert Humphrey and Walter Mondale, both of Norwegian descent. But in Mediterranean policymaking, ethnic lobby operations are something less than a boon to clear-minded pursuit of American interests.

That is why I sincerely sought language in grammar school, because I know, from my own life, that it is a serious matter and one that we had better take a look at. I wish the Members would read it in the RECORD.

It has not strengthened my resolve to vote the way I am going to vote, but it is a matter that is so serious to my principles, because I believe that we should disengage ourselves from addressing Americans as Greeks, Italians, Jews, or Irish, and we should not go back to the days of the early 1930's and live through that type of thing.

Mr. FRASER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, unlike other speakers who have referred to the earlier votes on the cutoff of aid to Turkey and have now looked at it retrospectively as a mistake, I think it was the right thing to do at that time. Mr. Sisco told the Turkish Government at the time the Cyprus crisis was in progress that if the Turkish Government went too far, a likely reaction would be an aid cutoff by Congress.

So when we cut off the aid, in effect we were reinforcing the diplomancy of the executive branch.

I supported the aid cutoff because it seemed to me it did give some force and vitality to the American law which said that our weapons shall not be used for offensive purposes.

The bill in front of us does not restore the aid. The bill in front of us is a partial restoration only for pipeline aid, but no new sales are authorized, and the pipeline aid attributed to grant aid is withheld completely. In my view, one can have a good argument either for or against the bill without any difficulty. The central issue, in my judgment, centers on the welfare of the refugees on Cyprus and the problems facing both the Turkish and Greek Cypriots. They are at the center of this controversy and it is their welfare that should be our concern.

In my view, the United States is one now of three parties, the United States, Greece and Turkey, and we are the ones who can show that we are not frozen in cement. We are the ones who are somewhat removed from the emotions of the controversy and can indicate some modest movement, in the hope of getting negotiations started.

I am not optimistic the negotiations will start if we pass this bill, but I am reasonably convinced that if we fail to pass the bill there will be no help to the refugees of Cyprus and no movement toward a resolution of the political problem, and this is what concerns me very deeply.

George Ball testified before our committee against the bill when it was in the committee. He said that we have to uphold the American law that forbids the use of American weapons for offensive purposes. But he said the United States should do something. He said the United States should move, we should not remain fixed and frozen.

I called him yesterday and I asked him what his view was of the committee bill after we had amended it so that no new sales would be permitted until after the authorization bill is passed this fall. He said that, in his view, it would be wiser to pass the bill in the amended form than to kill it.

I refer to George Ball for two reasons. One is that, in my judgment, throughout the past decade his wisdom on foreign policy has been demonstrated to be considerably greater than that of many other people who seek to advise us.

He was right on Vietnam from the beginning. He was one of the very few who were right from the beginning.

He was also against this bill in its earlier form, but he now thinks we should pass it because of the added provisions which the committee has adopted.

Let me add that the military aid is not a significant factor in the military balance. Greece has over $600 million in the pipeline. That is money which is flowing to Greece today. Greece continues to be eligible for new sales every day. The pipeline amount we would release for Turkey is one-third of the pipeline amount currently available to Greece, and no new sales are available until we take a second look at this problem later in the fall.

Mr. Chairman, let us consider as the principal problem the welfare of the Cypriots, both the Greeks and the Turks, and let us recognize that we are the only one of the three parties that can show a modest degree of movement on this issue—the same kind of movement we have asked of Israel, the same kind of movement we asked of Egypt, and the same kind of movement we asked of Syria. We ask this of other countries in the Middle East and elsewhere; we ask them to show movement when it comes to these political problems.

Mr. Chairman, I suggest that we can now show some movement of our own.

Mr. RUSSO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to S. 846. In February of this year we imposed an embargo on arms shipments to Turkey because a principle and a rule of law was violated.

Let us look at history since February 5 of this year. What reason can we give our constituents and the American people for us to change our position on this matter? Why should we change our stand now? What has Turkey done to prove its good faith to justify such a change now?

I will tell the members what they have done. They have brought in Turkish citizens to increase their population on Cyprus in order to later justify holding 40 percent of that island. They have grown poppies in the section which is occupied by the Turkish army. They are circulating Turkish money, and operating on Turkish time in the occupied section. In addition, they are oppressing 200,000 refugees. That is what they have done since February 5 of this year.

So now it is suggested we go to the American people and tell them that the Congress in all its wisdom, based on all the things we have seen since February 5, is now going to reverse its stand and principles and the rule of law.

What kind of precedents are we going to set in this Congress today if any country, no matter how large or no matter how small, can blackmail the United States by saying, "We are going to take away your bases if you do not do what we want"?

I asked the President and I asked the Secretary of State:

> What assurances do we have that if we give them the arms, 6 months from now they will not still be violating this agreement and they will not still be suppressing the population of Cyprus?

And he said:

> Well, you know you can just change the law. You can reimpose the embargo.

Mr. Chairman, let me tell the members what will happen 6 months from now if we do that. They can still take away our bases. So what have we accomplished at the end of 6 months? We will have destroyed our image throughout the world; we will have destroyed our prestige and our standing in the world.

We have had the experience of what has happened in Vietnam, and now it is proposed that we cave in to foreign pressure once again. We will see other countries imposing this will on us by blackmailing us with the threat of closing our bases.

The Turks say that they want some sign from the United States. We have given them a great sign. The Senate has passed the raising of the embargo.

What else do they need? All we ask is that they show us some good faith—just some. They do not want just a little give-and-take on their part; they want the entire ball of wax. They say, "Either it is our way or no way."

The gentleman from Arizona (Mr. RHODES) asked:

> What does this do to America? I will tell the minority leader what this does to America. It makes us succumb to blackmail; it compromises our position in the world.

The gentleman from Arizona agrees with certain statements that were made that the Turks had a right to move in. I may not agree with him, but I will give him the benefit of the argument and say that maybe in the initial stages they had some reason to move in.

But why was it necessary to take over 40 percent of the island—using U.S. arms and U.S. military equipment in doing so. There was no need for that aggression.

So, Mr. Chairman, I will just reemphasize to my colleagues of the House that this is a question of law, this is a question of principle. These are the things we ought to be voting on here. This is not a Greek question or a Turkish question. It is a question of principle of law, a question of what this Government stands for.

I urge that the House defeat S. 846.

Mr. MORGAN. Mr. Chairman, I wonder whether we can dispose of the amendment. I think it is a good one. I do not think anybody is objecting to it.

The CHAIRMAN. Is the gentleman from Pennsylvania making a unanimous-consent request?

Mr. MORGAN. I am, Mr. Chairman. I ask unanimous consent that the vote occur right now on the Goodling amendment and all amendments thereto.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING).

The amendment was rejected.

Mr. HAYS of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to reply to some parts of the speech made by my good friend, the gentleman from Illinois (Mr. RUSSO).

In the beginning, let me say that I have been expecting a poppy to sprout on the floor here all day, and finally one did.

There is not a scintilla of evidence that I have been able to find anywhere at all that the Turks have grown one poppy on Cyprus that was not already an ornamental flower in somebody's front yard. In fact, Cyprus does not have the right climate for poppies.

However, while I am on the subject of poppies, as we know, the Turks banned their farmers, who have been growing them for years, from growing them for 2 years. The farmers are a very peculiar breed. They are like the American farmer. They do not want to be told what they can grow and cannot grow.

There was a big political uproar about it. I brought this matter up with Turkish Government officials, and they said:

> We quit growing poppies, but your drug problem just kept going on. They grew more in Thailand, to whom you are giving arms and aid. They grew more in Latin America, to whom you are giving arms and aid. We don't understand your problem, really.

I said:

> What do you mean, that you do not understand it?

They said:

> We do not have any drug problem in Turkey.

I said:

> How do you handle it?

They said:

> Anybody who is caught with heroin or opium on his person and does not have it through a doctor's prescription gets 25 years in the slammer, and there is no time off for good behavior.

If any Member thinks that that is not a deterrent, let me take him for a look inside of one of the Turkish jails.

Members of the House, that makes a lot of sense.

What happens to a pusher in this country, up in New York or out in Ohio, in my State?

The gentleman from New York (Mr. KOCH) said that they do not have any, but I do not think he has been there lately. I know that he goes home every week, so there has to be some discrepancy somewhere.

Anyhow, they make an arrest of a pusher. He gets a good lawyer and gets out on bail. He makes enough to pay the lawyer while out on bail. They get a continuance. They get another continuance, and they get another continuance. Finally, they get a suspended sentence.

That is about what happens, and we are not going to solve the drug problem by trying to shift it over to the Turks. In no way are we going to do that. Therefore, I do not think that that is really an issue.

Mr. Chairman, many times the gentleman from Minnesota (Mr. FRASER) and I have disagreed vehemently about things, but I want to associate myself with his statement that the key thing out there is the same thing that has been the key to the festering situation in the Middle East for 25 years. The thing we ought to be thinking about is those 120,000, 140,000, or 160,000—depending upon whose figures one takes—Cypriot refugees.

As the gentleman from Minnesota said, we are about the only party that is not frozen in concrete and who can make a small gesture to try to get negotiations started. I am a little more sanguine than he is that we will get them started, but I am not blatantly optimistic. However, for 5 months nothing has happened.

If we go on in this way for another year, nothing more will happen, and in another year the problem just gets worse.

George Ball and Cyrus Vance suggested a 3-month lifting of the ceiling, and that would be kind of offensive to the Turks and would be putting them under the gun for 3 months again, but that is, in effect, what this bill is doing.

It is a suspension. But let me add that the whole arms sales agreement will expire at the end of this month, and unless it is renewed nobody will be able to buy any arms or get anything on credit, or anything else. So we will have a chance in October to take another look at this. If there has not been any movement by that time then we may want to decide to do something. But right now I think this is the one thing that will give the present Prime Minister of Turkey—and please remember, this is not the same man who was the Prime Minister when the invasion of Cyprus occurred, and he is not the same man who took the extra territory.

I think this will give him a little flexibility to go to his people and say, "The Americans have broken the stalemate, I am going to make a concession."

I believe that he will do that, and I think he can do it.

But at the moment, Mr. Chairman, I submit that he is getting the same arguments that we are getting here today, only in reverse. The former Prime Minister of Turkey, Mr. Excevit, is running all over Turkey saying:

> I'm the hero of Cyprus. I'm the one who rescued the Turks from the Greek barbarians.

I do not agree with that, but that is what he is saying. And he is saying:

> And now the bum wants to give it away. And why is he giving it away? Because the Americans are threatening him that if he doesn't do it he can't have any more arms. They are blackmailing him.

He is using the same language.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. HAYS of Ohio was allowed to proceed for 2 additional minutes.)

Mr. HAYS of Ohio. So, Mr. Chairman, the people over there in Turkey are saying the same thing in reverse that the Members on the floor are saying here today, that he is yielding to blackmail.

I am a pragmatic enough politician to think we have got to give the present Prime Minister of Turkey, Mr. Demirel, some maneuver room.

I do not know how familiar the Members are with the Turkish Constitution, but the former Prime Minister, Mr. Excevit, evidently was not familiar with it at all. He resigned in the expectation that there would be a new election, and he would get an overwhelming mandate as the hero of Cyprus. He had not read the new Constitution that says that sure, you can go ahead and resign, but before there can be a new election a majority of the Parliament has to vote for it. And he did not have a majority.

So then Mr. Demirel, the leader of the opposition party, was able to put together a coalition.

So I just wanted to inform the Members that this is not the old Government of Turkey that did the deed, this is a new government. It is just the same as the fact that we cannot blame the next administration for the sins of Watergate. So it is an analogous situation and a comparable situation.

Mr. Chairman, I think we have it within our grasp today to make a move that may well get the negotiations started so that we can get a majority of these refugees back home again and really get some progress made. I think this is in the interest of the United States, I think it is in the interest of Turkey, and I think the bottom line is it is in the interest of Greece.

Mr. LEVITAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope that soon we will be able to proceed with a vote on this bill, on the merits of this bill, without regard to the possible amendments that might have been offered, one of which I had hoped to offer as an effort to find a means of compromise. But after evaluating the possibilities available to us it seems to me that the most advantageous approach to take is to determine whether this is, in fact, a compromise that we are considering, and if we reject it, then move to a position which would in fact be a true compromise.

The Turks have been valiant and strong allies of the American people. The ties of friendship with the Greek nation have also been strong with the United States.

This is not a Greek or a Turkish issue, it is an American issue, Mr. Chairman.

One of the things that has disturbed me and apparently has disturbed other Members of this House, is that over the last number of years there has been a tendency to show greater and greater demonstrations of America's weakness and vacillation both in our domestic and in our foreign policies.

This is another example of what we are about to do should this bill be enacted. We say and do one thing. We take one position, and then when somebody around the world says, "Boo!" to us, we cower, reverse our position, and go off in another direction.

If we lose our credibility and back off of the position that was taken for good reason earlier by this Congress and this Nation, then I say to the Members that other nations around the world will have sufficient justification to do the same thing in the future, and there will be no assurance that we will ever have a credible foreign policy established.

On June 23, Mr. Chairman, the Secretary of State, speaking at Atlanta, Ga., said this:

> No country should imagine that it is doing us a favor by remaining in an alliance with us. Any ally whose perception of its national interest changes will find us prepared to adapt or end our treaty relationship. No ally can pressure us by a threat of termination; we will not accept that its security is more important to us than it is to itself.

Those are very persuasive words by the Secretary of State. He convinced me, and he convinced millions of Americans, but he seemed to fail to convince himself about this same principle, because after making that statement on June 23, he has brought to this House a bill which is a retreat, which is a backdown in the face of blackmail for the reasons that he rejected on June 23.

I had prepared an amendment to offer which I think would have been a good compromise, Mr. Chairman. It would have provided that the arms which are in storage and which have been paid for could be immediately delivered, but the rest would be deferred until September 30 of this year to see whether any movement toward a Cyprus solution took place.

Then, at the breakfast the other day at the White House, I had the occasion to ask a question of the President, who had said that if the Congress did not think that this bill and its concessions were working out well, then Congress could reimpose the embargo. That was the substance of the words of the President. I said:

> Mr. President, if we should permit this embargo to be lifted and arms to be sold, and those arms were misused, or there were no substantial gestures made to resolve the Cyprus issue, what assurances would we in America and Congress have that something could be done about it, because the same bases and the same installations would still be held hostage in Turkey and still vital and still the subject of threat? What, then, would we be able to say? What would we be able to do about it?

I said:

> Mr. President, would you give me and the other Members of Congress your assurance that if the embargo were reimposed by an act of Congress—as you said we could—adopted by a majority of the Congress, that you would not veto it and thereby shift the numbers game from a majority in Congress to a two-thirds majority? We are all familiar, Mr. President, with the consequences of that shifting majority.

The President said:

> I cannot give you that assurance.

That was the substance of his response.

I say to the Members, Mr. Chairman, if we cannot get that minimum assurance from the President that he would not frustrate the will of the majority of Congress about reimposing an embargo, then it becomes absolutely necessary for this bill to be defeated, and then immediately for us in Congress, together with the President, to move to a real, meaningful, and viable compromise so that the Turkish nation can have some flexibility and some moving room. But this Nation will not be blackmailed into retreat.

We are told that Turkish people are proud and will not be coerced. The present embargo is not a coercion. It was merely the carrying out of the provisions of our law. I would like to see this Congress pass a bill that would be a meaningful compromise. This bill is not. It is a surrender under threat. Americans, like our Turkish friends, are proud and strong people as well. Our weakness and vacillation would lead only to greater loss of credibility of our determination and ability to be credible. We will not be blackmailed into retreat.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RIEGLE. Mr. Chairman, I move to strike the last word.

Mr. AMBRO. Mr. Chairman, will the gentleman yield?

Mr. RIEGLE. I yield to the gentleman from New York.

Mr. AMBRO. I thank the gentleman for yielding.

Mr. Chairman, today, we are being asked to cast a vote in favor of resuming the granting and the sale of military equipment to Turkey. It is indeed ironic that we are being asked to take this action nearly a year to the day after that infamous Sunday—July 20, 1974—when the Turkish armed forces violated international and U.S. law by using American arms to invade the Island of Cyprus. As a result of this, and of the continued failure of our diplomatic efforts to bring about a resolution of this crisis, the Congress, in December 1974, attached a provision to the Foreign Assistance Act which had the effect of embargoing all further sales and shipments of military equipment to Turkey.

Since September, when the Congress first expressed its concern over these violations by means of mandating a cutoff of arms shipments, the administration has mounted a well-orchestrated public relations campaign aimed at reversing this policy. At times the campaign has been carried out by means which are unprincipled and of dubious legality. Thus, we have been treated to the spectacle of the U.S. Ambassador to Turkey appearing on a morning news program—CBS—and acting as a lobbyist for the Government of Turkey, urging the resumption of military aid. In addition, the integrity and patriotism of the administration's opponents, both within and without Congress, has been impugned, and it has attributed the strength of its opposition to "ethnic politics." I resent this as an attempt to demean those who stand for an international posture on the part of our Nation that opposes aggression, whether by friend or foe. To do otherwise would be a betrayal of a fundamental principle of our foreign policy—to oppose aggression, not aid or acquiesce in it.

Unfortunately the leadership of our State Department is less concerned with principles than it is with displaying its dazzling diplomatic footwork on the world stage. Perhaps, we should borrow a quotation from a statement issued on July 20 by Adm. E. R. Zumwalt, retired Chief of Naval Operations, that "peace is too complicated to be entrusted to any single diplomat." Surely, the Secretary of State has not shown, in this recent lobbying attempt, that he understands the subleties and complexities of waging a peace. In fact, I suspect that the attitude of the administration is the direct cause of Turkish intransigence.

Mr. Chairman, I am strongly opposed to the resumption of American military sales and aid to the Turkish Government while that Government refuses to abandon the aggressive posture it has assumed with respect to the island of Cyprus. We are told, in favor of ending the embargo, that we cannot expect Turkey to negotiate under the cover of our ultimatum. At the same time, we are treated to the Turkish Government's threats to terminate our military bases, if we do not resume the arms shipments.

I find this to be an interesting and rather tortured piece of foreign policy logic: Do not expect Turkey to succumb to threats, but we must give in, because we are being threatened. I suggest that this kind of capitulation to blackmail is unworthy of our country, and I reject it.

It is my strong feeling that the ban on future American arms to Turkey is not an "ethnic" and certainly not a Greek issue. It is a matter of fundamental American policy. S. 846 ill serves our longrun interests, and it is simply wrong in terms of morality, our traditions, our longrun interests as a civilized nation, and I rise to express my opposition to it.

Mr. RIEGLE. Mr. Chairman, I want to address my remarks, if I may, to anyone who is left in the Chamber who has not made a final judgment on this issue, because I think it is an issue that could be argued both ways. But I think there are a number of basic reasons that ought to lead one, whose mind is still open, to decide to vote against the lifting of this embargo.

I think one of the points that is important is the one just made by the gentleman from Georgia, and that is that he was unable in direct conversation at the White House with the President to secure a commitment that we could have a good-faith implementation by the executive branch of a move by this Congress later to reimpose the embargo, should we decide to suspend it at this time. That gets right to the heart of how the embargo has worked up until this time. It was the expressed will of the Congress to impose this arms embargo because of the illegal use, the violation of our laws and agreements, by the Turks in terms of this movement, the second movement, into Cyprus in which they took and have held some 40 percent of the land there.

But that embargo has not meant very much and has not produced very much progress, because it has been absolutely clear that the Secretary of State of the United States did not think that was the right thing to do. He said it was not the right thing to do and in every way, shape, and form, along with the President, has transmitted the message to the Turks that if they just stand firm this administration, taking their side, would be able to come here and twist our arms and otherwise pressure the Congress to remove this arms embargo without 1 inch of progress on the Cyprus question.

That has happened. We are being asked to violate our own laws which we made. I think we wrote these prohibitions in our laws in the beginning because they were right and served national interests. I do not want to see any ally use our arms to bully another of our allies. That has happened in this case. That is wrong and we must object to it.

Now many, many months have passed. We have this civilian refugee population, some 200,000 people on Cyprus, who are homeless. There are various estimates as to the numbers. There are no private assurances of progress. If there are any I do not know about them. They have not been conveyed to the International Relations Committee on which I serve.

Now I have been a Member of the Congress for 9 years and I served 6 years on the Foreign Operations Subcommittee of the Appropriations Committee and I have sat through the testimony by various Secretaries of State and other State Department officials who work on foreign policy questions. I cannot recall when the executive branch has done more to undercut a legal move by this Congress than in this instance.

I do not see any progress resulting from the time that these steps have been taken until now—principally, in my judgment, because of a less than good faith implementation by this administration.

There are two other things I want to say. There has been a great deal of talk about base rights. We have bases in Greece and bases in Turkey and both are important to us. I would like to see us keep both. In recent weeks I have had discussions with the Ambassadors of Turkey and Greece and Cyprus. I have listened to Mr. Colby talk at length about the importance of these bases. I would not like to see us sacrifice bases in either country.

But the real question is, can we be blackmailed on this issue? Because that is what is happening. If we lift this embargo, what is the message, not only to the Turks, but also to most other nations that get arms from us—as most do, sadly. They will know they, too, will be free to violate their agreement with the United States. They will know they can do whatever they want, sign any agreement with us, and yet do whatever they want because we will sanction that behavior if we lift this embargo. We will be saying these agreements do not mean anything.

I think it will be an open invitation for countries in Latin America and other countries around the globe that receive arms from us to do whatever they want with those arms. They know they will be able to get away with it, just as Turkey will get away with it today if we lift this arms embargo.

So of course we ought not to do it.

There is no valid reason why progress cannot be made on Cyprus at the same time as we talk about lifting the arms embargo. The two things are linked. They have to stay linked. We have to have progress on both at the same time.

Mr. MORGAN. Mr. Chairman, we have been hearing a lot of talk about upholding principles. Of course, everybody is in favor of holding fast to our principles.

But holding to one's principles does not mean that we cannot change the law.

To the contrary, Mr. Chairman: The whole history of the United States is filled with examples of where we have maintained our cherished principles—and to do so, we have had to change the law.

I will cite not less than the Constitution of the United States—adopted nearly 200 years ago, for principles we hold just as dear today—

> In order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

No fewer than 26 times have we amended this Constitution—in behalf of our principles, not against them. The same is true of countless laws.

So, I say, let us take a good hard look at just what principle it is that we are trying to uphold here.

The principle is, we do not want our weapons used by our allies except for self-defense.

Well, if we leave the law the way it is, we are not helping that principle one bit when it comes to our two good allies, Greece and Turkey.

We do not want our two close friends and treaty comrades to turn against each other, with our arms or any others.

That is the principle we want to uphold here.

And to do so, we have to change the law.

Mr. KOCH. Mr. Chairman, I move to strike the last word.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. Mr. Chairman, I understand there are no more amendments. I ask unanimous consent that all debate on the committee amendment in the nature of a substitute close at 4:15.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that all debate on the committee amendment in the nature of a substitute close at 4:15. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The gentleman from New York has been recognized already. The limitation of time cannot apply to the gentleman.

The Chair recognizes the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman, I think it is important at this time to reemphasize a point we often make in the well, that there are some things that are right and there are some things that are wrong. It is wrong when we run out on a friend, when we leave simply because it becomes expedient or because we submit to extortion, and it is extortion that is being exerted at this time and we all know it.

Now, if we give in to that extortion, then the administration will use the very same arguments that it uses today vis-a-vis Turkey, toward Spain when Spain says that it demands certain onerous conditions if we are to continue our bases there. Are we going to submit to onerous conditions? The answer should obviously be no.

The same arguments could be used by the administration vis-a-vis Israel because of Arab blackmail. Hopefully, we will not submit to that extortion.

Then the President not very long ago said he would not see Alexandr Solzhenitsyn because the Soviet Union would be distressed, and not go forward with détente, a kind of Soviet blackmail. I think most of us would agree it was wrong for the President to give in to that kind of implicit extortion.

So what I am saying is that there are positions which involve morality that ought not to be surrendered, because we are told that if we do not surrender that we are going to be suffering severe consequences.

Mr. Chairman, we have to stay with our friends when our friends are right. We cannot be summer soldiers. To those people who would leave in the middle of this fight that this Congress won on four different occasions, I say to give up on that fight on July 24 would make us summer soldiers. Let us hang in there with our friends and continue not to yield.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentleman from Illinois.

Mr. MIKVA. Mr. Chairman, I want to associate myself with the remarks of the gentleman in the well.

Mr. Chairman, I rise today to urge the defeat of S. 846, as amended, the bill to resume arms shipments from the United States to Turkey. What is at stake today is not only a just resolution of the conflict on Cyprus but the integrity of American foreign policy. The use of American arms by Turkey in the invasion and subsequent occupation of almost half of Cyprus is in clear violation of American law. To resume the arms flow would legitimize the Turkish violation of our arms agreement which specifically prohibits the use of these arms for offensive purposes.

Mr. Chairman, on July 15, in Minneapolis, Secretary of State Kissinger gave a major foreign policy speech in which he said:

> We have found ourselves doubtful of our virtue and uncertain of our direction largely because we have suddenly realized that like other nations before us we must now reconcile our principles with our necessities.

But if the administration's so-called compromise on Cyprus is a typical example, perhaps the real problem is a failure to realize that commitments to principles are necessities for a foreign policy worthy of respect and support by the American people.

The proposal to resume the flow of arms to Turkey has been labeled by the administration and Dr. Kissinger as a "compromise plan." But it is really a plan which compromises the principle of respect for duly passed laws. It is a plan which compromises the principle of moral responsibility of the United States to place and enforce restrictions on arms that we sell around the world. Without such restrictions, we are likely to witness the ever more frequent spectacle of American arms bringing down casualties on both sides of a confrontation. And it will be our sense of mortality which will be caught in the crossfire.

The proposal to lift the embargo is sure to compromise the trust that we want other people and countries throughout the world to have in the United States. In his speech, Dr. Kissinger said that an involved America is essential to peace and progress. I agree. But our involvement must be based on principles which are not conveniently brushed aside by necessities which are more illusionary than real.

Mr. Chairman, the Turkish invasion of Cyprus has caused untold suffering on the island. We will only increase the likelihood of more acts of aggression and more suffering elsewhere if our message to other countries is that they can use American arms for aggressive purposes with impunity.

Perhaps the saddest aspect of the administration's "compromise plan" is that it compromises the long friendship between the people of Greece and the American people. It is not difficult to understand why the 200,000 Greek Cypriot refugees would view this plan not as a compromise but as a sellout, a sellout of what is right and just and decent. And I believe that millions of Americans would agree.

Mr. ROSENTHAL. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Georgia (Mr. Young).

Mr. MORGAN. Mr. Chairman, I ask unanimous consent also to yield my time to the gentleman from Georgia (Mr. Young).

The CHAIRMAN. Is there objection to the request of the gentleman from New York and the gentleman from Pennsylvania?

Mr. ASHBROOK. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Chair recognizes the gentleman from Georgia (Mr. Young).

Mr. YOUNG of Georgia. Mr. Chairman. I want to make three things very clear. One, I decided I would support this amendment. I thought I would have some trouble with this so-called Greek lobby, so I asked my staff to get the files on the votes and the letters that we received from our district the last time we voted this amendment, because I wanted to inform my constituents in advance that I thought it was in the best interest of this Nation to vote arms for Turkey. When I got this voluminous file and communications from the Greek lobby in my district, I had the sum total of 11 letters. So I have no political problems on the facts. I do not even need to write a letter.

Then I got the newspaper the next morning and I saw a $385 million arms sale to Jordan. I said, "What have we got here?" There is no way to make peace by giving guns to everybody.

Then I remembered that almost identical arguments of national security and support of a NATO ally were used to supply Portugal with arms, in spite of their use in Mozambique and Angola.

What looked like national security in the short run has left Portugal Communist and the United States alienated from three new nations in Africa with tremendous resources.

I suggest Mr. Chairman, that the present pragmatic considerations may also backfire against our national interest and that this amendment be rejected.

The House should maintain its integrity and insist on the rule of law.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

The Chair recognizes the gentleman from Illinois (Mr. Findley).

Mr. FINDLEY. Mr. Chairman, if this bill is rejected, in all probability that action will strengthen the radicals in Turkey. It will harden the position of the Turkish elements on Cyprus to the disadvantage of the Greek refugees. It will deny the United States leverage upon Turkish policy. It will intensify the feelings between Greece and Turkey on the offshore islands.

Mr. Chairman, for many reasons, this bill must be approved.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. Biester).

Mr. BIESTER. Mr. Chairman, I yield to the gentleman from Michigan (Mr. Broomfield).

Mr. BROOMFIELD. Mr. Chairman, just a few moments ago I received a letter from the President of the United States. Of course, he is very hopeful that Congress will take favorable action on this legislation. He says in his letter:

THE WHITE HOUSE,
Washington, D.C., July 24, 1975.

Hon. WILLIAM S. BROOMFIELD,
House of Representatives,
Washington, D.C.

DEAR BILL: Over the past several weeks, the Members of the House of Representatives have been giving close attention to the very important matter of restoring military assistance to Turkey.

As a result of my several meetings with Members, the top priority I attach to favorable action by the House is clear. It is an issue in which the strategic situation must be weighed, as well as the situation in the Middle East. Our facilities in Turkey and our mutual defense arrangements have played and continue to play a vital role in the security of the area and, more directly, in the security of our own forces. Mutual defense arrangements that have stood us well for thirty years should not be cast aside.

As we have devoted attention to this subject of such great importance to U.S. interests, I have been impressed by and I wish to commend the Congress for the bipartisan approach which has been taken. The restoration of U.S. military assistance to Turkey is a foreign policy issue in which many important factors must be weighed, and an issue with ramifications affecting all Americans. Restoration is clearly in the interests of the United States. It is in our interests as a member of the Atlantic Alliance and it is in the interests of all seeking a reduction of tensions in the Mediterranean region. I urge a favorable vote on this legislation by the House.

At the same time, I pledge my total commitment to working with the parties involved—Turkey, Greece and Cyprus—to assist in finding a just and equitable settlement to this dispute which is of such great concern to all Americans.

Sincerely,

GERALD R. FORD.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. Sisk, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the Senate bill (S. 846) to authorize the further suspension of prohibitions against military assistance to Turkey, and for other purposes, pursuant to House Resolution 626, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. FASCELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 206, nays 223, not voting 5, as follows:

[Roll No. 429]

YEAS—206

Abdnor
Alexander
Anderson, Ill.
Andrews, N. Dak.
Archer
Armstrong
Ashley
Baldus
Beard, Tenn.
Bell
Bevill
Biester
Bingham
Bolling
Bowen
Breaux
Breckinridge
Brinkley
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burleson, Tex.
Burlison, Mo.
Butler
Casey
Cederberg
Chappell
Clausen, Don H.
Cleveland
Cochran
Cohen
Collins, Tex.
Conable
Daniel, Dan
Daniel, R. W.
de la Garza
Dent
Devine
Dickinson
Duncan, Oreg.
Edwards, Ala.
English
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fenwick
Findley
Fish
Flowers
Flynt
Forsythe
Fountain
Fraser
Frenzel
Frey
Fuqua
Gibbons
Gilman
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Guyer
Hagedorn
Hamilton
Hammerschmidt
Hansen
Harsha
Hastings
Hays, Ohio
Hébert
Henderson
Hicks
Hightower
Hillis
Horton
Hubbard
Hungate
Hutchinson
Ichord
Jarman
Jeffords
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Karth
Kasten
Kazen
Kemp
Ketchum
Kindness
Krueger
Lagomarsino
Landrum
Latta
Leggett
Litton
Lloyd, Calif.
Long, La.
Lott
McClory
McCloskey
McCollister
McCormack
McDonald
McEwen
McFall
McKay
Madigan
Mahon
Mann
Mathis
Matsunaga
Mazzoli
Meeds
Melcher
Meyner
Michel
Milford
Mills
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Pa.
Morgan
Mosher
Murtha
Myers, Ind.
Myers, Pa.
Nichols
Obey
Passman
Perkins
Pettis
Pickle
Poage
Preyer
Pritchard
Quie
Quillen
Railsback
Randall
Rees
Rhodes
Risenhoover
Roberts
Robinson
Rogers
Ruppe
Ryan
Satterfield
Schneebeli
Schulze
Sebelius
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Nebr.
Snyder
Solarz
Staggers
Stanton, J. William
Steed
Steiger, Wis.
Stephens
Stratton
Stuckey
Symington
Symms
Talcott
Taylor, Mo.
Teague
Thone
Thornton
Treen
Ullman
Van Deerlin
Vander Jagt
Waggonner
Walsh
Wampler
Whalen
White
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wright
Wylie
Young, Alaska
Young, Fla.
Young, Tex.
Zablocki

NAYS—223

Abzug
Adams
Addabbo
Ambro
Anderson, Calif.
Andrews, N.C.
Annunzio
Ashbrook
Aspin
AuCoin
Badillo
Bafalis
Barrett
Baucus
Bauman
Beard, R.I.
Bedell
Bennett
Bergland
Biaggi
Blanchard
Blouin
Boggs
Boland
Bonker
Brademas
Brodhead
Brooks
Brown, Calif.
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burton, John
Burton, Phillip
Byron
Carney
Carr
Chisholm
Clancy
Clawson, Del
Clay
Collins, Ill.
Conlan
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
Crane
D'Amours
Daniels, N.J.
Davis
Delaney
Dellums
Derrick
Derwinski
Diggs
Dingell
Dodd
Downey, N.Y.
Downing, Va.
Drinan
Duncan, Tenn.
du Pont
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Emery
Esch
Evans, Ind.
Fary
Fascell
Fisher
Fithian
Flood
Florio
Foley
Ford, Mich.
Ford, Tenn.
Gaydos
Giaimo
Ginn
Green
Gude
Haley
Hall
Hanley
Hannaford
Harkin
Harrington
Harris
Hawkins
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Hefner
Helstoski
Holland
Holt
Holtzman
Howard
Howe
Hughes
Hyde
Jacobs
Jenrette
Johnson, Calif.
Jordan
Kastenmeier
Kelly
Keys
Koch
Krebs
LaFalce
Lehman
Lent
Levitas
Lloyd, Tenn.
Long, Md.
Lujan
McDade
McHugh
McKinney
Macdonald
Madden
Maguire
Martin
Metcalfe
Mezvinsky
Mikva
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mink
Mitchell, Md.
Moakley
Moffett
Mollohan
Moorhead, Calif.
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Natcher
Neal
Nedzi
Nix
Nolan
Nowak
Oberstar
O'Brien
O'Hara
O'Neill
Ottinger
Patman, Tex.
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Peyser
Pike
Pressler
Price
Rangel
Regula
Reuss
Richmond
Riegle
Rinaldo
Rodino
Roe
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Russo
St Germain
Santini
Sarasin
Sarbanes
Scheuer
Schroeder
Seiberling
Sharp
Shipley
Simon
Smith, Iowa
Spellman
Spence
Stanton, James V.
Stark
Steelman
Steiger, Ariz.
Stokes
Studds
Sullivan
Taylor, N.C.
Thompson
Traxler
Tsongas
Udall
Vander Veen
Vanik
Vigorito
Waxman
Weaver
Whitehurst
Wirth
Wolff
Wydler
Yates
Yatron
Young, Ga.
Zeferetti

NOT VOTING—5

Carter
Danielson
Fulton
Heinz
Hinshaw

So the bill was not passed.

The Clerk announced the following pairs.

Mr. Danielson with Mr. Heinz.
Mr. Fulton with Mr. Carter.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks in the course of the consideration of the Senate bill, S. 846, which was just defeated.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERSONAL EXPLANATION

(Mr. ANDREWS of North Carolina asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ANDREWS of North Carolina. Mr. Speaker, today I have voted in opposition to S. 846 fully cognizant of the serious implications which this legislation poses for the United States. My review of the legal and foreign policy aspects of the problem indicate that each of the conflicting positions has considerable merit. This is an extremely complicated measure reflective of the events which have taken place in a region of complexity involving two of our Nation's most valued allies. I am continuing my study of this matter with a view to developing a more thorough and comprehensive understanding of these issues.

AMENDMENTS TO NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5447) to amend the act of August 16, 1971, as amended, which established the National Advisory Committee on Oceans and Atmosphere, to increase and extend the appropriation authorization thereunder, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate amendments, as follows:

Page 2, line 1, strike out "two" and insert: "2".

Page 2, lines 4 and 5, strike out "each of".

Page 2, line 5, strike out "years" and insert: "year".

Page 2, line 5, strike out "1977, and 1978."." and insert: "1977."."

Page 2, after line 5, insert:

SEC. 2. Section 4 of such Act (33 U.S.C. 857-9) is amended—

(1) by inserting after "review of" and before "the progress" the following: "national ocean policy, coastal zone management, and"; and

(2) striking out "the President." at the end of the second sentence thereof and inserting in lieu thereof "the President and the Congress.".

Amend the title so as to read: "An Act to amend the Act of August 16, 1971, as amended, which established the National Advisory Committee on Oceans and Atmosphere, to increase and extend the appropriation authorization thereunder, and for other purposes.".

Mr. MOSHER. Mr. Speaker, I agree with my subcommittee chairman, Mr. MURPHY, in supporting the conference report on H.R. 5447, a bill to extend the authorizations for the National Advisory Committee on Oceans and Atmosphere. I agree with only a minor reservation.

Our Committee on Merchant Marine and Fisheries approved H.R. 5447 on May 16 of this year. The House subsequently considered and approved this authorization on May 19. The bill as passed by the House would have increased the level of authorizations from $400,000 to $445,000 for the fiscal years to and including 1978.

The other body has considered this legislation and has passed favorably upon it with the addition of three amendments. These Senate changes to our original bill would accomplish the following:

First. It would extend authorization for NACOA for 2 years as opposed to our suggested 3 years;

Second. Instead of requiring NACOA to be exclusively responsive to direct requests by the President, it would add a section to require that the Advisory Committee would have to respond to requests from the Congress and the President.

This amendment would permit Congress to request reports on specific subjects from the Advisory Committee; and

Third. The responsibilities of the National Advisory Committee on Oceans and Atmosphere would be broadened to include coastal zone management issues and national ocean policy.

None of the above amendments concern me greatly enough to request a conference with our Senate colleagues—as a matter of fact, I feel that the other body's amendatory language does strengthen our original bill in some respects.

My only reservation in this matter rests with the so-called "broadening section" of the amended bill.

By adding specific subject areas upon which we expect NACOA to concentrate, I fear that we may be restricting this committee to a more limited scope than was originally intended.

When the Advisory Committee was established in the 92d Congress, we directed them to undertake a continuing review of the progress of marine and atmospheric science and service programs of the United States. They were also directed to advise the Secretary of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration. Since the Coastal Zone Management Office is an integral part of NOAA, it is clear to me that NACOA has the necessary mandate to oversee and comment upon coastal zone management issues. NACOA has, in fact, addressed coastal zone issues in two of their four annual reports to the Congress.

This committee presently has the broadest possible scope upon which to focus its activities. I feel that they have done an exemplary job in accomplishing their intended objectives, and I want them to continue to have the necessary flexibility and independence to continue their work productively.

I have chosen to concur with the amended version of H.R. 5447, but I do so with the reservations I have indicated today.

I trust that this broadening language will not be interpreted by the Congress or NACOA to restrict their activities in any way. I am very impressed with the job they have done so far, and I feel strongly that our Nation needs to continue to receive advice from groups of this stature.

Let us not, even by implication, limit their mandate as they proceed in advising us and the President on the crucial issues which we all must face in today's complex world.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 5447, just considered by the House.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE CERTAIN REPORTS

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services have until Saturday midnight, July 26, 1975, to file a report on H.R. 1287, a bill to amend the United Nations Participation Act, and House Concurrent Resolution 198, expressing the opposition of the Congress to any change in the present method of providing financial support for military commissaries through appropriations to meet their payroll costs, and H.R. 7642, a bill to amend chapter 5, title 37, United States Code, to extend the special pay provisions for veterinarians and optometrists.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO HAVE UNTIL MIDNIGHT FRIDAY, JULY 25, 1975, TO FILE REPORT ON H.R. 8564, AMENDING FEDERAL AVIATION ACT OF 1958 RELATING TO WAR RISK INSURANCE

Mr. ANDERSON of California. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation have until midnight Friday, July 25, 1975, to file a report on H.R. 8564, amending the Federal Aviation Act of 1958 relating to war risk insurance.

The SPEAKER pro tempore (Mr. JOHN L. BURTON). Is there objection to the request of the gentleman from California (Mr. ANDERSON)?

There was no objection.

ANNOUNCEMENT OF FURTHER LEGISLATIVE PROGRAM

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, I rise to announce the program for the remainder of the day.

Mr. Speaker, at this particular time we intend to follow with H.R. 5900, equal treatment of craft and industrial employees. We will vote on the rule and debate the bill. We will rise at 6:30. Tomorrow morning we will meet at 10 o'clock, and we will continue with the legislation H.R. 5900. Following that we hope to take the rule on H.R. 5210, military construction authorization, and follow with general debate only.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the distinguished minority leader.

Mr. RHODES. I thank the gentleman for yielding.

Is it the intention of the distinguished majority leader to proceed to conclusion with action on the bill tomorrow?

Mr. O'NEILL. The answer is in the affirmative.

PROVIDING FOR CONSIDERATION OF H.R. 5900, PROTECTING ECONOMIC RIGHTS OF LABOR

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 631 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 631

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5900) to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The Chair recognizes the gentleman from Florida (Mr. PEPPER.)

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from California (Mr. DEL CLAWSON) pending which I yield myself such time as I may consume.

Mr. Speaker, this rule is the usual rule providing for an open rule with 2 hours of general debate on H.R. 5900, a bill protecting the economic rights of labor.

House Resolution 631 provides that it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor, now printed in the bill as an original bill for the purpose of amendment, under the 5-minute rule.

Mr. Speaker, as the committee report in this matter makes it clear on page 3, H.R. 5900 is necessary in order to overrule the decision of the U.S. Supreme Court in the Denver Building Trades Council decision. In that case as it appears in the report, a general contractor in Denver named Doose & Lintner had a contract with the Denver Building Trades Council covering the employees of Doose & Lintner.

On a particular job the contractor decided to subcontract the electrical work to Gould & Preisner. Gould & Preisner hired nonunion workers and paid them 42 cents an hour less than the union scale. When the nonunion electricians reported to work, the Denver Building Trades Council—that is, the local labor union that had the contract with the principal contractor—picketed the job site, and the union men employed by the general contractor honored the picket line by refusing to work.

The National Labor Relations Board held that the union did not have the right to picket the whole site where the construction was in progress.

The Court of Appeals of the District of Columbia reversed that decision, and the U.S. Supreme Court reversed the Court of Appeals and sustained the decision of the National Labor Relations Board.

I want to make it clear, Mr. Speaker, to those who are concerned, that this bill does not authorize any kind of a boycott against products; it only relates to the right of a group of men, usually union men, to picket the site on which they with others are empolyed, if there are brought onto the site where they are employed by one of the subcontractors working at the site, working men or women or both who have a dispute with such subcontractor, respecting working conditions, wages, and hours of labor, and these empolyed at such site by other subcontratcors or joint ventures at the site wish peacefully to protest against the subcontractor practices of the subcontractor engaged in such dispute.

So H.R. 5900 is a meritorious measure, Mr. Speaker. I hope this rule will be adopted and H.R. 5900 which it will bring to the floor will have the consideration and the approval of the House.

Mr. Speaker, I yield 5 minutes to the able gentleman from New Jersey (Mr. THOMPSON), chairman of the subcommittee which brings this bill to the floor.

Mr. THOMPSON. Mr. Speaker, this legislation, as so ably described by our distinguished colleague, the gentleman from Florida, emanates from what a great majority of us believe to be a misinterpretation of a very narrow section of the bill, section 8(b)(4)(B), relating to the so-called Denver Building Trades Council case.

The gentleman from Florida (Mr. PEPPER) described the situation which arose out of the dispute in Denver, Colo., between the Denver Building Trades and the contractor Doose and Lintner. This legislation has had the support of the last six Presidents—Presidents Truman, Eisenhower, Kennedy, Johnson, Nixon, and Ford. Let there be no mistake about President Ford's support of it.

Since Secretary Dunlop appeared before the subcommittee, which I have the honor to chair, and the matter was reported to the full committee which the distinguished gentleman from Kentucky (Mr. PERKINS) chairs, there is only one major difference in this legislation on which the Members are asked today to vote for a rule. I ask the Members to vote for the rule if only to position this legislation so that there can be a debate, as there should be, on the merits of the bill. I ask the Members to vote for the resolution notwithstanding any reservations they might have with respect to nuances of the law which obviously cannot be answered during the debate on a rule. I ask the Members to make their decision then as to whether or not on the basis of the debate to follow they will support this legislation which has been supported by each of the last six Presidents and their Secretaries of Labor.

The rule calls for a 2-hour general debate and an open rule. Substantively, there are two amendments of great importance agreed to by the subcommittee and full committee. They are: First, that there must be a 10-day notice by a union before a strike, and second, that they must have the acquiescence before a strike of the international union and must notify their employer.

These are the essential ingredients needed, in my judgment, to prevent the proliferation of labor disputes in the construction industry. They are totally and absolutely fair. Unless the Members vote for the rule, there will not be any debate so that they may decide intelligently on how to vote on this issue.

The issue before us is whether or not an issue which has been before the American people and supported by a succession of Presidents since 1951 can and will be decided and debated upon this floor.

I am totally prepared to make my case and listen to the opposition during the debate and have the final judgment made. The only way that can be done is to adopt this rule.

Mr. Speaker, I, therefore, urge the adoption of the rule so that we will have an opportunity for full debate and so that we can make an intelligent decision.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there are problems with the rule as well as a number of serious defects in the bill. Although an open 2-hour rule.

Let me deal first with the resolution. Mr. Speaker, the timing is very poor on this legislation. Testimony presented in the Rules Committee reveals that a compromise agreement is in the mill which includes input from Members on both sides of the aisle in Congress as well as the President. The Committee on Rules was told that such language is presently being drafted in the Department of Labor. Apparently, if the provisions in H.R. 5900 and the compromise language are presented to the President at the same time he will sign both. However, again, according to testimony presented to the Committee on Rules, the President will not sign H.R. 5900 standing alone. Since a compromise solution appears imminent, this does not seem to be the appropriate time to force through H.R. 5900. This rule should not be adopted, nor the bill considered, until the proposed compromise language, satisfactory to all the major parties involved, is completed.

However, in addition to the problems with timing are the problems with the bill itself. The bill seems to create an exception for the building and construction trade unions from the secondary boycott prohibitions of the National Labor Relations Act. This bill permits a union to strike or picket a construction site against any or all of several employers in the construction industry when they are engaged on a common site as joint venturers or in the relationship of contractors and subcontractors. In practice, Mr. Speaker, this means that a nonunion subcontractor can be picketed with picket lines permitted on the entire construction site. The effect quite likely will be that the nonunion subcontractor will lose his contract and a subcontractor hiring unionized labor will be employed. Thus, the effect of this bill may be compulsory unionism for employers and employees, neither of whom may want to unionize. In the Rules Committee, Andrew Biemiller, speaking for the AFL-CIO was quoted as saying that the purpose of this bill is "to see every job in America a union job—that is what we are out for." This is an unusually blunt declaration, but it states the case quite clearly. This bill is a union power grab.

Mr. Speaker, all the consequences of this legislation may not have been thoroughly considered. For example, how will H.R. 5900 affect small minority contractors? Many of these small minority contractors do not operate with union contracts. In some cases minority employees of these contractors may have found it difficult to even join a union, were they disposed to do so. Now under H.R. 5900, how much easier will it be to force these small minority contractors off jobs, not because they are minority contractors or paying lower wages, but because they are not unionized. Whatever the rationale, the result would be the same. The small minority contractor could be seriously hurt as a result of this bill.

Mr. Speaker, there are other major problems in the bill. The results are unclear in many respects. For example, in the committee report there are 20 "commonly asked questions" with answers presumably prepared at the direction of the majority members of the Committee on Education and Labor. Then in the minority views, there are 20 very similar questions, with answers entirely different from those in the main body of the committee report. All that I can conclude, Mr. Speaker, is that the effects of this bill are unclear.

There is a likelihood that passage of this bill will result in increased construction delays and increased construction costs. Strikes will increase. People will spend more time off the job. Unemployment, voluntary and involuntary, will accelerate. One of the results will be added inflation. And, minor disputes may escalate into major disputes over which most of the parties involved have no voice.

For all of the reasons I have mentioned, but primarily for the good of the construction industry and the country, I oppose this bill, and urge defeat of rule.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. DEL CLAWSON. I yield to the gentleman from Ohio.

Mr. DEVINE. Mr. Speaker, I thank the gentleman for yielding to me.

I notice that this thing suddenly has a title called "Equal Treatment of Craft and Industrial Workers Bill."

What happened to the name we have all known this bill by for 15 years or so, "Common Situs Picketing—Secondary Boycott"? When was that changed?

Mr. DEL CLAWSON. The name has been changed in just a matter of the last few days, I understand. We frequently make changes in this body and provide a label of motherhood. Even though the name has been changed to another label, it is still the common situs picketing bill.

Mr. DEVINE. Was there any reason given for that name change?

Mr. DEL CLAWSON. I do not know that the question specifically was asked in the Rules Committee. Perhaps some member on the committee could answer that.

Mr. THOMPSON. Mr. Speaker, will the gentleman yield?

Mr. DEL CLAWSON. I yield to the gentleman from New Jersey.

Mr. THOMPSON. Mr. Speaker, the genesis of the words "equal treatment for construction workers" is extrapolated from the Supreme Court decision regarding the building trades. The subject matter is euphamistically called "common situs," but the phrase "equal treatment of construction workers" is a phrase taken from the Supreme Court opinion. Indeed, the phrase goes back 20 years—as a matter of fact, 24 years, to 1951.

Mr. DEVINE. It appears that we are in a game of semantics. I recall when the word "reform" became popular around here. We had election reform, legislative reform, postal reform. If we put the name in front of a bill, it would pass.

There is another name that is popular here. I have heard children playing games and saying, "That is fair" or "That is not fair." So, we started having fair employment, fair practices, fair trade, fair labor and so forth. It looks to me that rather than debating the merits of the bill, changing it to "equal treatment" is an effort to try to stimulate support through the title rather than calling the legislation for what it really is.

Mr. DEL CLAWSON. I thank the gentleman for his comment. In this instance, I would suggest that if we open the book to see what is inside and not judge it by the cover we will find that it is the common situs picketing bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker and Members of the House, I think it is true that ordinarily a rule on a bill that has been kicked around, as the common situs picketing bill, should not surely or quickly or lightly be rejected. It has been standing in the wings, if my memory serves me correctly, virtually since the Denver Building Trades decision, which occurred in 1951, almost a quarter of a century ago.

Time and again in this body, and on the other side of the Capitol, bills have been introduced and hearings have been held, but up until now never has the House actually conducted a vote on this legislation.

The reason why I repeat many of us feel that this is an extremely unfortunate manner in which to handle this legislation is that there is clearly an effort going on to draft additional legislation dealing with the far more basic problems confronting labor and management in the construction industry today, and that the President's signature on this bill, as drafted and reported, H.R. 5900, would clearly be contingent upon that other bill reaching his desk at either approximately the same time or within the same time frame or conceivably even being incorporated in the other body as a part of H.R. 5900, although I believe that is a less likely occurrence.

Mr. Speaker, it seems to me that this other effort that is being made to draft substantial reforms, so far as collective bargaining in the construction industry is concerned, is more likely to assume the form of a separate piece of legislation.

But I want to take the time that has been very kindly allotted to me by my colleague on the committee to call attention to a statement that appears on page 23 of the committee report, under the heading "The Need for H.R. 5900."

The committee has stated that:

> . . . since the Denver decision and those which followed it, the number of so-called open shops and "merit shops" "have grown by leaps and bounds" over the past years while the number of "union shops" have decreased proportionately. Denver and related decisions have encouraged contractors to employ non-union subcontractors. . . .

Mr. Speaker, if I felt that an agency of government, even though it is not the executive branch, but in this instance, of course, the judicial branch, because this was a Supreme Court decision we are talking about, had intervened positively on one side or the other to encourage or to discourage unionization of the workers in this country, I think there might be some merit to legislation of this kind. But I wonder if the development of the open shop movement in this country, or the so-called merit shop movement, is not more closely related to the extracting from construction employers wage settlements that have been entirely out of line.

The Members will remember that back in 1971 it was the 25 percent and 35-percent wage settlements that led the inflation in this country, and they were so bad that the President established, under Executive order—and I think it was in March of that year—a Construction Industry Wage Stabilization Committee, under which were set up bipartite boards of crafts which undertook to review these contracts, and finally, because of the very able leadership of Secretary Dunlop, we brought some reasonable control down to a rough level to the settlements that were being achieved in the industry.

But I wonder if those settlements were not more responsible than anything else, because in the construction industry we have seen an extension, an expansion of the so-called open shop, or merit shop movement. I wonder if it has not been in some cases the restrictive and costly work rules that have been adopted in some contracts that have been insisted upon by certain unions to preserve certain traditional jurisdictions that they had carved out by themselves. I wonder if it has not been the failure to regulate and stabilize these jurisdictional claims between the various crafts that have been responsible for the open shop, or merit shop movement.

I wonder if in some cases it has not been a refusal to adopt technological change to go along with certain product innovation that has been the real reason why construction employers have turned to the open shop and to the merit shop rather than to the trade union movement to find the workers that they need. It is because I feel that these questions ought to be raised before we rush into the adoption of this legislation that I suggest, in addition to the reasons already given, that this particular rule is untimely in being considered here today.

I happen to believe, Mr. Speaker, that we do desperately need reform and consolidation of the collective bargaining structure within the construction industry. I think it is imperative that we have a simplification and a stabilization of what currently is literally a Byzantine and a chaotic system. But this bill, as I read it and as I listened to the hearings the other day before the Committee on Rules, is not going to accomplish that purpose.

I take this opportunity also to tell the Members that today I am introducing a bill which I had previously introduced in the 92d Congress. I waited patiently for an opportunity to be given me by the distinguished gentleman from New Jersey to have some hearings on that bill, but the opportunity somehow never came. I have reintroduced that legislation today. It is a bill that I think is designed to promote a more rational bargaining structure within the construction industry. It is, frankly, built on the very successful operation of the CISC that I referred to a few minutes ago.

It would, very briefly, establish a tripartite Commission in which the building trades, the contractors, and the public would be equally represented. They would have the authority to establish areawide bargaining units, to set common construction expiration dates, and to encourage the eventual development of multicraft bargaining.

The fundamental purpose of that legislation is to drastically pare back the separate negotiations and the separate contract negotiations that are held today in that industry.

I think, if I am not incorrect, there are some 10,000 locals, some 10,000 different local unions, and as a result, without consolidation and without regional bargaining which this bill would clearly promote, we have had a leapfrogging pattern of wage settlements in this industry that have made it the No. 1 engine of inflation.

I think if we could take a serious look at this approach that I am suggesting, it would help to eliminate almost entirely the whole common situs controversy, because under this legislation, if successfully implemented, the arena of collective bargaining would not be the individual construction site.

We are going to hear a lot of discussion, if we listen to the gentleman from Illinois (Mr. ERLENBORN) and others, today on this subject. We are going to hear a lot of very good discussion about how vague and ambiguous this legislation before us, H.R. 5900, is on the definition of a "site." I would suggest that the bill I am talking about, if adopted, would eliminate that controversy, because the arena would not simply be the construction site; it would be the area-wide designation adopted for the construction industry. By preventing building trades unions from shuttling to another job while their own site is shut down, I think it would help to improve the terms of collective bargaining and put an end to some of the tactics that we have observed in recent years that have plagued this entire industry.

So, Mr. Speaker, I would hope, therefore, that, for both of the reasons that I have given, the fact that legislation is now being developed which would address itself to these more basic problems to which I have referred—legislation which the President has indicated must be approved in a time frame where he could approve it and sign it at the same time that H.R. 5900 was presented to him—and for the reason that other legislation of the kind that I have mentioned is capable, I think, of really redressing some of the problems and some of the ills that exist in this industry today, we should vote down this rule.

Mr. Speaker, I hope the Members will join us in voting down this rule, not because we do not want to see an ultimate solution to some of the problems that have been referred to, but because I think we have our priorities sadly mixed up if we proceed today on this bill before we have tackled the other broader, more basic, and important problems.

Mr. ESCH. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. Yes; I yield to the gentleman from Michigan.

Mr. ESCH. Mr. Speaker, I appreciate the gentleman's yielding.

I just would want to associate, in general, with the remarks of the gentleman from Illinois (Mr. ANDERSON).

Normally, I do not vote against a rule, but I believe it is in the best interests of the orderly process of this House—and in that respect I am in accord with the gentleman's comments—in order to bring about more effective legislation in the construction industry that will benefit, in the long run, both the worker and the country, that we should delay this legislation.

For that reason, this is one of the very few times on which I am voting against granting a rule at this time.

Mr. ANDERSON of Illinois. Mr. Speaker, I thank the gentleman very much for his contribution because he is, of course, a distinguished member of the subcommittee. He is very knowledgeable about the problems in this area.

Before I yield to the gentleman from Illinois (Mr. ERLENBORN), let me say that it is a troubled industry. We have unemployment of more than 40 percent in the construction industry in many areas. We have housing starts that are down at the present time, if my memory is correct, to about 1.1 million starts a year. As a result, this industry is lagging when it should be leading the economic recovery that we all hope for.

Why compound, therefore, the problems of that industry by rushing in at this time with the enactment of a bill that is not going to get to the heart of those problems and that is not going to help us to solve, in a peaceful way, the outstanding differences that divide construction management and construction labor?

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Speaker, I thank the gentleman for yielding.

I want to associate myself with the remarks of the gentleman from Illinois (Mr. ANDERSON) in the well.

As the gentleman knows, I appeared before the Committee on Rules yesterday in opposition to the rule. I took that position mainly because I think the consideration of this bill is untimely.

I think the bill will be considered. I believe that it will be passed by this House, but I think it would, in all fairness to the Members of this House, be better to do so when we have the additional legislation that is now under consideration between the President and the building trades before us. I think it is a disservice to the Members of this House that the Committee on Rules granted the rule and that the leadership scheduled the bill here today.

I think all Members of the House would have been much better served had this bill been delaying until after the recess.

Mr. Speaker, I intend to vote against the rule for that reason.

Mr. ANDERSON of Illinois. Mr. Speaker, I thank the gentleman from Illinois.

Mr. DEL CLAWSON. Mr. Speaker, I have no further requests for time.

Mr. PEPPER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DEL CLAWSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 322, nays 94, not voting 18, as follows:

[Roll No. 430]

YEAS—322

Abzug
Adams
Addabbo
Alexander
Ambro
Anderson,
  Calif.
Andrews,
  N. Dak.
Annunzio
Ashley
Aspin
AuCoin
Badillo
Bafalis
Baldus
Barrett
Baucus
Beard, R.I.
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Burgener
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Casey
Chappell
Chisholm
Clausen,
  Don H.
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Conable
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniel, Dan
Daniels, N.J.
Davis
de la Garza
Delaney
Dellums
Dent
Derrick
Diggs
Dingell
Dodd
Downey, N.Y.
Drinan
Duncan, Oreg.
Duncan, Tenn.
du Pont
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
English
Evans, Colo.
Evans, Ind.
Fary
Fascell
Findley
Fish
Fisher
Fithian
Florio
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Fraser
Frey
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Gradison
Green
Gude
Guyer
Hall
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Harsha
Hawkins
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hightower
Hillis
Holland
Holtzman
Horton
Howard
Howe
Hughes
Hungate
Hyde
Ichord
Jacobs
Jeffords
Jenrette
Johnson, Calif.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kasten
Kastenmeier
Kazen
Kemp
Ketchum
Keys
Kindness
Koch
Krebs
LaFalce
Lagomarsino
Leggett
Lehman
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Lott
Lujan
McCormack
McDade
McEwen
McFall
McHugh
McKay
McKinney
Macdonald
Madden
Maguire
Mahon
Mann
Mathis
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Mikva
Milford
Miller, Calif.
Miller, Ohio
Mills
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Nedzi
Nichols
Nix
Nolan
Nowak
Oberstar
O'Brien
O'Hara
O'Neill
Ottinger
Passman
Patman, Tex.
Patten, N.J.
Patterson,
  Calif.
Pattison, N.Y.
Pepper
Perkins
Peyser
Pickle
Pike
Pressler
Preyer
Price
Pritchard
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Richmond
Riegle
Rinaldo
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Roybal
Runnels
Ruppe
Russo
Ryan
St Germain
Sarasin
Sarbanes
Scheuer
Schroeder
Schulze
Seiberling
Sharp
Shipley
Shriver
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Solarz
Spellman
Spence
Staggers
Stanton,
  J. William
Stark
Steed
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Thompson
Thornton
Traxler
Treen
Tsongas
Udall
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Waxman
Weaver
White
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Wirth
Wolff
Wright
Wydler
Yates
Yatron
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—94

Abdnor
Anderson, Ill.
Andrews, N.C.
Archer
Armstrong
Ashbrook
Bauman
Beard, Tenn.
Bedell
Brown, Ohio
Broyhill
Buchanan
Burke, Fla.
Burleson, Tex.
Butler
Byron
Cederberg
Clancy
Clawson, Del
Collins, Tex.
Conlan
Crane
Daniel, R. W.
Derwinski
Devine
Dickinson
Downing, Va.
Emery
Erlenborn
Esch
Fenwick
Forsythe
Frenzel
Goldwater
Goodling
Grassley
Hagedorn
Haley
Hammer-
  schmidt
Hansen
Hastings

Hefner
Henderson
Holt
Hubbard
Hutchinson
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Kelly
Krueger
Latta
Long, Md.
McClory
McCloskey
McCollister
McDonald
Madigan
Martin
Michel
Montgomery
Moore
Moorhead, Calif.
Neal
Obey
Pettis
Poage
Quie
Quillen
Roberts
Robinson
Rousselot
Santini
Satterfield
Schneebeli
Sebelius
Shuster
Smith, Nebr.
Snyder
Steelman
Stephens
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Thone
Vander Jagt
Whalen
Whitehurst
Whitten
Wiggins
Winn
Wylie

NOT VOTING—18

Burke, Calif.
Carter
Danielson
Eshleman
Evins, Tenn.
Flood
Fountain
Fulton
Hébert
Hinshaw
Landrum
Lent
Risenhoover
Stanton, James V.
Teague
Ullman
Van Deerlin
Young, Alaska

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Danielson with Mr. Landrum.
Mr. Hébert with Mr. Ullman.
Mr. Fulton with Mr. Young of Alaska.
Mr. Risenhoover with Mr. Lent.
Mr. Teague with Mr. Van Deerlin.
Mr. Flood with Mr. Evins of Tennessee.
Mrs. Burke of California with Mr. Eshleman.
Mr. Fountain with Mr. Carter.
Mr. James V. Stanton with Mr. Hinshaw.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 3130, AMENDING NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 TO CLARIFY PROCEDURES WITH RESPECT TO PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Mrs. SULLIVAN submitted the following conference report and statement on the bill (H.R. 3130) to amend the National Environmental Policy Act of 1969 in order to clarify the procedures therein with respect to the preparation of environmental impact statements:

CONFERENCE REPORT (H. REPT. No. 94–388)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3130) to amend the National Environmental Policy Act of 1969 in order to clarify the procedures therein with respect to the preparation of environmental impact statements, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That section 102(2) of the National Environmental Policy Act of 1969 (83 Stat. 852) is amended by redesignating subparagraphs (D), (E), (F), (G), and (H) as subparagraphs (E), (F), (G), (H), and (I), respectively; and by adding immediately after subparagraph (C) the following new subparagraph:

"(D) Any detailed statement required under subparagraph (C) after January 1, 1970, for any major Federal action funded under a program of grants to States shall not be deemed to be legally insufficient solely by reason of having been prepared by a State agency or official, if:

"(i) the State agency or official has statewide jurisdiction and has the responsibility for such action,

"(ii) the responsible Federal official furnishes guidance and participates in such preparation,

"(iii) the responsible Federal official independently evaluates such statement prior to its approval and adoption, and

"(iv) after January 1, 1976, the responsible Federal official provides early notification to, and solicits the views of, any other State or any Federal land management entity of any action or any alternative thereto which may have significant impacts upon such State or affected Federal land management entity and, if there is any disagreement on such impacts, prepares a written assessment of such impacts and views for incorporation into such detailed statement.

The procedures in this subparagraph shall not relieve the Federal official of his responsibilities for the scope, objectivity, and content of the entire statement or of any other responsibility under this Act; and further, this subparagraph does not affect the legal sufficiency of statements prepared by State agencies with less than statewide jurisdiction.".

And the Senate agree to the same.

LEONOR K. SULLIVAN,
ROBERT L. LEGGETT,
JOHN DINGELL,
JOHN M. MURPHY,
PHILIP E. RUPPE,
EDWIN B. FORSYTHE,
Managers on the Part of the House.

HENRY M. JACKSON,
FLOYD K. HASKELL,
DALE BUMPERS,
PAUL J. FANNIN,
MARK O. HATFIELD.
Managers on the part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3130), to amend the National Environmental Policy Act of 1969 in order to clarify the procedures therein with respect to the preparation of environmental impact statements, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The Committee of Conference has agreed to a substitute for both the House bill and the Senate amendment. The language agreed upon by the Conference Committee retains virtually verbatim the language of the bill enacted by the House. It also preserves the purpose of the Senate amendment. The Conference Committee, however, agreed to alter the language of that amendment in order to clarify certain ambiguities therein.

Except for clarifying, clerical and conforming changes, the language of the Conference report differs from the bill enacted by the House and the amendment enacted by the Senate in four respects:

1. The House bill amended the National Environmental Policy Act of 1969 ("NEPA", 83 Stat. 852) to create a new subsection at the end of section 102.

The Senate amendment amended NEPA by inserting the language of H.R. 3130 at the end of section 102(2) (C), the specific provision of NEPA which contains the environmental impact statement ("EIS") requirement.

The Conference report amends NEPA by redesignating subparagraphs (D) through (H) as subparagraphs (E) through (I), respectively, and adds a new subparagraph (D). The language of the Conference report refers specifically and applies only to section 102 (2) (C); the new subparagraph (D) was created solely for clarifying and reference purposes.

2. The House bill referred to environmental impact statements "prepared after January 1, 1970".

The Senate amendment referred to any such statement "prepared after January 1, 1970, on a major Federal action funded under a program of grants to states", thus removing from the application of H.R. 3130 Federal licensing, permitting, certificating, contracting, construction programs or other programs which do not provide grants to States.

The Conference Committee adopted the Senate language.

3. The House bill permitted delegation of EIS preparation responsibilities to a "State agency or official". The intent of the House bill was to restate administrative and case law concerning the legally permissible limits to the delegation of EIS preparation responsibilities existing prior to two recent circuit court of appeals decisions concerning Federal-aid highway projects—decisions which have been interpreted as prohibiting such delegation (*Conservation Society of Southern Vermont* v. *Secretary of Transportation*, F. 2d , 2nd. Cir., December 11, 1974; and *Swain* v. *Brinegar*, F. 2d , 7th Cir., April 29, 1975).

The Senate amendment modified "State agency or official" by adding thereafter "which or who has statewide jurisdiction and has the principal planning and decisionmaking responsibility for such action." This change, together with the Federal grant program limitation inserted by the Senate amendment, would have limited, by statutory language, the application of H.R. 3130 to the very small number of Federal grant programs and recipients, principally the Federal-aid highway program and State highway agencies, which were discussed during the hearings on H.R. 3130. The Senate amendment addressed only Federal grant programs (i) in which the major planning or decisionmaking is done by the recipient State agency or official, not programs in which the agency or official simply spends the money in accordance with decisions made principally by the Federal agency or transfers the funds to other public entities which, in fact, have the principal planning and decisionmaking responsibilities, and (ii) in which that agency or official has the requisite jurisdiction to prepare the analysis required in the EIS.

The Conference Committee agreed that the application of H.R. 3130 should be limited. The question was raised, however, as to whether such a limitation on H.R. 3130's applicability could be interpreted in any subsequent judicial decision as a statement of Congressional intent to either deny or affirm the validity of the delegation of EIS preparation responsibilities to State agencies of less than statewide jurisdiction which are Federal grant recipients. To remove the possibility that any such inference could be drawn, the Conference Committee agreed to the following language: "(T)his subparagraph does not affect the legal sufficiency of statements prepared by State agencies with less than statewide jurisdiction." The purpose of this language is to provide a clear statement that the Conference report does not establish or negate the legal sufficiency of the delegation of EIS preparation responsibilities in instances other than those to which the Conference report applies.

In addition, the Conference Committee

agreed not to include in the Conference report the words "principal planning and decisionmaking" which appeared in the Senate amendment. This language was regarded as unnecessary in light of the legislative history of H.R. 3130 and the retention of the requirement contained in the Senate amendment that the State agency or official have the "responsibility for such action".

4. The Senate amendment added to the House bill a proviso, effective June 1, 1975, which addresses the circumstances in which a State agency or offical is delegated the responsbility of EIS preparation for a major Federal action which has significant impacts upon another State or the land managed by a Federal land management agency, e.g. national park or forest. In the view of the Senate, the principal reason for this provision is the lack of jurisdiction of the State agency to collect and analyze data on, and the lack of direct familiarity of that agency with, alternatives and impacts affecting areas which are the responsibility of other States or the Federal government.

While the language adopted by the Conference Committee preserves the purpose of the Senate proviso, it differs from the language of the Senate amendment in several respects: First, a new prospective date of January 1, 1976, was selected to allow adequate time for the Federal agencies to implement this requirement and to avoid the redrafting of statements begun before this date. The lists of Federal agency statements prepared pursuant to the Council on Environmental Quality guidelines of August 1, 1973, section 1500.6(e)(1)-(3), should be used in determining which statements have been initiated prior to January 1, 1976. Second, to eliminate the possibility of too broad an interpretation of the impacts referred to in the Senate proviso, the Conference Committee chose not to insert the wording "major interstate significance" contained therein and, instead, to adopt new language. Third, the Conference report sets forth the procedure to accomplish the purpose of the Senate proviso while simultaneously clarifying and further limiting the impacts requiring written assessment by the Federal official. The Conference report requires that the State or Federal land management agency be provided the opportunity to comment upon the significant impacts of the proposed action and alternatives thereto affecting such State or agency. In the case of disagreement over the characterization, extent or likelihood of such impacts between the State preparing the EIS and the State or the Federal agency commenting on the impacts, the responsible Federal official would prepare an independent, written assessment of such impacts for incorporation in the EIS.

Leonor K. Sullivan,
Robert L. Leggett,
John Dingell,
John M. Murphy,
Philip E. Ruppe,
Edwin B. Forsythe,
Managers on the Part of the House.
Henry M. Jackson,
Floyd K. Haskell,
Dale Bumpers,
Paul J. Fannin,
Mark O. Hatfield,
Managers on the Part of the Senate.

PERMISSION FOR COMMITTEE ON INTERNATIONAL RELATIONS TO FILE A REPORT

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent that the Committee on International Relations may have until midnight tonight to file a report.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ANNUAL REPORT OF FEDERAL COUNCIL ON AGING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

To the Congress of the United States:

I am transmitting herewith the Annual Report of the Federal Council on Aging, together with my comments and recommendations.

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 to advise and assist the President on matters relating to the special needs of older Americans, and for other purposes specified in the enabling legislation. Members of the Federal Council on the Aging were confirmed by the Senate on June 5, 1974.

As the annual report indicates, the Federal Council on the Aging has undertaken a number of advocacy activities pursuant to its legislated mandate. The report, as submitted to me by the Secretary of Health, Education, and Welfare for transmittal, does not include supporting data or analysis which would provide the basis for a detailed review of policy positions and recommendations.

Since the Council was only recently formed, the Administration, on behalf of the Federal Council on the Aging, has requested that the Congress authorize an extension until January 1, 1976, of the date for submission to the Congress of the two legislatively mandated studies.

One study calls for a review of the interrelationships of all benefit programs—Federal, State, local—serving the elderly. Such information could be useful to the Executive Branch and the Congress to identify duplicative and overlapping programs and to propose the necessary reforms so that our resources may be more effectively applied to help those most in need.

A second study, dealing with the combined impact of all taxes on the elderly, could also be helpful in determining the burdens and benefits of government actions as they affect the Nation's elderly.

I look forward to the study reports to help us provide an effective and economical delivery of services to our elderly citizens.

The Council specifically recommends "legislative action to develop high standards of safety and care in nursing homes." The Department of Health, Education, and Welfare has set high standards of nursing home care and safety that must be met by nursing homes participating in the Medicare and Medicaid programs. The enforcement of these standards is one of my Administration's highest priorities. Federal funds pay 100 percent of the costs of inspection to monitor compliance with these standards. The Federal Government pays its share of the costs of meeting nursing home standards through health care financing programs, primarily Medicare and Medicaid. Financial assistance is also made available by the Department of Housing and Urban Development to assist nursing homes in meeting selected fire safety standards.

The Council also expressed its concern about the level of funding for programs to assist the elderly. I sympathize with this concern, but I am determined to reduce the burden of inflation on our older citizens, and that effort demands that government spending be limited. Inflation is one of the cruelest and most pervasive problems facing older Americans, so many of whom live on fixed incomes.

A reduction of inflation, therefore, is in the best interests of all Americans and would be of particular benefit to the aging.

The perspective and recommendations of this report are limited to a particular area of interest and advocacy.

The report does not reflect the Administration's policies, which must reflect a broader range of responsibilities and priorities.

Gerald R. Ford.

The White House, *July 24, 1975.*

ANNUAL REPORTS OF THE SIX RIVER BASIN COMMISSIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 94-219)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations:

To the Congress of the United States:

I am transmitting herewith the annual reports of the six river basin commissions, as required under section 204(2) of the Water Resources Planning Act of 1965.

The act states that commissions comprised of State and Federal members may be established at the request of the Governors of the States within the proposed commission area. Each commission is responsible for planning the best use of water and related land resources in its area and for recommending priorities for implementation of such planning. The commissions, through efforts to increase public participation in the decisionmaking process, can and do provide a forum for all people within the commission area to voice their ideas, concerns and suggestions.

The commissions submitting reports are New England, Great Lakes, Pacific Northwest, Ohio, Missouri, and Upper Mississippi. The territory these six commissions cover includes part or all of 32 States.

The enclosed annual reports indicate the activities and accomplishments of the commissions during fiscal year 1974. A brief description of current and potential problems, studies, and approaches to solutions is included in the reports.

Gerald R. Ford.

The White House, *July 24, 1975.*

PROTECTING ECONOMIC RIGHTS OF LABOR

Mr. THOMPSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5900, to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5900, with Mr. NATCHER in the Chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New Jersey (Mr. THOMPSON) will be recognized for 1 hour; the gentleman from Minnesota (Mr. QUIE) will be recognized for 1 hour, and the gentleman from Ohio (Mr. ASHBROOK) will be recognized for 1 hour.

The Chair now recognizes the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to express my very deep appreciation to all of my colleagues who, over the years, have interested themselves both for and against the substantive issue which we are about to discuss. I would like especially to express my gratitude to the 106 or so of my colleagues who cosponsored this legislation on both sides of the aisle. Then too, I express my appreciation for my opponent of this evening, and I suppose tomorrow, the gentleman from Ohio (Mr. ASHBROOK). Although I do not always appreciate his opposition because I find it very difficult, I find him a very understanding gentleman. Also, I am grateful to the ranking minority member of the full committee, the gentleman from Minnesota (Mr. QUIE), and also to the great and distinguished chairman of the full Committee on Education and Labor, the gentleman from Kentucky (Mr. PERKINS).

Having adopted the rule, we now consider the bill H.R. 5900, which is intended to protect the economic rights of labor in the building and construction industry, a bill providing for equal treatment of the craft and industrial workers. It is my bill, with my more than 100 cosponsors, but at times in recent discussion I have found it difficult to recognize it. I found it to have been distorted and twisted virtually all out of recognition by its opponents and detractors.

Public debate on H.R. 5900 began on June 5 in this Congress with favorable testimony by the Secretary of Labor, John Dunlop, who asked that the discussion be conducted, to quote him, "factually, dispassionately, realistically, and in tolerance and good humor."

But even as he spoke, the Association of General Contractors in the committee room distributed a news release within that room alleging that the bill was a calculated attempt to force management to its knees and the nonunion workers off the worksites. So much for a factual, dispassionate discussion of the issues, much less with tolerance and good humor.

Many of the opponents of H.R. 5900 are grim in their determination to defeat the bill, no matter what the cost in distortions and otherwise. The deception goes back, if I might say to the nomenclature. The opposition centers around nonunion employers in the construction industry. They do not admit the fact that they are not union, they are self-styled "open shop" or sometimes "merit shop" operators.

An open shop operation sounds great until one realizes that it is "open" only to nonunion employers, and I recognize that throughout the United States there are any number of perfectly legitimate open shop operators. In other words, they and all of their subcontractors are nonunion. I have no quarrel with that; that is a matter of choice of the employer and of his employees.

They seem not to be worried that H.R. 5900 might result in higher wages for their work, for improved and more extensive safety standards and working conditions.

Their statements were taken at face value. They worry that this legislation might deny jobs to minority groups in the inner city; they worry that H.R. 5900 might deny, to quote them, the "freedom of choice" to our workers; they worry about the cost of residential housing, they worry openly about everything, in fact, but their pocketbooks.

We have checked them out, and here are the facts:

The opponents were not with us when we tried to end the racial and sexual discrimination in employment. The opponents were not with us when we tried to assure job opportunities for all persons. The opponents were not with us when we tried to enact meaningful housing legislation which would put them and anyone else to work. They are not with us when we attempt to legislate for the common workingman and woman in America.

I think they cry crocodile tears. Their distortions, I think, are transparent.

For the sake of the record, and as the sponsor and draftsman of H.R. 5900, I want to clarify a few misconceptions fostered by the opponents of the bill.

The bill does not countenance picket line violence. It is against the law. The bill does not countenance racial or sexual discrimination. In addition to all other laws on the books, it specifically prohibits it. The bill does not countenance discrimination because of religious beliefs or creeds.

I might say, parenthetically, that I have an agreement with the gentleman from Illinois (Mr. ERLENBORN) to do to the whole National Labor Relations Act what we did in the Hospital Act of last year. This is not, in my judgment, germane to this bill. It should be offered as a separate act, perhaps jointly sponsored and initiated by the gentleman from Illinois (Mr. ERLENBORN) and myself to prevent all throughout the National Labor Relations Act discrimination on account of religious beliefs.

H.R. 5900 not only does not countenance racial or sexual discrimination. It does not countenance discrimination at the union hiring hall against nonunion workers. And, finally, it does not countenance closing down the Alaska pipeline. That is an incredible assertion. It does not do it.

I hope we can put these and similar bugaboos behind us as we enter into this debate, and I trust, in the words of Secretary Dunlop that the debate will be conducted "factually, dispassionately, realistically," and "in tolerance and good humor." It is our intent.

I could not emphasize more seriously than I do what I believe to be the absolute need for the passage of this legislation to insure a much greater degree of tranquillity in the construction industry. During the testimony by Secretary Dunlop, representing President Ford, this legislation was endorsed by the President.

We agreed to two very important amendments offered by the gentleman from Michigan (Mr. ESCH) which would have the effect of tranquilizing the industry. First, there must be a 10-day notice of any intent to strike, and second, there must be acquiescence by the international labor union in that threat or intention to strike. This will have the effect, in my considered judgment, of preventing wildcat strikes which are generated by the anguish of any particular worker or group of workers, who can now in any industry—certainly that is true in an industrial union situation—"take a job down," to use union parlance, as the result of a grievance and go on a picket line and refuse to work.

This bill will do no more, I assure the Members, than to grant precisely—and no more than precisely—the same rights to construction workers as are now enjoyed by industrial workers. This does not enlarge on the law one whit. It does not take anything away from the law, not one whit. All it does is to give construction workers the same opportunity to redress their grievances in the collective bargaining process, under all of the other constraints in the law as are now enjoyed by industrial workers.

This bill is very, very narrowly drawn. It affects only section 8(b)(4)(B) of the Taft-Hartley Act, and no other section. Indeed we would not be here now debating this had not the Supreme Court of the United States in the Denver Building Trades case handed down a decision in 1951 by a 5-to-4 decision, which, in my judgment, misconstrued the provisions of section 8(b)(4)(B) of the act.

The same relief has been granted since 1959 to the garment trades without any disruption.

So, Mr. Chairman, anything else that the Members may hear to the contrary notwithstanding, every other right and every other prohibition under the law will be totally unchanged, except for the construction trades, as their relationships with their employers, the labor-management relationships, are controlled or restrained, if you will, by the interpretation in regard to the building trades, with relation to section 8(b)(4)(B).

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON. I yield to the gentleman from California.

Mr. BELL. Mr. Chairman, I rise in support of this legislation. I commend the gentleman from New Jersey (Mr. Thompson) for getting this legislation out of committee.

Mr. BIAGGI. Mr. Chairman, I would first commend the gentleman for his chairmanship, and also his leadership in this field. I have been privileged to be associated with the gentleman in the development of this bill and I am happy to say that I was a cosponsor with the chairman.

Mr. Thompson has explained fully in his opening statement what H.R. 5900 does not countenance or permit, and he has traced the history of similar bills since 1949.

I would like to turn my attention to H.R. 5900, and briefly describe exactly what it provides.

SECTION-BY-SECTION ANALYSIS

Section 1 adds a number of provisos to section 8(b)(4)(B) of the National Labor Relations Act. The first proviso in effect states that nothing in section 8(b)(4)(B) shall be construed to prohibit any strike at the site of construction, alternation, painting, or repair of a building, structure, or other work directed at any of several employers in the construction industry who are jointly engaged as joint venturers or in the relationship of contractors and subcontractors on such construction at such site.

The purpose of the first proviso is to amend section 8(b)(4)(B) of the labor act to make it clear that the terms "any person" and "any other person" shall not include employers in the construction industry who are jointly engaged as joint venturers or in the relationship of contractors and subcontractors at the site of construction, alteration, painting, or repair of a building, structure, or other work. It would thereby reverse *Labor Board* v. *Denver Building and Construction Trades Council*, 341 U.S. 675 (1951), *Markwell & Hartz* v. *NLRB*, 387 F. 2d 70 (5th Cir. 1967), Moore Drydock, and related cases which hold that the contractor and the subcontractor doing related work on a construction site are separate legal entities, and consequently, a strike against the contractor to protest his hiring of a nonunion subcontractor has the illegal object of forcing "any person", the contractor, to cease doing business with "any other person", the subcontractor.

A second proviso makes it clear that the amendment to section 8(b)(4)(B) does not permit any act or conduct which was or may have been an unfair labor practice under the subsection, except that permitted by the first proviso.

A third proviso makes it clear that the amendment does not prohibit any act which was not an unfair labor practice under the provisions of the subsection existing prior to the enactment of such provisos.

A fourth proviso makes it clear that the preceding provisos cannot be construed to permit activities where the object is the removal or exclusion from the site of any employee on the ground of sex, race, creed, color, or national origin.

A fifth proviso states that none of the preceding provisos may be interpreted to permit any attempt by a labor organization to require an employer to recognize or bargain with any labor organization if another labor organization is lawfully recognized as the representative of his employees.

A sixth proviso requires a labor organization to give not less than 10 days' prior written notice of intent to strike or to refuse to perform services before engaging in activities permitted by the provisos, such notice to be extended to all unions and the employer and the general contractor at the site as well as to any national or international labor organization of which the labor organization involved is an affiliate, and to the collective bargaining committee in construction.

The seventh proviso authorizes the labor organization to engage in activities permitted by the above provisos at the expiration of 10 days from the transmittal of the notice required in the previous proviso, if the national or international labor organization, of which the labor organization involved is an affiliate, gives written notice of authorizing such action.

An eighth proviso in effect states that the authorization by the national or international labor organization required in the seventh proviso shall not render it subject to any criminal or civil liability arising from activities for which notice was given consistent with the sixth and seventh provisos.

A ninth proviso deals with sites located at any military facility or installation of the Army, Navy, or Air Force, or at a facility or installation of any other department or agency of the Government if a major purpose of such facility is or will be the development, production, testing, firing, or launching of munitions, weapons, missiles, or space vehicles. With respect to such sites, the labor organization involved must give not less than 10 days' prior written notice of any intention to strike or to refuse to perform services to the Federal Mediation and Conciliation Service, and to any State or territorial agency established to mediate and conciliate disputes within the State or territory where such site is located, as well as to the several employers who are jointly engaged at such site, to the Army, Navy, or Air Force, or other department or agency of the Government concerned with the installation and to any national or international labor organization of which the labor organization involved is an affiliate. The notice requirements of this proviso are in addition to the notice requirements prescribed by section 8(d).

Section 1 of the bill also provides that in determining whether several employers who are in the construction industry are jointly engaged as joint venturers at any site, ownership, or control of such site by a single person shall not be controlling.

Section 2. This section of the bill provides that amendments made to the act shall take effect 90 days after the enactment of the legislation.

This bill simply extends to the construction industry what every other labor organization has in this country. The right to strike against unfair labor practices is basic to a union's objective of maintaining the rights of its members.

The present situation in the construction industry permits unscrupulous contractors and subcontractors to subvert the law. Narrowly construed court decisions have sanctioned this activity. This bill will simply clarify the intent of Congress in passing the original National Labor Relations Act, which was to extend its protections to every labor organization in every situation.

Many employers and contractors have expressed fears that this legislation would increase the costs of construction, lead to even more delays in the construction industry, and put a number of small businessmen out of operations. I do not believe that is so. The safeguards we have put in this bill will prevent its abuse by labor organizations who seek to coerce employers into doing their bidding.

Perhaps some firms will go out of business, but it will be the firms that have exploited cheap labor wherever they could. Those honest, forthright companies that have dealt with organized labor in a fair and cooperative fashion will have no problems with this legislation nor experience any real change in operations.

This is legislation aimed at helping working men and women in the construction industry. They have been severely hit by the recession and need all the help they can get to protect their jobs from unscrupulous businessmen. I hope my colleagues will strongly support this legislation and urge the President to sign it.

Mr. ASHBROOK. Mr. Chairman, I yield such time as he may consume to the ranking minority member of the committee, the gentleman from Minnesota (Mr. Quie).

Mr. QUIE. Mr. Chairman, this bill has generated emotional debate for 25 years. Some of us who will be voting for the legislation felt that it would be better if the House would delay action until the other piece of legislation that is now being developed in the Department of Labor affecting collective bargaining in the construction industry could be considered at the same time in the House.

However, the House chose not to do this. Therefore, we have before us the bill and a decision as to what we ought to do about it.

During debate on this over 25 years in our committee, it has been difficult to balance the pros and cons on the legislation, especially where the debates have focused on the technicalities of the interpretations of the law. However, after long and thoughtful consideration of the pending bill, I have concluded again that it is equitable. I said "again" because when the Committee on Education and Labor reported a similar bill, H.R. 9070, in 1960, I did not oppose it at that time either.

Let me explain my position. In the construction industry there are many contractors and subcontractors working on the same projects. We can say there are many employers working on the same projects. They are all working toward one common goal. The employees of those contractors and subcontractors are working side by side on a day-to-day basis. The general contractor is responsible for the subcontracting arrangements and usually handles the whole work project. Therefore, I believe that in most situations the several employers engaged on a single construction project are not really neutral with respect to one another.

The real purpose of the secondary boycott provisions of the Taft-Hartley Act is to protect the innocent and neutral employers and their employees. The late Senator Taft stated that these secondary boycott prohibitions were to protect the third person "who is wholly unconcerned" in a disagreement between an employer and his employees.

I accept that concept that third persons wholly unconcerned should be protected, but I believe that the several subcontractors and the general contractor, working together in a coordinated or integrated building effort, are not wholly unconcerned. The general contractor usually knows the subcontractor's labor relations policy when he subcontracts to him, and the opposite is also true. The subcontractor knows with whom he is dealing and what the consequences may be.

Unions outside the construction industry can picket the whole site of an industrial or manufacturing plant even though different trades or crafts may be working in the plant. Thus, to prohibit the building trade unions from picketing a work site where their respective employers are not wholly unconcerned with the labor disputes of the other employers on that site deprives them of a right which other unions have.

Additionally, the majority report, on pages 14 and 15, emphasizes that H.R. 5900 is narrowly conceived and narrowly drawn. It is drawn to overrule that conclusion of the Supreme Court in the Denver case that separate employers on a building site are independent of each other in every way. H.R. 5900 applies only to a single construction site. H.R. 5900 does not allow picketing where the picketing would otherwise be unlawful or in breach of a collective bargaining contract. Other protections offered by the proponents of H.R. 5900 are carefully set out in the report, including the 10-day advance notice and a written authorization by a national or international labor organization of which the local is an affiliate.

Despite the assurances of the proponents of the bill, I still have some reservations regarding the definition of "site," as the gentleman from New Jersey (Mr. Thompson) is aware, from our conversations in the committee.

Therefore, in order to give the National Labor Relations Board some future guidance for its benefit in interpreting "site," I would like to direct some questions to the gentleman from New Jersey (Mr. Thompson), the sponsor of the bill.

The first question refers to page 15 of the report which, as the gentleman from New Jersey knows, was put in the majority report because of the questions that I had asked, and that is: If an entrepreneur builds a factory, we will say, on one side of the highway, or better yet, on one side of a street, and then on the other side builds a parking lot with bids to two general contractors, one to build the parking lot and one to build the building, each of those would be separate sites, as indicated in the conference report.

My question is: If there is no highway between them would they still be separate sites, each of them?

Mr. THOMPSON. Mr. Chairman, if the gentleman will yield, I would say to the gentleman from Minnesota that they were separate sites without the highway in between them, and we put the highway in between them simply because that is the usual course of events where one builds a plant and then has a parking lot built elsewhere because of the value of the land for the parking lot being less than that of the land on which the plant is being built. So that the general contractor building the plant would be site A, and the general contractor building the parking lot would be a separate site, as general contractor B.

Mr. QUIE. Then the further question—and this refers to the language that appears on page 22 on number 12, the question in the majority report having to do with the question in connection with the separate contracts in the 10 States, and it ends up saying that:

> Picketing against any one contractor would have to conform to Moore Drydock Standards.

My question to the chairman of the subcommittee, the gentleman from New Jersey (Mr. Thompson) is that when the sites are separate as, say, in the case we just referred to where there was a construction of a building on one side of a highway and a parking lot on the other side, in that case the Moore Drydock Standards would apply; am I not right?

Mr. THOMPSON. Yes, the gentleman is correct.

Mr. QUIE. To the issue between the two sites?

Mr. THOMPSON. The gentleman is correct. The Moore Drydock doctrine would apply.

Mr. QUIE. While if there was a strike on the site then the language of this bill would apply?

Mr. THOMPSON. Yes.

Mr. QUIE. Because there would be a general contractor-subcontractor relationship in that case?

Mr. THOMPSON. Yes.

If the gentleman will yield further, I want to express my appreciation for these questions because we would not be here had there not been some fuzziness in the legislative history in 1947. So I want this legislative history to be explicit. I hope that my responses to the gentleman's questions are explicit so that there will not be any distortion.

Mr. QUIE. I appreciate the answers that the gentleman from New Jersey has given because I have found in inquiries to the Labor Department that they do not have a history of what is a site with the exception of, of course, trying to determine the site under Davis-Bacon, which to me is different for that reason.

Mr. THOMPSON. I might say to the gentleman that such inquiries are valuable but, over a period of years, the administration and the legal services available from the Labor Department and the interpretations by its lawyers are somewhat, to be charitable about it, confused because of the rapid turnover in that department.

Mr. QUIE. Yes. It is for that reason that I would like to have the Board look at the legislative history here rather than the confused situation that has existed up to this time in making that determination.

Mr. THOMPSON. I agree.

Mr. Chairman, I have some additional questions that I will ask later, but I will yield back the balance of my time at the moment to the gentleman from Ohio (Mr. Ashbrook).

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Ashbrook).

Mr. ASHBROOK. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. Bauman).

Mr. BAUMAN. Mr. Chairman, we are being asked to consider a bill which is one of the most harmful pieces of legislation that has ever been perpetrated by a single vested interest group against the public good. The business of labor-management relations is too serious to be invested to a single union, but H.R. 5900, authorizing so-called common situs picketing at construction sites does exactly that.

This bill would legalize the practice of secondary boycotts. It would permit any union having a dispute with a particular subcontractor at a construction site to picket and close down work at that site, thus harming all the employees at that site—whether they are members of that particular union or not. Why should any one union be able to tell both management and the group of other unions at a construction project what they must and must not do? At a time when labor-management cooperation in the economically depressed construction industry is needed, why is such a provocative and totally one-sided bill now introduced after two decades of well-paid lobbying and unsuccessful pressuring by the trade unions to get their way?

It would seem to an outside observer that only ignorance of the issue or a passion for economic self-flagellation would induce this Congress to vote for a measure which would all but guarantee major work stoppages in the construction industry at a time when our ailing economy has hopes of rising from its sick bed. It is no secret that people are out of work, building construction is down, and general contracting investment needs more than warm wishes and other verbal barbituates to get on the increase. Except for bringing smiles and extra cash-flow to a select group of labor attorneys, this common situs picketing bill offers no advantage to any worker or employer in the construction industry.

Survey research polls over a period

of some 20 years indicate that two-thirds of the American people do not favor the legalization of secondary boycotts at construction sites, and even 57 percent of all union members are as adamantly opposed. They know that these boycotts would be used to destroy open shops, and they would attempt to link secondary boycotts and "area standards" picketing in an attempt to weaken independent unions. These practices would destroy even the pretense of free choice by unions to choose a bargaining agent or union at a site or not to choose one as they deem appropriate.

Mr. Chairman, each Congress this mildewed cause is once again dragged up in the Education and Labor Committee and we are compelled to hear the same rationalizations used on behalf of self-serving and insecure interests which are allergic to competition and fearful of freedom in our economy. The AFL-CIO chieftains annually voice their nominal and customary support for it, but their yearly cries echo like the moans of the little boy begging for not merely one, but every piece of chocolate in the candy shop. And like the wise parent of that little boy, we must say to those few who again come before us to promote this bill that it is only because each and every Member of this Congress love you in our own particular way that we must deny your unreasonable demand. Unlimited candy for little boys and unlimited power for labor bosses result in the same thing. I say that we must condition each to restrain themselves and perfect their beings, one immediate way of doing this being to vote against H.R. 5900.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. O'HARA).

Mr. O'HARA. Mr. Chairman, as other speakers have pointed out, this entire question has been before the Congress for a very long time. It was the opinion of President Eisenhower and his Secretary of Labor, as it has been the opinion of every president since that time, and of the Secretaries of Labor since that time, that the Denver Building Trades decision, which this bill attempts to change, was unjust in its application to construction workers, that it unfairly denied to construction workers certain rights that were possessed by all other workers.

I think it is rather shameful that it has taken this long for Congress to remedy this injustice. But I am very pleased to see the strong bipartisan support for this legislation as it emerged from the Committee on Education and Labor. I think that we are now on the verge of making a long overdue change in our labor law.

I want to congratulate the gentleman from New Jersey (Mr. THOMPSON), and the members of his subcommittee, and the gentleman from Minnesota (Mr. QUIE), the gentleman from Ohio (Mr. ASHBROOK), and the minority members of the committee, for the constructive way in which this question has been handled in this Congress. It has been handled in a manner that reflects credit on all concerned.

Mr. Chairman, I support the adoption of H.R. 5900, and yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in opposition to H.R. 5900. I am strongly opposed to this bill and would urge my colleagues to vote against it.

Much has been written and said about this bill. All Members have been lobbied by both the proponents and the opponents. As one of the strongest opponents, I wish to emphasize a few of the major points of the minority point of view:

First. H.R. 5900 is a bill that will legalize presently unlawful secondary boycotts in the construction industry. It is a bill that would enmesh unoffending and neutral employees and employers in disputes to which they are not parties—in all probability, do not wish to become parties.

Is this type of thing consistent with our national labor policies?

In answer, I ask, how could it be? In 1947 when Congress discovered abuses by labor organizations, Congress acted to make those abuses unfair labor practices. In 1959, when Congress discovered labor organizations engaged in abuses against their own members and had found ways to avoid the unfair labor practices previously outlawed, Congress acted to eliminate those abuses and close those loopholes. In doing so, Congress reasserted that the policy of the Labor Act was to eliminate all practices which have the effect of burdening commerce, particularly:

Experience has further demonstrated that certain practices by some labor organizations, their officers, and members have the intent of the necessary effect of burdening or obstructing commerce by preventing the free flow of goods in such commerce through strikes and other forms of industrial unrest or through concerted activities which impair the interest of the public in the free flow of such commerce. The elimination of such practices is a necessary condition to the assurance of the rights herein guaranteed.

It was and still should be the policy of the Congress of the United States to mitigate and eliminate obstruction to commerce.

But, the majority report states (page 13–14):

> Enactment of H.R. 5900 might generate a transitional wave of picket lines designed to achieve collective bargaining agreements that all the work on the construction site be performed under union contracts.
>
> * * * * *
>
> A picket line, thus, is an essential ingredient of our national commitment to collective bargaining not to be feared, impeded, or diminished.

A vote for this bill is concededly a vote for picket lines.

Any bill that admittedly would, or even might, generate a wave of picket lines should not be endorsed: It should not be considered. It should be rejected.

If the majority states a picket line should not be feared, impeded, or diminished, neither should it be expanded—especially in the guise of being consistent with "national policy."

Second. H.R. 5900 would amend the secondary boycott provisions of the NLRA and would have an effect on other sections of that act.

The secondary boycott provisions—found in section 8(b)(4)(B) and 8(e)—are the most complex in practical application and interpretation, of any labor law in the world.

But, the Committee on Education and Labor held only 4 days of hearings and rushed it through both subcommittee and full committee without considering the broader aspects of bargaining in the construction industry. These hearings have produced witnesses from the building trades unions who are supporting the bill, as they always have, claiming "inequality," as they have in the past. But, as we have shown in our minority views, the law as written applies to all, equally. Furthermore, they have not shown any need for the bill. They have special provisions in the NLRA designed for their use. They have average wage scales of about $10 per hour, roughly twice that of their brethren in manufacturing—$4.51 per hour in 1974—and their wages and fringes are rapidly escalating.

Other witnesses have been employers who have opposed this type of bill, as they have in the past, and for the same reasons. They have predicted dim consequences if this bill were to become law.

Consequently, there are two things the committee has not discovered during its hearings: The need for the bill; and the possible effects of this bill if it were to become law.

The majority states it needs H.R. 5900 to overrule the Denver Building Trades Council decision. But this bill goes much further than that case, which only held that union's picketing was unlawful because "an object" of that picketing was unlawful. That unlawful object was forcing one employer to cease doing business with another, and this unlawful object will remain unlawful, even if this bill were to pass.

Consequently, I urge all Members to consider the legal history, the possible effects of this bill, the allegation of inequality, the national labor policy of achieving stability in labor relations and then determine for yourself, whether this bill is one that should be imposed on the American public.

Third. Advocates of H.R. 5900 have supported this bill claiming union men should not be forced to work along side nonunion men. Why this is necessarily so, I cannot say, particularly since all men and women should be free to work in their chosen profession. But, the fact is that the bill would work more to the detriment of an all-union worksite than to a nonunion worksite, and be particularly harsh on union contractors. This point cannot be too strongly emphasized. Where an all-union contractor is on the job and one of his union subcontractors has a dispute with its union, that union may, under the provisions of H.R. 5900, picket the whole construction site, putting the rest of the union men and women and union contractors out of work. That, I assume, is the price of "equality." And that is the type of equality I would think the building trades unions should oppose, but do not.

I ask you to save the building trades from their own future problems.

Fourth. There is also the claim that all H.R. 5900 does is to recognize the economic realities in the building and construction industry by recognizing that all employers on an industrial site are joint ventures or not wholly neutral.

First, this argument is wholly without merit. In almost all cases the various subcontractors are legally and economically independent of each other. For the most part, bids for work are competitively bid and relate to specific work and not the total project. Profit and loss for each is in their own competence, neither of which they share with any other.

Second, the "joint venturers" argument admittedly applies only for the purposes of picketing. If the proponents of the bill can say all the employers on the site are, in effect, only one employer for purposes of picketing, why do not they say those employers are one employer for other purposes? Simply because the building trades want to be able to picket all the employers, instead of just one, but they do not want to give up their separate small bargaining unit. By keeping the one small employer as the appropriate unit for bargaining purposes for their trade, unions will be able to divide and conquer when it comes to picketing.

This is a very complex piece of legislation. The whole spectrum of collective bargaining in construction needs attention before its enactment. I have only touched on the highlights and urge you to read the minority views for further valid grounds for voting against this bill.

Mr. THOMPSON. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I have great respect for the friendship and cooperation and the views even of my distinguished friend, the gentleman from Ohio, although I do not agree with him.

At this point, following the statement of the gentleman from Ohio, for the benefit of all concerned I will make a matter of record a comment on the supplemental and minority views which the gentleman has so well articulated.

Mr. Chairman, the vote of the House Committee on Education and Labor recommending enactment of H.R. 5900 was not unanimous. Five Republicans and Democrat IKE ANDREWS of North Carolina voted "No." The reasons for their negative vote, and the supplemental views of MARVIN ESCH, are set forth in the report. A brief comment seems appropriate.

THE ESCH SUPPLEMENTAL VIEWS

Mr. ESCH voted in favor of H.R. 5900 but regrets that some "clarifying amendments" were not adopted in subcommittee or in committee. His proffered amendments were rejected because the majority thought most of them were "redundant" and unnecessary. The committee report—drafted simultaneously with Mr. ESCH's supplemental views—attempts to deal with most of the problems raised by Mr. ESCH as part of the legislative history and thus make it unnecessary to add additional provisos to an already "overly-provisoed" bill.

THE MINORITY VIEWS

The minority views are set forth in 10 closely printed pages in the report, and are set forth under various headings. They will be discussed in order of presentation.

1. PRINCIPLE

The minority objects to H.R. 5900 in principle, as it would legalize secondary boycotts in the construction industry. This is true, in the limited sense that one accepts the proposition that the contractor in the Denver case—in the words of the late Senator Taft—was "not in cahoots with" the nonunion electrical subcontractor he brought onto the job site, and, therefore, was an "innocent neutral," and "wholly unconcerned" with the subsequent labor dispute over the depressed wages paid the nonunion electricians. The minority accepts this view, and disagrees with the undisputed and uniform testimony at our hearings that all the employers on a common job-site are "interrelated allies" insofar as the construction project is concerned. I, myself, reject the rationale of the Denver case, and consequently I reject this portion of the minority views.

2. PURPOSE

The minority rejects the purpose of H.R. 5900 which, as they see it, is "to see every job in America a union job"; willy-nilly, and regardless of the choice of the individual workers concerned.

They see this purpose in the testimony of Andrew Biemiller, legislative director for the AFL–CIO. During his testimony he was asked by Mr. ASHBROOK if he, Mr. Biemiller, hoped that all construction jobs would be union jobs. He answered, in the affirmative; which came as no surprise considering the work he is paid to do.

The purpose of H.R. 5900 is to extend the principles of collective bargaining as expressed in the 1937 Wagner Act, and re-expressed in the 1947 Taft-Hartley amendment, and again in the 1959 Landrum-Griffin amendments, to the construction industry on full parity with all other industries. This may or may not result in more union jobs. This may or may not result in fewer union jobs. It will all depend on the location, the time, the desires of the employees.

But rest assured, ladies and gentlemen, H.R. 5900 will not force anyone to join a union against his or her will. Existing provisions of the Labor Act prevent any such forced membership, and H.R. 5900 leaves these provisions intact and in full force and effect.

3. IMPRESSION AND AMBIGUITY

The minority contend that H.R. 5900 is imprecise and ambiguous, and help make it so by strained construction and erroneous interpretations. They rely on hostile witnesses, who for self-serving reasons recited a litany of "horror stories" supposedly emanating from the language of H.R. 5900.

We in the majority have accepted a number of clarifying amendments in our H.R. 5900. We in the majority have prepared a list of 20 questions and answers to explain precisely what the bill does and does not do. We in the majority have prepared an 18 page report explaining in detail what H.R. 5900 does and does not do.

We have provided a fount of knowledge to the best of our ability. We cannot make the minority members drink from this well of knowledge. Ambiguity lies in the eyes of the beholder, and there is little that can be done about self-induced myopia. All I can do is suggest that they keep their eyes on the doughnut and not on the hole.

POSSIBLE CONSEQUENCES

The minority hypothesizes consequences which even they admit are only "possible"; and their suggestion is that we postpone action on H.R. 5900 pending further study.

My only comment is that H.R. 5900 is the direct descendant of a bill first introduced in the House in 1949 by Congressman Lesenski. Bills of similar import have been introduced in almost every session of Congress in the intervening 26 years; with hearing after hearing. We have had Secretaries of Labor in five successive administrations testify on this bill, with proponents and opponents appearing time after time.

I say the time for study is over. I say the time for action is now.

LEGAL AND HISTORICAL PRECEDENT

A number of different points are covered in this section of the minority report.

They say Moore Drydock picketing is adequate; but we have already answered that picketing limited to the gate used exclusively by the nonunion employees is not even a "half loaf"; not bread at all but a stone.

They say that building trades unions can now engage in other types of picketing—area standards, recognition, and "ally" doctrine—and that this is sufficient. They say that unions in the construction industry are exempted from the "hot cargo" provisions of section 8(e) regarding work at the job site. They say that unions in the construction industry can enter into certain "pre hire" contracts under section 8(f). They say that these rights, power, and exemptions are enough. There is no need, they claim, for common situs picketing. All this is just another way of saying that the "tilt" between labor and management in the construction industry is "about right." We have already referred to the fact that the number and proportion of union jobs in construction is contracting, the number and proportion of open shop contracts is growing. The tilt is right for the minority, it is not right for me.

Mr. BERGLAND. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON. I yield to the gentleman from Minnesota.

Mr. BERGLAND. Mr. Chairman, I thank the distinguished gentleman from New Jersey for yielding to me.

Mr. Chairman, I would like to direct a question to the language appearing on page 5 of the bill, line 9, which says:

> That nothing in the above proviso shall be construed to permit any attempt by a labor organization to require an employer to recognize or bargain with any labor organization if another labor organization is law-

fully recognized as the representative of his employees * * *

My question derives from an instance in Minnesota where there is an organization not affiliated with any international union that is local in character and nature.

This particular union represents operating engineers commonly working on highway construction and frequently in competition with operating engineers who are affiliated with the AFL–CIO. This independent union is sometimes characterized as a company union and as a matter of practice employs persons at a pay scale that is somewhat under that established by the recognized union which is affiliated with an international concern.

My question: In the event a contractor employs a subcontractor whose employees are represented by this independent union would that in itself be cause for a picket of the independent subcontractor?

Mr. THOMPSON. Mr. Chairman, my answer to my colleague, the gentleman from Minnesota (Mr. BERGLAND) is negative. By whatever name it is called, it is an independent union and the situation was taken care of specifically on page 5, beginning at line 9 and going through line 13 of the legislation, in which it says:

> That nothing in the above provisos shall be construed to permit any attempt by a labor organization to require an employer to recognize or bargain with any labor organization if another labor organization is lawfully recognized—

As in the hypothesis of the gentleman—

> as the representative of his employees:

I might refer the gentleman further to page 20 of the committee report, which I shall not repeat now, addressing itself specifically to that point, hypothetical or actual question number 7 and the answer thereto.

Also, on page 16 of the report, at the bottom of page 16 under number 3, the amendment accepted by the subcommittee and the full committee, the independent union amendment authored by the gentleman from Michigan (Mr. ESCH) and the gentleman from Minnesota (Mr. QUIE), in which they proposed an amendment in which it was said that the legislation was not to be construed to permit any attempt by a labor organization, and so on. The language there is clearly protective of the independent union which the gentleman from Minnesota describes.

Mr. BERGLAND. Mr. Chairman, if the gentleman will yield further, there is a provision in this bill that requires the acquiescence of an international union after it has been given due notice by the local requesting the right to strike or picket.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. THOMPSON. Mr. Chairman, I yield myself 1 additional minute.

Mr. Chairman, that is if there is an international union as a parent of the local. In the event the local is an independent nonaffiliated with an international, this does not apply.

Mr. BERGLAND. Mr. Chairman, in other words, in the case of the independent union——

Mr. THOMPSON. They make the decision at their level.

Mr. BERGLAND. There is no higher power that can reject the request?

Mr. THOMPSON. No, sir; there is not.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON. I yield to the gentleman from Michigan.

Mr. O'HARA. Mr. Chairman, with respect to the first question of the gentleman from Minnesota, the gentleman from New Jersey is clear that we make no change with respect to the law of area standards picketing; we leave that alone.

Mr. THOMPSON. Mr. Chairman, the gentleman is correct.

Mr. ASHBROOK. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, my interest is the same as my colleague and friend, the gentleman from New Jersey (Mr. THOMPSON). I am sure we want the record straight. I would be glad to yield at any time on the statements I make. I was hoping someone would raise that point.

In the question of the gentleman from Minnesota (Mr. BERGLAND) the answer would be clear, would it not, that if one union was on the job, say District 50, and another union wished to picket under the so-called area standards, they in effect could picket, they in effect could cause a strike against another union; is that accurate, I would ask my colleague, the gentleman from New Jersey?

Mr. THOMPSON. Mr. Chairman, the gentleman is quite correct. That situation is not covered anywhere in H.R. 5900.

Mr. ASHBROOK. Except that a grievance extends to the entire site, except just against the electricians.

Mr. THOMPSON. In other words, they could picket more gates than now they can. Yes.

Mr. ASHBROOK. So the response when asked the question whether under this bill it makes legal picketing of one union against another, the answer is technically "no."

Mr. ASHBROOK. But where areas standards are involved, they already have that right, but it is not expanded except for the total site being picketed?

Mr. THOMPSON. The gentleman is exactly right.

Mr. ASHBROOK. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I rise in opposition to this legislation, and I know that will shock my good friend from New Jersey.

Mr. Chairman, I rise in strong opposition to H.R. 5900, legislation which would allow the picketing of all employers on a construction site even though the union may have a dispute with just one employer.

This legislation would further burden an industry that already is saddled with such Federal legislation as the Davis-Bacon Act, which has played a primary role in forcing up construction costs. H.R. 5900 would add to that burden by allowing unions to closedown an entire construction site as a result of a dispute with just one of the contractors or subcontractors thereby lengthening the time needed to complete the whole project and increasing costs—costs which inevitably will be passed onto consumers in the form of higher housing costs.

H.R. 5900 would also allow contractors to be forced into using only union labor and, in my opinion, this type of coercion is completely unacceptable in a free society, and infringes on a very basic right of freedom of choice. It not only inhibits the free choice of contractors and subcontractors, but also infringes on the rights of individual workers in the construction trades to choose for themselves whether or not they want to join a union. For Government to condone and legalize secondary boycotts at construction sites through H.R. 5900 is intolerable.

The Chamber of Commerce of the United States has provided the following factsheet on H.R. 5900 giving questions and answers on this legislation. I strongly urge all of my colleagues to study this information carefully, and to join with me in voting down this bill.

The factsheet follows:

1. H.R. 5900 states that it is designed to provide equal treatment for craft and industrial workers by permitting building trades workers to shut down the entire construction project when they have a dispute with one employer working there. Isn't that the same power industrial workers already have when they all strike a plant?

No, because employees at industrial facilities have the *same employer*, and under the labor laws, they have a right to picket their employer. Construction projects, on the other hand, customarily involve a number of *different employers*. Even so, construction unions now have the right to picket their particular employer on the site.

2. So why are they complaining?

Construction unions want to be able to stop *all* work on a project even when *only one trade* has a dispute with *one employer* on the site. When all work is stopped, great pressure will be applied to the primary employer having the dispute because the stoppage will cost other subcontractors and the general contractor money and delay. The primary employer will likely be forced to either capitulate or get off the job.

3. The unions say they just want to reverse a 1951 Supreme Court case, *N.L.R.B. v. Denver Building Trades Council*, 341 U.S. 675 (1951).

If that were true, H.R. 5900 would apply *only* to situations where there is a non-union subcontractor on the job since union picketing directed at forcing such an employer off the job was found to be a violation of the anti-secondary boycott provisions of the NLRA in that case. H.R. 5900 is worded in such a way that a union on a project can use common situs picketing when they have a dispute with its sole employer over wages, hours, and working conditions. Thus, each separate employer on a job is vulnerable to having its portion of the work halted because of a dispute over which it has no control and to which it is not a party.

4. But the unions say that all employers on a construction project are "joint venturers" acting as one and are not really neutral in a labor dispute.

The union's "joint venturer" argument was rejected in the *Denver* case, where the Court pointed out that a common jobsite does not make the employees of one employer the employees of another. Each subcontractor is responsible for his own labor relations, production, profit and loss and may deal directly with the building owner instead of the general contractor.

Applying the union argument to automobile production shows how extreme it is. Under the union's position, the mining company that produces iron ore, the steel, glass, tire companies, and every other supplier of the auto company *all* would be "joint venturers" in auto production subject to being picketed when *one* had a labor dispute with its employees.

5. But building trades unions say they need to "balance the scales," with industrial unions.

Building trades unions' wage gains show that they are not hurting from their lack of common situs picketing powers. They are more powerful, in fact, than industrial unions. Average construction wages run $10 per hour and some rates are rapidly approaching $20 per hour! On the other hand, the hourly wage in manufacturing was $4.51 in 1974. Construction is no longer seriously affected by weather and most construction workers work a customary 40 hour week. Not only high wages, but other benefits belong to construction unions: § 8(e) of the NLRA allows building unions to refuse to handle certain products on a jobsite and § 8(f) permits special hiring arrangements in construction. These mighty and successful unions can't justify H.R. 5900 on the theory that it balances anything; it merely increases their power.

6. How does our national labor policy treat this issue?

Our national labor policy is designed to keep a labor dispute at a level in which the fewest possible number of employees and employers will be affected. The secondary boycott provisions of the National Labor Relations Act ensure this objective by protecting neutrals. H.R. 5900 however, would change the law and permit unions to enmesh those not directly concerned with a dispute. This is a total reversal of existing labor policy.

7. How would H.R. 5900 affect employment in the construction industry?

A small disagreement with one employer and a union would likely result in a total shut down involving all employers and employees on the job, possibly thousands in a large project. Construction unemployment could well go above the present 21% if H.R. 5900 were enacted. In any event, it won't *help* employment.

8. Would H.R. 5900 affect minority contractors and minorities?

Yes, because it permits total picketing of a job site due to presence of a non-union contractor. Minority contractors tend to be small and non-union. Although the picketing would be aimed at the non-union aspect of the minority contractor, he would wind up off the job just the same. In addition, for many years non-union contractors were the only source of employment for minorities interested in construction jobs because of the discrimination prevalent in union hiring halls and apprentice programs.

9. Under H.R. 5900 could construction unions picket vital energy project jobsites and defense installations? Must advance notice of common situs picketing be given?

Although notice must be given before striking a defense site, such picketing is not prohibited. Amendments added by the Education and Labor Committee require ten days notice to affected employers and the approval of the international or national union before a local may engage in total site picketing. Union politics being what they are, however, this requirement probably would not serve as much of a restraint on full site picketing because local support for the parent union would diminish if refusals came too often.

10. H.R. 5900 does not permit strikes in violation of a collective bargaining agreement, such as a strike illegal under a no-strike clause. Wouldn't that provision act as a restraint?

Only where there is an *existing* collective bargaining agreement that encompasses the particular dispute. After the expiration of a labor contract, total site picketing would probably be used to bring the whole job to a halt while that contractor and the union bargain. That could happen, in turn, with each union and subcontractor on the project. And even where there is a no-strike clause in an existing contract, good union members would not cross *another* union's picket line set up around the building site.

11. What effect would H.R. 5900 have on construction industry efficiency and technological advance?

By allowing picketing to force non-union subcontractors off the job, H.R. 5900 would lessen competition between union and non-union contractors which recently induced some unions to change a few inefficient union work rules. Thus, restrictive union practices that limit production and raise costs would become more common. Unions could also picket to prevent use of prefabricated items.

12. Just what is the "site" that could be picketed in H.R. 5900?

"Site" is not defined but it might include any job on which the employer with whom the union had a dispute was working, regardless of location, type of construction or owner involved.

13. Would H.R. 5900 affect average consumers and taxpayers?

Yes, because the escalation of a single dispute into a total project shut down would increase the cost of all construction that consumers partly pay for in products and services and that taxpayers pay for in taxes for public housing, federally assisted projects and government buildings. With the radical power of H.R. 5900, the building unions could well touch off another wage spiral of the type that led to controls in the early 1970's. Suppliers of construction materials far from the site would have to cut back their work forces as entire projects shut down.

14. What is the gut issue in H.R. 5900?

The gut issue is simply whether Congress is prepared to reward construction unions, whose members already earn far more than their industrial brethren, with a radical lever to use in collective bargaining to put pressure on an employer by playing other, unrelated employers and employees against it. For almost twenty years, Congress has had the wisdom and the good sense not to codify such an inherently unfair scheme. We urge you to oppose H.R. 5900.

Mr. ASHBROOK. Mr. Chairman, I yield 5 minutes to my colleague from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I rise in opposition to H.R. 5900. I must admit at the outset that this decision was arrived at not with any great ease and only after all of the hearings, and after I had had an opportunity to consider thoroughly the arguments pro and con. I must admit to a certain reluctance to reach this conclusion because, if at all possible, I would like to have agreed with those in the construction unions to allow this change that they call simple fairness.

Mr. Chairman, I came to the conclusion that it is not a matter of simple fairness, it is not a matter of equal treatment. If we assume that the argument for equal treatment is based upon fact, I would, of course, be for this bill, and that was my first inclination. We are not talking about equal treatment.

When one thoroughly examines the facts, one can see that this is not a question of equal treatment, but is extending to construction unions something which is not enjoyed by anyone else, and that is the right to engage in secondary boycott. I think the gentleman from Ohio has covered this point with some precision, but the fact is secondary boycotts have been outlawed since 1947.

The Supreme Court of the United States, in an interpretation of the act, has clearly stated that if the employees of one union or one contractor have a dispute with their contractor, and they involve employees of another contractor or subcontractor in that dispute, or if the employees of another subcontractor refuse to work to support those that do have the dispute, that is a secondary boycott. So, it is very clear that the activity that would be authorized by this bill has been declared illegal by the Supreme Court as being a secondary boycott.

The only way that the proponents of the bill can argue that we are giving equal treatment to industrial unions and craft unions, is to engage in what is clearly fiction, as the gentleman from Ohio has said, that the contractor and his subcontractors and various subcontractors on a job are all joint venturers. By any definition of joint venturers in any interpretation of the law in any jurisdiction that I am aware of, contractors and subcontractors and various subcontractors have never been construed to be joint venturers.

This bill says:

> For the purposes of this bill we will call them joint venturers. Now, therefore, since we have declared something to be true, it then justifies the argument we have made for equal treatment.

If we want to say black is white and truth is false, yes, we can make that argument, and that is the only way the argument holds together. Not being capable of saying black is white and truth is false, I cannot see any interpretation of this legislation other than one legalizing the activity which has been declared by the Supreme Court to be secondary boycott. That hardly is extending equal treatment. The question as to what site might be under the terms of this bill raised by the gentleman from Minnesota is also very plain.

Is the Alaska pipeline one construction site and, therefore, a dispute at one end can close down the entire construction job?

I do not think that that question has been answered.

How about Metro? We have seen the whipsaw effect of one union and then another involved in the construction of Metro here in Washington slow down the job, but not necessarily closing the entire job. Will all of Metro, therefore, be construed to be one main site and, therefore, could one employee of some contractor at some station close down the whole Metro site because one site may be picketed?

Mr. THOMPSON. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman.

Mr. THOMPSON. I thank the gentleman for yielding. I will say to the gentleman that if H.R. 5900 had been the law when the disputes arose in the Metro construction, my memory is that consecutively the laborers, the carpenters, the ironworkers, and the teamsters, each of whom have had a labor dispute, to the best of my recollection, would have had to provide a 10-day notice and get the acquiescence.

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIE. Mr. Chairman, I yield 3 additional minutes to the gentleman.

Mr. ERLENBORN. I thank the gentleman from New Jersey for his contribution.

Yes, they would have to give notice, but I think it would also be construed that that notice would include the entire Metro construction area as one site. If they so cleared it, they would have the right to picket the entire Metro construction as one construction site.

The bill very carefully protects—and I am sure that this is a matter of comity between construction unions and industrial unions—the right of industrial unions so that they cannot be interfered with by this activity. But it carefully carves out this protection only for industries that are recognized by unions.

If the Members look at the bill, it has an exception that says the issues in dispute do not involve a labor organization which is representing the employees of an employer at the site that is not engaged primarily in the construction industry.

So I submit to the Members if we had an industrial plant that was organized, was represented by a union, and they decided that they were going to refurbish the building and they hired a painter to come in and paint the walls, and the painter and his employees got involved in a dispute, that site could not be picketed. Maybe just the one gate where the painter went in and, therefore, the industrial employees would not get involved. I think that is fine. But if that industrial plant does not happen to be organized, let us say there are five painters working for a painting subcontractor in a plant employing 2,000 people, they can picket the entire site, they could then close down that industrial plant by stopping the inflow of material and the outflow of the manufactured product. I think that is wholly unfair.

I expect to offer an amendment at the proper time, and I submitted the amendment to the gentleman from New Jersey, and I hope at the proper time he will accept it. But what we are doing here is allowing the employees of a small painting contractor to close down a whole industrial site merely because those employees at the site do not happen to belong to a union. If they did belong to a union, the site would not be closed down. I do not think this is a mistake in draftsmanship. It is very clearly and cleverly drawn so that the impact of this bill can be just that which was clearly stated by Mr. Biemiller, and that is to every shop a union shop. They are going to try to extend not just to construction sites, but they will also be able to put some pressure on industrial sites by not allowing them to have that.

I hope the bill will be defeated.

Mr. THOMPSON. Mr. Chairman, I yield 5 minutes to my distinguished colleague, the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Chairman, it is a familiar saying in legal circles that when the law is against you, you should attack on the facts. When the facts are against you, you should attack the law. When both the facts and the law are against you, you should attack the credibility and character of your opponent. That is precisely what is happening with this issue.

First. The opponents of H.R. 5900 claim that the building trades unions do not deserve any assistance because they are "racist."

Second. They claim that the construction tradesmen do not need any assistance because they are already overpaid.

Third. They claim, finally, that the building trades are too strong at the bargaining table. They argue that a "balance" between labor and management in the construction industry now exist, and passage of this legislation would tilt that balance toward labor.

Let me briefly comment on these three points.

It would be asinine for me to deny a history of racism within the building trades unions, just is it would be asinine for me to deny a history of racism in any other institution within our Government or culture. Historically, our schools, our churches, our system of justice, our political parties, all of our institutions have practiced racial discrimination in one form or another. The building trades unions also share this ugly blot on our democratic promise of equality.

But we must deal with the present, not with the past.

The AFL–CIO and the building trades department worked side by side in pushing the major civil rights bills through Congress. Where were the opponents of H.R. 5900 during the great struggle for human decency in the sixties? Every national union has long since called for a halt in discriminatory practices within their ranks; and with rare and isolated exception the local unions have responded.

Nine percent of all craft union tradesmen today come from minority groups. The number of minority tradesmen employed by the "open shop" nonunion employees is almost nonexistant.

Over 16 percent of all current apprentices under union-sponsored programs come from the ranks of minority groups. Very few other industries or segments of society can match this record.

We have heard, in testimony by opponents of this bill, that in a given time and in a given place a small given group of highly trained tradesmen make an hourly wage which is somehow much more than they deserve.

However, the average hourly wage in construction is $6.76; slightly above that paid in steel mills, $6.25 an hour; in automobile factories, $6.20 an hour; and in transportation, $5.40 an hour.

But the hourly wage is just a small part of the economic picture. Rain, snow, and other elements stop construction work, but not the work in the other comparable industries. A full work year generally consists of 2,080 hours; but in construction it is somewhere between 1,500 and 1,800 hours. The consequence is that the annual earnings in construction are less than in the industries above referred to. The figures are as follows: the average annual income in construction is $10,254; in steel mills, $10,918; in automobile plants, $12,458; and in transportation, $11,738.

Income should be somewhat commensurate to skills, training and experience brought to the job. Thus, we accept the fact that doctors, lawyers, and others with professional training earn on an average far more than the lesser trained persons in our society. We also accept the fact that athletes with special skills earn amounts far in excess of that earned by most of us.

The opponents of H.R. 5900 complain that the skilled tradesman is "overpaid." But they never mention the training, the skills and the experience he brings onto the job. Young men and women enter the construction trades with a high school diploma, and enter an apprentice program lasting up to 6 years. During this time they are paid apprenticeship wages. Then, follows a period of "journeyman worker," while skill and experience is acquired. Finally, after years of classroom and on-the-job training the worker becomes a master craftsman and reaches the highest financial rewards.

Finally, any discussion on wages and income is only meaningful when one talks about the risks and dangers assumed in the process of earning a living. The dangers in construction are well known.

Who here wants to earn a living welding steel on a 40th-floor construction? Who amongst us wants to carry high voltage wires in high places or in low? Who wants to go under the Earth and tunnel through porous rock?

Who knows a painter without a chronic cough? A plumber without a sore back? An electrician without burn scars on his torso?

The risks in construction are well known, and well documented.

The rate of injuries in construction almost doubles that in transportation: 19 per 100 workers in the former, 10.8 per 100 workers in the latter. But the numbers of injuries does not tell the complete tale. The severity and duration of the injuries is even more significant; and each days' paper tells of some catastrophe somewhere in construction.

Finally, when the opponents of H.R. 5900 say that the balance of power in the construction industry is "about right," I think of the testimony at our hearings.

Robert Georgine, president of the Building Trades Department lamented before us one day that the number and percentage of "union construction jobs" was on a steady decline. Philip Abrams, president of the Associated Builders & Contractors, gloated on the following day that the percentage of "open shop" contractors grows by "leaps and bounds."

In short, the testimony we received was that the "tilt" in labor-management power was all right for those who favor nonunion jobs, and was all wrong for those who favor the practices and procedures of collective bargaining.

I ask for the enactment of H.R. 5900.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Chairman and members of the committee, although I voted to report H.R. 5900 from the committee, I still remain concerned about the real meaning of specific language in the bill and its intent.

I intend to offer a series of amendments when we get to that point in our deliberations that will attempt to clarify the intent of the legislation and, I believe, will bring about more equity in it.

Many of these amendments were rejected in the Committee on Education and Labor. One of my rejected amendments was to assure that where a public or governmental body or agency owns or controls the site where the labor dispute is taking place and where the governmental body or agency awards a contract to an employer in conformity with requirements of either State or other applicable law, because that governmental body has no choice as to whom the contract should be awarded, common-situs picketing should not be allowed in that situation.

There are at least 10 States where the State law requires public agencies to advertise for bids for each specific type of work to be done and that contracts be awarded to the lowest responsible bidder.

I would suggest that it should be the intent of common-situs picketing legislation to remove the question of jurisdiction in these areas. I will offer an amendment that will protect those State governments that have such statutes.

Another amendment which I will offer will be to clarify the question in regard to product boycott, specifically in terms of prefabricated material. As we are well aware now, in the National Woodwork case the Supreme Court upheld the right of trade unions to boycott the use of prefabricated products when the use of those prefabricated products deprives the union members of work traditionally performed by them. However, that was only at one particular gate. H.R. 5900 extends that to the entire site, and our amendment will limit it to that particular gate once again so as to allow it at that one particular gate, but will not broaden H.R. 5900 out to all gates.

A third amendment which I intend to offer, and if time permits me, will discuss presently, is one that I think is most important. It should be made clear, I think, that it is not the intent of H.R. 5900 to in any way derogate the right of an individual not to join a union. The right not to join a union is as sacrosanct as the right to join. H.R. 5900 does not address itself to that issue.

To make this clear, I intend to offer an amendment that prohibits common-situs picketing for the purposes of forcing an employer to discriminate, that is, to force an employer to employ only those individuals who belong to a labor organization. I realize that sections 8(a)(3) and 8(b)(2) protect the individual employee in this regard.

But I want to make it obvious that by permitting situs picketing we are not permitting it for any purposes that would interfere with an individual's right to join or not to join a labor organization.

Mr. THOMPSON. Mr. Chairman, I yield such time as he may consume to the most distinguished chairman of the Committee on Education and Labor, the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Chairman, passage of the bill, H.R. 5900, will restore to unions in the construction industry the right to engage in peaceful picketing at common construction sites where both the means used and the objectives sought are lawful.

H.R. 5900 is necessary to overrule the Denver Building Trades Council decision. That decision came down shortly after the passage of the Taft-Hartley Act. In that decision, the Supreme Court rendered an erroneous and inequitable interpretation of section 8(b)(4)(B), the so-called secondary boycott provision of Taft-Hartley. That section makes it unlawful for a union to strike or picket when an objective of the strike or picket line is "forcing or requiring any person to cease * * * doing business with any other person."

It should have been clear to the Supreme Court that the Congress did not intend the literal application of section 8(b)(4)(B) to situations on construction sites, where there was no true secondary boycott involving neutral parties. As the late Senator Taft said, that language was designed to protect a third person "who is wholly unconcerned in the disagreement between an employer and his employees." It was not intended to be applied to a building or construction site, where all contractors are engaged in a common economic enterprise.

H.R. 5900 is necessary to correct the error of the Supreme Court in applying the section 8(b)(4)(B) language to the construction site situation. The bill recognizes the economic realities in the building and construction industry. It recognizes that the contractor and all subcontractors, working together on a building and construction site, are engaged in a common economic enterprise—a joint venture, in fact, if not in law. It recognizes that each is performing tasks and functions closely related to the operation of all the others. The fact that there are different trades on the same job under the supervision of different contractors is no reason to consider picketing on such a site a secondary boycott intended to bring pressure on a neutral, disinterested, and uninvolved person.

H.R. 5900 is designed to achieve a result desired by every President of the United States beginning with Harry S. Truman through Gerald R. Ford. It finally vindicates a promise made in 1959 by Senator BARRY GOLDWATER and the late Senator Everett Dirksen. It restores to the law of secondary boycotts as applied to the building and construction industry the economic realism which was lacking in the Supreme Court's decision in *Labor Board* against *Denver Building Trades Council*, 341 U.S. 675, and its progeny. The bill preserves the primary-secondary dichotomy which is at the heart of what is now section 8(b)(4)(B), but destroys the fiction that the general contractor is a neutral in a dispute over the wages and working conditions of a subcontractor whom he engages. The essence of the bill therefore is very simple.

The qualifications contained in the bill are likewise uncomplicated, but an explanation of their background and purposes should obviate even the possibility of misunderstanding. First, the bill would not be applicable to a strike, picketing or other conflict where the issues in the dispute "involve a labor organization which is representing the employees of an employer at the site who is not engaged primarily in the construction industry." The purpose of this qualification is to prevent H.R. 5900 from being the vehicle for a revival of the jurisdictional rivalry between industrial and craft unions which plagued industry prior to 1947, and which the unions that have joined in the AFL-CIO wish to avoid.

I turn next to two related provisos which read as follows:

> *Provided further*, Except as provided in the above proviso nothing herein shall be construed to permit any act or conduct which was or may have been an unfair labor practice under this subsection: *Provided further*, That nothing in the above provisos shall be construed to prohibit any act which was not an unfair labor practice under the provisions of this subsection existing prior to the enactment of such provisos.

These provisos are intended to make clear that except with respect to the secondary boycott provisions of the act H.R. 5900 does not change the law. Thus, the essence of the first proviso is to establish that if conduct is illegal under section 8(b)(1)-(3) or section 8(b)(5)-(7) it would not be rendered lawful by this amendment. We thus apply here the reasoning of the court of appeals for the District of Columbia Circuit in describing the effect of the closely related construction industry proviso in section 8(e) to section 8(b)(7)(A) in *Dallas Building & Construction Trades Council* v. *NLRB*, 396 F. 2d 677. Judge McGowan there said that conduct protected by the construction industry proviso may yet be unlawful under section 8(b)(7)(A) because "sections 8(b)(7) and 8(e) are aimed at wholly different problems." By a parity of reasoning, section 8(b)(7) and section 8(b)(2) are aimed at entirely different problems from H.R. 5900 since the former deal with the legality of union objectives while H.R. 5900 deals with the realistic characterization of the relationship between the contractors in the construction of a building.

The further proviso that the amendment would not prohibit any conduct which is lawful under present law is necessarily included to assure that the qualifications on the rights declared by H.R. 5900 do not themselves become independent sources of prohibitions. Thus, for example, while H.R. 5900 excludes from its protection disputes "located at any military facility," et cetera, unless prior written notice is given as prescribed within 10 days, conduct which would be lawful even under Denver Building and its progeny, that is, if H.R. 5900 were not adopted.

Another proviso states:

> That nothing in the above provisos shall be construed to authorize picketing, threatening to picket, or causing to be picketed, any employer where an object thereof is the removal or exclusion from the site of any employee on the ground of sex, race, creed, color, or national origin.

This proviso is intended to make sure that H.R. 5900 is used for the purpose of accomplishing legitimate labor objectives such as union conditions, rather than misused for the illegitimate objective of requiring an employer to violated title VII of the Civil Rights Act by discharging on the ground of sex, race, creed, color or national origin.

In the committee Messrs. Esch and Quie proposed an amendment, adopted by the subcommittee, which provides—

> Than nothing in the above provisos shall be construed to permit any attempt by a labor organization to require an employer to recognize or bargain with any labor organization if another labor organization is lawfully recognized as the representative of his employees.

The purpose of that amendment is to prevent the use of H.R. 5900 for the purpose of requiring an employer to recognize or bargain with an AFL–CIO union where an independent union is lawfully recognized by the employer.

I shall now discuss two related amendments which were adopted by the subcommittee on the motion of Mr. Esch, and which had been proposed by Secretary of Labor Dunlop. They read as follows:

> *Provided further,* That a labor organization before engaging in activity permitted by the above provisos shall provide prior written notice of intent to strike or to refuse to perform services, of not less than ten days to all unions and the employer and the general contractor at the site and to any national or international labor organization of which the labor organization involved is an affiliate and to the Collective Bargaining Committee in Construction: *Provided further,* That at any time after the expiration of ten days from the transmittal of such notice, the labor organization may engage in activities permitted by the above provisos if the national or international labor organization of which the labor organization involved is an affiliate gives notice in writing authorizing such action: *Provided further,* That authorization of such action by the national or international labor organization shall not render it subject to any criminal or civil liability arising from activities notice of which was given pursuant to the above provisos:

Thus, in order for strike activity which would now be forbidden by Denver Building to be lawful the union engaging in that activity must provide written notice not less than 10 days in advance to all unions, the employer and the general contractor on the site, to the Collective Bargaining Committee in Construction and to the national or international labor organization, if any, of which the union is an affiliate; and may engage in such activity only after the latter has so authorized in writing. These provisions are designed to enhance the possibility of settling the dispute without a work stoppage. The purpose of this provision requiring authorization by the union's parent organization is to bring into play the mediating influence of the parent and to prevent such strike activity entirely if the parent organization disapproves. The proviso which safeguards the parent union against civil or criminal liability for granting such authorization is included to assure that it will not be held liable for exercising a function which the national labor policy regards as desirable. It furthers the principle of section 2(13) and section 301(e) of the act that a labor organization—like an employer—is subject to liability thereunder for illegal activity which it has not committed only if that action is authorized or ratified according to the common law of agency, and recognizes that an affiliated local union is not an agent of its parent national or international union by virtue of that relationship or the parent's reservation of control over [the activities of] the local. *Franklin Electric Co.*, 121 NLRB 143. I wish to add in an abundance of caution that while the proviso is phrased in terms of an immunity from liability because the parent has authorized the strike activity by the local, it is not to be inferred that it is subject to liability where it does not authorize such activity. To allow a local union or its members to sue the international for withholding approval of a strike on some extension of the duty of fair representation or the international's obligations to its locals under their constitution or on any other basis would defeat the objective of requiring notice to and approval by the international.

The last proviso reads as follows:

> *Provided further,* That in the case of any such site which is located at any military facility or installation of the Army, Navy, or Air Force, or which is located at a facility or installation of any other department or agency of the Government if a major purpose of such facility or installation is or will be, the development, production, testing, firing, or launching of munitions, weapons, missiles, or space vehicles, prior written notice of intent to strike or to refuse to perform services, of not less than ten days shall be given by the labor organization involved to the Federal Mediation and Conciliation Service, to any State or territorial agency established to mediate and conciliate disputes within the State or territory where such site is located, to the several employers who are jointly engaged at such site, to the Army, Navy, or Air Force or other department or agency of the Government concerned with the particular facility or installation, and to any national or international labor organization of which the labor organization involved is an affiliate. The notice requirements of the preceding proviso are in addition to, and not in lieu of the notice requirements prescribed by section 8(d) of the Act. In determining whether several employers who are in the construction industry are jointly engaged as joint venturers at any site, ownership or control of such site by a single person shall not be controlling.

Thus, in order for strike activity at a military installation or missile site which would now be forbidden by Denver Building to be lawful the union engaging in that activity must provide written notice not less than 10 days in advance to agencies and organizations stated therein.

Since it is the theory of the bill that the relationship between the general contractors and the subcontractors in the construction industry is primary, the qualifications on the right to engage in strike activity which I have just discussed are limitations on the right to engage in a primary strike. As the Supreme Court has correctly said:

> While Congress has from time to time revamped and redirected national labor policy, its concern for the integrity of the strike weapon has remained constant. Thus when Congress chose to qualify the use of the strike, it did so by prescribing the limits and conditions of the abridgment in exacting detail, e.g., §§ 8(b)(4), 8(d), by indicating the precise procedures to be followed in effecting the interference, e.g., § 10 (j), (k), (1); §§ 206–210, Labor Management Relations Act, and by preserving the positive command of § 13 that the right to strike is to be given a generous interpretation within the scope of the labor Act. *Labor Board* v. *Erie Resistor Corp.*, 373 U.S. 221, 234–235.

To the extent that the right to engage in strike activity which would presently be unlawful under Denver Building is restricted under H.R. 5900, the bill is a narrow further qualification of the use of the strike. As I have explained, to some extent these qualifications merely reaffirm that H.R. 5900 does not sanction strike activity which would presently be illegal where the conduct for reasons having nothing to do with the relationship between the contractors which is the problem to which H.R. 5900 is addressed. In other particulars, the qualifications are geared to the special problems of the construction industry that are, in part, in the nature of a legislative experiment for avoiding work stoppages.

Mr. ERLENBORN. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. Peyser).

Mr. PEYSER. Mr. Chairman, I rise in strong support of this legislation.

Mr. Chairman, I want to clarify something that happened concerning a colleague's letter that I sent out to the Members of the House, because in that letter I clearly indicated, and the letter is dated July 14, that the Secretary of Labor and the administration supported H.R. 5900.

I want to state at this time that, to the best of my knowledge, the administration and the Secretary of Labor still support H.R. 5900 except a proviso has been added to this, and the proviso has been a request by the administration of working out some further reforms in the collective bargaining system which the Secretary of Labor is presently working on, and is very confident that he will have an agreement between management and labor at the time that this bill will finally go down to the White House.

But I think it is important for both sides to know that the administration does support this legislation, and the only proviso is what I have just mentioned.

Mr. RUPPE. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Michigan.

Mr. RUPPE. Mr. Chairman, I would ask the gentleman from New York, does it then mean, however, that if the proposal suggested by the Secretary of Labor is not incorporated into the legislation prior to the arrival of the bill at the White House that the President, under those circumstances, will not sign the bill?

Mr. PEYSER. My understanding is that the bills will have to arrive at the White House before the President at the same time in order that this bill and the other bill be signed. The gentleman from Michigan is correct on that assumption.

But this bill as it is written has been approved by the administration, subject to the proviso that I mentioned. I think that is important.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I will yield briefly, because of the time limitation.

Mr. ROUSSELOT. I would ask the gentleman from New York what the other bill is that is supposed to arrive on situs picketing so that it will be signed?

Is it wage and price control stability?

Mr. PEYSER. The other bill is some reform of the collective bargaining system which is still being considered. I cannot give the gentleman the language. I cannot give the gentleman anything about it. I have spoken to the Secretary of Labor and he is supposed to be drafting legislation, and it is supposed to be something he will work out between management and labor, but is something that the Congress will have to act on.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ERLENBORN. Mr. Chairman, I yield 2 additional minutes to the gentleman from New York.

Mr. ROUSSELOT. Mr. Chairman, if the gentleman will yield further, the gentleman is not sure, then, what this second piece of legislation is all about?

Mr. PEYSER. I cannot give the gentleman the language on it because I have not seen the language.

The point is, I do not want to yield further because the time is far too short.

Mr. ROUSSELOT. It is?

Mr. PEYSER. The point I am trying to make is that H.R. 5900, accompanied by this other legislation, is acceptable to the administration. We have not seen the language of the other bill, but H.R. 5900, by itself, will stand with the other appropriate legislation.

I would like to say that I strongly support this bill. I think Congress will overwhelmingly support it.

(By unanimous consent, Mr. Peyser was allowed to speak out of order.)

APPROVAL REQUIRED FOR GRAIN EXPORT IN EXCESS OF 100,000 BUSHELS

Mr. PEYSER. Mr. Chairman, I am speaking out of order on something I want to bring to the attention of my colleagues and let them know about.

This afternoon the Department of Agriculture indicated that they were asking for a voluntary method where large export firms dealing in wheat would let them know of any programs that were geared to involve the export of over 100,000 bushels. The reason for this is that it has just become clear today that Russia is going to seek an additional 10 million tons of wheat over the amount that had been estimated just 2 weeks ago, and they are moving into the marketplace on it.

I am tonight notifying and writing the President a letter requesting that he implement the Export Control Act and give the authority to the Secretary of Agriculture to have compulsory compliance under the legislation that no deal of wheat on export in excess of 100,000 bushels may be made without prior approval. I am also tomorrow going to introduce what will be known as the Grain Export Control Act of 1975, a specific piece of legislation that will mandate that if this kind of purchase is about to be made of anything in excess of 100,000 bushels, the Secretary of Agriculture will have to approve, prior to the contract, that export, because I think if we do not do this we are going to be in grave jeopardy of a major change in our market.

The CHAIRMAN. The time of the gentleman has expired.

Mr. THOMPSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. Ford).

Mr. FORD of Michigan. Mr. Chairman, I rise in support of H.R. 5900 and would like to say at this time that I think it is appropriate that the passage of this legislation will bring to a close a long and very successful career for many members of the committee, none with more time than the Chairman, who has handled so carefully this piece of legislation. I am sure that the Members know that the gentleman from New Jersey (Mr. Thompson) has worked on this legislation since 1959. I believe everyone who has come to his subcommittee has worked on it over the years with him and knows that he is the foremost expert with respect to the problems this legislation addresses itself to, not only in the Congress, but one of the experts in the country.

I would also like to compliment the chairman of the committee, the gentleman from Kentucky (Mr. Perkins) who gave us so much support in bringing out the gentleman from New Jersey (Mr. Thompson) bill, and I would like to acknowledge the help that we have had from the gentleman from Minnesota (Mr. Quie) and the other Members on the Republican side in effecting the compromises that make this the piece of legislation it is, although I feel the compromises may in some regard have gone further than I would like to have seen them go, which does not leave me completely happy. I think in that spirit of compromises they have shown in supporting this legislation that we ought to be able to bring to rest the problems that it addresses itself to after these 25 years.

The gentleman from New Jersey (Mr. Thompson) and the gentleman from New York (Mr. Biaggi) have explained the bill, section by section, and have clarified exactly what H.R. 5900 is all about.

I would like to review, very briefly, the amendments which were offered in committee, as action on these amendments help clarify the legislative intent.

At the meeting of the Subcommitte on Labor-Management Relations on June 26, and again at the meeting of the Committee on Education and Labor on July 10, a number of amendments to H.R. 5900 were proposed and considered. These amendments, both those approved and those rejected provide insight into the intent of H.R. 5900.

A. THE AMENDMENTS WHICH WERE ADOPTED

Four amendments were proposed and adopted, either by the subcommittee or by the committee.

First. The 10-day notice and written approval amendments.

These amendments resulted from recommendations made by Secretary of Labor John T. Dunlop during his testimony, and subsequently refined during continuing discussions by interested parties. Secretary Dunlop recommended during his testimony a four-fold series of amendments. First was a proposal that "common situs picketing"—as contrasted with "Moore Drydock", "area standards", and other types of picketing—be delayed for 10 days during which period the parties to the dispute give notice to various interested persons. Second was a proposal that the written authorization of a parent organization—when there was one—be required as a condition of picketing or lock-out. Third was a proposal that there be a durational limitation of 30 days on "common situs picketing"—again in contrast with "Moore Drydock", "area standards" or other types of picketing. Fourth was the suggestion that any concerned party be permitted to demand a tripartite arbitration at the national level of the local labor dispute.

Mr. Esch submitted an amendment to the subcommittee on June 26 which incorporated the first—10-day notice—third—30 days duration on picketing—fourth—tripartite arbitration—but not the second—approval of the parent organization—suggestions of Secretary Dunlop. This proposed amendment was defeated; in part because of the language, in part because of the substance of the proposed amendment.

Mr. Esch submitted an amendment to the Committee on Education and Labor on July 10 which incorporated, in revised language, Mr. Dunlop's first and second proposals. This amendment was adopted without objection.

It requires a 10-day advance notice of intent before engaging in common-situs picketing activity—but not "Moore Drydock," "area standards" or other kinds of picketing—to other unions at the site, to the employer immediately involved and to the general contractor, to the parent organization if there is one, and to the Collective Bargaining Committee in Construction. It further requires that the parent organization give notice in writing authorizing such action. Such notice will go to the persons who received the original notice from the local union. The written authority by the parent will neither expand nor contract the criminal or civil liability which might or might not otherwise exist because of the relationship between the local and parent organizations.

Second. The sex amendment.

Mr. Thompson introduced the amendment at the subcommittee meeting on June 26 which provided that H.R. 5900 was not intended to authorize picketing an employer where an object was the removal or exclusion of any employees from the site because of "sex." Prior to this amendment, H.R. 5900 provided that it would not authorize picketing where an object was the removal of employees from the site because of "race, creed, color, or national origin." This amendment was approved.

Third. The independent union amendment.

Messrs ESCH and QUIE proposed an amendment at the subcommittee meeting on June 26 which made it clear that H.R. 5900 was not to be "construed to permit any attempt by a labor organization to require an employer to recognize or bargain with any labor organization if another labor organization is lawfully recognized as the representative of his employees." This amendment was designed to prevent "common situs" picketing as a means of driving out the so-called "independent unions" which were not affiliated with the AFL–CIO. This amendment was adopted.

Fourth. The "other unfair labor practices" amendment.

H.R. 5900 authorized "common situs" picketing only when the labor dispute was "not unlawful" under the Labor Act. Mr. ESCH introduced a clarifying amendment at the committee meeting on July 10 that except as provided nothing in the section "shall be construed to permit any act or conduct which was or may have been an unfair labor practice under this subsection." This amendment was agreed to.

B. THE AMENDMENTS WHICH WERE REJECTED

First. The nonunion employer amendment.

Mr. ASHBROOK introduced an amendment at the subcommittee meeting on June 26 which would make it clear that H.R. 5900 would not be construed to permit picketing when it "is directed at forcing a nonunion employer off the job site." This was defeated as being directly opposed to the purpose of H.R. 5900.

Second. The nonunion employee amendment.

Mr. ESCH introduced an amendment at the subcommittee meeting on June 26 providing that H.R. 5900 would not "be construed to permit any attempt by a labor organization to require an employer to recongize or bargain with another labor organization." This was defeated because opponents to the amendment said it would "negate the right of a labor organization to go out and to assist in the recognition of another labor organization when the workers are uncovered, do not belong to a union".

Third. The public works amendment.

Mr. ESCH introduced an amendment at the committee meeting on July 10 to provide that nothing in H.R. 5900 "shall be construed to permit any picketing of a common situs by a labor organization where a public or governmental body or agency owns or controls such site and directly awards a contract to an employer in conformity with the requirements of applicable law, and such governmental body or agency and employer are not to be considered joint venturers, contractors or subcontractors in relationship with each other or with any other employer at the common situs".

This amendment was rejected. H.R. 5900 was interpreted so as not to apply when State law requires separate bids, as there the separate contractors would not be "jointly engaged as joint venturers or in the relationship of contractors and subcontractors." But the amendment by Mr. ESCH would extend this rationale to any "public or governmental body or agency" awarding bids "in conformity with the requirements of applicable law", which might be at the local village level. This, the majority thought, was going too far.

Fourth. The products boycott amendment.

Mr. ESCH introduced an amendment at the committee meeting of July 10 providing that nothing in 5900 "shall be construed to permit any picketing of a common situs by a labor organization to force, require or persuade any person to cease or refrain from using, selling, purchasing, handling, transporting, specifying, installing, or otherwise dealing in the products or systems of any other producer, processor or manufacturer". This amendment was defeated on the theory that the law of "product boycotts" should not be touched one way or the other in this particular legislation.

Fifth. The religious freedom amendment.

Mr. ERLENBORN introduced an amendment at the committee meeting of July 10 to make the provisions of section 19 of the National Labor Relations Act—the right to contribute the equivalent of union dues to an agreed-upon charitable organization for reasons of religious belief—applicable to employees other than those in the health care industry. This was ruled out of order as not germane to H.R. 5900.

Mr. ERLENBORN. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Chairman, it is indeed ironic that, just 2 days after the release of statistics showing that inflation is again reaching double digit proportions, we should be considering a bill that would drive up costs in the housing industry. Yet, that is exactly what H.R. 5900, which would legalize secondary boycotts in the construction industry, would do. To allow members of a single union to close down an entire construction site, even though many of the employers and employees have nothing to do with the labor dispute involved, would mean untold delays in completing projects, considerable hardship for uninvolved parties and a continuation of the slump in the housing industry.

What makes all this even more remarkable is that the proponents of this bill are, in many cases, the very same people who have been pushing for emergency housing legislation, bewailing the malaise in the construction industry and bemoaning the rise in the unemployment rate. Even if this legislation could be justified on other grounds, it seems to me that this is hardly the time to pass a bill that would hurt the construction industry and add to the unemployment problem.

However, even a cursory examination indicates that this bill cannot be justified on other grounds. In 1947, and again in 1959, Congress outlawed the secondary boycott precisely because it did work a hardship on uninvolved parties. By bringing pressure on people, be they employers or employees, who have no control over the dispute in question, both the economic well-being and the right of free-choice of employees is threatened. Moreover, legislation like H.R. 5900 would, in essence, give most-favored-union status to the building trades unions at the expense of nonunion and independent union workers—and the American consumer will have to pay the tab.

In this connection, the Congress of Independent Unions, which is headquartered in my home State of Illinois and which represents some 35,000 construction workers nationally, submitted a statement to the subcommittee opposing enactment of this legislation for the very reason just mentioned. Likewise, the Christian Labor Association, which represents over 30,000 workers, has previously expressed its opposition to the legalization of the secondary boycott.

Taking union members as a whole, a recent Opinion Research Corporation—ORC—survey indicates that 55 percent of them are opposed to common situs picketing as provided for in H.R. 5900—2 percent more than were opposed in 1966. The public as a whole adheres even more strongly to such a position with the ORC survey showing that 68 percent of the people are opposed to the very things provided for in H.R. 5900.

There is, therefore, no groundswell of public support behind this measure. Rather than providing for equal treatment, this bill is designed to make it easier for the building trades to organize and to combat the trend toward "open" or "merit" shop in the construction industry. The very fact that there is a trend toward "open" shop underlines the fact that construction workers are not underpaid, overworked, or otherwise in need of additional protection from the labor unions.

As a matter of record, the laws now on the books governing the construction industry, and the court decisions that have followed, have not only proved workable but are more than fair to the building trades unions. The alleged problem stems not from unequal treatment under the law, for the law gives construction unions the same rights vis-a-vis an employer that are enjoyed by all other unions, but from the aforementioned desire for special treatment. Federal law does not give all other unions the right to use the secondary boycott, so why should we extend that right to the building trades unions?

When you get right down to it, these unions can already accomplish many of the objectives they claim can only be achieved through enactment of H.R. 5900. One need only look at the case law involving area standards picketing, recognition picketing and picketing under the "ally" doctrine to see that the unions are not lacking for weapons to achieve their legitimate objectives. The very fact that the wages paid construction workers are generally higher than those paid industrial workers is proof of that.

If anything, what is needed now is to extend the full range of "free choice" to more workers rather than to reduce the range of choices now available to workers in the construction industry. Such a shift of emphasis would not only be in the best interests of employer and employee, but would also be in the best interests of the country. If we are to win the war against inflation and unemployment, we must exercise restraint and restraint is an impossibility if we set a precedent such as the one contemplated in H.R. 5900. Therefore, I urge its rejection.

Mr. BRADEMAS. Mr. Chairman, Presidents Truman, Eisenhower, Kennedy, Johnson, Nixon, and Ford differed on many issues, but they all have agreed on the need for legislative reversal of the Denver Building Trades Council case.

President Harry Truman initiated the effort to overrule Denver in 1949 when the Labor Board handed down its decision. In his state of the Union Message, the President requested a number of reforms in the National Labor Relations Act, including the reversal of the Denver case. An omnibus bill, H.R. 2030, was introduced by Representative John Lesinski of Michigan, and approved by the Committee on Education and Labor. When it reached the floor, there was opposition to other provisions in the omnibus bill, and the total bill was recommitted to the Committee without vote on the Denver provisions.

President Eisenhower was the second President of the United States to attempt repeal of the Denver case. In 1954 he submitted a message to Congress which included the following recommendation:

> The prohibitions in the Act against secondary boycotts are designed to protect innocent third parties from being injured in labor disputes that are not their concern. The true secondary boycott is indefensible and must not be permitted. The act must not however, prohibit legitimate concerted activities against other than innocent parties. I recommend that the Act be clarified by making it explicit that concerted action against an employer on a construction project who, together with other employers, is engaged in work on the site of the project, will not be treated as a secondary boycott. (President's labor-management relations message, H. Doc. No. 291, Jan. 11, 1954.)

Thereafter, Republican Senator Alexander Smith, of New Jersey, chairman of the Senate Committee on Labor and Public Welfare, introduced a bill and after extensive hearings the bill was favorably reported (S. Rept. No. 1211, 83d Cong. 2d sess.). When the bill reached the Senate floor a number of antiunion amendments were adopted. Upon motion of Senator Hill, the bill was recommitted because, as the Democratic opponents alleged, as amended on the floor it was "packed with confusion and subterfuges."

President Eisenhower repeated his efforts to overrule Denver in 1956 and again in 1959. In 1959 the enactment of such a proposal was almost achieved. Representatives Frank Thompson, of New Jersey, Carroll Kearns, of Pennsylvania, in the House, Senator John F. Kennedy and Senator Barry Goldwater in the Senate, introduced identical bills to overrule Denver. They became part of the omnibus Landrum-Griffin reform amendments of that year. The conference committee recommended that the Denver bill be made law, but was then informed by the Parliamentarian of the House that it would not be "germane." Efforts on its behalf were then suspended, with the promise to bring it up again in the next Congress.

In 1960 Senator Kennedy and Mr. Thompson introduced identical bills, S. 2643 and H.R. 9070. There were hearings, but no further action.

In 1961, Mr. Thompson introduced another bill (H.R. 2955) which included the text of the bills introduced in the previous session of Congress. Hearings were held and the bill was supported by President Kennedy. Secretary of Labor Arthur J. Goldberg testified on behalf of the administration as follows:

> I am grateful for this opportunity to appear before you and urge prompt and favorable consideration of this legislation. This is a simple bill with a laudable purpose. That purpose is to do equity—to restore to unions in the building and construction industry the right to engage in peaceful activity at a common construction site to protest substandard conditions maintained by any one of the construction contractors working at the very same site.

Despite this administration endorsement, the Committee took no further action.

One of the then major difficulties to the passage of a bill to reverse the Denver ruling was the lack of unity within organized labor to agree on the proper wording of proposed amendments to section 8(b)(4)(B). The unions in the Industrial Union Department of the AFL–CIO had feared that under the wording of earlier versions of the bill they might be picketed by AFL–CIO Building and Construction Trades Department affiliates if the former performed work ordinarily considered work within the jurisdiction of the latter. An example of this would be a construction expansion project undertaken at, say, a division of the Ford Co. where the work is done by Ford employees who are members of unions affiliated with the Industrial Union Department. Members of the construction craft unions affiliated with the AFL–CIO Building and Construction Trades Department by picketing the primary employer—the Ford Co.—as being unfair to the construction unions could close down the entire Ford plant.

The interorganization squabble was resolved in February 1965 with the announcement on the 26th by the two departments that they had reached an agreement on the language for a situs-picketing measure to be presented to Congress. The language finally agreed upon added "engaged primarily" but with another accompanying addition, "and the dispute does not involve a labor organization which is representing the employees of an employer at the site who is not engaged primarily in the construction industry." After the announcement of this agreement, indicating unity which heretofore was lacking within organized labor, Representative Thompson introduced H.R. 6363 on March 16, 1965.

Identical bills were introduced by other members of the House including H.R. 6411, by Representative Carlton Sickles of Maryland. The House Special Subcommittee on Labor held hearings on H.R. 6411, and related bills, in the latter part of June 1965. These bills were supported by the administration of President Johnson. Secretary of Labor W. Willard Wirtz testified in part as follows:

> Finally, Mr. Chairman, in addition to pointing out what these bills are and their fairness, I want to make clear what they are not.
>
> The proposed legislation will not legalize any activity otherwise unlawful under the National Labor Relations Act or in violation of bargaining agreements.
>
> It will not require that a man join a union in order to get a job. Two provisions in the Taft-Hartley Act, Section 8(a)(3) and 8(b)(2), outlaw any such requirement. This legislation will not affect product boycotts.
>
> It will not legalize jurisdictional strikes These will remain barred by Section 8(b)(4)(D) of the Taft-Hartey Act.
>
> It will not legalize otherwise unlawful recognition or organizational picketing.
>
> It will not extend beyond the project site, and will not have any effect outside the construction industry. I urge the prompt enactment by the Congress of this legislation.

At the conclusion of hearings, the House Labor Committee met in executive session on September 21, 1965, and favorably reported the legislation. Subsequently, a rule was granted on March 14, 1966. Speaker John McCormack then scheduled the bill for floor action on May 12, 1966. However, on May 11 the bill was withdrawn from the agenda, in a completely unprecedented move, at the request of the then chairman of the House Labor Committee—Adam Clayton Powell.

In 1967 Mr. Thompson introduced H.R. 100, and Senator Wayne Morse of Oregon introduced a similar bill, S. 1487 in the Senate. Hearings were held in the House and the Committee on Education and Labor favorably reported H.R. 100, with amendments, on May 4, 1967. The House Rules Committee held hearings on H.R. 100, completing them on September 26, 1967. The House leadership then polled the House Members, asking in part: "Would you prefer the Senate or the House to act first." When the response was in favor of the Senate acting first, the House Rules Committee adopted a motion to defer final action pending Senate action on the legislation.

During the 91st Congress, Mr. Thompson again introduced legislation to repeal the Denver case, with the support of the administration of President Richard Nixon. Secretary of Labor George P. Shultz testified in part as follows:

> I am here today to indicate my support for legislation to legalize common situs picketing, if that legislation is carefully designed to incorporate appropriate and essential safeguards.

The bill died in committee.

In the 92d and 93d Congresses, Mr. Thompson and Mr. Perkins introduced bills to overrule Denver. No action was taken.

On April 10, 1975, in the 94th Congress, Mr. Thompson, Mr. Perkins and others introduced H.R. 5900 to overrule Denver. Hearings were held in early June, and the bill was supported by the Ford administration. Secretary of Labor John T. Dunlop testified in part as follows:

> For my part, in the words of former Secretary of Labor George P. Shultz, "I am here today to indicate my support for legislation to legalize common situs picketing"

Secretary Dunlop testified that:

> The reservations earlier held by Secretary Shultz have been met by the present bill, or have been the subject of subsequent development in case law, or can be dealt with by appropriate legislative history.

Secretary Dunlop then advanced two concerns of his own. He was requested to submit written proposals, which he did. These proposals were then adopted by the committee; and the administration of President Ford is now in full support of the bill.

Mr. KARTH. Mr. Chairman, this year marks not only the start of our Nation's Bicentennial year; 1975 is also the 40th anniversary of labor's magna carta in the United States.

The Wagner Act, also known as the National Labor Relations Act, became landmark legislation when it was approved by Congress in 1935 and signed into law by President Franklin D. Roosevelt. Down through these four decades it has become familiar to us as labor's bill of rights.

For the first time in American history workingmen and women were guaranteed the right to organize and bargain collectively. For the first time workingmen and women were assured the right to form unions of their own choosing and safeguarded from the disruption of their unions by labor-haters and union-busting goon squads.

It was a time much like the times today. It was a time of the Great Depression in 1935; it is a time of depression today. It was a time of mass unemployment then and widespread suffering; it is a time today of mass unemployment and widespread suffering in this richest Nation on Earth.

Our economy was in great distress then; it is in great distress today. In 1935 the Wagner Act and organized labor contributed greatly to our recovery from the Great Depression. Today organized labor is contributing greatly, especially through its legislative and collective-bargaining programs, toward economic recovery and full employment.

Down through the years the Wagner Act and labor's rights have been whittled away. The Taft-Hartley Act, especially, with its encouragement of State right-to-work laws, is a horrible example. The Landrum-Griffin law was a further erosion of the rights of democratic unions.

Right-to-work laws, as we all know, are a union-busting device, and have been used to block both Federal and State legislation to improve the economic welfare of workingmen and women and the growth of their bargaining representatives.

For these and many other reasons I am proud to cosponsor H.R. 5900, introduced by my esteemed colleague, Congressman FRANK THOMPSON.

Today we have the opportunity of rectifying—long overdue—an error of the Taft-Hartley law. An overwhelming majority of the House Education and Labor Committee has recommended—a bipartisan majority—approval of this bill which would produce equality of treatment for craft workers and industrial workers.

This legislation is designed to protect the economic rights of labor in the building and construction industry and today in that industry more than 21 percent of the workers are unemployed.

This legislation, therefore, is long overdue. It will restore to unions, as Congressman THOMPSON has said, their pre-Taft-Hartley rights to peacefully publicize by picketing the fact that an employer subcontracts part of the job to a nonunion subcontractor.

Enactment of this bill is clear-cut economic justice.

Mr. ERLENBORN. Mr. Chairman, I might ask the gentleman from New Jersey if he has any further requests for time.

Mr. THOMPSON. I might say that following the gentleman's yielding back, I shall yield back.

Mr. ERLENBORN. Mr. Chairman, I have no further requests for time and yield back the balance of my time.

Mr. THOMPSON. Mr. Chairman, I have no further requests for time and yield back the balance of my time.

Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. BAUMAN. Mr. Chairman, reserving the right to object, may I suggest to the gentleman from New Jersey that he make that request at the beginning of the day tomorrow. There is no way of knowing how many Members have amendments that they will offer.

Mr. THOMPSON. I might say, if the gentleman will yield, that we have canvassed extensively. We intended to ask for a 1-hour rule, and we have a 2-hour rule, and the rights of all Members are protected for general debate and, of course, will be honored during the 5-minute rule tomorrow.

Mr. BAUMAN. I would just say that, this request if granted, would allow the gentleman to limit time of debate on amendments to a bill of this magnitude and nature. May I again suggest to the gentleman that he make the request again tomorrow.

Mr. THOMPSON. The gentleman might be right, but I would be most appreciative of his acquiescence in this motion, and then tomorrow under the rule everyone will have a chance.

The CHAIRMAN. Is there obection to the request of the gentleman from New Jersey?

Mr. BAUMAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. THOMPSON. Mr. Chairman, I move that the Committe do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCFALL), having assumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5900) to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers, had come to no resolution thereon.

GENERAL LEAVE

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 5900 just under consideration.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RUSSIAN WHEAT DEALS MUST BE CLOSELY MONITORED BY CONGRESS

(Mr. ADAMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ADAMS. Mr. Speaker, it is extremely important that the course of the current Russian wheat deal—and any other such wheat deals that may be upcoming—be closely monitored by Congress if we are to avoid a repetition of the economic disaster that flowed from the 1972 Russian wheat sales.

The staff of the House Budget Committee has conducted a study to determine what kind of impact the current Russian wheat deal will have on the American economy. That study shows that the wheat sales now known to have occurred will not have an adverse effect on our economy.

However, by the same token, the study makes it abundantly clear that if we do not exercise great caution in the way these deals are conducted a repeat of 1972, or worse, could occur.

Specifically we have to make sure that the result of such Russian grain sales is not higher supermarket prices for meat, bread, and the entire range of foodstuffs normally consumed by most American families.

This Nation is desperately trying to raise itself from the depths of the worst economic recession since the crash of 1929. We simply cannot continue to stumble blindly into undertakings the size of the last Russian wheat deal without determining in advance what they will do to the economy in general and the price people pay for such basics as food in particular.

There is a delicate balance in our economy that can be thrown out of whack by rash moves. Nowhere is that balance more delicate than in the agricultural sector.

If our grain stockpiles after the harvest season are too large we run the risk that the next year prices for such commodities will be depressed and the farmers will suffer even more than they have in the past.

If those stockpiles are too small then there is a very real danger that the price of just about everything we consume in the way of foodstuffs will rise sharply as in 1972.

The way to prevent this is full and open disclosure to the Congress, the public, and the press. By that I mean disclosure of the sales to Russia or anyone else outside our borders—how much; when, and for what price.

The timing of these disclosures is important. We should be told the information soon after the transactions are agreed upon.

Thus far the Secretary of Agriculture has not been as forthcoming as he might have been in this regard—especially as to how quickly he has made such vital information public.

We need such information on a timely basis if we are to make sure that the economic effect of these wheat deals is distributed evenly and beneficially across the full spectrum of our economy.

128TH ANNIVERSARY OF MORMONS' ENTRY TO SALT LAKE VALLEY

(Mr. HOWE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HOWE. Mr. Speaker, as we begin our 200th year as a nation, we should reflect on the basic principles upon which this nation was founded and the process through which it has grown. I speak of the basics of courage, determination, foresight and spirit.

It was these same principles or characteristics which brought a group, alike in philosophy but, divergent as individuals, across the country in covered wagons, in handcarts, on horseback and on foot. Today, I honor those people, the Mormon pioneers, who first entered the Salt Lake Valley 128 years ago on July 24, 1847.

What they began remains a monument to this group, who surpassed tremendous odds in their move westward to find a new home and later establish the State of Utah. Today, Salt Lake City, where they first settled, is a growing and prosperous metropolis. It is a city rich in cultural, industrial, agricultural, and business interests which, in and of itself, should testify to their ability to tame the desert and transform it into one of America's great cities.

These were people of remarkable faith. Their belief in God and his heavenly blessings sustained them and inspired them in discouraging times. Many of their accomplishments are easily recognized, one of which is the beautiful Mormon Temple in downtown Salt Lake City. Only a short time after they arrived, construction began on the temple which is built entirely of huge granite blocks brought down from the surrounding mountains. Completed 40 years later, it is not only an architectural achievement, but a fitting and lasting monument to the absolute courage of these people.

Perhaps more important than the skills the pioneers brought with them was their spirit and their way of life. Their code was based upon a willingness to work together for the common good of all, and it enabled them to accomplish successful lives for themselves.

The stories of the move westward abound with tales of Indian attacks, starvation, and disease. But many of these things are a vital part of the Mormon pioneer story.

This group, bound together with a common base of religion and a strong desire to succeed, survived not only Indian attacks, but crop failures and many disappointments. To establish not only one successful community but later many more, under these conditions, mostly on faith alone, and more importantly, to sustain the beginning and make it work, is a verification of their foresighted leadership and their dedication to the principles of hard work.

Their story is probably a familiar one to many, but unlike others who traveled west, their journey was not based upon a promise of adventure and excitement but rather of sacrifice. Driven from their comfortable homes in the Midwest because they had become unpopular in the exercise of their beliefs, they moved westward in the spring and summer of 1847, after suffering the hardships of a difficult winter of 1846–47. Their leader Brigham Young knew, as he viewed the Salt Lake Valley, that this truly was the place these pioneers could find peace.

It is not a new story but has happened many times before. It was similar when our Founding Fathers left England to come to this country and later, for the many immigrants who came here to find a better life. It was never easy for them, as it was never easy for the pioneers, either.

However, in spite of the hardships they faced, never did they give up, and surprisingly enough, they were mostly a happy and content people. They enjoyed meeting together often, with music and drama adding cultural elements to their lives. Today, that great cultural legacy follows the citizens of Utah as they enjoy the Morman Tabernacle Choir, the Utah Symphony, and Ballet West, as three of the outstanding organizations in the State.

The pioneers had a strong belief in their ideals that helped them to succeed. We inherit today the inspiration of courage and determination foresight and spirit. These ideals are part of the great American heritage and are as worthwhile today as they were then. We now face national hardships of a different nature but those same basic principles can today strengthen us to build a better life for future generations, as the Mormon pioneers did for us, over 128 years ago.

LEGISLATION TO ESTABLISH CONSTRUCTION INDUSTRY BARGAINING COMMISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANDERSON) is recognized for 30 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, today I am introducing a bill which I believe will facilitate a long-overdue rationalization and consolidation of the fragmented bargaining structure of the construction industry. This legislation is substantially similar to a measure I introduced in the 92d Congress and rests on four basic principles. The first is that rather than the current practice of hundreds of separate negotiations between a few employers and often only a small "street-car" local, we must move toward areawide and regional collective bargaining in the construction industry.

Second, that wherever feasible and appropriate this expansion of bargaining units should be done on a multicraft basis, either including all sectors and crafts within a given area or among a small number of affiliated trade groupings.

Third, contract expiration dates for each expanded bargaining area should be uniform so that we can eliminate the irresponsible leapfrogging bargaining patterns which have plagued the industry for more than a decade.

And finally, this whole restructuring process should occur under the auspices of a tripartite Commission, on which labor, contractors and the public are equally represented, and which allows for a maximum of input and influence by the affected parties.

Mr. Speaker, I do not propose this measure because I have a taste for creating new governmental bureaucracies or because I favor governmental interferences and meddling in the collective bargaining process. Indeed, over the years I have consistently taken the position that an unfettered and effectively functioning competitive economic system will produce far superior results for the Nation than one which is freighted down and shackled with arbitrary Federal intervention.

But the fact is that the construction industry today, especially within the realm of collective bargaining, only remotely resembles that pure ideal. During the recent months we have seen the renewal of 15- and 20-percent annual wage increases, despite the fact that unemployment in the construction trades still stands above 20 percent. Such a development would be totally impossible in a market in which there was a balance of bargaining power between labor and management and in which the forces of supply and demand had even a minimal impact on collective bargaining settlements.

I am deeply dismayed that we have seen a renewal of these inflationary wage settlements because as long as 5 years ago the need for reform of the collective bargaining structure in the construction industry was amply apparent. To be sure, during the tenure of the Construction Industry Stabilization Committee the astronomical settlements of 1970 were gradually scaled back until during 1973 a fairly substantial measure of wage stability had been achieved. But rather than using the breathing period provided by the temporary expedient of direct controls in order to initiate the long-term reforms which are so imperative, we simply allowed the opportunity to slip by. In this case, as in many others, we were content with a philosophy which says that if the sun is shining leave repair of the leaks in the roof for another day.

Well, that philosophy will work no better for the national economy than it does for individual households; the result of procrastination will only be the development of more serious problems and difficulties than we would otherwise be required to bear. For that reason, I believe it is imperative that the House Education and Labor Committee expeditiously begin an examination of this whole problem area and report remedial legislation at an early date.

Mr. Speaker, the fundamental problem in the construction industry is that the fragmented bargaining structure contains inherent pressures for whipsawing and leap-frogging which inevitably fuel an upward wage spiral. Moreover, the pattern has been that the high wage settlements achieved in the building trades merely set the standard for collective bargaining in other sectors of the economy, thereby magnifying many times over their harmful impact. I can recall from the time that we originally drafted this legislation a revealing study put together by the now defunct Construction Industry Collective Bargaining Commission.

That study showed that in New York State alone there were 41 separate bricklayers' contracts, 39 carpenters' contracts, 32 electricians' contracts, 35 lathers' contracts, 33 operating engineers' contracts, 41 plasterers' contracts and 46 plumbers' contracts in the State—all with different expiration dates. While the Commission did not produce statistics for other States, I am sure that it would be accurate to say that in most cases this is the typical pattern. In my own State of Illinois, for example, there were 146 separate carpenters locals, 108 painters locals and 93 electrical workers locals. While not all of these bargain separately, these figures nevertheless serve to underscore the extreme fragmentation of the collective bargaining structure.

Under the able leadership of former CISC Chairman, John Dunlop, I must concede that in limited instances a start was made toward consolidation and modernization. But for the most part these long-standing patterns persist. Yet unless a measure of nationalization is achieved, the construction industry will continue to function as an engine of inflation in the U.S. economy. Therefore, I would urge that the committee give serious attention to the proposal that I am submitting today. It is by no means the complete panacea, nor would I pretend that the specific provisions and mechanisms of the bill could not be improved. But it does provide a vehicle which points in the direction of a long-term solution to the construction industry wage/spiral problem.

Mr. Speaker, I would request that a summary outline of the "Construction Industry Bargaining Stabilization Act" be included at this point in the RECORD:

SUMMARY OUTLINE

Outline of draft bill on the establishment of a Construction Industry Bargaining Commission to supervise and oversee the enlargement and consolidation of bargaining units in the construction industry

I—BASIC OBJECTIVES

There would be established a Construction Industry Bargaining Commission composed of four representatives each of labor, management and the public appointed by the President for eight year terms and charged with the duty to: "to the fullest extent practicable, reduce the fragmented bargaining structure in the construction industry and restore and reinforce a true balance of bargaining power between labor organizations and contractors."

II—FUNCTION OF THE CONSTRUCTION INDUSTRY BARGAINING COMMISSION (CIBC)

The CIBC would propose, oversee the formation of, and certify enlarged bargaining jurisdictions, called "geographic bargaining areas." Initially, the major thrust would be in the area of single-craft consolidations, but there would also be a readily available option for multi-craft consolidation where local facts and circumstances indicate the feasibility of this approach.

In general, maximum opportunity would be given for the affected local parties to shape the new bargaining unit; the Commission would resort to formal administrative procedure only when it becomes clear that the local parties are unable to voluntarily agree upon a joint proposal, or when a proposal submitted by them is deemed by the Commission to be clearly in violation of the spirit and objectives of the Act. The essential aim would be to facilitate the current movement toward rationalization of the bargaining structure by:

(a) providing technical assistance and a regular legal forum for consultation between local parties;

(b) establishing basic objectives and minimum standards for meaningful progress toward reform; and

(c) providing incentive for more serious and rapid movement toward bargaining reform at the local level by providing in reserve, the threat of unilateral administrative action.

III—SINGLE-CRAFT VS. MULTI-CRAFT CONSOLIDATION

To meet the sharp disagreement over the short run feasibility and long run desirability of multi-craft bargaining between national and general contractors, on the one hand, and some specialty contractors, on the other, the bill contains a flexible mechanism for gradual, cooperative forward movement. A precipitate thrust toward forced, multi-craft bargaining would undoubtedly have a severe destabilizing and wrenching effect on the industry, which could result in discrediting of the entire program and in even less satisfactory economic performance than at present: even in the long run, multi-craft bargaining may be decidedly undesirable for certain areas and certain trades. Therefore, the bill provides rather wide authority for the Commission to initiate and facilitate rapid movement toward singlecraft consolidations, but comparatively lesser authority to speed movement toward multi-craft bargaining. In the latter case, local parties would be given considerably more latitude to initiate, modify and approve proposed new bargaining jurisdictions.

IV—CRITERIA FOR "GEOGRAPHIC BARGAINING AREAS

The Commission would be mandated to thoroughly study and review the following factors as a first step toward formation of new bargaining units:

(1) The history of collective bargaining by craft of the industry in local areas, including similarities and differences in collective bargaining procedures, in the nature of past contracts, and in working conditions and practices;

(2) The market structure and trade patterns of each locality and region, the changing mix of crafts and segments in these areas, the previous geographical areas and in which unions and contractors have operated, and the previous extent and future feasibility of contractor and worker mobility; and

(3) Other factors considered relevant by the Commission.

After reviewing these factors for a given region, the Commission would make an initial determination as to the potential feasibility of multi-craft bargaining, on either an industry-wide basis or selectively among related crafts and segments; if the determination was in the negative, the following procedure would be inaugurated for the establishment of new single-craft bargaining units:

IV-A—PROCEDURE FOR SINGLE-CRAFT CONSOLIDATION

(1) The Commission would publish in the Federal Register formal proposals for new single-craft bargaining units in the area;

(2) The local parties would then be given 60 days to present their views, recommendations, and suggested modifications to the Commission;

(3) After receiving local views and recommendations, the Commission would endeavor for a period of not more than 90 days to reach a voluntary agreement among local parties on a new "geographic bargaining area";

(4) If a voluntary agreement could not be obtained that was acceptable to the Commission, it would initiate hearings under title 5 of the Administrative Procedures Act, and upon conclusion make a final recommendation to the Secretary of Labor; the Secretary would then either give final approval to the proposal or remand it for further consideration.

IV-B—PROCEDURE FOR MULTI-CRAFT CONSOLIDATION

(1) If after the initial review and consultation, the Commission found evidence of the potential feasibility and practicality of multi-craft bargaining, on either an industry-wide basis or selectively among related crafts and segments, it would publish in the Federal Register, intent to entertain proposals for multi-craft bargaining from parties in the generally designated area;

(2) The parties would have 120 days to formulate concrete proposals for new multi-craft "geographic bargaining areas" and to petition the Commission for certification;

(3) The Commission would then consider these petitions for certification on the basis of the criteria specified above and its mandate under the Act, and make a recommendation to the Secretary of Labor (after allowing 60 days for comment by the local parties);

(4) In the event that the local parties failed to submit a joint proposal and if they demonstrated to the satisfaction of the Commission that multi-craft bargaining was not feasible or practical in light of the facts and circumstances of the situation, the multi-craft procedure would be terminated and the Commission would proceed to establish single-craft bargaining units under the procedure outlined in IV–A.

(5) If the parties failed to submit a proposal and the Commission determined that they had not entered into discussion in good faith and had not demonstrated the impracticality and unfeasibility of multi-craft bargaining, it would on its own motion publish formal proposals in the Federal Register for new multi-craft geographic bargaining areas. If it inaugurated this procedure on its own motion, it would be obligated to accept proposals for modification, that were not determined to be in conflict with the purposes of the Act, offered by the local parties within the following 90 days. Upon completion of this period, it would proceed to arrive at a mutually satisfactory agreement with all parties and make a final recommendation to the Secretary (if no agreement could be reached it would have the option of inaugurating hearings under the APA as described in IV A above.).

V—SELECTION OF NEW AREA-WIDE COLLECTIVE BARGAINING COMMITTEES

(1) Within 30 days following the final certification by the Secretary of Labor of new "geographic bargaining areas," the contractor and labor organizations within the new jurisdiction would each select a 10 member collective bargaining committee according to

regulations promulgated by the Commission that would take into account the following factors:

(a) annual dollar value of contracts;

(b) number of employees;

(c) ratio of labor costs to total costs; and

(d) other factors considered relevant by the Commission.

(2) Following the successful negotiation of an agreement for the new geographic bargaining areas, all existing contracts would automatically expire:

(3) No strike by employees or lockout by employers in the new bargaining areas would be legal unless all employees in the unit were on strike or unless all employers engaged in a lockout; no collective bargaining contract would be legal unless it covered all work-sites within the new geographic bargaining area.

VI—COMMON EXPIRATION DATES

The Commission would be given power to require common expiration dates for all existing and new geographic bargaining areas in each major section of the country.

SITUS PICKETING BILL SHOULD BE DEFEATED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, as ranking minority member of the subcommittee which has heard H.R. 5900 and its predecessor bills over the past decade, I am strongly opposed to the legalization of secondary boycotts which would be allowed if this measure becomes law. At a time we do not need more strikes, it would encourage strikes. It strikes at the heart of freedom of choice and would be used as a blunt club to force union membership on thousands of workers in the construction industry who are not now union members and are able to organize if they want, without force. It would encourage unions to continue their practice of stifling technological improvements which result in savings to the homeowner, the taxpayers and all who are involved in any building, expansion or development.

As ranking minority member I would set out the reasons why those of us who are opposed to H.R. 5900 believe it should be defeated by the House.

The purpose of this bill is to create an exception for the building and construction trades unions from the secondary boycott prohibitions of the National Labor Relations Act, NLRA. Stated another way, this bill would legalize secondary boycotts at construction sites, an abuse made illegal since the passage of the Taft-Hartley Act in 1947 and an abuse which Congress found necessary to more stringently restrict in 1959.

Not only are we opposed to this bill in principle, we are opposed to the bill because of its purpose; its imprecision and ambiguity; its possible consequences; and because we believe the technical legal and historical arguments for the need for the bill have been incorrectly stated.

PRINCIPLE

Section 8(b)(4)(B) of the NLRA, the popularly entitled "secondary boycott" provision, provides it shall be an unfair labor practice for a labor organization:

> To engage in, or to induce or encourage any *individual employed* by any *person* . . . to engage in a strike or a refusal in the course of his employment, to use . . . process . . . or otherwise handle or work any goods, . . . or to perform services; or (ii) to threaten, coerce or restrain *any person* engaged in commerce . . . where in either case an *object* thereof is: . . . (B) forcing or requiring *any person* . . . to cease doing business with any other person . . ." (emphasis supplied).

At the time this section was written and enacted in the Landrum-Griffin amendments of 1959, a prohibition on "secondary boycotts" already existed in the NLRA as amended in 1947. However, labor organizations had found ways to avoid the 1947 prohibitions, which did not preclude labor organizations from inducing or encouraging workers excluded from the act's coverage—hence, the inclusion of the word "person" in the 1959 amendments—or coercing secondary employers directly, or appealing to employees of a secondary employer individually. Those so-called "loop-holes" were, consequently, closed by the 1959 amendments.

Thus, it is clear that Congress desires to protect all neutrals, whether employees or employers, who are not parties to a labor dispute. Congress intended to confine, as near as possible, the labor conflict to the employer, employees and area in which the dispute actually existed. Congress did not intend that a labor dispute could be extended to independent enterprises which do business with each other.

However, the most important aspect of the "secondary boycott" provision to note in view of the majority's claim of inequality is that it applies to all labor organizations alike, and to all employers alike. There is no distinction in the law of section 8(b)(4)(B) between a labor organization in the building and construction trades and a labor organization in the industrial sector.

This bill would, however, create a distinction; this bill would allow conduct on a construction site which is not lawful, and would continue to be unlawful, everywhere else the NLRA applies.

We oppose the creation of an exception to the secondary boycott prohibitions. As Senator Taft said, in 1947 when he was chairman of the Senate Committee on Labor and Public Welfare and cosponsor of the amendment to outlaw secondary boycotts:

> It has been set forth that there are good secondary boycotts and bad secondary boycotts. Our committee heard evidence for weeks and never succeeded in having anyone tell us any difference between types of secondary boycotts. [83d Congressional Record 4198]

Hearings over the years since Senator Taft's statement have not yet convinced us that there is a distinction in types of secondary boycotts.

Proponents of H.R. 5900 contend the prohibitions against secondary boycotts should not apply to the construction industry where two or more employers are engaged in operations on the site. They contend that such employers are neither "innocent" nor "neutral," nor "wholly unconcerned" in a labor dispute one construction employer has with its employees, but are, in effect, "interrelated allies," or "joint venturers," or "in the integrated process of production in the construction industry."

These arguments are legally and realistically unsound and incorrect. The Supreme Court in *NLRB* v. *Denver Building and Construction Trades Council et al* (341 U.S. 675, 71 Sup. Ct. 843, June 1951), recognized that contractors and subcontractors engaged in work on the same construction project "did not eliminate the status of each as an independent contractor or make the employees of one the employees of the other" (341 United States at 689, 690). The Court, in attempting to balance the "dual congressional objectives of preserving the right of unions to bring pressure to bear on an offending employer in primary labor disputes and of shielding unoffending employers and others from pressure not their own" ruled that the trade union having a dispute with one employer must conduct its picketing so as to avoid enmeshing the innocent others.

Contractors and subcontractors on a construction project do not agree to place their money, effects, labor and skill, or some or all of them, in business with an understanding of a proportional sharing of profit or loss between them as is required to find a lawful partnership or joint venture. Usually, the exact opposite is true, as contractors and subcontractors are constantly bidding against each other for available jobs in a highly competitive business. The basic divergency of economic interest is obvious where so often a subcontractor must pursue a contractor for payment; and subcontractor claims against others of responsibility for job delays and imposition of delay penalties. Furthermore, to carry the "joint venture" theory to its logical conclusion, would justify secondary boycotts against any employer, who, like a subcontractor, contributes to the creation of a single product.

It is clear, as a matter of fact and law, that contractors in construction are not joint ventures but, instead, are independent contractors, and a dispute between a labor organization and one of them cannot be said to be a dispute with all of them. As the Honorable Graham A. Barden, chairman of the Education and Labor Committee stated in 1960:

> To make it legal, as would (H.R. 5900), for a union having a dispute with one of such contractors or subcontractors to harass and exert economic pressure against all either contractors and subcontractors on the same construction project, would do violence to a basic principle that innocent employers and their employees should not be harassed and subjected to economic pressures by a union in regard to a labor dispute in which they are not involved and over which they have no control. (86th Cong., 2d sess. Rept. No. 1665, pages 11 and 12.)

The principle of not enmeshing innocents in the dispute of others is not the only principle protected by the act. The most important principle set forth in the act is that employees should freely be able to select, or not to select, by majority rule, the union or bargaining agent of their choice. Under the law, as it now stands, the employees are not to be coerced by either an employer or a union. A form of coercion that would obviously interfere with that free choice is the now illegal secondary boycott.

We choose to endorse the principles of free choice and protection of innocent neutrals, which are designed to insure labor peace. We do not endorse the concepts behind H.R. 5900, which would both deny fundamental principles and contribute to labor instability.

PURPOSE

The stated purpose of those witnesses who supported enactment of H.R. 5900 was that it would assist labor organizations in organizing. One union witness, in answering questions on the necessity for the bill, readily admitted that without enactment of H.R. 5900, organization by unions is and has been inhibited. Most employer witnesses, who opposed enactment of H.R. 5900, feared that passage would cause all contractors and subcontractors to be subjected to secondary organizational picketing and consequently unionization, without free choice by employees. The witness speaking for the president of the AFL-CIO stated that the purpose was "to see every job in America a union job—that's what we are out for."

Admittedly, a union purpose to organize all workers is not illegal. However, the concept of using what would otherwise be unlawful picketing—without passage of H.R. 5900—to coerce nonunion contractors to use only union labor, or union subcontractors, or to force nonunion working men and women into working only for employers who have contracts with labor organizations in order to work at construction, is a purpose and concept we cannot support.

We agree that the NLRA encourages collective bargaining. One of its main purposes is to do so. However, that main purpose is based on the free choice of the majority of employees of an appropriate unit. That "free choice" should not be interfered with by picketing by labor organizations strangers to that employer or to the employees in the appropriate unit. As we previously stated, but wish to reemphasize, the purposes and policies of the NLRA is to protect the freedom of choice of individual employees, set forth in sections 7, 8, and 9 of the act. We wish to make the point very clear, that to legalize secondary boycotts in the construction industry would invite the destruction of that free choice.

Parenthetically, we may point out that although the stated objective of enactment of H.R. 5900 is to assist in organizational efforts by dictating that a construction site is an integrated whole, the building trades organizations would not want destroyed the present unit concept of representation. In our opinion, the one necessitates the other.

IMPRESSION AND AMBIGUITY

Labor-management relations problems which have long plagued the building trades unions and the construction unions will not be resolved by passage of H.R. 5900. In actuality, H.R. 5900 is a labor attorney's delight in that it will foster litigation for years to come.

The "secondary boycott" provisions of the NLRA as it has read since 1959 is still in a state of interpretation. Only days before the Committee considered H.R. 5900, the U.S. Court of Appeals for the District of Columbia Circuit by a 5 to 4 decision rejected the National Labor Relations Board's "right to control" test in interpreting section 8(b)(4)(B) situations involving work traditionally performed on the construction site. The Board has ruled that a union violated section 8(b)(4)(B) when its members refused to comply with their employer's instructions to install prefabricated air conditioning units, reasoning that the union was exerting secondary pressure on the employer with an object of forcing the general contractor to cease doing business with the manufacturer of those climate control units or of forcing the employer to terminate its subcontract with the general contractor. The Board determined that the general contractor was the object of the union's activity and that the general contractor was the only party with the power to comply with the union demand.

The divided District of Columbia Circuit Court, however, found that the collective bargaining contract between the union and the employer contained a valid work preservation clause which the union was lawfully enforcing. Both the majority and dissenting opinions in that case were lengthy and complicated. *Pipefitters Local 1638* v. *NLRB*, (CADC, No. 73-1764, July 1, 1975).

Not only are the courts having difficulty interpreting the present section 8(b)(4)(B), but the Board itself continues its quest in attempting to distinguish lawful from unlawful conduct in a "common situs" situation. In *Wire Service Guild, Local 222 The Newspaper Guild, AFL-CIO-CLC (The Miami Herald Publishing Company)*, (218 NLRB No. 186), a case decided July 3, 1975, the Board divided 3 to 2 in finding that the union's conduct was not unlawful where it picketed the outside entrances of an office building when it has a dispute with an employer located inside that building, although the building management "authorized and requested" that the picketing be confined to the corridor in front of the employer's premises. The majority found that the Moore Dry Dock standard of limiting the picketing to "places reasonably close to the situs of the dispute" had been met. The minority felt that standard had been violated and, therefore, an object of the union's picketing was to embroil neutrals in its dispute.

It appears that the present problems raised by interpretation of section 8(b)(4)(B) would be further complicated by enactment of H.R. 5900. which does nothing to clarify the present law.

Exactly what H.R. 5900 does and does not do has not adequately been explained. The proponents of H.R. 5900 have given us 20 questions and answers regarding their interpretation of the bill. We are attaching as an addendum to our statement our views regarding those questions. We believe that some of those questions have even been unfairly phrased. Our interpretations differ substantially from the proponents of the bill.

We have studied the testimony of all the witnesses, and the witnesses do not agree among themselves as to the meaning of this bill. Most employer witnesses stated that the bill would allow picketing of industrial or manufacturing plants by building trades unions when any construction or repair was taking place. Another view of the employer witnesses was that industrial unions could picket a manufacturer to take away jobs of the building trades who are performing alterations or repairs. Union witnesses claimed that protections to industrial unions and other protections are offered in the bill. However it is clear that industrial employees who are not protected by labor organizations are not protected from secondary pressures by H.R. 5900. Although the committee was assured that a nondiscrimination clause in the bill prevented picketing for racial reasons, a minority contractor testified it was a "racist" bill and would only perpetuate the inability of minority contractors from engaging in construction or getting a fair start in the construction industry.

The above are but many of the examples of the problems raised by attempts to interpret H.R. 5900. Other examples would include attempts to define what is a "common site" or "common situs"; the use of the word "person" in view of the legislative history of section 8(b)(4)(B); the definition of "employers who are in the contruction industry" and "an employer at the site who is not engaged primarily in the construction industry"; and the meaning of the phrase "jointly engaged as joint venturers." We would further appreciate an explanation of the proviso that reads "That nothing in the above provisos shall be construed to prohibit any act which was not an unfair labor practice under the provisions of this subsection existing prior to the enactment of such provisio," since, to us, that would prohibit a finding of an unfair labor practice which had not previously been adjudged an unfair labor practice and thereby prohibits a ban on any new abuses.

A simple reading of the present law along with a reading of H.R. 5900 raises so many legal problems that not even clarifying amendments would allow it to become meaningful.

We insist that legislation written by the Congress in which we serve should not leave the public at a loss to know what we mean and should not be the basis of fostering litigation and further confusion.

POSSIBLE CONSEQUENCES

The AFL-CIO and other union witnesses that passage of H.R. 5900 would assist them in organizing. Other witnesses, although in a minority, believed more "open" or "merit" shops would develop. The Secretary of Labor was unsure whether enactment of H.R. 5900 would increase or decrease unionization in the construction industry. We, personally, do not feel that the AFL-CIO and its Building Trades Union Department are supporting their own demise and expect, like the unions, that passage will considerably assist in rapid and complete unionization of all construction employees and employers.

Although we tend to agree with witnesses that predicted dim consequences—such as increased costs of construction, more union power, escalation of minor disputes into major problems over which most involved have no voice, contractors to be subjected to additional risks, reduced efficiency, and the creation of instability and controversy—we do not wish to dwell upon such speculations. Instead, we tend to fear that passage of H.R. 5900 may result in a fundamental change in the construction industry. Although no testimony adequately supports or documents our thesis, there is a possibility that the construction industry will, over the long run, become concentrated in larger businesses either union or nonunion, with large industries doing much of their own construction work. As a consequence, the smaller contractors may tend to disappear, a result neither we, nor do we believe the proponents of the bill seek.

This point seems an appropriate time to comment that the construction industry is suffering severe economic consequences. It has been reported that in some urban areas, over 50 percent of construction employees are unemployed. We are assured that these present economic problems are temporary, but we find it anomalous that we are concentrating on a matter that only excites and inflames emotions, rather than on the overall problems facing the construction industry. Numerous witnesses, including the Secretary of Labor, suggested we look at the broader "legal framework of collective bargaining in the construction industry" which the Secretary felt was "in need of serious review." Whether we agree with his view that a "vastly enhanced role for national associations is essential" is unimportant, but we do endorse his suggestion that our committee should be giving attention to the "serious range of problems after the parties on each side had the opportunity to consider the issues more thoroughly."

No one can accurately predict the future consequences if this bill does become law; hence, we support a more thorough study of the eventual results, so that there will be some consensus for, at least, an educated guess.

LEGAL AND HISTORICAL PRECEDENT

A. MAJOR LEGAL PRECEDENT CORRECTLY STATED—DENVER BUILDING TRADES AND MOORE DRY DOCK CASES

Allegedly, the stated objective of H.R. 5900, and similar bills in past years, is "to correct a literal and inequitable interpretation" of section 8(b)(4)(B) of the NLRA made by the NLRB and the Supreme Court of the United States in 1951 in the Denver Building Trades case, supra. Proponents claim that H.R. 5900 will place construction unions on an equal basis with industrial unions. In support of that claim, they point out that, if a union at a manufacturing plant has a dispute with the employer, it can picket the whole plant and that its picket line can lawfully be honored by other unions and the whole plant closed down. They state that present law limiting picketing at a construction site to the primary employer is unfair, since a union at a construction site cannot shut the whole site down.

Proponents of this bill very conveniently ignore the fact that there is a real and fundamental difference between the situation of an industrial employer and his unions and that of contractors and subcontractors on construction sites. Actually, the different situations could be a logical reason for different rules concerning picketing, but, as we shall see, the rules for picketing are identical for both under present law.

An industrial manufacturer is a single employer doing business at one site. The same employer, although it may deal with different unions, has complete control over its own labor policies with all the unions which are at that location permanently.

A construction project, or common situs, is a place where any number of employers, or independent contractors, and their employees are located on a more temporary basis. There is no single employer which determines or has control over the labor policies of another.

Unions which have a lawful dispute with an employer which employs their members may strike and picket that employer. They may do so in an industrial setting or they may do so at a construction site. Similarly, unions are prohibited from striking or picketing secondary employers, either in an industrial situation or at a construction site. Where neutral deliverymen use gates in an industrial situation, the union may picket those gates when the work done by employees of the secondary employers is related to the normal operation of the primary employer. Unions at a construction site may also picket their primary employer, and if other gates are being used by secondary employers whose work is related to the normal operations of the primary employer or who is delivering to the primary employer, the unions may picket those gates as well.

However, proponents of H.R. 5900 claim the building trades unions are limited by the rules set forth in the *Moore Dry Dock* case. (*Moore Dry Dock, Sailors Union of the Pacific*) (92 NLRB 547). Those rules which allow picketing of a common situs, are: first, picketing signs must clearly indicate the employer with whom the dispute exists; second, picketing must be carried on only when the primary employer or his employers are engaged in their normal business at the situs; third, picketing must be limited to times the situs or physical site of the dispute is located at the secondary employer's premises; and fourth, picketing must be limited to places reasonably close to the situs.

To meet the alleged inequality claims of the building trades union created by Moore Dry Dock, we wish to note two very important points:

First. Moore Dry Dock applies to all situations in which there is a common situs—in fact, it arose in the maritime industry—and not just to building and construction sites;

Second. The rules of Moore Dry Dock have been substantially relaxed for all, including the building trades unions. For instance, in *Plauche Electric, Inc.*, 135 NLRB, the Board stated that the Moore Dry Dock standards would not be applied on an indiscriminate "per se" basis, but would be regarded only as aids in determining the question of a statutory violation. This policy was soon thereafter effectuated when, in *New Power Wire & Electric Corp.*, (144 NLRB, 1089, aff'd 340 F2d 71 (C.A.2), the Board found no violation of the act even where the primary employer's employees were not on the site for substantial periods of time—up to 2 months—while the picketing continued. The Miami Herald Publishing Co. case, supra, had just this month relaxed the rule requiring picketing to be limited to places reasonably close to the situs.

Certainly rules that are applied in a relaxed fashion to all unions cannot be unfair only to some unions unless they are unfair to all.

One final comment on Moore Dry Dock, even if we were to agree that all work done on a construction site by different employers on that site was related to the normal operations of the general contractor and that a union should be free to picket all employers because of the offending general contractors operations, we must note that H.R. 5900 does not distinguish between offending general contractors and unoffending general contractors; neither would it protect an unoffending subcontractor, whose contract with the general contractor would, in all probability, be unrelated to a contract an offending subcontractor has with the general contractor.

B. OTHER LEGAL PRECEDENT

The popular misconception fostered by the building trades unions that under present law they are seriously curtailed in the efforts to establish picket lines is just that—a misconception. Let's examine some of the facts regarding judicial precedent and special provisions of the NLRA giving them special privileges.

(1) CASE LAW

Under current law a union can accomplish the same result sought in Denver Building Trades without violating the act. Avenues readily available to the unions with the blessing of the NLRB and the courts include area standards picketing; recognition picketing, and picketing under the "ally" doctrine.

Briefly:

First. "Area standards," which is picketing ostensibly undertaken to publicize an employer's failure to meet area standards in terms and conditions of employment, has been given broad protection by the Board and Courts even though one of the union's purposes is organizational. See, *Claude Everett Construction*, (136 NLRB 321); Calumet *Contractors Association*, (133 NLRB 512); *Texarkana Construction*, (138 NLRB 102). Accordingly, where the union pickets to induce a company to raise its wage scale, even though the union is not recognized as the representative of that company's employees, a secondary boycott will not be found if the union establishes the defense of "area standards" picketing.

Just such an incident happened to a contractor witness who testified before the committee. The witness, an open shop contractor, awarded 90 percent of the subcontracts to union subcontractors on a job in Tennessee. Pickets from Virginia appeared protesting the failure to follow area standards. After 2 days, when separate gates were installed, the project was able to continue. However, it is clear that with enactment of H.R. 5900, such a project would be completely closed down until the "offending" subcontractor capitulated to pickets from another State.

Second. Recognitional picketing is regulated by section 8(b) (7), which is, as we have seen, less effective than envisioned because of the invention by the Board of the "area standards" defense. However that may be, recognitional picketing is banned only after 30 days without the filing of a petition for an election—or where a valid election has been held in the preceding 12 months—an unusual occurrence in the construction industry; or where another union has been certified. Thirty days picketing of a complete construction site can be quite effective, and even then picketing can continue if a petition is filed. If a petition is filed and an unfair labor practice charge is also filed, the Board will not determine the representative status until the unfair practice is resolved. Therefore, continued picketing without relief is the result. *C. A. Blinne Construction Co.,* (135 NLRB 153).

Third. If any employer allies itself with a struck employer that employer loses protections it would otherwise have under the secondary boycott prohibitions. This "ally" doctrine applies equally to industrial plants and to construction employers, i.e., see *Dowds* v. *Metropolitan Federation of Architects,* (75 F. Supp, 672 (S.D.N.Y. 1948)).

(2) SPECIAL PROVISIONS OF NLRA

The "inequity" claim of the building trades unions is completely destroyed by two provisions in the act designed especially for the building and construction trades unions. Taking them in the order found, the first is section 8(e)—the so-called "hot cargo" clause. Section 8(e) prohibits contracts between unions and employers where the employer ceases or agrees to cease doing business with another employer. However, a proviso to section 8(e) reads that subsection (e) shall not apply to an agreement entered into in the construction industry relating to contracting or subcontracting of work to be done at the site.

Section 8(b) (4) (A) prohibits a union from picketing to force an employer to enter into an 8(e) contract, but since the provisions of section 8(e) exempts the construction industry, the Board and courts have not recently found unlawful picketing at a construction site to obtain a subcontractor clause. *Centilevre Village Apts.,* (148 NLRB No. 93); *Orange Belt District Council of Painters, No. 48* v. *NLRB,* (328F 2d 534, C.A.D.C.).

Supposedly, once such an 8(e) contract is obtained a union cannot picket to enforce the clause, see footnote 6 of recent NLRB case *Los Angeles Building and Construction Trades Counsel (Nobel Electric)* (217 NLRB No. 139). However, recently the Circuit Court for the District of Columbia Circuit has relaxed even that rule and allows picketing to enforce such a contract, *Carpenters Local 433* v. *NLRB (Lippert Brick Contracting Co.,)* (CADC, No. 73-1348, Nov. 22, 1974, 87 LRRM 2886), citing the *National Woodwork* case. In *National Woodwork Manufacturing Association* v. *NLRB,* (386 U.S. 612), the Supreme Court upheld the right of trade unions to boycott the use of prefabricated products when the use of such products deprives union members of work traditionally performed by them, and when there is a clause in a contract to protect that work, picketing to enforce that clause is legal under 8(e).

This product boycott picketing is not available to industrial unions, but is now available to construction trades unions, under these Court interpretations of 8(e) and 8(b) (4). However, this exception to 8(e) should not be extended to all construction employees and employers on a jobsite through the exception H.R. 5900 will make to the secondary boycott prohibitions.

In actuality then, construction unions stand in exactly the same position, at least in the D.C. circuit, as those in the garment or needle trades under section 8(e), although there was originally a congressional intent to separate the two because of the sweat shop conditions existing in the garment trades.

Giving the building trade unions even more leverage and an additional economic weapon over and above what other unions have is in no way necessary at this time in view of their present equality of bargaining power and their elevated economic status.

The second special provision in the NLRA for building trades unions is section 8(f), which allows "pre-hire" contracts in the building and construction industry. The building trades unions have argued that since their employment is temporary, they have little chance to have elections at construction sites. However, the claimed necessity of elections is of no validity when section 8(f) permits union and employers in construction to enter into agreements even before employees are hired and to require those employees to become union members—after the 7th day of employment—when the union has not yet established it represents a majority of the employees.

The building trades unions argument of inequality of the difficulty of holding elections in the construction industry seems to be adequately rebutted by the provisions of section 8(f) providing for prehire contracts.

For the building and construction trades unions to achieve equality of treatment with craft and industrial workers, it would logically and legally appear that these special judicial precedents and provisions of the NLRA should be eliminated, rather than passage of H.R. 5900, which will give them additional powers.

AMERICA HAS KNOWN ALL THIS—AND HAS SURVIVED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Jersey (Mrs. FENWICK) is recognized for 5 minutes.

Mrs. FENWICK. Mr. Speaker, I am inserting in the RECORD an article by Mr. Milford A. Vieser, president of the New Jersey Historical Society, and a most distinguished citizen of our State. I think it illustrates some of the things we should be thinking about during our Bicentennial:

AMERICA HAS KNOWN ALL THIS—AND HAS SURVIVED

Two hundred years ago we were all English subjects. While there were no poll-taking services at that time, objective study of our population of almost three million persons indicates we were a much-divided people. About one-third were extremely loyal to the King; one-third would make almost any sacrifice to separate from English rule; and one-third had very little interest in the issues—and this latter group should not be unduly chided, for they were devoting all of their time providing for shelter, food, clothing—survival.

Today, as we approach the two hundredth anniversary of the American Revolution, our people are greatly divided. About one-third will give abundantly of their time and ability to have a meaningful celebration of this significant event in world history; one-third would probably settle for a long weekend; and the others could not care less. And, we must not chide this later group too harshly, for they have not been fully informed of the significance of this occasion and almost all of their time is concerned with inflation, recession, shelter, food, clothing—survival.

SHOULD WE HAVE A BICENTENNIAL CELEBRATION?

We in New Jersey did not have a difficult decision. It is altogether fitting and proper that New Jersey have a purposeful program that will inspire the Nation, for ours was a unique and crucial role in the struggle for American Independence. Here is where the action was. Here is where almost eight hundred skirmishes, engagements and battles took place. Here is where Washington spent about one-third of the seven war years. From our State came many of the men who played a prominent role in the founding of our Union.

Most important, here is where the ten crucial days of the Revolution took place. The ten days starting with General Washington crossing the Delaware River to New Jersey on Christmas Day 1776, his glorious victories at Trenton and Princeton, the ten days that turned the tide of the War.

How should we mark the two hundredth anniversary of a proud Nation?

Many will want parades. Carnival people will want a Fair. Some will want to erect monuments. Some desire plays, operas, ballets. Some will want plaques and statues. Others will plant trees. Historians will write books. Planners will want to rebuild cities. Scientists will want to restructure our Society. Environmentalists will want to clean and purify the world that surrounds us.

Regardless of how we celebrate the Bicentennial, each of us individually, each municipality, county and state, should do so in our own character, in our own image. Hopefully, we will instill in the hearts of our people enthusiasm and pride in the stirring events of the past, so that they may be an inspiration for the future.

"These are times to try men's souls," wrote Thomas Paine in 1776. We were a people fighting for independence against injustices, embattled by high inflation, corruption, shortages of food and material, and with little confidence in our leaders. Powerful revolutionary forces then were in motion, forces from which came both a great and new system of Government and Freedom.

As we approach our Bicentennial Year, we are again beset by most difficult and trying conditions throughout the world, the Nation, and in our own State. These, too, are times to try men's souls. We are in a period of high inflation, yet facing a deepening economic recession; we are beset by high unemployment, an energy crisis, pollution and environmental difficulties, rising crime and a great lack of confidence by our people in our political system, our institutions and in themselves.

In the Library and Museum of The New Jersey Historical Society, are stored about 500,000 items, books, pamphlets, manuscripts, prints of our history—the largest collection on New Jersey anywhere. They are clamoring to be heard. They speak of the young soldiers of the Revolution who always seemed hungry and wet and frequently unpaid, with little clothing or ammunition. They speak of hot wars, cold wars, and many devastating wars; of economic recessions and deep depressions; of the struggle to win the West. They speak of brother against brother, and the fight to preserve the Union. They speak of slavery, dust bowls, sweat shops, flood and earthquakes. From within the great walls of the Society's Library and Museum, these materials proclaim a loud message—America has known all this and has survived and prospered.

Our role is clearly indicated—we must be a voice of reason and stability in troubled times. We must present the wisdom of the past so that the continuity of our ideals as a nation will not be lost. We must celebrate our anniversary years with programs stressing the proud achievements of the past, the significant events of our stirring history, so that they may serve as inspiration for the future. We must not only celebrate who we were but what we want to be. We must remind our people that the American Revolution gave us a system that, with all its imperfections, is the soundest system of government on this earth. It is a government that has created the highest standard of living in history. A government under God, where we can live and worship in freedom. We must constantly endeavor to protect and preserve our Republic from without and within by strengthening our faith in the principles of our democracy.

Once again great forces are in motion, designed to bring greater ideals and values, greater fulfillment of our democratic system. America has faced these changes before—America has known all this and survived and grown stronger and greater. With our strength, resolve and ingenuity, the challenges of our Bicentennial years are opportunities for the future. Our positive hopes for that future remain unshaken.

LEGISLATION TO ESTABLISH COMMITTEE TO INVESTIGATE POLITICAL ASSASSINATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ), is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, as you and my other distinguished colleagues know, I am urging a congressional investigation of the recent political assassinations in the United States.

On February 19, I introduced House Resolution 204 which, if passed by the House, would establish a select committee of seven Members, appointed by you, for the purpose of studying the circumstances surrounding the deaths of President John F. Kennedy, U.S. Senator Robert F. Kennedy, Dr. Martin Luther King, Jr., and the attempted assassination of Gov. George Wallace.

There are now some 42 cosponsors of this proposal, representing some 17 States, the District of Columbia, and Guam.

There is a wealth of material supporting the need for a restudy of the assassination of President Kennedy but relatively little, comparatively speaking, in terms of individual research and published findings and conclusions regarding the other assassinations.

However, there has been an increasing upswing in the number of published findings regarding the assassination of U.S. Senator Robert F. Kennedy. I would like to share one of these articles with this body. The article, entitled "RFK Shooting Questions Persist" by William Farr and John Kendall appeared in the Washington Post on July 20, 1975. It is as follows:

[From the Washington Post, July 20, 1975]

RFK SHOOTING QUESTIONS PERSIST

(By William Farr and John Kendall)

LOS ANGELES.—Pressure is growing to reopen the Robert F. Kennedy assassination case and address again the question, "Was Sirhan Bishara Sirhan the lone gunman?"

To most Americans, it must seem as if that question has been answered: that Sirhan acted alone at 12:15 a.m. June 5, 1968, when he emptied a revolver at Kennedy in the pantry of Los Angeles' Ambassador Hotel.

The 42-year-old senator, shot down in triumph after winning California's Democratic presidential primary, died about 25 hours later. Sirhan was convicted, sentenced to death, then given life in prison.

Not everyone is satisfied, however, with the answer provided early in 1969 at Sirhan's three-month trial. To a few conspiracy buffs, the answer that Sirhan acted alone was never satisfactory. Now there is a growing chorus of those who do not talk about conspiracy, but rather call for reexamination of apparent anomalies in the physical evidence collected in the case.

Just before his death on June 27, Los Angeles District Attorney Joseph P. Busch had considered ways to reopen aspects of the case, possibly through a special master appointed by the California Supreme Court. Busch had not changed his opinion. He still firmly believed Sirhan was the lone gunman. But, associates said, he recognized a possible need to restore public faith that nothing about the case remained untold or undiscovered.

In recent weeks and months, some of the nation's best-known newspapers have published stories examining doubts raised about the assassination.

Ted Charách, a Los Angeles-based, Canadian-born journalist who early questioned the official version of the assassination, has produced and toured the nation with a documentary called "The Second Gun."

Last February, Rep. Henry B. Gonzalez (D-Tex.) introduced a measure in Congress to establish a select committee for a broad investigation of the assassinations of John and Robert Kennedy, the Rev. Martin Luther King and the attempted assassination of Gov. George C. Wallace. He has 39 co-sponsors for the bill.

Allard K. Lowenstein, a former congressman from New York, who is now chairman of California's Fair Political Practices Commission, demands that a panel of impartial experts be permitted to:

Refine Sirhan's gun to check challenged evidence offered by DeWayne Wolfer, chief of the Los Angles Police Department's scientific investigation division.

Examine bullet holes in three soundproof ceiling panels from the pantry and in the right shoulder-pad area of Kennedy's coat to determine the number and the direction of bullets that struck them.

Analyze evidence bullets through a neutron activation process to determine whether all the bullets were fired from Sirhan's gun.

Read the illustrated, 10-volume summary of the Los Angeles police investigation of the assassination.

EVERYONE WAS CERTAIN

To the prosecutors who helped convict Sirhan and to the police officers who investigated the case, it is ludicrous to question whether Sirhan was the only gunman. Was there ever a plainer case?

Perhaps 90 to 100 persons were jammed in the Ambassador's pantry when Sen. Kennedy was shot. Close friends and associates were in nearly physical contact with him. Suddenly, Sirhan rushed across the room, screamed an oath, reached past an assistant maitre d' escorting Kennedy and fired at the senator.

Sirhan was captured. His gun was seized and his captors protected him from enraged members of the crowd.

Not a single person who was in that crowded pantry now says anyone beside Sirhan was seen firing a gun. A television film runner once said he saw a guard fire a weapon, but he has since backtracked.

At the trial, Sirhan admitted he shot Kennedy, and his attorneys focused attempts to save his life on grounds of diminished mental capacity.

So what, authorities may well ask now, are media types, conspiracy buffs and publicity seekers talking about? It's simply ridiculous to say that anyone but Sirhan was firing in that pantry.

Skeptics say, on the other hand, that it is precisely because everyone was so certain that Sirhan was the lone assassin that the present situation was created. They say evidence introduced in the trial was not subjected to rigorous cross-examination and eyewitness testimony which appeared to conflict with the prosecution's case was discounted or ignored.

To understand what the doubters are questioning and authorities are answering, it is perhaps best to consider the complicated circumstances in sections.

THE GUNS

Sirhan's gun was an Iver-Johnson .22 caliber 8-shot Cadet model with a short barrel. Number H53725. Sirhan paid a few dollars for it second-hand. The wiry, 5-foot 3-inch Jordanian refugee fought fiercely to keep it.

To cries of "Get him!", "Get the gun!", some of those near Kennedy grappled with Sirhan. Karl Uecker, a hefty, 190-pound assistant maitre d', wrestled Sirhan to a tabletop and hit his gun hand against it.

Bill Barry, the senator's bodyguard who had been escorting Kennedy's wife, Ethel, fought through the crowd and twisted the revolver from Sirhan's hand.

Criminologist Wolfer testified about the gun two days later at a grand jury hearing. His expert testimony was that a bullet removed from the area of Kennedy's sixth cervical vertebra and another taken from William Weisel's abdomen had been fired by the Iver-Johnson revolver.

Four of the seven test bullets which Wolfer indicated were fired from Sirhan's gun and reclaimed were introduced as Exhibit 5B.

At Sirhan's trial—months later—Wolfer said that Sirhan's gun had fired the Kennedy and Weisel evidence bullets. Three test bullets used for comparison were introduced as Exhibit 55.

The envelope holding the bullets was marked with the gun serial number H18602—not H53725, the number of Sirhan's gun. The wrong number was not discovered until nearly two years later.

Pasadena criminologist William W. Harper, a sometime critic of Wolfer's work, noted it in November, 1970, while checking physical evidence in the case at the county clerk's office.

In an affidavit dated Dec. 28, 1970, Harper, now 72, concluded that two .22-caliber guns were involved in the Kennedy assassination.

He surmised further that the senator was killed by a shot fired from a position other than Sirhan's, and he considered it "extremely unlikely" that Sirhan even shot Kennedy.

Both the DA and the police explained the serial number on Exhibit 55 as a "clerical error" made by Wolfer in confusing the number of a second .22 caliber revolver used for other tests.

Because Sirhan's gun had been introduced as evidence at the grand jury on June 7, 1968, authorities said, it was not available for muzzle-distance tests made by Wolfer on June 11.

Therefore, they said, Wolfer checked out another Iver-Johnson Cadet Model .22 revolver—Numbered H18602—from the police department's property division on June 10, and used it next day to check the range at which Kennedy had been shot.

When he later made out Exhibit 55 for the trial, Wolfer wrote H18602 on the envelope containing three test bullets instead of the number of Sirhan's gun, officials said.

To skeptics the wrong number raises the possibility that proper bullet comparisons were never made. They suggest Sirhan's gun may have been so badly damaged in the gunman's capture it could not be used to test-fire bullets for comparison.

The Los Angeles Times obtained a Superior Court order a week ago to view physical evidence in the case, including Sirhan's revolver. The weapon (H53725) appeared from superficial examination to be operable.

Newsmen representing the Times also found a notation on Exhibit 5B which tends to support the official contention that a clerical error is resposible for the wrong serial number on the test bullets introduced as Exhibit 55 at Sirhan's trial.

The serial number on 5B introduced at the grand jury—four of seven test bullets Wolfer said were fired from Sirhan's revolver—was H53725, the serial number of Sirhan's gun.

THE BULLETS

Sen. Kennedy died in Good Samaritan Hospital at 1:44 a.m. June 6, 1968. Within two hours, County Coroner Thomas T. Noguchi began an autopsy.

Noguchi found that a bullet had entered behind Kennedy's right ear and shattered in the brain. Two others struck in the right armpit. One exited through the right chest. The other stopped at the base of the neck. A fourth bullet passed through the shoulder-pad area of the coat.

It was the bullet taken from the area of the sixth cervical vertebra that Wolfer identified as coming from Sirhan's gun. It was designated as Exhibit 47 at the trial.

Five others in the pantry besides Kennedy were shot. Bullets or fragments were recovered from them all. The bullet in the best condition was removed from William Weisel's abdomen.

At Sirhan's trial, Wolfer also identified the Weisel bullet, Exhibit 54, as having been fired from Sirhan's gun.

The police expert said he based his conclusions about Exhibits 47 and 54 on examinations under a comparison microscope of individual identifying marks common to them and test bullets fired from Sirhan's gun.

Wolfer's testimony about the evidence bullets was not challenged then. Sirhan's attorneys stipulated that bullet fragments from Kennedy's brain had come from their client's gun.

It was not until Harper's affidavit on Dec. 28, 1970, that anyone questioned Wolfer's identification.

Harper, a consulting criminologist for 35 years, photographed the Kennedy and Weisel bullets with the assistance of an engineer for a company which developed the Hycon Balliscan camera. This camera produces photographs of the entire circumferences of bullets by rotating them in phases in front of a lens. The photos then can be placed side by side for comparison.

In his affidavit, Harper declared that his examination had failed to disclose any individual characteristics establishing that the Kennedy and Weisel bullets had been fired from the same gun.

Furthermore, Harper said, his study disclosed that the Kennedy bullet has a rifling angle about 23 minutes or 14 per cent greater than the rifling angle of the Weisel bullet. Bullets are marked when they are spun by spiral rifling grooves built into a gun's barrel to stabilize a missile in flight. Harper measured these marks.

He went on to conclude, "It is, therefore, my opinion that bullets 47 and 54 could not have been fired from the same gun."

The Los Angeles police board of inquiry appointed to investigate the challenge to Wolfer's competence reported in October, 1971, that when analyzed the importance of Harper's 23-minute difference is "questionable."

Pointing out that a circle is divided into 360 degrees and a degree is composed of 60 minutes, the board noted the difference reported by Harper amounts to about one-third of a degree.

"When the difficulty of exactly aligning the two bullets is realized, the minute difference of 23 minutes loses its importance," the board concluded.

But in November, 1973, another expert arrived at the same conclusion as Harper: that the Kennedy and Weisel bullets were not fired from the same weapon.

Herbert Leon MacDonell, director of the Laboratory of Forensic Science in Corning, N.Y., signed an affidavit based on his study of the Harper photographs of the evidence bullets.

MacDonell introduced to the controversy a new element: cannelures. Cannelures are knurled rings running around a bullet's circumference. They are placed there in the manufacture.

MacDonell noted the Kennedy bullet has one cannelure while the Weisel bullet has two. Yet shell casings in Sirhan's gun identified the ammunition as long-rifle minimags made by Omark-C.C.I. of Lewiston, Idaho. He said Omark reported to him that it had never manufactured long-rifle minimag ammunition with less than two cannelures.

Also, MacDonell said he had found a difference in rifling angles of "nearly one-half of a degree" between the Kennedy and Weisel bullets and had failed to find matching individual characteristics on the two missiles.

"Overall sharpness of the Kennedy bullet suggests that it was fired from a barrel whose rifling was in far better condition than the one from which the Weisel bullet was fired," he said.

In response to questions posed by the Los Angeles Times, the district attorney's office challenged the findings of both MacDonell and Harper.

Positive identification of bullets as coming from a particular weapon rests upon microscopic study of the evidence, not photographs, the statement said. Furthermore, the DA maintained, both rifling angles and cannelures are not "significant" in the positive identification of evidence bullets.

THE EYEWITNESSES

The experts are certain Sen. Kennedy was shot from a distance of 1 to 3 inches behind the right ear and 1 to 6 inches beneath the right arm. The greater numbers are the outside limits, according to police expert Wolfer and coroner Noguchi. Actually, they estimated the muzzle distances were nearly contact.

Nearly contact. In a room crowded with 90 to 100 potential witnesses, about 30 of them in Kennedy's immediate vicinity. You might imagine those circumstances offer poor material for controversy.

Actually, to those who question the official version, eyewitnesses accounts of the shooting are cited as persuasive evidence that the full story has never been told.

Some of those near Kennedy have said the muzzle of Sirhan's gun never came close enough to inflict nearly contact wounds. If they are correct, then who fired the shots that struck Kennedy at point-blank range—as the autopsy shows? A second gunman?

Police Chief Ed Davis recently refused to answer questions about the case on grounds that it had been settled at Sirhan's trial and in subsequent legal actions, including an appeal.

In 1971, however, the Los Angeles police board of inquiry relied on the absence of eyewitnesses to maintain: "It is unrealistic at this time to theorize that a second gun was fired during the assassination. Many people witnessed this crime, but not one of those persons observed a second gunman firing a weapon."

To the doubters, that police assurance settled nothing.

The district attorney's office insisted a week ago that both physical evidence and eyewitness accounts at Sirhan's trial showed that Sirhan was in a position to shoot Kennedy at "virtually point-blank range."

The DA suggested eyewitness accounts do not coincide in every detail because: not all witnesses have the same vantage point; no witness is necessarily more or less reliable than another; not all witnesses who testified at the trial were asked about muzzle distance; not all witnesses were in a position to observe each and every detail.

HOW MANY SHOTS?

Five plus four equals nine. Sirhan fired eight shots. How is it that bullets were recovered from five victims other than Kennedy and four bullets either wounded the senator or passed through his clothing? That's nine.

The problem was complicated by disclosure that there was a bullet hole in each of three soundproofing ceiling panels hung in the pantry.

Nine plus three equals 12.

Then, there was that Associated Press photograph taken June 5, 1968. It showed two policemen looking at what the caption said was a bullet found in a door frame at the scene.

Twelve plus one equals 13.

None of the equations or answers greater than eight is correct, according to authorities. What happened was that some bullets made more than one hole, they say.

The Los Angeles police department's criminalistics section offered its explanation in a "trajectory study" dated July 8, 1968, and later produced a schematic drawing supporting these conclusions:

Bullet No. 1: Entered Kennedy's head behind the right ear and was later recovered from his head.

Bullet No. 2: Passed through the right shoulder pad of Kennedy's coat, traveled upward and struck Paul Schrade in the forehead.

Bullet No. 3: Entered the senator's right rear shoulder about seven inches from the top of the shoulder and came to rest at the sixth cervical vertebra.

Bullet No. 4: Entered Kennedy's right rear back about one inch to the right of bullet No. 3. Then it traveled upward and forward, exited in the right front chest area, pierced a ceiling tile and was "lost somewhere in the ceiling innerspace."

Bullet No. 5: Struck Ira Goldstein in the left rear buttock.

Bullet No. 6: Passed through Goldstein's left pants leg, struck the cement floor and entered Irwin Stroll's leg.

Bullet No. 7: Struck William Weisel in the left abdomen.

Bullet No. 8: Struck the plaster ceiling, ricocheted and hit Elizabeth Evans in the forehead.

As for the AP picture, Wolfer once made a statement in a deposition that a door frame had been booked as evidence and examined but the hole in it was not made by a bullet.

Neither the pantry arithmetic nor Wolfer's explanation have satisfied skeptics, however. They question how eight bullets could have made "all those holes."

Noguchi told the Los Angeles Times he thought Kennedy's wounds were consistent with the position in which the senator and Sirhan were placed by authorities, provided the muzzle distance was point-blank.

Critics disagree. They contend Kennedy's wounds could not have been inflicted from Sirhan's position or that a bullet could have passed through the shoulder-pad area and hit Schrade. Schrade himself says he does not understand how he could have been shot in the way authorities said.

Responding to questions a week ago, the district attorney's office supported the police version of the path of the shoulder pad or Schrade bullet. The DA also said prosecutors had relied upon a summary of the bullet paths and a later schematic in prosecuting Sirhan.

"It must be remembered that there never was any indication of any other person firing in the pantry," the statement said.

The left sleeve of Kennedy's coat is missing, and skeptics question that, too. They ask how many bullet holes might be in the sleeve if it were found. When Wolfer was asked that question once in a deposition, he reasoned that there would be no holes in the sleeve because the bullets would have had to go somewhere in the pantry and none was found.

IS THERE A SOLUTION?

Seven years after the assassination, the questions and the demands for answers persist. Can the questions ever be conclusively answered? Will someone in official capacity take steps to erase the doubts?

The pressure on authorities to deal with the dilemma began slowly mounting last December when Lowenstein held a press conference here. Essentially, Lowenstein posed the same questions that Charach has been tenaciously pursuing for five years. But one December when Lowenstein held a press conference was the release of a statement by four of the five persons who were wounded in the pantry that night when the senator was shot.

Paul Schrade, Ira Goldstein, William Weisel and Irwin Stroll made this joint statement:

"Four of us who were wounded in the assassination of Robert Kennedy have become convinced of the need for a new investigation of this case. Until now, we have strongly resisted all efforts to question the obvious and official version that Kennedy's death and our being wounded involved only one gunman."

The four shooting victims said Lowenstein had raised serious questions "about the substantial discrepancies and gaps in evidence which have created grave doubts in our minds about the official version."

Virtually everyone involved in the controversy agrees that the most substantial question centers on the Sirhan gun and the bullets. When and if the case is reopened, the refiring of the gun will have top priority.

Why have authorities resisted refiring the weapon? Why not just do it and put an end to all the speculation about the bullet evidence?

The resistance to refiring the weapon is based, at least in part, on the concern that the district attorney's office has about the "integrity" of the ballistics exhibits.

This position was bolstered by the following finding by the 1971 Los Angeles County grand jury:

"Because the exhibits under the custody of the county clerk's officer were handled, examined and photographed by unauthorized persons, and mishandled by county clerk's personnel, there exists a reservation on the part of the grand jury relating to the present integrity of the ballistics exhibits . . ."

Critics of the investigation claim that this is a false issue used by the district attorney's office to divert attention from key questions.

There was no evidence developed during the 1971 grand jury investigation that any tampering with exhibits actually occurred, but investigators remain gravely concerned about it.

And so the debate goes on. It seems certain that it will not be stilled until the gun is refired, and perhaps not even then.

"God help us," says acting District Attorney John Howard, "if all the bullet comparisons are inconclusive after refiring the gun. Then someone will probably come up with a third-gun theory."

HEARINGS SET TO IMPLEMENT PATENT COOPERATION TREATY; REORGANIZE GUAM JUDICIARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 5 minutes.

Mr. KASTENMEIER. Mr. Speaker, the Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice, of which I am chairman, has scheduled legislative hearings on two measures, both to be held on Thursday morning, July 31, 1975, in room 2226, Rayburn House Office Building.

First of these, to begin at 10 a.m., is S. 24, an act to carry into effect certain provisions of the Patent Cooperation Treaty which passed the Senate June 21, 1975. The Senate had given its advice and consent to the treaty itself on October 30, 1973. The pending bill makes procedural changes in U.S. patent law to enable U.S. applicants for patents and foreign applicants filing in the United States to take advantage of the benefits of the treaty when it comes into effect with respect to the United States. The subcommittee will hear representatives of the Departments of State, Justice, and Commerce.

At the close of the hearing on S. 24, subcommittee will hear testimony on the other measure, H.R. 4580, a bill to amend the Organic Act of Guam to provide for the reorganization of the judicial system of Guam, and for other purposes. This measure would restructure the judicial system in Guam. It results from the fact that the appellate jurisdiction of the Supreme Court of Guam was eliminated by a decision of the District Court of Guam. H.R. 4580 would reestablish the appellate function of the Supreme Court of Guam and provide for direct appeals from that court to the Supreme Court of the United States.

Witnesses will include Mr. WON PAT, members of the government of Guam, and a representative of the Department of the Interior.

MILITARY AID TO TURKEY DISASTROUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. DODD) is recognized for 5 minutes.

Mr. DODD. Mr. Speaker, the House today is considering legislation to partially resume military assistance to Turkey. It is a measure and a policy I cannot support.

The partial resumption of such aid to Turkey cannot insure that our relations with that country will improve. Nor will it guarantee that the unfortunate conditions on Cyprus will be ameliorated.

On the contrary, passage of this legislation to resupply Turkey with arms and ammunition would have a disastrous effect on American foreign policy, and on our position of strength in the world.

I am well aware of the legal and humanistic questions and concerns surrounding this issue, Mr. Speaker.

I agree that Turkey's violation of our laws in using American weapons for invasion of Cyprus, and her intransigence toward working for peace on that island, are reasons enough to continue our arms embargo.

But I think that an even more compelling argument not to resume military aid is that we must wholeheartedly reject Turkey's blatant attempts to blackmail this country into restoring such aid by stating she will throw us out of our NATO bases if we do not.

Last February, Turkey announced she was drafting plans to close down some of our military installations there in retaliation for our arms embargo. This action has been used by the Ford administration as an argument for our resuming aid.

Mr. Speaker, I resent such a blackmail attempt. I think the American people resent such a blackmail attempt. And I think that the House of Representatives should resent such a blackmail attempt.

We would be creating a dangerous precedent if we did acquiesce, Mr. Speaker, and the Congress must not allow this to happen.

There are more than 300 American military installations in many countries overseas. Many of those countries have domestic and international policies which do not necessarily agree with our own, and some even consistently oppose us on many issues.

If we allow Turkey to intimidate us into paying this military aid as ransom for our bases in that country, what is to stop other nations from pursuing the same course in an effort to win something from us?

We also would be sending a message to all other recipients of American arms shipments that they could, if they followed Turkey's example, violate their agreements with the United States, violate our laws, or use these arms against other U.S. allies and get away with it.

I see great dangers in this course, Mr. Speaker. Not only would we be opening ourselves to more international blackmail, but we would, in this period of a worldwide arms race and a growing tension between nations, be contributing to this general instability by seemingly condoning indiscriminate use of our weapons.

Regarding our strategic bases in Turkey and those in Greece, I think that installations in both locations are important to our security interests at this time.

But bases in one country ought not to be jeopardized for bases in the other. We need both and should try to retain both.

But we should do this by trying to persuade Turkey, or any other country, that her long-term security interests lie with the West. It should not be done by paying international blackmail.

Let me address myself to the second dimension of the military aid issue, Mr. Speaker.

We must remember that the Turkish invasion of Cyprus is the reason for this arms embargo. When she invaded Cyprus, Turkey violated two laws of the United States, the Foreign Assistance Act of 1961 and the Foreign Military Sales Act.

She used American arms given her for defensive purposes to aggressively attack and occupy that independent island nation.

These American weapons were used to kill and maim thousands of people, and by the end of the invasion, Turkey held more than 40 percent of Cyprus and had made refugees of more than 180,000 Greek Cypriots.

Thus far, the situation on Cyprus has yet to change substantially. The homeless are still homeless, and the nation is still divided. American weapons still are being pointed in an offensive, rather than defensive, manner.

There is an urgent need for a negotiated settlement of the Cyprus situation, and yet the Turks persist in their reluctance to approach such an agreement.

We cannot resume our military assistance in light of their unwillingness to help relieve the human suffering they have inflicted and to repair the damage they have caused.

We cannot resume our aid until the violations of our laws, by Turkey's continued presence on Cyprus, cease.

Only when these unfortunate realities change, and the Turks alter their positions, should this House lift its arms embargo against them.

GUN CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. METCALFE), is recognized for 5 minutes.

Mr. METCALFE. Mr. Speaker, last Saturday night, a 14-year-old Washington Post newsboy was murdered. He was shot dead with a top-of-the-line, $140, stainless steel, Smith and Wesson .38. The gun was serialized, registered, distributed, and sold in a perfectly legal manner. It was also stolen—by a convicted armed robber who used it to kill a 14-year-old boy.

The handgun was no "Saturday Night Special." No number of FBI checks or waiting periods or strictly licensed dealers would have saved that boy's life.

It is time that we realized that the only way to stop these senseless killings is to shut off the supply of these deadly efficient handguns at their source—by banning the manufacture and distribution of all handguns.

In the July 23 edition of the Washington Star, Jimmy Breslin tells the story of "The Serialized Registered Gun That Killed a Boy."

I insert his article into the RECORD at this time:

THE SERIALIZED REGISTERED GUN THAT KILLED A BOY

(By Jimmy Breslin)

On May 11, 1974, there arrived at the main office of Irving's Sports Shops, Inc., in the Far Northeast section of Washington, a United Parcel Service package, wrapped in plain brown paper and bearing the return address of JSC, Inc., Route 1, Olyphant, Pa. The package was received by John Chapman, the chief gun buyer for the nine Irving's stores in the Washington area. The package contained a Smith and Wesson Model 64, serial number D 524738. This is a stainless steel .38, a highly desirable weapon, according to Chapman, because after being used the gun can be washed under a faucet. "All the parts are stainless steel, you take care of it just like silverware," Chapman says.

The gun had been manufactured at the main Smith and Wesson plant in Springfield, Mass. It then had been sent to a distributor, Jerry's Sports Centre, in Olyphant, Pa. Jerry's ships its orders out in plain brown paper and with the "JSC" initials in order to help keep the contents unrecognizable.

The gun was placed in the Irving's shop in the Landover Mall. All other stores were advised that this "unique" gun was in stock, but it was to be moved from Irving's Store at Landover only if one of the other stores had a definite buyer.

On Aug. 28, Oscar Jackson came into the Irving's Sports Shop downtown store on the corner of 10th and E Streets, across the street from an entrance to the hulking new FBI building. Jackson owns a tavern, the Manhattan Cafe, on 18th Street and U, in the crime-racked upper Northwest section of the city. Jackson felt unprotected without a gun in the bar. When the salesman at Irving's downtown store, Don Fogel, told Jackson about the Smith and Wesson Model 64, Jackson placed a deposit. Fogel had the gun brought by delivery truck from the Landover store, and Jackson went to the District of Columbia Police and filed for permission to buy the gun.

There are over 58,000 registered handguns in the District of Columbia. Upon filing for purchase of a gun, a person is fingerprinted and his background checked for insanity, alcoholism and convictions. Police say they also call a person's spouse to see if purchase of a gun would cause marital complications. On Oct. 15, 1974, Oscar Jackson, certified, registered, paid the balance on the $140 purchase and walked out of Irving's store with the gun and a box of bullets.

He says he fired the gun once. Where did he fire it? "Around someplace, just to see if it worked," Jackson says. He then placed the gun in a cabinet underneath the back bar of the Manhattan Cafe, a small place whose pleasantness is disturbed by the continual droning of a color television set over the bar. The gun remained in the cabinet, Jackson never finding himself in need of it. There are many holdups in the area, a food store around the corner has been held up five times, Jackson says, but his bar has escaped violence.

On January 24, 1975, Jackson closed the Manhattan at two a.m. When the day barmaid, Helen Queen, arrived at 8:15 a.m., she found the cabinet under the back bar had been broken into. The hinges had been taken off. In the men's room, a window had been taken out. Helen Queen called Jackson and he got out of bed and came to his bar. He found missing a brown metal box containing $500 and rolls of change, cartons of cigarettes worth $300, several cases of whisky, and the gun and box of bullets. He reported this to police. Immediately, the gun, District of Columbia registration number 50316, was listed as being stolen.

There is in the District of Columbia no way to count the number of actual weapons on hand on any given night. A visitor who has walked the streets of this city for several weeks is of the opinion that in many parts of the city at night there is something the matter with a person who does not have a gun. Many of the guns are cheap and unreliable or inoperable. But many of them are well-manufactured; unlike American cars, which cost thousands and begin to fall apart at the end of a few years, an American made gun, costing less than $150, can with proper care shoot people into the third generation. Whatever, somewhere at night in Washington, from last January on, was a Smith and Wesson stainless steel .38 which, if used, could be cleaned under a faucet, like knives and forks. It was listed as stolen, but there is no way to look for a stolen gun. A stolen gun is just something you put down on a list. Unless you are the person who has stolen it.

At 2:15 a.m. last Saturday night, Kenneth Washington, 14, was riding in the front of a Washington Post newspaper delivery truck going along a street in the Northwest section of the city. He and another boy—in news circulation business their jobs are known as "jumpers"—heard shots. They looked around to see where the shots were. Then part of the window of the truck dissolved. A moment later, Kenneth Washington said, in a small voice, "I been hit in the chest." He went down on the floor of the truck with a little piece of death inside him. Nobody could see any blood on his blue shirt. "He moved just a little and then he didn't say no more," the other boy, Howard Ross, said.

Later that night, a man was picked up for the shooting. At the time of his arrest a gun was found in a car. Homicide detectives checked the gun and found it had been stolen from Oscar Jackson, owner of the Manhattan Cafe. It was serialized, registered, listed, charted and it had killed a 14-year-old boy.

The man arrested, Benjamin O'Connor, 31, was arraigned on a homicide charge in court. Moonfaced, burly-shouldered, he stood in front of the judge and said nothing. Then he rolled through the door to the detention pens—a prison roll; he had been released from a penitentiary in January after serving time for armed robbery.

The wake for Kenneth Washington will be held tonight at the Jarvis Funeral Home, 1432 U St. NW. The funeral will be held tomorrow at the Shiloh Baptist Church, 1500 9th St. NW.

Later in the day, after the arraignment, Oscar Jackson was found in the Manhattan Cafe.

"My gun?" he said. "Really? My gun is the gun they used to shoot the boy? And they got the gun? Gee. Well." He sat at a table and thought for a moment.

"Will I be able to get my gun back? I should be able to get my gun back." He thought some more. "Hell, yeah, I should be able to get it back now. That's stolen property and they recovered it, right?"

ISSUE OF HUMAN RIGHTS MUST BE PART OF ACCORD AGREED TO AT SUMMIT MEETING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. MEZVINSKY) is recognized for 5 minutes.

Mr. MEZVINSKY. Mr. Speaker, President Ford will be leaving for Europe shortly to attend the final summit meeting of the 35-nation European Security Conference. I know many of my colleagues share my apprehension that the final accord presented at the summit may brush aside the key issue of human rights.

I recently traveled to the Soviet Union with four of my colleagues on the House Judiciary Committee in order to obtain firsthand information on the very vital questions of emigration and political and social freedom. I returned from this trip convinced that we must continue to link the issue of human rights to the Soviets' requests for political and economic cooperation. Détente is hollow if the United States does not continue to insist that the Soviet Union grant its citizens vital civil liberties.

I am pleased that the five members on the trip are joining together today to introduce a resolution exhorting the President to seek specific guarantees and commitments for the unhampered movement of persons, information and ideas before he agrees to any declaration or statement of principles presented at the European Security Conference. We have also sent a letter to the President reiterating our conviction that the issue of human rights must be an integral part of any European Security Conference accord agreed to by the United States. I am inserting this letter in the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 24, 1975.

Hon. GERALD R. FORD,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In view of your impending trip to Helsinki to attend the European Security Conference Summit meeting, we wish to convey our conviction—expressed in the enclosed resolution—that the issue of human rights must be an integral part of any accord agreed to by the United States.

We strongly support efforts to reduce tensions and arrive at an understanding on principles of peace and cooperation among the participating nations. To attain this goal, guarantees of political and social freedom must be included in those political assurances negotiated at the Summit. The United States Congress and the American people have repeatedly expressed their concern with these vital human rights.

Therefore, we believe that it is imperative that you seek specific guarantees and commitments for unhampered movement of persons, information and ideas before you agree to any declaration or statement of principles presented at the European Security Conference.

Sincerely,

EDWARD MEZVINSKY.
HAMILTON FISH, JR.
ELIZABETH HOLTZMAN.
CHRISTOPHER J. DODD.
JOSHUA EILBERG.

ENERGY FROM THE SEA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 30 minutes.

Mr. ALEXANDER. Mr. Speaker, during the last several months two basic arguments have surfaced from the voluminous energy debate that has taken place in this Congress. Two dominant themes have consistently been argued by various proponents of each position. One argument is that we must decontrol the price of oil and gas to insure economic incentives for exploration of additional sources and to discourage consumption. The counter argument maintains that we must regulate the price of oil and gas because we are so dependent upon it that inflated petroleum prices would further multiply our economic woes.

Neither position takes into consideration the obvious fact that a change of direction in national policy, which moves away from oil and gas dependence to a mixed energy base, is essential.

One source of energy comes from the sea. Recently I read an article in Popular Science magazine by Arthur Fisher which describes several popular theories that may provide energy from waves, tides, and currents. I commend this article for the consideration of my colleagues:

[From Popular Science magazine, May 1975]

ENERGY FROM THE SEAS WAVES, TIDES, AND CURRENTS

(By Arthur Fisher)

It would seem hard to overlook the seas; after all, they occupy about 70 percent of the surface of our globe. But that's just what we have been doing. In the desperate scramble to develop alternate energy sources, we have tended to ignore the vast powerhouse represented by the world's oceans. Fusion research, yes . . . breeder reactors, yes . . . geothermal, wind, solar-thermal—all these have begun to move. But energy from the sea has attracted precious little investment of time, money, and manpower, compared with those other sources.

Over the last year, however, I've seen some signs that the tide may be turning. During that time I've spoken with ocean-energy experts from Halifax, Nova Scotia to La Jolla, Calif., and on university campuses in between, and to government energy planners in Washington, D.C. And the word now, as one of the experts told me, is "Make waves," and "Do rock the boat!"

Energy stirs the sea through a combination of inputs. Most important, of course, is solar radiation, which bathes the whole earth (at the level of the top of the atmosphere) with 5000 quintillion (Q) Btu of energy per year. The intensity of solar radiation is greatest in the tropics, and it turns out that between the Tropic of Cancer and the Tropic of Capricorn, some 90 percent of the surface is water—a coincidence of the most convenient kind.

Next in size is the contribution of gravitational attraction (the tug of sun and moon), and the effect of the earth's rotation.

The combination of these energy sources acting on what would otherwise be an enormous, inert mass of water shapes the oceans as we know them: roiled by wind-driven waves, surging with the tides, threaded by titanic, ponderous currents, topped with a thin layer of sun-warmed water over frigid depths, and charged with dissolved mineral salts.

The power dissipated in the oceans by solar and other sources is illustrated in the chart on the preceding page. It was prepared by Professor John D. Isaacs of Scripps Institution of Oceanography, La Jolla, Calif. It contrasts the roles of waves, tides, currents, salinity and the establishing of temperature differences between the surface and lower layers.

(Information for the benefit of those readers who have misplaced their physics education: *energy* is the ability to do work, *power* is the time rate of expending energy, or doing work. The joule is the metric unit of energy, and one watt, a unit of power, is one joule of energy per second.)

Of course, the values on the chart show only—and very approximately—how much power is going into the oceans to create these various phenomena. It doesn't show how much power is practically *available* from them, nor how to get it out.

That is the purpose of this series of articles on "Energy from the Sea." This one will discuss waves, tides, and currents; the second, how to run heat engines on ocean thermal gradients; and the third, how to extract power from salination (the reverse of desalination) and from growing crops at sea to harvest them for fuel.

WAVES

"The nice thing about waves," says Professor Isaacs, "is that they are self-healing. Waves get their energy by transfer from the winds. Once a wave is really traveling—close to the actual wind speed, whitecapping—it's not taking any more energy out of the wind. If you crop it—knock it down then it'll start building up again. So in effect, the more wind energy you take from waves, the more you get.

"And there's a tremendous amount of energy available—pollution-free, too. Look at the power inherent in a floating object. We've made an amusing calculation for the nuclear ship *Savannah* steaming parallel to a long-crested tradewind swell. Every time the ship bobs up and down in this wave, there's a tremendous amount of power involved. In fact, it's about five times the shaft power of her reactors."

Men have watched this lavish display of power for centuries without being able to harness the up-and-down motion of the sea very readily. Devices using mechanical linkages of fiendish ingenuity and breathtaking mechanical complexity have been dunked into the briny from the time of Leonardo, and probably before, with a remarkable failure rate and paltry output. The largest wave-power generators to date give no more than 500 watts.

"There are two reasons for the difficulty," Professor Isaacs told me. "First, some people want to use wave devices that depend on the waves being nice and regular, all the same height, and coming along one after the other exactly on schedule, at nice even intervals. So they build something that's supposed to be in resonance with these regular waves. But in real oceans, t'aint so. That isn't the way the world's oceans wag. They wag with the wave height and period varying all over the place from second to second. So what you need is a broad band-pass system, one that will work with all kinds of wave heights and frequencies."

The other big problem is one of *energy density*. It's not enough to know that there's a huge amount of energy available in some source. For it to be readily and economically exploited, it must be reasonably high-grade energy; its energy density must be considerable. The simplest way to understand this is to think of a mass of water about to spill over a dam and fall to ground level. By putting in the right numbers, you could equate, in terms of *potential* energy, an enormous mass of water one foot above ground zero and a much smaller mass of water 1000 feet up. Although letting each body of water fall would produce exactly the same amount of energy, the 1000-foot drop would be far more useful if you were trying to use that energy to do something practical, like driving a turbine.

"In fact," said Professor Isaacs, "it's very convenient to look at the energy densities of these oceanic sources in terms of a head of water—a dam height." He sprang to a greenboard clutching a piece of chalk, looking for a minute a little like Poseidon broaching the waves.

"It turns out that tides have about a 20-foot head, currents a measly 10-inch head, thermal maybe 60 feet, salination about 700 feet. And waves have, obviously, the same head as their height, say six or eight feet. Now, that's not very useful—there are very few eight-foot-high hydro power dams around. So what you need is a wave-power device that can somehow amplify the wave height. And that's what we've been working on here at Scripps."

The wave-powered generator (see drawing, page 69) can "pump" water with every up-and-down cycle of the waves because it uses a long standpipe. The column of water in this pipe has its own natural frequency of oscillation. As the buoy to which it is attached rides up and down, the water level in the pipe does not follow in phase. The dimensions of the system are calculated so that when the pipe and buoy are bobbing down, water spouts up through the pipe past the one-way flapper valve. The valve prevents the water from flowing back down during the other half of the wave cycle. The length of the pipe determines the amount of water that cap be uplifted. The idea of attaching a standpipe to a buoy isn't new; the old Coast Guard whistle buoys worked that way, with the piston of water in the pipe sucking air in and expelling it through a whistle. But the idea of accumulating water to amplify wave height is new and important. On the present Scripps wave pump, wave height can be amplified at least nine times over.

Scientists at Scripps started with a two-inch-diameter, 40-foot-long pump, and have since carried out successful sea trials with a model whose standpipe is 320 feet long and 8 inches wide. They are now working on a generator that should deliver about 50 watts of electrical power. And their calculations predict that a model with a pipe 300 feet long and fifteen feet in diameter would yield approximately 300 kilowatts in 8-foot waves.

Meanwhile, the British Government is providing financial support for preliminary development of a dramatically ambitious wave-power scheme, one conceived by Dr. Andrew Salter of the University of Edinburgh's Department of Mechanical Engineering.

Dr. Salter's floating wave devices would be the size of supertankers, each with 20 to 40 huge swiveling vanes. The up-and-down, wave-induced motion of the vanes pumps water, under high pressure, through a turbine generator to produce electricity (see drawing on page 69 for a detailed description).

In Dr. Salter's opinion, the wave-powered generators, placed in the Atlantic at intervals of 100 miles or so, could be producing power on a commercial basis within 10 or 15 years. "Wave power is clean, safe, permanent, and uses relatively simple, well-known technology," Dr. Salter has claimed. The first installation will probably be at a spot 10 miles west of the Hebrides Islands, off Scotland's coast.

Wave power came off with rave reviews in the prestigious Rothschild Report, published in July 1974. Lord Rothschild and his Central Policy Review Staff (dubbed the "Think Tank") concluded that, of the various energy alternatives they examined, wave power was perhaps the most promising for the near term. The British Department of Trade is now funding Salter's study, and the Central Electricity Generating Board is interested. Dr. Salter believes one of his generators could produce a steady 50 megawatts for most of the year, given the ferocious nature of Britain's Atlantic approaches. (Britain's present electrical demand is about 40,000 megawatts.) There is enough brute power in the waves off her coasts, Dr. Salter declared, to fulfill "the present electrical requirements of the United Kingdom cleanly, safely, and forever."

TIDES

Men have always been entranced by the endlessly repeated cycles of the tides, and by the show of awesome power they presented. Centuries ago, enterprising mechanics began harnessing this apparently inexhaustible resource with tidal mills—large water wheels—that generated very modest amounts of mechanical power.

With advancing energy technology, tidal-power ventures languished, and virtually disappeared by the end of the nineteenth century. To provide electricity on a large enough scale to make an installation worthwhile, tidal energy must drive huge, modern turbines. This is practical only if the head (difference in level) between the water in the sea and the water in a basin or estuary is big enough. With present hydroelectric technology, this means that a tidal range of some 16 feet is necessary.

The simplest way to run a tidal-power station is to let the incoming tide fill a basin or part of an estuary, behind a dam equipped with sluice gates and turbines. After the water has reached maximum height, the sluice gates are closed, trapping the water. When the tide has ebbed, there is the maximum head between the sea and the water behind the dam. This is the moment to release the trapped water and let it rush through the turbines. In practice, there are many plans considerably more elaborate than this one to increase the plant's efficiency. It is impossible to avoid the natural and inconvenient character of the tides—they peak only twice a day, so that power cannot be generated smoothly, as it can be with so many other devices.

In 1966, the world's first (and so far, only) large tidal-power plant was built in France by the state-owned power utility, Electricité de France. The plant, 2400 feet long, spans the estuary of the River Rance, in Brittany (see illustrations, page 71). The installation uses 24 advanced-design "bulb" units, each combining a horizontal-axis propeller turbine with variable-pitch blades, connected to a generator enclosed in a watertight nacelle or bulb; the whole assembly is submerged. It is designed to operate as a turbogenerator with the water flowing in either direction: from the Rance basin to the Atlantic, or vice versa. And it can pump in either direction as well, using cheaper, nonpeak-demand electricity, to give the tides a boost by increasing the head.

All in all, the Rance station has proved a success. It is now generating about 500 megawatt-hours of electricity a year, out of the maximum 544 possible. But it was expensive to build (about $100 million) and to maintain, and it has suffered various technical problems; for example, a computer had to be used continuously to control the pitch of turbine blades in order to match changing water heads. When the price of fuel oil dropped precipitously, the French utility backed off from pursuit of plans for a tidal-power station at the huge Bay of Saint-Michel.

Now, however, with the energy crunch on and the costs of fossil fuels booming, tidal power is beginning to look a lot more attractive, and the French are reconsidering the Mont-St. Michel project. Its capacity would be 6000 megawatts and by using a system of multiple basins, it could generate electricity almost continuously.

The change in mood was quite obvious at Ocean 74, an international conference on "engineering in the ocean environment," which I attended in Halifax last summer. The meeting was peppered with ardent advocates of tidal power.

One of them is Eric M. Wilson, professor of hydraulic engineering at the University of Salford in England. "Tidal power is competitive with any other source of power that relies on fossil fuel," Prof. Wilson told me. "People always dismissed tidal power on the grounds that it wasn't there when you wanted it. But improved energy-storage systems and the energy crunch have changed that kind of thinking. If the alternative to tidal power in a given region is an oil-burning plant, then tidal power will be cheaper. If the alternative is a nuclear plant, then tidal power will, at least for now, be somewhat more expensive . . . but that ignores the perfectly enormous amount of money spent for nuclear-energy development worldwide. It also ignores the fact that once you build a tidal-power plant, the 'fuel' is free." A tidal-power plant is thus relatively inflation-proof. Moreover, it should have a useful life of some 60 years, double that of nuclear or fossil-fuel power plants.

Canada's Bay of Fundy, with its spectacular 53-foot tidal variation, is an obvious candidate for tidal-power development. So also, according to a host of advocates lately headed by Prof. Wilson, is the estuary of the River Severn in England.

In Russia, Lev Bernstein, the leading Soviet expert on tidal power, of the Hydroproject Institute in Moscow, designed and built a small tidal-pilot plant seven years ago on Kislaya Bay, north of Murmansk, on the bleak Barents Sea coast. Russian experts are now studying huge tidal-power projects at Mazen Bay on the White Sea and at the Sea of Okhotsk. Bernstein has been quoted as saying: "Small tidal projects are absurd . . . a blacksmith forging an insect."

How soon will the next big tidal-power plant be built? Some experts are betting that a Bay of Fundy project—which might supply some electric power to our New England States—will be delivering 6000 megawatts by 1985.

CURRENTS

"Sitting in my office on Virginia Key in Miami, you can look out over the tops of the casuarina trees and actually see the Gulf Stream churning along."

The speaker is Dr. Harris B. Stewart, Jr., director of the National Oceanic and Atmospheric Administration's Atlantic Oceanographic and Meteorological Laboratories in Miami.

"In 1973, my colleague, Dr. John Apel, and Dr. William von Arx of Woods Hole Oceanographic Institution were chatting with me in my office and watching the Stream—called the Florida Current here—so close offshore you could almost spit in it. We knew it ran steadily, day and night, at a good fast clip—four knots. It occurred to us that we should investigate the Florida Current as a pretty good potential source of energy. Of course, many people had speculated about this possibility in the past, but it seemed too exotic a scheme to invest any real effort into."

"Then," Dr. Stewart continued, "came the crunch: a fuel crisis combined with a growing concern to preserve ecological balance and the environment. Suddenly the idea of a big, fuel-free and nonpolluting energy source became much more attractive."

The three men knew that the Florida Current "carries more than 50 times the total flow of all the freshwater rivers in the world right past Miami's front door."

"We figured," Dr. Stewart told me, "that if we could somehow trap as little as four percent of this flow, we could extract somewhere between 1000 and 2000 megawatts of power. That's about the output of the local nuclear-power plant, so it seemed worthwhile."

To explore how this could be done, the oceanographers brought together a group of ocean scientists and engineers from many disciplines: turbine engineers, metallurgists, electric-power specialists, marine fouling and corrosion experts, economists, and others. Subsidized by John D. MacArthur, a wealthy private citizen who had become fascinated with the whole idea, the experts organized the MacArthur Workshop in early 1974. Their conclusions, in the words of Dr. Stewart:

"There are no insurmountable obstacles to trapping the kinetic energy of the Florida Current. It can be done. Not only is it feasible from an engineering standpoint, but the costs may well be comparable to those of other proposed energy sources in the 1980's."

The Workshop concluded that it might not be practical to extract more than 2000 megawatts from the Florida Current. One problem is ecological: to remove more might seriously disrupt climatic conditions to the north and east, making parts of Europe colder.

The other problem is an engineering one: the energy density of the Current is very low, because of its relatively low velocity. (Remember Prof. Isaacs' assigning it a "head" of something like ten inches?) The Workshop considered a number of devices to harness this slow-moving, enormous mass of water: a honeycomb of giant turbines; vertical, eggbeater-like propellers; rotors with cupped blades; huge, underwater "windmills" with two-bladed propellers; even an ingenious conveyor-belt string of parachutes, devised by inventor Gary Steelman.

The Workshop recommended a research and development program starting with a year-long study to decide which energy-extraction system is best suited to the peculiar conditions of the Current. Other studies would examine means of energy storage and delivery to the shore. One prospect is to generate hydrogen from sea water.

"Of course this approach isn't going to solve our whole energy problem. But it can be a useful supplement in many places where the local conditions are favorable, where nature has concentrated part of solar energy into the great current systems."

There's a catch, though, Dr. Stewart said: "Where do we get the money to do the job?"

APPOINTMENT OF DR. DANIEL BOORSTIN TO BE LIBRARIAN OF CONGRESS

(Mr. YATES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. YATES. Mr. Speaker, I have, heretofore, introduced into the RECORD an editorial laudatory of the appointment by President Ford of Dr. Daniel Boorstin to be Librarian of Congress. I support the appointment, which I consider to be a salutary one for the Library and for the country.

I am appending hereto copies of editorials from various well-known newspapers, together with a letter highly complimentary of Dr. Boorstin which was written by Prof. John Hope Franklin, the outstanding history scholar of the University of Chicago, as follows:

[From the Washington Post, July 3, 1975]

[Letters to the Editor]

ON DANIEL BOORSTIN

In connection with the nomination of Dr. Daniel J. Boorstin as Librarian of Congress, I should like to make the following comment:

Dr. Boorstin is one of the most distinguished historians in the country. His writings are fresh and original, and he succeeds in capturing the spirit of the nation's history in a way that few writers do.

I have known Dr. Boorstin for at least 30 years, during which time we became intimate friends. In 1956 he invited me to write a revisionist view of Reconstruction in a volume, "Reconstruction After the Civil War," that was published in 1961 in the University of Chicago series on American Civilization, of which he was the general editor. In 1963 he was one of those who urged me to accept an invitation to join the Department of History at the University of Chicago. When I accepted he was instrumental in assisting me in securing a home near the university. Later he was most active in persuading me to become chairman of the Department of History.

As a scholar and as a warm, sensitive, and decent human being, he would provide new and important dimensions of leadership to one of the nation's most important cultural resources.

JOHN HOPE FRANKLIN,
John Matthews Manly Distinguished Service Professor of History, the University of Chicago.
CHICAGO.

[From the Washington Star, July 8, 1975]

DR. BOORSTIN'S HANDICAP

What seems most offensive to his detractors about Prof. Daniel Boorstin's nomination to be Librarian of Congress is his incurable irreverence.

Exhibit A is that some five years ago Dr. Boorstin published a naughty little spoof entitled *The Sociology of the Absurd*. It purported to be his edition of a "research paper" by one "Professor X" outlining a program of "Merit Quotients" for "intergenerational bookkeeping."

One reviewer at the time described Merit Quotients as follows: "If your ancestors were deprived you have a low merit quotient and deserve promotion, pay and privileges of a high order, regardless of performance, in order to redress the balance. . . . If your ancestors were favored by fortune your merit quotient is already too high and you must be willing to accept little in this life. . . . Pleasures enjoyed by previous generations must be balanced by pain in their progeny, and vice versa."

We gathered that some employes at the Library of Congress who are especially concerned about "affirmative action" hiring there find Dr. Boorstin's spoof less than screamingly funny, although it isn't clear to us just what bearing, if any, the spoof may have on the Library's hiring policies. Like all such policies, they would have to be judged on their merits.

It is always risky to take satire literally. We are thankful, certainly, that Dean Swift was not defrocked for writing *Gulliver's Travels*, even though a literal-minded reader might have read into that work attitudes arguably anti-religious. It is probably fair to say that Professor Boorstin, bred as he was in certain old-fashioned notions of ethnic- and color-blindness, is no friend of the attitudes he satirized. It may even be fair to say that he would react quite as sharply to hiring quotas and "intergenerational bookkeeping" if some government agency proposed to prefer the children and grandchildren of white Southern sharecroppers, regardless of merit, on grounds that their ancestors were "deprived."

Certainly Dr. Boorstin has said irreverent things about the congressional black caucus, which opposes his confirmation. "Is a black caucus," he once asked, "any more respectable than a white caucus?" Unfortunately, the question was not only so irreverent but so heretical that no one bothered to answer it.

If the opposition to Dr. Boorstin's nomination springs from his irreverent attitudes—as distinguished, say, from some clear indication that he would be unsympathetic to fair hiring practices at the Library of Congress—it will probably evaporate of sheer embarrassment when Senate hearings on his nomination begin. If that opposition springs from something more serious, then it deserves an airing and will carry such weight as the Senate accords it.

But in practice no Librarian of Congress is appointed primarily to perform routine administrative tasks, including the implementation of personnel policies. It is Daniel Boorstin as the symbol of certain stubborn school of thought—a school of thought more prevalent than not before we sweetened quota systems with the pleasantly evasive term, "affirmative action"—who seems to be causing the difficulty. But even if you assumed the worst—even if you assumed that there is a flat one-to-one relationship between Boorstin's satire and his actual thoughts on Library of Congres hiring—you would also have to say that on any list of vital considerations those satirical thoughts rank far down.

It is ironic, in any case, that a nominee to run the Library of Congress, of all institutions, should be opposed for thinking impious thoughts about hiring quotas and reverse discrimination. Congress has come out four square, and properly so, for equal employment opportunity. But it never has endorsed "affirmative action" in its reverse-discriminatory form as a national policy. Affirmative action in that sense is essentially a creature of the administrative and bureaucratic imagination—the kind of policy that flourishes where those who make and enforce it are safely insulated from the popular pleasures and displeasures that play upon Congress.

It may be that Professor Boorstin's nomination provides a convenient excuse for a great debate on "affirmative action" as a national policy. But it is, in his case, a very secondary issue. And it would be scandalous if a distinguished historian, otherwise highly qualified, should fail to be confirmed merely because he is, as George Orwell once said of Bertrand Russell, "impervious to the fashionable bunk of the moment."

[From the Chicago Sun-Times, July 12, 1975]

BOORSTIN FOR LIBRARIAN

Several objections—some of them petty and insulting—are being made to the nomination of former University of Chicago historian Daniel J. Boorstin to be librarian of Congress.

Most of the complaints are coming from two sources: the congressional Black Caucus and the nation's organized professional librarians.

The Chicago-based American Library Assn. at its recent convention asserted that the job should go to a person who, unlike Boorstin, combines proven administrative skill with professional experience and prominence in library affairs.

This is a respectable objection, but it misses the mark. Boorstin taught history for 25 years at the U. of C. before joining the Smithsonian Institution in Washington, D.C., in 1969 as director of its Museum of History and Technology.

He was awarded the Pulitzer Prize in history last year for "The Americans: the Democratic Experience " The book was the third volume in a mammoth trilogy and one of more than a dozen scholarly works that have received academic awards.

By virtue of his scholarship, his devotion to learning and his intellectual excellence, he is more than qualified to be librarian of Congress, just as the poet and playwright Archibald MacLeish was so qualified when he was nominated to the post by President Franklin D. Roosevelt. Boorstin's relative lack of administrative experience can be easily and promptly remedied by his choice of administrative aides and other personnel.

Unlike the ALA, the Black Caucus is making scandalous objections. It asserts that Boorstin's writings demonstrate an insensitivity to the quest for racial equality, calling his nomination "a threat to the library's research capabilities for minorities."

The evidence to support that charge is puny, even by the most generous definition. It arises from his question as to whether a black caucus is any more respectable than a white caucus. It's a legitimate question, and to suggest that anyone asking it is insensitive is to suggest nonsense. Boorstin's sensitivity has been publicly noted by colleagues like black historian, John Hope Franklin of the U. of C., who knows Boorstin intimately from their days together on the Midway.

The Library of Congress is an arm of Congress, a kind of mother of libraries around the country and a center of national culture and learning. Heading that library is a big job. Boorstin is big enough to handle it.

[From the Washington Post, July 3, 1975]

DR. BOORSTIN FOR LIBRARIAN OF CONGRESS

President Ford has nominated the lively and distinguished historian, Daniel J. Boorstin, to be Librarian of Congress. We think the nomination is a good one. We also expect that the confirmation hearings in the Senate will be protracted, intense and full of controversy—and this is as it should be. A number of reckless and half-baked charges have been made against Dr. Boorstin, and he should have an opportunity to respond to them in full; the function and direction of the Library are matters of some dispute at the moment, and the confirmation hearings could provide a useful forum for the discussion of both; and, finally, the hearings should be a suitable place for Dr. Boorstin not merely to answer the personal charges against him, but also to elaborate on his own conception of what the troubled and august 175-year old institution could become.

It is a curious (and significant) fact that since the Library's founding in 1800, only 11 persons have held the job for which Dr. Boorstin has been nominated; service has tended to be measured in decades, not years.

And although some of the greatest Librarians of Congress were those who held office longest, it is also true that this situation has not exactly made the Library the most flexible of institutions or the one best geared to meet the new and changing demands upon it.

As is the case with many public and private enterprises, for instance, the Library has been caught in a fierce, destructive and unresolved battle among management and various groups of employees over hiring and promotion practices, especially as they concern blacks and women. Technological change has brought its complications: The unprecedented outpouring of publications in recent years has created an enormous burden for the Library in terms of space, funds and procedures for determining what to store; and the proliferation of duplicating processes—photocopying and the rest—has generated bitter copyright disputes between authors and librarians as professional groups, one that has caught the Library (both a disseminator of material and a depositing place for copyrights) in the middle. Beyond all this, and even more fundamental, there is renewed contention over whether the Library should function principally as (1) an arm of Congress, (2) a kind of mothership of libraries around the country or (3) a center of national culture and learning. In one degree or another it has a responsibility to be all three.

We run through this list of perplexities and woes by way of making a simple point about the Library and millions of catalogued items and thousands of employees. It is that no single person, no individual nominee—unless he were a sort of cross between Erasmus and a computer—could do the job alone or could be expected to do each part of it equally well. A professional librarian, a professional administrator, a professional provider of on-the-spot political and legal research—any of these could undoubtedly bring important special skills and gifts that neither the others nor Dr. Boorstin could provide. But the question is surely not whether the prospective new Librarian of Congress has in some unprecedented and superhuman measure a combination of specialties that no one has. Rather, it is whether he understands the need for the Library to have the services of such specialists, which in turn goes to the larger question of whether he understands and has a feeling for the value of the Library. And in Dr. Boorstin's case, we think the answer is an unqualified yes.

Dr. Boorstin is a professional scholar, a reader and lover of books, a man who is fascinated by the history of American culture and technology, and one who is all but compulsive in his desire to share and promote the excitement of learning. He has a keen sense of the legacy provided by the vast collection of books, films, maps, recordings, photographs, musical manuscripts and the rest at the Library. And he has an equally keen sense of its as yet untapped potential as a source of knowledge, enlightenment and joy to scholars and non-scholars alike. His term as director of the Smithsonian's Museum of History and Technology, which he helped to make a particularly interesting, vital and accessible place, seems to us to foreshadow the kind of job he could do at the Library. That he is neither a trained librarian nor a man noted for his administrative skills strikes us as something easily remedied by the choice of close assistants and other important personnel. That his straightforward and intellectually honest appraisal of the defects of racial quota-making in American life has been received by some as evidence of racism strikes us as a disgrace. In this connection we invite your attention to a communication from the distinguished historian, John Hope Franklin, in our letters space today.

Thirty-six years ago, President Roosevelt requested the opinion of Felix Frankfurter on the wisdom of nominating the poet Archibald MacLeish to be Librarian of Congress, since, as FDR wrote, Mr. MacLeish was "not a profesional Librarian nor . . . a special student of incunabula or ancient manuscripts." Mr. Frankfurter was enthusiastic, observing that men of letters were particularly suited to the task of presiding over great libraries. "What is wanted in the directing head of a great library," he responded, "are imaginative energy and vision. He should be a man who knows books, loves books and makes books . . . only a scholarly man of letters can make a great national library a general place of habitation for scholars . . ." We think the exchange is as apt today as it was 36 years ago.

THE WRONGFUL BUMPING OF CETA EMPLOYEES

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, a controversy is presently underway in the city of New York over the filling of CETA positions by municipal and nonmunicipal employees. When the title 2 and title 6 CETA positions originally became available, many unemployed persons from the pool of unemployed workers were hired to fill them. Subsequently, because of the budget crisis of the city of New York, a number of municipal employees doing jobs similar to those of CETA employees were laid off.

There are approximately 19,700 CETA positions under the control of the mayor of New York.

At first there was a question of whether any laid off municipal employee could fill a new unoccupied CETA position. The Labor Department determined that a municipal employee if laid off for 30 days could fill a title 2 position and if laid off for 15 days could fill a title 6 position. I might note that title 2 was originally conceived to provide entry level positions for economically disadvantaged unemployed persons; title 6 was added when the economic situation became so bad that Federal assistance was needed to expand the job market and absorb some of the 9 percent of the labor force that was unemployed.

The municipal labor unions, however, have now succeeded in extending the Department of Labor's agreement to allow laid off municipal employees to fill CETA positions one step further. Through a regulation promulgated by the Department on May 23, laid-off municipal employees are not only allowed to fill CETA positions and given preference over someone in the private labor market—they are now allowed to bump an existing CETA employee doing work similar to what they had been doing before being laid off. The regulation—section 96.42 (d)—reads:

> If lay-offs of regular employees occur during the Title II grant period, Title II participants may not remain working in the same or substantially equivalent job within the employing agency that is affected by the lay-off. Under these circumstances the Title II participants would either be transferred to positions not affected or be laid off.

The same regulation is being applied to title 6 positions.

The impact of this regulation is going to be the laying off of existing CETA employees, not their transferral to different positions. I believe that this is wrong and contrary to the intent of Congress in enacting the Comprehensive Employment and Training Act. While I believe it is correct that laid-off municipal employees be given preference in filling new, vacant CETA positions, I do not agree that once another person has been hired they should be laid off to open the CETA slot for another individual.

On July 3, I wrote to the distinguished chairman of the Education and Labor Committee (Mr. Perkins) expressing my concern over the Labor Department's apparent divergence from the intent of Congress. On July 11, the chairman replied that he agreed that the May 23 regulations were contrary to the original intent of the law. And, on July 14, our colleague (Mr. Daniels), chairman of the Manpower, Compensation and Health and Safety Subcommittee, and I, met with the Labor Department's Associated Manpower Administrator for Unemployment Insurance Services, Pierce Quinlan, to discuss this matter further. After reviewing the Labor Department's policy, Mr. Quinlan has advised us this week this his Department has determined that given the way the law is written, it has no alternative but to order that existing CETA employees be "transferred to another position or laid off" if a municipal employee who had been doing the same or similar job has subsequently been laid off.

In the instance of New York City, the Labor Department must know that the possibility of transferrals is almost nonexistent. The cold reality is that these people are going to be laid off.

Fortunately, at this time Administrator Quinlan has identified only four job categories—of New York's 84—in which CETA employees are occupying similar or identical positions as laid-off municipal employees. They are: taxi and limousine inspectors, administrative assistants in the police department, switchboard operators in the department of corrections, and park attendants in the parks department. Even so the firing of these employees will set a bad precedent and undoubtedly will be followed by layoffs in other job categories should further layoff among municipal employees be instituted. Indeed, it will simply encourage layoffs in those categories where there are CETA employees.

Mr. Speaker, before this happens, I think that it is imperative that the Congress act immediately in passing legislation to clarify and bind the original intent of the Comprehensive Training and Employment Act of 1973—to give preference to a laid-off municipal employee in filling a new CETA position, but not to mandate the dismissal of an existing CETA employee. By letter of yesterday, I urge Chairman Perkins to act on such legislation before the House recesses next week.

The correspondence on this matter follows:

U.S. House of Representatives,
Washington, D.C., July 3, 1975.

Hon. Carl Perkins,
Chairman, Education and Labor Committee,
Washington, D.C.

Dear Mr. Chairman: I am concerned about what would appear to be a divergence from Congressional intent in the Labor Department's implementation of the Comprehensive Employment and Training Act of 1973 as amended as embodied in regulations issued May 23, 1975. The language in question is the following from Section 96.24(d):

"If lay-offs of regular employees occur during the Title II grant period, Title II participants may not remain working in the same or substantially equivalent job within the employing agency that is affected by the lay-off. Under these circumstances the Title II participants would either be transferred to positions not affected or be laid off (sec. 205(c)(8))."

What is happening in New York City is that people occupying CETA positions, originally hired from the private sector, are being "laid off" (not transferred) so that municipal employees who have lost their jobs as a result of the City's cutbacks may take their jobs. I think this is wrong.

I have great sympathy for civil servants who are laid off and supported the legislative changes which made it possible for them to qualify for CETA jobs. However, I do not believe it was ever our intent that a municipal employee be permitted to bump an individual heretofore hired under CETA. Our intent rather was that starting from point zero with a vacant CETA slot, such a municipal employee would be given a preference in hiring.

I would appreciate your looking into this matter and giving me your comments.

Sincerely,

EDWARD I. KOCH.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 11, 1975.
Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR ED: Thank you for your letter of July 3rd concerning the regulations for Title II of the Comprehensive Employment and Training Act (CETA) as they apply to layoffs. In particular, you raise the question about section 96.24(d) of those regulations.

After reading that regulation and the specific section of the statute cited as the authority for that regulation, I find myself in total agreement with your judgment that the regulation does not conform to the statute. Going further, I agree as well that it was never our intent for the statute to be interpreted in this manner.

Section 205(c)(8) requires that eligible applicants provide "assurances that no funds received under this title will be used to hire any person to fill a job opening created by the action of an employer in laying off or terminating the employment of any regular employee not supported under this title in anticipation of filling the vacancy so created by hiring an employee to be supported under this title."

It is readily apparent that this section was designed to prevent the so-called "paper layoff" of regular employees who would then be immediately rehired as soon as the law permitted. Another possible interpretation would be that the hiring of persons other than those who had been laid off to fill the vacancies created by the lay-off was prohibited—as, indeed, it is. But both of these situations deal with conditions existing at the time one hires participants under Title II and not to situations which may develop subsequent to their having been hired.

I have discussed this matter with the chairman of the appropriate subcommittee, our colleague Dominick Daniels, and I understand that he is trying to arrange a meeting on this matter in his office with the appropriate officials of the Labor Department and that he will be in touch with you to make sure that it will be at a time that is convenient to your schedule.

Thank you for taking an interest in this important legislation and for calling this matter to our attention.

Sincerely,

CARL D. PERKINS,
Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 23, 1975.
Hon. CARL PERKINS,
Chairman, Education and Labor Committee,
Washington, D.C.

DEAR MR. CHAIRMAN: I received word today that Mr. Daniels' Subcommittee has agreed to the Labor Department's interpretation of the Comprehensive Employment and Training Act as it applies to CETA Titles 2 and 6 positions and laid off municipal employees. In short, the Subcommittee acknowledged that the way the law is written, the Labor Department could be subject to a successful suit if it prohibited the laying off of existing CETA employees holding positions similar to or the same as positions held by subsequently laid off municipal employees.

This is indeed unfortunate, for as you pointed out in your letter of July 11th, it was never the intent of Congress that the statute be interpreted in this matter. Instead the intent of Section 205(c)(8) was that cities not substitute CETA positions for existing positions—and in the instance of legitimate layoffs, the municipal employees have first preference in the initial filling of a CETA employee.

In view of the Subcommittee's final decision on this matter, may I urge that remedial legislation be cleared by your Committee clarifying and binding the Congress's original intent. It is my understanding that amendments to the Comprehensive Employment and Training Act are currently pending in full Committee. Would it be possible to act on this legislation before the recess and modify it to include the necessary clarification?

Sincerely,

EDWARD I. KOCH.

ON SOVIET JUSTICE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, Telford Taylor who was the chief prosecutor at Nuremberg war crimes trials and is now Nash Professor of Law at Columbia University, visited the Soviet Union in June of 1974. He recounted in an Op Ed article which appeared in the New York Times on June 26, 1975, his observations concerning the administration of Soviet Justice. He and a group of American lawyers were there in an effort to be of assistance to Soviet dissenters then in prison.

His observations and the insight into the Soviet judicial system will be of interest to my colleagues. I am appending the article:

TRIALS AND TRIBULATIONS IN SOVIET COURTS

(By Telford Taylor)

Roman Rudenko has been the Procurator General of the Soviet Union for over twenty years. In that capacity, he has authority to "protest" criminal convictions in the Soviet courts—that is, to set aside judgments which he finds invalid, and force their reconsideration. He also has authority over the Soviet prison and labor camp system, and the responsibility of correcting violations of the rules governing prison conditions.

I had last seen General Rudenko at Nuremberg in 1946, when he was chief Soviet prosecutor at the war crimes trials, and I was associate counsel on the American prosecution staff. Nazi criminality had then been the main subject of our discussions, and it seemed extraordinary that Nazi criminals were again involved at our meeting in his Moscow office in June of 1974.

The occasion for our reunion arose from the imprisonment of some twenty Soviet Jews and two Gentiles who had fallen afoul of Soviet criminal law during their efforts to emigrate to Israel. The prisoners' relatives, many of whom were in Israel, had asked a group of American lawyers, of which I was one, to represent them in an effort to obtain relief for the prisoners. Because of my past acquaintance with General Rudenko, I had been asked to go to Moscow and speak to him.

Records of Soviet criminal proceedings are not public. Even final judgments of their courts are often difficult and sometimes impossible to obtain especially in "political" criminal cases such as the ones we were concerned with. Most of the information we had acquired came from the prisoners' relatives in Israel who had been present at the trials, and from a few Jews who had themselves been convicted and served short sentences, prior to emigrating to Israel. Very little of their information was in documentary form, and my colleagues and I had spent many days in Israel interviewing these people and embodying their statements in affidavits.

We tried to guard against exaggerations and faulty memories by careful cross-checking, and relying only upon accounts that were inherently credible and confirmed by several observers.

Despite these limitations, our legal group had assembled what we all believed to be a formidable amount of evidence that the trials had involved flagrant violations of the Soviet criminal codes, and exposing shocking abuses in prison conditions. Outstanding among these abuses was the fact that most of the Jewish prisoners are confined in labor camps where the majority of the other inmates had been convicted of collaborating with the Nazis in the murder of Jews, and in other atrocities, during World War II. Virulently anti-Semitic, they are long-termers many of whom have become "trusties," and use their privileged positions to harass and victimize the Jews.

Soviet laws governing criminal court procedure have enlightened safeguards and it is quite possible that nonpolitical trials are fairly conducted. But if the trials of these Jews are any guide, the paper guarantees are worthless when important state interests are involved.

Soviet defendants, for example, are entitled by law to representation by counsel of their own choosing. But all of our defendants were required to retain counsel holding a *dopusk*—a special permit approved by the K.G.B. (Soviet security police). In some cases this meant hostile lawyers who refused to call witnesses or take appeals as desired by their clients. In virtually all cases it meant counsel who would not too sharply challenge the prosecution, and generally would confine their efforts to pleas for mitigation of the sentences, on grounds such as that the defendants were young and misled by Zionist propaganda.

This is but one of many examples of the disregard for law which tainted these trials. Defendants guilty of lesser offenses were convicted of treason, although the elements of that offense were clearly lacking, in order to impose heavy sentences. Many were convicted of disseminating anti-Soviet literature, although most of it (including biographies of Golda Meir, Leon Uris' "Exodus," and even Talmuds) was offensive to the prosecutors only because of its Jewish character. It was deemed "anti-Soviet" because the political authorities had so decided, in flagrant violation of the Soviet rule that all evidence be heard in open court.

Recently, the accusations have sometimes been wholly fabricated. A one-legged Jewish carpenter who sought to emigrate was accused of overcharging his customers. When the prosecutor was unable to produce any evidence, the judge told the carpenter that his wish to emigrate was the only reason for his plight, and that the charges would be dropped if he would drop his plan. He refused and was given a five-year sentence.

All this and much more was in the briefs and petitions I presented to General Rudenko. He was personally friendly and agreed to receive them, but it proved impossible to engage him in rational discussions of the cases. Soon it became apparent that he and his staff would give no serious consideration to our evidence or arguments.

Efforts to follow up the encounter have elicited no response, and General Rudenko has done nothing to rectify the errors or mitigate the prison abuses. What we have been able to accomplish is to give our clients the moral comfort that (to paraphrase Arthur Miller) "attention is being paid" to the injustices by which their imprisoned relatives have been victimized.

Despite the very different concept of the function of law which prevails in Communist countries, Russian lawyers are not without pride in the nature and quality of their judicial system. Perhaps our group was wrong to hope that this pride, coupled with reluctance to have these abuses exposed, would prompt corrective action. If such hopes remain unfulfilled, at least our efforts may contribute to the record on which decisions of Soviet courts are to be judged.

SOCIAL WORKERS ON AGING

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the National Association of Social Workers recently concluded their 1975 delegate assembly here in Washington with the adoption of a number of significant resolutions expressing the association's concerns about our national problems. As chairman of the Subcommittee on Health Maintenance and Long Term Care of the House Select Committee on Aging, I was especially interested in their recommendations regarding the problems of older Americans.

I was pleased to note the emphasis in their resolution on the opportunities for finding alternatives for long-term care in nursing homes, since this is a current subject of investigations by my subcommittee. I was also pleased to note their support for programs to improve nutrition among the elderly, since I had the privilege of sponsoring the original legislation which established our current nutrition for the elderly program.

I believe it would be appropriate to include in the Record the complete text of the resolution on aging by the National Association of Social Workers and I include it at this point:

Aging

Whereas, the older population in the United States is increasing at a dramatic rate as evidenced by the fact that while in 1900 one out of every 25 Americans was over 65 years of age, today's 65-year-plus population is one in every 10, with a one-in-eight proportion projected for the year 2000, with the result that this rapidly expanding segment of the country's population presents a socio-political reality which can no longer be ignored; and

Whereas, aging should have NASW policy priority status and the social work profession must commit itself to a leadership role in developing policy, action and administrative practices on behalf of the aged, and in the legislative arena at the local, state, and federal level; and social work education at every level of the continuum must incorporate aging in a relevant curriculum pertaining to every level of practice and specialization; and

Whereas, legislation at all levels must reflect the right of the elderly to exercise self-determination, to retain personal dignity; and to participate openly and without discrimination in the everyday activities of their communities, insuring that as viable members of our society they are permitted to contribute to and share in the nation's bounty with adequate income to enjoy access to a full range of life-enriching experiences; and must also guarantee that no elderly citizen is deprived of his or her basic human and civil rights regardless of race, creed, color, sex or national origin; and

Whereas, legislative mandates linked with aggressive advocacy must secure and amplify the voice of the older consumer in the market place as well as on decision-making bodies planning, funding and/or providing community, home or institutional programs and services, and organizations composed of retired persons must be increased in numbers and membership to influence elected officials; to increase their political strength; and to bring to public view issues concerning the economic, health and social welfare of all older persons; and

Whereas, the social work profession must recognize and accept the challenge posed by aging—an issue of critical importance to the nation, the profession, and the elderly themselves—and through and throughout social work education, practice and research, we must strive to identify and acknowledge the specialized potentials and needs of older persons and to change existing negative attitudes wherever they exist;

Therefore be it resolved, that social workers and their professional organization, the National Association of Social Workers, through its Board of Directors and its other units, and in coalition with other organizations, undertake these and related tasks:

1. Retirement Income and Employment: Work for development of an income assurance system for all of the nation's elderly which successfully integrates Supplemental Security Income, Social Security payments and private pensions with appropriate Federal safeguards and other private income sources; it is imperative, however, that financial security be assured to the most vulnerable and fragile of the nation's elders.

Support legislation on pensions which include cost-of-living increases.

Review the Social Security system to insure continued uninterrupted collection and disbursement of funds as mandated by Federal legislation.

Endorse measures taken to guarantee work beyond the age at which they become eligible for retirement benefits.

2. Physical and Mental Health: Work for the development of attractive and reasonable alternatives to nursing home care so that those elderly persons who can remain at home with necessary social services can be "afforded longer, more productive and pleasurable lives."

At the same time, in view of the nursing home crisis and situation generally, work to assure adequate institutional care, including vitally needed social components of such care.

3. Nutrition: Seek expansion of federally funded meals programs, and special emphasis should be given to development of programs with ancillary health, social service and outreach components.

Support legislative efforts to provide better nutrition for older Americans through new and expanded Homemaker and shopping services; recruitment, training and employment of older female workers are urged to meet the employment needs of older women and to combat age and sex discrimination in employment.

4. Education: Place a high priority on obtaining more funding and manpower for education and pre-retirement planning for this nation's population age 50-and-over.

Advocate the training and employment of older persons as paralegals by encouraging planning agencies to take advantage of the Older Americans Act amendments which support state, regional, and local plans for comprehensive Senior Services.

Incorporate aging information into the curricula of social work education at every level of the continuum; increase national efforts, such as Project Provide, to acquaint practitioners with aging, with service delivery to the aged, and with practitioners' responsibility to change existing systems or developing new systems which respond to the needs of older persons.

Give special attention to sensitizing practitioners and providers to the unique and intensified needs which Blacks, Indians and Spanish-speaking older persons present, caused in part by past and existing segregation, discrimination and deprivation practices and policies.

5. Other: Intensify efforts to locate older persons who now are neither aware of nor participating in Federal, State and/or local economic, social, health and nutrition programs designed to improve the quality of life for older persons. It is imperative that through existing information-gathering networks, such as the Federal Census and local precinct polls and surveys, these older persons be located and informed of their entitlement.

IMPORTANT QUESTIONS IN LONG-TERM CARE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, for many years the American Association of Homes for the Aging has contributed its leadership and guidance to the development of local, State, and Federal policy governing programs designed to meet the needs of our increasing population of older Americans. Member homes of the association are developing innovative and comprehensive programs designed to assist older persons understand their problems and limitations, and to help them utilize supportive services in their communities to make living in their own homes a reality for as long as possible.

AAHA's director for public policy, Mrs. Constance Beaumont, recently counseled congressional senior interns on "Important Questions in Long-Term Care." She advised her audience of young people to consider author Edwin Newman's concern that our language is used imprecisely, and "Those for whom words have lost their value are likely to find that ideas have also lost their value."

I believe Mrs. Beaumont's advice about our use of language and logic is a valuable contribution to the current dialog on aging, and I wish to insert her remarks in the Record, which are as follows:

[Remarks Presented to the Congressional Senior Interns by Constance Beaumont, Director for Public Policy of the American Association of Homes for the Aging, May 14, 1975]

Important Questions in Long-Term Care

I would like to begin by referring to something which may appear at first to be unrelated to the subject at hand—and that is the recent book by Edwin Newman called "Strictly Speaking," in which Newman bemoans the state of the English language in America and decries the disappearance of simple, direct speech. Newman maintains that our language is in decline, and after offering one example after another to illustrate how language is used imprecisely or wrongly, he says, "Those for whom words have lost their value are likely to find that ideas have also lost their value."

Newman doesn't exactly say it this way, but the message he conveys is that our thoughts are prisoners of our words.

I can think of few subjects in which our thoughts are more constrained or distorted by our words than long term care, and I would like to suggest to you that a not insignificant source of the problems we hear about and face relating to nursing homes and long term care is our use—or misuse—of terms we do not understand or which mean different things to everyone who uses them.

Our misuse and lack of understanding of the basic terms involved have caused us unwittingly to work against our own stated goal, that being to create the conditions which will enable old and frail people to retain maximum independence and to function optimally.

Assuming we could agree on what the term "long term care" means—and I suspect that within this small group we might discover differing views on even this one point—let us look at the two major types of long term care institutions for the aged which the Federal Government subsidizes through its Medicare and Medicaid programs. These are known as skilled nursing facilities and intermediate care facilities.

These categories—the shorthand terms for which are SNF and ICF—are often referred to as "levels of care." Entire sets of standards and reimbursement systems are based upon one's understanding of these levels of care.

The Government says that a "skilled nursing facility" is an institution in which "skilled nursing care" is performed. "Skilled nursing care," in turn, is defined as being those services which must be performed under the supervision of professional or registered nurses.

The so-called "intermediate care facility" provides "intermediate care." The law defines "intermediate care" as being "more than room and board, but less than skilled nursing." Thus, ICF care is defined by indirection, in a sense. It is what skilled nursing is not.

The degree to which states differ in their views as to what skilled nursing and intermediate care are, can be seen in the percentages of geriatric patients classified as "skilled" versus "intermediate" care in different states.

In New York, for example, approximately 80 percent of the total geriatric population found in long term care institutions is classified as "skilled nursing," whereas in New Mexico and Iowa, the percentages are almost completely reversed. In New Mexico roughly 90 percent of the patients are classified as intermediate care; 10 percent, skilled nursing. In Iowa, 95 percent are intermediate; 5 percent, skilled.

The point I wish to make is that simply by looking at the percentages of geriatric patients classified by the different states, we can see very quickly that there is not much of a consensus concerning what these categories mean.

Yet if the State governments disagree on what the major categories of institutional care established by the Federal Government are, others are even more confused.

The very term, "skilled nursing facility" and "intermediate care facility," are so awkward, so unfamiliar to most people, and so deficient with respect to conjuring up any kind of image—that the public, the press, and even Members of Congress, avoid these terms altogether and simply label everything a nursing home.

Having settled on the shorthand label of "nursing home" to refer to all institutions for the aged, we have inadvertently gone one step further and conceptualized all institutions as existing to fulfill the same primary function, that function being the provision of medical or nursing services.

To the extent that public policy makers see any variety at all among institutions, it is in what are referred to as "levels of care," each level being more or less health or medical intensive.

It is as if institutions of a different type, fulfilling different primary purposes, do not or could not exist. Thus, we create the same set of standards for the free-standing nursing home, the home for the aged, and the small personal care or boarding home, even though each of these is, and probably should remain, quite different from the others.

What we seem to be doing in our public policy discussion of institutional services for the aging, by calling all institutions the same thing, by failing to conceptualize better and agree on just exactly what the ICF and SNF are supposed to be, by failing to question whether a primarily medically-oriented rather than socially- or other-oriented institution should be the model, we seem to be moving toward the elimination of almost an entire band in the spectrum of institutional services. The band I am referring to is the type of institution which is primarily housing-oriented with health and other supportive services being an essential but secondary part.

To understand how and why what I have just described is a problem, it is important to realize that the Federal law draws a sharp line between housing and institutions, and says, in effect, that once a type of housing crosses a certain line and begins to provide what the Federal Government describes rather nebulously as "more than room and board but less than skilled nursing," it becomes an "institution" and really must turn into what most people conceive as a nursing home. The place must then have corridors eight feet wide, doors 44-inches wide, wired-glass windows around gift shops, and a number of other features which have meant and continue to mean the elimination and destruction of some of our older, more interesting and less sterile-looking buildings.

Because the States don't always understand the distinction between an intermediate and skilled facility, the institution may, as occurred in several cases I know of, be told to install a nursing unit on the floor inhabited by residents (not patients) who were really quite active and well, and who needed health and nursing services to be accessible and near-by but not on top of them.

Paralleling the problem of conceptualizing all institutions for the aged as having to be primarily health or nursing oriented rather than being perceived as fulfilling other functions, is the narrowness of the current congressional debate surrounding alternatives to nursing homes, or, since nursing homes and institutions are almost always equated, alternatives to institutions.

The congressional debate on alternatives runs like this. All institutions are nursing Homes. Nursing homes are bad. Nursing homes exist primarily to meet nursing or health needs. Since the fulfillment of nursing or health needs is perceived as the only or the major function of an institution, the answer to the problem of institutions is home health care.

Now, I do not wish to understate the importance or potential of home health care. There was and is an institutional bias in our Federal health programs which needs to be corrected and there is a great need to expand home health benefits.

The point I would make is this: the provision of nursing services is only one of several functions of an institution. So realistically, when we talk about alternatives, we should not look exclusively or perhaps even primarily to home health care, but we should consider more often and more seriously such things as day-care programs and multi-purpose senior centers. both of which historically have been unfunded.

We might talk more about the development of a public transportation system which better accommodates the elderly, or which at least retards the constant destruction of their homes to make room for more highways and parking lots. We might exert more pressure on the Department of Housing and Urban Development to make it easier for community sponsored groups to build specialized housing for the elderly—for those who want or need such housing. We might do more to simply preserve existing homes and neighborhoods. For example, we have situations in which modest but adequate housing, now occupied largely by elderly people, is being destroyed for future commercial development. The elderly residents have lived in these dwellings for many years and have formed a community in which they as well as the younger residents support and assist each other. But these residents are being evicted. One person has already been placed in an institution, and it seems likely that, due to the shortage of housing suitable for the elderly, others will end up in institutions.

Finally, we might do more to provide better security to elderly persons in high crime areas. There are people who have entered institutions simply for fear of leaving their homes to do routine shopping and other things necessary to maintain themselves independently.

In conclusion, I would summarize by saying:

Our thoughts and ideas in long term care seem every much to be prisoners of our words;

We may have inhibited our potential for developing greater variety among institutions because of our misuse of basic terms and our failure to make sure we have the same ideas in mind when we use the terms;

In addition to exploring home health care as an alternative to premature or inappropriate use of institutions, we should also look more seriously at the need to develop housing and urban and *rural environments* which will better accommodate those with infirmities and special needs; and

Finally, we should try to free ourselves from the acute-care, medically oriented institution as our basic model and try to conceive of different models with housing as the major component, with social, economic and health supports.

PENDING PURCHASE OF MEDIUM-RANGE SURVEILLANCE AIRCRAFT BY U.S. COAST GUARD

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MURPHY of New York. Mr.

Speaker, on May 19, 1975, a colloquy took place between Congressman Biaggi and myself over the pending purchase of medium range surveillance aircraft by the U.S. Coast Guard.

At that time, I introduced a letter into the record, dated May 16, 1975, from myself to Adm. Owen Siler, Commandant of the Coast Guard. Admiral Siler responded to my letter on June 5, 1975, and I in turn responded to the Commandant on July 17, 1975. The exchange of correspondence contains information that I think every Member of Congress should be aware of. I think it is self-explanatory and ask every Member to read it carefully.

The material follows:

Department of Transportation,
U.S. Coast Guard,
Washington, D.C., June 5, 1975.
Hon. John M. Murphy,
House of Representatives,
Washington, D.C.

Dear Mr. Murphy: I appreciate your continuing interest in the Coast Guard's efforts to procure a suitable medium range surveillance aircraft. I fully understand your concern that the taxpayer's interests be protected and that adequate competition occurs. I too share these concerns and intend to make every effort to achieve the most cost-effective procurement.

I am aware of the letter from Mr. Tull of Hawker Siddeley. Be assured that the Coast Guard did not attempt to convince the committee staff of the legitimacy or non-legitimacy of any of the proposals received. On 14 April, the deadline set for the receipt of the technical proposals, the Chairman indicated his deep concern about the number of proposals. I apprised him only as to the companies which had responded as of 3:00 p.m. that date. It was clear that no appraisal had been made, indeed the respective packages were no more than stored on that day inasmuch as the office working hours terminate at 4:00 p.m. I have kept the Chairman informed as to significant developments since that time and as our memorandum of 16 May 1975 indicated, the review of the responsive proposals is still in progress.

It may be helpful to address again and categorically deny that anyone in the Department of Transportation or the Coast Guard is determined to obtain any specific aircraft. For over five years, many different Coast Guard officers, all professionals, most of whom were aviators, have participated in the many operational reviews, searches and specification development for our replacement aircraft. All of these officers did not agree on every characteristic in the proposed aircraft profile but the decision-making was orderly and deliberative with the final decisions made by the Commandant. A thorough search for an existing United States aircraft which would fully meet our needs was fruitless. In the 1973 timeframe, while we were validating some of our requirements, it became known that both the Navy and the FAA were acquiring some of the Rockwell aircraft modified to their needs.

Historically, almost all of our aircraft have been obtained through acquisition of a basic DOD aircraft modified for Coast Guard use in order to minimize development costs. During the sole-source reviews both within the Coast Guard and within the Department of Transportation, the top managers responsible for the decisions were aware that the Rockwell aircraft was not the perfect solution to our needs but that the trade-offs were minimal and reasonable. The most notable lack was that the endurance was less than my predecessor felt was needed. Nonetheless on balance, it was the only known U.S. aircraft to come close to our profile at that time. As Deputy Secretary Barnum testified before Mr. McFall's Subcommittee on 1 May 1974, the Department deferred to the Coast Guard on its operational requirements but gave specific direction on the procurement procedures to assure protection of the Government and the taxpayers during the proposed procurement. Both Senator Magnuson and Mrs. Sullivan were advised of the decision in December 1973.

Therefore, when your committee asserted that competition was available and that sole-source procurement was of the greatest concern and possibly unacceptable, the Coast Guard was surprised. Certainly, it was not then nor is it now our intent to circumvent legitimate competition in any way. We believe it to be the cornerstone of fairness in the Government procurement system.

However, we also believed that the competition was to be fair and to deal with the aircraft capabilities the Coast Guard had stated as its requirements. During the extensive exchange of information with your Committee and with the several industrial representatives, it has become clear that in some instances "competition" was perceived as persuading the Coast Guard to accept something of lesser capability than it had set forth in the characteristics required of its multi-mission replacement aircraft. I cannot accept that concept. Those characteristics have been thoroughly examined by two different aircraft characteristics boards and many professional officers with many years experience in our aviation program. I see no reason to alter them unless or until it becomes absolutely certain that such an aircraft cannot be obtained for a reasonable cost and within the sums which can reasonably be expected to be made available both by the Executive Branch and the Congress.

Many, if not all, of the points raised by the critics of our technical proposal have been made known to me. I was unaware of the name or background of Mr. Kurt Sterzik until receipt of your letter, although his "study" was known to me. Again, I categorically deny any collusion to describe a specific aircraft. When my predecessor agreed to change the procurement process it became necessary to reduce to specific detail many technical specifications which would not have been necessary if we had used the MIPR which had been initiated with the Navy.

During the long period which was required for this task, many sources were used by our engineering staff in developing the description which was ultimately published. It is not denied that we borrowed some specifications from Rockwell and some from the Israeli Westwind as well as other military specifications and descriptions of items from Grumman which are in our HU-16 aircraft. As one of our engineers stated when confronted with several of the allegations, "that spec said it best and it is what we need". But certainly it is the item in every case which is required regardless of the words. Providing the capability required, in an acceptable manner, is the subject of the review and discussion, if necessary, during the first step of the two-step procedure.

Likewise the need for an off-the-shelf aircraft to help keep cost in line was important. If indeed the technical description so successfully avoided describing any off-the-shelf aircraft so as to require the modifications which you describe, it may well prove that the cost is prohibitive in every case. It would seem too, that under those conditions the description must not have been "synonymous" with that of the Rockwell aircraft as it has been alleged by Mr. Sterzik.

I accept your offer of Mr. Sterzik's comments and have asked Captain Wood to contact your office in order to pick it up. After we have reviewed it, if you wish, I can provide specific comment on each of Mr. Sterzik's observations.

After the change of procedures and the issuance of the request for technical proposal, I was concerned that bonafide competition take place. Based on the extensive attempt to locate appropriate aircraft during the preceding years many of my staff were skeptical. Aircraft of substantially larger weight and size could be expected to avoid the competition because of the likelihood of ultimate elimination due to higher cost. The smaller aircraft could not meet many of our needs, hence it seemed likely that competition might come from foreign sources. Because of that, I was particularly concerned with the requirements for maintainability and support. Of course, the results are not yet determined.

After examination of the elements of this procurement as we have discussed, I am convinced that the two-step process is the proper one. I believe the procuring agency should be required to delineate its needs in the most precise way possible. Then, if industry cannot meet them, the agency must in a careful and deliberative way including the execution of its own decision-making process determine which changes can be accommodated in order to attain responses. It may even be necessary to look to the consequences of abandoning certain functions and reporting the facts and alternatives to the executive and legislative branches.

With respect to your staff's problem in obtaining direct answers to questions concerning technical proposals, we were simply following a practice instituted during your previous tenure as Coast Guard and Navigation Subcommittee Chairman; that is, on sensitive matters associated with authorized procurements, dealing directly with the Subcommittee Chairman. I am necessarily bound by the Federal Procurement Regulations in releasing information during the negotiation phase of the two-step procurement. Indeed, any specifics have only been provided Mr. Biaggi orally.

I hope that this rather lengthy review of my perspective of this procurement may be helpful to you. It is certainly not my intention to withhold information which I may have but merely to assure that all laws and regulations are complied with in order to protect and assure the integrity of the process. During this sensitive phase of negotiation, I suggest that this requires me to deal with the official of the Congress established by its own authority. If I am in error in this position I would respond immediately to an official review of the matter. I would welcome such a review at any time to help establish that our procedures are ethical, legal and bonafide.

Again, I truly share your interest in this procurement and I hope that the Coast Guard will ultimately be able to acquire an aircraft which is so urgently needed to respond to the demands of our roles and missions. If it should prove that lack of competition prevents our obtaining new aircraft, I assure you that we will continue to perform our operations to the best of our ability with the aircraft remaining in our inventory.

Both Captain Wood and I remain ready to meet with you, if you desire, at any time your busy schedule will permit to discuss this procurement.

Sincerely,

O. W. Siler,
Admiral, U.S. Coast Guard
Commandant.

House of Representatives,
July 17, 1975.
Adm. Owen W. Siler,
Commandant, U.S. Coast Guard,
Washington, D.C.

Dear Admiral Siler: This is in response to your letter of 5 June 1975 concerning the Coast Guard procurement of Medium Range Surveillance Aircraft. Because your letter is, as you said, a lengthy review of your perspective of this procurement, I felt that I must in turn provide you with a lengthy review of my perspective of it including the 12 months time during which your predecessor was involved.

As regards the Hawker Siddeley communications and information relating thereto, I will agree as I admitted in my letter of May 16, 1975, that I may have been lacking in some of the details. However, I did explain to you that this was due to the fact that your office denied me any information in this regard and alleged that as the ranking Democratic member of the Coast Guard Subcommittee, its former chairman and one of the principles involved in this procurement, I had absolutely no right of access to this information. To the contrary notwithstanding, the fact remains that a staff member of the Merchant Marine and Fisheries Committee was trotted downtown, shown a 150 odd page brochure and as a result, my office was led to believe that this was a legitimate bid by the Hawker Siddeley Aircraft Corporation. A final comment on the subject of the availability of information to me is prompted by the statement on page 3 of your letter which reads, "With respect to your staff's problem in obtaining direct answers to questions concerning technical proposals, we are simply following a practice instituted during your previous tenure as Coast Guard and Navigation Subcommittee Chairman."

If such a practice was instituted during my tenure as Chairman of the Coast Guard Subcommittee, I was unaware of it; it was obviously instituted by the Coast Guard or the Department of Transportation. I did not then, nor have I ever, put restrictions on members of any Committee of which I am Chairman in terms of their being apprised of Subcommittee business. I assumed you knew that, and I am sure the officers in the Coast Guard Liaison Office who worked with me for 14 months knew that very well.

Again, in the third paragraph of your letter you state, "It may be helpful to address again and categorically deny that anyone in the Department of Tranportation or the Coast Guard is determined to obtain any specific aircraft." Yet the attached 14 page statement with 9 appendices, which I prepared for presentation before the Transportation Committee of the House Appropriations Committee on Thursday, May 9, 1974, established a pattern of behavior, a conspiracy of secrecy and duplicity, if you will, that refutes your claim.

This document was shown to your predecessor, Admiral Chester Bender, as a courtesy approximately 24 hours prior to my testifying before the Appropriations Committee. Admiral Bender then called me hours before my scheduled appearance and asked that I not present the testimony and in return offered to stop the sole source procurement and invoke procurement regulations, commonly referred to as the 2 step bid process. These negotiations were arranged and consummated by letter through Captain Raymond Wood who is currently on your liaison staff and is well aware of the agreement made by Admiral Bender and myself.

As you know Admiral Siler, I have always been an advocate and strong supporter of our armed forces. I in no way wanted to embarrass the service by revealing the information contained in my May 9th statement. Because Admiral Bender agreed to halt the sole source procurement of the Rockwell Sabre Liner and guaranteed a competitive situation in the MRS procurement, I felt there was no need to expose the Coast Guard to any untoward publicity and I withheld my statement. However, subsequent activities of the Coast Guard beginning in January 1975 and continuing to this day proves to me that we have come full circle.

For some reason which quite frankly has even befuddled members of your own staff, despite all of the evidence that has surfaced regarding this buy, the Coast Guard is still apparently doggedly determined to induce a sole source purchase of the Rockwell Sabre Liner. Everyone involved with this procurement is aware that a feverish attempt was made by the Coast Guard to come up with a second bidder to make the 2 step procurement appear legal, though the fact remains we are still faced with a sole source contract to Rockwell International. This, to this point in time, has been accomplished by the Coast Guard whose officers—with straight faces—are going through the motions of seriously considering a Fokker–VFW 614, a totally foreign-built airplane. That company, with whom I have no quarrel, acting in good faith in the hope of landing a lucrative contract has proceeded to race madly around the United States to contract with various United States corporations for American support facilities as they have none in this country. (I understand they reached a tentative agreement for such support on June 26, 1975, with Lockheed Service Company of Ontario, California which could ironically put Lockheed Corporation in competition with itself). If this arrangement is consummated, it would, as I understand it, include equipment replacement and maintenance functions—all this to achieve as Kurt Sterzik pointed out—what will essentially be a sole source procurement which in the end could cost the American taxpayers one-half billion dollars.

On page 2 you make what is to me the most surprising statement of all, i.e., that when the House Coast Guard Committee "asserted that competition was available and that sole source procurement was of the greatest concern and possibly unacceptable, the Coast Guard was surprised." This is, indeed, a strange statement in view of the fact that your own chief procurement officer on this project stated to members of my Subcommittee staff, representatives of several aircraft corporations, and a dozen or so Coast Guard Admirals and other officers that he did not consider other available competitive aircraft such as the Falcon 20 because he had "already made up his mind" to procure the Sabre Liner. At that point in the meeting I should point out that a Coast Guard Admiral told the author of that remark in effect, you had better stop talking because what you are saying is illegal.

Further, on page 2 you say, "Again, I categorically deny any collusion to describe a specific aircraft," in the RFP. I, of course, do not charge you with collusion to obtain specific aircraft. The process began long before you came to be commandant. If you will read the document I have attached, you will understand what I mean. The proof of the fear on the part of competing aircraft companies of retaliation or a loss of business with the Coast Guard or Department of Transportation is the fact that I was requested to alter some of the language of the statement so that the company officials involved could not be readily identified. The fact that competitive aircraft corporations were threatened and are still fearful of top level persons in the Department of Transportation involved with aircraft procurement is an indication of the chicanery, coercion, and arrogance that has been exerted in this procurement.

Again on page 2 of your letter you say, "Certainly, it was not then nor is it now our intent to circumvent legitimate competition in any way. We believe it to be the cornerstone of fairness in the Government procurement system." I agree with this position. It has certainly been my position during the last 17 months, yet I find it difficult to reconcile your statements with the actions of the Coast Guard. I refer to the fact that when at the suggestion of members of your office, at the insistence of the Naval Air Systems Command and at the request of the major aircraft manufacturers involved (including Rockwell International) it was proffered that the procurement could only be made totally competitive by going to a negotiating bid type of procurement (all having agreed that the 2 step procurement was a mistake) because it would result in the Coast Guard getting the best aircraft for the least amount of money. The Subcommittee was advised that the Department of Transportation rejected that proposal because it would make DOT and the Coast Guard look "stupid." So, according to a member of your own staff, in order to save face (or as it turns out to save the Sabre Liner) the Coast Guard chose to stick by the 2 step procurement despite its inadequacy to the situation.

In reference to another comment in your letter, to persons with no knowledge of this procurement your statement on page 3 that our charge that the changes needed in the Sabre would indicate the allegation that the specifications were specifically written for the Sabre is without validity would seem legitimate. However, you and I know that it is the "3rd factor group" in the specifications that make the entire RFP a "Rockwell fix." I am addressing those characteristics that are peculiar to that airplane and no other and without which no other aircraft qualifies. The entrance door pressure seal, for example, the footwarmer, the seats, etc., some of which are totally unnecessary to the mission but would have to be complied with by the other manufacturers.

I refer to three items in this category:

Item #1 requires that "Electric heating pads, shall be in the cockpit, to provide foot warmth." As you know the genealogy of the Sabre Liner goes back to the Sabre Fighters in the Korean War. The plane was designed for high altitude operations and foot warmers were a necessity. This is one of those engineering items that simply carried over to the Sabre Liner when it was transformed into a commercial business jet. (Actually the footwarmers were not included in the first commercial Sabres but customer complaints caused their installment while still on the production line.)

The newer generation of commercial jets has improved more efficient and much more sophisticated heating systems which do not require such equipment. However, this requirement in the Coast Guard RFP to all intents and purposes eliminates other candidate aircraft from competition because modifications to achieve this configuration would actually denigrate existing systems and entail unnecessarily high costs for modifications that are actually necessary.

Item # 2 requires, "The cockpit seats will have relieved inboard corners with a folding armrest." As I am sure you are aware, this requirement applies to the Sabre Liner because of the ingress and egress problems associated with the location of the plane's instrument console. In the early Sabre Liners the right edge of the left seat and the left corner of the right seat were cutoff to allow easier entrance by pilots and co-pilots. This, of course, is not a problem with current modern commercial jets because their console set configurations provide ample space. Therefore, they don't need the corners of their seats cutoff.

Item # 3 requires "A system for deflating the main entrance door pressure seal for normal exit after landing without electrical power shall be provided, if applicable." This according to Sabre Engineer Sterzik was done because "Obviously, the Sabre has a system that makes this a requirement. Reference Sabre Spec NA–72–827 page 95/96. This is, of course, the schematic of the pressurization system. You will note that the door pressurization system is to the far right. Inflatable door seals are normal in pressurized aircraft but are usually done by using cabin pressurization through holes in the seal on the cabin side."

Yet, this is a requirement that only the Sabre Liner can meet and to require such modification on other candidate aircraft would simply mean yet another unnecessary and expensive fix for manufacturers.

These are only three of the more glaring examples of items that make it apparent to just about everyone but the Coast Guard that the Sabre Liner is destined by hook or crook to be the Coast Guard's MRS aircraft for the next 20 years.

These are some of the over specific requirements—features that are not necessary for the Coast Guard mission. Their only reason for inclusion in the RFP is that they are unique to the Sabre and have no value other than to eliminate other contenders.

You indicate in your letter that you were unaware of Kurt Sterzik's comments on the similarity of the Coast Guard specifications and the Sabre Liner until the receipt of my letter of May 16, 1975. You may or may not remember that the Sterzik document was discussed at some length at the meeting which you attended in Mr. Biaggi's office of March 24, 1975, during which I referred to it repeatedly and held it up for all to see. In any event, now that Captain Wood has obtained a copy of the report from my office, I appreciate your offer of detailed comments on the Sterzik report and I look forward to receiving them when you have had time to review it. Mr. Sterzik, by the way, is no longer working for any aircraft company involved in this competition, but as a professional aircraft engineer, he stands behind his remarks and is aware of the role his report is playing, in the exchanges of correspondence between my office and yours.

On page 3 you write that in your consideration of the procurement ". . . it seemed likely that competition might come from foreign sources. Because of that, I was particularly concerned with the requirements for maintainability and support." Yet the Coast Guard has entertained the Fokker bid—which aircraft the preceding comment would appear to eliminate as it has presently no technical infrastructure of support in this country—leaving the Sabre 75A the only aircraft with a legitimate bid.

I have deep concern, Admiral Siler, over the nature of the Coast Guard's actions and the actions of the Department of Transportation on this project during the period from July 1973 to January 1974. These actions are thoroughly discussed and documented in my statement of May 9, 1974 which I have enclosed officially for your perusal. As of this date, I have not received information from the Coast Guard nor the Department of Transportation that adequately explains this series of events and as you know, copies of this document were transmitted to your office including your predecessor on previous occasions.

Finally, Admiral Siler, throughout all of my exchanges with the Coast Guard, I have alleged that the Coast Guard is not purchasing an "off the shelf aircraft."

This you have never denied.

My fear is that if we continue this route, a possible result will be that the Coast Guard will have to expend millions of dollars to subsidize the development of a new aircraft which will be ironically commercially competitive with two of the U.S. built aircraft the Lockheed Jetstar II, and the Grumman GII neither of which were considered as the program evolved. This connotes to me one of two things, either the Coast Guard or the Department of Transportation is determined to implement the sole source procurement of the Rockwell Sabre Liner which was decided upon in August of 1973, or the other possibility is that persons in the Coast Guard have absolutely no understanding of the negotiated RFD procurement where every aircraft manufacture can at least bid their best position and the Coast Guard can take into account the life cycle costs of candidate aircraft in a competitive manner and which would guarantee the best airplane for the Coast Guard and the best deal for the American people.

I offer the second explanation only as an alternative.

It would appear that the first explanation constitutes the truth of the matter.

Sincerely,

John M. Murphy,
Chairman, Subcommittee on Oceanography.

Statement of Congressman John M. Murphy, Chairman, Subcommittee on Coast Guard Before the Transportation Subcommittee of the House Appropriations Committee, Thursday, May 9, 1974

Mr. Chairman, I appreciate the opportunity to appear before you today to discuss the proposed purchase by the Coast Guard of over forty medium range surveillance aircraft that will ultimately cost the United States Government well in excess of 120 million dollars. As I outlined in my opening statement of April 25, 1973, on the aircraft procurement phase of the Coast Guard authorization hearings on H.R. 13595, the Coast Guard subcommittee was petitioned by officials of major aircraft companies who were of the opinion that something irregular and unusual had occurred during the selection process of the M.R.S. aircraft.

There were allegations of threats, favoritism, a "fix", rigging the selection process, and the charge that orders had been directed from the Department of Transportation to the Coast Guard to buy an airplane that contradicted months of Coast Guard findings. It was further alleged that manufacturers who though they were in contention for the M.R.S. procurement were being "led on" when in reality, they had long since been eliminated. Finally, it was charged that the Coast Guard itself had made errors that warranted an investigation of events attendant to this procurement that began in July of 1971.

As a result of the above, I have had the staff of the Coast Guard subcommittee investigating the charges and taking a close look at the procedures by which the decision was made to buy the Rockwell Sabre 75A on a sole source basis. Because this process covers almost three years, it is difficult with the resources at hand to retrieve all the evidence and reconstruct precisely what happened. However, I feel that we have in a few weeks developed enough evidence to piece together the following picture.

In July of 1971, the Coast Guard decided at a meeting convened under the Chief of Staff to develop requirements and specifications to replace the current medium range surveillance aircraft, the HU16. The conclusions that developed from that meeting were included in a preinvitation notice to the aircraft industry of November 11, 1971. (Appendix No. 1). In this notice the Coast Guard advertised for information from the aircraft industry on all-weather aircraft with a 1,000-mile capability.

Thus, from July 1971, through July of 1973, covering a period of 24 months, the Coast Guard was considering the purchase of a small size jet.

Two aircraft were selected to be tested by the Coast Guard to develop a profile for the airplane that was to be ultimately purchased. The purpose of the leasing of these aircraft during early 1973 was to develop information to permit the Coast Guard to issue specifications preliminary to the procurement of a replacement aircraft for the HU16. To achieve this goal, Coast Guard lease DOT–CG–31585–A with Israel Aircraft Industries, Ltd., was awarded on February 14, 1973, for the lease of one Israeli "Westwind" turbo-jet aircraft for five months at a cost of $101,320.00, and Coast Guard lease DOT–CG–31585–1A with Cessna was awarded on the same date for the lease of one Cessna Citation aircraft for the same period of time at a cost of $135,582,00. Both of these leases were awarded after industrywide competition and application of the "buy American" provisions in the case of the Israeli aircraft.

During the early months of 1973, Coast Guard Commander Bruce L. Solomon, wrote a 17 page *Acquisition Paper for Operational M.S.R. Aircraft.* (Appendix No. 2). The Coast Guard now terms this a draft paper that was never operative.

As you will notice, Mr. Chairman, this document which was being circulated within the Coast Guard in July 1973, the 24th month of this procurement process, contains a discussion on page 13 of the type of procurement then being considered. Pages 13 and 14 read in part as follows:

"c. Procurement Approach. There will only be one contract issued for the entire procurement. The contract will be issued under the competitive process. A presolicitation award notice, which will include the preliminary aircraft specification, will be issued to known interested bidders, Standard Bidders List and through the Commerce Business Daily. Comments from industry will be solicited and since the specification is expected to challenge most manufacturers to a full growth version of their standard aircraft, considerable comments should be generated. On the basis of these industry comments and comments by reviewers of the M.R.S. Evaluation Unit Report, the aircraft specification will be revised to final form. Based on this concept, the final specification form will essentially guarantee an excellent assurance of achieving acceptable competition."

Considering the type of aircraft being procured and the competitive nature of the bidding participants, there were two methods to be considered for procurement: The Invitation For Bids (IFB), or the Request For Proposals (RFP). Generally, the Invitation For Bids procedure is utilized when the Government is reasonably certain what is required and that a fair amount of qualified competition exists. The Request For Proposals is generally utilized when a problem exists which can be resolved by a resource procurement, but the form and/or definition of the resource is vague. In this particular aircraft procurement, an Invitation For Bids will be issued. The rationale for selecting the IFB follows:

(1) Certainty of requirement. Considerable analysis has been undertaken since 1967 to determine the M.R.S. aircraft requirements of the Coast Guard. Since early 1973, an equivalent in depth analysis has been made on the availability of these requirements from the aircraft industry. The required aircraft is available. Further, the IFB process will require a guaranteed minimum performance and an in-depth pre-award survey to achieve a minimum risk situation for the Government. Additionally, aircraft performance specifications and tests have been sufficiently detailed in FAR 25 so as to essentially create a total understanding between the government and the manufacturer of the form required in the end product.

(2) Cost Benefits. Naturally, there is a considerable price advantage to the government when procuring through the IFB since there is no prior knowledge on the part of the offerors of the total competitive field. In addition, since the bidding procedure is far simpler and less expensive for the manufacturer, (vs. the request for proposals), the government can be assured of a maximum number of offerors.

Nowhere in this document is there considered a sole source procurement.

That the Coast Guard was, during this general point in time, still considering the utilization of aircraft of the size of those being tested, is alluded to in a June 25, 1973 memorandum, for the record, of Captain J. W. Swanson, concerning his flight demonstration of a Gates Learjet aircraft. (Appendix #3).

Gates Learjet at this time was actively seeking to have one of its aircraft selected for the Coast Guard M.R.S. missions.

Captain Swanson concludes his memorandum by writing, "very impressive aircraft, however, for Coast Guard operations, do not consider it as suitable as the Cessna Citation."

There are other documents and memos of interview in the possession of the Coast Guard Subcommittee that indicate that the Coast Guard was considering aircraft in the small jet category as late as December 7, 1973. For example, I submit a letter written to me by the president of Grumman Aerospace Corporation, Mr. George M. Skurla, of May 2, 1974. Relevant portions of the letter read as follows: (Appendix No. 4).

"Grumman's interest in the MRS Program dates back to November, 1971, when the Coast Guard advertised in Commerce Business Daily for information from the aircraft industry on all-weather aircraft with a 1,000 mile capability.

* * * * *

"Over a period of time, it appeared that the Coast Guard was primarily interested in the use of small Corporation Jet-type aircraft largely because of cost considerations. This conclusion was confirmed in the spring of 1973 with the leasing by the Coast Guard of two such aircraft for evaluation purposes, an Israel Aircraft Industries 1123 Westwind and a Cessna Citation.

"Based upon an apparent interest in the Westwind, Israel Aircraft Industries (IAI) and Grumman initiated discussions concerning a potential arrangement whereby Grumman would represent IAI for any sale of the Westwind to the U.S. Government. The agreement was signed and the Coast Guard advised in writing by IAI on November 16, 1973.

* * * * *

"Almost immediately after IAI's announcement to the Coast Guard that Grumman would represent them, rumors began to circulate to the effect that the procurement was to be sole-sourced to Rockwell for the Sabre 75A aircraft. Discussions with the Coast Guard, early in December, could neither confirm nor deny that this was the case. It began to emerge, however, that the critical item upon which selection of the Sabre 75A had been based was the larger airframe internal volume, that is, 660 cu. ft. plus, vice 440 cu. ft. for the 1124 Westwind. This did come as somewhat of a surprise since all previous indications were that the 1124 Westwind was adequate from a volume standpoint.

"On January 8, 1974, Grumman was advised verbally by the Coast Guard that the Sabre 75A had been selected for the M.R.S. requirement.

* * * * *

"It might be noted in conclusion that both Grumman and IAI have been surprised by recent reports that the procurement costs are now projected at some $3 million per aircraft, since a maximum program cost of $2 million per aircraft had always appeared to have been a specific program limitation."

In April of this year, the hearings of the Coast Guard Subcommittee and this committee commenced. Some of the alleged irregularities were made public by the Coast Guard Subcommittee on April 25, 1974. This subcommittee reviewed our findings and Chairman McFall of this subcommittee directed the Department of Transportation and the Coast Guard to come to me as chairman of the authorizing subcommittee and clarify the matter.

One of the results of these hearings was a meeting on May 7, 1974, between the staff of the Coast Guard Subcommittee, several of the interested aircraft manufacturers, and a group of Coast Guard personnel who took part in this particular procurement process from its inception. The Coast Guard was asked to outline their studies and the decisions that were made relevant to those studies and to their flight testing of various aircraft. At this meeting, my staff was told that the decision that the Sabre 75A was to be the aircraft selected was made by the Coast Guard on August 2, 1973.

When asked about the internal acquisition paper authored by Commander Solomon, we were told that this was merely a draft and that Solomon was really operating in sort of a vacuum and wasn't talking to anyone intimately involved in the finite details of the procurement. I call to this committee's attention the unusual statement in what is now characterized as the final acquisition paper for the operational medium-range surveillance aircraft dated September 25, 1973. On the very first page, after describing the leasing of the Israeli aircraft and the Cessna Citation the document reads, and I quote (appendix #5):

"An Interim Report, covering the first three month test and evaluation period, was prepared to document preliminary findings. The evaluation was completed on August 31, 1973, with the return of the leased aircraft, and a final report prepared."

I find it strange that while the decision had been made on August 2, 1973, to go to a larger medium-size jet, 29 days later, the Coast Guard was still evaluating those smaller jets and writing reports concerning their suitability.

I find it even more strange that in September, October, November, and December of 1973, lengthy meetings were being held with the various candidate aircraft companies as if their small-size jets were still in the running when the decision to eliminate them had already been made.

For example, a memorandum of October 9, 1973 (Appendix #6), was forwarded from the chief, office of engineering to the comptroller of the Coast Guard which contained in the words of the memo:

". . . facts . . . to assist your contracting personnel in the preparation of a non-competitive procurement of the Sabre aircraft."

This alleged justification of the non-competitive procurement of the Sabre aircraft was the subject of lengthy rebuttal during the subcommittee hearings which I will supply to this committee and which were further diminished at the meeting of May 7, between my staff, industry engineers, and the Coast Guard. I feel that it is not unreasonable to say that this memorandum along with the September 25 acquisition paper are indisputable evidence that the issue to all intents and purposes had been decided.

This, I feel, is what lead one of the candidate aircraft companies to submit a position paper to a member of the Coast Guard subcommittee which stated:

"The Coast Guard has chosen the Rockwell Sabre 75A for the MRS program with an official announcement indicating this choice expected during the week of January 14. This announcement will terminate a selection process that can best be characterized as 'leading on' other candidate companies (IAI/Grumman, Falcon Jet, Gates Learjet, Cessna), under the pretense of an impending open competition while, in fact, background efforts within DOT were directed toward a sole source award to Rockwell." (Appendix #7).

As a matter of record, Israel Aircraft Industries and Grumman Aerospace Corporation presented to the Coast Guard on November 26, 1973, a letter which contained the information that Israel Aircraft Industries (IAI) had decided to go with Grumman in the M.R.S. procurement. The letter was dated November 16. The meeting lasted some three hours, with the entire discussion on the basis that IAI was a bonafide contender in this procurement. There was absolutely no indication that a sole source procurement and the Sabre had already been decided upon.

On November 13, 1973, in a two hour meeting with Mr. Barney McShane of Gates Learjet, he was specifically informed that a request for proposal would soon be out on the M.R.S. aircraft.

In September, the Coast Guard was still evaluating the Cessna Citation and negotiating with officials of that company for Cessna Corporation's airplane.

As late as December 7, 1973, Grumman visited the Coast Guard to provide specifications of the Israel Aircraft designed to meet the original stated needs of the Coast Guard.

This kind of behavior smacks of a coverup of the procurement. Even if we assume that the Coast Guard was correct in claiming a need for a larger jet for its missions, we still have the treatment afforded to a competitive jet in the larger category, that is, in many respects, superior to the Sabre 75A and yet was not even seriously considered by the Coast Guard.

The Falcon Jet Company, as did the others, assumed the Coast Guard was—throughout 1973—still negotiating for the purchase of a smaller jet and had preferred an aircraft in their line known as the Falcon 10.

As a matter of record, a letter of September 28, 1973, was sent to the Coast Guard from Falcon Jet concerning the Falcon 10 as this company was still under the impression that it was a candidate aircraft. The letter also contained information on the Falcon 20, which the Coast Guard chose to ignore despite the fact that they now contend this was the category of aircraft in which they were, internally, interested.

I believe it is fair to point out all of these steps which were taken to protect the secret of the Sabre selection. If the Coast Guard had already made a determination in August that they didn't need an aircraft of the smaller size just such as the Westwind or Cessna Citation, why then did the Coast Guard allow the Falcon Company, on October 16, 1973, to demonstrate the Falcon 10 in Washington at considerable expense to the company? The actual operation of the aircraft for demonstration costs in the neighborhood of $2,000. This is in addition to tying up the president of the company, two of the engineering staff and two pilots.

I believe the above justifies the conclusion that when the chief of staff of the Coast Guard and his people made their final decision on the Sabre 75A, the original half dozen aircraft had been eliminated because of a cabin size, which had not been justified and the specifications and capabilities of the only aircraft competitive to the Sabre 75A was denied access to them.

Thus, the decision was preordained.

Once the August 2 decision had been made, it is obvious that the paperwork was tailored to insure that that decision survived its processing up the ladder. Further, the behavior of certain Coast Guard personnel appears to have been calculated to protect the secrecy of that decision until the last possible minute.

Someone decided that the Sabre 75A was the airplane and the only airplane the Coast Guard was going to have. The documents that flowed from that decision can, I am convinced, quite accurately be described as the implementation of the fix.

Other candidate aircraft were discarded out of hand and based on the information supplied the command people in the Coast Guard, there was only one decision they could reach inasmuch as the paper trail led to one destination—the Rockwell International Sabreliner.

In summation, Mr. Chairman, after testing two smaller aircraft and after discussing small jets for 24 months—the Coast Guard decided to go with the Sabre 75A.

It was not an airplane in contention at that time.

It had not been flown on the missions, including the speeds and altitudes required by the Coast Guard.

Yet, it was selected with the full knowledge that in order to perform the Coast Guard missions it would need a new engine—and possibly a new wing, in addition to other major modifications.

After the decision was made—perhaps for the sake of expediency—the appropriate papers justifying the purchase of this airplane were dutifully prepared and moved through the procurement process.

And even if we accept the Coast Guard decision that they needed the medium sized jet—for which they have provided no detailed specifications—we find that at least one competitive aircraft which is apparently superior to the Sabre in many respects, was only superficially considered.

The Coast Guard officer responsible for seeking out the best aircraft for the Coast Guard mission, when asked if he had test flown the Falcon 20 said, "I didn't flight test the Falcon 20. In retrospect, I guess I should have—not that it would have made any difference because I had already made up my mind—but at least it would make things look better now."

Mr. Chairman, I have referred to the last statement because I think it, to a degree, sums up the efforts of certain levels of the Coast Guard in this area. I find that to say the least, the base of information that went into this decision was incomplete, inaccurate, deceptive, and is totally unacceptable in that it constitutes a failure of the procurement system which has been established to protect the American taxpayer.

Furthermore, this procurement appears to be illegal.

I am convinced that these actions do not satisfy the intent of the federal procurement regulations as they pertain to "sole source" procurements. A wide open, fully competitive procurement is indicated in this case because there are at least three and possibly four aircraft which could meet the needs of the Coast Guard.

I wrote to the Department of Transportation Secretary Brinegar on May 3, 1974, as follows: (appendix #8).

"The Coast Guard apparently prefers to make (this) procurement by a 'sole source contract). . . . please provide the date and minutes of the meeting of the Sole Source Board convened in accordance with Federal Procurement Regulations, together with its determination justifying this contractual approach."

Secretary Brinegar answered on May 8, 1974: (appendix #9).

". . . A sole Source Board meeting was not held for this procurement. Each Board member individually reviewed and approved the justification. This is the usual procedure."

I submit, Mr. Chairman, that in this case this should not have been the "usual procedure".

Finally, Mr. Chairman, another basic question bothers me. I am referring to the decision of the Coast Guard to procure one type of aircraft to perform several missions which differ in operational nature, frequency, and importance. For example, the most demanding mission, operationally, is the search and rescue mission. One cannot argue the importance of this type mission. However, only 30% of the flight hours to be flown will be for this purpose. And a fully capable aircraft should be provided for this mission. The remaining 70% of the flight hours, however, represents routine, repetitive law enforcement patrols. To fly over 30,000 hours a year in aircraft larger than required for this role is questionable.

Certainly an examination of alternative programs to accomplish the Coast Guard's various missions needs to be made.

I feel we cannot in good conscience approve this section of the authorization bill as submitted.

On the other hand, I recognize the desperate need of the Coast Guard for aircraft in this category.

This urgency is perhaps the reason the Coast Guard went sole source and felt justified in so doing. However, from our evaluation and examination of the facts, it would appear that they did not cover the waterfront and neglected the advantages to the American public of the basic competitive system.

It would be helpful to all concerned if the basic procurement procedures are defined by the Coast Guard and made public to eliminate misunderstanding and confusion.

Therefore, I will recommend that the authorizing committee, before they approve the budget of the Coast Guard, insure that this procurement is reopened and carried forth on a competitive basis.

I will recommend that the Coast Guard be required to specify publicly what the requirements are in order to perform their mission and to give all manufacturers an opportunity to respond and be fairly evaluated.

I would hope that this committee concurs in that judgment.

APPENDIX # 1

DEPARTMENT OF TRANSPORTATION,
U.S. COAST GUARD,
Washington, D.C., November 11, 1971.

PRE-INVITATION NOTICE

Notice of request for information from the aircraft industry

Subject: Proposed Solicitation for Aircraft Type Selection.

This solicitation is for information to assist a Coast Guard Board in its review of Coast Guard mission requirements for aircraft to determine the need for new or replacement procurement over the next five to ten years.

Our initial efforts have identified a need to investigate aircraft types, now in production, which possess or could be modified to incorporate the following general specifications:

a. A range capability of 1000 miles with adequate fuel reserve remaining;

b. A cruise endurance capability of 6 hours, at altitudes of less than 2000 feet, with adequate fuel reserve remaining;

c. A cruise speed of 200 nautical miles per hour;

d. Dual flight controls;

c. All weather flight capability;

f. Crew visibility sufficient to conduct airborne surveillance missions; and

g. Pressurized crew and passenger compartments.

The primary employment of this aircraft would be on missions requiring search or patrol detection, however passenger/cargo carrying capabilities, on a small scale, are being considered. Since detection is a primary function, the feasibility of electronic detection equipment installations will be an important consideration.

The above information, although general and brief, should aid the board in recommending aircraft type, and in detailing specification requirements that are off-the-shelf and competitive. If you feel that your aircraft model has the potential to satisfy our tentative requirements, please forward descriptive material including performance specifications to:

Commandant (FSP-20,265-A), U.S. Coast Guard Headquarters, 400 Seventh Street, S.W., Washington, D.C. 20590.

An inclusion of the basic price might be helpful for budget consideration.

The Government does not intend to award a contract on the basis of this request, or to pay for the information requested.

J. BEARD,
Contracting Officer.

APPENDIX NO. 2

ACQUISITION PAPER FOR OPERATIONAL MEDIUM RANGE SURVEILLANCE AIRCRAFT

I. System Identification: The Coast Guard presently operates a fleet of Medium Range Surveillance (MRS) aircraft which have been retiring since April 1972 due to the end of their life cycle. These aircraft, the HU-16 albatrosses, have supported the major Transportation multi-missions of Search and Rescue, Marine Environmental Protection and Enforcement of Laws and Treaties, among other supporting roles since 1971. By 1978, the HU-16 will be completely phased out of the Coast Guard inventory due to excessive airframe time. The Coast Guard has been in the process of evaluating its various updated multi-mission aircraft requirements since the advent of the Marine Environmental Protection (MEP) Mission. The Coast Guard Aviation Plan (CG-380-2), included here as enclosure (1) and previously forwarded to the Secretary, examines in considerable depth detailed requirements to procure forty-one MRS replacement aircraft to remove the existing FY 74 6,400 and projected FY 79 30,400 flight hour shortages which hamper mission performance. This Acquisition Paper addresses the procurement of the forty-one aircraft.

Because of the relative vastness of the replacement cost and the impact of that cost on the overall Coast Guard acquisition budget, it is intended to procure these aircraft over a period of several years in the following manner:

Phase A. Study detailed mission requirements and determine the aircraft characteristics necessary to meet those requirements. Study the availability of the necessary characteristics in existing off-the-shelf aircraft. Generate the specifications for aircraft procurement. This phase, including a test and evaluation program with two leased aircraft, is already in progress, (see enclosures 2 and 3), having been previously approved by the Secretary. The Interim Report of the MRS Evaluation Unit, in entirety, is included as enclosure (4).

Phase B. Procure a prototype aircraft to be designated as a first article for a multi-year procurement to commence in FY 74 using an abbreviated PERT procurement schedule (see enclosure 5). This phase includes demonstrated performance and flight testing.

Phase C. Procure operational production aircraft at the following rate: FY 75-9; FY 76-10; FY 77-11; FY 78-10.

Funding requirements indicate a total program cost of approximately $82M (in FY 73 base dollars) for hardware. Flyaway aircraft costs are estimated at $1.6M ± 20%. Intentions are to contract for the entire forty-one aircraft on one multi-year contract in order to gain both firm fixed pricing advantages for the aggregate number of aircraft and to avoid a future year sole source or negotiated contract due to standardization requirements. Using competitive procurement procedures, there will be one contract let for the entire aircraft procurement program with standard multi-year cancellation and escalation clauses included.

The Office of Operations has overall responsibility to integrate the aircraft into the Coast Guard. The procurement program will require personnel support from the following:

[In MY]

Office	Fiscal year—				
	1974	1975	1976	1977	1978
Operations	3.5	1.5	1.5	1.5	1.5
Engineering	7.7	6.0	6.0	6.0	6.0
Comptroller	.5	2.0	2.0	2.0	2.0
A.R. & S.C.		4.0	4.0	4.0	4.0
Total	11.7	13.5	13.5	13.5	13.5

The Office of Engineering will handle procurement specification, plant inspection, aircraft acceptance, and program maintenance procedures. The Office of the Comptroller will provide on site contract administration as well as handling the in-house contract preparation and administration. The Aircraft Repair and Supply Center will handle the engineering and logistic support required to integrate the system into Coast Guard operations.

II. Purpose of the TSARC Review

'The purpose of this Transportation Systems Acquisition Review Council review is to obtain approval to proceed with the procurement of a total number of forty-one MRS aircraft.

III. Project Plan

a. Goals. The goal of this project is to replace the existing MRS aircraft, now obsolete, in order to perform the Coast Guard multimissions by proportion as listed below:

Mission:	Percent Allocation
Search and rescue (SAR)	28.5
Domestic icebreaking	1.7
Short range aids to navigation	.8
Marine environmental protection (MEP)	30.3
Marine science activities (MSA)	10.6
Enforcement of laws and treaties (ELT)	18.9
Engineering support	3.8
Financial management, personal and supply support	5.4
Total	100.0

The gradual retirement of the present MRS fleet, the unforeseen flight hour impact of the recently added MEP mission and the new impetus of the ELT mission have produced present and projected flight hour availability and shortages as follows:

MRS FLIGHT TIME REQUIREMENTS AND RESULTANT SHORTAGES (WITHOUT REPLACEMENT AIRCRAFT PROCUREMENT)

Fiscal year	MRS requirements after maximum multimission (simultaneous) considerations	MRS requirements after maximum allocation of MRS time to other types A/C	Allocated flight hours available from HU-16E inventory	Flight hour shortage
1973	[1] 29,200	26,500	22,000	4,500
1974	[1] 29,700	24,900	18,500	6,400
1975	[2] 27,600	25,300	15,700	9,600
1976	[2] 29,100	27,100	12,900	14,200
1977	31,500	30,600	10,000	20,600
1978	30,400	29,400	5,600	22,800
1979	31,200	30,400	0	30,400

[1] 150 kt.

[2] 200 kt.

As shown on the chart, these shortages have been summarized above only after total aviation mission flight time requirements had been examined (enclosure 1) and all other existing inventory aircraft had been time shared to saturation based on maximum utilization rate.

Of the forty-one aircraft to be procured, thirty-four will become operational while seven will be utilized for support/crash attrition. An optimistic utilization rate of 1,000 hrs/yr. (vs 700 hrs/yr. for the replaced HU-16) of aircraft flight time availability is being programmed.

b. Funding and personnel. Approximately $214,000 reprogrammed FY 73 funds have been expended on Phase A of the project. Approximately $129,000 will be expended in FY 74 to complete this phase. The MRS evaluation unit will consume a total of 7MY in FY 73 and 7MY in FY 74 prior to the final report to be issued in October 1973. It is anticipated that approximately $3,000,000 FY 74 money, four officers, four warrant officers and five civilians, will require reprogramming to implement Phase B of the acquisition. Fiscal 75 and beyond requirements are listed below: (Note that FY 73 dollars are used throughout without regard for inflation).

Appropriation	Fiscal year— 1975	1976	1977	1978	1979	5 yr cum. total
A. C. & I	[1] 20,000,000	20,000,000	22,000,000	20,000,000		82,000,000
OE	197,000	1,526,000	2,886,000	4,233,000	4,233,000	13,075,000
Personnel chgs. MY off; WO; enl; civ	+10+4—14+5	+25+5+43+5	+31+7+71+5	35+8+97+5	35+8+97+5	136+32+294+25

[1] 3,000,000 to be reprogramed.

Phase A personnel are being utilized to flight test the two leased aircraft as specified in enclosures (2) and (3), generate the necessary specifications for procurement, and assist in support missions of opportunity within the Coast Guard.

Phase B personnel will be utilized as follows:

1. MRS Manufacturing Plant: One engineering officer and engineering warrant officer, one avionics officer and avionics warrant officer and one civilian contracting officer's representative. These people will be responsible for contract administration, quality control, government furnished equipment management, modifications, flight test, acceptance, and liaison. Previous aircraft procurements have utilized DOD plant representative offices and services (AFPRO, NAVPRO) under joint agreements. These resources will not be available in this procurement since this purchase will not involve DOD aircraft. Extensive modifications of any proposed candidate aircraft will be required.

2. USCG Headquarters: One civilian and one aviation operations officer. The civilian will handle contract administration while the officer will be the program manager to coordinate all efforts and monitor project progress.

3. Aircraft Repair and Supply Center: One warrant officer and three civilians. These people will procure and issue initial support equipment, obtain, revise and distribute publications and work cards, and assist in generating maintenance philosophy for equipment.

Phase C personnel will be utilized as follows:

1. Phase B personnel remain in positions indicated.

2. 1975 Personnel will man the following units:

Miami	5 MRS
Corpus Christi	3 MRS

3. 1976 Personnel will man the following units:

Cape Cod	3 MRS
AR&SC	1 MRS
Puerto Rico	2 MRS
Mobile	2 MRS
San Francisco	3 MRS

4. 1977 Personnel will man the following units:

Elizabeth City	3 MRS
Astoria	2 MRS
Kodiak	2 MRS

5. 1978 Personnel will man the following units:

Miami	+1 MRS
Mobile	+2 MRS
Traverse City	3 MRS
Annette (SITKA.)	2 MRS

Phase A Cost Breakdowns of FY 73 $214,000 and FY 74 $129,000 were and will be utilized to pay lease fees for the two aircraft being evaluated—$197,000, fund travel for operating personnel—$49,000, and provide fuel and maintenance for the aircraft—$97,000.

Phase B Cost Breakdowns are as follows:

Aircraft Procurement	$1,600,000
Engineering Changes:	
Buoy ejection, SAR windows, Cargo doors, etc	400,000
Avionics additions	960,000
Avionics integration	420,000
Documentation	80,000
Total	3,460,000

Phase C Cost Breakdowns are as follows:

1975: Procure 9 aircraft at $1.6M. Spares, support and training at $5.6M.

1976: Procure 10 aircraft at $1.6M. Spares, support and training at $4.0M.

1977: Procure 11 aircraft at $1.6M. Spares, support and training at $4.4M.

1978: Procure 10 aircraft at $1.6M. Spares, support and training at $4.0M.

c. Facilities. No new facilities will be constructed as a result of this acquisition. OE expenses listed are accepted levels of recurring support for this size aircraft. One unit, CGAS Annette as listed, is scheduled to be moved to Sitka in 1976. This shift will not affect the MRS acquisition and the two are unrelated insofar as this AP is concerned.

d. Risks and Problems. Airframe Type: No aircraft has been specifically designed to meet Coast Guard MRS operational requirements. While the Coast Guard has informally approached the industry in the traditional DOD manner concerning the development of a specific Coast Guard airframe, the costs projected (upward of $500,000,000) were so exorbitant as to cause the design concept to be summarily dismissed. DOD aircraft have been surveyed for possible procurement, but reasonable candidate aircraft have procurement costs over $3.5M each, and none of these sufficiently suit Coast Guard requirements to warrant the increased expense.

The only remaining source for airframe procurement is the general civilian aviation market. During Phase A, the Coast Guard is essentially evaluating off-the-shelf civilian aircraft to test their possible suitability to the Coast Guard mission. It has quickly become apparent that the aircraft are suitable but require sufficient modification to necessitate some level of prototyping. The risk in this area is in the possibility that the protoype will require large unprogrammed cost escalations in the production models. To avoid this situation, the prototype is being described as a first article.

Because a prototype (developmental) model would essentially force the government into an undesirable negotiating position with the prototyping manufacturer for production aircraft, the Coast Guard prefers to fix-price the entire forty-one aircraft and call what would otherwise be called a "prototype" a first article test. If considerable unforseen changes are required in this first article, thereby untowardly increasing manufacturer's cost, the government can be in a position where the manufacturer voluntarily defaults unless the government renegotiates.

Procurement Method Multi-Year: As in all multi-year contracts, the cancellation clause represents a considerable risk to the government. While the Coast Guard intends to limit cancellation penalties to 3% ($2,370,000 for first year cancellation,) this still represents a considerable sum. The risk here (first year) is minimized somewhat in that this particular procurement will be a first priority budget item in FY 75. FY 76 and beyond naturally depend on the Congress.

Procurement Sources: While there are domestic airframes which will qualify in the competitive procurement, the Coast Guard fully expects foreign competition. As inferred in enclosure (6), foreign manufacturers have not been weight class restricted over the past several years and, therefore, are in a position to offer aircraft weight categories of particular interest to the Coast Guard. One of the two aircraft presently being leased for evaluation is a foreign end product. The risks involved here, namely the introduction of foreign competition, are twofold. There is a possibility of criticism from the public at large and there is the possibility of official protest by an interested domestic airframe manufacturer. The threat of an official industry protest may be minimized by first advertising the procurement as an Invitation For Bid and second, by strictly interpreting the Buy American Act in the process of evaluating the resultant bids.

Criticism from the public at large is a remote possibility if an English source is selected (candidate BH125) since the USMC has already purchased a multibillion dollar inventory of English Harrier aircraft. Should an Israeli source be selected (candidate AC-1124) there is a distinct possibility of criticism by that portion of the public in sympathy with the Arab plight, although the Coast Guard has seen little of this with respect to the leased Israeli aircraft. Should a French source be selected (candidate Falcon 30, Corvette), public criticism can be expected only by that portion of the public concerned with American-French relations. The matter will be clearly political as no source will be considered without first examining the legalities with respect to foreign purchases. The risks here may be entirely overstated.

However, since the Coast Guard has and will continue to expend efforts to locate suitable candidate aircraft domestic and foreign, since bidding on a procurement of this size is likely to be an expensive undertaking for each manufacturer, and since all responsive bidders must be considered eligible within the framework of the competition, the question of whether or not to allow foreign competition must be addressed now. The Coast Guard has previously stated its intent to possibly procure a foreign end product to the Secretary and the question has been deferred to this time.

d. ADP. No increased ADP processing equipment or services other than presently programmed will be required. ADP services at Aircraft Repair and Supply Center will be utilized to introduce the new system into the standard Coast Guard aviation support base.

IV. ACQUISITION PLAN

a. Logistic Strategy. Background information on numbers and type of aircraft being acquired can be found in enclosures (1) and (6). The Plan exists to acquire forty-one MRS aircraft to be located at twelve existing facilities.

The distribution of the aircraft has been determined from an assessment of total requirements also detailed in the enclosures.

As the Coast Guard has not been in a position to fund an aircraft development effort, an evaluation unit has been formed to detail what capabilities are available from existing commercial aircraft in the $1.5M price range category. Considering the number of aircraft required and the procurement impact on the Coast Guard acquisition budget as a whole, the $1.5M category was selected as the most practical for two reasons:

(1) The total support required for this price range aircraft would approximate $20M annually. This figure would allocate a reasonable share of the total anticipated Coast Guard acquisition budget to aviation.

(2) Aircraft in the class immediatey below this price range have already been demonstrated inadequate. Aircraft in the class immediately above this price range are in the $2.5M category, necessitating an unrealistic budgeting of funds for the program.

The MRS unit has evaluated the mission requirements and compromises necessary to accept the $1.5M class aircraft into the Coast Guard inventory. Preliminary specifications have been drafted to challenge the airframe manufacturers in this class. Realistic modifications to all airframes which are under consideration will be necessary to meet these specifications. The modifications should not be exorbitant in cost since most of the candidate aircraft are considered new product lines by their respective manufacturers and production line tooling and procedures have not yet been finalized.

b. Schedule with Milestones:

Event	Cumulative weeks	Projected dates
1. Acquisition plan approval	0	Aug. 15, 1973
2. Briefings and notifications (OMB, congressional liaison)	2	Aug. 29, 1973
3. Presolicitation notice issued	3	Sept. 5, 1973
4. Comments from industry	9	Oct. 17, 1973
5. Aircraft IFB issued	11	Oct. 31, 1973
6. Aircraft bids closed	19	Dec. 26, 1973
7. Selection, preaward surveys completed	21	Jan. 16, 1974
8. Congressional liaison prior to award	23	Jan. 30, 1974
9. Contract award	24	Feb. 6, 1974
10. GFE delivered (ISS, radar, NCU/CDU)	64	Nov. 13, 1974
11. Receive 1st article	69	Dec. 18, 1974
12. Complete 1st article, test and authorize production	81	Mar. 11, 1975
13. 1st production acceptance, commence induction	137	Apr. 8, 1976

Most of these events appear on enclosure (5), an in-house preliminary PERT chart being used as a planning model.

c. Procurement Approach. There will only be one contract issued for the entire procurement. The contract will be issued under the competitive process. A presolicitation award notice, which will include the preliminary aircraft specification, will be issued to known interested bidders, Standard Bidders List and through the Commerce Business Daily. Comments from industry will be solicited and since the specification is expected to challenge most manufacturers to a full growth version of their standard aircraft, considerable comments should be generated. On the basis of these industry comments and comments by reviewers of the MRS Evaluation Unit Report, the aircraft specification will be revised to final form. Based on this concept, the final specification form will essentially guarantee an excellent assurance of achieving acceptable competition.

Considering the type of aircraft being procured and the competitive nature of the bidding participants, there were two methods to be considered for procurement: The Invitation For Bids (IFB) or the Request For Proposals (REP). Generally, the invitation for bids procedure is utilized when the government is reasonably certain what is required and that a fair amount of qualified competition exists. The request for proposals is generally utilized when a problem exists which can be resolved by a resource procurement, but the form and/or definition of the resource is vague. In this particular aircraft procurement, an Invitation For Bids will be issued. The rationale for selecting the IFB follows:

(1) Certainty of requirement.

Considerable analysis has been undertaken since 1967 to determine the MRS aircraft requirements of the Coast Guard. Since early 1973, an equivalent in depth analysis has been made on the availability of these requirements from the aircraft industry. The required aircraft is available. Further, the IFB process will require a guaranteed minimum performance and an in depth preaward survey to achieve a minimum risk situation for the government. Additionally, aircraft performance specifications and tests have been sufficiently detailed in FAR 25 so as to essentially create a total understanding between the government and the manufacturer of the form required in the end product.

(2) Cost benefits.

Naturally, there is a considerable price advantage to the government when procuring through the IFB since there is no prior knowledge on the part of the offerors of the total competitive field. In addition, since the bidding procedure is far simpler and less expensive for the manufacturer, (vs the request for proposals,) the government can be assured of a maximum number of offerors.

An additional price advantage is available to the government in this particular procurement because of the newness of the aircraft product lines being considered. Almost without exception each known interested manufacturer will offer his newest line for the procurement. A broad generalization has been made that the break-even point for a new general aircraft line is forty aircraft. Considering that the government will be buying essentially the first forty-one aircraft in a new line, this fact should have extraordinary impact as to pricing levels of the anticipated bids, making them considerably lower than in a normal phased procurement.

(3) Preferred procedure.

The final rationale for the Invitation For Bids solicitation concerned perhaps the most important consideration. The IFB procurement is generally a clean (therefore most accepted) procedure. The procedure from advertisement and analysis through award is so objective as to defy challenge.

In light of the present emphasis on protest-proof procurements and the acknowledged risk of protest in Section III of this AP, the formal advertisement for bids is considered the most effective procedure for acquisition.

V. Special Funding Arrangements. None.

VI. Responsibilities. The Coast Guard (G–O) will have overall program responsibility for implementation of this plan. Although the procurement is being coordinated with the Federal Aviation Administration for guidance and analysis data and the Department of Defense for readiness requirements and support, no responsibilities will reside outside the Coast Guard.

VII. Recommendation. We should proceed with the acquisition described in this because failure to do so will result in over a 30,000 flight hour deficit (by 1979) between Transportation mission requirements and resources available.

VIII. Alternative Acquisition Actions.

Alternative A—

a. Action. Solicit on the basis of RFP because of lack of confidence in the specification.

b. Impact. This method of procurement will:

(1) Delay delivery of production aircraft due to the approximately six month longer procedure in the bid opening, evaluation, and determination phases.

(2) Limit the number of initial offerors due to the added expense to the manufacturers to prepare proposals.

(3) Increase the procurement cost. After the determination phase, each of the several remaining qualified offerors submits his final bid. As in every other procurement of this type, each offeror's bid is generated on his awareness of his closest competition. At this phase competition is narrowed and absolute, and therefore, the proferred item cost can be expected to be higher than in a pure competitive environment.

(4) Increase the risk of protest. The technical evaluation, as purely objective as it may be intended, is always liable to criticism as being subjective, and therefore, determinations are highly suspect of involving "favoritism".

Alternative B—

a. Action. Solicit a prototype on IFB and thence negotiate multi-year production contract.

b. Impact. Since the government will essentially be in a sole source situation for production aircraft, costs can be expected to be proportionately higher.

Alternative C—

There are several other combinations of Alternatives A and B available considering singe vs. multi-year procurement. Each involves some form or sole source position with attendant increase in cost.

Alternative D—

There are obviously alternatives available which consider delayed, reduced or nonprocurement of the forty-one aircraft. These alternatives have already been considered in the enclosures and are considered not valid at this time on the basis of the unacceptability of the decreased performance capability which would result. In addition, the purchase of less than ten aircraft per year, in the absence of other delivery orders, would be less than acceptable to some manufacturers.

APPENDIX 3

To: Record.
From: Capt J. W. Swanson.
Subject: Gates Learjet Flight Demonstration and Factory Visit on June 12, 1973.

1. Flight demonstration of the Learjet 25C consisted of flight from Washington, D.C. to Witchita, Kan. and return, approximately 2 hr. 30 min. flight time each way at cruising altitude 41 to 45,000 ft. This aircraft is very well designed for use as a high speed (Mach .82), high altitude executive jet aircraft. Its suitability for use at low altitude and low speeds is questionable.

Advantages:

Certified under FAR part 25 for operation to 45,000 ft.

Good passenger comfort when seated.

Excellent climb and cruise performance.

Good cockpit visibility.

36" wide entrance door will allow loading of freight and stretcher.

Disadvantages:

Small fuselage tube diameter (52" floor to ceiling).

Small cockpit size. (I could not fly aircraft with present cockpit design.) I would rate cockpit fatigue factor as a 1 hr. seat in a 4 hr. airplane.

Max. Endurance speed (L/D_{max}) approximately 180 kts. clean. Low altitude slow flight stability questionable. Vortex generators have been installed on wing ahead of ailerons to improve low speed controlability.

Relatively high take-off and landing speeds.

Turbojet engines with high fuel consumption and exterior noise level. (Turbo-fan engines will be available on similar model, will be certified soon—these new powerplants will improve external noise levels and dramatically decrease fuel consumption).

Cost:

Estimate $1.0M plus $.5M avionics plus $.3M support. Total $1.8M per aircraft.

General comments:

Very impressive aircraft, however for CG operations do not consider it as suitable as the Cessna Citation.

J. W. SWANSON.

APPENDIX NO. 4

GRUMMAN AEROSPACE CORP.,
Bethpage, N.Y., May 2, 1974.

Hon. JOHN MURPHY,
Chairman, Subcommittee on Coast Guard and Navigation, Committee on House Merchant Marine and Fisheries, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of 17 April 1974, relating to the proposed Coast Guard Medium Range Surveillance (MRS) aircraft procurement. We appreciate your interest in Grumman's views on this subject. As you know, we produced the HU–16 Albatross aircraft presently in Coast Guard service; continuing a business relationship extending over a period of forty years.

Grumman's interest in the MRS Program dates back to November, 1971 when the Coast Guard advertised in Commerce Business Daily for information from the aircraft industry on all-weather aircraft with a 1000 mile capability. A considerable number of discussions with Coast Guard personnel ensued covering the applicability of several Grumman products including the turboprop Gulfstream I, the turbofan Gulfstream II and the Navy CII COD aircraft.

Over a period of time, it appeared that the Coast Guard was primarily interested in the use of small Corporate Jet-type aircraft largely because of cost considerations. This conclusion was confirmed in the spring of 1973 with the leasing by the Coast Guard of two such aircraft for evaluation purposes, an Israel Aircraft Industries 1123 Westwind and a Cessna Citation.

Based upon an apparent interest in the Westwind, Israel Aircraft Industries (IAF) and Grumman initiated discussions concerning a potential arrangement whereby Grumman would represent IAI for any sale of the Westwind to the U.S. Government. The agreement was signed and the Coast Guard advised in writing by IAI on 16 November 1973.

At the time of the signing of the agreement, it was IAI's understanding that there would be an MRS competition, the RFP to be based upon the results of the evaluation of the 1123 Westwind and Citation. To this end, IAI had prepared a draft specification incorporating a number of changes to the 1123 Westwind aircraft which had been evaluated. The revised IAI aircraft was designated the 1124 Westwind.

The major difference between the 1123 and the 1124 is an engine change from a G.E. CJ610 turbojet power plant to the new Garrett TFE 731 turbofan. Other detail changes reflected correction of certain items criticized by the Coast Guard during the evaluation period. Other than a strong stand on the need for a fan engine in place of the turbojet, IAI was not aware of any other major shortcoming of their aircraft. Though there had been some discussion of airframe internal volume requirements, IAI concluded the Westwind 1124 was satisfactory in this area.

Almost immediately after IAI's announcement to the Coast Guard that Grumman would represent them, rumors began to circulate to the effect that the procurement was to be sole-sourced to Rockwell for the Sabre 75A aircraft. Discussions with the Coast Guard, early in December, could neither confirm nor deny that this was the case. It began to emerge, however, that the critical item upon which selection of the Sabre 75A had been based was the larger airframe internal volume, i.e., 660 cu. ft. plus, vice 440 cu. ft. for the 1124 Westwind. This did come as somewhat of a surprise since all previous indications were that the 1124 Westwind was adequate from a volume standpoint.

On 8 January 1974, Grumman was advised verbally by the Coast Guard that the Sabre 75A had been selected for the MRS requirement. This information was transmitted to IAI. The announcement terminated our somewhat brief marketing effort on the Coast Guard Program, though we have continued to track it through periodic discussions with the Coast Guard.

It might be noted in conclusion that both Grumman and IAI have been surprised by recent reports that the procurement costs are now projected at some $3M per aircraft, since a maximum program cost or $2M per aircraft had always appeared to have been a specific program limitation.

Sincerely yours,

GEORGE M. SKURLA,
President.

APPENDIX 5

MEMORANDUM

Subject: Action: Acquisition Paper for Operational Medium Range Surveillance Aircraft.
From: Commandant, U.S. Coast Guard.
To: The Secretary.
Thru: (1) Executive Secretary, TSARC (TAD–60); (2) TSARC.

Background: Submitted herewith is the acquisition paper for the Operational Medium Range Surveillance Aircraft prepared in accordance with DOT Order 4200.9.

Recommendation: It is recommended that you approve the acquisition of medium range surveillance aircraft as described in the acquisition paper.

C. R. BENDER.

ACQUISITION PAPER FOR OPERATIONAL MEDIUM RANGE SURVEILLANCE AIRCRAFT

I. SYSTEM IDENTIFICATION

A. Description of the major system. The Coast Guard presently operates a fleet of Medium Range Surveillance (MRS) aircraft which have been retiring since April 1972 due to the end of their life cycle. These aircraft, the HU–16 Albatross, have supported the major Coast Guard missions of Search and Rescue, Marine Environmental Protection and Enforcement of Laws and Treaties, among other supporting roles since 1951. By 1978, the HU–16 will be completely phased out of the Coast Guard inventory due to excessive airframe time. The Coast Guard has been in the process of evaluating its various updated multi-mission aircraft requirements since the advent of the Marine Environmental Protection Mission in 1970. The Coast Guard Aviation Plan (CG–380–2), previously forwarded to the Secretary, examines in considerable depth detailed requirements to procure approximately forty-one MRS replacement aircraft to remove the projected FY79, 30,400 flight hour shortage which will seriously hamper mission performance. This Acquisition Paper addresses (a) the leasing of one aircraft to identify, document, and test the modifications required to adapt avionics, sensors and other special Coast Guard equipment to support our varied mission requirements and (b) the procurement of the aircraft required.

B. Acquisition Techniques. Because of the relative vastness of the replacement cost and the impact of that cost on the overall Coast Guard acquisition budget, it is intended to procure these aircraft over a period of 6 years (FY 73 through FY 78) in the following manner:

Phase A: Study detailed mission requirements and determine the aircraft characteristics necessary to meet these requirements. Study the availability of the necessary characteristics in existing "Off-the-shelf" aircraft. Two leases were approved by the Secretary to perform a detailed operational and technical evaluation of candidate replacement aircraft to first determine the feasibility of whether this type aircraft could perform the missions of the Coast Guard and to develop sufficient substantiated data to permit issuance of specifications preliminary to procurement of a replacement aircraft. Coast Guard lease DOT–CG–31585–A with Israel Aircraft Industries LTD was awarded on 14 February 1973 for the lease of one Israeli "Westwind" Turbo-Jet Aircraft for five months at a cost of $101,320.00 and Coast Guard lease DOT–CG–31585–1A with Cessna was awarded on the same date for the lease of one Cessna Citation aircraft for the same period of time at a cost of $135,582.00. Both of these leases were awarded after industry wide competition and application of the "Buy American" provisions in the case of the Israeli Aircraft.

An Interim Report, covering the first three month test and evaluation period, was prepared to document preliminary findings. The evaluation was completed on 31 August 1973, with the return of the leased aircraft, and a final report prepared. A summary of the more important MRS evaluation conclusions, which have been translated into required aircraft characteristics, follows:

a. Cockpit and cabin working space for inflight surveillance activities of at least 600 cubic feet (50% more than Westwind; 100% more than Citation) to:

(1) accommodate a full range of flight surveillance requirements utilizing visual and electronics means, the latter to be contained in a surveillance console;

(2) accommodate additional avionics installations to house the required sophisticated navigation and communications packages and;

(3) provide sufficient additional space and headroom to allow for crew movement and revitalization during extended surveillance patrols.

b. Aerial delivery capability for position fixing equipment and for a variety of rescue devices and equipments.

c. Adequate inflight escape provisions for crew and passengers.

d. Capacity to accommodate a multimode radar designed to satisfy the surveillance mission requirement; the minimum acceptable swept diameter of the antenna being 27 inches.

In addition:

a. Durability and crash survivability emphasis exhibited by aircraft constructed to MILSPEC is essential to maximize safety margins in the performance of the off-shore, low altitude, all weather surveillance mission.

b. Logistic support and maintainability requirements of candidate aircraft were evaluated. An aircraft which is currently in the DOD inventory or in use by a Federal Agency and thus supported, would minimize the logistical and support impact upon the Coast Guard.

The Coast Guard Aircraft Characteristics Board evaluation of currently available and projected (next 3–5 years) commercial and military aircraft to fulfill the foregoing mission requirements clearly identifies the Rockwell International SABRE aircraft as the only acceptable candidate. The SABRE Aircraft far exceeds the other aircraft tested and evaluated insofar as having the characteristics identified above necessary to meet the mission requirements identified. Rockwell International has extensive experience in a wide variety of airframe and avionics modifications to their basic aircraft. In addition, the SABRE Aircraft is being placed in DOD and FAA inventories, thus easing support problems.

Phase B: Since the Coast Guard does not have congressional authorization to procure aircraft in FY 74, it is our intention to lease, with an option to buy, one SABRE Aircraft from Rockwell International.

This lease period would enable the Coast Guard to modify and test the SABRE to identify and document the modifications required to adapt avionics, sensors, and other special Coast Guard equipment to support our varied mission requirements.

Phase C: It is then our intention to contract on a sole source basis with Rockwell International for production SABRE aircraft, modified to meet Coast Guard requirements at the following rate: FY75–9; FY76–10; FY77–11; FY78–10. The Coast Guard intends to do this by adding on to an already existing FAA contract with Rockwell International for SABRE Aircraft or by using a MIPR (Military Interservice Procurement Request) and adding on to an already existing DOD (Navy) contract for SABRE aircraft. The Coast Guard has ample precedent to follow this route since all of our HH–52A, HH–3F, and HC–130 aircraft were procured by MIPR through the U.S. Navy or U.S. Air Force.

Funding requirements indicate a total program cost of approximately $82m for hardware. Fly away aircraft costs are estimated at $1.9m±20%.

C. Life cycle phasing is not applicable.

D. Acquisition techniques: To lease, with option to buy, one SABRE Aircraft from Rockwell International in FY74 followed by the procurement of forty modified aircraft in the next four years. A major, critical, milestone in our acquisition will come with the expiration of our lease (Phase B) and our determination to procure SABRE Aircraft (Phase C).

II. Purpose of TSARC Review: To obtain Secretarial approval to proceed with the lease, with the option to buy (Phase B), of one prototype SABRE Aircraft in FY74 and of the follow-on procurement of forty SABRE Aircraft identified in Phase C during FY75–78.

III. Program/Project Plans—

A. Goals:

The goal of the MRS aircraft procurement program is to provide the Coast Guard with the necessary aircraft to meet the multi-mission requirements of search and rescue (SAR), marine environmental protection (MEP), enforcement of laws and treaties (ELT), marine science activities (MSA), logistics, engineering support, domestic icebreaking, and short range aids to navigation.

B. Relationships to Comparable Programs:

There are no present related Coast Guard programs nor are any envisioned. The FAA, by contract DOT–FA73WA–3257, is presently leasing with option to purchase, eleven SABRE–75A aircraft with an option to lease/purchase from one to four additional aircraft for use as airways navigation checker aircraft. The FAA selection of the SABRE was the result of a competitive procurement for an aircraft to perform a similar low altitude mission in the weight class and cost range that the Coast Guard has selected.

C. FUNDING ESTIMATES BY FISCAL YEAR

[Fiscal years]

	Phase A, total	Phase B, 1974	Phase C				
			1975	1976	1977	1978	Total
Westwind	101K						
Citation	136K						
SABRE							
Aircraft contractor		200K	[1] 19.4M	20M	22M	20M	81.4M
Avionics		565K	(2)	(2)	(2)	(2)	
Installation integration, and documentation of mods		500K	(3)	(3)	(3)	(3)	
Travel	49K	10K	5K	5K	5K	5K	20K
Logistics, spares, support and training	97K		400K	7.6M	4.4M	4.0M	16.4M
Admin. plant		40K	81K	81K	81K	81K	324K
Admin. CGHQ		32K	64K	64K	64K	64K	256K
Admin. AR&SC		26K	52K	52K	52K	52K	208K
Operating unit			−6K	763K	1140K	1447K	3.3M
Total	383K	1.4M	20.0M	28.6M	27.7M	25.6M	101.9M
			TSARC approval request				

[1] Includes $1.4M for purchase of Phase B aircraft.

[2] Included in price to aircraft contractor.

[3] 1-time cost in Phase B.

D. Government and commercial facility needs—

Contractors' plants will be used for fabrication of the aircraft and its subsystems. No new government facilities will be required.

E. Major risks involved—

1. Technical. Since the MRS aircraft to be obtained is a production line aircraft modified to meet special Coast Guard require-

ments, technical risks are minimal. A risk does exist that there may have to be some minor trade-offs as regards the modifications desired due to structural or other design limitations or restrictions.

2. Budgetary—

a. Prototype: FY 74 funds will be reallocated for a lease, with an option to purchase, of one off-the-shelf aircraft to be prototyped by incorporating the necessary modifications. It is anticipated that approximately 30% of the lease cost will be credited toward the purchase price if the government exercises its option to purchase at the end of the lease period. Due to the extent of the modifications required, a risk is involved in that the manufacturer may attempt to charge an exorbitant rental rate so as to amortize the aircraft over the term of the lease since he would have little to no commercial use for the modified aircraft if the government did not exercise the option to purchase. This risk is minimal since the aircraft to be leased is the aircraft selected to meet Coast Guard requirements.

b. Production aircraft: The production aircraft will be purchased on a multi-year contract funded by incremental AC&I appropriations over the 4 year term of the contract. A risk is involved in that subsequent year funds may not be appropriated thereby forcing termination of the contract with the resultant cancellation penalty. If after award of the multi-year contract, Rockwell develops modifications to the aircraft in connection with extended range or similar developments, the Coast Guard will negotiate price adjustments with Rockwell to allow the Service to take advantage of technological advances.

3. In-house vs. Contractual Efforts. Inhouse efforts will consist of specification preparation, proposal review, contract monitoring, and equipment modification and integration. While the majority of the costs associated with this effort will be absorbed within present staff, eleven additional personnel to be assigned to the manufacturer's plant, Coast Guard Headquarters, and the Coast Guard Aircraft Repair and Supply Center are programmed for FY 75.

F. Other Major Problems Foreseen.

There are no problems foreseen in the areas of operation, cost, legal environment or safety. The only problems which may arise are in the area of procurement. Since this program envisions the non-competitive leasing of a specific aircraft, for the purpose of prototyping, the possibility of a protest does exist. The prototype will be used to document the integration of the avionics and other special equipment in the airframe and will provide for the necessary testing of the installation to ensure interference free operation. The Coast Guard has sufficient data, technical and operational, to support the Government's decision and any protest should be ruled in favor of the government. Another possible procurement problem is getting the contractor to participate in meaningful negotiations since he will know he is a sole source. This problem is considered minimal since the contracting officer will have the benefit of prices being paid by other government agencies (FAA and DOD) for procurements of similar aircraft.

G. ADP Considerations.

Present ADP equipment and personnel will be utilized to support any requirements. No additional equipment or services will be required.

IV. Acquisition Plan—

A. Logistic Strategy. The plan is to acquire forty-one MRS aircraft to be located at twelve existing facilities. The distribution of the aircraft has been determined from an assessment of total requirements.

As the Coast Guard has not been in a position to fund an aircraft development effort, an evaluation unit was formed to investigate existing DOD/commercial aircraft with the necessary endurance, interior space, load carrying capability, and operational characteristics to meet mission requirements. This evaluation showed that aircraft of the size and price range of the Sabre are the most practical for the following reasons:

1. Aircraft in the class immediately below this range have already been demonstrated operationally inadequate. Aircraft in the class immediately above would require an inordinate expenditure of funds to acquire and operate, considering the mission requirements.

2. The funding required to procure the Sabre would approximate $20m annually. This figure would comprise a reasonable share of the total anticipated Coast Guard acquisition budget.

The Aircraft Characteristics Board has evaluated the mission requirements and compromises necessary to accept the SABRE into the Coast Guard inventory. Modifications to the airframe will be necessary to meet Coast Guard requirements. The modifications should not be exorbitant in cost since the selected aircraft is considered the one aircraft requiring the least modifications.

B. ACQUISITION SCHEDULE WITH MILESTONES: EVENT AND PROJECTED DATES

1. Acquisition Plan Approval, 1 Oct. 1973.

2. Award Lease with option-to-buy one SABRE Aircraft, 15 Jan. 1974.

3. Formulation of modifications required for production aircraft (Major Milestone), 1 June 1974.

4. Issue Planning MIPR to DOD or Agreement with FAA for 40 production A/C, 1 July 1974 or date of FY75.

5. Model differences detailed (DOD or FAA with CG participation), 12 Aug. 1974.

6. Model Specification Conference (DOD or FAA with CG participation), 26 Aug. 1974.

7. Complete Contract Negotiations (DOD or FAA with CG participation), 18 Nov. 1974.

8. Congressional Liaison Prior to Award, 25 Nov. 1974.

9. Contract Award, 2 Dec. 1974.

10. GFE Delivered (ISS Radar, NCU/CDU), 28 Sept. 1975.

11. First Production Acceptance, Commence deployment, 1 Feb. 1976.

Note: Dates of Events 5 through 11 are dependent on receipt of FY75 appropriations. Any delay past 1 July 1974 will have a resultant delay on these events.

C. Procurement Approaches—

1. A lease contract, with option to buy, one SABRE Aircraft will be awarded in January 1974, with Rockwell International.

2. The lease cost is estimated at $200,000.

3. A MIPR with DOD or agreement with FAA resulting in a multi-year contract is envisioned for procurement of the remaining forty aircraft. The total acquisition cost is anticipated at approximately 82 million dollars.

4. The later part of Phase B will necessarily dovetail into the commencement of Phase C due to detailing of model differences and generation of specifications.

5. We feel the most practical approach to our procurement of forty Sabre aircraft is by procuring through DOD or FAA. These agencies currently have contracts with Rockwell International awarded on the basis of industry wide competition.

V. Special Funding Arrangements—

No special funding arrangements will be utilized. If for the production purchase, the procurement is made by DOD or FAA, all payments on the Coast Guard portion will be made by the Coast Guard and some payments to the other agency for administrative costs may be required.

VI. Responsibilities—

Commandant, U.S. Coast Guard, ADM C. R. Bender, USCG.

PROGRAM MANAGER, USCG OFFICE OF OPERATIONS

Principal Official, RADM W. Jenkins, USCG.

Key Personnel, CAPT P. A. Hogue, Chief Search and Rescue Division.

SUPPORT MANAGER, USCG OFFICE OF ENGINEERING

Principle Official: RADM J. W. Moreau, USCG.

Key Personnel, Capt D. C. Thompson, Chief, Aeronautical Engineering Division, Capt R. E. Grover, Chief, Electronics Engineering Division.

SUPPORT MANAGER, USCG OFFICE OF COMPTROLLER

Principle Official, RADM J. B. Hayes, USCG.

Contracting Officer, Mr. A. J. Beard.

VII. Recommendation—

Proceed with the acquisition of MRS aircraft as described herein because there is a 30,400 hour mission requirement flight time deficit projected for 1979 due to retirement of aging aircraft. The lack of a suitable replacement aircraft will result in serious impairment of Coast Guard missions of marine environment protection, search and rescue and enforcement of laws and treaties.

VIII. Alternative Acquisition Actions—

The Coast Guard has considered alternative means of performing the modification prototyping such as constructing a mock-up or borrowing an aircraft from the FAA for modification. These alternatives have been rejected as impractical or too costly to the government.

1. Action: For Phase C, non-competitively negotiate our requirement for forty Sabre Aircraft with Rockwell International rather than utilize DOD or FAA procurement activities.

2. Impact of Such Action: Considerable involvement of Coast Guard contracting resources would be required in preparing a detailed request for proposals, analysis of proposed cost, preparation of negotiation plan, audit of proposed costs, actual negotiations and final award of contract. All of this would mean more time and, due to the limited personnel resources we have allocable to this project, might even mean unnecessary payment of inflated costs.

Alternative B—

1. Action: Develop detailed procurement specifications, during and as a part of our lease period of the SABRE Aircraft, and formally advertise for the forty aircraft required.

2. Impact of Such Action: The MRS Aircraft procurement program will be set back a minimum of one year aggravating the near term flight hour deficit. This delay would be generated because of the time required for preparation of detailed and adequate specifications for advertising.

Alternative C—

1. Action: Completely negotiate our requirement for forty-one aircraft.

2. Impact of Such Action: The time involved in this procedure would require our program being set back a minimum of two years and can hardly be considered an acceptable course of action.

Note: To proceed with alternatives B, and C also involves the risk of foreign versus domestic competition. There are several foreign manufacturers who can be expected to be price competitive, in fact one of the two aircraft leased for evaluation (Phase A) was a foreign end product (Israeli 1123) which was low offeror after the Buy American Act was strictly applied in bid evaluation. Three risk or problem areas immediately come to mind with foreign competition—(a) U.S. public criticism; (b) U.S. aircraft industry protest; and (c) Congressional criticism. The strength of the public criticism of a DOT/USCG award to a foreign manufacturer would vary with the procurement source, which could be English (candidate BH125-600) or Israeli (candidate IAI 1124). Industry and Congressional criticism would be political and emotional.

A decision to require competitive (versus interservice/interagency) procurement would require a secondary decision to permit or disallow foreign competition. One risk resulting from a competitive-domestic decision is that the U.S. manufacturers response in this weight and price range will be so limited as to question whether competition was indeed generated. Clearly the cleanest, least risk approach to procurement sources lies in an interservice/interagency agreement to expand or add onto an existing procurement action.

APPENDIX No. 6

Subject: Acquisition Paper (AP) for MRS Aircraft.
From: Chief, Office of Engineering.
To: Comptroller.
Ref: (a) G–FCP memo dtd 1 Oct 1973.

1. The following facts are submitted to assist your contracting personnel in the preparation of a non-competitive procurement of the SABRE aircraft.

a. The SABRE 75A is both designed and built in America. U.S. design eliminates maintenance, repair, overhaul and logistics problems associated with metric or non standard parts, tools and procedures. U.S. built eliminates complexities of foreign engineering prototyping, offshore procurement negotiations and possible production complications from troubled nations.

b. The SABRE 75A has a cockpit and cabin working space of 660 cubic feet available, slightly more than the minimum 600 cubic feet necessary to:

(1) accommodate a full range of flight surveillance electronics to satisfy mission requirements. The surveillance console will require a minimum of 70 cubic feet to house sensor display and control equipment.

(2) provide the additional space requirements to house Coast Guard unique communications and navigation equipment. The comm/nav package requires a minimum of 72 cubic feet and consists of (a) HF, VHF–FM, UHF radio equipment, (b) HF/VHF/UHF/VHF–FM direction finding equipment and (c) loran.

(3) accommodate 15 cubic foot space to house forward looking multi-mode radar.

(4) provide storage space of at least 18 cubic feet for air droppable equipment such as dewatering pumps, life rafts, radio beacons, and other assorted mission equipment.

(5) provide sufficient additional space and headroom (minimum 6 feet) to allow for crew movement when selecting and handling droppable equipment.

c. The SABRE 75A is the only candidate aircraft available with an existing in-flight fuselage hull opening which will meet CG requirements for aerial delivery capability. It is located in the pressure hull, underneath the cabin, and as such it permits:

(1) opening in-flight without aft mounted engine airflow and flameout problems associated with side door/hatch openings.

(2) all drop equipment to be stowed in the normally pressurized cabin, so that sensitive drop equipment is not subjected to the excessive temperature environment found in non pressurized baggage compartments, equipment hell-holds, etc. of high altitude type aircraft.

d. The SABRE 75A is the only candidate aircraft with adequate inflight escape provisions for the flight crew.

e. The SABRE 75A has the capacity to accommodate a multi-mode forward scanning radar with a large (27 inch swept diameter) antenna. There is no acceptable multi-mode radar available with less than a 27 inch diameter antenna. There appears to be no major break through in radar technology that could utilize a radar antenna with less than a 27 inch diameter, which is the present minimum diameter that will provide the detection capability required within the space and weight constraints imposed by category aircraft under consideration. A smaller diameter would severely degrade the performance of any search radar to an unacceptable level.

f. The SABRE 75A alone among candidate aircraft incorporates MIL-SPEC features of:

(1) proven endurance and service life testing of parts, unlike commercial TSO which provides only minimum safety standards and not extended service life.

(2) Competitive procurements for support equipment manufactured to one standard which allows easy, rapid assembly of items manufactured by more than one source.

(3) service (DOD) commonality which enhances the CG military preparedness posture by integration with/into other service organizations. Common: (a) support equipment, (b) special tooling, (c) systems knowledge, (d) maintainability.

(4) maintainability design incorporated from initial stages to provide world-wide operations, including remote locations.

(5) familiar DOD standardized publications and maintenance procedures for ease in transition and recurring training.

g. The SABRE 75A is the only candidate aircraft currently in DOD inventory (205) which minimizes logistic support requirements, particularly for high value, low demand insurance type repair items.

h. Sabre 75A is a growth version of an aircraft which the USAF/USN have operated at a utilization rate of 100/HR/MO/AC for over nine (9) years, attesting to reliability/maintainability/supportability of the aircraft. This is not typical of the other candidate aircraft whose commercial/corporate utilization is generally lower.

i. The Sabre 75A manufacturer, Rockwell International, has *extensive* experience and their Sabre design displays unusually good ability to be configured to different roles required in the Coast Guard medium range surveillance multi-mission assignment. No other candidate aircraft manufacturer has *demonstrated* modification capability on the airframes in question for miscellaneous appendages, external wing stores, sensor apertures, etc.

j. The Sabre 60 (basically 75A with turbojet in lieu of turbofan engines) had its flying qualities and performance evaluation conducted by Naval test personnel at Naval Air Test Center, Patuxent River. Some pertinent results follow:

(1) conventionally operated and manually controlled control surfaces. No "artificial feel" or control boost required which *maximizes safety* while *minimizing maintenance*.

(2) the control system allowed precise pitch and bank attitude changes to be executed with ease during instrument flight which is particularly important for our night, off-shore, low-altitude surveillance mission.

(3) pilot cues due to out-of-trim conditions alert the pilot in avoiding a stalled condition which is particularly important when slowing for our aerial delivery missions.

(4) heavy aerodynamic damping and low frequency provides excellent handling characteristics which make the aircraft easy to fly precisely.

(5) essentially neutral spiral stability which allows the pilot to perform other tasks that require releasing the control stick momentarily.

(6) single engine characteristics are outstanding and asymmetric thrust flying qualities enhance mission capability.

(7) excellent stall characteristics.

No all candidate aircraft exhibit these positive flying qualities throughout our mission profile.

2. A summary matrix of the facts listed in paragraph 1 are cast against the candidate aircraft group shown in Enclosure (1). If additional information is required for your preparation of the necessary determination, contact Chief G–EAE for technical data.

J. W. MOREAU.

Enclosure: (1) Aircraft Matrix.

STANDARD WORK SHEET

Facts	Rockwell Sabre 75A	Cessna Citation	Israeli Westwind	Beech Hawker	Falcon 10	Lear 35/36
A—American designed and built	×	×				×
B—Minimum 600 cubic ft. interior	×			×		
C—Existing aerial delivery capability	×					
D—Inflight escape provisions	×					
E—27″ Radome	×			×		
F—Milspec features	×					
G—DOD commonality	×					
H—High utilization rate	×			×		
I—Proven airframe modification	×					
J—Low altitude slow flight handling	×	×	×			

COMPARISON AIRCRAFT SPECIFICATIONS

	Rockwell Sabre 75A	Cessna C-500	IAI CJ-1123	Dassault Falcon 10
Gross weight (pounds)	23, 000	11, 500	20, 700	18, 300
Cabin volume (cubic feet)	660	300	418	430
Cabin height (feet)	6	4.3	4. 9	4. 9
Payload (W/4 crew) (pounds)	1, 000	880	539	1, 240
Endurance (at 2,000°) (hours)	4. 7	3. 0	4. 0	4. 5
Range at altitude (NMI)	2, 20	1, 250	1, 800	2, 000
Estimated price (M)	1. 9	0. 8	1. 1	1. 4

AIRCRAFT SPECIFICATIONS

	Rockwell Sabre 75A	Learjet 36	Israeli 1124	Beech-Hawker 600
Gross weight (pounds)	23, 000	16, 500	22, 000	25, 000
Cabin volume (cubic feet)	660	320	418	628
Cabin height (feet)	6	4. 3	4. 9	5. 8
Payload (4 crew) (pounds)	1, 000	100	1, 500	2, 263
Endurance (2,000) (hours)	4. 7	6. 0	6. 0	4. 0
Range at altitude (NMI)	2, 200	2, 800	2, 800	1, 600
Estimated price (M)	1. 9	1. 4	1. 2	1. 8

APPENDIX No. 7

THE MEDIUM RANGE SURVEILLANCE (MRS) AIRCRAFT PROGRAM

The Coast Guard has chosen the Rockwell Sabre 75A for the MRS program with an official announcement indicating this choice expected during the week of 14 January. This announcement will terminate a selection process that can best be characterized as "leading on" other candidate companies (IAI/Grumman, Gates Learjet, Cessna) under the pretense of an impending open competition while, in fact, background efforts within DOT were directed toward a sole source award to Rockwell. Indications that this was the case became clear as efforts to extract commitments for release of an aircraft specification to industry and definitive equipment requirements were met by increasing degrees of evasiveness and hedging by the Coast Guard. To date, this information has not been released.

It is the general but unproven belief of industry personnel that political pressure external to DOT is responsible for the direction this program has taken. That this procurement is worthy of open competition, given the existence of several other candidate aircraft, is unquestioned by many government and industry personnel. Recognizing this very fact, the Coast Guard has apparently prepared a position to justify the 75A primarily the basis of size, stating that their needs dictate a minimum cabin of 600 cu. ft., ostensibly to satisfy mission requirements and provide room for "growth." This requirement conveniently excludes the other competitors.

It is noteworthy that previous discussions with the Coast Guard revealed that approximately 350 cu. ft., not 600, would satisfy personnel and equipment needs for the worst case MRS aircraft mission: conducting combined tasks of oil pollution detection, visual surveillance and search and rescue. Excluding flight crew, three people (2 observers, one sensor operator) would be required for this configuration. Noting that only 25% of the MRS fleet would be so equipped and crewed, the remaining 75% operating without the detection gear and sensor operator, will expectedly place a proportionately less demand on cabin space.

It appears on the basis of the above, that 600 cu. ft. can be interpreted as a discriminating political choice, certainly worthy of question.

Commonality with the FAA's recent procurement of 15 Sabre 75A's may also be cited by the Coast Guard as a supporting argument for the Rockwell selection. That these two DOT organizations can benefit from the commonality in parts, training, support, etc. is a possibility provided the buy is handled by the FAA as an add-on to their own purchase. However, it appears instead that the Navy will handle this procurement, thus possibly eliminating the benefits of commonality as a result of a separately negotiated contract through a separate procurement agency. This situation is as well, worthy of question.

Respective of the Coast Guard's recent MRS mission for oil pollution detection, an out-growth of the nation's emergent concern for ecological preservation, and the more recent energy crisis, it is appropriate to expect that as a Government agency assigned to protect the environment, the Coast Guard would set the example by selecting the latest in state of the art equipments to insure these goals are met when conducting their *own* MRS mission.

That the Sabre 75A employs 1st generation turbofan engines, where air pollutant and energy consumption characteristics are easily bettered by existing 2nd generation turbofans, presently or soon to be installed on several of the other potential candidate aircraft, reveals another interesting paradox associated with the Coast Guard's choice.

Recognizing that the 75A's presently limited performance in terms of range and endurance is surpassed by most of the other potential candidates and considering that the Coast Guard has continuously emphasized long endurance as a foremost operational parameter essential to the MRS mission, it's anticipated that extensive modification to the 75A may be required. This could possibly take the form of a new 2nd generation turbofan and/or a modified or new wing design.

APPENDIX No. 8

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 3, 1974.

Hon. CLAUDE S. BRINEGAR,
Secretary, Department of Transportation,
Washington, D.C.

DEAR MR. SECRETARY: I am writing in reference to current hearings being held by the Coast Guard Subcommittee of the House Merchant Marine and Fisheries Committee on the FY 1975 Coast Guard Authorization bill. Information developed during testimony in these hearings revealed certain apparent irregularities in the proposed initial procurement of over forty new Coast Guard Medium Range Surveillance (MRS) aircraft. These irregularities seem to be sufficient justification for me to pursue the matter in an Executive Session.

I ask for your cooperation in resolving the situation in the shortest and most efficient manner by the provision of background information necessary to develop an accurate record. In this context, would you please provide: (1) The final acquisition paper, with attachments, submitted to the Transportation Systems Acquisition Review Counsel (TSARC); (2) The date of the ensuing TSARC meeting and the accompanying minutes; (3) A copy of the letter from TSARC to the Coast Guard which approved, disapproved or modified the acquisition.

The Coast Guard apparently prefers to make the procurement by a "sole source contract." Further, please provide the date and minutes of the meeting of the Sole Source Board convened in accordance with Federal Procurement Regulations, together with its determination justifying this contractual approach.

I request that this information be furnished my office by the close of business on Wednesday, May 8, 1974.

JOHN M. MURPHY,
Chairman, Subcommittee on Coast Guard and Navigation.

APPENDIX No. 9

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., May 8, 1974.

Hon. JOHN M. MURPHY,
House of Representatives,
Washington, D.C.

DEAR MR. MURPHY: Your letter of May 3, 1974, requested background information on Coast Guard's procurement of Medium Range Surveillance (MRS) aircraft. In response, I am enclosing the following documents

1. The Transportation Systems Acquisition Review Council (TSARC) approval memorandum. This memorandum, dated November 29, 1973, authorizes Coast Guard to proceed with the procurement.

2. A follow-up memorandum, dated February 22, 1974, reaffirming the TSARC approval.

3. The Sole Source Justification. A Sole Source Board meeting was not held for this procurement. Each Board member individually reviewed and approved the justification. This is the usual procedure.

TSARC considered the MRS aircraft acquisition on October 9, 1973. No minutes of the meeting were prepared because we do not normally prepare minutes of TSARC meetings.

I understand that, as a result of your meeting with the Assistant Secretary for Administration, it is no longer necessary that I provide a copy of the Acquisition Paper.

I trust that you now have the necessary information to complete your investigation of the MRS aircraft procurement.

Sincerely,

CLAUDE S. BRINEGAR.

[Clearance Sheet]

DECEMBER 4, 1973.

SOLE SOURCE BOARD REVIEW

The justification for lease/option to purchase of a modified Sabre 75A aircraft together with an option to purchase 40 additional from Rockwell International on a noncompetitive basis has been reviewed.

The justification establishes a sound basis for non-competitive procurement because the SABRE 75A aircraft, suitably modified, is the only one that meets the Coast Guard's requirements.

It is recommended that the proposed procurement be approved.

T. A. MASON, Jr.
Staff Member, Procurement Law Division, Office of Chief Counsel,
D. F. CUNNINGHAM,
Lieutenant Commander, USCG, Acting Chief, Procurement Division, Office of the Comptroller.
H. B. THORSEN,
Commander, USCG, Assistant Chief, Aeronautical Engineering Division, Office of Engineering.

FIRST ENDORSEMENT

Date: December 5, 1973.

From: Commandant.
To: Chief, Procurement Division.

1. The proposed procurement is approved.

C. R. BENDER.

RAISING STANDARD DEDUCTION MILEAGE ALLOWANCE FOR TRAVEL FOR CHARITABLE ORGANIZATIONS

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, today I am introducing legislation that would raise the standard deduction mileage allowance for people who travel for charitable organizations from 7 to 15 cents a mile. This bill would equalize the mileage allowances for charitable organization employees and volunteers with the amount already set for private industry. I see no reason why the present distinction should exist in light of the fact that the costs of operating a vehicle are the same whether the owner is being paid or not.

Recent increases in the price of fuel along with the higher operating costs of automobiles have made it harder and harder for volunteer organizations to recruit people. These agencies provide helpful services that benefit the entire community and I believe Congress should acknowledge this fact.

This legislation would help defray the costs for those who donate their time and effort to the community and I ask my colleagues to support it. The text of the bill is as follows:

H.R. 8895

A bill to amend the Internal Revenue Code of 1954 to increase to 15 cents per mile the standard mileage allowance which may be used in determining the amount of the deduction allowed for expenses paid or incurred for the operation of the automobile in connection with the rendition of services to a charitable organization

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That section 170 of the Internal Revenue Code of 1954 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsections (h) the following new subsection:

"(i) Minimum Standard Mileage Allowance.—In determining the amount of any deduction allowed under this section for the taxable year with respect to expenses paid or incurred by the taxpayer for the operation of an automobile (other than tolls or parking fees) in connection with the rendition of services to an organization described in subsection (c), there shall be allowed a standard mileage allowance of 15 cents per mile traveled by the taxpayer during the taxable year in connection with such services."

Sec. 2. The amendment made by the first section of this Act shall apply with respect to the operation of an automobile occuring after the date of the enactment of this Act in taxable years ending after such date.

PRESIDENT OF OIL

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, I wish to enter into the Record an article written by William V. Shannon which appeared in the New York Times on July 20, 1975. I believe the analysis presented is of great value and should be carefully considered before action is taken on oil pricing policy.

President of Oil

(By William V. Shannon)

Washington, July 19.—The oil problem is essentially political in nature and can only be overcome by the power of Government. But the United States has been unable to cope with the problem because the Nixon and Ford Administrations insist upon treating it as an economic issue that can be resolved by the natural play of market forces.

Because of the sudden, huge increase in the price of oil, the inflation and the recession were both made much worse than they would otherwise have been. As long as President Ford persists in his mistaken policies, the United States will continue to suffer severe economic damage in lost jobs and depreciated currency.

Mr. Ford follows the judgment of the major international oil companies on oil problems in the same way that he amiably heeds the advice of other big business on the problems that interest them. This is partly because, like Mr. Nixon before him, he is heavily dependent on the oil industry as part of his political base. He is also a stolid believer in the business ideology of rugged individualism, free markets and price competition—virtues that exist more clearly in his mind than they do in the practices of the international oil industry.

But, basically, Mr. Ford plods ahead with his disastrous policies because he does not know any better. No one who knew Gerald Ford and his dreary, negative record during a quarter-century in the House of Representatives would ever have chosen him to lead the nation in meeting a complex and unprecedented situation.

There are many men in both parties in Congress who much better understand the real nature of the oil problem. But because the solutions require sacrifice, it is almost insuperably difficult to put together a two-thirds majority in support of legislation.

The fundamental fact is that there is no oil shortage and no energy crisis. Rather, there is a political crisis. The oil-exporting countries have become cohesive enough to blackmail the wealthy industrial countries by raising the price of oil to an extortionate level, keeping it there, and threatening to raise it still higher.

In this crisis, no one is defending the interests of American consumers. Although five of the seven major international oil companies are American-owned, their interests and the nation's interests are not identical.

With the world market now glutted with oil, these American companies help the Arab countries allocate and rationalize the cutbacks in production that are necessary to keep prices from falling. As business partners of the Arabs in the Middle East and as producers of oil in the United States, these companies have no incentive to keep the price of oil down. On the contrary, they are the propaganda and political protagonists inside this country for the cartel.

President Ford is now urging Congress to abolish the price ceiling of $5.25 a barrel on oil from wells that were producing before 1973. This co-called "old oil" provides 40 percent of U.S. supplies. The rest of native oil is selling at the world cartel price of about $13 a barrel.

Since companies produce both old and new oil, they are getting an average price for their total output of roughly $7.50 a barrel. That is triple the price of only two years ago. Yet the companies have the audacity to say that they need to get the extortionate world price for all their oil if they are to have any "incentive" to search for and produce additional oil in this country.

The United States ought to have the political will and toughness to refuse to be blackmailed. It should stabilize the price of domestic oil, old and new, at $7.50 a barrel as provided in a bill sponsored by Representative John Dingell, Michigan Democrat. It should then make a concerted effort to break the world cartel price.

The Arab countries supplied only 1.3 million barrels of oil a day to this country in the first quarter of this year, less than 8 per cent of total U.S. oil requirements. By conservation, the U.S. could promptly reduce oil consumption by that amount. A sustained cutback of this magnitude would be a significant political signal to the cartel.

Gasoline consumption could be limited by law to the present level of consumption. As the economy recovered and as Detroit produced more fuel-efficient cars, gasoline consumption could gradually be reduced from present levels by steeply rising gasoline taxes.

The United States could adopt a much firmer policy toward Saudi Arabia and Iran than merely getting some of its depreciated dollars back by selling them military equipment and petrochemical plants. They should both be treated the way one treats any blackmailer.

As the world's strongest economic power and greatest single user of petroleum, the United States could face down the cartel and win. But not as long as its President espouses the policies of the American division of the world oil cartel.

RUNAWAY RIP-OFF

(Mr. VAN DEERLIN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, the inequities to American labor of the so-called "runaway plants" operated outside the country by numerous U.S. corporations are well known. Under the guise of cutting costs, American jobs are willingly sacrificed.

The 1974 Trade Act redoubles efforts to compensate workers displaced by imports. It broadens eligibility, increases benefits, and provides special grants for job hunting—and moving and relocation expenses.

In the first such certification in California, the Labor Department has approved a petition by the Chula Vista local of the International Association of Machinists, for relief of some 800 members laid off because a local manufacturer, Rohr Industries, sends work to subsidiary plants in nearby Mexico.

I am advised that these idled workers, most of them my constitutents, are eligible for maximum weekly benefits of 70 percent of their average weekly wage for a period of up to 78 weeks.

Now I should be happy—and I am—that these employees are getting this extra assist from their Government. After all, they are pawns in political/trade games involving an array of formidable interests, over whose machinations the workers have no control.

Nor do I really blame Rohr for the plight of these erstwhile employees. Rohr, a pioneer in the development of public transportation techniques, has plenty of problems of its own. In farming jobs to Mexico, the company is simply doing what is not only condoned but actually encouraged by two glaring loopholes in the tariff schedules. These exempt such companies from most of the duties they would otherwise have to pay when finished products are returned to the United States.

My real grievance is with the rather ridiculous pass we have come to: Here we have a situation where the Labor Department will make considerable payout, presumably in the interest of generating trade—but which may not have that effect at all.

In the Rohr program, there are no Mexican products coming across the border. That is not an "import" program in the usual sense of the word; rather, it is a jobs export program.

What we have here, then, is the Government subsidizing the human costs of a "runaway plants" operation that has nothing to do with trade relations with Mexico or any other country.

And the costs will be substantial. While obviously no one can say at the moment just what the compensation and allowances for the Rohr workers will finally amount to, some generalizations are possible.

Regular unemployment compensation runs from $75 to $90 a week, depending on how much a person was earning when he lost his job.

The California Department of Employment Development, which will administer the "imports" program for the Labor Department, estimates that in most cases the compensation the State is now paying will be increased by $65 to $90 a week to bring covered workers up to the levels specified by the Trade Act.

For 800 workers, the total additional payments will be in the range, at least initially, of $50,000 to $70,000 a week.

That is a lot of public money to support the "runaway plants" habit.

Maybe it is time we took another look at the tariff schedule—particularly sections 806.30 and 807.00 which make "runaway plants" so lucrative.

A news story from this morning's Chula Vista Star-News follows:

EIGHT HUNDRED JOBS LOST TO MEXICO—EX-ROHR WORKERS DUE PAY

WASHINGTON.—The U.S. Department of Labor has agreed to provide unemployment compensation to some 800 former Rohr employes because of Rohr's exports of jobs, Rep. Lionel Van Deerlin (D-Chula Vista) learned yesterday.

"In the case of Rohr, the Labor Department has determined 'that imports contributed importantly to the workers' unemployment," said Van Deerlin's aide John McLaren, quoting from a labor department official.

"What we're talking about is not regular imports. "We're talking about the export of jobs across the border."

The decision, which was certified officially last Friday, was made after the determination by a labor department official, who took depositions from Rohr management and union officials.

The department determined that about 800 workers, who lost their jobs because Rohr sends some of its work to Mexico and other foreign countries, are entitled to 70 per cent of their former weekly wage for a maximum of 78 weeks.

The 800 laid-off employes will also be given a "jobs search" allowance of up to $300, and a relocation allowance of up to $500 if they must move to find work.

"This is the first such certification in California under this program," McLaren said.

The program will be administered by the state Employment Development Department in Chula Vista on F St. near 4th Ave.

The federal money will supplement state compensation up to the 70 per cent mark. Laid-off employes are being informed of the decision by officials in the local 755 machinists union.

NUCLEAR REGULATORY COMMISSION'S AUTHORIZATIONS BILL

(Mr. SCHEUER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHEUER. Mr. Speaker, 3 weeks ago, the House adopted by a substantial margin an amendment which I sponsored to H.R. 7001, the Nuclear Regulatory Commission's authorizations bill. The amendment stated in part:

> The Nuclear Regulatory Commission shall not license any shipments by air transport of plutonium in any form.

This restriction was to remain in force until such time as the Commission could certify to the Joint Committee on Atomic Energy that they had developed a safe container that would not rupture in an air crash.

In my statement accompanying introduction of this amendment, I pointed to the incredible toxicity of plutonium coupled with the existing inadequate standards for containerization as justifications for adoption of this crucial measure. Spillage of only 20 pounds of this material resulting from even a small crack in a container resulting from an air crash would necessitate the evacuation of the entire metropolitan area of New York, encompassing about 22 million people, about one-tenth the population of the United States, and with the resultant deaths of hundreds of thousands of people. This staggering possibility constitutes a risk which is totally unacceptable to any person in possession of their sanity. Individual Congressmen, unwilling to bear the awesome responsibility of allowing plutonium to continue to be flown over the heads of their constitutents, responded to this grave danger by supporting my amendment 165 to 79, a ratio of greater than 2 to 1.

The insensitivity of the Nuclear Regulatory Commission to this appalling risk could not be better dramatized than by the contents of a letter dated June 24 to George Murphy, staff director of the Joint Committee on Atomic Energy, from Marcus Rowden, Acting Chairman of the NRC. This lack of understanding on the part of the Commission to the almost incomprehensible risks involved is equally apparent in testimony given by members of the Commission before the Joint Committee on June 25 and in a letter from Dr. Robert Seamans, Administrator of the Energy Reserach and Development Administration to Senators STENNIS and PASTORE. I would like to include, as appendixes to my remarks, these three documents as examples of deliberate attempts by the Nuclear Regulatory Commission to cloud the crucial issue involved in my amendment: adequate protection of the health and safety of citizens of this country.

Initially, the Commission claims that my amendment is unnecessary because they, themselves are actively considering the general subject of transportation of radioactive material in a rulemaking proceeding. Of course we all know that this same Commission has made an interim ruling that air shipments could continue while they made such a determination. My amendment was precisely designed to end this "waffling," indecision, and indifference by placing a legislative moratorium on such shipments. If the executive branch cannot take this elementary step to insure the safety of the people, then it is up to the Congress. It was exactly in this spirit that the House overwhelmingly adopted my amendment 3 weeks ago.

The NRC's June 24 letter announces that the interim ruling of the NRC was based on both the high integrity of the packaging and on the record of no accidents in the civilian air transportation sector. Examination of current packaging standards finds them to be mediocre at best and tragically inadequate at worst. The Department of Transportation and the Nuclear Regulatory Commission, after years of testing, require that containers carrying plutonium withstand such simple tests as a 30-foot drop onto a steel plate—terminal velocity of 45 feet per second; a 40-inch drop onto a steel spike; 30 minutes of heat exposure at 1,475° F.; and water immersion for 24 hours. Just as one example of the apparent lack of concern of the NRC in approving these standards, the terminal velocity of a crashing airplane is approximately 160 miles per hour, or 235 feet per second. In other words, the NRC requires that packaging withstand an impact only one-fifth as severe—terminal velocity of 45 feet per second—as actual impact conditions in an air crash—235 feet per second.

In commenting upon the one known set of container testing where more rigorous qualifications were established, a series of tests at Sandia Laboratories, the Environmental Protection Agency recommended:

> We believe that it would be prudent to adopt more stringent standards for the design and fabrication of these types of packaging and to require comprehensive performance tests on each design at these more stringent levels, prior to their wide scale use by industry.

In May 1975, Irving Pinkel, the Federal Government's leading crash expert, after reviewing the test results, concluded that continued use of current containers in air transport would be tantamount to negligence.

Mr. Speaker, the EPA, various environmental groups, a special panel of experts convened by the Joint Committee on Atomic Energy, and Irving Pinkel all concluded that current packaging is unsafe and that air transportation should cease. The House has legislated these recommendations in the form of my amendment. And the only NRC response is that they are actively studying the general question of air transportation and that their packaging standards have a high integrity. Irving Pinkel would call that position negligent; I call it a betrayal of the public trust.

In my floor statement of June 20 I discussed in some detail the two accidents involving the release of plutonium from military aircraft. The accidents and clean-up operations near Thule, Greenland, and Palomares, Spain, though resulting in no deaths because they occurred over totally uninhabited areas, did have an estimated cost to American taxpayers in excess of $500 million.

The lesson to be learned from these two accidents is very simple: events which have an extremely low probability of occurring, do in fact occur. Witness the horrifying and tragic accident involving an Eastern jet 3 weeks ago at Kennedy Airport in my own district. Improbable? Yes. Highly unlikely? Yes. NRC's interim decision to allow air transportation to continue is shocking, irresponsible, and contemptuous of the public's safety. In whose interest is it to take such a huge risk? Certainly not the public's.

Equally interesting is the testimony of Mr. Lee Gossick, the Executive Director of Operations for the NRC, before the Joint Committee. He argues that the cannisters used to ship plutonium are of approximately the same integrity as the flight recorder devices used in most major aircraft. Mr. Gossick had just pointed out that the flight recorder in the Eastern Air Lines crash had survived the impact and the fire, as an attempt to support his contention that current packaging of plutonium is safe.

This is misleading. Mr. Gossick knows full well that the integrity of plutonium containers should be much greater than that of flight recorder devices. It is transparently clear that one small crack in a flight recorder package may not destroy the viability of the recording device while the same small crack in a plutonium cannister, would predictably cause a year-long evacuation of an entire metropolitan area and cause several hundred thousand deaths.

Mr. Gossick's misleading argument is further countered by information presented to me by Mr. Harold Martinsen, a senior staff engineer for the Air Line Pilots Association. He explained that the key to survivability of the flight recorders is not the construction of the protective cannister, but rather the fact that they are located in the tail section of each airplane. The tail is hit with the least amount of impact in nearly all air accidents. On the contrary, cargo sections on transport planes, where plutonium is carried, are among the most vulnerable locations for impact and fire damage. Thus, unless the NRC is planning on flying plutonium in the tail sections of airplanes, Mr. Gossick cannot logically base his argument on flight recorder survivabilty.

Mr. Speaker, George Murphy, staff director of the Joint Committee on Atomic Energy termed NRC behaivor in relation to air transportation of plutonium as attempts at obfuscation. I consider their actions to be deliberate attempts to confuse and deceive the people and Congress. There can be no justification for continued air transportation of plutonium.

The second Commission argument against my amendment is that it calls for absolute safety, which the Commission feels is "undesirable from both a practical and social standpoint." There is not a shred of evidence on the record or elsewhere that anyone in the House, least of all myself, wished to impose such a standard on the NRC. Indeed, the word absolute appears nowhere on the record. All my amendment requires is that the Nuclear Regulatory Commission test and develop a container which they can certify as being safe while using the one restriction in the amendment—that it will not rupture upon the crash of a high-flying aircraft.

If the NRC already has a safe container, as they allege, then why are they protesting so vehemently? Indeed, legislative drafting counsel, representatives of the New York State Attorney General's Office, and a Congressional Research Service legislative attorney assure me that my amendment legislates flexibility and discretion on the part of the Joint Committee and the NRC. The testimony before the Joint Committee clearly illustrates that members of that body also interpret the amendment in this way.

The final argument of the NRC claims that the House adopted my amendment without adequate floor debate and hearings. This is another classic example of NRC's disregard for the repeatedly clear expressions of congressional intent during the last 14 months. The Joint Committee holds hearings and receives detailed testimony on NRC activities in preparing the annual authorizations bill.

In June of 1974, the Senate Commerce Committee held hearings on the transportation of hazardous materials, which included investigations of two commercial airline accidents involving the release of radioactive material. And last September, Mr. Speaker, a special panel of experts from Government and industry recommended to the Joint Committee that all air transportation of plutonium cease, unless it was necessary for the security of the Nation. The NRC response, nearly 1 full year later, is that the NRC is actively considering the matter.

These condescending and misleading responses by the Nuclear Regulatory Commission and the Energy Research and Development Administration indicate that they are oblivious to the grave public concerns expressed repeatedly by the Congress.

Three elementary facts stand out:

First. The Environmental Protection Agency admitted in June of 1974 that with present containers, an air crash "could result in the dispersal of the material into the environment." They went on to recommend in June of 1974 that the packaging standards should be tightened before further use of such containers;

Second. No rational scrutiny of the record can show that absolute safety was the criterion legislated by the House; and

Third. Numerous sessions of congressional committees have provided extensive hearings and debate on this subject and resulted in recommendations that air transportation cease.

Mr. Speaker, this House has been applauded for its responsible action on my amendment by many officials, including Ogden Reid, commissioner of environmental conservation of the State of New York and Louis J. Lefkowitz, attorney general of the State of New York, whose letters are attached. I urge our colleagues in the other body to follow the initiative of the Joint Committee and the House and adopt H.R. 7001 with my amendment over the specious objections of the Nuclear Regulatory Commission.

I include the following:

TESTIMONY OF MEMBERS OF THE NUCLEAR REGULATORY COMMISSION BEFORE THE JOINT COMMITTEE ON ATOMIC ENERGY, JUNE 25, 1975

Mr. GEORGE MURPHY. Last week, Congressman Scheuer introduced an amendment on the floor of the House which in part said, "The Nuclear Regulatory Commission shall not license any shipments by air transport of plutonium." The amendment went on to state, "Until the Nuclear Regulatory Commission has certified to the Joint Committee on Atomic Energy of the Congress that a safe container has been developed and tested which will not rupture under crash and blast-testing equivalent to the crash and explosion of a high-flying aircraft."

Just this morning I received a letter from the NRC, responding to a request for their views, stating that the NRC is opposed to this amendment.

At this precise moment of course, the front page of the New York Times has a story of the plane that crashed off the runway at Kennedy Airport. "Accident Worst Here in A Decade," the headline states. I understand, of course, this was not a cargo plane, but nevertheless it was a significantly large plane.

NRC's two reasons for opposing this amendment are in its letter dated June 24 and I quote:

"One, because the NRC is actively considering the general subject of safety of transportation of radioactive material by air in a rule making proceeding and, two, the amendment would require absolute guarantee of safety, which is undesirable from a practical and a social standpoint.

I wonder, Mr. Rowden, if you could comment on this and indicate in light of these matters why you oppose that amendment.

Mr. MARCUS ROWDEN. I would emphasize to begin with that not only is the Nuclear Regulatory Commission considering the air transport of special nuclear material, including plutonium, in a rule making proceeding, but the Commission has also underway a procedure for expediting the consideration of the question of whether the air transport of plutonium should be suspended pending completion of the rule making proceeding.

Mr. MURPHY. When will that be decided?

Mr. ROWDEN. We have called for public opinion to be submitted by the 2nd of July. We are going to turn to the Commission's position on that very quickly thereafter, I can assure you. I cannot give you any precise date, but we recognize the need for expeditious determination. . . . I would think that a period of a month would be reasonable in this regard.

Mr. MURPHY. Mr. Rowden, you realize, of course, that the special panel which the Joint Committee formed last year reviewed these and related matters, and page 14 of the Committee Print of September 17, 1974 contains the panel's following recommendation: "The panel recommends that the AEC"—I believe that since January 19 it would be NRC—"and DOT prohibit shipment by air—air cargo as well as passenger aircraft—of other than exempt quantities of plutonium and other transportation group one material unless the determination is made that the air shipment is necessary for the security of the nation."

Mr. ROWDEN. Yes, I appreciate that. . . .

Mr. MURPHY. I bring that up only to illustrate that on both sides of this very, very difficult coin, as Chairman Young has pointed out, we should act reasonably and expeditiously.

Mr. ROWDEN. The second aspect relates to the criterion established as the basis for a Commission certification, Nuclear Regulatory Commission certification, which would allow air transport of plutonium in the future. It is as we read it an absolute safety criterion.

We would suggest that this be considered very carefully in terms of its practical effect here and its implications as a safety or security standard. Up until now at least. . . . the basic concept has been reasonable protection of the public health and safety or, as we have applied it in other ways, reasonable assurances of no undue risk.

Mr. MURPHY. Mr. Rowden, I don't think that Congressman Scheuer—and I would not remotely speak for him—mentioned the term "absolute safety" which you refer to. I pay tribute to you because you are a master of obfuscation. I think the issue is very simple. It is this: If you are going to transport the material by air transport and it looks like there might be a crash, or there is a possibility of a crash, let us have the material in a container so that it does not break open and contaminate the surrounding area. I simply pointed out it occasionally happens. There is a picture of it.

Mr. ROWDEN. Well, the observation was made to put in graphic terms rather than to obscure the issue. I think the issue is too important to be obscured or talked around.

Mr. RICHARD KENNEDY. It is not a question of not wishing to have absolute safety. It is just a question of the possibility of getting absolute safety.

Mr. MURPHY. Mr. Kennedy, can you develop a safe container? That is all the Congressman asks for.

Mr. KENNEDY. We have safe containers already, sir.

Mr. MURPHY. Then his amendment is unnecessary. Why don't you just simply say, thank you, it's a good idea and we have a safe container?

Mr. EDWARD MASON. I don't think the amendment calls for a safe container. It says, "will not rupture." I think there is a difference.

Mr. YOUNG. It might be helpful here if I read one sentence from the amendment. "This restriction shall be in force until the Nuclear Regulatory Commission has certified to the Joint Committee on Atomic Energy of the Congress that a safe container has been developed and tested which will not rupture under crash and blast-testing equivalent to the crash and explosion of a high flying aircraft."

So it is very much in this, a safe container. Proceed.

Mr. MURPHY. Thank you Mr. Chairman. You read what I was about to read. That was the question. What about it?

Mr. JOHN YOUNG. Mr. Kennedy, as I understand it you feel that you do have, or that it is within the realm of possibility, the development of a container that would meet the criteria set up in this amendment?

Mr. KENNEDY. I can't say at the moment, sir, that the containers that exist are rupture proof in all cases. I don't think that it is possible to guarantee that, sir.

Mr. YOUNG. I agree also with what you have said about absolute safety. When you are dealing in terms of absolute and applying it to functions of people, it just doesn't fit. But we do feel that scientifically and technically we could develop a container that we could rely on to withstand a crash.

Mr. LEE GOSSICK. Mr. Chairman, may I remark that under the conditions of the very unfortunate crash in New York, the containers that are presently in use, I think we would have no doubts that those containers would have survived the crash. The problem that we have with the wording in the amendment is that it appears that reference to a high flying aircraft, high speed explosion, it is conceivable a headon crash at that altitude with an explosion is different from the kind of accident that happened this morning.

Senator CLIFFORD CASE. What does the military do about safeguards?

Mr. GOSSICK. The Air Force and the Navy certainly are in the practice of transporting weapons on a routine basis.

Senator CASE. What is the normal practice? Do they usually use air transport or do they usually use trucks or railroads or do they usually use ships? If they had a choice which would they use?

Mr. GOSSICK. In the past, Senator Case, it is my understanding all forms of transportation have been used. Of course, with the emphasis on emergency or on time then certainly air transportation is used.

Senator CASE. Your regulations aren't particularly directed to the matter of time. . . . You would be relatively free to require ground transport unless it was by oxcart or something like that as opposed to flying. You don't have the same possible need for speed except in great emergencies that might exist. So you are in a position to take the safest method of transport as well as the best way of packaging, I take it.

Mr. GOSSICK. Yes.

Senator CASE. In its widest aspect this matter of safe transport has a bearing on the question of how you locate plants for producing power, for processing this material and for disposal of waste too.

Mr. ROWDEN. There are indeed ramifications in other areas, Senators.

Senator CASE. Thank you, Mr. Chairman.

Mr. YOUNG. Thank you Senator.

In summary, then, using this unfortunate incident that occurred at Kennedy Airport, it is the feeling of this panel that there are containers available or in fact they can be available that would have survived a crash of this type?

Mr. GOSSICK. Yes, Mr. Chairman. Someone just handed me a note. I have not read the article about the accident but it indicates that the flight recorder was recovered intact.

Mr. YOUNG. That is exactly what I had in mind. There were some containers that did survive.

Mr. GOSSICK. In our analysis and tests of containers that we have run thus far, that we have looked at, they indicate that the current Type B packages that are in use are approximately at least the same integrity as the crash recorder devices.

Mr. YOUNG. Have you had occasion or availed yourself of the opportunity to consult with Congressman Scheuer about the safety of those containers?

Mr. GOSSICK. Yes, we have had communications with Congressman Scheuer. We have had letters, correspondence with him. I am not aware that any members of the Commission have.

Mr. YOUNG. I thank the gentlemen.

LETTER FROM MARCUS ROWDEN OF THE NUCLEAR REGULATORY COMMISSION TO GEORGE MURPHY OF THE JOINT COMMITTEE ON ATOMIC ENERGY, JUNE 24, 1975

U.S. NUCLEAR
REGULATORY COMMISSION,
Washington, D.C., June 24, 1975.

Mr. GEORGE F. MURPHY, Jr.,
Executive Director, Joint Committee on Atomic Energy, Congress of the United States.

DEAR MR. MURPHY: The Nuclear Regulatory Commission appreciates the opportunity to submit its views on an amendment proposed by Representative Scheuer to H.R. 7001, a bill authorizing appropriations for NRC for fiscal year 1976. The amendment provides as follows:

"The Nuclear Regulatory Commission shall not license any shipments by air transport of plutonium in any form, whether exports, imports or domestic shipments; Provided however, that any plutonium in any form contained in a medical device designed for individual human application is not subject to this restriction. This restriction shall be in force until the Nuclear Regulatory Commission has certified to the Joint Committee on Atomic Energy of the Congress that a safe container has been developed and tested which will not rupture under crash and blast-testing equivalent to the crash and explosion of a high-flying aircraft."

The NRC is opposed to this amendment for two basic reasons: (1) the NRC is actively considering the general subject of the safety of transportation of radioactive material by air in a rule making proceeding, and (2) the amendment would require an absolute guarantee of safety which is undesirable from both a practical and social standpoint.

The safety of air transportation of plutonium and other radioactive materials is under active study by this Commission. As part of NRC's review of regulations and procedures, which had originally been promulgated by the AEC, the NRC has initiated a re-evaluation of its rules concerning the transportation of all radioactive materials by air. This was announced in the Federal Register on June 2, 1975. The rule making proceeding, and a companion environmental impact statement, will consider standards for containers used in transporting all radioactive materials and safeguards against diversion and sabotage. The proceeding and impact statement will be coordinated with the DOT and the FAA, which have overlapping jurisdiction over safety aspects of packaging and transportation of radioactive materials.

The NRC is also actively considering whether its current regulations allowing air transportation of radioactive materials should remain in effect during the rule making proceeding. The NRC published its interim evaluation of this question in the June 2 Federal Register notice. Subject to consideration of comments to be received from the public, the NRC tentatively concluded that its currently effective regulations should remain in effect during the interim period. Noting that the requests for suspension of air transportation were not based on any significant new information which would indicate that present packaging requirements are inadequate, the NRC stated that "in light of present information as to the safety and security of air shipment of radioactive material, the Commission finds no sound basis . . . for requiring the suspension of shipments." Comments are due on the suspension question on July 2, 1975. Promptly following the period for submitting comments, the NRC will reconsider its interim evaluation on the basis of comments received.

The Commission's interim evaluation took into account a number of considerations worth reciting here. We would note, to begin with, that the container integrity standards in NRC regulations are consistent with those followed by over seventy foreign countries and the International Atomic Energy Agency. The present standards have been developed after extensive research and testing. They are based on two main considerations: (1) protection of the public from external radiation and (2) assurance that the contents are unlikely to be released during either normal or accident conditions of transport or, if the container is not designed to withstand accidents, that its contents are so limited in quantity as to preclude a significant radiation safety problem if released. The safety standards for the integrity of containers used to ship plutonium and other radioactive material, as set forth in NRC's regulation in 10 CFR Part 71 and DOT regulations in 49 CFR Parts 170–178, have undergone continual evaluation and improvement by cognizant United States and international agencies since first established in 1948.

Container designs required to meet accident conditions, such as plutonium container designs, require NRC approval prior to use. Such container designs are subject to rigorous analysis and testing. The container designs are evaluated under current regulations against accident test conditions which were chosen to provide reproducible conditions representative of severe transportation accident environments.

In addition, we would observe that, in more than 25 years of shipping special nuclear material, including plutonium, in civilian aircraft, there have been no air accidents involving the material.

With respect to our second ground of objection to the amendment, we strongly question the certification criterion which this amendment would establish. As we read the amendment, it is tantamount to a requirement that the agency vouch for absolute container safety. Such an "absolute safety" criterion is not desirable from either a practical or social standpoint. The Congress itself has recognized that the peaceful development of atomic energy carries with it an element of risk. We note, for example, that Section 57 c. (2) of the Atomic Energy Act prohibits licensing of special nuclear material if the licensing action would constitute an "unreasonable risk to the public health and safety."

Virtually all activities in our society carry with them some element of risk. The proper approach is to weigh—as accurately and openly as possible—the risks against the benefits of an activity, and to determine from that weighing whether the risk is an acceptable one.

The NRC is exerting its best efforts to carry out its risk assessment functions thoroughly, accurately and openly. Imposition of an absolute safety criterion in this area is not only unrealistic, it may ultimately be harmful to the public interest by unwarranted foreclosure of alternatives which open and objective risk-benefit analysis would have shown to be preferable.

The subject amendment was adopted by the House after brief floor debate, without hearings and without any consideration of the complex factual data relevant to the issue presented. In our view, this is not an appropriate context in which to resolve such a complex question. Nor do we believe such action to be necessary in view of the steps already underway by this Commission with regard to this subject.

We believe, in summary, that the subject amendment is both unnecessary and unwarranted.

Sincerely,

MARCUS A. ROWDEN,
Acting Chairman.

LETTER FROM JAMES H. SCHEUER TO ROBERT SEAMANS, ADMINISTRATOR OF THE ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION (ERDA) JULY 11, 1975

HOUSE OF REPRESENTATIVES,
Washington, D.C. July 11, 1975.

Dr. ROBERT C. SEAMANS,
Administrator, Energy Research and Development Administration, Washington, D.C.

DEAR DR. SEAMANS: Since I assumed office last January, I have been actively studying the issues involved in the air transport of plutonium. As the representative of the 11th District in New York (which includes all of John F. Kennedy International Airport) I initiated intensive investigations into the integrity of the safety standards used by all agencies of the federal government involved in the transportation of plutonium, especially transportation by air.

Three weeks ago, on June 20, I sponsored an amendment on the floor of the House designed to halt all licensees of the Nuclear Regulatory Commission from transporting plutonium by air until such time as safe containers are developed. The House passed this amendment by the significant margin of 165 to 79. A copy of the text is attached.

Through conversations with members of your own staff including William Brobst and through examination of an affidavit by Dr. Frank K. Pitman I have been able to gather the following relevant facts concerning ERDA and the air shipment of plutonium:

(1) ERDA "transports or tenders to carriers for transport" plutonium and enriched uranium. International shipments are mostly related to the nuclear power export program. ERDA also ships special nuclear materials between its various plants and laboratories, Department of Defense installations, and commercial fuel fabricators and independent research centers.

(2) Most of ERDA's domestic shipments appear to be for defense programs, but transport also occurs to aid the naval reactor program, for use in the development of the Liquid Metal Fast Breeder Reactor, and for medical and research uses.

(3) A recently conducted sampling of a six month period showed that ERDA made about 2100 shipments of special nuclear materials. Roughly 400 of these were by air and 90% of that 400 were related to defense programs according to Dr. Pitman.

(4) Most importantly, Dr. Pitman's affidavit quotes ERDA Manual Chapters 0529 and 5201: "ERDA's own facilities are generally exempt from NRC licensing, but ERDA has established the formal policy of following NRC's safety standards in all of ERDA's own operations."

Clearly there are cases where ERDA regulations necessarily must depart from the NRC's. However, in most cases there would appear to be no valid reason for ERDA regulations departing at all from those of the NRC. My inquiries have established that you have succeeded in requiring that your shipments meet all of the NRC regulations. Indeed, Mr. Brobst has informed me that in many cases, ERDA safety standards are even more stringent than those of the NRC.

In light of ERDA's established policy of meeting all of the NRC's standards and the House's overwhelming passage of my amendment June 20, I respectfully request that ERDA halt all air shipment of plutonium until such time as the NRC can certify to the Joint Committee on Atomic Energy that they have designed and tested a container to meet the standards of the legislation. I would not request that shipments flown for the purposes of this nation's security be diverted to surface transport, but where time is not of the essence, it would seem consistent with past ERDA policy and current clear and unmistakable Congressional intent that air shipment be halted.

Although I recognize that a formal announcement of ERDA's intentions either way may not be forthcoming for at least several weeks, I would appreciate at least an interim evaluation from your office as soon as possible. The Interior Committee is expected to report out the ERDA authorizations bill to the Senate on July 16. Accordingly, I feel that a prompt response from you is most appropriate.

Yours,

JAMES H. SCHEUER, M.C.

LETTER FROM ROBERT SEAMANS, ADMINISTRATOR OF ERDA TO SENATOR JOHN O. PASTORE, CHAIRMAN OF THE JOINT COMMITTEE ON ATOMIC ENERGY, JULY 11, 1975

Hon. JOHN O. PASTORE,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR MR. CHAIRMAN: On June 20, 1975, the House passed an amendment to the NRC Authorization Bill (H.R. 7001) which would, in effect, prohibit the transportation of plutonium by air until the NRC has certified to the JCAE that the plutonium containers are adequately crash resistant. This amendment was passed after a brief floor discussion without having had the benefit of Committee consideration. We understand that the Bill is expected to come up for Senate floor vote within a few days. I wish to take this opportunity to present to you ERDA's viewpoint on this matter.

Shipments must go by air because of programmatic urgency, because of the short half-life of certain of the plutonium isotopes or other radioisotopes in the same item, or because the plutonium materials are contained in biological specimens which rapidly deteriorate in transit. Some specific details on ERDA programs and the number of air shipments by ERDA are enclosed.

The containers used for the shipments are specifically designed to withstand serious transportation accidents in all modes of transportation without releasing their contents. Based on extensive studies and tests which ERDA and others have conducted regarding the nature of transportation accidents and the destructive testing of these containers, we are convinced that present-day containers used for plutonium shipments will meet those design criteria. ERDA's package testing program shows convincingly that the containers will withstand—without leakage—accident stresses which are much more severe than required by the Federal regulations. In one recent test series, we performed tests on several commonly used plutonium shipping containers, subjecting them to accident stresses which were specifically set up to represent air crashes, and the containers did not leak. These tests included high-speed impact and severe fires.

It is well known that commercial airliners carry flight recorders to record flight data and voice conversations. These recorders must be able to withstand severe air accidents. Several years ago, when the FAA instituted this requirement, they used as a basis for accident crash worthiness the same standards that are presently required for plutonium shipping containers.

In the June 2, 1975, *Federal Register*, NRC published its interim evaluation of the question of nuclear shipments by air. NRC stated that ". . . in light of present information as to the safety and security of air shipment of radioacive material, the Commission finds no sound basis . . . for requiring the suspension of shipments."

We believe that the key to public safety in this matter is adequate control rather than prohibition, and that the proper mechanism to obtain this adequate control is through the public rule making and enforcement procedure by those Federal agencies to whom Congress has assigned the responsibility for safety in transportation. Both the DOT and NRC have very clear assignments of responsibility from Congress in this regard, and these agencies are, in fact, exercising their jurisdiction.

We would be happy to meet with you or your staff to discuss this matter in more detail, if you wish.

Sincerely,

ROBERT C. SEAMANS, Jr.,
Administrator.

Enclosure: Data on Plutonium Shipments.

DATA ON PLUTONIUM SHIPMENTS

Reference: Request by David Cohen of Congressman Scheuer's office on plutonium shipment data.

Plutonium items now sent by air in connection with ERDA programs, excluding the nuclear weapons program, include the following:

1. Safeguards Analytical Laboratory Evaluation Samples.—These shipments involve the exchange of gram quantities of plutonium among various laboratories for the purpose of providing a cross-check on the measurement accuracy of various techniques and laboratories. This program is vital to the safeguards system. An estimated 11 shipments by air are made in a typical month.

2. Medical Isotopes and Medical Applications.—The National Laboratory at Oak Ridge ships medical isotopes that include plutonium by air to various medical facilities, including hospitals in the U.S. and overseas. Because some of these plutonium isotopes have a very short half-life, they must be shipped by air. In a typical month, there will be eight shipments.

Power sources containing plutonium are also occasionally shipped by air in connection with artificial heart development programs. Heart pacemaker energy sources which contain plutonium may be shipped by air. The frequency depends upon the demand from medical centers.

3. Biological Specimens.—Biological specimens, resulting from experiments, some of which contain up to microgram quantities of plutonium, are frequently shipped by air. Increasing the time in transit could result in a physical deterioration of the samples prior to arriving at the destination for analysis.

4. Reactor Sampling.—The reactor sampling program requires the rapid delivery of low-level irradiated foils of plutonium to determine the spectrum of short half-life fission products. These shipments occur at a rate of approximately three per month.

5. International Agreements.—The United States has entered into various international agreements concerning nuclear energy. In connection with these agreements, shipments of mixed oxides, including plutonium and plutonium metal, are exchanged with foreign countries. These are ordinarily sent by air. Because they are sent infrequently, no monthly rate data are available at this time.

In addition to the air shipments described herein, approximately 50 other plutonium shipments are sent each month by ground transportation.

All air shipments of plutonium made by ERDA are in containers which meet Department of Transportation and Nuclear Regulatory Commission standards and which are specifically reviewed by the Nuclear Regulatory Commission to assure compliance with the regulations.

TELEGRAM FROM OGDEN REID, COMMISSONER OF ENVIRONMENTAL CONSERVATION, STATE OF NEW YORK TO JAMES H. SCHEUER, JUNE 20, 1975

Congressman JAMES H. SCHEUER,
Rayburn Office Building,
Washington, D.C.:

As Commissioner of Environmental Conservation of the State of New York I strongly support the amendment you have introduced to H.R. 7001 which would prohibit air transport of highly toxic radioactive materials, including plutonium, until Congress approves a safeguard program which is adequate for the protection of public health and the environment.

I urge you to add a requirement to ensure that air transport is only employed where no lower risk alternative is available, and to consider further legislation in this area that would insure the safe transport, by whatever means, of these extremely dangerous materials and which would encourage the states to set reasonable conditions on the shipment of all highly toxic or dangerous materials for the protection of the public and environment.

OGDEN REID,
Commissioner of Environmental Conservation.

LETTER FROM LOUIS J. LEFKOWITZ, ATTORNEY GENERAL FOR THE STATE OF NEW YORK, TO JAMES H. SCHEUER, JULY 10, 1975

Hon. JAMES SCHEUER,
Rayburn House Office Building,
Washington, D.C.

DEAR JIM: Congratulations on your successful effort in the House to amend the Authorization Legislation for the United States Nuclear Regulatory Commission (H.R. 7001). The awesome hazards involved with the air transport of plutonium under presently effective procedures badly needed the attention of Congress.

As you know, my office is continuing its fight in federal district court for an injunction enjoining the air transport of plutonium and other special nuclear materials until a thorough assessment of the issues, including the adequacy of containers and safeguards for such materials in commercial air transport, is completed in an Environmental Impact Statement pursuant to the National Environmental Policy Act (42 U.S.C. § 4321, et seq.).

Certain eminent individuals have submitted affidavits on behalf of the State of New York in support of its motion. They include among others, Dr. Karl Z. Morgan, formerly with the Atomic Energy Commission as director of the Health Physics Division of Oak Ridge National Laboratories for 30 years; Irving Pinkel, former director of NASA Aerospace Safety Research and Data Institute, a principal investigator of the Apollo fire and an observer on the Apollo 13 investigation; and Dr. John Gofman, group leader of the Plutonium Project within the Manhattan Project and developer of two processes for the chemical extraction of plutonium. Other experts have recently filed affidavits on behalf of the State, providing analyses of crash environments in different transport modes, adequacy of present containers, toxicity of plutonium and the vulnerability of commercial air transport to terrorist attack.

The conclusions drawn by these learned scientific and military experts are as follows:

1) Air transportation of plutonium under present standards and procedures is significantly more hazardous than other modes of transport from the standpoints of accidents and terrorism.

2) Present containers are inadequately designed to withstand the conditions of actual air craft crash environments. Continued use of these containers in air transport would be, according to Mr. Pinkel, tantamount to negligence.

3) The toxicity of plutonium is devastating. According to Dr. Gofman, as many as 8 million people would die under certain meteorological conditions if a crash of an airplane carrying plutonium occurred at John F. Kennedy Airport in New York City and released only 2¾ pounds of the material into the air.

4) As to security of shipments, it is clear that the U.S. military has the safeguards capability to transport plutonium on the surface and that such material would be quite well shielded from terrorist action and that the use of military bases as points of shipment or receipt and as interim storage points between water and land transport modes, can provide a relatively high degree of security to this material. Accordingly, there are surface modes of transportation options for the movement of these materials which are significantly less vulnerable to terrorist action than commercial air and related connecting transport.

One final point: according to Dr. Gofman, if a crash occurred in the New York City area, or, for that matter, any metropolitan area, evacuation of the entire city would perhaps be necessary; decontamination of the city afterwards would be a gigantic task. In Dr. Gofman's words concerning a dispersal of plutonium over New York City,

"The economic and social implications of this for the people of New York, for the economy of New York, and for the economy of the country would represent a peacetime disaster unparalleled in the history of the U.S.A."

I strongly support your amendment to H.R. 7001 on this issue and hope that the Senate, seeing the wisdom underlying it, will pass it. I support as well efforts to halt air shipments of plutonium by the Energy Research and Development Administration. Meanwhile we will continue our battle for an injunction pending a full environmental review of this activity in federal court.

Best wishes.

Sincerely,

LOUIS J. LEFKOWITZ,
Attorney General.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. JEFFORDS (at his own request), for the remainder of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GRASSLEY) to revise and extend their remarks and include extraneous material:)

Mr. ANDERSON of Illinois, for 30 minutes, today.

Mrs. HOLT, for 60 minutes, July 25, 1975.

Mr. ASHBROOK, for 30 minutes, today.

Mrs. FENWICK, for 5 minutes, today.

(The following Members (at the request of Mr. HARKIN) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. KASTENMEIER, for 5 minutes, today.

Mr. DODD, for 5 minutes, today.

Mr. METCALFE, for 5 minutes, today.

Mr. MEZVINSKY, for 5 minutes, today.

Mr. ALEXANDER, for 30 minutes, today.

Mr. KOCH, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MURPHY of New York, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $3,289.

Mr. SCHEUER and to include extraneous matter notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,215.50.

Mr. OTTINGER, to revise and extend immediately following the remarks of Mr. RYAN today with respect to the Ryan amendment.

Mr. BIAGGI, to revise and extend his remarks immediately following Mr. THOMPSON in the debate on H.R. 5900.

(The following Members (at the request of Mr. GRASSLEY) to include extraneous matter:)

Mr. FREY.
Mr. COLLINS of Texas in three instances.
Mr. HORTON.
Mr. TALCOTT.
Mr. STEELMAN.
Mr. STEIGER of Wisconsin.
Mrs. HOLT.
Mr. MCCLOSKEY.
Mr. ARCHER.
Mr. KASTEN.
Mr. ASHBROOK in four instances.
Mr. COHEN.
Mr. GILMAN in two instances.
Mr. ABDNOR.
Mr. BROWN of Michigan.
Mr. RHODES.
Mr. ROUSSELOT in two instances.
Mr. SNYDER.
Mr. PRESSLER in two instances.
Mr. SYMMS.
Mr. BOB WILSON.
Mr. ARMSTRONG.
Mr. MCEWEN.
Mr. ANDERSON of Illinois.
Mr. RUPPE.
Mr. CONLAN.

(The following Members (at the request of Mr. HARKIN) and to include extraneous matter:)

Mr. STEED.
Mr. MURTHA.
Mr. HARKIN.
Mr. HAWKINS.
Mr. HOWE.
Mr. GONZALEZ in three instances.
Mr. ANDERSON of California in three instances.
Mr. TEAGUE.
Mr. ROUSH in two instances.
Mr. MONTGOMERY.
Mr. SMITH of Iowa.
Mr. JACOBS in two instances.
Mr. DINGELL in two instances.
Mr. STUCKEY.
Mr. HAMILTON in 10 instances.
Mr. FORD of Michigan.
Mr. BIAGGI in 10 instances.
Mr. ROGERS in five instances.
Mrs. SCHROEDER.
Mr. HARRIS.
Mr. BADILLO in three instances.
Mr. MAZZOLI.
Mr. HARRINGTON.
Mr. ROYBAL.
Ms. KEYS.

Mr. Russo.

Mr. Edwards of California.

Mr. Downey of New York in five instances.

Mr. Rangel in five instances.

Mr. Hightower.

Mr. Leggett.

Ms. Holtzman.

Mr. Ginn.

Mr. McDonald of Georgia.

Mr. Young of Georgia.

Mr. Ford of Tennessee.

ENROLLED BILL SIGNED

Mr. HAYS of Ohio, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5522. An act to give effect to the International Convention for the Conservation of Atlantic Tunas, signed at Rio de Janeiro May 14, 1966, by the United States of America and other countries, and for other purposes.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS of Ohio, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill and Joint Resolution of the House of the following titles:

H.R. 6950. An act making appropriations for the Legislative Branch for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes; and

H.J. Res. 560. Joint resolution to amend the Defense Production Act of 1950, as amended, to extend the National Commission on Supplies and Shortages.

ADJOURNMENT

Mr. HARKIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 52 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, July 25, 1975, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1452. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend titles 10 and 37, United States Code, relating to the appointment, promotion, separation, and retirement of members of the armed forces, and for other purposes; to the Committee on Armed Services.

1453. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a list of contract award dates for the period July 15 to October 15, 1975, pursuant to 10 U.S.C. 139; to the Committee on Armed Services.

1454. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting notice of proposed regulations and guidelines governing section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

1455. A letter from the Chairman, National Advisory Council on Education Professions Development, transmitting a report entitled "Teacher Corps: Past or Prologue?" pursuant to section 502(c) of Public Law 90–35; to the Committee on Education and Labor.

1456. A letter from the Deputy Director, Office of Management and Budget, Executive **Office of the President, transmitting a report** on recommendations and actions related **thereto contained in the report of the National Commission on Marihuana and Drug Abuse entitled "Drug Use in America: Problem in Perspective," pursuant to section 6(b) of the Federal Advisory Committee Act;** to the Committee on Government Operations.

1457. A letter from the Secretary of Health, Education, and Welfare, transmitting the annual report on the health consequences of smoking, pursuant to section **8(a) of the Public Health Cigarette Smoking Act of 1969; to the Committee on Interstate** and Foreign Commerce.

1458. A letter from the Administrator, Federal Energy Administration, transmitting an extension of the amendment to the regulations implementing the stripper well lease exemption set forth in section 4(e)(2) of the Emergency Petroleum Allocation Act of 1973, pursuant to section 4(g)(2) of the Act (Public Law 93–159) (94–220); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

1459. A letter from the Secretary of Transportation, transmitting the first annual report on fare-free mass transportation, pursuant to section 205 of Public Law 93–503; to the Committee on Public Works and Transportation.

1460. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army, submitting a report on Harris Fork Creek, Obion and Forked Deer Rivers and Tributaries, Tennessee and Kentucky, in partial response to a resolution of the Committee on Public Works, House of Representatives, adopted September 3, 1964 (H. Doc. No. 94–221); to the Committee on Public Works and Transportation and ordered to be printed with illustrations.

1461. A letter from the Administrator of General Services, transmitting a prospectus proposing alterations at the Woodlawn, Md., Operations Building, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. SULLIVAN: Committee of conference. Conference report on H.R. 3130 (Rept. No. 94–388). Ordered to be printed.

Mr. REUSS: Committee on Banking, Currency and Housing. H.R. 8731. A bill to amend and extend the Council on Wage and Price Stability Act; with amendment (Rept. No. 94–389). Referred to the Committee of the Whole House on the State of the Union.

Mr. MADDEN: Committee on Rules. House Resolution 517. Resolution providing for the payment of witnesses for appearing before the House or any of its committees (Rept. No. 94–390). Referred to the House Calendar.

Mr. HANLEY;: Committee on Post Office and Civil Service. H.R. 8603. A bill to amend title 39, United States Code, with respect to the organizational and financial matters of the U.S. Postal Service and the Postal Rate Commission, and for other purposes; with amendment (Rept. No. 94–391). Referred to the Committee of the Whole House on the State of the Union.

Mr. MORGAN: Committee on International Relations. House Concurrent Resolution 337. Concurrent resolution disapproving the proposed sales to Jordan of the Hawk missile and Vulcan antiaircraft systems (Rept. No. 94–392). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California (for himself, Mr. Fithian and Mr. Hannaford):

H.R. 8866. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Veterans' Affairs.

By Mr. ANDERSON of Illinois:

H.R. 8867. A bill to authorize a review of collective bargaining in the construction industry; the broadening of the geographical scope of collective bargaining for construction affecting interstate commerce; and the establishment of a Construction Industry Bargaining Commission; to the Committee on Education and Labor.

By Mr. ASHBROOK (for himself, Mr. Hanley, Mr. Rousselot, Mr. Schulze, Mr. Michel, Mr. Moorhead of California, Mr. Yatron, Mr. Nix, Mr. Bauman, Mr. Young of Florida, Mr. Anderson of California, Mr. Burgener, Mr. McDonald of Georgia, Mr. Goodling, and Mr. Bob Wilson):

H.R. 8868. A bill to authorize the issuance of gold commemorative coins bearing the seal or symbol of the American Revolution Bicentennial Administration; to the Committee on Banking, Currency, and Housing.

By Mr. ASPIN:

H.R. 8869. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and to amend the act of October 15, 1966, to establish a program for the preservation of additional historic properties throughout the Nation, as amended, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CLAY (for himself, Mr. Florio and Mr. Hannaford):

H.R. 8870. A bill to restore to Federal civilian and Postal Service employees their rights to participate voluntarily as private citizens in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FITHIAN:

H.R. 8871. A bill to carry out a coordinated agricultural energy research program through the State agricultural experiment stations, and for other purposes; Jointly to the Committees on Science and Technology, and Agriculture.

By Mr. HAWKINS:

H.R. 8872. A bill to amend the Internal Revenue Code of 1954 to provide that the excludability from gross income of disability pension payments to an individual shall be determined without regard to whether or not the individual has reached retirement age; to the Committee on Ways and Means.

H.R. 8873. A bill to amend title II of the Social Security Act to increase to $1,000 in all cases the amount of the lump-sum death payment thereunder; to the Committee on Ways and Means.

H.R. 8874. A bill to amend the Internal Revenue Code of 1954 to exempt from income tax any pension or annuity received under a public retirement system; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 8875. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories and possessions, to include privately owned property; to the Committee on Public Works and Transportation.

By Mr. KASTEN:

H.R. 8876. A bill to amend the Internal Revenue Code of 1954 to treat expenses incurred for the adoption of a child as amounts paid for medical care; to the Committee on Ways and Means.

By Mr. LATTA:

H.R. 8877. A bill to provide for the duty-free importation of prepared or preserved water chestnuts and bamboo shoots; to the Committee on Ways and Means.

By Mr. MINISH:

H.R. 8878. A bill to amend XVIII of the Social Security Act to provide for the coverage of certain psychologists' services under the supplementary medical insurance benefits program established by part B of such title; to the Committee on Ways and Means.

By Mr. MOLLOHAN (for himself, Ms. Abzug, Mr. Benitez, Mr. Blanchard, Mr. Cleveland, Mr. Davis, Mr. Edgar, Mr. English, Mr. Hughes, Mr. Hyde, Mr. Jeffords, Mr. Jones of North Carolina, Mr. Lehman, Mr. Melcher, Mr. Mosher, Mr. Oberstar, Mr. Pattison of New York, Mr. Perkins, Mr. Fraser, Mr. Rodino, Mr. Stark, Mr. White, Mr. Bob Wilson, Mr. Charles H. Wilson of California, and Mr. Wirth):

H.R. 8879. A bill to amend title 10 of the United States Code in order to provide that no veteran may be denied care or treatment under the CHAMPUS program for any service-connected disability solely because care or treatment for such disability is available at Veterans' Administration medical facilities; to the Committee on Armed Services.

By Mr. MOTTL:

H.R. 8880. A bill to require retail distributors of gasoline to display their gasoline prices so as to be clearly visible to persons operating motor vehicles on adjacent highways; to the Committee on Interstate and Foreign Commerce.

By Mr. NOLAN (for himself, Mr. Hannaford, Mr. Pattison of New York, Mr. Fraser, Mr. Scheuer, Mr. Karth, Ms. Abzug, Mr. Conyers, Mr. Won Pat, Mr. Seiberling, Mr. Mineta, and Mr. Hawkins):

H.R. 8881. A bill to amend the Internal Revenue Code of 1954 to limit the extent to which farm losses can be used to offset nonfarm income; to the Committee on Ways and Means.

By Mr. PATMAN (by request):

H.R. 8882. A bill to amend section 514 of chapter 2 of part II of the Foreign Assistance Act of 1961; to the Committee on International Relations.

By Mr. PATTEN:

H.R. 8883. A bill to amend title XII of the Public Health Service Act to revise and extend the program of assistance for emergency medical services; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLEN:

H.R. 8884. A bill to amend title 10 of the United States Code in order to provide that no veteran may be denied care or treatment under the CHAMPUS program for any service-connected disability solely because care or treatment for such disability is available at Veterans' Administration medical facilities; to the Committee on Armed Services.

By Mr. ROUSH:

H.R. 8885. A bill to amend titles II and XVIII of the Social Security Act to eliminate the provisions authorizing the recovery of one person's overpayments from another person's benefits; to the Committee on Ways and Means.

By Mr. ST GERMAIN (for himself, Mrs. Collins of Illinois, Mr. du Pont, Mr. Gude, Mr. Hechler of West Virginia, Mr. Perkins, Mr. Solarz, and Mr. Charles H. Wilson of California):

H.R. 8886. A bill to amend title XVIII of the Social Security Act to make it clear that payment may be made under the supplementary medical insurance program for wheelchairs and other durable medical equipment furnished on a lease-purchase basis; to the Committee on Ways and Means.

By Mr. YOUNG of Georgia (for himself, Mr. Bolling, Ms. Burke of California, Ms. Chisholm, Ms. Collins of Illinois, Mr. Conyers, Mr. Hawkins, Mr. Reuss, and Mr. Stokes):

H.R. 8887. A bill to amend the Social Security Act to establish a national health care program for all residents of the United States under which all existing health care programs for the aged and poor are consolidated, to provide for the administration of the national health care program and the existing social security programs by a newly established independent Social Security Administration, and for other purposes; jointly to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. ASHBROOK:

H.R. 8888. A bill restricting funds used to aid India; to the Committee on International Relations.

By Mr. DON H. CLAUSEN:

H.R. 8889. A bill to amend title 39, United States Code, to assure that certain publications of institutions of higher education continue to qualify as second-class mail; to the Committee on Post Office and Civil Service.

By Mr. D'AMOURS (for himself and Mr. Gude):

H.R. 8890. A bill to amend Public Law 874, 81st Congress, to provide that children of parents employed on Federal property who attend school in a State contiguous to the State in which such property is situated may be counted for purposes of determining the aid entitlement of the local educational agency having jurisdiction over such school, and for other purposes; to the Committee on Education and Labor.

By Mr. DANIELSON (for himself and Mr. Hillis):

H.R. 8891. A bill to require that a national cemetery be established in the vicinity of Riverside, Calif.; to the Committee on Veterans' Affairs.

By Mr. FRASER (for himself and Mr. Obey):

H.R. 8892. A bill to regulate commerce to assure increased supplies of natural gas at reasonable prices for the consumer, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GILMAN (for himself, Mr. Wolff, Mr. Addabbo, Mr. Biaggi, Mr. Guyer, and Mr. Rodino):

H.R. 8893. A bill to provide for the termination of all American assistance to any country which fails to take adequate steps to control illegal trade in narcotics; to the Committee on International Relations.

By Mr. HALEY:

H.R. 8894. A bill to authorize the Secretary of the Interior to convey certain islands and other lands; to the Committee on Interior and Insular Affairs.

By Mr. OTTINGER:

H.R. 8895. A bill to amend the Internal Revenue Code of 1954 to increase to 15 cents per mile the standard mileage allowance which may be used in determining the amount of the deduction allowed for expenses paid or incurred for the operation of an automobile in connection with the rendition of services to a charitable organization; to the Committee on Ways and Means.

By Mr. PATTISON of New York:

H.R. 8896. A bill to regulate lobbying and related activities; to the Committee on Standards of Official Conduct.

By Mr. PRESSLER (for himself and Mr. Abdnor):

H.R. 8897. A bill to amend the Water Resources Development Act of 1974 relating to the project to provide bank stabilization works for the protection of the Sacred Heart Hospital in Yankton, S. Dak.; to the Committee on Public Works and Transportation.

By Mr. RUPPE:

H.R. 8898. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 8899. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. STEELMAN (for himself, Mr. Beard of Rhode Island, Mr. Brown of California, Mrs. Collins of Illinois, and Mr. Mosher):

H.R. 8900. A bill to amend section 552 of title 5 of the United States Code to clarify certain exemptions from its disclosure requirements, to provide guidelines and limitations for classifying official information; to the Committee on Government Operations.

By Mr. WAMPLER:

H.R. 8901. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WAXMAN (for himself and Mr. Kastenmeier):

H.R. 8902. A bill to regulate lobbying and related activities; jointly to the Committees on the Judiciary, and Standards of Official Conduct.

By Ms. ABZUG (for herself, Mrs. Burke of California, Mrs. Boggs, Mrs. Chisholm, Mrs. Collins of Illinois, Mrs. Fenwick, Mrs. Heckler of Massachusetts, Ms. Holtzman, Ms. Jordan, Ms. Keys, Mrs. Meyner, Mrs. Mink, Mrs. Pettis, Ms. Schroeder, and Mrs. Spellman):

H.R. 8903. A bill to direct the National Commission on the Observance of International Women's Year, 1975, to organize and convene a National Women's Conference and for other purposes; to the Committee on Government Operations.

By Mr. CASEY (for himself, Mrs. Boggs, Mr. Burlison of Missouri, Ms. Collins of Illinois, Mr. Edwards of Alabama, Mr. Hall, Mr. Horton, Mr. Ichord, Mr. Jeffords, Mr. Johnson of Colorado, Mr. Karth, Mr. Kemp, Mr. Lent, Mr. Meeds, Mr. Metcalfe, Mr. Nowak, Mr. Oberstar, Mr. Rosenthal, Mr. Ryan, Mr. Simon, Mr. Stokes, Mr. Stratton, Mr. White, Mr. Won Pat and Mr. Yatron):

H.R. 8904. A bill to amend title 4 of the United States Code to make it clear that Members of Congress may not, for purposes of State income tax laws, be treated as residents of any State other than the State from which they were elected; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 8905. A bill to provide for increased participation by the United States in the Inter-American Development Bank, and to provide for the entry of nonregional members and the Bahamas and Guyana, in the Inter-American Development Bank, and for other purposes; to the Committee on Banking, Currency and Housing.

By Mr. McEWEN:

H.R. 8906. A bill authorizing appropriations for the Winter Olympic Games; jointly to the Committees on Interstate and Foreign Commerce and Interior and Insular Affairs.

By Mr. CLANCY:

H.J. Res. 587. Joint resolution authorizing and requesting the President to issue a proclamation designating Sunday, September 14, 1975, as National Saint Elizabeth Seton Day; to the Committee on Post Office and Civil Service.

By Mr. HARKIN (for himself, Mr. FRASER, and Mr. SIMON):

H.J. Res. 588. Joint resolution to strengthen the foreign relations of the United States by requiring that not less than 70 percent of certain food assistance be provided to countries designated by the United Nations as "Most Seriously Affected"; to the Committee on International Relations.

By Mr. BIAGGI (for himself, Mr. RINALDO, Mr. LENT, Mr. BRODHEAD, Mr. SCHEUER, Mr. OTTINGER, Mr. GILMAN, Mr. DOMINICK V. DANIELS, Mr. BLANCHARD, Mr. EILBERG, Mr. ADDABBO, Mr. TREEN, Mr. FISH, Mr. ROSE, Mr. YOUNG of Florida, Mr. NOWAK, Mr. CLEVELAND, Mr. FORD of Tennessee, Mr. HARRINGTON, Mr. WHITEHURST, Mr. KEMP, Mr. BURGENER, Mr. ANDERSON of California, Mr. HUGHES, and Mr. DENT):

H. Res. 633. Resolution to express concern over the attempts to expel Israel from the United Nations; to the Committee on International Relations.

By Mr. CONABLE (for himself and Mr. GRADISON):

H. Res. 634. Resolution to amend the Rules of the House of Representatives to require that meetings of the Committee on House Administration for consideration of the fixing and adjusting of allowances of Members and committees be open to all Members of the House, and for other purposes; to the Committee on Rules.

By Mr. GREEN:

H. Res. 635. Resolution disapproving of efforts to expel Israel from the United Nations; to the Committee on International Relations.

By Mr. MEZVINSKY (for himself, Ms. HOLTZMAN, Mr. EILBERG, Mr. FISH, and Mr. DODD):

H. Res. 636. Resolution urging the President to seek specific guarantees and commitments for unhampered movement of persons, information, and ideas before agreeing to any declaration or statement of principles presented at the European Security Conference; to the Committee on International Relations.

By Mr. ANDERSON of California:

H. Res. 637. Resolution to provide that Members of the House of Representatives and certain employees of the House, except in certain cases, may not be reimbursed for the difference between the cost of first-class air travel accommodations and the cost of other air travel accommodations; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

239. By the SPEAKER: Memorial of the Legislature of the State of Florida, relative to the continuation of agricultural activities in the Hole-in-the-Donut area of the Everglades National Park; to the Committee on Interior and Insular Affairs.

240. Also, memorial of the Legislature of the State of California, relative to labeling of self-pressurized containers; to the Committee on Interstate and Foreign Commerce.

241. Also, memorial of the Legislature of the State of Louisiana, relative to public broadcasting documentaries; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLEVELAND:

H.R. 8907. A bill for the relief of Yong Won Lee; to the Committee on the Judiciary.

By Mr. DODD:

H.R. 8908. A bill for the relief of Lucia Faba; to the Committee on the Judiciary.

By Mr. HAWKINS:

H.R. 8909. A bill for the relief of Heidi Wood; to the Committee on the Judiciary.

By Mr. NIX:

H.R. 8910. A bill for the relief of Frances Silver; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

175. The SPEAKER presented a petition of the county council, St. Louis County, Mo., relative to amending the Constitution of the United States; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5900

By Mr. ANDERSON of Illinois:

On page 4, line 9, insert after the word "work" the following: "involving other than residential structures of three-stories, or less, without an elevator".

By Mr. DUNCAN of Oregon:

(Amendment in the nature of a substitute)

Page 4, beginning with line 1, strike out everything down through line 8 on page 7, and insert in lieu thereof the following:

That section 8(b)(4) of the National Labor Relations Act, as amended, is amended by inserting before the semicolon at the end thereof ": *Provided further,* That nothing contained in clause (B) of this paragraph (4) shall be construed to prohibit any negotiation for inclusion in a collective bargaining agreement, between a labor organization and an employer in the construction industry, of any provision relating to the contracting or subcontracting of work to be done at the site of the construction, alteration, painting, or repair of a building, structure, or other work which requires that a general contractor will contract for work at such site only with other contractors which have a collective bargaining agreement with a labor organization, or to prohibit the use of any otherwise lawful economic means, including any strike or refusal to perform services or picketing, by a labor organization at such site in order to obtain such a provision in such a collective bargaining agreement, or to prohibit the use of any such economic means, including any strike or refusal to perform services or picketing, by a labor organization at such site in order to enforce such a provision contained in such a collective bargaining agreement: *Provided further,* Except as provided in the above proviso nothing herein shall be construed to permit any act or conduct which was or may have been an unfair labor practice under this subsection: *Provided further,* That nothing in the above provisos shall be construed to prohibit any act which was not an unfair labor practice under the provisions of this subsection existing prior to the enactment of such provisos: *Provided further,* That nothing in the above provisos shall be construed to authorize picketing, threatening to picket, or causing to be picketed, any employer where an object thereof is the removal or exclusion from the site of any employee on the ground of sex, race, creed, color, or national origin: *Provided further,* That nothing in the above provisos shall be construed to permit any attempt by a labor organization to require an employer to recognize or bargain with any labor organization if another labor organization is lawfully recognized as the representative of his employees: *Provided further,* That a labor organization before engaging in activity permitted by the above provisos shall provide prior written notice of intent to strike or to refuse to perform services, of not less than ten days to all unions and the employer and general contractor at the site and to any national or international labor organization of which the labor organization involved is an affiliate and to the Collective Bargaining Committee in Construction: *Provided further,* That at any time after the expiration of ten days from the transmittal of such notice, the labor organization may engage in activities permitted by the above provisos if the national or international labor organization of which the labor organization involved is an affiliate gives notice in writing authorizing such action: *Provided further,* That authorization of such action by the national or international labor organization shall not render it subject to any criminal or civil liability arising from activities notice of which was given pursuant to the above provisos: *Provided further,* That in the case of any such site which is located at any military facility or installation of the Army, Navy, or Air Force, or which is located at a facility or installation of any other department or agency of the Government if a major purpose of such facility or installation is or will be, the development, production, testing, firing, or launching of munitions, weapons, missiles, or space vehicles, prior written notice of intent to strike or to refuse to perform services, of not less than ten days shall be given by the labor organization involved to the Federal Mediation and Conciliation Service, to any State or territorial agency established to mediate and conciliate disputes within the State or territory where such site is located, to the several employers who are jointly engaged at such site, to the Army, Navy, or Air Force or other department or agency of the Government concerned with the particular facility or installation, and to any national or international labor organization of which the labor organization involved is an affiliate. The notice requirements of the preceding proviso are in addition to, and not in lieu of, the notice requirements prescribed by section 8(d) of the Act. In determining whether an employer is contracting or subcontracting for work to be done at the site of any construction, alteration, painting, or repair of any building, structure, or other work, ownership or control of such site by a single person shall not be controlling".

SEC. 2. The amendment made by this Act shall take effect ninety days after the enactment of this Act.

Page 4, beginning with line 5, strike out everything after "prohibit" down through the colon on line 20, and insert in lieu thereof the following: "any negotiation for inclusion in a collective bargaining agreement, between a labor organization and an employer in the construction industry, of any provision relating to the contracting or subcontracting of work to be done at the site of the construction, alteration, painting, or repair of a building, structure, or other work which requires that a general contractor will contract for work at such site only with other contractors which have a collective bargaining agreement with a labor organization, or to prohibit the use of any otherwise lawful economic means, including any strike or refusal to perform services or picketing, by a labor organization at such site in order to obtain such a provision in such a collective bargaining agreement, or to prohibit the use of any such economic means, including any strike or refusal to perform services or picketing, by a labor organization at such site in order to enforce such a provision contained in such a collective bargaining agreement:".

Page 7, beginning with line 2, strike out everything after the period down through line 6, and insert in lieu thereof the following: "In determining whether an employer is contracting or subcontracting for work to be done at the site of any construction, alteration, painting, or repair of any building, structure, or other work, ownership or control of such site by a single person shall not be controlling".

On page 4 strike the colon in line 20 and insert in lieu thereof the following: "and where any one or more of such several employers, so jointly engaged, are party or parties to a collective bargaining agreement wherein is included an agreement by any one or more of such several employers, to contract or subcontract any work covered by such agreement only to another contractor or subcontractor who becomes a signatory to a collective bargaining agreement with a labor organization prior to the commencement of any work subject thereto:".

By Mr. MOORE:

Page 5, line 3, immediately after "proviso:" add the following: "*Provided further*, That nothing in the above provisos shall be construed to permit picketing of an employer who is not a party to a dispute over an economic matter in cases when picketing is conducted in a manner that would cause that employer's employees to cease work and the employees of that empolyer have a lower wage scale than that of the aggrieved labor organization; and any employee who ceases work because of a violation of this proviso may bring a civil action against the labor organization in any United States district court of competent jurisdiction to recover the wages lost as a result of such violation, and the court shall award costs and reasonable attorney's fees to the prevailing plaintiff."

Page 5, line 8 after "origin:" add the following: "*Provided further*, That nothing in the above provisos shall be construed to permit a labor organization to picket an employer who is not a party to the dispute to the extent that such employer's employees cease work in cases where such reduction in work force places such employer in non-compliance with local, state or federal rules, regulations or laws setting forth equal employment requirements."

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By Mr. OTTINGER:

Page 306, line 18, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 307, line 5, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 307, line 11, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 309, strike out lines 4 and 5.

Page 309, line 20, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 310, line 6, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 310, line 22, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 311, line 18, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 312, line 3, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 312, line 11, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 312, line 23, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 313, line 11, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 313, line 23, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 314, lines 12 and 13, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 315, line 6, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 315, line 19, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 316, line 4, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 317, line 10, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 317, line 13, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 317, line 17, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 318, line 1, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 318, line 15, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 318, line 23, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 319, line 23, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 320, line 5, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 320, line 9, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 320, lines 15 and 16, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 320, line 18, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 320, lines 20 and 21, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 321, line 3, strike out "Secretary" in both places it appears and insert in lieu thereof in both places "Administrator".

Page 321, line 9, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 321, line 16, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 322, line 23, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 322, line 25, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 323, line 3 strike out "Secretary" and insert in lieu thereof "Administrator".

Page 323, line 8, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 323, line 13, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 323, line 22, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 324, line 3, strike out "Administrator" and insert in lieu thereof "Administrator and the Commission may each".

Page 324, strike out lines 10 and 11, and insert in lieu thereof the following: "person subject to this part, the Secretary and Commission may each seek an order from the district court".

Page 327, line 2, before the period insert ", which shall be assessed by the Federal Trade Commission".

Page 327, line 3, strike out "Secretary" and insert in lieu thereof "Commission".

Page 327, strike out line 25 and line 1 on page 328 and insert in lieu thereof the following:

section 553 or 554. Such action may be brought in any United States district court for a

Page 328, line 11, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 328, line 22, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 329, line 8, strike out "Secretary" in both places it appears and insert in lieu thereof in both places "Administrator".

Page 330, line 6, strike out "Secretary" and insert in lieu thereof "Administrator".

Page 330, line 6, strike out "the Secretary" and all that follows down through line 9.

Page 330, line 12, strike out "such agreement" and insert in lieu thereof "this part".

Page 330, strike out line 15 and all that follows down through line 10 on page 331 and insert in lieu thereof the following:

"(b) The Administrator may enter into an agreement with the National Bureau of Standards to aid the Administrator, on a reimbursable basis, in performing research and analyses related to energy use and energy efficiency of products, and in developing and recommending to him test procedures, labeling requirements, and energy efficiency standards."

SENATE—*Thursday, July 24, 1975*

(Legislative day of Monday, July 21, 1975)

The Senate met at 8 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, before whom the generations rise and pass away, make us to know that Thou art a God of history at work in history through human beings of simple trust and quiet faith.

On this National Day of Prayer, we beseech Thee to forgive our sins, to "mend our every flaw," to overrule our failures, to strengthen our weaknesses. Help us to live bravely and well in this age, never scorning the past or fearing the future. Unite the young who are mature in judgment with the old who are young in spirit to labor for that new world yet to come.

Quicken our love of America that beyond the shadows of today we may see the shining glory of the Republic both as a heritage and as a trust. May we be steadfast in our love of life, our devotion to freedom, our intolerance of evil, our dedication to justice, and our pursuit of peace.

And to Thee shall be our thanksgiving and our praise. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, July 23, 1975, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today except during the discussion of the New Hampshire matter.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. Does the acting minority leader seek recognition?

Mr. HELMS. No, Mr. President. I thank the Chair.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that recognition of the distinguished Senator from Iowa (Mr. CULVER) precede recognition of the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, as amended, the Senator from Iowa (Mr. CULVER) is recognized for not to exceed 15 minutes.

DIEGO GARCIA—THE ECONOMIC ALTERNATIVE TO U.S. MILITARY EXPANSION IN THE INDIAN OCEAN

Mr. CULVER. Mr. President, only a few weeks ago, we had an extended discussion in the Senate on U.S. foreign and defense policy objectives in the wake of the Vietnam debacle.

While there were profound differences of viewpoint expressed in this dialog relating to mistakes in international affairs made in the past and directions that should be followed in the future, I had the distinct impression that there was consensus on certain key points.

Looking back on Vietnam—55,000 American dead, several hundred thousand wounded, more than $150 billion spent, and the vast carnage and devastation inflicted on the countries of Southeast Asia—it was generally agreed that there was an imperative need for more thoughtful design and foresight in shaping our international policies for the future.

The need was repeatedly cited for gearing our military spending more closely to carefully thought out foreign policy objectives.

As I see it, we are now involved in testing for the first time our commitment to charting a new course in foreign affairs as we consider the proposal to expand the U.S. naval base on the island of Diego Garcia in the Indian Ocean.

I have proposed that this expansion be delayed for the present to avoid the risk of opening up a new superpower arms race in the Indian Ocean region and to provide time to try peaceful alternatives to military escalation.

It has been profoundly disturbing to me that the rationale, the rhetoric, and the insistence on haste in proceeding with this undertaking by its proponents here, in the press, and in the Pentagon have been so reminiscent of the exhortations that pushed us into deepening involvement in Vietnam over a period of two decades.

What is the compelling need for haste in beefing up our naval facilities on this remote island? Our present formidable military capabilities in this area, supplemented by the substantial strength of our allies, are overwhelmingly strong, not weak, vis-a-vis those of the Soviet Union.

The 29 littoral nations of this region are peaceful and stable, and none openly supports our proceeding with this expansion which they fear will upset the existing stability in the Indian Ocean.

Our Government has steadfastly refused to explore the potentials of the existing alternatives to military escalation. They have even refused to try the elementary and commonsense strategem of initiating negotiations with the Soviets for mutual arms restraint in that area. They say we must spend and escalate first so that we will have a bargaining chip for later negotiations from a position of greater strength. Do these words, Mr. President, have a familiar and haunting ring?

We are engaged in high-risk negotiations with the U.S.S.R. on strategic arms limitation; our President is on the eve of departing for Europe to sanction officially the boundaries of the Eastern European countries that have fallen to Soviet conquest; we are sharing our precious and hard-won space secrets with the Russians.

Why can we not at least talk to the Soviets before taking a step that will risk opening up a new arms competition with an ultimate price tag of billions? Why can we not use our economic power and expertise and our diplomatic skills to strengthen our position in the region without resorting to force?

The truth is that the Pentagon has wanted a Diego Garcia base for nearly two decades. Last year, the Senate refused to proceed with the project until it received adequate rationale. The rationale for hasty action is still inadequate and unconvincing.

The development that has been seized upon to justify the Diego Garcia expansion is the revelation that the Soviets are constructing naval support facilities in Berbera.

The battle of semantics rages as to how major a base the Russians are building.

Lost in the semantic shuffle are the two really significant points:

First, that the Soviet activity, whatever its extent, does not pose sufficient threat to our national interest to warrant the risk of opening up the superpower arms race in a vast new area of the world.

Second, that there are alternative and less provocative actions that we can take to counter the Russian initiative and preserve the strategic balance.

Week before last, I reported to the Senate on the significance of the Diego Garcia issue in the context of our overall foreign and defense policy. I pointed out the ultimate long-range cost of proceeding with naval expansion to patrol the Indian Ocean—$80 million per year in operating costs and an estimated $5 to $8 billion for new ship construction. The Diego Garcia expansion is symbolic, a likely beginning of a new phase of military expansion. I asked the question: Are we ready to make a basic change in our foreign policy, which, until now, has kept the Indian Ocean relatively free of superpower rivalry?

Last week, I outlined to the Senate the reasons the United States should explore the possibilities of negotiating with the Soviets on mutual arms restraint before proceeding along the course of military buildup in the Indian Ocean—something—that is, the effort to negotiate—which has not even been attempted since 1971.

In the course of these remarks, I suggested realistic alternatives to escalation with which to counter the influence of the Soviets in this region.

One of these alternatives, as yet untapped to any significant degree, is the potential of U.S. economic aid and technical assistance to Somalia. Whatever strength and influence the Soviets have in Somalia have been built up over a period of years by these means, as well as by military assistance.

There is every indication that the Somalis, far from wanting to be totally dependent on the Soviets, are ready and eager for U.S. economic commerce and assistance. There is every indication that a major effort on our part to deal along these lines with the receptive Somalis would appreciably improve our relations with this underdeveloped country.

When our congressional delegations recently accepted the Somalis' invitation to visit Berbera, they discovered more than the highly publicized Soviet military activity in that city.

They discovered that Somalia is in a desperate state of poverty, drought, and underdevelopment. In fact, as Senator BARTLETT reported, this was the main reason President Siad wanted the Americans to visit his country.

Somalia, a bleak, desert country, located on the horn of Africa, just above the Equator, is rated by the United Nations as one of the world's poorest and least-developed countries. Its population, estimated at 3 million, is 70 percent nomadic. The country has suffered severe drought for the past 4 years, and as the intensity of the drought mounted, the nomads lost 60 to 80 percent of their livestock, the mainstay of both their food and livelihood. An estimated 17,000 persons died from famine or related medical problems and a quarter of a million nomadic people were moved into refugee camps.

Now these herdsmen from the drought-stricken areas of the northwest are being moved into the southern region where the objective is to completely change their way of life. According to plans, about one-third will be moved into settled agriculture; one-third will become fishermen; and the remainder will revert to nomadic life. In the meantime, about 975,000 people—nearly a third of the entire population—are in need of some form of government assistance.

The Somalis are reported by Western observers to show a spirit of self-help and discipline rarely seen in poor tropical countries. They will need all the self-reliance they can command for the way to recovery for this country is strictly uphill. The per capita income is only $70 per year, making this country one of the seven most impoverished nations of the world. The Somalis do not have the resources to feed themselves and, since they gained independence in 1960, have incurred heavy deficits every year. In a country where livestock was long the main industry, the land has become so parched that it will not, in the foreseeable future, sustain large flocks of camels, sheep, and cattle. There is an urgent need, with little relief in sight, for foods, medical supplies, and rehabilitation services.

Here, then, is a country that is incredibly impoverished, incredibly in need of economic and technical assistance, that also happens to be strategically located near the Red Sea access to the Suez Canal. I am not pointing a finger of blame at anyone because we all share the blame of neglect, but considering the massive programs of economic assistance and military aid we have lavished on other areas, such as Southeast Asia, where have we been so far as Somalia is concerned? On the face of it, it would seem to have been in our strategic interest to have been substantially involved. Why were we not?

President Siad, of Somalia, according to U.S. News & World Report, believes that the United States, preoccupied with military assistance to Somalia's neighbor, Ethiopia, bypassed Somalia and "misrepresented" its government as "Moscow-style Socialists," ready to become satellites of the Soviet Union.

There is no question about the fact that the Somali Government is a Marxist, revolutionary type of socialism. But whether or not it is already or committed to be a Soviet satellite is yet unresolved. A little Yankee ingenuity might change that course of history.

In this context, I am not talking about aid to Somalia on a humanitarian basis, although I deeply believe in this, too. I am talking about it in the enlightened interests of our national foreign and defense policy as well, and it is time that we realized that our national interests in these areas are not always best served by gunboat diplomacy.

The Somalis avow their determination to preserve their sovereignty against encroachments by any foreign power. The irony is that if we assume, Mr. President, that the Somalis are permanently tied to the Soviets and proceed on this thesis to expand on Diego Garcia, an obvious escalation in the Indian Ocean—it will become a self-fulfilling prophecy—our action will further isolate the Somalis and move them deeper into the orbit of Soviet influence.

After achieving independence in the 1960's, the new government in Somalia sought military and economic assistance from the United States. They sought help from Britain, West Germany, and Italy, all in the Western alliance, and all for little or no avail. The Soviet Union volunteered, moved into the vacuum.

President Siad summarized it the best, I think, when he said:

> The man who is drowning does not question those who would extend a helping hand. We are drowning.

In Somalia's recent time of crisis, brought on by the cumulative effect of 4 years of drought, the Soviet Union provided major assistance, giving the Somalis 165 trucks and lending 12 large transport planes to transport the nomads to the south. The United States contributed 1,500 tons of biscuits and 15,000 tons of grain. Our assistance, amounting to about $9 million, was in the form of emergency aid.

Regular U.S. aid to Somalia was cut off in 1971. It was cut off, Mr. President, in part, because of a new policy of concentrating aid in fewer countries and also because of the legal provisions prohibiting regular aid to nations whose ships traded with Cuba and North Vietnam.

We heard about that law, and many of us felt it was unwise at the time and proposed in Congress for many years as contrary to our national self-interest. But nevertheless, impoverished Somalia has no ships itself, but, like other small tropical countries, had sold the rights for the use of their flag as a "flag of convenience" to other nations through a Paris agent. The Somalis have told the United States that they have ordered their Paris agent to get them out of the flag of convenience shipping arrangement, but the traffic to forbidden countries has not changed or declined yet. The North Vietnam prohibition is now viewed as a dead letter, and the Organization of American States may soon change hemipshere policy on Cuba, but the Cuban section is still on the books.

In any event, our country could lift the ban on aid to Somalia without legislative action since the law setting the ban contains authority for the President to waive embargo on providing aid if it is deemed "in the national interest."

For many years, the Soviets have been the major suppliers to the Somalis of economic aid and technical assistance, as well as supplying their military weapons and advisers. It is, however, dangerous to assume from this that the Somalis have surrendered their sovereignty by giving the Russians carte blanche for unlimited military expansion of their own on Somali territory.

Disregarding the likelihood of offending their Soviet benefactors, the Somalis have made clear-cut, good-faith overtures to the United States.

Last November, President Siad visited President Ford and offered to permit the U.S. Navy to visit Somali ports.

I think that is rather instructive, Mr. President, in view of all the furor that has been created about the Soviet presence in that Port of Berbera in the country of Somali. Last November the President of that country, who was here in Washington, extended an invitation for the U.S. Navy to visit that country and use those port facilities that everyone is so excited about now.

On June 17 of this year, the Somali Ambassador met with Deputy Secretary of Defense Clements, and guess what he did on that occasion? The Ambassador of Somali offered "right of port" visits to the U.S. Navy later this summer to Somali and to Berbera. I hope that an agreement on such visits can soon be reached between the U.S. Government, on the one hand, and the Somali Government on the other, because I think it should be understood by everyone in the Senate and in this country that there is that opportunity, and we certainly should accept that generous invitation.

There is no guarantee that a positive response on the part of our Government to these invitations will strengthen our influence in Somalia or diminish that of the Soviets. But the option of seeking better economic and diplomatic relations is another no-risk, low-cost alternative to building new naval facilities and extending the superpower arms race to the Indian Ocean.

If we assume, Mr. President, that Somalia is permanently tied to the Soviet Union and rule out peaceful initiatives available to us with which to counter the influence of the Soviets in that country, we will be making a most tragic mistake.

Mr. President, I propose the following specific moves to improve our economic and diplomatic relations with Somalia as a sensible alternative to provocative military escalation in the Indian Ocean region:

First. The United States should, without delay, lift present restrictions on economic and technical aid to Somalia. If the President does not see fit to lift this embargo, as he is empowered to do, Congress should take action.

Second. A policy should be inaugurated of U.S. ship visits to Somalia leading toward generally improved political relations.

Third. A number of basic economic aid and technical assistance programs should be decided upon and put into effect at the earliest possible time. I am not talking about lavishing untargeted largesse on the Somalis in the name of charity. I am talking about implementing carefully selected, unquestionably needed aid and assistance programs in the name of our own national self-interest. Nothing comes cheap these days, but it is amazing how much can be accomplished with programs of this nature for a fraction of what it will cost to expand our naval facilities at Diego Garcia.

A number of possible programs come to mind to meet the vast needs of this underdeveloped country.

Livestock replacement for those nomads who have lost their cattle, camels, and goats is an obvious possibility. Technical assistance for small-scale farming is also obviously needed.

Other agricultural projects offer potential. At the time U.S. aid to Somalia was cut off, the University of Wyoming had a big project underway to develop a new strain of rice which would grow in Somalia. The country now imports 50 percent of its rice.

One of the greatest needs is for irrigation projects in the Shebelli and Giuba River basins in southern Somalia. In this context, I think consideration should be given to providing aid which would help Ethiopia as well as Somalia, since both countries would benefit from such a river project. Our goal should be regional stability, and, insofar as possible, considering traditional differences between these countries, we should try to develop projects that foster cooperation.

Another perennial need in these dry areas is for well-drilling projects.

Mr. President, my position on Diego

Garcia is not one of unalterable opposition to the proposed base expansion. I am simply asking that our Government try the less costly, less dangerous alternatives before proceeding along this line of escalation which could well eventuate in our deploying a full-scale navy in the Indian Ocean at a cost of $800 million yearly for operations and from $5 to $8 billion for ship and aircraft procurement. I am saying, let us try negotiations with the Soviets for mutual arms restraints in the area, let us try diplomatic initiatives before plunging ahead into a new phase of the superpower arms race. As I have pointed out, our present military position in the Indian Ocean is one of solid strength, not weakness, as compared to the Soviet Union, so haste with regard to the expansion on Diego Garcia is not essential. We have time to look before we leap.

Finally, Mr. President, the trauma of our long and tragic involvement in Vietnam is fresh in our memories.

It is not entirely clear at this point whether we learned enough from that experience to avoid making the same mistakes in the future.

If not, the Indian Ocean of tomorrow could easily become a replica of the Southeast Asia of yesterday so far as American military involvement is concerned.

Mr. President, I ask unanimous consent to have printed in the Record an article reporting an interview with President Siad, which appeared in the July 21 issue of US. News & World Report, and a most cogent analysis of the Diego Garcia issue by Barry Blechman of the Brookings Institution, which appeared in the July 20 Washington Post.

There being no objection, the articles were ordered to be printed in the Record, as follows:

ESTABLISHING A BASE ON DIEGO GARCIA

(By Barry M. Blechman)

In a move typical of legislative decision-making, the Congress almost (but not quite) voted last year to build American naval and air facilities on the island of Diego Garcia in the Indian Ocean. An amendment to the appropriation specified that the $29 million authorized for the project was not to be spent until the President certified that the base was essential to the U.S. national interest. The President's assurance was transmitted earlier this year. Now, the Congress must reaffirm its previous decision. Unfortunately, the past month's shell game concerning the Soviet base at Berbera, in the Somali Republic, has diverted attention from the more important factors that should dominate the decision.

On June 10, Secretary of Defense James R. Schlesinger presented the Senate Armed Services Committee with high altitude reconnaissance photos purporting to show military construction at Berbera. These facilities were said to include an airfield, barracks, petroleum storage tanks, a communications site, and, most significant, a large building designed to assemble, store and service surface-to-surface and air-to-surface missiles.

Much to the surprise of most observers, the Somalis point-blank denied the charge. The facilities were their own, they said, and the sophisticated missile assembly building . . . well, that was actually a meat-packing plant. Indeed, the Somalis made their denial plausible by inviting the media and members of the Congress to come and see for themselves.

The Somalis' motive in this rather bizarre incident is not apparent. But in any case, their bluff—if that is what it was—was called. Several groups of Americans, including members of the House Armed Services Committee and Sen. Dewey F. Bartlett, visited Berbera over the July 4 weekend and found the installation virtually as it was described by Mr. Schlesinger.

But the point is that the decision on Diego Garcia should not hinge on this charade. By permitting it to do so, the Congress has fallen into the Pentagon's well-laid trap. The question of how U.S. interests are threatened by a Soviet Indian Ocean base unmatched by one of our own has been left unanswered; the instinct is to react to any Soviet initiative. Thus, Mr. Schlesinger's decision to release the reconnaissance photos was well-timed; it diverted attention from the more important questions. What advantages would the United States gain by developing its own base in the Indian Ocean? And what costs are implied by such a step.

The proposal for Diego Garcia is relatively modest. There would be a runway capable of handling giant C–5A transports and KC–135 tankers. The harbor would be dredged to accommodate aircraft carriers. And fuel storage sufficient to supply a carrier taskforce operating in the region for up to 30 days would be constructed. These facilities would make it easier (and cheaper) to operate U.S. naval forces in the Indian Ocean during peacetime. According to the administration, peacetime naval deployments—which have been increasing in frequency since 1971—are important to maintain U.S. influence in the region.

Moreover, in the event of a crisis, the United States could deploy naval forces to the Indian Ocean more quickly and without depending on long and relatively vulnerable supply lines running back to Subic Bay in the Philippines—the closest existing U.S. base. This is important to give the President freedom of action in the event of various "contingencies." The latter coy term refers mainly to the eventuality of a new Arab oil embargo, which, if effective enough, the United States might wish to end through the use of military force.

These are significant military advantages. But in reaching its decision on Diego Garcia, the Congress must weigh these gains against the political and budgetary costs of the base. And the latter are not insignificant either.

A U.S. base at Diego Garcia would constitute another step toward increased competition with the Soviet Union in the Indian Ocean, a region relatively remote from both superpowers. The fact that the U.S.S.R. already has taken a comparable step does not compel us to follow suit. Rivalry in the Indian Ocean diverts limited U.S. military resources from more pressing needs, such as the Mediterranean. It means a real, if slight, increase in the risk that the United States would get drawn into some future conflict in the region. It means the continued approbation of most of the nations of the region, including such erstwhile allies as Australia, which would much prefer if both the United States and the Soviet Union would stay out of their backyards. And finally, it means another step toward the establishment of a requirement in U.S. military planning for the maintenance of a permanent U.S. fleet in the region; a move that, in the absence of cuts in U.S. naval deployments elsewhere, could imply incremental defense expenditures on the order of $5 to $8 billion for ship and aircraft procurement and $800 million per year in operating cost.

The obvious, if remote, solution to the incipient superpower competition in the Indian Ocean is a formal treaty in which both the United States and the Soviet Union agree to limit their naval deployments there. Such an agreement was briefly discussed in 1971. Prospects may improve in the future. In the meantime, the Indian Ocean should not be conceded to the Soviet Navy; but the periodic deployment of warships from the U.S. Seventh Fleet, which operates in the Western Pacific, should be sufficient to remind local nations of U.S. interests in the region and of its global military capabilities.

More permanent steps, however, such as the proposed base on Diego Garcia, are another matter. Judgments on them must rest on independent assessments of U.S. national security interests, not on precedents set by the Soviet Union. And in my view, the case for a U.S. base in the Indian Ocean is not convincing. For the present, at least, the costs would seem to outweigh the gains.

FROM SOMALIA'S PRESIDENT: "WE ARE NOT IN SOVIET'S POCKET"

(What follows are the highlights of a three-hour conversation with Somalia's President Mohamed Siad Barre:)

Soviet military bases. There is no Soviet military equipment in my country under Russian control. Berbera is our port, and we are building a free zone there.

We believe the Indian Ocean must become a zone of peace, with no bases for foreign powers anywhere. Foreign bases are provocative, and we condemn them. We believe that sovereignty is sacrificed when rights to a base are given. If there were no foreign bases in the world, there would be peace.

Russian air rights. I deny that Russian planes ever landed here during the recent Soviet naval exercises. Berbera doesn't have an airfield big enough to take planes of that size. The Soviets have never asked for such privileges, and if they did they couldn't continue to be our friends.

Russian advisers, I am not sure how many are here, but certainly under a thousand. There are more Chinese here building roads than Russians.

Kremlin's influence. Of course, the Soviets have given us much help, and we are grateful for that. They have been teaching us, and giving us arms and technicians. During the drought and when we were resettling refugees, they came to our assistance with planes and trucks manned by Russians.

Does this mean we are in their pocket? No. If the U.S.A. sent me 10 planes, the pilots could be American. Would this suggest I am in the American pocket?

Have we sold our freedom or sovereignty? No, sir. I am poor but I am free. A Soviet socialist cannot tell me about Somalian problems, which must be put in an African context. I know and have suffered under colonialism, and I don't want to go back to it. Freedom is my dearest value.

My country is neutral and will do everything possible to maintain an equal distance between the two blocs.

Relations with the U.S. I believe we have been misrepresented and misunderstood in America. When I was in Washington I tried to clear the air with President Ford. As a sign of good will, I agreed that American warships could visit my ports and I would make every facility available to them. This offer was made in a spirit of friendship. But as long as your country continues to make untrue accusations against Somalia, how can I justify a naval visit?

Nevertheless, we have no reason to quarrel with the U.S. On the contrary, we need your help. As President Ford is my witness, I am interested in friendship. I know my enemies, and the U.S.A. is not one. So, despite the propaganda against us, I have authorized the visit of American naval ships.

Mr. MANSFIELD. Mr. President, if the Senator from Virginia will yield me a minute, I commend the distinguished Senator from Iowa on his statement. I wish to emphasize what he has said, that the Somali Government has not once but several times offered the use of the Port of Berbera to the United States for visiting and other factors.

I just have become aware of a study issued by the Carnegie Foundation which I hope the Senator will have access to—all things being equal and no roadblocks in the way—before we take up the Diego Garcia measure on Monday.

I commend the Senator on his statement.

Mr. CULVER. I thank the distinguished Senator from Montana.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Virginia yield to me further?

Mr. HARRY F. BYRD, JR. I yield.

GEN. ROBERT E. LEE

Mr. MANSFIELD. Mr. President, yesterday, I had intended to commend the distinguished Senator from Virginia, but what I could not do yesterday, I want to do today. I congratulate him on his years-long effort in behalf of the restoration of the citizenship of the great Confederate and U.S. general, Robert E. Lee.

It took a long time; it took a lot of doing; it took persistence; it took determination. In my opinion, the credit—the real credit—should go to the distinguished Senator from Virginia, who has been so much in the forefront on this subject.

I am delighted that the other day the culmination of the efforts of the Senator from Virginia reached the heights desired by Senator BYRD and that very shortly this matter will be attended to, as it should have been years ago. I commend the Senator.

Mr. HARRY F. BYRD, JR. Mr. President, the Senator from Montana is most kind and generous, and the Senator from Virginia greatly appreciates his comments this morning.

The Senator from Montana, the majority leader, was a cosponsor of this resolution, and I think that is a major reason why it was enacted.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. HELMS. Mr. President, I join the distinguished majority leader in commending the Senator from Virginia.

This was an action long overdue. As Senator MANSFIELD said, it took perserverance on the part of the distinguished Senator from Virginia. I, for one, appreciate his efforts, and I was delighted to join him, as best I could, in those efforts.

Mr. HARRY F. BYRD, JR. I am grateful, indeed, to the able Senator from North Carolina for his generous comments.

FULL REPRESENTATION FOR THE STATE OF MONTANA

Mr. HARRY F. BYRD, JR. Mr. President, at this early hour this morning in the Senate, the great State of Montana is fully represented. A Senator from Montana is presiding over the Senate, and a Senator from Montana is on the floor as the majority leader of the Senate. Between them, they represent 30 percent of the total Members present at this early hour.

BREAKING THE ENERGY IMPASSE

Mr. HARRY F. BYRD, JR. Mr. President, the Nation is faced with a serious challenge, because of the inability of the President and the Congress to reach an agreement on energy policy.

I believe that the time has come—indeed, the time is overdue—to cast aside partisan differences and differences in economic theory, and strive for a reasonable compromise.

In that spirit, I am today proposing steps which I hope can lead to a break in the present impasse between the President and the Congress.

Here is the background:

The President has vetoed legislation which would extend petroleum price control authority.

At the same time, the House of Representatives has disapproved the President's plan for a phaseout of the controls over the price of "old" oil over a period of 30 months.

Existing authority for price controls expires August 31. As a result of the President's veto and the action of the House, all oil prices could soar toward the level set by the OPEC cartel beginning on that date.

I think the economic consequences of such a development would be most serious.

The Republican leader in the House said yesterday that this would send oil prices "through the roof."

Worse, this development would be taking place without any affirmative vote in the Congress or any positive action by the President—merely as a result of the automatic expiration of an existing law.

This is not policy. It is paralysis.

I share the reluctance of the Congress to remove all controls on petroleum prices, because this would mean a sharp upward swing in the cost of living and a serious impediment to economic recovery.

At the same time, I share the President's conviction that elimination of controls over a suitable period of time provides an appropriate incentive for production and, in the long run, for lower prices—because of lessened dependence on high-priced OPEC oil.

Therefore, I believe we must seek the grounds for a reasonable compromise.

Here is my proposal:

First, the Congress should pass, and the President should sign, a simple extension of oil price control authority, with no other provisions. Perhaps the Senate-passed bill, S. 1849, could serve this purpose: The only provisions included in that legislation, other than extension of price and allocation authority, are an extension of the authority of the Federal Energy Administration to issue orders requiring conversion of plants to coal as a primary fuel; and a directive to FEA to report on price trends in coal.

Second, the President should submit to the Congress a new price decontrol plan for "old" oil. I suggest that the President may wish to propose a partial decontrol, perhaps removing restrictions on 50 percent of old oil production. The phaseout time could be about 2 to 3 years. Alternatively, he could set a higher price ceiling, in the neighborhood of $8 a barrel, for "old" oil. These are merely suggestions—one of the many proposals along this line that could be satisfactory, it seems to me.

Third, the tax-writing committees of the Congress should begin immediate consideration of a windfall profits tax. To assure that such price increases as are authorized provide some incentive for increased production, a "plowback" provision should be included, exempting from the windfall profits tax sums which the oil companies devote to expanding production in the United States.

This combination of measures, in my view, offers a real chance to avoid an unjustifiable skyrocketing of energy prices, and at the same time lays the groundwork for a long-term policy which will encourage the domestic production needed to lessen our dependence on OPEC.

These are by no means the only steps which should be taken in energy policy. We need, for example, a sound conservation policy and an intensive research and development effort. But legislation already is on the books or in the works in these areas, and the immediate need is to solve the dilemma on oil prices.

For too long, we have failed to set a course in energy policy. Instead, we have been drifting on the political seas.

I urge the President and my colleagues in the Congress to work together on this difficult problem, in the interest of all the people.

Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from Virginia has 4 minutes remaining.

Mr. HARRY F. BYRD, JR. I yield to the distinguished Senator from Delaware.

Mr. ROTH. I thank the Senator from Virginia for yielding to me. I compliment him on his statesmanlike comments on the energy crisis. I regret that, because of the hour, a number of others who were going to join us cannot do so, because they have other engagements, but I feel very strongly, as does the Senator from Virginia, that now is the time for action in the energy area and that we do, I think, have the makings of a compromise available.

Mr. President, I am concerned, however, that the President and Congress, judging by the action on the House side yesterday, continue to be in a stalemate on the energy program. I am concerned, because the American people are the ones who are going to suffer, because of the continuing inaction. The House has rejected the President's 30-month decontrol plan and, of course, the President has vetoed the plan to extend the present system of price controls.

Yesterday the House rejected by a close vote—220 to 202—a compromise measure that would, in my opinion, have set the Nation on the road to an energy program. I was, however, encouraged by that action in the sense that it was a close vote. I only hope that the House leadership will provide some strong leadership in getting us off this deadlock.

As has been pointed out many times, whatever course of action we take is going to mean higher prices of oil, irrespective of which way we turn. Inaction on the part of Congress during the next 2 weeks will mean that all price controls will expire on September 1, resulting in sudden large price increases of all energy prices.

I have long been opposed and continue to be opposed to the immediate decontrol of oil prices, because of the inflationary and recessionary impact this will have on our economy. But failure to act on some form of decontrol plan will not only result in less oil being produced but also result in long gas lines and, unfortunately, increased dependence on unreliable foreign sources.

A few days ago, I urged that a gradual decontrol plan be adopted, along with the enactment of a tough windfall profits tax and a tax cut for consumers. The Committee on Finance has agreed in principle to adopt the tax measures. For that reason, I am hopeful that, if it takes action today or the next day in these directions, we will be moving in the direction of a compromise.

Over the past 5 months, I have also consistently made known my opposition to the President's oil tariff. I believe that it is inflationary, it is an invitation to the OPEC cartel to increase its prices, and it places American industry in a noncompetitive position with the rest of the world.

I have also had reservations about its impact on the east coast, particularly in Delaware, in terms of jobs and prices. Therefore, I was very pleased when Senator MANSFIELD and other Members of the Senate suggested a phasing out of controls over a 4- to 6-year period, combined with the removal of the $2 tariff on oil. I hope to offer an amendment today in the Committee on Finance which will eliminate the tariff, at least so long as our oil imports stay within agreed quotas.

This gradual decontrol plan would assure economic recovery and minimize inflationary pressures, and the removal of the oil tariff would reduce overall price increases and, I think, be beneficial to Delaware and the other east coast States, which rely so heavily on imported oil. I am confident that a compromise plan, combined with a tough windfall profits tax and consumer tax cuts to offset energy prices, would unlock the energy stalemate and reduce our dependence on the OPEC oil producers.

Mr. President, I cannot emphasize too strongly what the Senator from Virginia has said, that now is the time for action. I think that for Congress to fail to do anything in the next 10 days would be inexcusable and the height of irresponsibility. As I said, the immediate decontrol which would result from our failure to act would prove, in my judgment, too severe a shock to our economic recovery. Clearly, Congress must not fail to do everything within its power to help nurse back the economy into full recovery. A failure to establish an energy program within the next 2 weeks could send shock waves throughout the economy.

I think it is interesting, Mr. President, that the American people, as reflected in some recent polls, rightfully expect Congress to make some tough decisions, especially when the Nation's welfare is at stake. There is no disagreement that I am aware of on the need for this country to adopt a course where it is not subject to blackmail by a foreign cartel.

Mr. President, I congratulate the majority leader, the Senator from Montana, for the leadership which he is displaying in this area. I recognize in his statement that he is acting in his capacity as the Senator from Montana, but I hope that the House leadership can demonstrate the same awareness, the same sense of devotion to duty.

Mr. President, I intend to write to the President to urge him to take a two-step action. First, it would be helpful if the President took to TV and explained to the American people why it is essential that we act now in establishing an energy program. This suggestion comes from an editorial that appeared in the Christian Science Monitor on July 23:

> Somehow, there has to be better communication between government and public on this crucial matter. According to the New York Times, Mr. Ford plans to send to Congress another program of oil price decontrol. Perhaps this would be a good occasion for him to go to the nation and explain the ABCs of the energy dilemma. Americans have never lacked an ability to adapt to new conditions—but they need convincing that the time for change is now.

Second, I shall urge him that, if Congress does not act before the recess, he call Congress back into a special session, because I do not think we can afford to go back home leaving this matter up in the air. For that reason, I hope that Congress will take decisive action within the next several days.

I point out, Mr. President, that there is a growing consensus for compromise, not only here among Members of Congress, but in the press as well. For example, the Washington Post, on July 21, said that the Democrats do not have to accept the President's formula, but they should seek a compromise on this question within the framework of his general approach. I think the Senator from Virginia has very succinctly pointed out the areas for compromise.

I also point out that the New York Times, on the same day, July 22, urged a compromise. They said:

> Under the circumstances, it seems to us that compromise could sensibly be reached, envisaging gradual decontrol accompanied by increase in gasoline taxes, with special rebates for the hard-hitting segments of the population.

Likewise, the editorials in my Wilmington papers have urged upon us that hard oil price decisions be made. On July 17 one editorial stated:

> If politics is the art of compromise, this is a situation that calls for, cries for, compromise. Mr. Ford, with a quarter-century of experience on Capitol Hill, and Members of Congress, who deal in compromise day in and day out, should be able to produce a formula that neither reignites inflation nor hampers efforts at energy independence.

Mr. President, I could read on and on from other editorials, both conservative and liberal publications. But the one common thread running through all of these is that the time for action is now; that there are the makings of a compromise.

I, like the Senator from Virginia, would say it seems to me that the President has shown flexibility, he has agreed to a phaseout, he has proposed 30 months; the senior Senator from Montana has proposed a 4- to 6-year phaseout.

It seems to me somehow we should be able to reach a compromise in this area.

The President has proposed a ceiling of $13.50, and I think there would be room for compromise in that area, as well.

I, for one, agree with the Senator from Montana that we should phase out or end the $2 import tariff because of its inflationary impact. It seems to me this is another area for compromise which could be reached with the White House.

So I would just like to say, in closing, Mr. President, I hope that everyone would immediately—because we have no time to delay—seek ways and means of bringing about the compromise so that we can once and for all have an energy program and begin working on the other serious problems facing this Nation.

Mr. President, I ask unanimous consent that the editorials to which I have referred be printed in the RECORD at this point.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 21, 1975]

THE OIL PRICE IMPASSE

The President and Congress are riding off in opposite directions in a wild search for a solution to the high price of oil, and to the threat of far higher prices in the fall. It is a recklessly irresponsible way for grownups to govern—although it does seem to us that more than half of the blame for the extraordinary divergency in the U.S. government's current approach to the oil crisis belongs with Congress. The situation is roughly as follows: The existing law granting authority for a $5.25 a barrel ceiling on that part of our oil which is subject to controls is due to expire Aug. 31. Congress itself is due to expire for a month-long summer recess on Aug. 1, which means that it has less than two weeks to do something about extending oil price control authority beyond the expiration date. Congress preference, obviously, is not only to extend the controls, but to toughen them considerably, with an eye to rolling back prices. Legislation to do just that was sent to the White House last week. On Saturday the President announced he will veto this bill. His preference is to phase out controls, allowing gradual, step-by-step increases in the ceilings over a period of 30 months. But his proposal for doing this, which went to Congress on Thursday, is subject to a congressional "veto" by a majority vote of either chamber within five working days. This is also considered a certainty.

What appears to be in the offing, in other words, is an impasse.

And yet it does not seem possible that the President and the legislative leaders can afford to leave it at that, because the consequences would be unacceptable to both parties to this dispute—and to both political parties. The consequences, if price controls are simply allowed to expire, could be a staggering increase in oil prices during the period from Sept. 1 to Christmas, and a stunning blow to prospects for economic recovery just as these prospects are beginning to brighten. As things now stand, about two-fifths of our oil is under price controls. Another fifth, derived from domestic production, is not under controls and tends to match the rising price of imported oil, which makes up the remaining two-fifths of our supplies and now costs something in excess of $13 a barrel (with the President's $2 a barrel tariff included). This works out to an average price of $9.75 a barrel for all the oil this country consumes.

But the average price per barrel is not likely to stay at that level for the reason that the oil producers cannot be counted on not to raise prices still further. A decision by OPEC to increase its prices by another $2 a barrel would not be surprising. If such an increase were accompanied by a lifting of controls, all domestic prices would swiftly rise toward an imported oil price level which would have reached $15 a barrel. In short, there would be something close to a 50 per cent increase in the average price of oil in this country this fall and winter, and the crippling impact of this on industrial consumers alone—leaving aside the impact on gasoline prices—would inevitably slow production, seriously aggravate unemployment, and fuel inflation.

Plainly, the situation cries out for compromise. Just as plainly, it is difficult to see exactly how a compromise can be struck between two parties so diametrically opposed in their approach, with one wishing to tighten oil price controls and one wishing to loosen them. In our view, the President has the best of this particular argument. While seeking to soften the impact of further increases in the price of oil, he would adhere to some discipline in consumption of oil in furtherance of a sensible, long-range effort to free this country from a dangerous over-dependence on foreign suppliers. By contrast, the Democrats in Congress are offering a permissive quick fix in the form of temporary relief from higher prices for oil products at the cost of heightening consumption and thus increasing American reliance on the whim of foreign oil producers.

The Democrats do not have to accept the President's formula. But they should seek a compromise on this question within the framework of his general approach. The President, for his part, is going to have to take into account congressional concern over the assorted economic ill-affects of even modest, gradual increases in domestic oil prices as a result of easing off the controls. In short, the best way to find room for compromise is to widen the area of the negotiation beyond the narrow question of oil prices. When the issue is seen in broader economic terms it becomes possible to visualize a trade-off that would permit the President to slack off oil price controls but require him to come forward with positive measures, centering on tax relief of one form or another, in order to cushion the economic shock of more expensive oil. There is probably no perfect formula that will entirely satisfy either side. Without some urgent and constructive efforts to find some accommodation, however, inexorable events will make the decision for both Congress and the President and the predictable consequences of that could be calamitous for both.

[From the New York Times, July 22, 1975]

IMPASSE ON OIL

The politically-motivated impasse between Congress and President Ford on control of domestic petroleum prices is threatening to leave the country and the consumer in an intolerable situation.

Yesterday Mr. Ford vetoed a price-rollback bill passed by Congress; it appears that Congress in turn will not accept the President's own proposal, which moves in the opposite direction, for gradual decontrol of all oil prices. As existing control authority expires Aug. 31, the result—unless something is done soon—will be that domestic oil prices, stimulated by a probable further increase in the OPEC price later this year, could seriously inhibit economic recovery.

Under the circumstances, it seems to us that a compromise could sensibly be reached envisaging gradual decontrol accompanied by increase in gasoline taxes, with special rebates for the hardest-hit segments of the population, accompanied by tax and plowback provisions to insure against windfall profits for the industry and to encourage reinvestment in energy production.

The issue is no longer whether to conserve oil and reduce American and Western vulnerability to the oil cartel, but how best to accomplish that purpose with greatest equity and least damage to production, employment and the anti-inflation effort. Economic recovery is almost certain to send American oil imports shooting upward again, unless restricted by higher gasoline taxes or a price rise as a result of phased decontrol—or both in coordination.

At the same time, increased domestic production of oil, and encouragement of the more secure foreign sources, should also be a basic objective. Government should seek to ensure that higher profits resulting from rising oil prices will be reinvested in the development of new energy sources.

Plans for the decontrol of oil prices must be geared in carefully with fiscal policy to ensure that the economy recovers from the worst recession in postwar history, which has left heavy unemployment in its train. Higher oil and other energy prices and the extra taxes must not be permitted to impose such heavy burdens on the economy as to cause the recovery to abort. This can be handled by phasing decontrol in gradually—over a period of perhaps three years or more—and by assuring that during the recovery extra taxes collected be put back into the economy both by reinvestment and by rebates to lowest-income groups hit by higher energy prices.

The probable burden of higher oil prices is so great—likely to amount of $30 billion or more—that it is urgent that tax plowbacks and rebates be supplemented by a lower general tax schedule to cushion the economy against the impact of oil decontrol.

It is a tragedy that Congressional action can only be obtained by a Presidential threat of sudden decontrol. But 21 months have passed since the oil embargo that made clear the need for an effective conservation and development program. The aim now must be to enact the best compromise that can be achieved.

[From the Wilmington Evening Journal, July 17, 1975]

HARD OIL PRICE DECISIONS

Earlier this year President Ford proposed that prices of "old" domestic oil be decontrolled from April 1.

This meant that about 60 percent of the domestic oil production would have suddenly become vulnerable to upward price push, to the level of the world market, where prices are fixed by the Organization of Petroleum Exporting Countries, the oil cartel.

It was not an acceptable proposal. The idea that OPEC should be able to set prices for U.S. domestic oil production was unpalatable. The fear that the shock waves generated by the sudden price boost would crush any incipient economic recovery justified.

Now Mr. Ford has come back with a somewhat modified proposal. He wants the decontrol to begin Aug. 1 and he wants it to take effect in stages, over a period of 30 months. And he also wants the price of "new" domestic oil, formerly not under control, to be subject to a ceiling of $13.50 a barrel, the same as the price of the current imported oil from the Mideast.

The new proposal would not change the cost of the program; it would merely give it in doses rather than in one big gulp. The chances of this medicine being administered, however, appear slim, because the Democrats are vehemently opposed to it. They want to extend the president's current oil price control authority, which is due to expire Aug. 31. The Senate passed the extension Tuesday. House OK is expected.

The prospect that looms is strange. Mr. Ford is willing to go along with the idea that decontrol should be gradual, and the Democrats also want decontrol to be gradual. For the Democrats, however, gradual means not 30 months, which the president has now proposed, but at least 36 and possibly 48 months. So the president might *veto* the congressional extension and the Congress would reject the presidential proposal.

That would mean expiration of the controls on Sept. 1, and an automatic and quick rise of domestic oil prices to the world prices. Neither side wants this to happen but this is what could happen if they continue the course of confrontation.

If politics is the art of compromise, this is a situation that calls for, cries for compromise. Mr. Ford, with a quarter century of experience on Capitol Hill, and members of Congress, who deal in compromise day in and day out, should be able to produce a formula that neither reignites inflation nor hampers efforts at energy independence. If they fail to do that, and if the unintended happens on Sept. 1, they may all find themselves sinking in barrelsfull of blame and embarrassment.

[From the Wilmington Morning News, July 16, 1975]

BEST WAY TO RAISE PRICES

The political scenario being written in Washington on oil price controls is so fascinating that it is possible to forget that this is a serious economic issue of energy policy.

Basically at stake is not whether the president of the United States or the Congress finally calls the shots, but whether or not Americans should be forced to use less gasoline and other petroleum products by forcing up the prices of oil produced in this country.

But the political game, Ford vs. Congress, will be played out over the next six weeks, and it promises to be a classic.

President Ford's opening serve this week was a promise to send to Congress in the next few days a plan to decontrol "old" oil (from wells opened prior to 1972, now pegged at $5.25 a barrel) in stages over the next 30 months. The Democratic leadership was ready for him; either house of Congress had the right to reject the president's plan within 5 days after receiving it, and the congressional leadership promised to do just that.

However, if that happened, Mr. Ford had another serve coming. Legislation controlling oil prices expires on Aug. 31; if Congress votes to renew it at the old price ceilings, the president indicates he will veto that legislation. His recent record for having major vetoes sustained is strong. Sustaining this one would leave the country with no oil price control on "old" oil at all, and the price would skyrocket to world market levels immediately, rather than gradually over 30 months, as the president proposes.

The Senate, in the decisive manner characteristic of the federal legislature lately, promptly came up with a delaying action.

It voted yesterday, 62 to 29, to extend the price controls until March 1. That proposal now goes to the House and there are some indications that the president may accept what appears to be simply postponement.

To the consumer of petroleum products, it may look like a choice of hanging quickly or strangling slowly. Does he want the price of gasoline and fuel oil to increase an estimated 7 cents a gallon in one jump in September or gradually by 1977?

The probable answer is that the consumer doesn't want a price increase at all, but he goes on consuming at a rate that soaks up all the domestic oil and continues to make the United States dependent upon foreign oil. That makes President Ford's plan for gradual decontrol the most palatable: It would reduce consumption of gasoline by making it more expensive and, at the same time, stimulate domestic production by giving the producers a greater incentive for increasing production.

The president's plan has the same drawback as his $3 import tariff on foreign oil. It is a shotgun approach to reducing gasoline consumption, because it applies to all other products based on petroleum, and will inevitably result in more price inflation.

The congressional Democrats might have a pretty good political argument against the Ford plan if the Democrats had any energy plan of their own. As usual, they don't.

Again as usual, the Democratic nonleadership in Congress is making the Republican president and his plan look good by comparison. What's unfortunate for the American public is that Mr. Ford's plan isn't sufficiently fine-tuned to accomplish his laudable purpose of reducing gasoline consumption and increasing oil supplies without inflating the whole price structure. It could be a case of throwing out the baby with the bath oil.

[From Business Week, July 28, 1975]

FOR DECONTROLLING OIL

Once again, President Ford has locked horns with the leaders of Congress over oil prices. The President is proposing to phase out controls on prices of oil from established wells over a period of 30 months. Key members of Congress want to cut consumer prices by holding the ceiling of $5.25 a bbl. on old oil and rolling back prices of new oil, which now sells for almost $13 a bbl. in the U.S.

In this case, the President is basically right. As the U.S. has learned from bitter experience, the longer price controls stay in force, the more distortions they create in the economy. The present system has already produced a bewildering structure of allocations and oil entitlements—which have the effect of subsidizing companies that import. Moreover, by establishing an artificially low price, it encourages wasteful consumption.

As for putting a ceiling on new oil, this inevitably would slow down exploration and reduce future supplies. That would strengthen the hand of the Organization of Petroleum Exporting Countries, which would be happy to see the U.S. exhaust its oil supplies at bargain prices and become more dependent on foreign crude.

New oil should stay uncontrolled—except by the market, which will set a limit on price rises. Controls on old oil should be phased out, as the President proposes. And a carefully designed windfall-profits tax should be enacted to keep the operators of existing wells from reaping exorbitant returns. Extra earnings plowed back into exploration and development would escape this tax—up to a specified limit—but earnings used to diversify outside the energy industry would not.

The oil industry will have to submit to tight regulation as long as the OPEC cartel continues to manipulate world prices. But the regulation should make the most of market forces instead of trying to hide them with artificial prices.

[From the Christian Science Monitor, July 23, 1975]

FORD'S HANDLE ON OIL

Democrats in Congress may be winning points with the public in their battle with President Ford over oil prices. But the President is moving in the only logical direction over the long run. Americans, even if reluctantly, must accept the inevitability of higher-cost energy and a change in their living habits.

It was not easy for Mr. Ford to veto still another Democratic bill, this one designed to keep the controls on domestically produced "old oil." The fact that the White House gave little publicity to the veto action suggests the political awkwardness of it. But, given the world's depleting oil resources, the President has no realistic alternative: He must pursue a long-range program that forces consumers to reduce the use of oil, encourages the expansion of domestic production, and gets the U.S. away from growing dependence on foreign supplies.

The decontrol of "old" oil would not necessarily give an impetus to new exploration in the short run because the oil companies are going full steam now. But it would encourage the use of secondary or tertiary recovery methods on old wells, adding perhaps billions of barrels of oil to the domestic supply. Moreover, it would also simplify the petroleum market, which now functions under an unwieldy two-price structure, and it would make alternative sources of energy, like solar heat, more attractive costwise.

The major concern of course is that a deregulation of prices on "old" oil, which accounts for 60 percent of all domestic production, will trigger sharp increases in fuel costs, and add to inflationary dangers at the very moment the economy is beginning to turn around. Whether the impact would be anywhere as great as Democrats charge is questioned by economists. But, in any event, the intent of the administration is to phase out the controls gradually—and to place a tax on the windfall profits of oil companies that can be rebated to the consumer to offset the economic impact.

There obviously will be a compromise between the White House and the Democratic Congress. Without it, the controls on old oil will expire August 31 and this would produce an immediate and sudden jump in oil prices. Both sides want to avoid this.

But amid the complex political maneuvering now going on one thing stands out: The nation does not yet have a solid, comprehensive energy program that is understood and supported by the American public. Recession has put the energy question on the back burner, the politicians in Congress don't want to make tough decisions, and an abundance of oil on the market defies all warnings of crisis.

Somehow, there has to be better communication between government and public on this crucial matter. According to the New York Times, Mr. Ford plans to send to Congress another program of oil price decontrol. Perhaps this would be a good occasion for him to go to the nation and explain the ABC's of the energy dilemma. Americans have never lacked an ability to adapt to new conditions—but they need convincing that the time for change is now.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from Delaware yield?

Mr. ROTH. I would be happy to yield.

Mr. HARRY F. BYRD, JR. The statement of the Senator from Delaware is a splendid one. And, as the Senator from Delaware suggests, there is no easy or good solution to this serious problem. The only thing we can be sure about is that the President is not able, will not be able, to get everything he wants in this regard; and we can be equally sure Congress will not be able to get everything it wants in this regard.

That being the case, the only logical thing to do, it seems to me, is for both the President and Congress to work out some acceptable compromise. There are many areas for compromise, as the able Senator from Delaware has just pointed out.

Mr. ROTH. I thank the Senator from Virginia. I hope that action will be taken and that it will begin in the Finance Committee today.

Mr. President, I yield back the remainder of my time.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

Mr. MANSFIELD. Mr. President, will the Senator yield? I ask that I be recognized under my 15 minutes at this time.

Mr. HELMS. Mr. President, I suggest the absence of a quorum out of the time of the Senator from Montana.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized for not to exceed 15 minutes.

SENATE RESOLUTION 218—SUBMISSION OF A RESOLUTION AUTHORIZING SUPPLEMENTAL EXPENDITURES FOR INVESTIGATION RELATING TO INTELLIGENCE ACTIVITIES.

(Referred to the Committee on Rules and Administration.)

Mr. CHURCH (for himself, Mr. TOWER, Mr. PHILIP A. HART, Mr. BAKER, Mr. MONDALE, Mr. GOLDWATER, Mr. HUDDLESTON, Mr. MATHIAS, Mr. MORGAN, Mr. SCHWEIKER, and Mr. GARY W. HART) submitted the following resolution:

S. RES. 218

Resolved, That Senate Resolution 21, Ninety-fourth Congress, agreed to January 27, 1975, as amended by Senate Resolution 165, Ninety-fourth Congress, agreed to June 6, 1975, is amended (1) by striking out in section 5 "September 1, 1975", and inserting in lieu thereof "February 29, 1976", and (2) by inserting after the first sentence in section

6 a new sentence as follows: "The expenses of the select committee from September 2, 1975, through February 29, 1976, under this resolution shall not exceed $1,250,000.00 of which amount not to exceed $300,000.00 shall be available for the procurement of the services of individual consultants or organizations thereof."

Mr. CHURCH. Mr. President, I rise today to comment on the progress that the Senate Select Committee on Intelligence Activities has made since it was created on January 27, 1975, with the passage of Senate Resolution 21. This resolution called upon the committee "to conduct an investigation and study of governmental operations with respect to intelligence activities, and of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any agency of the Federal Government or by any persons, acting individually or in combination with others, with respect to any intelligence activity carried out by or on behalf of the Federal Government."

To date, there have been 35 hearings of the full committee. Over 275 persons have been interviewed, and some 80 studies on various aspects of intelligence operations are underway. These studies, when completed, will comprise the most thorough review ever made of the intelligence agencies of the U.S. Government. The purpose of this broad systematic study is to give Congress, for the first time, an authoritative basis for evaluating the past and present intelligence system of the United States. Most important, it will provide Congress with the factual background necessary to make the judgments required to give new statutory direction to the intelligence community in the future.

The Select Committee will soon finish its investigation of assassinations. It is our hope to report on this phase of the investigation as soon as possible.

Through a series of outside events, the burden of examining the charges that the U.S. Government has been involved in assassination attempts has fallen squarely upon the Select Committee. The President's Commission, chaired by Vice President ROCKEFELLER, reported it was not able to complete its investigation on assassinations, and, at the President's direction, the White House turned over to the committee the files of the Commission. The committee has risen to its responsibility. Although political assassination is a grim subject, the inquiry is one that the committee has had to conduct. To do otherwise would have ignored charges of extreme transgressions against civilized behaviour, which could only have further eroded confidence in the worthy purposes of the United States.

Senate Resolution 21 calls for a thorough investigation not only of alleged abuses and unethical conduct, as charged by the press in recent months, but, more importantly, for the first in-depth review since the end of World War II of the intelligence activities of the U.S. Government. An earlier investigation, somewhat comparable in scope and importance to that given the Select Committee, comes to mind. That inquiry, the investigation of the Pearl Harbor attack, was conducted under the leadership of then Senator Alben Barkley in 1946. It serves as a useful precedent for the present investigation of the Select Committee. Senator Barkley's Pearl Harbor inquiry was successful because the members of the committee and its staff were given access necessary to complete their inquiry into the files and records of the Executive Departments. There was full cooperation. The Barkley Pearl Harbor investigation could not have succeeded had there been resistance on the part of the executive branch. Without question, President Truman's full support made the successful inquiry possible.

It is the hope of the Select Committee that it will be afforded similar access to information through the same kind of cooperation. Thus far, however, the response to requests for records and documentation has been slow and procedural delays have hampered the committee's progress.

The work of the Select Committee has been planned with care, with a deep sense of the importance of the issues before it, and with an awareness of the fragility of the agencies under study. A staff of high quality has been assembled. It is composed of men and women with deep practical knowledge of the activities of the agencies under investigation and of the law. It includes a distinguished ambassador and noted scientists. It is complemented by consultants who are outstanding lawyers and experts of proven ability.

The members of the committee have worked hard. The hearing schedule has been extensive and the time required for briefings and meetings has required sacrifices on the part of members of the committee. It has been a pleasure for me to work with such a dedicated and able group of colleagues. Although the members of the committee represent the entire spectrum of views within the Senate, every vote taken within the committee has been unanimous. I have every expectation that his bipartisan, harmonious, and close working relationship will continue.

The support of the leadership has been most helpful to the work of the committee. Further, the assistance the select committee has received from standing committees, the Foreign Relations Committee, the Armed Services Committee, the Appropriations Committee, the Rules Committee, and the Joint Atomic Energy Committee, and their staffs is most appreciated by the select committee.

To date, there have been no leaks from the committee. Such leaks as have occurred have come from other parts of the Government. The physical security precautions undertaken by the committee have been acceptable to the intelligence agencies themselves. Further, every member of the staff has been cleared following the most intensive background investigation. The rules of the committee, together with the conduct of the members and staff, are evidence of our intention to conduct a discreet, thorough, honest investigation, which will do credit to the Senate.

The initial work of the committee has included determining the legal authorities under which the intelligence agencies of the U.S. Government operate. This required submission to the committee of a broad range of documents in the custody of the executive branch. These include National Security Action Memoranda and National Security Council Decision Memoranda. In accord with the committee's lawfully mandated right of inquiry into any matter pertaining to intelligence activities, the entire so-called secret charter of the CIA has been delivered to us.

In compliance with requests made by the committee, the executive branch has also supplied other documents from the National Security Council files and from the departments and agencies concerned, covering the details of many activities undertaken in the past in the intelligence area. The mandate of Senate Resolution 21 is all embracing. It is buttressed by the constitutional guarantee of the legislative right of inquiry, and explicitly provides the committee with the authority to examine any and all intelligence activities of the United States, both foreign and domestic.

I am able to report to the Senate that thus far, although there are serious and troubling delays in sending to the Committee documents that have been requested, and although some persistent denials for access to information remain, and procedural problems have been roadblocks to the work of the committee, cooperation with the executive branch continues. In this regard, despite these obstacles and delays on the part of some departments and agencies, President Ford is to be commended for his cooperation to date and for the respect he has shown for the right of the committee to examine all matters mandated by Senate Resolution 21. It is my hope and expectation that we will not see a reversion to the pattern of previous administrations that attempted to withhold information from lawful inquiries of the Congress.

There can be no action undertaken by the U.S. Government which lies outside of constitutional processes. In the area of examining intelligence agencies under the mandate of Senate Resolution 21, there can be no secret undertakings beyond the committee's reach. The adverse events of recent years have made it necessary to conduct a full and thorough inquiry into the actions of the executive branch. The principle that all actions of the executive branch should be subject to inquiry by the legislature is fundamental to constitutional government. In fact, the abuses so evident in Watergate occurred because improper actions were taken and then concealed on the pretense of "national security." National security was invoked for the political and personal advantage of a few officials who had abused their trust. One of the few redeeming features of the Watergate era is the recognition that there must no longer be any areas of national policy excluded from congressional review. To permit any loopholes would be to endanger the very existence of constitutional government.

As chairman, I recognize, as do the members of the select committee, that, with this constitutional power of inquiry, there lies a heavy responsibility. It is the duty to examine these sensitive matters in a manner that will not impair the legitimate work of the agencies under investigation. It is also the responsibility of the select committee to protect the rights of individuals who are under suspicion. It is the intention of the committee, in the conduct of its investigation, to recognize the constitutional rights of all concerned, including those alleged to have been involved in wrongdoing. The select committee has done its utmost to establish congressional procedures to protect the individual rights of every witness. This will continue to be the practice of the committee throughout the course of its inquiry.

We are mindful of the congressional excesses of the McCarthy period, just as we are mindful of the executive abuses of power of the Watergate era which ended less than a year ago. Neither should be permitted to stain our national honor again.

The committee has embarked on its work in a systematic and orderly way. It is our intention to examine the intelligence community from top to bottom, look into its structure, costs, performance, and the problems that lie before it in the future, in order to recommend to the Senate the steps that need to be taken to assure that the United States shall have an efficient and effective intelligence system that operates within the law.

In order for the select committee to fully meet its charge under Senate Resolution 21, it is necessary to request the Senate for an extension of the life of the committee for another 6 months. The delays resulting from slow turnover by the executive branch of documents requested by the committee, and the unexpected requirement to deal with the question of assassinations in depth has set back the select committee timetable by at least 3 months. The task given by the Senate to the select committee is a heavy burden, but what the committee has learned thus far has convinced me and my colleagues that it is vitally important that this inquiry press forward so that the necessary remedial actions that need to be taken will be based on the fullest knowledge and careful judgment.

Accordingly, Mr. President, I send to the desk a resolution which would extend the life of the committee from September 2, 1975, through February 29, 1976, and which would provide additional funds to enable the committee to complete its work through that extended term.

This resolution is cosponsored by Senator Tower, the vice chairman of the committee, who has given me and the committee the most steadfast support from the beginning of this inquiry. I wish to extend to him my personal appreciation for his efforts.

The resolution is also cosponsored by all other members of the committee. I send the resolution to the desk and ask that it be appropriately referred.

The ACTING PRESIDENT pro tempore. The resolution will be received.

Mr. CHURCH. Mr. President, I would now like to yield to the distinguished senior Republican member of the committee, the Senator from Texas.

Mr. TOWER. I thank my distinguished colleague, the chairman of the committee, for his generous remarks. I would be remiss if I omitted to say that he has shown a great spirit of cooperation, as demonstrated by his deeds; that he wants the committee to conduct its business in a nonpartisan and objective way.

I believe this committee has been, for the most part, free of any partisan squabble, and I trust that we will be able to continue along that path in the future.

I think the fact that we have thus far avoided much in the way of polarization is due to the very broadminded leadership of the distinguished Senator from Idaho, and I commend him for it.

I remember when the resolution was adopted authorizing the establishment of the committee and setting forth its responsibilities, Senator Mansfield, the distinguished majority leader, noted that this would be neither a witch hunt nor a whitewash. I think the committee has acted in that spirit. We do not regard as our principal function to find scapegoats or, indeed, to pinpoint guilt on certain individuals. We are looking into institutional activities that impact on the lives and the fortunes of the general citizenry of the United States.

What we are engaged in is not an adversary proceeding. It is an investigation and a study. Hopefully, at the conclusion of our labors, the result will be legislation or recommendations that can be achieved administratively, that will strengthen, not weaken, the intelligence-gathering capability of the United States, conducted by agencies who operate within the framework of the law and the Constitution, through agencies that respect the rights of the individual citizens of this country.

We certainly need a superb intelligence-gathering capability.

We operate from an open society in this country. The Soviets could find things out about American weapons systems by spending 50 cents for a magazine dealing with weapons technology. To achieve the same kind of information about a comparable weapons system in the Soviet Union we would have to spend perhaps $4 million or $5 million.

We operate at a disadvantage in this area, being an open society. But I must say I am willing to accept the disadvantages because I think that we have probably the most open society in this world today.

We must recognize that it does pose certain disadvantages when we are confronted by a powerful potential adversary that maintains clandestine infrastructures throughout the world in virtually every country, and seeks to influence the political and economic affairs of nations all over the globe. I think it would be the last thing in the mind of any member of the committee that we should seriously undermine and destroy the intelligence-gathering capability of the United States, but we must make certain that that capability, through the various institutions that operate in the intelligence field, must be responsive to public policy and responsive to the proscriptions set forth in the law and in the Constitution.

I hope that the Senate will act speedily to adopt this resolution. I rather suspected earlier in the year when we set a September 1 deadline that perhaps it was not realistic. Not only has it taken time to get the documents that we require from the executive branch, but I think perhaps none of us realized how much material there was to cover and what the physical limitations on us would be in terms of trying to marshal all of this material, reduce it to manageable proportions and then begin to do our work.

I hope the Senate will indulge us this additional time and additional money. It is necessary for us to do our work. I hope by disciplining ourselves and by cooperation from the executive branch we can complete our task in the time that is set forth in this resolution.

Again I commend my distinguished friend from Idaho, the chairman of the committee, for the work that he has done. He has been diligent, he has been dedicated, and I think he is a man of good will.

Mr. CHURCH. Mr. President, I thank the Senator from Texas very much for his remarks this morning and for his generous references to me as the chairman of the committee. I simply wish to associate myself with everything he has said in connection with the importance of its work, and the necessity to request extended time in order that we can fulfill the mandate given to us by the Senate in Senate Resolution 21.

I join the Senator from Texas in expressing the hope that the Senate will act promptly in the consideration and passage of the resolution introduced this morning.

QUORUM CALL

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Leahy). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. What is the next order, Mr. President?

The PRESIDING OFFICER. The next order is for the recognition of the Senator from Kentucky (Mr. Ford) not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I be given control of that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from North Carolina.

SENATE RESOLUTION 219—SUBMISSION OF A RESOLUTION RELATING TO TRADE RELATIONS BETWEEN THE UNITED STATES AND ROMANIA

(Order placed on the calendar.)

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order that I submit a resolution, which I send to the desk, and that it be placed directly on the calendar.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

> Mr. Helms (for himself, Mr. Curtis, and Mr. Thurmond), submits a resolution relating to Section 402(c), (1), and (3) of the Trade Act of 1974 pertaining to termination of any waiver under such Act to the Socialist Republic of Romania.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina? Without objection, the resolution will go to the calendar.

Mr. HELMS. Mr. President, on July 10, the Finance Committee reported the trade agreement between the United States and the Socialist Republic of Romania. This was the first such agreement negotiated pursuant to the Trade Act of 1974, and as such must be approved or disapproved by the Senate within 15 legislative days, a period which will expire approximately on July 31.

In taking this action, the President exercised his option to waive sections 402 and 409 of the act, the sections referring to emigration. In effect, he was certifying to Congress that he was satisfied that the purposes of encouraging freer emigration would be fulfilled, even though the requirements of 402 and 409 were not strictly met. On July 8, administration witnesses reported a dramatic improvement in the number of exit permits issued in the preceding weeks. The Assistant Secretary of State for Eastern European Affairs, Arthur A. Hartman, said:

> There are only a few cases of divided family members and dual nationals who have indicated a desire to come permanently to the U.S. . . . Since this Trade Agreement was sent to the Congress we have seen encouraging signs that the Romanians are seeking earnestly to solve the family reunification problems that concern us. They have approved the passport applications of a substantial portion of the several hundred people I referred to earlier who want to join their families in the U.S.

Because section 409 in particular deals specifically with the reunion of very close relatives, I am greatly concerned that the President has waived its requirements at a time when the best that the administration can report is that "a substantial portion" of the problem has been solved. Since Secretary Hartman admits that there are only a few hundred cases to be solved, there is no reason why the Socialist Republic of Romania cannot clear the matter up entirely before the agreement is implemented. We, therefore, should ask the President to certify to Congress that he will terminate—using the authority granted in the act—any waiver so granted when Romania engages in any of the acts of harassment and discrimination described in section 409. In effect, the President would be putting Romania on notice that most-favored-nation status would be withdrawn if the few hundred cases of very close relatives are not cleared up.

The resolution (S. Res. 219) submitted by Mr. Helms reads as follows:

S. Res. 219

> *Resolved,* that it is the sense of the Senate that the "Agreement on Trade Relations between the United States of America and the Socialist Republic of Romania" signed on April 2, 1975, and the Presidential proclamation of April 24, 1975, implementing such agreement, which would extend most-favored nation status to Romania, should not be approved until the President certifies to Congress that he will use his authority provided in section 402(c)(3) of the Trade Act of 1974 to terminate by Executive order any waiver granted under section 402(c)(1) of such Act to the Socialist Republic of Romania when the Socialist Republic of Romania engages in any act or practice described in paragraph (1), (2), or (3) of section 409(a) of such Act.

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of the time allotted to the Senator from Kentucky (Mr. Ford) and I am authorized to yield back the time allotted to the Senator from Montana (Mr. Mansfield).

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business for the introduction of statements into the Record and the introduction of bills, resolutions, petitions, and memorials, and for the receipt of committee reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. Metcalf) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

APPROVAL OF BILL AND JOINT RESOLUTION

A message from the President of the United States announced that on July 19, 1975, he approved and signed the enrolled bill (S. 1462) to amend the Federal Railroad Safety Act of 1970 and the Hazardous Materials Transportation Act to authorize additional appropriations, and for other purposes; and

On July 21, 1975, he approved and signed the enrolled joint resolution (S.J. Res. 100) to authorize the Secretary of the Senate to pay compensation to Phan Thi Yen.

REPORTS OF BASIN COMMISSIONS—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. Metcalf) laid before the Senate a message from the President of the United States transmitting the reports of six river basin commissions in New England, Great Lakes, Pacific Northwest, Ohio, Missouri, and Upper Mississippi, which, with the accompanying reports, were referred to the Committee on Interior and Insular Affairs. The message is as follows:

To the Congress of the United States:

I am transmitting herewith the annual reports of the six river basin commissions, as required under section 204 (2) of the Water Resources Planning Act of 1965.

The act states that commissions comprised of State and Federal members may be established at the request of the Governors of the States within the proposed commission area. Each commission is responsible for planning the best use of water and related land resources in its area and for recommending priorities for implementation of such planning. The commissions, through efforts to increase public participation in the decisionmaking process, can and do provide a forum for all people within the commission area to voice their ideas, concerns and suggestions.

The commissions submitting reports are New England, Great Lakes, Pacific Northwest, Ohio, Missouri, and Upper Mississippi. The territory these six commissions cover includes part or all of 32 States.

The enclosed annual reports indicate the activities and accomplishments of the commissions during fiscal year 1974. A brief description of current and potential problems, studies, and approaches to solutions is included in the reports.

Gerald R. Ford.

The White House, *July 24, 1975.*

REPORT OF THE FEDERAL COUNCIL ON AGING—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. Metcalf) laid before the Senate a message from the President of the United States transmitting the annual report of the Federal Council on Aging, together with his comments and recommendations, which was referred to the Committee on Labor and Public Welfare, and ordered to be printed. The message is as follows:

To the Congress of the United States:

I am transmitting herewith the Annual Report of the Federal Council on Aging, together with my comments and recommendations.

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 to advise and assist the President on matters relating to the special needs of older Americans, and for other purposes specified in the enabling legislation. Members of the Federal Council on the Aging were confirmed by the Senate on June 5, 1974.

As the annual report indicates, the Federal Council on the Aging has undertaken a number of advocacy activities pursuant to its legislated mandate. The report, as submitted to me by the Secretary of Health, Education, and Welfare for transmittal, does not include supporting data or analysis which would provide the basis for a detailed review of policy positions and recommendations.

Since the Council was only recently formed, the Administration, on behalf of the Federal Council on the Aging, has requested that the Congress authorize an extension until January 1, 1976, of the date for submission to the Congress of the two legislatively mandated studies.

One study calls for a review of the interrelationships of all benefit programs—Federal, State, local—serving the elderly. Such information could be useful to the Executive Branch and the Congress to identify duplicative and overlapping programs and to propose the necessary reforms so that our resources may be more effectively applied to help those most in need.

A second study, dealing with the combined impact of all taxes on the elderly, could also be helpful in determining the burdens and benefits of government actions as they affect the Nation's elderly.

I look forward to the study reports to help us provide an effective and economical delivery of services to our elderly citizens.

The Council specifically recommends "legislative action to develop high standards of safety and care in nursing homes." The Department of Health, Education, and Welfare has set high standards of nursing home care and safety that must be met by nursing homes participating in the Medicare and Medicaid programs. The enforcement of these standards is one of my Administration's highest priorities. Federal funds pay 100 percent of the costs of inspection to monitor compliance with these standards. The Federal Government pays its share of the costs of meeting nursing home standards through health care financing programs, primarily Medicare and Medicaid. Financial assistance is also made available by the Department of Housing and Urban Development to assist nursing homes in meeting selected fire safety standards.

The Council also expressed its concern about the level of funding for programs to assist the elderly. I sympathize with this concern, but I am determined to reduce the burden of inflation on our older citizens, and that effort demands that government spending be limited. Inflation is one of the cruelest and most pervasive problems facing older Americans, so many of whom live on fixed incomes. A reduction of inflation, therefore, is in the best interests of all Americans and would be of particular benefit to the aging.

The perspective and recommendations of this report are limited to a particular area of interest and advocacy.

The report does not reflect the Administration's policies, which must reflect a broader range of responsibilities and priorities.

GERALD R. FORD.

THE WHITE HOUSE, *July 24, 1975.*

MESSAGES FROM THE HOUSE

At 2:11 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its reading clerks, announced that the House has passed the bill (H.R. 8773) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes, in which it requests the concurrence of the Senate.

ENROLLED BILL SIGNED

At 5:15 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has affixed his signature to the enrolled bill (H.R. 5522). An act to give effect to the International Convention for the Conservation of Atlantic Tunas, signed at Rio de Janeiro May 14, 1966, by the United States of America and other countries, and for other purposes.

The enrolled bill was subsequently signed by the ACTING PRESIDENT pro tempore (Mr. METCALF).

At 6:25 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 5447) to amend the Act of August 16, 1971, as amended, which established the National Advisory Committee on Oceans and Atmosphere, to increase and extend the appropriation authorization thereunder.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

A petition seeking a redress of grievances from a citizen of Franklin Lakes, New Jersey; to the Committee on the Judiciary.

A petition seeking a redress of grievances from a citizen of the State of Colorado; to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PROXMIRE, from the Committee on Appropriations, with amendments:

H.R. 8070. A bill making appropriations for the Department of Housing and Urban Development, and for sundry independent executive agencies, boards, bureaus, commissions, corporations, and offices for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes (Rept. No. 94–326).

By Mr. CANNON, from the Committee on Armed Services:

S. 2173. An original bill to fully explore and develop the naval petroleum reserves of the United States and to permit limited production with revenues derived therefrom to be placed in a special account, and for other purposes (Rept. No. 94–327).

By Mr. PASTORE, from the Committee on Appropriations, with amendments:

H.R. 8121. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes (Rept. No. 94–328).

By Mr. NUNN, from the Committee on Armed Services, with an amendment:

S. 2114. A bill to amend title 37, United States Code, relating to special pay for nuclear qualified officers, and for other purposes (Rept. No. 94–329).

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with amendments:

S. 1466. A bill to amend the Public Health Service Act to extend and revise the program of assistance for the control and prevention of communicable diseases (Rept. No. 94–330).

AMENDMENT OF THE NATIONAL POLICY ACT, H.R. 3130—SUBMISSION OF A CONFERENCE REPORT—(REPT. NO. 94–331)

Mr. JACKSON submitted a report from the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3130) to amend the National Environmental Policy Act of 1969 in order to clarify the procedures therein with respect to the preparation of environmental impact statements, which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

Mr. STENNIS. Mr. President, from the Committee on Armed Services, as in executive session, I report favorably the nomination of Lt. Gen. James G. Kalergis, USA, to be placed on the retired list in that grade and Maj. Gen. Jeffrey G. Smith, USA, for appointment to the grade of lieutenant general. Maj. Gen. Kenneth L. Tallman, USAF, to be lieutenant general. Lt. Gen. John Norton, USA, to be placed on the retired list and Maj. Gen. Robert C. McAlister, USA, to be lieutenant general. Lt. Gen. Fred Kornet, Jr., USA, to be placed on the retired list in that grade and Maj. Gen. Jack Carter Fuson, USA, to be lieutenant general. Vice Adm. Oliver H. Perry, Jr., USN, to be placed on the retired list in that grade. Lt. Gen. William Robertson Desobry, USA, to be placed on the retired list in that grade and Maj. Gen. Robert Leahy Fair, USA, to be lieutenant general. Lt. Gen. Robert E. Huyser, USAF, to be general. Lt. Gen. Daniel James, Jr., USAF, to be general. Maj. Gen. George E. Schafer to be lieutenant general. Maj. Gen. William Y. Smith, USAF, to be lieutenant general. Maj. Gen. Alton D. Slay, USAF, to be lieutenant general. Maj. Gen. Charles E. Buckingham, USAF, to be lieutenant general. Maj. Gen. Wilbur L. Creech, USAF, to be lieutenant general. Maj. Gen. Thomas W. Morgan, USAF, to be lieutenant general. Maj. Gen. Dennis Philip McAuliffe, USA, to be lieutenant general. Lt. Gen. Donn Royce Pepke, USA, to be retired in that grade, and Maj. Gen. Sam Sims Walker, USA, to be lieutenant general. Lt. Gen. Donald Harry Cowles, USA, to be retired in that grade, and Maj. Gen. John William Vessey, Jr., USA, to be lieutenant general. Brig. Gen. Kenneth Albert Kuykendall, USA Reserve, to be major general, and Brig. Gen. Willard Phaup Milby, Jr., USA Reserve, to be major general, and Brig. Gen. William Bannister Pendlebury, USA Reserve, to be major general; and in the USA Reserve there are 19 appointments to grade of brigadier general and below. Rear Adm. Jon L. Boyes, USN, to be vice admiral. Maj. Gen. Lawrence F. Snowden, USMC, to be lieutenant general. Maj. Gen. Joseph C. Fegan, Jr., USMC, to be lieutenant general and Lt. Gen. Edward S. Fris to be retired in that grade. Lt. Gen. William J. Evans, USAF, to be general. Maj. Gen. George Rhodes, USAF, to be lieutenant general. Maj. Gen. Devol Brett, USAF, to be lieutenant general. Lt. Gen. Felix M. Rogers, USAF, to be general. Maj. Gen. John F. Gonge, USAF, to be lieutenant general. Maj. Gen. Raymond B. Furlong, USAF, to be lieutenant general. Maj. Gen. George G. Loving, Jr., USAF, to be lieutenant general. Maj. Gen. Robert T. Marsh, USAF, to be lieutenant general. Vice Adm. Stansfield Turner, USN, to be admiral. Vice Adm. George P. Steele, II, USN, to be retired in that grade. Lt. Gen. Herbert L. Beckington, USMC, to be retired in that grade.

In addition, there are 78 in the Navy and Naval Reserve in the grade of commander and below. There are 31 in the U.S. Marine Corps to permanent appointment in the grade of second lieutenant. There are in the Navy 3,863 nominations for permanent promotion to the grade of lieutenant. There are in the Army 1,884 to be appointed to lieutenant colonel. Since these names have already appeared in the Congressional Record and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the Congressional Record of June 26, July 7, July 15, July 17, July 23, 1975, at the end of the Senate proceedings.)

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that today, July 24, 1975, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 23) to restore posthumously full rights of citizenship to Gen. Robert E. Lee.

HOUSE BILL REFERRED

The bill (H.R. 8773) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MUSKIE (for himself, Mr. Roth, Mr. Abourezk, and Mr. Javits):

S. 2170. A bill to establish a procedure assuring Congress the full and prompt production of information requested from Federal officers and employees. Referred to the Committee on Government Operations.

By Mr. FORD:

S. 2171. A bill directing the Secretary of the Interior to include in the National Register the covered bridges within the Commonwealth of Kentucky. Referred to the Committee on Interior and Insular Affairs.

By Mr. MONDALE:

S. 2172. A bill to amend the Tax Reduction Act of 1975 to make permanent certain amendments to the Internal Revenue Code of 1954 effected by such Act, and for other purposes. Referred to the Committee on Finance.

By Mr. CANNON, from the Committee on Armed Services:

S. 2173. An original bill to fully explore and develop the naval petroleum reserves of the United States and to permit limited production with revenues derived therefrom to be placed in a special account, and for other purposes. Ordered placed on the Calendar.

By Mr. BROCK:

S. 2174. A bill to amend the Public Health Service Act to revise and extend the National Health Service Corps Program, and for other purposes. Referred to the Committee on Labor and Public Welfare.

S. 2175. A bill to amend the Internal Revenue Code of 1954 to provide for an increase in the amount of the corporate surtax exemption from $50,000 to $100,000 and to provide for annual adjustments of such amount to reflect changes in the Consumer Price Index. Referred to the Committee on Finance,

By Mr. BAKER (for himself and Mr. Randolph):

S. 2176. A bill to amend the Highway Safety Act of 1966 to authorize appropriations, and for other purposes. Referred to the Committee on Public Works.

By Mr. KENNEDY (for himself and Mr. Brooke):

S. 2177. A bill to make permanent the Cape Cod National Seashore Advisory Commission. Referred to the Committee on Interior and Insular Affairs.

By Mr. MAGNUSON:

S. 2178. A bill for the relief of Soledad G. Veniegas. Referred to the Committee on the Judiciary.

By Mr. ALLEN:

S.J. Res. 113. A joint resolution to amend the Constitution of the United States to provide voluntary nondenominational prayer in public schools and buildings. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MUSKIE (for himself, Mr. Roth, Mr. Javits, and Mr. Abourezk):

S. 2170. A bill to establish a procedure assuring Congress the full and prompt production of information requested from Federal officers and employees. Referred to the Committee on Government Operations.

THE CONGRESSIONAL RIGHT TO INFORMATION ACT

Mr. MUSKIE. Mr. President, today I am introducing, with Senators Roth, Abourezk, and Javits, legislation which I believe will give the Congress the means to halt the steady erosion of its power by officials who arbitrarily withhold information needed to legislate and to oversee the workings of programs Congress has authorized.

Only 11 months ago, this Nation was embroiled in a conflict between two branches of the Government of such dimensions that it threatened the foundation of our system.

It is testimony to the durability, the resiliency and the lasting strength of our 200-year-old system of checks and balances, that the highest court in the land ordered the Chief Executive to produce materials withheld under a claim of privilege; that the same order precipitated the first resignation of a U.S. President, and that we smoothly made the transition to a new administration with little or no disruption in the chain of governing authority.

Earlier in the sequence of events which also had brought the House of Representatives close to a vote on the question of impeachment, the district court for the District of Columbia said that the Senate Select Committee on Presidential Campaign Activities lacked standing to seek production of many of the same materials which were the subject of the later famous case of United States against Nixon, President of the United States.

The Congressional Right to Information Act would, for the first time in the history of our country, provide a practical and a just way to solve the controversies between the legislative and executive branches as to what information the Congress is entitled in order to carry out its constitutional functions.

If the Congress is to legislate, if the Congress is to conduct investigations, if the Congress is to appropriate funds for the operation of the Government, then the Congress must have all of the information in the possession of the executive branch of Government which it finds necessary to fulfill those responsibilities.

In his book on the subject of "Executive Privilege," Harvard law professor, Raoul Berger, observed:

> He who controls the flow of information rules our destinies. . . . It was not the design of the Founders that the people and the Congress should obtain only so much information as the President concluded was fitting for them to have. As a partner—as the senior partner—in the conduct of our government, the Congress is entitled to share *all* the information that pertains to its affairs.

Certainly the experiences of Teapot Dome, of Vietnam, and of Watergate, have shown that the abuse of delegation authority cannot be discovered, disclosed, identified, or restrained if the disclosure of information itself is controllable only by the executive branch.

Mr. President, this legislation represents a truly moderate and restrained congressional response to the recent history of immoderate and unrestrained exercise of Executive authority in the form of withholding information from the Congress.

The bill would direct the head of every Federal agency to keep the committees of the Congress fully informed on all matters within their jurisdictions.

It further would mandate every Federal official or employee to comply with congressional requests for information unless the President specifically instructs them in writing not to do so.

If a request for information is denied, a committee chairman would be authorized to issue subpenas to compel the production of the information sought. The committee would determine that the information is necessary to its legislative function, and the chairman could be authorized to issue a subpena, notwithstanding the Presidential instruction.

Should the Federal official refuse to comply with the subpena, the committee chairman could seek authorization from the particular House to initiate a civil action in the U.S. District Court for the District of Columbia to enforce the subpena.

The district court would be given jurisdiction over such actions and the power to enforce the subpenas by mandatory injunctions or other appropriate order. The court also could modify the subpenas or set them aside entirely.

Many Americans were shocked 2 years ago when Attorney General Kleindienst came before a joint hearing by the Government Operations Subcommittee on Intergovernmental Relations and the Judiciary Subcommittees on Separation of Powers and Administrative Practices and Procedures and asserted that the Congress could only obtain information the President consented to disclose. He maintained:

> Your power to know what the President knows, is in the President's hands.

We have attempted to answer that sweeping claim with this legislation. It is designed to implement the fundamental constitutional principle of the checks and balances between the three branches of Government.

I do not anticipate that many conflicts will arise. When they do, however, this legislation can help to assure a method for responsible congressional action—since no court suits can be initiated without the approval of at least one House—and to require that the executive branch also act responsibly in considering and setting forth its reasons for withholding information the Congress seeks.

Mr. President, the Congressional Right to Information Act is the product of legislative effort which extends back to the 92d Congress. It draws its provisions from other bills introduced in the 93d Congress by Senator Ervin (S.J. Res. 72), Senator Fulbright (S. 858), Senator Ervin and myself (S. Con. Res. 30), and Senators Ervin, MATHIAS, and MANSFIELD (S. 1923). Extensive hearings on the subject of withholding executive information from the legislative branch were held in both Congresses by the Senate Foreign Relations Committee, the Judiciary Subcommittees on Separation of Powers and Administrative Practices and Procedures, and the Government Operations Subcommittee on Intergovernmental Relations.

An identical bill, S. 2432, was reported out by the Committee on Government Operations and adopted by the Senate near the end of the first session of the 93d Congress. We are hopeful that this measure will meet with the interest and support in the House with which it was received in the Senate and soon will become public law.

In particular, I want to express my thanks to the distinguished Senator from Delaware (Mr. ROTH) for his leadership on this vital issue and for helping so much to make this legislation "a bipartisan approach" and to former Senator Ervin for the indispensable and excellent work he has contributed over the years in finding a means to resolve this serious constitutional problem.

At the request of Senator ROTH and myself, Senator Ervin was generous enough to provide us with his views on the importance of this legislative effort.

In a recent letter he said:

> My experiences as Chairman of the Senate Select Committee on Presidential Campaign Activities, and my long study of executive privilege have convinced me that some remedy short of the drastic alternatives of contempt of Congress or the power of the purse is necessary for proper congressional access to information. The Congressional Right to Information Act would have provided a very reasonable remedy.
>
> In the absence of a jurisdictional statute applicable to all committees, we are left with begging an executive agency to turn over information or resorting to more severe alternatives every time a committee needs information to carry out its legislative functions.

Even more recently, the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities has met with considerable resistance in its efforts to obtain information to carry out its mandate from the Senate.

Upon learning of our intention to reintroduce this bill, the distinguished chairman of that committee, Senator CHURCH, wrote:

> . . . I have come to appreciate the need for swift determination of controversies between the legislative and executive Branches over access to information in the hands of federal agencies. The Select Committee and its staff have spent weeks, indeed, months, locked in debate with the federal intelligence agencies over this matter, and I cannot say that even now we have evolved procedures which will provide the Committee all the information it needs to fulfill its mandate.
>
> . . . had a bill with the purposes of the Congressional Right to Information Act been on the books, the Committee would have had the benefit of carefully refined procedures and the means to receive prompt judicial enforcement of its requests for information.

I ask unanimous consent that the letters from Senator Ervin and from Senator CHURCH be printed in the RECORD at the end of my remarks, together with the text of the bill.

Mr. President, the exercise of a privilege by one branch of the Government cannot be automatic at any level. It may be presumed but not bestowed by law. The hearings held on this issue demonstrated that there is no way to draw a line and declare by law which Federal officials or Presidential intimates acting in what capacity on which policy matters are to be guaranteed confidentiality for their conduct.

Responsible government must insure accountability of public servants to the people through the political and legal processes. The legislation we introduce today does much to foster that accountability.

There being no objection, the bill and letters were ordered to be printed in the RECORD, as follows:

S. 2170

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Congressional Right to Information Act".

SEC. 2. (a) Title III of the Legislative Reorganization Act of 1970 is amended by adding at the end thereof the following new part:

"PART 4—KEEPING THE CONGRESS INFORMED

"INFORMING CONGRESSIONAL COMMITTEES

"SEC. 341. (a) The head of every Federal agency shall keep each committee of the Congress and the subcommittees thereof fully and currently informed with respect to all matters relating to that agency which are within the jurisdiction of such committee or subcommittee.

"(b) The head of a Federal agency, on request of a committee of the Congress or a subcommittee thereof or on request of two-fifths of the members thereof, shall submit any information requested of such agency head relating to any matter within the jurisdiction of the committee or subcommittee.

"PRODUCTION OF INFORMATION

"SEC. 342. (a) When an officer or employee of the United States is summoned to testify or to produce information, records, documents, or other material before either House of Congress or a committee of the Congress or subcommittee thereof, that officer or employee shall appear at the time and place specified and shall answer all questions propounded to him, or produce all information, including records, documents, and other material sought, unless, in the case of an officer or employee of a Federal agency in the executive branch, either within twenty days of the date of the summons, or, in the case of any such information which was first requested at an appearance, within ten days after that appearance, the President formally and expressly instructs the officer or employee in writing to withhold the information requested, including answers to specific questions, or specific records, documents, or other material, in which event such Presidential instruction shall set forth the grounds on which it is based.

"(b) Each written Presidential instruction pursuant to subsection (a) shall be transmitted to the House of Congress or committee of the Congress or subcommittee thereof requesting the information, proposing the questions, or seeking the records, documents, or other material.

"SUBPENA OF INFORMATION

"SEC. 343. (a) If a House of Congress or a committee of Congress—

"(1) determines that an officer or employee of the United States has failed to comply with the provisions of section 342 (a); or

"(2) upon consideration of the Presidential instruction transmitted pursuant to section 342(b), determines that the information requested is needed to enable it to exercise a legislative function under the Constitution,

it shall prepare a written report setting forth such determination. In the case of a

committee, the chairman is authorized, subject to the approval of the committee, to issue a subpena requiring such officer or employee to appear before the committee at a time specified and to provide the information requested by answering the question or questions propounded and to produce any information, including records, documents, or other material requested. In the case of a House of Congress, the majority or minority leader shall introduce a resolution citing such determination and authorizing the majority or minority leader of that House to issue a subpena requiring such officer or employee to appear before such House and to provide the information requested by answering the question or questions propounded and to produce any information, including records, documents or other material requested.

"(b)(1) If a committee of the Congress determines that an officer or employee of the United States has failed to comply with a subpena issued pursuant to subsection (a) within fifteen days after such officer or employee receives such subpena, the chairman of such committee is authorized, subject to the provisions of paragraph (2), to bring a civil action in the United States District Court for the District of Columbia to enforce such subpena.

"(2) If a committee of the Congress referred to in paragraph (1) determines that the chairman of such committee should institute a civil action in the United States District Court for the District of Columbia to enforce the subpena issued by it pursuant to subsection (a), the chairman shall introduce a resolution in the House or Houses of Congress concerned citing the failure to comply with the subpena of the committee and authorizing the chairman to bring a civil action in such court for such purpose. If such resolution is agreed to by the House or Houses of Congress concerned, the chairman shall institute a civil action in the United States District Court for the District of Columbia to enforce the subpena.

"(c) If a House of Congress determines that an officer or employee of the United States has failed to comply with a subpena issued pursuant to subsection (a) within fifteen days after such officer or employee receives such subpena, the majority or minority leader of that House shall introduce a resolution citing such failure to comply and authorizing the majority or minority leader of that House to bring a civil action in the United States District Court for the District of Columbia to enforce such subpena.

"(d)(1) A resolution introduced pursuant to subsection (a), (b) (2), or (c) shall not be referred to a committee and shall be privileged business for immediate consideration. It shall at any time be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. Such motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(2) If the motion to proceed to the consideration of the resolution is agreed to, debate thereon shall be limited to two hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"(3) Motions to postpone, made with respect to the consideration of the resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

"(4) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to the resolution shall be decided without debate.

"(e) The provisions of subsection (d) of this section are enacted by the Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

"JUDICIAL REVIEW

"SEC. 344. (a) The United States District Court for the District of Columbia shall have original jurisdiction of actions brought pursuant to section 343 of this Act without regard to the sum or value of the matter in controversy. The court shall have power to issue a mandatory injunction or other order as may be appropriate, and to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the subpena issued pursuant to section 343 of this Act.

"(b) Any congressional party commencing or prosecuting an action pursuant to this section may be represented in such action by such attorneys as it may designate.

"(c) Appeal of the judgment and orders of the court in such actions shall be had in the same manner as actions brought against the United States under section 1346 of title 28, United States Code.

"(d) The courts shall give precedence over all other civil actions to actions brought under this part.

"PROTECTION OF INFORMATION

"SEC. 345. (a) Each House of Congress and each committee or subcommittee of the Congress shall take appropriate measures to insure the confidentiality of any information made available to it under this part which, in the judgment of the Federal agency providing it and the House of Congress or committee or subcommittee of the Congress receiving it, requires protection against disclosure which would endanger (1) personal privacy, (2) trade secrets or confidential commercial or financial information, or (3) the conduct of the national defense, foreign policy, or law enforcement activities.

"(b) The Select Committee on Standards and Conduct of the Senate shall investigate any breach of confidentiality of information made available under this part by a Member or employee of the Senate, and the Committee on Standards of Official Conduct of the House of Representatives shall investigate any breach of confidentiality of information made available under this part by a Member or employee of the House of Representatives. Such committee shall recommend appropriate action such as censure or removal from office or position.

"DEFINITIONS

"SEC. 346. For purposes of this part:

"(1) The term 'committee of the Congress' means any joint committee of the Congress or any standing committee, special committee, or select committee of either House of Congress.

"(2) The term 'Federal agency' has the same meaning given that term under section 207 of this Act, and includes the Executive Office of the President.

"SAVINGS PROVISIONS

"SEC. 347. (a) Nothing in this part shall be construed to require the furnishing or production of any information, records, documents, or other material to either House of Congress if such furnishing or production is prohibited by an Act of Congress.

"(b) Nothing in this part shall be construed as in any way impairing the effectiveness or availability of any other procedure whereby Congress may obtain information needed to enable it to exercise a legislative function under the Constitution."

(b) Title III of the table of contents of the Legislative Reorganization Act of 1970 is amended by adding at the end thereof the following:

"PART 4—KEEPING THE CONGRESS INFORMED

"Sec. 341. Informing congressional committees.
"Sec. 342. Production of information.
"Sec. 343. Subpena of information.
"Sec. 344. Judicial review.
"Sec. 345. Protection of information.
"Sec. 346. Definitions.
"Sec. 347. Savings provisions.".

MORGANTON, N.C.,
July 1, 1975.

Hon. EDMUND S. MUSKIE,
Chairman, Subcommittee on Intergovernmental Relations, Committee on Government Operations, U.S. Senate, Washington, D.C.

DEAR ED: During the last Congress, it was my privilege to join with you in working for the successful Senate adoption of the Congressional Right to Information Act. It was with considerable disappointment, therefore, that upon my retirement from the Senate that the entire Congress had yet to adopt this important procedure whereby the Committees of the Congress could gain access to information in the possession of the Executive Branch.

My experiences as Chairman of the Senate Select Committee on President Campaign Activities, and my long study of executive privilege have convinced me that some remedy short of the drastic alternatives of contempt of Congress or the power of the purse is necessary for proper congressional access to information. The Congressional Right to Information Act would have provided a very reasonable remedy.

Had that legislation been public law in 1973, the Select Committee's job would have been much simpler. As you know, our initial lawsuit to enforce a subpoena of the Watergate tapes was dismissed by Judge Sirica on the grounds that his court did not have jurisdiction of such actions to enforce congressional subpoenas. After Judge Sirica's ruling was upheld upon appeal, Congress passed an act specifically granting jurisdiction of the Select Committee's suit to the District Court.

In the absence of a jurisdictional statute applicable to all committees, we are left with begging an executive agency to turn over information or resorting to more severe alternatives every time a committee needs information to carry out its legislative functions.

I am gratified to learn that you are again reintroducing this important legislation, and I hope that it will meet with both Senate and House approval in the 94th Congress.

With all kind wishes, I am,

Sincerely yours,

SAM J. ERVIN, Jr.

WASHINGTON, *D.C., July 22, 1975.*

Senator EDMUND S. MUSKIE,
Senate Office Building,
Washington, D.C.

DEAR ED: I am pleased to hear that you are reintroducing the Congressional Right to Information Act—the so-called "Executive Privilege" bill. That legislation, which passed the Senate in the last Congress, would provide the Congress with a mechanism for prompt resolution by the courts of issues related to the withholding of information by Executive Branch agencies.

As Chairman of the Select Committee on Intelligence Activities, I have come to appreciate the need for swift determination of controversies between the Legislative and Executive Branches over access to information in the hands of federal agencies. The Select Committee and its staff have spent weeks, indeed months, locked in debate with the federal intelligence agencies over this matter, and I cannot say that even now we have evolved procedures which will provide the Committee all the information it needs to fulfill its mandate.

In the absence of legislation formalizing the relationship between the Legislative and Executive Branches with respect to access to information, the Committee is forced to formulate its own procedures without the benefit of a regular procedure recognized by the Courts. However, had a bill with the purposes of the Congressional Right to Information Act been on the books, the Committee would have had the benefit of carefully refined procedures and the means to receive prompt judicial enforcement of its requests for information.

I strongly support this legislation and hope that the Government Operations Committee and the Senate will move quickly to ratify their action in the last Congress.

Sincerely,

Frank Church,
Chairman.

Mr. ROTH. Mr. President, I am pleased to join Senator Muskie in reintroducing the Congressional Right to Information Act. In 1973, Senator Muskie, Senator Ervin, and I worked closely together in our Intergovernmental Relations Subcommittee to develop this bill in a bipartisan manner. Although it was adopted by the Senate without dissent, it did not receive attention in the House.

This bill provides an expeditious and equitable means of deciding questions of executive privilege, but it is more than just an executive privilege bill. Had it been law during the Watergate controversy, the Watergate tapes would have become available sooner, ending this shabby chapter of our history at an earlier stage. It will also help solve a problem that has grown steadily with the growing size of bureaucracy—how Congress can obtain information it needs for legitimate legislative or oversight purposes from bureaucrats who want to withhold it to avoid revealing waste, inefficiency, corruption, or ineptitude. When I first came to Congress in 1967 and began working on a catalog of Federal domestic assistance programs, I was appalled at the way some Government agencies could almost just ignore legitimate requests for basic information about their programs. One agency even denied me a copy of a telephone book on the grounds that it was classified. It is my impression that even the White House cannot get all the information it wants from the "fourth branch"—the administrative bureaucracy.

Disputes over information are built into our constitutional system of separation of powers and checks and balances. They have been part of the history of this country since the beginning of the Republic. George Washington's administration, for example, complied with a congressional demand for information related to the ill-fated St. Clair expedition, but it rejected a request for papers relating to the negotiation of the Jay Treaty.

At one time or another, both the Congress and the Executive have made excessive claims. Former President Nixon's attempts to extend the doctrine of executive privilege to cover every employee of the executive branch and all activities of the President were totally unacceptable. I believe that there should be an area of executive privilege covering confidential policy advice a President receives from his advisers about matters involving the constitutional duties of the President. But I am absolutely opposed to any assertion of executive privilege to protect illegal activity, malfeasance, or wrongdoing by any member of the executive branch.

Congress, too, in the past has overstepped its proper bounds, most notably after the Civil War, but more recently in the early 1950's. The New York Times and Washington Post then praised President Eisenhower when he finally rejected Senator McCarthy's demands for personnel files and other executive branch information. In a book published in 1955, Alan Barth wrote:

> It is the purpose of this book to show that the legislative branch has acquired a dominance which has become a peril to liberty. The imbalance has been brought about in large measure through an old and necessary instrument of legislative action which lately has got altogether out of hand—the congressional investigating committee. Congress has, increasingly during the past decade, ominously in the past five years, used its indispensable investigating power in ways that encroach upon the jurisdiction of the executive branch of government . . .

Each branch must protect its own prerogatives from excessive incursions from the other. It is no better to have a strong Congress and a weak President than to have a weak Congress and a strong President. The country needs a strong President and a strong Congress.

I believe the Congressional Right to Information Act gives Congress the power it needs to get information for the full functioning of its constitutional responsibilities, while protecting the President and executive branch from any overreaching demands from Congress. The bill does not try to define either the scope of the congressional right to obtain information or an executive prerogative to withhold; it does establish a procedure under which there can be a speedy court determination of cases involving legitimately conflicting and countervailing powers. Under this bill, no one in the executive branch can legitimately withhold information from Congress except by explicit instruction of the President, and committees may challenge withholding sanctioned by the President in the courts. The bill, however, authorizes such a challenge only when the committee chairman has obtained a resolution authorizing the challenge from a full House of Congress. This is to insure that just as the executive branch cannot lightly withhold information neither can the Congress lightly go to court to challenge him.

If this bill becomes law, we will have, for the first time in our history, an expeditious and equitable judicial procedure for Congress to obtain the information it needs without punishing individuals either through contempt of Congress or some other alternative. I hope the Congressional Right to Information Act will receive speedy attention.

Mr. ABOUREZK. Mr. President, I join with Senator Muskie in introducing S. 2170, the Congressional Right to Information Act, to help preserve the separation of powers and to insure to the Congress the means of acquiring that information necessary to its legislative function.

The Subcommittee on Separation of Powers, which I now chair, has long been concerned with the problem of governmental information practices, particularly the asserting of executive privilege. The exercise of this so-called privilege not only encroaches upon congressional prerogatives but erects a bar to the effective acquisition by the Congress of information needed to perform its designated tasks. Under the aegis of Sam Ervin, the subcommittee first held hearings in 1971 on executive privilege and the withholding of information by the Executive. Then in 1973, in joint hearings with the Subcommittee on Administrative Practice and Procedure of the Judiciary Committee and the Subcommittee on Intergovernmental Relations of the Committee on Government Operations, we inquired into executive privilege, secrecy in Government, and freedom of information. The Separation of Powers Subcommittee will continue to play an active role in the consideration of the executive privilege issue, and will work closely with the Government Operations Subcommittee on this legislation.

The problem of determining the limits of executive privilege can no longer be considered a subject suitable only for esoteric treatment in the law journals. The difficulties encountered by the Congress in ferreting out the scope of executive activities in connection with the Watergate episode vividly illustrate the practical aspects of the issue.

The doctrine of executive privilege has developed without constraint, exacerbated both by the enormous expansion of the size and the powers of the executive branch and by the failure of the legislative branch to assert its constitutional powers. By this abdication, Congress has actively encouraged the aggrandizement of Executive power.

Separation of powers is the hallmark of our constitutional Government, but recognizing that strict separation, if scrupulously followed, would be unproductive, the framers provided for separate but balanced power. Governmental responsibility must be shared if the plan envisioned by the framers is to be accomplished. The bill we propose today establishes an obligation in the head of every Federal agency to keep congressional committees and subcommittees informed with respect to all matters relating to that agency which are within the jurisditcion of such committee or subcommittee. In addition, the head of each Federal agency shall, on the request of such committee or subcommittee, submit information relating to any matter within the jurisdiction of the committee or subcommittee. These provisions should contribute to the creation of an ongoing cooperative exchange of information between Congress and Federal agencies. Such a regular procedure will replace the frequently adversarial exchanges which now take place when the executive branch is called upon to provide information to Congress. In the course of such cooperation, each branch must respect the obligations and duties rightfully exercised by the other branches so that no one branch of the Federal Government will amass undue power.

This bill provides safeguards that accord respect to the special interests of both the Congress and the Federal agencies. Officers and employees of the Federal agencies may withhold requested information when the President so instructs and such instruction shall include written grounds. The committee requesting information may, upon consideration of the grounds for withholding information, issue a subpena and, if it is determined that the subpena has been ignored, may seek enforcement in the U.S. District Court for the District of Columbia. The reviewing court has authority to issue a mandatory injunction or other appropriate relief and to enforce or modify or set aside, in whole or in part, the congressional subpena. In addition, provision is made to insure the confidentiality of information secured under this bill which, in the judgment of the Federal agency and the congressional committee, requires protection against disclosure.

Cooperation between the Congress and the Executive is necessary if the Government is to operate effectively. The legislation which we introduce today establishes a procedure assuring Congress full, prompt, and effective disclosure of information necessary to its legislative function. The procedure allows both branches the opportunity to weigh and to discuss their conflicting interests, with eventual resort to the judiciary for resolution if necessary, and protects each branch from the arbitrary acts of the other. Imposition of a regular process will provide the means for achieving a peaceful settlement of the problems provoked by arbitrary invocation of executive privilege.

It is my hope that Congress will seize this opportunity to reassert its constitutional powers and speedily enact this vital legislation.

By Mr. MONDALE:

S. 2172. A bill to amend the Tax Reduction Act of 1975 to make permanent certain amendments to the Internal Revenue Code of 1954 effected by such act, and for other purposes. Referred to the Committee on Finance.

EXTENSION OF 1975 TAX CUTS

Mr. MONDALE. Mr. President, I am introducing today legislation that would make permanent $11 billion in temporary individual and corporate tax cuts passed earlier this year.

This legislation would continue:

The increase in the standard deduction to 16 percent of adjusted gross income, with a minimum of $1,600 and a maximum of $2,300 for single persons, and a minimum of $1,900 and a maximum of $2,600 for joint returns—$2.7 billion;

The new $30 per-person tax credit—$5.3 billion;

The new earned income credit—work bonus—of up to $400 for low-income workers with children—$1.4 billion;

The lower 20-percent tax rate for corporate earnings under $25,000—$0.3 billion;

The exemption of the first $50,000 of corporate earnings from the 26 percent corporate surtax—$1.2 billion; and

The eligibility of up to $100,000 of used equipment for the investment tax credit—$0.14 billion.

All of these provisions were enacted for 1 year only in the Tax Reduction Act of 1975—with the exception of the last, which applies through 1976.

With unemployment stuck at around 9 percent, and with no more than a sluggish economic recovery in prospect, it is clear that the 1975 tax cuts we enacted earlier this year should be extended. The $11 billion in economic stimulus this will provide is the bare minimum needed to keep our economy from sliding back into recession.

A recently released study by the Congressional Budget Office estimates that if the 1975 tax cuts are not extended, the gross national product would be $8 billion lower by the end of next year, and the unemployment rate would be 0.1 percent higher—yet there would be no compensating reduction in inflation. These adverse effects on GNP and employment would grow worse in 1977, the CBO study says.

If oil prices are substantially increased, of course, even larger tax cuts will be needed to prevent a serious undermining of economic recovery.

Even if the 1975 personal tax cuts are extended, the amount of taxes withheld from individuals will increase significantly on January 1, 1976. The reason is that withholding for the 1975 tax cuts had to be compromised into 8 months rather than the normal 12. Just spreading the 1975 cuts over 12 months will result in a lower per-week tax reduction and a higher amount of taxes withheld from workers' paychecks. If the 1975 tax cuts are not extended, of course, this impact will be even greater.

When this is combined with the projected increase in the social security wage base from $14,100 to around $15,000 it is clear that the average worker's paycheck will be signficantly thinner starting January 1. Since economic recovery depends crucially on a revival of consumer confidence and consumer spending, we should act promptly to offset this up-coming jolt to consumers.

The first concurrent resolution on the fiscal year 1976 budget assumed that these cuts would be extended, so they have already been built into Congress budget planning. I hope that President Ford and his Treasury Secretary can be persuaded that further delay in extending these cuts serves no useful purpose.

The House Ways and Means Committee has included extension of the 1975 tax cuts on its agenda for the tax reform bill it is scheduled to begin marking up in September. If rapid progress is not made on that bill, we must consider other vehicles that will be available.

I ask ananimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2172

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the last sentence of section 209(a) of the Tax Reduction Act of 1975 is amended by striking out the last sentence thereof.

(b) Section 209(b) of such Act is amended by striking out "December 31, 1974, and before January 1, 1976." and inserting in lieu thereof "December 31, 1974.".

(c) Section 209(c) of such Act is amended by striking out "April 30, 1975, and before January 1, 1976." and inserting in lieu thereof "April 30, 1975.".

(d) Section 301(c)(2) of such Act is amended by striking out "December 31, 1974, and before January 1, 1977." and inserting in lieu thereof "December 31, 1974.".

(e) Section 305(b)(1) of such Act is amended by striking out the last sentence thereof.

SEC. 2. (a) Section 3402(a) of the Internal Revenue Code of 1954 (relating to income tax collected at source) is amended to read as follows:

"(a) REQUIREMENT OF WITHHOLDING.—Except as otherwise provided in this section, every employer making a payment of wages shall deduct and withhold upon such wages a tax determined in accordance with tables prescribed by the Secretary or his delegate. The table so prescribed shall be the same as the tables contained in this subsection as in effect on January 1, 1975, except that the amount setforth as amounts of income tax to be withheld with respect to wages paid after April 30, 1975, shall reflect the full effect of the amendments made by sections 201, 202, 203, and 204 of the Tax Reduction Act of 1975. For purposes of applying such tables, the term 'the amount of wages' means the amount by which the wages exceed the number of withholding exemptions claimed, multiplied by the amount of one such exemption shown in the table in subsection (b)(1)."

(b) Section 11(b) of such Code (relating to normal corporate tax rate) is amended to read as follows:

"(b) NORMAL TAX.—The normal tax is equal to the sum of—

"(1) 20 percent of so much of the txable income as does not exceed $25,000, plus

"(2) 22 percent of so much of the taxable income as exceeds $25,000."

(c)(1) The amendments made by subsection (a) shall apply to wages paid after April 30, 1975.

(2) The amendment made by subsection (b) shall apply to taxable years ending after December 31, 1974.

By Mr. BROCK:

S. 2174. A bill to amend the Public Health Service Act to revise and extend the National Health Service Corps program, and for other purposes. Referred to the Committee on Labor and Public Welfare.

NATIONAL HEALTH SERVICE CORPS EXTENSION

Mr. BROCK. Mr. President, today I am introducing a bill that, in my opinion, will make a major improvement in the National Health Service Corps. This legislation will provide a new thrust aimed at overcoming the problem of geographic maldistribution of health professionals. Briefly, the bill would give the National Health Service Corps authority to provide technical and financial assistance to private physicians who would be willing to locate and establish medical practices in rural and underserved areas of our Nation.

In considering problems related to geographic maldistribution, it is important to keep in mind both the problem of attracting physicians to underserved areas as well as the separate problem of retaining them once they are there. In fact, physicians can be "attracted" to medically underserved areas through obligated service, but unless practice conditions are improved, they may not stay there. On the other hand, if the problems themselves are addressed, the retention rate may be significantly improved. That is the objective of this bill.

Thus, this bill is an attempt to address the problem of retaining physicians in medically underserved areas. Fortunately, by addressing this problem, the separate problem of attracting physicians to medically underserved areas may also be reduced. The bill addresses the problem of retention in two ways: First, it would make assistance available to private physicians through the National Health Service Corps; and second, it would attempt to overcome some of the causes of maldistribution in order to improve the conditions of practice in underserved areas.

Let me make two points clear. First, by introducing this legislation today, I am not suggesting that the current National Health Service Corps program be abolished or even changed. Instead, my bill would only expand and improve it. Second, I am not suggesting that the scholarship program with obligated service be terminated. As I will explain later, the purpose of this bill is to provide additional mechanism for addressing geographic maldistribution problems.

The proposed legislation would result in a fundamental change in the National Health Service Corps. Under present and currently proposed legislation, only Federal employees are eligible for assistance in the National Health Service Corps; thus, health professionals desiring to practice in medically underserved areas are required to become Federal employees in order to receive assistance. Under the proposed bill the National Health Service Corps would also be authorized to provide assistance to private health professionals to assist them in establishing practices in medically underserved areas.

Thus, the bill would change the National Health Service Corps from a program consisting solely of Federal personnel to one which would also provide assistance to private doctors. The intent of the bill is to assist those private physicians who would be willing to locate and establish practices in underserved areas but who do not want to become Federal employees.

By providing assistance to private physicians to help them establish their own practices, I believe that the chances for retaining them in the area will be greatly increased. By building their own practice in a community, physicians would be establishing roots in the community. During the development of their practice, they would have to develop relationships with certain leaders in the community, and they would develop a sense of responsibility to their patients. Many of them would purchase homes in the area and develop social ties within the community. Likewise the community would feel an affinity to the physician who establishes a practice there. All of these ties would provide strong disincentives to leave the area and would, therefore, greatly improve the chances that the physician would stay.

On the other hand, it is very easy for a Federal employee to go into an already existing practice in a community, established by the Federal Government before he is assigned there. He suffers no pain in working to establish the practice or to develop it. He does not go through the process of building community relationships. He realizes that he will be there for a while and then leave. And it is then easy to do just that—leave. He has no roots, no ties to the community.

In addition to the question of retention, there are also other advantages to the private approach. First, many times a Federal doctor may be looked upon by the community as an outsider, and a temporary one at that. The community will be much more attracted to "their own" private physician who has struggled to build a practice there. Community relationships are important in medical care.

Second, a private physician who builds his own practice in an area is likely to be more concerned about the quality of care that he provides than is a Federal employee assigned to an area for a short period of time.

Third, the opposite of retention is frequent turnover of physicians. I believe that there will be more frequent turnover of Federal employees than of private physicians, leading to problems in continuity of care.

Fourth, I believe that a larger number of physicians will apply for assistance to establish their own practices than will apply to become Federal employees in someone else's practice.

And fifth, philosophically I feel much more comfortable about the Federal Government assisting doctors to establish private practices than in encouraging the Federal Government to recruit several hundred or perhaps several thousand doctors to become Federal employees who would then be "managed" through the Department of Health, Education, and Welfare.

For all of these reasons, I believe that from a purely practical standpoint, we would be much more successful going the private route. On the other hand, there will always be a need for Federal employees in the National Health Service Corps. There will always be hardship areas in which private physicians will refuse to practice. Dedicated Federal servants will be needed to provide medical care to people living in those areas.

The second way in which the bill would attempt to retain physicians in medically underserved areas would be by trying to address some of the problems and to improve the conditions of practicing in these areas. Three basic factors have been identified in studies as being the most significant cause of geographic maldistribution: physician isolation, physician income, and social and cultural barriers. This bill would address the first two of these three problems. Although the bill addresses the third problem, social and cultural barriers, by providing assistance to families to help them to adapt to the area, studies have shown that this problem must be addressed by altering admissions policies of medical schools through new health manpower legislation.

As I will discuss in more detail later, the bill attempts to address the problem of physician isolation by developing group and partnership practices in underserved areas, by providing 30 days leave each year to physicians for vacation or educational purposes, by developing linkages with other physicians and with centers of specialized care, and in other ways.

The bill attempts to overcome the problems related to income by providing a guaranteed minimum income of approximately $30,000 annually for physicians and dentists who agree to locate and establish practices in medically underserved areas. This provision would be available for a period of up to 8 years.

On the other hand, a scholarship program with obligated service required as a payback is desirable to complement the proposed new National Health Service Corps. It is very unlikely that all underserved areas could be staffed through a voluntary approach. For those hardship areas for which the voluntary approach did not work, the scholarship program would provide physicians.

Thus, the bill proposes a combination of the voluntary and obligated service approaches. By combining these two mechanisms, we would be able to utilize the voluntary approach to the maximum extent possible; when it stops working, the obligated service mechanism would take over. But if the voluntary approach works effectively, the need for obligated service will diminish.

THE PROBLEM

As most careful studies have shown, the physician shortage problem is really one of geographic maldistribution of primary health care personnel throughout the United States. There is substantial documentation of this problem. I do not need to review all that documentation at this time, but I would like to refer my colleagues to the report accompanying S. 3885 last year for a thorough compilation of the documentation of this problem.

The geographic maldistribution of health manpower represents one of the most serious barriers to access to health care in the Nation. Increases in the total supply of health professionals have not reduced the problem of maldistribution. In fact, during the past 10 years, the problem has worsened.

The national ratio of physicians to population is 156 physicians for every 100,000 people, or one physician for every

641 people. The Atlantic and Pacific coastal regions have much larger physician to population ratios than do other parts of the Nation. The Middle Atlantic region has the highest number of physicians per capita with a total of 196 physicians for every 100,000 people, 126 percent of the national average. On the other hand, the East South-Central region has the lowest ratio, with only 105 physicians per 100,000 population, 67 percent of the national average. In Tennessee, there are 123 physicians per 100,000 population, 79 percent of the national average.

More serious, however, than the variation in physician to population ratio among States is the variation among areas within States. Especially serious are the differences between suburban areas on the one hand and rural and inner city areas on the other. Nationally, the physician to population ratio in urban areas is 170 physicians per 100,000 population, more than twice the nonurban ratio of 80 physicians per 100,000 population. Rural areas now have less than one-half of the physician to population ratio of urban areas in 35 States; in 14 States, the ratio in rural areas is less than one-third that of urban areas. The situation with respect to inner city areas is similar to that in rural areas.

In my home State of Tennessee, the problems are especially severe. Of the 95 counties in Tennessee, the Department of Health, Education, and Welfare has designated 36 areas as being critical medical shortage areas and 38 areas as being critical dental shortage areas.

Mr. President, I ask unamious consent that a list of the most affected counties be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

TENNESSEE

CRITICAL MEDICAL SHORTAGE AREA

Campbell—the Jacksboro medical service area

Carroll
Cheatham
Cocke
Crockett
Decatur
Fayette

Fentress—the Jamestown medical service area

Giles
Grainger
Grundy
Hancock
Hardeman
Hawkins
Haywood
Hickman
Johnson
Lauderdale
Loudon
McNairy
Macon
Meigs
Moore
Perry

Putnam—the Monterey medical service area

Rhea
Roane
Scott
Stewart
Trousdale
Union
Wayne
White
Williamson
Wilson

CRITICAL DENTAL SHORTAGE AREAS

Bledsoe
Campbell
Carter
Carroll
Cheatham
Claiborne
Clay
Cocke
Crockett
Cumberland
Decatur
DeKalb
Fayette
Giles
Grainger
Grundy
Hancock
Hardeman
Hawkins
Hickman
Jackson
Lake
Macon
Meigs
Morgan
Overton
Perry
Pickett
Robertson
Scott
Smith
Stewart
Trousdale
Unicol
Union
Van Buren
Wayne
White

Mr. BROCK. Mr. President, not only is there an insufficient supply of medical care in rural areas, but conditions in rural areas result in a greater need for health services than those in urban areas. Although only 31.4 percent of our Nation's population is rural, 36.6 percent of persons 65 years old or older live in rural areas. Similarly, 56.7 percent of our Nation's substandard housing is in rural areas, 46.5 percent of all persons below the poverty level live in rural areas, and other factors, such as transportation and sewage systems, are also of poorer quality in rural areas than in urban areas. All of these factors emphasize the point that while our Nation's rural citizens need more medical care than those in urban areas, less is actually available to them.

Making matters worse is the fact that because of the level of poverty in rural areas and the nature of employment there, proportionally more people have either no health insurance or poorer insurance than do those living in urban areas. Only 17.4 percent of individuals living in urban areas are not covered by hospital insurance, but in rural areas, 24.2 percent are not covered.

Because of the high proportion of poor and elderly people living in rural areas, many individuals are eligible for medicaid or medicare. However, even with these programs, there are problems. In formulating the medicare law, Congress took into consideration the knowledge that because of custom and economic differences, physicians' charges for similar services vary considerably from locality to locality. It seemed that a fair approach to payment required that these regional and local differences be taken into account. The law therefore provides that to arrive at the reasonable charge on which benefits are to be based, two things must be considered: the particular physician's customary charge for the service and the prevailing charge in the locality for similar services.

The unfortunate result of this approach is that physicians receive lower reimbursements for their services in most rural areas than do their colleagues practicing in urban areas. The effect is that physicians are discouraged from practicing in rural areas because of these lower reimbursements. My bill calls for a study of this situation with recommendations for making whatever changes may be necessary to correct this problem.

In its report issued in 1967, the President's National Advisory Commission on Rural Poverty summed up the problems in the following statement concerning rural health care:

> We have failed miserably to protect the health of low-income people in rural areas. The health service they get is not only inadequate in extent but seriously deficient in quality. It is badly organized, underfinanced, rarely related to the needs of the individual or the family. Such health service as there is is too often discriminatory in terms of race and income and heedless of the dignity of the individual.

CURRENT NATIONAL HEALTH SERVICE CORPS

When the Emergency Health Personnel Act of 1970 (Public Law 91-623) was enacted, establishing the National Health Service Corps, an important first step was taken in addressing the problem of geographic maldistribution of health professionals. Later, the act was amended and extended by Public Law 92-585. The basic thrust of this act was to address the very complex problem of geographic maldistribution in a very straightforward manner: it offered young health professionals an opportunity to serve as Federal employees in medically underserved areas and at the same time to fulfill their military obligation. The goal was that some of these health professionals would stay in the areas in which they served.

The Corps has achieved a significant amount of success during its brief history, and its original author, the distinguished senior Senator from the State of Washington, WARREN MAGNUSON, undoubtedly takes great pride in this success. Using the designation requirement of a physician to population ratio of 1:4000 and a dentist to population ratio of 1:5000, a total of 981 areas have been designated nationwide as of February 1975, as critical health manpower shortage areas. And as of June 30, 1975, a total of 515 health professionals were assigned in these areas, 21 health professionals have been assigned to 12 separate areas in Tennessee.

Despite the success which has been achieved, however, the program was not intended to address in a major way the problem of geographic maldistribution of health professionals. It was not really intended to address the fundamental problems causing the maldistribution in the first place. One limitation, in my opinion, is that only Federal employees are allowed to participate in the program. Thus, in order to receive assistance, health professionals are first required to become Federal employees. This fills a gap in medical care; however, Federal employees do not usually establish roots in the community in the way a private practitioner would and are not as likely to stay.

Because of the limitations of this program and because of the size of the problem, this is an appropriate time to examine the problems causing geographic maldistribution of health professionals and to determine the changes that are required in the National Health Service Corps legislation in order to provide a strong, new Federal thrust to address and to alleviate these problems.

CAUSES OF GEOGRAPHIC MALDISTRIBUTION

Three basic factors have been identified time after time in studies as being the most significant causes of geographic maldistribution: physician isolation, physician income, and social and cultural factors. The problems associated with physician isolation appear to be the greatest barriers to practicing in underserved areas. Most young health professionals begin their first practice in a group or partnership setting because such a practice provides them the technical assistance they need in learning how to establish and then how to manage a medical practice. Such financial and management skills often are not taught in medical schools. In addition, this kind of practice affords health professionals daily contact with their peers for consultation or referral. And it provides them an opportunity to spend time away from their practice periodically for vacation, continuing education, or for other reasons.

In medically underserved areas, it is very difficult, if not impossible, for young health professionals to join group or partnership practices, as few such practices exist. As a result, it is difficult in such areas for health professionals to obtain the technical assistance they need to establish their practice; it is also difficult for them to establish communications with other health professionals for consultation and referral. Their working hours become unbearably long, and they find it almost impossible to get away from their practice because there is no one to substitute for them while they are away.

In an attempt to determine the reasons for which primary care physicians leave their practices in rural areas, Crawford and McCormack—Journal of Medical Education, 1971—sent questionnaires to a group of physicians who had been in practice in rural Virginia but had decided to leave. By far the greatest complaint voiced by the group was the degree of overwork; at least two-thirds gave this as the major reason for leaving. This complaint included not only long hours, but also the physical and emotional strain of constantly feeling unable to get away from the practice.

The physicians were then asked what could be done to improve the viability and attractiveness of rural practices. The responses were strikingly positive; most felt that if certain steps were taken, rural practices could be made viable and attractive. Ninety-six percent of all respondents favored the establishment of group practices. Other measures which the group favored were: the development of closer ties to medical centers and medical training programs, 81 percent; the development of some form of income guarantee—either through tax incentives, enrollment of patients on a prepaid capitation basis, or by a direct subsidy to the practice—69 percent; and the greater use of nurse practitioners or physician assistants, 66 percent.

It seems remarkable that these physicians felt that they had nowhere to turn for help. Neither professional organizations nor medical schools had been able to assist them in overcoming the burdens of overwork or other problems.

In a recent article in Inquiry, Cooper, et al., 1975 reported on a study of factors which influence the location decision of primary care physicians. They studied the entire class of 1965 graduates of U.S. medical schools who, for the most part, had completed all their training and were at or near the time of a practice location decision.

The factor most often cited as being most important in their location decision was the opportunity to join a desirable partnership or group practice. Two other important factors cited were the opportunity for regular contact with a medical school or medical center and income security. Other important factors related to the place in which the physician was reared.

Still another survey of physicians by Scott and Myer, Medical Opinion, 1972, showed that over 60 percent of young and established physicians who had already begun practice would prefer a group practice if they could start over again.

Thus, the availability of a suitable group practice opportunity is not only important in attracting physicians, but it is also important in retaining them.

Dr. Donald Madison, director of the Rural Services Research Unit, Health Services Research Center, University of North Carolina, explains the problems of rural health care in such lucid terms that I would like to quote from his paper—Health Service Reports, 1973:

> But is the organized system based on group practice a means of increasing the pool of potential recruits to rural practice, or would it merely further concentrate those who would likely be in rural practice in any event? I think its impact would probably be mostly on those physicians who otherwise would probably not be in rural practice, at least not for long.

Dr. Madison goes on to say:

> Also pertinent are some preliminary findings from a current nationwide study of group practice organizations and physician staff stability. Questionnaire responses were examined from 74 primary physicians (generalists, internists, and pediatricians) who practice in six multispecialty groups. The majority held the community and the general geographic location of the group as unimportant to their decision. The most important factors were (a) freedom from the business aspects of medical practice—91 percent considered this an important factor, (b) predictable working hours, and (c) immediate access to other physicians for consultation and referrals. These conditions of work are particularly associated with organized multiple-physician practice.

A second factor which causes geographic maldistribution is that physician incomes are often low in medically underserved areas. In many of these areas, patients cannot afford to pay for services provided, either through out-of-pocket payment or through reimbursements from third-party insurors. Few health professionals have been willing to go to these low-income areas, either urban or rural, choosing instead to practice in more affluent areas. In addition, some areas do not have a population base of sufficient size to support needed physicians.

As mentioned above, the studies by Cooper, et al., and by Crawford and McCormack both brought out the importance of income security in physician location decisions. Additional work by Pierre deVise, Journal of Medical Education, 1973, has shown the great correlation between the ability of a population to pay for services and the number of physicians who decide to locate there. As deVise pointed out, and as I mentioned earlier, medicare and medicaid payments, as well as grants through other Federal health programs, have exacerbated this problem by providing greater sums to high-income areas than to low-income areas.

There have also been many other studies that have demonstrated the importance of income security in physician location decisions. And it is only reasonable that young physicians who leave medical training with large debts of as much as $10,000 would be concerned about establishing a practice in an area in which he could earn a sufficient income to repay those debts.

There are also social and cultural reasons for the maldistribution of health professionals. Many medically underserved areas are rural or isolated areas which are being deserted not only by medical personnel, but by younger citizens of all occupations who prefer the social and cultural opportunities offered in cities. However, this problem is exacerbated for health professionals by the admissions policies of medical schools under which far greater numbers of students from urban areas are admitted than are students from rural areas. Similarly, most medical residency training programs are in urban areas. It is extremely unlikely that these urban students will later establish medical practices in rural areas.

The results of a large number of studies of this problem suggest that the only effective way of addressing the social and cultural causes of geographic maldistribution is by admitting more medical students from such areas into our medical schools. Although the bill I am introducing today does not address this problem, I urge the members of the Subcommittee on Health of the Committee on Labor and Public Welfare to consider this suggestion carefully. Such a change in the admissions policies of our Nation's medical schools would not result in lower quality medical students or lower quality medical care, for there are far more qualified students applying to medical schools now than can be admitted. Instead, such a change would only ask medical schools to participate in helping to overcome a great national problem.

Thus, the basic causes of geographic maldistribution of health professionals and proposed ways of addressing those problems can be summarized in a table which I ask unanimous consent to have printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

GEOGRAPHIC MALDISTRIBUTION

Problems and ways to address problems:

1. Physician isolation, 1. Start-up group and partnership practices in underserved areas. 2. Provide technical assistance to start-up practice. 3. Use physician extenders to reduce workload. 4. Provide orientation. 5. Provide vacation or leave periods. 6. Develop linkages among personnel for consultation and referral. 7. Develop linkages with specialized centers on a regional basis. 8. Develop Area Health Education Centers in underserved areas.

2. Physician income, 1. Provide guaranteed minimum income. 2. Change reimbursement mechanisms.

3. Social and cultural barriers, 1. Change admissions policies of medical schools. 2. Encourage primary care specialties. 3. Develop residency and preceptorship training

programs in underserved areas. 4. Provide assistance to spouse and family.

Other ways to overcome geographic maldistribution without addressing its causes:

1. Provide financial incentives for health professionals to encourage them to establish practices in underserved areas;

2. Provide student scholarships with obligated service pay-back.

PROVISIONS IN THE BILL

Mr. BROCK. Although the section-by-section analysis of the bill is also being printed in the RECORD, I would like to point out some of the specific provisions included within the bill.

First, this proposal would make a maximum attempt to reduce physician isolation in medically underserved areas. It would provide financial and technical assistance to help health professionals to establish medical practices in such areas.

Financial assistance would be provided for salaries, equipment, facilities, and necessary additional training for the participant. Group and partnership practice arrangements would be encouraged, although final choice of practice arrangement would remain with the health professional. Such assistance would cover a startup period of 3 years and would guarantee that such medical practices would not suffer financial loss for this initial period of time. The provision of additional training is important because many medical students are not taught how to practice as part of a group or to utilize efficiently nurse practitioners or physician assistants; this provision would allow them to get that additional training.

The bill would require the Secretary to provide an orientation period for new recruits. In addition, it would provide coverage for health professionals while they are away from the practice for vacation, continuing education, or other reasons. This coverage might be provided by other physicians in the same area, on a reciprocal basis, or it might be provided in some other way, such as by Federal employees. The bill would also provide assistance to the families of participants in order to help them to move to the area and to adapt to it once they are there.

To overcome the problem of low physician income in medically underserved areas, the bill would provide a guaranteed minimum income to doctors who agree to practice there. The Federal Government would not pay their entire salaries. Instead, it would pay only the difference between their income level and the salary they would receive if they were a Federal employee—about $30,000 annually. In addition, participants in the program would be eligible to extend these pay provisions for an additional 5 years after the initial 3-year period of assistance. Of course, in many areas, no Federal assistance would be required, as the income level of the doctor would meet or exceed the guaranteed minimum.

In order to encourage the community to learn about, and to accept, their new medical practice, the bill would require the community to provide part of the assistance in setting up the practice. In some instances, the community portion might include funds or a facility; in other, poorer areas, it might involve only the labor of painting or helping the new doctor and his family with moving chores.

An attempt would also be made to reduce professional isolation by developing information and communication linkages among health personnel, by developing consultation and referral linkages between health professionals in underserved areas and those in medical schools and specialized centers, and by developing programs to assist health professionals in underserved areas to keep their knowledge and skills current.

Physicians would be able to obtain assistance under this title to join already existing practices. Several physicians could also obtain assistance to establish a single practice, and assistance would be provided to physicians who want to expand their practices. These provisions are important in areas such as Eastern Tennessee in which small practices could be expanded in order to provide additional services to underserved populations.

The bill provides a substantial incentive for physicians to remain in the area to practice. If the participant fulfills the agreement and remains in practice in an underserved area for a period of 3 years, ownership of all equipment, facilities, supplies, and other items is transferred to him. Not only is this an incentive to go there in the first place, but once the practice is fully developed, the physician has a great economic, as well as emotional, stake in staying. It is his practice or her practice, not someone else's.

On the other hand, if a participant breaches his agreement, ownership of this property is transferred to an appropriate organization within the community. In addition, the participant would then be required to reimburse the United States for much of the assistance that would have been provided to him under this title. He would not be required to repay his salary or the salaries of other personnnel in the practice because of indentured servitude considerations. Neither would he be required to reimburse for property provided to the community; however, he would be required to repay the fair market value plus interest for all other assistance provided to him.

In addition to these provisions, the bill would continue the current National Health Service Corps for Federal employees. Changes have been made in this part of the bill reflecting the changes made in S. 66 which was recently sent to the President for signature into law. It also reflects other changes which have been proposed in the Senate. The intention was to accept changes in this section proposed by others and not to disturb this part of the program.

The only significant change was the deletion of the provision for a National Advisory Council. This has been a body which has not had a useful role and has met only infrequently. In the place of this Council, this bill requires the establishment of a permanent Council on Medically Underserved Populations within the Office of the Assistant Secretary for Health in HEW.

At the present time, designations of medical scarcity areas are carried out within the Department of Health, Education, and Welfare in an uncoordinated fashion with little advice from individuals from outside Government experienced in conducting research related to such problems. There are currently approximately 20 separate legislative authorities concerning medical scarcity areas, including separate authorities for medically underserved populations under section 1302(7)—personal health services—and section 1633(16)—health facilities. This bill would add legislative authority concerning medically underserved populations related to primary health care personnel. These various legislative authorities are administered by separate organizations within HEW. The purpose of this section in the bill is to require that the designation process be carried out by a single organizational unit within HEW with the advice of experts from outside Government in order to improve coordination and to provide a focal point within HEW for a new Federal thrust aimed at addressing the problems of geographic maldistribution.

This section further requires the Council to conduct a series of studies related to problems of geographic maldistribution. It is important that these studies be carried out in order to develop a stronger base of information on which to establish criteria for designating areas.

EVIDENCE THAT THE PROGRAM WILL WORK

There is substantial evidence that Federal initiatives to overcome the fundamental problems causing geographic maldistribution will be effective in attracting health professionals into medically underserved areas and in retaining them there. Even limited efforts by the Federal Government and by State and private groups have been effective. The National Health Service Corps, which at the present time is almost completely voluntary with only a small number of participants having obligated service requirements, has been able to enlist 405 health professionals in fiscal year 1974 and 515 in fiscal year 1975. In fiscal year 1975 alone, over 9,000 physicians and dentists requested information about obtaining assistance through the National Health Service Corps. It seems quite probable that many of these individuals did not want to become Federal employees in order to receive assistance. A substantially larger percentage of these 9,000 probably would have applied for assistance to establish their own practices rather than to become Federal employees in someone else's practice.

In addition to the National Health Service Corps, there have been other programs that have had significant success in recent years using approaches similar to the one proposed in my bill. A sizable number of rural practices have been established in Eastern Tennessee through the funding of the Appalachian Regional Commission. The State government of North Carolina has developed a rural health program and is assisting in the establishment of medical practices in underserved areas of that State. Similar efforts are underway in Virginia and other States.

Dr. James Bernstein, director of the Office of Rural Health Services in North Carolina explained the success of the program in that State:

> The experience from our physician recruitment program is that those physicians interested in practicing in rural areas desire to be members of a medical community, practice in groups or partnerships, and have easy access to modern hospitals of sufficient size to afford the facilities, equipment, and specialized personnel that they were trained to utilize. Through this systems approach we are able to recruit physicians to communities of 10,000 to 30,000 population who are then able to extend their services into the smaller communities through the rural health centers.
>
> Probably the key to our delivery approach is the assumption that there is not a simple, standardized solution to the access problem. In lieu of establishing detailed guidelines and requirements, we have combined the necessary resources in our office to assist in the design and implementation of appropriate, financially realistic delivery systems for individual communities. The role of the staff of the Office of Rural Health Services is to provide technical assistance wherever it is needed and financial assistance when possible. We do not expect communities to come to us with their needs and plans for meeting their needs documented.

In my judgment, these are important considerations when attempting to design a program for attracting and retaining physicians in underserved areas. My bill is based on these same factors.

RELATIONSHIP TO HEALTH MANPOWER LEGISLATION

It is very unlikely that all medically underserved areas could be staffed through a voluntary program such as the National Health Service Corps, even if all the problems causing geographic maldistribution could be solved. There will always be certain hardship areas which will not be able to recruit physicians. For these areas, a scholarship program with obligated service required in return will be necessary to complement the voluntary program. The important need is to devise a mechanism to correlate the number of scholarships with the number of health professionals needed in underserved areas, taking into account recruitment of private health professionals. Such an approach has been devised in this bill. Under this legislation, the Council on Medically Underserved Populations would determine the number of health professionals needed in each area each year. The Secretary could then subtract from that total the number he anticipates will be recruited through the private approach. After making future projections, the number of scholarships granted would equal the remainder of unfilled positions.

Using this approach, the health manpower legislation would not need to specify that 100 percent or 25 percent or any number of students would have obligated service during any given year. Instead, the number of scholarships would be determined by the number of physicians needed at any given time, taking into account those volunteering through the National Health Service Corps. If the program works and physicians are retained in underserved areas, then the number of scholarships needed should decline after a few years and then possibly level off at a small percentage of the total medical student enrollment.

It is also important to recognize another difference between this bill and certain provisions of various heatlh manpower bills. Under legislation introduced last year by Senator Beall and which later passed in the Senate, and under similar legislation (H.R. 5546) which has passed the House this year, an excellent provision was added which would allow students who receive scholarships to serve in underserved areas as private physicians rather than as Federal employees.

However, these private physicians would not be members of the National Health Service Corps, with all of the assistance it can provide; instead, they would be "on their own" in terms of technical assistance, although provisions in these bills would guarantee their income. No provisions were made for private physicians who had not received scholarships to obtain assistance to establish practices in underserved areas. Under my bill, scholarship recipients could be private physicians within the National Health Service Corps, and any other private physician could also obtain assistance through the new National Health Service Corps to establish a practice in an underserved area.

Other proposed changes in the health manpower legislation would also be very beneficial in helping to overcome geographic maldistribution: incentives for students to enter primary care specialties, development of residency and preceptorship programs in underserved areas, and development of area health education centers in underserved areas.

As I mentioned earlier, in my judgment, none of the currently proposed manpower bills adequately addressed the needed changes in admissions policies of medical schools. Studies have demonstrated that the most effective way of addressing the social and cultural barrier related to practicing in rural areas is by admitting more students from such areas.

Again quoting Dr. Donald Madison:

> The first such variations on this question are, Why aren't more physicians looking for anything in the way of a rural practice? How can the pool of potential recruits be made larger than it is? Certainly the evidence is strong that a rural background will correspond to the selection of a rural location for practice, and there is a way to intervene based on this evidence. Medical schools could preferentially select a larger proportion of students whose backgrounds would appear to maximize the likelihood of their returning to rural areas. However, the prospect of this happening soon is not good. Few medical schools and postgraduate training programs have, as yet, begun to look beyond their traditional single goal of assuring the technical competence of the students they produce toward the equally important question of whether their products—technically competent or not—will occupy professional roles that will have maximum social value to society. Of course, the prospect of funds specifically earmarked for the support of students selected by these nonacademic criteria might quickly change this outlook.

I urge my colleagues to reconsider this matter and to attempt to provide a mechanism through which more students from medically underserved areas and rural areas in general can be admitted to our Nation's medical schools.

CONCLUSION

The Congress recently passed and sent to the President legislation (S. 66) which would amend and extend the National Health Service Corps through fiscal year 1976. However, the conference report made clear that additional legislation would be required and considered in conjunction with health manpower legislation this year. In fact, the House recently passed health manpower legislation (H.R. 5546) which included further changes in the National Health Service Corps as well as extending that legislation for 2 years. Similar legislation has been introduced in the Senate.

Thus, there appears to be little disagreement on the magnitude of the problems which this legislation would address or the desire to take steps to overcome those problems. There have been differences, however, concerning the nature of legislative action. This bill was developed in an attempt to find a legislative approach which would be acceptable as well as one which would effectively address the problems.

No single piece of legislation can solve, or even address, all the factors which cause geographic maldistribution of health professionals. However, by working together we can develop a series of legislative approaches which can alleviate these problems. By emphasizing the private sector, by combining the voluntary approach with a scholarship program, and by addressing the problems and attempting to improve practice conditions in remote areas, I believe that we can overcome the maldistribution problem in many areas of our Nation.

Mr. President, there are some who undoubtedly believe that the approach of my bill will not work and they may be right. But the beautiful part about this particular program is that if they are right and no doctors sign up, then it will not have cost anything to have tried it. There are few Federal programs about which one can say that if it fails, it did not cost anything to try. But if it succeeds, even in a small way, there will be additional medical care in areas in which there is too little at present.

Mr. President, I ask unanimous consent that the bill and the section-by-section analysis be printed in the Record.

There being no objection, the bill and analysis were ordered to be printed in the Record, as follows:

S. 2174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Health Service Corps Extension Act of 1975".

Sec. 2. The Public Health Service Act (42 U.S.C. 201) is amended by adding at the end thereof the following new title:

"TITLE XVII—NATIONAL HEALTH SERVICE CORPS

"NATIONAL HEALTH SERVICE CORPS; ESTABLISHMENT

"S53. 1701. There is established the National Health Service Corps (hereinafter in this title referred to as the 'Corps') whose purpose shall be to assist in the establishment and initial operation of medical practices in areas containing medically underserved populations. The Corps shall consist of private personnel assisted under section 1703 and Federal employees assigned under section 1709.

"DESIGNATION OF MEDICALLY UNDERSERVED POPULATIONS

"SEC. 1702. (a) On an annual basis the Secretary shall designate medically underserved populations in each State which meet the criteria established under subsection (b) of this section.

"(b)(1) The Secretary shall appoint a permanent Council on Medically Underserved Populations (hereinafter in this title referred to as the 'Council') consisting of 10 individuals from outside of the Government who have demonstrated excellence in conducting analyses of factors related to determining adequate supplies of health services, facilities, and personnel.

"(2) The Council shall establish criteria for the designation of medically underserved populations under this title and under section 1302(7) and 1633(16). In establishing such criteria, the Council shall take into consideration the number and types of personal health services needed under section 1302(7), the number and types of facilities needed under section 1633(16), and the number and types of primary health care personnel needed under this title.

"(3) The Council shall establish initial criteria within one year after the date of enactment of this title.

"(4) The Council is authorized to conduct such studies (either directly or indirectly) as it deems necessary to determine criteria for designating medically underserved populations with respect to personal health services, facilities, and primary health care personnel. The Council shall conduct such additional studies as may be necessary to determine reasons for shortages of personal health services, facilities, and primary health care personnel for medically underserved populations and ways of overcoming such shortages. The Council shall conduct the specific studies required under section 1712.

"(5)(A) Members of the Council shall be appointed for a term of 2 years except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term and shall not be removed except for cause. Members may be reappointed to the Council.

"(B) The Council shall be located within the office of Assistant Secretary for Health and shall meet not less often than quarterly.

"(C) The Council shall be appointed within 120 days after the date of enactment of this title.

"(D) The Secretary shall furnish to the Council such staff and office space as the Council may reasonably require in the performance of its duties.

"(E) Appointed members of the Council shall receive, for each day they are engaged in the performance of the functions of the Council, compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule including travel time; and all members while so serving away from their home or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(c) In designating medically underserved populations the Secretary shall take into account—

"(1) the recommendation of each health systems agency designated under section 1515 for a health service area which includes all or any part of the area in which the population under consideration for designation resides; and

"(2) if such area is within a health service area (or areas) for which no health systems agency has been designated, the recommendations of the State Health Planning and Development Agency designated under section 1521 for the State (or States) in which such area is located.

"(d) Any person may apply to the Secretary for the designation of a population as a medically underserved population.

"ASSISTANCE TO PRIVATE PRIMARY CARE PERSONNEL

"SEC. 1703. (a) The Secretary shall provide assistance to private primary health care personnel who desire to locate and establish medical practices in areas designated under section 1702 and who have entered into an agreement in accordance with section 1704.

"(b) The Secretary may make grants for a period of up to 3 years to approved applicants for assistance under this title. Such grant may include—

"(1) salary of the participant in accordance with subsection (c);

"(2) salaries of other personnel necessary to the practice;

"(3) the construction, purchase, lease, or rent of facilities appropriate for such medical practice including the cost of modernization or alteration of existing buildings;

"(4) the purchase of all equipment appropriate for such medical practice;

"(5) costs of appropriate training and continuing education during the initial 3-year period of assistance; and

"(6) other costs appropriate for the establishment and initial operation of such medical practice.

"(c)(1) In the case of each participant who enters into an agreement under section 1704, the Secretary shall pay to him, as soon as practicable after the close of each calendar quarter in which he practices his profession in accordance with such agreement, an amount which is equal to the excess (if any) of—

"(A) the basic pay, allowances, adjustments to pay, and bonuses, such participant would have received for the period of such practice during such quarter and the preceding calendar quarters in the same fiscal year if during that same period of practice he were a member of the Commissioned Corps of the Public Health Service serving in the National Health Service Corps under section 1709, over

"(B) the sum of the net income (as determined under regulations prescribed by the Secretary) derived by such participant during that period of practice (from the private practice of his profession in accordance with such agreement) and the amount (if any) paid to such participant under this paragraph with respect to the portion of that period of practice which occurred in such preceding calendar quarters.

"(2) If after the close of any fiscal year—

"(A) the amount described in paragraph (1)(B) which was received by the participant for the period in such year in which he practiced his profession in accordance with an agreement under section 1704 exceeds,

"(B) the amount of basic pay, allowances, adjustments to pay, and bonuses which the participant would have received for such period if during such period he were a member of the Commissioned Corps of the Public Health Service serving in the National Health Service Corps under section 1709,

the Secretary shall be entitled to recover from the participants an amount equal to the lesser of the amount of—

"(i) such excess, or

"(ii) the amount paid to the participant under paragraph (1) for the period in such year in which he practiced his profession in accordance with the agreement under section 1704.

"(3) The Secretary may extend the provisions of this subsection for a period of 5 years, in a case in which the participant enters into a new agreement under section 1704.

"(d)(1) The Secretary shall encourage the development of organizational arrangements appropriate for each designated area. Such arrangements may include but shall not be limited to group or partnership practices, the use of physician extenders, team practices, the establishment of networks of practices, new or experimental practice arrangements, and other appropriate arrangements.

"(2) The Secretary shall specifically encourage the development of group or partnership practices and the enrollment of patients on a prepaid capitation basis.

"(3) Assistance under this section shall be available to health professionals desiring to join already existing organizational arrangements in designated areas.

"(4) The choice of organizational arrangements shall be solely the choice of the participant and in no case shall the provision of assistance under this title be conditioned upon the establishing of a particular organizational arrangement.

"(e) The Secretary shall provide such technical assistance with regard to the organizational arrangements chosen by the participant as may be needed for the establishment and initial operation of such medical practice, including but not limited to the following:

"(1) appropriate financial support systems, including fee schedules and billing and fee collection systems, arrangements for reimbursement under titles XVIII and XIX of the Social Security Act or any other third party payor;

"(2) linkages for consultation;

"(3) linkages for referral;

"(4) hospital privileges;

"(5) arrangements for laboratory and x-ray services;

"(6) arrangements for pharmacy services;

"(7) obtaining a medical license in the State in which the practice is located;

"(8) obtaining a license from the Bureau of Narcotics and Dangerous Drugs for the purpose of prescribing drugs which are federally controlled;

"(9) recruitment of supporting personnel;

"(10) development of systems for hours of operation, patient appointment, patterns of patient flow, and medical record systems; and

"(11) all other assistance needed in the establishment and initial operation of such medical practice.

Such technical assistance may be provided (A) by grants from the Secretary to the participant (who may then purchase such assistance), (B) by direct provision of technical assistance by Federal employees, or (C) by Federal purchase of technical assistance through contract with appropriate organizations. Such technical assistance shall not be limited to the initial establishment of the medical practice, but shall be provided on a continuing basis as required throughout the initial 3-year period of assistance to the participant.

"(f) The Secretary shall provide an opportunity for new recruits to participate in an appropriate orientation period with an established practice or other institution located within or near the designated area before they begin establishing their own practices.

"(g)(1) The Secretary shall provide nonfinancial assistance to the spouse and the family of the participants under this section to help them in adapting to the area in which the practice is located. Such assistance shall include, but not be limited to, the location of appropriate housing, educational resources, employment opportunities, shopping resources, recreational resources, social and cultural resources, and the fulfillment of other needs. Such technical assistance shall be provided on a continuing basis as required throughout the initial 3-year period of assistance to the participant.

"(2) The Secretary shall provide financial assistance to participants under this section and their families for the purpose of moving their residence to the location of the practice in the same manner as such assistance is provided to members of the Commissioned Corps of the Public Health Service.

"(h) The Secretary shall develop systems to provide coverage for participants during periods totaling 30 days annually when they are away from their practice for purposes of vacation, continuing education, or other valid purposes.

"(i) Notwithstanding any other provision of law, the Secretary, to the extent feasible,

"(1) may make such arrangements as he determines necessary to enable Corps personnel in providing health services under this section to utilize the health facilities of the area to be served, except that if such area is being served by a hospital or other health care delivery facility of the Public Health Service, the Secretary shall, in addition to such other arrangements as the Secretary may make to insure the availability in such area of care and services by Corps personnel, arrange for the utilization of such hospital or facility by Corps personnel in providing health services in such area but only to the extent that such utilization will not impair the delivery of care and treatment through such hospital or facility to persons who are entitled to such care and treatment through such hospital or facility, and

"(2) may make such arrangements as he determines are necessary for participants to use the equipment and supplies of the Public Health Service.

"(j) In providing assistance under this section, the Secretary shall require communities or individuals living within the areas to be served by such medical practice to provide such portion of such assistance as may be appropriate and in such form as may be appropriate. Such portion of such assistance may be in the form of a provision of appropriate facilities, property, services in kind, money, or in other appropriate ways.

"(k) All assistance available under this section (except assistance under subsection (c) of this section) shall be available to personnel practicing in such designated areas on the date of enactment of this title, or subsequent to such date, if such personnel enter into agreements with the Secretary to expand such practices.

"(l) In a case in which a participant wishes to relocate his practice from one designated area to another designated area during the period of the agreement, the Secretary shall assist such participant in such relocation when the Secretary determines that such relocation is justified. The terms of the agreement shall not be extended as a condition of such relocation.

"REQUIREMENTS OF PARTICIPANTS

"Sec. 1704. (a) The Secretary shall not make any payment to any applicant under this title unless—

"(1) an application has been submitted to the Secretary in such manner and contains such information as he may prescribe; and

"(2) the participant enters into a written agreement with the Secretary whereby in consideration of the assistance made available under this title the participant agrees as follows:

"(A) to engage on a full-time basis in the private practice of his profession for a period of not less than 3 years in an area designated under section 1702;

"(B) to charge any individual who receives health services provided by the participant in connection with such private practice for such services at the usual and customary rate prevailing in the area in which such services are provided, except that if such individual is unable to pay such charge, he shall be charged at a reduced rate (if any) based on such individual's ability to pay;

"(C) to take such action as may be reasonable for the collection of payments for such health services, including the collection on a fee for service or other basis from a Federal agency, or agency of a State or local government, or other third party the portion of such cost for which such agency or third party is responsible;

"(D) not to discriminate against any individual on the basis of such individual's ability to pay for such service or because the payment for health services provided to such individual will be made under an insurance program established under parts A or B of title XVIII of the Social Security Act or under a State plan for medical assistance approved under title XIX of such Act;

"(E) not to discriminate in the provision of health services against any individual on the basis of race, religion, sex, color, creed, or national origin;

"(F) to provide assurances that Federal funds provided under this title will be used only for the purposes for which provided and in accordance with the applicable provisions of this title and regulations established pursuant thereto;

"(G) to provide for such fiscal control and fund accounting procedures as are required by the Secretary to assure proper disbursement of, and accounting for, Federal funds provided under this title;

"(H) to make such reports, in such form and containing such information as the Secretary may from time to time reasonably require, and shall keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports except that the participant shall not be required to make such reports or furnish such information more often than 4 times annually for the period of this agreement;

"(I) to permit the Secretary or any office of the Congress of the United States, or any of their authorized representatives, access, for the purposes of audit and examination, to any books, documents, papers, and records of the participant of any assistance under this section which are pertinent to any such assistance; and

"(J) to abide by such additional provisions as the Secretary may reasonably require to carry out the purposes of this title.

"(b) The Secretary is authorized to prescribe such rules and regulations as he deems necessary to carry out the purposes of this section.

"PROPERTY RIGHTS

"Sec. 1705. (a) In a case in which a participant who receives assistance under section 1703 fulfills an agreement entered into under section 1704, all right, title, and interest, of all equipment, facilities, supplies and other items purchased under section 1703 shall vest in such participant.

"(b) In a case in which a participant does not fulfill an agreement entered into under section 1704, property purchased with assistance under section 1703 (b) (3), (4) or (6) shall remain with the community.

"(c) All facilities, equipment, supplies or other items purchased under this title for medical practices of Federal employees shall remain the property of the Secretary, to dispose of in accordance with section 1709.

"RECOVERY

"Sec. 1706. (a) If the Secretary determines that an individual has breached an agreement under section 1704, he shall, as soon as feasible after making such determination, notify the individual of such determination. If within 120 days after the giving of such notice, such individual is not practicing his profession in accordance with the agreement under section 1704 and has not provided assurances satisfactory to the Secretary that he will not knowingly breach such agreement again, the United States shall be entitled to recover from such individual an amount determined by applying the formula:

$$A=\phi\left(\frac{t-s}{t}\right)$$

in which 'A' is the amount the United States is entitled to recover, is the fair market value of the sum of the amount paid in assistance to such individual under this title (less any amounts paid under section 1703 (c) and 1703(b)(2), and the interest on such amount which would be payable if at the time it was paid it were a loan bearing interest at the maximum legal prevailing rate, 't' is the number of months that such individual agreed to practice his profession under such agreement, and 's' is the number of months that such individual practiced his profession in accordance with such agreement. In computing the amount due to the United States under the preceding sentence the Secretary shall not include any assistance granted under paragraphs (3), (4), or (6) of section 1703(b).

"(b) The Secretary shall by regulation provide for the waiver or suspension of any obligation under this title applicable to any individual whenever compliance by such individual is impossible or would involve extreme hardship to such individual or if enforcement of such obligation with respect to any individual would be against equity and good conscience.

"(c) Any obligation of any individual under this title shall be canceled upon the death of such individual.

"RECRUITMENT

"Sec. 1707. (a) The Secretary shall develop information programs to inform health personnel throughout the Nation, including practicing health personnel and those in training, of the assistance available under this title for providing services in designated areas.

"(b) The Secretary shall establish a national clearinghouse consisting of information regarding the areas designated under section 1702 and health personnel who are potentially interested in practicing in such areas.

"(c) The Secretary shall conduct recruiting programs at medical, dental, and osteopathic schools and other appropriate schools and training centers of the health professions, among practicing health personnel, and in other appropriate ways, for the purposes of identifying health personnel who are interested in practicing in areas designated under section 1702. The Secretary shall also request the agency or organization designated under section 1515 covering all or part of an area involved, to assist in identifying such health personnel. Such recruiting programs shall include the wide dissemination of information concerning the assistance programs established under this title and shall include recruiting visits to such schools and training centers by persons designated by the Secretary, including, but not limited to, Federal employees, persons from such designated areas, or other individuals designated by the Secretary for this purpose.

"(d) The Secretary may reimburse applicants for placement in such areas and their spouses for actual expenses incurred in traveling to and from their place of residence to an area in which they may be located for the purpose of evaluating such area. Such recruitment visits may require trips to several locations or several trips to one location.

"(e) No attempt whatsoever shall be made to encourage health personnel, either private health personnel or Federal employees, to locate in any area designated under section 1702 rather than any other area designated under section 1702 based on the greater ability of persons in such area to pay for health services.

"(f) Among areas designated under section 1702, final choice of location shall remain with the participant.

"PROFESSIONAL ISOLATION

"SEC. 1708. The Secretary shall make a maximum effort to reduce professional isolation of health personnel who already reside or decide to locate in areas designated under section 1702 or in other isolated areas—

"(1) by assisting in the development of information and communication linkages among health personnel practicing in such areas and between such personnel and personnel practicing in centers of specialized health care;

"(2) by assisting in the development of consultation and referral linkages between such personnel and centers of specialized health care on a regional basis;

"(3) by assisting such health personnel to formulate a continuing education plan in connection with area health education centers developed under title VII of this Act; and

"(4) in other appropriate ways.

"ASSIGNMENT OF FEDERAL EMPLOYEES

"SEC. 1709. (a) (1) The Secretary may assign Federal employees to provide health services to medically underserved populations designated under section 1702. For the purposes of this section, such Federal employees shall consist of those officers of the regular and reserve corps of the Public Health Service and such other personnel as the Secretary may deem appropriate. The Secretary may make such assignments of such Federal employes only if—

"(A) participants under the program established under section 1703 are not available for such placement,

"(B) the State health agency of each State in which such population is located or the local public health agency or any other public or nonprofit private health entity serving such population makes application to the Secretary for the assignment of such personnel, and

"(C) (i) the local government of the area in which such population resides certifies to the Secretary that such assignment of Federal personnel is needed for such population, and

"(ii) any State and district medical, osteopathic, or dental society for such area, or any other appropriate health society (as the case may be) for such area, makes such certification to the Secretary.

"(2) The Secretary may not approve an application under paragraph (1) for an assignment unless the applicant agrees to enter into an arrangement with the Secretary in accordance with subsection (b) and has afforded—

"(A) each Health Systems Agency designated under section 1515 for a health service area which includes all or any part of the area in which the population for which the application is submitted resides, and

"(B) if there is a part of such area within a health service area for which no health systems agency has been designated, the State Health Planning and Development Agency of the State (designated under section 1521) in which such part is located, opportunity to review the application and submit its comments to the Secretary respecting the need for and proposed use of Federal personnel requested in the application. In considering such an application, the Secretary shall take into consideration the need of the population for which the application was submitted for the health services which may be provided under this section, the willingness of the population and the appropriate governmental agencies or health entities serving it to assist and cooperate with such Federal personnel in providing effective health services to the population; and recommendations from medical, osteopathic, dental, or other health societies or for medical personnel serving the population.

"(3) If with respect to any proposed assignment of Federal personnel for a medically underserved population requirements of subparagraphs (A), (B), and (C) of paragraph (1) are met except for the certification required by subparagraph (C) (ii) of such paragraph and if the Secretary finds from all the facts presented that such certification has clearly been arbitrarily and capriciously withheld, the Secretary may, after consultation with appropriate medical, osteopathis, dental, or other health societies, waive the application of the certification requirement to such proposed assignment.

"(b) (1) The Secretary shall require as a condition to the approval of any application under subsection (a) that the entity which submitted the application enter into an appropriate arrangement with the Secretary under which—

"(A) the entity shall be responsible for charging in accordance with paragraph (2) for health services provided by Federal personnel to be assigned;

"(B) the entity shall take such action as may be reasonable for the collection of payments for such health services, including if a Federal agency, an agency of a State or local government, or other third party would be responsible for all or part of the cost of such health services if it had not been provided by Federal personnel under this section, the collection, on a fee-for-service or other basis, from such agency or third party the portion of such cost for which it would be so responsible (and in determining the amount of such cost for which such agency or third party would be responsible, the health services provided by Federal personnel shall be considered as being provided by private practitioners).

"(2) Any person who receives health services provided by Federal personnel under this section shall be charged for such services on a fee-for-service, or other basis at a rate approved by the Secretary, pursuant to regulations, to recover the value of such services; except that if such person is determined under regulations of the Secretary to be unable to pay such charge, the Secretary shall provide for the furnishing of such services at a reduced rate or without charge.

"(c) The Secretary may assign Federal personnel to provide health services for a medically underserved population only during a period (hereinafter in this section referred to as the 'assistance period') not exceeding 4 years from the date of the first assignment of Federal personnel for such population after the date of the approval of the application for such assignment.

"(d) Upon expiration of an approved assistance period for a medically underserved population, no new assignment of Federal personnel may be made for such population unless an application is submitted in accordance with subsection (a) for such new assignment. The Secretary may not approve such an application unless—

"(1) the application and certification requirements of subsection (a) are met;

"(2) the Secretary has conducted an evaluation of the continued need for health manpower of the population for which the application is submitted, of the utilization of the manpower by such population, of the growth of the health care practice of the Federal personnel assigned to such population, and of community support for the assignment; and

"(3) the Secretary has determined that such population has made continued efforts to secure its own health manpower, that there has been sound fiscal management of the health care practice of the Federal personnel assigned for such population, including efficient collection of fee-for-service, third party, and other funds available to such population, and that there has been appropriate and efficient utilization of such Federal personnel.

"(e) Federal personnel shall be assigned to provide health services for a medically underserved population on the basis of the extent of the population's need for health services and without regard to the ability of the members of the population to pay for health services.

"(f) In making the assignment of Federal personnel, the Secretary shall seek to match characteristics of the assignee (and the assignee's spouse (if any)) and of the population to which such assignee may be assigned in order to increase the likelihood of the assignee remaining to serve the population upon completion of his assignment period. The Secretary shall, before the beginning of the last nine months of the assignment period of a Federal employee, review such employee's assignment and the situation in the area to which he was assigned for the purpose of determining the advisability of extending the period of such employee's assignment.

"(g) (1) The Secretary may, under regulations prescribed by him, adjust the monthly pay of each physician and dentist who is a Federal employee and who is directly engaged in the delivery of health services to medically underserved populations as follows:

"(A) During the first 36 months in which such employee is so engaged in the delivery of health services, his monthly pay shall be increased by an amount (not to exceed $1,000) which when added to the employee's monthly pay and allowance will provide a monthly income competitive with the average monthly income from a practice of an individual who is a member of the profession of the Federal employee, who has equivalent training, and who has been in practice for a period equivalent to the period during which the Federal employee has been in practice.

"(B) During the period beginning upon the expiration of the 36 months referred to in subparagraph (A) and ending with the month in which the employee's monthly pay and allowances is equal to or exceeds the monthly income he received for the last of such 36 months, the employee shall receive in addition to his monthly pay and allowances an amount which when added to such monthly pay and allowances equals the monthly income he received for such last month.

For the purposes of subparagraphs (A) and (B) the term 'monthly pay' includes special pay received under chapter 5 of title 37 of the United States Code.

"(2) In the case of a Federal employee who is directly engaged in the provision of health services to a medically underserved population in accordance with a service obligation incurred under the Public Health Service and National Health Service Corps Scholarship Training Program, the adjustment in pay authorized by paragraph (1) may be made for such employee only upon satisfactory completion of such service obligation, and the first 36 months of his being so engaged in the delivery of health care shall, for the purposes of paragraph (1) (A), be deemed to begin upon such satisfactory completion.

"(h) In providing health services for medically underserved populations under this section, Federal personnel shall utilize the techniques, facilities, and organizational forms most appropriate for the area in which the population resides and shall, to the maximum extent feasible, provide for services (1) to all members of the population regardless of their ability to pay for the services, and

(2) in connection with (A) direct health services programs carried out by the Service; (B) any other direct health services program carried out in whole or in part with Federal financial assistance; or (C) any other health services activity which is in furtherance of the purposes of this title.

"(i) (1) Notwithstanding any other provision of law, the Secretary (A) may, to the extent feasible, make such arrangements as he determines necessary to enable Federal personnel in providing health services for a medically underserved population to utilize the health facilities of the area in which such population resides and if there are no health facilities in or serving such area, the Secretary may arrange to have Federal personnel provide health services in the nearest health facilities of the Service or the Secretary may lease or otherwise provide facilities in such area for the provision of health services; (B) may make such arrangements as he determines are necessary for the use of equipment and supplies of the Service and for the lease or acquisition of other equipment and supplies; and (C) may secure the temporary services of physicians, nurses, and allied health professionals.

"(2) If such an area is being served (as determined under regulations of the Secretary) by a hospital or other health care delivery facility of the service, the Secretary shall, in addition to such other arrangements as the Secretary may make under paragraph (1), arrange for the utilization of such hospital or facility by Federal personnel in providing health services for the population, but only to the extent that such utilization will not impair the delivery of health services and treatment through such hospital or facility to persons who are entitled to health services and treatment through such hospital or facility.

"(j) The Secretary may make a grant to any applicant with an approved application under section 1709 to assist the entity in meeting the costs of establishing medical practice management systems for Federal personnel, acquiring supplies and equipment for their use in providing health services, and other expenses related to the provision of health services. Not more than one grant may be made under this subsection with respect to any one area designated under section 1702. No grant may be made under this subsection unless an application therefor is submitted to, and approved by, the Secretary. The amount of any grant shall be determined by the Secretary, except that no grant may exceed $25,000.

"(k) Upon the expiration of the assignment of Federal personnel to provide health services to the residents of an area designated under section 1702, the Secretary (notwithstanding any other provision of law) may (1) sell at fair market value (as determined by the Secretary) to the entity which submitted the last approved application for the assignment of Federal personnel for such area equipment and supplies of the United States utilized by such personnel in providing health services, or (2) if the Secretary determines that the entity is financially unable to purchase such supplies or equipment at their fair market value, sell to such entity such supplies or equipment at less than fair market value or transfer such supplies or equipment to the entity.

"(l) Federal employees assigned under this section shall not be counted against any employment ceiling affecting the Department of Health, Education, and Welfare.

"REPORTS

"SEC. 1710. (a) The Secretary shall report to the Congress no later than February 1 of each year—

"(1) the designation of medically underserved populations under section 1702;

"(2) the number of primary health care personnel required to satisfy the needs of such areas;

"(3) the number of applicants who filed applications under this title during the preceding fiscal year and the number and types of personnel assisted or assigned in such preceding year; and

"(4) the number of health personnel electing to continue to provide health services to medically underserved populations after completion of any obligated service requirements, the number of such personnel who do not make such election, and their reasons for not making such election, if known.

"(b) The Office of Management and Budget may review the Secretary's report under this section before its submission to Congress, but the Office may not revise the report or delay its submission beyond the date prescribed, and it may submit to Congress its comments and those of other departments and agencies of the Government respecting such report.

"DEFINITIONS

"SEC. 1711. For the purposes of this title—

"(1) the term 'medically underserved population' means the population of an urban or rural area designated by the Secretary as an area with a shortage of primary health care personnel or a population group designated by the Secretary as having a shortage of such personnel;

"(2) the term 'State' includes Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

"(3) the term 'primary health care personnel' means persons engaged in general practice or family medicine (allopathic or osteopathic), general pediatrics, general internal medicine, obstetrics and gynecology, or general dentistry.

"STUDIES

"SEC. 1712. (a) The Council on Medically Underserved Populations shall conduct a study for the following purposes:

"(1) To analyze the current distribution of physicians by specialty. In making such analysis—

"(A) the geographic distribution of dental, medical, and osteopathic physicians by specialty and subspecialty and by geographic area shall be determined, and in conjunction with such determination, physician specialties and subspecialties shall be defined in a manner consistent with recognized categories, and geographical areas shall be defined as reasonable medical trade areas for such specialty or subspecialty; and

"(B) special attention shall be given to determining (i) the percentage of time physicians in each specialty and subspecialty spend in primary care activities and in other care activities unrelated to their specialty training and (ii) the percentage of time primary care physicians spend in specialty care.

"(2) To protect the expected distribution of physicians by specialty and subspecialty by geographic areas in the years 1980, 1985, and 1990. Such projection shall be based on current trends in physician specialty training and choice of practice sites, the activities of various specialty boards and other organizations, and the retirement death rate of physicians by specialty and subspecialty.

"(3) To examine and evaluate various methodologies for estimating the optimal distribution of physicians by specialty and subspecialty by geographic area controlling the supply of specialists and subspecialists. Methodologies examined and evaluated shall include (A) methodologies utilized by foreign countries, and (B) consideration of the use of nonphysicians to perform functions normally performed by physicians.

"(4) To develop a reliable and appropriate methodology to establish the optimal distribution of physicians by specialty and subspecialty by geographic area. Utilizing such methodology, projections shall be made for the optimal number of physicians by specialty and subspecialty by geographic area for the years 1980, 1985, and 1990.

"(5) An interim report providing a plan for the study required by subsection (a) shall be submitted by the Council to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate by October 31, 1975; and a final report giving the results of the study shall be submitted by the Council to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate by October 31, 1976.

"(b) The Council shall conduct a study to determine the levels at which physicians are reimbursed for their services, ways in which such levels are determined, the effects of variations of such reimbursement fees on geographic distribution of physicians and other primary health care professionals, and optional ways of altering or improving the present reimbursement system in order to improve the geographic distribution of such health professionals. In conducting such study, the Council shall examine the reimbursement mechanisms utilized in other countries.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1713. To carry out the purposes of this title there are authorized to be appropriated $36,000,000 for the fiscal year ending September 30, 1977, and $45,000,000 for the fiscal year ending September 30, 1978."

MISCELLANEOUS

SEC. 3. (a) Section 329 of the Public Health Service Act is repealed.

(b) (1) Any area for which a designation under section 329(b) of the Public Health Service Act (as in effect on June 30, 1975) was in effect on such date and in which National Health Service Corps personnel were, on such date, providing, under an assignment made under such section (as so in effect), health care and services for persons residing in such area shall, effective July 1, 1975, be deemed (as added by subsection (b) of this section) to—

(A) be an area in which is located a medically underserved population (as defined by section 1702 of such Act (as so added)), and

(B) qualified under section 1709 of such Act for the assignment of Corps personnel unless as determined under paragraph (2) of this subsection, the assistance period as determined under such section has expired.

(2) The assistance period for the purposes of section 1709 applicable to an area described in paragraph (1) shall be deemed to have begun on the date Federal personnel were first assigned to such area under section 329 of such Act (as in effect on the day prior to the date of enactment of this Act).

(3) In the case of a physician or dentist Federal employee who was providing health care and services on the day prior to the date of enactment of this Act under an assignment made under section 329(b), as in effect on such date, the number of the months during which such member provided such care and services prior to the date of enactment of this Act shall be counted in determining the application of the additional pay provisions of section 1709 of the Public Health Service Act to such member.

SECTION-BY-SECTION ANALYSIS OF THE NATIONAL HEALTH SERVICE CORPS EXTENSION ACT OF 1975

Section 1 states that the title of this Act is the National Health Service Corps Extension Act of 1975.

Section 2 amends the Public Health Service Act (42 U.S.C. 201) by adding at the end thereof the following new title: "Title XVII Nation Health Service Corps".

NATIONAL HEALTH SERVICE CORPS; ESTABLISHMENT

Section 1701. Establishes the National Health Service Corps ('Corps') for the purpose of assisting in the establishment and initial operation of medical practices in areas containing medically underserved populations. Members of the Corps may be private medical personnel assisted under the Act or Federal employees assigned under the Act.

DESIGNATION OF MEDICALLY UNDERSERVED POPULATIONS

Section 1702 (a). Requires the Secretary to designate annually medically underserved populations meeting the criteria established under subsection 1702 (b).

Section 1702 (b) (1). Requires the Secretary to appoint a permanent Council on Medically Underserved Populations consisting of ten individuals from outside the government who have demonstrated excellence in conducting analyses of factors related to determining adequate supplies of health services, facilities, and personnel.

Section 1702 (b) (2). Requires the Council to establish criteria for designating medically underserved populations for personal health services as defined by Sec. 1302 (7), health facilities as defined by Sec. 1633 (16) and primary health care personnel as defined under this Title. In establishing such criteria, the Council is required to take into consideration the number and types of personal health services, facilities, and primary health care personnel needed.

Section 1702 (b) (3). Requires the Council to establish initial criteria within one year of enactment of this Title.

Section 1702 (b) (4). Authorizes the Council to conduct (either directly or on contract) whatever studies it deems to be necessary in order to detemine criteria for designating medically underserved populations. The Council is required to conduct additional studies to determine reasons for shortages of personal health services, facilities, and primary health care personnel and ways of overcoming those shortages. The Council is specifically required to conduct the studies under Sec. 1712.

Section 1702(b)(5)(A). Provides that members of the Council shall be appointed for a term of two years except to fill a vacancy occurring prior to the expiration of a term. Members of the Council may be reappointed and once appointed cannot be removed except for cause.

Section 1702(b)(5)(B). Requires that the Council is to be located organizationally within the Office of the Assistant Secretary for Health (in HEW) and provides that the Council shall hold meetings not less often than quarterly.

Section 1702(b)(5)(C). Requires the Secretary to appoint the Council within 120 days of enactment of this Title.

Section 1702(b)(5)(D). Requires the Secretary to furnish staff and office space to the Council.

Section 1702(b)(5)(E). Provides pay and expenses for members of the Council.

Section 1702(c). Requires the Secretary, in designating medically underserved populations, to take into account recommendations of the appropriate Health Systems Agency designated under Sec. 1515 or if no Health Systems Agency has been designated, the recommendations of the appropriate State Health Planning and Development Agency designated under Sec. 1521.

Section 1702(d). Provides that any person may apply to the Secretary for the designation of a population as a medically underserved population.

ASSISTANCE TO PRIVATE PRIMARY CARE PERSONNEL

Section 1703(a). Requires the Secretary to provide assistance to private primary health care personnel who desire to locate and establish medical practices in areas designated under Sec. 1702 and who have entered into an agreement with the Secretary in accordance with Sec. 1704.

Section 1703(b)(1). Authorizes the Secretary to make grants for a period of up to three years to approved applicants. Such grants may include—

(A) Salary of the physician in accordance with subsection 1703(C);

(B) Salaries of other personnel necessary to the practice;

(C) The construction, purchase, lease or rent of facilities for the practice, including modernization or alteration of existing buildings;

(D) The purchase of all equipment appropriate for the practice;

(E) The costs of appropriate training and education during the initial three year period of assistance; and

(F) Other costs appropriate for the establishment and initial operation of the practice.

Section 1703(c)(1). Provides a guaranteed minimum income to each private participant in the program equal to the basic pay, allowances, adjustments to pay, and bonuses that the participant would receive if he were a member of the Commissioned Corps of the Public Health Service. The Secretary is required to pay the participant at the close of each calendar quarter the excess of the pay he would have received as a member of the Commissioned Corps of the Public Health Service over the sum of the net income derived by the participant during that quarter from his private medical practice. The Secretary is required to carry on a running total for the fiscal year for these adjustments in pay.

Section 1703(c)(2). If at the end of any fiscal year, the net income of the participant from his private practice plus any amount paid by the Secretary to the participant exceeds the amount that the participant would have received if he had been a member of the Commissioned Corps of the Public Health Service, then the Secretary is entitled to recover from the participant an amount equal to the lesser of the amount of the excess or the amount paid to the participant under paragraph 1 during that year.

Section 1703(c)(3). Authorizes the Secretary to extend the provisions of this subsection for a period of five years to those applicants who enter into a new agreement.

Section 1703(d)(1). Requires the Secretary to encourage the development of organizational arrangements appropriate for each designated area, including, but not limited to, group or partnership practices, the use of physician extenders, team practices, the establishment of networks of practices, or new or experimental practice arrangements.

Section 1703(d)(2). Requires the Secretary specifically to encourage the development of group or partnership practices and the enrollment of patients on a prepaid capitation basis.

Section 1703(d)(3). Provides that assistance under this Section shall be available to applicants desiring to join already existing practices in designated areas.

Section 1703(d)(4). Provides that the choice of organizational arrangements shall be solely the choice of the participant and in no case shall the Secretary require a participant to practice under any organizational arrangement as a condition of assistance under this Title.

Section 1703 (e). Requires the Secretary to provide technical assistance for the establishment and initial operation of the medical practice, including but not limited to the following:

(1) appropriate financial support systems, including fee schedules and billing and fee collection systems, arrangements for reimbursement under Titles XVIII and XIX of the Social Security Act or any other third party payor;

(2) linkages for consultation;

(3) linkages for referral;

(4) hospital privileges;

(5) arrangements for laboratory and x-ray services;

(6) arrangements for pharmacy services;

(7) obtaining a medical license in the State in which the practice is located;

(8) obtaining a license from the Bureau of Narcotics and Dangerous Drugs for the purpose of prescribing drugs which are federally controlled;

(9) recruitment of supporting personnel;

(10) development of systems for hours of operation, patient appointment, patterns of patient flow, and medical record systems; and

(11) all other systems needed in the establishment and initial operation of the medical practice.

The Secretary may provide this technical assistance through a grant to the participant (who may then purchase technical assistance), by direct provision or technical assistance by Federal employees, or on contract with appropriate organizations. The Secretary is required to provide technical assistance on an ongoing basis throughout the initial three year period of assistance to the participant.

Section 1703 (f). Requires the Secretary to provide an opportunity for new participants in the program to participate in an appropriate orientation period with an established practice or other institution located within or near the designated area before beginning to establish their own practices.

Section 1703 (g) (1). Requires the Secretary to provide nonfinancial assistance to the spouse and family of participants to help them in adapting to the area in which the practice is located, including location of appropriate housing, educational resources, employment opportunities, shopping resources, recreational resources, social and cultural resources, and fulfillment of other needs.

Section 1703 (g) (2). Requires the Secretary to provide financial assistance for expenses in moving to the new location.

Section 1703(h). Requires the Secretary to develop a system to provide coverage for participants for a period of 30 days each year so that the participant may be away from his practice for vacation, continuing education, or other reasons.

Section 1703(i). Requires the Secretary to the extent feasible to make arrangements for participants to use the health facilities of the area to be served except that the Secretary may also arrange for the participants to utilize any medical facilities of the Public Health Service in the area, but only to the extent that such utilization will not impair the delivery of care and treatment to persons entitled to use the facilities. The Secretary may also make arrangements for participants to use equipment and supplies of the Public Health Service.

Section 1703(j). Requires the Secretary, in providing assistance under this section, to require communities or individuals living within the area to be served to provide an appropriate portion of the assistance. The local portion may be in the form of the provision of the appropriate facilities, property, services in kind, money, or in other appropriate ways.

Section 1703(k). Provides that the assistance available under this section, except assistance under subsection (c), shall also be available to personnel already practicing in the designated areas, or those who later move to these areas, for the purposes of expanding their medical practices.

Section 1703(l). Provides that if a participant wishes to relocate his practice from one designated area to another designated area during the period of assistance, the Secretary is required to assist him in doing so if the Secretary determines that the relocation is justified. Such a relocation does not extend the period of assistance established in the agreement.

REQUIREMENTS OF PARTICIPANTS

Section 1704(a)(1). Requires the Secretary not to make any payment to an applicant under this Title unless an appropriate application has been submitted to the Secretary and the participant enters into a written agreement with the Secretary in which the participant agrees as follows:

(A) To engage on a full time basis in the private practice of this profession for a period of not less than 3 years in a designated area.

(B) To charge individuals to whom the participant provides health services at the usual and customary rate prevailing in the area, except if the individual is unable to pay that rate, he would be charged at a reduced rate (if any) based upon his ability to pay.

(C) To attempt to collect payments for health services including the collection from a Federal agency, an agency of State or local government, or other third party, the portion of the charge for which the agency or other party is responsible.

(D) Not to discriminate against any individual on the basis of the individual's ability to pay or because the payment would be made under Medicare or Medicaid.

(E) Not to discriminate against any individual on the basis of race, religion, sex, color, creed, or national origin.

(F) To provide assurances that Federal funds provided under this Title will be used for only the purposes for which provided.

(G) To provide for appropriate fiscal control and accounting procedures in order to assure proper disbursement of and accounting for Federal funds provided under this Title.

(H) To keep such records and make such reports as the Secretary may reasonably require and to allow the Secretary access to the records in order to assure correctness of the reports, except that the Secretary shall not require the participant to make reports or furnish information more than four times annually.

(I) To permit the Secretary or an office of the Congress access for the purpose of audit to records of any assistance under this Title; however, the rights of any individual under the Privarcy Act are not to be abrogated.

(J) To abide by any additional provisions that the Secretary may reasonably require to carry out the purposes of this Title.

Section 1704(b). Authorizes the Secretary to prescribe such rules and regulations as he deems necessary to carry out the purposes of this section.

PROPERTY RIGHTS

Section 1705(a). Provides that ownership of all equipment, facilities, supplies, and other items purchased under Sec. 1703 is transferred to a participant under completion of his agreement under Sec. 1704.

Section 1705(b). Provides that ownership of all equipment, facilities, supplies, and other items purchased under Sec. 1703 is transferred to an appropriate organization within the community in those instances in which a participant breached an agreement under Sec. 1704.

Section 1705(c). Provides that all facilities, equipment, supplies, and other items purchased under this Title for medical practices of Federal employees are to be disposed of according to Sec. 1709.

RECOVERY

Section 1706(a). Requires the Secretary to notify a participant whenever the Secretary determines that he has breached an agreement under Sec. 1704. If within 120 days of such notification, the participant is not performing in accordance with the agreement and has not provided assurances satisfactory to the Secretary that he will not knowingly breach the agreement again, the United States shall be entitled to recover from the participant an amount determined by applying the formula A—ø (t-/t) in which 'A' is the amount the United States is entitled to recover, ø is the fairmarket value of the sum paid in assistance to the participant under this Title (less any amounts paid under sections 1703(b) (2), (3), (4), or (6) and Sec. 1703(c)), and the interest on such amount which would be payable if at the time it was paid it were a loan bearing interest at the maximum legal prevailing rate, 't' is the number of months that the participant agreed to practice under the agreement, and 's' is the number of months that the participant actually practiced under the agreement.

Section 1706(b). Provides that the Secretary shall waive any obligation if compliance would involve extreme hardship or would be against equity and good conscience.

Section 1706(c). Provides for cancellation of any obligation upon the death of any participant.

RECRUITMENT

Section 1707(a). Requires the Secretary to develop information programs to inform health personnel throughout the nation, including both participating health personnel and those in training, of the assistance available under this Title.

Section 1707(b). Requires the Secretary to establish a national clearinghouse consisting of information regarding both the areas and health personnel who are potentially interested in practicing in such areas.

Section 1707(c). Requires the Secretary to conduct recruitment programs at medical, dental, and osteopathic schools and other training centers, among practicing health personnel, and in other appropriate ways to identify health personnel who would be interested in practicing in a designated area. The Secretary is also required to request the Health Systems Agency designated under Sec. 1515 to assist in identifying such health personnel. The recruiting programs are required to include recruitment visits to schools and training centers for the purpose of identifying possible participants.

Section 1707 (d). Authorizes the Secretary to reimburse potential participants in this program and their spouses for traveling expenses from their residence to an area in which they may be located in order to evaluate the area, and specifies that such recruitment visits may require trips to several locations or several trips to one location.

Section 1707 (e). Prohibits the Secretary or any Federal employee from encouraging participants, either private health personnel or Federal employees, to locate in any area rather than a different are because of the greater ability of persons in the area to pay for services.

Section 1707 (f). Provides that the final choice of location shall remain with the participant.

PROFESSIONAL ISOLATION

Section 1708. Requires the Secretary to make a maximum effort to reduce professional isolation of health personnel who already reside in or decide to locate in areas designated under Sec. 1702 or other isolated areas—

(1) By assisting with the development of information and communication linkages among health personnel practicing in such areas and between such personnel and personnel practicing in centers of specialized health care;

(2) By assisting in the development of consultation and referral linkages between such personnel and centers of specialized health care on a regional basis;

(3) By asssiting isolated personnel to formulate a continuing education plan in connection with area health education centers developed under Title VII; and

(4) In other appropriate ways.

ASSIGNMENT OF FEDERAL EMPLOYEES

Section 1709 (a) (1). Authorizes the Secretary to assign Federal employees to provide health services to medically underserved populations designated under Sec. 1702. Such Federal employees may include officers of the regular and reserve corps of the Public Health Service and such other personnel as the Secretary may deem appropriate. Provides that the Secretary may make such assignments of Federal personnel only if—

(A) Private primary health care personnel are not available to be assisted under Sec. 1703,

(B) The State health agency or the local public health agency or any other public or nonprofit private health entity serving the population applies to the Secretary for the assignment of such Federal personnel, and

(C) (i) The local government certifies that the assignment of Federal personnel is needed for the population, and

(ii) any State and district medical, osteopathic, and dental society for the area, or other appropriate health society (as the case may be), certifies that such Federal personnel are necessary.

Section 1709(a) (2). Provides that the Secretary may not approve an application for assignment of Federal personnel unless the applicant agrees to arrangements in accordance with subsection (b) and has afforded either the appropriate Health Systems Agency or, in the case of areas for which no Health Systems Agency has been designated, the State Health Planning and Development Agency an opportunity to review the application and submit its comments. Further requires that, in considering an application, the Secretary take into consideration the population's need for health services; the willingness of the population and the agencies or entities serving it to assist and cooperate in providing effective health services; and recommendations from medical, osteopathic, dental, and other societies or from medical personnel serving the population.

Section 1709(a) (3). Provides that if all requirements are met in an application for assignment of Federal personnel except for the certification by a State and district medical, osteopathic, or dental society or other appropriate health society, and if the Secretary finds that such certification has been arbitrarily and capriciously withheld, then he may, after consultation with appropriate health societies, waive the requirement for such certification.

Section 1709(b) (1). Requires the Secretary to enter into arrangements with entities receiving assignment of Federal personnel under which—

(A) The entity is responsible for charging in accordance with paragraph (2) for health services provided by Federal health personnel and

(B) The entity is required to take reasonable actions for the collection of payments for such health services including collections from Federal, State, or local governmental agencies or from other third parties who are responsible for reimbursing for such services (and in determining the amount to be paid by such agencies and third parties, Federal personnel are to be considered as private practitioners).

Section 1709(b) (2). Requires that any person receiving health services provided by Federal personnel be charged for such services on a fee-for-service or other basis at a rate approved by the Secretary; except that if it is determined under regulations that the person is unable to pay such charge, the Secretary shall provide that these services be furnished at a reduced rate or without charge.

Section 1709(c). Authorizes the Secretary to approve applications for assignment of Federal personnel for periods of up to four years.

Section 1709(d). Requires reapplication for assignment of Federal personnel after the expiration of the period of assistance authorized under subsection (c) (four years). Requires the Secretary in considering applications for continued assistance for a population to apply the criteria necessary for the original approval of an application and, in addition, to evaluate the population's continued need for Federal personnel, the use of the manpower assigned to date, the growth of the practice of the assigned personnel, and the community support for the assignment. Further requires the Secretary to determine that the population has made continued efforts to secure its own manpower and that there has been sound fiscal management of the practice, including efficient collection of payment for health services provided by Federal personnel.

Section 1709(e). Provides that Federal personnel be assigned on the basis of the extent of a medically underserved population's need and without regard to the ability of the members of the population to pay for health services.

Section 1709(f). Requires that the Secretary, in assigning Federal personnel to communities, seek to match the characteristics of the personnel (and their spouses) and the communities to which they may be assigned in order to increase the likelihood that the personnel will remain in the community after the completion of their assignment. Further requires the Secretary to review the assignment of each assignee and the situation in the community to which he is assigned before the beginning of the last nine months of the assignment period for the purpose of determining the appropriateness of extending the assignment.

Section 1709(g). Authorizes the Secretary, under regulations, to adjust the monthly pay of each Federal physician and dentist engaged directly in the delivery of health services to a medically underserved population, following termination of his service obligation (if any) incurred as a result of receipt of scholarship assistance, by an amount not to exceed $1000 so that such pay will be competitive with that of members of the same profession with equivalent training and time in practice. Upon the expiration of the thirty-six month period, such bonus support would continue only to the extent necessary to make the Federal assignee's monthly pay equal to the income he received for the last month of the thirty-six month period.

Section 1709(h). Requires Federal personnel, in providing health services, to utilize techniques, facilities, and organizational forms appropriate for the area and, to the maximum extent feasible, provide such services to all members of the population regardless of ability to pay, and in connection with direct health services programs carried out with Federal financial assistance, or other health services activities which further the purposes of this Title.

Section 1709(i)(1). Authorizes the Secretary to make necessary arrangements to enable Federal personnel to utilize health facilities of the area in which the medically underserved population resides, and make necessary arrangements for use of equipment and supplies of the Public Health Service and for lease or acquisition of other equipment and supplies, and secure temporary services of physicians, nurses and allied health professionals.

Section 1709(i)(2). Requires that, if the area is being served by a hospital or other facility of the Public Health Service, the Secretary make arrangements for the use of such hospital or facility by Federal personnel in providing health services, but only to the extent that such use will not impair the delivery of services through the facility to persons entitled to such services.

Section 1709(j). Authorizes the Secretary to make one-time grants, not in excess of $25,000 to medically underserved populations to be used for the purpose of establishing medical practice management systems, acquiring equipment and other expenses related to the provision of health services.

Section 1709(k). Authorizes the Secretary, following the expiration of the assignment of Federal personnel to sell to the last approved applicant for assistance,

(1) At fair market value (as determined by the Secretary), any equipment and supplies of the United States utilized by such Federal personnel in providing health services or

(2) At less than fair market value, or transfer, if the Secretary determines that the entity is financially unable to purchase such supplies and equipment at their fair market value.

Section 1709(l). Provides that Federal employees assigned under this Section shall not be counted against any employment ceiling affecting the Department of Health, Education and Welfare.

REPORTS

Section 1710 (a). Requires the Secretary to report to the Congress no later than February 1 each year—

(1) The designation of medically underserved populations under Sec. 1702;

(2) The number of primary health care personnel required to satisfy the needs of such areas;

(3) The number of applicants under this Title during the preceding fiscal year and the number and types of personnel assisted or assigned in the preceding year; and

(4) The number of health personnel electing to continue to provide health services to medically underserved populations after completion of any obligated service requirements, the number of such personnel who do not make such election, and their reasons for not making such election, if known.

Section 1710 (b). The Office of Management and Budget may review the Secretary's report under this section before its submission to Congress, but the Office may not revise the report or delay its submission beyond the date prescribed, and it may submit to Congress its comments and those of other departments and agencies of the Government respecting such report.

DEFINITIONS

Section 1711:

(1) Defines the term 'medically underserved population' as the population of an urban or rural area designated by the Secretary as an area with a shortage of primary health care personnel or a population group designated by the Secretary as having a shortage of such personnel;

(2) Defines the term 'State' to include Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

(3) Defines the term 'primary health care personnel' as persons engaged in general practice or family medicine (allopathic or osteopathic), general pediatrics, general internal medicine, obstetrics and gynecology, or general dentistry.

STUDIES

Section 1712 (a). Requires the Council on Medically Underserved Populations to conduct a study for the following purposes:

(1) To analyze the current distribution of physicians by specialty. In making such analysis—

(A) To determine the geographic distribution of dental, medical and osteopathic physicians by specialty and subspecialty and by geographic area; and

(B) To give special attention to determining the percentage of time physicians in each specialty and subspecialty spend in primary care activities and other activities unrelated to their specialty training and the percentage of time primary care physicians spend in specialty care.

(2) To project the distribution of physicians by specialty and subspecialty by geographic areas in the years 1980, 1985, and 1990.

(3) To examine and evaluate various methodologies for estimating the optimal distribution of physicians by specialty and subspecialty by geographic areas, including methodologies utilized by foreign countries and consideration of the use of nonphysicians to perform certain functions.

(4) To develop a reliable and appropriate methodology to establish the optimal distribution of physicians by specialty and subspecialty by geographic area.

(5) Requires an interim report on the study to be submitted by September 30, 1975, and the final report to be submitted by September 30, 1976.

Section 1712(b). Requires the Council to conduct a study to determine the levels at which physicians are reimbursed for their services, ways in which such levels are determined, the effects of variations of such reimbursement fees on geographic distribution of physicians and other primary health care professionals, and optional ways of improving the reimbursement system in order to improve the geographic distribution of such health professionals. In conducting this study, the Council is required to examine reimbursement mechanisms utilized in other countries.

AUTHORIZATION OF APPROPRIATIONS

Section 1713. Authorizes $36,000,000 for the fiscal year ending September 30, 1977, and $45,000,000 for the fiscal year ending September 30, 1978.

MISCELLANEOUS

Section 3(a). Repeals Section 329 of the Public Health Service Act.

Section 3(b)(1). Provides that any area in which National Health Service Corps personnel were assigned under Sec. 329 as of June 30, 1975, shall be deemed—

(A) To be an area in which is located a medically underserved population under Sec. 1702, and

(B) To be qualified under Sec. 1709 for assignment of Federal personnel unless the assistance period as determined under Sec. 1709 has expired.

Section 3(b)(2). Provides that the assistance period for the purposes of Sec. 1709 shall be deemed to have begun on the date Federal personnel were first assigned to the area under Sec. 329.

Section 3(b)(3). Provides that for any physician or dentist Federal employee assigned under Sec. 329 prior to the date of enactment of this Act, the number of months during which such employee was assigned shall be counted in determining the application of additional pay provisions of Sec. 1709.

By Mr. BROCK:

S. 2175. A bill to amend the Internal Revenue Code of 1954 to provide for an increase in the amount of the corporate surtax exemption from $50,000 to $100,000 and to provide for annual adjustments of such amount to reflect changes in the Consumer Price Index. Referred to the Committee on Finance.

Mr. BROCK. Mr. President, after months of devastating inflation and recession, small business, a vital segment of our economy, is fighting for survival. Squeezed by tight money and the lack of capital, depressed markets and rising costs, the small businessman has a more difficult time than his larger and financially more robust competitors in coping with economic adversity. His problems are further compounded by growing Government intervention. New occupational safety rules, environmental restrictions, product safety regulations, and surging labor costs, challenge his chances for survival.

The cost and availability of capital lead the list of small business problems. The small businessman, like the small family farmer, depends heavily on his own profits. Very few have investments outside their own business. Raising money to launch or expand an enterprise is a difficult task. A nationwide capital drought has made it even tougher.

Increased Government regulations are another depressant in the area of small business. The Occupational Safety and Health Administration—OSHA—is a fine example. Unless administered with common sense it may destroy more businesses than the lack of capital.

Therefore, Mr. President, I am introducing a bill to increase the surtax exemption from $50,000 to $100,000.

Throughout the years, inflation has eroded the purchasing power of both the consumer and the small businessman. Therefore, my bill will relate the surtax exemption to the consumer price index. The ultimate goal of this bill will lead to increased productivity and employment, increase the liquidity of the small businessman and help counter our Nation's impending capital shortage.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 11(d) of the Internal Revenue Code of 1954 (relating to surtax exemption) is amended by striking out "$50,000" and inserting in lieu thereof "$100,000".

(b)(1) Section 12(7) of such Code (relating to cross references relating to tax on corporations) is amended by striking out "$50,000".

(2) Section 962(c) of such Code (relating to surtax exemption) is amended by striking out "$50,000" and inserting in lieu thereof the amount of the applicable surtax exemption under section 11(d) (as determined by the Secretary or his delegate).

(3) Section 1561(a)(1) of such Code (relating to limitations on certain multiple tax benefits in the case of certain controlled corporations) is amended by striking out "$50,000".

(c) Section 11 of such Code (relating to tax imposed on corporations) is amended by adding at the end thereof the following new subsection:

"(g) Adjustment of Surtax Exemption.—

"(1) In general.—As soon after the end of each adjustment year ending after December 31, 1976, as the necessary data become available from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall report to the Secretary or his delegate the percentage difference, if any, between the price index for such adjustment year and the price index for the base period. The amount of the surtax exemption under subsection (d) applicable to taxable years beginning after the last day of December next following the date on which such percentage difference is reported to the Secretary or his delegate is $100,000 increased or decreased, as may be appropriate, by such percentage difference. The Secretary or his delegate shall publish the adjusted surtax exemption within 10 days after such percentage difference is reported to him.

"(2) Definitions.—For purposes of this subsection—

"(A) Base period.—The term 'base period' means the period beginning October 1, 1975 and ending September 30, 1976.

"(B) Adjustment year.—The term 'adjustment year' means the period beginning on the first day of October of each year and ending on the last day of September of the succeeding year.

"(C) Price Index.—The term 'price index' means the average over the base period or over an adjustment year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics of the Department of Labor.".

SEC. 2. The amendments made by this Act apply to taxable years ending after December 31, 1975.

By Mr. BAKER (for himself and Mr. RANDOLPH):

S. 2176. A bill to amend the Highway Safety Act of 1966 to authorize appropriations, and for other purposes. Referred to the Committee on Public Works.

Mr. BAKER. Mr. President, I am introducing a bill sent to Congress by the administration, the Highway Safety Act of 1966. Passage of the original Highway Safety Act—the first major commitment of the Federal Government to a national, coordinated program to reduce deaths and injuries on our highways—was largely the result of efforts by the distinguished chairman of the Committee on Public Works, Senator RANDOLPH, and the then ranking Republican, John Sherman Cooper.

We have had over 8 years of experience with the program created by the 1966 act. During that period the Federal Government, through the National Highway Traffic Safety Administration, has promulgated standards to be implemented by the States with Federal financial assistance. The Federal interest has provided the impetus for creation of safety agencies in States where not previously existed and has strengthened such organizations where they were already established. The death rate measured by the number of deaths per 100 million miles traveled has dropped dramatically from 1967–74.

The highway safety program has not been without criticism, however. The most frequently heard complaint is that States are given too little voice in the conduct of their programs; that the Federal regulations are too inflexible and are not sufficiently related to achieving the goals sought, that is, reduced accidents, injuries, and fatalities.

The administration is proposing legislation which would give greater flexibility to States in carrying out effective highway safety programs. The bill would make the States partners in the undertaking. It would give them greater latitude to experiment with promising new approaches to experiment with promising new approaches to reducing losses on our highways.

Mr. President, I believe this legislation recognizes problems in the existing program and takes positive steps to meet them. The Transportation Subcommittee of the Public Works Committee on Monday, July 28, will hold a hearing on the effectiveness of our highway safety programs. The administration's proposals will be discussed at that time.

I ask unanimous consent that the letter from Secretary Coleman, the text of the bill, and the section-by-section analysis and justification be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Highway Safety Act of 1975".

SEC. 2. Section 402(a) of title 23, United States Code, is amended by adding at the end the following sentence:

"The Secretary is authorized to waive standards, for such periods and in accordance with such terms as he may specify, for the purpose of permitting one or more States to undertake alternative highway safety measures having high potential for significantly reducing highway accidents or deaths and injuries resulting therefrom."

SEC. 3. (a) Section 402(b)(1) of title 23, United States Code, is amended by deleting subparagraph (D) and redesignating the following subparagraphs thereof accordingly.

(b) Section 402(i) of title 23, United States Code, is amended by deleting "(E)" and inserting "(D)" in lieu thereof.

SEC. 4. The sixth sentence of section 402 (c) of title 23, United States Code, is amended by deleting the period at the end and adding the following: ", except that the apportionments to the Virgin Islands, Guam, and American Samoa shall not be less than one-third of 1 per centum of the total apportionment."

SEC. 5. Section 402(c) of title 23, United States Code, is amended by deleting the seventh through tenth sentences thereof and inserting in lieu thereof the following:

"Funds apportioned under this section to any State, that does not have a highway safety program approved by the Secretary or that is not implementing an approved program, shall be reduced by amounts equal to not less than 50 per centum of the amounts that would otherwise be apportioned to the State under this section, until such time as the Secretary approves such program or determines that the State is implementing an approved program, as appropriate. The Secretary shall consider the gravity of the State's failure to have or implement an approved program in determining the amount of the reduction. The Secretary shall promptly apportion to the State the funds withheld from its apportionment if he approves the State's highway safety program or determines that the State has begun implementing an approved program, as appropriate, prior to the end of the fiscal year for which the funds were withheld. If the Secretary determines that the States did not correct its failure within such period, the Secretary shall reapportion the withheld funds to the other States in accordance with the formula specified in this subsection not later than 30 days after such determination. Federal aid highway funds apportioned to any State, that does not have a highway safety program approved by the Secretary or that is not implementing an approved program, shall be reduced by amounts equal to not less than 5 per centum, but not more than 10 per centum, of the amounts that would otherwise be apportioned to such State under section 104 of this title, until such time as the Secretary approves such program or determines that the State is implementing an approved program, as appropriate. Whenever he determines it to be in the public interest, the Secretary may suspend, for such periods as he deems necessary, the application of the preceding sentence to a State. The Secretary shall consider the gravity of the State's failure to have or implement an approved program in determining the amount of the reduction of Federal aid highway funds. Any amount of Federal aid highway funds that is withheld from the apportionment to any State under this subsection shall be reapportioned to the other States in accordance with the applicable provisions of law."

SEC. 6. Section 402(h) of title 23, United States Code, is amended to read as follows:

"(h) Except to the extent that the uniform standards specified in subsection (a) of this section are required to include certain provisions, the Secretary may amend or revoke such uniform standards. All rules establishing, amending, or revoking such uniform standards shall be issued pursuant to section 553 of title 5 of the United States Code, except that the Secretary shall give interested persons an opportunity for oral presentation of data, views, or arguments, and the opportunity to make written submissions. A transcript shall be kept of any oral presentation. The effective date of any such rule, other than a rule relieving a restriction, shall be not earlier than 120 days after the date on which the rule is promulgated."

SEC. 7. (a) Section 402(j)(2) of title 23 of the United States Code, is amended to read as follows:

"(2) In addition to other grants authorized by this section, the Secretary may make additional incentive grants to the States in accordance with criteria specifying that the qualifying States shall be those that have made the most significant progress in reducing traffic fatalities based on the reduction in the rate of such fatalities per one hundred million-vehicle miles during the calendar year immediately preceding the fiscal year for which such incentive funds are authorized compared with the average annual rate of such fatalities for the four calendar year period preceding such calendar year or in accordance with such other criteria as the Secretary may establish for identifying those States that have made the most significant progress in highway safety. The Secretary may amend or revoke such criteria. All rules establishing, amending or revoking such criteria shall be issued pursuant to section 553 of title 5 of the United States Code. Such grants may only be used by the States to further the purposes of this chapter, including highway safety construction improvements authorized by this title of the Federal-aid system. Such grants shall be in addition to other funds authorized by this section. There are hereby authorized to be appropriated to carry out the purpose of this paragraph $15,000,000 for the fiscal year ending September 30, 1977, $20,000,000 for the fiscal year ending September 30, 1978, $25,000,000 for the fiscal year ending September 30, 1979, and $30,000,000 for the fiscal year ending September 30, 1980."

(b) Section 402(j)(3) of title 23, United States Code, is amended to read as follows:

"(3) No incentive grant authorized by paragraph (1) or (2) of this subsection may exceed the amount that any qualifying State would receive if the funds authorized by such paragraph were awarded to the qualifying States 75 per centum in the ratio which the population of each qualifying State bears to the total population of all qualifying States, as shown by the latest available Federal census, and 25 per centum in the ratio which the pubic road mileage in each qualifying State bears to the total public road mileage in all qualifying States: *Provided*, That, no incentive grant authorized by paragraph (1) or (2) of this subsection may exced 15 per centum of the amount appropriated under such paragraph for any fiscal year. The public road mileage used in determining the amount of grants under this subsection in a fiscal year shall be the same as the mileage used in apportioning funds under subsection (c) of this section for the same fiscal year."

SEC. 8. Section 404(a)(1) of title 23, United States Code, is amended by deleting "who shall be Chairman" from the first sentence thereof, and by adding immediately after such first sentence the following: "The Secretary shall select the Chairman of the Committee from among the Committee members.".

SEC. 9. The first sentence of section 406(b) of title 23, United States Code, is amended to read as follows:

"Not less than $7,500,000 of the sums authorized to carry out section 402 of this title shall be obligated on or after January 1, 1975, and on or before September 30, 1978, to carry out this section."

SEC. 10. (a) The following sums are hereby authorized to be appropriated:

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), $105,000,000 for the fiscal year ending September 30, 1977, $115,000,000 for the fiscal year ending September 30, 1978, $125,000,000 for the fiscal year ending September 30, 1979, and $135,000,000 for the fiscal year ending September 30, 1980.

(2) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, $6,500,000 for the transition period beginning July 1, 1976, and ending September 30, 1976, $35,000,000 for the fiscal year ending September 30, 1977, $40,000,000 for the fiscal year ending September 30, 1978, $45,000,000 for the fiscal year ending September 30, 1979, and $45,000,000 for the fiscal year ending September 30, 1980.

(3) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, $2,500,000 for the transition period beginning July 1, 1976, and ending September 30, 1976, $12,000,000 for the fiscal year ending September 30, 1977, $13,500,000 for the fiscal year ending September 30, 1978, $15,000,000 for the fiscal year ending September 30, 1979, and $15,000,000 for the fiscal year ending September 30, 1980.

(b) On October 1, 1976, any unobligated balance of funds authorized under section 202 (1) and (3) of the Highway Safety Act of 1973 (87 Stat. 282) is rescinded.

WASHINGTON, D.C.,
July 22, 1975.

Hon. NELSON A. ROCKEFELLER,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The Department of Transportation is submitting for your consideration and appropriate reference a draft bill, "To amend the Highway Safety Act of 1966 to authorize appropriations, and for other purposes."

When the Highway Safety Act was passed in 1966, the highway fatality rate per 100,000,000 miles of vehicle travel was 5.7. Highway fatalities were over 50,000 and steadily climbing. Since then, substantial progress has been made. The fatality rate declined to 4.3 in 1973 and to an estimated 3.6 in 1974. The number of fatalities in 1974 were 45,534, a decline of more than 9,500 from the previous year's total. The 1974 reductions are largely attributable to the national 55 mile-per-hour speed limit and reduced highway travel in that year.

Since highway travel and speed are again climbing, continuation of lowered highway fatalities will be dependent upon the full and coordinated implementation of the national speed limit and other highway safety measures. The purpose of this legislation is to aid that effort through continuation of Federally sponsored research, a system of Federal highway safety standards reflecting research results, Federal approval of State highway safety programs, limited grant support to promote State highway safety efforts, penalties for State failure to carry out approved programs, and incentive grants to reward those States whose highway safety efforts are most effective.

In order to increase the effectiveness of the Federal effort to promote highway safety, this legislation includes provisions giving the Department and the States increased flexibility in implementing the Act. It is anticipated that such flexibility would encourage both better use of existing knowledge and State efforts to introduce promising new approaches to highway safety.

Several of the Department's proposals are intended to meet some State recommendations concerning the Highway Safety Program Standards. One recommendation is that the standards be amended to provide greater allowance for State innovation and the uniqueness of local problems. In response, we are working with the States to revise the standards to achieve a better balance between requirements for adopting particular measures and more performance-oriented standards. Unfortunately, we can not ensure that the revised standards will be put into effect in an expeditious, yet orderly manner. Under the 1973 Highway Safety Act, we are prohibited from amending existing standards or issuing new ones without prior legislative authorization. The Department proposes, therefore, the deletion of the prohibition and the substitution of a requirement for following informal rulemaking procedures. Opportunity for oral as well as written comment would be provided.

Another State recommendation concerning the standards involves the statutory requirement that each State implement every provision in every standard. This recommendation is based upon the substantiality of the resources that would be needed for a State to implement all provisions. It is also based upon the differences in the degree to which many of the highway safety problems addressed in the standards exist in particular States. The Department too is concerned about the requirement since it may hinder our efforts to assist the States in planning, developing, and implementing result-oriented programs and conducting intensive evaluation of such programs.

To eliminate this hindrance, the Department proposes to expand the opportunity of the States to address their most pressing problems and undertake high payoff, result-oriented projects. This would be accomplished by authorizing the Department to waive the requirement for compliance by a State with a standard for such period as may be specified. In return, the State would have to adopt alternative measures having high potential for significantly improving highway safety.

Even if the standards are revised and the proposed waiver authority is extensively used, the Department anticipates some continuing problems of noncompliance with certain standards. In this connection, we are concerned that although the 1966 Act gives the Department discretion in determining compliance, it gives none regarding the severity of the sanctions to be imposed against a noncomplying State. This bill would reduce the rigidity of the sanction provisions by permitting the Department to adjust the amount of funds withheld from a noncomplying State so that it is commensurate with the gravity of the State's noncompliance.

To provide still further flexibility for the States in implementing the standards, the Department proposes a return to the single section 402 authorization that was in the 1966 Act. Under this approach, the States would be able to make their programmatic judgment on a strictly safety payoff basis, without any concern about lapse of funds for particular programmatic elements.

The proposed authorizations for section 402 and the other Highway Safety Act programs are to be from the General Fund and are set at the level of anticipated obligational limitations. The shift from Trust

Fund financing is proposed as part of a comprehensive move to secure greater flexibility in funding highway construction and certain other transportation activities. The level of the authorizations provides for modest program growth, while aiding the States to predict the amount of funds that will actually become available for obligation and reducing the likelihood of lapse.

Finally, the Department is seeking increased flexibility in implementing the incentive program. Currently, the Department is required to base the criteria for awarding incentive grants upon a single factor, the States' reduction of their highway fatality rate. While this factor promotes objectivity in the selection of States to receive grants, an incentive program based solely on that factor does not appear likely to achieve its intended purpose of inducing the States to make significant additional highway safety efforts. The Department proposes, therefore, that the Secretary be provided with discretion to establish new criteria for identifying incentive grant recipients.

Additional details concerning the foregoing proposals and a discussion of several other, largely technical proposals are contained in the attached statement of justification.

It is the judgement of this Department, based on available information, that no significant environmental impact would result from the implementation of this legislation.

The Office of Management and Budget advises that this proposed legislation is consistent with the Administration's objectives.

Sincerely,

William T. Coleman, Jr.

Section-by-Section Analysis and Justification

Section 2. This section would amend 23 U.S.C. 402(a) to authorize the Secretary to waive the requirement in section 402(a) for compliance by an applicant State with a highway safety program standard or portion thereof, for as long a period as he may specify. In return, the State must agree to include in its highway safety program alternative measures having high potential for significantly reducing highway accidents or deaths and injuries resulting therefrom. Currently, the Secretary may grant only short term waivers to States wishing to conduct new or different highway safety activities on an experimental, pilot or demonstration basis.

The practical effect on this amendment would be that, to the extent that waivers are granted, the States would no longer be required to implement every provision in every standard. The States have urged a change in this requirement partly because of the substantial resources required for a State to implement all provisions. The States have also cited the significant differences in the degree to which many of the various highway safety problems addressed in the standards exist in particular States.

The Department has been concerned about the requirement for implementation of all provisions since it may hinder our efforts to assist the States in planning, developing and implementing result-oriented programs and conducting intensive evaluation of such programs. These efforts are the Department's highest priority in the Highway Safety Program under section 402. In furtherance of our role in the management of the Program, we have arranged for key regional and State personnel to be trained in the Management-By-Objectives (MBO) apporoach to highway safety planning. An examination of the States' 1976 annual work programs indicates that the States are making increased investments of Federal funds in high payoff programs. Here are some specific examples of the States' progress:

9 States are using MBO techniques for their total program;

12 States are using problem area instead of standard area identification as the basis for their planning; and

33 States have developed bottom line objectives in at least 1 program area.

The proposed additional waiver authority is intended to ensure continued progress by the States by expanding their opportunity to address their most pressing problems and undertake high payoff, result-oriented projects. To afford the States maximum flexibility, our proposal does not require that the alternative measures undertaken by recipients of waivers be related to the same safety problem to which the waived standard is related. A State might, for example, be permitted to undertake a measure regarding an unrelated problem if the problem were shown to be more pressing for the State than the one to which the waived standard related or when the former problem could be more successfully treated than the latter one. If a State devised an alternative measure with sufficiently high payoff, the State could even obtain a waiver from one of the key programmatic requirements for which implementation deadlines have been or may be set.

Section 3. Subsection (a) of this section would amend 23 U.S.C. 402(b)(1) by deleting subparagraph (D) which requires that a State's annual highway safety expenditures equal or exceed the average level of such expenditures for fiscal years 1965 and 1966. Inflation and increased State highway safety expenditures have made each State's compliance with the requirement a virtual certainty. Accordingly, there is no longer any need for the States to avert compliance with it.

Subsection (b) of this section would make a conforming change in a cross-reference in 23 U.S.C. 402(i) to 23 U.S.C. 402(b)(1)(E) regarding driver education. The change is made necessary by the amendments in subsection (a) of this section.

Section 4. This section would amend 23 U.S.C. 402(c) to reduce the minimum share of section 402 Federal funds apportioned to the Virgin Islands, Guam, and American Samoa from one-half of 1 percent to one-third of 1 percent. The current minimum share requirement provides these territories with funds that are disproportionate, from the standpoint of the magnitude of their highway safety problems, to the funds received by the States that also receive the minimum apportionment. A minimum share of one-third of 1 percent is more commensurate with the highway safety problems of the territories.

Section 5. Section 402(c) provides the Department with discretion in determining whether a State is implementing the Highway Safety Program Standards, but not in determining the severity of the sanctions to be imposed against a noncomplying State. The Department is required to withhold all of a noncomplying State's Federal highway safety funds. It is also required to reduce such State's Federal-aid highway construction funds by 10 percent, although this second sanction may be suspended when the Department finds that doing so is in the public interest.

The Department believes that is inappropriate to withhold all of a noncomplying State's highway safety funds and a full 10 percent of its construction funds in all noncompliance cases, regardless of the nature or extent of noncompliance. To cure this shortcoming, the section would permit the Secretary to withhold 50–100 percent of a State's safety funds and 5–10 percent of its construction funds. The precise amount withheld in a particular case would depend partly upon his assessment of the gravity of the State's noncompliance.

Section 402(c) also provides that once a noncomplying State's safety and construction funds are withheld under that section, they are permanently lost to that State. This result is unnecessarily harsh when a noncomplying State is reasonably prompt in eliminating the deficiencies in its program. To avoid such a result, this section provides that a State would be given its withheld safety funds if it eliminates its program deficiencies prior to the end of the fiscal year for which safety funds were withheld. No provision is made for the recoupment of withheld construction funds since the Secretary could achieve a similar result by suspending, rather than invoking the construction fund sanction when he finds that there is a substantial likelihood that a State will promptly cease its noncompliance.

It should be noted that the drafting of this section is based upon the Departmental proposal in section 108(b)(1) of its "Federal-aid Highway Act of 1975" to amend 23 U.S.C. 104(b) to change the date of apportionment from "on or before January 1" to "October 1." Thus, the apportionment of Federal highway safety funds for a particular fiscal year would follow, rather than precede as under present law, the approval or disapproval of a State's annual work program for the same fiscal year. This change in the apportionment date would permit the highway safety fund sanction under section 402(c) to be applied almost immediately after the disapproval of an annual work program and would limit the period within which the deficiencies could be eliminated to the fiscal year for which funds were withheld under section 402(c). If the Secretary determined that a State did not eliminate its deficiencies by the end of that year, he would be required to reapportion the withheld funds to the other States in accordance with the formula specified in section 402(c) not later than 30 days after the beginning of the next fiscal year.

It should also be noted that this section of the bill is not intended to limit the authority of the Secretary invoking other sanctions available under title 23.

Section 6. This section would amend section 402(h) to delete the prohibition against the Secretary's amending existing Highway Safety Program Standards or issuing new ones unless authorizing legislation is enacted. The prohibition necessitates, in effect, our submission of the complete, detailed text of final rules for Congressional approval. The Department believes that the resolution of the frequently technical and highly complex issues of rulemaking should be left to the administrative rulemaking process. In place of the prohibition, section 6 should add a requirement that the Secretary conduct his rulemaking through the informal rulemaking procedures in the Administrative Procedures Act, except that opportunity for oral as well as written presentation of views, data, and arguments would be afforded.

Enactment of section 6 would ensure that the Secretary's efforts to revise the standards could be completed in an expeditious, yet orderly, manner. These efforts are under way with the participation of the National Conference of Governors' Highway Safety Representatives and the advice of private highway safety groups.

The effort to revise the standards has been undertaken for several reasons. First, the States have urged that the standards be amended to provide greater allowance for State innovation and the uniqueness of local problems. Most of the States would prefer that the standards be revised to provide a better balance between requirements for the adoption of particular measures and standards that are more performance-oriented. Second, revision is necessary since most of the standards were issued about 8 years ago and have never been amended. The new knowledge that has been acquired in that time should be incorporated in the standards.

The proposed requirement for following informal rulemaking procedures would complement, not supplant, the requirement in section 402(e) for direct consultation by the Department with interested public and private parties concerning the amending of existing standards and development of new ones. As in the past, consultation would begin during the development of notices of proposed rulemaking and continue through the issuance of final rules.

The 120-day period provided by section 6 between the issuance of a final rule and the effective date of the rule would provide Congress with ample time to perform its normal oversight functions. In keeping with the policy of 5 U.S.C. 553(d) (1), the 120-day requirement would not apply to any rule relieving a restriction on the States.

Section 7. Subsection (a) of this section would amend section 402(j) (2) to provide the Secretary with discretion in establishing criteria for identifying the States that make the most significant progress in highway safety and therefore entitled to receive incentive grants. Section 402(j) (2) currently affords the Secretary no discretion regarding the criteria, requiring that they be based upon the States' reduction of their fatality rate, that is, the number of fatalities per 100,000,000 miles of vehicle travel.

Although the statutory approach promotes objectivity in the selection of States to receive the grants, it also has several shortcomings. It makes qualification for grants difficult for States which already have low fatality rates and for States with very large populations. More importantly, the statutory criteria do not appear likely to ensure that the incentive program will achieve its full potential and purpose. We view that purpose as being to induce the States to make significant additional highway safety efforts. The current incentive criteria are so broad that the beneficial effects of the incentive program on State efforts cannot be readily, if at all, identified.

With the discretion provided by section 7(a), the Secretary could add additional factors to the existing criteria or develop entirely new criteria based upon factors other than fatality rate reduction. One new factor might be the progress made by the States regarding certain fatality prone groups, e.g., pedestrians, young male drivers, or drinking drivers. Another might be the extent to which the States accomplish selected key goals set forth in their highway safety programs.

Section 7(a) would also authorize the following funds for the awarding of incentive grants: $15,000,000 for fiscal year 1977; $20,000,000 for fiscal year 1978; $25,000,000 for fiscal year 1979; and $30,000,000 for fiscal year 1980. Funds for all 4 fiscal years would be appropriated from the General Fund.

Subsection (b) of this section would amend section 402(j) (3) so that the size of the section 402(j) incentive grants would be based upon the authorizations and appropriations for such grants instead of upon the apportionments for State and community grants under section 402(c) as provided currently by section 402(j) (3). The amendment is necessary since section 402(j) (3) freezes the size of individual incentive grants at 25 percent of the section 402 State and community grants. This limitation may have been appropriate under the 1973 Highway Safety Act when the ratio of the fatality rate reduction grant authorizations to the total State and community grant authorizations was approximately 1 to 10. However, under section 7, this ratio would change to 1 to 4. Unless subsection (b) of this section is adopted, the maximum percentage share of the fatality rate incentive authorization that a State can receive as a grant will be significantly reduced.

As under current law, a qualifying or recipient State's share of incentive funds would be based upon State population and public road mileage. New section 402(j) (3) would provide that no incentive grant could exceed the amount of funds that each qualifying State would receive if the funds authorized by either paragraph (1) or (2) of section 402(j) were divided among the qualifying States 75 percent in the ratio that the population of each qualifying State bears to the total population of all qualifying States, as shown by the latest available Federal census, and 25 percent in the ratio that the public road mileage in each qualifying State bears to the total public road mileage in all qualifying States. To prevent any State from receiving a disproportionately large grant in the unlikely, but possible event that few States qualified for incentive grants in a particular year, section 7(b) would further limit the size of a State's incentive grant to not more than 15 percent of the funds appropriated for that fiscal year under section 402(j) (1) or (2), as appropriate.

Section 8. This section would amend 23 U.S.C. 404(a) (1) to delete the requirement that the Secretary of Transportation or a Departmental officer appointed by him serve as chairman of the National Highway Safety Advisory Committee. Under the amendment, the Secretary would be authorized to select any of the Committee members to be chairman.

The Committee was created in 1966 for the purpose of advising, consulting with, and making recommendations to the Secretary on matters relating to the highway safety activities and functions of the Department. Among other things, the Committee is authorized to review and make recommendations concerning (1) highway safety research projects or programs submitted to or recommended by it, and (2) uniform highway safety program standards proposed by the Secretary. The Committee comprises the Secretary or a Departmental officer appointed by him, the Federal Highway Administrator, the National Highway Traffic Safety Administrator, and thirty-five members appointed by the President, no more than four of whom may be Federal employees.

The Department believes that the Secretary should have the flexibility in naming a Committee chairman to select any Committee member, whether the member is a Departmental official or otherwise associated with the Federal Governent or whether he is a State or local official or a private citizen. This would permit the Secretary to make greater use of the leadership talent among the full Committee membership. Also, by making provision for the exercise of leadership by members who are not affiliated with the Department, this section should strengthen the role of the Committee as an effective advisory body.

Section 9. This section would amend 23 U.S.C. 406(b) to delete the requirement that the $7,500,000 that must be spent by the States on school bus driver training be derived from the section 402 authorization for fiscal year 1976 exclusively. As amended, section 406(b) ensures that the States can apply any funds obligated between January 1, 1975, and September 30, 1978, for such training against the required $7,500,000.

Despite the urgency attached to school bus driver training by section 406, the section discourages immediate State response by giving the States no credit toward their share of the $7,500,000 for their expenditure of funds authorized for fiscal years prior to fiscal year 1976. Further, by requiring the States to draw upon the fiscal year 1976 authorization alone for the substantial training expenditures, section 406 may unnecessarily reduce the funding flexibility of the States.

The States' flexibility would be further restricted by section 10(b) of this legislation. That section would rescind, effective October 1, 1976, any unobligated balance of section 402 funds authorized for fiscal year 1976 (and the two preceeding fiscal years) under section 202 of the 1973 Highway Safety Act. If section 10(b), but not section 9, were enacted, the entire $7,500,000 would have to be obligated prior to the rescission date, October 1, 1976.

Section 9 would alleviate these problems by ensuring that the States can draw upon any available section 402 Federal funds, regardless of the year of authorization.

Section 10. Subsection (a) (1) of this section would authorize the appropriation of $105,000,000 for fiscal year 1977, $115,000,000 for fiscal year 1978, $125,000,000 for fiscal year 1979, and $135,000,000 for fiscal year 1980 for the Department's implementation of the section 402 State and Community Program. Funds for all 4 fiscal years would be appropriated from the General Fund.

This section marks a return to the single authorization that was in the original Highway Safety Act. Under this approach, the States would be able to make their programmatic judgment on a strictly safety payoff basis, without any concern about lapse of funds for particular programmatic elements.

Subsection (a) (2) and (3) of this section would provide funds for highway safety research and development. For the National Highway Traffic Safety Administration's implementation of section 403, this legislation would authorize $6,500,000 for the transition period beginning July 1, 1976, and ending September 30, 1976, $35,000,000 for fiscal year 1977, $40,000,000 for fiscal year 1978, $45,000,000 for fiscal year 1979, and $45,000,000 for fiscal year 1980. For the Federal Highway Administration's implementation of sections 307(a) and 403, $2,500,000 would be authorized for the transition period, $12,000,000 for fiscal year 1977, $13,500,000 for fiscal year 1978, $15,000,000 for fiscal year 1979, and $15,000,000 for fiscal year 1980.

Subsection (b) of this section would rescind, effective October 1, 1976, any unobligated balance of section 402 Federal funds authorized under section 202(1) and (3) of the Highway Safety Act of 1973. The purpose of the rescission is to ensure a complete conversion on that date to the principles of a Program which underlie the Department's proposal for a single section 402 authorization.

By Mr. KENNEDY (for himself and Mr. Brooke):

S. 2177. A bill to make permanent the Cape Cod National Seashore Advisory Commission. Referred to the Committee on Interior and Insular Affairs.

CAPE COD SEASHORE ADVISORY COMMISSION

Mr. KENNEDY. Mr. President, I am introducing today, for myself and Senator Brooke, legislation to amend the Cape Cod National Seashore Act approved by the Congress in 1961. This amendment is designed to continue on a permanent basis the Cape Cod National Seashore Advisory Commission originally established for 10 years beginning in 1966.

When President Kennedy served in the Senate, he worked very hard to find a way in which the fragile beauty of Cape Cod could be preserved without serious dislocation of the residents of Cape Cod, families who for generations has served for generations as custodians and guardians of the beautiful and unique resources of the cape. Federal Government assistance for decades in preservation and conservation efforts in the States had been directed at large acquisitions of property set aside for preservation and recreation purposes, and mostly in the Western part of the United States.

All the problems of population density, private property holdings, community tax bases, and local government concerns in six towns had to be faced and worked out by the Congress and the Department of the Interior in order to develop an imaginative mechanism for preserving these resources in a densely populated and visitor impacted area. The Cape Cod National Seashore Act was the solution to those concerns and has served as a model ever since for students of land use planning and preservation methods.

The most important ingredient in the success story of the Cape Cod National Seashore is the Seashore Advisory Commission. This group of local citizens has worked for nearly a decade to insure that the goals of the seashore and the hopes of local residents are consistent and coordinated. I ask unanimous consent to have printed in the Record a portion of the master plan for the seashore which the Advisory Commission assisted in developing.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

CAPE COD NATIONAL SEASHORE

Cape Cod National Seashore is distinctive for many reasons. Not the least of these is the degree to which the Seashore affects and is affected by the region around it, and the complexity of this relationship. The Seashore has been superimposed on communities which have been in existence for 300 years, and the authorizing legislation contains many pioneering provisions which provide for relationships among Town, Commonwealth and Federal Governments.

It is to Cape Cod, with its charming old towns, its beaches, its marshes, wooded hills and open heaths, its distinctive architecture and atmosphere, that visitors come. This region is affected by the Seashore in three important ways. First, the Seashore preserves for public use an important and representative part of the scenic and recreational resources which are so important to the Cape. Second, it provides for a range of activities, such as biking, hiking and nature study, which are not provided for to nearly the same degree elsewhere in the region. Finally, the Seashore provides recreational facilities, such as beaches, which complement and supplement like facilities provided elsewhere.

The Seashore is also affected by the region in several ways. First, most visitors are attracted primarily by the Cape as a whole, and only in part by the Seashore. Most of those who visit the Seashore and use its facilities are day-users who are either permanent or seasonal residents of the Cape or are staying in campgrounds, motels or rental cottages. Second, recreation facilities provided elsewhere on the Cape complement Seashore facilities and play an important role in determining the demand for such facilities within the Seashore.

Beyond these factors, the Cape as a whole and the Seashore face challenges common to both; challenges which can be fully met only through close cooperation. Both the Cape and the Seashore have optimum capacities for development and use which can be exceeded only with severe damage to the resources which attract visitors and permanent residents. Present access to both is inadequate, yet both have an interest in providing better access by means which do not pour more people into the region than it can accommodate. The upper Cape, with its more stable soils, could accommodate uses for which there is a demand but for which the less stable soils of the lower Cape and the Seashore are not well suited. In short, the Seashore and the rest of the Cape are so interrelated that neither can fully meet the challenges of the future without close cooperation with each other and with other State and local agencies.

Close as is the relationship between Cape Cod and the Seashore, even closer is the relationship between and among the six adjoining towns and the Seashore. The town of Truro is a Seashore concessioner. Three of the towns now operate beaches within the Seashore boundary and a fourth is considering doing so. Important town facilities, such as town dumps and the Provincetown Airport are within the Seashore, and the Seashore is an important part of the watershed of four of the towns.

Owners of improved properties in the Seashore pay town real estate taxes, and look to both the town and the Seashore for protection. Seashore visitors use town roads to reach Seashore facilities, and for pleasure driving. Town police and fire protection agencies work closely with the Seashore, providing additional protection at less cost. In all of these relationships, continued close cooperation on the part of both town and Seashore, recognizing the latter's responsibility to the American public, is essential.

Mr. KENNEDY. I ask unanimous consent also to have printed in the Record an editorial which appeared in the Cape Codder on July 17, 1975, applauding the efforts of the Commission.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

CONTINUING THE ADVISORY COMMISSION

When the Cape Cod National Seashore enabling legislation passed the Congress back in 1961 it contained a number of innovative provisions conceived by the staffs of our two US Senators at that time, Leverett Saltonstall and John F. Kennedy. The purpose of the provisions, which differed from the usual National Park Service policy, was to make the idea more palatable to a rather strong opposition on Cape Cod. It succeeded in that and it also has had an administrative success in practice over the years.

One of those provisions created the Cape Cod National Seashore Advisory Commission, made up of predominantly local people and serving as a link between the local community and the Seashore administration. It was originally thought of as a transitional mechanism and given a statutory 10-year life span. The Seashore actually came into being in 1966, which means that the life of the Advisory Commission expires next year.

There is general agreement that the Commission has been a success, largely because of the generally high level of its membership and the seriousness of purpose of its longtime chairman, Joshua A. Nickerson, but also because of the cooperative attitude of solely by reason of having been prepared by the Seashore Superintendents, particularly the original Robert Gibbs and the present Lawrence Hadley. And we agree that the Commission concept should be made a permanent part of the Cape Cod National Seashore administration.

The National Park Service in Washington agrees on the continuation but wants it done administratively under an act passed in 1972, rather than legislatively through an amendment to the original enabling act. The Commission itself, placed in the embarrassing position of urging its own perpetuation, has agreed to this change.

For ourselves we much prefer legislative to administrative sanction for the Commission. Secretaries of Interior come and go and vary greatly in quality. And, although we would rather see a Commission under executive control than no Commission at all, it would be far better to keep it removed from the whim of future administrations.

We would hope that Senators Edward Brooke and Edward Kennedy and Rep. Gerry Studds could get together and sponsor an amendment to the 1961 Act so as to continue the Commission with full sanction of the Congress.

Mr. KENNEDY. Mr. President, legislation which Senator Brooke and I have cosponsored to preserve and protect the Nantucket Sound islands from overdevelopment has been developed through the suggestions of local residents. We are very familiar with the necessity of obtaining suggestions from residents of the area affected by the legislation if a workable and sensible plan for preservation and land use planning is to be developed.

The continued success of the Cape Cod National Seashore for both the residents of the cape and the thousands of visitors from all over this Nation depends on the continued commitment of the Advisory Commission to coordinate the programs of the seashore and the needs of the cape. By this amendment, we can insure that success.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 1714 AND S. 1715

At the request of Mr. Javits, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of S. 1714, the National Tay-Sachs Disease Screening and Counseling Act; and S. 1715, the National Genetic Disease Act of 1975.

S. 1970

At the request of Mr. Stone, the Senator from Montana (Mr. Metcalf) was added as a cosponsor of S. 1970, a bill to amend title 28 of the United States Code to provide that information relating to the administration of the U.S. courts be made available to the public.

S. 2122

At the request of Mr. Tunney, the Senator from Nevada (Mr. Laxalt) was added as a cosponsor of S. 2122, the fairness in gasoline rationing bill.

S. 2156

At the request of Mr. McIntyre, the Senator from Nevada (Mr. Laxalt) was added as a cosponsor of S. 2156, a bill to amend the provisions of the Social Security Act to consolidate the wages by employers for income tax withholding and old-age, survivors, and disability insurance purposes, and for other purposes.

S. 2157

At the request of Mr. Javits, the Senator from New Hampshire (Mr. McIntyre) was added as a cosponsor of S. 2157, a bill to amend title XX of the Social Security Act.

SENATE RESOLUTION 180

At his own request, the Senator from Florida (Mr. Stone) was added as a cosponsor of Senate Resolution 180, a resolution to amend the rules of the Senate.

SENATE CONCURRENT RESOLUTION 50

At the request of Mr. Case, the Senator from Minnesota (Mr. Mondale) and the Senator from New Mexico (Mr. Montoya) were added as cosponsors of Senate Concurrent Resolution 50, disapproving the sale of missiles to Jordan.

SENATE RESOLUTION 220—SUBMISSION OF A RESOLUTION DECLARING "GOD BLESS AMERICA" BICENTENNIAL SONG OF THE UNITED STATES

(Referred to the Committee on the Judiciary.)

Mr. BUCKLEY. Mr. President, today I am submitting a resolution that would put the Congress on record as designating Irving Berlin's famous and beloved "God Bless America" as the official Bicentennial song.

I need not tell you, Mr. President, that New York's Irving Berlin is an artist of unique and universally recognized genius in the field of American popular music and that "God Bless America" is one of his most inspired creations. On the basis of Irving Berlin's long and distinguished career and the unquestioned popularity of his great song, it seems obvious that "God Bless America" deserves special recognition as our Nation's official Bicentennial song.

What better way, Mr. President, to pay tribute to the spirit of America than by honoring a song written by the son of immigrant parents? Irving Berlin was born in Russia on May 11, 1888, the son of Moses and Leah Baline, and came to this country in 1893. His music has won him the Medal of Merit—for "This is the Army," and of a Congressional Gold Medal—for "God Bless America." Irving Berlin represents the American dream come true. At a time when some are all too willing to say that the American dream is ended or that it was never worth dreaming in the first place, I believe that the words of "God Bless America" can remind our Nation and the world that we still are the land of opportunity, that America, to use Irving Berlin's words, is still the "Land that we love."

There is one other reason I believe this song and this composer should be so honored. The Bicentennial should reflect all that is best in our culture and we should not hesitate to officially pay tribute to American popular music, which has entertained millions here and throughout the world for many years. In honoring Irving Berlin and his great song we will also be honoring the work of such composers as George M. Cohan, George Gershwin, Cole Porter, Harold Arlen, Richard Rogers, and others who have helped to make the American popular song recognized all over the world as a contribution of our Nation to popular culture.

Equally important, Mr. President, is the fact that "God Bless America" expresses with the eloquence of simplicity the national motto: "In God We Trust." I believe that, in our troubled times, most Americans want to reaffirm that trust and to declare that, despite fashionable opinions to the contrary, America remains one nation under God. If we tried to capture the essence of what most Americans feel about their country, we could not do better than the words "God Bless America."

For all these reasons, therefore, I am happy to submit the following resolution:

S. Res. 220

Whereas the observance of the Bicentennial of American Independence is an occasion to affirm all that is best in America, through our deeds, our words, and our celebrations;

Whereas the song, "God Bless America," holds a unique place in the hearts of the American people and expresses with simple eloquence our national motto, "In God We Trust";

Whereas the composer of "God Bless America," Irving Berlin, is cherished by the American people both for his musical genius and for his selfless patriotism; and

Whereas Irving Berlin is also esteemed throughout the world both for his contributions to popular music and as an ever youthful symbol of America's spirit of creative individualism; and

Whereas the words of "God Bless America" are particularly vital and appropriate as the United States faces problems at home and challenges abroad:

Now, therefore, be it

Resolved, That it is the sense of the Senate of the United States of America that "God Bless America" be recognized as the official Bicentennial song of the United States during the Year of Independence from July 4, 1975 to July 4, 1976.

AMENDMENTS SUBMITTED FOR PRINTING

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1976—H.R. 8365

AMENDMENT NO. 808

(Ordered to be printed and to lie on the table.)

Mr. BAYH (for himself, Mr. Case, Mr. Proxmire, Mr. Cranston, Mr. Buckley, Mr. McGovern, Mr. Tunney, Mr. Williams, Mr. Hatfield, and Mr. Weicker) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 8365) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

Mr. BAYH. Mr. President, I am today submitting, for myself, Senators Case and Proxmire, and a number of our colleagues, an amendment to the Department of Transportation and related agencies appropriations bill to prevent the use of appropriated funds to permit the landing and takeoff at U.S. airports of civilian supersonic aircraft whose engine noise exceeds the noise standards currently being applied by the Federal Aviation Administration to new subsonic aircraft.

The purpose of this amendment is straight-forward: We are seeking to establish the clear principle that civilian supersonic aircraft should not be permitted to generate more noise on takeoff and landing than has previously been determined is acceptable, on the basis of health and environmental considerations, for subsonic aircraft.

We reject the notion that there can be a dual standard, with different noise levels tolerated for sub and supersonic aircraft. Instead, we submit that for the valid and important reasons which led the Congress to pass the Aircraft Noise Abatement Act of 1968 and the Noise Control Act of 1972, the excessively high engine noise levels of supersonic aircraft must not be tolerated.

Mr. President, as chairman of the Transportation Appropriations Subcommittee, I proposed a similar amendment in subcommittee, where it was adopted with the support and cosponsorship of the subcommittee's distinguished ranking minority member, Mr. Case. Subsequently, in the full Appropriations Committee, the able Senator from Wisconsin (Mr. Proxmire), who has previously provided valuable leadership in this area, joined with us in an effort to secure committee approval of the proposal. The full Appropriations Committee chose to strike the provision from the transportation appropriations bill and we then resolved to bring this important issue to the Senate floor.

Mr. President, our amendment would prohibit the use of any funds appropriated for the air traffic control system for salaries and expenses related to the landing and takeoff of civil supersonic aircraft which generate a higher noise level than subsonic planes. It would not ban purely experimental flights but would ban both scheduled and nonscheduled—charter—flights.

Allowable noise levels for subsonic planes are contained in Federal Aircraft Regulation—FAR—36, which was established by the Federal Aviation Administration as directed by the Aircraft Noise Abatement Act of 1968. In that law, the Congress authorized and required the Federal Government to apply noise reduction standards in order to protect the health and comfort of the public from unnecessary aircraft noise. In the Noise Control Act of 1972, the Congress reemphasized its intent to—in the words of the act:

> Promote an environment for all Americans free from noise that jeopardizes their health and welfare.

To permit SST's to use American airports and yet not comply with FAR 36 would vitiate the purpose of these laws. At the present time, however, the Federal Aviation Administration is reviewing applications from British Airways and Air France for relief from these noise standards in order to land Concordes at Dulles and Kennedy Airports.

SST's are the world's noisiest commercial aircraft. The President's Council on Environmental Quality has determined that even at subsonic speeds required for landing and takeoff, the SST is at least twice as loud as most subsonic aircraft. The CEQ also found that Concorde low-frequency vibrations within buildings near airports will be five times greater than that produced by conventional airplanes. Both FAA testimony and simulations of SST landings and takeoffs by the NASA Noise Laboratory indicated that enough noise is generated to rattle windows and dishes in buildings located near airports.

Another potential environmental hazard posed by the SST is depletion of the Earth's protective ozone layer. The possible consequences of ozone depletion include not only increased risk of skin cancer, but serious disruption of climatic conditions with disastrous implications for agriculture in particular and the human condition in general.

I would like to emphasize that the amendment simply requires that supersonic planes meet existing noise standards—standards which apply to American aircraft. To permit SST's to use American airports and yet not comply with these standards would constitute a preference which unfairly discriminates against domestic airlines. This concern is shared by the Air Transport Association, which represents all major American lines—all but one of which support the position taken by our amendment. The Airport Operators Council International—whose members handle 90 percent of all U.S. passengers—also support our position. In addition, most major environmental organizations support our amendment.

In view of the energy situation and our troubled economy, it is appropriate to note the Concorde uses two to three times more fuel per passenger than a jumbo jet. It is also an extremely expensive method of transportation, which would probably be used only by wealthy individuals or those travelers whose fare is a business deduction. In the latter instance, the high cost of SST travel would be effectively subsidized by U.S. taxpayers.

The costs and benefits of the SST were fully debated by the Congress 4 years ago when it decided not to extend Federal aid for domestic SST development. And, in 1972, the Senate by a voice vote of 62 to 17 placed itself squarely on record as opposed to the use of U.S. airports by civilian supersonic planes which did not comply with noise standards established for subsonic aircraft. Although that amendment, offered by Senator CRANSTON, passed the Senate by a wide vote, it was dropped in conference.

The environmental and economic disadvantages of SST operations within the United States are so substantial and so manifest that the Congress should confront and decide the issue now. It is well known that the proposed flights under consideration by the FAA are not, in themselves, economically feasible, but are merely a first step toward expanded SST operations. And, once begun, the process will attain a momentum of its own.

For these reasons, Mr. President, I urge that the Congress insist upon maintaining the noise standards outlined in the Aircraft Noise Abatement Act and implemented in FAR 36. I believe that the standard is a reasonable one, and I urge adoption of our amendment.

I ask unanimous consent that the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 808

On page 8, line 9, after the word "facilities" insert the following:

"; *Provided further*, That no funds appropriated by this Act for the operation activity 'Operation of Traffic Control System', nor for the salaries and expenses of persons operating that system, may be used to control the take-off and landing of civil supersonic aircraft generating a higher decibel level at take-off and landing than the decibel levels generated by new subsonic aircraft at take-off and landing, as required by the Federal Aviation Administration under Federal Air Regulation 36."

Mr. TUNNEY. Mr. President, I am pleased today to join several of my colleagues in submitting an amendment to the transportation appropriations bill to insure that our Nation is not barraged by the roar of foreign supersonic transports. Today we do not know the ecological ramifications of such flights, and to permit them on a regular basis without that data in hand seems wholly imprudent.

As the author of the Noise Control Act of 1972, I am gravely concerned about the impact of SST noise. Testimony by British environmentalists at hearings in New York and Sterling Park, Va., demonstrated with tape recordings the incredible, ear-splitting roar of the Concorde. Yesterday, I included in the RECORD two articles from London newspapers further illustrating the devastating racket caused by these aircraft—a noise level which exceeds the medical pain threshold for noise.

Many of my constituents have requested that I continue my efforts to halt the din around our Nation's airports. To permit the Concorde and TU-144 to land and take off on a regular, commercial basis would be in flagrant disregard for the concerns of thousands, perhaps millions, living around airports across the country.

But the noise aspect is only one of many raised by the specter of Concorde. The FAA itself, a strong proponent of the Concorde flights into the United States, has raised grave questions in its draft environmental impact statement. It questions the psychological and physical effect of increased sideline noise, increased emissions, and low-level vibration, at least to the extent that it does not present conclusive evidence to insure that the public health and welfare is not abused.

After authorizing a bill which has at its heart the protection of the public health and welfare, I cannot turn my back and permit our cities to be sundered by a blitzkrieg of noise from SST's. I object to the persistent activities of certain Federal agencies in wooing regular SST flights.

I urge my colleagues in the Senate strongly to weigh the arguments and vote in favor of this amendment when it comes before you during consideration of the DOT appropriations bill.

Mr. PROXMIRE. Mr. President, I believe that if this amendment is argued on its merits, the Senate will adopt it.

The facts about the dangers and risks involved in the operation of the SST are inescapable. The question before us is simply whether we are willing to subject ourselves to those risks.

The benefits of the SST are as clear as are its hazards. It would allow those who can afford to travel on it a few hours less flying time; and it is claimed it would support diplomatic relations with countries that have or will have the plane and who want to fly it into the United States.

These two benefits—I honestly can think of no others—are small when weighed against the real and potential dangers presented by the SST.

The plane is louder than any new commercial jet; twice as loud. And the physical as well as emotional harm caused by subjection to noise levels beyond those determined acceptable—noise levels created by the SST—is real and documented.

Vibrations caused by low-frequency noise which the SST generates are five times the vibrations caused by more conventional jets. Again, as with the noise pollution, if we allow the SST to land here, we would subject those millions living near airports to even greater discomfort and possible harm than they now endure.

The Earth's protective layer of ozone, which screens out harmful solar rays that can cause increases of skin cancer, would be damaged by SST operation. Any and all SST activities result in some damage to the ozone, damage that cannot be repaired.

Air pollution, which this Congress and this country is committed to reduce, would be increased by the SST. The emission standards which EPA requires aircraft to meet by 1979 are exceeded by 250 percent by the SST.

More noise, greater vibration, ozone damage, further air pollution, these are what we invite, what we ask our citizens to accept, if we admit the SST as it is presently constituted. I submit that the two benefits I have mentioned cannot justify allowing the landings under present circumstances.

Let me just note that I have no quarrel with progress. I understand and appreciate the high level technology required to design and operate SST-type aircraft. And I have no objection to granting SST's landing rights once they can meet safety and environmental standards that we demand our own planes to meet.

Until they do, it would be wholly unfair to permit their operation in this country while our planes are required to meet the cost of protecting our citizens and our environment.

My colleagues are aware, I am sure, that the administration wants—and is pressuring for—admittance of the SST to U.S. airports. Its argument, for now, is that the issue of limited landings is being considered through established review procedures, and that congressional action to thwart the SST would, in essence, break U.S. promises that this administration has made.

Let me note that the Congress, not the executive branch, has jurisdiction and responsibility in this matter. It is clear what the result of those established review procedures will be. And it should be clear that our first commitment, our full responsibility is to our citizens, not to the foreign manufacturers, owners, and operators of the SST.

NATURAL GAS PRODUCTION AND CONSERVATION ACT OF 1975—S. 692

AMENDMENT NO. 809

(Ordered to be printed and to lie on the table.)

Mr. BIDEN. Mr. President, I am submitting today an amendment to S. 692, the Natural Gas Production and Conservation Act of 1975. This amendment would add another category of priority users to section 209 of the bill which establishes procedures for the allocation of natural gas supplies whenever shortages occur. It would assure that after such high priority users of natural gas as residential customers, hospitals and similar services vital to the public health and safety, and essential agricultural users are served, the remaining natural gas supplies will be allocated to those industries that depend on natural gas for petrochemical feedstocks, industrial processes, or plant protection, uses for which no substitute fuel is technologically or economically feasible.

In addition, my amendment provides for expeditious action on gas shortages relief requests by requiring a Federal Power Commission decision no later than 120 days after such requests are filed.

Mr. President, the petrochemical industry is virtually dependent on the availability of oil and natural gas from which almost all petrochemicals are derived. Currently no other fossil or synthetic fuel can be substituted in the petrochemical process. A broad range of products that you and I use every day are petrochemical based. For example:

First. Synthetic rubber. Today, 78 percent of the Nation's rubber used, for example, in tires, irrigation piping, and plumbing is petrochemical based.

Second. Plastics and coatings. Our Nation requires more than 29 billion pounds of plastics each year to meet its needs. Petrochemical-based resins make up 75 percent of paints and coatings. Home insulation, transportation materials, electrical wire coatings, and plywoods all depend upon synthetic resins.

Third. Textiles. While less than 1 percent of U.S petroleum demand is used as raw material to make synthetic fibers, almost 60 percent of the textiles produced in the United States are dependent upon petrochemicals.

Fourth. Agricultural chemicals. Ammonia from natural gas forms the backbone of the Nation's fertilizer industry. Pesticides and herbicides also come from petrochemicals.

The petrochemical market encompasses a broad list of uses—everything from antifreeze and hydraulic fluid for cars to key ingredients for detergents and aspirin.

In addition, the importance of the petrochemical industry to the Nation's economic well being must be underscored. The U.S. petrochemical industry directly employs more than 390,000 people and annual sales amount to $41 billion.

The local impact of a curtailment of natural gas supplies to petrochemical industries was brought to light earlier this year in my own State of Delaware.

As of January 8, 1975, the Stauffer Delaware City carbon disulfide plant was totally curtailed in its allocation of natural gas as a consequence of the shortage on the Transco pipeline system, one of the two suppliers of natural gas in the State of Delaware. After that date, the Delaware City plant continued in operation at the minimum technically possible production level through temporary arrangements. Limited quantities of synthetic gas were available, and Stauffer purchased a 15-day supply, albeit at five times the current price of natural gas to avoid damage to the plant which would occur during a cold weather shutdown. Had Stauffer been forced to continue to rely on high priced synthetic natural gas, operation of the Delaware City plant on which a number of U.S. rayon and cellophane industries depend, would have required the company to absorb a substantial economic loss.

Fortunately, Transco was able to secure additional supplies of natural gas, and the problem has, for the moment at least, been resolved.

The curtailment of Stauffer Delaware City carbon disulfide production would have a dramatic impact upon the U.S. rayon and cellophane industries which depend upon this Stauffer plant for approximately 50 percent of their raw material carbon disulfide requirements. Together with another facility in Alabama, Stauffer supplies 92 percent of the Nation's domestic carbon disulfide requirements. At stake is approximately $330 million per year in cellophane sales and $585 million per year in rayon sales. The impact throughout the cellophane and rayon manufacturing industry is estimated to exceed $8 billion per year. At risk are 16,550 jobs at plants operated by Stauffer's customers. An estimated 175,000 jobs are affected in the chain of commerce. An additional impact of $120 million per year in losses would be experienced by manufacturers of fungicides, agricultural chemicals, fluorocarbon refrigerants, carbon tetrachloride, and rubber accelerators for tire manufacture. Although the impact upon customers is most significant in this matter, the estimated impact upon Stauffer Chemical would be approximately $37.5 million per year.

As everyday events remind us continually that our Nation's fossil fuel resources are finite and the prospect of shortages looms before us, I think it is imperative that we establish clearly the priorities for which the precious supplies should be used.

Only 4 percent of the Nation's petroleum and natural gas production is used as petrochemical feedstock. The bulk of the oil and gas hydrocarbons, some 64 percent, are burned in stationary boilers. Some 32 percent are burned as transportation fuels. We should divert our dwindling supplies of fossil fuels from these highly consumptive and wasteful uses for which substitute fuels are available as quickly as economically and technologically feasible.

Meanwhile, supplies of natural gas to those users who have no possibility of substituting other fuels must be assured. I believe this amendment will insure that available natural gas supplies are allocated to their optimum and most valuable use, and I urge its adoption during Senate consideration of S. 692.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION AUTHORIZATIONS, 1976—S. 598

AMENDMENT NO. 811

(Ordered to be printed and referred to the Committee on Interior and Insular Affairs.)

Mr. FONG (for himself and Mr. Inouye) submitted an amendment intended to be proposed by them jointly to the bill (S. 598) to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes.

AMENDMENT NO. 812

(Ordered to be printed and referred to the Committee on Interior and Insular Affairs.)

Mr. JACKSON. Mr. President, in behalf of Senator Pastore and myself, I am submitting an amendment to S. 598, the Authorization for the Energy Research and Development Administration, which will prohibit the unsafe and unwarranted shipment of plutonium in civilian aircraft until an adequate and crash-safe container for such shipments is developed.

It is well known that plutonium if dispersed in a populated area is an enormously dangerous and toxic carcinogenic material. In addition, nuclear weapons experts have estimated that only a few kilograms of plutonium would be required for the construction of a nuclear explosive device, using designs and techniques which are available to literally thousands of persons both inside and outside the Government. Clearly plutonium is a material we should be very careful with.

In particular, we should not be shipping significant amounts of this material across the country over the homes of Americans in civilian aircraft unless certified crash-proof containers are used. Our amendment will prohibit unwarranted shipments of plutonium by air unless and until ERDA develops and tests such containers.

In the interim the amendment allows shipment of plutonium in civilan aircraft only for material which, first, is used for medical applications; second, must be shipped by air for reasons of national security, public health and safety or the requirements of emergency maintenance; or three, must be shipped by air to preserve the chemical, physical, or isotopic properties of the sample containing plutonium.

Mr. President, this amendment is designed to halt present practices which are highly questionable, to force action on a solution to the problem of air shipment of plutonium and to provide reasonable standards for the interim period until this solution—a safe, crash-proof container for the material—is developed.

WATERGATE REORGANIZATION AND REFORM ACT OF 1975—S. 495

AMENDMENT NO. 813

(Ordered to be printed and referred to the Committee on Government Operations.)

THE NEED FOR A DEPARTMENT OF JUSTICE DIVISION OF GOVERNMENT CRIMES

Mr. PERCY. Mr. President, on behalf of Senator Baker and myself, I am today submitting an amendment to S. 495, the

Watergate Reorganization and Reform Act of 1975, which would create a Division of Government Crimes within the Department of Justice. The Assistant Attorney General responsible for the Government Crimes Division would be appointed by the President by and with the advice and consent of the Senate. He would be authorized to investigate and prosecute cases involving alleged conflicts of interest, election law violations, as well as violations of any law by any Government employee, whether elected or appointed. He would operate under the direct supervision of the Attorney General but this amendment provides that if he were removed or if any of his actions or positions were overruled, the Congress would have to be promptly given a precise explanation.

Section 101 of S. 495, of which Senator RIBICOFF and I are the cosponsors, provides for, among other things, the establishment of the independent Office of Public Attorney. Under this provision, three retired courts of appeals judges, chosen by the Chief Justice of the United States, would select and appoint the public attorney by and with the advice and consent of the Senate. The public attorney would operate completely independent of the Department of Justice and would have authority to investigate a wide range of official corruption by Government officials.

After considerable deliberation and consultation with experts both in and out of the Government, Senator BAKER and I have concluded that it would be best to provide for more vigorous investigation and prosecution of all Federal employees who have violated the public trust, but that this can best be done within the framework of the present criminal justice system. Prosecution has traditionally been an exclusively executive function and it would seem wise to work within a system that, on the whole, has served this Nation extremely well for almost 200 years.

Both the proposal for the creation of an independent Office of Public Attorney in S. 495 and the legislation I am now introducing, which would establish a Division of Government Crimes within the Department of Justice, will be thoroughly considered in hearings before the Government Operations Committee on July 29, 30, and 31. Other aspects of S. 495, dealing with the creation of an Office of Congressional Legal Service, various financial disclosure requirements for certain Government employees, and expanding the coverage of the Hatch Act, will be fully analyzed by witnesses at hearings that will be held after the August recess of the Senate.

Mr. President, I ask unanimous consent that the text of the amendment Senator BAKER and I are submitting be appended to my remarks at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 813

Beginning on page 1, line 7, strike out all through page 12, line 8, and insert in lieu thereof the following:

REORGANIZATION OF THE DEPARTMENT OF JUSTICE

SEC. 101. (a) Title 28, United States Code, is amended by adding after chapter 31 the following new chapter:

"Chapter 32—DIVISION OF GOVERNMENT CRIMES

"Sec.
"527. Establishment of Division of Government Crimes.
"528. Jurisdiction.
"529. Powers.
"530. Report of alleged impeachable offenses.

"§ 527. ESTABLISHMENT OF DIVISION OF GOVERNMENT CRIMES

"(a)(1) There is established within the Department of Justice the Division of Government Crimes which shall be under the direction of an Assistant Attorney General for Government Crimes (hereafter referred to as the 'Assistant Attorney General') who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) There shall be in the Division of Government Crimes a Deputy Assistant Attorney General for Government Crimes (hereafter referred to as the 'Deputy Assistant Attorney General') who shall be appointed by the President, by and with the advice and consent of the Senate.

"(3) During any absence, disability, or vacancy in the office of the Assistant Attorney General, the Deputy Assistant Attorney General shall serve as Acting Assistant Attorney General.

"(b) No individual shall be appointed Assistant Attorney General unless such individual—

"(1) is eligible to receive the security clearance required by section 529(a)(1) of this title;

"(2) is admitted to the practice of law before the highest court of a State or States or of the District of Columbia;

"(3) is, at the time of such appointment, a member in good standing of the bar of the Supreme Court of the United States.

"(c) The President shall report to the Congress in writing and with precision the cause for which any individual serving as Assistant Attorney General or Deputy Assistant Attorney General is removed.

"§ 528. JURISDICTION

"(a) The Assistant Attorney General shall have jurisdiction to exercise the powers specified in section 529 of this title (1) with respect to any matter as to which there is reasonable cause to believe involves the violation of any Federal law by any Government officer or employee, whether elected or appointed; (2) cases referred by the Attorney General because of actual or potential conflicts of interest; (3) criminal cases referred to him by the Federal Election Commission; and (4) allegations of violations by any person of Federal laws relating to campaigns and elections for elective office.

"(b) Any information, allegation or complaint received by any officer or employee of any branch of Government relating to any violation specified in subsection (a) of this section shall be expeditiously reported to the Assistant Attorney General.

"(c) The Attorney General subject to the provisions of section 529(c) of this title, or the Assistant Attorney General may elect to waive such jurisdiction with respect to any alleged violation. In such case, the Attorney General or the Assistant Attorney General shall refer any evidence of such violation to the appropriate law enforcement authority.

"§ 529. POWERS

"(a) Subject to the provisions of subsection (b) of this section, the Assistant Attorney General, in carrying out the provisions of this chapter, shall have the same power to act on behalf of the United States as the Attorney General. In exercising such power, he may conduct such investigations as may be necessary, represent the United States in any legal proceeding, and take such other actions as may be necessary. Nothing in this subsection shall be construed to authorize the Assistant Attorney General to exercise the power of the Attorney General under chapter 119 of title 18.

"(b) The Attorney General may overrule any action or position taken or proposed by the Assistant Attorney General and such decision to overrule shall be final. The Attorney General shall report promptly in writing to the Congress the reason for his decision to overrule any such action or position.

"§ 530. REPORT OF ALLEGED IMPEACHABLE OFFENSES

"(a) The Assistant Attorney General shall report to Congress with respect to any matter as to which he has reasonable cause to believe is evidence of an impeachable offense.".

(b) The analysis of part II of title 28, United States Code, is amended by adding after the item following chapter 31 the following new item:

"32. DIVISION OF GOVERNMENT CRIMES__527".

(c) (1) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(105) Assistant Attorney General for Government Crimes.".

(2) Section 5316 of such title is amended by adding at the end thereof the following new paragraph:

"(137) Deputy Assistant Attorney General for Government Crimes.".

NOTICE OF MOTION TO SUSPEND THE RULE

Mr. JOHNSTON submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 8121) Making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes the following amendment, namely:

AMENDMENT NO. 810

On page 68, line , insert the following: after line 10, insert a new section:

SEC. 607. Notwithstanding any provisions of this bill, strike Section 514 of the Foreign Assistance Act of 1961, as amended, and insert in lieu thereof the following:

STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

"SEC. 514. No defense article in the inventory of the Department of Defense which is set aside, reserved, or in any way earmarked or intended for future use by any foreign country may be made available to or for use by any foreign country unless such transfer is authorized under this Act or the Foreign Military Sales Act, or any subsequent corresponding legislation, and such transfer is charged against funds authorized under such legislation or against the limitations specified in such legislation, as appropriate, for the fiscal period in which such defense article is transferred."

NOTICE OF HEARINGS

Mr. CANNON. Mr. President, I wish to announce that the Committee on Rules and Administration will hold a public hearing on the nomination of

Daniel J. Boorstin, of Illinois and the District of Columbia, to be Librarian of Congress.

The hearing will commence on Wednesday, July 30, 1975, at 10 a.m., in the Caucus Room (room 318), Russell Senate Office Building. Members of Congress and others who wish to testify should make their request to the Rules Committee by calling Miss Peggy Parrish, assistant chief clerk, at 224–0281 or 224–6352. At least 35 copies of prepared statements should be delivered to Miss Parrish by the close of business on Monday, July 28.

NOTICE OF HEARINGS ON THE ABUSE AND MISUSE OF CONTROLLED DRUGS IN JUVENILE INSTITUTIONS

Mr. BAYH. Mr. President, I wish to announce that the Subcommittee To Investigate Juvenile Delinquency, Committee on the Judiciary, will begin a series of hearings on drug abuse in juvenile institutions and the related topic of drugs used improperly to control and manage institutionalized juveniles.

Throughout the subcommittee's 4 years of investigation of the juvenile justice system, which led to the passage of the Juvenile Justice and Delinquency Prevention Act of 1974—Public Law 93–415—we frequently uncovered problems involving the use of dangerous drugs to control or discipline youths in a broad spectrum of settings.

A recent study found that while only about 3 percent of the American population is retarded, as many as 46 percent of the children confined in juvenile detention centers, nearly half of whom are there for the commission of noncriminal acts, called status offenses, such as running away or truancy, are borderline retarded or more severely retarded. Naturally, one might expect, as the University of Miami's Mailmen Center for Child Development has recently confirmed, this leads to further personal deterioration, criminalization and often long-term custodial care in correctional, psychiatric, or mental institutions.

Last year the subcommittee initiated a special investigation of these distressing problems and in the coming months will continue with a comprehensive assessment of the practices which lead to the chemical straitjacketing of thousands of youngsters.

We are not concerned about those situations where these drugs are used appropriately after proper diagnosis, but solely with the use of such drugs without regard to psychiatric or medical diagnosis or the presence of approved indications which would justify such usage. We are concerned by our preliminary findings that unqualified medical staff and even nonmedical personnel may be dispensing and administering drugs in violation of the Controlled Substances Act. We are concerned about the quality of care available to institutionalized youngsters and shocked to learn that institutions throughout the country may be permitting the indiscriminate use of dangerous drugs for the sole purpose of controlling the conduct of institutionalized juveniles and easing the management problems of understaffed institutions.

It is important to understand that indiscriminate use of phenothiazines presents severe hazards. There is growing evidence, for example, that these drugs impair learning ability, a result which few, if any, children, particularly those who are mentally retarded, can afford. Among the other side effects are Parkinsonism and tardive dyskinesia. While such side effects might be tolerable in the treatment of the severely psychotic child, they are not acceptable where used solely for control.

As you know, Mr. President, as chairman of the subcommittee I am obligated to assess whether the Controlled Substances Act, which regulates the use and abuse of controlled pharmaceutical products, as well as street drugs, is properly enforced and that violators are dealt with appropriately. In the course of our investigation we have learned of violations involving the phenothiazines in institutions for juveniles.

The other phase of our investigation, but clearly a related concern, involves an assessment of the extent to which drugs, legal and illegal—heroin, cocaine, amphetamines, tranquilizers, barbiturates, LSD—are readily available to addicts and abusers in detention centers, lockups, jails, and other correctional facilities on the Federal, State, and local levels. As ironic as it is many experts and others who have had experience with such institutions have found that in some institutions youngsters have never had a better source of supply for illegal drugs and, in fact, are better able to sustain their habits and abuse patterns in the institutions. We are extremely interested in learning more about this phenomenon, but especially more about the extent to which supplies of legitimate drugs on hand and available in juvenile institutions are diverted for illegal purposes and abuse.

This project, which we started last year, couples our earlier, and ongoing, work regarding the illegal and improper uses of controlled drugs with that of our concern about the quality of care available to children in trouble, particularly those who are institutionalized.

The hearing is scheduled to be held on Thursday, July 31, at 10 a.m., in room 2228, Dirksen Office Building. Witnesses invited to testify include representatives of the Mental Health Law Project, Washington, D.C.; Mental Patient Civil Liberties Project, Philadelphia, Pa.; Children's Defense Fund, Washington, D.C.; Mr. Kenneth Wooden, author and investigator specializing in problems of institutionalized children; and other interested parties.

Anyone interested in the subcommittee investigation or desiring to submit a statement for the RECORD should contact Mr. John M. Rector, staff director and chief counsel of the subcommittee, U.S. Senate, A504, Washington, D.C. 20510, 202(224–2951).

ADDITIONAL STATEMENTS

THE FAITH OF THE MORMON PIONEERS

Mr. CHURCH. Mr. President, today is a very special day for the people of my home State of Idaho, for today is the 128th anniversary of the entrance of the Mormon pioneers into the valley of the Great Salt Lake.

The Mormons were covered-wagon people. In the spring of 1847, on April 5, a band of almost 150 people left their camp on the banks of the Missouri River and headed westward in a chain of wagons.

These pioneers followed established wagon trails westward, and then the narrow Indian paths which climbed over high mountain passes and crossed raging streams. When the Indian trails stopped, they broke new trails, hacking their way through underbrush and plodding over uncharted lands, often guided only by compass, sun, and faith in God.

The faith of the pioneers was unbending on this long trek westward, just as it had remained steadfast through 20 years of unending persecution. After a humble beginning in New England, the Church of Jesus Christ of Latter-day Saints was forced to emigrate to Ohio, where the faithful founded the city of Kirtland. But the persecutions the Mormons had suffered first in Vermont and then in New York soon followed them to Kirtland. Still another beginning was sought in and around Clay County, Mo., but there too, the hatred of their neighbors forced them to move their homes and families again. This time the church sought to create a new city far removed from the threats of Missouri. The city of Nauvoo—a city whose very name meant "beautiful"—was designed and built by the church fathers on reclaimed Mississippi bottom land. Although as grand as its name, Nauvoo would come to be the final resting place of the founder of the Mormon Church, the Prophet Joseph Smith. Murdered by a mob of hate-filled men in the nearby town of Carthage, the testimony of Joseph Smith lived on to inspire the members of the church on their journey westward to the land of "the everlasting hills."

It was faith that urged the Latter Day Saints on from their city of Nauvoo across the rolling Mississippi and Missouri. Faith guided them along the quiet Platte and then down the Weber where it flows "like an unbraided rope."

A pioneer journal has recorded the words of Orson Pratt, who along with John Brown, was the first of the band to enter the Salt Lake Valley:

> We found a wagon trail, left the year before by the Donner party on their way to California.
>
> We passed over a mountain and down into another narrow valley and thus avoided the canyon on the left.

Today, the mountain is known as Little Mountain and the narrow valley, Emigration Canyon.

As the sun was sinking on July 19, Pratt, who had stopped by the cooling waters of City Creek, wrote in his journal that:

> I gazed on the surrounding scenery with peculiar feelings in my heart. I felt as though it was the place for which we had so long sought.

On July 24, 1847, the vanguard of the Mormon pioneers rolled out of Emigration Canyon. In the morning of that day some 128 years ago, Brigham Young, the new leader of the church who had been confined to a sick bed with mountain fever, raised himself to gaze upon the Salt Lake Valley for the first time.

A later journal reports that President Young said:

> It is enough. This is the right place, drive on!

It was faith that helped the Mormons overcome the seemingly endless vistas, the constant danger of attack, the scarcity of food and water, the bogs to pull their wagons through, the timber wolves, the rattlesnakes, the tired, aching muscles, the sickness and the death.

It was faith that led these pioneers to establish a distinctive community among the tumbleweed and sagebrush; a community based upon the Bible and the teachings of the prophet, Joseph Smith. Soon, after arriving in Utah, the Mormons began to colonize the surrounding territories; pushing north, south, and west, they founded agricultural settlements in Arizona, New Mexico, Colorado, Wyoming, and Oregon. In 1855 they founded Fort Lemhi, the first major attempt at settlement in my own State of Idaho. Then, 5 years later, they founded the first permanent settlement in Idaho, at Franklin.

Like Thomas Jefferson and other early founders of our Nation, the Mormon settlers under the wise hand of their second prophet, Brigham Young, had an enduring faith in the value of agricultural labor. As the first Anglo-Saxon people to practice extensive irrigation, the Mormons were able to transform the desert into a land of green valleys and productive fields.

But, it was more than faith which enabled the Mormons to endure those first years in the desert, it was hard work, integrity, and determination.

Today, the LDS occupy a prestigious position in American life. This prestige was not, however, achieved by accident. It is a product of those same values which enabled their physical survival in the desolate environment which they were forced to migrate to. The descendants of the pioneers can be extremely proud of their extraordinary accomplishments and contributions to our society; they have set high standards for Christian living.

Exemplifying the tenets which have been the cornerstones of their religion are these pronouncements from their first President, Joseph Smith:

> That there would be equal justice for all, regardless of power and wealth.
>
> That the general interest should have precedence over "local prejudices and attachments."
>
> That individual morality is the basis for national morality
>
> That all men should be engaged in the cause of doing good for their fellow man.

Mr. President, in this period it is good to know that there are still those who have an unswerving faith in God, in their Nation, and in themselves. It is, therefore, most fitting that on this, the 128th anniversary of the entrance of the Mormon pioneers into their long sought Zion, that we should pay tribute to these sturdy Americans and their descendants. I hope that our progeny will be able to look back upon the accomplishments of our day with the same pride.

SENATOR HUGH SCOTT AND CAMPAIGN REFORM

Mr. MATHIAS. Mr. President, with another election year almost upon us, we must begin to stress the necessity of clean, honest election laws and meet with the many problems of modern-day election campaigns. One Senator willing to take on this task is the distinguished minority leader, Hugh Scott.

Over the years, Senator Scott has repeatedly advocated strong campaign reform legislation. Fairness in elections is one of the Senator's chief goals, and I ask unanimous consent that the Senator's record on campaign reform be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Campaign Reform

LEGISLATION—94TH CONGRESS

S. 564, a bill to provide public financing of primary and general elections for the Senate and the House of Representatives.

S. 1434, a bill to extend the authorization for the Federal Election Commission and for other purposes.

LEGISLATION—93D CONGRESS

S. 1094, a bill to improve the regulation of Federal election campaign activities.

S. 1095, a bill to amend the Communications Act of 1934 with respect to the application of the equal time provisions of section 315 to candidates for Federal elective office, and for other purposes.

S. 1096, a bill to provide for a campaign mail privilege for qualified candidates for Federal office.

S. 1097, a bill to amend the Internal Revenue Code of 1954 to provide that political contributions are not subject to the gift tax.

S. 1506, a bill to repeal subtitle H of the Internal Revenue Code of 1954.

S. 2297, a bill to provide public financing of Senate and House elections.

S. 2780, a bill to provide for the public financing of election campaigns for Senate and House.

S. 4169, a bill to provide public financing of primary and general elections for the Senate and House.

S.J. Res. 110, a joint resolution to establish a Non-partisan Commission on Federal Election reform.

Amendment to S. 372, to provide public financing for major party candidates in all Federal elections.

Amendment to S. 3044, (No. 988)—to allow the department of the Treasury to accept private contributions of money for the Presidential election campaign fund.

Amendment to S. 3044, (No. 1090)—to require written evidence of any contribution that is to be used to obtain a matching grant of public funds.

Amendment to S. 3044, (No. 1091)—to establish an automatic appropriation for the funds designed by taxpayers under the dollar checkoff.

Amendment to S. 3044, (No. 1092)—adds a definition of a State committee of a political party in the bill.

Amendment to S. 3044, (No. 1093)—an amendment which would clarify the eligibility of a minor party candidate to receive public funds, by allowing him to accumulate the votes he received under various party labels in the preceding election.

Amendment to H.R. 11104, (No. 651)—to provide public financing of Presidential primaries and Senate and House general elections.

VOTES

Voted for amendment to broaden the scope of the investigation from the Presidential election campaign of 1972 to the last three Presidential election campaigns.

Voted for Federal Primary Elections and National Conventions.

Voted for amendment to require that occupation and place of business of those contributing over $100 be disclosed to the public.

Voted for amendment to set penalties for persons convicted of embezzlement of political contributions.

Voted for amendment to limit campaign contributions by groups to both congressional candidates and Presidential candidates to $3,000.

Voted for amendment to assure that an incumbent was entitled to an advisory opinion of the Federal Election Commission.

Voted for Federal Election Campaign Act Amendments of 1973.

Voted for amendment to establish a fund to provide Federal matching payments for Presidential primary campaign contributions of $100 or less.

Voted for amendment to require that all contributions and all expenditures in any amounts be reported.

Voted for amendment to increase from $1 to $2 income tax checkoff for Federal election campaign fund (from $2 to $4 on joint returns); to increase tax credit to $25 ($50 on joint returns); and to require that all contributions and all expenditures be reported.

Voted for amendment to prohibit Members of Congress from receiving subsidy payments from the Government, and certain income.

Voted for amendment to increase from 25 to 50% maximum public financing for congressional candidates.

Voted for amendment to increase from 12 cents to 14 cents per person of voting age the amount of money which could be spent in general elections for the office of the President and U.S. Senate.

Voted for amendment to provide for review of income tax returns of all Members of Congress and of all Federal employees whose gross annual income exceeded $20,000.

Voted for resolution expressing the sense of the Senate that Presidential pardons not be granted to individuals accused of committing criminal offenses in connection with the Presidential campaign and election of 1972.

SENATOR CULVER'S PERCEPTIVE ANALYSIS OF DÉTENTE

Mr. HUMPHREY. Mr. President, the Des Moines Register of July 24 carries an editorial by my distinguished colleague from Iowa, Senator John Culver, on the different meanings which the United States and the U.S.S.R. attach to détente.

I wish today to commend Senator Culver on his keen understanding of the issue and on his most helpful suggestions on dealing with the Soviets in the future.

Senator Culver recently participated in the U.S.-U.S.S.R. parliamentary meeting in Moscow, where I was privileged to serve as chairman of the Senate delegation. As a member of the Senate delegation to the Soviet Union Parliamentary Conference, he made a valuable and constructive contribution. He commanded the respect of all participants. His editorial is very perceptive and deserves the close attention of everyone who is concerned with the problems of world peace.

Mr. President, I ask unanimous consent that Senator Culver's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Russia Has Fewer Illusions Than We About Détente

(By John Culver)

In my judgment, détente has unfortunately been overblown and oversold at the time of its initial enunciation by the Nixon administration, primarily for domestic political purposes. The euphoric impression was unfortunately conveyed that détente meant an end to major United States-Soviet differences.

In my judgment, the Soviets have suffered from fewer illusions in their definition and understanding of détente. They recognize, as we do, the importance of better relations to avoid mutual destruction, but have not forsaken their competitive determination to demonstrate the ultimate superiority of their system.

The Soviets place far more importance (than we do) on the exact letter and wording of an agreement, and bargain hard to achieve their desired interpretation. We bargain hard but in our desire to reach a political "understanding" do not place comparable importance on semantics and nuances of specific language.

We then fall back on the practice of expressing unilateral "understandings" as a footnote to explaining what we mean following our failure to get the other side to agree to it. We then express subsequent dismay at the Soviet exploitation of the agreement and speak of a violation of the spirit of détente, which the Soviets in all fairness never acknowledged existed in the first place.

You can insist on compliance and verification of precise agreements but it is impossible to maintain a construction and business-like relationship on charges and counter-charges about violating the spirit and atmosphere of a relationship. Needless to say, the Soviets are guilty of playing the same game, the extent to which they build and push is the limit on agreements, such as arms control, and then criticize United States developments as contrary to détente. They clearly want to have it both ways.

It is therefore important that we do not raise false expectations and harbor illusions about the United States-Soviet Union relationship. The capacity for mutual destruction makes it imperative that we reduce tensions and develop a network of relationships of various kinds—economic, cultural, social, political, and military.

Finally, we should be more careful and tough-minded in our negotiating attitudes and respect both the importance and definition the Soviets place on language construction and meaning, with less tendency to substitute meaningless political rhetoric and mood music.

None of this is meant to imply criticism of our highly dedicated and most accomplished Soviet negotiators. I personally know how long and hard they have labored in many areas of U.S.-Soviet relations to produce carefully defined accords. The problem has arisen when, following protracted negotiations, areas of remaining disagreement have been papered over on order of their political superiors for the purpose of creating the illusion of progress towards détente for essentially domestic political reasons.

Unfortunately, they find that what they have set in train is a process of subsequent mutual recriminations which are actually hostile to the process and achievement of détente.

THE SOUTHERN POLICY CONFERENCE ON THE VOTING RIGHTS ACT OF 1965

Mr. MATHIAS. Mr. President, in January of this year, I had the privilege of attending the Southern Policy Conference on the Voting Rights Act of 1965 in Atlanta, Ga. The conference was held at the historic Ebenezer Baptist Church under the auspices of Mrs. Coretta Scott King and the Martin Luther King, Jr., Center for Social Change. Several hundred persons participated in the formal and informal discussions conducted throughout the day and there was unanimous agreement on one point: that the U.S. Congress must draw a line around the Voting Rights Act and say "This shall stand."

As I left Washington National Airport on the morning of January 13, 1975, my mind went back to a period nearly a decade ago when I left National Airport to fly to Selma, Ala. And I thought about the men and women who stood with me outside the jail in Selma waiting for the release of Dr. Martin Luther King. Many of those who kept vigil with me now sit in legislatures, in county governments, in city councils. I thought of that day when I met a young man named Andrew Young. A young man who has now joined us in Congress. I thought of the many other elected officials who owe their office to the increased voter registration and participation made possible by the Voting Rights Act of 1965.

I thought then, and I still firmly believe today that it would be a national tragedy if we were to allow this law to lapse or to be severely changed. The nature of political progress by blacks and other minorities has been limited, modest, and spotty. The record is unmistakeably clear on this point. This landmark legislation, therefore, must be extended.

I ask unanimous consent that the text of my remarks before the Southern Policy Conference on the Voting Rights Act of 1965 be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of Senator McC. Mathias, Jr.

First let me express my great pleasure at being invited to join this important, and most timely conference on the Voting Rights Act. Atlanta is said to symbolize the "New South." Much of the dramatic change in Atlanta, and throughout the South stems from the increased participation by all citizens in the process of government, and the Voting Rights Act of 1965 has been a crucial catalyst.

Your courageous determination has led us a long way from a shameful past. Blacks who marched, Selma to Montgomery, now sit in the Alabama State Legislature. Andy Young has taken his seat in Congress. We can also point to many other elected officials, to sharply increased voter registration, and to competing white candidates who must now pay attention to the entire electorate.

Without the Voting Rights Act, however, it is doubtful that many of these heralded victories would have been won. The act has been hailed as the most successful civil rights law. And rightly so. The danger is that the act is becoming the victim of its own success.

WE MUST NOT LET THAT HAPPEN

The successes are welcome to those of us in Washington who have sought to help you make constitutional rights a reality. My concern, which I'm sure you share, is that these successes will lead many observers to assume the battle is over—that the act is no longer needed or justified in its present form.

In these brief, opening remarks, therefore, let me quickly sketch the historical perspective from Capitol Hill—the road we have traveled in the last decade—and then note what I think needs to be done to ensure the country understands the importance of preserving the safeguards of the act fully intact.

Opponents of the act have always argued that it is a drastic interference with State and local control over their elections. They are right. But as you know all too well, Congress does not act precipitously. Congress was driven to take drastic steps after many years of frustrating experience with lesser measures. We acted on the most blatant record of discrimination, of stubborn determination to thwart black voters, and of the tragic outrages in Selma.

The Chinese have an old saying that the longest journey begins with a tiny step. Congress took that step with the Civil Rights Acts of 1957 and 1960. The 1957 act authorized the Attorney General to seek injunctions against voter discrimination; the 1960 act created a complex, three-stage process to enroll black voters. More important, the two laws established the Civil Rights Commission and required retention of voting records, so that Congress later had the factual record on which to base the Voting Rights Act.

But it was soon obvious that these measures were wholly inadequate. Let me read some striking testimony from the debate over the Voting Rights Act to remind us of just how bad things were (and I quote):

"As recently as April 1963 in a voting case in Waltehall, Mississippi, the Department of Justice was attempting to register a young lady who was a Woodrow Wilson Fellow in political science at Radcliffe College of Harvard University. The Harvard graduate had 'failed' the voter registration test—she was a negro. The Government in this case called seven white witnesses who had applied to register. They were illiterate. They were white. They had passed the same voter registration test."

The burden was on the Justice Department then to find out about discrimination barriers and election law changes, to investigate them and to spread its resources among lawsuits all over the South. In court, the burden was on the Department to prove a new law was discriminatory. As soon as one barrier was struck down, a new one was erected. Department lawyers were running very hard to simply stand still. They could not keep up with the kaleidoscope of changing schemes and devices.

The Voting Rights Act changed all that, and you are familiar with its operation: The so-called "trigger formula" of section 4 sets in motion several remedies available automatically in States or counties covered by the formula, unless they successfully sue to remove themselves from its coverage. Literacy tests or similar devices are banned, Federal examiners may be sent to register voters, and observers to watch elections. Most important, under section 5, covered jurisdictions have to preclear any new laws which affect the right to vote with the Attorney General or a court in Washington. And of course the decisive difference is that the State or local government submitting a proposed change has the burden of showing it is not discriminatory. If it is unclear and the Attorney General is not satisfied there is no discrimination, he must resolve the issue against the change and object.

Finally, we should note that contrary to its critics, the act is not regional legislation. Its provisions are national and have literally applied to the four corners of the country: From Hawaii and Alaska to New York City and from Arizona to the Deep South. Of course the major impact has been in the South where the clearest problems and most entrenched opposition appeared. But the act has been implemented in other jurisdictions covered by the trigger as well.

We began to see some results immediately, but the first five years of the act, looking back on them now, did not begin to realize its full potential. It was not until 1969 that the Supreme Court made clear the obligation to submit any law which could affect the impact of black votes for section 5 preclearance. In the *Allen* case, the Court said: "The right to vote can be affected by a dilution of voting power as well as by an absolute prohibition on casting a ballot." In response to growing numbers of black voters, most covered jurisdictions emphasized a variety of sophisticated techniques to diminish the impact. By 1970 it was clear that section 5 would become the centerpiece of the act's protections.

So it is not surprising that the successful fight to extend the act in 1970 was largely a struggle over retaining section 5 intact. And the very next year, only a strong protest from Congress and from concerned groups around the country scuttled plans to interpret section 5 in a way which would have effectively nullified its most important aspect: the burden placed on submitting jurisdictions to show a proposed change is not discriminatory. (Each of these efforts, I should add, were marked by the highest degree of bipartisan cooperation.) In the House, Chairman Celler of the Judiciary Committee and Congressman McCulloch, the ranking Republican, stood shoulder-to-shoulder in defense of the act. In the Senate, the extension bill was backed by ten members of the Judiciary Committee, 6 Democrats and 4 Republicans, including Senator Bayh and myself.)

Once the covered jurisdictions began to redistrict Federal and State districts to conform to the results of the 1970 census, it became clear just how crucial the retention of section 5 had been. In an overwhelming number of cases initial plans were objected to and the revisions, as many of you know far better than I, made a great difference in your efforts to elect black candidates.

Now we are faced with another threatened expiration of this legislation if we do not act before the summer. And once again, we hear the same arguments. Opponents point to the record number of black officeholders and of black voters. In this context, they will argue that the trigger provisions would unfairly keep the south in a state of original sin and that section 5 in particular is too burdensome and unworkable to be imposed any longer upon the covered jurisdictions. They will suggest that very few changes now submitted are objectionable and that intimidation or harassment of would-be black voters is a memory of the past. Unfortunately, this superficial analysis may be appealing to those not familiar with the actual operation of the act in the past few years.

Those of us determined to renew the Voting Rights Act face a serious challenge. We must make clear why the experience under the act since 1970—far from showing it is unnecessary—demonstrates that it is still vital.

First, the recent dramatic victories were made possible by the continued operation of the act. For example, it is doubtful whether the highly publicized increase in black members of the Alabama legislature would have occurred if the multimember redistricting, initially attempted had succeeded.

Second, there is still a long way to go before we can say that minorities have attained full and fair participation in the political process. The number of elected officials is still extremely small, despite the historic breakthrough: and even the substantial number of local black officials includes relatively few in the most important policy making posts such as county supervisor. In many counties, the registration levels for black voters are still way below the rest of the community. Dramatic incidents of violence are infrequent, but there remains substantial evidence of intimidation and economic dependence on the local power structure which deters registration.

Most important, the progress which has been made is precarious. The hard-won base of black political power is still too fragile to be shorn of the Voting Rights Act and its protection.

The number of new laws to which the Attorney General has objected has not declined. In fact the rejections for the first 6 months of 1974 were running well above the rate in 1973.

But these numbers do not fully reflect either the deterrent role played by the act or the continued threat of discriminatory action should the act expire.

In the first place many changes still are not submitted for preclearance. Just this year, the Justice Department concluded a study of laws passed in 1971 by the Mississippi Legislature and found over one hundred which should have been submitted.

Second, some of the submissions have already been modified after informal discussions with the Department's representatives, or changes are negotiated after submission. The objectionable aspects are removed, but they do not show up in the figures as formal objections. In Georgia, the initial restricting plan for Atlanta would have made it more difficult for Congressman Young's candidacy, but substantial changes were required by the Department as a condition of approval.

Finally, although it is hard to document, I know those of you who work on the front lines under the act are convinced that the mere existence of section 5 has prevented some devices from even being submitted. In Virginia, the Attorney General now tries to monitor submissions from local jurisdictions to screen obviously objectionable proposals.

It is true that the act prohibits changes which have either the purpose or the effect of discriminating against black voters. But all too often contemporaneous legislative history, or the absence of any other reasonable explanation for the particular new scheme, provides strong evidence of a deliberate intent to dilute the potential impact of the new black vote.

Even the gains in voter registration would be imperiled if the act is allowed to expire. Efforts to purge the rolls through questionable reregistration requirements have been mitigated somewhat by review under section 5.

In summary, we in Congress must convince our colleagues that it would be terribly shortsighted and premature to repeal the basic safeguards of the Voting Rights Act now, in the guise of updating it.

In 1970, Father Theodore Hesburgh of Notre Dame and then Chairman of the Civil Rights Commission warned Congress that if we gutted the act or eliminated section 5, we would be turning back the clock to 1957.

That warning is a useful reminder today. Those who would have us abandon section 5 for alternatives under which the Department might sue to challenge questionable State laws, would set us back to the very conditions which led to the creation of the Voting Rights Act in the first place.

With the aid of yourselves and the groups you represent, however, I am confident that we will not turn back the clock.

THE GENOCIDE TREATY AND WORLD OPINION

Mr. PROXMIRE. Mr. President, favorable world opinion is important to any nation. Our ability to help mold international opinion has waned in recent years as our credibility has been called into question on such matters as the Vietnam war and the Watergate scandals. Added to the list of outrageous actions or inactions is the Genocide Treaty, which the Senate has failed to ratify during the 25 years that it has been pending before us.

The importance of the Genocide Treaty should not be underestimated. According to former U.N. Representative Charles W. Yost:

> This convention has attained over the years since it was first drafted a position of unique symbolic importance as an act of worldwide condemnation of what is perhaps the most dreadful crime men can commit.

Nations small and large have given this treaty their utmost attention and ratification. Over 75 nations have signed the treaty to date. And, according to Representative Yost, in hearings before the Senate Foreign Relations Committee in 1970, the U.S. position is most embarrassing to American diplomats. He stated:

> I can assure the subcommittee that in my diplomatic life, at the United Nations and elsewhere, no question has ever been asked me about the policy of my country which has been more difficult to answer than questions about American inaction on this convention.

Mr. President, I once again call upon my colleagues in the Senate to put an end to this embarrassing discrepancy in American policy. The Genocide Convention must be ratified at once.

BIG MOTHER AND LITTLE BUSINESS

Mr. FANNIN. Mr. President, these days everyone seems to be concerned about civil liberties. Politicians are constantly demanding that the Federal Government take some action or pass some law to protect this or that group from an intolerable deprivation of their rights or unconscionable abuse at the hands of unscrupulous and greedy big business. I have no quarrel with this concern or with Government taking appropriate remedial measures in justifiable cases. But I am troubled by the commensurate lack of interest in and concern for the civil rights of entrepreneurs. After all, businessman are people, too.

The CIA and the FBI are currently under attack for using "Big Brother" tactics to snoop on unsuspecting citizens and Narcotics Bureau agents are denounced for breaking down the doors of suspected drug users. Yet no one is outraged over the fact that an EPA inspector is empowered to enter the property of a suspected polluter without a search warrant, or the man from OSHA can arrive, unannounced, without a permit or notice of any kind, to inspect the working conditions at a plant to see if they conform to health regulations. And these are but two of many examples of how Federal regulators are riding roughshod over the rights of ordinary businessmen.

Mr. President, there is something inherently wrong with a regulatory system which fails to treat businessmen according to the same standards of fundamental fairness guaranteed to all citizens in our society.

It is this aspect of the problem of Government regulation which Mr. Murray Weidenbaum addresses in an article entitled "Big Mother Has Her Eye on Little Business," which appeared in the Baltimore Sun of July 20, 1975. Mr. Weidenbaum is director of the Center for the Study of American Business at Washington University and the author of numerous articles on the subject of regulatory reform, including the study "Government-Mandated Price Increases" published by the American Enterprise Institute for Public Policy Research.

Mr. President, the issues of due process and equal protection for businessmen discussed by Professor Weidenbaum must not be overlooked as the Congress undertakes a comprehensive review and reassessment of Government regulation.

Mr. President, I ask unanimous consent that Mr. Murray Weidenbaum's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"BIG MOTHER" HAS HER EYE ON LITTLE BUSINESS

(By Murray L. Weidenbaum)

ST. LOUIS.—The growing national concern about protecting individual rights from government encroachment is well placed, but it may be too limited. There is a striking but little-noticed parallel between the liberals' concern about infringement by federal agencies on the civil liberties of individuals and the rising conservative concern with government infringement on the freedom of many of the same individuals, but in their capacity as decision-makers in private business.

The first and well-known concern is termed "big brotherism." The latter and apparently more ignored problem arises from the increasing pace of government regulation of business, supposedly in the public interest. Let's call it "big motherism."

Often many people are outraged, and properly so, by the arbitrary nature of the "no-knock" powers of federal investigative agencies. Yet they readily ignore the unchallenged "no-knock" power possessed and used by other federal agencies in their capacity as "big mother" controlling the actions of ostensibly private business.

Federal inspectors are an increasingly important physical presence in private industry. The Supreme Court recently ruled that air-pollution inspectors do not need search warrants to enter the property of suspected polluters as long as they do not enter areas closed to the public. The unannounced and warrantless inspections were held not to be in violation of constitutional protections against unreasonable search and seizure.

The inspectors of the Labor Department's Occupational Safety and Health Administration (OSHA) can go further. They have literally "no-knock" power to enter the premises of virtually any business in the United States, without a warrant or even prior announcement, to inspect for health and safety violations. Jail terms are provided in the OSHA law for anyone tipping off a "raid." A recent court test has reaffirmed the right of OSHA inspectors to enter a work site for inspections without so much as a "by your leave." A U.S. district court, acting on the case of a firm which had refused an inspector entry until the company's attorney was present, ruled that the federal agents did not need search warrants to enter workplaces.

In an even more basic area of civil liberties, this nation's legal tradition is that individuals in their dealings with government are innocent unless proven guilty. This does not quite seem to be the case for business firms dealing with at least one federal regulatory agency. In its standard publication, *Banned Products*, the U.S. Consumer Product Safety Commission makes the following rather high-handed statement: "Articles not meeting the requirements of the regulation are to be considered as banned, and added to the Banned Products List by the Consumer Product Safety Commission."

Nor do federal regulatory agencies always feel obliged to follow normal standards of fairness in dealing with business firms. Consider the possibility of biased decision-making inherent in the recent agreement between the U.S. National Institute for Occupational Safety and Health (NIOSH), the agency that does the basic research underlying new OSHA regulations, and the Amalgamated Clothing Workers.

Under the agreement, the official federal study of safety and health hazards in the clothing industry is being conducted by a union. In the words of the OSHA publication which enthusiastically reported the undertaking, "The union will help obtain the cooperation of plant managers." It is painful to try to picture the reaction of a company management to the investigation of its premises by its union on behalf of the government!

The instances of waste and foolishness on the part of government regulators pale when compared to the arbitrary power that they can exert. To cite a member of the Consumer Product Safety Commission, "any time that consumer safety is threatened, we're going to go for the company's throat." That this statement is not merely an overblown metaphor can be seen by examining the case of Marlin Toy Products of Horicon, Wisconsin.

The firm's two main products, Flutter Ball and Birdie Ball, were plastic toys for children, identical except that one contained a butterfly and the other a bird. The toys originally held plastic pellets that rattled. This led the Food and Drug Administration in 1972 to place the products on its ban list because it was worried that, if the toys cracked, the pellets could be swallowed by a child. The company recalled the toys and redesigned its products line to eliminate the pellets and thus be removed from the ban list.

The newly formed Consumer Product Safety Commission in 1973 assumed responsibility in this area. Because of an "editorial error," it put the Marlin products on its new ban list, although there was no longer any reason to ban them. Apparently the commission incorporated an out-of-date FDA list. The error was called to the commission's attention, but it replied that it was not about to recall 250,000 lists "just to take one or two toys off."

Marlin Toy Products was forced out of the toy business and had to lay off 75 per cent of its employees due to the federal error. It is ironic to note that the commission specializes in ordering companies to recall their products if any defective ones have been produced, but refuses to recall its own product when there is a defect in every single one.

Some of the statements of federal regulators do sound vaguely reminiscent of the old totalitarian dogma that the end justifies the means. "When it involves a product that is unsafe, I don't care how much it costs the company to correct the problem," states a member of the Consumer Product Safety Commission. And, on the other occasion, "Any time that consumer safety is treatened, we're going to go for the company's throat."

Certainly, a society can and should act to protect consumers against rapacious sellers, individual workers against unscrupulous employers, and future generations against those who would squander the nation's resources. But following due process—in plain English, fair procedures—is the essence of the democratic, non-totalitarian approach.

FEDERAL INFORMATION CENTERS

Mr. NUNN. Mr. President, I have the honor of serving as chairman of the Subcommittee on Oversight Procedures of the Government Operations Committee which has jurisdiction of the functions of the General Services Administration dealing with the utilization and disposal of Federal property.

One of the many public services performed by GSA is the Federal Information Centers. These centers, located in 37 metropolitan areas with toll-free connections to 37 other cities, provide the answers to questions or directions to the appropriate office for assistance. The centers help more than 25,000 people a day.

The June edition of Moneytalks magazine has written a laudatory article on the centers and listed the locations and phone numbers throughout the country.

Mr. President, I ask unanimous consent that the Moneytalks article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FEDERAL INFORMATION CENTERS

(By Patricia Broderick)

When President Adams moved into the White House in 1800, there were only six federal agencies. Today, there are more than 125 federal departments and agencies, and if you are like most people, the thought of contacting one of them sends you into a panic. You're probably not quite sure where to go or whom to call, and if you are lucky enough to find the right department, the red tape can be overwhelming.

The answers to your questions and the solutions to your problems may be simpler than you ever believed possible. Help is not only on the way, it is here! Throughout the United States the government has established Federal Information Centers (FIC) to help citizens who are lost in the maze of bureaucracy.

If you have any type of question or problem concerning the government and don't know which office can provide the answer, you should contact your nearest FIC. Their job is very simple—either answer your question or direct you to the office where you can get assistance.

When a Federal Information Center directs an inquirer to another government office, they have done whatever research or calling is necessary to assure that assistance will be provided.

HOW IT STARTED

The first FIC opened in Atlanta, Georgia in July, 1966. This Center was established as a result of a program launched by President Johnson to provide the best possible informational service to the American public. Currently, there are 37 Federal Information Centers operating in major metropolitan areas throughout the country. In addition, residents of 37 other cities are provided the service of an FIC by means of toll-free telephone connections.

The Centers combined, help more than 25,000 people each day. In 1974, the FIC's handled over 6-million inquiries. More than half of these were made by telephone, the balance from people personally visiting the individual centers. Letter inquiries account for less than one percent of the volume.

WHO STAFFS AN FIC?

The selection of Federal Information Center staff members is the single most critical step in ensuring the success of this program. Each applicant must possess a pleasant personality, a great deal of patience, ingenuity and common sense. Most staff members have had previous experience with other government agencies.

Moneytalks went to the New York City FIC, located in the lobby of the Federal Building at 26 Federal Plaza, to see a Center in action and came away singing the praises of the FIC's.

Upon arriving at the Manhattan location, James Unnic, the Public Assistance Specialist in charge, rolled out the red carpet. During the three hour visit, he and his four researchers demonstrated a real interest in people and their problems. They personified all that was heard about the warmth and competency of Federal Information Center personnel.

In response to the questions, "Where do you get the answers to the thousands of questions put to you yearly?" a subject directory was revealed. Each FIC uses one as its primary reference tool which catalogs government programs by the service provided rather than by the organization. Under each functional heading are listed the offices which provide that type of service. Additionally, an almost endless variety of resource materials is used at each FIC to aid in answering the public's questions, including The Government Organization Manual, Weekly Compilation of Presidential Documents, Congressional Directory, Foreign Service List, Catalog of Federal Domestic Assistance and a host of other publications.

EXAMPLES OF INQUIRIES

The types of questions received daily by the FIC's cover a whole range of topics including taxes, federal job information, passports, immigration and naturalization, social security, medicare and veterans' benefits. However, unusual and even bizarre questions are also asked of the Center's staff. Here is a sampling and the answers provided:

Q. Is there a Government training program for blacksmiths or ferriers?

A. Yes. The Department of Labor, Bureau of Apprenticeship and Training has an apprenticeship program for blacksmiths.

Q. How do I file a claim on a gold mine?

A. One applies to the Bureau of Land Management in the Interior Department, Washington, D.C.

Q. Whom do I call to divorce my Japanese wife who has left on a trip and doesn't intend to return?

A. Even though an alien may be involved, no federal agency has jurisdiction in this problem. The FIC would, therefore, advise the inquirer to seek private legal assistance.

Q. I would like to set up a small business to sell earthworms in Michigan and need literature on how to raise worms.

A. Both the Department of Interior and the Michigan Department of Natural Resources are able to provide material on the subject.

And then there was a call from an elderly woman who was in a near state of hysteria. Apparently a squirrel had come down her chimney and was running rampant through the house. "What can I do?" she frantically asked the FIC staffer who answered her call. The caller was calmed and the fire department nearest her residence was contacted by the Federal Information Center. Minutes later fire fighting personnel came to her rescue and managed to evict the bushy tailed intruder.

Whenever possible, the FIC staff answers questions concerning state and local problems as well as those having to do with federal agencies. There is never any charge for this service even though many Centers hire bilingual information specialists so that people can receive assistance in their own language.

Another benefit is the availability of government publications within close proximity to FIC's. Because there is a strong demand for this material, the Government Printing Office has moved stocks of its books and pamphlets into federal offices adjacent to the FIC's. The combination of a Government Bookstore and a Federal Information Center is natural. Both serve and provide valuable information to the public.

A TOUCH OF WARMTH

Those who staff the Federal Information Centers around the country are friendly, resourceful and eager to please. What other government agency would help a student with his homework, babysit with an elderly gentleman who had strayed from home, or be able to talk to an Italian lady in her native tongue about how and where to collect her Social Security check?

Upon leaving the Federal Information Center in Manhattan, it was evident that it is possible for government to be efficient and at the same time personable. FIC's provide a vital link between the citizen and his government, and they help make government responsive to the people's needs.

HOW TO CONTACT YOUR NEAREST FIC

You will find Federal Information Centers listed under the "U.S. Government" section in your telephone directory. Or visit your nearest Federal Building. Often FIC's are located in or adjacent to the lobby. A complete listing of all the Federal Information Centers has been compiled for Moneytalks' readers. In those cities serviced with a telephone tieline, the number indicated will connect you with the nearest FIC.

Alabama:
Birmingham, 322–8591, Toll-free tieline to Atlanta, Ga.
Mobile, 438–1421, Toll-free tieline to New Orleans, La.
Arizona:
Tucson, 622–1511, Toll-free tieline to Phoenix, Ariz.
Phoenix, (602) 261–3313, Federal Building, 230 N. First Ave. 85025.
Arkansas:
Little Rock, 378–6177, Toll-free tieline to Memphis, Tenn.
California:
Los Angeles, (213) 688–3800, Federal Building, 300 N. Los Angeles St. 90012.
Sacramento, (916) 449–3344, Federal Building—U.S. Courthouse, 650 Capitol Mall 95814.
San Diego, (714) 293–6030, 202 C. Street 92101.
San Francisco, (415) 556–6600, Federal Building, U.S. Courthouse, 450 Golden Gate Ave. 94102.
San Jose, 275–7422, Toll-free tieline to San Francisco, Calif.
Colorado:
Colorado Springs, 471–9491, Toll-free tieline to Denver, Colo.
Denver, (303) 837–3602, Federal Building, U.S. Courthouse, 1961 Stout St. 80202.
Pueblo, 544–9523, Toll-free tieline to Denver, Colo.
Connecticut:
Hartford, 527–2617, Toll-free tieline to New York, N.Y.
New Haven, 624–4720, Toll-free tieline to New York, N.Y.
Florida:
Fort Lauderdale, 522–8531, Toll-free tieline to Miami, Fla.
Miami, (305) 350–4155, Federal Building, 51 Southwest First Ave. 33130.
Jacksonville, 354–4756, Toll-free tieline to St. Petersburg, Fla.
St. Petersburg, (813) 893–3495, William C. Cramer, Federal Building, 144 First Ave. S. 33701.
Tampa, 229–7911, Toll-free tieline to St. Petersburg, Fla.
West Palm Beach, 833–7566, Toll-free tieline to Miami, Fla.
Georgia:
Atlanta, (404) 526–6891, Federal Building, 275 Peachtree St. N.E. 30303.
Hawaii:
Honolulu, (808) 546–8620, U.S. Post Office, Courthouse & Customhouse, 335 Merchant St. 96813.
Illinois:
Chicago, (312) 353–4242, Everett McKinley Dirksen Building, 219 South Dearborn St. 60604.
Indiana:
Indianapolis, (317) 269–7373, Federal Building, U.S. Courthouse, 46 East Ohio St. 46204.
Iowa:
Des Moines, 282–9091, Toll-free tieline to Omaha, Neb.
Kansas:
Topeka, 232–7229, Toll-free tieline to Kansas City, Mo.
Wichita, 263–6931, Toll-free tieline to Kansas City, Mo.
Kentucky:
Louisville, (502) 582–6261, Federal Building, 600 Federal Place 40202.
Louisiana:
New Orleans (504) 589–6696, Federal Building, Room 1210, 701 Loyola Ave. 70113.
Maryland:
Baltimore, (301) 962–4980, Federal Building, 31 Hopkins Plaza, 21201.

Massachussetts:

Boston, (617) 223-7121, J.F.K. Federal Building, Cambridge Street, Lobby, 1st Floor 02203.

Michigan:

Detroit, (313) 226-7016, Federal Building, U.S. Courthouse, 231 West Lafayette St. 48226.

Minnesota:

Minneapolis (612) 725-2073, Federal Building, U.S. Courthouse, 110 South Fourth St. 55401.

Missouri:

Kansas City (816) 374-2466, Federal Building, 601 East Twelfth St. 64106.

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St. Louis (314) 426-4106, Federal Building, 1520 Market St. 63103.

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Buffalo (716) 842-5770, **Federal Building,** 111 West Huron St. 14202.

New York (212) 264-4464, Lobby, Federal Building, 26 Federal Plaza 10007.

Rochester, 546-5075, Toll-free tieline to Buffalo, N.Y.

Syracuse, 476-8545, Toll-free tieline to Buffalo, N.Y.

North Carolina:

Charlotte, 376-3600, Toll-free tieline to Atlanta, Ga.

Ohio:

Akron, 375-5475, Toll-free tieline to Cleveland, Ohio.

Columbus, 221-1014, Toll-free tieline to Cincinnati, Ohio.

Cincinnati, (513) 684-2801, Federal Building, 550 Main Street 45202.

Cleveland, (216) 522-4040, Federal Building, 1240 East Ninth St. 44199.

Dayton, Toll-free tieline to Cincinnati, Ohio.

Toledo, 244-8625, Toll-free tieline, to Cleveland, Ohio.

Oklahoma:

Oklahoma City, (405) 231-4868, U.S. Post Office & Federal Building, 201 N.W. 3rd St. 73102.

Tulsa, 584-4193, Toll-free tieline to Oklahoma City, Okla.

Oregon:

Portland, (503) 221-2222, 208 U.S. Courthouse, 620 Southwest Main St. 97205.

Pennsylvania:

Philadelphia, (215) 597-7042, Federal Building, 600 Arch Street 19106.

Pittsburgh, (412) 644-3456, Federal Building, 1000 Liberty Ave. 15222.

Scranton, 346-7081, Toll-free tieline to Philadelphia, Pa.

Rhode Island:

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Tennessee:

Chattanooga, 265-8231, Toll-free tieline to Memphis, Tenn.

Memphis, (901) 534-3285, Clifford Davis Federal Building, 167 N. Main St. 38103.

Texas:

Austin, 472-5494, Toll-free tieline to Houston, Tex.

Dallas, 749-2131, Toll-free tieline to Fort Worth, Tex.

Fort Worth, (817) 334-3624, Fritz Garland Lanham Federal Building, 819 Taylor St. 76102.

Houston, (713) 226-5711, Federal Building, U.S. Courthouse, 515 Rusk Ave. 77002.

San Antonio, 224-4471, Toll-free tieline to Houston, Tex.

Utah:

Ogden, Toll-free tieline to Salt Lake City, Utah.

Salt Lake City, (801) 524-5353, Federal Building, U.S. Post Office, Courthouse, 125 So. State St. 84138.

Washington:

Seattle, (206) 442-0570, Federal Building, 915 Second Ave. 98174.

Tacoma, 383-5230, Toll-free tieline to Seattle, Wash.

Wisconsin:

Milwaukee, 271-2273, Toll-free tieline to Chicago, Ill.

THE DIFFERENCE BETWEEN ALLIES AND INTERESTS

Mr. PACKWOOD. Mr. President, I bring to my colleagues' attention an essay by William Safire which appeared in the July 21 edition of the New York Times. Although many may have already seen it, I think it is worthy of special note in this forum.

Mr. Safire addresses the role of the United States as peacemaker in the Middle East and its impact on our relations with the Arab countries and with Israel. The question he poses is, "Does our role as broker between Jerusalem and Cairo make us neutrals in our relations with both adversaries? Can we remain a strong ally to one if we are to gain traction with the other?"

In his response, Safire explores and defines U.S. interests in the Middle East, finely drawing the distinction between those interests based largely on commercial and political considerations and those rising out of a shared regard for a system of values and a way of life.

To the former, Mr. Safire continues to ascribe the term "interest":

> America has an interest in Egypt. We benefit if we can help that impoverished nation straighten out its economy, and not be forced to trade young lives in war to receive subsidies from oil-rich Arab states. We profit by Egypt's turn away from debilitating socialism, and gain from the peace that its stability could bring about.

In characterizing the latter, however, he uses the word "ally." Safire continues:

> America is an ally of Israel. "Ally" is a subjective, emotional word scorned by diplomats who see national attachments as temporary, dictated by economic or geopolitical interest. But to be an ally is neither a sometime nor a wartime thing; it is a valuable and sometimes mystic connection between peoples.

Safire warns against balancing one interest too heavily against the other:

> Our diplomats err in trying to befriend an Egypt by defriending an Israel.

He suggests that there should be room in the peace brokering for accommodating both at the expense of neither.

However, he concludes:

> Israelis have a right to their kingdom with secure borders, now, here on earth, and America as peacemaker ought not to be in the least embarrassed to be known as a reliable ally in that cause.

Mr. President, I heartily concur and commend Mr. Safire's words to my colleagues, and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DIFFERENCE BETWEEN ALLIES AND INTERESTS

(By William Safire)

CAIRO.—At the foot of the Mount of Beatitudes, facing the sea of Galilee, where Jesus delivered his most famous sermon a couple of millenia ago, a Bedouin Arab family now lives in a black tent. The woman of the tent works, the kids and their goats nibble at whatever they can find, as the head of the nomadic family stares at a Syrian broadcast on an Israeli television set.

There you have the Middle East: a TV antenna sticking out of a Bedouin tent, hostile anti-Israel propaganda arriving courtesy of Israeli technology, the medium of today competing with the message of thousands of years ago at that spot: "Blessed are the peacemakers. . . ."

Americans are the peacemakers today, and it might be helpful for us to get our sermon straight. Does our role as broker between Jerusalem and Cairo make us neutrals in our relations with both adversaries? Can we remain a strong ally to one if we are to gain traction with the other?

For years, diplomatists have been insisting that great powers do not have friends, only interests. Professionals in our State Department have been saying that we have been letting "domestic considerations" unduly influence our foreign economic interests.

Since hardnosedness and toughmindedness are much in vogue, Israel's spokesmen counter with arguments stressing America's self-interest in building a strong, independent Jewish state that can act as a bulwark against Communism and resist the vicissitudes of Arab nationalism in a strategic area.

At the risk of softnosedness and tendermindedness, let me suggest that national self-interest ought not to be the sole basis for foreign policy, and that our relationship with Israel and with Arab states is by its nature quite different.

America has an interest in Egypt. We benefit if we can help that impoverished nation straighten out its economy, and not be forced to trade young lives in war to receive subsidies from oil-rich Arab states. We profit by Egypt's turn away from debilitating socialism, and gain from the peace that its stability could bring about. We are right in wanting to establish relations far better than "correct."

America is an ally of Israel. "Ally" is a subjective, emotional word scorned by diplomats who see national attachments as temporary, dictated by economic or geopolitical interest. But to be an ally is neither a sometime nor a wartime thing; it is a valuable and sometimes mystic connection between peoples.

Why is America an ally of Israel? A visit there tells the story: It is a democracy, with an active opposition and a free press, and that spark is one we should breathe on wherever it appears. Although the kibbutz life gets the publicity, the small, private-property co-op makes the money and is growing faster, showing that Israel's economy is powered by—of all things—what we have come to call the Protestant ethic.

Our longstanding recognition in the United States of the Jews' right to a homeland after World War II; our admiration for their willingness to fight for their independence; and, surely, the attachment of many U.S. Jews to the Zionist dream—all this goes toward making a relationship what Winston Churchill would call "special."

The diplomat who derides the introduction of such sentiment into any foreign intercourse—who calls it "unrealistic"—is himself out of touch with political reality in modern democracies. Public opinion counts, and it is not always determined by the neat patterns of immediate self-interest. Cultural affinity, tradition, admiration for pluckiness, common ways for doing politics and business, the expectation of returned loyalty—all this goes into the intangible making of an ally.

Our diplomats err in trying to befriend an Egypt by defriending an Israel. There are other, more complex ways to express our interest in Egypt than to join her in condemnation of our ally. We can act as honest brokers without trying to deceive one side by pretending that we do not know and are not allied to the other side: We might even pick up a point for candor.

"Blessed are the peacemakers," goes the sermon on the Mount. A less familiar portion goes, "Blessed are they which are persecuted for righteousness' sake, for theirs is the kingdom of heaven."

Israelis have a right to their kingdom with secure borders now, here on earth, and America as peacemaker ought not to be in the least embarrassed to be known as a reliable ally in that cause.

CHILDHOOD SOCIAL INDICATORS

Mr. MONDALE. Mr. President, the American Orthopsychiatric Association recently held its annual meeting in Washington, D.C. This association has contributed for over 50 years to the multidisciplinary study and treatment of the problems of human behavior.

The president of the association this year is Orville G. Brim, who serves as president of the Foundation for Child Development. It has been my pleasure to have known and worked with Bert Brim for many years, both in his present position and in his previous position as president of the Russell Sage Foundation. Throughout his career, Dr. Brim has not only served well the scientific and professional communities concerned with the study of child development, but also made an outstanding contribution to the shaping of public policy to support and strengthen families and children.

In his presidential address to the association, Dr. Brim eloquently outlines many of the steps needed to link traditional research and services in child care to national policies designed to help families and children.

Mr. President, I ask unanimous consent that his presidential address be printed in the RECORD, and urge all of my colleagues to review his thoughtful recommendations.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

MACRO-STRUCTURAL INFLUENCES ON CHILD DEVELOPMENT AND THE NEED FOR CHILDHOOD SOCIAL INDICATORS*

(By Orville G. Brim, Jr.)

The place to begin is to give you the new title for my remarks, namely, "Macro-Structural Influences on Child Development and the Need for Childhood Social Indicators." Now, before you head for the doors, I remind you that Ortho's unique strength is that it is multi-disciplinary—and I ask you to join me in an experiment which may test the outer limits of our multi-disciplinary nature.

I believe that we need new kinds of data to aid this nation in forming its child development policies. These new data are demanded by what is now an imperative change in the focus of our concern in child development. I say that we now must stress the macro-structural influences on child development—must look at economics, cultural values, politics, law, and sociology in relation to child development—must get these areas linked to traditional research and services in child care.

THE CHANGED VALUE OF CHILDREN IN SOCIETY

We are, in this nation, moving into an era which may be historically the most precarious for America's children. The evolution of our society from a rural to an urban-based family system, from an extended to a nuclear family system, and from a labor-intensive to a machine economy, has made the child no longer an economic asset in the family.

Meanwhile, marked increases in the cost of raising a child cause individual parents and the economy generally to view child-bearing and child-rearing as an economic liability, in competition with other values. Moreover, at the ideological level there has been a downgrading of the sense of personal work derived from parenthood, especially for women. The ego satisfactions gained from having children are deteriorating.

How then, can children lay claim to our support in this new era? What do they have left? Children lay claim on the rest of us now because they are vulnerable; and thus engage our humanitarianism; because they are persons and hold legal rights, as we do, in society and thus demand our consideration; and because in children we see the future of man, and they are integral to our most distant visions.

But these are weakening claims, no longer backed up by the economic sanction of a productive position in society. The child's weakness is manifest in much that we see about us:

Just recently in federal cutbacks in support of child nutrition—the removal of subsidized school lunches; and, in support of child health—as in the refusal to provide free vaccinations. We can observe that when things get tight, "children are the first to go."

MACRO-STRUCTURAL INFLUENCES ON CHILD CARE

In this era when children have become objects for manipulation, the subject of budget cuts, the targets of mass advertising, the scapegoats of prejudice, we need additional strategies. It no longer is enough to do medical and psychological research on the development of children, nor to intervene on an individual basis in providing comfort, counseling, and therapy. We need national policies for child development, and so we must add now a concern with the macro-structural influences on child development. As knowledge from the behavioral and social sciences grows, we can raise our aspirations and progress from amelioration to intervention, and to the sophisticated concept of linkages between child development and society's macro-structure.

Our blueprint for child development work in the decade ahead must include the great social forces—technology, the law, the mass media, economic and social discrimination—which affect our child care institutions—the family, the school, the clinic, the day care center. Such forces affect, too, the very purposes of child-rearing, as when military and scientific international competition produced extreme American emphasis on intellectual development of children during the late 1950's and '60's—with millions for IQ and hardly a dime for love and joy—so that only now are we once again asking children: "Show me what you can do besides read and write."

Contrast these macro-structural determinants with two other levels of influence. First, the "micro-structural" level is familiar to most of us, and deals primarily with the people who care for children. Our interest is in individual differences, and is mainly clinical in nature. Research involves fine-grain analysis of, for example, the influence of a particular kind of parental behavior on a child's personality. This includes work done during the 1940's on the effects of parental differences in weaning and toilet training practices; and more recently on the effects of different kinds of teacher-pupil interaction.

One level above this is a "meso-structural" level, or middle level of influences. It includes the institutions that serve children. Research now makes comparisons of types of families, or types of schools, or types of child-care institutions, without dealing with individual variability within such systems. Is the extended family, for instance, better than the nuclear family for certain kinds of child care? Are small classes in school superior to large classes?

Now, if one believes that the extended family system has consequences more desirable for children than does the nuclear family system, the national policy issue then is how one generates an extended family system (or perhaps its functional equivalent). This question forces us to consider the third and higher level of determinants; that is, what are the influences that produce different kinds of family structures, school systems, day care settings, and health delivery systems? One is moved inexorably to the consideration of macro-structural forces—of economic influences, of historical determinants, of cultural values, of sociological trends and political science factors. One must deal with the new histories of child care, which show the powerful influences on child-rearing of beliefs about the fundamental nature of "human nature," such as basic depravity, or predestination. We are directed to the issue of income redistribution and income maintenance policies; to questions of the effects of race discrimination and social stratification on day-to-day family operations; to the influence of the mass media on children, both detrimental and benign. And, among these macro-structural determinants of child care, we come upon the emerging issue of inequalities in possession of life management information, including information about child development. These inequalities in the possession of useful knowledge in our society seem indeed to be more gross and unjust than income inequalities.

If we are to study these large-scale societal influences on children—as I believe we must—new talents are required. As I have said often during this past year, we must get some new actors onto the child development scene. We must recruit new and different kinds of behavioral and social scientists—economists, historians, lawyers, political scientists, and sociologists—to pursue their inquiries linking macro-institutions to the lives of children, and to link up with developmental psychologists, social workers, child psychiatrists, pediatricians, in analyzing the impact of societal forces on the individual child. I illustrate with a few examples from economics, law, sociology and social psychology.

NEW ACTORS AND NEW RESEARCH ON THE CHILD DEVELOPMENT SCENE

1. *Economists*

The economics of child development is a rapidly growing field, albeit from a small

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*Presidential Address to the American Orthopsychiatric Association Fifty-second Annual Meeting, Washington, D.C., March 1975. To be published in *American Journal of Orthopsychiatry*, July 1975.

numerical base of experts at this time. The study of the effects of income maintenance and income redistribution on families and on non-family child care institutions is one area of special interest. Fundamental disagreements among economists as to what this country's policies should be on supporting day care dramatically illustrate the need for more research and analysis on this type of problem if we are to develop a workable national policy for children. On the one hand is the position that the federal government fund directly the establishment of child care institutions, under federal auspices or through grants to state and local organizations, meanwhile setting and maintaining standards. On the other hand is the view that parents in need can purchase day care services on the open market in a free enterprise system if we have an effective national program of income redistribution.

A second instance, in economics, is the study of "human capital," and cost/benefit analyses. What kind of early investment—probably no later than the second year of life—in a brain-damaged child might keep him in the mainstream, keep him out of special classes in the formal school system during a twelve-year period, with economic gain to the society? Referring back to the decline in federally-supported nutritional supplements in the form of school lunches, what might be the cost/benefit ratio? How much more than the price of a lunch will it cost society over the long term in lost productivity, and in the need for institutionalization, of children damaged by nutritional deficiencies? This is a cold-blooded way to make the case for the care of children in our society, but I say again that the competition for goods and services in the American economy is economic and political, and we can no longer rely solely on good will and individual acts of charity and kindness to provide for children in this country.

2. Lawyers

Secondly, since I am not assuming that these market place analyses are going to take care of all of our problems, some greater encouragement to the legal profession to get into this area of study must be given. The development of public interest law groups dealing with child advocacy has, of course, been a remarkable event in this country in the past decade. But I think that we need to provide, in addition, some more factual and theoretical support for their continuing work, by making a major analysis of the assumptions implicit in Western law that are made about children and child development. We need to appraise the accumulated and often irrational body of law and custom about child development which we trail behind us from twenty or thirty centuries of Western culture. As Professor John Simon states:[1] "Age-grading suffuses the legal order. In countless contexts, a person's rights, powers, duties and disabilities under the law depend on a determination that he or she has 'come of age.' Chronological age decides whether or not a person can—or must—go to school, go to jail, marry, work, obey parents, speak freely, worship God, see a movie, inspect school records, receive parental support, provide support to parents, have counsel, testify, own a credit card, endure beatings, buy, sell, smoke, bet, drink, drive. The most prominent of these classifications are statutory. Additional classifications are made by public officials acting under federal or state law. . . . Whatever the source of age-grading law—statutory, judicial or administrative—it has special consequences for the least advantaged children: the poor and the disabled. These are the youths most likely to drop out of school at an age when attendance is compulsory; to undergo some variety of punishment or of criminal or civil commitment at an age when fewer procedural safeguards are available; or to need some form of government assistance, often granted or withheld according to age. Moreover, these children—as a result of personal incapacity or lack of family resources—may be least equipped to overcome or avoid governmental age-grading restrictions through persuasion, through legal challenge, or through escape to private schools, hospitals and other non-governmental systems.

Age grading not only has a differential impact according to socioeconomic class and according to health status, its rules vary as they move from one legal arena to another, from the male sex to the female sex, from state to state and town to town, and from judge to judge or from one administrator to another. Whatever its form and expression, the presence of age-grading is ubiquitous and commanding . . ."

3. Sociologists and social psychologists

My fellow sociologists have many tasks and challenges before them in the field of child development, and of course, the creation of childhood social indicators is one of these. Before commenting on these new indicators I want to mention in passing one other strategic leadership role that I hope sociologists will fill. I refer to evaluation studies of major social experiments. Probably the best known instances are the evaluation of Sesame Street and of Head Start. These programs were specifically directed to children.

There are, also, many other major social experiments where even though the primary purpose is not child development, the program nevertheless may have profound influence on children. A likely case is the negative income tax experiment in New Jersey, where there is a possibility of appraising the actual consequences for children of an income maintenance program on such objective criteria as school attendance, school performance, and health records. If we are to understand the effects of these and other powerful macro-structural events on children, evaluation studies are imperative.

SOCIAL INDICATORS FOR CHILDREN

But the main role for sociologists and social psychologists, I submit, is to take the lead in developing childhood indicators. Now, what are they? Nothing esoteric is meant by using the term "indicators of the state of the child" or "indicators of child development," or even "childhood social indicators." These all refer to the same body of information, namely: statistical time series data that measure changes (or constancies) in significant characteristics. To produce these facts clearly requires that there be identical measures, repetitively applied over time, to comparable populations of children.

As my colleague at the Foundation for Child Development, Dr. Nicholas Zill, has pointed out, "National statistics on the well-being of children, on the amounts and kinds of care they are receiving, on their physical, cognitive, and emotional development—such statistics vary greatly in availability, quality, adequacy of population coverage, geographic scope and detail, continuity, and comparability over time. Data on the psychological well-being of children and on their social and emotional development are generally much less adequate than statistics on children's physical health and development, or on their intellectual development and educational achievements."

The variety of information collected includes data on nutrition, educational attendance and achievement; possession of knowledge in science and in the arts; instances of child abuse; deficient health care; characteristics of housing; type of family structure; where children are and who they are with on, say, a given Tuesday in the Spring.

Surveys would add a vital subjective dimension to national indicators and social reports on the lives of American children today. The absence of reports *from* children *about* children is a striking deficiency in current survey research on the quality of life in America. Adults are interviewed about their attitudes and values, their "hopes and fears," and the "perceived quality" of their lives. Such assessments of subjective well-being and its relationship to objective life conditions form a major theme in modern social indicators research.

The value of these indicators is to provide a better national profile of children's lives and of the care they receive, and to allow us to relate changes in environmental factors to changes in indicators of child well-being. The successful evaluation of macro-level policies requires evaluations linking the social experiment to children, and this in turn requires data collected over time, in a systematic way on America's children. Again quoting Dr. Zill, "the administrative statistics which are so often relied on for policy debate and decision making can provide information only on the families which are covered by or make use of the particular social service. Repetitive sample surveys can provide far better estimates of the need for resources and the incidence and prevalence of various behavioral and developmental problems in the general child population.

But beyond facts and figures, the survey would help provide enlightenment on why social conditions are changing and how we can make children's lives change for the better sooner. Thus, the most important function of surveys and the development of childhood social indicators is to help shape public policies and social programs in the future. To bring about effective actions in improving the lot of children, we need not only political consensus, but facts about conditions over space and time, and understanding of the variations and covariations in these conditions. Childhood social indicators supply the facts, and causal analysis can help to furnish the understanding."

POSSIBLE DANGERS IN CHILDHOOD SOCIAL INDICATORS

The cautions we must have in mind in advancing the development of child social indicators seem to me to fall into two classes. The first is the familiar set of concerns about privacy, confidentiality, and labeling. The second, perhaps less familiar, is about dehumanization of the child.

First, then, as for privacy: informed consent of both parent and child should continue to be the rule. This includes approval of at least one parent for interviewing a child, and also a standardized and congenial means for obtaining the child's own consent. For confidentiality, the usual rules regulating records must govern such enterprises.[2] The establishment of data archives from surveys in both public and private sectors now are regulated by an increasingly formal set of criteria regarding identification and access. I should say that embracing the concept of child social indicators does not imply a justification of shoddy record keeping, on the grounds that they now are a contribution to the "social indicators" enterprise. In fact, a systematic collection of data on the nation's children under acceptable conditions of informed consent and protection of confidentiality removes the current feeble justification for inferior recordkeeping in the name of science.

Labelling presents a somewhat different problem because the parallel to the individual case is not quite as direct. Mass data are collected. Individuals are not "labelled," as they might be as a result of individual test scores or interviews. Moreover, unlike much individual labelling in clinical work, the collection of data is systematicaaly repetitive, is updated every year or so, and the so-called "labels" thus are responsive to real changes.

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[1] Internal Working Paper for Yale Law School, February 1975.

[2] See, for instance, the forthcoming special position paper on confidentiality of health records prepared by AOA's Council on Social Issues under Herman Schuchman's chairmanship.

As for concern with statistics dehumanizing the child, the worry seems two-fold. First is a concern about the child becoming "just a statistic." This, it seems to me, is a fact we must accept when we use aggregate data about the nation's children. Clearly, the individual child is lost—but child development in this country too long has tried to make its case on the basis of individual children—on case studies of parental love and clinical humanitarianism. We must have the information that macro-structural research, using social indicators, can bring to us as part of our arsenal of weapons.

Secondly, we say that statistical data dehumanizes the child because it is "only objective," and misses the substance of the child's character and personality. Here, on the contrary, I say that a substantial part of the child social indicator data will be psychological and subjective in nature. If, in turn, one says surveys cannot obtain important subjective data, my reply is that surveys yield psychological or personality data from adults which has proved useful in many ways, and we can expect the same to be obtained from children.

CURRENT AND PROSPECTIVE DEVELOPMENTS

We may well ask, are there not surveys already? The answer is yes, but they have defects. First, there are population surveys. As one of my colleagues has pointed out, though, in many government surveys, children are treated merely as chattel or appendages of households—the number of children is counted along with the number of automobiles, T.V. sets, and other household possessions.

Second, even when children are used as respondents, the child populations studied are small and unrepresentative. It has been pointed out that there are an enormous number of studies of parents and children, but these studies have used such small and unrepresentative samples that it makes it impossible to get a picture of the basic situation of children and their environment in the United States.

Third, some of the surveys are not public; they have been carried out by private research firms with commercial interests and oriented to the child as a consumer.

Fourth, although the most massive efforts at survey interviewing of young children are in the government sector, they are specialized in focus, and concentrate on such matters as health checkups or intellectual testing, without dealing with the other aspects of child personality.

1 *First national interview survey of young children*

I am pleased to report to you that there are plans well underway to undertake the first major, public, national probability sample, interview survey of young children in the United States. This project is under the direction of Dr. Nicholas Zill, Senior Staff Scientist at the Foundation for Child Development. The project will have two principal goals. The first is the improvement of statistics on the physical and psychological well-being of U.S. children and the monitoring of changes in these child-welfare measures over time. The second is the development of an accurate national profile of the way children live and the care they receive, and the relation of variations in these conditions to differences and changes in childhood well-being indicators. The survey, to be conducted in 1976, will include:

Interviews with a national sample of children to measure their perceptions, feelings, attitudes, and values;

The collection of observational and parental reports on children's behavior patterns and the circumstances of their lives;

Such subjects as the personal characteristics of the children, the socioeconomic resources of their families, the kinds of care they receive, the patterns of social behavior they are learning, the problems and stresses to which they are exposed, and their perceptions and feelings about these problems and about the quality of their lives in general.

2. *Government's role in the future*

The private sector—say, foundations and independent research centers—have a unique and irreplaceable function in developing social indicators vis-a-vis the federal government. Surveys undertaken in the private sector must be lodged there when the data to be obtained touch on political or cultural sensitivities, e.g. the citizen is unlikely to approve of spending public tax money to ask children how they feel. The private sector is needed also when initiative is impossible for government agencies because of public—that is, political—apathy about the nature of the enterprise, as may well be the case about surveying the state of America's children.

Having made this point, I now stress the axiom that successful development of childhood social indicators over the long run depends on government because the necessary facilities and funds are too great for private ventures. Government is de facto the chief producer of national social indicators. The kind of statistics produced by the government largely determines the substantive scope, time depth and frequency, and the precision of available social indicators on children. The knowledge we have about social change in America depends on how the federal statistical agencies present their data, as well as on the contents of those data. The government also sponsors and conducts most of the large-sample, large-budget, high-quality surveys done in the United States, especially the recurring ones.

Therefore, an important component of the program proposed here is the development of close cooperative relationships between the private sector and those federal agencies that have statistical or policy responsibilities related to the care, well-being, and development of American children. Among the things we would seek to accomplish through these involvements with the agencies are the following:

(1) To encourage federal statistical agencies to make more of a commitment to thorough and sophisticated analysis of the data they collect that relate to children; and to timely, interpretive reporting of the findings of such analyses.

(2) To make federal statistical data relating to children better known and more readily available to non-federal analysts and child development researchers.

(3) To repeat major baseline studies. The replication of important federal surveys that relate to children, such as the comprehensive nationwide study on child case arrangements, allows for the measurement and analysis of over-time changes and constancies in the characteristics, settings, and services of America's children.

(4) And, finally, to lay the groundwork for eventual adoption of national surveys of children as a continuing program of one of the federal statistical agencies.

STUDY VERSUS ACTION

Some of us may say that this draws interest and resources away from the needs of children today, away from intervention, and action, and support, and nurturance, now. I do understand that children compete for the taxpayer's dollars in the same way that urban housing, and highway construction, and pure water, and desegregation of the labor force, compete for these same funds. I recognize that this competition in the last analysis is a political process, or failing that, a legal process, and that activities must work both these streets. One leads to the growth of legal advocacy—with which the American Orthospychiatric Association is quite involved. The second is the attempt to influence political processes through public consciousness-raising and transforming the aroused sentiments into action.

Still, it is my view that charting the influence of societal institutions on child development is complementary to, rather than competitive with, active intervention to change society now. And, of most fundamental importance, indicators of the state of the child contribute to both research and action. I have stressed the research function of child social indicators. Now I remind you that descriptions of group differences among children have another edge to the blade; for it is the very description of needs and deficiencie which provide the scientific basis for public policy changes and legal intervention. The Children's Defense Fund must rely on such data as the basis of its legal actions, as in the recent successful suit on behalf of children excluded from school. And two decades ago, the 1954 Supreme Court desegregation decision was based on just such statistical description of group differences between black and white children.

Action and study challenge and reform each other and we must do both. Use what knowledge is on the shelf, but restock with a better product. Apply the Constitution on behalf of children now, but meanwhile amend the Constitution, if necessary. Act for the children of today, but also plan for the children arriving in the twenty-first century. Indicators of the state of American children will help us do both.

THE ALIEN EMPLOYMENT ACT OF 1975

Mr. PACKWOOD. Mr. President, I call to the attention of the Senate the fact that Zero Population Growth, a national society actively searching for solutions to world population problems, has asked Congress to review the illegal alien problem and "adopt a policy statement on immigration to guide the Immigration and Naturalization Service and other Federal agencies in their administration of the law."

I find this request uniquely appropriate.

As Americans, we have always had great sympathy for the plight of the disadvantaged millions who must endure economic conditions and standards of living far below our own. No one can deny that this country has done more than any society in history to help poor people everywhere. We cannot, however, allow the scant natural resources of this country to be divided among those who do not care to live by the rules of our society.

The facts we have available to us about the alien population are unnerving. In 1973, enough illegal aliens were apprehended to populate Washington, D.C. The number of apprehensions has doubled each year in the last decade, but is still considered only one-tenth of the actual number of illegal aliens present in the United States. The approximate number of illegals today equals the population of New York City and in the early 1980's could equal the present population of Mexico.

The incentives for this flagrant abuse of our immigration laws are constantly increasing. As whole nations' economies deteriorate and as their populations increase, greater numbers of unemployed will search for security in our country. All available evidence indicates that the vast majority of aliens come to this country in search of employment.

We in Congress must eliminate the possibility that illegals will be successful in their search. We must also be willing to take away employer incentives to hire this source of cheap labor. Third, Congress must give such administrative agencies as the Immigration and Naturalization Service the funding required to enforce present laws and those we anticipate enacting.

The Immigration and Naturalization Service estimates that at least one million jobs would become available to American citizens within a year if immigration enforcement were improved. These jobs divide nearly equally between agricultural, industrial and service occupations, thereby crushing the myth that illegals hold only jobs which Americans would refuse. In Los Angeles, 50 percent of the apprehended aliens held jobs in heavy construction and were earning $4.50 to $6.50 per hour. Only 30 percent were involved in low-paying nonindustrial labor.

Unknown millions of dollars remain uncollected in income taxes. Many aliens send money to their country of origin where their families reside, causing losses to our balance of payments. Others bring their whole families here in hopes of eventual naturalization. Since preference for naturalization is given to those aliens who have relatives as citizens, a new dimension of the problem has been created. One immigration file shows that 14 persons became legal residents because one illegal alien had a child here. One parent and then another was admitted because their child was a citizen; they petitioned to have other children admitted; and then to have the children of their children admitted, plus the parents of their children's spouses; and finally, their own parents. In other cases, fraudulent marriages are arranged in order to gain citizenship. Quoting Attorney General Saxbe,

> They mock our system of legal immigration.

Illegal aliens, aware that they have violated laws in the past with impunity, and knowing that Federal officials have no knowledge of their presence in this country, have very little incentive to obey other laws which affect them. In Los Angeles, a recent study showed that in one month, 36 percent of those arrested on felony charges were illegal immigrants. Not only are these people breaking immigration laws and minimum wage regulations, but they are involved in more serious crimes of violence and theft.

If we can effectively eliminate illegal aliens' chance of employment in the United States, these subsequent problems will subside since illegals will have no reason to enter this country. Again, ZPG recognized this need and recommended that,

> The main thrust of any illegal alien policy must be towards preventing entry, thus minimizing the need for detection procedures within the country. Since the prospect of employment is the magnet that draws illegal aliens, employers should be effectively prohibited from knowingly hiring illegal aliens.

I have introduced the Alien Employment Act, S. 1928, in order to share the responsibility for preventing illegal employment among the individual employee, the employer, the U.S. Attorney General, the Social Security Administration, and the Immigration and Naturalization Service. The success of this plan depends almost entirely on the cooperation achieved by these groups. I believe their efforts toward a common end will stimulate a natural, rapid solution to the alien problem.

Mr. President, we need immediate information about the existence of present aliens. At the outset, S. 1928 would require a nationwide screening of present employees by their employers using a very simple identification check. The employer would then be requested to make ongoing checks of new employees. Those individuals who are unable or unwilling to appropriately identify themselves would be reported to the Attorney General who would make further inquiries through the Immigration and Naturalization Service and the Social Security Administration. Persons found to be illegally employed would be referred back to the Attorney General for his action in enforcing present immigration laws.

It is the most inexpensive alternative since no agency would be created, nor would any new universal means of identification be required. Present social security cards should be sufficient. No invasions of privacy are involved since the employee may refuse compliance. The employer will merely inform the Attorney General of his refusal.

I am submitting for the RECORD a more detailed summary of the responsibilities under the act of the employer, the Attorney General, and the Social Security Administration. In the course of considering what type of action we should take with reference to the problem of illegal alien employment, I would warn my colleagues in the Senate against relying on too simplistic a solution. It has been proposed, for example, that all we need to do is make it illegal for the employer to hire those not entitled to employment and the problem will go away. However, such a prohibition, standing alone, will not do the job. The employer has no means at his disposal to determine who is entitled to employment and it would be absurd to expect the alien to admit his own illegal status. Only the Government has the resources to make that determination.

I remind my colleagues that this solution to the illegal alien problem can provide 1 million American citizens with jobs in 1 year by simply improving our enforcement of present immigration laws.

I ask unanimous consent that the summary mentioned above be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

THE ALIEN EMPLOYMENT ACT, S. 1928

This legislation is the culmination of months of research and meetings by the Senator and his staff with employers in the State of Oregon and federal officials in Washington, D.C. The purpose of this bill is to prohibit the employment of aliens in the United States who are not lawfully eligible for such employment. The following is a summary of the bill in terms of the responsibilities allocated to those who would have a role in prohibiting alien employment.

I. RESPONSIBILITIES OF THE ATTORNEY GENERAL

The Attorney General, in coordination with the Immigration and Naturalization Service, is generally responsible for administering and enforcing the bill. He is directed to prepare an affidavit for use by employers and emloyees. The affidavit contains two certifications:

1. A certification by the employer that he has seen, with respect to each employee, a social security card and such supporting documentation as the Attorney General requires. The social security card is evidence that the employee is legally entitled to employment in the United States and the supporting documentation is evidence that the person identified on the card is the same person presenting it.

2. A certification by the employee that such employee is lawfully entitled to employment in the U.S. and that the identification presented has been issued to such employee and is valid. The bill does not authorize the Attorney General to require the issuance or presentation of any form of universal identification not already in existence.

The employer returns affidavits to the Attorney General with respect to each employee. The Attorney General refers two classes of affidavits to Social Security:

1. An affidavit which an employee refused to complete.

2. An affidavit with respect to an employee who does not have a social security card and/or the required supporting documentation.

II. RESPONSIBILITIES OF THE SOCIAL SECURITY ADMINISTRATION

Social Security is authorized to issue accounts only to persons lawfully entitled to employment in the U.S. Also, they are directed to check their records for the Status of employees referred to them by the Attorney General. Persons who have been referred and who do not have accounts will be invited to apply. All questionable cases shall be referred back to the Attorney General.

Social Security is given a maximum of five years to complete a current effort underway to fully automate their records. Prior to automation, Social Security will check only the status of employees referred to them by the Attorney General. The instances in which referrals are made have been limited because of the time it takes Social Security to make each individual check. After automation, the Attorney General will request Social Security to check the status of each new employee in the country as they apply for work. The advantage of checking everyone is that some employees not entitled to Social Security accounts will have false cards and supporting documentation and will not be located by the screening process unless every employee is checked.

III. RESPONSIBILITIES OF EMPLOYERS

Under the supervision of the Attorney General, the employer conducts a survey of employees utilizing the affidavits furnished by the Attorney General. This initial survey is a one time screening of all the employer's employees. Also, each new employee is surveyed prior to employment. All affidavits are returned to the Attorney General. The employer has no power or responsibility to compel completion of the affidavit by the employee. Nor is the employer required to terminate employees hired or disqualify applicants for employment for their inability or refusal to complete the affidavit. By completing the employer's portion of the affidavit and returning it to the Attorney General, the employer has satisfied the requirement that employers shall use "due diligence" in observing the alien employment prohibition.

V. PENALTIES

Employers who knowingly and/or without exercising due diligence employ persons not entitled to employment in the U.S. are subject to a maximum penalty of $1,000 for first offenses and $1,000 and one year's imprisonment for second and subsequent offenses. While the requirement of due diligence is satisfied with respect to each employee for which the employers submit to the Attorney General an affidavit, it is still an offense for an employer to knowingly hire a person not entitled to employment in the U.S.

Aside from the foregoing penalty, penalties for smuggling aliens and counterfeiting visas and other alien identification and social security cards have been increased.

SENATOR RANDOLPH STRESSES IN A SIGNIFICANT ADDRESS THAT ECONOMIC DEVELOPMENT STRENGTHENS AMERICA

Mr. CULVER. Mr. President, the success of any Government program depends to a great extent on how it is implemented at the local level. At a time when the condition of the economy is of major concern to all of us, attention is focused on the men and women in the field who carry out Federal programs to help stimulate recovery from the recession.

This week a substantial number of these individuals, the economic development representatives of the Economic Development Administration, are meeting in Fort Lauderdale, Fla., to share experiences and ideas and to examine the challenge before them.

The 3-day meeting is a workshop in the truest sense of the word. The sessions devoted attention to the elements of the economic development program and the procedures for enabling urban and rural communities to avail themselves of the assistance which this constructive program provides.

The attitude of these field representatives is positive. Their dedication to their work is evident. There are some who characterize Federal employees as a useless, indifferent bureaucracy. The hardworking economic development representatives refute such a characterization.

On Tuesday night the conference banquet was addressed by Senator JENNINGS RANDOLPH, the chairman of the Senate Public Works Committee and one of the leaders in formulating economic development legislation. Representative DON CLAUSEN of the House Public Works Committee spoke earlier.

Secretary of Commerce Rogers C. B. Morton addressed the representatives yesterday. Senator RANDOLPH and I are pleased that he announced the support of the administration for the programs of the Economic Development Administration. This change of attitude by the administration hopefully ends a period of conflict with the Congress and permits us to move forward in strengthening these programs.

Senator RANDOLPH has been a pioneer in Federal economic development programs throughout the decade since they were enacted. His challenging address was a major review of economic development policy and a discussion of legislation pending in the Senate. Senator RANDOLPH's observations are informative, and I ask unanimous consent that the text of his speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ECONOMIC DEVELOPMENT STRENGTHENS AMERICA

(Speech by Senator Jennings Randolph)

"This time, like all times, is a good one if we just know what to do with it."—Ralph Waldo Emerson.

The condition of the American economy has been a matter of great concern for almost all citizens for more than a year. The high inflation rate gave way with startling rapidity to a serious and continuing recession. Mounting unemployment, sluggish business and a general lack of confidence have contributed to the uncertain and pessimistic feeling that pervades our country.

As men and women whose careers are dedicated to improving economic conditions throughout this land you have seen the impact of the recession. You are also the regular recipients of pleas for help as communities everywhere struggle to reestablish their economic vitality. As you face these problems on a daily basis be assured that those of us in Washington are working to provide you with the tools to help stimulate a sound recovery in America.

The Congress and the Administration want to create programs that will restore economic strength and put us again on the path to healthy growth. New laws have been enacted, others are in various stages of development. The Economic Development Administration itself is moving forward with vigorous new leadership under Assistant Secretary Wilmer D. Mizell. The program now is run by a man who knows its operation from the congressional side as well as from the Executive Branch. As a Member of the House of Representatives he helped write economic development legislation and he knows what it was intended to accomplish. Now he is carrying out this intention.

The Senate last week passed an important economic development bill. In a few days we will debate and vote on a second measure. Last week by the vote of 92 to 1, the Senate passed a bill continuing the Appalachian Regional Development Program and strengthening the activities of the Title V Regional Planning Commission. Only yesterday we reported a bill, S. 1587, to stimulate the lagging construction industry by means of increased investments in public works facilities. I anticipate that this bill will be considered by the full Senate next week.

The thrust of this legislative proposal is apparent from its title, the Public Works Employment Act of 1975. It authorizes the expenditure of $2.125 billion for public works programs and will be administered through the Economic Development Administration. These programs are geared particularly to speedy implementation and high job production.

We continue to receive conflicting analyses about the extent and duration of the recession. On one hand we are told that the recession is ended and that an upswing in the economy is imminent. On the other hand we know that 8 million Americans who want to work are still without jobs. Unemployment remains particularly severe in the construction industry with a national average of more than 20 percent. In some locations, particularly large cities, the situation is even worse.

During recent Committee hearings we learned that construction unemployment in Miami was 49 percent. This is a figure comparable with other cities. Rochester, New York, recorded a high of 61 percent unemployed among the construction trades. In Cincinnati it was 32 percent, Phoenix 40 percent, Newark 32 percent and St. Louis 24 percent. These figures do not show the dramatic decline in the length of the work week of construction workers. This makes them statistically counted as employed but, in fact, they are clearly underemployed.

Historically, public works programs have been used to create jobs whenever the economy reached recessionary levels. They have been effective in placing people back to work in actual construction and in stimulating many jobs in other fields. During the depression of the 1930's, for example, great public works program employed millions of Americans in highly productive and constructive jobs. These efforts have the benefit of providing people work in a time of great need. They also created lasting community improvements, many of which are in use today.

Earlier this year the Congress gave considerable attention to public service jobs as a means of alleviating unemployment. This approach is useful for it enables people to be placed to work quickly. But public service employment does not have the permanency that does public works programs. The bill reported this week, S. 1587, is aimed at public works jobs and permanent improvements for communities. As reported by the Senate Public Works Committee, this bill amends the Public Works and Economic Development Act to add an additional $2.125 billion for anti-recession construction programs during the 1976 fiscal year.

It is a relatively simple bill, concentrating its thrust in three areas. The first of these provides $1 billion for grants to State and local governments for public works projects. This is the approach taken by similar legislation in the House of Representatives.

These funds could be used for a variety of purposes. They could provide the local matching share for other Federal funds, thereby starting projects that have had to be placed on the shelf. They could directly attack problems of inflation by supplementing funds for projects that have had to be stopped because of increased costs. Furthermore, and this is a feature that attracts many communities, these funds could finance local construction projects at 100 percent of the cost.

During our hearings on the effects of the recession and how to overcome them the Committee learned that there are many renovations, repairs and other improvement projects for public works facilities that can be quickly initiated. For instance, a study in 1974 of the condition of higher education facilities found that more than $8 billion could be spent in this manner.

The second part of the bill amends Title II of the Public Works and Economic Development Act, the business development program. It would increase the present authorization of $75 million for this activity to $200 million. The Members of the Committee believe that private business must receive proper support to weather the recession. Only if they survive can these enterprises, many of them small, contribute to job production. The additional funds for Title II are intended to offset the difficulty small businesses are having in finding financing in this time of economic instability.

The third authorization in S. 1587 is $1 billion for the Title X Job Opportunities Program. This is the activity which has the greatest job-creation potential. More than 90,000 jobs can be created by the obligation of these funds.

The Job Opportunities Program was created last year in the Emergency Jobs and Unemplomyent Assistance Act. An initial appropriation of $125 million was provided early this year. But this money was allocated only last month following a six-month delay. Already, however, 16,000 jobs have been made possible at an average cost of $11,500 per job. An additional $375 million, which was part of the original authorization was appropriated in the continuing appropriations act. The Committee on Public Works has urged that these funds be set to work immediately. It is reasonable, therefore, that an additional $1 billion will have a substantial impact on unemployment. This is possible because the Job Opportunities Program is geared toward projects with high labor utilization.

I know that many of you are concerned with the immediate problems of the economy. The years ahead are also deserving of our consideration. The American economy has an underlying strength and resilience that will enable it to recover from the current recession, particularly under the stimulus of congressional programs implemented by those of you who work in the field. We must consider, therefore, the long-range efforts that will, if not eliminate, at least reduce the possibility of further recessionary periods and their attendant hardships.

The Senate Public Works Committee Members for several years have been working toward the establishment of a national economic development program. We know the validity of the value of diverse local economies supported by community facilities and institutions that protect them against sharp deviations in the economic cycle.

We are moving in the direction of such a program. There is considerable support in the Congress for economic development programs. Only one vote was recorded last week in opposition to the Regional Development bill. A similar measure considered earlier in the House of Representatives attracted only 67 opposition votes. Earlier this year the Emergency Employment Act which contained substantial increases in appropriations for EDA attracted great congressional support even though this was a measure vetoed by the President.

The Economic Development Administration itself seems to be headed for better days. You will recall that in the recent past the Administration has proposed the abandonment of the EDA program. With congressional support it has been continued. We now expect the Office of Management and Budget to recommend at least a two-year extension for EDA. This is a substantial reversal of their position and one that augers well for the future of EDA. Never have the programs of the agency been more popular among governors, mayors and the Congress. This, in part, is a testimony to the productive job you have done with limited funds.

During periods of high unemployment such as affect our country today we learn the value of a job. The means to earn a living to support the family is indeed a precious possession. We have also been reminded in these recent months that it is a fragile possession, and one that can disappear almost overnight leaving millions of people frustrated, hopeless and afraid. We are faced with an emergency situation of what I hope will be a short duration. What happens in the future depends on those of us in Washington and those of you who are on the firing line setting these programs into place and making them work. I am confident that together we can indeed enable our country and our people to continue the progress and growth that has characterized us for the nearly 200 years of our life as an independent nation.

For inspiration, we can turn our thoughts to the words of Abraham Lincoln as he spoke in 1862:

"The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew, and act anew. We must disenthrall ourselves, and then we shall save our country."

IMPLEMENTATION OF TITLE IX

Mr. CLARK. Mr. President, passage of title IX of the education amendments of 1972 was hailed as an important step in improving the status of women.

Title IX, which banned discrimination against women in the education system, was far-reaching legislation that promised to help provide the equality of opportunity so often denied to women, both as students and employees of the education system.

Unfortunately, title IX has remained largely unenforced in the 3 years since its passage because regulations governing its administration had not been prepared by the Department of Health, Education, and Welfare.

Those regulations are on the books now, however—they became official this week—and the groundwork has been laid for equalizing the opportunities and status of women and men within our school systems.

In recent weeks, a great deal of controversy has arisen over the portion of the title IX regulations relating to athletic programs. Some people suggested that the regulations should have been disapproved by Congress because of these portions. But committees in both the House and the Senate decided against this course of action, and wisely allowed the regulations to go into effect. Further delay in implementing title IX would have been a serious mistake and contrary to the wishes of Congress which indicated its intent on this 3 years ago. Even now, it will be 3 more years before college and universities must comply with the law, and 1 more year before elementary and secondary schools must comply.

While the athletic portions of the regulations garnered most of the attention, it should be noted that the impact of title IX reaches much further than the gym class and the athletic field. The regulations require equal treatment for men and women in faculty hiring, financial aid, vocational training, admissions, housing, counseling services, and other educational activities.

Its importance cannot be overestimated. The early education and socialization of children plays a large part in the development of attitudes and career motivation. It helps shape the way they view themselves and each other. Undoubtedly, the education system as it presently exists—with its built-in discrimination and stereotypes—has strengthened the belief that women should play subservient roles to men throughout life.

The development of those steroetypes begins early—in the elementary schools, where women traditionally are the classroom teachers, but few are the supervisor or principal. A National Education Association survey showed that while more than 80 percent of the elementary schoolteachers in the 1972–73 school year were women, women represented less than 20 percent of all principals of elementary schools. On the secondary school level, the study showed that less than 2 percent of the principals were women. The position of school superintendent was found to be almost exclusively held by men—only 65 of about 13,000 school superintendents were women.

This same pattern continues into the university level where a Carnegie Commission study found sex to be a more persistent factor in salary discrimination than race. On the average, women faculty members in universities receive $1,500 less annually than faculty men.

Discrimination in hiring and salaries is especially cruel because it affects the economic well-being of the people involved. The fact that it is so pervasive in an education system funded by the money of taxpayers—both men and women—is intolerable, and title IX will provide the legal basis for challenging that discrimination.

Certainly, not all of the discriminatory practices are the result of deliberate attempts to prevent women from advancement. Much of the failure of women to achieve the status men have achieved in our society can be attributed to centuries-long traditions—traditions that unfortunately have been perpetuated by an educational system that has portrayed boys and girls in distinct male and female roles and has helped guide them toward the traditional vocations and interests.

Boys are supposed to take shop classes and girls are supposed to take home economics, and in the great scheme of things, the girls will grow up and have a Prince Charming to take care of them for the rest of their lives. But that is not always the case. Consider these statistics:

Forty percent of the U.S. labor force is made up of women.

Even if a woman marries she can expect to work for about 25 years; she will work for 45 years if she remains single.

One out of every eight families are headed by women.

One out of five minority families are headed by women.

In the last 50 years, the longevity rate for women has increased by 20.6 years for women and only 13.8 years for men.

The majority of old people who are poor are women.

Clearly, all women will not be taken care of forever by a Prince Charming. Indeed, many will be the family breadwinner—and they need better preparation for their roles as wage earners than the present education system is giving them.

This spring, the U.S. Office of Education published a study of vocational education programs around the country, and the results illustrate how vocational opportunities are limited for women. According to the report, young women—who represent the majority of the students in vocational education programs—are in female intensive programs which limit their gainful employment opportunities to about 30 options while young men in male intensive programs are learning over 90 employment options.

The title IX regulations will end that disparity by opening enrollment in all vocational courses to members of both sexes. It will mean that now men and women will have the same opportunities to pursue their vocational interests, and will be equally prepared for employment after graduation.

Most importantly, it will help break down the barriers—some imaginary, some real—that have prevented women from entering many traditional male fields, from actively seeking advancement within their professions, and from reaching their full potential.

The most publicized portions of title IX have been those relating to athletics. Many persons involved with men's athletics programs—notably at the college level—voiced concern about the impact of title IX on big-time college athletics. No one wants to see these programs destroyed, nor can we reasonably expect that this will happen when title IX is enforced.

What will happen is that women, as well as men, will now be able to participate fully in athletics. No longer can women be relegated to inferior facilities, equipment or scheduling options. Title IX will not require equal spending, but it does require equal opportunities for men and women in athletics. A look at present spending figures reveals an unbelievable inequity—of the $300 million spent annually on collegiate athletic programs, only 2 percent is spent on women's athletics.

It cannot be argued that there is no interest in women's athletics. The Association for Intercollegiate Athletics for Women, which administers women's intercollegiate athletic programs, was formed in 1971 with 280 member schools; today the group's membership totals more than 650.

Spectator interest is not lacking either. When the National Collegiate Women's Basketball Tournament finals were held in Madison Square Garden this year, 12,000 fans were on hand. In my own State of Iowa, the State high school girls' basketball tournament annually attracts a packed auditorium.

It is obvious that enthusiasm for women's activities is growing and that these programs will continue to involve more and more people. With that, the entire field of athletic endeavor—men's and women's, professional and amateur—will be strengthened.

The barriers that have been constructed against women over the years desperately needed to be torn down, and Congress helped to do that through the 1972 Education Amendments. Implementation of the title IX regulations certainly is not going to bring an instant end to discrimination. We still must demand strict enforcement. But with this week's action, we have the basis for bringing about change—for ending practices that unfairly penalize women in the education system, and often carry over to other areas as well.

CONFLICTING FORCES OF INFLATION

Mr. HUMPHREY. Mr. President, no matter how many times, as chairman of the Joint Economic Committee, I repeat the fundamental lessons of the serious inflation-recession condition of America's economy, the policymakers in the administration have turned deaf ears.

It is time they began listening to and heeding, not just what I am saying, but what economy watchers around the country have been saying for quite a while now. There can be no further excuse, and ex post facto apologies will be viewed with skepticism and scorn.

In the July 13 issue of the New York Times, Thomas Mullaney analyzed the "Conflicting Forces on Inflation," in an excellent and objective fashion. His highly readable article puts the cost-push and demand-pull factors in perspective.

Mr. Mullaney stresses that even the previously "comatose" Council on Wage and Price Stability now recognizes that cost-push and profit-push inflationary pressures threaten to abort the early and vigorous recovery fiscal stimulation could provide. I believe the Council has not been doing enough. The Wage and Price Council is the only vehicle the Government has to encourage big business and big labor to act in a responsible manner when the possibility of abusing market power is present. We have seen this in aluminum, metal cans, and perhaps automobiles within the last few days.

The picture drawn in Mr. Mullaney's article is not pretty: The effects of a U-shaped recession, a Treasury Secretary more concerned with red ink than people's well-being, an energy policy promising only higher prices in the face of OPEC solidarity, and rigid cost structures in industries hit with recession have all caused sagging demand. My opinion is that, if we act with dispatch, the picture is not all that bleak; we can indeed return to prosperity.

One paragraph of Mr. Mullaney's analysis struck me as a particularly cogent summary of recent price events:

> The recent price trends that have been disturbing inflation-watchers include: the aluminum industry's efforts to raise prices by about 2.7 percent even while operating at a depressed 75 percent of capacity; the five percent price increases instituted by the big rubber companies; the notice by General Motors that it plans to raise car prices in the 1976 model year by around six percent; the recent upturn in meat, sugar and other commodity prices; the strengthening of fiber prices, and the boost of three to five cents a gallon in gasoline prices just before the Fourth of July weekend.

Mr. President, I hope all my colleagues will find the time to peruse the entire piece and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONFLICTING FORCES ON INFLATION

(By Thomas E. Mullaney)

While Government officials, economists and others have been taking comfort from the big drop in the nation's inflation rate this year, there are some other analysts of the business scene who are finding cause to worry over the same issue because of a few straws they see wafting in the winds. At this point it is difficult to determine the validity of either position.

The fact that the general rate of price increases has already been halved from its 11 to 12 per cent annual pace late in 1974 has encouraged a number of authorities—mostly in the liberal economic camp—to agitate for more stimulative economic measures in Washington to hasten the country's exit from the recent recession. They feel quite strongly that there's enough slack in the economy to permit decisive actions along that line without the danger of any imminent return to double-digit inflation.

Others are not so sure, especially the Administration's Council on Wage and Price Stability. It has recently sprung up from what appeared to be a comatose state to initiate some vigorous moves, indicating a sense of worry over some trends it sees developing in prices and wages. It has used its only club—"jawboning"—to force a delay on an increase in aluminum prices, pending hearings July 22, and it indicated it would investigate construction wage increases in the West.

There are still too many mixed strains in the economy, and the general outlook is quite hazy, to have any firm convictions on the future path of inflation. The only proposition that seems to be attracting a consensus in economic quarters now is the one that state the economic recovery now getting under way will be slow for the rest of the year at least; it seems to be following a U-pattern, not the V-configuration that some forecasters thought possible a little while ago.

If that proves to be the case, it would have its own inflationary implications—most likely positive—but it would also mean a stubbornly high unemployment rate for some time. And that latter fact, despite the record level of this year's personal income and transfer payments (principally unemployment compensation, Social Security benefits and veterans' aid) will be socially unacceptable and politically intolerable.

As the year goes on, with only plodding economic gains evident, the likelihood of pressures for more Government spending, tax relief and easier credit conditions will increase. And this could intensify the inflationary danger as Washington seeks to finance a growing Federal deficit. Advocates of such a course, however, maintain there is room for such action, a need for it, and a risk that would eventually be rewarded with more production, sales, jobs—and tax revenues.

They could take some encouragement from the statement last week by Treasury Secretary William E. Simon that he no longer fears a budget deficit in the current fiscal year in the magnitude of $80-billion to $100-billion, a development he felt was "a certainty" only six months ago. The Administration has been opposing further stimulation on the ground that it would cause an explosive increase in the Federal deficit, with unthinkable consequences.

Now Mr. Simon is optimistic that the red ink in the Government ledgers can be held to around $60-billion, depending on several assumptions, including expiration of the 1975 tax reductions on schedule. At the moment, he said, he would not favor extension of the tax reductions to next year, but indicated the decision could be kept open for several months. Nevertheless, some critics of current economic policies feel the better budget situation paves the way for some new measures to push the economy along. At the heart of the debate is disagreement over inflationary implications.

The recent price trends that have been disturbing inflation-watchers include: the aluminum industry's efforts to raise prices by abuot 2.7 per cent even while operating at a depressed 75 per cent of capacity; the 5 per cent price increases instituted by the big rubber companies; the notice by General Motors that it plans to raise car prices in the 1976 model year by around 6 per cent; the recent upturn in meat, sugar and other commodity prices; the strengthening of fiber prices, and the boost of 3 to 5 cents a gallon in gasoline prices just before the Fourth of July weekend.

In addition, while the over-all wholesale price index actually declined by one-tenth of 1 per cent in June owing to a major drop in farm and food costs last month, it obscured the fact that the key industrial component of the index actually rose by four-tenths of 1 per cent, double the rise in May. This may signal higher prices for finished goods later on, particularly in the fuel sector.

Another potential worry is the effect of any new sale of United States grains to the Soviet Union—as had been rumored widely in recent days—on the price level of food products in the domestic market. It would depend on the scope of any new sale and how well this crop year actually turns out for American farms.

A moderate-size export deal with the Soviet Union on the order of 7 million to 10 million tons could be handled without strain on price levels here in view of the huge American corn, wheat and other crops envisioned in last week's Department of Agriculture report on farm conditions. Gains of 22 to 30 per cent were indicated for the major crops, but the public sadly recalls the horrendous aftermath of the last big crop deal with the Soviet in 1972, when the Russians bought 19 million tons of food and feed grains at a cost of $11-billion.

It seems ironic that détente has not produced a solution to the secrecy that still surrounds the state of the Soviet harvest and international crop-buying intentions. Even high American Government officials are kept in the dark about Soviet buying until the orders are placed and registered in this country.

There must be less secrecy and mystery about these deals no matter how satisfactory they are from the standpoint of American farmers, who have been bristling under heavy losses of income from depressed prices, high costs and lower overseas sales this year.

It has been estimated that farm income in this country dropped about $14-billion, or almost 40 per cent, on an annual basis in the first five months of this year, while over-all personal income for all sectors of the economy was showing a rise of more than 7 per cent in that period.

If a deal with the Soviet Union or other factors pushes up farm and food prices this year at the same time that energy prices continues their expected upward course, it is feared that the pace of inflation will start accelerating again.

The energy price outlook is quite clouded at the moment, however. While the Administration seems determined to push domestic oil and gas prices higher, through the decontrol process, to foster greater conservation and production, there is considerable confusion and uncertainty about price actions to be taken soon by the Organization of Petroleum Exporting Countries (OPEC).

Earlier it was thought certain that they would institute increases of as much as 30 per cent for the fourth quarter, but now it is not at all clear. Ecuador, the smallest member of OPEC, announced a small price reduction last week that Treasury Secretary Simon termed "the first major crack" in the solid price front of the oil-producing countries.

That may be an overstatement and not a precursor of similar actions by others, but the Petroleum Intelligence Weekly said in its July 7 issue that the top economic experts of OPEC warned members in Gabon last month that "the present situation is likely to produce further price-cutting in member countries and undoubtedly constitutes a real threat to the OPEC price structure and the organization as a whole." With oil consumption around the world contracting as a result of the general recession, some disparities in OPEC oil prices have developed already.

The OPEC group will be observing the pace of economic recovery in various countries to determine whether demand for oil will permit another large upward push in their prices. And they will be noting the outcome of the present battle between the Ford Administration and Congress over domestic energy price controls, which must be resolved one way or another by Aug. 31 when the present authority for controls is scheduled to expire.

Some inflation-watchers on the domestic scene are also concerned about recent wage trends, though the record there is somewhat mixed. Hard times have compelled some unions to moderate their demands or to agree to less generous settlements than in the recent past, but the over-all record for the first quarter shows average wage increases for all industries running at 12.5 per cent for the first year of new contracts, against an average of 7.1 per cent for increases in the first quarter of 1974.

Some fatter wage increases have been won in the construction industry—20 per cent or more in the West—and this has induced concern in the Council on Wage and Price Stability.

Companies that have been raising prices insist they are beset by a rigidity of their cost structure—wages, energy, transportation, taxes—that do not permit a lowering of prices even when their production and sales slump. And some also justify price increases on the ground that they need to assure profit levels to allow for capital investment.

Some optimists see inflation receding to the area of 3 or 4 per cent next year, but that seems hardly likely. It would depend on the simultaneous development of too many favorable factors in the food, fuel and wage areas. It would also depend on a prolonged period of slow economic recovery, muted consumer demands and highly conservative fiscal and monetary policies. Some of them may well occur, but it is not likely that all will appear together. It is too early to take much comfort, therefore, in the thought that strong inflationary pressures have receded.

THE PRICE OF JUSTICE

Mr. ABOUREZK. Mr. President, on June 12, 1975, the California State Bar Association released a study entitled "Price of Justice: Federal Judges' Salaries."

The study provides striking illustrations of the immediate need for the Congress to act to increase the salary of its Federal judges. This necessity can be illustrated by one sentence from the report: "A California municipal court judge now makes $43,500 per annum, with a yearly cost of living increase."

Mr. President, the State of California is paying its lowest State trial court judges a higher salary than we are paying Federal judges. I think it is time Congress got around to giving the needed salary adjustment to the Federal judges. It will be their first since 1969.

Mr. President, I ask unanimous consent that the California State Bar Association study be printed in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

THE PRICE OF JUSTICE, FEDERAL JUDGES' SALARIES

"Congress will not find it politically popular to raise judicial salaries in the midst of recession and rising unemployment. But the alternative is a certain decline in the quality of Justice in the federal courts. In the end . . . that could prove to be far more costly."—Los Angeles Times (January 1, 1975)

I. PRESENT STATUS

Since March, 1969, the salary for Federal District Court Judges has been $40,000 per annum. The freeze on federal judicial salaries has occurred during a period in which the Consumer Price Index has increased 42%. The combination of static compensation and rapid inflation has produced a net decrease in judicial purchasing power of 32%.

Salary levels in other areas of the Federal Government have not remained static. General Schedule Federal Employees have received 38.1% comparability pay increases during the 1969–1974 period and have been further compensated by step increases calculated at 14.2%. These figures indicate an aggregate pay increase of 52.3% since 1969. Had Federal District Court Judges been granted an identical percentage increase, they would now earn $60,920 per annum.

Salaries for state court judges have steadily increased since 1969. In 1969, only one state, New York, offered compensation to its highest justice in excess of $40,000 salary paid to United States District Court Judges. In 1975, twenty states will have matched or surpassed the federal judicial salary level. It is noteworthy that *no* state has left its judicial salary scale unchanged as long as the federal system has. Twenty-six states are operating on scales established in 1974, while thirteen states granted increases for 1975. Thus, since 1974, 78% of the states have increased the salaries of their judges.[1]

The economic deprivation which has been forced upon the federal judges has reduced morale and increased resignations. (An average of one federal judge per year resigns. However, in 1974, six federal judges resigned, five naming economic reasons.) A continuation of the present salary scale will bring about further deterioration of the federal judiciary.

The federal judiciary symbolizes the American judicial system. For it is the federal judiciary which handles cases of national importance. The general public has been made aware of the high level of competence of the federal judiciary through the handling of the Watergate trials. Yet the continued excellence of this body is greatly endangered by the economic sacrifices demanded of it. The increasing financial attractiveness of private practice will continue to siphon quality judges from the federal judiciary and will forestall consideration of judicial careers by many able young lawyers. The continuation of this trend will effectively eliminate the vast majority of potentially able jurists and bring about a federal judiciary composed of individuals who are either independently wealthy or who lack the competency to succeed in private practice.

II. CONSTITUTIONAL RIGHT TO A REASONABLE SALARY

Article III, Section 1, of the U. S. Constitution states: "The Judges, both of the supreme and inferior courts, shall hold their Offices during good Behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office."

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[1] Figures are from the National Center For State Courts, Quarterly Survey of Judicial Salaries in State Court Systems, Vol. 1 No. 4, March 1, 1975.

The protection afforded the federal judiciary through lifetime tenure and nondiminishable salary was designed to safeguard judicial independence from pressures of the legislative and executive branches of government. The founding fathers were well aware that an independent judiciary was essential to the republic, and recent years have proven this to be true. Concern for judicial independence was evidenced in the Declaration of Independence, which named as one of the intolerable abuses of the King of England, that, "He has made Judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries."

Alexander Hamilton, concerned over possible oppression of the judiciary by the executive and legislative branches, strongly supported the purposes of Article III of the Constitution. On the issue of tenure, he wrote. "The standard of good behavior for the continuance in office of the judicial magistry, is certainly one of the most valuable of the modern improvements in the practice at government. In a monarchy it is a no less excellent barrier to the encroachments and oppressions of the representative body." (Federalist No. 78)

On the issue of judicial compensation, he wrote, "Next to permanency in office, nothing can contribute more to the independence of those judges than a fixed provision for their support. . . . In the general course of human nature, a power over a man's subsistence amounts to a power over his will" [emphasis in original] (Federalist No. 79)

On the issue of compensation, James Madison wrote, "It is equally evident that the members of each department should be as little dependent as possible on those of the others, for the emoluments annexed to their offices. Were the executive magistrate, or the judges, not independent of the legislature in this particular, their independence in every other would be merely nominal." (Federalist No. 51)

While judicial independence has been well protected from direct frontal attacks, it has fallen victim to economic deterioration. In the last analysis, is there any difference between direct diminution of salary on the one hand, and the allowance of progressive economic erosion on the other? In either case, the result is the same, an undercompensated judiciary.

III. STATE BAR SURVEY OF FEDERAL JUDGES SITTING IN CALIFORNIA

California has been in the forefront of the administration of justice. The state court system and the Supreme Court of California in particular, have been considered among the finest in the nation. This is no less true of the federal bench in California. Many leading constitutional decisions have come out of the trial courts of the U.S. courthouses throughout California.

A California municipal court judge now makes $43,500 per annum, with a yearly cost of living increase. A municipal court judge hears small claims cases, traffic offenses, misdemeanors and civil cases up to $5,000. Across the street, a federal judge hears cases that involve the destinies of from one to hundreds of individuals. He hears crimes that involve persons in the highest stations in life up to and including the President of the United States, and actions that involve the largest corporations in the world and issues that affect millions of people.

The State Bar of California has recently conducted a survey of U.S. District Court Judges sitting in the four federal judicial districts of California. One purpose of the survey was to determine the impact of the freeze on salaries on the current cost of living of the judges.

From those judges presently sitting and relating specific financial information, the following information was obtained. The figures are the average of those reported.[2]

General

Age, 57.6 years.
Married, all.
Children, all.
Age of dependent children, 18.6 years.
Average school expenses, $6570 per year.
Population of city of residence, 428,000.
Distance of travel to work, 16 miles each way.
Mode of travel, automobile.
Expense of travel, $1130 per year.
Years in law practice prior to bench, 21.5 years.

Prior practice

Average yearly salary at time of appointment	$50,000
Estimated 1974 income in practice	84,000

Expenses

Realty expenses	5,270
Living expenses	21,500
Income tax	14,500
Property tax	2,350
Other expenses	4,800
(This includes educational expenses of colleges, universities and other schools, as well as travel shown above.)	
Salary	40,000
Average total expenses	48,420
Average expenditure in excess of salary	8,420

It is clear from the survey that we are asking those on the bench to contribute financially in order to remain. It is equally clear that we are telling prospective judges that they must have an outside source of income or reduce their living standards and expectations for their children. In the alternative, we are inviting those individuals who are of advanced age looking for a retirement or those who cannot succeed in the legal profession to seek appointment to the federal judiciary.

V. PENDING LEGISLATION

Legislation was introduced on January 28, 1975, in the United States House of Representatives to increase federal judicial salaries. The matter was referred to the Subcommittee on Monopolies and Commercial Law of the Judiciary Committee.

H.R. 2191 as introduced seeks to amend Title 28 of the United States Code to increase the number of United States District Court Judges and increase salaries of federal judges. In regard to the increase in salaries, it recommends the following scale:

U.S. Circuit Judges	$49,100
U.S. District Judges	46,200
U.S. Court of Claims Judges	49,100
U. S. Court of Customs and Patent Appeals Judges	49,100
U.S. Customs Court Judges	46,200
U.S. Court of Claims Commissioner	41,600
U.S. Bankruptcy Referees	41,600

A second bill was introduced in the House of Representatives on April 17, 1975, by Congressman Tom Railsback of Illinois. H.R. 6150 would, inter alia, raise judicial salary levels as follows:

U.S. Supreme Court	
Chief Justice	$74,500
Associate Justices	72,000
U.S. Circuit Judges	51,000
U.S. District Judges	48,000
U.S. Court of Claims Judges	51,000
U.S. Court of Customs and Patent Appeals Judges	51,000
U.S. Customs Court Judges	48,000
U.S. Bankruptcy Referees	41,000
U.S. Court of Claims Commissioners	41,000

When he submitted this Bill, Congressman Railsback made the following remarks:

"Mr. Speaker, the people of our country have always taken great pride in the standard of excellence of the Federal judicial system. Members of the bench have long been characterized by their exceptional character and intelligence. However, if this level of quality is to be maintained, the judiciary must continue to attract men of the highest calibre.

"Unfortunately, the Federal judicial system is slowly being decimated by our refusal since 1969 to increase the salaries of Federal judges. Since then, the Consumer Price Index has gone up 45 percent while the salaries of State court judges have increased an average of 42 percent and those of Federal employees nearly 40 percent. It is difficult to believe that during this same inflationary 6-year period the salaries of Federal judges and Supreme Court Justices have remained stationary.

"It is in response to this critical situation that I am today introducing a Judicial Reform Act that would, as one of its purposes, provide an immediate 20-percent increase in Federal judicial salaries. This action is clearly necessary if we are to preserve our Nation's tradition of judicial excellence."—CONGRESSIONAL RECORD, HOUSE, April 17, 1975, p. 10509.

It should be noted that neither H.R. 2191 nor H.R. 6150 provides for any regular cost of living adjustments. That this can be provided for is evidenced by the California system of judicial compensation. Government Code § 68203, for example, provides in pertinent part:

"[O]n the effective date of the 1969 amendments to this section and on September 1 of each year thereafter, the salary of each justice and judge named in Sections 68200 to 68202, [Chief Justice and Associate Justices of the Supreme Court, Presiding Justices and Associate Justices of the Courts of Appeal, and Superior and Municipal Court Judges] inclusive, shall be increased by that amount which is produced by multiplying the then current salary of each justice or judge by the percentage by which the figure representing the California consumer price index as compiled and reported by the California Department of Industrial Relations has increased in the previous calendar year."

A similar provision could be added to either of the Federal bills now pending, based on the National Cost of Living Index.

V. ALTERNATIVE COURSES

The threat of a lawsuit looms on the horizon. It would be based on the language of Article III that "Judges . . . shall receive . . . a compensation, which shall not be diminished during their continuance in office," and on the premise that this clause is self-executing. "Compensation" means purchasing power, not dollars (*Matthew* v. *Allen*, 360 SW2d 135), and there is no question that the purchasing power of federal judges has precipitously declined in recent years. It has also diminished in comparison to the increased salaries of members of the state benches, and wage-earners and professionals in general. The lawsuit, perhaps in the form of a class action in the Court of Claims, would be aimed at tying federal judges' salaries to a realistic appraisal of the rise in the cost of living.

The filing of a class action would have a secondary effect which would be as far-ranging as the lawsuit itself. All federal judges would have to disqualify themselves in all cases in which the United States was a party. The ensuing dilemma would quickly force a confrontation between the judiciary and the other two branches of government on the question of salaries. This course of action is a drastic one, and hopefully Congress will render it unnecessary by shouldering the responsibility for increasing salaries itself.

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[2] Of the judges questioned, 18 out of 41 gave information which was sufficient to use in the tabulations. There are presently 41 U.S. District Court Judges in California; 35 are sitting pursuant to Section 133 of Title 28 of the United States Code, and 6 are sitting as senior judges.

VI. CONCLUSION

Based upon the foregoing, the State Bar of California recommends that legislation be introduced to amend the applicable present statutes to reflect the following salaries for Federal Judicial Officers:

U.S. Circuit Judges, 28 USC 44(d)	$60,000
U.S. District Judges, 28 USC 135	55,000
U.S. Court of Claims Judges, 28 USC 173	60,000
U.S. Court of Customs and Patent Appeals Judges, 28 USC 213	60,000
U.S. Customs Court Judges, 28 USC 252	55,000
U.S. Court of Claims Commissioner, 28 USC 792(b)	42,000
U.S. Bankruptcy Referees, 11 USC 68(a)	42,000

The State Bar further recommends that an automatic cost-of-living increase provision be made part of the compensation plan. All of these recommendations could be accomplished by amending either H.R. 2191 or H.R. 6150.

The results of the survey clearly demonstrate that the economic plight of federal judges sitting in California is such that Congress must give top priority to the salary situation. In order to keep these on the bench and attract the best of the legal profession, we must face this issue immediately. The Country and Californians cannot expect the best qualified individuals to seek the federal judiciary when before they can take the bench, they are forced to rely upon outside income to house, feed and educate their families. The sole concern of the State Bar is to preserve and foster a strong and independent judiciary.

THE BOARD OF GOVERNORS,
The State Bar of California.

NEW U.S. SUGAR PROGRAM NEEDED

Mr. INOUYE. Mr. President, I wish to bring to the attention of my colleagues a recent article which appeared in the July issue of Economic Indicators, the monthly report of the First Hawaiian Bank, entitled "Needed: A New U.S. Sugar Program." It is deserving of the attention of everyone interested in this matter, whether that interest is motivated by the desire to protect the consumer and provide him with a plentiful supply of sugar at reasonable and stable prices or guaranteeing the domestic producer a stable share of a stable sugar market and reasonable income assurances.

For some 40 years the U.S. sugar program worked to the mutual advantage of the consumer and the domestic producer not only at no cost to the Government but actually bringing in some $600 million to the Government in excess of program outlays.

I was pleased to note that the House Agriculture Committee has held hearings recently on the need for new sugar legislation. I am hopeful that my colleagues in the Senate will similarly take a good look at the need to reenact legislation which has so well served the needs of our Nation in the past.

I ask unanimous consent that the article referred to be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEEDED: A NEW U.S. SUGAR PROGRAM

The world has just gone through a sensational escalation and an equally spectacular collapse of sugar prices. Both the peak price levels last year and the rapid and precipitous decline to current levels were unexpected in most quarters. The result of this disturbance has been a severe dislocation of the market—affecting producers, refiners, industrial users, retailers, and consumers. The supply-demand imbalance that caused this wild swing in prices may take some time to correct, and even if corrected, the factors that caused this swing could flare up again with the next crop or the following. The world has learned by experience that the best way to maintain guaranteed supplies at reasonable prices is through negotiated agreements fair to both producer and user. This is why the U.S. Congress should enact a new sugar program to replace the Sugar Act, which worked so successfully for 40 years before it expired at the end of 1974.

Last year, the best estimates were that there would be a shortage of sugar because adverse weather conditions cut the beet sugar crop in Europe and drought reduced the cane crop in many of the sugarcane areas in the Northern Hemisphere in the face of record high demand. Demand has been steadily increasing as expanding disposable income around the world has made it possible for millions of people to afford this historically low-priced commodity. The price of sugar had hardly been above 15 cents a pound, and that was way back just after World War I. Since then the record high before 1974 was 13 cents in 1963. The world shortage last year caused a lot of stockpiling by industrial users, especially in developed countries. In this country the New York spot price broke through the old record in February 1974 and kept on escalating steadily until October when the price jumped from 34 cents to 64.5 cents in 51 days, peaking out on November 20.

The decline in the spot price has been equally dramatic, dropping below 50 cents by the first week in December, below 40 cents in late January, and below 30 cents in early March. Through most of June, the price has been hovering around 15 cents. So in 18 months the price skyrocketed from 15 cents to 64.5 cents and back to 15 cents.

The demand for sugar had long been considered inelastic, but high prices last year generated massive consumer resistance. The food and beverage industry turned to sugar substitutes, mainly fructose type sweeteners made from corn syrup. These were the two main factors that softened demand for sugar way below earlier estimates.

Large inventories accumulated at high cost last year by industrial users in the U.S. and Japan are being worked off slowly in the face of reduced demand, and this has depressed prices much sooner than expected. But there are signs now that demand is beginning to improve slightly, with the price rising to 21½ cents by July 11.

The big question now is how large will the next crop be. Beet growers in Europe intend to increase their acreage by 8 percent over the last crop. And beet growers in the United States expect to increase their acreage by 22 percent. If weather is normal this year, world sugar production for the crop year ending August 1976 may exceed world demand by a few million tons, something that doesn't happen very often. Although the developed nations have a temporary surplus, the world supply situation is still tight. If weather adversely affects the European beet crop, for example, a shortage could develop again, leading to another round of price escalation.

Trade agreements between producing and consuming nations broke down in the past year or two when prices escalated unrealistically. But new agreements have been or are being negotiated around the world in order to guarantee sufficient supplies at fair prices.

It would also be prudent for the United States Congress to legislate a new sugar program in order to protect domestic producers, processors, and consumers from the gyrations of sugar prices that are bound to happen if we remain in the unstable world market. The United States enjoyed 40 years of guaranteed supplies at reasonable prices until it became apparent to supplier nations in the spring of 1974 that Congress probably would not extend the Sugar Act. Then the supplier nations had everything to gain by not fulfilling their U.S. quota and selling their sugar in the higher-priced world market—a market that normally is priced below the domestic market. This forced the U.S. Department of Agriculture to go to the world market to make up that shortage, which forced domestic prices higher.

One misunderstood issue in the debates about the Sugar Act was that of "compliance payments" which many people mistakenly equated with crop subsidies. Subsidies for food grains and other agricultural commodities were always paid out of general tax revenues and therefore were an expense to the federal government. But compliance payments to domestic sugar producers who complied with requirements set by the Department of Agriculture were financed by an excise tax on refined sugar—a tax which has been a money-making proposition for the U.S. Treasury. In fact, since the first Sugar Act became law in 1934, the program has put more than $600 million above its costs into the U.S. Treasury.

Now that we have had this dizzying demonstration of what happens to prices without the Sugar Act, Congress should see that a new sugar program similar to the expired program would be in the best interest of everyone.

ARE WE BEING PRICED OUT OF A VIABLE NATIONAL DEFENSE?

Mr. McINTYRE. Mr. President, it is not often that I single out a Department of Defense official for special recognition. However, there is one who made a significant impression when he appeared for the first time before the Armed Services Subcommittee on Research and Development last April. I refer to Dr. George Heilmeier, the new Director of the Defense Advanced Research Projects Agency.

He impressed the members with his straightforward manner, his candor, his confident grasp of a wide range of advanced and diverse technologies, and with the enthusiasm of a young but experienced expert. In short, Mr. President, his performance was refreshing.

Dr. Heilmeier delivered the keynote address to the Tri-Service Radar Symposium at Monterey, Calif. on July 15. His remarks bear repeating and represent both a criticism and a challenge. He asks a simple but profound question which strikes a responsive chord and pinpoints the overriding concern of the Congress and the Nation; and then he proceeds to spell out the approaches to a meaningful solution, using radars and electronics to illustrate.

His question is simply, "Are we being priced out of a viable national defense?"

His treatise on this question bears reading by my colleagues despite the strong technical flavor.

I ask unanimous consent to have his address printed in the Record.

Dr. Heilmeier is to be complimented, Mr. President, for his timely and meaningful statement. It is my sincere hope that others in the Department of Defense and in industry will take up the challenge and strive to get more value for each dollar appropriated for defense.

There being no objection, the address was ordered to be printed in the Record, as follows:

RADAR—SOME QUESTIONS AND SOME OPPORTUNITIES

INTRODUCTION

Having spent the past few years examining individual Service electronics R&D programs, I can truthfully say that meetings such as this Tri-Service Radar Symposium could well be emulated across the entire electronics field. The opportunity to focus upon advanced radar technology and achieve an open and frank exchange of ideas and innovations has to yield a payoff in better R&D planning and, hopefully, a reduction in unnecessarily duplicative efforts.

My comments will be offered, not as an expert in the radar field, but as an observer over the past few years. In my present position, I am no longer responsible for examining programs that meet the short-term needs of the Services. I am not directly in the radar R&D chain, attempting to formulate, coordinate and improve the details of programs, but I have some questions and concerns which I hope you can translate into opportunities.

Someone once said that the purpose of a keynote address is to raise a maximum number of questions and offer the minimum number of answers. I have no doubt that what I have to say here this morning will meet that criterion. I offer only two questions, namely:

1. Are we being priced out of a viable national defense?

2. Is radar technology still a growth area?

Needless to say, in the search for answers to these two questions, many other questions will be raised and answered. I will not attempt to answer all these questions—only to illustrate why they are raised and suggest where to look for answers.

THE FIRST QUESTION

Let's examine the first question—are we being priced out of a viable national defense? It is too convenient to lay all the blame for the escalating costs of weapon systems on inflation. Admittedly, the current inflation rate exceeds that within the memory of anyone at this meeting (and let us hope we won't be making that statement next year or the year after). However, let's examine what's happening to the price of our military hardware. Inflation is not the whole story. Graphs have been prepared, of necessity on log paper, showing the rising cost of military aircraft over the past 20 to 30 years. The data indicate that the cost of aircraft has increased at 6 dB per decade. In other words, the cost of a typical aircraft quadruples every 10 years. A similar examination of our field armor indicates that the cost of an Army tank has increased at a rate of 3 dB/decade, or doubles every 10 years. You perhaps have heard the extrapolation to the effect that at current annual DoD procurement budget levels, by the year 2036 the Air Force would consist of one plane while the Army would have been reduced to one tank nine years earlier. By that time we will have come full circle on Calvin Coolidge's suggestion to a newly borne Air Corps that we buy just one airplane and let everyone take turns flying it.

In a paper presented earlier this year at the IEEE International Radar Conference, Bert Fowler of Raytheon extended this examination to airborne fire control radars. In this case, he found that the production cost is rising at a rate of 7 dB/decade. Projection leads to the conclusion that by the year 2033 we could buy one fire control radar with the current annual defense procurement budget. So one could have his choice of the radar or the plane, but not both. Admittedly, much of these cost escalations can be attributed to the rising inflation rate, but even a can of beans has not risen in cost by a factor of 5 in 10 years.

Some of you may rise to defend this cost escalation on the basis of stringent Government performance specifications or compressed schedules. Let's examine these points. The trend of increasing performance requirements driving hardware costs continually higher was recognized a few years ago by Deputy Defense Secretary David Packard. He initiated two policies to reverse the trend. First, the "Design-to-Cost" program under which acquisition cost became co-equal with performance specs as the primary consideration. He also initiated the "fly before you buy" approach, which demands the proof of performance before committing hardware to production.

When I speak of performance I don't mean the sporadically excellent performance—when it works, it really works. I mean the kind of performance that is there day in, day out. Dismantled equipment back in the shop, no matter how great the specs, won't win anything. In 1971 when he was at Lincoln Lab, John Allen and his associates conducted a study of airborne radar reliability. This showed continually increasing specified MTBF over a ten year span from 1959 to 1969. Nevertheless, the real measured MTBF always turned out to be about 10 hours. You all know or should know that we usually get only 1/10 the reliability that we specify. There are reasons for this and there is plenty of blame to go around—both for industry and DOD, but now something has to give.

DOD spends approximately $5 billion per year on purchasing new electronic equipment and even more in operating and maintaining it. We want to spend our money in operation, not maintenance, and it's easy to see where the leverage lies. We are buying less and less because it costs more and more to operate and maintain what we already won. To be sure, the equipment has higher performance, but it takes quantity as well as quality to win, and we may be pricing ourselves out of the former. According to RADC data, it costs, on the average $300 to replace a failed electronic part in the field—and this doesn't account for the loss of life, mission effectiveness or the associated inventory costs. You may want to speculate on the implications of warranties for military equipment. Suppose we asked you to provide us with radar service instead of selling us radars. How would your attitudes and designs change if you were responsible for the service instead of a piece of hardware? The space satellite people have shown that it can be done by the use of incentive fees tied to useful satellite lifetime. Industry has risen to this challenge and many satellites have exceeded the stringent lifetime specifications—it can be done.

Deputy Secretary of Defense Clements said in a recent address to the Aviation/Space Writers Association in Dallas: "In our new avionics, we are concentrating on better reliability with present performance, with a view toward lowering life cycle costs." These comments referred to our first line tactical combat aircraft avionics suites. For example, the avionics suite for our new F–16 is expected to cost about $750K, compared to more than twice this for the F–15 avionics. Of this total, the airborne radar is expected to cost $220K on a "design-to-cost" basis. It is predicted to have twice the reliability of the F–15 radar and half the weight at a sacrifice of half the range. It is considered to be the pacing item on F–16 development schedule.

I would like to focus on avionics because experience in this area is fairly typical and applicable to other areas. Suppose we examine the cost breakdown of an existing tactical (airborne) radar. It is coherent with multiple PRF, frequency agility and other goodies.

The baseline production cost is $750K. The breakdown is as follows:

First, the minor items:	*Percent*
Antenna Control	3
Microwave Circuitry	6
Receiver	6
Interconnections and Miscellaneous	5
Now, the real cost drivers:	
Display	15
Transmitter	15
Signal Processing (usually overruns here—software, quality control)	38
Antenna	12

80% of the radar cost is in these last four items—a good place to look for savings. A corollary question is—what performance specs drive the cost of these items? What are we doing to drive these costs down? How many papers at this symposium will even address the issue of technological innovation to reduce costs and improve reliability?

I would like to offer a few suggestions as a starting point:

In the case of the transmitter, why must each new radar have a new tube and power supply design, or at least it seems that way. I think I know the answer—no one wants to change the "system design." When are we going to standardize on transmitter tubes and their associated power supplies? A modular family might be in order.

In the area of displays—when are we going to stop talking about flat panel displays and make standardization and commonality of existing technology a reality? I've heard many reasons why we just can't do without a flat, matrix addressed light emitting diode display for cockpit or shelter use. The latest, after pointing out that 90° deflection five inch diagonal cathode ray tubes don't have to be 14 inches deep, is that high voltage power supplies are unreliable, hence the need for the lower voltage LED display with its 100,000 or more wire or solder bump bands. How's that for improving reliability?

What happened to the promise of phased arrays which supposedly offered the ultimate in modularity and flexibility for transmission and reception?

When are we going to start using standardized ICs instead of custom designs for signal processing? Here is fertile ground for cost and reliability improvements. We never buy enough custom ICs to get very far down the learning curve to either lower cost or achieve the reliability representative of the technology.

Perhaps we should push for common Navy/Air Force avionics. Of course compromises will have to be made, some of them even technical. The avionics package costs in current tactical combat aircraft are running at 20–25% of the aircraft flyaway costs on large production orders, hence there is great potential for savings.

Perhaps what we really need in future proposals is parametric costing. What's the going rate in dollars per dB for signal-to-noise ratio, detection range, detection probability, resolution, accuracy, false alarms? What should the baseline performance cost?

THE SECOND QUESTION

Let's turn now to my second question—"Is radar technology still a growth area?"

We have been working in this area for almost four decades hence it is reasonable to ask if there are potential payoffs which warrant a significant, continuing R&D commitment? The answer is not, in my opinion, an unequivocal "yes." I believe that radar can continue to be a growth area, but it will require a mission area viewpoint, that is, looking at the whole job not just the radar hardware. Let me offer a few random, perhaps naive, speculations to stimulate your thinking in this direction. Although it is a good example, I will not discuss airborne, tri-lateration MTI radar concepts for target acquisition, position location and weapon delivery because we are already working this problem.

Let's begin instead with the problem of precision weapon delivery. Electro-optically guided weapons (smart bombs) are truly a revolution in modern warfare but they don't perform well in bad weather—the case in Europe for most of the winter. Perhaps we need the radar equivalent of EO guided bombs, taking advantage of radar's all weather, day/night capability. Obviously, we can't match the laser designator beamwidth, but maybe we can approach its resolution by getting closer to the target and using millimeter wavelengths. A fearless penetrator to get in close might be a small RPV carrying a millimeter wave designator. RPVs might be more survivable than conventional manned aircraft because of their low observables. So you see it might be appropriate to ask whether it makes sense to carry RPVs and millimeter wave radar which offers reduced size, larger bandwidth, lower ECM vulnerability and higher resolution. But the use of millimeter waves in all weather weapon delivery is only one way of handling the problem. Several ideas have been proposed that use a radar illuminator (not necessarily a narrow beam; in fact, some use synthetic aperture techniques). A target is designated by, for example, a specific range and doppler coordinate and the weapon guides on this point in space. There are a number of practical problems but the concept can probably be made to work.

Looking at another example, let's examine the radar role in target acquisition and battlefield surveillance. In a sophisticated potential battlefield environment such as Europe, the radar's ability to actively search out and locate stationary and moving targets is also its built-in weakness—lack of covertness. Putting this sensor on high value carriers such as combat aircraft gives away its position to electronic emitter locators and anti-radiation missiles. In other words, having all of the avionic "smarts," and with it all of the investment in one valuable but vulnerable spot is cause for concern. This raises an obvious question—why must a radar system be self-contained? In the future, it may be tactically advantageous to explore the bistatic approach. Why can't the transmitter be located in sanctuary areas, such as in space or well behind the FEBA with aircraft and ground receivers operating biastatically, singly or in concert on aircraft or on the ground. Processing could possibly be centralized to keep the cost down, and low-cost data links might be used to transfer the critical radar information from receiver to processor and back to users. Problems can multiply, however, especially in a multistation receiver environment:

Antenna sidelobes are more troublesome where transmitter and receiver are not colocated.

Radar ghosts are more persistent. Several doppler shifts may exist for the same target.

Bistatic target cross section statistics are not as well known or documented as monostatic.

Bistatic cross sections are dependent, not only on aspect angle but also on the value of the bistatic angle.

Clutter levels and rejection schemes must be tailored to the transmitter/receiver pairs, and the potential economy of central processing needs to be evaluated.

On the other hand, quiet receivers reduce the vulnerability of the platform that carries them, lower cost CW transmitters might be used, and target detection ranges may be longer due to higher bistatic cross sections and the $1/^2$ Rvs $1/R^4$ dependence of the range equation.

Finally, let me offer a few words on the subject of the environment. It's quite popular to talk about it, but progress in dealing with it has been slow. The environment I am referring to is the threat environment in which a radar operates. It includes those things which the enemy can impose on the radar to thwart its mission or disable it. These include the full range of ECM techniques, passive and active, such as chaff, jamming, angle deception, range gate stealing, false target generation, time-of-arrival emitter locators, and anti-radiation missiles. Radars of the future should be capable of overcoming this broad range of threat environments simultaneously, without manual mode switching. This suggests the use of frequency hopping, maximum instantaneous bandwidth, random PRF, and long pseudo-random noise coded pulses to counter time-of-arrival and anti-radiation missile threats. These features enhance antijam protection and degrade time-of-arrival and anti-radiation missile threats by causing multipath confusion, degraded pulse sorting and signal-to-noise, and allow for sloping leading edge pulses. These features also dilute jammer power and make intelligent jamming more difficult.

Another area of opportunity which might make radar more independent of its environment is that of adaptive processing for antenna beam sharpening and selective null placement to eliminate discrete interferers such as side-lobe jammers. I would also suggest that we have a hard look at the use of CCD and surface acoustic wave filters rather than digital filters. This might enable us to eliminate the cost of D/A and A/D conversion, and replace a multiplicity of digital filters by a few analog filters. The simplicity of these devices will allow IC approaches based upon high yield, low-cost MOS-compatible processing.

A CONCLUDING CHALLENGE

In conclusion, it might be useful to trace how we got to our present state and where we might be going. I'm going to over-simplify history in order to focus the issues. The period 1940–1950 was an era of discovery and rapidly increasing radar utility. Radar did a wonderful job of providing range and angle information. The period 1950 to the early 1970's is what I'll call the waiting period in which we, by in large, found increasingly more expensive ways to provide the same range and angle information. We tasted all the frequencies in the process. A great deal of fundamental information is developed in detection theory, filter theory and coherent operation. In the process, many ideas are generated but can't be fully implemented until a satisfactory device technology is established. We are now entering the era of fulfillment. During the period 1940 to the early 1970's, radar costs just kept climbing. Now device technology is available which, if properly used, could turn things around. But will we let it happen or will we enter a new round in which we once again trade cost and reliability for more promises similar to the ones we didn't deliver on in the past? Of course, there will always be a few "carriage trade" applications requiring the ultimate in sophistication but let's not lose sight of the vast number of applications that do not require the ultimate.

The answers to the two questions I initially posed are both "yes" unless we recognize the new realities and constraints. The rising cost of radar systems is threatening to price us out of the field, and if we allow present trends to continue, we may yet get to the point of tri-Service ownership of our single radar. Although radar is a mature field, no field is saturated when important problems remain that do not require a breach of fundamental limits. The challenge is to turn these problems into opportunities.

BICENTENNIAL ERA THROUGH ARTS IN THE SCHOOLS

Mr. TUNNEY. Mr. President, we have now entered into what some people refer to as the "Bicentennial Year" where we, as a nation, are to celebrate our heritage, sing our national songs, and dance our folk dances—for 1 year. It has always bothered me that much of the focus of our Bicentennial celebration has been on its climax of July 4, 1976 and not on the exciting Bicentennial era which we will enter after that date. The next 200 years hold the promise that we may truly discover who we are as a people, what we like to do, and what we like to create.

I can think of no greater way to open the doors of awareness to our creative past and promising future than through good programs of arts in our schools. I would like to draw the Senate's attention to a fine article by Nancy Hanks, who is the chairwoman for the National Endowment for the Arts, which appeared in the July 1975 issue of American Education entitled, "The Arts in the Schools—A 200-Year Struggle."

For too long the first curriculum which is cut or laid aside in a situation where a choice has to be made is the art program or anything to do with artistic creativity in the schools. The National Endowment for the Arts has been one positive force aimed at changing the situation. I believe this article accurately projects not only the idea that we can learn about our past through the arts, but also build upon our future.

Mr. President, I ask unanimous consent that the article by Nancy Hanks be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Arts in the Schools—A 200-Year Struggle

(By Nancy Hanks)

It is more sad than shocking that two fundamental parts of American civilization developed almost independently of each other; the arts and general education. Historically, the arts have rarely come first in our schools, which had sterner tasks than pursuing the Muses. "To America one school master is worth a dozen poets," said Benjamin Franklin, "and the invention of a machine . . . is of more importance than a masterpiece of Raphael."

John Adams made a more famous statement and its hopeful promise may yet be fulfilled. "I must study politics and war," he said, "that my sons may have liberty to study mathematics and philosophy . . . navigation, commerce and agriculture in order to give their children a right to study painting, poetry, music, architecture, statuary, tapestry and porcelain." If his vision was noble his timetable went instantly awry; his son grew up to be President too.

Adams's priorities may have been sound for the infant Nation. Physical and political security came first; an expansive economy came next; the arts came last, if at all. But how much really changed until very recently?

For nearly two centuries national leaders voiced high-minded thoughts about the arts—and then went on attending to "matters of consequence," to borrow a phrase from Antoine de Saint-Exupery's *The Little Prince*. They had the approval of the people who elected them to lead. These constituents also elected school boards, trustees, and superintendents of similar utilitarian stripes, and so practicality prevailed in education.

As the Nation became fundamentally more democratic (and as education grew less elitist) schools became increasingly vocational in the basic sense. Schooling was geared to help students bring home leaner bacon than their fathers had, whether the child was to be a "noble yeoman" of Thomas Jefferson's vision or a doctoral candidate in one of today's law, medical, scientific, or educational schools.

By popular if misguided definition, the arts were traditionally deemed less necessary, less American somehow, less manifestly predestined than mechanics, agriculture, technology, and the so-called professions. Certainly the arts came to be taught in the painting academies and music conservatories that grew in the 19th century. But these too were trade schools that isolated students in their own ivory towers and excluded outsiders.

Nevertheless in the past 150 years drawing and singing have managed to move slowly, almost furtively into public schools. That the arts entered the schools at all is the near-miracle. Some highlights of how it happened deserve a swift review.

Music in the schools had a brief heyday on this continent. The first European teacher was Brother Pedro de Cante, a Franciscan in Cortez's train. In 1523 he offered Indian children a curriculum modeled after the medieval cathedral schools. He taught reading and writing, of course, but stressed singing, the making and playing of instruments, and music manuscript copying. The Spanish mission system reached far into the present day United States as its patrons sought heathen souls to save and native gold to ship home. By 1540 Juan de Padilla, another Spanish missionary, was teaching music in what is now New Mexico, a cultural cul de sac far from what would become the turnpike of American development.

In New England a full century later, religious motives were again the prime mover of education—but without musical accompaniment. The purpose of the written Word was to point the way to salvation along a route that became increasingly narrow. In 1643 a Boston pamphleteer explained the colonists' rationale:

After they had built houses and "convenient places for Gods worship and settled the Civill government; one of the next things we longed for, and looked after, was to advance Learning . . . dreading to leave an illiterate Ministry to the Churches when our present Ministers shall lie in the dust." Fortunately, "It pleased God to stir up in the heart of one Mr. Harvard . . . to give the one halfe of his Estate . . . towards the erecting of a College, and all of his Library" which comprised 320 books. After the Connecticut General Court endorsed Yale's founding, it stated, "One principal purpose in erecting this college was to supply the church in this colony with a learned, pious and orthodox ministry."

In 1647 Massachusetts authorized the first publicly supported schools with a law requiring every town of more than 50 households to employ a reading and writing teacher. Many settlers balked at this extravagance and the schools were seasonal to the point of being sporadic as teachers—many of them ministerial candidates awaiting a vacant pulpit—rode circuits.

Understandably, given the fundamentalist standards of the day, artistic subjects were avoided like Satanic infections. Creative curriculums, in the modern sense, were unheard of in grammar schools with their hornbooks, rote methods, and hickory-enforced discipline. Portraiture was left to sign painters, who learned their art as apprentice tradesmen. Interest in music, according to one scholar, "declined almost to the vanishing point" in insular 17th century America while Monteverdi, Scarlatti, and Purcell composed for European contemporaries. What music survived here was liturgical. The second book published in the Colonies was *The Bay Psalm Book* (1640), which set down David's song in metrical verses that could be sung to tunes the immigrants brought with them.

In 1721 one of Franklin's brothers printed a book with musical notation. About this time the "singing school" was becoming popular to improve church music. It was a social and religious adjunct, hardly an educational one. In 1833 the Boston Academy of Music was founded with the revolutionary purpose, among others, of encouraging music in the public schools. A few years later what we'd call a pilot project received charmingly breathless approval in a report to Boston's mayor. It read:

"One thing has been made evident, that the musical ear is more common than has been generally supposed. There are but few in the school who make palpable discords when all are singing. . . . They prefer the play of a hard music lesson to any out-of-door sports. . . . A song introduced in the middle of the session has been invariably followed by excellent effort. It is a relief to the wearisomeness of constant study. It excites the listless and calms the turbulent and uneasy. It seems to renerve the mind and prepare all for more vigorous intellectual action."

In 1836 Calvin E. Stowe reported to Ohio School authorities on European education trends. He said he observed in Germany "the universal success and very beneficial results with which the arts of drawing and designing and vocal and instrumental music, moral instruction and the Bible have been introduced into the schools." He met teachers who "had never seen a child that was capable of learning to read and write who could not be taught to sing well and draw neatly, and that, too, without taking any time which could at all interfere with, indeed which would not actually promote his progress in other subjects." (If Mr. Stowe anticipated John Dewey, he also proved that his wife, the former Harriet Beecher, had all the writing talent in the family.)

The spread of music was slow. In 1860 Philadelphia overseers resolved that there should be a piano in every school. In 1865 New Haven's first music teacher was getting started in school hallways. He moaned "it was very difficult indeed to convince the authorities that . . . musical instruction should be governed by the same rules and regulations that obtained in other subjects." (Then, as now, an innovator's first obstacle was the deportment department.) By 1886 the U.S. Commissioner of Education estimated that music was being taught regularly in less than 250 schools.

Art was academically accepted even later, except in professional schools. Amos Bronson Alcott included drawing from nature for a half-hour a week in the 1830s. But his Temple School was closed because discussion of religious principles was part of the curriculum.

Creative arts were still considered icing on the cake of aristocratic education at a time when most young people got an unleavened diet of practical training in schools. These subjects, as a critic observed, were only "accepted as a means of refining the taste and of giving, particularly to young ladies in private schools, the finishing touch of art to an education incomplete without a few lessons on the harp and a few others in sketching in pencil or sepia."

The first public school drawing classes were promoted by Horace Mann, who published a series of lessons imported from Germany in his *Common School Journal* in 1844. Typically, the purpose was practical, not expressive. "Drawing is a form of writing," he wrote, "and should be taught with it." This art—the rendering of formal and tidy geometric forms—must have been sterile stuff. It wasn't *ars gratia artis* but early mechanical drawing, which had a high marketplace demand as New England's manufacturing capacity expanded with her industrial ambitions.

The U.S. Bureau of Education, precursor of the present Office of Education, ultimately came around to the following point of view: "The element of beauty is found to have pecuniary as well as aesthetic value. The training of the hand and of the eye which is generated by drawing is found to be of greatest advantage to the worker in nearly every branch of industry. Whatever trade may be chosen, knowledge of drawing is an advantage and in many occupations is becoming indispensable. . . . The end sought is not to enable the scholar to draw a pretty picture but to train the hand and eye that he may be better fitted to become a bread-winner." That was written in 1874, two and a half centuries after the first schools opened in New England.

Soon afterward, the Western Drawing and Manual Training Association (the National Art Education Association's antecedent) was organized. Its premise: "New problems in education and child life confront us as the world grows more dramatic. To art we must look for liberty from the mountain-fastnesses of materialism and excessive commercialism." Sound familiar? That was in 1899.

In the same year John Dewey wrote "School and Society," the first of his seminal works that stressed the experimental development of the whole child. He spelled out what previous observers had only hinted at. "The arts are not only intrinsically and directly enjoyable," he wrote, "but they serve a purpose beyond themselves. They are not luxuries of education, but experiences of that which makes education worthwhile."

How far have we come toward accepting that idea? In 1906, seven years after Dewey had set forth his idea the president of the Western Drawing and Manual Training Association told a convention of specialized teachers, "There is a general awakening to the importance of the arts; their value is being realized industrially, educationally, commercially, artistically as never before. . . . With this awakening of interest it becomes increasingly clear that the arts are soon to be accorded the importance they deserve as instruments of education and that they have their definite values not as ends in themselves so much as means in fitting for life." Similar feelings are still being expressed—and in the same hopeful tones.

The New York State Commission on Cultural Resources declared, "The arts not only belong in the schools but the schools and the curriculums are incomplete without them." Undeniable though that point may be, there is little evidence that it receives any particular pushing on the part of educators. Using National Education Association data, the U.S. Office of Education in 1973 ranked public secondary school priorities this way, according to the breakdown of teachers' specialties: English (20.4 percent of the teachers), mathematics, social studies, science, health and physical education, industrial arts and vocational education, business, home economics, foreign languages, music (3.8 percent), art (3.7 percent), then "special education" and "other." According to the same source, in nonpublic secondary schools last year, there were 3,900 music teachers and 1,100 art teachers for 1.3 million students. Only home economics, industrial arts, and the ubiquitous "other" numbered less.

Conceivably one might infer that these breakdowns conceal the proposition that artistic awareness permeates the teaching of social studies, home economics, and the rest. But this isn't the general rule. The arts, where they are taught at all, are often isolated in rigidly designated time slots and cloistered rooms. In many colleges, art history is insulated from painting and sculpture by walls mortared with interdepartmental rivalry. Worse, occupational jealousies still keep educators and professional creators apart. Some teachers and theater people, for instance, seem to get a lot of exercise walking their boundaries in the belief that "good fences make good neighbors" still. Such parochial attitudes are slowly breaking down in places.

The notion of professional painters, writers, and musicians working directly with students is not new. Yet it remains too rarily applied at the scholastic level. In 1934 Grant Wood took up his brush as an associate professor at the University of Iowa. Two years later the first artist-in-residence as such was appointed at the University of Wisconsin College of Agriculture. In 1970 the National Endowment for the Arts began its Artists-in-Schools program in cooperation with the Office of Education. Last year 1,750 musicians, poets, painters, actors, photographers, architects, and other artists worked in 5,000 schools in all 50 States. Frequently the results have been marvelous. Of course, there have been problems too.

While the numbers of Artists-in-Schools are impressive, there are many schools and millions of students still going without any creative opportunities. What an immeasurable waste of human potential and humane resources! How long will it be before teachers and administrators in every school discover or adopt ways to bring the arts to every child—ways of proven artistic and educational merit? This is one of the major challenges for today's schools.

At present, according to findings in New York State, "students in public and private schools can graduate without ever having personally experienced live professional arts programing, and without ever having had the opportunity to decide for themselves whether or not they have the interest or aptitude to participate in the arts as a professional, amateur, or spectator." That situation might have been acceptable when the Nation fought for life in a hostile environment, but it is disheartening now. (And it bears mention that New York has done better by the arts than many other States.)

The problem is that artistic creativity in schools is still considered "a kind of garnish easily set aside like parsley." The Endowment is trying to change that: in doing so it is neither alone nor first in the effort. To cite one important example, in 1968 the JDR3d Fund—named after John D. Rockefeller III—supported the first systematic attempt "to provide experiences in all the arts for all students at every level" in a public school system. Located at University City, Missouri, the project sought as one of its goals "to permeate the general education program with cultural awareness through creative experience." Another goal was to "develop an aesthetically perceptive and responsive individual." Why? Because, as Professor Alvin C. Eurich wrote, "We cannot tolerate another generation that knows so much about preserving and destroying life but so little about enhancing it." Enhancing life, illuminating and enriching it—these are what the arts are all about.

It is worth noting that outside the schools, so-called cultural audiences are expanding at exciting rates. A recent Harris Poll reports that 15 to 20 percent more people each year are attending plays, films, concerts, dance programs, and the like at a time when the number of sports spectators has leveled off.

Moreover, many teachers, institutions, and organizations are trying valiantly to make creative awareness and cultural creativity elementary to education. It's an idea whose time has come; awareness of the intrinsic importance of the arts is spreading beyond the academy's walls. Recently the U.S. Conference of Mayors resolved "that city governments recognize the arts as an essential service, equal in importance to other essential services, and help to make the arts available to all their citizens." The mayors defined "a new national goal; that no American shall be deprived of the opportunity to experience . . . the beauty of life" because of "circumstance, income, background, remoteness or race."

Also encouraging is the prospect of the Bicentennial celebration, which should not only be an occasion to look longingly backward, but an opportunity to really think about why the Nation began, how we got where we are today—for good and ill—and where we want to go from here. Paramount among the Founding Fathers' goals was the triad of life, liberty, and the pursuit of happiness. We've gone far with the first two goals in the past two centuries, and a real achievement of the Nation's third century might be the pursuit of happiness through the creative cooperation of artists of all disciplines and educators on all levels.

THE U.S. RESPONSE AT THE SEVENTH SPECIAL SESSION OF THE U.N.

Mr. CLARK. Mr. President, on September 3 the Seventh Special Session of the U.N. General Assembly will convene in New York to consider the "new international economic order." This session will provide a historic choice to the nations of the world—they can cooperate with one another in confronting the problems of economic development, or they can confront one another with such unreasonable positions that the future viability of our international institutions will be in jeopardy.

The importance of the session cannot be overemphasized—it comes at a time when relations between the developed and developing states have deteriorated markedly. For too many years the industrialized nations have paid lip-service to the developing countries' demands for altering the international economic system to conform with development needs. Continued refusal by the United States and other northern states to negotiate specifically and constructively could result in costly unilateral action by the southern states.

With this background, I would like to call attention to the working paper "A 'New International Economic Order'? An Outline for a Constructive U.S. Response," prepared by Roger D. Hansen, a senior fellow with the Overseas Development Council.

Mr. Hansen first places the developing countries' economic demands—in the fields of trade, assistance, foreign investment, technology transfer, and the international monetary system—in proper perspective. The demands can be fully understood only if they are seen as resting not solely on economic arguments but on political arguments of equity and justice as well.

The proposals for a constructive response call for general efforts to constrain the growing element of confrontation in the political economy issues and turn the debate into less ideological and more pragmatic negotiations.

Specific proposals in the areas of agricultural production and concessionary financing are advanced to assist the poorest "fourth-world" countries. Other specific proposals concerning trade liberalization, commodity agreements to stabilize prices, and participation in international economic institutions would be of greater benefit to the more developed southern states.

Finally, the implications of continued deadlock are explored. The short-term economic costs to the world would range from higher raw materials costs in the United States to stagnation of development in the South. The long-term costs as institutions lose their effectiveness to promote agreements on the diverse problems which confront the world will also prove to be extremely high.

Mr. President, we live in a world which grows more interdependent daily. We cannot afford to let dialog degenerate into confrontation or multilateral cooperation lapse into unilateral selfishness. Mr. Hansen's paper presents constructive ideas for preventing such results.

Mr. President, I ask unanimous consent that the working paper be printed in the Record.

There being no objection, the working paper was ordered to be printed in the Record, as follows:

A "New International Economic Order"? An Outline for a Constructive U.S. Response

(By Roger D. Hauren)

INTRODUCTION

For the past twenty years, and particularly since the founding of the U.N. Conference on Trade and Development (UNCTAD) in 1964, the world's developing countries have grown increasingly critical of major aspects of the various regimes—trade, investment, technological, monetary, and foreign assistance—which together constitute today's international economic system. Particularly within the UNCTAD format, but increasingly within other spheres of the United Nations system, the less developed countries have pressed the industrial countries to modify aspects of these international economic regimes in ways which would contribute to more rapid rates of economic growth within the poorer countries.

In the aggregate, these requests by the developing countries for systemic changes have evoked what can at best be characterized as marginal responses on the part of the industrialized world. One major reason that Northern responses have been limited—if not wholly negative—is that many developed-country economists and policy makers have felt that the international economic system has not discriminated against the developing world to any significant degree.[1] Citing the "success stories" within the developing world, they have consistently held that mismanaged domestic economic policies and development strategies, and not the international economic system, have been the root cause of many developing-country problems. "The fault, dear Brutus, is not in our stars but in ourselves. . . ."

A second, and perhaps equally important, reason for the leisurely pace of the industrialized-country response to Southern de-

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mands has been the problem of inequality at the bargaining table. As one close observer of developing-country bargaining tactics has noted, where the demanding side cannot induce fear in the opponent, progress comes very slowly if at all.[2] As long as they were perceived to have little bargaining power as a group, the developing countries were forced to rely on economic analysis and humanitarian appeals to support their requests for change. Some of their economic analysis (e.g., regarding North-South terms of trade) was weak; the "humanitarian" response from most industrial countries was no stronger. For the developing countries, the net result was a decade (1964–1973) of growing frustration with the general unwillingness of industrialized countries to alter the rules of the international economic system to conform with the needs of the development process as perceived within much of the South.

With the success of the OPEC countries in quadrupling the price of oil in a single year (1973-74), perceptions of bargaining power suddenly changed. Nowhere was the South's altered perception of its own position more clearly demonstrated than within the U.N. system during 1974. At the Sixth Special Session of the U.N. General Assembly in April-May 1974, the Declaration on the Establishment of a New International Economic Order—a declaration encompassing a decade of Southern demands for reform—was adopted without a dissenting vote. In December of the same year, under pressure from the developing countries, the General Assembly also overwhelmingly endorsed the Charter of Economic Rights and Duties of States, which, at the request of the developing countries, had been under consideration at the United Nations for several years. The United States, together with West Germany, the United Kingdom, Belgium, Denmark, and Luxembourg, were the only U.N. members to vote against the Charter's adoption.

Following these initial essays in constitution making, the developing countries held a series of conferences among themselves—most notably, the meeting of 110 nonaligned nations at Dakar, Senegal, in February of 1975—at which they reached a consensus on concrete proposals for transforming the New International Economic Order from rhetoric to reality through the reform of the rules and norms of the present international economic system.[3] Most of these proposals were subsequently incorporated—with only the United States casting a negative vote—into the more internationally based Lima Declaration issued by the Second General Conference of the U.N. Industrial Development Organization (UNIDO) held in Peru in March 1975.[4]

For several reasons, all of this Third World activity assumes an importance quite unimaginable only a few years ago. First, it comes at a time when relations between the United States and the so-called "Group of 77" developing countries (now numbering close to one hundred) are characterized by unparalleled antagonism. Second, it comes at the threshold of a series of formal and potentially crucial confrontations—beginning with the U.N. General Assembly's September 1975 Seventh Special Session on Development Cooperation. Other meetings in the series will include the General Assembly's regular session (September-December 1975), the fourth session of UNCTAD scheduled for 1976, and a potential series of "producer"-"consumer" summit meetings likely to be scheduled under the initial auspices of the Organisation for Economic Co-operation and Development (OECD) and the Organization of Petroleum Exporting Countries (OPEC). And finally, as noted, it comes at a time when the developing countries' perceptions of their economic goals are far stronger than they have been at any moment since most of them became independent states. In this setting, a refusal by the United States and other industrialized countries to discuss and begin to negotiate quite specifically and constructively on the broad range of economic issues raised by the developing countries might well trigger a series of unilateral economic and political actions by the South whose net result might well prove costly to all countries. Among the more obvious candidates for such unilateral actions in the event of continued deadlock over the next year are the formation of new cartels to raise raw-material prices, the use of embargoes, debt defaults, and expropriation of foreign direct investment.

What are the major issues which must be dealt with, why are the developing countries' perceptions of their enhanced bargaining power likely to push them to overt actions damaging to U.S. (and probably global) interests if future North-South sessions on reform of the international economic system end in deadlock, and what are the proper policy conclusions to be drawn by the United States?

THE SOUTH'S ECONOMIC DEMANDS

Most of the major demands which have filled the recent plethora of declarations by the United Nations, the nonaligned countries, and the Group of 77 are familiar to anyone who has followed the history of developing-country appeals for change in the present international economic system. Cumulatively, they for the most part represent demands for higher levels of resource transfers—direct and indirect—from North to South.[5] The specific areas covered are international trade, aid, foreign investment (both direct and indirect), technology transfer, and international monetary reform.

In the trade field, the demands are for a) various form of international commodity agreements which would raise and stabilize the price of raw materials; b) nonreciprocal reductions in developed-country barriers to developing-country exports; c) expanded generalized trade preferences for the developing countries to better enable them to compete with industrial-country production in the markets of the North; and d) better-financed domestic adjustment assistance programs in the North which, by easing the transitional pains accompanying the restructuring of Northern economies, will facilitate increased imports of Southern manufactured (and in some cases agricultural) goods.[6] In sum, the South seeks increased relative prices for its exports to the North as well as increases in the volume of such exports.

In the field of aid, the Southern demands include the following: a) that the developed countries meet the aid targets they themselves agreed to in the International Development Strategy for the Second U.N. Development Decade (a minimum of 0.7 per cent of GNP in the form of official development assistance and 1.0 per cent of GNP including private capital flows to the South); b) that the North increase its financial commitments to those emergency funds created during the last eighteen months in response to the food and fuel crises of 1973–1975; and c) that the North be prepared to renegotiate the terms of debt for those Southern countries experiencing serious balance-of-payments problems aggravated by deft-repayment obligations.

In the area of foreign investment, there are again several distinct Southern goals. One is greater access to international legal restraints on the expropriation of foreign direct investment, including the putative requirement of "full, prompt, and effective" compensation. Demands in this area often are worded so ambiguously that they have been characterized by many developed countries—with some justice—as demands for the acceptance of the principle of "confiscation." A third Southern goal is to engage Northern assistance in policing the activities of multinational corporations for the general purpose of increasing the level of economic benefits to the host countries. Such increased benefits might take various forms, e.g., greater North-South capital and technology flows, lower charges on technology transfer, more job creation in developing countries, and increased developing-country exports to the North.

In the field of technology transfer, Southern objectives include Northern financing earmarked for the creation, expansion, and modernization of Southern scientific and technological institutions, Northern support in "persuading" multinational corporations to adapt their technology to host-country development needs, and international support for changes in patent laws and other measures which will lower the costs of technology transfers to the South.

Finally with regard to the international monetary system, the developing countries continue to demand a) a greater voice in the reform and management of that system; and b) an international reserve-creation process which enhances Southern access to global production by distributing a far greater portion of the special drawing rights to Southern countries than they receive under present International Monetary Fund arrangements.[7]

Most of these demands will elicit a sense of déjà vu among followers of North-South economic debates over the past decade. There are, however, others which will seem novel both in the range of their ambition and the forcefulness of their tone. Most prominent among these newer goals are the following:

(1) A much greater role for the Southern countries in the process of international economic decision making (within the IMF, the World Bank, the General Agreement on Tariffs and Trade, and elsewhere)—a role which would, for example, ensure a greater automaticity in many types of North-South transfers;

(2) A consciously programmed relocation of international economic production which will swiftly increase the relative share of global industrial output originating in developing countries;

(3) Support for a far greater degree of cooperation among developing countries (or "collective self-reliance" in the South's own terminology) designed to strengthen both the Southern economic base and its bargaining position vis-à-vis industrialized countries (including international support for all developing-world raw-material producer groups, preferential trade arrangements among developing countries, intra-South payments unions to increase trade among developing countries, etc.); and

(4) Explicit statements that since "colonial injustice" and "neo-imperialism" are in great part responsible for the present inequities in the global distribution of income (a ratio favoring the North by about 20:1 in real per capita terms at the present time), the North must provide increased net resource transfers to the South in all the areas noted above in order to close the present income gap.

As the list of Southern demands is analyzed, it becomes manifest that the calls for a new and "equitable" international economic order are at heart political, not economic. For almost all Southern economic arguments (and supporting empirical analysis) justifying major reform, equally erudite Northern analytical responses can be produced in defense of the present system. Whether the subject is North-South terms of trade, a cost-benefit analysis of the impact of multinational corporations on developing countries, or the role of aid in the development process, economic analysis is generally inconclusive in its attempts to measure the developmental impact of present in-

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ternational economic regimes.[8] And for better or worse, economic analysis is increasingly irrelevant to many participants in the present debate except to the extent that it includes considerations of "equity," whether defined as global income distribution, the global location of industry, or a mutual vulnerability of Northern and Southern economies to each other. Presumably, this latter condition will be more likely to produce "positive-sum" situations in international economic relations—ones from which all participants may gain—than was true of the pre-OPEC set of asymmetrical interdependencies in which the North was generally perceived as minimally dependent upon the South in an economic sense, while the South was very dependent on the North (for markets, capital, technology, etc.). Thus the present North-South conflict in the economic arena is essentially focused upon equity in all of its diverse forms, ranging from the distribution of global income to the distribution of power in international economic institutions. And here one encounters a fundamental stumbling block to a constructive North-South dialogue. Issues of equity are better examined by the philosopher than the economist; they involve the analytically vexing question of "justice" to which the economist brings no self-evident comparative advantage. Therefore, as long as the elements in the present North-South conflict over the new international economic order are treated by protagonists from either camp as economic issues alone, the sterility of the present debate is likely to be assured.

The rapidly escalating rhetorical demands of the developing countries are in great part a reflection of their perceptions of a changing power balance in the world's political economy. They are aware of the growing restraints on the Northern use of force in North-South conflicts, they have witnessed the fissures within the Northern bloc as industrialized countries and corporations have competed for special economic arrangements with resource-rich developing countries, and they have observed in success of the OPEC countries in quintupling the price of oil in less than two years. The very fact that more than ten producer cartels among the developing countries were formed or strengthened in the aftermath of OPEC's actions in 1973 suggests the speed with which Southern perceptions are changing—as is Southern willingness to contemplate a series of Southern unilateral actions to achieve the goals stated in the pronouncements noted above.

It is quite possible that present Southern perceptions exaggerate the South's real strength. OPEC may prove to be the singular case in which a producer cartel can exercise signficant and long-term price leverage. The degree of developing-country unity required to accomplish basic changes in the ground rules of today's international economic system may simply be beyond the reach of the Group of 77 at the present time. Exaggerated or not, the perception of a major change in the balance of political and economic power that now animates most Third World governments will to a considerable degree determine the course of North-South economic relationships over the next several years if not longer.

Developing-country elites are clearly aware of the need for "Southern solidarity" if the developing countries are to make major systemic gains in upcoming negotiations in the United Nations, the General Agreement on Tariffs and Trade, the IMF, and elsewhere.[9] And they are equally aware of how closely their fate is tied to the action of the OPEC nations. In the declarations emanating from the recent series of devloping-country country conclaves—for example, the conferences held in Dakar in February 1975 and in Algiers later that same month—the developing countries recognized repeatedly that, barring Northern changes in policy, OPEC funding of developing-country commodity schemes, regional banks, technological institutes, and other ingredients of a new international economic order would be critical to their efforts.[10] If OPEC funding in ever increasing amounts is not forthcoming, a major North-South economic confrontation carries serious risks for many of the poorer states of the South. Yet the degree of frustration within many developing countries resulting in good part from the unfulfilled Northern commitments to the development process within the South—together with the Southern perception of the existing international system's inequities—may continue to move the present confrontation from rhetoric to reality regardless of future OPEC policies toward the developing world. And even if further attempts at raw-material producer cartels fail, if policies such as expropriation and defaults on loans should prove self-defeating in the long run, and if other unilateral and multilateral Southern efforts fail to usher in a more "equitable" international economic order, a great deal of damage may well accompany such efforts—damage which surely will affect the North as well as the South if confrontation politics begins to seriously distort international trade, investment, and technology flows.

As the sketch of developing-country demands for reforming existing international economic systems presented in this section indicates, the scope of the South's agenda for negotiation is vast. Nevertheless, some sense of Southern priorities is perhaps best captured by the Group of 77's provisional list of "action" topics submitted to the June meeting of the Preparatory Committee for the U.N. General Assembly's Seventh Special Session:

(1) International trade (regulation of raw-material and commodity markets through an integrated multi-commodity approach including bufferstocks, intervention prices, etc.; indexation of the prices of developing-country commodity and raw-material exports to the prices of their imports from developed countries; and access to markets of developed countries for raw materials, commodities, and manufactures and semimanufactures of developing countries);

(2) Transfer of real resources for financing the growth of developing countries (including international monetary-reform schemes which would increase North-South real resource flows);

(3) Science and technology (measures and programs designed to expand the capability of developing countries to apply science and technology to development);

(4) Industrialization (plans to implement the March 1975 Lima Declaration of the U.N. Industrial Development Organization which set the goal of 25 per cent of the global industrial output—compared to 7–8 per cent at present—to be produced in the developing countries by the year 2000).

INITIAL U.S. REACTIONS

As of July 1975, the U.S. response to the developing-countries' demands has been unenthusiastic at best. On trade issues the United States has continued its traditional opposition to commodity agreement "except on a case-by-case basis," and has pointedly opposed the concept of indexing developing-country commodity exports to the prices of their imports from developed countries.

On the general subject of the transfer of resources and any automatic link between international monetary reform and aid flows, the U.S. position also has remained rigid. With regard to resource transfers, the United States contributed little if anything to most of the emergency funds established to meet the extraordinary needs deriving from the energy-food price spiral of 1973–74. The single major exception has been the area of food aid, in which the United States has increased its commitments by some $600 million in recent months. In the area of monetary reform, the United States has continued its opposition to proposals for linking any new issuance of special drawing rights to development assistance. It has, however, put forward one major proposal: the creation of a Special Trust Fund of up to $2 billion under the administration of the IMF to be used for concessional lending to the world's poorest countries.

Regarding science and technology, the only U.S. response worthy of note has involved a commitment to enhance research and development efforts to increase food production in the developing countries. Although no price tax has been attached to it, this commitment has been highlighted on several occasions by senior Administration officials. Whether the commitment will involve any net increase in U.S. financing of development programs is uncertain.

Finally, regarding the Group of 77's goal of redistributing the location of global industrial output over the next quarter century, the United States responded by casting the lone negative vote on the Declaration of Lima.

As early as spring 1975, however, there were some signs of shifts in Administration thinking on at least one big issue on the Group of 77 agenda—that of commodity arrangements. In May, Secretary of State Henry Kissinger twice announced the willingness of the United States to reconsider its opposition to a general discussion of problems connected with the export of raw materials. However, the very careful wording of the Secretray's remarks on this issue suggested that the degree of flexibility being introduced into the long-standing U.S. position on commodity agreements could be very limited indeed. In particular, Mr. Kissinger has continued to use the qualifying phrase "on a case-by-case basis" whenever he has referred to a new U.S. willingness to enter into general discussions of commodity agreements between producing and consuming countries. His phraseology has been so guarded that as of July 1975 it is impossible to predict whether or not the *apparent* shift in U.S. position was introduced for the sole purpose of reconvening the OECD–OPEC oil talks which stalled in Paris in the spring of 1975 over U.S. unwillingness to include a much broader look at commodity problems, or whether a genuine change has taken place in the Administration's thinking on the issue of commodity arrangements per se.

In addition to this potential change in its approach to international commodity discussions, the United States has reaffirmed its commitment to a broad range of aid and cooperation efforts in the area of agricultural development. Recent U.S. statements have included indications of support for a system of national and international food reserves, increased aid to agricultural development, and, on May 28, the announcement that the United States would support the Agricultural Development Fund created largely at the behest of the OPEC countries following the 1974 World Food Conference. This announcement, while a promising step in the right direction, was also carefully hedged and included no specific commitment regarding levels of U.S. funding.

Finally, the United States recommitted itself publicly to support for a new, IMF-administered Special Trust Fund for the poorest countries—a measure subsequently considered by the joint IBRD-IMF Development Committee at its June 1975 meeting. Limited progress was achieved on this issue during that meeting, but not enough to assure the Fund's establishment. As presently conceived, this Fund would obtain its capital from individual OPEC and OECD country contributions and from the proceeds of the sale of some IMF gold holdings. The capital thus raised would be used to provide medium- to long-term balance-of-payments

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loans to needy low-income countries at highly concessional rates and with substantial grace periods preceding repayment.

By July 1975, the United States had indicated which issues it would like to see on the North-South agenda for discussion and negotiation in 1975–76, starting at the September 1975 U.N. General Assembly Special Session. In Congressional testimony in May 1975, Deputy Assistant Secretary of State for International Finance and Development Paul Boeker noted that the United States was proposing an agenda for the September Special Session "which would include: international food needs, problems of poorer developing countries, transfer of financial resources including private investment and financial arrangements to mitigate the plight of nations most affected by the current economic crisis plus international commodity trade."

Such a listing will elicit few approving nods from the developing countries, both for what it excludes and what it includes. It omits any mention of a comprehensive approach to the commodity issue as well as any reference to the issue of raw-material price indexing. It excludes any mention of international monetary reform or a linkage of such reform to resource transfers. It also avoids any reference to structural changes within such international organizations as the IMF and the World Bank to increase the participation of the developing countries in decision making within these and other international institutions. Finally, it omits any mention of a program to assist in the achievement of developing-country goals in the field of industrial growth and diversification.

Among the issues included, explicitly or implicitly, several will disappoint most developing countries. The first is the emphasis on food problems combined with the exclusion of any reference to the needs of *industrial* development. Food is an important issue to those developing countries whose spiraling food deficits are causing major macro-economic problems and to the strata of society in these and other countries that cannot afford adequate amounts of food at present price levels. That is to say, food is a major problem for a rather limited number of countries at the national level, and in most other developing countries it is a problem for the poorest strata of society, which exercise little political influence despite their numbers. By contrast, as noted in the Lima Declaration, industrialization is still viewed as the sine qua non of development by the large majority of developing countries, and thus far there is little in U.S. pronouncements to suggest a shared concern in this area.

The apparent U.S. concentration of rhetoric (and hopefully, effort) on the problems of the poorest countries also is unlikely to satisfy the Group of 77, the large majority of whose members do not fall into this category. Indeed, the very distinction between the "least" developed states and other members of the Group has been a constant source of friction within the South, and U.S. concentration on the needs of the poorest countries and those others most seriously affected by the food and energy price spirals may be doubly cursed as an attempt both to split the Southern bloc and to gently ignore the demands of the healthier members of the Group.

Finally, the U.S. approach to the commodity issue—the above-mentioned indications of flexibility notwithstanding—still appears to fall very short of the goals set by the Group of 77. The continued use of the phrase "on a case-by-case basis" and the concommitant emphasis on GATT as the appropriate venue for an international discussion concerning access to supplies and to markets clearly will be read as signs that the United States continues to be most reluctant to enter into any multi-commodity arrangement to stabilize commodity prices as suggested by the UNCTAD Secretariat, let alone to consider the issue of indexing.

Given the potential for conflict stemming from the contrast between its own present position and that of the Group of 77, can the United States evolve a strategy which will a) begin to constrain the growing element of confrontation in North-South political economy issues; b) turn the debate between developed and developing nations into a less ideological and more pragmatic set of negotiations; and c) begin to reform present international economic regimes in ways which benefit developed and developing countries alike?

These questions cannot be answered with any degree of certainty. If the developing countries insist upon the full implementation of the New International Economic Order as outlined in the major documents produced at their behest over the past eighteen months, then the answer is probably no. Even the most farsighted, development-oriented, and "enlightened" U.S. foreign economic policy probably could not and should not accede to the full range of developing-country demands. A number of them are internally inconsistent, others would appear to be of little benefit to the poorest of the developing nations, and some contain elements unnecessarily destructive to the efficiency of present international economic regimes. Efficiency is but one goal of those regimes and should be treated accordingly. However, it should not be needlessly sacrificed in pursuit of other goals—such as income distribution and economic growth—when better-conceived reforms of the system can avoid this outcome.

Nevertheless, both the potential dangers to all nations implicit in letting the present conflict drift into further confrontation and the opportunities offered by the Seventh Special Session and other meetings over the coming year to reorient the debate into more productive channels emphatically necessitate the development of a coherent and internally consistent U.S. negotiating position. Such a position should be constructed upon a careful analysis of developing-country demands, the shortcomings of present international economic regimes, and the needs of the future defined from both a U.S. and a global perspective.

Three major (and somewhat overlapping) ingredients should be incorporated into a U.S. negotiating position:

(1) Proposals whose primary emphasis is related to assisting the development process, particularly in the "Fourth World" of the poorest countries;

(2) Proposals whose primary emphasis is geared to reform of existing international economic regimes (trade, investment, monetary, etc.), which in many cases would be of particular interest to the middle and upper range of the developing countries as well as the advanced countries; and

(3) A preparedness to spell out the potential implications of a continued North-South deadlock for U.S. foreign economic policies of interests to all developing countries.

The purpose of the last exercise would be to clarify at an early stage the potential price of continued deadlock for both the United States and the developing countries, and in doing so to enhance the prospects for a successful outcome of this fall's initial round of discussions.

Assisting the poorest

In general the world's poorest countries are of little economic significance to the United States. They do not appear to be well endowed in essential raw materials; their per capita incomes do not make them major targets for U.S. foreign direct investment or for most manufactured exports. Nevertheless, they encompass close to one billion people, millions of whom live so close to the subsistence level that events such as the recent food and energy price rises can threaten their very existence. The humanitarian response to the problems faced by the people of these countries and the poorest strata of society in other developing countries has in the past sustained (and still does at present) U.S. public support for bilateral and multilateral efforts to aid the process of economic and social development. Both recent public opinion polls and Congressional directives suggest the enduring nature of a U.S. concern for the problems of development where it is needed the most.

There are at least three sets of proposals which the United States should put forward, hopefully by the Seventh Special Session, that can have a major beneficial impact on the growth prospects and, more importantly, on the current and future living standards in the developing world in general and in the least developed countries in particular.

The first set of proposals in this category should deal with the issue of food insecurity and agricultural production. While the 1974 World Food Conference produced a fair degree of consensus on institutional arrangements for and major elements of a global food policy, it left many details unresolved. For example, no specifics were adopted with regard to the magnitude or the financing of world food reserves; nor were rules established concerning the allocation of reserves during periods of scarcity. The pace of negotiation since the Conference has been slow; for example, as noted above, it was not until May 1975 that the United States decided to support the creation of the Agricultural Development Fund. A set of specific proposals which carry the initial efforts of the World Food Conference a major step forward will entail significant benefits for the least developed countries and for the lower income strata for all developing countries.

First, the correlation between the least developed states and the developing world's major food importers is significant; India, Bangladesh, and the sub-Saharan African states are all among the poorest countries which suffer the most in periods of global food shortages and high food prices. Second, the setting of an upper limit for "free-market" food prices through a system of nationally or internationally held reserves can benefit the poorest segments of all developing societies that are not self-sufficient in food production. And third, if the programs partially outlined at the World Food Conference to target both aid funds and technological efforts on the problems of increasing food production in many developing countries are further delineated and implemented with a high order of priority, only perverse domestic policies within developing countries which undermine rural development strategies can limit the capacity of such a global effort to increase present living standards for the poorest countries and the poorest peoples in the world.[11]

A second set of proposals that falls under the general category of enhancing the development process should encompass efforts to support mechanisms such as the Extended Facility of the IMF, the Special Trust Fund noted above, the Third Window of the World Bank, and/or variants of such attempts to make available medium- and long-term concessional financing to the least developed countries in particular.[12] During the past half decade, recognition has been growing that the poorest countries are the most natural targets for concessional financing. Prior to 1973 and even since then, many of the more advanced developing countries have been able to turn to the Eurodollar market and other international financial markets for long-term

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lending.[13] The poorer developing countries for the most part have been unable to tap this source of financing.

Events since 1973, including the jump in food and energy prices, have considerably weakened the balance-of-payments position of most of the poorest countries; this trend is not likely to be reversed very quickly. Therefore these countries as a group are now in far greater need of increased concessional financing than they were two years ago. The same, of course, is true of many middle-range developing countries that have not benefitted enough from the 1972–1974 boom in commodity prices to offset increased import prices and that have not obtained access to international capital markets. They too should benefit from a generalized increase in the amount of concessional financing which could be made available from such new sources as the Third Window and the Extended Facility.

But none of these countries can benefit to the degree required unless the United States is prepared to take the initiative soon and present a serious package of proposals in the area of multilateral concessional financing (including a proposal on debt rescheduling for countries seriously affected by recent price trends)—proposals on which it hopefully will reach prior agreement with other OECD countries and with OPEC countries if time permits. It would be the height of ingeniousness for the United States to put forward a set of proposals that it knows in advance would fail because of developed-country opposition, and such ingeniousness would not be overlooked by other participants in the negotiations.

The third set of proposals in this category concerns unilateral U.S. efforts in the aid field emphasizing the needs of the poorest. These proposals are very much of a piece with the two packages noted above. As evidenced in the Congressional debates and overhauling of the U.S. foreign aid program in 1973, a major concern of Congress has been to target U.S. bilateral programs upon the so-called "forgotten 40 per cent," the poorest populations in the world. Additionally, Congress has evidenced considerable sentiment in favor of global assistance in the area of food aid and in favor of increasing the capacity for food production within the world's developing countries.

Against this background, the United States would seem to be in a position to put forward a set of proposals in the bilateral aid field geared to the needs of the poorest, particularly with regard to programs for rural development, with a rather high probability that such a package would be submitted to a receptive Congress. Certainly it is an area in which strong Administration leadership and commitment might produce a reversal of the steady downward trend in U.S. foreign assistance over the past decade.

Reform of international economic systems

The list of demands of the Group of 77 which might be characterized as falling into this category is extensive—a not surprising fact given the makeup of the Group. It is also in this area that some demands appear to be inconsistent (e.g., more foreign direct investment and the right to expropriate without regard to international law), potentially the most costly in terms of global efficiency (e.g., global support for commodity producer cartels), and the least likely to be thought of as "legitimate" on the part of the United States or other developed countries (e.g., the "right" to North-South resource transfers without concomitant Southern domestic efforts to work toward intra-societal "equity").

Nevertheless, the need for the United States to put forward a package of proposals in this area is crucial for at least two reasons. First, to ignore the legitimate complaints about the present international economic system raised by the developing countries could guarantee the failure of any real dialogue and negotiation, with all the potential for North-South economic and political conflicts that such a failure implies. And second, responsiveness to some of the major developing-country complaints—e.g. those regarding restrictive Northern trade policies—would indeed improve both the efficiency and the equity of a reformed international economic order. Thus the United States as well as the developing world would stand to benefit from such reforms in measurable economic terms; less measurable but probably far more important to the global political economy would be the potential political gains to be harvested from a responsive bargaining strategy in this area.

The first set of proposals that should be included in this package of reforms potentially beneficial to all parties should focus on reducing barriers to the growth of developing-country exports to the United States and other developed countries. Perhaps on no other issue are the merits of the case more obvious in both positive and normative terms. Efforts at international trade liberalization through the instrumentality of the GATT have been singularly biased in favor of products of interest to developed-country exporters, and most developing countries have therefore gained little from the six rounds of tariff-cutting negotiations which took place under the GATT between 1947 and 1967. As long as ten years ago, attempts to measure the extent of the problem suggested that high levels of developed-country protection (through measures such as quota restrictions, health and safety regulations, nominal and effective tariff structures, variable levies, internal taxes, and price supports) were costing the developing world several billion dollars per year in foregone exports.

Many of the middle- and upper-range developing countries are now anxious to increase their exports of manufactures, and indeed many have done so with spectacular success over the past half decade. They have succeeded despite the quota mechanisms and tariff structures of developed countries, and will undoubtedly continue to do so. Nevertheless, this is an area in which U.S. proposals to take significant steps in easing the entire range of import restrictions on manufactured (and other) exports from developing countries would be well received by a great majority of the Group of 77. Again, the degree to which the United States made such proposals jointly with other OECD countries would make the offer even more significant.

The difficulties with this proposal are clear to all those familiar with the U.S. political process. To the extent that a) developing-country imports cause a loss of U.S. jobs in certain industries and b) U.S. programs for the retraining and reemployment of such workers are insufficient to maintain political and economic support for a more liberal trade policy, a great deal of domestic opposition to this type of U.S. initiative is likely to arise. Nevertheless, the opportunity for such a step exists in the form of the Trade Reform Act of 1975. Therefore, if U.S. trade negotiators can gain the proper quid pro quo's, a great deal of flexibility is present in this area. While somewhat less flexibility exists with regard to generalized tariff preferences for the developing countries, the current trade legislation allows the President to waive many of the more restrictive sections of the pertinent provisions if he finds grounds to do so.

In the abstract, therefore, there is a great deal of flexibility in the U.S. negotiating position in the trade reform area. And a good deal of domestic political acceptance of such a course of action might be generated (a) if the American public were persuaded of the benefits of such a strategy—wider consumer choice, lower product prices, and perhaps more assured access to important foreign supplies, and (b) if more were done, through further legislation or a liberal interpretation of present statutes concerning the use of adjustment assistance, to support and relocate U.S. workers whose jobs were lost as a result of trade liberalization. How much will be made of the present opportunity depends to a great extent upon two key variables: the willingness of the Administration to gamble that domestic support can be generated if the case for liberal trade is made properly, and the willingness of the development countries themselves to respond to such an effort with a series of measures—both rhetorical and substantive—that support the Administration in its actions. Rhetorical measures could help to establish a more constructive framework for U.S. trade liberalization efforts and substantive measures (e.g., serious negotiations on "access to supply" questions) would undoubtedly increase Congressional support for Executive Branch proposals in the trade field.

Trade in commodities and raw materials is a second area in which the United States should consider a set of constructive responses to developing-country demands for reform of existing international regimes. As noted, the developing countries are seemingly united on the issue of restructuring commodity markets. Most of them are supporting multi-commodity arrangements of the type developed by the UNCTAD Secretariat involving "consumer" and "producer" nations, floor and ceiling prices, buffer stocks for close to twenty commodities, and various financial-compensation mechanisms.

Just how much of the developing-country commodity approach ought to be acceptable to the United States is an impossible question to answer without a very thorough investigation of the technical aspects of the UNCTAD proposal as a whole, followed by an examination of the difficulties which may attend the application of any general principles to individual commodities. While the general approach may work for some cases, there are others for which the burdens accompanying any agreement may prove to outweigh the gains.

What seems essential if a real hardening of confrontation is to be avoided at the United Nations and elsewhere in the fall of 1975 is that the United States recognize the benefits to be gained from entering a serious negotiation on the general subject, and not that it decide beforehand which commodities it will negotiate on and which it will not. The gains to the United States from a well-negotiated agreement or series of agreements on international commodity arrangements would seem obvious. In the first place, well-designed commodity schemes could serve to dampen considerably the wild price fluctuations which have characterized commodity markets in the recent past and are likely to characterize them in the future—unless some form of agreement is reached short of an Operation Independence approach and the tremendous costs of the United States which such an approach encompassing any significant number of raw materials would entail. Second, such arrangements are far more likely to assure uninterrupted access to supplies than the absence of them over a broad range of commodities. Finally, a willingness to consider such arrangements as part of a total negotiating package may begin to limit the attempts of a growing number of developing-country producers of commodities and raw materials to drive up the short-term prices of their products by amounts that are bound to produce inaccurate market signals, lead to investment in lower-grade ores and product substitutes, and result in a higher-cost and probably highly protected structure of production within the industrialized world

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that will prove injurious to all countries, developed and developing.

For all of these reasons and others of a lesser nature, the United States should adopt a positive approach toward exploring the possibilities of single and multiple commodity schemes. It should, however, make several points quite plain from the outset, beginning at the General Assembly's Special Session. The most important is that any set of commodity arrangements that seeks to *raise* the level of most commodity prices above that which the global supply/demand will bear is highly likely to subject the entire approach to failure. It may also prove to be most harmful to the poorest countries of the world—which, unfortunately generally are not major exporters of the more price-inelastic commodities and raw materials. A second major point for the United States to make is that if commodity agreements are limited to the quite legitimate purpose of stabilizing prices and not raising them, then an undue amount of attention is being devoted to an issue which may well have been seized upon out of frustration, which promises only modest returns for the development process in general, and which may consume a degree of effort—financial, conceptual, and administrative—out of proportion to any benefits received. A third point that the United States should make is that improved schemes of compensatory and/or supplementary financing to provide a buffer against shortfalls in projected export earnings might prove better suited to the needs of developing countries in the aggregate than are highly complex commodity schemes. This third point will surely fall on deaf ears, however, if it is not accompanied by specific and substantial proposals for the expansion of present compensatory-financing schemes and the introduction of supplementary-financing mechanisms (variants of which have been discussed for over a decade without any affirmative Northern action).

In sum, the United States should be quite prepared to enter into a serious discussion of commodity issues. In such a discussion it should be prepared to recognize both the legitimacy of, and the limits to, the use of market power. It should seek a framework for continuing international discussions of commodity issues which represent the interests of sellers and buyers. And finally, it should continue to argue for the proposition that commodity arrangements may make little contribution to the development process in the longer run, particularly if one is considering the world's poorest countries. The necessary counterpoint to this agrument must include active U.S. support of alternative approaches which do hold out the prospect for greater assistance to the development process.

Finally, U.S. proposal related to the reform of existing international regimes can and should recognize the legitimacy of developing-country claims for a greater voice in the management of the world's major international economic institutions. Such reform measures already are taking place in the IMF, where the OPEC countries are in the process of doubling their voting power; It has yet to spread to other institutions. Along these lines, the recent recommendations of the Group of Experts on the Structure of the United Nations System deserve serious consideration.[14] The ideas contained in the report are most interesting in their search for methods of negotiation on international developmental issues which do not involve the counting of votes on a one-country, one-vote basis or on a weighted voting basis (à la the IMF) but seek to substitute a negotiating structure which assures that all interested parties are present and that votes are less important than accommodative results.

How far such structural reforms can be carried may well be a function of the entire September-December 1975 dialogue within the U.N. system. The United States need not enter this dialogue with its mind already made up. It should, however, begin to participate with an open mind, a desire to test the flexibility of other States in a broad range of issues, and a willingness to make decisions on the reform of institutional structures as a function of the negotiating process itself.

Implications of a prolonged North-South deadlock

If the proposals put forward by the United States and other industrialized countries in the fall of 1975 are responsive to the legitimate international economic and political concerns of the less developed world, then confrontation may yield to the beginnings of a negotiating process in which new and mutually acceptable "rules of the game" emerge over the next several years. Should events evolve in this manner, during the remainder of 1975 U.S. statements concerning likely responses to international economic policies of other countries which are viewed as inimical to various U.S. interests and interest groups will not be needed. Nevertheless, it may well prove necessary for the United States to spell out in informal conversations what the possible and perhaps inevitable content of such responses will be if the Special Session and related meetings end in deadlock and exacerbate North-South economic friction. Such conversations should not be cast in terms of threats but rather in terms of the likelihood of intensified domestic pressures for foreign economic policies certain to limit any further U.S. contribution to Southern development efforts. Needless to say, any emphasis on this aspect at the start of the discussions in the fall of 1975 is literally guaranteed to produce a deadlock should it be anything more than counterpoint to the major constructive themes in a possible U.S. agenda discussed above.

The most obvious of the issues which might be raised under this rubric concerns rules of the game on commodity trade. As C. Fred Bergsten has noted, "the United States and the other consuming countries are presently in a relatively weak bargaining position vis-à-vis the oil exporters and their emulators in other commodities." [15] In the absence of a successful negotiation on the "legitimate" uses of commodity power, many will view it to be in the interests of the United States to adopt a series of policies which limit present levels of U.S. vulnerability. Such policies may include major stockpiling efforts, research and development programs aimed at product substitution and recycling, and increased attempts to undermine developing-country solidarity, thereby increasing assured access to crucial raw materials located in the South.

Should the fall 1975 discussions end in failure and North-South confrontations become more intense, the same logic of self-protection is more than likely to spread to other segments of U.S. foreign economic policy, although there the specific policy reformulations are less predictable. Among the more probable developments would be an increasing U.S. indifference to the U.N. system and an even less responsive attitude toward the financing of its major development-oriented institutions that have characterized U.S. policy in recent years; an attempt to reconstitute and reinvigorate exclusively Northern international economic institutions (for example the Group of Ten in monetary affairs); a general unresponsiveness to the developing-country issues being raised at the GATT negotiations in Geneva; a restrictive approach to the granting of generalized tariff preferences; a rigorous application of the U.S. countervailing-duty statute in cases involving developing-country export subsidy programs; and a rather precipitous decline in almost all forms of foreign aid.

A realistic exercise in projecting the probable U.S. policy implications of a failure to initiate a constructive dialogue this September should be a sobering exercise for all parties to the negotiation. The short-term economic costs to both the United States and the developing countries would be of sizeable magnitude; the costs measured in terms of foregone opportunities for positive-sum approaches to a host of global political economy problems of growing importance would be far greater.

Many of the short-term (and some potentially long-term) economic costs have been referred to in differing sections of this essay. The major costs to the United States of the "defensive" or "reactive" policies noted above would arise from more limited consumer choice, a limitation on competitive pressures within the U.S. market, the use of higher-cost raw materials and raw-material substitutes, and perhaps the stagnation of some of the faster-growing U.S. markets within the South. If Southern initiatives or responses to Northern initiatives lead to debt default, expropriation, and a further use of cartel pricing and embargoes, the costs to the United States could multiply rapidly.

The potential costs to the South can best be illustrated by comparing the likely U.S. policy implications noted above with the list of demands prepared by the Group of 77 in its Second Ministerial Meeting in Algiers in February of 1975. The list includes the following among many others:

(1) Application, expansion and improvement of the generalized system of preferences;

(2) Multilateral trade negotiations granting the developing countries non-discriminatory preferential treatment without the requirement of reciprocal concessions;

(3) Recognition by the developed countries of the right of developing countries to apply incentives to industrial production earmarked for export;

(4) Continuous negotiations and consultations, based on the concept of share development, designed to ensure redeployment of industries to developing countries;

(5) Major increases in North-South aid flows; and

(6) The generous rescheduling of debt-servicing of long-outstanding debts and their conversion, if possible, into grants.

Optimists will argue that these potential costs to both North and South will never be realized because a continuation of the present deadlock need not lead either party to the dispute to adopt extreme policies. They are right in arguing that a lack of any progress in North-South negotiations beginning with the U.N. General Assembly's September 1975 Special Session need not produce such a result. However, the relevant issue would seem to lie in the realm of probabilities, not necessities, and in this realm the results of a failure to begin serious negotiations this fall are, at best, highly ambiguous.

Costs measured by foregone opportunities to achieve longer-term efficient and equitable management regimes in such diverse areas as the oceans and ocean resources, environmental problems, energy resources, and food production could prove to be extremely high. The need for a more comprehensive and consistent approach to this broad set of issues goes well beyond the problems considered in this essay. Nevertheless, the probability must be recognized that failure to achieve some mutually acceptable international economic reforms of the type discussed in this essay over the next year may substantially impede the emergence of international systems of management in broader areas of mutual concern—areas and problems necessitating global cooperation to

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achieve stipulated goals. Any calculation of the stakes involved in the present North-South confrontation which measuers those stakes solely in terms of Southern "demands" and Northern "concessions" runs the risk of overly discounting the longer-term cooperative patterns which might well result from a constructive handling of the upcoming dialogue.

If an exercise in measuring the probable costs of U.S. policy responses to continued deadlock is undertaken, the results may do more to deflate the rhetoric presently characterizing the approaches of both the U.S. and the Group of 77 than any other form of preparation. And that might not be a bad prelude to a constructive negotiation. For while neither the United States nor the Group of 77 can guarantee the success of the upcoming conferences which will begin in New York in September of 1975, either party can guarantee a failure if it so chooses. Given the potential costs of continued deadlock, that is both a sobering thought and a heavy responsibility.

FOOTNOTES

[1] In this essay the term "North" is used as a shorthand description of the world's "developed" or "industrialized" countries; the term "South" encompasses the "less developed" countries, ranging from the newly rich but nonindustrialized members of OPEC to the poorest and "least developed" countries of Africa, Asia, and Latin America.

[2] Branislav Gosovic, *UNCTAD: Conflict and Compromise* (Leiden, Holland: A.W. Sijthhoff, 1972), p. 323.

[3] See "The Dakar Declaration," Conference of Developing Countries on Raw Materials (Dakar, Senegal, February 4–8, 1975), U.N. Doc. TD/B/C.1/L.45., February 17, 1975.

[4] See *Report of the Second General Conference of the United Nations Industrial Development Organization* (Lima, Peru, March 12–26, 1975), U.N. Doc. ID/CONF. 3/31, May 30, 1975.

[5] Certainly not all demands fit this characterization. Particularly in the trade field, many demands are for systemic reforms which would increase the efficiency of global resource allocation and, in so doing, increase Southern growth opportunities.

[6] For a fuller discussion of these issues, see Guy F. Erb, "Trade Initiatives and Resource Bargaining," in James W. Howe and the staff of the Overseas Development Council, *The U.S. and the Developing World: Agenda for Action, 1975* (New York; Praeger Publishers, Inc., 1975), pp. 87–104.

[7] For a discussion of the shortcomings of the present distribution of the IMF's Special Drawing Rights, see James W. Howe, *Special Drawing Rights and Development: $10 Billion for Whom?* Development Paper No. 9 (Washington, D.C.: Overseas Development Council, 1972). Reprinted from *Foreign Policy*.

[8] For a particularly lucid discussion of the inconclusiveness of the empirical evidence in two major areas of North-South controversy, see Robert O. Keohane and Van Doorn Ooms, "The Multinational Firm and International Regulation" and Charles R. Frank, Jr., and Mary Baird, "Foreign Aid: Its Speckled Past and Future Prospects," *International Organization*, Vol. 29, No. 1 (Winter 1975).

[9] Individual Southern countries, especially those which are resource rich and have large internal markets, may make major gains *without* any Southern solidarity. But the developing world as a whole can make major gains only through systemic reforms. In order to achieve such reforms, a great deal of "Southern solidarity" will be needed in a series of international negotiating arenas.

[10] OPEC commitments to the developing countries approximated $8 billion in 1974; disbursements probably exceeded $2.5 billion.

[11] For an excellent analysis of major problems relating to rural-sector development see William R. Cline, "Policy Instruments for Rural Income Redistribution" (Paper delivered at the Conference on Income Distribution in the Developing Countries, Princeton University, Princeton, N.J., September 1974).

[12] Some of these new facilities are in operation; others are still being negotiated. Furthermore, some of them—for instance, the Third Window of the World Bank—would prove more beneficial to the middle range of developing countries than the poorest, since an interest rate in the range of 4 per cent would be charged on Third Window loans. But even such new sources of borrowing for the middle-range developing countries would help to assure that only the least developed countries would be eligible for the *most* concessional financing, e.g., funds provided by the International Development Association (IDA).

[13] Even this lending has been concentrated in a few Southern countries.

[14] Report of the Group of Experts on the Structure of the United Nations System, *A New United Nations Structure for Global Economic Co-operation*, U.N. Doc. E/AC.62/9, May 28, 1975.

[15] C. Fred Bergsten, "The Response to the Third World," *Foreign Policy*, No. 17 (Winter 1974–75), pp. 14–15.

ON NATURAL GAS PRICES

Mr. ABOUREZK. Mr. President, at every turn we are told that the President, the regulatory agencies, and the gas and oil industry demand the deregulation of natural gas. President Ford announces that there will be a shortage of gas this winter, and it gets front-page headlines.

These cries of shortage are reported as fact. Yet there is another side which says that the shortage is really curtailment by an industry interested only in increasing its revenues. Even limited investigations have cast serious doubt on the truthfulness of the gas industry's reports of actual reserves. This side of the story gets little coverage, and a discouraged public is left to believe that no one is willing to protect them against the greed of the gas industry. Mr. President, I ask unanimous consent that a brief letter to the New York Times which makes clear the public's need for a regulated natural gas industry be printed in the RECORD.

There being no ojection, the letter was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 20, 1975]

ON NATURAL GAS PRICES

TO THE EDITOR:

Recently, The Times published reports indicating that eleven major producers of natural gas and the American Gas Association may have deliberately underreported natural gas reserves. Representative John E. Moss's House Subcommittee on Oversight and Investigations has produced evidence that some natural gas producers may have deliberately withheld natural gas supplies from the interstate market. If nothing else, these reports indicate that there is no truth to the Ford Administration's claims that the natural gas shortage has been caused by "artifically low prices" set by the F.P.C.

There is, however, evidence to indicate that the major oil companies which control most of the nation's natural gas reserves and which stand to reap billions of dollars in profits if gas is deregulated, have the ability to constrain gas supplies, create the appearance of a shortage and pressure Congress to approve deregulation.

Because the industry is not workably competitive, a fact affirmed by the Supreme Court, a decision to deregulate prices will mean higher prices for consumers with no guarantee of increased supplies. Under the Natural Gas Act, the F.P.C. is required to set a "just and reasonable" price which compensates producers for all their costs including a 15 per cent rate of return. Neither the Administration nor the gas producers have been able to explain why such a rate is insufficient.

Producers know that shortages cause hardships among people who work in industries dependent on interruptable natural gas supplies. The industry hopes that consumers will begin telling their representatives that getting gas supplies is more important than maintaining lower prices. Any legislator, however, who buys this argument capitulates to the kind of arbitrary economic and political power made famous by OPEC.

The solution to the problem of natural gas supply and price is to maintain cost-based regulation. The Congress must also bring the unregulated intrastate market under F.P.C. regulation. More importantly, before any further pricing decisions are made, the Congress must have access to information (on reserves, production, costs, degree of competition) which is reliable and valid. Once in possession of accurate and reliable information, Congress can pass natural gas legislation which will protect consumers and assure producers of fair returns on their investments.

CHARLES F. WHEATLEY, Jr.,
General Counsel,
American Public Gas Association.

WASHINGTON, *July 14, 1975.*

DADDY TUCKED THE BLANKET AROUND MAMA'S SHOULDERS. TEARS WERE DROPPING OFF HIS CHEEKS

Mr. MONDALE. Mr. President, I would like to take a few moments to call to the attention of my colleagues a forceful and moving article that recently appeared in the New York Times.

The article, "Daddy Tucked the Blanket Around Mama's Shoulders. Tears Were Dropping Off His Cheeks," written by Randall Williams appeared in the New York Times, July 10, 1975. Mr. Williams' article is a timely reminder of the special kind of suffering that poverty causes to children and their parents. It is a beautifully written article that conveys the unique pressures on children living in substandard conditions, and serves to put our Nation's economic problems into perspective.

I ask for unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DADDY TUCKED THE BLANKET AROUND MAMA'S SHOULDERS. TEARS WERE DROPPING OFF HIS CHEEKS

(By Randall Williams)

MONTGOMERY, ALA.

About the time I turned 16, my folks began to wonder why I didn't stay home any more. I always had an excuse for them, but what I didn't say was that I had found my freedom and I was getting out.

I went through four years of high school in semirural Alabama and became active in clubs and sports; I made a lot of friends and became a regular guy, if you know what I mean. But one thing was irregular about me:

I managed those four years without ever having a friend visit at my house.

I was ashamed of where I lived. I had been ashamed for as long as I had been conscious of class.

We had a big family. There were several of us sleeping in one room, but that's not so bad if you get along, and we always did. As you get older, though, it gets worse.

Being poor is a humiliating experience for a young person trying hard to be accepted. Even now—several years removed—it is hard to talk about. And I resent the weakness of these words to make you feel what it was really like.

We lived in a lot of old houses. We moved a lot because we were always looking for something just a little better than what we had. You have to understand that my folks worked harder than most people. My mother was always at home, but for her that was a full-time job—and no fun, either. But my father worked his head off from the time I can remember in construction and shops. It was hard, physical work.

I tell you this to show that we weren't shiftless. No matter how much money Daddy made, we never made much progress up the social ladder. I got out thanks to a college scholarship and because I was a little more articulate than the average.

I have seen my Daddy wrap copper wire through the soles of his boots to keep them together in the wintertime. He couldn't buy new boots because he had used the money for food and shoes for us. We lived like hell, but we went to school well-clothed with a full stomach.

It really is hell to live in a house that was in bad shape 10 years before you moved in. And a big family puts a lot of wear and tear on a new house, too, so you can imagine how one goes downhill if it is teetering when you move in. But we lived in houses that were sweltering in summer and freezing in winter. I woke up every morning for a year and a half with plaster on my face where it had fallen out of the ceiling during the night.

This wasn't during the depression; this was in the late 60's and early 70's.

When we boys got old enough to learn trades in school, we would try to fix up the old houses we lived in. But have you ever tried to paint a wall that crumbled when the roller went across it? And bright paint emphasized the holes in the wall. You end up more frustrated than when you began, especially when you know that at best you might come up with only enough money to improve one of the six rooms in the house. And we might move out soon after, anyway.

The same goes for keeping a house like that clean. If you have a house full of kids and the house is deteriorating, you'll never keep it clean. Daddy used to yell at Mama about that, but she couldn't do anything. I think Daddy knew it inside, but he had to have an outlet for his rage somewhere, and at least yelling isn't bad as hitting, which they never did to each other.

But you have a kitchen which has no counter space and no hot water, and you will have dirty dishes stacked up. That sounds like an excuse, but try it. You'll go mad from the sheer sense of futility. It's the same thing in a house with no closets. You can't keep clothes clean and rooms in order if they have to be stacked up with things.

Living in a bad house is generally worse on girls. For one thing, they traditionally help their mother with the housework. We boys could get outside and work in the field or cut wood or even play ball and forget about living conditions. The sky was still pretty.

But the girls got the pressure, and as they got older it became worse. Would they accept dates knowing they had to "receive" the young man in a dirty hallway with broken windows, peeling wallpaper and a cracked ceiling? You have to live it to understand it, but it creates a shame which drives the soul of a young person inward.

I'm thankful none of us ever blamed our parents for this, because it could have crippled our relationships. As it worked out, only the relationship between our parents was damaged. And I think the harshness which they expressed to each other was just an outlet to get rid of their anger at the trap their lives were in. It ruined their marriage because they had no one to yell at but each other. I knew other families where the kids got the abuse, but we were too much loved for that.

Once I was about 16 and Mama and Daddy had had a particularly violent argument about the washing machine, which had broken down. Daddy was on the back porch—that's where the only water faucet was—trying to fix it and Mama had a washtub out there washing school clothes for the next day and they were screaming at each other.

Later that night everyone was in bed and I heard Daddy get up from the couch where he was reading. I looked out from my bed across the hall into their room. He was standing right over Mama and she was already asleep. He pulled the blanket up and tucked it around her shoulders and just stood there and tears were dropping off his cheeks and I thought I could faintly hear them splashing against the linoleum rug.

Now they're divorced.

I had courses in college where housing was discussed, but the sociologists never put enough emphasis on the impact living in substandard housing has on a person's psyche. Especially children's.

Small children have a hard time understanding poverty. They want the same things children from more affluent families have. They want the same things they see advertised on television, and they don't understand why they can't have them.

Other children can be incredibly cruel. I was in elementary school in Georgia—and this is interesting because it is the only thing I remember about that particular school—when I was about eight or nine.

After Christmas vacation had ended, my teacher made each student describe all his or her Christmas presents. I became more and more uncomfortable as the privilege passed around the room toward me. Other children were reciting the names of the dolls they had been given, the kinds of bicycles and the grandeur of their games and toys. Some had lists which seemed to go on and on for hours.

It took me only a few seconds to tell the class that I had gotten for Christmas a belt and a pair of gloves. And then I was laughed at—because I cried—by a roomful of children and a teacher. I never forgave them, and that night I made my mother cry when I told her about it.

In retrospect, I am grateful for that moment, but I remember wanting to die at the time.

THE MORMON FAITH

Mr. CANNON. Mr. President, I wish to speak for a moment on this day simply as a member of the Mormon faith. Today, July 24, is an important date in the history of our church, on this day 128 years ago, a tired and somewhat ragged band of pilgrims, weary of persecution and looking only for the freedom to worship as they wished, entered the Salt Lake Valley.

Those early Mormons were, as their descendents remain today, typical Americans in their courage, dedication, spiritual strength, and their sense of community. Like other Americans who came before and after them, they came through hardship to a promised land and with their labor made it bloom. Now, as I am sure Senators know, the Mormon faith, the teachings of Joseph Smith, the Church of Jesus Christ of Latter-day Saints, is no longer confined to the American West, nor even to the United States. Mormon missionaries have carried and now carry the spirit and strength of this uniquely American religious faith throughout the world.

Coming from that promised western land to which the Mormon pioneers trekked with such hardship so many years ago—a land that is prosperous now beyond their wildest dreams, I am honored to bring to you this brief reminder of their survival and success.

I know Senators will join me in paying tribute to their memory and to the distinctively American qualities of faith and courage embodied in the Mormon religion and the Church of Jesus Christ of Latter-day Saints.

JAMES A. FARLEY

Mr. EAGLETON. Mr. President, we live in the post-Watergate era in which the word "politician" is suspect and by reason thereof each of us as practitioners of the art of politics is suspect.

As Members of the Senate, we have a moral as well as a selfish responsibility to do what we can to cleanse the stigma attached to our profession.

Fortunately we are not alone in this effort. Other men and women of preeminent ability and respectability by their thoughts and habits are laboring in the same cause. One of those is the great Jim Farley of New York.

The record and accomplishments of this remarkable man are known to everyone in this body. Recently Jim Farley visited my State. I should like to share with my colleagues an article from the Kansas City Times of June 14, 1975, which describes the Farley visit to Kansas City. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Kansas City Times, June 14, 1975]

JAMES A. FARLEY—THE COMPLEAT DEMOCRAT

(By Repps B. Hudson)

What it comes to political tycoons, James A. Farley was one of the biggest.

A party loyalist since casting his first ballot in 1909 and former Democratic national committee chairman, Farley has shaken hands with more American political history than the mind can imagine.

He was Franklin D. Roosevelt's confidant and campaign manager in 1932 and 1936, his postmaster general from 1933 until 1940 and served as party disciplinarian.

Now raconteur of party vignettes and distant observer of Democratic affairs. Farley has a solid reputation as a political soothsayer. In 1936 he accurately predicted that only two states would go for F.D.R.'s opponent: in 1972 he said Sen. George McGovern (D-S.D.) would be smothered in the worst landslide since 1936.

Farley, 87, is here to attend the wedding today of a granddaughter at Christ the King Catholic Church, 8510 Wornall. In his room yesterday at the Hotel Muehlebach he was asked to talk about his party's immediate future.

He generally is not too excited about the array of presidential hopefuls in the party saying that none seems to be of the caliber of Roosevelt, John F. Kennedy or Lyndon B. Johnson.

But Farley did comment on the two conspicuous front runners.

He believes Edward Kennedy when the Massachusetts senator says he will not run.

"Kennedy has on more than one occasion said he would not become a candidate," Farley said. "He has told, to my knowledge, two espoused candidates that he would not run. I assume that he is telling the truth. When I make a statement, I tell the truth.

"Nobody can assume what will happen at the convention until the convention. There can be no draft if he doesn't want to be drafted."

Gov. George Wallace of Alabama does not have a chance "in the world" of being nominated by the party or of being elected by the voters.

"I believe he will become a candidate like he did in 1968," Farley said. "Yes, that he will break away like he did in 1968. In my judgment he will carry most of the Southern states. But instead of hurting the Democrats, he will take away votes that would have gone to the Republicans."

Farley doubts that Wallace will capture many delegates north of the Mason-Dixon line going into the convention. Some—maybe 20 per cent, he said—but not many.

The secret behind a Democratic victory in 1976, Farley said as he has many times in the past, is party unity.

"If the Democratic party, particularly those who are candidates for President, get behind the one who gets the nomination, then I think the Democratic party can win. Frankly, the issue is going to be bread and butter."

Given today's unemployment figure of 9.2 per cent or 8.5 million workers, Farley said, no Republican could be elected to the White House.

He said he agrees that the last two quarters of the calendar year will begin the upturn in the economy, but said there is a need for government-sponsored employment programs.

Without being specific, Farley said the government needs to put together work programs for the unemployed and expressed special concern for Detroit and the cities of the East Coast where he said unemployment is higher.

"Something has to be done for minority groups," Farley added.

Much of what Farley had to say concerned his years in active politics before dropping out as New York state chairman in 1944. He now lives in New York and is honorary chairman of the board of Coca-Cola Export Company.

Farley has few kind words for reformers in party politics. In 1972 he was recuperating from a heart attack and could not attend the national convention in Miami Beach, Fla. But Farley is certain the backers of McGovern would have shut him out as they did other senior New York Democrats—W. Averell Harriman, former governor and former ambassador, and Robert F. Wagner, former New York mayor.

Politics has changed, Farley seemed to say, or at least the rules of the game and the standards by which one measures politicians have shifted.

"There is a different type of political activity," Farley said. "I don't think you can trust these politicians as much as you could the political bosses, for lack of a better word."

Farley said Mayor Richard Daley of Chicago, often called the last of the political bosses, must be an effective city leader or he would not be re-elected.

He called Watergate "the most stupid performance that, in my judgment, ever happened on the American political scene." And Farley was quick to answer, "There was none that I knew of," when asked if some of the same kind of political dealings were present in the Roosevelt White House.

Farley remembered Lyndon Johnson as a president who knew how to manage Congress, the president who passed the greatest package of social legislation since the Hundred Days of the Roosevelt administration.

Those were the days that saved the capitalist system, Farley said. He was asked why the energy crisis facing the nation has not evoked the same kind of legislative fervor.

"This Congress consists of a lot of new men who made promises when they ran for office," Farley said. "If Garner (John Nance Garner, former speaker of the U.S. House) were speaker instead of Carl Albert, he'd call those people into a room and give them hell. . . . There's not the loyalty there used to be."

Looking ahead to next year, Farley hopes he will be there when the party chairman calls the delegates to order.

"If the leaders of the Democratic party in Manhattan have their way, they will elect me a delegate-at-large," he said. "Carey (Hugh Carey, New York governor) and Wagner (former mayor of New York) will take care of it. I'd like to go, to sit around and be part of it. I ran it twice, you know."

MINNESOTA POSTSECONDARY EDUCATION LEADERS TESTIFY

Mr. MONDALE. Mr. President, recently we were fortunate to have testifying, at my request, before the Subcommittee on Education, a panel of six leaders of postsecondary education from my home State of Minnesota. This hearing was unique in that it brought together the postsecondary leaders of one State to offer their insights on the problems that face many American families whose children are planning to attend these educational institutions. Many of my constituents have discussed with me the increasing financial burdens caused by inflation and rising costs, and I consider these problems to be of the greatest concern.

Four years ago, I chaired a similar "Minnesota Day," and the recommendations we heard then were instrumental in the development of the 1972 Higher Education Amendments. Yesterday's hearing was also highly successful in providing a view of postsecondary education in Minnesota, some of the dramatic innovations that have been achieved there, and some excellent suggestions for the improvement of existing Federal programs.

Participating on this panel were: Sister Joyce Rowland, president of the Minnesota Private College Council; Mr. Richard C. Hawk, executive director of the Minnesota Higher Education Coordinating Commission; Dr. Philip C. Hellend, chancellor of the Minnesota Board for Community Colleges; Dr. C. Peter Magrath, president of the University of Minnesota; Dr. G. Theodore Mitau, chancellor of the Minnesota State University System; and Mr. Robert P. Van Tries, commissioner of the Vocational-Technical Division of the Minnesota Department of Education.

Because of postsecondary education's great importance to the future of our country and the most stimulating ideas contained in the panel's remarks, I ask unanimous consent that my opening statement and their testimony be printed in the Record for the benefit of my colleagues and the American public.

There being no objection, the material was ordered to be printed in the Record, as follows:

Opening Statement by Senator Walter F. Mondale

I am delighted to welcome today six very distinguished leaders of postsecondary education in my home state of Minnesota. This panel will be followed by another very significant voice in the education community: Dr. Margaret S. Gordon from the Carnegie Council on Policy Studies in Higher Education. I believe that this hearing is unique among those recently conducted by the Education Subcommittee in that it brings together the postsecondary education leadership from one state in a single hearing for their combined experiences and wisdom.

Four years ago, I chaired a similar Minnesota hearing before this Subcommittee. The testimony that day provided a most insightful view of the problems facing the institutions of postsecondary education and students and their families in my home state of Minnesota. As a result of their recommendations, the testimony from other knowledgeable witnesses, and the efforts of this Subcommittee, led by its distinguished Chairman, Senator Pell, Congress passed the 1972 Education Amendments. This legislation marked a new initiative by the federal government in the area of assistance to students, their families, and postsecondary institutions. Behind this initiative was our deeply felt commitment to the principle that the benefits of postsecondary education should be available to all Americans.

We know that education is of tremendous importance to our nation's development of its industry, its resources, and its people. It has been estimated that half of America's growth in this century can be attributed to its "human capital"—that is—the wealth in its citizens' knowledge and skills, and half to its physical capital. Over half of the differences in per capita income between the United States and less developed countries can be explained by the differences in their human endowments. In this country, education serves as one of the major vehicles for economic and social opportunity. The Census Bureau reports that a person with a college degree earns an average of approximately $280,000 more during his or her lifetime than someone with a high school diploma. Approximately one-third of this difference, or almost $100,000, is returned to the public by taxes. The value of education is clear.

Yet today, tragically, we find that the effects of inflation and rising educational costs are pushing postsecondary education beyond the means of increasing numbers of American families. The College Entrance Examination Board has estimated an increased need for financial aid resources by families of $1.2 billion, in one year alone, for 1975–76. Recent statistics indicate that these twin factors of inflation and rising costs are causing distressing reversals in equal educational opportunity. The proportion of student enrollment from families in the lowest income quartile, under $7600, declined from 16.7% in 1972 to 15.3% in 1974. The portion of blacks enrolled dropped by 1.3% over the same two years. The ratio of college-aged children from families in the $10,000 to $15,000 income bracket who are actually enrolled in college dropped from 43% in 1970 to 36% in 1973. We are in danger of approaching a situation in which only the very rich and those relatively few students fortunate enough to receive full cost assistance through grant, loan, and work-study programs combined will be able to attend postsecondary institutions.

In addition, there are adults in our country, of all ages, who could benefit tremendously from the rich resources of our postsecondary institutions. All of us, regardless of age, encounter throughout our lives a series of demands. We must shape education, in its broadest sense, to become a lifelong process that helps us meet these needs. I am tremendously proud that one of the focal points for this movement toward lifetime learning is in my home state of Minnesota, and I am hopeful that we can learn more about it today and ways to encourage its development nationwide.

For all of these reasons, I am most pleased that these outstanding educational leaders are here today. I know that their insights and recommendations—as they discuss the problems that many of our finest postsecondary institutions are now experiencing—will be of tremendous help to this Subcommittee.

STATEMENT BY RICHARD C. HAWK, EXECUTIVE DIRECTOR, MINNESOTA HIGHER EDUCATION COORDINATING COMMISSION

Mr. Chairman and members of the committee we are most grateful for this opportunity to once again address the status and needs of post-secondary education in Minnesota and to offer some of our views with respect to Federal participation and assistance in our efforts to provide continuous improvement in the opportunities and services for Minnesota residents and others who choose to pursue post-secondary education in Minnesota institutions. Much change has occurred since this panel appeared before your committee on May 6, 1971. We hope that our current assessment of the situation will be useful to you as you deliberate on Federal legislation relating to post-secondary education.

THE CONTEXT

Post-secondary education is at the threshold of a dramatic transition reflecting a variety of forces and conditions, such as (1) an expanding definition of post-secondary education which recognizes the validity of an increasing variety of institutions, programs and students, (2) changing population characteristics which will produce a 33 percent decline in the number of students being graduated from our high schools annually and a 37 percent increase in the 25–44 year old population during the next decade, (3) changing, manpower demands with constriction on demand in some areas, such as teacher education, for which our institutions have traditionally expanded capacity to meet a constantly increasing demand, (4) continuing problems in attempting to meet needs of special populations (women, minorities, disadvantaged, etc.) while maintaining general quality in a non-expansionary period, (5) changing relationships and new contexts and approaches for making decisions emanating from the development of collective bargaining in the academic community.

Post-secondary education is concurrently faced with profound uncertainties. Changing population characteristics, changing values, and unstable economic conditions make any projections of the magnitude and characteristics of post-secondary enrollments increasingly hazardous. The single fact that the proportion of part-time students in Minnesota's public collegiate institutions has increased from one out of 10 to one out of five, or 20 percent, (not including extension students) in a few short years is evidence of rapid change. The coincidence of the need for change and the decline in the traditional post-secondary education clientele may place the enterprise in the position of attempting to shift capabilities while achieving an overall reduction in capacity—a difficult endeavor for any institution.

The emerging transition and the uncertainties together create a critical need for the states to (1) strengthen planning and policy capabilities, (2) provide stability for the post-secondary education enterprise, (3) facilitate positive change consistent with emerging needs and (4) rationalize the transition.

With no relief from the continuously increasing costs of post-secondary education in view, appropriate Federal assistance in meeting this critical need is essential. While the states must continue to assume basic responsibility for post-secondary education policy and funding, education beyond the high school clearly is in the national interest, and many post-secondary education programs necessarily are designed to meet regional, national and inter-institutional needs. Both the commitment to post-secondary education and the increasing financial burden of post-secondary education to a state like Minnesota are demonstrated by the fact that state appropriations for operating expenses of post-secondary education have been increased by nearly $115 million, or 52 percent in the last three years, and now equal nearly $93 per capita. The difficulties which will mitigate against continuing increases in funding for post-secondary education at the state level are well known to you.

Re-assessment of the Federal role in post-secondary education is timely and should be directed toward facilitating and strengthening state and institutional efforts to make the necessary transition and adjust to the uncertainties promptly and positively in order to meet existing and emerging needs effectively. Priority attention should be given to improving Federal participation in (1) student aids, (2) inter-state and regional efforts, (3) program support and (4) planning.

STUDENT AIDS

The first objective of federal participation in post-secondary education should be to assure the financial assistance necessary to provide access to post-secondary education for students from families of all financial circumstances, and to permit the freedom to choose the institution and programs which will best meet the individual students' needs. The basic federal programs to achieve this objective already exist, but they require development and close coordination with state efforts.

One of the most impressive demonstrations of effective cooperation among the federal, state and private sectors to provide student financial aid is the Minnesota State Student Loan Program. The private sector provides the capital for the program through the purchase of revenue bonds, the state administers the program and sees that loans are fully available to all students attending public and private institutions in Minnesota and all Minnesota residents attending institutions throughout the country. The Federal Government makes the program possible by insuring loans under the Federally Insured Student Loan Program. We have established a variety of procedures, including cooperative efforts with institutions, to assure that defaults on loans will be kept to a minimum.

The first need with respect to this exemplary program is to preserve federal policies to permit the program to continue. Regulations on arbitrage and on loan insurance must continue to be conducive to federal-state-private cooperation in meeting the total need for student loans.

The second need with respect to this program is to establish new policies for reducing some of the negative aspects of the use of loans to meet postsecondary education costs. I suggest two changes by the Congress: (1) excluding Federally Insured Loan obligations from bankruptcy action for a period of five years after the student enters the payout period and (2) providing for repayment of loans on a modified income contingent basis with a variable time period for repayment of the loan in order to permit student borrowers to meet the repayment obligation without undue burden.

The State Student Incentive Grant Program has excellent potential as a cooperative federal-state effect to provide grant assistance, but the level of funding is too small to have any significant impact for a state like Minnesota. In accordance with a strong commitment to make post-secondary education financially accessible to all, Minnesota has established a state scholarship program, a state grant-in-aid program, and a state work-study program in addition to several miscellaneous specific-purpose grant programs. The state's appropriations for state student aid programs are $13.3 million for Fiscal Year 1976 and $17.8 million for Fiscal Year 1977. Minnesota's allocation from the State Student Incentive Grant Program for the current year was $343,000. That is not much of an incentive.

The Basic Educational Grant Program also has especially good potential with adequate funding. The total student aid situation could be improved if the BEOG program were better coordinated with state grant programs.

The Basic Educational Opportunity Grant Program, the State Student Incentive Grant Program and the Federally Insured Student Loan Program—when properly funded, administered and coordinated with state student aid programs—can meet the objective of providing basic aid for all students with need, regardless of the institution which the student seeks to attend. These programs can also facilitate maximum choice for the student to select the institution and/or program which will best meet his or her needs.

Unfortunately, multiple application forms and different approaches to needs analysis leave the students confused and discouraged about applying for state financial aids. Correcting this situation will require (1) that federal and state programs are coordinated, (2) that a single application form causes the student to receive consideration for all basic education programs and (3) that the Federal Government provide a needs analysis system which accomplishes a single assessment of the need of each student with a reporting of such need to each institution, state agency, or other legitimate organization which awards student financial aids. Such a system, which would alleviate the confusion about whether or not the student has completed the proper needs analysis form to be sent to the proper agency for the student to be considered for all of the education programs for which he wishes to apply, should be made available as a federal service without cost to the student and the institutions and agencies which receive reports on the student's need.

In addition to these programs which assure that every student has access to basic student financial aid opportunities, regardless of where he or she chooses to pursue post-secondary education, there must continue to be additional funds which can be used at the institutional level by student financial aid officers who can assess and make judgment with respect to the peculiar needs of each individual student. Federal funds for this purpose must be made available with maximum flexibility to permit "packaging" of aid.

INTERSTATE AND REGIONAL EFFORTS

Traditionally, state borders have served as invisible barriers to student access and freedom of choice in post-secondary education. Moreover, the tendency has been for each state to feel a responsibility to offer every post-secondary education program, regardless of cost, even if the same programs are offered in all neighboring states. Such deficiencies can be corrected through interstate agreements and regional planning to meet interstate regional needs.

We have demonstrated the potential for comprehensive interstate cooperative arrangements with the Minnesota-Wisconsin

Higher Education Reciprocity Agreement and the Minnesota-North Dakota Higher Education Reciprocity Agreements. Under these agreements, Minnesota residents have access to public institutions in North Dakota and Wisconsin at in-state tuition rates and North Dakota and Wisconsin residents have access to Minnesota public institutions at in-state tuition rates.

With arrangements which permit students to flow across state borders to pursue post-secondary education without financial penalty, we have improved access and freedom of choice and have established the foundation for cooperative interstate planning for meeting needs of students in the region more efficiently and effectively.

We also have demonstrated the potential for more limited interstate agreements in order to provide better service to residents on both sides of the state border in smaller geographical areas. Under such an arrangement, Rainy River Community College, which is located adjacent to the Canadian border at International Falls, is open to Canadians who reside in the Fort Frances area. In return, Minnesota residents have access to Confederation College in Fort Frances. Students in both Moorhead State College and Concordia College of Moorhead on the Minnesota side of the border and North Dakota State University across the border are part of the Tri-College University arrangement under which students in any one of these institutions have access to all three.

An additional form of interstate use of post-secondary resources is contractual arrangements under which spaces for students from other states are purchased in professional programs, such as medicine, dentistry and veterinary medicine at the University of Minnesota.

While interstate post-secondary arrangements can improve the efficiency and effectiveness of post-secondary education in the participating states in the long run, the states must incur some immediate costs, such as loss of out-of-state tuition, in moving from independent autonomy to cooperative interdependence. Federal assistance providing partial support for developing and implementing cooperative interstate post-secondary arrangements could go a long way toward facilitating desirable student mobility across state borders, eliminating duplication of effort among the states, and effective action to meet regional needs.

PROGRAM SUPPORT

Basic responsibility for funding of post-secondary education programs must continue to rest with the states, but the combined effect of the need for significant change in post-secondary education and increasing costs create a serious need for Federal funds to assist with the support of post-secondary education delivery programs. While any kind of program support is useful and can be justified, priority should be given to federal assistance to institutions and states for developing new approaches to post-secondary education in order to meet changing needs and to serve new populations. Given the burden of financing post-secondary education which the states already are experiencing, absence of Federal funding to assist with making the necessary adjustment is likely to result in either diminution of quality as resources are taken from existing programs to support the expanding need to serve nontraditional populations or inadequate adjustment to changing circumstances due to lack of sufficient funding.

Federal assistance for making the adjustment must be sufficiently flexible to provide support for a variety of approaches. In some instances, the support should be available for developing new types of institutions, such as Metropolitan State College which is devoted exclusively to serving the adult population through nontraditional programs. In other instances, the support should be made available to assist with the development of new kinds of programs and efforts which virtually all Minnesota institutions are seeking to undertake. In still other instances, the funding should be available to assist new forms of delivery mechanisms, such as the three experimental post-secondary education regional centers which Minnesota has established in order to meet the needs of previously inadequately served populations by drawing upon the resources of existing institutions rather than establishing new institutions.

The approaches to making the adjustment to changing circumstances will vary from one state to another according to the peculiar structures and particular needs of each state. The approaches also will vary because we do not as yet have all of the answers about the ways in which and conditions under which we can best respond to emerging needs in a rapidly changing context. A variety of approaches will provide the experiments and the evidence which can help to chart the future course of post-secondary education.

In emphasizing the need for the kind of program support which will facilitate adequate change, I in no way wish to minimize the continuing need for basic federal assistance for programs, such as medical education, which are designed to meet regional, national and international needs. Neither is it my intention to minimize the continuing need for federal support of research in our institutions of post-secondary education. Failure to support research is to deny the present generation of students the opportunity to study in an environment structured from the excitement of inquiry and the discovery of knowledge and to deny future generations of the benefit of a more advanced society.

THE PARTNERSHIP

In Minnesota, we cherish a diversity of post-secondary education programs and institutions consistent with the varied needs of our residents. Accordingly, the state maintains four systems or types of public institutions: the University of Minnesota System, the State College (now to become state university) System, the State Community College System, and the area vocational-technical institutes. The state also is providing increasing support for private institutions which are an important component of the total pattern of post-secondary education in Minnesota. We also attempt to maintain a structure which causes the efforts and activities of these varied institutions to be coordinated in an effort to meet the totality of needs without unwarranted duplication. In developing new programs and modifying the existing programs of federal assistance for postsecondary education, we urge you to take a similar perspective so that federal funding will serve the legitimate needs and recognize the legitimate roles of all types of institutions, both public and private, and that policies for awarding federal funds will facilitate state efforts to provide a coordinated approach to meeting needs.

The tremendous progress in part-secondary education during the first two centuries of this great nation is the result of the combined efforts of both the public and private sectors, of both institutions and government, both federal and state. Clearly the challenges of the next century require our combined best efforts. We offer our full assistance in seeking to make the federal-state institutional partnership in post-secondary education increasingly productive.

STATEMENT BY ROBERT P. VAN TRIES

I am Robert P. Van Tries, Director of Vocational-Technical Education in Minnesota and have the responsibility for the administration of vocational-technical education under the direction of the State Board. On behalf of the citizens of Minnesota and particularly the educational community, I would like to express appreciation for the opportunity to testify before you in regard to post-secondary vocational education in the complexity of higher education.

The several systems of post-secondary education in Minnesota undoubtedly provides its citizens with one of the most comprehensive alternatives available in the nation. At the present time we have 34 area vocational-technical institutes operated by 33 local school districts. The enrollments in the area vocational-technical institutes have experienced a steady growth since their beginning and now serve over 23,000 full-time job preparatory students per year. Minnesotans have their choice of over 400 individual training opportunities leading to participation in the world of work. During the past months as the nation has experienced a considerable increase in unemployment, Minnesota has consistently maintained one of the lowest unemployment rates in the nation. It is our opinion that this has been due to the fact that we have one of the best trained, highest skilled labor forces in the nation. The post-secondary vocational education system annually provides trained personnel for over one-fifth of the new labor force each year.

We believe that the post-secondary vocational programs can continue to provide meaningful careers to Minnesotans through quality programs designed specifically for business and industry. There are over 2,500 representatives of business and industry serving on local advisory committees to the area vocational-technical institutes. Several hundred more serve on advisory committees to the State Department of Vocational-Technical Education advising on programs that are state-wide in nature. Maintaining definitive employment goals for students is an absolute necessity in delivering relevant programs for students.

Many of the successful programs that have begun within the vocational system can be directly attributed to legislation and financing at the federal level. Through the use of even small amounts of federal dollars we have been able to begin programs and services to students that have eventually become state supported. This is true of our post-secondary institutional program but also applies to other institutions such as correctional institutions. We would hope that as the committee considers future legislation it would keep in mind the needs of students rather than the necessity of institutional structures.

There are several areas that I would like to address specifically as problematic to the continuation and expansion of vocational education in Minnesota. In each instance it would be ludicrous for me to provide you with the identification of problems without the provision of recommendations. I should also mention that several of my points were previously addressed in my presentation to this committee in 1971.

PLANNING

The Vocational Amendments of 1968 and the Educational Amendments of 1972 both addressed the necessity for greater effort in long range planning in post-secondary education. There is little question in regard to the necessity for better justification in the application of educational funds. The Vocational Amendments of 1968 have been particularly frustrating in the planning requirements in that the mandates of the law have been enforced by the U.S. Office of Education while Congress has been negligent in its obligation to provide sufficient funding in time for adequate planning to actually be responsive. Too often we have not known our funding level until well into the fiscal year. In this regard it is our recommendation that a provision for advance funding be made for vocational education.

1202 COMMISSION

The 1202 Commission should be studied in more depth. While we have a proliferation of job-trainnig agencies, we also have a proliferation of planning agencies. We believe the sole agency concept is just as important in accountability for planning as in accountability for the operation of programs. With the present CETA organization involving numerous local prime sponsors coordinated planning becomes even more important. This isn't accomplished by having a number of basic planning agencies. Delivery systems such as vocational education, elementary and secondary education, and higher education will always need planning funds. Whether any of these delivery systems are qualified to do a good job of planning without the participation of other agencies and interested groups is doubtful. This participation should be more than advisory.

Furthermore, we believe the U.S. Commissioner has prostituted the law establishing the 1202 Commission. A perusal of the 1202 Commission as established by the states and approved by the Commissioner, we believe, will show only a few complying with the membership intended by the law.

PRIVATE TRADE SCHOOL LEGISLATION

We believe the time has come for the Mondale Amendment on accreditation to be extended to private-for-profit institutions. At present time the accrediting agencies constitute a monopoly and schools should have some choice. It may interest you to know that prior to your activity on our behalf, the single requirement by U.S.O.E. that accreditation agencies be regional in nature was the major stumbling block to establishing approval by U.S.O.E. At the present time we are engaged in talks with Iowa, North Dakota, South Dakota, and Nebraska to form a regional accrediting agency. Since we are approved by U.S.O.E. individually we feel they might have some difficulty in refusing us approval jointly as a regional association.

TEACHER EDUCATION

Not since the original Vocational Act of 1917 has the Congress made a definite commitment of vocational teacher education. As vocational education is expanded, the necessity for expansion of vocational teacher education (particularly in-service programs) has been recognized but only minimumly funded through EPDA monies. With the present concern for the over production of teachers, vocational education needs to be uniquely examined in light of the fact that there still remain many vocational areas in which teachers remain in very short supply. Currently in Minnesota we are totally unable to provide an adequate number of agriculture education teachers. More important is the fact that all vocational education teachers need constant updating in the business or industry with which they are associated. Inservice education for vocational teachers is an absolute necessity. Therefore, we would recommend that Congress specifically fund either through the Vocational Act or through the collegiate institutions, vocational teacher education at an adequate level whereby classroom teachers are insured in-service offerings at the colleges and universities as well as enabling them to produce sufficient new teachers for vocational subjects.

The area of vocational teacher education is perhaps the most common ground wherein the several systems of post-secondary education meet to address a common need in Minnesota. It might be of interest to the committee to know that a vocational teacher education council has been formed, made up of vocational teacher educators, teachers, and administrators whose purpose is to coordinate the activities of the colleges and universities as well as to function as an evaluating mechanism. This council reviews the credentials of all teacher educators and under its recognition in the State Plan periodically evaluates the competence of the teacher educators. We see the formation of this council as unique in that it provides not only a certification mechanism but also a qualitative insurance policy in delivering services to teachers.

STUDENT FINANCE

The students at the area vocational-technical institute under 21 years of age continue to enjoy free tuition in Minnesota as of this date. However, the percentage of students over 21 has been constantly increasing. Presently over 25 percent of the students are tuition paying. These students as well as many of those needing subsistence during attendance are involved in the federal and state programs of student assistance.

The problems encountered by area vocational-technical institute students in regard to Federally Insured Student Loans are essentially the same as those besetting students from other types of post-secondary educational institutions. These problems are lengthy processing times due primarily to the application cycle and the over reliance on this form of assistance due to the inadequacy of other forms of student assistance.

The second problem, inadequate student aid appropriations, is a critical factor. Area vocational-technical institute students only recently became eligible for the full range of student assistance, having been eligible only for the college work-study program prior to academic year 1973–74. During the past two years inflation has severely eroded the purchasing power of families, creating increased needs and thus lowering ability to provide for inflating educational expenses. Federal funding has been relatively static for Supplement Educational Opportunity Grant, National Direct Student Loan, and College Work-study Program and have thus curtailed the ability of the U.S. Office of Education to provide for the increased needs of area vocational-technical institute students. Entering these programs recently, the area vocational-technical institutes have a lowered base of student aid funds and due to the nationwide shortage of student aid funds, have been held to a flat percentage increase in awards in the same way as institutions with a long history of participation in the programs have higher base award levels. When other funds run out, students are forced to rely upon the Federal Insured Student Loan program to an undesirable degree to meet needs that should be funded from the Basic Educational Opportunity Grant and the campus-based programs.

Experience has shown that the students of greatest need in the area vocational-technical institutes are often apprehensive of participating in a loan program and many students drop out rather than become involved in the application process. The greatest need of our students is for an institutionally based small grant program, a program whereby a student with a family emergency or one who experiences a financial crisis can receive immediate assistance. It is our recommendation that such a grant program be incorporated into the present vocational legislation but in absence of this, incorporated into the higher education grant program.

ADMINISTRATIVE LEADERSHIP

At the present time the guidelines for accepting federal funds have mandated the necessity for a State Director of Vocational Education and a sole agency administering through a State Plan. This mandate has insured the quality of programs and equitable distribution of federal funds. However, the percentage of federal funds in comparison with state and local contributions has decreased incredibly in the last several years. This has lead to the decrease in state level administration in many states. Similarly, the U.S. Office of education has recently inquired into the use of federal monies to provide administration at the state level. The greatest problem in this area is due to the fact that the U.S. Office of Education assumes that all monies staying at the state level are for administrative purposes. Nothing could be further from the truth. The majority of the services provided at the state level to teachers and in many instances directly to students are not administrative in nature. It would be our recommendation that the role of the sole agency be better defined and that specific levels of support be indicated for administration and services.

COMPREHENSIVE EMPLOYMENT AND TRAINING ACT OF 1973

The goals and objectives of the Comprehensive Employment and Training Act, CETA, in many ways run parallel to that of the Vocational Education Act of 1968. To enhance self-sufficiency by establishing a flexible and decentralized system of Federal, State and local programs, CETA has established approximately 450 prime sponsors to develop local manpower policy for the United States. Nationwide, approximately 25 percent of CETA funds for Fiscal Year 1975 were programmed for training with the balance in work experience, public service employment and on-the-job training. Minnesota experience was 5 million for training of 69 million of CETA funds. This compares wtih 9 million in Federal vocational funds and nearly 100 million of state and local funds. In reviewing national manpower policy on training, the outstanding attribute is the diversity of programs. In CETA, job creation through work experience and public service have the top priority for a short term solution. Once federal funds are depleted, the individual is again unemployed if there is not an upturn in the economy.

Congress in enacting the CETA legislation designated 5 percent of the Title I funds to State Boards of Vocational Education to provide vocational services to prime sponsor clients. Without this catalyst many prime sponsors would have allocated their resources to work experience and public service employment. Short term expediency in short term planning provide a positive solution in a local labor market. The long term benefits of skill training are difficult to measure in a one year planning cycle.

One of the major problems of CETA is the reliance on local decision of 450 prime sponsors versus that of 50 states. Labor market information at its best is based on assumptions and to add 450 projections makes it much less supportable in predicting supply and demand. The mobility of the labor force, unreliable data, city prime sponsors within county prime sponsors, changing population trends, fiscal and monetary policy, foreign competition and changes in technology make it difficult if not impossible to establish meaningful employment projection on a one year cycle.

In the United States, the very basic problem in occupational planning is the lack of a uniform classification for occupational data. Presently, the major divisions are the Census Occupational System, Dictionary of Occupational Titles, International Standard Classification of Occupations, U.S. Office of Education Codes and the tentative Standard Occupational Classification of the Bureau of Labor Statistics. They are also coding systems by the National Science Foundation, civil service, and military codes. How can policy discussions on manpower supply and demand be made with any degree of reliability when the data base is not uniform?

Another variable in CETA as well as vocational education is the effect of social policy on manpower policy. Assurances and certifications for civil rights, non-discrimination, affirmative action, veterans, labor standards, all affect the total planning system. Would there be a 9 percent unemployment rate if women were in labor force at the same rate during the 1930's? Population trends, social change, negative birth rates, basic opportunity grants, unemployment insurance, energy, career education, state legislation, social security, inventories, tax incentives all have positive and negative effects on the labor force.

In an expanding economy with seemingly unlimited resources, individual solutions to manpower problems could be undertaken. This was the case in the 1960's but no longer a luxury for the 1980's. Vocational rehabilitation for the handicapped, veterans training, 50 unemployment insurance policies, health training, minority training, grants of 13 million dollars in research and development in CETA, public service jobs, public works, super subways in the Nation's Capitol all effect labor and supply.

The Congress has the responsibility for a nationwide manpower policy with appropriate legislation to eliminate duplication of services. Without a total plan the future of the 1980's is not too bright. Does this have implications for a restudy of the 1202 Commission of Title X as well as the planning requirements set forth in the Vocational Act Amendments of 1968 and the numerous Planning Councils under CETA?

VETERANS EDUCATION BENEFITS

Title 38, United States Code, Chapters 34, 35, and 36 should be addressed with the objective of providing a mechanism to prevent fraudulent claim under this law. Congress, itself, should define satisfactory progress for the enrolled veterans. The fraudulent practice involves registering for courses and never attending school. The veteran stands to gain approximately $300 a month and automatically receives the grade of NC when his performance is substandard. At the time of the Advisory Committee Meeting it was decided to request colleges to report nonperformers and for such persons to be charged with an overpayment by the Veterans Administration. Subsequently, the Veterans Administration determined that it was not possible under the Regulations to require repayment and this office altered the procedure to require that nonperformance be reported and that the student be counseled prior to reenrollment. Attached hereto is a memorandum dated May 15, 1975, directed to Minnesota Institutions of Higher Learning which requires the reporting of academically deficient students.

Response to the memorandum by colleges has been spotty. Various schools have submitted the requested information but others have indicated that they will not comply. We understand from the Veterans Administration that the intention of the University of Minnesota is to not comply. Failure to do so will result in termination of veterans' approval unless a satisfactory alternative is proposed.

The Veterans Administration has indicated that counseling of students by the college counseling staff will be satisfactory for the initial counseling session. Subsequent substandard performance after counseling by the college will result in termination of benefits until such time as the student appears at the Veterans Administration for counseling. Several colleges have indicated that counseling staffs within the college are unable to accommodate the counseling load and, therefore, have refused college counseling to the substandard performers. It was anticipated that some colleges would refuse to counsel and the May 15 date was established to permit all substandard students to reach the Veterans Administration counseling services before fall enrollment.

A meeting was held at two locations concerning this matter, Fort Snelling and Fargo, and there was some feeling on the part of schools that individual veterans should be accountable on a charge of fraud. Mr. Charles Liesenfeld, University of Minnesota Office of Admissions and Records, recommended this course at the Fort Snelling meeting. As a result, we have involved the United States Attorney and the FBI to advise as to the difficulty which may be involved in proving fraud. We have offered a test case at the University of Minnesota, Morris Campus.

Apparently this is a national problem and I have attached hereto news releases from the Jack Anderson column and from the Veterans Administration in Washington.

Implementation of Provisions of Memo Dated April 25, 1975

Available time did not permit complete discussion of, and response to, all questions raised by the representatives of Minnesota institutions offering courses leading to a Standard College Degree at the seminars held at the Fargo Veterans Administration Center on May 1, 1975 and at the Fort Snelling Veterans Administration Center on May 2, 1975. Therefore, it is the purpose of this memo to clarify and resolve questions raised by the college representatives.

Q: What is the rationale for requiring a minimum of twelve transferrable credits per quarter for a veteran in full-time attendance?

A: (1) Twelve credits is the minimum amount of credits for which the Veterans Administration will allow full-time educational benefits per quarter or semester.

(2) Full entitlement of 36 months plus the maximum permissible extension of nine months totals the equivalent of 15 quarters. Twelve credits per quarter for 15 quarters will total 180 credits. A Bachelors Degree requires 180 or more quarter credits. Less than an average of twelve credits per quarter would not meet the requirements of a Bachelors Degree. Colleges have indicated that a normal student work load is 15 to 17 credits per quarter. A student carrying a normal work load could receive a "W" or a "NO CREDIT" in a course and still complete twelve transferrable credits.

(3) A veteran transferring from one accredited college to another accredited college and having some non-transferrable credits would lose the credits that were not transferrable. Credits that are unacceptable by an accredited college for application toward a Standard College Degree are of no more value than a "fail" in the pursuit of a Standard College Degree.

(4) This rationale will apply equally to all veterans and other eligible persons in pursuit of a Standard College Degree of Associate or Bachelor. In college, his progress in pursuit of a Standard College Degree would be considered satisfactory.

Q: Would an AVERAGE of less than twelve transferrable credits per quarter for several previous quarters require earning more than twelve transferrable credits during the current quarter or subsequent quarters in order to establish that progress is satisfactory?

A: No. Regardless of previous lack of progress, currently earning not less than twelve transferrable credits per quarter will be considered as satisfactory progress.

Q: Several questions were raised concerning special cases involving registration for twelve or more credits, then withdrawing, cancelling, auditing, "NO CREDIT", and incompletes.

A: The "RIP-OFF" game is to sign up for twelve credits, do little or no work, attend class little, if any, and receive full educational benefits. The whole purpose of this requirement is to STOP THIS PRACTICE NOW.

A veteran who registers for twelve or more credits and who receives full-time educational benefits should earn at least twelve credits.

The law provides special tutoring for any veteran who needs it at no cost to the veteran.

In order to be considered as making satisfactory progress in the pursuit of a Standard College Degree, the veteran must earn not less than twelve transferrable credits per quarter of full-time enrollment (or, as explained above, an AVERAGE of not less than twelve credits) or a pro-rata of twelve credits for less than full-time enrollment.

Q: What about the veteran who carries nine regular credits plus three additional credits in a required REMEDIAL COURSE for which no credits are granted?

A: The substitution of a REMEDIAL COURSE required for completion before a Standard College Degree can be granted is entirely acceptable for their equivalent in credits courses. Required remedial courses should be identified in the student's progress records.

Q: What procedures are required when a veteran receives less than the twelve credits for which he is enrolled?

A: The school notifies the Veterans Administration that the student's progress in PURSUIT OF A STANDARD COLLEGE DEGREE is unsatisfactory. Ordinarily the school counseling staff will counsel the veteran to identify the cause of his unsatisfactory progress, then work out with the veteran an appropriate plan designed to remedy the cause of his unsatisfactory progress.

Veterans Administrtaion Regulations 14278, "REENTRANCE AFTER DISCONTINUANCE", states:

(A) A veteran or eligible person may be reentered following discontinuance because of unsatisfactory conduct or progress only when the following conditions exist:

(1) The cause of the unsatisfactory conduct or progress has been removed, and

(2) It is deemed through counseling that the program which the veteran or eligible person now proposes to pursue is suitable to his aptitudes, interests, and abilities. (3/3/66)

(B) Reentrance may be for the same program, for a revised program, or for an entirely different program depending on the cause of the discontinuance, the removal of that cause, and the determinations arrived at through further counseling. (38 U.S.C. 1674 & 1724) (3/3/66)

Q: Will veterans earning less than the twelve credits for which they enrolled be subjected to loss of their educational benefits?

A: No. Sincere veterans who are really trying to pursue a Standard College Degree to the best of their ability but fail to earn the twelve credits for which they are enrolled may be helped by their counselor to identify and remedy the cause of their unsatisfactory progress. The Veterans Administration may permit reentrance into training pursuant to the above stated Veterans Administration Regulation 14278.

The unethical individual probably would never request assistance from a counselor in identification of the cause of his unsatisfactory progress.

Q: How will the students making unsatisfactory progress be reported to the Veterans Administration?

A: At the end of each quarter when grades are posted in school records, the school will complete the enclosed form in triplicate and submit the original to the Veterans Administration, one copy to the State Approving Agency, and retain one copy for school records.

[From the St. Paul Dispatch, May 20, 1975]

Could Be Prosecuted—Vets Get Tuition, Play Hookey

(By Jack Anderson with Les Whitten)

WASHINGTON.—Uncle Sam has shelled out a whopping $329.6 million to students who apparently pocketed the money and then played hookey.

They are Vietnam veterans who have been collecting their educational benefits, it seems, without bothering to go to school.

The House Veterans Committee has ordered the General Accounting Office to investigate the massive overpayments and to recommend ways to get back the misspent funds.

The veterans who have been ripping off the taxpayers, meanwhile, could be prosecuted. They have taken advantage of a tax law, which was intended to permit veterans to begin their education without waiting around for the wherewithal. Under the law, the government benefit checks must be sent out before the veterans start their classes.

Some schools, particularly community colleges, abet the culprits by permitting them to skip classes and still remain listed as students entitled to federal benefits.

In many states, it pays colleges to keep students on the rolls who don't attend classes, because the amount of state support depends upon the size of the enrollment.

In Maryland, for example, an investigation disclosed that 145 veterans at one community college never completed a single course during the 1974 spring semester. Yet 71 received fulltime benefits of at least $270 per month.

At another Maryland school, one veteran was allowed to keep signing up for classes for five semesters, although he never has completed a single course. He still is enrolled in the college and, of course, still collects his monthly government check.

Another student according to the investigative report, was asked why he was enrolling in the same course he had taken the previous semester. "You get your money," he replied, "so why should you care how I use my entitled benefits?"

What has happened in Maryland, according to other state education officials, is going on throughout the nation. The scandal may compel a return to former, tighter controls. Government enforcement officials meanwhile, have recovered only $197.3 million of the misspent $329.6 million.

[From the Minneapolis Tribune, May 17, 1975]

VA Acts To Stop GI Bill Abuse on Campuses

WASHINGTON, D.C.—Fearful that abuses of education benefits may be costing American taxpayers millions of dollars, the Veterans Administration (VA) has begun steps to tighten controls on veterans attending school under the GI Bill.

In two states, the VA has learned of cases where veterans continued to collect monthly checks although they had dropped out of school. Officials concede that the practice could be far more extensive.

The VA is drafting a new set of regulations designed to make sure that colleges and vocational schools keep closer watch on their GI Bill students and their educational progress.

The VA admits it doesn't know the extent of the problem but acknowledges that it could exist nationwide. Primarily it seems to involve community colleges and other such institutions, which frequently have lower standards for admission and scholastic achievement, officials said.

The VA said there are about 1.7 million veterans drawing GI Bill educational benefits, which are $270 a month for a single veteran with additional amounts for those with dependents.

Statement by Philip C. Helland, Chancellor, Minnesota Community College System

Mr. Chairman and members of the Committee: Thank you for this opportunity to appear before you.

Other Minnesota educators on this panel today are dealing very adequately with matters that center on the special goals and needs of 4-year colleges, universities, and vocational-technical schools. I will therefore attempt to concentrate on the status and goals of community colleges in Minnesota and on the needs of the people they serve.

In testimony before this committee in 1971, printed in the Congressional Record of May 6, 1971, I described the system of 18 community colleges in Minnesota in some detail, and will not repeat that description here, except for a summary and updating.

Prior to 1964, the public 2-year colleges in Minnesota consisted of 11 junior colleges operated by local school districts, enrolling 3,941 students in 1963–64. The curriculum was almost entirely for purposes of transfer to 4-year colleges. Unlike many states, Minnesota had chosen to operate a separate system of area vocational-technical schools which offered one and two-year post-secondary programs. In 1963 the Minnesota Legislature established the Minnesota State Junior College Board (since re-named Minnesota Board for Community Colleges). I became its chief administrator in 1964, and the 11 school districts operating junior colleges elected to turn the colleges over to the new state board, for governance and operation, beginning in September, 1964.

In 10 years, from 1964 to 1974, the number of colleges grew from 11 to 18, the enrollment grew more than 600 percent, to 18,402 full-time equivalent students, representing more than 30,000 individuals enrolled in one or more credit courses, with non-credit adult education serving thousands more. During the same period all 18 campuses were established on independent sites, which on 16 sites consist of entirely new construction with two sites a combination of new and remodeled buildings. Federal grants for buildings and equipment were very much needed and appreciated during this growth period.

The programs of these colleges have also changed during this period. Reflecting the new title "community colleges", the small number of occupational programs in 1964 has increased to more than 150 discrete occupational programs among the 18 colleges, enrolling more than 6,000 students whose primary goal is to seek employment following one or two years in the community college. It should be well-noted that Minnesota compares very favorably with other states in the proportion of students in occupational programs in 2-year institutions. When combining the 2-year area vocational-technical institutes and the two 2-year agricultural campuses of the University of Minnesota, where all full-time students are in occupational programs, and adding the community colleges where approximately one-third are in occupational programs, the combined picture shows that approximately two-thirds of all full-time students in Minnesota's public 2-year post-secondary institutions are in occupational programs.

Of the two-thirds of community college students who are not in occupational programs, there is an approximately equal division of those who actually transfer to the upper division of a 4-year college, and those who are satisfied with the general education program for the self-fulfillment of immediate goals.

This latter group, currently one-third of the total 18,000-plus in full-time equivalence, actually number more than 10,000 persons because they tend to be part-time students.

It is this latter group that will be the growing segment of community college enrollment in the 1975–1985 decade, from all indicators that I can see, replacing the occupational segment as the fastest expanding segment. For this reason it warrants special analysis and special support.

This "non-traditional third" of community college students, which will probably grow to at least one-half of the total in full-time equivalence by 1985 (and more than one-half in number of individual citizens), is a diverse segment, much more so than the third who will transfer or the third who are in occupational programs. The "non-traditionals" include the senior citizens, those taking adult basic education or compensatory programs, plus any working or non-working adult taking one or more courses for personal enrichment or for learnings that are indirectly job-related.

This growing "non-traditional" segment deserves more analysis, but in the same context should be mentioned the "adult education" or "community education" segment, receiving non-credit courses and services from the colleges. Although not included in the enrollment figures previously mentioned, this clientele is also not degree-oriented and therefore is not distinguishable from much of the "non-traditional" clientele except that credit courses have "college level" characteristics and receive public support to supplement tuition and fees while "adult education" receives no public support when offered through Minnesota's community colleges, other than administrative costs and use of physical facilities. Adult education does receive additional support when offered through Minnesota's K–12 school districts.

Back to the "non-traditionals", I would like to mention several types that currently receive federal assistance in some form. We have senior citizens projects operated with assistance of funds from Title I of the Higher Education Act and from Title III of the Older Americans Act. Of course we also have older Americans attending classes along with everyone else. The Board for Community Colleges adopted a policy last year that any senior citizen could enroll tuition-free on a space-available basis. Also under Title I we have a special program for enhancing the status of women, and for several years our downtown Minneapolis college has operated a compensatory education program for Vietnam veterans which has been federally-funded entirely, under the Talent Search and Upward Bound programs, and we have been among the earliest recipients of federal Cooperative Education funding, which our colleges attempt to combine operationally with Work-Study funds and with Career Orientation—as these terms are used in federal funding nomenclature. More recently we have become involved in "competency-based" advanced placement and recognition toward degrees from non-college experiences, as assisted through the Fund for Improvement of Post-Secondary Education.

Compensatory education deserves special mention. This is our term for what might be called Adult Basic Education in elementary-secondary education contexts. "Compensatory" means some students had handicaps or disadvantages which prevented them from gaining as they should from prior learning experiences, and now as post-secondary students they are being helped to make up for deficiencies.

Our approach is not to repeat elementary-secondary skill training in isolation but rather to have such students reduce their normal load of regular courses to allow time for "supportive studies" assistance. Of course there are a few who take only the basic skills part of the available opportunity and to this extent we are in the "Adult Basic" business—as this term is used by school districts which receive federal assistance for this program. Because many adults prefer the atmosphere of a college campus we believe that more federal assistance should be directed to Minnesota's community colleges for adult basic skills programs.

Before making recommendations for new emphases in federal impact on postsecondary education, I wish to state two basic philosophical premises on which we defend the broadening of the traditional mission of the two-year colleges. One is simply that every citizen deserves an equal opportunity to learn. In 1975, this means an opportunity to engage in two years of postsecondary education of the type best suited to each individual's needs. It is not accurate to say that this opportunity already exists. Educationally disadvantaged people have psychological as well as academic and economic barriers to overcome. There is some documentation that, even though the people of lowest income pay the least taxes toward post-secondary education, they make considerably less use of post-secondary education than even their smaller amount of taxes would warrant.

The second premise is that the time has come to pay increasing attention to educational outcomes that are not directly related to the acquiring of specific occupational skills, but which nevertheless enhance the employability of individuals and increase their satisfaction in their jobs, their "satisfactoriness" to their employers, or increase their self-fulfillment in personal lives and in citizenship apart from employment. In short, general education or the liberal arts are taking on new meanings as it becomes more certain that non-material aspects of our lives must play a larger role. One central thought in this regard that is often overlooked is that working is a part of life, and the job itself must increasingly become a place where outcomes of education other than strictly vocational skills are exercised. So long as a job involves human relationships there is endless opportunity to apply the outcome of general education. Intellectual and artistic fulfillment, as well as the meeting of social and civic responsibilities, should be increasingly recognized by employers and employees as ends in themselves in the job environment as well as outside of that environment.

Needless to say, the personnel of our 18 colleges wish to express gratitude, on behalf of the public they serve, for all of the federal assistance received over the years, and it is hoped that these aids will continue as public needs warrant in each category. In this light, my remarks today on the matter of specific federal assistance will focus on the need for support in the "non-traditional" categories—for the one-third of our clientele which shows every evidence of growing rapidly in the years ahead. I have suggestions that pertain to four matters: financial aid to students; assistance to institutions on a program basis; the right to equal opportunity in life-long learning; and, the matter of establishing definitions and jurisdictions in adult education.

Financial aid directly to students should become more available to selected part-time students. The old rationale is that part time students can work and therefore don't need assistance. This premise does not hold for some of the non-traditional part-time students, especially during times of high unemployment rates.

Institutional assistance on a continuing basis is needed for providing equal opportunity to physically handicapped, economically disadvantaged, and educationally disadvantaged students. Legislation is needed that will have parallels to the Vocational Education Acts of 1963 and 1968, establishing a system of reimbursements to institutions which provide certain most-needed services. Minnesota's Community Colleges do not receive federal assistance for handicapped and disadvantaged students which are currently available to certain other institutional types. Without becoming specific about refinements at this time, the basic rule-of-thumb might be that effective education for handicapped and otherwise disadvantaged students costs at least twice as much per full time equivalent student, and therefore a 50 percent reimbursement is needed. This assistance would provide for the smaller class size, para-professional tutors, and professionals with special credentials that are needed to effectively carry out equal-opportunity education in community colleges.

Third, the principle of life-long learning as a necessary benefit to the American public should be established through federal legislation. This can best be done, carrying out the related principle of equal opportunity, by accepting the obligation to support two years of post-secondary education for every citizen. Each person should be able to "collect" this education at any time he or she chooses, throughout life. The nature and amount of such support, and whether it should be given through direct aid to students or through institutional support, are questions that remain as does the issue of what portions of such support should come from the state or federal levels. The first matter is to establish that "equal opportunity" requires that these provisions be made.

Fourth, the matter of "adult education" (usually equated with non-college credit courses offered by K–12 school districts) needs to be defined, and distinguished from "continuing education" (usually identified as college-credit courses offered by colleges), and "community services" (usually identified as *non*-credit offerings and services by colleges). At the present time, federal involvement in "adult education" is not great, and perhaps it will not be and should not be. But there are precedents of proportionately small federal involvements in funding of programs, where this involvement has nevertheless become the paramount determiner of definitions, principles, and hence the nature of programs that are primarily supported at the state and local levels. This matter needs careful study.

Thank you for your consideration of these suggestions.

Statement of Sister M. Joyce Rowland, O.S.F.

Thank you for this opportunity to present an important viewpoint on the higher education aspects of the Education Amendments of 1972.

I am Sister Joyce Rowland, Franciscan. I come as President of the Minnesota Private College Council and as President of one of its members, the College of Saint Teresa, Winona, Minnesota. The Minnesota Private College Council is an organization of seventeen (17) independent four-year colleges educating over 30,000 students annually. The College of Saint Teresa is a Catholic College for women, educating about 1080 students annually in the liberal arts professions. I speak to you out of this frame of reference and with a particular concern that all students with the potential for higher education gain greater freedom of choice and access to this educational opportunity.

We in the private colleges in Minnesota are very appreciative of the federal aid coming to our students. We are generally pleased with the effects of the Education Amendments of 1972 (P.L. 92–318), which reflect a policy of educational funding, which is equitable and far reaching. This policy recognizes: (a) the correlation between freedom and availability and between freedom and accessibility; (b) the dignifying human element of self-help, in the form of work-study and loans; (c) the relative needs of individuals and families; (d) the close cooperation of the federal and state governments for the common good of citizens. We know that this philosophy prevails in your deliberations.

I wish to speak to the current basic student aid programs from our perspective. The basic educational opportunity grants are increasing in their impact. They are, in fact, just beginning to reach students and their families—two years is but a short time for the administration of such a vast program to move into high gear and for students and counselors to fully realize the significance of such an aid program.

For example, at the College of Saint Teresa, BOG's have increased from $9603 for 41 students in 1973 to $46,521 for 77 students in 1974, and to a projected $69,000 for 90 students in 1975. Only as we turn the corner into the 1977–78 academic year will we be able to discern the impact of BOG's on our student admission and retention. Only at that time will we, across the states, be able to discern their impact on a student's perception of the availability of his/her choice of a higher educational experience and of the access to this experience.

I stress the student's perception of whether there is a choice of institutions of higher education because this perception, coupled with the parent's, is the meaningful one. We can speak from the institution's or system's point of view but the student looks at the cost of attending a college or university. If you remove the provision, given limited appropriations, that a needy student is entitled to one-half the cost-of-attendance at a given institution, the low and middle-income student really perceives no choice! Would you, given the following 1974–75 figures, real ones from our state?

Public College: Tuition—$384 a year (comprehensive, $1648).

Private College: Tuition—$1860 a year (comprehensive, $3030).

As a student with or without money, the difference is striking. The student with family or with financial resources to manage the private college tuition has access to and can choose either institution. The student without resources, knowing she can receive all of the $384 a year at the public institution, perceives that fact. The net result, I believe, of removing the half-cost feature will be the creation of an elite class in post-secondary education instead of the balance we now achieve in both private and public institutions, utilizing the present comprehensive financial aid package. To put it another way: the student without financial resources, or with limited resources, perceives only one kind of institution, the public institution, accessible or available. Both access and choice are limited. I read and hear the suggestion that it is discriminatory not to award the maximum BOG to low-income students if they attend institutions with low tuitions (whether public or private) while utilizing the maximum BOG for low-income students if they attend institutions with high tuitions. The concept of Basic Opportunity is not based on any given figure but in opening up to the individual a combination or circumstances to achieve his/her educational purpose. The cost-of-education, both instructional and non-instructional costs, as the basis for BOG grants to students, along with aid from SEOG's, NDSL's and the ceiling on earnings from CWSP, provides both access and choice and makes various kinds of institutions both accessible and available.

To stress accessibility—without-availability is to return to the type of discrimination we fostered through the separate-but-equal argument: education for Blacks was accessible but access-with-choice was not. I hope we do not separate these two essential notes of real educational opportunity in a free society.

Congress has given priority to the three campus-based programs: the Supplementary Educational Opportunity Grants, (SEOG), the National Direct Student Loans, (NDSL), and College Work/Study Program, (CWSP). These federal programs for the students in private colleges in Minnesota are working in consort with the state's scholarship program.

The fact that the Supplementary Educational Opportunity Grant is campus-based, that funds are made available to the educational institution to package with other aids on the basis of total cost-of-attendance, personalizes and gives maximum flexibility to the financial aid officer's efforts with the student, both the low and middle-income student. The impact of the SEOG, with the NDSL and CWSP, at Minnesota Private Colleges can be gleaned through numbers of students receiving them and the amount of funding in 1974–1975:

2642 SEOG's	$1, 882, 604
4647 NDSL's	1, 950, 544
2287 CWSP's	1, 103, 692
Grand total	4, 936, 840

The College of Saint Teresa SEOG funds have increased 30% since 1972; NDSL's 50%, and CWSP's 56%. Given the dramatic increase in the institutions participating and the increased enrollments in post-secondary education, it is realistic to look hopefully to you to recommend appropriate increases in the authorizing thresholds.

From the point of view of the Minnesota Private Colleges, the state student incentive grants (SSIG), have been a capital success. The SSIG program has stimulated a state scholarship and grant program, and, coupled with the success of the federal work/study program, a new state work/study program which is campus-administered and associated with need, consonant with the personal approach we all desire. The State of Minnesota has entered into reciprocity agreements with the State of Minnesota has entered into reciprocity agreements with the State of Wisconsin and North Dakota re tuition at public institutions. The Private Colleges in Minnesota have gone on record in support of reciprocity as a basic policy recommendation to avoid provincialism and to encourage national understanding and cooperation among citizens in the states. The present SSIG program could be improved if it would make portable the federal portion of money granted by the states.

I urge this change in the SSIG.

If this change were made, it would become important to assure comparable national standards for eligibility as conditions for federal matching. Minnesota State Grants can be utilized now, with federal programs, in packinging a student's comprehensive financial aid, based on the student's unmet needs. Again, I believe this approach is desirable, most beneficial to the student, and provides the accessibility-availability, re access-with-choice, which should characterize true educational opportunity.

I would add one qualifier to the approach utilizing both federal and state aid: that "self-help" be apart of each student's financial aid package. This concept includes loans as a form of self-help.

The last topic of concern, and perhaps the most important and explosive, is the gap between subsidized and un-subsidized tuitions and ways to narrow or bridge the gap. We private colleges in Minnesota firmly recommend the position of the NCICU Task Force to your attention. I would like to comment with a look at the Minnesota Private College Contract.

This Contract provides $150 per student in each institution which grants a bachelor's degree, and $120 per student in each institution which grants an associate degree but not a bachelor's degree, for each Minnesota resident who is not a recipient of a state grant-in-aid and is enrolled as a full-time student. The Contract provides, further, $500 for each institution granting a bachelor's degree and $400 for each institution granting an associate degree for every student who receives a state grant-in-aid.

The $150 and $120 per Minnesota student recognizes the services rendered by private institutions enrolling substantial numbers of Minnesota students. The $500 payment to the private college with each student who receives a state grant is made: a) to assist the college in providing additional services which some very low-income students may need, such as remedial or enrichment courses, and special counseling, and b) to contribute toward the additional financial aid which the institution needs to provide in order to supplement the state grant and other outside resources.

Our Higher Education Coordinating Commission projects a total of $970,986 to the Private Colleges under this provision. This amount is equivalent to $53.97 for each of the 17,980 full-time undergraduate Minnesota residents enrolled in the Private Colleges, students who pay approximately 75% of their educational costs.

These grants parallel grants made by the State to the University of Minnesota for similar purposes, an appropriated figure of $3,150,000 or $100.78 for each of the 31,254 undergraduate full-time Minnesota residents enrolled at the University, students who pay only 25% of their educational costs.

My point is speaking of this fact of life is that public institutions are not only subsidized for a large portion of the educational costs per student, but also for financial aid to cover the unsubsidized portion, the tuition, which some students cannot afford. If the State of Minnesota did not support in principle and practice a strong dual system of education for its citizens, the tuition gap would seem even wider to the private institutions and to the students who would choose them.

The Federal Government would proclaim as a matter of public policy its support of a strong dual system of higher education by another simple amendment to the SSIG: the purpose of grants to states for state student incentives (in Section 415A) to be amended to include the statement—"to enhance student choice and to preserve independent higher education and . . ."

I urge this amendment to the SSIG program.

It is apparent that our support is for Public Law 92–318, particularly Title IV. I have discussed with you our largest concerns and have communicated some suggestions to you. I would enlarge those recommendations by suggesting:

A. An increase in the amount of BOG to $1800.

B. An expansion of family eligibility, increasing the family income ceiling to about $14,000. We find families in the lower middle-income hurting.

C. An increase in the total of SEOG support over a 4-year or a 5-year academic program, reflecting increasing costs of education since 1972.

D. Federal cost-of-education funds, at least for the cost-of-administration of student aid programs, preferably a per aided-student cost to offset our expenses for advising, staff-training, and servicing students in other ways.

We would add one new program priority: a recognition of our need for an "old building" program—renovation of those facilities we built to meet needs of the past, and, for some, a program of refinancing those building debts.

Finally, it is clear that the Private Colleges of Minnesota are planning for a future of continued contributions to the higher education of the citizens of our country. We recognize each other and the state institutions as essential resources in the state and in the nation. We have not advocated increased charges for those students attending state institutions. We are advocating that funds be made available to narrow the tuition-gap and to maintain not merely a dual system of education but a strong dual system of education comprising institutions accessible-and-available to students from all walks of life.

STATEMENT BY CHANCELLOR G. THEODORE MITAU

As Chancellor of the Minnesota State College System, I wish to thank you for this opportunity to talk with you about our system, some recent developments affecting our colleges and the implications of those developments, as well as some of the needs of Minnesota higher education.

The Minnesota State College System is comprised of seven colleges ranging in size from nearly 1,000 students at our newest college, Minnesota Metropolitan State College, to 8,913 at our largest institution. The colleges are located at Bemidji, Mankato, Marshall, Moorhead, St. Cloud, St. Paul, and Winona; total enrollment in 1974–75 was 31,187. The enrollment situation in the six outstate colleges appears to be entering a period of relative stability after the rapid growth experienced in the late 1960's and the significant decreases of the early 1970's. While a major factor in this trend is a stabilization in the size of incoming freshman classes (resulting in minimization of the three year "ripple effect" which results from a dramatic entering class size change), other factors have influenced the situation as well: off-campus (and non-traditional) enrollments have increased substantially, graduate enrollments continue their steady growth and the number of individuals enrolling on a part-time basis continues to increase. Additionally, interest in Minnesota Metropolitan State College continues to grow significantly.

Each college operates, with considerable autonomy, under the supervision of a ten-member Board. The Chancellor serves as the chief executive officer of the System with the President of each college reporting to the State College Board through the Chancellor. The State College Board has the responsibility for the over-all management of the system including curriculum, campus planning, and budget allocations and management systems.

As I indicated in my testimony before this committee in 1971, five of the Minnesota State Colleges—Winona, Mankato, St. Cloud, Moorhead, and Bemidji—were created as teacher training institutions to prepare students as elementary school teachers. By 1921 the institutions had become state teachers colleges, authorized to grant the baccalaureate degree in Education, and in 1953 received legislative authorization to offer a fifth year of teacher education leading to a Master of Science degree. The student demand in Minnesota for programs in addition to teacher preparation led, in 1957, to the state colleges becoming multi-purpose institutions. Since that time strong liberal arts programs and additional professional programs—including graduate studies leading to the M.A., M.S., and Specialists degrees—have been developed.

In 1967, Southwest State College at Marshall accepted its first class and in 1971, Minnesota Metropolitan State College was created by the Minnesota State Legislature to provide for the citizens of Minnesota a non-traditional approach to higher education. This newest college practices many of the concepts written about by the Carnegie Commission on Non-Traditional Studies and makes education available to adults previously excluded from attending colleges and universities because of personal commitments, jobs, location, and credit hour requirements.

I might mention also that the 1975 Minnesota Legislature, recognizing the evolution of the Minnesota State Colleges from teacher training institutions to a complex, multipurpose system of colleges, has authorized the State College Board to change its name to the State University Board and to name the existing Minnesota State College as State universities.

One curricular development which has occurred since 1971 is the Minnesota State College System's attempt to create new options and patterns in response to changing student interests and new career opportunities.

This emphasis was entitled "New Curricula for New Careers." It was hoped that these programs would be attractive and relevant to students who would wish to combine practical internship experiences with the more theory-oriented classroom work in such areas as health care, human services, business systems, and environmental control.

While the precise academic course work emerged from joint planning efforts by appropriate faculties, students, and off-campus professionals, certain characteristics were inherent in all of the new career programs.

Students enrolling in these programs could combine skills acquired in vocational schools, junior colleges, or on-the-job experiences with further education in both specialized and general education.

Learning—special and general—emphasized the development of problem-solving skills rather than a narrow expertise; the focus was interdisciplinary rather than disciplinary.

Emphasis was on the development of the ability to work with people of different backgrounds, social settings, cultural attachments, political interests, and intellectual viewpoints for the purpose of bridging the chasms of class and caste, of races, and of generations as our society attempts to reintegrate the polarized centers of dissent.

The introduction of the program-based budget assisted in making more explicit resource allocation, facilitating more sophisticated cost-benefit considerations while at the same time making possible the kind of fiscal flexibility necessary to support this type of curricular innovation.

Since August, 1971, the colleges developed approximately 45 new degree programs in this category, created primarily by reallocating existing resources as indicated by the fact that only 105 new courses and 10 new faculty positions were required to implement these options. Some examples of areas which emerged during this period include environmental studies, photographic science and instrumentation, quantitative methods and information systems, public administration, law enforcement and criminal justice studies, paralegal studies, and emergency medical care and rescue.

One of the most important aspects of this development was the willingness and ability of the state colleges to incorporate new ideas, new approaches, and new methods of teaching in response to the changing needs and priorities of society.

Additionally, some of our colleges have responded imaginatively and aggressively to the challenge of providing educational opportunities to non-traditional students through flexible arrangements, the elimination of superficial requirements, and the development of delivery systems that serve people by taking learning to them at times and in places most convenient to them. One of the most exciting examples in our system is the External Studies program at Winona State College, the development of which was made possible through a federal grant from the Fund for the Improvement of Post-Secondary Education.

The Winona State College External Studies program is available to people in southeast Minnesota over the age of 25. Students may enroll in any Bachelor of Arts degree program in the college or in the Individualized Study major. External studies staff members meet with prospective students, assist in the development of a biographical profile, make arrangements with the academic departments for evaluation of previous learning experiences, and advise in the formulation of educational objectives and an academic program. On an average, students have been granted 21 credits for previous equivalent learning experiences and 90 credits including both formal and non-traditional learning experiences.

In addition to the availability of existing on-campus and continuing education courses, learning opportunities are available through independent study, special arrangement of lab and studio courses, the use of special examinations, cable television, and video and audio cassettes. It is now possible for a student to complete a degree without attending on-campus classes at the college.

I have briefly described this particular individualized external studies program because, in my judgment, this curricular development represents one of the greatest contributions our colleges can make to the citizens of Minnesota.

Increasing problems of underemployment experienced by our citizens remains a concern of the Minnesota State College System. Articles by James O'Toole which appeared in the May and June 1975 issues of Change Magazine describe in some detail the causes and effects of this situation.

While the labor market was able to expand and utilize the increased numbers of educated workers between 1945 and 1965, the expanding supply of educated workers is now exceeding demand. According to Mr. O'Toole approximately 80 percent of American college graduates have taken jobs previously filled by workers with lower educational credentials. The large numbers of educated workers have resulted in employers often unnecessarily raising educational requirements of applicants without upgrading the demands, challenges, or compensation for these jobs. There is some evidence that this situation will effect a decline in productivity as over-qualified employees are often bored and dissatisfied with their jobs.

It is our view that persons should not be trained for jobs which may soon become obsolete. Rather education should provide individuals with the skills to adapt to changing conditions and opportunities by acquiring competencies, skills, and understanding in communications, computations, and human relations.

While the concept of education as preparation for a specific job or career was a legitimate and needed orientation at one time education can no longer continue on the pretense of training people for jobs. It is not only the responsibility of education to give individuals precise but limited skills for a particular job. These kinds of skills are too rapidly outdated. Instead our society requires liberally educated persons with the vision, creativity, leadership, and adaptability to allow them to change as societal needs and personal interests change.

Another development in our system which has broad implications for the future of higher education is the collective bargaining process. In 1971, the Minnesota State College System adopted an elaborate set of governing rules based on the concept of collegiality and major participatory rights for faculty. These rules are now being redefined as a result of the implications of the Public Employee Relations Act.

Although the complete implications of the collective bargaining process have not been fully realized, we understand that attitudes and working relationships will be changing from the traditional approach of cooperative decision-making practiced in the past.

The effect of the past declining, and now hopefully stabilizing, enrollments is not only a reduction of faculty but also a less mobile faculty. Since, in most cases, it was the newly hired and younger faculty who were released as enrollments declined, we are now faced with the implications of an increasingly tenured faculty. This situation obviously means fewer job openings, even less job mobility, and greater faculty insecurity. The combination of these factors makes it increasingly difficult to make curricular changes. A largely tenured faculty and stable enrollments could prevent the expansion of faculty in new areas; and an anxious faculty is not one which might be eager to initiate changes which might further jeopardize job security.

With this background I wish to address several areas of higher education urgently in need of federal assistance.

I would urge the federal government to continue and even increase the funds available through the Fund for the Improvement of Post-Secondary Education to colleges and universities for developing and testing innovations in teaching and learning. With state funding formulas tied to FTE's and in a situation when enrollment are stable or declining, there are few sources for institutions to tap for seed monies to make possible the changes so desperately needed by higher education.

State budgets continue to be based on that which exists rather than upon what might be developed. This is particularly true in times of competing fiscal priorities within state departments; state legislators fund the known and those programs viewed as essentials while cutting requests for the innovative, the different, and the untried. However, funds not now available through state appropriations will be required.

Secondly, I would suggest that Congress explore the possibility of expanding the role of FIPSE to permit colleges and universities to utilize these funds in new and imaginative ways for the purpose of addressing the enormous societal problems facing the world today.

The colleges and universities of this country house some of the most brilliant minds of the world—men and women whose training and experience have given them expertise which can and should be shared with all people. Through the initiative of America's educational resources and leadership, our citizens representing business organizations, industrial concerns, professional groups, and organized labor could join together to rationally and systematically devise means for:

Preparing the masses of our fellow citizens to live in a world in which a major redistribution of privilege and power is in the making; and

Enhancing the realization that for the first time in modern history it may well be necessary for us to live at a lower material standard in order to achieve a more equitable distribution of material goods throughout the world.

If monies from the Fund for the Improvement of Post-Secondary Education were to be made available for this purpose, college faculties meeting with citizens of the broader community, could identify local and national concerns, evaluate alternatives for addressing significant problems, and suggest possible choices to local, state, and national policy-makers.

The role of the federal government in such an effort would be in providing start-up funds to be matched by state and local money.

Thirdly, a continuing need is for financial assistance to students. 1970 census data reveal that 41 percent of the students attending Minnesota state colleges come from families with incomes of $7500 or less and that the median family income was $8455. Obviously these students cannot expect to receive much financial support from home. While we must also provide aid for minorities and the economically disadvantaged, we find that those students usually considered as "middle class" have great financial need for loans, grants, scholarships, and part-time jobs.

I would, in addition, respectfully request that Congress consider the possibility of creating a special task force to explore the problems of the unemployed and underemployed and the role of colleges and universities in addressing themselves to these problems.

One dimension to be explored is the feasibility of federal legislation which would give persons experiencing unemployment and temporary layoffs the opportunity to upgrade their skills, renew their interests, abilities, and personal situations to insure long-term productivity and civic challenges. In this manner periods of unemployment and underemployment could be viewed as offering opportunities for personal and occupational development.

Such a task force could look to such things as life-time entitlement to education and part-time educational increments through the social security system or income tax set-offs. Another part of this is the proposal by the American Association of State Colleges and Universities to make available to unemployed persons funds from the public service employment law to permit the unemployed to continue their education and training rather than use the funds for a public service job.

The unemployed and the underemployed have a right to ask for better and more imaginative thinking and solutions from Congress and from universities. A sense of personal fulfillment, dignity, and self respect requires a judicious blending of jobs and education, of vocational skill and social understanding brought about through strategies for life-time learning supported by fiscal arrangements which can reasonably be expected to transcend the present moment.

We are aware that the challenges which lie ahead cannot be met without the interest, concern, and assistance of the federal government. State governments cannot, in isolation from Congress, provide the resources necessary to address the critical issues facing this country. The actions of the Senate Committee on Labor and Public Welfare will be crucial in improving accessibility to colleges, addressing the problems of the unemployed, and stimulating the changes necessary to respond to societal needs.

STATEMENT BY C. PETER MAGRATH

Mr. Chairman and Members of the Committee, I have enjoyed the opportunity to testify before committees of the Congress on earlier occasions, but this is the first time I have been able to appear with my colleagues to represent as a group the entire range of postsecondary education in Minnesota. I can assure you that we still have our differences of opinion, but I sense a general trend away from the situation in the past where post-secondary education responded to adversity by grabbing rifles, forming a circle, and shooting each other. I hope my impression is correct, because I believe we can be much more helpful to the Congress by this kind of joint testimony than by asking the Congress to referee our internal squabbles.

As a newcomer to the State of Minnesota, I have been impressed and encouraged by the extent to which the various systems can and do come together to address the issues at the local, state, and national levels. Several months ago, I was given a copy of the testimony this group presented to your committee in 1971, and I was struck both by the validity of their remarks to the context of 1971 and the degree to which those remarks still apply to a rather significantly changed situation only four years later. I was particularly interested, of course, in the testimony of Donald K. Smith, then a Vice President of the University of Minnesota, and now with the University of Wisconsin System. In his 1971 comments, Dr. Smith advanced six propositions related to the legislation proposed for the Higher Education Amendments of 1972, and I would like to restate those propositions, commenting upon the subsequent developments within the University of Minnesota, the impact of the 1972 legislation eventually passed, the impact of the appropriations actually made, and the ways in which we would like to see new legislation developed.

The first proposition was that "this nation ought to make good on its long-standing commitment to see to it that no student is blocked from access to post-high school education, appropriate to his capacities and interests, by reason of economic or educational disadvantage." There is no question that the Higher Education Amendments of 1972 constituted a landmark in addressing this commitment, but there is also no questioning the fact that we have not met this commitment yet. The 1972 Amendments clearly did not produce the magnitude of improvement some people hoped for, especially after the budget requests and the appropriations process whittled down the amounts originally authorized, but I am not convinced that the experience of the last three or four years warrants a completely new approach in the authorization legislation for Federal student aid. To the contrary, I believe developments on our campuses since 1972 can be shown to validate the basic ideas behind the 1972 Amendments. Had more of those ideas been more thoroughly implemented, I believe we would have been able to make greater progress toward the equal opportunity commitment.

When the 1972 Amendments were being developed and debated, much was said about access to post-secondary education, and the notion of "opening the doors" to educational opportunity was a popular figure of speech. One of the most disturbing aspects of our experiences since 1972 has been, I am afraid, a tendency to merely open the doors—to concentrate on access as "entrance"—and to give inadequate recognition to the programs and resources needed to sustain educational opportunity throughout the student's academic career and to make the educational opportunity into valuable educational experience.

This leads me to the second proposition, that "expanded programs of student assistance should be accompanied by a forthright recognition of the institutional costs associated with efforts to expand educational opportunity." The early 1970s produced extensive study and debate on the subject of institutional aid. Any number of promising alternatives received consideration, and the resulting institutional aid formula decided upon by the Congress was, I believe, a good compromise and a workable idea. The pathway from authorization to appropriation has always been hazardous for education programs, and in this particular case, the inability to implement institutional aid has threatened the commitment to educational opportunity. Moreover, recent developments in the whole complex of factors affecting educational opportunity and educational programs will make the need for institutional aid even more urgent. As the partially funded student aid programs came into being without the institutional aid to help implement them, most institutions were forced to improvise—to find other sources of money in inadequate amounts with little or no assurances of continuity from one year to the next—and to patch together some semblance of the supporting programs that we all knew would have to be developed to keep the open door from becoming a revolving door. Some of these programs have worked and worked well, but I can assure you that the national phenomena of rapidly escalating costs and stabilized or declining enrollments in most types of post-secondary institutions will reduce or more likely eliminate the money available for special support programs. State appropriations, private funds, and institutional funds, combined with currently available Federal money for student assistance, do not and will not meet the needs we can already measure. To continue to expect institutions to somehow find the wherewithal to maintain support programs is an exercise in futility; the money simply will not be there unless Federal institutional aid can be delivered.

The third proposition Dr. Smith discussed was that "student aid should be provided in a form which will broaden the student's capacity to choose among several institutions which might be available." I do not have hard data to back this assertion, but it seems to me that real progress has been made in the past few years in this area. The Federal programs have certainly helped broaden student choice, and in Minnesota our Governor and our Legislature have increased state funds for student aid substantially, as Dick Hawk already indicated, and have structured the state programs to foster broadened choice. From a provincial point of view, I wish University students could receive more of the state aids, but the principle of free choice is more important, and we continue to support it. The most frustrating recent development, of course, is that the broadened eligibility rules have been accompanied coincidentally by soaring costs. Especially in the private institutions, this may well have offset the gains permitted by student aid eligibility, but the costs would have increased anyway, and if we had not developed the improved choice strategies of the 1972 Amendments and the Minnesota student aid programs, it seems obvious to me that we would by now have many fewer institutions from which to choose.

The fourth proposition concerned "maintaining a proper balance among grant-in-aid programs, work-study programs, and loan programs in the total approach to student aid." Aside from our consistent pleas for more student aid money, I suspect that our arguments about maintaining a mix of types of aid have been nearly as constant. I submit that a variety of aid programs, with rules that allow the on-campus student aid officers maximum flexibility in piecing together an aid package that addresses the unique situation of every student who sits across the desk is absolutely essential to the meeting of our educational opportunity commitment.

The single, all-encompassing formula that can meet both individual and national needs may have some appeal, but it is an illusion unless there is a geometric increase in federal appropriations and a miraculous discovery in student aid management techniques, neither of which is likely to happen in my lifetime. The Basic Opportunity Grant Program has some of the markings of massive formula program, but in the University of Minnesota the B.O.G. this year accounts for less than 2.5% of the $19 million available to meet student aid needs. Under current situations, only 10% of our students who receive financial aid have packages that include the B.O.G. This year the $19 million in resources compares to $21 million of determined need, and this year's unmet need of $2 million is predicted to increase to somewhere between $6 million and $8 million in the next two years. I should point out at this juncture that these need and resource totals do not take into account student employment outside the College Work-Study Program. The great majority of our students hold part-time jobs, usually about 75%, and the student aid figures I just mentioned do not include some $20 million earned by students through employment arranged through the University. We have argued consistently that a mixture of grants and self-help programs of employment and loans is the best way to provide both access and motivation, and under normal conditions our strategy at Minnesota has been to favor an aid package that favors grants and scholarships in the initial years, with increasing reliance upon employment and loans in the later years. As a general strategy, we still think this makes good educational and fiscal sense, but we are learning about some very real and very pressing problems that relate directly back to the comments I made earlier about educational opportunity.

In addition to the general goal of expanded educational opportunity for students without regard for sex, race, and economic or educational disadvantage, there has been a specific thrust toward greater graduate and professional opportunities for women and minorities in order to overcome past practices of either neglect or discrimination. Some of the federal initiatives have addressed the pre-college aspects of this effort, and the 1972 Amendments were somewhat successful in bringing women and minorities into baccalaureate programs. While the federal programs have not been as successful in doing this as they might have been, we are now seeing increasing numbers of women and minorities completing the four-year degrees and moving into the graduate and professional programs. It is at this point that we are learning more dramatically about the flaws in our student aid system, especially the notion of relying more heavily upon loans each year of the student's career. We are now coming to recognize that a primary or exclusive reliance on self-help forms of aid may well guarantee that we will not succeed in expanding graduate and professional opportunities for women and minorities. Medical School is often cited as an appropriate place to emphasize the loan, since the graduates, according to conventional wisdom, will easily pay them off in short order when they begin to practice. At present, this is undeniably true for some students, but the other day I saw some startling figures on the indebtedness of our minority students in Medical School. At the end of 1973–74, the average total indebtedness of these students was $9,379, of which $2870 would be from the Health Professions Loans. This total average for all the minority students in Medical School is grossly misleading. The average total indebtedness for the 4th year students was $10,782, for 3rd year students $11,549, for 2nd year students $9,920, and for 1st year students $7,233.

To get at the real significance of these figures, one must look for the year-to-year trend of indebtedness, and if one assumes that students have borrowed this money in equal annual increments, one finds that the class of 1974 borrowed $2,695 per student per year. The class of 1975 is borrowing at the rate of $3,850 a year, the class of 1976 is borrowing $4,960 a year, and the class of 1977 is borrowing at the rate of $7,233 per minority student per year. This is a fairly unsophisticated analysis, but if indebtedness for the class of 1977 students stays constant each year—which it surely won't—the four-year average indebtedness will be $28,932, and I would assert that this is unacceptable and unwise. What the $29,000 figure tells minority students is that they absolutey cannot fail, lest they find themselves liable for a huge debt without the means to pay, and that they might as well not make plans to go into practice in the inner city or on a reservation, since they'll need a lucrative private practice to pay their debts that have accumulated and will be increased by the debts they will incur in setting up practice.

Medical School is but one example. Throughout the range of professional and graduate programs, we are going to need grants and scholarships for students with demonstrated need, and this is especially true for women and minorities. Watching this develop over the last few years, it has been particularly frustrating to hear administration budget proposals recommending cutbacks and elimination of fellowships, traineeships, and other forms of post-graduate student support, usually based partly on the grounds that these students can fall back on the "regular" forms of student financial aid. With few exceptions, the "regular" forms of aid mentioned in the Executive Budget documents are limited to the loan programs—good programs within their limitations, but certainly not the only answer.

If I were to make one general observation about the student aid issue, it would be that educators share with Senators and Congressmen the frustration that comes from the elusiveness of a comprehensive solution. Certainly we have not yet hit upon the optimum conceptualization of a financial aid system, and just as certainly, the potential costs of a complete system are growing faster than the appropriations can grow under current economic and political realities. In my opinion the best you can do with a new omnibus bill is to keep the program mix we have, continue to make the technical improvements most needed, and work toward full funding as far as resources and priorities will permit until a demonstrably better system is devised.

The fifth proposition related to the need for "maintaining and expanding the strength of our great national centers of graduate education, research, and post baccalaureate professional study." One way of doing this has already been mentioned—providing support for the students with accompanying institutional support—and while there may be differences in the approaches suggested, I am certain you will hear the same plea for graduate student support from any president of a major university. Whether in the Higher Education bill or other bills, this is a general need for universities, and no amount of advice to send the students to the loan officers is going to make this need go away.

Another way to strengthen the centers of graduate and professional education is to break down artificial state barriers. Aside from the fact that every university does not need every kind of graduate program imaginable, there is overwhelming evidence that there simply is not enough financial support for that kind of proliferation. Mr. Hawk has already talked about the progress we have made with general interstate reciprocity, and we have also been able to accomplish a series of contractual arrangements with Wisconsin, North Dakota, Montana, and Nebraska for high cost programs in the Health Sciences and Veterinary Medicine.

There are differences in the arrangements, but essentially they all involve these states sending students to Minnesota on the basis of cost reimbursement or reciprocity formulas. The progress in negotiating these has been very slow, but I believe we have reached the stage where interstate contracts are educationally, financially, and politically defensible. I believe such cooperation is very much in the national interest, and I think the time is right for a federal initiative which would provide incentives to states and universities willing to develop or expand interstate cooperation. The health professions capitation grants were not designed as this kind of incentive, but in practice the capitation funds have helped pay part of the costs involved in our contracts with other states. We are in the process of exploring the possibilities of a federal incentive tied into the capitation systems, and if we can find safeguards against an artificial incentive to simply recruit non-resident students, there may be some potential in this area.

One of the most essential factors in the strength of graduate and professional centers, of course, is federal support for research. It is no exaggeration to assert that the eminent research centers in our universities cannot live without it. At times, it's a little difficult to live with it, but whatever the temporary difficulties, we need the federal government and the government needs us. Any economic crisis, to be sure, produces questions about the relative priority of research, especially basic research where the payoff is not self-evident, but history surely proves the inherent value of a long-range commitment to the research process. I have a letter here which speaks to this value more eloquently than I can. This was sent to a young physicist at the University of Minnesota in 1939. His name is Alfred Nier, and at the time he was less than three years out of graduate school. The letter reads,

"DEAR NIER: Since our discussion last spring in Washington on the possibilities of using a mass spectograph separation of the uranium isotopes for deciding whether the slow neutron fission is or is not due to (the) 235 isotope, I have convinced myself that this is actually the best way to decide the question, which is of a considerable theoretical and *possibly practical interest*. (underlining added)

Yours sincerely,

ENRICO FERMI."

Professor Nier went on to decide the question, unlocking one of the keys to nuclear power, but during those years immediately preceding the Manhattan Project, you should also know that Dr. Nier expressed doubts to Minnesota colleagues that this area of research would ever have much practical value.

Another illustration I would like to use concerns solar energy research, obviously a field of much interest and activity at the moment. Last spring, in testimony arranged by Senator Mondale for the Budget Committee, I mentioned that this year's clamor over energy research tends to obscure the fact that solar energy research has been going on for years—but with very modest support. At Minnesota, Professor Richard Jordan has been researching this field for over twenty years, providing much of the basic knowledge upon which the current research thrust is based. He recently received an E.R.D.A. grant of some $600,000, which is more than twelve times the total federal research money he has received over the whole twenty years in which he conducted his pioneering research. Hindsight is always clear, but I have to believe that better support in the early years would have been an investment of enormous importance. Certainly not every research project has the demonstrable payoff that these two examples involve; many have no payoff at all in a practical sense, and many are in fields where payoff can never be measured. But it must be concluded that the total research support provided by the federal government has paid for itself many times over, both in terms of sheer economics and in the immeasurable improvements in the quality of life.

The sixth proposition in Dr. Smith's testimony was that "we should also be adventuresome in our search for new and better ways of providing higher education." All I would change in this principle is to substitute "must" for "should," and, as I am sure Don Smith would agree, broaden the scope to include all education from early childhood through all the formal and informal types of life-long learning.

To address the broader program first, I believe the National Institute of Education must now be given a chance to function. The characterization of N.I.E.'s situation so far as "Catch-22" is probably fair, as it has been told to prove itself worthy of support without having been provided with the fiscal means to prove itself. To break out of this cycle, and to begin to make progress in the admittedly frustrating area of educational research, a substantial authorization is needed, followed by accordingly substantial appropriations.

Essentially the same can be said about the Fund for the Improvement of Post-Secondary Education, which we regard as a good idea that needs a larger funding level in order to produce the payoffs intended. Don Smith described Minnesota's Educational Development Program in his testimony, mentioning our goal of allocating 5% of the University's instructional budget to a program of systematic development and renewal of our educational programs to meet changing and emerging needs. To date, we have invested $500,000 in this program, and while we are encouraged by the results, we are discouraged by the knowledge that we are barely scratching the surface.

It is more discouraging, however, to consider the prospects for financing programmatic and personnel renewal over the next fifteen years. The problem I see ahead is the same factor I mentioned in discussing our abilities to maintain and improve our support programs for disadvantaged students. Until 1975, what modest strides post-secondary education has been able to make in finding new and better ways to provide education has been financed by enrollment growth, very limited discretionary funds within the institutions, limited foundation and federal support, and much overtime. It is now apparent that enrollment growth and the discretionary income it has sometimes provided can no longer be counted upon. What can be assured, given escalating costs and enrollment predictions, is that we will find it increasingly difficult to secure state and private money for renewal programs. For both public and private universities, the states and the private contributors will have their hands full meeting the recurring budget needs, and the need for a national program of non-recurring project support may well be the difference between educational vitality and a serious problem of minimal creative change. FIPSE by itself will not transform post-secondary education. The marketplace, as it has in the past, will produce the major changes, but FIPSE can, if funded adequately, provide a stimulus for change and a portion of the resources needed to effect change.

Mr. Chairman, that concludes my remarks. I have provided Senator Mondale with some additional materials which deal with student aid programs in greater detail, and I hope my comments can prove helpful to the Committee.

NATIONAL DAY OF PRAYER

Mr. HUGH SCOTT. Mr. President, President Ford has proclaimed today as a National Day of Prayer. This day has special significance because it marks the exact 200th anniversary of the first National Day of Prayer in America. The call to prayer was a primary uniting force in binding the Colonies together in their agonizing efforts for independence and I think it is important that we join together today in remembrance of those events 200 years ago and in recognition of the many strides we have made as a Nation.

Mr. President, I ask unanimous consent that the President's proclamation on this National Day of Prayer be printed in the RECORD.

Mr. President, I ask further unanimous consent to print in the RECORD a publication by the Thanks-Giving Square Foundation entitled "The First Day All America Prayed Together."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL DAY OF PRAYER, 1975

(By the President of the United States of America)

A PROCLAMATION

As we begin the celebration of our Bicentennial, it is fitting to recall that it was a profound faith in God which inspired the Founders of our Nation. Two hundred years ago, on June 12, 1775, the Second Continental Congress called upon the inhabitants of all the Colonies to unite, on a designated Thursday in July, in "humiliation, fasting, and prayer." This was our first national day of prayer.

Americans on that day were asked to address their prayers to the "Great Governor of the World" to preserve their new Union and secure civil and religious liberties.

Those first prayers were answered in full measure. The Union survives. The liberties for which our forefathers prayed were never so secure as they are today. But material progress and human achievement often beckon mankind away from the spiritual virtues.

As we prepare to mark the 200th anniversary of the birth of our Nation, it is my fervent hope that Americans will not forget that it was prayer that helped to forge our freedoms and foster our liberties.

Let us now pray—as we have done throughout our history, and as the Congress has requested (66 Stat. 64)—for the wisdom to continue the American pilgrimage, striving toward a nobler existence for all humanity. Let us ask for the strength to meet the challenges that face our Nation. Let us give thanks to God for the many blessings granted to America throughout these two centuries. And let us express the hope that our lives may continue to be enriched by the grace of our Maker.

Now, therefore, I, Gerald R. Ford, President of the United States of America, do hereby proclaim Thursday, July 24, 1975, as National Day of Prayer, 1975.

I call upon all Americans to pray that day, each after his or her own manner and convictions, for unity and the blessings of Freedom throughout our land and for peace on earth.

In witness whereof, I have hereunto set my hand this twelfth day of June, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD.

"WITH UNITED HEARTS . . ." THE FIRST DAY ALL AMERICA PRAYED TOGETHER

They may have discovered a secret of unity greater than anyone imagined, this First Continental Congress which convened in Philadelphia on September 5, 1774. Despite their diversity they found they could pray together—and a year later they found that all men could.

I.

Religion and prayer were as much a part of the daily life of the American colonist as the tools of his trade. From the beginning Americans had observed days of prayer, fasting and thanksgiving. In times of emergency and deliverance, they all resorted to a higher power, whether they were native Americans, Spanish, French, Africans, or English, each in his own settlement or colony and each in his own way. The church at Salem reached out its hand in sympathy to Plymouth and the New England colonies recognized the emergencies and deliverances of each other. A gradual working of the principle of union was evident from the first.

Just four months before in May of 1774, George Washington and his wife had arrived in Williamsburg for a session of Virginia's House of Burgesses. He noted in his diary, "dined at the Governor's and spent the evening at Mrs. Campbell's (Tavern)." The next morning he and the other delegates heard the startling news. The British had closed Boston Harbor until such time as the citizens of Boston chose to pay for the tea which Sam Adams' "warriors" had dumped into the bay. It was the latest of several provocations, real and fancied, which the colonists had received at the hands of their King's government. It sent shock waves through the colonies. There was "infinite astonishment and equal resentment" among the Burgesses. Trained for a century in representative government, they reacted with a flurry of proposals, the least of which called for a Fast Day in Virginia to implore Divine intervention to prevent civil war. Reaching out a hand of sympathy to Massachusetts, they unanimously ordered the members to attend "at the hour of ten in the forenoon" on the 1st of June to go in procession to the church for prayers and a sermon. The Royal Governor, taking it as an offense to King and Parliament, immediately dissolved the House of Burgesses. It met anyway in the Raleigh Tavern. Among other things it sent letters to the other colonies proposing that they meet in congress "to deliberate on measures which the united interests of America may require." Within four months this had become the Continental Congress meeting in Philadelphia.

The day of the Fast, George Washington and the other Burgesses "went to church and fasted all day," as he noted in his diary. Thomas Jefferson wrote, "The effect through the whole colony was like a shock of electricity." Another observed, "The Fast was observed throughout Virginia with such rigor and scruples to interdict the tasting of food between the rising and the setting sun."

II.

On that first day, the morning of September 5th, the delegates to the Continental Congress met at City Tavern and Coffee House and then walked down the brick sidewalks about two blocks to Carpenter's Hall. Washington was among them, a tall man, of a "hard countenance, yet with a very young look and an easy, soldier-like air and gesture . . . speaks very modestly and in determined style and accent."

There, after the necessary wrangling over organization and representation had been settled, Cushing of Massachusetts proposed "to open the business with prayer." Jay of New York and Rutledge of South Carolina objected "because we were so divided in religious sentiments, some Episcopalians, some Quakers, some Anabaptists, some Presbyterians and some Congregationalists so that we could not join in the same act of worship". The issue was joined. Here was an atmosphere of disunity at the outset. But the whole problem was unity—united or die—since this was a revolutionary body composed of rebels and traitors with their heads in a noose, challenging the world's most powerful empire.

At that point Sam Adams, a devout Congregationalist, "Father of the Revolution" and master strategist, arose. He said he was no bigot. He added that he could hear a prayer from a gentleman of piety and virtue who was at the same time a friend to his country. He electrified the Congress by proposing that an Anglican clergyman from Philadelphia read the prayers. By this unexpected act of tolerance, the atmosphere changed completely and they resolved to do so, sending the newly elected President, Peyton Randolph, to invite the Reverend Mr. Duche at nearby Christ Church.

The Reverend Jacob Duche appeared the next morning in his robes and read several prayers in the established form of the Anglican Church and then read the 35th Psalm. "You must remember this was the next morning after we heard the horrible rumor of the cannonade of Boston," wrote John Adams (the bells of the city had been tolling for two days). "I never saw a greater effect upon an audience. It seemed as if Heaven had ordained the Psalm to be read on that morning, 'Plead my cause, O Lord, with those who strive with me; fight against them that fight against me. Take hold of shield and buckler, and stand up for mine help.'" Then Mr. Duche, "unexpected to everybody struck out into an extemporaneous prayer which filled the bosom of every man present. I confess I never heard a better prayer or one so well pronounced." He prayed "without book about ten minutes, so pertinently, with such fervency, purity, and sublimity of style and sentiment . . . that even the Quakers shed tears." Duche was afterward appointed the first Chaplain of the Continental Congress.

Here the little parliament of merchants, lawyers and planters, with educational attainments at least as high as those found at the time in the House of Commons, had discovered the answer to their first problem. The more thoughtful members knew they had to create some unity out of the disunity of America. They had taken the first step—a spirit of unity among themselves—on a deep level.

III.

In the spring of 1775 events were beginning to avalanche. The tension and anxiety showed in the fast day proclamations in many colonies—and three of the New England colonies went so far as to issue two. John Hancock and Sam Adams, fleeing the British near Boston, were warned by Paul Revere and they scrambled into a hiding place in the woods while the redcoats made their disastrous retreat from Lexington on April 19th. As soon as they dared venture forth, they set out on their journey to Philadelphia for the Second Continental Congress. The first shot had been fired.

This morning of May 10th very few of the 45 delegates from 11 colonies who assembled for the Second Continental Congress could have imagined they would remain in session almost continuously throughout the next 14 years. The members again agreed to "open the business with prayer." Events and possibilities held the members in awe, "the scenes before us are so vast . . . I tremble when I think of their . . . importance. May the God of Wisdom preside," wrote Silas Deane. Because of the times, The Presbyterian Synod of New York and Philadelphia had recommended a Fast Day to their congregations, but added, "The Congress . . . may probably appoint a fast," so that day should be kept. Finally, on Wednesday, June 7th, the Continental Congress resolved that the 20th of July be "observed throughout the 12 united colonies as a day of humiliation, fast and prayer" and appointed a committee including John Adams to bring in a resolution. John Adams was 40, a fourth generation American who had studied for the ministry, but had become a lawyer (and later second President of the United States).

As the first order of business the following Monday morning, the completed resolution was presented not "to the 12 united colonies" but to "the inhabitants of all the English colonies on the continent" and began by asserting that "The Great Governor of the World . . . conducts the course of nature . . . (and) frequently influences the mind of men to serve the wise and gracious purposes of his providential government." (God the provider was stressed 3 times in the first paragraph) Considering the "present critical, alarming and calamitous state of these colonies," the day of prayer was recommended, "that we may with united hearts and voice" confess our sins and offer supplications to the "merciful disposer of all events." It asks that "these colonies may be ever under the care and protection of a kind providence" and that measures may be taken for "preserving the union," that America may "soon behold a gracious interposition of Heaven" and finally that their "civil and religious privileges may be secured to the latest posterity." Whether their prayers were answered, we, 200 years later, should say.

Congress approved the report, apparently unanimously, and ordered it published in newspapers and handbills. That same busy week, it resolved to raise ten companies of expert riflemen in Pennsylvania and Maryland and Virginia to join the army in Boston. "Colonel Washington appears in Congress in his uniform and by his great experience and ability in military matters is of much service to us," John Adams wrote to his wife. By Thursday they resolved to appoint a general to command the continental forces "for the defense of American liberty" and Washington was unanimously elected. Hancock wrote Massachusetts with the comment, "He is a gentleman you will all like" and added at the end, "I have sent you the orders for a fast thro' the continent which please to make public." Unfortunately, by the time the letter was received, Joseph Warren, to whom the letter was addressed, had already been killed on June 17th at the Battle of Bunker Hill.

The second great step had been taken. The spirit of unity had formed in Congress when they decided on that first day in 1774 that they could pray and think and act together. Now they had strength in the conviction that an entire continent could pray and think and act together.

This declaration of dependence on God began to forge the soul a year before the Declaration of Independence formed the nation. It may have instilled the inner strength for a new idea and a new nation to live, survive and change the world. A commentator has put it, "the rebels of the First Continental Congress . . . were united in the firm persuasion of a righteous cause . . . their faith was strong enough to move mountains. Their deity was Jehovah of the Old Testament and sects could not divide them. Cynics . . . do not create nations."

IV.

Thus, a Thursday in July of 1775 became the first Day of Prayer "thro' the continent" uniting the people of the scattered colonies in an ancient, deep and well understood way at the level of their local churches. Never in America had a special day of prayer for all the people been set aside by an English King. But, here was the first positive action that the Continental Congress requested of every "inhabitant of all the English colonies on this continent." And that first action was prayer. History records that thousands solemnly went to church and fasted from sunrise to sunset from Georgia to New Hampshire and in the camps of the Continental Army outside occupied Boston. As the body of the nation was forming—so was its soul—by a deliberate and public act of prayer.

The Continental Congress itself set the dignity of the occasion by walking in a body on the morning of the Fast Day the 4 blocks from the State House (Independence Hall) to Christ Church. To this extraordinary congregation of the entire Congress, the Reverend Mr. Duche, the chaplain of the Continental Congress, preached a memorable sermon, "The American Vine" from the 14th verse of the 80th Psalm. "Return we beseech thee O God of Hosts! Look down from Heaven and behold and visit this Vine!"

A surprise greeted Congress after their return to the State House to resume business that morning. An official message had just been brought from Georgia, "so late in the American cause", that they had joined the Continental Congress—the final colony. This first Prayer Day was the day we actually became "the 13 colonies"—one of the blessings of union earnestly prayed for. Soon 13 stripes and later 13 stars would appear on the flags. That evening, the Continental Congress walked the few blocks over to Dr. Alison's church, the First Presbyterian, to complete that exciting first Prayer Day they had appointed so solemnly for a continent. John Adams wrote, from Philadelphia, "our fast day has been kept more strictly and more devoutly than Sunday was ever observed in this city."

George Washington had already gone to Cambridge, to take command of the Continental Army. He issued an order of the day directing his troops to observe the Fast "With united hearts and voice . . ."

"It is strictly enjoined on all Officers and Soldiers (not upon duty) to attend Divine Service, at the accustomed places of worship, as well as in the Lines, as the Encampments and Quarters, and it is expected that all those who go to worship do take their Arms, Ammunition and Accoutrements and are prepared for immediate action if called upon . . ."

At Roxbury-Camp near Boston the preacher stated "such a fast is proclaimed as this land never before saw."

At Newport, Rhode Island, Ezra Stiles wrote that all the congregations observed the Fast Day with services including the Jewish Synagogue.

At Christmas Bridge and Newcastle in Delaware, the sermon declared that there were not less "than two millions of intelligent Beings, this day, engaged in the same public acts of religious worship; this grand assembly of the inhabitants of the continent." "My God, how important the day! How solemn the scene!"

V.

The long rifle and the character of Washington are said to be the deciding factors of the Revolution. Washington was a man of prayer—it shows in actions and words. In Virginia he had voted for the Fast. At the First and Second Continental Congress he voted to open with prayer and then voted for the Fast Day for the continent. In Boston, he observed the fast and in the fall his troops celebrated the Thanksgiving Day ordered by the Provincial Congress. Near Philadelphia in 1777 his troops observed the first American Thanksgiving the day before digging in for the winter at Valley Forge. As President, he issued the first Presidential Proclamation of Thanksgiving and in his Farewell Address he stated, "of all the dispositions . . . which lead to political prosperity, religion and morality are indispensable . . . a necessary spring of popular government." At the conclusion of his last Thanksgiving Proclamation he opened a worldwide vista that has hardly been surpassed, ". . . impart all the blessings we possess or ask for ourselves to the whole family of mankind."

The nation and its prayer tradition were formed at the same time and by the same men—among them Sam Adams, John Hancock, John Adams and George Washington—the Father of the Revolution, a President of the Continental Congress, the Second President, and the Commanding General and the First President of the United States.

The 1775 Prayer Day was the first of more than a hundred and fifty days of Prayer, Fasting or Thanksgiving in war and peace that record the crises of America. During the Revolution Congress each year appointed a Fast in the spring and beginning in 1777 a Thanksgiving in the fall. A strong heritage of humility and gratitude was given the infant nation.

A few years later Alexis de Tocqueville observed as a visitor, "there is no country . . . (where) religion retains a greater influence over the souls of men than in America."

Many years later James Bryce in analyzing our American institutions stated, "it was religious zeal and the religious conscience which led to the founding of the New England colonies . . . those colonies whose spirit has in such a large measure passed into the whole nation".

The Old Testament experience on the frontiers of a new land led these founding fathers to think in universals. It is remarkable that the prayer proclamations of America have retained this Old Testament and universal flavor—words that ring true to Jew, Christian, Moslem and people everywhere—a prophetic insight for such a small group of men.

This first day the continent prayed together may have given something even more basic to American life. The practice of praying together, relating faith and events, repeated many times over the years, has taught people with creeds that were once fiercely exclusive, a tolerance and respect that may have saved us from the religious conflict that seems to keep plaguing every other continent.

A persistent American notion is that prayer and national well-being are somehow intertwined—that freedom is holy, a gift of God. It is engrained deeply in the American consciousness, as in the people of ancient Israel, that when we lose that sense of the holy, we lose our freedom.

In a tragic hour for America, less than a hundred years after its birth, when Days of Prayer had been abandoned for 45 years before the Civil War, Abraham Lincoln said in the Fast Day Proclamation of 1863:

"We have been the recipients of the choicest bounties of Heaven; we have been preserved these many years in peace and prosperity; we have grown in numbers, wealth, and power as no other nation has ever grown.

"But we have forgotten God.

"We have vainly imagined in the deceitfulness of our hearts that all these blessings were produced by some superior wisdom and virtue of our own.

"Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us."

The revolution of the human spirit started in North America by the Day of Prayer proclaimed on June 12, 1775—freedom as a holy gift—is a revolution that hasn't stopped.

In Congress, Monday, June 12, 1775

As the Great Governor of the World, by his Supreme and universal Providence, not only conducts the Course of Nature with unerring Wisdom and Rectitude, but frequently Influences the Minds of Men to serve the wise and gracious Purposes of His providential Government; and it being, at all Times, our indispensible Duty devoutly to acknowledge His superintending Providence, especially in Times of impending Danger, and public Calamity, to reverence and adore His immutable Justice, as well as to implore His merciful Interposition for our Deliverance.

This Congress, therefore, considering the present critical, alarming and calamitous State of these Colonies, do earnestly recommend, that Thursday, the Twentieth Day of July next, be observed by the Inhabitants of all the English Colonies on this Continent, as a Day of public Humiliation, Fasting, and Prayer, that we may, with united Hearts and Voices, unfeignedly confess and deplore our many Sins, and offer up our joint Supplications to the All-wise, Omnipotent and Merciful Disposer of all Events, humbly beseeching Him to forgive our Iniquities, to remove our present Calamities, to avert those desolating Judgments with which we are threatened, and to bless our rightful Sovereign, King George the IIId. and inspire him with Wisdom to discern and pursue the true Interest of all his Subjects—that a speedy End may be put to the civil Discord between Great-Britain and the American Colonies, without further Effusion of Blood,—and that the British Nation may be influenced to regard the Things that belong to her Peace, before they are bid from her Eyes,—that these Colonies may be ever under the Care and Protection of a kind Providence, and be prospered in all their Interests,—that the divine Blessing may descend and rest upon all our civil Rulers, and upon the Representatives of the People, in their several Assemblies and Conventions, that they may be directed to wise and effectual Measures for preserving the Union, and securing the just Rights and Privileges of the Colonies,—that Virtue and true Religion may revive and flourish throughout our Land,—and that America may soon behold a gracious Interposition of Heaven for the Redress of her many Grievances, the Restoration of her invaded Rights, a Reconciliation with the Parent State, on Terms constitutional and honorable to both,—and that her civil and religious Privileges may be secured to the latest Posterity. And it is recommended to Christians of all Denominations to assemble for public Worship, and to abstain from servile Labour and Recreations on said Day.

By Order of the Congress,

John Hancock, *President.*

CONGRESS BUMBLES ON OIL

Mr. HUGH SCOTT. Mr. President, I want to bring to the attention of my colleagues an editorial in today's Philadelphia Inquirer which berates the "congressional majority" for "irresponsibility and opportunism" while praising President Ford for his firm action.

Mr. President, I ask unanimous consent that this editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Congress Bumbles on Oil While Mr. Ford Stands Firm

"Impasse" and "confrontation" are the commonest terms being applied these days to executive-legislative relations in Washington on the subject of petroleum. Inviting as they are, we find "irresponsibility" and "opportunism" come closer to the mark.

The onus of those failings falls squarely on the Congressional majority.

President Ford has proposed that the complex price-control system on domestic crude oil be phased out over 30 months, allowing American raw petroleum to rise to a free-market level, with provisions that windfall profits be compensated out by tax measures.

The Congress has rebuked him, most lately with a vote yesterday turning down the phase-out proposal. It sent him instead a bill that not only would have extended the control system, but would have lowered some of the ceilings. Mr. Ford wisely vetoed that bit of nonsense.

That leaves the clock ticking. On Aug. 31, the control program's expiration date will chime. The effect, if nothing else is agreed upon: Instant decontrol.

America could suffer far worse fates.

Predictions are difficult because of many complex market and demand factors, all greatly muddied by a recent past of bumbling by government intervention and defiant secrecy by oil companies. No serious economist we've heard from has any confidence about precisely what immediate or phased decontrol will bring in the way of consumer prices, reduction of imports or new petroleum development.

But one thing is indisputable, or at least we find it disputed by no reasonably persuasive argument or Congressional tub-thumping. That is that America is importing and consuming more petroleum, especially in the form of gasoline, than is healthy for the future.

No one is particularly happy about having to pay more money out of pocket for anything. It is clear that the Congressional Democrats are responding to that phenomenon by blocking, stalling and majority-rattling. But if Santa Claus lives—and we wouldn't deny *that*—it is not by benefit of the Democratic Caucus.

The healthiest imaginable outcome of the struggle will be for America to cut consumption of petroleum over the long term—by austerity, by conservation, by use of alternative energy sources. The healthiest time to get on with proceeding toward that outcome is now. In the international market, Ecuador is openly cutting crude prices; many of the Arab producers are showing weakening in the solidarity of the OPEC cartel; Iran is showing economic instability by pulling out of its Pan-Am purchase plan.

Thus to free American oil producers from price controls right now would be a body blow to the non-American cartel which could help the rest of the free world. And to drop controls would tend either to allow gasoline prices to rise naturally—and thus naturally begin to reduce consumption—or demonstrate that additional measures will be needed to achieve that end.

Mr. Ford has done well thus far in standing firm against the Congress's short-sighted expediency. He will do better yet to remain as firm in the future.

COOPERATION OF CONGRESS AND THE PRESIDENT CRUCIAL TO REGULATORY REFORM

Mr. PERCY. Mr. President, Federal regulatory reform is a matter of high priority to us all for it is of the utmost importance to the future well-being of this Nation. It does not take any extraordinary savant to see that the regulatory process is at present not serving the public as well as it might. Too often contradictions, confusion, and delay seem to be business as usual with the regulatory agencies. These independent regulatory commissions are the result of some four-score years of impoverished attempts to adjust private enterprise to public needs. The aims of our forebears were noble ones, but unfortunately their efforts resulted in creating organizations which do not now fit the demands of our quickly changing world. The time has long since been ripe for a comprehensive overhaul of the entire regulatory apparatus.

It is good to see the active participation of the White House, in full cooperation with the Congress, in this monumental job of revamping the fundamental aims and goals of regulation. It is through cooperation and not confrontation that we will get results; through consultation and not rhetoric that we will solve the problem.

The Senate has dramatically shown its commitment to the idea of progressive regulatory reform by its recent overwhelming approval of legislation (S.

200) creating an Agency for Consumer Advocacy, not a regulatory agency. The principal role of that new agency will be to facilitate citizen participation in those important health, safety, and economic decisions which most directly concern each and every American. I am confident that the House will shortly approve such legislation in a similarly decisive manner. And I hope that the President will join in seeing the critical value of such an agency in restructuring the direction and assuring the fairness of Government regulation.

Months ago I introduced Senate Resolution 71 within the Government Operation Committee. It provides for a 15-month joint study, hopefully to soon get underway, of some of the key issues of regulatory reform. The study will be conducted under the auspices of the Government Operations and Commerce Committees of the Senate. As ranking minority member of the Government Operations Committee, I am working with Chairman ABE RIBICOFF very closely on this matter and have every hope for the success of our efforts. Senator RIBICOFF has appropriately assigned a top priority to this endeavor.

The joint study will evaluate proposals for improving the effectiveness, efficiency, and responsiveness to the public of regulatory agencies and among the issues to be considered will be proposals for—

(A) encouraging the enunciation of broad policy guidelines by the regulatory agencies instead of continuing to permit unclear policies to develop impliedly through a series of case-by-case decisions or adjudications involving differing facts and circumstances;

(B) making the regulatory responsibilities of selected or all regulatory agencies more independent of the executive branch by requiring simultaneous submission of budget and legislative requests to the President and the Congress, and by permitting each regulatory agency to independently control and supervise its own litigation in the Federal courts;

(C) eliminating collegial commissions altogether or selectively, and replacing the commission form with a single administrator;

(D) revising procedures for selecting commissioners and reviewing their qualifications, including the designation or establishment of a distinguished Board of Regulatory Review to provide its recommendations or guidance on names submitted by the President as possible appointees for regulatory agency positions;

(E) revamping the conflict-of-interest statutes or their applicability to regulatory agency officials, so as to limit the movement of persons from a regulated industry or a related industry to the agency which regulates that industry, and the movement of persons from the agency back to the regulated industry;

(F) limiting the removal of regulatory agency officials to reasons relating to their inefficiency, neglect of duty, or malfeasance in office;

(G) making regulatory agency officials, in their personal capacity, civilly or criminally responsible for intentional misuse or abuse of their office for reasons relating to (i) their disclosure of trade secrets or other confidential or privileged information; (ii) their failure to make information available to the public pursuant to the Freedom of Information Act; (iii) their failure to open up agency meetings, sessions, and agency advisory committee meetings and sessions to the public; or (iv) their neglect or failure to carry out the provisions of the laws administered by them;

(H) providing for the payment of reasonable costs and expenses in agency proceedings of intervenors on behalf of the public or consumer interests and an assessment of the manner by which such a proposal might be implemented across the board including the anticipated costs therefor;

(I) creating a new Administrative Court of the United States as an expert judicial unit to handle agencies;

(J) amending the Administrative Procedure Act and modifying agency rules to expedite regulatory agency proceedings as a means of facilitating more timely decision-making and preventing wasteful costs attendant to agency delays;

(K) substituting direct subsidies, where appropriate, for complicated and cumbersome regulatory schemes, with hidden taxes and costs, which aim at achieving a particular economic or social purpose;

(L) improving the information-gathering, analysis, storage, and retrieval systems within the regulatory agencies while lessening the paperwork burden both within the agencies and within the regulated industries by avoiding needless duplication; and

(M) providing for more effective means of informing the public of the activities within the regulatory agencies and their specific or general impact on the public interest in matters of particular importance or impact;

At every step of the way, I am confident that the executive branch will lend its insights and influence to work with us in achieving a viable solution. President Ford personally has shown great foresight in making Federal regulatory reform one of his major goals. I sincerely hope that progress is made speedily in giving the American people a truly responsive government.

Mr. President, because of its relevance, I ask unanimous consent to have printed in the RECORD a copy of the minutes of the July 10, 1975 White House Conference on Regulatory Reform, attended by the President and the commissioners of most of the major regulatory agencies.

There being no objection, the minutes were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, July 22, 1975.
Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR CHUCK: Thank you for meeting with me in late June to discuss how we can work together to review and modernize our federal regulatory system. Since then I have taken several actions I want you to know about.

On July 10, I met with the Commissioners of the ten Independent Regulatory Agencies. At that time I expressed my concern about costly or outdated regulation and emphasized that this concern is shared by the Congress and the American people. Enclosed is a transcript of the proceedings which you may find useful.

I am also seeking significant regulatory reforms in the Executive branch. At the Cabinet meeting on July 16, I asked the members of my Administration to work for improvements in Executive branch regulation in their own departments.

I am confident our collective efforts will receive many of the problems discussed at our June meeting. I look forward to meeting again with you and other Members of your Congressional regulatory reform group soon to continue our talks on this important national issue.

Sincerely,

JERRY FORD.

[The White House, the East Room, July 10, 1975]

PRESIDENT GERALD R. FORD, VICE PRESIDENT NELSON A. ROCKEFELLER, WITH MEMBERS OF THE CABINET AND COMMISSIONERS OF THE 10 INDEPENDENT REGULATORY AGENCIES

THE PRESIDENT: Won't you all sit down, please.

Good morning. It is a pleasure and a privilege to have you here, Mr. Vice President, Members of the Cabinet and members of the various regulatory agencies.

I will make an initial relatively short statement, to be followed by Rod Hills, being the moderator, for the introduction of the four topics which are on the agenda, and Paul MacAvoy will give an introductory remark or two concerning each subject, and, then, as I think all of you have been told, there will be one and perhaps several from each of the—well, from some of the regulatory agencies, make an introductory observation and comment and then a period will be given in each case for members of the various regulatory agencies to make observations and comments.

I think it is quite obvious that I feel very deeply that we must seriously consider the costs to the American consumers of all government activities, and this, of course, includes regulatory agencies. Regulatory reform is a theme that arose repeatedly in the course of last fall's Economic Summit Meeting. It is a theme that is finding, as I travel around the country, growing public attention and support, both in popular and economic literature, in the Executive Branch, in the Congress, and, I am pleased to note among the government regulators themselves.

A short time ago, I met with twenty-four Members of Congress on this particular matter. There was unanimity in this bipartisan group that we must examine our regulatory practices to make sure they are meeting our present needs. There was agreement that competition should be relied on whenever possible and that where regulation is unnecessary it should be avoided.

Also there was a persistent concern expressed by this group that some government regulation costs the country more than it returns in benefits, and that the regulatory process often benefits special interests at the expense of the general public.

Finally, there was consensus that the important public service role of the commissions must be reflected in the attitude of the regulators, and the welfare of the consumer must always be the first concern on their minds.

I have a strong belief that the costs which regulation imposes on private citizens should be faced very squarely. Every citizen should be aware that in some cases the costs in some cases mean higher prices, reduced efficiency, less consumer choice and fewer imaginative ideas.

In calling today's meeting, I do not suggest that the problems reside exclusively in your agencies or commissions. Regulations that impose costs on consumers can also be found in Cabinet departments and in the intricate, sometimes invisible web of laws and regulations at State and local levels.

My Administration is focusing public attention on the need to eliminate or to minimize unnecessary controls. We should recognize that occasionally government policies which appear to be in the short-term public interest are in fact detrimental to long-term consumer interests.

I am asking for your continued and intensified help in identifying ways the commission can assist in our collective efforts to restore inventiveness and growth in the American economy. As we look for short-term solutions, we must also chart a course that permanently relieves the economy of unnecessary long-term impediments.

In some instances, the circumstances which caused government to institute regulatory schemes have changed. You should be the leaders in identifying areas where regulation should be eliminated or substantially revised. You have been given, by law, extraordinary authority to regulate the economy for the public good. With these unusual powers and responsibilities, you must function as models of effective and open government.

There are four major areas that deserve very careful attention:

First, there must be a constant effort to improve each commission's ability to identify the costs and the benefits of current and proposed regulations. You should make sure that the quality of your economic analysis matches your high standards of legal professionalism.

In particular, the costs as well as the benefits of restricting competition must be considered. Also, the benefits of worthwhile social goals must be weighed against their economic costs to the Nation as a whole.

As you know, I have ordered all departments and agencies to prepare an inflation impact statement on each of their major proposals. I am pleased that the House of Representatives has changed its rules to require similar analysis—and I note that the Senate, in several similar measures, is doing the same thing. I ask each of you to give this matter the highest priority.

Second, we must make every possible step to make sure that the backlog and the delays in regulatory proceedings do not weaken the public belief in an equitable and efficient regulatory system. If legislation is needed, you may be certain that the Congress and the Administration will provide such laws.

Third, the public can rightfully expect that you will be the leaders in suggesting appropriate legislative changes in your authorizing statutes.

Fourth, I have asked all departments and all agencies to reexamine their present procedures for assuring that the consumers' interests prevail. I believe that competition in product quality and price is the best consumer protection. By freeing entry, adding to rate flexibility and promoting service competition, the consumer can be given the choices that only the marketplace can provide.

I also urge you to insure clear communications with consumers so they will better understand your actions. Our joint efforts in these areas will move us a long ways towards the efficient and useful regulatory system that we all seek.

In addition to achieving these administrative reforms, my Administration specifically will be seeking further legislation that would also intend to reform our system of regulation. It is my strong conviction that the consumer is best able to signal his wants and needs through the marketplace. The government should not dictate what his economic needs should be.

Therefore, I have proposed and will continue to support legislation to relax or eliminate the Federal controls over areas where I believe the marketplace can do a better job. I believe the government should intrude in the free market only when well-defined social objectives can be obtained by such intervention or when inherent monopoly structures prevent a free, competitive market system from operating. Government should foster rather than frustrate competition. It should seek to insure maximum freedom for private enterprise.

Agencies engaged in regulatory activities can expect that the Antitrust Division of the Department of Justice will continue to argue for competition and lower consumer prices as a participant in your agency's proceedings. Furthermore, the Attorney General will continue to insure vigorous antitrust prosecution to remove private sector barriers to competition.

We have, or will propose, regulatory reform legislation in such areas as energy, transportation, financial institutions, and communications. I have asked Congress for its cooperation in giving these bills early consideration, and I ask for your personal and organizational support in achieving needed reform.

The legislation I am proposing would reduce the government's role in the setting of prices. Also, it would enhance innovation by making it easier for new businesses to compete with existing firms. It would remove barriers from existing firms to allow them to develop new services and lower prices, as well as abandon unprofitable or unnecessary services.

This meeting and my earlier meeting with the congressional representatives are only the beginning—and I emphasize that. Today we will continue the dialogue begun at the congressional meeting. Rod Hills and Paul MacAvoy, as I indicated, will briefly describe our agenda for the meeting this morning.

I will be interested in hearing more about the steps you are taking to improve our system of regulation as well as the problems you face in this effort. I am particularly hopeful that we will be able to identify those practices which are more deserving of attention and reform.

If this meeting does foster a program of action—and I think it can—and a new spirit of cooperation between all of our commissions, the Congress and the White House, then, in my judgment, we will be responsive to the public interest.

I thank you for being here, and at this point I will call on Rod Hills to get the meeting started, as the moderator.

Mr. HILLS. Our purpose this morning is to foster as wide an exchange of views as possible on the area of government regulation. To facilitate and focus that discussion, we have divided the session into four broad areas, the four broad areas that the President has mentioned—the improvement of economic analysis, the improvement of the regulatory procedures, the efforts to foster more competition in regulated industries, and the effort to foster a reexamination of the objectives of commissions to determine whether some form of deregulation can be profitable and necessary.

Dr. Paul MacAvoy, of the Council of Economic Advisers, will briefly introduce each section of our session today, and we will call upon chairpersons present this morning to keynote for a few moments each of the sections.

Our objective is to have as many of you as possible express yourself, and that means, of course, that it may not be possible to have extended discussion on some topic that comes up. If that occurs, as it undoubtedly will, we will ask you to defer that conversation to an early meeting here at the White House where we will get you together with appropriate officials to continue the discussion.

We welcome you here. We all expect this to be a mutually beneficial session.

Paul?

Mr. MACAVOY. Perhaps I might begin with a few questions in each case. I will try to keep the questions short, and I hope they are helpful.

In the last ten years, the caseload in the area of price or rate setting has increased in most commissions two- to five-fold. In this period, the complexity of the cases has apparently increased a multiple as well. This is partly because of changing demands, changing technological conditions, partly also because in almost each industry with which you are concerned, there seems to be a growing unregulated sector also producing to meet these demands.

With a complex and larger caseload, the economic question arises as to what the results from the more complicated cases have been. Are the cases moving in the direction of adding to gains or benefits to consumers from bringing rates more currently in line with operating and capital costs? Or are these activities in the caseload area moving in the opposite direction?

The fundamental argument for regulation was that it would do better than partially competitive or uncompetitive markets in providing consumers with goods at prices in line with current costs. The question that has to be asked in the economics at this point then is, if we look at the results from the cases, do we show economic effects of bringing prices in line with current costs?

In some instances, it appears as if prices may be set far above the current costs of operation; in other instances, perhaps they are too low. There are cases now in the energy and transportation sector where it is quite apparent that costs are higher for additional service or quality than the going rate. The question then is can we begin to carry out benefit-cost studies of caseloads in large areas of your activities which will show that you are doing better than the market would do in bringing prices in line with current costs?

These same questions arise in somewhat different form, but a benefit-cost analysis form, in the health and safety regulation area. Many of the Commissions in this area are relying more and more on detailed specification of production conditions or of physical quality of the product. These specifications have a tendency to increase the costs of operation for corporations which get passed on as increased prices for consumers. These costs also have to be added to the cost of litigation, to delay in the regulatory process; delays seem to be growing as the complex caseload grows. Against these costs, we have to put the benefits to the consumer of a higher quality product.

Can we begin to do benefit-cost analyses of these health and safety regulatory activities, which clearly show that the benefits to the consumer in increased demands and in greater reliance on the quality of the product received in the market, are worth the additional costs of higher prices and delays in the institution of new technology?

Added to these questions, of course, we have to ask whether there is available in the current techniques of economic analysis the equipment to help you do this. These three questions are interrelated. I hope we can spend some time this morning on working on the answers.

The PRESIDENT. The initial topic, "Improving Economic Analysis in the Various Regulatory Agencies," to begin the discussion from the point of view of the commissions or agencies themselves, I will call on Lew Engman, the Chairman of the Federal Trade Commission. Lew?

Mr. ENGMAN. Thank you, Mr. President I would like to say, first of all, that we very much appreciate your efforts to focus public attention and to take action on these issues of regulatory reform. I, for one, agree completely with the objectives which you have stated this morning, and I must say that I have some feeling that we could make a start on the problem if you could install a trapdoor in the East Room and somehow make half of this table disappear, and I won't say which half.

[Laughter.]

At the FTC, we may have been concerned, just as you have, that many governmental policies, whatever and however well intentioned they may have been in the first instance, have outlived any economic or social justification and have in fact become a costly burden on every American.

I have frankly regarded it, as part of my job as Chairman of the Commission, to be outspoken on this subject, because while the other agencies around this table divide markets, prescribe rates or determine whether or not new competitors can be permitted to enter a certain market or set environmental or safety standards, our basic responsibility, as we see it, is a much more general one, and that is to assure that our free market economy can operate just as freely and as openly as possible. Because, as you indicated in your opening remarks, just as the public can pay more for goods and services as a result of private collusion, which is what the antitrust laws are all about, by the same token, so do we pay more for goods and services because of governmental intervention in the marketplace.

Now, in looking at this role of economic analysis, I think the question really is, how can we measure the economic costs of this kind of regulation, and how can we measure the benefits so that we can assure ourselves that we are not paying today's prices for solutions to yesterday's problems.

Now, at the FTC we have undertaken a self-examination which is very much like that which the Office of Management and Budget is now requiring in the form of inflation impact statements from the Executive departments. We are trying to analyze every single law enforcement program which we are responsible for carrying out, analyze the costs of those programs, and to compare those costs with the potential benefits flowing to the public. And as a result of the cost-benefit analysis which we have already begun to undertake, we have in fact made decisions with respect to our programs which have reduced our activities in certain enforcement areas and increased them in others.

Now, I have to be candid, however, and admit that this is not a very easy thing to do. It is a case of weighing costs, on the one hand, against benefits which are only potential, and it is an inexact science at the present time. I think that you know fully well, Mr. President, how hard it is to get economists to agree with one another, and when you add onto that the problems of data and the fact that in many instances the data which we have available is not very good, it becomes even more difficult.

How, for example, just to raise one kind of question, do you quantify the benefit of the deterrent effect of a law enforcement action—the deterrent effect of having a cop standing on that street corner? And to do the job right, you also have to calculate on the benefit side of the equation, make some assessment of where you would be without the particular regulation or action. And beyond that, and perhaps even more important, I think you have to try to make an assessment from an economic cost point of view—are there less costly ways that you can achieve a similar benefit, assuming that there is some social good to it?

But even with these kinds of problems, I think the fact is that government regulation should be subjected to this kind of cost-benefit analysis. If we really believe, if we truly believe that a free market economy is the means to the greatest prosperity to the greatest number of people, then I think that we have to put the burden of proof on those who would make that economy less free. And we found out at the Trade Commission, with our experience with respect to cost-benefit analysis, that although the approach is not simple—it is difficult—by the same token, it was darn helpful in helping us to address what our priorities ought to be.

And I guess I would suggest that possibly one way to get a grip on this problem is for each agency to consider or to start to do cost-benefit analysis itself in the light of its own particular mission, which may differ from case to case, and I quite frankly would be interested in the reactions of my fellow chairmen to that point, but I think that the need for this kind of analysis is critically important. It is long past time that an effort was made to tell the American people what they are getting for what they are giving up.

Thank you.

The PRESIDENT. Thank you very much, Lew.

I guess Dick Wiley, Chairman of the Federal Communications Commission, has some observations on the situation in the communications industry.

Mr. WILEY. Thank you, Mr. President. I happen to agree with Chairman Engman largely in his comments.

It seems to me that the decision-making process of the independent regulatory agencies has been in the past dominated by consideration of legal, technical and sociological aspects. Increasingly, our agency has come to recognize the importance of undertaking more comprehensive inquiry into the economic ramifications of our decisions with regards to the costs and the benefits of those decisions to the industries we regulate and indeed to the public.

Now, these efforts have extended to all areas of our jurisdiction, but I might cite the example of the common carrier industry. There, in addition to traditional rate-making concepts, we are now conducting a broad-ranging economic inquiry to analyze the costs and benefits of increased competition in the realm of common carrier communications. Our work has included a review of such concepts as use of sensitive pricing, cross-subsidization, the whole question of competition vis-a-vis monopoly. And we found that in redefining natural monopoly, we found in many areas we have been able to dispense with that whole idea and find areas in which competition can work in the areas which have been traditionally considered monopolistic. And I think in that effort we found ways in which the public will be ultimately saved.

Mr. HILLS. Ladies and gentlemen, the discussion is open for those of you who would like to comment. The distances and the lights are great, so if you would not mind identifying yourself, it would be helpful to all of us.

Ms. FRANKLIN. Mr. President, I have a comment and a suggestion on this whole area. First, I am Barbara Franklin, from the Consumer Products Safety Commission. My comment is this—and we are, of course, in the field of safety:

I think it is—I am in full agreement that we need to emphasize more than we ever have before cost-benefit analysis in our regulatory decision-making. Given the changes we have going on in the economy, shortages of resources that are beginning to show up—shortages of capital, and the kinds of things that are difficult to deal with—I think it makes it much more incumbent upon us, as regulators, to think ahead to what the real impacts, not only now but down the road, of what our decisions are going to be.

We are in an area where there are some very difficult questions in terms of the costs: What does it cost to redesign, retool? What impact are we having on technology? On the other side, how do you value human life? How do you value fewer injuries? They are really very tough questions.

The point is, we have really got to get a handle on this. The law we administer requires it, but beyond that, I think there is much more urgency than there ever was before for us to do it. And if I may make a suggestion, I think around the table we have got some expertise in our respective agencies about this. I presume others are trying to get a handle on this, as we are. I wish there was some mechanism—and maybe it could come out of this meeting, which I very much appreciate—I have never been in the same room with my colleagues before, and I would hope it would happen again—I wish there were some mechanism, though, whereby we could pool our technology or our methodology, whatever we know about cost-benefit analysis, so each of us doesn't have to invent the wheel, and we can move all of us further along in the process.

Mr. HILLS: The discussion is not confined to the table. We have microphones from which anyone from the commissions can have a commanding position, if you would like to talk.

Mr. NASSIKAS: Mr. President, John Nassikas, Chairman of the Federal Power Commission. The Circuit Court of Appeals for the District of Columbia said in a case a few years ago, "Despite a continuing debate, it appears that the basic goal of direct governmental regulation through administrative bodies and the goal of indirect governmental regulation in the form of antitrust law is the same, and that is to achieve the most efficient allocation of resources possible. For instance, whether a regulatory body is dictating the selling price or that price is determined by a market free from unreasonable restraints of trade, the desired result is to establish a selling price which covers costs, plus a reasonable rate of return on capital, thereby avoiding monopoly profits. One more example of common purpose in both types of regulation is that they seek to establish an atmosphere which will stimulate innovations for better service at a lower cost. This analysis suggests that the two forms of economic regulation complement each other."

I believe that the free market can undoubtedly do a far superior job of allocating resources produced by natural gas producers, for instance, which I can go into detail on later on. I also believe that the antitrust laws should be more effectively enforced.

One final word: At the Federal Power Commission, any decision that we issue has to examine productivity and inflationary impact. Is this the best possible price for the consumer under the restrictive statute under which we have to operate?

Mr. HILLS: Yes, sir?

Mr. SIMPSON. Thank you. Dick Simpson, Chairman of the Consumer Product Safety Commission. Our agency is one of the new agencies, regulatory agencies, in town and the Congress in establishing the agency, required us, as a matter of law, to do economic impact analysis on all of our regulations. There is a series of findings that we must make which has to deal with the need for the product, the degree and nature of the risk of injury that we are trying to address, the effect on competition, and any other method that we could have used to achieve the same result other than the rule that we are promulgating.

Also it goes a little further. We not only have to make the findings but the standard itself can be overruled if any of these economic findings are inadequate.

And I suggest that when we get to item four on the agenda, legislative changes, one may look to the Consumer Product Safety Act, section 9, as perhaps a model of laying on the requirement of the economic analysis that we are discussing here.

Mr. HILLS. Very good. Are there any comments from the back? Yes, sir?

Mr. ROBINSON. Glen Robinson, from the FCC. Nobody has commented yet on the resources and the wherewithal to do this economic analysis. I am particularly mindful of this in terms of probably one of the few Commissioners that has an economist, a professional economist on my staff. But it is inordinately difficult to get the kind of economic skills and talent and put them, direct them to the task, and we have been particularly hard-pressed at the FCC. We have a mammoth undertaking, that Chairman Wiley spoke of a moment ago, to conduct an economic analysis of the telecommunications industry, if nothing less than that, particularly the role of competition being a traditionally natural monopoly field.

But I fear that unless we get access to more and better economic skills than we have had in the past, the project may fail simply because we are in a class which is a very high-stepping class. We are up against some of the largest corporations in the world, who have their own economic analysts who are very competent and some of the best in the world, as I am sure Paul MacAvoy knows. The Bell System commands resources so far in excess of ours, there is no way, of course, that we can match them man for man. I wouldn't want to, if we could. And that would imply an unwieldy governmental structure that would be counterproductive.

But we do have to focus on the talent part of this. It is no good to just conduct economic analysis, have a bunch of laws talk about cost-benefit analysis, if they are not really capable of applying refined skills to the task at hand; and it can get very complicated, as I found out sometimes, to my discomforture, in talking to my economists.

I think we at the FCC are particularly in need of this. I would like to see some more attention given to the talent phase of this.

Mr. Hills: Paul, do we really need some more economists?

Mr. MacAvoy: I appreciate the demand for economists going up as rapidly as it has in the last ten minutes.

[Laughter]

I would respond, however, to try in a way that attempts to reduce the demand somewhat. Some years ago, the Federal Power Commission, as a page in its annual report, tried to lay out a benefit-cost analysis at the beginning level. What that involved was comparing the dollars of rate reductions that had occurred in electric power and natural gas pipeline price controls against the cost of litigation and other measurable costs, both of the companies and the Commission. That had a tendency to indicate that most of the important work of the Commission was being done in the control of natural gas pipeline rates. That fell out of the reports in the middle 1960's. I considered it an admirable first cut at trying to do this kind of work.

You don't always measure benefits in rate reductions. Certainly at the State level in electric power regulation now, we measure benefits in rate increases because there are going to be shortages of capacity from State price freezes that will make us worse off in five years. But the idea that you have gone through this to the point of being able to write down a page does have some benefit to those surveying the activities of the Commission, those who read your annual reports, because it will clearly show that more resources put in one area might pay off in terms of increased benefits to consumers and less in others. This might require some kind of an economist, but certainly would not raise honorariums or per diems of professors appreciably.

[Laughter]

Mr. Hills: Chairman Wiley.

Mr. Wiley: Yes, if I could just comment on that. I think one thing that government needs to do is to try to find areas in which it doesn't need to regulate and redistribute some of those resources into areas in which we perhaps in the short run will need more manpower in order to provide a competitive mode. I think we are finding that in many areas we need economic strength, as Commissioner Robinson mentioned, and perhaps less lawyers regulating less aspects of the business world.

Mr. Hills: Mr. Vice President.

The Vice President: As Chairman for a couple of years of the Commission on Water Quality, analyzing the legislation of '72, we have been up against the same problem that you are talking about and we have employed outside engineering groups to make these cost analyses of the impact of the law. And I give as an illustration: we just got a report on the tin plate industry, the EPA's regulations for the '73 and the '83 standards as established by the law, the impact on that industry. And it shows, a very comprehensive study, that 35,000 small companies would have to spend more in capital to meet the standards of those two periods than they have invested now that the cost—in their present plants—that the cost would therefore put them out of business, so that 35,000 companies would be put out of business, out of 70,000. Now, this is done by a competent outside engineering firm, and so that I think there are means of finding that information and seeing in perspective.

You are in perhaps a more complicated field, but the outside contractor often can be very helpful.

Mr. Hills: The Secretary of Agriculture.

Secretary Butz: I don't know how this group was arranged here. We have got the Commission members on one side and the Cabinet and White House on the other side—it is something like a court room.

[Laughter]

The other day I was talking in my office about one of these regulatory agencies I don't like too well, and I had my finger pointing—not toward you, Dick—something like this, talking to a friend of mine, and suddenly I stopped. He said, "What is the matter, Earl?" I said, "It is just one of those fingers pointing at him, there are three back at me."

[Laughter]

And I was interested in the President's comments here that some of the Executive branches of government likewise are at fault here. I have got in the Department of Agriculture 82,000 employees. I ought to make a note of that.

The President: Is there more or less than you had last year?

[Laughter]

Secretary Butz: Mr. President, I plead the Fifth.

[Laughter]

Seventy thousand of those are in the field. The other day I asked my Assistant Secretary for Administration how many of those exercise the police power? I was shocked when I got back the figure of 23,000. These are people who issue licenses, who inspect, who grade, who have the power of life and death over a business, who are putting small businesses out of business. And I think, Mr. President, that you put your finger on one of the weak spots in this government when you mentioned that some of the Executive departments of government are doing this day after day.

I have got a poultry inspector out here, for example, in a poultry processing plant, let's say in Mississippi. They are running 5,000 birds an hour through that line. He has got the power to stop the line by pushing a button. He got up this morning. He had a headache. He came down. The plant manager assigned him a parking place over across the lot and it rained. He had to walk through the mud to get in there. He is in kind of an ill humor. He looks at the condensation on the ceiling of the men's wash room and decides it is not right. He punches the button and he stops the line for two hours. It costs that man $3,000 because this guy got up with a headache this morning. Now, I have exaggerated that a little bit, Mr. President, but not too much.

And I think that this Executive Branch is shot through with that. Now, I am instituting in my Department—I am doing it because I knew you were going to direct me to, anyway, and I am beating you at the gun here.

[Laughter.]

I am instituting a self-examination top level committee and I am bringing some industry people into it, in my Department, to see where we can cut out some of this stuff we are doing that I am sure raises the cost of doing business that I am sure works against what we are trying to do, and that is to foster a healthy atmosphere in which small business people can survive and prosper.

Mr. Hills. Lew, you were so successful in finding unanimity, I hesitate to call on you, but do you have a further comment?

Mr. Engman. Let me interject a note maybe of some discord just for a second, Rod. I don't mean to disagree with my good friend Dick Wiley, but in terms of talking about levels of resources, we all now do have resources available to us. And it seems to me that conducting and making an effort to conduct this kind of cost-benefit analysis is one of the most, if not the most, important thing we can be doing with the money we now have, because through doing that we can find out how we can more productively use the resources which we do have.

Mr. Hills. If we may move to the second subject—the issue of the regulatory procedures—no subject causes more complaint than regulatory delay. Paul, would you start us off?

Mr. MacAvoy. In reviewing the reports of the commissions over the last few years, it appears that the majority of the Commissions here today have experienced increasing time spans between requests for rate changes or for certificates and the final decision on the requests.

In the presence of inflation, with rapid changes in market conditions, for other reasons, the caseload in most of these agencies has increased remarkably since the middle 1960's. One of the general counsels of the Commissions, in a meeting the other day, called the situation one of pancaking—we have had layer on layer on layer of cases, some with respect to the same company or market now in front of the Administrative Law Judges and the Commissions themselves.

The delay that has resulted has increased costs more than the percentage increase in the delay period. This is primarily because the slow-downs in construction during a period of rapid increases of construction costs have resulted in companies experiencing higher construction cost increases than might be expected under normal circumstances.

With a six-month to one-year delay in obtaining a certificate, we have a 30 to 40 percent increase in the cost of construction in some instances. On top of this, the costs of litigation have increased sometimes by two or three times, as the cases become strung out and become more complicated. On top of this, as well, there has been increased duplication of regulatory activities between State and local commissions. It now requires more than forty licenses in order to build a power plant in the Eastern Seaboard Region, all from different agencies.

The question is: Can we by consolidating or otherwise changing regulatory case procedures cut into this growing caseload so as to reduce the time lost and the litigation and other expenses that are incurred because of the delay?

Added to this question is one that may take us in the opposite direction. At the same time that we have experienced delays, the number and strength of complaints on Commission non-responsiveness to individual consumers has increased as well. It is possible to break through the present procedures and allow more access to individual consumers to the commission process, again without increasing delay or adding to the cost of regulation, What is the proper limit on the caseload as compared to going to other administrative practices that reduce the due process? What is the proper limit in the sense of allowing access to all parties to a matter that is now before the commission?

These are open-ended questions. I hope that we can find quick solutions. I know we can.

Mr. Hills: Chairman William Anders, the Nuclear Regulatory Commission.

Bill?

Mr. Anders. I have been asked to kick off the subject of methods of improving the regulatory procedures and, Mr. President, with your permission, I will restrict my comments to what I know more about, that is our own efforts to improve our own regulatory procedures.

While our responsibilities are directed towards safety, rather than rate setting or public convenience and necessity, as Paul MacAvoy suggested, all regulatory agencies share some problems which are amenable to solution through procedural improvement.

I believe our efforts are pointing the way to significant improvements for us and may have useful applications in other fields of regulation, and certainly we can benefit from knowing what others are doing, as we are learning here today.

So I believe that nuclear power can play an important role in meeting our Nation's energy needs and it can provide economic and environmental benefit to our citizens. But sound, timely and credible regulation of nuclear power is essential as to contribute full measure to the national interest, and my colleagues and I are committed to discharging our regulatory responsibilities in that manner.

The Nuclear Regulatory Commission is charged by the Energy Reorganization Act of 1974 and through it the Atomic Energy Act with the responsibility to insure safe and secure uses of nuclear materials and facilities. The NRC is also responsible under NEPA for weighing environmental concerns.

Now, since the great bulk of our work relates to licensing of nuclear plants, we are targeting our main efforts to improve our procedures in this area, improvements which we believe will work to reduce costly delay without compromising regulatory safety and other requirements.

Now, there are only three main facets to the licensing improvement efforts we have under way: First, the upgrading of management and licensing review procedures; second, involving the public at earlier and more relevant points in the licensing process; and, third, requesting new legislation where it is necessary for further improvement.

As for the first, we and our predecessor, the Atomic Energy Commission, have upgraded management and review procedures in an effort to promote stability and reduced delay in the nuclear licensing process. This upgrading has included encouraging the standardization of nuclear power plant designs, license applications and our own review procedures.

Second, carrying out our safety and environmental antitrust reviews in parallel, rather than in series, as it was in the past. The use of a new procedure that affords an abbreviated initial review which allows a much earlier start of site preparation and construction.

Fourth, systemized and computerized scheduling of staff and project tracking. Fifth, closer management review to insure that requirements proposed by staff are worth their cost. Sixth, incorporating more systematic consideration of the economic cost as well as benefits of proposed regulations and the timing of their implementation. And, seventh, improved communications with industry to facilitate license application submittals and standards development. And last but not least, encouraging State, local and Federal licensing action efficiency.

As a new Commission, we are systematically reevaluating all that we have inherited, while also working to maintain the momentum of on-going licensing proceedings. Through this reevaluation, the Commission has recognized a great advantage of self-examination of existing and proposed regulatory structures and policies.

To carry out this function, we have created an Office of Policy and Evaluation, reporting directly to the Commission itself, and independent of the Commission's operating staff. We are also mindful that our actions have a large impact on the public and on the industry that we regulate. Both deserve prompt and effective licensing action.

Whenever there is a question as to whether we are meeting that standard, we examine the facts and causes in order to correct the specific situation and prevent its recurrence.

The second method being used to improve licensing has been the restructuring of regulations for more timely and thus more effective and efficient public participation. This is encouraged by the Atomic Energy Act and is crucial in obtaining public understanding of nuclear power and credibility of its regulation.

It is true that consequent public hearings which precede licensing action carry with them the potential for delay. But there are, we believe, constructive ways to deal with this by applying greater procedure discipline to the hearing process and by holding hearings at earlier dates which are less critical for plant construction or operation.

Finally, where the NRC is limited in achieving additional licensing improvements because of existing statutes, we have requested new legislation. For example, legislation which is presently pending before Congress would further speed the licensing process providing for: one, early decisions on proposed sites, independent of the specific design of a nuclear power plant; two, early and positive decisions on standard plant designs; and, three, further streamlining of the hearing phase of the licensing process.

The basic objective of this new legislation is to be able to reduce the probability that the licensing process will be a bottleneck in nuclear construction and to do this without sacrificing the present high standards for review which the public rightly expects to be maintained.

We have essentially been able to do this for using plant operating licenses. Mr. President, we welcome the full support that you have given this legislation.

Improvements have been made but, quite frankly, still more needs to be done. We intend to pursue aggressively the further streamlining of our regulatory process, not simply to meet present problems but be prepared to meet the increasing demands for the foreseeable future. Delays in nuclear power plant completion as a result of our regulatory process have become the exception rather than the rule. Slippages being encountered now largely reflect the state of the economy and the special problems related to refinancing. But as the economy improves and financing problems ameliorate, nuclear power plant construction can be expected to accelerate greatly.

Mr. President, with your continued support and the good working relationship with the Congress, with increasing credibility with the public and those we regulate, the Nuclear Regulatory Commission intends to be ready to meet the challenge efficiently and effectively.

The President. Mr. Chairman, it has often been reported in the news media that the time—from the beginning to the end of a nuclear power plant in the United States—it took roughly eight to ten years. The comparison has been made that it took twice as long in the United States as it did in Japan or some of the European countries.

I know you inherited that background and I am not being necessarily critical of your predecessors, but what is your objective in trying to reduce that from eight to ten year period and how quickly can it be achieved?

Mr. Anders. Mr. President, indeed, the time of construction from beginning to actual on-time operation of a nuclear power plant has in the past been run an eight to ten year period, and indeed in other countries has been much quicker.

The overhaul of the procedures and the intensity of management pressure on the system, in the Atomic Energy Commission and now in our Commission, is reducing that time to where the applications that we receive now, considering that the others in this complete link of the chain, the constructors, the laborers and what not, the financers do their job, as we are able to do ours, will probably bring this time down to about seven and a half years. We would view that, with the new legislation and with the upturn of the economy, no labor problems, no material problems, this could get down to a five and a half year time period.

We are seeing overseas, which in many cases had about the same time periods that early licensing of nuclear power plants in this country, just the reversal of that trend.

Mr. Hills: The Nuclear Regulatory Comsion is, as the Chairman says, a recent addition. By comparison, the Interstate Commerce Commission is within twelve years of its hundredth birthday. No Commission carries the brunt of complaints about regulatory delay quite as much. Chairman Stafford! George! What is the art of the possible?

Mr. Stafford: Oh, we think they have been doing pretty well, Mr. Chairman. We have been taking a number of actions pointed towards speeding up the actions there on our cases, but, as you know, many of the, some of the Executive Branch offices have the same problem we do, when you talk about the Administrative Procedure Act and your own act that you operate under. Not being a lawyer, it is easy for me to say that the lawyers have found good ways to delay many actions through proper procedures that are readily available to them under the the act, and we have had some experiences just as I am sure the Justice Department has had.

So we have been working on that, but we have to keep in mind, too, that the things we are doing are service oriented towards making a better opportunity for the business community of this country to better compete with all of their neighbors, and this we are doing.

We have taken some action in our rate bureau, actions to make the rate bureaus more responsive to shipper interests, rate flexibility. Through going to the record, we have made it possible, we are making it possible that they can go as high as 5 percent a year without having to come in with all their procedures and proof, which cuts down on a lot of the time. And we continue, as we have in the past, the policy of non-suspends for lowering their rates. There seems to be a general feeling in some areas that we don't permit flexibility. We have always permitted flexibility, which permits for quick action.

I was pleased to see that the Supreme Court even said this year and commended us for the fact that we are continuing to encourage—the ICC is continuing to encourage, and they are appreciating the fact that we encourage—competition by our licensing procedures.

Now, then, we have recently had—in fact, in January, I started and named some of our most knowledgeable and able staff people to prepare what we called from our blue ribbon panel—everybody seems to call it blue ribbon panel these days—we had one in January, that has been reporting to the Commission. And I in turn had asked our Vice Chairman and two other of our Commissioners, one, the latest Commissioner that the President has appointed, so that we could be sure to get their feeling of our brand new Commissioners in and then one of those who has been in the business a while, and so I would like to ask our Vice Chairman to speak to the blue ribbon findings. They have been holding hearings at the staff level about ways to cut down on the time.

Mr. O'NEAL. Mr. President, my name is Dan O'Neal, with the Interstate Commerce Commission. We have undertaken to review a number of recommendations from the special staff that the Chairman established.

The first thing that is obvious is that there is a balancing required between due process—the right of an individual to defend himself before government, before an agency, before a court—and the interest that all of us have in expediting decisions by government. Certainly time is money and time wasted is money lost, so we are very cognizant of that.

There have been a number of things accomplished, such as reducing the number of extensions allowed and that sort of thing. We are looking now at how we might eliminate some of the procedural steps without sacrificing the protection of due process and we feel that we can make some substantial reductions by requiring a better case to be presented in the first instance by attorneys practicing before the agency and by eliminating perhaps one review level. And this can result in the saving of several months in even the simplest cases.

We are well on our way, we feel. We haven't quite made these recommendations yet; we haven't finalized them yet for the Commission as a whole, but we feel that within the next few days, as a matter of fact, we will. There are a number of fronts on which regulatory lag must be attacked and we are trying to reach all of them.

Mr. HILLS. Chairman Robson, the CAB?

Mr. ROBSON. Mr. President! Rod! While I am one of the new boys on the regulatory block, I must confess that the complexity and delay in the regulatory decisionmaking process is one that even in a short time has troubled me greatly and, indeed, as you look over your dockets, one gets to feel that the gestation period of a regulatory decision is creeping near that of the pyramids.

We have undertaken a major effort on this front and the point I wanted to make was I think what you need to do is to make a fundamental analysis of the character of decisions you are making, and their evidentiary base. And to really address the fundamentals of whether to meet standards of fairness and to render an adequate decision, you need to subject to the process that you are now subjecting it to various different kinds of information on which you found your decisions. My suspicion is that the central decisional facts in many cases before the regulatory agencies—and perhaps I should limit my comments to those in the economic regulatory area—are relatively few and that we introduce perhaps a welter of peripheral information that we might find other ways to have at our fingertips without making our procedures unfair.

That is really the underlying mission of the effort that we have gone on, is to really look at our decisions. What are they? What basis are we making them on? And why do we require this kind of information or, indeed, why do we even let it in?

I think that our effort will embrace both a look at our own procedures but also our own statute and the Administrative Procedure Act, with the idea that we want to limit the size of the proceedings to only that that is necessary.

I should only add one thing: There is kind of a tension these days as to whether we are heading for more process or less process. The one point of view which I have just mentioned I think at least in some camps is challenged as agencies being unresponsive and not having sufficient process available particularly to individual consumers or consumer interests. There is I think a tension in this area that is indeed partly being fought out in the Congress, but which is one that I think the individual agencies are faced with rather persistently.

Mr. HILLS. Our effort here is to find as wide a range of views as we can. This is a subject in which the Congressional leaders that met with the President two weeks ago expressed great concern. I hope we could find today some promise that something major can be done. Since that is something to be accomplished, it is something that we hope to get from the meeting.

Chairman Bentley, of the Federal Maritime Commission?

Ms. BENTLEY. Thank you. Mr. President! Rod! Sitting here, I wonder myself, do we really belong here, even though we come under the umbrella of the regulatory agency? The Federal Maritime Commission does function in a different manner than the other transportation commissions in that we don't license anybody. We have free entry in both the domestic and foreign trades. We don't control rates. We think we probably should in the domestic area, but we don't so far.

We have made great efforts to reduce the procedures wherever we could legally. We have combined cases wherever we can. We find ourselves faced in a couple of instances by Congressional action that the NEPA rules, which the courts recently determined did apply to regulatory process, and now of a number of cases before the Administrative Law Judges, these are going to be dragged out from six months to a year because of that. And the costs are going to go up, not only the costs of the agency, the government, but also on the part of those who are involved in the cases. Our costs alone will be increased 6 percent just because of the NEPA rules.

In another instance, in the Executive Order 11836, concerning cargo loss and damage reports, I have been fighting that for four years, because I feel that this shouldn't be another burden on the industry, but we have it. And the industry claims that they are going to have to file from 300 to 10,000 reports each quarter, each steamship line is going to have to do that. And I felt that this could be done on the customs reports. These are some of the things that we don't control, but they are being burdened on the industry and these are just some of the points.

Mr. HILLS. Let's widen the discussion for just a moment. Yes, sir? Would you mind?

Mr. SOMMER. Mr. President, my name is Al Sommer, Securities and Exchange Commission. It is sort of difficult to talk on this topic without being thought that you are pointing the finger to your fellow Commissioners on the other agencies or perhaps pointing the finger at yourself and your fellow Commissioners on your own agency, but I would like to point out I think there is one thing that we can do individually that has a great deal to do with this.

Much of the delay is a procedural matter written into statutes and rules; much of it is a requisite, I think, for the purpose of assuring fairness to all the people who deal with our agencies. But I think individually what we could develop is a sensitive, a highly developed sense of impatience. I think sometimes all of us are much too patient with delays of our staffs, delays with the paperwork that flows across our own desk, delays with litigants who come before us. We are much too willing to grant extensions of time within which to get things done. We are willing to put things aside and suddenly they are out of memory and, the first thing you know, a month or two months have gone by and nothing has happened on a file where action was timely maybe two or three months before.

I am reminded of the story of a lawyer who was arguing a case before the Supreme Court when Justice Frankfurter was still living. He said—he was being peppered with questions, as was characteristic of Justice Frankfurter—at one point, when his time was nearly up, he said to the Justice—and I think he had a Southern accent, which I shall not try to imitate—he said: "Mr. Justice, time runs much faster on this side of the bench than it does on yours. May I proceed?" And I think we ought to remember that time runs faster perhaps on the other side than it does on ours and I think we should bear this in mind individually and be impatient with ourselves, without staffs, and with the people who appear before us.

Mr. HILLS. Chairman Simpson?

Mr. SIMPSON. I would like to just comment on another part of this agenda item, which is the efforts to include consumers, that you mentioned. We have a statutory requirement in the Consumer Product Safety Act to involve consumers in much of our activity. And then we, by policy, have adopted other practices which I believe meaningfully involve consumers, and perhaps I can touch on them.

In a couple of areas, we have by policy adopted means to directly communicate with consumers and they are very inexpensive. We established a toll-free number in the United States to communicate an emergency some time ago, approximately two years ago, and it was so successful we have continued that. We are now receiving about 100,000 calls per year. We find we are able to answer those in about 48 hours, mostly with pre-automated information. About 75 percent of the calls are requests for information from the agency—and about 25 percent are safety complaints, which we use as part of our data bank.

We have also taken steps to abolish secrecy in our agency. We have no closed meetings. By policy, all meetings of any one of our staff with any outside party is open to the entire public to attend. It is noted in advance on a public calendar, and consumers do come in. Now, many times it is a little frustrating with the policy to live with when you have a meeting in your office with a couple of people and a hundred outsiders show up. But we do move those to conference rooms. And that is the exception rather than the rule. As a matter of fact, we think we have lended some credibility to the regulatory process because we have decreased speculation as to what goes on in these closed meetings and, as a matter of fact, in about 95 percent of the cases, no one shows up other than the ones who were coming in anyhow. So when you open the door, people don't take advantage of it.

On time, regulatory time, we have a provision of our law where every citizen and every group is granted the right of petition, to write a petition, to write a standard or ban products. By law, we must respond within 120 days. Even if the law says we must, we can't in all cases, but it is a spur to get speedy action.

We have a recent—we have had over 200 petitions in the two years we have been in existence, which range anywhere from banning pet turtles to banning all aerosols because of the fluorocarbon ozone problem, so they span all the disciplines.

Also in standards writing, which is a basic fodder of our agency, writing mandatory standards, the Congress requires us, on the one hand, to write a standard in virtually 90 days, but, on the other hand, they require us to do so by allowing private parties to write that standard for us and involve all parties in the United States, including consumers. And, you know, it is a truism, the more people you have, the longer it is going to take. We have, in fact, though had some experience now where consumers, in fact consumer advocates, are sitting down in a standards writing process with industry people. They start out initially very skeptical, but over a period of thirty or sixty days of working in a closed environment they find that they have a great deal of respect for each other. So we think it is model.

Mr. Hills. Chairman Nassikas, and then, George, we will let you close it off.

Ms. Reid. Mr. President?

Mr. Hills. Oh, I'm so sorry. Go right ahead.

Ms. Reid. Mr. President, Mr. Vice President, I would like to just add a bit to this consumer responsiveness that we have done at the FCC.

We have had various regional meetings throughout the country. We started in Atlanta, then met in Chicago, and here in Washington, and we expect to meet in the Midwest, farther West and then in the Far West perhaps later this year or next year. We have met with the public, we have opened these meetings to the public, and, believe me, they have been a little wild, particularly in Chicago. We at the FCC do receive complaints. But we have felt that this has been a marvelous—given is a marvelous rapport with the public, with citizens groups, with the consumer, so to speak. These meetings have also been coordinated with our Licensees' Workshops meetings, so broadcasters have been involved. They have come to the open meetings and we on the next day have met with them in their workshops. So we have had that coordination.

We feel that this has given us an insight into the public's feelings about our Commission, about our regulatory processes as they view them, and has been very helpful. We have also met with various citizens groups, Commissioners en bloc have met with citizens groups. And we do this frequently at the Commission. I think this has been very helpful also.

I might add just one thing to Barbara Franklin's comments, too. I think this is very helpful, and I would hope, Mr. President, that this would be only the beginning of such meetings. Thank you.

Mr. Hills. John, did you have a quick comment?

Mr. Nassikas. Just a very brief comment. To reduce administrative burden, Mr. President, and also to increase competition, in 1971, we released some 4,000 small producers from direct price regulation and handled this on the basis of indirect price regulation. It required three years before the Supreme Court affirmed our actions. We also, to increase competition, placed pipeline producers on a parity with our regulation of major producers. This also saved considerable time. This action required two and a half years to be affirmed.

But the real monster is the following: All major actions of our Commission are appealed to courts. Currently, we have over a hundred cases that are in the Federal court system as a result of the Administrative Procedure Act and controverted cases.

A key factor in all energy regulation, I submit is the lead time required from the inception of a policy to its culmination in securing production and delivery of incremental energy supply. This is generalized through anything we do in energy.

The total time consumed in establishing area rates for southern Louisiana, which is our most prolific gas producing region in the country, was thirteen years, concluding with the Supreme Court's opinion of June 10, 1974, which affirmed our decision in July 1971, increasing the price of gas in a nutshell from 18 cents to 26 cents. This is the equivalent of $1.50 a barrel of oil.

In contrast—here again, trying to do what we can under our statute—we established a national base rate of 57 cents by rulemaking in eighteen months. I am not proud of the eighteen months, it should be done in six months. However, we did it. This case also was on appeal in the U.S. Court of Appeals for the Fifth Circuit. Undoubtedly, it will reach the U.S. Supreme Court before it is finally decided.

So I will submit that an uncertain climate of regulation, subject to judicial review, under a restrictive statute, can't possibly induce the vast commitment necessary to affect an improvement of gas supply of a magnitude required to serve the needs of a growing economy.

I think it is important, even apart from gas deregulation, which I advocate, that the Administrative Procedure Act be amended so as to make certain that all regulatory agencies can prescribe rates by rulemaking. We believe we are right in our interpretation of the law that we can prescribe national rates for all producers by rulemaking, but to avoid judicial lag, the Congress should pass a statute on that point.

Mr. Hills. Ms. Hanford, did you have a brief comment?

Ms. Hanford. Yes.

Mr. Stafford. Much briefer than John's "yes."

Ms. Hanford. Just very quickly. Elizabeth Hanford, Federal Trade Commission: I just wanted to reiterate again the importance of consumer input in the regulatory process—the opportunity for the individual consumer to have a part in the decisionmaking process of his government.

I think there are ways that these opportunities can be enhanced and, as we try to enhance them, we must keep in mind also that the consumer must be provided with information and education as to what his rights are under the laws that we enforce and the regulations that we promulgate.

And I think that the efforts recently to try to provide information to those beyond the antitrust bar about the antitrust laws is an example of moving in the right direction there to inform the individual citizen about the laws in the antitrust area. And we can do more, I think, to move in that direction in, for example, just providing an analysis of a complicated consent order in layman's language so that those who do have an interest can respond and can provide input. I think we should also move in that direction.

Thank you.

Mr. Hills: George!

Mr. Stafford: My remarks go back to a few words that Helen were saying a few moments ago, and fit pretty much into what the President's position has been, and ours, on the slowdown that NEPA has created in all of our actions, and the fact that we had to solve the NEPA problem on our major cases before we could ever get to the point at hand, the question that was before the Commission.

So if you haven't read the case that the Supreme Court—we are all loving the Supreme Court these days—if you haven't read their decision handed down in our scrap case, on the NEPA matter prior to getting into the case itself, that they just became one more party in the case to be settled at the final case time, but they added an addenda and said, in effect, this covers all your other cases where you have got problems, all of our abandonment cases, railroad abandonments were held up for over a year because we couldn't get our NEPA problem solved in order to get to the case of abandoning the railroads. And so the Supreme Court, with one quick brush, the other day, just wiped all that slow-down out for us. We still have to consider it, but only as a party in the case at the time we are making the final decision.

Mr. Hills: The third topic is the issue of whether competition can indeed be encouraged in regulated industries.

Paul?

Mr. MacAvoy. In attempting to familiarize ourselves with your activities, we had the remarkable and interesting opportunity to go back to read the Senate and House committee reports and the actual bills that were passed setting up your agencies. In almost every case, we found some reference to the ultimate justification for regulation in that industry, was that it was not competitive enough to provide the quality and price for the consumer that could be gotten from controls. The justification for regulation, in other words, was that competition failed to exist in the industry to a sufficient extent to allow the market to operate in an unregulated fashion.

As we go through the history of the Commissions in the last ten years, there seem to be a number of cases that are paradoxical to the original intent of the law. Rather than regulation being a substitute for poor competition, regulation has prevented what competition there is from working. There have been significant impediments to the entry of new competitors from the use of the certificate proceedings. There have been significant controls over rate changes which would have occurred in even partially competitive markets as a result of cost and demand changes.

The question then is, what can be done to allow the amount of competition there is to work as fully as it can. The question might be put in more direct terms: Why can't we free up entry into these industries by essentially eliminating the certificate of necessity and convenience? The only justification given in the record establishing the Commissions is that in some cases there are economies of scale which prevent the full operation of competition. There is only room for one or two firms.

Well, in that case, then, the question becomes: Why can't we free up entry except where there is significant evidence of economies of scale? Why should there be any other reason for limiting entry of potentially effective competitors? The same sorts of questions arise in rate flexibility and response to cost and demand changes. Why can't we increase the amount of competition among companies by allowing more flexibility in rates?

Mr. Hills. The Securities and Exchange Commission has indeed required competition in rates recently. Chairman Garrett! Ray! What are your comments on the subject?

Mr. Garrett. Mr. President, Rod, the methods by which a regulatory agency may properly encourage beneficial competition among the companies subject to its jurisdiction must depend both upon the practical economic circumstances of the affected industry and upon the agency's legislative mandate.

Some regulatory agencies were created on the premise that in certain industries competition would do more harm than good, particularly where industries were new and thought to require special protection; others because they were accepted as natural monopolies. Airlines are an obvious example of the former; electric utilities the latter. But the situation is further complicated by increasing instances of inter-industry competition.

To the extent, however, that economic conditions and statutory discretion permit, the primary method of promise for the regulatory encouragement of competition is the objective reevaluation of accepted patterns and practices under present conditions and attitudes. It would, in my opinion, be wrong in principle and, at any rate, impossible under existing statutes for regulatory agencies abruptly to assume that all legal restraints are undesirable, insofar as they might in some respect be regarded as discouraging the virtues of unfettered competition.

The myriad ways in which the Federal Government intrudes upon the economic activity of our citizens is far more pervasive and the whole matter far too complex to be resolved simply by decreeing that there should be more competition everywhere all the time. Much regulation was born of perceived inadequacies of uncontrolled competition in selected areas. In many instances, there does not appear to be any compelling reason to believe that the inadequacies of free competition that these agencies were created to redress would not arise again if the agencies were abolished or their authority sharply altered, although in other instances circumstances may have changed so fundamentally as to make traditional regulation now unnecessary and harmful.

The road to progress, in my opinion, lies not so much in radical surgery as in thoughtful, objective analysis and programs carefully implemented. The Securities and Exchange Commission has limited involvement in the direct regulation of prices. The one area in which we have been involved has been that of minimum commission rates for brokerage services charged by members of the national securities and exchanges, especially the New York Stock Exchange. By rule, we caused the abolition of such minimum rate schedules effective May 1, 1975. This action has been applauded by everyone except most of the brokers and dealers who naturally were the persons most affected.

The full consequences of the unfixing of commission rates are not yet known but, in any event, in view of the special characteristics of the securities markets, there is a question whether it provides a useful example for other areas of regulatory activity. Certainly, it will not mean that equally beneficial results will necessarily flow from removing all legal compulsion or protection from rates and prices in other areas, but it does mean that the possibility should be examined.

In many areas, added competitive regulatory shields have become so subtle an accepted part of life that reexamination of their justification requires a major intellectual effort. Yet it should be done and done again from time to time because economic conditions can drastically change the appropriate thrust of regulation.

We have seen this dramatically illustrated in recent years. Much regulation was initially imposed to prevent overcharging by companies and industries where duplication of facilities seemed practically impossible or wasteful. The so-called natural monopolies being monopolies or nearly so were thus affected with the public interest and could and should be subject to legal controls.

The changing technology and other facts can alter the appropriate regulatory response. Examples abound: Not long ago, it was accepted doctrine that competition between electric and gas utilities should be encouraged, thus stimulating maximum production and consumption and lower costs for consumers of each product. Within the electric field, proposed combinations of systems were resisted on the ground that competition for greater use of electricity and thus lower unit costs would be discouraged by the combination. Almost overnight this attitude has been a quaint anachronism, totally inconsistent with current interests and conservation of energy in the face of growing shortages and concern for the environment. Similar changes have occurred in other regulated area.

Mr. President, the desirability and feasibility of stimulating beneficial competition on presently regulated industries is much too complex a subject to permit precise recommendations in such brief remarks as these, even if it were seemly for me to presume to advise other commissions on the exercise of their responsibilities. But I do strongly urge, as the critical reexamination of the accepted patterns, in the light of present circumstances and the willingness to experiment. If all areas where regulators now determine prices or protect against competitors are required to justify themselves anew for the present and foreseeable future, we may find many instances in which the heavy hand of regulation can be lifted with good effect.

This reexamination process will, no doubt, uncover instances of agency inflexibility, but it should be borne in mind that such problems may also be the product of statutory mandates which either foreclose administrative flexibility or fail to encourage it. If the reevaluation process is ultimately to prove most effective, administrative agencies must be given the flexibility to respond to new conditions as they discover them.

Thank you.

Mr. Hills. The Civil Aeronautics Board has recently announced an experiment in deregulation for greater competition. John, is it a deep enough and broad enough experiment, in your judgment? And do you think you are going to be moving in that direction?

Mr. Robson. Well, the depth and breadth, Rod, of the experiment which we have proposed in essentially outlined form is something upon which we have asked for comment and expect to get thoughtful comment upon. What we have tried to do is, as Ray has suggested, reevaluate the concepts of regulation to try to, in a laboratory which we hope will provide a useful output, introduce some of the concepts of flexible pricing, freer entry and exit, and see what we can add to the knowledge base and gain some insight as to what the application of those kinds of concepts might have on a systemwide basis.

I am hard pressed to answer your question with a yes or no, because one of the parts of the development of the experiment is really to get thoughtful comment upon an outline for experiment. We have suggested, indeed, part of our question is if this isn't a good one, have you got a better one?—So in terms of willingness to reexamine, we think that is important.

We think it is important that those whom we regulate reexamine their own futures and the regulatory regime that might best fit their needs in the long term, because they obviously are the ones who are most immediately affected. And—to the extent that we stimulate thought on that, we think that is important.

Mr. Hills. Mr. Springer, Federal Power Commission?

Mr. Springer. Mr. President, recently I went back to look at the Congressional Record—and it is always good to do that once in a while—and I find that you and I voted twice for deregulation of natural gas. There must have been a reason for this, at least in our own minds, as to why those votes were made as they were.

It was my understanding that we did that in order to stimulate the production of natural gas so that there would be a greater supply. Now, what happened? Well, I have just been down there two years, and each one of those years the supply of gas has gone down. The rationing of gas has gone up. This year we expect it to be in the neighborhood of 40 or 45 percent less consumption than there was last winter, and that is in addition to roughly 35 to 40 percent less than the year before. So this gives you some idea of why we voted for deregulation. Now we are finding, twenty years, that it took twenty years to prove that our votes were right.

[Laughter]

I don't know how much longer we could go on waiting. Now, what is the situation? And my predecessor, Pinky Walker, who now is back as head of the School of Commerce at the University of Missouri, and his last parting words to me said, "Bill, there is nothing economics will determine." What did he mean by that? Simply this: You have three really forms of energy today in this country, 90 percent of it—coal, oil and gas. Well, out of those three, as any of you know, gas is the Cadillac of fuels. I would say that oil is the Oldsmobile or the Mercury, and coal is the Ford. But what——

[Laughter]

I hope I didn't offend any car makers here. But let's look at these three fuels. If we were to take them in the form of that, the Cadillac of it is selling for a third of the price of the Oldsmobile, and half the price of the Mercury. It is ridiculous that the Cadillac is selling for one-third the price of the Oldsmobile and one-half the price of the Ford. This seems to me so demonstrative in the economic field that you simply cannot keep on inevitably selling the most desirable product that is on the market in the form of heat or fuel per BTU unit for a third or a half of what the competition is selling for.

Now, what does this do? And I can only emphasize this this way: If you were investing money, and if you were the chairman of the board of a company and you were sitting down at Christmas time, you certainly wouldn't send your money out to find some gas fields. You would send it out to find some coal or some oil, and that is exactly what the companies have done in the last four or five years. They have put their money where the economics is, where the money that can be made from it. This is the American system at work. And so they sent their money out to the Near East to produce cheap oil and finally you get an embargo and it goes up three times what it was.

Now, these are things that happen when you try to restrain the economic system from working on the kind of a system that we have.

Now, to show you further from where we went back twenty years ago, when the President and I—the last twenty-one years ago, 1954—the last time we voted on it. Our reserves this last year increased by 7.9 trillion cubic feet. That is all the reserves in proof. But what did we use last year? We used 23 trillion cubic feet of gas last year. In other words, in short, we are using it at three times the rate that we are increasing the reserves in the gas field.

Now, these figures alone to me indicate that competition is the thing that is going to get you a greater supply, and the only way you are going to compete is to allow them by some means to be able to charge something in the vicinity of what their competition is getting. Otherwise all of your money and your economics are going into other forms of energy.

We didn't ask for deregulation of gas wholly. We asked for deregulation of gas, new gas. Now, why did we ask for deregulation of new gas and not deregulation of gas as the President and I voted twenty-one years ago? For the simple reason: There were a great many critics on Capitol Hill who said, "Oh, you do that and the price of gas immediately will shoot way up and skyrocket and people won't be able to afford it." By deregulating new gas, not old but new gas, it meant that old gas when its contracts expired, would take a new gas price, naturally. New gas, however, would be decontrolled and at the rate of the expiration of contracts each year, it is about 7 percent, which meant in essence that it would take approximately fifteen years to decontrol all the gas in the country. The result of it would be that you would get a gradual impact of an increase in price, which would put you then in competition with your other fuel, which made sense.

We didn't attempt, nor did we ask the Congress to decontrol all gas and to allow it to shoot to a skyrocket. And, in addition to that, the Chairman and I testified before the Stevenson committee that we would be willing, if they would give us this kind of a deregulation of new gas, that we would assume some responsibility and would allow it to be written into law, that if it got out of control, that we would assert ourselves. Isn't that right, Mr. Chairman?

So I can't see but where we have attempted—and these are the recommendations, I understand, you have made, Mr. Chairman, the same as ours—why this is not a fair and equitable way in which to promote. I am talking about competition of money, now the competition of economics, which is just as important as the competition, say, between two companies. But I think, overall, that if we could have this kind of deregulation—and I think that is something we have to have from the Congress—we cannot utilize this ourselves, we are strictly bound by the law—the Natural Gas Act which is, as I say, somewhat antiquated. Before the Stennis committee the other day, I used something like "antiquated like the horse and buggy," but I don't think it is quite that bad, but it certainly could bear a great deal of improvement, which would give us an opportunity I think to promote a situation where we could get an adequate supply of gas.

The President. Mr. Chairman, let me make an observation, or two of them, I should say. Bill, I am glad that we had such foresight twenty-one years ago that is being validated by the unfortunate circumstances we see today.

The second—and you indicated by inference—the lack of adequate natural gas, which is being caused by the artificially low price, will mean substantially less jobs this winter. It inevitably, as you and the Chairman of the Federal Power Commission know, will mean that interruptible service will be precluded in factories in New Jersey, in Illinois, in Michigan, in Ohio, and many other States. And the lack of affirmative action to raise or to eliminate the regulation in this area will substantially cut jobs this winter and could, if we don't get some action, interfere with our economic recovery in the months ahead. And the Congress has an absolute requirement to move on this legislation, and every day they delay means a greater possibility of fewer jobs and a roadblock in our economic recovery.

Mr. Hills. George first, and then Lew, please.

Mr. O'Neal. Dan O'Neal, Interstate Commerce Commission.

Mr. Hills. Very good.

Mr. O'Neal. I would just like to make one observation insofar as this subject relates to the regulation of transportation. The purpose of transportation regulation in the United States has been to provide a private common carrier system to place all businesses in the country in a position so that they can compete no matter what their size, where they happen to be located in the United States.

I think probably there may be room for adjustment in the entry requirements, but I think it is important to keep in mind at the present time entry requirements carry with them service obligations. The carries are required to provide service. If that obligation is gone, then the question is who will suffer, and I think there is a substantial question or a substantial indication that those who suffer will likely be the smaller businessman, who will not have the capacity to fill up a truck, say, every time he make a shipment. And this has been verified recently by a study of deregulation in Great Britain, where those commodities that can be shipped in a full truck were shipped at a somewhat lower price than previously. But those smaller shipments that could not fill up a truck, the cost of those rose substantially. So I think this is an area that certainly deserves review, but I think we have to move with some care as well.

Thank you.

Mr. Hills. Lew?

Mr. Engman. Mr. President, what I was going to say was that Paul MacAvoy raised some questions as to why entry had to be limited and all of the comments that I have heard thus far have been in the direction of encouraging competition. Dan has made some defense of why we have to limit entry, and I guess the only question I would raise is, that may be fine, perhaps we do want that service, that added service, but let's find out what the cost of that is to our economy, so that we can measure off and trade off the benefits of the cost with that so-called improved service, so we can make a rational judgment, so the Congress can make a rational judgment as to whether it is really worth it.

Mr. Robson. Mr. President, may I just add one point to that, since we seem to be pretty much involved in entry control. There have been two countries, Canada and Australia, who have now tried the deregulation route. Both of them have had teams over in my agency taking a look at how we do it. They are going back—and you have probably been reading lately that Australia is very close to going back to full regulation. Canada is not that far along with it. But they have been down talking to me, talking to the people in my commission about how do we do this. I would just like to make that note.

Mr. Hills. Helen, did you have a comment?

Ms. Bentley. Yes. I would like to point out that the Federal Maritime Commission was established back in 1916 as a result of the fact that it was felt that competition created more harm than good at that time. The foreign steamship lines serving the North Atlantic and the United States were engaged in a very serious rate war and they came to the Congress and asked them to do something about it. So with that the Shipping Act of 1916 was passed and under that—under section 15—the Federal Maritime Commission is empowered to grant any trust immunity to steamship conferences, which our friends in the Department of Justice are unhappy about at times. But we do have open steamship conferences in this country and now our American flag lines feel it is very important that they have to have the Federal Maritime Commission behind them to survive.

However, here again, we are faced with an uncontrollable factor, and that is that the United Nations (UNCTAD) recently passed the Code of Conduct for Liner Practices, in which it is calling for closed steamship conferences internationally. Although we haven't approved that, if this does become international law, this country is going to be in a real dilemma.

Mr. Hills. Glen Robinson?

Mr. Robinson. Dan O'Neal's comment gave me the first opportunity I have had to disagree with anybody. The image conjured up here that regulation is something that is predominantly oriented to helping the small consumers is one of the prevalent myths I think in our American folklore. From my experience, both as a teacher in regulated industries for a number of years, and as a recent regulator, is that that plays a very, very small role, and I see nothing, since I came to the FCC, to disabuse me of the notion that predominantly the regulation has the effect of protecting businessmen who have an understandable allergy to competition, but one which we should resist I think. And the traditional response of saying, well, we do this, of course, to protect the public's right to good service—the fact is, however, most of the agencies—and I think the FCC has been historically as guilty, I suppose, as any—have not protected good service. Service has been deteriorating.

So I think we have to ask ourselves whether there isn't time to at least take another hard look at this problem and find out whether the alternative competition wouldn't actually provide better service. And I must say, the idea right now, sort of looking abroad to find out how Great Britain is going about it, seems to me to be somewhat odd, in view of Great Britain's problems. I think that would probably be the last place we would want to look right now.

Mr. Hills. I think we have largely covered both topic three and, thanks to Commissioner Springer, we have indeed discussed the question of whether or not agencies ought to reexamine their reasons for existence in certain regulatory activities.

John, do you have anything to add to Commissioner Springer's comments on topic four?

Mr. Nassikas. I will try to cut this very short. I have some prepared remarks.

Mr. Hills. And since our time is already short.

Mr. Nassikas. I know. Actually, there is a consensus today I think to critically analyze the economic regulatory structure of government, as the President has said, and to make necessary changes to achieve national policy goals, without the imposition of unwarranted and costly federal intervention.

I want to emphasize though that our continuing inability to agree on a national energy policy is a dramatic illustration of the problem of finding solutions before we know what the consensus is on our objectives. Until an energy policy has been agreed upon between the Administration and the Congress, there is really very little to be gained from debating the pros and cons of agency reorganization and administration reform insofar as the energy agencies are concerned.

I want to get back to natural gas now. The pervasive and deepening depletion of natural gas supply is an illustration of the consequences of governmental failure to agree on national policy goals. The Natural Gas Act of '38 is not suited to the realities of '75. As you pointed out, Mr. President, unquestionably, because of the shackles of the Natural Gas Act, there may be unemployment this winter. In the event that unemployment is averted, it will be at higher costs to the consumers. We have recommended the exemption from price ceilings for 180 days in a bill that is pending before OMB and there is a companion bill that has been introduced in the Congress. Even if the Congress does not succeed in deregulating natural gas, as we have recommended, that at least there ought to be emergency powers granted to the Federal Power Commission to exempt dedications of natural gas to curtail pipelines to supply needed energy to industries which affect employment in this country. So I just want to raise that point.

One illustration of the extent to which curtailments have reached: We estimate that about three trillion cubic feet through March 1976 less than the amount needed will be available to supply the interstate market. This equates to one and a half million barrels of oil a day, or more than 20 percent of U.S. imports of oil and oil products of 1974 levels. And at $12 a barrel, this oil equals over $6 billion or double the revenues of all producers selling to interstate pipelines. So that the tradeoff here is consumers theoretically will pay twice as much for imported oil than they pay to all producers in the United States as a result of the unfulfilled and deferred demand.

I just say one more point on deregulation. In the belief that a workably competitive market—and this follows Paul MacAvoy's thesis—in a free enterprise system is a better regulator than centrally enforced economic controls. I have recommended since early 1973 that prices for new supplies of natural gas be deregulated, with protective covenants for the public interest, including a windfall profits tax, with appropriate credits for investment and exploration and development of natural gas resources and monitoring of prices by the Federal Power Commission, as well as what you indicated, Mr. President, the strict antitrust enforcement by the Justice Department and the Federal Trade Commission.

Legislation has yet to result, as you well know. I say that natural gas producer deregulation is an energy policy imperative. I have said this for many years. The electric utility industry—another point that has to be addressed, I think, is what we are going to do about the electric utility industry and the natural gas industry insofar as their financial requirements are concerned. Both industries are in bad shape. The electric utility industry has improved, but I certainly endorse most all of the regulatory reforms, the tax credits, the investment tax credit, and some of the other fast writeoff provisions that you recently recommended, and I have so spoken before various committees of Congress.

I think that we also need congressional reform of the congressional committee structure. There should be a joint committee on energy established, I believe similar somewhat to the Joint Committee on Atomic Energy. I have testified personally, and it is a real privilege to testify before the Congress, 96 times before twenty congressional committees since I have been Chairman of this commission. Number 97 will come up on Monday, and the topic of that will undoubtedly be why we should not deregulate; I intend to say why we should deregulate.

That is all I have to say at this time. Thank you.

Mr. Hills. We have just one minute left. Chairman Bagley is Chairman of the newest commission created, the Commodities Futures Trading Commission. In that time, Bill, can you tell us whether you are going to narrow the scope of regulation, before it is too late?

Mr. Bagley. Give me five minutes and I could. Rod. Mr. President. With ten weeks' tenure in town, I would be presumptuous, but I am going to try anyway. I am going to try to throw out a couple of broader ideas which might help all of us, if the ideas catch hold.

First of all, with that brief tenure, we don't suffer yet from hardening of the categories. We are not afflicted. But, instead, in response to your specific question, the Commodities Futures Trading Commission was created out of a demonstrable situation where there was a lack of confidence in the markets. So if we—and this is probably the origin, the genesis, of most of the commissions—at least initially, if we can do what I like to call "regularizing" rather than regulating the markets and restore and build up public confidence, you are going to get a broader market and therefore more competition. So initially it looks good.

But I get to thinking, our fellow commissioners are getting to thinking now, what are we going to do with this beautiful new opportunity to not allow ourselves to fall into the regulatory malaise. I have two ideas.

What we need are mechanisms that will keep all of us going when none of us are here. One I espouse is to ask Congress to have an automatic review, a ten-year review, if you will, not just budget but authorization review for everybody in this room—not including you, sir—for all of the commissions.

[Laughter.]

For all of the commissions, simply so that a person will have to—a chairman and the commissioners will have to justify their existence or not continue in existence. I would hope that Congress would do that for us.

Number two—and this can cause some controversy—I am just out of the legislative arena and the author of every open meeting act in California—I would like to say, by congressional action, even by Executive Order, if it is possible, a creation of an aura of openness. You don't have to answer all of the detailed problems. Of course, there are some exceptions. I have run into them all in my legislative experience, and beat them all down also.

The point is that, with openness, you would get consumer access, you would create more confidence in the regulatory process. Automatically you would create an aura or atmosphere that government is responsive and also that openness would provide a constituency that I don't think commissions have. The natural political constituency is not existent, therefore perhaps we do get or are subject to the risk of becoming captured by a smaller constituency. With openness, you are going to have some responsiveness. I hope those ideas will be thought about.

Thank you.

Mr. Hills. Thank you.

Mr. President.

The President. At the outset, in the closing remarks, let me thank each and every one of you for your participation. You have a great responsibility individually and collectively. Some are old in origin, some are relatively new, but each of you have a very definite mission, and you have some monumental problems to face.

As I said at the outset, this is the first meeting of this kind and I do get a sense that perhaps subsequent meetings would be in order. I do feel that the Congress will be responsive to the effort that is being made by you and by us and I am certain that your relations in this area with the Congress will be improved, particularly if you respond to what they are suggesting and what we are approving.

Naturally, there are five follow-up actions that I would like to emphasize. Each Chairman, I hope, will give further attention to the cost-to-benefit analysis of the commissions under their chairmanship. I think it is absolutely essential that we fully understand the economic costs of your activities in order to take concrete steps to achieve these reforms. And to facilitate this understanding, I would hope that you would actually issue the cost-benefit analyses on your major programs. This would parallel the inflation impact statements that are required of the various Federal departments and agencies in the Executive Branch of the government and they could coincide with the requirement now in the House of Representatives for an inflation impact statement on every major legislative proposal that is submitted to the House as a whole.

Secondly, I would ask that you undertake a comprehensive and specific review of all areas where regulatory delays presently occur, in order to eliminate any of the impediments to a speedy and an effective process.

I think it makes sense to set a goal of six months to see if you can't in a demonstrative way show a reduction in any of the regulatory delays that you know better than I and better than others take place.

And, third, I would ask that you study and revise the procedures as they are appropriate to insure that you are responsive to the legitimate consumer interests, and that your actions are more clearly understood by the American people.

And, fourth, that you should consider the most fundamental changes that would move us toward deregulation in areas where the regulatory process no longer makes sense. And I think Chairman Nassikas has made a very valid point in the case of deregulation of natural gas. In some areas, it is increasingly clear that more competition is a better regulator than the government itself.

I know some of the agencies are moving in this same direction with respect to deregulation of certain aspects such as in the case of the CAB. This experiment in one or more agencies borne of more recent vintage, I think can produce substantial results and I would strongly urge every commission to undertake an analysis to see if you can't do something in this area.

It is my judgment that in every case you have to ask yourself, individually as commissioners and as a commission, is regulation better in each case than on unregulated market?

And, finally, I will continue to meet with the 24 designated Members of the House and Senate, both Democratic as well as Republican, to review with them the progress and the areas where we think action can be taken, must be taken. And I am asking the members of my Administration to work closely with each of you and each of your commissions as well, as to respond for the Executive Branch in their areas of jurisdiction.

It is my judgment that with the cooperation of the Congress, and I am sure it will be there, the cooperation of each of you and your respective agencies, and with the full participation of the Executive Branch, we can make some very substantial headway and we will all be applauded, in my judgment, by the American people and we will have a healthier and a far more efficient economy.

I thank you very, very much.

[Applause]

NAVY'S POSITION ON F–18

Mr. CANNON. Mr. President, the Navy's F–18 program has been the subject of a great deal of publicity lately, most of it adverse. Recent press stories also have cast doubts on whether the Navy truly wants the airplane, inferring that the selection of the F–18 was made in order to defy the Congress and thus result in cancellation of the Navy air combat fighter program.

Recently the Chief of Naval Operations wrote to Chairman Stennis regarding the Navy's position on the F–18, and the chairman forwarded this letter on to me and to the Tactical Air Power Subcommittee. I believe this letter will set the record straight regarding how Admiral Holloway feels about the F–18 program, and I ask unanimous consent that the text of the letter be printed at the conclusion of my remarks. It presents a very straightforward and unambiguous endorsement of the F–18.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

TAC AIR SUBCOMMITTEE TO HOLD HEARINGS

Mr. CANNON. Mr. President, because of the confusion which has been forthcoming about the status of the program, it is my intention to hold hearings before the Tactical Air Power Subcommittee on the selection of the F–18 and other aspects of the program after the August recess. My hope is that we can establish a definite record on the reasons for the source selection and the cost, schedule, and performance expected for the F–18 and hopefully dispel some of the confusion which has surrounded it.

Exhibit 1

July 8, 1975.

Hon. John C. Stennis,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: During recent F–18 Congressional Hearings, there has seemed to appear some confusion on whether the Navy fully supports the F–18 aircraft program. The purpose of this letter is to ensure that you and the Senate Armed Services Committee understand that I support the F–18 program without reservation. My support derives from the following conclusions, which result from more than two years of intensive Navy/Industry study of the problem.

The Navy's most pressing tactical air problem today is assuring maintenance of an adequate fighter force level. We have begun the job with the F–14. The F–14 is unequalled in its capability to perform the Navy's fighter missions, but is expensive to acquire and operate, and our buying power is shrinking. While we might now be able to afford the acquisition of enough F–14's to fill the fighter force levels, we are faced with high follow-on operating and support costs. I believe the F–18 is a clear demonstration of Navy dedication to making the most of our limited funds.

In its cost class, the F–18 provides unsurpassed capability to perform the Navy's fighter and attack missions. It can augment effectively the F–14 in fighter missions, and for some missions, specifically those requiring maneuverability and agility, the F–18 is somewhat better than the F–14.

For attack missions, we believe the F–18 will provide an excellent replacement for the A–7 light attack plane. It will be significantly more capable than the A–7, notably in its ability to get to the target, deliver its weapons, and escape. In an attack configuration, it will retain good fighter performance and armament, thereby achieving a credible self-escort capability.

The F–18 will replace those F–4's not replaced by F–14's, and all A–7's with one airframe-engine platform, a most important consideration in optimizing use of limited space aboard aircraft carriers. The cascade effect of this simplification will be felt throughout the Naval Establishment, in terms of reduced cost for personnel, training, support equipment, intermediate and depot facilities, overhaul, spares and repair parts.

It has been suggested that we should reopen the competition to all of industry in order to get a better aircraft. I feel that a new design would not result in a significant improvement over the F–18; therefore reopening the competition seems unwarranted since it would delay the program approximately one year when it is needed now for economic elimination of the fighter gap which otherwise will occur. During the recent competition, four of the best aerospace contractors participated and Navy technical experts agreed that we have a superb design in the F–18.

In summary, acquisition of the F–18 is in the best interests of the Navy and I believe, in the best interests of the United States. It is affordable. In conjunction with the F–14, it meets our operational requirements at lowest cost. I solicit your support of this very important Navy program.

Sincerely,

J. L. Holloway III,
Admiral, U.S. Navy.

TV DRUG ADVERTISEMENTS TO CHILDREN

Mr. PERCY. Mr. President, last week the Subcommittee on Communications of the House Interstate and Foreign Commerce Committee held some very informative hearings on the subject of children's television advertising. I think it important that we take note of the concern expressed by members of the subcommittee and witnesses that significant problems exist in this area. In holding these hearings, Chairman Torbert MacDonald and ranking minority member, Louis Frey, Jr., have brought to our attention the need for further vigilance in order to insure the welfare of our children.

Instructive testimony was received from representatives of the advertising and broadcasting industries, the Federal regulatory commissions, and consumer groups. The weight of the evidence indicates that while commendable progress has been made in recent years involving reform of advertising practices which exploited the lack of sophistication of young people, more needs to be done to eliminate practices which might be dangerous to young viewers.

One area of growing public concern involves the advertisement of over-the-counter drugs and supplemental vitamins. Attorney General Francis X. Bellotti, of the Commonwealth of Massachusetts, addressed himself to this particular area in his testimony before the subcommittee. In doing so, Mr. Bellotti represented the attorneys general of 13 other States, including my home State of Illinois. He expects further backing for his position from up to six more States in the near future, bringing the amount of people represented to some 60 million. The attorneys general are concerned that the present level and content of drug advertising indirectly encourages drug abuse by young people and the population in general.

Mr. President, I expect to have considerably more to say on this subject in the days to come. For now, while I have certain reservations about the solutions offered, I ask unanimous consent to have printed in the Record excerpts from Attorney General Bellotti's noteworthy testimony before the House Subcommittee on Communications.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Testimony by Francis X. Bellotti Before the Subcommittee on Communications of the House Interstate and Foreign Commerce Committee, July 17, 1975

We in Massachusetts are particularly concerned about the short and long-term impacts of over-the-counter drug advertising on children. In this regard, I believe the Federal Communications Commission has the authority and the responsibility to insure that children are protected from the aggressive marketing of over-the-counter drugs. The Federal Communications Commission agreed in its Children's Television Program Report and Policy Statement, 39 Federal Register at 39396, (November 6, 1974) that broadcasters have a special obligation to serve children. I believe this responsibility extends not only to commercials which appear on programs initially designed for children (generally early morning kiddy shows), but to the commercials used to sponsor other shows children actually watch.

The Federal Communications Commission has been granted broad responsibility and authority to regulate broadcasting in the public interest, 47 U.S.C. § 303. Maintenance of public health is one such responsibility. See *Banzhaf* v. *Federal Communications Commission*, 405 F. 2d 1083, cert. denied 396 U.S. 843 (1968). *Friends of the Earth* v. *Federal Communications Commission* 449 F. 2d 1164 (1971).

A few years ago, the Commission indicated a concern about the promotion of the "drug culture" ethic on rock music radio shows. In response, the Commission forced off the air all songs with lyrics relating to drugs; yet to date the Commission has appeared hesitant to promulgate any rules or regulations which would restrict or ban over-the-counter drug advertising which children see daily on television. Moreover, the Commission in a policy statement with respect to Federal regulation of commercial advertising on products, stated that: "It may be more appropriate to refer the matter (content of commercials) to Congress for resolution. For Congress is in a far better position than this Commission to develop expert information on whether particular broadcast advertising is dangerous to health or otherwise detrimental to public interest." Vol. 39 Fed. Reg. 26381 (July 18, 1974).

As Attorney General, I am aware of the alarming number of young people who have become victims of drug abuse. As a criminal lawyer prior to my election to this Office, I saw the effect drugs had on young people and how many of their lives were irreparably destroyed. The Massachusetts Division of Drug Rehabilitation has estimated that 49.5% of teenagers have experimented with drugs. The Division has also found that over 1,654 youths under 15 years of age are in Drug Treatment Programs. The Massachusetts State Police Labs has confirmed that last year 12 persons died of heroin overdoses, while over 151 died of barbiturate and barbiturate substitute drugs, including a substantial number of young people as young as age 15.

Advertisement of over-the-counter drugs glorify the ability of various pills to improve the quality of one's life. Madison Avenue, over the airwaves encourages everyone including children to take drugs to get up, to stay awake, to stay slim, healthy and attractive, to eliminate minor pain or discomfort and to go to sleep.

This morning (July 17, 1975), I filed, jointly with the Attorneys General of Alaska, Colorado, Delaware, Hawaii, Illinois, Maryland, Nebraska, New Hampshire, North Carolina, Pennsylvania, Rhode Island and Wyoming, a Petition requesting the Federal Communications Commission to hold hearings and promulgate rules and regulations to eliminate over-the-counter drug advertisements on television before 9:00 P.M.

For the past several years, the FCC has encouraged the industry to regulate itself in restricting advertisements of over-the-counter drugs to audiences of young children. However, the National Association of Broadcasters' self-imposed guidelines on children's television currently apply only to those programs for which children comprise 50% or more of the audience. This encompasses primarily Saturday and Sunday morning programming. Saturday and Sunday morning programming, however, constitutes only 10% of children's viewing time (*See FCC Children's Television Program Report*) 39 Fed. Reg. at 39398. Even though children comprised a smaller percent of the total viewing audience during early evening hours, more children watch these evening family shows than during the Saturday morning period. Nielsen ratings for 1974 indicated that the seven shows most frequently viewed by children were: "Emergency," "Wonderful World of Disney," "Planet of the Apes," "The Waltons," "Happy Days," "Apple's Ways" and the "Rookies," all early evening family shows. These shows had a children's audience of between 6.7 million and 8.7 million children. Evening programs are simply reaching and influencing larger numbers of children than programs during the regulated time period.

Present self-regulation also does not cover the airing of network re-runs of family programs. For instance, although "Hee Haw" is run at 10:00 A.M. on a Saturday morning in Boston, the television station was able to run ads for Geritol, Sominex and Alka Seltzer because the program failed to fall within the broadcaster's notion of a children's show.

The drug industry is big business in this country. Drug companies had sales of $3.8 billion in 1972. In 1972, over $313,000,000 was spent in advertising drugs on television. See Broadcasting Year Book, 1974. In 1973, three drug companies, who were among the top 10 of television advertisers, alone spent over $108,000,000 (*Advertising Age,* August 26, 1974). In the first six months of 1974, one out of eight television commercials was devoted to drugs. As long as the networks continue to accept large numbers of advertisements from the drug companies to promote over-the-counter drugs, it is unrealistic to expect that any self-regulation will amount to anything more than tokenism.

My office recently randomly selected a composite week and reviewed the commercial logs of five local stations. One station broadcast as many as 30 over-the-counter drug commercials between the hours of 10:00 A.M. and 8:00 P.M.

The mere presence of over-the-counter drug advertising on television does not necessarily encourage drug abuse in children. But the current manner of presentation projects adult acceptance of the use of drugs as necessary to enable one to cope with stresses of a normal day. These commercials depict, for example, an unhappy irritable sick person who is suddenly transformed into a happy, calm, and healthy person merely by swallowing a pill. This approach to advertising over-the-counter drugs has been labeled by Dr. Arthur Asa Berger of California State University as the "Pain, Pill, Pleasure" model. Children are not sophisticated enough to discount the magical quality given to drugs by commercial messages.

The fact that children are particularly susceptible to drug and health care advertising is demonstrated in a study conducted by Dr. Charles Lewis and Mary Ann Lewis of the UCLA School of Medicine. The Lewises asked 5th and 6th graders to watch television and to describe the commercial message they viewed that related to health. Forty-seven percent (47%) of the children accepted all such commercial messages as true.

The Scientists' Advisory Committee Report to the Surgeon General (1970), provides another indication of advertising's effect on children. Sixty-five percent of the two-year-olds studied frequently sang commercial jingles, although they did not understand the message being conveyed.

The seriousness of over-the-counter drug consumption is underscored by the fact that in 1973 approximately 27,000 children were poisoned by non-prescription drugs (Source: FDA, Division of Poison Control). Furthermore, the inherent dangers in the use of even so common a drug as aspirin are not commonly understood. Dr. Milton Silverman and Dr. Philip K. Lee, Professors at San Francisco State University's Medical School in their book "Pills, Profits and Politics," explained that aspirin always causes minor stomach and intestinal bleeding. In a normal, healthy adult, such a minor loss is hardly noticeable and generally he or she suffers no harm from infrequent use. However, excessive consumption can lead to ulceration and anemia. These effects are compounded in children.

Rather than promoting informed, careful use of these products, television advertising leaves children with the impression that these drugs are totally safe and harmless.

I believe that children will have enough time to find out about the virtues of Geritol. I do not believe that we should allow children to be subjected to high powered advertising of products they are too young and innocent to understand.

PRAISE FOR FRANK ZARB

Mr. HUGH SCOTT. Mr. President, the new head of the Federal Energy Administration, Frank Zarb, has gained respect and admiration for his firm, yet fair handling of the administration's energy policy. An article in the New York Times by Edward Cowan, sums up Mr. Zarb's activities and skill since he took over the FEA. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ZARB IS PRAISED AS MAN IN MIDDLE ON OIL PRICE DISPUTE

(By Edward Cowan)

WASHINGTON, July 22.—As President Ford and the Democratic Congress head for a showdown on oil price controls, the man in the middle, depicted today by a Democratic Congressman as a man "willing to go the extra mile" to reconcile differences, is Frank G. Zarb, the Federal energy administrator.

Although outranked by Cabinet officers and men with more experience in government and politics, the 40-year-old Mr. Zarb has emerged as one of Mr. Ford's more intimate and probably influential advisers.

"There's good chemistry there," said someone who has attended small White House meetings. "You can see Ford really likes him."

Mr. Zarb, the son of immigrants, is a native of Brooklyn who studied business administration at Hofstra University, then went on to substantial status and earnings in Wall Street.

HARMONIOUS RELATIONSHIPS

In the first Nixon Administration he served as an Assistant Secretary of Labor. In July, 1973, he joined the Office of Management and Budget as an associate director, with responsibilities in resources and energy. That led to his present assignment in December, 1974.

Since early in the year, Mr. Zarb has been representing the President in dozens of private talks with Democratic Representatives and Senators. He has forged harmonious backstage relationships with several Democrats who regularly criticize Administration energy policy.

"He has always been honorable in his dealings with us," said a key staff aide on Capitol Hill. "Even though you might say we have an adversary relationship, we have never caught Frank doing anything crafty or behind the back."

Mr. Zarb has been an enthusiastic exponent of the Administration view that higher energy prices will deter consumption. He shares instinctively the abhorrence that Mr. Ford and Treasury Secretary William E. Simon have for rationing or for other proposals that would increase the Government's regulatory role.

This Administration position is seen by some liberal Democrats as a thin facade of advocacy for oil company profits, and some members of Congress would attribute that motive to Mr. Zarb.

Yet, he is regarded by those who have spoken with him privately as less ideological than Mr. Simon or Alan Greenspan, chairman of the Council on Economic Advisers.

"Ideology is a word I wouldn't apply to him," says an Administration official.

A Congressional Democrat who has hit it off with Mr. Zarb in numerous unannounced lunches, five o'clock meetings, weekend huddles and telephone calls agrees.

"Some people up here regard Frank as one of the hawks in the White House," said the Representative. "They see him as a hatchet man for Simon and the hard liners who want to end price controls on oil as fast as possible. I don't think so. I believe he is one of the more reasonable people down there."

Since taking over as energy administrator in December, Mr. Zarb has become caught up in the process of Presidential policy-making and negotiating with the legislative branch. Early in the year, Mr. Ford took Mr. Zarb on several trips for question-an-answer sessions, with the public and the press, on the newly announced energy policy.

These trips and the many hours a week that Mr. Zarb spent—and still spends—at the White House led to some grumbling within the fledgling energy agency, which was and is troubled by growing pains.

In one instance, Mr. Zarb's preoccupation with policy led to an administrative miscue that proved to be embarrassing. Weeks after the fact, Mr. Zarb found that he had sent to the head of another agency a letter that conflicted with what he was saying orally.

When the discrepancy was called to Mr. Zarb's attention, he checked and reported that the letter had been drafted by a senior associate, a routine practice, and had been signed by a machine, not by Mr. Zarb personally. The use of such machines, which reproduce an original signature, is intended to save the time of busy senior officials whose signatures are required many times a day.

By and large, however, Mr. Zarb is regarded as a good administrator. Various subordinates have reported that he is sensitive to the problems and feelings of his staff. On a visit to a regional office of the energy agency, Mr. Zarb met with all employes and invited questions after a few opening remarks.

"His manner made people feel they could ask him anything," a regional official said. "They asked him a lot of questions, from prices to opportunities for women employes."

Mr. Zarb is perceived by many in Washington as uncommonly candid. Yesterday at a White House briefing, for example, he was asked if he had been negotiating a compromise on oil prices with Congressional Democrats.

"I'm sorry you asked that question," Mr. Zarb muttered. He then not only confirmed that negotiations were under way, he gave details on when, where and with whom that officials usually withhold on the ground that negotiations are sensitive and confidential.

There are several reasons Mr. Zarb has emerged as the President's chief energy spokesman even though Rogers C. B. Morton, the Cabinet officer who recently shifted from the Interior to the Commerce Department, retains the topmost title, chairman of the Energy Resources Council.

As one senior administration official put it, "Frank has a very useful combination of a technical understanding and a good feeling for the politics of a problem. He can talk with the technicians. He can talk with the politicians. He can talk with the President. And not just talk, but communicate."

Cutting across all of this is Mr. Zarb's zestful enjoyment of a good fight—maneuvering, calculating, cajoling, winning.

When a congressional assistant told Mr. Zarb that someone in the White House had been thinking about possible changes in Administration energy policy, Mr. Zarb turned to his own aide and ordered: "Find out who that was."

"Frank, you don't think you're the only guy making deals," someone quipped.

"You're goddam right I am," he countered. "I represent the President in this area. Nobody else does."

SECRETARY SIMON'S STRATEGY FOR PROSPERITY

Mr. FANNIN. Mr. President, Secretary of the Treasury William Simon has written a superb article, published in the Saturday Review of July 12, 1975, in which he analyzes the problems we are facing in our economy today as a result of the growth and centralization of the national Government and concurrent big government budgets, deficits and controls. He also suggests several important approaches for the Congress to consider for getting Government out of the marketplace.

Secretary Simon is especially concerned by the increasing dominance by the Government of private capital markets to finance our huge annual deficits and to meet other borrowing needs. I share his concern that such heavy borrowing by the Government will leave few funds available for the requirements of private enterprise and for the growth and development of our domestic economy.

Mr. Simon views the threat of big Government this way:

> It's not that big government *per se* is undesirable, just as bigness in any organization is not undesirable *per se*. Big Government becomes Bad Government because of what it does to our economy and what it does to our personal freedoms. To an extent far greater than it is commonly realized, the practices and policies of American government are at the root of many of the difficulties we are experiencing today.

The Secretary points to the impact of big Government deficit spending and monetary policies on today's inflation which, he says:

> Has been a major factor in creating the recession and remains our most fundamental underlying problem.

He also argues that the rising cost of Government has resulted in declining profits, slower capital growth and lower productivity. He concludes that:

> We must begin placing much greater emphasis upon saving and investment and much less upon consumption and government spending.

Mr. Simon points to impediments that restrictive Government policies have placed on production, resulting in less competition, less incentives, higher costs, higher prices, and ultimately fewer goods and services than are needed by consumers. The Treasury Secretary's discussion of the energy problems we have faced as a result of Government regulation of the natural gas industry is worth repeating:

> Federal regulation of natural gas is a classic example of government intervention that has backfired. For more than two decades, despite repeated warnings by experts, the Federal Power Commission has controlled the well head price of natural gas at an abnormally low level in order to hold down prices for consumers. In the process, however, the FPC has also discouraged producers from developing new supplies, and today we have a shortage of natural gas supplies.
>
> An increasing number of consumers, especially in New England, are unable to obtain natural gas and must substitute oil or foreign liquified natural gas at a considerably higher price. Government regulation has, in effect, created a national shortage of natural gas and has driven many consumers to higher-priced fuels.
>
> The most realistic solution is to deregulate the price of new natural gas, a move strongly supported by both the Nixon and the Ford administrations. In Congress, where such legislation has lain dormant for over three years, critics argue that deregulation would allow the price of natural gas to skyrocket. It is true that prices would rise, but the objection is misleading. For consumers now forced to rely upon oil instead of upon natural gas, our estimates show that the higher price of deregulated natural gas should still be only two-thirds as much as the oil equivalent. Moreover, we must soon come to realize that if we want to maintain a growing economy, we will inevitably have to offer greater production incentives to the energy industry as well as to other businesses in this country.

I could not agree with Mr. Simon more. That is why I and a number of other Republican Senators have offered a substitute amendment to S. 692, the "Natural Gas Production and Conservation Act of 1975" to provide for immediate decontrol of all new on-shore and offshore gas. In my opinion, the most sensible way to increase production of natural gas is to restore normal marketplace incentives for the discovery and development of new reserves.

Mr. Simon strongly favors regulatory reform as an additional stimulus to the economy. He points out that:

> The regulatory process is in dire need of reform. Over the years, regulation of industry has become complex, cumbersome, inefficient, and overly protective—all at the expense of the consumer . . . with the help of Ralph Nader and others, including one of the agencies' most thoughtful Chairmen, the Federal Trade Commission's Lou Ingman, agree that regulatory practices are finally attracting greater attention.

I certainly agree with the Treasury Secretary, and I am pleased that the White House has taken the initiative in this area. Recently the President met with Commissioners of the 10 independent regulatory agencies to discuss ways in which the agencies can improve their regulatory machinery. I certainly hope that some positive reforms will emerge from the series of meetings the President has been having with Members of Congress and the executive branch. I think it is a bit unrealistic to expect that the agencies will reform themselves without congressional action. I am encouraged, however, by proposals which have emerged from the Civil Aeronautics Board for reform of that agency's policies and procedures.

Secretary Simon rejects easy, political solutions to our current problems in energy and the economy. He warns against following "three roads to nowhere," namely, the notions that "we can speed up the process of economic recovery by spending our way back to prosperity," that wage and price controls are effective in controlling inflation, and that gas and oil rationing will save energy. On the subject of rationing, I quote Secretary Simon:

> The basic problem with rationing is that it can't be done fairly and practically. Every family, every car and motorcycle, every store, school, church, and business—everything and everybody—would have to obtain a permit for gasoline, electricity, and natural gas. Those allocations would have to be changed everytime someone was born or died or moved or got married or divorced, and everytime a business was started, merged, or sold, and even when a room was added to the church or school. When we consider the problems involved in just getting the mail delivered, are we really ready to trust an army of civil servants—however able and well-intentioned—to decide who gets what?
>
> Make no mistake: a small army would be required. We once considered gasoline rationing at the Federal Energy Office and learned that it would take from four to six months for it to be set up, that it would incur $2 billion a year in federal costs, and that it would employ as many as 20,000 people and would require 3,000 state and local boards to handle exceptions. By simple arithmetic, one can also determine that in order to reduce our oil imports by a million barrels a day by rationing only gasoline, the average driver would be limited to nine gallons a week—a reduction of 25 percent under present consumption levels. Further conservation would require further limitations. Inevitably, we would be forced into rationing all petroleum products, and because the energy crisis is likely to be a prolonged affair, rationing might be needed for as long as ten years.
>
> People should ask themselves which they prefer: the small price increase on petroleum products that the President is proposing—and which would be returned to them—or a system that allows the government to tell them how to live their daily lives for the indefinite future. Does anyone honestly believe that the American public is willing to trade its basic freedoms—practically in perpetuity—for a few pennies a gallon?

Treasury Secretary Simon has stated most eloquently those arguments which many of us in the Congress have been asserting for some time, namely, that gasoline rationing, no matter how popular it may seem momentarily, would become the most unpopular program in the country—and most importantly, it simply would not work.

By contrast, Mr. Simon suggests an approach to solving our long-range problems which calls for Government playing a more neutral role in the economy and providing an environment more conducive to competition and growth. First, he recommends that the Government follow a course of fiscal and monetary discipline, incurring unavoidable deficits during periods of economic decline, but running surpluses during years of prosperity. In addition, he recommends that Federal unemployment compensation be expanded during the coming fiscal year to $20 billion to provide needed assistance to some 14 million workers who are casualties of recession and inflation.

He supports meaningful reform of Federal regulatory practices and of the tax system. He advocates the President's policy of employing the pricing system as a mechanism to discourage consumption and encourage production as the soundest approach to solving our current energy crisis and attaining energy self-sufficiency. Finally, he urges all of us to "seek some fundamental changes in public attitudes toward business and capitalism" as a means of strengthening the free enterprise system.

Mr. President, I urge my colleagues in the Senate to reflect carefully on Secretary Simon's recommendations. In my opinion, his "strategy for prosperity" is a thoughtful and reasonable program for the Congress as well as the administration to follow in the difficult years ahead. As Mr. Simon observes:

> In a very basic sense, the nation has now reached a crossroads where we must choose between the restoration of a more competitive, more open society or commit ourselves—perhaps irrevocably—to a society in which the large decisions about our economic and personal welfare are made by a central government.
>
> History surely teaches us that the system of free enterprise, despite its many flaws, is the most compatible with the protection of rights and liberties as well as the most productive of material goods. Equally so, recent history shows that the government, despite its splendid intentions, is incapable of matching the vitality, the wisdom, and the ingenuity of free men.
>
> 'In the end," Gibbon is reported to have written in an epitaph on ancient Greece, "more than they wanted freedom, they wanted security. They wanted a comfortable life and they lost it all—security, comfort, and freedom. When the Athenians finally wanted not to give to society but for society to give to them, when the freedom they wished for most was freedom from responsibility, then Athens ceased to be free."
>
> Whether the same will one day be said of America is the basic decision now before us.

Mr. President, I request unanimous consent that the text of the article by Mr. William E. Simon, as well as John Minahan's interview with the Secretary of the Treasury, published in the July 12 issue of Saturday Review, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GETTING GOVERNMENT OUT OF THE MARKETPLACE

(By William E. Simon)

(NOTE.—A Strategy for Prosperity. Grimly, painfully, the United States is trying to struggle free of its most devastating economic slump since the Thirties. It is a sobering period in American-business history. Across the land, from campus to conference room, from bank to board room, the search for solutions continues. Can bold public-policy strokes speed our recovery? Or should we sit tight and count on the natural play of market forces to turn the tide and start us uphill again?

For the answers, *SR*'s editors went to Secretary of the Treasury William E. Simon, five senior professors at the Harvard Business School, Gurney Breckenfeld of *Fortune*'s board of editors, and six future corporate leaders. Their judgments provide no less than a set of blueprints for recovery and renewed national prosperity.)

For more than 40 years, we have turned increasingly to the government to solve our economic and social problems, because it presumably represents the single most effective and accountable source of power within our society. Yet, as the government has enlarged its dominion over our affairs, it has become apparent that concentrating power in Washington can be inefficient, wasteful, and ultimately destructive to our freedoms. Indeed, I believe that the forces of big government—however well intentioned—bear a significant responsibility for creating the mess we have in the economy today, and until we wake up to that fact, we may well sink deeper and deeper into the morass.

THE THREAT OF BIG GOVERNMENT

Before we succumb to temptation and wander still further down the path of centralization, it is urgent that we take a hard look at where we're going:

Item. In 1930, just before the New Deal, total government spending—local, state, and federal—accounted for 12 percent of our Gross National Product. Today it has grown to over 33 percent of our Gross National Product, and if present trends continue, it will constitute nearly 60 percent of GNP by the year 2000. Any government that taxes away more than half of what people earn and produce is utterly certain to dominate their personal lives.

Item. It took 186 years for our federal budget to reach the $100 billion figure, a line it crossed in 1962. Only nine more years were required for the budget to reach the $200 billion mark and then only four more years—this year—for it to top $300 billion.

The sum of $300 billion is beyond comprehension for many people. If, on the day that Christ was born, someone had been given all of that money and was told to spend $400,000 a day until the money ran out, he would still have some cash on hand today.

Item. Excluding the war years, the federal budget ran a surplus about four out of every five years until the Thirties. When we close the books on the current fiscal year, we will have had 14 deficits in the past 15 years.

Item. One out of every five working people is now employed by the government at the federal, state, or local level. The government has become the nation's biggest boss, employing more people than do the auto industry, the steel industry, and all other durable-goods manufacturers combined.

Item. In 1963 the federal government sponsored 160 different grant programs. Then along came the Great Society, and today we have more than 900 different grant programs, a hodge podge so immense that the government has been compelled to print a catalog of programs to keep track—and the catalog is thicker than the Manhattan telephone directory.

The spending and employment figures tell only part of the story, for hidden from the glare of normal reports on the government has been its increasing dominance of the private capital markets. Traditionally, those markets have provided money that industry has needed to borrow in order to expand and to employ new workers. In recent years, however, more and more of the money available in the private markets has been siphoned off to finance deficits and other borrowing needs of the government. During the coming fiscal year, total government borrowing will soak up more than 80 percent of the net new funds available in the private capital markets. Less than 20 percent will be left for private enterprise. This is an alarming situation, reflecting the even more alarming growth of government in this country.

It's not that big government *per se* is undesirable, just as bigness in any organization is not undesirable *per se*. Big Government becomes Bad Government because of what it does to our economy and what it does to our personal freedom. To an extent far greater than it is commonly realized, the practices and policies of American government are at the root of many of the dificulties we are experiencing today:

Impact of big government on inflation and growth

Much of today's inflation, for instance, can be directly traced to the patterns of large government spending and to the ever larger deficits accumulated during the past decade. Lord Keynes is often cited for the proposition that when the economy is weak, deficit spending by the government helps to pump it up; the corollary to his theory, of course, is that when the economy is strong and inflationary, the government should discipline itself to achieve budgetary surpluses and stabilize prices. Instead, in our incessant desire to buy more than we can afford as a nation, we have slipped into a pattern of loose deficit spending every year, good and bad. And because the economy was booming during much of the past decade, federal budget deficits have become a major source of economic and financial instability.

Monetary policy has been another inflationary element in this witches' brew. Between 1955 and 1965 the money supply grew at a rate of about 2.5 percent a year, and we enjoyed a period of reasonable price stability. Since 1965, however, the annual rate of increase in the money supply has more than doubled, to nearly 6 percent. When monetary stimulus goes far beyond the sustainable growth level that is needed for stable economic growth, as it has over most of the past decade, the only way that extra money can be absorbed is through higher prices. Although monetary policy was more restrictive during most of 1974, the long-term trend has been in the direction of too much money for our own good.

The inflationary momentum generated by fiscal and monetary policies was sharply accelerated in the past few years by the explosion in food prices, the quadrupling of oil prices, the ill effects of wage and price controls, and other factors. And as inflation hit record peacetime levels, it had a secondary effect: it tipped the economy into a downward spiral toward recession. As prices went up, consumer confidence declined, bringing the biggest drop in consumer purchases since World War II. As inflation drove up interest rates, the housing market also fell and housing—one of our largest industries—went into a deep slump. In short, inflation has been a major factor in creating the recession and remains our most fundamental underlying problem.

Impact on production

Closely related to the inflationary pressures created by the government are the impediments that restrictive government policies place on production. Government interventions in the free marketplace, even when done for the most laudable of purposes, frequently result in less competition, less incentive for production, higher costs, higher prices, and ultimately fewer goods and services than we need.

Federal regulation of natural gas is a classic example of government intervention that has backfired. For more than two decades, despite repeated warnings by experts, the Federal Power Commission has controlled the wellhead price of natural gas at an abnormally low level in order to hold down prices for consumers. In the process, however, the FPC has also discouraged producers from developing new supplies, and today we have a shortage of natural-gas supplies. An increasing number of consumers, especially in New England, are unable to obtain natural gas and must substitute oil or foreign liquefied natural gas at a considerably higher price. Government regulations has, in effect, created a national shortage of natural gas and has driven many consumers to higher-priced fuels.

The most realistic solution is to deregulate the price of new natural gas, a move strongly supported by both the Nixon and the Ford administrations. In Congress, where such legislation has lain dormant for over three years, critics argue that deregulation would allow the price of natural gas to skyrocket. It is true that prices would rise, but the objection is misleading. For consumers now forced to rely upon oil instead of on natural gas, our estimates show that the higher price of deregulated natural gas should still be only two-thirds as much as the oil equivalent. Moreover, we must soon come to realize that if we want to maintain a growing economy, we will inevitably have to offer greater production incentives to the energy industry as well as to other businesses in this country.

I could go on at length about the perversities of governmental intervention in the marketplace, and even then I would want to set aside a special volume for another particularly vexing problem: the practices of the eight independent regulatory agencies of the federal government and other regulatory bodies at the national and state level. The regulatory agencies of the federal government now exercise direct control over air, rail, and truck transportation, the securities markets, power generation, television, and radio—industries that account for 10 percent of everything made and sold here. Although the agencies were initially set up for good reasons and may still be needed for some purposes, the regulatory process is in dire need of reform. Over the years' regulation of industry has become complex, cumbersome, inefficient, and overly protective—all at the expense of the consumer. The Interstate Commerce Commission, for instance, now has on its books some 40 trillion rates and 400,000 new tariff schedules telling the transportation industry what they can charge customers. With the help of Ralph Nader and others, including one of the agencies' most thoughtful chairmen, the Federal Trade Commission's Lew Engman, egregious regulatory practices are finally attracting greater attention.

Impact on economic growth

Of even greater concern should be the general downward trends in business profits, in capital growth, and in productivity—all contributing to a slowing of the economy in recent months. I often wonder whether we have forgotten the economic facts of life. To put it simply, companies have traditionally depended upon profits to upgrade and expand their operations. As the companies have grown and become more efficient, workers have increased their productivity and have thus been able to earn higher incomes without raising the cost of living. New workers could also be added to the payrolls. In turn, as the general standard of living has increased, the public has increased its demands for goods and services and thereby generated still further profits—continuing the benefit cycle. The cycle is the essence of free enterprise, the system that has provided the United States with the highest standard of living the world has ever known.

Clearly, that system is no longer working as well as it should. It has developed problems of its own, and we have abused it and let many of its parts become rusted and worn. To pay for the rising costs of government, we have transferred more and more of our wealth from the most productive part of our economy, the private sector, to the least productive part, the public sector. We have shackled the free-enterprise system with many different forms of controls, and we have erected a tax system that exacts heavy penalties, especially during periods of extreme inflation. To put people back to work, not only must we provide public service jobs but also, more importantly, we must return to economic fundamentals.

Profits have suffered a perilous decline since the mid-Sixties. Indeed, when they are measured realistically, it is not unfair to say that the country has entered a "profits depression." Declining profits? How can that be, you may ask, when "reported profits" by non-financial corporations were almost twice as high in 1974 as in 1965? The answer is that the apparent rise since 1965 is an optical illusion caused by inflation and outmoded accounting methods.

The effect of declining profits reverberates throughout the economy. This is perhaps most easily seen in figures for retained earnings—the money that business has available to finance *new* plant and equipment, as distinguished from the replacement of existing capacity. In 1965 our best measurements showed that retained earnings amounted to $20 billion. By 1973, after eight years in which real GNP had increased by 36 percent, retained earnings had *dropped* 70 percent, to $6 billion. And for 1974, our preliminary estimate for retained earnings is a *minus* figure of $16 billion. We have moved into the position of hardly having enough profits to replace existing capacity and nothing to finance investment in additional plant and equipment.

Another simple but compelling fundamental is that increases in productive performance are needed in order to sustain a higher standard of living. Yet, as a nation, we are rapidly expanding public payments to individuals but neglecting to provide adequate incentives for new investment. Since the early Sixties, the United States has had the worst record of capital investment of all major industrialized nations. As a result, our rate of productivity growth has also been one of the lowest. It bears repeating that increased productivity is the only way to increase our standard of living.

Unless we are willing to accept a lower standard of living, it is imperative that we make better provision for the future. The capital requirements of a growing American economy ovr the next decade will be enormous—at least *three times* those of the past decade. We will need up to a trillion dollars for energy alone, and we will need extremely large sums for urban transportation, control of pollution, and the rebuilding of some of our basic industries in which new investment has languished. In addition, we face the more conventional, but still mammoth, capital requirements of replacing and adding to the present stock of housing, factories, and machinery. All of this means that we must begin placing much greater emphasis upon saving and investment and much less upon consumption and government spending.

THREE ROADS TO NOWHERE

In concluding his famous essay *On Liberty*, John Stuart Mill made the following observation:

"A state which dwarfs its men, in order that they may be more docile instruments in its hands even for beneficial purposes, will find that with small men no great things can be accomplished; and that the perfection of machinery to which it has sacrificed everything will in the end avail it nothing, for want of the vital power which, in order that the machine might work more smoothly, it has preferred to banish."

When we survey the full sweep of governmental powers in the United States today—from the enormous influence that federal spending now has over our economy to the penetration of governmental authority into every facet of daily commerce—it is apparent that the modern state could eventually dwarf our private-enterprise system. Before the vital power of free enterprise is further weakened by the state, I believe it is time to say no to those who argue that the answer to current challenges in the economy and in energy lies in further governmental control over our affairs.

There are three "solutions" in particular to which the present administration objects and which I would like to explore:

Greater Federal spending

It is tempting to think that we can speed up the process of economic recovery by spending our way back to prosperity. The drumbeat for bigger spending programs can be heard daily through the corridors of the Capitol. Because of the continuing threat of inflation, however, this recession must be treated quite differently from those of the past. Unbridled spending would only create new pressures on prices and could set off a new cycle of inflation and recession that would be far more severe than anything we have experienced in recent times.

One danger we would face during the recovery, as I have emphasized many times, would arise in our private capital markets, where a rising tide of private borrowing demands may be forced to compete with large levels of Federal demands for money to finance our deficits. It is urgent that the Federal government not elbow these private borrowerers out of the credit markets through excessive borrowing. Otherwise, the government could easily force up interest rates again, abort a recovery in housing, and bankrupt companies whose financial conditions are already marginal. In the name of spending our way out of the recession, we would only be driving ourselves farther into it.

The immediate impact of huge federal demand during a period of recovery would depend upon the monetary policy of the Federal Reserve. Monetary policy is going to be a critical element in shaping our economic prospects, both now and in the future. If, as the recovery takes hold, oversized federal deficits create strong competition for funds and the Federal Reserve pursues a moderate policy, there is a possibility that we would drive up interest rates and abort the process of recovery. The other alternative is that the Federal Reserve might seek to accommodate the enormous borrowing requirements of the federal government, as well as those of the private sector, by creating a more rapid growth in money and credit. That action might postpone the adverse impact on the recovery for perhaps a year or two, but its consequences would soon catch up with us in the form of a reaccelerated inflation. The only way to avoid such dire choices is to follow a course of prudence in our fiscal affairs.

Wage and price controls

Since 1946, when we passed legislation enshrining full employment as a major national goal, the dilemma of trying to maintain full employment without creating inflation has bedeviled each of our Presidents. And each of them has been advised that wage and price controls are the easiest and quickest way to resolve the issue. Controls are waiting in the wings again now, and if inflation flairs up again during the process of economic recovery, we are likely to enter another debate on their merits.

Public opinion polls show that a majority of our people think that controls are effective in controlling inflation. That's discouraging, for it means that we have learned little from history. Controls have been tried over and over again—stretching all the way back to the Roman emperor Diocletian—and never once have they worked. They may yield short-term gains, but within a matter of months they begin to create shortages, distortions, and inequities within the economy. Instead of eliminating inflation, they only bottle it up so that prices ultimately explode. We are still living with the ill effects of our last fling with controls.

Advocates of a planned economy argue that controls failed in the early Seventies because they were administered by "nonbelievers." By contrast, they say, controls were carried out during World War II by members of the faith, and, as a result, prices remained relatively stable. What the advocates fail to point out is that when those controls were phased out after the war, wholesale prices shot up 30 percent in only 12 months.

If we are seduced once again by the siren song of controls, it is safe to predict that shortly afterward we will face a cruel choice: whether to lift the controls and uncork horrendous problems of inflation and unemployment or stay with controls and gradually stifle the free-enterprise system. That is not a choice we should have to make, and we can avoid it if we avoid the controls themselves.

Rationing

Still a third solution pressed upon us by those who incline toward a planned economy is a system of rationing as a means of saving energy. Even though public polls several months ago indicated an interest in rationing, I cannot imagine that the American people would be willing to put up with rationing for very long. It would quickly become the most unpopular program in the country—a fact that is not lost on Congress.

The basic problem with rationing is that it can't be done fairly and practically. Every family, every car and motorcycle, every store, school, church, and business—everything and everybody—would have to obtain a permit for gasoline, electricity, and natural gas. Those allocations would have to be changed every time someone was born or died or moved or got married or divorced, and every time a business was started, merged, or sold, and even when a room was added to the church or school. When we consider the problems involved in just getting the mail delivered, are we really ready to trust an army of civil servants—however able and well intentioned—to decide who gets what?

Make no mistake: a small army would be required. We once considered gasoline rationing at the Federal Energy Office and learned that it would take from four to six months for it to be set up, that it would incur $2 billion a year in federal costs, and that it would employ as many as 20,000 people and would require 3,000 state and local boards to handle exceptions. By simple arithmetic, one can also determine that in order to reduce our oil imports by a million barrels a day by rationing only gasoline, the average driver would be limited to 9 gallons a week—a reduction of 25 percent under present consumption levels. Further conservation would require further limitations. Inevitably, we would be forced into rationing all petroleum products, and because the energy crisis is likely to be a prolonged affair, rationing might be needed for as long as 10 years.

People should ask themselves which they prefer; the small price increase on petroleum products that the President is proposing—and which would be returned to them—or a system that allows the government to tell them how to live their daily lives for the indefinite future. Does anyone honestly believe that the American public is willing to trade its basic freedoms—practically in perpetuity—for a few pennies a gallon?

AN APPROACH THAT WILL WORK

There are other ways for us to solve our long-range problems—ways that will work—but they are radically different from those that would concentrate still greater power and influence in Washington. They would require instead that the government play a more neutral role in the economy, no longer trying to regulate and ordain the way that the economy grows but providing an environment which is *conducive* to competition and orderly growth. Let me single out five areas where the Ford administration is trying to follow a different course:

Fiscal and monetary discipline

With revenues off sharply and expenditures rising inexorably, large federal deficits will be inescapable until a least the end of fiscal year 1976. Thereafter, however, as the economy regains its health, we must begin to restore a much greater degree of moderation to our fiscal and monetary policies. Deficits may be unavoidable and even desirable as a stimulant during economic declines, but they should not be countenanced during years of boom. In fact, it would be far more helpful during good years if the government were to run surpluses, thereby checking excessive demand and upward price pressures and freeing more capital for investment purposes.

Assisting the casualties

Millions of Americans are suffering the hardships of unemployment, and there will be more before the economy fully recovers. There can be little doubt that the best way to help the jobless is not to create vast numbers of temporary jobs on the public payroll but to bring the economy back to good health. After all, the private sector accounts for more than 80 percent of total employment. And as President Kennedy once remarked, "A rising tide lifts all ships."

Nevertheless, we do have responsibility to provide generous assistance to the victims of recession and inflation, not only for humanitarian reasons but also because the only way to win broad public support for the long-term fight for sound economic policies is to ensure that the recession's burdens are borne equitably. To that end, federal unemployment compensation will be expanded during the coming fiscal year to some $20 billion—almost three times as much as two years ago—and this aid should reach some 14 million workers.

"Sacred Cows"

It will be extremely difficult to achieve meaningful reform of federal regulatory practices because the special interests benefiting from regulation are much more powerful and united than the proponents of change. But we can no longer afford the waste and inefficiencies that these "sacred cows" create. President Ford has made it clear that regulating abuses is one of the primary targets of this administration. Several reform proposals are already before the Congress, and more will be forthcoming. It is urgent that this matter be seriously addressed by the Congress.

Tax reform

In the process of overhauling our tax structure, we should examine its impact upon both individuals and businesses and the future course we want to follow as a nation. Both major segments can righty claim that inflation increases their effective tax rate even though they are no better off. We should also recognize that our system of business taxation bears more heavily on corporations than does the tax system of almost any other major industrialized nation. In recent years most of our major trading partners have eliminated the traditional two-tier system of business taxation, in which income is taxed once at the corporate level and again when dividends are received by stockholders. The administration is now studying a series of tax-reform proposals that would create an economic environment more conducive to economic growth and job creation. We intend to submit a package of such reforms to the Congress before the end of the year.

Energy self-sufficiency

The country faces essentially three alternatives in the field of energy. First, we could continue along our present course of doing practically nothing about conservation or production. If we do, the OPEC nations will hold a knife to our throat for years to come. Our foreign oil bills this year will probably hit 30 billion and could rise even more down the road. By 1985 we could be dependent on OPEC for more than half of our oil needs. Meanwhile, the economies of many other oil-importing nations will continue to deteriorate, jeopardizing the economic future of the entire Free World. Clearly, this is not an acceptable alternative. A second choice is to ration fuels, but this approach also presents intolerable objections, as noted earlier.

The third choice is to employ the pricing system as a mechanism for both discouraging consumption and encouraging production. This is the alternative that the President has chosen. He did so with the full recognition that energy prices would increase and that we would suffer a small, one-time rise in the rate of inflation. But he also coupled the price increases with proposed changes in the tax structure that should compensate most energy users, especially low- and moderate-income families, and should also prevent energy producers from realizing windfall profits. This is a sound, thoughtful approach, and it *will* work if only we are willing to try it.

Strengthening the free-enterprise system

The most critical economic decision we face today is whether we want to let Washington run the economy or whether we want to leave basic decisions in the hands of private citizens. If we truly want to preserve the private-enterprise system, then not only must we take the steps that I have noted here, but we also must seek some fundamental changes in public attitudes toward business and capitalism. Ironically, in producing affluence, we have spawned a whole generation of young people who misunderstand and distrust the way our system works. Too many who enter the business world after school think that they have been compromised; to them, profits are obscene and competition is vulgar. In our desire for conspicuous prosperity, we have also come to value the present over the future, over-consuming and over-borrowing in the vain hope that the bills will never catch up. The ethics of thrift and savings has been replaced by the ethics of instant pleasure, and we have turned to the modern state to satisfy our hunger.

In a very basic sense, the nation has now reached a crossroads where we must choose between the restoration of a more competitive, more open society or commit ourselves—perhaps irrevocably—to a society in which the large decisions about our economic and personal welfare are made by a central government.

History surely teaches us that the system of free enterprise, despite its many flaws, is the most compatible with the protection of rights and liberties as well as the most productive of material goods. Equally so, recent history shows that the government, despite its splendid intentions, is incapable of matching the vitality, the wisdom, and the ingenuity of free men.

"In the end," Gibbon is reported to have written in an epitaph on ancient Greece, "more than they wanted freedom, they wanted security. They wanted a comfortable life and they lost it all—security, comfort, and freedom. When the Athenians finally wanted not to give to society but for society to give to them, when the freedom they wished for most was freedom from responsibility, then Athens ceased to be free."

Whether the same will one day be said of America is the basic decision now before us.

[An Interview With the Secretary of the Treasury]

Is "Free Market" a Dirty Word?

(By John Minahan)

Question. In your personal strategy for prosperity, Mr. Secretary, what do you see as the most important single element?

Simon. Just as the economy today is caught up in a complex pattern of many problems, so I can't see any single, simple, quick solution. Nevertheless, if I could cite several closely interrelated developments that we should all seek to bring about, these would include, first, a rebirth of responsible governmental economic policies—such as keeping federal budgets balanced over the course of a business cycle. Renewed confidence in government would then act as a strong force to bring about a badly needed revival of confidence among consumers and investors. At the same time, we must begin to shift more of our output from current consumption to a long-range modernization and expansion of America's capital resources—which, in reality, is the only way we can hope to expand our economy's productivity and our people's standard of living. We are now on a consumption binge, using up our inherited productive plant faster than we are replacing it, while at the same time we vastly expand federal debt. In effect, we are burning the candle at both ends, and the candle is getting ominously shorter. Basically, I feel that all of us have a special responsibility to protect and preserve our system and turn over to our children a nation that is at least as strong as the one we inherited.

Q. Do you believe economic recovery is developing on schedule?

SIMON. So far, it appears we're on track. In recent weeks we've seen a number of encouraging signs reinforcing our belief that there are natural, cyclical forces within the economy that will help to bring a bottoming out of the recession during the middle months of 1975.

Naturally, during the next few months, business statistics will sometimes be contradictory—but in many important respects the economy is beginning to react in a healthy way. Inflation is easing off, and consumer confidence is rising. Many businesses are liquidating their inventories. Funds are beginning to return to the thrift institutions, setting the financial stage for a recovery of home building. As these things take effect, we should see further increases in consumer spending. Businessmen are placing new orders. And we can begin to make some headway against unemployment. This whole process will take time—there will be bumps in the road—but the economy will definitely be on the road to recovery by the end of the year.

Q. Do you anticipate any conceivable possibility of another tax rebate next year?

SIMON. Though we must always be flexible to adjust our policies to meet changing conditions, my present feeling is that the economy will be well enough along the road to recovery that no further tax rebates should be necessary. However, we still need to settle the more difficult question of tax reform. We have talked about overhauling the tax structure for several years, but little has been done in the way of structural reform except in terms of reducing the tax burden for lower-income Americans. What we need is a review of the overall structure, including both individual and corporate taxes.

I would very much hope that part of that review will deal with this country's longer-range problems of capital formation and resource allocation. I believe that history is going to judge us not on how we handle the short-run problem of recession but, rather, on the long-run problems of inflation, shortages, capital-formation savings, and investment. We have to shift our policies away from those that for years have promoted consumption and penalized savings and investment. We have to act with uncharacteristic wisdom in government by starting to define the long term properly, then acting on it. And, for a change, the long term should not be the date of the next election, but a look ahead to the world our children will inherit.

Q. A lot of young people I know—and I define young as those in their early 20s, middle 20s—look up to you because you advocate a policy of laissez-faire and because you believe that our government has become so big that it's beginning to frustrate the competitive marketplace. Obviously, when a top government official fights government growth, it's an unpopular stance in Washington, but I wondered whether you were getting significant feedback from young people around the country.

SIMON. Yes, I am, and I must admit that it surprises me. Too many of the youth of this country have been educated to believe that free market is a dirty word. Some of them go through our finest universities today without ever hearing the name Adam Smith. But I've noticed the same thing that you have: that more and more young people share my philosophy. I'm heartened by that, because they're our future.

I'm not saying that the free market is perfect. It has its flaws, but I must also say that I've seen the alternative and it's much worse.

I don't believe it's any coincidence that three of the major American industries which are in most trouble today—railroads, airlines, and utilities—are the most stringently regulated. It's time that we loosened the shackles and removed the many impediments which government itself has placed in the path of economic progress—impediments that hurt service, raise costs, and spur inflation.

Q. How should government policy cope with industry failures, such as that of the Penn Central or Lockheed?

SIMON. This may sound unsympathetic, but if you believe in a free marketplace and in the right to succeed in business, you must also accept the other side of the coin: the right to go *out* of business. Without reference to Penn Central or Lockheed in particular, I believe that if companies fail to adapt to changes in competitive conditions and to changes in the public's needs and preferences, they have no claim to public support—that is, beyond the normal workings of the bankruptcy laws. If, however, the failure to adapt is due to rigid governmental regulation or some other governmental shortcoming, then it makes sense that government should temporarily help the crippled industry readjust to marketplace realities. Let me emphasize, however, that the public should not be fleeced of taxes to keep any business alive that, like the dinosaur, has outlived its usefulness. No nation gets anywhere with a system dedicated to the survival of the least fit. *Excellence* of product and *superiority* of performance must be our goal. And the tough, uncompromising world of competition is the only way I know to achieve this end.

Q. When cities like New York City are threatened by bankruptcy, what could or should the federal government do to remedy their problems, alleviate unemployment, and so forth?

SIMON. After several meetings with New York City and state officials, I and other administration officials reluctantly concluded that it would not be appropriate for the federal government to intervene in that city's distressing financial problems for a wide range of reasons. Not the least of them was the virtual certainty that the federal government would soon afterward be faced with similar demands to take on the financial problems of other cities across the country.

This responsibility would be *in addition to* the $6 billion in annual revenue-sharing grants already extended by Washington, plus the many other billions in grants made under special-category federal, state, and local programs. New York City's problem is essentially the same one we face at the federal level: trying to balance our books and meet our obligations. Neither men nor governments can go on living beyond their means indefinitely. That we have long attempted to do so is a major reason why both New York City and the nation as a whole have been plunged into the most serious economic crisis of the postwar period.

We all feel there are many steps, short of turning to Washington, that New York City can take to meet its financial needs. Moreover, once a viable plan is developed to cut costs, boost revenues, and move toward a balanced budget, recourse to Washington would be found to be unnecessary in the first place.

As for unemployment and the other human hardships that reduced spending may bring, New York City, because of its loose economic policies, is already caught in a disastrous downward spiral—driving out businesses, eliminating much private-sector employment, and multiplying the tax burden for the remaining residents. It will take time and the process will be painful, but the only way to reverse this march toward ultimate disaster is to start now to get back to rational spending and taxing approaches.

Q. In my experience, whenever your name is mentioned in a group of young people, they seem to dwell heavily on the point that it's refreshing to hear somebody talking about government and the economy in blunt terms, even when the information is unpleasant.

SIMON. You know, I have a feeling that the young people are way out in front of us in Washington. More than anyone else, they want things "told like it is."

When I first came to government, George Shultz told me this: "You're going to have trouble, because you're a person who likes to get things done; and when somebody likes to get things done in government, he's going to have all sorts of people sniping at him." And I accepted that.

Q. You're changing what you set out to change?

SIMON. Yes, and I'll just keep trying until it's time to go back home again. I don't expect I'll be able to accomplish everything I want to, but if I can make people in the United States more aware—if I can make Congress more aware—of the directions we're going in, this is a step forward. It's a step toward turning this massive ship of state away from the course it's on right now—this very dangerous course that's going to lead us to a socialistic and controlled economy. We've been taking money rapidly away from the productive sector of this country, our free-enterprise system, and putting it into the non-productive sector, our government. As a result, government at all levels now accounts for a third of the Gross National Product. And if government continues to grow at these same rates, it'll be close to 60 percent by the turn of the century. Perhaps talking about this is the "mistake" I've made since I came here—looking a little bit at the longer term and asking what kind of a country we'll turn over to our children and grandchildren. But that's what the public trust is all about, isn't it?

Q. I think you once said, "Many of us are liberals about the country's economy, but at home we're all conservatives." That seems to bring things into perspective for me, at lease, and I wonder whether you'd want to add anything.

SIMON. I don't think it's appropriate to use the term "conservative" or "liberal" when it comes to finance and economic policy. I'd rather use the terms "sound" and "unsound." Because neither man nor government can continue to spend more money than is taken in over a period of time. I'm a liberal in many social ways: as a father of seven, I hear arguments for many different points of view. However, in pushing many of the changes that have gone on over the past 20 years, there are people who falsely use the terms "conservative" and "liberal" to justify irresponsible policies. I'm sorry; I can't abide by that—not when we're talking about the future of America and the way this country is run. We have to get back to certain fundamentals that were around long before the modern definitions of "conservative" and "liberal" were ever brought into play. And I'm encouraged that the people themselves are demanding exactly this. They now know there's no such thing as "free" government programs. Someone has to pay the bill, or we end up paying in unvoted taxation, the cruelest and most regressive tax of all: inflation. People I meet are more than willing to do their part in building a better nation, and they expect their government representatives to do no less.

PUBLIC RESPONSE TO THE NATIONAL FOOD STAMP REFORM BILL

Mr. BUCKLEY. Mr. President, since introducing the national food stamp reform bill (S. 1993) on June 23, I have been heartened by the reception it has received across the country. Numerous newspaper editorials have endorsed the bill; and, if my mail is a fair reflection of public opinion, the American people are determined upon the thorough reform of the food stamp program.

I am sure my colleagues in the Senate have heard the same voices of shock and outrage from their own States. As the distinguished chairman of the Senate Agriculture Committee stated on the floor of the Senate this past week:

> Increasingly, hard working, taxpaying Americans all over the country are getting fed up and disgusted with the abuse that is rampant in the program.

I want to take this opportunity to thank the Senator from Georgia, Mr. TALMADGE, for his positive remarks about the national food stamp reform bill and for his decision to hold early hearings on the problems of the food stamp program.

It is my hope that the voices of concerned Americans are being heard within the White House and that the President will be fully informed about the public demand for food stamp reform.

It is my understanding that some of those to whom he has assigned this matter for study are arguing that food stamps be replaced altogether by a Federal income maintenance program. The President's new interagency task force, only recently established to investigate the food stamp program, may propose only further steps toward the creation of an all-encompassing system of national welfare. That would be a perverse distortion of the mission assigned to it by the President.

While some alternate approaches to the nutritional problems of the poor may merit investigation, they will require prolonged study and experimentation. They can do nothing to provide urgently needed remedies for the pressing ills of the food stamp program. The longer we delay, the worse will they become. I urge the Members of this body to heed the warning of Mr. Casper Weinberger, the departing Secretary of Health, Education, and Welfare, who only yesterday declared that the escalating costs of welfare programs is leading our Nation to bankruptcy.

I suggest that the American people will not tolerate that outcome. We are facing a taxpayer's revolt in this country, and I for one welcome it. Some members of the President's food stamp task force, however, may not realize that the workers of America are fed up with the ever greater welfare benefits extended by the Federal Government to those who do not deserve them.

If my remarks today serve to bring that possibility to the attention of the President, I will not disavow that purpose. But that is subordinate to my primary reason for addressing this subject. The President should be assured that those in the Congress who are working for meaningful food stamp reform stand ready to cooperate with him toward that end. We hope the administration will join us in that effort and will thereby heed the emphatic advice we are receiving from taxpayers everywhere.

I ask unanimous consent, Mr. President, that the following editorials from around the United States, all relating to the national food stamp reform bill, be printed in the RECORD: an article from the Wall Street Journal dated July 11, 1975, entitled "A Moth-Eaten Fishnet"; an article from the Buffalo Courier Express dated June 30, 1975, entitled "The Case for Food Stamp Reforms"; an article from the Atlanta, Ga., Journal dated June 25, 1975, entitled "Indefensible Paradox"; an article from the Montgomery, Ala., Advertiser dated June 25, 1975, entitled "Food Stamp Reform"; an article from the Chattanooga News-Free Press dated June 23, 1975, entitled "Save Money and Feed Needy"; an article from the Roanoke Times dated July 8, 1975, entitled "Food Stamps and the Circus"; and an article from the Dallas Morning News dated July 14, 1975, entitled "Come One, Come All."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 11, 1975]

A MOTH-EATEN FISHNET

After Congress earlier this year defeated President Ford's attempt to reduce food stamp benefits, the Senate unanimously directed the Agriculture Department to recommend ways of ridding that program of non-poor participants and of tightening up on other abuses. Now the report has been completed. But instead of firm recommendations, it offers little more than a review of the program and a listing of available options.

Total enrollment in the food stamp program has soared during the past decade. From a cost of about $36 million and fewer than 500,000 recipients in early 1965, it now costs more than $5 billion a year with some 19.5 million recipients. A large part of this recent increase is the result of the recession, of course, but a much larger part is the result of eligibility laws that Senator James Buckley says "contain more loopholes than a moth-eaten fishnet." Official forecasts suggest that two or three times as many people may be qualified—perhaps as many as 58 million.

The fact that more than 25% of the citizens of the wealthiest nation on earth are eligible for food stamps is not so much an indictment of the American economy as an indictment of the program—a program, remember, that was conceived as a way of helping low-income Americans obtain a better diet. Instead, as the Agriculture Department report noted, food stamps have become "a major maintenance program," benefitting not only those at or below the official poverty figure of $5,040 annual income for a nonfarm family of four, but even families earning as much as $16,000.

The reason for this is that eligibility is decided on the basis of net income, that is, income remaining after deductions for medical bills, education and mortgages. The Agriculture Department report agrees that the current system gives unfair advantage to higher income families, yet it still does not recommend using a uniform percentage of gross income to determine eligibility. Thus, in Senator Buckley's words, "Some able-bodied persons who do not wish to work can get food stamps. Persons who quit their jobs without reason can get food stamps. Minor children can get food stamps without parental consent or control."

A congressional backlash appears to be setting in, however. Almost 100 Congressmen, led by Senator Buckley and Rep. Robert Michel, have introduced a bill to cut stamp costs by at least $2 billion. They have proposed more than 40 changes, including restricting eligibility to people whose gross income falls below the poverty line and increasing benefits to genuinely needy food stamp recipients by 29%.

The reformers have an uphill battle on their hands. But if Congress doesn't draw the line now, there's no telling where all this will end. A good guess would be that it will end in a bureaucratic and financial nightmare, where it seems to be heading at breakneck speed.

[From the Buffalo Courier Express, June 30, 1975]

THE CASE FOR FOOD STAMP REFORMS

When Sen. James L. Buckley pledges to increase benefits to "genuinely needy food-stamp recipients" by 29 percent while chopping the total amount spent on the federal program from $5-billion to $3-billion, nothing else remains to be said to buttress his charges of fraud and waste.

"Shocking federal regulations have turned a worthy and humane food-stamp program into an administrative nightmare and a public rip-off," said the New York lawmaker, "We hope to end the national scandal of allowing affluent families to literally live off the labor of those who must work for their daily bread." The program, begun with $40-million just 10 years ago, has soared to more than $5-billion this year and, in the senator's words, is "out of control."

To bring the program back in line, Sen. Buckley and Rep. Robert H. Michel of Illinois have proposed a series of reforms designed to provide food stamps to the genuinely poor while denying them to those who possess considerable material resources and to those who "do not choose to work." One suggestion is simply to streamline administrative procedures to "crack down on food-stamp fraud."

If fraud, laxity and waste exist in anything like the proportions cited by Sen. Buckley and Rep. Michel, cuts in spending, tightening of eligibility standards and an overhaul of administrative procedures are obviously in order and should be undertaken immediately.

The diversion of hard-earned tax dollars into the pockets of the undeserving is only half the tragedy; the fact that funds for the bare necessities of life are being denied in whole or part to those who truly need them is the most bitter aspect of the picture drawn by Messrs. Buckley and Michel. On both counts, the Buckley-Michel program warrants urgent attention from the Congress and the White House.

[From the Atlanta, (Ga.) Journal, June 25, 1975]

INDEFENSIBLE PARADOX

Food Stamp reform is definitely needed, and the bill prepared by Sen. James Buckley of New York and Rep. Robert H. Michel of Illinois appears to be on the right track.

In all the controversy about abuse of the present program by people with middle class incomes, it has been overlooked that some very poor people are eligible only for a pittance in food stamp aid. Most of these who are inadequately helped are elderly retired people.

The reason for the disparity is that basic benefits are relatively low but with all the deductions allowed in figuring eigibility, people who are not really needy can manipulate the program so as to qualify.

The Buckley-Michel proposal would cut out a number of recipients but could result in increased benefits to those who still qualify. In fact, the authors of the bill believe it would save $2 billion annually even with a 29 per cent increase in benefit rates.

This approach is really more in line with the original purpose of the food stamp program which was to insure that all Americans have a nutritionally adequate diet, not to enable sharp operators to live off the fat of the land at others' expense.

When people with average or even above average incomes can qualify for food stamps while some at the poverty level get but a few dollars' worth, something is obviously wrong. The proposed bill should at least result in a re-examination of how we achieved this indefensible paradox.

[From the Montgomery (Ala.) Advertiser, June 25, 1975]

Food Stamp Reform

A sweeping reform of the nation's food stamp program was introduced in Congress Monday by Conservative Sen. James Buckley of New York and Republican Rep. Bob Michel of Illinois.

The comprehensive measure is designed to put a halt to the astronomic growth of the program, improve the nutrition provided for the truly needy, tighten administrative procedures to reduce fraud and speed up processing of applicants, and remove from eligibility a number of non-needy persons with high incomes who now can qualify for food stamps.

Buckley and Michel noted that the fantastic growth rate of the food stamp program makes reform imperative. Since 1965, the cost of the program to the taxpayers has increased 14,203 per cent and current trends suggest that significant increases will continue in the future.

"Shocking federal regulations have turned a worthwhile and humane food stamp program into an administrative nightmare and a public rip-off," Buckley said. "These regulations allow affluent families to literally live off the labor of those who must work for their daily bread. We propose changes that will reduce the food stamp rolls, while simultaneously expanding benefits for the truly needy."

Michel pointed out that the bill would improve the nutrition for the poor white at the same time saving billions for the taxpayers "By weeding out those with high incomes," he said, "we can afford to base the allocation for those remaining on the Department of Agriculture's 'low cost diet plan' instead of the current 'economy diet plan,' a 29 per cent improvement in nutrition for the family subsisting entirely on food stamps."

Michel also noted that the "economy diet plan" has been found inadequate by an appellate court and suggested that passage of the reform bill should satisfy the court's concern without creating the impossible administrative tangle which would result if family by family nutritional judgments were received.

There have been so many glaring abuses in the food stamp program that Congress seems to have become bored with the subject. Perhaps the Buckley-Michel measure will revive the debate toward the end of getting the cheats out of the program and providing more food for the truly needy.

[From the Chattanooga (Tenn.) Free Press, June 23, 1975]

Save Money And Feed Needy

The federal food stamp program is putting food in the mouths of some people but it is leaving a bad taste in the mouths of others.

What began as a small program has ballooned into a monstrous one of high cost, widespread participation by many who would not qualify for welfare, and puts many self-reliant workers in the position of picking carefully to stay within their budgets at the food store while they see food stamps that they helped pay for being used to buy high-priced luxury merchandise for others.

If you've lost sight of how big the food stamp program is, latest figures indicate 19.6 million Americans now are recipients, with that number expected to rise to 21 million people—or about 10 per cent of our population—next year.

The current cost is about five billion dollars of your tax money a year, with that expected to rise to 6.5 billion dollars next year.

And now the United States Supreme Court has ruled peculiarly that not only are recipients entitled to food stamps but must be guaranteed sufficient aid to provide them a nutritionally adequate diet, with the exact definition of that yet to be devised.

In these circumstances, it is certainly timely for Congress and the American people to be considering some remedial action on the food stamp program.

One sweeping reform proposal was scheduled for congressional introduction today by Rep. Bob Michel, R-N.Y., and Sen. James Buckley, Conservative-N.Y. Their aim is to put a stop to the "astronomic growth" of the program and improve the nutrition of the truly needy.

It might be suggested that their goal is to reduce the malnutrition of the taxpayers and improve the nutrition of those in need—while tightening qualifications for participation.

"Shocking federal regulations have turned a worthy and humane food stamp program into an administrative nightmare and a public ripoff," Sen. Buckley declared.

He and Rep. Michel noted that since 1965, the cost to taxpayers of the program has increased 14,203 per cent—with more increases in the offing!

"By weeding out those with high incomes," Rep. Michel explained, "we can afford to base the allocation for those remaining on the USDA (Department of Agriculture) 'low cost diet plan' instead of the 'economy diet plan,' a 29 per cent improvement in nutrition for the family subsisting entirely on food stamps."

He noted the court opinion that the present plan is nutritionally inadequate, and said the new level he and Sen. Buckley propose should meet the court test for the really needy.

The sponsors say their plan, in a nutshell, would "curtail eligibility of persons with high incomes, conform purchase requirements to what the average American family spend for food, raise food stamp coupons for all remaining eligibles by 29 per cent, provide special additional deduction of $25 per month for elderly, close numerous loopholes to end eligibility of the voluntarily unemployed, tighten work requirements, improve cash and coupon handling methods, sharply reduce opportunities for criminal activity, transfer the program to the Department of Health, Education, and Welfare, simplify administration, save 2 to 2.5 billion dollars in taxpayer funds."

Surely this and other remedial ideas need careful consideration and early action. In the meantime, the American taxpayers are picking up a huge bill.

[From the Roanoke Times, July 8, 1975]

Food Stamps and the Circus

One of the more frustrated people in the world must be Kenneth W. Clarkson, economist at the University of Virginia. For the American Enterprise Institute for Policy Research, he made a scholarly study of the federal government's food stamp program. He found it did not achieve its objective of providing better nutrition for the poor. The increased purchasing power went, instead, to buy more prepared foods, soft drinks, and other more expensive and less nutritious items.

Under the food stamp program, Dr. Clarkson found, the government pays more than $1.09 to provide $1 in bonus food stamps that have an average value to recipients of only 82 cents. The average recipient would trade $1 in food stamps for 83 cents and figure he was better of. All these dollars-and-pennies transactions come to a total of $5 *billion* now being spent on the food stamp program annually.

Dr. Clarkson might as well have stayed in bed or, if he had an itch for research, studied some question in Micronesia or Malaysia. His report came at exactly the wrong time: When the country had slid into a depression and the food stamp program looked like a decent—and at least available—vehicle for easing the miseries of the unemployed. Nobody was of a mind to tamper with food stamps.

There would be few objections anywhere to a program to feed the unemployed who had exhausted other avenues of support; there were few objections, in the beginning, to helping the poor get real nutrition with their food money or gifts. But, in fact, the food stamp program was corrupted before a depression set in. It has been used to finance strikes; to feed hippies in a commune imagining they were fighting the system; to give college students spending money by shifting food money to other items; and to give a lot of other eager and perceptive people, by no means poor, the opportunity to let food stamps release money for non-food purposes.

How did this corruption take place? Congres provided that the food stamp eligibility should be based on "income." The governing bureaucracy has defined income not as "gross" or total income (the way most people would figure it) but as "net" income. To reach a net figure the administrators allowed so many deductions that government-sponsored writers proclaim that a family can earn $16,000 a year and still be eligible for food stamps.

There is a vehicle at hand to get the food stamp program back on the right track and out of the circus grounds. It is the National Food Stamp Reform Act of 1975 sponsored, among others, by Rep. David E. Satterfield, Democrat of the Richmond, Va., area. Its main provision would define income as gross income and thereby eliminate not only the whopping loopholes but also much of the administrative expense. Other provisions, as interpreted by The Richmond Times-Dispatch, would increase the benefits to the aged and those truly in need. The bill might stand amendment but in essence it should be adopted; before the bread-and-circus corrupt more Americans and further bankrupt the U.S. government.

[From the Dallas Morning News, July 14, 1975]

Come One, Come All

How difficult is it to qualify for food stamps? Bill Shipp, executive editor of the Atlanta Constitution, got to wondering. He betook himself to the local welfare office. As Shipp subsequently wrote his senior senator, Herman Talmadge:

"I told the welfare lady I had a gross income of more than $400 a week, a $40,000 house, a 3-acre lot, two late-model automobiles, and a wife and three children, one of whom will soon be going off to college . . .

"(W)e figured out all my deductions.

Taxes, loan payments, work-related travel expenses, school expenses, doctor bills, etc. And she said I could qualify for $180 worth of food stamps each month at a cost of $140.

"Not everything I told her was exactly true. But I was truly surprised that a fellow like me could qualify for your program. I told another welfare lady that I bet everyone in our newsroom would be eligible for food stamps. And she said: 'Tell them to come on down and apply.' "

Well, even such rigorous standards as greeted Shipp at the welfare office were too much for Sen. Robert Dole of Kansas, and, naturally, George McGovern. The two teamed up on an amendment to the Supplemental Security Income extension bill. The amendment says anyone can get food stamps for 30 days just by claiming to be eligible. And not only that: The Dole-McGovern amendment lets the applicant have food stamps for four months more if his credentials are still under investigation after 30 days.

Of course so prodigal a proposal was knocked down overwhelmingly, wasn't it? Of course elephants have feathers. The Senate passed the amendment 61 to 35—Lloyd Bentsen of Texas was among those voting for it—and sent it along to the House. That is expected to be the end of the line for the Dole-McGovern amendment, which has little support in the Agriculture Committee.

Even so, one is given to wonder: Cannot certain senators read handwriting when it is emblazoned on the wall for all to see? The existing food stamp program is a disaster area; its standards are no standards at all. A decade ago, only 500,000 Americans got food stamps. Now 20 million—one in ten—do. The cost has soared exponentially from $30.5 million to almost $5 billion. "If there is no reform," says Illinois Rep. Robert Michel, "we will have, by the best estimates, a $20-billion program in just a few years."

Happily for the taxpayer, Michel and Sen. James Buckley of New York are sponsoring meaningful reform. The Buckley-Michel reform plan is to weed out the prosperous recipients and the voluntarily unemployed—college students, strikers and the like. At the same time, they would increase benefits to the needy by 25 per cent.

What is more reasonable? And yet the Senate, with as much indifference toward its taxpaying constituents as that august body has lately shown, proposes loosening, not tightening, the eligibility standards. Enough of this madness. Away with Dole-McGovern, and let us talk henceforth only of Buckley-Michel.

UNITED STATES-CHINA TRADE

Mr. McGEE. Mr. President, the forthcoming visit by our distinguished majority whip, and of several of our other colleagues, to the People's Republic of China next month suggests again the importance of our new relationship with Peking. We wish our colleagues a successful journey and look forward to their report.

Nearly one-quarter of mankind speaks the Chinese language, and China's population of some 850 million—nearly four times our own—will pass the 1 billion mark long before the end of this century. The need for understanding the Chinese, for trying to remain on peaceful and mutually beneficial terms with them, cannot be denied.

Trade is one of the important ways in which relations with the Chinese can be expanded to the advantage of both sides. U.S. trade with the People's Republic has confounded the early forecasters—rising dramatically from near zero in 1971 to nearly $1 billion in 1974.

In September I understand that the first broadly representative trade mission from China will visit this country. The delegation, from the China Council for the Promotion of International Trade, CCPIT, will spend nearly 3 weeks in this country at the invitation of the National Council for United States-China Trade.

I want to take a moment to pay tribute to the National Council for United States-China Trade for its work over the past 2 years in educating American businessmen about trade with the Chinese.

Founded in May 1973, the Council is a private, nonprofit organization representing some 250 large and small companies, both exporters and importers, engaged in trade with the PRC. Its purpose is to promote and facilitate trade between the United States and China in accordance with the Sino-United States Shanghai Communique of February 1972.

The efforts of the Council to facilitate trade with the People's Republic are illustrated by a recently adopted resolution proposing steps which could lead to the negotiation of a Commercial Agreement between the United States and China. This resolution represents the policy of the National Council as agreed to by its Executive Committee in April of this year.

I believe that this resolution is both timely and important because there is now a basis for such an agreement provided by the Trade Act of 1974, and a growing need for such an agreement to facilitate expanding Sino-United States trade. The level reached in 1974—$933 million—could grow to $2–$3 billion annually by 1980.

Corporations in the United States could benefit from a Sino-United States commercial accord which provides for protection of industrial property rights, dispute settlement, reciprocal trade offices, most-favored-nation treatment, and other matters relating to two-way trade in much the same way as they already benefit from trade agreements with other socialist countries.

Problems in United States-China trade do exist, however, primarily because China has not been considered independently of the objectives of the Trade Act, due to the focus of the act's provisions on the U.S.S.R.—whose trade with the United States last year was not much above U.S. trade with the PRC—and on East European Nations.

The Council believes that the first step to be taken must be the initiation of negotiations leading to a commercial agreement between the United States and Chinese Governments. But certain provisions of the act, relating to emigration, may present almost insuperable obstacles to the framing of a bilateral commercial accord.

During the visit of a National Council delegation to Peking in November 1973, Council officials were reminded that present discriminatory U.S. tariff policy toward Shanghai was inconsistent with the spirit of the Shanghai Communique. This policy was apparently resented by the Chinese for political and psychological reasons as much as for economic reasons.

Considering the highly favorable balance of trade the United States has been running with China, about 8 to 1 in 1974, it makes little sense, in my judgment, to deny most-favored-nation tariff treatment to China. Indeed, the continued denial of nondiscriminatory tariff treatment to China is bound to inhibit the further expansion of our exports.

There seems to be little doubt that sections 402 and 409 of title IV of the Trade Act relating to emigration policies do apply to China although they were not drafted or enacted with China in mind.

I believe serious consideration should be given to the Council's recommendation of the removal of this obstacle to the conclusion of a Sino-United States Trade Agreement, whether by elimination of sections 402 and 409, or by a thorough reappraisal of the language used in these sections.

I ask unanimous consent the resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution—Adopted by the Executive Committee of the National Council for United States-China Trade

Whereas, the Trade Act of 1974 for the first time provides the framework for conclusion, between the United States and the People's Republic of China, of a trade agreement including a most-favored-nation tariff clause and other mutually beneficial trade and commercial terms; and

Whereas, in the spirit of the Shanghai Communique, the National Council for U.S.-China Trade would welcome such an agreement as a useful and important means of promoting trade and trade relations between the United States and China, thereby improving the overall climate of bilateral relations between the peoples of the two countries; therefore be it

Resolved, that the United States and the People's Republic of China should begin discussions without delay leading to a comprehensive trade agreement between the two countries; and

Whereas certain provisions of the Trade Act, relating to emigration policies of non-market countries, were not drafted or enacted with China in mind, yet by their terms do apply to China, and as such may constitute unacceptable conditions for a future Trade Accord between China and the U.S., therefore be it further

Resolved, that the Congress and the Administration take whatever steps may be necessary with respect to such provisions that will enhance the prospects for an eventual Sino-American Trade Agreement.

Executive Committee Members: D. C. Burnham, Former Chairman, Westinghouse Electric Corporation; William A. Hewitt, Chairman & Chief Executive Officer, Deere & Company; David Rockefeller, Chairman of the Board, The Chase Manhattan Bank; Gabriel Hauge, Chairman of the Board, Manufacturers Hanover Trust Company; Fred M. Seed, President, Cargill, Inc.; W. Michael Blumenthal, Chairman of the Board, The Bendix Corporation; and Walter Sterling Surrey, Esq., Surrey, Karasik and Morse.

MASSIVE SOVIET AID TO THE COMMUNIST PARTY OF PORTUGAL

Mr. BENTSEN. Mr. President, I have been deeply concerned about widespread charges of massive Soviet aid to the Communist Party of Portugal; aid in excess of $10 million a month. I have asked both the Department of State and the

Central Intelligence Agency to confirm these figures for me, but, while the CIA informs me that Russian aid "may" exceed $10 million a month, neither CIA nor State Department has any conclusive information to offer the American people.

Remarks yesterday by Deputy CIA Director Vernon Walters, however, confirm that Soviet aid in the $10 million per month "ballpark" is indeed going into Portugal.

I am particularly concerned about this administration's eagerness to overlook these charges. Repeated press questions during the last few days about my allegations have elicited evasive responses from the White House and the State Department and no willingness to investigate further what amounts to a serious and blatant disregard of one of the most fundamental principle of the Helsinki agreement: nonintervention and noninterference in the internal affairs of other nations.

Indeed, I have received very disturbing reports about an off-the-record briefing for reporters yesterday at the White House on the Helsinki summit. High administration officials reportedly displayed a craven eagerness to downplay Soviet violations of the agreement.

According to the information I received, the Counselor to the State Department, Helmut Sonnenfeldt, a man with vast experience in dealing both with the press and with Soviet officials; a man who is one of this country's most knowledgeable experts on Soviet behavior and intentions, admitted that Soviet aid to Portugal's Communist Party would constitute a violation of the Helsinki communique, if such aid is being given.

But then, he is reported to have gone on to say that even if the United States knows for a fact that Russia is providing such aid, this country would still sign the communique.

Mr. President, a spokesman for Mr. Sonnenfeldt attempted to deny this information, claiming he said only that such aid would "probably" violate the Helsinki agreement.

Mr. Sonnenfeldt's point, his spokesman said, was that the standards in this document will provide a basis against which the conduct of signatories can be measured, thereby putting the United States in a better position to call on these countries to uphold the standards.

There is a description for this kind of reasoning, Mr. President. It is known as "circular logic." And it is a damning testimonial to the manner in which this administration approaches international agreements.

Mr. President, I demand that Mr. Sonnenfeldt publicly repudiate the remarks attributed to him. I find it incredible and outrageous to think that high officials of this Government—whether they are speaking on the record, or off the record—could condone the blatant, obvious hypocrisy in signing a so-called security agreement under such conditions.

How can the United States sign an agreement affirming the principle of nonintervention if, indeed there is evidence of massive Russian intervention in the internal affairs of Portugal?

Mr. President, such an attitude not only reeks of hypocrisy—it also reflects a dangerous tendency on the part of certain high American officials to ignore blatant abuses of détente, an eagerness to cave in to Soviet demands for some vague purposes of "détente."

If Mr. Sonnenfeldt refuses to publicly repudiate this statement attributed to him, Mr. President, I feel compelled to call on the President of the United States to repudiate the remarks of this spokesman for his administration.

Signing an international agreement which affirms nonintervention, in the face of massive Soviet intervention, Mr. President, does not set any standards by which the actions of any country can be measured.

Such action only mocks civilized standards of international behavior and would make any such agreement a meaningless document.

WORLD HEALTH ORGANIZATION GOES AFTER SMOKERS

Mr. MOSS. Mr. President, I am sure that some of my colleagues think that I am a common scold for constantly bringing up the question of the consequences of smoking cigarettes. I cannot, however, neglect to do and say everything I can to bring to the attention of this body and of the American people what has turned out to be the greatest avoidable health hazard of our time. The diseases coming from the smoking of cigarettes are now identified and calculated statistically so that we know that literally thousands of our fellow-citizens each year experience illness, loss of work, hospitalization and death as a result of their habit of smoking.

This problem is not confined to the United States by any means. All the industrialized countries of the world are assailed by the smoking habit and its disastrous consequences, and in every country some effort has been made to educate its citizens against the use of tobacco and to prevent advertising of cigarettes and to take other measures to lessen the impact of illness and death flowing from this habit.

As might be expected, the World Health Organization has taken a very positive action in recommending that countries take sweeping legislative action to protect nonsmokers from exposure to fumes spread by smokers. A spokesman for that World Health Organization has said:

> Control of cigarette smoking could do more to improve health and prolong life in these developed countries than any other single action in the whole field of preventive medicine.

Mr. President, this is deadly serious business. I ask unanimous consent that a story appearing this morning in the Washington Post entitled "WHO Goes After Smokers" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, July 24, 1975]

WHO Goes After Smokers

Geneva, July 23.—Experts of the World Health Organization recommended today that countries take sweeping legislative action to protect nonsmokers from exposure to fumes spread by smokers. The report suggested requiring nonsmokers' consent before others would be allowed to smoke in their working environment.

"Control of cigarette smoking could do more to improve health and prolong life in these developed countries than any other single action in the whole field of preventive medicine," the WHO experts said.

The report also suggested that nonsmoking areas in public transport and other public places be extended. It said special attention should be given to the "protection of infants from contact" with smokers.

The report suggests further limitation or a ban of "all forms of advertising and sales promotion of tobacco" and periodic tax increases to discourage cigarette consumption.

WHO Asssitant Director General D. Tejada de Rivero described smoking as "one of the greatest health hazards of modern times."

OUR MORMON HERITAGE

Mr. GARN. Mr. President, historians have long disputed over the factors that make America the great nation that it is. The strength of the stock from which we spring has been suggested, as has the cultural diversity which led to the use of the phrase "melting pot." Certainly the economic and cultural strains which have emerged from the world's Western civilization have been important. The variety of our religious heritage has made tolerance an important component of our national character.

Many historical philosophers have discussed the Frontier Theory and its influence on our character, and it is an aspect of that theory which I would like to mention today. I speak, of course, of the crossing of the plains by the Mormon pioneers in 1847.

The detail of that crossing is well known: The covered wagon, the handcarts, the deaths in winter as the Mormons were driven forth from Nauvoo, Ill., to camp in the Iowan wilderness. Certainly we recognize the iron which these hardships built into the soul of those who underwent them, a metal which continues to gleam bright despite the passing of a century and a quarter.

Those whose ancestors made this crossing feel especially the nobility of these men and women who gave up their goods, their positions, and in many cases their lives, in defense of a principle of religious freedom. It is not widely known, but among the pioneers who first entered the Salt Lake Valley on July 24, 1847, were some who were not members of the Mormon faith.

Mr. President, I had the honor to be the mayor of Salt Lake City, capital of the State of Utah, and headquarters of the Church of Jesus Christ of Latter-day Saints. In that capacity I worked closely with my coreligionists, and with others who share the same heritage. That experience has given me a lasting appreciation of the value of heritage, and the importance of remembering the roots from which we spring.

On this day in Utah, July 24, the State declares a holiday in honor of those whose efforts shaped the present-day society in which Utah exists. My staff and I join in expressing our thanks to those worthy pioneers, and to God for His influence in their lives and ours.

DETENTE

Mr. KENNEDY. Mr. President, since the American Vietnam experience began ending, we have been going through a deep and complex process of thinking again about America's role in the world. This has been a healthy development—a necessary development—in the history of our Nation. It should enable us to emerge greatly strengthened in our understanding of the forces that are moving and shaping the world, and our essential role in the events of our times.

There have already been some salutary results. It appears that the American people have rightly rejected the course of isolationism—a course that would be self-defeating and damaging to the interests of all Americans in a peaceful and productive world that can benefit both us and others.

In the process, we have also gone beyond a sterile choice between reflexive intervention or a dangerous abstention from critical events and situations that could vitally affect our future. Thus we have placed strict limits on the war powers available to the President; while at the same time there is widespread public support for our existing commitments in places like Europe, Japan, and Israel, along with popular support for the peacemaking efforts of the United States in the Middle East.

We have also seen a remarkable change in public attitudes about the growing economic interdependence of the world's nations. Where once Americans may have sought a form of autarchy—an economic Fortress America—the majority of our people now understand and accept that the United States must live more fully in the world than ever before.

It is significant, however, that governmental leadership here lags behind public awareness. The Congress, in general, is ahead of administration opinion. And despite the leadership recently shown by the Secretary of State—at Kansas City and Paris—it is common knowledge that his more forthcoming views on working with other nations economically are not widely enough shared within the administration.

We must hope that in time the rest of the administration will also understand the currents moving and shaping the world; that it will fall behind the lead Secretary Kissinger is beginning to give—along with leadership of major elements of the Congress—in helping the United States once again to seize important opportunities of ideas, leadership, and action in the outside world: for our benefit and that of the global economy as a whole.

Even so, there is at least one central area where public and Government debate is still shadowed by the murkiness of doubt and indecision. This area is détente with the Soviet Union.

During the past year or so, there has been serious questioning here about various aspects of our relationship with the Soviet Union. Some observers wonder whether arms control agreements are being fully honored; some question Soviet sincerity in supporting efforts for peace in the Middle East; some are concerned by Soviet efforts to build up naval forces in the Indian Ocean; to increase military forces in Eastern Europe; to support the Portuguese Communist Party; and to restrict the practice of human rights within its own country. In many of these areas there are legitimate doubts. Yet they should not blind us to the overall trend of events in the last few years; to the demands placed on the United States; or to the requirements we face, today.

It is most important to understand just how far we have come in relations with the Soviet Union in little more than a decade. In the critical area of nuclear weapons, for example, both sides now have second strike deterrents, and an agreed doctrine of mutual assured destruction. Together, these have taken us beyond the frightening, hair-trigger days of the 1950's. We even have arms control agreements—with a real limit on defensive arms, controls on the testing of nuclear weapons dating back to the Limited Test-Ban Treaty of 1963, and hope for agreements on offensive arms to supplement the first steps represented by the 1972 Interim Agreement and the Vladivostok Agreement in principle of last November.

In the political and economic realms, there is now firm understanding of the limits of military action in Europe; some worthwhile agreements at the Conference on Security and Cooperation in Europe; the convening of talks on mutual and balanced force reductions in Europe; at least a dialog on the future of the Middle East; and expanding trade, despite the Soviet abrogation of the 1972 economic agreement last January.

This is a substantial record of achievement. Yet there is a double danger implicit in this: First, that we will take what has been achieved for granted, as though the development of Soviet-American relations is an automatic, ongoing process that does not require constant effort and attention; or second, that there will be so much pessimism about the prospects for the future that we do not now make those efforts required to move the process forward. Both approaches must be rejected. Instead, we need to think through again the specific steps required to support Soviet-American understandings that already exist, and to lay a firm foundation for the future.

To begin with, we in the United States need to bring back to the center of our attention—to high on our list of priorities—the search for firm and effective agreements on arms control. Today, we are told of grave difficulties facing the conclusion of the final accords resulting from the Vladivostok Agreement. There is also still no final agreement on a threshold test ban, while even that ban is only a weak first step on the road to a full banning of nuclear weapons tests. And the vacillation of both the United States and the Soviet Union with regard to ending their own arms race only increases the chances of a great danger to the future of the world—the indiscriminate spread of nuclear weapons around the world.

It is time to break the cycle—a cycle of reciprocal steps in building new arms and in delaying arms talks that takes the nuclear spiral even higher, and decreases the chances of ever bringing a halt to the superpower arms race. We now see the folly of past actions—of past warnings ignored—in the difficult problem of verifying the numbers of multiple warheads—MIRV's—deployed by both sides. Many people in the United States who once supported our building of these weapons now concede that the problems thus created for arms control outweigh the questionable benefits for our own security. We must not make the same mistake again—and we must seek greater wisdom and forebearance on the part of the Soviet Union, as well.

It is a sad day for us all when greater efforts are apparently being put into the building of counterforce weapons—by both sides—than into seeking through mutual agreement to limit or ban these weapons.

It is regrettable that the U.S. Secretary of Defense, Dr. Schlesinger, is strongly supporting this error in setting U.S. priorities.

Over and over again—here, as in the sales of arms to the Persian Gulf, or in the building of naval facilities in the Indian Ocean—we are told that "negotiating will not work." Yet over and over we also find a failure to try—a failure to put the first emphasis on negotiations, rather than on the seemingly inexorable process of arms buildup. We are faced with what appears to be a tacit alliance between the weapons builders on both sides. Maybe they are just "doing their job." Be that as it may, those people charged with the responsibility for calling a halt to the arms race are not doing theirs—in either country. They are abdicating authority for making the most critical decisions about the future of our two nations—about the future of the world—to technicians, bureaucrats, and manufacturers.

I have no illusions about the difficulties of working out any single arms control agreement. But I can also see that a failure to do so in many areas—including counterforce—is in the interests of neither the United States nor the Soviet Union. And I can see that only with political leadership at the very top of both countries can we, indeed, move in the direction of greater sanity, and away from the inertia of more and more buildings of nuclear arms that benefit no one and actually decrease the security of all.

I have spoken with General Secretary Brezhnev, who talks of deep concern to generate political leadership to break the nuclear spiral. I have heard our own leaders talk in the same vein. Yet the leadership does not come. Are we being misled, by one set of leaders or the other? Or are we simply failing to demand of top leaders, in both countries, that they exercise decisive leadership over their own bureaucracies before it is too late to halt the nuclear arms race at all—before it is too late to help forestall the spread of nuclear weapons around the world?

I believe that we must demand, now, prompt and effective leadership in both countries, to halt the nuclear spiral in our mutual interest. We must not simply pile up more arms in this country—as we did in the Senate last month—and throw up our hands at the prospect of real arms control. We must act, and act now.

There are many other areas of détente where real leadership is required: over the Middle East; deployments in the Indian Ocean; trade; and emigration and human rights. But next to real political efforts to get solid agreements on arms control as a top priority, we must first look to the state of détente in Europe. It is regrettable that there has been so little progress at the talks on mutual and balanced reduction of forces in Europe—while debate continues about the relative strength of both sides on the Central Front. We are told that these talks will not go forward until other business is attended to—either at the SALT talks or the European security conference. That may be so; but if so, it is all the more reason to get on with other unfinished business, before it becomes too late to gain real controls over European theater forces.

The Conference on Security and Cooperation in Europe itself can be of significant worth. It has value involving our allies in major efforts at détente—breaking the essential monopoly of the superpowers and supplementing the efforts of individual West European nations. There have also been some potential benefits in drawing individual members of the Warsaw Pact into international negotiations, where in some cases there is a limited increase in flexibility, out from under solid domination by the Soviet Union. And there are a number of agreements of genuine merit in the realm of human contacts—though not as far-reaching as many of us had hoped. For in the final analysis, détente is not just about military forces and political conflict: It is also critical that détente be reflected in the lives of people and in the human contacts permitted and encouraged between them on both sides of the East-West divide.

The final agreements of the Conference on European Security and Cooperation are scheduled to be signed at a summit meeting in Helsinki on July 30. This meeting will bring together the heads of state or governments of all 35 countries represented. It will signal an end to many issues left over from the aftermath of World War II. It can help provide a basis for further steps in European détente.

Yet in the interests of making this summit meeting a firm foundation for the future of détente, we should make very clear that for us the value of the summit—the value of agreements—rests primarily on what happens next. In particular, it is important that there be a followup meeting of the Security Conference after a period of time, as proposed by Denmark, to review compliance with the agreements now to be signed. For the summit and the agreements will mean nothing unless Soviet intentions and behavior are regularly and thoroughly tested.

We must make clear in advance—and in our constant vigilance—that the agreements on human rights are to be respected, just as we are expected to live up to our undertakings, as well. It would be better that this summit did not take place—that the agreements were not signed—than to find that they are simply a dead letter, written to achieve other purposes than the practical, day-to-day building of political, economic, and human relations between East and West that must be the real substance of détente.

Among other things, this means clear Soviet acceptance of the importance for European security of a strong Western defense and European community—as former Chancellor Willy Brandt impressed upon Soviet leaders during his recent visit to Moscow. It includes Soviet acceptance of the free determination by West European peoples of their own national destiny—most recently in Portugal. And it includes Soviet recognition that true cooperation in Europe—going beyond confrontation and even détente—will come only with concrete signs of genuine respect for the development of Western society.

It is sometimes argued that this European summit is important in order for the Western countries to support General Secretary Brezhnev and his détente policies. I concur that it is important for us in the United States to support those forces in the Soviet Union that want a genuine relaxation of tensions, and genuine agreements to put the cold war finally and firmly behind us. I also believe that the effects of détente are cumulative: each achievement paves the way for the next.

Yet at heart, détente is not built upon personalities in power at the moment: It is only built upon genuine self-interest on both sides. In adopting that approach, we can reaffirm our commitment to make the process of détente something that will truly last—something that we can hand on to future generations as evidence that men can move beyond conflict and war, to an understanding of their common interest in peace, relaxation of tensions, and ultimately a resolution of the conflicts that divide nation from nation, and people from people. We should demand of ourselves—and of others—no less than this.

LEGISLATION TO MAKE PERMANENT THE CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

Mr. BROOKE. Mr. President, these are times in which we are all particularly concerned about the commitment private citizens have to public affairs. Thus it is especially important to institutionalize those citizen groups which have selflessly contributed to the achievement of national and community goals and enhanced their neighbors' and fellow citizens' lives. One such group is the Cape Cod National Seashore Advisory Commission. The work these men and women have done has provided intelligent guidance and firm support for the Federal officials who oversee the lovely Cape Cod shores. Their work must not stop. Our need for their contributions will never end. For that reason, I have joined Senator Kennedy in proposing legislation which would make this Commission a permanent body.

The Cape Cod National Seashore is one of this country's most precious natural resources. Our beaches there are still intact and serene. Our waters are still fresh. Our beach grass and shrubs and our cranberry bogs are virtually as unspoiled as they have always been. These treasures are now being husbanded for the enjoyment of Americans from all States for years to come. Mr. President, it is important that the expertise of area residents who know the shores and care about the daily events there be made available to the whole Nation. I ask the Senate to make the Cape Cod National Seashore Commission a permanent part of our conservation system.

THE PRESS SPEAKS OUT ON THE FIRST AMENDMENT

Mr. CRANSTON. Mr. President, in a speech last April before the American Society of Newspaper Editors I stated my belief that the press should not feel apologetic about lobbying for the first amendment. On the contrary, I believe that the press has an obligation to educate Members of Congress and the public of the need for legal protection of news sources to keep the flow of information from drying up.

Recently, the American Society of Newspaper Editors organized a group of editors to speak out on first amendment issues. I am very pleased at this response to my challenge.

One result of this effort is a commencement address delivered to the graduates of the University of California, Berkeley, School of Journalism, by Anthony Day of the Los Angeles Times, "Why Justice Black Was Right: An Absolutist's View of the First Amendment."

In his address, Mr. Day argues that the first amendment is preeminent among the rights guaranteed by the Bill of Rights. I ask unanimous consent that his speech be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Why Justice Black Was Right: An Absolutist's View of the First Amendment

(By Anthony Day)

Dean Bayley, ladies and gentlemen, good afternoon.

I wish I could talk to all you new graduates about all the great opportunities you have in the newspaper business, but this summer I can't. You know as well as I do that while journalism graduates are up, business is down, and jobs are in short supply. But, if it's any consolation, I think by this time next year, we'll all be doing some more hiring.

So, instead, I'm going to talk about something Berkeley has had a good deal of experience with: **Free Speech. In particular,** the First Amendment.

It's in trouble. It's in trouble down in Fresno, where four newspapermen face jail terms for contempt for not revealing their sources. It's in trouble over in Texas, where a judge tried to keep the names of jurors—that were revealed in open court—out of the press. It's in trouble throughout California, where gag orders fall like rain from the bench and subpoenas, from defense and prosecution lawyers. And, as you all know, it's in trouble from the Supreme Court, which held in the Branzburg decision of 1972 that newsmen can be compelled to divulge their sources to grand juries.

The First Amendment is challenged by that old enemy of liberty, the government. It's challenged by those old friends of the free press, the judges and the courts. It's in trouble from the misconceptions of the citizens. And it's suffering from the negligence of newspapers themselves.

I think it's time for the American press to mount a much more aggressive and absolutist defense of the First Amendment than it has been doing. This means stiffening our backs against compromise. This means explaining to an often critical and skeptical public that our freedom is theirs, explaining why, as Justice Potter Stewart recently said, the press is the only organized private business given constitutional protection. It means explaining also that even while fairness is the ideal to which most of us aspire, the First Amendment doesn't guarantee fairness. All it guarantees is freedom—and that includes the freedom to be unfair. We have to keep explaining that the First Amendment doesn't guarantee the outcome of the contest of opinions, it just guarantees that there will be a contest.

We in the press should start arguing much more vigorously than we have been that the First Amendment, the kingpost of our liberty, is more nearly an absolute right than any right natural to man, or guaranteed in the Constitution.

The First Amendment, taken in its entirety, is the pre-eminent right in the Bill of Rights. I know that is not quite what Jefferson said when, writing from Parts to Madison, then at the Constitutional Convention, he argued that the essentials of a Bill of Rights are "trials by jury, the right of habeas corpus, freedom of the press and freedom of religion in all cases," and to abolish standing armies in times of peace . . . and monopolies.

Time has changed the relative standing of some of those rights for all of us, and I think it might have for Jefferson too. We have, after all, standing armies in times of peace, and maybe even a few monopolies here and there. Habeas corpus retains its high rank; the fourth amendment, guaranteeing security against unreasonable searches and seizures by the government; and the fifth, guaranteeing due process of law, have risen in our esteem, as the powers of government have extended; none of these rights can be diminished.

But the very essence of democracy is free expression, and it is free expression—of religion, of speech, of the press, of peaceable assembly—that the First Amendment was written to protect.

Free speech is the means by which our other rights—habeas corpus, the fourth and fifth amendments and the others—are protected. The other nine rest on the first. Without the first, the other nine are defenseless. And the free press is the constitutionally protected agent of free speech.

Today, ideological zealots on the right and on the left—not all of them living in foreign dictatorships—believe that what is said, what is printed, should conform to their versions of the good society.

Therefore many revolutionaries of the right, and of the left, suppress free expression abroad, and would suppress it here if they could.

But they are not the chief danger here in the United States and I don't see their becoming a danger.

The danger to the free press in this country comes not from a dedicated people who understand what the free press means, and so oppose it, but from people who misunderstand what the free press means, and so, unknowing, are willing to see it chipped away bit by bit.

A lot of people think that things that make them uncomfortable, or which they disagree with, should never be printed. We get that kind of complaint every day.

An even larger number, I think, believe that for good and overriding reason the free press may on occasion be curbed.

This is the heart of the problem in the United States today. In the minds of the government, in the minds of the courts, in the minds of the people in the mind of too many newspapers, the right to a free press is like all the other rights in the Bill of Rights, and equal to other parts of the Constitution, and so has to be balanced against them.

Take the government first. This is the first and traditional enemy of liberty.

There is a natural tendency in the national government to put the security of the state above all other values. It doesn't matter whose government, whose Administration, you're talking about. It takes a strong-minded President or Secretary of Defense or Senator or whatever to stand against the voices that condone secrecy in the name of security.

Secrecy is the name of the threat to the free press that comes from government. No American government would dare directly to suppress an opinion. But several recent Administrations have denied the people the information upon which informed opinions can be based. This is the meaning of that overworked phrase "the people's right to know." It's not only a right. It's a necessity.

Everyone knows the story of the Pentagon papers. Everyone knows the story of overclassification of government operations—even sections of the Pentagon papers are still "classified"—and so, in the government's opinion, not fit for common eyes—the eyes of you and me.

Less well known is that even now, in Congress, is a bill that would give the government a more sweeping grant of power to withhold information, and to prosecute those who divulge it—a grant of power so sweeping that is comparable only to the infamous Alien and Sedition Act.

If you don't know this bill you should. It goes under the innocuous title of Senate bill 1 "A Bill to Codify, Revise and Reform the Federal Criminal Code."

But listen to what it would do: make it a felony to collect or communicate "national defense information" with the "knowledge that it may be used to the advantage of a foreign power . . . ."; make it a crime to communicate "national defense information" to a person "he knows is not authorized to receive it"; cover all other persons who pass such information to third parties. (This provision is broad enough to embrace reporters, editors, publishers and members of Congress); make it a crime to pass classified information to "unauthorized persons"—regardless of intent and with the government under no burden to show that any harm resulted; make it a federal offense to conceal the identity of someone who may have committed a crime; make it a crime for anyone, including a reporter, to refuse to answer a question in an official proceeding after a court required an answer.

A casual observer may say, "But that is clearly unconstitutional, and the Supreme Court will strike it down, and save us."

Maybe so, but not necessarily so. The courts, from the lowest to the highest, conceive of their function as adjudicating between conflicting branches of government and between conflicting claims of right. And that is their function, which on the whole they perform well. But to judge between conflicting claims is to abridge one at the expense of another, and that is what is happening now with the First Amendment and the press.

It is happening in conflicts between the press and the executive branch of the government, and it is happening in conflicts between the press and the courts themselves.

Take the press and the executive branch.

It is widely supposed in our business that the Supreme Court decision in the Pentagon papers case was a victory for the press.

I hope we have no more such victories. For, while the court said that the newspapers could continue to publish the papers, the court majority also implicitly accepted that it had the power to review the matter before publication.

The court said Yes, Publish, but it implicitly confirmed the right of the court to say No, Don't Publish. I agree with the dissenting justices in that case, Black and Douglas, who argued that the court should have affirmed the absolute right of the papers to publish without any prior review at all by the courts. Prior review is the old enemy of free speech—another form of the license to print, and scarcely less insidious.

Suppose Senate Bill One I talked to you about were to become law. The record of the Supreme Court on press freedom in the last 70 years has been good—but I am not sure that the current court wouldn't balance the First Amendment against the will of Congress and come down on the side of Congress.

It's on this matter of balancing where we are getting into trouble in the clashes between the press and the courts over the reporting of trials and other judicial proceedings.

The case of the Fresno Bee versus Judge Peckinpah is the kind of thing I'm talking about.

You probably know the case:

A grand jury in Fresno was hearing testimony about alleged corruption in city government. Three men were indicted. Two weeks later the judge issued a gag order forbidding the lawyers and court officials to talk about the case.

Then the day before the grand jury transcript would have ordinarly become public under California law, the judge sealed it.

A month and a half later the Fresno Bee published testimony from the sealed transcript. Some the the testimony was about the indictment, but a significant part was about something different: testimony that one of the indicted officials had taken a bribe for an exclusive sewer contract. The Bee says that it had this whole story for a month; had held it up; and had finally printed it because "it appeared that City Council was about to take up the matter of the contract," and the Bee thought the other councilmen and the public should know of the allegations.

The judge subsequently tried to find the source of the leaked transcript. Two reporters from the Bee, standing on the Constitution and California's shield law, refused to tell him. As a result they and two other members of the Bee staff have been cited for contempt by the judge, and the case is on appeal. The shield law says that reporters and editors "cannot be adjudged in contempt by a judicial body" for refusing to "disclose the source of any information obtained in gathering the news." The judge apparently believes that the shield law is an unconstitutional infringement of a judge's right to control his court in the interest of justice. So the issue is joined between court and press.

You may disagree with the Bee's judgment in so defying a judge and thereby running the risk of an adverse court decision on California's absolute shield law, but the test had to come sooner or later, and the Bee case is a pretty good one for the test.

It is because of cases like the Bee case, and cases like the Pentagon papers, that I am arguing for an absolute interpretation of the First Amendment.

The kind of argument that the late Justice Black used when he would take out a copy of the Constitution, point to the First Amendment, and say, "see it says Congress shall make no law. That means, no law."

An absolute law shielding the confidentiality of a reporter's sources against every single attempt to make him reveal them would no doubt result in some lawbreakers escaping justice, but isn't it a price well worth paying? I am convinced it is, because I'm convinced that the growing power of judges will, unless checked, swell until the judges become the managing editors of the news that touches the courts and court proceedings.

Try to explain this to someone outside our business; it's hard. He will say: "But you have to protect a person's right to a fair trial." Then ask him to take a look at the Fresno Bee case. A change of venue had been granted in two trials. There was no showing that the printing of the grand jury testimony had improperly inflamed public opinion. If such an allegation had been made, the judge had two remedies. He could instruct the jury to disregard the publicity, a move which in most cases suffices. Jurors are not weak-minded people easily swayed by this newspaper story and that emotion. Good judges know that. And, if instruction wasn't enough, in an extreme case, jurors can be sequestered. Good judges do that.

But, although concern about a fair trial was the judge's reason for issuing the gag order, fair trial wasn't the issue when he tried to find the source of those leaked documents. The judge apparently saw that lack as a challenge to his authority. Your skeptical citizen may well tend to take the judge's side.

But get your citizen to look at the other side. This case, a little messy though it is in some aspects, is what freedom of information is all about—freedom for the citizens and the Fresno city council to know all they should know before voting on that sewer contract. If you put it that way, your skeptical citizen may see the question in a new light.

Since I generally agree with Justice Black that Congress should make no law respecting freedom of the press, you may ask, how can I support an absolute shield—a law respecting freedom of the press? The answer is simple. Since in the Branzburg case the Supreme Court invited a legislative solution to confidentiality, an absolute shield law—and only an absolute law like California's, not a qualified one like the one going through Congress now—becomes an expedient and, I hope, temporary way to achieve by legislation what I think is ours—and the citizens'—by right—a right the courts may some day affirm.

And, just as an absolute interpretation of the First Amendment is the only sure defense for the press against the courts, so an absolute interpretation of the First Amendment in cases like the Pentagon papers is the only sure defense for the press against the government. Any law, like Senate Bill One, that attempts to describe what may and may not be published could, in the hands of courts acting under pressure from the government, bring about an indefinite delay in publication of information that could be crucial to the informed judgment by the public, and to an informed decision by elected representatives of the public. I am not arguing that the government may have no secrets; I am arguing that the government's tendency toward secrecy is so strong that the legal deck must be stacked against it—absolutely stacked against it on the matter of prior restraint. Better that a newspaper publish something damaging to the country, and have to suffer the consequences afterwards, than that the newspaper be forced to withhold publication of something, which, if disclosed, would be of great benefit to the country.

There is great risk in all this. For who is to say what harms and hurts? That is exactly the central point about freedom of the press. There is ultimately no judge of such questions but the citizens, and there is no way for the citizens to make such a judgment unless informed.

Should there then be no limits at all to what is printed? Logically, No, if you argue for an absolutist interpretation of the First Amendment. I would bend logic a little and say two kinds of limits are useful to our liberty, and consistent with the First Amendment. I'm leaving obscenity out of this discussion, where I think laws and court ruling about what adults may read and see and buy are absurd.

The first useful limit is the law of libel. The second is the growing law of privacy.

Both can protect helpless and innocent people against the power of the press if the courts and the legislatures make clear distinctions between individuals as wholly private people, and individuals in one way or another in the public eye.

The public eye is the thing to keep in mind. If we in our business can convince our skeptical readers, our suspicious public officials, our coolly judicious judges, our critics and our enemies, that after all, the free discussion of the public business is the prerequisite of liberty, then we can turn back these threats I'm talking about.

But it won't be easy. Because we've got to stop talking always in the somewhat abstract tones I've been using today, and acknowledge that life with a free press is a pretty messy business. Not all papers are the Los Angeles Times and the New York Times; not all judgments made by reporters and editors are going to be competent and professional. For the First Amendment doesn't just protect the biggest and the best. It protects also the small newspapers and the poor and scruffy newspapers, the outrageous and the sleazy newspapers, the occasional pamphlet, the flyer, the poster, the handout. We on the big papers, the ones we think are the best, sometimes forget that the First Amendment is a license to be scurrilous and licentious and seditious. It protects the Los Angeles Free Press no less than the Los Angeles Times, the Worker no less than the Chicago Tribune. The First Amendment means that public officials are sometimes unfairly treated; it means that some reputations are unfairly blackened. It means that a community's sense of decency is outraged. It means that with the sound information goes a lot of malarky. It means that the best professional standards of journalism are debased by competition with unscrupulous journalists—with hacks.

It means, in short, an atmosphere of continuous uproar. But the uproar is the price of liberty—and, besides, it's a hell of a lot of fun to work in. So to all of you getting your degrees today, welcome.

ROOTS OF INFLATION

Mr. CRANSTON. Mr. President, our economic recovery is threatened by a new round of double-digit inflation.

On Tuesday, the Labor Department reported that the consumer price index—the principal measure for changes in the cost of living—increased in June at a seasonally adjusted rate of 0.8 percent. If such a rate were to continue over a 12-month period, the annual rate of inflation would be 10 percent—once again the double-digit rate which plagued our economy in 1974.

A year ago I was concerned that one of the most serious handicaps in the Nation's fight against inflation was the lack of leadership from the White House. In September, I congratulated President Ford for his eagerness to attack the problem. At that time the seasonally adjusted consumer price index was increasing at an annualized rate of 15.4 percent and 5.3 million Americans were out of work and looking for jobs.

Ten months later, after some downward movement in the consumer price index, once again it has increased sharply and 8 million Americans are unemployed. I am deeply concerned that our fight against inflation is failing and that it is failing because of a lack of understanding of the causes of the problem. Without that understanding, no policy—whether initiated by the Congress or the President—can be effective.

Mr. President, Joseph Kraft addressed this issue in the July 24 Washington Post in an article entitled "Roots of Inflation." I commend it to my colleagues and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Roots of Inflation

(By Joseph Kraft)

The latest figures on inflation confirm the view that the country is living in a new economic atmosphere which falsifies most of the old assumptions. Particularly suspect is the widespread impression that the Democrats and their welfare state and union clients are entirely responsible for runaway prices.

On the contrary, it is beginning to appear that the present surge is caused chiefly by rising energy and food costs. That suggests as villains the Ford administration's clients in the oil industry and the farming community.

The biggest inflationary hike this year was reported in the consumer price figures for last month. The index rose by 0.8 per cent, or at an annual rate of 10 per cent.

The food and energy component of that rise was about half the total. Without food and energy, in other words, there would have been no acceleration in inflation last month.

Virtually the same pattern prevailed in the great inflation—the rise from 4 per cent rates to double-digit rates—which took place in 1973–74. External shocks in the food and energy field accounted for the terrific acceleration.

Grain prices more than doubled in the wake of the huge Soviet wheat deal of 1972. Oil prices rose as much, thanks to the action of the cartel of oil-exporting countries known as OPEC. Between them, the food and energy costs were responsible for at least half the burst in the great inflation of 1973–74.

Against that background, the normal politics of inflation gets stood on its head. The Democrats are usually defensive about rising prices. They tend to pooh-pooh inflationary rhetoric as if it were invented to discredit higher wages and government spending for social purposes.

The Republicans in contrast usually talk aggressively about inflation. President Ford is constantly harping on holding the budgetary line in order to stem the rise in prices.

In the current atmosphere, however, neither political stance seems well founded. The chief Democratic clients—the wage-earner and the poor—are the victims of the new inflation.

The Republicans have a lot of explaining to do. The Nixon administration actually precipitated the trouble with the Russian grain deal. It then did little to hold the price of oil.

The Ford administration has not been doing much better. On the contrary it is using its powers to push up energy and food prices.

In energy, the heart of the administration's program is a push to decontrol domestic oil prices. Not only does that mean a rise in the prices of oil products produced here in the United States. By asserting that the problem is that prices are too low, the Ford administration practically invites foreign producers to raise their charges. President Ford, in effect, is jawboning oil prices up.

As to food, the prospect of a huge grain crop seemed certain to drive down prices for wheat and corn, which in turn mean bread, meat, eggs, poultry and milk. But the Russians, hit by drought, came into the American market to buy grain.

In the past three weeks they have contracted for 8 million tons of wheat, corn and barley. The administration, which could have stopped these purchases, gave the green light—primarily to sustain grain prices.

Word has now been passed to the companies that no more grain is to be sold to Russia until the huge crop expectations are confirmed. But it is likely that the United States will sell three or four million tons more to the Russians before the year is out.

That absolutely queers any chance of a price break this year, or of building a carryover to prevent a price increase next year. Indeed, it seems that the farmers—rich on the killing of the past years and sensing that prices may go higher—are now holding their crops back from the market.

The point is not that the Democrats are good guys on inflation. They and their friends are primarily responsible for the long-term inflationary bias now built into the economy. They are poor at holding down wages and government spending once an inflationary spiral does get under way.

But the Republican recipe for arresting inflation—9 per cent unemployment—is not exactly brilliant. The emergence of oil and food costs as the prime inflationary movers means that nobody can casually assume the Ford administration will not initiate a new burst of rising prices.

GERALD FORD A YEAR AGO AND TODAY

Mr. HUGH SCOTT. Mr. President, Godfrey Sperling, writing in the Christian Science Monitor, has taken an interesting and appropriate look backwards at Gerald Ford as he was exactly 1 year ago and how he has developed in the intervening time. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GERALD FORD AS HE IS TODAY

(By Godfrey Sperling Jr.)

WASHINGTON.—What a difference a year has made in Gerald Ford.

It was almost 12 months ago to a day that we sat across from a Vice-President who was perched on the edge of a vast, new, and unasked-for experience—the presidency.

President Nixon was in his final moments of stonewalling on disclosing tapes that would be his undoing. Gerald Ford was saying things about the President that simply could not be viewed as consistent.

He was saying his relations with Mr. Nixon could not be improved. At the same time he was saying the President had adopted "wrong" tactics with the special prosecutor, the Ervin committee, and the House Judiciary Committee.

He was saying the President was "innocent." But he was also indicating suspicion over the withheld tapes and urging the President to give them up.

In short, although he was denying it, Mr. Ford was zigging and zagging as he sought to maintain his loyalty to the President—which he saw to be his duty as President Nixon's appointed No. 2 man—and, at the same time, somehow to express his misgivings about Nixon and Watergate.

It was an awkward moment to be viewing Mr. Ford up close. And, looking back now as we were seeing him once again this week, it was clear to us that a year ago Mr. Ford was indeed a rather uncertain man as he stood on the threshold of assuming the presidency. He obviously was feeling the heat of what this would mean to him: the terrible responsibility of taking over a shattered government and bringing honor back to a dishonored administration.

The man we saw this week was truly composed, supremely confident. He was on top of things. He had tasted the power and the travail of the White House—and liked it, immensely.

The President, sitting in an armchair in his Oval Office, was in a mood for a little lightness and fun. A reporter referring to the incompatible Harris and Gallup polls asked, "How are you able to go up and down in the polls at the same time?" Mr. Ford laughed loudly and said, "That confuses everyone—even me." Later when he said he would be willing to take Ronald Reagan as his running mate, he was asked: "Would you do it with enthusiasm?" To this the President's answer was a tremendous guffaw.

To the question, "What is the worst mistake you have made?" he quipped: "As I said—where was it, in Chicago—I don't think we have made any." He laughed uproariously again, then added, soberly this time: "Let me put it this way: I don't think that we have made any serious mistakes."

Some of the questions were tough, the kind that can sometimes evoke sparks. But the President remained unflustered, maintaining a geniality that has become the mark of the man.

"Some of your critics," a reporter said, "say that you are insensitive to the poor and the needy." Without any change in his expression, the President branded this "an unfair, inaccurate charge. I think we have shown a compassion for those who are less fortunate," he said. When asked whether he had made this compassion sufficiently known, he said, "maybe we haven't been as vocal (as we should have been)—but I am convinced substantively we have done a good job."

The President has said that through the years he has had to work to achieve this serenity—that he has a temper he must control. But he seems to be attaining this composure quite effortlessly today. One recalls the time a reporter, audaciously, just as much as asked the President whether is was true that he wasn't very smart. Mr. Ford didn't bat an eye as he modestly indicated that he hadn't done at all badly in law school at Yale.

At one point the President was asked (with the press secretary sitting nearby): "Your press secretary's credibility has been questioned by a few reporters. How do you account for this?"

Would one have had the temerity to ask this question of Eisenhower about Hagerty, or Johnson about Moyers, or even of Kennedy about Salinger—under the same circumstances?

But the President took the question in good humor, using the occasion to express strong words of support and confidence in Ron Nessen.

One doesn't fear this President. He is extremely approachable. And it has become trite to say so: but it is refreshing to have such a man in the White House after all the country has been through.

THE ANNIVERSARY OF EVENTS IN GREECE AND CYPRUS

Mr. PELL. Mr. President, one year ago the world's attention was focused on the eastern Mediterranean. Like many Americans and people everywhere, I reacted to these traumatic events with mixed feelings. On one hand, there was joy as democracy was restored to its birthplace, Greece, after 7 years of despotic military rule; on the other, there was sadness and concern as civil strife and war came to Cyprus.

Today, 1 year later, there is still reason for mixed feelings when looking at this part of the world. Democracy in Greece appears stable and secure as Prime Minister Karamanlis has effectively guided his country through a potentially difficult first year of democratic and constitutional rule. One can only applaud his efforts and the efforts of the Greek people in general during this period of transition.

Unfortunately, the year that has passed since the traumatic events of last summer has not brought similar stability and peace to Cyprus. Turkish troops remain on this small, beleaguered island. In addition, many thousands of refugees have been denied the right to return to their homes. Negotiations have thus far failed to bring about an acceptable compromise to the Greek and Turkish communities on Cyprus.

As a member of the Senate, I believe the decision by a majority of the Senate to resume arms shipments to Turkey was unfortunate. This decision has been only partially offset by legislation increasing assistance to the refugees and other victims of the island's turmoil. Hopefully, by this time next year, Turkey will have become convinced of the principle that force cannot be used to create a political consensus. Only then will Cyprus be able to join Greece as a secure and peaceful democratic country within the family of nations.

NATIONAL DAY OF PRAYER—A TIME FOR FAITH RENEWAL, INSPIRATION, AND RECONCILIATION

Mr. RANDOLPH. Mr. President, by proclamation President Gerald Ford proclaimed today as National Day of Prayer, 1975. He signed this measure on June 12, 200 years after the Second Continental Congress urged the colonists to recognize a designated Thursday in July for "humiliation, fasting and prayer".

Senator HATFIELD authored a resolution adopted in this body, setting April 30, 1974, as a National Day of Prayer. Recent days have often been troublesome ones—the economy, foreign relations, and the crime situation. Even with these problems many Americans are too quick to deride or ignore the ideals and aspirations of the past.

George Washington, a strong and effective leader, in his Presidential Farewell Address to Congress and to the Nation, summarized the essence of his faith, a faith deep rooted and strong enough to sustain him through the darkest hours in the struggle to build a foundation for these United States.

Washington stated, "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable props." I believe that it is helpful that during this Bicentennial period we be reminded today of the character and integrity associated with Washington's life work. The question arises—how shall we discover the unshakable faith which sustained and inspired our first President in leadership of this Nation?

The influence of Washington can be a steadying force, a means by which we can renew our faith in liberty and in the strength of free men and women to shape their own destiny. Such strength can come from prayer with God, spoken or unspoken.

Mr. President, I am a realist yet a sentimentalist. When night falls, assessment of the day comes. We who run so fast often fail to read and heed.

I know that prayers sustain. The opportunity for prayer is a basic gift. I am an advocate of permitting voluntary prayers in public buildings, including schools. It is my belief that prayer should be encouraged by our citizenry rather than hindered. Various studies have shown that we Americans fear silence. Yet we need silence. We need silence to let God talk to us and guide us.

An eminent scholar, summarizing George Washington's major contribution to religion in America, has defined it as:

> Recognition by all citizens of the abiding importance of religion to the new Nation, and equal treatment for all religions by the State in the interest of public harmony. As we compare our country's religions with other nations, we can see that these are still fundamental American ideals, more appropriate than ever to the great variety of free churches and denominations which flourish in our land.

We in America have much to be thankful for in our daily lives. I remember reading estimates from a report that during 1974 somewhere between 200 million and 400 million of our fellow human beings will face starvation. Over 10 million people, mostly children under 5 years of age, will die as a result of too little food to eat.

People must work together to form a rebirth of responsibility. Our differences can be our strengths. We must pursue peaceably to reconcile the differences between the haves and the have-nots, between the various minorities and the majority, between the frustrated unestablished and the so-called "establishment". We need less tolerance and more understanding.

The firm backbone of this Nation continues to be the character of the majority of its people, who have faith in God, who uphold moral principles, who support freedom of enterprise, who practice honesty in their dealings, and who vote for integrity in government.

We face continuing and growing problems. I feel that in time we will overcome them. The differences in religion, race, and creed in our country need not make us divisive. It is when we build barriers of misunderstanding and are indifferent to personal accountabilities that we fail to meet the challenges that face us.

Today's observance should serve as a reminder to Americans for a spirit of repentance and a call to conquer the divisiveness so prevalent among us. A Nation's people that can reconcile together and acknowledge its division is a strong Nation.

George Washington's source of leadership and wisdom was his faith. Robert Bridges, an English poet, wrote:

> "Simple and brave, his faith awoke
> Ploughmen to struggle with their fate;
> Armies won battles when he spoke,
> And out of Chaos sprang the State."

We pray, each in our own way, that we in America, 200 years after our Nation's birth, can be inspired as was Washington by a similar faith, sustained by a similar spirit, and strengthened by a similar blessing.

WOMEN LAWYERS IN RHODE ISLAND

Mr. PELL. Mr. President, today it gives me great pleasure to call the Senate's attention to the June issue of the American Bar Association Journal, wherein appears an article by a most able Rhode Islander, Sophie Douglass Pfeiffer.

Mrs. Pfeiffer's credentials are most impressive both as a journalist and student of the law. She has authored articles in the Rhode Island Bar Journal and Historic Preservation and has served on the editorial research staffs of National Geographic and Time magazines. Her transition into the field of law culminated last month in dual honors: graduation from Northeastern University School of Law and publication of the ABA Journal piece, entitled "Women Lawyers in Rhode Island."

I find the subject of Mr. Pfeiffer's article most interesting because it serves to challenge the stereotypes with which women entering the professions have long been shackled. The statistics she has garnered from a thorough and careful job of research indicate very clearly that, in Rhode Island at least, such women defy stereotyping. While this view is unsurprising to many, we cannot ignore the numerous instances of discrimination cited by the author.

Mrs. Pfeiffer's work is a positive addition to the growing number of important writings by women in the legal profession. I commend Mrs. Pfeiffer for her scholarship. The inclusion of her article in such a prominent publication is most commendable.

Mr. President, I ask unanimous consent that the article entitled "Women Lawyers in Rhode Island" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Women Lawyers in Rhode Island

(By Sophie Douglass Pfeiffer)

Women lawyers in Rhode Island were questioned recently concerning their professional experience. Results show that they have made measurable progress since the days when women were refused admission to the bar because they were not considered persons, and that they don't fit the sterotype legal roles.

When the senior partner of Gardner, Sawyer, Cottam, Gates, Day and Sloan, a well-known Providence law firm, first applied for permission to take the Rhode Island bar examination, the response of the board of bar examiners was that since the pronoun "she" was not mentioned in the rules they were unable to entertain the application of Ada Lewis Sawyer for admission to the bar. The candidate persevered, however, and the Rhode Island Supreme Court in a letter dated June 3, 1920, ruled that a woman was, in fact, a person:

"After consideration we are of the opinion that the word 'person' contained in the rules regulating the admission of attorneys and counsellors should be construed to include a woman as well as a man; and that the masculine pronoun 'he' contained in the rules should be construed to include the feminine 'she.'

"We would therefore say in answer to the question of the board that 'it can permit a woman to take the examinations for admission to the bar, she complying with all the necessary qualifications and conditions applicable, under the rules of the court, to men.'"

Ada Sawyer's certificate of admission to the bar, the first one awarded to a woman in Rhode Island, was dated November 10, 1920, some two and a half months after ratification of the Nineteenth Amendment.

Although Rhode Island was one of the last states to admit women to the bar, the board of bar examiners was following in the tradition upheld by the United tSates Supreme Court in 1894 when it refused to overturn a Virginia ruling that the word "person" in the statute governing admission to the bar was confined to males and that Belva A. Lockwood, who was already a member of the bar of the Untied States Supreme Court and of several states, was not entitled to practice law in Virginia (154 U.S. 116). The philosophy on which the Virginia decision was based was expressed in the often quoted concurring opinion in *Bradwell* v. *Illinois*, 16 Wall. 130 (1873), denying the application of Myra Bradwell for a license to practice law:

"The natural and proper timidity and delicacy which belong to the female sex evidently unfit it for many of the occupations of civil life. . . The paramount destiny and mission of woman are to fulfill the noble and benign offices of wife and mother. This is the law of the Creator. . . .

"There it is 'within the province of the legislature' to decree that the profession of law should be reserved solely for men in order that it might receive 'the benefit of those energies and responsibilities, and that decision and firmness which are presumed to predominate in the sterner sex.'"

The "decision and firmness" that characterized Rhode Island's pioneer woman lawyer resulted in the establishment of a precedent, but the precedent scarcely could be said to have opened the floodgates to a sea of women lawyers. For precisely half a century not more than a handful of women followed Ada Sawyer into the Rhode Island bar. Of those responding to the survey summarized in this article, including Miss Sawyer, who is still in active practice, fewer than a dozen have been in practice for more than fifteen years. As of October, 1974, 60 per cent of all the women on the Rhode Island Bar Association rolls, who are now in the state, had been in practice only since 1970. More than a third of these were admitted that very month.

The actual numbers represented by these percentages are extremely small but they reflect—although lagging behind—the national experience. In 1970, according to the Census Bureau's *Statistical Abstract of the United States* for 1971, of 324,818 lawyers reporting, 9,103 were female, representing 2.8 per cent of the total. But, heralding changes to come, the number of women law students rose from 4.5 per cent in 1967 to 12 per cent in 1972 to 19.7 per cent in 1974, according to the figures compiled by the American Bar Association Section of Legal Education and Admissions to the Bar. Spurred in part by the antidiscrimination provisions of Title VII of the 1964 Civil Rights Act (42 U.S.C. § 2000e), the trend toward more women lawyers is undeniably upward.

In Rhode Island, on the other hand, it was not until 1974 that the number of women lawyers reached 2.6 per cent of the total and finally, with the admission of the new lawyers in October, 3.1 per cent. The actual figures for Rhode Island are 40 women lawyers on the bar association rolls of a total of 1,510 lawyers prior to October, 1974, 49 of 1,577 in October.

Rhode Island is a sparsely lawyered state compared with the national average—one for every 740 people, compared with one for every 626 in the nation as a whole. This, combined with the state's compact geography and an active women's lawyers' association, led to the conclusion that a survey of all the women lawyers in the state would not be an impracticable task, although the study was commenced before the October influx of new lawyers and without the knowledge that a 22 per cent jump in the rolls was impending. It was decided that a study of the ways in which the experience of women in the law differs from that of their male counterparts might not only be useful but feasible as well.

MANDATORY MEMBERSHIP AIDS CROSS-CHECK

Since membership in the Rhode Island Bar Association is now mandatory, it was possible to cross-check the membership of the women lawyers' association against the bar association rolls, through the courtesy of Edward P. Smith, the executive director. (This is obviously not an infallible technique since there is always the possibility that a woman with a masculine name, not a member of the women's association, might slip through.) From these lists it was determined that there were forty-nine women members of the bar association as of October, 1974, of whom six live and practice out of the state, and four of whom are either inactive or retired. Two other women hold law degrees and are active in legal positions but have not as yet taken the bar examination, and a third had an application for admission on motion pending.

For purposes of comparison, the lawyers were divided into two groups: "old" and "new"—neither appellation having anything to do with age. The eleven new lawyers in the study are those admitted in 1974, including one who took the bar examination in February and the one whose application was then pending, who has since been admitted. The thirty-five old lawyers include all the others, except the six who live and practice out of state who were excluded from the study, plus the two with law degrees who have not yet taken the bar examination. Ten resident law students were included as a third category. (Since Rhode Island has no law school of its own, students must either commute to one of Boston's six law schools or go away to school. Since the state does not require preregistration of law students, there is no way to check on students residing out of state who plan to practice law in Rhode Island.)

The study was conducted by questionnaire with follow-up interviews when practicable. The response was excellent. Some communication was had with all but three of the old lawyers, seven of the new lawyers responded, and all ten of the students replied. Most of the respondents were interested, some enthusiastic, but a few were negative. Since no list gave any indication of marital status, the neutral "Ms." was used in cover letter accompanying the questionnaire. One unmarried older woman reacted indignantly to this and returned her questionnaire unanswered stating that her many years of experience did not entitle her to "any practical and valuable opinions for the modern young woman in present day situations." Another woman was "too busy" to respond, and the husband of a third said she was "not interested." Other than these, however, the great majority of comments was both thoughtful and full of insight.

One adage about women in law is that they preponderantly go into government work. The experience of the old lawyers in Rhode Island would seem to belie this: fourteen of those responding are members of firms or partnerships, seven are in government work (excluding the judiciary), five are sole practitioners, three are judges, one works for a corporation, and one for a bank. (As with most of the other questions in the survey, the answers do not add up to 100 per cent since not all women answered every question and some gave more than one answer to the same question. For example, attorneys in some areas of state and local government customarily retain their private practices.) Thus only 23 per cent are engaged in government work. It may be, however, that government is a first-stage employment since more than half—six—of the new lawyers are so employed. This includes a number of judicial law clerks, which lends credence to the idea that government employment is only a temporary stage for many of the new lawyers, as would be true also for those working for Vista or legal services.

Very few of the lawyers surveyed reported special *expertise* or specialization, but of those who did four listed criminal law, three probate, two trusts and estates, and one each tax and equities. Almost all respondents felt that all areas of the law offered equally good opportunities for women, although two warned of the dangers of being stereotyped by concentrating too heavily in family law. One woman felt that criminal law should be avoided but only on economic grounds.

The old lawyers rejected by almost two to one the idea of an all-female law firm. Some did so on grounds that Rhode Island wasn't ready for it or that ideally it might be good but practically it would not be feasible. Others merely dismissed it by saying that it would be just as discriminatory as an all-male firm. One said it was a good idea but not for her. The new lawyers and the students were somewhat more receptive to the idea, dividing almost equally pro and con.

The motives leading women into law were varied but several themes emerged among the old lawyers. Five reported fathers or other relatives in the field who had influenced them, four had been interested from childhood on, several cited social change or social justice, but one of these whose initial interest had been in aid to the poor, reported that she was now more interested in help for the middle class, and one arrived at law by accident—"a happy accident." Previous work or study impelled others toward law; a journalism major who had covered the courts found that both fields required organization, research, and analysis and involved work with people.

The new lawyers were somewhat less likely to mention social change as a motivating force and none mentioned lawyer fathers or other family influence. Better jobs, professional status, aptitude for the profession, a fascinating variety of opportunities, and a stimulating career were the dominant themes. The students echoed the new lawyers to some extent but some called the law a challenge and essential for getting into politics, others saw it as a useful function that can be performed for others, and one felt that as a career it corresponded to her own inner need for order.

Somewhat surprisingly, the students turned out to be the most-married group of the lot, with eight out of ten reporting that they are either married or formerly married (one divorcee) and even more surprisingly 50 per cent (five out of ten) have more than one child. The new lawyers reported the fewest marriages—only three, of whom only one has a child—while of the old lawyers answering this question seventeen are married, two divorced, and eleven have children (including one lawyer in active practice who has seven children). It should be noted that two of the three inactive lawyers cite young children as the reason for their inactivity and one of them would return to active practice if she could find adequate help. Almost all the married women report that their husbands and families are generally supportive, but very few reported outside help except for house cleaning.

Fourteen of the old lawyers said that they had faced some form of sex discrimination, ranging from mild to serious, but fiteen reported that sex had been an advantage to them, and, interestingly enough, this group included many of those who also had reported discrimination. One distinguished lawyer, a member of the first class including women to be graduated from the Harvard Law School, said that in her opinion some of what was interpreted as discrimination was the result of honest misunderstanding and should be taken lightly. She reported that on first appearing for a client in a divorce case and stepping forward when the case was called, she was admonished by the judge to sit down and wait for her lawyer to arrive, "I know this is a trying and emotional experience for you, madam, but you will simply have to wait until your attorney appears." When she finally managed to approach the bench and announce that she was the lawyer, the judge was more embarrassed than she and apologized at length, thereafter taking pains to call her cases first.

DEROGATORY REMARKS ARE OFTEN ENCOUNTERED

Other lawyers have had less happy experiences in court. One woman arranging a continuance for an ailing colleague, also a woman, was asked in open court by the judge if the lawyer was absent "because of female problems." Another lawyer who had practiced for four years and built up both a reputation and a circle of clients was recently married. Following the admonition of etiquette authority Amy Vanderbilt to "keep your maiden name professionally and your social and business lives apart," this lawyer, like a growing number of other women, has chosen to use her own name, not only for her own convenience but also for that of her clients. Refusing to recognize this decision, however, some of her male colleagues deliberately refer to her by her husband's name in court, and one judge has gone so far as to threaten to cite her for contempt if she does not adopt her husband's name. Seven other women, of those who expressed an opinion, use or would use their own rather than their husbands' names and six more use both names.

Other women have encountered sarcastic references to "housewife lawyers," occasional client resistance, and deliberate off-color remarks or a refusal to negotiate seriously on the part of some male attorneys. Job-hunting lawyers have been asked questions such as, "Did you type this résumé yourself?" and "What sort of contraceptive do you use?" and one woman was told that her appointment would depend on approval by the partners' wives. Jokes about "my sister" are not infrequent in court.

Several women mentioned the failure of Gov. Philip Noel to appoint a woman as a judge in 1974, when he had the opportunity of naming five new judges to the family and superior courts, as an example of sex discrimination. One woman disagreed because she felt that the existing ratio of women judges (one in superior court, one in district court, and one probate judge) to women lawyers was higher than that of male lawyers to male judges. Others said it was "disgraceful" that the women of Rhode Island have no representation on the family court bench before whom the most intimate details of family life are revealed and ruled on.

An example of reverse discrimination was cited by two trial lawyers who commented that women on juries often react badly to women lawyers—possibly, they thought, because the middle-aged, middle-class housewife juror is envious of the seemingly assured and authoritative woman lawyer. Whatever the reason, these lawyers are apt to exercise their peremptory challenges on women jurors. Another area in which sex seems to be a factor is professional luncheons and functions. Providence is not replete with attractive places to lunch, and as a result a great deal of business is done over lunch in several private clubs that do not admit women as members or even as guests except in restricted areas. The board of governors of the bar association is said to hold its meetings at one of these clubs, and a number of women felt that their exclusion from the clubs represents a distinct professional disadvantage with both colleagues and clients.

Offsetting to some extent the unpleasant aspects of discrimination is the finding by some women that they receive a measure of extra deference in court, that "Judges listen to you" and the "Supreme court remembers your arguments." Many report that male colleagues exhibit a friendly curiosity about them and that job-hunting in the present tight market occasionally may favor women, particularly now that Title VII is beginning to make an impact. Students report that admission to law schools is easier and acceptance by fellow students more general than heretofore despite an occasional abusive professor or hostile male student. The one black women in the study, a student, says that reaction to her in law school is one of surprise on grounds of both sex and color.

Discrimination apparently does not make itself felt to any great extent in the financial realm. Only four of the old lawyers and none of the new ones felt that they had ever received less than equal pay for equal work. All but one of the new lawyers reported that her starting salary was $10,000 or above as old lawyers are currently earning less than $10,000, but this includes one who works part time and several who are just starting as sole practitioners after previous practice with a firm.

The new lawyers are the least politically minded of the three groups with only one reporting present political activity and one possible future involvement in politics. Twelve of the old lawyers report past or present political activity and eleven expect political engagement in the future. The highest level of political involvement was found among the students, eight of whom are active at present and seven of whom expect to be in the future.

Professional organizations interest many women with a large number recording membership in the American Bar Association as well as the Rhode Island Bar Association and the Women Lawyers' Association. Other professional and honorary societies listed include: American Judicature Society, National District Attorneys Association, Phi Alpha Delta, Association of Trial Lawyers of America, Kappa Beta Pi, Order of the Coif, Saint Ives, and Women Highway Safety Leaders. In addition to Miss Sawyer's LL.D. from Brown University and Judge Florence Murray's numerous honors, there are an LL.M. and Ph.D. in the group, two law review editors, several who were graduated with honors, and one who "passed out" from Cambridge with first-class honors. Also included are the editor-in-chief and three members of the editorial board of the *Rhode Island Bar Journal* and the only lawyer member of the state-wide parole board.

One seemingly irrelevant question was included on the questionnaire because of an observation that there seems to be a disproportionate number of left-handed lawyers in both the classroom and the courtroom. The results confirmed the observation. Of forty-one women who replied to this question, nine reported that they were lefthanded—an incidence of 22 per cent compared with 10 to 11 per cent in the general population.

STEREOTYPES SHATTER UNDER CLOSE SCRUTINY

If any conclusion can be drawn from such a small study, it is that the women lawyers of Rhode Island fail to adhere to most of the stereotypes of women lawyers. They do marry, have children, and remain active professionally; they do not look overwhelmingly for safe bureaucratic jobs in government; they do not hide out in the back rooms of law firms drawing up trusts and wills for rich old ladies. They favor general practice, find the law an intellectual challenge, and are not timid about going to court.

In comparing the advantages and disadvantages of being a woman in this still overwhelmingly masculine field, however, a disturbing theme emerges. The advantages cited are almost exclusively attributable to the scarcity of women lawyers and their novelty in the courtroom. The disadvantages on the other hand relate to male hostility toward independent women and a fear of competition, manifested in various petty or flagrant ways. As more and more women move into the law the novelty will wear off—and with it some of the deference that women now receive—but the competition will increase and probably the hostility. In time perhaps both the special consideration and the hostility will disappear, and women lawyers will come to be accepted merely as lawyers.

CAMBODIA

Mr. PELL. Mr. President, for more than 5 years, Cambodia was front-page news. Since that country came under Communist domination several months ago, however, it has slipped behind an almost impenetrable veil of censorship. Western observers have been barred from the country, resulting in press reports that have been at most sporadic and incomplete. Nevertheless, it is possible to piece together a picture of developments in this ravaged nation.

The picture that has emerged is an ugly one. Horror stories of widespread massacres are common as Phnom Penh has been forcibly depopulated and the country "restored" to a rural, peasant condition. Former leaders and innocent refugees have been killed, while accounts of food shortages only complete this tragic portrait of a society in turmoil.

The United States must not ignore these developments, nor should it blind itself to the reality that has become Cambodia. It cannot be denied that the United States, which for years followed a misguided policy toward Cambodia and all of Indochina, bears some of the responsibility for the hardships there. Yet, it is clear that the Khmer Rouge bear the bulk of the responsibility for the recent atrocities suffered by the Cambodian people.

In the past, many people were strident in their criticism of the former Lon Nol regime. Today, these same individuals, along with the international community at-large, have the duty to speak out and expose the gross violations of internationally recognized human rights that have occurred in Cambodia under the new leadership. While there is no guarantee that outside criticism will have a moderating influence on Cambodia's leaders, it is certain that silence will have no influence at all.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. CHURCH, from the Committee on Interior and Insular Affairs, with amendments:

S. 598. A bill to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes (Rept. No. 94–332).

INTRODUCTION OF A BILL

The following bill was introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 2179. A bill to authorize the Secretary of the Interior to provide relief to the Santa Ynez River Water Conservation District due to delivery of water to the Santa Ynez Indian Reservation lands. Referred to the Committee on Interior and Insular Affairs.

Mr. CRANSTON. Mr. President, I introduce for myself and Senator TUNNEY a bill to authorize the Secretary of the Interior to provide relief to the Santa Ynez River Water Conservation District, in order to compensate for the delivery of water to the Santa Ynez Indian Reservation.

The Santa Ynez River Water Conservation District was formed in 1960 to contract with the U.S. Bureau of Reclamation for a loan to construct a water distribution system and to establish an assessment district to meet obligations under the contract. The system used the Bureau's Cachuma project water in a triangular shaped area encompassing the rural communities of Solvang, Santa Ynez, Ballard, and Los Olivos and adjacent agricultural areas. The contract requires the district to levy ad valorum assessments on land within the district to make the yearly loan repayments.

Within improvement district No. 1 are reservation lands held in trust by the United States for the Santa Ynez Band of Mission Indians, and in 1968, the Indian Health Service built internal water lines for the reservation. Due to serious health problems regarding the local surface water supplies, the Indians asked the Santa Ynez River Water Conservation District to take over the lines for repair and maintenance. In response, the district agreed to provide water to the reservation and to both operate and maintain the lines.

In view of the meager economic resources of the Indian Band, the Water Conservation District determined that the water rate for the reservation should not include a surcharge in lieu of taxes. Combined with the tax exempt status of the reservation land, the decision meant that the Federal Government uses the district's water distribution system at no cost, with services paid for in full by local property taxes.

The legislation I introduce today, which is identical to legislation pending in the House, would give relief to the district to redistribute the cost of the water distribution system on an equal basis. The amount of the bill represents the pro rata part of the water distribution system cost which would have been the obligation of the Indian reservation land were it not tax exempt.

To arrive at the repayment figures, the total acreage within the improvement district—at the time the reclamation loan was received—was computed at 10,097 acres. The total water distribution system cost of $3,850,266, making the per acre cost $382. The 87.85 acres of reservation land, multiplied by $382, makes the Indian Band's share $33,558. The rounded figure—$33,600—would be credited at $1,120 each year for 30 years beginning in January of 1976, the 11th payment date under the contract.

Mr. President, I believe the bill I introduce today is an appropriate correction of a real inequity, and I urge its favorable consideration by the Senate.

AMENDMENT SUBMITTED FOR PRINTING

AGRICULTURE AND RELATED AGENCIES APPROPRIATIONS, 1976—H.R. 8561

AMENDMENT NO. 814

(Ordered to be printed and to lie on the table.)

Mr. TUNNEY (for himself, Mr. CRANSTON, Mr. KENNEDY, Mr. WILLIAMS, Mr. MCGOVERN, Mr. STONE, Mr. CASE, and Mr. ABOUREZK) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 8561) making appropriations for Agriculture and Related Agencies programs for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

ADDITIONAL COSPONSORS OF BILLS

S. 1450

At the request of Mr. JAVITS, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 1450, a bill to decriminalize the personal private use of 1 ounce or less of marihuana.

S. 1466

At his own request, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 1466, the National Disease Control and Consumer Health Education and Promotion Act of 1975.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AMENDMENT OF THE VOTING RIGHTS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume the consideration of H.R. 6219, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask unanimous consent that the order charging the time for the quorum call to my time be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield myself 1 minute.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the voting rights bill the Senate proceed to take up the following measures in the order as stated.

Senate Concurrent Resolution 35, which is the resolution dealing with Romania, the bilateral commercial agreement between the United States and Romania; the transportation appropriations bill, the agricultural appropriations bill, the Treasury-Post Office appropriations bill, the HUD appropriations bill, the State-Justice appropriations bill, and the home financing bill, S. 1281.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE VOTING RIGHTS ACT

The Senate continued with the consideration of the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, and for other purposes.

Mr. DOMENICI. Mr. President, I have two purposes this morning. Ultimately, I shall call up my printed amendment. But before I do that, I should like to discuss a problem with the distinguished Senator from California.

Let me preface that dialogue by stating once again, unequivocally, that the Senator from New Mexico is for extending the Voting Rights Act; that the State of New Mexico will be covered in two ways under the bill. Three of its counties will be triggered by the section that related to the percentage of registered voters who voted in the election that is the triggering election and by the 5-percent provision with reference to a minority group.

Second, we will be covered by title III, in that we will be required to have bilingual ballots in a number of counties because of the triggering mechanisms there.

The Senator from California has received numerous communications from people in New Mexico and has genuinely indicated that the State of New Mexico has an enviable record with reference to nondiscrimination and the election of Spanish-Americans, our principal minority group, to every office in the State. In fact, if representation of the minority group by the election of a person of their minority group was the threshold or the standard, only one State in the Union would fit that description, and that would be New Mexico; for both of their legislative houses have more than 30-percent Spanish Americans. Our Secretary of State is—I shall go through all of those later in my amendment.

We did not just happen to get there. We got there because we did for years some of the things that are proposed in this bill and being mandated on those States and counties that are triggered in. For instance, we have a State statute on bilingual ballots. We have a constitutional protection on bilingual ballots, both of which talk in terms of if it is needed to do it. New Mexico, not for one or two, but for many, many years, had bilingual ballots required for their elections. It sounds kind of strange, but we did that for all those years. We have Spanish Americans, our minority group, elected at an enviable rate across the board. Yet the strange thing is that in 1969, 6 years ago, that State, with that kind of performance, with that kind of record, decided that we did not need bilingual ballots. Now what we are going to do in title 3 is tell New Mexico that they have to have them.

It appears to me that we did not

intend that, but because we have some definition problems, it could be that we are going to have to go backwards in our State and have them, even though everyone, from the Attorney General—who is Spanish American, who wrote to the distinguished Senator from California—to the Secretary of State—who has enforced this law for three different 2-year terms—say, we really do not need it. So I want to talk just for a minute with the Senator from California about a problem that is very disturbing to me.

First of all, on page 4 of the bill, the purpose clause states that what we are really talking about is:

> Such minority citizens are from environments in which the dominant language is other than English.

What we are trying to do in this bill, which is historic, is to say that for those minority groups defined where the dominant language is other than English, we are going this exceptional mile and being sure that they are given ballots and ballot information in their language. I can see no other interpretation than that, that is one of the historic new purpose clauses. Definitely, that would cover a minority group in this country that needs to be covered; namely, the huge Spanish-American population that, in fact, in many areas, have as their dominant language a language other than English—to wit, Spanish.

With that purpose clause, if we would then move over to page 10—and we are now not talking about triggering at all, but the section which provides for election paraphernalia, ballots and assistance and the like, being in a language other than English. To this point, I think I am right that that is what we are trying to do. In section (e) on page 10, we have then proceeded to say "for purposes of this section"—section 203—"the term 'language minorities' or 'language minority group' means persons who are American Indian, Asian-American, Alaskan Natives, or Spanish heritage."

What I think we intended to do, and I wish the opinion of the Senator from California on this, we said that these are the kinds of minority groups, based upon a definable heritage and ancestry, that may very well have the problem that we are trying to solve in that purpose clause—to wit, that their dominant language is other than English. I think the Senator from California would agree with me that that is really what we have in mind here. If we are going to give them ballots and election help in language other than English, these minority groups that I have just described, we are trying to do that to complete the purpose clause, which is that their dominant language is other than English.

To this point, in terms of intention, would the Senator from California agree that that is what we wanted to do?

Mr. TUNNEY. Yes, I think that the Senator's interpretation is correct, but I should like to have an opportunity to explore his interpretation a bit more.

One of the reasons that, on yesterday, I opposed the amendment of the distinguished Senator from Oklahoma (Mr. BELLMON) as it related to title II is that he used the phrase "dominant language" as a part of the definition of a language minority, which, of course, related back to the triggering mechanism. What that meant, simply, was that he was using a word of art and the Census Bureau did not have the data, the statistics, which would enable it to apply the standard that the amendment of the Senator from Oklahoma requires.

Now, as it relates to title III, what we are, of course, referring to there is making the bilingual election materials available. We certainly do not want bilingual election materials made available to everybody in the jurisdiction, only the non-English speakers. So I wrote a letter, and I am going to ask the Senator to look at pages 68 and 69 of the Senate report. Because I am not going to have all the time in the world, I am not going to read these letters, but I ask unanimous consent that they be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JUNE 27, 1975.

Hon. J. STANLEY POTTINGER,
Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, Washintgon, D.C.

DEAR MR. POTTINGER: Certain questions have arisen concerning the approaches necessary for compliance with Title III of S. 1279 and H.R. 6219. One county official, for example, has asserted that Title III requires his office to send out bi-lingual materials to *all* registered voters in his jurisdiction, including those citizens who clearly prefer English language materials. This interpretation seems unnecessarily restrictive, and it is my feeling that less costly schemes could be devised to comply with Title III.

One possibility suggested to me is as follows:

1. For future registrants, each person would indicate a language preference at the time he or she registers, with the understanding that this choice could be changed at any time. All election materials would be supplied in the chosen language.

2. For present registrants, that county registrar would send post cards to all registrants in both English and the appropriate minority language, asking them to indicate a language preference for election materials.

This plan is sketchy, obviously, and I am assuming that all drafting and logistical problems could be worked out. It is suggested as only an alternative approach that would still satisfy the requirements of Title III.

As the official charged with enforcing Title III, should it be enacted, your opinion on these questions would be most helpful. Any thoughts you have on these matters would, of course, be appreciated, but please answer specifically:

(a) Is it necessary under Title III for a state or political subdivision to supply *each* registered voter with bi-lingual materials, or is it sufficient if the citizens needing bilingual materials could be "targeted"?

(b) Would the plan I mention above satisfy the requirements of Title III?

(c) Would you suggest any other approaches for implementation of Title III?

Thank you for your assistance on this matter. Your office has been most helpful to the Subcommittee these past several months, and I am grateful.

Sincerely,
JOHN V. TUNNEY, *Chairman.*

DEPARTMENT OF JUSTICE,
Washington, D.C., July 8, 1975.

Hon. JOHN V. TUNNEY,
Chairman, Subcommittee on Constitutional Rights, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN TUNNEY: This is in response to your letter of June 27, 1975 regarding the implementation of Title III of S. 1279. Please excuse my delay in responding.

Title III provides in relevant part that:

"(c) Whenever any State or political Subdivision subject to the prohibition of subsection (b) of this Section provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language."

I am in agreement with your conclusion that the language of Title III does not require election officials to provide the specified election and registration materials bilingually to each registered voter regardless of that voter's language preference. What Title III would appear to require is that each registered voter have equal access to the specified materials in whichever language designated that he prefers.

Thus, in a covered jurisdiction, a system for the dissemination of election and registration materials which guarantees that a Spanish speaking voter, for example, would receive his or her election or registration materials in Spanish and in the same fashion as English speaking individuals, would, in my judgment meet the requirements of Title III.

It is difficult to discuss hypothetical methods of implementation of Title III in the abstract, and there are likely to be many different alternatives devised to carry out the purposes of this Title. I believe however that an acceptable approach generally patterned on the plan outlined in your letter could be devised. It is my view that a system which is designed to ensure access to bilingual materials, and which does not place an unequal burden upon those voters requiring information and materials in a language other than English, would meet the requirements of Title III.

I hope that this information is of assistance to you.

Sincerely,
J. STANLEY POTTINGER,
Assistant Attorney General, Civil Rights Division.

Mr. TUNNEY. I point out to my friend from New Mexico that what we are asking from the Assistant Attorney General of the Civil Rights Division is what would qualify, under the act, in the way of providing election materials in a minority language. We pointed out that we did not think it was necessary to supply those bilingual materials to everybody that lived in the jurisdiction.

The Assistant Attorney General wrote back and said that he is in agreement, that it does not require election officials to provide the specified bilingual election and registration materials to each registered voter regardless of that voter's language preference.

In my letter to the Assistant Attorney General, we also talked about sending out a postcard of some kind and having a response from the electorate and asking all voters whether they would like to have their ballot in English or in a minority language.

Mr. Pottinger indicated:

> Thus, in a covered jurisdiction, a system for the dissemination of election and regis-

> tration materials which guarantees that a Spanish speaking voter, for example, would receive his or her election or registration materials in Spanish and in the same fashion as English speaking individuals, would, in my judgment meet the requirements of Title III.

So he said there are many different ways this can be done and he does not want to commit himself.

I think it is fair to say that in title III, we want to make materials available to those people who are a language minority, and who do not understand all the election materials that are sent out by the election office. They want to have it in their dominant language and they should have equal access to those materials in their own language. That is the purpose of the amendment.

I hope that clarifies this point for the Senator from New Mexico.

Mr. DOMENICI. I thank the distinguished Senator from California. I shall try to summarize it in my way so that my State will understand as they seek to implement this. What the Senator is saying is that he, too, understands that in title III, we are not talking about the triggering. We are talking about trying to help people who need help because of a linguistic barrier. What the Senator is really trying to do is find a way, in the letters he just referred to and put in the RECORD, really to determine what the dominant language is, since it is a word of art and we do not have any national statistics on it, that he is inquiring as to some way to make sure that those who did need it because their dominant language was not the language of their minority ancestry, that they would not have to be provided the ballot and paraphernalia in their original, native tongue or ancestral language.

Mr. TUNNEY. Yes, that is correct.

I think what is important in the letters is that we asked the Assistant Attorney General this question, and it referred to paragraph 2 of the letter which I will read:

> 2. For present registrants, that county registrar would send post cards to all registrants in both English and the appropriate minority language, asking them to indicate a language preference for election materials.
>
> (a) Is it necessary under Title III for a state or political subdivision to supply *each* registered voter with bi-lingual materials, or is it sufficient if the citizens needing bi-lingual materials could be "targeted"?

The Assistant Attorney General writes back:

> It is difficult to discuss hypothetical methods of implementation of Title III in the abstract, and there are likely to be many different alternatives devised to carry out the purposes of this Title. I believe however that an acceptable approach generally patterned on the plan outlined in your letter could be devised.

So, I think, it covers that.

Mr. DOMENICI. So it may be saying that the Senator asked about one possibility, the Assistant Attorney General responded to it, but there may be other ways that a State may devise along other ways than sending everyone post cards, which was a good suggestion that the Senator tried out, and to prove the point that you do not necessarily have to send it to everybody in both languages just because you have been triggered into the bill.

Mr. TUNNEY. That is correct.

Mr. DOMENICI. There may be other ways to satisfy the U.S. Attorney General that we are, in fact, complying with this section as the Senator and I have been describing it with its intention and purpose being as defined by the Senator so lucidly this morning and on other occasions in terms of what we really want to do in the section.

Mr. TUNNEY. Yes, that is right. It is our intention that the Attorney General will devise such schemes for targeting the voters so that only those voters who want the materials in their minority language, their dominant language, will get them. That is our intent.

I want to thank the Senator from New Mexico for having brought this out in the floor debate because I know it is not only going to represent a significant benefit to the voters of his State, which he so ably represents, but the voters of many other States, as well.

Mr. DOMENICI. I thank the Senator from California.

AMENDMENT NO. 720

Mr. President, I call up my printed amendment No. 720.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk proceeded to read the amendment.

Mr. DOMENICI. Mr. President, I ask unanimous consent that clerk dispense with further reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 1, between lines 6 and 7, insert the following:
>
> "SEC. 102. The Voting Rights Act of 1965 is amended by inserting after section 4 the following new section:
>
> " 'SEC. 4A. The provisions of sections 4, 5, and 203 of this Act shall not apply to any State or political subdivision in which—
>
> " '(1) any one minority group constitutes at least 25 per centum of the membership of each House of the legislature of such State or governing body of such political subdivision on November 1, 1972; or
>
> " '(2) the total minority group membership in each House of the legislature of such State or governing body of such political subdivision constitutes at least 30 per centum of the membership thereof on November 1, 1972' ".
>
> On page 1, line 7, strike out "SEC. 102" and insert in lieu thereof "SEC. 103".

Mr. DOMENICI. Mr. President, on Monday of this week, I introduced my amendment, No. 720, to H.R. 6219, the extension of the Voting Rights Act of 1965. At that time, I expressed my absolute allegiance to those who oppose racial discrimination at the polls. I also expressed my belief that the Voting Rights Act is an essential tool for the task of removing all vestiges of racial discrimination from our electoral process. I take this opportunity to reassert those views.

In extending the Voting Rights Act, the Senate must be certain that the provisions of the act will remain focused on the problems which the act is intended to redress, that is, voter discrimination in all its forms. I am proud to say that the problem of voter discrimination simply does not exist in New Mexico. The secretary of state of New Mexico, Ernestine Evans, has declared, and I quote:

> I am serving my third term in office as Secretary of State, an elected official charged with the responsibility of conducting all statewide and special elections; and, I cannot recall, nor can my staff, a single complaint from a voter with regard to discrimination in our election process.

This is not the comment of one disinterested in the problem of racial discrimination as Mrs. Evans herself is of Spanish heritage. I request that Mrs. Evans' letter to my friend from California (Mr. TUNNEY) in which she expresses her concerns, be entered in the RECORD as exhibit 1 after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. DOMENICI. The attorney general of New Mexico, Toney Anaya, also of Spanish-American descent, submitted a statement to the U.S. Senate Subcommittee on Constitutional Rights, chaired by my distinguished colleague from California. I quote from Mr. Anaya's statement:

> As a Spanish American myself, I am especially sensitive to the needs and rights of the large Spanish American population, and high concentration in some counties of American Indians in New Mexico. I would use all the resources at my command to protect the voting rights of all New Mexicans. I would not tolerate voter discrimination in New Mexico against any group of persons . . . [T]o my knowledge, there is absolutely no evidence of any voter discrimination in this state as described by the Voting Rights Act of 1965.

I request that the attorney general's statement be inserted in the RECORD after my remarks, as exhibit 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. DOMENICI. These statements by two prominent Spanish American New Mexicans, are supported by numerous statistics. In 1974, New Mexicans went to the polls to elect eight State officials. Six of those elected were Spanish Americans, including the Governor, attorney general, commissioner of public lands, State auditor, secretary of state, and corporation commissioner. Members of minority groups constitute 35 percent of the membership of the legislature of New Mexico. That legislature passed a joint memorial urging that New Mexico not be included in any extension of the Voting Rights Act. The joint memorial was passed by the overwhelming majorities of 35 to 0 in the Senate, and 39 to 2 in the House. The memorial was sponsored by nine legislators, only one of whom was not Spanish American. I ask that this joint memorial be included in the RECORD as exhibit 3 after my remarks.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

(See exhibit 3.)

Mr. DOMENICI. The superlative record of minority representation is not limited to the State level. Two of four members of New Mexico's congressional delegation are Spanish-surnamed. The distinguished senior Senator from New Mexico is the only Spanish-surnamed U.S. Senator now serving in office.

On the county level within the State, 118 of 333 elected county officials are Spanish-surnamed. That is 35 percent of the total number elected.

New Mexico's Election Code makes it quite easy for a non-English speaking voter to receive assistance at the polls. Upon the voter's request for assistance, he may be accompanied into the voting booth, or voting machine, by one precinct board member of his own choosing and of his own political party. He may also be accompanied by his spouse or a relative. The assistants may help the voter mark and fold his ballot, or record his vote on the voting machine. I request that section 3-12-29 through 3-12-32 of the New Mexico Election Code be entered in the Record as exhibit 4 after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 4.)

Mr. DOMENICI. Mr. President, what I have described about my State hardly labels New Mexico a hotbed of racism. Indeed, it is a showplace of equality. I praise my State for already having arrived where the country is trying to go.

Exhibit 1

State of New Mexico,
Office of the Secretary of State,
Santa Fe, N. Mex., June 5, 1975.

Hon. John V. Tunney,
Chairman, Subcommittee on Constitutional Rights, U.S. Senate, Washington, D.C.

Dear Chairman Tunney: Thank you for your letter of May 27, 1975, and your interest in obtaining our opinion as to the need and effectiveness of New Mexico being one of the states included in the extension of the Voting Rights Act of 1965.

As chief election officer of the State of New Mexico, I feel very strongly that New Mexico should not be included in the extension of the Voting Rights Act of 1965. Our Attorney General, Toney Anaya, the chief law enforcement officer of our state has submitted his protest of the inclusion of New Mexico in this Act; the New Mexico State Legislature, during the first session of our 32nd Legislature, 1975, passed Senate Joint Memorial 17 urging the United States Congress not to include New Mexico in an extension of the 1965 Voting Rights Act; plus, our two House Members, Congressman Manuel Lujan, Jr., and Congressman Harold Runnels, June 3, before the House of Representatives, supported without success a series of amendments aimed at softening the impact of the Voting Rights Act on New Mexico.

We feel there is absolutely no voter discrimination in the State of New Mexico. I am serving my third term in office as Secretary of State, an elected official charged with the responsibility of conducting all statewide and special elections; and, I cannot recall, nor can my staff, a single complaint from a voter with regard to discrimination in our election process. Among the many assets of our election procedures, we have, and have had for many years, provisions in our statutes for any voter to receive adequate assistance at the polls if requested.

If it is mandated that we print all election supplies in both English and Spanish, it will at least double the cost of conducting elections in New Mexico. Below are preliminary estimates of costs for a primary and general election, in this event.

Expenses paid by the thirty-two counties: 1976 Primary Election, $115,517.56; 1976 General Election, $118,185.42.

Expenses paid by the secretary of state: 1976 Primary Election, $122,748; 1976 General Election, $103,014.

Total: 1976 Primary Election, $238,265.56; 1976 General Election, $221,199.42.

The above estimates do not include increase over the past two years in printing costs, nor increase in cost of legal publications; neither do the figures reflect any printing in the Navajo language (to our understanding, the only Indian dialect in our state that is printable). You will note from the attached copy of the sample ballot, that the Jicarilla Apache Tribe print their ballots for their tribal elections in English; and, we are informed the Navajo Tribe does likewise. We understand that practically 100 percent of the people of Spanish descent in New Mexico can speak, read and write English and that not more than 10 percent of the Navajo Indian citizens read the Navajo language.

Sincerely,

Ernestine D. Evans,
Secretary of State.

Exhibit 2

Statement Submitted by New Mexico Attorney General Toney Anaya

The proposed amendments to the Voting Rights Act of 1965 would, for the first time, affect New Mexico. Three of New Mexico's counties have been identified as meeting the federal criteria for "voter discrimination". The criteria used by the Act are that more than 5% of the population is of any single minority group (Spanish-American or American-Indian in New Mexico) and that the county in question had less than 50% "voter participation" in 1972. Voter participation is defined as the ratio of those persons voting to those persons eligible to vote who reside in the county. The three New Mexico counties identified are Curry, McKinley and Otero.

As Attorney General and Chief Law Enforcement Officer of the State of New Mexico, I am well aware of the laudatory purposes of the Voting Rights Act of 1965. The basic purpose of this act was to eliminate voter discrimination primarily with respect to black Americans in the southern states. I am in complete agreement with the basic purpose of the act. I would also favor an extension of the act into those areas where voter discrimination against Spanish Americans or American Indians has been demonstrated. As a Spanish American myself, I am especially sensitive to the needs and rights of the large Spanish American population and high concentration in some counties of American Indians in New Mexico. I would use all the resources at my command to protect the voting rights of all New Mexicans. I would not tolerate voter discrimination in New Mexico against any group of persons.

I can assure you and the Committee that if there was one scintilla of evidence of voter discrimination in New Mexico, I would support the proposed extension to the Voting Rights Act of 1965 to New Mexico. Fortunately, however, to my knowledge, there is absolutely no evidence of any voter discrimination in this state as described by the Voting Rights Act of 1965. On the contrary, New Mexico on the whole has had a consistently high percentage of voters of Spanish American descent. Spanish Americans do participate in local, state and national elections in large numbers. This is not a subject we can produce statistics on, because New Mexico does not identify voters by ethnic background. But if statistics were available, I have no doubt they would reflect a higher percentage of Spanish-Americans voting than is true for non-Spanish Americans.

Nevertheless, New Mexico can point with pride to the historical enfranchisement of all its citizens. Currently New Mexico has many Americans of Spanish descent in high state and national political office. New Mexico boasts a Spanish surnamed United States Senator and one of its two United States Congressmen is also Spanish surnamed. Of the eight State officials elected in November, 1974, six were Spanish Americans. These were the Governor, Attorney General, Commissioner of Public Lands, State Auditor, Secretary of State, and Corporation Commissioner.

In addition, scores of local elected officials are and have traditionally been of Spanish American descent. A number of American Indians can also be counted among members of the state legislature and local units of government. A compilation of all these would undoubtedly be very revealing to you. To charge that voter discrimination exists in New Mexico, based on the rigid and arbitrary formula referred to above, is both ludicrous and grossly unfair to our state.

If there were any discrimination against any group in New Mexico, it would not be as a result of the formula the Voting Rights Act uses. In the first place, two of the three counties identified in New Mexico (Curry and Otero), have United States Air Force Bases located within the county. Several thousand persons residing in the county, on or off base, are included in your figures as being of eligible voting age. Yet, it is common knowledge that military personnel and their dependents do not necessarily vote in the state in which they are stationed.

These persons usually vote, if at all, in the state in which they are legal residents. Many of these voters vote by absentee ballot. The third county involved (McKinley) contains a large Indian population. The military personnel and their dependents, in Curry and Otero Counties, and the Indians in McKinley county, are included in the eligible voting age population, but these persons either don't vote in New Mexico because they voluntarily chose not to vote or are not registered to vote in New Mexico. If they are not registered to vote, it, in my judgment, is not as a result of discrimination.

On the other hand, if the 50% test is applied to turnout of registered voters, a far different picture emerges. In the presidential election of 1972, 79% of the registered voters in Curry County voted, 76% of the Otero County voters voted, and 77% of the voters in McKinley County turned out to vote. This points out the fallacy of applying the 50% test to eligible voting age population, which includes thousands of persons who don't vote in Nex Mexico, many of whom vote elsewhere. The federal formula simply does not demonstrate that any voter discrimination exists in New Mexico. The federal criteria for voter discrimination is fallacious as applied to Curry, Otero, and McKinley counties.

Secondly, the proposed federal remedy would not affect voter turnout in New Mexico. As a matter of policy, constitutional amendments have been printed in both English and Spanish in the past. The 1975 New Mexico Legislature passed a law which now requires that samples of texts of constitutional amendments be printed in both English and Spanish. These samples are distributed to each county clerk, who in turn distributes them to each precinct in New Mexico. (Laws 1975, Ch. 287). To require duplicate ballots, one set in English and one set in Spanish, would impose a great cost on New Mexico and achieve very little if anything. The main difference between the present system in New Mexico and the proposal recommended in the amendments to the Voting Rights Act, would be that the names of the officers would be printed in both languages. Yet the names of the offices in Spanish and English are very similar, and it is unnecessary to print them in both languages.

Also, the Bureau of Elections has estimated that the printing costs would be doubled. Thus, there is simply no valid reason why New Mexico should be forced, as a matter of federal law, to print entire ballots in both Spanish and English, when the same result is reached under the present New Mexico system of elections, i.e., by printing sample texts of the constitutional amendments in both Spanish and English. Additionally, Spanish ballots would not help the Navajo Indians in McKinley County. To even think of requiring ballots in all the various dialects found in the Indian language would be so ridiculous as not to be worthy of any further comment.

Finally, New Mexico election officials are nearly unanimous in attributing low voter turnout in 1972 to voter apathy, not to any ethnic considerations. As a matter of common knowledge, the 1972 election produced wide-spread voter apathy. Just as voters have the right to vote, they have the constitutional right not to vote. No one has shown one shred of evidence that voter disaffection in New Mexico is even remotely related to voter discrimination or ethnic considerations.

EXHIBIT 3

A JOINT MEMORIAL URGING THE U.S. CONGRESS NOT TO INCLUDE NEW MEXICO IN AN EXTENSION OF THE 1965 VOTING RIGHTS ACT

Whereas, the United States congress is considering an extension of the 1965 Voting Rights Act which is designed to prevent discrimination in registering voters and in voting; and

Whereas, it appears that some members of congress believe that an extension of the act to include the state of New Mexico "will protect the voting rights of 'Mexican Americans', who have been subjected to discrimination in both registering and voting"; and

Whereas, under the federal act, New Mexico, if included, would have to have approval by the United States attorney general before its legislature could change any of its election laws; and

Whereas, in the counties of New Mexico where most of the people of Spanish descent live, the voter registration and the number of those citizens voting at primary and general elections are the largest in the state; Now, therefore, be it

Resolved by the Legislature of the State of New Mexico that the United States congress is hereby respectfully urged not to include the state of New Mexico in an extension of the 1965 Voting Rights Act; and be it further

Resolved that the United States congress is respectfully requested to take note that New Mexico is proud that two of the four congressional delegates from New Mexico have Spanish surnames, as does New Mexico's governor, two justices of its supreme court, two judges of its court of appeals and several elected state officials as well as many county officials; and be it further

Resolved that copies of the memorial be sent to the speaker of the United States House of Representatives, the president pro tempore of the United States Senate, the chairman of the United States House judiciary committee and the members of New Mexico's congressional delegation.

EXHIBIT 4

SELECTED SECTIONS FROM THE NEW MEXICO ELECTION CODE

3-12-29. Eligibility for assistance.—A voter may request assistance in voting only if:

A. he is blind;

B. he is physically disabled; or

C. he is unable to read or write.

3-12-30. Aid or assistance to voter in marking ballot.—A. When a voter requires assistance in marking his paper ballot or recording his vote by voting machine, the voter shall announce this fact in an audible tone before receiving his paper ballot or before entering the voting machine.

B. The voter's request for assistance shall be noted in each pollbook.

C. The voter shall execute the affidavit for assistance as provided by the Election Code.

D. After executing the affidavit for assistance the voter shall be permitted assistance in marking his paper ballot or recording his vote as provided in section 3-12-31 NMSA 1953.

E. Any person who swears falsely in order to secure assistance is guilty of perjury.

3-12-31. Persons who may assist voter.—A. In any primary, general or state-wide special election, if a voter who has executed an afidavit for assistance is blind, he may be accompanied into the voting booth or voting machine only by a person of his own choice.

B. In a primary election, a voter who has executed an affidavit for assistance may be accompanied into the voting booth or voting machine by one [1] precinct board member of his own choosing and of his own political party, and, in addition, he may be accompanied by one [1] person who is either his spouse or a relative to the second degree of consanguinity.

C. In a general or state-wide special election, a voter who has executed an affidavit for assistance may be accompanied into the voting booth or voting machine by two [2] precinct board members representing the different political parties.

3-12-32. Type of assistance.—Persons accompanying the voter into the voting booth or voting machine may assist the voter in marking and folding his paper ballot or recording his vote on the voting machine.

Mr. DOMENICI. Mr. President, my amendment would probably only exclude one State because, to my knowledge, there is only one State that has—whether they have a unicameral or bicameral legislative system—there is only one State in the Union that has 30 percent of the elected State Senators or House members who are of the minority group of that State.

That seems to me to be performance of the type that this act intends to promote in terms of its triggering mechanism, in terms of its goals and objectives.

Mr. President, it might seem inconsistent to be offering a bailout provision and to say that we have this enviable record; yet, to find that three counties in our State are covered by the triggering mechanism. I think we ought to explain that.

As we all know, the triggering mechanism had, basically, two ingredients in it. It had a percentage of minority eligible voters in a State or region, in this case counties, and it had a requirement that at least 50 percent went to the polls.

In this instance, of the three counties that are triggered by that one, take the election of 1974 as the triggering election, we are brought in because not 50 percent voted.

I call to the Senate's attention that in both of those counties, two out of the three, there is a very large military installation. It is obvious that there is no other reason when we look at the demographic facts for the reason. There is no reason why those two should be included and others around it not, other than 50 percent did not go to vote. There is no reason that they find themselves there, that we can discern, other than that there are many people on the military reservation that are included in the general 100 percent eligible voter definition and many of them choose not to vote in State elections, especially where there was no national election attendant the State elections that were held then.

So in this amendment, I am certainly not trying in any significant way to destroy this act, but, rather, to say that if a State has in its Senate and House, or if it is unicameral, its one body, if it has 30 percent of its membership that is of the principal minority in that State, that that State by performance has reached a threshold that is more determinative of the absence of discrimination than the potential arbitrariness that the triggering mechanisms brought into play.

I know that the distinguished Senator from California has on numerous occasions been sympathetic to the cause that I describe here today. I also understand his serious concern and the concern of the ranking minority Member that we not delay the passage of this bill by making conference very difficult and cumbersome. I understand that it has been their approach that no amendments would be accepted, that no amendments would even be voted on, other than on a tabling motion, other than the one yesterday to cut the length of time.

But I truly believe that mine is a very simple one that would set a new and exciting standard for the country or any State that had 30 percent of its elected legislative body, properly apportioned under the one man-one vote rule, which our State and others are, and it is implied as being part of any State legislature, that if we had 30 percent we certainly have performed in a way that is a better test than any of the triggering mechanisms that we have.

I would ask the distinguished Senators to consider accepting this or letting us vote on it as a very logical exception and a new kind of standard for States to shoot at, and if they reach there, they would not be burdened with any of the other provisions, for it would be almost more than presumptive that there would be an absence of discrimination at the Statewide level.

I reserve the remainder of my time.

Mr. MATHIAS. Mr. President, I have been very much impressed with the distinguished Senator's argument and very much impressed with his pride in the progress that his own State has made in dealing with the question of minority participation in the political process and I congratulate both the Senator and the citizens whom he represents for making this kind of progress.

This is an ingenious suggestion that he has made to us and one that I think does look to an important step in political maturation as we move along and develop more and more participation by all segments of society.

But he, himself, has used a word that I might not have used in describing his amendment, and that is, it is another bailout provision. Of course, it is that, and I am afraid that it is a somewhat brittle test.

It sets up a single criterion by which a State can bail out. It could, therefore, bring about some sort of an unfortunate result when only a single aspect of a State's political life is looked at in terms of the broad purposes and the broad goals of the bill.

So I would reluctantly have to oppose the amendment pointing out to the Senator, of course, that there is a bailout provision under the present law, that a State which has arrived at that happy condition in which it feels it is justified in coming out from under the law can seek a declaratory judgment in the courts in which the whole process is examined.

The Attorney General is given authority to consent to a declaratory judgment under those conditions, but then one has all aspects of the problem viewed and not just the single criterion of minority membership in legislative bodies.

It would occur to me that it would be better to retain the broader kind of bailout provision which views the whole process and making value judgment on that whole process, rather than taking just one visible result of the process.

For those reasons, I would oppose the amendment.

Mr. TUNNEY. Mr. President, I would just like to add my concurrence to the statement made by the distinguished Senator from Maryland.

I think that everybody in this Chamber has to applaud the great work the State of New Mexico has done in making the voting process available in equal fashion to every person in the State, whether they are a language minority, whether they are black, white, Indian, there has been a great job done in New Mexico.

But I must agree with the Senator from Maryland that this amendment is not necessary.

I think it is clear from our colloquy that we are intending in the bilingual title III section to make it possible to not have any degree of burden on the local city ordinances, local cities or counties, with respect to making election materials available.

With regard title II, I think a jurisdiction can bail out. I do not think there is any reason why a jurisdiction cannot. We do not really want to have this bill cluttered up with amendments which would take it through conference.

So, I agree with what the Senator from Maryland said.

If the Senator has not completed his statement, I will resist the temptation to make a motion to table, but if he has completed his statement, I will make the motion to table.

Mr. DOMENICI. Will the Senator resist for a couple of moments?

Mr. TUNNEY. Certainly.

Mr. DOMENICI. I just want to respond to the Senator from Maryland with reference to his statement that in our amendment we have picked one situation, and he adequately describes that, to wit, a type of representation of a minority group in a State house and State senate as an indicator of nondiscrimination.

Let me just say to my good friend from Maryland, the triggering mechanism in the bill, the Senator would have to agree, also picks an incident, for it picks an election, one election. It happened not to be an election with national people running. They used 50 percent of the registered voters as the criterion in that one particular incident. If a State or county, in my instance, happened, as to that one incident, to have voted 49 percent and had the minority group present, I suggest the Senator has automatically and for the entire duration of the act found that to be a situation wherein there is discrimination and, thus, the law will be applied.

I would suggest that on the argument that the Senator from Maryland makes on my existence of a situation in a State as being a rather arbitrary one, he would also have to acknowledge with me that both the percentage and taking that election and 50 percent have also been rather arbitrarily picked. As they are applied across the country, they will bring forth the kind of results that I have described here, whether three counties in my State are picked out because of those, in spite of the facts that I have gone over with the Senator and that the Senator from Maryland and the Senator from California are so much aware of.

I thank both Senators for their understanding of our problem on the other issues and for the concern they have for New Mexico being able to minimize the cost of the impact, the duplication of effort, and moving back to some things they have already decided they did not have to do, which they tried for many years. I thank both Senators for that.

I yield back the remainder of my time.

Mr. TUNNEY. Mr. President, I move to lay the amendment on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table.

Mr. ALLEN. I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a vote on the pending motion to table occur at 12 noon, and that in the meantime the amendment may be set aside temporarily for the purpose of taking up other amendments.

Mr. DOMENICI. I have no objection. However, I do not believe we have had a sufficient second to the request for the yeas and nays.

Mr. ROBERT C. BYRD. There will be enough by then.

Mr. President, I ask unanimous consent that it be in order at any time to order the yeas and nays on the pending motion to lay on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Will the Senator reinsert the request for a quorum then, inasmuch as it was called off as a matter of convenience?

Mr. TUNNEY. Mr. President, the Senator from South Carolina (Mr. THURMOND) said that he had several amendments that he would like to bring up.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 729

Mr. THURMOND. Mr. President, I call up my amendment No. 729 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. THURMOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, strike out lines 3 through 6 and insert in lieu thereof the following: "That this Act may be cited as the "Voting Rights Amendments of 1976".

"TITLE I

"SEC. 101. (a) Section 4 of the Voting Rights Act of 1965 is repealed.

"(b) Section 6 of such Act is amended by—

"(1) striking out 'unless a declaratory judgment has been entered under section 4(a),', and

"(2) striking out 'named in, or included within the scope of the determination made under section 4(b)'.

"(c)(1) Section 12(a) of such Act is amended by striking out 'section 2, 3, 4, 5, 7, or 10' and inserting in lieu thereof 'section 2, 3, 5, 7, or 10'.

"(2) Section 12(c) of such Act is amended by striking out 'section 2, 3, 4, 5, 7, 10, or 11 (a) or (b)' and inserting in lieu thereof 'section 2, 3, 5, 7, 10, or 11 (a) or (b)'.

"(3) Section 12(d) of such Act is amended by striking out 'section 2, 3, 4, 5, 7, 10, or 11, or subsection (b)' and inserting in lieu thereof 'section 2, 3, 5, 7, 10, or 11, or subsection (b)'.

"(e)(1) Section 14(b) of such Act is amended by striking out 'section 4 or'.

"(2) Section 14(d) of such Act is amended by striking out 'section 4 or'.

"TITLE II".

On page 1, line 7, strike out "102" and insert "201".

On page 2, beginning with line 7, strike out through line 20, on page 7.

Amend the title so as to read: "An Act to amend the Voting Rights Act of 1965 to repeal section 4 relating to automatic application of that Act, to add bilingual education requirements, and for other purposes.".

Mr. THURMOND. Mr. President, the amendment which I offer would repeal section 4 of the 1965 Voting Rights Act, a section which I have consistently opposed in the past. This amendment, in effect, repeals the triggering mechanism of the act. It is patently unfair to subject the Southern States to the indignity of having the Federal Government review their election laws and send examiners into their borders simply because these States had a literacy test in effect at the time of the 1964 election and failed to meet the 50 percent registration or participation requirement.

Mr. President, in 1964, the literacy qualification for voting in South Carolina was to be able to read and write the Constitution; simply put, this meant that one must be able to read and write. Even if a man could not read or write, he could still vote if he owned $300 worth of appraised property. However, it should be noted that this test has been banned since 1965.

Mr. President, it is most unfair to keep my State of South Carolina under the provisions of this act, on the basis of a situation that existed in 1964 but certainly does not exist today.

Furthermore, I think it is ridiculous that the application of this discriminatory act is invoked if less than 50 percent of the registered voters failed to vote in a Presidential election. There is no way to make people vote if they do not wish to. People fail to vote for various reasons, and one cannot assume the existence of some form of discriminatory practice if an arbitrary percentage of registered voters do not participate.

One of the reasons citizens do not vote is apathy, an attitude I fear Congress is guilty of promoting by its insensitivity to the needs of the greatest number of Americans. The rights of minorities should be and can be protected without ramrodding legislation through this Congress that deprives other Americans of their basic rights and privileges.

Mr. President, I urge the adoption of my amendment, and I call for the yeas and nays.

Mr. TUNNEY. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. TUNNEY. This amendment No. 729 resembles, at least on a first reading, the amendment that the distinguished Senator from Georgia (Mr. Talmadge) offered yesterday, which was defeated. I see that it is different in some respects, but it resembles very closely the amendment that was defeated. It goes beyond that amendment, but many of its parts are exactly the same. The amendment to title II is the same and the amendment to title VI is exactly the same.

It does amend section 5 in addition, but my point of order, Mr. President, is this: Can the Senator from South Carolina offer an amendment which covers on all fours an amendment that has already been offered by the Senator from Georgia and has been defeated?

The PRESIDING OFFICER. The amendment can be offered if there is a substantial difference, and the Chair believes there is a substantial difference.

Mr. TUNNEY. Mr. President, I stated yesterday what my reasons were for objecting to the Talmadge amendment, and the same reasons apply to the amendment of the Senator from South Carolina. Inasmuch as we are under controlled time, and not wanting to dissipate the time that I have available to me, if the Senator from South Carolina does not have anything further to say on the amendment, and if the Senator from Alabama or the Senator from Maryland do not have anything to say, I move to lay the amendment on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table.

Mr. THURMOND. Mr. President, I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

QUORUM CALL

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[Quorum No. 65 Leg.]

Allen
Biden
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Mansfield
Mathias
McClure
Nunn
Stennis
Stone
Thurmond
Tunney

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Pending the execution of the order, the following Senators entered the Chamber and answered to their names:

Abourezk
Baker
Beall
Bentsen
Brock
Brooke
Buckley
Bumpers
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Curtis
Dole
Domenici
Eagleton
Fannin
Fong
Ford
Garn
Glenn
Goldwater
Gravel
Griffin
Hansen
Hart, Gary W.
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Laxalt
Leahy
Long
Magnuson
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Morgan
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Tower
Weicker
Williams
Young

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. Eastland) and the Senator from Indiana (Mr. Bayh) are necessarily absent

I also announce that the Senator from Michigan (Mr. Philip A. Hart) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bartlett) is absent due to a death in the family.

I also announce that the Senator from Oklahoma (Mr. Bellmon) is absent to attend the funeral of a friend.

The PRESIDING OFFICER. A quorum is present.

Mr. MANSFIELD. I ask for the yeas and nays on the motion to table the Domenici amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. TUNNEY. Mr. President, I move to table the Thurmond amendment. I ask for the yeas and nays.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the Thurmond amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), and the Senator from Mississippi (Mr. Eastland), are necessarily absent.

I also announce that the Senator from Michigan (Mr. Hart), is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bartlett), is absent due to a death in the family.

I further announce that the Senator from Oklahoma (Mr. Bellmon), is absent attending a funeral of a friend.

The result was announced—yeas 72, nays 22, as follows:

[Rollcall Vote No. 315 Leg.]

YEAS—72

Abourezk
Baker
Beall
Bentsen
Biden
Brock
Brooke
Buckley
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Domenici
Eagleton
Fong
Ford
Garn
Glenn
Gravel
Griffin
Hart, Gary W.
Hartke
Haskell
Hatfield
Hathaway
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Leahy
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Morgan
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Stafford
Stevens
Stevenson
Stone
Symington
Taft
Tunney
Weicker
Williams

NAYS—22

Allen
Byrd, Harry F., Jr.
Curtis
Dole
Fannin
Goldwater
Hansen
Helms
Hollings
Hruska
Laxalt
Long
McClellan
McClure
Nunn
Scott, William L.
Sparkman
Stennis
Talmadge
Thurmond
Tower
Young

NOT VOTING—5

Bartlett
Bayh
Bellmon
Eastland
Hart, Philip A.

So the motion to lay on the table the amendment (No. 729) of the Senator from South Carolina was agreed to.

AMENDMENT NO. 715

Mr. WILLIAM L. SCOTT. Mr. President, I call up my amendment No. 715 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

On page 1, between lines 6 and 7, insert the following section:

"SEC. 102. Section 4(b) of the Voting Rights Act of 1965 is amended by striking out the words 'maintained on November 1, 1964' and inserting in lieu thereof 'maintained on November 1, 1972'.".

On page 1, line 7, redesignate section 102 as section 103.

Mr. WILLIAM L. SCOTT. Mr. President, this is an amendment that is very simple, easily understood. We would just change the triggering date from November 1, 1964, to November 1, 1972.

I would say as a preface for this amendment, Mr. President, that substantially every provision that is in the temporary——

Mr. HARTKE. Mr. President, will the Senator from Virginia yield for 1 minute on the time of the Senator from California?

Mr. WILLIAM L. SCOTT. I am glad to yield to the Senator.

ORDER OF BUSINESS

Mr. HARTKE. Mr. President, I ask unanimous consent to take up the Veterans' disability bill, H.R. 7767, out of order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

VETERANS DISABILITY COMPENSATION AND SURVIVOR BENEFITS ACT OF 1975

Mr. HARTKE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 7767.

The PRESIDING OFFICER (Mr. STONE) laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H.R. 7767) to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans and to increase the rates of dependency and indemnity compensation, and for other purposes, as follows:

In lieu of the matter proposed to be inserted by the Senate engrossed amendment, insert:

That this Act may be cited as the "Veterans Disability Compensation and Survivor Benefits Act of 1975".

TITLE I—VETERANS DISABILITY COMPENSATION

SEC. 101. (a) Section 314 of title 38, United States Code, is amended—

(1) by striking out "$32" in subsection (a) and inserting in lieu thereof "$35";

(2) by striking out "$59" in subsection (b) and inserting in lieu thereof "$65";

(3) by striking out "$89" in subsection (c) and inserting in lieu thereof "$98";

(4) by striking out "$122" in subsection (d) and inserting in lieu thereof "$134";

(5) by striking out "$171" in subsection (e) and inserting in lieu thereof "$188";

(6) by striking out "$211" in subsection (f) and inserting in lieu thereof "$236";

(7) by striking out "$250" in subsection (g) and inserting in lieu thereof "$280";

(8) by striking out "$289" in subsection (h) and inserting in lieu thereof "$324";

(9) by striking out "$325" in subsection (i) and inserting in lieu thereof "$364";

(10) by striking out "$584" in subsection (j) and inserting in lieu thereof "$655";

(11) by striking out "$727" and "$1,017" in subsection (k) and inserting in lieu thereof "$814" and "$1,139", respectively;

(12) by striking out "$727" in subsection (l) and inserting in lieu thereof "$814";

(13) by striking out "$800" in subsection (m) and inserting in lieu thereof "$896";

(14) by striking out "$909" in subsection (n) and inserting in lieu thereof "$1,018";

(15) by striking out "$1,017" in subsections (o) and (p) and inserting in lieu thereof "$1,139";

(16) by striking out "$437" in subsection (r) and inserting in lieu thereof "$489"; and

(17) by striking out "$654" in subsection (s) and inserting in lieu thereof "$732".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 102. Section 315(1) of title 38, United States Code, is amended—

(1) by striking out "$36" in subparagraph (A) and inserting in lieu thereof "$40";

(2) by striking out "$61" in subparagraph (B) and inserting in lieu thereof "$67";

(3) by striking out "$77" in subparagraph (C) and inserting in lieu thereof "$85";

(4) by striking out "$95" and "$17" in subparagraph (D) and inserting in lieu thereof "$105" and "$19", respectively;

(5) by striking out "$24" in subparagraph (E) and inserting in lieu thereof "$26";

(6) by striking out "$41" in subparagraph (F) and inserting in lieu thereof "$45";

(7) by striking out "$61" and "$17" in subparagraph (G) and inserting in lieu thereof "$67" and "$19", respectively;

(8) by striking out "$29" in subparagraph (II) and inserting in lieu thereof "$32"; and

(9) by striking out "$55" in subparagraph (I) and inserting in lieu thereof "$61".

SEC. 103. Section 362 of title 38, United States Code, is amended by striking out "$150" and inserting in lieu thereof "$175".

SEC. 104. Section 3010 of title 38, United States Code, is amended—

(1) by redesignating paragraph (2) of subsection (b) as paragraph (3); and

(2) by inserting immediately after paragraph (1) thereof the following new paragraph:

"(2) The effective date of an award of increased compensation shall be the earliest date as of which it is ascertainable that an increase in disability had occurred, if application is received within one year from such date.".

TITLE II—SURVIVORS DEPENDENCY AND INDEMNITY COMPENSATION

SEC. 201. Section 411 of title 38, United States Code, is amended to read as follows:

"(a) Dependency and indemnity compensation shall be paid to a widow, based on the pay grade of her deceased husband, at monthly rates set forth in the following table:

"Pay grade	*Monthly rate*
E–1	$241
E–2	248
E–3	255
E–4	270
E–5	278
E–6	284
E–7	298
E–8	315
E–9	[1] 329
W–1	304
W–2	316
W–3	326
W–4	344
O–1	304
O–2	315
O–3	337
O–4	356
O–5	392
O–6	441
O–7	478
O–8	523
O–9	562
O–10	[2] 615

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by sec. 402 of this title, the widow's rate shall be $354.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by sec. 402 of this title, the widow's rate shall be $660.

"(b) If there is a widow with one or more children below the age of eighteen of a deceased veteran, the dependency and indemnity compensation paid monthly to the widow shall be increased by $29 for each such child.

"(c) The monthly rate of dependency and indemnity compensation payable to a widow shall be increased by $72 if she is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.".

SEC. 202. Section 413 of title 38, United States Code, is amended to read as follows:

"Whenever there is no widow of a deceased veteran entitled to dependency and indemnity compensation, dependency and indemnity compensation shall be paid in equal shares to the children of the deceased veteran at the following monthly rates:

"(1) One child, $121.

"(2) Two children, $175.

"(3) Three children, $225.

"(4) More than three children, $225, plus $45 for each child in excess of three.".

SEC. 203. (a) Subsection (a) of section 414 of title 38, United States Code, is amended by striking out "$64" and inserting in lieu thereof "$72".

(b) Subsection (b) of section 414 of such title is amended by striking out "$108" and inserting in lieu thereof "$121".

(c) Subsection (c) of section 414 of such title is amended by striking out "$55" and inserting in lieu thereof "$62".

SEC. 204. (a) The Administrator of Veterans' Affairs shall make a detailed study of claims for dependency and indemnity compensation relating to veterans, as defined in section 101(2), title (38), United States Code, who at time of death during the six-month period September 1, 1975, to March 1, 1976, were receiving disability compensation from the Veterans' Administration based upon a rating total and permanent in nature.

(b) The report of such study shall include (1) the number of the described cases; (2) the number of cases in which the specified benefit was denied; (3) an analysis of the reasons for each such denial; (4) an analysis of any difficulty which may have been encountered by the claimant in attempting to establish that the death of the veteran concerned was connected with his or her military, naval, or air service in the Armed Forces of the United States; (5) data regarding the current financial status of the widow, widower, children, and parents in each case of denial; and (6) an analysis of whether there has been a significant increase in the use of discretionary authority consistent with revised Veterans' Administration program guide instructions issued March 27, 1975 concerning rating practices and procedures.

(c) The report together with such comments and recommendations as the Administrator deems appropriate shall be submitted to the Speaker of the House and the

President of the Senate not later than October 1, 1976.

TITLE III—EFFECTIVE DATE

SEC. 301. The provisions of this Act shall become effective August 1, 1975.

Mr. HARTKE. Mr. President, as chairman of the Committee on Veterans' Affairs, I rise to urge the Senate to support H.R. 7767, as amended, the Veterans' Disability Compensation and Survivor Benefits Act of 1975. This is a compromise version which the House of Representatives returned to the Senate after unanimously approving it Tuesday, July 22. The compromise measure, which affects nearly 2.2 million disabled veterans and 369,000 survivors of veterans who died in service to their country would do the following:

First, provide a 10-percent cost-of-living increase in the rate of disability compensation for those veterans rated 50 percent disabled or less and a 12-percent increase for more severely disabled veterans rated 60 percent to totally and permanently disabled;

Second, provide a 10-percent cost-of-living increase in the rates of additional compensation for dependents of veterans whose disabilities are rated 50 percent or more;

Third, provide an increase in the annual clothing allowance of $25 for those veterans who because of a compensable disability wear or use a prosthetic or orthopedic appliance, including a wheelchair, which tends to wear out or tear their clothing, from $150 to $175;

Fourth, provide that the effective date of award of increased compensation shall be the earliest date it is ascertainable that an increase in disability occurred if the application is received within a year of such date;

Fifth, provide a 12-percent cost-of-living increase in the rates payable for dependency and indemnity compensation, DIC, for widows and children as well as additional allowances for those in receipt of DIC and death compensation in need of aid and attendance;

Sixth, provide for a study to be conducted by the Veterans' Administration—to be submitted by October 1, 1976—of application for dependency and indemnity compensation, DIC, by widows of veterans who had disabilities rated total and permanent at the time of death, which shall include an analysis of whether there has been a significant increase in the use of discretionary authority by the VA in claim awards; and

Seventh, provide that the effective date for all increases will be August 1, 1975.

To briefly review the history of the measure before the Senate today, Members will recall that the House passed a compensation measure on June 16, 1975 which would have provided disability compensation increases ranging from 6 to 10 percent depending on the severity of the disability and a 10-percent increase in survivor benefits for widows of veterans who died of service-connected causes. The Senate Committee on Veterans' Affairs, which I am privileged to chair, unanimously reported my bill, S. 1597, on June 19, which was unanimously approved by the full Senate on June 23. The text of S. 1597 was then substituted for the text of the earlier passed H.R. 7767 and the bill as amended was returned to the House.

Following that action, intensive discussions occurred between the two committees. While the compromise version does not contain all that I would have hoped for, it is, I believe, a reasonable resolution of the differences between the House and the Senate-passed bills. The increases of from 10 to 12 percent should generally cover the rise in the cost of living, which has occurred since rates were last adjusted in May 1974. As my colleagues are aware, the rate of increase in the Consumer Price Index has slowed considerably in recent months.

Although I believe the higher Senate-passed increases of 12 to 14 percent were fully justified, our committee members were cognizant of the views expressed by our counterparts in the House concerning restrictive policy interpretations followed by the House Budget Committee, as well as the administration's continuing opposition to any increases above 5 percent.

Mr. President, I ask unanimous consent that the following table comparing disability compensation rates under present law and those proposed under the compromise version of H.R. 7767 before you be printed in the RECORD at this point.

There being no objection the table was ordered printed as follows:

TABLE—COMPARISON OF COMPENSATION RATES UNDER PRESENT LAW AND UNDER H.R. 7767, COMPROMISE VERSION

Disability	Present law	H.R. 7767, compromise version	Number of veterans
(a) Rated at 10 percent	$32	$35	867,474
(b) Rated at 20 percent	59	65	343,550
(c) Rated at 30 percent	89	98	314,173
(d) Rated at 40 percent	122	134	179,542
(e) Rated at 50 percent	171	188	112,546
(f) Rated at 60 percent	211	236	115,104
(g) Rated at 70 percent	250	280	75,348
(h) Rated at 80 percent	289	324	37,380
(i) Rated at 90 percent	325	364	13,016
(j) Rated at total	584	655	122,215
Limit for veterans receiving payments under (a) to (j) above			
(l) Anatomical loss or loss of use of both hands, both feet, 1 foot and 1 hand, blindness in both eyes (5/200 visual acuity or less), permanently bedridden or so helpless as to require regular aid and attendance	727	814	9,129
(m) Anatomical loss of use of 2 extremities so as to prevent natural elbow or knee action with prosthesis in place, blind in both eyes, rendering veteran so helpless as to require regular aid and attendance	800	896	5,387
(n) Anatomical loss of 2 extremities so near shoulder or hip as to prevent use of prosthesis, anatomical loss of both eyes	909	1,018	1,602
Limit for veterans receiving payments under (l) to (n) above			
(o) Disability under conditions entitling veteran to 2 or more of the rates provided in (l) through (n), no condition being considered twice in the determination, or total deafness in combination with total blindness (5/200 visual acuity or less)	1,017	1,139	29
(p) If disabilities exceed requirements of any rates prescribed, Administrator of VA may allow next higher rate or an intermediate rate, but in no case may compensation exceed	1,017	1,139	6,370
(r) If veteran entitled to compensation under (o) or to the maximum rate under (p), and is in need or regular aid and attendance, he shall receive a special allowance of the amount indicated at right for aid and attendance in addition to whatever he is receiving under (o) or (p)	437	489	8,285
(s) Disability rated as total, plus additional disability independently ratable at 60 percent or over, or permanently housebound	654	732	7,135
Total number of cases affected			2,211,915

Mr. HARTKE. Mr. President, I also ask unaimous consent that the following table comparing existing dependency and indemnity compensation rates—DIC—with those contained in H.R. 7767 be printed in the RECORD as well.

There being no objection the table was ordered printed as follows:

TABLE—COMPARISON OF DIC RATES UNDER PRESENT LAW AND H.R. 7767, COMPROMISE VERSION

Pay grade	Present law	H.R. 7767, compromise version	Estimated number of DIC widows—fiscal year 1976
E-1	$215	241	38,900
E-2	221	248	24,400
E-3	228	255	21,200
E-4	241	270	20,000
E-5	248	278	19,700
E-6	254	284	18,260
E-7	266	298	19,700
E-8	281	315	2,400
E-9	294	329	1,100
W-1	271	304	1,200
W-2	282	316	1,800
W-3	291	326	640
W-4	307	344	680
0-1	271	304	3,300
0-2	281	315	6,100
0-3	301	337	9,500
0-4	318	356	8,100
0-5	350	392	6,800
0-6	394	441	5,500
0-7	427	478	440
0-8	467	523	420
0-9	502	562	90
0-10	549	615	40

Mr. HARTKE. The first full year cost of the compromise version is estimated to be $490.7 million. This compared with an original House bill cost of $394.8 million and the original Senate-passed measure, which would have had a full-year cost of $583.4 million. Since the measure will become effective on August 1, 1975, the fiscal year 1976 cost will be even less than that at $449.4 million.

I am also pleased to report that the House agreed to accept two other Senate provisions which I believe are of importance. The first is a cost-of-living increase from $150 to $175 in the annual clothing allowance payable to those eligible disabled veterans who wear or use prosthetic or orthopedic appliances which tend to wear out or tear their clothing. Currently 52,273 veterans receive such a clothing allowance.

Second, the House also agreed to accept the Senate-passed liberalization of the effective date of a VA award of increased compensation as provided in the original Senate-passed measure, the effective date of an award of an increase in compensation will be the earliest date as of which it is ascertainable that an increase in disability occured provided the application is received within 1 year of such date.

Mr. President, perhaps the one item that occasioned more discussion than any other was the Senate provision granting automatic entitlement to dependency and indemnity compensation, DIC, to survivors of veterans who were rated totally and permanently disabled for a period of 1 year or more at the time of their death.

A study submitted earlier this year of claims for DIC benefits by such widows—pursuant to section 207 of Public Law 93–295—found that nearly 25 percent of those claims were rejected. In recommending that the Senate enact provisions providing automatic entitlement and survivor benefits to those widows who had been married to veterans whose disabilities were rated total and permanent in nature, the committee report noted the difficulties often encountered in establishing service-connection when the overall effect of the disability on a veteran was frequently unknown.

I ask unanimous consent that relevant excerpts from the committee report be inserted in the RECORD at this point.

There being no objection the material was ordered printed as follows:

The Committee is convinced that many of these denials were caused by the VA's failure, despite however well-meaning claims adjudicators may be, to take into account adequately the total impact of a total and permanent disability. Such a condition may be a contributing factor to a death resulting from a disease or dysfunction, which of itself may not be regarded as service connected in origin. Existing procedures, often do not take into account the recognized fact that catastrophic disabilities cannot be isolated in the body to one organ, one limb or particular dysfunction, but rather affects in one way or another a person's entire physical and mental system.

The Disabled American Veterans testified, for example, that:

In many instances, even though a claimant may submit medical evidence which supports the claim for contributory cause of death, DIC benefits are denied by the VA on the basis of difference in medical opinion. This holds true even in cases where a veteran prior to his death had a service-connected disability permanent and total in nature of many years duration. . . . We hold to the view that such a total disability must in and of themselves virtually affect the general wellbeing of a veteran and therefore materially hasten the death process.

The Paralyzed Veterans of America testified:

How can you justify to his widow or his children that once the veteran is dead, we no longer have a responsibility to you? Any veteran determined to be totally and permanently disabled has suffered a traumatic injury to substantially shorten his life expectancy. In the instance of a spinal injury, he is expected to live to the age of 57, substantially less than a normal life expectancy. Excessive strain on certain vital organs, susceptability to infection and accident, drastically shorten the number of years he will be able to live and provide for his family. This affliction is again a result of service to his country and the responsibility is ours.

The Committee further believes that present practice also fails to acknowledge adequately that a total and permanent disability can severely shorten life expectancy of a veteran. The American Legion testified that:

Ratings of disability under the Veterans' Administration schedule for rating disabilities do not take into consideration reduced life expectancy flowing from total service-connected disability.

Mr. HARTKE. At the same time the committee also expressed the opinion that even if there was no ambiguity with respect to the cause of death, that other factors justified the awarding of DIC benefits and that such action would not be inconsistent with the special recognition that veterans laws confer to those who are married to veterans with disabilities rated total and permanent in nature.

I ask unanimous consent to insert relevant committee excerpts concerning this in the RECORD at this point.

There being no objection the material was ordered printed as follows:

Aside from the difficult question of deciding whether or not a death was service connected, there is the additional and equally important question of the financial condition of those the totally disabled veteran leaves behind. According to the study submitted by the Veterans' Administration, the total income of those veterans' widows denied DIC benefits averaged $2,621 a year. The American Legion in its testimony noted that:

Because of the severity of this level of disability, veterans so rated have a reduced earning capacity. Both reduced life expectancy and diminished earnings resulting from such disability deny the survivors an economic status they might otherwise have experienced.

The Disabled American Veterans further testified:

Any veteran who suffers from physical and economic effects of a total service-connected disability should have the statutory assurance that upon his death, his widow and children will receive the measure of security available for DIC entitlement. It has long been our contention that totally disabled veterans due to the economic impairment caused by a service-connected disability are not in a position to provide any substantial financial security for their families following their death.

The meager economic resources available to widows as reported in the VA's study would appear to strongly support this contention.

Further, special recognition for those married to veterans with disabilities total and permanent in nature would not be unique. For example, educational and training assistance benefits are currently provided under chapter 35 of title 38, United States Code. Second, medical benefits are authorized for the spouses of totally disabled veterans under the CHAMPVA program, created by the Veterans Health Care Expansion Act of 1973 (Public Law 93–82). And finally, job counseling, training, and placement assistance under chapter 41 of title 38, United States Code, was made available to this group under the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (Public Law 93–508). Thus, automatic entitlement to DIC benefits would be a logical extension of the special status we accord to the spouses of severely disabled veterans. Further, the assurance of this additional income for the survivors should provide peace of mind for severely disabled veterans during their lifetime with the knowledge that their widows and children will be cared for after their death.

Thus, the Committee believes that even in these cases where there is no ambiguity with respect to service connection, a strong argument can be made for compassionate generosity to this group of widows who have devoted so much of their lives to their totally disabled veteran spouses.

Mr. HARTKE. In the discussions that ensued with the House Committee, I believe it is a fair characterization to say that while they were concerned with the difficulties of establishing service connection, particularly in those cases where veterans were rated total and permanent in nature, they were not prepared to accept the reasoning for awarding DIC benefits in those cases where there was no possible question about service connection such as where the veteran may have died of accidental causes in a plane crash, for example.

The House Committee was aware, as was the Senate, of revised program guide instructions issued on March 27, 1975—subsequent to the VA's required report to the Congress—concerning rating practices and procedures. The purpose of the program guide, according to the Chief Benefits Director, was "to reemphasize and encourage more equitable use of the broad discretionary power" which presumably would have been applied to include a large segment of the 25 percent of those widows whose claims were turned down. I ask unanimous consent that the revised program guide instruction be printed in the RECORD in full at this point.

There being no objection the material was ordered printed as follows:

MARCH 27, 1975.

DEPARTMENT OF VETERANS BENEFITS,
Veterans Administration,
Washington, D.C.

Department of Veteran Benefits PG 21–1, "Program Guide, Compensation and Pension", is changed as follows:

Pages P–2–1 and P–2–2: Insert these pages attached.

These pages are added to reemphasize and encourage a more equitable use of the discretionary power which is vested in the rating boards by controlling regulations and instructions pertaining to contributory cause of death.

J. C. PECKARSKY,
Acting Director, Compensation and Pension Service.

RATING PRACTICES AND PROCEDURES

DEATH

The purpose of this program guide is to reemphasize and encourage a more equitable use of the broad discretionary power which is vested in the rating boards by controlling regulations and instructions pertaining to contributory cause. Toward this end, the provisions of VAR 1312(C) and PG 21–1, section P–1, should be carefully studied and applied.

In giving more thought as to how a service-connected condition can contribute to death, the following should be considered by the rating board:

(1) Does it impair the general health of the individual so that he or she is less able to ward off the effects of disease or trauma?

(2) Does it act together with other conditions so as to produce a combined effect that overwhelms the individual's natural defenses?

(3) Does it deprive his body of its built-in reserve capabilities such as when one lung, or one kidney is removed and death is later due to a non-service connected involvement of the paired organ?

(4) Does it leave a vital organ so damaged that it renders it incapable of resisting the effects of an unrelated superimposed pathology such as a viral pneumonia upon fibrotic lungs?

(5) Does it materially adversely affect the natural psyche to live, leading in the obvious cases to suicide and in the more subtle cases to subconscious behavior patterns, such as alcoholism, gluttony and drug addiction; or such as a profound and total disregard of normal self care measures leading inevitably to fatal consequences? These mental processes are often observed in psychotics and psychoneurotics with severe symptoms bordering on psychosis and those with very incapacitating conditions such as paraplegia, gross mutilation and disfigurement.

During the rating board's deliberation, the following guideposts should trigger in-depth consideration of the issue of contributory cause of death:

Does he have service connection for:

(1) A cardiovascular condition?
(2) A genitourinary condition?
(3) Other involvement of a vital organ?
(4) A chronic constitutional disease?
(5) A disability ratable at 50% or more?

Minor service-connected disabilities of a static nature which do not affect a vital organ do not as a general rule, play a part in hastening death from an unrelated disease. It is to be recognized, however, that these disabilities of low evaluation can increase in severity prior to and at time of death and may as an active process become a material factor in hastening death.

Mr. HARTKE. While some skepticism was initially expressed by the Senate as to the operation of this program guide, House committee staff members informed their Senate counterparts that they have been notified by the Veterans' Administration that there will be great liberality in the exercise of discretionary authority in all cases where claims should not clearly be excluded as in the case of accidental death.

Accordingly, another study similar to that required by section 207 of Public Law 93–295 has been directed which will include "an analysis of whether there has been a significant increase in the use of discretionary authority consistent with program guide instructions issued March 27, 1975, concerning rating practices and procedures." As my distinguished counterpart on the House side, Chairman ROBERTS noted during consideration of the compromise measure on Tuesday, July 22, "should the follow-up study show that the desired results are not being obtained appropriate legislative action will be considered by the Committee on Veterans' Affairs."

I want to assure my colleagues that equal if not greater vigilance will be exercised by the Senate committee and if the liberalized use of discretionary authority is not followed legislative action will result next October as surely as the World Series.

Finally, Mr. President, the House bill contains one provision not found in the original Senate bill, which relates to the servicemen's group life insurance program. A similar provision is included in S. 1911, the Veterans Insurance Amendments Act of 1975, currently pending before the Subcommittee on Housing and Insurance, chaired by Senator STONE. Hearings on the House provision as well as other amendments will be scheduled following the August recess. In order that we may consider all amendments affecting the insurance program and receive the views of interested parties, it was agreed that the House amendment would be dropped without prejudice pending a more thorough examination by the Senate.

Mr. President, I ask unanimous consent that the table showing the 5-year cost of H.R. 7767, compromise version, be inserted in the RECORD at this point.

There being no objection the material was ordered printed as follows:

TABLE—5-YR COST OF H.R. 7767 COMPROMISE VERSION

[In millions of dollars]

Provision	Fiscal year cost					
	1976	Transition period	1977	1978	1979	1980
10-to 12-percent increase in disability compensation	356.1	97.0	387.5	386.0	385.0	383.7
10-percent increase in additional allowances for dependents	12.2	3.3	13.2	12.3	13.1	13.1
$25 increase in clothing allowance	1.4	1.2	1.4	1.5	1.5	1.5
12-percent increase in DIC for widows	79.7	21.8	8.4	89.6	90.5	91.4
Total	449.4	122.1	489.1	488.8	488.6	488.2

Mr. HARTKE. Mr. President, I also believe it would be useful for my colleagues to insert a section-by-section analysis of the compromise bill in the RECORD.

There being no objection the material was ordered printed as follows:

SECTION-BY-SECTION ANALYSIS AND EXPLANATION OF H.R. 7767, COMPROMISE VERSION

Section 1

This section provides that the proposed act may be cited as the "Veterans Disability Compensation and Survivor Benefits Act of 1975."

TITLE I—VETERANS DISABILITY COMPENSATION

Section 101

Subsection (*a*) provides increases in the basic rates of service-connected disability compensation payable under section 314 of title 38, United States Code, ranging from 10 to 12 percent depending upon the degree of severity of disability. Increases of 10 percent are provided for disabilities rated 10 to 50 percent. Increases of 12 percent are provided for disabilities rated 60 to totally and permanently disabled. Currently, a veteran with a 10-percent disability receives $32 monthly and a veteran with a disability rated at 100 percent receives $584. The rates would be increased to $35 and $655, respectively. An increase of 14 percent is provided for all higher statutory awards involving combinations of severe disabilities.

Subsection (*b*) authorizes administrative adjustment consistent with the rate increases specified in *subsection* (*a*), of the rates of disability compensation payable to persons under section 10 of Public Law 85–857 who are not in receipt of compensation under chapter 11 of title 38, United States Code.

Section 102

This section provides increases in the additional allowances payable under section 315 of title 38, United States Code to service-connected disabled veterans with spouses, children, and dependent parents when the veteran is rated 50 percent or more disabled. These allowances are increased by 10 percent and would affect approximately 365,000 veterans.

Section 103

This section would provide an increase in the clothing allowance of $25 payable under section 362 to any veteran who because of his compensable disability wears or uses a prosthetic or orthopedic appliance, including a wheelchair, which tends to wear out or tear his clothing, from $150 to $175.

Section 104

This section would provide that the effective date of an award of increased compensation shall be the earliest date at which it is ascertainable that an increase in disability occurred if the application is received within one year from such date. This amendment is consistent with amendments concerning pension awards made last year by Public Law 93–177.

TITLE II—SURVIVORS DEPENDENCY AND INDEMNITY COMPENSATION

Section 201

Subsection (*a*) would increase the rates of dependency and indemnity compensation (DIC) payable under section 411 to the widows of veterans who died of service-connected causes. Currently, the minimum amount of DIC payable is for the widow of a veteran who attained the grade of E–1, $215 monthly, ranging upward to the DIC payable to the widow of a veteran who attained the grade of O–10, of $549 per month. These rates would be increased by 12 percent or $241 per month for an E–1 up to $615 per month for an O–10.

Subsection (*b*) would increase the additional monthly allowance payable under section 411(b) to a widow receiving DIC for each child under eighteen by 14 percent from $26 to $29.

Subsection (*c*) would provide a 12 percent increase in the additional allowance payable under section 411(c) to a widow in receipt of DIC who is in need of aid and attendance from $64 per month to $72.

Section 202

This section would provide a 12 percent increase in the rates of DIC payable under section 413 for children when there is no widow entitled. Currently the rates range from $108 for one child to $201 for three children plus $40 per month for each additional child. The increases would provide rates of $121 to $225, respectively, with $45 for each additional child.

Section 203

Subsection (*a*) would provide a 12-percent increase in the additional allowance payable under section 414(a) to a child eligible for DIC who had attained the age of eighteen and is permanently incapable of self-support from $64 to $72 per month.

Subsection (*b*) would provide an increase of 12 percent in the additional allowance (from $108 to $121 per month) payable under section 414(b) to a widow receiving DIC when there is a child eligible who has attained the age of eighteen and is permanently incapable of self-support.

Subsection (*c*) would provide a 12-percent increase (from $55 per month to $62) in the additional allowance payable under section 414(c) to a widow in receipt of DIC when there is a child pursuing a course of education approved under section 104.

Section 204

This section directs the Veterans' Administration to conduct a study to be submitted to the Congress not later than October 1, 1976 of claims for dependency and indemnity compensation (DIC) by widows of veterans who at the time of their death had a disability rated total and permanent in nature, with particular attention toward the disposition of these cases, the difficulty in proof of service-connected death, an examination of the current financial situation of those widows and families denied DIC, and an analysis of whether there has been a significant increase in the use of discretionary authority consistent with the revised Veterans' Administration program guide issued March 27, 1975 concerning rating practices and procedures.

TITLE III—EFFECTIVE DATE

Section 301

Provides that the provisions of this Act shall become effective on August 1, 1975.

Mr. HARTKE. Mr. President, I believe this bill is worthy of our support and I urge that we act on it immediately to send it forward to the President, who I hope recognizing the need and justification for this measure, will sign it promptly into law.

Mr. THURMOND. Mr. President, I support H.R. 7767, which represents a compromise between the Senate bill and the House bill on disability compensation.

Originally, the Senate bill provided for a 12- to 14-percent increase in compensation rates, while the House bill contained a 6- to 10-percent increase in the rates. The compromise version will provide a 10-percent increase in the rates for disdisabled veterans who are rated 50 percent or less disabled, and will provide a 12-percent increase in rates for veterans who are 60 percent or more disabled.

The bill will also provide a 12-percent increase in dependency and indemnity compensation benefits for survivors of service-connected disabled veterans.

Mr. President, the bill will become effective August 1, 1975, and will increase the clothing allowance for disabled veterans who must wear or use prosthetic or orthopedic appliances which tend to wear out their clothing from $150 to $175 per year.

Mr. President, I believe this bill represents a reasonable compromise, and that the provisions are meritorious. I urge my colleagues to join in support of the bill.

Mr. HARTKE. Mr. President, I move that the Senate concur in the amendment of the House of Representatives to the amendment of the Senate to the bill, H.R. 7767.

The motion was agreed to.

Mr. HARTKE. Mr. President, I thank the Senator from Virginia as a member of the Veterans' Committee for his courtesy.

AMENDMENT OF THE VOTING RIGHTS ACT

The Senate continued with the consideration of the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend Certain provisions for an additional 10 years, and for other purposes.

Mr. WILLIAM L. SCOTT. Mr. President, substantially all of the rights that are in the temporary legislation are in the permanent legislation of the Voting Rights Act. The principal diffierence relates to the burden of proof.

Under the permanent provisions of the law, the Government must prove its case. Under the temporary provisions of the law there is a presumption of wrongdoing that has to be overcome by the State covered by the temporary provisions.

My amendment would change the date of the factual situation from 1964 to 1972.

It seems to me that if we are going to have this triggering provision apply to some of the States—and let me just read the triggering provision:

> (b) The provisions of subsection (a) shall apply in any State or in any political subdivision of a state which (1) the Attorney General determines maintained on November 1, 1964, any test or device, and with respect to which (2) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 per centum of such persons voted in the presidential election of November 1964.

In my own State of Virginia since this bill was enacted—and I ask my colleague from Virginia to assist me for just a moment, if he will—Virginia has had more than 2,200 requests for preclearance. We have had to submit to the Department of Justice for preclearance more than 2,200 times and, to a large extent, these were local items where we would change the location of a precinct boundary line. It has been a nuisance.

This is a computer printout that I have in my hand. That is all it is, a computer printout furnished by the Department of Justice. It shows the more than 2,200 submissions that one State has had to make. Only 8 objections have been made to the more than 2,200 submissions. There has been no allegation of wrongdoing on behalf of the State of Virginia.

If this law is extended, we go back to the November 1964 date for a determination.

Our State has eliminated the constitutional requirement for a literacy test. The requirement has been removed from the constitution of Virginia, the statute under which the literacy test existed. It has been repealed. So in Virginia we have no literacy test. There was a referendum of the people in 1971 in which the people of Virginia decided they did not want a literacy test and removed it from the constitution.

Mr. HARRY F. BYRD, JR. Will my colleague yield?

Mr. WILLIAM L. SCOTT. I am glad to yield.

Mr. HARRY F. BYRD, JR. I note on this computer printout the county of Buchanan in the southwestern part of our State.

I might say that county has the deepest coal mine in all of North America. That was not, however, the point for which I asked my colleague to yield.

The county of Buchanan, which was forced to come to Washington to change some of its electoral procedures, does not have ne single black in the entire county, not one. Yet it was forced to come to Washington to get clearance for its electoral procedures. What nonsense.

Mr. WILLIAM L. SCOTT. My colleague is giving an example, Mr. President. In the city of Fredericksburg there was a desire to change a petition within the city registrar's office. Again, the State of Virginia had to come to Washington on behalf of the city of Fredericksburg and obtain approval. The Attorney General is given 60 days in which to decide whether or not he wants to object. If we want to hold registration out in a shopping center, for example, to encourage more people to vote, we cannot do that because we have to give 60 days notice and get approval before we can do it.

Mr. President, this is more of a nuisance. We have the one man, one vote rule. Virginia is growing a little faster than the country as a whole, northern Virginia particularly, the Richmond area, and the Norfolk area. Naturally, precinct boundaries must be changed from time to time. But they cannot be changed, even though under our State law they are changed by order of our circuit court. Petition is filed and the circuit court approves it. But that is not good enough. We have to go to Washington and have the determination made by the U.S. Attorney General. The alternative, of course, is to go to the Federal court in the District of Columbia, not even a Federal court in Virginia.

From 1975 we go back 11 years to determine the facts that trigger a given State under this nuisance law.

If the House agrees with the amendment and the extension actually is only for 7 years, of course, that will be up to 18 years that you go back to get the facts to determine whether you discriminate against a particular State. And it is discrimination because it does not apply all over the country. We are talking about discriminating against people. Here we are discriminating against the people of an entire State when you discriminate against Virginia. Of course, you are discriminating against various other States. It will be a total of 25 States and political subdivisions that we are talking about, either 25 States in whole or in part.

When this expanded discrimination bill gets into effect, I expect we will hear a hue and cry from all around the country. I just wonder if the Senators from any of those 25 States are thinking as clearly about the effect it will have on the people of their State as they should be.

If the bill is extended for 10 years, as is proposed in the House bill and if the House does not accept the Senate amendment offered by the distinguished

Senator from West Virginia which the Senate accepted last night, it will go 21 years back to determine what State has been discriminating.

It seems to me to be reasonable to permit a State to come out from under this act. My amendment would bring the State of Virginia out from under the temporary provisions because we have no literacy test at this time. We had no literacy test on November 1, 1972. That is not because of this law but because the people of the State of Virginia, by referendum, removed a requirement for the test.

I cannot conceive of Virginia reestablishing a literacy test in view of all of this controversy that we have had over the past 11 years if this amendment is adopted.

Mr. President, I have a number of amendments to offer. I am going to try not to take excessive time so I will not use up my hour. I do hope I will have the opportunity to introduce some amendments that are already at the desk which I feel have merit, in addition to this one.

I hope the Senate will give serious consideration to this amendment.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. TUNNEY. Mr. President, I am going to move to table the amendment and I ask unanimous consent that it be in order to order the yeas and nays on that motion and I ask for the yeas and nays.

Mr. WILLIAM L. SCOTT. Naturally.

The PRESIDING OFFICER. Is there objection to ordering the yeas and nays on the motion to table?

Without objection, it is so ordered.

Is there a sufficient second? There is a sufficient second.

Mr. TUNNEY. I have not made the motion yet.

The PRESIDING OFFICER. The Chair understands that.

The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, the amendment proposed by the distinguished Senator from Virginia is, on its surface, as he has described it, a very simple, very direct, very forthright amendment. It simply changes a date. But the effect is a little more far-reaching than would appear. By changing the date it changes the entire coverage of the act. That would have far-reaching and very complex effects.

I understand exactly the point he makes about additional legal burdens imposed by the act, but I would suggest to the Senator from Virginia that there is a remedy now which accomplishes precisely what he wants to accomplish.

He can enter any area in which the bill is active—I do not say covered, because I maintain that the bill covers the whole country—but where active compliance is required. That jurisdiction can go into court and can bail out with a declaratory judgment. If there is no reason to maintain the specified active phase, the Attorney General can consent to the declaratory judgment.

So I would suggest that this amendment really constricts the coverage of this bill in a way that would be harmful, and a way that I think would vitiate a lot of the goals of the act. The full coverage has been determined to be necessary, by both the Judiciary Committee of the Senate and that of the House. Other bailout is available, and so I would strongly oppose the adoption of the amendment.

Mr. TUNNEY. I thank my friend from Maryland for making such an excellent presentation as to why the committee position is to reject the amendment.

In effect, the amendment of the Senator from Virginia would destroy the effectiveness of the Voting Rights Act. The Voting Rights Act has prevented, for the past 10 years, any test or device from being used to prevent people from voting. By shifting the date from 1964 to 1974, remember, tests and devices were outlawed in the covered jurisdictions 10 years ago. There could not have been a test or device used on the basis of the law, because it has not been allowed. Therefore, States would be able to bail out, and it would require only a simple filing of a motion for declaratory judgment in the district court of the District of Columbia, and I do not see any way that it would be possible for the Attorney General to come in and argue against such a motion. That would mean not only Virginia, but every other State covered by section 4 would be able to get out from under the act, and it would render the act a nullity.

I oppose the amendment. Unless someone else has something he wants to say——

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from California yield?

Mr. TUNNEY. Yes, I yield on the Senator's time.

Mr. HARRY F. BYRD, JR. On my time, yes.

Mr. TUNNEY. I yield the floor.

Mr. HARRY F. BYRD, JR. I hope the Senator will stay around, because I want to ask him some questions.

Mr. TUNNEY. Yes. I will answer any questions the Senator has.

Mr. HARRY F. BYRD, JR. As I understand it, the Voting Rights Act was enacted in 1965 and it was made applicable to certain States by a triggering device based on two facts: One, if a State had a literacy test; and two, if 50 percent or more of the adult population was not registered or did not vote.

My question to the Senator is, if a State now does not have a literacy test, and if 50 percent or more of its population registered and voted, what would be the objection to that State being eliminated from the applicable provisions of the act?

Mr. TUNNEY. The problem is we want to make sure that the last vestiges of discrimination and the abridgment of the rights of minorities are wiped out before there is a vitiation of the act, before the act should be allowed to expire, and before there should be an opportunity to get out from under it.

Virginia did file a suit in the District Court for the District of Columbia. The case was appealed to the Supreme Court, and the Supreme Court determined that Virginia should not be able to get out from under the act.

Mr. HARRY F. BYRD, JR. If the Senator will yield, the Supreme Court was following the present law, and I am under the impression that the Senator from California has stated on this floor—if I am in error, of course, he will correct me—that there is no way that any of these six States can be eliminated from the applicability of the act. Is that correct?

Mr. TUNNEY. I think that is correct.

Mr. HARRY F. BYRD, JR. Well, then, what remedy does Virginia have?

Mr. TUNNEY. The point that I was making is that Virginia attempted to get out by showing that she had not applied a test or device in a way which would trigger the other provisions of section 4. She could have bailed out if she had shown the following things: That the incidents of denying or abridging the right to vote because of race or color were few in number and promptly and effectively corrected by State or local action; that continuing instances had been eliminated; and that there was no reasonable probability of their recurrence in the future. Based on that standard, the Supreme Court said no, that Virginia could not bail out; in other words, that there was a possibility——

Mr. HARRY F. BYRD, JR. Well, now——

Mr. TUNNEY. And perhaps a fairly good possibility that Virginia would continue to discriminate in the future.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield at that point?

Mr. TUNNEY. Yes.

Mr. HARRY F. BYRD, JR. I submit that the Senator has no evidence to that effect at all. The Supreme Court ruled, under the congressional action, under the mandate of the Congress which the Senator is seeking to extend, that because of that the Supreme Court could not comply with Virginia's request. The Senator himself has asserted, and just asserted again a moment ago, that there is no way under the law as it now exists, and as the Senator wants to extend it, by which any one of those six States can eliminate those States from the applicable provisions.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator yield for a question?

Mr. HARRY F. BYRD, JR. Just a moment.

Mr. TUNNEY. That is correct, because they have used tests or devices. The Civil Rights Commission has indicated that in the last 10 years, despite the Voting Rights Act, there have been evidences in the covered States of economic discrimination, evidences of pressures on minority groups to keep them from registering and voting. And it is the determination, at least of this Senator, after having listened to all the evidence, that there ought to be an extension of this act for another 10 years—now it is to be 7 years if the amendment of the Senator from West Virginia carries in the House of Representatives.

I agree that the law as it is presently written and as it has been interpreted by the Supreme Court makes it practically impossible for a State that used a test or device in 1965 to bailout.

Mr. HARRY F. BYRD, JR. That is exactly the point I wanted to emphasize to the Senate, because the Senator from California implied that the Supreme Court ruled for other reasons.

Mr. TUNNEY. The Supreme Court ruled for exactly the reasons I have stated. They said Virginia did not qualify under the bailout provisions because they used a literacy test after maintaining a dual school system, which had prejudiced blacks from achieving the kind of education that they needed to be able to progress economically and culturally, so that they could become capable of full citizenship in due course.

Mr. HARRY F. BYRD, JR. Mr. President, if the Senator will yield, this amendment deals with voting rights. It does not relate to the school systems.

Mr. TUNNEY. No. But it does relate to the school system.

Mr. HARRY F. BYRD, JR. What about the school systems in Detroit and in California and in New York?

Mr. WILLIAM L. SCOTT. And Massachusetts.

Mr. HARRY F. BYRD, JR. I do not find the schools in Manhattan particularly integrated. I have been through Harlem a number of times.

Mr. TUNNEY. But one couples the school system with the literacy test that Virginia had. It may not have it any more, but clearly its impact was felt at the time this Voting Rights Act was passed in 1965. That had effectively prevented blacks from participating in the political process.

Mr. HARRY F. BYRD, JR. The Senator is just as wrong as he can be, and I am going to read now from the 1961 Commission on Civil Rights dated September 9. 1961. in two separate places.

In one place it says this:

> The absence of complaints to the Commission, actions by the Department of Justice, private litigation, or other indications of discrimination, have led the Commission to conclude that, with the possible exception of a deterrent effect of the poll tax—which does not appear generally to be discriminatory upon the basis of race or color—Negroes now appear to encounter no significant racially motivated impediments to voting in 4 of the 12 Southern States: Arkansas, Oklahoma, Texas, and Virginia.

On another page of that report, page 102 of that report, it says this:

> In three States—Louisiana (where there is substantial discrimination), Florida (where there is some), and Virginia (where there appears to be none)—official statistics are compiled . . .

And so forth.

So in two separate places in its report, the 1961 Commission on Civil Rights, the report dated September 9, 1961, states clearly that there had not been discrimination on the part of the State of Virginia.

I read into the RECORD the members of the Commission at that time. One was John A. Hannah, the Chairman, appointed by President Eisenhower; one was Robert G. Storey, vice chairman, appointed by President Eisenhower; another was Erwin N. Griswold, appointed by President Kennedy; another one Theodore M. Hesburgh, appointed by President Eisenhower; another one Robert S. Rankin, appointed by President Eisenhower; and another member was Spottswood W. Robinson III, appointed by President Kennedy.

I point out to the Senate, Mr. President, that Mr. Spottswood W. Robinson III, is a Virginian and a native of Richmond, Va. He is a black. He is an excellent man. He is now a Federal judge. He knows Virginia well. He knew Virginia well in 1961 and he was a member of that Commission, which made the statements which I have just read into the RECORD.

This report shows what a cunning and cynical piece of legislation is this so-called Voting Rights Act.

It is cunning and cynical because it seeks to give the appearance of being national in scope when it is carefully drawn in a way so that it will apply to only six States of these 50 States of the Union.

I think the Senator from South Carolina (Mr. HOLLINGS) in his debate with the Senator from Massachusetts (Mr. KENNEDY) yesterday clearly put this in focus.

This is not a national law. It is a law cynically and cunningly devised so it will apply to only certain States and a very few States.

As I have mentioned earlier in my comments, the applicability of the law was based on two things. First, that there had been or was a literacy test, which many States had, but coupled with that whether or not as many as 50 percent of the persons in that State voted in 1961.

I say, Mr. President, that if one wants to assume, which I do not, that that was justified at the time, Virginia does not now have a literacy test, and in 1968, more than 50 percent of the persons voted.

So both of those triggering devices no longer are applicable to the State of Virginia.

I just think it is elementary fairness to have some procedure, if the Senate is determined and Congress is determined to extend this legislation for another 7 to 10 years, that there should be some means by which a State can automatically be eliminated if there has been and is no evidence of discrimination. But there is no way. The able Senator from California, the manager of the bill, has admitted that to the Senate.

J. Stanley Pottinger, Assistant Attorney General of the Civil Rights Division of the Department of Justice, admitted this during the hearings before the House Judiciary Subcommittee on Civil and Constitutional Rights.

Mr. Pottinger was asked this question:

> If we extend this act for another five or ten years, under the special coverage provision, if 100 percent of the blacks in Virginia are registered and 100 percent of the blacks in Virginia vote, is there any way the State of Virginia under this existing legislation could come out from the act?

Mr. Pottinger replied:

> I do not believe so.

That, of course, coincides with the statements forthrightly made by the manager of the bill, the Senator from California (Mr. TUNNEY).

How can anyone believe this to be a fair or just piece of legislation?

Mr. President, I yield to the Senator from North Carolina.

Mr. HELMS. I wonder if the Senator will yield on my time for a question?

Mr. HARRY F. BYRD, JR. Yes.

Mr. HELMS. I would like to get to the bottom line on this question.

Does the Senator know of any suggestion that his State of Virginia, or any of its subdivisions has attempted to disenfranchise any citizen?

Mr. HARRY F. BYRD, JR. No, I have no knowledge.

Mr. HELMS. Does the Senator know of any evidence anywhere that discrimination in terms of voting rights is going on?

Mr. HARRY F. BYRD, JR. No evidence has been presented, I might say, to either the Senator or to the committee, so far as I can determine, and no evidence has been presented to the Department of Justice. The Department of Justice has complete control over this and has had now for 10 years. Nothing has been presented of a substantial nature which would in any way incriminate Virginia.

Mr. HELMS. This is the point that I hope the American people understand as this measure is steamrollered through the Senate. I hope the news media will, just once, make clear that this is a totally unnecessary piece of legislation. It is political legislation. It will enable some Senators and Members of the House of Representatives to go home and talk to minority groups and say, "Look, I'm protecting your rights," when their rights do not need protection.

What we need in this country is to encourage more people to vote, not political rhetoric about discrimination that simply does not exist.

In the last election, in November of 1974, only 38 percent of the voters went to the polls, which means that the composition of the Senate and the House of Representatives was determined by 20 percent of the voters. If the majority of the voters had gone to the polls, we might have a Congress today that would refuse to fritter away its time on such unnecessary legislation as this—and a Congress that would address itself to real problems, not imaginary ones.

So the problem is not discrimination. Discrimination does not exist. This bill is predicated upon a political strawman—a cynical, unnecessary, divisive strawman. That is all it is. The hypocrisy of it is apparent every day on the floor of the Senate, by the failure of the pious proponents to make it applicable to all 50 States. This Senator is getting sick and tired of this kind of thing.

I wish that, for once, the news media would make clear what is at stake. All you hear on the television and radio is, "The Voting Rights Act is being considered, and it may be passed this evening by the Senate of the United States." Why do they not say in any of the reports that no voter discrimination is evident? They do not say it. Instead, they promote the fiction that there is discrimination in six or seven States. That is all it is, Mr. President—fiction. Fiction on the floor of the Senate; fiction in and by the news media. No wonder the American people are confused.

When the proponents of this measure complete the job of wasting the Senate's time with this measure, I have a recommendation for another noble project for them to undertake. I want them to undertake a bill to outlaw robbing stage coaches in the United States. We need Federal legislation to prohibit the robbing of stage coaches just as much as we need to extend this so-called Voting Rights Act.

I reserve the remainder of my time.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. WILLIAM L. SCOTT. Mr. President, supplementing what the distinguished Senator from North Carolina has just said, there is a general law on the books that does not require extension, that protects the rights of all citizens to vote, and that is in title I, sections 2 and 3, of the Voting Rights Act, whereby the Attorney General can institute an action in the Federal Court in the case of any State or any political subdivision that denies anybody their rights under the 15th amendment. It is permanent legislation. The temporary provision is punitive legislation directed primarily against the South but is now being extended to 25 States.

My amendment says that if we are going to have this punitive legislation, let us update the date. Make it 1972 rather than 1964.

So far as prejudice and discrimination in American history are concerned, I have a document that was prepared by the Library of Congress, which shows that there has been prejudice and discrimination throughout American life, by all our States and all our people. I shall read the first and last paragraphs, and I ask unanimous consent that the document be printed in the RECORD in its entirety at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WILLIAM L. SCOTT. The first paragraph reads:

> Discussion and debate about civil rights issues during recent decades could leave one with the impression that prejudice and discrimination in our country have been directed only at a few minority groups—blacks, Spanish Americans—and that prejudice and discrimination have characterized only certain, few sections of the country—the South and the Southwest. This impression is far from the truth of American history.

Then it goes on to detail this. This is a document prepared by the Library of Congress. They have prepared a scholarly document. This is the concluding paragraph:

> In summary, prejudice and discrimination against oppressed groups on account of race, national origin, religion and sex have characterized American life since the first colonists arrived in the Seventeenth century. To limit discussion of prejudice and discrimination to that against one or a few minority groups only and in one or two sections only of this country would falsify our history.

Mr. President, because we say in this bill that it is presumed that these States are guilty of discrimination because on a certain date only a certain number were registered or a certain number voted, I say we should let that date be as close to the present time as possible, because discrimination has existed throughout our history. If there is no discrimination in a given State—and none has been proved in Virginia—I say that that State should not be covered by this discriminatory provision of the law.

I am ready for a vote on this amendment.

EXHIBIT 1

PREJUDICE AND DISCRIMINATION IN AMERICAN HISTORY

Discussion and debate about civil rights issues during recent decades could leave one with the impression that prejudice and discrimination in our country have been directed only at a few minority groups—blacks, Spanish Amercans—and that prejudice and discrimination have characterized only certain, few sections of the country—the South and the Southwest. This impression is far from the truth of American history.

There have always been minority groups in America and such groups have suffered contempt, hostility, persecution and exploitation by the dominant group since the first settlements were made along the Atlantic coast. In fact, prejudice and discrimination have been Nationwide in scope, covering all areas of the Country, and spanning the entire progression of American history.

Thus, this discussion will cover four general kinds of discrimination: discrimination on account of race, ethnic origin, religion and sex.

It would be well to begin by making clear what is meant by "minority group." In his essay "The Problem of Minority Groups" Louis Wirth gives us the following definitions:

"We may define a minority as a group of people who, because of their physical or cultural characteristics, are singled out from the others in the society in which they live for differential and unequal treatment, and who therefore regard themselves as objects of collective discrimination. The existence of a minority in a society implies the existence of a corresponding dominant group enjoying higher social status and greater privileges. Minority status carries with it the exclusion from full participation in the life of the society. Though not necessarily an alien group the minority is treated and regards itself as a people apart. (Peter I. Rose, ed., *Nation of Nations* (1972), page 137).

It must be recognized that there are powerful psychological reasons for prejudice and discrimination against minority groups.

Every person is born and brought up in a particular society or social group. And every society or social group is characterized by its culture. Put in simplest terms, a culture is a way of seeing things; it is a way of conceiving life; it is a way of judging and measuring persons and events. Culture consists of a set of values. Throughout history, religion has probably been the most important, though not the only, determinant of cultural values. Hence, it is not surprising that religion has been the basis for so such prejudice against minority groups.

At the same time there appears to be a tendency among people to associate and live with others who are like themselves—with others who see things the same way, who share a common set of values, who judge and measure persons and events in the same way. There appears to be a compelling need among people to seek out others in whose eyes they will find reflected the image of themselves which they wish to have. They seek out others who will see them and measure them in terms of the values of their own culture.

Conversely, experience seems to indicate that people tend to avoid social intimacy and friendship with those who are not like themselves. Evidently people wish to avoid being evaluated and measured by others who will seek them in terms of a culture other than their own—people wish not to see an image of themselves reflected in the eyes of others which will be for them distorted and negative.

It is therefore possible to understand why members of one social group so commonly seek to preserve and enhance the image of themselves which they have in terms of their own culture by regarding members of other social groups as inferior in terms of their shared values and manner of life.

Here is, possibly, the psychological root of social prejudice.

Economic dominance gives a group the means to translate its social prejudices into the stratification of society. Immigrants from Ireland entered this country during the second half of the last century without capital—indeed, with little or no savings—and without skills except in potato farming. They had an immediate and pressing need to find work in order to survive—any kind of work. They thronged into the textile mills of New England and into domestic service. Did not the New England capitalists—of English and Puritan origin—feel that the interminable hours of drudgery in the mills represented work suitable and proper for Irish Catholics? And did not Boston ladies feel that their maids and cooks and laundresses had work suitable and proper for Irish Catholic women?

And just as economic dominance gives a group the means to translate their social prejudices into the stratification of society, the stratification of society into classes or castes reinforces the prejudices of the dominant group toward minority groups.

Social prejudice tends to give rise, moreover, to political discrimination. A dominant group will evidently seek to preserve and enhance its own cultural values and manner of life and economic status by attempting to exclude minority groups from political power and influence. Nativism and know-nothingism—movements to exclude immigrants and Catholic from political life—found strong support in New York and New England in the middle of the last century.

Prejudice and discrimination against minority groups characterize American history. The eminent social historian Max Lerner, in an essay entitled "People and Places," says:

"Yet it would be foolish to deny the reality of ethnic stocks in America and the differences between them. Those who came to America came from relatively stable ethnic groups. They brought with them obvious physical hereditary differences and habits of life that set them off from the others, and the social hostility they encountered often made them huddle together in more or less isolated ethnic communities. Many of them thus retained and even froze their sense of separateness. . . ." (Rose, p. 107)

And Charles Glock and Ellen Siegelman, in their book, *Prejudice U.S.A.* say (page xiv):

"While the perpetrators and victims have changed, intolerance has characterized every generation of Americans, although each generation—including this one—has sought to convince itself that it was more tolerant than its predecessors."

Terry Morris, in his book, *Better Than You; Social Discrimination Against Minorities in America*, gives us examples of hostility toward minority groups in the earliest years of the American colonies (pages 2–3). The Puritans compelled Quakers and Baptists to flee from Massachusetts. French Protestants fled to America after the revocation of their religious liberty in France in 1685; their alien language and manners aroused the hostility of English colonists who attacked and dispersed the French settlements of French-town, Rhode Island. Germans who settled in Pennsylvania in the Eighteenth Century were regarded as doubtful subjects of the Crown and were required to take a loyalty oath.

The persuasiveness of prejudice against minority groups in American history and throughout the length and breadth of this country can be verified by reviewing the experience of several racial, ethnic and religious groups and the experience of women in the face of sex discrimination.

RACE

It has been customary among Northern liberals to discuss the black historical experience in America more or less exclusively in terms of slavery and segregation in the South. There is also a black historical experience in the North, and it has been the experience of extraordinary prejudice and discrimination.

Black migration from the South to the North and West did not begin recently, although one receives the impression from current discussion that the black presence in Northern cities is a sudden and surprising fact.

Black migration from the South to the Northern cities such as Philadelphia and New York began during the period following the Civil War. Black migration to urban areas of the North accelerated during World War I because munitions industries needed large numbers of unskilled workers. The introduction of mechanized agriculture in the South after the War reduced the demand for farm workers and spurred increased black migration to the North. The demand for industrial labor during World War II in defense industries in cities like Detroit again attracted black people to the North, and migration from the South has been spurred since World War II by increasing mechanization of Southern farming.

The outcome of this vast movement of black people from the South to the urban centers of the North has been residential segregation approximating apartheid on a scale and of an inflexibility beyond anything known in the South. The black ghetto is a phenomenon which people in the North have produced through prejudice and discrimination and without the aid of any official laws or ordinances requiring separation of the races. Unlike the South, prejudice and discrimination appear in their pure state in the North. Every northern city in which riots erupted in the 1960's has its Harlem produced by the influx of black people into the central cities, the flight of white people to other urban areas and to the suburbs, and the nearly complete exclusion of black people from outlying white areas.

Perhaps the phenomenon which reveals in the most glaring way the prejudice of white people in northern metropolitan areas is that of resegregation of border neighborhoods. It is the testimony of real estate experts that black people in northern cities who move out from the central cities generally move into previously all-white neighborhoods. Such mixed neighborhoods are most of them racially unstable, and when something like a "tipping point" has been reached—when a certain percentage of black families have moved in—all the whites move out and the neighborhood is resegregated from all-white to all-black. This kind of resegregation has been the pattern in northern cities since black people began to move from the west side of Manhattan up to Harlem during the first decade of this century.

The vast and extreme racial segregation in northern cities is reflected today in many of the long-distance, large-scale busing plans which courts have ordered as a means of overcoming residential segregation in order to attain racial balance in the public schools.

The race prejudice that has pervaded American history is revealed likewise in our treatment of Orientals.

We allowed thousands of Chinese to come to the West Coast between the 1840's and the 1880's to work as contract laborers—we called them "coolies"—in mines and in railroad construction. Animosity ran high against them—there were appalling occurrences of violence and murder—and Congress passed the Chinese Exclusion Act in 1882.

Japanese began to enter this country after 1885. Hostility against them culminated in formation of the Japanese and Korean Exclusion League. In 1913 California passed an Alien Land Law which prevented Japanese from owning farms. America reached the high tide of anti-Japanese feeling in 1942, when the Government compelled 112,000 Japanese—two-thirds of whom were U.S. citizens—to move to relocation centers for the duration of the War.

Little need be added to what has been said about prejudice and discrimination against Mexican Americans. Those who have entered our country as laborers—as "wetbacks" or "braceros"—have been regarded as fit for nothing better than "stoop labor." Conditions in migrant camps and in the barrios of the Southwest have been appalling. And with our assumptions about the limited capabilities of Mexican-Americans we have done little to help them enter the mainstream of American life.

Discrimination of the most basic kind has been directed against the American Indian from the day that settlers from Europe set foot upon American shores. From the moment of the arrival of the first colonists, the Indians found themselves oppressed, deprived of their lands, and denied the opportunity to control their destiny. Indeed, until 1931, some Indians were still not accorded citizenship and as late as 1948 certain Indians were still refused the right to vote. The resulting distress of Indians is as severe as that of any group discriminated against in American society.

Discrimination against the Indian began with the most basic kind of assault—territorial attack. From 1607 on, white Americans increasingly encroached on land possessed by Indians, inevitably resulting in repeated wars and genocidal attacks. The Indian was forced to retreat before this onslaught, and the Indian population declined accordingly. Thus, from an estimate of approximately 850,000 Indians within the United States at the time of the white man's arrival, the Indian population in 1900 was estimated at little more than 400,000—a decrease of more than 50 percent in less than three centuries. (Current Indian population in the U.S.: 792,730).

The forced retreat westward of the Indians, coupled with their territorial disinheritance and decimation, was accompanied by what might be called a period of "control by treaties"—a practice which did not end until 1871. Although treaties with Indian tribes were supposed to guarantee Indian territorial sovereignty over specified areas, they were frequently altered unilaterally, always to the detriment of Indian interest.

In addition, local groups often moved against the Indians independent of the National government, as when the Georgia legislature passed laws including Cherokee lands in certain counties of the State and extending State laws over Indian lands (1828, 1830). The eventual outcome of these conflicts in the area east of the Mississippi was forcible removal of most Indian tribes to Indian territory (Oklahoma).

West of the Mississippi, similar depredations occurred. For example, in California the Federal Government negotiated a number of treaties with local tribes in the 1850's and 1860's which had the effect of ousting the Indians from lands coveted for the gold discovered there in 1849. The treaties were never ratified by the U.S. Senate, and the Indians, having given up their lands in exchange for proposed reservations elsewhere, found themselves in the unfortunate position of having surrendered their homes for lands which were already occupied by settlers and regarding which the Federal Government showed no willingness to take action. The situation was never remedied unless creation of the 1920's of several small reservations for use of these Indians can be said to have done so. The story of the California Indians is one of the most poignant, and their treatment most harsh, in American history.

Finally, noted Indian authority and Commissioner of Indian Affairs John Collier, defines the subjugation of the Indians of the great central plains:

"First there was military assault, on slight pretexts or no pretexts at all, and the government exploited tribal rivalries in order that Indians should kill Indians. The limited and disciplinary war customs of the Plains turned into total warfare, aimed at annihilation, with the United States Army as the driving power. The tribes were finally beaten, however, not through overwhelming numbers or superior armament . . . but through starvation after the whites had destroyed the buffalo. . . . That revelry of slaughter, which had no sportsmanship in it, was recognized as a war measure against the Indians and deliberately encouraged." (*Indians of the Americas*, p. 133).

Following 1871, when treaties were disallowed by Congress, and the Indians had for the most part been subjugated, the government embarked on what might be called a period of "forced assimilation"—by which the reservations, on which the treaties had forced the Indians to live, were now broken up and the Indians forced to live like the white man. The General Allotment Act of 1887 authorized the individual allotment of reservation lands to tribal members and sale by the Government of the remainder. The rationale behind this policy was that by requiring individual Indians to farm individual plots of land, instead of living communally, the Indians would become farmers like white Americans and assimilated into American society. By allotting 80 to 160 acres of land to each head of family, and selling off the remaining tribal land "for use by the tribe," the government managed to reduce greatly the acreage of Indian ownership, while failing completely to "assimilate" the Indians. By 1933, 91 million acres, or two-thirds of the Indian land base of 1887, was lost.

A particularly unfortunate adjunct of the assimilation policy was the Indian educational program by which Indian children were taken from their tribal homes, placed in boarding schools, and forbidden to use Indian languages or practice Indian customs. This was in conjunction with the policy of forcing Indians off of their land, and was equally unsuccessful in achieving its avowed effect.

In 1934, Congress reversed the "assimilation" policy and passed the Indian Reorganization Act, which had as its purpose the consolidation of reservation of life, and the development of tribal government.

This remains the policy of the United States today, despite the notorious "termination" interlude of the 1950's. By this policy, "assimilation" resurfaced in the guise of Congressional "termination" of tribal organization under Federal supervision. The numerous tribes who were "terminated" are still suffering social and economic hardship.

Discrimination remains today, though perhaps less directly applied than in the past. A 1961 report of the U.S. Civil Rights Commission states that the Commission found evidence of discrimination against Indians in such areas as voting, administration of justice, housing and public accommodations ("Justice," Book 5, U.S. Civil Rights Commission, 1961, pp. 135–153)

It is significant that the Commission found "hostility to Indians in communities adjoining Indian reservations to exist in inverse proportion to the distance of the locality from reservation boundaries."

In regard to voting, the Commission found that as recently as 1938 "seven States still enforced statutes and constitutional provisions which denied Indians the franchise," while Arizona and New Mexico did not withdraw prohibitions against Indian voting until 1948—and this as a result of judicial decisions. (U.S. Civil Rights Commission, pp. 136–7).

The Commission found that, with regard to the administration of justice, discrimination was widely charged. The administration of justice on Indian reservations follows a complex arrangement of overlapping Federal, State and tribal jurisdictions. The Commission noted that on reservations "the charge is made that law and order is adequately maintained;" while off the reservation it frequently is charged that "law enforcement officials in the white communities with substantial Indian populations 'throw the book' . . . at Indian violators." (U.S. Civil Rights Commission, p. 146).

The Commission found reservation housing to be below the national average in terms of quality and overcrowding. This conclusion is buttressed by the 1970 Census Bureau figures, which indicate that a typical Indian family—both in the reservation and in cities—lives in quarters built in 1939 or earlier. Based on the census definition of "overcrowded" as "more than one person per room," more than one fourth of Indians live in overcrowded quarters. This is compared to one in 12 among the total population. Moreover, "Indians seeking housing off the reservation encounter the same obstacles that Negroes do, though to a lesser degree." (p. 151). The Commission also found that in many areas Indians were refused access to accommodations open to the general public. (U.S. Civil Rights Commission, p. 152) Moreover, the Commission reported that discrimination against Indians extended to other categories as well—including such vital areas as employment and public welfare assistance.

Such discrimination has not ceased to exist, and numerous incidents in the newspapers daily attest to the various kinds of discrimination Indians endure at the present time throughout the United States. In short, the American Indian has suffered discrimination every bit as much as other minorities in America, and in many instances to a much greater degree. His culture has been stifled, his lands taken away, his needs neglected. Discrimination has been a continual process first by the forced confinement of the Indian on reservations; then by the forcible dissipation of the land base left to him; and finally in the social, political, and economic pattern of everyday life.

ETHNIC ORIGIN

White ethnic groups of European origin—Irish-Americans, Italian-Americans, Polish-Americans, to name but three—have also historically been victims of discrimination in America. Discrimination against these groups has been across the board—economic and political, social and religious; but in almost all cases the discrimination has resulted from prejudice based on the group's cultural and ethnic identity.

Fourteen percent of the American people have at least one parent who was foreign-born. An additional five percent were themselves foreign-born. Thus nearly one-fifth of all Americans can be classified as "foreign stock," according to the definition of the Census Bureau. The largest of these is Italian (4.5 million). Next come Germans (4.3 million), followed by Canadians, Britons, Poles, Russians, Irish, and Mexicans.

The discrimination against white ethnics which has often characterized American history has left its mark. As Peter Schrag, in an article, "The Forgotten American" in Harper's magazine (August, 1969), has noted:

"Some of the poorest people in America are white, native, and have lived all of their lives in the same place as their fathers and grandfathers. The problems that were presumably solved in some distant past, in that prehistoric era before the textbooks were written—problems of assimilation, of upward mobility—now turn out to be very much unsolved. The melting pot and all: millions made it, millions moved to the affluent suburbs; several million—no one knows how many—did not. The median income in Irish South Boston is $5,100 a year but the community-action workers have a hard time convincing the local citizens that any white man who is not stupid or irresponsible can be poor. . . . In Pittsburgh, where the members of the Polish-American organizations earn an estimated $5,000 to $6,000 (and some fall below the poverty line), the Poverty Programs are nonetheless directed primarily to Negroes, and almost everywhere the thing called urban backlash associates itself in some fashion with ethnic groups whose members have themselves only a precarious hold on the security of affluence." (p. 31).

Let us consider for a moment the nature of discrimination against white ethnics in America. As already noted, factors have culturally underlain much ethnic discrimination, which, in turn, has resulted in economic and political repression.

During the 1830's and '40's, for example, the influx of unprecedented numbers of Irish Catholics produced an equally unprecedented backlash of American "nativism," which resulted in the formation of the Know-Nothing Party. In the context of the economic panic of 1837, the new "cheap Irish laborers" were viewed as an economic threat to the jobs of America's workingmen as well as an authoritarian threat (Catholic) to their democratic (Protestant) culture.

No one needs to remind the Boston Irish of signs reading "No Irish Need Apply"; nor have been forgotten the economic deprivations suffered by Italians, Jews, Poles, and others seeking to work their way up the economic ladder.

The turn of the century, moreover, saw the emergence of a new urban industrial society together with the immigration of masses of Southern and Eastern Europeans. The predictable reaction to this combination of events took the form of the American Protectivist Association, the National Origins Quota Act of 1924, and the revival of the nativist Ku Klux Klan as a national political force. Here then, were social and cultural prejudices uniting to produce a distinct pattern of economic and political discrimination designed to prevent ethnic groups from entering the country, or once here, from competing in the work force and threatening the economic security of the dominant groups.

In this regard, the rise of the Ku Klux Klan as a national political force in the 1920's has already been mentioned. This Klan directed its ire not only against blacks but also against Catholics, Jews, and ethnic minorities, while marching under the twin banners of patriotism and Christianity (Protestant).

Also characteristic and of lasting influence was the policy, or national "quota" system, which prevailed from 1917 until 1965. Congress passed in 1917—over Presidential veto—the first act that seriously limited immigration, and established literacy tests for immigrants. In 1921 Congress approved an "emergency" quota system to limit annual immigration from all countries outside the Western Hemisphere to 357,000.

New temporary quotas were set up in 1924, cutting the flow to 164,000 a year, and a permanent quota system, placing the limit at 156,981, was adopted in 1929. Each country's quota was based on the number of persons of that national origin who had been in the United States in 1920. Not until 1965 was this national quota system replaced by an over-all quota of 170,000.

Cultural and religious persecution in themselves were no less acute than the economic and political discrimination which resulted therefrom. Thus an Italian-American autority on the immigrant experience told an interviewer in the New York Times:

"Americans of Italian descent still suffer from a 'consciousness of unbelonging.' America has always been an embarrassment for Guiseppe Mozzarella. He is attempting to be an American, but he does not have the image. For what is an American? He changes his name and he gives his children names like Debra and Gary. If a boy's name is Walter Nash or Bill Tudor, that is American. If it is Guiseppe Mozzarella, it is something else." (New York Times, Nov. 9, 1970).

Or, as stated by Nathan Glaser and Daniel P. Moynihan, the retention of ethnic identity is seen by ethnic groups as essential to survive the hostility of their environment. ("Ethnic America," Editorial Research Reports, Jan. 20, 1971, p. 60).

RELIGION

Religious discrimination, like racial and ethnic discrimination, has been, and is, a constant factor in American history. Unlike racial and ethnic relationships, religion has seldom been the sole cause of violent conflict. While Irish-Catholics bore the brunt of "Know-Nothings" in the 1850's, German Catholics suffered little, which suggests that the bigotry was as much ethnic as religious. And it is frequently difficult to say whether Jews are discriminated against because of their religion or their ethnicity. But religious discrimination is with us and it is a national, not regional, phenomenon.

From the time of Henry VIII, Roman Catholics had been periodically persecuted in England. While on occasion they found themselves in a position of power, these periods were temporary. During one of the periods in which they were in favor with the monarch, however, they were given permission to colonize the area which later became known as Maryland. After a relatively peaceful colonization effort, during which Protestants outnumbered Catholics, a brief revolt took place in 1641 during which Catholic leaders fled for their lives. By 1700, anti-Catholicism had become sufficiently strong to force Catholics from Maryland into the more tolerant State of Pennsylvania. From then until the present Catholics have suffered periodic persecutions and discrimination.

By the 1840's, Catholics in New York had become increasingly concerned over the strong Protestant influence in the public schools and they reacted by establishing a system of parochial schools. In addition, some Americans became alarmed over the growth of Catholicism fearing that it signaled, as Olmstead expressed it, "a subversive plot to overthrow American democracy." Lurid stories were prominently circulated about alleged immoralities of the clergy. In 1837, meanwhile, the Native American party was established, dedicated to the curtailment of immigration and from this party sprang the Know-Nothings in 1854.

Like most immigrant groups in the last half of the nineteenth century, Irish, Italian, and Slavic Catholics provided much of the manual labor essential to industrial development in the United States. They arrived and worked in groups in which religion was often a central feature of their lives. Consequently, discrimination in employment was both ethnic and religious in nature. Discrimination also existed in the political sphere as is indicated by the various attempts by northern states to impose literacy tests as a qualification to vote. It was expected that the tests would reduce the power of the local parties which recruited from the ranks of the immigrants. Nativist fears of a Catholic takeover were stimulated by the large numbers of immigrants. The American Protective Association was founded in Iowa in 1887 to curb immigration and prevent public funds from going to parochial schools. By 1893, the organization had over 70,000 members. And, in both the South and North, anti-Catholic sentiment was kept alive by the Ku Klux Klan.

In the 1920's, states such as Oregon, sought to crush the Catholic Church by, in effect, requiring all school children to attend public schools. The law was struck down in a landmark opinion of the United States Supreme Court (Pierce v. Society of Sisters, 268 U.S. 510 (1925)). In the same era, the country witnessed a great outpouring of anti-Catholic sentiment when Alfred E. Smith was selected as the Democratic candidate in 1928. A similar outpouring, of less intensity, occurred with the nomination of John Kennedy in 1959.

Down in the 1960's, as Andrew Greeley has pointed out, the strongest bulwark of anti-Catholicism resided in the universities. The situation has been particularly obvious in the Boston area with its high concentration of Catholics but with very small proportions of them on the faculties of the universities in the area. In addition, the Boston busing situation has been portrayed as an example of Catholic racism as has the maintenance of parochial school systems in urban areas. One may discern vestiges of anti-Catholicism in the press and the media when they present *ad hominem* attacks on the Pope and bishops as a means of ridiculing their social teachings. But the incidents of overt discrimination are becoming fewer, surely an encouraging sign.

Many Jews had served the American cause during the Revolution and afterwards exercised all the rights of citizenship, except in the State of Maryland. There, until 1825, they were forbidden to hold public office. At first, Jews were few in numbers, amounting to only about 15,000 in 1840. But by 1860 their population had climbed to 150,000 and thus began to become more visible in American society.

But it was not until the second wave of Jewish immigration took place in the 1880's that discrimination and bigotry became apparent. The immigrants brought with them the tools and talents which they had needed to survive on the Continent and they put these to use in the new land. But their distinctiveness and growing prosperity fanned the flames of anti-Semitism. Populists and the Ku Klux Klan included them in their attacks on Wall Street and, of course, they were referred to as "Christ-killers." Since World War II, virulent anti-Semitism has declined but few can deny that latent discrimination persists throughout the nation.

Today, much of the bigotry directed against Jews has come from a few black groups which believe that Jews have controlled the economic life of the ghettoes. Less overt expressions of anti-Semitism have been alleged by Jewish organizations to have occured as side-effects of the affirmative action programs ordered by the Department of Health, Education and Welfare. These programs, attacked as quota systems, are allegedly operating against Jews in the area of education where the Jewish presence has been larger than their distribution in the population in large. Consequently, application of a quota system hurts them more than other groups. In addition, Jews have continued to be refused membership in some private clubs throughout the nation.

Originating in central-western New York Mormonism is a uniquely American religious movement. Its history is filled with incidents of courage as its members sought to overcome the hatred of many of their neighbors. In 1837, a settlement of Mormons in Ohio were forced to flee to Missouri, only to find an antagonistic populace persecuting them. The Mormons then left for locations in Mississippi and Illinois. But in 1844, in a dispute over polygamy and the censorship practices of the Mormons, their leaders, Joseph Smith and his brother, were shot to death by a mob.

Shortly after, Brigham Young led a group of followers to Salt Lake City where they entered into a prolonged struggle with the Federal government over the question of polygamy. Many people were also suspicious of the severely hierarchial ecclesiastical system of the Mormons and the church had to struggle against this opposition.

In the twentieth century, anti-Mormonism has declined. But its part in history as a victim of bigotry throughout the United States is another unhappy example of American intolerance.

SEX

Women have suffered discrimination in America since the beginning of our history.

Under the early Roman Law a husband could execute his wife, and a father his daughter, for adultery. Even after the publication of the Magna Carta, a woman could not legally accuse a man of murder. In Eighteenth-century France, the enlightened Rousseau could envision the emancipation of the masculine, but not the feminine half of humanity. "Women," he pointed out, "are created to please men. . . . Being incapable of judging for themselves, they must always abide by the judgment of their fathers and their husbands."

In many parts of the United States prior to the Revolution, women were fined and imprisoned for speaking in public. In 1807, President Thomas Jefferson, who articulated the basic philosophy of democracy in America, wrote to Secretary of the Treasury Albert Gallatin that "the appointment of a woman to office is an innovation for which the public is not prepared, nor am I."

When women began to arrive in the New World from England in the first years of the Seventeenth century, they found their status to be similar to that under English common law, which became increasingly predominant in the colonies and among nearly all religious denominations. Under the common law, married women were granted few rights. The English law recognized an unmarried woman as a person, but a married woman, under the doctrine of coverture, became a legal non-person. According to Blackstone's Commentaries:

"By marriage, the husband and wife are one person in law; . . . (T)he very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband, under whose wing, protection, and cover, she performs everything; and is therefore called, in our law-French a femme-covert; foemina viro co-operta; is said to be covert baron, or under the protection and influence of her husband, her baron, or lord; and her condition during her marriage is called her coverture. Upon this principle, of a union of person in husband and wife, depend almost all the legal rights, duties, and disabilities, that either of them acquire by the marriage."

In other words, under the doctrine of coverture, which, like most aspects of the English common law was adopted for use in the colonies, husband and wife were one, and the one was the husband.

Common law also gave the husband complete control over his wife's property and the products of her labors. During the Nineteenth century, Married Women's Property Acts were adopted in most of the States to modify this harsh concept. The first American modification of the common law pattern occurred in 1839, when Mississippi adopted a law to permit married women to deal with their property as single women. The Married Women's Property Acts were not identical, however, and the laws of most States still retain vestiges of the common law philosophy that grants less than full rights to married women.

Discrimination against women in America, then, has been more far-reaching than the practices and prejudicies of the predominant class. It has been institutionalized in American law, which following the common law, limits the rights of the female sex. The United States Constitution has not been interpreted to effectively protect the rights of women, or there would be no need for the so-called equal rights amendments. Indeed, the equal protection clause of the 14th Amendment provides that no State shall "deny to any person within its jurisdiction the equal protection of the laws." However, long after that clause was adopted to protect the rights of black Americans, a Yale Law Review article (April 1971) stated that "an examination of the decisions of the Supreme Court demonstrates that there is no present likelihood that the Court will apply the equal protection clause in a manner that will effectively guarantee equality of rights for women." Thus, women's groups throughout this land are fighting for ratification of the equal rights amendment—to settle, once and for all, the principle of Constitutional equality of women in America.

For all the American pride in our principles of equality and democracy, until very recently, women were not eligible for jury duty in several States; women convicted of crimes could receive longer prison sentences than men convicted of perpetrating the same crimes; women could not obtain retail and mortgage credit without having their husbands or fathers co-sign loans, or being required to answer queries about their birth control methods; and women were sometimes paid substantially less money for doing the same jobs as men.

In the past twelve years, the United States Congress has enacted significant legislation to improve the legal status of American women—the Equal Pay Act of 1963; Title VII of the Civil Rights Act of 1964; the Civil Rights Commission Act; the Equal Employment Opportunity Act of 1972; Title IX of the Education Amendments of 1972; the Equal Credit Opportunity Act of 1974—none of these statutes would have been necessary but for nationwide social, legal, and economic discrimination against women. It is indicative of the fact that sex discrimination still exists in this country, that there are scores of bills pending before the 94th Congress which would improve the status of women by affecting such areas as education, employment, child care, the military, social security, insurance, and the tax structure.

In summary, prejudice and discrimination against oppressed groups on account of race, national origin, religion and sex have characterized American life since the first colonists arrived in the Seventeenth century. To limit discussion of prejudice and discrimination to that against one or a few minority groups only and in one or two sections only of this country would falsify our history.

Mr. TUNNEY. I am ready to vote, also. Is the Senator from Maryland ready to vote?

Mr. MATHIAS. Yes.

Mr. TUNNEY. Mr. President, I move to table the amendment.

The PRESIDING OFFICER. The question is on the motion to table. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TUNNEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on the Domenici amendment occur at noon, as scheduled, and that the vote on the Scott amendment occur immediately thereafter.

Mr. WILLIAM L. SCOTT. Mr. President, I would like to have a vote on my amendment at this time. We have just discussed it.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the two be reversed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. This is the motion to table.

The PRESIDING OFFICER. The Chair understands that the first rollcall vote, which will now occur, is on the motion to table the Scott amendment. Immediately thereafter, the rollcall vote on the Domenici amendment will be held.

Mr. ROBERT C. BYRD. The Chair is correct.

Mr. TUNNEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TUNNEY. The motion to table the Domenici amendment will be the order of business.

Mr. WILLIAM L. SCOTT. Mr. President, reserving the right to object, as I understand it, the tabling motion will be first.

The PRESIDING OFFICER. Both are tabling motions.

Mr. WILLIAM L. SCOTT. Then, in the event that the Scott amendment is not tabled, the Scott amendment will be the order of business.

Mr. ROBERT C. BYRD. That is not in accordance with the request. I have no problem with that kind of request, if the Senator can clear it with the Senator from California.

Mr. President, I ask unanimous consent that the vote occur at this time on the motion to table the amendment by Mr. WILLIAM L. SCOTT; that if that tabling motion prevails, the vote then immediately occur on the Domenici amendment. In the alternative, if the tabling motion in respect to the Scott amendment is rejected, I ask unanimous consent that the vote immediately occur on the Scott amendment, to be followed by the vote on the tabling of the Domenici amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, reserving the right to object, if the Senator will amend the unanimous-consent request to say "when" instead of "if," it will make more sense. [Laughter.]

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND) is necessarily absent.

I also announce that the Senator from Michigan (Mr. PHILIP A. HART) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

I also announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

I further announce that the Senator from Oklahoma (Mr. BELLMON) is absent attending the funeral of a friend.

The result was announced—yeas 68, nays 26, as follows:

[Rollcall Vote No. 316 Leg.]

YEAS—68

Abourezk
Baker
Bayh
Beall
Bentsen
Biden
Brock
Brooke
Bumpers
Burdick
Cannon
Case
Church
Clark
Cranston
Culver
Domenici
Eagleton
Fong
Ford
Garn
Glenn
Gravel
Griffin
Hart, Gary W.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Kennedy
Leahy
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Stafford
Stevens
Stevenson
Symington
Taft
Tunney
Weicker
Williams

NAYS—26

Allen
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Chiles
Curtis
Dole
Fannin
Hansen
Helms
Hruska
Johnston
Laxalt
Long
McClellan
McClure
Morgan
Nunn
Scott, William L.
Sparkman
Stennis
Stone
Talmadge
Thurmond
Tower
Young

NOT VOTING—5

Bartlett
Bellmon
Eastland
Goldwater
Hart, Philip A.

So the motion to lay on the table Mr. WILLIAM L. SCOTT's amendment (No. 715) was agreed to.

The PRESIDING OFFICER. The question now recurs on agreeing to the motion to lay on the table the amendment (No. 720) of the Senator from New Mexico.

The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND) is necessarily absent.

I also announce that the Senator from Michigan (Mr. HART) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

I further announce that the Senator from Oklahoma (Mr. BELLMON) is absent attending the funeral of a friend.

The result was announced—yeas 68, nays 27, as follows:

[Rollcall Vote No. 317 Leg.]

YEAS—68

Abourezk
Bayh
Beall
Bentsen
Biden
Brooke
Bumpers
Burdick
Byrd, Harry F., Jr.
Cannon
Case
Church
Clark
Cranston
Culver
Eagleton
Fong
Ford
Glenn
Gravel
Hansen
Hart, Gary W.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Leahy
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Roth
Schweiker
Scott, Hugh
Stafford
Stennis
Stevenson
Stone
Symington
Taft
Tower
Tunney
Weicker
Williams

NAYS—27

Allen
Baker
Brock
Buckley
Byrd, Robert C.
Chiles
Curtis
Dole
Domenici
Fannin
Garn
Goldwater
Griffin
Helms
Hruska
Laxalt
Long
McClellan
McClure
Morgan
Randolph
Scott, William L.
Sparkman
Stevens
Talmadge
Thurmond
Young

NOT VOTING—4

Bartlett
Bellmon
Eastland
Hart, Philip A.

So the motion to lay on the table the amendment (No. 720) of the Senator from New Mexico was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment, we will go to the third reading.

Mr. THURMOND. Mr. President——

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 730

Mr. THURMOND. I call up Amendment No. 730 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Carolina (Mr. THURMOND) proposes amendment No. 730. The amendment is as follows:

On page 1, between lines 6 and 7, insert the following:

"SEC. 102. (a) Section 5 of the Voting Rights Act of 1965 is repealed.

"(b)(1) Section 12(a) of such Act is amended by striking out 'section 2, 3, 4, 5, 7, or 10' and inserting in lieu thereof 'section 2, 3, 4, 7, or 10'.

"(2) Section 12(c) of such Act is amended by striking out 'section 2, 3, 4, 5, 7, 10, or 11 (a) or (b)' and inserting in lieu thereof 'section 2, 3, 4, 7, 10, or 11 (a) or (b)'.

"(3) Section 12(d) of such Act is amended by striking out 'section 2, 3, 4, 5, 7, 10, or 11, or subsection (b)' and inserting in lieu thereof 'section 2, 3, 4, 7, 10, or 11, or subsection (b)'.

"(c)(1) Section 14(b) of such Act is amended by striking out 'or section 5'.

"(2) Section 14(d) of such Act is amended by striking out 'or section 5'.".

"TITLE II".

On page 1, line 7, strike out "102" and insert "201".

On page 2, beginning with line 7, strike out through line 20, on page 7.

Amend the title so as to read: "An Act to amend the Voting Rights Act of 1965 to repeal section 5 relating to prior approval in changes in voting qualifications, to add bilingual education requirements, and for other purposes.".

Mr. THURMOND. Mr. President, this amendment will repeal section 5 of the 1965 Voting Rights Act which requires South Carolina and other States covered by the act to get prior approval by the Attorney General of the United States in Washington before any change may be made in their election laws. Section 5 is one of the most objectionable sections of this act.

It is absurb to require the States covered by this unfortunate piece of legislation to come running up here to Washington to get the Attorney General's approval for every change in their election laws no matter how minute that change might be. This is an affront to the several sovereign States involved and should be stopped.

Furthermore, it is a waste of our taxpayer's money. Various officials from South Carolina have been to Washington many, many times as a result of this provision of the Voting Rights Act. In only a few cases has the Attorney General failed to approve changes in South Carolina's election laws and in these situations, the few disapprovals were due to minor technical violations, which were soon corrected.

Mr. President, this unjustified harassment of State and local officials must stop. I urge the adoption of my amendment.

Mr. President, I realize there have been certain amendments offered that covered various facets and may have touched on this, but I believe this is the only direct vote particularly on abolishing section 5.

The distinguished Senator from Virginia (Mr. WILLIAM L. SCOTT) a little while ago brought out that his State has had to come to Washington to get approval on over 2,200 changes. My State has had to come up here I am sure several hundred times. As I stated, the Attorney General has approved the changes, and the only disapprovals were just a few minor, technical violations.

Mr. President, we feel this is a very unfair situation. It is a very unjust provision to require a sovereign State to come to Washington and get approval of the Attorney General of the United States to make any little change in their election laws. To even change the hours for holding an election or changing the place of a polling precinct requires the approval of the Attorney General of the United States. It puts a great burden on the State. It puts a great burden on the Justice Department. We think it is humiliating, unjustified, and that this section should be repealed.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the distinguished Senator from South Carolina (Mr. THURMOND) has indicated that he has three more amendments, which he states will not take too much time.

Mr. THURMOND. Only two more. I have already taken up one of them.

Mr. MANSFIELD. Two more. The Senator has indicated a willingness to have them both considered in sequence, and to have the votes on both back to back occur at the hour of 1:15.

Mr. THURMOND. All three.

Mr. MANSFIELD. And I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, I am going to be making motions to table those amendments of the Senator from South Carolina, and so I would like to ask that it be in order to order the yeas and nays on the motions to lay on the table.

The PRESIDING OFFICER. The Senator from California does not object?

Mr. THURMOND. Mr. President, we will ask for the yeas and nays on the motions to lay on the table on all three of the amendments. I ask unanimous consent that the yeas and nays be in order at this time on those tabling motions.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order at this time to ask for the yeas and nays at an appropriate time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I now ask for the yeas and nays.

The PRESIDING OFFICER. On all three?

Mr. MANSFIELD. On two of them.

Mr. THURMOND. On all three.

Mr. MANSFIELD. On all three.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. Without objection, by one show of hands, the yeas and nays are ordered on all three motions to lay on the table.

Mr. MANSFIELD. Then, if the Senator from South Carolina will allow me, I will ask unanimous consent that the first vote occur during the usual 15-minute period, and that the two following votes, since they are back to back, be limited to 10 minutes each.

Mr. THURMOND. Mr. President, as I understand, we can have the first vote at 1:15, if the Senator wishes.

Mr. MANSFIELD. That will be 15 minutes and then two 10-minute votes.

Mr. THURMOND. Well, then, the yeas and nays had better start in at 1 o'clock.

Mr. MANSFIELD. Whatever the Senator says. Does the Senator mean to start voting at 1?

Mr. THURMOND, I want to get through by 1:30.

Mr. MANSFIELD. Very well. Mr. President, I ask unanimous consent that the first vote, on the amendment now pending, occur at the hour of 1 o'clock.

The PRESIDING OFFICER. Without objection, the vote on the motion to lay on the table will occur at 1 o'clock.

Mr. THURMOND. Mr. President, I was going to suggest to the distinguished majority leader if he wants to shorten the time on the other two and to make them half the usual time instead of 15 minutes each, I have no objection.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the other two votes cover a period of 10 minutes.

The PRESIDING OFFICER. Ten minutes each, or 10 minutes total?

Mr. MANSFIELD. Ten minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 754

Mr. THURMOND. Mr. President, I call up my amendment No. 754.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Carolina (Mr. THURMOND) offers an amendment numbered 754.

Mr. THURMOND's amendment (No. 754) is as follows:

On page 1, line 4, insert "(a)" after "SEC. 101.".

On page 1, line 6, strike out "twenty" and insert in lieu thereof "five".

On page 1, between lines 6 and 7, insert the following new subsections:

"(b) The first paragraph of section 4(b) of such Act is amended to read as follows:

"'(b) The provisions of subsection (a) of this section shall apply in any State or in any political subdivision of a State which (1) the Attorney General determines maintains on November 1, 1976, any test or device, with respect to which (2) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1976, or that less than 50 per centum of such persons voted in the Presidential election of November 1976.'

"(c) The matter preceding the proviso in section 5 of such Act is amended to read as follows:

"'SEC. 5. Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1976, such State or subdivision may institute an action in the United States District Court for the District of Columbia for declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or bridging the right to vote on account of race or color, and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure:'".

On page 2, line 11, strike out "two".

On page 2, line 12, strike out "sentences" and insert in lieu thereof "sentence".

On page 4, line 5, strike out "August 6, 1975" and insert in lieu thereof "January 1, 1977".

On page 4, line 8, strike out "two sentences" and insert in lieu thereof "sentence".

On page 2, line 5, strike out "August 6, 1975" and insert in lieu thereof "January 1, 1977".

On page 4, line 11, strike out "1972" and insert in lieu thereof "1976".

On page 4, line 13, strike out "were" and insert in lieu thereof "are".

On page 4, line 14, strike out "1972" and insert in lieu thereof "1976".

On page 4, line 16, strike out "1972" and insert in lieu thereof "1976".

On page 5, line 19, strike out "provided" and insert in lieu thereof "provides on and after November 1, 1976,".

On page 6, line 16, strike out "1968" and insert in lieu thereof "1976".

On page 6, line 19, strike out "third" and insert in lieu thereof "second".

On page 6, line 23, strike out "1972" and insert in lieu thereof "1976".

Mr. THURMOND. Mr. President, the amendment which I offer would change the "trigger" of the Voting Rights Act to the Presidential election of November, 1976. This will, I feel, be a positive step to remedying some of the inequities contained in this legislation. One of the major problems with the Voting Rights Act is that it is, as presently constituted, an ex post facto law. It punished several Southern States for events which occurred in 1964, over a year before the Voting Rights Act was passed. It was an ex post facto law then; it is an ex post facto law now.

This amendment would remove the ex post facto character of the Voting Rights Act. It would make the election of 1976 the "trigger" for enforcement of the Act's preclearance provisions. The Southern States have made significant strides in the registration of their minority citizens. It is a fact that the black voters in my State do exercise substantial political power and have elected a considerable number of black candidates to public office. As of April, 1974, there were 116 black elected officials in South Carolina.

Mr. President, I will pause until the Senate is in order.

Mr. TUNNEY. Mr. President, I move to lay the amendment on the table.

Mr. THURMOND. Mr. President, I am not through yet. I am pausing to get order. When the Chair gets through, I will proceed.

The PRESIDING OFFICER. The Senate is in order.

Mr. THURMOND. As of 1974, 60.8 percent of all blacks of voting age were registered to vote in South Carolina. This compares favorably with the voting registration for white citizens of 61.3 percent. Mr. President, these percentages speak for themselves. There is no need nor justification for continuing the Voting Rights Act in my State based on a situation that existed in the past.

Mr. President, if my colleagues are truly in favor of guaranteeing the right to vote for all citizens, let us use a future election as the basis for determination. Then, all will be on notice as to the criteria to be met, rather than using the all too familiar method of hindsight which has been the case heretofore.

Mr. President, I move the adoption of my amendment.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Does the distinguished Senator want to move to table?

Mr. TUNNEY. Yes. I move to table the Senator's amendment.

Inadvertently, because of the situation that existed in the Chamber as we were getting unanimous consents, I did not move to table the first amendment, but I ask unanimous consent that I be permitted to so move on the first amendment offered by the Senator from South Carolina.

The PRESIDING OFFICER. Is there objection?

Mr. THURMOND. Mr. President, if the Senator is going to move to table one, I will give unanimous consent if he wants to table them all or either have a direct vote on all. Would it not be simpler and not confuse?

The PRESIDING OFFICER. The Chair understands there will be three separate votes.

Mr. TUNNEY. That is right.

Mr. THURMOND. That is right.

The PRESIDING OFFICER. Under the order there are three motions to table.

Mr. TUNNEY. That is right, three motions to table.

The PRESIDING OFFICER. There will be back-to-back votes with time limits as specified by the majority leader. Is there objection?

Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I now call up my amendment 792.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Carolina (Mr. THURMOND) proposes amendment No. 792.

The amendment is as follows:

On page 1, line 4, insert "(a)" after "SEC. 101.".

On page 1, between lines 6 and 7, insert the following new subsection:

"(b) Section 4(a) of such Act is further amended by adding at the end thereof the following new paragraph:

"Notwithstanding any other provision of this Act, in any action for a declaratory judgment brought under this section there shall be a presumption that the State or political subdivision bringing such an action has not used any such test or device for the purpose or with the effect of denying or abridging the right to vote on account of race or color if that State or political subdivision establishes that more than 50 per centum of the persons of voting age residing in that State or political subdivision were registered to vote on November 1 of the calendar year immediately preceding the year in which the action was brought, and that more than 50 per centum of such persons voted in the most recent Presidential election held before the action was brought'.".

Mr. THURMOND. Mr. President, this amendment would provide that a State or political subdivision which has fallen under the Voting Rights Act may go into court for a declaratory judgment with a presumption of nondiscrimination if two conditions are met. These conditions are that the State or political subdivision establish more than 50 percent of the residents of voting age are registered and more than 50 percent of these individuals participated in the last Presidential election. Thus, the very test which brings a State or political subdivision under the Voting Rights Act would be available to remove its application.

Presently, there is a provision in the act under which an action can be brought in the U.S. District Court for the District of Columbia for declaratory judgment by a State or political subdivision for a determination that no test or device has been used for the purpose or effect of denying or abridging a person's right to vote on the basis of race or color. My amendment would allow this procedure to continue, but in a more equitable manner by giving the State or political subdivision a presumption of nondiscrimination if the registration and participation requirements are met. If a presumption of discrimination is created by a State or political subdivision's failure to meet the two 50 percent tests in the triggering device of section 4 of the act, it is only fair that a presumption of nondiscrimination should exist if the tests are met.

Mr. President, this is a fair and reasonable amendment. It does not conclusively provide that discrimination does not exist—it allows the U.S. district court to decide the issue with a presumption—a presumption that is justified in view of the negative one that presently exists in that act. It would allow the existing declaratory judgment procedure to be available to the States or their political subdivisions at any time after the participation and registration requirement standards are met in the last Presidential election.

In the name of equity and reason, I urge adoption of this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. Mr. President, I move to table this amendment. Is this the third amendment? I move to table the amendment.

Mr. THURMOND. Mr. President, as I understand, the distinguished Senator from California has moved to table each amendment and the amendments will be voted on back to back.

The PRESIDING OFFICER. At 1 p.m.

Mr. THURMOND. And the voting on the first amendment will begin at 1 p.m.

The PRESIDING OFFICER. That is the order.

Who yields time?

Mr. TUNNEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, will the distinguished Senator from South Carolina yield on my time for a discussion of what I regard to be the bottom line of this question?

Mr. THURMOND. Mr. President, I am pleased to yield to the distinguished Senator on his time.

Mr. HELMS. I thank the Senator.

Does the Senator know of any basis of need for this legislation?

Mr. THURMOND. In response to the distinguished Senator from North Carolina, I know of no need for such legislation. In my State, for instance, as I stated here several days ago, I was Governor of South Carolina from 1947 to 1951, and I recommended to the State legislature that they remove the poll tax submitted to the people to vote as a prerequisite to voting. That was done. That must have been 10 years before Congress amended the Constitution here to bring that about. We encouraged everyone to vote, and there has been no complaint about voting in my State. The Junior Chamber of Commerce, the Civic Clubs, the League of Women Voters, everyone has encouraged people to vote, and they have voted.

I just brought out here a few moments ago, that so far as the black people are concerned in my State, 60.8 percent of those eligible to vote have registered, of the white people, 61.3 percent, only one-half of 1 percent more have registered. There is no discrimination there.

This bill is evidently a political bill because there is no justification shown for extending this bill.

Mr. HELMS. Let me ask the Senator this question. As the Senator well knows, I come from the news media; therefore, perhaps I am a little more attentive to the content of news stories on the radio, in the newspapers, on television, in magazines, and all the rest.

Has the Senator seen one item or heard one broadcast that has made the point that big brother in Washington has no evidence of discrimination in the few States that are really covered by this bill? Has the Senator seen any report of that nature?

Mr. THURMOND. I have not heard on radio, I have not seen on television, and I have not seen in the newspapers any statement that there is any evidence shown here of discrimination and any reason to continue this bill.

This bill is just being continued because it looks like there is some attempt to make the Nation believe that the South is discriminating. If there is any discrimination, I challenge them to show it. They have not shown it.

Mr. HELMS. Exactly.

Mr. THURMOND. I asked them in the subcommittee if they had anything on South Carolina to show it; if they had anything in any other States to show it. It ought to be corrected if it is.

But why do they want to try to punish the South? Why do they want to try to punish my State, or North Carolina, or any other State unless there is discrimination? If there is discrimination, it should be eliminated and those who are guilty should be punished. But if there is none, then why continue this bill? Yet, it looks as if the effort is just to try to aim at the South.

The Senator will remember here yesterday, when there was an effort made by an amendment to make this apply nationwide, the Senate turned it down. Why not treat all States alike? That is what the Constitution says, to treat citizens of all the States alike. We are all one country. We are all one nation. Whether we are from North Dakota or South Carolina or from California or Massachusetts, under the Constitution all citizens are supposed to receive equality of treatment. That is not what is taking place here today.

Mr. HELMS. The Senator is absolutely correct.

The thing that occurred to me as I watched this comedy in the Senate—and that is what it is, as I said earlier in this Chamber—we have a political situation wherein obviously there are some who want to go home and say, "Look what we have done for you in terms of eradicating discrimination." Well, they are eradicating discrimination that does not exist. Big deal, I say to the Senator from South Carolina.

I think it is just as appropriate to pass this bill as it is for Congress to pass a Federal law against robbing stage coaches. Of course, the Senator from California would object to that, because he has most of the stage coaches in Hollywood, and he probably would not like that amendment, either.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, under the previous order, the Senate will now proceed to vote on the motion to table amendment No. 730. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND) and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

I also announce that the Senator from Michigan (Mr. HART) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. CURTIS) is necessarily absent.

I also announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

I further announce that the Senator from Oklahoma (Mr. BELLMON) is absent attending the funeral of a friend.

The result was announced—yeas 72, nays 21, as follows:

[Rollcall Vote No. 318 Leg.]

YEAS—72

Abourezk
Baker
Bayh
Beall
Bentsen
Biden
Brooke
Buckley
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Dole
Domenici
Eagleton
Fong
Ford
Garn
Glenn
Gravel
Griffin
Hart, Gary W.
Hartke
Haskell
Hatfield
Hathaway
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Leahy
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Stafford
Stevens
Stevenson
Stone
Symington
Taft
Tunney
Weicker
Williams

NAYS—21

Allen
Brock
Byrd,
  Harry F., Jr.
Fannin
Goldwater
Hansen
Helms
Hruska
Laxalt
Long
McClellan
McClure
Morgan
Nunn
Scott,
  William L.
Sparkman
Stennis
Talmadge
Thurmond
Tower
Young

NOT VOTING—6

Bartlett
Bellmon
Curtis
Eastland
Hart, Philip A.
Hollings

So the motion to table was agreed to.

The PRESIDING OFFICER (Mr. GARY W. HART). The yeas and nays have been ordered on the motion to table the Thurmond amendment No. 754. The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND) and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

I also announce that the Senator from Michigan (Mr. HART) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

I further announce that the Senator from Oklahoma (Mr. BELLMON) is absent attending the funeral of a friend.

The result was announced—yeas 70, nays 24, as follows:

[Rollcall Vote No. 319 Leg.]

YEAS—70

Abourezk
Baker
Bayh
Beall
Bentsen
Biden
Brock
Brooke
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Dole
Domenici
Eagleton
Fong
Ford
Glenn
Gravel
Griffin
Hart, Gary W.
Hartke
Haskell
Hatfield
Hathaway
Huddleston
Humphrey
Inouye
Jackson
Javits
Kennedy
Leahy
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Mondale
Montoya
Morgan
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Stafford
Stevens
Stevenson
Stone
Symington
Taft
Tunney
Weicker
Williams

NAYS—24

Allen
Buckley
Byrd,
  Harry F., Jr.
Curtis
Fannin
Garn
Goldwater
Hansen
Helms
Hruska
Johnston
Laxalt
Long
McClellan
McClure
Metcalf
Nunn
Scott,
  William L.
Sparkman
Stennis
Talmadge
Thurmond
Tower
Young

NOT VOTING—5

Bartlett
Bellmon
Eastland
Hart, Philip A.
Hollings

So the motion to lay on the table the amendment (No. 754) of the Senator from South Carolina was agreed to.

The PRESIDING OFFICER. The yeas and nays have been ordered on the motion to lay on the table Mr. THURMOND'S amendment (No. 792) and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND) and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

I also announce that the Senator from Michigan (Mr. HART) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. PACKWOOD) is necessarily absent.

I also announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

I further announce that the Senator from Oklahoma (Mr. BELLMON) is absent attending the funeral of a friend.

The result was announced—yeas 70, nays 23, as follows:

[Rollcall Vote No. 320 Leg.]

YEAS—70

Abourezk
Baker
Bayh
Beall
Bentsen
Biden
Brock
Brooke
Buckley
Bumpers
Burdick
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Domenici
Eagleton
Fong
Ford
Garn
Glenn
Gravel
Griffin
Hart, Gary W.
Hartke
Haskell
Hatfield
Hathaway
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Leahy
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Mondale
Montoya
Morgan
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Stafford
Stevens
Stevenson
Stone
Symington
Taft
Tunney
Weicker
Williams

NAYS—23

Allen
Byrd,
Harry F., Jr.
Byrd, Robert C.
Curtis
Dole
Fannin
Goldwater
Hansen
Helms
Hruska
Laxalt
Long
McClellan
McClure
Metcalf
Nunn
Scott,
William L.
Sparkman
Stennis
Talmadge
Thurmond
Tower
Young

NOT VOTING—6

Bartlett
Bellmon
Eastland
Hart, Philip A.
Hollings
Packwood

So Mr. TUNNEY's motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 714

Mr. WILLIAM L. SCOTT. Mr. President, I call up my amendment No. 714, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Virginia (Mr. WILLIAM L. SCOTT) proposes an amendment numbered 714.

Mr. WILLIAM L. SCOTT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAM L. SCOTT's amendment (No. 714) is as follows:

On page 1, between lines 6 and 7, insert the following new section:

"SEC. 102. (a) Section 4(a) of the Voting Rights Act of 1965 is amended by striking out 'United States District Court for the District of Columbia' and inserting in lieu thereof 'the United States district court in which the capital of such State is located or the United States district court in which such political subdivision is located'.

"(b) Section 5 of such Act is amended by striking out 'United States District Court for the District of Columbia' and inserting in lieu thereof 'the United States district court in which the capital of such State is located, or the United States district court in which such political subdivision is located'.

"(c) Section 13 of such Act is amended by striking out 'the district court for the District of Columbia' each time it appears in such section and inserting in lieu thereof 'the appropriate United States district court'.

"(d)(1) Section 14(b) of such Act is repealed.

"(2) Section 14(d) of such Act is amended to read as follows:

"'(d) In any action for declaratory judgment brought pursuant to section 4 or section 5 of this Act, subpenas for witnesses who are required to attend may be served in any judicial district of the United States'.".

On Page 1, line 7, redesignate section 102 as section 103.

Mr. WILLIAM L. SCOTT. Mr. President, the thrust of this amendment is to strike from the bill, wherever it refers to, the "United States District Court for the District of Columbia," and to insert in lieu thereof "United States district court in which the capital of such State is located or the United States district court in which such political subdivision is located."

This is an amendment that was considered in the Senate Committee on the Judiciary and failed by a tie vote. I would hope that the distinguished floor leader, the Senator from California (Mr. TUNNEY), would permit us to have a vote on the merits of this proposal, because it is a matter that should be of concern to each Senator. I would ask if he might address himself to that request.

Mr. TUNNEY. Mr. President, the Senator from Virginia has accurately stated the situation as it existed in the Judiciary Committee. The amendment was offered and did fail by a tie vote.

I think that this amendment is of sufficient importance, and there is a sufficiently close division of opinion, apparently, in the Senate, that we ought to have a vote up or down on the merits of the amendment.

As the Senator knows, I am going to oppose the amendment. I have voted against it in the committee. But I shall not move to lay it on the table, and I hope no other Senator will.

Mr. WILLIAM L. SCOTT. I appreciate the Senator's courtesy.

Mr. President, it is customary, when a lawsuit is brought involving a Federal question, the trial be within the State where the issue or the controversy arose.

We are talking about something—voting rights—that is perhaps as close to the people as any other matter we could have under discussion. I believe it is only fair and right that we have the initial hearing, the initial trial, in the Federal court of the State or political subdivision involved.

Historically, when we established the federal system, we provided a local situs, so that in matters that relate to a particular locality, such as a suit brought by a State, we could have the trial at the local level.

I know sometimes we feel that there might be some prejudice, or some fear of pressure. That was brought up at the hearing before the Senate Committee on the Judiciary. Of course, a Federal judge is a human being. A Federal judge is a lawyer. When he puts on a robe, and he is still the same person as he was before he donned the robe, but I am saying that if he believes a judge within a given State is going to be so subjected to peer pressure that he is going to rule in favor of his State, it is an insult to him, and I think it is slanderous to make such a statement as that.

When thinking along this line we could turn our thinking in the opposite direction, and we might believe that a State, a Southern State in particular, would not get a fair trial within the District of Columbia.

We remember that in the most recent Presidential election 49 of our States went for the Nixon-Agnew ticket. One State, Massachusetts, by a narrow vote, went for the McGovern ticket, and the District of Columbia 80 percent for McGOVERN.

I do not believe the philosophy of the District of Columbia is representative of the feeling of the people of the country. I mention this merely as an example, because if we talk about peer pressure, if we speak of prejudice, it could exist in the District of Columbia as well as it might exist in a given State. But all of our Federal judges, wherever they are located, are sworn to uphold the Constitution and the laws of the United States. I would hope that that is generally true, that they do try to be as free from prejudice and peer pressure as possible. With a lifetime appointment, they can very well be free of peer pressure wherever they are located; but I think we have a more important matter here than such thoughts as peer pressure or prejudice.

We are talking about the convenience of a State or a political subdivision. Should it have to go out of its own State, when there are Federal courts located there?

The States of Alaska and Hawaii will be covered under this act. Should the attorney general of Hawaii, for example, have to come to Washington, D.C. for a trial, or should there be a trial in the Federal court within his own State? And we are not talking only of the trial, but of any preliminary hearings, any hearings on motions, the filing of any papers, the whole conduct of a lawsuit from beginning to end. He might have to commute back and forth from his home State to the Nation's Capital.

To me, that is a needless difficulty and needless expense.

When I speak of having the initial trial in the Federal court within the State where the controversy at issue arose, that is not the court of final jurisdiction. That is just the court which holds the initial hearing or trial. In our Federal syytem, we provide for appeals, and the ultimate decision is made by the Supreme Court of the United States. I would not change that.

The argument is made in committee that a given court, where all the cases are heard in that court, would tend to bring about uniformity throughout the country, but we have a great number of judges in the District of Columbia, and the same ones do not hear all of the cases. They rotate on the hearing of these cases, so they do not acquire much expertise.

Our Federal system is built on the foundation that we have the Circuit Courts of Appeals, which attempts to reconcile the decisions within the circuits; and one of the reasons that the Supreme Court will entertain a writ of certiorari is that the circuits are not in agreement. That is one of the reasons why they hear a case. The Supreme Court is the final arbiter, the one that is supposed to see that there is uniformity throughout the country.

I think this is a reasonable amendment. I think it is something that is important to each Senator. And I would say that if the Federal judges are not what they should be, it could well be our fault, because as Senators we are asked or given the opportunity to make recommendations on who should be the Federal judges in our States.

We do not make the appointment. But we do have a voice in naming the Federal judge, and I am sure that all of us look for people who will make competent judges. I feel that, on the whole at the trial level, we do have good Federal judges who attempt to be free of prejudice and do their best to decide issues on the merits. If they do not do that, the appellate court will reverse them and remand the case to them for further hearing.

That was done in a recent case in which the hearing was before a special master, appointed by the District of Columbia court. It was a Virginia case involving our capital city of Richmond, and the special master, who was appointed, the Supreme Court said did not have a sufficient basis for his decision. It was the case of the City of Richmond against the United States.

Reading from the syllabus of the decision:

> Since section 5 forbids voting changes made for the purpose of denying the vote for racial purposes, further proceedings are necessary to update and reassess the evidence bearing upon the issue, whether the city has sound nondiscriminatory, economic and administrative reasons for retaining the annexed area. It is not clear that the special master in the district court adequately considered the evidence in deciding whether there are now justifiable reasons for the annexation that took place on January 1, 1970.

Mr. President, I am not going to infringe further on the time of the Senate. I believe this is a sound amendment that should be adopted by the Senate so that wherever the case arises the initial hearing will be in the Federal court within that State.

(At this point Mr. TAFT assumed the chair.)

Mr. TUNNEY and Mr. STEVENS addressed the Chair.

Mr. STEVENS. Pardon me. Mr. President, will the Senator yield for 1 minute?

Mr. TUNNEY. I yield.

Mr. STEVENS. I have to go to a quorum.

I ask the Senator if we can proceed with my amendment 779 after we dispose of the amendment of the Senator from Virginia. There seems to be some question about how fast we are going here.

Is there anyone else calling up an amendment after Senator SCOTT?

Mr. TUNNEY. Not that I am aware of. We still do not have the yeas and nays.

Mr. WILLIAM L. SCOTT. Mr. President, I ask for the yeas and nays on my amendment at this time.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WILLIAM L. SCOTT. I might say, Mr. President, that I do not intend to talk any more unless it is in rebuttal to something that might be said by the Senator from California.

Mr. TUNNEY. I will make a few brief remarks, because of my prior colloquy with the Senator from Alabama.

I oppose the amendment, although it does, on the face of it, have a lot of appeal. I do not deny that. I have a great deal of confidence in the Federal judiciary. I think the judges from the South, as well as the North and the West, have all attempted to do as good a job as can be done in interpreting the laws of the United States. I think that we have a very fine judiciary in this country, and I believe that one of the great strengths that we have as a democracy is the fact that we have an independent judiciary.

I think that is not only true with the Supreme Court, but all the way down to the Federal district courts.

However, as it relates to the problems of voting rights and discrimination, I will point out something which is well known, and that is that prior to the time of the Voting Rights Act passage in 1965, but subsequent to the 1960 Civil Rights Act, there were a number of lawsuits filed in the Southern part of the United States to protect the constitutional rights of black citizens.

Consistently, the courts found that there was no discrimination. They found that redistricting plans were nondiscriminatory, despite the fact that someone who did not live in that particular region and who was evaluating what had been done by local municipalities, counties, and State legislatures would undoubtedly find that there had been discrimination.

So, when the Congress decided to move on the 1965 Voting Rights Act, they decided that they just could no longer meaningfully trust the judicial process as it had been utilized or not utilized from 1960 to 1965. It was determined that we needed some type of extraordinary governmental intervention at the Federal level to guarantee that Federal constitutional rights were protected. That is why we have the preclearance provisions, that is why we have the triggering mechanism in section 4, and that is why the Attorney General is given such broad powers to send officials into the covered States for purposes of registering voters, examining voting lists and to act as poll watchers.

Mr. WILLIAM L. SCOTT. Will the Senator yield at that point?

Mr. TUNNEY. I will yield the floor so that the Senator from Virginia may be recognized.

Mr. WILLIAM L. SCOTT. As the Senator knows there has never been any examiners sent into the State of Virginia at any time. I know that the distinguished Senator is familiar with our State, being a graduate of the law school of the University of Virginia. But as to the comments he is making he is addressing himself to the triggering provisions of the bill which would still apply. It would just be the question of the forum to hear the case, not any change in the law in any respect, other than who hears the initial proceeding.

Mr. TUNNEY. That is correct. But the Senator from Virginia did not give me an opportunity to get to the main thrust of my argument. I was trying to give some historical perspective as to why I feel the way I do with regard to his amendment.

Much as I respect the Federal judiciary in the South, I think that, as a result of prior history, we have seen that in these voting rights cases and in these redistricting cases, the Federal Judiciary was not as diligent as it should have been in those Southern States in protecting the rights of minority citizens.

Maybe this is past history. I would hope that it would be. On the other hand, I would have to point out to my friend from Virginia that just recently, in the last few months, the Supreme Court of the United States overturned a redistricting plan of a three-judge Mississippi court which redistricted the legislature in Mississippi. The Supreme Court unanimously overturned that redistricting plan, stating that they thought that it was discriminatory.

The Mississippi court apparently felt that their redistricting plan was perfectly appropriate and that it was constitutional. But judges sitting on the Supreme Court, representing the national attitude on civil rights and national attitude on voting rights, found that this was a discriminatory redistricting plan.

So, despite the fact that great progress has been made in Mississippi in registering people to vote and giving people the opportunity to vote, still there are remnants of a system that existed prior to the time the Voting Rights Act passed, and remnants of an attitude toward voting rights that existed prior to that time.

So I cannot accept the fact that these have changed in the last 10 years so much that we could say that the local judiciary in those States would in every instance be prepared to cut their ties with the past and take a completely fresh look at these problems. Great changes have taken place in the South, and perhaps after 7 or 10 years we will not need another Voting Rights Act, but I think that at this moment we do, and that the Senator's amendment would hurt the whole spirit of the Voting Rights Act as it now exists.

I point out one final aspect, and that is that a great deal of expertise has been built up. I know that the Senator has suggested that the expertise does not exist with individual judges, but there is a great deal of expertise in the district court of the District of Columbia. It is not a regional court. There are judges on that court from all parts of the country. Only two of the judges on the court in the District of Columbia are black, despite the fact that the population of the

District of Columbia is 70 percent black. One judge is from Connecticut, one from Iowa, one from Rhode Island, one from Alaska, one from Virginia, one from California, one from New Hampshire, one from Maryland, another judge from Virginia, and one from Ohio.

It seems clear to me that this court could not be considered one which has only a regional interest, a District of Columbia regional bias. It is a national court. It is a court with expertise.

I think we should leave the Voting Rights Act as it is, until such time as Congress decides it is not going to extend the act.

Mr. McCLURE. Mr. President, I have not spoken on this act, and I have not taken any of my time under cloture, because most of the amendments being offered and most of the discussion had to do with more general aspects of the Voting Rights Act, and in many instances some specific item that was a matter of concern for an individual Senator or his constituency.

I believe that the question of where the venue should be established to review the actions or to institute the actions that are taken under the Voting Rights Act is far more important than just the questions that have been related to voting rights per se. I refer to a general pattern that emerges when one wants a particular kind of bias on a particular kind of issue, to make certain that it is handled here in the District of Columbia.

The distinguished Senator from California makes reference to the fact that it is not a court that has a regional bias; it is a national court. It is not that at all. It is a court of the District of Columbia, and it has some responsibilities for the Government decisions simply because Congress has decided that governmental decisions that are taken by executive agencies shall come before the district court here.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator yield for a question?

Mr. McCLURE. I yield.

Mr. WILLIAM L. SCOTT. Mr. President, I wonder whether the distinguished Senator from Idaho is familiar with the provision of the report of the House of Representatives that says the record indicates that of the 10 bailout suits filed within the past 10 years—of course, this relates to the statement of the floor manager, that expertise has been developed in this court—only two judges have sat four times and one judge has sat three times on the required three-judge panels. Of the 11 judges who have sat on the bench to decide these cases, five have sat twice and six have sat once.

Will the Senator agree that this is not the number of cases to develop any special expertise? Will the Senator comment on this?

Mr. McCLURE. I certainly will be happy to comment not only in regard to that section of the House report to which the distinguished Senator from Virginia refers, but also in regard to the general proposition of whether or not any Federal district courts have expertise on the part of individual judges. I assume that the Senator from California was referring to the particular or peculiar knowledge that an individual district judge has; because if he is referring to something else, I think we are referring to the influences upon a district judge's decision that are aside from his own knowledge or his own expertise.

I hope that the Senator from California is not implying that the expertise outside of the judge, himself, influences the decision of the judge; because that would be a remarkable travesty of justice, if indeed that were true.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator yield further?

Mr. McCLURE. I am happy to yield.

Mr. WILLIAM L. SCOTT. Is it not generally true, and should it not be the case, that a decision of a court is based on the evidence that is presented to him in a given case, rather than on something that happened in other cases over the years? Is that not the basis for our jurisprudence? A judge decides a case on the merits and on the basis of the evidence that has been presented before him by the parties.

Mr. McCLURE. The Senator is absolutely correct. They can take judicial notice of things outside that evidence, and sometimes do, but that is not something that is confined to a particular judge who may have had experience in a particular field.

Mr. WILLIAM L. SCOTT. Will the Senator also agree that the Mississippi case that was cited by the distinguished Senator from California proved, if we accept the facts as presented by the distinguished Senator from California, that our judicial system was working; that if, in fact, the Mississippi court was prejudiced, that prejudice was eliminated through the appellate process and by the final decision of the Supreme Court of the United States. Is this not our system?

Mr. McCLURE. Yes, the Senator is correct.

I thought the Senator from California refuted his own case when he made reference to the fact that the Supreme Court was a national court, with a national viewpoint, and therefore had overcome what he attributed to regional bias in the appellate process.

That is exactly the proper way in which it should be done. But certainly it should not be inferred that the only way to overcome a regional bias is by bringing a suit in the Federal District Court of the District of Columbia.

We have a great deal of problem with the general idea that the convenience of the Government is more important than the convenience of the citizens who are involved in lawsuits. That is not just in civil rights cases or just in voting rights actions. My State of Idaho is two-thirds owned by the Federal Government. Because our Federal managers of those resources in my State have a great deal to say about what happens in my State, we are oftentimes involved in some kind of contest with the Federal managers. We are continually met with the challenge that we should have to come back to Washington, D.C., to the fount of all wisdom and knowledge and all goodness and mercy in the country, in order to obtain a decision.

Free people should have the right to object to that kind of assumption, that the only place a decision can be made is in the only place where no bias exists. I think the Federal district judges around this country and the people who support those Federal District Courts should be resentful of the implication that bias exists everywhere but here.

In spite of the fact that that is what the Senator from California is saying, that bias exists everywhere but here, he comes right around on the other side of the question and says, "Only here is there a sufficient bias." Only he did not say that; he said, "sufficient expertise." I submit it is not the staff outside influencing the judges; what he is really saying is that the judges here have a bias, a bias which he finds favorable and therefore desires to have them heard here.

Mr. WILLIAM L. SCOTT. Will the Senator yield for a question?

Mr. McCLURE. Yes; I yield.

Mr. WILLIAM L. SCOTT. Is not the reverse situation established from the Mississippi case by a case that arose from the District of Columbia, involving the annexation by the city of Richmond of some land in Chesterfield County, Va., where it was tried by a special master appointed in the District of Columbia? I believe the distinguished Senator has the case before him that was remanded to the local court because the special master found bias without sufficient evidence and the Supreme Court directed that further hearings be had to determine whether the annexation was now proper.

I read part of the syllabus in that case to the Senate a few minutes ago where the court said that there was not sufficient evidence to establish the facts, in the opinion of the special masters. Would the distinguished Senator from Idaho agree with this general statement?

Mr. McCLURE. The Senator is correct. I do not think one can read the syllabus in that case without coming to the conclusion that the court had, in that instance, determined that the master and the district court had acted without having sufficient evidence before them, which is simply another way of saying that they had jumped to a conclusion.

Again, the reason I desired to take some time on this particular amendment, as distinguished from all the rest that have been before and will be before this body on this particular act, is that I think it has implications that go far beyond just the Voting Rights Act; that is, that a great many people in my State are very, very resentful of the imposition upon them and their rights before courts that it has to be determined in the District of Columbia. We have sought to reverse that in many, many different fields and have been successful in some, in having the case tried where the citizens live, rather than having the case tried where it is convenient to the Government to have it tried.

Mr. TUNNEY. Will the Senator yield?

Mr. McCLURE. I am happy to yield.

Mr. TUNNEY. Of course, as the Senator from Idaho knows, the problem that we face in certain of the Southern States is that we have local municipalities, counties, and State legislatures, trying to redistrict in a way that historically has not benefited the minority groups that live within the State—the blacks. Those redistricting plans have been implemented for the purpose, really, of preventing blacks from exercising their rightful franchise. If the amendment of the Senator from Virginia passes, it is going to mean that instead of going to the Attorney General of the United States and the District Court, here in the District of Columbia, for the purpose of getting a preclearance, the local officials will be able to go to the local district court, the local district judge, and the likelihood of getting a clearance will increase.

The judge hearing the case lives in the community. This could well be a judge who lives in the town in which the ordinance is being changed. There is no question that there is substantial peer pressure on that judge to make a decision that would validate the city council or the county board of supervisors, or in the case of a State legislature and an action of the State legislature, validate the State legislative action.

Mr. McCLURE. Would the Senator imply by that that there is no peer pressure in the District of Columbia on the judge siting here to make a favorable decision in some other matter?

Mr. TUNNEY. I think that what we are talking about, I say to the Senator, is the right of minorities to vote. We are talking about rights that have been denied for over a hundred years.

Mr. McCLURE. The Senator and I are not talking about the same issue at this particular time, because the reason I addressed the Senate was not in regard to that issue. I am very much concerned about the right of people to vote, as is the Senator from California. But I am also very much concerned about the right of all people in our society to have a judge who is impartial in their own communities handle their cases.

One of the constitutional guarantees we have in any criminal action is that we will be tried before a jury of our peers. The Senator is objecting to the fact that the district judge may have some pressure by the community, the peer pressure that he refers to, as though that is something wrong. That is a part of our system.

Mr. TUNNEY. I am saying that there is a cultural and a psychological factor that is involved here that is quite unique and is different from other problems that come before a district judge. We have had a cultural bias in favor of discrimination and denying blacks the opportunity to vote, denying blacks the opportunity for a decent education and for an opportunity in the economic system, for years. Up until the Civil War, it was against the law in these States to teach a black how to read or write.

Mr. McCLURE. I say to the Senator, I yielded for a question in regard to my arguments on this specific amendment. If he wants to go back and argue the whole civil rights movement over again, he will have to do it on his own time.

Mr. TUNNEY. The reason I am arguing the historical process over again is that I am talking——

The PRESIDING OFFICER. Does the Senator from Idaho yield for a question?

Mr. McCLURE. I yield for a question only.

Mr. TUNNEY. I think the Senator will have to agree that the situation, as it relates to blacks in the South, is different from the situation that exists in his State when it comes to voting rights.

Mr. McCLURE. If the Senator is asking a question, I say to the Senator, yes, that is true. And I say it is also different in the District of Columbia.

Mr. TUNNEY. Does the Senator feel that a judge in the South, who has to make a decision for example on an ordinance that was passed by a city council, in the city where he or she lives can be as unbiased, as it relates to the problem of blacks and voting rights, as a judge in the District of Columbia?

Mr. McCLURE. I say to the Senator that his biases might be different, but I think he is capable of rising above bias in any district in this country, as much there as here.

I am saying that the citizens who are affected, be they black or white, whatever their race may be, have the right to have their matters considered in a court of local jurisdiction, rather than having to go clear across the country to present a case somewhere else.

Mr. WILLIAM L. SCOTT. Will the Senator yield on that point?

Mr. McCLURE. I am happy to yield to the Senator from Virginia.

Mr. WILLIAM L. SCOTT. Mr. President, I appreciate the Senator's yielding and ask the distinguished Senator from Idaho—and the floor manager might want to comment on this—having a trial in the State where the issue arises might serve the purpose that the distinguished Senator from California is attempting to obtain. Would it not be true that an aggrieved person, a person who wanted to bring a suit against a State or a political subdivision, might find it more convenient to come to the Federal court within his own State, rather than going all the way to Washington? I am saying, does it not cut both ways? Is that not the proper thing to do?

Mr. McCLURE. The Senator from Virginia is exactly correct.

I wish to respond to one other suggestion that was made, that somehow, if we have it tried in the area where the alleged act of discrimination occurred, rather than in Washington, D.C., somehow one has bypassed the Attorney General of the United States.

If I understand the amendment, that is not correct. The Attorney General of the United States would have the same responsibility to make the determinations and the same responsibility to bring the action.

Mr. WILLIAM L. SCOTT. This is the intention, I say to my distinguished colleague. This is the intention of the amendment. We would change only the court.

Mr. McCLURE. Mr. President, I do not intend to prolong this debate. I do wish to express my concern over the pattern of discrimination that occurs against the people of this country who do not have the time and money to come to Washington, D.C., to present their case before courts. It is not just in this act, it is not just in this case that there are second-class citizens in this country as a result of the actions of the Congress of the United States, that deprived them, as a matter of fact, of their access to the courts to defend their rights or to assert their rights, and we are prolonging and accentuating that when we center all of the actions in many of these areas in the district courts in the District of Columbia.

I suspect that I know what the pattern will be. There will be a motion to table. Senators will stream in the doors and they will say, "Is it a motion to table?" and they will vote "yea" or "no," according to how they have voted on all save one other.

Mr. WILLIAM L. SCOTT. Will the Senator yield?

Mr. McCLURE. Yes.

Mr. WILLIAM L. SCOTT. The Senator was not on the floor when the distinguished floor manager agreed that because of the importance of this matter he would not move to table, and that he would hope that no one else would. He felt it should be decided on its merits.

Mr. McCLURE. I thank the Senator for making that comment. I was not here, and I apologize for having made the statement which has so quickly proven to be in error, and I thank the Senator from California for having made that commitment.

Mr. TUNNEY. Mr. President, just a quick statement. I feel very strongly that the comments that were made by the Senator from Idaho and the Senator from Virginia, although on their face extremely plausible ought to be understood by this body for what they are—plausible when related to general problems that come before the Judiciary, but really not at all plausible when related to voting rights and acts of discrimination to abridge the right of blacks to vote in certain regions of this country.

There is, unfortunately, an historical context that we cannot separate out as it relates to the courts in this country in certain regions of the South, and their inability, at least historically, to render an unbiased decision when matters were brought before them that related to discrimination in voting rights.

Although this may have changed in recent years in certain States in the South, as I pointed out, in Mississippi there was a case recently, in which the Supreme Court unanimously overturned the Mississippi three-judge court on the grounds that the redistricting plan they had laid out was unconstitutional because it discriminated against blacks.

I cannot think of anything that could be more harmful than to say in every instance of preclearance that the local municipality, the board of supervisors of the county, or the State legislature, could take their case to the local judge who lives in that county, lives in that municipality, lives in that State, and say, "Tell us what we did was all right."

I know very well what the judge is going to do in most instances, at least

I think I do, because he lives in that community. He is going to say, "Yes, I think that my legislature, my county, my city council acted appropriately as it relates to this particular matter." I think it would be strange if he did not.

I point out this is not an economic matter. This is a social and cultural matter that goes to the very root, I think, of the discrimination and the prejudice that has existed and that has prevented blacks in the South from getting the opportunity to have equal access to the political system.

Now that they are beginning to get equal access—and they are getting it, particularly in the State of Georgia, where there are so many blacks in the legislature—you find the blacks are holding their heads up higher, they are feeling more a part of the system. They feel their Government is more responsive to them and, let us not take it away from them.

Mr. STONE. Mr. President, will the Senator yield for a question, either Senator?

Mr. TUNNEY. I will yield for a quick question.

Mr. STONE. This will be quick.

Is it not the case that the local, in this sense the Federal district judges, rule on the busing questions, and are they not subject to the same "I live here, this is my local school board" pressure? And is it not a more volatile type and more emotional type of ruling? And yet have not those district judges come up with some of the most severe and far-reaching busing decisions?

In light of that can the Senator still maintain that a Federal judge is so swayed by his neighbors that he does not give effect or would not give effect to true constitutional equal treatment?

Mr. TUNNEY. Would the Senator yield to the Senator from West Virginia for a unanimous-consent request?

Mr. STONE. Sure.

REQUEST FOR TIME LIMITATION AGREEMENT—H.R. 8365

Mr. ROBERT C. BYRD. I will take 1 minute on my own time. These two requests have been cleared on the Republican side of the aisle.

Mr. President, I ask unanimous consent that when H.R. 8365, the Transportation appropriation bill, is called up, there be a 1-hour time limitation on the bill to be divided equally between Mr. BAYH and Mr. CASE; that there be a time limitation on any amendment of 1 hour; that there be a time limitation on the so-called Concorde amendment of 3 hours, and that the agreement be in the usual form with respect to division and control of time.

Mr. JAVITS. Will the Senator protect us as to motions to table?

Mr. ROBERT C. BYRD. And motions to be table will be in order.

The PRESIDING OFFICER. Is there objection?

Mr. MORGAN. Yes, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT OF THE VOTING RIGHTS ACT

The Senate continued with the consideration of the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, and for other purposes.

Mr. TUNNEY. I had a question that was asked of me.

I would just like to say to my friend that in practically every instance there has been a submission to the Attorney General by the States rather than to the District Court of the District of Columbia on preclearance.

Mr. STONE. That is a valid answer.

Mr. TUNNEY. I am not aware of any case where the preclearance has gone here to the District Court of the District of Columbia.

You know very well what is going to happen if this amendment passes. They are not going to come to the Attorney General. They are going to go to the local court, and that is going to tie up the resources of the Justice Department because they are going to have to go into court if they do not like what is being done. They are going to have to fight the case in the court, and they are going to have to fight it on appeal to the Supreme Court. I just cannot imagine why it is necessary to change a formula that has worked extremely well in the past 10 years. Let us face it, what we are talking about now are the rights of people to vote.

The attorney general of Virginia testified that one person working part time in the State of Virginia can handle all of the various submissions to the attorney general under section 5, preclearance, all of them working part time, one person. So it has not proven to be an excessive burden.

I just cannot see any reason to change a law that is working well. Why should we return it to a district court where they have had no submissions to the District Court here in the District of Columbia, to my knowledge? And, I think, as I have said, you would not have very many submissions thereafter to the Attorney General. It would go to the local court.

Mr. STEVENS. Mr. President, will the Senator yield there? I would hope that my good friend from California will take cognizance of the fact that the State of Alaska twice went to the District Court of the District of Columbia to be bailed out.

Mr. TUNNEY. Bailout, not preclearance here. We are talking about preclearance. I am not talking about bailout.

The Senator from West Virginia has offered an amendment that strikes at two major sections of the act, the bailout section of section 4, and the preclearance part of section 5.

Mr. STEVENS. But his amendment would permit my State to go into the District Court of the United States for Alaska?

Mr. Tunney. For bailout under secton 4, but it also would allow the local State legislature sitting to go into the district court on preclearance, and that is important.

Mr. WILLIAM L. SCOTT. Mr. President will the Senator yield briefly?

Mr. TUNNEY. Yes; I yield.

Mr. WILLIAM L. SCOTT. In Virginia, as the Senator well knows, there were over 2,200 requests for clearance that were directed to the Attorney General of the United States, and the Attorney General only found fault in eight instances.

Does that indicate the State of Virginia would not go back to the Attorney General of the United States with that kind of a ratio, more than 2,200 to 8?

Mr. TUNNEY. I cannot make the determination.

Mr. WILLIAM L. SCOTT. That is a pretty good record.

Mr. TUNNEY. I cannot make that determination, but my guess is that from now on most if not all of the submissions will be made to the local district court rather than to the Attorney General.

Mr. JAVITS. Mr. President, I would like to ask the manager of the bill a question.

I understand it was argued that this particular amendment was considered in the Judiciary Committee and was lost by a divided vote, is that a fact, on this particular amendment?

Mr. TUNNEY. I have been informed since I first made that statement that this particular amendment was not discussed in the Judiciary Committee because the preclearance provisions of the amendment were not in the Judiciary Committee, it was only the bailout provisions of section 4.

Mr. WILLIAM L. SCOTT. Will the Senator yield?

Mr. JAVITS. I yield.

Mr. WILLIAM L. SCOTT. I have here a copy of the transcript and this is the same identical amendment, and I have a copy of the transcript beginning at page 76, it recites: How, this amendment reads, and so forth.

I would be glad to lend it to the distinguished Senator from New York.

It is our intention—a staff member prepared this for me—it is our intention that it be identical, and here is a transcript of the record.

Mr. JAVITS. Was the amendment identical?

Mr. WILLIAM L. SCOTT. Yes, I am certain it was identical, assuming my staff member prepared it the way I instructed him to prepare it, and it is in the RECORD and the Senator can compare it with the amendment as offered.

Mr. TUNNEY. Mr. President, I would like to say that with just a very quick reading of the transcript and comparing it with the Senator's amendment, that they seem the same.

Mr. JAVITS. Mr. President——

Mr. WILLIAM L. SCOTT. Let me say then——

Mr. JAVITS. Mr. President, I have the floor.

Mr. WILLIAM L. SCOTT. Will the Senator yield briefly?

Mr. JAVITS. I yield.

Mr. WILLIAM L. SCOTT. I would not make any effort to deceive either of the Senators. We may have a difference of opinion in philosophy, but I am sure each of us can trust the statements.

Mr. JAVITS. I would not have asked the question, I would have just gone ahead and argued if I did not think so, but I never believe in that when a question is presented to me and neither does Senator TUNNEY.

Mr. President, the reason I asked it is this: I understood that the agreement of the manager of the bill not to move to table was based upon this fact, that is, that it had been submitted to the Judiciary Committee, is that correct?

Mr. TUNNEY. That is correct.

This amendment was submitted to the Judiciary Committee, there was a long discussion of it and I felt that the issue ought to be considered on the merits.

I think that it is something the Judiciary Committee had an opportunity to look at and make a decision on.

The committee rejected the amendment, but it was a very close vote, it was a tie vote.

Mr. JAVITS. Mr. President, I ask the Senator this. I would be motivated to table it, but I shall not do so in view of the pledge made by the manager, but I would like to ask him this as a basis for the voting of many Members. Is this one of those amendments that the Senator would qualify as so serious in its intentment that even if it were rejected here he would consider it in hearings before the committee in order to legislate it if the Senate found favor with it as an amendment?

Mr. TUNNEY. Oh, absolutely.

I am going to be holding hearings in the Constitutinonal Rights Committee on the Voting Rights Act at the end of this year for the purpose of considering many different amendments that we have not had an opportunity really to give full evaluation to on the floor because the time pressures were such that we just could not. But I would like to say to my friend from New York that I feel that it would represent a very significant deviation from the present practice, as this law is being administered, if we should accept the amendment of the Senator from Virginia.

I can assure the Senator that when we go to conference this would be a matter that the House conferees would not look at all upon kindly, and it may very well hurt the passage of this legislation if this amendment were adopted.

Mr. JAVITS. That is just my point. I think it is precisely the kind of amendment, because it does cover both the bailout and the preclearance, that would completely hang us up.

I was willing to take a risk, take a chance, on an 8-year extension as contrasted with 10, and Senator BYRD prevailed with 7, because that is a rather precise and defined proposition which does not seem to raise the problems which this double-barreled amendment raises.

But I feel sure, knowing the temper of the House as I do, as I ascertained it yesterday in connection with Senator BYRD's amendment, that this would really foul us up and bog this legislation down in an unparalleled way.

It seems to me, anyone who remotely wants to support this bill should vote against this amendment with the assurance of the Senator from California that he will give it a respectful and thorough hearing and that the matter will be submitted in due course to the Senate for Senate action so that it can be unraveled, because it is not only possible to apply it to one section and not to another, it is possible to apply it in part to either or to both sections without simply giving it a broad hunting license, which is what this amendment does, to go to the local courts to strike down anything one does not like about the Attorney General and tie the Attorney General up in litigation for years.

That is the answer to the busing business. The answer is that a busing issue is a basic, critical issue in a particular community. It is a unitary thing. If one gets tied up there for years, it deserves it, but if one gets tied up on every application to the Attorney General, of which there were 2,200 from the State of Virginia alone, then one bogs the system down by the fact that one breaks its back.

Mr. TUNNEY. That is right.

Mr. JAVITS. So I hope very much the Senate will see that clearly and in view of the pledge of the manager of the bill will reject the amendment on its merits at this time.

Mr. STONE. Mr. President, will the Senator yield for a question?

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield to me first?

Mr. JAVITS. I yield.

Mr. ROBERT C. BYRD. For 2 minutes on my own.

Mr. JAVITS. Yes, I yield.

UNANIMOUS-CONSENT AGREEMENT—S. 391

Mr. ROBERT C. BYRD. Mr. President, this request has been cleared on the other side of the aisle. It is not with reference to the bill in connection with which Mr. MORGAN lodged an objection to.

I ask unanimous consent that when S. 391, the mineral leasing bill, is called up, there be a 2-hour limit on the bill to be equally divided between Mr. FANNIN and Mr. JACKSON; that there be a time limitation of 1 hour on any amendment; a time limitation on any amendment to an amendment, debatable motion or appeal, or point of order, if it is submitted to the Senate, of 30 minutes; and that the agreement be in the usual form with respect to the division and control of time.

Mr. NUNN. Mr. President, reserving the right to object, I ask what that title is?

Mr. ROBERT C. BYRD. The mineral leasing bill.

Mr. NUNN. I do not object.

Mr. STEVENS. Mr. President, reserving the right to object, may I ask, it was my understanding there was an agreement that would not be called up until Monday?

Mr. ROBERT C. BYRD. That is another bill.

Mr. STEVENS. I thank the Senator very much.

Mr. McCLURE. Mr. President, reserving the right to object, and I shall not object, I want to clarify that last point. It was one of these bills that was listed by the distinguished majority whip this morning as one that might be considered this week, is that not correct?

Mr. ROBERT C. BYRD. Yes.

The PRESIDING OFFICER. The Senate will be in order.

Mr. McCLURE. It is my understanding it has been agreed by the chairman and the ranking minority member that it might be brought up on Saturday of this week?

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. McCLURE. I thank the Senator.

I have no objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank all Senators.

The text of the unanimous-consent agreement is as follows:

Ordered, That, during the consideration of S. 391 (Order No. 288), a bill to amend the Mineral Leasing Act of 1920, and for other purposes, debate on any amendment in the first degree shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill, and debate on any amendment in the second degree, debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: Provided, That in the event the manager of the bill is in favor of any such amendment, motion, or point of order, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Arizona (Mr. Fannin) and the Senator from Washington (Mr. Jackson): Provided, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

AMENDMENT OF THE VOTING RIGHTS ACT

The Senate continued with the consideration of the bill (H.R. 6219) to amend the Voting Rights Act of 1965, to extend certain provisions for an additional 10 years, and for other purposes.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STONE. Mr. President, I was asking a question and yielded to the Senator from West Virginia and I would like to direct this question to the Senator from California, the distinguished floor manager of the bill.

The Senator from Florida has not decided which way to vote on this. The procedural argument is a powerful argument. But apart from the procedural argument, apart from the commitment the Senator has made to hold hearings on this, independently the Senator from Florida would just like to ask one substantive question which is: On the preclearance applications generally, not just as to the State of Virginia, which the Senator from Virginia can describe, have the denials been any greater than that ratio for some of the other States on these preclearance requests, or are we talking in that same ballpark?

Mr. TUNNEY. I will give the Senator precise figures in just a moment. It requires me to go to the hearing record.

I read into the record yesterday that since 1965 there have been 4,476 submissions. That is up to 1974.

The total number of objections that have been interposed is 163.

Mr. STONE. That clarifies it for me. Even if the Senator from Florida goes along because of the procedural difficulties of this bill and timing, I believe the record should be made clear that if these same 4,000 had been submitted to district courts with only 100-plus objections lodged, that that type of ratio continuing into the future would not break the back of the Justice Department in its appearances in district courts elsewhere than in Washington or just departmentally. Therefore, the Senator from Florida would urge not merely the holding of hearings, but that the sponsors of the bill really give a close look to going along with this approach on an independent basis, for example, in another bill or another vehicle later.

Mr. TUNNEY. I would very much like to look at the thing in considerable detail because I am one who believes that there is too much concentration of power in Washington, D.C., particularly as it relates to economic matters. But when we talk about civil rights or voting rights, we are talking about a national ethic which, in my view, has been responded to in a far fairer fashion by the Federal Government than by local municipalities or local States.

Mr. STONE. Will the Senator yield for just one comment?

Mr. TUNNEY. Yes.

Mr. STONE. In the most critical, in the most emotional, in the most difficult of those civil rights disputes decided by the Federal Government on the judiciary level, the decisions that were the toughest, the decisions that were the most far-reaching, were by Federal judges in the South. Therefore, the argument that district judges residing with neighbors in an area that had a history of this type of problem really does not signify anything, and what the Senator from Florida would urge merits consideration, if not at this point then independently.

Mr. TUNNEY. I would point out to my friend from Florida that from 1960 to 1965, before this act passed, we did have a Civil Rights Act and there was the ability to go into court and to seek relief from the court. The problem was it was not working. That is why the Voting Rights Act came down the pike in 1965, because it was not working going into those local courts. This Voting Rights Act represents a unique intrusion—unique. As it has been stated by the Supreme Court, there have to be exceptional circumstances in order for this unique intrusion to be upheld as constitutional. I certainly would not want to see this kind of intrusion across the board by any stretch of the imagination. If it were, I think we would change our democratic form of government.

I would say this, that where you have the rights of a group of people being denied to such an extent—where you have 6 percent of the blacks registered in Mississippi in 1964, 10.4 percent registration in Virginia in 1961, this unique requirement is needed. I think we have to go along, I really believe we have to go along, with the procedure for preclearance that has been established for 10 years. It has done a lot of good. It would be my hope, as I have said repeatedly, that this would be the last time that we would need to extend the Voting Rights Act.

Mr. STONE. The Senator from Florida would conclude with this comment: the Senator from California referred to statistics which are past statistics.

May the Senator from Florida point out that the State of the Senator from Florida is not included. As a matter of fairness all Senators have agreed that those statistics do not obtain today. Therefore, the exceptional circumstances that grounded these tremendous intrusions, so described by the manager of the bill, do not exist.

To prevent backsliding, and to prevent a recurrence of the situation, the Senator from Florida would suggest that a local Federal court, with the ability of the Justice Department to appear, would be sufficient with statistics such as we now have, with appeal rights to take the national ethic up to the regional court level of appeal, or even the national final appellate tribunal, the U.S. Supreme Court.

While the Senator from Florida is persuaded by the time difficulties in this bill, the Senator from Florida is not persuaded by the substance of the objections and would urge not merely those who support this amendment but those who oppose it to give it a fresh look in a separate bill. I thank the Senator from California for yielding.

Mr. STEVENS. I am sorry to hear the Senator from Florida say that he has been persuaded. This Senator from Alaska has not been persuaded that this is not a desirable amendment.

In the first place, the expanded coverage of this bill as framed by the House in terms of language minorities means that more States are going to stay under the coverage for a longer period of time than ever before. Those language minorities are in the districts where the district judges are. They will have a better opportunity to appear in their own U.S. district courts in their own State than they would here in Washington, D.C.

The people who seek to have a ruling in Washington, D.C., will be the officialdom of the States or the counties or the cities that want to change. The people who may want to have an impact are out in the districts of the U.S. district judges.

Therefore, I feel if the language minority section is going to be meaningful, it should be meaningful by having someone there that they can appear before without undue expense in order to present their case.

Second, so far as I am concerned I think the Senate ought to keep in mind that there is not a U.S. district judge on the bench today who was not cleared by this Senate and was not cleared personally by two Senators. I can understand the Members of the House not having confidence in the district judges. I could not understand the Senate not having confidence in the ditsrict judges in their States. I have absolute confidence in my district judges in my State as compared to the district judges of the District of Columbia who know nothing about the language minorities, know nothing about the districts involved, know nothing about the circumstances involved as to whether or not there is a device to prevent voting by minorities or whether it is in fact a legitimate and logical problem that the local government has tried to solve in an amendment to the election laws.

For one, I am very disturbed about the continued penchant of the Congress to bring litigation into Washington, D.C., because of a presumed super competence of the district judges in the District of Columbia. So far as I am concerned since I have been in the Senate I have not seen that super competence. As a matter of fact, I have seen comparatively greater competence in the district judges in the States than I have in the District of Columbia because of the fact that they have awareness of local and regional circumstances of the litigation that is involved.

It is not a question of lack of legal ability; it is a question of background and knowledge and the things that a judge can in fact take judicial notice of as he sits in judgment of a case.

Third, I believe that the problem of this Senate today is that because of the procedural difficulty we face, which I think we can overcome in the timeframe we have, we seem to have adopted a policy that we are going to rubber-stamp a bill from the House, and take a threat from Members of the House that they will not accept reasonable amendments over there, rather than send it in to conference. I do not think we should presume unreasonableness in the House of Representatives. I think we should presume that if we have legitimate, logical amendments, they ought to be considered now, and we should not accept a promise, which I consider to be a vacant promise, that the Senate will at some time in the future accept a bill to amend this one because this one, per se, is bad. We represent the State as a whole, not a congressional district but the State as a whole. I think this is a good amendment, anyone who votes against it is admitting, in effect, that his own judgment in recommending United States district judges to come on the bench in his State was wrong.

Mr. JAVITS. Mr. President, the Senator from Alaska has made an excellent summary of the case for the amendment, but I believe that the case against the amendment is stronger, because we cannot divide the amendment or amend the amendment; we can only take it or leave it.

I consider that accepting the amendment would break the back of this bill, because there have been 4,400 separate applications under section 5 with respect to clearance by the Attorney General, and if they have to take every one of those up to the Supreme Court, we can forget about the effectiveness of the Supreme Court.

It is not an empty promise. The matter will be heard, and the Senate will be able to consider it under circumstances where it can be fairly and intelligently dealt with.

This was a hotly controverted section in the committee. The committee was clearly divided. It will be hotly controverted, if we should adopt it, with the other body, and the date of August 6 will come and go, with irremediable prejudice to this whole effort to establish voting rights, as has already been stated on this floor at least 20 times.

Mr. President, if no other Senator wishes to be heard, we are ready for the vote.

Mr. MATHIAS. Mr. President, I urge the defeat of the Scott amendment.

In *South Carolina* v. *Katzenbach,* 383 U.S. 301 (1966), the Supreme Court sustained the provisions of the act which limited litigation to the District Court for the District of Columbia. The Court found that the Congress could so limit the litigation, pursuant to its constitutional power under article III, 1, to "ordain and establish" inferior Federal tribunals. The Court also noted that, at that time, similar limitations existed in terms of contractual claims against the United States for more than $10,000 having to be brought in the Court of Claims.

With the constitutionality of that provision having been sustained and the District Court for the District of Columbia having gained experience over the past 10 years, there is simply no reason to now modify the statute to eliminate that exclusive jurisdiction. The expertise of the District of Columbia court as well as the uniformity which results from remaining exclusive jurisdiction in that court are compelling reasons for not modifying the statute.

The PRESIDING OFFICER (Mr. Goldwater). The question is on agreeing to the amendment (No. 714) of the Senator from Virginia (Mr. William L. Scott). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. Eastland) is necessarily absent.

I also announce that the Senator from Michigan (Mr. Hart) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bartlett) is absent due to a death in the family.

I further announce that the Senator from Oklahoma (Mr. Bellmon) is absent attending a funeral of a friend.

The result was announced—yeas 37, nays 58, as follows:

[Rollcall Vote No. 321 Leg.]

YEAS—37

Allen
Brock
Buckley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Curtis
Dole
Fannin
Fong
Garn
Goldwater
Griffin
Hansen
Helms
Hollings
Hruska
Johnston
Laxalt
Long
McClellan
McClure
Metcalf
Morgan
Nunn
Randolph
Scott, William L.
Sparkman
Stennis
Stevens
Talmadge
Thurmond
Tower
Young

NAYS—58

Abourezk
Baker
Bayh
Beall
Bentsen
Biden
Brooke
Case
Church
Clark
Cranston
Culver
Domenici
Eagleton
Ford
Glenn
Gravel
Hart, Gary W.
Hartke
Haskell
Hatfield
Hathaway
Huddleston
Humphrey
Inouye
Jackson
Javits
Kennedy
Leahy
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Roth
Schweiker
Scott, Hugh
Stafford
Stevenson
Stone
Symington
Taft
Tunney
Weicker
Williams

NOT VOTING—4

Bartlett
Bellmon
Eastland
Hart, Philip A.

So Mr. William L. Scott's amendment (No. 714) was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. TUNNEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 761

Mr. NUNN. Mr. President, I call up my amendment No. 761.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Georgia (Mr. Nunn) proposes an amendment number 761.

Mr. NUNN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, strike out lines 3 through 6 and insert in lieu thereof the following: "That this Act may be cited as the 'Voting Rights Amendments of 1975'.

"TITLE I

"Sec. 101. (a) Section 4 of the Voting Rights Act of 1965 is repealed, effective September 1, 1975.

"(b)(1) Section 5 of such Act is amended by striking out 'a State or political subdivision with respect to which the prohibitions set forth in section 4(a) based upon determinations made under the first sentence of section 4(b) are in effect' and inserting in lieu thereof: 'any State, county, city, or other political subdivision'.

"(2) Section 5 of such Act is further amended by striking out 'a State or political subdivision with respect to which the prohibitions set forth in section 4(a) based upon determinations made under the second sentence of section 4(b) and inserting in lieu thereof 'any State, county, city, or other political subdivision'.

"(c) Section 6 of such Act is amended by—

"(1) striking out 'unless a declaratory judgment has been entered under section 4 (a),', and

"(2) striking out 'named in, or included within the scope of the determination made under section 4(b)'.

"(d)(1) Section 12(a) of such Act is amended by striking out 'section 2, 3, 4, 5, 7, or 10' and inserting in lieu thereof 'section 2, 3, 5, 7, or 10'.

"(2) Section 12(c) of such Act is amended by striking out 'section 2, 3, 4, 5, 7, 10, or 11 (a) or (b)' and inserting in lieu thereof 'section 2, 3, 5, 7, 10, or 11 (a) or (b)'.

"(3) Section 12(d) of such Act is amended by striking out 'section 2, 3, 4, 5, 7, 10, or 11, or subsection (b)' and inserting in lieu thereof 'section 2 3, 5, 7, 10, or 11, or subsection (b)'.

"(e)(1) Section 14(b) of such Act is amended by striking out 'section 4 or'.

"(2) Section 14(d) of such Act is amended by striking out 'section 4 or'.

"TITLE II".

On page 1, line 7, strike out "102" and insert "201".

On page 2, beginning with line 7, strike out through line 20, on page 7.

Amend the title so as to read: "An Act to amend the Voting Rights Act of 1965 to repeal section 4 relating to automatic application of that Act, to modify the provision of section 5 on prior approval in changes in voting qualifications, to add bilingual education requirements, and for other purposes.".

The PRESIDING OFFICER. The Senate will please be in order. Senators will leave the well and will please take their seats or repair to the cloakroom.

Mr. NUNN. Mr. President, inasmuch as this amendment has several sections, I demand a division.

The PRESIDING OFFICER. A division has been demanded.

Mr. JAVITS. Mr. President, I raise a point of order.

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. NUNN. The Senator from Georgia has the floor. I do not yield for that purpose at this time.

Mr. JAVITS. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. NUNN. Yes.

Mr. JAVITS. Mr. President, will the demand in any way cancel the right to make a point of order?

The PRESIDING OFFICER. No, it will not.

Mr. JAVITS. I thank the Chair.

Mr. NUNN. Mr. President, I demand a division of the amendment.

The PRESIDING OFFICER. The amendment has been divided. Does the Senator want to divide it into all the parts it can be divided into?

Mr. NUNN. The Senator does.

The PRESIDING OFFICER. It will be so divided.

Mr. NUNN. Mr. President, this amendment is similar to but in several parts different from—substantially different—the amendment that was proposed by

Mr. STENNIS yesterday and by Senator TALMADGE and myself on Tuesday of this week.

The opponents of this amendment who prevailed on the vote yesterday, objected to it on the ground that it deleted section 4 of the bill. Now that we have divided this amendment, the Senate will be able, if it so chooses, to delete the section which deletes section 4. So the Senate will be in the position of being able to eliminate any reference to section 4 of the Voting Rights Act, thereby retaining each and every part of section 4.

It is the intention of the Senator from Georgia, after debate on this amendment, to make certain that we vote on that section first, so that those Senators who would like to support the concept of expanding section 5 of the Voting Rights Act to the entire Nation, rather than to only a few States, would be able to do so, without having any fear or apprehension that they in any way would be eliminating section 4 or any of its provisions.

So it is the intention of the Senator from Georgia, after the Senator from North Carolina, whose amendment this is, makes his statement on the amendment, and after we have had discussion, to bring up section 1 of the amendment, which, as I understand the ruling of the Chair, would be voted on separately. Section 1 of the amendment, as divided, would allow the Senate to delete any reference to section 4, thereby retaining section 4 in its entirety. Then we could go on to the question which I think is the truly important question for the Senate to vote on—whatever its decision, I think it should be voted on as a separate matter—as to whether every State in the Union would be subject to the requirements that are now imposed on only a few States. That is the Senator from Georgia's intention.

Does the Senator from North Carolina desire to be recognized?

Mr. JAVITS. Mr. President, in due course, I shall make a point of order against this amendment. I do not make it now, because I wish to state first my reasons for making it.

This particular proposition has been voted on now on two occasions and on both occasions decisively rejected, the Senate, based upon the arguments which were made for rejection, apparently feeling—and I believe with eminent justice—that the whole voting rights measure would be toppled by this amendment, in two ways.

Obviously, if section 4 is repealed, that takes the automatic trigger out of the picture entirely. If section 5 is extended to include 50 States, it makes practically a backbreaking task; and we all know, from our own legislative experience, how you can break the back of a bill by a proliferation of what happens under it. So the Senate, in its wisdom, has rejected this proposition twice. Now we are faced with it again, without any relationship to the rules of the Senate respecting cloture.

We, ourselves, yesterday, in respect of this amendment, could not divide it. Indeed, as the measure stood before the Senate, it represented an integrated whole which we had to deal with or not deal with, in the absence of any other amendment at the desk which would have approached it differently.

Now, notwithstanding the time exigencies which are involved and which we have put before the Senate constantly as the reason for opposing many amendments, we are asked to reconsider, for all practical purposes, this particular amendment in its separate parts.

Mr. President, under these circumstances, I make the point of order that the amendment as it was sent to the desk relates to different sections of the bill, as well as the Voting Rights Act of 1965, and therefore that it is out of order, under the rules of the Senate.

The PRESIDING OFFICER. The Chair will rule in accordance with the——

Mr. NUNN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. NUNN. Is it not true that this amendment already has been divided and we would have a right to vote on the first part, which deals with only one section?

The PRESIDING OFFICER. The Chair does not think that the division of the amendment changes the precedent, which the Chair will read at this time. From "Senate Procedure," page 76:

> An amendment consisting of two provisions amending a bill at different points is in fact two amendments and cannot be offered together if the question is raised, except by unanimous consent.

So the Chair must sustain the point of order raised by the Senator from New York.

The bill is open to further amendment.

Mr. MORGAN. Mr. President, I respect the ruling of the Chair. I believe the ruling was entirely correct, in keeping with the rules of the Senate.

However, I must say that I regret that the Senator from New York has seen fit to raise this question, because, for several days now, we have been debating the Voting Rights Extension Act, and the information which I have gleaned from the discussions on the floor has been most worthwhile. I learned a great deal, Mr. President, from the discussions on this floor that I think I would have known before I filed this amendment had this bill come before the Senate in the normal, orderly process. We had been debating this bill for a day and a half or 2 days before the report of the Committee on the Judiciary was made available. I asked for a copy yesterday morning between 12 and 1 o'clock. I remember distinctly the time, because I was presiding at the time. I was informed that, even then, the report of the committee that had been conducting hearings for weeks, the report of the committee that had heard more than 30 witnesses, as I recall, was not available and was not accessible to the Senator from North Carolina or anyone else in the consideration of this bill.

This is not the Senate bill that was referred to the Committee on the Judiciary. It is a bill that was taken from the table by the sheer strength of the proponents of this act. Of course, I filed my amendment before cloture was invoked. After cloture was invoked, of course, I find myself bound by the rules. For that reason, Mr. President, it will be a long time before I vote for cloture again.

Generally, I have followed the leadership of the Senate in voting for cloture, but now, I find what cloture really means. Maybe I should have listened to the Senator from Alabama and my distinguished predecessor, Senator Ervin, when they tried to tell me what abuse of power there could be in the Senate.

They call this the greatest deliberative body in the world. When this body, Mr. President, is given such a title, in my opinion, it is a misnomer. How in the world are we going to make this a deliberative body when the proponents of a bill come in with a preconceived agreement that we are not going to vote for any amendment, no matter what the merits of that amendment may be, because we want this bill passed as it is.

After listening to the debate yesterday, which was rather brief, I felt that perhaps I had a solution that might be acceptable, even notwithstanding the prior agreement of the proponents that I was aware of. The amendment that I offered, had it been made divisible as we had asked for it to be, would have given every Member of the Senate a clear choice of leaving the Voting Rights Act as it was, or as the bill provides, with regard to the seven Southern States, without making any changes at all with regard to those States.

But section 5, Mr. President, would have said to the remaining States that we are going to bring them in under section 5 and require that if they decide to change a precinct line or voting place or the city limits, they will have to do the same as the Southern States: submit it to the Attorney General to let him take a look at it to see whether or not the change was made for the purpose of discriminating against any minority. I can say that such a procedure is not cumbersome. I was attorney general of my State for 6 years, and during that period of time, I submitted I do not know how many, but I would say literally hundreds of requests, all with little trouble and with little difficulty. This would have said to the people in the South, "We are not going to discriminate against you."

Any man who stands on this floor and says that either now, or in the past, discrimination against persons entitled to vote has been limited to the South is simply not facing the truth. Look at the disparity between those voting, the blacks and the whites, in the State of the Senator who raised the point of order. The disparity grows wider and wider, while the disparity in the Southern States grows less and less.

I say to my Democratic colleagues, Mr. President, that it is a dangerous position to take. I was interested and would have been amused at the letter of the President of the United States on yesterday asking that the provisions of this bill be applied uniformly across the Nation. I say I would have been amused had it not been for the fact that the President of the United States, when he was a Member of the House of Representatives, recognized the inequities in this bill and, in 1965, offered an amendment making it applicable all over the Nation. If I make no mistake, he joined in that request in 1970. Therefore, I say that the President of the United States has been consistent in his position that this law be applied uniformly across the country.

I do not believe that there is a single Member of the Senate, Mr. President, who would condone for one moment discrimination against any indvidual or any group of individuals in this country with regard to their right to vote. Why, if that is true, should we in the Senate enact legislation which, in itself, is discriminatory? That is exactly what we are doing and that is exactly the way my people in North Carolina feel.

My people want to insure the right of everyone to vote. As a matter of fact, we made a concerned effort to register every person that we could and to get them to the polls. We intend to continue to do so. Quite frankly, Mr. President, except for the fact that this is a type of punitive legislation, my people would wholeheartedly support it, I believe. I know I could. I am going to vote for it, the final version of it.

My people have known that I am going to vote for it. I am going to vote for it, and I am going to vote, every time I get a chance, to extend to the minorities in California and in New York and in Detroit and in Philadelphia every single right and protection and privilege that is extended to the people in North Carolina. That is why I am voting for this bill.

I do not care to weaken the provisions of it. As a matter of fact, there are areas in which it could be strengthened. But the hypocrisy of those who come into this body and call it a deliberative body, and say, "We are not going to accept any amendment regardless of the merits of it," and who refuse to extend to the minorities in their States the same kind of protection that they seek to extend to others in other parts of the country. It is just plain hypocrisy, and I call it exactly that.

For the Senator from California (Mr. TUNNEY) to stand here and say that the judges—to indict the Federal judiciary in the South, is beyond my imagination.

Of course, we all have biases one way or the other. But to stand on the floor of this Senate and say that the judiciary, the Federal judiciary, in the South cannot rise above those biases is beyond me. After all, it was my friend of many years, and the Federal judge in Charlotte, N.C., who rendered the first busing decision. Judge McMillan grew up in the same county and the same area that I grew up in and, if he possessed biases, he rose above them.

And for the Senator to say that just because the Supreme Court reversed a decision of a three-judge panel in Mississippi is an indictment of the Federal judiciary in the South which, again is beyond my comprehension, and I resent it, Mr. President, I resent it.

Mr. President, this bill, thanks to the committee work and the diligence of the Members of the House of Representatives—not because of the Members of the Senate—is going to be extended to cover certain groups in a number of States across this country.

I believe, if I make no mistake about it, it brings to about 33 States or parts of 33 States that will be covered. I might say, Mr. President, that all of my State is not covered—great portions of it are not. In fact, I would say the vast majority of my State has never been covered by it. But at least if we do nothing else, we extend it to those minorities in these 33 States, and maybe if we keep plugging away, and if we keep trying, someday we will apply the law equally and equitably to all of the people in this country.

It saddens me, Mr. President, to see this kind of legislation; and it saddens me, Mr. President, to see the floor manager of this bill so set in his determination that he does not care to stay on the floor of the Senate to listen to the debate of anyone else, and they call this——

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. MORGAN. I do yield.

Mr. TUNNEY. The Senator knows I have been on the floor 4 or 5 hours today, and I went into the cloakroom for 3 or 4 minutes, and the Senator takes advantage of my absence to criticize the Senator for not being on the floor.

Mr. MORGAN. Mr. President, may we have order.

Mr. TUNNEY. I have been on the floor when the Senator from North Carolina was not on the floor.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. MORGAN. The Senator may have been on the floor for 3 or 4 hours. He has not been in his seat since I began making my remarks.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. MORGAN. Yes.

Mr. CHILES. I think it is interesting, in all due respect to the mover of the bill, I think he has been on the floor a long time, but it is interesting to the Senator from Florida that the junior Senator from North Carolina, who voted for cloture on every occasion that I think has come up on this bill, and who supported many of the provisions of this bill, now attempts to make an amendment to the bill, and he is ruled out of order on a technicality that, I venture to say, not one or two out of the Senators in the Chamber knew about. And here I want to say, the Senator from Florida voted for cloture, the Senator from South Carolina voted for cloture, on every occasion on this bill; the junior Senator from Louisiana, among others, that I know, voted for cloture on this bill

I can tell you it is going to be a while before I vote for cloture here again when you see, and you are going to see, kind of parliamentary maneuvers like this worked against people who have supported and trying to support the very thing this bill sets forth. I can tell you it upsets the Senator from Florida, and I think the Senator from North Carolina has been treated unfairly and I think, perhaps, that would be some reason why he would be speaking, and again to find that he cannot even get anybody on the floor to now listen I think would upset him.

I think the Senator from California has been on the floor, has worked hard on this bill. I know how hard he has worked on this bill, but I think the Senator from North Carolina has more than a little reason to be upset. If he comes in, and after supporting cloture and after having voted on it not once but two or three different occasions, and having supported almost every major feature of this bill—has a concern that many of us have had, some 40 of us, I think, in the Senate, that this should be of uniform application—my State is not under the bill now, the Senator from Connecticut's State is not under the bill, but he felt that way, some other people have felt that way on some of the amendments—but now the Senator from North Carolina is foreclosed, and now he is shut out, by virtue of the parliamentary device because he voted for cloture.

So it is like saying, "You go ahead and vote for cloture, and then we will chop your head off because you tried to support that kind of proposition."

I am upset about it, and I know that a number of people I have talked to who have tried to support this measure are upset about it.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. CHILES. I yield.

Mr. TUNNEY. I would just like to point out to the Senator from Florida that I have not made a point of order on every single amendment that has come up today although I could have done so. I have consistently refused to do it because I thought we ought to hear these amendments on their merits.

However, I would point out to the Senator that every Senator on the floor has a right to utilize the rules of the Senate.

I have tried, as the floor manager of this bill, to show comity because I understand the problems of every Senator, I believe, in the Senate as they relate to this particular issue.

Feelings are very high, both ways, and so I have tried to achieve comity, and the only reason I am objecting here is that I do not think that it is fair——

Mr. MORGAN. Mr. President, I think I have the floor.

Mr. TUNNEY. I do not think it is fair to single out the Senator from California when never has the Senator from California attempted to utilize a parliamentary rule that was available to him from the beginning of this morning at 9:15, when I first got to the floor and, I might say, there were three of us here.

Mr. CHILES. Not today, also yesterday, and also on every other occasion when cloture is voted it would be possible, and many, many amendments that are considered could have been ruled out of order.

But what I am saying is I think the Senator from California is absolutely correct, that he did not make that move, and he has allowed amendments to come up and be voted on.

But what I am saying is that I think many of us who have supported cloture on this bill feel like now we are really being paid in kind for having supported the amendment for cloture; we are really being paid in kind if we cannot have consideration, and if we have the junior Member from North Carolina on the first amendment he has taken up to this bill is cut off and not able to take up his proposition when he has supported cloture on this bill.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. CHILES. I yield.

Mr. HUMPHREY. Mr. President, will the Senator from North Carolina yield to me?

The PRESIDING OFFICER. The Chair will remind the Senators that the Senator from North Carolina has the floor. I ask will he yield for this purpose.

Mr. MORGAN. I yield to the Senator from Minnesota.

Mr. HUMPHREY. First of all, let me say about the Senator from California I think he has been exceedingly diligent and very fair, and I am sure all of our colleagues feel that way. He has been here hour after hour, and with very little relief from anyone else. So I want to pay my respects to him no matter how one may feel about the bill, and I think the Senator from California has been a true example of a hard-working, effective Senator who is cognizant of the rights of his colleagues.

Second, I agree with the Senator from North Carolina about the fairness of a presentation of these amendments.

I gather the Senator from North Carolina may know that I might not support his amendment, but that has nothing to do with his right to present it and, may I also say, his right to have the vote on the particular sections that it relates to.

I realize that technically the point of order stands, but technically in this body we would not get anyplace at all if we raised every technicality.

When you are in a knockdown-dragout fight, of course, you use the rules. But the real truth is now that cloture has been voted and we are moving along amendment by amendment, there can be no protracted unlimited debate, it is a matter of using our time, and most Senators here are cognizant of the time. They have got other things they need to do, and I would hope that somebody might give consideration to what is a common practice in this body, namely, of using the right of unanimous consent to waive the technical point and get on with the debate and get on with the vote.

Quite honestly, I do not think it is going to make a bit of difference in the outcome. I do not think it is going to do that at all. But I do think it is going to make a lot of difference in how we vote on a lot of other things from here on out.

I have one rule in this body that, I think, goes above all other rules, and that is be fair, just be fair. When we get down to the point where we are not fair we are going to get in trouble.

Mr. NUNN. Will the Senator from North Carolina yield on my time?

Mr. MORGAN. Yes.

Mr. NUNN. I appreciate the Senator from Minnesota's comments. I think he is exactly right because all of us know that this particular rule has, I think, only been used once in the last several years. All of us also know every amendment at the desk is subject to that same point of order. There is not a single amendment at the desk that could not be ruled out of order. All of us know that cloture has been invoked.

We also can assure the Senator if this amendment is voted on, we could vote on only two parts of it, section 4 and section 5, and the Senator from Georgia himself is going to move to table the repealed section 4, so that section 4 would stay in the bill.

I think we could be through this whole amendment by 4:30, but the Senator from New York, if he insists on that point of order, ought to be well advised he will have the same thing facing him at one point in time, and that is not the way we ought to do business here in the Senate.

Mr. MORGAN. Mr. President——

Mr. NUNN. We have the right, I think, to bring up an amendment and the Senator from North Carolina has not had a single amendment up yet.

For this point of order to be invoked at this time, I think, would be poisoning the atmosphere here for several years to come. I just hope all Senators will consider very strongly that situation.

Mr. HELMS. Will the Senator yield on my time?

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. MORGAN. Mr. President, let me wait just a minute.

I thank the distinguished Senators for their remarks and I thank the Senator from Minnesota. I might add, I have always found him to be eminently fair.

But I would correct one thought, though. I did not vote for cloture on this bill because we were taking up the House bill instead of the Senate, but that is the only time I have declined to vote on cloture.

I voted for cloture on the New Hampshire situation every time.

Mr. President, I will yield for a question from the Senator from North Carolina.

Mr. HELMS. Mr. President, I ask the Senator to yield for a unanimous-consent request.

Mr. MORGAN. Mr. President, I yield provided I get the floor back.

The PRESIDING OFFICER. Without objection, the Senator may yield to the Senator for the offering of a unanimous-consent agreement.

Mr. HELMS. Mr. President, I ask unanimous consent that the amendment of the Senator from North Carolina be considered——

Mr. BROOKE. Mr. President, reserving the right to object——

Mr. MATHIAS. I object.

The PRESIDING OFFICER. Objection has been heard.

Mr. CRANSTON. Will the Senator yield to me on my time?

Mr. MORGAN. I yield without losing my right to the floor.

The PRESIDING OFFICER. Without losing the right to the floor, it is understood.

Mr. CRANSTON. Mr. President, I would like to step a little back from this moment into events that occurred in this Senate over many, many months.

I regret as much as any Senator on the floor the fact that we are dealing with procedure and not with the principles involved in amendments and in the legislation that is being offered.

Why are we in that position?

I think these events started, perhaps, 2 or 3 years ago. The use, and use, and overuse, and abuses of the filibuster device—and delaying tactics generally—led, first of all, this year, to the change in rule XXII. That, in itself, was a prolonged battle because we had a filibuster over the effort to change the filibuster.

That change in rule XXII was brought about because those that want this Senate able to do its work felt that rule XXII needed to be modified in order to permit the Senate to do that work.

The change in rule XXII was brought about by those who, in the opinion of a majority, and much more than a majority in this Senate, felt that rule XXII was being abused, and the Senate along with it.

So those who wanted rule XXII to stay as it was were responsible, in effect, for the fact that it was changed.

We then had another long delay in this body on another matter, and then we came down to the Voting Rights Act. It soon became apparent that a few Senators intended to use every device that exists, every opportunity they have under the rules, to delay action on the Voting Rights Act with the apparent hope—and I think there was ample reason to assume that this was the explanation—that we would first be confronted by the August 1 deadline and, second, be confronted by a far more serious deadline, August 6, when the act would not exactly expire, but when to all intents and effective purposes, it would no longer be operative until new legislation was enacted. And when that new legislation was enacted it could not retroactively undo whatever damage might be done during the time that there was a lapse in the act.

Because of those circumstances, because time was running, those who did not want to see the act rendered ineffective felt that they had to, as Senator Byrd stated, play hard ball.

They felt they had to fight fire with fire.

They felt they had to resort to fighting on the battleground of procedure, rather than on the battleground of the principles of the bill that we were considering.

They felt they had to do battle through procedure in order to get those principles sustained, enacted and reenacted. I say enacted since we know there was some extension of the effect of the act to my State, and to some other States, for those who have language difficulties.

We found the leadership challenged.

We saw the leadership, Senator Mansfield and Senator Byrd, assume their prerogatives and use all the power they had at their disposal to get the Voting Rights Act before us.

After a lot of hard, diligent and serious work in the Judiciary Committee dealing with the fundamental issues and the principles involved, the Judiciary Committee was compelled to give up the bill it had worked upon. Senator TUNNEY had some matters at this time——

Mr. MORGAN. Mr. President——

Mr. CRANSTON. I am speaking on my time, if I may.

Senator TUNNEY had some amendments in that version that was coming out of the Judiciary Committee that he wanted to see enacted into law.

He had to give that up in order to save time, and so we frustrated the committee system, went to the House bill and brought it up.

Then we had to go to cloture just to get the House bill up, because of various stalling measures that were being used. And then we had to go to a second cloture on the bill itself, for the same reason.

We won overwhelming victories in both of those cloture tests because a strong majority in the Senate did not want to run up to those deadlines of, first, August 1, not a really serious deadline, and then, second, a very serious deadline on August 6.

Those of us who want to insure that we get this bill enacted in time were also compelled to adopt the practice of not giving consideration to amendments that we considered good, meritorious.

We were compelled to make tabling motions.

And we had a number of Senators agree that they would vote against each amendment, whether they thought it was good or whether they thought it was bad.

All this so that we could overcome these dilatory tactics and meet our deadlines.

Mr. MATHIAS. Will the Senator yield?

Mr. CRANSTON. Well, let me go on a little bit and complete my story.

I was unhappy about this situation.

I would like to deal with principle and with issues.

I would like to deal with the merits of each amendment.

I would like to vote for some amendments that are being offered.

Senator TUNNEY, my colleague, felt the same way.

Senator BYRD, who carried the ball until the bill was up, turned over the leader's chair to Senator TUNNEY, after the serious struggle to achieve that much was over.

I would like to say in passing, that my colleague has done a remarkable job with each amendment because he knows more about all the amendments pending than any other Member of this body, and he has done very effective work in dealing with these amendments, and in stating his and the committee's position.

The Senator from Maryland has been exceedingly effective, too, and I applaud the joint bipartisan leadership the two Senators provide in managing this bill.

Senator TUNNEY and I—working to support his efforts—discussed the unhappy and difficult situation in the Senate. We agreed that we did not like to use this procedural power in this way. We did not like to see the Senate operating in this way, under the bite of cloture's bear trap, as Senator BYRD put it. We felt it was unfair that amendments could not be dealt with in substance—the situation Senator NUNN just now faced when the Senator from New York (Mr. JAVITS) made the point of order that he, from his stance in the situation I have described, felt compelled to make on the Senator from Georgia's amendment.

So Senator TUNNEY and I proposed that—now that the supporters of the Voting Rights Act have shown what can be done with the strong help of the leadership and their knowledge and understanding of the rules—we should change our course. We proposed that we offer to vitiate the cloture that had been imposed on this measure.

We proposed that we do this so that we could then deal with each amendment on its own merits, without tabling motions. We proposed that the first amendment offered should be the Senate Judiciary Committee's bill, so that it would be up and the committee's work would not be ignored.

We proposed to go on from there. We proposed, in what we thought would be a gracious action—bringing a return to a situation which would make it possible for us all to deal with issues and amendments on their merits or demerits—that in return for this effort to restore comity and reduce the tensions that have been rising so high, that we would ask that there be a unanimous-consent agreement. It would provide that there would be a time certain for passage of this measure, leaving plenty of time for whatever anybody wanted to do without the constraints of cloture.

We also, of course, in case this suggested procedure led to amendments that would require a conference, proposed that the unanimous-consent agreement include some sort of a time certain vote, after any conference on the measure with the House, on any conference report. This, of course, was to insure that we would not be stuck at the last moment by a filibuster on the conference report—an event that would turn our strategy into a disaster.

Obviously, we would need a time certain so that we would not have to go through cloture all over again, and not have to face all the other stratagems that can be employed to produce delay, even under cloture.

It seemed to us, and it seemed to others with whom we discussed this in the Senate, that this approach would provide a very fine way to get out of a very unpleasant situation.

This course of action was suggested to a spokesman for those who have been seeking to delay this measure. It was turned down out of hand without any serious consideration.

That is why we are in our present position.

That is why those who want to get this measure through by August 6, if not sooner, have had to resort to the counter tactics we are employing to deal with the tactics that were applied to us.

I just ask each Senator who is unhappy on either side of this measure to understand that those of us seeking to move the Voting Rights Act rapidly have these reasons behind our efforts.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. MORGAN. Mr. President, I will not yield any more until I have completed my remarks.

Mr. President, as an aside I would say that out of every controversy a little good must come. At least since I started speaking we have had the report of the Subcommittee on Constitutional Rights on this bill laid upon our desks. It is 1,084 pages.

I would assume that probably within 2 or 3 hours we will be voting on the bill.

If I had had the opportunity to read the report of the committee that was laid on my desk yesterday a week ago, as I think I was entitled to, and if I had had an opportunity to have access to the record of the hearings, we might have been able to resolve this question a long time ago.

The position that the distinguished Senator from Georgia and I were taking was based upon the discussions and the debate that we have heard while this bill was being considered.

After listening to the debate, we concluded that there was a portion of my amendment that would have put foursquare before this Senate an opportunity to do what I really think the majority of this body would like to do. That is to remove the stigma that this bill attaches to certain portions of the country, and to apply it uniformly across the Nation.

Mr. President, I heard the explanation of the distinguished Senator from California. I would say to him that I have always believed that two wrongs do not make a right. I would say to him that I was no party and have never been a party in this Senate to any dilatory tactics, nor high-handed tactics, nor failure to cooperate. But I do feel that my opportunity to present this amendment and the rights of the people of my State have been impaired by the parliamentary procedures and tactics of those who have supported and sponsored this bill.

Mr. President, in the few remaining moments that I have I think it is as good a time as any to reflect publicly upon my frustrations as a Member of the U.S. Senate and to speak of my despair upon what I have seen since I have been here.

I do not know how I can get a message across to the Members of this body. I do not know how you persuade or even present your arguments to a Member of this body.

One can walk into this Chamber on almost any given occasion during the time that the Senate is in session and there will seldom be more than a half dozen Members in the Chamber of the Senate.

So one cannot present his arguments—if I may have order, Mr. President—to the Members of the Senate because they do not come to the floor to listen. Whether the arguments have merit or not is not important. You cannot communicate the arguments to the Members of the Senate because we receive so much mail and have so much material to read that it is impossible for a Member of this body to inform himself if one should submit his arguments in writing.

You cannot find Senators with time to sit down and discuss it with you.

These problems, Mr. President, are not the fault of any Member of this Senate, and I make that clear. Somewhere it is the fault of the system. There are committee meetings going on—and I think the public sometimes fails to recognize this—at this very time. How can a Member of the Senate be in the Chamber and listening when he is over in a markup session in another committee?

I think, Mr. President, that the proceedings in the Senate this week have pointed up more than ever before, and more vividly than I ever could, the need for reform in this Senate. It does not have to be this way.

I served in the North Carolina Senate for 10 years. While the bills that we considered there were sometimes not of the magnitude they are here, there was just as much to be done. We always managed to schedule our meetings and to coordinate our work in such a way that you could make it a meaningful and forceful deliberative body.

I am saddened by what I have found in the U.S. Senate. I hope the efforts of the distinguished Senator from Iowa (Mr. CULVER) to push a program for reform or revision of the rules of this Senate will find support.

I think our leader very ably pointed out some time ago that some six or seven committees of this Senate consider energy matters.

Our leader has tried desperately to bring about a study—just a study—to determine the advisability of creating one committee to handle energy matters, and we have not even gotten to a talking stage. It amazes me that the laws we pass are not more cumbersome and more oppressive than I think they sometimes are.

Mr. President, I thank the Chair for his ruling. I think the ruling was entirely correct and within the province of the Chair. I had hoped, however, that I would be able to present this matter so that the Members of the Senate could have an opportunity to face the issue foursquare and make a decision.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, how much time does the Senator from Alabama have remaining?

The PRESIDING OFFICER. The Senator from Alabama has 60 minutes.

Mr. ALLEN. That is the full portion to which a Senator is entitled under cloture?

The PRESIDING OFFICER. The Senator is correct; 60 minutes.

Mr. ALLEN. I yield myself such time as I may use.

Mr. President, I have been extremely interested in the comments of our distinguished colleague the junior Senator from North Carolina (Mr. MORGAN), and I am somewhat sorry to see him receive something of a rude awakening about some of the procedures and some of the tactics used by a majority here in this Chamber when it is desired to ram measures through the Senate.

The Book of Proverbs says that the fear of the Lord is the beginning of wisdom; but I believe that we might paraphrase that a bit by saying to the distinguished Senator from North Carolina (Mr. MORGAN) that the fear of the power of a ruthless majority in the Senate is the beginning of wisdom. We are glad that the distinguished Senator from North Carolina is past a milestone in his illustrious career here in the U.S. Senate.

Another aphorism that comes to mind is one by Lord Acton that "Power tends to corrupt, and absolute power corrupts absolutely." We see an example of that in the ruthless power of the majority assault here in the Senate on this issue.

Mr. President, much has been said in the Senate about the great need to ram this bill through before August 6, because the Voting Rights Act will expire on August 6. I asked the distinguished floor manager of the bill on Wednesday to cite the Senator from Alabama the provision in the voting rights law that provides for an expiration of this law on August 6, 1975, or on any date whatsoever. The distinguished floor manager of the bill produced section 201, which does end, not the voting rights law, but it ends, on August 6, the 5-year temporary ban on literacy tests applicable only in those areas outside the covered States. In other words, the ban on literacy tests would expire on August 6 on States outside the South. It would stay in effect in the covered States.

I pursued the question, to try to find out wherein is it stated that the Voting Rights Act would expire on August 6, 1975, or any other date, and neither that Senator nor any other Senator has volunteered that information. One can look through every word of the Voting Rights Act, and there is not one single word there saying that the Voting Rights Act expires on August 6, 1975. It does not expire.

What does it do? The original act provided for what we might call a 5-year sentence on the covered States, covered by a trigger that I will get to in a moment, and then, when there was some hope that the covered States might come out from under this servitude, this penal provision, what do they do? They tack another 5 years onto the sentence, occasioned in this manner: that the 5-year provision in the original law—what was that 5 years about? It was that a State could come out from under the provisions of this law if, in the 5 years, it did not use a test or device to discourage registration or voting.

But just as some States thought they were about to get out from under it, because they had not used a test or device in 5 years, they added 5 years to the sentence.

It is somewhat like having a person in the penitentiary with a 5-year sentence meted out by the courts, and after he has served 4 years, 11 months, and 20 days, the warden comes around and tells him, "Well, sorry about this, but they have added 5 years to your sentence."

Every do-good person in or out of the Senate would clamor against any such law or practice in this country, that after a person is sentenced to 5 years in the penitentiary and is about to end that term, they come in and add another 5 years to it.

I remember, as a boy, reading in Greek mythology about Sisyphus in Hades. He was given the punishment of rolling a great stone, a boulder, up a steep hill, and then, just as he got it up to the top of the hill and he thought he had completed his assignment, lo and behold the rock breaks loose from him and rolls back down to the bottom of the bill.

I thought, too, about another man down in Hades, Tantalus. I guess we get the word "tantalize" from that. He was in a body of water up to his neck, and had branches overhead with fruit on them, but every time he would try to drink from the water or reach up and get the fruit, the water would recede or the branches would recede, and he was doomed to go through eternity that way.

It rather looks as though the South is going to have to exist through eternity by having, at the end of the rainbow, deliverance from this punitive legislation. Just as we get to where we can hope for deliverance from this punitive act, deliverance is jerked away from us.

Mr. President, they are not extending the Voting Rights Act. They do not need to. It is permanent legislation.

That is just something that has been sold to the Senate and sold to the House of Representatives. It has been sold to the public, and I say that the news media, both electronic and the printed press, have been apparently willing foils to this false doctrine that the Voting Rights Act is going to expire on August 6, 1975, because it will not. Let us see what would happen. We do not need a bit of legislation to continue the Voting Rights Act ad infinitum, going on down through the years.

What would happen?

Yes, it is said that a State that has not maintained a test or device for the purpose of discrimination in the voting rights area for 10 years can get out from under the act on a proper showing which, of course, would be resisted by the Justice Department.

The State of Virginia tried that, tried to come out from under because they had not had a test or device for 10 years. What happened then? The court pulled the novel theory that, because Virginia during that 10-year period had allegedly had a dual school system, that was a device that the State was maintaining to discourage registration of voting.

So, Mr. President, the Voting Rights Act is not going to end. Mr. Pottinger, in testifying before the House Judiciary Committee, said it is impossible for a Southern State to come out from under the provisions of this Act. Proponents say there is a method of getting out. That is just absolutely incorrect.

If the impossible should happen and a State should in years to come be released, is it released unconditionally? No. The court retains jurisdiction of the matter for 5 more years, during which time the State is on probation. So, even if it were possible to get out from under the provisions of the act, they would have another 5-year probationary sentence in which the court could slap the provisions back on the Southern State.

I think it is significant that the distinguished Senator from California (Mr. Cranston) for the first time I have heard one of the proponents of this bill admit here in the Chamber this bill is not going to expire. This bill is not going to expire on August 6, 1975. I do not know whether the Members of the Senate caught it or not. He made that statement. I guess he knew that it was going to be called to the attention of the Senate, as I have previously done.

But the proponents of this measure have stampeded the Members of the Senate—they themselves have been stampeded, but that is another story—but they stampeded Members of the Senate, and they have stampeded the Members of the House of Representatives: We have to get this thing passed by August 6 or it will lapse.

That is false. That is incorrect. It will not lapse.

The Senators are here; the floor manager of the bill is here. If the Senator from Alabama is presenting it incorrectly, I invite him after I yield the floor to make such statements as he cares to do.

But that the Voting Rights Act is going to expire on August 6, 1975, is absolutely incorrect.

We object in the South, of course, that this is not applied nationwide. The fact that it is not is certainly an affront to the concept that we are one nation under God, indivisible, with liberty and justice for all. It is an affront to the concept that we believe in equal justice under the law. They fought with a great tenacity here to prevent this from becoming applicable throughout the land.

Mr. President, I regret very much that it is still politically popular in that what I will roughly call the North—I am speaking of areas outside of the South—it is still popular in the North to use the South as a whipping boy. It is still popular in the North to subject southern people to humiliation, to treat us as second-class citizens, to treat our sovereign States as conquered provinces. It is still popular to do that.

I was somewhat amused, though taken aback, by the facts of the voting results on amendments last evening. As to the Stone amendment, which provided for activating the whole act, if the Attorney General should see fit to proceed outside the South under section 3 of the act, and would make the whole law applicable to that particular jurisdiction that vote, I believe, resulted in the defeat of the amendment by a vote of 49 to 46.

Then as to the Stennis amendment, which was more logical in that it immediately applied the whole law throughout the Nation, it looked as if that would stand a better chance, but, when the Members of the Senate in the majority got up so close to the point of providing for uniformity of enforcement of this law, they were aghast, and they shied just like a horse shying away from a strange object in his path, and pulled back from it.

No, when they realized what they were about to do, to subject themselves to the same provisions that are applicable to the South, they pulled back from it, and Mr. Stennis' amendment was defeated by a substantial margin.

Yes, we object to the fact that we are under the provisions of this bill by virtue of application of a formula based on conditions in 1964, irrespective of what conditions are now. Changed conditions have nothing to do with it.

What was the situation in 1964? How many people were voting then? If less than 50 percent and you had a literacy test, then you were under it.

Of course, the then President, Mr. Johnson, saw to it that Texas was not covered then. The States were chosen to come under it, and then the formula was devised, not the other way around. When it was found that Texas had fewer than 50 percent voting in 1964, but no test or device, that is when they thought up the device to couple them together; and Texas had no device, even though they had fewer than 50 percent voting. So the 1965 act applied only to seven States.

The distinguished Senator from North Carolina mentioned the fact that all of North Carolina is not under the act. There was a little catch in the law there: If a State did have more than 50 percent voting and it had a literacy test, then in those counties where they did not have 50 percent voting, they would be covered by it. So they got you going and coming.

The situation has changed. But to show how ridiculous the act is, if every man, woman, and child in the covered State were registered, if every eligible citizen were registered, if every person who was registered voted, and if every holder of an office in the South were black, still the State could not get out from under the provisions of this act. How ridiculous can you get? If you register everybody—black and white, man and woman, boy and girl—and every one of them goes to the polls, and a black candidate is elected to every office in the South, then the South could not get out from under it. Is that fair? Is that right? It is not.

With respect to the ban on literacy tests, that is the only thing that expires and then only in the North. They never were used for discrimination in the North, I assume, so what if that does expire? Certainly, before much damage had been done, the legislation could be passed that would make the ban permanent.

Returning to the theme of power corrupting and absolute power corrupting absolutely, the distinguished Senator from California (Mr. Cranston) has given something of a history of this bill, which has some 80 supporters. I do not think there would be much difficulty passing such a bill. Why wait until the so-called last minute to bring it up? This measure could have come forward 4½ years ago. Why wait to the point at which the false argument could be made that the new legislation has to be passed or the bill will expire? We all know that is not so. Why they continue to use that expression, the Senator from Alabama does not know, unless it sounds good and it gets adherents.

The distinguished Senator from Massachusetts (Mr. Brooke) and the distinguished Senator from New York (Mr. Javits)—yesterday evening, I believe—stated that we have a national law. Certainly, we have a national law. They did not say a national law that is going to expire on August 6. They do not claim that is temporary. That would cover all 50 States. It would not be just the Northern States or the States outside of those covered by the trigger. So if we have a national law, is not a national law one that covers every State? Can you conceive of Southern States coming out from under a law and the law remaining for States outside the South? That hardly would be logical, Mr. President. So, taking their word for it—not the word of the Senator from Alabama—taking the word of the Senator from Massachusetts and the Senator from New York, we have a national law.

I will state what the difference is, though, in that national law. The Southern States, by reason of a 1964 formula, based on conditions that existed at the time of the November 1964 election, are conclusively presumed to be guilty of discrimination. Taking the word of Mr. Pottinger, it is impossible for a Southern State to come out from under the provisions of this law. Is that fair? Is that right?

In the Northern States—and in other States outside the South—the Attorney General has to go into court to have registrars and examiners appointed, and there is no provision for a preclearance of their laws. They can be attacked by the Attorney General, and I believe the Senator from Georgia (Mr. Talmadge) the other day, cited four instances of laws outside of the South that have been stricken down. But every single enactment of a southern legislation, a southern city or town or hamlet, every single resolution of a county governing body, is presumed to be discriminatory where it has any reference by any wild stretch of the imagination to votes or voting rights, places of voting, annexation of cities, annexation of territories by cities. Any redistricting, reapportionment, anything of that sort is presumed to be bad or evil or discriminatory; whereas every single such enactment by areas not covered by the trigger is presumed to be fair, honest, open, and above-board.

The distinguished Senator from California (Mr. Tunney) did insert into the Record some interesting figures to show how many of these enactments the Department of Justice thought were improper. In the 10-year period, there were 4,476 submitted to the Department of Justice, and only 163 were ruled by the Department of Justice to be discriminatory. That is less than 4 percent. That is a pretty good record, it seems to the Senator from Alabama. But it is not fair, not proper, not right to presume that every one of our enactments of this type should be presumed to be discriminatory and every enactment outside of the South is presumed to be nondiscriminatory.

Mr. President, let us trace this legislation a little bit. There are some matters that the distinguished Senator from California did not mention, as I recall. This bill, H.R. 6219, has never been to a committee in the Senate. It has never seen the light of day in the committee. It was put on the calendar through a legislative practice. If the Senator from Alabama had done that, that would have been a technical move on the part of the Senator from Alabama. But the leadership put it there without its going to committee and it is all right.

A Senate bill was being considered by the Senate committee. I wish I had that bill—I think the number is S. 1279. I kind of hated to see the Senate bill abandoned, because it had the distinguished Senator from California (Mr. TUNNEY) on there as a sponsor, Mr. PHILIP HART, Mr. HUGH SCOTT, Mr. HUMPHREY, Mr. BAYH, Mr. ABOUREZK, Mr. KENNEDY, Mr. BURDICK, Mr. BIDEN, Mr. FONG and, last but not least, Mr. MATHIAS. I wanted these Senators to get credit for this bill. It has been called a monumental achievement, and I should like this bill to go down in history, this act, as the Tunney-Hart-Scott-Humphrey-Bayh-Abourezk-Kennedy-Burdick-Biden-Fong-Mathias bill. That is what I wanted to see done.

The Senate committee worked for weeks and weeks and weeks on this bill, put in yeoman service, asked some wonderful questions, had numerous witnesses, dozens of witnesses. They brought out startling facts. But the Senate is being deprived of that knowledge and that expertise that this committee gained.

Do you know what the Senate Committee on the Judiciary's contribution is after over 6 months of work on this bill, Mr. President? A great, big, fat zero—a great, big, fat zero. That is a pretty powerful team there to have come up with a great, big, fat zero in accomplishment after over 6 months of prolonged study.

I wanted this bill to come out on the Senate floor as the bill sponsored by these distinguished Senators. I wanted them to come forward and say that in the Senate, we heard about this set of facts and we heard about that set of facts and we heard Mr. Pottinger say that a Southern State could not come out from under the provisions of this bill. I wanted to have the benefit of their work. They had the House bill on the calendar. They could have borrowed a copy, I guess, even though they did not have one in committee. They could have borrowed a copy to get up some amendments from and give us the benefit of their expertise.

Mr. President, how much time do I have remaining, please?

The PRESIDING OFFICER (Mr. BROOKE). The Senator has 24½ minutes remaining.

Mr. ALLEN. I thank the Chair. Time does fly, does it not?

Mr. BAYH. If the Senator will yield, the Senator from Indiana might say, but not fast enough.

Mr. ALLEN. The Senator did not yield, but he will accept that piece of wisdom.

Mr. BAYH. I thank the Senator for his good will.

Mr. ALLEN. We are now hearing from the Committee on the Judiciary, I might say. That is what the Senator from Alabama has been complaining about, that we do not have any information from the Senate Committee on the Judiciary. The Senator from Alabama pointed out that, as far as this bill is concerned, even though the Senate committee heard weeks and weeks of study, heard scores of witnesses, they came up with a great, big, fat zero, as far as any help to the Senate on this bill is concerned. The Senator from Alabama has been expressing concern that we have not had an opportunity to act on the Senate bill.

Mr. BAYH. Will the Senator permit me to ask a question on my own time?

Mr. ALLEN. No, no, the Senator has plenty of time. My time is limited.

Mr. BAYH. I just thought if he wanted to ask me a question about the bill, I shall be glad to answer it.

Mr. ALLEN. No, the Senator did not agree to yield.

This Senate bill was considered in committee for weeks and weeks. The House bill went on the calendar without going to the Senate committee, and to this good day has not seen the light of day inside the Senate Judiciary Committee.

The Senate Judiciary Committee was working hard to get this bill on the calendar or they gave every indication that they were, and while they were negotiating with the four or five members on the Judiciary Committee who opposed this punitive legislation aimed at the South, negotiating with them about whether they were going to report the bill by Monday midnight or Tuesday midnight, if there ever was a smokescreen that was a smokescreen because while they were negotiating for that, plans were being made here on the Senate floor to strike, and strike they did, and we now have the House bill before us. There is no way in the world to get the benefit of the Senate amendments. The distinguished manager of the bill does not want any amendments. I do not know what is feared on amendments.

Why are we not trying to make the best bill possible? Why should the Judiciary Committee say, "We have no contribution to make with respect to this bill? We worked for weeks on it. We have not one single suggestion to make. No suggestion that we have is worthy of inclusion in the bill. We will not allow any suggestion of the Judiciary Committee to be incorporated in this bill."

Well, that is a rather strange attitude, it would seem to the Senator from Alabama.

Let us get on to the doctrine that the Senator from North Carolina (Mr. MORGAN) is seeing displayed here in the Senate, this matter of power corrupting and absolute power corrupting absolutely. He is just being run over by a steamroller.

We have seen the rules amended right here on the floor by an appeal from a ruling of the Chair. You know, I was rather surprised, I guess everyone has a right to appeal from a ruling of the Chair; I know the distinguished Senator from Georgia (Mr. NUNN) did not appeal from a ruling of the Chair just a few moments ago.

You know, I always felt like the leadership and the Parliamentarian were kind of on the same team to the extent of being part of the establishment. I have been here in the Senate only about 6 years, but I never have seen before—maybe there are other instances, but they did not lodge in my memory—the leadership appeal from a ruling of the Chair. Maybe they do, but it is a rare thing.

So, Mr. President, a very wise man here in the Chamber remarked the other day that where you have a majority behind you rules do not amount to anything. You make the rules as you go along. I am sorry that that is the feeling of anyone here in the Senate. I would think we ought to be a Senate of rules and not of power or of men, and if we get to the point where a majority here in the Senate any time it has a whim or acting through caprice decides that it is not satisfied with a ruling of the Chair, well, it can amend the rules right here. It does not think of going through the rules to amend them, just amend them by an appeal from a ruling and from then on that is the rule of the Senate.

So we are seeing a pretty rough display of absolute power. That is one of the things the Senator from Alabama has been fighting against ever since he has been in the Senate, to see that the Senate does operate according to the rules, so that we can know what to expect under the rules; not what they want to ram through, but what the rules say.

So the rules were amended here on the floor through an appeal from the ruling of the Chair.

Now, hairs are split in order to deny the distinguished Senator from Georgia and the distinguished Senator from North Carolina the right to present a matter to the Senate, because of this driving force to ram this bill through by a target date. This target date has no reason for existing because the act is not going to expire, on August 6 or any other day in the future by mere efflux of time. It would take legislative action to change the law. It is not going to lapse no matter what happens.

Of course, the bill is going to pass. It will probably pass tonight. I am almost sure it would have passed had not this ruthless use of power been resorted to.

So why all the speed? Why throw the rules aside, on the one hand, and hold to a strict observance, on the other hand, depending on which course suited best the determination to steamroller this bill through over all opposition and against any and all amendments.

The distinguished assistant majority leader, Mr. ROBERT C. BYRD, is the only member of this small group, banded together to ram this bill through, who showed any measure of compassion for the South or of consideration of the present conditions respecting registration and voting in the South, the only one; and he proposed a 5-year so-called extension.

Let me make clear that that is not extending this law, because the law does not need extending. That is adding 5 years to a sentence that Congress has imposed on the Southern States. That is what it is.

It is not an extension of time during which the bill shall be in force and effect. It will be in force and effect ad infinitum. But it changes what was originally a 5-year sentence and then was amended to be a 10-year sentence, into under the original House bill, a 20-year sentence, and under the amendment of the distinguished Senator from West Virginia (Mr. Robert C. Byrd) a 17-year sentence.

Now, if 5 years was thought to be a long enough sentence against the people of the South and our legislative bodies, and our cities and their ordinances, and our counties and their resolutions, why should we as Congress did in 1970 add 5 more years to the sentence just at a time when these Southern States were hoping to get out from under this punitive legislation aimed at the South?

And why should it now be necessary to add 7 years, or 10 years, or any years?

I had a young man from Mobile who came in to see me just the other day about this bill. I asked him, "Are you registered down in Mobile?"

"Yes."

"Have any trouble registering?"

"No."

"Do you know of anybody in Mobile that has any difficulty registering, have you heard of anybody in Mobile that ever had any difficulty registering?"

"No."

"Have you heard of anybody down there that has registered that has any difficulty voting?"

"No."

"Have you heard of anybody down there who has voted that has not had his vote counted?"

"No."

Mr. President, no one in Alabama or any place in the South, so far as I know, has any difficulty registering or voting or having his vote counted, and it is the public policy of our State to encourage everyone to register, and all who are registered to vote.

So this legislation adding either 10 or 7 years to the South's servitude is unnecessary.

Now, I could locate it if I took a few seconds, Reverend Hesburg appearing before the House Judiciary Committee urged the members there not to stop this reconstruction of the South, but to carry on with this reconstruction. Well, that is just what is being done.

We know, under a bill of the distinguished Senator from Virginia (Mr. Harry F. Byrd, Jr.), Gen. Robert E. Lee just recently had his citizenship returned to him posthumously. That is one sign, I guess, that reconstruction is over.

Let us end reconstruction of the South somewhere along the line. Why add another 7 years or another 10 years?

I gave examples or comparisons of what is being done here in adding to our sentence, telling about Sisyphus and Tantalus, and a prisoner in the penitentiary having his term extended just as he is about ready to hope to be able to get out. As to the 7-year sentence Mr. Byrd suggests be imposed, rather than a 10-year sentence, I might say this, I appreciate that consideration that he gave us. I appreciate it and our people back home will appreciate it.

I will say this further, that we have about 8 or 10 Presidential candidates here in the Senate. The Senator from Mississippi called this a political bill the other day, and it is. We have got 8 or 10 candidates for President here in the Senate, and these votes that are cast on these issues—how much time remains to the Senator from Alabama?

The PRESIDING OFFICER (Mr. Stone). The Senator has 6 minutes remaining.

Mr. ALLEN. People are going to scrutinize the way these Presidential candidates cast their votes.

I want to say this further about the 7-year sentence that is being imposed on us under the present Senate bill, it reminded me of the biblical story about Jacob who wanted to marry Rachel, the daughter of Laban, and he agreed to work for 7 years for Rachel's hand in marriage, and he did work 7 years.

When that 7-year period had expired, he went in to claim his bride and Laban said, "No, nothing doing, you are not going to claim your reward. I have another daughter here that I want to marry off first and her name is Leah, and you can have her for your wife and if you work 7 more years you can have Rachel. He did work those 7 extra years and finally was given Rachel.

Mr. President, I know this bill is going to pass. I hope when that added 7 years has been served by the people of the South that we will receive our reward of a pardon at the hands of the U.S. Senate.

Mr. President, I reserve the remainder of my time.

Mr. HOLLINGS. Mr. President——

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I wonder if I may have the attention of the distinguished Senator from California?

Mr. TUNNEY. Yes.

Mr. HOLLINGS. I said earlier today I heard a very interesting program on CBS news this morning. The distinguished Senator appeared in behalf of the measure and he certainly illuminated me, and I thought what he had to say at that particular time to the people of America, certainly within that vast listening audience of millions, was that we ought to hear the Senators on the floor. They were talking earlier today about the Senator missing from the floor.

Well, I understand from his program this morning, he had to make some calls while we had our very spirited debate and that he had gotten in touch with a Mr. Connors, is that right, at the White House on this measure?

Mr. TUNNEY. That is correct.

Mr. HOLLINGS. And that it was after that conversation that Mr. Connors got in touch with the President and the President said that no, he did not want to mess up this bill?

Mr. TUNNEY. That is correct.

Mr. HOLLINGS. And that he, in turn, as the Senator says, got in touch with Senator Hugh Scott, the minority leader, who put out the fire, I think that was the expression the Senator used.

Mr. TUNNEY. That is what the Senator said.

Mr. HOLLINGS. I wondered what had happened to us. I can smell victory and I can realize and feel defeat. I thought at one time we had a majority vote, and I wondered what was going on while the distinguished Senator from Massachusetts and I were speaking in a very modulated tone and in a friendly fashion. I think perhaps under that circumstance, now realizing—and I do speak in all seriousness—that the President of the United States cannot have it both ways, I was trying to defend his position. He was stating that he wanted, as he stated in that letter, what would apply to 15 States to apply to 50 States. But then on counsel yesterday afternoon he got in contact with the minority leader and they put out the fire. That is why we only got 38 votes.

He cannot say one thing in a letter and then go with others.

In fact, it is also reported to me, and maybe the Senator would want to correct the record, that at the time, or some time a little bit earlier before this debate started, he told Mr. Clarence Mitchell and the minority leader that he was for the bill as is. And that was practically the time the letter was written, if we look at the date. Is that correct?

Mr. TUNNEY. I was not a party to those conversations, but I have heard that that was the case, yes.

Mr. HOLLINGS. I am sure we are going to see the distinguished gentleman in my backyard, I know for certain, the rest of this year and all next year. He can fly around and get there. I know he is going to be talking about how he stood for the equal application of the law. But it is certainly a devious stand he took on yesterday because his letter was dramatic. I was certainly pleased by it. I took it in a sense of sincerity and immediately jumped to try to support my distinguished colleague from Mississippi (Mr. Stennis) on his amendment.

So as the Senator from Alabama talks about the power and absolute power and all these other things corrupting, I am thinking in the main of presidential power.

If the presidential power had been put behind the equality of application of this particular measure as the letter seemed to say, we had the votes. We just had a 49-to-46 vote. We could have gone over that majority. If I had the feel that we had that kind of support we could continue to raise points of order, perhaps engage in a filibuster if there is a conference report, and other things of that kind. But I can see the writing on the wall that without the President's support to get some votes on his side of the aisle, we are not going to be able to make it. I think we ought to clarify that record as to exactly what occurred. The minority leader will certainly read this record and the President will certainly read this letter. As I understood and heard the distinguished floor manager of the bill on a national news program on CBS this morning, the President called Hugh Scott and the minority leader put out the fire.

I thank my distinguished friend from California.

The PRESIDING OFFICER. Who yields time?

AMENDMENT NO. 733

Mr. STENNIS. Mr. President, I call up my amendment No. 733 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Mississippi (Mr. Stennis) proposes an amendment numbered 733.

The amendment is as follows:

> On page 1, line 4, insert "(a)" after "Sec. 101.".
>
> On page 1, after line 6, insert the following new subsection:
>
> "(b) Section 5 of such Act is amended by—
>
> "(1) Adding after 'November 1, 1964,' and 'November 1, 1968,' the following: 'which directly and substantially affect the right of freedom of any person to register or vote.'.
>
> "(2) Adding a new sentence at the end of said section as follows: 'Procedural changes and other changes which are not of a substantial nature and which do not directly and substantially affect the right or freedom of any person to register or vote shall not be required to be submitted to the United States district court or the Attorney General under the provisions of this or any other statute.'"

Mr. STENNIS. Mr. President, this amendment is very simple by adding just a very few words to the present law. I refer to the present law in the committee print from the House of Representatives, the Voting Rights Act of 1965, on page 71 and on page 72. If the Senator from California will look at the copy, I will read out the controlling words of this amendment. It would be merely to add after the words "November 1, 1964, and November 1, 1968" the following: "which directly and substantially affect the right of freedom of any person to register or vote."

Mr. President, that would merely interline those words. It is referring there to changes in precincts and in voting places, in the counting of ballots and so forth—everything that comes within the regulations. I will refer to the Attorney General's regulations by book and page in a minute. Those words would modify most everything that is said about those regulations and would require only those to be submitted to the Attorney General which "directly and substantially affect the right or freedom of any person to register or vote."

Now, Mr. President, I refer to the official hearings of the Subcommittee on Constitutional Rights, Extension of Voting Rights Act of 1965, page 603, beginning at the paragraph marked C on that page, which reads as follows:

> Legislative and administrative actions constituting changes affecting voting covered by section 5 but are not limited to the following examples:

There follows then seven different numbered items of regulation.

If I may have the Chair's attention, I am trying to make a record so that the Senator from California can respond.

I have made reference to the official document describing page 603 and seven numbered regulations.

Mr. President, I ask that those seven items be printed in the Record at this point.

There being no objection, the items were ordered to be printed in the Record, as follows:

> (1) Any change in qualification or eligibility for voting;
>
> (2) Any change in procedures concerning registration, balloting, or informing or assisting citizens to register and vote;
>
> (3) Any change in the constituency of an official or the boundaries of a voting unit (e.g., through redistricting, annexation, or reapportionment), the location of a polling place, change to at-large elections from district elections or to district elections from at-large elections;
>
> (4) Any alteration affecting the eligibility of persons to become or remain candidates or obtain a position on the ballot in primary or general elections or to become or remain officeholders or affecting the necessity of or methods for offering issues and propositions for approval by voting in an election;
>
> (5) Any change in the eligibility and qualification procedures for independent candidates;
>
> (6) Any action extending or shortening the term of an official or changing the method of selecting an official (e.g. a change from election to appointment);
>
> (7) Any alteration in methods of counting votes.

Mr. STENNIS. Mr. President, again directing the attention of the Senator from California to that page, I have been told by the Senator's valued staff member that those are the regulations as listed and adopted by the Attorney General of the United States.

Mr. TUNNEY. That is correct. We incorporated these regulations in the hearing record so that Senators would have them available to them for floor debate.

Mr. STENNIS. I thank the Senator. As I recall, the Senator from California stated to me here on the floor in a private conversation that he did not have a chance under the present circumstances of getting into the consideration of those hearings and really making an examination of them or take testimony thereon. Would the Senator express his position on that?

Mr. TUNNEY. During the hearings that we held, and we have over 1,000 pages in our hearing record, we did not have an opportunity to focus on these regulations and get any kind of understanding from the Attorney General as to how they are being administered.

Mr. STENNIS. That is the very part that I had hoped the Senator from California would address himself to.

This act has had virtually 10 years of operation already. Does the Senator know whether or not there has been any review of these regulations and the practices that have gone on during these 10 years under the regulations? Has there been any review by the Senate Judiciary Committee?

Mr. TUNNEY. The Senate Constitutional Rights Subcommittee has not had the chance to investigate how these regulations have been implemented. I can say that on the face of the regulations they appear to me to be fair and equitable.

They would appear to outline matters which would have a substantial effect on the right or freedom of any person to register and vote, but to be honest I do not know how they are being administered, because we do not have any record.

Mr. STENNIS. Yes; that was the part. I appreciate the Senator's clarity and frankness about this matter. I can fully understand why he has not had a chance to go into it, because he is overwhelmed by so many different matters. But if there was a review made by the Senator and his Constitutional Rights Subcommittee, there would be a forum, and a chance to get at the practical operations and what not of just how these regulations are applied and how they are being administered.

Mr. TUNNEY. It certainly would be an opportunity to hear witnesses testify on exactly how they are being applied.

Mr. STENNIS. Yes. I just want to relate some of the information, now, that I have.

I have observed, over the years, and I speak with deference to them, that these registrars of elections, the clerks of elections, and the managers, but particularly those officers who are on duty, who prepare the poll books, the ballots, and all—they are usually elected officials, but they have these ex officio duties—have had an awfully rough time in many cases. One of them, and he is a very respectable and responsible man, said that to many of the telephone calls that go in inquiring about changes, they say, "Well, a change is a change. It does not make any difference what it is, it has to get approval here in Washington."

There have been many cases of long delays. The case came in from Virginia that I used as an example in the debate yesterday, where they modified the city hall, and that took a part of the space, just a few feet of the space, of what had been a voting place. They were going to put it in the mayor's waiting room, I believe it was; and they had to get a permit. It was just 6 feet by 6 feet, or something of that kind, and had nothing to do with voting rights.

There was another case where they wanted to hire or rent a voting machine. They just found them available a day or two before the election, and they could not get any kind of consideration, though it would have greatly helped them in the balloting.

In another case, they wanted to bring in systematized counting, that is, individuals were going to count, but they wanted to bring the boxes into a central place, in a small city, and they could not get any kind of answer.

I ask unanimous consent that other illustrations of these unwarranted items as found on the last half of page 189, and also on first numbered down through 8 on page 190 of the hearings under the extension of the Voting Rights Act of 1965 be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Some examples of such unwarranted expansions are:

1. Municipal annexation where area annexed does not include a single additional resident, such as industrial sites. There are a number of little towns in Mississippi and we are mostly a rural State. We only have one or two cities of moderate sizes. If they want to go out and create an industrial park to attract industry into town, and go out in a clear wooded area and create an industrial park and make that a place to be annexed, then they have to seek approval from the Attorney General, or file a lawsuit. It has nothing to do with voting rights, whatsoever.

2. Change of polling place regardless of reason, such as destruction of former polling place by fire night before election.

3. Change of elected municipal official to appointive unless identity of appointee is first made known to U.S. Attorney General. We have submitted an act to the Attorney General's Office where in a small town in Mississippi the town marshals, where, by State statute, it has been elected as to whether he could be elected or appointed, the small town decided to make the office appointive, and came to Washington to get permission for that change. And the prime question at issue before the U.S. representatives of the U.S. Attorney General was who do you plan to appoint to this office? Which, I submit, far exceeds any idea that this committee of Congress ever had in the administration of this act, the refusal to approve that change stayed in effect until a name was given to the Department of Justice.

4. On submission of legislative acts, requirement by the U.S. Attorney General of names of the legislators voting for and against the legislation. We do not find that requirement in the act, and we did not find the requirement even in the Attorney General's own instructions for submissions. But yet we have received a request to submit such an act with the names of the legislators who voted for and who voted against. For what reason I simply do not know.

5. A municipality which had operated a municipal bus service where incidentally thereto voters had used the service as transportation to the polls, if it became necessary for economic reasons for the municipality to discontinue the municipal bus service, would this have to be submitted?

6. In a polling place that normally would have three tables, but on a particular voting day could only obtain two tables? Under the existing interpretation of the law, this probably would have to be submitted before they could start to vote.

7. In the event a voting machine breaks down and they must resort to voting by written ballot, must this be submitted as a change? When this was first being discussed, I believe Mr. Katzenbach, who testified this morning, was willing for that particular thing to be excluded from the act. But it was not excluded, so now we have that situation to face.

8. In an area where the population has increased and the necessity for a new circuit or chancery judge is necessary, would this have to be submitted?

Mr. STENNIS. This work is done gratuitously in many cases, the counting of ballots. Here is a law that has been in operation 10 years without review, and I can understand why it was not reviewed, but if this bill passes—and I am a realist; I think it will—it will be either 7 years or 10 years more, or somewhere in between there, and the matter would be or could be of 20 years duration. I believe I know the Senator's fairness and his sense of obligation, and his intimations to me also, would make him want to have some kind of review, so that these men and women who serve would at least feel like they had somone that they could come to. What does the Senator think?

Mr. TUNNEY. My distinguished friend from Mississippi has brought this matter to my attention privately, as he indicated, as well as here on the floor publicly, and I want to tell him that I will hold hearings on voting rights matters generally, but specifically we will address ourselves to the implementation and administration of these regulations; and before we hold such hearings I will notify my friend from Mississippi in advance so that he can draw up a witness list or a part of a witness list, to have persons that he thinks are vitally concerned get an opportunity to come in and testify as to how these various rules are being administered.

We also will invite representatives of the Justice Department, hopefully the Assistant Attorney General in charge of civil rights, and we will have a complete airing about how these various matters are being taken care of.

I am fully appreciative of the fact that it must be difficult in the extreme for local officials who want to have minor changes, as they see it which have practically nothing to do with voting rights, but they still have to get a preclearance, which takes days, perhaps as long as 60 days, for approval.

We will do everything we can to get a record which will result in expeditious consideration of the matters that are submitted to the Attorney General, because I think the Senator knows me well enough to know that I do not have any desire to grind down any region of the country, or to shackle any region of the country, for frivolous purposes. I think that if we can establish a record and point out where there have been difficulties in getting clearance from the Justice Department, maybe we can avoid many of the problems in the future that have existed in the past.

Mr. STENNIS. I appreciate the responses of the Senator. If I may pursue this somewhat farther, the people who carry out these functions really take them very seriously, and they honestly want to and try to comply with the law. But they do not get, at times, very much cooperation, particularly as to delays, and the law itself is written so broadly that these regulations can be very stringent, with no exception, and still come within the law, as I examine them. That is why I wanted to get the word "substantial" written in, to show the legislative intent, that there had to be something that really was a case affecting voting rights.

Here is another illustration: a municipal annexation, where the proposed area to be annexed did not include a single individual resident, but was annexed as an industrial site. But the boundary of a voting precinct was changed thereby, and that had to go to Washington to get approval. It was totally disconnected with any possibility of affecting the voting rights of any individual, because no one lived in that area. That is an illustration of what they go through.

Then there is the changing of polling places, regardless of reason, such as the destruction of a former polling place by fire the night before the election. They had no authority under the law as written or these regulations to set up a substitute polling place, where the building in which it was located burned the night before the election.

I think the Senator would find a great many illustrations of a much more serious nature, but one of the big things about a hearing would be that it would give all of these people a chance to present their grievances, if it was grievances, or suggestions, if it was suggestions. It would give the attorney general of every State a chance to come in, if he wished, and anyone else. I think that with 10 years of operation, and more years to go, it would justify the Attorney General of the United States giving to the Senator's subcommittee an accounting for this long tenure of this very vital and sensitive, touchy matter, one might say, of voting rights.

Does the Senator agree to that?

Mr. TUNNEY. I can promise my dear friend that I will hold such hearings and that I will invite the Attorney General of the United States to participate. I will give the Senator plenty of warning.

Mr. STENNIS. Yes.

Mr. TUNNEY. So he can be there and can question the Attorney General or any other witness that he so desires to question and will go into this matter to make sure that the burdens that he suggests exist can be corrected.

Mr. STENNIS. I appreciate very much that assurance, and I know it is totally sincere. I think it would give the Attorney General himself a chance to determine whether or not he should review these regulations and make proper exceptions and write in something here that in the nature of substantially, or some word that he might choose, would dispense with a lot of his work and also give a green light to these officials to proceed on such matters.

With those assurances from the Senator from California, and also with the realities of the occasion, I do not believe we have enough votes to pass the amendment over his protests. We have talked about this enough. I ask the Senator could he accept this amendment, and take it along?

Mr. TUNNEY. I would ask the Senator to withdraw the amendment, because I do not feel that I can accept it. I have not had an opportunity to speak to the Attorney General about this. I do not have an opinion from the Attorney General as to the impact of this amendment upon the regulations.

I think, on the face of it, I can say to my friend that it makes a lot of sense. Unfortunately, as a lawyer, and I know that my friend is a lawyer, and as we have seen cases in which something on its face looked quite different from what it was in reality. I am not suggesting by that, of course, that the Senator has any meaning for this amendment other than what he stated in the Chamber today. I just do not know what the Attorney General would say and what his report would be. I would like to have a chance to obtain that reading from the Attorney General before I accept the amendment. So I would ask the Senator, if he feels he can, to withdraw it. Otherwise, I will ask for a vote.

Mr. STENNIS. I do not want the Senator from California to call the Attorney General again about one of my amendments. That is what happened yesterday. That was the amendment of a lot of the rest of us, also. But I do appreciate the assurances here.

Mr. TUNNEY. Yes.

Mr. STENNIS. I believe that any Attorney General would be glad to come before the Senator's committee and give an accounting and a review and say what he thinks about the regulation and all. Anyway, the Senator would invite him to come.

Mr. Tunney. I will invite him to come.

Mr. STENNIS. Yes.

Mr. TUNNEY. I will also notify the Senator in plenty of time so he has a chance to be there and ask the Attorney General the questions he wants.

Mr. STENNIS. Of course, that applies to any other interested party.

Mr. TUNNEY. Any other Senator, right.

Mr. STENNIS. I appreciate the assurances of the Senator and his interest. With reliance on that, and I do accept it fully, Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. TUNNEY. I thank the Senator.

Mr. STENNIS. I thank the Senator very much.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, in a moment I shall ask for unanimous consent to place in the Record at this point some comment on this House bill, which is now before the Senate, as follows:

Additional views to H.R. 6219, extension of the Voting Rights Act, by the Honorable Jack Brooks;

Introductory supplemental views of Representatives Hutchinson, McClory, Wiggins, Fish, Butler, Cohen, Moorhead, Hyde, and Kindness;

Supplemental views of Representatives Hutchinson, McClory, Wiggins, Fish, Butler, Cohen, Moorhead, Hyde and Kindness concerning technical amendments which passed;

Supplemental views of Representatives Butler, Hutchinson, McClory, Wiggins, Moorhead, Hyde, Kindness, and Mann concerning the bailout amendment;

Supplemental views of Representatives McClory, Hutchinson, Wiggins, Moorhead, Hyde, Kindness, and Mann concerning an amendment to modify title I of H.R. 6219 to extend the Voting Rights Act and the ban on voting tests and devices for 5 years;

Supplemental views of Representatives McClory, Hutchinson, Wiggins, Moorhead, Ashbrook, and Hyde pertaining to an amendment to strike titles II and III of H.R. 6219;

Concurring view of Mr. Fish to strike title II only;

Concurring view of Mr. Kindness to strike title III only;

Supplemental views of Representatives McClory, Hutchinson, Wiggins, Fish, and Hyde concerning amendment to the survey procedure of section 403 of H.R. 6219;

Supplemental views of Representatives McClory, Hutchinson, Wiggins, Butler, Moorhead, Hyde, and Kindness pertaining to amendment to an amendment to delete "Alaskan Natives" from the definition of language minorities in H.R. 6219;

Supplemental views of Representatives Wiggins, Butler, Moorhead, Hyde, Flowers, and Mann offering an amendment in the nature of a substitute to H.R. 6219;

Supplemental views of Representatives Butler, Kindness, Hutchinson, Cohen, Moorhead, and Hyde concerning an amendment to strike "Aggrieved Person" from section 401 of H.R. 6219;

Supplemental Views of Representatives Hyde and Cohen concerning amendments dealing with section 11 of the Voting Rights Act;

Supplemental views of Representatives Kindness, Hutchinson, McClory, Butler, and Moorhead concurring with respect to division A only;

Supplemental views of Representatives Kindness, Hutchinson, Wiggins, Butler, Moorhead, Hyde, Flowers pertaining to an amendment to permit a declaratory judgment to be filed in a district court other than the U.S. District Court for the District of Columbia;

Additional views of Representatives Kindness, Butler, and Moorhead concerning the period of purity necessary to obtain a declaratory judgment to bail out;

Views of Representatives McClory, Fish, Hutchinson, Wiggins, Moorhead, and Hyde concurring in part and dissenting in part;

Separate views of Representative Ashbrook; and

Additional supplemental views of Representative Henry J. Hyde.

Mr. President, I ask unanimous consent that all of the aforementioned statements be printed in the Record at this point.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Additional Views to H.R. 6219 Extension of the Voting Rights Act

I have been a consistent supporter of civil rights legislation during my membership in Congress. I voted for enactment of the original Voting Rights Act in 1965 and for its extension in 1970. I support the present extension and voted for passage in committee, as I shall also do on the Floor of the House.

My support for the present extension in committee included general support for the concepts contained in Titles II and III, which provide for protection of minority language groups. I express this support fully recognizing that acts of discrimination undoubtedly occur against minority language groups in many States and political subdivisions. Moderating my support, however, is the fact that I find several serious defects in the draftsmanship of these two titles.

The primary defect and one that I attempted to remedy in committee is the retroactive applications of Titles II and III. The position of those authorizing these titles is that minority language persons suffer a denial of voting rights in those jurisdictions which operate election procedure solely in the English language. In order to correct such discriminatory practices, the titles call for every jurisdiction having five percent or more minority language persons in a State or political subdivision to conduct bilingual elections. I support this position and am proud that the State of Texas has recently enacted legislation to provide such bilingual elections. California, and perhaps other States have taken a similar course of action in recent years. Titles I and III, however, do not take into account any such action that occurred subsequent to 1972. In consequence, the entire weight and machinery of the Voting Rights Act will be directed against Texas even though Teaxs initiated correction of the defect long before Titles I and III were brought before the Committee for consideration. Instead of invoking these sanctions against a State which is in compliance, I believe a State's good faith efforts in enacting bilingual legislation prior to the Committee's adoption of Titles II and III should be recognized.

Texas has generally pursued a progressive course of action in recent years to eliminate possible voter discrimination. A postcard registration is now in effect under which a person remains registered as long as he or she votes once every three years. A strengthened version of this law, which would make voter registration permanent, has passed the State Senate and is pending in the House. No literacy test, no educational achievement test, no test of good moral character, no procedural requirement proving qualifications are required under Texas law. Even voters imprisoned for crimes less than a felony may now vote by absentee ballot.

A second defect in these titles is that they are not based on substantial evidence. The Supreme Court, in upholding the constitutionality of the Voting Rights Act in *South Carolina* v. *Katzenbach*, did so on the basis that the Act represented "a complex scheme of stringent remedies aimed at areas where voting discrimination has been most flagrant." As I acknowledged above, there obviously have been abuses of voting rights of minority language groups and, in particular States or political subdivisions, such abuses may have been flagrant. But, Congress, and especially the Judiciary Committee, should enact far-reaching constitutional legislation only when it is supported with solid evidence. To date, I question whether adequate evidence exists.

In recent testimony before the Senate Subcommittee on Constitutional Rights, Assistant Attorney General Pottinger, addressing this very issue, stated:

"In light of the other remedies available and in light of the stringent nature of the special provisions, the Department of Justice has concluded that the evidence does not *require* expansion based on the record currently before us." (Emphasis included.)

Mr. Pottinger expressed a similar viewpoint in his testimony before the House Subcommittee on Civil and Constitutional Rights when he said the information gathered to date is "spotty" and not broken down by individual States or political subdivision. He further stated that the Justice Department "had not yet documented widespread systematic discrimination against Spanish-surnamed Americans in noncovered jurisdictions."

Similarly, Arthur Fleming, Chairman of the U.S. Commission on Civil Rights, informed the House Judiciary Subcommittee that the Commission lacked conclusive evidence of minority language discrimination in the electoral process and recommended that immediate steps be taken to gather such data prior to enacting new legislation.

It should be noted that the 1964 Civil Rights Act requires the Census Bureau to gather data on voting discrimination when the Civil Rights Commission requests it. Since 1968 the commission has been making such requests, particularly in regard to Mexican-American voting patterns in Texas and California. The requests have not been acted on, however, and thus the factual basis for legislation dealing with minority language voters simply does not exist. The Committee recognizes this lack of adequate data by directing the Bureau of Census in section 403 of the bill to gather the necessery data.

In regard to the issue of insufficient evidence, it should also be noted that Titles II and III speak in terms of "heritage." Thus, a State is to be under the Voting Rights Act if, for example, it has large numbers of Spanish surname persons of voting age, coupled with an overall registration or voter turnout of less than 50 percent, even though evidence is lacking as to how many individuals are lacking fluency in the English language. On the other hand, large numbers of Spanish heritage persons of voting age are to be excluded from coverage in States or political subdivisions either because a particular jurisdiction has an overall registration or voter rate above 50 percent, or a minority language population below 5 percent, although still substantial. The effect of this could well be that jurisdictions are excluded which practice greater discrimination than those covered under the Act. It should also be noted that, as Assistant Attorney General Pottinger told the Senate, the titles—being limited to American Indians, Asian Americans, Native Alaskans, and persons of Spanish heritage—do not provide similar protection to many minority language groups which also seem to deserve protection.

Finally, it is important to stress that if evidence exists showing that Texas or any other State now covered under the Voting Rights Act is, in fact, engaging in acts of voter discrimination, the Act is capable of reaching them. Let us not forget that section 2 provides:

"No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied to any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color."

Section 3 of the Act directs the Attorney General to institute legal actions to enforce the above section. Under sections 11 and 12, any official found to have deprived anyone of their voting rights can be fined or imprisoned. Mr. Pottinger, in his testimony before House and Senate Subcommittees, expressed the view that such provisions of the Voting Rights Act do apply to minority language persons.

In conclusion, no person should be denied the right to vote on grounds of race, creed, color or national origin. States should be required to take positive steps to enforce this right. Those that do not should be subjected to all the sanctions of the Voting Rights Act. But, states which have been making a good faith effort and where there is insufficient evidence of discrimination, if any, should not be subjected to harassment by examiners and registrars.

JACK BROOKS.

INTRODUCTORY SUPPLEMENTAL VIEWS OF MESSRS. HUTCHINSON, MCCLORY, WIGGINS, FISH, BUTLER, COHEN, MOORHEAD, HYDE, AND KINDNESS

In order to facilitate an intelligent discussion of the numerous issues involved in considering H.R. 6219 and the extension of the Voting Rights Act, Members wishing to submit supplemental or dissenting views have prepared an issue by issue analysis of this legislation. The entire contents of H.R. 6219 is analyzed by exploring various Republican Amendments which were offered to the full Committee on the Judiciary to remedy the deficiencies of H.R. 6219. Only Secs. 402 and 406 of H.R. 6219 will be omitted from the discussion; these sections are noncontroversial and should be adopted.

The undersigned members ascribe to the above stated views.

EDWARD HUTCHINSON.
ROBERT MCCLORY.
CHARLES E. WIGGINS.
HAMILTON FISH, Jr.
M. CALDWELL BUTLER.
WILLIAM S. COHEN.
CARLOS J. MOORHEAD.
HENRY J. HYDE.
THOMAS N. KINDNESS.

SUPPLEMENTAL VIEWS OF MESSRS. HUTCHINSON, MCCLORY, WIGGINS, FISH, BUTLER, COHEN, MOORHEAD, HYDE, AND KINDNESS CONCERNING TECHNICAL AMENDMENTS WHICH PASSED

The undersigned Members endorse the unanimous adoption of Republican amendments now embodied in Section 404 and 405 of H.R. 6219 and of the technical amendment adopted by the Committee on the Judiciary.

Section 404 extends the anti-fraud provisions of § 11(c) to cover elections for the delegates from Guam and the Virgin Islands. These positions were created subsequent to the 1970 amendments to the Voting Rights Act and should be incorporated therein.

Section 405 codifies a Department of Justice regulation, 28 C.F.R. § 51.22, thereby removing any doubt of its validity. Section 5 of the Voting Rights Act currently requires all covered jurisdictions to submit changes in voting laws and practices to the Attorney General for preclearance prior to their implementation. The statute currently gives the Attorney General 60 days in which to file an objection to the voting change. 28 C.F.R. § 51.22 provides that for good cause shown the Attorney General can permit enforcement of the voting change within the 60 day period subject to reexamination upon the receipt of additional evidence during the remainder of the 60 day period.

The purposes of this amendment is to remove statutory ambiguities of § 5 of the Voting Rights Act and to codify the existing regulation enabling the Attorney General to affirmatively indicate that he will not object to a voting change under § 5 prior to the expiration of the 60 day submission period enumerated in § 5. While the Attorney General presently maintains that he has the power to affirmatively sanction a voting change prior to the expiration of the 60 day submission period, a literal reading of the statute would not authorize this procedure. Hence in order to technically amend the statute to comply with present day practices, language is inserted in § 5 authorizing an affirmative indication that an objection will not be made.

A rapid approval mechanism is desirable in order that critical last minute voting changes can be implemented in emergency situations prior to an election. An example given during the hearings pointed out that if a polling place were to burn down two weeks prior to an election, one possible construction of the law would not permit changing that polling place prior to the running of the 60 day period specified in § 5. Clearly, the statute must be amended to allow such changes. This amendment cures a statutory ambiguity and, in effect, codifies existing regulations; it is reasonable and should be adopted.

Lastly the Committee passed a Republican amendment designed to alter Title III and § 10 of the Voting Rights Act to incorporate reference to the 26th and 24th Amendments respectively. Obsolete provisions were also deleted.

These amendments were all adopted without dissent and improve the draftsmanship of the Voting Rights Act. We concur in their adoption.

The undersigned members ascribe to the above stated views.

EDWARD HUTCHINSON.
ROBERT MCCLORY.
CHARLES E. WIGGINS.
HAMILTON FISH, Jr.
M. CALDWELL BUTLER.
WILLIAM S. COHEN.
CARLOS J. MOORHEAD.
HENRY J. HYDE.
THOMAS N. KINDNESS.

SUPPLEMENTAL VIEWS OF MESSRS. BUTLER, HUTCHINSON, MCCLORY, WIGGINS, MOORHEAD, HYDE, KINDNESS, AND MANN CONCERNING THE BAIL OUT AMENDMENT

The Fifteenth Amendment to the United States Constitution expressly guarantees that no one shall be denied the right to vote on account of race or color.

Circumstances existing in the year 1964 clearly demonstrated that this constitutional protection was not universally observed and government intervention in some form was clearly indicated. The undersigned Members regret exceedingly that it was necessary that the action taken was a federal action.

The Voting Rights Act of 1965 was in response to this effort. We would have thought at the time that it was unconstitutional because of its violation to the federal nature of our system of government, and trespasses upon the rights of the States to pass their own laws. This view is expressed with particular eloquence by Mr. Justice Black in his dissent in the case of *South Carolina* v. *Katzenbach*, 383 U.S. 301, 355 (1966), where he said, omitting a footnote, at pp. 358–60:

> Section 5, by providing that some of the States cannot pass state laws or adopt state constitutional amendments without first being compelled to beg federal authorities to approve their policies, so distorts our constitutional structure of government as to render any distinction drawn in the Constitution between state and federal power almost meaningless. One of the most basic premises upon which our structure of government was founded was that the Federal Government was to have certain specific and limited powers and no others, and all other power was to be reserved either "to the States respectively, or to the people." Certainly if all the provisions of our Constitution which limit the power of the Federal Government and reserve other power to the States are to mean anything, they mean at least that the States have power to pass laws and amend their constitutions without first sending their officials hundreds of miles away to beg federal authorities to approve them.[2] Moreover, it seems to me that § 5 which gives federal officials power to veto state laws they do not like is in direct conflict with the clear command of our Constitution that "The United States shall guarantee to every State in this Union a Republican Form of Government." I cannot help but believe that the inevitable effect of any such law which forces any one of the States to entreat federal authorities in far-away places for approval of local laws before they can become effective is to create the impression that the State or States treated in this way are little more than conquered provinces.

We are for the second time called upon to review the effectiveness of the Voting Rights Act as enacted in 1965 and extended in 1970. Undoubtedly the Voting Rights of Minorities have been improved tremendously during this period[1] and we can take some pride

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Footnotes at end of article.

in the fact that very few of the complaints expressed in 1964 remain.

Nevertheless, the United States Commission on Civil Rights found the need for continuance for further extension of the Voting Rights Act because of continued existence of certain barriers to registration, voting and candidacy.[2] These are expressed in great detail and may be summarized as follows:

(1) outright exclusion and intimidation at the polls;

(2) inadequacy of voting facilities;

(3) location of polls at places where minority voters feel unwelcome or uncomfortable, or which are inconvenient to them;

(4) underrepresentation of minority persons as poll workers;

(5) unavailability or inadequacy of assistance to illiterate voters;

(6) failing to locate voters' names on precinct lists;

(7) lack of bilingual materials at the polls for non-English-speaking persons;

(8) problems with the use of absentee ballots;

(9) inconvenient times and places of registration;

(10) underrepresentation of minorities as registration personnel;

(11) frequent purging of registration rolls necessitating reregistration;

(12) unreasonable filing fees;

(13) burdensome qualifications on independent or third party candidates;

(14) dishonest counting of votes;

(15) lack of access to voters at the polls; and

(16) lack of campaign information.

Many of the reasons the Civil Rights Commission points to as evidence of continuing discrimination of our voting activities indicate failures in the Voting Rights Act. As they point to existing circumstances, they put their finger on a basic shortcoming of the Voting Rights Act: There is an inconvenience involved in changing existing practices and there is the absence of any incentive to do so. A brief review of the mechanics of the Voting Rights Act is necessary in order to point out the two basic problems to which the proposed legislation does not respond.

By virtue of the triggering device of Section 4 of the Voting Rights Act certain States are made subject to its sanctions, the principal one of which is Section 5. Section 5 requires that all legislation passed in certain covered States and affecting voting rights, prior to its enforcement, must be (1) determined in a declaratory judgment in the United States District Court for the District of Columbia to be without unlawful purpose and effect, or (2) approved by the Attorney General of the United States within 60 days after submission. These are called the preclearance provisions.

As a result of recent Supreme Court interpretations of the responsibility of the Attorney General, it is now clear that every voting procedure is subject to these limitations.[3] An extreme example is one which occurred in the State of Virginia. In the city of Fredericksburg a situation arose where in the city hall, they were going to enlarge the hallway to make an alcove for a sitting room for the mayor. The enlarging of this hallway would require partitioning off part of the registrar's office—approximately 3 feet. The city was advised by the Department of Justice this was a change subject to the Voting Rights Act, and the hallway was not widened for a period of 60 days.[4]

The means by which States are determined to be covered are set forth in section 4. It is this triggering device which is a matter of major concern to us.

By provision of the first sentence of Section 4(b) of the Voting Rights Act of 1965, States which had in use on November 4, 1964, a "test or device"[5] are presumed to have used the test or device for purposes of denying or abridging the right to vote on account of race or color and are therefore subject to provisions of Section 5.

It was the theory of the Voting Rights Act that this constituted a mere shift of the burden of proof and that after a given period of time, five years, a covered State could come into court and prove in an action for a declaratory judgment that it had not used such test or device for the purpose of or with the effect of denying or abridging the right to vote on account of race or color.

The Supreme Court of the United States said in *Gaston County* v. *United States*, 395 U.S. 385 (1969), that the presence of a separate but unequal school system for blacks could be a basis for inferring that a literacy test has the effect of denying or abridging the right to vote on account of race or color.

In 1974 the State of Virginia undertook to prove in the case of *Virginia* v. *United States* (C.A. 1100–73) that the test or device which it had used in 1964 and which has subsequently been repealed, was not used to discriminate; abundant evidence was offered to the appropriate court to establish this contention. The court ruled that in view of the *Gaston* case, the presence of a separate but unequal school system contemporaneously with a test or device established conclusively that the test or device was used for purposes of discrimination with respect to voting rights.

The Supreme Court denied the appeal *per curiam*.

The effect of the recent case of *Virginia* v. *United States* (C.A. No. 1100–73) is to establish that there is no way that States which were covered by the Act in 1965 can introduce evidence to prove that they did not discriminate. There is no way to escape the provisions of the Act.

When asked if there is "any way the State of Virginia under this existing legislation could come out from under the Act", J. Stanley Pottinger, Assistant Attorney General, Civil Rights Division, Department of Justice, responded at page 303 of the *Hearing*: "I do not believe so." Similarly, when asked if the effect of the case of *Virginia* v. *United States* was to "foreclose the State of Virginia from making use of the bailout provision of the Voting Rights Act", Howard A. Glickstein, director, University of Notre Dame Center for Civil Rights, responded at page 356 of the *Hearings*, "yes."[6]

The significance of the effect of the recent case is made more clear when we read once more the decision of the case of *South Carolina* v. *Katzenbach, supra*. In that opinion the constitutional question was raised as to the overbreadth of the statute in covering jurisdictions which did not in fact deny or abridge the right to vote on account of race or color. The Court disposed of this argument at 331 as follows:

"Acknowledging the possibility of overbreadth, the Act provides for termination of special statutory coverage at the behest of States and political subdivisions in which the danger of substantial voting discrimination has not materialized during the preceding five years."

However, the effect of the holding in *Virginia* v. *United States* in combination with the imminent extension of the Act operates to eliminate any method of terminating the special statutory coverage. A statute is overbroad when it penalizes those persons who do not deserve to be penalized as well as those who do. The fifteenth amendment justifies the imposition of congressional remedies only where the right to vote is denied or abridged on account of race or color. Once a State no longer denies or abridges the right to vote on account of race or color, the constitutional basis for imposing the extraordinary remedies of section 5 evaporates. To this extent, the failure to provide a meaning.[7] It is simply not rational to assert that a State with 100% blacks registered, voting and elected, is denying or abridging the right to vote on account of race or color. Yet, if the Act is extended, Southern States attaining that standard will still be unable to escape from the special coverage provisions.[8] Accordingly, we respectfully suggest that in the absence of an effective escape or bailout provision replacing the current provision in § 4(a) which has been made impotent by the Supreme Court, extensions of the Act, which are in fact a reenactment of the Act, are of doubtful constitutionality.[9]

The second major problem not responded to by the proposed extension was mentioned earlier. A glaring defect of the Act of 1965 as it presently exists and as it will likely exist as extended by H.R. 6219 is that it provides *no* incentive for any covered jurisdiction to change any voting laws in any manner whatsoever. By compelling a covered jurisdiction to submit all voting changes to the Attorney General of the United States for preclearance before such changes may be enforced, the Act "freezes in" past voting practices. Even if these past practices are discriminatory in intent or in effect, the Act does nothing to force or even encourage a covered jurisdiction to change its laws. Throughout the hearings,[10] and during markup of this legislation in both the Subcommittee and the full Committee, alternatives were discussed with witnesses suggesting plans to encourage affirmative changes in voting laws by the covered jurisdictions; this aim was pursued by offering covered jurisdictions exemption from the burdens of section 5 as a reward for passing and implementing progressive new voting laws.

J. Stanley Pottinger, Assistant Attorney General, Civil Rights Division, Department of Justice, suggested several factors at 791 of the *Hearings* which form the basis for the second prerequisite set forth in the amendment, *infra*. He said, at 791 of the *Hearings:*

"It seems to us that it might be worth a line of inquiry for this entire committee, and certainly yourself included because of your keen interest to pursue whether or not such standards can be drawn along the lines that I am suggesting. That is to say, perhaps it is possible to state that if there has been for a period of 5 years no literacy tests or devices which were in use in the given jurisdiction, whether State or subdivision of it, no outstanding objections by the Attorney General under section 5, no judgment of the court stating the political subdivision or State has violated either the 15th amendment or any implementing legislation under the 15th amendment, the literacy tests, and devices of the States have actually been repealed, not simply put in disuse, and there have been timely submissions of changes and the like, if all of those things that are now covered by the act can be shown to have been complied with, I suppose it would be difficult to argue that the State has not freed itself of the obligations under the act as other States have."

Howard A. Glickstein thought a 5 percent disparity level between black and white voter turnout might be appropriate, at 350 of the *Hearings*. The Hon. Stone D. Barefield supported the 60 percent test now incorporated as the first prerequisite in the amendment, as developed *infra*. Other views and reactions were also placed on the record.[11]

Many of us have availed ourselves of the opportunity to meet with our constituents representing minorities and found that the complaints set forth in the Report of the Civil Rights Commission do in fact exist in many instances. The principal problems related are the real absence of opportunities

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Footnotes at end of article.

to register, the inconvenience in voting locations, and probably most significant, a failure to readjust local government boundaries to create voting opportunities to accommodate the new voting strength of minorities.

A particular complaint is in the larger cities: that as blacks become more sophisticated, they are still limited in their choice of candidates; but there is no way to implement a desire for a ward system of voting or other system of voting which would assure representation for minorities on local governing boards. A similar complaint has developed with reference to the use of multimember districts in reapportionment plans which meets all the requirements of the equal protection section of the fourteenth amendment.

Since the preclearance provisions of the Voting Rights Act are directed to monitor future voting changes and not existing voting laws, there is no incentive to correct voting practices which are not subject to the Voting Rights Act. These complaints cannot be met under the Voting Rights Act.

Accordingly, we have an amendment which we feel would solve these problems; the amendment was rejected in the Committee by a 17–17 vote.

The amendment sets up three basic requirements which a jurisdiction must meet to be rewarded with exemption from § 5. First, actual registration and voting percentages must indicate the absence of racial discrimination. Second, the jurisdiction must have remained pure for at least the preceding five years of all conceivable condemnation rating to voting discrimination. Third, the jurisdiction must have initiated an affirmative action program to revamp its voting laws, and this program must have been implemented to produce concrete results. By establishing these three broad goals, our amendment remedies both of the above described deficiencies in the Voting Rights Act as it presently exists and even as it would exist if extended by H.R. 6219. Jurisdictions are not helplessly trapped within the onerous confines of § 5, and at the same time they are encouraged to implement progressive new voting laws to earn their freedom.

The specific requirements of these three broad areas are rigorous. There is no better way to describe them than to set them out. Specifically, in order for a jurisdiction to bailout of § 5, that jurisdiction must prove in an action for a declaratory judgment each of the following circumstances:

(1) No less than sixty percentum of the persons of voting age residing therein on the date of the most recent Presidential election were registered and no less than sixty percentum of such persons voted in said election: *Provided that* the percentage of persons of minority race or color or national origin (which terms include language minorities) who were registered and the percentage of such minority persons who voted in said election were not substantially less than the percentage of persons voting, respectively, in said election in said State or political subdivision;

(2) During the five years preceding the filing of such action for declaratory judgment there has been

(a) no final judgment of a federal court ruling that such State or political subdivision has violated the fifteenth amendment, or fourteenth amendment respecting voting rights, or any legislation implementing such amendments;

(b) no change in any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting of such State or political subdivision put into force or effect without timely filing of a declaratory judgment action in the District Court for the District of Columbia or timely submission to the Attorney General pursuant to this Section;

(c) no objection interposed by the Attorney General pursuant to this Section against such State or political subdivision which objection was based upon substantial potential denial or abridgment of the right to vote on account of race or color or in contravention of the guarantees set forth in section 4(f)(2);

(d) repealed any test or device as defined by subsection (c) of Section 4 of this title and section 4(f)(3) and that all changes in any voting qualification, or prerequisite to voting, or standard, practice, or procedure with respect to voting to which the Attorney General interposed an objection, or the District Court for the District of Columbia denied an action for declaratory judgment pursuant to this Section, in such State or political subdivision, have been repealed, and

(e) no federal voting examiner sent to such political subdivision of such State pursuant to Section 6 of this title; and

(f) no incident or any voting qualification or prerequesite to voting or standard, practice, or procedure has been enacted or applied in violation of the fourteenth or fifteenth amendments, or if there are any such incidents:

(1) the incidents have been few in number and have been promptly and effectively corrected by State or local action;

(2) the continuing effect of such incidents has been eliminated; and

(3) there is no reasonable probability of their recurrence in the future.

(3) The laws of the State or political subdivision provide and have been implemented to effectuate:

(a) an opportunity for every person of voting age residing therein to register to vote including the opportunity to register during evening hours on a reasonable number of days each month and on a reasonable number of Saturdays and Sundays of each month;

(b) reasonable public notice of the opportunity to register;

(c) places of registration and places for voting at locations with access to and not unreasonable distance from the place of residence of all persons of voting age residing within said State or political subdivision;

(d) reasonable provision for minority representatives among election officials at polling places where minorities are registered to vote;

(e) apportionment plans which assure equal voter representation and avoid submergence of cognizable racial or minority groups;

(f) removal of all unreasonable financial or other barriers to minority candidates; and

(g) adequate opportunity for minority representation in all local governing bodies where persons of a minority race or color or national origin (which terms include language minorites) exceed twenty-five percentum of the persons residing within such political subdivision.

Clearly any jurisdiction meeting these standards cannot rationally be denied its right to a Republican form of government upon a presumption that it is likely to deny or abridge the right to vote on the basis of race or color.

The amendment also provides that if the Attorney General determines that the State or political subdivision has complied with each of the above requirements, then he shall consent to the entry of such judgment and the Attorney General shall, upon request, advise in advance of litigation whether in his opinion the above circumstances exist. Moreover, the amendment provides that once a jurisdiction is exempted from § 5 that the court retains jurisdiction for ten years after judgment and reopens the action upon motion of the Attorney General alleging that a voting qualification, prerequisite, standard, procedure or practice has been used with the purpose or effect of denying or abridging the right to vote on account of race or color or in contravention of the "language minority" guarantees set forth in section 4(f)(2). This safeguard provides a mechanism to recommit a jurisdiction to the coverage of § 5 if undesirable laws are passed in the future.

This amendment provides an incentive to the covered jurisdictions to comply with the spirit of the Voting Rights Act by offering exemption from section 5 as a procedural reward; yet the substantive goals of section 5 are not meaningfully subverted. Adoption of this amendment would likely result in legislation at the State and local level designed to removed the existing barriers to Registration, Voting, and Candidacy so explicitly documented by the Commission.[12] Similarly, this amendment will encourage fair representation of minorities in national, State and local governments.[13]

The Voting Rights Act was described as Reconstruction by Rev. Theodore M. Hesburgh, C.S.C., President, University of Notre Dame; he urged the Subcommittee not to make the mistake of ending the "unfinished Second Reconstruction."[14] We believe that nothing is more inappropriate in the twentieth century than Reconstruction legislation. The time has come to vote against the hypocrisy of such legislation.

The undersigned members heartily encourage their colleagues to support this amendment on the Floor of the House of Representatives. We also invite you to consider the proposed amendment and to suggest any revision that may be necessary due to technical objections.

The undersigned members ascribe to the above stated views.

M. Caldwell Butler
Edward Hutchinson.
Robert McClory.
Charles E. Wiggins.
Carlos J. Moorhead.
Henry J. Hyde.
Thomas N. Kindness.
James R. Mann.

FOOTNOTES

[1] Testimony of Hon. Arthur S. Fleming, Chairman, United States Commission on Civil Rights, confirmed that by January, 1972, the gap in black and white voter registration in the covered jurisdictions had decreased from 44.1 percent in 1964 to only 11.2 percent. *Hearings on the Extension of the Voting Rights Act before the Subcomm. on Civil and Constitutional Rights of the House Comm. on the Judiciary,* 94th Cong., 1st Sess., Ser. No. 1, at 20 (1975) [hereinafter referred to as *"Hearings"*]. *See also,* Report of the Civil Rights Commission entitled *The Voting Rights Act: Ten Years After,* at 42, reproduced in the *Hearings* at 1025.

[2] *See* Report of the United States Commission on Civil Rights, *The Voting Rights Act: Ten Years After,* at 69, 97, 131 (1975), reproduced in the *Hearings* at 1052, 1080, 1114.

[3] *See Allen* v. *State Board of Elections,* 393 U.S. 544 (1969), and *Georgia* v. *United States,* 411 U.S. 526 (1973).

[4] Testimony of Anthony Troy, Deputy Attorney General of Virginia at 761 of the *Hearings.*

[5] The definition of "test or device" is set forth in section 4(c). The term means "any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any class."

[6] This view was sustained by the following witnesses in their testimony before the Subcommittee: Hon. Stone D. Barefield, Member, Mississippi House of Representatives at 718 of the *Hearings;* Andrew P. Miller, Attorney

General, Commonwealth of Virginia, at 745 of the *Hearings;* Hon. Walter Flowers, Member, United States House of Representatives at 147 of the *Hearings;* and Hon. Daniel R. McLeod, Attorney General of South Carolina at 590 of the *Hearings*.

[7] See generally. Hearings at 718, 764.

[8] *See* Testimony of J. Stanley Pottinger, Assistant Attorney General, Department of Justice, at 303 of the *Hearings*.

[9] *See* Testimony of Hon. Andrew P. Miller, Attorney General of Virginia, at 764 of the *Hearings;* testimony of Hon. Stone D. Barefield, Member, Mississippi House of Representatives at 718 of the *Hearings*.

[10] *See Generally, Hearings* at 147, 303, 350, 489, 718, 741, 764 and 790.

[11] *See generally, Hearings* at 303–05, 350, 489, 718, 741, 764, and 790–91.

[12] *See* Report of the Civil Rights Commission, *The Voting Rights Act: Ten Years After* at 69–172, reproduced in the *Hearings* at 1052–1155.

[13] *Cf. id.* at 1187–1310.

[14] *Hearings* at 320. *See also, Hearings* at 119.

Supplemental Views of Messrs. McClory, Hutchinson, Wiggins, Moorhead, Hyde, Kindness and Mann Concerning an Amendment To Modify Title I of H.R. 6219 To Extend the Voting Rights Act and the Ban on Voting Tests and Devices for Five Years

The Administration proposal, H.R. 2184, would extend §§ 4, 5 and 201 of the existing Voting Rights Act for a period of 5 years. The bill reported to the House, H.R. 6219, incorporates the 10 year extension and a permanent ban on literacy tests in title I.

We urge adoption of an amendment designed to enact the recommendations of the Administration as supported during the hearings by Assistant Attorney General, J. Stanley Pottinger, that §§ 4, 5, and 201 be extended for a period of 5 years.[1] To facilitate a clear analysis of these issues, a separate discussion is appropriate.

A. AMENDMENT TO MODIFY SECTION 101 OF H.R. 6219

H.R. 6219 currently proposes a ten year extension of the special coverage provisions of the Voting Rights Act by changing the burden of proof necessary to bailout of the special coverage provisions in § 4(a) from ten years to twenty years. This will have the effect of freezing in the six southern States which were originally covered in 1964 until at least 1985 by focusing on sins committed over twenty years prior to that date. Instead, we urge a five year extension of the Act by changing the period of the burden of proof in § 4(a) to fifteen years rather than twenty years.

Section 4 of the Voting Rights Act triggers the special coverage provisions of §§ 4, 5, and 6 by focusing on the 1964 and 1968 presidential elections. If a State or political subdivision had less than 50 percent of its voting age population registered or voting in either of those elections, and it also employed a voting test or device, then the trigger in § 4(b) would automatically operate upon a determination by the Director of the Census to bring such jurisdiction under the special coverage provisions of the Act. The trigger is saved from being unconstitutionally overboard by allowing a jurisdiction to "bail out" if it can show that within the past ten years it has not used a "test or device" with the purpose or with the effect of denying or abridging the right to vote on account of race or color.[2] Those jurisdictions which cannot bail out must submit all changes in voting laws to the District Court for the District of Columbia or to the United States Attorney General for preclearance before such laws may be enforced.[3]

Footnotes at end of article.

The original burden of proof required to bail out of the Act was 5 years, but in 1970, Congress "extended" the Act for another 5 years by altering the period of the burden of proof to ten years. This had the purpose and effect of keeping the 6 southern States which were covered in 1964 from successfully using the bailout, since their literacy tests were not suspended by the Act until 1965.[4] Now it is time to decide how long the southern States will remain under the Act for their misdeeds committed prior to 1965.

Those members favoring a ten year extension argue that it is necessary for the Act to be in effect to cover the reapportionment that will take place following the 1980 census.[5] If the need for the Act to be extended past August 6, 1980, can be justified at that time, then the 96th Congress which will be meeting in 1980, can in its wisdom, enact appropriate, brief extension. However the present record does not justify such action at this time.

Testimony during the *Hearings* confirmed that in order for an extension of this Act to be constitutional, the record must justify the legislation just as if this were an original enactment.[6] The constitutionality of the Voting Rights Act was established in *South Carolina* v. *Katzenbach*; [7] a case which focused on the temporary nature of this extraordinary legislation and noted that Congress could act to remedy an insidious and pervasive evil with stern and elaborate measures.[8] The record is clear that substantial progress has been made since 1964. In the words of the Chairman of the Committee on the Judiciary, "I am, of course, aware of the tremendous gains that have been made, especially in the covered jurisdictions." [9] Testimony of the Chairman of the United States Commission on Civil Rights confirmed that by January, 1972, the gap in black and white voter registration in the covered jurisdictions had decreased from 44.1 percent in 1964 to only 11.2 percent.[10] In light of this tremendous improvement, it would be unwise and possibly unconstitutional to extend the Voting Rights Act for 10 years when it was historically extended for only 5 years in 1970. Moreover, fears concerning the 1980 census are unwarranted because the bailout provision in § 4(a) of the Act requires the court to retain jurisdiction over the case of any State or political subdivision that successfully bails out for a period of 5 years during which time the Attorney General may reopen the action to bring the State or political subdivision back under the Act. Thus, even if all southern States could meet the burden of proof necessary to bail out in 1980, the court would retain jurisdiction for another 5 years or well past the 1980 reapportionment. Since the present evil is less insidious and pervasive than it was in 1964, it would be inappropriate to extend the same stern and elaborate measures of this Act past 1980. An amendment to that effect will be offered on the floor of the House and we recommended its adoption.

B. AMENDMENT TO MODIFY SECTION 102 OF H.R. 6219

Section 201 of the Voting Rights Act was enacted in 1970 to ban all "tests and devices" on a nationwide basis.[11] Those members of Congress supporting H.R. 6219 now desire to make that ban permanent. From both a legal and political perspective, the undersigned members deem this course of action unwise. We urge our colleagues to support a five year extension of the ban on literacy tests as appropriate legislation.

The United States Commission on Civil Rights has recommended a ten year extension of the ban on literacy tests,[12] against the wishes of Vice-Chairman Stephen Horn that the ban be extended for 5 years.[13] Logically, the temporary provisions of the Act should be extended for the same period of time; such a view was expressed by Assistant Attorney General J. Stanley Pottinger in testimony before the Subcommittee on Civil and Constitutional Rights.[14] It is reasonable that Congress should review all of the temporary provisions of the Act at one time to see if further extension is warranted. Thus, the undersigned members feel that whatever period of extension is adopted for §§ 4 and 5 is also appropriate for § 201.

However, the supporters of H.R. 6219 do not urge a temporary extension of § 201. Rather, they seek to make this a permanent provision.[15] Testimony was received during the *Hearings* indicating that there is a risk that a permanent ban on all tests and devices might be unconstitutional.[16] Testimony revealed that if such a decision were rendered that the Court itself could not impose a temporary ban and that States would immediately be free to reimpose literacy tests.[17] The undersigned members are simply unwilling to run the risk that literacy tests may be imposed within the next five years. This risk aversion is justified by the substantial possibility that a conservative Supreme Court will adhere to its holding in *Lassiter* v. *Northampton County* Board of Elections, 360 U.S. 45 (1959), that literacy tests are not per se unconstitutional. A Congressional determination to permanently ban such tests could easily be found to be irrational, since it is logical to assume that at some future time literacy tests will be administered on a racially equal basis.[18]

Advocates of the permanent ban on literacy tests often argue that in this day of mass media that the ability to read or write is not essential to cast an intelligent vote.[19] If all that were being banned by section 201 were tests concerning the ability to read and write, this argument might carry more weight. But the definition of test or device in section 201 bans all sorts of tests designed to measure *knowledge*.[20] Our system of government should not preclude for all time a State from limiting the franchise to knowledgeable voters. Yet in the light of the definition of test or device, section 102 of H.R. 6219 would do just that. The constitutionality of banning all tests and devices has never been decided; the Court has upheld the ban on literacy tests for five years, but the opinion did not pass on the legality of banning other tests or devices.[21] In light of the holding in that case that the Constitution reserves to the States the power to determine voter qualifications in State and local elections, a permanent withdrawal from the States of the right to require knowledgeable voters may be unconstitutional; indeed, there may even be a compelling State interest in requiring an informed electorate.[22]

Congress should adopt a policy to encourage literate voters and at the very least, knowledgeable voters. A permanent ban of literacy tests and other voting devices does nothing to further this goal. We urge adoption of an amendment that will be offered on the Floor to extend the temporary ban on tests and devices.

The undersigned members ascribe to the above stated views.

Robert McClory.
Edward Hutchinson.
Charles E. Wiggins.
Carlos J. Moorhead.
Henry J. Hyde.
Thomas N. Kindness.
James R. Mann.

FOOTNOTES

[1] *Hearings on the Extension of the Voting Rights Act before the Subcom. on Civil and Constitutional Rights of the House Comm. on the Judiciary,* 94th Cong., 1st Sess., Ser. No. 1 at 286–87 (1975) [hereinafter referred to as "Hearings"]. *Cf.* testimony of Hon. Robert McClory at 311–19 of the *Hearings* and the statement of Hon. Thomas Railsback at

1604–05 of the *Hearings* supporting these recommendations.

[2] The bailout is accomplished by bringing an action for declaratory judgment in the United States District Court for the District of Columbia pursuant to § 4(a). The term "test or device" is a term of art defined in §§ 4(c) and 201 of the Act. The definition is much broader than mere literacy tests and includes a requirement that a person display knowledge of any matter.

[3] Section 5 of the Voting Rights Act so provides.

[4] The option of proving that the literacy test did not in fact have the purpose or effect of denying or abridging the right to vote on account of race or color was effectively foreclosed to the six southern states by holding in *Virginia* v. *United States,* that jurisdictions which previously had both literacy tests and inferior schools for blacks were *per se* barred from proving the lack of discriminatory effect necessary to bail out under section 4(a).

[5] *See, e.g., Hearings* at 11, 315.

[6] *Hearings* at 597.

[7] 383 U.S. 301 (1966).

[8] 383 U.S. 301, 309 (1966).

[9] Statement of Hon. Peter W. Rodino, Jr., Chairman, House Committee on the Judiciary, *Hearings* at 12.

[10] Statement of Hon. Arthur S. Flemming, Chairman, United States Commission on Civil Rights, *Hearings* at 20. *See also,* Report of the Civil Rights Commission entitled *The Voting Rights Act: Ten Years After* at 42, reproduced in the *Hearings* at 1025.

[11] The definition of "test or device" in section 201 of the Act tracks the definition set forth in section 4(c). The term means "any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any class." Clearly this definition encompasses more than just literacy tests.

[12] Recommendation Number 2 of the Commission on Civil Rights reproduced in the *Hearings* at 1239.

[13] The views of Vice-Chairman Horn are reproduced in the *Hearings* at 1343–45.

[14] *Hearings* at 287.

[15] *See* section 102 of H.R. 6219.

[16] *See, e.g., Hearings* at 57–58.

[17] *Id.*

[18] Although the Court in *Katzenbach* v. *Morgan,* 384 U.S. 641 (1966) confined itself to perceiving a basis on which Congress might act without inquiring into the rationality of that basis, the weight of that opinion was substantially undermined in *Oregon* v. *Mitchell,* 400 U.S. 112 (1970) where a majority of justices concurred that Congress does not have the power to determine what is or is not a compelling state interest for equal protection purposes. The case went on to hold that the Constitution reserves to the States the power to determine voter qualification in State and local elections; this would include a knowledge requirement.

[19] *See, e.g., Hearings* at 12.

[20] *See* the definition of test or device in note 11 *supra.* A broad construction would forbid a state from prohibiting an insane person from voting.

[21] *Oregon* v. *Mitchell,* 400 U.S. 112 (1970). *See* especially the dissenting opinion of Mr. Justice Harlan which notes that the legality of abolishing tests and devices other than literacy tests is an open question.

[22] *Id.* It is important to stress that the constitutionality of the temporary ban of literacy tests was based upon a showing of discriminatory impact on account of race or color

SUPPLEMENTAL VIEWS OF MESSRS. McCLORY, HUTCHINSON, WIGGINS, MOORHEAD, ASHBROOK, AND HYDE PERTAINING TO AN AMENDMENT TO STRIKE TITLES II AND III OF H.R. 6219; CONCURRING VIEW OF MR. FISH TO STRIKE TITLE II ONLY; CONCURRING VIEW OF MR. KINDNESS TO STRIKE TITLE III ONLY

Titles II and III of H.R. 6219 represent a distillation of effort to protect the voting rights of citizens with a mother tongue other than English, especially those citizens of Spanish origin.

Title II of H.R. 6219 expands coverage of the Voting Rights Act based upon the traditional § 4 trigger of less than 50 percent of the population registered or voting in the 1972 presidential election combined with the presence of an unlawful test or device.[1] But since all tests and devices as traditionally defined by sections 4(c) and 201 of the Act were banned in 1970, for the new trigger to be meaningful, a new definition of "test or device" was created.[2] The old definition is modified by adding in a new section 4(f)(3) which retroactively provides that a "test or device" existed in 1972 if an election in English only was conducted in a State or political subdivision where more than 5 percent of the citizens of voting age residing in the jurisdiction were members of a single "language minority" group.[3] The term "language minority group" is defined in the bill to mean persons who are "American Indian, Asian American, Alaskan Natives or of Spanish heritage."[4] Thus Title II will expand the traditional protections of the Act to cover language minority groups in areas of low voter turn out in the 1972 election where a single group is at least 5 percent of the population.[5]

To round out the expansion of the Act, title II makes conforming amendments to the other sections of the Act embodying the traditional remedies.[6] Noteworthy is the incorporation of the 14th Amendment to prevent discrimination against a person because he is a member of a "language minority group." This is effectively accomplished by prohibiting throughout the Act a denial or abridgment of the right to vote "in contravention of the guarantees set forth in section 4(f)(2)". Also an additional remedy is provided, applicable only to those jurisdictions brought under the Act by the 1972 trigger. A new section 4(f)(4) will require all election materials to be provided in the language of the minority group in future elections.[7] Lastly, the traditional bailout of § 4(a) is modified to allow a jurisdiction to escape the Act if it can show that its English only election did not have the purpose or effect of denying or abridging the right to vote of any citizen on account of race, color, or by virtue of his being a member of a language minority group.[8] This bailout seems meaningless since there will undoubtedly be some people in any jurisdiction who are members of a language minority group and who cannot read English.

Title III of H.R. 6219 departs from the traditional Voting Rights Act in providing none of the traditional remedies. Rather, it provides only the new remedy created in the new section 4(f)(4) by requiring that all election materials shall be provided in the language of the single "language minority group" as well as in English.[9] The trigger for title III also is new and different from any traditional trigger. It provides that any jurisdiction will be covered where more than 5 percent of the citizens of voting age are members of a single language minority group and where the illiteracy rate of such persons as a group is higher than the national average.[10] Once a jurisdiction is covered, it must provide all future election materials in the language of the single language minority group unless it can "bail out" of title III by showing that the illiteracy rate of such group has become equal to or below the national average.[11] Title III is offered as a temporary provision with the apparent intent that it shall expire with §§ 4 and 5 of the Act on August 6, 1985.[12] Thus the coverage of title III is separate and distinct from the coverage of title II even though both titles mandate the remedy of multi-lingual elections.

Titles II and III are deficient in many respects. No hearings were had on these titles and the precise term "language minority group" appears nowhere in the record. At the full Committee, an amendment was offered to strike titles II and III while retaining the new relief in § 3 of the Act to assure 14th Amendment rights (equal protection of the laws) in addition to 15th Amendment remedies (prohibition against discrimination in voting based on race or color). At the full Committee the amendment was divided on the issue of whether to strike title III, and it seems best to treat these issues separately here.

A. AMENDMENT TO STRIKE TITLE II RETAINING 14TH AMENDMENT PROTECTION IN § 3 FOR ALL PERSONS OF NATIONAL ORIGIN

Title II has many deficiencies from both a legal and political standpoint. Politically speaking, it is unfair to impose such extraordinary relief, such as that embodied in §§ 4, 5 and 6 of the Voting Rights Act, upon States retroactively. Also, the record to justify the imposition of such relief is not nearly as strong as the record pertaining to blacks in the south in 1965. In Texas, for instance, persons of all colors, including those of Spanish origin, can register to vote by postcard registration; testimony revealed that only an "X" was required in lieu of a signature, and that bilingual material could be taken into the voting booth.[13] In short, there was no evidence of any discrimination by State action or otherwise to prevent members of language minority groups from registering or voting. Moreover, no testimony was received to justify the definition of the term "language minority group." The hearings were concerned almost entirely with persons of Spanish origin and somewhat less with all those of a mother tongue other than English.[14] Very little evidence was received concerning American Indians, and virtually no testimony was given to justify inclusion of either Asian Americans or Alaskan Natives.[15]

In no other statute except for existing section 4(e) of the Voting Rights Act has Congress provided specific protection for national origin groups or races. All individuals of whatever race, color, or national origin are accorded a remedy by way of an appropriate court proceeding—where they experienced discrimination affecting their voting rights. As a matter of policy, if a new and additional remedy is to be established, relief should be afforded to all national origin groups or to none.

Testimony indicated that many groups of national origin other than those defined by the term "language minorities" sought relief under the Voting Rights Act but to no avail.[16] J. Stanley Pottinger, Assistant Attorney General for the Civil Rights Division of the Department of Justice, testified that problems raised with the 14th Amendment must clearly be addressed for "all native language minorities in the United States, whether they are caucasian or noncaucasian in origin.[17]

Legal infirmities with the approach taken in title II are well documented on the record. It is a well settled principle of law that any triggering device must be rational both in theory and in practice.[18] Throughout the hearings questions were raised concerning the rationality of the 5 percent cutoff prescribed in the trigger mechanism of both titles II and III.[19] The questions were never satisfactorily answered. Not one witness could justify this arbitrary figure except to

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Footnotes at end of article.

note that two U.S. District Courts had hit upon it in formulating judicial remedies.[20]

The use of an arbitrary 5 percent cutoff is irrational; it provides remedies to minorities living in ghettos and denies relief to minorities with similar needs living in an integrated society where they number less than 5 percent. Furthermore, the trigger is entirely irrational in that it does not measure minorities incapable of reading English who are thereby injured by an English only election. Instead, it measures groups based solely on racial or national origin factors. Additionally, the trigger is irrational in that it includes some language minority groups without any evidence having been entered on the record of any actual discrimination. Then it arbitrarily excludes other minority groups which have tried to utilize the Voting Rights Act and have been unable to do so.[21] Lastly, the trigger is irrational in that it applies in areas where no denial or abridgment of the right to vote is shown to have occurred while at the same time it excludes areas where such abridgement has been established by clear evidence.[22]

Insofar as title II is concerned, the remedies afforded by the statute are not rationally connected to the injury perceived on the record as reflected in the trigger. The extraordinary remedies of §§ 4 and 5, requiring a preclearance of all proposed changes in voting laws and procedures in States or political subdivisions where "language minority groups" exist, are only justified when Congress is confronted by an insidious and pervasive evil which requires these stern and elaborate remedies to enforce the guarantees of the 15th Amendment.[23] But testimony before the Subcommittee on Civil and Constitutional Rights indicated that there was no discriminatory intent and effect in running English only elections.[24] Finally, the special remedy created in new section 4(f) (4) is not rational in practice. That section requires all election materials to be "provided" in "the" language of the language minority group.[25] However, several Alaskan Native and American Indian languages are oral only; if a State is forced to supply ballots orally to the language minority group, it will undoubtedly also have to do so in English to avoid denying persons who can hear but not read English equal protection of the laws. Moreover, in the case of many language minority groups, there is no "one" language. Hence a composite group of Asian Americans living in Hawaii could trigger election remedies in Japanese, four dialects of Chinese, fifteen dialects of Filipino, etc., since all "Asian Americans" are a "single" language minority group. The effect of title II is to mandate an "unequal protection of the laws." While attempting to afford special advantages to some poorly defined minorities, it discriminates against other minorities. Title II attempts to superimpose Federal control over State election prerogatives in an arbitrary and irrational manner. In the view of the undersigned Members, title II is unconstitutional.

For these and other reasons, the undersigned Members feel that title II of H.R. 6219 should be deleted. Accordingly, an amendment will be offered to strike title II with the proviso that all 14th Amendment rights will be preserved to protect the right to vote of all citizens without discrimination on account of national origin. This will enable the Attorney General, or any aggrieved person to sue on a case by case basis where necessary to extend the relief of the Voting Rights Act to any national origin group. We urge our colleagues to support this amendment.

B. AMENDMENT TO DELETE TITLE III OF H.R. 6219

For reasons similar to those stated in the argument to strike title II, title III should also be deleted. No testimony was presented to the Subcommittee on Civil and Constitutional Rights to warrant the relief afforded by title III. As a matter of policy, the issue of bilingual elections should be left to the States. To congressionally mandate bilingual elections on a uniform basis is unfeasible. Many groups speak languages which cannot be reduced to writing, and to place the burden upon the States to supply all election materials orally to these groups is unworkable. In other cases the number of languages in which election materials would have to be provided under the Act is prohibitive. There is simply no showing that there is a need for bilingual elections in many of the areas that will be covered by title III.

The trigger mechanism of title III is irrational. The trigger presumes that bilingual elections are needed in areas where the illiteracy rate exceeds the national average and in which language minorities comprise greater than 5 percent of the voting age population. However, illiteracy is defined as failure to complete the 5th grade; this has not been linked on the record with the inability to read the name of a candidate on a ballot. Even if such a connection could be shown, the remedy of providing the election materials in the language of the minority group is insufficient. There is no showing that a person who is illiterate in English will be literate in his mother tongue. All title III requires is that the State print the ballots and other notices in the foreign language. Finally, there is no reason to deny bilingual relief to other national origin groups if they are "illiterate" within the terms of the statute. The racial element is simply not a factor in remedying illiteracy. Our efforts should be directed toward eradicating illiteracy—not perpetuating it by mandating elections in a vast variety of languages—many of which do not even exist in written form. The record of the hearings is bereft of any evidence justifying such a far-reaching and radical change as Title III contemplates.

For the above stated reasons, the undersigned Members endorse an amendment to strike title III of the bill.

The undersigned members ascribe to the above stated views.

Robert McClory.
Edward Hutchinson.
Charles E. Wiggins.
Carlos J. Moorhead.
John M. Ashbrook.
Henry J. Hyde.

The undersigned member ascribes to the above stated views to strike title II only.

Hamilton Fish, Jr.

The undersigned member ascribes to the above stated views to strike title II only.

Thomas N. Kindness.

FOOTNOTES

[1] Sec. 202 of H.R. 6219.

[2] *See* Sec. 203 of H.R. 6219.

[3] Sec. 203 of H.R. 6219.

[4] Sec. 207 of H.R. 6219 *Cf.* Sec. 301 of H.R. 6219 for a parallel definition for purposes of title III.

[5] No jurisdiction conducted elections in a language other than English to the degree required by the Act to escape the definition of test or device.

[6] *See* Secs. 201, 204, 205, and 206 of H.R. 6219.

[7] Sec. 203 of H.R. 6219.

[8] Sec. 201.

[9] Sec. 301 of H.R. 6219 creates this remedy in a new Sec. 203(c) of the Voting Rights Act.

[10] Sec. 301 sets up this test in a new Sec. 203(b) of the Voting Rights Act. Illiteracy is defined therein to mean failure to complete 5th grade.

[11] Sec. 301 of H.R. 6219 so provides new Secs. 203 (c) and (d) of the Act.

[12] Sec. 301 of H.R. 6219 contains an expiration date in new Sec. 203(b) of the Act.

[13] *Hearings on Extension of the Voting Rights Act before the subcommittee on Civil and Constitutional Rights of the House Committee on the Judiciary,* 94th Cong., 1st Sess., Ser. No. 1, at 534–35 (1975) [hereinafter referred to as *"Hearings"*].

[14] Of the 171 references to various minority groups in the *Hearings,* 135 were to various Spanish groups.

[15] In the *Hearings,* 16 references were made to American Indian groups, one set of letters was submitted concerning Asian Americans at 1602–03 and no evidence was submitted concerning Alaskan Natives. When asked whether there were substantial groups of Asian Americans that really should have protection of the Voting Rights Act, J. Stanley Pottinger, Assistant Attorney General, Department of Justice, commented at page 767 of the *Hearings,* "We really don't know the answer to that."

[16] *See* Hearings at 621.

[17] *Hearings* at 788.

[18] *South Carolina* v. *Katzenbach,* 388 U.S. 301, 330 (1966).

[19] *Hearings* at 87–88, 503, 884, & 934.

[20] *Id.*

[21] *See* notes 15–17, *supra.*

[22] *See Hearings* at 84–85 pertaining to the exclusion of Los Angeles County.

[23] *South Carolina* v. *Katzenbach,* 383 U.S. 301, 309 (1966).

[24] *Hearings* at 502.

[25] *See* Sec. 203 of H.R. 6219.

Supplemental Views of Messrs. McClory, Hutchinson, Wiggins, Fish, and Hyde Concerning an Amendment to the Survey Procedure of Section 403 of H.R. 6219

Section 403 of H.R. 6219 provides for the Director of the Census to conduct a survey to compile registration statistics on the basis of race, color, and national origin. This section was added to the bill in subcommittee after virtually no hearings on the need for such statistics.[1] However, it would seem that the value of accurate information is readily apparent, provided that the cost of the survey is within reason. No provision is made in the bill to defray the cost of the survey, partly because the United States Civil Rights Commission is given unfettered discretion to conduct designated surveys in any jurisdiction for any election it chooses.

The major fault with Section 403 lies in its failure to make a response to the survey mandatory.[2] Experience in similar surveys has shown that voluntary responses lead to distorted and unreliable statistics.[3] In fact, present law mandates a mild criminal penalty for refusal to respond to most official surveys such as the census.[4]

At the mark up of this legislation before the House Committee on the Judiciary, Mr. McClory offered an amendment to encourage the eliciting of information concerning the race, color, or national origin of every person of voting age. Although such request is bolstered by the criminal penalty referred to above, the amendment also would require that the person being questioned shall be advised that the information being sought is solely to enforce nondiscrimination in voting. A copy of this amendment has been attached to facilitate your deliberation over this issue, and will be offered following general debate on H.R. 6219.

Opponents of this amendment fear that the right of privacy of the individual is being invaded. It seems quite anomalous that any right to privacy could be affected by supplying information which should be readily apparent. Indeed, such an alleged "invasion" has repeatedly been held to be justifiable and constitutional in light of the compelling governmental interest in gathering valid data.[5]

Should this amendment fail to be adopted, then serious consideration should be given to striking Sec. 403, since it is highly improbable that all of the money spent on these surveys will produce data of statistical significance to benefit those sought to be aided by the money.[6]

AMENDMENT TO H.R. 6219 OFFERED BY MR. M'CLORY

On page 11, on line 12 strike "only include a count of persons of voting age by race or color, and national origin, and a determination of" and insert in lieu thereof "elicit the race, color, and national origin of each person of voting age and".

And on line 17 strike "race, color, national origin,".

And on line 24, before the period insert the following: "except with regard to information required by subsection (a), with regard to which every such person shall be informed that such information is required solely to enforce nondiscrimination in voting".

The undersigned members ascribe to the above stated views.

ROBERT MCCLORY.
EDWARD HUTCHINSON.
CHARLES E. WIGGINS.
HAMILTON FISH, Jr.
HENRY J. HYDE.

FOOTNOTES

[1] A recommendation for a survey was however recommended by the United States Commission on Civil Rights in its report, *The Voting Rights Act: Ten Years After* at 355. *See Hearings* at 1338.

[2] While Sec. 403 incorporates the criminal provisions of 13 U.S.C. § 221 (1970), it specifically states that no penalty shall be imposed for failure to disclose race, color, or national origin. In fact, Sec. 403 specifically mandates notificaton of the right not to respond of the questions.

[3] John H. Powell, Jr., former general counsel of the United States Commission on Civil Rights testified that mandatory statistics were necessary to insure accuracy. See *Hearing on Federal Jury Service before Subcommittee No. S of the House Committee on the Judiciary,* 92d Congress, 1st Sess., Ser. No. 16, at 71–75 (1971). As the response falls below 99 percent the figures become increasingly unreliable. That is, the range of error becomes so great as to render the data meaningless. *See also* American University Study on the Effects of Optional Information, Cong. Rec. E3689 (daily ed. May 6, 1969).

[4] *See* 13 U.S.C. § 221 (1970).

[5] *See Hamm* v. *Virginia State Board of Elections,* 230 F. Supp. 156, 158 (E.D. Va.) *aff'd per curiam,* 379 U.S. 19 (1964).

[6] *See* note 3, *supra.*

SUPPLEMENTAL VIEWS OF MESSRS. MCCLORY, HUTCHINSON, WIGGINS, BUTLER, MOORHEAD, HYDE, AND KINDNESS, PERTAINING TO AN AMENDMENT TO DELETE "ALASKAN NATIVES" FROM THE DEFINITION OF LANGUAGE MINORITIES IN H.R. 6219

Various measures to expand the Voting Rights Act seek to cover persons of Spanish origin or persons of a mother tongue different from English. However, at no time during the hearings was the term "language minority" ever discussed. Its first appearance was made on April 17, 1975, when it was adopted by the Subcommittee during a mark up session.

As defined in Secs. 207 and 301 of H.R. 6219, the term "language minorities" means persons who are American Indian, Asian American, Alaskan Natives or of Spanish Heritage. While various testimony was received concerning Americans of Spanish Heritage, little information was received concerning American Indians, one tangential letter was received concerning Asian Americans, and *no* information or testimony was received concerning Alaskan Natives.[1]

Prior to final action by the full Committee on the Judiciary, telegrams were received from the Federation of Alaskan Natives, Inc., Cook Inlet Region, Inc., and from Doyon Ltd., representing over 10,000 Alaskan Natives urging that Alaskan Natives be deleted from the definition of "language minorities" in H.R. 6219. These groups recognize the unique burden imposed by Titles II and III of H.R. 6219 which require the State to provide ballots and other election materials in the language of the single "language minority group.'"[2] Of the twenty different Eskimo and Aleut dialects in the State of Alaska most have never been reduced to written forms.[3] One language is spoken by only three people and most of the languages are oral only.

The State of Alaska has twice before been brought under the overbroad trigger of the Voting Rights Act and twice before has traveled to Washington, D.C., to escape—successfully—its onerous provisions.[4] It would border on absurdity to now attempt to subject the State of Alaska to the burdens of Titles II and III requiring ballots and voting information to be provided in 20 or more different dialects (languages which for the most part are spoken but not written) particularly when the only language which all of the citizens of Alaska have adopted is English.

STATE OF ALASKA,
OFFICE OF THE GOVERNOR,
DIVISION OF ELECTION,
Juneau, April 28, 1975.

Hon. DON YOUNG,
House of Representatives, Longworth House Office Building, Washington, D.C.
Attention: Jim Lexo.

DEAR CONGRESSMAN YOUNG: The following information is provided regarding the different languages spoken in the State.

There are 20 different dialects in the State of Alaska which are mutually unintelligible. These 20 different dialects are such that they can be considered as different languages. The attached Table 1 indicates the language population and number of people speaking the language.

The different languages are now being taught particularly in the State Operated Schools. In the above mentioned, Table I, most of the people speaking the language are those children currently receiving instructions in the language.

Writing systems for the languages have been developed since 1960. Only in the last 3 to 4 years have writing systems been developed. As a result, many older people are unable to read the newly developed writing system.

The University of Alaska, Bilingual Center, will have available next week a map entitled "Native People and Languages of Alaska". This map will show which languages are spoken in the different areas of the State. By referring to the enclosed article titled, "Alaska Native Languages and their Present Situations", I have determined that Election Districts 1, 5, 15, 16, 17, 18, 19, 21, and 22 would require a minimum of 2 ballots printed in the native languages. In several districts I feel that 4 or 5 ballots printed in the native languages would be required. In some of the languages, there is no word for "Vote" and "Ballot".

The map mentioned above will be mailed to you as soon as it is received.

The enclosed table and article are, also, enclosed for your information.

Sincerely,

PATTY ANN POLLEY,
Director.

Enclosures.

Footnotes at end of article.

TABLE 1.—*Alaska Native languages and populations* [1]

Language family and name:	*Population*	*Number speaking*
Eskimo-Aleut:		
Aleut, Aleut	2,000	700
Eskimo:		
Sugpiaq	3,000	1,000
Central Yupik	17,000	15,000
Siberian Yupik	1,000	1,000
Inupiaq	11,000	6,000
Tsimshian, Tsimshian	1,000	150
Haida, Haida	500	100
Tlingit, Tlingit	9,000	2,000
Athabaskan-Eyak:		
Eyak, Eyak	20	3
Athabaskan:		
Ahtna	500	200
Tanaina	900	250
Ingalik	300	100
Holiakachuk	150	25
Koyukon	2,100	700
Upper Kuskokwim	150	100
Tanana	360	100
Upper Tanana	300	250
Tanacross	175	120
Han	65	20
Kutchin	1,100	700

[1] Source: Map of Alaska Native Languages, Alaska Native Language Center, University of Alaska, Fairbanks, Alaska.

[Telegrams]

ANCHORAGE, ALASKA, *April 30, 1975.*

Congressman DON YOUNG,
Capitol Hill, Washington, D.C.

The Alaska Federation of Natives Incorporated does endorse the position of Congressman Don Young in his efforts to exempt the State of Alaska from printing bilingual ballots. Many native languages and dialects are just being put into written form, the number of Alaskan natives able to read their language is minimal. Alaska does not have literacy tests as a condition of voting. The problem of Alaskans in voting is not solved by different writings or languages, nor will the general Native populous benefit from this section of H.R. 6219.

ROGER LANG, *President.*

APRIL 30, 1975.

Attention: Don Young.

Dayton, Ltd., representing 10,000 Indians in interior Alaska wish to oppose the requirement for voting ballots to be written in Indian dialects. Under State law Alaska has no requirement that voters must read or write.

Additionally a requirement such as this would be an extreme hardship to the State as we have over 35 dialects and very few people actually know how to read or write in any language.

JOHN SACKETT, *President.*

ANCHORAGE, ALASKA, *April 30, 1975.*

Representative DON YOUNG,
Capitol Hill, Washington, D.C.:

Cook Inlet Region, Inc., supports your position in striking Alaska from section 207 of H.R. 6219 Voting Rights Act of 1975.

RANDY JOHNSON, *President.*

The undersigned members ascribe to the above stated views.

ROBERT MCCLORY.
EDWARD HUTCHINSON.
CHARLES E. WIGGINS.
M. CALDWELL BUTLER.
CARLOS J. MOORHEAD.
HENRY J. HYDE.
THOMAS N. KINDNESS.

FOOTNOTES

[1] The scant correspondence concerning Asian Americans can be found on pp. 1602–03

of the Hearings. While there would seem to be a basis for excluding Asian Americans from the definition of language minorities, the undersigned members feel that the representatives from the State of Hawaii and other affected areas should be contacted before doing so.

[2] Secs. 203 and 301 of H.R. 6219.

[3] Since there is nothing in the record pertaining to this issue, copies of telegrams are included in this report for your convenience.

[4] *Alaska* v. *United States* (C.A. No. 101-66) (1966) and *Alaska* v. *United States* (C.A. No. 2122-71) (1971) are referred to in the table on page 181 of the Hearings as successful bailout suits.

SUPPLEMENTAL VIEWS OF MESSRS. WIGGINS, BUTLER, MOORHEAD, HYDE, FLOWERS, AND MANN OFFERING AN AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 6219

As the time for expiration of the special coverage provisions of the Voting Rights Act grows near, the Congress is once again urged to extend the Act for a period of five or ten years. The legislation reported to the House, H.R. 6219, also seeks to expand the coverage of the Act to encompass "language minority groups". The undersigned members feel that the entire Act is sorely in need of revision; thus, they plan to support an amendment in the nature of a substitute which will totally revitalize the right to vote in this country.

The present Voting Rights Act is deficient in many respects. Notably, the trigger mechanism of the Act excludes many areas where relief is needed. Also the Act does not reach problems of entrenched discrimination in that only new voting changes are subject to scrutiny of the Attorney General pursuant to § 5. Moreover, the bailout provision in § 4(a) is effectively meaningless for many of the covered jurisdictions, in light of the recent case of *Virginia* v. *United States*. Lastly, the present Act provides no incentive for the covered jurisdictions to improve their voting laws and procedures.

This amendment in the nature of a substitute cures all of these defects in the present Act. The twin goals of the amendment is first, to insure that no minority citizen is discriminated against by having his right to vote denied or abridged, and second, to encourage every citizen to vote in every general federal election. These goals are accomplishesd by substanitally revising §§ 3, 4, and 5 of the present Act to implement a prospective triggering device after the 1976 presidential election.

Under the amendment, covered jurisdictions currently subject to the special provisions of § 4 and § 5 are prevented from bailing out prior to February 5, 1977, by extending the current ten year burden of proof to a period of eleven years and 180 days. At that time, all States and political subdivisions will be treated on an equal basis, regardless of prior transgressions.

The new § 4 trigger, which becomes effective on February 6, 1977, will cover any jurisdiction in which the Director of the Census determines that less than 50 per centum of the citizens of voting age or less than 50 per centum of the racial or language minority citizens of voting age voted in the preceding general federal election, in this instance, the presidential election of 1976. Such a covered jurisdiction becomes subject to the preclearance provisions of § 5, and before any voting law may be enforced, preclearance must be obtained in the traditional manner.

After February 5, 1977, a new bailout mechanism will also go into effect. Every covered jurisdiction will automatically be bailed out every two years when the next general federal election occurs unless they are re-covered by virtue of voter turn out within that jurisdiction in that subsequent election. To prevent the new Act from being unconstitutionally overbroad, an interim bailout is possible if the jurisdiction can prove in a traditional action for declaratory judgment that it has in use no qualification, prerequisite, standard, practice, or procedure that has or is likely to have the purpose or effect of denying or abridging the right to vote on the basis of race, color, or national origin. Standard language is incorporated to prevent *de minimis* use of devices from preventing a successful bailout. To guard against the possibility that a jurisdiction may repeal all of its nefarious laws, procure a bailout, and then reenact the laws, the court retains jurisdiction over the case until after the next general federal election.

Thus the new Act is simple, yet effective. To escape the onerous burden of § 5, a State is encouraged to turn out the vote, especially the minority vote. Dissatisfied minorities can procure special coverage either by failing to vote in great enough numbers percentage-wise, or by filing an action under § 3, which is appropriately amended by the new Act to incorporate many of the changes effectuated by §§ 203, 205, and 401 of H.R. 6219. Once covered either by virtue of § 4 or by § 3, all voting laws of the jurisdiction become the subject of review by the court or Attorney General. The automatic bailout provides an incentive for a State to provide bilingual ballots, fair districts, or whatever it takes to procure a turnout sufficient to escape in the next general federal election. States are encouraged to have a high voter turnout in off year elections also. Thus the new Act will remedy many existing difficulties.

The new Act also incorporates many of the progressive provisions of H.R. 6219 contained in title IV of that bill. One change worth noting is a revision of section 403 of that bill to make the furnishing of racial statistics mandatory for purposes of preventing nondiscrimination in voting. The need for such a mandatory requirement is explored at length in other supplemental views and need not be rehashed here.

Since this amendment was not the subject of hearings and poses such a new approach to the problem of voting rights, it is fair to expect that many members will have the initial impulse to reject it out of hand. The undersigned members fervently urge their colleagues to give full and thoughtful study to this alternative. To further this end, some problem areas with this proposal will be examined in these views to provoke discussion.

One objection to the automatic bailout might be that once a jurisdiction is freed, it will be able to enact discriminatory legislation prior to the next general federal election. This objection overlooks the fact that special coverage could be reimposed pursuant to § 3 in an action by either the Attorney General or an aggrieved person. Also, to the extent a voting change actually does result in a low minority voter turnout, then the jurisdiction will find itself covered by the burden of § 5 for at least two years.

Another argument could be directed against the trigger in the new Act. If minorities vote in excess of 50 percent, there could still be a substantial gap between minority and nonminority voter turnout evidencing discrimination. The only reply to this argument is that under the current Act as well as under the new Act, such "exotic" discrimination will have to be remedied by the case by case approach of § 3. A presumption of discrimination simply cannot be justified in that instance in light of the past record concerning voting rights before the Congress.

Another argument that can be mustered against the trigger is that in a year in which there is an unusually low voter turnout, *e.g.*, 1974, the Attorney General would be overburdened. The undersigned members feel that the voting participation is so fundamental to our system of democracy that sufficient resources should be expended to cope with such a situation.

Lastly, it can be contended that the new Act fails to deal effectively with the problem of gerrymandering or at large elections. Of course the Act will handle these problems for covered jurisdictions just as they are handled under § 5 of the present Act—even if there is no new redistricting. The problem area is when gerrymandering occurs in a noncovered jurisdiction. To the extent a minority population feels that it has no meaningful candidate to vote for it will fail to vote thus triggering the jurisdiction within two years; to the extent that minorities feel they reside in districts where their vote will not count they will refuse to vote and thus effectuate coverage of the jurisdiction within two years. Also § 3 and private actions under the 14th amendment will continue to exist as alternatives. Most importantly, at least some remedy will exist in the Act; under present law, including the proposal in H.R. 6219, existing gerrymandering is not susceptible to review in any jurisdiction, and new gerrymandering as the result of redistricting is reviewable only in the few jurisdictions presently covered under the Act. If it is the sense of the Congress that minorities are entitled to be grouped in blocs to elect minority candidates, then a separate piece of legislation to accomplish that end is appropriate. The Voting Rights Act never was intended to solve that problem and it never can solve it to a greater extent than is accomplished by this Act.

A copy of the amendment is attached for the convenience of our colleagues in considering this important piece of legislation.

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 6219 OFFERED BY MR. WIGGINS

In H.R. 6219 strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as "The Voting Rights Extension Act of 1975".

SEC. 2. Section 4(a) of the Voting Rights Act of 1965 is amended by striking out "ten years" each time it appears and inserting in lieu thereof "eleven-year-and-180-day period".

SEC. 3. **Effective February 6, 1977.**

(a) Section 4 of the Voting Rights Act is amended to read as follows:

"SEC. 4. (a) To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color or national origin, the requirements of section 5 shall apply to any State with respect to which the determinations have been made under subsection (b) or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no voting qualification, or prerequisite to voting or standard, practice, or procedure with respect to voting is in effect during or preceding the filing of the action where such qualification, prerequisite, standard, practice, or procedure does have or is likely to have the purpose or the effect of denying or abridging the right to vote on account of race or color or national origin: *Provided*, That for purposes of this section no State or political subdivision shall be determined to have engaged in the use of such qualifications, prerequisites, standards, practices, or procedures for the purpose or with the effect of denying or abridging the right to vote on account of race or color if (1) incidents of such use have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

"An action pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and an appeal shall lie to the Supreme Court. The Court shall retain jurisdiction of any action pursuant to this subsection until two months following the next general federal election after the filing of the action and shall reopen the action upon motion of the Attorney General alleging that such qualifications, prerequisites, standards, practices, or procedures have been used for the purpose or with the effect of denying or abridging the right to vote on account of race or color.

"If the Attorney General determines that he has no reason to believe that any such qualifications, prerequisites, standards, practices, or procedures are in effect or are likely to be effective with the purpose or with the effect of denying or abridging the right to vote on account of race or color, he shall consent to the entry of such judgment.

"(b) The provisions of subsection (a) shall apply in any State or in any political subdivision of a state for which the Director of the Census determines that less than 50 percentum of the citizens of voting age or less than 50 percentum of the racial or language minority citizens of voting age voted in the most recent general federal election. The provisions of subsection (a) shall continue in effect until 60 days past the next general federal election after which time such provisions shall only apply based upon determinations pertaining to the most recent general federal election at that time. The Director of the Census is directed to make determinations pursuant to this subsection to the greatest degree possible within 60 days after a general federal election is held.

"A determination or certification of the Attorney General or of the Director of the Census under this section or under section 6 or section 13 shall not be reviewable in any court and shall be effective upon publication in the Federal Register.

"(c) As used in this Act, the phrase 'general federal election' shall mean any general election held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, Guam, or the Virgin Islands, or Resident Commissioner of the Commonwealth of Puerto Rico.

"(d) As used in this section, the phrase 'racial or language minority ciitzens' means citizens of the United States who are Asian Americans, Alaskan Natives, American Indians, or persons of Spanish or African heritage as those terms are defined by the Bureau of the Census."

(b) Section 5 of the Voting Rights Act is amended to read as follows:

"SEC. 5. Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) based upon determinations made under section 4(b) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color or national origin, and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure: *Provided,* That such qualification, prerequisite, standard, practice, or procedure may be enforced without such proceeding if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, or upon good cause shown, to facilitate an expedited approval within sixty days after such submission, the Attorney General has affirmatively indicated that such objection will not be made. Neither an affirmative indication by the Attorney General that no objection will be made, nor failure to object, nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure. In the event the Attorney General affirmatively indicates that no objection will be made within the sixty-day period following receipt of such a submission, the Attorney General may reserve the right to reexamine the submission if additional information comes to his attention during the remainder of the sixty-day period which would otherwise require objection in accordance with this section. Any action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court."

SEC. 4. Section 3 of the Voting Rights Act is amended by—

(1) striking out "fifteenth amendment" each time it appears and inserting in lieu thereof "fourteenth amendment or fifteenth amendment";

(2) striking out "race or color" each time it appears and inserting in lieu thereof "race or color or national origin";

(3) striking out "test or device" each time it appears and inserting in lieu thereof "voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting";

(4) striking out "tests or devices" each time it appears and inserting in lieu thereof "such voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting";

(5) striking out "except that neither" and inserting in lieu thereof "or upon good cause shown to facilitate an expedited approval within sixty days after such submission, the Attorney General has affirmatively indicated that such objection will not be made. Neither an affirmative indication by the Attorney General that no objection will be made, nor";

(6) adding at the end thereof the following: "In the event the Attorney General affirmatively indicates that no objection will be made within the sixty-day period following receipt of such a submission, the Attorney General may reserve the right to reexamine the submission if additional information comes to his attention during the remainder of the sixty-day period which would otherwise require objection in accordance with this section.";

(7) striking out "deem appropriate" and inserting in lieu thereof "deem appropriate, but in no event for a period longer than two months past the date of the next general federal election from the date of the order for any proceeding instituted after February 5, 1977,";

(8) striking out "deems necessary" and inserting in lieu thereof "deems necessary, but in no event for a period longer than two months past the date of the next general federal election from the date of the order for any proceeding instituted after February 5, 1977";

(9) striking out "different from that in force or effect at the time the proceedings was commenced", effective February 6, 1977; and

(10) striking out "Attorney General" the first three times it appears and inserting in lieu thereof the following: "Attorney General or an aggrieved person".

SEC. 5. Section 201(a) of the Voting Rights Act of 1965 is amended by—

(1) striking out "Prior to August 6, 1975, no" and inserting "No" in lieu thereof; and

(2) striking out "as to which the provisions of section 4(a) of this Act are not in effect by reason of determinations made under section 4(b) of this Act." and inserting in lieu thereof a period.

SEC. 6. Section 14 of the Voting Rights Act of 1965 is amended by adding at the end thereof the following new subsection:

"(e) In any action or proceeding to enforce the voting guarantees of the fourteenth or fifteenth amendment, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.".

SEC. 7. Title II of the Voting Rights Act of 1965 is amended by adding at the end thereof the following new section:

"SEC. 207. (a) Congress hereby directs the Director of the Census forthwith to conduct a survey to compile registration and voting statistics: (i) in every State or political subdivision with respect to which the prohibitions of section 4(a) of the Voting Rights Act of 1965 are in effect, for every statewide general election for Members of the United States House of Representatives after January 1, 1974; and (ii) in every State or political subdivision on Civil Rights. Such surveys shall elicit the race or color, and national origin, of each person of voting age and the extent to which such persons are registered to vote and have voted in the elections surveyed.

"(b) In any survey under subsection (a) of this section no person shall be compelled to disclose his political party affiliation, or how he voted (or the reasons therefor), nor shall any penalty be imposed for his failure or refusal to make such disclosures. Every person interrogated orally, by written survey or questionnaire, or by any other means with respect to such information shall be fully advised of his right to fail or refuse to furnish such information except with regard to information required by subsection (a), with regard to which every such person shall be informed that such information is required solely to enforce nondiscrimination in voting.

"(c) The Director of the Census shall, at the earliest practicable time, report to the Congress the results of every survey conducted pursuant to the provisions of subsection (a) of this section.

"(d) The provisions of section 9 and chapter 7 of title 13 of the United States Code shall apply to any survey, collection, or compilation of registration and voting statistics carried out under subsection (a) of this section."

SEC. 8. Section 11(c) of the Voting Rights Act of 1965 is amended by inserting after "Columbia," the following words: "Guam, or the Virgin Islands,".

SEC. 9. Section 5 of the Voting Rights Act of 1965 is amended—

(1) by striking out "except that neither" and inserting in lieu thereof the following: "or upon good cause shown, to facilitate an expedited approval within sixty days after such submission, the Attorney General has affirmatively indicated that such objection will not be made. Neither an affirmative indication by the Attorney General that no objection will be made, nor"; and

(2) by inserting immediately after the words "failure to object" a comma; and

(3) by inserting immediately before the final sentence thereof the following: "In

the event the Attorney General affirmatively indicates that no objection will be made within the sixty-day period following receipt of a submission, the Attorney General may reserve the right to reexamine the submission if additional information comes to his attention during the remainder of the sixty-day period which would otherwise require objection in accordance with this section.".

SEC. 10. Section 203 of the Voting Rights Act of 1965, is amended by striking out "section 2282 of title 28" and inserting "section 2284 of title 28" in lieu thereof.

SEC. 11. Title III of the Voting Rights Act of 1965 is amended to read as follows:

"TITLE III—EIGHTEEN-YEAR-OLD VOTING AGE

"Enforcement of Twenty-Sixth Amendment

"SEC. 301. (a) (1) The Attorney General is directed to institute, in the name of the United States, such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the twenty-sixth article of amendment to the Constitution of the United States.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted under this title, which shall be heard and determined by a court of three judges in accordance with section 2284 of title 28 of the United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

"(b) Whoever shall deny or attempt to deny any person of any right secured by the twenty-sixth article of amendment to the Constitution of the United States shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"Definition

"SEC. 302. As used in this title, the term 'State' includes the District of Columbia."

SEC. 12. Section 10 of the Voting Rights Act of 1965 is amended—

(1) by striking out subsection (d);

(2) in subsection (b), by inserting "and section 2 of the twenty-fourth amendment" immediately after "fifteenth amendment"; and

(3) by striking out "and" the first time it appears in subsection (b), and inserting in lieu thereof a comma.

SEC. 13. Section 6 of the Voting Rights Act of 1965 is amended by striking out "fifteenth amendment" each time it appears and inserting in lieu thereof "fourteenth or fifteenth amendment".

SEC. 14. Section 2, the second paragraph of section 4(a), and sections 4(d), 5, 6, and 13 of the Voting Rights Act of 1965 are each amended by inserting immediately after "on account of race or color" each time it appears "or national origin."

The undersigned members ascribe to the above stated views.

CHARLES E. WIGGINS.
M. CALDWELL BUTLER.
CARLOS J. MOORHEAD.
HENRY J. HYDE.
WALTER FLOWERS.
JAMES R. MANN.

SUPPLEMENTAL VIEWS OF MESSRS. BUTLER, KINDNESS, HUTCHINSON, COHEN, MOORHEAD, AND HYDE CONCERNING AN AMENDMENT TO STRIKE "AGGRIEVED PERSON" FROM SECTION 401 OF H.R. 6219

Section 3 of the Voting Rights Act permits the Attorney General of the United States to seek the following extraordinary relief in suits pertaining to voting brought under any statute to enforce the guarantees of the 15th Amendment:

(a) appointment of Federal Examiners pursuant to § 6 by the Civil Service Commission;

(b) suspension of any voting test or device which has been used with the purpose or effect of denying or abridging the right to vote on account of race or color; and

(c) the court may remain jurisdiction for any amount of time it sees fit during which time all voting changes must be submitted prior to their enforcement to the court or to the Attorney General of the United States for preclearance similar to § 5 relief.

While the special relief afforded by §§ 4, 5 and 6 are of a temporary nature, it is important to stress that § 3 is permanent legislation which will never expire. Section 3 was intended to allow the Attorney General to enforce the guarantees of the 15th Amendment in jurisdictions not covered by the triggering device of the Voting Rights Act should future conditions require him to do so. In fact, the Attorney General has never used § 3.[1]

H.R. 6219 substantially changes § 3: It broadens the present scope of § 3 relief to embrace the 14th Amendment guarantees in a suit to redress the denial or abridgement of the right to vote on account of race or color; and it broadens § 3 to cover denials or abridgments of the right to vote in contravention of the guarantees set forth in section 4(f) (2)—(i.e. denial or abridgment of the right to vote because a person is a member of a language minority group [2]).

These changes are a logical consequence of the expansion of the Voting Rights Act to cover language minorities as set forth in Sec. 203 of Title II of the bill; and they will stand or fall based upon the fate of title II.[3]

Section 3 as expanded by section 401 of the bill, permits "an aggrieved person" to seek the extraordinary relief presently available only to the Attorney General. It does not create a separate cause of action for aggrieved persons, but it does mandate certain relief be made available in suits pertaining to voting rights brought under other statutes. Thus, any person who sues to redress a violation of his voting rights under a State or federal statute[4] would qualify as an "aggrieved person" to enable the court to give the extraordinary relief available under § 3 which is at present available only in a suit commenced by the Attorney General.

Section 401 of H.R. 6219 effectively makes § 3 a miniature voting rights act that is permanent, available to any person, and universal in scope. This raises significant questions of law and policy which must be resolved in order to judge Section 401 of its merits.

Representative Andrew Young of Georgia testified that he thought use of § 3 by the Attorney General "would only tend to overburden an already burdened court system. * * *"[5] The burden imposed by private parties using § 3 could be enormous; courts could be tied up for years preclearing voting changes. Alternatively, the burden on the Attorney General to preclear changes on a nationwide basis could be unwieldly without sufficient manpower.[6]

There are Constitutional reasons why the expansion of § 3, as effectuated by Sec. 401 of H.R. 6219, must be rejected. The extraordinary remedies of the Voting Rights Act embodied in §§ 4, 5 and 6 were based upon a record of rampant discrimination. The constitutionality of these sections was upheld in *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966), because "Congress felt itself confronted by an insidious and pervasive evil" that required "sterner and more elaborate" remedies to satisfy the clear commands of the 15th Amendment.[7] It is noteworthy that the Court did not pass upon the constitutionality of § 3 and that the Attorney General has never used this section of the Act.

While it is unnecessary to argue the constitutionality of § 3 as presently constituted, the above record supports the proposition that § 3 would be held unconstitutional insofar as it is extended by Sec. 401 of H.R. 6219. It is unthinkable that our Constitution would tolerate a suit by a private person based upon some future circumstance in some random part of the country to result in permanent withdrawal from the dependent State of its right to enact voting legislation without prior approval by the court or the Attorney General. While traditional powers of equity might enable a court to retain jurisdiction over a particular law affecting the case before it, retention of jurisdiction over all voting changes as mandated by the statute clearly violates the provision of Article III, section 2 of the Constitution that courts are limited to deciding cases and controversies.

For the above stated reasons of policy and law, the undersigned Members introduced an amendment in the full committee to strike section 401. Although the amendment failed, it will be offered again on the Floor of the House. It is important to report that no hearings were held on this issue; not even the report of the United States Commission on Civil Rights dared to recommend such an extraordinary step.

We would therefore urge all Members to support an amendment to strike section 401 of this bill as ill considered, unwise, and of doubtful constitutionality.

The undersigned Members ascribe to the above stated views.

M. CALDWELL BUTLER.
THOMAS N. KINDNESS.
EDWARD HUTCHINSON.
WILLIAM S. COHEN.
CARLOS J. MOORHEAD.
HENRY J. HYDE.

FOOTNOTES

[1] *Hearings on Extension of the Voting Rights Act before the Subcomm. on Civil & Constitutional Rights of the House Comm. on the Judiciary*, 94th Cong., 1st Sess., Ser. No. 1, at 15, 71 (1975) [hereinafter referred to as *"Hearings"*].

[2] Section 4(f) (2) is created by Sec. 203 of H.R. 6219. The term "language minorities" is defined in Sec. 207 of H.R. 6219 to mean any persons who are "American Indian, Asian American, Alaskan Natives or of Spanish heritage."

[3] The desirability of including Title II in H.R. 6219 is discussed in a separate issue. If Title II, which is based on extending protection of the 14th Amendment to minorities, is adopted, then these sections should be incorporated into § 3 to afford the Attorney General parallel enforcement powers in jurisdictions which are not subject to the special coverage provisions of the Act. Of course, § 3 allows the Attorney General to file suit on a nationwide basis in any State.

[4] *See, e.g.,* 42 U.S.C. and 1983 (1970), which creates a federal civil cause of action against any person who causes the deprivation of any rights secured by the Constitution or the laws of the United States. This statute encompasses the deprivation of voting rights.

[5] Testimony of Hon. Andrew Young, *Hearings* at 71–72.

[6] *See Hearings* at 71–72, 296.

[7] *South Carolina* v. *Katzenbach*, 383 U.S. 301, 309 (1966).

SUPPLEMENTAL VIEWS OF MESSRS. HYDE AND COHEN CONCERNING AMENDMENTS DEALING WITH SECTION 11 OF THE VOTING RIGHTS ACT; SUPPLEMENTAL VIEWS OF MESSRS. KINDNESS, HUTCHINSON, MCCLORY, BUTLER, AND MOORHEAD, CONCURRING WITH RESPECT TO DIVISION A ONLY

Section 11 of the Voting Rights Act deals with problems of voter fraud. A minority person may be injured by failing to have his vote counted.[1] Likewise he may be injured if another person's vote is counted more than once. The following Republican amendments were offered to obviate the problem of voter fraud.[2] The undersigned Members encourage their colleagues to adopt these amendments when they are offered on the Floor of the House.

A. AMENDMENT TO PROHIBIT VOTING MORE THAN ONCE IN A FEDERAL ELECTION

Section 11 of the Voting Rights Act of 1965 currently regulates voter fraud and conspiracy in federal elections. Severe criminal penalties are provided to punish anyone who knowingly gives false information for the purpose of establishing his eligibility to register or vote. But no federal law prohibits a person who is validly registered in two or more precincts from voting twice in a federal election.

At least six States [3] have no law prohibiting registration in more than one voting location. Thus, a person residing in Nevada could validly register there and move to Arkansas where he could also validly register within 30 days without having to give up his Nevada registration. If such a person were to vote twice in a subsequent federal election no law would be violated because each registration was procured with true information.

This amendment remedies this gap in federal law by prohibiting, in a new subsection 11(e), voting more than once in the same federal election. Of course, an exception is made to avoid punishing a voter whose ballot is invalidated and who votes again. A further exception is made to allow the procedure specified in section 202 where a person moving to a new State less than 30 days before an election can vote by absentee ballot in his prior State even though he qualifies in the new State for local elections.

Incredibly, this amendment was voted down on partisan lines in both the Subcommittee and the full Committee. It is inconceivable that some Members support a system of election laws that fail to prohibit voting more than once. Hearings need not be taken to justify curing a defect so fundamental.

B. AMENDMENT TO REDUCE THE POSSIBILITY OF VOTER FRAUD

Four specific abuses plague the electoral system in this country. First, ballot dissemination and tallying is not adequately supervised; second, voter "assistance" often results in coercion or intimidation; third, recount procedures are subject to partisan political influences by State officials; and fourth, frivolous challenges to a person's registration qualifications to a person's him from voting.[4] Section 11 of the Voting Rights Act treats these problems on a theoretical level without implementing practical solutions.

This amendment embellishes § 11 by providing four remedies. First, to monitor misdeeds by election officials, members of the media are certified and permitted to observe the dissemination and counting of ballots. Second, to prevent a precinct captain from "pulling the lever" or casting a vote, no person other than the voter is permitted inside the voting booth at any given time unless the voter is physically unable to cast a ballot in which case he may bring in any person of his choice to assist him. Third, to insure that recounts are resolved promptly and fairly, a federal district court supervises the recount and insures that results will be produced within 60 days of the request for recount. The regulation concerning when a recount may be held are still left to State law. The federal government will not be burdened in its supervisory roll unless a dispute arises. Fourth, to prevent intimidation of voters, frivolous challenges to registration credentials are specifically proscribed.

These remedies are needed to prevent abuses within the voting system. We urge our colleagues to give careful consideration to the benefits this amendment will produce in safeguarding the rights of minorities and all Americans.

The undersigned members ascribe to the above stated views.

HENRY J. HYDE.
WILLIAM S. COHEN.

The undersigned members ascribe to the above stated views expressed in division A only.

THOMAS N. KINDNESS.
EDWARD HUTCHINSON.
ROBERT McCLORY.
M. CALDWELL BUTLER,
CARLOS J. MOORHEAD.

Footnotes at end of article.

FOOTNOTES

[1] *See generally The Voting Rights Act: Ten Years After* at 153–154. *Hearing on the Extension of the Voting Rights Act, before the Subcomm. on Civil and Constitutional Rights of the House Comm. on the Judiciary,* 94th Cong., 1st Sess., Ser. 1, Pt. 2, at 1136–38 (1975) [hereinafter referred to as *"Hearings"*].

[2] The amendments are germane since Sec. 404 of H.R. 6219 deals with § 11. The parliamentarian concurs in the germaneness of these amendments.

[3] Arkansas, Idaho, Nevada, Oklahoma, Texas and Washington have no specific prohibition against double voting. Other State statutes are, at best, ambiguous in many instances.

[4] *See Hearings* at 1080–87, 1094–95, 1132–38.

SUPPLEMENTAL VIEWS OF MESSRS. KINDNESS, HUTCHINSON, WIGGINS, BUTLER, MOORHEAD, HYDE, AND FLOWERS PERTAINING TO AN AMENDMENT TO PERMIT A DECLARATORY JUDGMENT TO BE FINED IN A DISTRICT COURT OTHER THAN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Section 4 of the Voting Rights Act currently triggers the special coverage provisions of the Act to cover any jurisdiction which used a voting test or device and in which less than 50 percent of the voting age population voted in the 1964 or 1968 presidential election. Section 5, one of the special coverage provisions triggered by § 4, provides that all voting changes must be submitted for preclearance prior to their enforcement to either the Attorney General or the United States Disrict Court for the District of Columbia. To escape from the special coverage provisions of the Act a jurisdiction must prove in an action for declaratory judgment before the United States District Court for the District of Columbia that it has not used a voting test or device for the past ten years with the purpose or effect of denying or abridging the right to vote on the basis of race or color. Also a declaratory judgment to terminate the presence of federal examiners pursuant to § 13 must be brought in the District of Columbia. Thus, three vital aspects of the Act involve the possibility of an action for a declaratory judgment in the United States District Court for the District of Columbia.

Testimony was received during hearings before the Subcommittee on Civil and Constitutional Rights that it was an indignity to local federal district courts and an inconvenience to covered jurisdictions to be able to bring an action for a declaratory judgment only in the United States District Court for the District of Columbia.[1] The Honorable Daniel R. McLeod, Attorney General of South Carolina, testified that his State has not sued to bail out of the act because of the high cost of litigation and the additional expense of traveling to Washington, D.C.; he likened the present situation to that existing in this country some two hundred years ago when the colonists included in the Declaration of Independence a complaint that the British courts were too far distant and removed to dispense equal justice.[2] Further reference was made to the inconvenience of the forum involving the availability of witnesses and the taking of depositions; all of this was laid before the subcommittee on the record.[3]

The testimony of Attorney General McLeod was supported by comparable testimony from the Honorable Stone D. Barefield, Member, Mississippi House of Representatives. Mr. Barefield testified to the effect that the United States District Court for the District of Columbia was a court in which the Attorney General could sue for political reasons and in which a State such as Mississippi could not get a fair trial.[4] He also verified the detrimental nature of the cost and inconvenience necessitated by suing in Washington, D.C.[5]

Lastly, evidence was submitted showing the ultimate inconvenience of filing suit in Washington, D.C. The State of Alaska has twice had to sent Attorneys one-fourth of the way around the world to file a successful bailout suit; the County of Honolulu in the State of Hawaii has never endeavored to spend the time and money necessary to obtain a bailout.[6] With the coverage of the Act being expanded by titles II and III of H.R. 6219, the time has come to end the waste of resources caused by the requirement of suing only in Washington, D.C.

An amendment which was offered in Committee and will be offered again on the Floor allows States or political subdivisions to file these actions in an appropriate United States District Court. Pursuant to existing statutes, 28 U.S.S. §§ 1346, 1402, suit could be filed in the district in which the plaintiff resides. The amendment also provides for nationwide subpoena power with leave of Court.

An amendment to §§ 4, 5, 13, and 14 is necessary to remove an inconvenience which presently hinders a jurisdiction's right to file a declaratory judgment under the Act. No substitute law is changed by this amendment; it provides a mere procedural convenience and should be adopted.

Those Members who oppose this amendment do so based on the assumption that federal district court judges in the covered jurisdictions will be biased in their judgments and that the judges of the District Court for the District of Columbia have developed a specialized expertise; also they feel that uniform interpretations of the Voting Rights Act will result from centralizing all cases under the Act in the United States District Court for the District of Columbia.

While these contentions have superficial appeal, analysis of the actual litigation in the United States District Court for the District of Columbia under the Act leads inexorably to the conclusion that local litigation is fair and desirable. The record indicates that of the 10 bailout suits filed in the past 10 years under the Voting Rights Act, including the reopening of one case, that only two judges have sat four times and one judge has sat three times on the required three-judge panels.[7] Of the other eleven judges who have sat on the bench to decide these cases, five have sat twice and six have sat but once. Thus no expertise is in fact being developed. Of the 10 cases, only three resulted in decisions other than consent decrees. Thus one stated basis for centralizing litigation, to obviate the need of the United States to defend cases around various parts of the country, is of no importance in that only three cases have gone to trial.

The burden on States located far from Washington, D.C., and the inferential aspersion cast upon federal judges residing in those States by withdrawing cases under the Voting Rights Act from their jurisdiction argue strongly for the adoption of this amendment.[8] The undersigned Members urge their colleagues to support this amendment on the Floor.

The undersigned members ascribe to the above stated views.

THOMAS N. KINDNESS.
EDWARD HUTCHINSON.
CHARLES E. WIGGINS.
M. CALDWELL BUTLER.
CARLOS J. MOORHEAD.
HENRY J. HYDE.
WALTER FLOWERS.

FOOTNOTES

[1] *Hearings on the Extension of the Voting Rights Act before the Subcomm. on Civil & Constitutional Rights of the House Comm. on the Judiciary*, 94th Cong., 1st Sess., Ser. No. 1, at 590, 718 (1975) [hereinafter referred to as "*Hearings*"].

[2] *See Hearings* at 590.

[3] *Id.*

[4] *Cf. Hearings* at 718.

[5] *Id.*

[6] *See Hearings* at 180–81. The similar failure of Honolulu to submit voting changes to the Attorney General for preclearance as required by § 5 may create further inconvenience by providing the basis for a lawsuit challenging the enforceability of those changes.

[7] *See Hearings* at 180–81. The two judges who sat four times, Edgerton and Leventhatl, have not sat in the last four cases decided on the Voting Rights Act. So even their limited expertise is not being utilized at present.

[8] Aside from the attorneys from Alaska who have twice had to travel one-fourth of the way around the world to bail out, counties in Arizona and Idaho have also been inconvenienced by having to send attorneys great distances.

ADDITIONAL VIEWS OF MESSRS. KINDNESS, BUTLER, AND MOORHEAD CONCERNING THE PERIOD OF PURITY NECESSARY TO OBTAIN A DECLARATORY JUDGMENT TO BAIL OUT

Section 4 of the Voting Rights Act presently provides that a state may free itself from the special coverage of section 4 by filing a declaratory judgment in the U.S. District Court for the District of Columbia and proving that for the past ten years the state has not used a test or device that denied or abridged the right to vote on the basis of race or color. Hence if a state transgresses the law and uses a test or device with the prohibited effect, it must wait ten years before it can successfully escape the onerous special provisions of the Voting Rights Act.

Historically this "period of purity" was originally set at five years in the Voting Rights Act of 1965. When the Voting Rights Act was amended in 1970, proponents sought to "extend" the Act by changing the period of purity from five years to ten years. This had the effect of freezing in states then under the Act because transgressions in 1964 would still contaminate the necessary period of purity.

In 1975 the Voting Rights Act will again be "extended" for five or ten years. The proposed method of extension again lengthens the period of purity. While this will freeze in states presently covered by the Act by retaining 1964 transgressions for another five or ten years, it has the disadvantageous repercussion of punishing a future transgression for fifteen or twenty long years. For example, if Virginia were to employ a test or device in derogation of the Act in 1984, the special coverage provisions would apply until the turn of the century.

If the "bail out" amendment proposed by Mr. Butler is not adopted, an amendment will be offered which seeks to accomplish the goal of extension while concomitantly retaining a reasonable period of purity in order that a future transgression will not carry an inordinate penalty. The amendment provides that no escape from the Act will be possible prior to August 6, 1980. The period of purity is reduced to five years. This method of extension was supported during hearings before the Subcommittee and should be adopted as a superior means of effectuating extension. However, such an amendment would not be needed if Mr. Butler's amendment gains acceptance.

The undersigned members ascribe to the above stated views.

THOMAS N. KINDNESS.
M. CALDWELL BUTLER.
CARLOS J. MOORHEAD.

VIEWS OF MESSRS. MCCLORY, FISH, HUTCHINSON, WIGGINS, MOORHEAD AND HYDE CONCURRING IN PART AND DISSENTING IN PART

In 1969, William M. McCulloch, then ranking Republican on the House Judiciary Committee, characterized the Administration's proposal to extend the Voting Rights Act and to expand its coverage throughout the 50 states as one which provided "a remedy for which there is no wrong and leaves grievous wrongs without adequate remedy." That criticism is, in part, applicable to the bill reported. It provides "a remedy for which there is no wrong." More accurately, in this instance, the bill applies the strongest remedies of the Voting Rights Act to jurisdictions whose record of voting discrimination is, in general, still waiting to be proved.

In 1965, when Congress first passed the Act, the record of hardcore voting discrimination in the jurisdictions covered by the legislation was so pervasive that Congress was justified in banning literacy tests and devices and in requiring that any and all changes in voting laws and practices in the affected areas be cleared in Washington, D.C., before they could go into effect. The jurisdictions covered were so clearly guilty that Congress made the judgment itself and imposed the extraordinary remedies. These remedies were imposed automatically by a "trigger" based upon discrimination borne out by statistical information and voluminous other evidence. There was no need to rely only on court remedies. That would have produced further delays without any advantages to show for it.

In 1975, in addition to a simple extension of the existing law, we are asked to expand the coverage far beyond the original concept, or the concept envisioned when the Voting Rights Act was given a 5-year extension in 1970. The new concept aims to protect "language minorities." This expansion of the original Voting Rights Act implies that we should not discriminate against "language minorities" by excluding them from coverage. But before one is induced into accepting that reasoning, one should note that "coverage" in this context does *not* deal with the *rights* of the individual voter *but* with the *remedies* imposed against governments that discriminate in voting. Those rights are already guaranteed for all by the Constitution. What the Voting Rights Act addresses in its pertinent provisions is the imposition of remedes for violations of those rights—violations which Congress finds have occurred in fact.

As with any remedy, its application must be justified. We don't provide welfare payments to all because some are poor; we don't prescribe medicine for all because some are sick; we don't put everyone in jail because some commit crimes.

Thus before Congress decides whether additional jurisdictions should be subjected to mandatory remedies such as preclearance, it should determine whether, at least as a general proposition, the jurisdictions to be covered have engaged in discrimination to such an extent that one should *presume* that their future voting laws and practices are so constitutionally suspect that any such laws and practices should be void until cleared by the Attorney General of the United States or the U.S. District Court in Washington, D.C., to the effect that not until such preclearance is complied with, may any such laws or practices be enforced.

Although that argument is made, the case is not. The record simply does not support the expansion of coverage to include the additional jurisdictions contemplated by Title II of the bill. There is evidence of some acts of hard-core discrimination in a few of the jurisdictions contemplated. But whether the evidence in those counties is sufficient to justify the imposition of remedies such as preclearance even where they occurred is debatable. But certainly that evidence cannot justify coverage of other jurisdictions.

It would seem reasonable that an escape clause be provided for jurisdictions that have not discriminated in the past but that are included within the formula for expanded coverage. But although escape is authorized, it is in fact precluded. For in order to escape, a jurisdiction must show that as far back as 1972 it adopted an affirmative action plan to overcome the effects of illiteracy in the English language by providing election materials also in the language of any single "language minority group" comprising 5 per cent or more of the voting age population in the jurisdiction. Failure to have provided ballots and all other electoral information and materials in the language of the "language minority group" prevents the affected State or political subdivisions from escaping. And since it is already known that the contemplated jurisdictions did use only English, their escape while authorized is, in fact, foreclosed.

Congress should pause before it imposes such extraordinary remedies without recourse. The Committee unfortunately rejected an amendment that would have been tailor-made to the problem of discrimination against cognizable ethnic groups. Rather than *impose* extraordinary remedies directly the amendment would have made them *available* against a jurisdiction that a federal court found on the basis of the record to merit the application. Moreover, the lawsuit could have been brought by an aggrieved person or by the Attorney General. In view of the doubtful record *generally* it seems vastly preferable to call on the courts to sort out which jurisdictions, if any, deserve the coverage provided by Title II, and which do not.

By rejecting this approach to the problem for those areas with significant "minority language" populations the Committee has insured the overly broad application of extraordinary remedies. In fairness to the Committee, it should be recognized that it rejected an amendment to impose the extraordinary remedies on *every* State and subdivision. Such an amendment would have played into the hands of the opponents of the Act who believe that overbreadth will undo the Act either by building up a reaction to the Act in areas where the Act's application makes no sense or by inducing the Attorney General to ignore "covered" jurisdictions that have no history of discrimination.

It does the Act little credit that certain New England towns covered by the Act completely ignore the Act's requirements with the acquiescence of the Attorney General. To multiply those instances unnecessarily breeds contempt for the rule of law—and the Act in question. It should not go unnoticed that a very unusual alliance favors expanding the coverage to jurisdictions with 5 per cent "language minories." For the opponents of the Act know full well what they are doing. To apply "remedies for which there are no wrongs" is to discredit the Act.

We believe that the Act be extended. But we do not believe that the record has been made to justify the expanded coverage proposed in Title II of the bill. We believe that the Act's remedies should be made available in any jurisdiction not already covered where the evidence adduced in federal court warrants coverage for such jurisdiction.

As Members of this body we must discern and distinguish. All that is done in the name of a cause—any cause, no matter how noble—is not necessarily right. We support the Act but not its misapplication. We do so out of respect for the cause and out of respect for the law.

ROBERT MCCLORY,
HAMILTON FISH, Jr.,
EDWARD HUTCHINSON,
CHARLES E. WIGGINS.
CARLOS J. MOORHEAD,
HENRY J. HYDE.

SEPARATE VIEWS OF MR. ASHBROOK

I oppose the proposed extension of the Voting Rights Act. Extension of the 1965 act at this time can be construed only as a punitive measure directed at the southern states. These states are placed in a Catch 22 situation which makes it impossible for them to extricate themselves from coverage regardless of what they do because discrimination will always be inferred.

The clear pattern of legislative overkill is shown in the effort to extend coverage to alleged abuses in new areas. It would, under the pretext of assuring non-English speaking minorities their voting rights, interfere with state election procedures which could arbitrarily be considered wrong simply because of voter disinterest which in no way relates to legal procedures or restrictions. Their disinterest could be rewarded by federal intervention. It presumes discrimination wherever there might be apathy or voter disinterest.

The Voting Rights Act, extended and expanded by the Judiciary Committee majority, would without proven justification undermine the basic right of local governments to govern themselves as provided in our Constitution. It would deny local jurisdictions the basic right to make a wide range of decisions and actions because of possible consequences to minorities within their jurisdiction. It was astounding to hear questions raised in committee debate on this bill as to local actions such as annexation, deannexation, the establishment and location of voting booths and the printing of voter information by local jurisdictions.

If this bill passes as reported out of committee, I predict it will be only a matter of time before local jurisdictions would not have their basic right to annex or deannex to municipalities if it would change racial balance without first coming to Washington or having the question resolved by a federal court.

It treats English speaking citizens as first class citizens and infers a second class status on non-English speaking citizens, an affront to them.

Basic to our consideration is whether Southern states should ever be released from their bondage to this Act. If the bill has merit 10 years after its enactment, it should be made uniform in its application to all 50 states. It should be remembered that the 1965 act was represented at the time as a temporary federal intervention in traditional states rights areas on a limited basis. This bill disavows that original legislative intent and seeks broad new areas to support a federal invasion of state and local prerogatives. It should be rejected.

ADDITIONAL SUPPLEMENTAL VIEWS OF HON. HENRY J. HYDE

After reviewing the entire structure of the Voting Rights Act I have concluded that Section 5 of that Act must be deleted as a matter of policy and as a matter of law.

Both the legal and political arguments for rejecting Section 5 were set forth by Mr. Justice Black in his dissenting opinion in *South Carolina* v. *Katzenbach*, 383 U.S. 301, 356–62 (1966). His eloquent views, reproduced in part in the supplemental views concerning the bailout amendment, still ring true today. If the power reserved to the states by the Constitution means anything it means that the states do not have to come, hat in hand, to Washington to receive prior approval of their laws or even a proposed amendment in a state's Constitution from a federal court or the Attorney General, all of whom are appointed, not elected, officials.

In their zeal to redress certain wrongs, the drafters of this section have forgotten that the federal government did not create the states in this Republic, the states created the federal government. It is singularly appropriate in the Bicentennial season that we remind ourselves of this basic truth.

The views adopted by those who support the requirement of a sovereign state preclearing its election laws with appointed officials in Washington reduces these sovereign states to mere administrative districts of the federal government. As was eloquently pointed out by Congressman Wiggins, this is too high a price to pay for what can be agreed is a desirable goal. This is especially so when the desirable ends of this Act can be accomplished by the remaining remedies in the Act that are not violative of our Constitution.

Government, like nature, abhors a vacuum, and the failure of some states to meet the requirement of providing equal access to the electoral process developed the excuse and nourished the temptation for the federal government to encroach on matters that are historically and Constitutionally within the sole jurisdiction of state legislatures. But this does not excuse our encouragement of legislation destructive of our whole federal system.

Surely we have a duty to breathe life into the 15th Amendment as the Voting Rights Act certainly does. But in doing so, must we embalm the 10th Amendment?

There is no basis in reason or law for Section 5 to remain in this Act. On the Floor of the House I plan to offer an amendment to repeal this section. I urge my colleagues to lend their support to this amendment, thus restoring the states to the position that is indispensably theirs if we are to retain a federalist system of government.

HENRY J. HYDE.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, may we have order? We would like to hear the Senator.

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats.

PROCEDURE WITH RESPECT TO MEASURES ON THE CALENDAR

Mr. HARRY F. BYRD, JR. Mr. President, I wish to ask a procedural question of the distinguished majority whip.

I note from the whip notice that it is expected that the Senate will take up on tomorrow and Saturday five appropriations bills and that time agreements have been entered into on most of the measures. I have no concern about the time limitations. I do have some concern, however, as to whether the Senate will have adequate time to consider these bills individually. I am not speaking of time on the floor, but whether there will be enough elapsed time between the availability of the committee reports, which need to be studied, and the time the measures will be called up for action.

Mr. ROBERT C. BYRD. Mr. President, the leadership, insofar as it is possible to do so, will make every effort to see that committee reports are available. I cannot answer the question at the moment.

The State-Justice appropriation bill, for example, was just reported by the full committee today. Some of the other appropriation bills have been out and on the calendar for various periods of time.

These agreements have been entered into after consultation with the chairmen of the respective subcommittees and the ranking members thereon and with the chairman and ranking member of the Committee on Appropriations.

Mr. HARRY F. BYRD, JR. I have no concern about the time agreements or the time limitations once the bill is called up. My only concern is whether we will have adequate time to study the measure involved, because billions and billions of dollars are in each of these appropriation bills.

The committee reports on the first three measures—H.R. 8365, H.R. 8561, and H.R. 8597—were not available at noon today, but they are available now. The other two, of course, are not yet available.

Mr. ROBERT C. BYRD. The HUD appropriation bill, I think, came on after the three to which the distinguished Senator referred. I cannot say whether or not the committee report is available.

I will be very glad to check with the chief counsel of the committee to see that every effort is made to expedite the availability of the reports on all these bills.

Mr. HARRY F. BYRD, JR. Is it the intention of the leadership to call up the transportation appropriation bill, the agriculture appropriation bill, and the Treasury-Post Office appropriation bill tomorrow?

Mr. ROBERT C. BYRD. Yes, it is intended, if the Senate completes action on the voting rights bill today. It is the intention of the leadership to proceed with these bills as they are listed and in the order stated. Sometimes problems arise, and we have to shift the positions of certain measures, based on the convenience of the managers of the bill and the ranking members. But so far as I am able to be advised at this moment, this is still the pecking order.

Mr. HARRY F. BYRD, JR. I thank the Senator from West Virginia.

Mr. ROBERT C. BYRD. I thank the Senator.

AMENDMENT OF THE VOTING RIGHTS ACT

The Senate continued with the consideration of the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, and for other purposes.

AMENDMENT NO. 790

Mr. TOWER. Mr. President, I call up my amendment No. 790.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Texas (Mr. TOWER), for himself and Mr. FANNIN, propose an amendment numbered 790.

The amendment is as follows:

> On page 1, between lines 6 and 7, insert the following new section:
>
> "SEC. 102. The Voting Rights Act of 1965 is amended by adding after section 4 the following new section:
>
> " 'SEC. 4A. Notwithstanding any other provision of this Act, the provisions of sections 4 and 5 of this Act shall after November 1, 1976, not apply to any State or political subdivision which (1) the Attorney General determines has not maintained after November 1, 1976, any test or device, and with respect to which (2) the Director of the Census determines that more than 50 per centum of the persons of voting age residing therein were registered on November 1, 1976, or in any Presidential election year thereafter, and that more than 50 per centum of such persons voted in the Presidential election of November 1976, or in any Presidential election thereafter.' ".
>
> On page 1, line 7, strike out "SEC. 102" and insert in lieu thereof "SEC. 103".
>
> On page 4, line 11, strike out "1972" and insert in lieu thereof "1976".
>
> On page 4, line 13, strike out "were" and insert in lieu thereof "are".
>
> On page 4, line 14, strike out "1972"" and insert in lieu thereof "1976".
>
> On page 4, line 16, strike out "1972" and insert in lieu thereof "1976".
>
> On page 5, line 19, strike out "provided" and insert in lieu thereof "provides, on and after November 1, 1976,".
>
> On page 6, line 23, strike out "1972" and insert in lieu thereof "1976".

Mr. TOWER. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, for the information of my colleagues, I will not use all the time that is allotted to me. I believe we can bring this matter to an early vote, because my amendment is similar in some respects to others that have been offered. Many of the arguments have been made.

However, I do hope that my colleagues will consider the merit of what we propose here, and consider it in a serious way. There has been too much of a tendency here for people not to look into the substance of these amendments but simply to vote for tabling motions, in an effort to obtain a clean bill and keep the bill out of conference. I do not think that is a proper way to legislate. Therefore, I hope that some serious consideration will be given to this measure.

Mr. President, I am certain that every Senator supports the goal which the Voting Rights Act is trying to accomplish.

I am convinced that as individuals, as States, and as a nation, we must guarantee to every American the opportunity to exercise the right to vote. To do otherwise would be to violate the democratic principles upon which this Nation was founded. We are not arguing over whether to protect the basic rights of Americans, but how best to do it.

When Congress enacted the Voting Rights Act of 1965, it was considered an extraordinary measure which was justified by extraordinary circumstances. In *South Carolina* v. *Katzenbach* (383 U.S. 301, 334 (1966)), which upheld the constitutionality of the act, the Supreme Court noted:

> This may have been an uncommon exercise of congressional power, as South Carolina contends, but the Court has recognized that exceptional conditions can justify legislative measures not otherwise appropriate.

The remedies of the Voting Rights Act indeed represent "An uncommon exercise of congressional power." The Federal Government can, in certain cases, send examiners and poll watchers to oversee voter registration and elections in a covered jurisdiction. Furthermore, before implementing any voting law changes, a covered area must first seek approval from the Attorney General or the U.S. district court here in Washington.

In providing a system for application of these stringent and unusual remedies, Congress determined that any State or political subdivision which maintained a "test or device" on November 1, 1964, and had less than 50 percent of its voting age population registered and voting would be covered.

This year, in addition to extension of the present law, we are considering additional provisions to include areas with considerable language minority populations.

To reiterate, Mr. President, my concern is not with what this bill seeks to do, but how it seeks to do it. Passage of this bill as written will continue the present coverage of only six States and part of a seventh State, as well as several counties throughout the country. Most of these areas have already been subject to provisions of the Voting Rights Act for 10 years. To subject these jurisdictions to another decade of Federal intervention without reassessing their need for coverage is unjust and unwarranted.

I am also concerned, Mr. President, about the sparse and conflicting statistical information upon which we propose to cover several new areas under the language minority section. The extraordinary remedies contained in the act are too severe to be applied before we are sure of the facts.

For these reasons, I propose to amend this bill to provide that its coverage continue as is until after the 1976 Presidential election. At that time, any jurisdiction which maintained no test or device on November 1, 1976, and had at least 50 percent of the voting age population registered and voting in the Presidential election, could be excluded from coverage.

Likewise, if any area otherwise eligible for coverage should fail to meet these requirements, they would remain or become covered. This status would continue to apply to eligible areas through each Presidential election covered by this 7-year extension.

I might point out, Mr. President, that my amendment would not affect the special remedies or preclearance sections. It is directed only to the application of the act as reflected in section 4. I support this change because I feel it will eliminate some of the inconsistencies which have been inherent in the application of this act since 1964.

Time and again, Congress has refused to apply the Voting Rights Act on a nationwide basis. My amendment seeks to balance this inequity by allowing covered jurisdictions to "bail-out" based on compliance with the same tests which caused them to be "triggered in."

Shifting our focus from past transgressions to present practices will result in a more equitable and realistic approach to the problems of voter discrimination.

Consider, for example, the case which has been made for including the entire State of Texas under coverage of the voting rights act. During House action on this bill, Texas was cited as the prime example of the need to expand coverage to areas with a minority language population exceeding 5 percent. Texas has a statewide Spanish-speaking population of 16.4 percent of our 254 counties, 103 have Spanish-speaking populations of less than 5 percent.

In 1974, voter registration figures in counties with over 50 percent Spanish surnamed show 72 percent were registered to vote. Statewide registration stood at 75 percent, and in those counties with less than 5 percent Spanish surnamed, 79 percent were registered to vote. Let me add here, Mr. President, that Texas uses a post card voter registration procedure which is one of the most liberal in the Nation.

It is very easy, indeed, to register to vote in Texas.

On the average, in counties with over 50 percent Spanish-speaking, 48 percent of the officials are Mexican Americans. This might vary from county to county. In some counties, it would be 90 percent; in some counties, perhaps 100 percent.

I think I know of some counties in south Texas in which there are no Anglo office holders in county offices. This figure does not include school board members or municipal offices which, it is estimated, would boost this figure even higher.

These figures, of course, do not tell the whole story. There have been incidents, documented in several court decisions, of voter discrimination in our State. I expect there are few, if any, States which could produce a perfect record in this regard. Such transgressions are a blatant violation of individual rights and certainly not a past to be proud of. I personally have worked very hard to improve business opportunities for Mexican Americans, and to strengthen and to expand bilingual education programs. Additionally, as my distinguished colleague from California is aware, I cosponsored the Bilingual Courts Act, which recently passed the Senate. By virtue of positive Federal action in these areas, I believe we can facilitate the concept of providing equal opportunity to all of our citizens.

More recently, our State legislature has also taken specific action to correct past abuses of voting rights. For example, Texas has a law providing for bilingual registration and election materials in every county with 5 percent or more Spanish-speaking population. In addition to our post card registration system which I mentioned earlier, we also provide "roving" deputy registrars to encourage voter registration.

Texas has established new procedures and penalties to prevent voter coercion and intimidation. We have our own program providing for inspectors to supervise and election—and these inspectors, I might add, may be appointed by the secretary of state or upon petition of 15 or more citizens.

The Texas election code has been revised to conform with various court decisions, constitutional amendments and related statutes. Precinct sizes, particularly in rural areas, are being reduced to eliminate the need for traveling long distances to vote. Finally, extensive voter education programs will be available to the various political subdivisions at election time. Many of the features I have just outlined, Mr. President, are not available to voters in other States.

Based on the previous facts and statistics, it is difficult to estimate the extent and degree, if any, to which discrimination is practiced. I think this point has been stressed on several occasions, most notably in the testimony of Stanley Pottinger before the Senate Subcommittee on Constitutional Rights, and I quote from Mr. Pottinger's statement:

> In light of the other remedies available and in light of the stringent nature of the special provisions, the Department of Justice has concluded that the evidence does not require expansion based on the record currently before us.

Also, indicative of the dearth of factual information is the language contained in a report by the U.S. Commission on Civil Rights entitled "The Voting Rights Act 10 Years After." In that report the Commission concluded that—

> The lack of data on election of other minorities precludes drawing strong conclusions about their political success.

The point of the matter is that we simply do not have all the facts here. We do not have accurate uniform statistics defining how, where, and to what extent the voting rights of language minorities are denied. While we cannot be deaf to any legitimate charges of discrimination, I am convinced, based upon available information, that we should not subject jurisdictions to the extraordinary requirements of the Voting Rights Act until we have given them a chance to demonstrate, by performance, their own capabilities in this area.

In 1965, when the Voting Rights Act became effective, those jurisdictions which could prove the absence of discriminatory tests or devices, and over 50 percent registered and voting, were excluded. My amendment merely seeks to give this same opportunity to all jurisdictions in 1976.

I remind my colleagues that this amendment does nothing to eliminate the act itself. Furthermore, whether covered or not, any jurisdiction could be subject to an action under section 3 of the act. This section allows the Attorney General to send in Federal examiners and require preclearance based on a finding of violation of the 15th amendment. Furthermore, the bill we are considering today would also allow an aggrieved person to bring suit and adds the guarantees of the 14th amendment.

Mr. President, in recent years a number of States, my own included, have enacted substantial voting rights legislation. Some of these laws are pretty stiff medicine. I think we should give this medicine a chance to work before we resort to major surgery.

Mr. HARRY F. BYRD, JR. Mr. President, I yield myself such time as I may need.

Mr. ABOUREZK. Will the Senator yield for a point of order against this amendment? Will the Senator yield for that purpose?

Mr. HARRY F. BYRD, JR. Will the Senator let me complete my statement and then make it?

Mr. ABOUREZK. Yes.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. HARRY F. BYRD, JR. Mr. President, the Senator from Texas has pointed out some of the inequities of the pending legislation and he has told the Senate the effect it will have on his State of Texas and why he believes it to be an unjust and inequitable piece of legislation. I want to comment so far as the State of Virginia is concerned.

In 1961, 4 years before this law's original enactment, the U.S. Commission on Civil Rights specifically stated its conclusion that the State of Virginia did not practice discrimination in its voting process.

Now, Mr. President, I have the U.S. Commission on Civil Rights document filed in Washington, D.C. and dated September 9, 1961. It is a report to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives.

On page 22 of that report, and bear in mind this was 1961, 4 years before the enactment of the so-called voting rights legislation, the Commission report said this, and I now quote from the Civil Rights Commission:

> The absence of complaints to the Commission, actions by the Department of Justice, private litigation, or other indications of discrimination, have led the Commission to conclude that, with the possible exception of a deterrent effect of the poll tax—which does not appear generally to be discriminatory upon the basis of race or color—Negroes now appear to encounter no significant racially motivated impediments to voting in 4 of the 12 Southern States: Arkansas, Oklahoma, Texas, and Virginia.

Mr. President, on page 102 of that same report there is this statement:

> In three States, Louisiana (where there is substantial discrimination), Louisiana (where there is some), and Virginia (where there appears to be none).

And there again the second time in that report it states that there is no discrimination, there was no discrimination in the State of Virginia.

I want to read into the RECORD again the members of that Civil Rights Commission of 1961. The chairman was John A. Hannah, vice chairman was Robert G. Storey; the other members were Erwin N. Griswold, Theodore M. Hesburgh, Robert S. Rankin, and Spotswood W. Robinson III.

Mr. President, I might mention, in passing, that Mr. Spotswood W. Robinson III is a Virginian, he is a native of Richmond, Va.; he is a black; he is now a Federal judge. He knew in 1961 the conditions in Virginia and, of course, he knows the conditions now. So I think it totally unjust to include Virginia in this act when there has been no evidence whatsoever to substantiate any charge of discrimination in voting.

I should like to state that while the act provides for the assignment of Federal registrars and examiners in the covered jurisdiction, no such individuals have ever been sent into Virginia.

Why then, if Virginia has not discriminated against any of her citizens in voting, and does not now, and if there is no purpose shown by application to this State, why is it Virginia must be subjected to this act for another 7 to 10 years?

This brings me to the subject of preclearance, the method by which this act runs roughshod over State sovereignty.

Mr. President, this law—as presently written and enforced—requires the covered States and their local political subdivisions to submit every law pertaining to voting and franchise, which has already been enacted by due authority under the Constitution and laws of the Commonwealth of Virginia and pursuant to the will of the people, to the Attorney General of the United States for his prior approval.

Mr. MANSFIELD. Mr. President, may we have order?

The PRESIDING OFFICER. Senators will take their seats. Staff members will take their seats or withdraw.

Mr. HARRY F. BYRD, JR. Those laws—whatever they may be and however proper or necessary—cannot be implemented until the Attorney General condescends to grant his approval, or until the State comes to the Federal District Court for the District of Columbia and pleads for leave to implement its own enactment.

This applies, mind you, only to covered jurisdictions. Again, covered jurisdictions are those areas which had a test or device in 1964 and under 50 percent voter turnout—nothing more. I emphasize "nothing more."

What this legislation, in fact, has done is to subject the State of Virginia, against which no charge of discrimination in the voting process has ever been substantiated under this act, to subservience to Federal bureaucrats.

In the past 9 years, Virginia has submitted its statutory enactments for prior approval by the Attorney General of the United States. More than 410 acts of the Virginia General Assembly involving over

2,200 separate changes in Virginia law have been submitted.

In addition, Virginia's Constitution has been submitted twice and every county reapportionment plan has been submitted—and none could be implemented until the Federal Attorney General approved, although they had been duly considered and passed by the Virginia legislature and signed by the Governor, and in the case of the Virginia Constitution, ratified by a plebescite of the people.

Mr. President, the penalties of preclearance are so far-reaching they are staggering to consider.

Preclearance does not just mean the consideration of incidental changes in the way ballots are printed, or whether a jurisdiction will change from hand ballots to voting machines.

It means the review by the Federal Attorney General of every political reapportionment that takes place in the State. The Attorney General has absolute control over reapportionment in the 6 States covered in their entirety by this act.

And this is why the supporters of this act have been so anxious to extend it for 10 years and only reluctantly agreed to a 7-year extension.

That is not exactly a correct statement, because they did not agree. They were outvoted by the Senate in that particular case.

The decennial census of 1980 will provide the statistical basis for the reconsideration of every political boundary in this Nation.

In the State of Virginia, there are 95 counties, 41 independent cities, and 189 incorporated towns.

The Federal Attorney General—not the people of Virginia—will have complete control over every magisterial boundary in every county; over every city council ward, in every city; and over every town council district in every town.

The Attorney General will control the determination of every legislative district to the Virginia House of Delegates—there are 52—and each of the 40 senatorial districts of the Virginia State Senate.

Of course, the Federal Attorney General will also control the boundaries on Virginia's 10 congressional districts. And this will now last, Mr. President, through the 97th Congress.

The date will be 1982.

And the people of Virginia will not have had control of these basic functions of government for 17 years.

The impact upon the political process of a State is staggering. But more than that it is wrong.

The power is placed in the hands of Federal bureaucrats, rather than in the elected representatives of the people.

I say it is a tragic perversion of our constitutional guarantees.

It is this gross perversion of our Federal-State partnerships, as embodied in our Constitution, which caused Mr. Justice Black to remark in his dissent in South Carolina against Katzenbach, the first case challenging the act's constitutionality:

> I cannot help but believe that the inevitable effect of any such law which forces any one of the States to entreat Federal authorities in far away places for approval of local laws before they can become effective is to create the impression that the State or States treated in this way are little more than conquered provinces.

Mr. President, this act is an indignity to the integrity of each covered State, its duly-elected legislators and to the people who elected them. It presumes that the targeted States have committed unpardonable sins and actual statutory crimes—which will be perpetrated as soon as this law lapses and the Federal boot is lifted.

This legislation—as it was conceived and as it is being extended—is, in truth, not committed so much to its lofty purposes as it is to the continuation of "the unfinished second reconstruction."

Those are not my words, Mr. President, they are the words of one of the principal supporters of extending this legislation.

The people of Richmond have not had an opportunity to vote in councilmanic elections since November 1970. The biennial elections were specifically enjoined in 1972 and 1974.

In addition, in 1974, the people of Richmond were enjoined from holding a citywide referendum on the question of Sunday closings, or blue laws, although such a referendum had been authorized by the Virginia General Assembly and the city qualified in every respect as a jurisdiction authorized by State law to hold such a referendum.

The people of the city of Richmond have been denied their right to vote for and elect representatives to local government.

There is no way for Virginia or for any of the originally covered Southern States to be removed from the strictures of this act.

J. Stanley Pottinger, Assistant Attorney General for the Civil Rights Division of the Department of Justice, admitted this during the hearings before the House Judiciary Subcommittee on Civil and Constitutional Rights.

Mr. Pottinger was asked:

> "If we extend this Act for another 5 or 10 years, under the special coverage provision if 100% of the blacks in Virginia are registered and 100% of the blacks in Virginia vote, is there any way the State of Virginia under this existing legislation could come out from under the Act?
>
> Mr. Pottinger. I do not believe so.

In this connection, I might say that the distinguished floor manager of the bill, the Senator from California (Mr. Tunney), has stated on the floor of the Senate, in response to questions, that there is no way that the State can get out from under this law—that is, any of those six States which have been placed under coverage of this act.

I think it is significant, Mr. President, that on at least three occasions, the Senate has refused to extend the application of this act to all 50 States. President Ford yesterday sent a letter to the Senate saying that if it is a good law and a beneficial one for some States, then it should be extended to all 50 States in its application. The Senate debated that issue and the Senate refused to extend the applicability of this law to the other States. I think that says a great deal, Mr. President, a great deal.

I do not blame the other States for not wanting to have this burden pressed upon them. I regret that the other States are not willing to give the same consideration to six of their sister States.

Mr. ABOUREZK. Mr. President, I make a point of order that the amendment of the Senator from Texas is an amendment consisting of more than one provision amending the bill at different points and, therefore, out of order.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. ABOUREZK. Yes.

Mr. TOWER. I hope the Senator will not press that point. It is a rather punitive procedure to be used around here. We have acted on amendments here today that address themselves to more than one portion of the bill, and they have been allowed to be acted on. I have not engaged in anything designed to delay the Senate. I voted for cloture twice, and I would hope the Senator will not press that point, but will allow me to have an opportunity to vote up or down on my amendment or allow us to vote on a tabling motion.

So I earnestly ask the Senator not to press the point.

Mr. ABOUREZK. I wish I could respect the Senator's request, but I am compelled to press the point of order on this particular point.

The PRESIDING OFFICER. The Senator's point of order is well taken. On page 76 of Senate Procedure the statement appears, based on precedent:

> An amendment consisting of two provisions amending a bill at different points is in fact two amendments and cannot be offered together if the question is raised, except by unanimous consent.

Mr. TOWER. Mr. President, I appeal the ruling of the Chair and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GRIFFIN subsequently said: Mr. President, I announce, on behalf of the Senator from Arizona (Mr. Goldwater), that he expects to be absent during the remainder of the day because he is attending a meeting at the State Department called at the request of the Secretary of State, Mr. Kissinger. I ask unanimous consent that this announcement be printed in the Record prior to the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I suggest the absence of a quorum and it will be live.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The second assistant legislative clerk called the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 66 Leg.]

Abourezk
Allen
Baker
Bentsen
Brock
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Chiles
Church
Clark
Cranston
Culver
Curtis
Domenici
Ford
Garn
Glenn
Gravel
Hart, Gary W.
Helms
Inouye
Javits
Johnston
Kennedy
Leahy
Mathias
McClure
McGee
McIntyre
Nunn
Pearson
Pell
Percy
Proxmire
Ribicoff
Scott,
  William L.
Sparkman
Stafford
Stevens
Stone
Taft
Talmadge
Tower
Tunney

The PRESIDING OFFICER. A quorum is not present.

Mr. TOWER. Mr. President, I move that the Sergeant at Arms be instructed to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays are ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Wisconsin (Mr. NELSON), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I also announce that the Senator from Michigan (Mr. HART) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from North Dakota (Mr. YOUNG) is necessarily absent.

I also announce that the Senator from Arizona (Mr. GOLDWATER) is absent on official business.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

I further announce that the Senator from Oklahoma, Mr. BELLMON is absent attending the funeral of a friend.

The yeas and nays resulted—yeas 91, nays 0, as follows:

[Rollcall Vote No. 322 Leg.]

YEAS—91

Abourezk
Allen
Baker
Bayh
Beall
Bentsen
Biden
Brock
Brooke
Buckley
Bumpers
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Curtis
Dole
Domenici
Eagleton
Fannin
Fong
Ford
Garn
Glenn
Gravel
Griffin
Hansen
Hart, Gary W.
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Laxalt
Leahy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Morgan
Moss
Muskie
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Scott,
  William L.
Sparkman
Stafford
Stevens
Stevenson
Stone
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams

NAYS—0

NOT VOTING—8

Bartlett
Bellmon
Eastland
Goldwater
Hart, Philip A.
Nelson
Stennis
Young

The PRESIDING OFFICER. On this vote the yeas are 91 and the nays are 0. The motion to instruct the Sergeant at Arms to request the attendance of absent Senators is agreed to. A quorum is present.

Mr. TOWER. Mr. President, what is the pending question?

The PRESIDING OFFICER (Mr. STONE). The pending question, which the Chair now states, is, Shall the decision of the Chair stand as the judgment of the Senate? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. TOWER. Mr. President, is this matter debatable?

The PRESIDING OFFICER. The matter is not debatable, under the cloture rule.

The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Wisconsin (Mr. NELSON), and the Senator from Mississippi (Mr. STENNIS), are necessarily absent.

I also announce that the Senator from Michigan (Mr. HART) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from North Dakota (Mr. YOUNG) is necessarily absent.

I also announce that the Senator from Arizona (Mr. GOLDWATER) is absent on official business.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

I further announce that the Senator from Oklahoma (Mr. BELLMON) is absent attending the funeral of a friend.

The yeas and nays were announced—yeas 78, nays 12, as follows:

[Rollcall Vote No. 323 Leg.]

YEAS—78

Abourezk
Allen
Baker
Bayh
Beall
Bentsen
Biden
Brock
Brooke
Buckley
Bumpers
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Clark
Cranston
Culver
Dole
Domenici
Eagleton
Fong
Ford
Garn
Glenn
Griffin
Hart, Gary W.
Hartke
Haskell
Hatfield
Hathaway
Helms
Huddleston
Humphrey
Inouye
Jackson
Javits
Kennedy
Leahy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Morgan
Moss
Muskie
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Sparkman
Stafford
Stevens
Stevenson
Stone
Symington
Talmadge
Tunney
Weicker
Williams

NAYS—12

Chiles
Curtis
Fannin
Hansen
Hollings
Hruska
Johnston
Laxalt
Scott,
  William L.
Taft
Thurmond
Tower

NOT VOTING—9

Bartlett
Bellmon
Eastland
Goldwater
Gravel
Hart, Philip A.
Nelson
Stennis
Young

So, the ruling of the Chair was sustained as the judgment of the Senate.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. GRIFFIN. Mr. President, many Senators are wondering whether to tell their wives that they will not be home for dinner or whether to hold dinner. I wonder whether the majority leader can give us any guidance or enlightenment as to what we can expect.

Mr. MANSFIELD. Mr. President, the answer is not a very pleasant one. We will be in session late—very late—in the hope that it may be possible to finish the bill tonight. But that will be a decision for the Senate to make, and the restaurants are open downstairs.

Mr. GRIFFIN. I join the majority leader in the hope that we can finish. It seems as though the sentiment of the Senate has been registered pretty much. Hopefully, we can get to the amendments that Senators are determined to offer and get them to a vote at an early hour.

AMENDMENT NO. 732

Mr. CHILES. Mr. President, I call up an amendment by the two Senators from Florida, No. 732, and request its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CHILES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, line 23, strike out "five" and insert in lieu thereof "ten".

On page 8, line 19, strike out "5" and insert in lieu thereof "10".

On page 8, line 25, strike out "five" and insert in lieu thereof "ten".

On page 9, line 1, strike out "five" and insert in lieu thereof "ten".

Mr. CHILES. The purpose of this amendment is to change the trigger in the language-speaking portion of the bill from 5 percent to 10 percent.

Mr. TOWER. Will the Senator yield for an inquiry?

Mr. CHILES. I yield.

Mr. TOWER. Does the Senator intend to request the yeas and nays?

Mr. CHILES. Yes.

Mr. TOWER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CHILES. Mr. President, the amendment, as I said, would change the trigger from 5 percent to 10 percent. It is the feeling of the Senators from Florida that the trigger of 5 percent was really sort of plucked out of the air. There were no hearings held. There was no kind of discussion, scientific or otherwise, as to why a 5-percent figure should be used. We are dealing in a completely new area here, and while the Senators from Florida both feel that coverage for language should be in the bill, I think that we should kind of go into this on the basis of some kind of reasoning about what we are covering.

Right now, we say that where there are more than 5 percent of any particular language-speaking group, then we automatically find ourselves covered under sections 2 and 3 of the act. If we look back at the original triggering provisions of the 1965 act, we see that there, there was a long study, there was much history, there were all kinds of findings of fact made. It was really on the basis of these findings of fact and this history that the court ultimately upheld the act, on the basis that we were telling a section of the country that they had to do something differently. We were putting Federal registrars in, we were putting preclearance in, and we were putting all these other burdens upon them. But it was based on a record and based on a history that they were placed under that act.

If we look at the State of Florida, there is no record, there is not one case that I know that anyone has ever cited, none has come to my attention, there is nothing in any of the reports that I find, where there has been discrimination by virtue of voting, where there has been discrimination by virtue of education or any of these other factors that were all true when we were giving the voting rights to the blacks. That is not true in this instance.

What we are saying is if we are going to pick a figure out of the air, and that is what 5 percent is—really, that is what 10 percent would be—we are saying, why go with a figure this low? In our particular State, we add counties in that are going to have to go through all the difficulties of this because they have a Spanish-speaking population of some 5 percent, where really, every effort is being made to have those people registered, to have them become citizens, and to have them exercise their voting privilege. So we feel that again, the act will be strengthened if we adopt this amendment of 10 percent rather than 5 percent. If the act is tested on this trigger provision, if we have one as low as 5 percent, without the history, without the rationale, without the study that would be necessary, then we stand a chance that the act might fail.

Mr. President, the attempt by the Senators from Florida to raise the triggering percentage from 5 to 10 percent can be properly viewed as an effort to strengthen the portion of the act which deals with the language minorities.

I certainly have indicated publicly that I favor the extension of the act and there should be no doubt that this Senator favors the right of every citizen to vote and to be free from subtle as well as overt pressure in the free exercise of that vote.

To accept the 10-percent triggering formula for titles II and III, would involve some in Florida localities: Collier, Hardee, Hendry, and Hillsborough.

Mr. President, the Chiles-Stone amendment supports the thrust of the provision which pertains to the inclusion of language minorities by including a 10-percent triggering device.

I am aware that triggering percentages are common practices to be used in determining when there is a requirement for a bilingual ballot. In fact, New Jersey uses the 10-percent figure that the Senators from Florida are proposing.

The purpose of this amendment is not to weaken the act, Mr. President, but rather to strengthen it.

As the junior Senator from Florida (Mr. Stone) and I have tried to point out, the 10-percent figure would not defeat the basic purpose of the act.

The imposition of the 10-percent triggering formula would not even exempt all Florida counties as Monroe County has a 12-percent Spanish heritage population.

The junior Senator and I felt that the 10-percent formula would effectively eliminate from the provisions, the areas in Florida where charges and evidence and discrimination does not exist while retaining the provisions where such charges have been made.

Mr. President, the whole discussion on the rights of citizens to vote without covert or overt pressure by State officials is emotionally charged and with valid justification but this amendment does not fall into the area of being for or against the act.

It is simply an effort to eliminate from titles I and II those localities that perhaps justifiably should not be covered.

I honestly believe that if some considerable debate had been given to the triggering formula in the House subcommittee and in the Senate committee, then the amendment would not have to be proposed today.

The U.S. Civil Rights Commission, in its review of the accomplishments attributable to the act, made no mention of the desirability of a 5-percent figure for language minorities.

H.R. 6219 is a landmark act.

In its original form, it is highly desirable and necessary.

I think it is time that the Congress properly demonstrated a willingness to bend a little where rigidness is neither justified nor necessary.

I reserve the remainder of my time.

Mr. STONE. Mr. President, I would like to alert the Senate to data which have just this afternoon come to my attention and to the attention of my staff with respect to amendment No. 732, an amendment to H.R. 6219 which Senator Chiles and I have introduced. Amendment No. 732 would raise the language minority trigger percentages in titles II and III of H.R. 6219 from 5 to 10 percent. In a statement which I submitted on Tuesday, a summary of which lies on the desk of every Senator, I explained that raising the trigger percentages would more exactly tailor the coverage of titles II and III to the purposes of those titles by eliminating from their coverage jurisdictions as to which little or no evidence of voting discrimination exists. In that statement, I said that 15 counties and the State of Alaska would be affected by the proposed change in the trigger and that no damage would be done to the purposes of the Voting Rights Act because these jurisdictions either were already covered by the act or there was no evidence of discrimination in voting with respect to them.

The list of jurisdictions contained in my statement was prepared with respect to title II of H.R. 6219 and as to the effect of my amendment on that title, this list is perfectly correct. However, the data which have just come to our attention shows that this list is not correct with respect to title III. In fact, many more jurisdictions than the 15 which I have listed would be affected by changing the trigger percentage in title III from 5 to 10 percent.

I assure the Senate that I was not in any way trying to mislead my colleagues as to the effect of my amendment. The truth of the matter is that my staff has for several weeks requested that the Subcommittee on Constitutional Rights provide them with the percentages of language minority citizens who reside in the jurisdictions which might be covered by title III. The House report which accompanies H.R. 6219 printed, on pages 62 and 63, an appendix which listed the jurisdictions covered by title II and the percentage of language minority citizens in each of those jurisdictions.

However, the House report, on pages 63 and 64, only printed a list of the jurisdictions which would be covered by title III, without listing the percentage of language minority citizens in those jurisdictions. The staff of the Senate Subcommittee has maintained for the past several weeks that they did not have the figures with respect to the jurisdictions under title III. In fact, a member of the subcommittee staff even today said that the subcommittee did not have this data. However, this data was in the possession of, and was presented to me today, by members of the staff of the House Subcommittee on Civil and Constitutional Rights.

This newly revealed data shows that many more jurisdictions than I had anticipated would fall out of the coverage of title III if the trigger percentage is raised from 5 to 10 percent. Since I have always intended my amendment only to eliminate from coverage those jurisdictions as to which no evidence of discrimination exists, I am prepared to modify my amendment such that it would raise the trigger from 5 to 10 percent only with respect to title II. I ask for the courtesy of a unanimous consent agreement to this change in light of the late date at which this information became available to me and because I am no longer able to introduce another amendment which would be limited to title II. I assure the Senate that I made a good faith effort to obtain all the information which was pertinent to this amendment.

Mr. TUNNEY. Mr. President, I oppose this amendment. I have had an opportunity to evaluate it for some time. As a matter of fact, I was rather tempted at one point during the committee hearings to offer such an amendment myself. I thought a 10-percent trigger would probably give a greater guarantee of its constitutionality. It seemed to me, inasmuch as the Supreme Court has talked, in South Carolina against Katzenbach, about the need to have an exceptional circumstance in order for the Federal Government to intervene in local State elections, that 10 percent language minority would demonstrate a more exceptional circumstance than 5 percent in a particular jurisdiction.

However, I decided to offer the amendment for a variety of reasons. I see my colleague from Indiana here and I would like to ask him if he would care to speak to this point because I know of the great interest he has in the matter.

We discussed it in committee prior to the time the Senator from Indiana offered the first amendment offered on the Senate side to extend coverage to language minorities. Inasmuch as the Senator is now on the floor, I think it would be appropriate to yield to him, and after he is through making his remarks I will make an addendum.

Mr. BAYH. Is the Senator from Florida through?

Mr. CHILES. I do not have the floor.

Mr. BAYH. Mr. President, point of information, must I grant myself time under the cloture ruling, is that accurate?

The **PRESIDING OFFICER.** All of the debate that the Senator utilizes is taken out of the hour allowed the Senator under cloture.

Mr. BAYH. I am hopeful there will be a good bit of that hour left when I am through. I just wanted to inquire.

I appreciate my colleague from California yielding to me. I must say I am certain he could have presented this case as well or better than I. He has done an admirable job as the chairman of the subcommittee. I have sat through much of the testimony and I marveled at his persistence and his patience.

This is a matter which is a new matter. It is quite understandable why our distinguished colleague from Florida is concerned—and I understand his outstanding junior colleague is similarly concerned. They are going to have some counties covered that have not been covered before. Other parts of the country are going to be covered that were not covered before.

But, frankly, I think one of the thrusts and one of the strong points of this particular piece of legislation is we are addressing ourselves to a problem we have not addressed ourselves to previously. We have not gone into the kind of more subtle, not as well publicized, discrimination directed at those categories of citizens who are covered in this new version of the old 1965 Voting Rights Act.

Unfortunately I was involved in discussing some other legislation, so I did not hear the argument of my distinguished colleague from Florida which, I am sure, was persuasive, but I know him well enough, certainly I know our distinguished Presiding Officer well enough, that neither of them nor others who object to the provisions of the new bill as it applies to language minorities would, for a moment, suggest that there is any reason not to deal with discrimination if, indeed, it exists as far as they are concerned, but rather that if the counties or in the States in question there is no discrimination; that title II or title III do not apply:

> In my State or in these counties because, sure, we have a lot of citizens down there or over there or out there, five percent, and under the 50 percent that would trigger the mechanisms of this act. But even though those facts, those numbers, do exist, there has not been any discrimination so we do not need the act.

Well, I would like to say if that is the case—and I am prepared to believe that it is the case in many of the instances—but I would like to point out if that is the case, and if in title II, for example, if the English-only ballot is not used to discriminate then it is relatively easy for any affected county or any affected State to bail itself out under the provisions of the Voting Rights Act.

Alaska bailed out in 1966. We had five counties bail out under the 1965 and under the 1970 act, so it is possible if it can be shown that the discrimination does not in fact exist you get out from under it, so it does not apply, and it is a relatively simple test.

I think the Senator from California, as he abbreviated his explanation, was hitting a very important point. I think we are going to really try to do a job—and I think everybody wants to, because none of us are for discrimination—some people would rather apply one formula, others would apply another—but if we are really trying to do the job, then we had better have a piece of legislation that is as sure to be held constitutional, as sure to stand the court test, as we possibly can. This is the major reason why we have adopted the 5 percent figure because the basic court test dealing with language minorities has established 5 percent as a reasonable standard.

Mr. CHILES. Mr. President, will the Senator tell me what the basic court test is that established the standard?

Mr. BAYH. When that percentage of the population——

Mr. CHILES. What test is that? The Senator said the basic court test.

Mr. BAYH. The court test in New York directed at Puerto Ricans, Spanish-speaking Americans, established the 5 percent figure as a reasonable figure.

Mr. CHILES. Has the Senator read the case?

Mr. BAYH. Yes, the Senator has read that case. The Senator has also heard testimony from people who were discriminated against in that case——

Mr. CHILES. As I understand it, and correct the Senator from Florida if he is wrong, in that case that was a case that was filed on September 12, a class action, and on behalf of some Puerto Rican descent Americans challenging the practice of the New York City Board of Elections in having elections only in English.

On September 18, before any action had been taken by the court, the Board of Elections resolved to provide Spanish-speaking inspectors in election districts having at least 5 percent Spanish-speaking voters. And without, as I understand it, one word of discussion on the 5-percent figure, the court just said, "Fine," and dismissed the case.

I would just like for the Senator to tell me, if I understand the facts of the case correctly, how that sort of case is a proved court test.

Mr. BAYH. It is one of two cases to date in which the court said, if the Senator will read the language of the case, he will see that the court held the 5-percent figure was a reasonable test.

The Senator from Florida would rather set a less stern test to deal with the discrimination. I am here to say——

Mr. CHILES. Did the court in that case——

Mr. BAYH. May I finish my logic?

Mr. CHILES. Sure. I just wanted to ask the Senator——

Mr. BAYH. Go ahead.

Mr. CHILES. If the court discussed the rationality of the 5-percent cutoff.

Mr. BAYH. No. In the case the court just came to the conclusion that the 5-percent figure was a reasonable figure which would permit a suit to hold; that this was a reasonable level of population.

Mr. CHILES. No. Did the court say it was to allow a suit to hold or did they just say, "We dismiss it."?

Mr. BAYH. What the result of a case is if it is dismissed on the action of the plaintiffs if upheld, it would seem to me——

Mr. CHILES. There was never a motion to dismiss; there was never an argument on the basis of anything. All the city did was it said,

> We have decided we will put in the Spanish-speaking electors wherever there is five percent.

and the court said,

> We dismiss the case.

So I just think the Senator is misciting that a little bit to say there was a rationality or there was anything else.

Then to leap from that into saying this is going to make the act constitutional because a State court in New York said,

> We will go along with a city which came up with a five percent figure,

and dismissed the case, where there never was any argument about the rationality, never anything as to whether 10 percent would have been better or anything else, I think the Senator is leaping a little bit.

Mr. BAYH. Well, perhaps, the Senator from Florida——

Mr. CHILES. And the Senator from Indiana is such a fine lawyer I would not want to see him make that leap.

Mr. BAYH. I appreciate the compliments of my friend from Florida. But I think he caught me in midleap and interrupted a sentence, so I did not have time to come to the ground and finish my logic.

We can argue the legal niceties of that case. The fact is that this is a case that has been cited and is recognized as the landmark case in this area. The plaintiffs did accomplish—well, it is the only case. It is the only case, so we may not call it a landmark case, but we cannot find contradictory judicial proceedings. At least the plaintiffs got what they were after.

It seems to me, if I might take another step, to take my leap, we have to come to grips with how much discrimination we are going to tolerate. None of us want any.

I am prepared to say 1 percent is bad and if it gets up to 5 percent, watch out.

Mr. CHILES. No, no, is the Senator saying 1 percent of discrimination or 5 percent? I agree with the Senator from Indiana. I would not go along with 1 percent of discrimination, but the leap the Senator from Indiana is making is that he suggests 5 percent of a Spanish-speaking population, not discrimination, 5 percent of a Spanish-speaking population, then they are going to trigger us under the act.

If the Senator wants to speak about discrimination and finds 1 percent in the State of Florida, I hope they will put us under the act, because we should be, but when he leaps from a percentage of the language people, and saying that is discrimination, then again he is stretching me a little bit.

Mr. BAYH. Well, I certainly would not want to stretch my friend from Florida.

Mr. TUNNEY. Will the Senator yield?

Mr. BAYH. Could I leap back to where I was?

Mr. TUNNEY. Yes.

Mr. BAYH. I find in looking at my notes, there has also been a case in Philadelphia that has come to the same conclusion, *Arroyo* v. *Tucker*, 372 Fed. Supp. 764, Eastern District of Pennsylvania, 1974.

Mr. CHILES. Did they not mention the Torres case?

Mr. BAYH. They adopted it.

They adopted it, and I would like to also point out that the State Legislature of Connecticut and the State Legislature of California, which also adopted the 5-percent figure, and also, while I am still leaping, let me finish, please, and I will be glad to discuss this, I would like to resolve it, and I know our distinguished colleague from Florida——

Mr. CHILES. On that point, other State legislatures, have they not adopted a different figure?

Mr. BAYH. I do not know, are there?

I will let the Senator from Florida discuss that. The Senator from Indiana is prepared to suggest the 5 percent is fair.

Mr. CHILES. The State of New Jersey adopted 10 percent.

Mr. BAYH. Well, one would be interested to be able to compare the percentage of Spanish-speaking Americans in New Jersey with those in California, but that is neither here nor there.

One can establish 10 percent, or a 5 percent figure. The Senator from Indiana feels if we have a 5 percent figure, we also have, as the Senator from Florida knows, the provision in there as far as percentage of people voting, we also have the literacy rate, I want to reiterate.

Then the Senator from California wants to get involved in this and I would certainly like for him to be involved. We will jump together, in tandem here, side by side, or at least jumping in the right direction.

It is conclusive that if there is no discrimination it is easy to bail out. If the ballots have not been used in that fashion, as I hope is the case in Florida, it is easy to bail out, but I think it is important to look——

Mr. STEVENS. Will the Senator yield there?

Mr. BAYH. Let me finish, I just want to try to get from one step to the other and not be stopped in mid-leap here.

Mr. STEVENS. It is easy bailing out, but——

Mr. BAYH. Well, certainly, the Senator from Alaska has had some experience in that Alaska has bailed out once, I would like to point out that if we are to go ahead with this particular figure, the 10 percent figure instead of the 5 percent figure, we are going to pretty well gut the bill as far as title III is concerned in, I feel, an unacceptable number of counties, 19 in California alone.

We are going to take out of the title III provision of the act almost all, not quite all, but almost all, of those counties where we are concerned about discrimination based on the Indian language and I am not prepared to do that.

I think the time has come to say to those American citizens whose grandfathers were here a long time before we were—that we are going to recognize their full rights of citizenship and do for them what we have done for, primarily, our black minority up until now.

I do not think the hardship that is going to be borne for any State is going to be the kind of thing that is unconscionable or impossible to deny.

I will yield, sit down, stop jumping, whatever.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. The Senator from Florida.

Mr. STONE. Just briefly, Mr. President, both Senators from Florida are in favor of the thrust of the language minority protections extended by this extension of the act.

Both Senators from Florida believe that by raising the triggering percentage of population, not discrimination, the 10 percent, that section will be much more rigidly upheld in the established test that must follow.

The rationale of adopting 5 percent, indeed, the rationale of 10 percent, has already met the test of attack in the State of New Jersey. The State of New Jersey has adopted 10 percent as the appropriate figure.

At this point in my comments, I ask unanimous consent to have a letter addressed to a member of my staff, dated July 18, by the Supervisor of Elections of Dade County, printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Metropolitan Dade County,
Miami, Fla., July 18, 1975.

Mr. William Pursley, Jr.,
c/o Senator Richard Stone,
Senate Office Building,
Washington, D.C.

Dear Mr. Pursley: In 1973 the Board of County Commissioners established Dade County as a bilingual and bicultural county. Our Planning Department estimates that of the total population of 1.4 million, 31% are persons whose native language is Spanish. We estimate that there are presently 90,433 naturalized citizens over 18 years of age whose usual language is Spanish. Of this number, 57,762 are registered electors of Dade County. This figure represents 9% of our total registration and 62% of those naturalized citizens eligible to register.

Latin registration is increasing, on a percentage basis, more rapidly than any other single category. A survey covering the period of August 1973 to April 1975 showed an overall increase in voter registration of 3% during this same period, registration of citizens whose language is Spanish increased 30%. We have at present four permanent and eight temporary registration sites located in areas in which the target clients are identified as citizens whose usual language is Spanish. In addition, voter registration is available at the monthly naturalization ceremonies.

This Department has, since 1973, produced registration and election material in both English and Spanish. Pamphlets on the use of voting equipment and basic voter information have been reproduced in Spanish and made available to each new Latin voter upon registration. We have routinely produced for each election, sample ballots in Spanish, both for general distribution and to be posted in each precinct in addition to the two sample ballots required by law. Bilingual instructions on the use of the voting equipment have been posted inside of every voting machine in the County. I am enclosing copies of these materials as well as bilingual instructions on the voting of an absentee ballot.

In addition to publication of the English ballot in a newspaper of general circulation, as required by law, we have published a sample ballot in Spanish, as well as the list of polling places and general instructions to the voter, in *Diario Las Americas*, the newspaper of largest circulation within the Spanish speaking community. On the sample ballot, we have translated the questions and instructions. After consultation with our County Office of Latin Affairs, and with several civic leaders in the Spanish community, it was determined that we would not translate office captions, since the term used in translation might easily be associated with a foreign system of government and thereby be misleading to the voter.

In analyzing voter turnout in the General Election of 1974, the first election in which this County had available Spanish language registration figures, we find that participation of this group closely parallels that of citizens generally in the electoral process. In the six precincts in Dade County in which this Spanish registration exceeds 50% of the total registration, the average participation was 49%, as opposed to a 50% participation of the entire electorate. It appears to us to be totally unreasonable to demand from minority groups a voter participation greater than that of citizens as a whole. If the participation of the whole, the explanation, be it high or low participation, must be found in forces external to the elections process per se.

Dade County has already recognized and responded to the needs of its Spanish speaking citizens. I think it likely that provisions of the proposed Amendment to the Extension of the Voting Rights Act of 1965 would be met by this County without Federal intervention. It is highly probable that we could be excused from coverage by the Federal courts. I do feel strongly, however, that on the evidence of our bilingual program, voter registration and participation, and in the absence of a single complaint based on language discrimination, that this County should in no way be subjected to the proposed Federal control and supervision. From our conversation, I understand that you believe that the present trigger formula would delete Dade County from coverage. It is apparent, however, that there is very little margin and that any slight shift in base figures could bring us under the provisions of the Act.

If there is any additional information we can provide or any way in which we may be of assistance to Senator Stone in preparing his Amendment or supporting its passage, please let me know.

My regards to Senator Stone.

Sincerely,

JOYCE V. DIFFENDERER,
Supervision of Elections.

Mr. STONE. Without reading extensively from the letter, it attaches a whole series of election materials, which I will hold up to show my colleagues, but since they are in the Spanish language they would not be includable in the RECORD, so I will not ask that they be included in the RECORD.

But Dade County, which has hundreds of thousands of Spanish-speaking persons, has for some time duplicated all its voting materials, all its voting instructions, in both English and Spanish, and the other counties in Florida that would be excluded by the lifting of the percentage from 5 percent to 10 percent have not suffered one, nor has Dade County, not one complaint of any discrimination based on language minorities.

On the contrary, in the county with the chief language minority in the State of Florida, which is my home county of Dade County, according to the supervisor of elections, the language minority, speaking the Spanish language, is the fastest growing group in the voting registration figures.

So in the interest of strengthening this new approach in the protection extended to voters, the Senators from Florida would urge that this 10-percent population figure be adopted, at least initially.

May the Senator from Florida point out that on a 5-percent basis Dade County is also not covered at the present time. But the Senator from Florida wanted to show the Senators that this is really a relatively minor thing for the few counties in our State that are involved, but we believe that this will strengthen this provision much more so than the two very, very sparse and thin mentions in two Federal district court decisions, without supporting evidence to speak of, nor even in the legislative history of this provision, whereas we think the 10-percent figure with the strength behind it of the New Jersey experience—incidentally, for the Senators' edification, New Jersey has a tremendous Spanish population, particularly in the cities fronting on New York, not only Puerto Rican, but Cuban, and we believe that this is not in any way a destructive amendment.

We think that it is a constructive amendment and although some counties might be excluded from the otherwise coverage of the provision, we think that such counties will be covered to extend the example and to stamp out discrimination.

Mr. BAYH. Since Spanish-speaking Americans in New Jersey are an important fact, I think in our little repartee with the Senator from Florida I compared it to California.

I congratulate my colleagues from Florida and their State for the fact that there are areas that have Spanish-speaking Americans that fall below the figure and yet they are printing the ballots in Spanish.

Mr. STONE. And other voting information.

Mr. BAYH. Yes. But let me suggest I do not know how they can lose a case to be bailed out from under the act with the evidence presented by the Senator from Florida.

Mr. STONE. That is probably the case.

Mr. BAYH. I can understand the position of the Senator. I would be up here probably presenting the same argument if I had counties in Indiana that were going to come in where I knew there was no discrimination and I could bring to the floor of the Senate in Spanish, even if it cannot go into the RECORD, the kind of evidence where the citizens have made a good-faith effort. But the problem we have, the problem that the Senator from California and the Senator from Indiana had, in trying to determine how we get to the areas where discrimination does exist, and in raising the standard to apply to the 5 counties in Florida that will be bailed out by raising the percentage, if we are also not covering 19 counties in California where we are advised that there is discrimination, or at least a lot of the citizens there have so complained.

Mr. STONE. If I could make a very brief observation, in proposing to raise it from 5 to 10 the Senators from Florida did not exclude all the counties in Florida that otherwise would be covered. As a matter of fact, the southernmost county in Florida, Monroe County, would still be covered. But we designed an amendment designed not to exclude any areas about which evidence had been alleged of discrimination with regard to language minorities. Only today—only today—after having been advised not once but repeatedly by subcommittee staff that figures were not available with regard to title III did the Senators learn that additional counties other than those few that are listed in our prepared remarks and which are circulated to the Senate might also be excluded. That statement is in the RECORD in writing. My senior colleague received unanimous consent to have it printed in the RECORD.

Mr. BAYH. I would just like to comment once more and then I believe it is important to let our colleague from California proceed. He shouldered this responsibility and provided a wonderful leadership in this area.

When I first introduced that amendment and examined the measure that had been proposed in the House by those who had a very personal experience with this discrimination, I was wondering how we can deal with the problem that exists without creating some hardships. I have not been able to answer that question. But I must say I think the bailout provisions are significantly simple and easy to take advantage of. With the evidence presented by my good friend from Florida, it is going to be a simple procedure for those counties in Florida that do come into the provisions of the act absent his amendment, where they have the kind of Spanish printed material to avail themselves of the bailout provisions. So it is only a minimal hardship and they are no longer covered. At the same time we will be able to deal with the real problem that exists in the 19 counties in California, in the various other counties, and in the 10 or 12 different States where we are dealing with an Indian problem.

Mr. STEVENS. Will the Senator yield?

Mr. BAYH. I yield the floor.

Mr. STEVENS. My State, in both instances of the 1965 act and the 1967 act, was bailed out through an action in the district court here in the District of Columbia. The test now for a bailout is based upon an illiteracy rate. That illiteracy rate, for the purpose of this section, means the failure to complete the fifth primary grade. That is education in English.

Here we have a situation where, in order to get bailed out to determine whether or not you have to print ballots in a second language, you determine whether or not the average rate for dropouts beyond the fifth grade is above or below the national average.

I do not yet see, and no one has yet explained to me, how this assists in meeting the objective of providing materials to those who need them in printed form. Mind you, this is printed form. We determine whether or not a State or a political subdivision gets bailed out and the basis of whether or not the dropout rate above the fifth grade is in excess of the national average. That, by the very nature of things, means this is the most difficult act to bail out of that anyone has ever written. My State will not be able to bail out primarily because of the rate of those people who seek not to continue education in the English language and, in fact, rely on the oral form of a language that is the language of their ancestors. They do not know how to read the language to begin with.

Mr. CHILES. If the Senator will yield at that point, certainly that will make it virtually impossible for Florida to get out from under because many of our Spanish population are Cuban refugees, and many of those are older people who may have long since completed their schooling. They are not going back to school. We have some very young people there and, of course, they are in school. But the largest part of the population that Castro allowed to leave Cuba were the halt and the infirm, the lame and the aged. Those people are not going back to school. So what is going to happen to us is instead of being able to bail out, as the Senator from Indiana said, we are going to be locked under it.

I think here is where the danger is. If I read the Katzenbach case and the South Carolina case correctly, they were saying that we could put this kind of hardship on a State where you could show this history, where you could show this pattern, where you could show that they had attempted to come up with a rational trigger to pick this history and to pick that pattern. Then you could put in the differences and treat States unequally, on an unequal basis.

Just the record that is coming out here

should give anyone concern. The Senator from Indiana says probably there is no discrimination in Florida, and he further says,

> We recognized that we were going to do some hardships on some counties in some States by adopting the 5 percent. But we decided we would go ahead and do that because you could bail out very easily.

I do not read anything in the Katzenbach case that says that it was all right to put those Southern States under that because they could bailout easily. Everything I read in that case is the strong argument that the court made that the only way they could justify treating a region of the State different from other regions was because there was a history, there was a pattern, and there had been hearings and a rational basis of trying to set the triggers that put them under.

Here we are dealing with a 5 percent figure that everyone just has to admit really kind of came out of the air.

There were no hearings held on it; there was no testimony taken on it; there is no rational basis for it, and there is no history established, certainly in the State of Florida—I do not know about other States—about discrimination. Yet, this is putting us under it and saying:

> It is all right to put you under it even though you are not guilty of anything because you can bail out.

We have a situation based on our Spanish-speaking population where they are not in school now, they are not taking English now, the vast majority of that population, so you lock us under.

I think really, with this kind of amendment, with this kind of figure, we are jeopardizing this provision of the act, considering Florida does not want that jeopardized. I think it would be much sounder and have much more basis constitutionally if the figure was raised to 10 percent.

Mr. STEVENS. Let me tell the Senator why I support the amendment. That is because of the Census Bureau technique. We have already seen what it means in terms of the Spanish-speaking people. In Alaska we have at least 18 different languages that are being spoken by minority groups which are classed together as Alaska Natives.

They are not interchangeable languages at all; they are as different as Chinese and Italian. Yet the census, for the convenience of the Census Bureau, has lumped all of them together as Alaskan Natives. Unless something is done in this bill, the way it has been interpreted to me, at least, the Alaskan Natives become a single-language minority.

One of those languages has only five living people who can speak it, and yet that is a language which, under this bill, must be provided in printed form if we come under the terms of the act.

The 10-percent requirement would at least eliminate some of the political subdivisions of my State—at least those where the overwhelming majority of the population is not a Native population.

I really cannot understand, again, the Senate rubberstamping a decision by the House of Representatives to enact a bill which apparently makes no sense—and admittedly, since we are going to have the commitment, apparently, that we will sometime later this year bring out a bill to provide the amendments to make this bill make sense.

The only reason we are doing this is through not having a sufficient timeframe; and I am willing to give up my August recess and enact a bill that makes sense, rather than wait for a later bill that might make this provision make sense as far as the Alaska election procedure is concerned.

I am really frustrated. I have never seen a bill presented to the Senate in this form, under this rationale, and seen amendment after amendment that made sense defeated because we are afraid to face the House of Representatives and say, "Our amendments make more sense than yours do; accept them and we will go home, or go to conference and we will all stay through August."

This is one of the saddest days I have seen in the Senate in 7 years. I intend to offer an amendment later tonight, though I have almost abandoned hope that there is any chance for rational amendments to be considered on the floor of the Senate in this session.

Mr. TUNNEY. Mr. President, I am not going to prolong the debate, but I do feel that there are a few points that could be made in addition to the excellent statement made by my friend the Senator from Indiana (Mr. BAYH).

I think one of the things Senator BAYH was trying to prove in his statement is that 5 percent is not an irrational figure, because we have a court in New York that said 5 percent and a court in Philadelphia, Pa., that said 5 percent; we have the State of California using 5 percent, and the State of Connecticut uses 5 percent. So we have some precedents for it. And whether it is a good precedent or a bad precedent, it is not an irrational precedent, as has been suggested.

I might also point out that these minority language provisions provide for coverage of citizens. We are not talking about illegal immigrants; we are not even talking about green card holders, people who are legal entrants into the United States but not citizens. I dare say many of the Spanish-speaking residents in Florida do not qualify as legal entrants. I understand they have about 650,000 refugees from Cuba. I do not know what percentge of those refugees are now citizens of the United States, but I imagine that many of them are just that, green card holders, refugees who have yet to take up citizenship in the United States.

So we are dealing with citizens, and we are dealing with a figure of 5 percent that is not irrational.

I would like to quote from the testimony of Vilma Martinez, who is president and general counsel of the Mexican-American Legal Defense and Educational Fund, who was accompanied in presenting her testimony by Tom Reston, of the firm of Hogan & Hartson, Washington, D.C.

She said this:

> One of the most severe problems we have faced—and we have litigated this issue in Texas, although we face it also in California is the at-large election or the multimember district election. Such an election effectively operates to cancel out minority voting strength where a Chicano, if running from a single-member district, might otherwise hope to win.

She went on to talk about flagrant gerrymandering. She pointed out how there has been consistent abuse of the voting rights of Spanish-speaking persons, who have not been able to exercise their franchise the way they should because of the fact they do not speak English, and that they are in a position where they are subject to greater coercion and a greater sense of fear about using their right of franchise.

I would like to just add a couple of other points. One is that I feel that it is possible to bail out under section 4 as it relates to language minority groups. It is not an impossible standard. The standard, it seems to me, is one which can be met if the State is using good faith in its attempt to correct abuses that may have existed in the past.

Mr. CHILES. Mr. President, will the Senator yield right there?

Mr. TUNNEY. Yes.

Mr. CHILES. Can he explain to me how Florida would bail out? The Senator says "For abuses in the past." The Senator from Indiana was saying maybe we have no abuses in Florida, but yet we are being put under this because we want to catch all the counties we can by number.

Mr. TUNNEY. Is the Senator talking about title II or title III of the bill?

Mr. CHILES. I am talking about either title. Both of them.

Mr. TUNNEY. All right. In title III, what we are talking about there is providing bilingual material to those who cannot speak English and who are citizens, and who want to vote.

Mr. CHILES. The Senator is talking about title III.

Mr. TUNNEY. All right, so we are talking about title III now.

In a letter that I sent to Mr. Stanley Pottinger, who is the Assistant Attorney General for the Civil Rights Division, I asked him how this could be implemented. We did not want to put a great burden on local jurisdictions, but to give the local jurisdictions a simplified way of providing material to citizens who wanted to vote in the language they felt comfortable with. We asked, "Could you send out postcards to all registrants and ask if they would like their election materials in their minority language?"

The Assistant Attorney General responded:

> It is difficult to discuss hypothetical methods of implementation of Title III in the abstract, and there are likely to be many different alternatives devised to carry out the purposes of this Title. I believe however that an acceptable approach generally patterned on the plan outlined in year letter could be devised.

These letters of mine to Mr. Pottinger and his to me appear in the Senate report on pages 68 and 69.

But it is clear that it is not going to

impose a great added burden on the local jurisdictions if they devise a method of eliciting from the minority language citizens of their community how they would like to have their election materials, whether they want them in English or whether they would like to have them in their minority language. We have estimates that it is going to be quite inexpensive to do.

Mr. STEVENS. Mr. President, will the Senator yield again at that point?

Mr. CHILES. I yield.

Mr. STEVENS. The Senator from California and the Senator from Indiana keep saying it is so easy to get out of this. Will the Senator please explain to me in terms of title III how Alaska gets out so easily, when we are putting a literacy test in this bill? No matter how we proceed, if we have more than 5 percent total Alaskan Natives, as I understand it, and I stand to be corrected—I wish I were corrected by the Senator from California, but I do not hear any corrections—with 5 percent of the people who speak 18 different languages, then, if the illiteracy rate exceeds the national average, we can never get out. Am I wrong?

Mr. TUNNEY. Certainly in title III you are covered; is that correct?

Mr. STEVENS. Under title III, we must print in 18 different languages that no one can read.

Mr. TUNNEY. No. No, that is not true.

Mr. STEVENS. Tell me how we get out.

Mr. TUNNEY. It was my understanding, from what the Senator said a few days ago, almost all those languages are unwritten.

Mr. STEVENS. They are now written by the University of Alaska, but no one can read many of them.

Mr. TUNNEY. There is no requirement for Alaskan Natives that there be something in writing. There would be a requirement that oral instructions be given, and one should give oral instructions.

Mr. STEVENS. We have a constitutional amendment that requires that, but again let us assume the Senator from California is the judge of the district court, and I come in. I am representing my State, and I ask him to approve that we provide English only registration or voting materials and information, including ballots. We file in the U.S. district court. He is the district court judge, and he finds that the illiteracy rate of the State of Alaska exceeds that of the national average. Can the judge let us out from under this bill? Alaska is covered by title III under the section of bilingual election.

Mr. STEVENS. We can never get out as long as the literacy rate stays higher without regard to the fact no one can read the language.

Mr. TUNNEY. But Alaska is not required to provide in writing materials for a language that has never been in writing. We had that colloquy.

Mr. STEVENS. It is in writing.

Mr. TUNNEY. We had that colloquy 2 days ago in the Senate Chamber, and I said it then, and I say it now: There is no intention in this bill to require bilingual elections in a language that has historically never been written, except by a few anthropologists in a university somewhere. That is the height of ridiculousness.

Mr. STEVENS. It is this bill that comes that close.

Mr. TUNNEY. We established a very clear legislative history in this Chamber that it is not intended that we would do that.

I do not know how much more clearly I can say it. I said it 2 days ago, and I am saying it tonight. It does not make any sense. It is a figment of the imagination that it is required. It is not required.

Mr. STEVENS. I will give the Senator a chance to accept the amendment that removes the figment of an imagination. It is not a figment of the imagination so far as the State of Alaska, the Alaskan Federation of Natives and this Senator is concerned because of the bailout provisions. There is no way to get bailed out. We are automatically included and the court cannot let us out.

Mr. TUNNEY. The only thing that one is required to do is to make available to a person, who has an unwritten language, oral instructions in the language which he speaks. I do not think there is anything wrong with that. As a matter of fact, the Senator from Alaska says that Alaska has that in its Constitution. But one cannot expect the State to publish a language that has never been written except by a few anthropologists and is not read or understood by any of the natives. That was not intended by this section, and we made some very clear legislative history here today and 2 days ago that it was not intended. I would think that that would solve the Senator's problem. I would hope that it would.

Mr. STEVENS. It would, if it were not for the fact that I get in my office in increasing numbers small newspapers. I see my colleague from Alaska is here. We have newspapers that are now printed in some of these languages, because of the fact that we have started bilingual programs in these high schools in the rural areas. We want to help them preserve their language. One of the ways to do it is to preserve it in written form as well as oral form.

I see the Senator from Massachusetts here. He knows we have tried to do this. We are increasing the competency of these people in the printed form of the language of their forefathers. By the very nature of doing so, we now find, in my opinion, we are included under this act because there are some people who speak some of these languages and have the capability of reading them, and we do, in fact, have more than 5 percent in most of the political subdivisions of my State.

Mr. TUNNEY. We have no intention to cover those citizens. I would like to point out that if the amendment of the Senator from Florida should carry that there are very many counties, many of them in California, a number of them in other States, as well, that would not be incorporated or included under title III coverage.

Mr. CHILES. Mr. President, if the Senator will yield, the Senator is not trying to say the magic of this is by the number of counties you can cover, is he? He knows, if we went to 1 percent——

Mr. TUNNEY. Let me say to the Senator from Florida, as I recall the Senator from Florida voted for the Stennis amendment, which would have given national coverage. The Senator was talking yesterday about national coverage; "let us spread it around" he said. We are now giving the Senator an opportunity to spread it around.

Mr. CHILES. The Senator from Florida would join with the Senator from California if he could obtain for us permission that we give national coverage on this right now.

Mr. TUNNEY. We are giving the Senator plenty of coverage under the bill——

Mr. CHILES. No.

Mr. TUNNEY (continuing). That he would deny to the citizens of his State under his amendment.

Mr. CHILES. I like what the Senator from California says that he is giving me national coverage, because that is what the Senator from California has done right along. We are going to give him something. He is giving us in the South something; he is giving us now something. I want it to be something that he gives to all of the 50 States, and the Senator from Florida is talking about 10 percent which is going to go across all of the States. But it seems in listening to the Senator from California and the Senator from Indiana the magic of this is how many counties can we get in. Look out. We are going to lose 16 counties here; we are going to lose 10 counties there. I did not know that was the purpose of this—that there was a magic in how many counties he could cover.

Mr. BAYH addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. Mr. President, I do not want to escalate the temper of this debate.

Mr. SYMINGTON. Stop it then.

Mr. BAYH. I am prepared.

I appreciate the compliment relative to my legal prowess that my friend from Florida exaggerated a bit.

I am getting a little bit tired of his taking liberties about what I think and what I have said.

We are trying to stop discrimination. I have not counted all the votes that our distinguished friend from Florida has cast on these amendments, but I know there are a number of them in which he has been on the side of those who were trying to keep this bill from really having the kind of application it ought to have across the board in other areas. I do not know how he can argue that if we do not have any discrimination and if the evidence is there, we can get out from under the bill that it is going to hurt any. There are areas that are going to be taken out from under the bill where we know, by listening to the record, there has been discrimination. Let us stop kidding ourselves. If there is no discrimination, no one is going to get hurt, if we can get out from underneath this.

I say in a calm voice: I hope my friend from Florida will understand that the Senator from Indiana does not want to cover any more areas than is necessary to cover to do the best job we possibly can. When we are dealing with formulas, I do not care whether we are dealing with 10 percent or 5 percent, we are not going to be perfect. But in this area of trying to root out discrimination, I would rather go a little bit too far and be a little too protective than not protective enough.

I am hopeful that will not cause the good citizens of Florida, or any place else, where discrimination does not exist, any hardships.

Mr. CHILES. Mr. President, I know we debated this a long time. I just close by saying that I think the Senator from Indiana has said that he does not know that any discrimination exists in Florida, and I am delighted he has made that statement. I do not think I do know of any that exists down there either. I really think that when we deal with 5 percent or 10 percent, we cannot automatically equate that with the discrimination. It is possible that we can have 50 percent and not be discriminating. It is possible that we can have 1 percent and be discriminating. So there is really no sort of automatic thing that we equate a percentage of the language population there with discrimination.

So, because there is not that kind of correlation, and because there is no history, there is no evidence, there is no rational hearing or basis or findings of fact as to why 5 percent could be the figure, then that is why I think that it does make more sense if we make this figure 10 percent, and I think, as the Senator from Indiana has said, we do not really know whether it should be 5 percent, or 10 percent, and we just suggest 10 percent.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Wisconsin (Mr. NELSON), and the Senator from Mississippi (Mr. STENNIS), are necessarily absent.

I also announce that the Senator from Michigan (Mr. HART), is absent because of illness.

I further announce that, if present and voting, the Senator from New Mexico (Mr. MONTOYA), would vote "nay."

Mr. HUGH SCOTT. I announce that the Senator from Michigan (Mr. GRIFFIN), and the Senator from North Dakota (Mr. YOUNG), are necessarily absent.

I also announce that the Senator from Arizona (Mr. GOLDWATER), is absent on official business.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

I further announce that the Senator from Oklahoma (Mr. BELLMON) is absent attending the funeral of a friend.

The result was announced—yeas 28, nays 58, as follows:

[Rollcall Vote No. 324 Leg.]

YEAS—28

Allen
Brock
Buckley
Byrd, Harry F., Jr.
Chiles
Curtis
Dole
Domenici
Fannin
Garn
Hansen
Helms
Hollings
Hruska
Johnston
Laxalt
Long
McClellan
McClure
Morgan
Nunn
Scott, William L.
Sparkman
Stevens
Stone
Talmadge
Thurmond
Tower

NAYS—58

Baker
Bayh
Beall
Bentsen
Biden
Brooke
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Church
Clark
Cranston
Culver
Eagleton
Fong
Ford
Glenn
Gravel
Hart, Gary W.
Hartke
Haskell
Hatfield
Hathaway
Huddleston
Humphrey
Inouye
Jackson
Javits
Kennedy
Leahy
Magnuson
Mansfield
Mathias
McGee
Metcalf
Mondale
Moss
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Stafford
Stevenson
Symington
Taft
Tunney
Weicker
Williams

NOT VOTING—13

Abourezk
Bartlett
Bellmon
Eastland
Goldwater
Griffin
Hart, Philip A.
McGovern
McIntyre
Montoya
Nelson
Stennis
Young

So Mr. CHILES' amendment (No. 732) was rejected.

Mr. TOWER. Mr. President, I call up my amendment No. 731 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 1, between lines 6 and 7, insert the following new section:

"Sec. 102. The Voting Rights Act of 1965 is amended by adding after section 4 the following new section:

" 'Sec. 4A. Notwithstanding any other provision of this Act, the provisions of section 4 and 5 of this Act shall after November 1, 1976, not apply to any State or political subdivision which (1) the Attorney General determines has not maintained after November 1, 1976, any test or device, and with respect to which (2) the Director of the Census determines that more than 50 per centum of the persons of voting age residing therein were registered on November 1, 1976, or in any Presidential election year thereafter, or that more than 50 per centum of such persons voted in the Presidential election of November 1976, or in any Presidential election thereafter.' ".

On page 1, line 7, strike out "Sec. 102" and insert in lieu thereof "Sec. 103".

On page 4, line 11, strike out "1972" and insert in lieu thereof "1976".

On page 4, line 13, strike out "were" and insert in lieu thereof "are".

On page 4, line 14, strike out "1972" and insert in lieu thereof "1976".

On page 4, line 16, strike out "1972" and insert in lieu thereof "1976".

On page 5, line 19, strike out "provided" and insert in lieu thereof "provides, on and after November 1, 1976,".

On page 6, line 23, strike out "1972" and insert in lieu thereof "1976".

Mr. TOWER. Mr. President, I ask unanimous consent that this amendment, which was submitted and qualified prior to the filing of the cloture petition, be considered in order.

Mr. MATHIAS. Reserving the right to object, will the Senator tell us what is in the amendment?

Mr. TOWER. It is very similar to the amendment that the Senator from Texas called up several minutes, perhaps an hour or so, ago, which a point of order was made to lie against. The Senator from Texas simply wants the opportunity to get a vote on the substance of his amendment. I think that we can——

Mr. MATHIAS. Will the Senator from Texas withhold his unanimous-consent request for the time being as we discuss the amendment? I want to object to it, but I would like to understand——

Mr. FORD. Mr. President, will the Senators use their microphones, so the other Senators may understand what they are saying?

Mr. MATHIAS. I am asking the Senator from Texas if he will withhold his unanimous-consent request at this point?

Mr. TOWER. The reason I asked for it is because I thought if the matter could be brought to an early conclusion, we can get to a vote and proceed with the business of the Senate. I can talk about it for a much longer time than I originally expected to.

Mr. MATHIAS. Can we agree to a time limit on it?

Mr. TOWER. I am not going to agree on a strict limitation. I only intend to talk about 5 minutes, that is about all. I think the Senator from Texas is usually very concise. I have used only about 10 minutes of the hour allotted to me under rule XXII.

Mr. TUNNEY. Will the Senator yield to me to talk about some other matter?

Mr. TOWER. I yield to the Senator from California on his own time.

Mr. TUNNEY. On my own time, yes.

I wish to know how many other Senators have amendments that we can expect?

Mr. WILLIAM L. SCOTT. Will the Senator yield?

Mr. TUNNEY. Yes.

Mr. WILLIAM L. SCOTT. I have a number of amendments. On the one that I am especially interested in, if there is no point of order raised against it, I am willing to only submit that one amendment. Otherwise, I will present all of them that I can.

Mr. NUNN. I have a similar amendment, under those same conditions that a point of order was raised to. I have another amendment that is not nearly as good an amendment as the amendment that the point of order was raised to, but I shall feel compelled to pursue it at length as long as I have time.

Mr. TUNNEY. I ask unanimous consent that we limit the votes to 10 minutes thereafter.

The PRESIDING OFFICER. Is there objection?

Mr. WILLIAM L. SCOTT. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. PASTORE. Now, Mr. President, will the Senator yield?

Mr. TOWER. I yield to the Senator from Rhode Island on his own time.

Mr. PASTORE. On my own time. I have a lot of time.

Mr. TOWER. Reserving my right to the floor.

The PRESIDING OFFICER. Is there objection? The Senator may so yield.

Mr. PASTORE. It strikes me that this is fast becoming a charade. I think what we ought to do is make some allowances here with reference to some of these amendments. I do not think we ought to be threatened. I think that is wrong, to say that, "Unless you do this, which is contrary to the Rules of the Senate, and agree to it, I am going to talk here until doomsday."

That is being unfair to everybody.

If there is any logic to why these amendments should be considered, I think there ought to be enough latitude on the part of the manager of the bill and his counterpart on the other side of the aisle to accommodate these. I might say at this juncture, the way to do it is reach an agreement on a limitation of debate. I think we should reach an agreement here that we have four amendments, they are going to be treated this way, we have 15 minutes on each side, and we ought to come to a final conclusion on this bill tonight. That is the regular way to do it.

If the Senator from Georgia has an amendment that he feels we ought to vote upon, it is all right with us, the same way with the other two amendments that are here, and let us have it over with. Otherwise, we are going to be here forever.

Mr. NUNN. Will the Senator from Texas yield on my time?

Mr. TOWER. I yield to the Senator from Georgia on his time, reserving my right to the floor.

Mr. NUNN. I agree with the Senator from Rhode Island. I should like very much to vote on an amendment that would give us the right to have an up and down vote on the question of whether this legislation should be made national, to pertain to all States. It pertains only to section 5. We have never voted on that part of the act. The last time we voted on it, the two times we voted on it, we were voting on whether section 4 would be repealed, too.

This amendment would not repeal section 4. It would leave section 4 exactly as it is, and it would simply add a section 5. That section 5 would be severable, it would be severable under this amendment, so that if it was ruled unconstitutional every word of the act would prevail just as it is now.

I would be willing to agree on a 20- or 30-minute time limitation with 15 minutes on each side.

Mr. TUNNEY. Mr. President will the Senator yield?

Mr. NUNN. Certainly.

Mr. TUNNEY. I have no objection to voting on the merits of any issue, and I have said that consistently since I have been floor manager of this bill.

I cannot speak for any other Senator when it comes to a point of order. Every Senator has his own rights under the rules, but I am perfectly prepared to vote on the merits on any issue, and I know what the Senator's amendment is. I would oppose it. It does however, represent something which in and of itself has never been voted on by the Senate. I think that actually it was contained as part of a larger amendment.

Mr. NUNN. That is right.

Mr. TUNNEY. But it was not voted on precisely in and of itself.

Mr. NUNN. This is not a substantial change. This is a very substantial change in the other approach, and I really think the Senate would like to vote on it one way or the other. I would agree to any reasonable time limitation on this.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KENNEDY. Mr. President, will the Senator yield to me on my time?

Mr. NUNN. I do not have any time.

Mr. TOWER. I yielded to the Senator from Massachusetts on his time, with the understanding that I reserve my right to the floor.

Mr. KENNEDY. Has there been such an amendment introduced prior to the cloture motion or is this a new amendment and the Senator would have to ask unanimous consent?

Mr. NUNN. This amendment is very similar to the amendment I attempted to bring up earlier or Senator Morgan's amendment.

What I really planned to do with that was to have a divided question and strike out section 4, so this would be contained in an amendment that was filed and ruled out of order on a point of order by the Senator from New York.

Mr. KENNEDY. Do I understand such an amendment was introduced prior to the cloture motion?

Mr. NUNN. There were about four such amendments; they were almost alike, there were some differences.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. TOWER. I yield to the Senator from New York on his own time with the understanding and with the reservation that I do not lose my right to the floor.

Mr. JAVITS. Mr. President, let me understand where we are at. I have rarely invoked the rules, and I think I know them pretty well, in this way to shut off a Member from an amendment.

But in this particular matter to which Senator NUNN refers, and which he called up before, we have had 3 votes as follows: Stennis 58 to 38 tabling; Talmadge 46 to 38, I believe that was tabled, too; Thurmond 72 to 22; all exactly the same questions.

The question is—and we have decided it, and I only use the shorthand, not that I believe it—but "to make it national."

Now we are asked to really suspend the rules, because the rules have been applied, as a matter of comity in order to accommodate yet another vote.

When the amendment was offered a little while ago, and I would like this a parliamentary inquiry, may I ask the Chair how many parts it was divided into upon the demand that it be divided? Perhaps they will find it as I continue. But, as I recall it——

The PRESIDING OFFICER. Twelve.

Mr. JAVITS. Twelve? How many?

The PRESIDING OFFICER. Twelve.

Mr. JAVITS. Twelve parts.

It was divided into 12 parts, and we were asked on a matter that had been passed on decisively on three successive occasions, after ardent debate, and certainly there is no more influential Senator here than Senator STENNIS himself, who begged us to do something about his amendment, divided into 12 parts, and we were asked to deal with it again.

Well, Members say: "When will we finish this thing on that basis if you let that slide and let it pass? You can be forever."

Let us remember—if the Senator will just hold a minute——

Mr. PASTORE. I did not say anything yet.

Mr. JAVITS. Let us remember that the majority leader himself gave notice that if things went this way, where you had the fourth time, fourth crack at it, 12 votes required, with debate on every one of them entirely conceivable, that he would ring the bell and demand the rules applied.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. Not yet.

It was logical, therefore, that those who were very strongly for this rule would be cognizant of the rules and, as a matter of discretion—and that is what it was—a Member does not have to request an order to apply them.

I would employ this rule of thumb myself, as a matter of decency and fairness: if a proposition had not been voted on I would be entirely willing—I cannot speak for any other Member—not to interpose an objection if this was the case in respect to one section of the Voting Rights Act, and that was section 6 which deals with examiners and registrars, and so forth. Everything else had been discussed, discussed, and discussed, and fully voted on.

The reason I sat still when Senator TOWER's proposition came up is because, as I understand it, that was a matter of first impression. I may be wrong, but that is the way I understood it. So it was perfectly fine with me for a Member to have a vote.

Now, we have kind of a generic question. There are 4 amendments, but 1 of them can be divided maybe—I do not know what Senator NUNN will submit—into 12 parts.

Therefore, I suggest the following: I suggest we have a quorum, which I will call for as soon as we are through now; that we take a look at these amendments, all of us who are deeply interested in the bill. We see what they are, and we see what time arrangements can be made with respect to them, and then we decide—I and others just with the full authority and the same rights that I have—whether we will or will not object.

I have given the Senator my own personal ground rules which seem to me to be fair. If any Member thinks they are not fair, please tell me. That is the only way.

Mr. STEVENS. I would only say I do

not think we ought to take the time, and I am prepared to bring an amendment up.

Mr. TOWER. Mr. President, I would just like to note I have not attempted to delay this Senate on this matter.

On the motion to take up I voted for cloture; on the motion to invoke cloture on the bill I voted for cloture. I have not participated in the debate at all until I brought up my amendment today, and I spoke for 10 minutes, and then I was foreclosed from getting any final vote on my amendment by the insistence on the part of a Senator, after a plea from me not to, of raising a point of order.

So I did engage in a little dilatory tactics after that because I wanted to underscore my outrage at being treated this way, because we have acted on several amendments during the course of this debate that addressed themselves to more than one section of the bill.

I think I have a right to know whether or not I am going to be allowed to get a vote on my amendment. I am prepared to cut the debate to the bone. I might take about 2 or 3 minutes on it. We can get to a vote on it, even a tabling motion, but I want to get to a vote on my amendment, and that is why I am not going to make any promises until I know that I can.

Mr. NUNN. Mr. President, will the Senator yield on my time?

Mr. TOWER. I yield to the Senator from Georgia on his own time with the understanding that I reserve my right to the floor.

Mr. NUNN. I understand the amendment to which the Senator from New York made a point of order and asked for a division, I made a division. The point of asking for a division was to move promptly to table the first part of that amendment which would have repealed section 4.

The only reason for dividing it is because, under the cloture rule, we could not amend it to knock that out. We were going to ask for a quick vote to repeal section 4, to knock out the section that would have repealed section 4, and then vote to see whether section 5 should be made national. We have never voted on that.

There was no effort whatsoever to be dilatory. There was no effort to divide it at that point. The effort to divide was for the Senate to be able to for the first time express its will on the question of whether section 5, which is applicable to the Southern States, should be applied on a nationwide basis. This has never been voted on, and the amendment that the Senator from Georgia would like the Senate to be able to work its will on is exactly that. But it is even clearer on the particular ground of severability.

A lot of people have been concerned that if there was anything added to the present act that applied to the whole United States that a court could come along and say this was unconstitutional and it would then kill the whole act.

That is the last intention of the Senator from Georgia. I do not want the act to be declared unconstitutional.

I would like to see us vote on this, though, and that section that I would ask us to vote on would have a severability clause and it would be a separate part, not intertwining with the bill.

So that if this section were ruled unconstitutional, if it were to pass, it would not in any way disturb any other portion of the act.

Mr. PASTORE. Will the Senator yield?

Mr. NUNN. And that is the purpose of the Senator from Georgia and that is a new question, that is a question that has not been voted on at all, and I think it is an important enough question for the Senate to give it 20 minutes or 30 minutes of our time.

Mr. PASTORE. Will the Senator yield?

Mr. TOWER. I will yield to the Senator from Rhode Island on his time, with the understanding I do not lose my right to the floor.

Mr. PASTORE. As I understand the Senator from Georgia, all he expects is one vote, is that correct?

Mr. NUNN. That is correct.

Mr. PASTORE. Just up and down, one vote?

Mr. NUNN. If it is an up and down vote, of course, a motion to table and we prevail——

Mr. PASTORE. In answer to the Senator from New York, whom I respect, admire and have tremendous affection for, he knows I feel pretty much about this bill the way he does.

One of the best speeches on pragmatism I heard on the Wyman-Durkin was made by the Senator from New York, and all I rise at this time for is to talk about pragmatism.

As I understand the situation now, there are only four amendments. We have been assured by the Senator from Virginia, the Senator from Texas, the Senator from Georgia, and another Senator, I understand there are four of them, that if we allow them to have an up and down vote, these are the only four votes remaining tonight before we come to third reading.

All I am saying to my good friends here, if they have not got the votes to defeat these amendments, which are crippling amendments, then they have not got the votes to pass the bill, as I understand it.

I think at this hour of the night the best thing is to make this liberal concession and let us get to a vote and I assure the Senators we will be out of here in a couple of hours, but if we keep talking back and forth and begin studying all the amendments, I say let us get at it.

There is only one amendment that has passed so far and that is the amendment of the Senator from West Virginia and if I had not been interrupted there would not have been a vote on that one, either. [Laughter.]

Mr. TOWER addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. What is the pending business?

The PRESIDING OFFICER. The question is the amendment of the Senator from Texas, No. 731.

Mr. TOWER. Mr. President, I ask unanimous consent that my amendment be considered in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Texas.

Mr. TOWER. Mr. President, to show my good faith now I am willing to submit this matter to a vote after 1 minute, which I yield myself.

Mr. President, William White in The Citadel said the function of the Senate is to protect the minority from the emotional tyranny of the majority.

I think that is a splendid sentiment. I think that has been the historic function of the Senate, and I think it is an unhappy exercise that we have gone through here in abrogating the responsibility of the Senate just for the sake of adopting a bill passed by the House of Representatives so it can be rushed through without any controversy.

I think we demean ourselves as a deliberative body, and I regret that we have chosen to follow this procedure.

Mr. President, I yield back the remainder of my 1 minute.

Mr. TUNNEY. Mr. President——

The PRESIDING OFFICER. The Senator from California.

Mr. TUNNEY. Mr. President, I yield myself 30 seconds.

Mr. TOWER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from California.

Mr. TUNNEY. Mr. President, this amendment would use a trigger of no test and device in the November 1976 election, which in effect would gut the bill I have already discussed this point and need not go into it further.

Second, it removes title II coverage as it is contained in the House bill. This is the language minority coverage and is the major addition to the bill.

So I oppose the amendment because I think it would represent an abrogation of everything we have been trying to do.

I move to table.

Mr. TOWER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to lay on the table.

Mr. MATHIAS. Mr. President, I ask unanimous consent that this rollcall may be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. Will the Senators clear the aisle so we can complete the rollcall within the 10 minutes? Senators will please take their seats.

The legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from New Hampshire (Mr. McIntyre), the Senator from South Dakota (Mr. Abourezk), the Senator from Indiana (Mr. Bayh), the Senator from Wisconsin (Mr. Nelson), and the Senator from South Dakota (Mr. McGovern) are necessarily absent.

I also announce that the Senator from Michigan (Mr. Hart) is absent because of illness.

Mr. HUGH SCOTT. I announce that the Senator from Michigan (Mr. Griffin), the Senator from Connecticut (Mr. Weicker), and the Senator from North Dakota (Mr. Young) are necessarily absent.

I also announce that the Senator from Arizona (Mr. Goldwater) is absent on official business.

I further announce that the Senator from Oklahoma (Mr. Bartlett) is absent due to a death in the family.

I further announce that the Senator from Oklahoma (Mr. Bellmon) is absent attending the funeral of a friend.

The result was announced—yeas 66, nays 20, as follows:

[Rollcall Vote No. 325 Leg.]

YEAS—66

Baker
Beall
Bentsen
Biden
Brock
Brooke
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Domenici
Eagleton
Fong
Ford
Glenn
Gravel
Hart, Gary W.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Leahy
Long
Magnuson
Mansfield
Mathias
McGee
Metcalf
Mondale
Montoya
Morgan
Moss
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Stafford
Stevens
Stevenson
Stone
Symington
Taft
Tunney
Williams

NAYS—20

Allen
Buckley
Byrd, Harry F., Jr.
Curtis
Dole
Fannin
Garn
Hansen
Helms
Hruska
Laxalt
McClellan
McClure
Nunn
Scott, William L.
Sparkman
Stennis
Talmadge
Thurmond
Tower

NOT VOTING—13

Abourezk
Bartlett
Bayh
Bellmon
Eastland
Goldwater
Griffin
Hart, Philip A.
McGovern
McIntyre
Nelson
Weicker
Young

So the motion to lay on the table Mr. Tower's amendment (No. 731) was agreed to.

AMENDMENT NO. 779

Mr. STEVENS. Mr. President, I call up my amendment No. 779, please, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

> On page 8, line 21, after the word "minority" insert the following: "and whose predominant written language is other than English".

Mr. STEVENS. Mr. President, the problem about title III in this amendment, as it affects only title III, is that States that are covered by it have the problem of going into court under section (d) and trying to "bail out," as the phrase is used.

In my State, Alaskan Natives—may we have order, Mr. President?

The PRESIDING OFFICER. The Chair requests that every Senator take his seat and cease conversing. If the Senators wish to converse, please withdraw to the cloakroom. Give attention to the Senator from Alaska.

Mr. STEVENS. I thank the Chair.

Let me emphasize this.

Based upon usage of the Bureau of the Census, Alaska Natives include people who identify themselves as Aleuts, Eskimos or American Indians.

But this bill combines them all into one category, Alaska Natives.

We have among those three categories some 18 languages and some 35 dialects among those languages. We know we are covered by title III. The problem is what happens when we go to court to try and bail out because we do want to print our election materials in English only.

My State is one of the few that has the so-called election candidate pamphlet produced for the four election districts and every candidate is entitled to a page in that pamphlet.

Under this bill, it must be printed in other than English because of the terms of this section of the bill. We could go in to bail out but for the provision in the bill which states that you cannot bail out if the court determines that the illiteracy rate of the applicable language minority group within the State or political subdivision is equal to or less than the national illiteracy rate.

The effect of my amendment is when the State of Alaska goes in to ask to bail out, if it can establish that the minority group, which is in this case the Alaska Native group all put together, does not have any of these languages as their dominant language.

Mind you, if any one of them can prove that English is not their dominant written language, we would still be within the bill.

I believe that the Senate ought to listen to the leaders of the Alaska Native community. When I introduced these amendments, I put into the Record correspondence from Roger Lang, president of the Alaska Federation of Natives. He endorses this and points out that many Native languages and dialects are just being put into written form; the number of Alaska Natives able to read their language is minimal; Alaska does not have a literacy test as a condition of voting; the problem of Alaskans in voting is not solved by different writings or languages, nor will the general Native population benefit from this section of H.R. 6219.

Our Governor has asked to be excluded. Johnny Sackett, who is president of a large group, Doyon, Limited, representing 10,000 Indians in interior Alaska, opposes this requirement for the ballots to be printed in Indian dialects. He pointed out that under the State law, there is no requirement that the voters be able to read and write, and adds:

> Additionally a requirement such as this would be an extreme hardship to the State as we have over 35 dialects and very few people actually know how to read or write in any language.

This bill is attempting to provide written assistance to people who have minority languages, to assist them in voting, to make voting more accessible to them. The Attorney General has responded to the manager of the bill and stated:

> It is my view that a system which is designed to insure access to bilingual materials does not place an unequal burden on those voters requiring information and materials in a language other than English and meet the requirements of title III.

There has been no showing before the Senate or the House of Representatives that any of the Alaskan Natives need election materials in any language other than English. The evidence is entirely to the contrary. The statement of the leaders has been read. The statement of the Lieutenant Governor, who is our manager of elections, is very clear: The effect of including us in title III, without an ability to bail out, will be quite meaningless, except that people throughout the State will no longer have pamphlets such as this, because it will be an impossibility to comply with title III unless we have the ability to be excluded. The only effect my amendment will have will be that when the State of Alaska goes to court and says "We are providing materials in the dominant language," if we can show their dominant language in English, we will be able to bail out in spite of the illiteracy rate, which unfortunately in my State is higher than the national average.

But making written materials available in languages other than English is not going to assist those who are illiterate; that is self-evident, by definition.

This bill also provides for oral assistance, and I support that 100 percent. Like others, I have supported this bill all the way through. I believe in the bill, but I cannot believe that the Senate would be insensitive to the pleas from the leaders of the native community in my State that this provision does not work with Alaskans. It will actually confuse the issue, and actually lead to fewer people being able to vote under the circumstances that we have.

I do not think I can make the case any clearer. I ask unanimous consent to have printed in the Record the 18 languages that are in written form because of the activities of missionaries and of the University of Alaska.

There being no objection the list was ordered to be printed in the Record, as follows:

EIGHTEEN LANGUAGES CURRENTLY IN USE IN ALASKA—1975 *

Language and persons using it:
Ahtena, 300.
Aleut, 100.
E. Aleut, 600–700.
Eskimo Inupik, "thousands".
Esimo Yupik, 13–14 thousand.
Eyak, over 50 people.
Haida, "in the hundreds".
Han, 60.
Ingalik, 500.

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*Source: Smithsonian Institute Study.

Kaska, up to 500.
Koyukon, "over 400".
Kutchin, "in the hundreds".
Nabessa Upper Tanana, 4–5 hundred.
Tagish, 5.
Tahltan, "hundreds'.
Tanaina, 300 approx.
Tlingit, 1,800.
Tutchone, 1,000 approx.
Holiakachuk, 25.
Inupiaq, 6 thousand.
Kushokwim-Upper, 100.
Suypiag, 1,000.
Tanacross, 120.
Tanana, 100.
Tsimpshian, 150.
Yupik-Central, 15,000.
Yupik-Siberian, 1,000.

Mr. STEVENS. The use of them in written form is now expanding because of the actions of this Congress, where we have made available the bilingual assistance. We are trying to assist these people to preserve their languages in written form as well as oral form, but the more we do it, the more we come under the provisions of the act, in spite of the fact that English is still their dominant language. English is the language they learn if they go to school, as a dominant language; and this bill, as applied to Alaska Natives, makes no sense.

My friend from California has pointed out that in his opinion the use of these languages that were put into written form by anthropologists makes no sense. I agree. However, the record in the House of Representatives and the record in the Senate is such that I feel no judge could say that Congress put in the Alaskan Natives under title III without intending to do something. If he is right, and they are included, how can our State get out, based upon the statement of the manager of the bill in the Senate and the language of the reports of the House committee and the Senate committee, in which they say that abuses of Alaskan Natives are substantial?

I do not know of any proof that they are substantial. The impact of that continues to amaze me, because I do not know of any evidence. I stand to be corrected by the manager of the bill, who presented to the committee the matter that there was discrimination in Alaska based upon language minorities.

We know we are entitled to exclusion. We went through it twice before, and got bailed out. This time we are included in title III, and there is no way out because of the illiteracy rate of the older generations. Time will eliminate the illiteracy rate, but currently no court could let us out of title III unless this amendment is adopted.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. RANDOLPH. How many persons are involved in the amendment, whom the able Senator from Alaska represents?

Mr. STEVENS. Some 60,000 to 70,000 people throughout the State are included in Alaskan Natives. One group, the Tagish group, consists of 5 persons, and they go up to the Eskimo group, which is 13,000 to 14,000.

The trouble is, the Census Bureau has lumped them all together, as if they had a common heritage. Congress has never done that; the Bureau of the Census did it. But now we are adopting the categorization of the Bureau of the Census, because there were so few of them.

Mr. RANDOLPH. The Senator proposes to provide the opportunity for this group of Americans—is that correct, Americans?

Mr. STEVENS. Yes.

Mr. RANDOLPH. Americans, to participate with the ballot in the use of the franchise; is that correct?

Mr. STEVENS. That is correct.

Mr. RANDOLPH. I think he should be supported.

Mr. STEVENS. I thank the Senator from West Virginia. Again I say, this amendment has no meaning except in bailing out. If the manager of the bill interprets it otherwise, I would like him to state that.

It is only when you get to court that you can prove, contrary to the census, that these people do not in fact rely on written languages other than English.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator yield for a question?

Mr. STEVENS. I yield.

Mr. WILLIAM L. SCOTT. Is the Senator aware that under the act, the decision of the Bureau of the Census is final and not subject to judicial review?

Mr. STEVENS. That, again, bothers me, although I would call to the attention of the Senate that the language in this section that will be effective says where the Director of the Census determines that more than 5 percent of the citizens of voting age residing in such State or political subdivision are members of a single language minority.

But then we go back and let the Bureau of the Census define what is a single language minority to include people who use 18 different languages in my State, because their numbers are so few they are all lumped together. We are in a box where we cannot get out, and I absolutely believe the net result will be to eliminate the advantages we have been bringing to these people in the rural areas of Alaska, who do not have daily radio programs in many places, they certainly do not have daily newspapers, and they do not have advertising for candidates who wish to represent them. This pamphlet does more for the people in the rural areas of my State to inform them as to the candidates and issues than anything else.

They will be denied this advantage because of the requirement that says they have to be printed in a language they cannot use. This pamphlet is printed by the State of Alaska, and distributed free of charge.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. RIBICOFF. Do I correctly understand that there is absolutely no way to comply with the requirements of the law as it is now before the Senate?

Mr. STEVENS. Unless the Senator from California is correct, which, in that event, would mean the court would have to find the Senate did a useless act by including Alaska Natives in the definition of title III; because, if he is correct, it does not include those languages that in recent history have been reduced to writing, and therefore, because they are not traditional languages, they would not be a part of the triggering device and therefore they would not be included at all. But I do not think any court would say that the Senate did a useless act, and then turn around and say we really did not need it.

Mr. RIBICOFF. In other words, unless we adopt the Senator's amendment it can really be said the law is an ass?

Mr. STEVENS. Absolutely.

Mr. RIBICOFF. I support the Senator's amendment.

Mr. PASTORE. May I ask the Senator from Alaska a question?

Mr. STEVENS. Yes.

Mr. PASTORE. Will his amendment in any way affect the rights, say, of the Spanish-speaking people? I mean is it sufficiently broad that it might cast a shadow over what we are trying to accomplish for the Spanish-speaking people?

Mr. STEVENS. It could in this sense: If the court would find that the Mexican Americans, for instance, their dominant language was English. I do not know what the effect of it would be, statistically, again. The question is in the bailout procedure it is up to the court. If the court finds that they have a dependence upon the written Spanish language, then they could not bail out. They could make no such finding in our case if the facts as presented to us by our State and by our native people are correct.

Mr. PASTORE. I would like to hear the manager of the bill on that question.

Mr. TUNNEY. The probelm is that I do not understand what the effect of the amendment would be on the Spanish-speaking population, nor do I think the man who is proposing this amendment knows what the effect is going to be on Spanish-speaking persons. I am reading from the bill. It says:

> "(b) Prior to August 6, 1985, no State or political subdivision shall provide registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language if the Director of the Census determines (i) that more than 5 percent of the citizens of voting age of such State or political subdivision are members of a single language minority and . . .

Now we get to his amendment.

> . . . and whose predominant written language is other than English.

Then the bill goes on:

> and (ii) that the illiteracy rate of such persons as a group is higher than the national illiteracy rate:

I do not know what the impact is going to be on Spanish-speaking persons. It seems to completely destroy the trigger. It is fine for the Senator from Alaska to say it is only going to relate to the Alaskan Natives, but it is not worded that way.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. TUNNEY. And it says "whose predominant written language is other than

English." Spanish is written language other than English.

What is the impact on Spanish-speaking people I do not know, and I do not think the Senator from Alaska can tell us either how would it relate.

Mr. STEVENS. I think I can.

Mr. TUNNEY. All right.

Mr. STEVENS. In that case, they have a written language that is understandable, used by Cubans, and by all sorts of people coming from a Spanish heritage according to this bill. They can read that language, and making ballots available to them in their language is going to assist them to vote.

Making ballots available to people in Alaska in a dialect other than their own, in the first place, will not assist them at all. Even if it is their own dialect, by the testimony of their own leaders, very few people can read it. So how is that going to assist them?

I do not think it is going to hurt the Spanish people. I would be more than willing to limit it to the Alaskan Natives, by the way, if it bothers the manager of the bill.

But I think the Spanish-speaking people are in fact relying upon the written Spanish word as well as the oral Spanish word.

Our people are relying upon oral languages that have been handed down from father to son that this generation has now reduced to writing, and we are trying to assist them to preserve the language.

Mr. PASTORE. Mr. President, will the Senator yield again?

Mr. STEVENS. Yes.

Mr. PASTORE. If the situation about which the Senator speaks is just peculiar to Alaska, then why does he not make it a specific amendment as to Alaska? Then we will not have this trouble at all. It will be accepted. I think he has a good ground.

As I understand the question here now, one finds fault with what he is trying to do. They are a little disturbed about how far-reaching his amendment might go in disturbing other people. If he can make an exception alone to Alaska, why does he not do that, and they will take it?

Mr. JAVITS addressed the Chair.

The PRESIDING OFFICER. The Senator from California has the floor. Does the Senator yield the floor?

Mr. TUNNEY. I will yield the floor after saying just one thing, and that is that I think that we can handle the problem that the Senator from Alaska is talking about by making it very clear in the legislative history on this debate that we do not intend to cover Alaskan Natives who do not have a written language, whose language has been transcribed by anthropologists in a university. We do not intend to cover those Natives, no matter how many anthropologists there are that can read their language. We are not talking about that.

In this bill, we are only trying to get at those people who are a language minority. We want to give them assistance in writing, if they have a written language, or if they are illiterate or have an oral language, give them that assistance orally. That is all we are trying to do.

Mr. STEVENS. I only say to my good friend from California again, if he were writing over the reports in both the House of Representatives and Senate and writing the action in the Chamber of the House as well as the Senate, I would accept the assurance.

I know of no court that will say that legislative body has done an inoperative act by including, for instance, the Alaskan Natives in title III, and then having the manager of the bill state in the Chamber we did not mean it. That is what the Senator is doing.

The Senator from Maryland has suggested that I insert the word "Alaskan" so it be "whose predominant written Alaskan language is other than English." I am happy to do that.

I think it would accomplish the purpose, and I urge my friend to help us in this situation.

The PRESIDING OFFICER. The Chair advises that would take a unanimous-consent request.

Mr. STEVENS. I understand that.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TUNNEY. Yes, I will yield.

Mr. JAVITS. I just yield myself 1 minute. Is this exactly the situation the Senator had in mind when he said we would deal with amendments to this law when, as, and if it became law?

This is a matter the reach of which we do not know. We are standing in the Chamber guessing about it.

We are going to go and transgress everything which we are trying to accomplish in a bill which has the one amendment extending the 7 years by taking one that may give a lot of trouble.

I have not the remotest notion whether we write the word "Alaskan" in or not. We are trying to decide it standing on our feet at 9:05 tonight.

If the Senator is going to take an assurance of the manager of the bill, why does he not take it that they will give it immediate consideration as soon as we are out of this particular woods and give him the relief? He is not going to get it tomorrow anyhow even if it were incorporated in this bill.

We do not know what the House of Representatives thinks about it. They are the authors of this minority language amendment.

That is the intelligent way to proceed.

I do not think it sounds plausible, and while it sounds perfectly OK, the Senator does not know what the extension of it means at this particular writing to put this bill in jeopardy, when we carried it through so far on account of an Alaskan amendment I think is really asking more than he should be asked to do or any of us should be asked to do.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. STEVENS. If the matter is limited to Alaska I can assure the Senate I know what the impact of the language is. I think I know what the impact is on other language minorities. Since no one else seeks the consent as predominant written language I do not know why it should not be available to my State.

Mr. PASTORE. Mr. President, will the Senator yield again?

Mr. STEVENS. Yes.

Mr. PASTORE. Why does he not correct the amendment and take the vote on it?

Mr. STEVENS. I have to ask unanimous consent.

The PRESIDING OFFICER. Does the Senator ask unanimous consent?

Mr. STEVENS. I do ask unanimous consent to insert after "written" the word "Alaskan" in my amendment.

Mr. DOMENICI. Reserving the right to object, and I will not object; I want to make a point. I certainly hope to help the Senator from Alaska.

But I would like to talk to the Senator from Rhode Island a moment about his questioning about Spanish Americans. I have been here defending them all the way through. I voted against Senator STENNIS' amendment because it took out Spanish Americans. But just give me a moment to discuss with him why it should not just be limited to Alaska in terms of these words of art "the dominant language other than English." The reason that the Senator from California does not want the word in to this point is because he says they are words of art, "the dominant language other than English." He said we do not have any Census information about that.

Senator STEVENS is saying, OK, so we do not. Just make sure we understand that we really intended to help those who could not read English, and we are 5 percent. Let us find out whether we can prove that he has 5 percent that has ancestry of someone of these five categories. We could have put Italian American in, incidentally I say to Senator PASTORE.

Mr. PASTORE. Not necessarily.

Mr. DOMENICI. It would have been not their heritage, but whether they could read English or not.

It seems to me that, if we are going to put that in to let someone prove in court that there is a minority because they cannot understand English, we ought not just put it in for Alaska; we ought to put it in for all five categories.

We are really not doing anything except saying if one can prove that the 5 percent trigger, 5 percent minority, that their dominant language is English, we do not have a minority we are trying to help because they speak English.

I am not going to resist making it applicable to Alaska. But I do believe——

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. DOMENICI. I am delighted to.

Mr. PASTORE. I agree with my friend 100 percent.

As a matter of fact, I raised the question that I did not want to do anything that might disturb the objective of helping the Spanish speaking people from having a clear opportunity to vote.

All I am saying is that if we understand that the Senator from Alaska could be right and a particular exception should be made in each case because of the unusual situation in his State, it strikes me that we, in simple English, can make an exception without disturbing anything else in the bill. That is a matter of mechanism; that is a matter of drawing up the language. I do not think we are far apart at all.

The Senator and I are the only two of Italian stock in this body. I admire him, and I hope he admires me. This is the first time the two of us have been debating.

Mr. DOMENICI. Let me say one more word. I am not going to object, and I am delighted that the Senator from Alaska is going to get an exception. Let me follow the dialogue one more minute with the Senator from Rhode Island.

Assume that we had added a category of Italo-Americans. Just assume that. If you went into an area and the census showed that there were 5 percent, and if you found that less than 50 percent of the registered voters voted that time, I hope the Senator understands that those 5 percent are now protected by this bill.

All I am saying is that Senator STEVENS is saying that that is really a very poor test; because, what if 4.9 percent of those we just defined, who are from an ancestry such as the Senator from Rhode Island and I, do not even speak Italian but speak English? It will be mandated under section 3 that they be sent a ballot in Italian. All he is saying is that it should be what their dominant language is, not their ancestral background.

I am not going to object, because I think this morning the Senator from California tried to make clear that that was not what they intended. Whether they are Asians, Indians, or Spanish Americans, we are talking about a linguistic barrier, not an ancestral history.

I have been trying to make that point with him and get this exclusion, this added language, and he makes a very good point—that there are no statistics in the Census Bureau to show it. I keep saying. "Isn't it our intention that it be language, not background?" He keeps telling me, "Yes." I am satisfied that we might get out by proving that in fact they speak English, even though their name might be Buono or Montoya, or whatever it is, that they fit the 5 percent, but they do not need the ballot in Spanish.

I tell the Senator from Rhode Island that in my State we had a bilingual ballot for 12 years, and our State decided to take it out in 1969. Is that not amazing? Now we are going to protect them with it. Thirty-five percent of our legislature are Spanish American, as are our Governor and our Secretary of State; 30 percent of the elected officials in the State are Spanish Americans. We decided that they do not need it. Now we are going to put it in by definition because the 5 percent is heritage, not dominant language.

I have made my point, and I do not object.

Mr. PASTORE. Do I correctly understand the Senator to say that he is objecting to what is written in the bill?

Mr. DOMENICI. I am saying that we should have clarified it by adding his language to section 3—not the triggering, but the ballot, the bilingual ballot. Just add the language that if the State can prove the dominant language is English, the minority ancestry does not matter.

The way the bill is written, it is not in there, except that we are going to put it in for the Alaskan Indians, and I am for that, because he is saying that they do not even have a written Alaskan Indian language.

I was trying to explain to the Senator that it is a very real problem to trigger this with 5 percent minority when, as a matter of fact, the purpose of the bill is that the dominant language be other than English, and not put that in the section that says you have to give them bilingual material. The intention really is not that. That is all I am trying to say, and I do not object.

I thank the Senator from Alaska.

Mr. STEVENS. Mr. President, I repeat my unanimous-consent request, so that it is clear what I am trying to do. I want to make it read:

"And those predominant written Alaskan language is other than English.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. KENNEDY. Mr. President, I am wondering why the logic of the Senator's argument would not apply to other States that have significant Indian populations as well.

Mr. STEVENS. It is because the Census Bureau habit of linking all the dialects and ethnic groups of Alaska under Alaskan Natives. That does not happen elsewhere with the Indian groups. The Utes are the Utes, and the Navajos are the Navajos. We have no Census Bureau statistics that combine them and says they are Indians.

They are a single language group, and they meet the definition of this bill. But in our circumstance, because of the fact that they are so few, such as the one group that has only five people still living, they are all lumped under "Alaskan Natives" even though they have backgrounds of being Indians, Aleuts, or Eskimos.

Mr. KENNEDY. Suppose a State had six or seven Indian tribes easily identifiable. I listened to the manager of the bill describe what the effect would be. That is a fair interpretation and it seemed to be satisfactory to me. I understand the concerns of the Senator from Alaska. Nonetheless, even in the smaller tribes in any of the other several States, they would have to apply, while the Senator is attempting to write in an exclusion for the particular groups in the State of Alaska.

Mr. STEVENS. The only difference is that we are one-fifth the size of the United States. Taking a group in southeast Alaska who are 1,200 miles from the Point Barrow Eskimos is the same as taking the California rancherio people and putting them together with the Indian people of Minnesota and saying that because 5 percent——

The PRESIDING OFFICER. The 1 hour of the Senator from Alaska has expired. Is there objection to the unanimous-consent request of the Senator from Alaska? The Chair hears none, and it is so ordered.

The modified amendment is as follows:

On page 8, line 21, after the word "minority" insert the following: "and whose predominant written Alaskan language is other than English".

The question is on agreeing to the amendment, as modified, of the Senator from Alaska.

The amendment, as modified, was agreed to.

Mr. STEVENS subsequently said. After consultation with Members and those speaking for Members of the House, I ask unanimous consent that my amendment that has been previously adopted, appear on page 9, line 15, after the word "unwritten," and that it read "or in the case of Alaskan Natives, if the predominant language is historically unwritten."

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 770

Mr. WILLIAM L. SCOTT. Mr. President, I call up my amendment No. 770 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Virginia (Mr. WILLIAM L. SCOTT) proposes an amendment No. 770.

Mr. WILLIAM L. SCOTT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, line 4, insert "(a)" after "SEC. 101.".

On page 1, between lines 6 and 7, insert the following new subsection:

"(b) Section 4(a) of such Act is further amended by adding at the end thereof the following new paragraph:

" 'Notwithstanding any other provision of this Act, in any action for declaratory judgment brought under this section, no inference or presumption may be drawn from the past history of de facto segregation occurring prior to November 1, 1964, in such State or political subdivision, and the burden of proof on such State or political subdivision shall be the same as the burden of proof on any other plaintiff in a civil action brought in the United States District Court for the District of Columbia.' ".

Mr. WILLIAM L. SCOTT. Mr. President, as Senators know, at the present time, the Voting Rights Act purports to provide a method whereby the covered jurisdictions can get out from under the act by filing a declaratory judgment action with the U.S. District Court, District of Columbia.

The PRESIDING OFFICER. The Chair requests order. Senators will take their seats. Senators will give attention to the Senator from Virginia.

Mr. WILLIAM L. SCOTT. The present act purports to have a method whereby covered jurisdictions can get out from under the act by filing a declaratory judgment action with the U.S. District Court for the District of Columbia.

In this action, the moving jurisdiction must simply show that during the preceding 10 years there has been no test or device used for the purpose or effect of denying or abridging the right to vote on account of race or color.

This appears to be a very easy burden for a State to meet. However, Virginia found out in its recent action for relief that the burden is impossible to meet (*Virginia* v. *United States*) C.A. No. 1100–73). We have heard this matter discussed on the floor of the Senate from time to time.

The State, in filing its action, gathered evidence from all corners of the State and from all members of our society, including members of minority groups affected, that there was no discriminatory use of the literacy test in Virginia during the past 10 years. The three-judge court in the U.S. District Court, District of Columbia, although finding that Virginia presented a "prima facie" case of lack of discrimination, denied the judgment, and the Supreme Court affirmed the order. The rationale supported by the Supreme Court, and espoused by the district court, held that based upon the *Gaston County* v. *United States* decision (395 U.S. 385 (1969), the presence of a dual educational system in the covered jurisdictions along with the literacy test during the same period, the presumption could be made that the unequal educational opportunities resulted in a discriminatory effect of the literacy test. This rationale has the effect of barring all of the covered Southern States from ever getting out from under the act. This position was supportd by recent testimony by Mr. Stanley Pottinger, Assistant Attorney General, Civil Rights Division, Department of Justice, who, when asked if there was any way the State of Virginia under existing legislation could bail out, answered, "I do not believe so."

This foreclosure of a reasonable bail-out provision being available to covered States raises serious questions concerning the constitutionality of sections 4 and 5. Of course, the constitutionality of these sections was upheld in *Katzenbach* v. *South Carolina* (383 U.S. 301 (1966)), but there the decision intimates that these extraordinary provisions were being upheld because, first, they were temporary, and second, there was a reasonable bail-out provision available. The temporary nature of these provision is seriously disputed in face of the pending 7-year extension. The saving feature of the bail-out provision must also fall in light of the Virginia and Gaston County decisions.

In order to correct this discrimination against the covered States, when no such burden rests with the other States of the Union, my amendment will provide that—

> No inference or presumption may be drawn from the past history of de facto segregation occurring prior to November 1, 1964 in such State or political subdivision, and the burden or proof on such State or political subdivision shall be the same as the burden of proof on any other plaintiff in a civil action brought in the United States District Court for the District of Columbia.

Mr. President, many of us, perhaps most of us in this Chamber, are lawyers. We know that, generally, the burden of proof is upon the party that brings the suit or upon the Government. In a case such as this, under the general provisions of the act, where the Attorney General is authorized to bring suit to enforce the provisions of the 15th amendment, the burden is on the Government to prove that there has been discrimination in the voting process that does deny the right to vote to an individual because of his race, his color, or his previous condition of servitude.

That is not true under the provisions of sections 4 and 5. I would make the burden of proof throughout this act be the same whether we are talking about the temporary provisions of the act or whether we are talking about the permanent provisions of the act. I make the burden of proof throughout the country the same.

It seems reasonable to me, in a Government such as we have in our Federal Union, that all of the States should be equally treated and we should not go back into history and say, "Because of past alleged misbehavior, you are treated one way and the rest of the country is treated the other way."

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I wish to ask the Senator from California, if I may, whether he intends to move to table this amendment.

Mr. TUNNEY. I do intend to move to table.

Mr. JAVITS. I think this is the time.

Mr. TUNNEY. I had some things that I was going to say briefly.

Mr. JAVITS. I think the Chair was about to put the question.

Mr. TUNNEY. Mr. President, I ask that when I make my motion to table, we have the yeas and nays.

The PRESIDING OFFICER. Is there objection?

Is there a sufficient second?

Mr. TUNNEY. I ask unanimous consent that it be a 10-minute vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered on the motion to table when made, if made.

The yeas and nays were ordered.

Mr. TUNNEY. Mr. President, is 770 the amendment that we have before us?

Mr. WILLIAM L. SCOTT. The Senator is correct.

Mr. TUNNEY. This amendment says that when an action is brought for declaratory judgment in a court—which court is it brought in? Is it brought in the District Court of the District of Columbia?

This amendment states that when an action is brought in the U.S. District Court for the District of Columbia, that there can be no inference drawn from a past history of de facto segregation occurring prior to November 1, 1964.

Mr. WILLIAM L. SCOTT. That is correct.

The Senator understands, if he will yield very briefly, that the triggering mechanism does work as of that date and the State is covered. The State of Virginia is covered.

The State of Virginia has had no Federal examiners; there has never been any allegation of wrongdoing on behalf of our State since this date. We have removed the provision of the Constitution requiring a literacy test. We have repealed the statute under which there was a literacy test.

There are many things we can say in favor of the State of Virginia. Yet the Senator, during past discussions of this bill, has admitted that there is no way for a State to get out from under this because of this burden of proof. So we are saying that the burden of proof in this is the same as in the rest of the bill and is the same as it is for the rest of the country not covered by the triggering provision.

Mr. TUNNEY. Would this have the effect of wiping out the Gaston decision? Because there had been a history of racial discrimination with the dual school system, the test or device that had been used by the State of Virginia had a discriminatory impact upon the ability of blacks to register and vote.

Mr. WILLIAM L. SCOTT. It would wipe out that portion, and that portion only, of the decision—and it is here—that "no inference or presumption may be drawn from the past history of de facto segregation occurring prior to November 1, 1964." It would wipe out that portion.

Let me say to the distinguished Senator, the reason more people have not voted in the South is because we have been a one-party State and it has not been the Republican Party. If the Senator goes back into history, why should anybody vote in a general election? Everything was decided in the Democratic primary. I think we can take judicial notice of that.

Mr. TUNNEY. The only thing I can say to my friend from Virginia is that I think this represents a very significant change in the law as it presently exists, because the Gaston decision is one of the most important decisions as it relates to the abridgement of the right to vote that is in the case law. I should say that we ought to be sure that we defeat this amendment.

As soon as the Senator from Virginia has finished his explanation of it, I suppose to move to table.

Mr. WILLIAM L. SCOTT. If the distinguished Senator will let me speak for just one or two moments more, Mr. President, I realize it is approaching 9:30 and I do not want to prolong it. I have another amendment here that I do not propose to offer at this time, although I do not want to make a commitment that I will not offer it, that would take Virginia alone—it is worded in such a way, very much like the distinguished Senator from Alaska had his amendment is worded, so that it applies only to Virginia, because we have removed this provision of the Constitution requiring a literacy test and because we have repealed the statute.

That has not been true of the other States, the other six States in which the full State is under the provisions of the temporary legislation.

This would apply to all States. It would not repeal the Gaston decision. It would only nullify that portion having to do with segregation within our public schools. I feel that anyone who thinks this matter through can realize why less than 50 percent of the people voted in the States prior to 1964.

I am not going to speak further. I am ready for a vote.

Mr. TUNNEY. Mr. President, I move to table the amendment of the Senator from Virginia.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Virginia.

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Wisconsin (Mr. NELSON), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I also announce that the Senator from Michigan (Mr. HART) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from North Dakota (Mr. YOUNG) is necessarily absent.

I also announce that the Senator from Arizona (Mr. GOLDWATER) is absent on official business.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

I further announce that the Senator from Oklahoma (Mr. BELLMON) is absent to attend the funeral of a friend.

The result was announced—yeas 67, nays 21, as follows:

[Rollcall Vote No. 326 Leg.]

YEAS—67

Abourezk
Baker
Beall
Bentsen
Biden
Brock
Brooke
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Dole
Domenici
Eagleton
Fong
Ford
Garn
Glenn
Gravel
Griffin
Hart, Gary W.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Leahy
Magnuson
Mansfield
Mathias
McGee
Metcalf
Mondale
Montoya
Moss
Muskie
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Stafford
Stevens
Stevenson
Stone
Taft
Tunney
Weicker
Williams

NAYS—21

Allen
Buckley
Byrd, Harry F., Jr.
Curtis
Fannin
Hansen
Helms
Hruska
Laxalt
Long
McClellan
McClure
Morgan
Nunn
Percy
Scott, William L.
Sparkman
Stennis
Talmadge
Thurmond
Tower

NOT VOTING—11

Bartlett
Bayh
Bellmon
Eastland
Goldwater
Hart, Philip A.
McGovern
McIntyre
Nelson
Symington
Young

So the motion to lay on the table the amendment (No. 770) of the Senator from Virginia was agreed to.

Mr. NUNN obtained the floor.

Mr. MANSFIELD. Will the Senator yield on my time?

Mr. NUNN. I yield to the majority leader.

THE GOLDEN GAVEL AWARD

Mr. MANSFIELD. Mr. President, at the hour of 9:38 p.m. the distinguished Senator from Florida (Mr. STONE) marked the 100th hour of his presiding over the Senate. As such, he is the champion, the winner of the Golden Gavel Award, and I think at this time we owe to the distinguished Senator, who has been a bulwark in the affairs of this institution, who has conducted himself with dignity and integrity, a vote of thanks, at least, for what he has done so unstintingly and so well.

So, congratulations and best wishes.

[Applause, Senators rising.]

Mr. FORD. Mr. President, will the Senator from Georgia yield to the Senator from Kentucky?

Mr. NUNN. On the time of the Senator from Kentucky.

Mr. FORD. On my time. I have not used any yet so I have a whole hour.

Mr. NUNN. I am glad to yield and I would like the Senator to use as much as his time as he would like.

Mr. FORD. Mr. President, I would like to ask a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FORD. Since the distinguished freshman Senator from Florida has received this Golden Gavel Award and so many of the freshmen have yielded their hour in the chair to the Senator from the great State of Florida, do we receive a portion or could our names be engraved upon the golden gavel, or do we start taking our time from 1 to 2 and 3 p.m. in the afternoon?

The PRESIDING OFFICER. Yes.

Mr. FORD. That shall be recorded in the RECORD.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. I yield to the Senator from California on his time.

The PRESIDING OFFICER. The Chair wishes to express his deep appreciation for the opportunity for leadership and the time the Chair's colleagues have extended in allowing the Chair to serve.

Mr. MANSFIELD. If the Senator will yield on my time further, there is only one stipulation. From now on the Senator has to attend closed meetings.

AMENDMENT OF THE VOTING RIGHTS ACT

The Senate continued with the consideration of the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, and for other purposes.

The PRESIDING OFFICER. The Senator from Georgia yields to the Senator from California without losing his right to the floor.

Mr. TUNNEY. Mr. President, I ask unanimous consent that a citation contained in the Senate report at page 42, footnote 46, the last line of the page which reads 1049–50, be changed to 1060–62.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Georgia.

AMENDMENT OFFERED BY MR. NUNN

Mr. NUNN. Mr. President, I have an amendment that I plan to propound a unanimous-consent request as to in just a moment, but I would like to very briefly explain the amendment.

This amendment pertains only to section 5 of the act. This amendment provides preclearance authority nationwide for both 15th amendment purposes and for minority language groups.

This amendment is in the form of a totally new title. It does not affect the act of 1965, it does not affect the act as amended in 1970, nor does it change any of the provisions of the House-passed extension which we have been debating for 4 days here on the floor of the Senate.

This is a totally new title. It is severable, that is to say, if it is ruled unconstitutional it would not in any way affect any other provision of the law.

There is no constitutional problem here that would in any way threaten any other provision of the bill.

Of course, the Senator from Georgia does not feel that this amendment is unconstitutional in the first place.

This would provide permanent coverage of section 5 on a nationwide basis.

This amendment would grant rulemaking authority to the Attorney General of the United States, so that he could effectively and efficiently carry out the provisions of section 5 throughout the entire country.

It does not even change one comma or one period in section 4. It does not in any way alter the coverage of the Southern States nor does it alter coverage of any other covered part of the section of the country presently under this bill. All it does is extend the principle of protection to minorities throughout this land rather than to only a few areas. It would not prejudge anyone's guilt. It would simply provide a review mechanism for the Attorney General to exercise, in his sound discretion.

I would hope that as we move toward our 200th anniversary this body would want to recognize the inevitable, and that is that we are all citizens of the United States of America. We are all part of this country. We do not have two countries; we do not have 10 countries; we do not have 15 countries. We have one country. The great majority of citizens in the State of Georgia vigorously support the right of every person, regardless of race, to vote. I am not in any way trying to dilute this act. I am not in any way trying to sabotage or render unconstitutional any provision of this act.

What I am trying to do is to make this

act acceptable to the people of a wonderful section of our Nation. That section is the South.

We have made mistakes in the South.

No one in this body has heard me defend the voting practices that existed prior to 1965. No one has heard me say that there were never any problems in the South. But what I have pleaded for over and over again this week is for the Members of this body to recognize that we want to be part of the Union; that we want to be treated just like everybody else. While we want our minorities protected, we also want the minorities throughout this great land protected.

Mr. President, I propose this amendment. The amendment is at the desk. I ask unanimous consent that the amendment be in order with a 5-minute limitation of time on both sides.

Mr. JAVITS. Mr. President, reserving the right to object, I would like to ask the Senator, because of the fact that the document was submitted to me not by the Senator from Georgia with amendments both to section 5 and section 6 of the Voting Rights Act, this question: The Senator has said it only dealt with section 5. Does it also deal with section 6?

Mr. NUNN. The Senator from New York is correct. We did prepare section 6, but at this hour the Senator from Georgia did not want to in any way complicate the matter. That provision is not part of this amendment as now offered. Of course, if the Senator from New York would like to offer that as an amendment to this amendment, the Senator from Georgia would welcome that effort.

Mr. JAVITS. The Senator has no such interest. But I did want to ask. The paper shown to me is not the document which has been offered.

Mr. NUNN. The Senator is correct except that the paper offered to the Senator is identical in part. The amendment at the desk does not in any way pertain to section 6. The South would still be the only section of the country covered under section 6. The Senator from Georgia would be glad to expand that coverage nationwide. At this late hour I wanted to have an up and down vote on the question of whether we are going to extend section 5 throughout the land.

Mr. JAVITS. Mr. President, I hope no one has assured the Senator he is going to have an up-and-down vote, that the motion to table has been waived.

Mr. NUNN. The Senator from Georgia would welcome an opportunity to vote on a motion to table. My main concern at this moment is that the Chair rule my amendment in order.

The PRESIDING OFFICER. Is there objection? Without objection, is is so ordered.

The amendment of Mr. NUNN reads as follows:

On page 15, at the end of the bill, insert the following new title:

THE NATIONAL VOTING RIGHTS ACT OF 1975

SEC. 501. Whenever a State or political subdivision as defined in section 14(c) (2) of the Voting Rights Act of 1965 shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1972, such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f) (2) of the Voting Rights Act of 1965, as amended, and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure: *Provided*, That such qualification, prerequisite, standard, practice, or procedure may be enforced without such proceeding if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that neither the Attorney General's failure to object nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure. Any action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court.

SEC. 502. The Attorney General shall issue rules and regulations to assure the effective and expedient administration of this title and of the provisions of sections 4 and 5 of the Voting Rights Act of 1965, as amended.

SEC. 503. Nothing in this title shall be construed to derogate or impair any provision of the Voting Rights Act of 1965, as amended.

SEC. 504. If the provisions of this title or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mr. TUNNEY. Mr. President, I cannot think of an amendment which would be more damaging to our desires, all of our collective desires, to have a bill go through which is going to be acceptable by the House of Representatives, which is going to allow us to get an extension of the Voting Rights Act than this particular amendment. It comes very late in the day. We had a full discussion of the issues on this point yesterday. I am not going to waste the Senate's time to discuss it again.

In my view, this amendment is clearly unconstitutional. The Supreme Court of the United States has said that it takes a unique, special circumstance to have the Federal Government intervene in local election boards. They found that there was that unique situation in the case of a pattern of discrimination in the South over a period of generations, when they decided the South Carolina against Katzenbach case.

It requires something unique. It is clearly written into the Constitution that the States have the right to decide the time and place of holding their own elections. What are we doing with this amendment is to say that we are going to apply these very special provisions nationwide to every single ordinance of every city in every part of the land, every ordinance of every county board of supervisors, and every law of every State as it relates to elections.

I understand the sympathy that is elicited by the Senator's remark: if it is good for the South it ought to be good for the country. I can understand that. It is a sympathetic argument. The only problem is, we did not have the same kind of pattern of discrimination in other parts of the country that we had in the South related to blacks. We are expanding the coverage of this act as it relates to language minorities because we recognize that there was this pattern as it related to certain of the language minorities—Mexican-Americans, Puerto Ricans, Asia-Americans, American Indians, et cetera.

I just think that this amendment is destructive in the extreme. What is going to happen, if this passes, is we will go to the House of Representatives and there is just not going to be a bill. They are not going to accept it. Then we can take upon our collective shoulders the responsibility for torpedoeing the extension of the Voting Rights Act. That would be a tragedy in the extreme.

At the appropriate time, I am going to move to table this amendment.

Mr. WILLIAM L. SCOTT. Will the Senator yield?

Mr. NUNN. How much time has the Senator from Georgia remaining?

The PRESIDING OFFICER. Five minutes.

Mr. NUNN. I yield.

Mr. WILLIAM L. SCOTT. I will use my own time, Mr. President.

The PRESIDING OFFICER. The Senator cannot use his own time.

Mr. NUNN. I will yield the Senator 1 minute.

Mr. WILLIAM L. SCOTT. I would only say, Mr. President, it is very tiresome to listen over and over again to what the House of Representatives does.

Many of us, perhaps most of us, came from the House. It was said we were going to the other body, sometimes the upper body, sometimes the House of Lords. I like to think that we are two branches, two co-equal branches, of the Congress and we should be able to make decisions not dependent upon what action will be taken in the House of Representatives. I am just sick and tired of hearing that argument.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Allow me to present one point in rebuttal to the Senator from California.

We heard so much about the Katzenbach case yesterday that I did read it today. I have never seen a case quoted in so many different directions by so many astute lawyers. The Katzenbach case was one that originated in South Carolina. South Carolina's main contention under that case was that the provisions of the Voting Rights Act were aimed at one section of the country.

The Supreme Court said that aiming the provisions at one section of the country was constitutionally justified because of past acts of discrimination. The Supreme Court said that Congress could do anything it wanted in this regard pursuant to the 15th Amendment, as long as it treated all parts of the country equally. The constitutional challenge was based on the fact that the act itself discriminated between States. When you use that case, to say that we cannot apply something across the Nation under the 15th amendment, then it is a gross, gross distortion of the opinion rendered by the Court.

That is not what the court said, and I think any fair reading of that decision would produce that conclusion.

Mr. RIBICOFF. Will the Senator yield?

Mr. NUNN. I yield.

Mr. RIBICOFF. Is the Senator from Georgia saying to all of us if it is right for the State of Georgia it is right for the State of Connecticut and the State of California?

Mr. NUNN. That is exactly the premise of the Senator from Georgia.

Mr. RIBICOFF. Is the Senator from Georgia saying that we in the other 49 States have no right to be expected to be treated differently than the State of Georgia?

Mr. NUNN. That is exactly what the Senator from Georiga is saying.

Mr. BROOKE. Mr. President——

Mr. NUNN. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. I yield to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, what the Senator from Georgia and the Senator from Connecticut in their brief colloquy had to say is very appealing. But I caution that this is a wolf in sheep's clothing.

I do not charge the Senator from Georgia with having created this wolf, but whether he knows it or not, that is exactly what it is. It would effectively destroy the Voting Rights Act of 1965.

We had this debate for several hours yesterday. This provision was included in the amendment by the distinguished Senator from Mississippi (Mr. STENNIS). We discussed it, and we discussed it at great length.

It was brought out in that debate that it would be impossible for the Attorney General to go to court and preclear all the districts, all the counties, and I think the Senator from Georgia knows this. The effect would obviously be that it would be impossible for the Attorney General to do it, and we would not even have a Voting Rights Act.

We sat by and allowed the Senator from Georgia to get unanimous consent to bring it up. We could have objected to it, but we wanted to be fair. We wanted to be equitable. We wanted to give everyone an opportunity to call up his amendments. I think only the distinguished Senator from North Carolina (Mr. MORGAN) was deprived of his right on a point of order.

The PRESIDING OFFICER. The time of the Senator from California has expired. The Senator from Georgia has 2 minutes.

Mr. NUNN. I yield the Senator from Massachusetts 30 seconds of my time.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. BROOKE. I have a parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. BROOKE. Because I feel that the Voting Rights Act of 1965——

Mr. NUNN. Mr. President, I did not yield for a parliamentary inquiry.

Mr. BROOKE. My parliamentary inquiry is, Will a point of order lie against it?

Mr. NUNN. I ask unanimous consent that the parliamentary inquiry not be charged to my time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator may proceed to state his parliamentary inquiry.

Mr. BROOKE. My parliamentary inquiry is, Is a point of order in order at this time?

The PRESIDING OFFICER. Against the amendment?

Mr. BROOKE. Yes.

The PRESIDING OFFICER. No, it is not. Who yields time?

Mr. NUNN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. NUNN. I yield 30 seconds to the Senator from North Carolina and 30 seconds to the Senator from Louisiana.

Mr. MORGAN. Mr. President, I wanted to make one comment. I was attorney general of the State of North Carolina during the period of time that every new precinct change was submitted to the Attorney General of the United States. We submitted 194. They were routine, and every one was approved except six, according to the record. I remember only one being disapproved. There was no problem at all.

Mr. NUNN. I yield 30 seconds to the Senator from Louisiana.

Mr. LONG. Mr. President, the Senator from Louisiana knows what this is all about. I was the majority whip at the time the Voting Rights Act of 1965 was passed. I had previously asked John F. Kennedy to recommend this kind of voting rights bill to the Senate, although I was a Senator from Louisiana and could not very well vote for it, and it was finally recommended by President Johnson.

But even though I voted against it, there are Democrats sitting right here who know I urged them to vote for cloture on that bill, although my colleague was leading the filibuster, because I felt that the bill should have been passed and made applicable to Louisiana.

The Senate knows that it should have been made applicable to the Puerto Ricans in New York. This bill makes it applicable to them, years later. But, Mr. President, seven Southern States are not the only violators. Our States were at fault, and the law should have been passed. Mr. President, those seven Southern States have been made to do right, and I am glad they were. I will vote for the bill even if it applies only to Louisiana. I only wish, Mr. President, that we had equal justice in this country. That is what the Senator from Georgia is asking for in his amendment.

Mr. NUNN. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. TUNNEY. Mr. President, I move to lay the amendment on the table.

Mr. NUNN. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California (Mr. TUNNEY) to lay on the table the amendment of the Senator from Georgia (Mr. NUNN). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Wisconsin (Mr. NELSON), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I also announce that the Senator from Michigan (Mr. HART) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from North Dakota (Mr. YOUNG) is necessarily absent.

I also announce that the Senator from Arizona (Mr. GOLDWATER) is absent on official business.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

I further announce that the Senator from Oklahoma (Mr. BELLMON) is absent attending the funeral of a friend.

The result was announced—yeas 48, nays 41, as follows:

[Rollcall Vote No. 327 Leg.]

YEAS—48

Abourezk
Bayh
Beall
Biden
Brooke
Burdick
Case
Church
Clark
Cranston
Culver
Eagleton
Fong
Ford
Glenn
Gravel
Hartke
Hatfield
Hathaway
Huddleston
Humphrey
Inouye
Jackson
Javits
Kennedy
Leahy
Magnuson
Mathias
McGee
Mondale
Montoya
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Roth
Schweiker
Scott, Hugh
Stafford
Stevens
Stevenson
Taft
Tunney
Weicker
Williams

NAYS—41

Allen
Baker
Bentsen
Brock
Buckley
Bumpers
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Curtis
Dole
Domenici
Fannin
Garn
Griffin
Hansen
Hart, Gary W.
Haskell
Helms
Hollings
Hruska
Johnston
Laxalt
Long
Mansfield
McClellan
McClure
Metcalf
Morgan
Moss
Nunn

Randolph
Ribicoff
Scott,
William L.
Sparkman
Stennis
Stone
Talmadge
Thurmond
Tower

NOT VOTING—10

Bartlett
Bellmon
Eastland
Goldwater
Hart, Philip A.
McGovern
McIntyre
Nelson
Symington
Young

So the motion to lay Mr. NUNN's amendment on the table was agreed to.

Mr. BROOKE. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. MATHIAS and Mr. TUNNEY moved to lay the motion on the table.

The motion to lay on the table was agreed to.

SEVERAL SENATORS. Third reading.

Mr. PERCY. Mr. President, Senator GOLDWATER and I do not intend to call up our amendment, but I express deep appreciation to Senator TUNNEY and Senator MATHIAS for offering to hold early hearings on a bill that would restore voting rights to convicts who have paid their full price to society and would put them back in the mainstream of society. This is an important measure.

Senator GOLDWATER and I do not want to encumber this bill. We do appreciate very much, indeed, the assurance given both of us that hearings will be held.

Mr. TUNNEY. I thank the Senator from Illinois. We will hold those hearings this year.

AMENDMENT NO. 759

Mr. ALLEN. Mr. President, I call up my amendment No. 759.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alabama (Mr. ALLEN) proposes an amendment numbered 759.

The amendment is as follows:

On page 1, between lines 6 and 7, insert the following new section:

"SEC. 102. Section 5 of the Voting Rights Act of 1965 is amended by adding at the end thereof the following new sentence: 'The provisions of this section shall not apply with respect to any voting qualification or prerequisite to voting or standard, practice, or procedure with respect to voting that is different from that in force on November 1, 1964, as a result of any annexation by a political subdivision of a State of any occupied or unoccupied land if any such annexation was accomplished pursuant to State law enacted prior to August 6, 1965.' ".

On page 1, line 7, strike out "SEC. 102" and substitute "SEC. 103".

Mr. ALLEN. Mr. President, I ask unanimous consent that the name of my distinguished senior colleague, Mr. SPARKMAN, be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I introduce an amendment to H.R. 6219. In doing so, I do not in any way diminish my opposition to the arbitrary and irrational triggering procedures of the bill nor to what I consider to be unconstitutional prior approval procedures imposed on states as a condition to the validity of their legislation.

The amendment that I now introduce is narrow in scope. It would not adversely effect the reach of the Voting Rights Act intended by its most ardent advocates, but only redress a retroactive provision of the bill which I consider to be unconstitutional.

This narrow amendment deals solely with annexations of land by any municipality which took place prior to passage of the act, that is, before August 6, 1965. The amendment provides that such an annexation of land shall not be subject to prior approval provisions of section 1973(c) of the act.

As you will recall, the prior approval procedures of the act cover all legislation effecting changes in voting requirements or procedures and it was made to apply retroactively to state legislation enacted after November 1, 1964, some 11 months prior to enactment. The retroactive feature of the act works injustices which I am confident was never intended by Congress. My proposed amendment would right these injustices. Let me illustrate by reference to an example of an annexation by the city of Bessemer, Ala.

The water wells in a small area—known as Greenwood—near Bessemer, Ala., were running dry. Greenwood had no other source of water and its residents had to haul water to their homes in jars and buckets. Consequently, the city of Bessemer was requested to extend its water lines to serve the Greenwood area. For economic and other reasons, the city of Bessemer could not furnish water outside its city limits. In order to do so, Greenwood would have to become incorporated into the city of Bessemer.

A vacant 40 acres of land lay between the Greenwood area and the city limits of the city of Bessemer, and a special State enabling statute was needed to permit the annexation. At the request of the city—and of interested residents of Greenwood—the Alabama legislature passed an act in August of 1964 which authorized the annexation, subject to an election and a majority vote of the people residing in the area to be annexed. Under the statute, the annexation was to become effective on January 1, 1965. The election was held in March of 1965, some 5 months prior to passage of the Voting Rights Act.

Thus, without an awareness of the Voting Rights Act of 1965, the residents of the Greenwood area voted to join the city of Bessemer and thereby become subject to its ordinances and to the taxing power of its city government and were supposedly to enjoy all the rights and privileges of other citizens of the city. In response to their vote, Greenwood was annexed to the city of Bessemer.

Then, the following August, Congress passed the Voting Rights Act of 1965. I have found no evidence to indicate that a majority of Members of Congress had any idea that annexations were contemplated as a change in voting procedures. You will recall that municipalities throughout the Nation were desperately seeking to expand their respective tax base and that urban developments spilling beyond county and municipal boundaries created a demand for water and other services which could be economically provided only by adjacent municipalities. But in 1971 the Supreme Court of the United States held in *Perkins* v. *Matthews*, 400 U.S. 379 (1971), that an annexation was a change in voting procedures and was therefore subject to prior approval provisions of the act.

Thus, the residents of Greenwood, who are now subject to the taxing power of the city, may be prohibited from voting in city elections unless and until approval is received from the Attorney General of the United States.

I am certain Congress did not intend that people who voluntarily voted to become a part of the city of Bessemer before passage of the act should have their right to vote in the city made contingent upon the approval of the attorney general or that such right to vote could be revoked by the attorney general by reason of a Federal statute passed after they became a part of the city.

Mr. President, it is not in keeping with the dictates of common sense and fair play—without regard to questions of constitutionality—to change the consequences of an election after an election has been held and an annexation choice has been made. That, however, is what the retroactive feature of the Voting Rights Act and the Supreme Court has done by applying the law to annexations.

Mr. President, let us look at the constitutional question.

When the Alabama Legislature authorized the city of Bessemer to annex certain territory, the statute carried with it a logical, necessary, and constitutionally guaranteed presumption of validity.

Almost a year later, Congress enacted a statute that eliminated the presumption of validity and in lieu thereof created a presumption of invalidity. Congress then imposed on States an extraordinary validation procedure in the form of submission of State statutes for prior approval of the U.S. Attorney General as a condition of giving full force and effect to law to annexation statutes.

Mr. President, it is utterly impossible for a State to comply with prior validation procedures before the procedures are prescribed by law.

It is irrational for Congress to enact a statute which prescribes conditions with which it is impossible to comply.

Mr. President, I do not question the power of Congress to enact retroactive legislation under narrowly defined circumstances and conditions. But the question of retroactive effect of a law relates to the power of Congress or a legislature to enact the law and does not reach the question of the constitutionality of its application under particular circumstances. More specifically, I question the retroactive aspects of the bill as it relates to this set of circumstances.

"Taxation without representation" is accomplished by reason of the retroactive effect of the Voting Rights Act of 1965. Such principle was condemned by residents of this continent some 200 years ago and was an important factor in bringing about the American Revolution—an event, whose 200th birthday we are about to celebrate. If taxation without representation was not good for the colonies, neither is it desirable for the residents of Greenwood within the city of Bessemer, Ala.

Now, if we are to extend the Voting Rights Act, it is simply not appropriate for the unfortunate, unintended injustice worked upon the residents of Greenwood to be perpetuated by Congress. My amendment would correct this injustice by exempting from the reach of that section of the act which requires the approval of the Attorney General only those annexations which were accomplished by a municipality prior to the time that the 1965 act became law. This amendment makes no change of significance in the reach of the 1965 act and has only this narrow and proper effect.

Mr. President, I urge the passage of this amendment.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. TUNNEY. Mr. President, the Senator from Alabama called this amendment to my attention earlier today. I checked with the Justice Department on the measure, and I found that at the present time there are three cases to which this amendment would apply.

Mr. ALLEN. "Instances," rather than "cases." There is no case pending.

Mr. TUNNEY. I should say three instances to which this amendment would apply. Stanley Pottinger, the chief of the Civil Rights Division, said that he did not favor the amendment. I do not have any personal information as to how damaging this amendment would be to the Voting Rights Act. I am under the impression that Mr. Pottinger did not feel that it would be terribly damaging, but he did say that the Justice Department opposed the measure. Because of that, I am going to vote against it.

I should like to make a motion to lay the amendment on the table, and I will ask for the yeas and nays at an appropriate time.

Mr. ALLEN. Mr. President, the people in this small community have enjoyed the privileges of citizenship of this town. They have city water. They have paved streets. They go to city schools, patronize city hospitals, vote in city elections, and no one has raised any complaint among the residents there. I think this would be only fair, since this was 5 months prior to the passage of the Voting Rights Act, long before the Supreme Court had ever said that annexation had anything to do with voting procedure.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TUNNEY. Mr. President, I certainly will include this provision in the hearings we will be holding later this year, and I would like to get a statement at those hearings from Mr. Pottinger of the Civil Rights Division. This is a matter we can handle later. I do not think it is a matter we can pass on tonight. Because of the opposition of the Justice Department to the amendment, I will have to vote against it.

I yield back the remainder of my time.

Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MATHIAS. Mr. President, I ask unanimous consent that this rollcall vote be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The question is on agreeing to the motion to table the Allen amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Wisconsin (Mr. NELSON), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I also announce that the Senator from Michigan (Mr. HART) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from North Dakota (Mr. YOUNG) is necessarily absent.

I also announce that the Senator from Arizona (Mr. GOLDWATER) is absent on official business.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

I further announce that the Senator from Oklahoma (Mr. BELLMON) is absent attending a funeral of a friend.

The result was announced—yeas 59, nays 30, as follows:

[Rollcall Vote No. 328 Leg.]

YEAS—59

Abourezk
Bayh
Beall
Biden
Brooke
Bumpers
Burdick
Cannon
Case
Church
Clark
Cranston
Culver
Domenici
Eagleton
Fong
Ford
Glenn
Gravel
Hart, Gary W.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Kennedy
Leahy
Magnuson
Mansfield
Mathias
McGee
Metcalf
Mondale
Montoya
Moss
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Stafford
Stevens
Stevenson
Taft
Tunney
Weicker
Williams

NAYS—30

Allen
Baker
Bentsen
Brock
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Chiles
Curtis
Dole
Fannin
Garn
Griffin
Hansen
Helms
Hruska
Johnston
Laxalt
Long
McClellan
McClure
Morgan
Nunn
Scott, William L.
Sparkman
Stennis
Stone
Talmadge
Thurmond
Tower

NOT VOTING—10

Bartlett
Bellmon
Eastland
Goldwater
Hart, Philip A.
McGovern
McIntyre
Nelson
Symington
Young

So the motion to lay Mr. ALLEN's amendment (No. 759) on the table was agreed to.

Mr. TUNNEY. Mr. President, I am not aware of any other amendments. Are there any other amendments?

The PRESIDING OFFICER. If there be no further amendments——

Mr. TUNNEY. Mr. President, I shall only take a minute of my colleagues' time. I ask for third reading.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

Mr. TUNNEY. Mr. President, I should like to say just a few words before we vote on this bill.

First of all, I want very much to thank the leadership—Senator MANSFIELD and Senator BYRD—for having made it possible for us to vote on final passage of this legislation tonight. Had it not been for their efforts, I think we would have been here into next week. I think this is such an important bill that it deserves special notice that they did such a tremendous job of making it possible.

I also want to say to Senator STENNIS, who is here, Senator MORGAN, Senator ALLEN, Senator NUNN, and others, who raise very legitimate concerns about the legislation and the operation of the legislation, that it is the intention of the Subcommittee on Constitutional Rights to hold more hearings on the act and the way it has been implemented, to see if we can draft some new language which might make it fairer in its application.

I could not, and I hope that the Senators understand, accept any amendments because of my belief that it would have prevented the extension of the Voting Rights Act. I do fully intend, however, to hold these extensive hearings and to take the very best ideas and see if we can move them at a future time.

I have in my hand a letter from PETER RODINO and DON EDWARDS which states:

> My colleagues and I am delighted with the passage tonight of H.R. 6219, the Voting Rights Act Extension. Senator TUNNEY is to be commended for his skillful and dedicated management as the floor leader insuring the passage of this important bill in the face of intense opposition.
>
> While not totally satisfied with the prospects of a seven year extension instead of ten years, as contained in the House bill, it is our intention to go to the Rules Committee and seek a rule acceding to this Senate Amendment. The time constraints imposed in the expiration date of August 6th do not permit a conference.
>
> H.R. 6219 in every other respect is intact and we believe an important step forward in civil rights legislation.
>
> PETER W. RODINO, Jr.,
> *Chairman, House Committee on the Judiciary.*
>
> DON EDWARDS,
> *Chairman, Subcommittee on Civil and Constitutional Rights.*

So Senator BYRD was right.

Mr. THURMOND. Mr. President, once again, the Senate is considering whether or not the Voting Rights Act of 1965 should be renewed. In my opinion, this act should not be renewed, but if renewed, it should be applied on an equal basis throughout the Nation. This act has subjected South Carolina and six other Southern States to discriminatory Federal intervention in the administration of their election laws. Unless the Senate and the Congress refuse to grant the renewal of this act, this unwarranted Federal involvement will continue.

Although I fully believe in the right of all citizens to vote and urge that everyone exercise that right in each election, I do not feel the administration of those elections should be the subject of a "Big Brother" review in Washington.

South Carolina was covered in 1965 by the "triggering provisions" of section 4 (b) of the Voting Rights Act of 1965 because, first, it maintained a literacy test as a condition for voter registration on November 1, 1964, and second, less than 50 percent of the voting population voted in the Presidential election in 1964.

The State was originally covered for a period of 5 years. Under section 4(a) South Carolina could have been released from coverage after August 6, 1970, through an action for a declaratory judgment in the U.S. District Court for the District of Columbia by demonstrating that it had not used any test or device in order to deny the right to vote in the previous 5 years. In my opinion, there would have been no difficulty in making this demonstration because literacy tests and devices had been suspended in South Carolina and in the other States and political subdivisions covered by section 4(a) of the act. However, the Voting Rights Amendment of 1970 extended the time during which a covered State seeking release must not have used a test or device as a measure of discrimination from 5 to 10 years.

The "triggering provisions" of section 4(b) are based on the assumption that there is generally a casual connection between low voter turnout and voting discrimination. In testimony before a subcommittee of the House Judiciary Committee on March 18, 1965, in support of the act, Attorney General Katzenbach said that:

> The premise (of section 4(b)), as I have said is that the low coincidence of low electoral participation and the use of tests and devices results from racial discrimination in the administration of the tests and devices.

In my opinion, South Carolina had demonstrated that this premise is invalid. In its "1961 Report: Voting," the U.S. Commission on Civil Rights discussed "sworn complaints" that it had received from persons who alleged that they had been denied the right to vote or to have their vote counted by reason of race, color, religion, or national origin. The Commission stated that no sworn complaints had been received from Arkansas, Georgia, South Carolina, Texas, or Virginia, and only one from Oklahoma. However, Georgia and South Carolina were included in the coverage by the Voting Rights Act on the premise that low voter turnout in these States resulted from voter discrimination.

Since the enactment of the Voting Rights Act, the Attorney General has designated only two counties in South Carolina for the assignment of Federal examiners, under section 6, to list eligible voters for registration. Only 2 out of 46 counties have been so designated, and they were both designated on the same date, October 29, 1965. This means that for a period of over 9 years the Attorney General has found no reason to believe that there is voting discrimination anywhere else in South Carolina which would warrant assignment of examiners. From this information, I think it is fair to conclude that there has been no voting discrimination on account of race or color in South Carolina since 1958, which was the year in which the Civil Rights Commission became operative and compiled data.

Mr. President, the absence of voting discrimination in South Carolina demonstrates that there is no general causal connection between low voter turnout and voting discrimination. The record of South Carolina throws into question the very premise upon which the "triggering provisions" of section 4(b) is based. It is my contention that States and subdivisions covered by section 4(b) have been subjected to an arbitrary presumption of guilt based in no way on conclusive evidence. These few States have been punished by legislative enactment—by what amounts to a bill of attainder—without recourse to judicial process. It appears to me that the provisions of section 4(b) are arbitrary and unreasonable and should be allowed to expire.

There is no need for South Carolina to be subjected to the Voting Rights Act any longer since it is a fact that the black voters in the State exercise political power sufficient to elect a considerable number of black candidates to public office. As of April 1974, there were 116 black elected officials in South Carolina. Three of these were State representatives, 18 were county commissioners, supervisors or councilmen, 2 were other types of county officials, 6 were mayors, 51 were municipal councilmen, aldermen, or commissioners, 12 were judges, justices, or magistrates, and 24 were school board members. It should be noted that these electoral successes have been achieved without Federal examiners in 44 out of the 46 counties in the State.

Mr. President, I feel that this is ample evidence that there is no concerted effort by State and local officials or by the white population of South Carolina to deny the black population the right to vote.

ADDITIONAL STATEMENTS ON H.R. 6219

EXTENSION OF THE VOTING RIGHTS ACT

Mr. BAYH. Mr. President, for the past several days the Senate has considered what I believe is one of the most important matters we have had before us thus far in the 94th Congress—the renewal of the Voting Rights Act of 1965. There is no question but that this legislation has proved to be the most effective tool ever enacted by the Congress to secure the franchise for all Americans.

In addition to the simple extension of the 1965 act, the bill before the Senate today contains new provisions which I introduced. These new sections will expand the act's coverage to protect other minorities as to which the Congress has been presented substantial evidence of discrimination. I would like to review briefly for the Senate why I believe that the act must be extended as well as the reasons which justify the new provisions which we propose to add.

By any measure, the Voting Rights Act has been a success in steering American democracy toward resolving a fundamental and explosive question—the exclusion of some of its citizens from the electorate on the basis of race. Between 1964 and 1972 more than 1 million new black voters were registered in the seven covered States. Black voter registration in these States overall went from 29 percent in 1965 to 56 percent in 1974.

Some gains were made by blacks seeking local office. From 1965 to 1974 the number of black officials has risen from 100 to 964 out of a total at present of 32,977.

The record before our committee clearly shows, however, that this basic change in the political and social fabric of the South remains unfinished.

Most State and local officials in the covered areas have attempted in good faith to comply with the act's provisions, but pockets of official resistance to the act remain a serious problem. In Alabama, Louisiana, and North Carolina, the percentage point disparities between black and white registration still stand at 23.6 percent, 16 percent, and 17.8 percent respectively. More commonly, the percentage disparities in registration remain severe in rural counties in many of the States.

In 8 of the 10 least populous parishes in Louisiana, for example, the disparity is more than 20 percentage points. In addition, black elected officials in these States are only a small percentage of the total black population.

It is these continuing disparities in percentage registration figures plus the number of objections imposed by the Attorney General pursuant to the preclearance procedures of section 5 which convinced our committee, and I might add, the administration, that extension of the act was needed. The evidence strongly suggests that in the absence of the act's protections, there could be some backsliding.

The distinguished Senator from California (Mr. TUNNEY) has ably laid before the Senate the full case for extension of the act. I do not believe that reasonable men can differ on the prudence and reasonableness of building on what clearly has been a success.

I would like to point out to the Senate one particular concern I have with the 1965 act which was brought to our attention recently by the Supreme Court's opinion in City of Richmond against United States.

There the Court held that any redistricting plan in an area covered by section 5 of the act must afford minorities "representation reasonably equivalent to their political strength" (43 U.S.L.W. 4865, 4868). This means that where blacks are more than 40 percent of the population as in Richmond, section 5 requires a redistricting plan in which a comparable portion of the seats have substantial black majorities.

Section 5 is designed to go beyond the constitutional standard required by the 14th and 15th amendments and is justified as necessary to put a stop to the practice of gerrymandering districts or adopting at-large systems so that blacks rarely or never win elections. The committee's interpretation of the legal standards for redistricting cases under section 5 was spelled out in detail in the hearings before our committee by Mr. Howard A. Glackstein, the former staff Director of the Civil Rights Commission.

In recent years, Mr. President, it has become increasingly apparent that there were other minority groups in our society who were being excluded from the franchise by official practices. Most of the evidence related to those of Spanish heritage living in the Southwest. Subsequently, evidence was presented to our committee which suggested similar problems among other groups based on language.

I believe that the guarantee of the right to vote is the most basic tenant of a working democracy. I was convinced that the Voting Rights Act had proved an effective tool toward this end. Accordingly, on April 7, 1975 I introduced an amendment to the Hart-Scott extension bill which expanded the coverage of the act to include other identifiable minority groups as to which the committee had substantial evidence of discrimination.

Much debate has occurred over the adequacy of the factual record presented to the committee to justify the need to apply the special provisions of the act to the newly covered areas. I believe it is important to remember, first of all, that as to those who are complying in good faith with the act's provisions, it poses no substantial burden. The loudest complaints have been heard about the paperwork involved in the preclearance procedure.

Yet evidence before the Congress indicated that reporting the necessary paperwork to the Justice Department required only the part-time work of one State of Virginia employee. If the burden on the States affected is not great, then I believe that we can justify extending the act's provisions as a safeguard whenever the evidence indicates that there is a substantial problem.

The record before the Senate on this bill is full of statistics which do indeed tell the real story of voter participation. But there is a human factor as well. I would like to relate to the Senate a few human situations involved in this policy question which impressed me during our hearings.

The evidence before the committee clearly shows that a number of Chicano candidates and activities have lost their jobs or been threatened with dismissal for political activity in Texas.

In Uvalde, Tex., one Chicano candidate who filed for office for the city council had his name left off the sample ballot printed in the local newspaper. The city council later determined that he was not qualified to run since he could not receive the salary of both a teacher and a city councilman. Councilmen are paid a token fee of $2 per month. After long litigation, a Federal appellate court declared that the city council's action had deprived this candidate of his constitutional rights but declined to overturn the election.

One county official in Texas told the staff of the Civil Rights Commission that:

> We should go back to poll taxes or some sort of registration fee that would keep a lot of these people from voting . . . I feel it is a privilege to vote . . . and not a right.

In Cotulla, Tex., police officers entered the polling place in a 1973 election taking note of voters as they came in.

Although the election judge informed them that they were in violation of State law, they refused to leave. Only after the district attorney and the county judge were called did they comply with the order.

These are only a few examples, Mr. President, of the petty harassment and discrimination to which some language minority voters are subjected. But these examples fill out the statistical record which clearly shows the differential in voter participation. The bill which we are considering today will be a major step in eliminating these problems.

Mr. PERCY. Mr. President, I have an amendment to H.R. 6219 at the desk, amendment No. 734, dealing with the subject of voting rights for ex-offenders. The Senator from Arizona (Mr. GOLDWATER) has joined me in sponsoring this amendment.

While I do not intend to call up my amendment or press for a vote on it at this time—we are all concerned about the pressing time constraints surrounding this legislation—I do want to take this opportunity to express my concern over this one particular aspect of the voting rights issue which has received little attention in these debates.

There is in this country a very sizable class of people who are not subject to the terms of the Voting Rights Act, despite the fact that they are systematically and purposefully discriminated against at the polls. I speak of the population of former offenders, who have paid in full their debt to society and are presumed to be prepared for reintegration into the community and resumption of the responsibilities of full citizenship.

But just as so many other of our theories on rehabilitation have remained just that, theories, so it is also with this. There is no right that is more basic and fundamental to the maintenance of full citizenship than the right to vote. By systematically denying that right to individuals deemed qualified and responsible to take an active and constructive role in society, I think we are displaying a very basic hypocrisy in our criminal justice system.

The normal justifications for imposing prison and other sentences upon individuals convicted of crimes: deterrence, retribution, protection, and rehabilitation, simply do not apply in this context. We are talking about individuals who have already suffered their punishment through sentences in jail or terms on parole. The function of deterrence has already been fulfilled in their cases. For the protection of society we continue to have criminal laws and law enforcement organizations. And as for rehabilitation, it is hard to conceive of disenfranchisement as anything but a backward step.

My amendment specifically prohibits any such former offender from being denied the right to vote in Federal elections if otherwise qualified. This is not the first time that such legislation has been before the Congress. I have twice before introduced legislation into the Senate for this purpose, as S. 2162 in the 93d Congress, and as S. 1534 in the 94th. Senators BAYH, BURDICK, JAVITS, and MATHIAS joined me in introducing S. 1534. On the House side, similar legislation introduced by Congressmen KASTENMEIER and RAILSBACK was unanimously referred out of the House Judiciary Committee's Subcommittee on Courts, Civil Liberties, and the Administration of Justice in January of 1974. This legislation has been reintroduced into the present Congress as well.

Presently, only about half of the States provide for automatic reenfranchisement of former offenders upon completion of their designated sentences. To clarify the laws of the different States on this matter, I would like to have inserted in the RECORD a chart that appeared in the American Criminal Law Review. This chart sets forth in graphic manner the current legal status of this issue across the country. I ask unanimous consent that this chart be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, because of the limitations on time, I will complete my remarks on this amendment by pointing out that we will soon be entering a major election year, entailing the selection of a President and a Vice President, a third of the Senate, the entire House of Representatives, and many State and local officials. There could hardly be a more opportune time than the present to enact legislation insuring the right to vote for all qualified Americans, including the ex-offender.

EXHIBIT 1

STATE LAWS ON EX-OFFENDER VOTING

TABLE I.—STATE DISENFRANCHISEMENT PROVISIONS

State	Felony	Infamous crimes	Crimes involving moral turpitude	Specified offenses	Election crimes	While incarcerated or under sentence	Crimes punishable by incarceration	Treason
Alabama		×	×	×	×		×	×
Alaska	×					×	×	
Arizona	×					×		×
Arkansas	×							

State	Felony	Infamous crimes	Crimes involving moral turpitude	Specified offenses	Election crimes	While incarcerated or under sentence	Crimes punishable by incarceration	Treason
California		×		×		×		
Colorado						×		
Connecticut	×			×[1]				
Delaware	×				×	×		
District of Columbia	×							
Florida	×					×		
Georgia			×	×			×	×
Hawaii	×							
Idaho	×	×		×	×			×
Illinois	×					×		
Indiana	×	×[1]			×	×		
Iowa		×			×			
Kansas	×			×			×	×
Kentucky	×			×[1]	×	×		×
Louisiana	×					×	×	
Maine					×[1]			
Maryland		×		×	×			
Massachusetts					×			
Michigan						×[1]		
Minnesota	×	×[1]		×[1]				×
Mississippi				×				
Missouri	×			×	×	×	×	
Montana	×							
Nebraska	×							×
Nevada	×			×				×
New Hampshire				×	×	×		×
New Jersey				×[1]		×		
New Mexico	×	×						
New York	×	×		×	×			
North Carolina	×						×	
North Dakota	×				×			×
Ohio	×	×[1]		×[1]				
Oklahoma	×					×		
Oregon						×	×	
Pennsylvania					×			
Rhode Island		×		×			×	
South Carolina				×	×			
South Dakota	×					×		×
Tennessee		×[1]						
Texas	×			×				
Utah					×	×		×
Vermont					×			
Virginia	×							
Washington		×						
West Virginia	×				×			×
Wisconsin	×	×		×	×			×
Wyoming	×	×						

[1] Enabling provision.

TABLE II.—STATE PROVISIONS FOR RESTORATION OF VOTING RIGHTS

State	Automatic restoration	Disenfranchisement for a determinate period	Disenfranchisement for a determinate period: only certain offenses	Pardon by Governor	Other procedures
Alabama					×
Alaska				×	×
Arizona				×	×
Arkansas				×	
California				×	×
Colorado	×			×	
Connecticut					×
Delaware	×		×	×	
District of Columbia		×			×
Florida	×			×	×
Georgia					×
Hawaii	×			×	
Idaho				×	×
Illinois	×				
Indiana		×		×	
Iowa			×	×	
Kansas	×			×	
Kentucky			×	×	
Louisiana				×	
Maine		×[1]		×	
Maryland				×	
Massachusetts		×		×	
Michigan				×	
Minnesota	×			×	
Mississippi					×
Missouri			×	×	×
Montana	×			×	
Nebraska	×			×	×
Nevada				×	×
New Hampshire	×				×
New Jersey	×			×	
New Mexico				×	
New York	×			×	
North Carolina		×		×	
North Dakota				×	×
Ohio	×			×	
Oklahoma				×	
Oregon	×			×	
Pennsylvania		×		×	
Rhode Island				×	×
South Carolina					×
South Dakota	×			×	
Tennessee				×	×
Texas				×	
Utah					×
Vermont		×		×	
Virginia				×	
Washington	×			×	
West Virginia	×			×	
Wisconsin	×			×	
Wyoming	×			×	

[1] Enabling provision.

Mr. PERCY. Mr. President, I ask the Senator from California, inasmuch as he has indicated that the Constitutional Rights Subcommittee would hold hearings on proposed amendments to the voting rights bill, if this problem of the disenfranchisement of ex-offenders would not make a fitting and important topic for such hearings, and if he would in fact intend to hold hearings on legislation aimed at granting ex-offenders the right to vote in Federal elections.

Mr. TUNNEY. I appreciate the Senator's concern regarding this problem. I regret that time constraints precluded the possibility of considering the matter of voting rights for ex-offenders in conjunction with this legislation. However, I have indicated that the Subcommittee on Constitutional Rights will hold hearings on proposals affecting the voting rights of U.S. citizens before the end of this year. The proposal of the Senator from Illinois (Mr. PERCY) will certainly be among those given full consideration.

EXTENSION OF VOTING RIGHTS ACT IS ESSENTIAL

Mr. HUMPHREY. Mr. President, it is a pleasure to speak in support of the pending bill, H.R. 6219, as it represents another chapter in the struggle of this Republic to blot out the years of bitterness and discrimination which have tainted the blessings of liberty that are promised to all our people.

A HISTORIC MOMENT IN THE HISTORY OF AMERICAN DEMOCRACY

As we meet to determine the fate of this legislation, the Congress, and, indeed, the Nation, stand at a critical juncture. How well I remember, Mr. President, the bitterness and animosity which surrounded passage of the original Voting Rights Act in 1965. As Vice President of the United States, it fell to me to preside over those deliberations.

President Johnson, shocked and repelled by news of violence and intimidation in the racially divided South, impelled this Congress to legislate an end to voting discrimination which had prevented the full participation by black Americans in the voting process and which, indeed, had threatened the very lives of some of our citizens who sought to grasp what was their right under the Constitution.

In one of its finest hours, the Congress responded to this challenge and, on August 6, 1965, the Voting Rights Act was signed into law.

It was not well received. In many parts of the Nation, State and local officials continued to use their positions to block implementation of the act.

Yet it stood—valiantly and persistently—against the forces which sought to undermine and render it powerless. With determination and commitment on the part of Congress and the Department of Justice, the Voting Rights Act has proved to be one of the most successful civil rights laws ever enacted in this country.

And now, as we stand on the brink of passing an extension of this historic act, I say that once again we are at a fine hour in our history. The House of Representatives passed this legislation by an incredible 271-vote margin. We have a Republican President who is waiting downtown to affix his signature and we have around us in this body southerners and northerners—from both political parties—who are committed to enactment of this measure.

For those of us who have some history with the civil rights movement, this is enormously gratifying. It is a fine hour, indeed.

THE VOTING RIGHTS ACT

The bill enacted in 1965 incorporated an automatic trigger mechanism which would extend coverage in any State or political subdivision which used a "test or device" as a condition for voter registration, and in which fewer than 50 percent of age-eligible persons were registered to vote on November 1, 1964, or voted in the Presidential election of that year.

The bill authorized the Attorney General of the United States to send Federal examiners to register voters in the covered jurisdictions and election observers to any jurisdiction where examiners had been dispatched.

It posed a 5-year ban on literacy tests and, as amended in 1970, extended the ban an additional 5 years and made its coverage nationwide.

Section 5 of the act, the so-called preclearance provision, has proved to be one of the most useful and effective of the act's protections. It provides that proposed changes in "any voting qualification, or prerequisite to voting, or standard, practice, or procedure with respect to voting" in the covered jurisdictions be submitted to the U.S. Attorney General or the U.S. District Court for the District of Columbia for a determination that the change would not be discriminatory against minority voters.

This provision did not receive widespread application until 1971. In a 1969 decision, the Supreme Court said:

> The right to vote can be affected by a dilution of voting power as well as by an absolute prohibition on casting a ballot.

In the year following enactment of the act in 1965, the most overt acts of discrimination subsided. In many areas, however, they were replaced with efforts to impose new and different restrictions which would have an effect on the impact of minority voting. Gerrymandering of legislative or congressional districts; multimember or at-large districts; changes in polling places which present difficulties for minority voters; high filing fees; making appointive what was formerly an elective office; signature requirements—these are among the kinds of proposed changes which have been disapproved and prevented under the preclearance provisions of section 5. This section has become the focus of actions under the Voting Rights Act, and its important authority must be maintained.

In the spring of this year, the Senate Subcommittee on Constitutional Rights, chaired by the distinguished Senator from California (Mr. TUNNEY), held hearings on this legislation. Last week it was ordered reported to the Senate by the full Judiciary Committee.

This legislation, almost identical to the House-passed bill, extends the pertinent provisions of the act and expands its coverage to include protection of the voting rights of language minority citizens. It also provides for important forms of bilingual election assistance.

The bill before us puts a permanent ban on the use of tests and devices as a prerequisite to voting. This permanent ban is long overdue, Mr. President, and I commend the authors of the bill and the Judiciary Committees of both Houses for taking this vital step.

Further, the pending bill would amend the act to authorize private causes of action and the awarding of attorneys' fees to prevailing parties in litigation brought under the act.

One of the problems thus far in assessing the degree of participation in the political system has been the lack of solid statistical information upon which to base judgments. To address this problem, the bill has been drafted to direct the Bureau of the Census to compile registration and voting statistics by race and national origin in every jurisdiction covered under the act. This would be done every 2 years. Provision has been included to protect the privacy of respondents in such studies.

Finally, the bill includes an important separability clause to insure that the existing provisions of the act will not be jeopardized should the constitutionality of the new provisions be successfully challenged.

PROGRESS MUST BE SUSTAINED

Mr. President, some have said that the war has been won—that we should lay down the sword. There is no question that the act has been one of the most successful civil rights bills ever enacted. More than 1 million black citizens have been registered to vote in the covered jurisdictions since 1965. And the difference between the percentages of white and black registered voters has narrowed in these jurisdictions. Yet despite these gains, blacks still lag in registration by comparison to potential white voters.

With these gains in registration came impressive increases in the number of black elected officials in the South. In 1960, there were fewer than 100 black officeholders in this area. By the spring of 1974, there were 963. These are most encouraging and welcome results, Mr. President, but a close look indicates that many of these offices are relatively minor, and they are held in areas with a majority black population.

So I cannot accept the argument that retreat must follow success. Success challenges us to persevere, not to retreat. There is much to be done.

In the course of debate on the 1965 act, I observed:

> Until this point in history, the civil rights movement has concentrated upon removing the legal barriers to full citizenship—segregated schools, hotels, restaurants, and voting discrimination. With the passage of the Voting Rights Act of 1965—with full implementation—we can say that this historic initial phase of the civil rights struggle is well on its way toward completion.

I want to emphasize this last phrase, "well on its way toward completion."

We have not completed the struggle, Mr. President, until we can say to every American—of every race, sex, national origin—that he or she has as much right to that ballot box as any one of us here in this Chamber. Until we can provide this guarantee, without fear of contradiction or proof to the contrary—we will not have won the struggle.

This bill is central to that promise. The procedures of the act have been tried and proved. But access to our political system is relatively new to our minority citizens. Their hold on the ballot—and the potential it brings for gaining political office and, therefore, some influence on the system—is tenuous. It is a fragile, precious right that has just begun to be realized. And until we can know with absolute certainty that it will not again be jeopardized by the evils of the past, we cannot deny the additional safeguards embodied in this important bill.

Mr. President, some 27 years ago, in an address that received a good deal of attention, I urged that we move "out of the shadow of States' rights and walk forthrightly into the bright sunshine of human rights."

I would venture to say that we are out of the shadows, but there remain forces which would threaten to block out the Sun again. We can hope this does not happen. We can believe it will not. But we must do more. We must do our level-best to keep the Sun shining on this great land. If we are to continue to claim our position as leader of the free world—if we are to demonstrate to other nations that democracy can survive and prosper in a world beset with political unheaval and instability—we must rededicate ourselves to the fundamental concept of a free society. That concept is participation by all the people, acting collectively, to guide our society through the perils which threaten stability and peace.

To those who oppose this bill, I say, "Reconsider the facts." What have we to lose by its enactment? Every one of us in this body has given speech after speech on the right to vote. No one would deny that it is the basic principle of our political system. We can have nothing to lose by removing the obstacles to full participation by all our citizens.

But we have so much to gain; 10 years, 50 years, 100 years from now, we will have gained the right to tell a small black child—a small Latino child: "You have just as much right to vote and to hold political office as any person in America."

A free society cannot require its citizens to vote. But it is imperative that we mandate the abolition of any obstacles to their participation.

We are approaching the 200th anniversary of the birth of our Nation. Great pains are being taken to remind our citizens of our heritage. I can think of no more fitting way to honor our history and enhance our hopes for the future than by reaffirming our dedication to universal suffrage and our determination to make it a reality.

Freedom requires that public officials work as relentlessly to insure full participation in the political system as we do to exercise the privileges that are bestowed upon us by that system.

I am confident that we will do this by enacting this vital legislation.

Mr. WILLIAMS. Mr. President, I am proud to have been a Member of this body when Congress first enacted the Voting Rights Act of 1965 and when it extended that act in 1970. This legislation, of which I was a sponsor, is perhaps the most effective civil rights measure ever passed. By providing swift administrative relief in those areas of the country where racial discrimination has plagued the electoral process, the Voting Rights Act has helped to diminish the severe gaps in registration rates between black and white voters.

A great deal of progress has been made in the last 10 years, but there is still a long way to go. The registration disparities between blacks and whites are diminishing but they still exist.

The Voting Rights Act of 1965 required covered jurisdictions to submit all proposed changes in election procedures and laws to the Justice Department for clearance, and it also authorized the Attorney General to send Federal examiners to monitor the conduct of registration and elections where necessary.

H.R. 6219 would extend these special remedies for 7 years. In addition, this bill would make permanent the temporary nationwide ban on literacy tests which Congress enacted in 1970. It has been demonstrated repeatedly that minority citizens in this country suffer from significantly higher rates of illiteracy than nonminority citizens primarily because of disparate educational opportunities. Literacy tests have a long history of being used discriminatorily to disenfranchise minority voters. They do not, however, assure the qualification of informed voters. The wide availability of broadcast media makes it possible for one with little formal education to be a well informed and intelligent member of the electorate.

H.R. 6219 also breaks new ground by extending the special protection of the Voting Rights Act to language minority citizens. The inability to speak English has persistently frustrated the registration and voting efforts of language minority citizens. Election materials printed only in English and election officials who speak only English effectively exclude these individuals from the electoral process.

Where there are large concentrations of language minority citizens, specifically, American Indians, Asian Americans, Alaskan Natives, or Hispanic Americans, and where the illiteracy rate of the language minority exceeds the national average, H.R. 6219 would require election materials to be furnished to the minority citizens in their native language. In jurisdictions of high language minority citizen concentration in which the turnout for the Presidential election of 1972 was less than 50 percent, and in which election materials were furnished in English only, the special remedies of preclearance and Federal observers would be applicable as well.

In "The Voting Rights Act: Ten Years After," the U.S. Commission on Civil Rights stated:

> Despite progress in all of the areas that were studied, it is clear to the Commission that the protection provided by the Voting Rights Act is still needed. Violations of the rights of minorities continue, and minorities remain disproportionately underrepresented in the voting process and in elective office.

The findings of both the Senate and House Committees on the Judiciary have further borne this out.

I urge my colleagues to join me in full support of H.R. 6219.

Mr. KENNEDY. Mr. President, I am taking this opportunity to express my full support for the effort to enact legislation that will extend the Voting Rights Act of 1965.

Renewal of this legislation is extremely important for protection of the most basic right granted to all Americans. The right to vote, the right to choose one's own leaders, is the foundation on which America was developed. It is a right that has been defended by all classes of Americans. But it is a right whose privileges have not been exercised by all those who are entitled to enjoy that right.

Now that the full Senate is considering legislation to continue the protections afforded under that law, I believe it is very important for all of us to know and to understand how far we have come since 1965. And I believe it is equally important for us to realize how far we still have to go before the guarantee of full voting rights is a reality for all Americans.

The Voting Rights Act was implemented because black voters in the States of the South were dramatically successful in awakening the rest of the world to the blatant injustices they had suffered for too many years. Black voters were finally successful in putting the rest of the world on notice that they must no longer be excluded by custom and by law from the fundamental processes of voting for their own elected officials.

Hostile and abusive registrars denied black voters the chance to register.

Literacy tests, poll taxes, and intimidating economic sanctions had worked for too many years to stop most blacks from taking any part in the political process. And when all else failed, would-be black voters were met with physical force and bloodshed.

Ten years ago, enactment of the Voting Rights Act was hailed as the most significant civil rights legislation to be passed by the Congress. That claim was truly prophetic. No other single piece of legislation has provided such dramatic support to a constitutional guarantee that has been denied to so many Americans for so many years.

Since 1965, more than 1½ million black voters have been added to voter registration lists in the 11 States of the Old South.

Only 3 years before enactment of the Voting Rights Act, there was not one black member of any State legislature in the South. Today, there are 95 blacks in southern legislatures, with black representatives in every State, and black senators in 8 of the 11 States. And, in this year's election, the State of Mississippi has a chance to elect 27 black representatives and 5 black senators to the State legislature.

Blacks have been elected to a total of 1,587 offices in the States of the South. And black voter registration in 11 Southern States no longer lags virtually 100 percent behind the rate of white registration. Today, the lag has been narrowed to about 15 percent.

Anyone who has observed the changes in these States knows that only as a result of the provisions of the Voting Rights Act has it been possible for these events to occur. And so today, the facts stand in dramatic testimony of how effective that law has been.

Yet the effectiveness of that law throughout its brief life does not justify, as some of my colleagues insist, a repeal or a retrenchment from continuing the protections the law affords.

Black Americans have testified, time and time again, that when their campaigns for assistance and for justice culminate in new laws, new policies, or new programs, the very success of their efforts seems to serve as a reason to scuttle the innovation that was devised to redress the injustice in the first place.

Three years ago, the Department of Health, Education, and Welfare began the first Federal program to battle the problems caused by sickle cell anemia. Today, the Department admits the programs are successful and must be continued. But there is new legislation to wipe out the sickle cell program as we know it and to blend sickle cell programs in with projects that are designed to tackle the ravages of genetic disorders of all types. I do not believe that the success of a program should be used as the basis for its destruction if it is still useful and important.

On this Senate floor, and in the Judiciary Committee hearing room, I have heard clamors from Senators who proclaim we no longer need a Voting Rights Act.

I have heard from Senators who insist that certain Southern States have not been discriminatory in voting practices since 1965. And for that reason, according to these Senators, those States deserve to be excluded from coverage under this law.

Efforts to increase minority political participation that are directly due to provisions of the Voting Rights Act must be sustained and extended. Only by continuing those efforts will this Nation be successful in helping all disenfranchised Americans to have a full opportunity to exercise their basic right to vote.

For, the record of successes from the Voting Rights Act of 1965 stands in stark contrast to the injustices that still exist. It is clear that there remains in 1975 a continuing need to insure permanent protection of minority voting rights. Before enactment of the Voting Rights Act, many black Americans viewed the right to vote as an obscure, remote, and unattainable fantasy. For 1.5 million southern voters in the South, the Voting Rights Act changed all that. But, according to John Lewis, executive director of the voter education project, there are still 2½ million blacks yet unregistered in the 11 Southern States. And the number of unregistered native Americans, Americans of Spanish heritage, Alaskans, and Asian Americans is even higher.

Black elected officials hold over 1,500 offices in Southern States, but there are more than 79,000 public offices in the South and the seats held by blacks represent less than 2 percent of the total.

One hundred and one counties in the South have a majority black population. But blacks hold a majority of seats in the county governments of only 6 of those 101 counties.

Despite the Voting Rights Act, there are today 362 majority black towns and cities in the South which have not yet elected even the first black public official.

Gerrymandering to dilute or restrict the black vote is still prevalent. South Carolina, Mississippi, Georgia, Louisiana, Alabama, and Virginia have all devised reapportionment plans that were challenged and found to be discriminatory to would-be black voters.

The voter education project reports that many election officials serving before the Voting Rights Act still retain their positions. Discourteous and hostile registrars still contribute to the frustration of blacks attempting to register.

The element of fear, along with the threat of economic reprisal, continues to plague those who attempt to register for the first time.

At-large elections appear on the surface to be fair and equitable. But they consistently prohibit black representation in public offices on the local level.

Those who hold illegitimate power will not give it up easily. The Voting Rights Act was devised to counter the schemes and devices used to stop black Americans from voting. But new barriers to black voter participation are still erected by gerrymandering, annexing, consolidating, changing polling places, and changing election methods. Those in power are using every conceivable strategy to evade the provisions of the voting rights law.

Indeed, the barriers used to deny blacks their right to vote are the same devices that can be and surely have been used against other minorities in America. Barriers conceived to thwart minority voting participation are deviously ingenious; they include—inconvenient registration office locations; lack of deputy registrars; burdensome registration forms; inadequate registration office hours; lack of meaningful assistance; exclusion of minority poll workers and election officials; location of polling places in all white communities; election irregularities; abuse of absentee balloting and miscounting of ballots for minority candidates.

We know what can happen when insensitive and callous authorities deliberately battle against the desires of minorities who seek to participate in the electoral process. And it is for this reason that I firmly believe the Voting Rights Act must be extended.

On March 15, 1965, President Lyndon Johnson addressed the Congress on behalf of "* * * the dignity of man and the destiny of democracy." He declared to the Congress and to the entire Nation that, "Every American citizen must have an equal right to vote. There is no reason which can excuse the denial of that right. There is no duty which weighs more heavily on us than the duty we have to insure that right."

After President Johnson's message the Congress passed the very law we are today seeking to extend to insure protection for millions of Americans who are still prevented from voting because of their race or ethnic origin, or because of language barriers. In the days that this legislation has been debated on the Senate floor, repeated efforts have been made to erode the protections the law provides for those who have been disenfranchised. The Senate has rejected amendment after amendment, because it is clear that we must not allow this Nation to slip back from the progress that has been made since 1965. Only 100 black officials held elected offices in the United States before enactment of the Voting Rights Act. Today there are 3,200.

Too many of the amendments offered in this Senate would endanger the gains that have been won under this law. Our Nation has emerged beyond the era where campaigns for social justice are staged in public protest demonstrations. Today's struggle seeks to develop the opportunities to use voting power in a way that has been adopted by nearly every ethnic group in America since the Revolution.

That is why I have opposed those amendments designed to circumvent the basic intent of this vital law.

I firmly believe that we should extend the Voting Rights Act for 10 years, because we cannot expect the injustices of past decades to be eradicated by protections that are wrapped in 5-year packages. The Congress has declared its intention to insure voting rights protections for all Americans. And for that reason we should legislate provisions that are not only timely but also make it clear that the Congress is serious when it legislates protections against electoral abuses.

I am confident that the Senate, nevertheless, will approve the vital extensions of this act. For we are all aware of the three doleful consequences that can transpire if the protections under this law are allowed to expire.

First, literacy tests would again be used to identify qualified voters. Our Government does not require a literacy test to determine who must pay taxes. I can see no reason to require a literacy test to determine who can vote.

Second, the Justice Department would lose its authority to send examiners and observers to those States where discriminatory voting rules had been imposed.

Too many eligible voters have been denied the right to vote solely due to the whims of election officials who contrived inconvenient hours for voting and established out-of-the-way polling places and burdensome registration procedures.

Federal officials are useful in their services because they are isolated from parochial, insular pressures. And I believe this provision must not be discontinued.

Third, failure to extend the provisions of this important law would end the mandate for political jurisdictions to obtain Justice Department clearance for new practices or revisions to existing local rules on voting and registration.

The many devious and obvious barriers to participation in the electoral process must be eliminated.

Since we have the experience of too many years where such practices had been imposed, I believe it is important to maintain safeguards that will remove such obstacles from use in the future.

Voting and full opportunities to participate in the political processes of this country have been underscored by the brilliant and determined persistence or our Nation's largest minority population—black Americans. All of America has been awakened to the denial of many rights because blacks refused to permit America to continue to deny equal opportunity to her black sons and daughters. As we have moved to eliminate these barriers for black voters the needs of other minorities have also emerged.

Spanish-speaking Puerto Ricans had been kept out of the voting process if they lacked proficiency in English. Thus, suspension of literacy tests also brings Puerto Ricans into their rightful place in the voting process.

In my own State of Massachusetts, election officials in 1970 voluntarily established bilingual election materials, at my request, to assist and to encourage Spanish-speaking citizens in their efforts to vote. Spanish-speaking assistants were available at polling places and in voter registration offices, as a result of the need to insure protections for Spanish-speaking voters. And there were substantial increases in the number of eligible persons who were asked to register and vote as a result of this bilingual assistance. And so, we know that when local officials extend bilingual services to eligible voters, the result is a major expansion of the franchise.

It is my hope that Mexican Americans, American Indians, Asian Americans, and all Alaskans will also be afforded the opportunity to exercise their fundamental right to vote because of the action we shall take here on the extension of the Voting Rights Act.

Government by the people is a catchy but essential slogan. To maintain the maximum involvement of the people in the fundamental process of electing our Government, every safeguard must be provided to insure that the right to vote will not be dissolved by devious, or discriminatory, or illegal means.

Mr. President, I strongly urge my colleagues to approve this bill and to do so without encumbrances, that nominally seek to provide equality, but in reality simply serve to dilute the protections that the 1965 Voting Rights Act has established for so many oppressed Americans.

REPEAL OF SECTIONS 4 AND 5 OF THE VOTING RIGHTS ACT

Mr. ALLEN. Mr. President, I support every provision of the Voting Rights Act which has uniform applicability throughout the United States. I oppose provisions of the act which do not have uniform applicability.

As you know, section 4 and 5 of the act prevent uniform applicability. Section 4 identifies a limited number of States which are made subject to the provisions of section 5, which require these States to submit otherwise valid statutes for review and prior approval of the executive or judicial branches of Federal Government.

The two factual circumstances which, if in existence in a State in 1964, are considered sufficient evidence by Congress to sustain today—some 10 years later—several far-reaching legal presumptions, without which Congress simply has no power to require States to submit duly enacted legislation for prior approval.

The factual circumstances are: First. That in 1964 a State required literacy as a qualification for voting, and second that less than 50 percent of the citizens who were qualified to vote in a State independently of literacy were either not registered to vote or did not actually vote in the general election of 1964. Based on these circumstances, Congress established the following legal presumptions and seeks now to perpetuate them:

First. That such States were guilty, as a matter of law, of unconstitutional discrimination in the administration of their State voting laws.

Second. That States would continue to discriminate in the administration of such laws in 1975 and for 10 years hence.

Third. That future State legislators will enact laws with a purpose, intent and effect of perpetuating unlawful discrimination.

Fourth. That all such future laws must therefore be presumed by Congress to be invalid.

On the basis of these presumptions, Congress in 1964 asserted a power to set aside the reasonable, rational, necessary and traditional legal presumption of the validity of State enactments and create by law a presumption of invalidity of such statutes. One effect of this presumption is to shift the burden of proof from those who challenge the validity of State laws to the States which under the provisions of section 5 must prove to the satisfaction of agencies of Federal Government that their laws are indeed valid.

Mr. President, it seems to me that the two factual circumstances—literacy as a qualification for voting and less than 50 percent registration and participation in the 1964 general election—constitute mighty weak grounds upon which to establish and maintain such far-reaching legal presumptions. It is true, of course, that the U.S. Supreme Court considered the grounds adequate at the time of the enactment of this statute, but the Court did not say that such frail evidence of discrimination would be adequate to sustain a legal presumption of invalidity of State laws for all time.

It stands to reason that if the factual circumstances are eliminated upon which the presumptions are based, Congress is thereby divested of its power to perpetuate such presumptions by statute.

Mr. President, the Southern States which were the original targets of section 5 have not administered a literacy test for 10 years—they cannot do so any time in the near future under the ruling by the U.S. Supreme Court to the effect that no State which previously maintained segregated schools by law could use literacy as a criterion of qualification for voting. *Gaston County, N.C.* v. *United States* (395 U.S. 285). The U.S. Supreme Court has more recently affirmed this fact in the case of Virginia against the United States. Therefore, there is no basis for assuming discrimination by reason of the possible use of a literacy test in such States.

Furthermore, these States have long since met and exceeded the 50-percent voter registration and participation standards set out in section 4. In fact, to the extent that reliable data is available on the subject, there is ample evidence to indicate a significantly greater percentage of minority registration and voter participation in the originally targeted States than in States of other regions of the Nation. So, there is no basis for assuming today the existence of discrimination by reason of a failure to meet 1964 standards of voter registration and participation.

Actually, the power of Congress to enact the Voting Rights Act was based on a finding by the U.S. Supreme Court that there was a reasonable connection between the power in Congress to implement the guarantees of the 15th amendment and the means employed by Congress to achieve that end. The end was to suspend the use of a literacy test in some States and increase minority registration and voter participation.

Obviously, when a State no longer administers a literacy test and has met voter registration and participation standards, there is no longer a reasonable connection between the means, being prior approval of State statutes, and the ends, being the suspension of literacy tests and increased voter registration and voter participation. Therefore, it would seem to me that in 1975 there is no reasonable relation between the means and the end and Congress has no power to extend the act for additional years.

Mr. President, I suggest that it is irrational for Congress to establish a set of objective standards for determining discrimination in the administration of State laws which having been met support both a legal presumption of nondiscrimination in the administration of voting laws in some States and also a presumption of unconstitutional discrimination in the administration of such laws in other States.

Nor is it rational to contend that enjoyment of constitutionally protected rights of citizens of some States, or that the exercise of constitutionally vested powers in some States, can be made contingent in circumstances which may have existed in States in 1904, 1924, 1944, or in 1964.

For these reasons I think it is a bit presumptuous of Congress to assume that the U.S. Supreme Court will extend its blessings to a continued exercise of power by Congress to deny States essential elements of their respective sovereignties. In this connection, two things are quite certain. One is that sections 4 and 5 are radical departures from traditional constitutional principles and are inconsistent with the established principles of federalism, and second, that extraordinary departures by Congress from the Constitution require extraordinary grounds of justification.

Mr. President, whether or not the justification for these departures existed in 1964 is beside the point. The U.S. Supreme Court reviewed the question and found a reasonable connection between the ends to be achieved and the means employed by Congress. The important thing is that the same grounds of justification do not exist in 1975. Not only is the subject of literacy removed from our consideration, but also the factor of minority registration and participation in elections is no longer relevant.

Furthermore, in all of the oral and printed evidence recently presented to Congress on this subject, I have been unable to find an example of a single act of alleged discrimination or a single State statute allegedly enacted with the intent, purpose, and effect of discriminating against minorities which could not be readily remedied upon proof in a court of law by means of uniformly available judicial processes and procedures.

It is a matter of profound concern when Congress establishes a precedent for bypassing our judicial processes and procedures. Particularly so when the object is to deprive States of powers of self-government. For example, there is no doubt about it—a power in Congress to deny separate States the use of their inherent powers to enact legislation without prior approval of a higher authority is a power to deny such States the status of a sovereign and equal State in the Union. This is a serious matter.

The late Justice Hugo Black characterized the status of States covered by section 5 as that of "conquered provinces." He observed that section 5—

> So distorts our constitutional structure of government as to render any distinction drawn in the Constitution between State and Federal power almost meaningless.

The Department of Justice also conceded by way of testimony of the current head of its Civil Rights Division, Mr. Stanley Pottinger:

> I think it is fair to say that Section 5 does represent a substantial departure from ordinary concepts of Federalism.

Mr. President, these are not hasty judgments nor are they rhetorical overstatements of the effects of sections 4 and 5. They are deliberately calculated understatements of the situation. At issue is the power in Congress to reduce States to the status of conquered provinces. At issue is a power in Congress to classify State legislation by subject matter and to compel States to submit legislation within congressionally chosen subject areas for prior approval of Federal agencies of Government.

It is important to bear in mind that more than State voting laws are within the scope of this asserted power. More is involved than the mere exercise of power claimed by Congress under authority of the 15th amendment for, actually, the power vested in Congress by the 15th amendment is in terms the same power vested in Congress by the 14th amendment which, as you know, is near limitless in scope by reason of subjects covered by the "due process" and "equal protection" clauses of the amendment. It is difficult to imagine any subject appropriate for State legislation which could not, at will of Congress, be made subject to prior approval procedures. But such power in Congress contradicts the meaning, purpose, and intent of a federal system of government and particularly the system created by our Constitution.

Mr. President, it is appalling to consider the number of departures from our Constitution represented by a power in Congress to deny States and the people of those States essential elements of residual sovereignty which characterizes a republican form of government.

For example, the U.S. Constitution guarantees every State in this Union a republican form of government (art. IV, sec. 4).

The prior approval procedures guarantee that certain States shall not have a republican form of government.

The Constitution guarantees that the Constitution shall not be construed by courts or Congress in a manner to "deny or disparage" rights including the right to a republican form of government, retained by the people (amendment IX).

Congress and the U.S. Supreme Court have in fact construed the Constitution to empower Congress to nullify fundamental rights in the people to self-government by requiring every single constitutional and statutory law that affects rights of self-government in the people to prior approval of agencies of Federal Government.

Mr. President, I am talking about rights retained by the people—rights which attach to the residuary sovereignty in the people under a Republican form of government. At the moment I am not talking about the powers "reserved to the States respectively, or to the people," as set out in the 10th amendment. I am talking about rights in the people as set out in the Declaration of Independence.

The right to create governments, allocate its powers, to change the form of government, to create political subdivisions of State government, to determine which citizens shall exercise the franchise, to establish State and local offices, provide qualifications, tenure and recognition of State and local officals, to amend State constitutions and reallocate the powers of State governments, to regulate elections, to prescribe the procedures for enactment of State legislation and the hundreds of rights in the people which are absolutely essential to self-government.

Mr. President, these rights in the people are abrogated and nullified by section 5 of the Voting Rights Act which requires that State statutes in any of these and many other related subjects shall be submitted for prior approval or rejection by agencies of Federal Government.

Mr. President, I have elaborated on these and other departures from our Constitution in testimony before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary.

I ask unanimous consent that illustrative excerpts from that testimony be printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **ALLEN**. In the meantime, I cannot in good conscience vote for any measure which so blatantly flaunts the letter and spirit of the U.S. Constitution.

I urge the adoption of my amendment which is designed to do nothing more than to remove the disabilities imposed by section 5 on a limited number of States. The disabilities should be removed because they deny these States their rightful and equal status of States in our Union and thereby deny the States the protection of the Constitution to a Republican form of government. In doing so the citizens of those States are denied the enjoyment of fundamental and therefore essential rights to self-government.

EXHIBIT 1

EXCERPTS FROM TESTIMONY OF SENATOR JAMES B. ALLEN, BEFORE THE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS OF THE SENATE COMMITTEE ON THE JUDICIARY REGARDING S. 903, TO REPEAL SECTIONS FOUR AND FIVE OF THE VOTING RIGHTS ACT OF 1965 AS AMENDED APRIL 8, 1975

Mr. Chairman, it seems to me that too few of us recall how intensely our founding fathers felt about the possibility that Congress might one day assert the power to reduce states to the status of more provinces. Nor do they seem to realize the extraordinary precautions taken to prevent the happening of this contingency.

The possibility of such a development was foreseen by the eminent New York State jurist, Robert Yates, who warned the founding fathers that the states could not survive under a system of government where the judicial powers of the Nation were vested in one Supreme Court without limitations on those powers.

He warned that the equity power in the courts to exercise unlimited discretion in construing the Constitution and the likelihood that the Supreme Court would construe the Constitution to ever enlarge the powers of Congress. He pointed out that the supremacy clause of the Constitution, made State laws and State Constitutions subservient to the laws of Congress and suggested that Congress could very early deny states their inherent rights of sovereignty and deny the people their fundamental rights and powers essential to self-government in the states.

It seems to me that there is more than just a bit of irony in the fact that while we prepare for celebration of the 200th anniversary of the Declaration of Independence, Congress is asserting a power to deprive the people of the states of inherent rights set out in the Declaration of Independence to:

"Alter or abolish their forms of government and to institute new governments, laying its foundations on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness."

So, while the people prepare to celebrate the 200th anniversary of the Declaration of Independence, Congress celebrates its new found powers to require the people in the states to submit their proposed Constitutional amendments for prior approval of the Judicial or Executive branches of Government. So history has turned full circle. The Colonists fought a war to free themselves of this burden—200 years later Congress reimposes it.

Well, it cannot be said that Robert Yates did not warn us that this might happen—nor can it be said that those who drafted the Constitution and those who subsequently ratified it did not do their dead-level best to prevent this situation from occurring.

First, they insisted that there be included in the Constitution itself this provision: "The United States shall guarantee to every State in this Union a Republican form of Government." (Article IV, Section 4).

The people who insisted on this guarantee knew the elements of a Republican form of Government and members of this Congress know what is meant by a Republican form of Government.

"Strictly speaking, in our Republican form of Government, the absolute sovereignty of the Nation is in the people of the Nation and the residuary sovereignty not granted to any of its public functionaries is in the people of the state." (2 Dall 471).

Our founding fathers knew and members of this Congress know that the residuary sovereignty retained in the people under a Republican form of Government consists of all of the essential elements of local self-government. The rights and powers essential to local self-government include not only the rights specifically mentioned in the Preamble of the Declaration of Independence, but also such fundamental rights as:

The right to adopt and amend their State Constitutions without let or hindrance from any other authority.

The sole right to prescribe in their Constitutions the essential conditions necessary to the enactment of valid State legislation.

The right in the people to determine which of its citizens may exercise the franchise—the right to create State and local offices—establish tenure and qualifications for office, and to prescribe the manner of appointment or election of citizens to office.

The right to allocate and balance the powers of their State governments and the power to change the form of State, local or other political subdivisions of government.

The right to annex territory by municipal governments—to regulate elections—to enact corrupt practices acts and otherwise supervise the elections held under authority of State laws.

Yet Congress fulfills its solemn obligation to guarantee every state in the Union a Republican form of Government by denying to certain states, each and every one of these essential elements of a Republican form of Government.

It remained for history to demonstrate that Robert Yates was right and that the people were right in fearing that Congress or the United States Supreme Court might one day construe the Constitutional guarantee of a Republican form of Government out of existence. They were wise to insist on protection against this possibility. So, before ratification of the Constitution, the people insisted on further protection in the form of an amendment which provides that:

"The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people."

Mr. Chairman, I emphasize the word construed. The purpose of this proposed amendment was made perfectly clear by James Madison in presenting the proposed amendment to the First Congress. He said:

"It has been objected . . . that by enumerating particular exemptions to the grant of power, it would disparage those rights which were not placed in the enumeration; and it might follow by implication that those rights which were not singled out, were intended to be assigned into the hands of the general government . . ."

That is what the Constitution says—it is not what Congress says. Congress asserts the power to require the States to submit every piece of legislation which in any way affects their rights to self-government for prior approval by the Executive or Judicial branches of Federal Government. And, of course, Congress discovers this power by virtue of a judicial construction of the Constitution which our forefathers tried so hard to prevent.

So, history proves that the people were right in anticipating that Congress might yet find a way of getting around the two specific limitations of its power by means of Congressionally imposed limitations on the power of State governments. It was this fear that prompted the people to insist on yet a third guarantee in the form of another amendment to our Original Constitution which reads:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Yet, here we are today witnessing Congress lay claim to a power to classify State legislation by subject matter and to create a legal presumption of invalidity of State statutes within the subject area and a power to compel States to come hat in hand to Federal Government to plead for permission to amend their State Constitutions and otherwise exercise their reserved powers essential to self-government.

Congress is in a position of maintaining that because the reserved rights in the people to all of the essential elements of self-government were not enumerated in the Constitution, that Congress thereby has the power to compel the States to forego the right in the people to determine which of its citizens shall exercise the franchise—to forego the right to create State and local offices, to establish tenure and qualifications for office, and to prescribe the manner of appointment or election of citizens to office. Congress insists that all such laws are presumptively invalid and must be submitted for prior approval of Federal Government before they can have force and effect of law.

Mr. Chairman, it simply staggers the imagination to realize that this supposed power in Congress is based on nothing more substantial than a finding that a particular State required literacy as a qualification for voting and that less than fifty percent of its qualified citizens actually voted in the general election of 1964. But it does more than stagger the imagination when Congress takes an axe and literally chops the Constitution into pieces. It invokes a feeling of intense indignation.

For example, here is a provision of the United States Constitution that vests all of the judicial power of this Nation in "one Supreme Court and such inferior courts as Congress may from time to time ordain and establish." (Article III, Section 1).

And here is Congress asserting a power to vest a judicial function and a traditional judicial power in the Executive branch of Federal Government to construe and pass on the validity of State statutes and to enjoin the enforcement of such statutes pending such a determination—all without benefit of judicial processes and procedures.

Mr. Chairman, here is another provision of the Constitution that reads, "Each State shall appoint in such manner as the legislature thereof may direct its Presidential and Vice Presidential electors."

Yet, here is Congress compelling states to submit their method of appointment of Presidential electors for prior approval of the Executive branch of Federal Government. Can you believe it? After all the time and trouble our founding fathers spent to keep Congress and the Executive branch of Federal Government out of the business of choosing electors. And now Congress winds up delegating to the Executive branch of Federal Government a power of veto over the method of choosing the electors as determined by the States under authority of the Constitution. And would you believe it that Congress has delegated to the Executive branch of Federal Government a power to pass on the validity of rules adopted by political parties to whom the States have delegated the authority to choose electoral candidates? Unfortunately, we have to believe it, but it is a hard pill to swallow.

And here are provisions of the United States Constitution that prescribe the qualifications for voting for members of Congress—the qualifications are precisely those adopted by the separate States as qualifications for voting for members of the most numerous branch of the separate State legislatures. The qualifications established by the States are as much a part of the United States Constitution as is any other provision of the Constitution and, as such, cannot be amended, suspended, or abolished without a Constitutional amendment. Yet, here is Congress asserting a right to suspend the qualification of literacy and thus to amend the Constitution by statute.

Mr. Chairman, here is another provision of the United States Constitution which prescribes only two possible ways to amend the Constitution. (Article V.)

And here is Congress establishing a precedent for amending the Constitution by statute and subsequent legitimation by the United States Supreme Court—which, obviously, is not a prescribed method of amendment.

Mr. Chairman, here is a provision of the United States Constitution which states that "full faith and credit shall be given in each State to the Acts . . . of every other State." (Article IV, Section 1.)

And here is Congress asserting the power to enact a law that makes it impossible for each State to give full faith and credit to the Acts of another State.

Mr. Chairman, here is a provision of the Constitution that says that the Senators and Representatives . . . and judicial officers of the United States . . . shall be bound by oath or affirmation to support the Constitution . . .

And here is Congress which must reconcile that oath with its support of Section 4 and Section 5 of the Voting Rights Act which clobbers the Constitution.

And finally, there is a provision of the United States Constitution that denies the Congress the power to pass a bill of attainder—which includes, of course, a bill of pains and penalties. (Article I, Section 9, clause 3).

And here we have a Congress which in 1965 conducted a quasi-judicial hearing to consider charges of unlawful discrimination by election officials in certain States. The evidence was based largely on hearsay, rumor, gossip, and suspicions. On the basis of this evidence, Congress found that an identified group of citizens in separate states were guilty of being suspected of having an intent to conspire in the future to deny citizens their Constitutionally protected right to vote and to have their vote faithfully recorded.

Congress condemned future State legislators, as an identifiable group of citizens, as unfit to hold public office. These individuals were condemned, as an identified group, as unworthy of trust to uphold their solemn oath of office to support the Constitution.

They were deprived of their Constitutionally protected right to pursue careers in public service for compensation without an onus of a pre-determination by Congress of their unfitness for public trust.

They were burdened with an unproved and unprovable future intent to enact State legislation with the purpose and effect of discriminating against minorities in the exericse of the franchise.

Without even a shadow of proof, Congress deemed their unfitness to serve as State legislators as ample grounds to justify a legal presumption that any legislation they might pass in the area of voting would be invalid and therefore subjected to review and prior approval of a higher authority of Federal Government.

But not only were the characters and reputations of State legislators dragged through the mud of a Congressional kangaroo court, but also thousands of public spirited citizens who serve their states and communities out of a sense of duty as voter registrars and election officials, were likewise smeared by Congress.

This last group was branded, in absentia, by their Congressional inquisitors with a judgment of guilt of being suspected of a future intent to conspire to commit a Federal crime of denying citizens the right to vote.

Mr. Chairman, under our Constitution no citizen of the United States may be convicted of a crime or of a conspiracy or intent to commit a crime in the absence of judicial hearings at which all the protections of the Constitution are extended to the defendant. Yet, Congress asserts the power to try such persons in absentia and find them guilty.

Mr. Chairman, does it require trial and a public lynching by Congress to constitute a bill of attainder? It does not. The United States Supreme Court has accorded avowed members of the Communist party protection from deprivation of Constitutionally protected rights by infringements of bills of attainder. In reason and in justice, are members of the Communist party entitled to more protection from the Constitution than is afforded the members of an identified group of legislators and public spirited citizens who serve as election officials? The United States Supreme Court has given its answer as it relates to members of the Communist party—it remains for this Congress to give its answer as it relates to public officials and private citizens of our country.

Mr. Chairman, let me conclude with these few observations—no one who would sell our Constitution down the river for a handful of votes is going to earn the respect of anyone.

I am glad to see minority groups in Alabama and throughout the South exercise the franchise. I am glad to see their renewed interest in public affairs and to see minority groups promoting their interests through the political processes. I would not consciously do anything to discourage or impede their progress in this area.

But I can tell you this—minority groups can read the Constitution as well as you and I can. They can understand the Constitution better perhaps than some members of Congress. You better believe that any member of Congress who shows a willingness to sell the Constitution down the river in exchange for votes will not earn the respect of minorities but utter contempt of all.

Anyone can see what Sections 4 and 5 have done to our Constitution. Anyone should be able to see the dire consequences unless the law of our Constitution is restored and recognized as the law that governs government.

I urge support of this Committee of our bill to repeal Sections 4 and 5, or in the alternative that the bill extending the Voting Rights Act itself repeal Sections 4 and 5 thereof, as a step in the direction of restoring our Constitution to its former place as the ultimate authority over the actions of Congress and other branches of our Federal Government.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is: Shall the bill pass?

Mr. MATHIAS. I ask unanimous consent that this vote be 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The yeas and nays have been ordered, and the clerk will call the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Wisconsin (Mr. NELSON), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I also announce that the Senator from Michigan (Mr. HART) is absent because of illness.

I further announce that, if present and voting, the Senator from Michigan (Mr. HART), and the Senator from New Hampshire (Mr. MCINTYRE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from North Dakota (Mr. YOUNG) is necessarily absent.

I also announce that the Senator from Arizona (Mr. GOLDWATER) is absent on official business.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Arizona (Mr. GOLDWATER) would vote "yea."

I further announce that the Senator from Oklahoma (Mr. BELLMON) is absent attending the funeral of a friend.

The result was announced—yeas 77, nays 12, as follows:

[Rollcall Vote No. 329 Leg.]

YEAS—77

Abourezk
Baker
Bayh
Beall
Bentsen
Biden
Brock
Brooke
Buckley
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Curtis
Dole
Domenici
Eagleton
Fannin
Fong
Ford
Garn
Glenn
Gravel
Griffin
Hart, Gary W.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Leahy
Long
Magnuson
Mansfield
Mathias
McClure
McGee
Metcalf
Mondale
Montoya
Morgan
Moss
Muskie
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Stafford
Stevens
Stevenson
Stone
Taft
Tunney
Weicker
Williams

NAYS—12

Allen
Byrd,
Harry F., Jr.
Hansen
Helms
Laxalt
McClellan
Scott,
William L.
Sparkman
Stennis
Talmadge
Thurmond
Tower

NOT VOTING—10

Bartlett
Bellmon
Eastland
Goldwater
Hart, Philip A.
McGovern
McIntyre
Nelson
Symington
Young

So the bill (H.R. 6219), as amended, was passed.

Mr. TUNNEY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORITY FOR THE SECRETARY OF THE SENATE TO MAKE CERTAIN CORRECTIONS IN H.R. 6219

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendments to H.R. 6219.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO INDEFINITELY POSTPONE S. 1279

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that S. 1279 be indefinitely postponed, that being the Senate bill to amend the Voting Rights Act of 1965.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I hope that we might have just a couple more minutes of a quorum and be able to proceed.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER THAT INTERIOR COMMITTEE HAVE UNTIL MIDNIGHT TONIGHT TO FILE REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs may have until midnight tonight to file certain reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 10 O'CLOCK TOMOROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized tomorrow under the standing order there be a period for the transaction of routine morning business of not to exceed 15 mintues, with statements limited therein to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF SENATE CONCURRENT RESOLUTION 35 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the conclusion of routine morning business tomorrow the Senate proceed to the consideration of Senate Concurrent Resolution 35.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME-LIMITATION AGREEMENT—H.R. 8365

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on H.R. 8365, the Transportation appropriation bill, Mr. Morgan of North Carolina having removed his objection, there be a time limitation of 2 hours on the bill, 1 hour on any amendment, with 3 hours on an amendment by Mr. Bayh, and that the agreement be in the usual form with respect to the division and control of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT ON THE INTRODUCTION OF A BILL

By Mr. FORD:

S. 2171. A bill directing the Secretary of the Interior to include in the National Register the covered bridges within the Commonwealth of Kentucky. Referred to the Committee on Interior and Insular Affairs.

Mr. FORD. Mr. President, a little more than a century ago 400 covered wooden bridges crossed the creeks and rivers in the Commonwealth of Kentucky. Today, however, for one reason or another, that number has been reduced to 15, and of the remaining 15, only 11 are in use.

These historic, unique structures represent an integral part of Kentucky's past. The bridges were built by carpenters turned engineers, and only a few men built them all. The art was passed from father to son in many cases.

Covered bridges were important to the people of Kentucky during this time. They spanned the streams that blocked the way to market. They offered shelter from the heat and storm. They were built of material that was close at hand, and in their day, they served a vital need.

However, these bridges are fast outliving their usefulness and the day is rapidly approaching when they will disappear from the byways of the State.

The preservation of these bridges is a matter of great concern to the many Kentuckians who recognize this symbolic link with our past, and there is strong sentiment that immediate steps must be taken if those remaining covered bridges are to escape the ravages of time and man.

Therefore, I am today introducing legislation to protect these surviving 15 bridges from further disturbance, except by due process of law, by directing the Secretary of the Interior to include in the National Register the remaining covered bridges within the Commonwealth of Kentucky.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at the hour of 10 o'clock tomorrow morning.

After the two leaders or their designees have been recognized under the standing order, there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 5 minutes each.

On the conclusion of routine morning business, the Senate will proceed to the consideration of Senate Concurrent Resolution 35, the bilateral commercial agreement between the United States and Romania.

Upon the disposition of that measure, the Senate under the order previously entered will proceed to the consideration of H.R. 8365, the transportation appropriation bill.

On the disposition of that bill, the Senate will proceed to the consideration of H.R. 8561, the agriculture appropriation bill.

On the disposition of that bill, the Senate will proceed to the consideration of H.R. 8597, the Treasury, Post Office appropriation bill.

On the disposition of that bill, the Senate will proceed to the consideration of the HUD appropriation bill.

On the disposition of that bill, the Senate will proceed to the consideration of the State, Justice appropriation bill.

On the disposition of that bill, the Senate will proceed to the consideration of S. 1281, the public understanding of depository institutions in home financing.

ORDER FOR CONSIDERATION OF S. 391 TOMORROW

Upon the disposition of that bill, by unanimous consent, Mr. President, which I now request, the Senate will proceed to the consideration of S. 391, the mineral leasing bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, obviously, the Senate cannot complete action on the foregoing measures on tomorrow. The Senate will proceed as far as it can go and then it will, when it goes over to Saturday, resume consideration of the measures, unless changed by unanimous consent, in the order I have stated.

This is not to say that actions on tomorrow and Saturday will be limited to the foregoing measures, but these are the measures, all of which are on time agreements, which will be called up beginning with tomorrow and continuing into Saturday.

As I say, there may be some change which I do not foresee at this time and it may be possible to take up additional bills at least on Saturday. But in any event, if that occurs, the leadership will attempt on tomorrow to reassess the situation and inform the Senate as to any additional bills that might be taken up on Saturday.

Obviously, rollcall votes will occur on tomorrow and on Saturday with this lineup of important measures, at least five of which are appropriation bills.

Mr. President, if there be no further business to come before the Senate——

Mr. HELMS. Will the Senator withhold?

Mr. ROBERT C. BYRD. Yes.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Morgan). Without objection, it is so ordered.

ORDER FOR RECEIPT AND REFERENCE OF NOMINATIONS RECEIVED FROM THE PRESIDENT BEFORE MIDNIGHT TONIGHT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive any nominations from the President and appropriately refer such nominations, any that are received by the hour of 12 midnight tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in recess until the hour of 10 a.m. tomorrow.

The motion was agreed to; and at 11:05 p.m., the Senate recessed until Friday, July 25, 1975. at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 24, 1975:

United Nations

The following-named persons to be representatives of the United States of America to the Seventh Special Session and to the Thirtieth Session of the General Assembly of the United Nations:

Daniel P. Moynihan, of New York.

W. Tapley Bennett, Jr., of Georgia.

Donald M. Fraser, U.S. Representative from the State of Minnesota.

J. Herbert Burke, U.S. Representative from the State of Florida.

Clarence M. Mitchell, Jr., of Maryland.

The following-named persons to be alternate representatives of the United States of America to the Seventh Special Session and to the Thirtieth Session of the General Assembly of the United Nations:

Albert W. Sherer, Jr., of Illinois.

Jacob M. Myerson, of South Carolina.

Barbara M. White, of Massachusetts.

Carmen Maymi, of the District of Columbia.

John H. Haugh, of Arizona.

Department of the Treasury

Charles M. Walker, of California, to be an Assistant Secretary of the Treasury, vice Frederic W. Hickman, resigning.

Department of Commerce

Travis Edwin Reed, of California, to be an Assistant Secretary of Commerce, vice Tilton H. Dobbin, resigning.

Department of Housing and Urban Development

Charles J. Orlebeke, of Illinois, to be an Assistant Secretary of Housing and Urban Development, vice Michael H. Moskow, resigning.

National Fire Prevention and Control Administration

Howard D. Tipton, of California, to be Administrator of the National Fire Prevention and Control Administration (new position).

EXTENSIONS OF REMARKS

THE GREAT GASOLINE CONSPIRACY

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following article from the Wall Street Journal of July 15, 1975:

THE GREAT GASOLINE CONSPIRACY

The sudden sharp rise in the demand for gasoline, plus the decline in gasoline stocks, plus the almost simultaneous announcement of gasoline price boosts by most refiners on July 1—all this adds up, in the minds of some Washington politicos, to a great gasoline conspiracy. Senator Henry Jackson, who wants to be President, and Senator Adlai Stevenson, who wants to be President, have announced Senate subcommittee investigations to find out what's going on.

Before they've heard the first witness, though, both gentlemen have announced their findings. Senator Jackson says, "Clearly the oil companies have manufactured a shortage." Senator Stevenson says this is "a classic study in the power of the major oil companies to reverse the normal rules of supply and demand." The prejudgments are a pity, for if the Senators could blot them out of their minds, their hearings would surely prove illuminating and educational.

Take the first question: Why were the price boosts simultaneous? Because under FEA regulations companies can increase prices to pass through costs, but "non-product" costs may be recovered only in the month following the one in which they are incurred. Unlike the cost of crude oil, they cannot be "banked" for recovery in future months when market conditions may be more favorable. In fact recently the companies have been having trouble making price increases stick, so if they are to have any chance to recover non-product costs they have to start as soon as possible. They need no collusion to arrive at the first of the month as the date to post increases. In short, the answer to question one is: The FEA.

On to question two: Why have gasoline stocks dropped so suddenly, Well, the FEA has an obscure rule that requires an oil company to charge everyone in a "class" of customers the same price regardless of geographical location. Before formation of the FEA, a company short on gasoline in California would call other companies and try to buy some, or perhaps swap some for fuel oil. For the right price, a company long in gasoline would sell some to the company that was short.

This no longer happens, because if the second company sold California gasoline at a premium price, it would have to raise its price to similar customers nation-wide. This would mean a loss of market share in other areas, and the premium sale is not worthwhile. So the telephone calls have stopped. It was in these calls, when someone started to find that no one else was long on gasoline, that oil men got the first warning of an impending shortage. Without the calls, a shortage can come as a surprise. So to question two, the answer is: The FEA.

On to question three: Why aren't the nation's refiners, who are operating at less than 90% of capacity, importing more crude oil to make more gasoline? Well, imported crude costs $13, and the FEA will not allow refiners to pass along this cost until the next month. If the refiner is making gasoline from a mix of $5.25 price-controlled oil and $13 imported oil, more imported oil will push up unit costs without any immediate increase in the selling price. Perhaps it would be able to "recover" these costs by higher prices later, but then again maybe not. So the answer to question three is: The FEA.

Now, to give credit where it's due, the FEA runs around frantically writing new regulations trying to undo the damage its past regulations have done. Last week, for example, FEA head Frank Zarb was talking about allowing geographical differentials. But by now, we should be learning that the next regulation will only do something else, that the oil industry cannot be run from Washington without benefit of price signals. That the way to have the oil industry produce gasoline most efficiently, which is to say at the lowest price, is for the government to get out of its way.

Senators Jackson and Stevenson will find, if they conduct fair and honest hearings, that the spot gasoline shortages the nation now faces result not from conspiracy, but from the very controls they and their congressional colleagues created. Once they make this discovery, there no doubt will be public apologies all around to the oil companies and no further attempt to extend controls past the August 31 expiration date. The great gasoline conspiracy was unwittingly concocted on Capitol Hill.

FEDERAL ELECTION COMMISSION

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. STEED. Mr. Speaker, again today I am presenting for my colleagues material which has been furnished to me by the Federal Election Commission. Those wishing to retain earlier comments should consult the RECORDS for June 2 and 25, and July 9, 14, 15, 16, 17, and 23.

The material follows:

[Notice 1975–11]

FEDERAL ELECTION COMMISSION—ADVISORY OPINION REQUESTS

In accordance with the procedures set forth in the Commission's Notice 1975–4, published on June 24, 1975 (40 FR 26660), Advisory Opinion Requests 1975–9 through 1975–12 are published today. Each of the Requests consists of inquiries from several sources which have been consolidated since they present similar issues.

Interested persons wishing to comment on the subject matter of any Advisory Opinion Request may submit written views with respect to such requests within 10 calendar days of the date of the publication of the request in the Federal Register. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Request Section, 1325 K Street, N.W., Washington, D.C. 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered by the Commission before it issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion Requests refer to the specific AOR number of the Request commented upon, and that statutory references be to the United States Code citations, rather than to the Public Law Citations.

AOR 1975–9: Application of Contribution and Expenditure Limits to Unopposed Primary Candidates.

A. Request of Senator Strom Thurmond (Request Edited by the Commission).

"DEAR MR. CURTIS: * * * Is a primary in which there is only one candidate for nomination considered an election, for purposes of the contribution and spending limitations of 18 U.S.C. 608? Is the determination of this question affected if the executive committee of the State party, acting in accordance with State law, declares that sole candidate to be its nominee after the last filing date but before the primary date? * * *"

STROM THURMOND,
U.S. Senator.

B. Republican State Central Committee of South Dakota (Request edited by the Commission).

"DEAR MR. CURTIS: We are hereby requesting a formal advisory opinion from the Federal Election Commission on the following situation:

"In the situation of a candidate for U.S. Representative in South Dakota who does not have opposition in the primary and whose name therefore does not appear on the primary ballot, is such an individual entitled to expend funds in pursuit of the nomination up to the full $70,000 limitation"?

* * * In South Dakota candidates who are not opposed in a primary election do not actually appear on the ballot and it is possible, therefore, that a candidate in either party might be limited to make only general election expenditures under the limitations of the Federal Election Laws.* * * "

JOHN E. OLSON,
State Chairman.

AOR 1975–10: Internal Transfers of Funds by Candidates or Committees.

A. Request of Congressman John J. McFall (Fund Transfers from Campaign Depository) (Request Edited by the Commission).

"GENTLEMEN: * * * Is it permissible for a principal campaign committee of a candidate for Federal office to transfer funds from a checking account at a designated campaign depository to a savings account in the same bank and/or to a savings account in another financial institution that is not a designated campaign depository?"

JOHN J. MCFALL,
Member of Congress.

B. Request of Thomas Coleman (Fund Transfer From Local to Federal Election) (Request Edited by the Commission).

"As a candidate for Congress* * * I respectfully request an advisory opinion on the following:

"A candidate for Federal office has surplus campaign funds remaining from a local state election. How does he report the transfer of these funds to his Federal campaign committee? Does the candidate or his campaign committee need to disclose the source of the surplus contributions and if so, does one presume the funds came from the last contributions to the campaign (last in-last out)? What if the names of the individual contributors are unknown?"

E. THOMAS COLEMAN.

C. Request of The Circle Club (Transfer of Funds by a Political Committee) (Request Edited by the Commission).

"Dear Sirs: * * * Can a pre-existing political committee with residual funds obtain the consent of the contributors of said funds to earmark those funds for a specific Federal candidate, and transfer said funds as contributions from said contributors to the principal campaign committee of the candidate that the contributors wish to support (not exceeding $1,000.00) in the nominating process?" * * *.

Gordon K. Durnil,
Treasurer, The Circle Club.

D. Request of Senator James Buckley (Allocation of Campaign and Non-campaign Expenditures) (Request Edited by the Commission).

"Dear Mr. Curtis: Prior to the enactment of the Federal Election Campaign Act Amendments of 1974, I authorized a procedure to be followed by those handling my fund-raising that may or may not have to be altered prior to the time I declare my candidacy for the Senate in 1976.

* * * Senate rules allow an incumbent to raise and spend money for the purpose of augmenting his staff's activities. These monies are technically 'non-political' in nature and don't have to be reported publicly.

Until about eighteen months ago, I had a committee operating under these rules, but at that time I decided to abolish it and report all funds received regardless of how they are expended. Therefore, when the Friends of Jim Buckley was formed as an authorized committee, I asked the chairman of that committee, Mr. F. Clifton White, to make clear in our fund-raising appeals that he is raising money for both purely political purposes and to assist me in communicating with the people of New York. He has done this and we have categorized expenditures internally as either 'political' or 'non-political' on a purely functional basis.

Once I become a 'candidate,' of course, this committee's 'political' expenditures will apply to the spending limits imposed on my campaign by the new law. The question is this: will the Federal Election Commission recognize the functional distinction between the two types of expenditures or will I have to establish another committee to handle expenditures which have heretofore been considered 'non-political'?

Moreover, if I establish such a committee, will it be able to receive contributions from the existing committee to be expended in this way?" * * *.

Jim Buckley,
U.S. Senator.

AOR 1975–11: Funding Limitations and Separate Committees for Dual Candidates.

A. Request of Senator Bentsen by Counsel (Contribution and Spending Limits Applicable to Candidate for Two Offices) (Request Edited by the Commission).

"Dear Commissioners: This is a request for an advisory opinion concerning the application of the contribution and expenditure limits found in 18 U.S.C. 608 in cases where a candidate is seeking nomination for election to the office of President of the United States and to the office of United States Senator at the same time.

As you know, Senator Lloyd Bentsen is a declared candidate for the office of the President of the United States. He has been filing personally as a candidate on the appropriate FECA forms, and he has had a registered political committee working on his behalf for some time. Senator Bentsen also expects to run for reelection to the United States Senate in 1976. It now appears the Senator may well be running for both offices at the same time.

In the event the Senator seeks nomination for election to both offices at the same time, his name will appear twice on ballots presented to the Texas electorate. Texas voters will have an opportunity to judge his qualifications for both offices and cast a vote for or against Senator Bentsen in both elections. Since the Senator will actually be a candidate for both offices, policy considerations and the statutory language itself support the view that the contribution and expenditure limits of § 608 apply separately to each election.

* * * The Senator's specific questions are as follows:

'1. Do the personal and immediate family expenditure limits of § 608(a) (1) apply separately to an individual's simultaneous candidacy for nomination for election to the Presidency and for nomination to the office of United States Senator, so that the individual may spend $35,000 with respect to his Senatorial race and another $50,000 with respect to his Presidential race?

'2. Do the contribution limits in § 608(b) (1) and (2) apply separately in the case of simultaneous candidacy, so that, for example, an individual may contribute $1,000 to the candidate with respect to his Senate primary election and another $1,000 with respect to his candidacy in the state's Presidential primary?

'3. May a candidate seeking nomination for election to the office of President and U.S. Senator at the same time take advantage of two expenditure limits, so that he may spend the amount designated by § 608(c) (1) (C) on behalf of his Senatorial primary campaign and twice that amount with respect to his Presidential primary campaign, pursuant to § 608(c) (1) (A)?' " * * *.

Robert N. Thomson.

B. Request of Congressman Alan Steelman (Creation of Separate Campaign Committees for Congressional and Statewide Office) (Request Edited by the Commission).

"Dear Mr. Chairman: Can a Member of Congress accumulate and spend campaign funds from more than one campaign committee, assuming that all such committees file timely reports listing all contributions and expenditures?

The reason for this question stems from the possibility of a Congressman's needing to raise political money for a purpose not directly related to his seeking re-election to the House of Representatives. Say, for example, Congressman X is contemplating running for a higher statewide office. He determines he will need to raise $25,000 to pay for a statewide poll and to travel around the state over a period of six months to sound out party leaders and to 'test the political waters.' Not wanting to spend left-over campaign contributions given solely for his last campaign for the House, Congressman X decides he will need to raise new money for this special purpose, and to make sure the contributors understand for what purpose their money will be spent. The easiest way to accomplish this would be to form a new committee. It is legal to do this?" * * *.

Alan Steelman,
Member of Congress.

OAR 1975–12: Application of Federal Election Campaign Act to Candidates for Delegate to National Nominating Conventions.

A. Michigan Democratic Party (Request Edited by the Commission).

"Dear Sirs: * * * Section 431(a) (3) (4) includes within the definition of 'election' certain types of presidential primary elections. Under * * * [Michigan] law, individual persons are elected as precinct delegates in a presidential primary election. These delegates then assemble in local county and district conventions to elect delegates to a state convention who in turn elect delegates to the national convention. My questions are these:

'a. Does each one of the candidates for precinct delegate in a presidential primary need to file a report with the Federal Election Commission?

'b. Do the local counties and districts need to file a report of expenses associated with their convention of precinct delegates following the primary election?

'c. Does the state party need to file a report of its expenses with regard to the state convention at which national convention delegates are selected with the Federal Election Commission?' " * * *.

Morley A. Winograd.

B. Republican State Committee of Pennsylvania (Request Edited by the Commission).

"Dear Mr. Curtis: It appears to us that the new Federal Election law is somewhat unclear as to its application to the selection of delegates to the Republican National Convention.

It would be most helpful * * * if the Commission could clarify the following questions:

'1. To what extent, if any, do the current Federal election statutes apply to the election and selection of delegates either by (a) popular election or (b) election by a state committee of a state party?

'2. Is there any distinction in the application of these election statutes if a delegate, by state or party rules, runs as officially uncommitted, as opposed to a delegate who is committed to vote as his state votes in a preferential Presidential primary?' "

Richard C. Frame.

THE TURKISH COMPROMISE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the Record, I include the following article from the Wall Street Journal of July 15, 1975:

The Turkish Compromise

An unsuccessful experiment by Congress in the direct conduct of U.S. foreign policy will be ended if the House next week approves an administration-backed measure ending the embargo on U.S. arms shipments to Turkey. The embargo, imposed by Congress five months ago to try to force a Turkish compromise on the Cyprus question, has backfired so badly that even facesaving is difficult. But perhaps a lesson has been learned.

The bill before the House would permit resumption of arms shipments but require the White House to report to Congress every two months on progress of the Cyprus talks. While that implies possible further action if there is no progress, it nonetheless largely restores the traditional discretionary powers of the Executive Branch in initiating foreign policy.

The vote may have been timed to avoid the appearance of capitulation to a Turkish deadline. Ankara said last month that if the embargo weren't lifted by July 17, which is day after tomorrow, it would review the status of the 24 American bases on its territory. Just what this review would entail, or whether it might still take place, isn't clear. But even though Congress is not meeting the deadline there should be little doubt that it has been badly outmaneuvered at the game of applying diplomatic pressure.

Congressional pressure failed in the most spectacular manner. The Cyprus talks are now deadlocked. The Turkish Cypriots have announced an autonomous republic, and the Turkish government threatened its "reassessment." This embargo could hardly have done otherwise, coming at a moment of political stalemate in Turkey. The hero of the Turkish invasion of Cyprus, Bulent Ecevit, resigned as premier hoping to capitalize on his success at the polls, but his opponents have taken over the government and so far succeeded in blocking new elections. The deadlock is not the stuff of which foreign policy compromise is made, especially since Turkey does in fact hold a strong hand in its talks with the U.S.

If Congress persists in playing a losing game, the consequences for the U.S. position in the eastern Mediterranean could be disastrous. And none of our friends there, Greek, Turkish or Israeli, can benefit from that. The best course would be for Congress to lose a little bit of face and hope that the chastening experience will teach it something about the right way to conduct foreign policy.

CONCERN EXPRESSED ON PRESENCE OF POLYCHLORINATED BIPHENYLS IN THE ENVIRONMENT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. DINGELL. Mr. Speaker, pursuant to permission previously granted, I am pleased to insert a copy of correspondence I have received from an outstanding conservationist and public servant, the Honorable Nathaniel P. Reed, Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, as addressed to another great environmentalist and public servant, the Honorable Russell E. Train, Administrator, Environmental Protection Agency, in which Assistant Secretary Reed reports his concern in detail regarding the presence of polychlorinated biphenyls, notably in fish food, and the effects of such chemicals throughout the environment.

I commend this information to the attention of my colleagues and the public and enclose Assistant Secretary Reed's letter:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., July 17, 1975.

Hon. RUSSELL E. TRAIN,
Administrator, Environmental Protection Agency, Washington, D.C.

DEAR MR. TRAIN: Recent evidence demonstrating the widespread presence of polychlorinated biphenyls (PCB's) in the environment is causing me much concern. Although the presence of PCB's in the environment has been general scientific knowledge for a number of years, this group of chemicals was at first only of academic interest because of analytical confusion between PCB's and DDT/metabolite residues. I am moved to action at this time because of new evidence which suggests serious public health implications in addition to adverse effects on fishery resources.

Research conducted in Wisconsin indicates undesirable effects on Rhesus monkeys when food containing 5 ppm is ingested in the diet. They develop liver disorders, skin lesions, and their young may be stillborn. I understand your field staff is quite concerned over this development. Some Great Lakes food fish contain as much as 70 ppm PCB's.

In recent weeks the Food and Drug Administration (in concert with the affected States) has embargoed commercial fish from the Mississippi River and Lake Michigan because the residue action level of five parts per million was being exceeded by several times. The FDA also has issued informal advisories to sport fishermen in the Great Lakes area to limit consumption of chubs, mature trout and salmon. Departments of Health in Wisconsin and Minnesota have advised only one meal a week with special admonition for pregnant women or children. New York State biologists report a similar situation in Lake Ontario.

Studies with PCB's have repeatedly demonstrated their adverse effects on fish: 50 percent growth suppression of lake trout at levels of 1.2 to 12 ppm after 6 months exposure; altered thyroid activity in lake trout, channel catfish and bluegill at 1/1000 dose causing death; fewer embryos after exposure of fertilized sheepshead minnow eggs at 10 ppm; and reduced hatching, lowered fry survival, and an increased number of crippled fry after feeding of cutthroat trout at 5 ppm. Since 1965, we have placed over 40 million lake trout in the Upper Great Lakes. We have yet to see natural reproduction in Lake Michigan.

I am aware that a hazardous materials bill is being considered in Congress and action is needed to provide fuller authority to your agency. I pledge my assistance in this regard.

With a Federal investment of multi-millions in the restoration of the Great Lakes fishery and its habitat, I must urge you in the strongest terms to take appropriate action. There appears to be broad unanimity for the banning of this family of industrial contaminants, and I recommend that this be done at the earliest moment.

The Minnesota Pollution Control Agency has voted unanimously to support a Federal ban on PCB's. The Wisconsin Department of Natural Resources is considering action. The Upper Great Lakes Committee of the Great Lakes Fishery Commission has recommended a ban on PCB's. The intensity of public concern is high and is growing rapidly.

I understand that PCB's can be replaced by suitable alternate compounds which presently exist. Control of imported PCB's and products containing PCB's also is essential. I see this as the only means to avert a theat to national fish and wildlife resources and to the public health.

I have attached a representative sample of the information leading me to this recommendation, and I am providing copies to the three Congressional delegations from the Great Lakes States with whom I plan to meet in the near future.

With warm personal regards.

Sincerely yours,
ASSISTANT SECRETARY OF THE INTERIOR.

STUDENTS TESTIFY ON VANDALISM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. RANGEL. Mr. Speaker, there have been a number of statements on vandalism within our schools which have been prepared and presented to the Congress by key officials within the education community. While these statements do reveal some differences of opinion about the causes of vandalism there seems to be little disagreement that acts of violence have now escalated to the point where they are affecting the ability of our Nation's schools to function effectively. Mr. Speaker, I also think it is important that we have input from our students on this important issue, for it is they who are either directly or indirectly the ultimate victims of it. I am pleased, therefore, to share with my colleagues an example of such a contribution which was given before the Subcommittee on Elementary, Secondary and Vocational Education by Ms. Eugenia Ellison, a part-time member of my staff and a recent graduate of Roosevelt High School in the District. The text of Ms. Ellison's remarks follows:

VIOLENCE AND VANDALISM

Good morning . . . my name is Eugenia Ellison and I'm a senior at Roosevelt Senior High School, which is located here in the District. I'm honored and pleased that I was allowed to testify before this subcommittee on Elementary and Seconday Education on a topic which has endangered the welfare and safety of the schools, the students and the educational learnings for years. This topic is Vandalism.

VANDALISM

In the standard dictionary, vandalism is defined as a malicious or destructive act committed against public or private property. Vandalism is a symptom. A symptom of frustration and anger; as well as an expression of wanting to belong.

Vandalism is truly one of the major physical illnesses in this country today. It's an act that occurs among a special group of people. The majority of the crimes committed in the schools are not committed by the students that attend the schools but by outsiders. Vandalism is sometimes a case of jealousy and envy.

When vandalism is committed by a dropout this is usually due to the lack of concern and the abundance of jealousy locked up within him. When it's committed by students from other schools this is also a form of jealousy. Jealousy to the extent that they feel that the school has hurt them in some way and they, try to retaliate. It's a kind of built-in hatred.

When vandalism is committed by younger students of the elementary or junior high levels this is a reflex action that's generally followed by jealousy, resentment and prejudism. When the younger students commit this act they are doing so because they see the older kids at a level they do not see themselves achieving and they feel they owe it to themselves to destroy the higher level schools.

The problems with these students are enormous and great but still they can be disspelled. Certain problems may exist in the home, with teachers and administration or other students.

When vandalism is committed by students within the school, this is due to the fact that the student is either failing in a subject, bored with the class or there may be conflict with the teachers and administration.

The administration plays a large part in the act of vandalism. When the administration is weak, the school begins to deteriorate and begins to become the target of much violence and vandalism. I can recall a similar situation that occurred during the 1973–74 school year where the school administration was not very interested in nothing but academics. They believed that academics came first and last and paid little or no attention to the number of social activities we had. His beliefs lowered the morale of many of the students causing them to loiter in the halls, disrupt classes, start fights and commit all kinds of foolish and worthless vandalism. The students began to retaliate because they were not allowed to exhibit their many talents.

During the 1974–75 school year the school began to change for the better. There began to be less loitering in the halls by the students that attended the school and the school began to recognize not only that academics were the first and last concern but also it began to emphasize on the many different clubs, organizations and sports. This new change in school policy became possible because of a new administration. The administration believed that everyone should get involved in something constructive. They developed projects for the academic students as well as for the hall walkers. These projects were developed to help cut down on the violence and the vandalism. Such projects were:

1. Getting the hall walkers to do some volunteer work with the handicaps and the elementary school students. These students began to feel that they were doing something constructive and they felt they could help those less fortunate than themselves. They began to feel important and a part of the school.

2. Getting more students involved in student government. All students were allowed to participate in the school government and to petition the things that they felt were wrong with the school, students all over the school began to bring in the complaints of the school and the reasons "why" they were dissatisfied. They learned "how" to respect their rights and the rights of others. Many of the hall walkers began to learn the value of speaking out in the proper manner at the proper time.

I'm not saying that the vandalism and violence disappeared because of these two proposals but they did cut down on the number of hall walkers and put a halt to some of the problems the school was having.

Once a student begins to feel that this school is his, he takes pride in it and stops destroying it. They began to realize that it was terrible to study in a vandalized class or environment.

Vandalism, the unlawful act of violence and jealousy needs to be combated. One step has been taken but many more need to follow. The one such step is the development of a security office. The purpose of this office is to work with students, teachers, administrators, school employees, parents and the community to try to prevent these unlawful incidences from occurring. I feel that it is a shame that we need officers such as this, when we could use the money for many other purposes. Maybe one day students will see no need for the office, but will assume the responsibility and challenge to remove these ills of violence and vandalism from our schools.

In many cases vandalism continues because there is a breakdown in communication between the school administration and the security office. Many of the things that happen in the District of Columbia public schools are not reported by the administration to the security office causing a lack of concern of the welfare of their students. For example: I can recall an incident where a student wore a new coat to school and it was stolen from her locker. The theft was reported to the principal but not to the security office. The reason many of these cases are not reported to the security office is because the administration feels that it is a threat to them and consequently do not report them to the proper authorities.

CLOSING REMARKS

We want our schools desperately to establish and maintain the proper environment for appropriate social and academic learning rather than serve as an institution victimized by hostilities and destruction. This can be and must be a united concern if we as students are to make a meaningful contribution to society.

FORD'S STATURE GROWS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1975

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following article from the San Diego Union of June 12, 1975:

FORD'S STATURE GROWS—PROVING STRONG EXECUTIVE

Americans, who tend to be competitive by nature, attach the terms "victory" and "defeat" far too readily to the interactions between Congress and the President.

However, there is no question at all that the failure of Democrats to override President Ford's veto of the strip mining bill on Tuesday was another significant milestone in relationships between the President and the 94th Congress.

It was the third consecutive failure of the Democrat majority to override the wishes of the President on major legislation, and the 11th failure in this Congress.

By any political yardstick the Democrats should have been able to muster enough votes to pass a measure ostensibly intended to improve the environment, if they have a correct reading of the pulse of the nation.

By the same token, the $5.3 billion makework bill that the President vetoed last week also had "motherhood" value in political terms. It would have poured billions of dollars into projects that touched construction workers, college students, automobile industry employes, small businesses, cities, counties, and regions. The farm bill that President Ford vetoed several weeks ago would have added agricultural subsidies to the list. However, Congress could not overcome the President's objections in any of these.

Firm in his conviction that inflation should be haltered, and that the United States of America should quell inflation and strike a balance between environment and economic needs, the President has acted decisively.

The Democrats pulled out all of the stops in their effort to override the vetoes. In the case of the makework bill, Speaker Carl Albert even yielded the gavel to speak against the Administration from the House floor. The Democrats themselves put the bills and the vetoes into the framework of "victory" or "defeat"—and they lost.

Their setback comes at a time when the President's star is on the rise. On the whole, he has had good luck with all of his 29 vetoes since taking office in August, 1974. He gained the support of Americans for taking firm action to protect American seamen on the freighter Mayaguez, and his international standing was measurably and visibly improved as the result of his recent trip to Europe to talk to heads of state.

The impression fostered early in the Ford Administration that the President is essentially a compromiser rather than a forceful leader has dissipated.

This is a fortuitous turn of events. The two party system in the United States of America does not thrive on partisan imbalance. By being a strong executive, President Ford is providing an effective counterweight to the numerically superior but ineffectual Democrat majority in Congress.

Perhaps the most encouraging aspect of the emerging executive-legislative relationship is that the Democrats cannot regroup their political strength without coming up with some genuine solutions to the problems that plague the United States.

Should that happen, all American citizens will benefit.

NEW YORK STATE'S RATIFICATION ANNIVERSARY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. HORTON. Mr. Speaker, I rise to share with my distinguished colleagues the occasion of the 187th anniversary of New York State's ratification of the U.S. Constitution. The Bicentennial year offers a unique opportunity for New York State residents—and all American citizens—to examine the role which their State played in our Nation's history. The anniversary of New York's ratification of the Constitution provides one such opportunity for Americans to appreciate a unique event in U.S. history.

The convention, convened in Poughkeepsie in June of 1788, was a hard-fought battle—one which dealt with issues still very much unresolved in the minds of political observers and participants alike. George Clinton, New York's first Governor who would serve a total of seven terms in that office and twice in the Vice Presidency, was a strong anti-Federalist. Concerned that the predominately Federalist downstaters would railroad the Constitution through the convention, Clinton called for an unprecedented popular election to select delegates to the ratification convention. While intended as a delaying tactic, the election proved a tremendous success for the anti-Federalists, for the Federalists, led by Alexander Hamilton, garnered only 25 percent of the delegates. New York, in allowing all free men over the age of 21 to vote, was the only State to have such wide suffrage.

Hamilton's Federalist group, which included such giants as John Jay and Robert Livingston, represented primarily wealthy interests—men who were members of the colonial aristocracy and who favored a strong Federal Government for trade, business, and tariff reasons. The anti-Federalists were composed of upstate yeomen, farmers, and rent payers who did not want to support a large Federal system through taxes.

The convention dragged on for over a month, with day after day of heated debate. On July 4, one person was killed and 17 injured in riots between Federalist and anti-Federalist groups in Albany. Despite their majority, the anti-Federalists knew their cause was lost. New York was now surrounded by States which had ratified, and thus had no real choice but to approve the Constitution with accompanying amendments.

The vote, however, was a narrow 30 to 27. The rift between the Federalists and anti-Federalists served as the primary political issue for the remainder of the century, and is very much with us today. One hundred and eighty-seven years ago, New York became the 11th State to ratify the U.S. Constitution. In doing so, its ratification convention helped to crystallize the arguments of both sides, and cause the foremost documentation of the Federalist controversies, "The Federalist" to be written and published.

The debate was resolved on July 26, 1788, in favor of a strong Federal system. What remains unresolved, and what forms a basic division between our Nation's political parties, is just how much that system should be used.

DEATH AT AN EARLY AGE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. HARRINGTON. Mr. Speaker, congressional inaction in the area of gun control has substantially contributed to the institutionalization of violence as a way of life in America. Our failure to institute a realistic gun control program in the past has served to illustrate our unwillingness to provide effective national leadership in areas of vital importance to the safety and well-being of each and every citizen.

For those of my colleagues who feel present gun control regulations are sufficient, and to those of my friends who feel that halfway measures such as registration will suffice, I submit, for the RECORD, an article by Jimmy Breslin from the July 23 issue of the Washington Star.

The text follows:

[From the Washington Star, July 23, 1975]

(By Jimmy Breslin)

THE SERIALIZED REGISTERED GUN THAT KILLED A BOY

On May 11, 1974, there arrived at the main office of Irving's Sports Shops, Inc., in the Far Northwest section of Washington, a United Parcel Service package, wrapped in plain brown paper and bearing the return address of JSC, Inc., Route 1, Olyphant, Pa. The package was received by John Chapman, the chief gun buyer for the nine Irving's stores in the Washington area. The package contained a Smith and Wesson Model 64, serial number D 524738. This is a stainless steel .38, a highly desirable weapon, according to Chapman, because after being used the gun can be washed under a faucet. "All parts are stainless steel, you take care of it just like silverware," Chapman says.

The gun had been manufactured at the main Smith and Wesson plant in Springfield, Mass. It then had been sent to a distributor, Jerry's Sports Centre, in Olyphant, Pa. Jerry's ships its orders out in plain brown paper and with the "JSC" initials in order to keep the contents unrecognizable.

The gun was placed in the Irving's shop in the Landover Mall. All other stores were advised that this "unique" gun was in stock, but it was to be moved from Irving's Store at Landover only if one of the other stores had a definite customer.

On August 26, Oscar Jackson came into the Irving's Sports Shop downtown store on the corner of 10th and E Streets, across the street from an entrance to the hulking new FBI building, Jackson owns a tavern, the Manhatten Cafe, on 18th Street and U, in the crime-racked upper Northwest section of the city. Jackson felt unprotected without a gun in the bar. When the salesman at Irving's downtown store, Don Fogel, told Jackson about the Smith and Wesson Model 64, Jackson placed a deposit. Fogel had the gun brought by delivery truck from the Landover store, and Jackson went to the District of Columbia Police and filed for permission to buy the gun.

There are over 58,000 registered handguns in the District of Columbia. Upon filing for purchase of a gun, a person is fingerprinted and his background checked for insanity, alcoholism and convictions. Police say they also call a person's spouse to see if purchase of a gun would cause marital complications. On Oct. 15, 1974, Oscar Jackson, certified, registered, paid the balance on the $140 purchase and walked out of Irving's store with the gun and a box of bullets.

He says he fired the gun once. Where did he fire it? "Around someplace, just to see if it worked," Jackson says. He then placed the gun in a cabinet underneath the back bar of the Manhattan Cafe, a small place whose pleasantness is disturbed by the continual droning of a color television set over the bar. The gun remained in the cabinet, Jackson never finding himself in need of it. There are many holdups in the area, a food store around the corner has been held up five times, Jackson says, but his bar has escaped violence.

On January 24, 1975, Jackson closed the Manhattan at two a.m. When the day barmaid, Helen Queen, arrived at 8:15 a.m., she found the cabinet under the back bar had been broken into. The hinges had been taken off. In the men's room, a window had been taken out. Helen Queen called Jackson and he got out of bed and came to his bar. He found missing a brown metal box containing $500 and rolls of change, cartons of cigarettes worth $300, several cases of whiskey, and the gun and box of bullets. He reported this to police. Immediately, the gun, District of Columbia registration number 50316, was listed as being stolen.

There is in the District of Columbia no way to count the number of actual weapons on hand on any given night. A visitor who has walked the streets of this city for several weeks is of the opinion that in many parts of the city at night there is something the matter with a person who does not have a gun. Many of the guns are cheap and unreliable or inoperative. But many of them are well-manufactured; unlike American cars, which cost thousands and begin to fall apart at the end of a few years, an American made gun, costing less than $150, can with proper care shoot people into the third generation. Whatever, somewhere at night in Washington, from last January on, was a Smith and Wesson stainless steel .38 which, if used, could be cleaned under a faucet, like knives and forks. It was listed as stolen, but there is no way to look for a stolen gun. A stolen gun is just something you put down on a list. Unless you are the person who has stolen it.

At 2:15 a.m. last Saturday night, Kenneth Washington, 14, was riding in the front of a Washington Post newspaper delivery truck going along a street in the Northwest section of the city. He and another boy—in news circulation business their jobs are known as "jumpers"—heard shots. They looked around to see where the shots were. Then part of the window of the truck dissolved. A moment later, Kenneth Washington said, in a small voice, "I been hit in the chest." He went down on the floor of the truck with a little piece of death inside him. Nobody could see any blood on his blue shirt. "He moved just a little and then he didn't say no more," the other boy, Howard Ross, said.

Later that night, a man was picked up for the shooting. At the time of his arrest a gun was found in a car. Homicide detectives checked the gun and found it had been stolen from Oscar Jackson, owner of the Manhattan Cafe. It was serialized, registered, listed, charted and it had killed a 14-year-old boy.

The man arrested, Benjamin O'Connor, 31, was arraigned on a homicide charge in court. Moonfaced, burly-shouldered, he stood in front of the judge and said nothing. Then he rolled through the door to the detention pens—a prison roll; he had been released from a penitentiary in January after serving time for armed robbery.

The wake for Kenneth Washington will be held tonight at the Jarvis Funeral Home, 1432 U St. NW. The funeral will be held tomorrow at the Shiloh Baptist Church, 1500 9th St. NW.

Later in the day, after the arraignment, Oscar Jackson was found in the Manhattan Cafe.

"My gun?" he said. "Really? My gun is the gun they used to shoot the boy? And they got the gun? Gee. Well." He sat at a table and thought for a moment.

"Will I be able to get my gun back? I should be able to get my gun back." He thought some more. "Hell, yeah, I should be able to get it back now. That's stolen property and they recovered it, right?"

A NEED CHANGE IN THE SOCIAL SECURITY LAW

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. ROUSH. Mr. Speaker, I am today introducing a proposal to eliminate a procedure permitted under the law by the Social Security Administration regarding overpayment of social security benefits. My proposal would eliminate the provisions of the Social Security Act which authorize the recovery of one person's overpayments from another person's benefits.

The reason for my introducing this legislation is due to social security cases which I have investigated. One in particular involved a constituent of mine. This constituent contacted me to see why she had not been receiving her social security benefits. What had occurred was that the constituent was receiving benefits on the same social security account as her older sister. The older sister had been receiving social security benefits illegally since she had dropped out of school. To compensate for the payments to the older sister, the Social Security Administration began withholding benefits from the younger sister. The Social Security Administration informed me that under the law, it is legal to recover what they consider an overpayment of the account made to one party from the benefits paid to another party who is on the same record. The younger sister's benefits which had been withheld by the Social Security Administration were eventually restored, but only when the older sister returned to school and became once again eligible to receive social security payments from which the overpayment could be deducted.

I do not believe that this provision of the Social Security Act is fair.

In the particular case which I described, I do not believe that the innocent individual should be penalized for the actions of the other individual. Moreover, if it is an error which is made by the Social Security Administration, certainly the innocent recipient should not be penalized. It seems to me that the number of cases I have had concerning overpayment of social security benefits clearly points out that the Social Security Administration should be held more accountable for its bureaucratic errors. The victims of these bureaucratic errors are our constituents. I do not believe that our constituents should be held accountable for the mistakes made by an agency of the Federal Government.

I hope that the Ways and Means Committee will find this proposal worthy of consideration at an early date.

BLACK AMERICANS TO SUPPORT ISRAEL COMMITTEE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. CLAY. Mr. Speaker, A. Philip Randolph, the noted black labor leader, is organizing a "Black Americans to Support Israel Committee."

Since I have agreed to become a member of this group and have consistently supported the cause of Israel, I would like to call to the attention of my colleagues its statement of principles and therefore insert it in the RECORD:

BLACK AMERICANS TO SUPPORT ISRAEL COMMITTEE

STATEMENT OF PRINCIPLES

We, black Americans, have been guided throughout our long struggle for racial equality by certain fundamental principles. These include:

A commitment to democracy;

Opposition to all forms of racial, religious and sex discrimination;

The conviction that denial of equal rights to any minority threatens not only every other minority but democracy itself.

These principles have led us to the following conclusions concerning the Israeli-Arab conflict and its bearing on American society.

1. We condemn the anti-Jewish "blacklist."

We have fought too long and too hard to root out discrimination from our land to sit idly while foreign interests import bigotry into America. Having suffered so greatly from such prejudice, we consider most repugnant efforts by Arab states to use the economic power of their newly acquired oil wealth to boycott business firms that deal with Israel or that have Jewish owners, directors or executives, and to impose anti-Jewish preconditions for investments in this country.

2. We believe blacks and Jews have common interests in democracy and justice.

In the fight against discrimination, black Americans and American Jews have shared profound and enduring common interests that far transcend any differences between us. Jews through individuals and organizations have been among the most staunch allies in the struggle for racial justice, sharing with us the conviction that equality is indivisible and that no minority is secure in its rights if the rights of any are impaired.

3. We support democratic Israel's right to exist.

The democratic values that have sustained our struggle in America are also the source of our admiration for Israel and her impressive social achievements. No nation is without imperfections. But Israel's are far outweighed by the freedom of her democratic society. Only in Israel, among the nations of the Middle East, are political freedoms and civil liberties secure. All religions are free and secure in their observance. Education is free and universal. Social welfare is highly advanced. Her communal farms (Kibbutzim) are models of social idealism, creative innovation, and cooperative spirit. Israel's labor movement, the Histadrut, has earned the deep respect of free trade unionists throughout the world. Together with other Americans, we enthusiastically join in reaffirming the rights of Israel to exist as a sovereign state.

4. Arab oil policies have had disastrous effects upon blacks in America and in Africa.

The impact of the massive increases in the price of oil has fallen disproportionately on the shoulders of black Americans. But we are not alone in our suffering. Millions of men, women and children in Black Africa face starvation because the economies of their countries, already crippled by drought, were further weakened because of oil price increases.

The chief cause of Black Africa's disastrous economic situation is the price that the Arabs are exacting for oil—at the same time that they give lip service to their commitment to "African solidarity." The Arab oil-producing states have offered only small loans to the Black African nations, and then only in return for humiliating political concessions.

Israel, small and isolated as it is, has done much to aid the economic developments of Black Africa through creative technical assistance programs.

5. We support peace through mutual recognition.

All of us long to see an end to the tragic Arab-Israeli conflict. We have learned from our struggle here in America that the only way to resolve a conflict of nationalities is through mutual acceptance and reconciliation. The Arabs have refused to accept the legitimacy of the state of Israel.

Israel has consistently demonstrated the desire to make concessions in the interest of peace with her Arab neighbors. But she has refused to accept conditions that would threaten her existence as an independent sovereign nation.

6. We support genuine Palestinian self-determination.

We support the rights of the Palestinians to genuine self-determination, but not at the expense of the rights of Jews to independence and statehood, and not at the command of economic blackmailers or of terrorists who would force their own "solution" at the point of a gun.

We have compassion for all who have suffered in this conflict, not least for the Palestinian refugees. But who can avoid asking why so many of these people continue to live in poverty in the midst of Arab oil wealth?

The spokesmen for the goal of self-determination for the Palestinian through the so-called Palestinian Liberation Organization (PLO) have not been elected. They represent only themselves. The P.L.O., like all terrorists groups, have turned their unbridled violence against anyone who gets in their way, including Palestinians, and who disagree with them. Who can forget the murder of Israeli athletes at the Olympic games, the bomb letters, the airplane hijackings and attacks on the ground, the sudden massacre of innocent civilians at the Tel Aviv airport?

Regardless of what the Arab world calls it, in the horrified shock of the people it is indiscriminate murder of innocents.

7. We will work for peace.

In the months ahead we will work for a just and stable peace, a peace that will not be a prelude to a new war but the beginning of an era of cooperation and good will between Israel and her Arab neighbors.

NEW WORRY FOR STOCKHOLDERS—IRS VERNON BANK VILLAIN

HON. JACK HIGHTOWER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. HIGHTOWER. Mr. Speaker, the U.S. Government Manual tells us the mission of the Internal Revenue Service is to encourage and achieve the highest possible degree of voluntary compliance with the tax laws and regulations and to maintain the highest degree of public confidence in the integrity and efficiency of the Service.

Apparently IRS personnel have not read the manual.

Although each of us may harbor some unkind thoughts about IRS each April 15, its recent actions have severely damaged its credibility with the entire population of my hometown of Vernon, Tex.

I hope that after you and my colleagues read the following article from the Wichita Falls Record News we might begin to think how we can mandate something for the IRS and other departments and agencies that is required of each of us—accountability to the people we are privileged to serve.

The article follows:

NEW WORRY FOR STOCKHOLDERS—IRS VERNON BANK VILLAIN

(EDITOR'S NOTE—Two years ago Sunday, the First State Bank of Vernon conducted its final day of business, plundered in a multi-million dollar check kiting scheme. Criminal charges and bankruptcy proceedings followed. But now the bank's stockholders say a new villain has surfaced: The IRS).

(By Mike Cochran)

VERNON, TEX.—They tell the story here of a rancher who sneaks across the road one night, steals a neighbor's horses and hides them in his own corral.

The next day, the crooked rancher declares bankruptcy.

Ignoring the protests of the honest rancher, the duly appointed receiver attaches everything on the crooked man's ranch and sells it to meet creditor demands.

The honest rancher obviously has no receipt for his stolen horses, so he has no claim, and thus his property goes to settle another man's taxes.

Although the scenario is different, group of Vernon bank stockholders contends a similar injustice occurred here. The villain: the Internal Revenue Service.

"The IRS raped us," said one irate citizen. "It's really unbelievable what has happened here," said another "They've stolen our money," charged a third.

In a fit of despair more than anger, one of the offended fired off a letter to protest to President Ford, members of Congress, Gov. Dolph Brisco, Texas legislators and others.

"And they all just kissed us off," he said.

The Vernon dilemma dates back to the summer of 1973, a Friday the 13th, when the First State Bank closed after a routine day of business.

It never reopened.

First State was torpedoed in a multimillion dollar check kiting scheme that investigators say involved a counterfeit cotton warehouse receipt operation.

When the bank was officially closed, a citizen recalls, "business came to a standstill . . . in fact, everything in the community just stopped."

The cotton company's owners, partners E. E. Huntley and G. F. Hemphill of Vernon, have since been convicted of fraud, perjury and other misdeeds.

The verdict is under appeal.

Meanwhile, the Huntley-Hemphill Cotton Co., was placed in receivership under Chapter 11 of the Bankruptcy Act and efforts were made to pay creditors.

It is an unusual situation since a bountiful cotton crop in 1973 enabled the receivership to amass millions of dollars.

A spokesman for the receivership said it is hoped that all creditors will be paid in full during fiscal 1976. The list includes banks in Alabama, Mississippi, Oklahoma and Texas.

But virtually ignored were 86 shareholders of Vernon's defunct First State Bank, including its former senior vice president, Freddie Guggisberg, who along with others plunged his life savings into the bank.

One of the problems now facing shareholders is that their claims are "unliquidated" (in effect, unsubstantiated) because, as Guggisberg put it, "What is the value of a stock?"

But the source of total dismay is the Internal Revenue Service, which negotiated a settlement last month involving an estimated $3 million in federal tax claims.

"They nailed the coffin shut this morning," one stockholder said at the time.

The IRS, the stockholders charged, acted out of high handed greed, and its claim, if not illegal, was at least unethical and unsavory and bureaucratic indifference at its worst.

"And they knew we were too small to contest it," said Ed Lehman, a stockholder and former director of First State.

"I'm not saying it was illegal, but it was very contestable. We feel the IRS couldn't win if we could afford to fight it."

In a letter to President Ford, Guggisberg said the Huntley-Hemphill partnership, under Chapter 11, "accumulated funds which would appear to pay all creditors . . . reimburse all stockholders . . . and even pay the Internal Revenue Service . . . funds they are not even legally entitled to receive."

But the IRS demanded payment of its $3 million claim ahead of the shareholders, leaving insufficient funds to fully or even nearly compensate the investors.

Before the bank failed, the stock sold at $50 to $70 a share and its total value was estimated as high as $2.8 million.

"If our elected officials are interested in helping their fellow man," Guggisberg wrote Ford, "why doesn't the Internal Revenue Service relinquish some of the money (it is) demanding . . . ?

Why, he asked, should the IRS precede American Citizens and taxpayers to the financial trough?

Ford did not reply.

"It would seem that the Internal Revenue has become a hideously unmanageable bureaucracy over which no one has control" said one of the offended, Steven Palmer.

Palmer's mother, Mrs. Cleddie Palmer, an Army nurse and the wife of a Vernon lawyer said:

"I have fought literally on the front lines of battle for this country (World War II), but it would be hard to convince my children and grandchildren that they ought to.

"And how can I teach them to love this country? It's not a government for the people when we get this kind of treatment."

"They just raped us—literally raped us," said Lehman, now a farm machinery dealer. He added:

"Huntley and Hemphill made all this money in effect with stolen money, our money, and therefore we don't feel like the IRS has the right to come in and grab all of it.

"Why should the IRS leave us high and dry when the money they got was made with money taken from our bank?"

EVENTS 200 YEARS AGO SAME AS TODAY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. FORD of Michigan. Mr. Speaker, the Nation's news media are replete these days with articles on the American Revolution Bicentennial, which will be officially launched next July 4 on our Nation's 200th birthday.

I am pleased with and proud of the job the press and broadcast media are doing to make the public aware of the Bicentennial, and its significance to all Americans. An understanding of our beginnings will surely make us all more proud of what we have accomplished, and more confident of the future.

An unusual approach to understanding the Bicentennial was taken recently by a newspaperman in my congressional district. Tim Richard, editor of the Observer-Eccentric Newspapers, wrote a tongue-in-cheek account of the Continental Congress in 1776 from the viewpoint of an imaginary reporter—Boo Gordon, writing for the mythical newspaper, Publick Affairs.

This fanciful account of the first Congress is written from the standpoint of a writer who was opposed to independence, a position that was held by an estimated one-third of the colonies' population in 1776. His criticism of national leaders, such as John Hancock, has a familiar ring for readers of today's columnists. His complaints about inflation, special interests, and biased newspapers are still familiar 200 years later.

It makes interesting and thought-provoking reading, and I insert it in the RECORD at this point for my colleagues' benefit:

Did you ever wonder how the American Revolution would have been described if modern broadcasters and columnists had covered it? Let's turn the time clock back 199 years and see how a 20th century analyst—we'll call him Boo Gorgon, though the name is purely mythical, of course—would have viewed the events of Philadelphia 1776 at the Boo Gorgon Rally and in his Boo Gorgon column in Publick Affairs:

The Continental Congress came up with some gimmickry about "our lives, our fortunes and our sacred honor" the other day, and the Publick Affairs editorial called it a "stirring and patriotic alarum."

Well, if that's Congress' "stirring and patriotic alarum," then all I can say is, "God save the colonies!"

The colonial people are fed up with gimmicks and gimmickry. They want straight talk from straight men, and I can give it to them.

The flamboyant first signer of that hokey declaration is none other than John Hancock, and you've heard me talk about him many times. He inherited L80,000 when he was 27, and he's been one of the wealthiest, most opulent of men ever since, so you know whose fortune and honor he's interested in.

It is my firm conviction that Hancock has a lot to gain from a rebellion run at the small taxpayer's expense and which his gawky PR flack, Tom Jefferson, refers to as "this separation." Hancock is a merchant and into this new insurance thing. John Hancock would like nothing better than to eliminate insurance competition from Lloyd's of London through a rebellion, and then subject the average man to his mercantile rip-off.

Well, John Hancock is going to have to answer to ME, and he's going to have to answer to the colonial people if he thinks he can pull the wool over our eyes with this long-winded Declaration.

I've invited Mr. Hancock to appear at the Boo Gorgon Rally, where I would sit behind an authoritarian desk with a well-prepared list of accusations and he would sit out in the open, for a spontaneous and unrehearsed discussion. But he's always got an appointment in the ale house with Sam Adams or Ben Franklin. What's Mr. Hancock afraid of?

This gang of lawyers, merchants and plantation owners that sits in Congress doesn't care about the bellies of farmers and mechanics. Inflation is running rampant, and all the Continental Congress can do is come up with bombastic political declarations that take the Creator's name in vain.

What's Congress going to do about beef prices? Beef is up from L3 10s a barrel three months ago to L7 10s today.

Rum prices have risen 110 per cent since last winter. Mr. Jefferson and Col. Washington don't care because they like French wines.

And just the other day, a fishwife was telling my wife, Yucki! "The cry for pins is so great that what I used to buy for seven and sixpence are now 20 shillings—and not to be had at that!"

You won't find the editorial writers for Public Affairs talking about those issues, and I know why: All 42 of the newspapers in this land are owned by Whigs, and there's not one—not a single one—that will give news to the colonial people straight.

The newspapers and pamphleteers failed in their sacred responsibility to the public last week when they didn't cover my rally at King William College. I talked about this with an editor of the London Times, and he told me his paper would have had that story on page one of all editions.

I predicted 13 years ago that if we got into a war with the French and Indians it would last seven years, at the same time our leaders were lying to us and saying there was light at the end of the blunderbuss barrel. And I predict right now, this rebellion could drag on for six years with a couple of more years for negotiations.

What those mercantile rip-off artists in Congress want is the dubious freedom to have factories here to make hats, textiles and wrought iron. Would you like a wrought iron factory next to your home? It would lower property values, but Josiah Quincy and the Adams gang wouldn't care . . .

Well that's how it might have been covered. But this American prefers the way it actually came out.

FCC MUST DECIDE WHETHER OR NOT TO ALLOW VIOLATION OF ITS RULES

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mrs. HOLT. Mr. Speaker, it has come to my attention that the Federal Communications Commission is considering whether or not it should waive its important cross-ownership rules to accommodate the owners of the Washington Star and the WMAL broadcast properties in Washington, D.C. Specifically, there is a pending application by which the FCC must decide whether or not to allow violation of its rules so as to permit Mr. Joe L. Allbritton to acquire control not only of the Washington Star, but of the Washington and other broadcast properties owned by that company.

I have long felt it important that citizens of this country receive news from a diverse range of viewpoints. With regard to Washington newspapers, happily that has historically been the case. But should the FCC waive its rules, I have grave concern that what has often been the antagonistic viewpoints of the Washington Post and Washington Star will also be eliminated. That will be not only a local, but a national, tragedy.

The FCC should not grant the requested waiver of its rules without a full and complete hearing into this matter.

DO FRESHMAN DEMOCRATS KNOW OUR ENEMY?

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. ASHBROOK. Mr. Speaker, there has been a lot of speculation about how radical the 94th Congress is. The question has been partially answered by a recent survey conducted by the Washington Post.

According to the Post survey, 27 percent of the freshmen Democratic Congressmen who responded and described themselves as liberal consider the United States a "threat to world peace." Tied with the United States are the Arab countries, while the Soviet Union, Communist China, and Israel all poll 20 percent.

The conservatives in the House are not similarly deluded. Sixty-seven percent listed the Soviet Union as a threat to world peace. Communist China, the next highest, received 44 percent. None believed that the United States was a threat.

I find it absolutely incredible that more freshmen Democratic Congressmen view the United States as a threat to world peace than either the Soviet Union or Communist China. After such events as the Soviet seizure of Eastern Europe, the Berlin blockade, the Korean war, the Cuban missile crisis, and the Vietnam war—to name just a few—how can there be any doubt about who is a threat? The enemy of freedom is communism. The threat to world peace comes from the Soviet Union, Communist China, and their allies.

It is very disturbing that a number of the freshmen Members of Congress are "confused" as to who is the enemy. The vast majority of the American people have no such illusions. Perhaps they should write to their Congressmen and explain who is the real threat to world peace.

NEWSPAPER ENDORSES MANASSAS NATIONAL BATTLEFIELD PARK BILL

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. HARRIS. Mr. Speaker, I am pleased to share with my colleagues an editorial endorsement by the Potomac News, of Dumfries, Va., of my bill to expand the boundaries of the Manassas National Battlefield Park. Several local organizations have joined in support of this effort as well: The Greater Manassas Chamber of Commerce, the Prince William County Federation of Civil Associations, and the Prince William League for the Protection of Natural Resources. I am pleased that the newspaper concluded, as I did, that,

> Of primary importance is the preservation for future generations of the rural atmosphere and historic setting in which were fought two of the great battles of this nation's history.

[From the Potomac News, July 18, 1975]

A GOOD MOVE

The efforts of Rep. Herb Harris to enlarge the boundaries of the Manassas National Battlefield Park deserve the keen and active support of Prince William County officials.

Harris last month introduced a bill to add approximately 1,500 acres to the 3,000-acre park in order to preserve several important historic areas. The initial response from the chambers of the County Board of Supervisors was negative, largely because of the loss in taxable acreage which would result. There were also suggestions in other quarters that the move would be damaging to the interests of the Great America theme park which the Marriott Corp. plans to develop on a tract adjoining the park.

There certainly would be lost taxable acreage. However, the enhancement to the park—Prince William's primary tourist attraction—could well offset this loss, Rep. Harris points out. Last year, an astounding 700,000 persons visited the park, and this year, the figure may approach one million. An expanded park would increase the potential for the future in terms of both tourist revenue for the area and jobs for local people.

Less tangible but equally important, or perhaps of primary importance, is the preservation for future generations of the rural atmosphere and historic setting in which were fought two of the great battles of this nation's history. The majority of the 1,500 acres proposed for purchase remains in open space, some of it being farmed, though several pieces are being held for eventual commercial and residential development.

We quote from the congressman's explanation of his proposal:

"The addition of this land would greatly enhance the historical importance of the current park. For example, one of the sites to be acquired is the opening scene of the second battle of Manassas, where Jackson made his decision to fight. Another parcel contains the only surviving building of the village of Groveton, the scene of intense fighting during the second battle. One piece of land is the site of Portici, General Johnston's headquarters during the first battle. And the historic Conrad House, used as a field hospital during both battles, is located on one piece of land. On one parcel stands an imposing woods of trees imbedded with the shrapnel of the Civil War battles."

The purchase proposal should in no way interfere with the Marriott Corp's theme park development. which already has all the land it needs. It could only increase the attractiveness of the area to tourists, and we would expect Marriott to lend its enthusiastic support to Rep. Harris' efforts. The Marriott people pointed out in hearings on their project that Great America should not breed a great amount of periphery commercialism, so little would be lost.

Indeed, the park's expansion should be able to draw solid bipartisan support. While Rep. Harris is a Democrat, his predecessor, Republican Stan Parris, introduced a park expansion bill as one of his last acts before leaving office.

NATIONAL DAY OF PRAYER, 1975

HON. ALAN STEELMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. STEELMAN. Mr. Speaker, 200 years ago today, the Second Continental Congress celebrated the first National Day of Prayer—a day for all Americans to reflect upon and appreciate the many blessings bestowed upon them.

Since 1952, we have commemorated National Day of Prayer on the third Wednesday in October. However, in view of our Nation's upcoming Bicentennial, President Ford has declared that it is only fitting that the observance of this occasion be held on the day originally enacted by our Founding Fathers.

This day will be celebrated nationwide in many different and meaningful ways. I am very proud that in my own district, people of all religious denominations are joining together today to observe this historical occasion.

I would like to insert at this time the text of President Ford's proclamation declaring July 24, 1975, National Day of Prayer:

A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: NATIONAL DAY OF PRAYER, 1975

As we begin the celebration of our Bicentennial, it is fitting to recall that it was a profound faith in God which inspired the Founders of our Nation. Two hundred years ago, on June 12, 1775, the Second Continental Congress called upon the inhabitants of all the Colonies to unite, on a designated Thursday in July, in "humiliation, fasting, and prayer." This was our first national day of prayer.

Americans on that day were asked to address their prayers to the "Great Governor of the World" to preserve their new Union and secure civil and religious liberties.

Those first prayers were answered in full measure. The Union survives. The liberties for which our forefathers prayed were never so secure as they are today. But material progress and human achievement often beckon mankind away from the spiritual virtues.

As we prepare to mark the 200th anniversary of the birth of our Nation, it is my fervent hope that Americans will not forget that it was prayer that helped to forge our freedoms and foster our liberties.

Let us now pray—as we have done throughout our history, and as the Congress has requested (66 Stat. 64)—for the wisdom to continue the American pilgrimage, striving toward a nobler existence for all humanity. Let us ask for the strength to meet the challenges that face our Nation. Let us give thanks to God for the many blessings granted to America throughout these two centuries. And let us express the hope that our lives may continue to be enriched by the grace of our Maker.

Now, therefore, I, Gerald R. Ford, President of the United States of America, do hereby proclaim Thursday, July 24, 1975, as National Day of Prayer, 1975.

I call upon all Americans to pray that day, each after his or her own manner and convictions, for unity and the blessings of Freedom throughout our land and for peace on earth.

In witness whereof, I have hereunto set my hand this twelfth day of June, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD.

ESSAY BY ELIZABETH DREW, WTOP RADIO, JULY 18, 1975

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. JACOBS. Mr. Speaker, what is said by Ms. Drew seems all too true.

Essay by Elizabeth Drew follows:

ESSAY BY ELIZABETH DREW, WTOP RADIO, JULY 18, 1975

What we are witnessing as we watch the President and the Congress grapple with the energy issue is the government trying to make decisions about the first of a new generation of issues, and it is the new nature of these issues that makes the decisions so hard. The new issues—involving such things as energy, food, raw materials—have brought us to a new kind of politics: a politics of what might be called resource constraints. These issues are more difficult to settle than previous ones—those raised in the nineteen thirties and the nineteen sixties.

The issues of resource constraints have several common charatceristics: they are technological and highly complicated; they are not, as previous issues have, been subject to resolution by spending; they cut across the interests of a wide variety of interest groups; and they concern economic resources that are seen to be shrinking rather than expanding. They cannot be settled by the traditional method of buying off—doing a little something for—the various competing interests. There is not much room for maneuver, not that much that can be traded off. The solutions involve not giving things to people but asking them to give things up—something that government has usually achieved only in time of war.

Issues of resource constraints seem to connect with everything that is around to be connected with. The energy issue is bound up in everything from the economy to Middle East policy to the environment to the design of our cities. The politics of resource constraints call for government to be anticipatory, which it habitually is not. The major preoccupation of politicians tends to be short-term: reelection. And the concern for reelection makes it harder for the politicians to make the hard political decisions. There is therefore already some questioning of whether, in a democratic society, issues of resource constraints can get settled. They can, and it is an over-conclusion to say, as some seem to suggest, that what has happened thus far on energy policy suggests that democracy does not work. But new ways will have to be found for dealing with this new generation of issues—the issues of resource constraints—and a great deal rests on how—and even whether—we do.

WELFARE CHIEF WARNS OF WELFARE STATE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. ASHBROOK. Mr. Speaker, while some of us here in Congress have periodically cautioned against increasing Federal control with a subsequent loss of individual responsibility and freedom, it is reassuring to have such warnings confirmed by a current Federal official directly involved in dispensing Federal funds for Federal activities. I refer, of course, to HEW Secretary, Caspar W. Weinberger, who will leave Government service on August 10.

In a speech before the Commonwealth Club of San Francisco, he noted that when he came to Washington in 1970, the Federal budget outlay stood at $196.6 billion. It is now $358.9 billion—an increase of 83 percent, he observed. Furthermore, he predicts that if social programs continue growing for the next two decades at the same pace they have in the past two, we will spend more than half of our whole gross national product for domestic social programs alone by the year 2000.

Referring to a confused tangle of cash stipends varying from State to State and even among localities, food stamps, medicaid, housing subsidies, and an array of other social services, Mr. Weinberger stated:

> The total impact of all this is inequity for recipients unmanageability for administrators, and outrage for the taxpayer. As presently constituted, welfare offers incentives for people not to work. It also encourages family break-up. All of this runs directly counter to the values of our society.

The Commonwealth Club speech of Secretary Weinberger provides fair warning for those whose basic panacea is Federal involvement and Federal funds for all our ills. From his unique position as a Federal dispenser, Mr. Weinberger tells us it will not work:

A VIEW OF THE FEDERAL GOVERNMENT

(NOTE.—This text is the basis of Secretary Weinberger's oral remarks. It should be used with the understanding that some material may be added or omitted during presentation.)

In a few weeks I will be leaving Federal service, and this is my last major speech as Secretary of Health, Education, and Welfare. I am glad it has worked out that this valedictory can be given in my home here in San Francisco where it all began for me—when I gave my first valedictory in this city—when I graduated from Polytechnic High School. I do not know if the cycle is complete, but there is a certain symmetry about it.

My single overriding observation after these years in Washington is of the growing danger of an all-pervasive Federal government. Unless checked, that growth may take from us our most precious personal freedoms. It also threatens to shatter the foundations of our economic system.

When I came to Washington in 1970, the Federal budget outlay stood at $196.6 billion. It is now $358.9 billion—an increase of 83 percent. Lest you think there is a causal connection between that increase and my residence in Washington, I ask you to listen a bit further.

Apart from its sheer magnitude the most noteworthy thing about this trend is that Federal spending has shifted away from traditional Federal functions such as defense and toward programs that reduce the remaining freedom of individuals and lessen the power of other levels of government.

This shift in Federal spending has transformed the task of aiding life's victims from a private concern to a public obligation. There are benefits and burdens in this:

One benefit is that the care of the less fortunate is guaranteed under law. The sweep of our social program commitments has brought secure incomes for the elderly, the ill, those who are alone, and those who are disabled. They have provided health care for millions and opened the doors of college to young people whose families could not otherwise have given their sons and daughters this opportunity.

But in the process of pouring out all of these compassionate and humanitarian blessings and institutionalizing our social obligations, we have built an edifice of law and regulation that is clumsy, inefficient and inequitable. Worst of all, the unplanned, uncoordinated and spasmodic nature of our responses to these needs—some very real, some only perceived—is quite literally threatening to bring us to national insolvency.

We are also creating a massive welfare state that has intruded into the lives and personal affairs of our citizens. This intrusion affects both those it seeks to help and those who do the helping. The entire human resources field is under the lash of Federal law—doctor, hospital, teacher, college president, student, voluntary agency, city hall and State capital. All of these are subject to the steadily increasing intrusion of the Congress—which requires that drastic and often unnecessary regulations be adopted by the Executive Branch.

It must be emphasized that this increased intrusiveness is a consequence of legislation not the impulsiveness of the Executive Branch. I had to plead with the Congress to grant a special exemption for Boy Scouts and Girl Scouts from the broad sweep of Title IX, the anti-sex discrimination statute. Yet I venture to say that there is scarcely a person in this audience who does not believe it was all the idea of the Department of Health, Education, and Welfare rather than the poorly drafted statute Congress passed which, unamended, would have required Girl Scout Troops to admit boys and vice versa.

There is an over-riding danger inherent in the growth of an American welfare state. The danger simply is that we may undermine our whole economy. If social programs continue growing for the next two decades at the same pace they have in the last two, we will spend more than half of our whole Gross National Product for domestic social programs alone by the year 2000.

Should that day ever come, half of the American people will be working to support the other half. At that point, government would be like a gigantic sponge, sopping up all the Nation's surplus capital needed for industrial growth and modernization. Lacking funds for these vital purposes, we would no longer have enough surplus capital left to invest in job producing activities in the private sector—and it is that kind of investment which has always pulled us out of recessions and depressions in the past. In all likelihood, we could not maintain our free enterprise, incentive capitalistic economy, if 50 percent of the whole GNP had to be used to pay for domestic social programs alone. And if we lose our free enterprise, incentive system, we will have destroyed, by inaction, the system that has brought more benefits to more people at home and throughout the world than any other system since recorded history began.

Those who urge still more social programs view the problem upside down. It is not more social programs that will solve our Nation's ills, but more economic growth. Growth alone provides the jobs that reduce social ills. Growth alone provides the revenues that finance our social program commitments, yet one of the most iniquitous of the new philosophies we hear today is the smug assertion that "less is better and more is worse."

What we do have to limit is the growth of the welfare state in America. We must summon up a common determination as a people to change drastically our present approach because it is not only not working—but it can ruin all of us. Only a wave of public sentiment in this direction can give Congress the nerve to say "no" to more social programs. As it is, Congress quite evidently believes that the road to popularity and re-election is to say "yes" to every demand for every increase in all existing programs and to agree to most demands for new ones.

Above all, we must recognize that personal freedoms diminish as the welfare state grows. The price of more and more public programs is less and less private freedom.

It is also the propensity of welfare states to spend beyond their means, leaving the day of fiscal reckoning to another generation. The news today is that we are that other generation.

New York City, where one out of every eight persons is on welfare, is now staring into the abyss. For decades, it spent more than it took in—and today it is hostage to whomever can be persuaded to lend it more billions for its unbelievably swollen operating expenses.

The Federal government has also been spending more than it has taken in—15 of the last 16 Federal budgets have been red ink budgets. If we continue thus, the Nation will also stand before that abyss some day—only there will be no one with enough resources to rescue the Federal government. This need not be the result. Always before we have had the sense, the wisdom and the resolution to change course in time.

But the people will have to want to change course so definitely that they let Congress know in unmistakable terms that more and more increases in the old, tired programs that we know do not work is not the road to popularity and re-election.

Events can change swiftly. A year ago this time the Nation stood in the depths of its torment over Watergate. The phrase on every lip was "a crisis of confidence."

The doomsday philosophers predicted that evil days lay ahead for the Republic because the American people would never again place trust in their leadership. But they were wrong.

Today, one year later, the Nation is moving ahead again with gathering confidence in its leaders and its economic system. Thanks to the open and candid leadership of President Ford, we are regaining faith in ourselves and confidence in our leaders.

I am proud to have played a role in this open style of leadership. Within my Department, I instituted a series of open government reforms:

We directed that top managers at HEW talk directly to members of the press, without intermediaries in public affairs offices;

We directed that requests under the Freedom of Information Act be answered within 10 days, and appeals within 20 days;

We cut out hundreds of public affairs positions, publications and other materials which we identified as self-serving puffery that was obscuring an open-minded approach to the facts. In fact, we have reduced our public affairs establishment by 80 percent since I took over the Department 2½ years ago.

Clearly we are achieving open government. Now we must achieve effective government.

HEW is big but bigness alone is not its problem. Rather, it is the complex tangle of narrowly-focused social programs adopted by Congress over the years and given to us to administer—programs which the Congress refuses to repeal or reduce despite our urgent pleas.

The basic rationale for the structure of the Department of Health, Education, and Welfare is as valid today as it was when HEW was established by President Eisenhower 22 years ago—and that was to bring together the entire field of human resource programs so that people's problems could be dealt with in an integrated and comprehensive way. Wherever that principle has failed of its purpose, it has been because of the hodgepodge of categorical aid laws that Congress keeps adding and refuses to repeal, and which requires HEW to deal in narrow, isolated, and fragmented fashion with human needs. What we really need is not to chop HEW up into more administrative pieces but to sew it together with better social law.

Welfare would be a good place to begin. It is a confused tangle of cash stipends that vary from State to State and even among localities. Affixed to this jumble is a series of other separate programs such as food stamps, Medicaid, housing subsidies and an array of other social services.

The total impact of all this is inequity for recipients, unmanageability for administrators, and outrage for the taxpayer. As presently constituted, welfare offers incentives for people not to work. It also encourages family break-up. All of this runs directly counter to the values of our society.

A liberal Harvard sociologist quotes a liberal Boston newspaper article about the case of a Massachusetts mother on welfare. She and her six children are receiving welfare grants, tax breaks, food stamps, and a variety of health, education and social services that, together, equal an annual earned income of $20,000 and four States have even more liberal benefits than Massachusetts. Quite a few working Americans might feel that if they can obtain $20,000 a year in legal benefits for their family by not working and by having the father absent, they should take advantage of such an offer.

But such an offer, I should add, is not without its price in personal freedom. The fact is, this welfare mother's considerable income from the government must be spent largely as the government says. Only $7,188 is in cash, and that too must be accounted for in some fashion to a social worker. The remainder is not in cash but in government-conferred benefits—free medical care, free day care and free education at a private school for three of her children. These items alone would cost income-earning families $8,750 a year were they to choose to spend so considerable a portion of their income for such purposes.

The lesson is plain enough: When benefits are as high and as uncoordinated as that, and when there are so many inducements to go on welfare, there is no real incentive to leave the welfare rolls, even though the government controls over the family budget deny all real personal freedom and decision by those receiving welfare.

There is a way to end the welfare mess, and it is by adopting a completely new system that would be coordinated and administered through our tax system. We should abolish AFDC, Food Stamps and SSI right now, and substitute a simple cash grant, based on need, measured by income, and payable only to those who meet a strong work requirement if they are able to work.

Those with incomes above the figure set by Congress would pay taxes. The amount of cash supplement received, like the amount of taxes paid today, would vary with the income level of the family. This program could be financed largely by eliminating the present welfare cash assistance, food stamps and SSI programs and the new welfare programs the Congress adopted earlier this year. Those programs, a $50 bonus for everyone on Social Security and an earned income credit, were adopted in a single afternoon without an hour of committee hearings or debate. Together they added another $4.2 billion to our welfare bill.

A completely new approach to welfare is needed because that is the only way we can escape the present welfare jungle and have a program that—

Would treat equally everyone actually in need;

Would eliminate the incentives we now have to go on welfare and stay there; and

Would end the intrusive social-worker approach of demanding to look at and control every welfare recipient's personal budget, and much of his personal life.

This latter point is crucial if we are to sustain the personal freedoms we hold dear in this Country. A welfare state inevitably plunges us into a morass of attempted social engineering. So instead of simply trying to alleviate real need and encouraging people to go back to work, we try to regulate all kinds of private matters.

One case in point came to light last winter when the Supreme Court ruled that unruly school children cannot be suspended without due formalities and hearings. This effectively divests school principals of their duty to ensure the orderly classrooms so essential to effective learning for the majority of school children. In securing the dubious rights of a few, this denies the rights of the many.

Another example of questionable social engineering is the narrow, mechanistic way we are forced to bus children to achieve racial balance. The aim of fully integrated education is desirable, indeed necessary. I had the benefits of being educated in wholly integrated classrooms from the Old Frederick Burke School and Polytechnic High School here in San Francisco all the way through the Harvard Law School. But that integration was attained at the same time other equally valuable attributes of public education were achieved: Quality education, parent participation in schools, and the public support so needed for public education. These other values, in addition to the very real values of integration, have to be considered, too, for when fanatics on either side take over the school child is the one primarily injured.

Still another example of this questionable social engineering by ineffective and meddlesome government concerns the program to end hiring discrimination in colleges. It has taken the University of California over a year to prepare the mountain of paperwork that Department of Labor regulations, not ours, require for this program. Yet the net effect of this herculean effort will only be trivial in terms of increasing real job opportunities for minorities and women.

I think these Labor Department hiring regulations, which our Department must administer, are wholly inappropriate for colleges. They very nearly caused a complete cut-off of vital Federal aid to 30 colleges a few weeks ago. It was only by dint of some last-minute, patient—and if I do say so rather skilled work—that we were able to avert a financial catastrophe for these colleges.

In citing all these examples of how the good intentions of government so frequently come to bad ends, I am not pleading the case against good intentions. What I have been attempting to do is to illuminate how futile and counterproductive it is for a distant government to concentrate on narrow statistical mechanistic goals and thereby lose sight of the real goals: Equality of opportunity and better schools for all.

Justice Louis Brandeis once said, "Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficient. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding."

Those words hit the mark. Those "without understanding" interpret equal opportunity in a narrow, egalitarian sense. They are hypnotized by the game of numbers.

This is egalitarian tyranny, not equal opportunity. Equal opportunity means the right to compete equally for the rewards of excellence, not share in its fruits regardless of personal effort.

An equal opportunity, based on excellence, benefits all. By rewarding excellence, we share in the fruits of that genius. The egalitarians miss this point. They would divide the wealth equally, overlooking the crucial fact that all human progress throughout history owes its origins to the talented and the enterprising. We must keep a system that allows us to develop and use the talents and excellence of all, no matter what their origin. But if we practice inverse discrimination in the name of affirmative action, we may deprive the Country of some of the real genius and talent we desperately need.

Of course we must protect and help the poor and the most vulnerable members of society. But if we do not persevere in the quest for excellence, then our reward will be a dearth of excellence. Those who have escaped the gray, faceless masses of the world's closed societies understand that fact. We, who have perhaps taken the need for quality for granted for so long, seem now to be in danger of forgetting its importance.

Our Country was built by people of energy, daring and ingenuity—the Edisons, the Wright Brothers, the Helen Kellers, the Fultons, the Carnegies, the great musicians and artists and countless others brimming with dreams and filled with the courage to reach out and realize those dreams whatever the odds.

Their kind of daring was nurtured in a social climate that rewarded risk takers and practical visionaries. If we now proceed mindlessly to change that climate to one favoring a faceless gray egalitarianism, we will have lost all that has made America great and enabled us to help so much of the world.

The real social agenda of America, still unfinished, is to discover and reward excellence wherever we find it—under a Black skin, a white skin, in a female or male, in a Catholic, a Jew, a Protestant or an Agnostic. That is the real purpose of equal opportunity.

If we fail to see this as our real agenda, we risk delivering our destinies over to the cold and lifeless grip of a distant egalitarian government whose sole purpose is to ensure an equally mediocre existence for everyone, achieved at the cost of personal liberty.

To avoid so mean a fate, we need men and women with vision. More than that, we need such people to participate in the political process and the workings of government.

For it is not sufficient merely to perceive the difference between democracy and egalitarianism. One must also act on that perception.

Politics and government is and can be an honorable profession. Or it can be just as dirty a business as we let it become. How honorable it is depends on how many honorable men and women participate. The fewer who do, the less likely it is that we shall have clean politics and effective government.

Finally, permit me a brief personal word: My career of public service has been filled with great satisfactions. There have been frustrations and difficulties of course, but I can commend to you, without reservation, the ultimate satisfactions and joys of public service. No other work offers the exciting knowledge that your efforts may help some who need help the most and the equally important belief that you are helping, in however small a way, to keep America and all that it stands for strong and free.

We need people of energy and ability, talent and enthusiasm at every level of government—at the local level, where democracy's roots are sunk, and at the top where the scope for action is so great.

So my message today is a simple one, and one which I would like to leave with you: Get involved in America, take part—don't sit on the sidelines or watch from the stands. Join in, and make your voice heard, and we will have nothing to fear in the future—indeed we may all see the hope and the dreams of America fulfilled in our lifetime.

MONEY-WASTING FEDERAL PROGRAMS

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. ROUSSELOT. Mr. Speaker, on several occasions I have reminded my colleagues of the fiscal irresponsibility of Congress. Irrational increases in deficit-spending continue to push our debt ceiling to new outrageous levels which burden the public with inflation and offer them no discernible benefits.

To alleviate this intolerable situation, I urge my colleagues to curb runaway spending by preventing our Government from injecting billions of dollars into wasteful Federal programs.

The following editorial entitled "The Federal Rathole," cites several examples of such programs. The fact that it appeared in my hometown newspaper, The San Marino Tribune, the major publication of a community in the heart of my congressional district, is an indication that it is a matter of great local concern.

I submit this July 17 editorial for the consideration of my colleagues:

THE FEDERAL RATHOLE

One of our journalism compatriots, reporter Donald Lambro of United Press International in Washington, has recently launched a book (published by Arlington House Publishers in New Rochelle, New York), which we hope will be read by millions of Americans. Titled The Federal Rathole, the book documents the fact that not just millions, but billions of dollars are being wasted by the Federal Government on projects and programs which border on the insane. Lambro declares that "at least 1,000 areas of federal activity could be abandoned at a saving of $25 billion a year—and that's only a beginning." Lambro insists, and provides convincing arguments to show, that countless "programs, agencies, departments, commissions, boards, bureaus, councils and committees" that the nation cannot afford and doesn't need, could be abolished without a trace and no one would ever miss them. The one visible result would be a huge income tax reduction for every taxpayer in the nation.

Among the money-wasting cases cited:

$750 paid by the National Foundation on the Arts and Humanities for a seven letter poem: "Lighght." You paid for it.

$5,000 to so-called "novelist" Erica Jong for a book (Fear of Flying) which is so filthy that no family-read newspaper could print its contents. You paid for that, too.

$113,417 spent to find out that mothers prefer children's clothing that needs no ironing. This newspaper would gladly have provided that information for a real bargaining basement price. But, you paid top dollar.

Mr. Lambro, poking around in Foggy Bottom, found two commissions that had been set up during World War II to protect us from the Nazis.

As this editorial is being written, the U.S. Congress is debating passage of a new "ceiling" on the national debt of $577 billion—an increase of $46 billion. Lambro predicts that this will be pushed to over $600 billion before the end of the year, as Congress continues to pour more and more money down "the federal rathole."

Mr. Speaker, As a postscript, the legislation discussed in this editorial, an increase in the debt limit, was enacted June 30, 1975, as Public Law 94–47. As you know, this act increased the debt limit to $577 billion through November 15, 1975.

BELOVED PHYSICIAN—50 YEARS

HON. MARTIN A. RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. RUSSO. Mr. Speaker, recently I heard the true story of how a celebrated and beloved physician of some 50 years in my State happened to choose medicine as his career. It seems that at age 3 a kindly doctor treated young Earle Pronger for a foot injury. This was Earle's introduction to medicine and healing, and it must have been a pleasant one. He decided at that moment that it might be nice to do some "doctoring" himself someday.

And how fortunate it was for so many people that Dr. Earle J. W. Pronger stuck with that plan—fortunate for the people of Blue Island, Ill., and St. Francis Hospital and the countless folks he has healed and cared for and with whom he has shared the generosity of his warm and loving spirit through the years.

Now Dr. Pronger has retired from the medical staff at St. Francis Hospital, the staff he joined in 1925 as a general surgeon. He is being honored this August at the St. Francis Charity Invitational for his fifty years of unselfish and dedicated service and for his contributions to the medical field and the community of Blue Island.

During his years with St. Francis, Dr. Pronger served as president of the medical staff for three terms spanning a 5-year period. He was a co-founder of the Pronger-Smith Clinic in Blue Island, which has evolved into a large, multi-specialty group practice.

Dr. Pronger received his AB and medical degree from Northwestern University. He interned at Cook County Hospital and served a 12-year preceptorship under Dr. Robert James of Blue Island.

He is a member of the American College of Surgeons, the American Medical Association, Illinois State Medical Society and Chicago Medical Association. He has served as president of the Chicago Medical Association, South Cook County branch.

Dr. Pronger has had a career that he

can view with justifiable pride and I commend him for his achievements. I know that during his evening in August much will be said of those achievements and many words of praise offered, but I suspect the evening will still prove inadequate in terms of summarizing 50 years of service. There is no way to measure the dimensions and the love of all those years of work. So, Dr. Pronger, we simply say "thank you" and much good fortune in the future to a most deserving gentleman.

FINDING HOMES FOR OUR ORPHANS

HON. ROBERT W. KASTEN, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. KASTEN. Mr. Speaker, I believe we all would agree that our children are one of our most precious commodities—they are our promise for the future. Children who have grown up in an atmosphere of mutual respect and love tend to become the more productive members of our communities. But the youngsters who have been neglected often develop into the antagonists of a peaceful society. They become criminals or addicts at a much more frequent rate than most of us would care to admit.

One way to approach this problem is to encourage the adoption of these children. Currently there are over 120,000 children in this country who are waiting to be adopted. Unfortunately these youngsters often have more going against them than the lack of parents or love. A substantial number of these children are handicapped, or members of a minority or mixed race, or otherwise hard to place in adoptive homes.

It is true that parents who choose to adopt hard-to-place children can receive subsidies from their respective States. My own State of Wisconsin provides only maintenance payments, while other States provide maintenance payments, adoption fees, medical, surgical, and related expenses.

Yet, no matter how one approaches it, adopting a child is still a very expensive proposition. That is why I am sponsoring legislation that would encourage adoption by allowing tax deductions for the cost incurred in the process of adopting a child.

Specifically, my bill would permit any person legally adopting a child to deduct social or adoption fees, court costs, reasonable attorney's fees, and amounts paid for the medical care of the child and its natural mother in connection with the birth of the child. The maximum deduction allowed by this bill would be $2,000, or $1,000 in the case of a married individual filing a separate tax return. This legislation would equalize the tax treatment of natural and adoptive parents. Presently, natural parents can deduct the medical expenses incurred in having a child which are not covered by health insurance. I believe that a person interested in adopting a child should have comparable incentives.

Superficially, this type of tax deduction would seem like an additional public expense. However, when one examines the value to the Nation in both social and monetary savings, exactly the opposite is true. On a social level, who can assess the crime that would not be committed or the value of another productive human life? The monetary savings are more evident. The division of vulnerable children—the children's bureau—estimates that the average cost of caring for a child in a residential institution is between $20 and $30 per day, or between $7,000 to $10,000 per year. This means that the total cost of not adopting a 3-year-old child would be over $131,000 by the time the child reached age 21.

We all want our children to be born healthy, grow up healthy and have parents who want them and can love them. Why not give these parents a bit of financial support for the contribution they are making to society on our behalf? I urge my colleagues to support this legislation: it provides a monetary savings in the long run to be sure, but the savings in terms of human potential cannot even be measured.

AMERICAN FARM BUREAU FEDERATION EXPRESSING STRONG OPPOSITION TO H.R. 5900

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. RHODES. Mr. Speaker, I have today received a letter from the American Farm Bureau Federation expressing their strong opposition to H.R. 5900, the common situs picketing bill. At the request of the Farm Bureau, I am inserting a letter in the RECORD:

AMERICAN FARM BUREAU FEDERATION,
July 24, 1975.

Re: H.R. 5900—Common Situs Picketing
Hon. JOHN J. RHODES,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RHODES: On behalf of more than 2,300,000 Farm Bureau member families in forty-nine states and Puerto Rico, we want to register our strong opposition to H.R. 5900, known as the Common Situs Picketing Bill.

This is not a bill affecting only the construction industry. It is a bill of interest and concern to farmers and to every American who is concerned about inflation, the excessive economic power of labor unions that already exists, and the need to preserve some semblance of a balance of power between employers and employees.

This bill would increase the cost of all construction; give unions more power to work their will, regardless of the public interest; and add to the fires of inflation. It is special interest legislation to harm the many to give benefits to the few.

We urge that this bill be defeated.

Sincerely,

JOHN C. DATT,
Director, Congressional Relations.

THOUGHTS ON THE BICENTENNIAL

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. COHEN. Mr. Speaker, as we approach the Bicentennial, I am struck by the parallels between our Nation today and our Nation during its Centennial, 100 years ago. Then, as now, our country was recovering from a long and bitter war, a decade of social and political turbulence, and disclosures of corruption in Government. However, the Centennial was hardly a gloomy, self-deprecating period. On the contrary, our Nation celebrated its 100th birthday with a revitalization and a sudden consciousness of its own history.

Recently, an article by Carey McWilliams in Nation was brought to my attention. This article remembers our Centennial and expresses the hope that our Nation's 200th birthday will also be a time for introspection among Americans, a time to assess our achievements of the last 100 years and to reevaluate our history as we enter into a new era. For the benefit of my colleagues, I am inserting this article into the RECORD at this point:

THOUGHTS ON THE BICENTENNIAL

(By Carey McWilliams)

Observance of the Bicentennial began officially—by act of Congress—on February 24 and will extend through December 31, 1976; indeed the period may be further extended to 1989 to correspond with the 200th anniversary of the Constitution, if legislation introduced by Sen. Charles Mathias is adopted. Make no mistake, the Bicentennial is going to be a super-spectacular; it will gather momentum rapidly throughout the year and the bands and fireworks and oratory of 1976 will exert an important if imponderable influence on the Presidential election.

Prospects for the Bicentennial have gone from bright to dim to brilliant. The mood was euphoric when the initial plans were discussed in 1966. Dr. Wernher von Braun, for example, casually suggested that we might want to send the President to a space station where, in living color, on prime time, he could address the universe. Instead we sent the last elected President packing to San Clemente and at that he was lucky. But even before Watergate, plans for the Bicentennial had come a cropper through favoritism, incompetence, mismanagement and every imaginable error. The American Revolution Bicentennial Commission was abolished and its successor organization, the American Revolution Bicentennial Administration, got off to a weak start with an inadequate budget. Indeed for a time it seemed as though the Bicentennial might have to be called off because of ineptitude, lack of interest and the darkening Washington scene. But as we sank deeper into the mire of Watergate and related scandals, interest in the Bicentennial paradoxically brightened. Now it is clear that we are in for a festival of national self-congratulation of a kind that no living American has seen before and that the country will not see again for another century—if ever.

Madison Avenue is afire with enthusiasm. Vast sums have been committed to an astonishing variety of projects, promotions, campaigns and programs. Radio and TV time has been purchased, along with newspaper and magazine space. Designers and artists are at work. "Anything you can imagine in a nightmare that idiots would do to celebrate the Bicentennial is being thought of," writes Alistair Cooke. Huge long-term advertising campaigns have been sponsored. Eastman Kodak, for example, has projected an eighteen-month "America" campaign. Interstate Brands of Kansas City will soon "go national" with Dolly Madison stars-and-stripes cupcakes. Advertising Age of March 3rd listed nearly a page of such red-white-and-blue promotions. As a rebel group, the People's Bicentennial Commission, pointed out, the anniversary will be seized as "a great excuse to push Spirit of America Chevrolets and John Hancock insurance policies."

And as might be expected, government at all levels has now been caught up in the ferment of activity. The National Park Service will spend $100 million (over four years) for improvements to twenty-three Bicentennial park areas. The Labor Department is bringing out a $75,000 "profusely illustrated" brochure on the history of that forgotten man, the American worker. The Smithsonian Institution will spend $11 million on thirteen major exhibitions. And so it goes. With the airlines offering special reduced rates, the Bicentennial is expected to attract 30 million international visitors. Local communities such as Concord, Mass. are aghast at the thought of the commotion to come; one headline reads:"Concord Call: 'The Tourists Are Coming.'" Hotels in Washington, D.C. expect a 30 per cent increase in bookings throughout the eighteen-month period. *The Wall Street Journal* quotes one official as saying of Philadelphia: "There will be a twenty-four-hour wait to see the Liberty Bell." The fact that observances will be decentralized, with each community at liberty to celebrate in its own way, has given the Bicentennial a genuine grass-roots quality, in part because of the work of the People's Bicentennial Commission (see article by Robert Karen, *The Nation*, June 29, 1974). "Across the United States," writes Margot Hornblower in *The Washington Post*, "in big cities and small towns, people are writing books, mounting exhibits, restoring houses, re-enacting battles, organizing conferences, planting trees, setting up child-care centers and planning festivals and fireworks, all in honor of the nation's 200th anniversary in 1976." Distasteful, vulgar and crassly commercial as much of this hoopla will be, an awesome significance attaches to the tidal wave of national emotion that will be loosed, whether for good or evil or both. The mind boggles at the volume of rhetoric that will be spouted on patriotic themes between now and December 31, 1976. We will be fortunate if we survive what Madison Avenue has in store for us. All the same, profound national emotions will be stirred which will have short- and long-term consequences of major significance. If we cannot anticipate these consequences—and we cannot—we should be able to draw on past experience to prepare ourselves for the extraordinary binge now getting underway.

By chance, or the workings of some mysterious providence, the Bicentennial, like the Centennial, will occur at a major turning point in our history. The year 1876 was a critical one and 1976 promises to be another, in much the same sense and for many of the same reasons. The parallels can be quickly traced. A backward glance at the Centennial prompts the thought that there is nothing like a wretched backdrop to stimulate interest in a national celebration; the worse the times, the greater the need for diversion and self-congratulation.

If 1876 did not mark the end, it marked the beginning of the end of the land frontier of the early Republic. A new industrial frontier was emerging, but neither the promise nor the problems of industrialism could be fully sensed at the time. "The challenge," as Duane S. Elgin writes in a recent Stanford Research Institute study, "became mastery of the environment we had usurped in pursuit of material affluence"—with consequences we have only now begun to assess. "Today," writes Elgin, "as concern for the environment increases and we realize the limits of world resources, we are witnessing—symbolically at least—the closing of this second great frontier." Ahead lies a new post-industrial frontier for which we have as yet no name, and the contours of which we can see no more clearly than another generation could sense what the industrial frontier would bring. But if we cannot see what lies ahead we can ponder the general significance of the national experience from 1876 to 1976. This reassessment should constitute an important element of the Bicentennial exercise.

On March 10, 1876, the first intelligible words—the voice was that of Alexander Graham Bell—were transmitted by telephone, but Americans of that Centennial year were not much impressed by the new gadget and certainly did not foresee what it implied in the way of social changes and industrial expansion. (In 1974, AT&T reported $73 billion in assets in its annual report to stockholders.) The locomotive, not the telephone, was the symbol of the new industrial frontier. Railroads drew the map of the new urban age. Subsidized by government in a variety of ways, railroad construction assumed fantastic proportions and was one of the factors that precipitated the depression of 1873, from the effects of which the nation had by no means fully recovered by 1876. The great railroad boom played hob with a well-organized and efficient system of barge transportation on rivers and canals and contributed to the decline of the superb maritime shipping industry of an earlier period. Railroad accidents were frequent—they nagged the popular imagination as auto accidents do today—as were fires caused by sparks from locomotives. The nationwide railroad strike of 1877—a major historical event the full significance of which is still not widely sensed—marked, one might say, the birth of the American labor movement. Trade union members numbered perhaps no more than 50,000 in 1876. The shock of the strike and its implications broke old patterns of thought and expectation. "The youth of the American Republic is over," moaned Goldwin Smith, "maturity with its burdens, its difficulties, and its anxieties has come." Substitute the automobile and the truck and the national highway system as symbols for the locomotive and the parallel is striking, if not exact.

In a sense, 1876 was the beginning of a postwar period; the nation was slowly recovering from the long moral sickness of the Civil War. It marked the beginning of the end of a decade of domestic social and political turbulence. In much the same way, 1976 should mark the beginning of the end of more than a decade of bitter division and controversy arising out of the war in Vietnam. As then, so now the nation is burdened with a sense of unacknowledged guilt for thousands of American casualties in a war that foresight, conscience and statesmanship might have avoided.

The year 1876 opened with the first of a year-long series of disclosures of therefore unprecedented corruption in Washington. In the view of Henry Adams the corruption of the Grant administration "outraged every rule of ordinary decency." Grant's farewell address of December 5, 1876, was an abject apology, like that of another President, in which he said that he had been guilty of "errors of judgment, not intent." The year had opened with high hopes but scandalous disclosures came thick and fast, casting a cloud over the Centennial celebration. That did not, however, dim the enthusiasm ultimately engendered. . . . Reflecting on the impact of the Centennial, William Peirce Randel writes: "If the high hopes and confidence with which the year opened spell a kind of national innocence, their dispersal, under the hammer-blows of scandal, may mark the end of innocence, or at least, of a particular kind of innocence, the Centennial variety." Perhaps. In an afterword to his history which was published in 1969, Mr. Randel wrote: "With the second centennial just ahead, we may expect that the nation will pause again to take stock, and we may wonder how it will seem, these few years from now, not to a Centennial but to a Bicentennial America. Will there be new abuses of power, and will the people be divided? Will there be a Southern Question? Will the arts be more integral a part of our living, religion a vital force for good, and education still in flux? Will we all seek the decent opinion of mankind? The author is haunted by the words of T. H. Huxley, one day in Baltimore [he spoke at Johns Hopkins in 1876] and especially by the phrase which said that our sole safeguard 'is the moral worth and intellectual clearness of the individual citizen.' May this never sound archaic!"

If the generation of Americans of 1876 was for the first time convinced by the Centennial that this country had a history, perhaps the generation of the Bicentennial will want to assess the meaning of the American achievement in the century that has since intervened. The importance of centennial observances—the reason they capture the national imagination—is that they provide a rare chance to focus the attention of the entire nation on questions that should be, but are not, the subject of constant ongoing national debate. Obviously we have a lot to discuss, in these terms, between now and December 31, 1976, but we also have ample time to do it. Is what we have achieved in the last century the measure of our sense of wonder? Is it what we set out to achieve? Is this what we had in mind when we once spoke of the American Dream? Just what have we been doing to earn the decent opinion of mankind since we discovered in 1876 that we had a history?

Well, we have landed men on the moon six times in five years; flown a photographic mission in orbit around Mars for the first time, reached the smallest planet (Mercury) and the largest planet (Jupiter) in the solar system. Let that symbolize our remarkable industrial, scientific, technological achievements. For these achievements we have paid a higher price than we may realize but one that need not be itemized here. We have, since 1876, fought five wars, beginning with the Spanish-American War which launched us on our imperialist course with the annexation of Hawaii and the colonization of Cuba, Puerto Rico and the Philippines; more recently we have staked out a position in Micronesia, the Marianas being our latest acquisition. We have spent uncounted billions to fulfill our self-designated role as the world's policeman. Yet after a quarter of a century we are still mired down in a cold war, committed to a $90-billion defense budget, with no end in sight and with a tarnished national image in many parts of the world. The economy is grossly distorted, welfare capitalism is faced with a major crisis, and yet, with perhaps 9 or 10 per cent unemployment and a high rate of inflation, we have reached out to establish military bases in the Persian Gulf and the Indian Ocean. Obviously, we have much to discuss if we are to take advantage of this unique opportunity to assess the history of the last hundred years. Such a discussion would not be academic. As E. H. Carr recently reminded us: "History is past political and politics present history." It is hard to believe, therefore, that the Bicentennial ballyhoo, though incessant and deafening, can prevent us (or some of us) from conducting a dialogue on American history 1876–1976 which must necessarily have an impact on next year's election. "As we move toward our Centennial-Bicentennial year," Colorado's Gov. Richard D. Lamm said recently, "let us re-examine what it means to be Americans. The value of being an American is not measured by having two cars in every garage and a color television set. Our progress as a people cannot be measured by garbage compactors, B–1 bombers and plastic flowers. It is measured by our continued right to live and work in equality and freedom, being judged only on our ability. Our country is great not because we have great leaders but because we have a great people, people who overcame adversity, poverty, prejudice and handicaps of all kinds. We will solve today's problems only if we meld the best ideas from our diverse communities into the solutions we attempt. We need the support, the ideas and the participation of everyone."

But we also need to re-examine our history as a people at a deeper and more significant level. "With a neatness history seldom offers," writes John E. Sawyer, the economic historian (*The New York Times,* December 30, 1974), "the era now ending can be said to have begun five centuries ago with the great geographical explorations that opened the way to the outpouring of energies, ideas and institutions of Western Europe." When American history is viewed as part of this process and not as a separate miraculous episode, it takes on aspects and dimensions and meanings that the history text of the last generation did not stress. We need to realize that this long span of history has come to a fundamental turning point or, as Maurice Strong, the Canadian executive director of the U.N. environment program, said recently, "a crunch point." Seen in this perspective we should be able to attain a more realistic view of ourselves and of our history and our politics. It would help us to see more clearly where we stand. It might enable us to disenthrall our historical imagination; it should help us through the painful process of waking up from the American bad dream ("Waking from the American Dream" by George P. Elliott, *The Nation,* November 16, 1974). It should enable us also to understand Scott Fitzgerald's warning about "the green light, the orgiastic future, that year by year recedes before us." At their best, our better poets have always known that while there was much to celebrate about the American experience it had a darker side, for the individual and for society. "At the same time that we have seized and occupied our continent," writes Robert Penn Warren (*The New York Review of Books,* March 30, 1975), "our poets have explored the crisis of the American spirit grappling with its destiny. They have faced, sometimes unconsciously, the tragic ambiguity of the fact that the spirit of the nation we had promised to create had often been the victim of our astonishing objective success, and that, in our success, we have put at pawn the very essence of the nation we had promised to create—that essence being the concept of the free man, the responsible self."

If 1876 convinced us that we had a history, perhaps the more thoughtful of the Bicentennial observances will establish the need to re-evaluate that history, particularly for the period from 1876 to 1976, and the politics it has spawned.

(NOTE.—Highly recommended as sources: *Centennial: American Life in 1876* by William Peirce Randel, 1969, Chilton Book Co., and *1876: Year of Violence* by Robert V. Bruce, The Bobbs-Merrill Co., 1959—a volume that should be reissued if it is out of print.)

CLINICAL RESEARCH SHOULD NOT BE SQUEEZED OUT BY OVERZEALOUS FOREIGN MILITARY EXPENDITURES

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. LEGGETT. Mr. Speaker, I would like to call attention to an important issue in connection with our discussion of health care and our need for a balanced approach for the future.

An unfortunate and ironic consequence of our current health care crisis is the deemphasis of the importance of investigative research and saving lives vis-a-vis military expenditures and extravagance. We have for too long avoided facing the issue of developing a comprehensive national health insurance plan and an adequate health care delivery system. We must improve our delivery systems, work to end maldistribution of health care, and insure that adequate medical care is available throughout the Nation, but we must do so without endangering a vital aspect of our health care resources: Clinical Investigation.

A most prestigious constituent of mine, Dr. Dean T. Mason, professor of medicine and physiology, and chief of the cardiovascular medicine section of the department of internal medicine at the University of California, Davis School of Medicine, has recently outlined this problem in an article in the Western Journal of Medicine. At this time I would like to share his views with my colleagues. His essay follows:

THE PERENNIAL CHALLENGE TO MODERN CLINICAL INVESTIGATION

(By Dean T. Mason, MD, Davis, Calif.)

At this time during our annual meeting, it is expected that the president of this society should deliver a concise address of infinite wisdom taking into account all that is important in the pursuit of clinical investigation. Further, it is usually anticipated that—to be in tune with the contemporary interface between the academic world and society—the presidential address will focus on some issue of high significance relating to public policy to clinical science. In considering the multiplicity of timely subjects which I might discuss, it struck me that the principal problems facing the performance of clinical investigation today are, perhaps in disguise, the same perplexities that have always been cause for concern to all of us who have devoted a major portion of our professional lives to medical research and education, and who wish to continue to do so in the future. What I have in mind is our concern for the proper balance between the three cardinal factors of ethics and resources and priorities on one hand, and scientific progress on the other. This I would term the perennial challenge to the clinical investigator. The important subject of ethics in clinical research has been well expounded upon by others; my remarks will be directed more to the problems of resources and priorities in medical science.

While no serious doubt exists, even at this time, that the development of new knowledge through biomedical research is essential for advancing the health of the American people, there is growing apprehension in the academic community regarding the size and direction of support allotted for the conduct of research. A genuine anxiety exists among many investigators that we may be living on borrowed time. Numerous questions have been raised concerning the development and delivery of medical knowledge: How should priorities be set for research programs? What should be the appropriate relation between investigation and health service needs? What is the proper balance between basic and clinical research? To what extent should investigation be targeted, as opposed to investigator-initiated? What should be the degree of support for the development of research manpower? And what role does research play in the education of the health professions? At an extreme, there is a segment of society which advocates that the whole of our medical resources and energies be centered on correcting the unfilled health delivery needs of the nation and there are those who, because of inflationary costs, demand fiscal ischemia solely for economy's sake by curtailing government spending in activities of least political significance. To say the least, the climate for the stable long-range support of medical science and education as we have known it in the past will clearly not be a part of the future. The ready availability of federal health dollars which flowered the monumental medical advances in the 20-year golden era of biomedical research following the Second World War has now been history for a full decade.

The complex and uncertain position of the support of medical science today is, of course, principally the result of a national desire for adaptations in our health system with public debate in recent years focused on revision of the balance between health care necessities and the development of new knowledge, the need for greater physician and related health care manpower, the reorganization of the health care delivery mechanism itself, and a means for assuring high quality health care provided at a controlled cost. These fluctuations in national health priorities have led to recent federal legislation establishing regional Professional Standards Review Organizations (PSROS), local Health Maintenance Organizations (HMOS) emphasizing prevention of illness, the Emergency Medical Service Systems Act and the major new Health Manpower Bill currently before Congress. The Health Manpower Bill would provide for nearly half of the total budgets of this nation's medical schools in exchange for substantial government involvement in enlargement of student enrollment, geographic distribution of graduates toward health scarcity areas and curtailment of certain specialty training programs in favor of increased primary care residencies. Also, a principal assumption underlying the Department of Health, Education and Welfare's Forward Plan for Health is that a form of national health insurance will be fully operative within the next five years. This augmentation of health care delivery programs contains some features which should substantially improve the health of our citizens, and I think that most of us in academic medicine would view certain of these measures as being salutary developments. Of grave concern to us, however, has been the unfortunate side effects of this recasting of the health industry of dangerously lowering the priorities and resources for biomedical research and neglecting the support of health research traineeships.

It does not require emphasizing to this audience that our health care system will become desperately crippled if biomedical research is allowed to wither, and a proper balance must be regained between patient care and investigation. Obviously, all of the health care that there is to deliver really represents the total evolution of medical knowledge resulting from critical analysis, both clinical and laboratory, through the ages. The number of clinical diseases that we can neither prevent nor cure is still enormous, and it is clear that no important inroads will be made without a return to a steady, purposeful expansion of basic and clinical research. Although there are claims to the contrary, in my opinion the gap is no longer between clinically useful knowledge and what is available to the public. Also, it should be pointed out to those who are obsessed with economics, research can play a vital role in improving the efficiency and diminishing the spiraling costs of the health care industry by developing improved therapy and preventive measures for presently unmanageable and incapacitating diseases. In addition, it is safe to say that medical teaching is best carried out in an atmosphere of scientific inquiry in order to translate the scholarly process of problem solving to patient care, so that the practice of medicine remains a learned profession rather than a skilled trade. The practical benefits of the education of physicians being based on a firm understanding of scientific principles are numerous. One example that comes immediately to my mind, relative to the discipline of cardiovascular medicine, is the recent clinical application of a new dimension in the treatment of refractory heart failure. This is the use of peripheral vasodilator agents for the relief of pulmonary congestion, elevation of cardiac output and reduction of myocardial ischemia. It became recognized as a rational, innovative therapeutic approach based entirely on an improved understanding of the physiologic factors regulating ventricular function.

How can we, the clinical academic community devoted to research into the course and treatment of human illness, make ourselves heard in a meaningful manner to effect a stable national policy regarding biomedical research? The Association of American Medical Colleges (AAMC) has emerged as a much needed and effective spokesman in Washington for medical research and education. Additional approaches are necessary, however, and they demand the best efforts of each of us. Probably our most important obligation is to improve our communication with the public who, after all, finance medical research. They have a right and need to know about our work, knowledge, problems and opportunities for progress as these relate to the betterment of society. We need to make medicine less of a mystery and improve the art of talking about science with the press and news media.

I would like to conclude by bringing to your attention four recent undertakings in improving the state of scientific affairs in cardiovascular medicine. They were carried out by the professional subspecialty society with which I identify, and might well serve as useful endeavors for many of the other subspecialities within internal medicine—as well as the broad-based discipline of internal medicine itself. Concerning the first activity, the American College of Cardiology (ACC) recently completed a comprehensive National Institutes of Health (NIH) supported manpower study of cardiologists to define their current professional roles, to determine training objectives, to consider present and future manpower needs and to determine postgraduate educational requirements. Approximately 11,000 cardiologists were identified in active practice in the United States, resulting in a ratio of five such physicians per 100,000 population. Fifty percent are certified in internal medicine while only 10 percent have taken cardiovascular boards. Four general activity profiles of cardiologists were identified: noninstitutional internist-cardiologists, constituting a third of the total; noninstitutional clinical cardiologists, making up half of the manpower; institutional cardiac specialists, who largely constitute the remaining one sixth, and institutional academic cardiologists. On the basis of the high prevalence of cardiovascular disease, population growth and other factors, it was judged that approximately 5,000 additional cardiologists would be necessary by 1976 to obtain a needed six per 100,000 cardiologist-to-population ratio. In addition, this study defined the appropriate component needs of cardiology training programs and indicated the need for different types of programs to train different types of cardiologists.

Second, the ACC has established the Bethesda Conferences for exchange of ideas and formulation of policies by recognized authorities concerning matters of patient care, research and training in cardiovascular medicine. For example, the recent Conference on the Development and Introduction of New Cardiovascular Drugs brought together a large body of professionals in basic and clinical investigation, the pharmaceutical industry and regulatory government agencies to discuss problems concerning the timely and ethical development and clinical use of safe and effective drugs. A number of difficulties were identified, for which the participants jointly developed solutions. It was recommended that a Standing Advisory Committee be established composed of members of the ACC and the American Heart Association to consider criteria for efficacy and related issues in clinical cardiovascular pharmacology and therapeutics with the purpose of providing liaison between academic investigators, the Food and Drug Administration, the pharmaceutical industry and the National Heart and Lung Institute.

Third, the American College of Cardiology has initiated the development of a unique facility for postgraduate learning: construction of a national center for continued education, called Heart House, located in Bethesda adjacent to the NIH campus. The purpose of Heart House is to serve as the principal resource headquarters for the advanced teaching of cardiovascular medicine in which both group and self instruction are provided for, to afford a site for exploration of new teaching methods and to aid cardiovascular education throughout the nation and the world by development and distribution of all types of educational materials. In regard to postgraduate instruction, the American College of Cardiology also conducts approximately 35 regional scientific programs in cardiology each year in the United States through the coordination of the College's Committee on Continuing Education. In addition, the Self-Evaluation in Cardiology examination has recently been developed by the College in cooperation with the American Heart Association.

Fourth, the American College of Cardiology has organized the International Educational Program on Cardiovascular Diseases in cooperation with the Bureau of Education and Cultural Affairs of the United States State Department. This program provides the means for exchange of knowledge between the visiting faculty and host countries and affords the medical community of all nations opportunities in continuing education. During the past decade, the ACC faculty has carried out 40 such circuit courses and taught in approximately 50 countries around the world. This visiting educational program has established lasting friendships among physicians, governments and people of many nations—and has united across national borders those concerned with the treatment of heart disease.

In summary, my purpose has been to delineate what I consider to be a perpetually consistent theme in the planning and performance of clinical investigation: the appropriate relation between—on one hand—proper ethics, availability of resources and health priorities and—on the other—the need for scientific advancements. This relationship may shift dramatically according to the overall necessities, economy and politics of our society. Our society and its representatives must come to grips with whether it is really wise to redistribute the federal budget towards military expenditures and over-involvement in foreign economies at the expense of pressing domestic needs, such as in health by withholding support of the growth and even maintenance of the medical sciences. In times past, resources for clinical investigation were relatively easily obtainable. However, today they are not and so the fruition of clinical investigation requires, among other attributes, considerable patience, much persistence and long hours of hard work, coupled with (perhaps the most important factor) an understanding spouse.

For optimal health care, it is axiomatic that medical research be reequilibrated with the health services. The waste of our most precious health resource is the loss of the research time of talented investigators with imaginative ideas that may ultimately lead to improvements in patient care, who are unable to carry out their work because of inadequate government planning for the support of the development of new knowledge. Perhaps I am somewhat of an optimist by nature, but I think that a growing body of congressional authorities are beginning to appreciate that augmentation of health research complements rather than competes with health care delivery. Neverthless, we have a very long way to go.

RANDALL SST HEARINGS OPEN

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. WOLFF. Mr. Speaker, it was my privilege this morning to testify before the Government Activities Subcommittee of Government Operations, chaired by my good friend and colleague from Missouri (Mr. RANDALL). I want to thank the gentleman, and his colleagues, Ms. ABZUG, Mr. THONE, Mr. ENGLISH, and Mr. EVANSS, for their patience as they listened attentively to my lengthy testimony, and to the incisive testimony of my colleagues who joined in the present matter of the Concorde SST.

I also want to personally thank the chairman of the full committee, the gentleman from Texas (Mr. BROOKS) who gave his full support for the hearings today and was instrumental in their success.

Finally, I want to extend my special thanks to the many colleagues who testified this morning, particularly to my friends from Long Island, Mr. ADDABBO, Mr. DOWNEY of New York, Mr. AMBRO, and Mr. WYDLER, as well as Mr. SCHEUER, and Mr. OTTINGER, who all presented the subcommittee with special insights into the questions raised by the executive branch's ill-advised attempts to boost the SST despite the congressional mandates of the Noise Control Act and the National Environmental Policy Act.

I now submit for the RECORD a copy of my testimony this morning. I note that Mr. RANDALL and his colleagues indicated they plan to pursue the many points raised in the testimony today, and I hope that many more Members will wish to follow the second round of hearings this fall.

Statement follows:

STATEMENT BY HON. LESTER L. WOLFF BEFORE THE GOVERNMENT ACTIVITIES SUBCOMMITTEE, JULY 24, 1975

Mr. Chairman, colleagues, I want to thank you for holding these hearings this morning as the prelude to what I hope will be full scale hearings this Fall on what I consider to be one of the more shameful episodes in recent legislative history—and that is, the calculated acts and efforts by members and representatives of the executive branch to create a climate whereby the British-French Concorde supersonic aircraft would have to be admitted to the United States, regardless of the facts, and regardless of the laws of the United States.

As briefly as is possible, I am today charging that a full scale investigation by your committee, using its subpoena powers, will show that the Congressionally mandated decision-making process on certification of aircraft has been seriously undermined at two separate and distinct levels.

First, there exists a pattern and practice of commitments by U.S. Ambassadors, administrative agency officials, and at least one president, in behalf of the Concorde SST to the effect that those charged with making the actual recommendations on Concorde are presented with a fait-accompli, and will find it very difficult to deny landing rights to the aircraft even if the facts dictate a denial.

Second, there exists a pattern and practice of distorting, covering-up, and in some cases, out-right misstatement of the very facts which are going into the decision-making process so as to make a denial of Concorde landing rights even more difficult.

I charge, finally that your subcommittee, with a full investigation in the Fall, will find that the process I have outlined above has gone on and is going on at three levels—the Federal, in the FAA, the EPA, and the White House itself; at the Congressional, with false information injected into Congressional debate, and official communications to the Congressional leadership; and finally, at the state level, where the Governors of New York and New Jersey have been placed under unwarranted pressure to veto any negative decision on Concorde should the legally constituted decision-making body governing John F. Kennedy Airport deny landing rights to the SST.

It is my contention, Mr. Chairman, that your subcommittee will discover that the acts carried out to futher the cause of gaining entry for the British-French SST constitute a serious violation of the Constitutional provision of separation of powers—specifically the Congress' power to regulate interstate and foreign commerce—and that the acts in some cases would appear to violate specific laws of the United States, such as the Noise Control Act, and the National Environmental Policy Act, because the procedures mandated by those laws cannot be carried out because of the acts in question.

I have been to this point very general. I will now be very specific, and present step-by-step examples of the acts I have charged as taking place, and which I think you will see constitute a pattern and practice of executive branch commitments in behalf of the Concorde and in defiance of the Congressionally mandated decision-making process on Concorde, and any other aircraft, for that matter.

The pattern and practice of commitments by U.S. Ambassadors, agency officials and at least one president begins—at least in public—on April 24, 1971, when then-FAA Administrator John Shaffer visited London and gave repeated assurances to British officials and business representatives, including the press, that Concorde would be allowed to land in the U.S. The Financial Times of April 24, under the headline "Concorde will be allowed to operate in the U.S.—air chief," said Mr. Shaffer, and I quote "repeatedly expressed his confidence in Concorde operations in the U.S. . . . Mr. Shaffer's confidence comes when the British Government is clearly concerned about the U.S. attitude to Concorde . . ."

The Manchester Guardian of the 24th of April goes on at some length, under the headline "U.S. Unlikely to ban the Concorde," reporting, and I quote, "The Concorde supersonic airliner is not likely to be banned from the United States because of its take-off noise, the chief of the U.S. Federal Aviation Administration, Mr. John Shaffer said in London yesterday. If it was not allowed to land in New York 'it would be welcome in Washington and Boston'. But he thought that by the time the aircraft was ready to enter service, in 1974, opposition to it would have died down."

Aside from the irony of the last statement, I would like to call your particular attention to the Guardian's explanation of what Shaffer said, which came in the following paragraph, and I quote, "The importance of Washington's Dulles Airport is not just its comparative convenience as a gateway to the United States. It is owned and operated by the FAA, whereas most American airports, including the J. F. Kennedy in New York, are locally owned. With Federal support, therefore, it would provide a powerful lever with which to prise other gateways open."

"A powerful lever with which to prise other gateways open, "Mr. Chairman and members of the committee, a powerful lever indeed! And, as we shall see, the lever's strength has been continually augmented since April, 1971.

I mentioned commitments by our ambassadors in behalf of Concorde. I think it would be instructive for this subcommittee to seek from the State Department the authorization for statements by Mr. Arthur Watson, our ambassador to France, as reported by the London Times of April 23, 1971, and I quote: "United States officials have assured France that the Concorde will be allowed to land at New York. The assurance was given to M. Jacques Chaban-Delmas, the French Prime Minister, by Mr. Arthur Watson, the American ambassador, in reply to an inquiry ordered by President Pompidou, reliable sources said."

So, Mr. Chairman, we have by April of 1971 the leaders and the public of both Britain and France receiving the apparently unequivocal assurances of high American officials that not even problems with aircraft noise will keep the Concorde out of the United States, and that, in fact, specific airports not even under U.S. government control will allow the Concorde to land.

The issue of noise, which those of us who helped pass the National Environmental Policy Act and the Noise Control Act are quite familiar with, became of sufficient concern to official U.S. boosters of Concorde that by 1973, the acting operations director of the FAA, Mr. William Flenner, felt compelled to state after a Concorde flight to Dallas-Ft. Worth that he heard no complaints against Concorde, and I quote from Flight International of October 4, 1973, "noise or otherwise. In everything we could determine, there was no problem." This sort of assurance, which simply furthered the British and French sense of American commitment to Concorde, was further butressed by Mr. Robert Timm, then chairman of the Civil Aeronautics Board, who was quoted by Flight International on Oct. 4, 1973, as saying "I have no doubts in my mind that supersonic air transport has come to stay. I am sure that Concorde will go into service in the United States." That Mr. Timm was not engaging in mere boosterism, however ill-advised for such a high official, is confirmed by his statements earlier that month as reported by the wire services, and I quote, "I want this plane to be a part of the fleet of the world and I don't want to give anyone the slightest comfort in thinking that maybe this was environmentally an incompatible airplane."

There exists on the public record—the public record—one final, outrageous, example of official U.S. assurance on Concorde which, coming when it did, constitutes one of the clearest official actions endorsing the aircraft, and sustaining the pattern and practice which lies behind the several examples of public endorsements I have just discussed. I refer to a telegram sent in July, 1974, from Mr. Alexander Butterfield, then Administrator of the FAA, to Sir George Edwards, Chairman of the British Aircraft Corporation, and I quote:

"On behalf of the Federal Aviation Administration I want to extend hearty and since congratulations on the recent visit to America of the Concorde. The round trip flights between Paris and Boston and the Mach 2 runs over the ocean between Boston and Miami represent an important milestone in gaining universal acceptance of intercontinental supersonic air travel. The entire endeavor seemed to have been executed with exceptional professionalism and care. From our standpoint the operation was an unqualified success. Please pass on our compliments and best wishes to all who participated."

This gushing endorsement was not, Mr. Chairman, a gratuitous compliment being passed along. I charge that this telegram was deliberately calculated to put the final stamp on the three-year pattern of executive branch endorsements of Concorde, and its timing would seem to prove my charge. This telegram was sent just prior to scheduled discussions between the British Prime Minister and the French President as to the future of Concorde. No mention was made of the fact that New York refused to allow Concorde landing rights because of environmental and other questions, including noise, and perhaps not surprisingly, the French and British leaders decided to go ahead with production of the first 16 Concordes with which we are now contending.

I spoke a moment ago of the public record of Concorde commitments. I now must backtrack to January of 1973, and add that while there may be no "smoking pistol" in this particular scandal, there are indeed many pop-guns (at least, I hope they end up being pop-guns, because if they all are loaded with live ammunition, we may yet lose this fight!) But in January of 1973, on January 19th, to be exact, there occured one of the more shadowy acts of the executive branch's campaign to get Concorde into the U.S. regardless of the environmental facts against the aircraft. I refer to a pair of letters written by then-President Nixon to the leaders of Britain and France.

These letters, which the White House to this day artfully refuses to either confirm or deny, by the way, do not, in fact, commit the U.S. to Concorde. In fact, according to those who have read them, or who have had summaries of them read to them, the letters do no more than ensure the leaders of Britain and France that Concorde will be treated "fairly," and will not be "discriminated" against, the White House term, by specific environmental legislation. Well, quite aside from the authority of the White House to assure a foreign nation that Congress or the states will not exercise their Constitutionally mandated powers of legislation, a number of curious things have happened since Mr. Nixon mailed those letters.

First, of course, is that the letters, like the rest of Mr. Nixon's official correspondence, have been locked-up and sealed, in effect, by a court battle over custody. As luck would have it, the man charged with deciding who gets to see the correspondence still works in the White House, and, by coincidence, is the man who write polite letters to Congressmen and others saying that even if the letters exist, we can't see them. So sorry. By now you might have guessed that it is perhaps more convenient for the boosters of Concorde to either deny the existence of the letters, or to deny access to them so that their actual content can't be known. If you did guess that, you would be right.

You would be right because just as dead men tell no tales, letters you can't read (but know exist) can be used in almost any way you want them. And, Mr. Chairman, those letters, quite aside from how the leaders of Britain and France chose to read them, which I suspect involved simply further confirmation of what they by 1973 were quite justified in thinking constituted a clear U.S. Government commitment on Concorde, those letters were indeed used by Concorde boosters in the U.S. to pressure U.S. decisionmakers.

However, I am getting ahead of myself slightly, and will save discussion of just how the Nixon letters were used for a few moments when I plan to get fully into the question of attempts to unduly influence the national and state decision makers—despite the Constitution and laws of the United States—on the Concorde.

I think that the few quotes I have provided today certainly pass the threshold of proof necessary for this subcommittee to seriously consider the validity of my charge that a pattern and practice of official U.S. commitments on Concorde have been forthcoming since April, 1971, despite the laws of the United States mandating how decisions such as allowing Concorde into the U.S. are supposed to be made.

I will now briefly deal with perhaps the most serious aspect of this entire question, and that is the apparent attempts by some in the executive branch to corrupt the actual scientific process itself so that the facts necessary to making decisions on Concorde do not inconvenience the diplomatic commitments we have just discussed.

While it would be tempting to hold forth for some time on the scientific arguments raging around Concorde, and, indeed, on the entire question of aircraft noise and pollution, I would be the first to admit that as non-scientists all we in Congress can really do is quote the scientists who seem to be presenting the most consistent data, and who seem to have the best opportunity of being objective.

In January of this year, the DOT unveiled its much-anticipated environmental impact study on the effects of supersonic aircraft on our environment. While it was billed as a preliminary report, to be sure, it reflected some years of effort by some of the finest scientific minds in our country. Perhaps some of us here today recall the news accounts and public statements by DOT spokesmen when they released this preliminary report, and the actual words of the so-called "executive summary" which they handed out in lieu of the massive document itself.

To be very brief and general, the executive summary and its press release gave all reporters present the distinct impression that the full report proved that despite previous fears, an operating fleet of SST's would neither be too noisy, nor would it damage the ozone layer of the earth's atmosphere, and cause skin cancer. This was good news indeed to Concorde boosters, and, in the first days of its release, the report was good news for all of us who are not opposed to the very idea of supersonic jets, but who are simply opposed to the present design.

Unfortunately, it didn't take long for the rosy picture to disintigrate. Interestingly enough, one of the prime movers in the breakup of the rosy picture painted by the DOT was the DOT's own project chief, Dr. Alan Grobecker. Dr. Grobecker, who I would strongly urge upon this subcommittee as a key witness for the Fall, began calling colleagues around the country to disassociate himself from the publicity given the report, and the report itself. Dr. Grobecker even called CBS News as part of this effort. The reasons for Dr. Grobecker's concern soon became apparent, as non-government scientists got a chance to study the full DOT report, and to check the facts and figures in the report against what the DOT said it said.

I might add that acting on Jan. 31 after personal phone calls from two independent experts on the upper atmosphere, I set in motion a request for a Government Accounting Office investigation of how discrepencies as charged could have occurred which led, in some part, to the hearing here today.

Let me add quickly that I do not propose to go into detail on the scientific discrepencies in anything like the fashion of the diplomatic commitments discussed at the beginning of my testimony. This is because the discrepencies are now no longer a matter of debate, and this subcommittee can satisfy itself fully on the problems which have come up along the way by contacting the National Academy of Sciences, and the White House's own Council on Environmental Quality. Both organizations will, I am sure, satisfy you that the DOT and the FAA have systematically hidden, and in some instances apparently falsified, the actual physical and psychological effects of the Concorde SST on the earth's environment and its people.

Just this week I received reports of noise tests carried out in England which show that Concorde's noise levels, far from being roughly similar to American subsonic jets, as claimed by the FAA, actually approach the threshold of physical pain and literally shatter the noise scales used to regulate commercial air traffic in the United States.

Now, as I said, the failures of the DOT and the FAA to present the scientific truth on Concorde are now irrefutable fact. It is even clear that the limited fleet of 16 Concordes presently mandated for production would cause as many as 1,000 new cases of skin cancer in the United States each year of their operation.

So, unlike my charges of diplomatic commitments and a climate of commitment favoring Concorde, which required some detail because of their probable novelty to this subcommittee and to the American public, my accompanying charges of scientific failure need no further discussion.

I will leave this area with this key point—the Members of this honorable subcommittee must ask themselves if it is possible that the discrepencies of the DOT and FAA scientific justifications of Concorde occurred in a vacuum free of politics and diplomatic pressure.

You must ask yourselves if it is possible that since 1971 we could have seen the telegrams and letters and public statements on Concorde which have poured forth if they are entirely unrelated. You must ask yourselves if it is logically possible that all these things could have happened if there was no determination to support Concorde made at the highest levels of our government.

It may be taking things too far to suggest that the FAA's failure to date to live up to its promise to issue aircraft noise regulations is part of the overall Concorde pattern, for, as an official of EPA ruefully admitted to my staff this week, when you are dealing with the FAA you are dealing with a conspiracy of the inept.

Indeed, this whole sorry episode is a conspiracy of the inept, as just a casual review of the names involved will show. But this does not lessen one iota the serious nature of what has been attempted since 1971, and what to this day is being attempted.

Before concluding with my discussion of why I think the actions described violate both the Constitution and the laws of the United States, one more related area needs some detailed discussion, namely, just what certain members of the executive branch have done with the pattern and practice of diplomatic commitments on Concorde, and just what they have done with the false scientific evidence hiding the true effects of Concorde. And, it will be interesting to note that as the scientific evidence continues to grow against Concorde, some executive branch apologists have been subtly changing their tune so that today, we would be hard put to it to find stauncher defenders of the very legislative process they have worked so long to undermine.

I said at the outset that after the diplomatic and scientific evidence was sifted by this subcommittee, it would come to the area of efforts to influence the executive branch itself, the Congress, and at least two of the Several States in a manner which I am confident this subcommittee will come to see as part of the pattern and practice of unconstitutional and possibly illegal actions begun in 1971.

Specifically, I will cite two efforts which took place this year which, I am confident, this subcommittee will wish to investigate to the fullest possible extent this Fall. First, there is the matter of statements to Mr. Roger Strelow, the EPA's assistant administrator for air and waste management, by members of the National Security Council and the State Department to the effect that commitments on Concorde had already been made to such a degree that it would be diplomatically unacceptable for EPA, for example, to promulgate rules which resulted in Concorde not being allowed into the United States. I am paraphrasing. I will now quote. On June 4 of this year, Mr. Harry Pearson, the distinguished environmental reporter for Newsday of Long Island, published a story in which he noted the results of an earlier interview with Mr. Strelow on this very topic, and I quote:

"Strelow, in an interview last week, said, 'There were discussions preceding our (noise) proposal in which the foreign affairs community made us aware of their concern. These discussions included people from the State Department and the National Security Council. They said, in effect, "We don't feel we ought to impose any restrictions (on Concorde flights)" They wanted us to be aware there was some history of high-level assurance that they (the British and French) would be treated fairly."

Well, Mr. Chairman, aside from the statement that the State Department and National Security Council representatives urged EPA to ignore its Congressional mandate to promulgate environmental safeguards for the American people, we might fall into the trap of believing the attempt to build a smokescreen behind the words "treated fairly." But, Mr. Chairman and honored colleagues, in view of the previous pattern of diplomatic assurances which I have already detailed it is abundantly clear that when our State Department and our National Security Council speak of "fairness," they mean "no regulation." State doesn't care about the Noise Control Act, or the National Environmental Policy Act, just as it doesn't care about the Turkish opium poppy farmer who produces the raw material for the heroin which is destroying so many thousands of Americans at this very moment.

And, of course, Mr. Strelow knew very well what State and the NSC meant by "fairly," as he goes on to explain to Mr. Pearson, and I again quote from the Newsday story of June 4, Strelow directly stating to Pearson "There was mention made by the guy from the National Security Council of a specific letter from Nixon to the heads of state in England and France. It can be construed as an assurance from Nixon to them that the plane would be allowed to land in this country. I don't believe I've ever seen the actual text itself, which said, in effect, you can be assured we will treat this airplane on a fair and equitable basis."

You will note, Mr. Chairman, that Mr. Strelow has no illusions as to the code being spoken here with this business of "fairness."

Mr. Strelow states flat out that actual language not-with-standing, the British and French could hardly be blamed for thinking the Nixon letters constituted yet another firm commitment to them.

Let me now backtrack slightly, for we know something that Mr. Strelow apparently did not know, namely, that the Nixon letters also included a reference to the fact that the White House does not have the power to set noise and other environmental standards. This convenient disclaimer can now be trotted out by the White House to prove that there has never been any attempt to unduly influence the Concorde decision-making process. However, I am sure you Gentlemen here today will not fall for this obvious smokescreen, and that you will note that Mr. Strelow thought he was being told by State and the NSC that the Nixon letter committed the U.S. to Concorde.

To repeat, we are not going to find a smoking pistol in this particular scandal, but we are going to find a lot of smoke. I ask you today to consider what the leaders of Britain and France, what the officials of EPA and the FAA thought as they were confronted by all of the smoke of the past four years. Each and every individual explosion, in and of itself, perhaps really didn't amount to much, and perhaps might be made to sound fairly reasonable, taken one at a time. But, Mr. Chairman and distinguished colleagues, I think it is clear that we cannot simply take all these things as separate and unrelated incidents. I think it is clear that we must fit them into the pattern they create through their own momentum and their own weight.

When we do this, I think that we will see that the charges I made at the opening of my statement this morning on violations of the Constitution and violations of the laws of the United States have been substantiated, and that a full investigation by you this Fall will spell them out in detail.

Let me conclude by providing what I think is a useful legal framework for your investigation. At the end of last month, I requested Mr. John Hellegers of the Environmental Defense Fund to supply me with a legal memorandum on whether the actions and statements described above violate the Constitution by, in effect, obligating the United States to accept regular commercial service of the Concorde despite the Congressional mandates of the Noise Control Act and the National Environmental Policy Act.

Thanks to Mr. Strelow's testimony, we now know that EPA's decision to allow the first 16 Concorde's into the U.S. regardless of the environmental problems they might cause was preceded by the conversations with State and the NSC during which the Nixon letters were cited as prior commitments which could not be ignored. I might add that on April 4 of this year high officials of the State Department wrote to the Governors of New York and New Jersey, and to our former colleague, Ogden Reid, now Commissioner of Environmental Conservation of New York, making many of the same points as those related by Mr. Strelow, and adding a couple of little twists, including the thought that should the Port Authority of New York see fit to deny Concorde because of its noise characteristics, serious diplomatic consequences could be expected. The State Department even takes it upon itself to pass on thinly-veiled threats from the British and French that economic retaliation might occur in the event Concorde is kept out.

One might legitimately question why the State Department is not at this very moment working to assure Britain and France as to the truth about Concorde, instead of abetting a rather crude attempt at diplomatic blackmail, and I hope that this area will be gone into in some depth this Fall.

In any event, I urge upon this subcommittee the view that the Nixon letters, as they have been used, and the many statements and reassurances made since April, 1971, constitute nothing less than a violation of the Constitutional provision of separation of powers, specifically the Congress' power to regulate interstate and foreign commerce. These highly improper international commitments were made at key points in the British and French decision-making process on Concorde and were obviously designed to strengthen the hands of pro-Concorde forces overseas.

Here at home, these commitments have repeatedly been used to bully officials in the executive branch into supressing facts, or making decisions which they otherwise might not have made.

The constitutional issue arising out of all this is clear, for there can be no doubt that the commerce power of Congress extends to both the landings of the Concorde itself, and to any anti-noise rule that might affect Concorde operations in the U.S. The commerce power also clearly extends to the procedures by which the federal agencies are to decide questions presented to them which involve Concorde. The general principles governing here were clearly stated after then-President Truman attempted to seize the steel mills without first going through the Congressionally-mandated labor arbitration procedures of the Taft-Hartley Act.

As it happens, Congress has exercised the commerce power by specifying procedures applicable in the case before us today, procedures which constitutes laws which the President, under the Constitution, must "take care . . . be faithfully executed." Under Section 102-2-C of the National Environmental Policy Act, both the FAA's decision as to the operations specifications of British Airways and Air France must—as the FAA has conceded—be made on the basis of an environmental impact statement. In the leading case of Calvert Cliffs Coordinating Committee versus the Atomic Energy Commission, District of Columbia Circuit Court, 1971, the court held that, and I quote, "Section 102 of NEPA mandates a particular sort of careful and informed decision-making process and creates judicially enforceable duties . . . if the decision was reached procedurally without individualized consideration and balancing of environmental factors—conducted fully and in good faith—it is the responsibility of the courts to reverse."

Mr. Chairman, honored colleagues, it is hard to imagine a clearer example of a decision not "reached procedurally (with) individualized consideration and balancing of environmental factors conducted fully and in good faith" than any decision coerced from EPA or anyone else on the basis of diplomatic commitments made without legal authorization since 1971.

While Mr. Strelow may wish to deny that the White House was giving "marching orders" on the Concorde SST, he has clearly stated that White House communications on the SST have been used by State Department and National Security Council personnel in an effort to head off adverse EPA decisions prior to their enactment.

Frankly, Mr. Chairman, it is hard for me to imagine a clearer Presidential failure to "take care that the laws be faithfully executed" than the use to which the White House has allowed its communications in the present case. We must not forget that the conversations Mr. Strelow reports, and the communications I have placed into the record of this hearing, all took place well before the preparation of any environmental impact statement as required by law. Indeed, we have yet to see the final impact statement, although I gather we can look forward to one, if that is the word, sometime in September.

Similarly, I would note that the Strelow conversations, and the other acts, were held well before any of the public hearings required on the EPA's proposed noise rule according to the Noise Control Act of 1972, and were held well before the impact statement or any of the hearings on the proposed Concorde flight operations. Indeed, it would appear that the net intended effect of the executive branch actions since 1971 was to render any attempt to comply with the laws of the United States through public hearings pure sham.

I would conclude with the observation that NEPA, since it applies to all agencies of the Federal government, must also govern the relevant fields of foreign trade and commerce. Consequently, the facts and statements I have discussed today clearly violate both the Constitution of the United States, and the laws of the United States, no matter how many pious smokescreens of "fairness" we may have to poke through to get at the truth.

On June 2 of this year, the perceptive English journalist Simon Winchester wrote in the Manchester Guardian on the impact of the Council on Environmental Quality report which charged apparently deliberate attempts to cloud the facts on Concorde by the FAA and the DOT. Mr. Winchester said, and I quote, "The assumption here (Washington) is that politicians and diplomats will eventually win the day and that Concorde, in spite of being what the White House admits is a very noisy airplane, will be permitted to come and go, beginning later this year . . ."

Mr. Chairman, distinguished Members, I appreciate very much the opportunity to testify today, and I appreciate your attention during my long statement on this important matter. I urge you to pursue the questions raised today with the utmost vigor this Fall, and I hope that our young friend from Britain is proven wrong in his prediction.

COMMUNIST APOLOGISTS RAISE FALSE HOPES

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. ASHBROOK. Mr. Speaker, the apologists for the Communist butchers in Indochina are daring to raise their heads. William Goodfellow has had an article appear on the Op-Ed page of the New York Times of July 14, 1975. False hopes are raised that there is not a bloodbath in Cambodia.

In that article Goodfellow stated that the forced evacuation of the cities of Cambodia was not a "death march" but "a journey away from certain death." In Goodfellow's own words:

> In fact, it was a journey away from certain death by starvation, for at the time the former Pnomh Penh Government surrendered, starvation was already a reality in the urban centers, and widespread famine only a matter of weeks away, while in the countryside there was a sizable food surplus.

That is a very genteel way to describe the forced evacuation of millions of people who were forced to leave their homes on a few hours notice with what little that they could carry. In no way does Goodfellow's rationale take account of those hospital patients who were forced out of their beds—no matter how sick they were—and for many who had to march to their certain death.

Goodfellow comes closer to the truth when four paragraphs later he writes, "Moreover, the evacuation was politically expedient for it enabled the new leaders to completely replace the civilian infrastructure in the cities with their own people." Of course, this still does not explain why the Cambodian Communists found it necessary to empty hospitals of patients and to force all residents—with no regard to their ages or physical conditions—to go on a march which was certain to lead to many of their deaths.

Leo Cherne of Freedom House used slightly different terms to describe what Goodfellow describes as "a journey away from certain death." Cherne states, "It took the Nazis 6 years to kill 9 million human beings. It appears to have taken 1 day to inflict catastrophic disaster on more than 3 million Cambodians."

In his article Goodfellow also disparages any "eyewitness acounts" of supposed bloodbaths. Goodfellow states, "The 'eyewitness accounts' turned out to be second- or third-hand rumors, and the stories quickly disappeared in the press in the absence of any substantial evidence." On July 15 in the New York Times a refugee from Cambodia was quoted, "So little is allowed that you don't know what they might shoot you for." Also, a front page article from the Washington Post of July 21, 1975, entitled "Fleeing Cambodians Tell of Khmer Rouge Killings" has the following to report:

Fleeing Cambodians Tell of Khmer Rouge Killings

(By Chhay Born Lay)

Aranyaprathet, Thailand, July—Nearly 300 Cambodians were gunned down by Khmer Rouge soldiers during attempts to escape to Thailand from Cambodia, witnesses said over the weekend.

About a dozen survivors interviewed at this border town told of three separate incidents last week in which men, women and children fleeing toward the border were ambushed and shot down by patrols of the Communist-led Khmer Rouge.

The ambushes, for which there was no independent confirmation, reportedly occurred about 50 miles from the Thai border near Battambang, a provincial capital in northwestern Cambodia.

One of the escapees, Ung Tiea Seng, 32, said starvation and harsh treatment by the Khmer Rouge had forced many to attempt escape. Seng said he and his two children were among about 200 Cambodians who had slipped out of a forced-labor camp only to fall into a Khmer Rouge ambush about 20 miles northwest of Battambang. About 30 of the group made it to Thailand, he said.

"The killing was horrible. I saw blood streaming from their bodies which were riddled with bullet holes," he said, wiping tears from his eyes. "I heard them screaming for help as I ran from the scene. I nearly killed myself when I saw my friends gunned down."

About 7,000 Cambodians have sought refuge in Thailand since Cambodia fell to the Khmer Rouge in April. Last week alone several hundred crossed the frontier near this town 200 miles east of Bangkok.

Survivors reported that the Khmer Rouge also opened up on about a hundred refugees strung out in a line 10 miles east of Battambang.

"They didn't give us any warning, but just opened fire on us. Even babies were shot," recalled Ky Teng, 32, who said he and about 10 others were the only ones to survive.

The third killing reportedly took place at a village 15 miles west of Battambang. Uk Sam Huon said he saw some 30 members of his group killed after he climbed a tree when the shooting started.

"I looked down from the tree and saw everyone running in disarray," he said. "Some of them fell and died immediately, while others tried to take cover. But the Khmer Rouge kept firing.

"I nearly jumped down from the tree when my friends called out for help. I felt distressed watching them die like animals."

A number of the refugees interviewed, both at Aranyaprathet and at Krong Yai, said cholera and other diseases had broken out, and that the Khmer Rouge lacked modern medicine to deal with the problem.

Some of the refugees who survived the ambushes said they were disappointed at their reception by Thai villagers and authorities.

"First I thought they were going to be friendly toward us," Teng said. "But instead the Thai villagers we met forced us to kneel down while they searched us for gold and money."

U.S. diplomatic sources in Bangkok also have reported that a number of Cambodian refugees have been stripped of their more valuable belongings upon crossing the frontier.

"It reminds me of an old Cambodian saying," Teng said. "When you try to escape from the crocodile you sometimes find yourself in the mouth of the tiger instead."

In concluding his attempted whitewash of the Communists Goodfellow writes:

Now that the war has at last come to an end, there is reason to believe that after initial difficulties are surmounted the new Government's all-out effort to increase food production will transform Cambodia into a land self-sufficient in food, and within a few years, into a rice-exporting nation, as it was before it was ravished by war.

Perhaps those "initial difficulties" include the slaughter of innocents, the forced evacuation of the elderly and the sick, and the disappearance of former officials. Nonetheless, it should be remembered that Cambodia being "ravished by war" was the result in large part of Communist rocket attacks on innocent civilian population of cities and towns. In addition it resulted from Communist punishment and executions of those who disagreed with the Communists while the war continued.

War has ended in Cambodia, but unlike certain so-called "doves" in this country predicted, peace has not returned. The killing has not stopped. Rather the night of the long knives has begun. The killing continues but now the people of Cambodia have no means of defending themselves against their supposed "liberation."

FORTY-SEVENTH BIRTHDAY—LT. COL. JAMES WIMBERLEY LEWIS

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. MONTGOMERY. Mr. Speaker, today is the 47th birthday of Lt. Col. James Wimberley Lewis. However, his wife and sister do not know if he will be observing this important day in his life because Lt. Col. Lewis is still listed as missing in action in Southeast Asia. He is just one of several hundred of our fellow Americans whose birthdays will come and go this year without their families knowing if they are still alive or not.

I commend Chairman Madden and members of the Rules Committee for agreeing to hold hearings on our resolution to establish a Select Committee on MIA's. I feel the Select Committee is the most concrete means we have of determining once and for all the fate of our missing servicemen and securing the return of the remains of the known dead.

DEMOS OVERRIDE A VETO AT LAST

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. McCLOSKEY. Mr. Speaker, I offer for the Record one of the better commentaries on last Monday night's brouhaha:

Demos Override a Veto at Last

(This article was written by Art Harris, a student at George Washington University, who is engaged in a work/study program at The News American.)

(By Art Harris)

A "do-nothing" Democratic Congress did something last night.

They came out of oblivion to upset the perennial champion Republicans in the 14th annual U.S. Congressional baseball game at Memorial Stadium Monday night.

There had been speculation in Washington on whether the near "veto-proof" Democratic majority in the Congress could end the Republican's domination of the game. Among players the GOP lost (due to their not having been re-elected) were Vinegar Bend Mizell, a former major leaguer.

"I have no depth left at all," said Republican manager Silvio Conte, wearing a Boston Red Sox uniform. "This is like in 1965 after the Goldwater landslide, when we also lost some of our best fielders and hitters," he said.

"To win, we'll just have to outsmart them," he smiled.

While ecstatic Democrats hovered around their winning manager after the game, Sen. Howell Weicker of Connecticut was more philosophical.

"For every ballgame we win, we lose an election. I'd trade a loss here for a sweep in 1976" he said.

Different congressmen took the seriousness of the game in different ways. Rep. Bob Duncan of Oregon expressed that "you've gotta relax once in a while," between chews of tobacco.

However, the Republican's starting pitcher, Bob Michel of Illinois, said he "would trade some legislation for this ballgame."

During the game, some Democrats tried to explain why the Republicans have dominated this July classic in the past.

"Republicans spend more time practicing, and less time legislating," said Sen. Joe Biden of Delaware.

One reason for the absence of many freshman Democrats was advanced by Rep. Duncan: "They're either in the library or plotting to overthrow the Speaker."

Maryland was poorly represented in the game, with only third District Rep. Paul Sarbanes showing up—in street clothes.

"I took a cue from Dave McNally," he said, referring to why he decided to hang it up after playing last year.

"Also, seniority has no bearing on the ball field," he said.

Was seniority the reason why 26-year old freshman Democrat Tom Downey was on the bench all game?

"No, it's because I didn't go to practices," the extremely young-looking Long Islander said. "I'm also lacking ability," he added.

Down by a run in the bottom of the last inning, the Democrats came up with two tallies to win, 3-2. Rep. Martin Russo came home with the winning run after drawing a two-out walk stealing second, and scoring on a wild throw trying to catch him at second.

There was a close play at home plate on the throw back, and Russo crashed into Republican catcher Bill Frenzel, knocking the wind out of him. Frenzel got up a minute later, but the run had passed.

Sen. Hubert Humphrey of Minnesota, after watching the game came up with an observation.

"It's easier to win a baseball game. All you've got to do is win by a run, not a 2/3 majority," he said.

Humphrey was also heard to say, "This is great fun." Even though Humphrey didn't play in the game, his words best summarized the evening for both sides.

The loss left Silvio Conte to look toward next year. "I'm going out and recruit Republican players and help them get elected," he said.

TOOTHLESS CONGRESSIONAL WATCHDOG

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mrs. SCHROEDER. Mr. Speaker, 2 weeks ago, Mr. UDALL, Mr. HARRIS, myself, and a number of our colleagues, tried to stop the almost geometric proliferation of the White House office staff.

At issue was the White House request for authorization to increase its positions at the levels of GS-16 and above from its present 54 to 95.

At that time, I had hoped that the "traditional spirit of comity" would not go so far as to have the House of Representatives essentially give the White House a blank check for its operation—a cost which is most dearly accounted for with the continued deterioration of our cabinet form of government.

Our effort to hold the line failed, and the White House was given what it wanted. Now comes the Wall Street Journal with an editorial on the subject.

Although I rarely find myself in full agreement with the Wall Street Journal editorial policies, I hope that my colleagues will read this article because, as it states, the House's recent vote "makes for a heck of a way to run independent branches of government."

TOOTHLESS CONGRESSIONAL WATCHDOG

The recent House of Representatives vote allowing President Ford to increase substantially the number of top-level White House staff members is of more than usual interest. Ever since Watergate, some critics have asserted that a large staff insulated the President from criticism and isolated him from reality; Senator Walter Mondale said it was the principal factor in the evolution of an "imperialistic presidency." Yet the recent vote, the first opportunity the House has had since Watergate to express itself on the matter, resulted in a lopsided defeat for efforts to hold the White House staff to its current level.

So it would seem that House Democrats, who outnumber Republicans two-to-one, aren't persuaded that Watergate can be blamed on a bloated White House staff. And maybe that's something to be grateful for, in view of the tendency to blame all recent political sins, shortcomings and lapses on the Watergate episode. But while the President clearly should be permitted to have the best staff posible, we question whether enough attention has been paid to the appropriations for the Executive Branch.

President Ford carefully pointed out that 1976 expenditures for the White House, the Executive Office and related activities would decrease from $117 million in 1974 to $71 million in 1976. But that apparent belt-tightening lies not so much in any major economies as in the transfer of the functions and manpower of the Federal Energy Office, the Office of Economic Opportunity and the Special Action Office for Drug Abuse Prevention. In fact, Executive Branch costs have been rising in real terms for about as long as anyone can remember.

It should be noted that the new staff levels voted by Congress are ceilings, dependent on appropriations and on presidential willingness to fill the extra slots. A White House spokesman says the President has no present plans to fill them. Still, the opportunity is there, and even the most conservative politicians have trouble resisting that sort of temptation. Even the present nominally conservative White House continues to "detail" federal employes to various agencies of the Executive Branch for less than six months, thus circumventing the need to list them as permanent employes.

The problem is compounded by the fact that Congress really can't say an awful lot about this presidential staff accretion, not without calling attention to similar generosity of its own. So what you have in effect is a Congress bent on further proliferation in its own work force and therefore unwilling to scrutinize White House spending. As the chairman of the House Appropriations subcommittee commented, Congress should be "almost as generous with the President of the United States as we are with ourselves" when it comes to staffing. In other words, a quid pro quo that satisfies everybody but the taxpayers.

There's a lot of truth in the adage about people who live in glass houses. But it makes for a heckuva way to run independent branches of government.

SIX MONTHS OF HAGGLING

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. BROWN of Michigan. Mr. Speaker, 6 months of haggling over the providing of stimulus to the housing industry and doing something in behalf of the hard-pressed mortgagor who faced the loss of his home due to his inability to make his mortgage payments was consummated by action on July 2 when the President signed into law H.R. 5398 after having vetoed on June 25 H.R. 4485, both measures having been referred to as emergency housing measures.

I think our track record in the Congress prior to the veto of H.R. 4485 was less than commendable, but the speed with which the alternative to the vetoed measure was enacted—within 48 hours—is deserving of applause. I was proud to have participated with Congressman ASHLEY of Ohio in introducing on the House side the measure which was substantially the congressional alternative product even though the alternative action was initiated procedurally in the other body.

To make that which follows more understandable, let me provide a little background.

Late last year the Emergency Home Purchase Assistance Act of 1974 was enacted and provided for an extension of the Government National Mortgage Association's tandem plan to conventional one-to-four family dwellings; $7.75 billion was authorized for the program and such funding was released periodically, leaving only $2 billion of authority remaining under this act at the time the President vetoed H.R. 4485 on June 25 of this year. Last year's law established a sort of floating rate for mortgages to be purchased by GNMA under the program, which rate floated according to the return on a certain group of Treasury issues and generally amounted to a rate in excess of 8 percent.

Although last year's enactment provided some stimulus to the housing industry, there was general consensus that more needed to be done. As a consequence, H.R. 4485 was offered and H.R. 5398, as I have mentioned, was enacted. H.R. 5398 built upon and expanded the GNMA conventional tandem program, increasing the authorization by $10 billion and extending the program to condominium and multifamily project mortgages. In addition, it fixed the interest rate applicable to mortgages which GNMA was committed to purchase at 7½ percent or the FHA rate, whichever is lower. Obviously, this lower interest rate will be of great help to the prospective home buyer by reducing his interest costs.

Consistent with discussions some of us had with the President and officials at the Department of Housing and Urban Development, concurrently with the veto of H.R. 4485 the President announced the release of the remaining $2 billion authorized by last year's law for the GNMA conventional tandem program and, subsequently, the Department of Housing and Urban Development and the president of GNMA announced that the additional $2 billion of mortgage purchase authority would be offered at the 7½-percent interest rate.

During the negotiations and discussions on the new legislation, several congressional concerns were brought to the attention of Mr. Daniel P. Kearney, the president of GNMA, and the regulations with respect to new commitments which have been adopted reflect a responsiveness by him to these congressional concerns.

I wish to take this opportunity to commend Mr. Kearney for reflecting in the revisions of this program which he has promulgated the sincere concerns expressed by Members of the Congress. I think he has attempted to structure the continuation of the program consistent with the intent of the Congress as that intent has been expressed to him and is deserving of our commendation at a time when there is more and more criticism of benign neglect by departments, agencies, and regulatory authorities to congressional intent as we feel it is expressed in our enactments.

Since many of my colleagues may receive inquiries from representatives of the housing industry regarding the revisions in the program promulgated by Mr. Kearney, I incorporate herein the content of a memo directed to all approved sellers under the GNMA conventional home mortgage program explaining the revisions in that program:

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT,
GOVERNMENT NATIONAL MORTGAGE,
ASSOCIATION,
Washington, D.C., July 7, 1975.

Memorandum to: All Approved Sellers Under the GNMA Conventional Home Mortgage Program.

Subject: An Explanation of Revisions in the Conventional Home Mortgage Program.

Recently President Ford directed the release of the remaining $2 billion under our conventional program available under the 1974 Emergency Act. At the same time, the President urged passage of the Emergency Housing Act of 1975, which quickly passed Congress and was signed into law on July 2. This Act, among other things, amends and expands the authority of our conventional program.

As a consequence, the $2 billion will be released at an interest rate of 7½%. The prompt passage of this Act also allows us to include conventional condominiums as well as single family housing. In addition, we will now accept delivery of condominiums under the commitment previously issued under the program.

The new law expands our authority by an additional $10 billion. However, this authority requires an appropriation action by Congress before it may be utilized. If the Administration concludes that the use of the funds is required to sustain the housing recovery, an appropriation request will be submitted for approval of Congress.

In addition, the new law expands our authority to include the purchase of conventional multi-family project mortgages. However, currently FNMA has no conventional multi-family program while FHLMC's program has had limited use; therefore implementation of a multi-family program has been deferred until our intensive investigation to determine the feasibility of developing such a program has been completed.

MAJOR REVISIONS IN PROGRAM REQUIREMENTS

The dialogue between the Congress and the Administration in connection with the President's veto of housing legislation initiated by the Congress, and the subsequent passage of legislation extending and expanding GNMA's authority under the Emergency Home Purchase Assistance Act of 1974, brought into focus certain concerns regarding the utilization of problem funds previously released. This has prompted us to make certain revisions in the program so as to address these concerns articulated by members of Congress. These include:

1. The inability of some lenders to obtain commitments, particularly during the release of 7¾ % funds on January 22.
2. The inability of some small builders to obtain commitments from lenders.
3. The desire to assure that moderate income families benefit significantly from the program.
4. The maximum permissible fees and charges.

We have made every effort to consult with the various industry groups in determining the appropriate program revisions to address these concerns. We thank these individuals for their able advice. Various alternatives were suggested and considered. In our opinion, the mechanisms adopted achieve the best means of attacking these problems, while still maintaining a viable program. Although these administrative changes do make the program more difficult to work with, they are considered far preferable to rigid statutory requirements.

ALLOCATION OF FUNDS TO LENDERS

GNMA has received many letters from the industry concerning the release of funds on January 22, 1975. Most of the letters have come from those who, regrettably, were unable to obtain a share of the almost $3 billion that was committed. It was this problem—a demand for extremely attractive funds far in excess of the supply—that created the difficulties, the telephone tie-up at FNMA and the inability of all lenders to obtain commitments.

One of the most frustrating events for lenders on that day was the inability to get through to FNMA. Much of this difficulty stemmed from the fact that commitments had to be made from a centralized location. The problem was not so acute with FHLMC since commitments were decentralized to twelve regional offices and only $1 billion was being committed through that system.

Nonetheless, the performance on January 22 was extraordinary—1,108 commitments placed in 45 working hours—an average of less than three minutes per commitment. This level of commitments was in excess of eight times the previous record activity. However, obviously nine operators were not enough to handle the volume.

We will retain a telephone system again this time as unanimously recommended by the industry leaders with whom we consulted. However, unlike the previous system when funds were reserved on a first-come, first-served basis, we will accept subscription commitments for a specified period. After the period has expired, GNMA will distribute the funds to subscribers on a pro rata basis. Specifically, the revisions provide that:

1. FNMA and the FHLMC will each administer one-half the funds, or $1 billion each for their respective qualified Sellers.
2. The funds are allocated geographically by State on the basis of the average level of housing permits for the years 1972 through 1974.
3. Each eligible Seller is limited to one bid per State and to a maximum total commitment of $2,000,000 and a minimum of $100,000.
4. Commitment requests will be taken by telephone from July 21 through August 1 except for July 28 which is an FNMA auction date. This means you may submit your commitment requests during the prescribed hours on any of the nine business days during that period.
5. Any excess funds will be reallocated on a pro rata basis from States where the commitment demand is less than the State allocation to States with excess commitment demand.

These procedures will ensure a broader and more equitable distribution of funds. It is recognized that under the subscription method, many Sellers will not receive all the funds they have requested. This is far preferable, however, to some lenders being denied the opportunity to participate in the program.

ALLOCATION OF FUNDS TO BUILDERS

There is a great deal of concern that small builders are being precluded from participation in the Conventional Program. The lender's natural tendency is to allocate funds to its preferred customers. To a certain extent, greater opportunity for small lender participation tends to address the problem of small builders' participation. However, this does not lessen the Congressional desire to encourage greater fund access to small builders. We, therefore, have imposed a $300,000 limitation on the funds a lender can allocate to any one builder. This will eliminate the pressures on the lenders to allocate all their funds to their large customers.

Several other alternatives were considered. The adoption of a user system whereby mortgages would be purchased on a first-come, first-served basis was suggested. While this system would equalize opportunities, it would do little to stimulate new construction due to the lack of assurance of "take out" funds. In addition, the absence of a firm commitment would hinder the obtaining of construction financing. Finally, such a system might be feasible if unlimited funds were available. Such is not the case, however, and inequities are created when the funds are depleted.

A procedure to allow builders to obtain commitments directly was also suggested. The difficulty in determining proper applications under this system would be tremendous. As you may know, GNMA has a small staff—totaling only 36. It must work through mortgage purchasing institutions, such as FNMA and FHLMC, to implement its programs. It, therefore, has no mechanism which allows such a system to be utilized.

Various other methods were also given consideration. In the final analysis the dollar limitation was deemed the most direct and practical means of achieving the objective.

MODERATE INCOME HOUSING

Although the previous allocations of conventional mortgage loan commitments have assisted many middle-income homebuyers, concern has been expressed that a further mechanism to encourage utilization by the moderate income homeowner is needed. To help accommodate this segment of the housing market, we are requiring that not more than 25% of the aggregate amount of the commitments issued under the additional $2 billion allocation be for mortgages in amounts of $36,000 or more.

In deciding to set the $36,000 limit other alternatives were considered. Establishing income limits for individual homebuyers was seriously considered by Congress. This would have required more regulations and administrative machinery. It also would have greatly increased the Seller's problems and diminished the effectiveness of the problem. The establishment of income limits would have been time-consuming. A limitation on the commitment amount was chosen as a prudent and effective method which should not add a burden to the GNMA Seller's administrative capacity.

FEES AND CHARGES

Certain members of Congress as well as members of the homebuilding industry have complained that the fees and charges levied are too high. As a compromise to secure passage of workable legislation, we agreed to hold the total fees and charges to 4.0 points. We have, therefore, reduced the allowable origination fee of the lender from 2 to 1½ %. It is our understanding that the reduced origination fee does approximate the fees actually being charged in the marketplace. The fees to GNMA will remain a total of 2½, a one point commitment fee and 1½ points for marketing and loss reserves. This is consistent with our approach that, to the extent feasible, the users of the program share the costs instead of placing the entire burden on the taxpayers in general.

OTHER CHANGES

We have had difficulty estimating the timing and magnitude of deliveries under outstanding commitments. In addition, a mechanism must be established to provide a breakdown of deliveries between new and existing housing. We, therefore, in the near future, will be requiring the Seller's submit quarterly statistical reports covering these areas.

SUMMARY

Finally, I believe it is appropriate to reiterate a theme many of you have heard me touch on in the past. Industries that utilize Federal programs are subject to increasing restrictions and regulations when the Government perceives inequities in the programs. To the extent the industry imposes self regulation, the prospect of Government intercession is lessened.

In addition, as Government programs mature they become increasingly susceptible to the compromises that are a requisite of our democratic system. You are now witnessing the addition of strings that is likely to put the conventional program on the debilitating road taken by other Federal programs. As I have warned in previous statements, the inevitable consequence of a semi-permanent Governmental program is the addition of such strings.

The ultimate solution to the woes of the housing industry is not increased Federal intervention; it is to bring inflation under control. Interest rates will be lowered, and homebuyer's real income—their purchasing power—will increase. But this cannot be accomplished unless greater Federal spending and the resultant deficits are properly restrained.

DANIEL P. KEARNEY,
President.

CAMBODIA REVISITED

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. MURTHA. Mr. Speaker, it is now roughly 3 months since the Communists forced their way into Phnom Penh and the nation of Cambodia closed its doors to the outside world.

Reports since that time have been sketchy because virtually no foreigners are allowed into the country and we have only the information provided by a few citizens who have escaped.

The silence itself is unacceptable from a nation that wishes to be recognized by the rest of the world. I believe it is very important for the Congress and the citizens of the United States to reflect on what has happened in Cambodia since the Communist takeover. The nation was for several weeks the focus of much debate, emotion, and concern in our news media and among our citizens, and the blackout within the country itself should not stop us from viewing the changes in the last 3 months or gaging them for our response to other crisis throughout the world.

For that purpose, I would like to submit the following article from the July 21 Johnstown Tribune-Democrat:

CAMBODIA'S CRIME

(By Victor Lasky)

One of the great crimes of humanity is taking place in Communist-occupied Cambodia, and the free world says little about it. Tens of thousands of Cambodians are presumed to have died or are dying since the Khmer Rouge seized control; and nothing is said by, for example, the United Nations.

Figures on casualties are hard to come by simply because the Communist liberators have ousted all foreigners from Cambodia with the possible exception of the Chinese—and they're not talking.

However, what is definitely known is that between two million and three million residents of such major cities as Phnom Penh and Battambang were forced at gunpoint to leave their homes and travel by foot into the jungle countryside where—without provisions for food, shelter or medical care—they've been forced to fend for themselves.

Refugees who have managed to escape into neighboring Thailand have provided some first-hand information as to what has occurred during the first three months since the so-called liberation. Their stories are horrifying. They tell of people falling by the wayside, victims of hunger, thirst and disease. They also tell of an epidemic of cholera sweeping the countryside. And foreign experts now predict famine may soon strike unless large shipments of food are brought in from the outside. But that appears unlikely because the Khmer Rouge in its xenophobia refuses to deal with foreigners, even those in the Soviet orbit.

There also have been reports of widespread executions. Exactly how many is difficult to estimate simply because there have been few witnesses.

To its credit, the New York Times has commented editorially on what is described as "Cambodia's crime." Its closing paragraphs are worth repeating:

"What, if anything, can the outside world do to alter the genocidal policies of Cambodia's hard men? Silence certainly will not move them. Were Cambodia a non-Communist and non-Third World country, the outraged protests from the developing and Communist countries, not to mention Europe and the United States, would be deafening.

"Members of Congress and others who rightly criticized the undemocratic nature of the Lon Nol regime have a special obligation to speak up. Few, if any, have been heard from. The United Nations is silent. That silence must be broken."

One can only hope that some of the New York Times' eminent columnists, who helped sell the world on the necessity of a Khmer Rouge victory, will break their own silence on the horror they helped to unleash on the Cambodians.

UTAH COLLEGE OF NURSING GETS CANCER GRANT

HON. ALLAN T. HOWE

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. HOWE. Mr. Speaker, the quality of health care services is of prime importance and concern to most Americans and is a goal we should always strive toward. Reasons of location or financial status should not affect any person's ability to receive quality health care.

Recently, the House of Representatives passed the Health Manpower Act of 1975, H.R. 5546, which provides for extensions of funding and some revisions in existing health manpower, public health and allied health authority programs.

Health programs particularly educational training, was previously based upon increasing manpower alone, and considerations of maldistribution by geographic location or overabundance in some specialized skills was not given sufficient attention. The result has been an inequitable system which provides quality services for urban, mainly affluent areas, and little if any services for outlying rural areas. Also, even though there has been an increase in the number of physicians, there is still a shortage of primary health care and family medicine physicians, which is directly affecting some of the cost of medical services.

The State of Utah has been fortunate in the overall quality of its health care. Under the direction of the University of Utah College of Nursing in Salt Lake City, students have been involved in a variety of programs which are helping to solve problems in maldistribution and the lack of primary and family care medical personnel.

The University of Utah sponsored family health service project, and the maternal and child health care program, provide medical services to the Navajo Indians in the Utah, Arizona, and New Mexico area. Previous conditions in these areas had resulted in poor access and low frequency of visits. The mortality rate for newborn infants was also higher than the national average with virtually no followup on child care. The success of this project has meant medical services close to the people affected, a high return for medical followups, and there are plans to use the current facility as a training site for future doctors and nurses in the area.

Another university sponsored program is the free clinic for elderly residents in the Salt Lake area. Although the service is not designed to replace a doctor's care, it does help monitor chronic conditions suffered by many elderly patients. Perhaps one of the best benefits of the program is the emotional support the nurses give to help combat loneliness and depression. This kind of emotional help has also been used to help cancer patients cope with their illness as explained in the following article taken from the Salt Lake Tribune, Friday, January 24, 1975:

[From the Salt Lake Tribune, Jan. 24, 1975]

UTAH COLLEGE OF NURSING GETS CANCER GRANT

The University of Utah College of Nursing has been awarded a $784,973 grant to develop educational programs on caring for cancer patients.

The Utah college is one of nine centers in the nation outside of specialized cancer hospitals, selected to develop cancer nursing programs for nursing students and registered nurses who already care for cancer patients.

The three-year grant is from the National Cancer Institute.

NEW IMAGE

"Cancer nursing has taken on a new image," said Minnie Walton, director of Nursing Services at the University Hospital and associate dean of the College of Nursing.

"It used to be very depressing because nurses were caring for people who were not going to live. But this is becoming an exciting field with the new drugs and methods of treatment that have been developed. Our patients now have a future," said Ms. Walton, who also directs the project.

The nurse said the project will emphasize the social and psychological aspects of cancer.

"Cancer is a drastic thing," she said. "The patients often lose their jobs and their place in society; they may be disfigured they must face the possibility of death.

CLOSEST TO PATIENT

"The nurse is the professional who is closest to the patient. She is there 24 hours a day. We will emphasize counseling, psychiatric support, and physical and psychological rehabilitation and teach nurses how to use the services of social workers and other resource people" she said.

She said the project will also teach skills to public health nurses on screening for cancer, and will train rural nurses on how to help the cancer patient.

The Utah program will include workshops, continuing education program for registered nurses throughout the region, cancer nursing courses for graduate and undergraduate nursing students and development of educational materials on cancer for use in community programs and inservice training.

Next fall the undergraduate nursing curriculum will include an introduction on special nursing problems with cancer patients, and graduate nurses will be able to develop clinical specialty in cancer nursing.

In practice three week-long workshops for nurses already in practice will be offered. Each spring an evening course in cancer nursing will be offered for credit to students and practicing nurses, and a three-day course will be designed for family nurse practitioners.

In March the school will offer its first annual "core course" in cancer nursing for 14 nurses from the Intermountain Region.

The nurses in "core course" will also help to develop audiovisual material on the care of cancer patients.

It is my opinion that the University of Utah nursing program sets an excellent example for other areas to follow and demonstrates how Federal funding can be used to improve the quality and availability of health care services.

DOLLARS FOR CANCER

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. BOB WILSON. Mr. Speaker, at its last general membership meeting, the National Association of Civil Service Employees, its board of directors, officers, and members approved sponsorship and support of the association's "Dollars for Cancer" program.

The "Dollars for Cancer" program is presently being established in a number of States across the country by members of the association. Its purpose is to assist in creating the much-needed additional funds for cancer research and education. Cosponsoring this national effort is the National Collegiate Letterman's Association with the active support of its officers and board of advisors. This advisory board includes many notable persons from the field of athletics, such as: Dan Frisella of the San Diego Padres; O. J. Simpson of the Buffalo Bills; Hank Aaron of the Milwaukee Brewers; Tom Seaver of the New York Mets; Keith Jackson from ABC's Wide World of Sports; Doug Collins of the Philadelphia '76'ers; Bud Harrelson of the New York Mets; Ed Ratleff of the Houston Rockets; Tom Brahaney of the St. Louis Cardinals; Peter Lamotte, president of the American Association of Pro Baseball Physicians and Surgeons, and many others.

Published facts on the incidence of cancer state that cancer will strike within a lifetime: one of every four Americans, and two of every three families. The number of Americans killed by cancer in 1971 and 1972 alone exceeds the number of American deaths in World War I, World War II, Korea, and Vietnam combined. Projections from these figures indicate that within the ranks of civil service personnel 14,000,000 families will be touched by cancer. These facts and figures demonstrate the urgent need for a cure for cancer. To aid in achieving that goal, the National Association of Civil Service Employees has undertaken sponsorship of the "Dollars for Cancer" program.

All efforts in this nationwide campaign are conducted exclusively by members of the association. The funds collected through the "Dollars for Cancer" program will be donated to State university cancer research centers and to other qualified nonprofit cancer research organizations. All funds will be donated within the State from which they were received.

The National Association of Civil Service Employees is a worldwide, Washington, D.C., based nonprofit organization which has accepted the responsibility of serving all government employees—Federal, State, county, and city. Known as the Civil Service Employees Benefit Association, the National Association of Civil Service Employees provides its members with a national organization which supplies a number of important services to meet the special needs of this group.

This rapidly growing association assists those Americans who serve their country in peace and war and deserves the strongest support of every American.

DEMOCRACY AND CAPITALISM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the Record, I include my Washington Report entitled "Democracy and Capitalism":

Democracy and Capitalism

Democracy and capitalism, two key institutions greatly cherished by Americans, are in serious trouble in the world.

One almost gets the impression that democracies are disappearing. Recently a group of experts on government from Europe, Japan, and the United States decided that democracy is on the decline and that democratic governments face a bleak future. Willie Brandt, the former Chancellor of West Germany, suggested that, "Western Europe has only twenty or thirty more years of democracy left in it." India, the world's largest democracy, has veered sharply from its democratic course; Italy is going broke under a weak democratic coalition; and anti-democratic forces rule in most of Africa and Latin America. Leaders of free nations everywhere, confronting serious and complex problems, are on the defensive.

Democratic governments are having major economic problems as well as political ones. Great Britain, the parent of our own democracy, for example, is struggling with a 25% inflation rate which is straining its social contract. Ten years ago capitalism in the United States, Japan, and the countries of Western Europe was riding high and seemed to be on the verge of producing permanently affluent societies, but economic problems have now engulfed these countries as inflation and recession have struck simultaneously.

Inflation-recession has become the major problem, not just for capitalism, but for democracy, too, threatening the survival of both. Grimly and painfully the capitalist countries are trying to deal effectively with their problems and struggle out of an economic slump, well aware that the future of democracy and the future of capitalism are closely intertwined.

It is, of course, a little early to sound the death knell of democracy or capitalism. They have survived wars, depressions, and changes in government, and even their most severe critics acknowledge that their downfall is not imminent. They have shown themselves to be marvelously adaptable to change.

But neither is it time for complacency. Most of the people of the world have had no experience with capitalism or democracy. Both institutions are constantly under attack, always threatened, and never secure, and, if history is a guide, we must all be pessimists about the future of either one. Economic progress and personal freedom are not forever assured, even to Americans.

It is always interesting to note, despite all of our problems in America, how much our friends from abroad look to us for the answers to the crisis of democracy and capitalism. They may be critical of us for a variety of reasons, but they also want to know what America is going to do about the crisis and when. They recognize America's promise of prosperity in freedom.

There is encouragement to be gained from what many Americans are doing about the crisis as they search for ways and means to achieve that promise. Several leading national magazines have run articles about the search for new approaches toward making the economy work better. A spirit of openness to change and reform marks the attitude of the proponents of capitalism and democracy. There may be some confusion, and more than normal disarray, but thoughtful persons are everywhere engaged in the search, and our hope rests on the belief that free men and women can respond to this challenge as they have responded to other serious challenges in the past.

The struggle to improve and maintain democracy and capitalism one with the other is never-ending, and the promise of prosperity and freedom may be presumptuous, but we have come close enough to fulfilling it as a nation that we know that if our will and energy do not fade, we can continue to achieve it, no matter what.

For most of us, there simply is no alternative to capitalism and democracy. They have served us well, bringing most of us abundance and liberty, and despite their woes and faults, we see a better world for ourselves and others if they prosper and spread.

TERMINATION OF AID TO COUNTRIES ENGAGED IN ILLEGAL NARCOTICS TRAFFIC

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. GILMAN. Mr. Speaker, today I am introducing a bill providing for the termination of all assistance by our Nation to any country which fails to take adequate steps to control illegal trade in narcotics.

Presently, seven countries are permitted to export opium, in accordance with international agreements, to meet the world's legitimate medical requirements for opium-based drugs such as morphine and codeine. India, it should be noted, is the world's largest legal exporter.

The cultivation of poppies for opium has existed for many centuries, and has been an important means of livelihood for thousands of farmers. In addition to the cash return for opium gum, the byproducts of poppy production are important to the farmer as the seeds are used for oil and flavoring and the stalks used for fuel and fodder.

In the past, a significant portion of opium production has been diverted at the farm from legal production and smuggled into France and other countries where it was processed into heroin. While precise estimates are not available, it is believed that opium diverted from Turkish poppy fields alone accounted for 80 percent of the heroin entering the United States.

In recent years, the severe impact of drug abuse in the United States particularly of heroin, has led to U.S. efforts to obtain the cooperation of other countries in suppressing illegal traffic in narcotic substances, with priority given to illicit opium.

Our most successful effort, though short-lived, was the negotiation of the Turkish ban on opium-poppy cultivation after the 1972 harvest. Our Nation played a major role in the transition of Turkey's poppy farming, providing financial and technical assistance to compensate for the loss of earnings previously accruing from opium sales, and to help establish alternative cash crops in the former poppy-growing areas. The virtual cessation of the flow of opium into illicit channels outside of Turkey had a dramatic impact on illegal narcotic sales in the United States. Availability of heroin to illicit users was drastically cut; with the reported heroin addiction rate falling sharply in this country during the period of controlled poppy production.

However, on July 1, 1974, Turkey announced that, effective with the fall planting, the resumption of opium-poppy growing would be permitted. The return of opium production in Turkey has placed in jeopardy all of the progress we have made in reducing the availability of heroin in this country. Our Nation's narcotic enforcement predicts a spiraling rise in drug addiction if Turkey fails to impose adequate controls to prevent the diversion of opium gum into international drug traffic and onto the streets of America.

Congress must take affirmative action as a clear signal to Turkey and other countries that we mean business when it comes to such serious threats to the well-being of our Nation, such as the illegal trade in narcotics.

Accordingly, the measure I am introducing today would terminate all military, economic, or other assistance to Turkey or any other country in any fiscal year unless the President determines in writing to the Congress that such country has taken adequate steps to prevent the illegal sale of narcotics and the diversion of poppy crops from legal production into illegal narcotics traffic and the House fails to disapprove of such a determination.

To those who contend that this action would interfere in the internal policies of another nation, I would remind them that we are living in an interdependent world where each nation, while safeguarding its own interests, must act responsibly as it formulates domestic policy which affects other nations.

This legislation does not address itself to material or mineral shortages, does not speak of political ideologies; but rather concerns itself with the health and welfare of our Nation's youth whose well-being is directly related to another country's decision to resume opium production or to that country's failure to undertake adequate safeguards.

The adoption of this type of legislation would serve as a significant warning to all nations that our humanitarian concerns in seeking to stamp out drug addiction, so important to our country, and to all of humanity, will not be cast aside by the self-serving interests of a handful of countries.

Mr. Speaker, I request that this measure be reprinted in full at this point in the Record and I urge my colleagues to join with Mr. Wolff, Mr. Adabbo, Mr. Biaggi, Mr. Guyer, and Mr. Rodino, who are cosponsoring this legislation.

SAUL L. EPSTEIN, FOUNDER OF INTERSTATE PAPER CORP.

HON. BO GINN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. GINN. Mr. Speaker, my State and our Nation suffered a great loss this year with the death of Mr. Saul L. Epstein, founder of the Interstate Paper Corp. Interstate is one of our fine corporate neighbors in the First Congressional District of Georgia and one of the largest employers in our area.

The loss of Saul Epstein marks the passing of not only a man, but in a real sense the passing of an era as well. Saul was the son of immigrant parents and grew up in the Brownsville section of Brooklyn. He was raised in a home full of love, but the hard facts of life of the 1920's sent him on to work without being able to finish high school.

The Great Depression wiped out his savings and left him in debt. But with the spirit that I think characterizes so many Americans, he fought back and rose to become president of one of our Nation's great corporations.

At this sad time of his death, we can be comforted best by the fact that he left so much behind that continues to live on. I would like to ask that a part of an account of his great record of service as recounted in Interstatements magazine be reprinted at this point in the Record:

Saul L. Epstein, Founder of Interstate Paper Corp.

"We want to be good neighbors," he said, and went on to spell out the real substance of good as he saw it in terms of a fuller, richer life for his neighbors. "We will bring 8-million dollars a year initially to Eastern Georgia in payrolls and purchases from landowners raising pulpwood . . . . and if the economics are right that sum will be turned seven times to prime your local economy by some 50-million dollars each year . . . ."

It might be remembered that as he spoke, the onrushing conservation-ecology movement was only a freshening conversation piece, but not to Saul, who knew that neighborliness had broader perimeters than money.

He spoke of waste water treatment, the plant's cleansing treatment of ponds, of aeration processes, and the importance of keeping the nearby river sweet and clean. Almost casually, he mentioned that Interstate's standards were higher than the State of Georgia's . . . Ahead of his time? He would never suggest it. He knew that common sense and concern for others were always in date at any time.

He brought the same attitudes of concern to activities outside the industry—charitable, philanthropic, and religious.

The Epstein's moved to Great Neck, Long Island, in 1941, and wherever there was a community stirring there too was Saul. He was a mover in Jewish charities, both the UJA and the Federation before the merge, and before his passing became a trustee on the Board of the Federation of Jewish Philanthropies.

In 1950 he became the founding force behind the Long Island Jewish Hospital, was its first president, and to the end remained president emeritus. A devotee to the education he never formally received, he served as a trustee of Hofstra University at Hempstead, Long Island.

There was a frost-crisp night in December in 1970 when Saul stood on a stage at Hofstra and accepted the honorary degree of Doctor of Humane Letters. With wry humor, and a small smile to cloak his deep emotion, he said, "I am deeply honored. My dear parents, were they alive, would have been proud if they could have been with us tonight, even if just to say, 'My son, the doctor'."

Widely known throughout all of Nassau County, he was more intimately known in Great Neck where he somehow found time to establish a bank, the Central National, which was later merged with the Meadowbrook National Bank which he served as a director. This eventually became part of the well-known National Bank of North America-C.I.T. group and his directorship continued to the N.B.N.A. Board.

But always there was time for his family, a warmth and closeness with his sons and later the daughters they brought to him, and his grandchildren, five of them. And always there was Evelyn to share a box at the opera or at the philharmonic, to enjoy with him the music he loved, and to be his reality wherever he was.

And there was Interstate, all of it . . . its people, most of whom he knew well . . . press operators, die makers, corrugating crews, artists, designers, salesmen, executives and the young people coming up within the corporation to staff today's plants at Lowell, New Haven, Reading, Edison and the Interstate Paper Company which operates the mill at Riceboro.

He left it as he planned it to be, a flourishing, forceful and respected member of its industrial community, a legacy of achievement which his sons intend to maintain and improve in his memory.

There is more than a suspicion within the Interstate family and indeed, the container industry itself, that Saul L. Epstein failed in only one respect.

He could never make a container big enough to hold his heart.

FEDERAL SUPPORT FOR THE 1980 WINTER OLYMPICS

HON. ROBERT C. McEWEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. McEWEN. Mr. Speaker, today it is my pleasure to introduce a bill which would authorize $50 million for the planning, designing, and construction of facilities for the 1980 Winter Olympics in Lake Placid, N.Y. This legislation is being introduced today in the Senate by Senators JAVITS and BUCKLEY.

Lake Placid was chosen as the official site of the 1980 Winter Olympics by the International Olympic Committee on October 24, 1974. This lovely mountain community is no stranger to international winter sports competition. It was the last community of the 1932 Winter Olympic games and has hosted scores of major competitions since then in every one of the Winter Olympic events, including more world championships than anywhere else in the world. It is no accident that Lake Placid has provided more Winter Olympic competitors than any other community in the world.

Mr. Speaker, I know you will recall that this is not the first time the Lake Placid Olympic Organizing Committee—LPOOC—has come to this House to present its plan for holding the 1980 games in Lake Placid, N.Y. The LPOOC fully realizes the national implications of holding these games in the United States and has endeavored to keep Congress informed from the earliest stages. On August 5, 1974, the House agreed, by a vote of 382 to 4, to suspend the rules and pass Senate Concurrent Resolution 72, a resolution to endorse Lake Placid, N.Y., as the site of the 1980 Winter Olympic games. This resolution received the full support of the administration, and I am pleased that 36 of my colleagues from New York joined me in sponsoring the bill. The other body agreed to the House-passed version of this resolution August 21, 1974.

I believe that there are two important reasons why the U.S. Government should support the LPOOC in holding the XIII Winter Olympics at Lake Placid, N.Y. First of all, these games will be held at a minimal cost, both financially and environmentally, and that will provide an opportunity to return the Olympics to its classical intended purpose. Second, the facilities built and improved with Federal funds will be continuously used by athletes and the general public from all over the world. The financial cost will be minimized because Lake Placid has in place a great many of the facilities required to conduct a Winter Olympic, located in areas zoned and developed for recreational use. These include:

(a) Internationally approved alpine ski trails for all events;

(b) Internationally approved cross country ski trail system;

(c) A biathlon range and trail system, and incidentally, this is the only one in all of the United States;

(d) One of the finest bob runs in the world, and the only one in North America;

(e) A 70-, 40-, 25- and 15-meter ski jump complex;

(f) A figure skating and hockey arena-convention hall complex with two refrigerated ice surfaces.

Much of the Federal funds requested are for improvement or expansion of existing facilities. For example, a 90 meter jump must be added to Lake Placid's well developed ski jump complex, which now includes the 15 and 25 meter training jumps as well as the 40 and 70 meter jumps. The construction of this jump will cost less at Lake Placid than at many ski areas because the hill and outrun from the existing 70 meter jump can be utilized. Without this existing jump, the probable environmental damage that would result in carving out these facilities in an undeveloped area would be severe.

The LPOOC has expended a great deal of time and effort to protect the environmental integrity of the area in planning for the Olympics. I am confident that they have achieved this goal to date and that the Olympics will have a negligible affect on the environment. During hearings on Senate Concurrent Resolution 72 before the House International Relations Committee, two environmentalists testified, Professor Theodore Hullar, president of the Atlantic Chapter of the Sierra Club and Mr. Robert Courtney Jones, chairman of the Adirondack Foundation. They said that if the plans were executed correctly, they believe that the Olympics can be held in Lake Placid without significant adverse effects on the environment.

The Reverend J. Bernard Fell, chairman of the Lake Placid Olympic Organizing Committee told the House International Relations Subcommittee on International Organizations that:

> If the price of designation as the site for the 1980 Winter Olympics is the construction of multiple-lane access highways, massive public works projects, multi-million dollar "one time" sports facilities, or the commencement of environmental and ecological destruction, then, Lake Placid does not want to be a candidate for the winter games. We will not present such a proposal to the International Olympic Committee.

Of course, the International Olympic Committee wholeheartedly endorsed the LPOOC's plan to make this a small Olympics designed to rekindle the spirit of international understanding and sportsmanship that is achieved by competition between the world's finest athletes.

In recent years, Olympic games have turned into international commercial extravaganzas where the competitors are virtually lost in the hosts of news media personnel, officials and V.I.P.'s. The Lake Placid Olympic Organizing Committee has prepared a position paper which outlines how the last several Winter Olympics have swollen in size and cost while the number of competitors has remained approximately static. This pattern does not need to continue, and the citizens of Lake Placid are determined to host an Olympics that emphasizes athletic competition not commercial exploitation.

Mr. Speaker, I offer this report which is entitled, "Keeping the 'Winter Olympics' in Perspective," which I would like included in my remarks at this point:

KEEPING THE "WINTER OLYMPICS" IN PERSPECTIVE

In terms of an international athletic competition, the "Winter Olympics"—as they are known to the world—are very similar to those that were first held in Chamonix, France in 1924. With the exception of the post-war emergence of alpine skiing as a major competition, the only new Olympic events are the Biathlon, added at Squaw Valley in 1960, with approximately 75 competitors, and the Luge, added at Innsbruck in 1964, with approximately 90 competitors.

At St. Moritz, Switzerland in 1948 the 28 participating countries sent a total of 878 competitors (801 men and 77 women). Sapporo, Japan in 1972 had 35 competing countries and 1,128 competitors (911 men and 217 women). The total number of competitors has been almost static at approximately 1,100 for the past three "Winter Olympics" (Innsbruck—1964, Grenoble—1968 and Sapporo—1972). The slight increase in the number of competitors was not caused by the additional number of countries participating. Basically, most competitors come from 21 winter-sports countries. The remaining 14 participating countries send five or less competitors each (actually a total of only 42), the majority of whom compete in the alpine skiing events.

While from 1948 to 1972 the "Winter Olympics" have remained basically unchanged as an international athletic competition with the minor exceptions previously noted in terms of number of countries, total competitors and winter sports program—one significant change has taken place. The "Winter Olympics" have moved to the big cities, with some startling results.

The maximum costs, for all purposes, of the 1948 Olympics at St. Moritz, Switzerland, a community of less than 10,000 people, probably did not exceed $5,000,000.00. It is reported that the total costs, including public improvements, of the 1964 Olympics at Innsbruck, Austria, a city of 100,000 people, were over 100 million dollars, and at the 1968 Olympics at Grenoble, France, a city of over 400,000 people, they were in excess of 400 million dollars. In 1972 at Sapporo, Japan, a city of over 700,000 people, the reported costs for administration expenses, new sports facilities and "related public projects" soared to almost 700,000 million dollars.

Bearing in mind the fact that the 1972 "Winter Olympics" comprised the same basic number of competing countries, competitors and sports events as they did in 1948 (and almost the same as 1936 in Garmisch, Germany), the statistics released in the Sapporo "Official Report" of the 1972 Olympics, and summarized following, can only be classified as "mind-boggling":

Total expenses	±$700,000,000
14 Sports Venues constructed	[1] ±$28,750,000
Organization expenses	±$34,000,000
Olympic Village and supporting facilities	±$25,000,000
Gate receipts	±$2,000,000
Television revenues	8,470,000
All events—total attendance	627,958
Persons engaged in staging Olympics	16,373
Staff interpreters	533
Volunteer interpreters	2,128
Appointed sports event officials	2,401
Ski Jump Workers and Support	224
Cross Country Workers	168
Alpine Downhill Workers	334
Alpine Slalom and Giant Slalom Workers	504
Biathlon Workers	334
Bobrum Workers	97

Luge Workers	113
Backup for above	330
Press, Radio and TV	3,713
Vehicles used [2]	14,737
Snow removal vehicles	352
Transportation control personnel	2,056
Police asigned to events	3,337
Total police regulating traffic	13,368

[1] It is highly significant to note that even starting from scratch, the total cost for the construction of all of the necessary sports venues was only $28,750,000.00, less than 4% of the costs of the Sapporo Winter Olympics.

[2] Cars, 6,907; large buses, 3,100; jeeps, 768; micro-buses, 2,801; trucks, 199; other, 962.

Although the total attendance for all sports events at Sapporo was 627,958 persons, with approximate receipts of $2,000,000.00, about 70% of the total spectators and 60% of the receipts came from hockey, speedskating and figure skating attendance; 11% from ski-jumping (3 jumps); 7% of attendance and 15% of receipts from the opening and closing ceremonies and the remaining 12% of the total spectators and 14% of the total receipts came from all other events. The average daily attendance at the various events was as follows:

Cross Country	1,000
Alpine Downhill	3,100
Alpine Slalom	7,300
Speedskating (8)	24,000
A-Hockey (20)	8,000
B-Hockey (10)	3,600
90 M Jump (1)	42,000
70 M Jump (2)	17,000
Alpine G. Slalom	77,400
Figure Skating (4)	8,500
Biathlon	1,700
Bobsled (4)	2,200
Luge	850

Several obvious conclusions can be drawn from a detailed study of the reports of the past three "City" Winter Olympics (Innsbruck, Grenoble and Sapporo):

1. The total cost for the construction of all necessary sports facilities required, related public projects and games organization in recent Winter Olympics approximates $1,000.00 per "City" resident.

2. It cost Innsbruck approximately $100,000.00 per competitor, Grenoble approximately $400,000.00 per competitor and Sapporo $700,000.00 per competitor, for the privilege of putting on the Winter Olympics.

3. Cities hosting the Winter Olympics use the event as the excuse for massive public facility urban renewal and construction projects, including parking, highways, airports, subways, housing projects and assorted public buildings and facilities totally unrelated to the Olympics.

4. The sheer logistics of endeavoring to stage a Winter Olympics in or near a city environment escalates all costs, traffic control, parking, housing, sanitation, transporting, and multiple other administrative problems, in almost a direct ratio to the size of the city, and far out of proportion in relation to the events themselves.

5. Only a small percentage of the local residents of a city actually have (or take) the opportunity to attend more than one or more of the Olympic events when they are held in or near their cities.

6. Only a small percentage of visitors (far less than 10%—at Sapporo less than 5%) from other countries comprise the attendance at any of the various competitions.

7. The financing of a modern Winter Olympics is far beyond the capability of any local community or city, and they can only be organized and conducted with adequate State and Federal financing.

8. A "City" Winter Olympics degenerates into a circus where news media representatives outnumber competitors almost 4 to 1, costs pyramid to a staggering amount, effective transportation to spread out sports events sites is limited primarily to competitors, officials and V.I.P.'s—and then only with massive traffic control and transportation personnel and organization—specially created "one-time" winter sports facilities are removed or fall into disuse, and the number of support personnel required to effectively organize and cope with a "City" Winter Olympics approximates a ratio of 15 persons per competitor.

CONCLUSION

The future of the Olympic Winter Games now stands at a critical fork in the road. If the National Olympic Committees of the various winter countries, and the members of the International Olympic Committee, continue their practice of recent years in trying to press the Winter Olympics into the "big city" mold required for the Summer Olympics, the Winter Olympics will price themselves out of existence.

With their demise, the multiple and comprehensive winter sports facilities of the compact, small, mountainous, former Winter Olympic sites such as Garmisch, St. Moritz, Chamonix, Cortina, Squaw Valley and Lake Placid will cease to exist, and along with them the training facilities and winter sports programs in these small mountain communities that have produced most of the Winter Olympic competitors for many decades.

Equally disturbing and important is the fact that the present "big city" Winter Olympics syndrome is such that no longer will it be possible for the many other small, mountainous, winter sports communities throughout the world to even consider seeking to be the site of Winter Olympics. Even though the number of events, participating countries and competitors has remained basically unchanged in recent years (actually the elimination of bobsledding from the Olympics after 1976 will reduce the total number of competitors to below 1,000), the members of the governing Olympic bodies apparently still believe in the philosophy that "bigger is better", notwithstanding the staggering costs and organizational problems resulting.

A major part of the problem in the recent past has been the fact that the membership of the decision making bodies in the selection of Winter Olympics sites (the respective National Olympic Committees and the International Olympic Committee) are comprised, in a very substantial majority, of members who are basically Summer Olympics oriented. They do not have the winter sports or familiarity with the technical requirements or capabilities of a community to organize and host a Winter Olympics.

It should be realized that the Winter Olympics do not have to be the overwhelming problem they become when held in a large city. Housing and feeding 1,000 athletes and 500 officials, plus the 100 or so members of the I.O.C. family and a reasonable number of press-TV people and guests for a period of 10 to 15 days should be no special problem for an experienced winter resort community. The technical requirements of organizing and conducting the various Winter Olympic competitions depend to a large degree upon the past experience and demonstrated capability of the community in handling winter sports events of an international caliber.

When the respective selection bodies continue to ask questions—as they repeatedly have—such as, "How large is your airport?", "How far are you from the nearest international airport?", "What is the capacity of your local hotels?", "How near do the four-lane highways come to your community?", "How many press people are you prepared to take care of?", "How many cars can you park in your parking lots?", "What entertainment facilities do you have for visitors?", "How many seats do you have in your ice arena?", it immediately becomes apparent that their primary concern is not the proper conduct of an Olympic Winter Games—in perspective—but rather—how big a spectacle are you prepared to organize, finance and stage.

Lake Placid, with pride in its past accomplishments, is prepared to organize and host, with the necessary State and Federal assistance in financing the construction of the limited additional sports sites and supporting facilities required, a successful 1980 Winter Olympics.

We do not propose any large, Olympic motivated, public works projects, new multiple-lane access highways, airports, huge parking lots or multi-million dollar "one time" sports facilities. The time has come to restore the Winter Olympics to their proper perspective, to take them out of the city and return them to the small, mountainous winter sports communities where they originated. We would hope that our feelings might be shared by the national and international selection bodies. If they are not, we should reluctantly step aside, for another "big city" Winter Olympics site.

I am pleased to report that both the U.S. Olympic Committee and the International Olympic Committee share the LPOOC's view that the Olympics be kept in perspective and the only ones who will have to step aside are those who would attempt to exploit the ideal of an Olympic competition.

The world renown bobsled run, which is the only one in North America, draws competitors and spectators from all over the world. There is no question that the facilities proposed for the 1980 Winter Olympics will be utilized to the fullest possible extent. The facilities that were constructed for the 1932 Olympics, which include that bobsled run, have been in continuous use since then, and the new facilities can be expected to attract even more competitors, major sporting events and vacationers for decades to come.

Finally, Mr. Speaker, I would like to mention that the people of Lake Placid want these Olympics in 1980. The community voted in favor of hosting the games on three separate occasions last year. The State of New York has also pledged its support. New York has authorized more than $11 million for improvement and expansion of facilities at Lake Placid. The first million dollars has been appropriated and work has begun on widening some of the ski trails.

Notwithstanding the approval and support of this community and its State, it is the United States of America that is holding these games. The press of the world has so reported. Lake Placid, N.Y., is the site, but in the eyes of the world it is the United States who is the host. Let us be a good one.

PERSONAL EXPLANATION

HON. MARTHA KEYS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Ms. KEYS. Mr. Speaker, on July 23, I missed the vote on the Wilson amendment to H.R. 7014, the Energy Conservation and Oil Policy Act, by which the section on oil-pricing policy was deleted from the bill. Had I been present, I would have voted against this amendment.

SOUTH AFRICA: CAN JUSTICE PREVAIL?

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. YOUNG of Georgia. Mr. Speaker, as the time passes without significant resolution of the apartheid system of inhumanity toward people of dark skin in South Africa, so we must be made aware that oppression begets an undenied longing for liberation by all means available to those oppressed. We are so caught up in the hotspots of this ever shrinking globe, that we seemingly ignore the slow glowing embers of anger, desperation, and humility that will surely spring into eventual fruition. South Africa, in the words of a renowned black American writer, James Baldwin, could be "the fire next time." As we hate religious persecution, so must we not tolerate the stigma of apartheid. It is an awesome flaw upon the face of mankind. I ask my colleagues to reflect upon this reality as they read these words of Dr. Robert Green of Michigan State University and our colleague, Congressman WILLIAM L. CLAY.

The articles follow:

[From the New York Times, July 24, 1975]

JOHANNESBURG, MISS. CIRCA 1954

(By Robert L. Green)

EAST LANSING, MICH.—The paradox was shattering. I have traveled 9,000 miles from home and yet I was not a stranger and the land was not strange. It was as if the jet plane that Congressman Andrew Young and I stepped down from on a November day in 1974 was a Jules Verne time capsule returning us to the Mississippi of two decades earlier.

Yet I was not worried about my physical well-being, as I had been when I traveled through the United States South working for Dr. Martin Luther King Jr. Rather, my uneasiness was a reaction to once again confronting artificial barriers, "White Only" signs—the pathology of a color-conscious society.

I visited South Africa because I think that social scientists must begin to take a world view of all economic, political and social problems facing disadvantaged people, whether they are black, brown, red or white.

Hunger in South Africa, like hunger in Harlem or Appalachia, exacts its toll on minds and bodies. Further, I am distressed that in my country purse-string politics dictate a policy toward South Africa based on insufficient knowledge of that country.

If Johannesburg was a disquieting reaffirmation of racial separation, Soweto was a shock. There one million nonwhites exist in a massive insulated ghetto to provide the menial-labor force for the opulent urban center just twenty miles away.

Harlem, Watts and the South Side of Chicago had honed my perceptions of racial segregation, but they did not fully condition me for Soweto. It was as if I had trained to run 5,000 meters only to find out, hours before the race, I was entered in the marathon. For long-distance runners the marathon is the ultimate test; by the same token, Soweto is the ultimate ghetto.

Fear pervades South Africa. For the white minority it is manifest at two levels. One is the fear of physical violence from blacks, murdered by an uneasy historical sense of the mistreatment blacks have received. The second is a fear of being forced to surrender a privileged status.

Within the black community, the level of fear is equally high; but more sigificantly, there is a smoldering anger engendered by the unremitting ruthlessness of the national policy of apartheid.

I met with young black journalists who were openly expressing their increasing disillusionment and their very palpable feelings that none of it was getting any better.

For blacks in South Africa there is no mechanisms for articulating concerns and problems legitimately to people who will listen. A total lack of communication ripening in an atmosphere of fear and anger is the most universally accepted sociological symptom of the disease of violence. Of course, the absence of communication is the inevitable legacy of a society that has denied any vestige of political or economic power to the 83 per cent of the population constituting the racial majority.

If the present terrain then is bleak, is there hope for the future? My answer it tentatively yes—tentatively, because the key to that hope, I firmly believe, is the application of external political and economic pressure on South Africa in which the United States must play a vital role.

As of last January there were 460 American corporations doing business in South Africa with an annual volume of $1.2 billion. While my experience in the United States civil-rights movement instructs me that giant corporate structures are not anxious to be in the vanguard of social change, it also instructs me that those same interests can quickly re-examine their positions when stern pressures are applied.

The growing black constituency in America, supported by democratically-minded whites, can and must apply such pressures.

Moreover, I trust that in a fresh, revitalized atmosphere, Congress will finally start to examine ways in which its influence can be used to help modify the harsh racial policies of South Africa. Congress was not reluctant to confront the Soviet Union on the moral question of Jewish emigration. It should be no less reluctant to confront South Africa on the moral issue of apartheid.

Finally, I hope the people of South Africa will profit from history—Vietnam, Angola, Algeria: How many do we need? The late Dr. King said it best: "Injustice anywhere is a threat to justice everywhere."

[From the Boston Globe, July 22, 1975]

U.S. RACISM EXPORTED TO SOUTH AFRICA

Nowhere in the world is American racism more starkly revealed than in South Africa, where 18 million blacks are ruled at literal gunpoint by fewer than five million whites.

Human suffering is nothing short of a way of life. The blacks, who comprise over three-fourths of the population, are allocated but 13 percent of the land mass. Blacks are denied the right to vote, to travel freely, to own weapons, to own land, to assemble in groups of 10 without permission and to use public facilities other than those marked, colored or Bantu.

To the white minority responsible, the United States has responded with a quality of indulgence benefitting a big brother who approves his younger sibling's basic outlook but only wishes, ever so mildly, that he would polish his style. To what other conclusion could we be led by the more than $1 billion in U.S. support for South Africa (one must count abstentions and feckless criticism as support) on the floor of the United Nations?

One finds heavy involvement by US corporations on every level of corporate interest. More than 300 US corporations operate without qualm or doubt in pursuit of the highest corporate objective—to make a buck at any social cost.

Clearly, some American companies are more prominently involved than others. Many merely gobble up profits and run, providing South Africa with the foreign exchange it finds essential to remain stable. Others, like Polaroid and IBM, participate more directly in making apartheid work on a day to day basis.

Those notorious pass books, the badges of slavery that all Africans are required to carry and present to whites upon demand, are produced through the government's purchase and use of Polaroid's ID–2 system. The famous 60-second picture has enabled the government to keep every African on a tether.

Perhaps of greater value to the policy enforcers in Pretoria is the contribution of IBM, a company whose local subsidiary now controls over 50 percent of the computer industry in South Africa.

Approximating South Africa in rights denied is Rhodesia. There is, however, an important distinction: the South African regime is stable; Rhodesia's is tottering. We have had a role in retarding the birth of freedom there, too. We saw fit to violate international law with the importation of Rhodesian chrome.

But a bad seed invariably gives a bitter harvest. When last month the Peoples Republic of Mozambique, the former Portuguese colony that borders South Africa, celebrated its independence, the United States was pointedly not invited to send a delegation. Said Rep. Charles C. Diggs, who was invited personally by the new government, "The exclusion of the United States from an invitation to this affair did not have to happen, had the United States followed a policy of more than lip service to the independence movements in Africa."

THE BREAD OF THE MATTER

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. ARMSTRONG. Mr. Speaker, the continuing interference, intervention, and general overinvolvement of the bureaucracy in the lives of Americans is documented day after day in the newspapers, in conversation, and even in the CONGRESSIONAL RECORD.

In light of this continuing growth of officialdom, I recommend to my colleagues the following short selection from the Incredible Bread Machine:

THE BREAD OF THE MATTER

What if government could not regulate prices or grades or qualities or penalize big companies or subsidize small companies? What if government could not regulate rates or terms or conditions, or punish efficiency or reward inefficiency? What if government could only use its power defensively to protect life, liberty and property of its citizens against the initiation of force and fraud from others? What if the government could do nothing more?

What, in fact, would happen if the individual were free to buy, to sell, to trade, to produce, to rent, or to lease his property or service on any terms to which he could get someone else to agree voluntarily?

In short, what would happen if the government kept "hands off"? What would happen if the economy and the State were separate just like church and State?

Well, first of all, this economic system would be called laissez faire capitalism—an economic system in which all trade is based on voluntary exchange of goods or services, with government acting only to protect the participants from the use of force or fraud.

But secondly, and most importantly, there would be established the framework under which the maximum of individual freedom could be obtained. A free society.

Freedom is the ability to act without hindrance or restraint. When embodied in a political principle, freedom as applied to individuals living in a society refers to the right to act or not to act according to one's own judgment, so long as one does not initiate force against anyone else attempting to implement the same freedom. A society based on this concept of freedom has certain conditions which must be met before it can be implemented. A society based on this concept of freedom also has certain rewards to offer the individuals within it.

The question is: How important is this freedom to people (for only their desire for it can bring it into being), and are they willing to pay the price?

In order to give a rational answer to the question, it is necessary to have a basic understanding of the principles involved.

Principles are not legislated or invented—they are discovered. For centuries men were ignorant of the laws of physics, but they were subject to them nonetheless. It was only when principles were discovered that the great advances in the physical sciences could take place. So it is with human action. To the extent that the principles of human nature have been ignored or rejected, men have suffered poverty, stagnation, and political tyranny.

Because the basic principles of freedom are consistent with man's nature, they work. And because the basic principles of collectivism (statism) are not consistent with man's nature, they do not work, as not only history proves, but the state of the world today confirms.

One principle of freedom is individualism. It holds that the individual is justified in pursuing his own rational self-interest and, accordingly, he is not morally obligated to subordinate his freedom to the demands of the collective. The concept of individual rights is an expression of this premise. It means that one's life is one's own.

The principles of socialism, communism, and fascism are anti-individualistic. They deny that the individual has the right to live his own life as he chooses. They insist that the individual's primary obligation is to serve the collective, whether the collective be called "society" or "the State" or "the fatherland" or "the public interest."

Another principle of freedom is the right to fruits of your labor—property, whether the property be in the form of money, food, clothing, houses, boats, real estate, or whatever. Without the right to own and dispose of the products of his own life, the individual is dependent upon the State (or someone) for his very existence—his life, his liberty, and his property. Accordingly, if government is to serve men rather than rule them, it must protect private property rather than control it.

Under socialism, communism, and fascism, the institution of private property is not upheld. Perhaps ownership is nominally in private hands, but ultimate control is in the hands of the State.

The third principle of freedom is capitalism. When the institution of private property is upheld—when men are free to buy and sell and trade the products of their own lives free from interference—the economic system that results is capitalism.

Socialism, communism, and fascism are quite obviously not capitalistic. There are slight variations in degree, but the economic principle is one of interference and control. Wages, rates, profits and production are supervised by the State, sometimes starting out quite insignificantly, but always progressing toward more rigid control.

Principles of political philosophy represent the criteria by which a political and social system can be evaluated. An understanding of the principles of freedom—individualism, private property, and capitalism—could have avoided the tyrannies of the past. An understanding of these principles can avoid tyranny in the future.

NATIONAL DAY OF PRAYER, 1975

HON. JOHN B. CONLAN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. CONLAN. Mr. Speaker, I wrote to President Ford on January 24, 1975, asking him to proclaim a National Day of Prayer and I am very pleased that he has proclaimed today, July 24, as National Day of Prayer, 1975.

President Ford reflected that 200 years ago, on June 12, 1775, the Second Continental Congress called on the colonists to address their prayers to preserve their new Union and secure civil and religious liberties.

How thankful we should be as a "free nation" to be able to enjoy our religious liberties and not be suppressed or persecuted for our beliefs. How thankful we should be that we are not imprisoned for our religious statements, and that we are able to travel freely within and without the United States, and have our family members join us if they choose.

President Ford's prayer "for the wisdom to continue the American pilgrimage, striving toward a nobler existence for all humanity" is called to mind when I think of legislation we will be considering in this Chamber next week to grant most-favored-nation status to Communist Romania.

I have been a clear advocate of the freedom of emigration for those who would choose to flee communism, so that they may exercise their religious beliefs without fear of brutal mental or physical torture.

To me it just would not be right to vote for House Concurrent Resolution 252 when Romanian Christians are currently being persecuted by imprisonment and restriction of travel. Such emigration restrictions and imprisonment do not allow them that "nobler existence for all humanity" of which our President spoke.

I share President Ford's prayer of "thanks to God for the many blessings granted to America throughout these two centuries." Now it is my further prayer that those who wish to have these same blessings, including religious freedom, will be allowed to do so in peace without persecution.

I would hope that the day will soon come when our Christian brethren in Romania can openly join in repeating the words of the psalmist in Psalm 121:1,2:

> I will lift up my eyes to the mountains;
> From whence shall my help come?
> My help comes from the Lord,
> Who made heaven and earth.

And for America as she gets ready to enter her third century, may the people of America soon realize, apply and claim God's promise in II Chronicles 7:14:

> If my people which are called by my name
> shall humble themselves and pray,
> And seek My face, and turn from their
> wicked ways;
> Then will I hear from Heaven and will
> forgive their sin, and will heal their land.

THE HEALTH MANPOWER ACT

HON. LARRY PRESSLER

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. PRESSLER. Mr. Speaker, under leave to extend my remarks in the Record, I include the following which was to have been included in the body of the debate on the Health Manpower Act but was for reasons still unclear to me excluded.

Mr. Speaker, I think the legislation under consideration today is very important, and I will support it because of the many fine and necessary programs it contains. However, the compulsory features of repayment of capitation funds section strikes me as unfair. I believe there is an inherent discriminatory factor in a program that essentially affects only those who have difficulty financing their education. I am happy to support the gentleman from New Jersey (Mr. Maguire) in his effort to lessen the financial hardship this section will generate. Should the majority of my colleagues approve this portion of the bill, I will certainly be pleased that Mr. Maguire's amendment was looked upon favorably. Yet, even with the inclusion of this amendment, I cannot support the repayment concept.

We have massive educational subsidies in practice in this country. I think it is going to take a more creative approach than the one under consideration to effectively accomplish the goal of bringing doctors to areas deprived of adequate medical care. Being from South Dakota, I am quite aware of the urgent need for a program which will accomplish that goal; but, I cannot support a program which places an inequitable burden upon many students who have already made substantial sacrifices in pursuit of their career objectives.

I would prefer instead the solution of creating an educational loan program where the loans are dismissed if the desired public service is performed. I think this is a more logical and responsive approach, and I think it would be more effective in bringing about the goal of providing high quality care to all parts of this Nation.

Mr. Speaker, I am also compelled to reject the concept of a regulatory mechanism to determine numerical limits on residencies. This increased regulation by Government of an important profession borders on meddling. I can see no benefit in setting up another Federal bureaucracy to distribute residencies by geography and specialty when no generally acceptable distribution standards currently exist and when effective administration of such a program appears to be an impossible dream.

REMARKS ON H.R. 7014

HON. LARRY PRESSLER

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. PRESSLER. Mr. Speaker, I would like to take this opportunity to commend the gentleman from Texas (Mr. KRUEGER) for his recent important contributions in terms of time and research to H.R. 7014. Mr. KRUEGER's amendment to this legislation offers us the opportunity to deal with what actually is a crisis situation with a rational, objective, and ultimately effective energy policy. The emphasis of this amendment is long-term stability, and this is a focus too long neglected in consideration of our energy needs.

The FEA analysis of this amendment indicates that it would reduce our dependence on foreign sources from the present 38 percent to 34 percent in a 5-year period. This movement toward self-sufficiency which is not presently evident within this bill.

Additionally, the period of gradual decontrol allows us the opportunity to structure our tax system in a manner responsive to the needs of farmers and other groups who face excessive burdens without such relief. Also, it would enable us to prevent big oil companies from gathering windfall profits without appropriate taxation.

RED CROSS HIGHEST AWARD—ROGER C. JEWELL

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. RUPPE. Mr. Speaker, recently, I was advised of an award which will be given to one of my constituents, Mr. Roger C. Jewell, of Indian River, Mich., for saving the lives of two individuals. This meritorious action has been recognized by the American National Red Cross as they will be bestowing on him their highest award, the Red Cross Certificate of Merit and accompanying pin.

On December 29, 1974, Mr. Jewell, trained in Red Cross first aid, observed from a window two boys who had fallen through the ice on the lake in front of his home. At once he obtained a clothesline pole and went to assist. To equalize his weight on the ice, Mr. Jewell crawled to reach the boys, who were in icy waters well over their heads. He extended the pole to one of the boys telling the second to hold to the leg of the other. He then instructed them to pull up onto the edge of the ice. Recognizing the ice would not support the weight of both the boys, he directed them to crawl away from each other to reach shore, calming and giving encouragement throughout the rescue. Both victims recovered completely. Without doubt, Mr. Jewell's use of his skills and knowledge saved the lives of two boys.

I sincerely hope that my colleagues will join with me in congratulating this fine young man for such a courageous action when the occasion arose.

HOUSE OF REPRESENTATIVES—*Friday, July 25, 1975*

The House met at 10 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Be of good courage and He shall strengthen your heart, all ye that hope in the Lord.—Psalms 31: 24.

Almighty God, our Heavenly Father, who art the source of light, the sustainer of life, and the support of every loving heart, grant unto us light upon our way, life for our way, and love in our way. May the inspiration of this moment help us to think thoughts that are positively good and to give them hands and feet in the life of this day.

We pray for all the leaders of our Nation and particularly for these who serve in this House of Representatives. Give them creative thoughts, clear minds, and clean hands that they may carry their responsibilities with honor, make decisions with wisdom, do their work with fidelity, and thus strengthen the moral foundations of our national life.

Guide, we pray Thee, the nations of the world into the ways of justice and good will and establish among them the peace which is the fruit of truth and love.

In the spirit of the Prince of Peace we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendment of the House to the amendment of the Senate to a bill of the House of the following title:

H.R. 7767. An act to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans and to increase the rates of dependency and indemnity compensation, and for other purposes.

HANDSHAKE OF FRIENDSHIP IN SPACE

(Mr. CASEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASEY. Mr. Speaker, yesterday afternoon we witnessed the end of a most historic adventure in outer space.

Even more important than the scientific achievement involved, the successful completion of the Apollo-Soyuz mission must be considered as a major step forward for international cooperation and understanding.

There are those who would say that the United States has been the loser in the publicity, or propaganda if you wish, resulting from this flight. Personally, I do not believe that this is the case. I think our space program, its technology and the Americans who so capably represented us on this space mission will come out superior in the minds of all the millions of people throughout the world who witnessed the dramatic events on this joint flight on television.

Most significant, however, is the fact that for the first time, the Iron Curtain around the Soviet space program was opened. Perhaps the opening was small and well guarded, but for the first time the world's citizens—including even the Russian people—got a glimpse of the facilities and technology in a program that has previously been shrouded in secrecy.

I believe that people throughout the world, who have long been accustomed to watching astronauts of the United States tread on the Moon, well understand the true significance of Apollo-Soyuz.

It is also entirely within reason to expect that in the minds of the world population, a handshake in space may do far more to settle uneasy minds and enhance world peace than a dozen summit conferences of world leaders.

When the world's great powers can meet in space and share both the technology and friendship before the eyes of a watching world, I see no way that the results for mankind can be other than positive.

I share with you again my special pride in having the honor to represent the 22d District of Texas, in which the Lyndon B. Johnson Space Center is situated, and where most of our Nation's astronauts make their home.

The Apollo-Soyuz mission has once again demonstrated to the American people and the world that the investment in our space program pays rich dividends in many ways.

Certainly nothing that this Nation has endeavored in its history has done more to gain respect and admiration from the world at large than have our achievements in space.

I would like to express my personal appreciation to all those who make up the outstanding team of the National Aeronautics and Space Administration, and especially to Dr. James Fletcher, Administrator of NASA, and to Dr. Christopher C. Kraft, Jr., Director of the Johnson Space Center, for their leadership in this successful mission.

The three men to whom we owe our most profound appreciation today, however, and I know that each of my colleagues joins me in extending heartiest congratulations, are the astronauts who made up the Apollo team for this flight. Certainly no American could have wished for better representation before the world audience.

Tom Stafford, Deke Slayton, and Vance Brand are truly Americans in the finest sense of the word.

Stafford, of course, is no newcomer to space flight. He has been an astronaut since 1962 and flew on two Gemini flights and one Apollo flight before making the joint flight that included his historic international handshake in space. He has once again proven his dedication, his competence, and his leadership.

There has never been any question about the ability of Brand, the junior member of this space crew, who has been an astronaut since 1966 and distinguished himself on the Apollo-Soyuz meeting as the star linguist of the link-up. Although this was his first flight, I am certain that it will not be his last.

But I would especially like to single out the "grand old man" of our astronaut ranks, my friend, Deke Slayton, for special recognition.

His service to our space program is one of selflessness and perseverance and dates back to early 1959 when he was selected as one of our Nation's original seven, the first American astronauts, who provided the nucleus for American leadership in space exploration.

Deke Slayton had never flown on a space mission before last week, however. You may recall that before he was ever able to ride a Mercury shot into outer space, doctors detected a heart condition that removed him from flight status. Deke is not a man to give up, though, and he continued to work rigorously in any way he could to further our space efforts. He has been an outstanding administrator and has made significant contributions behind the scenes to many space flights. At the same time, he has never given up his dream of returning to the ranks of flying astronauts.

His patience, hard work, and physical conditioning paid off and 3 years ago, doctors certified his heart condition as cured and he was placed on flying status once again.

Rightly selected for the Apollo-Soyuz flight, Deke last week went into space for the first time at the age of 51. But I think all of us who watched his performance will agree that there are a lot of astronaut years left in Deke Slayton and I know that he will continue to provide the kind of leadership that makes America second to none in aerospace technology.

Mr. Speaker, the success of Apollo-Soyuz culminates 2½ years of rigorous training for these men and their Russian counterparts. They not only had to overcome the scientific challenges of a most complex mission, but a language and cultural barrier that could have only been accomplished by those of outstanding mind and character.

They have proven for all the world, that ideological differences can be reconciled in the common interest of mankind.

I am certain that despite the 2 years of close association with the Russian cosmonauts, there was no softening of the American attitude toward a Communist form of government. I am also highly doubtful that the Russians involved in the Apollo-Soyuz program were persuaded that we have the superior form of government.

But I do believe that this mission has resulted in a greater tolerance, understanding and respect among all concerned, and that the world is the ultimate benefactor.

Mr. Speaker, I would also like to say that while the flight just completed ends the Nation's Apollo program, it also ushers in a new era of space travel and scientific discovery.

We will now move forward to the Space Shuttle program, which holds promise for revolution in the method and comfort for moving into the realm of outer space.

Our achievements thus far in space exploration, as remarkable as they are, are only a beginning. I am sure that our children and grandchildren will one day look upon our missions of this generation as the "model T era" of space travel.

I am not sure that I have the vision to say precisely where the future will take us. Perhaps it will be to Mars, as we venture further from our planet Earth. Perhaps we will find the Moon a vast storehouse of natural resources to be mined for the benefit of the world's citizens.

I do know that our space program is only in its infancy stage and that as we look ahead, these can only be greater prospects for enhancing the lives of future generations on Earth.

I hope that all my colleagues will join me today in saluting our astronauts who have just returned to Earth, and every member of NASA, for their efforts on the Apollo-Soyuz mission.

This mission has not only extended our scientific boundaries, but has expanded our hope for the ultimate goal of lasting world peace.

A TRIBUTE TO APOLLO-SOYUZ

(Mr. BOLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOLAND. Mr. Speaker, I join with the distinguished gentleman from Texas (Mr. CASEY) in applauding the magnificent success of the Apollo-Soyuz mission.

Yesterday, three American astronauts returned from space completing a flawless joint mission with the Soviet Union. This was a unique space flight. It required two totally divergent societies, living far apart, and speaking different languages to meet in space—134 miles above the Earth. By any standard, that is a remarkable technical achievement, and I want to pay tribute to the Soviet and American engineers and technicians who made it all possible. Of course, congratulations are due Thomas Stafford, Donald Slayton, Vance Brand, Aleksey Leonov, and Valeriy Kubasov, the astronauts and cosmonauts who so successful tested the concept of international cooperation in space.

From the start, some have been critical of this joint mission. Some have contended that little benefit was returned for our $250,000,000 investment.

I do not agree with that view. We must recognize that space flight is here to stay. If we can learn to cooperate rather than compete in space, we have achieved a goal that is well worth our investment. The Apollo-Soyuz mission was a small but significant step toward that goal. It is a first step, but it could open the door for jointly sharing the tasks and costs of space exploration.

This is the last American manned mission until the Space Shuttle orbital flights begin in 1979. Both the legislative and appropriation committees and the Congress can take special pride in this Nation's space accomplishments over the past 14 years. During that time, we launched 30 manned missions. In each case, the Saturn rocket performed without a hitch—and every American astronaut who ventured into space was returned safely to Earth. We can become very blasé about that achievement. Money alone will not buy that kind of a perfect record. It takes superb technology and many, many dedicated people. We owe each of them a vote of thanks and gratitude for a job well done.

Apollo-Soyuz marks the end of an era—but it can be the key, not just to cooperation in space, but to cooperation on Earth in both science and politics. And ultimately, that cooperation could yield the priceless benefit of peace.

PERMISSION FOR SELECT COMMITTEE ON OUTER CONTINENTAL SHELF TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. BREAUX. Mr. Speaker, I ask unanimous consent that the Select Committee on Outer Continental Shelf be allowed to sit during the 5-minute rule this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

RE-REFERRAL OF HOUSE JOINT RESOLUTION 540, HOUSE JOINT RESOLUTION 424, AND HOUSE JOINT RESOLUTION 465 TO THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. FLOWERS. Mr. Speaker, I ask unanimous consent that House Joint Resolution 540, House Joint Resolution 424, and House Joint Resolution 465 be re-referred from the Committee on the Judiciary to the Committee on Post Office and Civil Service.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

VICE PRESIDENT ROCKEFELLER

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. COHEN. Mr. Speaker, I want to commend the gentleman from Illinois (Mr. ANDERSON) for his statement in today's Washington Post and to associate myself with his remarks. Throughout his career in this body, he has demonstrated that he is a man of high ideals and principles. He is again justified in expressing moral indignation over the treatment being dispensed to the Vice President.

Administration officials insist that they are not trying to cut the Vice President's political throat, but Mr. ROCKEFELLER would do well not to turn his head too quickly.

Some of President Ford's endearing, and I hope enduring qualities, are his openness, honesty, and candor. What is taking place today, however, is reminiscent of an era in our political history that we should not quickly forget.

If Mr. ROCKEFELLER is to be sacrificed at the altar of ideological purism in order to appease those delegates who will undoubtedly dominate the convention, let President Ford say so forthrightly and with candor. Let us have no public declarations of "my full confidence," or "great admiration," or indeed, a thousand percent support, while campaign surrogates erect a gallows upon which Mr. ROCKEFELLER can twist slowly, slowly in the wind.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objections to the request of the gentleman from Missouri?

There was no objection.

DEATH OF WALTER MITTY

(Mr. FREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FREY. Mr. Speaker—

In Baltimore the Republicans and Democrats did play
All were excited as NBC was covering the game today.

In each politician's heart beat the hope
That he'd be a national hero, not a dope.

And of all the hams who are in this story
The Republican shortstop from Florida has the wildest dreams of glory.

His lifetime ambition had been to take Pee Wee Reese's place
Only lack of ability and talent kept him out of the race.

In his heart he prayed for just one chance to show
That as a baseball player he was as good as a pro.

Now the game came down to a crunch
It looked like the Republicans were a lackluster bunch.

And now the dreams that Lou had had for years
Came to life amidst a rising of cheers.

A long popup towards the stands did fly
Even Pee Wee wouldn't give that one a try.

Yet Lou was determined not to be beat
The call of destiny spurred on his old feet.

And without slowing up at all
He ran right into the left field wall.

But the pain was really nothing at all
For in his mitt he clutched the baseball.

And he knew that his friends near and far
Would now know he was truly a baseball star.

He called all over the country to say
Please look at the NBC TV replay.

Now great ballplayers were part of Joe's shots
Pat Schroeder, Hubert Humphrey and even Carl Albert got prime time all over the lot.

And with his MVP trophy clutched in his hand
No bright image flashed over the land.

In silence and sorrow he retreated in shame
And so did his lifelong search for fame.

And the moral of this story, my friends
Is when you make a great catch, keep one eye on the lens.

EXCLUDING FROM GROSS INCOME GAINS FROM CONDEMNATION OF CERTAIN LANDS HELD IN TRUST FOR KLAMATH INDIAN TRIBE

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 83) to exclude from gross income gains from the condemnation of certain forest lands held in trust for the Klamath Indian Tribe, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the Senate amendment, as follows:

Page 2, after line 4, insert:

SEC. 2. TRANSFERS OF SECTION 1245 PROPERTY OR SECTION 1250 PROPERTY TO TAX-EXEMPT ORGANIZATION WHICH USES SUCH PROPERTY IN AN UNRELATED TRADE OR BUSINESS.

(a) AMENDMENTS OF SECTION 1245.—

(1) The second sentence of section 1245 (b)(3) (relating to gain from dispositions of certain depreciable property) is amended by striking out "This" and inserting in lieu thereof "Except as provided in paragraph (7), this".

(2) Section 1245(b) is amended by adding at the end thereof the following new paragraph:

"(7) TRANSFERS TO TAX-EXEMPT ORGANIZATION WHERE PROPERTY WILL BE USED IN UNRELATED BUSINESS.—

"(A) IN GENERAL.—The second sentence of paragraph (3) shall not apply to a disposition of section 1245 property to an organization described in section 511(a)(2) or 511(b)(2) if, immediately after such disposition, such organization uses such property in an unrelated trade or business (as defined in section 513).

"(B) LATER CHANGE IN USE.—If any property with respect to the disposition of which gain is not recognized by reason of subparagraph (A) ceases to be used in an unrelated trade or business of the organization acquiring such property, such organization acquiring such property, such organization shall be treated for purposes of this section as having disposed of such property on the date of such cessation.".

(b) AMENDMENTS TO SECTION 1250.—

(1) The second sentence of section 1250 (d)(3) (relating to gain from dispositions of certain depreciable realty) is amended by striking out "This" and inserting in lieu thereof "Except as provided in paragraph (9), this".

(2) Section 1250(d) is amended by adding at the end thereof the following new paragraph:

"(9) TRANSFERS TO TAX-EXEMPT ORGANIZATION WHERE PROPERTY WILL BE USED IN UNRELATED BUSINESS.—

"(A) IN GENERAL.—The second sentence of paragraph (3) shall not apply to a disposition of section 1250 property to an organizaition described in section 511(a)(2) or 511 (b)(2) if, immediately after such disposition, such organization uses such property in an unrelated trade or business (as defined in section 513).

"(B) LATER CHANGE IN USE.—If any property with respect to the disposition of which gain is not recognized by reason of subparagraph (A) ceases to be used in an unrelated trade or business of the organization acquiring such property, such organization shall be treated for purposes of this section as having disposed of such property on the date of such cessation.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2) the amendments made by this section shall apply to dispositions after December 31, 1969, in taxable years ending after such date.

(2) ELECTION FOR PAST TRANSACTIONS.—In the case of any disposition occurring before the date of the enactment of this Act, the amendments made by this section shall apply only if the organization acquiring the property elects (in the manner provided by regulations prescribed by the Secretary of the Treasury or his delegate) within 1 year after the date of the enactment of this Act to have such amendments apply with respect to such property.

Mr. ULLMAN (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the amendment to the Senate amendment, as follows:

Add a new section 3 as follows:

SEC. 3. DEFINITION OF PRIVATE FOUNDATION.

(a) Subparagraph (B) of section 509(a) (2) of the Internal Revenue Code of 1954 (relating to permitted extent of private support) is amended to read as follows:

"(B) normally receives not more than one-third of its support in each taxable year from the sum of—

"(i) gross investment income (as defined in subsection (e)) and

"(ii) the excess (if any) of the amount of the unrelated business taxable income (as defined in section 512 over the amount of the tax imposed by section 511;".

(b) The amendment made by this section shall apply to unrelated business taxable income derived from trades and businesses which are acquired by the organization after June 30, 1975.

Mr. ULLMAN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment to the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. SCHNEEBELI. Mr. Speaker, reserving the right to object—and I shall not object—I take this time to ask the chairman of the committee to explain the amendment that the Senate added to this bill.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Speaker, H.R. 83, as passed by the House, deals with the tax treatment of the proceeds received by tribal members as a result of the acquisition by condemnation by the Federal Government of forest lands held for the Klamath Indian Tribe. In general, the bill provides the same tax treatment for the proceeds received by the tribal members as a result of the condemnation of their land by the Federal Government as was provided for those tribal members who received cash payments upon their withdrawal from the tribe in 1959 as a result of the termination by Congress of its supervision over the Klamath Indian Tribe. The House-passed bill was adopted by the Senate. In addition, however, the Senate added an amendment relating in certain respects to the tax treatment of Colonial Williamsburg, Inc., a tax-exempt organization.

In 1970, Colonial Williamsburg, Inc., liquidated Williamsburg Restoration, Inc., a wholly owned subsidiary. As a result of the liquidation, Colonial Williamsburg was able to terminate its private foundation status by qualifying as a publicly supported organization under section 509(a)(2) of the Internal Revenue Code.

Under present law there is generally no recapture of depreciation deductions previously allowed in the case of certain tax-free transactions such as a liquidation of the type that was engaged in by Colonial Williamsburg. However, an exception to this rule provides that depreciation will be recaptured if the disposition of property is made to an organization which is exempt from income tax. Since Colonial Williamsburg is tax-exempt, this exception would apply and the depreciation deductions allowed to its former subsidiary would be recaptured.

The purpose of this exception is to prevent tax avoidance through tax-free transfers to a tax-exempt organization. However, where the property is used by the transferee in an unrelated trade or business—as is the case with Colonial Williamsburg, Inc.—the depreciation deductions would be recaptured if the transferee subsequently disposed of the property. In this case, the specific reason for the exception is not controlling since the tax would not be permanently avoided.

The Senate amendment corrects this inequity by postponing the recapture of depreciation if the property is used in an unrelated trade or business. In effect, the change would provide essentially the same depreciation recapture treatment where the transferee is a tax-exempt organization using the property in a taxable business as is provided under present law where the transferee is a taxable organization using the property in a taxable business. In view of this, I urge the House to adopt the Senate amendment.

In addition, we suggest adding an amendment to the Senate amendment. It seems clear that a mere change of form as to the operation of an unrelated trade or business should not be sufficient to permit an organization to change its status from that of a private foundation to that of a publicly supported charity. As a result, the amendment we are proposing provides that income from an unrelated trade or business acquired by the organization after June 30, 1975, is to be treated like dividend income in determining whether an organization meets the support tests for a "public charity" under the code provision I referred to—section 509(a)(2).

I urge the House also to adopt the amendment to the Senate amendment.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from New York.

Mr. CONABLE. Mr. Speaker, I would like to ask the chairman of the committee to state whether the effect of the amendment that is being added here in the House is not to grandfather in the people or the foundations for the past and whether this is not to tighten up the law so that we will not encourage this practice over a period of time; is that right?

Mr. ULLMAN. The gentleman is exactly correct.

Mr. CONABLE. It is a restrictive amendment, in other words, in order to prevent adjustments in the form of doing business which could change or have the effect of changing the status of such foundations?

Mr. ULLMAN. It is a reform of the code, which, if not made, I anticipate would result in other foundations with similar circumstances looking in this direction. I think it is a very important new addition and reform.

Mr. CONABLE. Therefore, the point is that what the amendment you are now suggesting, Mr. Speaker, does is to act as a protection against somebody's playing fast and loose with foundations and a shift in status of foundations?

Mr. ULLMAN. The gentleman is absolutely correct.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. SCHNEEBELI. Mr. Speaker, further reserving the right to object, this amendment was reviewed by our committee and approved by unanimous consent.

It tightens rather than liberalizes our laws with respect to foundations.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The amendment to the Senate amendment was agreed to.

The Senate amendment, as amended, was concurred in.

TO SUSPEND UNTIL OCTOBER 31, 1975, DUTY ON CATALYSTS OF PLATINUM AND CARBON USED IN PRODUCING CAPROLACTAM

Mr. GREEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7728) to suspend until the close of October 31, 1975, the duty on catalysts of platinum and carbon used in producing caprolactam, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate amendment, as follows:

> Page 1, in the matter after line 6, in the fifth column, strike out "October 31, 1975" and insert: "10/31/75."

Mr. GREEN. Mr. Speaker, the purpose of H.R. 7728 is to provide retroactive refund of duties paid by one domestic producer of caprolactam who had to ship special catalysts he used in the production process abroad about every 3 months for recycling. This domestic producer had to pay a 20-percent duty on each reimportation of new catalysts valued at about $300,000 per shipment.

The House passed H.R. 7728 on June 24 unanimously; there were no objections to the bill.

The Senate amendment is purely technical. It merely changes the termination date as it appears in the appendix to the Tariff Schedules of the United States from written to numerical form—from October 31, 1975 to 10/31/75—consistent with the presentation in the appendix of current duty suspensions on other items.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

TO SUSPEND THE DUTY ON OPEN-TOP HOPPER CARS EXPORTED FOR REPAIRS OR ALTERATIONS ON OR BEFORE JUNE 30, 1975

Mr. GREEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7731) to suspend the duty on open-top hopper cars exported for repairs or alterations on or before June 30, 1975, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. CONABLE. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Pennsylvania (Mr. GREEN) whether the net effect of this is simply to change the period during which duty-free entry could be made from the terminal date, from June 30, 1975, up to the date of the enactment? Is that the net effect?

Mr. GREEN. Yes, that is correct.

Mr. CONABLE. It does not affect any other cars?

Mr. GREEN. It affects no other cars, just the ones intended.

As the gentleman knows, the Senate amendments are purely technical. The only reason for them is that the Senate considered the bill after June 30, 1975.

Mr. CONABLE. I reserved an objection, Mr. Speaker, simply to elicit the statement with respect to the terminal date of this and the reason for effecting this change.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate amendments, as follows:

Page 1, lines 8 and 9, strike out "on or after the date of enactment of this Act." and insert: "after September 1, 1974, and before July 1, 1975."

Page 2, strike out lines 1 to 12, inclusive, and insert:

"(b) Upon request therefor filed with the customs officer concerned on or before the ninetieth day after the date of enactment of this Act, and entry to which the amendment made by the first section of this Act applies shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry had been made on June 30, 1975."

Mr. GREEN. Mr. Speaker, H.R. 7731 would suspend the duty on open-top hopper cars exported for repairs or alterations on or before June 30, 1975. The bill also provides for the liquidation or reliquidation on a duty-free basis of entries of open-top hopper cars made after September 1, 1974, and before the date of enactment. It would apply to the duty on repair work on 220 used cars purchased domestically in 1974 in a time of shortage which had to be performed in Canada due to the nonavailability of repair facilities at that time in the United States. The duty would not be suspended on new open-top hopper cars.

The House passed H.R. 7731 on June 24 unanimously; there were no objections to the bill except from one agency.

The Senate amendments are purely technical. They make such technical corrections to the bill as are necessary to reflect the fact that the bill will become law after the last date on which hopper cars eligible for duty-free treatment under the bill may be imported into the United States.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

EMERGENCY LOAN PROGRAM

Mr. BERGLAND. Mr. Speaker, I call up the conference report on the Senate bill (S. 555) to amend the Consolidated Farm and Rural Development Act, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 22, 1975.)

Mr. BERGLAND (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. BERGLAND. Mr. Speaker, the conferees on S. 555, as amended, have reached agreement and are in unanimous support of the conference report. The conference report relates to a bill which simplifies and strengthens the emergency loan authority of the Farmers Home Administration. This measure is particularly important at this time to help in meeting the urgent credit needs of farmers who have suffered catastrophic losses as a result of the recent torrential rains in North Dakota and Minnesota. Its benefits, however, inure to all farmers who may be affected by natural disasters. It is noncontroversial with widespread support from both sides of the aisle.

As is the case in many conferences, the report represents a compromise. We believe it is a fair compromise in which the position of the House has prevailed on many major issues. I would like to summarize at this point the position that has been reached by the conference substitute on the differences between the Senate bill and the House amendment.

First. The conference report has adopted the provisions of the House amendment to extend the benefits of the Act to all persons engaged in aquaculture—that is, persons engaged in husbandry of aquatic organisms under a controlled or selected environment. It deleted, however, the provision in the House amendment that natural disaster shall include natural occurrence of certain biological organisms, including the Red Tide.

The conferees intend, however, that the Secretary of Agriculture coordinate his activities with those of the Secretary of Commerce and the Administrator, Small Business Administration, so as to insure that all possible assistance will be made available to those engaged in aquaculture who are victims of natural occurrences such as the Red Tide. It is of particular concern to the conferees that those engaged in aquaculture not find themselves in a "no man's land" of disaster assistance where, through technical interpretations of the law, they are unable to obtain disaster loan assistance from either the Farmers Home Administration or the Small Business Administration.

Therefore, the Secretary of Agriculture, working in conjunction with the Secretary of Commerce, and the Administrator, Small Business Administration, is directed to conduct a study and make a report to the Congress on or before January 1, 1976, concerning the extent of economic injury incurred by those involved in aquaculture, as defined in this bill, who are unable to produce and market a product for human consumption because of disease or toxicity in such product caused by the natural occurrence of certain biological organisms such as, but not limited to, the Red Tide. The report shall include: First, descriptions of programs under which loan assistance is made available to such disaster victims; second, statistics setting forth the amount of loan assistance provided; third, geographical areas, or boundaries, within which such assistance has been provided; and fourth, types of natural occurrences of certain biological organisms which have been covered by loan assistance.

The Secretary is further directed to include in his report action which has been, or is being, undertaken by the executive branch to resolve any problems which may involve disaster victims engaged in aquaculture who apply for disaster loan assistance and to submit legislative recommendations where existing legal authority is unclear or in need of amendment.

The conferees also agreed to retain the House provision which would require the Secretary, rather than leaving it to his discretion, to designate any area as an emergency area under the program if he finds that a natural disaster has occurred which substantially effects farming, ranching or aquaculture operations.

Under both the Senate bill and House amendment loans would be made only to victims of a disaster unable to obtain sufficient credit elsewhere at reasonable rates and terms. The Conference substitute adopts the provision of the House amendment which provides an exception for those applicants who file loan applications prior to July 9, 1975. The conferees intend that the credit elsewhere requirement be implemented in such a manner as not to delay needed assistance to disaster victims.

The conference substitute retains the House amendment which authorizes loans for crop or livestock changes deemed desirable by the applicant in addition to the loan covering the actual loss sustained by him.

The conference substitute deleted the limitation in the House amendment that on loans covering actual losses amounts eligible for the 5 percent rate of interest could not exceed $100,000 per loan with the balance to be at prevailing market rates. In taking this action, the conferees note that there is no such limitation in the Small Business Act under which the Small Business Administration makes disaster loans.

The conference substitute adopted with a modification a provision contained in the House amendment relating to security for repayment of emergency loan collateral which has depreciated in value because of the disaster. Such loans are required to be made under the conference substitute if the collateral together with the Secretary of Agriculture's confidence in the repayment ability of the applicant is adequate security. The Secretary would be required to make the loan repayable at such times as he may determine as justified by the needs of the applicant, rather than by the purposes of the loan. The repayment period could not be longer than the period for real estate loans and operating loans under existing law. The conference substitute deleted the requirement in the House amendment providing for loans to be made in cases where no collateral is available.

The conference substitute adopted a

House amendment that would allow emergency loans with respect to any disaster occurring after January 1, 1975, for operating type purposes to be made for not more than 20 years if justified by the applicant's financial needs as a result of the disaster and if there is adequate security to insure repayment over the longer period. The Senate bill would have restricted this authority to disasters occurring between January 1, 1975, and July 1, 1976.

Another difference between the two bills related to a House amendment involving the interest rate on disaster loans made by the Small Business Administration. Under existing law the interest rate for disaster loans by the Small Business Administration is governed by the interest rate for Farmers Home Administration emergency loans under section 324 of the Consolidated Farm and Rural Development Act. Both the Senate bill and the House amendment changed the interest rate on certain disaster type loans for FHA and thus would have had a consequential effect on Small Business Administration disaster loans. The House amendment had provided that a loan made by the Small Business Administration in connection with a disaster occurring on or after the date of enactment of the bill should bear interest at the average annual interest rate on interest bearing obligations of the United States, with a slight adjustment, plus one-fourth of 1 percent. The conference substitute adopted the House amendment with a change which provides that SBA loans would bear interest at a rate not more than rather than at the same rate as specified in the House amendment.

The conference substitute adopted the House amendment which relates to production losses which must be incurred in order for applicants to qualify for assistance under the act. The conference substitute provides that to qualify an applicant must show that a single enterprise which constitutes a basic part of his operation sustained at least a 20-percent loss.

The conferees intend that the term "single enterprise" shall be construed to mean enterprises which constitute parts of the applicant's farming, ranching, or aquaculture operation. The following are examples of "single enterprises": First, all cash crops; second, all feed crops; third, beef operations; fourth, dairy operations; fifth, poultry operations; sixth, hog operations; and seventh, aquaculture operations.

A "single enterprise" which constituted not less than 25 percent of the gross income from the farming operation is to be considered a "basic" enterprise. In addition, the conferees intend that in the case of a livestock or poultry producer who also produces feed crops, that his feed operaton would be considered a basic enterprise if the value of feed produced for livestock or poultry were at least 25 percent of the value of the total feed which is consumed by his livestock or poultry on an annual basis. For example, if during the year a livestock or poultry producer had a gross income from his livestock or poultry operations of $80,000 and the gross value of the feed produced on the farm was $10,000, his feed operations would qualify as a basic enterprise as long as the value of the total feed fed to the livestock or poultry on the farm during the year was not in excess of $40,000.

The conference substitute deleted, as did the House amendment, a provision in the Senate bill that would have provided that the Secretary could utilize funds from the agricultural credit insurance fund to pay for administrative expenses of the program. The provision is not included in the conference substitute because under existing law the Secretary may draw whatever amounts are needed from the fund for administration of the emergency loan program.

The House amendment provides that amounts authorized to be appropriated for the purposes of the Consolidated Farm and Rural Development Act for each fiscal year ending after September 30, 1976, shall be the sums hereafter authorized by law The House amendment also provides that the Secretary could utilize sums from the agricultural credit insurance fund and the rural development insurance fund during each fiscal year after September 30, 1976, only in such amounts as may be authorized annually by law.

The Senate bill contained no comparable provision.

In lieu of the House amendment, the conference substitute provides that on or before February 15 of each calendar year beginning with calendar year 1976, or such other date as may be specified by the appropriate committee, the Secretary of Agriculture shall testify before the Senate Committee on Agriculture and Forestry and the House Committee on Agriculture and provide justification in detail of the amount requested in the budget to be appropriated for the next fiscal year for the purposes authorized in the Consolidated Farm and Rural Development Act, and of the amounts estimated to be utilized during such fiscal year from the agricultural credit insurance fund and the rural development insurance fund.

Under the conference substitute, the Secretary would be required to testify and provide a detailed justification: First, of appropriations requested for such items as the restoration of losses previously incurred in the agricultural credit insurance fund and the rural development insurance fund, direct loans and grants under the Consolidated Farm and Rural Development Act, and salaries and expenses of the Farmers Home Administration in administering programs authorized under the act; and second, of amounts provided in the budget as estimated to be expended for the next fiscal year from the agricultural credit insurance fund and the rural development insurance fund for such matters as financing real estate loans, operating loans, emergency loans, water and facility loans, industrial development loans, and community facility loans.

I urge all members to join with me in voting in support of the conference report on S. 555, as amended.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield for a question?

Mr. BERGLAND. Yes, I yield to the gentleman from Maryland.

Mr. BAUMAN. During the consideration of this bill originally in the House, the gentleman from Maine (Mr. EMERY) introduced an amendment dealing with the so-called red tide, an organism which affects shellfish.

At that time I raised the question as to whether or not the definition in this bill of persons who are engaged in aquaculture and thus eligible for loans included group or individuals such as oystermen, clammers, and other shellfishermen. I remember the gentleman from Minnesota responded that, under the House version, they were definitely included so far as those who operate in the Chesapeake Bay was concerned.

Mr. Speaker, I would ask the gentleman from Minnesota as to whether there have been any changes in the conference report which would affect that definition and the inclusion of these groups?

Mr. BERGLAND. I would reply to the gentleman from Maryland that the term "controlled or selected environment" remained in the report. However, there was strong opposition by the administration to the inclusion of the red tide provision because it was a biological factor, and they were fearful that, if we were to break with the past and to establish a credit policy for biological damage, they would be deluged by other forms of biological destruction. So, in order to be certain that the red tide victims did not fall between the cracks, we provided the further amendment in the report that makes it necessary for the Secretary of Agriculture, the Small Business Administration and the Secretary of Commerce, to get together and submit some recommendations to the Congress by a date certain early next year as to what should be done in this respect. We have been informed by the Small Business Administration that they do indeed make loans of this nature, so the conferees agreed that we ought not to have duplication of effort, and that one of the agencies should be responsible, and we did not care which so long as it was one of them.

Mr. BAUMAN. Does the gentleman from Minnesota believe that such clarifying legislation will come out of these recommendations so that there will be misunderstanding in the future?

Mr. BERGLAND. Yes, if it is determined that there is a need for legislation in this "no man's land" of disaster assistance. We think, however, that it is merely a matter of being able to reach an understanding between the various agencies.

Mr. BAUMAN. I thank the gentleman.

Mr. KELLY. Mr. Speaker, if the gentleman will yield, I would like a comment from the gentleman on whether or not the oysters and other shellfish, would only be included in the definition if they were cultivated in a controlled or selected environment.

Mr. BERGLAND. That is correct.

Mr. KELLY. Not if they were in the open waters?

Mr. BERGLAND. The gentleman is correct.

Mr. EMERY. Mr. Speaker, will the gentleman yield?

Mr. BERGLAND. I yield to the gentleman from Maine.

Mr. EMERY. Mr. Speaker, the so-called Red Tide amendment that is presently under discussion is the amendment that I introduced when S. 555 was under consideration here in the House on July 9. I presented this amendment because I am very concerned about the severe economic losses that Maine shellfish harvesters have suffered every summer and fall for the past 4 years. Very simply, my amendment would have defined Red Tide as the presence of three forms of algae—specifically, Gonyaulax Tamarensis—found in New England waters; Gonyaulax Catenella—found along the Pacific coast; and Gymnodidium Breve—found in Florida and the Gulf of Mexico. Further, my amendment defined the term "natural disaster" to include the presence of one or more of these organisms within the language of section 2.

The exact language of the amendment follows:

On Line 6, Page 5, amend Sec. 2 by adding at the end a new sentence to read as follows: "For the purposes of this subtitle, natural disaster shall include, but not be limited to, the natural occurrence of certain biological organisms, including Gonyaulax Tamarensis, Gonyaulax Catenella, and Gymnodidium Breve, that are commonly known as the Red Tide, harmful to certain commercially valuable marine species."

The RECORD of July 9 will show that my amendment was adopted unanimously by voice vote. Following the adoption of my amendment, I was distressed to learn that officials from the Farmers Home Administration, FmHA, within the Department of Agriculture, and from the Office of Management and Budget, OMB, opposed my amendment on three grounds: First, that they did not know anything about Red Tide and could not administer this provision; second, that they did not want to open up FmHA loans to "biological disasters"; and third, that they were uncertain of the expenses and felt that this aspect needed more study.

I feel that these are poor excuses and that these explanations for opposing my amendment were incomplete and inadequate. First of all, FmHA does not need to know how to identify the Red Tide. It is easy to define by the presence of one or more of the three organisms I have listed. They are commonly known to all marine biologists. Every coastal State presently has the responsibility of detecting its presence and limiting the fishing accordingly. Hence, the State of Maine or any other State would determine the presence of the Red Tide organism.

FmHA funds could become available to fishermen whenever FmHA was notified by a State's department of marine resources, or other fisheries administration, that a red tide existed. Presently, disaster loans are granted under the current definition of natural disaster, primarily resulting from weather conditions. FmHA's objection on the grounds that Red Tide is not a natural disaster related to weather conditions is not entirely correct. Severe storms which cause heavy rainfall and high winds often cause severe flooding in areas like the Chesapeake Bay. The introduction of a large volume of fresh water can cause a decrease in salinity and can change the water temperature. This can have a profound effect on marine life.

For example, normal salt content of seawater is on the order of 25 to 30 parts per thousand. Below 14 parts per thousand, soft-shell clams and other bivalves cannot survive. As well, these temporary changes in ecology can cause the Red Tide to flourish. This has happened along the coast of Maine and in the Chesapeake Bay several times in recent years. Therefore, it is clear that weather conditions presently defined as a "natural disaster" for the purpose of FmHA regulations have caused the Red Tide. Logically, then, it would seem that fishermen affected by the Red Tide should be entitled to FmHA loans.

OMB's objection is money. They do not know how much this amendment would cost. Well, I do not know either, but it would certainly be insignificant compared to other expensive programs that this House passes every day. Furthermore, the cost of the Red Tide amendment would easily be absorbed within the framework of other costs. For example, FmHA has no way of knowing the financial impact of future hurricanes and tornadoes. The purpose of this legislation, however, is to help people in need. It was designed to protect the businessman and the workingman from economic hardships beyond their control. It makes little difference to a fisherman whether he is put out of work by an oil spill, by a hurricane, or by the Red Tide. He still would not make any money and his family still has to eat. If our responsibility is to help people in need, we should do it and not allow Federal assistance to be bottled up by bureaucratic excuses.

There is a basic question of congressional responsibility and authority raised by this incident. Does Congress run the bureaucracy or does the bureaucracy run the Congress? FmHA, OMB, and all other agencies and departments exist because the Congress has a job for them. We created them; we fund them; and they do what we want them to do. If they do not do what we want them to do, we have the authority to reorganize them or eliminate them. This is not a result of tyrannical rule but, rather, it is the culmination of our authority and responsibility as Representatives elected by the people to run the Government for them.

The Congress is well advised to listen to the recommendations of these agencies. However, the Congress must accept the responsibility for establishing policy and it must not abdicate that responsibility to the departments. People complain daily about an unresponsive bureaucracy. At election time, candidates and incumbents alike bemoan the bureaucracy and rhetorically ask why it has gotten out of hand. The abdication of congressional responsibility is the answer to that question. The solution is simple. The Congress must assert itself and accept the responsibilities that it has casually given away.

I wish that the conference committee had considered more carefully the need for this amendment. I wish that it had more thoroughly considered the plight of our Nation's fishermen. The conference committee did indicate that it would recommend to the Small Business Administration, SBA, that it make low-interest loans available to fishermen affected by the Red Tide. It remains to be seen, however, how many fishermen would qualify for SBA loans, since most fishermen are not incorporated as businesses and may not qualify for loans under the usual credit risk criteria. The conference report favors a study of the Red Tide by the Department of Agriculture.

In my opinion, Agriculture does not need to study Red Tide to determine whether or not it is a financial disaster for fishermen. We know that it is. A study of its financial impact on the budget might be warranted to insure sound fiscal management. Otherwise, such a study would probably cost more than the Red Tide provision itself would cost.

The gentleman from Florida (Mr. KELLY) is to be commended for his work to include an aquaculture provisions within the scope of this legislation. It is long overdue and will eventually be of great benefit to this budding industry. However, I must disagree with my colleague from Florida when he opposes a broader definition of aquaculture within this provision.

Within the scope of this bill, aquaculture is specifically defined as the "husbandry of aquatic organisms under a controlled or selected environment." This language is very vague. It is subject to a variety of interpretations. This is not surprising because aquaculture is a relatively new science. It is generally considered to be the growth and management of marine resources for human use. A very strict interpretation of this provision might limit aquaculture to planting, raising and harvesting of marine species by an individual in something close to laboratory conditions.

However, since man cannot duplicate a marine environment as efficiently as nature, practical aquaculture now and in the future will most likely be the management of growing and harvesting marine species in certain selected natural areas.

For example, oysters are raised in many locations along the eastern seaboard in what we generally refer to as oyster farms. Oysters are artificially seeded. Sometimes they are grown on wire racks and are hand-picked or dredged with sophisticated machinery. In other areas, experiments are being conducted with lobsters and shrimp by raising them to maturity in large tanks. And in other regions, hard-shell clams, soft-shell clams, and mussels are harvested from natural surroundings with management authority being shared between the conservation ordinances in coastal towns and the State department of marine resources.

The point is that each of these

methods, while varying in degree of management, are all forms of aquaculture—for in all cases, the resource is managed. Samples of seawater and samples of the species themselves are regularly checked for the presence of disease and for the rate of growth. Restrictions are established by law and by regulation as to season of harvesting and the amount of harvest. Commercial licenses are required for fishermen, dealers and processors alike, and extensive records are kept on the volume of the harvest and its financial value.

The point is that aquaculture is far too diversified to be simply defined and interpreted in the manner preferred by the gentleman from Florida (Mr. KELLY.) Furthermore, there are fledgling aquaculture industries throughout the United States—in Florida as well as in Maine—that may not be covered by Mr. Kelly's strict interpretation. This is why I was careful to include in my definition of Red Tide the three species of Red Tide organisms, including the Florida organism—*Gymnodidium breve*.

Although I am very disappointed that the conference committee did not accept my amendment, I will support its final passage because there is much in this legislation that is very necessary and beneficial to millions of people throughout the United States. I hope that this discussion will have, at least, made other Congressmen aware of the very severe Red Tide problem that our coastal districts face, and that when other Red Tide legislation is presented that you will better understand the need for its passage.

Mr. BAUMAN. Mr. Speaker, would the gentleman from Minnesota please yield further in view of the gentleman's response to the inquiry of the gentleman from Florida?

Mr. BERGLAND. Certainly.

Mr. BAUMAN. Mr. Speaker, I seem to recall in the answer to my specific question the "controlled environment" phrase that is in the bill covered the Chesapeake Bay, and the gentleman from Minnesota replied to that question that the entire Chesapeake Bay is involved in a strict fisheries management program by the State of Maryland, and that this would constitute an area that comes within that definition.

The gentleman from Minnesota has not changed his judgment in respect to that answer, has the gentleman?

Mr. BERGLAND. I have not changed my view. The question raised by the gentleman from Florida (Mr. KELLY) was as to whether or not we were going to cover oystermen on the high seas, and that definitely would not come within the purview of this definition. However, in my judgment and the judgment of the committee, the Chesapeake Bay would be a controlled environment.

Mr. BAUMAN. I thank the gentleman.

Mr. BERGLAND. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SEBELIUS. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 398, nays 0, not voting 36, as follows:

[Roll No. 431]

YEAS—398

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Aspin
AuCoin
Bafalis
Barrett
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bennett
Bergland
Bevill
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Carney
Carr
Carter
Casey
Cederberg
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Davis
de la Garza
Delaney
Dent
Derrick
Derwinski
Devine
Diggs
Dodd
Downey, N.Y.
Downing, Va.
Drinan
Duncan, Oreg.
Duncan, Tenn.
du Pont
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
Emery
English
Erlenborn
Esch
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fraser
Frenzel
Frey
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Green
Gude
Guyer
Hagedorn
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Hansen
Harkin
Harrington
Harris
Harsha
Hastings
Hawkins
Hayes, Ind.
Hays, Ohio
Hébert
Hechler, W. Va.
Heckler, Mass.
Hefner
Heinz
Helstoski
Henderson
Hicks
Hightower
Hillis
Hinshaw
Holland
Holt
Holtzman
Howard
Howe
Hubbard
Hungate
Hutchinson
Hyde
Ichord
Jacobs
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Keys
Kindness
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Latta
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
McCollister
McCormack
McDade
McDonald
McEwen
McFall
McHugh
McKay
McKinney
Madden
Madigan
Maguire
Mahon
Mann
Martin
Mathis
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Michel
Mikva
Milford
Miller, Calif.
Miller, Ohio
Mills
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
Ottinger
Patman, Tex.
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Pressler
Preyer
Price
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Richmond
Riegle
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Ruppe
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Satterfield
Scheuer
Schneebeli
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Shuster
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Thompson
Thone
Thornton
Traxler
Treen
Tsongas
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Waxman
Weaver
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—0

NOT VOTING—36

Ambro
Andrews, N.C.
Badillo
Baldus
Bell
Biaggi
Burgener
Burke, Calif.
Byron
Conyers
Crane
Danielson
Dellums
Dickinson
Dingell
Eshleman
Forsythe
Fulton
Horton
Hughes
Jarman
Jeffords
Landrum
Leggett
Litton
McClory
McCloskey
Macdonald
Matsunaga
Murphy, N.Y.
O'Neill
Passman
Quillen
Rose
Teague
Wright

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Litton with Mr. Landrum.

Mr. Matsunaga with Mr. Passman.

Mr. Ambro with Mr. Teague.

Mr. Baldus with Mr. Byron.

Mr. Biaggi with Mr. Andrews of North Carolina.

Mr. Danielson with Mr. Bell.

Mr. Fulton with Mrs. Burke of California.

Mr. Leggett with Mr. Dickinson.

Mr. Murphy of New York with Mr. Eshleman.

Mr. O'Neill with Mr. Horton.

Mr. Dingell with Mr. Burgener.

Mr. Badillo with Mr. Jarman.

Mr. Conyers with Mr. Macdonald of Massachusetts.

Mr. Dellums with Mr. Crane.

Mr. Hughes with Mr. Forsythe.

Mr. Rose with Mr. Jeffords.

Mr. Wright with Mr. Quillen.

Mr. McCloskey with Mr. McClory.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BERGLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on the Senate bill S. 555, and that I be permitted to revise and extend my own remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

PROVIDING FOR CORRECTIONS IN ENROLLMENT OF S. 555

Mr. BERGLAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 55) to correct an error in the enrollment of S. 555, and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES 55

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 555) to amend the Consolidated Farm and Rural Development Act, the Secretary of the Senate is hereby authorized and directed, in the enrollment of the said bill, to make the following correction, namely: Insert after the enacting clause the following: "That the Consolidated Farm and Rural Development Act (the act) is amended as follows:".

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE REPORT

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations have until midnight tonight, Friday, July 25, to file a report.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, may I ask the gentleman to repeat his request?

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations have until midnight tonight, Friday, July 25, to file a report.

Mr. Speaker, this was cleared by the senior Republican member, the gentleman from New York (Mr. HORTON), as a routine request.

Mr. ROUSSELOT. I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

IMMEDIATE ENACTMENT OF GRAIN EXPORT CONTROL ACT OF 1975 IMPERATIVE

(Mr. PEYSER. asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, yesterday afternoon the Department of Agriculture indicated that the Russian Government was now considering a purchase of an additional 10 million tons of grains from our country, wheat and feed grains.

Mr. Speaker, I think the time has come now to enact immediately the Grain Export Control Act of 1975. In effect, this is going to say that any grain deals that involved over 100,000 tons would have to have prior approval of the Secretary of Agriculture. If we do not take this kind of action, we are going to be faced with serious repercussions in this country on prices of food and overall inflationary impact. Everything will be effected by this additional type of purchase.

I hope we can act upon this measure promptly.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, if the gentleman would read the remarks which I have just inserted in the RECORD, I point out that it is very important we file a transportation plan for any large sales of grain, and that such a plan must be approved by the DOT. That can be an important factor, and so I hope the Members will keep that in mind.

Mr. PEYSER. I agree with the gentleman, but more important is the impact it will have on the public if this sale and additional sales go through without the knowledge of the Secretary of Agriculture.

IS THE CONSUMER AND THE FARMER BEING HAD—AGAIN?

(Mr. GOLDWATER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOLDWATER. Mr. Speaker, Lenin once remarked that the capitalist nations, out of their monetary greed and the blindness it causes, would sell the Communist nations the rope by which the Communists would hang them. "Rope," in the sense Lenin used the word, has many meanings. In my opinion part of that rope may well be the current grain sales to the Soviet Union.

We all know that massive grain purchases by foreign nations deny that grain to American domestic needs and directly influence the price of grain-related commodities such as flour and bread. We all know that the Soviet Union, détente and other appearances of friendly intentions notwithstanding, hides the true condition of its economy and agriculture and is fully capable of using international markets to further its own political aims.

To date the Russians have purchased 10.7 million tons of grain from U.S. grain dealers. The Department of Agriculture has admitted that it misjudged the potential Soviet crop yield and their intentions as far as the American grain market are concerned.

Alexandr Solzhenitsyn, in his speech to the AFL–CIO clearly told us that it is American technology, know-how, and productivity that is keeping the Communists in power and their system from collapsing from its own inefficiencies and failures. There is substantial evidence to support his statements.

Mr. Speaker, in my book America and her citizens come first. I therefore strongly urge the President and Secretary Butz to get a strong hold on this situation, watch it closely and keep the American people informed. We cannot afford another debacle in agriculture and I for one do not wish to sell the Russians any more rope.

PROTECTING ECONOMIC RIGHTS OF LABOR

Mr. THOMPSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5900) to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 5900, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, all time for general debate on the bill had expired. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

Mr. THOMPSON. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. ROUSSELOT. Mr. Chairman, reserving the right to object, will the gentleman from New Jersey (Mr. THOMPSON) give us some kind of assurance that those people who do in fact have amendments will not be prevented from offering them?

Mr. O'HARA. Mr. Chairman, regular order.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. ROUSSELOT. Mr. Chairman, reserving the right to object——

Mr. O'HARA. Regular order, Mr. Chairman.

The CHAIRMAN. The Chair intends to maintain regular order.

Is there objection to the request of the gentleman from New Jersey?

Mr. FORD of Michigan. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8(b)(4) of the National Labor Relations Act, as amended, is amended by inserting before the semicolon at the end thereof ": *Provided further,* That nothing contained in clause (B) of this paragraph (4) shall be construed to prohibit any strike or refusal to perform services or any inducement of any individual employed by any person to strike or refuse to perform services at the site of the construction, alteration, painting, or repair of a building, structure, or other work and directed at any of several employers who are in the construction industry and are jointly engaged as joint venturers or in the relationship of contractors and subcontractors in such construction, alteration, painting, or repair at such site, and there is a labor dispute, not unlawful under this Act or in violation of an existing collective-bargaining contract, relating to the wages, hours, or other working conditions of employees employed at such site by any of such employers and the issues in the dispute do not involve a labor organization which is representing the employees of an employer at the site who is not engaged primarily in the construction industry: *Provided further,* Except as provided in the above proviso nothing herein shall be construed to permit any act or conduct which was or may have been an unfair labor practice under this subsection: *Provided further,* That nothing in the above provisos shall be construed to prohibit any act which was not an unfair labor practice under the provisions of this subsection existing prior to the enactment of such provisos: *Provided further,* That nothing in the above provisos shall be construed to authorize picketing, threatening to picket, or causing to be picketed, any employer where an object thereof is the removal or exclusion from the site of any employee on the ground of sex, race, creed, color, or national origin: *Provided further,* That nothing in the above provisos shall be construed to permit any attempt by a labor organization to require an employer to recognize or bargain with any labor organization if another labor organization is lawfully recognized as the representative of his employees: *Provided further,* That a labor organization before engaging in activity permitted by the above provisos shall provide prior written notice of intent to strike or to refuse to perform services, of not less than ten days to all unions and the employer and the general contractor at the site and to any national or international labor organization of which the labor organization involved is an affiliate and to the Collective Bargaining Committee in Construction: *Provided further,* That at any time after the expiration of ten days from the transmittal of such notice, the labor organization may engage in activities permitted by the above provisos if the national or international labor organization of which the labor organization involved is an affiliate gives notice in writing authorizing such action: *Provided further,* That authorization of such action by the national or international labor organization shall not render it subject to any criminal or civil liability arising from activities notice of which was given pursuant to the above provisos: *Provided further,* That in the case of any such site which is located at any military facility or installation of the Army, Navy, or Air Force, or which is located at a facility or installation of any other department or agency of the Government if a major purpose of such facility or installation is or will be, the development, production, testing, firing, or launching of munitions, weapons, missiles, or space vehicles, prior written notice of intent to strike or to refuse to perform services, of not less than ten days shall be given by the labor organization involved to the Federal Mediation and Conciliation Service, to any State or territorial agency established to mediate and conciliate disputes within the State or territory where such site is located, to the several employers who are jointly engaged at such site, to the Army, Navy, or Air Force or other department or agency of the Government concerned with the particular facility or installation, and to any national or international labor organization of which the labor organization involved is an affiliate. The notice requirements of the preceding proviso are in addition to, and not in lieu of the notice requirements prescribed by section 8 (d) of the Act. In determining whether several employers who are in the construction industry are jointly engaged as joint venturers at any site, ownership or control of such site by a single person shall not be controlling".

PARLIAMENTARY INQUIRY

Mr. ERLENBORN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman from Illinois will state his parliamentary inquiry.

Mr. ERLENBORN. Mr. Chairman, the Clerk has just concluded reading section 1 of the committee amendment in the nature of a substitute.

The CHAIRMAN. The gentleman is correct.

Mr. ERLENBORN. Mr. Chairman, is it now in order to offer amendments to section 1 of the committee amendment?

The CHAIRMAN. The Chair desires to advise the gentleman that it is now in order to offer amendments to section 1.

AMENDMENT OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ERLENBORN: Page 4, lines 18 and 19, strike the following words: "a labor organization which is representing".

Mr. ERLENBORN. Mr. Chairman, this amendment is rather simple but, I think, quite important. Those Members who would care to follow the debate on this amendment might direct their attention to page 4 of the bill, lines 18 and 19. The amendment would strike the language, "labor organization which is representing."

This amendment removes this language for a very good reason. The proponents of H.R. 5900 claim that the bill only affects the construction industry and has nothing to do with manufacturing or industrial plants or their employees or their labor relations policies.

One of the conditions that common situs picketing be allowed is that the dispute does not involve an employer who is not primarily engaged in the construction industry. However, as the bill is written, it provides only that a dispute cannot involve an employer outside construction who is unionized or whose employees are represented by a labor organization.

I believe that the issues in dispute should be limited only to the construction industry, and it should not be implied that the issues in the dispute can involve a nonorganized employer outside the construction industry as well.

All this amendment does is to require that the issues of the labor dispute at a construction site do not involve the employees of an employer at the site who is not engaged primarily in the construction industry. This protects employees of employers who are not engaged in the construction industry whether or not they are represented by a labor organization.

It is a simple amendment that follows the alleged purposes of the bill by treating nonconstruction employers and employees equally.

Mr. Chairman, I urge its adoption.

As I pointed out yesterday in debate, this is the sort of thing that could happen if the bill is left in its present form, without this amendment. Take an industrial plant employing 1,000 people, if they decided that they wanted to paint a room in that plant and they entered into a contract with a unionized painting contractor with five employees at the site, if those five employees got in a dispute with the painting contractor, they could picket the entire site. If the picket lines were honored by, say, the Teamsters Union, that could shut down the factory, and those 1,000 nonunionized employees of the factory would be out of work because of a dispute between five painters and their painting contractor.

Mr. Chairman, that should not be allowed. It is not the stated purpose of the bill. The bill is very clearly, very craftily drawn so that there is a protection of the industrial employers and employees only if it happens that that plant is unionized.

I do not think that that is proper. I think the industrial employers and employees should be protected from common-situs picketing because it is not the purpose of the bill to extend common situs into the industrial situation.

Therefore, Mr. Chairman, I urge the adoption of the amendment.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. Yes; I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I thank the gentleman for yielding.

I have been trying for some time to raise a question which concerns me very deeply.

I was most interested yesterday in listening to the gentleman from Missouri (Mr. CLAY) because the situation in the northern part of the country, as I know it, is very different from the situation in other parts of the country, where better integration obtains.

I am a trustee of the Interracial Council of Business Opportunity in my State.

I was a partner in a minority construction firm. I know the problems of minorities and of small businesses trying to enter into the very lucrative and fine construction industry.

This is my question: What would happen to a nonunion subcontractor under the terms of this bill? Would he and his men, even though they were in very happy working arrangements among themselves, be forced to stop work if one of the organized unions at the site decided to strike?

Mr. ERLENBORN. I think there are two answers to that question.

First of all, if there is a mixed group of subcontractors, some organized, some not, and we have the common-situs picketing and a dispute arose between the unionized employees and their employer, they could close down the job site. The practical fact is that the construction could not be continued, because each of the crafts and each of the trades depends on the others. Therefore, I think, obviously, the nonunionized employees would have to cease work, from a practical standpoint.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. ERLENBORN) has expired.

(By unanimous consent, Mr. ERLENBORN was allowed to proceed for 3 additional minutes.)

Mr. ERLENBORN. Mr. Chairman, I think the additional answer that I would give the gentlewoman from New Jersey (Mrs. FENWICK) is that if this bill is adopted it will tend—and I think in a very short time—to accomplish the effect that every construction job will either be totally union-organized or totally unorganized. It is going to polarize the construction industry. Each job site will either be organized or not. We would not have a mixture of some employees organized and some not.

Mrs. FENWICK. Mr. Chairman, if the gentleman would yield further, I would like to ask the sponsor of the legislation a question.

Mr. ERLENBORN. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I would like to ask the gentleman from New Jersey whether the gentleman would be amenable to an amendment to this which would allow special consideration for small and minority firms who are trying to enter and establish themselves in the construction industry.

Mr. THOMPSON. Mr. Chairman, if the gentleman would yield, I would reply to the gentlewoman from New Jersey that I would be so amenable if I thought it necessary, but since I do not think it necessary and since there are protections existing in the law with specific protections relating to race, color, creed or national origin, or sex, in this legislation, I think that such an amendment would be redundant.

Mrs. FENWICK. Mr. Chairman, could the gentleman from New Jersey point out in the legislation the clause that will protect a minority business which may employ a great many people of different national origins? I see fine protection against discrimination on the grounds of race, but I am wondering about the nonunionized subcontractor, what protections are there?

Mr. THOMPSON. Mr. Chairman, the object of this legislation is not to protect a contractor; it is to protect workingmen.

Mrs. FENWICK. I am speaking of workingmen.

Mr. THOMPSON. Specifically, it prohibits any strike or picketing on account of race, color, creed, sex, or national origin.

Mrs. FENWICK. Of course, I am sure the gentleman from New Jersey (Mr. THOMPSON) knows that very few labor strikes are made on that basis.

Mr. THOMPSON. We want to be sure there is enough protection. I for one want to protect them, I do not want one strike on that cause.

Mrs. FENWICK. I am sure we have all accepted that legislation and applaud it.

Mr. THOMPSON. Mr. Chairman, may I suggest to the gentlewoman from New Jersey (Mrs. FENWICK) that she read other sections of the act, such as 8(a)(3), and 8(b)(2), and, of course, the related law, EEOC.

Mr. ERLENBORN. Mr. Chairman, I would like to recapture the use of my time, just briefly, because my time will soon expire.

I do hope we can focus attention on the pending amendment. I hope we can limit this bill to the construction industry as the sponsors have indicated it is their intention to do. I hope my amendment will be adopted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. THOMPSON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Illinois (Mr. ERLENBORN).

Mr. Chairman, I am grateful to my friend and colleague, the gentleman from Illinois (Mr. ERLENBORN) for the statement he made that this legislation is very carefully drawn. Although it is complicated in some ways, it is very precise and it is limited to an extremely narrow section of the National Labor Relations Act.

The amendment before us offered by the gentleman from Illinois (Mr. ERLENBORN), would undo agreements between the building trades and the industrial unions by in effect saying that construction unions would be prohibited to picket to protest the use of nonunion employees of an industrial employer who may come onto a job site to install machinery when construction trades claim the work.

The fact is that this narrowly drawn legislation is limited to construction sites and not to industrial situations where the very right to do what the gentleman has said already exists.

It is of course evident from reading the legislation that the independent unions have been specifically protected, and industrial unions doing the work that traditionally is assigned to construction unions.

I do not feel that the amendment is at all necessary. As a matter of fact, it really strikes at the heart of the Denver situation.

Mr. ERLENBORN. Mr. Chairman, would the gentleman yield?

Mr. THOMPSON. I will be glad to yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, I think I should clarify my amendment in that I believe I probably used an inaccurate example by saying a painting contractor going into an industrial plant.

I think it would be accurate to say that if there were an addition being put on the plant, the fact that it was a construction site, then the dispute between the construction employees and their employer could spread to the entire site only if it were an unorganized industrial plant, because there is a protection in here for the organized industrial plant.

Mr. THOMPSON. In that situation I think the gentleman knows that the General Electric gate case would specifically take care of that situation, in that, were there such a dispute, the construction workers would be limited to one gate, and the gentleman's amendment would not effect that.

Mr. ERLENBORN. Will the gentleman yield further?

Mr. THOMPSON. I yield to the gentleman.

Mr. ERLENBORN. Could the gentleman then explain why is protection necessary for industrial employees and the employer if they are organized? Why does he specifically put a protection in there for those who are organized?

Mr. THOMPSON. The purpose is specifically to protect those coming to the construction site, not to the industrial factory. That is the purpose. That is what the General Electric case holds.

Mr. ERLENBORN. Then would the gentleman explain why he would not want to extend the same protection to the unorganized, the nonunionized employees and employers?

Mr. THOMPSON. Because the purpose of this bill H.R. 5900 is to rectify the Denver situation, and the gentleman would undo that.

I strongly oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ERLENBORN).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ERLENBORN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 176, noes 223, not voting 35, as follows:

[Roll No. 432]

AYES—176

Abdnor
Alexander
Anderson, Ill.
Andrews,
N. Dak.
Archer
Armstrong
Ashbrook
Bafalis
Bauman
Beard, Tenn.
Bedell
Biester
Boggs
Bowen
Breaux
Brinkley
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Carter
Casey
Cederberg
Chappell
Clancy
Clausen,
Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collins, Tex.
Conable
Conlan
Conte
Crane
Daniel, Dan
Daniel, R. W.
Davis

Derrick
Devine
Downing, Va.
Duncan, Tenn.
du Pont
Edwards, Ala.
Emery
English
Erlenborn
Esch
Evins, Tenn.
Fenwick
Findley
Fish
Flynt
Fountain
Frenzel
Frey
Goldwater
Goodling
Gradison
Grassley
Gude
Guyer
Hagedorn
Hammerschmidt
Hansen
Harris
Harsha
Hastings
Hébert
Heckler, Mass.
Hefner
Henderson
Hightower
Hinshaw
Holt
Hubbard
Hutchinson
Hyde
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, Okla.
Jones, Tenn.
Kasten
Kazen
Kelly
Ketchum
Kindness
Krueger
Lagomarsino
Latta
Lent
Levitas
Lloyd, Tenn.
Long, Md.
Lott
Lujan
McCollister
McDonald
McEwen
McKinney
Mahon
Mann
Martin
Mazzoli
Michel
Milford
Miller, Ohio
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Mosher
Myers, Ind.
Myers, Pa.
Neal
Nichols
O'Brien
Pettis
Poage
Pressler
Preyer
Pritchard
Quie
Regula
Rhodes
Roberts
Robinson
Rose
Rousselot
Runnels
Ruppe
Sarasin
Satterfield
Schneebeli
Schulze
Sebelius
Shriver
Shuster
Sikes
Skubitz
Smith, Nebr.
Snyder
Spence
Stanton, J. William
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stuckey
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thone
Treen
Vander Jagt
Waggonner
Wampler
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Winn
Wydler
Wylie
Young, Alaska
Young, Fla.

NOES—223

Abzug
Adams
Addabbo
Anderson, Calif.
Annunzio
Ashley
Aspin
AuCoin
Barrett
Baucus
Beard, R.I.
Bennett
Bergland
Bevill
Bingham
Blanchard
Blouin
Boland
Bolling
Bonker
Brademas
Breckinridge
Brodhead
Brooks
Brown, Calif.
Brown, Mich.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Chisholm
Clay
Collins, Ill.
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniels, N.J.
de la Garza
Delaney
Dent
Diggs
Dingell
Dodd
Downey, N.Y.
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Evans, Colo.
Evans, Ind.
Fary
Fascell
Fisher
Fithian
Florio
Flowers
Foley
Ford, Mich.
Ford, Tenn.
Fraser
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Green
Haley
Hall
Hamilton
Hanley
Hannaford
Harkin
Harrington
Hawkins
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heinz
Helstoski
Hicks
Hillis
Holland
Holtzman
Howard
Howe
Hungate
Ichord
Jacobs
Jenrette
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jordan
Karth
Kastenmeier
Keys
Koch
Krebs
Lehman
Litton
Lloyd, Calif.
McCormack
McDade
McFall
McHugh
McKay
Madden
Madigan
Maguire
Mathis
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mills
Mineta
Minish
Mink
Mitchell, Md.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Morgan
Moss
Mottl
Murphy, Ill.
Murtha
Natcher
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Hara
O'Neill
Ottinger
Patman, Tex.
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Peyser
Pickle
Pike
Price
Railsback
Randall
Rangel
Rees
Reuss
Richmond
Riegle
Rinaldo
Risenhoover
Rodino
Roe
Rogers
Rooney
Rosenthal
Roush
Roybal
Russo
Ryan
St Germain
Santini
Sarbanes
Scheuer
Schroeder
Seiberling
Sharp
Shipley
Simon
Sisk
Slack
Smith, Iowa
Solarz
Spellman
Staggers
Stanton, James V.
Stark
Stokes
Stratton
Studds
Sullivan
Symington
Thompson
Thornton
Traxler
Tsongas
Udall
Ullman
Van Deerlin
Vander Veen
Vanik
Vigorito
Walsh
Waxman
Weaver
Whalen
Wilson, C. H.
Wilson, Tex.
Wirth
Wolff
Yates
Yatron
Young, Ga.
Young, Tex.
Zeferetti

NOT VOTING—35

Ambro
Andrews, N.C.
Badillo
Baldus
Bell
Biaggi
Burke, Calif.
Conyers
Danielson
Dellums
Derwinski
Dickinson
Eshleman
Flood
Forsythe
Fulton
Horton
Hughes
Jeffords
Kemp
LaFalce
Landrum
Leggett
Long, La.
McClory
McCloskey
Macdonald
Matsunaga
Murphy, N.Y.
Passman
Quillen
Roncalio
Rostenkowski
Wright
Zablocki

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DELLUMS. Mr. Chairman, I was unavoidably detained due to official business concerning my district. I am not recorded on rollcall No. 432, the vote on the Erlenborn amendment. Had I been present I would have voted "no."

AMENDMENT OFFERED BY MR. ESCH

Mr. ESCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. ESCH: Page 5, line 13, immediately after the colon insert the following: "*Provided further*, That nothing in the above proviso shall be construed to permit any picketing of a common situs by a labor organization where a State law requires that separate bids and direct awards to an employer in conformity with the requirements of applicable State law, and such State and employer are not to be considered joint venturers, contractors and subcontractors in relationship with each other or with any other employer at the common site."

Mr. ESCH. Mr. Chairman, it is important to recognize the intent of this law, and I would like to explain it for the membership.

In some States, law requires public agencies to advertise for bids for each specific type of work to be done in the construction of a public facility and the contracts to be awarded in each case to the lowest responsible bidder. The successful contractors clearly are not in a contractor, subcontractor or joint venture relationship. They have no power to resolve disputes between unions and other contractors on the job. However, the pending bill would permit such contractors to be considered as being in such relationship.

Secretaries Shultz and Dunlop have both stated that this language should be changed to protect general contractors and subcontractors operating under State laws requiring direct or separate contracts on State and municipal projects.

This amendment specifically provides that such contractors are not to be regarded as joint venturers with each other or with the public agency which awarded the contract.

The proponents of the bill claim that H.R. 5900 does not apply to States where this type of State law is applicable. But since they agree that H.R. 5900 should not apply in these situations where State law requires separate bids. I would think it would be appropriate to resolve any doubt by this legislative language.

Mr. Chairman, my amendment regarding this matter was rejected in subcommittee since it was considered too broad; but since that time I have limited it to State law, and I would urge its adoption. The bill will have a direct impact on many Members here and a disruptive impact in relation to State law, and unless this amendment is accepted there will be great disruption in regard to State law. So if indeed the makers and developers of H.R. 5900 think that these should not apply to such situations, then surely, they should accept this amendment of clarification.

Mr. THOMPSON. Mr. Chairman, I rise in opposition to the amendment.

I think that the effect of this amendment is redundant when one considers that in the report, on page 17 and page 22, it specifically sets forth that the bill H.R. 5900 does not apply in the circumstances, as the various employees would not be jointly engaged in the project because the State law would in effect nullify other consequences which would flow otherwise from the commonality of purpose and operations.

The legislative history makes it clear that H.R. 5900 would not apply in the face of State law. We have legislation before us which is very clear. Some people think that it is already too verbose; I do not think that.

The effect of this would just be to add to, and to in effect balkanize the labor-management situation in the United States.

In the original debate on the National Labor Relations Act in 1947, the late Senator Robert Taft, Sr., emphasized the need for a national labor policy. We have gone beyond that a bit by specifically exempting from H.R. 5900 States which have these laws.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON. I yield to the gentleman from New York.

Mr. CONABLE. Mr. Chairman, I thank the gentleman, and I understand the statement he is making.

I personally support this amendment. It is a clarifying amendment.

Mr. Chairman, New York is one of these States so affected. The gentleman from New Jersey (Mr. THOMPSON) wrote to the Builders Exchange of Rochester, which is in my area, and stated his position, and I believe this is expressive of what he is now saying. He stated as follows:

> It was not my intent when introducing the bill to have it apply when state law requires separate prime contractors, each submitting separate bids for different parts of the work. That has been the understanding of all the parties most closely concerned when similar bills were considered in the

> past. They are not "in the relationship of contractors and subtractors"; and we never considered them to be "jointly engaged as joint venturers".

Mr. Chairman, is that still the gentleman's position on this measure?

Mr. THOMPSON. Mr. Chairman, that is precisely my position, I will say to the gentleman.

Mr. CONABLE. And yet the gentleman feels that an amendment such as the one being offered by the gentleman from Michigan (Mr. Esch) in some way changes this understanding of the bill that he has submitted?

Mr. THOMPSON. It does not add anything. I say respectfully to my colleague, the gentleman from Michigan, that this amendment is simply redundant.

Mr. CONABLE. Mr. Chairman, I do not see any objection to the amendment as it stands. I thank the gentleman from New Jersey for permitting his clarifying statement to be introduced in the Record.

Mr. THOMPSON. Mr. Chairman, I thank the gentleman for the opportunity to restate my position.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON. I yield to the gentleman from Michigan.

Mr. O'HARA. Mr. Chairman, I think the amendment is more than redundant. I think it creates some problems.

We point out in the bill that H.R. 5900 only applies when several employers in the construction industry are jointly engaged at the site of the construction, and so forth. We say that single ownership or the same ownership of the various places of work will not be determinative. So in each case we would have to look at whether or not the several employers on a particular site were jointly engaged in a common work.

What the Esch amendment does is this: It introduces into this concept that State law is controlling and if a State has a particular kind of law, that means one thing as to whether or not they are jointly engaged. If a State does not have that kind of law, they would apply different tests to see whether or not they are jointly engaged.

That seems to me to be a very bad idea, because we will get into the same situation that we got into in section 14 (b) where the States are enacting different laws. We are better off to just leave the straight-out test in, the test that is in the bill, and then no common situs picketing will be permitted unless the employers involved are engaged in a joint venture or as contractor and subcontractor.

Mr. Chairman, I think the Esch amendment just confuses the issue.

Mr. ASHBROOK. Mr. Chairman, I move to strike the requisite number of words.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Michigan.

Mr. ESCH. Mr. Chairman, I appreciate the gentleman's yielding, because I want to say that this is the specific problem. Nowhere in this particular bill, H.R. 5900, is "joint venture" defined.

Because "joint venture" is not defined, it is unclear as to what the relationship will be with the various State laws which may come in conflict with H.R. 5900.

What the other gentleman from Michigan (Mr. O'Hara) has just implied is that, indeed, they will be taken up on a separate basis. Therefore, the States will be left with a great deal of doubt.

One of two ways in which to clarify it would be to accept the amendment about a joint venture and making it more explicit, or, instead, taking our amendment which I believe clarifies the real purpose of the gentleman from New Jersey (Mr. Thompson), the subcommittee chairman, as to the intent of H.R. 5900.

Mr. THOMPSON. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I will be glad to yield to the gentleman from New Jersey.

Mr. THOMPSON. I refer to page 15 of the report, the first paragraph, in which it states, and this takes care of the joint venture question:

> H.R. 5900 is limited to individuals employed by persons in the construction industry, and permits strikes only against any of several employers in the construction industry who are "jointly engaged as joint venturers or in the relationship of contractors and subcontractors." Employers are "jointly engaged" as joint venturers when the work each contracts to perform is directly related to the work contracted for by the other as part of an integrated building, structure or other work; and the employees of one perform work related to the other.

I cannot see anything that makes it more clear or that would take care of the gentleman's amendment better than that language.

I might add that that language was worked out in cooperation with my distinguished friend, the gentleman from Michigan.

Mr. BEDELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to try to get some clarification as to both what is done by this bill and what is done by this amendment.

My understanding was that in the committee report and in the statement made by the chairman in the Record, that as to the 10 States which now have laws which require separate prime contractors, this law would not apply in those cases. Is that correct?

Mr. THOMPSON. If the gentleman will yield, the gentleman is exactly correct.

Mr. BEDELL. Does the gentleman from Michigan (Mr. O'Hara) recognize that, because I understood from his statement that he felt that was not the situation?

I think we need to have it very clear as to just what type of legislation we pass here.

Mr. O'HARA. If the gentleman will yield, I do not know what all of the State laws say. I suppose there are some differences between them.

I am just saying that we already have a test in the bill. If there is a State law that clearly spells out the fact that the people involved on the site are not jointly engaged as joint venturers or have the relationship of contractors and subcontractors, then, clearly, they would not be affected by the bill.

I do not know what all the State laws say. I think that by introducing the subject to State law into the thing, the gentleman has raised a lot of questions.

Mr. BEDELL. I agree with the gentleman from Michigan (Mr. O'Hara), and I am very disturbed over this legislation for exactly that reason, because it is my understanding from the committee staff that the law applies to everyone excepting those people wherein there are State laws requiring separate prime contractors.

I am very disturbed that we are trying to do something to bring about equality and that what we are doing, according to the interpretation, if I understand it, is that we are saying that the law applies one way to those States which have laws requiring separate prime contractors and in a different way to those States who do not require separate primes, and in still a different way to those people not engaged in public projects, wherein there are separate prime contractors.

Is this correct?

Mr. O'HARA. The point of the matter is that we ought to have one uniform test that applies to all public construction contracts. The test applies uniformly to all without regard to State law, and the test in each case, without regard to State law, would be are they engaged in a joint venture as contractors or subcontractors. I think it is better to do it that way than to try to write in some exception for State laws, which would then make the test different from State to State.

Mr. BEDELL. I hope the Members will listen to what is considered as a joint venture, because it is very important, I think, as we look at this legislation. In my area it is customary on larger jobs to have several prime contracts. Specifications are drawn up separately, and at the same time the bids are opened a number of people bid on the electrical contract, a number of people bid on the mechanical contract, a number of people bid on the general contract, and so on. Those people do not know who the other bidders are, or what they will bid, or who will get those other contracts.

As I understand this bill, it says that those people are all then joint contractors, and if the employees of any one of those contractors have a dispute with other employees, then they picket the whole job and the person who would have no correlation with that other contractor, then he and his employees are prevented from going to work.

If we are after fairness then it seems to me that this indeed does not establish fairness. I want fairness the same as everyone else does. The committee report says that what I said is exactly true excepting in those cases where they require prime contracts and make exception for that. If indeed we are going to make exceptions where they are required then it seems to me the exception should be made universally. It is not proper to discriminate against a private school who has issued separate prime contracts as compared to a public school that issues separate prime contracts.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate the gentleman for Iowa yielding, and while I think the gentleman has accurately stated the problem, I have an amendment that, at the conclusion of the debate and vote on the amendment offered by the gentleman from Michigan (Mr. ESCH)—and I hope the Esch amendment is adopted—I intend to offer, which attempts to deal with the very issue the gentleman from Iowa raises.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. BEDELL was allowed to proceed for 2 additional minutes.)

Mr. STEIGER of Wisconsin. It seems to me, Mr. Chairman, that if we are dealing with equity in terms of impact on the construction site then we have to look at it not just in terms of State law, but in fact how the authority, whatever kind of authority it may be, arrives at who is to be on the site. And in the case of whatever site, a private institution such as the YMCA, or a municipal government, or a county government, if they have a separate prime contract and then separate bids and separate specifications for heating, cooling, ventilating, tiling, or whatever else they want to put on that site, they, it seems to me, ought not be bound in this morass of having the whole site shut down when, in fact, they are very separate and distinct contractors.

Mr. FORD of Michigan. Mr. Chairman, if the gentleman will yield I think it is important to understand that the State laws to which we have been referring, and to which the gentleman from Michigan (Mr. O'HARA) has been referring, are not labor laws, they are laws that have been passed in the States and they are laws requiring separate contracting for the purpose of facilitating the regulating auditing expenditures of public funds.

They were not enacted by the States as labor laws. Therefore we do not believe that the States will start passing laws all over the country requiring separate contracts.

Mr. BEDELL. Mr. Chairman, I understand what the gentleman from Michigan says, but I do not really think it applies to my concern because, whether incidental or not, those laws are in effect, and if we intend either through this amendment or through the committee report that the language should also apply to those States who, incidentally, have such laws, then it is hard for me to justify the fact that it should apply to the others.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would direct a question to the gentleman from Iowa because I think he had been very perceptive, and I would also respond to something my colleague, the gentleman from Michigan, just said. I do not believe in those 10 states referred to we find a situation where this bidding procedure has been established for reasons as suggested by Mr. Ford. It has been a pattern in the States which has proven successful to deal with a number of primes rather than with one large contractor, to minimize the chance of one large default, divide the areas of control and supervision, which do not relate to accounting, which have made this practice very beneficial.

I would say on the other side the unions operate exactly the same way. We do not have one large construction union; we have a number of separate unions. The unions, in fact, in our locality for the most part would rather deal with a subcontractor rather than with one large prime. So this practice has not evolved strictly on a basis of accounting. It is the practice of the trade, and I think the language in the report on H.R. 5900 is susceptible to capricious interpretation. I would say to the gentleman from Iowa I think he put his finger right on the problem and in a very articulate way especially in separating the various classes and situations where we may have problems.

Quite frankly, this is one of the many reasons I oppose this bill. I think it very definitely opens up State public works bids and contracts to a very, very chaotic result if this legislation passes without language such as my colleague, the gentleman from Michigan, has offered. I support the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have just looked at this again and read the report language. It does seem very clear to me that the problems that are being raised are covered by the report, but the gentleman from Iowa raises a question of the separate operations in a building site, no matter whether there are two or three prime contractors. I think one of the issues that is involved here is that on a building site one may have one or two or three prime contractors, but they become an integral operation. They really are all working together. One cannot proceed without the other. Consequently, I see nothing wrong with what this legislation it is just equality in giving the same fairness to the construction trades that the industrial unions now have already. This is where I think we ought to register our thinking and not look on prime contractors as though each one can operate on a building site without the others, because they cannot operate without the others.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Iowa.

Mr. BEDELL. I thank the gentleman for yielding.

If, indeed, they cannot operate without the other, then there is no need for this legislation, because if, indeed, they cannot operate one without the other, and the one goes on strike, then, indeed, they cannot operate, and the one who went on strike accomplishes what he wishes to accomplish. The concern I have is that it appears to me that this legislation is discriminatory, certainly in terms of the committee report, in that it said that the legislation would not apply in this instance to those States which, indeed, have these laws requiring the separate contracts, but it would apply where it was not required, and it would apply to private construction, so that if it were a YMCA or a private hospital or a private school, it would apply, but it would not apply to public buildings in those 10 States which have this.

Mr. PEYSER. That type of regulation on bidding, of course, applies whether we have got this kind of legislation or not. I think the gentleman from Michigan answered the point, and the gentleman from New Jersey pointed out in the report how this section is handled and is responded to.

I just want to address the main issue of this, looking on these contractors and subcontractors all as though they are individuals and should not be affected by the action of another union within that building trades. I think that they are one organization working, once they are on a site, so if there is a legitimate concern for a strike, under the regulations then they ought to be able to strike, and it would affect all the people working on the site exactly as it would in an industrial plant. I strongly support the passage of H.R. 5900 without further amendment.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it seems to me that the purpose of this legislation is to bring equity. The purpose is not to assist construction unions because they are weak.

They are strong enough so that they have good wages. The question is equity. It seems to me that the report with the language on page 22 using reference to those 10 States is a matter of bringing equity. What it seems to me causes confusion in the legislative history is if it might appear for instance a city which would have adopted the same kind of procedure for four separate contracts in its construction would not also be excluded as those 10 States. Some cities are larger than many States in the Union. If there is going to be equity, we would have to read the language of the bill, which incidently does not specify States, as not only including those 10 States but cities as well.

I think the gentleman from Iowa brings up a good point. But I do not see how anybody can construe the legislation to mean we would treat similar separate contracts differently. I do not see why the gentleman from New Jersey does not answer it that way. It is beyond me why he has not answered it that way. The gentleman from Michigan (Mr. O'HARA) attempted to and tried to stay away from the question whether those 10 States would or not, but tried to say all would be treated alike.

But it seems to me if there is to be equity the bill does not treat States' laws differently from a similar situation in other governmental entities.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, is it correct or is it incorrect that for the 10 States who now have laws requiring separate primes, this law is not intended to apply to those public sites wherein there are separate public prime contracts?

Mr. QUIE. That is my understanding.

Mr. BEDELL. It would not apply in those States?

Mr. QUIE. It would not apply and the Moore Drydock standards would apply, or the bill would not apply and the Moore Drydock standards would then apply as under the pesent law.

Mr. BEDELL. The difficulty I have is if we acknowledge in those cases that the law would not apply, it is difficult for me to understand then why the law should apply to exactly the same cases in States which do not happen to have those laws or why it should apply to a private college in those States but not to a public college in those States or why it should apply to a public hospital but not to a private hospital in those States. It seems to me that it would appear to be discriminatory.

Mr. QUIE. It seems to me when it is done by any public entity, a city or a county, it would apply the same as in the 10 States. The question comes if an individual who is building a store decides to circumvent the law when in fact the contractors maybe jointly engaged as joint ventures or as contractor/subcontractor that is where the board comes in to make a decision whether they are circumventing the law or not. But when the situation is exactly the same as it is in the ten States, whether it is a State or college or county or city, that it seems to me is the same situation as the 10 States in the report.

Mr. BEDELL. Can we have that clarified by the Chairman? I would like to have that clarified.

Mr. THOMPSON. Mr. Chairman, I do not consider that the public and the private are the same. The economic realities are that the State in building a public building has a law which applies only to public buildings as distinguished from a manufacturing corporation which is not so constrained. The situation is not analagous.

Mr. BEDELL. If the State did not have this law requiring separate primes, if a community went to build a building in a different State other than these 10 and get separate prime contracts on that building and then this law would apply to that construction site—or would it not apply?

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(By unanimous consent, Mr. QUIE was allowed to proceed for an additional 2 minutes.)

Mr. QUIE. Mr. Chairman, let me ask one question, if I might, before the gentleman from New Jersey answers and then I will yield.

It seems to me it is whether the political subdivision or the State circumvents the law. This means that the owner of the property does not circumvent the law if they have done as those 10 States have done as a means to best expedite their construtlon and handle their own financial matters. This is the question that the board would have to decide, that if the situation is exactly like in those 10 States, then it would be equity and it would be done as in those 10 States.

Mr. Chairman, does the gentleman from New Jersey agree with that?

Mr. THOMPSON. Mr. Chairman, I agree with that. When I answered the questions of the gentleman from Iowa (Mr. BEDELL) with respect to the private institution and having separate prime contracts, in those circumstances the separate contractors are joint venturers and would be affected by H.R. 5900.

Mr. BEDELL. Mr. Chairman, if the gentleman will yield further, I would like that to be sure to be in the RECORD.

Mr. QUIE. Mr. Chairman, I yield to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, what troubles me in what the gentleman from Minnesota just said, if we are going to leave it to the board to decide whether these separate prime contracts had been issued merely to circumvent the law, rather than defining what we mean by the law here and now when we have a chance to do so as to what is a joint venture and what is not a joint venture, then all we are doing is creating a situation where we will be casting upon the board literally thousands of cases for adjudication.

Mr. QUIE. Mr. Chairman, I say to the gentleman, whether they are joint venturers or contractors and subcontractors, is the decision and that they are working on the site in construction and their work relates to each other. All the factors of the bill relate to each other.

Mr. THOMPSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Minnesota in his last answer is correct and has modified my earlier answer that the whole question in the final analysis is whether or not they are joint venturers. If they are joint venturers, as determined by the language in the report and by the board, then they are covered under H.R. 5900. If they are not joint venturers, they are not covered.

Mr. ERLENBORN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think in making this legislative history which the court may someday look to to interpret the intention of Congress, I would like to point out that the bill has two tests, looking at lines 11 and 12. The first is if the people are "jointly engaged as joint venturers." Nowhere in the act is joint venturers defined.

I think there is a classic definition of joint venturers that would apply in the absence of any definition in this act to the contrary. So in my opinion, joint venturers will be what joint venturers always have been. They will be those that are sharing the risk, sharing the profit. That is the traditional, classic definition of joint venturers. In the absence of any different definition in the act, I think the court would be constrained to follow the traditional or classic definition.

The other test is whether the people are "in the relationship of contractors and subcontractors in such construction."

Now, in trying to placate those who are in States where there are laws requiring the separate letting of contracts for the different parts of construction in public construction jobs, one of the questions and answers in the report says no, of course, this law would not apply in those States.

Again, there is nothing in the law that differentiates between those States and other States. There is nothing in this bill that differentiates between public and private, and in my opinion, if a private owner lets separate prime contracts so that there then is no relationship of contractor and subcontractor on the job site, this act will not apply. We cannot let this legislative history which we are making here today change anything that is clear in the act.

The Court will not construe it to change what the clear wording of the act says. So, these two tests will apply, public or private, whether it is one of those 10 States or some other State. They are either going to be traditional, classic joint venturers or contractors and subcontractors, and if none of those conditions apply at the job site, no common situs picketing can be engaged in no matter what kind of contrary history we make in our speeches here today.

Mr. FORD of Michigan. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, the gentleman who has just spoken has illustrated better than all the other debate what our problem is. He looks for a simple kind of explanation that we could construct here that would meet all possible relationships that might arise in the future. It cannot be done. We have to use plain, ordinary commonsense to determine what is meant by a joint venturer, and this legislation does not use any so-called "traditional definition of joint venturer."

When talking in terms of financial transactions, lawyers can easily construct the definition of a joint venturer. The employers can be engaged in a joint venture and have absolutely no financial connection one to the other.

That is very important to understand. They can be completely financially independent. One can be a profitmaking organization and one a nonprofit-making organization. The fact that they do or do not have an interdependence on the financial level does not necessarily make up a part of the joint venture. Obviously, if they are jointly owned by somebody, then that would be the traditional definition of joint venturer that would fit, but as used in this legislation they are engaged in a joint venture if they are working at the same site on the same project, and they need not have been hired by the same persons.

We might have an electrical contract broken into three different parts on a building such as the new building at the Madison Library, and none of those three electrical contractors might know anything at all about the other man's contract, but once they come to that job and become interdependent because they are all a part of the joint venture of building the library, at that point they become subject to application of this act. There is no financial entanglement test necessary.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, the report says:

> H.R. 5900 was interpreted so as not to apply when *state law* requires separate bids, as the separate contractors would not be "jointly engaged as joint venturers or in the relationship of contractors and subcontractors".

If that indeed is the case, they would not be jointly engaged in joint ventures, I presume, after they had separate contracts. Then, if that is in the report, it would seem to me that would be equally true whether it be a religious school or religious hospital or public building.

Mr. FORD of Michigan. The gentleman keeps coming back to it. The gentleman is wrong, and the record should show that he is wrong. He has repeated this several times.

The reason for the 10 States having a law has nothing to do with labor-management negotiations. It has to do with what that State believes to be a necessary law to guarantee that the expenditure of public moneys can be accounted for in a particular way, and they not only require that public institutions contract in a particular fashion, but they specify that the several contractors cannot, under the table, have a financial connection one with the other. Those laws were written to try to guarantee the integrity of the expenditure of public funds.

That is why they do not apply to private colleges and to churches and others. States do not have a constitutional power to limit activities of institutions that are not State institutions, and we would not want to do that here. There is no way that we, through this law, can extend State laws that were not passed for the purpose of establishing collective bargaining on labor relations situations to nonpublic institutions.

The purpose of those laws is to limit the activity of public institutions in expending public funds so that it is done in a particular way and it can be accounted for. All the exemption is in here for it is so that we do not inadvertently create a situation that flies in the face of that State law.

If the State tries to play games, and not for the purpose of financial integrity, but to get around the provisions of this act, as the gentleman from Minnesota (Mr. Quie) said, I am sure our committee will come back to the floor for further legislation.

We have no evidence that States have played games. That is not their purpose.

Mr. CONABLE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, for reasons that are not entirely clear to me, what seemed to be a fairly straight-forward statement on the part of the gentleman from New Jersey at the outset of the discussion of this amendment has now been adequately muddied. So I think the appropriate thing to do is to support the amendment and leave no doubt as to what the intention of the parties are in respect to join venture where there are separate contracts let under State law.

I urge the support of this amendment.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Michigan a moment ago was talking about an exemption in here for those states that have separate bid letting for public construction. There is no exemption in the bill.

The gentleman from Minnesota was saying if they do have this arrangement of having separate prime subcontractors for the purpose of getting around this law, the board will not allow that. That is also inaccurate.

I think the bill is clear. For this act to apply you must have a relationship of joint venturer—and there is a classic, traditional definition for that—or the relationship of contractor and subcontractor.

Whether it be public or private in those 10 States, or any other State referred to in the majority report, if one of those two conditions does not exist at the site, common situs picketing cannot be used.

I think there is an awful lot of confusion being created in a legislative effort to allow a court or board to interpret this differently. I do not think these statements can change the clear language of the bill.

Mr. THOMPSON. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman.

Mr. THOMPSON. I thank the gentleman for yielding.

I would like to go back to the colloquy resulting from a letter which the gentleman read and which I restate. I am sorry the gentleman got to the point where he is in effect saying if the Members are sufficiently confused, then vote for the amendment.

The gentleman from Illinois reminds me somewhat of the decision by the late Mr. Justice Frankfurter, in the simplicity of his explanation: One word, one meaning.

It is that simple. I think it is perfectly clear in that regard.

Mr. CONABLE. Mr. Chairman, if I may reclaim my time, I will say to the gentleman from New Jersey that there are other definitions as so what constitutes a joint effort here, a joint economic interest, that are also extremely confusing, and I think one way to cut the Gordian knot here is to make sure the amendment is supported.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Ohio.

Mr. ASHBROOK. The gentleman from Iowa (Mr. Bedell) in reading the report, on page 17, noted the important words,

> H.R. 5900 was interpreted so as not to apply when state law requires separate bids...

Now, if you think that is something to hang your hat on, I will ask: Interpreted by whom? Interpreted by one Member? Interpreted by the staff? Interpreted by this entire body?

I think we all know that one Member's opinion is a long way from law and one statement in the report is a long way from law. To reiterate what the gentleman from Illinois said, to hang your hat on a statement in the report which states how H.R. 5900 is to be interpreted is not a very good way of legislating and is not a very good way of assuring some uniformity in the situation the gentleman describes.

Mr. Chairman, that is again one of the basic reasons why I find myself in opposition to this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. Esch).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ESCH. Mr. Chairman, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 229, noes 175, not voting 30, as follows:

[Roll No. 433]

AYES—229

Abdnor
Alexander
Ambro
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
AuCoin
Bafalis
Bauman
Beard, Tenn.
Bedell
Bennett
Bergland
Biester
Blouin
Bowen
Breaux
Breckinridge
Brinkley
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Carter
Casey
Cederberg
Chappell
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collins, Tex.
Conable
Conlan
Conte
Cornell
Coughlin
Crane
D'Amours
Daniel, Dan
Daniel, R. W.
Davis
Derrick
Devine
Dickinson
Dodd
Downey, N.Y.
Downing, Va.
Duncan, Oreg.
Duncan, Tenn.
du Pont
Early
Edwards, Ala.
Emery
English
Erlenborn
Esch
Evans, Ind.

Evins, Tenn.
Fenwick
Findley
Fish
Fithian
Flowers
Flynt
Ford, Tenn.
Fountain
Frenzel
Frey
Fuqua
Goldwater
Goodling
Gradison
Grassley
Gude
Guyer
Hagedorn
Haley
Hamilton
Hammerschmidt
Hannaford
Hansen
Harkin
Harsha
Hastings
Hébert
Hechler, W. Va.
Heckler, Mass.
Hefner
Heinz
Henderson
Hightower
Hinshaw
Holland
Holt
Howe
Hubbard
Hutchinson
Hyde
Ichord
Jacobs
Jarman
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kasten
Kelly
Ketchum
Kindness
Krueger
LaFalce
Lagomarsino
Latta
Lent
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, Md.
Lott
Lujan
McCollister
McDonald
McEwen
McKay
McKinney
Madigan
Mahon
Mann
Martin
Mazzoli
Michel
Milford
Miller, Ohio
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Mosher
Myers, Ind.
Myers, Pa.
Neal
Nichols
Nolan
Nowak
O'Brien
Pattison, N.Y.
Pettis
Pike
Poage
Pressler
Preyer
Pritchard
Quie
Railsback
Randall
Rees
Regula
Rhodes
Rinaldo
Risenhoover
Roberts
Robinson
Roe
Rogers
Rose
Roush
Rousselot
Runnels
Santini
Sarasin
Satterfield
Schneebeli
Schroeder
Schulze
Sebelius
Sharp
Shriver
Shuster
Sikes
Simon
Skubitz
Smith, Nebr.
Snyder
Spence
Stanton, J. William
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thone
Thornton
Treen
Tsongas
Ullman
Van Deerlin
Vander Jagt
Waggonner
Wampler
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Winn
Wolff
Wydler
Wylie
Young, Alaska
Young, Fla.

NOES—175

Abzug
Adams
Addabbo
Anderson, Calif.
Annunzio
Ashley
Aspin
Barrett
Baucus
Beard, R.I.
Bevill
Bingham
Blanchard
Boggs
Boland
Bolling
Bonker
Brademas
Brodhead
Brooks
Brown, Calif.
Brown, Mich.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Chisholm
Clay
Collins, Ill.
Corman
Cotter
Daniels, N.J.
de la Garza
Delaney
Dellums
Dent
Diggs
Dingell
Drinan
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Evans, Colo.
Fary
Fascell
Fisher
Flood
Florio
Foley
Ford, Mich.
Fraser
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Green
Hall
Hanley
Harrington
Harris
Hawkins
Hayes, Ind.
Hays, Ohio
Helstoski
Hicks
Hillis
Holtzman
Howard
Hungate
Jenrette
Johnson, Calif.
Jones, Ala.
Jordan
Karth
Kastenmeier
Kazen
Koch
Krebs
Lehman
McCormack
McDade
McFall
Macdonald
Madden
Maguire
Mathis
Matsunaga
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mineta
Minish
Mink
Mitchell, Md.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Morgan
Moss
Mottl
Murphy, Ill.
Murtha
Natcher
Nedzi
Nix
Oberstar
Obey
O'Hara
O'Neill
Ottinger
Patman, Tex.
Patten, N.J.
Patterson, Calif.
Pepper
Perkins
Peyser
Pickle
Price
Rangel
Reuss
Richmond
Riegle
Rodino
Roncalio
Rooney
Rosenthal
Rostenkowski
Roybal
Ruppe
Russo
Ryan
St Germain
Sarbanes
Scheuer
Seiberling
Shipley
Sisk
Slack
Smith, Iowa
Solarz
Spellman
Stanton, James V.
Stark
Steed
Stokes
Stratton
Thompson
Traxler
Udall
Vander Veen
Vanik
Vigorito
Walsh
Waxman
Weaver
Whalen
Wilson, C. H.
Wilson, Tex.
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NOT VOTING—30

Badillo
Baldus
Bell
Biaggi
Clancy
Conyers
Danielson
Derwinski
Eshleman
Forsythe
Fulton
Horton
Hughes
Jeffords
Johnson, Pa.
Kemp
Keys
Landrum
Leggett
Long, La.
McClory
McCloskey
McHugh
Mills
Murphy, N.Y.
Passman
Quillen
Staggers
Wirth
Wright

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ESCH

Mr. ESCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Esch: Page 5, line 8, immediately after the colon insert the following:

Provided further, That nothing in the above provisos shall be construed to authorize picketing, threatening to picket, or causing to be picketed, any employer where an object thereof is to cause or attempt to cause an employer to discriminate against any employee, or to discriminate against an employee with respect to whom membership in a labor organization has been denied or terminated on some ground other than his failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership:

Mr. O'HARA. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Michigan (Mr. O'Hara) reserves a point of order.

The Chair recognizes the gentleman from Michigan (Mr. Esch).

Mr. ESCH. Mr. Chairman, I think this is perhaps the most important amendment which may be offered to this legislation today, and I would like to have the Members' attention, if I may.

Mr. Chairman, as I stated in my supplemental views, a most important consideration in H.R. 5900, which should be clarified, is the inherent right of individuals to not join labor organizations. It should be made clear that it is not the intent of H.R. 5900 in any way to derogate the right of an individual not to join a union. The right not to join is as sacrosanct as the right to join and H.R. 5900 does not address itself specifically to that issue and thus it is left cloudy.

To make this clear I am offering an amendment that prohibits common situs picketing for the purpose of forcing an employer to discriminate, that is to encourage or discourage membership in an organization or where an individual may have been discriminated against for reasons other than failure to tender the regularly required dues and fees if a union security clause is in effect.

I would want to emphasize to the committee I realize that sections 8(a)(3) and 8(b)(2) protect the individual in this regard. However I believe that it is the responsibility of this Congress to make it obvious that by permitting situs picketing we are not permitting it for any purposes that would interfere with an individual's right to join or right not to join a labor organization.

I would emphasize that this in no way affects 8(a)(3) and 8(b)(2), that is where there is a union security clause in effect.

But I would want to emphasize to the Members of this body that I have noticed that the nondiscriminatory proviso of H.R. 5900 protects individuals because of their sex, because of their race, because of their creed, because of their national origin or color, but it does not protect those same individuals because of their membership or nonmembership in a union. I believe that type of protection is equally important and I would therefore offer this amendment. I would urge Members in this body to accept it.

The most important question here is: Do we want to reinforce by this clarifying language the inherent right that has been protected so far, and that is the right of an individual not to join as well as the right to join a labor organization? And that is the issue at hand. I urge the membership to look favorably on this consideration.

Mr. RONCALIO. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I yield to the gentleman from Wyoming.

Mr. RONCALIO. Mr. Chairman, if it is the intent of the gentleman's amendment to make a distinction between an individual who accepts membership in a union from one who opposes joining but who pays a fee because of benefits which accrue to him as an employee or, to restate this, one who reserves his conscientious right not to belong to the union but recognizes his need to contribute to the union's function, I would very well support the amendment.

Mr. ESCH. I would say to the gentleman specifically that is what the amendment does. It in no way changes the status in those cases in which we have a union security clause, that is that the union security clause is in effect where an individual is now paying dues even though he does not want his name mentioned on the union rolls. This in no way changes that status and under those contracts what it does do is say they will not have common situs picketing for the purpose of forcing an individual to join a labor organization.

The CHAIRMAN. Does the gentleman from Michigan (Mr. O'Hara) insist on his point of order?

Mr. O'HARA. No. Mr. Chairman.

Mr. FORD of Michigan. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Michigan (Mr. Esch) has suggested that this is a simple freedom of choice-type amendment that is intended to protect an individual from harassment by a labor organization, but it is very interesting to imagine what kind of individual he wants to protect. He does not protect just anybody with this provision, because if we read it we will find it says that in effect one cannot picket or threaten to picket or cause to be picketed—

> any employer where an object thereof is to cause or attempt to cause an employer to discriminate against any employee, or to dis-

> criminate against an employee with respect to whom membership in a labor organization has been denied or terminated."

Now, that sounds good up to there; but what kind of a person whose membership has been denied or terminated? The amendment goes on to say:

> . . . on some ground other than his failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership.

So that creates this very unique situation: If a fellow does not pay his dues and gets kicked out of the union for that, you can picket the employer not to put him on the job; but if a treasurer of the union swings with its money and is prosecuted and thrown out of a union for that reason and goes over and works on the job, you cannot picket that employer to throw that guy off the job or what is really involved if it is a craft union that requires as a condition of entry into that craft service in an apprenticeship and one is denied admission to the union because he has not served the apprenticeship, then he can go on the job and the union cannot picket that job because it has a nonunion worker on there, because allegedly he has been denied membership in a union on some ground other than nonpayment of dues.

While the amendment starts out looking like it is going to take care of a lot of innocent people, really what it comes all the way back around to is a way to take a nonunion worker and put him on the job and then prevent the union from picketing that job.

Mr. STEIGER of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I would be happy to yield to the gentleman from Michigan (Mr. ESCH) in the hope he will explain precisely why the analysis of the gentleman from Michigan (Mr. FORD) is not correct.

Mr. ESCH. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, the amendment was carefully drafted so as to be as we are well aware, only those sections of this so-called Taft-Hartley law are applicable and so that we cannot go back into the other sections, as 8(a)(3) and 8(b)(2). Now, in 8(a)(3) and 8(b)(2) there is a clause that an individual could be terminated or denied employment specifically in relationship to his failure to tender dues and initiation fees, so that in order to draft the amendment so that it would be germane we had to continue that provision, that is, that the individual could still come under that provision; however, the intent of the amendment is clearly drawn and it was correct. The gentleman from Michigan (Mr. FORD) clearly stated it in his last sentence. That is, that if an individual has not wished to join a labor organization, there should not be common situs picketing in order to force that individual to join a labor organization against his will.

Now, wherein we have union security clauses already in effect, then a person obviously would be asked to regulate himself or proceed under such union security clause. I personally would like to change that, too; but that is not a subject open to debate and discussion at this time.

So clearly, it is an indication of this House that an individual would not have to join a union against his will.

Second, there would not be picketing for that purpose.

Third, that where we have union security clauses in effect, those individuals would still have to continue to pay dues and assessments, because that follows another section of the law that is not open for amendment at the present time.

Mr. STEIGER of Wisconsin. Mr. Chairman, may I ask a question of my colleague, the gentleman from Michigan.

When the gentleman uses the language that the gentleman does, "on some ground other than his failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership," is it possible under the gentleman's amendment for an individual to be employed on a construction site in which the individual, to use the example of the gentleman from Michigan, in fact was found guilty of stealing union funds and was terminated by the union?

He was kicked out of the union because he broke the law. Could a common situs picket be placed against that individual, or is the gentleman from Michigan correct in saying that it is not possible to picket against a felon on a construction site?

Mr. ESCH. I would say to the gentleman that as long as he pays his dues and fees, there could not be explicit picketing as there could not be now. It does not change the law in any regard in that particular respect. We are not going into other aspects of either the Landrum-Griffith or Taft-Hartley, so it in no way changes the law from what it is now in those specific cases.

What it does attempt to do—and we cannot change the law in those cases under the bill we have before us now—so that the gentleman from Michigan is correct insofar as it does not change the law over what we have now, but it does say that there cannot be common situs picketing in order to force an individual to join a union against his will. It is within the parameters of where we have the current legislation before us, we cannot go back and change other provisions of the law.

Mr. THOMPSON. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from New Jersey.

Mr. THOMPSON. Mr. Chairman, what the amendment of the gentleman from Michigan (Mr. ESCH) really attempts to do is to restate in an addition to H.R. 5900 sections which already exist and cover the situation under section 8(a) of the act; in sections 8(a), 2, 3 and 4. It is particularly mischievous, however, that if a member joins a union, notwithstanding what he has done in the past, he is simply locked in and cannot be fired despite the fact that he is a criminal or defalcated moneys and so forth.

Mr. DENT. Mr. Chairman, I move to strike the last word.

All this does is just open it up so that more controversy than has even taken place today in the construction industry would occur.

They are building a large community type development at a certain area in Pennsylvania, a self-contained community which is going to have all the community assets such as a golf course, condominiums, single homes, et cetera. They are building on about 250 or 300 acres.

We recently had a so-called situs picketing law interpretation, but it ended up in a different decision than what was expected. First of all, most of the workers on that job are under union contracts. The painters were having contract troubles.

They picketed at one gate and under the present law all workers were picketed at that gate. In due course, the union painters went out on strike. They picketed only one portal, which is the situs picketing law now. The nonunion painters could go in to work. Now, if they were picketing the whole four or five portals that were open, such as this bill provides, the nonunion would still go through the picket lines since they may not feel obliged to abide by union actions anyway.

But, what happened in this case was that a union truck driver, driving a cement truck, pulled up to where the picket line was set up at the main gate. The pickets moved over and said, "We are not picketing on your particular job. We are only picketing the job itself, you can go through if you wish."

He said, "I am a union man, I am not going through the line." They took it to court, and the judge sentenced the president of the local union that was picketing to 15 years banishment from that particular construction site.

The Members know that this type of thinking sometimes ends up being silly. What the amendment offered by the gentleman from Michigan (Mr. ESCH) really does is to say to an employer, "You can give a contract in order to get your job started, you can give a contract in an area where it is unionized, but you can then bring your workers from your nonunion shop in Baltimore or some other area into this area and you can work them on the job," because this amendment offered by the gentleman from Michigan (Mr. ESCH) says that if we do any picketing we are doing it because we are trying to make your people join the union. This law then would be worse than the present law which allows picketing at at least one gate.

So we might as well not have a bill at all. We may as well say what the gentleman is trying to do is to even destroy the rights of the union that are now allowed under situs picketing. Today they are allowed to picket when nonunion workers are interfering at the place of the job. But if we pass this, we will have not opened up more portals for the workers to picket in times of labor difficulty, but we are closing the only portal they have now, we disallow them to picket where they are allowed to picket now, we are going further than any court decision has ever gone. If we accept this amendment, we are closing the only entry that they are allowed to picket at this moment.

Mr. O'HARA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman has pointed out that language similar to that he is proposing is in 8(a)(3) and in 8(b)(2) and are unfair labor practices under those provisions.

Does the gentleman, with his amendment, prohibit anything that is not already prohibited by 8(a)(3) and 8(b)(2)?

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman.

Mr. ESCH. I thank the gentleman for yielding.

I would say to the gentleman that because of the current legislative status, the only opportunity for me would be to reemphasize 8(a)(3) and 8(b)(2), and it is the intent of the amendment to protect the individual employee in this regard under H.R. 5900 to the extent that sections 8(a)(3) and 8(b)(2) do that.

Mr. O'HARA. But what worries me is this: If all the gentleman is proposing to prohibit is exactly the same thing as 8(a)(3) and 8(b)(2) already prohibit, then the gentleman's amendment is redundant, it is unnecessary.

On the other hand, if the gentleman is proposing to prohibit something that 8(a)(3) and 8(b)(2) do not already prohibit, I would like to know what it is.

Mr. ESCH. If the gentleman will yield further, I would say to the gentleman that common situs picketing is not allowed or authorized in order to change the intent of sections 8(a)(3) and 8(b) what the amendment does, it is a clarifying amendment, it does not go beyond the intent of sections 8(a)(3) and 8(b)(2), but it does state in this bill that H.R. 5900 does not have to rely on the intent of the protection offered the individual employee with regard to 8(a)(3) and 8(b)(2).

Mr. O'HARA. That is where I have problems with the gentleman, because by adding language that is a prohibition against conduct already prohibited, the courts, not knowing the sloppy way in which the Congress legislates, at least not as intimately as we do, is apt to think that we really meant something by that.

They are apt to interpret it as prohibiting something the law does not already prohibit. But as I interpret this, all we are going to do is repeat a prohibition that is already in the law.

Mr. ESCH. Mr. Chairman, I will say, if the gentleman from Michigan will yield, that it is because of the inherent sloppiness of the method of developing legislation that I think this amendment, even though some may think it is redundant, will help clarify it so that H.R. 5900 very clearly states that in no way does it go beyond the intent of sections 8(a)(3) and 8(b)(2) and thus protect the individual employee in this regard.

Mr. O'HARA. Mr. Chairman, perhaps that would be all right. But maybe it would be easier, I will suggest to my friend, the gentleman from Michigan, if we would simply insert a provision at the end of the bill by saying that all the other provisions in the law are incorporated in this one by reference. Then we could take care of the whole act.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. ESCH).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DUNCAN OF OREGON

Mr. DUNCAN of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DUNCAN of Oregon: On page 4 strike the colon in line 20 and insert in lieu thereof the following: "and where any one or more of such several employers, so jointly engaged, are party or parties to a collective bargaining agreement wherein is included an agreement by any one or more of such several employers, to contract or subcontract any work covered by such agreement only to another contractor or subcontractor who becomes a signatory to a collective bargaining agreement with a labor organization prior to the commencement of any work subject thereto:".

Mr. JONES of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN of Oregon. I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. Mr. Chairman, determining how to vote on H.R. 5900 has been one of the most difficult decisions I have had to make. For the last several days, I have studied this bill and studied the many opinions expressed to me from constituents.

Deciding how to vote on this is a very close question. Basing my decision on the merits leaves considerable doubts about what is right matter which way I vote. Basing my decision on my representative function also leaves considerable doubt since constituent communications on H.R. 5900 are almost evenly divided.

I strongly believe in the free enterprise system. I also strongly believe in free collective bargaining and I believe that construction and craft workers should have bargaining rights similar to that of their other labor brethern.

I have even discussed this matter with the President. He is supporting this bill with the modifying amendments that have been added and additional amendments to labor-management laws which are expected to be added in the Senate to protect the recovery and strength of the construction industry. I agree that these modifying amendments are necessary to preserve a labor-management balance in this vital industry.

Mr. Chairman, I believe on balance I will support H.R. 5900. If at later it becomes clear that such support was a mistake, I will be the first to come to the committee seeking changes.

I have checked with the subcommittee chairman, Mr. THOMPSON, on a number of questions, and I want to include these answers in order to clarify matters for legislative history.

Mr. THOMPSON assures me that in cases of a shopping center where there are several prime contractors and some of these are nonunion contractors, the union does not have the right under this bill to picket the entire shopping center construction and thus shut down the entire project.

Second, Mr. THOMPSON assures me that this bill does not permit product boycotts and secondary boycotts.

Third, the amendment by Mr. ESCH insures that at a Federal agency project, where there are requirements to advertise for bids on different aspects of the general construction, and that subcontracts are to be awarded to the lowest bidder, a union in dispute with one of the successful contractors cannot picket the other contractors.

Fourth, it is unlawful under H.R. 5900 to strike a general contractor who has a valid contract when such a strike would be in violation of an existing collective bargaining contract.

Fifth, the bill also does not force professional persons, such as engineers, to belong to a labor union.

Mr. DUNCAN of Oregon. Mr. Chairman, I know that many, if not all, of the Members of this House share a feeling of uneasiness as they approach this issue. While I do not pretend to know the reasons for others' so feeling, I do know my own, and my remarks do not attempt to impute my reasoning to anyone other than myself.

Situs picketing is an emotionally charged issue—the most emotionally charged issue we have faced in a long time—at least since yesterday afternoon when we voted on the Cyprus issue. It has been around, however, for a very much longer period of time. It is an intensively lobbied issue and the parties are highly polarized. Both labor and management look upon this bill as vital to their survival. The one, however, is of the opinion that it must pass for them to survive; and the other that it must fail for them to survive. Each has searched for a middle ground; neither has found it.

For my part, I have felt since the issue first came to my attention that the law, the way it is, is wrong. So long as we recognize the use of economic force, strikes, lock-outs, et cetera, as legitimate means of settling labor/management disputes, and I hope we soon find an effective substitution for these weapons, it is not fair to the building trades to deny them the right to bring that economic pressure to bear at the point where it will do their cause some good. To say that the picket line at the site where the subcontractor, with whom the dispute exists is working, is a secondary boycott and to limit the building trades to picketing the subcontractor's office or shop—which may be in his backyard, or at some other point where the picket lines would be meaningless—is to deny the building trades the rights which industrial workers, for example, enjoy.

And yet, I have never been satisfied that, without more, a union general contractor and a number of union subcontractors engaged on the same site should be shut down over a dispute with the subcontractor.

My inability to solve this problem was crucial in a senatorial campaign in which I was engaged many years ago, and in which my unwillingness to commit myself one way or the other undoubtedly lost me the support of the building trades and gained me no support in the construction industry. I have no doubt that offering this amendment will have an identical result.

One possible middle ground exists. In my State the master contract negotiated by certain labor unions with the associated general contractors contains what has become known as the union subcontractor clause. The agreement is the result of free collective bargaining, wherein management agrees not to contract or subcontract any work except to parties with a union contractor.

This clause is legal under the National Labor Relations Act, subsection 8(e) and it is enforceable by the language of that section. Apparently, however, it is not enforceable by a strike or a picket line. Apparently there may be enforcement available by litigation or arbitration but it is ineffective and not a useful solution.

My amendment would simply permit common situs picketing to enforce the terms of a collective bargaining agreement, such as I have described, wherein the general contractor agrees to hire only union subcontractors. It leaves the initial question of union or nonunion contractors, or a mixture, to be determined by free collective bargaining. Once the agreement is reached, however, it may be enforced by a strike or a picket line. This I always thought to be the law—a primary dispute with the general contractor—but the courts say otherwise.

As a practical matter, it gives the construction trades much of what they desire. It gives employers the protection of the collective bargaining process in determining the initial question of the union subcontractor clause.

In our effort to reach a reasonable solution and to avoid having to choose between two alternatives, neither of which satisfies us as being the proper answer, I commend this amendment as providing a possible solution. In my office it has become known as the "Duncan solution," which by definition is the perfect solution to any given problem.

Mr. O'HARA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment offered by the gentleman from Oregon (Mr. DUNCAN) says that picketing the construction site because of a dispute with one of the employers on the site would be permitted only if that employer is a party to a collective bargaining agreement that provides that all of their subcontractors have to be union subcontractors.

One of the problems with that is that it assumes that the only purpose of picketing on the job is to keep a nonunion subcontractor off.

Let us take a different situation. Let us take a situation where one has a union contractor, all union subcontractors, and the plumbing subcontractor, for instance, is engaged in a dispute with his employees over their wage scale.

The contract has expired. The plumbers refuse to work. The plumbers, under this bill, would have the right to picket the construction site. However, the gentleman from Oregon (Mr. DUNCAN) says that they have that right only if in that particular locale there was a provision in the collective bargaining agreement that required a contractor to hire only union subcontractors.

That is sort of an irrelevant consideration. If we let plumbers who have a wage dispute with their employer in one locality picket, we ought to let plumbers who have a wage dispute with their employer in a different locality picket. There is no real difference between those situations with respect to the equities involved.

The question is: May the employees of a subcontractor who have a dispute with that subcontractor picket the construction site? The question of whether or not there is also a collective bargaining agreement that provides for all union subcontractors is kind of irrelevant to that issue.

I believe it would introduce into the situation a happenstance sort of thing, sort of a Catch 22 type of operation, and I hope that the amendment will be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DUNCAN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEIGER of Wisconsin: Page 7, line 6, insert the following immediately before the quotation mark: "In determining whether several employers in the construction industry are jointly engaged as joint venturers or in the relationship of contractors and subcontractors at any site, no employer engaged under a separate bid and separate contract as a prime contractor in the construction, alteration, painting, or repair of a building, structure, or other work at the site of such construction, alteration, painting, or repair shall be considered to be jointly engaged with any other such prime contractor at such site as joint venturers or in the relationship of contractors and subcontractors".

Mr. STEIGER of Wisconsin. Mr. Chairman, the adoption by the committee of the Esch amendment, which I supported, was a major step forward in my judgment in making sure that H.R. 5900 makes sense. The problem with the Esch amendment, however, is that it was limited to only those States in which a State law may have been passed, or may be passed, that had to do with the relationship between the prime contractor and the subcontractor.

This amendment would, in my judgment, provide equity beyond the Esch amendment because the Esch amendment is limited only to public contracts under whatever the State law says. Yet there are, as the members of the committee know, literally thousands of hospitals, colleges, universities, any one of a number of institutions, organizations, or associations, which by themselves have developed a system of separate contracts and separate bids. H.R. 5900, as it is written now and clearly, as we have construed it now, under the muddy waters prior to the adoption of the Esch amendment, which I think cleared things up a little bit, would impose a joint venturers relationship regardless of the fact that there were separate contracts and separate bids by an institution, an organization, an association, or any one of a number of private or public operations that would have contracts out for bid.

This amendment, very simply, is designated to insure that there is an across-the-board equitable treatment in terms of how one defines joint venturers, and the relationship between the prime and the subcontractor.

I think the amendment is rational, I think the amendment is absolutely essential if we are not to seriously disrupt what are clearly independent contractors between the prime and the sub, if we do not adopt this amendment, because I would urge my colleagues to clarify the intent and the purpose of H.R. 5900 and to make sure that when we go down this road that we make it equitable in terms of its relationship to the public sector as well as to the private sector.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I think it is fair to say that what the gentleman from Wisconsin is attempting to do through his amendment is to apply the same language to the private sector that the Esch amendment did in the so-called State and public sector areas?

Mr. STEIGER of Wisconsin. The gentleman from Ohio is absolutely correct.

Mr. ASHBROOK. I thank the gentleman from Wisconsin.

Mr. Chairman, I support the amendment.

Mr. STEIGER of Wisconsin. I thank the gentleman from Ohio for supporting my amendment.

Mr. THOMPSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, were this amendment to be adopted the entire construction industry in the United States would be separate in its labor-management relations from any other sector of our economy. There would be complete and utter chaos in the industry because the effect of this is if a private corporation, General Motors, for instance, were to decide that it wanted to build a new and very large factory in any particular area involving as many as 15 or 20 trades, under this amendment, in order to avoid any union activity, any picketing, all that an employer would need to do would be to let each subcontract totally separately, thereby, of course, evading the question of a joint venture or a common activity, and in effect isolating 20 different trades on a job. That would be the effect of this.

Under the circumstances it would be nothing less than absurd. The analogy that was drawn in the colloquy between the gentleman from Ohio and the gentleman from Wisconsin is the same as what exists in a state. I can understand the interest that my friend, the gentleman from Ohio, has in this, because he is completely and openly and honestly against the legislation. It would be a complete end to the construction industry. I think the gentleman would agree with that. I see he has a charming smile on his face.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I thank the gentleman for yielding.

I would be frank to say that it would substantially change the purpose of H.R. 5900.

Mr. THOMPSON. Yes, it would, indeed.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. I thank the gentleman for yielding.

Is it not true that the adoption of the gentleman's amendment would make this legislation optional legislation? Any employer who wanted to observe the law could do so at his pleasure, but if he did not want to, he could ignore it?

Mr. THOMPSON. The answer to that is absolutely yes.

Mr. FORD of Michigan. I think it would be kinder and neater if the gentleman from Wisconsin—who I see is smiling at this now; let the record show that he has an evil smile as he offers his amendment—had just offered a motion to strike all after the enacting clause.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I thank the gentleman for yielding.

I smile not, and the record ought to be fairly clear to my friend, the gentleman from Michigan. If the purpose of H.R. 5900 is equity, that is, equity between the industrial unions and the craft unions, then it seems to me H.R. 5900, if it is going to be carried and be sustained, ought to provide equity between the public and the private sector. We have adopted the Esch amendment. We have said the State law allows a separate contract.

Mr. THOMPSON. The gentleman has a totally unique definition somewhere in his mind about equity. There is no equity in this amendment.

Mr. Chairman, I urge the defeat of the amendment.

Mr. MAZZOLI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I share the sentiments which were indicated earlier by my colleague, the gentleman from Oregon (Mr. DUNCAN), as to this being the most difficult issue that we have faced in this Congress, even in some cases more difficult than the one we faced yesterday afternoon. We want to do the right thing as we perceive right to be. In that spirit I intend to support the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

I would indicate to the gentleman from New Jersey (Mr. THOMPSON) for whom I have the greatest admiration, and whose statement in opposition to the pending amendment I listened to very carefully.

I tell him that not every contractor and subcontractor on a common site share some kind of joint venture. I would refer the committee to page 2 of the committee report. I quote:

> This approach—

That is, the approach of H.R. 5900—

> reflects the economic realities in the building and construction industry where the contractor and all the subcontractors are engaged in a common venture and each is performing tasks closely related to the normal operations of all the others. None are "innocent" or "unconcerned" in the labor disputes involving any other. The construction of a building is a single, coordinated and integrated economic enterprise.

I do not believe that. My father, God rest his soul, was a contractor, a small tile contractor. And, I was interested in the gentleman from Wisconsin's having used tile as one of the trades he specified a few moments ago.

My father had to fight the fight of all fights constantly with his contractors. They took his bid and always tried to knock it down and they tried to get every last drop of blood out of his hide in order to give him the work. It was anything but an overall joint venture.

It was not a question of "You scratch my back and I will scratch yours." They always tried to lay the lash on his back.

I do not believe the premise of the bill is correct. The premise is that all who work on one side are engaged in a common endeavor. That is not always the fact.

In the event that does take place and in the event we have the under-the-table, collective activity on the job site which has been mentioned before, then I would certainly think there ought to be a close-down of the whole project because all the workers thereon are part of a joint venture.

But, this is not the case in every job site just because people work together.

I realize the difficulty for many people, particularly the Democrats on this particular bill. This is a difficult bill for all of us. We have had lobbying on both sides.

But I do think the amendment of the gentleman from Wisconsin (Mr. STEIGER) is commendable because it recognizes this reality. Where we have clandestine combinations or some kind of true joint venture on a job site then frankly it ought to be closed down.

But where we do not have that, there ought not to be a close down of the whole project. The present law would then prevail.

Mr. THOMPSON. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from New Jersey.

Mr. THOMPSON. Mr. Chairman, is the gentleman aware of the language on page 4 of the bill beginning about line 7 where it says:

> the site of the construction, alteration, painting, or repair of a building, structure, or other work and directed at any of several employers

And here is the important language—

> who are in the construction industry and are jointly engaged as joint venturers . . .

If that means anything then the gentleman would not be for this amendment because if they are not jointly engaged, if they are not joint venturers, if the gentleman's theory is correct and he understands—and I would expect him to, having served with him on the Committee on Education and Labor—what a joint venturer is, what a joint enterprise is, he knows under this language it would apply only in that circumstance, so he would not worry about the other.

Mr. MAZZOLI. If I might add, for whatever time I have remaining, the gentleman has stated his case and he believes it fervently. But, I think that where we have a true joint venture then I have no quarrel with any of the sanctions established by H.R. 5900. But, where we do not have a joint venture we ought to make an exeception.

Mr. THOMPSON. If the gentleman will yield further, I just stated the only intent here is if there is a joint venture. It cannot apply otherwise.

Mr. MAZZOLI. If I understand the premise of H.R. 5900 it is that on any construction site, the general contractor and all the subcontractors constitute a joint venture, ip so facto. I just do not think this is true. That is why I support the amendment pending.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, it seems to me, I do not have the bill in front of me, the words are "jointly engaged" or "joint venture." The gentleman from Kentucky has correctly and accurately portrayed his father in the tile business as being jointly engaged on the site with a number of other people with whom he has no other relationship except the construction on that site.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

The question was taken; and on a division (demanded by Mr. THOMPSON) there were—ayes 42, noes 33.

RECORDED VOTE

Mr. THOMPSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 176, noes 222, not voting 36, as follows:

[Roll No. 434]

AYES—176

Abdnor
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews,
  N. Dak.
Archer
Armstrong
Ashbrook
Bafalis
Bauman
Beard, Tenn.
Bedell
Bowen
Breaux
Brinkley
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Carter
Casey
Cederberg
Clausen,
  Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collins, Tex.
Conable
Conlan
Conte
Cornell
Coughlin
Crane
D'Amours
Daniel, Dan
Daniel, R. W.
Davis
Derrick
Derwinski
Devine
Dickinson
Downing, Va.
Duncan, Tenn.
du Pont
Edwards, Ala.
Emery
English
Erlenborn
Esch
Evins, Tenn.
Fenwick
Findley
Flynt
Fountain
Frenzel
Frey
Fuqua
Goldwater
Goodling
Gradison
Grassley
Guyer
Hagedorn
Haley
Hammer-
  schmidt
Hansen
Harris
Harsha
Hastings
Hefner
Henderson
Hightower
Hinshaw
Holland
Holt
Howe
Hutchinson
Hyde
Jarman
Johnson, Col
Jones, N.C.
Jones, Okla.
Kasten
Kazen
Kelly
Kemp
Ketchum
Kindness
Krueger
Lagomarsino
Latta
Lent
Lloyd, Calif.
Long, Md.
Lott
Lujan

McCollister
McDonald
McEwen
McHugh
McKay
Madigan
Mahon
Mann
Martin
Mazzoli
Michel
Milford
Miller, Ohio
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Myers, Ind.
Myers, Pa.
Neal
Nichols
O'Brien
Pattison, N.Y.
Pettis
Pickle
Poage
Pressler
Preyer
Quie
Regula
Rhodes
Roberts
Robinson
Rogers
Rose
Rousselot
Runnels
Satterfield
Schneebeli
Schulze
Sebelius
Shriver
Sikes
Skubitz
Smith, Nebr.
Snyder
Spellman
Spence
Stanton, J. William
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thone
Treen
Ullman
Vander Jagt
Waggonner
Wampler
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Winn
Wydler
Wylie
Young, Fla.
Young, Tex.

NOES—222

Abzug
Adams
Addabbo
Ambro
Anderson, Calif.
Annunzio
Ashley
Aspin
AuCoin
Barrett
Baucus
Beard, R.I.
Bennett
Bergland
Bevill
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Brademas
Breckinridge
Brodhead
Brooks
Brown, Mich.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Chappell
Chisholm
Clay
Collins, Ill.
Corman
Cotter
Daniels, N.J.
de la Garza
Delaney
Dellums
Dent
Diggs
Dingell
Dodd
Downey, N.Y.
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Evans, Colo.
Evans, Ind.
Fary
Fascell
Fish
Fisher
Fithian
Flood
Florio
Flowers
Ford, Mich.
Ford, Tenn.
Fraser
Gaydos
Gibbons
Gilman
Ginn
Gonzalez
Green
Hall
Hamilton
Hanley
Hannaford
Harkin
Harrington
Hawkins
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hillis
Holtzman
Howard
Hubbard
Hungate
Ichord
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Koch
Krebs
LaFalce
Lehman
Levitas
Litton
Lloyd, Tenn.
Long, La.
McCormack
McDade
McFall
Macdonald
Madden
Maguire
Mathis
Matsunaga
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mills
Mineta
Minish
Mink
Mitchell, Md.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Morgan
Mosher
Mottl
Murphy, Ill.
Murtha
Natcher
Nedzi
Nix
Nowak
Oberstar
Obey
O'Hara
O'Neill
Ottinger
Patman, Tex.
Patten, N.J.
Patterson, Calif.
Pepper
Perkins
Peyser
Pike
Price
Pritchard
Railsback
Randall
Rangel
Rees
Reuss
Richmond
Riegle
Rinaldo
Risenhoover
Rodino
Roe
Roncalio
Rooney
Rosenthal
Rostenkowski
Roush
Roybal
Ruppe
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Scheuer
Schroeder
Seiberling
Sharp
Shipley
Simon
Sisk
Slack
Smith, Iowa
Solarz
Stanton, James V.
Stark
Steed
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Thompson
Thornton
Traxler
Tsongas
Udall
Van Deerlin
Vander Veen
Vanik
Vigorito
Walsh
Waxman
Weaver
Whalen
Wilson, Tex.
Wolff
Wright
Yates
Yatron
Young, Ga.
Zablocki
Zeferetti

NOT VOTING—36

Badillo
Baldus
Bell
Biaggi
Brown, Calif.
Clancy
Conyers
Danielson
Eshleman
Foley
Forsythe
Fulton
Giaimo
Gude
Hébert
Horton
Hughes
Jeffords
Jenrette
Johnson, Pa.
Keys
Landrum
Leggett
McClory
McCloskey
McKinney
Moss
Murphy, N.Y.
Nolan
Passman
Quillen
Shuster
Staggers
Wilson, C. H.
Wirth
Young, Alaska

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. MADDEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, Wednesday the Subcommittee on Education and Labor testified in almost a full day's hearings before the Rules Committee on this legislation protecting the economical rights of labor in the construction industry by providing for equal treatment to craft and industrial workers.

This so-called situs picketing bill is grossly misnamed. This bill should be referred to as the long delayed legislation which organized labor has been fighting for ever since the days of the Taft-Hartley law back in 1947.

During this period of time four Presidents of the United States, seven Secretarys of Labor and numerous Members of both the Democratic and Republican Congress have stated their support for legislation along the same line that we are considering this afternoon. This legislation will bring about more equality in the protection of the rights of the workingman and also to neutral employers who are closely alined with each other.

One has only to visit many construction projects to realize that operations on an industrial building, office building, homes or any type of construction, various branches of labor's crafts must cooperate and work together in unison both from the contractor's standpoint and from the employee's standpoint.

A recent Federal court decision stated:

> On a multi employer construction site, it is the general contractor who controls the work site.

Had this legislation been enacted into law it would have prevented many a long and drawn out controversy between management and employees. Many a time after weeks of controversy and tieups, where but one craft working on a construction project have tied up part and in many cases the complete construction work going on in the building to the detriment of all involved.

Many contractors and builders over the Nation who are acquainted with the provisions of this legislation are for the enactment of H.R. 5900. The only opponents of this legislation are strong antiunion people and against picketing. These primitive minded antiunion contractors or employers have caused long delays in complicating the single points at issue and have never been inclined to seriously bargain or state a valid position on the controversy. In most instances they have no solid common sense arguments for their contentions.

This bill is intended to eliminate many years of antilabor injustice and its opponents have been ignoring the rights of men and women of labor over many generations.

Our Secretary of Labor has recently publicly stated that H.R. 5900 will not affect the structure of wages in any business or industry throughout the country.

Like every major piece of legislation there has been misinformation and misunderstanding concerning certain portions of the pending bill. Major provisions suggested by the administration were adopted in committee and the President and Secretary of Labor are both in agreement with H.R. 5900, the identical bill we are considering today.

In the testimony before the Rules Committee yesterday, it was presented that President Ford has expressed the hope H.R. 5900 reach his desk to be signed accompanied by a companion measure.

The so-called companion measure does not deal directly with the suggested matter in H.R. 5900, but rather it addresses the more general problem of labor management relations in the total construction industry. This so-called companion measure has not even been developed and has not been constructed in the normal legislative process. If such a bill did develop, it might be added to this bill in the Senate since our rules of procedure would not apply or it might be considered in a separate bill to be handled under the normal legislative rules.

Referring to the so-called Presidential compromise as presented in legislation form, it would have to go through the legislative process and the so-called compromise would no doubt have to be a separate piece of legislation.

The passing of this legislation and its enactment into law will be a great indirect boost to the low moral of millions of working men and women over the country.

In my congressional district, the building and trade workers are 35 to 40 percent idle. This does not include the number who are working part-time employment. The unemployment over the Nation is approximately between 9 and 19 million—and that number does not include the part-time employed.

With the terrific increase in the cost of living during the last 5 years, which includes food, housing, furniture, transportation, clothing and so forth, working men and women with families are living under unbelievable conditions.

Many more months of these hardships in some of our urban areas will no doubt lead to riots, discontent, and turmoil in cities and towns.

We have an opportunity today to convey to these unfortunate victims of inflation and economic strife at least some encouragement that the Government here in Washington is mindful that the American workers have friends in the Halls of Congress.

If this H.R. 5900 is passed by the House and Senate and signed by the President, it will cheer and make life just a little better for approximately 2,100,000 members of the Teamsters; and 1,250,000 United Auto Workers and 14 million members of the AFL–CIO.

Approximately 700,000 members of the

3½ million building trade members are now unemployed and more working part time.

This long delayed legislation should pass the House by a large majority.

Mr. THOMPSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am aware of four amendments pending. I wonder whether we could get unanimous consent to finish all debate on section 1 at 2:15.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. ASHBROOK. Mr. Chairman, reserving the right to object, there are more than four. We have one from this gentleman. We have two from the gentleman from Illinois (Mr. Anderson). We have one from the gentleman from Michigan (Mr. Esch), and we have two from the gentleman from Louisiana (Mr. Moore).

Mr. THOMPSON. I ask this of the gentleman from Ohio: Would 2:30 be reasonable? I would think that would give us at least 10 minutes on each amendment.

Mr. ASHBROOK. I would say to my colleague, the gentleman from New Jersey (Mr. Thompson), that I realize the millennium is almost here, but I hope we would not cut off the opportunity to offer amendments.

Mr. THOMPSON. A career can only last so long. I am willing to end this particular career by giving everyone his opportunity up until 2:30.

Mr. ASHBROOK. Mr. Chairman, I withdraw my reservation of objection.

Mr. THOMPSON. Mr. Chairman, I ask unanimous consent that debate on all pending amendments end by 2:30.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. ANDERSON of Illinois. Mr. Chairman, further reserving the right to object, I wonder whether the gentleman from New Jersey (Mr. Thompson), the distinguished chairman of the subcommittee, who is always cooperative and courteous to the Members on the floor, would not be willing, for at least a brief time, to proceed on an amendment-by-amendment basis. Then if there is unduly extended debate on any of these amendments offered, I, for one, would certainly be happy to join the gentleman in a reasonable limitation. However, at this time, with that number of amendments pending, I would earnestly seek from him the assurance that we could, at least for a few minutes, proceed to act on the amendments now pending.

Mr. THOMPSON. Mr. Chairman, the gentleman has been so charming and so persuasive that I will withdraw my request on condition that after a reasonable time the gentleman will support a motion to limit the debate.

Mr. ANDERSON of Illinois. Mr. Chairman, I withdraw my reservation of objection.

AMENDMENT OFFERED BY MR. ESCH

Mr. ESCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Esch: Page 5, line 13, immediately after the colon insert the following: "*Provided further*, That nothing in the above proviso shall be construed to permit any picketing of a common situs by a labor organization to force, require or persuade any person to cease or refrain from using, selling, purchasing, handling, transporting, specifying, installing, or otherwise dealing in the products or systems of any other producer, processor or manufacturer:".

Mr. ESCH. Mr. Chairman, unlike other amendments that we have had before us today which may have been controversial, I sincerely believe this is a clarifying amendment, and one which, if we are going to be clear as to the intent of H.R. 5900, should be accepted by this body.

Proponents of H.R. 5900 have consistently pointed out that the bill would not permit activities intended to cause the boycotting of supplies or other products or materials shipped or otherwise transported to or delivered on a jobsite.

Activities with such objectives in view are commonly referred to as product boycotts that generally have their specific purposes either in the boycotting of products produced by a manufacturer with which a union has a labor dispute such as in the Burt Manufacturing Co. case, 127 NLRB 1029, or, secondly, the boycotting of products produced by nonunion members or not bearing a union label such as in the case of Cardinal Industries, or, under the alleged justification of so-called unit work protection or work preservation, the boycotting of prefabricated, or other technologically improved products such as in the Woodworkers Manufacturers' Association case.

This language serves to clarify the scope of the amendment by making it clear that activities intended to cause, or in support of product boycotts of the kinds enumerated would not be permitted. However, there is no intent to overrule the Woodworkers' case where the USSC upheld the right of employees to picket their own employer where he imported prefab doors when employees had traditionally made them on the site.

As a further point of clarification, the Woodworkers' cases would not be overturned or overruled, but it would be clear intent as the drafters of H.R. 5900 have indicated in the committee report, that nothing in this act shall be construed to permit any picketing of a common situs for the purpose of causing product boycotts as was involved in the Woodworkers' case in regard to prefabricated materials.

I would think, again in the interest of clarification, that the issue as to whether or not this bill does or does not permit product boycotts, that this amendment should be adopted in order to clarify that. Indeed, the committee report has indicated this. So this clearly is a clarifying amendment which should be accepted without question.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I yield to the gentleman from Ohio.

Mr. ASHBROOK. The gentleman from Michigan made the same persuasive argument in subcommittee and committee but, of course, he did not prevail. I call attention to pages 17 and 18 of the report, which is accurate as far as it goes, which says:

> This amendment was defeated on the theory that the law of "product boycotts" should not be touched one way or the other in this particular legislation.

The truth of the matter is that is only about a semitruth because it is touched in that now if H.R. 5900 passes, this legislation would extend legal product boycotts to a strike on the entire site, where it now could only be against one employer against whom there might be a grievance.

Mr. ESCH. I would say to the gentleman that is correct. Although the language of the report states that it would not be an extension of product boycott, unless our amendment is adopted, product boycott in a case such as in the Woodworkers' case where the court has ruled that one can picket one particular gate, that type of product boycott could be extended to the entire site.

Mr. ASHBROOK. That is absolutely correct.

Mr. ESCH. So although the report states that it would not be an extension of product boycott, it is an extension of product boycott unless the amendment is accepted.

Mr. ASHBROOK. If the gentleman will yield further, the gentleman is absolutely right, because the purpose of H.R. 5900, as openly and honestly stated, is to allow a grievance of this type to be extended to the entire site as against just the subcontractor and a single employer.

The CHAIRMAN. The time of the gentleman has expired.

Mr. O'HARA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask some questions of the gentleman from Michigan (Mr. Esch). Am I to understand, then, that his amendment would do nothing to change the existing state of the law with respect to what constitutes a product boycott, what constitutes a work preservation strike, et cetera, and that he is not making any change at all in that?

Mr. ESCH. That is correct. The only thing that I wish to do is to not allow an extension of the product boycott to the entire site. As of right now, the state of the law is that where we have a product boycott involving prefabricated products, one may picket at one particular gate. I do not believe that we should extend that type of product boycott to the entire site. The intent of the amendment is to prohibit the extension of that specific type of product boycott to the entire site, but it is not the intent of this amendment to in any way not allow the continuation of a product boycott, such as in the Woodworkers' case, into the one particular gate.

Mr. O'HARA. In other words, if one had a situation where before the passage of this bill it would have been lawful to picket one gate, the gentleman is saying that although this bill has the effect of permitting picketing the construction site where there are lawful disputes, his amendment would not permit picketing the site if it were a lawful dispute involving work done off the site. Is that it?

Mr. ESCH. I would say that the intent of the amendment is that where the work was normally performed on the site, and there is a dispute with an organization in terms of work normally performed on the site, they are now allowed a product boycott at a particular gate. It is my intention, and the only intention of the amendment, to continue to limit that to one particular gate rather than the entire site.

Mr. O'HARA. Mr. Chairman, I would have to say, then, that the gentleman's amendment goes contrary to the thrust of the law, because what this bill is trying to do is to say that if construction workers have a dispute otherwise lawful under the act, they ought to be able to picket the whole site.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I thank the gentleman for yielding.

I would say the gentleman has accurately and correctly stated the situation, and also the difference in our position. I guess the difference on this side is that we do not believe strikes should be extended to the entire site, but the gentleman from Michigan has really stated the intention of H.R. 5900 would be to allow product boycott disputes to be extended to the entire site. I would say that the gentleman gave an accurate summation. It is just how we divide up in our opinion on whether strikes should be extended to an entire site rather than the present limited scope of strikes in the construction trades.

Mr. O'HARA. Then, Mr. Chairman, I am going to have to reluctantly oppose the amendment. I thought we could get through with this amendment in a hurry, but I did not realize the gentleman from Michigan would give the answer he did, that his amendment prohibits picketing the construction site when there is a lawful work preservation dispute.

Mr. ESCH. Mr. Chairman, if the gentleman will yield, where there is a lawful dispute, whether in terms of the work previously done on the site, as in the case of the woodworkers, in that I would limit it still to one gate. If we do not accept the amendment then we extend this product boycott concept, this increased product boycott concept to the entire site. I would say to the gentleman I believe it was the intent of the authors of the amendment not to in any way affect the delicate status of product boycott.

Mr. THOMPSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. It has been my understanding, or my hope I should say, that the gentleman from Michigan (Mr. ESCH) would respond to the gentleman from Michigan (Mr. O'HARA) in the affirmative with respect to the picketing situation. It seems now however that the gentleman from Michigan (Mr. ESCH), the author of the amendment, as elicited by what the gentleman from Michigan (Mr. O'HARA) said, wants to keep this restraint against picketing this site as distinguished from picketing the gate. That point in this is apparently inflexible. We had hoped to establish by legislative history in this colloquy another situation.

On that ground I feel very strongly, due to that response, that this amendment should be defeated.

Mr. ROBERTS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to ask some questions of the distinguished chairman, Mr. THOMPSON, and also of the gentleman from Michigan (Mr. ESCH).

I have just made, along with one other Member of this Congress, an inspection of progress on the Alaska pipeline. I think it is probably the most important project to this country that there ever has been since the Manhattan project. There are 798 miles of it. The committee has attempted to eliminate or exempt the Alaska pipeline from any labor disputes. The Esch amendment brings up several possibilities.

The one contractor, the Aleyska Pipeline Co., is the major contractor, and there are many subcontractors. The pipe by the way was made in Japan, so according to what we are talking about one man could strike the whole pipeline on the basis of foreign pipe but no company in America could provide the 48-inch pipe as required. All the 18-inch pipe is American made.

My question is: Is it possible under this bill for a subcontractor to shut down the pipeline on the basis of the material which would be Japanese steel in part?

Mr. THOMPSON. The answer, in my judgment, is "No." I think the gentleman informed me earlier that he has been a part of that project. There are a number of factors including of course the ability to strike the Alaska pipeline, all 700 or 800 miles of it.

It would depend on the factual situation. In the first place, as the gentleman knows, there are not a number of prime contractors, there is one.

Mr. ROBERTS. There is one prime contractor and subcontractors that have certain mileage or certain functions.

Knowing the terrific importance of this pipeline to the United States, I know the committee has put in the report some reference that it would be illegal to strike the Alaska pipeline.

Mr. THOMPSON. The gentleman is aware, is he not, that the contract and any contract existing which this committee knows of, and we made careful inquiry, each and every one contains a no-strike clause. Therefore, they could not strike. It would be a violation of the law to strike.

Mr. ROBERTS. Mr. Chairman, would the gentleman from Michigan (Mr. ESCH) agree to that?

Mr. ESCH. Mr. Chairman, I would agree to the extent there is knowledge, there is agreement in terms of the Alaska pipeline. The impact of our particular amendment would be to clarify that in this particular act, so as to not allow that separate striking in terms of prefabricated areas throughout the extent of the pipeline; but I would state to the gentleman, the matter was discussed fully in the committee and to the extent counsel could investigate, there was a contract prohibiting strikes throughout the entire area.

Mr. THOMPSON. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from New Jersey.

Mr. THOMPSON. Mr. Chairman, under the bill (H.R. 5900), there being a contract with a no-strike clause in it, the bill specifically and categorically would make a strike unlawful. Therefore, the Alaska pipeline could not be struck.

Mr. ROBERTS. I respect the gentleman's statement. I think all of us understand even the earliest we could expect any oil from the Alaska pipeline would be late 1977, maybe even late 178. I think none of us would want to do anything to delay any of that oil coming to us.

Mr. ASHBROOK. Mr. Chairman, I move to strike the requisite number of words.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Michigan.

Mr. ESCH. Mr. Chairman, the time is late, but I want to clearly indicate to the Members of this body it is my understanding the intent of H.R. 5900 was to overturn the Denver case. The intent of our amendment in no way affects the Denver case. The intent of the amendment is to emphasize we are not in any way going to extend product boycotts throughout the site. Therefore, I would urge the acceptance of our amendment.

Mr. THOMPSON. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from New Jersey.

Mr. THOMPSON. Mr. Chairman, under existing law there are a number of lawful types of strikes and a number of unlawful types of strikes. Now, a work preservation strike is lawful. A product boycott is not.

The gentleman by his own admission says that the purpose of the bill (H.R. 5900) is to cure the Denver Building Trades situation. The gentleman's amendment does not go to that, while it is germane, but it does not go to it. Therefore, it should be defeated.

Mr. ASHBROOK. Mr. Chairman, would it not be fair to say the gentleman's amendment has one purpose only and that is in the situation where we have a legal product boycott strike at the present time. The gentleman's amendment merely says it will not be extended to an entire site, because we all know there are problems in the legal product boycotts at the present time.

What the gentleman from Michigan is endeavoring to do is make sure these legal strikes are not extended, as H.R. 5900 would extend them, to the entire site as against just in one quarter; is that not accurate?

Mr. ESCH. Mr. Chairman, yes, if the gentleman will yield?

Mr. ASHBROOK. Yes; I am glad to yield to the gentleman.

Mr. ESCH. That is accurate and I hope the House will concur.

Mr. Chairman, if the gentleman will yield further, the Clerk pointed out there was a typographical error in the amendment.

Mr. Chairman, I ask unanimous consent that the typographical error be corrected.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. ESCH).

The question was taken; and on a division (demanded by Mr. ESCH) there were—ayes 23, noes 26.

RECORDED VOTE

Mr. ESCH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 204, noes 188, not voting 42, as follows:

[Roll No. 435]

AYES—204

Abdnor
Alexander
Ambro
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
AuCoin
Bafalis
Baucus
Bauman
Beard, Tenn.
Bedell
Bennett
Bevill
Biester
Boggs
Bowen
Breaux
Breckinridge
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Carter
Casey
Cederberg
Chappell
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collins, Tex.
Conable
Conlan
Conte
Coughlin
Crane
Daniel, R. W.
Davis
Derrick
Derwinski
Devine
Dickinson
Downing, Va.
Duncan, Oreg.
Duncan, Tenn.
du Pont
Edwards, Ala.
Emery
English
Erlenborn
Esch
Evans, Ind.
Fenwick
Findley
Flynt
Fountain
Frenzel
Frey
Fuqua
Gilman
Goldwater
Goodling
Gradison
Grassley
Gude
Guyer
Hagedorn
Haley
Hamilton
Hammerschmidt
Hansen
Harsha
Hastings
Hayes, Ind.
Hefner
Heinz
Henderson
Hightower
Hillis
Hinshaw
Holland
Holt
Howe
Hubbard
Hutchinson
Jarman
Johnson, Colo.
Jones, Okla.
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Kindness
Krebs
Krueger
Lagomarsino
Latta
Lent
Litton
Long, La.
Lott
Lujan
McCollister
McDonald
McEwen
McKay
McKinney
Madigan
Mahon
Mann
Martin
Mathis
Mazzoli
Michel
Milford
Miller, Ohio
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Mosher
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nichols
Obey
O'Brien
Patterson, Calif.
Pettis
Pike
Poage
Pressler
Preyer
Pritchard
Quie
Railsback
Regula
Rhodes
Robinson
Rogers
Roncalio
Roush
Rousselot
Runnels
Ruppe
Santini
Sarasin
Satterfield
Schneebeli
Schulze
Sebelius
Sharp
Shriver
Shuster
Sikes
Sisk
Skubitz
Smith, Nebr.
Snyder
Spence
Stanton, J. William
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thone
Treen
Ullman
Van Deerlin
Vander Jagt
Waggonner
Walsh
Wampler
Whalen
White
Whitehurst
Whitten
Wilson, Bob
Winn
Wright
Wydler
Wylie
Young, Fla.
Young, Tex.

NOES—188

Abzug
Addabbo
Anderson, Calif.
Annunzio
Ashley
Aspin
Barrett
Beard, R.I.
Bergland
Bingham
Blanchard
Blouin
Boland
Bolling
Bonker
Brademas
Brinkley
Brodhead
Brooks
Brown, Mich.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Chisholm
Clay
Collins, Ill.
Corman
Cornell
Cotter
D'Amours
Daniels, N.J.
de la Garza
Delaney
Dellums
Dent
Dingell
Dodd
Downey, N.Y.
Drinan
Early
Edgar
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fary
Fascell
Fish
Fisher
Fithian
Flood
Florio
Flowers
Ford, Mich.
Ford, Tenn.
Gaydos
Giaimo
Gibbons
Ginn
Gonzalez
Green
Hall
Hanley
Hannaford
Harkin
Harrington
Harris
Hawkins
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Holtzman
Howard
Ichord
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Jordan
Karth
Koch
LaFalce
Lehman
Levitas
Lloyd, Calif.
Lloyd, Tenn.
McCormack
McDade
McFall
McHugh
Macdonald
Madden
Maguire
Matsunaga
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mills
Mineta
Minish
Mink
Mitchell, Md.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Morgan
Moss
Mottl
Murphy, Ill.
Murtha
Nedzi
Nix
Nolan
Nowak
Oberstar
O'Hara
Ottinger
Patman, Tex.
Patten, N.J.
Pattison, N.Y.
Pepper
Perkins
Peyser
Pickle
Price
Randall
Rangel
Rees
Reuss
Richmond
Riegle
Rinaldo
Risenhoover
Roberts
Rodino
Roe
Rooney
Rose
Rosenthal
Rostenkowski
Roybal
Ryan
St Germain
Sarbanes
Scheuer
Schroeder
Seiberling
Shipley
Simon
Slack
Smith, Iowa
Solarz
Spellman
Stanton, James V.
Stark
Stokes
Stratton
Stuckey
Studds
Sullivan
Thompson
Traxler
Tsongas
Udall
Vander Veen
Vanik
Vigorito
Waxman
Weaver
Wilson, Tex.
Wolff
Yates
Yatron
Young, Ga.
Zablocki
Zeferetti

NOT VOTING—42

Adams
Badillo
Baldus
Bell
Biaggi
Brown, Calif.
Clancy
Conyers
Daniel, Dan
Danielson
Diggs
Eckhardt
Eshleman
Foley
Forsythe
Fraser
Fulton
Hébert
Horton
Hughes
Hungate
Hyde
Jeffords
Jenrette
Johnson, Pa.
Keys
Landrum
Leggett
Long, Md.
McClory
McCloskey
Murphy, N.Y.
O'Neill
Passman
Quillen
Russo
Staggers
Thornton
Wiggins
Wilson, C. H.
Wirth
Young, Alaska

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. THOMPSON. Mr. Chairman, I rise to see whether we can arrive at some agreement on time.

A number of Members on both sides have expressed their desire to have an opportunity to vote on the pending amendments and on passage, but have severe transportation problems.

We did not anticipate that last vote. There are very few amendments. I would hope that we could get unanimous consent to complete the action on section 1 by 2:45.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. ASHBROOK. Mr. Chairman, reserving the right to object, I would state that the gentleman from Illinois (Mr. ANDERSON) has two amendments. The gentleman from Louisiana (Mr. MOORE) has two amendments. I have an amendment, about which I believe there is agreement, and it will not take any time. That will leave four amendments.

During that period of time, if there is a rollcall that would absolutely allow no time for debate at all.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. ANDERSON of Illinois. Mr. Chairman, further reserving the right to object, I have appreciated the forbearance of the gentleman from New Jersey up to this point. Not being a member of the committee, of course, I could not obtain recognition until such time as members of the committee were first recognized to offer amendments, as they have done.

This is a bill, however, of very wide general interest to other Members, not simply just from the subcommittee or from the Committee on Education and Labor.

I think that what the gentleman from Ohio (Mr. ASHBROOK) said is very true. Both amendments which I did intend to offer would perhaps provoke a request for a recorded vote. If 30 minutes are taken out, that would thereby take away the time for debate, and we would have no time, virtually, to discuss what I think are two very important, substantive amendments to this legislation.

I have no desire to interfere with the travel plans of any Member of this body, but I must respectfully take exception to the request that the gentleman now makes.

For the moment, Mr. Chairman, I withdraw my reservation of objection.

Mr. THOMPSON. Mr. Chairman, I ask unanimous consent that all debate on all pending amendments close at 3 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. ANDERSON of Illinois. Mr. Chairman, I further reserve the right to object.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. Yes, I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate the gentleman's yielding on his reservation because I seek to have the gentleman from New Jersey change his request. The minute one goes to a time certain, then no matter what happens, everything comes out of it. Therefore, if we have two rollcalls, we are still in a position where very little is debated.

I ask the gentleman this question: Why does he not change his request for setting a time certain? Then we will have sufficient time, it seems to me, to debate the amendments without taking away the Members' rights?

Mr. THOMPSON. Mr. Chairman, I renew my unanimous-consent request.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. MOORE. Mr. Chairman, reserving the right to object, I have two amendments which I think are of interest. If anybody is looking for the opportunity to vote on this bill, they should have the opportunity to consider all of the amendments and the bill. It is most important.

We have waited 28 years to vote on this bill, and I think we can wait this afternoon.

I would suggest that the more proper course of action would be to adopt a time limit on each amendment as they come up rather than a time limit incorporating all of the amendments. I might add that I, too, also expect to have a record vote on my amendments, so that would mean four record votes, and that would represent 1 hour out of the time the gentleman is suggesting.

Mr. THOMPSON. Mr. Chairman, I withdraw my request.

AMENDMENT OFFERED BY MR. ANDERSON OF ILLINOIS

Mr. ANDERSON of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of Illinois: On page 4, line 9, insert after the word "work" the following: "involving other than residential structures of three-stories, or less, without an elevator".

Mr. ANDERSON of Illinois. Mr. Chairman, the amendment I have at the desk is a brief one and would accomplish one simple purpose: It would exempt the light residential construction sector from the provisions of the bill. I think the justification for this amendment is overwhelming and hope that the committee will see fit to accept it.

First, this amendment is necessary in order not to complicate or retard the impending economic recovery. As most of you are aware, the housing industry has traditionally been a cyclical leader, rising from the trough of recession earlier and more swiftly than the remainder of the economy. It is already apparent, however, that this will not be the case during the current recovery. Due to the fact that residential construction has just been through the worst decline since 1945 and to the persistence of high mortgage rates, the level of new housing starts is still near rock bottom—even as other sectors of business activity begin to show signs of a strong upturn.

Consider these facts:

In 1974 housing starts numbered only 1.35 million compared to more than 2 million in each of the 3 preceding years and the national housing goal of 2.6 million annual starts.

During the first 6 months of this year the picture has been even more dismal; only 518,000 actual starts were made, a level more than 50 percent below the equivalent period in 1973.

It is currently estimated that the unemployment rate for residential construction is 42 percent—nearly one out of every two workers.

Mr. Chairman, this seriously depressed level of activity has consequences far beyond the workers, contractors and suppliers directly associated with new home construction. Traditionally, the surge in housing starts at the beginning of the cyclical recovery stimulates a related surge of buying for household furnishings, consumer durables and other items associated with the occupancy of a new home. Thus, the absence of a vigorous housing recovery will have ripple effects throughout the entire economy.

I would suggest, therefore, that if you want to abort or undermine the halting recovery that is now underway, there would be no better way to insure this than to allow the uncharacteristically lagging level of housing starts to be further impeded by an outbreak of strike activities at home construction sites during the remainder of this year. And since the housing sector is primarily unorganized at present, I think there can be little doubt that the new leverage provided to the building trades unions by the measure before us would be directed at just this sector of the economy.

Second, I believe this amendment is necessary to insure the survival of the small contractors who currently play such a preeminent role in homebuilding. The predominant share of the work in light residential homebuilding is done by contractors and subcontractors who typically build fewer than 25 units per year, employ as few as 1-to-5 craftsmen, and who are only thinly capitalized. One or two ill-timed strikes against, say the general contractor, could readily bankrupt the electrical, plumbing or decorating contractors working on the site.

Moreover, if common situs picketing led to a rapid unionization of a sector which has traditionally been unorganized, which I believe would be the case, many builder-entrepreneurs would simply quit the business. Homebuilding, the last preserve of the small businessman, would sooner or later be taken over by large construction firms who could afford to cope with costly and complicated collective bargaining contracts.

Mr. Chairman, not a day goes by when we do not hear lavish rhetorical tributes to the virtues and contributions of the independent small businessman. Well, here is a chance to put those high-flown words into action. In its present form this bill is the death knell for that hardy breed of builder-entrepreneurs who form the backbone of one of the Nation's most important industries.

Finally, Mr. Chairman, I believe that this amendment is essential if we are to have any hope at all of reversing one of the most serious trends occurring in our economy today: the virtual exclusion of a great bulk of the middle and working class from the new home market. According to the most recent available figures, the median price for a new home is more than $40,000 nationwide, and in some metropolitan areas substantially higher than that. The blame for this desperate situation must be shared by numerous factors, including the high level of interest rates, recent escalation of materials costs, high land prices, and, of course, ever-increasing costs for labor. But, by adopting this bill, without my amendment, we will only tighten the financial squeeze on the average American family wishing to purchase a new home.

For let us be honest about the purpose of this bill: while some sectors of the construction industry are 100 percent unionized, nearly 80 percent of the homebuilding sector is unorganized. When all of the rhetoric is peeled off, the underlying motivation for this bill is to facilitate and assist the building trades in organizing a sector which they have historically been unable to penetrate under existing labor law. Yet if homebuilding becomes subject to the same avaricious collective bargaining demands that have plagued the rest of the industry, the door to a new home will really be slammed shut on the middle class. For unlike the case of highway, commercial and industrial construction, there will be no third party to absorb the additional costs of inordinately expensive collective bargaining agreements; they will end up right in the pockets of the American homebuyer.

In conclusion, Mr. Chairman, let me emphasize that this amendment only exempts residential construction projects of three stories or less without elevators. It would not apply to large housing project construction sites, nor would it pertain to the construction of major apartment complexes. This amendment is designed to protect only the small homebuilders and the average single family home buyer. I urge adoption of this worthy amendment.

Mr. THOMPSON. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from New Jersey.

Mr. THOMPSON. Mr. Chairman, I am not sure I understand what the language of the amendment means when it says:

> Involving other than residential structures of three stories, or less, . . .

Mr. ANDERSON of Illinois. I think it is quite clear, it is intended to protect the small homebuilder, the single family home buyer. It does not apply to large project type construction sites, it does not pertain to construction of major apartment complexes.

I repeat, Mr. Chairman, it is to protect the small, single family home buyer, the small builder who on the average constructs about 25 homes a year, and often employs between only 5 and 10 workers, with a very thinly capitalized structure, and where if a strike were to occur, or one or two ill timed strikes were to occur against the prime contractor and those subcontractors go out of business, then it will be like ninepins all over the place.

We are going to affect the small businessman, the independent businessman. How many times I have said in this Chamber and I have heard many of us here in the well exhort us to do something for the small entrepreneur and small independent operator in this country. Here is the chance to preserve his livelihood, to make sure that while recovery is still impending, we do not put a roadblock in that resurgence and recovery in the housing industry. They could not have possibly brought this bill forward in a more untimely fashion than to offer it right now when we stand hopefully poised on the brink of recovery. And yet we are going to frustrate those hopes by encouraging a rash of strikes in the homebuilding industry.

The gentleman admits that that is the purpose, to deal with the unorganized sector of the construction industry. There is going to be the inevitable result upon the adoption of this bill. I would plead for the small businessman, for the small individual family, that wants to go out and buy a home for something less than $40,000, which is today the median price that one has to pay for a home in America.

For heaven's sake, do not defeat that objective by failing to vote for this amendment. It is simply designed to exempt that sector of the construction industry from what could be the very onerous effects of this legislation.

Mr. GOLDWATER. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from California.

Mr. GOLDWATER. I thank the gentleman for yielding.

I think the gentleman makes a significant contribution to this debate by offering this amendment. I happen to have a personal friend who is a small contractor, the Frounfelter Construction Co. He builds 5, maybe 10 or 15 homes a year. He cannot afford strikes at his construction site, he cannot exist financially with disruption that this bill may cause. To the small contractor the provision of this amendment makes sense.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORD of Michigan. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is a very significant amendment because not only is it wrong in principle because it seeks to create a class differentiation at a time when the purpose of this legislation is to do away with class differentiation, but it does not, while trying to "protect the small businessman" that the gentleman from Illinois (Mr. ANDERSON) is talking about, do very much for the people that this legislation is supposed to protect.

If we think of the carpenters as an example, over 50 percent of their membership when things are operating reasonably well would be exempt from the provision of this act under Mr. ANDERSON'S amendment because the gentleman from Illinois (Mr. ANDERSON) does not exempt residential building when a little old couple are building it for a retirement home, or a young couple are building it, or the small businessman is building it. He exempts it when Litton Industries build 10,000 of them at one time across the country. The exemption does not apply itself with regard to the size of the owner or the person doing the building, or the size of the contractor. It applies itself to the size of the house that is being built, and it is pretty generous.

We can tell what kind of houses the people who wrote this amendment over there at the National Association of Home Builders live in when they say they are trying to protect the small businessman and the little man and the homeowner by exempting all houses below three stories without an elevator. Obviously, over at the Home Builders Association they feel that one is kind of middle class or lower middle class if one cannot afford a three-story house or better with an elevator.

I submit that trying to pass this off, as the gentleman from Illinois (Mr. ANDERSON) has done rather well, as a simple attempt to relieve small contractors and small businessmen of some sort of an onerous burden, is just not being very candid. This would be a serious reversal of the entire purpose of this legislation and would have a devastating effect on the building trades.

Mr. THOMPSON. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from New Jersey.

Mr. THOMPSON. I thank the gentleman for yielding.

I have compassion for the small home builder, but the fact is that the gentleman states it accurately. The Levittowns built throughout the United States, in my district, and right across the river from it in nearby Maryland, and in New Jersey, now have over 30,000 people.

Not one of those houses is three stories. All of them are now in the $60,000 to $70,000 bracket. Not a union worker was employed in any of them, or is. Now they are to have this protection? The profits in the industry are utterly enormous. We all know that.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, who buys those single-family homes in the towns put up by Levitt if it is not the little people in this country who want to buy houses for less than $40,000? Here we are going to deprive them of the opportunity to buy houses at those prices.

Mr. O'HARA. How many of these people the gentleman is describing live in 3-story houses?

Mr. ANDERSON of Illinois. The amendment indicates less than 3 stories. We are trying to eliminate the huge apartment complexes that would still be under this bill, but it would let the people who want to buy single-family homes still do it.

Mr. HAYES of Indiana. Will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Indiana.

Mr. HAYES of Indiana. I would like to ask whether the gentleman in the well is aware of the fact that concern has been expressed by the people on the other side of the aisle that we do nothing to damage the supposed recovery of the housing industry, but would they admit responsibility for dashing recovery of the housing industry when the housing bill was vetoed?

Also I wonder whether or not it has been made perfectly clear in the face of this kind of concern being expressed by the gentleman who preceded the gentleman in the well, that we are not bringing a bill in here as something to quash a sudden lurch of recovery. The committee should realize that in lieu of the vetoed housing bill, the minority of the committee would take care of problems in the housing industry by maintaining an inequity recognized for 25 years. If there is going to be responsibility for future economic problems in home construction laid on the doorstep of the people who brought in this bill, then I think the burden of responsibility for past and present economic disaster ought to be equally shared by those on the other side of the aisle for the problems their sustaining of the housing bill veto caused this industry.

Mr. ZABLOCKI. Mr. Chairman, I move to strike the requisite number of words.

(By unanimous consent, Mr. ZABLOCKI was allowed to proceed out of order.)

TURKEY ORDERS UNITED STATES TO CEASE OPERATION OF MILITARY BASES AS OF SATURDAY

Mr. ZABLOCKI. Mr. Chairman, I have taken this time to speak out of order to share with my colleagues a message that has just been received over the teletype, over the UPI wire service from Ankara UPI.

> Turkey Friday ordered the United States to cease operation of its military bases in this country as of Saturday.

I know there will be some who will say that it is a very irresponsible decision on the part of Turkey. There will be those who will say that Turkey is cutting off its nose to spite its face.

Personally, in my opinion, Turkey acted as irresponsibly as some Members of Congress yesterday.

Mr. THOMPSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would point out that superficially this amendment seems attractive. I am somewhat taken by the splendid, as usual, albeit somewhat angry, oratory of my friend, the gentleman from Illinois who does not point out that in this legislation as it is, with a 10-day strike notice and with the approval of the international union required, that is quite enough protection for the homebuilding industry, and the 5 percent or so of it which is the maximum amount which is unionized.

With that I would hope to defeat the amendment.

Immediately following it, I shall again ask consent to end debate, and if I do not succeed I shall then move that on each amendment there shall be a limitation of 10 minutes, which I think at this stage of the game is reasonable.

As we near the end of the debate, I want to restate with precision what I said at the outset of the debate yesterday. This bill affects only the secondary boycott provisions of the NLRA by changing the view of the relationship between the contractors on a construction site which governed in the 6-to-3 decision of the Supreme Court in the Denver Building case in interpreting what is now section 8(b)(4)(B) of the act.

Mr. Chairman, I ask for the defeat of the amendment.

Mr. ASHBROOK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. At the outset, let me say to the chairman of the committee that during the debate I think we have averaged about 10 to 12 minutes on each amendment. The votes have taken a considerable amount of time and except for these parts we have been moving along expeditiously.

I support the amendment of the gentleman from Illinois.

Let me also say something on this bill. It has been advocated as a very simple bill, narrowly drawn, with a very specific purpose. If there is anything we have seen today it is that this bill cuts across the entire economy—everything in construction matters that relates to the States and the contracting work of the States and of the local governments and, as the gentleman from Illinois pointed out, up to and including the very important matter of residential housing. It is a bill of sweeping proportions.

I think up to this time the votes indicate it is not a simple bill. We are sitting on top of a volcano. I think the Members recognize it and that feeling is coming out in the votes.

The gentleman's amendment says only this:

> . . . involving other than residential structures of three stories, or less, without an elevator.

That is a very narrow purpose. It is a laudable purpose. I think we should support the amendment.

Mrs. **FENWICK**. Mr. Chairman, will the gentleman yield?

Mr. **ASHBROOK**. I yield to the gentlewoman from New Jersey.

Mrs. **FENWICK**. Mr. Chairman, I rise in support of the amendment.

I think that our homebuilders need contracts, the workers need jobs and our people need homes. I think this amendment will help to do it.

The **CHAIRMAN**. The question is on the amendment offered by the gentleman from Illinois (Mr. ANDERSON).

The question was taken; and on a division (demanded by Mr. O'HARA) there were—yeas 65, noes 21.

RECORDED VOTE

Mr. **O'HARA**. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 202, not voting 32, as follows:

[Roll No. 436]

AYES—200

Abdnor
Alexander
Ambro
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
AuCoin
Bafalis
Bauman
Beard, Tenn.
Boggs
Bowen
Breaux
Brinkley
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Carter
Casey
Cederberg
Chappell
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collins, Tex.
Conable
Cotter
Crane
D'Amours
Daniel, Dan
Daniel, R. W.
Davis
Derrick
Derwinski
Devine
Dickinson
Downing, Va.
Duncan, Oreg.
Duncan, Tenn.
du Pont
Edwards, Ala.
Emery
English
Erlenborn
Esch
Evins, Tenn.
Fenwick
Findley
Fisher
Florio
Flowers
Flynt
Ford, Tenn.
Fountain
Frenzel
Frey
Fuqua
Giaimo
Goldwater
Goodling
Gradison
Grassley
Gude
Guyer
Hagedorn
Haley
Hamilton
Hammerschmidt
Hansen
Harris
Harsha
Hastings
Heckler, Mass.
Hefner
Henderson
Hightower
Hinshaw
Holland
Holt
Howe
Hubbard
Hutchinson
Hyde
Jarman
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Kasten
Kazen
Kelly
Kemp
Ketchum
Kindness
Krebs
Krueger
Lagomarsino
Latta
Lent
Litton
Long, Md.
Lott
Lujan
McCollister
McDonald
McEwen
McKay
McKinney
Madigan
Mahon
Mann
Martin
Mazzoli
Michel
Milford
Miller, Ohio
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Mosher
Myers, Pa.
Neal
Nichols
O'Brien
Patman, Tex.
Pettis
Poage
Pressler
Preyer
Pritchard
Quie
Railsback
Rhodes
Rinaldo
Roberts
Robinson
Roe
Rogers
Rose
Roush
Rousselot
Runnels
Ruppe
Sarasin
Satterfield
Schneebeli
Schulze
Sebelius
Sharp
Shriver
Shuster
Sikes
Smith, Nebr.
Snyder
Spence
Stanton, J. William
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stuckey
Studds
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thone
Thornton
Treen
Ullman
Vander Jagt
Waggonner
Wampler
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Winn
Wright
Wydler
Wylie
Young, Alaska
Young, Fla.
Young, Tex.

NOES—202

Abzug
Adams
Addabbo
Anderson, Calif.
Annunzio
Ashley
Aspin
Barrett
Baucus
Beard, R.I.
Bedell
Bennett
Bergland
Bevill
Biester
Bingham
Blanchard
Blouin
Boland
Bolling
Bonker
Brademas
Breckinridge
Brodhead
Brooks
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Chisholm
Clay
Collins, Ill.
Conte
Corman
Cornell
Coughlin
Daniels, N.J.
de la Garza
Delaney
Dellums
Dent
Diggs
Dingell
Dodd
Downey, N.Y.
Drinan
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Evans, Colo.
Evans, Ind.
Fary
Fascell
Fish
Fithian
Flood
Ford, Mich.
Fraser
Gaydos
Gibbons
Gilman
Ginn
Gonzalez
Green
Hall
Hannaford
Harkin
Harrington
Hawkins
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heinz
Helstoski
Hicks
Hillis
Holtzman
Howard
Hungate
Ichord
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Koch
LaFalce
Lehman
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
McCormack
McDade
McFall
McHugh
Macdonald
Madden
Maguire
Mathis
Matsunaga
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mills
Mineta
Minish
Mink
Mitchell, Md.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Morgan
Moss
Mottl
Murphy, Ill.
Murtha
Myers, Ind.
Natcher
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Hara
O'Neill
Ottinger
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Peyser
Pickle
Pike
Price
Randall
Rangel
Regula
Reuss
Richmond
Riegle
Rodino
Roncalio
Rooney
Rosenthal
Rostenkowski
Roybal
Russo
Ryan
St Germain
Santini
Sarbanes
Scheuer
Schroeder
Seiberling
Shipley
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Solarz
Spellman
Staggers
Stanton, James V.
Stark
Stokes
Stratton
Sullivan
Thompson
Traxler
Tsongas
Van Deerlin
Vander Veen
Vanik
Vigorito
Walsh
Waxman
Weaver
Whalen
Wilson, C. H.
Wilson, Tex.
Wolff
Yates
Yatron
Young, Ga.
Zeferetti

NOT VOTING—32

Badillo
Baldus
Bell
Biaggi
Clancy
Conlan
Conyers
Danielson
Eshleman
Foley
Forsythe
Fulton
Hanley
Hébert
Horton
Hughes
Jeffords
Jenrette
Johnson, Pa.
Keys
Landrum
Leggett
McClory
McCloskey
Murphy, N.Y.
Passman
Quillen
Rees
Risenhoover
Udall
Wirth
Zablocki

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. **THOMPSON**. Mr. Chairman, I move that all debate on section 1 and all amendments thereto end at 3:30.

The **CHAIRMAN**. The question is on the motion offered by the gentleman from New Jersey (Mr. THOMPSON).

The motion was agreed to.

The **CHAIRMAN**. Members standing at the time the motion to limit debate was made will be recognized for approximately 2 minutes each.

AMENDMENT OFFERED BY MR. ANDERSON OF ILLINOIS

Mr. **ANDERSON** of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. ANDERSON of Illinois: Page 4, line 10, between the word "employer" and "who" insert the following: ", other than a minority employer employing more than 50 percent minority employees,".

The **CHAIRMAN**. The gentleman from Illinois (Mr. ANDERSON) is recognized for 2 minutes in support of his amendment.

Mr. **ANDERSON** of Illinois. Mr. Chairman, we have heard over and over again that this bill is designed to do equity and that we should not have class distinction.

We do have class distinction in the construction industry, and it is one that is based on color.

I wish I had time to go through the testimony of Joseph Debro before this committee, where he pointed out that this bill, if enacted in its present form, is nothing but a continuation of a not-so-subtle form of racism. He was speaking as the head of a union-shop company, one who said he was pro-union. Yet, he said that racism is alive and well in this industry and that if we adopt this bill in its present form, all it does is reenforce the ability of the craft unions to continue their practices of excluding blacks and minorities from working in high-paying jobs in the construction industry.

I wish I had time to read the dismal figures I have here of the percentage of blacks in this country who are in the plumbers, in the iron workers trade, in the more lucrative building trades. They number somewhere between 1.7 percent and 3 percent. It is only when one gets to the common laborers that we find that about 29 percent of the minority are employed.

This bill, by permitting the pernicious continuation of the present hiring-hall practices, is simply to continue to foist upon us the kind of racism that has systematically excluded blacks from the construction unions in this country.

It is an anticivil rights vehicle if there ever was one.

Mr. Chairman, if I could only implore the Members, even at this late date, to accept my word for the fact that anyone who reads the testimony of this man who testified before our committee would understand what I am telling the Members. When they start talking about the fact that they have prohibitions in here against discrimination, remember to be sure they have prohibitions against picketing to discriminate against people on the job for reasons of race but the issue at that time is far too late because the discrimination has already occurred back at the hiring halls where any contractor, unless he is willing to discharge his work crew because they do not belong to the union, cannot get the job.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. STEIGER of Wisconsin yielded his time to Mr. ANDERSON of Illinois.)

Mr. ANDERSON of Illinois. Mr. Chairman, I thank the gentleman from Wisconsin for yielding me the additional time.

Mr. Chairman, it does seem just a little short of ludicrous for any one of us to stand here in the well at this hour of the afternoon and try to persuade the Members at about 200 words a minute the very fundamental reasons why this is a bad bill, as it is written. Unless we adopt this amendment, unless we exclude this from the purview of the common situs picketing, that this will represent a continuation of those problems against the nonunion contractor who is a black contractor with black employees.

And why is he a nonunion contractor? Not as Mr. Debro says, because he wants to be a nonunion contractor, but because when he goes down to the hiring hall he finds he cannot get his people into the union.

This man said, "I am a plumber, and I wanted my son to be a plumber, but I could not get him in the union, and he had to go to law school." And the gentleman from New Jersey (Mr. THOMPSON) said, "Poor fellow."

Well, we can joke about it. Maybe it is a funny thing to some of the Members. But I have tried desperately in my own hometown to be a leading force toward getting an affirmative action program directed toward getting blacks and minority groups into the construction trades, and I am getting heartsick over the lack of progress. The only way they are going to get jobs today in construction will be as minority contractors, and as nonunion contractors. Not because they do not want to belong to the unions, but because in most cases the unions just will not let them in.

So, give them a chance. Adopt this amendment, and by doing so correct an inequity, if that is what the Members intend to do with this bill.

The CHAIRMAN. Does the gentleman from New Jersey desire to use his time on this amendment?

Mr. THOMPSON. I do, Mr. Chairman.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Illinois (Mr. ANDERSON).

Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON. I will be glad to yield to the gentleman from Missouri.

Mr. THOMPSON. Mr. Chairman, the statistics given by the gentleman from Illinois (Mr. ANDERSON) are wrong. I want to say something further, and that is that I resent bitterly and deeply the implication that I would sponsor a racist bill. I will take my record on this matter and lay it against that of the gentleman from Illinois.

I now yield to the gentleman from Missouri.

Mr. CLAY. Mr. Chairman, I rise in opposition to the amendment.

My heart bleeds for the sponsor of this amendment. I am glad to see the gentleman is very concerned about racism, especially when the gentleman makes a statement like "racism is alive and well in the construction industry."

I am here to inform the Members that a black man's chances of getting a job in the construction industry are 15 times as great as it is of getting a job on any committee majority staff in this House, and 200 times as great as it is of getting a job with the minority staff of this House.

So I say if the gentleman wants to do something about racism, the gentleman can, start in his own house.

I say further, Mr. Chairman, that this is a very vicious kind of an amendment. It divides the workers of this country. I think this amendment ought to be voted down. The argument here is not whether or not we are going to eliminate discrimination, the argument here is whether or not there will be job security and the ability of workers to get decent wages and working conditions.

The CHAIRMAN. The Chair recognizes the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I do not know when I have felt more strongly than I do about the situation we are now discussing. I am a trustee of the International Council of Business Opportunity in my State, headed by former Governor Meyner. I was chairman of Governor Hughes'—another Democratic Governors'—Committee on Equal Employment Opportunity. I was a minor partner, until I was elected, in a black minority construction business. I know from experience what it is like to try to break in.

The gentleman from Missouri also knows that the statistics referred to include the common laborers. Surely we know that, those of us who have worked in the full of equal opportunity.

I have tramped through projects in Newark, public works, and found workers brought up from the South where they are, indeed, more liberal in their attitudes, to fill the union jobs when we could not get work for our own men and boys in New Jersey in the projects. This is a serious matter. This is something that has concerned many of us for years.

We have got to give people a chance who have never had a chance. They are trying to start businesses, trying to get employment. They want to join unions. This is not an antiunion movement. They want to get in. I do not know if the Members know what it is like to be on the outside, a little behind the eight ball as far as money is concerned. This is not a laughing matter. There is no room for jokes here. These are the lives of people, struggling to be part of an industry and of the economy of this Nation. We cannot turn our backs on them.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL of Maryland. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

I do not rise in defense of any unions at all. I think that the record of racism in unions and in the country speaks for itself. Remember, however, that racism is not confined just to the unions. I rise to oppose the amendment for several reasons: No. 1, we have the question of the definition of minority. There is no definition of minority in the gentleman's amendment. Am I correct in assuming that this amendment would apply to women, that it would apply to an all-Italian construction company? Italians are in the minority in this country. Would it apply to the Indians? They are a separate minority in this country. That is one problem I have with the amendment.

Another problem I have with the gentleman's amendment is the fact that last year the committee on which I serve, the Committee on Banking, Currency and Housing, and the Small Business Committee thereof uncovered all kinds of scandals with reference to minority business. The scandals were not caused by minorities. The scandals developed because white persons formed so-called minority companies, recruiting a minority street sweeper and a minority janitor, and saying, "Come on; I am going to make you the vice president of the company, and you are going to be the secretary of the corporation."

Those men brought in who were the minority never reaped the benefits from those minority companies.

I suggest to the Members that the amendment proposed could certainly be a vehicle for perpetuating that kind of abuse in minority enterprise.

Third, if the Members have recently read the General Accounting Office's report on minority enterprise in the 8–A contract program, they will find that this kind of thing has been perpetuated in the SBA structure. An unscrupulous white contractor, white businessman, forms a dummy corporation, and that dummy corporation reaps nearly all of the benefits which might accrue to a minority company. Under the amendment which is proposed, this could go on ad infinitum, with no protection at all against that kind of unscrupulousness.

May I add further that to date we have not come up with a mechanism—neither the SBA nor the OMB nor Congress nor anyone else—for protection against that kind of abuse, and until we do, I think the amendment ought to be defeated.

It seems to me there is a danger when we exempt minority contractors, minority businessmen from the provisions of this bill. What in effect we will do by exempting them is to set them up as a special target to be singled out for attack. The management is not even going to consider giving a minority contract because the management does not want to face the kinds of concerns and problems that might arise from dealing with a company specifically exempted from the provisions of law.

Finally, may I say I am confused over the introduction of this amendment at this time. I have every reason to respect the motives of the gentleman who introduced the amendment but let me ask a question. Where were all these people when we were struggling to gain compliance with the Office of Contract Compliance? Where were they when we struggled on behalf of minority contractor participation in the Alaska pipeline? Only a few of us struggled to help to make sure minorities were included. I would ask the question: Where are they now when we are considering construction of the gasline? No one has taken up the cudgels for the minority in the past, insofar as I know, except for a few Members on this side of the House.

Members may shout as they will, but will they give me one shred of demonstrable evidence they have been so involved?

Mr. Chairman, I will not yield until I conclude my statement. I will not yield. My time is limited and I will not yield.

I suggest to my colleagues that they not be misled by an amendment which on its face appears to be a civil rights issue when it is in fact a detrimental issue for the minority contractors.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. Moore).

Mr. MOORE. Mr. Chairman, I yield to the gentleman from Alaska (Mr. Young).

Mr. YOUNG of Alaska. Mr. Chairman, the question was asked where were we when the minority was trying to get jobs on the Alaska pipeline. I want to tell the Members we have minorities in my State, we have 75,000 native people there who live in poverty and those people are working. I say the blacks of Alaska are working on the pipeline also, and the blacks outside are not going to get those jobs until my people are working all the time.

I want to tell the Members this: There was not one black on this floor who voted for the Alaska pipeline. I say if a Member wants to put his money where his mouth is, put it there.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. O'Hara).

Mr. O'HARA. Mr. Chairman, I ask that I may reserve my time until later.

The CHAIRMAN. The request is granted.

The Chair recognizes the gentleman from California (Mr. Miller).

(By unanimous consent Mr. Miller of California yielded his time to Mr. Clay.)

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. Clay).

Mr. CLAY. Mr. Chairman, I do not know if I need that much time.

I want to correct an impression that was given by the sponsor of this amendment. He quoted in several instances statements made by a black contractor by the name of Debro. He created the impression Mr. Debro was opposed to this bill because this bill has a potential for discriminating against minority contractors. The opposite is the truth. Mr. Debro testified before our subcommittee. Mr. Debro, who happens to be black, is also a union contractor.

Mr. Debro assured the chairman of our subcommittee that he supported this bill. Mr. Debro did express some reservations, some doubts about some features of the bill, but in the end result it is my understanding he supported the bill and he supports the position that I take on this bill, that there are two issues involved here. One is the issue of racism in construction unions. That is an issue that has existed in all forms of society in America. Racism is pervasive in this country. We are doing something, we hope, to deal with this. The other is decent wages and decent working conditions.

I think my credentials are in order when we talk about what is good for the people that I represent and the people that I happen to be one of.

I have been involved in a struggle with unions in the construction industry itself for years. I worked against construction unions and fought against construction unions until my people were included in their membership.

I was the educational director for local 562 of the pipefitters union in the city of St. Louis. We fought to get blacks in there and I am proud to say they are in there now, not in sufficient, but appreciable numbers.

Mr. Chairman, I want to correct another statement the sponsor of this amendment made when he talks about 1.7 percent of the workers in the construction industry being from minorities. The fact is that 9 percent of the construction industry in this country is black and 16 percent of all the AFL-CIO apprentices today are minorities.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, if the gentleman understood me to say that 1.7 percent of all construction workers are black, that is a misapprehension. The figures I have are broken down by the mechanical trades and the general construction trades and they do so in the more skilled occupations, in the mechanical trades, electrical workers are 1.9 percent black, iron workers 1.9 percent.

It is true as far as laborers are concerned, common laborers, the figure is 29.2 percent. So obviously the overall average is much higher than 1.9 percent. The point I was trying to make, it would seem to me from these figures that it is the dirtiest jobs, the more difficult jobs, the poor-paying jobs which have been assigned to black construction workers and they have been relatively restricted from entering the much more highly paid mechanical and skilled trades.

Mr. CLAY. Mr. Chairman, I refuse to yield further.

Let me point out to the gentleman, the amendment of the gentleman does not deal with racism in unions. It is dealing with contractors. I say it is just as wrong for a black contractor to exploit people as it is for a white contractor.

Mr. Chairman, I cannot support the amendment of the gentleman.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. Ford).

Mr. FORD of Michigan. Mr. Chairman, I yield to the gentleman from Maryland (Mr. Mitchell).

Mr. MITCHELL of Maryland. Mr. Chairman, I simply ask that anyone who has an interest in any of the major construction that has gone on in this country, with particular reference to the Alaska pipeline and the involvement of minority contractors—not minority employees, minority contractors—will find a dismal record of noninvolvement has been applied straight down the line.

If anyone wants to check the record, come to my office.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. O'Hara).

PARLIAMENTARY INQUIRY

Mr. O'HARA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. O'HARA. Mr. Chairman, as I understood the motion of the gentleman from New Jersey (Mr. Thompson), it was that all debate on section 1 and all amendments thereto conclude at 3:30.

The CHAIRMAN. The gentleman is correct.

Mr. O'HARA. Mr. Chairman, I asked for time to be able to speak on a different amendment. May I reserve my time until this amendment is voted on?

The CHAIRMAN. The Chair would like to advise the gentleman that he will be recognized at that time, providing it is 3:30. The request would be in order.

The Chair recognizes the gentleman from Ohio (Mr. Ashbrook).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. Anderson).

The question was taken; and on a division (demanded by Mr. Ashbrook) there were—ayes 42; noes 84.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. MOORE

Mr. MOORE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Moore: Page 5, line 8 after "origin:" add the following: "*Provided further*, That nothing in the above provisos shall be construed to permit a labor organization to picket an employer who is not a party to the dispute to the extent that such employer's employees cease work in cases where such reduction in work force with local, state or federal rules, regulations or laws setting forth equal employment requirements."

The CHAIRMAN. The Chair would like to inquire of the gentleman from Louisiana if he would like to insist upon his full 5 minutes to which he is entitled. His amendment has appeared in the Record.

Mr. MOORE. Yes, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. Moore).

Mr. MOORE. Mr. Chairman, it has come to my attention in researching this bill that there is a problem in it which needs to be rectified. This amendment would prohibit picketing in instances where it would result in a reduction in the work force so as to place an employer in violation of the equal employment laws.

Under the present provisions of H.R. 5900, an employer who has no dispute with any union would be forced to discontinue the training and upgrading of minority workers as required by Federal law since he cannot continue work because all his employees must strike.

Any reduction of his minority work force due to a common situs strike may well cause him to be placed in noncompliance with Executive Order 11246 and applicable State and Federal laws. This action could well result in a permanent loss of jobs and training to many minority workers.

A strike will follow the employer to any other job site he goes to. It is clear that the total number of minority employees employed by the employer is considered in determining a violation, not any one particular site, but the total number, to see if he is meeting the Federal guidelines and equal opportunity regulations.

There is no provision in the existing bill, which covers this situation.

Yesterday, July 24, 1975, my office talked to Dr. George F. Travers, Director of the Division of Program Policy and Planning, Office of Federal Contract Compliance, concerning this matter. It is his opinion that, any Affirmative Action Program policies that set minority goals and timetables toward reaching those minority hiring goals pursuant to Executive Order 11246 relate to a contractor's entire work force without regard to the number of minority employees an employer has at any given worksite.

Therefore, Dr. Travers concludes that if a contractor has a large number of minority employees at a site where a common situs picket occurs, that employer, if unable to find work for his minority employees at another jobsite, could find himself in violation of equal employment hiring practices.

Therefore, this amendment very simply says that if this particular employer is not part of the dispute, and if the common situs picketing would force him to lose enough minority employees from working which would cause him to be in violation of Executive Order 11246, or any other Federal contract compliance orders, then his employees are not subject to the common situs picketing.

This is necessary to continue the hiring of minorities and to continue these affirmative action programs where employers are trying to offer minorities job and training opportunities.

If this is not done, the entire program will be jeopardized.

I urge the support of my amendment as being a technical amendment to keep this from happening.

Mr. JOHN L. BURTON. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I yield to the gentleman.

Mr. JOHN L. BURTON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, is there anything in the gentleman's amendment that would prohibit the busing of minority employees to the job site?

Mr. MOORE. The gentleman from California knows well that is not the case.

Mr. O'HARA. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, this is really a gimmick. The Members know what the bill does. To repeat: The bill says you can picket the entire construction site if you have a lawful dispute.

And it is anticipated, of course, that if the plumbers have a dispute and throw up a picket line around the whole site, the carpenters will not come to work and will not cross the picket line, and the electricians will not cross the picket line, and so forth. The gentleman from Louisiana proposes that if one of the other contractors on the site has a minority hiring quota, and if his employees did not cross the picket line, and if he has a higher proportion of minority employees on this job than he does on his other jobs he is working on, and the picket line throws him out of kilter in terms of his minority hiring quota, that then the plumbers who are on strike cannot picket the site. To prevent situs picketing, a construction contractor when he saw a dispute coming, could get one of the other contractors on the site to transfer a few of his minority employees to that job and transfer a few of the nonminority employees to the job that they came from. Then he could stop saying, "Wait a minute; if another union the picketing of the construction site by pickets, my employees will not cross the picket line and I will fall short of my affirmative action goals."

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman.

Mr. MOORE. Mr. Chairman, I thank the gentleman for yielding.

I think the amendment clearly says, "that nothing in the above provisos shall be construed to permit a labor organization to picket an employer." One employer. Not the site. The common situs can go on. It will not go on to just one employer who has this minority problem.

Mr. O'HARA. Mr. Chairman, how can one picket a site on which there are five employers, five subcontractors, let us say, and somehow not picket the one that has a minority employees living quota?

If the gentleman is talking about picketing some place other than the building site, then the gentleman is talking about something that has nothing to do with this bill, because right now they can picket all they choose away from the construction site. This bill has nothing to do with picketing away from the common construction site.

Mr. MOORE. Mr. Chairman, if the gentleman will yield further, it is my understanding now of the labor practices in my particular area, you have a single gate where picketing can take place, but not at the other gates. I am saying you will have a gate for this employer only.

Mr. O'HARA. But if there were no separate gate, then they could not picket the construction site. If they all went in the same gate, the result of picketing that gate would be to picket this other fellow.

This amendment just introduces a problem into these matters that does not exist, which it then tries to cure in a way that would be very harmful to the purposes of the bill.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, what appears to be inherent in the gentleman's amendment is the fact that it would protect the practice of having what appears to be an integrated work force but is actually a segregated work force. For example, we might have a situation where an employer has 200 employees and has x percentage of minority employees. That is what he reports to the Government agency concerned with minority employment.

However, he has segregated work crews, so that he has all his minority employees working in one place and all his nonminority employees in another. Then what happens is that if they picket the job that has the minority employees on it, they throw his compliance percentage out of kilter. A more insidious device would then be, for instance, a large contractor could transfer his nonminority employees onto the job where a dispute occurs and block the picketing for everybody on that job site, not only his employees on the job, but everybody else, because the secondary boycott provision would bring everybody under the umbrella created by the actions of the employer using his segregated work force to escape the conflict he is having with the union.

Mr. O'HARA. Mr. Chairman, I ask that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. Moore).

The question was taken; and on a division (demanded by Mr. Moore) there were—ayes 25, noes 78.

Mr. MOORE. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. ASHBROOK

Mr. ASHBROOK. Mr. Chairman, I offer an amendment.

The clerk read as follows:

> Amendment offered by Mr. Ashbrook: Page 4, line 7, strike the word "person" and insert the following: "employer primarily engaged in the construction industry".

Mr. ASHBROOK. Mr. Chairman, proponents of H.R. 5900 emphasize that the bill is to be aimed only at employers in the construction industry and has nothing to do with employers or employees in the industrial sector.

However, the word "person" at page 4, line 7, would indicate that inducements to strike or picket could be directed against employees who are employed by other than construction employers, such as employers of manufacturing plants, State government employees—who are outside the parameters of the NRLA—or employees covered by the Railway Labor Act.

The committee in its report at page 15, states that H.R. 5900 is limited to individuals employed by "persons in the construction industry,".

This amendment simply clarifies the committee's intent and puts into legislative language that which is necessary for proper interpretation and meaning. Rather than writing legislative language in a committee report, this amendment simply writes it into the law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. Ashbrook).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MOORE

Mr. MOORE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Moore: Page 5, line 3, immediately after "proviso:" add the following: *"Provided further*, That nothing in the above provisos shall be construed to permit picketing of an employer who is not a party to a dispute over an economic matter in cases when picketing is conducted in a manner that would cause that employer's employees to cease work and the employees of that employer have a lower wage scale than that of the aggrieved labor organization; and any employee who ceases work because of a violation of this proviso may bring a civil action against the labor organization in any United States district court of competent jurisdiction to recover the wages lost as a result of such violation, and the court shall award costs and reasonable attorneys' fees to the prevailing plaintiff."

The CHAIRMAN. The amendment of the gentleman from Louisiana (Mr. Moore) has been placed in the Record. He is entitled to 5 minutes.

Mr. O'HARA. Mr. Chairman, I reserve a point of order on the amendment.

Mr. MOORE. Mr. Chairman, as the law stands right now, if one union decides to go on strike for better wages without common situs picketing, other unions may well work behind the picket line and continue earning a living to take home to their families.

If H.R. 5900 passes, that will no longer be the case. I am talking now about the case of an economic strike, one for wages.

This is the very situation going on in my home town right now. Other unions are at work while one or more crafts are striking.

My amendment enables this practice to continue to this extent: It simply says that if a strike is only over an economic matter; that is, higher wages, employees of an employer not involved in an economic dispute can continue to go to work if, only if, they have a wage scale less than the craft that is going on strike.

Let me relate to my colleagues how this works once again. My amendment is aimed at trying to help the minority groups and the unskilled craftsmen. According to information dated April 1, 1975, received from the Bureau of Labor Statistics, a good example across the Nation right now are plumbers who are making an average hourly wage of $9.49. Compare this wage to that received by common laborers who are making $6.54 per hour, or 50 percent less.

If the plumbers decide to go on strike for higher wages, under common situs picketing, the common laborers who may not wish to go on strike and who do not have to go on strike as the law is now written, will be forced to do so. This means that they are going to be losing their income which is very precious to them as they are making less than the craft going on strike. Furthermore, they will not be able to profit from the strike because they are not getting any benefits out of the strike by another craft.

People have talked to me at plant gates in my home town and do not want this to happen. They want to be able to continue to work.

My amendment provides that any craft earning less than the craft that goes on strike, if their employer is not involved in the dispute, does not have to go on strike. If they choose to, they can do so, of course, but they do not have to. It differs from the bill in that it permits them to refrain from going on strike, and they cannot be forced to take such action.

I think we owe the wage earners of this country the right not to have to strike and lose income at a time when it costs more to live than ever before, and, Mr. Chairman, in conclusion I urge the Members to support this amendment.

POINT OF ORDER (SH)

The CHAIRMAN. Does the gentleman from Michigan (Mr. O'Hara) insist on his point of order?

Mr. O'HARA. Yes, I insist, Mr. Chairman.

I make the point of order that the amendment offered by the gentleman from Louisiana (Mr. Moore) is not germane to the purposes of the bill before us.

The bill before us is a very narrowly drawn piece of legislation that affects only 8(b)(4)(B) of the act. It affects only the question of construction workers picketing a construction site, and it goes very narrowly to that point.

On the other hand, the amendment offered by the gentleman from Louisiana (Mr. Moore) goes ahead and sets up a cause of action against labor organizations in Federal district courts, recovering lost wages and so forth.

It might be a germane provision to the National Labor Relations Act, but it is not a germane amendment to this particular section of the act or to the bill that is now before us.

The CHAIRMAN. Does the gentleman from Louisiana (Mr. Moore) desire to be heard on the point of order?

Mr. MOORE. Mr. Chairman, I oppose the point of order on the ground that this bill takes away this power under the appropriate section of this act. All this does is exempt this proviso of this particular action as it applies to these particular employees, and this exemption to such a provision in this bill is germane. The fact that it gives the right of civil action means nothing more than to strengthen the abilities of this particular proviso. Therefore, Mr. Chairman, I submit that it is indeed very much germane.

The CHAIRMAN (Mr. Natcher). The Chair is ready to rule.

The gentleman from Michigan (Mr. O'Hara) makes the point of order that the amendment offered by the gentleman from Louisiana (Mr. Moore) is not germane.

The gentleman from Louisiana (Mr. Moore) has been kind enough to submit a copy of his amendment in advance, and the Chair has had the opportunity to study the amendment and to read the report of the committee, and the bill.

The Chair would state that the fundamental purpose of the bill is to permit under certain conditions situs strikes which are, as the result of a Supreme Court decision, considered to be unfair labor practices under section 8(b) of the National Labor Relations Act.

The Chair notes that the amendment provides a civil remedy for violation of the provisions of the amendment. The act itself, in another section, provides remedies for unfair labor practices. The remedy proposed here might be germane to that section of the act containing such remedies, however that section of the act is not before the Committee, and the specific amendment to section 8(b)(4) of the act contained in this bill is not such an inclusive amendment to existing law as to open the entire act to amendment under the precedents of the House.

The Chair therefore finds that the provision for civil remedies for unfair labor practices is not germane to the portion of the act defining those practices, and sustains the point of order.

Are there further amendments to section 1? If not, the Clerk will read.

The Clerk read as follows:

Sec. 2. The amendment made by this Act shall take effect ninety days after the enactment of this Act.

Mr. FORD of Michigan. Mr. Chairman, as the vote on final passage of H.R. 5900 nears, I rise to urge my colleagues to join me in supporting this legislation which will protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers.

As a cosponsor of this bill and one who has worked with the subcommittee chairman in guiding this legislation through both the subcommittee and the full committee, I am pleased that, after the many years of trying to correct this inequity, we have finally reached this point. I want to commend the distinguished chairman of the Labor-Management Relations Subcommittee (Mr. Thompson) for his efforts in making this vote a reality.

Mr. Chairman, in the words of former Secretary of Labor Arthur J. Goldberg, "this is a simple bill with a laudable purpose." It will merely restore to unions in the building and construction industry the right to engage in peaceful activity during a strike at a construction site to protest conditions maintained by any one of the construction contractors at that same site.

It would treat the general contractor and his subcontractors as a single person for purposes of the secondary boycott provision of the law. It has no quarrel with the secondary boycott provisions of the Taft-Hartley Act insofar as they are applied to protect the "innocent neutral" from embroilment in a labor dispute in which he is "wholly unconcerned."

This bill reflects the economic realities in the building and construction industry where the contractor and all the subcontractors are engaged in a common venture and each is performing tasks closely related to the normal operations of all the others. None of them are "innocent" or "unconcerned."

This is a concept which has been supported by every administration since President Truman's and which has enjoyed bipartisan approval of Members of both the House and the Senate.

Again, Mr. Chairman, I urge my colleagues to cast their vote for this long overdue legalization of common situs picketing.

Ms. ABZUG. Mr. Chairman, I rise in support of H.R. 5900, which I sponsored, since this long-needed measure will grant to workers at construction sites the same rights as are now enjoyed by other workers.

Construction workers alone have been operating at a distinct disadvantage in their collective bargaining dealings for more that a quarter of a century, ever since the decision in the Denver Building Trades cases limited picketing activities. Simply stated, the passage of this legislation will remove that burden. It would permit all lawful picketing by construction workers, a right they should have to assist them in labor disputes. Other workers have this right by law. Therefore, by voting for this legislation, we would only be placing construction workers on the same level as are all other workers.

If collective bargaining and equitable labor-management relations are to prevail, workers must be given the right to exercise all their resources. The picketing permitted by this bill will allow workers to do so.

I wish to point out to those who have voiced objections to this bill that it does not change the law with respect to secondary boycotts. It is inaccurate to characterize a strike and picketing motivated by the actions of a subcontractor as a "secondary boycott." As the gentleman from New Jersey, who has so ably worked on this legislation, has pointed out on numerous occasions, it is not a secondary boycott for employees to take action over working conditions at the worksite, and to post a picket line around the worksite. This is traditional, lawful and primary picketing.

The issue is clear. If construction workers are to enjoy the same privileges as are now accorded under our law to all other workers, this legislation must be passed.

Efforts are being made to weaken this bill based upon claims that minority contractors which employ disproportionate percentage of minority workers should be exempted from its coverage. This approach must be rejected.

Certainly, the percentage of minority groups in unions must be increased. A proper proportion of blacks, women and other groups who have not had equal access to these labor organizations must be admitted. I will continue my efforts to achieve this end.

But the proper approach to achieve this goal is not the addition of an antiunion provision to H.R. 5900. The bill is designed to extend rights to workers. We must extend those rights. At the same time, we must assist minorities in their efforts to join unions. If this requires additional legislation, let us pass it.

The worst possible approach, however, would be the creation of a situation in which it appears that unions and minority groups are in conflict. There must be a cooperative effort to extend rights to all union members and to extend opportunities to all minority group members to achieve union status.

Mr. BELL. Mr. Chairman, for over 20 years, the Congress has been debating the subject of common situs picketing. Now in the 94th Congress, we are again considering such legislation, H.R. 5900. I have carefully studied this measure and believe that it warrants passage by this body.

Presidents Truman, Eisenhower, Kennedy, Johnson, and Nixon have all supported situs picketing in principle. Such bipartisan support cannot be ignored as we consider this legislation today.

H.R. 5900 would erase many inequities in the construction industry. Employers engaged in work on construction sites are not neutrals or innocent third parties, but rather they are "joint venturers" and, consequently, should not be protected by the secondary boycott prohibitions.

Employees engaged in work on a common site should not be treated diffierently. H.R. 5900 would insure that such workers are treated equally. The Denver Building Trades Council decision should be overruled. Construction unions should also be given equity with industrial unions. H.R. 5900 would do both.

For these reasons and those articulated by the proponents of this legislation, I would urge my colleagues to carefully consider and pass H.R. 5900.

Mr. HAGEDORN. Mr. Chairman, the question of "common situs picketing" has finally reached the House floor as H.R. 5900 after years of delay and intraunion disagreement.

I see many dangers in this measure, including the basic reason it is now being considered. Big labor has long wanted to force small independent unions to cease operations and join their conglomerates, and this bill provides a mechanism for this action.

In essence, the measure would allow picketing of construction and other multiemployer sites to force third parties, not connected with the dispute, into the settlement process.

This type of unfair involvement could well bring a halt to many construction projects in this Nation, and effect a return to the bitter labor disputes of the past.

Small craft unions could picket an entire site where numerous other unions and employers are involved in their normal operations, causing widespread disruption of employment schedules and contract deadlines totally unrelated to the disputants.

The result would be twofold: First, employers would be placed in an unfair bargaining position because of outside pressures from those whose operations were interrupted by the total site picketing. The employers would thus be treated as one with all work ended by one small union. Second, it would cause the demise of the small unions by creating a situation wherein the only way to guarantee construction progress would be with a single consolidated union to represent all site employees. This would be the logical conclusion to correct the artificial situation where employers were treated as one, while all unions on the site were autonomous.

We in this Chamber have only recently heard the loud outcries of depression in the construction industry during yet another emergency employment bill. How then can this body so categorically reverse itself and enact a measure which would surely throw thousands of construction workers out of their jobs due to questions which neither concern nor affect them?

Mr. Chairman, this bill represents a power grab by certain big union bosses, and has no place in modern labor-management relations. I urge each of my colleagues to vote for the working people in this impacted industry by rejecting this most disruptive legislation.

Mr. ABDNOR. Mr. Chairman, today we are debating an issue that, if passed, will have a devastating, long-term effect not only on the construction industry but also on the entire country. H.R. 5900, to amend the National Labor Relations Act, would allow building and construction trade unions to engage in secondary boycotts. If this becomes law, it will undoubtedly create havoc on the recovery of the ailing construction industry.

I have the feeling that even though the trade unions strongly support this piece of legislation, before we act we must consider some very important factors and the effect they will have on the unions.

First, what is going to happen to the already economically ill construction industry? The people in the labor unions today have long cried for equality with other industry unions. But, remember these construction unions have a wage scale that is, for the most part, better than equal to their counterparts in other industries.

The secondary picket would add a death blow to an already crippled industry. Construction costs are now "sky high." Where will they go when minor arguments between certain segments in the industry decide to walk out and take the rest of the work force along? Efficiency will depart forever. And who will benefit? The people laid off? Of course not. What will this piece of legislation lead to? Will it cure the industry's problems, help the labor people, the small contractor? I think not.

Second, we must ask ourselves about the constitutional question involved. This bill voids the Taft-Hartley Act. Granted, interpretation of this act has been highly controversial since its inception. I feel strongly that this bill violates the right of freedom of choice. Therefore, I urge your consideration of this inalienable right to choose or not to choose who will be your bargaining agent.

The last point I want to cite, not because I feel it should be last but because it is the one I feel most strongly about, is precisely the effect that this measure will have on the small independent contractor whose livelihood depends upon his ability to subcontract on major jobs. The independent is faced with a somewhat unique situation. He works mostly in specialized subcontracting areas, usually with nonunion people. The provisions of this bill would be financially ruinous to him. He often has very little operating capital. He pours his money into the project and makes his living on the return. A secondary boycott, when he is not one of the major parties in the dispute but an innocent bystander, would, for all intents, put him out of business.

I ask you to consider these points carefully before you make your decision on this piece of legislation. It must be recognized that this bill will have a devastating effect on the building industry and the well-being of the Nation. I urge a "No" vote.

Mr. LAGOMARSINO. Mr. Chairman, I have mixed feelings about H.R. 5900. On the one hand, I recognize the unique nature of craft unions and the special difficulties they face in organizing. This bill is an honest attempt, I feel, to solve that problem.

On the other hand, the construction industry has unique requirements of its own, peculiar to the nature of the job. And the industry in turn has enormous impact on the economic base of the community. Obviously, any unrealistic requirements imposed upon either the unions or the contractors affect the livelihood of many people. Therefore, it is extremely important that any bill we pass be carefully constructed and not favor one side over the other.

I am not convinced, from my study of the bill and from the testimony we have had on both sides, that H.R. 5900, even with the amendments we have adopted on the floor, meets this test. Yet, I realize that simply continuing the existing situation is unfair, because in the existing situation there is the potential for abuse. We have a duty to resolve this problem, and it is precisely because we have failed to do so in the past, and have in effect allowed the courts to legislate the issue for us, that this bill is now before our House.

I feel we should take this opportunity to solve the problem in a manner that will be fair to all. And I feel the best way to do this would be to keep the bill alive by sending it on to the Senate. We all know that amendments are being drafted and compromises being sought which would resolve the issue in many of our minds. From the information I have been given, these changes would make H.R. 5900 a good bill and provide a workable solution to the problem.

Therefore, Mr. Chairman, I intend to vote for the bill in order to keep alive the prospect for resolving this issue. I will reserve the option of deciding for myself when this bill comes back from conference, whether the job has been accomplished, and on that basis I will cast my final vote.

Mr. CLEVELAND. Mr. Chairman, I have several grave reservations concerning the common situs picketing legislation before us today that compel me to oppose this bill.

Historically, the ban on common situs picketing on construction sites was designed to prevent neutral parties from becoming entangled in a labor dispute that does not directly affect them. Under the ban, the employees of a contractor or subcontractor who are perfectly satisfied with their treatment by their employer are not forced to cross a picket line set up by someone else's dissatisfied employees in order to work. This protection of both neutral employees and neutral contractors and subcontractors seems to me, in most instances, to be both reasonable and desirable. I have seen a survey conducted by the Opinion Research Corp. of Princeton, N.J., that indicates that 57 percent of union members agree with me that a union should, in most cases, only be allowed to picket the work of a contractor with whom it has a dispute. Frankly, I am not sure I understand the logic of having employees that are happy with their employer's treatment reluctantly striking or the logic of having contractors or subcontractors who are satisfactorily treating their employees suffering from a strike by their employees out of respect for grievances of others against another contractor.

But more disturbing to me personally is the fact that the House Education and Labor Committee, which brings this legislation to the floor today, did not consider, to any significant extent, the possibly broader consequences of enactment of this bill.

IMPACT ON HOUSING COSTS

As all of us know, housing construction costs in the United States are soaring, and many working Americans are no longer able to afford buying a newly constructed home. This very fact alone has caused hard times in the construction industry nationwide and has left a number of construction workers out of work. Yet, the Committee on Education and Labor has not seriously considered the impact of this bill, were it to be enacted, on the housing situation today. Serious questions remain to be answered. Will this bill raise construction costs for new housing, and if so, how much? Will this bill, by raising construction costs, exacerbate the current slowdown in the construction industry and thus cause further unemployment among construction workers? Does this bill have the best interests of the consumer and the construction worker in mind? These are questions that have not been fully addressed, and they should be addressed before this House adopts legislation with such possibly far-reaching impact.

DISCOURAGES NEW TECHNOLOGICAL DEVELOPMENTS

Further, I have grave doubts about the theory of the "joint venture" and its possible impact if this bill is adopted. The logical conclusion of the "joint venture" concept is to permit secondary boycotts against any employer contributing to a product's creation. The possibility of secondary boycotts of materials is one that is particularly disconcerting to me. Such boycotts would dicourage the use of new technologies and new materials. This would have a rippling effect by discouraging the development of new technological breakthroughs. We are finding that current construction techniques and design will have to be altered in the future to meet energy shortages and shortages of natural resources, yet secondary boycotts of materials and certain technological advances would seem to have a very negative impact on our ability to meet new realities regarding energy and natural resources. Again, I find the committee did not fully address this important issue and again questions need to be answered. Will this bill impede progress in new building techniques and materials? Will it have a negative impact on our efforts to find feasible solar heating devices? And how much more will housing and buildings that do not have the benefit of such developments cost the consumer over the long run?

DETRIMENTAL TO ECONOMIC RECOVERY

Another crucial question that I believe has not been adequately addressed is: Will H.R. 5900 have a serious detrimental impact on our Nation's economic recovery? Present indications are that we are beginning to pull out of one of the worst recessions of this century. Will enactment of this bill jeopardize progress on the economic front? I, for one, believe that this is a question we must ask ourselves when we consider any legislation, and certainly we need to explore this issue much more carefully than we have in regards to this bill. Some of the questions I have raised above regarding the cost of housing and the impact on the construction industry are critical to this larger question. We must also ask who will bear the brunt of any major governmental construction projects that are completely shut off by common situs picketing. As we can see from Washington, D.C.'s Metro project, which is beset with labor problems that are causing incredibly inflating costs, the taxpaying public ultimately must pay such costs. Will this bill significantly add to such costs? Again, we have a question that has not received complete consideration in committee.

NOT JUST A LABOR ISSUE

Mr. Chairman, I perceive this bill as more than simply raising a pro- or anti-labor issue. Before us is more than simply a question of whether or not to lift the ban on common situs picketing in the construction industry. This bill will have a serious impact on this country's economic recovery, on the current slump in the construction industry, on our ability to meet new energy demands in the buildings we design and build, on the ability of the American consumer to afford adequate housing, and on the taxpaying public to afford governmentally funded construction. Most of these questions, in my opinion, have not been fully addressed, perhaps because the answers would show this bill is not advisable at this point in time. In any event, the fact that these issues are unresolved causes me to have serious doubts about the wisdom of this bill and I will cast my vote against it.

The CHAIRMAN. If there are no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5900) to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers, pursuant to House Resolution 631, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device; and there were—yeas 230, nays 178, not voting 26, as follows:

[Roll No. 437]

YEAS—230

Abzug
Adams
Addabbo
Ambro
Anderson, Calif.
Annunzio
Ashley
Aspin
AuCoin
Barrett
Baucus
Beard, R.I.
Bennett
Bergland
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Brademas
Breaux
Brodhead
Brooks
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Chisholm
Clausen, Don H.
Clay
Collins, Ill.
Conte
Corman
Cornell
Cotter
Daniels, N.J.
Davis
Delaney
Dellums
Dent
Diggs
Dingell
Dodd
Downey, N.Y.
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Evans, Ind.
Fary
Fascell
Fish
Fisher
Fithian
Flood
Florio
Ford, Mich.
Ford, Tenn.
Fraser
Fulton
Gaydos
Giaimo
Gilman
Goldwater
Gonzalez
Green
Gude
Hall
Hamilton
Hanley
Hannaford
Harrington
Harris
Hawkins
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hillis
Holtzman
Howard
Howe
Ichord
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kemp
Ketchum
Koch
LaFalce
Lagomarsino
Lehman
Litton
Lloyd, Calif.
Long, La.
McCormack
McDade
McFall
McHugh
McKinney
Macdonald
Madden
Maguire
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mills
Mineta
Minish
Mink
Mitchell, Md.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Morgan
Moss
Mottl
Murphy, Ill.
Murtha
Myers, Ind.
Natcher
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Hara
O'Neill
Ottinger
Patman, Tex.
Patten, N.J.
Patterson, Calif.
Pepper
Perkins
Peyser
Pike
Pressler
Price
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Reuss
Richmond
Riegle
Rinaldo
Risenhoover
Rodino
Roe
Roncalio
Rooney
Rosenthal
Rostenkowski
Roush
Roybal
Runnels
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Scheuer
Schroeder
Seiberling
Sharp
Shipley
Simon
Sisk
Slack
Smith, Iowa
Solarz
Spellman
Stanton, James V.
Stark
Stokes
Stratton
Studds
Sullivan
Symington
Talcott
Thompson
Traxler
Tsongas
Udall
Ullman
Van Deerlin
Vander Veen
Vanik
Vigorito
Walsh
Waxman
Weaver
Whalen
Wilson, C. H.
Wilson, Tex.
Wolff
Wright
Yates
Yatron
Young, Ga.
Zablocki
Zeferetti
Wiggins
Wilson, Bob
Winn
Wydler
Wylie
Young, Alaska
Young, Fla.
Young, Tex.

NAYS—178

Abdnor
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
Bafalis
Bauman
Beard, Tenn.
Bedell
Bevill
Bowen
Breckinridge
Brinkley
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Carter
Casey
Cederberg
Chappell
Clawson, Del
Cleveland
Cochran
Cohen
Collins, Tex.
Conable
Coughlin
Crane
D'Amours
Daniel, Dan
Daniel, R. W.
de la Garza
Derrick
Derwinski
Devine
Dickinson
Downing, Va.
Duncan, Tenn.
du Pont
Edwards, Ala.
Emery
English
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fenwick
Findley
Flowers
Flynt
Fountain
Frenzel
Frey
Fuqua
Gibbons
Ginn
Goodling
Gradison
Grassley
Guyer
Hagedorn
Haley
Hammerschmidt
Hansen
Harkin
Harsha
Hastings
Hébert
Hefner
Henderson
Hightower
Hinshaw
Holland
Holt
Hubbard
Hungate
Hutchinson
Hyde
Jarman
Johnson, Colo.
Jones, N.C.
Jones, Tenn.
Kasten
Kazen
Kelly
Kindness
Krebs
Krueger
Latta
Lent
Levitas
Lloyd, Tenn.
Long, Md.
Lott
Lujan
McCollister
McDonald
McEwen
McKay
Madigan
Mahon
Mann
Martin
Mathis
Michel
Milford
Miller, Ohio
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Mosher
Myers, Pa.
Neal
Nichols
O'Brien
Passman
Pattison, N.Y.
Pettis
Pickle
Poage
Preyer
Regula
Rhodes
Roberts
Robinson
Rogers
Rose
Rousselot
Ruppe
Satterfield
Schneebeli
Schulze
Sebelius
Shriver
Shuster
Sikes
Skubitz
Smith, Nebr.
Snyder
Spence
Stanton, J. William
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stuckey
Symms
Taylor, Mo
Taylor, N.C.
Teague
Thone
Thornton
Treen
Vander Jagt
Waggonner
Wampler
White
Whitehurst
Whitten

NOT VOTING—26

Badillo
Baldus
Bell
Biaggi
Brown, Mich.
Clancy
Conlan
Conyers
Danielson
Eshleman
Foley
Forsythe
Horton
Hughes
Jeffords
Jenrette
Johnson, Pa.
Keys
Landrum
Leggett
McClory
McCloskey
Murphy, N.Y.
Quillen
Staggers
Wirth

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mrs. Keys for, with Mr. Landrum against.

Mr. Conyers for, with Mr. McClory against.

Mr. McCloskey for, with Mr. Conlan against.

Mr. Bell for, with Mr. Quillen against.

Mr. Danielson for, with Mr. Eshleman against.

Mr. Biaggi for, with Mr. Johnson of Pennsylvania against.

Until further notice:

Mr. Murphy of New York with Mr. Brown of Michigan.

Mr. Badillo with Mr. Jeffords.

Mr. Baldus with Mr. Clancy.

Mr. Staggers with Mr. Jenrette.

Mr. Hughes with Mr. Foley.

Mr. Leggett with Mr. Wirth.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there obection to the request of the gentleman from New Jersey?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Heiting, one of his secretaries, who also informed the House that on July 24, 1975, the President approved and signed a bill of the House of the following title:

H.R. 5709. An act to extend until September 30, 1977, the provisions of the Offshore Shrimp Fisheries Act of 1973 relating to the shrimp fishing agreement between the United States and Brazil, and for other purposes.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3130) entitled "An act to amend the National Environmental Policy Act of 1969 in order to clarify the procedures therein with respect to the preparation of environmental impact statements."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 6219. An act to amend the Voting Rights Act of 1965 to extend certain provisions for an additional ten years, to make permanent the ban against certain prerequisites to voting, and for other purposes.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO HAVE UNTIL MIDNIGHT, SATURDAY, JULY 26, 1975, TO FILE A REPORT ON H.R. 6674

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may have until midnight Saturday, July 26, 1975, to file a report on H.R. 6674, to authorize appropriations during the fiscal year 1976, and the period beginning July 1, 1976, and ending September 30, 1976, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERSONAL EXPLANATION

(Mr. WHALEN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WHALEN. Mr. Speaker, on rollcall No. 430, the rule on H.R. 5900, I had intended to vote "yea", as I fully support the bill. However, I inadvertently pushed the "nay" button.

PERSONAL EXPLANATION

(Mr. BURGENER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BURGENER. Mr. Speaker, due to a malfunction in the bell system in my office, which is supposed to alert Members to a vote, I was absent during rollcall No. 431. Had I been present I would have voted "yea".

THE EDUCATION DIVISION AND RELATED AGENCIES APPROPRIATION ACT, 1976—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 94-222)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return without my approval H.R. 5901, the Education Division and Related Agencies Appropriation Act, 1976.

Throughout my public life, I believed—and still believe—that education is one of the foundation stones of our republic. But that is not the issue in this appropriation bill.

The real issue is whether we are going to impose fiscal discipline on ourselves or whether we are going to spend ourselves into fiscal insolvency.

This is the first regular appropriation bill passed by the Congress this year and it provides $7.9 billion, $1.5 billion more than I requested.

Earlier this year, I drew a line on the budget deficit for fiscal year 1976 at $60 billion. That line is considerably higher than I would like. On May 14, the Congress drew its own line on the deficit at $69 billion. But now, the Congress' own July 21 budget scorekeeping report estimates a possible deficit this year of $83.6 billion.

I cannot, in good conscience, support such a deficit, not only because of what it means this year, but next year and the year after. In fact, if this bill were to become law, nearly $1 billion would be added to *next* year's deficit.

While I do not insist that my original budget recommendation is the only one acceptable, I do believe major reductions must be made in this bill. The Congress could make a substantial move in that direction by simply accepting my recommendations for impact aid and higher education. In these two areas alone, Congress has added $913 million to my proposals.

No single program is more bankrupt than the Impact Aid program. Starting with President Eisenhower, every Chief Executive has recommended reform or abolition of impact aid. Yet, the Congress would allocate three quarters of a billion dollars of the taxpayers' money to this program over the next 15 months. This program is a luxury we can no longer afford. If we are to do what *must* be done, we must stop doing what need not be done.

We must also avoid increasing the funding of other programs unless we have the money to pay for them. In that regard, I urge the Congress to reconsider the $434 million added to my $2 billion recommendation for higher education.

The other increases the Congress has added to this bill are a part of the trend over the past several years—a little more for every program. In this case, "a little more" adds up to nearly $629 million.

Taken as a whole, this appropriation bill is too much to ask the taxpayers—and our economy—to bear.

I urge the Congress to sustain my veto of this bill and then we can work together—as we have before—to achieve a responsible compromise.

GERALD R. FORD.

THE WHITE HOUSE, *July 25, 1975.*

The SPEAKER. The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

The Chair recognizes the gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. Mr. Speaker, it is difficult to imagine any piece of legislation which would be more entitled to its share of the appropriations. Under all the circumstances, these presentations are made after many, many months of hearings and after consideration upon the floor in general debate. The House is acquainted with these facts.

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, in view of the very difficult schedule that we have, as has been announced by the leadership, I move that further consideration of the veto message of the President on the bill, H.R. 5901, be postponed until Tuesday, September 9, 1975.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Speaker, I was just wondering this: Will that give us an opportunity to have this veto overridden or have some kind of an action on this in order to insure that our school districts will get their money for the next school year?

Mr. FLOOD. Well, of course, I will give the gentleman one guess as to what the answer to that question is.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The motion was agreed to.

LEGISLATIVE PROGRAM FOR THE BALANCE OF THE WEEK AND FOR WEEK OF MONDAY, JULY 28, 1975

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, I have taken this time to inquire of the distinguished majority leader if he is in a position to inform the House as to the program for the balance of this week and for next week.

Mr. O'NEILL. Mr. Speaker, if the distinguished minority leader will be kind enough to yield, I will be happy to give him that information.

Mr. RHODES. I yield to the distinguished majority leader.

Mr. O'NEILL. Mr. Speaker, we are going forward at this time with consideration of the rule on the military construction authorization bill, and upon the adoption of the rule we will go into the general debate on that bill. Upon the completion of general debate, that will finish the legislative program for the week.

If the gentleman is asking whether there will be any quorum calls today, I cannot answer that; I cannot anticipate that. That will be dependent on the will of the Members.

The program for the House of Representatives for the week of Monday, July 28, 1975, is as follows:

Monday is District day. There is one District bill, H.R. 8719, Metro Transit police, on the schedule.

We will follow that by considering House Concurrent Resolution 252, nondiscriminatory treatment to products of Romania; then we will continue consideration of H.R. 5210, military construction authorization, which is the bill on which we will adopt the rule and finish general debate today. We will get into the amendments and the balance of the bill on Monday.

For Tuesday and the balance of the week, the program is as follows:

We will consider House Concurrent Resolution 337, disapproval of sale of Hawk missiles to Jordan;

H.R. 7014, Energy Conservation and Oil Policy Act, votes on amendments and the bill;

The House resolution on disapproval of President's order on oil decontrol;

S. 1849, emergency petroleum allocation extension, with 1 hour of debate;

H.R. 7217, education of all handicapped children, votes on amendments and the bill;

House Resolution 517, pay of witnesses before House and House committees;

H.R. 8731, Wage and Price Stability Act amendments, subject to a rule being granted;

H.R. 5272, Noise Control Act extension, under an open rule, with 1 hour of debate; and

H.R. 6844, Consumer Product Safety Commission improvements, under an open rule, with 1 hour of debate.

Conference reports may be brought up at any time, and any further program will be announced later.

May I inform the gentleman from Arizona (Mr. Rhodes) that, of course, we will meet at 10 a.m. on Monday next and each day next week.

There will also be a resolution on the August adjournment and under the law, we must vote on that resolution. We would adjourn, after the conclusion of business, on August 1 until noon September 3.

That is the program. Any changes will be announced later.

Mr. RHODES. Could the distinguished majority leader inform the House as to whether or not there will be any gentleman's agreement, at least, on the closing hour each day?

Mr. O'NEILL. With respect to next week, let me say that we had said that we would hope to finish business every evening this week at 6:30.

In view of the fact that there are, I believe, four pieces of legislation which have already expired and which we should enact into law before we adjourn on August 1, we will try to get out at a reasonable hour every evening, taking into consideration the viewpoint of the Members of the House.

I think this has worked exceptionally well this week, and I want to thank the Members and congratulate the Members for the full attendance from 10 o'clock in the morning until 6:30. We have lived up to our agreement. There is no agreement with respect to 6:30 next week, but we will try to adjourn the House at a reasonable hour every day next week.

Mr. RHODES. Mr. Speaker, I agree with the majority leader. I believe the arrangement had worked quite well, and I would be hopeful that we could continue to do that both at the beginning and at the end of each day next week, insofar as possible.

ADJOURNMENT TO 10 A.M. MONDAY, JULY 28, 1975

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule on Wednesday of next week be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MILITARY CONSTRUCTION AUTHORIZATION, FISCAL YEAR 1976 AND 197T

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 601 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 601

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5210) to authorize certain construction at military installations, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and said substitute shall be read for amendment by titles instead of by sections. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 5210, it shall be in order in the House to take from the Speaker's table the bill S. 1247 and to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 5210 as passed by the House.

The SPEAKER. The gentleman from Texas (Mr. Young) is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Illinois (Mr. Anderson), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 601 provides for an open rule with 2 hours of hours of general debate on H.R. 5210, a bill to authorize certain construction at military installations.

House Resolution 601 provides that it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill as an original bill for the purpose of amendment under the 5-minute rule and the substitute shall be read for amendment by title instead of by sections.

House Resolution 601 also provides that after the passage of H.R. 5210, it shall be in order in the House to take from the Speaker's table the bill S. 1247, and move to strike out all after the enacting clause of S. 1247, and insert in lieu thereof the provisions contained in H.R. 5210 as passed by the House.

H.R. 5210 provides military construction authorization in support of the military departments during fiscal year 1976 and the transition period ending September 30, 1976 in the amount of $3,958,440,000.

Mr. Speaker, I urge the adoption of House Resolution 601 in order that we may discuss and debate H.R. 5210.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as explained by the gentleman from Texas (Mr. Young) this rule provides for 2 hours of general debate on H.R. 5210, the military construction authorization, for fiscal year 1976 and fiscal year 1977. This bill will be open to all germane amendments. In order to preserve the normal amending process, the rule makes the committee substitute in order as an original bill for the purpose of amendment. It also provides that the substitute will be read for amendment by titles instead of by sections. Mr. Speaker, in order to facilitate going to conference, the rule makes it in order to insert the House-passed language in the Senate bill.

The purpose of H.R. 5210 is to authorize funds for military construction during fiscal year 1976 and the transition period from July 1, 1976, to September 30, 1976.

The following chart taken from the committee report provides a breakdown of the amounts authorized in this bill, and a comparison of the amounts authorized and the amounts requested:

ORIGINAL DEPARTMENTAL REQUEST AS CONTAINED IN H.R. 5210 TOGETHER WITH THE COMMITTEE ACTION AS REFLECTED IN H.R. 5210 (WITH AMENDMENT)

Title and service	DOD request	Change by HASC	Percent change	Total amount approved by HASC
I—Army	833, 786	−27, 940	−3. 3	805, 846
II—Navy	743, 599	−35, 325	−4.7	708, 274
III—Air Force	643, 740	−157, 777	−24. 5	485, 963
IV—Defense agencies	135, 000	−25, 200	−18. 7	109, 800
V—Military family housing	1, 639, 876	+3, 077	+. 2	1, 642, 953
VII—Guard/Reserve	205, 604	0	0	205, 604
Total	4, 201, 605	−243, 165	−5. 8	3, 958, 440

The figures in this chart cover a 15-month period, the 12 months of fiscal year 1976 plus the 3-month transition period.

Because of rising construction costs and cost overruns, this bill provides a sizable deficiency authorization. The

Armed Services Committee approved increases in prior years authority in this bill which total $109,600,000. In order to prevent this problem in the future, the Department of Defense is now using cost escalation factors of 12 percent in fiscal year 1976 and 9.5 percent in fiscal year 1977.

Enactment of this measure will authorize $3,958,440,000 for fiscal year 1976 and the transition period. In addition it authorizes $109,600,000 for deficiency authorization for previous years.

The committee report contains a letter from the Department of Defense requesting $4,201,605,000 for the purposes of this bill.

There are no minority views in the committee report.

The Committee on Armed Services reported the bill by a vote of 27 to 0. Chairman Price has requested a 2-hour open rule.

Mr. YOUNG of Texas. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. ICHORD. Mr. Chairman, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5210) to authorize certain construction at military installations, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri (Mr. Ichord).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H.R. 5210, with Mr. Mikva in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Missouri (Mr. Ichord) will be recognized for 1 hour, and the gentleman from Virginia (Mr. Whitehurst) will be recognized for 1 hour.

The Chair recognizes the gentleman from Missouri (Mr. Ichord).

Mr. ICHORD. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, today we are presenting H.R. 5210, the military construction authorization bill for fiscal year 1976. The purpose of this bill is to provide military construction authorization and related authority in support of the military departments. Its enactment is necessary before appropriations can be provided to finance these activities of the military departments during fiscal year 1976.

Mr. Chairman, I want to thank the ranking minority member, our colleague from Virginia (Mr. Whitehurst), and all the members of the Subcommittee on Military Installations and Facilities for their untiring efforts during the hearings and mark up sessions on this bill. Without their diligence and high degree of attendance, we could not be here today to seek a floor vote on H.R. 5210, and Mr. Chairman, we bring this bill to you after thoroughly examining and reviewing the same project by project, item by item.

The Defense Department requested new authorization in the amount of $4,201,605,000 for fiscal year 1976 and the transition period, and $132,598,000 in additional authorization to cover deficiencies and essential construction previously authorized by Congress. This compares with $3,278,380,000 in new authorization and $29,405,000 in additional authorization to cover deficiencies as requested by the Department for fiscal year 1975.

As submitted to the Congress, the construction program for fiscal 1976 contained nearly 700 individual line item projects at approximately 300 military installations within the United States and overseas. We have reduced the bill to approximately 585 separate projects on 278 major bases.

After extensive hearings in 15 separate sessions and close review of each project requested, the committee was able to identify those proposals that in its view could be deferred without impairing the operational effectiveness of the Armed Services.

Our committee took the approach that we would not just cut projects for the sake of cutting, but would eliminate projects that we felt could be deferred without impairing our national security. In certain instances, we added projects where it was determined by testimony that the priority was great enough to support such action by the committee. The committee agreed on a reduced total in the amount of $3,958,440,000 in new authorization and $109,645,000 in additional authorization for deficiencies or a reduction of roughly 6 percent.

While it is not possible today to discuss every project in H.R. 5210, I do feel you would be interested in several significant items in this bill.

In the family housing section of the bill, the committee added $25 million in operating funds for overdue maintenance repairs on family housing units after receiving testimony that the backlog of deferred maintenance is about $250,000,000. The committee also realized that these additional funds, which can be released quickly, can also help the badly depressed construction industry.

In line with this thinking, the committee in writing the general provisions—title VI—agreed to give the Secretaries of the military departments greater flexibility in awarding construction contracts due to the fact that unemployment in the construction industry has now reached nearly 27 percent.

In section 603, the law now provides a Secretary or Director of a defense agency can increase a project by 5 percent in the United States and 10 percent outside the United States or in Alaska or Hawaii, if he determines that such increase is required for meeting unusual variations in cost and could not have been reasonably anticipated at the time the estimate was submitted to Congress. Our committee recommends increasing those percentages to 10 percent inside the United States and 15 percent outside the United States. However, we are requiring that if these limitations are exceeded or if the scope of a project is reduced below that authorized in order to stay within the cost variation allowed, then the Committees on Armed Services must be notified prior to the award of a construction contract.

In section 606, the Department requested an increase in the per square foot cost of barracks and BOQ's. The previous cost limitations were $31 and $33 respectively, and the department's request was for $39.50 and $42.50 per square foot, respectively. The committee refused to go along with the increase as requested, but did agree to grant a 12-percent increase to $35 and $37, respectively, per square foot.

Further, the Department of Defense requested a change in the method of calculating unit costs for family housing. In last year's bill, Congress voted to allow $30,000 as the average unit cost in the United States and $40,000 for overseas family housing.

For fiscal year 1976, the Department requested that it be allowed to go to a square foot cost basis which did not include site preparation, design, supervision, inspection, and overhead. After much debate and deliberation, the committee agreed that it would increase the average unit cost to $35,000 in the United States and $45,000 for overseas with a maximum amount for any one unit limited to $51,000 as compared to $46,000 now authorized by law.

Because the United States base rights in Spain and the Philippines are now in question, the committee felt it prudent to defer more than $35 million in projects proposed for our bases in those two countries until questions of base tenure are resolved.

Generally speaking, this bill continues the emphasis begun several years ago on people-oriented projects such as bachelor and family housing construction, barrack modernization, improved medical and dental facilities, and air and water pollution abatement programs. In addition, the fiscal 1976 bill launches a 6 year, self-amortizing program to reduce energy consumption at all military installations. The committee approved $134,918,000 in this bill for the energy conservation projects, most of which will pay for themselves in energy savings over a period of 4 to 7 years.

That briefly is the committee's recommendation to you. There are many details relating to the bill which I did not discuss, but we are ready to answer any Member's questions regarding the committee action and our recommendations. We believe our recommendation to you is a good one, and I recommend approval of H.R. 5210.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, the gentleman is making a very important presentation. The gentleman has articulated the needs for our defense purposes very well.

Regrettably, I note so few members on the floor, particularly those who usually oppose an adequate defense posture, apparently they do not want to be informed.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. ICHORD. Mr. Chairman, I yield myself an additional 2 minutes.

Mr. Chairman, I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, apparently those who usually vote against defense bills are not here or do not want to be informed. I am strongly tempted to make a point of order that a quorum is not present. However, with the hope that the absentees will read the debate I shall not do so.

Nevertheless, I submit there ought to be more Members on the floor to hear the gentleman and others who will be presenting our Nation's defense needs.

Mr. ICHORD. Mr. Chairman, I must agree with the gentleman from Wisconsin. As I look around the floor today, I do not see anyone present who traditionally votes against the House Armed Services legislation.

Mr. CHARLES H. WILSON of California. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from California.

Mr. CHARLES H. WILSON of California. Mr. Chairman, I think the gentleman from Wisconsin has made a very valid observation. This is a bill that has some $3.9 billion and to see the lack of interest by those who have been so critical of this program, as the gentleman from Wisconsin referred to, I think is rather strange.

Mr. Chairman, I rise in support of the fiscal year 1976 military construction authorization bill, and I commend the gentlemen from Illinois and Missouri, and the staff of the committee on the expeditious and thorough manner of holding hearings and reporting the bill.

I wish to comment on only a small portion of the projects in the bill, but projects that I believe have significance in showing the leadership of the services in conserving petroleum and other energy resources.

The high level of technological competence that has been achieved in the fields of electronics and computer design now makes it possible to duplicate, with a high degree of accuracy, the physical sensations and stresses that a pilot experiences in the airborne environment. The Department of Defense plans to apply this technology to first line operational and combat aircraft with the objective of achieving the same successes experienced by NASA with its Moon landing simulator, and the commercial airlines with their aircraft flight simulators.

In view of the circumstances in which we now find ourselves, with high fuel costs and the need to rely heavily on foreign suppliers for our primary source of energy, the use of aircraft flight simulators represents a significant step toward reduced fuel consumption by replacing actual flight hours with training in flight simulators. The service will be able to provide the same quality of initial qualification as in an airplane and will be able to maintain the same high level of proficiency while reducing fuel consumption and saving money.

In this bill, the committee approved 6, 3, and 5 aircraft simulator projects in the amounts of $2.9 million, $5.5 million, and $9.7 million for the Army, Navy, and Air Force, respectively.

I will address a few remarks to each of the services' aircraft simulator programs.

The Army is in the procurement stage of its first sophisticated synthetic flight training system devices, the 2B24. Six devices are in operation at Ft. Rucker, one at Ft. Campbell, and one is scheduled for installation for the U.S Army Europe for the first quarter of fiscal year 1976. The procurement of a total of 32 devices is projected through fiscal year 1979. With these devices the Army expects to improve the quality of flight training, and to reduce resource requirements by substituting simulator training for actual flying hours with a flying hour reduction goal of 25 percent by the end of fiscal year 1981. Some achievements to date are:

The Army's initial entry rotary wing program at the aviation center has been reduced from 210 to 180 hours per student as a result of the introduction of the simulator into the instrument phase of instruction.

At those field installations receiving 2B24 devices, 15 hours will be flown in the simulator and credited toward the accomplishment of the 20-hour instrument requirement of the 80 hours of annual combat readiness flying requirements.

Six helicopter simulators are programed for procurement by the Army to simulate UH–1: Iroquois, utility helicopter; the CH–47C, Chinook cargo helicopter; the AH–1Q, Cobra attack helicopter; the UTTAS, utility tactical transport aircraft system; ASH, the advanced scout helicopter and the AAH, advanced attack helicopter. The simulators for the CH–47C and the AH–1Q helicopters are in final R. & D. stages with expected prototype delivery of both devices in June 1976. The simulators for the UTTAS, ASH, and AAH are in the design specification stage of research and development.

At the U.S. Army Aviation Center, savings amounted to $1.1 million, $2.1 million, and $1.2 million in fiscal years 1974 through 1976 to date, respectively. Savings beyond fiscal year 1976 have not been projected because of a restructuring of the initial entry rotary wing program.

The 2B24 device utilization in the field should result in the substitution of approximately 600,000 hours of simulator time for flying time for fiscal year 1976 through fiscal year 1981 with approximate saving in fuel of 54 million gallons and $108 million.

Field utilization of the advanced devices with visual capabilities are expected to provide similar or improved savings in fuel and dollars, but the scope of these savings cannot be determined until prototype testing and evaluation have been completed.

NAVY

The Navy requested three projects to house aircraft flight simulators—trainers—costing approximately $34 million. These trainers will provide a realistic degree of initial training for sudent pilots and refresher training for experienced pilots greatly enhancing their ability to land aircraft on carrier decks under adverse conditions, outmaneuver enemy aircraft in combat, and extract the maximum effectiveness from their aircraft's potential. Emergencies and flight operations under marginal conditions can be simulated with safety and without risking expensive aircraft or highly trained personnel.

These projects are the continuation of a trend which started several years ago. In fiscal year 1975, over $100 million was expended on trainer devices.

Economics in the Navy program may be illustrated by examining the substitution of simulator hours for flight hours in the S–3A long range antisubmarine warfare aircraft.

A reduction of 6 operating aircraft required in the readiness squadrons has been made with a savings in procurement of seven aircraft, four of which occur in fiscal year 1976. Simulator time can be substituted for 3,800 hours of syllabus flight time in the readiness squadron and an additional 17,800 hours of flight training in fleet squadrons. Savings in aircraft procurement will be used to procure simulators in fiscal years 1975 and 1976. A reduction in annual operating costs of $12 million is estimated after all simulators are in place and operating. Estimated flight hour reduction equates to an annual saving of 19.3 million gallons of fuel.

An interesting offshoot of these aircraft trainers is a project approved at Charleston, S.C., for a submarine trainer. This $250,000 project, with its associated $800,000 trainer device, will provide a training capability for the SSN submarine crews to practice casualty control. I believe the services should investigate the development and use of additional nonaircraft applications as our weapons become more expensive to buy and operate.

AIR FORCE

The Air Force has two major aircraft flight simulator programs. The first is the undergraduate pilot training instrument flight simulator program. Its primary purpose is to increase the efficiency of the instrument training phase, improve the quality of the pilot training graduate, and reduce the training demand on fuel supplies. It is estimated that a flying-hour saving of 40 hours per student will be realized by use of these simulators. A total of 34 complexes are planned to be delivered at a rate of 8 per year until the last wing is equipped in fiscal year 1981. Facility and equipment buys will be correlated so that the facility will be completed at approximately the same time the equipment is ready for installation.

The second major program is the operational mission flight simulator program. This program provides simulators for our first line operational and combat aircraft. The primary purpose for these simulators is to reduce the number of flying hours required for initial checkout in the aircraft, and to permit qualified aircrews to maintain a high level of proficiency while reducing the wear and tear on our operational aircraft. The Air Force is projecting an expenditure of $1 billion for fiscal years 1974 through 1980 for simulators for operational aircraft and expect to save after all flight simulators are in operation in fiscal year 1985, $350 million and 460 million gallons of fuel annually. By 1981, the annual savings should be $150 million and 100 million gallons of fuel. The annual savings represent a good payback on a large investment in simulators.

I am convinced that an investment in aircraft flight simulators, at this time, is in the national interest, and I urge your support for the military construction projects that support this program.

ENERGY CONSERVATION PROGRAM

Another significant feature of this year's bill which I believe is important involves projects approved to effect substantial reductions in energy consumption throughout the existing plant facilities of the services. Based on surveys last year, an energy conservation investment program has been established as part of the overall Department of Defense conservation of energy effort. This investment program is aimed at retrofitting existing facilities as a positive means of conserving all types of energy and reducing utilities cost increases to the minimum. It is proposed to retrofit existing facilities that are to be retained in inventory by taking advantage of present day off-the-shelf hardware that will provide energy savings and be quickly amortized. The type of projects included in this investment program are self-amortizing in nature and range from storm windows, sunshades, and insulation improvements, to the more advanced systems such as power factor corrections and energy monitoring control systems. A 6-year program, commencing with fiscal year 1976, has been identified at an overall cost of $1.35 billion. In the first year of this program, fiscal year 1976, the committee has approved $136 million.

The Department of Defense estimates that the fiscal year 1976 program will be amortized in 4 years, and that the fiscal year 1977 program of $200 million will be amortized in about 5 years. In the remaining years, these energy conservation modifications are expected to accrue substantial savings in both dollars and scarce energy resources.

I urge your support for this program too.

I thank the chairman for the opportunity of addressing these two programs that I believe are of major importance to the country.

Mr. WHITEHURST. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in support of H.R. 5210, the military construction authorization bill for fiscal year 1976. As my distinguished colleague from Missouri pointed out to the House, our subcommittee met on 15 separate occasions and examined, item by item, nearly 700 proposed construction projects.

I will not take the time of the House to go into extensive detail about this bill because I do not think it is necessary to repeat what most of you have read in our report and heard the chairman of the subcommittee detail in his statement. The reductions made by the subcommittee and agreed to by the full committee were not based on a judgment that the items were not desirable or important but because the subcommittee felt they could be deferred this year without jeopardizing our national security or reducing the readiness of our military services.

I know there are Members who feel that there are justifiable programs in their districts which deserve to be authorized. I can only say that, looking at one project alone, I would probably agree with them. However, we were obliged to evaluate each project on its merits relative to other proposed projects. This bill is limited to what we deem essential. We look upon a stable economy as a second line of defense, and I believe our committee has brought to the floor a bill that provides necessary construction at military bases at home and abroad and at the same time recognizes the call for economy in the Federal budget.

Mr. Chairman, this is the second of the major authorization bills that the Armed Services Committee presents to the House each year. Earlier, we presented the military procurement authorization bill which is now in a Senate-House conference. This year, because of the depressed construction industry, our committee believes this bill takes on greater significance in that it can help put jobless people in the building trades back to work around the country.

Throughout hearings on this bill, the subcommittee members impressed on the Defense Department witnesses the need for going to contract on these projects as quickly as possible not only to help the unemployment situation but to take advantage of a better bidding climate in the construction industry, which benefits every taxpayer.

Mr. Chairman, there are many other things I could say about this legislation, but will not take the time of the House to do so now. We on the committee are prepared to answer any questions that the Members may have. I believe we have brought before the House a very sound bill and hope that the Members of the House will support H.R. 5210 unanimously.

Mr. ICHORD. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. KAZEN), a distinguished member of the subcommittee.

Mr. KAZEN. Mr. Chairman, I rise to speak in support of the health facility projects in the Air Force portion of this military construction authorization bill now before you.

As you know, this marks the third year of the Department of Defense health facilities modernization program. In prior years the Congress has supported this very vital and necessary endeavor, and I ask that this support continue.

In this year's military construction bill, the Air Force is requesting projects so that two principal health care facilities can be modernized and expanded. These are the 1,000 bed Wilford Hall U.S. Air Force Medical Center which is operated at Lackland Air Force Base, Tex., and the 350 bed U.S. Air Force Medical Center located at Keesler Air Force Base, Miss. Space demands of modern medical technology and increasing workloads have caused the present size and configuration deficiencies of these facilities to reach critical levels; conditions which can be remedied only through major construction.

These medical centers play vital roles and not only in the Air Force but also in the total Department of Defense regionalized medical program. These facilities conduct much of the medical education and research activities in the Air Force and, therefore, contribute significantly to the quality of care provided our military citizens and their families. Two other smaller facilities are also included in this bill which are important to the Air Force's efforts to provide facilities which enable our health professionals to deliver efficient, high quality health care.

Not unlike the civilian health care facilities throughout this country, the Air Force is experiencing a significant increase in space demands caused by advances in the art of medicine, including a dramatic shift from inpatient care to outpatient clinic services and an ever-increasing consumer awareness. These two factors have created gross physical inadequacies and functional constraints in many of our country's medical facilities, including those operated by the Air Force. This can be attested to by our national accrediting commissions' comments and surveys.

Inadequate overcrowded facilities result in not only inefficiencies in the health care delivery system but also in patient dissatisfaction and decreased retention of military health care personnel. In an all-volunteer military environment these elements become increasingly important. This sound medical construction program is an investment in our future national assets in both medical manpower and our health care delivery system. Therefore, Mr. Chairman, I ask that this bill be favorably considered as requested and promptly forwarded to the Senate.

Mr. ICHORD. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, I have a few remarks on a special project in this year's military construction bill that is of particular interest to me.

Before proceeding, I wish to commend the distinguished gentleman from Missouri, Congressman RICHARD H. ICHORD, for the effective manner in which hearings were conducted this year, under a difficult and compressed schedule.

I will address my remarks to the Trident weapons system facilities authorized under the Navy title of the bill. In fiscal year 1973, appropriations were provided to initiate planning and design. In fiscal year 1974, $118.3 million was authorized for initiating construction at the Trident support complex, Bangor, Wash., and the Air Force Eastern Test Range, Cape Canaveral, Fla. In fiscal year 1975, $100 million was authorized for the Trident support site, Bangor, Wash., and this year, the committee approved $180 million for facilities construction and $7 million for community support.

I would like to quote from this year's report on the Defense procurement authorization bill since it sets forth most succinctly the need for the Trident weapon system:

> The message which the Trident carries to any potential adversary is that if, by some madness, an enemy were to launch a nuclear attack upon the United States, we would still have the power, through a well hidden SSBN force, to devastate an enemy country. The Trident is truly a deterrent of nuclear war.

The Trident system is thus a competent deterrent against anyone starting a nuclear war. Defense-minded and pacifistic persons should equally support this war-deterrent program.

The Trident system will be available to supplant our present strategic forces as they become more vulnerable and technically obsolete. The Trident system will include a new submarine, quieter and more survivable than its predecessors, a new missile, of longer range than the Poseidon, and a short support facility for both to be located at Bangor, Wash.

During the last year, two program changes have occurred that impact on major milestones of the Trident weapons system.

First. The Secretary of Defense, because of budget considerations, reduced the Trident system acquisition rate from 2 systems per year to 3 systems per 2 years. Alternating at a 1, 2, 1, 2 rate.

Second. Because of abnormal inflation in the current fiscal year, it has been necessary to decrease this year's planned missile engineering development effort. This will result in a 6-month delay of the planned commencement date of the missile flight test program, and a change in the planned deployment date of the first Trident system from October 1978 to April 1979.

The Navy testified that neither of these changes permits any reduction in the planned military construction effort through fiscal year 1976. However, some of the construction planned to commence in fiscal year 1977 can now be deferred to fiscal year 1978, since completion of buildup to the total 10-ship force now moves from calendar year 1982 to calendar year 1985.

Construction of test facilities at the eastern test range is ahead of schedule and within the $35 million authorized for these facilities. The new pier facility required to satisfy the greater explosive safety distances of the Trident missiles will be completed in time to support the earliest delivery date of the Trident submarine. Planned efforts at the Trident support site are also remaining essentially on schedule and within budget.

The cost of the essential military construction program for the 10-ship force level is $657 million. During the past year, the Trident Milcon program total was increased from $630 million to $657 million by adding $9 million for the construction of ammunition processing facilities at Indian Island to relocate conventional ordnance capability from Bangor, and $18 million to cover estimated costs of community assistance for fiscal years 1976 and 1977. Not included in this total are family housing and defense access roads, which are associated with other Navy or Department of Defense budgets. The projection for total Trident Milcon costs including the Trident related programs ranges from $720 to $750 million.

The fiscal year 1976 Trident project will allow the Navy to: First, build the industrial facilities to support the refit of the submarine including shops and drydock; second, modify several of the missile processing buildings at the strategic weapons facility to allow these Polaris facilities to accommodate Trident missiles; third, construct some new magazines and processing buildings in the strategic weapons facility, Pacific; fourth, construct a dispensary and dental clinic, and a second bachelor enlisted quarters; and fifth, provide the supporting security system, utilities, and site improvements at the Trident support site. The $180 million facilities authority includes a new ammunition pier at Indian Island and a data processing facility at the eastern test range at Cape Canaveral to support the missile testing program.

In addition to the facilities construction authority, the committee approved $7 million to assist communities in accordance with last year's authorization act. Under section 608, the Secretary of Defense is authorized to provide assistance to alleviate Trident impacts on communities by supplementing funds granted or paying community shares of costs under Federal programs for municipal services and facilities. Estimates from the State and communities indicate a total Federal assistance requirement in the range of $35 to $40 million for fiscal years 1975 through 1977 to alleviate impacts resulting from Trident. The affected services and facilities include items such as studies and planning for the new growth, schools, roads, low-income housing, libraries, health care, and recreation. During the current planning stage, Federal domestic agencies have been able to fulfill early community assistance requirements. However, as additional community facilities are needed to accommodate Trident related growth, it is not expected that cognizant Federal agencies will be able to fully satisfy all the urgent requirements that will be eligible for assistance under section 608.

The Trident facilities represent a small but vital portion of the total Trident weapons system required to insure efficient operation of the weapon system.

I strongly endorse and recommend approval of the Trident facilities project as reported.

Mr. WHITEHURST. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HINSHAW).

Mr. HINSHAW. Mr. Chairman, I represent the 40th Congressional District in California, which contains both the Marine Corps base, at El Toro, and Camp Pendleton. Both of these bases are in a most rapidly growing area around the military complex that I am personally familiar with.

Mr. Chairman, particularly the El Toro Marine Base has had great pressure of urbanization. Because of the development around that air base and because of the pressures at that air base, this House, in a previous authorization bill, provided for some money to protect that base from encroachment of urban pressures. There will be, I hope, at some appropriate time, some appropriations to further protect that base and, therefore, Mr. Chairman, I think it would be inappropriate for me to not support this bill in a very vigorous fashion.

Mr. Chairman, I want to commend the chairman of the subcommittee, the gentleman from Missouri (Mr. ICHORD), for his very fine leadership, and I want the gentleman to know that I rise in support of the Air Force program to support land use adjacent to Air Force bases that will be compatible with defense flying missions.

The Air Installation Compatible Use Zone, or as it is more conveniently called AICUZ, is not new to us. In fiscal year 1973 the Congress authorized $12 million for this program and then an additional $18 million in 1974. These authorizations were tied to an AICUZ concept that posed severe restrictions in an area approximately 2 by 7 miles around primary runways at major Air Force bases. Wisely, the use of these authorizations was deferred while the Air Force in concert with State, municipal and other authorities conducted an in-depth study of land uses that would be compatible with flying operations.

The program to which these authorizations will be applied has been developed with due consideration for:

The dynamic nature of land use planning;

Major advancements in noise assessment technology; and

Changing public attitudes toward the environment and its protection and enhancement.

The resulting refined AICUZ concept is designed to become an integral part of the comprehensive planning process of local communities. Rather than placing severe restrictions on large land areas, it promotes a wide range of compatible land uses around airfields.

The only areas now considered to require severe land use restrictions are within 3,000 feet of the runway ends and these areas are called expanded clear zones. By acquiring fee or easement interest in these zones, for land parcels not yet under Air Force control, property owners will be compensated for their interest and others will be protected from making unwise investments.

This is a well conceived program, carefully studied with all interested parties. It will protect property owners and assure uninterrupted operational flying. Therefore, Mr. Chairman, I urge favorable consideration of this bill.

Mr. ICHORD. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. BRINKLEY).

Mr. BRINKLEY. Mr. Chairman, I rise in support of the energy conservation projects in the Air Force portion of the military construction bill presently under consideration. The energy crisis facing this Nation dictates that we look with favor upon any reasonable proposal that leads to substantial savings in energy consumption.

This year the Air Force proposes a $47 million program to accomplish 200 individual projects at 89 bases across the Nation. Included in the proposed work are such high energy payback items as insulation, storm windows, solar shielding, waste heat recovery systems and improved heating controls.

The Air Force calculates that when completed, these projects will result in energy savings equivalent to nearly a million barrels of oil annually.

The savings of $12 million a year means that the cost of this program will be amortized in 4 years. Certainly this is a firm step on the road to achieving our long range national goal of self-sufficiency in energy production.

Therefore, Mr. Chairman, I urge that this bill be favorably considered as presented to us and that it be promptly forwarded to the Senate.

Mr. ICHORD. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Washington (Mr. Hicks), for the purpose of asking questions.

Mr. HICKS. Mr. Chairman, I want to start by commending the committee. At the time that the military construction authorization bill was undertaken, there followed long and tedious hearings on the military procurement bill, and to go into the construction bill as they did and work as hard as they did I think warrants the commendation of all of us.

Nonetheless, this is such a large bill that I am of the view that every item could not possibly be looked at carefully, and one of the items that was not looked at carefully at the time the bill was considered in committee was a small item on page 52 of the bill, the last line, providing for $562,000 for the arsenal at Pine Bluff, Ark.

In the report, on page 16, there is a sentence that says:

> At Pine Bluff Arsenal, the committee approves a binary munitions facility.

My first question is: Why?

Mr. ICHORD. Mr. Chairman, I certainly agree with the gentleman from Washington (Mr. Hicks) in his statement hat this is a very important project. As the gentleman from Wisconsin noted, I am tempted at this time to make a point of order that a quorum is not present, because the gentleman has asked some very important questions, and I am sure there are many Members who are not present today who will form the front lines for the opposition to this particular project.

In specific answer to the question asked by the gentleman from Washington, this is for the purpose of rehabilitating facilities at Pine Bluff, Ark., that could be used for making binary chemical munitions.

Mr. HICKS. Mr. Chairman, I wonder if the gentleman at that point would explain what binary munitions are? Some Members know, but there are some Members who do not know much about this.

Mr. ICHORD. Mr. Chairman, if the gentleman will yield further, I do not see very many Members on the floor of this House, I will say to the gentleman from Washington, and I believe the Members should be listening to the debate that we are having. Of course, the hour is late. However, we will proceed. Let me answer specifically the question asked by the gentleman from Washington.

I know the gentleman from Washington has been greatly concerned about the dangers of some of our poison gases that are stored in the United States. I know that the gentleman was greatly upset when we had the test conducted a number of years ago out in Colorado.

Mr. HICKS. Mr. Chairman, I believe it was Utah.

Mr. ICHORD. It was Utah. I stand corrected.

Mr. Chairman, when that test was conducted, the winds shifted and there were some 6,000 sheep killed by nerve gas.

I certainly appreciate the concern of the gentleman from Washington.

The purpose of manufacturing binary munitions is to make those poison gases safe. "Binary" means that the chemicals will be separated so that they are completely harmless as long as they are separated. They will only become dangerous when they are fired in a weapons system and they then unite.

That is my definition of "binary munitions," I will state to the gentleman from Washington.

Mr. HICKS. Mr. Chairman, I wonder if the chairman of the subcommittee will state to the House when we will use such weapons?

Mr. BOB WILSON. Mr. Chairman, will the gentleman yield?

Mr. HICKS. I am happy to yield to the gentleman from California.

Mr. BOB WILSON. Mr. Chairman, I thank the gentleman for yielding.

I think the gentleman from Missouri is attempting to explain the need for this facility, and the main point is that we do not have a supply, which is common knowledge, of certain chemicals that are stored in various parts of the country, some in Kentucky, some in the South, some in Colorado, and some in various other parts of the United States. These chemicals are in a deteriorating, unsafe condition. They are the old-fashioned chemicals.

The CHAIRMAN. The time of the gentleman from Washington (Mr. Hicks) has expired.

Mr. ICHORD. Mr. Chairman, I yield 3 additional minutes to the gentleman from Washington (Mr. Hicks).

Mr. BOB WILSON. Mr. Chairman, if the gentleman will yield further so that I may continue, these are the types of chemicals that by themselves are not dangerous. It is imperative, as long as we realize that our enemies have a system and a capability of using lethal weapons of this type, that we have a comparable system. It is perhaps not completely comparable, but it is some sort of an offensive capability that will help to prevent the use by our enemies of that particular gas in wartime.

I think it is important that we have these supplies, as long as we know our enemies have them and have the means of dispensing them. If we are going to have them, we ought to have them in a safe storage condition so we will not have any adverse effects in this country.

That is the whole purpose of trying to provide this facility.

As I understand it, we still have not approved the idea of actually producing this binary gas material, but we want to be in a position to produce it if a decision is made to go ahead.

Mr. ICHORD. Mr. Chairman, to further answer the gentleman from Washington (Mr. Hicks), let me state that the Soviet Union at this time is really increasing its research activity and its production and its enhancement of its chemical warfare capability.

I would state to the gentleman from Washington that there have been four times in this century that chemical warfare has been used. It was used by the Germans against the Russians in the early part of World War II. It was used by the Japanese in Manchuria. It was used by the Italians against the Ethiopians before World War II, and it was also more recently used by Egypt against the country of Yemen.

In each of those four cases in this century when poison gases were used, the victim of the poison gases did not have any chemical warfare capability, and this is the problem.

I would state that the gentleman from California (Mr. Bob Wilson) stated, our present chemical warfare stocks are unsafe to store. They are unsafe and dangerous to handle, and this is why we should go into the binary program, in order to make those chemical warfare stocks safe.

Mr. HICKS. My question, though, Mr. Chairman, is this: Let us assume we have all new binaries right now. When would we use them? That is my question.

Mr. ICHORD. The binaries themselves, I hope, will not be used.

I would state to the gentleman from Washington that I think this is a very unpleasant subject. It is an emotional subject.

The CHAIRMAN. The time of the gentleman from Washington (Mr. Hicks) has expired.

Mr. ICHORD. Mr. Chairman, I yield myself 2 additional minutes for the purpose of responding to the gentleman from Washington (Mr. Hicks).

The CHAIRMAN. The gentleman from Missouri (Mr. Ichord) is recognized for 2 additional minutes.

Mr. ICHORD. This is an area, I would state to the gentleman from Washington (Mr. Hicks), where I think that the Congress has somewhat copped out on its responsibility.

I hope and I pray that chemical warfare never happens, but I think that we have to maintain an offensive capability in chemical warfare in order to prevent chemical warfare from ever happening again.

As I stated previously, it has happened four times in this century. What are we going to have as a deterrent to chemical warfare, the nuclear bomb? Certainly we do not want to use the nuclear bomb, and I hope that the Members of Congress can divorce themselves from the emotion and actually get down to thinking about this unpleasant subject that we are faced with.

We have to make a decision. I would state that in the recent conference committee between the House and Senate on the procurement bill, we discussed this problem at length. I think that we have brought out language, just a few hours ago, agreed to by the committee, which will allay the concerns of the gentleman from Washington.

It was my position, after studying the problem, that what we should do is to go immediately into a production program and replace the unsafe chemicals that we now have on a 1-for-1 basis. That is what I think the Congress should do.

I submit that the Congress is copping out on its responsibility when it has to turn this decision over to the President of the United States because it is the constitutionally mandated responsibility of the Congress to provide for the national defense.

However, I would state to the gentleman from Washington that my view did not prevail. We had to settle for an amendment.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ICHORD. Mr. Chairman, I yield myself 2 additional minutes.

As I started to say, Mr. Chairman, we had to settle for an amendment which I think will satisfy, and which I am sure will allay the concerns of the gentleman from Washington.

That amendment reads as follows:

> SEC. 907. (a) Notwithstanding any other provision of law none of the funds authorized to be appropriated by this or any other act shall be used for the purpose of the production of lethal binary chemical munitions unless the President certifies to Congress that the production of such munitions is essential to the national interest and submits a full report thereof to the President of the Senate and the Speaker of the House of Representatives as far in advance of the production of such munitions as is practicable.

Then section (b) goes on to define what lethal binary chemical munitions are.

So I would say to the gentleman from Washington that this bill does not authorize the production of binary chemical munitions and no other bill authorizes it. That will be a decision that must be made by the President and reported to the Congress. There can be no production until the Congress appropriates for their production.

I think that position is wrong, but that is what was agreed upon by the conference committee.

Now I yield to the gentleman from Washington.

Mr. HICKS. I have two more questions. First, the gentleman from California (Mr. Bob Wilson), spoke of a number of places where our lethal chemical weapons are stored. We do not plan to use those lethal chemical weapons in the United States, do we?

Mr. ICHORD. The gentleman from Washington obviously knows that we do not plan to use them in this country, but they have to be stored some place. That is one of the problems. That is the reason that I would ask the Members of the Congress to sit down and take a long, hard look at this problem. Those munitions are dangerous. They need to be replaced. We are not even going to be able to replace them.

Mr. HICKS. Where are they to be used?

Mr. ICHORD. What is the alternative? Let us divorce ourselves from the emotions and let us start thinking about an unpleasant subject. What are the alternatives?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ICHORD. Mr. Chairman, I yield myself 2 additional minutes.

Mr. Chairman, does the gentleman from Washington want us to unilaterally disarm this country in chemical warfare when the Russians are enhancing their chemical warfare capability?

Mr. HICKS. All I am trying to find out is where we will use them.

Mr. ICHORD. We do not know. The gentleman knows the answer.

Mr. HICKS. We are certainly not going to use them in this country.

We are talking about the Soviets having a great capability, so we are going to use them in Europe; is that correct?

Mr. ICHORD. I would ask the gentleman from Washington where are we going to use the atomic bomb?

Mr. HICKS. Who knows? But we do have them stored in Europe, do we not?

Mr. ICHORD. I would give the gentleman from Washington the same answer in response to chemical warfare that the gentleman gave me in response to the nuclear bomb.

Mr. HICKS. But we have the nuclear weapons stored in Europe; do we not?

Mr. ICHORD. And we also have chemical warfare munitions stored there.

Mr. HICKS. How much do we have stored there?

Mr. ICHORD. I beg the gentleman's pardon?

Mr. HICKS. How much do we have stored here, and how much do we have stored over there?

Mr. ICHORD. We have sufficient chemical warfare capability at this time to meet the threat of the Russians.

But I would state to the gentleman from Washington that within 5 to 10 years that chemical warfare capability will be gone if we do not divorce ourselves from our emotions and get down to making some hard decisions. What will be our response to the use of chemical warfare against us?

What will be the response? Drop the atomic bomb? If chemical warfare action is taken against us or any other country, I do not think the gentleman from Washington or any other Member of Congress would want to retaliate with the atomic bomb.

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Missouri.

Mr. RANDALL. I thank the gentleman for yielding.

I do not know the parliamentary situation. I assume we are under general debate here, but the gentleman in the well, for whom I have the very greatest respect and the highest admiration, should look back a little into the history of the situation. He has intimated, and I think we would agree, that the use of gas is a dirty thought. It is a dirty word.

The CHAIRMAN pro tempore. (Mr. McFall). The time of the gentleman has expired.

Mr. ICHORD. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri.

Mr. RANDALL. I thank the gentleman for yielding.

It is not a dirty word in the planning sessions of the Kremlin or elsewhere perhaps in the world. If we will look back 50 years, or if we want to go further than that, there has never been one instance in which an adversary has used gas in which they did not have complete knowledge that their adversary had no capability. All I am saying is let us not unilaterally disarm ourselves at this time.

Let me make one other comment. It is simply this, and I am sure the gentleman is right, I know that we picture the horrors of what might happen in this country if the danger and damage is done, but that is what this binary business is all about, to see that that does not happen.

Mr. BOB WILSON. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to the gentleman from California.

Mr. BOB WILSON. I thank the gentleman for yielding.

I think he made a very good statement about the problem and the horrors of using poison gas. It is a fact that we had poison gas in World War II because of the experiences we had in World War I.

I had in my own family an uncle who was terribly incapacitated by poison gas in World War I. It was a terrible experience. But because we were prepared and we were ready in World War II with protective devices and with gas masks, it was never used against us, and we never used it against anyone else. But we had it. Heaven forbid if we ever get into a situation where poison gas or binary chemicals, nerve gas which is far more horrible than any gas that has ever been devised, can be used against us and we are not even in a position to retaliate.

The fact that we have a capacity to retaliate is the best defense we can have.

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to the gentleman from Washington.

Mr. HICKS. I thank the gentleman for yielding.

The gentleman from California made a couple of very interesting statements, and I would like to chat with him a little bit, if he would get on his feet. His statement was that we had protective devices and we used them. I agree with the gentleman. I have not made any statement here about the horror of poison gas. That has all come from the people in this colloquy who want to tell me what I think about this matter. We do not have a doodle-e-do as far as our defenses are concerned. We are not using anything. The best we have from the testimony that was developed this year is that we will have defensive equipment in place and we will be able to use it in 1981, 1981. We do no training at the present time in this area.

What did the gentleman from Missouri (Mr. Ichord), say? He said the Soviets are training right and left. You bet, they are training right and left, and they have a lieutenant general in charge of their chemical warfare section? Do the Members know who we have in charge in our Army? A lieutenant colonel. That is the rank we have at the head of our chemical warfare. That is how much priority we place in our chemical warfare program in our Army.

We want to go in and spend a billion dollars just to start this. We are going to wind up with a $750 million to a $1 billion program for binaries that we cannot use in any event until we learn to train and have some defense in chemical warfare. I say do not give the military the offensive capability until we acquire a defensive capability.

Of course, this whole matter of chemical warfare is horrible, but there is no point in giving the army a weapon it cannot use and it will not use until we equip our troops with defensive equipment and train with that equipment.

We cannot engage in chemical warfare unless our people are equipped to do so. We do not have any defensive equipment now and we are not training at all in this area.

Mr. RANDALL. And we will not have them unless we do something about it.

Mr. ICHORD. Mr. Chairman, if the gentleman will yield, let me state to the gentleman from Washington I agree with him in the respect that we should be training more in the defensive area. I am sure the gentleman does not wish to unilaterally disarm in chemical warfare capability.

Mr. HICKS. That is right, because we have some lethal chemical agents.

Mr. ICHORD. I agree with the gentleman from Washington that we must keep a capability as a deterrent because the problem with defense is that once this gas is used against an opposing army, it will reduce the capability of that army by two-thirds when they have to wear the necessary defensive equipment. There are also great problems concerning antidotes, for example.

Mr. HICKS. Do both sides not have to wear the defensive equipment if the nerve agent is used? We cannot use it offensively without using defensive equipment.

Mr. ICHORD. That is correct. I would state to the gentleman from Washington that is why it is so very important that we keep this offensive capability.

Mr. HICKS. We have none.

Mr. ICHORD. We will not have one though if we somewhere down the line do not provide for that. I think the gentleman from Washington will have to agree the conference report on the procurement bill is going to pass and that is going to allay the concern of the gentleman from Washington.

Mr. HICKS. It does not help at all with defense against lethal chemical agents.

Mr. ICHORD. We are not making the decision now. Let us make that clear. The gentleman from Washington has no real reason to be concerned at this time. We will make that decision later on, but let me state to the gentleman it is a decision we are going to have to make later on if we are going to have any offensive capability. If we do not have the offensive capability to use the gas against the opposing side we are going to be left with two-thirds of our Army immediately taken out, and this is why this problem has concerned me so very much and the reason why my position is much stronger than the conference committee came out with. The position of the conference committee is nearer the position of the gentleman from Washington.

If we do not make the decision to start replacing those dangerous chemical munitions the gentleman is concerned about on a one-to-one basis we are going to unilaterally disarm this country.

Mr. HICKS. Does the gentleman think we have an offensive capability now?

Mr. ICHORD. We do have.

Mr. HICKS. We have none because we have no defensive capability. I again repeat, we cannot use the offensive weapon if we have no defensive equipment. That is the point I am trying to make. We have some munitions but we have no capability to use them.

Mr. ICHORD. The gentleman in the well is making an argument for defensive capability.

Mr. HICKS. Right.

Mr. ICHORD. I agree with the gentleman. I think the Army should make a greater effort in this field. I think we should proceed with rehabilitation of the plant at Pine Bluff, we should equip that plant, and we should proceed with the R. & D. in order to get to a position to make a decision as to whether to go into manufacture of the binaries, but that is a completely different question altogether.

Mr. WHITEHURST. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. Bauman).

Mr. BAUMAN. Mr. Chairman, I would just like to say that although the gentleman from Maryland certainly is no expert in this matter nor is he a member of the distinguished Armed Services Committee, he does have the honor of representing the district which includes Edgewood Arsenal and Aberdeen Proving Ground in Maryland. Several of my constituents have raised the issue of binary chemicals and their use. As a result I joined in a discussion with officials at Edgewood about the work being done in this particular area. I can only say I do not share the low estimate of the gentleman from Washington regarding research and development by the Army in this area.

Based on the knowledge gained from my conversations as one layman very much removed from the technical areas and what I have seen at Edgewood, I endorse the full funding for such research in the bill.

I can only regret as has the gentleman from Missouri (Mr. Ichord) that more Members are not here to discuss this very important issue. Hopefully members will take very much more interest in the binary chemical program as the gentleman from Missouri and the gentleman from Washington have indicated. But I hope we will not make any cuts in the funding for a program which is a vital part of our defense capability.

I thank the gentleman from Virginia for yielding.

Mr. WHITEHURST. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. Bob Wilson).

Mr. BOB WILSON. Mr. Chairman, I rise in support of this bill. I commend the gentleman from Missouri and the gentleman from Virginia for the long hours they put into the bill to bring it to the floor. I support it fully.

Mr. Chairman, I am most pleased to be able to address my colleagues on the military construction bill for fiscal year 1976. The Committee on Armed Services, under the leadership of the distinguished gentlemen from Illinois and Missouri, has achieved a well-balanced facilities construction program for each of the military services. I appreciate the opportunity to speak in support of enactment of this military construction authorization bill. I will address my remarks to title II of the bill, the Navy's program, which totals $708,274,000.

STRATEGIC FORCES

The committee approved for strategic forces $187 million or approximately 25 percent of the amount authorized under title II for facilities construction for the Trident weapons system.

In order to place in perspective the need for facilities construction for Trident, an examination will be made of the submarine and missile production schedules.

The first submarine to be supported at the Trident support site is under construction and the contract has been executed for construction of the second and third Trident submarines. The contract delivery date for the lead submarine is April 1979. However, the contractor is working toward meeting the earliest practicable delivery date of Decmeber 1977.

A change in the ship building program stretches out submarine procurement per year from 1–2–2–2–2–1 to 1–2–1–2–1–2–1. Although some delay has been experienced, the development of the Trident missile is progressing satisfactorily and is consistent with the submarine schedule. Since the schedule for the first three submarines is unchanged, the industrial and support facilities must be completed in time to sustain the first submarines and their crews.

At the Trident support site, the authority provided for the Trident project will permit construction of industrial facilities to support the refit of the submarine, including shops and drydock. Several of the missile processing buildings at the strategic weapons facility, Pacific, Bangor, Washington will be modified to allow these Polaris facilities to accommodate Trident missiles. Construction of some new magazines and processing buildings in the strategic weapons facility, Pacific, a dispensary and dental clinic, a second bachelor enlisted quarters, and the supporting security system, utilities and site improvements are also included in the fiscal year 1976 program at the Trident support site. A new ammunition pier at Indian Island, Wash., and a data processing facility expansion at the Eastern Test Range at Cape Canaveral to support the missile testing program were also authorized.

In addition to the facilities construction requirements, $7 million was authorized to assist communities near the Trident support site in accordance with section 608 of last year's authorization act. Under this section, the Secretary of Defense is authorized to provide assistance in meeting the costs of providing increased municipal services and facilities to the residents of the local communities, when the communities are directly impacted by Trident construction. The Secretary of Defense works through existing Federal programs in carrying out the provisions of the section, and may supplement, if necessary, funds made available under such Federal programs.

PERSONNEL BENEFIT FACILITIES

In this year's authorization bill, the committee has approved $196 million to support the Navy's efforts to attract and retain personnel. The personnel benefit facilities are bachelor housing and community support, medical and cold iron. It may be helpful to define what the Navy means by community support and cold iron facilities. Community support facilities are clubs, exchanges, libraries, theaters, and other morale, welfare and recreational facilities. Cold iron facilities are the provisions for utilities on a pier that will permit a ship in port to shut down its boiler plant and electrical generation equipment. The benefit to personnel comes from increased amounts of liberty when in port. Projects approved in the personnel benefits category amount to 28 percent of title II of the authorization bill. Approved for bachelor housing and messing was $46 million or 7 percent of title II. This will provide spaces for 4,705 E2–E4, 520 E5–E6, and 99 E7–E9 Navy and Marine Corps personnel.

I believe the Navy's placing a high priority on bachelor housing for the lower rated personnel rests on a good foundation and that the Navy will be strengthened through these efforts.

The amount approved for community support facilities was $15 million or 2 percent.

This is the third year of the Navy's efforts to accelerate the modernization of medical facilities. This bill provides $100 million for constructing the major facilities in the modernization of the National Medical Center in Bethesda.

Another $33 million was approved for providing a replacement hospital at Bremerton, Wash., and to initiate construction for a replacement hospital at Orlando, Fla.

For cold iron facilities, the committee approved $2 million.

MAJOR WEAPONS SYSTEMS

For major weapons systems, the committee approved $14 million for seven projects that will directly support six major weapons systems. These systems are the: First, antisubmarine warfare patrol aircraft—P–3C; second, light airborne multipurpose system, third, high speed nuclear attack submarine, SSN 688; fourth, sound surveillance system, fifth; encapsulated torpedo remote unattended antisubmarine warfare system—Captor—which uses the MK–46 torpedo; and, sixth, the Tomcat twin engine carrier based fighter aircraft—F–14A.

In addition, $13 million was approved for seven projects that will support existing as well as the following new weapons systems: P–3C antisubmarine warfare patrol aircraft, SSN 688 nuclear attack submarine, F–14 fighter aircraft, BQS sonar system, and the carrier based antisubmarine warfare aircraft S–3A.

MARINE CORPS

The committee approved $44 million for Marine Corps projects. The projects in this year's program continue a major effort started 7 years ago by the Marine Corps to provide new and improved personnel support facilities. The bachelor housing projects approved will provide 2,529 new spaces. Ninety-two percent of the spaces will be for the lower grade personnel, the privates and corporals. Other projects approved will provide $6 million for aviation training support and operational facilities, $6 million for aviation and ground equipment maintenance facilities, and $5 million for utility system improvements.

GENERAL NAVY

In addition to the facilities categories and programs, I have discussed the committee approved $50 million, which is 8 percent of title II for operational facilities and includes aircraft parking aprons, satellite communication terminals, radar facilities evaluation and command centers, berthing piers, wharf improvements, and dredging. In the training category, only $33 million or 5 percent was approved. The simulator projects approved under this category pay intangible benefits of increased safety and tangible benefits in the conservation of petroleum resources. For the Navy and Marine Corps, four aircraft and one ship simulator facilities projects were authorized.

In discussing some of the facilities categories, I did not mean to slight any type of facility as they are all important. The magnitude of the Navy problem was displayed in the Navy witnesses' statement. The total facilities deficiency of the Navy is $8.3 billion. From the chart included as pages 32 and 33 of the Navy statement, the Navy will be requesting from fiscal year 1976 through fiscal year 1980 an average of $630 million a year in new authority. After fiscal year 1980, there will be $5.1 billion deficit of facilities. Using the average authority to eliminate the deficit would take 8 more years. This excludes requirements for new weapons or new missions, which could increase this period by 4 to 8 more years. As a minimum, we are talking about 13 years to correct the identified $8.3 billion deficit and 17 to 21 years with consideration of new requirements.

One part of the bill I feel especially strongly about is the provision for acquiring restrictive use easements in the vicinity of some of our military air bases. These easements will protect the operational capability of the fields against encroachment by civilian development.

One reason I am particularly gratified to see the restrictive use easements provision included in this bill is because in my home district, the community of Mira Mesa, which is adjacent to the Miramar Naval Air Station, has through the years been creeping up to the boundaries of the base. This has resulted in difficulties for both the Navy and the local residents.

An extended period for correcting identified facilities deficiencies, I believe seriously handicaps the Navy in supporting the fleet. I believe the Navy is going to become more important to the nation in carrying out foreign policy, and I believe serious consideration should be given to improving the shore support for the fleet.

It is in this light that I viewed the Navy program. I believe all of the projects approved under the Navy title will serve the nation's interests, and I therefore recommend the bill be enacted as reported.

Mr. WHITEHURST. Mr. Chairman, we have no further requests for time.

Mr. ICHORD. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, I rise in support of H.R. 5210, the 1976 Military Construction Authorization bill.

Mr. Chairman, before proceeding, I want to join in the commendation of the gentleman from Missouri (Mr. ICHORD). I was privilaged to sit next to the gentleman on the committee to the gentleman's right. I know the gentleman has worked longer hours than any of the rest of us. The gentleman was there early and late and had the committee in some night sessions in order to complete this measure.

Mr. Chairman, this bill contains a variety of construction projects, all the way from barracks to bachelor officers' quarters, airfield facilities, repair shops, family housing, recreational facilities, gymnasiums and, last on the list but not least, medical facilities.

Mr. Chairman, on the floor today is a Member of our committee, a former chairman and a man whom we all hold in the greatest of admiration and respect, a delightful personality, a grand gentleman, who is certainly the father of what is known as the Uniformed Services University of the Health Sciences. The gentleman from Louisiana (Mr. HÉBERT) is on the floor. The gentleman knows and we all know that one of the best things in this bill is the further funding of that University.

Mr. Chairman, last year the Congress authorized and appropriated $15 million for the purpose of constructing the first increment of the University's physical structure. On July 10, groundbreaking ceremonies were held for this initial building with President Ford and Secretary Schlesinger, along with other dignitaries, in attendance.

This year the University has requested $64.9 million for construction of a second increment. The construction of this increment is essential for the medical school to meet its objective of enrolling 600 students—150 students per class. As will be recalled, the legislation which authorized the establishment of the University stipulated that a minimum class of 100 medical students be graduated by 1982.

The rationale behind the establishment of the University was to assist the Department of Defense in coping with the long-term problems of procurement and retention of health professionals, by establishing a health science university which would include the development of a medical school for the production of career-oriented physicians, as well as contributing to the prestige and dignity of a professional medical career in the military.

The legislation which authorized the University also provided for a comprehensive scholarship program for training professionals in the health fields. The scholarship program was to attack the problem of procurement of health professionals.

There is sometimes a tendency to view the university program and the scholarship program as competitive. I should like to make the point that the programs are complementary, not competitive. They address two different but critical military medical problems.

There is no illusion that either program, by itself, can satisfy the medical requirements of the Department of Defense. The scholarship program is designed to provide the military with a large number of health professionals who will stay in the service a comparatively short period of time. The Uniformed Services University will train a lesser number of physicians who will view military service as a career, with 75 percent remaining in uniform for a minimum of 20 years. The scholarship program primarily addresses the problem of procurement; the university the problem of retention. Together the two programs can help the military to meet medical manpower needs, both in terms of quality and number.

If one were to make a comparison in terms of cost per man year of service—the only useful analysis—one would find the costs of the two programs to the Department of Defense to be very comparable.

The construction costs of the university are at, or slightly less than, the average cost of building a medical school today in the civilian sector. One should not forget that the Federal Government substantially subsidizes the construction of medical schools through funds provided by the Department of Health, Education, and Welfare. In connection with construction costs, it should be noted that a contract has been awarded with a current working estimate of $10.3 million for construction of the first increment—a current projected savings of $4.7 million from the $15 million which the university was given.

The benefits to be derived from the university are numerous and varied. In addition to producing highly competent career-oriented military physicians who are versed in the specialties which are peculiar to military medicine and are capable of meeting military medical exigencies, the university has the potential of becoming an outstanding medical education institution. It will be as much a national health resource as the National Institutes of Health and the National Library of Medicine are.

The university has the opportunity to develop models in health education and in health delivery, such as the team concept where the physician, the nurse, the physician's assistant, the pharmacist, and other health professionals work as a team, each knowing and respecting the abilities and capabilities of the others.

The University will provide the mechanism by which those physicians serving in the military will receive appropriate academic recognition for contributions made and achievements in the health area. Today, many outstanding physicians leave the services because of the lack of recognition for their work. As we know, military medicine has long been the vanguard of medical research. However, the military physician has received little professional credit for his efforts.

The groundbreaking ceremony marked the achievement of a significant milestone. The Uniformed Services University is no longer an abstract idea. It is close to becoming a reality. Plans are proceeding to enroll a charter class of 36 students in September of 1976. Construction of the first increment is due to be completed in December of 1976. On an interim basis, the University will use space at the Armed Forces Institute of Pathology to accommodate the students. The University presently has a president, Dr. Anthony R. Curreri, and a dean of the school of medicine, Dr. Jay P. Sanford, and a modest attendant staff of approximately 20 people. Within the next 2 months, appointment of basic science chairpersons and subordinate faculty, as well as several key clinical science people, is expected.

Student interest in the University has been overwhelming. While applications to medical school will not be considered until provisional academic accreditation is granted, 4,000 serious inquiries have been received from prospective students. There is little doubt the University will attract the quality and quantity of students it is looking for.

The great progress that has been made by the University toward enrolling its first class is the result of hard work and dedication on the part of many. Not to be overlooked is the help and support given to the university staff by the Department of Health, Education, and Welfare in total—the National Institutes of Health and the National Library of Medicine, particularly—the American Medical Association, the Association of American Medical Colleges, the Association of Health Science Centers, and numerous existing medical schools.

President Ford was indeed accurate when he referred to the University at the groundbreaking ceremony as "a great American undertaking, one that we can all be proud of, and one that will pay great human dividends in the form of outstanding health care for the men in our uniformed services as well as humanity on a global basis."

Because the justification for the establishment of a Uniformed Services University of the Health Sciences remains valid and because significant progress has been made toward making this school a reality, I urge this body to continue its support of this necessary program by supporting the committee's inclusion of this authorization in the military construction bill which we are considering today.

Mr. ICHORD. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Louisiana (Mr. Hébert).

Mr. HÉBERT. Mr. Chairman, may I say to my dear friend, the gentleman from Missouri (Mr. Ichord) I do appreciate the gentleman's very generous remarks concerning me personally.

Mr. Chairman, of course, the medical school is probably one of the most important parts of this bill before us today. It is not the beginning of the school. It is the continuation of that which was begun a long time ago.

Mr. Chairman, some 2 weeks ago President Ford was there when ground was broken for the construction of the building which is provided for in this construction bill. Also present was Mr. Dave Packard, the Deputy Secretary of Defense, who is chairman of the Board of Regents. Also present was Mr. James Schlesinger, the Secretary of Defense.

On the platform was the complete attendance of the Joint Chiefs of Staff in approbation of the building and continuation of it. Also there were the Surgeons General of all the services. This was the atmosphere that the President found at the time.

In this connection, Mr. Chairman, I am going to ask at the appropriate time to revise and extend my remarks in order that all Members of the House may have an opportunity to read exactly what the President said, what Mr. Packard said and what Mr. Schlesinger said.

I think it well at this time to present in full so that everyone in the House will understand the magnitude of this undertaking, the groundbreaking program which occurred on July 10, 1975, at Bethesda.

I cannot add nor detract what has been said by the individuals who made these statements. They speak for themselves and adequately express the unlimited potential of this great undertaking:

WELCOME, UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES, GROUNDBREAKING, SCHOOL OF MEDICINE, JULY 10, 1975

(By Anthony R. Curreri, M.D., D.Sc., President, Uniformed Services University)

Mr. President, Secretary Schlesinger, Senator Thurmond, Congressman Hébert, Mr. Packard, distinguished guests, ladies and gentlemen:

Welcome to the Groundbreaking for the first Increment of the Uniformed Services University of the Health Sciences, which we trust will be a major milestone in the history of military medicine. Your presence here is certainly clear indication of your keen interest and deep desire in the future health care of military personnel. The mission of this University will be to train a cadre of motivated, dedicated young men who will be serving global medicine in terms of cure and control. Moreover, they will be able to mobilize and deploy rapidly, as teams, to meet military and civilian crises. And third, as the Chaplain mentioned, to provide humanistic, as well as scientific, health care to the sick and injured. In addition, this university will provide opportunities for aspiring young military officers to attain academic recognition and support continuing education of health providers. Finally, it will be one of the main sources in the United States in developing optimum models for the study of health care and health education. To these ends the Board of Regents, the faculty, and its staff pledge their efforts.

Thank you.

Dr. Curreri Introduces Mr. David Packard, Chairman, Board of Regents

Our next speaker gained fame as a football player and, at the same time, graduated magna cum laude from Stanford University. Quite a combination. Not only that, he went on to become an exciting developer in the newly developing electronics industry, whereby his firm became not only nationally, but internationally, famous. It provided support to the computer systems, industry in general, and, to a large extent, to medical science.

His brilliance as an innovative person with managerial skill was called upon by society and Federal Government to advise on numerous boards and councils. Rather recently, he was Deputy Secretary of Defense. His interest in medical science and academia goes back for some time. He was on the Board of Trustees of both the University of Colorado and Stanford University, where he became President of the Board. In addition, he has been on the executive committee of the Stanford Research Institute. It was natural that such an excellent background led to his selection as Chairman of the Board of Regents of the Uniformed Services University of the Health Sciences.

One never appreciates how a man with so many responsibilities can accept a position demanding so much time and devotion. I believe it is only proper we should honor him—Mr. David Packard, Chairman of the Board of Regents of the Uniformed Services University of the Health Sciences.

Mr. Packard.

Remarks of David Packard, Chairman, Board of Regents

Thank you very much, Tony; you are more than gracious.

Mr. President, Mr. Secretary, Mr. Hébert and ladies and gentlemen:

This is in many ways a rather special occasion for me, because it marks an important milestone in a project in which I developed an interest, beginning back in 1969, when I was the Deputy Secretary of Defense. Because it was in that period that we were addressing the question of how we could develop an all volunteer military force for the future and we were concerned, of course, not only in terms of how we could achieve the numbers of men and women necessary in the armed services but also in terms of how we could attract and keep those special skills that were necessary to maintain the high quality of military performance that was so important to all of us. And the question of how we could do this for the military medical people was a matter of great importance, because we had, as I'm sure many of you know, depended to a great extent upon the draft to attract distinguished doctors from the private sector into our military services. We felt that it was unlikely there would be enough volunteers in this area to provide the numbers and the capability that we needed for the future and so, working with members of the committees in the Congress and all of the departments and people in the Department of Defense, we began to address this question and came up with what is now essentially the program to achieve this goal.

It's a two-pronged program: one consisting of a plan whereby young men and young women are provided scholarships in established medical schools both privately and publicly supported schools throughout the country, where they attend these schools, obtain their education, become medical doctors, and, in return, serve for four years in the armed services. We felt that this program alone would not be adequate and that it was very important to provide a center of special training, a military medical academy, so to speak, so that we could address some of the special problems that Dr. Curreri has referred to, in terms of the needs of our medical people in the armed services for the future.

And so I was convinced that this plan was a very important one, and so in 1973, after the legislation had been enacted, the President invited me to become the Chairman of the Board of Regents. I was very pleased to do so because I felt this was an important program and I wanted to help because I felt it needed the attention of all of us who could help.

I was very pleased that among the members of that board, the Board of Regents which came together just a couple of years ago, we had some very distinguished men with experience in education and experience in medicine. We had Lieutenant General Heaton, who as you know had a very distinguished career as a Surgeon General of the Army and is loved by everyone in the military and out who has anything to do with medicine and has brought tremendous experience and wisdom to our Board. And Dr. Hall, who at the time this question was addressed was a member of the House and a member of the Armed Services Committee, so he knew a good deal of the background of this program. We had Dr. Alfred A. Marquez, a friend of mine in San Francisco, a distinguished surgeon who has worked with us and been very helpful in many ways. And Dr. Joseph Matarazzo, who's a professor and Chairman of the Department of Medical Psychology at the University of Oregon and he has had a great deal of experience in building the medical school there. We have Dr. Philip Montgomery, from University of Texas, a professor of Pathology and he too has had a great deal of experience in the development of a medical school at his University. Dr. Charles E. Odegaard, who has served as the President of the University of Washington in Seattle where they have a very distinguished medical school, and Dr. Odegaard has spent a great deal of time working on the problems of medical education. Dr. Ashton Thomas, who is the Vice President of the Louisiana State Medical Society and a very distinguished doctor of many years of experience from Louisiana. Dr. Malcolm Todd, from Long Beach, California. And Dr. Todd has just retired as National Chairman of the American Medical Association so he brought to us an understanding of the medical profession on a very broad and useful basis. And Dr. James Cowan, who's Assistant Secretary of Defense for Health and Environment is an ex-officio member of the Board and we work very closely and have a great deal of help from Dr. Cowan.

And in developing this program it was very, very important that we establish a close relationship with the Surgeons General. I've sort of joked about this, but the experience I've had in the military is that the Army and the Navy and the Air Force always like to have their own programs and needless to say they wanted to each have a medical school and this was obviously impossible and it was therefore essential that we work out a plan of cooperation. And I'm just delighted that Admiral Donald L. Custis of the Navy, Lieutenant General Robert A. Patterson of the Air Force and Lieutenant General Richard R. Taylor of the Army have been ex officio members of our Board; they've worked very closely with us, and they have developed a program whereby we will be able to bring to bear the many distinguished medical facilities of the Army and the Navy and the Air Force for the benefit of this University.

Now one of the charters of this program is to provide training for men and women in uniform and other services other than the military. And for this reason we thought it very important to establish a close relationship with the Department of Health, Education and Welfare. And we have had Dr. Lionel Bernstein, who's the Director of Program Operations, in the Office of Assistant Secretary for Health who has served as, we call him an Observer on the Board, but in fact he has been a real member of the Board and part of the family and just immensely helpful in discussing some of these problems and developing ways in which we can bring the tremendously impressive resources of HEW, both in terms of the people and the facilities, to the support of this program.

Now in working on this, this Board has been a working Board. We've met every month for the first year, spent several days, and we got into these questions in a great deal of detail. And in saying this, I say it on the basis of indicating to you that these Board Members have been very conscientious, but I also say it in terms that if this program is not a good program, it's gonna be our fault, and we're not going to have it our fault.

David Packard Introduces Secretary Schlesinger

In undertaking this job as Regents of this University, we have been working for the Secretary of Defense. And it has been a very important factor in our ability to get the job done that the Secretary has given us authority to move ahead, he's expressed confidence in what we were doing, and without that authority and without that confidence, I can assure you that we would not be where we are today.

And so it is a very great pleasure for me to introduce to you at this time, the Honorable James R. Schlesinger, Secretary of Defense.

Remarks of James R. Schlesinger, Secretary of Defense

Mr. President, Senator Thurmond, Congressman Hébert, Mr. Packard, and members of the Board of Regents, distinguished guests, ladies and gentlemen:

It was Robert Louis Stevenson who said: "There are men and classes of men that stand above the common heard; the soldier, the sailor, the shepherd not infrequently, and the physician almost as a rule." I do not know what he meant by that equivocal word "almost," but it is certainly the case that the military physician earns all of the approval that Robert Louis Stevenson suggested. The military physician has been the pioneer in emergency medicine, tropical diseases, parasitology, and the adverse effects of hostile environments, be they high altitude, deep sea, or the tropics.

To insure a continuation of the great contributions that can be forthcoming from military medicine to our society, there should be given to military medicine the opportunity to develop its fullest potential and its public prestige. That potential and prestige will be greatly enhanced through the developments of the Uniformed Services University of the Health Sciences.

To President Curreri, Mr. Packard, the Board of Regents, appointed by the President with the advice and consent of the Senate, my congratulations on this occasion. To the President of the United States, who just a few days ago, not far from here, stated that the overall survival of our nation depends in large measure on the health of its people, a particular note of thanks for demonstrating his support for military medicine by his presence here today. And, to the men and women of the University, our fervent hope that where we break real ground today, they will break new ground tomorrow.

Thank you very much.

Mr. Packard Introduces Congressman Hébert

I have already alluded to the fact that the Congress, particularly the members of the Armed Services Committee, had a very important role in the development of the policies and the approaches to the all volunteer forces and to the special problem relating to providing future men and women for our military service in the armed services. When I was here, the Chairman of the House Armed Services Committee was the Honorable Edward Hébert and if there is one man who deserves credit for initiating the legislation which made this program possible, for having the vision to see the importance of such a program, it was this great man who was a wonderful friend to me during the time I was at the Pentagon.

So it is a special privilege for me today to present to you the Honorable Edward Hébert, a good friend and really the father of this medical school.

Eddy, it's an honor to have you with us.

Remarks of F. Edward Hébert, U.S. Representative

Mr. President, distinguished guests on the platform, and to you Davey I thank you for that excellent introduction, today perhaps is one of the most eventual days of my 73 years on earth. It was 22 years ago plus that I introduced the first bill to build this military school for doctors. It took that long to finally get it through. Administrations came and administrations went, and I went along with them all. Proving that seniority does mean something because my people kept me there that long, and now I come to the fruition of that dream today.

You know, Mr. President, as I looked down and saw those shovels and those hard hats, the last time you had a shovel in your hand and a hard hat I did too, and you did me the great honor of coming to New Orleans to name the F. Edward Hébert Library. You went all the way to New Orleans and of course I do appreciate it.

And Mr. Secretary (of Defense I mean now), Jim Forrestal was Secretary of Defense when this bill was first introduced, so I take it way back in history. But all I can do today is to express the gratitude and the deep appreciation for those who've helped me throughout these many, many years. In the uniform perhaps the one man who helped me the most was General Heaton. He wasn't sold on the idea in the beginning, I have to tell the General this, he was one of those fellows who wanted three universities. But then he finally came around and when he recognized the unification of the services we put it in at Bethesda. The Navy will be in charge. But seriously, as he throw our visions way beyond the horizon we can certainly come to the same conclusion the Secretary did in referring to the President's reference to the health of our people.

This is not going to be an ordinary medical university or medical school. This is not going to be a provincial or parochial area of teaching of medicine. It's going to be global in the years to come. Keep in mind, may I say parenthetically now, if the military and the Defense Department had seen as I saw 22 years ago how many doctors you could have had in uniform today—now we got to start from scratch next year. But for 22 years we'd have been getting our feed from the University teaching military doctors. But as we project ourselves, I say, beyond the horizon, this University of military sciences and health sciences is going to be the focus point and the rallying point and the center point of the entire world. There is not a University in the world that even challenges the potential in what this University is going to be.

Dr. Curreri has surrounded himself with a group of individuals who are dedicated, men of talent, men of experience, so is it any wonder that today I pause to express the appreciation that I feel. It's been a long, long hard fight. It's been a comforting thing to know that the President has come here today to join in the initiation of this great school, and I thank him personally. And I thank you, members of the Board of Regents, for having served so well and so faithfully. And of all the years and in my Congressional career, if I am remembered for any one thing that I've done in that career, I do want to be remembered as the individual who introduced the legislation to make this institution a possibility.

MR. PACKARD INTRODUCES PRESIDENT FORD

Eddy, you should have known that every great idea has its time.

Mr. President, I want to just say to you on behalf of the Board of Regents of this new University that we are dedicated to build for this country an academy that will serve the country well, not only in terms of the needs of the military of the other uniformed services, but as my good friend Eddy Hébert has suggested, we're dedicated to see that this is to become one of the great medical schools of the world.

Ladies and gentlemen, it is an honor for me to present to you the President of the United States.

Remarks of Gerald R. Ford, President of the United States

Thank you very much, Dave Packard.

Senator Strom Thurmond, my good friend Eddy Hébert, Secretary Schlesinger, Secretary Middendorf, and other distinguished guests, ladies and gentlemen:

I feel greatly honored to have the opportunity of being here on this very historic day when the hopes of so many for so many years finally are coming to fruition. I know from first-hand experience how long and how hard Eddy Hébert worked on this legislation in the House of Representatives. As he left the podium he observed that the first year he introduced it I was a freshman in the House of Representatives. And that's a long time ago.

But Eddy, of course, would recognize first that many, many other members of the Congress joined with him and gave him the kind of support, on both sides of the aisle and at both ends of the Capitol, and as a consequence the joint Uniformed University of Health Sciences becomes a reality. And of course we recognize that many, many people in the medical profession, likewise, even to this date have made significant contributions to this concept and to this facility. I know that those who have worked so hard and so long must have a wonderful feeling to be here at this time for this Groundbreaking, here in the shadow of some of the greatest medical facilities this country or any country has. The National Naval Medical Center here at Bethesda, the National Institutes of Health, the National Library of Medicine; this is a fitting part of that complex we have right in this area. And we've gathered here today to launch a new venture that will continue our long, long tradition of providing outstanding medical care to the men and women who wear our country's uniforms. I was the beneficiary of it a long time ago in the Navy, I was as a member of Congress, and I am today. And I can say without a hesitation or qualification that the medical service for our people in uniform is the best. And I thank all of you for all of those who have been the beneficiaries.

Now by bringing together the men and women from the Army, the Navy and the Air Force, I think this new facility will perform another vital function. It will give members of the three services, three proud, and yes, independent services, the opportunity to work together for a common goal without forsaking their separate traditions. And they won't have to forsake either the distinctive personal identifications with the individual branches that they serve. This University will encourage, in my judgment, cooperation between the services without reducing their independence or their integrity. It's a bold innovation, and true in my judgment to the best traditions of the Armed Forces.

I'm here to say a few words and to participate in the Groundbreaking to express my faith in what I believe will prove to be true; a great American undertaking, one that we can all be proud of, and one that will pay great human dividends in the form of outstanding health care for the men in our uniformed services as well as humanity on a global basis. This is a proud day for the Army, the Navy, and the Air Force, and I think equally important, a proud day for the American people that they serve so well.

Thank you very much.

Ms. HOLTZMAN. Mr. Chairman, I am opposed to H.R. 5210 which authorizes $3.96 billion for military construction and includes $109.6 million to pay for cost overruns in past military construction programs.

In the first place, this bill contains an increase of 22 percent—$643.4 million—over the amount authorized last year. Virtually nowhere else in the Federal budget has the President requested an increase of that magnitude. It is a sad reflection of President Ford's distorted priorities that even slight increases in health programs and education aid are considered "inflationary" and incur vetoes, while military building projects are granted lavish increases.

It is dismaying to note that this bill, which allows a 12 percent inflation rate—called "more realistic" by the Armed Services Committee—has administration approval and faces little opposition. Only a few months ago it took a floor fight, in the face of President Ford's strong objections, for this House to approve an 8 percent cost-of-living increase for social security recipients.

In addition to the inflationary increase in expenditures provided by this bill, it unjustifiably funds a number of programs. These include:

Nearly $187 million for facilities for the unneeded Trident submarine;

$64.9 million for a Uniformed Services University of Health Sciences, an extravagant, inappropriate program which the Presidential Commission on Defense Manpower has correctly recommended be terminated;

$205.6 million for new armories and training facilities for national guard and reserve forces—a 36 percent increase over last year's budget;

$70.9 million for a new headquarters building for the Defense Intelligence Agency—(DIA)—despite the fact that Congress is now conducting two full-scale inquiries into the nature, scope and extent of our intelligence agencies.

If we are really serious about cutting Government spending and eliminating waste, this bill is a good place to start. This Nation can no longer afford the luxury of uncontrolled, ever-increasing military expenditures while vital domestic programs are starved.

Mr. ICHORD. Mr. Chairman, I have no further requests for time.

The CHAIRMAN pro tempore (Mr. McFALL). Pursuant to the rule, the Clerk will now read by title the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

UNITED STATES ARMY FORCES COMMAND

Defense Support Activity (Fargo Building), Boston,, Massachusetts, $8,000,000.
Fort Bragg, North Carolina, $13,214,000.
Fort Campbell, Kentucky, $60,680,000.
Fort Carson, Colorado, $10,732,000.
Fort Hood, Texas, $46,281,000.
Fort Sam Houston, Texas, $870,000.
Fort Lewis, Washington, $31,861,000.
Fort George G. Meade, Maryland, $2,892,000.
Fort Ord, California, $32,209,000.
Fort Polk, Louisiana, $55,361000.
Fort Richardson, Alaska, $545,000.
Fort Riley, Kansas, $14,879,000.
Fort Stewart/Hunter Army Airfield, Georgia, $40,100,000.

UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND

Fort Benning, Georgia, $44,212,000.
Fort Eustis, Virginia, $633,000.
Fort Gordon Georgia, $6,945,000.
Fort Jackson, South Carolina, $14,456,000.
Fort Knox, Kentucky, $42,898,000.
Fort Lee, Virginia, $719,000.
Fort McClellan Alabama, $41,090,000.
Fort Rucker, Alabama, $13,239,000.
Fort Sill, Oklahoma, $15,772,000.
Fort Leonard Wood, Missouri, $4,984,000.

UNITED STATES ARMY MATERIAL COMMAND

Aberdeen Proving Ground, Maryland, $5,000,000.
Aeronautical Depot Maintenance Center, Texas, $642,000.
Army Materials and Mechanics Research Center, Massachusetts, $976,000.
Natick Laboratories, Massachusetts, $222,000.
Pine Bluff Arsenal, Arkansas, $562,000.
Redstone Arsenal, Alabama, $1,571,000.
Sierra Army Depot, California, $1,160,000.
White Sands Missile Range, New Mexico, $3,715,000.
Yuma Proving Ground, Arizona, $778,000.

UNITED STATES ARMY COMMUNICATIONS COMMAND

Fort Huachuca, Arizona, $7,517,000.
Camp Roberts, California, $415,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, West Point, New York, $3,883,000.

UNITED STATES ARMY HEALTH SERVICES COMMAND

Fort Detrick, Maryland, $972,000.
Walter Reed Army Medical Center, Washington, District of Columbia, $3,580,000.

POLLUTION ABATEMENT

Various locations: Air Pollution Abatement, $2,647,000.
Various locations: Water Pollution Abatement, $51,846,000.

DINING FACILITIES MODERNIZATION

Various locations, $16,547,000.

ENERGY CONSERVATION

Various locations, $31,963,000.

NUCLEAR WEAPONS SECURITY

Various locations, $2,652,000.

OUTSIDE THE UNITED STATES

UNITED STATES FORCES COMMAND

Fort Buchanan, Puerto Rico, $2,480,000.

EIGHTH UNITED STATES ARMY, KOREA

Various locations, $9,281,000.

UNITED STATES ARMY SECURITY AGENCY

Various locations, $1,176,000.

UNITED STATES ARMY, EUROPE

Germany, various locations, $20,599,000.

Various locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, $80,000,000 and an additional $20,000,000 for the period July 1, 1976, through September 30, 1976: *Provided,* That, within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

NUCLEAR WEAPONS SECURITY

Various locations, $34,000,000.

SEC. 102. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment; in the total amount of $10,000,000: *Provided,* That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire upon enactment of the fiscal year 1977 Military Construction Authorization Act except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 103. Section 108(a), Public Law 88–390 as amended, is amended under the heading INSIDE THE UNITED STATES in section 101 as follows:

(1) With respect to Lettermen General Hospital, California, strike out $15,424,000 and insert in place thereof $15,704,000.

(b) Public Law 88–390 as amended, is amended by striking out in clause 1 of section 602 $257,098,000 and $308,159,000 and inserting in place thereof $257,378,000 and $308,439,000, respectively.

SEC. 104. (a) Public Law 90–110, as amended, is amended under the heading "INSIDE THE UNITED STATES," in section 101 as follows:

With respect to "Fort Lee, Virginia" strike out "$2,575,000," and insert in place thereof "$3,615,000."

(b) Public Law 90–110, as amended, is amended by striking out in clause (1) of section 802 "$288,355,000" and "$391,748,000" and inserting in place thereof "$289,395,000" and "$392,788,000", respectively.

SEC. 105. (a) Public Law 92–145, as amended, is amended under the heading "INSIDE THE UNITED STATES," in section 101 as follows:

(1) With respect to "Walter Reed Army Medical Center, District of Columbia," strike out "$112,500,000" and insert in place thereof "$134,652,000."

(b) Public Law 92–145, as amended, is amended by striking out in clause (1) of section 702 "$363,626,000" and "$405,607,000" and inserting in place thereof "$385,778,000" and "$427,759,000," respectively.

SEC. 106. (a) Public Law 93–166, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 101 as follows:

(1) With respect to "Fort Polk, Louisiana," strike out "$29,276,000" and insert in place thereof "$44,536,000."

(2) With respect to "Eglin Air Force Base, Florida," strike out "$2,950,000" and insert in place thereof "$3,461,000."

(3) With respect to "Fort Rucker, Alabama," strike out "$3,987,000" and insert in place thereof "$4,810,000."

(4) With respect to "Fort Leonard Wood, Missouri," strike out "$44,482,000" and insert in place thereof "$54,283,000."

(5) With respect to "Aeronautical Depot Maintenance Center, Texas," strike out "$6,284,000," and insert in place thereof "$7,353,000."

(6) With respect to "Natick Laboratories, Massachusetts," strike out "$466,000," and insert in place thereof "$617,000."

(7) With respect to "White Sands Missile Range, New Mexico," strike out "$3,843,000" and insert in place thereof "$6,339,000."

(8) With respect to "Yuma Proving Ground, Arizona," strike out "$6,472,000" and insert in place thereof "$7,991,000."

(b) Public Law 93–166, as amended, is amended by striking out in clause (1) of section 602 "$485,827,000" and "$599,927,000" and inserting in place thereof "$517,457,000," and "$631,557,000," respectively.

SEC. 107. (a) Public Law 93–552 is amended under the hearing "INSIDE THE UNITED STATES" in section 101 as follows:

(1) With respect to "Fort Benning, Georgia," strike out "$36,827,000" and insert in place thereof "$37,156,000."

(2) With respect to "Fort Jackson, South Carolina," strike out "$19,078,000," and insert in place thereof "$21,269,000."

(b) Public Law 93–552 is amended under the heading "OUTSIDE THE UNITED STATES" in section 101 as follows:

With respect to "Fort Buckner, Okinawa," strike out "$532,000," and insert in place thereof "$944,000."

(c) Public Law 93–552 is amended by striking out in clause (1) of section 602 "$491,695,000," "$120,184,000" and "$611,879,000" and inserting in place thereof "$494,215,000,' "$120,596,000," and "$614,811,000," respectively.

Mr. ICHORD (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD and open to amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ICHORD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. BURKE of Massachusetts, having assumed the Chair, Mr. MCFALL, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5210) to authorize certain construction and military installations, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. ICHORD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 5210, the bill recently considered in the Committee of the Whole.

The SPEAKER pro tempore (Mr. McFALL). Is there objection to the request of the gentleman from Missouri?

There was no objection.

MAJOR PROBE OF FEDERAL HOUSING, COMMUNITY DEVELOPMENT, AND MORTGAGE CREDIT PROGRAM ANNOUNCED

(Mr. BARRETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BARRETT. Mr. Speaker, the home building industry is today suffering from a disastrous slump and the highest rate of unemployment in 30 years. This condition prevails at a time when there is a real housing shortage. A shortage of suitable structures to provide decent living for many people of our country. The mortgage and municipal finance markets are in a chaotic condition.

I am persuaded that much of the cause of the present situation is due to indifference to the depressed housing industry and mismanagement by the Federal agencies.

As chairman of the Subcommittee on Housing and Community Development, I have discussed the situation with the Honorable HENRY S. REUSS, chairman of the Banking, Currency, and Housing Committee. We are in agreement on this matter and the need for congressional inquiry.

Accordingly, the subcommittee is about to embark on a major probe of Federal housing, community development, and mortgage credit programs. I envision the likelihood of a sweeping overhaul of the basic housing laws.

Mr. Speaker, no long-term economic recovery is possible without a turnaround in the basic industry of housing, and no long-term improvement in urban life is possible unless we deal with the basic ingredients of urban decay such as abandoned housing and the failure of government and private enterprise to marshall capital to save our cities. The economic and social consequences of continued inaction and mismanagement are overwhelming our institutions.

The primary function of this investigation will be on basic long-term reform which will avoid recurring emergencies.

The subcommittee undertaking will be conducted in three major categories: Housing, community development, and mortgage credit:

First. Housing—The committee will undertake a major review of the FHA mortgage insurance system and its authorizing legislation, the National Housing Act.

For almost four decades, FHA mortgage insurance was the government's most effective force for housing production and the provision of homes for low- and moderate-income families in communities throughout the Nation. It was one of the most successful public-private ventures in American history. Yet today, it has virtually ceased to function effectively. During the recent period of credit stringency it utterly failed in its traditional rescue role—that of providing increased support while other supports crumbled. Instead of increasing its activities in the hour of the housing market's greatest need, it stood helplessly by as its share of the mortgage market dropped to the lowest point since the years of its infancy.

This tragic decline in the mortgage insurance system has resulted from a combination of circumstances which the committee will fully explore. The National Housing Act itself has become burdened with the complexities of some 40 added programs since 1934. Other factors alienating builders and lenders include burdensome regulations, extensive processing requirements, and the recent organizational problems of HUD.

The committee will look into all aspects of this problem and will make specific recommendations for bringing the National Housing Act and the mortgage insurance system in line with current needs and practices.

The mortgage insurance system, backed by the full faith and credit of the United States, must be revitalized and made effective, both as a production aid for the housing industry and as a guardian of the interests of the housing consumer. This system is needed to help moderate income families obtain the decent housing which is now beyond their reach.

And nowhere are its services more needed than in the deteriorated and deteriorating areas of central cities which, more than any other areas, suffer from a lack of housing credit.

The mortgage insurance system is essential to a healthy and stable home building industry, which now continues at a low ebb. Although the administration has again announced the end of the recession, it simultaneously announced a fall in housing starts. The proliferation of public and private credit agencies, programs, and techniques in the last few years has contributed little help to the severely depressed housing industry. I now propose that our committee undertake a search for more basic improvements in the law which underlies the mortgage insurance system.

In emphasizing the need for basic reform of the National Housing Act, our committee will not neglect other important aspects of housing problems, including rising costs, the need to rehabilitate and maintain the existing housing supply, and the future role of public housing.

Second. Community Development.—The Congress has tried, with increasing frequency and futility, to help local government to develop and pay for needed public facilities and services, from general revenue sharing to the block grant program developed last year by this committee.

The block grant and related housing assistance programs were developed against a background of continuing inner city deterioration and escalating problems of municipal finance which have reached alarming stages in many cities.

The questions to be asked now are: How are the block grants being used by the communities? Are the required housing assistance plans approved by HUD adequately directed toward arresting deteriorating housing stock and improving neighborhoods generally, as the law intends?

Why is the section 8 program not yet working? Have the block grant funds changed the nature of city budgeting, both in short-run and in long-range planning?

There is the more general question of why our cities are going through such severe financial crises. How much is due to rising municipal needs and how much to long-standing inadequacies in private capital investment? Are financial institutions meeting their responsibilities to their own communities? What are the incentives needed to enlarge private investment and to channel it into areas where it might arrest or reverse deterioration, revitalizing, or at least stabilizing, neighborhoods?

Third. Mortgage Credit.—Despite the many congressional efforts to make housing less vulnerable to periodic credit cycles, housing suffers increasingly harsh blows with each new credit crunch. And despite the many congressional innovations to make residential mortgage lending attractive to private lenders, the Nation is confronted with increasing federalization of the mortgage market.

Clearly, the time has come for a thorough review of housing finance in order to ascertain what changes should be made to restore an effective flow of private credit sufficient to finance the housing production needed for the coming decade.

In this context, the committee will explore the structure and workings of the secondary market, the implications of current large-scale direct Federal lending through the Government National Mortgage Association, the role of Federal Reserve Board credit policies, the degree of support for Federal agency securities by the Federal Reserve Board, and the potential use of government trust funds.

The committee will study proposals for the establishment of a central mortgage bank and what such a bank might contribute to solving mortgage credit problems. The review will also examine in depth the housing implications of the proposed Financial Institutions Act; the role of private mortgage insurance companies in the secondary market; the impact of real estate investment trust practices on residential construction; and whether or not there is needless competition and complexity of financial arrangements among the multiplicity of federally sponsored credit agencies, including the Government National Mortgage Association, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation.

THE LATE HONORABLE LESTER R. JOHNSON OF WISCONSIN

(Mr. ZABLOCKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ZABLOCKI. Mr. Speaker, it is with great personal sorrow that I announce the passing away last night of a close personal friend and former colleague, the Honorable Lester R. Johnson, who served in this Chamber for 12 years as the Representative of the old Wisconsin 10th District.

Lester was my friend for over 20 years. As a Congressman, Lester Johnson consistently measured up to everything expected of him, but perhaps more important, to the high standards he set for himself.

Lester prided himself on his record for doing what he thought was right even in the face of substantial criticism, and he prided himself in providing representation in every sense to all the constituents in his congressional district. When someone needed assistance, they knew Lester Johnson would try to help them.

Certainly in the passing of Lester Johnson we have lost a good friend and an outstanding public servant. We comfort ourselves, however, in the knowledge that he has served his Nation well and we have benefited from having known him.

Lester Johnson was a man of his word, and one who I have always been proud to call my friend. My wife, Blanche, joins me in expressing our sincere best wishes to his wife and loved ones.

WHEAT SALES AND TRANSPORTATION

(Mr. PICKLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, I must say that I am very concerned about the reports today that our total grain sales to the Soviet Union have already passed the 10-million-ton mark. It is also reported that the Russians are experiencing harvesting problems and may wind up with a very short crop, necessitating even more imports than previously thought.

I must sound a note of caution to the President and to the Secretary of Agriculture to proceed with the utmost care. I concur with the USDA request that grain-export companies notify the agency before beginning further negotiations for large sales.

Previously, Secretary Butz said that the effect of the exports on the price of retail food and farm products would be "insignificant." When he said that we had exported only 3 million tons. Now, we have sold more than 10 million tons, with likely prospects to sell more.

Crop statisticians predict that the U.S. wheat crop will set a record this year, with a production of more than 2.1 billion bushels. But currently, wheat stocks are at their second lowest level since 1952. And we could still be plagued by weather problems.

I am perplexed that those who are making these halycon forecasts are overlooking a most important factor—how are we going to transport the grain to the ports?

As the ranking Democrat on the House Commerce Oversight Subcommittee in the 93d session, I conducted hearings in 1973 on the serious shortage of freight cars which resulted from the ill-planned, clandestine deal which sent more than 19 million tons of grain to the Russians in 1972. As a result of the findings of that investigation, I proposed corrective legislation. My bill called for those contracting to export more than 1 million bushels, to file a transportation plan with the Department of Transportation. Following this, DOT would either sanction, or disapprove the plan, according to guidelines in the bill. Finally, the exporter would receive no subsidies while the deal was pending.

The hearings in the spring of 1973 clearly demonstrated that a paucity of freight cars caused a delay of food shipment. A Government Accounting Office study done independently of the Commerce Committee, reached similar conclusions.

I am glad we are now receiving information about these sales, because of an amendment to the 1973 Farm Act. But I still believe that Secretary Butz is treating this serious subject in a somewhat cavalier manner. Not only could massive sales rekindle the inflationary conflagration but the impact and possible tieup of our transportation system could also be devastating. I am wary because the costs of transportation breakdowns and snafus are ultimately borne by the consumer.

Mr. Speaker, if we do not require some kind of transportation plan, we will see again a shortage of box cars, a clogging of our railroad transportation system, an inability to deliver basic supplies and materials to our own merchants—and inevitably inflationary rises.

REQUEST FOR PERMISSION TO FILE CONFERENCE REPORT ON H.R. 6799, FEDERAL RULES OF CRIMINAL PROCEDURE ACT AMENDMENTS

Mr. MANN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 6799), Federal Rules of Criminal Procedure Act Amendments.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

Ms. HOLTZMAN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from South Carolina (Mr. MANN) if this conference report differs from the position taken by the House on the Hyde amendment which would have permitted defense counsel to obtain the names of witnesses 3 days before the trial started.

Mr. MANN. It does, in effect, strike out that provision and leaves the law as it is.

Ms. HOLTZMAN. Mr. Speaker, further reserving the right to object, it is my understanding that if unanimous consent is not obtained today, there will still be adequate time for the House to consider this matter prior to the recess, and if it is passed and the President signs it subsequent to the effective date proposed in the conference report, that the conference report would still become valid legislation; is that correct?

Mr. MANN. I think that is not correct.

As I understand the situation, the Supreme Court promulgated these rules under the enabling act which permits it to promulgate rules of civil and criminal procedure. They become effective in 90 days after they are promulgated by the Supreme Court unless the Congress determines otherwise.

In this case, the Congress did agree to a resolution which delayed the effective date of those rules as promulgated by the Supreme Court until August 1.

If this conference report is filed Monday and lies on the table 3 days, and the House, therefore, is unable to consider it until Wednesday or Thursday, Thursday being the last day of the month, the bill would then have to be sent to Helsinki, where the President will be on that date, and unless he signs it prior to midnight on July 31, it is my opinion as a matter of law the Supreme Court rules will go into effect and that the President's signature at a later date would not have retroactive or nunc pro tunc effect, and we would have failed to meet the requirements of the resolution which we passed.

Therefore, the Supreme Court rules, rather than the rules that the House passed, would apply.

Ms. HOLTZMAN. Mr. Speaker, further reserving the right to object, I wonder if it is an appropriate parliamentary inquiry to ask the Speaker if a bill or conference report that has an effective date of, let us say, July 31, or August 1, is signed subsequently by the President into law, can it be effective legislation or not?

May I address such a question to the Speaker?

The SPEAKER pro tempore. The Chair would advise the gentlewoman from New York (Ms. HOLTZMAN) that her inquiry is not a parliamentary inquiry. It is a matter of law but not a matter of the parliamentary rules of the House.

Ms. HOLTZMAN. Mr. Speaker, failing to have a clarification on the point, but feeling very strongly about the conference report, I am going to feel constrained to object.

The SPEAKER pro tempore. Objection is heard.

A SALUTE TO AMBASSADOR EGIDIO ORTONA OF ITALY UPON HIS RETIREMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 60 minutes.

Mr. RODINO. Mr. Speaker, I would like to call the attention of my colleagues to the distinguished career of my warm, personal friend Ambassador Egidio Ortona, who has recently retired as Ambassador of Italy to the United States.

It is indeed significant and appropriate that we pay tribute to Egidio Ortona because he has epitomized the 20th century continuation of that most significant Italian contribution to world culture, the "Renaissance Man."

Throughout his long career Ambassador Ortona exhibited the professional competence that allowed him to rise through the ranks of the Italian Foreign Service to the position of Ambassador to the United Nations by 1958; to Secretary General of the Foreign Ministry, the Italian equivalent of our Secretary of State, in 1966; and finally to his appointment as Ambassador Plenipotentiary and Extraordinary to the United States in 1967.

Like the true "Renaissance Man" he has been much more than merely an exemplary exponent of Italian foreign policy. Like the countless generations of Italians who came before him, Egidio is a man imbued with a love for art and music that is rooted in the artistic tradition of Italy.

Under Egidio's stewardship the Italian Embassy was a living celebration of Italy's magnificant contributions to the culture of Western Civilization. Of all the arts, music is the one to which Egidio is perhaps most devoted. Often during the Sunday musical interludes held at the Embassy, the Ambassador would honor those gathered there by playing the classics on the piano. While Egidio modestly refers to himself as a "bad piano player," those of us who had the pleasure of hearing him play know that he is an accomplished musician.

Beyond his professional competence and his love for the arts, Ambassador Ortona displays a charm which has made him one of the most popular official personalities in Washington. I can assure you that there are many Washington hosts and hostesses who will genuinely miss the opportunity of including the Ortonas on their guest list, Egidio and his charming wife, Guilia, could be counted upon to add warmth and spontaneity to any social occasion.

Skilled in the art of diplomacy, but more importantly, gifted with the art of making friends, Egidio Ortona is truly the Ambassador of good will. And in this way he served to strengthen the ties of friendship between Itlay and the United States.

For those of us who will genuinely miss the Ortonas' presence in Washington, there is some consolation in the fact that the new Italian Embassy, which is currently under construction, will serve as a lasting monument and constant reminder of Egidio's many years in the United States. We will remember him through this beautiful structure because Ambassador Ortona was more than any other person, the guiding light that brought this new embassy into being.

I know my colleagues join me in wishing the Ortona family the best of luck as they return to Italy. Arrividerci my friend, I hope to see you again.

Mr. ADDABBO. Mr. Speaker, this Nation has been well honored over the last 7 years by the Government of Italy, in that the government has been so ably represented in Washington by the distinguished Ambassador Egidio Ortona.

Ambassador Ortona, who has spent 25 of his 43 years of diplomatic service in the United States, leaves many friends and devotees behind as he departs his post. For those of us who know him so well, Ambassador Ortona will go as forceful and enthusiastic a man as when he first assumed his ambassadorial duties here 7 years ago.

Those of us in the Congress who have benefitted often from his wise counsel, and the many of us throughout Washington who have thoroughly enjoyed the company of Ambassador and Mr. Ortona, wish them well in the years to come.

They have certainly earned their future rewards, they have played an active role in Italy's development for nearly half a century, and they have performed their duty well wherever they serve.

In a very personal regard, my days in Washington have often been warmed by the graciousness of Ambassador Ortona. I shall miss him, as will so many others.

His career has been filled with the excitement that has made up this last half century. A man trained in the arts, an architect of Italy's economy in those vital days following World War II and since, and a man who takes enormous pleasure yet today in the horseback skills taught to him so long ago by his father, a calvary officer, Ambassador Ortona has carved a very special place for himself among the diplomats who represent their nations here.

Ambassador Ortona has served his nation throughout the world, at tiny diplomatic outposts and at critical junctures at the United Nations, London, Cairo and, of course, here in Washington.

At 20 years of age, he joined the Italian Foreign Service with no sponsor other than his own emerging capabilities. But he rose rapidly in his nation's service by quickly acquiring the reputation of being able to rise to the problems of the day.

It was Mr. Ortona to whom his nation turned in the waning days of World War II to represent them in Washington, and to fashion a plan to rebuild the devastation of that great nation. Perhaps the single greatest achievement was his work in helping to devise the Marshall plan and its application to Italy, a move that played a vital role in retaining that nation as a free and independent nation in those first few years after the end of the war.

Between 1958 and 1961, Ambassador Ortona served his nation as its representative to the United Nations. Then, after 6 years of increasingly important service to the Italian Government back to Rome, Ambassador Ortona returned to the United States where his efforts over the last 7 years have further strengthened the bond between his nation and ours.

I, Mrs. Addabbo and all of my colleagues wish Ambassador and Mrs. Ortona well. And should the Italian Government ever develop a sticky problem that requires special handling, in the United States, I would not be the least surprised to receive another visit to our shores by this extraordinary man. As for myself, I would welcome such an opportunity to renew friendships long to be remembered.

Mr. MORGAN. Mr. Speaker, I welcome this opportunity to join my colleagues in paying tribute to the Honorable Egidio Ortona, who has recently retired from a long and distinguished career in the Italian diplomatic service. As Italy's Ambassador to the United States since 1967, Mr. Ortona was well known to many Members of this body, who regarded him both as a valued friend of this country and as an outstanding representative of his government.

Ambassador Ortona's career has encompassed more than four decades, which included both the failures and achievements of Western civilization. It began with the London World Economic Conference of 1933, which marked the initial failure of the international community to solve the problems of world depression. It also included the establishment of the United Nations, where Ambassador Ortona served with great distinction—both as permanent representative of Italy and as President of the Security Council.

At a time when the Atlantic Alliance is faced with new challenges as well as some new problems—and when the interdependence of Western nations is becoming increasingly recognized as a fact of international life—it is, I believe, appropriate to recall the valuable service performed by this outstanding representative of a country whose ultimate destiny is of great concern to all Americans.

Mr. ANNUNZIO. Mr. Speaker, it is a genuine pleasure for me to join my distinguished colleague, the chairman of the Judiciary Committe, Honorable PETER W. RODINO, in paying tribute to a devoted and dedicated public servant upon his retirement as Ambassador of Italy.

During the 11 years I have served in the Congress, I have been privileged to become well acquainted with Ambassador Ortona. In addition to being a good friend, he is also one with whom I could always forthrightly discuss mutual problems affecting Italy and its relationship with the United States of America.

Egidio Ortona is regarded, and rightfully so, as one of the most outstanding ambassadors ever to serve in Washington from any of the countries. He shall always be remembered—not just as a distinguished diplomat, but as a gentleman, a patron of the arts and music, an accomplished equestrian, and much more.

He was born in Casale Monferrato in northern Italy in 1910, and because his father was a cavalry officer in the Italian Army, Egidio learned to ride horseback while still very young. He also began his musical education at the age of 8, can "read any piece of music at sight" according to his lovely wife, Guilia Rossi Ortona, and has been described by the press as being an accomplished concert pianist. Although the Ambassador modestly disclaims this recognition, those who know him say that music in this country owes an enormous debt to Ortona because he has arranged for the conferring of decorations by his country on distinguished American musicians, such as Artur Rubenstein and Eugene Ormandy, has sponsored musical evenings at the embassy, and has encouraged young people to enter the field of music.

Ortona has been the guiding light behind acquisition of a five-acre tract at Massachusetts Avenue and Whitehaven Street where the proposed new Italian embassy-chancery complex will be built. In this role, he is seeing to it that the fine art now in the present embassy at 16th and Fuller Streets NW., will be moved to the new embassy for display upon completion of the new complex.

Ortona received his law degree in 1931 from the University of Torino, and thereafter, at the age of 21, he entered the Italian Foreign Service. He served in many posts all over the world and finally was assigned to Washington. He was instrumental in resolving problems of economic assistance for Italy, and has been called upon by his government, because of his expertise in this crucial area, to serve at such conferences at the International Monetary Fund and the International Bank for Reconstruction and Development; to represent his country at the United Nations; and also to serve as director general of economic affairs.

His dramatic climb up the diplomatic career ladder began first as secretary, then as counselor, minister counselor, minister, and finally, as secretary general of the Foreign Ministry—equal to U.S. Under Secretary of State—and ambassador plenipotentiary and extraordinary.

There is no doubt that Ambassador Egidio Ortona has made a tremendous impact not just in Washington but wherever he has served all over the world. To use the term "retirement" in its present-day connotation simply does not fit this vigorous, outstanding man, who has accomplished so much, and who has yet so much to offer.

I do not know how he will spend his "retirement", but as far as I am concerned, he will never be "retired." Whatever the future holds for him, I want to wish for him and his devoted wife abundant good health, long life, and Godspeed in all of their endeavors. We in the Congress who know them both will never forget their genuine hospitality and their great contribution to enhancing relations between our two countries.

Mr. MAZZOLI. Mr. Speaker, I would like to join in the tributes which are being paid to His Excellency, Egidio Ortona, Ambassador of Italy, upon his retirement from the Foreign Service of his country.

This distinguished gentlemen has earned an outstanding reputation in representing his country throughout the world.

I am pleased to have this opportunity to commend him and to extend every best wish for continued success and fulfillment in his worthy pursuits.

Mr. DOMINICK V. DANIELS. Mr. Speaker, I join with my colleague from New Jersey, the distinguished chairman of the House Judiciary Committee, in paying tribute to Ambassador Egidio Ortona of Italy whom I have long counted among my very good friends. I wish to thank my colleague for the opportunity of this special order to express my appreciation for the privilege of Ambassador Ortona's friendship and his hospitality.

Ambassador Ortona and his charming wife have effectively represented the people and the Government of Italy with much competence and grace. Diplomacy is a delicate art. It requires that an ambassador represent the interests of his people and his government in such a way as to make it possible for there to be a mutuality of interest and a willingness to work in partnership between his country and his host. Ambassador Egidio Ortona has not only made such interests and partnerships possible, he has made their pursuit desirable.

Mr. Speaker, it has been a distinct privilege to know Ambassador and Mrs. Ortona, to share the mutuality of interests between Americans and the Italian people. We shall miss him very much. I would like him to know that he has created a warm place in our home to which he will always be welcome to return.

Mr. ZEFERETTI. Mr. Speaker, many of us here in the Congress have learned with deep regret that Egidio Ortona, the Italian Ambassador to the United States, is entering a well-deserved and richly earned retirement. This cultivated and devoted diplomat is closing out one of the finest careers of its kind on record.

As a result of his work and untiring devotion, a series of strategic, yet warm bonds have been forged between Italy and America, making an already strong relationship even more viable and enduring.

For many years, Ambassador Ortona labored on behalf of his people abroad, playing a strategic role in coordinating American economic aid that rebuilt Italy after the Second World War. He has divided his time between the United Nations and his own Ministry of Foreign Affairs, attaining the post of Secretary General of the Italian Ministry of Foreign Affairs in 1966. Since May of 1967, Mr. Ortona, has been Italy's Ambassador to our country.

It is extremely difficult to do justice to the accomplishments of this talented man, who is as much at home in Congress as he is in America's widespread Italian-American community. It is well known that he has aided many in Congress in understanding the special problems that afflict any close international relationship. And, more importantly, he has done this without doing harm to the relationship between Italian-Americans and the country of their ancestors.

Mr. Ortona is an example of how a diplomat can help rather than hinder his country and a nation he is accredited to as an Ambassador. Few diplomats can lay claim to his credibility in Washington. Fewer still can state that they have been as effective as he has been.

Further, Egidio Ortona has proven to be a warm friend, a discreet representative of the government and a very decent man. His presence among us will be very much missed, not only by the Members of Congress of Italian background, such as myself, but by the entire Italian-American community and many other people too numerous to list. To his wife and children, I can only offer my sincere wish for as happy and successful retirement as their careeer has been here. Italy and the United States owe him a substantial and unrepayable debt and our thanks.

Mr. FLORIO. Mr. Speaker, I wish to take this moment to pay tribute to one of Washington's most distinguished diplomats, Mr. Egidio Ortona, recently retired Ambassador of Italy to the United States.

After taking office, Mr. Ortona was one of the people who I most wished to meet personally. I realized this ambition unforgettably though, unfortunately, only one time. However, I was most impressed with the instant rapport that one develops when speaking with such a distinguished gentleman.

At each step throughout his brilliant 43 years involved in diplomacy, he has served in every capacity with the intelligence, ease, and elegance desired in diplomatic circles. In his 8-year tenure as Ambassador of Italy to the United States, he has developed endearing relationships with many Washington personalities, particularly the Italian-American Members of Congress.

I wish to extend to Mr. Ortona my very best on a long, fruitful retirement with but one regret; the regret that I did not personally have the good fortune to become fully acquainted with this remarkable gentleman.

Mr. RUSSO. Mr. Speaker, the prospect of the departure of Ambassador Ortona from the United States is a sad one. It marks the end of a long and remarkable association. Few of our diplomatic guests have known Washington as long and understood it as well as he. Since his arrival in 1944 as a member of an Italian economic mission to the United States he has served in Washington a total of 22 years plus 3 years in New York at the U.N. He has served as counselor, minister, and since 1967 as ambassador. He served in Rome as Director of Economic Affairs in the Italian Ministry of Foreign Affairs from 1961 to 1966 and as Secretary General of the Ministry—the highest career post in the Ministry in 1966–67. With the reputation he earned and the experience he acquired in these highly responsible positions he returned to Washington in 1967 as a seasoned and trusted representative and spokesman of the Italian Government. The friendships he made in Washington and the confidence in his judgment and wisdom which he inspired in American officials have played an important part in the relationship between our country and his. And even more immediately in our minds at this time of farewell is his gift of friendship which has endeared him to so many of us. We are all proud to have known him and wish him well in the next phase of his distinguished life.

Mr. GIAIMO. Mr. Speaker, the Honorable Egidio Ortona, Ambasador of Italy to the United States, retired recently after a long and distinguished career in the Foreign Service.

Signor Ortona, who was born at Casale Monferrato, in Piedmont, was educated in Italy and abroad. He attained a degree of doctor of laws at the University of Turin in 1931 and studied at the distinguished center of learning—the London School of Economics. It was there and during his work in Washington that he learned his rapid, flavored English.

His first appointments in the Italian Foreign Service were on the economic side. He later served as First Secretary of the Italian Embassy in London and as head of the office of the Under Secretary for Foreign Affairs before coming to the United States as head of an economic mission in 1944. In 1945, he began his service in the Embassy in Washington, and he was named head of the Italian delegation to the United Nations in 1958. He returned to the Italian Ministry in 1961 and was reassigned to Washington in 1967 as Ambassador. Ambassador Ortona is known by his friends as a fine pianist as well as a humorist.

Mr. Speaker, we have been fortunate that Italy has sent one of her distinguished sons to us for so long. He used his great abilities in long and successful service to his country. In the process, he has rendered great service to our country as well. His life and devotion will be a permanent guide for diplomats of future generations. His wisdom, understanding, friendliness, and experience will be missed by all of us who know him as a friend and by all of those in this country who knew him only indirectly through his good works.

Words cannot fully capture the spirit and flavor of this truly remarkable man. Yet, an article that appeared in the Washington Post in 1973 does offer a glimpse at the personality and accomplishments of Ambassador Egidio Ortona. Those who read it easily can see, as this article explains, why the Ambassador was able to cement the friendship between our two countries and to win untold personal friends for himself as well as Italy.

Mr. Speaker, I extend to the Ambassador and his family my fondest wishes.

The article from the Washington Post follows:

Egidio Ortona: Wild Dogs and Diplomats

(By Dorothy McCardle)

It has been said that diplomacy is the fine art of taking the wild dog syndrome out of international relations; of taming the warlike impulses between nations.

Italian Ambassador Egidio Ortona, how at 62 has spent 23 of his 41-year diplomatic career in the United States, knows first-hand about the wild dog syndrome both literally and figuratively.

As one of Washington's most athletic ambassadors, he starts his day on horseback in Rock Creek Park where every morning a dozen homeless dogs snap at the hoofs of his mount.

Ortona's riding companion, Edward Weintal, a prominent newspaperman and former Polish diplomat, wryly reports that the ambassador has had better luck with crime in the streets than with the wild dogs of Rock Creek Park.

"Those dogs snap, lunge and bark ferociously at us every morning until we outgallop them," says Weintal, adding that complaints to the police have been futile. "They insist they can't do a thing because the D.C. Humane Society won't permit them to shoot the dogs with tranquilizing guns."

On the side of wild dog diplomacy, Egidio Ortona came to Washington the first time in October, 1944, when World War II was still raging with ferocity, although Italy had surrendered in 1943. Assigned to an economic mission seeking assistance in rebuilding Italy after the war, Ortona also was negotiating a return of prisoners. He had intended to stay two months but remained eight years.

He won over hard-boiled State Department negotiators almost immediately.

"He is a professional," says one of the top career men at State. "We rate him right behide the ambassador of the Soviet Union, Dobrynin, who has been the top professional here for 10 years.

"He came here when relations between the United States and Italy were deeply strained. He has remained to cement the friendship between the two countries and to win untold personal friends for himself as well as Italy."

A small, wiry man, gray-haired and volatile with a gift for rapid Italian-accented English, Ortona is one of the best-known figures on Washington's social front. Observers say that he had his tall, silver-haired wife, Guilia, probably give and go to more parties than any other diplomatic couple in town.

They are special favorites of Washington charities and are often asked to be benefit patrons as they were for the Washington Performing Arts Society's recent "Salute to Italy" fund-raiser concert at Kennedy Center.

But when the Ortonas leave Washington to return to Rome, they may be best remembered by some for Ambassador Ortona's single-handed confrontation with crime here and the aftermath of that encounter.

In April, 1969, while Ortona was walking in Meridian Hill Park near his embassy, two men, their hands stuffed in their pockets as if holding guns, stopped him and demanded money.

Instead of running or reaching for his wallet, the slim, nimble diplomat began to shout in his heavily accented English at the men who turned and fled.

The State Department called to congratulate him immediately. Privately, however, word got back to Ortona that the State Department felt he had been "brave but foolhardy."

Two days later at Rock Creek Stables where Ortona was preparing for his morning canter, a call came through from the White House.

This time it was President Nixon ready with praise and a promise. He assured Ortona that new measures of protection would be taken immediately to provide greater security for all diplomatic missions and personnel in Washington.

Sometime later, Ambassador Ortona was summoned to the White House. He and the dean of the diplomatic corps, Nicaragua's Ambassador Guillermo Sevilla-Sacasa were the only two foreign diplomats present when the President signed the bill creating the Executive Protective Service.

"I don't know how much credit I deserve for these measures," Ortona says with modesty. "But I do know that the new service has been highly successful. There have been very, very few incidents since it was created. Before that, there was some kind of incident at least once a week."

Washington's music lovers and musicians hold Ortona in high regard for his contributions in that field.

He plays the piano though he says that it's debatable just how well. When he arrived in Washington five years ago as Italy's ambassador, the press described him as "a musician." Soon he was called "a pianist." Finally, he learned through the press that "I am a concert pianist."

In his delightfully inverted English, he sums up his talents this way:

"I just know to play badly the piano."

But former Supreme Court Justice Abe Fortas, who often fiddles to Ortona's piano accompaniment at Sunday night get-togethers in the Fortas home or at the Italian embassy, disputes such modesty.

"He's a true lover of music, an absolutely irresistible man—musicians both here and in New York owe him a great deal. In fact," says Fortas, "music in this country owes an an enormous debt to Ortona."

Fortas says that Ortona, "more than any other ambassador in Washington, has consistently held musical evenings at the embassy. Sometime he plays, and he plays well. Sometimes he invites American or Italian musicians to play. He has encouraged young musicians in New York as well as in Washington."

He also has seen to it that his country showed its appreciation to musicians by conferring decorations upon such distinguished ones as pianist Artur Rubinstein and Eugene Ormandy, conductor of the Philadelphia Orchestra.

Ortona's next public musical appearance will be Jan. 31 when he and his favorite companion at a double keyboard, former Assistant Secretary of Defense Robert LeBaron, sit down at the embassy's baby grand pianos to entertain for Peggy LeBaron's International Neighbors Club.

His love of music has sometime been a challenge to hosts who don't happen to have a piano.

Former U.S. Ambassador to Luxembourg and the U.S. Chief of Protocol during the Eisenhower administration Wiley T. Buchanan Jr., whom Ortona visits every summer at Newport, found the ambassador disappearing every day.

"We had no piano," says Buchanan, "so he went around to homes of our friends who did. There he would be lost at the keyboard for two hours at a time."

The Buchanans ordered a piano so that the Italian diplomat could find all the musical comforts he missed right inside their front door.

(The Buchanans' grandchildren, somewhat confused by the ambassador's informal attire, once mistook him for a new chauffeur. Ortona, playing along, escorted the children to his Fiat, drove them all around Newport and made every stop demanded. "He thought this a huge joke," says Buchanan.)

As the father of two grown daughters and a son and the grandfather of three, Ortona dotes on children.

"When my first grandchild was born, I started the best career of my life," he says.

When his diplomatic career ends in three years (Italy's foreign service has mandatory retirement at age 65). Ambassador Ortona will have the satisfaction of knowing that he was the guiding light behind the proposed new Italian embassy-chancery complex, to be built on a five-acre, $1 million tract at the corner of Massachusetts Avenue and Whitehaven Street, NW.

American architects will supply the technical expertise but Italian architects will draw up plans that will include incorporation of all works of fine art now in the present embassy at 16th and Fuller Streets, NW.

Ortona is completing negotiations now and will go to Rome next week to confer with architects.

Egidio Ortona was born on Sept. 16, 1910, in the small Piedmont hill country town of Casale Monferrato in northern Italy.

His father was a cavalry officer in the Italian army and close friend of Caprilli, inventor of "the forward seat," a modern method of riding horseback. Predictably, young Egidio took to the saddle very young.

His musical education began at age 8 and despite the seemingly interminable drilling to learn his scales, he developed a crush on his music teacher.

At age 16, when he was a student at the local lyceum, he met tall, voluble Guillia

Rossi. He was two years ahead of her in school and so far ahead of her in music that she finally gave up playing herself.

"He was just too good for me," says Guilia Rossi Ortona. "It's uncanny how he can read any piece of music at sight."

Music, tennis and dancing, which both enjoyed, created a strong community of interest and in 1935 they were married.

But before that, during the nine-year interval between their first meeting and their marriage, Egidio Ortona packed considerable education into his young life.

He spent a year at the University of Poitiers, another year at the London School of Economics and finally got his law degree at the University of Torino (Turin) in 1931. He never practiced law but, instead, entered the Italian foreign service. He was just 21.

At the bottom of the diplomatic career ladder, he started his climb by serving in posts at Cairo, Johannesburg, London and finally Washington.

The handsome Italian Embassy, built years before to resemble an elegant palazzo, was closed during war years. So he worked at the Shoreham Hotel.

"The American government had decided to have an Italian mission come to Washington to discuss postwar economics and rebuilding after the war's destruction," he says. "I and four other members of the mission were engaged in problems of economic assistance for Italy."

The longer Ortona stayed in Washington, the more reasons he found to remain. The work was fascinating and challenging—"It was a most interesting thing to try to enhance relations between the United States and Italy. The results of the Marshall Plan in Italy between 1948 and 1952 were so good."

Ortona became a secretary, then counselor, then minister counselor and finally minister of the reopened Italian embassy. His economic skills were so valued by his government that he often represented Italy at such conferences as the International Monetary Fund and the International Bank for Reconstruction and Development.

In 1958, he was assigned to the United Nations in New York as Italy's ambassador. He stayed in that post until 1961 when he was called home for a prime spot in the foreign ministry as director general of economic affairs.

He held that post until 1966 when he was made secretary general of the Foreign Ministry, the top career spot equal to U.S. Under Secretary of State.

In 1967 he was assigned to Washington, again, this time as ambassador plenipotentiary and extraordinary.

While he has logged up an impressive reputation as a skilled and serious diplomat, he and his wife have made an equally dramatic impact on the social front of Washington. In fact, their social calendar is so packed that Mrs. Ortona said rather helplessly the other day that "there is simply no time to sleep."

Ambassador Ortona does not think in terms of missed sleep. In addition to his diplomatic duties and his music, horseback riding and vigorous daily swim at the University Club he has plans for still another activity.

"If circumstances permit," he says, "I may try flying. I am always trying to do everything I can."

"Oh, no!" says his wife who had not heard of his interest in flying. "I hate flying. It makes me sick."

Chances are that Guilia Ortona, who has never been able to talk her husband out of anything he wants to do, will go right along with this latest idea, just as she has done for nearly four decades.

Mr. LAGOMARSINO. Mr. Speaker, I would like to join in the praise of Egidio Ortona, who recently retired after serving as Italian Ambassador to the United States. Like most of my colleagues, I will miss this remarkable and personable man.

Mr. Ortona's career reveals the depth of his truly remarkable abilities and talents. He holds a law degree from the University of Turin and completed exhaustive studies at the London School of Economics. Prior to 1945, he served in Cairo, Johannesburg, London, and Washington. After World War II, he headed that Italian technical delegation that helped rebuild his country. He presided over the U.N. Security Council while serving as Italy's U.N. representative. He was appointed Secretary General of the Ministry of Foreign Affairs in 1966, and within a year became the Italian Ambassador to the United States.

Mr. Ortona leads a robust, active life, and was definitely an asset to his country's diplomatic corps. I wish Mr. Ortona the best possible, for he has earned it.

Mr. CONTE. Mr. Speaker, I want to thank my distinguished colleague, the gentleman from New Jersey (Mr. Rodino) for arranging for this special order so that we might say goodbye and Godspeed to departing Ambassador Egidio Ortona.

It has been my pleasure to enjoy a close association with the Ambassador over the years. My own ethnic ties are, of course, with the country Ambassador Ortona has so brilliantly represented, Italy. So, it is with special regret that I take note of his retirement from the Foreign Service.

His has been a career marked with distinction. His many posts in the service of his country have included Cairo, Johannesburg, and London, as well as the United Nations, where he ably represented Italy, and Washington, where he has held a number of positions leading to his assignment, in 1967, as Ambassador.

Few men have distinguished themselves as much in a job and won more friends for their country in the process than Ambassador Egidio Ortona. At this time, I want to extend my very best wishes to Ambassador Ortona and his lovely wife, Julia.

GENERAL LEAVE

Ms. HOLTZMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from New Jersey (Mr. Rodino).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

THE EUROPEAN SECURITY CONFERENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Mrs. Holt) is recognized for 60 minutes.

Mrs. HOLT. Mr. Speaker, the President has just issued another Captive Nations Week Proclamation; its observance began July 13, 1975. In his press conference of June 25 he also indicated the possibility of his participation in the Helsinki Summit, which will bring to completion the Conference on Security and Cooperation in Europe—CSCE—tagged as "one of history's strangest diplomatic transactions" by the New York Times. Together with 34 other heads of state the President will put his signature on documents defining principles governing relations among states and dealing with economic, trade, and technological cooperation, and, hopefully, providing for freer movement of persons and ideas across European frontiers.

While seemingly unconnected, these two events have a strong inner affinity. In a fast-moving, cynical era this point can be lost all too easily. By tracing the two events to their inception, we can see, moreover, the tragic and dangerous weakening of our American ability to see the world around us as it actually is and not as we would wish it to be.

The Captive Nations Week, to begin.

In 1959 the Congress passed the original resolution calling for its observance in July annually, authorizing and requesting the President to issue a proclamation to that effect "until such time as freedom and independence shall be achieved for all nations in the world."

President Eisenhower issued a strong proclamation, restating well-known facts:

> Whereas many nations throughout the world have been made captive by the imperialistic and aggressive policies of Soviet communism; and
>
> Whereas the Soviet-dominated nations have been deprived of their independence and their individual liberties.

He urged "The people of the United States to study the plight of the Soviet-dominated nations and to recommit themselves to the support of their just aspirations."

In the Kennedy-Johnson years our experts inside and outside Government discerned in their crystal balls that "the Soviet Union is mellowing," abandoning communism, with the result that the socialist and free-enterprise systems are converging. Solzhenitsyn recently remarked that these theories "are simply funny to Soviet citizens." With their foreign policy based on these theories, Kennedy and Johnson issued captive nation proclamations naive in their softness and apologetic spirit.

With Mr. Nixon's election many hoped that he would reaffirm the strong stand of the Eisenhower-Dulles years. Instead, he was persuaded by his foreign policy advisers to launch an ambitious peace campaign based on negotiated agreements with the Communist-controlled countries. His captive nations proclamation in 1969, consequently, ignored the unchanged plight of those Communist-controlled countries, despite the "rape" of Czechoslovakia by the Warsaw Pact armies. It was frustratingly perfunctory.

This year's proclamation is even more frustrating. While Mr. Nixon's version refers to "the desire for national independence in Eastern Europe," Ford's document does not really define "captive nations." National independence for Eastern Europe is not mentioned nor Soviet or Communist system domination.

The contrast between the proclamations of 1959 and 1975 is shattering, but the actual conditions of peoples in captivity to the Communist system have not changed at all. Not only has not a single people under Communist control succeeded in regaining its freedom but the American failure to recognize and face the Communist danger has since brought five additional countries under Communist domination on three continents—Cuba, South Vietnam, Cambodia, Laos, and Portugal. Other countries like Spain and Italy may soon follow.

The captive nation camp may well eventually include the whole of Western Europe, unless the process of "finlandization" is stopped. To stop it, it is necessary to recognize the Soviet aims at the CSCE.

Promoted by the socialist countries and especially the U.S.S.R. since 1954, this Conference is entering its last stage, to be concluded July 30 at a Helsinki summit. The question arises: are the results of the CSCE going to be beneficial for the people of the Communist-controlled countries who are participants, as some assert, or is the conference about to seal their fate by legitimizing the Communist control over them?

The advantages in terms of human rights gained by those peoples are going to be minimal, subject to the Communist "sovereignty" interpretation. The freer movement of people and ideas "guarantees" since they depend upon the good will of totalitarian governments are going to affect a very limited number of ordinary citizens. Increased economic, trade, and technological cooperation will clearly benefit the Communist-controlled countries, including the U.S.S.R., since they are less advanced in industry and agriculture.

The most dubious section of the agreement, however, may well be the so-called first basket, where the basic principles governing relations of states are redefined. The text of the documents already agreed upon has never been made available. Apparently, it will remain secret up to the very moment of the President's signature. It is known, however, that it contains definitions of well-established principles of international law concerning sovereignty, equality and independence of states, and noninterference in internal affairs, renunciation of use of force or threat of force, inviolability of frontiers and territorial integrity, et cetera. Since these principles have been recently codified in the U.N. Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Between States, which was unanimously approved by the U.N. General Assembly on October 24, 1970, the question arises as to why it was necessary at all to insert these definitions into the CSCE agreements.

Two caveats should be raised:

The U.S. Government should make it clear that the President is not going to sign any multilateral declaration, containing purely political principles of peaceful coexistence as basis of relations between states, since peaceful coexistence is not a generally recognized concept of international law. As is well known, the Soviet Government interpreted the Nixon-Brezhnev 1972 bilateral Declaration of Basic Principles as an executive agreement, thus legitimizing peaceful coexistence.

Second, and even more important, the Congress, legal experts, and the general American public should have the opportunity to examine the adopted texts well before the summit itself because of the well-known discrepancies between the Communist and Western concepts of international law. So-called Socialist international law in use now in mutual relations of Communist-controlled states is incompatible in its basic concepts with conventional general international law, since it justifies the so-called Brezhnev doctrine of limited sovereignty, with all its consequences. If the situation is not clarified in time, the CSCE could conclude by legitimizing three different doctrines of international law on the European continent: The Socialist international law valid in relations of member of the so-called Socialist commonwealth, the international law of peaceful coexistence governing relations between states with antagonistic social systems, and finally, general international law, which will be applied in mutual relations of "capitalist" states of Western Europe.

The Brezhnev doctrine would protect the sociopolitical status quo in the socialist system, while the socialist international law would justify the support of class struggle everywhere, ultimately leading to revolutionary change of sociopolitical status quo within the capitalist system.

In those terms, collective security in Europe guarantees, for example, the socialist system in Czechoslovakia even against internal democratic forces claiming the right to self-determination. In Portugal, a NATO member, however, the revolutionary movement not only can but because of the proletarian-socialist internationalism principle must be given fraternal assistance by other Communist-controlled countries. In other words—a perfect setup for the Communists to create more "captive nations" by "peaceful means," simply through an intricate play of diplomatic maneuvers and our indifference to Communist semantics, which accurately reflect their world outlook, while we only remain "captive" of our own détente rhetoric.

Recently, the New York Times described the lengthy document drafted in Geneva by hundreds of diplomats over thousands of hours as "having as many holes as Swiss cheese" and warned:

> To dignify the document in this way [by a rubber stamp summit in July] will be sad—and may even be demeaning for the Western leaders who participate. But what would be particularly dangerous would be to permit the meeting to confirm in American and West European eyes the illusion that all the basic questions dividing the Soviet and Western worlds have been satisfactorily settled.

Mr. Speaker, for these reasons and for others which will be explained in more detail by some of our colleagues I earnestly ask the President to do nothing in Helsinki which could be construed as the abandonment of the hopes for eventual freedom of the people behind the Iron Curtain. I also ask the President to make public all the details of the agreements so that the Congress and the people may discuss them thoroughly before any definite commitment on the part of the United States is made.

Mr. SYMMS. Mr. Speaker, only a few days ago I was in the Republic of China on Taiwan for their observance of Captive Nations Week. While there, I had the honor to read President Ford's proclamation of this week which has rightly been observed for many years now to always remind us of the enslavement of millions of our fellow human beings behind the Iron and Bamboo Curtains.

Thus it seems to me especially inappropriate that next week the President of the United States will journey to Helsinki in order to sign an agreement that in effect ratifies the Soviet conquest of Eastern Europe.

The anticipated agreement I refer to results from the 30 months of negotiations involved in the Conference on European Security and Cooperation. While we have had little discussion here in Congress and the media has only given the Conference circumspect treatment, the Soviets regard the final agreement as a major triumph of their negotiators. As we only now begin to examine the details of the agreements we can well understand why all of the enthusiasm for them comes from the eastern side of the Iron Curtain.

At the time of the initial agreement by the United States in 1973 to participate in this Conference, we allegedly gained from the Soviets a pledge to participate in another related conference dealing with mutual and balanced force reductions in Europe—MBFR. Yet in the past year the "B" has been conspicuously dropped from the formula as the Soviets dissented from any true "balance" in the reduction of forces. And now the MFR negotiations have bogged down to the point where even some semblance of mutality of reductions of forces appears questionable. In fact, in the past year, while these negotiations progressed, the Soviets have actually increased their troop strengths in Eastern Europe while ours have remained stable.

Nonetheless, while our hopes for genuine force reductions in Europe through negotiations with the Soviets have not made any substantial progress, we apparently are proceeding with the agreement they want from the Conference on European Security and Cooperation. Real security in Europe should come through a mutual reduction of forces and not adherence to an agreement that sanctifies the Soviet occupation forces' presence in the Eastern European countries.

Only if the case can be made that the United States receives some concrete benefits to balance the gains made by the Soviets should we support the final results of this Conference. Thus far, it seems that the only substantive results of the Conference will be a final capitulation by the West to Soviet domination of Eastern Europe and in general a rise in the influence of the Russians in all of Europe. Minimal Soviet pledges about some liberalization in the movement of peoples and ideals across the Iron Curtain have no concrete formula for implementation. Thus we can undoubtedly expect, as in recent years, the repression of the people under Communist rule will continue as before and the real flow of ideas and information will simply bolster the base of the Soviet's totalitarian rule. In the past year the Soviets have both drastically reduced emigration from their country and more ruthlessly suppressed dissent within their own borders. So much for liberalization under the rubric of détente.

We must continue to watch the actions taken by the Kremlin leadership and not rely upon their rhetoric for hopeful signs of genuine lessening of tensions in the world. Only when we have concrete actions demonstrating meaningful efforts to reduce forces in Europe or allow freer movements of peoples should we adhere to an agreement such as the President is expected to sign next week in Helsinki.

Mr. CRANE. Mr. Speaker, Vietnam, Portugal, Soyuz-Apollo, SALT violations, grain deals, and missiles in Somalia have all focused attention in the last 3 months on the meaning of our détente policy with the Soviet Union. Now, with the prospective visit of President Ford to Helsinki next week, we must examine the role of the Conference on Security and Cooperation in Europe in détente.

Unfortunately, rhapsodic rhetoric about major breakthroughs of cooperation between East and West may once again be obscuring the substantive nature of the actions taken. Rather than coldly assessing the advantages and disadvantages of another agreement with the Communists, we have been told we must assent to the present agreement in order to maintain the momentum of détente.

However, somewhere along the way of the momentum we have managed to lose track of the direction in which we have been moving. Probably in the past 3 years, we have had numerous dramatic developments that should call into question the desirability of détente for the United States. The Soviet Union massively supplied the North Vietnamese with the material necessary to destroy the Paris Peace Accord and conquer South Vietnam. They have opposed American efforts to reach an amicable settlement of the conflict in the Middle East. They have given tremendous financial and other support for the Communist seizure of power in Portugal. And if they have not been directly violating the SALT agreements, they have certainly been disingenuous in their interpretation of them.

Given this record by the Soviet Union, we should not proceed casually to agree to the final document of the Conference on Security and Cooperation in Europe. Instead we should have an opportunity to examine it carefully in order fully to assess its nature and potential consequence. But, unfortunately, the President has apparently decided to sign the agreement next week in Helsinki even prior to a final determination of the exact text. Moreover, the Congress has had no chance to hold hearings or call witnesses in order to get fully acquainted with the agreement and its relation to our foreign policy.

Given the general outline of the agreement and its principal points, we have additional reasons for asking for a much clearer elucidation of the meaning of the document and, if anything, sufficient reasons for either postponing, or completely abandoning, the agreement which is at best unwise, and at worst dangerously misleading.

Today I will only touch on one aspect of the agreement: Its relationship to the security of the Western World. The agreement allegedly concerns the security of Europe, as the title of the Conference implies. However, the only part of the document that deals directly with military affairs in Europe is a relatively meaningless call for notification of troop movements in excess of 25,000 men within 150 miles of the signatories' frontiers. But, as the New York Times notes editorially:

> The agreement does not cover other military movements such as a reinforcing movement or an actual invasion of Eastern of Western Europe!

The best that can be said for this aspect of the agreement is that it is an alleged "confidence building" measure that may lead to more substantive agreements in the future. However, the negotiations that were at one time to work in tandem with the CSCE, the mutual and balanced force reduction—MBFR—talks, have come to a complete halt due to Russian intransigence.

Thus, as far as actual "security" is concerned the document will contribute nothing and may, indeed, be harmful if the West is misled by the high sounding title of the Conference agreement. Rather than limiting arms or troop deployments in Europe the agreement only sanctifies the status quo, including the Soviet occupation of Eastern Europe and her huge numerical advantage of military forces on the continent of Europe.

Mr. ROBERT W. DANIEL JR. Mr. Speaker, this week the President of the United States flies to Helsinki to sign an agreement, which in essence ratifies the Soviet conquest of Eastern Europe. Many people in this country and in Western Europe are opposed to this action.

The agreement I refer to holds little for the Western powers. But, the Soviets are all smiling, for the fact is that they stand to gain the most from the agreement.

The agreement offers the following concessions for the Soviets:

First. This agreement will help to stabilize Eastern Europe, to the benefit of the Soviets. The Kremlin has had to suppress four major revolts since World War II. With this agreement in effect the Soviets will hope to draw the people of Eastern Europe into reconciliation with the Kremlin, in effect to force these people to learn to live with communism.

Second. The Soviets from this agreement will gain a stability on their Western border which will then be of much less concern to them, thus allowing more attention to be given to their Eastern border with China.

Third. The Soviets also hope that with this agreement they will be able to promote the atmosphere of détente. With this feeling there is hope by the Soviets that the United States will slowly be able to move away from NATO. The Soviets then will be able to exert a stronger hold on all of Europe.

Another point to be considered is that in 1973 when we agreed to enter into this conference the Soviets also agreed to enter into a conference dealing with force reduction in Europe. Since entering this second conference, however, the Soviets have actually been increasing their troop strengths in Europe.

The Soviets have apparently agreed to certain promises. They are:

First. A ban on interference in the internal affairs of another state.

Second. A promise to permit a freer exchange of people, publications and information between East and West.

Third. "Confidence building" measures such as advance notice of military maneuvers in border areas.

The problem with these promises is that anything on paper will not apply if the Kremlin thinks it would weaken Communist dictatorship in the Soviet Union or in Europe.

For these reasons I believe that this agreement should not be signed until such time as the Soviets are willing to give stronger evidence of their good intentions.

Mr. ROUSSELOT. Mr. Speaker, within a few days, President Ford will sign a document which could have a devastating effect on the Free World the repercussions of which will be felt for many years to come. I refer to the agreement which will climax the upcoming Helsinki Summit of the European Security and Cooperation Conference.

Though negotiations on the document have lasted 2½ years, they have been shrouded in secrecy, and at no time has the administration officially revealed its contents to the people.

Mr. Speaker, the provisions in this document consist of nothing less than the ultimate abandonment of the citizens of Eastern Europe. By signing it, we will officially be approving the unlawful Soviet occupation of these countries, and giving our blessing to the Communist governments that for so long have oppressed half a continent.

What is more, in addition to official approval of the present Communist satellites, we are also pledging renewed financial and technological support for the Soviet satellite countries, an action which can only perpetuate the dictatorial regimes presently in power.

The secrecy which has surrounded the negotiations is scarcely a surprise. I do not wonder, Mr. Speaker, at the administration's reluctance to reveal to the people the provisions of this agreement.

I submit, Mr. Speaker, that if the American citizens knew the nature of the agreement, they would never permit such a document to be signed in their name.

The groundwork for the European Cooperation and Security Conference was laid by the agreement signed in 1972 by former President Nixon and Soviet Premier Brezhnev. This was a time of euphoria—a period when many believed détente would bring lasting peace to the world, that cooperation would lead to true coexistence. Now, 3 years later, most citizens have awakened to the harsh reality. They see that cooperation has deteriorated into nothing more than increased unilateral aid and concessions to Russia, and that our spirit of conciliation has merely allowed—if not encouraged—the iron grip of communism to spread further around the globe.

Mr. Speaker, this is not the time to blindly follow a blueprint which was drawn up under faulty assumptions. We should not rush in heedlessly to complete the details of a complicated plan the very framework of which is open to question. Diplomacy is not a game, Mr. Speaker. It deals with human lives, and diplomatic mistakes have a profound effect on these lives. In signing the CSCE agreement, we would only perpetuate a policy which has already undermined the Free World's position, and we would be dealing a devastating blow to those peoples living in captive nations who are struggling for their freedom.

The implications of the CSCE document, are serious and far-reaching. Under our form of government, the decision to enter into such an agreement should not be made by one man alone, or even a small group of men. It should be made by the American people.

We, the elected representatives of the people, have a duty to serve as their voice in this determination. We have not only a moral duty, but clearly a legal duty as well. Under the Arms Limitation and Disarmament Act of 1961, any agreement posing a restraint on American arms—and this would be one of the effects of the CSCE document—must be approved by Congress before taking effect.

Mr. Speaker, Congress must not surrender this responsibility. We must insist on our right to view all the documents related to the Conference, and to have sufficient time to study their many ramifications. More importantly, we must not surrender our right—the right of the people—to have a strong voice in the decisionmaking process.

Mr. Speaker, it is crucial that Congress act. We cannot stand idly by, watching the aspirations for freedom of millions be permanently destroyed; and we cannot allow the impression to be formed that this document accurately reflects the feelings of our people.

If nothing is done, the CSCE agreement will be a fait accompli within 2 weeks. Therefore, it is up to us to act swiftly and decisively to insure the rights of our citizens to determine their country's course, and to keep alive the hopes of freedom of people throughout the world. We must speak out firmly for the freedom of others in order to protect the liberties of our own citizens. Nobel Prize winner, Alexandr Solzhenitsyn stated in a speech delivered in Washington, D.C. on June 30 and reprinted in the July 14 issue of U.S. News and World Report:

> Whenever you help the persons being persecuted in the Soviet Union, you're not only displaying magnanimity and nobility, you are defending not only them but you're defending yourselves as well. You're defending your own future.

Mr. ARMSTRONG. Mr. Speaker, I'd like to commend my colleague from Maryland for organizing this discussion on the European Conference on Security and Cooperation.

I share the concerns she, and others, have expressed eloquently.

My own thinking was crystalized by a thought-provoking editorial in the Wall Street Journal, which I commend to my colleagues:

Jerry, Don't Go

> Now that the White House has backtracked on its snub of Aleksander Solzhenitsyn, the Nobel Laureate announces that he won't meet with President Ford. He calls the President's decision to attend next week's European summit conference "the betrayal of Eastern Europe." We think the President would be wise to pay Mr. Solzhenitsyn a good deal more heed.
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> This past week politicians and pollsters have been puzzling over the startling discrepancy betwen the Gallup and Harris polls of presidential popularity. For the first time ever, the results are sharply different. Mr. Gallup finds the President's approval rating at 51%, while Mr. Harris found approval dropping sharply to 41%. In particular, the Harris people found a steep rise in disapproval of the President's handling of foreign affairs.
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> The chief difference in the polls was that the Gallup sampling was taken June 27–30 while the Harris sampling came July 5–10. Puzzling over the discrepancy, Mr. Gallup says there were "no major events" in the interim. Perhaps. But Solzhenitsyn's first U.S. speech came on June 30, and shortly afterwards the public learned that the President had, on the advice of the National Security Council, refused to meet the author of "The Gulag Archipelago." It seemed to us—and, judging by the White House backtracking, to many others as well—that the incident dramatically raised slumbering questions about the whole course of Nixon-Kissinger-Ford foreign policy. Is the meaning of détente that the American President becomes the chief apologist for the Soviet Union?
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> The President would have been wise to listen to Solzhenitsyn on June 30, and he would be wise to listen now. The author is totally right about the coming conference. It is purely symbolic, and the symbol is one of Soviet hegemony in Eastern Europe.
>
> The Security Conference has been a goal of Russian diplomacy since 1954. The West agreed to hold it several years ago after Moscow agreed to some other measures to reduce European tensions, notably the 1971 treaty on the status of West Berlin and an agreement to start so far fruitless exchanges on troop reductions in Central Europe. It's true that Moscow hasn't got all it wanted from the Security Conference, but the agreement to be signed there will be a formal version of Yalta, without Yalta's redeeming features.
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> The 1945 Yalta Conference at least called for "free elections of governments responsive to the will of the people." Instead of this, the Helsinki document will "reaffirm" the principles of "respect for the rights inherent in sovereignty," of "inviolability of frontiers," of "nonintervention in internal affairs." All of which amounts to an endorsement of Russian control in Eastern Europe.
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> Of course, this language may not make a difference for the same reason Yalta didn't; Russia already controls Eastern Europe, and the West can do precious little about it. "Rollback," "polycentrism," and "Ostpolitik" have come and gone without changing things in the end. But even if the West is yielding only symbolism, it ought to get something in return. It is hard to see any Western gain at Helsinki.
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> West European negotiators at the Security Conference invested a great deal of energy in the so-called "Third Basket" issues, that portion of the agenda dealing with humanitarian contacts, freer flow of information, and the like. They deserved much greater support from the U.S. than they got in this endeavor; American diplomats shamefully tried to tone down the demands for humanitarian concessions from Moscow. But even the maximum British, West German and Dutch demands fell far short of all that the Communist regime in Czechoslovakia might have done under Alexander Dubcek, if he weren't overthrown by Russian tanks in August 1968.
>
> Since that fall, as Charles Gati observes in the current "Foreign Policy," Eastern Europe has become the "forgotten region" of American policy, even though it remains "perhaps the most, if not the only, pro-Western region in the world." There may not be much the U.S. can in practice do to bring about liberalization in an area Russia is so touchy about. And having committed itself to the Helsinki negotiations, perhaps the U.S. should swallow hard and sign the document.
>
> But there is no reason to endow the whole project with the President's personal imprimatur. Nor is there any reason—not even, as we read the polls, a domestic political one—to try to turn a symbolic defeat into a triumph of friendship. Since President Ford has seen fit to backtrack on his non-invitation to Solzhenitsyn, maybe he can change his mind about the Helsinki invitation as well.

Mr. KEMP. Mr. Speaker, I thank my friend, Mrs. Holt, for her deep concern on this matter.

This morning from 11 a.m. to 12:15 p.m. I was honored to participate in a meeting vitally important to the ethnic American population of western New York, whom I am so fortunate to represent. Held at the White House with President Ford, it included the following people and organizations deeply concerned about the right of self-determination and freedom for the people of Eastern and Central Europe, now unfortunately living behind the Iron Curtain.

Paranthetically, Mr. Speaker, since the House went into session at 10 a.m. today instead of 12 o'clock I had to miss two votes on amendments to H.R. 5900 but I felt compelled to join these other distinguished ethnic Americans and my five colleagues in the Congress to register with President Ford our concerns over the ratification of the European Security Conference Agreement which I believe legitimize Soviet hegemony over Eastern Europe, something Russia has wanted since the infamous Yalta agreement of 25 years ago.

The President reassured all of us of his goal of reducing tensions and working for a more peaceful world.

Mr. Speaker, the following were in attendance:

Participants

Representative Edward J. Derwinski.
Representative Clement J. Zablocki.
Representative Dan Rostenkowski.
Representative Daniel J. Flood.
Representative Jack F. Kemp.
Dr. Kazys Bobelis, President, Lithuanian-American Council.
Dr. Lev Dobriansky, President, Ukrainian-American Congress.

Aloysius Mazewski, President, Polish National Alliance.

Joseph L. Osajda, President, Polish Roman Catholic Union.

Dr. Andras Pogany, President, Hungarian Freedom Fighters Association.

Frank J. Vodrazka, President, Czechoslovakian Society of American.

Henry F. Schein, President, Aid Association for Lutherans.

Albert Bosch, National Chairman, Steuben Society of America.

Joseph Lesawyer, President, Ukrainian National Association.

Dr. Mikulas Ferjencik, Director, Czechoslovak National Council of America.

Uldis I. Grava, President, Latvian World Organization.

Paul P. Dargis, President, Lithuanian American Alliance.

Heikki A. Leesment, Member, Board of Directors of the American Estonian Organization.

Edward Behuncik, Slovak League of America.

Stephen P. Mugar, Chairman, Board of Directors of the Armenian Assembly.

Mike Bachar, Vice Chairman, Byelo Russian Congress Committee.

Henry A. Kissinger.

Brent Scowcroft.

Max L. Friedersdorf.

Dick Cheney.

Mr. Speaker, the President has agreed to participate in the 35-nation summit conference in Helsinki, Finland, in order to sign an agreement arising from the Conference on Security and Cooperation in Europe—commonly called the European Security Conference. As the President departs for that conference tomorrow our meeting took on even greater significance.

The hour-long session with the President has not persuaded me to the contrary, although I do understand the rationale of the President and the Secretary of State on the matter. I appreciate the opportunity afforded me to participate in this morning's session and the President's assurance that he shares our concern for the freedom and rights of Eastern and Central Europeans.

From what information we have been able to obtain concerning this agreement, most of the advantages of it will accrue to the Soviet Union. The advantages which are supposed to accrue to the free nations—greater travel freedom in Eastern Europe for Western newsmen, the apparent removal of certain restrictions on family visits between East and West—are not of equal measure to what the Soviets will obtain. They will obtain an agreement that legitimatizes the borders imposed through Soviet military might before and after World War II, that recognizes the permanent division of Germany, and that reflects American willingness to permit the extension of Soviet hegemony in Europe. What we are probably seeing here is the first major step of the free nations of Western Europe to "make their deal" for the future with the Soviets.

The imbalances in this agreement were predictable, and it is for that reason I am concerned.

I am not confident the American people—or the people of Western Europe for that matter—are sufficiently aware of the premises on which this Conference was based. There is much public misunderstanding about the issues associated with the Conference.

The idea of collective European security is not one within which the distinctions of the past 30 years between the separate securities of western-alined—NATO—countries and eastern-alined—Warsaw Pact—countries are to be maintained.

To the contrary, the European Security Conference envisages an all-European security arrangement, through which the NATO and Warsaw Pact countries would pledge themselves to a mutual defense of each other against non-European or other European forces. This has obvious anti-U.S. implications. And, it also has obvious advantages to the Soviet Union, whose dominance and authority over half the countries of Europe—the Moscow-controlled countries of Communist Eastern Europe—is already forcefully assured.

Such an arrangement implies that the European countries which would become members of the European mutual security system would accept one another as partners who would not threaten, but would rather defend, their mutual security. Thus, the Atlantic principle of collective defense against potential aggressors would lose its moral justification.

Any guarantees of all-European collective security would also be far from reliable, for while the principles basic to sovereignty in the autonomous countries of Western Europe imply that when a threat or aggression occurs each would have to decide for itself what to do, the equally basic principle of coordinated military action among the Eastern European countries—coordinated by Moscow despite all the appearances of increasing independence in unrelated nonmilitary affairs—would still result in unanimous action by those countries.

It is inconceivable that a Warsaw Pact country would support a Western country under pressure or attack from another Warsaw Pact country. There is additionally no evidence that the Soviet Union is prepared to dissolve its alliance system if an all-Europe security system were to materialize. Such a system, however, might well induce the United States to discontinue her security commitment to Europe, especially at a time when there is great pressure on the Congress to reduce U.S. policy commitments.

Writing in the February 1975 publication of the Atlantic Treaty Association, entitled "Soviet Foreign Policy: Its Many Facets and Its Real Objectives," Dr. Gerhard Wettig of the Institute of Political Science and International Studies in Cologne, summarized these concerns:

> If the idea of an all-Europe security system became a psychological and political reality, the Soviet leadership would have gained a major victory sought for decades: the withdrawal of the American super-power from Europe. The West European States would lose their military and political backing vis-a-vis the USSR, which could then play a hegemonic role on the whole Continent—a role regarded as natural in Moscow. The permanent organization which the Soviet leaders want to create at the end of the CSCE is to be an institutional standing-point for an all-Europe State system under the aegis of Moscow. As has been explicitly stated, the Soviet side wants that organization gradually to take over security and policy functions from NATO.
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> * * * * *
>
> A characteristic feature of Soviet policy in Europe is that the USSR's military superiority in the area is being maximized, while the tendency in the Western European countries is towards a reduction of manpower. In both public and diplomatic statements, Soviet representatives have made clear that peace in Europe should be built not on the allegedly archaic notion of balanced military forces, but on Western confidence in the peaceful character of Soviet intent. What would be the purpose of the Soviet military build-up in Europe if the non-use of force is to govern inter-European relations? An overwhelming military advantage of the Soviet Union over Western Europe (particularly if isolated from the US and fragmented in itself) would be a political factor of greater importance, even if the USSR never issued explicit threats. If the Soviet Union were in a position of unrestricted military superiority throughout Europe, it could, by its implied capacity for unimpeded military action, exert a dominating influence over the Western part of the Continent.

It was against this background that I believe the comments of William Safire in both the New York Times and the Washington Post during the last week of April ought to have been heeded by the administration. In that article, he concluded:

> But if he is serious about making détente a "two-way relationship," Mr. Ford should put a high price on any legitimization of Soviet victories.
>
> First, no European security summit conference should be convened until the Soviets agree to much more than a token reduction of troops in Europe and a timetable for future withdrawals.
>
> Next, a subject we should insist be put on the agenda for debate is the Brezhnev Doctrine, under which the Soviets claim the right to put in their tanks to crush uprisings against their puppet regimes. If that is not a matter of concern to "European Security" and relevant to the "Inviolability of Borders," what is?
>
> Finally, the Soviets should be made to understand that their deeds—in providing North Vietnamese with the means of victory and extremist Arabs with hopes for a "final solution" to the Israelis—speak louder than any protestations of détente. Linkage should live again; no deal in the Middle East, no deal in Europe.
>
> Would demands for these quids pro quo scuttle the Helsinki Summit? Perhaps; at a time when the Soviet Union is riding high and the United States President is helpless against a large group of willful men in Congress, a two-year postponement of the biggest gathering of heads of state since Queen Elizabeth's coronation might not be a bad idea.
>
> Thirty years have passed since V–E Day. America's power has dwindled from days of dominance through an era of parity to a stage of uncertainty. Why, at this worst moment, are we allowing ourselves to be drawn into a Supersummit at which the only purpose is to declare the Russians the victors of World War II?

Mr. Speaker, these points were apparently not pursued by us, or, if they were, we were unsuccessful, and that alone should tell us something about the nature of what is going on with respect to this Conference.

In an editorial this past Sunday, the New York Times severely questioned the wisdom of the entire Conference and the final, 100-page declaration. Although only an agreement of intent, the Times rightly notes that the section on "Inviolability of Frontiers" symbolically ratifies "the territorial status quo, including the division of Germany and Europe and the Soviet Union's huge annexations of East European territory, including all three independent Baltic States, plus large chunks of Poland, Czechoslovakia, and Rumania."

One might well contend that after 30 years of Soviet domination the borders of Europe have in effect solidified into firm east and west sections dominated by communism and freedom respectively. However, the Soviets have always refused to sign any treaty with Germany ending World War II unless the division of that country were fixed in such an agreement.

Similarly, the Kremlin has always wanted Western acknowledgement of their absorption of parts of Eastern Europe so that they can more effectively destroy lingering hopes of their captive peoples for eventual liberation. The uprisings over the years in Hungary, Poland, Czechoslovakia, and East Germany have constituted recurring reminders that the people living under their rule only adhere to communism because of the strength of the occupying Red army. With this agreement, the Soviets can point to a final abandonment of the peoples of Eastern Europe by the West.

To the Soviets the inviolability of frontiers, however, is only a one-way street. While they maintain that Western countries are prohibited from interfering in the affairs of Eastern Europe, they nonetheless maintain that the agreement has nothing to do with their actions supporting fellow Communists in the West. Thus the agreement only ratifies the existing status quo as the Soviet Union defines it. The status quo in Eastern Europe to the Soviets is a liberated zone of peace, but to them the so-called revolutionary process continues in the capitalist countries of the West and, therefore, they maintain that their support for the revolutionary forces is only part of the status quo.

The most conspicuous example of this perverse Soviet interpretation of the status quo and noninterference in the affairs of other countries is Portugal. As David B. Richardson writes in the current issue of U.S. News & World Report, the Soviet definition of détente allows "the waging of an ideological struggle by all means short of a hot war." He notes that in Portugal the Communist Party and their allies received only 15 percent of the vote in the April 25 elections for delegates to a constitutional assembly. Nevertheless, through their control of important unions and disproportionate influence in the armed forces movement, the Communists now dominate the country. The Soviet role in the Communist success in Portugal has been conspicuous. Richardson writes that:

> Western authorities say Moscow provides the Portuguese Communist Party with as much as $2 million a month—despite a Portuguese law which makes it illegal for political parties to accept foreign funds or help.

In order to place the estimated Soviet covert assistance to the Portuguese Communist Party into some perspective, one can figure that every 3 months the Soviets spend more money in Portugal supporting the Communists than the American CIA allegedly spent in Chile aiding the anti-Marxists over a period of 10 years. Yet we hear surprisingly little about the massive Soviet effort to destroy democracy in Portugal while we hear so much about the comparatively minimal efforts made by our CIA in Chile to preserve some semblance of democracy.

Besides the direct aid given to the Portuguese Communist Party, the Soviet Union has provided a key role for the Communists there by training many of their leaders in recent years in order to seize control of the country as soon as the opportunity would arise. The Soviet Union presently is engaging in a massive effort to subvert the results of the April election in Portugal and drive this country out of the NATO alliance system. At the same time, Brezhnev ironically pushes for a summit conference on "security" in Europe which calls for the "inviolability to frontiers." By their actions the Soviets have clearly shown how they intend to interpret "inviolability of frontiers" and, therefore, we should have no reason to sign any agreement with them. Instead, we should follow the suggestion put forward by C. L. Sulzberger on July 13 in the New York Times, as he wrote:

> The United States would be insane not to oppose a European security conference and block a scheduled summit . . . unless it is preceded by a Soviet pledge not to interfere by any means in Portugal.

Unless we can obtain some concrete concessions from the Soviet Union along the lines that Sulzberger suggests we will find that like the other agreements we have reached with the Communists, as in SALT or in Vietnam, both the freedom and security of the West only diminished. This is the real message of Alexandr Solzhenitsyn, and I reiterate my request that the President and the Congress meet with him.

Mr. Speaker, at this point I include the text of the three items to which I have referred: The New York Times lead editorial, "European Security . . . the Real Détente," the U.S. News & World Report article on Portugal.

(Articles in that order.)

[From the New York Times, July 20, 1975]

European "Security" . . .

The 35-nation Conference on Security and Cooperation in Europe, now nearing its climax after 32 months of semantic quibbling, should not have happened. Never have so many struggled for so long over so little as the conference's 100-page declaration of good intentions in East-West relations. So little, and yet so much.

So little, because after hundreds of diplomats drafted this document, they specified that it will not be legally binding on anyone. So much, because it commits the United States, Canada and 33 nations of Europe to the "inviolability of frontiers," symbolically ratifying the territorial status quo, including the division of Germany and Europe and the Soviet Union's huge annexations of East European territory, including all three independent Baltic states plus large chunks of Poland, Czechoslovakia and Rumania.

What the West gets out of the C.S.C.E. declaration is a reference to the possibility of border changes by peaceful agreement—meaningless except to protect the West German Government from its domestic critics—and some vague Soviet pledges to permit freer movement of persons and information.

The only military item in what originally was to be an all-European security treaty is a promise by the Russians (and everyone else) to give three weeks notice, and to admit observers, for military maneuvers that involve more than 25,000 men within some 150 miles of their frontiers. But it does not cover other military movements such as a reinforcing move or an actual invasion of Eastern or Western Europe!

If this document now were to be signed by the diplomats who negotiated it, or even by foreign ministers, and then consigned to history as an effort to humor a Soviet propaganda exercise, the damage might be modest. The problem is that Soviet leader Leonid Brezhnev has maneuvered all the major leaders of the Western world one by one into the commitment to sign the C.S.C.E. declaration at a euphoric 35-nation summit conference in Helsinki, now tentatively scheduled for July 30, less than ten days away.

. . . And Real Détente

It is true, as Secretary Kissinger has just repeated, that there is no alternative to coexistence of East and West in the nuclear era and that détente—real rather than illusory—must be pursued. But the Helsinki carnival, like the Soviet-American handclasp in space, could mislead many into believing that peace already has arrived. Very limited forms of arms control and East-West cooperation are still accompanied by intensified repression within the U.S.S.R., heightened Soviet rivalry with the West in the Middle East, South Asia and the Indian Ocean and little real sign of progress in strategic or conventional arms reduction talks.

If it is too late to call off the Helsinki summit—or even to delay it for a more propitious moment—every effort must be made there, publicly as well as privately, to prevent euphoria in the West. Equally important the Soviet Union must be put on notice that a Communist takeover by force or subversion of Portugal's democratic revolution will not be accepted by the Western world even if the West may now have acknowledged Soviet domination of its immediate Eastern neighbors.

[From U.S. News & World Report, July 28, 1975]

Portugal: A Test of Whether Moscow Will Keep Hands Off

A clear-cut test of Russia's promise not to meddle in the affairs of Western European nations is fast approaching in Portugal, a partner of the U.S. in the Atlantic Alliance.

Already, there are rumblings that Russia is failing the test by violating in advance the noninterference principle in the East-West charter under negotiation for 30 months.

Portugal's hard-line Communists are being financed by Moscow, and their leaders were trained in Russia. Now, they are shouldering the country's inexperienced leftist military Government inexorably into the Soviet orbit.

Encouraged by the Communist Party, the military revolutionaries—described by experts as "romantic Marxists"—have triggered an economic, social and political upheaval that could turn Portugal into the first Communist-run country in Western Europe.

Latest crisis to hit this country came in mid-July when the ruling Revolutionary Council dissolved the coalition Cabinet. The move came after the two major non-Communist parties quit the Cabinet—which actually held little real power—in protest of the wholesale loss of freedoms in Portugal. Their withdrawal set up a possible violent confrontation between anti-Communist forces on one side and Marxist military men and the Communists on the other.

David B. Richardson, who covers Portuguese affairs for U.S. News & World Report, cabled this assessment:

By Soviet definition, détente permits the waging of an ideological struggle by all means short of a hot war. That explains why Moscow-line Communists in Portugal can push hard to take over the country even as Russian leaders at Helsinki agree to keep hands off. To the Kremlin, there is nothing contradictory in these actions.

Portugal offers a graphic example of how Communists can gain power in a country without the intimidating presence of Russian troops or a majority of voting strength. In elections on April 25 for an assembly to write a new constitution, the Communists and allied parties polled only 15 per cent of the vote against 64 per cent for the moderate Socialists and Popular Democrats.

Yet the Communists now are riding high and the two other parties are out.

Officially, Russia maintains a low profile in Portugal. The Soviet Embassy in Lisbon has only about 35 people—up from 18 four months ago, yet well under the more than 80 in the U.S. Embassy.

Money from Moscow. Behind the scenes it's a different story. Western authorities say Moscow provides the Portuguese Communist Party with as much as 2 million dollars a month—despite a Portguese law which makes it illegal for political parties to accept foreign funds or help.

Also, Moscow forged close ties with Portuguese Communists during the party's half century of underground resistance to rightist dictatorships. Most of the party's leaders were trained in Moscow or other Soviet-bloc countries.

One reason military revolutionaries and their Communist backers have been able to take over the nation with surprising ease since the military coup of April 25, 1974, is the Communists' complete control over the labor movement. This was solidified under the old dictatorship when their illegal underground organized the nation's industrial workers, the lowest paid in Europe.

At the same time, the Communists recruited military officers who were increasingly fed up with low pay and an African colonial war that dragged on for 13 years with no sign of victory. Books by Karl Marx, Mao Tse-tung and Ché Guevara found their way into military hands. Many officers trained to fight Marxist guerrillas in Africa took on the ideology of their enemies.

Today it is hard to tell where military rule ends and Communism begins. The Revolutionary Council, running roughshod over public opinion, has even unveiled a plan to eliminate the facade of democratic government in favor of "people's assemblies," with all voting to be done by show of hands.

Take-over. "Worker's committees" already have taken over all banks and dozens of big and small businesses, plus the entire press, television and radio.

Democratic parties have not given up the fight. But like the few moderates within the military, they lack aggressive leadership. Even the Roman Catholic Church in this Catholic country seems powerless.

As the weakest and most backward country in the Atlantic Alliance, Portugal provides Russia with particularly fertile ground on which to fight a political war. And not even the moral obligations of the East-West charter's political declarations or the desire for closer ties with the U.S. are expected to keep Moscow from helping make Portugal another "People's Republic."

"This," says an ousted Portuguese newspaper editor, "is détente with a vengeance."

Mr. Speaker. I include at this point, President Ford's message at our conference:

STATEMENT BY THE PRESIDENT

I am glad to have this opportunity, before taking off for Europe tomorrow, to discuss with you frankly how I feel about the forthcoming European Security Conference in Helsinki.

I know there are some honest doubts and disagreements among good Americans about this meeting with the leaders of Eastern and Western European countries and Canada—35 nations altogether.

There are those who fear the Conference will put a seal of approval on the political division of Europe that has existed since the Soviet Union incorporated the Baltic nations and set new boundaries elsewhere in Europe by military action in World War II. These critics contend that participation by the United States in the Helsinki understandings amounts to tacit recognition of a status quo which favors the Soviet Union and perpetuates its control over countries allied with it.

On the other extreme there are critics who say the meeting is a meaningless exercise because the Helsinki declarations are merely statements of principles and good intentions which are neither legally binding nor enforceable and cannot be depended upon. They express concern, however, that the result will be to make the free governments of Western Europe and North America less wary and lead to a letting down of NATO's political guard and military defenses.

If I seriously shared these reservations I would not be going, but I certainly understand the historical reasons for them and, especially, the anxiety of Americans whose ancestral homelands, families and friends have been and still are profoundly affected by East-West political developments in Europe.

I would emphasize that the document I will sign is neither a treaty nor is it legally binding on any participating State. The Helsinki documents involve political and moral commitments aimed at lessening tensions and opening further the lines of communication between the peoples of East and West.

It is the policy of the United States, and it has been my policy ever since I entered public life, to support the aspirations for freedom and national independence of the peoples of Eastern Europe—with whom we have close ties of culture and blood—by every proper and peaceful means. I believe the outcome of this European Security Conference will be a step—how long a step remains to be tested—in that direction. I hope my visits to Poland, Romania and Yugoslavia will again demonstrate our continuing friendship and interest in the welfare and progress of the fine people of Eastern Europe.

To keep the Helsinki Conference in perspective, we must remember that it is not simply another summit between the superpowers. On the contrary, it is primarily a political dialogue among the Europeans, East, West, and neutral, with primary emphasis on European relationships rather than global differences. The United States has taken part, along with Canada, to maintain the solidarity of the Atlantic Alliance and because our absence would have caused a serious imbalance for the West.

We have acted in concert with our free and democratic partners to preserve our interests in Berlin and Germany, and have obtained the public commitment of the Warsaw Pact governments to the possibility of peaceful adjustment of frontiers—a major concession which runs quite contrary to the allegation that present borders are being permanently frozen.

The Warsaw Pact nations met important Western preconditions—the Berlin Agreement of 1971, the force reduction talks now underway in Vienna—before our agreement to go to Helsinki.

Specifically addressing the understandable concern about the effect of the Helsinki declarations on the Baltic nations, I can assure you as one who has long been interested in this question that the United States has never recognized the Soviet incorporation of Lithuania, Latvia and Estonia and is not doing so now. Our official policy of non-recognition is not affected by the results of the European Security Conference.

There is included in the declaration of principles on territorial integrity the provision that no occupation or acquisition of territory in violation of international law will be recognized as legal. This is not to raise the hope that there will be any immediate change in the map of Europe, but the United States has not abandoned and will not compromise this long-standing principle.

The question has been asked: What have we given up in these negotiations and what have we obtained in return from the other side? I have studied the negotiations and declarations carefully and will discuss them even more intensely with other leaders in Helsinki. In my judgment, the United States and the open countries of the West already practice what the Helsinki accords preach, and have no intention of doing what they prohibit—such as using force or restricting freedoms. We are not committing ourselves to anything beyond what we are already committed to by our own moral and legal standards and by more formal treaty agreements such as the United Nations Charter and Declaration of Human Rights.

We are getting a public commitment by the leaders of the more closed and controlled countries to a greater measure of freedom and movement for individuals, information and ideas than has existed there in the past, and establishing a yardstick by which the world can measure how well they live up to these stated intentions. It is a step in the direction of a greater degree of European community, of expanding East West contacts, of more normal and healthier relations in an area where we have the closest historic ties. Surely this is the best interest of the United States and of peace in the world.

I think we are all agreed that our world cannot be changed for the better by war; that in the thermonuclear age our primary task is to reduce the danger of unprecedented destruction. This we are doing through continuing Strategic Arms Limitations talks with the Soviet Union and the talks on Mutual and Balanced Force Reductions in Europe. This European Security Conference in Helsinki, while it contains some military understandings such as advance notice of maneuvers, should not be confused with either the Salt or MBFR negotiations. The Helsinki summit is linked with our overall policy of working to reduce East-West tensions and pursuing peace, but it is a much more general and modest undertaking.

Its success or failure depends not alone on the United States and the Soviet Union but primarily upon its 33 Europeans signatories, East, West and Neutral. The fact that each of them, large and small, can have their voices heard is itself a good sign. The fact that these very different governments can agree, even on paper, to such principles as greater human contacts and exchanges, improved conditions for journalists, reunification of families and international marriages, a freer flow of information and publications, and increased tourism and travel, seems to me a development well worthy of positive and public encouragement by the United States. If it all fails, Europe will be no worse off than it is now. If even a part of it succeeds, the lot of the people in Eastern Europe will be that much better, and the cause of freedom will advance at least that far.

I saw an editorial the other day entitled: "Jerry, Don't Go."

But I would rather read that than headlines all over Europe saying: "United States Boycotts Peace Hopes".

So I am going, and I hope your support goes with me.

Mr. BURKE of Florida. Mr. Speaker, on July 30 we will become signatories with the Soviet Union and some 30 other nations of an agreement recognizing the boundaries between Communist Europe and democratic Western Europe. This agreement also legitimizes the conquests of the Soviet Union and indirectly, the measures that are still used to subjugate Eastern Europe.

I am sure, Mr. Speaker, that we enter this with all sincerity but what about the major power across the table from us? While we strive to uphold all of the treaties we sign, the Soviet Union seems to have a propensity not to follow theirs. A recent example, and I cite this to illustrate that détente has not dulled the "revolutionary" spirit of 1917, is the Soviet interference in Portugal, which is a direct violation of the SALT agreements.

A vital factor to remember here is that we are not just dealing with a different nation. We are dealing with a radically different ideology, one based on Marxism-Leninism and the overthrow, in the dialectical chain of events, of all capitalistic societies. This different mind-set leads to different interpretations of treaty language—interpretations which very often justify to them, not adhering to accepted meanings of diplomatic words.

The CSCE document provides for the "inviolability of frontiers" which to a Soviet means that Western countries cannot interfere in Communist states, but that Communist states are free to carry out subversion, among other things, in the name of liberation.

Further, Mr. Speaker, the Brezhnev doctrine leaves Eastern Europe open to unilateral Soviet attack should any country, such as Czechoslovakia or Hungary, try the capitalist road. Exporting revolution is apparent in Somalia, Cuba, and the Arab States, not just Europe. But believing that détente and the CSCE will stop the Communist tide in Europe, not to mention these other areas, is, I believe, a grave mistake, and I believe the Congress should consider fully and with complete candor any agreement with the Soviet Union before it is signed.

The New York Times recently discussed this very serious problem of semantics in the Helsinki accords and I should like to insert this editorial in the RECORD at this time:

> [The New York Times, July 20, 1975]
>
> EUROPEAN "SECURITY" . . .
>
> The 35-nation Conference on Security and Cooperation in Europe, now nearing its climax after 32 months of semantic quibbling, should not have happened. Never have so many struggled for so long over so little as the conference's 100-page declaration of good intentions in East-West relations. So little, and yet so much.
>
> So little, because after hundreds of diplomats drafted this document, they specified that it will not be legally binding on anyone. So much, because it commits the United States, and Canada and 33 nations of Europe to the "inviolability of frontiers," symbolically ratifying the territorial status quo, including the division of Germany and Europe and the Soviet Union's huge annexations of East European territory, including all three independent Baltic states plus large chunks of Poland, Czechoslovakia and Rumania.
>
> What the West gets out of the C.S.C.E. declaration is a reference to the possibility of border changes by peaceful agreement—meaningless except to protect the West German Government from its domestic critics—and some vague Soviet pledges to permit freer movement of persons and information.
>
> The only military item in what originally was to be an all-European security treaty is a promise by the Russians (and everyone else) to give three weeks notice, and to admit observers, for military maneuvers that involve more than 25,000 men within some 150 miles of their frontiers. But it does not cover other military movements such as a reinforcing move or an actual invasion of Eastern or Western Europe!
>
> If this document now were to be signed by the diplomats who negotiated it, or even by foreign ministers, and then consigned to history as an effort to humor a Soviet propaganda exercise, the damage might be modest. The problem is that Soviet leader Lenoid Brezhnev has maneuvered all the major leaders of the Western world one by one into the commitment to sign the C.S.C.E. declaration at a euphoric 35-nation summit conference in Helsinki, now tentatively scheduled for July 30, less than ten days away.

Mr. ARCHER. Mr. Speaker, the European Conference on Security and Cooperation is expected to draw to a close next week. Negotiations preparing the final 100-page document have been going on for over 2 years and have involved 33 countries in Europe plus the United States and Canada. Even though the details of the agreement have not yet been arranged, President Ford has gone to Helsinki, Finland, in expectation of signing a concluding document. The failure to know the precise terms of the agreement or their implications for the United States should convince the President that any assent by him on behalf of the United States would be a hasty and unnecessary action.

Before the United States enters into any future agreements with the Communists we should all be fully aware of the precise details and what they may portend for the future. In both the SALT and Vietnam agreements we have learned from bitter experience how seemingly beneficial agreements with noble ends can have nightmarish results. The CSCE agreement, like the SALT negotiations, has been conceived in clouds of secrecy and only discussed in very vague terms accompanied by substantial doses or euphoric rhetoric.

The final document resulting from the CSCE, like the Vietnam and SALT accords, will not technically be a treaty and consequently no Senate approval or congressional action will be called for. However if the agreement involves, as it apparently will, agreements pertaining to limitations on our ability to deploy forces and supplies in Europe, then both Houses of Congress should be called upon to ratify the agreements under the terms of the Arms Control and Disarmament Act of 1961. But, even if the President dissents from this view, prudence should dictate that Congress be throughly apprised of the nature of any agreement prior to approval by the President, acting on behalf of the American people. But instead of being informed in detail of the nature of agreements worked out in secret, we apparently are simply going to be told by the President what has already been decided upon.

The Soviet Union has been pressing for this agreement for nearly 30 years now and negotiations have lingered on for over 2 years. Only due to the demands by Communist Party Chairman Brezhnev have we apparently given in to an abrupt meeting and agreement. Next February Chairman Brezhnev wants to be able to take the CSCE agreement before the 25th Soviet party congress and point to it as one of his major accomplishments in dealing with the West. Moreover, Brezhnev also wants greater stability and security in his Eastern European colonies so that he can deal more effectively with Communist China on Russia's southeastern border. No one has yet satisfactorily explained why we should be giving in to his demands for deadlines and making concessions that only suit Brezhnev's political purposes. If the Soviet Union had made the substantive concessions in order to make for a meaningful agreement then possibly we could assent to the final declaration.

Instead we find, as has so often been the case with détente, the Soviets attain their objectives while we get vague and ultimately meaningless promises in return. In this agreement, from what we have been able to learn about it, the Soviets obtain the major concession under so-called "Basket 1" which provides for the "inviolability of frontiers." In effect this sanctions the borders of Eastern Europe as defined by the Soviet army of occupation at the conclusion of World War II, including the permanent division of Germany. Although the Western nations pledge not to interfere in the internal affairs of the Communist bloc countries, we find no corresponding pledge of the Soviets to halt their subversion of democracy in the West. Instead we find tremendous aid being given by the Soviets to the Communist Party of Portugal which obtained only 12.5 percent of the vote in the April elections. Similarly the Soviet Union works in concert with the major Communist parties in France and Italy.

While noninterference in the affairs of other countries remains a one-way street so also is the recognition of basic human rights. The major Soviet concessions supposedly reside in "Basket 3" of the agreement which encourages freer movement and contacts, individually and collectively between countries of Eastern and Western Europe. Given the trade record of the Soviet Union in the field of human rights, considerable skepticism should accompany this new pledge by them. As the British weekly, the Economist, recently commented:

> The words that the Russians now seem willing to put down on paper may turn out to have little substance once they have served to get Mr. Brezhnev the 35-nation summit he wants.

At the same time the Soviet Union makes this new gesture in the language of the CSCE agreement regarding their repressive measures against her subjects, we find that their concrete actions run in the opposite direction. In the past year the Soviets have drastically reduced emigration of Jews and other dissidents from their country. Now, earlier this month, the Kremlin announced an additional tax of 30 percent of all money sent to Soviet citizens from abroad. Previously the government already confiscated 35 percent of such funds. Thus attempts to aid the oppressed people of Russia, especially those who lose their jobs when they apply to emigrate, will be much more difficult in the future.

The CSCE will be another element in the increasingly questionable policy of détente. Regarding the role of human rights and détente the New York Times editorially summed up the situation quite succintly:

> So far, détente has brought a severe tightening, up of police controls within the U.S.S.R.

Unless some plausible case can be made for assenting to the sometimes ambiguous but clearly one-sided agreements resulting from the CSCE, I would hope that the President would refrain from signing the document on behalf of the United States.

GENERAL LEAVE

Mr. MITCHELL of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentlewoman from Maryland, Mrs. Holt.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

APPOINTMENT OF SELECT COMMITTEE ON AGING STAFF DIRECTOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. Randall) is recognized for 5 minutes.

Mr. RANDALL. Mr. Speaker, as chairman of the Select Committee on Aging I reported to the House recently concerning the progress made in the establishment of quarters for the permanent Select Committee on Aging. I recited the difficulties in obtaining adequate space to house the committee staff. On Wednesday of this week I announced that at long last the staff is together in offices in the House Office Building Annex No. 1, which may be better known as the old Congressional Hotel at the southeast corner of New Jersey and C Streets.

I am pleased to report to the House today that I have appointed a staff director for the Select Committee on Aging. He will accelerate our work. We now have someone to coordinate the activities of the subcommittees.

Bob Horner comes to the Select Committee with a background as staff director of the House Committee on Internal Security where he worked under the supervision of my good friend and colleague from Missouri, Dick Ichord. His 6 years experience in administrative work with that committee has provided him with the expertise to work rapidly and effectively in his new position.

Mr. Horner had previously served with the Federal Bureau of Investigation, U.S. Department of Justice, and held supervisory positions during all of his years with the Department. Those who worked under the direction of the late J. Edgar Hoover learned well the necessity for economy and efficiency on the part of Federal employees. I am confident that the Select Committee will reap the benefit of Mr. Horner's many years of supervisory experience.

Mr. Horner is 58 years old. He is at the stage in life which we who are becoming expert in gerontology refer to as "advancing maturity." He therefore has some practical experience in the field.

Mr. Horner is a native of California. He is a graduate of the University of San Francisco. He has made his home for the past 25 years in the northern Virginia area. His wife, Mavis, is a native of south Georgia and he has three children, the oldest of whom is employed as news director of WTWO-TV in Casper, Wyo.

I am confident that Bob Horner will give leadership to the staff of the committee, and cause it to function effectively. Moreover, he stands ready to provide prompt service to any congressional office or any of my colleagues who have a problem within the subject matter of our Select Committee.

SELECTIVE EMBARGO OF TURKEY IS A MISTAKE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Talcott) is recognized for 10 minutes.

Mr. TALCOTT. Mr. Speaker, yesterday the House made several very serious mistakes at one time when we refused to lift the embargo of military sales to our friend and ally, Turkey.

We subverted our own national security because we jeopardized our tactical, strategic, and intelligence capability in the Mediterranean, the Middle East, and Europe. We have numerous national interests in all these areas. Friendly nations and allies of the United States have national security interests in these areas also.

The areas are fraught with hostilities, turbulence, and decreasing stability. We could, probably alone, greatly assist in stabilizing conditions, alleviating hostilities, reducing suffering, and promoting peace with freedom. Almost certainly we will be called upon, even beseeched, to help. We will probably respond. But now it will be infinitely more dangerous and costly to Americans.

So our mistake is not only damaging now; but it could cause a future catastrophe which we will be forced to either disdain and turn our backs or which we will become embroiled to our terrible sorrow.

We made a mistake because we deigned to punish Turkey selectively. Admittedly, Turkey, after being caught on the horns of a dilemma, violated our arms assistance agreement by using some of those arms to invade Cyprus. Certainly we should correct such violations. But those violations are rife. Greece, Israel, and some Arab countries have violated the same agreement—just to mention a few in the same geographical area. Let us stop the violations; but let us stop all violations; let us not be selective in our retribution. Let us be honorable, fair, and just in our enforcement of our agreements.

We made a mistake by permitting ourselves to be lobbied by special interest groups who put their parochial, heritage, and political interests above the national security interests of the United States.

This predicate for national legislation can destroy several aspects of America. Our national security and alliances are frightfully weakened. Our friend Turkey is exposed to hostile forces. Our friend Israel is seriously, if not fatally, jeopardized. Our friend Greece is left impotent. She is likely to lose all of her present interests in Cyprus and the important Aegean Islands. We will lose allies; NATO will be further weakened. We can lose free access to and safe passage upon the Mediterranean.

The immediate losers are the Cypriots—especially the Greek Cypriot refugees. There is no way the Greeks can force the Turks off Cyprus. There is no way we can use military force to get the Turks off Cyprus. We can, however, do so by negotiation—free and open negotiation. Embargos are a form of force, of war; we cannot force Turk soldiers off Cyprus by embargo, unless we want to invite a war which no one can win, and everyone can lose.

A superpower ought to lead the way. If we consider ourselves capable and willing to effectuate peace and stability in that area of our planet, we made another mistake. A superpower should understand the situation and conditions, should evaluate objectively, should appreciate the principles of all the principal parties, and should put aside petty historical events and emphasize the future.

Ever since our embargo, conditions and relationships have deteriorated among all the parties, including Greece, Turkey, NATO, the United States, and Cyprus, but especially Cyprus and the United States. It is a mistake for any nation to permit a situation to deteriorate if it can avoid it. We could, but did not.

It seems a shame and a pity that we could cast a vote which insures that everybody will be a loser rather than cast a vote that enables everybody to become a winner and a problem solver.

The situation is now certain to deteriorate further. Any deterioration is certain to hurt the weakest and most helpless most. The condition of the refugees ought to concern us most at this moment, even if we care to ignore the future—which we should not.

Under any diplomatic practice or principle, Turkey can do nothing under the continuance of this selective embargo against her. No nation, including our own, should buckle under to a selective embargo. We should not continue an embargo except as an act of war. We should not engage in acts of war against allies or friends unless we intend to wage war. So until we get out of our war posture, and get back to negotiation, Turkey can do nothing positive. She can only protect herself and her interests and her citizens as best she can. The protection of her citizens and her interests can seriously adversely affect our interests and our citizens in various ways.

We made a mistake by interjecting the Congress in the execution of our foreign policy. Congress ought to play a larger role in the development of foreign policy, but a committee of 535, which is widely fragmented and diverse, should not be injecting itself exposte facto in the implementation or execution of foreign policy.

The Congress has the right, the constitutional right, to declare war, or commit an act tantamount to war such as selective embargo, but it is a mistake to do that when the executive department is trying to negotiate a peaceful settlement. The Congress, like other national leaders, can be very tyrannical and despotic, but it should not be. It is a mistake for the Congress to continue a selective embargo against a friend and ally.

For the Congress to single out one Nation for retaliation is unwise and unjust for many reasons. We should not pounce on a minority. Sometime all of us will be in a minority, and if a minority's rights are not protected while we enjoy a majority status, we, too, may be sowing seeds of distrust and destruction for the principle of protecting minority rights.

We made a mistake which can only hurt Greece and its citizens.

Nationalistic emotion is one thing and I expect every nationality to indulge. But Greek survival is more essential. Without our bases in Turkey, the security of Greece is paper-thin. Without our bases in Turkey, it is impossible, and therefore foolhardy, to try to defend Israel.

Our protective umbrella once extended over both Greece and Turkey. If we cut off Turkey, Greece is exposed, and vulnerable. So we are making a mistake which especially damages Greece.

I have read newspaper reports, which must be accurate, that Turkey could close certain U.S. intelligence gathering bases within Turkey. The closure of these facilities could totally preclude our monitoring of Russian compliance with SALT agreements. Loss of this facility, even for a week, could wholly subvert our national security within the boundaries of the United States. Another intelligence gathering facility in Turkey permits us to monitor the transit of the Straits of Bosporus by Russian submarines equipped with nuclear missiles. Loss of this capability for only a week could loose numerous missiles into the Atlantic Ocean without detection. This directly jeopardizes the security of citizens living in the coastal areas of the continental United States as well as our fleet and NATO forces.

It is one thing to vote for continuance of a selective embargo, but we should thoroughly understand the damage and jeopardy to the security of the United States and its citizens of national origin, including Greek Americans.

Clearly this was a vote involving our national security. I shall watch the American Security Council for their interpretation.

It is also a mistake to continue a selective embargo to "stick it to Henry." This may be good domestic politics, but it is a dangerous foreign policy tactic.

We probably made more mistakes than I have time to mention now.

Maybe some of our mistakes can be rectified, before it is too late for the national security of the United States to be repaired.

If local heritage, parochial and special interests, or matters of lesser moment, are placed above our national security, we are certain to lose what national security we have left.

This is mistake that first generation immigrants can abide or may even relish, but the mistake may haunt their grandchildren.

I have just learned from a colleague on the floor that, according to a wine service report which and hope is not correct, but fear it could be, Turkey, perhaps their parliament, has ordered all U.S. bases in Turkey closed within 24 hours, except for one facility at Incirlic which is also a NATO facility.

No one with any military or diplomatic knowledge should be surprised. What else could we expect from Turkish officials? What would any of us do if we held responsible positions in the Government of Turkey now? I have some hope and confidence that Turkey will use some restraint and even demonstrate more diplomatic skill than we, and that diplomatic negotiation can get back on track.

I hope the House reaches for an opportunity to redeem itself before it is too late.

THE NEED FOR IMMEDIATE CONGRESSIONAL ACTION TO REFORM SUPPLEMENTAL SECURITY INCOME AND SOCIAL SECURITY PROGRAMS (OASDI)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. HEINZ) is recognized for 30 minutes.

Mr. HEINZ. Mr. Speaker, there is urgent need for legislative remedy that will simplify or eliminate the unfair and inhumane administrative and bureaucratic barriers placed in the way of the aged, blind, and disabled in the implementation of the SSI and related programs. Already almost 150 bills directly concerned with these problems have been introduced by my colleagues, reflecting both the strong need for immediate correction of unjust provisions made obvious by the effects of the July 1 increase in social security benefits, and long-range reform of SSI as it affects, and is affected by, other State and Federal programs. In addition to these bills, formal reviews of SSI have been undertaken by the Public Assistance Subcommittee of the House Ways and Means Committee, the Senate Finance Committee, and the SSI Study Group appointed by Secretary Weinberger.

There is a lot of congressional concern, but there is yet no congressional commitment to solving these problems. It is time now for Congress to get itself together.

Today, I would like to speak to those problems which can and should be solved by Congress now, while the various study groups are engaged in developing long-term solutions. Many of these problems have been brought to my attention by my constituents, but I know that the situation as it exists in Pennsylvania is typical of what is happening across the Nation as recent adjustments to SSI are implemented. When the elderly and disabled poor face serious deprivation, as well as possible eviction and institutionalization, because programs designed to meet their needs are rendered ineffective by arbitrary or outdated limitations, restrictions, or regulations, it is time to act.

I would like to concentrate on four areas for immediate congressional action which will restore the focus of SSI to its original objective; namely, to assure an adequate income to aged and disabled Americans. These areas include: First, providing a guarantee that the cost-of-living increase in social security benefits will be passed through to the recipients at the same percentage level as the Federal grant; second, devising an effective emergency assistance program for providing aid to elderly whose checks have been stolen or lost, or who have suffered a disaster such as a fire or theft; third, placing a tight time limit on processing applications for SSI; and fourth, removing the unrealistic and punitive $25,000 limit on the value of a home which can be owned by an SSI recipient.

I. COST-OF-LIVING INCREASE

The cost-of-living increase, provided by Federal law, is perhaps the most complicated and troublesome aspect of the program. The SSI benefit was increased by $11.70—8 percent—effective July 1, bringing the Federal floor to $157.70 per month for a single recipient. The problem is that there is no guarantee that the Federal increase in benefits will be passed along in full measure to the recipients.

Most States supplement the basic Federal benefit; however, some States lower their contributions as the Federal benefits rise. The State governments keep all or a portion of the increase to themselves and deprive the recipients of an expected and needed increase. This is what happened to the July 1974 increase and questions were raised then, and are being raised now, regarding State and individual eligibility.

On the question of State eligibility, six States received no benefit from the July 1974 increase at all. Neither the States, nor the recipients, received a portion of the increase. The hold harmless clause of Public Law 92-603, which was designed to protect the States from an increase in State costs because of increased caseloads, instead operated to keep benefits in six States at 1972 levels. Under this law, a State must assume full costs for any increase in State floors beyond the 1972 level. The cost of living has risen 28.8 percent since January 1972 and SSI benefits have risen 20.1 percent over the amount initially established by H.R. 1. However, recipients in California, New York, Hawaii, Massachusetts, Nevada, and Wisconsin have remained at 1972 benefit levels as a result of the hold harmless clause. There is an urgent need for Federal legislation to require that cost-of-living increases in SSI benefits go directly to these recipients on the same basis as the rest of the Nation.

My experience with my constituents reflects the problems of individual eligibility associated with the cost-of-living increase as it is presently administered. As an example, one of my constituents, who was receiving benefits from two accounts, her husband's and her own, received $160.60 in combined social security benefits before the July 1 increase. This figure, $160.60, less the Federal disregard of $20 for a single individual, brought my constituent's income to $140.60. Since this was below the Federal floor of $146 she received Federal SSI benefits of $5.40 per month and became eligible for State supplements. However, after the increase in social security benefits, my constituent's income was raised to $178. This figure, less the Federal disregard, is $158, which is 30 cents above the new Federal floor of $157.70. Because of this 30 cents, my constituent is no longer eligible for Federal SSI benefits. She also loses all or part of other accompanying benefits—that is, medicaid, food stamps, State supplement—because, in Pennsylvania, an individual must be eligible for Federal benefits in order to receive State supplements.

A situation like the latter, in which an elderly individual loses her SSI and associated benefits because of a fraction of a dollar, is unfair. The inadequacies of the SSI program, which make an event like this not only possible but highly likely, must be quickly rectified. Recipients of SSI benefits should not have their benefits reduced because of increases in monthly social security payments. The cost-of-living increase must be passed through to the recipients at the same percentage level as the Federal grant.

II. EMERGENCY ASSISTANCE PROVISION

To the aged, an interruption in monthly benefits is a crisis. The loss or theft of a check usually leaves the recipient helpless—the elderly have no cushion to fall back upon and nowhere to turn. Cash replacements of unreceived checks should be made available at local district offices on an emergency 24-hour basis. Many senior citizens lose their checks or have them stolen every month; but some of these situations do not require cash replacement within 24 hours. In these nonemergency instances, checks should be reissued within 7 days. There is presently no statutory time limit for the replacement of SSI checks. The average time of reissuing is 3 weeks. This is too long—the elderly cannot afford to wait weeks for their checks which they need for food and rent.

At present there is also no provision for emergency grants to the elderly who are in extreme financial need due to circumstances such as the destruction or loss by theft or disaster of furniture and clothing, or the threat of eviction because of nonpayment of rent. A fire or a theft means severe distress for an aged person who is barely surviving on Social Security income. Eviction often means institutionalization—there is usually no other resort. Assistance must be made available to the elderly to enable them to survive these kinds of crises.

I propose that the emergency assistance provisions of title IV–A of the Social Security Act be expanded to cover the special needs of the elderly. Title IV–A provides emergency assistance—money payments, payments in kind, and payments for medical or remedial care—to prevent destitution, which is defined as a situation in which resources are not immediately available. The emergency situations covered by the provision include imminent eviction, loss of utility services, exhaustion of food supplies, and other emergency situations caused by civil disorders and natural disasters. The funding proposed would be matching: the Federal Government would reimburse 50 percent of each State's expenditures.

III. APPLICATION TIME

At the present time, there are no statutory limits on the time in which the Social Security Administration must act upon applications for SSI benefits. The average processing time, which is the time from the initial application to the start of regular payments, is 38 days for aged applicants and 77 days for disabled applicants. This waiting period is too long for the elderly—Federal legislation should require that an application made on the basis of age be acted upon within 30 days. A time limit should also be established in the case of disabled applicants, but the event of disability raises special problems.

To be eligible for disability benefits—both SSI and social security—the applicant must be unable to engage in substantial gainful employment for 12 calendar months. The problem arises in determining the duration of the disability. In some instances, it can quickly be decided that the individual will be unable to work for the required 12 months. In these cases, when the decisions can be made on a "presumptive" basis, I recommend that the time limit for applications to be acted upon be set at 20 days. In the remaining instances, when a medical determination cannot be made as quickly, I recommend a time limit of 120 days. We have determined that nearly all of the disability claims are presently decided within 3 or 4 months, so this time limit seems reasonable. In view of the fact that there are now no statutory time limits, I strongly urge that Federal legislation require that some tight time limits be established.

IV. HOME VALUE

The present $25,000 limit on the value of a home which can be owned by a recipient is unrealistic and punitive. The law should recognize the fact that real estate values differ widely throughout the Nation, and the value of a house and its surroundings should be removed as a basis for determining eligibility. Eligibility should be calculated on the basis of income.

I have concentrated on what I feel to be some of the most pressing problems of the SSI program and have suggested some solutions. We need Federal legislation to quickly alleviate the inadequacies of this program and the distress which many of the aged all over the country are suffering. There has been concern, now there must be action. It is intolerable that the elderly and disabled are being denied an adequate income for their most basic needs.

A MORE EFFECTIVE ENERGY PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. RUPPE) is recognized for 15 minutes.

Mr. RUPPE. Mr. Speaker, although we are no longer plagued by long gasoline lines, there is no question about the fact that we have a serious energy problem facing us here in this country.

Domestic petroleum production reached a peak of 9.6 million barrels a day in May of 1972 and has declined steadily since then as the result of inadequate price incentives to sustain further exploration and uncertainty about future legislative action. By February of this year only 8.5 million barrels a day were being produced. At the same time, U.S. demand has risen by approximately 5 percent per year, forcing us to import nearly 40 percent of the petroleum we consume. This has resulted in a massive outflow of U.S. dollars—25 billion of them in 1974—and has left us increasingly vulnerable to the severe economic disruptions which another embargo would create.

There is general consensus, then, that an effective energy program must achieve three interrelated goals: it must reduce our dependence on the foreign oil producing nations, encourage the conservation of existing supplies, and stimulate domestic energy production. And yet, the House Commerce Committee recently chose to report out a bill which would have discouraged production, encouraged consumption, and increased our reliance on imported oil. It would have done this by continuing price controls on "old" oil indefinitely and rolling the price of "new" oil back to $7.50 or $8.50 a barrel, thereby creating a complicated four-tier pricing system which would have had the added disadvantage of being extremely difficult to administer.

While such a price control policy may have been politically popular in the short run, it could only have been disastrous in the long run because it would have magnified rather than alleviated our energy problems. We have heard testimony to indicate that the economic cost of finding and producing new oil runs between $10 and $13 a barrel; and we all realize that developing our remaining domestic supplies will involve deeper drilling, the application of expensive enhanced recovery techniques, and exploration in difficult geographic and weather conditions. With a ceiling of $7.50 or $8.50 placed on a barrel of new oil, this exploration and development would never take place.

I should point out, too, that it is unrealistic to contend that setting domestic prices at excessively low levels will prevent the OPEC nations from dictating the price of energy, for it seems to me that they will continue to get any price they ask for as long as we must rely on their petroleum to keep our economy running smoothly. In this regard, an economic analysis performed by the Commerce Committee indicates that the pricing provisions of H.R. 7014 would only have increased oil imports by 1 million barrels per day by 1978 and provided the OPEC countries with additional American billions.

I therefore voted in favor of the Wilson amendment to delete these counterproductive price control provisions from the Commerce Committee's bill, and I am pleased about the fact that this amendment was successful. On the other hand, I joined the majority of my colleagues in opposing the Krueger amendment because it failed to put a cap on domestic oil prices. While I am convinced that we cannot hope to control OPEC's prices by making ourselves more dependent on their product, I am also convinced that we must not allow domestic oil prices to rise to astronomical levels merely because OPEC decides to hike its prices.

As these two amendments so clearly indicate, the Congress and the administration have thus far been on different sides of the fence on the energy issue; however, I am increasingly hopeful that common ground can be found. If we can design an energy program which will meet the long-term energy needs of this country without placing American consumers at the mercy of the large oil companies, I believe we will have found this common ground.

In my view, such a compromise energy program should contain four elements:

First. It should first provide for gradual decontrol to increase domestic energy production, dampen domestic demand, and reduce our dependence on oil imports. For example, the Federal Energy Administration estimates that the 30-month decontrol plan which was put forth by the President on July 14 would reduce imports by 350,000 barrels a day by 1977 and increase domestic production by 1.4 million barrels per day by 1985.

Second. An acceptable plan should then provide for a windfall profits tax with a plowback provision to insure that the oil industry does not take unfair advantage of its customers and to insure that increased revenues are indeed used to further the search for domestic energy.

Third. In my view, such a plan should also place a ceiling on domestic oil prices so that they will not rise to levels which bear no relation to the cost of domestic oil development. Such a ceiling should be adequate to stimulate production and should be subject to adjustment by the Congress or the administration.

Fourth. Finally, I strongly believe that any revenue which is raised through increased energy taxes should be returned to consumers to help relieve the pressures which will be placed on them by higher energy costs. In this regard, I believe that low and middle income individuals, individuals who must commute long distances to work, and others who would be particularly burdened by higher fuel prices should receive special consideration.

In my opinion, this is a program which would protect consumers against the immediate impact of higher energy costs at the same time that it would protect them against the long-term dangers of dependence on costly and insecure foreign imports. Moreover, I feel that a program encompassing these four principles could enjoy enough bipartisan support to be enacted, and that is exactly the sort of program we need today. We have studied, debated, and delayed too long—it is time for action.

H.R. 5900, PROTECTING ECONOMIC RIGHTS OF LABOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. STEELMAN) is recognized for 5 minutes.

Mr. STEELMAN. Mr. Speaker, I rise in opposition to H.R. 5900 and agree with the Supreme Court's decision in the 1951 Denver Building Trades case which recognizes that contractors and subcontractors are separate legal entities and are therefore neutral in respect to one another.

Unlike an industrial manufacturer who is a single employer doing business at one site, there are usually many contractors and subcontractors on a construction site. As the law is presently written, if a construction union has a dispute with a contractor, it can picket and successfully shut down the work of that particular contractor until the dispute is resolved. However, if H.R. 5900 were enacted, a construction union could shut down the work of all the contractors at the site. While I recognize the legitimate right of unions to strike for organizational and bargaining purposes, we must also recognize the rights of those neutral contractors who would, in effect, be financially penalized by a dispute which does not even concern them. In short, this would deny an uninvolved contractor certain rights he has in managing his own business.

In addition, by exacerbating what might have been a minor dispute with one contractor, the dispute could easily become a major one resulting in paralysis of a very vital industry. In view of our economic situation in general, and that of the housing and construction industry, in particular, I do not think the unions, the employers or the consumers can afford the very conceivable repercussions which could result from enactment of H.R. 5900.

I also feel the broader question of union/nonunion business practices is at issue here. While I recognize the benefits of union membership, I feel a union should have to compete for its members just as a business competes for its customers. I fear that passage of this bill would result in employees feeling they have to join unions in order to avoid unemployment as well as in the development of concentrations of subcontractors to lessen the risk of secondary boycotts and the possibility of being forced out of business by strikes. Along these lines, I strongly agree with the Supreme Court's June 2 decision on the Cornell case that unions risk violation of Federal antitrust laws when and if they force general contractors to hire only union subcontractors.

To conclude, Mr. Chairman, H.R. 5900 permitting common situs picketing is in my view, a restraint of trade, detrimental to the competitive market system and it would result in artificially higher prices to the consumer. I urge my colleagues to vote against the bill.

IMPLICATIONS OF FORTHCOMING HELSINKI MEETING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DERWINSKI) is recognized for 5 minutes.

Mr. DERWINSKI. Mr. Speaker, there is a great deal of concern across the country, as well as tremendous speculation and editorializing, on the implications of the forthcoming Helsinki meeting at which documents finalized by the Conference on Security and Cooperation in Europe will be signed.

There has been great concern in the United States as to whether or not this Conference is another Yalta. Recognizing the need to clarify questions and doubts that have legitimately arisen, President Ford addressed himself to the subject this morning at a White House meeting at which leaders of concerned American ethnic communities had an opportunity to discuss the issues with him and express their views.

Mr. Speaker, at this point in my remarks, I would like to insert the statement made by the President at the meeting this morning:

> I am glad to have this opportunity, before taking off for Europe tomorrow, to discuss with you frankly how I feel about the forthcoming European Security Conference in Helsinki.
>
> I know there are some honest doubts and disagreements among good Americans about this meeting with the leaders of Eastern and Western European countries and Canada—35 nations altogether.
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> There are those who fear the Conference will put a seal of approval on the political division of Europe that has existed since the Soviet Union incorporated the Baltic nations and set new boundaries elsewhere in Europe by military action in World War II. These critics contend that participation by the United States in the Helsinki understandings amounts to tacit recognition of a status quo which favors the Soviet Union and perpetuates its control over countries allied with it.
>
> On the other extreme there are critics who say the meeting is a meaningless exercise because the Helsinki declarations are merely statements of principles and good intentions which are neither legally binding nor enforceable and cannot be depended upon. They express concern, however, that the result will be to make the free governments of Western Europe and North America less wary and lead to a letting down of NATO's political guard and military defenses.
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> If I seriously shared these reservations I would not be going, but I certainly understand the historical reasons for them and, especially, the anxiety of Americans whose ancestral homelands, families and friends have been and still are profoundly affected by East-West political developments in Europe.
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> I would emphasize that the document I will sign is neither a treaty nor is it legally binding on any participating State. The Helsinki documents involve political and moral commitments aimed at lessening tensions and opening further the lines of communication between the peoples of East and West.

It is the policy of the United States, and it has been my policy ever since I entered public life, to support the aspirations for freedom and national independence of the peoples of Eastern Europe—with whom we have close ties of culture and blood—by every proper and peaceful means. I believe the outcome of this European Security Conference will be a step—how long a step remains to be tested—in that direction. I hope my visits to Poland, Romania and Yugoslavia will again demonstrate our continuing friendship and interest in the welfare and progress of the fine people of Eastern Europe.

To keep the Helsinki Conference in perspective, we must remember that it is not simply another summit between the superpowers. On the contrary, it is primarily a political dialogue among the Europeans, East, West and neutral, with primary emphasis on European relationships rather than global differences. The United States has taken part, along with Canada, to maintain the solidarity of the Atlantic Alliance and because our absence would have caused a serious imbalance for the West.

We have acted in concert with our free and democratic partners to preserve our interests in Berlin and Germany, and have obtained the public commitment of the Warsaw Pact governments to the possibility of peaceful adjustment of frontiers—a major concession which runs quite contrary to the allegation that present borders are being permanently frozen.

The Warsaw Pact nations met important Western preconditions—the Berlin Agreement of 1971, the force reduction talks now underway in Vienna—before our agreement to go to Helsinki.

Specifically addressing the understandable concern about the effect of the Helsinki declarations on the Baltic nations, I can assure you as one who has long been interested in this question that the United States has never recognized the Soviet incorporation of Lithuania, Latvia and Estonia and is not doing so now. Our official policy of non-recognition is not affected by the results of the European Security Conference.

There is included in the declaration of principles on territorial integrity the provision that no occupation or acquisition of territory in violation of international law will be recognized as legal. This is not to raise the hope that there will be any immediate change in the map of Europe, but the United States has not abandoned and will not compromise this long-standing principle.

The question has been asked: What have we given up in these negotiations and what have we obtained in return from the other side? I have studied the negotiations and declarations carefully and will discuss them even more intensely with other leaders in Helsinki. In my judgment, the United States and the open countries of the West already practice what the Helsinki accords preach, and have no intention of doing what they prohibit—such as using force or restricting freedoms. We are not committing ourselves to anything beyond what we are already committed to by our own moral and legal standards and by more formal treaty agreements such as the United Nations Charter and Declaration of Human Rights.

We are getting a public commitment by the leaders of the more closed and controlled countries to a greater measure of freedom and movement for individuals, information and ideas than has existed there in the past, and establishing a yardstick by which the world can measure how well they live up to these stated intentions. It is a step in the direction of a greater degree of European community, of expanding East West contacts, of more normal and healthier relations in an area where we have the closest historic ties. Surely this is the best interest of the United States and of peace in the world.

I think we are all agreed that our world cannot be changed for the better by war; that in the thermonuclear age our primary task is to reduce the danger of unprecedented destruction. This we are doing through continuing Strategic Arms Limitation talks with the Soviet Union and the talks on Mutual and Balanced Force Reductions in Europe. This European Security Conference in Helsinki, while it contains some military understandings such as advance notice of maneuvers, should not be confused with either the SALT or MBFR negotiations. The Helsinki summit is linked with our overall policy of working to reduce East-West tensions and pursuing peace, but it is a much more general and modest undertaking.

Its success or failure depends not alone on the United States and the Soviet Union but primarily upon its 33 European signatories, East, West, and Neutral. The fact that each of them, large and small, can have their voices heard is itself a good sign. The fact that these very different governments can agree, even on paper, to such principles as greater human contacts and exchanges, improved conditions for journalists, reunification of families and international marriages, a freer flow of information and publications, and increased tourism and travel, seems to me a development well worthy of positive and public encouragement by the United States. If it all fails, Europe will be no worse off than it is now. If even a part of it succeeds, the lot of the people in Eastern Europe will be that much better, and the cause of freedom will advance at least that far.

I saw an editorial the other day entitled: "Jerry, Don't Go."

But I would rather read that than headlines all over Europe saying: "United States Boycotts Peace Hopes".

So I am going, and I hope your support goes with me.

Mr. Speaker, I wish to emphasize the point that, in my opinion, no nation or conference of nations, and this applies specifically to the CSCE, should presume in any way to limit the rights and aspirations of people to be free under governments of their own choosing.

It is obvious that the interpretation that the United States and the free world nations give to these documents will be different than that given to them by Communist governments. For that reason, I believe that the statement of the President, which I referred to earlier in my address, is a solid, responsible emphasis which deserves the affirmation of the Congress and the American public.

ECONOMICS AND COMMON SENSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 10 minutes.

Mr. DUNCAN of Tennessee. Mr. Speaker, recently Mr. John D. Ong, president of the B. F. Goodrich Co., addressed a meeting of Tennessee community and business leaders during his first visit to the new B. F. Goodrich manufacturing facility located at Oneida, Tenn. Mr. Ong's remarks, entitled "Economics and Common Sense," in my opinion, make a lot of commonsense. He blames overregulation and overtaxation of business for raising the cost of living and for the inability of business to accumulate needed capital to create new jobs. I urge my colleagues to read Mr. Ong's remarks. I know they will find his observations worthy of serious consideration.

The text of Mr. Ong's speech follows:

I notice—and I am pleased to note—that we are a rather varied group here this evening: community leaders, educators, members of the legal and medical professions, financiers, businessmen and representatives from the media. But one thing unites us; one thing we have in common—our interest in the prosperity and future of this friendly community.

We who have come here from B. F. Goodrich headquarters—some, like myself, for the first time—know that Oneida is friendly, because Oneida has welcomed us. We respect that welcome as the foundation for a lasting friendship with the people of this community. That circle of friendship widens to include not only our employees, but all who are and will become dependent on our employers for their own well-being. That includes our employees' families, of course, but also our local suppliers, those who serve our employees' many material needs, and indeed the entire community of which our employees are citizens. We feel that all of us enjoy some form of honorary citizenship, at least.

I hope that doesn't sound presumptuous, but we out-of-towners can claim a sort of adoptive membership in the Oneida community. We can take a special pleasure in this adoptive bond, much as foster parents and foster children do—in the thought that their relationship is not based on chance but on a deliberate choice.

Our decision to join the Oneida community was deliberate, and it stands as firm as ever in our minds. We assessed our own strengths and yours, and we decided that there were mutual benefits here that could be attained by plant-community understanding, friendship and cooperation. We still think that is the case. We are confident that prudent adjustments in our marketing of our Oneida products will bring to all of us those benefits we sought by coming here and casting our lot with yours.

We are confident in all of our Oneida people, but with a special confidence in our local management—an alert and flexible team that has already shown that it can respond to new opportunities and new ventures, as our various markets develop and change. This team is already off to a strong start, demonstrating, at the same time, its ability to deal with short-term difficulties. These difficulties have resulted from a less-than-expected demand for our Oneida products during recent months.

The lessened demand was caused by a broad downturn of the national economy and from substantial reductions in production goals in the industries we serve with our Oneida products. We have adjusted to these temporary disappointments, largely through an extension of the startup phase at this new plant.

These necessary adjustments have not decreased our basic optimism regarding the future of the lines now produced and yet to be produced in our local plant. Accordingly, I am happy to announce that we are proceeding steadily with the installation here of still more production capabilities.

Mixing facilities are scheduled for installation in the third quarter of this year. Lightweight conveyor belting equipment is scheduled for installation in the first quarter of the coming year. And equipment for the production of plastic-coated belting is scheduled for mid-year 1976.

As many of you know, B.F. Goodrich has similar, sound relationships with its other plant communities, and our confidence in the future of our Oneida operations is built four-square on our experience in those other localities. It is our long experience elsewhere that adds to our optimism here. Knowledge of our past enables us to take the long view for our—and your—future.

Of course, the breadth of our corporate experience also keep us sharply aware of the broader problems that face our company as a whole, problems which affect the condition of our national community and the outlook for our national economy. The health of *that* community, the health of *that* economy, both affect everything that can be achieved here in Oneida.

As we look to the future, it may be appropriate for us to recall that this national community of ours is approaching its 200th birthday. It is only natural that we feel a need to take some stock at such a time, measuring how far we have come and how far we can hope to advance.

We need to examine the principles which allowed us to progress in the past and what progress we might still make if we continue to respect and apply those same principles.

On the face of it, it may seem ironic that we Americans will celebrate *in*dependence in an age of increasing *inter*dependence. As a matter of historical fact, we know that the thirteen original Colonies sometimes seemed to place independence of each other second only to the goal of independence from their mother country. It took them more than a decade to move from their Declaration of Independence to the production of a Constitution that could give them sufficient unity to survive as a free nation. Thanks to that eventually balanced structure of independence and interdependence, we now have a Bicentennial to celebrate.

But the first task was to achieve independence, and we sometimes forget what a wrench that was. Here were these thirteen little communities with a wilderness in front of them and the stormy sea at their backs, yet daring to declare with formality and solemnity that they were cutting the bonds, beneficial as well as oppressive, that had connected them to Great Britain; to a government that had provided them protection from many enemies, that had in fact subsidized the Colonies' earlier development and that still afforded them important markets for their special products.

It was a difficult decision, and it was preceded by long and complicated debate. Finally, it was not words but actions that signaled that the time for debate was past. The embattled farmers who stood fast at Concord did in fact fire a shot heard "round the world."

And their boldness inspired Tom Paine to produce his highly influential pamphlet, *Common Sense,* which—in Washington's view—worked "a wonderful change . . . in the minds of men."

Paine argued, successfully, that the Colonies' dependence on Great Britain for their safety and prosperity was an illusion, existing in and feeding on "the credulous weakness of our minds." By helping others to escape that illusion, he helped them to face their future with self-confidence and self-reliance—providing for themselves.

We know, today, by hindsight, that the future would be glorious but also strenuous. As we approach the Bicentennial of that bold act of separation, there are voices audible that deplore our present problems as if, perhaps, that infant nation moved too boldly; that the final outcome, after two hundred years, has failed the vision of the Revolution.

I detect in those despairing voices an echo of the "credulous weakness" that afflicted many minds two centuries ago. I detect a return of that timid spirit that preferred to endure the British government's encroachments as a necessary price for safety and prosperity.

As Tom Paine noted in *Common Sense*:

"I have heard it asserted by some, that as America hath flourished under her former connection with Great Britain, that the same connection is necessary towards her future happiness, and will always have the same effect. Nothing can be more fallacious than this kind of argument.

"We may as well assert that because a child has thrived upon milk, that it is never to have meat, or that the first twenty years of our lives is to become a precedent for the next twenty."

It almost sounds as if Paine "writ better than he knew"—to judge by the parallels one might draw between those 20 years he speaks of and the past 20 years of our own recent history. Our twenty years have been a time of high, sustained economic growth, a time of preponderant world power, but also a time of continuing growth in government supervision and government control over the private affairs of all citizens. It seems to me the better part of common sense to wonder whether we must remain trapped in this pattern, slaves to a mind-set that has contributed to our present economic crisis.

I find some common sense today in Paine's *Common Sense* of two centuries ago, to quote him again:

"As to government matters, it is not in the power of Britain to do this continent justice: The business of it will soon be too weighty, and intricate, to be managed with any tolerable degree of convenience, by a power so distant from us. . . . To be always running three or four thousand miles with a tale or a petition, waiting four or five months for an answer, which when obtained requires five or six more to explain it in, will in a few years be looked upon as folly and childishness. There was a time when it was proper, and there is a proper time for it to cease."

No comment on Common Sense!

I would, however, like to make a few comments on current events which suggest to me that a "credulous weakness of our minds" is still an American trait that must be overcome by the hard work of observation, reflection and evaluation. These are three virtues of the mind that receive a special inspiration during times such as the present, times of incredulity, of reexamination and—hopefully—of disillusionment.

Speaking of disillusionment, I'd like to apply some common sense to a few current illusions that are complicating our nation's struggle to make a successful exit from this prevalent recession, with its baffling combination of inflation and unemployment.

Perhaps the most dangerous illusion that entices many of our countrymen is the belief or suspicion that somehow the "fat cats" of American business are profiting from the country's problems. In part, this illusion is based on a bit of economic ignorance which we in the business community are guilty of letting stand so long unchallenged and uncorrected. This is the widespread ignorance about the percentage of profit which American business earns.

In this connection I would like to appeal specifically to the media people present this evening, especially to the members of the business press. I make this appeal with painful awareness that I am asking you to be kind enough to make allowance for the excessive enthusiasm of many American businessmen.

In their understandable—though often misunderstood—need for new investment capital, corporate executives have for years yielded to the temptation to take maximum publicity advantage of any increase in their corporations' earnings. Earnings releases have developed a rhetoric of their own, designed to present any bit of good financial news in its best possible light:

XYZ corporations earnings sharply up.
XYZ reports profit up 100 percent.
XYZ profits doubled in past year.

Of course, those of us who actually read beyond such headlines learn that good old XYZ, after a semi-disastrous preceding year, has recovered and seen its profits zoom from two and a quarter percent to four and a half. But the average reader, if he bothers to pause on his way from the front page to the sports section, skims the business page, scans the headlines and gets a subliminal impression that another corporate monster has enjoyed a gluttonous feast at the profit trough and has, in fact, made 100 percent on its shareholders' money. Meanwhile, of course, the public's purchasing power has continued to shrink in its futile efforts to match the soaring prices on which corporations build their "unconscionable" profits, while the corporations' own employees must make do with their shrinking wedge of the economic pie.

The average reader, unfortunately, seldom if ever sees the real facts laid out, as they were last month by Reginald Jones, chairman and chief executive officer of General Electric Company, before the annual meeting of the Business Roundtable:

"It is standard political rhetoric to say that the workers are taking it on the chin while the fat cats are getting fatter on their profits. Well, inflation has hurt the worker—along with everybody else. But the fact is that employee compensation has been climbing as a share of the national income, from 64.1 percent in 1950 to 75.1 percent in 1974. Meanwhile, corporate profits dropped from 15.6 percent of the national income in 1950 to a piddling 9.2 percent in 1974. . . ."

Another illusion—or bit of economic ignorance—affects thousands who pride themselves on their ability to read an annual report. They know that publicized profits are not what they seem, and they *think* they know where the real swag is buried—under that item called "Retained Earnings." They don't understand that what glitters in largely their imaginations as a pot of secret gold actually reflects past profits used to finance accounts receivable, inventory, and other assets like buildings, machinery and warehouses without which the corporation could not function at all.

Built on both these illusions is a blissful public ignorance of the fact that, while profits have been shrinking, corporations have had to borrow heavily to meet their capital needs and dare not go deeper into debt unless they want to become the Penn Centrals of tomorrow.

Only in a coast-to-coast fog like this could a confused public mistake for beacon lights those twin will-of-the-wisps that misguide many self-appointed thought leaders: that the best way to increase business efficiency is through more stringent government regulation, and that one of the best ways to solve our economic problems is through even heavier corporate taxation.

Let's take a common-sense approach to both of these "solutions." First: more, broader and deeper-cutting government regulation. But let me preface my remarks on this phenomenon.

I am not one of those whose only response to government regulation is a knee-jerk abolitionism. Government has a duty to perform a prudent degre of regulation over the private sector. I believe that I am joined in this opinion by every honest and alert businessman who recognizes the fact that, without adequate government regulation, our highly complex and highly interdependent economy would become first a jungle and then a desert. If it was ever true, it is no longer enough to declare, "That nation is best governed which is least governed."

Today's society, today's economy, today's business need an intelligently evolving application of the sound principles of public administration. But I advocate only intelligent administration, only prudent regulation. There is a frightening threat visible in much of the regulation that has come out of the Washington agencies and out of many state-level commissions in recent years. I refer to the emotionalism that marks too many efforts to regulate private business. This emotionalism, to the extent that it inspires the anti-business "crusades," narrows the scope of intelligence and prudence, qualities that the public has a right to expect from its elected and appointed representatives.

I sense a strong element of this emotionalism, I might even call is vengefulness, in campaigns like the current drive to establish the super-agency envisioned in the Consumer Protection Bill now before the House. In what may be a thoroughly sincere effort to serve the people of this country, their hot-eyed ombudsmen are playing at Frankenstein and may eventually realize, to their—and our—sorrow, that a myopic monster has been set free to stride through our economy, trampling the wheat along with the tares.

The second "solution," a sort of revivified dream of "soak the rich," assumes that corporation taxes somehow ease the burdens of non-corporate taxpayers. And yet it is already a commonplace of perceptive economics that "corporations do not pay taxes; they only collect them." Theory may primly declare that taxes are not a cost of doing business; practical perception—I might say once more: common sense—tells us otherwise. And taxes, as a matter of fact, are and will continue to be passed through to the ultimate consumer. I am most suspicious of the shining-armored champions of the Little Guy, when I notice that they are at no particular pains to explain to him this fact of economic life.

Meanwhile, excessive taxation of business—proposed or unrelieved—joins excessive regulation to swell the cost of doing business, the cost of providing goods and services and—consequently, the cost of living.

Tragically, this row of inflationary dominoes is not the only weight that falls on the hapless Little Guy. As we have noted, inflation today is combined with staggering unemployment. An unsuspected amount of unemployment is due to the fact—also noted—that shrinking profits and deepening debt have hamstrung the capital-growth plans of private business. In a vicious and tightening cycle, the government's efforts to alleviate the symptoms of joblessness, through transfer payments that add nothing to the national product, must be subsidized by taxation and deficit-spending that dry up and discourage the normal operations of capital accumulation needed to create jobs in productive enterprises.

Much as they were two hundred years ago, Americans are challenged by the demands of both independence and interdependence; independence from well-intentioned but withering encroachments by the public sector upon the private sector, hampering the latter in its efforts to organize the interpendent functions of the country's producers in order to meet the interdependent needs of the country's consumers.

Tom Paine called for two historic statements in his pamphlet Common Sense. First, and more urgent, was a declaration of the American Colonies' independence from a government whose excesses had already invalidated its claim that it was working effectively for the colonists' public interest. To the extent that agents or agencies of our present-day government—whatever their good intentions—cripple the Nation's efforts to regain and secure our former prosperity, to that extent those agents and agencies may be judged as failing the vision of the Revolution.

As we know, the Declaration of Independence followed the publication of Common Sense by a few months. It is less frequently remembered that Paine's pamphlet also pleaded for a "Continental Charter" that would, among other things, secure "Freedom and property to all men." But it was not until 1787 that the Founding Fathers drafted the document that would become the United States Constitution, in response to Tom Paine's call for a "Charter of the United Colonies; (answering to what is called the Magna Carta of England)." In this call, Paine reached back beyond the pretensions of the contemporary English government and appealed to the ancient tradition of constitutional liberty that had made England great.

One chapter of that Great Charter of 1215 has a special pertinence to what I have been saying about the government's duty to exercise prudence in its regulation of the economic efforts of the private sector. Chapter 20 states:

"A free man shall not be amerced (fined) except in accordance with the degree of the offense . . . yet saving always his contentment (livelihood)."

This article was interpreted as a guarantee that government could not deprive a workman of the tools of his trade, and it was carried down through English legal tradition, through the English Bill of Rights of 1689, the model of our own "Bill of Rights," the first ten amendments to the U.S. Constitution.

Perhaps this is the time to remind our own government leaders of the spirit of this guarantee, understood in the context of our own time and applied to our sophisticated economy. A workman's tools may no longer be simply a hammer and a chisel, or a plough and a scythe. Today they might include a pneumatic drill, an elaborate die-cutting machine, a giant steel press or the console to a roomfull of computers.

Obviously, such tools are beyond the purchasing power of most workmen, of most technicians, of many if not most administrators. Today's major tools are typically provided by a corporation able to accumulate the capital to purchase them and to place them in the hands of productive people. To fine, to tax, to regulate corporations to the point where they can no longer perform this essential function can, in effect, deprive the worker of his means of livelihood.

This is not an academic exercise in legal subtlety; this is a reality. We call it unemployment. And we must resist it. That is only common sense.

JOINT RESOLUTION CALLING FOR FREE ELECTIONS IN PORTUGAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DON H. CLAUSEN) is recognized for 10 minutes.

Mr. DON H. CLAUSEN. Mr. Speaker, I today have joined with several of my colleagues in sponsoring a joint resolution calling for free elections in Portugal.

The purpose of our resolution is to tell the Communist forces in Portugal that the American people and the rest of the free world cannot remain indifferent to the blatant Communist effort to subvert the expressed will of the overwhelming majority of the Portuguese people.

In an election held in April in which 92 percent of the registered voters went to the polls, the anti-Communist parties received 64 percent of the vote while the Communists received only 12.5 percent. These figures clearly indicate the desire of the people to establish a free and pluralistic society.

Communist party leader, Alvaro Cunhal, recently boasted that:

> We Communists don't accept the rules of the election game. No, no, no; I care nothing for elections. We don't await the results of elections to change things. Our way is revolution. Portugal will never be a country of democratic freedoms.

The brutality of his statement has sickened the entire free world.

I am also appalled by the violence which has taken place in Portugal. In Oporto, the second largest city, 75,000 anti-Communists rallied to proclaim their support to democracy. The Communists responded with barbed wire roadblocks and nail-studded planks. Even this did not stop the demonstration.

The situation in Portugal also concerns me inasmuch as it directly threatens our security. A Communist takeover would deny us our base in the Azores, which would limit our ability to respond promptly and appropriately in critical situations. Portugal and the Azores Islands are critically important to Europe, the Mediterranean, the Middle East, and the United States. For this reason, we must offer encouragement and support for those leaders in Portugal who are revolting against this Communist takeover and struggling to see that the country remains a free and open society. Our traditional economic and security interests are very much at stake and should Portugal go Communist it will have a profoundly adverse effect on our free society.

My recent trip to the NATO countries underscored for me the importance of a strong and firm position in this part of the world.

President Ford recently stated that:

> The U.S. would do what we can in a legitimate, proper way to make sure the rights of the Portuguese people are protected.

Our resolution provides the vehicle for such action by the President. Our proposal calls for the adoption of a resolution at the upcoming Helsinki Conference proclaiming the right of the Portuguese people to determine their own form of government through free elections, and the establishment of a special committee to supervise the holding of the elections.

Our resolution further calls upon the Soviet Union to end its financial aid and arms support to the Communists. Soviet interference is clearly a self-serving effort. A complete takeover of the Portuguese Government by the Communists would provide the Soviets with a strategic point from which they could ultimately control the Middle East oil and thus economically strangle the free world. They could also gain control over the countries in northern Africa and those around the Mediterranean.

I grew up with, went to school with and came to know many people of Portuguese descent. I found them to be honest, extremely hardworking and very proud of their Portuguese culture, and of the relationship which has existed between the United States and Portugal.

From this relationship I have enjoyed with my many Portuguese friends, I have many reasons to be more than sympathetic and concerned with this blatant attempt by the Communists to subvert the election process and by taking over the military and security organizations with the sole purpose of imposing a government on the people that is not consistent with their free election choice.

NATURAL GAS PRODUCTION AND CONSERVATION ACT OF 1975

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, my colleague from Wisconsin (Mr. OBEY) and I have introduced legislation, H.R. 8892, the Natural Gas Production and Conservation Act of 1975, to encourage maximum domestic production of natural gas and at the same time to assure adequate supplies of natural gas at reasonable prices to residential consumers and other high-priority users.

Our bill would achieve these goals by:

First, setting a national ceiling on new wellhead prices based on prospective costs and capital-attraction needs;

Second, drawing new onshore supplies back to the interstate market by establishing parity of price between intrastate and interstate new gas prices;

Third, severely restricting industrial boiler use of natural gas; and

Fourth, strengthening the "produce or perish" requirements of Federal leaseholders.

Our bill is similar to the bill which was reported out of the Senate Commerce Committee on June 12—S. 692, but with two important differences. In H.R. 8892, the national price ceiling for new natural gas is set at 40 to 60 cents per thousand cubic feet—mcf, and the exemption for independent producers is eliminated.

The current regulatory system, which was established under a 1954 Supreme Court interpretation of the 1938 Natural Gas Act, is failing under pressure of resource constraints and market distortions caused by OPEC's control of oil prices. Changes in the system are urgently needed. The interstate market is losing out to the unregulated intrastate market. There is strong evidence as well that new offshore supplies are being withheld for speculative reasons.

Our bill, by establishing a firm and uniform pricing policy for all domestic natural gas supplies and by including in that policy adequate incentives to producers, would remove the present inclination to cap wells or delay new development.

Unfortunately our natural gas reserves are running out. Severe shortages have already surfaced and will grow worse this winter. A December 1974 Federal Power Commission staff report notes:

> Conventional U.S. gas production has reached its peak and will be declining for the indefinite future. . . . From here on we must make do with less gas in absolute terms.

Until 1968, we were discovering at least as much natural gas each year as we consumed. The ratio of findings to production fell suddenly in 1968 from 1 to 0.6, and since then has dropped still further to about one-half. In other words, each year we are now burning up twice as much natural gas as we discover in the lower 48 States.

Under existing regulations, no new onshore gas is flowing into interstate pipelines. Roughly half the natural gas produced in the United States today is consumed within the States in which it is produced. One-third of all U.S. natural gas gets used up in three of our main producing States—Texas, Louisiana, and Oklahoma, where most of that gas goes to industrial boiler use.

Virtually no new onshore supplies are flowing into interstate pipelines. Instead this gas is being sold within the States in which it is produced, where gas is free of Federal regulation and the price is free to rise to the equivalent of the OPEC price for oil. Under the OPEC stimulus, the price of gas sold in intrastate markets has risen from 16 cents per mcf in 1968 to $1.91 in 1975.

It is only natural that gas producers are unwilling to commit new gas supplies to interstate pipeline companies at the federally regulated wellhead price of 55 cents per thousand cubic feet, when they can sell this same gas for as high as $2 within the producing State. Nor is it unnatural that holders of Federal leases offshore, which by definition come under Federal regulation, would prefer to withhold this gas from the interstate market in the expectation of deregulation, which the administration has been urging since 1968.

It is evident that the current regulatory system is not working—that new onshore supplies are being held captive within their State of origin, and that new offshore supplies are being withheld from the market in the speculative expectation of a possible fourfold increase in price in the event of deregulation.

But deregulation is not the answer. Natural gas is a resource which, because of its mode of delivery to consumers, because of the fixed nature of its assets, and because of the structure of the natural gas industry itself, cannot be priced on a free market basis.

President Truman, in vetoing natural gas deregulation in 1950, put it extremely well:

> Unlike purchasers of coal and oil, purchasers of natural gas cannot easily move from one producer to another in search of lower prices. Natural gas is transported to consumers by pipe lines, and is distributed in a given consuming market by a single company. The pipe line companies, and in turn the consumers of natural gas, are bound to the producers and gatherers in a given field by the physical location of their pipe lines, which represent large investments of funds, and cannot readily be moved to other fields in search of a better price.
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> Under these circumstances, there is a clear possibility that competition will not be effective, at least in some cases, in holding prices to reasonable levels. Accordingly, to remove the authority to regulate, as this bill would do, does not seem to me to be wise public policy.

Improvements are certainly needed in the current system of natural gas regulation. But regulation has not caused the natural gas shortage as the administration and the oil and gas industry have alleged. Resource constraints, coupled with distortions of the present regulatory system, are the underlying causes of the shortage. Deregulation would cost American consumers billions of dollars without assuring them any meaningful increase in supplies. The price of natural gas in the intrastate market has increased 1,100 percent from 1968 to 1975 and yet production in Louisiana and Texas has continued to decline each year.

High prices do not necessarily mean increased production. Increased production follows on higher prices only in a freely competitive market. High oil prices have, as a matter of fact, led to decreased oil production by the OPEC nations in order to maintain the price level.

No matter what the price, we are not going to get the natural gas we need to continue our present patterns of use. We are running up against limitations of resources. The U.S. Geological Survey in May 1975 revised downward previous estimates of reserves to 322 to 655 trillion cubic feet, or only 15 to 30 times current production levels. In June the Survey cut these estimates further.

If regulation then is necessary, and we firmly believe that it is in the natural gas industry, the ideal regulation is that which simulates competitive market conditions. That is what regulation of rates based on cost, plus a fair rate of return, essentially is. Our bill permits increases in new wellhead prices of up to 20 percent, based on prospective costs and sufficient profit to attract new capital. In addition, provision is made for automatic adjustments for inflation and for higher ceilings for high-cost production.

Under our bill, new onshore supplies would come under Federal regulation and would become available to the interstate pipelines that are beginning to run out of gas. Use of natural gas as a boiler fuel would be banned where alternative fuel use is feasible. This ban would become effective, to the maximum extent practicable, within 10 years of enactment.

Highest priority allocation would be given to residential and other small users—those consuming less than 50,000 cubic feet per day, as well as to agriculture for general farm use, food-processing, and fertilizer feedstock.

The FPC would be granted carefully circumscribed authority to require linkage and transfer of supplies among interstate pipelines to alleviate curtailments to priority users, including industries which cannot substitute other fuels for non-boiler use.

Requirements would be made more stringent for holders of leases on Federal lands and offshore to develop and produce those leases.

Natural gas is an ideal fuel from the viewpoint of efficiency, environmental acceptability, and flexibility. Over one-third of the energy we use in this country now comes from this source. Forty million families depend upon their local gas companies for home heating and cooking. Our national investment in gas equipment and appliances amount to about $2 billion. In my State of Minnesota, natural gas is used primarily for heating. In 1973, Minnesotans relied on natural gas for 47 percent of their residential and commercial energy needs, 38 percent of manufacturing energy requirements, and 15 percent of electricity generation.

We must keep this vital fuel flowing to the homes and farms and hospitals which, for the time being, have no other source of heat. We must keep it flowing to those industries which rely on natural gas not as a boiler fuel, but as an integral component of their manufacturing process. And we must do so at prices which provide reasonable profits to the natural gas industry, but without windfalls based on OPEC monopoly practices. We hope you will join us in supporting H.R. 8892, the Natural Gas Production and Conservation Act of 1975.

A brief summary of the major provisions of the bill follows:

SUMMARY

1. National rate ceiling of from 40–60¢ per thousand cubic feet (mcf) for new natural gas:

a. Within 180 days of enactment, the Federal Power Commission (FPC) would establish a national ceiling for new natural gas, that gas which was not dedicated (by contract) to interstate or intrastate commerce as of January 1, 1975. This ceiling price would be from 40 to 60¢ per mcf.

b. Automatic adjustments for inflation would be provided.

c. The current historic-cost basis of rates would be changed to a prospective-cost basis, plus sufficient profit to attract new capital.

d. Higher ceiling prices would be permitted for high-cost production.

e. Parity would be established between intrastate and interstate new gas prices in order to prevent interstate pipelines from running out of supplies.

2. Allocation on priority basis:

a. Priority would go to residential and other small users (under 50 mcf/day).

b. Agricultural uses, including food-processing and feedstocks for fertilizer, would also have top priority.

c. Hospitals and other services and products necessary to public health and safety would be granted priority allocation.

d. Boiler-use of fuel would be banned where alternative domestic fuels are feasible. This ban would be effected, to the maximum extent practicable, within 10 years of enactment.

e. The FPC would have authority to require linkage and transfer of supplies among interstate pipelines to alleviate curtailments to priority users, including industries which cannot substitute other fuels for nonboiler uses. This authority is carefully circumscribed.

3. Requirements to ensure future development of natural gas on Federal lands (which includes offshore):

a. A lessee must undertake and complete exploration and development at the earliest feasible date after leasing.

b. A federal lease would be forfeited if a producer did not commit his natural gas reserves to an interstate pipeline company within 2 years of discovery of such natural gas.

DEDUCTIONS FOR THE ADDITIONAL COST OF FIRST CLASS AIR AND RAIL TRAVEL OVER COACH FARES SHOULD BE DISALLOWED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Koch) is recognized for 5 minutes.

Mr. KOCH. Mr. Speaker, today I am introducing a bill to disallow as an ordinary and necessary business expense, the cost of first class air and rail travel. This morning I testified before the House Ways and Means Committee and urged that the Tax Code be amended so that deductions for business related air and rail travel be normally limited to the cost of the coach fare.

Obviously, there are exceptions and special situations as, for instance, on long trips where the businessman will not have an opportunity to adequately rest, but will have to immediately engage in a business related venture, or if the individual has a disability or handicap or because coach tickets were unavailable. But, these are rare situations and would have to be persuasively established to the Secretary of the IRS.

Every Monday morning I board a plane to come to Washington from my home in New York City. As I walk down the aisle to my coach seat past the first class passengers, one thought often occurs to me. I am paying for their first-class luxury. Because an estimated 75 percent of the people who travel first class do so on tax deductible business expense accounts. I, as a taxpayer, am sponsoring some of their comfort.

I happen to believe that the coach accommodations are normally adequate and would not want to spend my money or anyone else's money for first class. At the same time I certainly do not mind if people want to pay for first-class travel—but I think it should be, except as noted, at their expense and not partly the Federal Government's which, as we know, can be as much as 70 percent in the instance of an individual and 48 percent with a corporation. Why should the Federal Government subsidize wider seats, cocktails, and steaks for some people and not others?

While the Congress may be obliged to permit the deduction of certain expenses incurred in making money, I do not believe we are obliged to subsidize excessive expenditures. In the jargon of the tax code, I do not think that the cost of first-class travel, while perhaps an "ordinary" business expense for some, is a "necessary" one. Just as there have been efforts in past years to limit the amount that can be deducted for a business lunch, the Congress should limit the deductibility of business-related travel to the coach fare. This would permit any business person to travel first class if he or she wished—but the additional cost of first class would be at a corporation or individual's entire expense, not the taxpayers'.

Senator Kennedy has introduced a similar bill, S. 1698, in the Senate effecting first-class air travel. He estimates that the cost savings of the disallowance for air travel alone would be $280 million in 1975, reaching $431 million in 1978.

Equally important to the savings to the Treasury is the equity that this legislation would provide in the Government's support of business-related travel. As the Senator aptly pointed out in his statement on S. 1698, flying first class does not get you to your destination any quicker—just in greater comfort with an approximately half of the tab being picked up by the Federal Government for some.

I hope that the Committee on Ways and Means will give my bill favorable consideration in its current efforts to achieve greater equity in the tax code.

LAND USE: THE NATIONAL COLLEGIATE DEBATE TOPIC FOR 1975–76

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. Udall) is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, the gentleman from Texas (Mr. Steelman) and I are today introducing H.R. 8932, a revised version of H.R. 3510, the Land Use and Resource Conservation Act of 1975. Unfortunately, on July 15 the Committee on Interior and Insular Affairs voted not to report this measure to the full House for its consideration. While it is extremely unfortunate that the House will not have an opportunity to debate this bill, I think, for a number of reasons, it is important enough to reintroduce what was the final product of the Interior Committee's deliberations. The clean bill introduced today contains all amendments adopted by the committee.

First, the Members should take the opportunity to read this bill, line by line, to see for themselves that the bill does not extend or create any new Federal control over land use decisionmaking, that the bill does not add or detract from existing property rights, and that the bill merely provides the stimulus and incentives for States and local government to begin to do something about our burgeoning land use problems.

Second, I have recently learned that in 1975–76 the national college debate topic is the question of whether or not the Federal Government should adopt a comprehensive program for land use. Thus, there will be an even greater interest in this subject among college students and others in the coming months and it will be helpful if copies of the most recent thinking on Federal legislation is available for these debaters. Hopefully, the national collegiate debate will stimulate more and more interest in the subject of land use and lead to more understanding of the need for Federal legislation.

Finally, the fight for this important legislation must go on and if there is an opportunity for reconsideration of this or similar legislation in the future, I want the Members to know that we are prepared to again raise the issue.

Our land use problems are not going to go away and sooner or later a sufficient number of the Members of this body are going to demand legislative action that is long overdue.

HAPPY BIRTHDAY, BELLA!

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'Neill) is recognized for 5 minutes.

Mr. O'NEILL. Mr. Speaker, Thursday, July 24, 1975, marked a very important day in the annals of American politics. It was Representative Bella Abzug's 55th birthday. I know that all of my colleagues join me in extending happy birthday wishes to a very distinguished, charming, and colorful Member, whose conscientious dedication to her duties, hard work, and resourcefulness have earned her the praise and gratitude of professional and personal colleagues alike.

I would like to share with my colleagues a happy birthday message that Bella's New York staff composed for her. It not only reflects the love and affection of those who work so closely with Bella, but it also demonstrates the admiration and deep respect that all of us, her professional colleagues, feel.

I include the following poem in the Record at this point:

Happy Birthday Bella!

It took the district 50 years
To send you to the Hill,
Where 18-hour Abzug days
Make all lost time stand still.

It can't be just adrenalin
Or hype or dedication,
It's something special and unique
That makes you a sensation.

We thought we found the answer,
And to confirm our special theory
We called on William Colby
To investigate our query.

He checked your file from end to end,
Invoking privilege and power.
His report: Since 1945
You haven't aged an hour.

So here's our birthday wish to you
Though the calendar you've defied,
From those who work at home for you,
With love, exhaustion, and pride:

We heard the upper House is stag,
It's a situation sent from Heaven.
This woman's place is over there,
By the time she's 57!

Love,
The New York Staff.

COMPUTERIZED CHECKOUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. Ford) is recognized for 10 minutes.

Mr. FORD of Tennessee. Mr. Speaker, it is my pleasure today to introduce a fourth identical version of my consumer price-marking legislation, H.R. 3126, which now has 71 cosponsors.

I would also like to take this opportunity to share with my colleagues testimony which I submitted on July 23 to the Washington, D.C., City Council, during hearings the Council held on the Universal Product Code System:

Statement of Hon. Harold E. Ford

Councilman Coates, members of the Council. It is indeed my pleasure to appear before you this morning.

Our subject is the Universal Product Code, otherwise known as UPC. UPC now appears on more than 50% of all supermarket products you will pick up. We now have around 30 supermarket chains experimenting with the new scanner system. Within five years, it is expected that more than half the major supermarkets in the nation will be using automated checkout systems.

Let me begin by saying that my objections are not with the advent of this new technology which the Universal Product Code system, represents. I do not doubt this system's potential efficiency. No one wants to hamper true progress, and those of us who are concerned about food prices are certainly not going to complain about attempts to reduce them. However, we are faced at this stage with many unanswered questions that do not allow me to endorse the UPC with an easy mind. If in fact, UPC will lower costs, will consumers actually see them? Will in fact the advantages the UPC promises to present be worth the loss of price-marking? I think the answer to that is no.

Let us take a closer look at what the consumer will gain—and what the consumer will lose—should UPC be implemented without individual price-making. The consumer will gain:

(1) An itemized register tape that will include the description of each item and its price. The grocery industry hails this detailed tape as a valuable budget and comparison shopping tool. That is undoubtedly true to some extent. Consumers have, however, criticized the receipt tape because it is not standardized. That is, they argue that each store's tape will have a different, and sometimes incomplete description of the product, for instance, size and brand. This variance will confuse consumers and reduce the value of this source of information for comparison shopping.

(2) The computer will immensely improve a supermarket's capacity to keep track of inventory. It will automatically brand and size preferences of its customers and re-order stock.

(3) The check-cashing process will be faster since it will be automatically authorized by computer.

(4) The checkout process should also be faster and more accurate since the computer is apt to make less mistakes in ringing up "2-for or 3-for" prices, recognizing sale items, crediting coupons, and bottle returns. Increased efficiency in these and other store operations should result in better service and additional savings that could be passed along to consumers—and that's the main question—will those savings be passed along to consumers in the form of lower food prices? No one can answer that question and it makes us all uneasy.

For the most part, we would all be happy to receive the above advantages as long as we are able to retain price-marking. The problem is most supermarkets plan to implement the UPC system without that individual price-marking. Without price-marking, let's look at what we would lose:

(1) Consciousness of food costs and price rises comes in part through constantly noticing price changes on food packages stocked at home. This educational tool would be lost with unpriced products in our cupboards.

(2) Without price-marking, a consumer will be unable to make even a rough estimation of the total cost of the products which are being collected in the basket. Supermarkets are, of course, offering the free use of grease pencils for those shoppers who want to take the time to mark each item as they go through the store. This is hardly a reasonable request of shoppers who expect service and convenience or of harried parents who have their small children with them.

(3) Comparison shopping from one aisle to the next would be virtually impossible. For many shoppers who must pinch each penny, the question of whether frozen peas or canned peas are cheaper that week is a very important one. Once again, the customer would have to run back to the first aisle to check the priceworthiness of his or her choice.

(4) Another fear consumers have expressed is that errors may be made by the computer programmers who feed daily price information into the computers. There are bound to be occasional discrepancies between shelf prices and computer programmed prices. Unless you grease-penciled your way through your shopping list you would just have to take the computer's word for it when you reach the check-out stand. An even more disturbing example is that, under the new system, it is quite conceivable that once you take an item off the shelf, say at 39c, you could find that by the time you go to the check-out stand the price has been changed to 40c. The computer would have recorded that fact instantaneously. Once again, only an alert customer who's been practicing bookkeeping while going through the store, will notice what's happened.

There are other objections that must still be considered.

We have received letters from senior citizens who are concerned about the difficulty of bending low enough to read shelf labels, but who are able to reach down, pick up a product, and read the price at eye level. To further complicate matters, those who wear bi-focals face another obstacle when having to look down at shelf labels. We must also address the question of less educated shoppers, who simply can't read unit pricing labels and rely instead on more simple numerical prices found on products themselves.

The next question that comes to my mind is why are we involved in a controversy at all? Everyone acknowledges UPC has a lot of exciting potential promise. Supermarkets would not have to devote the effort now underway to counteract consumer objections to UPC if they were to retain price-marking. Marking products with a human-readable price would certainly eliminate most of the suspicions, feelings of alienation, and resentment many people feel about the computer invading yet another area of human existence.

The reply you get from the grocery industry is that if price-marking is made mandatory, there would be no incentive to proceed with the UPC system. This objection has been countered by the very firms which actually produce the computer scanners. Popular industry figures suggest that eliminating price-marking would account for between 18–22% of the projected savings that a store might expect to gain from installing UPC.

Assuming that these industry figures—which you see vary quite a bit—are true, a store could continue to satisfy consumers by retaining individual price-marking and still realize 75% in savings they don't realize now. That's certainly a substantial return on the UPC investment a store would make. Many consumer organizations dispute those industry figures and claim price-marking accounts for a much lower percentage. In fact, one manufacture of price-marking equipment claimed that only a seven percent loss of potential UPC savings would result if price-marking were retained.[1]

In any case, we do know that the figures vary substantially. However, at the very worst, supermarkets will still retain 75% in new savings. Now, I submit that is simply not too high a price to pay to gain unblemished consumer confidence in the accuracy of automated check-out systems. Maybe it boils down to the fact that you can't put a price on good will. But you can, and should, put a readable price on products.

Unfortunately, the grocery industry hasn't accepted that simple slogan, which is why I intend to proceed with my efforts to pass mandatory price-marking legislation, and I urge the D.C. Council to do the same thing for the protection of all D.C. consumers. Thank you all for inviting me.

JOHN H. LEE, A DEDICATED PUBLIC SERVANT, RETIRES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Sikes) is recognized for 5 minutes.

Mr. SIKES. Mr. Speaker, today a dedicated and highly respected public servant will retire from his position as civilian Chief of Military Construction for the U.S. Air Force. He is John H. Lee, who came to the Department of Defense in 1944 after a successful career in private industry. Since that time, he has filled positions of greater and greater responsibility as his capabilities became better known and more widely appreciated.

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[1] Garvey-Labelmatic, Maryland Heights, Missouri, 63043, "A new look at the cost of price-marking products", p. 4.

John was born in Norwich, Conn., where he attended grade school and Norwich Academy before going to Renssalaer Polytechnic Institute at Troy, N.Y. In 1925 he was employed by Northern New York Utilities Co. as a meter engineer. Later he joined Associated Gas & Electric Systems in Canal Winchester, Ohio, and rose to chief engineer of the Ohio division.

His first post with what was then the War Department was as an electrical engineer for the 5th Service Command at Columbus, Ohio.

Later assigned to Europe, he was commended for his work in installing navigational aids used in support of the Berlin airlift operations. But Europe was to hold more for John than honors from his peers. It was there that he met Dorothea, who was to become his wife. In 1953 he was reassigned to the Office of the Director of Civil Engineering for the Air Force in Washington. Here, as Deputy Chief of the Overseas Construction Division and later as special assistant to the Deputy Director for Construction, John managed a $10 billion construction program.

When missiles came into the Air Force inventory, John was assigned to the Air Force Ballistic Systems Division in California and was responsible for the design of $1.7 billion in missile support facilities.

In 1961 John came back to Washington to his present assignment and has managed some $12 billion in construction since that time.

As Chief of Military Construction for the Air Force, John has been of very great assistance to me as chairman and to the members of the Military Construction Subcommittee of Appropriations. My subcommittee has always realized that John Lee was giving an honest answer when he responded to a question. We always knew he was thinking of the taxpayers and of the defense of his nation when he discussed the needs of the Air Force with members of the committee.

While John has an impressive record as manager of billions of dollars worth of construction, his record is equally impressive as a man who was not afraid to speak up when he felt better use could be made of taxpayers' funds. It would be impossible to calculate the amount of money John Lee has saved the taxpayers of this Nation by virtue of his knowledge, his ability to persuade, and his dedication to what is right and proper for his nation.

Now John Lee is retiring from his post with the Department of the Air Force. To say that his wise counsel will be missed both in Congress and in the Air Force is an understatement. It is good to know that he plans to remain on as a consultant, at least for a time. His services will be valuable in whatever capacity he finds himself.

To John Lee and Dorothea, I say Godspeed and best wishes in the years ahead. Our Nation is indebted to you.

SUCCESS OF ASTRONAUTS

(Mr. FREY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FREY. Mr. Speaker, the successful return of our astronauts Tom Stafford, Vance Brand, and Deke Slayton marks the end of an era—man's first venture in space which began in 1958 with Project Mercury. Our progress and what the space program has contributed to our Nation and the world in scientific advancements and the many practical benefits here on Earth is unparalleled in a peaceful environment. Let it also be remembered that this was accomplished by a team, a team composed of scientists, engineers, technicians, construction crews, safety crews, medical people, and many many others—people from all kinds of backgrounds, from all walks of life, a cross-section of America. The pride that I feel is enforced by the fact that many of these fine men and women operated under tremendous handicaps—the instability of the space program, the tremendous pressure of doing a better job with fewer resources, and in some cases the sure knowledge that the successful accomplishment of their mission meant that there would be no job tomorrow.

Despite this problem, the program became more successful and productive each year. We owe a debt to these people, one we are not acknowledging or paying. Unfortunately, our Nation will pay for its stupidity in not using our most important national resource—our people—in the proper manner. I can only say for all of us—even those who do not realize what has been accomplished—your dedication, pride, and accomplishments will remain as an inspiration and guide for all time. We will keep fighting for what we believe and what together we have worked for. We know the future of this Nation rests with the proper use of all the science and technology of this Nation and the people who have made it work, are making it work and will make it work in the future. Thank you and Godspeed.

RESEARCH PAPER QUESTIONS F–18 PURCHASE

(Mr. MILFORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILFORD. Mr. Speaker, I received a memorandum today from the Congressional Research Service which I believe is of vital interest to every Member of this body.

The memorandum deals with two of three questions I asked CRS following the decision of the U.S. Navy to select the McDonnell-Douglas/Northrop F–18 as the Navy Light Combat Fighter.

At the time of the selection, I felt strongly that the intent of Congress had been completely and willfully ignored, and that by making the decision it made, the Navy and the Department of Defense showed a marked contempt for Congress and might well be cited for contempt of Congress.

Mr. Speaker, the report I received today strengthens my belief, and I would like to have my research request and the Congressional Research Service response, appear in the RECORD.

I would like to briefly summarize the situation these documents are concerned with.

Last year, Congress appropriated $20,000,000 to the Navy to develop a low-cost air combat fighter to complement the expensive F–14 fighter. When this appropriation was made, the Air Force was conducting a competition between prototypes of the F–16, manufactured by General Dynamics, and the F–17, manufactured by Northrop.

When the appropriation to the Navy was made, Congress, in clear language in the Conference Report accompanying the bill, stated that the Navy could use the research and development funds only to develop an aircraft which would be a derivative of the lightweight fighter selected by the Air Force.

While the Air Force competition was being conducted, LTV Aerospace teamed up with General Dynamics to begin developing a Navy version of the F–16, and McDonnell Douglas teamed up with Northrop to work on a Navy version of the F–17.

Meanwhile, the F–16 was selected by the Air Force.

Then, last May, the Navy made the startling announcement that it was selecting the F–17 derivative, and calling it the F–18 as the Navy's lightweight fighter, in spite of the clear Congressional directive that it be a derivative of the Air Force competition winner.

Mr. Speaker, the report from Congressional Research is to follow my remarks here, but I would like to point out some of its highlights.

First, the research report clearly states that the Navy violated the Department of Defense's own guidelines for the reprograming of appropriated funds.

Second, there is a strong possibility that the Navy violated the law in taking this action.

Mr. Speaker, Congress has been directly challenged by the Department of Defense in this particular action, and there must be a strong response by Congress.

The strongest possible response—in fact, the only response in this case—is for Congress to flatly refuse to appropriate any funds for this aircraft, the F–18, or for any similar aircraft until the problem is resolved.

Congress and the executive branch have been operating for years under a gentleman's agreement procedure in expending appropriated funds and reprograming of those funds when it is necessary and in the public interest.

Mr. Fisher in his memorandum correctly calls these procedures "fragile."

Because of this fragility, these procedures between the Congress and the

Department of Defense have become highly formalized and standardized, with a special form for making reprograming requests.

In this particular transaction, the Navy claims the shift of the funds was OK because of letter correspondence exchanged between Deputy Secretary of Defense Clements and the chairmen of the House and Senate Appropriations Committees.

I would like to call your special attention to that section of the memorandum of Mr. Fisher in which he reports calling the committees concerned and asking if there had been a reprograming action in the case of the F–18, and in every case, the answer was "no." He then asked if such a reprograming could be accomplished without the submission of the correct standardized form, and the answer again was "no."

Mr. Speaker, I believe that if Congress allows the Navy to get by with this unorthodox manner of doing business, then the Committee on Appropriations must return to the tedious and rigid "line item" method of appropriating funds.

Let me refer again to Mr. Fisher's memorandum. He reports that the formal procedures for programing have been developed in order to keep Congress from being "mousetrapped."

In this particular instance, the Navy is making a clear effort to mousetrap Congress, and I, for one, don't like it one bit.

Congress is the only branch of Government which can spend the taxpayer's money, and only Congress is accountable to the taxpayer for the way the money is spent.

Mr. Speaker, I call upon Congress to demand that the Navy back off of this action, with apologies. If the Navy is unwilling to do so, then our only alternative is to tell the Department of Defense, in the law, line by line, just exactly how to spend every cent of appropriated money down to the last decimal point.

I include the following:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 3, 1975.

DIRECTOR,
Congressional Research Service, Library of Congress, Washington, D.C.

DEAR SIR: There is a question of the Navy's compliance with a Congressional directive in connection with its selection of a Navy Air Combat Fighter airplane (NACF).

The directive appears in its most explicit form in the Conference Report on the Department of Defense Appropriation Act, 1975, H.R. Rep. No. 93–1363, 93d Cong., 2d Sess. 27 (1974). Essentially, the Report required the Navy to select as its air fighter a derivative of an airplane selected by the Air Force as its combat fighter and stated that funding "is to be contingent upon the capability of the Navy to produce a derivative of the selected Air Force Combat Fighter design."

The Air Force selected as its combat fighter a plane designated the "F–16" in a competition with a plane designated the "YF–17". The Navy, contrary to the directions in the Conference Report, has announced that it has selected as the NACF, a derivative of the FY–17, the design rejected by the Air Force, rather than a derivative of the F–16, the design selected by the Air Force.

The Navy has sought to justify its action in part on the contention that it was not bound by the language in the Conference Report since it did not appear in the Defense Department Appropriation Act itself. On the other hand, it appears to me that the Conference Report, which was adopted by both Houses of Congress, must be read as part of the legislative history of the Defense Appropriation Act to determine whether the expenditures by the Navy are "necessary" as that term is used in the Act.

The Navy has also sought to justify its departure from the Congressional directive on the alternative ground that it conducted a reprogramming action which permitted the expenditure of funds for the selection of the F–18. The Navy cites as evidence of such reprogramming correspondence between Deputy Secretary of Defense William Clements and the Chairman of the Armed Services and Appropriations Committees of both the House and the Senate. As none of the letters involved mentions the term reprogramming and no formal reprogramming request appears to have been made, it seems to me that this may well be insufficent to constitute a reprogramming action.

As you can well understand, these are matters of great importance which go to the very heart of the budget and appropriation processes. Limitations on expenditures frequently are set forth in Committee Reports rather than in the appropriation acts. Reprogramming is an important Congressional check on how the Executive is expending appropriated funds.

I would be most grateful, therefore, for a report summarizing the revelant legislative and judicial precedents and outlining the practical and legal remedies available to Congress when such limitations on expendiures are violated. I would also appreciate an analysis of reprogramming procedures, accompanied by specific comment upon whether the referenced letters constitute a reprogramming action. Since these matters are being given attention in Congressional Committees, I would appreciate an expeditious reply if at all possible.

Sincerely,

DALE MILFORD,
Member of Congress.

THE LIBRARAY OF CONGRESS
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., July 23, 1975.

To: The Honorable Dale Milford
From: Louis Fisher, Specialist, Government and General Research Division (Frederick Scott, Assistant Division Chief)
Subject: Reprogramming of Defense Funds: the F–18 Issue.

This is in response to your request regarding the Navy's selection of an Air Combat Fighter airplane (NACF). A directive placed in the conference report for the defense appropriation act, 1975, required the Navy to select as its air fighter a derivative of an airplane selected by the Air Force. H. Rept. 93–1363, at 27. On January 16, 1975, the Air Force announced its selection of the YF–16, a prototype in competition with the YF–17. On May 2, however, the Navy announced its selection of a derivative not of the YF–16 but of the YF–17. The selected aircraft is called the F–18.

The Navy's selection raises a number of issues. One point in controversy—the extent to which language in a conference report is binding on an agency—is being answered for you by our American Law Division. Here I respond to two other issues: (1) Does the exchange of letters between the Pentagon and the Appropriations and Armed Services Committee constitute a reprogramming action?, and (2) What are some of practical and political implications of the Navy's action?

WAS THERE REPROGRAMMING?

Congress typically appropriates on a lump-sum basis. The broadness of that delegation is tempered by details included in committee reports and other parts of the legislative history (so-called nonstatutory controls). In the case at hand, Congress appropriated for fiscal 1975 a lump-sum amount of $3,006,914,000 for Research, Development, Test and Evaluation, Navy. P.L. 93–437, 88 Stat. 1223. Individual research projects are not enumerated in the public law. However, the money is expected to be spent in accordance with the Pentagon's budget justifications, as amended by Congress. In addition to narrative placed in the conference report, the report itemizes 58 separate unclassified programs for RDT&E/Navy. Among those programs was the amount of $20,000,000 for "Navy air combat fighter." The narrative directed that "the development of this aircraft make maximum use of the Air Force Lightweight Fighter and Air Combat Fighter technology and hardware. . . . Adaptation of the selected Air Force Combat Fighter to be capable of carrier operations is the prerequisite for use of the funds provided . . . Future funding is to be contingent upon the capability of the Navy to produce a derivative of the selected Air Force Air Combat Fighter design." H. Rept. 93–1363, at 26–27.

In a report dated June 16 of this year, the Navy contends that while it departed from this directive in the conference report, it kept faith with Congress by observing other nonstatutory controls. It called attention not only to committee reports "but also the associated hearings and floor debates, not to mention the countless exchanges—formal and informal—between members of the committees, heir staffs, and officials of the "Navy Response to GAO on Original LTV Protest of May 9, 1975 (B–183851) with Enclosures," dated June 16, 1975, at 11. Later in the report it is stated that nonstatutory controls "establish, *as a practical matter*, very real limitations upon the exercise of authority and discretion by the DOD officials having responsibilities for executing the programs concerned." Id. at 17, emphasis in original.

The Navy then argues that it complied with the "guidance of the Conference Report" through subsequent contacts with the committees having jurisdiction. Administrative flexibility is available "within the limits of a mutually-developed DOD-Congress working relationship referred to as 'reprograming.' " Id. at 18. The Navy report refers to DOD Directives and Instructions that govern reprogramming procedures, allowing funds to be shifted from one appropriation subaccount to another. Depending on the nature of the shift, the Pentagon either notifies designated committees or, in some cases, must seek their concurrence. With respect to the Navy air combat fighter—a matter of "special interest" to Congress—prior approval from the committees was required.

There is admission in the Navy report that the particular transaction by the Navy was not "reprogramming" in the usual sense of that term: "Notwithstanding that the NACF did not fall squarely within DOD's strict definitional limits of reprogramming, the intent and spirit of the reprogramming procedure was nonetheless pursued by both parties, consistent with its underlying principles of complete candor and cooperation between DOD and the Congress." Id. at 19. In subsequent pages, however, the Navy speaks of reprogramming in unqualified terms. It states that on November 1, 1974, Deputy Secretary Clements informed, by letter, the chairmen of the Appropriations Committees of DOD's plans to "solicit and evaluate 'NACF' designs of both ACF contractors and requested their concurrence in 'reprogramming' $12.5 million to fund that effort . . ." Neither chairman interposed an objection. The report continues: "Thus pursuant to reprogramming approval, stage one, the Navy expended approximately $12.5 million of its NACF funds with the express agreement of the two Congressional committees originally involved in restricting the use of those monies—the Appropriations Committees." Id. at 20.

Note that in the space of two pages the Navy refers to reprogramming in three different ways: first with an explicit admission that the transaction did not fall "squarely within DOD's strict definitional limits of reprogramming"; next with reprogramming bounded by quotation marks; and finally reprogramming without any qualification. The latter use appears throughout the remainder of the report. The distinction between reprogramming "strictly defined" and loosely employed is lost. Page 22, for example, blurs the two uses: "Certainly the Chairmen and members of the House and Senate Appropriations Committees, who have exercised this same reprogramming power so many times in the past, would be keenly interested in any proposition that a committee report has the effect of legally limiting a general appropriation and therefore could not be subject to reprogramming approval by their Committees." It confuses matters to speak of this "same reprogramming power" when it is evident, by Navy's own admission, that the reprogramming process was not strictly adhered to. Also misleading is another statement on page 22 that the "real thrust" of the contractor who is presently contesting the Navy's selection of the F-18:

"Is to eliminate totally the reprogramming process at work in Congress. The reprogramming procedure has over the years contributed immeasurably to the efficient operation of the Federal Government in an era of ever-increasing size and complexity, permitting the Legislature to present strong and continuing guidance to the Executive, while preserving to the latter a useful measure of freedom to carry out its programs."

The text of the Navy report demonstrates, by itself, that the Navy's action did not fall "squarely within DOD's strict definitional limits of reprogramming." Is the difference between the strict definitional meaning and the Navy's action of little consequence—a matter of mere technical detail? Or is the difference so fundamental that the transaction by the Navy does not qualify as reprogramming at all?

This question can be settled in various ways. I called the four committees involved—the Appropriations and Armed Services Committee in both Houses—and asked whether there had been reprogramming of funds to the F-18. The answer in each case was No. I next asked whether it was possible to reprogram funds for a prior-approval item without submitting the appropriate form (DD 1415).

Again the answer, in each case, was No. Finally I asked whether it was possible to handle a special interest item between the Pentagon and the committee by correspondence rather than a DD 1415. The answer, in each case: No.

If indeed there had been a reprogramming of funds, the Pentagon would have recorded that fact as part of its semiannual report.

I called the Pentagon's Comptroller's Office on July 16, 1975, and was assured that no such reprogramming had taken place. Each year, immediately after congressional action, the Pentagon establishes a "Base for Reprogramming Actions" (DD Form 1414). It identifies the purposes, in terms of items or activities measured in quantities and amounts, for which funds have been authorized and appropriated. In contrast to the lump-sum nature of the appropriation act, the reprogramming base is characterized by line-itemization. Entries for RDT&E appropriation accounts are the program elements shown in justification material submitted to the Congress. For example, the appropriation account RDT&E/Navy is composed of such program elements as Military Sciences; Aircraft and Related Equipment; and Missiles and Related Equipment. Each program element contains individual projects. A budget official in the Comptroller's Office examined the current reprogramming base and advised me that there had been no shift of funds for the program element containing $20,000,000 for Navy air combat fighter.

This point deserves some elaboration. The term "reprogramming" does not refer in some vague way to executive spending discretion. It is not a free-floating concept, meaning different things to different people.

Nor is it satisfied by a mere exchange of letters. Instead, congressional committees and the Department of Defense have created a highly formalized and structured process, complete with forms, directives, and instructions. The very formality and specificity of the process provided Congress with the assurance that legislative intent will be honored. The Pentagon acknowledges this in one of its directives: "reprogramming measures, developed in consultation with the committees are both necessary and desirable, and will provide a firm basis for retention of congressional control over the utilization of Defense appropriations by assuring that the congressional intent is carried out . . ." Department of Defense Directive, No. 7250.5, Jan. 14, 1975, II.A. The basis for retaining congressional control is *firm;* there is *assurance* that congressional intent will be carried out. Only with that agreement and understanding has Congress been willing to appropriate on a lump-sum basis. As described by the Pentagon in its instruction, reprogramming is "an orderly system for obtaining approvals and related operating procedures designed to assure that the responsible officials keep faith with the Committees and the Congress by (1) respecting the integrity of the justifications presented in support of fund authorizations and budget requests, and (2) providing timely information on any significant deviations from approved programs." Department of Defense Instruction, No. 7250.10, Jan. 14, 1975, I.B.

To give teeth to this assurance, DOD directives and instructions define the base from which reprogrammings are made; specific actions require prior approval of committees; procedures are established for submitting, approving, and processing reprogramming actions; summary reports are made available to Congress on a regular basis; specific forms are used for the reprogramming base (DD Form 1414) and each reprogramming action (DD Form 1415). Moreover, each reprogramming action must be prefaced by a "concise statement as to the purpose of the action and the source of funds to finance the increase. The reprogramming proposal for an individual item or program will include an explanatory statement that clearly substantiates the necessity for the reprogramming. The statement will contain all relevant information in sufficient detail so that the reprogramming may be readily understood by all reviewing organizations and congressional committees." Department of Defense Directive, No. 7250.5, Jan. 14, 1975. II.E.

The letters from Deputy Defense Secretary Clements to the review committees do not satisfy the standards for explanatory statements. If the justification is inadequate, committees find it impossible to "concur." The two Armed Services Committee did not respond to the Clements letter of March 7, 1975, even though he stated to them: "I believe this is a prudent course of action whichever firm is selected and I would appreciate your concurrence." I was advised by one of the committees that no response was prepared because the substance of the Clements letter was too vague. The chairman would have been agreeing to an ill-defined action. The two Appropriations Committees did respond to the March 7 Clements letter, but in measured tones. Chairman Mahon of House Appropriations stated in a March 13 letter to Mr. Clements that he had no objection to the approach set forth, but pointed out that the defense subcommittee "expects to carefully review the FY 1976 funding requests and I could not comment on possible Committee action on the FY 1976 request at this time." Chairman McClellan of Senate Appropriations, replying to Mr. Clements on March 17, expressed no objection to the plan suggested. However, he added: "I understand that you will notify the Committee of a final selection in May so that the Committee will have the necessary information during consideration of the fiscal year 1976 request for the Navy Air Combat Fighter."

It is precisely to avoid being "mousetrapped"—concurring in a vague request—that the reprogramming procedure requires clear and sufficient information upon which to base a reasoned committee position. Hearings are usually held by the committee in order to develop the record and avoid misunderstandings. To treat such matters through correspondence would be to return to procedures rejected by Congress several decades ago. Ever since the 1950s the Appropriations and Armed Services Committees have insisted on formal, explicit, and tightly defined procedures for defense reprogramming. See Louis Fisher, "Reprogramming of Funds by the Defense Department," Journal of Politics, Vol. 36, Feb. 1974, at 80–87. Nothing in the public record suggests a retreat from those standards. In fact, recent years have witnessed a greater insistence on tight standards. Fisher, at 96–101.

PRACTICAL AND POLITICAL IMPLICATIONS

The Navy report of June 16 maintains that Congress has full control over expenditures only through language found in a public law. In rejecting the notion that a conference report is legally binding on an agency, the report states on page 14 that "expenditure of the monies provided thereunder [in the defense appropriation act] is governed solely by the terms of other temporary or permanent legislation, not by committee reports." In a technical, legal sense, the money available in the RDT&E/Navy account could be spent for any projects that satisfy that general appropriation heading. Yet it is impractical to claim that the lump-sum amount of $3 billion could be used without regard to committee action or to departmental budget justifications supporting that figure. In 1973 the House Appropriations Committee spelled out the likely consequences of ignoring congressional intent:

"In a strictly legal sense, the Department of Defense could utilize the funds appropriated for whatever programs were included under the individual appropriation accounts, but the relationship with the Congress demands that the detailed justifications which are presented in support of budget requests be followed. To do otherwise would cause Congress to lose confidence in the requests made and probably result in reduced appropriations or line item appropriation bills." H. Rept. 93–662, at 16.

Other congressional actions are possible. If the Pentagon presents a program to Congress and it is rejected, and later tries to reprogram funds to that program, Congress may resist future circumventions of its control. In 1973 the House Appropriations Committee prohibited such actions because it "would place committees in the position of undoing the work of the Congress. The Committee believes that this is an untenable position . . ." H. Rept. 93–662, at 16. Congress took the unusual step that year, fiscal 1974, of writing into public law a restriction on reprogramming.

The defense appropriation act stated that none of the funds in the act "shall be available to prepare or present a request to the Committees on Appropriations for the reprogramming of funds . . . where the item for which reprogramming is requested has been denied by the Congress." P.L. 93–238, 87 Stat. 1046, sec. 745. That restriction was repeated in the defense appropriation act for fiscal 1975. P.L. 93–437, 88 Stat. 1232, sec. 843.

Up to this point the discussion has focused on executive-legislative issues. But reprogramming also has implications for internal relationships within Congress. Committees, when they review proposals for reprogramming, recognize that they have a responsibility to Congress as a whole.

They are agents of a larger body. As creatures of Congress, their existence and authority depend on a respect for the limits and boundaries of committee action. A recent example of this attitude occurred in 1971, when the Pentagon considered reprogramming as a means of starting construction of a nuclear-powered aircraft carrier. The chairmen of the Senate Appropriations and Armed Services Committees—Allen Ellender and John Stennis—both agreed that the project was of such a magnitude that it would have to follow the regular appropriations process: a budget request submitted by the President, followed by congressional authorization and appropriation. If committees allow agencies to rely on reprogramming to circumvent scrutiny during floor action, Congress as a whole may intervene and place curbs on committee-agency understandings and procedures for reprogramming.

As with any nonstatutory control, reprogramming is particularly vulnerable to charges of bath faith. The very instability and uncertainty of the control has led to a high degree of formalization of Defense Department directives and instructions. Procedures are carefully spelled out, limits are drawn with great specificity. Strict adherence to the procedures are essential in preserving a process which is, by its very nature, fragile. Loose agency handling of reprogramming, both conceptually and procedurally, will invite Congress and its committees to take back from departmental officials the very flexibility they claim is of crucial importance in managing billion-dollar contracts.

NORTH KOREA REJECTS REUNIFICATION PROPOSAL

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, sometimes it is difficult to keep abreast of the true facts of the relations between North and South Korea. We read and hear criticism of South Korea's government, but there is little complaint about the Communist totalitarian government of North Korea.

The Rising Tide, a Washington newspaper, on July 21 carried an article citing additional efforts of South Korea to achieve a better understanding with their communist neighbors to the north. The article, which I am placing in the Congressional Record, depicts the refusal of North Korea to negotiate in a meaningful way:

North Korea Rejects New Re-Unification Proposal

North Korea has rebuffed a new call for reopening the stalled reunification talks between North and South Korea. On July 4, South Korean President Park Chung Hee called for a resumption of the talks, and on July 9 Cang Key Young, the South's top representative to the Coordinating Committee set up between the two governments in 1972, proposed that officials of the two sides meet at Panmunjom July 15 to arrange details.

The North Korean representative to the Committee, Cho Myung Il, rejected the proposal on July 14, demanding as a precondition to any talks that South Korea end all internal anti-Communist policies and that South Korea drop a proposal for admission of the Koreas side-by-side in the United Nations.

North Korea broke off the South-North dialogue on August 28, 1973, citing political developments in the South. They also rejected a South Korean proposal made on January 18 last year for a non-aggression treaty, "opening of the two societies," and reunification "through free general elections based on restoration of trust between South and North."

South Korea's position on unification has been that the two Koreas must first establish trust through cooperative humanitarian efforts before moving to achieve political unification. North Korea, on the other hand, demands the formation of a "national council" under a confederal system, which would then enter the United Nations as a single entity.

South Korea has rejected this proposal on the grounds that the North Koreans have not renounced the use of force, and have continued armed provocations even as the talks were going on.

LEAVE OF ABSENCE

Mr. Conyers (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Hughes (at the request of Mr. O'Neill), for today, on account of official committee business.

Mr. Forsythe (at the request of Mr. Rhodes), for today, on account of official business.

Mr. Jenrette (at the request of Mr. O'Neill), after 1 p.m., today, on account of official business.

Mr. McClory (at the request of Mr. Rhodes), for today, on account of official business.

Mr. Murphy of New York (at the request of Mr. O'Neill), for today, on account of official committee business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Zablocki, for 60 minutes, on Monday, July 28, 1975, to revise and extend his remarks and include extraneous material.

Mr. Randall, for 5 minutes, today, to revise and extend his remarks and include extraneous material.

Mr. Sikes, for 5 minutes, today.

(The following Members (at the request of Mr. Mitchell of New York) to revise and extend their remarks and include extraneous material):

Mr. Kemp, for 60 minutes, today.

Mr. Talcott, for 10 minutes, today.

Mr. Heinz, for 30 minutes today.

Mr. Ruppe, for 15 minutes, today.

Mr. Steelman, for 5 minutes, today.

Mr. Derwinski, for 5 minutes, today.

Mr. Duncan of Tennessee, for 10 minutes, today.

Mr. Don H. Clausen, for 10 minutes, today.

(The following Members (at the request of Ms. Holtzman) to revise and extend their remarks and include extraneous materials):

Mr. Fraser, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Koch, for 5 minutes, today.

Mr. Udall, for 5 minutes, today.

Mr. O'Neill, for 5 minutes, today.

Mr. Ford of Tennessee, for 10 minutes, today.

Mr. McFall, for 15 minutes, today.

Ms. Holtzman, for 15 minutes, today.

Mr. Cornell, for 10 minutes, on July 28, 1975.

Mr. Sikes, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Dellums, his remarks immediately following the vote on the Erlenborn amendment in the Committee of the Whole today.

(The following Members (at the request of Mr. Mitchell of New York) and to include extraneous material:)

Mr. Crane.

Mr. Talcott.

Mr. Gilman in two instances.

Mr. Guyer.

Mr. Wydler.

Mr. Brown of Ohio.

Mr. Bell in two instances.

Mr. Gradison.

Mr. Sarasin.

Mr. Lagomarsino.

Mr. Symms.

Mr. O'Brien.

Mr. Spence.

Mr. Ketchum.

Mr. Abdnor.

Mr. Edwards of Alabama.

Mr. Cohen.

Mr. Skubitz.

Mr. Findley.

(The following Members (at the request of Ms. Holtzman), and to include extraneous matter:)

Mr. Gonzalez in three instances.

Mr. Anderson of California in three instances.

Mr. Addabbo.

Mr. Edwards of California.

Mr. Stuckey.

Mr. Carney.

Mr. Teague.

Mr. Stokes.

Mr. Harrington.

Mr. Harris.

Mr. Wirth.

Mr. Roe in two instances.

Mr. Mazzoli.

Mr. Maguire.

Mr. Flowers in three instances.

Mr. Beard of Rhode Island.

Mr. Rangel in two instances.

Mr. Downey of New York in two instances.

Mr. Fithian.

Mr. Obey in two instances.

Mr. Brooks.

Mr. Ullman.

Mr. Blanchard.

Mr. Howard.

Mr. Blouin.

Mr. Rose.

Mr. Van Deerlin in two instances.

Mr. Zablocki in two instances.

Mr. Russo.

Mr. Evins of Tennessee in two instances.

Mr. Brinkley.
Mr. Early in two instances.
Mr. Smith of Iowa in 10 instances.

ENROLLED BILLS SIGNED

Mr. HAYS of Ohio, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5447. An act to amend the act of August 16, 1971, as amended, which established the National Advisory Committee on Oceans and Atmosphere, to increase and extend the appropriation authorization thereunder, and for other purposes; and

H.R. 7767. An act to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans and to increase the rates of dependency and indemnity compensation, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 555. An act to amend the Consolidated Farm and Rural Development Act.

ADJOURNMENT

Ms. HOLTZMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until Monday, July 28, 1975, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXVI, executive communications were taken from the Speaker's table and referred as follows:

1462. A letter from the Secretary of the Navy, transmitting notification of the relocation of the Naval Oceanographic Office to the NASA National Space Technology Laboratories, Hancock County, Miss., pursuant to the practice of reporting installations closings (Public Law 89-658, section 613); to the Committee on Armed Services.

1463. A letter from the Acting Secretary of the Interior, transmitting a consolidated financial statement of the Federal Columbia River Power System (Bonneville Power Administration's 37th Annual Report), pursuant to Public Law 89-448, as amended; to the Committee on Interior and Insular Affairs.

1464. A letter from the Administrator, Federal Energy Administration, transmitting a decontrol amendment to the Federal Energy Administration's regulations to provide for the gradual removal of price controls from domestic crude oil, pursuant to section 4(g) (2) of the Emergency Petroleum Allocation Act of 1973, as amended (H. Doc. No. 94-223); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

1465. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1466. A letter from the Secretary of Transportation, transmitting the First Annual Report on Administrative Adjudication on Traffic Infractions, pursuant to section 22, Public Law 93-87; to the Committee on Public Works and Transportation.

1467. A letter from the Secretary of Transportation, transmitting the First Annual Report on the Driver Education Evaluation Program, pursuant to section 226(a), Public Law 93-87; to the Committee on Public Works and Transportation.

1468. A letter from the Secretary of Commerce, transmitting a summary of activities under the Federal Fire Prevention and Control Act of 1974 for the period October 29 to December 31, 1974, pursuant to section 16 of the act (Public Law 93-498); to the Committee on Science and Technology.

1469. A letter from the Deputy Administrator of Veterans' Affairs, transmitting a draft of a proposed amendment to pending legislation relative to non-service-connected disability coverage by the Veterans' Administration and for other purposes (H.R. 4009); to the Committee on Veterans' Affairs.

Received From the Comptroller General

1470. A letter from the Comptroller General of the United States, transmitting a report on the opportunity for savings of large sums in acquiring computer systems under Federal grant programs; to the Committee on Government Operations.

1471. A letter from the Comptroller General of the United States, transmitting a report on the need for improved reporting and cost estimating on major unmanned satellite projects of the National Aeronautics and Space Administration; jointly, to the Committee on Government Operations, and Science and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HÉBERT: Committee on Armed Services. House Concurrent Resolution 198. Concurrent resolution expressing the opposition of the Congress to any change in the present method of providing financial support for military commissaries through appropriations to meet their payroll costs (Rept. No. 94-405). Referred to the Committee of the Whole House on the State of the Union.

Mr. STRATTON: Committee on Armed Services. H.R. 7642. A bill to amend chapter 5, title 37, United States Code, to extend the special pay provisions for veterinarians and optometrists; with amendment (Rept. No. 94-409). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of Alabama: Committee on Public Works and Transportation. H.R. 8564. A bill to amend the Federal Aviation Act of 1958 relating to war risk insurance; with amendment (Rept. No. 94-410). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on Federal preparedness to deal with the natural gas shortage emergency this coming winter (Rept. No. 94-412). Referred to the Committee of the Whole House on the State of the Union.

Mr. MADDEN: Committee on Rules. House Resolution 640. Resolution providing for agreeing to the Senate amendments to H.R. 6219. An act to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, to make permanent the ban against prerequisites to voting, and for other purposes (Rept. No. 94-411). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. EILBERG: Committee on the Judiciary. H.R. 1391. A bill for the relief of Boulos Stephan (Rept. No. 94-393). Referred to the Committee of the Whole House.

Mr. FISH: Committee on the Judiciary. H.R. 1427. A bill for the relief of Marta Lidia Corletto Padro (Rept. No. 94-394). Referred to the Committee of the Whole House.

Mr. RUSSO: Committee on the Judiciary. H.R. 1507. A bill for the relief of Marisa Marzano (Rept. No. 94-395). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 1645. A bill for the relief of Kevin Patrick Saunders (Rept. No. 94-396). Referred to the Committee of the Whole House.

Mr. SARBANES: Committee on the Judiciary. H.R. 1647. A bill for the relief of Gabriel Edgar Buchowiecki (Rept. No. 94-397). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 2399. A bill for the relief of Leonard Alfred Brownrigg, with amendment (Rept. 94-398). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 2502. A bill for the relief of Peter Olav Mesikepp (Rept. No. 94-399). Referred to the Committee of the Whole House.

Mr. SARBANES: Committee on the Judiciary. H.R. 2776. A bill for the relief of Candido Badua. (Rept. No. 94-400). Referred to the Committee of the Whole House.

Mr. RUSSO: Committee on the Judiciary. H.R. 3372. A bill for the relief of Tze Tsun Li (Rept. No. 94-401). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 4939. A bill for the relief of Manuel Bonotan (Rept. No. 94-402). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 7494. A bill for the relief of Luigi Santaniello (Rept. No. 94-403). Referred to the Committee of the Whole House.

Mr. FISH: Committee on the Judiciary. H.R. 2118. A bill for the relief of Cheryl Lynn V. Camacho; with amendment (Rept. No. 94-404). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 1425. A bill for the relief of Juliet Elizabeth Tozzi (Rept. No. 94-406). Referred to the Committee of the Whole House.

Mr. RUSSO: Committee on the Judiciary. H.R. 4046. A bill for the relief of Valerie Ann Phillips, nee Chambers (Rept. No. 94-407). Referred to the Committee of the Whole House.

Mr. FISH: Committee on the Judiciary. H.R. 4113. A bill for the relief of Mitsue Karimata Stone (Rept. No. 94-408). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CORMAN (for himself, Mr. Rangel, Mr. Karth, and Mr. Stark):

H.R. 8911. A bill to amend title XVI of the Social Security Act to make needed improvements in the program of supplemental security income benefits; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. Corman, Mr. Karth, and Mr. Stark):

H.R. 8912. A bill to amend title XVI of the Social Security Act to provide for the payment of supplementary housing allowances to recipients of supplemental security income benefits; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts:

H.R. 8913. A bill to amend title 38 of the United States Code to increase the monthly pension of Congressional Medal of Honor holders to $400, and to provide a similar pension to widows of individuals who were awarded such medal posthumously; to the Committee on Veterans' Affairs.

By Mr. CARNEY:

H.R. 8914. A bill to amend the Buy American Act to provide that the price of domestic goods shall not be deemed unreasonable unless it exceeds the price of foreign goods by more than 50 percent; to the Committee Government Operations.

By Mr. CHAPPELL:

H.R. 8915. A bill to amend the Export-Import Bank Act of 1945 to authorize the President to suspend credit for exports to certain countries; to the Committee on Banking, Currency and Housing.

H.R. 8916. A bill to amend the Freedom of Information Act to exempt naval nuclear propulsion information from disclosure in the absence of a finding that such disclosure will not be inimical to the interests of the United States; to the Committee on Government Operations.

By Mr. COUGHLIN:

H.R. 8917. A bill to prescribe certain rules for Federal, State, and local agencies regulating electric rates; to the Committee on Interstate and Foreign Commerce.

By Mr. FLOOD:

H.R. 8918. A bill to restore to Federal civilian and Postal Service employees their rights to participate voluntarily, as private citizens in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FORD of Tennessee (for himself, Mr Ambro, and Mr. Rooney):

H.R. 8919. A bill to amend the Fair Packaging and Labeling Act to require that packaged consumer commodities be labeled to show their selling price; to the Committee on Interstate and Foreign Commerce.

By Mr. GUDE (for himself, Mr. Ottinger, Mr. Stark, Mr. Harrington, Mrs. Mink, Mr. Lent, Mr. Badillo, Mr. Horton, Mr. Bingham, Mr. Solarz, Mr. Charles Wilson of Texas, and Mr. Seiberling):

H.R. 8920. A bill to amend the Small Business Act to establish within the Small Business Administration a new direct low-interest loan program to assist homeowners and builders in purchasing and installing solar heating (or combined solar heating and cooling) equipment; jointly to the Committees on Small Business, and Banking, Currency and Housing.

By Mr. HARSHA:

H.R. 8921. A bill to establish an urban ground mass transportation trust fund, to impose new Federal excise taxes to provide revenues for such fund, and for other purposes; jointly to the Committees on Public Works and Transportation, and Ways and Means.

By Mr. HEINZ:

H.R. 8922. A bill to amend title XX of the Social Security Act to provide that no State shall be required to administer individual means tests for provision of education, nutrition, transportation, recreation, socialization, or associated services provided thereunder to groups of low income individuals aged 60 or older; to the Committee on Ways and Means.

By Mr. ICHORD (for himself, Mr. Crane, and Mr. Won Pat):

H.R. 8923. A bill to repeal the Real Estate Settlement Procedures Act of 1974; to the Committee on Banking, Currency and Housing.

By Mrs. MEYNER:

H.R. 8924. A bill to amend XVIII of the Social Security Act to provide for the coverage of certain psychologists' services under the supplementary medical insurance benefits program established by part B of such title; to the Committee on Ways and Means.

By Mr. MONTGOMERY:

H.R. 8925. A bill to amend the Internal Revenue Code of 1954 to exempt certain agricultural aircraft from the aircraft use tax, to provide for the refund of the gasoline tax to the agricultural aircraft operator with the consent of the farmer, and other purposes; to the Committee on Ways and Means.

By Mr. OTTINGER (for himself, Mr. Gude, Mr. Stark, Mr. Drinan, Ms. Mink, Mr. Lent, Mr. Badillo, Mr. Horton, Mr. Bingham, Mr. Solarz, Mr. Charles Wilson of Texas, Mr. Seiberling, and Mr. Pickle):

H.R. 8926. A bill to require that buildings financed with Federal funds utilize the best practicable measures for the conservation of energy and the use of solar energy systems; the the Committee on Public Works and Transportation.

By Mr. PATTERSON of California (for himself and Mr. McFall):

H.R. 8927. A bill to provide that the U.S. Postal Service may not require the installation of mailboxes at the curb line of residential property in certain localities; to the Committee on Post Office and Civil Service.

By Mr. PEYSER:

H.R. 8928. A bill to require prior approval by the Secretary of Agriculture on the export of certain grains; to the Committee on International Relations.

By Mrs. SCHROEDER:

H.R. 8929. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty; to the Committee on the Judiciary.

By Mr. STUDDS:

H.R. 8930. A bill to make permanent the Cape Cod National Seashore Advisory Commission; to the Committee on Interior and Insular Affairs.

H.R. 8931. A bill to amend title 39, United States Code, to increase to 60 days the period before an election during which a Member of, or Member-elect to, the Congress may not make a mass mailing as franked mail if such Member or Member-elect is a candidate in such election; to the Committee on Post Office and Civil Service.

By Mr. UDALL (for himself and Mr. Steelman):

H.R. 8932. A bill to encourage conservation of natural resources, to authorize grants to the States for land use programs, to coordinate Federal actions concerning land use, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WEAVER (for himself, Mr. AuCoin, Mr. Beard of Rhode Island, Mr. Bevill, Mr. Ford of Michigan, Mr. Hawkins, Mr. Johnson of California, Mr. Ottinger, Mr. Patterson of California, Mr. Pattison of New York, Mr. Reuss, Mr. Ryan, Mr. Santini, Mrs. Spellman, Mr. James V. Stanton, Mr. Tsongas, Mr. Charles Wilson of Texas, Mr. Wirth, and Mr. Yates):

H.R. 8933. A bill to amend the Commodity Credit Corporation Charter Act to provide the highest possible prices in foreign markets for American agricultural producers and to provide price and supply stability in domestic markets; to the Committee on Agriculture.

By Mr. WEAVER (for himself, Mr. Blanchard, Mr. Brodhead, Mr. Carney, Mrs. Chisholm, Mr. Conte, Mr. D'Amours, Mr. Dent, Mr. Derrick, Mr. Dodd, Mr. Downey of New York, Mr. Florio, Mr. Ginn, Mr. Gaydos, Mr. Hays of Ohio, Mr. Howe, Mr. Leggett, Mr. Mikva, Mr. Miller of California, Mr. Moss, Mr. Neal, Mr. Stokes, and Mr. Waxman):

H.R. 8934. A bill to amend the Commodity Credit Corporation Charter Act to provide the highest possible prices in foreign markets for American agricultural producers and to provide price and supply stability in domestic markets; to the Committee on Agriculture.

By Mr. WHITTEN:

H.R. 8935. A bill to amend section 218 of the Social Security Act to require that States having agreements entered into thereunder will continue to make social security payments and reports on a calendar-quarter basis; to the Committee on Ways and Means.

By CHARLES WILSON of Texas (for himself and Mr. Won Pat):

H.R. 8936. A bill to amend the Consolidated Farm and Rural Development Act and title V of the Housing Act of 1949 for the purposes of permitting towns of 25,000 or fewer inhabitants to be considered rural areas for purposes of such acts, and for the purpose of making Guam eligible for assistance under the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. YOUNG of Florida (by request):

H.R. 8937. A bill to amend title 10 of the United States Code in order to remove the limitation on the number of Junior Reserve Officers' Training Corps units which may be established and other limitations regarding such units; to the Committee on Armed Services.

By Mr. YOUNG of Florida:

H.R. 8938. A bill to incorporate the National Ski Patrol System, Incorporated; to the Committee on the Judiciary.

By Mr. BURLESON of Texas (for himself, Mr. Duncan of Tennessee, and Mr. Crane):

H.R. 8939. A bill to amend the Internal Revenue Code of 1954 to provide that expired unused investment credits shall be treated as refundable overpayments of tax; to the Committee on Ways and Means.

By Mr. DELANEY:

H.R. 8940. A bill to amend the Internal Revenue Code of 1954 to increase for taxable years beginning after December 31, 1975, the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for dependents, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. DUNCAN of Tennessee:

H.R. 8941. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption for a taxpayer supporting a dependent who is mentally retarded; to the Committee on Ways and Means.

By Mr. FINDLEY:

H.R. 8942. A bill to promote improved relations between the United States, Greece, and Turkey, to assist in the solution of the refugee problem on Cyprus, and to otherwise strengthen the North Atlantic Alliance; to the Committee on International Relations.

By Mr. HARRINGTON (for himself, Mr. Bedell, Mr. John L. Burton, Mr. Conyers, Mr. Dellums, Mr. Dodd, Mr. Edwards of California, Mr. Eilberg, Mr. Ford of Tennessee, Mr. Harris, Mr. Hawkins, Mr. Hechler of West Virginia, Ms. Keys, Mr. Mikva, Mr. Moakley, Mr. Pattison of New York, Mr. Rosenthal, Mr. Waxman, and Mr. Zeferetti):

H.R. 8943. A bill to prohibit the control of alternative energy sources by integrated oil companies; to the Committee on the Judiciary.

By Mr. JONES of Alabama (for himself, and Mr. Harsha) (by request):

H.R. 8944. A bill to amend the Highway Safety Act of 1966 to authorize appropriations, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. KOCH:

H.R. 8945. A bill to amend the Internal Revenue Code of 1954 to disallow the business expense tax deduction for first class air and rail travel in excess of the coach fare for such travel and for other expenses; to the Committee on Ways and Means.

By Mr. MURPHY of Illinois:

H.R. 8946. A bill to amend title XVI of the Social Security Act to make it clear that the reduction presently made in an individual's supplemental security income benefits on account of State payments for inpatient care which such individual is receiving, shall not apply where the institution involved is a sheltered care facility whose residents are ambulatory and do not require nursing care or medical supervision provided by such institution; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. Cleveland, Mr. Dent, Mr. Gaydos, Mr. Hawkins, Mr. Madden, Mr. Perkins, Mr. Rodino, Mr. Roe, Mr. Roybal, and Mr. Russo):

H.R. 8947. A bill to increase the production, transportation, conversion, and utilization of coal as a source of energy; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mrs. Collins of Illinois, Mr. Drinan, Mr. Levitas, Mr. Evans of Indiana, Mr. Moffett, Mr. Maguire, and Mr. Mezvinsky):

H.R. 8948. A bill to amend the Accounting and Auditing Act of 1960 to provide for the audit of the Internal Revenue Service by the Comptroller General; to the Committee on Government Operations.

By Mr. ROYBAL (for himself, Mr. Anderson of California, Mr. Bingham, Mr. Brown of California, Mr. John L. Burton, Mr. Phillip Burton, Mr. Chappell, Mr. Don H. Clausen, Mr. Del Clawson, Mr. Conte, Mr. Danielson, Mr. Drinan, Mr. Harrington, Mr. Johnson of California, Mr. Leggett, Mr. McFall, Mr. Matsunaga, Mr. Mineta, Mr. Moorhead of California, Mr. Rees, Mr. Sisk, Mr. Stark, Mr. Waxman, Mr. Burgener, and Mr. Van Deerlin):

H.R. 8949. A bill to amend the Indochina Migration and Refugee Assistance Act of 1975 to provide Federal financial assistance to States in order to assist local educational agencies to provide public education to Vietnamese and Cambodian refugee children, and for other purposes; to the Committee on Education and Labor.

By Mr. ROYBAL (for himself, Mr. Ryan, Mr. Hannaford, Mr. Lloyd of California, and Mr. Moss):

H.R. 8950. A bill to amend the Indochina Migration and Refugee Assistance Act of 1975 to provide Federal financial assistance to States in order to assist local educational agencies to provide public eduaction to Vietnamese and Cambodian regufee children, and for other purposes; to the Committee on Education and Labor.

By Mr. SCHEUER:

H.R. 8951. A bill to provide for the humane care, treatment, habilitation and protection of the mentally retarded in residential facilities through the establishment of strict quality operaion and control standards and the support of the implementaiton of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate, admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ZEFERETTI:

H.R. 8952. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish certain limitations respecting the authority of the Secretary of Health, Education, and Welfare to regulate vitamins and mineral under that act, and for other purposes; to the Committee on International and Foreign Commerce.

By Mr. CRANE (for himself, Mr. Ashbrook, Mr. Bauman, Mrs. Heckler of Massachusetts, Mr. Burgener, Mr. Ketchum, Mr. Archer, Mr. Symms, Mr. Collins of Texas, Mr. Rousselot, Mr. Conlan, Mr. Hansen, Mr. Talcott, Mr. Don H. Clausen, Mr. Treen, Mr. Kemp, Mr. Del Clawson, Mr. Lagomarsino, Mr. Moorhead of California, Mr. Myers of Indiana, Mr. Moore, and Mr. Bafalis):

H.J. Res. 589. Resolution to proclaim the right of the Portuguese people to determine their form of government through free elections; to the Committee on International Relations.

By Mr. TRAXLER (for himself, Mr. O'Hara, Mr. Yatron, Mr. Ford of Michigan, Mr. Melcher, Mr. Beard of Rhode Island, Mr. Brown of California, Mr. Mottl, Mr. Ichord, Mr. Long of Maryland, Mr. Mazzoli, Mr. Broyhill, Mr. Oberstar, Mr. Carney, Mr. Bevill, Mr. Cederberg, Mr. Andrews of North Dakota, Mr. Koch, Mr. McDade, Mr. Harsha, Mrs. Spellman, Mr. Evans of Indiana, Mr. Ottinger, Ms. Keys, and Mr. Mosher):

H.J. Res. 590. Resolution to require the Attorney General of the United States to conduct an investigation to determine whether antitrust violations are occurring in the manufacture or marketing of replacement home canning lids, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGHAM (for himself, Mr. Studds, Mr. Anderson of California, Mr. Simon, Mr. McDade, Mr. James V. Stanton, Mr. D'Amours, Mr. Neal, Mr. Fauntroy, Mr. Patten, and Mr. Hughes):

H. Con. Res. 359. Concurrent resolution disapproving the proposed sales to Jordan of the Hawk missile and Vulcan antiaircraft systems; to the Committee on International Relations.

By Mr. MATHIS (for himself, Mr. Bowen, Mrs. Collins of Illinois, Mr. Dent, Mr. Hays of Ohio, Mr. Zablocki, Mr. Lagomarsino, Mr. Lott, Mr. Ashbrook, Mr. Cochran, Mr. Goodling, Mr. Rinaldo, and Mr. Mitchell of New York):

H. Con. Res. 360. Concurrent resolution with respect to the freedom of the Republic of China and its people; to the Committee on International Relations.

By Mrs. MEYNER:

H. Con. Res. 361. Concurrent resolution expressing the sense of Congress concerning the recognition by the European Security Conference of the Soviet Union's occupation of Estonia, Latvia, and Lithuania; to the Committee on International Relations.

By Mr. MINISH:

H. Con. Res. 362. Concurrent resolution disapproving the proposed sales to Jordan of the Hawk missile and Vulcan antiaircraft systems; to the Committee on International Relations.

By Mr. RYAN:

H. Con. Res. 363. Concurrent resolution expressing the sense of Congress that the United States should withdraw from the International Labor Organization unless such organization corrects its actions of a primarily political character; to the Committee on International Relations.

By Mr. DINGELL (for himself, Mr. Eckhardt, Mr. Ottinger, Mr. Sharp, Mr. Brodhead, Mr. Maguire, and Mr. Moffett):

H. Res. 638. Resolution disapproving the proposed amendment by the President to remove existing price controls relating to crude oil; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CORMAN:

H.R. 8953. A bill for the relief of Adolfo Lopez Sanabria; to the Committee on the Judiciary.

By Mr. HARRINGTON:

H.R. 8954. A bill for the relief of Han Sheng Yen; to the Committee on the Judiciary.

By Mr. TEAGUE:

H. Res. 639. Resolution for the relief of C. L. Adkins & Son Construction Co.; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

242. The SPEAKER presented a memorial of the Legislature of the State of Nevada, relative to establishing a veterans' hospital in southern Nevada; to the Committee on Veterans' Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

176. By the SPEAKER: Petition of the City Council, Schenectady, N.Y., relative to Federal revenue sharing; to the Committee on Government Operations.

177. Also, petition of John F. McManus, Belmont, Mass., and others, relative to the United States withdrawing from the United Nations; to the Committee on International Relations.

178. Also, petition of the Fourth Yap District Legislature, Trust Territory of the Pacific Islands, relative to including the trust territory in Federal highway trust funds activities; to the Committee on Public Works and Transportation.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 7014

By Mr. DODD:

Page 230, after line 12, insert the following:

(f)(1) The Secretary shall, by rule, prohibit the granting of any right to develop crude oil, natural gas, coal, or oil shale on Federal lands to any person if more than one major oil company, more than one affiliate of a major oil company, or a major oil company and any affiliate of a major oil company, has or have a significant ownership interest in such person. The rules required to be promulgated pursuant to this paragraph shall apply to the granting of any such right which occurs after the 60-day period which begins on the date of enactment of this Act.

(2) For purposes of this subsection—

(A) The term "major oil company" means any person who, together with any affiliate of such person, produces 1.6 million barrels of crude oil, natural gas liquids, and natural gas equivalents per day.

(B) The term "affiliate of a major oil company" means any person (i) which, directly or indirectly, controls, is controlled by, or under common control with, any major oil company; (ii) which has a significant ownership interest in any major oil company; or (iii) in which any major oil company has a significant ownership interest.

(C) The term "significant ownership interest" means—

(i) with respect to any corporation, 10 percent or more in value of the outstanding stock or the capital assets of such corporation,

(ii) with respect to a partnership, 10 percent or more interest in the profits or capital of such partnership,

(iii) with respect to an estate or trust, 10 percent or more of the beneficial interests in such estate or trust, and

(iv) with respect to any other unincorporated association, 10 percent or more of the beneficial interests or assets of such unincorporated association.

(D) One barrel of natural gas equivalent equals 5,626 cubic feet of natural gas measured at 14.73 pounds per square inch and 60 degrees Farenheit.

Page 230, line 13, strike out "(f)" and insert in lieu thereof "(g)".

H.R. 8731

By Mr. LEVITAS:

Page 2, strike out line 21 and everything that follows down through page 3, line 20, and redesignate sections 4 through 7 as sections 3 through 6, respectively.

SENATE—*Friday, July 25, 1975*

(Legislative day of Monday, July 21, 1975)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by Hon. J. BENNETT JOHNSTON, JR., a Senator from the State of Louisiana.

PRAYER

Dr. C. Ralston Smith of Washington, special assistant to the Reverend Billy Graham, offered the following prayer:

Almighty God, our gracious Heavenly Father, we convene in Thy presence with an awareness of our indebtedness to Thee. We recognize our dependence upon Thy sustenance breath by breath, and we acknowledge that all subsequent thoughts and deeds are consequent blessings which accrue by Thy grace.

We recall with appreciation Thy word, "Behold the fear of the Lord, that is wisdom; and to depart from evil is understanding." May we possess that reverent awe which is becoming to all persons who stand under Thy authority. May we be endowed with that true understanding which is unalloyed with evil. Grant to this body of legislators a clear vision of that course of action which will result in the greatest good for the greatest number of our fellows; and gird each Member with that moral courage to strive for the difficult right rather than to yield to the expedient wrong.

Bless also those onlookers who come to see and confer with their elected officials. May they gain a true sense of the burdens which belabor their Senators along with the honors which they bestow upon them.

In the name of Jesus Christ we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 25, 1975.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. J. BENNETT JOHNSTON, Jr., a Senator from the State of Louisiana, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. JOHNSTON thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. GARY W. HART. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, July 24, 1975, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TITLE AMENDMENT—H.R. 6219

Mr. GARY W. HART. Mr. President, I ask unanimous consent that the title of H.R. 6219, passed by the Senate last evening, be amended to read as follows:

> To amend the Voting Rights Act of 1965 to extend certain provisions for an additional seven years, to make permanent the ban against certain prerequisites to voting, and for other purposes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. GARY W. HART. I ask unanimous consent that all committees be authorized to meet during the session of the Senate today except during the consideration of the Durkin-Wyman issue.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. GARY W. HART. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following measures on the calendar: Nos. 282, 289, 290, 291, 292, 293, 294, and 316.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ARTS AND ARTIFACTS INDEMNITY ACT

The Senate proceeded to consider the bill (S. 1800) to amend and extend the National Foundation on the Arts and Humanities Act of 1965, to provide for the improvement of museum services, and to provide indemnities for exhibitions of artistic and humanistic endeavors, and for other purposes, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert the following:

That this Act may be cited as the "Arts and Artifacts Indemnity Act".

FEDERAL COUNCIL

SEC. 101. (a) The Federal Council on the Arts and Humanities (hereafter in this Act referred to as the "Council"), established under section 9 of the National Foundation on the Arts and the Humanities Act of 1965, is authorized to make agreements to indemnify against loss or damage such items as may be eligible therefor under this Act (as described in section 102)—

(1) in accordance with the provisions of this Act; and

(2) on such terms and conditions as the Council shall prescribe, by regulation, in order to achieve the purpose of this Act and, consistent with such purpose, to protect the financial interest of the United States.

(b) For the purposes of this Act, the Council shall be an "agency" within the meaning of the appropriate definitions of such term in title 5, United States Code.

ELIGIBLE ITEMS

SEC. 102. (a) The Council may make an indemnity agreement under this Act with respect to—

(1) works of art, including tapestries, paintings, sculpture, folk art, graphics, and craft arts;

(2) manuscripts, rare documents, books, and other printed or published materials;

(3) other artifacts or objects; and

(4) photographs, motion pictures, or radio and video tape;

(A) which are of educational, cultural, historical, or scientific value and (B) the exhibition of which is certified by the Secretary of State or his designee as being in the national interest.

(b) An indemnity agreement made under this Act shall cover eligible items while on exhibition in the United States. For the purposes of this subsection, the term "on exhibition" includes that period of time which begins at the point when the eligible items leave the premises of the lender or place designated by the lender and ends when such items are returned to the premises of the lender or place designated by the lender.

APPLICATION

SEC. 103. (a) Any person, nonprofit agency, institution, or government desiring to make an indemnity agreement for eligible items under this Act shall make application therefor in accordance with such procedures, in such form, and in such manner as the Council shall, by regulation, prescribe.

(b) An application under subsection (a) shall—

(1) describe each item to be covered by the

agreement (including an estimated value thereof);

(2) show evidence that the items are eligible under subsection 102(a); and

(3) set forth policies, procedures, techniques, and methods with respect to preparation for, and conduct of, exhibition of the items, and any transportation related thereto.

(c) Upon receipt of an application under this section, the Council shall, if such application conforms with the requirements of this Act, approve the application and make an indemnity agreement with the applicant; and when so approved, the agreement shall constitute a contract between the Council and the applicant pledging the full faith and credit of the United States to pay any amount for which the Council becomes liable under such agreement; and for such purpose the Council is hereby authorized to pledge the full faith and credit of the United States.

INDEMNITY AGREEMENT

SEC. 104. (a) Upon receipt of an application meeting the requirements of subsections (a) and (b) of section 103, the Council shall review the estimated value of the items for which coverage by an indemnity agreement is sought. If the Council agrees with such estimated value, for the purposes of this Act, the Council shall, after approval of the application as provided in subsection (c) of section 103, make an indemnity agreement.

(b) The aggregate of loss or damage covered by indemnity agreements issued under this Act shall not exceed $250,000,000 at any one time.

(c) No indemnity agreement for a single exhibition shall cover loss or damage in excess of $25,000,000.

(d) Coverage under this Act shall only extend to loss or damage in excess of the first $25,000 of loss or damage out of a single exhibition.

REGULATIONS

SEC. 105. (a) The Council shall issue regulations providing for prompt adjustment of valid claims for losses which are covered by an agreement made pursuant to section 104, including provision for arbitration of questions of the dollar value of damages involving less than total loss or destruction of such covered objects.

(b) In the case of a claim of loss with respect to an item which is covered by an agreement made pursuant to section 104, the Council shall certify the validity of the claim and the amount of the loss to the Speaker of the House of Representatives and the President of the Senate.

AUTHORIZATION OF APPROPRIATIONS

SEC. 106. There are hereby authorized to be appropriated such sums as may be necessary (a) to enable the Council to carry out its functions under this Act, and (b) to pay claims certified pursuant to subsection 105 (b).

REPORT

SEC. 107. The Council shall report annually to the Congress (a) all claims actually paid pursuant to this Act during the preceding fiscal year, (b) pending claims against the Council under this Act as of the close of that fiscal year, and (c) the aggregate face value of agreements entered into by the Council which are outstanding at the close of that fiscal year.

EFFECTIVE DATE

SEC. 108. This Act shall become effective 30 days after enactment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

JANICE ELAINE GROVES AND ANNA GROVES

The bill (S. 253) for the relief of Janice Elaine Groves and her daughter Anna Groves, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Janice Elaine Groves and her daughter, Anna Groves, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the required numbers, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under paragraph (1) through (8) of section 203(a) of the Immigration and Nationality Act.

SMITHSONIAN MUSEUM SUPPORT FACILITIES

The bill (S. 907) to authorize the Smithsonian Institution to plan museum support facilities was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, The regents of the Smithsonian Institution are authorized to prepare plans for museum support facilities for the care, curation, conservation, deposit, preparation, and study of the national collections of scientific, historic, and artistic objects, specimens, and artifacts; for the related documentation of such collections of the Smithsonian Institution; and for the training of museum conservators.

SEC. 2. The museum support facilities referred to in section 1 shall be located on federally owned land within the metropolitan area of Washington, District of Columbia. Any Federal agency is authorized to transfer land under its jurisdiction to the Smithsonian Institution for such purposes without reimbursement.

SEC. 3. There are hereby authorized to be appropriated to the Smithsonian Institution such sums as may be necessary to accomplish the purposes of this Act.

NATIONAL PORTRAIT GALLERY ACT AMENDMENT

The bill (S. 1657) to amend the National Portrait Gallery Act to redefine "portraiture," was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(e) of the National Portrait Gallery Act (Public Law 87-443) is amended as follows: "The term 'portraiture' includes portraits and reproductions thereof made by any means or process, whether invented or developed heretofore or hereafter.".

TEMPORARY SUSPENSION OF SENATE RULE IV

The resolution (S. Res. 217) temporarily suspending rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol to permit a photograph of the Senate in session, was considered and agreed to, as follows:

Resolved, That rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate chamber) be temporarily suspended for the sole and specific purpose of permitting the United States Capitol Historical Society to photograph the United States Senate in actual session.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefor, which arrangements shall provide for a minimum of disruption to Senate proceedings.

SMITHSONIAN INSTITUTION SITE RESERVATION

The bill (H.R. 5327) to reserve a site for the use of the Smithsonian Institution, was considered, ordered to a third reading, read the third time, and passed.

AUTHORIZATION TO PRINT HEARINGS ON NOMINATION OF VICE PRESIDENT ROCKEFELLER

The resolution (H. Con. Res. 143) to authorize the printing of the hearing on nomination of **NELSON A. ROCKEFELLER** to be Vice President of the United States, was considered and agreed to.

GIFTS FOR THE BENEFIT OF THE NATIONAL ARBORETUM

The Senate proceeded to consider the bill (S. 1649) to amend the act of March 4, 1927, to authorize the Secretary of Agriculture to accept and administer on behalf of the United States gifts or devises of real and personal property for the benefit of the National Arboretum, which had been reported from the Committee on Agriculture and Forestry with an amendment on page 2, in line 3, strike out "unconditionally", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of March 4, 1927, is amended to add the following:

"SEC. 5. Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to accept, receive, hold, utilize, and administer on behalf of the United States gifts, bequests, or devises of real and personal property made for the benefit of the National Arboretum or for the carrying out of any of its functions. For the purposes of the Federal income, estate, and gift tax laws, property accepted under the authority of this section shall be considered as a gift, bequest, or devise to the United States. Any gift of money accepted pursuant to the authority granted in this section, or the net proceeds from the liquidation of any property so accepted, or the proceeds of any insurance on any gift property not used for its restoration shall be deposited in the Treasury of the United States for credit to a separate fund and shall be disbursed upon order of the Secretary of Agriculture.".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 5 minutes each.

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. GARY W. HART. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9 a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. Johnston) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:25 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 555) to amend the Consolidated Farm and Rural Development Act.

The message also announced that the bill (S. 846) to authorize the further suspension of prohibitions against military assistance to Turkey, and for other purposes, failed to pass in the House of Representatives.

The message further announced that the House agrees, without amendment, to the concurrent resolution (S. Con. Res. 55) to correct an error in the enrollment of S. 555.

The message also announced that the House has passed the bill (H.R. 8714) to amend the Railroad Unemployment Insurance Act to increase unemployment and sickness benefits, and for other purposes, in which it requests the concurrence of the Senate.

At 1:15 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 7728) to suspend until the close of October 31, 1975, the duty on catalysts of platinum and carbon used in producing caprolactam.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 7731) to suspend the duty on open-top hopper cars exported for repairs or alterations on or before June 30, 1975.

ENROLLED BILLS SIGNED

At 4:30 p.m., a message from the House of Representatives delivered by Mr. Berry announced that the Speaker has signed the following enrolled bills:

S. 555. An act to amend the Consolidated Farm and Rural Development Act.

H.R. 5447. An act to amend the Act of August 16, 1971, as amended, which established the National Advisory Committee on Oceans and Atmosphere, to increase and extend the apppropriation authorization thereunder, and for other purposes.

H.R. 7767. An act to amend title 38, United States Code, to increase the rate of disability compensation for disabled veterans and to increase the rates of dependency and indemnity compensation, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. Metcalf).

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Johnston) laid before the Senate the following letters, which were referred as indicated:

Proposed Amendment to Appropriations Request for the Department of the Interior—(S. Doc. No. 94–90)

A communication from the President of the United States transmitting a proposed amendment to the request for appropriations for fiscal year 1976 providing for an increase in the amount of $3,000,000 for the Department of the Interior (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

Proposed Amendment to Appropriations Request for the Civil Aeronautics Board—(S. Doc. No. 94–89)

A communication from the President of the United States transmitting a proposed amendment to the request for appropriations for the fiscal year 1976 in the amount of $300,000 for the Civil Aeronautics Board (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

Proposed Amendment to Appropriations Request for the Department of Health, Education, and Welfare—(S. Doc. No. 94–91)

A communication from the President of the United States transmitting a proposed amendment to the request for appropriations for fiscal year 1976 in the amount of $2,955,000 for the Department of Health, Education, and Welfare (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McGEE, from the Committee on Post Office and Civil Service, with amendments:

H.R. 2559. An act to amend title 39, United States Code, to apply to the United States Postal Service certain provisions of law providing for Federal agency safety programs and responsibilities, and for other purposes (Rept. No. 94–333).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, July 25, 1975, he presented to the President of the United States the enrolled bill (S. 555) to amend the Consolidated Farm and Rural Development Act.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ABOUREZK:

S. 2180. A bill to amend title I of the Housing and Community Development Act of 1974 to revise the allocation formula for assistance under such title, and to provide increased authorizations to carry out programs under such title. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. FONG:

S. 2181. A bill for the relief of Sun Ye Nakamura, AKA Sun Ye Chong. Referred to the Committee on the Judiciary.

By Mr. BEALL (for himself and Mr. Mathias):

S. 2182. A bill to amend the Chesapeake and Ohio Canal Development Act so as to expand the boundaries of the Chesapeake and Ohio Canal National Historical Park to include certain lands within the areas from North Branch to Cumberland, Maryland. Referred to the Committee on Interior and Insular Affairs.

By Mr. MAGNUSON (for himself and Mr. Pearson) (by request):

S. 2183. A bill to amend the Natural Gas Pipeline Safety Act of 1968 as amended, to authorize additional appropriations, and for other purposes. Referred to the Committee on Commerce.

By Mr. BUCKLEY:

S.J. Res. 114. A joint resolution—the Portuguese Free Elections Resolution. Referred to the Committee on Foreign Relations.

By Mr. DOMENICI (for himself and Mr. Humphrey):

S.J. Res. 115. A joint resolution relating to the publication of economic and social statistics for Americans of Spanish origin or descent. Referred to the Committee on Post Office and Civil Service.

By Mr. HUMPHREY (for himself and Mr. Hugh Scott):

S.J. Res. 116. A joint resolution to direct the American Revolution Bicentennial Administration to encourage local communities to participate in special celebrations during the evening of July 4, 1976. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ABOUREZK:

S. 2180. A bill to amend title I of the Housing and Community Development formula for assistance under such title, and to provide increased authorizations to carry out programs under such title. Referred to the Committee on Banking, Housing and Urban Affairs.

COMMUNITY DEVELOPMENT BLOCKGRANT FORMULAS SHOULD BE IMPROVED

Mr. ABOUREZK. Mr. President, in the interest of greater equity for rural America, I am today introducing legislation to modify the allocation of funds under title I of the Community Development Act of 1974. The program is entering its second funding year and I believe that our initial experience under the first funding year demonstrates the need for these modifications. Before I go into the purposes of S. 2180, the South Dakota experience with the present program will clearly demonstrate the reason and need for the amendment of title I.

Last year's appropriation for community development block grants was just under $2.5 billion, with four-fifths of that going to metropolitan areas under the law. South Dakota, a largely nonmetropolitan state which ranks forty-fifth in population, was allocated about $6 million. This is about one-quarter of one percent of the total, or less than the State's share of total population—a point I will return to later.

Of the $6 million allocated to South Dakota, about two-thirds went to the State's four "hold harmless' communities: Sioux Falls, Mitchell, Rapid City, and Fort Pierre. Each of these has a dollar level of entitlement during the first three years of the program's operation—that level being based on their use of similar programs in prior years. After the first 3 years, this "hold harmless" entitlement phases out over the next 2 years. Sioux Falls, a metropolitan city of more than 70,000 population, will continue to have entitlement to a certain share of the block grant funds Congress approves, but that entitlement level is almost certain to be significantly less than the city is currently receiving.

The rest of the money allocated to South Dakota is classified as "discretionary" funding. The various local governments had to compete for the $2 million that was available. In the first year of operation, that competition was much more fierce than most expected. In the metropolitan county of Minnehaha, for example, nine local governments submitted requests totaling more than $360,000—or nearly seven times the money that HUD initially expected to have available for that county. It now appears that only about one-tenth of the demand can be funded out of the first-year money—and only because Congress appropriated additional funds to be earmarked specifically for the smaller communities in metropolitan counties that have no formula or "hold harmless" entitlement.

The situation was twice as bad in the nonmetropolitan parts of South Dakota. With less than $2 million available for nonmetro communities without "hold harmless" status in my State, HUD received requests for more than $26 million from 125 communities. In short, demand was about 13 times as much as the money available. At this point, HUD expects to approve the applications of only 16 of the 125 communities—most of those for substantially less money than was initially applied for.

In determining which requests to favor, HUD relied on guidelines which emphasized poverty and crowded housing. This is all well and good, except that the bureaucrats applied the guidelines in such a way as to discriminate against medium-sized cities. By considering only the percentages of poverty and crowded housing, and not looking at the total populations involved as well, HUD's ranking system unduly favored the very small towns. Of nine South Dakota towns which will evidently be funded, only one has a population of more than 1,000 people. Among those towns which HUD has turned down this year, there are at least three, each of which has more poor people in it than all nine of the approved towns put together. These results strike me as ludicrous and I have suggested that a system which produces them must have something wrong with it.

Basically, Mr. President, this part of the problem in administrative rather than legislative. I have written to HUD Secretary Hills suggesting that she and her agency revise those procedures and assure a more equitable and representative "mix" in the funding of nonmetropolitan cities. But there is another aspect which I think requires legislative action.

Of the less than $2 million available to nonmetropolitan communities in South Dakota, nearly 40 percent will go to four Indian communities. Indians, though a minority of the State's total population, are overwhelmingly poor and overwhelmingly living in bad housing. That is true not only in South Dakota, but on reservations in other parts of the United States. The 1970 Census figures show that 45 percent of Indians in all nonmetropolitan areas are in poverty circumstances, and that nearly 58 percent of those on the major reservations in South Dakota are designated as in that classification. Similarly, 42 percent of the Indian households in all nonmetropolitan areas of the country were shown as in overcrowded housing, and almost 57 percent of those on the major South Dakota reservations were in crowded housing.

In the face of those statistics, no one can deny that the Indian people need and deserve assistance. That is why Congress made them eligible recipients of community development block grant funds. But I find it unfair that in those relatively few States with large Indian populations, Indians and non-Indians are forced to compete for the same scarce funding. I believe that in community development funds, as in public housing funds, we should have a specific "set aside" for Indians.

That is why in the bill I introduce today I provide for an earmarking of 1 percent of all community development funds for Indian applicants. That will make it clear that assistance to Indians is a matter of national responsibility and not a matter of forcing States like South Dakota to bear an unequal share because of the location of major reservations in those States.

Mr. President, another way in which the present allocation of funds under the community development block grant program discriminates against South Dakota and other primarily nonmetropolitan States is in the initial division of the funds. Eighty percent go to metropolitan areas, and only 20 percent go to nonmetropolitan areas. Once this initial division has been made, the statute provides for a further allocation by means of a formula which measures population, poverty—given double weight—and crowded housing. It is highly significant, Mr. President, that application of this very same formula to that initial division of funds would nearly double the share which nonmetropolitan areas receive. Those areas account for more than 31 percent of the Nation's population, for almost 44 percent of its poverty population, and for 35 percent of the housing units found to be crowded in 1970. On that basis, the formula says that nonmetro areas should get more than 38 percent of the funds, instead of the 20 percent they now get.

I recognize, Mr. President, that the Rural Development Act offers some assistance for community development to the smaller cities. But the assistance available under that act is very limited compared with the block grant funds. Therefore, I am also proposing that the initial allocation of funds under the Community Development Act be more in accord with the population distribution—with 70 percent of the funds going to the Standard Metropolitan Statistical Areas, and 30 percent—including the 1 percent set aside for Indians—going to nonmetropolitan areas.

At the same time, so that metropolitan areas will be "held harmless" in dollar terms, my legislation would increase slightly the authorized level of funding for the community development block grant program.

As I have said on many occasions, I believe that much of our legislation reflects an unconscious bias against small towns and rural areas. Rural America no longer contains a majority of our people but it remains a vital part of our national economy and our national scene. If we give so much attention to the problems of our urbanized areas—real and important as those problems are—that we ignore the needs of our rural and small town areas, then we do a grave disservice to both parts of the country. "Balanced growth" is an official and recognized goal of national policy. It requires balanced legislative programs. The community development block grant program is clearly the central feature of our approach to "balanced growth" and this bill is needed to make balanced funding the central feature of that program.

Mr. President, I ask unanimous consent that my letter to Secretary Carla Hills of Housing and Urban Development recommending administrative reforms in the system of allocating discretionary funds and the reply from HUD be printed in the RECORD, together with the text of my bill to reform the legislative allocation of community development black grants.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2180

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 106(a) of the Housing and Community Development Act of 1974 is amended by striking out "80" and inserting in lieu thereof "70".

(b) Section 106(f) of such Act is amended by striking out "20" and inserting in lieu thereof "30".

(c) Section 106(f) of such Act is amended by adding at the end thereof the following:

"(3) Of the amount allocated under this subsection, 3⅓ per centum shall be available only for use by Indian tribes, bands, groups, and nations, including Alaska Indians, Aleuts, and Eskimos."

(d) Section 103(a)(1) of such Act is

amended by striking out "$8,400,000,000" each place it appears and inserting in lieu thereof "$8,825,000,000".

U.S. SENATE,
Washington, D.C., June 27, 1975.
Hon. CARLA HILLS,
Secretary, Department of Housing and Urban Development, Washington, D.C.

DEAR SECRETARY HILLS: With completion of the first funding year under the community development bloc grant program, I would like to raise some questions about its implementation in South Dakota.

As you know, applications for funding by communities not previously utilizing the categorical community development programs far outran the available discretionary money in our state (and I imagine elsewhere as well). The Denver Regional office received some 125 pre-applications from nonmetropolitan communities in South Dakota, but is recommending funding for only sixteen. In dollar terms, the applications were nearly fourteen times the funds available.

In this situation, it was appropriate for HUD to develop guidelines by which it could assign priority ratings to the competing applications, and determine which to fund and not to fund. Moreover, since the law itself utilizes a formula in allocating funds which gives great weight to poverty and to crowded housing, it seems logical for those factors to be included in the criteria.

However, the criteria utilized by HUD, at least as applied in Region VIII, appear to have been so near-mechanical and inflexible as to have results which, in my view, border on ludicrous. Evidently no weight was given by HUD to population—even though the formula used in the law does give some weight to that factor. By relying very heavily on *percentage* figures relating to poverty and crowded housing, the ranking system used by Region VIII appears to discriminate against cities in the medium size range and to unduly favor the very small towns. Let me cite some statistics.

As I understand it, one was at the county level and six were Indian groups. Of the other nine, only one was a city of more than 800 people and five were towns of less than 200 persons each. The admittedly high incidence of poverty and/or of crowded housing in these communities did not necessarily represent large numbers of families. In fact, the average total populations for the nine towns approved is about 620 people, of whom about 200 are in poverty and about 100 housing units are overcrowded.

If one takes nine of the larger cities whose applications were turned down under HUD's system, each of them has more poverty residents than all but one of the approved towns. Three of the disapproved applicants *each have more poverty population than the total for the nine approved communities!* Similarly, each of the unfunded applicants can count more crowded housing units than all but one of the approved applicants. The average poverty population in these turned-down communities was about 1,600—or *eight times* the average for the approved communities. The average number of crowded housing units in the nine disapproved applicants was over *six times* the average for the approved communities. I submit that a system which produces those results has something wrong with it.

The fact that this system seems to discriminate against communities in the 10,000 to 50,000 population range has an added effect. The smaller towns are, as you know, eligible to participate in the Rural Development Act programs, which include funding for water and sewer facilities. Medium-sized towns are excluded. More than half of the sixteen applications HUD has rated favorably concern water and/or sewer facilities. The towns in the 10,000 to 50,000 population range lose funding which they need and for which they have no alternative source. That money is being used to do a job which an adequately-funded Rural Development Act could do. Cities of 50,000 or more have their formula entitlement; cities of 10,000 and below have the Farmers Home Administration and the Rural Development Act; and HUD is now operating in such a way as to simply leave out those in between.

I would recommend very strongly that HUD reevaluate its rating system for nonmetropolitan discretionary money under community development. I would urge that some weight be given to the *absolute* magnitudes of poverty and of crowded housing, and not just to the percentage of incidence. I would also recommend that consideration be given to whether the activity for which bloc grant funding is being requested might not be provided for under some other programs. Finally, I would suggest that some effort be made to assure that a representative mix of communities is funded under Title I. (Neither all small or all larger.)

I would appreciate having your comments on both the problem, as I have outlined it, and the recommendations which I have advanced.

With best regards, I remain,
Sincerely,
JAMES ABOUREZK,
U.S. Senate.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,
Washington, D.C., July 15, 1975.
Hon. JAMES ABOUREZK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ABOUREZK: This is in further reply to your letter of June 27, 1975, concerning discretionary grants under the community development block grant program in the State of South Dakota.

Our Denver Regional Office is further advanced in its review and approval of nonmetropolitan area discretionary grants than most offices, so the evidence is not all in yet on a national basis. Nevertheless, early indications are that in some parts of the counry a high proportion of discretionary grants may be going to small communities whereas in other places there will be a broader distribution of types and sizes of grant recipients. While the South Dakota experience is likely not a typical example of the situation you describe, it may not be unique either.

We are now concluding the first year of the community development block grant program and are making plans for the second year. One of the principal areas of concern to us is the criteria that we establish for next year's discretionary grants. Our evaluation program is already underway and we will be looking closely at the results of the first year's funding actions.

Your recommendations are helpful to us and will certainly be considered when we develop our selection criteria for the second year. I agree with you that, if poverty and substandard housing are the criteria, then absolute amounts as well as percentages should be considered. I also agree that a representative mix of communities should be funded, including communities of various sizes and of various types, such as cities, counties, and Indian groups.

With regard to the relationship of block grant funding to other Federal funding, we have had, and we are continuing to have, discussion with other Federal agencies such as the Farmers Home Administration. There are important differences, of course, between the various Federal programs. For instance, the community development block grant program includes a much broader array of activities than most other Federal programs. Also, the Farmers Home Administration program for water and sewer facilities emphasizes loans instead of grants. These and other factors will be considered in the development of our priorities for next year.

Your letter was a very timely and helpful contribution to our deliberations.

Sincerely,
DAVID O. MEEKER, Jr., FAIA, AIP,
Assistant Secretary.

By Mr. BEALL (for himself and Mr. MATHIAS):

S. 2182. A bill to amend the Chesapeake and Ohio Canal Development Act so as to expand the boundaries of the Chesapeake and Ohio Canal National Historical Park to include certain lands within the areas from North Branch to Cumberland, Md. Referred to the Committee on Interior and Insular Affairs.

Mr. BEALL. Mr. President, I, along with my distinguished Maryland colleague, Senator MATHIAS, am introducing legislation today which would extend the boundaries of the Chesapeake and Ohio Canal National Historical Park from its current terminus at North Branch in Maryland to its historical terminus at Cumberland. Through this legislation, we are proposing the completion of action which Congress began in 1971 with its creation of the C & O Canal National Historical Park and I am very hopeful that the Interior and Insular Affairs Committee will give our proposal quick action.

In 1971, Congress, after years of inaction, approved legislation establishing the C & O Canal National Historical Park. Since its establishment, the canal has offered to thousands of people an unmatched opportunity for recreation, and a chance to relive one of our Nation's most historic eras, the Department of the Interior is still in the process of acquiring land as directed by Public Law 91-664, and I am confident that with the proper management and the appropriation of necessary funds, the C & O Canal can be one of our Nation's most valuable recreational sites in the coming years.

Its value is of particular significance as we approach our Nation's Bicentennial. In 1976, literally millions of Americans will visit Washington and the surrounding areas, and I can think of no better place to celebrate this occasion than along a canal, the construction of which was first envisioned by George Washington.

However, when the Congress was considering legislation to establish the park in the 91st Congress, it failed to complete its historical mandate. Our legislation today seeks to correct this situation. It would extend the boundaries of the park from its present terminus near North Branch, Md., to the original canal terminus in Cumberland. Additionally, the Secretary of the Interior would be authorized to establish and maintain a visitors' center at or near the western terminus of the canal. It is our belief that this visitors' center will serve as a focal point for the recreational and historical uses of the canal, and give impetus to the development of the whole western Potomac River region.

Under our bill, the canal would be enlarged by 1,200 additional acres. No more than 600 acres of such property would be acquired through fee simple proceed-

ings with the remainder added to the park through the use of scenic easements. We believe this procedure would develop the park most suitably, while at the same time cause a minimum of disruption to private holdings along the canal.

In this regard, I have requested the comments of the National Park Service with respect to the use of scenic easements as a means of protecting the canal environment. There has been some concern by residents of the affected areas that scenic easements, such as the provision prohibiting any activities which are unsightly, would seriously prevent residents from conducting normal, day-to-day activity to which they have become accustomed. On June 11, Mr. John A. Townsley, Acting Director of the National Capital Parks responded in detail to my inquiry regarding the use of scenic easements, and I ask unanimous consent that a copy of his response to me be printed in the Record at the end of my remarks.

Finally, the bill has avoided the inclusion of any specific boundaries in hopes that the House and Senate Interior Committees would hold quick and thorough hearings on these proposals in order to accurately ascertain the wishes of the public and the National Park Service regarding the use of the canal. The canal, I believe, is for the benefit of the public and thus the public should be the ones to decide how this facility is developed. Through these discussions, it is my belief that we can best serve the needs of the potential park users and of the affected land owners. I hope that these discussions will lead to an extension of the canal along boundaries which are mutually acceptable to all.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Department of the Interior,
Washington, D.C., June 11, 1975.

Hon. J. Glenn Beall, Jr.,
U.S. Senate,
Washington, D.C.

Dear Senator Beall: We are pleased to respond to your recent inquiry requesting information on the use of scenic easements by the National Park Service as a means of protecting the Chesapeake and Ohio Canal National Historical Park environment.

As you know, we have been acquiring scenic easements within the authorized boundaries of the C&O Canal National Historical Park in connection with our ongoing land acquisition program for this park. A copy of the terms and conditions of these scenic easements is enclosed for your reference.

The National Park Service has been acquiring scenic easements over properties for many years and, indeed, the National Park Service is one of the pioneers in developing this concept of restrictive control on or adjacent to parklands to preserve the historic and environmental integrity of many units in the System.

Our first major program began in the 1930's to preserve buffer lands along the Blue Ridge Parkway between the Shenandoah and Great Smoky Mountains National Parks in Virginia and North Carolina and along the old Natchez Trace in Tennessee. Some 2,500 acres of land were involved along the Blue Ridge Parkway and 5,000 acres along the Natchez Trace. Generally, the easements involved restrictions against construction of any new structures, to provide for continued farming, and prohibiting dumping, billboards and the cutting of mature trees.

The National Park Service also holds other easements, those relating to Guadalupe Mountains National Park in Texas, the Dinosaur National Monument in Utah, and the Nez Perce National Park in Idaho. These easements follow a general format developed by the National Park Service for western parks, restricting lands against use for mining, industrial, or commercial purposes or the erection of any structures without the consent of the Secretary of the Interior. These particular easements strictly limit the right to cut timber or the use of trailers as substitutes for residences.

Another innovative set of restrictions acquired by the National Park Service was contained in an easement given in 1974 covering lands contiguous to Acadia National Park in Maine. These restrictions provided that properties could only be used for single family residential or conservation purposes and excluded commercial, industrial, and mining uses as well. Existing structures are specifically listed in the easement and the nature of maintenance is provided for in detail.

The National Park Service has made use of the scenic easement concept to control adverse use of lands adjacent to the Antietam National Battlefield Site and Cemetery in Maryland, the Manassas National Battlefield Park in Virginia, and also covers lands at the Vicksburg National Military Park and Cemetery in Mississippi. These easements permit use of lands for agricultural and residential purposes and, again, exclude the right to use property for commercial, business, or industrial purposes and, in some cases, powerlines.

General topography of the landscape is to be maintained in the same condition existing at the time the easements were conveyed and no change can be made without the approval of an authorized representative of the Secretary of the Interior. Thus, as you can see, scenic easements vary from park to park. The nature of the restrictions to be imposed are always designed for particular protective requirements.

Our most successful scenic easement programs is found at Piscataway Park. In 1961, Congress authorized the acquisition of restrictive easements from owners of land in the scenic easement areas of Piscataway Park opposite Mount Vernon. The Service was fortunate in receiving over 170 donated easements covering more than 1,200 acres of lands in the scenic easement area behind the fee acquisition area comprising the park.

The collective force of these donated scenic easements has insured that the neighborhood is the so-called "Moyaone Reserve," lying within the scenic easement boundaries of Piscataway Park, will be protected against any adverse changes in zoning which would threaten the unique residential characteristics of this fine neighborhood. Covenants running with the subdivisions in the "Moyaone Reserve" provide for 5-acre homesites and, in turn, the scenic easements donated to the United States reflect this 5-acre concept. Detailed appraisal studies made several years ago underscored the fact that houses under scenic easement control in the reserve were, at that time, selling for more than houses without scenic controls.

It seems apparent, then, that an assurance of a perpetual restriction guarding against indiscriminate tree cutting and adverse land use tends to be a very positive factor in the market place and that such areas seem sought after by persons in the market for housing. We have also enclosed a copy of typical scenic easement restrictions imposed on these properties in the "Moyaone Reserve" at Piscataway Park. A prohibition against selling or leasing lost smaller than 5 acres follows the covenants which were placed on the lands many years ago and this particular prohibition is favored by the great majority of landowners in the "Moyaone Reserve" area.

The balance of the restrictions found on pages 2 and 3 are those which, we feel, would be desired by homeowners. The fact that so many easements were donated is, in our opinion, proof that this observation is valid. You will note that there is no prohibition against clearing trees for homesites.

We have managed scenic easements at Piscataway Park with a spirit of cooperation and understanding. When an owner wishes to remove trees, our usual practice is to work with the owner and reach a mutual agreement as to what trees should be removed. We have experienced no dissatisfaction from any landowner at Piscataway Park over the manner in which we have responded to these requests. No permission is required to cut dead, diseased, or injured trees when such removal is necessary for reasons of safety.

Returning more specifically to the questions in your letter, please understand that a scenic easement estate acquired by the National Park Service is in the nature of a transfer of a right by the landowner to allow the National Park Service to impose a restriction on the landowner's property in keeping with the terms and conditions of specific scenic easement instruments.

What the landowner does, in effect, is to agree, in the instrument, to refrain from doing certain things on his land such as using the land for industrial or commercial purposes, erecting billboards, or haphazardly cutting mature trees. The landowner is paid the fair market value for these restrictive controls and prices paid can range from as little as 10 percent of the full value of the property over which the scenic easement is imposed, up to, say, 50 percent. These prices vary according to the nature of the restrictions to be imposed. For example, if a scenic easement was imposed on a productive farm unit which had, as its major restriction, the use of such lands for agricultural purposes, the damage to the value of the lands occasioned by imposition of a scenic easement would be minimal, assuming that farm use was its indicated highest and best use.

On the other hand, should the highest and best use of a property be for commercial or industrial use, the imposition of restrictions providing for only residential use might be extremely damaging to the value of such property; therefore, the price paid for the scenic easement would, in this latter case, probably be higher than the farm use example.

As for an area such as Mexico Farms along the canal, it would not seem that scenic easements having a major residential use thrust would impair the value of existing residential properties to any great extent.

The scenic easement instrument does not provide for any possession whatsoever of the premises and the National Park Service does not have the right to enter the premises simply because a scenic easement exists on the property. It might be said that the National Park Service manages its scenic easements by "outside observation." In the event a serious breach of a scenic easement restriction would occur, the landowner is contacted and a meeting is held to attempt to adjudicate the matter. Should the violation continue, or be serious in nature, there would be probable cause for a claim of contract violation, in which case the National Park Service would have to prove to a court of competent jurisdiction violations occurred and what its estimate of the attendant damages occasioned by the violation might appear to be.

In some past cases where there has been inadvertent or willful cutting of trees in violation of a scenic easement restriction, agreements have been reached with landowners to provide for replacement of such trees in order that the scene may eventually return to the natural integrity which existed at the time the scenic easement was conveyed.

In responding to your specific questions over the concern of residents of Mexico Farms, the acquisition of scenic easements certainly do not prevent landowners from conducting, as you have stated, "The normal day-to-day activities to which they have become accustomed." Managers of the National Park Service do not impose burdens upon landowners who donate or otherwise convey scenic easements. In all cases, reasonable requests to remove trees or to construct residential buildings are received with a positive attitude.

We agree with you that the provision prohibiting activities which are "unsightly" does leave room for interpretation. Perhaps, what we are saying here is simply that those things which a majority of owners in a particular neighborhood would think of as "unsightly," such as trash dumps, junk cars, and the like, would be considered unsightly intrusions to adjoining parklands and would be covered under the easement provisions.

It is our belief that there would be no incompatability with landowners and the National Park Service in interpreting this wording. Since restrictions and scenic easements vary from case to case and park to park, we would interpose no objection to clarifying such words should legislation to enlarge the boundaries of the C&O Canal National Historical Park be, in fact, authorized by law to include property at Mexico Farms.

We have not studied the suitability or feasibility of enlarging the boundaries of the C&O Canal National Historical Park above North Branch. A simple solution to the protection of the canal in the Mexica farms area might be to work with the citizens in an attempt to verify our feeling that residents of Mexico Farms wish to continue the residential character of that subdivision as it exists today and come to an agreement on the nature of the best wording to protect the neighborhood and the park. We would hope to do this as a part of a suitability/feasibility study. We see no incompatibility between the present tone of the residential character at Mexico Farms and adjoining park values. It is an attractive neighborhood.

There is always the possibility, however, of encroaching industrial uses or other adverse uses which would impair the natural qualities of adjoining canal lands in the Mexico Farms area. Therefore, it would seem that some long-range protection would be desirable. Strong zoning controls might be considered as a substitute for scenic easement restrictions, in which case the park would be fully protected as long as such zoning controls remained in effect.

Failing the adoption of zoning controls, it would seem that some sort of mutually acceptable restrictions perpetuating the residential character of Mexico Farms would be worthwhile and not only of benefit to the users of the canal but to the adjoining residents as well. Restrictions could be written to eliminate a great deal of the detail found in the sample scenic easements which we have enclosed. We would intend to study this matter further at the appropriate time in the future should we be called upon to do a study of the feasibility of adding lands above North Branch to the canal park.

We appreciate this opportunity to respond to your inquiry and thank you for your continued interest in the programs of the National Park Service.

Sincerely yours,

JOHN A. TOWNSLEY,
Acting Director, National Capital Parks.

Mr. MATHIAS. Mr. President, I am pleased today to join my distinguished colleague from Maryland, Senator BEALL, in introducing an amendment to the Chesapeake and Ohio Canal Development Act of 1971. If enacted, this bill will complete a long and fruitful legislative process which has been undertaken to protect for present and future generations the unique natural and historical resources of the Potomac Valley and to fulfill its enormous recreational potential.

The Chesapeake and Ohio Canal is truly a landmark of our natural and manmade heritage. Built between 1828 and 1850, the 184-mile canal parallels the Potomac from the heart of Washington to Cumberland, Md. Until commercial operations ceased in 1924, the 76 canal locks raised the lowered barges some 600 feet between tidewater and the Alleghenies, following the historic pathway to the West.

At the groundbreaking for the canal in Georgetown on July 4, 1828, an occasion of great pomp and ceremony, President John Quincy Adams declared:

> The project contemplates a conquest over physical nature, such as has never yet been achieved by man. The wonders of the ancient world, the Pyramids of Egypt, the Colossus of Rhodes, the Temple of Ephesus, the Mausoleum of Artemis, the Wall of China, sink into insignificance before it—insignificance in the mass and momentum of human labor required for the execution—insignificance in the comparison of the purposes to be accomplished by the work when executed.

If President Adams may be excused for a touch of understandable overstatement, Mr. President, he cannot be accused of overestimating the lasting importance of the project which was about to be undertaken. Indeed, even today the canal is probably the finest relic of the impressive engineering feats of the Nation's canal-building era, with its sturdy locks, its arched masonry aqueducts, and the magnificent Paw Paw Tunnel of over 3,000 feet through a mountain. Equally important is the lively culture and colorful lore of the canallers, which survives in such towns as Williamsport and Oldtown, and is being rediscovered and preserved by area historians as a unique slice of our history.

For more than three decades in this century, however, from the end of commercial operations until the mid-1950's, the canal lay neglected, preserved primarily by the valley residents who have always been its staunch friends and caretakers. But during the past 15 or 20 years, the public has rediscovered the canal with energy and appreciation. Literally millions of hikers, bikers, campers, canoeists, sportsmen, and naturalists of all ages have used some segment of the canal.

When I first introduced C. & O. Canal Park legislation as a freshman in the House of Representatives, the value and importance of the canal were not widely known or understood. But 9 years later, after extensive studies and intensive discussion of the future of the valley, the breadth of demonstrated public interest and use made it possible for Congress to enact Public Law 91–664, authorizing the creation of the C. & O. Canal National Historical Park.

The law we enacted 4 years ago, Mr. President, formally recognized the great historical importance of the canal and went a long way toward creating a vehicle for its preservation and restoration. As finally passed, however, it did not encompass the entire length of the canal. The bill we are introducing today is designed to finish that job, by extending the boundaries of the canal the last 8 miles to its original terminus in Cumberland. The bill will authorize the Park Service to establish and operate a visitors center at or near the western terminus, to provide the millions of canal enthusiasts who visit this landmark with both conveniences and educational materials regarding the canal's rich history.

In concluding, Mr. President, I would simply like to pay tribute to the dedicated interest and efforts of the members of the C. & O. Canal National Historical Park Advisory Commission, which was created by Public Law 91–664 and whose members give freely of their time and energy to promote the preservation of the canal, and to the many other citizens and businesses in and around Cumberland whose continued cooperation, good faith, and support will be so necessary if we are to succeed in enacting this legislation to complete the job of preserving the full length of this unique historical resource.

By Mr. MAGNUSON (for himself and Mr. PEARSON) (by request):

S. 2183. A bill to anmend the Natural Gas Pipeline Safety Act of 1968, as amended, to authorize additional appropriations, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce, by request, for appropriate reference, a bill to amend the Natural Gas Pipeline Safety Act of 1968, as amended, to authorize additional appropriations, and for other purposes, and ask unanimous consent that the letter of transmittal be printed in the RECORD together with the text of the bill.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 2183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That this Act may be cited as the "Natural Gas Pipeline Safety Act Amendments of 1975."

SEC. 2. Section 2 of the Natural Gas Pipeline Safety Act of 1968 (49 USC 1671) is amended—

(1) by striking "; and" at the end of the paragraph designated (8) and adding the following:

", except that it shall not include any facility which transports gas from an interstate gas pipeline to a direct sales customer purchasing gas for its own consumption;"

(2) by redesignating paragraph (9) as (10), and inserting a new paragraph (9) as follows:

"(9) 'Intrastate pipeline transportation' means pipeline facilities and transportation of gas within a State which are not subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act, except that it shall include pipeline facilities which transport gas from an interstate pipeline to a direct sales customer purchasing gas for its own consumption; and"

SEC. 3. (a) Section 3(a) is amended by deleting the word "minimum" from the first and last sentences.

(b) Section 3(b) is amended by deleting the word "minimum" from the first sentence, and by amending the last sentence to read as follows:

"Any State agency may adopt additional or more stringent standards for intrastate pipeline transportation which are compatible with the Federal standards, but may not adopt or continue in force after the Federal standards become effective any standards applicable to interstate transmission facilities."

Sec. 4. Section 5(a) is amended as follows:

(1) by deleting from the first sentence thereof the words "pipeline facilities and the transportation of gas (not subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act) within a State" and substituting in lieu thereof the words "intrastate pipeline transportation";

(2) by deleting from clause (1) the words "pipeline facilities and" and "of gas"; and

(3) by amending clause (2) to read:

"has adopted each Federal safety standard established under this Act as of the date of the certification which is applicable to such transportation or, with respect to each such Federal safety standard established within 120 days before the date of the certification, is taking steps pursuant to State law to adopt such standard;".

Sec. 5. (a) So much of section 5(b) as begins with "With respect to" and ends with "actions to—" is amended to read:

"With respect to any intrastate pipeline transportation for which the Secretary does not receive a certification under subsection (a) of this section, the Secretary is authorized by agreement with a State agency (including a municipality) to authorize such agency to assume responsibility for and carry out on behalf of the Secretary as it relates to intrastate pipeline transportation the necessary actions to —".

(b) The first sentence of section 5(d) is amended to read:

"A certification which is in effect under subsection (a) of this section shall not apply with respect to any new or amended Federal safety standards established for intrastate pipeline transportation pursuant to this Act after the date of such certification.".

Sec. 6. Section 7 is amended by adding the following sentence at the end thereof:

"The Commission may not attach to the issuance of a certificate of public convenience and necessity or to the exercise of rights granted thereunder a condition that the applicant comply with safety standards for pipeline facilities or the transportation of gas other than those prescribed by the Secretary."

Sec. 7. The first sentence of section 14(a) is amended by striking "March 17" and inserting in lieu thereof "June 15."

Sec. 8. (a) Section 15(a) is amended by striking "and" therefrom and by inserting immediately following "June 30, 1976" the phrase "$500,000 for the period July 1, 1976, through September 30, 1976, and $3,500,000 for the fiscal year ending September 30, 1977,".

(b) Section 15(b) is amended by striking "and" therefrom and by inserting immediately following "June 30, 1976" the phrase ", and $2,500,000 for the fiscal year ending September 30, 1977".

The Secretary of Transportation,
Washington, D.C., July 9, 1975.

Hon. Nelson A. Rockefeller,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is transmitted a draft of a proposed bill "To amend the Natural Gas Pipeline Safety Act of 1968, as amended, to authorize additional appropriation authorizations, and for other purposes".

The proposed bill would amend the Natural Gas Pipeline Safety Act (Act) to authorize appropriations for the pipeline safety program for the July–September 1976 transition period and for fiscal year 1977. In addition, certain amendments are proposed to improve the administration of the program, especially as it relates to State agencies. The Act was last amended in August of 1974, by P. L. 93–403 which authorized appropriations for fiscal years 1975 and 1976, and provided that authorizations for grants-in-aid to the States be stated separately from those required for administration of the program.

The amendments proposed herein to improve program administration would make several changes, including the addition of a definition for the term "intrastate pipeline transportation" to avoid referring throughout the Act to intrastate pipeline transportation as that not subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act. Also included within the definition of intrastate pipeline transportation would be those pipeline facilities which transport gas from an interstate pipeline to a direct sales customer purchasing gas for its own consumption. The Supreme Court has held that such facilities are subject to the jurisdiction of the Federal Power Commission. Many States had regulated direct sales lines prior to the Supreme Court's ruling, and this amendment would clarify that they may continue to do so without Federal preemption under the Act.

Another proposed change would revise the State certification process to allow certification by a State agency although it has not adopted each Federal safety standard established within 120 days before the date of certification. Many State agencies have difficulty completing the administrative process necessary for adoption of newly established or amended Federal standards in time to meet the existing requirement that all Federal standards be adopted by the State agency as of the date of certification. The proposed change would alleviate this administrative burden.

A further change would clarify the intent of Congress to provide for uniform, consistent Federal regulation of interstate transmission facilities. Since enactment of the Natural Gas Pipeline Safety Act in 1968, there has been considerable question whether the Federal Power Commission possesses appropriate jurisdiction to regulate safety matters in connection with the issuance of certificates of convenience and necessity, or whether this Department's safety regulatory authority is exclusive. The change proposed herein, would make clear that this Department's pipeline safety standards are the only Federal pipeline safety standards that an interstate pipeline operator need meet. This amendment would be consistent with the recommendations of the Special Subcommittee on Investigations of the House Committee on Interstate and Foreign Commerce in its report, *Legislative Issues Relating to the Safety of Liquified Natural Gas Storage,* March 1974, and it would prevent applicants being compelled to comply with two different—and conceivably conflicting—sets of Federal requirements on the same subject matter.

Finally, the date for submission of the Department's annual report to Congress would be changed from March 17 to June 15. The current March 17 requirement does not provide sufficient time to collect and process data necessary to prepare the report. The annual report must include calendar year accident and casualty data which is not required to be submitted to this Department until January 20 of the succeeding year. The March 17 submission date allows the Department less than 2 months in which to compile and process that data for inclusion in its report, and to prepare the report in final form for submission to the Congress. Moving the submission date forward to June 15 would allow sufficient time and permit more comprehensive coverage and analysis.

It would be appreciated if you would lay the proposed bill before the Senate. A similar bill has been transmitted to the House of Representatives.

The Office of Management and Budget has advised that there would be no objection to the submission of this proposal to the Congress.

Sincerely,

William T. Coleman, Jr.

By Mr. DOMENICI (for himself and Mr. Humphrey):

S.J. Res. 115. A joint resolution relating to the publication of economic and social statistics for Americans of Spanish origin or descent. Referred to the Committee on Post Office and Civil Service.

Mr. DOMENICI. Mr. President, it is estimated that there are now approximately 12 million Americans of Spanish origin or descent in this country. A large proportion of these persons experience major social, economic, and political problems which tend to diminish the basic opportunities they are entitled to as American citizens.

If effective programs are to be established to meet these problems, it is essential that accurate, comprehensive, and up-to-date information on this group who has made significant contributions to enrich American society be produced on a continuing basis.

The purpose of this resolution, Mr. President, is to encourage greater efforts within the Federal Government in reporting a more accurate picture of the economic and social status of Americans of Spanish origin or descent.

The proposed resolution calls for the Secretary of Commerce in cooperation with other Government agencies to undertake further efforts to correct and publish regularly statistics which provide indicators of the social and economic condition of Americans of Spanish origin or descent.

Mr. President, this resolution is almost identical to the House Joint Resolution 92 which was introduced in January 14, 1975, and favorably reported by the House Committee on Post Office and Civil Service to the Committee of the Whole House on May 6, 1975.

This resolution that I have introduced today has been drafted in cooperation with the Bureau of the Census, and as a result, the Bureau of the Census endorses the spirit and intent of the resolution.

Mr. President, I ask unanimous consent that the resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 115

Whereas more than twelve million Americans identify themselves as being of Spanish-speaking background and trace their origin or descent from Mexico, Puerto Rico, Cuba, Central and South America, and other Spanish-speaking countries; and

Whereas these Americans of Spanish origin or descent have made significant contributions to enrich American society and have served their Nation well in time of war and peace; and

Whereas a large number of Americans of Spanish origin or descent suffer from racial, social, economic, and political discrimination and are denied the basic opportunities they deserve as American citizens and which would enable them to begin to lift themselves out of the poverty they now endure; and

Whereas State and Federal Governments and private organizations are now unable to determine accurately the urgent and special needs of the Spanish origin or descent in the United States because there is not a regular, nationwide evaluation of their economic and social status; and

Whereas the provision and commitment of State, Federal, and private resources can only occur when there is an accurate and precise assessment of need: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Department of Labor, in cooperation with the Department of Commerce, shall immediately undertake a study to determine the feasibility and cost of developing and publishing monthly a nationwide unemployment rate among Americans of Spanish origin or descent.

Sec. 2. The Department of Commerce, the Department of Labor, and the Department of Agriculture shall each collect, and publish regularly, statistics which indicate the social and economic condition of Americans of Spanish origin or descent.

Sec. 3. The Director of the Office of Management and Budget, in cooperation with the Secretary of Commerce and with the heads of other data-gathering Federal agencies, shall develop a Government-wide program for the collection of data with respect to Americans of Spanish origin or descent.

Sec. 4. The Department of Commerce, in cooperation with appropriate State and local agencies and various population study groups and experts, shall immediately undertake a study to determine what steps would be necessary for developing creditable estimates of undercounts of Americans of Spanish origin or descent in future censuses.

Sec. 5 The Secretary of Commerce shall insure that, in the data-collection activities of the Bureau of the Census, the needs and concerns of Americans of Spanish origin or descent are given full recognition through the use of Spanish language questionnaires, bilingual enumerators, and such other means as the Secretary deems appropriate.

Sec. 6. The Department of Commerce shall implement an aggressive affirmative action program within the Bureau of the Census for the employment of personnel of Spanish origin or descent and shall submit a report to Congress within one year of the enactment of this joint resolution on the progress of such program.

By Mr. HUMPHREY (for himself and Mr. Hugh Scott):

S.J. Res. 116. A joint resolution to direct the American Revolution Bicentennial Administration to encourage local communities to participate in special celebrations during the evening of July 4, 1976. Referred to the Committee on the Judiciary.

Mr. HUMPHREY. Mr. President, we are all aware that countless preparations are being made on national, State, and local levels for celebrations of the Nation's 200th birthday on July 4, 1976. While it is not possible for the Congress of the United States to oversee or acknowledge each or even a majority of these programs and projects, I believe that it is important that we do express our interest in them and call upon the American Revolution Bicentennial Administration to focus on several specific types of events in unifying the July 4th celebrations across this country.

As have my colleagues, I have received numerous proposals from individuals and private groups interested in ways of unifying local celebrations and events across the country into nationwide efforts. A national song has been suggested—including songs which span two centuries of our Nation's growth and development and reflect the character of the people and regions across the length and breadth of this great land. A national concert has been proposed—involving bands from high schools and communities throughout America and focusing on a concert of top high school bands from all 50 States in Allentown, Pa., on July 4, 1976. Interest has also been expressed in the planning of a sequential fireworks display across the Nation on Independence Day 1976.

We realize that such nationwide coordination will take a great deal of time and careful attention to determine the most feasible and cost-effective displays and events. And the purpose of this joint resolution is to help assure that the American Revolution Bicentennial Administration will take responsibility for undertaking the necessary evaluation and coordination of proposals without delay.

Mr. President, I ask unanimous consent that the text of this joint resolution be printed in the Record. I am pleased to announce that the Senator from Pennsylvania (Mr. Scott), the distinguished minority leader of the Senate, has joined me in sponsoring this legislation.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 116

Whereas Sunday, July 4, 1976, is the 200th anniversary of the signing of the Declaration of Independence;

Whereas the people of the United States have traditionally celebrated the Fourth of July with the playing of the songs of the American experience and the displaying of fireworks: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to appropriately celebrate July 4, 1976, the 200th anniversary of the signing of the Declaration of Independence, the American Bicentennial Revolution Administration shall encourage local communities to participate during the evening of July 4, 1976, in special celebrations, including the singing of the songs of the American experience, the playing of the songs of America by community bands, and the displaying of fireworks with appropriate safeguards to promote the public safety.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 454

At the request of Mr. Chiles, the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of S. 454, a bill to amend the Occupational Safety and Health Act of 1970.

S. 1244

At the request of Mr. Bentsen, the Senator from Vermont (Mr. Leahy) was added as a cosponsor of S. 1244, a bill to reform the trial standards for the crime of forcible rape.

S. 1257

At the request of Mr. Magnuson, the Senator from Kansas (Mr. Dole) was added as a cosponsor of S. 1257, a bill to extend the educational broadcasting facilities program.

S. 1353

At the request of Mr. Williams, the Senator from Alabama (Mr. Sparkman), the Senator from North Dakota (Mr. Young), and the Senator from Kentucky (Mr. Huddleston) were added as cosponsors of S. 1353, a bill to amend section 306(a) (7) of the Consolidated Farm and Rural Development Act.

S. 1905

At the request of Mr. Magnuson, the Senator from Oklahoma (Mr. Bellmon) and the Senator from Utah (Mr. Moss) were added as cosponsors of S. 1905, a bill to minimize duplication and to maximize efficiency in health planning and resource development, and for other purposes.

S. 2122

At the request of Mr. Tunney, the Senator from Massachusetts (Mr. Brooke) was added as a cosponsor of S. 2122, the Fairness in Gasoline Rationing Act.

SENATE RESOLUTION 214

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors of Senate Resolution 214, expressing the Senate's concern over attempts to expel Israel from the United Nations: Bentsen, Biden, Brock, Fannin, Laxalt, Leahy, Montoya, Morgan, Muskie, Proxmire, Roth, Stevenson, Symington, and Tunney.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGH SCOTT. Mr. President, these new additions bring the total number of sponsors to 54—a majority of the Senate. As such I hope that the message to the United Nations is clear.

SENATE JOINT RESOLUTION 105

At the request of Mr. Clark, the Senator from Maine (Mr. Hathaway), the Senator from New Jersey (Mr. Williams), the Senator from Kentucky (Mr. Huddleston), the Senator from Indiana (Mr. Bayh), and the Senator from Michigan (Mr. Philip A. Hart) were added as cosponsors of Senate Joint Resolution 105, a joint resolution to strengthen the foreign relations of the United States.

SENATE CONCURRENT RESOLUTION 56—SUBMISSION OF A CONCURRENT RESOLUTION CALLING FOR ALLOCATION OF RESTRICTED-USE OUTDOOR RECREATIONAL RESOURCES

(Referred to the Committee on Interior and Insular Affairs.)

Mr. GARY W. HART. Mr. President, over the past decade our country has witnessed a dramatic increase in the use of our federally protected outdoor recreational resources. These lands are the people's lands and rightly should be managed to benefit the public which owns them. However, owing to the enormous influx of the visiting public, the National Park Service and other agencies responsible for the stewardship of these lands have been required to put limitations on the use of our recreational areas. Undoubtedly, restrictions which contribute to the protection and proper management of public lands are vital to the preservation of our natural heritage; however, the National Park Service has recently initiated a policy which jeopardizes the public's unencumbered access to these outdoor areas.

In 1973 the National Park Service imposed ceilings on white water float trips down the Colorado River on both commercial and qualified noncommercial users. These ceilings were based on the 1972 user-demand for permits which resulted in an unfair allocation of 92 percent to the commercial sector and 8 percent to noncommercial parties. Because of this policy, 125 qualified noncommercial operators involving approximately 2,000 people were denied permission for trips down the Colorado River through the Grand Canyon National Park in the 1975 running season. Unfortunately, a similar situation prevailed on other rivers such as the Yampa and Green Rivers in the Dinosaur National Park and the Colorado River in the Canyonlands National Park.

There is no question that commercial operators provide a valuable service to individuals who wish to enjoy these areas but are unable to do so because of lack of expertise in the rigors of white water rafting. All efforts should be made to continue the high quality of service provided by commercial interests. The use of these resources by people who choose to be led by a commercial operator is by no means less worthy than those who have the capability to go on their own, but when the allocation is skewed so as to drastically favor one sector over another, the question arises as to whose interest is really being served. What must be addressed is a fundamental issue of not commercial versus private use but how the public is most equitably served. The guarantee of access to public lands is the intent of Congress in designating national park areas, and policies such as this user-allocation system are alien to that intent and the service it seeks to provide.

As public appreciation and visitation of these limited public lands continue to grow, a dialog of broader scope must be initiated to determine the proper policies for protection of, yet access to, outdoor recreational areas. My concern with the kind of restrictions represented here is that they do not become indicative of an indiscriminate policy that limits these lands to commercial interests at the expense of the general public. This resolution is designed to draw attention to an obvious area where policy revision is needed in an effort to assure that future decisions of this kind will be initiated with more attention to the public interest as represented by noncommercial parties.

The resolution calls upon the Secretary of the Interior to initiate a comprehensive revision of regulations governing user-allocation between commercial and qualified noncommercial users of the Colorado rivers and all parkland rivers with recreational potential. Policies which promote the maximum use of our public lands—not the commercial interests of a few—are and should continue to be the goal of public land management.

I ask unanimous consent that the concurrent resolution be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

S. CON. RES. 56

Resolved by the Senate (the House of Representatives concurring),

Whereas there has been a dramatic increase in the use of our outdoor recreational resources, and specifically in the use of white water trips down the Colorado River through the Grand Canyon National Park; and

Whereas one hundred and twenty-five qualified noncommercial parties involving roughly two thousand people have been denied permission for trips down the Colorado River for the 1975 river running season; and

Whereas the cost of passage by commercial concessionaires is often at a cost greater than that experienced by noncommercial users in comparable white water trips; and

Whereas a similar situation prevails on other rivers regulated by the National Park Service of the Department of the Interior, such as the Yampa and Green Rivers in Dinosaur National Monument and the Colorado River in Canyonlands National Park; and

Whereas the law states that the Secretary of the Interior may "grant privileges, leases, and permits for the use of land for the accommodation of visitors in the various parks, monuments, or other reservations . . . and no natural curiosity, wonder, or object of interest shall be leased, rented, or granted to anyone on such terms as to interfere with free access to them by the public . . ." (16 U.S.C. 3); and

Whereas the law further states that "It is the policy of the Congress that such development shall be limited to those that are necessary and appropriate for public use and enjoyment of the national park area in which they are located and that are consistent to the highest practicable degree with the preservation and conservation of the areas . . ." (16 U.S.C. 20); and

Whereas all efforts have been made to petition the Department of the Interior for relief from the use of 1972 as a base year in determining the allocation between commercial and qualified noncommercial use of the Colorado River: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Interior should initiate a comprehensive revision of regulations governing the allocation of use between commercial and qualified noncommercial users of the Colorado River through the Grand Canyon National Park, and governing the use of all other rivers with recreational potential in lands administered by the Department of Interior, to insure a fair and equitable allocation of use between commercial and qualified noncommercial users.

SEC. 2. Until such time as fair and equitable regulations can be written pursuant to the first section of this resolution, the allocation of use of all rivers with recreational potential in lands administered by the Department of the Interior, if such an allocation of use is deemed desirable by the Secretary, should provide for the maximum use of such rivers by the qualified noncommercial users, including organized educational groups, and for the remaining use by the commercial users.

AMENDMENTS SUBMITTED FOR PRINTING

PUBLIC WORKS EMPLOYMENT ACT OF 1975—S. 1587

AMENDMENT NO. 816

(Ordered to be printed and to lie on the table.)

ANTIRECESSION ASSISTANCE

Mr. MUSKIE. Mr. President, when the Senate considers S. 1587, the Public Works Employment Act of 1975, Senators BROCK, PHILIP A. HART, HUMPHREY, TUNNEY, RIBICOFF, CLARK and I intend to offer an amendment. Our amendment is identical to legislation we have sponsored—S.1359, the countercyclical assistance measure—to provide emergency aid to State and local governments hard hit by recession. That bill was reported out favorably by the Government Operations Committee on July 16.

We believe that our proposal meets virtually every criterion of a sound antirecession policy. First, the money it authorizes would get out into the economy immediately, providing a quick stimulative impact. Second, the program would shut itself off entirely when the recession has subsided, so it would not contribute to a revival of inflationary pressures. Third, the assistance that would be provided is very selectively targeted, to reach only those places which have been severely affected by the recession. Fourth, the proposal would strengthen the hand of the Federal Government in dealing with recession, by helping to prevent State and local governments from taking budgetary actions which undercut Federal efforts to stimulate the economy.

We believe that our proposal is a logical complement to a public works approach. Complete recovery from the current recession promises to be slow, with high unemployment lingering well into the second half of the decade. A solid antirecession program, therefore, should be one with both immediate and long-range impact, aimed at both the private and the public sectors of the economy. Furthermore, a combination of these two proposals would be within the spending ceiling set by the first concurrent budget resolution for programs of this type.

Mr. President, I should like to emphasize that last point since many Members of the Senate are rightfully concerned, as am I, about how every piece of legislation that comes before us relates to the budget resolution.

The first concurrent resolution, passed by the House and Senate, established a target of $2.1 billion in outlays for programs of public works and other aid to State and local governments. This target was set under budget function 450, community development.

S. 1587 authorizes appropriations for fiscal year 1976 of $2.1 billion. Of this amount, the Public Works Committee estimates actual outlays for fiscal year 1976 of $900 million, assuming the program were in effect for the entire fiscal year. The committee further estimates outlays of $500 million if the program were in effect for only half a year.

The proposed amendment has a quarterly authorization, which will vary from quarter to quarter depending upon changes in national unemployment levels. Unlike the public works bill, outlays under the countercyclical proposal will track very closely with quarterly authorization levels. Since the earliest possible date that the program could go into effect would be October 1, 1975, the Government Operations Committee estimates total outlays for fiscal year 1976 to be $1.25 billion.

Thus, the combined outlays for these two measures will be within the budget resolution target.

Mr. President, I ask unanimous consent that the text of my amendment be printed in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 816

Immediately after the first section insert the following caption:

TITLE I—GENERAL PROVISIONS

Redesignate sections 2 through 12 as sections 101 through 111, respectively.

After section 111, as redesignated by this amendment, insert the following new title:

TITLE II—ANTIRECESSION PROVISIONS

FINDINGS OF FACT AND DECLARATION OF POLICY

Sec. 201. (a) Findings.—The Congress finds—

(1) that State and local governments represent a significant segment of the national economy whose economic health is essential to national economic prosperity;

(2) that present national economic problems have imposed considerable hardships on State and local government budgets;

(3) that those governments, because of their own fiscal difficulties, are being forced to take budget-related actions which tend to undermine Federal Government efforts to stimulate the economy;

(4) that efforts to stimulate the economy through reductions in Federal Government tax obligations are weakened when State and local governments are forced to increase taxes;

(5) that the net effect of Federal Government efforts to reduce unemployment through public service jobs is substantially limited if State and local governments use federally financed public service employees to replace regular employees that they have been forced to lay off;

(6) that efforts to stimulate the construction industry and reduce unemployment are substantially undermined when State and local governments are forced to cancel or delay the construction of essential capital projects; and

(7) that efforts by the Federal Government to stimulate the economic recovery will be substantially enhanced by a program of emergency Federal Government assistance to State and local governments to help prevent those governments from taking budget-related actions which undermine the Federal Government efforts to stimulate economic recovery.

(b) Policy.—Therefore, the Congress declares it to be the policy of the United States and the purpose of this title to make State and local government budget-related actions more consistent with Federal Government efforts to stimulate national economic recovery; to enhance the stimulative effect of a Federal Government income tax reduction; and to enhance the job creation impact of Federal Government public service employment programs. It is the intention of Congress that amounts paid to a State or local government under this title shall not be substituted for amounts which the State would have paid or made available to the local government out of revenues from State sources.

FINANCIAL ASSISTANCE AUTHORIZED

Sec. 202. (a) Emergency Support Grants.—The Secretary of the Treasury (hereafter in this title referred to as the "Secretary") shall, in accordance with the provisions of this title, make emergency support grants to States and to local governments to coordinate budget-related actions by such governments with Federal Government efforts to stimulate economic recovery.

(b) Authorization of Appropriations.—Subject to the provisions of subsection (c), there are authorized to be appropriated for each of the twelve succeeding calendar quarters (beginning with the first calendar quarter beginning after the date of enactment of this title) for the purpose of making emergency support grants under this title—

(1) $125,000,000 plus

(2) $62,500,000, multiplied by the number of one-half percentage points by which the rate of seasonally adjusted national unemployment for the most recent calendar quarter which ended before the beginning of such calendar quarter exceeded 6 percent.

(c) Termination.—No amount is authorized to be appropriated under the provisions of subsection (b) for any calendar quarter if—

(1) the average rate of national unemployment during the most recent calendar quarter which ended 3 months before the beginning of such calendar quarter did not exceed 6 percent, and

(2) the rate of national unemployment for the last month of the most recent calendar quarter which ended 3 months before the beginning of such calendar quarter did not exceed 6 percent.

ALLOCATION

Sec. 203. (a) Reservations.—

(1) All States.—The Secretary shall reserve one-third of the amounts appropriated pursuant to the authorization under section 202 for each calendar quarter for the purpose of making emergency support grants to States under the provisions of subsection (b).

(2) All local governments.—The Secretary shall reserve two-thirds of such amounts for the purpose of making emergency support grants to local governments under the provisions of subsection (c).

(b) State Allocations.—

(1) In general.—The Secretary shall allocate from amounts reserved under subsection (a)(1) an amount for the purpose of making emergency support grants to each State equal to the total amount reserved under subsection (a)(1) for the calendar quarter multiplied by the applicable State percentage.

(2) Applicable State percentage.—For purposes of this subsection, the applicable State percentage is equal to the quotient resulting from the division of the product of—

(A) the State excess unemployment percentage, multiplied by

(B) the State tax amount

(B) the State tax amount by the sum of such products for all the States.

(3) Definitions.—For purposes of this section—

(A) the term "State" means each State of the United States;

(B) the State excess unemployment percentage is equal to the difference resulting from the subtraction of the State base period unemployment rate for that State from the State unemployment rate for that State;

(C) the State base period unemployment rate is equal to the average annual rate of unemployment in the State determined over the period which begins on January 1, 1967, and ends on December 31, 1969, as determined by the Secretary of Labor and reported to the Secretary;

(D) the State unemployment rate is equal to the rate of unemployment in the State during the appropriate calendar quarter, as determined by the Secretary of Labor and reported to the Secretary; and

(E) the State tax amount is the amount of compulsory contributions exacted by the State for public purposes (other than employee and employer assessments and contributions to finance retirement and social insurance systems, and other than special assessments for capital outlay), as such contributions are determined for the most recent period for which such data are available from the Social and Economic Statistics Administration for general statistical purposes.

(c) Local Government Allocation.—

(1) In general.—The Secretary shall allocate from amounts reserved under subsection (a)(2) an amount for the purpose of making emergency support grants to each local government, subject to the provisions of paragraph (3), equal to the total amount reserved under such subsection for the calendar quarter multiplied by the local government percentage.

(2) Local government.—For purposes of this subsection, the local government percentage is equal to the quotient resulting from the division of the product of—

(A) the local excess unemployment percentage, multiplied by

(B) the local adjusted tax amount, by the sum of such products for all local governments.

(3) Special rule.—

(A) For purposes of paragraphs (1) and (2), all local governments within the jurisdiction of a State other than identifiable local governments shall be treated as though they were one local government.

(B) The Secretary shall set aside from the amount allocated under paragraph (1) of this subsection for all local governments within the jurisdiction of a State which are treated as though they are one local government under subparagraph (A) an amount determined under subparagraph (C) for the purpose of making emergency support grants to each local government, other than identifiable local governments, within the jurisdiction of such State.

(C) The amount set aside for the purpose of making emergency support grants to each local government other than an identifiable local government, within the jurisdiction of a State under subparagraph (B) shall be—

(i) determined under an allocation plan submitted by such State to the Secretary which meets the requirements set forth in section 206(b), or

(ii) if a State does not submit an allocation plan under section 206(b) for purposes of this paragraph within 30 days after the date of enactment of this title or if a State's allocation plan is not approved by the Secretary under section 206(c), equal to the total amount allocated under paragraph (1) of this subsection for all local governments within the jurisdiction of such State which are treated as though they are one local government under subparagraph (A) multiplied by the local government percentage, as defined in paragraph (2) (determined without regard to the parenthetical phrases at the end of paragraphs (4) (B) and (C) of this susection).

(D) If local unemployment rate data (as defined in paragraph (4)(B) of this subsection without regard to the parenthetical phrase at the end of such definition) for a local government jurisdiction is unavailable to the Secretary or the State for purposes of determining the amount to be set aside for such government under subparagraph (C) then the Secretary or State shall determine such amount under subparagraph (C) by using—

(i) the best available unemployment rate data for such government if such data is determined in a manner which is substantially consistent with the manner in which local unemployment rate data is determined, or

(ii) if no consistent unemployment rate data is available, the local unemployment rate data for the smallest unit of identifiable local government in the jurisdiction of which such government is located.

(E) If the amount determined under subparagraph (C) which would be set aside for the purpose of making emergency support grants to a local government under subparagraph (B) is less than $1,000 then no amount shall be set aside for such local government under subparagraph (B).

(4) Definitions.—For purposes of this subsection—

(A) the local excess unemployment percentage is equal to the difference resulting from the subtraction of 4.5 percentage points from the local unemployment rate;

(B) the local unemployment rate is equal to the rate of unemployment in the jurisdiction of the local government during the appropriate calendar quarter, as determined by the Secretary of Labor and reported to the Secretary (in the case of local governments treated as one local government under paragraph (3)(A), the local unemployment rate shall be the unemployment rate of the State adjusted by excluding consideration of unemployment and of the labor force within identifiable local governments, other than county governments, within the jurisdiction of that State);

(C) the local adjusted tax amount means—

(i) the amount of compulsory contributions exacted by the local government for public purposes (other than employee and employer assessments and contributions to finance retirement and social insurance systems, and other than special assessments for capital outlay) as such contributions are determined for the most recent period for which such data are available from the Social and Economic Statistics Administration for general statistical purposes,

(ii) adjusted (under rules prescribed by the Secretary) by excluding an amount equal to that portion of such compulsory contributions which is properly allocable to expenses for education,

(and in the case of local governments treated as one local government under paragraph (3)(A), the local tax amount shall be the sum of the local adjusted tax amounts of all local governments within the State, adjusted by excluding an amount equal to the sum of the local adjusted tax amounts of identifiable local governments within the jurisdiction of that State);

(D) the term "identifiable local government" means a unit of general local government for which the Secretary of Labor has made a determination concerning the rate of unemployment for purposes of title II of the Comprehensive Employment and Training Act of 1973 during the current or preceding fiscal year; and

(E) the term "local government" means the government of a county, municipality, township, or other unit of government below the State which—

(i) is a unit of general government (determined on the basis of the same principles as are used by the Social Economics Statistics Administration for general statistical purposes), and

(ii) performs substantial governmental functions.

Such term includes the District of Columbia and also includes the recognized governing body of an Indian tribe or Alaskan native village which performs substantial governmental functions. Such term does not include the government of a township area unless such government performs substantial governmental functions.

CONTINGENCY FUND

Sec. 204. (a) Reservation.—The Secretary shall reserve from the amounts appropriated pursuant to the authorization under section 202 for each calendar quarter an amount equal to the amount, if any, not paid to State or local governments by reason of section 210 (c), but not in excess of an amount which is equal to 10 percent multiplied by the total amount appropriated under the authorization in section 202 for such quarter, for the purpose of making additional emergency support grants to State or local governments which are in severe fiscal difficulty, as determined under subsection (e).

(b) Allocations.—The Secretary shall allocate from the amounts reserved under subsection (a) such amount as he determines is necessary for an additional emergency support grant to assist each State or local government, upon application by such government, which is in severe fiscal difficulty. The sum of the amounts allocated under this subsection may not be less than 75 percent of the amount reserved under subsection (a) for the calendar quarter. No amount may be allocated for an additional emergency support grant to a State or local government under this section in excess of an amount equal to the lesser of—

(1) 10 percent of the amount allocated to such State or local government under section 203 for the calendar quarter, or

(2) 15 percent of the amount reserved under this subsection for the calendar quarter.

(c) Special Rule for Certain Local Governments.—The Secretary may allocate an amount for additional emergency support grants from amounts reserved under subsection (a) to each local government, upon application by such government, which—

(1) is not an identifiable local government, as defined in section 203(c)(4)(D), and

(2) is not eligible to receive emergency support grants under section 203(c)(3) because the local unemployment rate for local governments other than identifiable local governments within the jurisdiction of the State in which it is located, which are treated as though they were one local government under section 203(c)(3)(A), does not exceed 6 percent, if such local government is in severe fiscal difficulty, as determined under section (e).

(d) Special Rule for Puerto Rico, Virgin Islands, Guam, and the Trust Territories of the Pacific.—The Secretary may allocate from the amount reserved under subsection (a) amounts for the purpose of making emergency support grants to the governments of the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the Trust Territories of the Pacific, upon application by such governments, if such governments are in severe fiscal difficulty, as determined under subsection (e). The total amount of payments made under this paragraph during any calendar quarter may not exceed 10 percent of the amount reserved under subsection (a) for that quarter. For purposes of sections 205 through 215, the governments of the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the Trust Territories of the Pacific shall be considered to be State governments.

(e) Criteria for Severe Fiscal Difficulty.—For purposes of this section, a State or local government shall be considered to be in severe fiscal difficulty if—

(1) the rate of unemployment during the appropriate calendar quarter within its jurisdiction exceeds the national annual average rate of unemployment,

(2) it is currently unable, or will be unable before the end of the current calendar quarter, to pay accrued interest to the holders of its outstanding debt instruments, or

(3) it must increase taxes immediately to maintain its level of basic services or reduce the level of those services before the end of the current calendar quarter.

USES OF EMERGENCY SUPPORT GRANTS

Sec. 205. Each State and local government shall use emergency support grants made under this title for the maintenance of basic services customarily provided to persons in that State or in the area under the jurisdiction of that local government, as the case may be. State and local governments may not use emergency support grants made under this title for the acquisition of supplies and materials and for construction unless such supplies and materials or construction are essential to maintain basic services.

APPLICATIONS

Sec. 206. (a) In General.—Each State and local government may receive emergency support grants under this title only upon application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary prescribes by rule. The Secretary may not require any State or local government to make more than one such application during each fiscal year. Each such application shall—

(1) include a State or local government program for the maintenance, to the extent practical, of levels of public employment and of basic services customarily provided to persons in that State or in the area under the jurisdiction of that local government which is consistent with the provisions of section 205;

(2) provide that fiscal control and fund accounting procedures will be established as may be necessary to assure the proper disbursal of, and accounting for, Federal funds paid to the State or local government under this title;

(3) provide that reasonable reports will be furnished in such form and containing such information as the Secretary may reasonably require to carry out the purposes of this title and provide that the Secretary, on reasonable notice, shall have access to, and the right to examine any books, documents, papers, or records as he may reasonably require to verify such reports;

(4) provide that the requirements of section 207 will be complied with;

(5) provide that the requirements of section 208 will be complied with;

(6) provide that the requirements of section 209 will be complied with; and

(7) provide that any amount received as an emergency support grant under this title shall be expended by the State or local government before the end of the 6-calendar-month period which begins on the date after the day on which such State or local government receives such grant.

(b) State Allocation Plans for Purposes of Section 203(c)(3).—A State may file an allocation plan with the Secretary for purposes of section 203(c)(3)(C)(i) at such time, in such manner, and containing such information as the Secretary may require by rule. Such allocation plan shall meet the following requirements:

(1) the criteria for allocation of amounts among the local governments within the State shall be consistent with the allocation formula for local governments under section 203(c)(2);

(2) the allocation criteria must be specified in the plan; and

(3) the plan must be developed after consultation with appropriate officials of local governments within the State other than identifiable local governments. The allocation plan required under the subparagraph shall, to the extent feasible, include consideration of the needs of small local government jurisdictions with severe fiscal problems.

(c) Approval.—The Secretary shall approve any application that meets the requirements of subsection (a) or (b) within 30 days after he receives such application, and shall not finally disapprove, in whole or in part, any application for an emergency support grant under this title without first affording the State or local government reasonable notice and an opportunity for a hearing.

NONDISCRIMINATION

Sec. 207. (a) In General.—No person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

(b) Authority of the Secretary.—Whenever the Secretary determines that a State government or unit of local government has failed to comply with subsection (a) or an applicable regulation, he shall, within 10 days, notify the Governor of the State (or, in the case of a unit of local government, the Governor of the State in which such unit is located, and the chief elected official of the unit) of the noncompliance. If within 30 days of the notification compliance is not achieved, the Secretary shall, within 10 days thereafter—

(1) exercise all the powers and functions provided by title VI of the Civil Rights Act of 1964 (24 U.S.C. 2000d);

(2) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; or

(3) take such other action as may be provided by law.

(c) ENFORCEMENT.—Upon his finding of discrimination under subsection (b), the Secretary shall have the full authority to withhold or temporarily suspend any grant under this title, or otherwise exercise any authority contained in title VI of the Civil Rights Act of 1964, to assure compliance with the requirement of nondiscrimination in federally assisted programs set forth in that title.

(d) APPLICABILITY OF CERTAIN CIVIL RIGHTS ACTS.—

(1) Any party who is injured or deprived within the meaning of section 1979 of the Revised Statutes (42 U.S.C. 1983) or of section 1980 of the Revised Statutes (42 U.S.C. 1985) by any person, or two or more persons in the case of such section 1980, in connection with the administration of an emergency support grant under this title may bring a civil action under such section 1979 or 1980 as applicable, subject to the terms and conditions of those sections.

(2) Any person who is aggrieved by an unlawful employment practice within the meaning of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) by any employer in connection with the administration of an emergency support grant under this title may bring a civil action under section 706(f)(1) of such Act (42 U.S.C. 2000e–5(f)(1)) subject to the terms and conditions of such title.

LABOR STANDARDS

SEC. 208. All laborers and mechanics employed by contractors on all construction projects assisted under this title shall be paid wages at rates not less than those prevailing on similar projects in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a to 276a–5). The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 C.F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

SPECIAL REPORTS

SEC. 209. Each State and local government which receives a grant under the provisions of this title shall report to the Secretary any increase or decrease in any tax which it imposes and any substantial reduction in the number of individuals it employs or in services which such State or local government provides. Each State which receives a grant under the provisions of this title shall report to the Secretary any decrease in the amount of financial assistance which the State provides to the local governments within its jurisdiction below the amount which equals the amount of such assistance which such State provided to such local governments during the 12-month period which ends on the last day of the calendar quarter immediately preceding the date of enactment of this title, together with an explanation of the reasons for such decrease. Such reports shall be made as soon as it is practical and, in any case, not less than 6 months after the date on which the decision to impose such tax increase or decrease, such reductions in employment or services, or such decrease in State financial assistance is made public.

PAYMENTS

SEC. 212. (a) IN GENERAL.—From the amount allocated for State and local governments under sections 203 and 204, the Secretary shall pay to each State and to each local government, which has an application approved under section 206, an amount equal to the amount allocated to such State or local government under section 203 or section 204.

(b) ADJUSTMENTS.—Payments under tnis title may be made with necessary adjustments on account of overpayments.

(c) TERMINATION.—No amount shall be paid to any State or local government under the provisions of this section for any calendar quarter if—

(1) the average rate of unemployment within the jurisdiction of such State or local government during the most recent calendar quarter which ended three months before the beginning of such calendar quarter was less than 6 percent, and

(2) the rate of unemployment within the jurisdiction of such government for the last month of the most recent calendar quarter which ended three months before the beginning of such calendar quarter did not exceed 6 percent.

STATE AND LOCAL GOVERNMENT ECONOMIZATION

SEC. 211. No State or local government may receive any payment under the provisions of this title unless such government in good faith certifies in writing to the Secretary, at such time and in such manner and form as the Secretary prescribes by rule, that it has made substantial economies in its operations and that without grants under this title it will not be able to maintain essential services without increasing taxes or maintaining rent increases in taxes thereby weakening Federal Government efforts to stimulate the economy through reductions in Federal tax obligations.

WITHHOLDING

SEC. 212. Whenever the Secretary, after affording reasonable notice and an opportunity for a hearing to any State or local government, finds that there has been a failure to comply substantially with any provision set forth in the application of that State or local government approved under section 206, the Secretary shall notify that State or local government that further payments will not be made under this title until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made under this title.

REPORTS

SEC. 213. The Secretary shall report to the Congress as soon as is practical after the end of each calendar quarter during which grants are made under the provisions of this title. Such report shall include information on the amounts paid to each State and local government and a description of any action which the Secretary has taken under the provisions of section 212 during the previous calendar quarter. The Secretary shall report to Congress as soon as is practical after the end of each calendar year during which grants are made under the provisions of this title. Such reports shall include detailed information on the amounts paid to State and local governments under the provisions of this title, any actions with which the Secretary has taken under the provisions of section 212, and an evaluation of the purposes to which such amounts paid under this title were put by State and local governments and the economic impact of such expenditures during the previous calendar year.

ADMINISTRATION

SEC. 214. (a) RULES.—The Secretary is authorized to prescribe, after consultation with the Secretary of Labor, such rules as may be necessary for the purpose of carrying out his functions under this title.

(b) COORDINATION.—In administering the provisions of this title, the Secretary is authorized to use the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

PROGRAM STUDIES AND RECOMMENDATIONS

SEC. 315. (a) EVALUATION.—The Comptroller General of the United States shall conduct an investigation of the impact which emergency support grants have on the operations of State and local governments and on the national economy. Before and during the course of such investigation the Comptroller General shall consult with and coordinate his activities with the Congressional Budget Office and the Advisory Commission on Intergovernmental Relations. The Comptroller General shall report the results of such investigation to the Congress within two years after the date of enactment of this title together with an evaluation of the macro-economic effect of the program established under this title and any recommendations for improving the effectiveness of similar programs. Such report shall include the opinions of the Congressional Budget Office and the Advisory Commission on Intergovernmental Relations with respect to the program established under this title and any recommendations which they may have for improving the effectiveness of similar programs. All officers and employees of the United States shall make available all information, reports, data, and any other material necessary to carry out the provisions of this subsection to the Comptroller General upon a reasonable request.

(b) COUNTERCYCLICAL STUDY.—The Director of the Congressional Budget Office and the Advisory Commission on Intergovernmental Relations shall conduct a study to determine the most effective means by which the Federal Government can stabilize the national economy during periods of excess expansion and high inflation through programs directed toward State and local governments. Before and during the course of such study the Director and the Advisory Commission shall consult with and coordinate his activities with the Comptroller General of the United States. The Director and the Advisory Commission shall report the results of such study to Congress within two years after the date of enactment of this title. Such study shall include the opinions of the Comptroller General with respect to such study.

EXTENSION OF THE EMERGENCY JOBS AND UNEMPLOYMENT ASSISTANCE ACT OF 1974—S. 1695

AMENDMENT NO. 817

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. MONDALE. Mr. President, I am pleased to submit in the Senate today an amendment which would create the "American Bicentennial Photography and Film Project."

The legislation would result in creation of an enduring portrait of the American people in the year of our Bicentennial, as well as provide much-needed employment opportunities for American photographers and film makers.

Those of us who lived through the New Deal—and many Americans who learned about the period through their history books—cannot forget the moving human stories told through the pictures taken by photographers employed by the Federal Government. Some of the most creative photographers this Nation has ever had both got their start and made their reputations through programs designed to document the work of the Farm Security Administration and other New Deal agencies.

The FSA was created to assist rural Americans to pull themselves out of the depths of the Depression. The agency provided rehabilitation loans and relief grants to farmers, and extended credit and technical assistance to farmers who needed livestock, repairs, feed and seed. Dorothea Lange, Walker Evans, and Ben Shahn were among those hired to record American rural life and the programs of the FSA with their cameras.

They created a priceless and unforgettable legacy. Roy Stryker, who headed the FSA photo project, recounts the human side of the project in this story about a picture-taking expedition with photographer Russell Lee:

> We were in a small town and he saw a little old lady with a little knot on her head. He wanted to take her picture but the woman said: What do you want my picture for? Russell's response was part of my education as to how a photographer thinks. He turned to the lady and said: Lady, you're having a hard time, and a lot of people don't think you're having such a hard time. We want to show them that you're a human being, a nice human being, but you're having troubles. Well, she said All right, you can take my picture, but I've got some friends and I wish you'd take some of their pictures too. Could you come and have some lunch with me today. We stayed all that day and that night and had supper. She invited four or five women over and Russell took pictures.

Stryker developed outlines to be followed by photographers in the field. He outlined one photo project he called "American Background," in which Americans would be shown "at home in the evening," attending church, and in such community gathering places as baseball fields and pool halls. Another essay theme was "The Railroads and their Place in the Life of America." Among the subjects to be photographed were the interior and exterior of a railroad station, the activity on the platform, the arrival and departure of trains, movement of baggage and freight, and people involved in such activities as ticket-buying and eating a snack.

Some 35 years after the FSA project, we are faced both with a serious economic recession and with the 200th birthday of America. These factors present a perfect opportunity for us to create a portrait of America which will become a vital and enduring part of our heritage.

For this reason I am proposing that Congress approve legislation creating the "Bicentennial Photography and Film Project." Through this project we could provide jobs for some of our most creative citizens. The bill I am introducing would specify that 1 percent or up to $10 million nationally of public service employment funds be spent to provide jobs to photographers and film makers. Some $4 million would be provided to State arts councils to administer projects designed to result in a national Bicentennial portrait. Three million dollars would be used to provide each State arts agency with $60,000 to operate a project. An additional $1 million would be distributed to the States on the basis of population.

In order to secure these funds, a State arts council would present a plan for photo and/or film projects to the National Endowment for the Arts. The State council would be authorized to use the funds for secure equipment and supplies, supporting personnel—including master photographers—processing, cataloging, collection and dissemination, and display of the photographs and films produced by the State projects.

The National Endowment for the Arts would receive $1 million to administer the program on the national level and provide for selection and dissemination of the films and photos.

We can expect from such a national effort a product as rich and varied as American life itself. It will show us life in communities throughout America today—life in farms, towns, and cities, the life of the rich and the poor, moments of happiness and despair and of quiet family times. Mr. President, I ask unanimous consent that the text of the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 817

Designate the existing provisions of S. 1695 as Title I thereof, renumber sections accordingly, and add the following new Title II:

"Title II. AMERICAN BICENTENNIAL PHOTOGRAPHIC AND FILM PROJECT

FINDINGS AND STATEMENT OF PURPOSES

SEC. 201. (a) The Congress hereby finds (1) that the federally supported photographic projects conducted during the 1930's created a lasting national historic and artistic resource of priceless value and (2) that the public employment program provided in Title I of this Act presents the opportunity to contract a similar portrait, through photographs and film, of the people and communities of the United States in our bicentennial year.

(b) It is the purpose of this Title to establish the National Bicentennial Photographic and Film Project, by permitting State Arts Agencies to serve, under Title I of this Act, as prime sponsors of qualified photographic and film projects within their States, and by establishing the National Endowment for the Arts as national coordinator for the National Bicentennial Photographic and Film Project.

AUTHORIZATION OF APPROPRIATIONS

SEC. 202. (a) There is hereby authorized to be appropriated to the National Endowment for the Arts for the purposes of this Title not in excess of $5,000,000 for the fiscal year ending June 30, 1976. Sums appropriated pursuant to this paragraph shall remain available until expended.

(b) Of the amounts appropriated pursuant to paragraph (a) of this section, not in excess of one-fifth shall be reserved by the National Endownment for the Arts for purposes of section 204, and the remainder shall be apportioned among the States on the following basis: the first $3 million shall be allocated among the States in equal amounts, and the remainder shall be apportioned among the States on the basis of population.

STATE PROJECTS

SEC. 203. (a) From funds appropriated and apportioned to each State pursuant to section 202, the Endowment is authorized to provide, by grant or contract, financial assistance to the State Arts Council of each State, pursuant to such regulations and guidelines as the Endowment shall establish, to permit such State Agency to serve as prime sponsor for one or more photographic or film projects meeting the purposes of this Title. Such assistance shall be available for purposes which include securing equipment, supplies, and administrative or supervisory personnel not reimbursable under Title I of this Act and processing, cataloguing, display and related activities with respect to photographs and films produced pursuant to this Title.

(b) Upon the application of a State Arts Agency which the Endowment finds, pursuant to such regulation and guidelines as the Endowment may establish to meet the purposes of this Title, and to promise productions of artistic merit and cultural significance, the Endowment shall designate such Agency as prime sponsor under Title I of this Act for purposes of carrying out such application. The Secretary of Labor shall receive one percent, but not to exceed $10 million, of the funds appropriated under Title I of this Act for the fiscal year ending June 30, 1976 for the purposes of this paragraph, and shall make assistance available from such reserved funds pursuant to application approved by the Endowment. Such reserved funds shall remain available until expended.

NATIONAL PROJECT

SEC. 204. From funds allotted to the Endowment pursuant to Section 202, the Endowment shall defray costs of administration, provide for collection and dissemination of photographs and films produced pursuant to this section, and provide direct assistance to applicants for photographic or film projects of special merit which meet the purposes of this Title." The Endowment shall assure that representatives photographs and films (including, where appropriate, negatives) produced under this Title are made available for the permanent collection of the Library of Congress.

PRODUCTION FROM NAVAL PETROLEUM RESERVES—S. 2173

AMENDMENT NO. 818

(Ordered to be printed and to lie on the table.)

Mr. JACKSON. Mr. President, I am submitting an amendment to S. 2173, the bill reported yesterday by the Armed Services Committee, which would authorize limited production from the Naval Petroleum Reserves in California and Wyoming.

Briefly, my amendment would add a new title to S. 2173 consisting of the text of S. 677, the Strategic Energy Reserves Act of 1975, which passed the Senate on July 8th, by a vote of 91 to 0.

Mr. President, it is entirely appropriate that the text of the strategic reserves bill be incorporated in S. 2173. S. 2173 authorizes production from Naval Petroleum Reserves 1, 2 and 3 for use in a strategic reserves system. The development of an effective strategic petroleum reserve is directly related to the status of the Naval Petroleum Reserves. By including the provisions of S. 677 in S. 2173, we will enable the conference to deal with the related questions of strategic reserves and Naval Petroleum Reserves at the same time.

Mr. President, the amendment I am proposing in the text of S. 677 as it passed the Senate with two minor changes. First, a provision authorizing the FEA Administrator to require importers or refiners to maintain certain readily available inventories. Section 301(e) is deleted because provisions for interim industry storage reserves, which achieve the same result, were adopted on the Senate floor.

Second, section 301(n) which authorizes the Administrator to adjust the processing operations of domestic refineries in the case of an embargo, is amended to provide that such adjustments may be made if imports of crude oil, residual fuel oil, and refined petroleum products have fallen significantly or will within 30 days in his judgment, fall significantly below existing requirements for such imports, resulting in an existing or prospective shortage of at least 10 per centum of import requirements. This change conforms section 301(n) to the text for use of strategic reserves set forth in section 301(i).

FOREIGN ASSISTANCE ACT OF 1975—S. 1816

AMENDMENT NO. 819

(Ordered to be printed and referred to the Committee on Foreign Relations.)

Mr. PACKWOOD. Mr. President, I am joining today with Senator MAGNUSON in submitting an amendment to the Foreign Assistance Act of 1975. This amendment suggests a number of fundamental changes in the development portion of the U.S. bilateral foreign assistance program. Primary emphasis would be put on assistance to the least-developed countries—those with a 1975 per capita gross national product of $400 or less—by earmarking 80 percent of the available funds to those countries.

Development of programs in the areas of agricultural reform, family planning and health care is encouraged and long-term goals are proposed.

Mr. President, I believe this amendment contains a number of recommendations worthy of discussion and exploration. For this reason, I offer it here and commend it to the attention of my colleagues.

Mr. MAGNUSON. Mr. President, I join Senator PACKWOOD today in submitting an amendment to the Foreign Assistance Act of 1961. This amendment was drafted by Prof. Roy Prosterman of the University of Washington Law School who is one of the Nation's foremost experts on land reform. Professor Prosterman will appear before the Foreign Relations Committee next Tuesday to testify in behalf of this proposal.

Essentially, this amendment would fundamentally alter the current U.S. bilateral foreign aid program in order to provide developmental assistance to the very poorest countries of the world by linking that aid to a country's willingness and ability to work toward certain goals. Specifically, it would extend assistance to underdeveloped countries who demonstrate they can work toward goals to increase ownership of land by the tiller; to reduce their birth rate; and to reduce the mortality rate of young children. These criteria are established as standards of a country's ability to use foreign aid to provide direct benefit to its people.

The key contribution of this proposal is that it centers attention on establishing criteria for minimum performance for qualifying for U.S. aid. It is consistent with the steps Congress took in 1973 in reforming the foreign assistance legislation to focus U.S. aid on the world's poorest people and nations. Congress now needs to establish guidelines to assure that our country's foreign aid program is really accomplishing its stated humanitarian goals.

Mr. President, our purpose in introducing this amendment is to generate a discussion of the value and need to set up more specific criteria for administering our foreign economic assistance program. Our goal is to achieve a foreign aid program that will insure the support of the people of the recipient countries—because it truly improves their welfare—and the support of the American public because it combines U.S. humanitarian concerns with hard Yankee pragmatism.

NOTICE OF MOTION TO SUSPEND THE RULE

Mr. JOHNSTON submitted the following notice in writing:

> In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 8121) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes the following amendment, namely:
>
> On page 68, line , insert the following: after line 10, insert a new section:
>
> SEC. 607 (a). Notwithstanding any provisions of this bill, none of the funds appropriated in this act or any other act shall be deemed unavailable for obligation solely by application of the provisions of Section 15 of the Foreign Assistance Act of 1974, P.L. 93-559 (88 Stat. 1799) until enactment of foreign assistance legislation for fiscal year 1976 security assistance programs.
>
> (b) Until enactment of foreign assistance legislation for fiscal year 1976 security assistance programs, no defense article in the inventory of the Department of Defense which is set aside, reserved, or in any way earmarked or intended for future use by any foreign country may be made available to or for use by any foreign country unless such transfer is authorized under the Foreign Assistance Act of 1961, as amended, or the Foreign Military Sales Act, or any subsequent corresponding legislation, and such transfer is charged against funds authorized under such legislation or against the limitations specified in such legislation, as appropriate, for the fiscal period in which such defense article is transferred.

NOTICE OF FIELD HEARINGS

Mr. CHURCH. Mr. President, I wish to announce, for the information of the Senate and the public, the scheduling of two field hearings to be held before the Energy Research and Water Resources Subcommittee of the Senate Interior and Insular Affairs Committee.

The hearings will examine a formal agreement that has been reached by memorandum between the Secretary of the Interior and the Secretary of the Army for water marketing and related energy development in the Missouri River basin.

The first day of hearings will be held on August 26, at 9:30 a.m. in library room 148 of the Eastern Montana College in Billings, Mont. The final day of hearings will be held on August 28, in Rapid City, S. Dak. The location has yet to be determined.

Further information is available from Russell Brown of the subcommittee staff on extension 41076. Those wishing to testify or who wish to submit a written statement for the hearing record should write to the Energy Research and Water Resources Subcommittee, 3106 Dirksen Senate Office Building, Washington, D.C., 20510.

POSTPONEMENT OF HEARINGS

Mr. CHURCH. Mr. President, I wish to announce, for the information of the Senate and the public, the postponement of hearings scheduled for July 29 and July 30 before the Energy Research and Water Resources Subcommittee of the Senate Interior Committee.

The purpose of these hearings was to receive the energy research and development plans of the Energy Research and Development Administration.

The hearings will be rescheduled at a later date.

ADDITIONAL STATEMENTS

WINDFALL PROFITS TAXES AND CONSUMER TAX CUTS

Mr. ROTH. Mr. President, after months of inaction on the energy problem, the time has come for action. I have consistently opposed the President's plan to decontrol oil prices immediately, but unless Congress takes immediate action on a compromise plan, the complete decontrol of oil prices will come about September 1. The President has proposed a gradual decontrol plan, but I am opposed to any type of oil decontrol going into effect unless we are assured that a tough and effective windfall profits tax will be enacted, combined with a tax cut for consumers to offset the higher energy prices. Therefore, I have joined other members of the Senate Finance Committee in the fight for a comprehensive package of windfall profits taxes on the oil companies and tax cuts to return the oil company profits to the consumers. Properly drafted, these tax cuts could be in the form of a conservation dividend of at least $100 for each energy consumer. These tax cuts will not only offset higher energy prices, but they will provide an additional stimulus to assure economic recovery. I also support the elimination of the $2 tariff as inflationary and inviting the oil cartel to raise its prices.

The 20 months of congressional inaction since the Arab oil embargo has resulted in increased dependence on OPEC oil, higher oil prices and higher unemployment levels. Because of the high price of OPEC oil, this country's bill for imported oil rose from $7 billion in 1973 to $23 billion in 1974, and further inaction will result in even higher oil costs in 1975. This oil tax on the American consumer, imposed by the OPEC cartel, is a major cause of our economic problem. Unless Congress acts quickly, our dependence on foreign oil will be over 50 percent by 1981, causing grave national security risks and costing the American consumers over $50 billion a year. The American people, like the Congress, must recognize that there are no easy answers to the energy problem. The President has shown that he is willing to compromise with Congress, and it is time for congressional rhetoric to end.

The Congress has two choices, either action or inaction. Inaction will result in further dependence on the OPEC oil cartel and higher oil prices by September 1. Action on a compromise agreement, which would stretch out oil decontrol over several years coupled with a tough windfall profits tax and consumer tax relief, would reduce our dependence on the foreign oil producers, decrease our consumption of energy and increase our production of domestic energy.

DIMINISHED FLOW OF AMERICAN RESOURCES TO FRIENDS AND NEIGHBORS ABROAD

Mr. INOUYE. Mr. President, on the floor of Congress and in the press we frequently hear references to the greatly diminished flow of American resources to its friends and neighbors abroad.

Indeed, total flows are well below the days of the Marshall plan immediately following World War II and the Senate Appropriations Committee's fiscal year 1975 report (No. 94–39) notes this decline. What is not widely recognized, however, is that appropriations for economic assistance under the Foreign Assistance Act were substantially higher in 1975 than they have been in any year since 1967.

Mr. President, I ask unanimous consent that a table reflecting this information for the past 10 years be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

AUTHORIZATION AND APPROPRIATION HISTORY FOR ECONOMIC ASSISTANCE UNDER THE FOREIGN ASSISTANCE ACT OF 1961 (INCLUDING SUPPLEMENTALS) FISCAL YEARS 1966–75

[In millions of dollars]

Fiscal year	Authorization request [1]	Authorization by Congress [2]	Appropriation request [1]	Appropriation by Congress [3]
1966	2,704.5	2,605.0	2,704.5	2,463.0
1967	3,443.4	2,628.0	2,469.0	2,143.5
1968	2,785.6	2,165.0	2,630.4	1,895.6
1969	2,554.2	1,609.8	2,498.5	1,380.6
1970	2,210.0	1,624.2	2,210.0	1,424.9
1971	2,093.7	2,093.7	2,008.0	1,733.9
1972	2,355.2	1,868.6	2,355.2	1,718.2
1973	1,970.5	1,026.5	2,256.6	1,664.2
1974	1,760.6	1,726.9	1,884.2	1,632.6
1975	2,603.5	[4] 2,584.9	2,948.7	[5] 2,049.8

[1] Adjusted to fiscal year basis and including executive branch adjustments.

[2] Adjusted to fiscal year basis.

[3] Includes borrowing authority (other than for investment guaranties) during Marshall Plan period April 1948–1952.

[4] Includes $87,000,000 for activities not contained in the Administration request: $25,000,000 for assistance to Portugal and its colonies becoming independent; $20,000,000 additional for population programs; $2,000,000 additional for education and human resources development; and $40,000,000 for famine or disaster relief (sec. 639).

[5] Excludes $15,600,000 for payment to the foreign service retirement and disability fund. The fiscal year 1975 payment of $16,080,000 is funded by transfer of $480,000 from development assistance funds and $15,600,000 from funds appropriated for the same purpose in the Department of State Appropriation Act, 1975.

Note: Excludes investment guaranty program (borrowing authority and appropriations) and OPIC.

DR. SWICK GETS HIS GERMAN KUDOS—45 YEARS AFTER

Mr. JAVITS. Mr. President, a great New Yorker, Dr. Moses Swick, has been serving the people of New York as a physician for over 50 years. He has just, on January 28, received his honorary doctor of medicine degree from the Free University of Berlin for his work on development of urography. Even today, at age 75, he is caring for the sick at Mount Sinai Hospital.

Dr. Swick's pioneering research in the medical sciences, particularly in urology and nephrology, have been mentioned as being of potential Nobel Prize caliber. In addition, he continues to be a fine teacher for our young physicians.

I commend Dr. Swick for his work and I ask unanimous consent that the article "Dr. Swick Gets His German Kudos—45 Years After," from the Mount Sinai Hospital News, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DR. SWICK GETS HIS GERMAN KUDOS—45 YEARS AFTER

Dr. Moses Swick, Consultant Urologist, has been widely honored in the United States for his discovery of intravenous urography—work which has been the cornerstone of urological diagnostic investigaton and has had wide application throughout the field of medicine, particularly in angiography.

Now, Germany where he did his original research on a Mount Sinai fellowship 45 years ago, has officially recognized his achievements. On Jan. 28, Dr. Swick received the Honorary Doctor of Medicine degree from the Free University of Berlin for his "scientific endeavors and work in the development of urography."

At the Free University's request, the event included a lecture by Dr. Swick on his landmark work to students and teachers of the Faculty of Medicine, and residents in its affiliated hospital. Presentation of the degree was made by Dr. Jorge Cervos-Navarro, vice president of the university and a professor of neuropathology in its school of medicine. Dr. Swick was also elected to honorary membership in the Berlin Urological Association. In addition, he visited St. Hedwig's Krankenhaus (hospital), one of three institutions where he did his research, following his internship and residency here. He went to Germany on fellowship funds from Dr. Emanuel Libman, who was one of Mount Sinai's most distinguished physicians. He was also a guest of the Schering Pharmaceutical Company which manufactured his preparation, known as *Uroselectan* (called *Iopax* in the U.S.), and subsequent related compounds.

In 1931, following his return to the U.S., Dr. Swick's further investigations at Mount Sinai led to the formulation of another compound, *Hippuran*, which has been of value as a test of renal function and a screening diagnostic method by means of the renogram.

Dr. Swick received the American Medical Association's Billings Medal for his work in 1933; the Valentine Award of the New York Section, American Urological Association in 1966; and the "outstanding alumni" medallion of the College of Physicians and Surgeons, Columbia University, on the occasion of its 200th anniversary in 1967. In 1959, Mount Sinai's Associated Alumni honored him with a Jacobi Medallion.

ANNIVERSARY OF DEATH OF CHARLES A. LINDBERGH

Mr. TALMADGE. Mr. President, this August 26 will mark the first anniversary of the death of Charles A. Lindbergh, and there has been brought to my attention a moving poem by Mattie Richards Tyler, a well-known Washington poet and editor.

Miss Tyler commemorates in verse Lindbergh's illustrious and historic 1927 "Spirit of St. Louis" solo transatlantic flight. Miss Tyler was awarded the Freedoms Foundation George Washington Honor Medal for her poem "George Washington at Prayer."

In noting Lindbergh's last flight home last August 26, Miss Tyler writes:

> While history endures and planes still fly,
> Charles Lindbergh's name and deeds will never die.

The Senate is not scheduled to be in session on August 26, and I bring Miss Tyler's poem to the attention of the Senate at this time to honor the memory of this great American aviator.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

CHARLES AUGUSTUS LINDBERG, 1902–1974

SPIRIT OF ST. LOUIS

ROOSEVELT FIELD, L.I.,
May 20, 1957.

Charles Lindbergh viewed Long Island's foggy shroud,
Where visibility was blurred by rain.
A race was scheduled. He would be so proud
To win that Paris Flight with much to gain.
His two competitors let caution rule,
But Lindbergh felt that he must not delay;
So he began his flight resolved and cool—
Aware that this could be a fatal day.
The Spirit of St. Louis rising, falling,
Responded to her pilot's urgent calling.

FIRST SOLO TRANSATLANTIC FLIGHT—"WE ARE HERE"

LE BOURGET FIELD, FRANCE,
May 21, 1975.

The coast of Normandy and France at last,
The flaming flares of Le Bourget Airfield,
The lights of lovely Paris rushing past,
And victory to him who would not yield!
While thousands shouted welcome, Lindbergh stepped
From plane to earth; his voice was strong and clear,
His words were few and simple, yet they swept
The world: "I am Charles Lindbergh. *WE are here!"
That solo flight he blazed across the sky,
Still wears a crown of stars as years pass by.

LAST FLIGHT HOME—"THE LONE EAGLE OF THE SKY"

Died August 26, 1974

By his request, they flew him gently home
To Maui . . . and there he died, and is interred.
No martial music, and no Capitol Dome
To lie in state beneath! Lindbergh preferred
A coffin from the wood of his own trees,
His only mourners family, neighbors, friends,
His requiem Pacific Ocean breeze.
But death is not where Lindberg's greatness ends!
While history endures and planes still fly,
Charles Lindbergh's name and deeds will never die.—MATTIE RICHARDS TYLER.

NOTE.—Lindbergh is quoted as having often referred to himself and his beloved plane as "We." The Spirit of St. Louis has its own honored hangar in the Smithsonian Institution, Washington, D.C. Yearly, thousands of tourists stand gazing at the valiant little plane that carried its young pilot to greatness. Many of the spectators are eager children, with dreams of their own.—MRT.

SEATO'S FUTURE

Mr. TAFT. Mr. President, I would like to bring to the attention of my colleagues an article in the Washington Post of July 25, entitled, "Nations Ask SEATO Breakup." I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. TAFT. As the article notes, the only two Southeast Asian nations remaining in the SEATO alliance have stated that the alliance "should be phased out to make it accord with the new realities in the region." Most significant among those new realities is a new regional organization, the Association of Southeast Asian Nations, comprising the Philippines, Thailand, Singapore, Indonesia, and Malaysia. As the joint Thai-Philippine communique noted, ASEAN "has become a solid foundation for constructive cooperation" in the region.

I believe it is generally in the interest of the United States to see organizations such as ASEAN—regional organizations in which superpowers are not participants—replace alliances based on superpower participation and support. The objectives for which the United States originally encouraged the foundation of alliances such as SEATO—regional peace and cooperation—can often best be served today by organizations of the regional powers. We should always remember that U.S. involvement in these regions' security and foreign affairs problems was never a policy object, merely a tool. When a tool outlives its usefulness, it should be replaced.

It should always be the policy goal of the United States to enable other nations, singly or in regional organizations, to assume full responsibility for their own affairs, particularly in the realms of foreign policy and defense. Over the past 30 years, it has often been necessary from the standpoint of all parties for the United States to become involved in these tasks. But such involvement should always be regarded as a temporary situation. It is not in the interest of the United States to be involved for the sake of involvement in the foreign and defense problems of others.

I welcome the initiative taken by the Governments of Thailand and the Philippines, in regard to the future of SEATO. I hope that the United States will realize that American interests are best served when the primary responsibility for regional peace and cooperation can be assumed by the regional nations.

It should be noted that the impending demise of SEATO does not imply a withdrawal of the United States as a Western Pacific power or a downgrading of the security commitments under the Manila pact.

EXHIBIT 1

TWO NATIONS ASK SEATO BREAKUP

(By Murrey Marder)

Thailand and the Philippines called yesterday for closing down the Southeast Asia Treaty Organization the disintegrating anti-Communist alliance structure built by the United States 21 years ago.

SEATO "should be phased out to make it accord with the new realities in the region," said Thai Prime Minister Kukrit Pramoj and Philippine President Ferdinand E. Marcos, in a joint communique issued in Manila.

The "new realities" alluded to in the communique include the collapse of the American-backed anti-Communist struggle in Indochina and the recent decisions of Thailand and the Philippines to establish diplomatic relations with China. Thailand and the Philippines are the only Southeast Asian members of SEATO; without them the organization would lose any justification for its name.

SEATO has been regarded as an anachronism by many Americans and other members, especially since the United States in 1971 ended its generation of hostility toward the People's Republic of China.

SEATO was launched in 1954 by Secretary of State John Foster Dulles as a shield against Chinese Communist aggression and subversion, and also to prevent Communist takeovers of South Vietnam, Laos and Cambodia.

The organization has been crumbling in recent years. Pakistan pulled out in 1973 and France in 1974, leaving as members the United States, Britain, Australia and New Zealand, plus Thailand and the Philippines.

During a Senate review of SEATO in 1974, however, the State Department maintained that the organization, and especially the Manila Pact of 1954 which was its basis, still "have not outlived their usefulness in the present era of transition." American critics of SEATO long have been indignant because President Johnson in the mid-1960s invoked it as a rationale for sending a half-million U.S. troops to South Vietnam.

State Department officials yesterday again made a point of distinguishing between SEATO, the military organization, and the Manila Pact, the alliance under which it was created, which is formally known as the Southeast Asia Collective Defense Treaty.

The next SEATO Council meeting, due in the autumn on the fringes of the United Nations General Assembly meeting, will provide an opportunity to discuss the future of SEATO, a State Department spokesman said.

"Our views on the need for continuing SEATO," however, the spokesman acknowledged, "will be much influenced by the other members, especially those of the region." He added, "We know of no proposal that the Manila Pact, which underlies SEATO be dissolved."

In Manila, Koson Sinthawanan, a spokesman for Thai Prime Minister, Kukrit, said Thailand sees no need to dissolve the Manila Pact.

"There's no need to abolish the treaty itself," Koson was quoted as saying: "it does not do any harm to keep the treaty."

While this may seem anachronistic, U.S. officials pointed out that without the Manila treaty, Thailand, unlike the Philippines and every other member of SEATO that participates in other alliances with the United States, would have no security link to the United States.

Even though the nations of Southeast Asia are in the process of rebalancing their relations with China and North Vietnam, one U.S. official said, "they obviously also want to keep their options open."

SEATO's headquarters are in Bangkok, but in recent years the organizational structure has been sharply reduced and SEATO largely has shifted from military functions to civil action programs.

The Kukrit-Marcos communique of southeast Asian Nations (Philippines, Thailand, Singapore, Indonesia, Malaysia) "has become a solid foundation for constructive cooperation" in the region.

Sometime in the future, Thailand hopes to invite Cambodia and North and South Vietnam, now all Communist-ruled, to join ASEAN, Kukrit told reporters in Manila.

The Thai prime minister and Marcos also said in their communique that they "reaffirmed their views that foreign military bases in the region were temporary in character."

All American servicemen and remaining aircraft associated with the Indochina war are not being removed from Thailand; negotiations are due to begin between the United States and the Philippines in the fall on new conditions for American bases there.

U.S. officials, however, are confident that neither nation wants to rush to close out all U.S. bases. In addition, China also favors some American presence in the region as a counterweight against the Soviet Union.

The call today for dismantling SEATO contained no timetable for action, and stated, without explanation, that the organization "has served its purposes commendably." President Marcos said, ambiguously, that the phasing out of SEATO should be done "in accordance with the dictates of the circumstances as they occur."

One State Department official said, "We are not fighting a die-hard battle in defense of SEATO." SEATO, he noted, was never comparable in significance or function to the North Atlantic Treaty Organization. SEATO was only a headquarters operation even in its prime days during the Cold War when it was part of the web of alliances "to contain" what was then regarded as the "monolithic Sino-Soviet bloc."

When Pakistan pulled out of the organization, it also withdrew from the Manila Pact. France, however, withdrew only from SEATO, remaining in the defense treaty, on the pattern of its withdrawal from NATO in the 1960s.

RETIREMENT OF AMBASSADOR ORTONA

Mr. PASTORE. Mr. President, news of the retirement of the distinguished Ambassador of Italy to the United States, the Honorable Egidio Ortona, leaves me with mixed emotions.

I am, indeed, happy for him for after a very distinguished and long service to his government, he will now have the time in a more relaxed mood to pursue the luxury of an easy pace and considerably more time to his devoted and lovely family.

On the other hand, I genuinely feel deep sadness in seeing a cherished friend leave our capital city where he spent so many years of distinguished service to his country while making many fast and loyal friends among our American society.

Mrs. Pastore joins me in extending to him and his lovely wife many years of happiness and good health.

MULTINATIONALS—THE ETHICAL QUESTIONS

Mr. CHURCH. Mr. President, 9 months ago, the United Church of Christ through its national agencies convened a working group on multinational corporations. The objective was to identify the moral and ethical questions raised by the growth of multinational corporations, and to issue a report which would bring the issues before the church's 10th General Synod in Minneapolis in June.

A working group report reflecting careful thought on the wide range of social and economic problems faced by multinationals was prepared and published. The working group consisted of members with broad expertise in the dealings of multinational corporations. Each of the constituencies with an interest in the subject, company people, labor leaders, government officials, as well as churchmen, were included. It is striking to note that despite the diversity of viewpoints, the group agreed on such issues as the treatment of labor, the corporate attitudes toward social and economic injustice, and transfer pricing. It proposed a view of the problems which would enable an informed Christian layman to participate in the debate over these issues intelligently.

The working group report led to the drafting of a pronouncement defined by the church as "a declaration of Christian conviction on a matter of social principle."

After much vigorous debate the pronouncement was adopted by the synod. It includes a strong statement condemning corporate interference in the political affairs of a host country, the contribution of money to foreign political campaigns, and payment of bribes. It states the need for corporations to respect human rights and it encourages church members to become fully informed to react critically to corporate and government activity and to carry forward in an appropriate role as shareholder.

Both the report of the working group and the pronouncement which was adopted by the synod are exemplary documents. They bring to public view in a reasoned way the central issues which face multinational corporations, and they should be widely read by everyone concerned with this problem.

What is more, these documents and the work of the United Church in this area will do much to remind Americans that there is a moral component to American foreign policy and that as citizens we should include moral values in our business dealings.

Too much of our foreign policy over the last generation has ignored this ethnical component and the time for its renewal is ripe. Too frequently Americans abroad have felt themselves free of the moral constraints they would apply at home.

The men and women of the church who worked on these documents deserve great praise for their effort, in particular, their ability to discuss these issues which usually generate more heat than light in a reasonable, rational way and reach hard conclusions based on a fully lucid debate.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the pronouncement, and I urge everyone with an interest in the subject of multinational corporations to read it and the working group report with care.

There being no objection, the pronouncement was ordered to be printed in the RECORD, as follows:

THE ROLE OF TRANSNATIONAL BUSINESS IN MASS ECONOMIC DEVELOPMENT

A pronouncement adopted by the Tenth General Synod of the United Church of Christ, meeting in Minneapolis, Minnesota, June 27–July 1, 1975.

"A pronouncement is a declaration of Christian conviction on a matter of social principle, proposed for approval by General Synod and to be directed to the Churches and the Conferences for implementation and to the public for information." (Standing Rules of the Tenth General Synod, IV–17–a)

WORLD ECONOMIC HEALTH—A CHRISTIAN CONCERN

The Tenth General Synod of the United Church of Christ, meeting in a period of widespread anxiety about world economic trends, seeks to help its constituency carry their due share of responsibility for the health of the global economy, in which the so-called "multinational corporation" is an important phenomenon. As citizens of the country of incorporation of many companies engaged in production abroad, American Christians are sensitive to the serious claims and counterclaims that surround transnational business on all continents. They are called to work for economic and social justice and full human development.

Church thought and action regarding the role of transnational business in mass economic development is inspired by two central realities of church life—ancient biblical faith and contemporary ecumenical experience. Biblical religion teaches that it is the human vocation to be co-creator, dedicating all labor to the building of a just society on a well-cared-for planet in a universe given by God; the biblical ethic, expressed in thousands of stories and teachings, is "Thou shalt not harm . . . thou shalt serve," striving to realize the full potential of life on this earth for all. The Christian Church, today the largest voluntary society in the world, has long been at work in every land where transnational business is now operating.[1] The church everywhere experiences the impact of this growing fact of economic life, weighing transnational business enterprise to see whether, on balance, it promises greater liberation or deeper exploitation. Social action agencies of both the World Council of Churches and the Vatican provide channels through which the worldwide Christian community pursues international economic justice.

GLOBAL PRODUCTION BUT A WIDENING GAP

The dynamism of transnational business is striking: production of foreign subsidiaries of transnational corporations now surpasses trade as the main vehicle of international economic exchange.[2] Through technological advance, managerial ability, marketing skill and access to capital, such corporations grow faster than purely domestic firms. From 1966–1973 their direct investment in other developed countries nearly tripled, and it nearly doubled in the developing lands. Although they presently account for but seven percent of the Gross National Product of the less developed countries and five percent of that of the industrialized nations, transnational corporations are proving to be effective producers of goods and services, and most developing countries invite their investments. Even countries whose economic enterprises are state-owned, recognizing the innovative capacity of transnational corporations, negotiate special arrangements by which private enterprise know-how can assist their economic development.

The success of transnational corporations as international producers has, for the most part, been achieved by setting up plants abroad to do there what has already proven profitable in their homeland. They have invested primarily in other industrialized lands, or sought to encourage consumer society tastes in the less developed countries. Seventy-six percent of all transnational corporate investment is in the developed countries, and so are three-quarters of the jobs they have created abroad. A good part of the other quarter of investment and jobs is found in the most advanced of the less developed countries. Economically speaking, not much of the transnational firms has yet been seen by the bottom half of the world's people, and the gap between their income and that of the more fortunate nations and classes grows ever wider.

In order that they may make a more significant contribution to worldwide development, the transnational firms should be encouraged to accept the challenge issued by one board chairman to his peers: "We whose main markets are among the 20 percent of the world's affluent peoples must reach the decision that our own future lies in the enrichment of opportunities for the 80 percent who are poor. There is more profit and stability in enriching the poor than in concentrating on the rich. Poverty is a problem to be solved—not a standard to be endured."

The church should recognize that a reasonable profit is indispensable to the operation of any business, private or state-owned. Transnational corporations cannot work for mass economic development in the same way as philanthropic foundations or subsidized service agencies. Initial investment in high risk areas of chronic poverty and instability may require a higher rate of return than in more favorable situations. But if there were a continual net outflow of resources from a poorer host country to a richer home country of a transnational corporation, the overall effect of that company's operations in that land would be antidevelopmental. Through justly determined transfer prices and technology charges between parent companies and their subsidiaries in developing countries, through fairly calculated tax payments, through substantial reinvestment of local earnings, and through repatriation of no more than a reasonable profit, transnational corporations can provide a very important contribution to the achievement of host country development goals.

Transnational business can raise the general standards of local employment and bring about increased productivity by providing proper working conditions and compensation. By recruiting workers without regard for discriminatory local customs, by training employees to realize their full potential skill, by paying wages that are proportional to their contribution to production rather than wages that are as low as possible, by providing benefit plans that communicate genuine concern for the worker as a person, by recognizing the right of employees to participate in representative workers' organizations, transnational corporations can inject hope in the midst of despair.

Transnational corporations alone cannot solve the vast problems of unemployment and underemployment among the swiftly growing population of the developing countries. They can make a strategic contribution to the host country's struggle with this issue, cooperating when they are requested to establish new manufacturing centers in remote regions lacking industries and job opportunities. They can also respond by locating new facilities near teeming cities with massive numbers of unemployed and underfed. In the agricultural and extractive industries, located where the crops and the mineral resources are to be found, they can upgrade the skills and the living standards of the populations whose labor they need, insuring that they receive a full share in the benefits of the economic modernization which transnational business begins.

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[1] The religions of the world number more voluntary members than any other kind of associations. *The Encyclopedia Britannica Book of the Year, 1973*, p. 600, indicates that 64.3% of the global population of 3,706 million belong to the seven major religions of the world. Their respective figures, rounded to millions, are: Christianity 1,024; Islam 529; Hinduism 478; Buddhism 268; Shintoism 60; Judaism 14; and Sikhism 10. Christianity thus counts 27.6% of the world's people and 43% of the total number of adherents of major religions.

[2] *Multinational Corporations in World Development*, United Nations, New York, 1973, p. 14, ". . . international production reached approximately $330 billion in 1971. This was somewhat larger than total exports of all market economies ($310 billion)."

TRANSNATIONAL CORPORATIONS AND HUMAN RIGHTS

As a foreign guest, a transnational business enterprise must not intervene in the partisan political affairs of a host country, or in a host country's relationships with other countries, whatever their ideology. It has no right to contribute corporate funds to help any political person or party come to or retain power, or to buy favor for its own operations. This political neutrality must not, however, lead the foreign corporation to participate in any kind of violation of human rights. While it has no legal basis for seeking to obtain political decisions favoring either the company interest or that of its home country, it has a moral responsibility, in all matters of production, employment and distribution, to seek to persuade a host country guilty of repressive practices to respect the principles of the Universal Declaration of Human Rights—accepted by member governments of the United Nations as "a common standard of achievement for all peoples and all nations." The church commends and supports firms which try to improve the lot of those in any society who are subjected to systematic injustice and repression. If any company chooses to continue to operate in a country where there is little justice and less freedom, it is only by effective efforts of this kind that its presence there can possibly be justified. But no company should enter any country with investment if the government of that country has been declared illegal by the International Court of Justice.

Transnational business operations, even in countries that respect human rights and strive to improve the living standards of all their people, involve choices that raise issues of fairness. When a U.S. corporation closes down any part of its domestic production in order to relocate a facility abroad, it is morally obligated to assure that workers thus deprived of their present jobs have opportunity for other assignments or training for different kinds of employment. It should cooperate with government to secure for all such workers adequate income while they and their families are involved in this involuntary transition.

CHURCH ACTION: TO MAXIMIZE DEVELOPMENTAL IMPACT

The church is called by its faith to ask those engaged in transnational business:

a. to accept as an integral and primary part of their responsibility a concern to improve the welfare and to enlarge the dignity of the people of the countries where they operate; and

b. to make their general decisions and to carry out their day-to-day operations with this responsibility constantly in mind.

The church can have an important impact in four areas:

1. Local churches and conferences, through study groups mobilizing their own members who carry broad responsibilities in business, labor, academic, welfare and political institutions, should strive to obtain a better understanding of the operations of the economic system and the existing and potential role of transnational business in the system. With this background it should be possible to make a critical examination of the actual performance of transnational business and the extent to which it can or cannot contribute to meeting contemporary human needs on a world scale.

2. Through international ecumenical church relations American church people should seek the informed judgment of people in the less developed countries on the impact of foreign investment upon the developmental goals and general culture of their countries. Such information should help the American churches to have a better understanding of the appropriate role of transnational business and to bring to the attention of the American management of transnational firms the perspective of candid fellow Christians in the less developed countries.

3. Members of the church and their leaders, after informing themselves thoroughly on the complex issues involved in the responsible conduct of transnational bsuiness, should take advantage of every opportunity available to them, wherever they may be situated, to make this responsibility known and to use whatever influence they may have to move the operation of transnational business toward the fulfillment of this purpose. Such opportunities may include (i) rational and temperate public discussion of these issues, (ii) efforts of informed persons and organizations to develop, in consultation with the corporations and their home and host country governments, guidelines for the conduct of transnational business affairs, and (iii) the establishment of lines of effective accountability for U.S.-based transnational corporations to both their shareholders and the general public, within a framework of U.S. Government policies favorable to socially constructive transnational business activities.

4. The churches of the United States, as substantial shareholders in many of the U.S. transnational corporations, need to face squarely the fact that how their money makes money is as truly an ethical and theological matter as how they spend the money that it makes. Every church member, local church, conference, national instrumentality, and related educational or welfare institution, that holds investments has a moral obligation to be a responsible shareholder. In view of the growing impact of transnational business on the lives of many millions of people everywhere, this responsibility is now far greater than most shareholders realize. Every United Church investing group should, at the very least, review the operations of the corporations in which it holds stock in the light of the declared social priorities of the United Church of Christ, determining whether such operations promote or impede the achievement of Christian social goals. This would include providing for a responsible review committee to study corporate reports and annual shareholder meeting proxy notices, deciding what is the best way, in view of these goals, for a United Church shareholder to vote on each public interest proposal presented. In full ecumenical cooperation, the various shareholding bodies in the United Church of Christ should continue to work with the business corporations in which they are investors to develop and promote sound policies that will maximize the contribution of all such business enterprises to the process of mass economic development at home and overseas.

The Tenth General Synod encourages all church members to study the Working Group Report entitled "The Role of Transnational Business in Mass Economic Development."[3]

SENATOR HUGH SCOTT'S STRUGGLE FOR EQUAL RIGHTS

Mr. BROOKE. Mr. President, Senator Hugh Scott of Pennsylvania has fought the battle for civil rights for over 30 years. While still a Congressman representing a district in which few minorities resided, Senator Scott urged his fellow Members of Congress to respect the equality of all people.

Now serving as Republican leader, Senator Scott is continuing his struggle for equal rights. Be it in the area of civil rights activity, voting, housing, education, or employment, Senator Scott has always been in the forefront, doing what is right for all Americans.

I ask unanimous consent to print in the Record a summary of Senator Scott's civil rights records.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Civil Rights

LEGISLATION—94TH CONGRESS

S. 407, a bill to extend the Voting Rights Act of 1965.

S. 1124, a bill to assist in the financing of small business concerns owned by persons who are disadvantaged because of certain social or economic considerations.

S. 1279, a bill to amend the Voting Rights Act of 1965 to extend certain provisions for an additional ten years and to make permanent the ban against certain prerequisites to voting.

S. 1834, a bill to raise the limitation on Appropriations for the U.S. Commission on Civil Rights.

Amendment to S. 1279, expands the impact of the Voting Rights Act on other groups who were not included under the definition of those being discriminated against when the 1965 Voting Rights Act was enacted.

VOTES

Voted for a 7-year extension of the Voting Rights Act.

LEGISLATION—93D CONGRESS

S.J. Res. 10, to provide for voluntary nondenominational prayer in public schools.

S.J. Res. 20, to designate January 15 of each year as "Martin Luther King Day."

VOTES

Voted for amendment to declare it to be Federal policy to respect religious beliefs and deeply held moral convictions regarding the performance of abortions or sterilization procedures.

Voted for amendment to provide that no student be required to reveal information about his personal or family life without parental consent.

Voted for a Privacy Protection Commission.

U.S. POSTAL SERVICE

Mr. McGEE. Mr. President, as the recent contract negotiations between the U.S. Postal Service and the labor organizations which represent its employees neared their final phase, Postmaster General Benjamin Bailar appeared on the CBS television program "Face the Nation." While that appearance largely centered on the fears of an impending strike which happily did not take place because of the responsible approach both labor and management exhibited, other subjects were covered which I believe are of considerable interest to many Americans.

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[3] A Working Group composed of 21 specialists in international business and development, persons of diverse professions and various religious, philosophical and national traditions, prepared the background study from which the Tenth General Synod of the United Church of Christ derived the data underlying the present pronouncement. Five national church agencies cooperated in convening and staffing this Working Group:

United Church Board for Homeland Ministries

United Church Board for World Ministries

United Church of Christ Center for Social Action

United Church Foundation

Pension Boards-United Church of Christ

Copies of the Working Group Report, *The Role of Transnational Business in Mass Economic Development*, 73 pp., New York, N.Y. 1975 are available at 55¢ each. Copies of this General Synod pronouncement on the same theme, 4 pp., are available at 15¢ each. Requests, accompanied by the appropriate remittance, should be addressed: World Issues Office, United Church Board for World Ministries, 475 Riverside Drive, New York, N.Y. 10027.

The Postmaster General was, for instance, asked if, in view of the Service's need for additional money and the recent General Accounting Office suggestion that considerable sums could be saved by closing many small rural post offices, the Service was considering cuts in service. His answer was no. And, on the question of rate increases, he was straightforward, saying the Postal Service quite likely will have to move to obtain the maximum increase allowed to it under law later this year. That would be, in the case of the first-class stamp, 13 cents, depending upon current proceedings before the Postal Rate Commission. It could be somewhat lower, but not higher.

Mechanization, capital improvements, research and development and the Postal Service's determination to safeguard the privacy of letters are other subjects covered in this interview. Mr. President, I ask unanimous consent that the transcript be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

FACE THE NATION

U.S. POSTAL SERVICE

Guest: Benjamin Franklin Bailar, Postmaster General.

Reporters: George Herman, CBS News; Ronald Kessler, the Washington Post; and Jed Duval, CBS News.

Producer: Mary O. Yates.

Associate Producer: Joan Spiegel Barone.

HERMAN. Mr. Bailar, there are all kinds of questions that everybody, I imagine, would like to ask a Postmaster General; but first, I think we have to know, are we going to have a strike? Are we going to lose postal service for some time?

Mr. BAILAR. I don't think so. There's a possibility, but a postal strike is illegal. It would work gross hardship on the American people in the distribution of retirement and Social Security checks and welfare checks and various commercial transactions. And I'm satisfied that the postal union leaders really would like to have a negotiated settlement. They want it on their terms, of course, and we're having some difficult negotiations. But I think it's unlikely that there's going to be a strike.

ANNOUNCER. From CBS News, Washington, a spontaneous and unrehearsed news interview on FACE the NATION, with the Postmaster General, Benjamin Franklin Bailar. Mr. Bailar will be questioned by CBS News Correspondent Jed Duvall; Ronald Kessler, Investigative Reporter for the Washington Post; and CBS News Correspondent George Herman.

HERMAN. Mr. Bailar, if there is difficulty in arriving at a contract with the postal workers unions, if you think a strike is unlikely, is it possible there'll be some other kind of action—a slowdown, a sickout—something else which might disturb if not disrupt postal service?

Mr. BAILAR. Well, it's certainly possible. There are some postal employees who feel very strongly about the present negotiations and may create some disruptions. But we have a contract which prohibits a strike; we're operating under a law which prohibits a strike; and I think all postal employees are very much aware of those prohibitions.

KESSLER. I think the primary concern of mail users is that if you or I mail a letter today we really can't be sure if it'll arrive at its destination tomorrow or two weeks from now. Do you consider that a major problem, and if so, what are you doing about it?

Mr. BAILAR. Well, the public concern is obviously a major problem. Every time we have a service problem that I hear about, I—it's an embarrassment. But I would point out to you that we handle about 90 billion pieces of mail a year, and I think the vast majority of those pieces are well handled to the satisfaction of the American public. The Roper Organization ran a survey last summer—and they repeated it again just within the last month—that indicated that out of the twelve basic services which they asked about, the American public perceives postal service as the best value of any of the services available to them.

DUVALL. Mr. Bailar, let me get back just a minute to the possibility of a strike. If there is a strike—you think it's unlikely—but if there is, is the government ready with some plan to distribute the checks that you spoke of, the most important pieces of mail?

Mr. BAILAR. Well, we have several courses of action open to us, Mr. Duvall. The first, of course, would be for me to suspend the applicability of the private express statutes; that's the monopoly right that's—that limits first class mail. We would embargo all nonessential mail. We'd ask our supervisors and postmasters to work overtime; and a number of large and critical mailers have developed some special procedures for handling that contingency. But it would be very difficult to move anything like the total volume of mail that we're accustomed to.

DUVALL. By large and critical mailers, you mean somebody like Social Security—they have a plan?

Mr. BAILAR. Well, they have developed some contingency plans; a number of big publishers have. I know the Wall Street Journal has notified their New York customers that their newspapers will be available for pickup in certain locations, and things of that sort.

HERMAN. Last time—it was 1970, was it not—you did have at least a partial strike. Strike is illegal. I don't believe any legal action was taken at all against any of the strikers. Would you take, at this time, any more than you did in 1970?

Mr. BAILAR. I don't think, Mr. Herman, that I can answer that at this time, because we're talking about a situation that's a little hard to anticipate what the particulars might be. But certainly, a strike is illegal, and we'd have to do everything possible to see that the mail is moved.

DUVALL. In one way or another, your labor costs are going to be going up, and are you going to have to charge more? We know there's discussion of a 13-cent first class stamp, and maybe making it 15 cents in a year or two. What is the plan for rates?

Mr. BAILAR. Well, I think—first off, I would say that there is some current discussion about the rate level that should have been set two years ago, and the ten cents is subject to some—the present level of ten cents is subject to some disagreements that have been voiced before the Postal Rate Commission. However those come out, we will need new revenue. I would think it's quite likely that we'll have to move with the maximum increase which is allowed us; it will be in the order of a 30 per cent increase sometime before the end of the year. It won't—

DUVALL. Thirty per cent this year?

Mr. BAILAR. Yes. Now, it won't be over 13 cents, but—and it's possible, depending on how these other proceedings go, that it might be something less. Thirteen cents would be the maximum.

HERMAN. So your present rate is ten cents as a temporary——

Mr. BAILAR. Yes.

HERMAN. Allowance. What is the permanent rate, so to speak?

Mr. BAILAR. The permanent rate now is eight cents—the one that was in effect before the ten cents was placed into effect, because the ten cents—the procedural problems on the ten cents have not been completed——

HERMAN. What—so I understand. What happens—is the thirteen cents a new permanent rate, or is it a new temporary rate, or——

Mr. BAILAR. No, we would put thirteen cents, or some other level, in on a temporary basis after the present rates are established as permanent rates or of course some other level is established as permanent.

KESSLER. General, AT&T has mechanized their plant where about 80 per cent of its calls—of its long-distance calls—are not touched by human hands. So it's—the Postal Service, on the other hand, still requires about seven handling steps, each by a human being, before a letter is delivered. Are you taking steps to mechanize the Postal Service, and when do you think this might occur?

Mr. BAILAR. Why, it's—the mechanization of the Postal Service, Mr. Kessler, is, of course, going to be a gradual thing. It's not going to be one happening. The number of letters processed by mechanical means have increased sharply in the last five years—from around 20 per cent to about 50 per cent. We're putting a great deal of money into capital investments, both buildings and equipment. They've increased about threefold over the last four years. Our research budget has increased two and a half fold. And I think we can see increasing moves in the mechanization, but I don't think—it's not going to happen just all at one time. It'll be a gradual process.

KESSLER. Do you have any long-range plans for eventually reorganizing the Postal Service so that everything will be mechanized?

Mr. BAILAR. I don't think we'll ever reach the point where it's done totally mechanically. We've got the letter sorting machines now in about seven hundred locations. We're—I expect we'll be moving with some optical character reading equipment this fall. We've—we're moving toward automatic facer cancelers, which I would hope we'll have within the next year or two.

HERMAN. You told the magazine Nation's Business, in an interview which was published in April, that because you were no longer under Congress and the Budget Bureau as directly—funds appropriated for you—you could now increase the research budget from 25 million to 50 million dollars a year. But isn't that still money which is going to have to be paid by Congress? You're in deficits—you're in deficit even after receiving, what—a billion and a half dollars from Congress. So doesn't this really mean that you are now able to put out a check that Congress has to sign?

Mr. BAILAR. Well, to the degree that Congress would choose to make up our deficits, that would be the case, but——

HERMAN. Well, who, if not Congress?

Mr. BAILAR. Well, we've been borrowing some money under the authority that we have, which of course will have to be repaid by postal users eventually; and some of the other funds have come out of our—the capital that we were originally put into business with. But the research budget has increased, from 25 million dollars about three years ago, to around 60 million dollars this year. And it's critically important to the future of the Postal Service.

HERMAN. Now I think we have to get back to a question that was raised by the administrative law judge when he denied the—or he said it should be denied—the idea of raising the first class letters to thirteen cents. He said actually the cost of first class letters was around eight and a half cents, and that in effect, by charging ten cents for first class letters, you were taxing first class letter senders to pay for other less profitable classes. Is that correct, and is it a good idea?

Mr. BAILAR. No, I don't believe it's correct; I think that finding is not based on the facts that were developed during the 20-some months of—during which the hearings took place. I also would add that I——

HERMAN. Well, let me try to ask you to subdivide it. Is it—is it untrue that—is it true or untrue that a first class letter does not cost ten cents itself?

Mr. BAILAR. In my opinion, a ten-cent rate is a proper reflection of the cost of handling a first class letter.

DUVALL. Are there any cuts in service due——

HERMAN. I think we really have to pursue this. You are saying that it costs—that at ten cents a stamp for a first class letter, there is no profit being made that helps other classes of mail?

Mr. BAILAR. That's correct. The ten cents would cover the direct cost of handling a first class letter and what I consider to be an appropriate part of the overhead burden of managing the Postal Service.

HERMAN. So there is some profit which goes to the general overhead, as it should for many divisions?

Mr. BAILAR. Yes, and there is likewise from the other classes of mail as well.

HERMAN. All of them?

Mr. BAILAR. From each class, yes.

HERMAN. Each class makes a profit?

Mr. BAILAR. Each class makes a contribution to the overhead.

HERMAN. Well, I guess some of them, then, are not making a profit. Some of them are making less than their fair share, because you do have a deficit.

Mr. BAILAR. Well, there are different levels of contribution to the overhead, but it's important that each class of mail pay its own direct costs, and contribute to the overhead of running the Postal Service, and each class does so.

HERMAN. Each class does so?

Mr. BAILAR. Yes——

HERMAN. Because, as you know, there's been a good deal of argument about the cost of—I guess it's third class postage for magazines and other things——

Mr. BAILAR. Third class postage—third class advertising circulars—are very attractive business to the Postal Service.

HERMAN. They are profitable for you?

Mr. BAILAR. Yes, sir. The minimum rate for a piece of third class mail is 6.3 cents, compared to ten cents for first class.

HERMAN. And the rate for magazines?

Mr. BAILAR. Well, it depends on the weight of the magazine and the balance between advertising and editorial material. But let me—

HERMAN. Are they profitable? Are they attractive?

Mr. BAILAR. They contribute to the overhead, yes. I don't want to use the word profit, because we're not making a profit—we're not supposed to make a profit. But when you talk about six and a half cents for an advertising circular, you've got mail that does not have time sensitivity; we can process it when we want to. It's zip coded, it's sorted, it doesn't have forwarding privileges, it doesn't have return address notification privileges—those are extra charges on that class of mail—and that's good business to us. If we lost that business, it would cost us considerably more in revenue than we would be able to reduce our costs.

DUVALL. Does this first class mail make a larger contribution to overhead than other classes?

Mr. BAILAR. First, third and fourth class—the first class being letters, the third class being advertising circulars and fourth class being parcels—make comparable contributions to overhead. Second class, which is magazines and newspapers, have a smaller contribution to overhead. It was a level which we set and we thought was appropriate because of the public service implications. One of the things that concerns us about the recommendation by the administrative law judge of the Postal Rate Commission is that it tends to thwart the will of Congress in—as it was expressed in Public Law 93-328; last year, last—right about a year ago now, Congress passed a law which would have the effect of spreading out the increases for second class publications over a greater period than had previously been planned. And I think that's an appropriate law, and the recommendation of the chief administrative law judge would thwart that goal.

DUVALL. You said earlier in the program that you need additional revenues. At the same time are you considering cuts in service? The GAO has recommended, I think, that you save money by closing thousands of rural post offices, there's all this discussion of two deliveries a week instead of every day.

Mr. BAILAR. No, we are not considering any reductions in service. I think the American people want the kind of postal service that they are getting—that is, six days a week, and the other services attendant to that. We've considered, a couple of years ago, reduction of Saturday deliveries, because of the energy crisis, but I would hope that other than for reasons of that sort, it wouldn't become necessary. There are some other things we are doing which I think are improvements of service; we're planning to merge airmail and first class, because we don't think the airmail will be necessary any longer. We are going to upgrade our transportation arrangements so that the first class mail can all be moved by air on long haul. Those are improvements in service; that's the way we want to go.

KESSLER. Do you plan to initiate any new service that would guarantee delivery within a certain period of time?

Mr. BAILAR. Well, we have an express mail service which is now available in about 400 cities, which has a guaranteed overnight delivery. It's premium charge; it costs $1.50 minimum and can go up higher than that, and it's been a very valuable service, and one of the conditions of that is that if the overnight delivery is not made, why the postage is rebated to the mailer. And we've had success with that about 99 per cent of the time.

HERMAN. Mr. Bailar, are you satisfied in your own mind that neither the CIA nor the FBI nor any other investigative agency of the government is now secretly opening the mail of American citizens without the Post Office knowing it?

Mr. BAILAR. Yes, I am. I would put it this way, Mr. Herman, I'm satisfied that we've done everything we can toward that end. I have written to Director Colby of the Central Intelligence Agency, expressed to him my concern about the operation which was terminated in 1973, and sought his assurance that it was not being done currently and they had no plans to resume it, and he wrote back to me and gave me those assurances.

HERMAN. The last time, as I recall, the Post Office tried its darndest to keep the CIA from actually opening envelopes and thought it had succeeded, and found out later in documents released that it had not succeeded. Is there a possibility that is happening again?

Mr. BAILAR. Well, it's obviously a possibility, but we had done everything possible. At the time that was happening, there were CIA agents who were actually conducting the mail cover themselves because of the volume and it was through that means that they had access to mail, and we have taken steps to see that they don't have that access to mail. And I would think, in view of the assurances that I received from Mr. Colby, that I'm comfortable that it is not being done now.

DUVALL. That means access to opening the mail. Is it still true that virtually any law enforcement agency and many government departments not usually connected with law enforcement still can conduct a mail cover? That is, read the outside of any envelope, who's sending something to somebody in this country?

Mr. BAILAR. Well, the material is that on the outside of the envelope, as you point out, and the mail covers are conducted by the Postal Service in response to requests from other agencies which warrant to us that the request is in accordance with a proper investigation. Going one step further, the mail covers can be authorized only by officers in charge of the various inspection units in the country and people higher in the inspection service—they can not be authorized by regular postal employees, and national security mail covers can be authorized only by the Chief Postal Inspector personally.

KESSLER. Mr. Cotter, the inspector in charge of the inspection service within the Postal Service is a former CIA employee, and I guess agent, and he said that he first looked the other way when he gave consideration to the fact that the CIA was opening mail. Do you have any questions about whether he might in the future still have loyalties to the CIA?

Mr. BAILAR. I think it is quite clear from his conduct that his loyalties are to the Postal Service. It was because of his knowledge of the CIA operation and his operation as Chief Postal Inspector that enabled him to bring that operation to an end, and the fact that it was brought to an end is a matter for which he has the credit and the responsibility.

HERMAN. What kind of an investigative arm does the Postal Service have itself? I understand, for example, that you are looking into the American Medical Association to see whether it should be entitled to certain rate privileges. Do you have a large investigative service?

Mr. BAILAR. We have a postal inspection service of about 2,000 inspectors and of course a lot of security people. The American Medical Association questions that you allude to are two-fold. One, there are some very beneficial preferential rates for publications of special interest groups, scientific and educational and religious publications which are not available to groups that do lobbying or seek legislative changes, and we are reviewing a number of publications to see that they are properly deserving of the special rates, that they have, and the American Medical Association is involved in that particular matter. There's also some questions as to whether they were properly required to fill out all the forms, and some of the things that are involved in actually enter in the mail, several years ago, and we're checking into that, but that's a separate matter from the use of the permits.

HERMAN. How long will the investigation of the AMA, for example, when will you be through with that and come to a decision?

Mr. BAILAR. Well, actually, there have been two units of the AMA on which decisions have been reached, and the permits have been withdrawn, and we've just recently started one on the basic journal of the American Medical Association. Those particular investigations don't take very long; there is an appeals procedure which follows sometimes takes quite a while.

DUVALL. The Postal Service has about forty rate categories, ranging from non-profit status to special delivery to the express service that you mentioned, and each one requires clerks who have to look at each envelope to determine which category is being used and whether the particular envelope fits that category. Do you feel that that adds to the cost of the postal service and slows mail, and if so, what might you do about it?

Mr. BAILAR. I think it adds to the cost of the postal service, but the Postal Service is in effect a $12 billion a year operation, and in anything of that sort I think a product line, if you can use business terminology, with 40 different classes is not unusual. You consider the different types of material that we move, and the special preferences which Congress has built into the law for things such as educational publications—I think that is really not a particularly complex rate structure, and I don't foresee any change in it in the foreseeable future.

DUVALL. Mr. Bailar, why don't we have a standardized envelope, or one or two, a few different? Wouldn't that save you a lot of money?

Mr. BAILAR. Yes, I think it would and I'm glad you asked the question. The Postal Service has made a filing with the Postal Rate Commission in January of 1973, proposing a surcharge for nonstandard envelopes which would of course have the effect of pushing everything into certain perimeters and discouraging people from using odd sizes, and that matter is still before the Postal Rate Commission, and we're not going to be able to move on it until we get an opinion from them.

DUVALL. Do you think the American people are willing to accept that standardization to save you and themselves a lot of money?

Mr. BAILAR. I think so, yes.

HERMAN. Your mention of the postal service commission brings me to a sort of more basic question—who really runs the Postal Service? You have a commission which decides on rates and problems like standardizing envelopes, you have a board of governors, which is made up largely, if I recall, of corporate officials and businessmen. Are there any public representatives on your board of governors?

Mr. BAILAR. Well, I consider all the members of the board of governors public representatives.

HERMAN. Well, are there any, for example, labor union people? Are there any just plain citizens who are not corporate officials?

Mr. BAILAR. Yes, we've got a retired university president, we've got a rancher, and we recently had a dentist, and so on.

HERMAN. So you have a rate commission, you have a board of governors, and then you have you as the administration. Sounds like an awful lot of checks and balances. Can you really get anything done? Who is really the prime power?

Mr. BAILAR. Well, I think we get a great deal done. Now let me clarify on these three groups—the rate commission is an independent group, it has no official responsibility to the Postal Service itself.

HERMAN. But it can stop you?

Mr. BAILAR. Yes, they've got public responsibility obviously. The board of governors are a group of nine men appointed by the President and confirmed by the Senate. They select the Postmaster General; they set the policy for the Postal Service, and I work at their pleasure.

HERMAN. What's going to happen this Christmas? Are you going to be able to handle the situation, are we going to have another flood of mail, are you going to be able to handle it, or are the new high rates going to discourage it?

Mr. BAILAR. I hope we'll have a flood of mail, and I'm sure we will be able to handle it. We've had very good success the last two Christmases and I'm sure we'll have the same this year.

HERMAN. Are you really going to advertise your mail service, take out advertisements in public?

Mr. BAILAR. We're testing advertising in three cities to see if it will help us build our volume in ways that would make the Postal Service more efficient, because it is a very volume-oriented business.

HERMAN. By efficient, you mean profitable or less deficit?

Mr. BAILAR. Yes, and whether we do it on a nationwide basis will depend on the results of the advertising tests in those three cities.

DUVALL. People whose letters are often delayed may be wondering why the Post Office wants more mail to handle?

Mr. BAILAR. Well, the more mail has some very definite economic benefits to it, and I'd like to repeat what I said earlier, that mail delays are certainly a problem and they are a source of much concern to those of us in the Postal Service, but at the same time I think postal service is good, we've got a number of statistical tests that indicate it is good. Our big mailers have tested mail service and told us it's good. The Roper survey—and I would be more than happy to stack postal employees up against any group of employees you can find—department store clerks that send the wrong thing to your house, newspaper type setters that hit the wrong key—

HERMAN. Now you are referring to, or after your studies like the Kokomo plan where you're doing these cities——

Mr. BAILAR. Now and last year and next year. I think they are a great group of people.

KESSLER. How have you changed the policies of your predecessor, if at all?

Mr. BAILAR. Well, I think the principal change in just the first four months I've been in office is a new program on emphasizing service beyond the issues of speed, trying to emphasize courtesy, convenient window hours, and things to a degree higher than we have in the past.

HERMAN. Thank you very much, Mr. Bailar, for being with us today on Face the Nation.

Mr. BAILAR. Thank you.

ANNOUNCER. Today on Face the Nation, the Postmaster General, Benjamin Franklin Bailar, was interviewed by CBS News Correspondent Jed Duvall, Ronald Kessler, Investigative Reporter for the Washington Post, and CBS News Correspondent George Herman. Next week another prominent figure in the news will Face the Nation.

THE GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, one of the reservations expressed by opponents of the Genocide Treaty in the Congress seemed to be a concern that an individual crime such as murder and lynching could be construed as genocide and punishable as such. This concern is unnecessary, since the intent of the convention is obvious.

The framers of the Genocide Convention were careful to define acts of genocide so as to include the destruction of a group in whole or in part. It is clear from the debates which preceded the adoption of this provision, that the words "in part" were intended to denote a substantial portion of a group. The oppression of particular individuals was not intended to be included in the realm of "genocide."

In fact, efforts by France during the initial debate of the terms of the convention, to extend the definition of genocide to include persecution of individuals were expressly rejected by the General Assembly.

Also, the report of the U.S. Senate Subcommittee on Genocide include an "understanding" that further explained this clause in article II of the convention. It stated that the phrase "with intent to destroy in whole, or in part, a national ethnical, racial or religious group, as such" would mean an attempt to destroy an entire group "in such a manner as to affect a substantial portion of the group concerned." This was intended to lay aside any fear that a murder or lynching would be considered an act of genocide.

Mr. President, the objections to the Genocide Treaty do not stand. This body must take action on this matter. I urge my colleagues to support this treaty and act at once in its ratification.

THE HEALTH PLANNING AND RESOURCES DEVELOPMENT ACT

Mr. PACKWOOD. Mr. President, in the wake of the recent announcement by the Department of Health, Education, and Welfare of special waivers granted under the National Health Planning and Resources Development Act of 1974, I am very aware of the special needs that many States exhibited in their attempts to provide a good planning structure. Oregon, with its relatively small and scattered population, asked for special consideration of population requirements for the eastern portion of the State. I ask unanimous consent, Mr. President, that a letter of the Governor, Robert Straub, be entered in the RECORD at this time. In his letter, Governor Straub indicates his support for increased flexibility of the law to deal with just such exigencies as population and geographic distribution.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE GOVERNOR,
Salem, Oreg., July 10, 1975.

Hon. ROBERT PACKWOOD,
U.S. Senator,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: As Governor of Oregon, I am deeply concerned about the National Health Planning and Resources Development Act of 1974 (Public Law 93–641). In my view, provisions of the Act governing organization and functioning of health systems agencies run counter to Oregon's tradition that public officials spending public moneys must be directly accountable to the public.

I urge you to support proposed amendments to Public Law 93–641 attached hereto, which I understand to be embraced in S. 1905. These amendments would strengthen the role of state and local governments in the development and regulation of health resources in Oregon.

I would be the first to concede that state and local governments have not always been perfect in meeting their responsibilities for development and regulation of health services. Public Law 93–641 corrects many of these deficiencies, but I believe it goes much too far in creating a new system of special-purpose governments to deal with the problem—governments not directly accountable to the public.

Sincerely,

BOB STRAUB,
Governor.

Attachment.

PROPOSED AMENDMENT TO THE NATIONAL HEALTH PLANNING AND RESOURCES DEVELOPMENT ACT OF 1974 (PUBLIC LAW 93–641)

Add a new paragraph (c) in subsection 1511(a)(3) as follows:

"(C) the requirement that the area, upon its establishment shall not have a population of more than three million may be waived by the Secretary if the Governor of the State in which the area is located requests such a waiver".

Add a new subsection (c) to Section 1536.

(c) In any State upon the request of the Governor of that State, the Secretary may grant such waivers as he deems appropriate from—

"(1) the requirements for the establishment, structure or functions of both the Health Systems Agency and the State Health Planning and Development Agency so as to minimize or eliminate undue duplication or provide for more efficient and effective management of entities with responsibilities related to statewide health planning and to resource development; or

"(2) the requirements for the establishment, structure composition and functions of the governing board, health planning board (if applicable) and sub-area councils of the Health System Agency and of the Statewide Health Coordinating Council so as to—

"(A) minimize or eliminate undue duplication of entities with responsibilities related to statewide health planning and related decision-making; or

"(B) to provide for a more adequate and rational structure for the input of local commodities into the health planning process.

END OF AN ERA—BEGINNING OF AN ERA

Mr. MOSS. Mr. President, yesterday, July 24, at 5:18, an era ended—the last of the Apollo flights splashed down.

Exactly 14 years and 2 months ago on May 25, 1961, President Kennedy extended his challenge to send men to the Moon and return, within the decade, and the Apollo program was born.

We all know the results of that challenge. It was accepted and the most massive technological effort in history was undertaken. Our people went to work—thousands of scientists, engineers, technicians, and workers of every description rolled up their sleeves and plunged in. Collectively we met President Kennedy's challenge and accomplished the almost impossible dream. As long as there is a recorded history there will be only one man who first set foot on the Moon and he was an American, Neil Armstrong.

Six times Americans have visited the Moon so several have now set foot on it. For years to come scientists will be studying the massive amount of data collected. And data is still being collected from the instruments these men set up on the lunar surface.

Many say that the purpose of the Apollo program was political. In my view, all major decisions of this Government are political. They should be and must be, as they are made by the representatives of the people who are politicians. By definition the decisions of politicians are political decisions. But that does not detract from the fact that the vast amount of scientific data delivered by the Apollo program is providing insight into some of the central scientific questions of our time; the origin, evolution, and the future of the solar system in which we live, and the dynamic process which shapes our terrestrial environment.

After six successful landings on the Moon, we turned our attention to near Earth orbit. We built the Skylab—using Apollo hardware—and this, too, was a highly successful program. Three times we launched crews to the Skylab, and, overcoming serious adversity, shattered all records for ingenuity, perseverance, determination, and scientific observation.

And now, with the last splashdown of the Apollo command module of the ASTP mission, the Apollo era has ended.

The gantries are being dismantled.

The last Saturn booster has been launched. Thirty-two successful flights—14 of them manned. No lives were lost in space.

The last splashdown and deployment of naval ships for water landings has happened.

It is over.

An era has ended.

But the Apollo/Soyuz mission marked the beginning of a new era. On a major technological program, the world's two great powers have cooperated closely. At first, there was caution, even suspicion on both sides. But, as the program moved forward, each side learned to trust and respect the other.

Many have been critical of this mission and critical of détente. But which is better; a handshake in space or nuclear confrontation?

Some have said that this cooperation in space is insignificant considering the enormous differences and the problems that we have on the ground. But to resolve differences and solve problems, you must begin the process of resolution and solution.

Why in space? Because the Apollo/Soyuz program offered an opportunity—a challenge if you like—which both sides accepted and it was successful. It demonstrated we can work together in space, so why not in other areas as well?

Some have said that this was just a stunt and that no scientific results would be forthcoming. Well it was "a feat of skill" and the half a billion people throughout the world who watched it on television were thrilled and impressed when Cosmonaut Leonov and Astronaut Stafford shook hands in friendship and in mutual recognition of a job well done.

As for science, obviously not as much could be accomplished as on an 84 day Skylab mission, but the list of accomplishments is impressive just the same.

There are many possibilities for further cooperation with the Soviets and others in space. So what of the future?

We can be sure of only one thing—our civilization will not stand still. So, if we do not want to move backward we must continue to move forward toward a better and more peaceful world. To do that will require increased understanding and trust among nations.

Many of us ask, how can we do that with the Soviets whose doctrine on basic issues is so diametrically opposite ours? There are no easy answers to that question but we must try. If a new era of cooperative space ventures does contribute to the increased understanding and trust between nations, then we can say that indeed a new era began with Apollo/Soyuz.

RAILROADS

Mr. CASE. Mr. President, when Congress returns from its August recess, it is going to face many hard decisions. Not the least of these will be whether we want a revitalized rail system serving the Northeast and whether we are willing to pay the price for such a system.

I am convinced that this country cannot do without railroads.

What would our country be like if there were no trains, if no link of rails tied community to community, shipper to manufacturer, seller to purchaser?

Could we or should we sacrifice energy-efficient railroads for trucks when we face and will face for years fuel shortages? I think not.

Can we tolerate an action that would produce a decline in gross national product of $60 to $70 billion?

It is unthinkable, but that would be the estimated result of a Penn-Central shutdown alone.

Are things really that serious? They are.

The Penn-Central handles more than 20 percent of all freight cars loaded in the United States and interchanges approximately 1.5 million cars with railroads outside of the region. Thus, if the eastern rail markets were cut off from the western and southern carriers, the economic effects would be devastating because a large portion of the solvent railroads' revenues are derived from carloads originating with the bankrupt carriers in the Northeast.

The problem is countrywide. The Northeast just happened to reach the crisis point first.

Since the passage of the Regional Rail Reorganization Act in 1974, the financial plight of the railroads in the region has deteriorated at an alarming pace. In the first quarter of 1975, the Penn Central, which owns approximately 80 percent of the lines in this area, posted operating losses of $128 million, compared to $68 million last year. During the same period the seven bankrupt carriers in the region lost $155 million, compared to $82 million the year before. The bankrupt railroads are losing approximately $1.5 million per day—a staggering sum when one considers that these carriers have been relieved of the obligation to pay most fixed charges and taxes.

The projections for the rest of this year are equally glum. For example, Penn Central reported an operating loss of $56.1 million for the month of April—a deficit almost three times larger than the $19.3 million loss reported for the same month last year. The First National City Bank of New York—a major creditor of the Penn Central and thus by no means an uninterested observer of these events—predicts that combined operational losses for all of the bankupt lines in 1975 will exceed $440 million.

Citibank predicts that these operational losses will produce a total cash deficit for the bankrupts of $186 million by December 31, 1975. The carriers themselves have reported to the bankruptcy courts that they will experience a cash shortfall of $197 million by March of 1976.

The financial deterioration of these railroads has been accompanied by an accelerating deterioration of the physical plant. The number of miles of line subject to "slow orders," which are directives of the Federal Railway Administration to proceed at minimum speed because of unsafe track conditions, has increased from 2,876 miles in 1971 to 8,972 miles in March of 1974. Similarly, the number of freight train derailments has more than doubled from 2,200 per year in 1972 to 5,100 in 1974.

I have come to the conclusion that the only way the Northeast rail system can hope to cease perpetual dependence on the Federal Treasury is through a comprehensive, sustained program of rehabilitation. The program will not be cheap. Both the U.S. Railway Association and the Rail Services Planning Office estimate that adequate rehabilitation will require $2 to $3 billion over a 10 year period in addition to the $1 billion already provided in the Regional Rail Act. In my judgment, the Federal Government must supply these funds. Private equity capital has not been raised by the Eastern railroads, and the railroad industry as a whole, in many years, and with good reason. Since 1960, the railroad industry has earned only a 2 to 3 percent return on net investment. Private capital cannot be attracted in that environment and, given the deepening depression in the industry, may never be.

Where are we going to get the $2 to $3 billion required for rehabilitation in the Northeast? And where the tens of billions, just over the horizon, that will be required for adequate rail service nationwide?

Obviously there is no place but the Federal Government.

For the Government to subsidize rail service involves no departure in policy. Federal subsidization of other than rail modes of transportation is long established. Appendix H of the association's preliminary system plan for the Northeast railroads contains an excellent discussion of this matter. It shows that in 1972, railroads received less than 1 percent of Federal subsidy expenditures for rights-of-way, equipment, and operations. This is a startling fact considering that the railroads account for 39 percent of all intercity freight-ton miles. It is essential that Congress reexamine Federal subsidization policies towards all modes of transportation to place railroads on an equal footing with other forms of transportation in attracting private capital.

It must be recognized that profitability is not the prime consideration and pursuit of that goal is pursuit of a will-of-the-wisp.

Realistically, the prime purpose of the Regional Rail Act is to assure the continuation and improvement of rail service. Yet the railroads continue to urge reduction of rail service, in particular the abandonment of "branch lines", as a way to improve the profit picture. It makes no sense to suggest that bankrupt lines can be made profitable by cutting back on services any more than you can keep slicing away a salami and still have a whole salami when you finish. In fact, what is a branch line to some is a main line to others. Indeed it often is the economic lifeline of the communities and the businesses and industries it serves.

The banner of branch line abandonment has, unfortunately in my view, been picked up by USRA. In the preliminary system plan, the association recommended excluding 6,200 miles, or approximately 30 percent of the existing bankrupt lines, from the ConRail system, stating that branch lines are a "significant" part of the financial problem of the bankrupts. USRA went out on a very shaky limb to reach this conclusion. For the fact is that reliable data on the costs and revenues of operating branch lines do not exist.

And I am concerned that at this stage we simply do not have reliable data on which to base permanent decisions for the continuation of vital rail service. In the State of New Jersey, there was hardly a line recommended for exclusion by USRA whose data was not significantly challenged by the local users of the service. As startling as it may seem, it is becoming increasingly clear that the bankrupt railroads simply do not keep accurate information on the costs and revenues of their branch line operations. The planning process has uncovered a genuine deficiency in railroad accounting procedures which deprives us of the information we need to make the national decisions.

An analysis of the available facts indicates that the elimination of these lines would have little impact if any on the profitability of ConRail—the new organization responsible for operating the reorganized system. USRA had originally estimated that the operating losses for these branch lines were $38 million in 1973. But recalculations by the rail services planning office show the losses were probably only in the order of $17 million. Since the operating losses for the bankrupt railroads in that year were $221 million, branch lines apparently are not the major drag on railroad finances.

In the absence of complete and accurate information and because curtailment of service will eventually, in my view, defeat the object of the Rail Reorganization Act, I have recently introduced a bill amending the Regional Rail Reorganization Act to provide for a 2-year, 100-percent Federal subsidy of all branch lines not included in the Con-Rail system while the rail services planning office conducts a study to determine the actual costs, revenues, and the importance to communities of branch line services. Congress will then have the opportunity to reevaluate these valuable national assets on the basis of full and complete evidence. I sincerely hope that Congress will pass this legislation so that debate can be focused on the real need of the bankrupt railroads—the provision of adequate Federal financing.

How to invest this money will require us to consider a broad range of possibilities. The various options which have been suggested so far range from outright nationalization of the entire system to outright Federal grants. In my view, it would be premature to favor any of these options until all of them have been fully and fairly presented to Congress with a frank discussion of the pros and cons of each alternative.

Whatever choice Congress makes, I believe strongly that it must provide a long-term program for the successful financing and operation of the Northeast rail system. Nothing less will do. Interim or year-to-year financing of the ConRail system may be pennywise, but it would certainly be pound foolish.

Until we devise such a solution, there will be a continuing drain on the Federal Treasury that may precipiate a hasty nationalization of the entire Northeast system. I do not mean to imply that we should necessarily reject some form of nationalization as a concept. Indeed, several bills already before Congress call for such an approach. The "Confac" idea—Government ownership of rights-of-way—which was briefly described in the preliminary system plan, has received a great deal of attention and must be fully reviewed. However, if we are to embrace some form of nationalization as the proper approach, let us do so rationally and intelligently, and not as a hurried response to a crisis situation precipitated by our own delay.

The U.S. Railway Association will present its recommended solutions in a so-called "final system plan" to Congress July 26. To be acceptable, I suggest that the final plan must contain a detailed explanation of the full rehabilitation requirements of the ConRail system and a complete discussion of the various financing and operational alternatives for implementing a rehabilitation program. Specifically, the pros and cons of Confac and the RSPO and Shapp trust fund approaches should be discussed in detail. The plan should also contain a profitability analysis of yards, terminals, mainlines, and intermodal facilities so that we may determine which parts of the bankrupt system are most in need of rehabilitation or elimination.

Most importantly, Congress must receive a full and intelligent analysis of all issues in the final plan. We need comprehensiveness and candor to assist our deliberations. If the Association presents us with a full, complete and honest appraisal of the problems plaguing the Northeast rail system, then the burden is clearly ours to devise an appropriate solution. If it does not, we should waste no time in sending it back to the Association with instructions to complete the job.

ERDA AUTHORIZATION: BREEDER REACTOR DEBATE

Mr. METCALF. Mr. President, within the next few weeks the Energy Research and Development Administration's first authorization bill (S. 598) may be on the Senate floor for debate and vote. These are unpredictable weeks, and, due to the press of business, this critical legislation may not receive the serious attention and analysis that it deserves. There are important reasons for indepth consideration of this legislation:

First, this is the first time the Senate will have before it in one bill the chance to debate and authorize choices for energy research and development—to balance one energy mode against the other; and in effect, to initiate a congressional policy for future energy exploration and use.

Second, the ERDA bill contains an open-ended go-ahead for the funding of the construction and operation of a nuclear breeder reactor complex at Clinch River, Tenn.—an increasingly controversial and questionable energy technology, which is both expensive and potentially dangerous.

Third, Members have received, only in the past few weeks, ERDA's latest plan for energy R. & D., and the Administrator's findings on the fast breeder program, which when read together, raise substantial reasons for immediate priority and timing for the development of nonnuclear energy sources over nuclear technology. These documents need careful analysis. Also, we are awaiting a special "issues" report from the General Accounting Office on the fast breeder program which is supposed to be sent up around the first of August, and which I understand will be of substantial assistance to Members in the debate on the breeder issue. Indeed, since April, we have received three other comprehensive reports on the fast breeder program, all of which raise issues for more specific inquiry and debate. In addition, a subcommittee of the Joint Committee on Atomic Energy is only now completing hearings on the breeder and particularly on the Clinch River reactor project, and we need these hearings printed and analyzed.

It is very important that Members have the time to familiarize themselves with the issues and the facts which appear to be in a continuing state of reevaluation and change.

One example of the confusion and conflict which surrounds the energy research and development debate centers on the Clinch River breeder reactor which is at the heart of the liquid metal fast breeder reactor program.

On the one side we are told that LMFBR can create more fuel than it uses and thus insure an inexhaustible supply of fuel for itself and other nuclear power plants at stable prices and with a small environmental impact; that the need for breeders to meet a high energy demand by the year 2000 far outweighs the risks from powerplant accidents, theft, or diversion of plutonium and the disposal of nuclear waste, which can be minimized as the technology is developed. According to the Atomic Industrial Forum—chief spokesman for the nuclear industry, nuclear power plants are no less safe than other complex technologies, and that whatever dangers such plants present are offset by the value of the electricity than can be produced.

On the other side, we are told that we may be making a "Faustian bargain" with the breeder, and that to pursue it toward the inexhaustible energy goal may be to impose irreversible burdens on our lives, our economy, our security, and our freedom burdens which we cannot sustain.

Competent scholars and critics warn us that the fuel which the breeder produces—plutonium—is perhaps the most carcinogenic substance known to man. Microgram quantities of the material have regularly produced cancer in the lungs of experimental animals.

They say that the possibility of plant accident, and its effect, is far greater for the breeder than in the light water reactors. There is the so-called "China syndrome" where if the entire cooling system fails, the core of the fuel melts down into the Earth. AEC safety experts are presently working on a "core catcher" to avert potential explosions from the melt down. Such an accident, according to some experts, could be magnified by the liquid sodium used to cool the reactor coming into contact with water or concrete to form hydrogen. If the hydrogen is not vented, it could explode: if it is vented, dangerous radioactive gases may be released, they say.

The Natural Resources Defense Council, a responsible critic of the breeder, points to the risks of plutonium theft and terrorism, plutonium black markets, and the manufacture of "homemade" bombs by terrorists—10 to 20 pounds of plutonium is all that is apparently needed. The breeder proposed to be constructed at Clinch River will produce over 100 pounds of plutonium a year. Breeder planners expect that there will be nearly 200 breeders by the year 2000, and over 1,000 by 2020. A necessary safeguards system established by Federal and State governments would have to result in elaborate monitoring procedures that could invade traditional civil liberties, and create a more security conscious society.

And then there is the nuclear waste. Plutonium and other nuclear byproducts produced by fission reactors are so dangerous that they must be kept isolated for thousands of years. There is no demonstrated technology for the permanent storage of radioactive wastes. The Environmental Protection Agency has reported leakage from two waste facilities initially licensed on the assumption they would be secure for at least 100 years. In addition to the inherent danger of waste storage is the spectre of railway cars loaded with casks of fuel on the way to and from reprocessing plants, or the shipment of plutonium to light water reactors.

Mr. President, most of us are not sufficiently experienced or knowledgeable at this time to debate the scientific subtleties of nuclear fission and the hazards of plutonium, or the costs and benfits of the liquid metal fast breeder. Indeed, in these pressing weeks before the recess, there are more questions than there are answers, particularly with the barrage of facts, comments and revised projections coming from ERDA, the NRC, the GAO, and the JAEC over the past few months.

Mr. President, now we find even the Administrator of ERDA has doubts about the breeder.

ERDA's newly issued national plan for energy research reduced the priority and extended the target date for commercial development to past the year 2000. In a letter to the JAEC, ERDA switched $71 million from the Clinch River breeder to non-breeder nuclear activities. Despite assurances from ERDA spokesmen that the Administrator was as committed as ever to the breeder, there is a real question now as to where the breeder—and particularly Clinch River—should be placed alongside the other energy options which were upgraded by the ERDA report.

Then in his recent Findings on the Proposed Final Environmental Report on the breeder program, the Administrator said that there were significant problems with the breeder, particularly those relating to "reactor safety, safeguards, health effects, and waste management", and that it will be necessary to reexamine the current developmental program to be sure that it is structured to solve the problems. A report by the Administrator's Internal Review Board found that the proposed environmental impact statement was fundamentally deficient in its failure to set forth and assess options within the fast breeder program, that "the range of courses" available to achieve an environmentally acceptable technology was not presented, and that "additional information" is needed for a decision as to the structure and timing of the program.

These and other findings evoked an immediate response from the Natural Resources Defense Council, a highly respected environmental group which has been carefully monitoring the progress of the Clinch River project. In a letter to ERDA Administrator Seamans, it stated in part:

> Everyone familiar with the current LMFBR debate is aware that the key issues are issues of the "structure and timing" (p. 30) of the program, e.g. whether the CRBR is the appropriate demonstration plant and whether it should be built now or postponed because such an effort is premature. Yet, it is on precisely these key issues that the Fri Report concludes that the PFES is so deficient. The conclusion is inescapable that as the Administrator of ERDA you have not been presented with the careful consideration of alternatives which NEPA requires as a prerequisite to your deciding among the various options for proceeding with the LMFBR program, including the option of delaying a commitment to the demonstration phase of the program.

In concluding, the NRDC states:

> One would reasonably expect the Administrator's Findings to state frankly (1) that an ERDA commitment to the CRBR project at this time would be contrary to both NEPA and sound decisionmaking policy, (2) that the current rush to contract for and develop long leadtime components of the CRBR was being halted since such efforts prematurely commit the agency to the CRBR, and (3) that the option of substantially delaying the demonstration phase of the LMFBR program would be seriously considered by you when the final impact statement for the LMFBR program (which will discuss that option) is available. Unfortunately, such statements cannot be found in the findings.

Mr. President, I ask unanimous consent to have the letter from the NRDC to ERDA, dated July 16, 1975, printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATURAL RESOURCES
DEFENSE COUNCIL, INC.,
Washington, D.C., July 16, 1975.

DR. ROBERT C. SEAMANS, JR.,
Administrator, Energy Research and Development Administration, Washington, D.C.

DEAR DR. SEAMANS: It has long been the opinion of many environmental and other groups that the more objective the assessments of the Liquid Metal Fast Breeder Reactor (LMFBR) program became the less justified that program would appear. This was thought particularly true of the programs' emphasis on the early construction of a major demonstration plant, such as that now planned for Clinch River, Tennessee. These predictions are, I think, largely borne out by two recently released ERDA documents, the June 20, 1975, "Internal Review Board Report to the Administrator on the Proposed Final Environmental Impact Statement for the LMFBR Program" (the "Fri Report") and the June 30, 1975, "National Plan for Energy, RD&D: Creating Energy Choices for the Future" (the "June 30 Plan"). Taken together, these reports raise a most serious question: How can ERDA responsibly continue to support the ongoing effort to contract for, and build, the Clinch River Breeder Reactor Plant (CRBR)?

Perhaps the most important conclusion of the Fri Report is its finding that the Proposed Final Impact Statement (PFES) for the LMFBR program is fundamentally deficient in "its failure to set forth and assess options within the [LMFBR] Program" (p. 7). The Report explains (p. 7):

"The PFES presents the LMFBR Program as though it must be accepted or rejected as a whole, thereby depriving the Administrator of the opportunity to choose the optimal structure and pace from among the full range of available courses."

This conclusion is stressed at several points in the Report:

". . . additional information is needed [in the PFES] for a decision as to the actual structure and timing of the continued Program." (p. 30)

"In general, variations on the pace and structure of the effort are not presented or evaluated in the PFES. Consequently, the range of courses available to achieve the development of an economically competitive and environmentally acceptable technology is not disclosed." (p. 36)

"In short, we find that the PFES is sufficient for a decision on whether, but not how, to continue the LMFBR Program." (p. 37)

Everyone familiar with the current LMFBR debate is aware that the key issues are issues of the "structure and timing" (p. 30) of the program, *e.g.* whether the CRBR is the appropriate demonstration plant and whether it should be built now or postponed because such an effort is premature. Yet, it is on precisely these key issues that the Fri Report concludes that the PFES is so deficient. The conclusion is inescapable that as the Administrator of ERDA you have not been presented with the careful consideration of alternatives which NEPA requires as a prerequisite to your deciding among the various options for proceeding with the LMFBR program, including the option of delaying a commitment to the demonstration phase of the program. Indeed, you apparently recognized this serious shortcoming in your June 30, 1975 "Findings on the LMFBR Program PFES" ("Administrator's Findings"). These Findings adopt the Fri Report (p. 4) and direct that the deficiencies found by that Report in the PFES be corrected within approximately three months with the issuance of the final impact statement (p. 7).

If the Fri Report indicates that there is no basis now for ERDA making a commitment to the CRBR, the June 30 Plan is equally candid in its recognition that the LMFBR is essentially a post-year 2000 technology (p. S–6). This conclusion that the LMFBR is not needed until after the turn of the century is corroborated by the information presented in the June 30 Plan regarding U.S. uranium resources. Figure 5–5 shows that even without the LMFBR our uranium resources are more than enough to meet the needs of a rapidly expanding nuclear industry until after the year 2000. Indeed, in the June 30 Plan scenarios which reflect an effort to improve the efficiency of our energy use (without changing lifestyles)—an approach recommended by ERDA—the lifetime needs of all the nuclear reactors expected in the year 2000 would require less than half of ERDA's conservative estimate of U.S. uranium resources. Since a uranium shortage is the principle argument for proceeding with the current LMFBR program, it is clear that that argument has no force in terms of this century.

As you know, the AEC launched the drive to construct the CRBR by the early 1980's at a time when it was believed (by the AEC, at least) that commercial LMFBR's should be introduced in the late 1980's. Yet now we are told that the LMFBR commercial introduction date has been postponed five years to about 1993, and it is clear from the June 30 Plan that the commercial introduction can be delayed until after the turn of the century, a decade or more. This is consistent with the position taken by EPA in its comments on the PFES. Logically, then, there should be no rush to construct the CRBR. It too can be delayed.

Consider for a moment the benefits of such a delay. A second finding of the Fri Report is that:

"With regard to the acceptability of widespread deployment of commercial LMFBR's, however, the information in the PFES is not deemed sufficiently complete or reliable for a final judgment. Significant uncertainties have been identified in this Report concerning the environmental impacts and economics of an LMFBR economy which remain to be resolved by the ongoing RD&D Programs, particularly in the areas of safeguards and waste management, and by the investigation of the quantity of recoverable uranium resources." (p. 31)

And similarly the Administrator's Findings conclude that:

"At the same time, these significant problems, as identified by the Board, including in particular those related to reactor safety, safeguards, health effects, and waste management, remain unresolved at this time. They must be resolved satisfactorily before any decision may be made to place LMFBR's into widespread commercial use." (p. 5)

A delay in the CRBR effort for even several years would permit these critical and unresolved issues to be addressed. For example, the Nuclear Regulatory Commission has estimated that its review of safeguards can be completed in about three years. ERDA's review of high-level radioactive waste management is also now underway, as is a review of major acicdent probabilities in LMFBR's. A delay of several years would also provide time to develop much-needed information on uranium supplies, possible future energy demand, and alternatives to the LMFBR.

In light of these considerations, one would reasonably expect the Administrator's Findings to state frankly (1) that an ERDA commitment to the CRBR project at this time would be contrary to both NEPA and sound decisionmaking policy, (2) that the current rush to contract for and develop long leadtime components of the CRBR was being halted since such efforts prematurely commit the agency to the CRBR, and (3) that the option of substantially delaying the demonstration phase of the LMFBR program would be seriously considered by you when the final impact statement for the LMFBR program (which will discuss that option) is available. Unfortunately, such statements cannot be found in the Findings.

Instead, the Findings tend toward equivocation. For example, they conclude that the PFES shows "the need to continue research, development and demonstration of the LMFBR concept" (p. 4). Yet this begs the critical questions relating to the structure and timing of the LMFBR effort. On the CRBR the Findings state (p. 6):

"I find that continuation of the LMFBR Program at this time would not lead inexorably or irresistably to a full 'breeder economy,' if further work were to demonstrate that the problems of the breeder cannot be resolved. Specifically, I do not find that completion of the Clinch River Breeder Reactor (CRBR) project, an integral part of the Program, is tantamount to widespread commercialization."

And on the overall program (p. 7):

". . . the Program will be carried forward at the rate and level of authorization reflected in Congressional action on the budgetary proposals ERDA has recently submitted."

These statements are ambiguous. They are susceptible to being read to mean very little. But it is also possible to read them to mean that ERDA has already, and quite unlawfully, committed itself to the CRBR project. And it is this latter reading, unfortunately, which is consistent with events now taking place, since the CRBR project, still unjustified, is moving steadily ahead without regard to the procedural and substantive difficulties discussed here.

I hope you will agree that the issues raised here are very substantial. A reply at the earliest possible time would be appreciated.

Sincerely,

J. G. SPETH.

Mr. METCALF. Despite the candid admissions that the environmental impact statement is deficient, that there are unresolved environmental problems, and he needs to consider "alternative methods" for conducting the program, the Administrator concludes in his findings that Clinch River must go forward in order to test out the problems and see what happens. "Only a demonstration that the LMFBR cannot be developed as a safe, environmentally sound and economically competitive energy source would justify a decision to discontinue the program," says the Administrator.

In short, he seems to be saying that we must build Clinch River as a demonstration plant as soon as possible and then "scram it" to determine whether existing technology is capable of solving these problems. If in fact there results a catastrophe then will ERDA reevaluate the LMFBR program?

What concerns me is that we have already extended many millions of dollars for the development of testing and demonstration facilities including the fast flux test facility, and as a result of this why cannot we continue with the base research and development program of LMFBR in order to solve the problems of safety, safeguards, health and waste management rather than to build this plant and take the risk of a national catastrophe?

Would it not make more sense to concentrate on accelerated development of other energy technology, and tightening up of the light water reactor program, as well as waste management, rather than to go forward now with a $1 to $2 billion demonstration plant to test catastrophic risks?

There is only so much Federal money for energy research. Less risky technology should get the priority.

Mr. President, these are a few of the reasons why I feel we would be unwise to take up this controversial legislation under the constraints of time, and certainly without answers to the variety of serious questions raised.

Mr. President, I am a cosponsor of the

Tunney amendment (No. 553) to the ERDA authorization bill. That amendment will enable Congress to retain its substantive authority over the breeder program by reducing the authorization for the Clinch River demonstration plant from an open-ended authorization to an annual authorization. It is really a modest amendment. It is not a moratorium, but a holding action so that Members of Congress can look at the program and render judgments on the technology as it develops. It provides an opportunity for cost-benefit assessment alongside the other energy technologies. Indeed, the continuing cost of the breeder could eclipse any meaningful development of fusion, solar, geothermal, and energy conservation, which for the same money could result in clean, safe electrical energy.

Without the Tunney amendment, Clinch River will proceed to construction, and the long leadtime capital items will be procured, and contracts let, and the breeder reactor may become a "fait accompli" before we even have a chance to realize the implications of what we have done.

Mr. President, I ask unanimous consent that additional material, describing the potential risks of breeder reactor development be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BYPASSING THE BREEDER

(By Gus Speth, Arthur Tamplin and Thomas Cochran)

At a time of soaring power costs and pressing energy needs, federal energy officials are giving prime attention to the development of a new nuclear power source which for the next 35 years or longer will not be able to produce electricity as cheaply as existing sources. The new form of nuclear power also promises to be more hazardous and problematic than today's nuclear reactors and has been plagued with mammoth cost overruns which now threaten to undercut research and development funding for preferable energy alternatives.

This multi-billion dollar white elephant is the Liquid Metal Fast Breeder Reactor, or LMFBR for short. Raised to preeminence by former President Nixon, who later confessed that "all this business about breeder reactors and nuclear energy is over my head," the LMFBR now dominates the federal government's energy research and development program. During the coming fiscal year the new Energy Research and Development Administration (ERDA) plans to spend $1.66 billion to research and develop energy alternatives. Of this amount over $490 million is to be spent on the breeder reactor program—roughly one-third of ERDA's energy R&D budget and more than the combined allocations to fossil energy development ($311 million), solar energy development ($57 million), geothermal energy development ($28 million), advanced energy research ($23 million) and energy conservation ($32 million).

The latest government estimate predicts the total cost of developing the LMFBR will be $10 billion and this figure, developed by proponents of the program, is certainly conservative. Already the LMFBR program has experienced tremendous cost overruns. Two years ago total costs were put at less than half of today's estimate. The price tag on the program's principal test reactor, the Fast Flux Test Facility at Hanford, Washington, was originally $87 million but has now risen more than tenfold to $933 million.

Congress was told in 1973 that the proposed Clinch River Breeder Reactor Demonstration Plant to be built near Oak Ridge, Tennessee, would cost $700 million. Today the government's estimate has soared to $1.7 billion.

The burden of this immensely expensive program falls on the American taxpayer. It would be comforting if such expenditures could be justified, but unfortunately they cannot, for the breeder reactor program is neither needed nor desirable.

The stated justification of the LMFBR runs along the following lines. As the nuclear power industry expands, the U.S. is slowly depleting its low cost uranium reserves, with the result that the price of uranium is rising and will continue to rise. The principal substitute for uranium is plutonium, a man-made element produced in nuclear reactors. Since LFMBR generates about twice as much plutonium as existing reactors, its use would greatly expand the supply of nuclear fuel, perhaps 50-fold, and accordingly hold down its price.

Because of the LFMBRs ability to produce more fuel than it consumes, the Atomic Energy Commission (AEC) made the commercialization of the breeder reactor its highest priority project in the mid-1960s. The current program is geared to introduce the commercial LMFBR by about 1987.

The now-defunct AEC performed three cost-benefit analyses of the LMFBR program, the latest of which appears in the Proposed Final Environmental Statement for the program. The agency consistently found the breeder's benefits to outweigh its costs, although given the AEC's former dual role of both promoting and regulating the industry, the cost-benefit analysis must be approached with skepticism. Indeed, the Environmental Protection Agency recently labelled the AECs Draft Environmental Impact Statement on the breeder as inadequate, finding the document "particularly deficient in its treatment of reactor safety, in potential problems associated with plutonium toxicity and safety, and the cost-benefit analysis."

When cost-benefit methodology is applied to the LMFBR, the results have a direct correlation to certain assumptions made about the program, such as:

The difference in construction costs between the breeder and conventional reactors;

The anticipated supply of uranium;

Future electrical energy demand;

The rate at which conventional reactors penetrate the utility market;

The rate at which future benefits are discounted to make them comparable with today's expenditures;

The total cost assumed for researching and developing the program;

And reactor performance data for the breeder.

The first three of these variables are extremely important. The AEC succeeded in making the LMFBR appear attractive by making very favorable but very unrealistic assumptions in each of the seven areas listed. But when the economic merits of the LMFBR program are reevaluated using assumptions and data from experts independent of the AEC, the expected economic benefits are only a small fraction of its R&D costs. For every $10 spent on developing the breeder, the public will get back only $1 or less in lower energy costs. Only with a series of highly unrealistic assumptions are made can such analysis suggest that the LMFBR program will produce net economic benefits.

These results indicate that the commercial introduction of the breeder can be delayed substantially, probably two decades or more, without economic penalty. For much of the period covered in the AECs cost-benefit analysis (1987–2020), the LMFBR cannot compete economically with alternative sources, largely because of its high construction costs. Until the price of uranium rises sufficiently to offset the extraordinary investment costs of the LMFBR, consumer-minded utilities will continue to prefer existing reactors and other energy sources. Our analysis indicates that LMFBR will not gain a competitive edge until after the year 2010. This date is approximately two decades beyond the target for commercial introduction in the current program schedule.

On simple economic grounds, then, the push to develop the LMFBR should be postponed. More important, such a delay would provide the time needed to show what many experts now believe to be the case—that environmentally preferable, non-fission energy options can be made available in time to eliminate the need for the LMFBR altogether. Recent estimates of the potential contribution of solar, geothermal and fusion energy together with energy conservation measures indicate that these sources alone can more than account for the energy expected from the LMFBR in the year 2020, when the reactor is projected to have maximum impact. Indeed, they can account for the energy expected from all fission reactors at that time.

These considerations indicate that a major LMFBR effort is not needed now and probably never will be. And the risks of continuing the present drive to commercialize the LMFBR are great. The most serious danger is that the program will proceed as now planned, consuming the $10 billion presently estimated and plenty more besides, cutting deeply into energy R&D funds, and holding back the development of the preferable non-fission technologies. Then, having spent enormous sums, the country will find itself with a reactor which must eventually be used only because of the great public and private investments in it and our failure to have developed appropriate alternatives. This error will be compounded by the unprecedented environmental risks of operating breeder reactors.

The LMFBR program has proceeded in the face of mounting apprehension within the scientific community concerning the human and societal hazards of generating power with nuclear fission. Scientists at the 23rd Pugwash Conference on Science and World Affairs in September, 1973, concluded that the LMFBR would not eliminate any of the hazards now associated with nuclear power and in critical respects would actually increase them.

The LMFBRs principal function, to "breed" extraordinary amounts of plutonium, is also its chief danger. According to government estimates, as much as 30,000 tons of plutonium may be produced in nuclear reactors by the year 2020, and most of that amount would come from the breeder. By multiplying the intolerable risks of utilizing plutonium, the LMFBR will pose hazards the U.S. is not yet equipped to handle (*EA*, Nov. 23, 1974).

As events are making us painfully aware, plutonium is probably the most dangerous substance known. It is fiendishly toxic: a millionth of a grain has been shown capable of producing cancer in experimental animals. Plutonium-239, the principal isotope of the element, has a half-life of 24,000 years, so that its radioacivity is undiminished within human time scales.

Plutonium is also the substance from which nuclear weapons are made. An amount the size of a softball is enough for the production of a nuclear explosive capable of mass destruction. Scientists widely recognize that the design and manufacture of a crude atomic bomb is not a technically difficult task, a fact dramatized recently when a Massachusets Institute of Technology undergraduate successfully designed a nuclear weapon for an education television program. The only real obstacle to the building of homemade atomic bombs is the availability of plutonium itself. But now, first with the proposed use of plutonium in today's reactors and even more with the introduction of the LMFBR, this finial obstacle would be removed. In the "plutonium economy" envisioned by the AEC, the development of a plutonium black market and nuclear theft and terrorism become high probability events—threats which have spurred nuclear proponents to urge the creation of a federal security system that would meddle with our civil liberties on a vast scale.

In addition, operating the breeder reactor—independent of the plutonium problem—is believed to be even more dangerous than today's light water reactors. The LMFBR core, where the heat is generated, is far more compact than a light water reactor core and instead of the water used to cool conventional reactors, the LMFBR uses liquid sodium, an opaque and highly reactive element. Partial loss of coolant would increase the nuclear reaction in the core rather than reducing it. The LMFBRs operation is extremely sensitive to fuel motion and loss of coolant from the core in accident situations, leading to the possibility of an explosive nuclear runaway. In the event of a meltdown, the breeder's highly enriched fuel can rearrange itself into a more compact configuration, making possible small nuclear explosions of sufficient force to breach the reactor containment. There are major uncertainties in defining the explosive potential of the breeder, which are all the more worrisome considering the several tons of plutonium contained in its core.

For these reasons, a decision to commit this nation to the LMFBR may prove to be the most significant technological decision since the Manhattan Project. The breeder reactor decision is literally a decision for all people and all time.

The new Energy Research and Development Administration, which took custody of the breeder program with the AECs demise, should, in light of these facts, take this opportunity to reverse past mistakes. It should postpone for a decade or more the push to commercialize the breeder reactor and cancel the Clinch River demonstration plant. The overall program should be relegated to a low priority effort during this time and the funds saved by this step should be used to help accelerate the development of non-fission alternatives such as solar, geothermal, and fusion power and energy conservation.

A fission-free option to the LMFBR which can provide reasonably priced and environmentally acceptable energy almost certainly exists and can be made available within a suitable time frame. The claim that the LMFBR or other breeder reactor is in any sense necessary must be rejected—the breeder is no more necessary than we make it by refraining from developing other technologies. An energy program that should be able to provide an adequate supply of fuels and electric power without the commercial utilization of breeder reactors would contain the following major elements:

An intensive effort to develop the various forms of solar energy should be undertaken following the recommendations of the expert panels convened under National Science Foundation auspices. (*An Assessment of Solar Energy as a National Energy Resource,* 1972, and *Solar and other Energy Sources: Subpanel IX Report,* 1973.) In estimates the author described as conservative, the first of these studies concluded that its recommended R&D program could result by the year 2020 in solar energy providing 35 percent of the nation's total building heating and cooling load, 30 percent of the nation's gaseous fuel, 10 percent of its liquid fuel, and—most important for present purposes—20 percent of the electrical energy requirements.

A major R&D effort devoted to exploitation of geothermal resources for electric generation should be launched. The Cornell Workshop on Energy and the Environment concluded in 1972 that "[i]t appears that geothermal energy alone is capable of meeting all American power requirements for several centuries if the hot dry rocks resource proves to be practical." The Cornell Workshop, the National Science Foundation, and others have recommended that a program to establish the feasibility of hot rock geothermal in the next few years be given highest priority. Projections of the electric power available from geothermal resources range from 80 to 400 gigawatts in the year 2000, depending on assumptions made about the hot rock potential. The AEC recently estimated that geothermal heat could supply 6 percent of our electricity in the year 2020, but it is clear that the percentage could be much higher if hot rock geothermal develops as expected.

The current effort to develop fusion power should be expanded. The AEC predicted that "a successful, vigorously supported fusion program would be expected to lead to construction of a demonstration power reactor that would begin operation in the mid-1990s." The agency anticipated "commercial introduction of fusion power plants on a significant scale beginning in the early 21st century." Thus, it now appears that the demonstration fusion power plant is not far behind the LMFBR demonstration plant and that fusion plants can be available commercially for much of the period during which it was assumed the LMFBR would be critically needed. The AECs overall estimate is that by the year 2020 about eight percent of our electricity could come from fusion.

Organic wastes provide another source of fission-free energy that should be developed. Here the AEC estimates that organic wastes could account for five percent of the demand for electricity in the year 2000 but only two percent in 2020 due to more efficient practices in the solid waste area.

All of the above year 2020 percentage contributions (20 percent for solar, six percent for geothermal, etc.) are based upon a year 2020 energy demand that assumes a continuation of extremely rapid growth in electricity demand. Such projections yield an electricity consumption in the year 2020 that is over *15 times* today's, a result widely regarded as completely unrealistic. The electricity growth projection used by the AEC to justify the LMFBR program is shown in the chart on page 11. The steepness of the curve staggers the imagination. Recent studies of the future demand for electricity, taking into account the effects of the increasing price of electricity and other market factors, suggest the actual future demand will be less than half of that projected by the AEC. Moreover, as a supplement to market influences, it is apparent that the U.S. is moving toward a national energy conservation policy along the lines recently suggested by the House Committee on Science and Astronautics, the President's Council on Environmental Quality, the Ford Foundation Energy Policy Project, and others. These groups all suggest that U.S. energy growth can be roughly halved without serious repercussions on the American economy or lifestyle. Thus when both market and policy influences are taken into account, it is reasonable, in fact, conservative, to assume that electricity demand in the year 2020 will not exceed 50 percent of the AECs astronomical projection.

So it is very possible that over 80 percent of the electricity demand projected by the AEC for the year 2020 can be accounted for principally by a combination of solar, geothermal, and fusion energy together with more accurate forecasting of energy demand. This percentage is larger by a substantial margin than the LMFBRs contribution predicted for that year by the AEC (50 percent) and, indeed, is larger than the contribution the AEC expected from nuclear fission generally (70 percent).

The funding needed for this alternative energy strategy would be high, but not unacceptably so. AECs last official projection of future LMFBR expenditures, $8 billion to program completion, exceeds a recent Federal Power Commission estimate of the total R&D costs of developing all non-nuclear technologies, including coal gasification, solar (direct and indirect) and geothermal technologies, advanced steam cycles, fossil fuel effluent controls, and a variety of energy storage systems. The FPC estimate of $6 billion, however, does not include the cost of developing fusion systems, which is expected to be comparable to that of the LMFBR.

The last refuge of the breeder proponent is the argument that the LMFBR is needed as an "insurance policy." Careful consideration indicates that this is simply not the case. Ample insurance exists in pursuing a variety of non-conventional energy sources and energy conservation and partly in realizing that the AEC would insure us against a non-existent risk—the risk that our electrical generating capacity will actually grow as that agency projected. Moreover, relegating the LMFBR program to low priority status and foregoing any expensive push toward demonstration and commercial reactors for from one to two decades does not permanently eliminate the LMFBR option. If within about a decade it becomes clear that options to nuclear fission will not be available, consideration can be given at that time to reinstating the program. The idea that there is a penalty for such a postponement, as we have shown, is wholly spurious.

The problems associated with the present reactor program strongly suggest that we are only perpetuating and compounding a bureaucratic blunder by pursuing the current LMFBR program. The alternative strategy suggested here would provide an opportunity to correct that mistake—before it is too late. Construction is scheduled to commence on the Clinch River demonstration plant later this year, with the necessary approval coming much sooner. Once these hurdles are cleared, it will be far more difficult to reorient this increasingly massive program.

[From Harper's magazine, January 1973]

Breeder Reactors: Marvel or Menace?

(By Allen L. Hammond)

"The case for rethinking a national commitment that could be a national disaster."

At one time, Americans obtained ample energy with a technology no more sophisticated than an ax. Now we depend increasingly on electricity generated in central power stations—most of them fueled by coal, with its side effects of air pollution and strip-mine damage. The U.S. also has twenty-five uranium-fueled nuclear power plants; many more are under construction. But neither coal nor uranium can supply our energy needs indefinitely. Uranium particularly is in short supply: according to the Atomic Energy Commission, reserves of this fuel will run low within twenty or thirty years. Ultimately we will have to develop other fuels and still more sophisticated technologies to power our industries and light our homes. Worse, the U.S. demand for electric power is likely to double twice by 1990, creating a genuine energy crisis.

How we should marshal our resources to meet our energy needs is a controversial subject. Some years ago, the Atomic Energy Commission decided unilaterally that our highest priority should be the breeder reactor, a new and complex type of nuclear reactor that will burn plutonium instead of uranium. The breeder has the almost magic ability to produce, or "breed," more nuclear fuel than it consumes, and it will, the AEC claims, provide cheap, abundant electric power with less pollution than uranium-fueled reactors. By the year 2000, the AEC plans to have in operation more than 500 breeder reactors, representing a quarter of this country's electrical generating capacity.

In contrast, the breeder's critics argue that it will lead to unprecedented environmental hazards. Far from being an ideal solution to the energy dilemma, they believe, the breeder may well be the worst of the alternatives at hand. Physicist and Nobel laureate Hannes Alfvén claims that with this technology, "a total poisoning of the planet is possible." Even some thoughtful proponents of the breeder have pointed out that large-scale use of these reactors will pose novel difficulties arising from their production of vast amounts of radioactive plutonium, a long-lived and extremely lethal material. There is a "moral responsibility" to face up to such potential dangers, says Alvin Weinberg, director of the AEC's Oak Ridge National Laboratory. Given the dangers, one might reasonably ask why we do not devote more resources to cleaning up fossil fuels (coal, oil) and to developing less hazardous sources of energy, such as nuclear fusion, solar energy, or geothermal energy, instead of building breeder reactors.

At issue here is the way in which we as a society are to make decisions about our technological future. As in the struggle over the supersonic transport, the traditional methods for making these decisions are inadequate; the conventional framework for judgment is not broad enough to encompass widely differing visions of what America should be. The rejection of the SST, in part for environmental reasons, was a healthy precedent. But it was only a skirmish; we didn't really need that airplane. The real battle in technology assessment lies ahead; it concerns future energy systems. Here the stakes will be higher—we do need energy—and the risks of a hasty or ill-considered commitment will be far more serious.

The AEC's program to commercialize breeder technology already has considerable momentum. By 1980 the agency and its Congressional sponsor, the Joint Committee on Atomic Energy, plan to spend more than $2 billion in federal funds on developing the breeder, more than is being spent for research on all other types of energy together. In a message to Congress in June 1971, President Nixon called the breeder "our best hope for meeting the nation's growing demand for economical clean energy." The utility industry has pledged more than $230 million to help build a demonstration power plant powered by a breeder reactor; construction is scheduled to start later next year.

Unfortunately, none of this head-long activity was preceded by any serious study of energy resources or any open debate on the merits and disadvantages of various methods of generating power. In fact, the government still lacks any overall national policy for energy. Because the AEC has preempted the field—simultaneously developing and promoting the use of nuclear energy for twenty-five years—the AEC's point of view has become *de facto* national policy.

Alaska's Senator Mike Gravel has repeatedly attacked the breeder program on the Senate floor, but thus far his lonely battle has been unsuccessful. What may prove to be a more effective move is a lawsuit filed against the AEC by the Scientists' Institute for Public Information (SIPI), a group headed by biologist Barry Commoner and anthropologist Margaret Mead. The SIPI lawsuit seeks to compel the AEC to file an environmental impact statement on the breeder program, which the AEC has refused to do. As the plaintiffs see it, the National Environmental Protection Act requires a detailed statement assessing not only the breeder's long-range consequences but also the possible alternatives to this new nuclear technology. The AEC, with White House backing, claims that it need only prepare such statements on a plant-by-plant, piecemeal basis. With the help of an anti-environmentalist federal district judge in Washington, D.C., where the suit was filed, the government won the first round in late March 1972. The legal action then moved to the Court of Appeals, which has previously overruled the judge in several environmental cases. As of November, a decision on the case was pending.

The SIPI suit asks, in effect, that the federal government put its national energy policy on a rational and explicit basis so that Congress and interested citizens can have a say in its formulation. It is a modest but nonetheless revolutionary request, and if successful it may provide the information needed for a proper assessment of the breeder program.

Is the breeder another irresponsible high adventure in technology along the lines of the SST? Or is it, as the AEC claims, the only feasible alternative we have? Before we examine the arguments for these conflicting points of view, we need to know something about how breeder reactors work and how they differ from the type of nuclear power plant that is now being built around the country.

Nuclear reactors exploit the process of nuclear fission—the splitting of the atom. The heat produced in this process is in turn used to generate electricity in nuclear power plants. Only a few natural substances readily undergo fission, however, and the most common of these, uranium 235, constitutes less than 1 percent of the uranium found in nature. Commercially recoverable reserves of fissionable materials are limited; hence nuclear reactor fuel will eventually be in short supply—exactly when depends on the extent of the deposits of high-grade uranium ore. A possible solution to this impending shortage is to have nuclear reactors artifically breed new fuel for themselves by converting "fertile" materials, such as the more plentiful uranium 238 and the element thorium, into fissionable materials such as plutonium: for this reason the breeding process has been of interest since the early days of nuclear energy.

Nuclear reactors of the kind now being installed in power plants breed small amounts of new fuel, but the conversion process is relatively inefficient, producing only about sixty atoms of plutonium for every 100 atoms of uranium consumed. Breeder reactors, as their name implies, are more efficient at the conversion process and produce more nuclear fuel than they consume. The resulting plutonium can be used as a fissionable fuel in a breeder to produce still more plutonium, thus doubling the plutonium on hand about every ten years. If AEC projections for the commercial use of breeders prove correct, these reactors will be producing as much as 80,000 kilograms of plutonium a year by the end of the century.

Such large quantities of plutonium, according to the AEC point of view, represent a distinct benefit to mankind. As fuel in a nuclear reactor, for example, a pound of plutonium can produce as much energy as three million pounds of coal. By using plutonium instead of fissionable uranium as a nuclear fuel, we will extend our energy resources and obviate the need for costly separation facilities to process the uarnium. As a result, the AEC claims, plutonium constitutes an almost inexhaustible fuel.

But plutonium is also among the most toxic substances known to man. Experiments have shown that trace amounts induce lung cancer in animals. Federal health standards recommend no more than 0.6 microgram (about twenty billionths of an ounce) as the total amount to which a human body should be exposed. Because plutonium combines readily with oxygen, there is a substantial fire hazard wherever this material is used. The critical mass of plutonium, the amount that could cause a nuclear explosion, is only a few kilograms, thus requiring unusual care in handling, storing, and shipping to prevent such quantities from coming together. Not the least of the problems posed by plutonium is its radioactivity; the radioactive half-life, or decay period, of plutonium is about 24,000 years, so that the contamination of an environment with plutonium by whatever means would be essentially permanent. Both the projected scope of plutonium usage—what former AEC chairman Glenn Seaborg has optimistically described as the "plutonium economy of the future"—and the hazards associated with this valuable yet dangerous material make the debate over the merits of the breeder a significant one.

The AEC is confident that dependence on plutonium fuel will present no irremediable difficulties; its top officials are apparently unwavering in their belief that the breeder is the best solution to our energy problems. But this conviction and the AEC's case for the breeder seem to depend on the tacit assumption that some form of nuclear energy is inevitable. In essence, the AEC's arguments are threefold: (1) we must have the breeder and have it quickly, if we are to continue to enjoy the benefits of nuclear energy; (2) breeders will make available abundant and inexpensive electric power; and (3) the plutonium problems notwithstanding, the AEC claims that the breeder will pollute less than other sources of energy.

The first argument is essentially a scarcity argument. AEC estimates of commercially recoverable uranium indicate a shortage of nuclear fuel before the end of the century if breeders are not built. Because it will take fifteen to twenty years to develop breeder reactors and perfect them to the point of commercial acceptability, the AEC reasons, it is urgent to move ahead rapidly if the energy crisis is to be staved off. There is indeed no question that, in the long run, breeder reactors will be necessary if we continue to use nuclear fission as a source of energy. But there is disagreement about whether we have fifteen or fifty years before this necessity must be faced and choices made. The AEC's estimates of uranium assume, for example, that no new discoveries of uranium ore will be made, that no more drilling (to verify suspected deposits) will be done, and that no uranium will be imported from Canada and Australia, where most of the free world's reserves of this mineral are located. Independent studies of uranium reserves have questioned the AEC's findings and have indicated that sufficient domestic supplies of high-grade ore exist to fuel the growing nuclear industry through at least the year 2020 without recourse to breeders. The point is not that breeders should never be built but that, if these independent studies are correct, there is no justification for a crash program to develop breeders. We have enough time to make an informed and rational choice.

What about the argument that breeder reactors have economic advantages as a source of power? Even the AEC no longer believes, as it once did, that breeders will make electricity "too cheap to meter." But the AEC does claim, as justification for federal investment in breeders, that the introduction of this technology might save as much as $20 billion in the nation's power bill over a fifty-year period. Several nuclear experts who have looked closely at the design to which the AEC is committed are dubious that the breeder will in fact perform as economically as claimed. A recent study by Resources for the Future, a reputable nonprofit group in Washington, D.C., indicates that the breeder is likely to be a far more expensive source of electricity than present nuclear power plants. The relative attractiveness of the breeder will also depend in part on the effort and money expended to develop and improve other sources of energy.

The AEC's third argument is an environmental one: breeders will eliminate the air pollution that fossil fuel plants would cause; they will reduce waste heat and thermal pollution compared to present types of nuclear power plants; and they will further reduce the release of trace amounts of radioactivity into the environment. These are substantial advantages, taken one reactor or power plant at a time, but they do not give the entire picture. The large number of breeder reactors that the AEC envisions will make the issues of reactor safety, the transport of nuclear fuel, and the disposal of the radioactive waste products of reactors much more serious questions than they are at present.

Reactor safety, for example, is not something that can be absolutely guaranteed. Nuclear power plants are probably among the most carefully engineered and rigidly regulated structures in the world. Allowances are made even for unlikely events; near airports, these plants must be designed to withstand an airplane crash without releasing substantial amounts of radioactivity. But even the most conservatively designed and carefully run industrial facilities do have accidents.* The possibility of unforeseen natural disasters, war, or sabotage cannot be ruled out. While the chances of a serious nuclear accident may be exceedingly small at a given plant, the net probability will be considerably increased when several thousand breeder reactors are in operation.

At regular intervals, nuclear reactors must be refueled and the fission waste products and plutonium removed and shipped to a fuel reprocessing plant. The radioactive waste is then to be shipped to a depository for long-term storage, while the plutonium is refabricated into reactor fuel and shipped back to a nuclear power plant. Transportation accidents occur with predictable frequency; railway cars, for example, are derailed about once every million miles. By the year 2000, there will be as many as 600 shipments of highly radioactive fuel per week, so that we can expect a certain number of accidents in which radiation is released. This number will probably be very small, but that is not the point—there will be some accidents. One is forced, as with the possibility of reactor accidents, to make unpleasant decisions about what risk, in terms of human exposure to radiation and contamination of the environment, we are prepared to tolerate as the price for power from the breeder.

Long-term storage of radioactive wastes is a problem the AEC has still not adequately solved. According to current projections, more than ten million gallons (or their solid equivalent) of such wastes will have accumulated by the end of the century. These toxic materials must be cared for over many thousands of years. We shall have to build or find repositories that, like the pyramids, will outlast our present culture as monuments to our use of nuclear energy.

To be sure, technological problems are amenable to solution, at least in theory. But the same cannot be said for the social problems created by technology and human nature. Airplane hijacking is one example. The diversion of plutonium to illegal purposes may well be another. Plutonium is extremely valuable as nuclear fuel and is worth about $10,000 per kilogram—comparable to the wholesale price of heroin and about ten times the value of gold. Given this incentive and the relative ease of truck hijacking or of stealing in small amounts from industrial stockpiles, it seems likely that a black market for plutonium will develop, an assessment with which the AEC's own experts agree. Moreover, it takes only a few kilograms of plutonium for an atomic bomb, and the knowhow to construct such a bomb is readily available. One can imagine, without too much difficulty, an extremist group of the future demanding an enormous price in return for not blowing up New York City. Even without bombs, the public health and national security hazards of a clandestine plutonium market will be considerable.

Despite a distinct resemblance to science fiction, these are not hypothetical problems. The AEC is aware of the difficulties that a "plutonium economy" will bring and is seeking ways to avoid or ameliorate them, although the agency has not always been candid with the American public about these problems and their consequences for the future. It is also fair to say that, while AEC spokesmen often talk about including the environmental and social costs of fossil fuels in their price tag, they have not seen fit to apply the same reasoning to the breeder.

Hence our central dilemma: the future of nuclear energy depends on breeders, yet the widespread use of this technology may pose unacceptable costs in environmental damage, health hazards, and social chaos.

What alternatives to the breeder do we have—or might we have if we committed as many resources to their development as to the breeder? In the short run it would be to our advantage as a society to decrease our use of electric energy if we can, but there is no easy way to legislate the ever-rising demand for power. Improvements in the way we use fossil fuels are possible and may represent a good social investment for the immediate future, but fossil-fuel reserves will run out eventually, probably within a few centuries.

On a longer time scale the only sources of energy for mankind will be nuclear fission (i.e., the breeder), nuclear fusion, solar energy, and geothermal energy. Methods of capturing sunlight and converting this energy to heat or electricity look promising, but it is uncertain how much these methods will cost. Similar statements can be made about the prospects of tapping the geothermal heat below the earth's surface. The process of nuclear fusion, in which isotopes of hydrogen combine to form helium and release large amounts of energy, also has high potential, but it has not yet been shown that controlled fusion can be made to work, let alone that it can be economically competitive. Given the problems associated with large numbers of breeder reactors, however, we might be well advised as a society to find out more about these options, which are currently being investigated on a meager scale compared to breeder development.

Thanks to the AEC's years of effort, the breeder reactor is now the most advanced of our alternatives for a future source of energy. Other countries, including the U.S.S.R., Great Britain, Germany, and Japan, have also committed themselves to building breeder reactors. Many nuclear experts agree with President Nixon's view that the United States should not lag behind in exploiting this new technology. But the energy dilemma is a novel problem for mankind. The human race has never before had to make long-range decisions about its future of comparable magnitude to those we now face. It is not easy to dismiss the view that, among our energy options, the breeder ought to be "the last choice of a desperate nation," as some critics believe. Under the circumstances, it would be irresponsible to rush ahead without careful study and public debate; we would be unwise to barter our long-term future for short-term gain, whether political, economic, or environmental.

It may be that breeder reactors are the best or even the only feasible source of energy for mankind. It may be that the complexities associated with large inventories of plutonium are part of the price of living in a technological society. But it would be well to be sure before the enterprise is too far advanced and the cost of error too high. We must free ourselves from the narrow vision of the past and ask for a reassessment of energy problems in a forum accessible to a wider range of interests than ever before. The call for a comprehensive national policy on energy is now fashionable, but we have not yet begun to reallocate the resources and acquire the information that could provide a basis for such a policy. It is long past time that we did.

THE FAUSTIAN BARGAIN

In its original form, this statement bore the somewhat abstract title, "Benefit-Cost Analysis and Unscheduled Events in the Nuclear Fuel Cycle." The Atomic Energy Commission had asked for comments on one of its documents, noting that environmental statements for a power reactor should contain a cost-benefit analysis which, among other things, "considers and balances the adverse enivronmental effects and the environmental, economic, technical and other benefits of the facility." In response to the invitation, Allen V. Knesse, director of Resources for the Future's program of studies in the quality of the environment, submitted the following remarks, which first appeared in the September, 1973 issue of the newsletter of Resources for the Future.

I am submitting this statement as a long-time student and practitioner of benefit-cost analysis, not as a specialist in nuclear energy. It is my belief that benefit-cost analysis cannot answer the most important policy questions associated with the desirability of developing a large-scale, fission-based economy. To expect it to do so is to ask it to bear a burden it cannot sustain. This is so because these questions are of a deep *ethical* character. Benefit-cost analyses certainly cannot solve such questions and may well obscure them.

These questions have to do with whether society should strike the Faustian bargain with atomic scientists and engineers, described by Alvin M. Weinberg in *Science*. If so unforgiving a technology as large-scale nuclear fission energy production is adopted, it will impose a burden of continuous monitoring and sophisticated management of a dangerous material, essentially forever. The penalty of not bearing this burden may be unparalleled disaster. This irreversible burden would be imposed even if nuclear fission were to be used only for a few decades, a mere instant in the pertinent time scales.

Clearly, there are some major advantages in using nuclear fission technology, else it would not have so many well-intentioned and intelligent advocates. Residual heat is produced to a greater extent by current nuclear generating plants than by fossil fuel-fired ones. But, otherwise, the environmental impact of routine operation of the nuclear fuel cycle, including burning the fuel in the reactor, can very likely be brought to a lower level than will be possible with fossil fuel-fired plants. This superiority may not, however, extend to some forms of other alternatives, such as solar and geothermal energy, which have received comparatively little research and development effort. Insofar as the usual market costs are concerned, there are few published estimates of the costs of various alternatives, and those which are available are afflicted with much uncertainty. In general, however, the costs of nuclear and fossil fuel energy (when residuals generation in the latter is controlled to a high degree) do not seem to be so greatly different. Early evidence suggests that other as yet undeveloped alternatives (such as hot rock geothermal energy) might be economically attractive.

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*Since January, the safety of existing nuclear power plants has been challenged in hearings at Bethesda, Maryland, by members of the Union of Concerned Scientists, a Boston group, and by some of the AEC's own safety experts. The AEC has admitted that reductions in power output of up to 20 percent may be required in several such plants. Because of their greater complexity, breeder reactors may have still more difficult problems.

Unfortunately, the advantages of fission are much more readily quantified in the format of a benefit-cost analysis than are the associated hazards. Therefore, there exists the danger that the benefits may seem more real. Furthermore, the conceptual basis of benefit-cost analysis requires that the redistributional effects of the action be, for one or another reason, inconsequential. Here we are speaking of hazards that may affect humanity many generations hence and equity questions that can neither be neglected as inconsequential nor evaluated on any known theoretical or empirical basis. This means that technical people, be they physicists or economists, cannot legitimately make the decision to generate such hazards. Our society confronts a moral problem of a great profundity; in my opinion, it is one of the most consequential that has ever faced mankind. In a democratic society the only legitimate means for making such a choice is through the mechanisms of representative government.

For this reason, during the short interval ahead while dependence on fission energy could still be kept within some bounds, I believe the Congress should make an open and explicit decision about this Faustian bargain. This would best be done after full national discussion at a level of seriousness and detail that the nature of the issue demands. An appropriate starting point could be hearings before a committee of Congress with a broad national policy responsibility. Technically oriented or specialized committees would not be suitable to this task. The Joint Economic Committee might be appropriate. Another possibility would be for the Congress to appoint a select committee to consider this and other large ethical questions associated with developing technology. The newly established Office of Technology Assessment could be very useful to such a committee.

Much has been written about hazards associated with the production of fission energy. Until recently, most statements emanating from the scientific community were very reassuring on this matter. But several events in the past year or two have reopened the issue of hazards and revealed it as a real one. I think the pertinent hazards can usefully be divided into two categories—those associated with the actual operation of the fuel cycle for power production and those associated with the long-term storage of radioactive waste. I will discuss both briefly.

The recent failure of a small physical test of emergency core cooling equipment for the present generation of light-water reactors was an alarming event. This is in part because the failure casts doubt upon whether the system would function in the unlikely, but not impossible, event it would be called upon in an actual energy reactor. But it also illustrates the great difficulty of forecasting behavior of components in this complex technology where pertinent experimentation is always difficult and may sometimes be impossible. Other recent unscheduled events were the partial collapse of fuel rods in some reactors.

There have long been deep but suppressed doubts within the scientific community about the adequacy of reactor safety research vis-à-vis the strong emphasis on developing the technology and getting plants on the line. In recent months the Union of Concerned Scientists has called public attention to the hazards of nuclear fission and asked for a moratorium on the construction of new plants and stringent operating controls on existing ones. The division of opinion in the scientific community about a matter of such moment is deeply disturbing to an outsider.

No doubt there are some additional surprises ahead when other parts of the fuel cycle become more active, particularly in transportation of spent fuel elements and in fuel reprocessing facilities. As yet, there has been essentially no commercial experience in recycling the plutonium produced in nuclear reactors. Furthermore, it is my understanding that the inventory of plutonium in the breeder reactor fuel cycle will be several times greater than the inventory in the light-water reactor fuel cycle with plutonium recycle. Plutonium is one of the deadliest substances known to man. The inhalation of a millionth of a gram—the size of a grain of pollen—appears to be sufficient to cause lung cancer.

Although it is well known in the nuclear community, perhaps the general public is unaware of the magnitude of the disaster which would occur in the event of a severe accident at a nuclear facility. I am told that if an accident occurred at one of today's nuclear plants, resulting in the release of only five percent of only the more volatile fission products, the number of casualties could total between 1,000 and 10,000. The estimated range apparently could shift up or down by a factor of ten or so, depending on assumptions of population density and meteorological conditions.

With breeder reactors, the accidental release of plutonium may be of greater consequence than the release of the more volatile fission products. Plutonium is one of the most potent respiratory carcinogens in existence. In addition to a great variety of other radioactive substances, breeders will contain one, or more, tons of plutonium. While the fraction that could be released following a credible accident is extremely uncertain, it is clear that the release of only a small percentage of this inventory would be equivalent to the release of *all* the volatile fission products in one of today's nuclear plants. Once lost to the environment, the plutonium not ingested by people in the first few hours following an accident would be around to take its toll for generations to come—for tens of thousands of years. When one factors in the possibility of sabotage and warfare, where power plants are prime targets not just in the United States but also in less developed countries now striving to establish a nuclear industry, then there is almost no limit to the size of the catastrophe one can envisage.

It is agreed that the probabilities of such disastrous events are so low that these events fall into the negligible risk category. Perhaps so, but do we really know this? Recent unexpected events raise doubts. How, for example, does one calculate the actions of a fanatical terrorist?

The use of plutonium as an article of commerce and the presence of large quanties of plutonium in the nuclear fuel cycles also worries a number of informed persons in another connection. Plutonium is readily used in the production of nuclear weapons, and governments, possibly even private parties, not now having access to such weapons might value it highly for this purpose. Although an illicit market has not yet been established, its value has been estimated to be comparable to that of heroin (around $5,000 per pound.) A certain number of people may be tempted to take great risks to obtain it. AEC Commissioner Larsen, among others, has called attention to this possibility. Thus, a large-scale fission energy economy could inadvertently contribute to the proliferation of nuclear weapons. These might fall into the hands of countries with little to lose, or of madmen, of whom we have seen several in high places within recent memory.

In his excellent article referred to above, Weinberg emphasized that part of the Faustian bargain is that to use fission technology safely, society must exercise great vigilance and the highest levels of quality control, continuously and *indefinitely*. As the fission energy economy grows, many plants will be built and operated in countries with comparatively low levels of technological competence and a greater propensity to take risks. A much larger amount of transportation of hazardous materials will probably occur, and safety will become the province of the sea captain as well as the scientist. Moreover, even in countries with higher levels of technological competence, continued success can lead to reduced vigilance. We should recall that we managed to incinerate three astronauts in a very straightforward accident in an extremely high technology operation where the utmost precautions were allegedly being taken.

Deeper moral questions also surround the storage of high-level radioactive wastes. Estimates of how long these waste materials must be isolated from the biosphere apparently contain major elements of uncertainty, but current ones seem to agree on "at least two hundred thousand years."

Favorable consideration has been given to the storage of these wastes in salt formations, and a site for experimental storage was selected at Lyons, Kansas. This particular site proved to be defective. Oil companies had drilled the area full of holes, and there had also been solution mining in the area which left behind an unknown residue of water. But comments of the Kansas Geological Survey raised far deeper and more general questions about the behavior of the pertinent formations under stress and the operations of geological forces on them. The ability of solid earth geophysics to predict for the time scales required proves very limited. Only now are geologists beginning to unravel the plate tectonic theory. Furthermore, there is the political factor. An increasingly informed and environmentally aware public is likely to resist the location of a permanent storage facility anywhere.

Because the site selected proved defective, and possibly in anticipation of political problems, primary emphasis is now being placed upon the design of surface storage facilities intended to last a hundred years or so, while the search for a permanent site continues. These surface storage sites would require continuous monitoring and management of a most sophisticated kind. A complete cooling system breakdown would soon prove disastrous and even greater tragedies can be imagined.

Just to get an idea of the scale of disaster that could take place, consider the following scenario. Political factors force the federal government to rely on a single above-ground storage site for all high-level radioactive waste accumulated through the year 2000. Some of the more obvious possibilities would be existing storage sites like Hanford or Savannah, which would seem to be likely military targets. A tactical nuclear weapon hits the site and vaporizes a large fraction of the contents of this storage area. The weapon could come from one of the principal nuclear powers, lesser developed country with one or more nuclear power plants, or it might be crudely fabricated by a terrorist organization from black-market plutonium. I am told that the radiation fallout from such an event could exceed that from all past nuclear testing by a factor of 500 or so, with radiation doses exceeding the annual dose from natural background radiation by an order of magnitude. This would bring about a drastically unfavorable, and long-lasting change in the environment of the majority of mankind. The exact magnitude of the disaster is uncertain. That massive numbers of deaths might result seems clear. Furthermore, by the year 2000, high-level wastes would have just begun to accumulate. Estimates for 2020 put them at about three times the 2000 figure.

Sometimes, analogies are used to suggest that the burden placed upon future generations by the "immortal" wastes is really nothing so very unusual. The Pyramids are cited as an instance where a very long-term commitment was made to the future and the dikes of Holland as one where continuous monitoring and maintenance are required indefinitely. These examples do not seem at all apt. They do not have the same quality of irreversibility as the problem at hand and no major portions of humanity are dependent on them for their very existence. With sufficient effort the Pyramids could have been dismantled and the Pharaohs cremated if a changed doctrine so demanded. It is also worth recalling that most of the tombs were looted already in ancient times. In the 1950s the Dutch dikes were in fact breached by the North Sea. Tragic property losses, but no destruction of human life, ensued. Perhaps a more apt example of the scale of the Faustian bargain would be the irrigation system of ancient Persia. When Tamerlane destroyed it in the 14th century, a civilization ended.

None of these historical examples tell us much about the time scales pertinent here. One speaks of two hundred thousand years. Only a little more than one-hundredth of that time span has passed since the Parthenon was built. We know of no government whose life was more than an instant by comparison with the half-life of plutonium.

It seems clear that there are many factors here which a benefit-cost analysis can never capture in quantitative, commensurable terms. It also seems unrealistic to claim that the nuclear fuel cycle will not sometime, somewhere experience major unscheduled events. These could range in magnitude from local events, like the fire at the Rocky Mountain Arsenal, to an extreme disaster affecting most of mankind. Whether these hazards are worth incurring in view of the benefits achieved is what Alvin Weinberg has referred to as a trans-scientific question. As professional specialists we can try to provide pertinent information, but we cannot legitimately make the decision, and it should not be left in our hands.

One question I have not yet addressed is whether it is in fact not already too late. Have we already accumulated such a store of high-level waste that further additions would only increase the risks marginally? While the present waste (primarily from the military program plus the plutonium and highly enriched uranium contained in bombs and military stockpiles) is by no means insignificant, the answer to the question appears to be no. I am informed that the projected high-level waste to be accumulated from the civilian nuclear power program will contain more radioactivity than the military waste by 1980 or shortly thereafter. By 2020 the radioactivity in the military waste would represent only a small percentage of the total. Nevertheless, we are already faced with a substantial long-term waste storage problem. Development of a full-scale fission energy economy would add overwhelmingly to it. In any case, it is never too late to make a decision, only later.

What are the benefits? The main benefit from near-term development of fission power is the avoidance of certain environmental impacts that would result from alternative energy sources. In addition, fission energy may have a slight cost edge, although this is somewhat controversial, especially in view of the low plant factors of the reactors actually in use. Far-reaching clean-up of the fuel cycle in the coal energy industry, including land reclamation, would require about a 20 percent cost increase over uncontrolled conditions for the large, new coal-fired plants. If this is done, fission plants would appear to have a clear cost edge, although by no means a spectacular one. The cost characteristics of the breeder that would follow the light-water reactors are very uncertain at this point. They appear, among other things, to still be quite contingent on design decisions having to do with safety. The dream of "power too cheap to meter" was exactly that.

Another near-term benefit is that fission plants will contribute to our supply during the energy "crisis" that lies ahead for the next decade or so. One should take note that this crisis was in part caused by delays in getting fission plants on the line. Also, there seems to be a severe limitation in using nuclear plants to deal with short-term phenomena. Their lead time is half again as long as fossil fuel plants—on the order of a decade.

The long-term advantage of fission is that once the breeder is developed we will have a nearly limitless, although not necessarily cheap, supply of energy. This is very important but it does not necessarily argue for a near-term introduction of a full-scale fission economy. Coal supplies are vast, at least adequate for a few hundred years, and we are beginning to learn more about how to cope with the "known devils" of coal. Oil shales and tar sands also are potentially very large sources of energy, although their exploitation will present problems. Geothermal and solar sources have hardly been considered but look promising. Scientists at the AEC's Los Alamos laboratory are optimistic that large geothermal sources can be developed at low cost from deep hot rocks—which are almost limitless in supply. This of course is very uncertain since the necessary technology has been only visualized. One of the potential benefits of solar energy is that its use does not heat the planet. In the long terms this may be very important.

Fusion, of course, is the greatest long-term hope. Recently, leaders of the U.S. fusion research effort announced that a fusion demonstration reactor by the mid-1990s is now considered possible. Although there is a risk that the fusion option may never be achieved, its promise is so great that it merits a truly national research and development commitment.

A strategy that I feel merits sober, if not prayerful, consideration is to phase out the present set of fission reactors, put large amounts of resources into dealing with the environmental problems of fossil fuels, and price energy at its full social cost, which will help to limit demand growth. Possibly it would also turn out to be desirable to use a limited number of fission reactors to burn the present stocks of plutonium and thereby transform them into less hazardous substances. At the same time, the vast scientific resources that have developed around our fission program could be turned to work on fusion, deep geothermal, solar, and other large energy supply sources while continuing research on various types of breeders. It seems quite possible that this program would result in the displacement of fission as the preferred technology for electricity production within a few decades. Despite the extra costs we might have incurred, we would then have reduced the possibility of large-scale energy-associated nuclear disaster in our time and would be leaving a much smaller legacy of "permanent" hazard. On the other hand, we would probably have to suffer the presence of more short-lived undesirable substances in the environment in the near term.

This strategy might fail to turn up an abundant clean source of energy in the long term. In that event, we would still have fission at hand as a developed technological standby, and the ethical validity of using it would then perhaps appear in quite a different light.

We are concerned with issues of great moment. Benefit-cost analysis can supply useful inputs to the political process for making policy decisions, but it cannot begin to provide a complete answer, especially to questions with such far-reaching implications for society. The issues should be aired fully and completely before a committee of Congress having broad policy responsibilities. An explicit decision should then be made by the entire Congress as to whether the risks are worth the benefits.

[From the Wall Street Journal, June 2, 1975]

Slowing the 'Fast Breeder'—Administration Cuts Back Its Plans To Develop a Plutonium Reactor To Generate Electricity

(By Karen Elliott House)

WASHINGTON.—An ambitious administration plan to develop a new type of nuclear reactor to generate electricity toward the end of the century has suddenly been stalled.

The reactor is called the fast breeding reactor (because it "breeds" its own radioactive fuel), and until now it has been the focal point of Washington's long-range energy planning. Successive administrations have poured a total of $2.2 billion into research on the project.

But now, under heavy congressional pressure, administration energy planners have begun reconsidering their plans to cap the long years of research with the building of a $1.7 billion demonstration breeder plant in Tennessee. This was to have been the forerunner of the second generation of nuclear reactors to provide electricity well into the next century.

Administration officials apparently now have decided to ask Congress this year for much less money than had been planned for the demonstration plant and to delay for a year or longer the site-clearing work that was to begin this fall. Some people in the nuclear industry, noting that President Ford has mentioned the breeder only once in his energy speeches, suspect that the administration is on the verge of letting the project die.

BIG TROUBLE ON HILL

Administration energy officials deny that they are caving in to pressure from the breeder's critics on Capitol Hill, even though a big congressional fight over the reactor was almost certain to occur later this month. After ignoring the project for years, Congress finally has begun taking a close look, and strong congressional opposition has developed over the proposed plant's safety and steadily increasing cost.

The breeder's supporters on Capitol Hill have been warning the administration that the project is in big trouble, but officials say those warnings didn't prompt the change of plans. They also deny speculation in the nuclear industry that the administration is ready to acquiesce in any congressional move to kill the breeder project.

"I know some people will say we're slowing down the program because we aren't interested in the breeder, but that isn't true," says Robert Thorne, an acting assistant administrator of the Energy Research and Development Administration, which is called ERDA. He contends that the delay is caused only by a bureaucratic snag over obtaining a site-preparation license from another government agency.

But the director of ERDA, Robert Seamans, offers another explanation: "The project has built up too rapidly, and we don't yet have a management team in place to properly handle it." In addition, he says, "We would like to divert some money to put more effort in support of research to improve the operation of our present-day nuclear reactors."

Industry officials, who learned late last week of the administration's apparent decision to cut back the money request, don't believe the official explanations—and they're angry and worried.

"This project is either go or no-go," says Tom Hunt, a spokesman for the Atomic Industrial Forum Inc., a group of utilities and electrical-equipment manufacturers. "You can't just turn the industry we're building to support nuclear power off and on."

The government and the industry have been planning the Tennessee breeder reactor for years as the first big step in a $10.8 billion federal spending program to convert the nuclear industry from uranium reactors to plutonium reactors. By the year 2020, the administration's energy plan calls for the nation to have 1,400 breeder reactors in operation.

Most of the reactors planned or in operation in the world today (including the 55 in the U.S.) are wasteful users of uranium. Only a small part of the uranium used actually winds up "firing" the plants; the rest is piling up as so many useless—but radioactive—rocks. As a result, U.S. energy planners see a looming uranium shortage for the present plants.

HOW THE BREEDER WORKS

But the breeder reactor can be "fired" by a mixture of plutonium (a by-product of present nuclear plants) and the waste, stockpiled uranium. As it generates electricity, the breeder would transmute the uranium into plutonium, which could then be used to fuel other breeders. In fact, breeder supporters regard the reactor as the source of electricity generation for the next 400 years and therefore a big part of the solution to the energy problem.

To critics, however, the breeder represent a nuclear nightmare. The reason is the plutonium it produces. Like any radioactive substance, plutonium can cause cancer or genetic damage. But apart from this, it is also a highly poisonous material. Critics also warn of the possibility that terrorists could steal plutonium for "homemade" nuclear bombs or that the material could escape into the atmosphere while it's being shipped between reactors and processing plants.

The energy agency's apparent decision to trim the breeder's budget calls for cutting $30 million or $40 million of the $80 million that was requested earlier this year for site preparation and equipment. However, purchase of some sophisticated new equipment that will take years to design and build would go ahead, as would almost $100 million of research spending.

ERDA officials insist that the cutback decision isn't final until Administrator Seamans and the White House approve it and send Congress specific recommended reductions in a comprehensive energy plan that is due on June 30.

"If we can't get the necessary license to go ahead with the breeder plant as quickly as we had thought, then it is almost certain we'll do some reprogramming so we can take that money and spend it elsewhere," says Robert Fri, ERDA's deputy administrator. The license to allow site-preparation work to begin must come from the government's Nuclear Regulatory Commission, which still hasn't scheduled the necessary public hearing on the application.

THE LONG AND THE SHORT

What may be happening is that the administration is preparing to sacrifice the breeder's short-term budget to ensure its long-term survival. Congress is being asked this year not only to authorize one year's spending but also to approve the entire project—from site preparation through the plant's actual operation. By reducing its money request for this year, ERDA may be seeking to defuse congressional opposition and increase the chance that Congress will endorse the project.

Mr. Fri observes, in fact, that if Congress approves the authorization bill later this month, it will be "sufficient to cover any money we spend this year or in the future. It's then simply a question of when we spend it."

The unannounced developments of the last few days, confusing though they are, make it clear that the breeder timetable has slipped substantially. Construction was to begin on the Clinch River near Oak Ridge, Tenn., next year, and the plant was to be operating by 1982. Officials concede now that this schedule has been set back at least a year.

Inevitably, the change will also delay the schedule for a second, larger breeder reactor, which is to be built by the industry, with a government subsidy, as the final step before utility companies are supposed to begin building and operating hundreds of breeder reactors on their own.

Some industry officials say that the government's apparent ambivalence about the breeder program could lessen the industry's willingness to raise about $1 billion to build the second reactor. They also worry that any delay will make the project more costly and will give Congress more time and more reason to kill it.

As word spread through Washington late last week that a review of the project was under way, government energy officials were doing little to calm the industry's worries. The project director, Thomas Nemzek, told a reporter Friday that he had been getting calls all day from the breeder's supporters asking if the government was killing the project.

PRUDENT MANAGEMENT

"I'm telling them it's just prudent management to make sure we're optimizing the manpower and money available for this project." Mr. Nemzek says. It's only a coincidence, he says, although an "unfortunate" one, that the review is occurring just as a congressional fight was developing, creating an impression that the administration is giving in to the opposition.

Mr. Hunt of the Atomic Industrial Forum, after making some phone calls himself, declared: "It's hard to tell if ERDA is for the demonstration plant or not."

Regardless of what the administration finally decides, some members of Congress are determined to slow the project themselves.

Sen. John Tunney, the California Democrat, says he will introduce an amendment to ERDA's authorization bill later this month to slash all but research money for the breeder, to prohibit construction for at least a year and to order a study on whether the breeder really is needed.

The outcome of the breeder debate in Congress isn't likely to turn on cold scientific facts. Instead, critics and supporters are going into the controversy armed with emotional arguments about jobs, inflation and safety. Each side is backed by a team of Nobel Prize-winning scientists: Hans A. Bethe, who won the physics prize in 1967, favors the breeder; Hannes Alfven, who won the same prize in 1971, opposes it.

"We're not playing games," says Rep. Mike McCormack, in whose home state of Washington the federal government already is building a $622 million fuels-testing facility as part of the overall breeder project. "There's a direct correlation between jobs and energy growth. If we need the breeder and don't have it, then we're talking about a choice between the breeder and catastrophic unemployment and social upheaval," the Democratic Representative says.

Sen. Tunney responds: "No one knows for sure that we need this plant or whether the utilities will build more of them once the government develops the technology."

Both sides agree that this is the critical year for the breeder. If Congress approves funds to prepare a site and purchase some parts for the plant, stopping the project later will be almost impossible.

[From the Wall Street Journal, July 9, 1975]

ATOMIC ANXIETY—NUCLEAR-SAFETY DEBATE RAGES OVER RELIABILITY OF EMERGENCY SYSTEM

(By David Brand)

In Idaho Falls, Idaho, a team of government engineers is quietly readying a small atomic reactor for what will be a unique experiment. For the first time in the history of nuclear power, they are going to try their best to make a reactor go haywire. If all goes as planned, the moment the reactor begins to overheat, an emergency cooling system will quickly douse it.

Across the country in Athens, Ala., another team of government engineers is studying a fire that recently knocked out two reactors at the Tennessee Valley Authority's Brown's Ferry atomic power station. When the plant's operators tried to shut down one of the reactors they found that the emergency cooling system wouldn't work. In order to cool down the red-hot nuclear fuel they were forced hurriedly to devise an alternate cooling method.

Over the next few months the work of these two teams of engineers may help to resolve a gathering national debate over the safety of atomic power plants, to which the U.S. is now committed for a large part of its future electricity supply.

The debate over nuclear power's safety has been fiery, often emotional and, if nothing else, confusing. Subjects have ranged from the storage of nuclear wastes to the theft of nuclear fuel to the accidental release of lethal radioactive plutonium. Foes have called for a moratorium on the building of new nuclear plants, and scientists have issued incredibly complex reports both defending and questioning the safety of the plants. Even the courts have entered the debate by ruling that new nuclear plants shouldn't be built too close to densely populated areas.

3,300-PAGE REPORT

But the crucial issue is the question being investigated by the engineers in Idaho and Alabama: If and when an atomic power reactor goes out of control, can the key emergency cooling system prevent the reactor from spewing deadly radioactive elements on the surrounding population?

Government researchers say the emergency system will, and does work, and they have a meticulously prepared 3,300-page scientific analysis to prove it. The risk of a life-threatening incident at an atomic plant is 1,000 times less than the risk of a devastating hurricane, or earthquake, the report concludes.

But foes like consumerist Ralph Nader claim the analysis is inaccurate. The dangers of nuclear power plants are comparable to the Vietnam war. Mr. Nader says, "but in this case the peasants are us, not them." And recently a panel of 12 U.S. scientists, in an independent study for the American Physical Society, said they weren't completely convinced that the emergency system would always work. Despite the good safety record of nuclear plants to date, they said, it is "certainly possible, albeit unlikely" for a nuclear accident to occur.

The stakes involved in the controversy are tremendous, of course. First and foremost are the lives of the thousands of people who will be living in the vicinity of nuclear plants in the future. Then there's the more than $1 trillion slated to be invested in nuclear power generation in the next 25 years. By the turn of the century, it's predicted, more than 50% of the electric power consumed by Americans will be coming from the atom—if the safety question can be settled.

WORST POSSIBLE ACCIDENT

So far there hasn't been a single death stemming from a nuclear accident in a commercial atomic power plant although three workers at a government test station in Idaho did die in 1961 when a relatively primitive experimental reactor went out of control.

The emergency system, called the emergency core-cooling system, or ECCS, has never been put to the acid test. Indeed, the system has never been give a full-scale test even on purpose.

Instead, nuclear engineers have had to play a deadly serious game. They try to imagine the worst possible accident and then design the power plant to prevent it or circumvent it. This accident, contrary to some popular scenarios, doesn't have the power plant disappearing in a mushroom-shaped cloud. Nevertheless, it is awesome. It is known as a loss-of-coolant accident.

The accident would involve the heart of a nuclear reactor, its fuel core. The core consists of up to 40,000 thin, 12-foot-long tubes, each packed with thousands of pellets of uranium fuel. When these fuel rods are placed in close proximity, an atomic chain reaction gets underway. As the uranium atoms split they release heat and break up into diverse, highly radioactive elements. The heat at the center of the fuel can be tremendous, reaching 4,300 degrees Fahrenheit.

A CLOUD OF STEAM

To get the heat from the reactor to the outside where it can be used to produce steam for power generators, water is constantly pumped through the core to absorb the heat. The water is one type of common reactor, called a pressurized-water reactor, is under pressure to prevent it from turning to steam. In another common design, called a boiling-water reactor, it is allowed to boil.

Suppose, as the engineers have done, that a water pipe in a pressurized-water reactor suddenly broke. The hot water would disappear through the rupture in a cloud of steam. Emergency systems would immediately shut down the chain reaction. But the residual radioactive elements would continue to produce heat, and in a matter of minutes the fuel core, no longer bathed in cooling water, would melt into a fuming mass.

For many years engineers firmly believed that in this unlikely situation the molten fuel core could be contained inside the huge steel shell, called the pressure vessel, that surrounds the reactor. Or, if it melted through the pressure vessel, a specially designed containment building would prevent it from spewing radioactive elements to the outside.

An emergency system that would flood the core with water was added in the early 1960s, although it wasn't considered necessary. But in 1966 a new study by the Atomic Energy Commission (now the Nuclear Regulatory Commission, or NRC) indicated there was a remote possibility that in a loss-of-coolant accident the molten core might burn through both the pressure vessel and the containment building and sink into the earth below. How far it might burn into the earth isn't known, but engineers stated talking on the "China syndrome."

DAMPENING THE CORE

If the molten core broke out of the containment building, it almost certainly would vent radioactive elements to the atmosphere, endangering lives downwind of the reactor.

Suddenly, it became urgent to prove that the emergency core-cooling system could be depended on to work. By 1970, government scientists were able to set up a laboratory test to demonstrate that the ECCS would, in fact, dampen the overheated core.

To their amazement, the simulated ECCS test didn't work the way the computers had predicted. Instead, the emergency cooling water was simply sucked out through the ruptured pipe. The result led to two years of hearings and investigations, which produced 55,000 pages of transcripts. The NRC now has stepped up its ECCS testing and evaluation.

"We are now quite confident that the system will work," says Herbert Kouts, chief research scientist at the NRC.

But the fact remains that the ECCS has never been tested on a working reactor. Mr. Kouts concedes this is "rather like sending a man to the moon, you actually have to do it to prove it is possible." To get this proof, the NRC has revived a lagging reactor experiment at its testing site in Idaho Falls. Beginning this fall government engineers will try to make the ECCS fail.

SCIENTISTS ARE "SKEPTICAL"

"Believe me, we will be doing everything we can do to make that reactor go wrong," says Mr. Kouts. There's little danger of the fuel core melting because the reactor is only about one-fiftieth the power of a large commercial plant; thus, the odds of releasing radioactive material is low or nil.

But it is this smallness of scale that has produced new doubts. The reactor-safety report for the American Physical Society, for example, says flatly that "our group is very skeptical" that the results from a small-scale test can be applied to large commercial reactors. "It cannot be regarded as a proof test" of the ECCS, the report says.

The skepticism of the scientific team is mainly aimed at the pressurized-water reactor involved in the 1970 test failure and in the coming Idaho test. The boiling-water reactor, however, also requires an ECCS, and the American Physical Society study notes, "We have similar, perhaps less firm, reservations about the boiling-water reactor case."

The group suggests that a full-scale test with a normal-sized reactor be undertaken to check the ECCS. Adds Henry Kendall, professor of physics at the Massachusetts Institute of Technology and an outspoken nuclear foe, "The hazards are so impressive that we need to do a test with something the size of a commercial reactor."

For years government scientists have been talking about performing this "ultimate test," which would involve the risk of actually melting the core and releasing radioactivity. It would, says NRC official Saul Levine, " be a very dangerous test and cost, perhaps, a billion dollars."

PLANES TO DAMS

Moreover, federal researchers believe a massive new study analysis is reliable enough to make this ultimate test unnecessary. The study, still only in draft form, took two years to complete, cost $3 million and involved 60 scientists and engineers working under Prof. Norman Rasmussen of MIT.

Using computer analysis techniques developed for the space program, the analysis compares the risks of an accident from 100 nuclear plants with other risks that society is exposed to, from airplane crashes to dam collapses. Non-nuclear accidents are about 10,000 times more likely to injure large numbers of people than are 100 nuclear plants, the report concludes. In fact, it says, the probability of a reactor accident killing anyone is one accident every 2,500 years.

But other scientists question the reliability of the space-age computer techniques used by the Rasmussen group. Thomas Cochran, a physicist with the National Resources Defense Council, an outspoken antinuclear group, claims that "the technique has already been discredited."

This seems to be supported by William Bryan, a mechanical engineer at the University of California who previously did reliability and safety analyses for the space program. Last year Mr. Bryan told California state assemblymen that "in general the AEC is up to 10 years behind the times as far as implementing aerospace reliability and safety techniques and as a substitute to good analysis, is pushing phony reliability and safety numbers to assure us of just the opposite."

But the NRC's Mr. Levine replies that critics "simply don't understand" the computer techniques used in the Rasmussen study. It requires 14 dense volumes of graphs, equations, figures and diagrams just to explain the techniques, he notes.

CRACKS IN PIPES

The strongest point nuclear advocates have, however, is the simple fact there haven't been any life-threatening or even serious accidents in nuclear plants during millions of hours of experience. Of the 1,550 "abnormal occurrences" (an NRC term for mishaps, some as minor as the erratic flicker of a needle on an instrument) at U.S. nuclear plants last year, only seven were labeled "directly significant," that is, potentially serious.

Four of these "occurrences" involved the discovery of tiny cracks in cooling system pipes. "Of course, we're very concerned about those cracks," says Mr. Kouts. "But there was never a time when public safety was in jeopardy."

The most serious incident so far this year was on March 22 when a sudden fire knocked out two reactors at the TVA's Brown's Ferry nuclear station. The fire was started by a worker who was holding a candle to check for air leaks through a seal where the plant's electric cables pass from one compartment to another. The candle ignited the sealing material, and the fire spread to adjoining cables. The reactor's monitoring instruments signaled a problem.

The TVA operators immediately shut down the two reactors. One reactor was turned off without incident, but the other reactor began to lose its cooling water. When that happened an attempt was made to turn on the ECCS, but because of a power failure it didn't operate. The operating engineers were forced to connect auxiliary pumps by hand in order to flood the core.

Mr. Kouts says that although the ECCS didn't work "it was only being used as a backup. There was plenty of margin for safety."

Almost everyone agrees that the situation at Brown's Ferry never reached the point where it was critical for the ECCS to work. But the incident has set many to wondering what would have happened if there had been a real crisis, such as a pipe break, and the ECCS hadn't worked. Says Mr. Cochran of the Natural Resources Defense Council: "We are always being assured that there is nothing to worry about. But I believe that you never really know if a reactor is safe until it's too late."

FTC TAKES STEPS TO HELP THE HEARING IMPAIRED, WHILE FDA DAWDLES

Mr. PERCY. Mr. President, on May 16, 1975, I addressed this body about the tragic failure by two Federal agencies to help the more than 14.5 million hearing-impaired in this country. I reported at the time that both the Federal Trade Commission and the Food and Drug Administration had been delaying action on moves they knew would be of assistance to those who are seeking help for hearing disabilities.

While the FDA continues to delay enactment of regulations that would require medical clearance for persons seeking hearing aids, the FTC has finally announced its proposed regulations for dealing with shoddy marketing practices by certain hearing aid dealers and for assuring customer satisfaction.

I wish to commend the Commission, in part, for its action, however much delayed in coming. In protecting the buyer's rights to cancel by mandating a 30-day, money-back guarantee, and by severely restricting door-to-door sales of these instruments, the FTC has made affirmative moves toward promoting consumer protection in the hearing aid industry.

However, I am concerned that the Commission did not address itself to an overriding concern of so many elderly persons on fixed incomes who may need hearing aids. By failing to require the dealers to separate the price of the instrument from the cost of servicing it, the FTC has missed an opportunity to render economic aid to these near-indigent persons. I would hope, during the 60-day comment period on the FTC proposals, that persons express themselves to the Commission on this most important point. It is my belief that this separation of price and cost—commonly known as "unbundling"—would increase sales while at the same time allowing economic benefits to accrue to those in need.

Equally as important, in view of the long delays that have thus far marked the FTC's consideration of the hearing aid matter, is the question of when these proposals will be finally approved and implemented. It is my hope that the Commission will act expeditiously, at the close of the comment period, to promulgate its regulations with dispatch. Too much time has already elapsed since this issue first came under scrutiny by the Commission.

As to the FDA, I can only hope that the FTC's action of June 24 will spur it to move rapidly to declare hearing aids to be prescription devices, as he has indicated, in public print, is his intention and desire. To continue to put off a decision, particularly in view of the industry's new-found receptivity to the idea, is clearly not in the public interest.

Mr. President, I ask unanimous consent to have printed in the RECORD the proposed trade regulation rules on hearing aids published by the FTC.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

[From the Federal Register, June 24, 1975]

FEDERAL TRADE COMMISSION—HEARING AID INDUSTRY

[16 CFR 440]

PROPOSED TRADE REGULATION RULE; NOTICE OF PROCEEDING

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., the provisions of Part I, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.7, et seq., and section 553 of Subchapter II, Chapter 5, Title 5 of the U.S. Code (Administrative Procedure) has initiated a proceeding for the promulgation of a Trade Regulation Rule for the Hearing Aid Industry.

In accordance with the above notice the Commission proposes the following Trade Regulation Rule and to amend Subchapter D, Trade Regulation Rules, Chapter I of 16 CFR by adding a new Part 440:

Part 440—Proposed trade regulation rule for the hearing aid industry

Sec.
440.1 Preamble.
440.2 Definitions.
440.3 Form and manner of making required disclosures in television, radio and print advertisements.
440.4 Buyer's right to cancel.
440.5 Leases or rentals.
440.6 Seller may grant greater rights.
440.7 Selling techniques.
440.8 Prohibited representations concerning hearing aid sellers.
440.9 Prohibited representations concerning hearing aids.
440.10 Advertising representations that must be qualified.
440.11 Required disclosures concerning telephone options.
440.12 Necessary steps to insure compliance with this Part.
440.13 Record maintenance and retention.
440.14 Effect on prior Federal Trade Commission actions and on State laws and ordinances of State political subdivisions.

AUTHORITY: 38 Stat. 717, as amended (15 U.S.C. 41, et seq.)

§ 440.1 Preamble.

In connection with the advertising, promotion offering for sale, sale, marketing, or distribution of hearing aids in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, it is an unfair and deceptive act or practice and an unfair method of competition within the meanings of sections 5 and 12 of that act for any seller to fail to comply with the following provisions of this Part.

§ 440.2 Definitions.

For the purposes of this Part the following definitions shall apply:

(a) *"Hearing aid."* Any wearable instrument or device designed for, offered for the purpose of, or represented as aiding persons with or compensating for impaired hearing.

(b) *"Sale"* or *"purchase."* A sale or purchase, or lease or rental for a period of more than 30 calendar days, of a hearing aid to a member of the consuming public.

(c) *"Seller."* Any person, partnership, corporation, or association engaged in the sale, lease or rental of hearing aids, or any employee, agent, salesperson and/or representative of same, whether made to a "buyer" or to another "seller."

(d) *"Buyer."* Any person, partnership, corporation, or association assuming a financial obligation in connection with a "sale," either for its personal use or for the use of a person on whose behalf the financial obligation is assumed.

(e) *"Purchase price."* The total price paid or to be paid for a hearing aid, including all interest charges, taxes, and charges for services rendered in connection with a sale; *Provided however*, That "purchase price" shall not include the pro rata portion of any charges for services:

(1) When such charges are separately stated in the contract for sale; and

(2) When the "buyer" has been given the option of not purchasing such services; and

(3) When such services have been rendered prior to the date of the buyer's exercise of his right to cancel under § 440.4.

(f) *"Represent" or "representation."* Any direct or indirect statement, suggestion or implication, including but not limited to one which is made orally, in writing, pictorially, or by any other audio or visual means, or by any combination thereof, whether made in an advertisement or otherwise.

(g) *"Advertisement" or "advertising."* Any written or verbal statement, illustration, or depiction, other than a label or in the labeling, which is designed to effect the sale of any hearing aid, or to create interest in the purchase of any hearing aid, whether the same appears in a newspaper, magazine, leaflet, circular, mailer, book insert, catalog, sales promotional material, other literature, billboard, public transit card, point-of-purchase material, or in a radio or television broadcast or in any other media. "Advertisement" or "advertising" does not include:

(1) Signs which only identify the name of a seller and are located at the seller's place of business; or

(2) A listing in a telephone directory which gives only the seller's name, address and telephone number, and the brand(s) of hearing aids offered for sale; or

(3) Representations directed solely to physicians or audiologists.

(h) *"Audiologist"*. A person who:

(1) Possesses the Certificate of Clinical Competence in audiology granted by the American Speech and Hearing Association (ASHA); or

(2) Meets the educational and experience requirements for ASHA certification in audiology and has successfully completed the examination required for ASHA certification in audiology; or

(3) Meets the requirements of any applicable State law which defines the term "audiologist".

(i) *"Clearly and conspicuously disclose" or "clear and conspicuous disclosure."* Disclosing in a manner which (or a disclosure which):

(1) Can easily be understood (in the case of television and print advertising, also easily seen and read) by the casual observer, listener, or reader among members of the public; and

(2) Occurs each time the representation which creates the requirement for the disclosure is made, and in immediate conjunction with such representation, except that the disclosure required by § 440.8(a) need be made only once, in immediate conjunction with the major theme of an advertisement and at the outset of any other communication; and

(3) Is made in the same language, e.g., Spanish, as that principally used in communicating with the person(s) to whom the disclosure is addressed; and

(4) In any television advertisement, is made in the manner and form prescribed by § 440.3(a); and

(5) In any radio advertisement, is made in the manner and form prescribed by § 440.3(b); and

(6) In any print advertisement, is made in the manner and form prescribed by § 440.3(c).

(j) *"Used hearing aid."* A hearing aid which has been worn for any period of time by a buyer or potential buyer; *Provided however*, That a hearing aid shall not be considered "used" merely because it has been worn by a buyer or potential buyer as part of a bona fide evaluation conducted to determine whether to select that particular hearing aid for that buyer, if such evaluation has been conducted in the presence of the seller or a hearing health professional selected by the seller to assist the buyer in making such a determination.

(k) *"Telephone option."* An option available on hearing aids which enables the wearer to hear the electrical signal on the telephone line rather than the acoustic signal produced by the telephone.

§ 440.3 Form and manner of making required disclosures in television, radio and print advertisements.

(a) *Disclosures in television advertisements.* (1) Except for a disclosure required by § 440.8(a), any disclosure shall be made clearly and conspicuously and at least as clearly and conspicuously as any representation which creates a requirement for such disclosure.

(2) Except for a disclosure required by § 440.8(a) or §440.10(a) (which shall be made simultaneously in the audio and video portions of the advertisement), any disclosure shall be made in the same portion (audio or video) of the advertisement in which the representation which creates the requirement for the disclosure is made.

(3) The video portion of any disclosure shall contain letters of sufficient size so that it can be easily seen and read on all television sets, regardless of the picture tube size.

(4) The video portion of any disclosure shall contain letters of a color and shade that readily contrast with the background, and the background shall consist of only one color or shade.

(5) No other sounds, including music, shall occur during the audio portion of any disclosure.

(6) The video portion of any disclosure shall appear on the screen for a sufficient duration to enable it to be completely read by the viewer.

(b) *Disclosures in radio advertisements.* Except in connection with § 440.8(a), any disclosure in any radio advertisement shall be made clearly and conspicuously, and at least as clearly and conspicuously as the representation which creates the requirement for such disclosure. No other sounds, including music, shall occur during the disclosure.

(c) *Disclosures in print advertisements.* Except in connection with § 440.8(a), any disclosure in any print advertisement shall be made clearly and conspicuously and at least as clearly and conspicuously as the representation which creates the requirement for such disclosure.

[See § 440.2(i).]

§ 440.4 Buyer's right to cancel.

(a) A seller shall include in every receipt or contract pertaining to a sale, in immediate proximity to the space reserved for the signature of the buyer, or on the first page if there is no space reserved for the signature of the buyer, a clear and conspicuous disclosure of the following specific statement in all capital letters of no less than twelve point bold face type of uniform font and in an easily readable style:

"THE BUYER HAS THE RIGHT TO CANCEL THIS PURCHASE OR RENTAL FOR ANY REASON AT ANY TIME PRIOR TO MIDNIGHT OF THE 30TH CALENDAR DAY AFTER RECEIPT OF THE HEARING AID(S). SEE THE ATTACHED "NOTICE OF BUYER'S RIGHT TO CANCEL" FOR AN EXPLANATION OF THIS RIGHT."

(b) A seller shall furnish each buyer, at the time such buyer assumes any financial obligation with respect to the purchase, a completed form in duplicate, captioned "Notice of Buyer's Right to Cancel," which shall contain in no less than ten point type (twelve point bold face type for words in the "Notice of Buyer's Right to Cancel" which appear below entirely in capital letters) of uniform font and in an easily readable style, a clear and conspicuous disclosure of the following specific statements in the following format. A copy of such completed form shall be retained by the seller in accordance with § 440.13(a)(2).

Notice of Buyer's Right to Cancel

This notice is for the buyer and each person who has assumed a financial obligation on the buyer's behalf: YOU HAVE THE RIGHT TO CANCEL THIS PURCHASE OR RENTAL. Here is information on:

Your right to cancel,
How to cancel,
What happens if you cancel, and
Other things you should know.

YOUR RIGHT TO CANCEL.

Any time before the end of -------------- --

(30 calendar days from the date you received the hearing aid(s))

you can cancel this purchase or rental for any reason and get most of your money refunded. If you purchased or rented two or more hearing aids in this transaction, you can cancel your purchase or rental of any or all of them. Upon cancellation, the seller can keep the following *cancellation charges:*

$---------- (for 30 days rental, for each cancelled hearing aid)
$---------- (for each custom ear mold made for the cancelled hearing aid(s))
$---------- (for batteries)

No other cancellation charges, penalties or fees are legal. However, the seller *can* keep the charges for any lease or rental period which ran prior to this transaction.

If, before the end of ------------------ -- --,

(30 calendar days from the date you received the hearing aid(s))

the seller substitutes any other hearing aid(s) for the one(s) you originally purchased or rented, then the seller is required to provide you with a new "Notice of Buyer's Right to Cancel" and an additional 30 day period in which you can cancel the purchase or rental of the substitute hearing aid(s). The seller is not entitled to keep any of the cancellation charges listed above when such a substitution is made, but you will have to pay the additional cost involved if a more expensive hearing aid is being substituted. If you cancel the purchase or rental of the substitute hearing aid(s), the seller can keep only the cancellation charges listed above.

To cancel this purchase or rental, your cancellation must be actually delivered to the seller or postmarked no later than the end of -- --

(30 calendar days from the
date you received the
hearing aid(s))

You may cancel by giving the seller any form of written notice of your cancellation, so long as you make it clear to the seller that you are cancelling and, if you received the hearing aid at your home, whether you want the seller to pick it up there. If you wish, you may use the "Cancellation Notice" form provided at the end of this notice. Keep a copy of your cancellation notice for your records.

WHAT HAPPENS IF YOU CANCEL.

The *seller's responsibilities* if you cancel are as follows: Within 15 calendar days after the date of your written cancellation notice he must:

(1) Actually return to you anything you traded in on the cancelled hearing aid(s) (including your old hearing aid(s)); and

(2) Cancel all financial obligations you assumed, as part of the purchase or rental, to cover the purchase or rental of the cancelled hearing aid(s); and

(3) Cancel all security interests (such as a mortgage) which were created in your property, as part of the purchase or rental, to cover the purchase or rental of the cancelled hearing aid(s); and

(4) Refund all payments you made toward the purchase or rental price of the cancelled hearing aid(s), less the cancellation charges listed in this notice and the charges for any lease or rental period which ran prior to this transaction.

Your responsibilities if you cancel are as follows:

(1) If you picked up the hearing aid at the seller's place of business, then you must return it there, either by actually delivering it or by having it postmarked (you must pay the postage) no later than 7 calendar days from the date of your written notice of cancellation; or

(2) If the hearing aid was delivered to your home, then you have a choice of what to do:

(1) You may return the hearing aid to the seller's place of business, either by actually delivering it or by having it postmarked (you must pay the postage) no later than 7 calendar days from the date of your written cancellation notice, *or*

(ii) If you notified the seller that you will make the hearing aid available at your home, you must do so. Then, if the seller does not pick it up within 20 calendar days from the date of your notice, you may keep it.

OTHER THINGS YOU SHOULD KNOW:

The seller is entitled to receive a cancelled hearing aid back in substantially as good condition as it was when you received it. However, the seller cannot refuse to accept a cancelled hearing aid because it shows signs of normal wear and tear such as scratches on the casing. Nor can the seller refuse to accept a cancelled hearing aid because of its defects, unless those defects were caused by your mistreatment of it.

To protect yourself at the time you cancel, you should do the following: If you deliver a cancelled hearing aid to the seller's place of business or the seller picks it up at your home, you should obtain a receipt from him. If you mail a cancelled hearing aid to the seller, the hearing aid should be sent "certified mail, return receipt requested."

If you cancel but do not fulfill your responsibilities, the seller will be entitled to sue you for the fair market value of the cancelled hearing aid(s) and the services you have in fact received.

If the seller refuses to honor a valid exercise of your right to cancel this purchase, or does not fulfill his other responsibilities, you have a right to sue him to make him fulfill all his responsibilities. In addition to giving you a right to sue the seller, such a refusal or failure would be a violation of a Federal Trade Commission Rule. Such violations should be reported promptly to the Federal Trade Commission, Washington, D.C. 20580.

The granting of this right to cancel does not deprive you of any of the other rights given to buyers under the law. Nor does it limit any rights you have concerning warranties made by the seller or provided by law.

Cancellation Notice *

---------------------------- (Date of cancellation)

To: ------------------------ Seller)

------------------------ (Seller's address)

I hereby cancel my purchase or rental of the hearing aid(s) which I received on --.

(Date you received the hearing aid(s))

(*If* two or more hearing aids were purchased or rented at the same time, the buyer *must* check the appropriate box so that the seller will know how much of the purchase or rental is being cancelled.)

I am cancelling the purchase or rental of:

☐ both hearing aids
☐ the hearing aid for my left ear
☐ the hearing aid for my right ear
☐ other (explain)

(*If* you received the cancelled hearing aid(s) at your home *and* you want the seller to pick it (them) up there, then check this box: ☐)

(Buyer's signature)

(Buyer's address)

* If you do not use this form you may still provide *written* notice to the seller by any other means, as long as you make it clear to the seller that you are *cancelling* and, if you received the hearing aid at your home but you cannot or do not want to return it to the seller's place of business, that the seller should pick up the hearing aid *at your home.*

(c) Before furnishing copies of the "Notice of Buyer's Right to Cancel" to the buyer, a seller shall complete both copies of each such notice by entering:

(1) The date which is "30 calendar days from the date on which the buyer received the hearing aid(s)", in each of the three blanks provided for it. If the seller does not or cannot know the exact date on which the buyer's receipt of the hearing aid(s) will take place, then the appropriate blanks shall be completed so as to reasonably insure that the 30 calendar day period does not begin to run before receipt by the buyer has actually taken place; and

(2) The cancellation charges allowed under § 440.4(g) (1); and

(3) The seller's full name and address (in the "Cancellation Notice" form); and

(4) The date the buyer received the hearing aid(s) (in the "Cancellation Notice" form). If the seller does not or cannot know the exact date on which the buyer's receipt of the hearing aid(s) will take place, then the date of receipt by the buyer shall be estimated so as to reasonably insure that it does not precede the actual receipt of the hearing aid(s).

(d) A seller shall not include in any contract or receipt any confession of judgment or any waiver of any of the rights to which the buyer is entitled under this Part, including but not limited to the buyer's right to cancel the sale in accordance with the provisions of § 440.4.

(e) At the time the buyer purchases a hearing aid, a seller shall inform him orally of the existence of the buyer's right to cancel.

(f) A seller shall not misrepresent in any manner the buyer's right to cancel; nor shall the seller make any representation or perform any act or practice which in any way negates, contradicts, detracts from or is inconsistent with a full understanding of a proper exercise of such right to cancel.

(g) A seller shall honor any valid notice of cancellation by a buyer and within 15 calendar days after the date of such notice:

(1) Refund all payments made toward the purchase price of the cancelled hearing aid(s), less any lease or rental charges applied as payments toward the purchase price of the cancelled hearing aid(s) and only those "cancellation charges" which are properly set forth in the "Notice of Buyer's Right to Cancel" as required by § 440.4(c) and are within the following limits:

(i) [Following are two mutually exclusive formulas for the "cancellation charge" for 30 days rental]

(A) *Alternative 1.* The cancellation charge for 30 days rental for each cancelled hearing aid shall not exceed the total of $15 plus 5 percent of the purchase price (excluding any "cancellation charges" for any custom ear mold or batteries).

(B) *Alternative 2.* The cancellation charge for 30 days rental shall not exceed the sum of $30 per cancelled hearing aid or 10 percent of the purchase price (excluding any "cancellation charges" for any custom ear mold or batteries), whichever is the lesser. This $30 maximum shall be adjusted annually after the effective date of this part to account for the annual percentage adjustment in the United States City Average All Items Consumer Price Index (1967-100) published by the Bureau of Labor Statistics of the United States Department of Labor. The computation of this annual adjustment shall be as follows: The Index for the month in which this part becomes effective shall be the Base Index. The Index for that same month in subsequent years shall be divided by this Base Index and the result of that division shall be multiplied by the sum of $30 to arrive at the maximum which shall obtain until the publication of the Index in the next subsequent year.

(ii) The cancellation charge for any custom ear mold and a 30 day supply of batteries shall not exceed twice the actual cost of such ear mold and/or batteries to the seller or the seller's regular selling price for such ear mold and/or batteries, whichever is the lesser. In computing the actual cost, all rebates, discounts, and any other similar allowances provided to the seller must be considered; and

(2) Return any goods or property traded in on the cancelled hearing aid(s), in substantially as good condition as when they were received by the seller; and

(3) Take all action necessary or appropriate to terminate;

(i) All financial obligations assumed by the buyer as part of this transaction to cover the purchase of the cancelled hearing aid(s); and

(ii) All security interests created in connection with this transaction to cover the purchase of the cancelled hearing aid(s).

(h) If, within 30 calendar days from the buyer's receipt of a purchased hearing aid, a seller substitutes another hearing aid for the originally purchased one, the seller shall treat such a substitution as a "sale" of a hearing aid for the purposes of § 440.4 by providing each buyer with a new "Notice of Buyer's Right to Cancel" and an additional 30 calendar day period in which to cancel. The cancellation charges set forth in the subsequent "Notice of Buyer's Right to Cancel" shall remain the same as those indicated in the original "Notice of Buyer's Right to Cancel."

(i) The provisions of paragraphs (a) through (h) of this section shall not apply to a sale:

(1) Made pursuant to a written recommendation of a specific hearing aid, by serial number or by model, made by a physician or an audiologist who receives no direct or indirect financial compensation from the seller for such recommendation or for services rendered in connection with such recommendation; *Provided, however;* That § 440.4(i) (1) shall not be construed to prevent any physician or audiologist from requesting or requiring as a condition of his referral to a seller that a patient be offered a trial period prior to a purchase; or

(2) Made to replace a damaged or worn out hearing aid when the replacement hearing aid which is sold is identical to such damaged or worn out hearing aid.

§ 440.5 Leases or rentals.

When leasing or renting a hearing aid for a period of up to 30 calendar days, a seller shall:

(a) Limit any lease or rental charges for any trial period(s) of up to 30 calendar days only to the total dollar amount of cancellation charges permitted to be retained by the seller under § 440.5(g) (1); and

(b) Clearly and conspicuously disclose such lease or rental charges orally to the potential buyer before any financial obligation relating to the lease or rental is assumed by the potential buyer; and

(c) Furnish each potential buyer, at the time any financial obligation relating to the lease or rental is assumed by the potential buyer, a form or contract which clearly and conspicuously discloses, in no less than ten point type of uniform font and in an easily readable style:

(1) the complete name and address of the lessor or renter; and

(2) The dates on which the trial period begins and ends; and

(3) All lease or rental charges.

§ 440.6 Seller may grant greater rights.

The seller may accord a buyer greater or more extensive rights than those to which the buyer is entitled under the provisions of this Part. In such instances, a seller may make suitable amendments in all appropriate documents to reflect the granting of such rights.

§ 440.7 Selling techniques.

(a) No seller shall utilize any device to demonstrate the performance which a consumer can expect from a hearing aid, when the performance of such a device differs in any material respect from that of said hearing aid.

(b) No seller shall visit the home or place of business of a potential buyer for the purpose of inducing a sale without having obtained, prior to any such visit, the express written consent of such potential buyer to such a visit. Such consent shall clearly and conspicuously state that such potential buyer is aware that the seller may attempt to sell a hearing aid during such a visit.

(c) If a hearing aid has been used, loaned, rented, leased, reconditioned, refurbished, repaired or rebuilt, that fact shall be clearly and conspicuously disclosed:

(1) In the oral sales presentation, before the buyer assumes any financial obligation with respect to the purchase; and

(2) In any advertisement relating to such hearing aid; and

(3) On the container in which such hearing aid is packaged; and

(4) On a tag which is physically attached to such hearing aid.

(d) No seller shall represent that a person can or may be able to participate in a hearing aid testing or evaluation program if the primary and/or ultimate purpose of such program is to sell hearing aids to persons who participate unless such purpose is clearly and conspicuously disclosed.

(e) No seller shall prepare, approve, fund, disseminate or cause the dissemination of any advertisement which, because of its form and/or content, cannot be easily understood as being designed to effect the sale of hearing aids, or to create interest in the purchase of hearing aids, by the audience to whom such advertisement is directed.

§ 440.8 Prohibited representations concerning hearing aid sellers.

(a) No seller shall make any representation to members of the consuming public without clearly and conspicuously disclosing that it is a seller of hearing aids. The disclosure requirement of § 440.8(a) will be satisfied by a clear and conspicuous statement of the name of the seller's business, if that name includes the words "hearing aid center" or other words which clearly identify that the establishment is a seller of hearing aids.

(b) No seller shall represent that it is a governmental or other public service establishment or a nonprofit medical, educational or research institution unless such is the fact. Such a representation is made by the use of names such as "hearing center" (but not "hearing aid center"), "hearing institute," "hearing aid institute," "hearing bureau," "hearing aid bureau," "hearing clinic," "hearing aid clinic," "speech and hearing center," "speech and hearing aid center," and "senior citizen surveys."

(c) No seller shall represent that it or any of its employees, agents, salespersons and/or representatives is a physician or an audiologist, unless such is the fact. One example of a violation of § 440.8(c) is the use of the term "audiologist" to describe one who is not an audiologist as defined in § 440.2(h); and

(d) No seller shall represent that the service or advice or a physician or an audiologist will be used or made available in the selection, adjustment, maintenance or repair of a hearing aid, unless such is the fact.

(e) No seller shall represent that it or any of its employees, agents, salespersons and/or representatives is a "counselor" or a "consultant."

§ 440.9 Prohibited representations concerning hearing aids.

(a) No seller shall represent that any hearing aid will restore or help restore normal or natural hearing or will enable or help enable wearers to hear sounds normally or naturally.

(b) No seller shall represent that any hearing aid will in any way reverse, halt, or retard, or in any way help to reverse, halt or retard the progression of hearing loss, including but not limited to the use of expressions such as "Act now before it's too late," "Delay may be harmful," or "I caught your hearing loss just in time." Section 440.9(b) does not prohibit, however, a clearly stated and adequately qualified representation as to the difficulties which a consumer may encounter in adjusting to a hearing aid if he gets out of practice in using his hearing.

(c) No seller shall represent that a hearing aid model or feature is new for a period greater than one year from the date on which it was first marketed in the United States.

(d) A seller shall maintain an adequate system for insuring that all advertising it prepares, approves, funds or disseminates is in compliance with § 440.9(c).

(e) No seller shall represent that any hearing aid brand or model possesses any general or specific feature or characteristic or embodies any concept or principle (hereinafter referred to as a "characteristic") unless:

(1) Each such characteristic is clearly and conspicuously disclosed; and

(2) Each such disclosed characteristic provides some significant benefit(s) to the wearer of a hearing aid; and

(3) There is a clear and conspicuous disclosure of each such specific benefit; and

(4) There is a clear and conspicuous disclosure of the specific condition(s) under which or the category or categories of hearing aid wearers by which each such disclosed benefit will be received; and

(5) At the time of making any such representation the seller possesses and relies upon competent and reliable scientific or medical evidence which fully establishes that each benefit is significant and will be received by a significant number of buyers under the condition(s) disclosed; *Provided, however*, That if a seller who is not a manufacturer determines prior to making a representation that the representation is contained in materials which he has received from the manufacturer, such seller shall not be liable for failure to possess and rely upon such evidence if such seller can establish that he neither knew nor had reason to know, nor upon reasonable inquiry could have known:

(i) That the manufacturer did not posseess such evidence; or

(ii) That the representation could not be substantiated by such evidence; or

(iii) That the representation was false; and

(6) If the represented characteristic(s) is (are) compared generally or specifically to the comparable characteristic(s) possessed by any other hearing aid brand(s) and/or model(s), including but not limited to any representation of newness (other than a representation that a hearing aid is not "used" as described in § 440.2(j)):

(i) There is a clear and conspicuous disclosure of the hearing aids with which such comparison is made; i.e., so that the comparison is not in the form of a dangling comparison; and

(ii) There is a clear and conspicuous disclosure of each particular characteristic with respect to which such comparison is being made; and

(iii) Each such compared characteristic provides a significantly greater benefit than the benefit provided by the comparable characteristic in the disclosed hearing aid brand(s) and/or model(s) with respect to which the advertised hearing aid(s) is (are) being compared; and

(iv) At the time of making any such representation the seller possesses and relies upon competent and reliable scientific or medical evidence which fully establishes that each compared characteristic provides a significantly greater benefit than the benefit provided by the comparable hearing aid brand(s) and/or model(s); *Provided, however,* That if a seller who is not a manufacturer determines prior to making a representation that the representation is contained in materials which he has received from the manufacturer, such seller shall not be liable for failure to possess and rely upon such evidence if such seller can establish that he neither knew nor had reason to know, nor upon reasonable inquiry could have known;

(A) That the manufacturer did not possess such evidence; or

(B) That the representation could not be substantiated by such evidence; or

(C) That the representation was false.

(f) For purposes of § 440.9(e)(6), a general or unqualified representation that a hearing aid is unique, revolutionary or special will be deemed to be a comparison to all other hearing aid brands and models; *Provided, however,* That a representation that a hearing aid is revolutionary or special will not be deemed to be a comparison to all other hearing aid brands and models if it is clearly and conspicuously disclosed that the comparison being made is to less than all other hearing aid brands and models.

(g) No seller shall represent that a hearing aid model is smaller than other hearing aid models unless, in addition to making all disclosures prescribed by § 440.9(e):

(1) The quality and range of sounds produced by representative samples of such hearing aid model are at least of substantially the same quality and range as the sounds produced by representative samples of each of the different brand(s) and/or model(s) of hearing aids with which it is being compared, and, at the time of making any such representation the seller possesses and relies upon competent and reliable scientific or medical evidence which fully establishes the relative quality and range of sounds produced by such hearing aids; *Provided, however,* That if a seller who is not a manufacturer determines prior to making a representation that the representation is contained in materials which he has received from the manufacturer, such seller shall not be liable for failure to possess and rely upon such evidence if such seller can establish that he neither knew nor had reason to know, nor upon reasonable inquiry could have known:

(i) That the manufacturer did not possess such evidence; or

(ii) That the representation could not be substantiated by such evidence; or

(iii) That the representation was false; or

(2) It is clearly and conspicuously disclosed that such hearing aid does not produce sounds which are at least of substantially the same quality and range as the sounds produced by the hearing aid brand(s) and/or model(s) with which it is being compared.

(h) No seller shall use the words "prescribe" or "prescription" or any other word(s) or expression(s) of similar import.

(i) No seller shall represent that a hearing aid which routes the signal from one ear to the other ear enables the wearer to hear out of the ear from which the signal is being routed.

(j) No seller shall represent, through the use of words or expressions such as "invisible," "hidden," "hidden hearing," "completely out of sight," "conceal your deafness," "hear in secret," "unnoticed even by your closest friends," "no one will know you are hard of hearing," "your hearing loss is your secret," "no one need know you are wearing a hearing aid," "hidden or out of sight when inserted in the ear canal," or by any other words or expressions of similar import, that any hearing aid or part thereof is hidden or cannot be seen, unless such is the fact.

(k) No seller shall represent, through the use of words or expressions such as "no cord," "cordless," "100 percent cordless," "no unsightly cord dangling from your ear," "no wires," "no tell-tale wires," or other words or expressions of similar import, that a hearing aid can be worn without any visible cord or wire unless such representation is true and it is clearly and conspicuously disclosed that a plastic tube (or similar device) runs from the instrument to the ear, if such is the fact.

(l) No seller shall represent, through the use of words or expressions such as "no button," "no ear button," "no buttons or receivers in either ear," or other words or expression of similar import, that a hearing aid can be worn without any button or other receiver in the ear, unless such representation is true and unless it is clearly and conspicuously disclosed that an ear mold or plastic tip is inserted in the ear, if such is the fact.

(m) No seller shall represent that any hearing aid can eliminate unwanted noise; *Provided, however,* That it shall not be a violation of § 440.9(m) to represent accurately the ability of a hearing aid with a telephone option to attenuate acoustical background signals, if such is the fact.

(n) No seller shall represent that any hearing aid can operate without batteries, unless the power source for such a hearing aid can be recharged from a household electric outlet.

§ 440.10. Advertising representations that must be qualified.

No seller shall prepare, approve, fund, disseminate or cause the dissemination of any advertisement:

(a) Which makes any general or specific representation that a hearing aid will or has the capacity to affect hearing capability or hearing quality, unless it is clearly and conspicuously disclosed that many persons with a hearing loss will not receive any significant benefit from any hearing aid; *Provided, however,* That nothing herein shall prohibit a truthful representation that hearing aids can help many persons with a hearing loss.

(b) Which makes any representation that a hearing aid will enable a person with a hearing loss to distinguish or understand speech sounds in noisy situations, unless, in addition to the disclosure required by § 440.10(a), it is clearly and conspicuously disclosed that many persons with a hearing loss will not be able to consistently distinguish and understand speech sounds in noisy situations by using any hearing aid.

(c) Which makes any representation that a hearing aid will enable a person with a hearing loss to distinguish or understand speech sounds in group situations, unless, in addition to the disclosure required by § 440.10(a), it is clearly and conspicuously disclosed that many persons with a hearing loss will not be able to consistently distinguish and understand speech sounds in group situations by using any hearing aid.

(d) Which makes any representation that the use of two hearing aids, one in each ear, will be beneficial to persons with a hearing loss in both ears, unless, in addition to the disclosure required by § 440.10(a), it is clearly and conspicuously disclosed that many persons with a hearing loss in both ears will not receive greater benefits from the use of two hearing aids, one in each ear, than from the use of one hearing aid.

§ 440.11 Required disclosures concerning telephone options.

(a) No seller shall prepare, approve, fund or disseminate any advertisement which represents that a hearing aid has a telephone option, unless it is clearly and conspicuously disclosed that the telephone option will not work on all telephones.

(b) Before a buyer assumes any financial obligation with respect to a hearing aid which has a telephone option, a seller shall clearly and conspicuously disclose the limitations of the telephone option orally to the buyer. Such disclosure shall include the following information:

(1) A statement that the telephone option will not work on all telephones; and

(2) A statement which indicates whether or not the telephone option will work on the telephones in the seller's trade area. If the telephone option will work on some, but not all, of the telephones in the seller's trade area, a statement indicating the types of telephones on which it will work shall be included in this disclosure; and

(3) A statement which indicates whether or not the approximate percentage of telephones in the seller's trade area on which the telephone option will work is increasing, decreasing, or remaining about the same.

§ 440.12 Necessary steps to insure compliance with this Part.

Every seller shall take such steps as are necessary to reasonably insure full compliance with the provisions of this Part by its employees, agents, salespersons, and/or representatives. At a minimum, such steps shall include:

(a) Furnishing each employee, agent, salesperson and/or representative with a copy of the Rule in this Part, either at the time of its promulgation or at the time their employment is commenced; and

(b) Obtaining from each employee, agent, salesperson and/or representative a signed and dated receipt for the copy of the Rule in this Part provided in accordance with § 440.12(a); such receipt to state that the recipient is aware that the seller is required to and will take appropriate disciplinary action for violations of this Part, which shall, in the event of willful violations or repeated violations, consist of the imposition of a fine, suspension, or dismissal of the employee, agent, salesperson and/or representative involved; and

(c) Establish and maintain a disciplinary system which will include, in the event of willful violations or repeated violations, the imposition of a fine, suspension, or dismissal of the employee, agent, salesperson and/or representative involved.

§ 440.13 Record maintenance and retention.

A seller shall maintain accurate and adequate records which may be inspected by Commission staff members upon reasonable notice and which pertain to the activities listed below. Such records shall be retained for a period of no less than three years. In the case of records covered by § 440.13(d), the three year period shall commence each time a representation supported by such records is made.

(a) All hearing aid sales. Documents which must be maintained and retained include but are not limited to:

(1) Copies of all contracts of sale; and

(2) Copies of all "Notices of Buyer's Right to Cancel" provided to buyers in accordance with § 440.4(b); and

(3) Copies of all cancellation notices of any kind received from buyers exercising the right to cancel; and

(b) All hearing aid leases or rentals. Documents which shall be maintained and retained include but are not limited to copies of all contracts or forms provided in accordance with § 440.5; and

(c) All home sales visits. The prior express written approval required for each home sales visit by § 440.7(b) shall be maintained and retained; and

(d) Substantiation of representations. Documents which must be maintained and retained include but are not limited to all evidence required by §§ 440.9 (e) through (g); and

(e) All steps taken in accordance with the requirements of § 440.12.

§ 440.14 Effect on prior Federal Trade Commission actions and on State laws and ordinances of State political subdivisions.

(a) Sellers in compliance with this Part are exempt from the provisions of the Federal Trade Commission Trade Regulation Rule Concerning a Cooling-Off Period for Door-to-Door Sales, 16 CFR Part 429.

(b) This Part shall not be construed to supersede the Trade Practice Rules for the Hearing Aid Industry, promulgated July 20, 1965, by the Federal Trade Commission (16 CFR Part 214) except in the following instances:

(1) section 440.7(c) of this Part supersedes Rule 14(a) and (b) (§ 214.14 (a) and (b)).

(2) section 440.8(b) of this Part supersedes Rule 10(a) (§ 214.10(a)).

(3) section 440.8(d) of this Part supersedes Rule 6(a) (§ 214.6(a)).

(4) section 440.9(h) of this Part supersedes Rule 6(c) (§ 214.6(c)).

(5) section 440.9(j) of this Part supersedes Rule 7(a) (§ 214.7(a)).

(6) section 440.9(k) of this Part supersedes Rule 7(b) (§ 214.7(b)).

(7) section 440.9(l) of this Part supersedes Rule 7(c) (§ 214.7(c)).

(c) This Part shall not be construed to supersede any of the provisions of any outstanding Federal Trade Commission Cease and Desist Orders. The method for resolving any inconsistencies between this Part and such Cease and Desist Orders shall be by a petition to amend the provisions of such Orders.

(d) By taking action in this area, the Federal Trade Commission does not intend to preempt action in the same area, which is not inconsistent with this Part, by any State, municipal, or other local government. This Part does not annul or diminish any rights or remedies provided to consumers by any State law, municipal ordinance, or other local regulation, insofar as those rights or remedies are equal to or greater than those provided by this Part. In addition, this Part does not supersede those provisions of any State law, municipal ordinance, or other local regulation which impose obligations or liabilities upon sellers, when sellers subject to this Part are not in compliance therewith. This Part does supersede those provisions of any State law, municipal ordinance, or other local regulation which are inconsistent with this Part to the extent that those provisions do not provide a buyer with rights which are equal to or greater than those rights granted a buyer by this Part. This Part also supersedes those provisions of any State law, municipal ordinance, or other local regulation requiring that a buyer be notified of a right which is the same as a right provided by this Part but requiring that a buyer be given notice of this right in a language, form, or manner which is different in any way from that required by this Part. In those instances where any State law, municipal ordinance, or other local regulation contains provisions, some but not all of which are partially or completely superseded by this Part, the provisions or portions of those provisions which have not been superseded retain their full force and effect.

(e) This Part is not intended to supersede any State law, municipal ordinance, or other local regulation which more strictly limits the terminology by which hearing and sellers may legally refer to themselves.

STATEMENT OF REASON FOR THE PROPOSED RULE

It is the Commission's purpose, in issuing this statement, to set forth its reason for proposing this Trade Regulation Rule with sufficient particularity to allow informed comment. For the purpose of assisting persons interested in commenting on the Proposed Rule, as well as the Commission's deliberations on the Proposed Rule, the Commission invites interested persons to direct their attention to the list of questions that follow this Statement in the section under the heading of "Invitation to Comment on the Proposed Rule." It should be emphasized that this listing of questions is solely intended to focus discussion on areas of importance to the Commission's decision and is not to be construed as a limitation upon the scope, form, or content of permissible comment by interested parties. Nor should these questions be interpreted as designating disputed issues of specific fact. Such designations shall be made by the Commission or its duly authorized presiding official pursuant to the Commission's procedures and rules of practice.

The Commission has reason to believe that many consumers buy hearing aids from which they do not receive any significant benefit or any significant additional benefit if they are current hearing aid users buying a second hearing aid or a "better" hearing aid. The commission has reason to believe that there are several, sometimes interrelated, reasons for this. With perhaps two exceptions,[1] the Commission has reason to believe that prospective hearing aid buyers will not be able to determine whether they will in fact obtain a significant benefit (or a significant additional benefit) from the selected hearing aid without being able to wear that aid in a representative variety of actual use situations. The Commission also has reason to believe that many prospective hearing aid buyers will not be able to determine the relative importance to them of the advantages and limitations of a hearing aid, or the nature of the experience of wearing a hearing aid, without the opportunity of wearin an aid in a representative variety of actual use situations. But it appears that many prospective hearing aid buyers are not given the opportunity to wear the selected hearing aid in a representative variety of actual use situations prior to the purchase of the selected aid. In addition, the Commission has reason to believe that hearing aid consumers are often particularly subject to and the victim of a wide variety of selling abuses. Thus the inherent nature of hearing loss and hearing aids, and the selling abuses to which many hearing aid buyers are subjected, appear to result in many consumers purchasing hearing aids from which they receive no significant benefit (or significant additional benefit).

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[1] When a professional expert who is financially independent of any seller (either a physician or an audiologist) performs services which, in the expert's professional opinion, are adequate to determine which patients will in fact obtain a significant benefit (or significant additional benefit) from a specific hearing aid, and when a damaged or worn out hearing aid is being replaced by an identical hearing aid.

The "buyer's right to cancel" set forth primarily in § 440.4 of the Proposed Rule, is designed to protect consumers from this result.

The Commission has reason to believe that many hearing aid buyers make their purchases in their homes or places of business at the conclusion of a sales visit that they were not expecting. There are various ways in which "leads" to potential buyers are obtained. The Commission is aware of the argument that such "lead" solicitation activities are necessary because many of those who need help will not initiate the necessary contacts on their own. Unfairness to consumers may easily result from sales presentations of which consumers have had no warning and for which they are frequently unprepared. In the past, the Commission has dealt with this matter by requiring advertisements designed to solicit "leads" to disclose that a salesperson may call on those who respond for the purpose of selling a hearing aid.[2] In an effort to protect consumers and at the same time permit industry members to seek out and work with those who may need help but will not initiate the necessary contacts, the Commission proposes to utilize the remedy set forth in §440.7(b) (express written consent prior to sales visits to the home or place of business of a potential buyer) instead of the "salesman may call" remedy utilized in the past.

In addition to providing for a "buyer's right to cancel" and requiring that express written consent be obtained prior to any sales visit to the home or place of business of the potential buyer, the Proposed Rule contains various rule provisions of a more traditional nature. These provisions proscribe various practices and prescribe various disclosures, in order to insure that consumers have accurate and adequate information and in order to eliminate deception in the hearing aid industry.

The Commission has determined that it has reason to believe the above statements on the basis of information compiled by the Commission's staff during an extensive investigation of the hearing aid industry. In the course of this investigation the Commission's staff has received documentary evidence of these practices from and has conducted interviews with consumer representatives of various organizations, consumer interest groups, members and representatives from the hearing aid industry, physicians specializing in diseases of the ear, audiologists, representatives of organizations of hearing health professionals, and officials and staff members of Federal, State and local government agencies. The Commission has not adopted any findings or conclusions of the Commission's staff. All findings in this proceeding shall be based solely on matter in the rulemaking record.

Furthermore, the Commission has for some years undertaken extensive adjudicative efforts in the hearing aid industry. The Commission, having reason to believe that adjudication is inadequate to deal with the consumer protection problems which the Commission has reason to believe exist in the hearing aid industry, undertakes this proposed rulemaking proceeding for the purposes of carrying out the provisions of section 5 of the Federal Trade Commission Act by defining with specificity certain acts or practices which it has reason to believe are unfair or deceptive.

INVITATION TO PROPOSE ISSUES OF SPECIFIC FACT FOR CONSIDERATION IN PUBLIC HEARINGS

All interested persons are hereby given notice of opportunity to propose any disputed issues of specific fact, in contrast to legislative fact, which are material and necessary to resolve. The Commission, or its duly authorized presiding official, shall, after reviewing submissions hereunder, identify any such issues in a Notice which will be published in the FEDERAL REGISTER. Such issues shall be considered in accordance with section 18(c) of the Federal Trade Commission Act as amended by Public Law 93–637, and rules promulgated thereunder. Proposals shall be accepted until not later than August 25, 1975, by the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580. A proposal should be identified as a "Proposal Identifying Issues of Specific Fact—The Hearing Aid Industry," and when feasible and not burdensome, submitted in five (5) copies. The times and places of public hearings will be set forth in a later Notice which will be published in the FEDERAL REGISTER.

INVITATION TO COMMENT ON THE PROPOSED RULE

All interested persons are hereby notified that they may also submit to the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580, data, views or arguments on any issue of fact, law or policy which may have some bearing upon the proposed rule. Written comments, other than proposals identifying issues of specific fact, will be accepted until ten (10) days before commencement of public hearings, but at least until August 25, 1975. To assure prompt consideration of a comment, it should be identified as a "Hearing Aid Industry Comment," and, when feasible and not burdensome, submitted in five (5) copies.

The data, views, arguments and comments received concerning the Proposed Rule and any issues related thereto, together with the transcript of hearings, will be available for examination during regular business hours in the Commission's Division of Legal and Public Records, Room 130, Federal Trade Commission, Washington, D.C. All such data, views, arguments and comments will be considered by the Commission before final action is taken in this matter.

Comments are invited with respect to any aspect of this proposed rulemaking. Whenever possible, comments should be directed at and should refer to specific sections of the Proposed Rule or to issues related thereto. The Commission invites comment particularly with respect to the following:

(a) Do many consumers buy hearing aids from which they receive no significant benefit (or no significant additional benefit if they are current hearing aid users buying a second hearing aid or a "better" hearing aid)? Are you personally aware of any such situations? If so, please describe them in detail.

(b) Is it necessary for a prospective hearing aid buyer to wear the selected hearing aid in a representative variety of actual use situations before it can be determined whether a significant benefit (or a significant additional benefit) will in fact be received?

(c) Can a prospective hearing aid buyer determine the relative importance *to him* of the advantages and limitations of a hearing aid without wearing the selected hearing aid in a representative variety of actual use situations?

(d) Can a prospective hearing aid buyer determine the nature of the experience of wearing a hearing aid without wearing the selected hearing aid in a representative variety of actual use situations?

(e) Are many hearing aid buyers the victims of selling abuses? What selling abuses? Are you personally aware of any hearing aid selling abuses? Will the "buyer's right to cancel" provided by § 440.4 of the Proposed Rule protect consumers from selling abuses? How? Is there any other consumer protection remedy that will protect consumers from selling abuses as well as the "buyer's right to cancel"?

(f) Should the Proposed Rule exempt sellers from the requirements of § 440.4 when a hearing aid is sold pursuant to a written recommendation of a specific hearing aid, by serial number or by model, made by a physician or an audiologist who is financially independent from the seller, as it does in § 440.4(i) (1)?

(g) Should the Proposed Rule exempt sellers from the requirements of § 440.4 when a hearing aid is sold pursuant to a damaged or worn out hearing aid when the hearing aid being sold is identical to the hearing aid it is replacing, as it does in § 440.4(i) (2)?

(h) It is reasonable to expect that physicians and audiologists who recommend the purchase of specific hearing aids, by serial number or by model will look out for the best interests of their patients and protect them from sales abuses, as long as such physicians and audiologists are financially independent from the sellers to whom they refer their patients?

(i) Do the hearing aid seller licensure laws which have been enacted in various States adequately protect consumers from sales abuses, so that the protection provided by the Proposed Rule is not really needed?

(j) Is the "Notice of Buyer's Right to Cancel" required by § 440.4(b) clear and adequate?

(k) Is 30 calendar days from receipt an appropriate period of time in which to expect the buyer to decide whether to cancel?

(l) Is it necessary for § 440.4(g) (1) of the Proposed Rule to set maximum limits on the "cancellation charges" that the seller will be permitted to retain upon cancellation?

(m) Are the "cancellation charges" permitted by § 440.4(g) (1) too high for consumers?

(n) Are the "cancellation charges" permitted by § 440.4(g) (1) high enough to effectively discourage buyers from canceling unless they receive no significant benefit from the selected hearing aid? (Or no significant additional benefit over their old hearing aid if a second hearing aid or a "better" hearing aid is being purchased?) Are they high enough to insure that the buyer will make a good faith effort to adjust to and benefit from the selected hearing aid?

(o) Are the "cancellation charges" permitted by § 440.4(g) (1) too low for sellers?

(p) Should § 440.4(g) (1) (i) be changed to permit only one 30 days rental "cancellation charge" based on the purchase price of only one hearing aid, even if two hearing aids (one for each ear) are being cancelled, in order to discourage the sale of two hearing aids (one for each ear) when only one (or even none) is appropriate?

(q) Should §440.4(g) (1) (i) utilize either Alternative 1 or Alternative 2 as the formula for computing the maximum permissible 30 day rental "cancellation charge"? Or should § 440.4(g) (1) (i) utilize a different formula? For example, should the formula be 10 percent of the purchase price (excluding any "cancellation charges" for any custom ear mold or batteries)? Or should it be $30, adjusted annually in accordance with the Consumer Price Index?

(r) What are the uses of hearing aids returned by buyers who exercise their right to cancel?

(s) Should § 440.4(g) (1) be amended to permit the seller to retain a "cancellation charge" in the amount of his actual out-of-pocket cost of having wiring embedded in the frames of eyeglasses for the purpose of conducting a signal between the temples in

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[2] Mather Hearing Aid Distributors, 78 F.T.C. 709, 742 (1971) and Mountain States Hearing Service, Inc., 77 F.T.C. 640, 646 (1970).

CROS, BICROS and similar types of hearing aids? What safeguards would be needed to discourage the unnecessary sale of such wiring in eyeglass frames?

(t) Should the "buyer's right to cancel" provided by § 440.4 of the Proposed Rule supersede the FTC's Door-to-Door Sales Rule, in effect since June 7, 1974, which provides buyers with the right to cancel a door-to-door sale of a hearing aid (or any other product) selling for $25.00 or more any time up to midnight of the third business day after the sale and receive a refund of all of the purchase price?

(u) Should the definition of "used hearing aid" in § 440.2(j) be amended to allow hearing aids returned by buyers exercising their rights to cancel under this Part to be resold as new if they are reconditioned by the manufacturer and provided with a "new hearing aid" guarantee? What safeguards would be needed to insure honest compliance with the limits of such an exception in the usual meaning of "used"?

(v) Is the limit on any lease or rental charges for a trial period of no greater than 30 days (provided by § 440.5) necessary in order to protect consumers who might otherwise pay more for a 30-day rental of a hearing aid than they would have forfeited as "cancellation charges" if they had purchased instead of rented?

(w) Is § 440.7(b)'s requirement that prior express written consent be obtained prior to sales visits to the home or place of business of a potential buyer necessary in order to protect consumers? Does § 440.7(b) remove the need for any "lead solicitation" to disclose that those who respond may be visited by a salesperson for the purpose of selling a hearing aid?

(x) Is it necessary in order to protect consumers for sellers to be required to disclose that they are sellers whenever they make any representations to the public?

(y) §§ 440.8(b), 440.8(c), and 440.8(e) limit or prohibit the use of certain terms by sellers. Are these limitations and prohibitions appropriate? Are there other terms whose use by sellers should be limited or prohibited?

(z) In order to protect consumers should § 440.10(a) require all hearing advertisements making performance claims to disclose that many persons with a hearing loss (i.e., potential hearing aid buyers) will not receive any significant benefit from any hearing aid? Should § 440.10(a) be amended to prohibit any representation that hearing aids can help *most* of those who have a hearing problem?

(aa) Should § 440.10 (b) and (c) be changed to require any advertisement which makes any representation that a hearing aid will enable a person with a hearing loss to understand conversation better in noisy (or group) situations to disclose that many of those who can benefit from the use of a hearing aid will still have difficulty understanding conversation in noisy (or group) situations?

(ab) Should the Rule be amended to provide that it would be an unfair act or practice for a hearing aid seller to fail to inform a potential buyer of the existence and role of the physician ear specialist and the audiologist prior to entering into purchase negotiations? If so, what should such a disclosure say? To help focus comment on this matter, the following draft rule provision has been developed:

A seller must make a clear and conspicuous discloser of the precise statement set forth in paragraph (1) below in the manner set forth in paragraphs (2) and (3) below.

(1) "You should know that there are physicians specializing in diseases of the ear and audiologists who can provide valuable assistance in determining whether you can benefit from a hearing aid."

(2) The disclosure must be made clearly and conspicuously in each advertisement which is directed to consumers and in the written consent for a sales visit required by § 440.7(b).

(3) The disclosure must be made prior to the commencement of face-to-face purchase negotiations, whether or not it has already been made to the particular potential buyer involved through the manner set forth in paragraph (2) above.

(4) The disclosure need not be made in situations in which State law requires the written authorization of both a physician specializing in problems of the ear and an audiologist before a hearing aid may be sold.

(5) the disclosure need not contain the reference to a physician specializing in diseases of the ear in situations in which State law requires the written authorization of a physician specializing in diseases of the ear before a hearing aid may be sold.

(6) The disclosure need not contain the reference to an audiologist in situations in which State law requires the written authorization of an audiologist before a hearing aid may be sold.

(7) In the event that the Food and Drug Administration requires a label disclosure concerning the advisability of obtaining a medical and/or audiological evaluation prior to the purchase of a hearing aid, hearings will be held by the Federal Trade Commission to determine whether the disclosure set forth in paragraph (1) above should be superseded by such a label disclosure.

(ac) What economic effects can be Proposed Rule be expected to have on small business and consumers?

(ad) How prevalent are the acts or practices set forth in the Statement of Reason for the Rule and what is the manner and context in which such acts or practices may or may not be unfair or deceptive?

Issued: June 24, 1975.

By director of the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.75-16071 Filed 6-23-75;8:45 am]

THE NOBLE PROFESSION OF NURSING

Mr. HUGH SCOTT. Mr. President, one of the oldest and most noble professions existing today is the field of nursing. Vast progress has been made in the medical profession over the past few decades: open-heart surgery, organ transplants, advances in the fight against cancer—all beyond imagination only 50 years ago. But all of these wonders would not have been possible if it were not for the unsung medical professionals: nurses.

More than just assistants to doctors, nurses are gaining recognition of their own in respect to the many facets of medicine: hospital nurses have aided in the ever-widening branch of therapy; and how can one begin to appreciate the debt we owe to the Red Cross?

I am proud to say that Pennsylvania, one of the prominent States in regard to nursing education, is the birthplace of modern nursing in the United States.

Recently, Pennsylvania State Senator Robert Jubelirer addressed the 69th graduating class of the Altoona Hospital School of Nursing. As a tribute and an insight into the invaluable career of nursing, I ask unanimous consent that the text of Senator Jubelirer's testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

NURSING: A PROFESSION WITH A NOBLE PAST AND A VITAL FUTURE

(By Senator Robert C. Jubelirer)

Mr. Mariott, Mrs. Pelter, medical professionals, graduates, proud relatives and friends of Altoona Hospital, I've been in this theater many times but this is the most rewarding one because I've an opportunity to help honor a new group of nurses—the 69th group this fine nursing school has graduated.

We're all proud of the Altoona Hospital—a large—modern hospital which is an integral part of this community and region. It superbly trains nurses—treats and cares for the young and old and does it all with a maximum of personal concern. And—with more than 1,200 employees—it is an important industry in Blair County.

I'm sure you nurses are concerned about the upcoming State Board Test Pool Exam and that reminds me of the worrying I did between the time I graduated from law school and when I took and passed my state bar exam. I went to a fine law school—Dickinson Law School—and that made a big difference. You graduates also have attended a fine professional school and this high level of training will help. Tonight relax and best of luck in those tests.

As one bit of advice on the tests. I will tell you to encourage one another. It's like the farmer who had an old mule hitched to a two-horse turning plow. He was yelling: "Get up, Will. Get up, John. Get up, Kate. Get up, Harry." A neighbor, hearing all the different names, asked "How many names does that mule have?"

"Oh," he said, "He just has one, Pete. But, I put blinders on him, call out the other names and he thinks other mules are helping him, and he does the work of two."

He was encouraged.

You graduates should encourage one another because you are entering a noble field which values cooperation. You 54 women and men are entering a very ancient and at the same time a very modern profession. It also is a profession which must competently practice in the present while preparing for the future.

I would like to mention something to the female graduates and to your boyfriends and husbands. In her book on the *History and Trends of Professional Nursing*, Deborah Jensen of the St. Louis City Hospital School of Nursing, writes: "In studying the history of professional nursing we are aware that in the fight for professional advancement, the struggle for the political, economic and educational freedom of women is entangled. In no other field has the emancipation of women been of greater or more practical importance."

I said nursing was an ancient science but early nursing was intermingled with religion and magic and was largely a part of incidental household duties.

Nurses during the Middle Ages were known as "Knight Hospitalers" and followed crusaders into battle. During that period medical schools were built in such places as Salerno and Montpellier and there were advances in hospitals in the Moslem world.

The 17th, 18th, and 19th centuries were vital for the preliminary reforms in nursing and medicine. It was a period of industrial development and the growth of new and revolutionary ideas.

By 1800 two key developments occurred: Hospitals increased in importance and physicians began to realize the value of properly trained nurses. Indeed . . . Dr. Valentine Seaman of New York gave the first nursing lectures and demonstrations at that time.

Florence Nightingale and the Red Cross helped nursing take great strides forward throughout the world during the 19th century.

Florence Nightingale felt nurses should be trained in hospitals organized for that purpose. She once wrote . . . "For us who nurse . . . our nursing is a thing . . . which . . . unless in it we are making progress every year . . . every month . . . every week . . . take my word for it we are going back. The more experiences we gain the more progress we can make."

The Red Cross proved its value during the Spanish-American War and subsequent wars. Here in Pennsylvania . . . the Red Cross proved its ability and potential during the Johnstown Flood in 1889.

Since the turn of the 20th century . . . the nursing profession has been improving rapidly. There has been the growth of great medical research schools; the rise of well-respected nursing associations and nursing schools such as this one . . . which was founded in 1904; the improvement and extension of the nursing curriculum; the development of better nursing equipment . . . books and materials.

In recent years . . . we've realized the importance of preventive medicine . . . public health and immunization . . . the necessity of specialized nursing training and . . . in general . . . the growing sophistication of nursing.

Nurses during the past few years have become aware of the evolutionary changes in medicine and health. Nursing has accepted the inevitability of change in the future.

Kathleen M. Parker . . . a Toronto nursing educator, recently speculated on nursing in the year 2020—45 years from now. She cited the likelihood of a great rise in technology . . . the need and value of a longer nursing education . . . the growing psychological field of nursing . . . the widespread use of very specialized equipment such as renal haemodialysis units and . . . finally—and perhaps most important—the rise of government in the affairs of nursing.

We in Pennsylvania must face the fact that we're going to have an important effect on the future of nursing in this country. Why? Because we've had an important effect on its past development and present realities.

I say this because there is a plaque on the second floor of the William Penn Museum in Harrisburg which states: "Pennsylvania is the Birthplace of Modern Nursing in the United States."

I say this because the Pennsylvania Nursing Association . . . founded 72 years ago . . . is one of the oldest and most important units of the American Nursing Association;

I say this because there are more than 100 fine nursing schools in Pennsylvania which graduate 4,000 nurses each year;

I say this because Pennsylvania annually produces 11 percent of the registered nurses in the United States;

And I say this because we have 137,000 registered nurses in the Commonwealth.

Nurses in Pennsylvania have a great legacy and a future responsibility. Speaking as a state legislator I think your most important concern after professional competence is being active in government . . . keeping your eye on legislation affecting your profession and joining groups to make your voice heard in the councils of government on the local . . . state and national levels.

A recent article in the Nursing Clinics of North America Journal . . . written by Marjorie Stanton . . . notes:

"Health care is fast becoming the biggest business in the society. The many detailed proposals for national health insurance programs that have been put forth by leaders in politics . . . labor . . . and medicine . . . and the serious considerations now being given by the Congress to national health insurance legislation . . . are evidence of the widespread conviction within our society that all people should be enfranchised for health care. Without question national health insurance in particular . . . and health care in general . . . will be major issues in the 1976 presidential campaign."

We have before us in the state legislature bills dealing with comprehensive health care . . . bills dealing with physicians' assistants . . . a bill licensing physical therapists . . . a bill increasing the number of sites for nursing examinations and many . . . many other pertinent bills.

You owe it to yourselves . . . your profession and . . . indeed . . . your patients . . . to get involved in the legislative process. You must insure that you are able to function most efficiently in the future with legislation that will best serve the needs and desires of everyone in this area and state.

Also . . . keep informed of the activities of the State Board of Nursing Examiners because they'll determine who's admitted to your profession.

I'm not saying you must join organizations and associations . . . I'm saying you must stay informed and be active in the ways best suited to your interests.

So . . . graduates—men and women—you're entering a noble profession. You are entering with a good education . . . necessary skills and a bright future. You have burdens: the responsibility of professional competence . . . the necessity of human compassion and the need for societal involvement . . . particularly in government. Each and everyone of us in this theater has an obligation to help improve the health profession and let's begin today.

TOBACCO BUYERS, SECRETARY BUTZ MUST ACT TO IMPROVE PRICES TO FARMERS

Mr. TALMADGE. Mr. President, early last week I was contacted by tobacco growers, who were concerned that there were pricing irregularities in the Flue-cured tobacco markets.

In response to these communications I immediately sent two staff members of the Senate Committee on Agriculture and Forestry to these markets to investigate the charges I had received, gather additional information, and to report the facts to me.

Our investigators visited seven markets last week, talked to numerous tobacco growers and in addition spoke with warehouse operators, graders, local officials, and other knowledgeable people. The report indicates five basic facts:

First. Nearly all the tobacco being purchased at the markets is selling just above the support price;

Second. Estimates are that about a third of all the tobacco marketed thus far has gone under loan;

Third. The bidding on some floors is extremely slow, and while no clear evidence of collusion was found, the lack of bidding and the division of the tobacco among buyers at some markets at just over support price is not representative of a truly competitive market, which ought to exist;

Fourth. There was significant dissatisfaction among growers about the grading of their tobacco in some markets. This grading is especially critical to farmers this year because the support prices in many cases have become the effective market price and the grade determines the support price;

Fifth. The widest single concern was the 15 percent increase on tobacco quotas this year. Many producers feel this was done to "set them up." This increase was initiated by the Secretary of Agriculture at the demand of buyers over my opposition, that of some farmers and that of other interested observers.

As a result of this report, I am contacting the presidents of each of the major tobacco companies to urge them to live up to commitments which they made when the quotas were increased. They must show active interest in the markets and pay prices that will cover farmers' costs if they expect production to continue.

I am also asking Secretary of Agriculture Earl Butz to use his office to persuade the major tobacco companies to keep their bargain and to offer farmers a decent price.

Second, I am asking the Secretary immediately to call upon the National Tobacco Advisory Committee to fully assess the market and to cut the 1976 quotas so that production gets back in line with demand.

I am also asking the Secretary to take steps to insure that the grading of tobacco is done fairly, accurately and consistently across markets and during the entire season. This is imperative for the integrity of the markets and to assure farmers fair compensation for their tobacco.

Today we are seeing the results of the ill-advised move to increase quotas this year—lower prices to producers, often below the cost of production, and substantially larger stocks that will depress prices even after this crop year.

The damage was done with the increase in quotas, and we can not avoid some of the consequences. However, we can, and must, take immediate steps to minimize the negative consequences of this mistake. We must also move to prevent a perpetuation of this imbalance between production and demand that devastates the farmer's market and income.

Mr. President, I ask unanimous consent that copies of my telegrams to Secretary Butz and to the presidents of the major tobacco companies be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(Text of telegram from Senator Herman E. Talmadge to Secretary of Agriculture Earl L. Butz)

JULY 25, 1975.

I have sent two investigators from the Committee on Agriculture and Forestry to Georgia tobacco markets to investigate complaints about prices being received by farmers. They have reported to me that sales are slow and that prices are, in most cases, barely above government support levels. I am disturbed about this turn of events because you increased quotas by 15 percent for this crop year and because the tobacco companies assured farmers that they would receive a fair price for their production. I call on you to use all of the persuasive powers of your office to get the tobacco companies to keep faith with our farmers and pay them a decent price. If the tobacco companies do not live up to their end of the bargain, I request that you severely reduce the quota of flue-cured tobacco for the next crop year.

HERMAN E. TALMADGE.

(Text of telegram from Senator Herman E. Talmadge to presidents of major U.S. tobacco companies)

JULY 25, 1975.

Two investigators of the Senate Committee on Agriculture and Forestry have just returned from visiting Georgia tobacco sales. They report that sales are slow and prices in most cases are barely above government support levels.

It is unfortunate that tobacco farmers are now receiving an unfair price for their product after being assured by tobacco companies that fair prices would be paid if the Department of Agriculture increased the quota this year by 15 percent. The Department of Agriculture did increase tobacco quotas by 15 percent and it now appears that the extra supply is being used by tobacco companies to hold prices down to support levels.

I now call upon you, as a major buyer of flue-cured tobacco, to keep faith with the tobacco farmers and pay them a decent price so that they can remain in production. If the farmers do not receive a fair price for their production, I shall do everything within my power to see that the tobacco quota and thus your supply, is reduced for the next crop year.

HERMAN E. TALMADGE.

WASHINGTON, D.C., July 25.—U.S. Senator Herman E. Talmadge of Georgia today called on the presidents of the Nation's largest tobacco farmers to "live up to their commitments" and pay fair prices to tobacco farmers.

Talmadge, chairman of the Senate Committee on Agriculture and Forestry released to the Senate the results of a field investigation by two Committee staff members who found a pattern of low prices and slow bidding at flue-cured tobacco markets.

Talmadge also called on Secretary of Agriculture Butz to use the "persuasive powers" of his office to see that tobacco buyers "keep faith with our farmers and pay them a decent price."

The Georgia Senator blamed the low price on the Agriculture Secretary's decision, made at the urging of the tobacco companies, to increase this year's tobacco acreage allotments by 15 per cent.

"If the tobacco companies do not live up to their end of the bargain," Talmadge said, "I request that you severely reduce the quota of flue-cured tobacco for the next crop year" to bring production back in line with demand.

"I am also asking the Secretary to take steps to insure that the grading of tobacco is done fairly, accurately and consistently across markets and throughout the entire season," he told the Senate. "This is imperative for the integrity of the markets and to assure farmers fair compensation for their tobacco.

"Today we are seeing the results of the ill-advised move to increase quotas this year—lower prices to producers, often below the cost of production, and substantially larger stocks that will depress prices even after this crop year.

"The damage was done with the increase in quotas, and we can not avoid some of the consequences. However, we can, and must, take immediate steps to minimize the negative consequences of this mistake. We must also move to prevent a perpetuation of this imbalance between production and demand that devastates the farmer's market and income."

OFFICE OF SENATOR HERMAN E. TALMADGE.

MACOS AND MORAL VALUES

Mr. BUCKLEY. Mr. President, the Wall Street Journal, July 21, 1975, carried an editorial "MACOS and Moral Values." MACOS is an acronym for "Man: A Course of Study," a fifth grade social studies course developed by the taxpayer-supported National Science Foundation. The Wall Street Journal stated:

> The purpose of MACOS is to foster an appreciation of alien customs among fifth graders. Students examine several species of animals plus the Netsilik Eskimos, a society of hunters who live in the Canadian Arctic. But critics say the course promotes cultural relativism by adopting a morally neutral attitude in its many references to cannibalism, adultery, bestiality, infanticide, incest, wife-swapping and gerontocide.

Mr. President, "I-told-you-so" is not the most welcome of phrases, but in this case I believe it is necessary to remind the Congress and the parents and taxpayers of America that we were warned long ago that Federal support of education would lead to Federal control of education. The Wall Street Journal puts it this way:

> MACOS officials say that no school district is forced to adopt the curriculum. But this argument ignores the potential corrupting influence of federal money. The course clearly would never have gotten off the ground without what Congressman John Conlan describes as "a sophisticated and aggressive promotion and marketing network being organized at taxpayers' expense . . ."

MACOS is but one example of the growing Federal intervention in education. Our colleges and universities are victims of a Government-imposed quota system; our schoolchildren are victims of Government-imposed forced busing; and, when they get to school, many of the children are forced to study material that ignores the values their parents have taught them—material developed by bureaucrats in the Federal Government.

Mr. President, it is my hope that the Senate takes a good, long hard look at MACOS and other such bureaucratic monstrosities. The people of the United States are quite justifiably outraged by such brazen and arrogant neglect of their values. Mr. President, I ask unanimous consent that the editorial appearing in the Wall Street Journal be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MACOS AND MORAL VALUES

When the House of Representatives recently approved the appropriation for the National Science Foundation, it prohibited NSF from using funds to promote or market school materials. How the Senate will vote is anybody's guess, but the House action helps call attention to a simmering educational dispute that has received far less notice than it deserves.

NSF is involved because the federal agency spent nearly $7 million to develop a controversial fifth-grade social studies course that has been adopted by some 1,700 schools in 470 school districts nationwide. The course is called "Man: A Course in Study," a harmless enough title, but one that sounds like fighting words to a growing number of congressional and parental critics. MACOS, as it is known, has aroused passions much like the recent West Virginia textbook dispute, but the issue here is national rather than regional.

The purpose of MACOS is to foster an appreciation of alien customs among fifth graders. Students examine several special of animals plus the Netsilik Eskimos, a society of hunters who live in the Canadian Arctic. But critics say the course promotes cultural relativism by adopting a morally neutral attitude in its many references to cannibalism, adultery, bestiality, infanticide, incest, wife-swapping and gerontocide.

It's easy to brush aside that concern as ethnocentric or ignorant, but it should not be dismissed so lightly. Youngsters should be taught that other civilizations have much to admire, even so-called primitive peoples whose very survival is a miracle of adaptation and resourcefulness. But the process of education is a process of drawing distinctions; what is civilization, after all, if it is not drawing moral judgments about cannibalism or infanticide?

Moreover, although the educational process necessarily must confront students with new experiences and break down existing barriers to understanding, there is no apparent excuse for subjecting pre-teenagers to vivid films of Netsilik killing caribou and seals, then drinking their blood and eating their eyeballs. Perhaps these scenes are no worse than the scenes of violence youngsters routinely see on television in their own homes, but there is no reason for schools to compound that error.

However, some serious questions about MACOS go beyond course content. Paramount among them is to what lengths federal agencies should go to develop and promote curriculums and textbooks. As Robert Merry outlined it in The National Observer, the original MACOS grant was awarded in 1963 to the Education Development Center, a nonprofit organization dedicated to innovation in education. In 1967, after receiving $4.8 million in NSF grants, EDC's curriculum was ready to market. But more than 50 textbooks publishers turned the course down because it was too controversial, too expensive or inadequate.

So EDC sought more NSF funds to establish a "dissemination network" to publicize MACOS. It established a five-week workshop to familiarize academics, teachers, and school administrators with the curriculum. Many participants, some of whom received college credits for attending, later applied for their own NSF grants to conduct similar lobbying activities. Other curriculums are reportedly being funded in part by NSF, and a multimillion dollar sequel to MACOS for high schools was recently developed at taxpayer expense.

MACOS officials say that no school district is forced to adopt the curriculum. But this argument ignores the potential corrupting influence of federal money. The course clearly would never have gotten off the ground without what Congressman John Conlan describes as "a sophisticated and aggressive promotion and marketing network being organized at taxpayers' expense. . . ."

No wonder a growing number of Congressmen are concerned about possible tax and financial irregularities within the MACOS program. They insist that the NSF peer review system, used as the basis for the curriculum grant awards, is rampant with cronyism and federal grantsmanship. Still, the more important question is why Washington is dabbling in curriculum matters at all. And since it is, why is it reluctant to affirm a preference for Western values, products not of ethnocentrism but of a proud and honorable moral tradition?

SCHOOLBUSING

Mr. TALMADGE. Mr. President, I know of no greater assault on public education than forced schoolbusing. It has disrupted education. It has been an obstacle to improved human relations, rather than an aid. It has cost the taxpayers enormous sums of money without ever accomplishing any of the goals it was supposed to achieve.

It has been an educational failure. It has been a sociological failure. No other force at work in America today has done more to damage the cause of public education, and to undermine its integrity and effectiveness, than the massive busing of children to schools great distances from their homes simply in order to achieve some artificial and meaningless racial balance.

Even Prof. James R. Coleman, of the University of Chicago, who extolled the imaginary virtues of schoolbusing 10 years ago now concedes it has been a failure. Rather than advancing either education or human relations, it has taken these two worthwhile causes in the opposite direction.

Forced busing is nothing less than social adventurism. It has not been successful in the past decade in improving education. The longer it is allowed to continue, and the wider the support throughout the country, the worse public education will become.

There appeared in the July 25 edition of the Wall Street Journal an editorial column entitled "Busing—the Arrogance of Power," which is one of the most forceful and on-target discussions of this issue I have ever seen. I commend this article to my colleagues in the Senate and to everyone who has a knee-jerk reaction on the subject of forced schoolbusing. You cannot force either children or adults into good human relations. You cannot improve the learning process by putting children on buses and herding them about like cattle. Anyone who believes this has been out of touch with the realities of the situation for the past 10 years, and I say the time has come for Congress to recognize the facts. I say the time has come to cease and desist, and to get back to the business of educating children and not making them pawns for someone's political purposes.

I ask unanimous consent that the article from the Wall Street Journal be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, July 25, 1975]

Busing—The Arrogance of Power

(By Michael Novak)

Busing is, in important ways, the Vietnam of the 1970s. It is a quagmire; a lost cause; taxation without representation; a policy of massive social engineering with little clear prospect of benefit; a mistake; a tragedy; breeder of endless demonstrations, riots, and dissent.

At last count, only 4% of whites and 9% of blacks favored busing. Only "the best and the brightest," it seems, as in Boston, favor it. They designed it, they imposed it, and they will never suffer their children to experience it.

On its face, busing has racist presuppositions. A century ago, hardly literate immigrant Catholic young women established a massive parochial school system which soon rivaled the well-financed public schools in the quality of discipline, instruction, and social mobility they imparted. But the assumption behind busing is that blacks, unlike Catholic immigrants, cannot learn in largely separate environments. They need an infusion of "white magic." They can learn only among whites. This is a preposterous assumption. Excellent black schools like Dunbar in Washington give it the lie.

Busing arose as an issue in the South. There the court orders at first had the effect of *halting* busing—of allowing blacks to attend neighborhood schools rather than of being bused away from home to all-black schools.

JUDICIAL ASSUMPTIONS

Next, busing advanced in the South from being an issue in *de jure* segregation to being an issue in *de facto* segregation. In cities like Charlotte, historic patterns of residential segreation were diagnosed by the courts as having an unconstitutional effect on equal opportunity in schooling. Here the courts made fresh assumptions: that education in more or less homogeneous neighborhood schools are inequitable; and that historic residential patterns have the force of unjust coercion. (The courts *might* have commanded *residential* integration rather than *school* integration.)

The structure of the courts' reasoning becomes weaker and more dubious still when Northern cities like Boston, Buffalo, Pittsburgh, Detroit and others come into view. Consider the following propositions:

(1.) The traditional residential patterns of Northern cities over the last 100 years have always involved *de facto* ethnic segregation, not only for blacks, but for virtually every ethnic group.

(2.) In some cases, as in Boston and Detroit, more financial resources, federal programs, and educational experimentation have been lavished on predominantly black schools than on predominantly white ethnic schools of the working class. Rates of entrance into college, drop-out rates, and other indices of the status of such schools are often comparable.

(3.) Before 1900, 90% of all blacks lived in the South; and 90% of the white ethnics who now live in the Northern cities had not yet arrived. These two great migrations were not linked by slavery, were culturally almost totally unprepared for their future meeting, and came to their rendezvous with some different social skills, family traditions, disciplines, needs and aspirations.

(4.) The average child of black migrants to the North was academically three or four years behind his average white counterpart even though blacks had English as a mother tongue. Even today, the average black child is academically at least a year behind the average white.

(5.) The patterns of parental discipline in the typical white ethnic home, particularly as between fathers and sons, is quite different from the patterns of discipline in the home, not of middle class blacks, but of the most poor, despairing and suffering blacks.

(6.) The "street culture" of poor black students is of a different moral and emotional "life style" from that of both middle class black and white ethnic students. In particular, incidences of premarital sexual expressions, illegitimate birth, hustling, intimidation, and disruptive behavior are significantly different.

(7.) The role of the family or family-substitute in bringing about differential attitudes, behaviors, and success in school is undoubtedly the greatest single factor influencing the classroom. The family is a more basic social unit than the school.

(8.) Class factors influence dramatically the attitudes, behaviors, aspirations and educational success of students in school.

(9.) Families choose their place of residence—or judge its merit—by their preference for its neighborhood school as much as, or more than, by any other factor.

If these propositions are true, then it must surely be predictable that 96% of the whites and 91% of the blacks would find busing a poor instrument for what a great majority, both black and white, also desire: a genuinely, peacefully integrated society.

What seems to have been forgotten is that busing is merely an *instrument, a tool, a method,* not an end. The most appropriate question with respect to busing, as for any instrument, is "Does it work?" However moral the instrument may sound, "What are its effects" is the central moral question.

In my view, busing of the Boston and Detroit sort is an immoral policy. It goes against the basic social principles of American life; against family, neighborhood, class, ethnic, and even educational realities which are so basic they are seldom even voiced. Working-class whites who are bused have too much to lose; they face possible downward mobility. Workingclass blacks or poor blacks have too little to gain; indeed, the ensuing experience of cultural segregation within the purportedly integrated schools can be embittering.

It would be lovely if greater contacts between persons from different cultures always led to greater understanding and good will. In fact, contact often reinforces the worst stereotypes. This is particularly likely where the contact is unequal—when those of a more suffering lower class, educationally behind their peers, become tangible proof to other children of realities they had heretofore held to be mere bigotry.

Human beings are not parts of a machine, to be anonymously fitted into slots. They approach each other from complicated past histories and diverse personal experiences. They do not perceive each other accurately, or easily find it possible to share honest transactions. Even highly educated blacks and whites often find honesty anguishingly difficult. What, then, about the less articulate? To ride rough-shod over such histories is to exhibit gross human arrogance. It is to invite great human disaster. It is to destroy integration in the name of saving it.

EMBITTERING A GENERATION

Forced busing will set back the advances of civil rights made during the past generation by 20 years; a whole generation, and maybe another, will be embittered, just as South Boston and Roxbury are likely to be for decades to come. Family folklore will recount the ugly history for years.

Busing is to black equality what Prohibition was to the moral crisis of the Depression. It is a flaming moral issue of dubious social judgment. Now, as then, the fundamental problem is economic.

Blacks do not need buses; they need jobs. Having acquired solid jobs, the black family will have an economic base. Then school will be meaningful, and its lessons liberating and inspiring. The key to integration in the United States is a plan to allow every available black worker to work; and to rebuild and to beautify black homes and neighborhoods. For families increase their net worth not so much through wages as through real estate.

Most black neighborhoods were, hardly a generation ago, among the most solidly built and desirable in the Northern cities; restored, they would be far more valuable—as investments—than the flimsy modern housing of working-class suburbs. Under improved economic conditions, a black middle class working class will integrate with whites as economic, social, cultural, and educational equals.

Economics first, education second, A cardinal principal both of Marx and of capitalism cannot be all wrong.

Mr. Novak is the author of the recently published book "Choosing Our King."

HUMAN RIGHTS HEARINGS

Mr. CRANSTON. Mr. President, on Wednesday of this week our distinguished colleague from Minnesota, Senator Humphrey, chaired a hearing held by the Subcommittee on Foreign Assistance of the Foreign Relations Committee. The subject was "Human Rights."

In an eloquent opening statement, Senator HUMPHREY sketched the policy dilemmas we face in extending or not extending military and economic assistance to authoritarian governments who violate the civil liberties of our own people. To quote from his statement:

> Calling attention to the violation of human rights is far easier than deciding what our Government can or should do about such abuses.

Yet it is a problem that we cannot ignore because of the liberal democratic traditions of this country.

I am especially appreciative for the beginning of hearings on human rights and U.S. foreign policy in the Foreign Relations Committee, and I wish to thank Senator HUMPHREY for the receptiveness of his staff to suggestions from my office on the hearings.

While I do not favor cutting off economic aid to people who are in need, I continue to feel that we must raise questions about military aid to regimes that use that aid in part to stamp out opposition and curb citizen liberties.

Mr. President, I ask unanimous consent to print Senator HUMPHREY's remarks in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

OPENING STATEMENT OF SENATOR HUBERT H. HUMPHREY

This hearing has been called because of a growing sensitivity among the public and in the Congress over the abuse of human rights by governments which receive U.S. foreign assistance. The strength of this concern seriously affects public attitudes toward the legislation which we are now considering. In this, and at least one subsequent hearing, our Subcommittee intends to review the evidence on a range of human rights issues, consider its implications and examine policy alternatives.

Calling attention to the violation of human rights is far easier than deciding what our government can or should do about such abuses. Neither the critics nor the defenders of our current policies seem wholly consistent in their application of the principles which they uphold. Over the years, successive administrations have been more willing to withhold aid as a means of applying political pressure to left-of-center governments than they have been to use similar leverage against repressive conservative governments—particularly those with which we are allied. Liberal critics, on the other hand, are also rather selective in their concerns but in a different manner. They may, for example, urge the reduction of aid to authoritarian Latin American and Asian governments while recommending increased aid to African states where one-party governments are the rule.

Once we begin seriously to consider our alternatives in dealing with these issues, we encounter a number of dilemmas. Some foreign assistance is provided in order to achieve what our government considers to be important security or political objectives. Can we threaten to terminate these programs in order to secure human rights objectives? Similarly, if economic assistance program are undertaken in order to assist the poor in given countries, who will suffer if we deny those benefits in order to press human rigths objectives? And if we insist upon certain internal reforms, what is our responsibility in terms of the future consequences and future foreign assistance. Are we willing and able to make such judgments and to accept such responsibility?

Considerations such as these, routinely advanced by the Executive Branch, have governed our policy on human rights questions in recent years. Many of them have considerable validity. Yet they clearly do not meet the present moral concerns of our people and perhaps they do not fully meet the needs of our foreign policy.

In the latter connection, let us briefly review the historical record. Following the Second World War, the United States favored the independence of former colonial states. In the cold war period we sought to defend human freedom by opposing the expansion of Communist control. In recent years, although the international climate has changed, we still find ourselves, in effect, placing a premium on stability. Quite unintentionally the United States now finds itself increasingly in conflict with those who champion human rights and political freedom abroad.

Given the changes which have occurred in the world situation, I believe it is time that we gave serious thought to the linkage between our image abroad on issues such as human rights and our security interests. In the long term, I believe that our security will depend far more upon the good opinion of the other peoples of the world than on collective security arrangements or military bases. How the United States will be regarded by other nations in the future will depend as much on what we stand *for* as what we oppose. And this brings us back to the concerns of our own people who view the human rights question as a major area of weakness in our foreign policy.

Recognizing the growing domestic concern over the human rights question, the Secretary of State recently assured us that "we do not and will not condone repressive practices." He further stated that "we have used, and we will use, our influence against repressive practices." We must act "quietly" the Secretary said, "keeping in mind the delicacy of the problem and stressing results rather than confrontation."

This has *been* our approach to human rights over the past few years and it has netted little in the way of visible results. Indeed, I would say that things have gotten worse in the past seven years. Certainly, I would agree with the Secretary that confrontation is not the answer. But I would also point out that the quiet and "delicate" approach which he has followed on this issue has only served to underscore the intimacy of our relationship with many of the governments whose abuse of human rights has been most serious.

Knowing that there are no easy solutions, we must nevertheless address this important question of principle: is it not possible for the United States to have a foreign policy which is both pragmatic *and* moral?

We will be searching for answers to that question this afternoon. But, however strong our indignation, if we are to be effective our actions must be guided by a thorough understanding of the situations with which we are dealing and of the implications of various courses of action. Moreover, we should bear in mind the limits of our own virtue, and of our willingness to accept responsibility for the fate of others.

We are fortunate to have with us this afternoon as witnesses a number of fellow citizens whose experience can provide us with a variety of perspectives on human rights questions as they affect U.S. relations with Chile, Korea and the Philippines. It is not the Subcommittee's intent to pass judgment on these governments but rather to explore the issues which their policies pose in the conduct of our own policy.

PROTECTION OF ANIMALS IN TRANSIT

Mr. MAGNUSON. Mr. President, on June 13 my distinguished colleauge from the State of Connecticut, Senator LOWELL P. WEICKER, and I introduced S. 1941, the Animal Welfare Improvement Act of 1975, legislation designed to provide more humane treatment for pets and other animals during the course of commercial transportatoin. As we noted at that time, the legislation is made necessary by the fact that common carriers and other intermediate handlers of animals are not presently subject to regulation by the Secretary of Agriculture pursuant to the Animal Welfare Act of 1970. Consequently, due to conditions such as flimsy shipping crates; inadequate environmental controls in cargo areas where animals are held during flight; and lack of adequate care in terminal facilities, shipment by these individuals can be hazardous, if not deadly, for animals.

I have recently come across two articles from the July 7 and 8 edition of the Christian Science Monitor which describes even more vividly the deplorable conditions that make legislation like S. 1941 necessary. Written by CSM staff correspondent David Anable, these excellent articles describe not only the hazards faced generally by animal's in transit, but also the hazards faced particularly by pets at so-called puppy mills—breeding factories which supply many retail stores with their merchandise. In the articles Mr. Anable describes how the puppy business has become big business and how some, as a result of their desire to maximize output and therefore profits, have gone to great lengths to cut corners and minimize the care given to animals they breed. It is a pathetic situation.

In his article Mr. Anable offers a number of suggestions on how the inhumane conditions often encountered by animal's in puppy mills, in retail stores, and during transit can be improved. I was pleased to note that in this regard Mr. Anable urged his readers to support S. 1941, as well as similar legislation introduced in the House by Congressman TOM FOLEY.

Mr. President, I urge each of my colleagues, particularly those who are pet owners, to review Mr. Anable's articles and then to join Senator WEICKER and I in our efforts to insure the more humane treatment of animals through the measures prescribed in S. 1941. I ask unanimous consent that the full text of the two articles from the Christian Science Monitor be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From The Christian Science Monitor, July 7, 1975]

BEHIND THAT FLOPPY-EARED, PET SHOP PUPPY—A TRAIL OF MISERY?

(By David Anable)

(NOTE.—The puppy business is out of control. And those cuddly pups in the pet-shop window, and their buyers, are often the first to suffer. This is the first of two reports on the seamier side of the dog trade. Tomorrow a second report will examine what is being, and should be, done about it.)

MOUNT VERNON, Iowa.—Behind a ramshackle barn in the rolling Iowa countryside stand a dozen wire-mesh cages. Inside these "kennels," coats matted with filth, bitches live out their lives on dirty wooden slats above deep piles of excrement, continually breeding puppies.

In a dusty corner of the REA Air Express terminal in the Washington, D.C., National Airport lie several wire-bound, wooden orange crates. One has been dumped upside down. Inside are three black, furry Pomeranian pups. Their flimsy crate is pushed in at both ends. It contains no bowls for food and water, and no bedding.

In an animal hospital near Washington, D.C., lie the remains of an elkhound pup which didn't survive its journey. It was shipped by the same Midwestern dealers who last year shipped a pup so infested with worms that it, too, died in its crate at REA's National Airport terminal.

At New York's Better Business Bureau are fat files of customer complaints against some of the city's pet shops. The letters tell of pups which turned out to be wracked with worms or disease, of pups which died, of "pedigree" pups for which promised American Kennel Club (AKC) registration papers were never supplied.

The American puppy business, once a rural hobby, has swollen into a profitable but often callous "industry." And investigation covering the East Coast and Midwest shows that, at worst, puppy mass production can lead into a morass:

Of foul kennels and shady dealers; of diseased and sometimes dying pups cleared by unprincipled veterinarians; of inadequate laws ineffectively enforced and frequently broken; of animals in transit baked or frozen, occasionally suffocated, starved, or dehydrated; of careless or fraudulent misuse of pedigree records.

STARK CONTRAST SEEN

The contrast is stark between the fluffy-eared appeal of pet-shop pups and the wretched conditions in which some of them have been bred, raised, and shipped.

"If people knew what kind of foul holes some of these puppies come from, they'd be out of their minds to buy them," says Robert Nejdl, the Iowa-based chief field investigator for the AKC.

That, of course, is not the whole story.

Many commercial breeders and dealers look after their dogs immaculately. They obey the laws. They keep good records. They ship healthy pups as humanely as possible.

But others do not.

There are tough, weatherbeaten farmers' wives or widows scratching around for pin money. Once they sold eggs and chickens. Today their "livestock" is pups.

There are the sharp businessmen and women. They shrug off regulations, dodge animal-health checks, force their bitches to breed and breed and breed, and grasp for maximum "output" with minimum care.

There are the unscrupulous veterinarians. In the words of Illinois veterinarian Dr. David Bromwell, they "have prostituted their professional dignity and name" by taking fees and signing health certificates without examining the animals. Dr. Bromwell administers the animal-welfare laws for the state.

And, finally, there is the criminal element. These breeders—some of them ex-convicts—slip from house to house often selling sick puppies of uncertain heritage, changing aliases, keeping one step ahead of the law and buyers they have defrauded.

Also, the strong-arm friends of this unsavory element induce a strange silence in what otherwise is a talkative network of dog retailers. ("You can get hurt, get killed," says one insider.)

The puppy business is big business. About 400,000 litters a year are registered with the AKC. That means about 2 million or more pups eligible for a pedigree's premium price tag, bringing the U.S. total of perhaps $300 million in retail sales. Some major dealers may net between $20,000 and $150,000 a year.

The large commercial operators are mainly based in the corn, wheat, soybean, beef, and hog country of Kansas, Iowa, Missouri, and Nebraska. They ship their pups across the country by air, or occasionally, road. America's "throw-away" society provides a ready market. It continues to demand costly pedigreed pups even while abandoning adult dogs by the millions. Result: humane societies spend $100 million a year disposing of discarded dogs, and dog bites become a serious child-safety problem in cities. (Some 40,000 dog bites a year are reported in New York City alone.)

In theory, the puppy industry is controlled by the 1970 Animal Health Act; by state and local animal-health laws; by AKC registration checks; and by the air carriers' own shipping codes enforced by the Civil Aeronautics Board (CAB).

In fact, U.S. Department of Agriculture enforcement is, in the words of one USDA official, "woefully inadequate"; with a few shining exceptions, state and local laws vary from weak to nonexistent; the AKC has only four field inspectors nationwide; and some air carriers studiously disregard their own shipping codes, despite the CAB.

20 YEARS OF UNCHECKED GROWTH

The commercial puppy business—based on "puppy farms" or "puppy mills"—has been growing largely unchecked for 20 years.

"It's an industry which has got out of control. It's out of hand," says one of the Midwest's most knowledgeable dog experts.

A few examples give the clearest picture.

Those Pomeranian puppies in that broken crate in the Washington, D.C., National Airport were shipped by Dan Stoner of Mount Vernon, Iowa. He bought them from breeder Floyd Latta of Monticello, Iowa.

Mr. Stoner, however, is licensed only to breed and sell his own dogs, not to deal in other people's animals.

The USDA has licensed about 5,800 U.S. dog breeders and dealers. But many others, like Dan Stoner, continue to operate outside USDA control. USDA officials say their national force of some 2,000 inspectors can only spare about 5 percent of their time for *all* animal-welfare work, from zoos and laboratories to circuses . . . and dogs.

Back in the late-night gloom of the REA Air Express terminal, volunteers from the Washington Humane Society place the three Pomeranian pups in a new plastic crate. The "Poms" are sent on their way settled comfortably on shredded paper and with food and water.

Later in Iowa, Mr. Stoner is asked if he provides food and water containers and bedding in his shipping crates (as required by the REA).

"No one has ever asked us to," he replies, adding that he's been shipping that way for a year and "REA won't take plastic crates."

Down in the Cedar Rapids REA terminal, manager Mel O'Donnell is outraged: "That's a . . . lie," he explodes. He does accept plastic crates. He also says he turns away crates failing to meet REA's "tariff" rules requiring "absorbent material" as well as "the necessary food and utensils when dogs are to be fed and watered enroute."

Yet the airfreight business is competitive. (REA, which has seen shipments drop from nearly 1 million pups in 1973 to less than one-third of that now, is coincidentally in bankruptcy proceedings.)

"There isn't a week that goes by that I haven't made three or four calls to the USDA to report puppy mills that are in violation of the Animal Welfare Act," says Fay Brisk, the director of the Washington Humane Society, whose "Animalport" (a few cages and a table) is in the REA terminal.

On opening another of those 12 by 12 by 25-inch orange boxes we find a golden collie pup. He is crouching. He can do little else. He is too long and much too tall for the crate. Yet the federal regulations demand "sufficient space to turn about freely, to stand erect, and to lie in a natural position." REA's own rules say much the same. They are often honored in the breach.

Deep in the woods and meadows of Missouri, I find the collie's shipper, Mrs. J. C. Wood. One of the state's major dealers for the past 20 years, she lives with her husband in "the house the dogs built"—a modern, red-brick ranch house paid for, she says (along with the Cadillac in the garage) by profits from the dog business.

The collie's crate, she admits when pressed, "might have been too small. But that's not going to hurt. . . . I can't go by the book completely. There's nobody can go by the regulations completely; you're going to have to sway 'em some."

It is not the first time Mrs. Wood has shipped pups in undersized crates—as Washington Humane Society records testify. According to those records some of her pups died before reaching their destination. Mrs. Wood was named as the shipper of those two pups found dead at REA's National Airport terminal.

INFERIOR KENNELS PATRONIZED

Mrs. Wood also admits that she buys pups from some kennels that are so badly kept she herself feels they should never have been licensed. But, she says, "If they bring in good, clean, healthy pups, that's fine. Who am I to run their kennels?"

Without a careful veterinary check, however, it is difficult to tell if such pups are in fact healthy. The experience of many pet-shop customers and others suggests that veterinarians often sign preshipping health certificates after only a cursory glance at each passing crate.

"There are going to be enough errors even with a careful examination," says Dr. Bromwell. But, he adds, "Way too many pups shipped have received no inspection at all. Some veterinarians have cheapened the profession."

Only a thorough examination, for instance, would determine whether "clean, healthy pups" emerge from the filth of those wire-mesh cages behind the ramshackle barn in Iowa. These USDA-licensed kennels are in Warren Stoner's backyard, a few paces from his farmhouse where a dog apparently suffering from kennel cough guards the door. Warren Stoner is Dan's brother, and partner in the dog-breeding business.

Even a short visit to the Midwest quickly reveals that the excesses of the business are numerous. Many dealers have never even bothered to check out the kennels from which they buy pups; other dealers readily admit that they buy from breeders who should never have been permitted a license.

PHOTOS TELL STORY

One humane-society official showed me photos of a breeding kennel with dead pups and dogs stacked in and around a large oil drum; another told of a truckload of dogs left to starve, dehydrate, and die. One veterinarian described how some other vets sign batches of animal-health certificates for dealers to fill in as they please. A leading dog fancier told of an auction of AKC papers to puppy owners taking a shortcut to prized pedigree papers.

Misuse of the admittedly cumbersome AKC paper system is rife. Sometimes it flows from laziness or ignorance, sometimes from efforts to dodge taxes, sometimes from outright fraud, observers say.

One result is uncertainty about the size of the puppy business. For instance, the AKC kept track last year of only 91,000 registered pups sold through pet stores. Yet, one chain alone—the Puppy Palace—sold 25,000 pedigree pups, with only some 40 of the country's 12,000 pet shops.

Many puppy sales go unrecorded by the AKC. Under these circumstances, and with hundreds of thousands of AKC papers floating around unchecked, there are almost limitless opportunities for cheating, perhaps by applying the papers of dead pups to similar live ones or using surplus papers to give nonpedigree animals a false (and valuable) pedigree status.

AKC president John A. LaFore is aware of the danger. Since 1973 he has recruited four inspectors to check on records in the field. He hopes to double that number. Yet the AKC, with its $6 million a year income, still lavishes 15 men on its show and field-trial activities.

Meanwhile, spurred on by publicity and congressional hearings, the USDA, CAB, Federal Aviation Administration, and some local and state governments have begun efforts to curb today's excesses.

[From the Christian Science Monitor, July 8, 1975]

FROM BREEDER KENNEL TO PET STORE: WHAT MUST BE DONE TO MAKE A PUPPY'S TRIP MORE HUMANE?

(By David Anable)

KEOKUK, IOWA.—You could eat a picnic in Marguerite Roeglin's kennels.

The air is as fresh and sweet inside as outside. The concrete floor is spotlessly hosed down. The building is cool and well ventilated.

For the 150 or so well-fed and healthy dogs of all sizes inside the barn, life is indeed a picnic—at least compared with some other breeding kennels visited for this series.

The reason is simple. Mrs. Roeglin cares. The largest dog breeder in Iowa, she works long hours to produce top-quality pedigreed pups.

But for all her efforts puppies bring in little, if anything, more than those turned out by filthy, unhealthy kennels.

"We clean up all the mess, and the other guy makes all the dough," she says in her German-Iowa accent.

Money is the root of the puppy industry's evils. It is more economical to cut corners. In this underregulated and largely unpoliced dog business, economics works against the good breeders, the conscientious dealers, the honest veterinarians, the careful shippers.

For the network of controls is torn with gaping holes. And through them the unscrupulous make their money.

All this is at the expense of the dogs themselves. They are often taken too young from their mothers; squeezed into inadequate, inhumane crates; transported hundreds of miles by road and thousands more sealed into the unventilated cargo holds of jets; left to overheat or freeze in airport loading areas.

It is also at the expense of consumers. They may find themselves with pups which turn out to be sick or sometimes die, which lack promised pedigree papers, which grow up not resembling their expected breed.

"We're inundated with complaints about dogs," says Anne Gonnerman, president of Animal-King, Inc., of Kansas City. The story is the same on the East Coast where, for instance, the New York City Consumer Affairs Department has just resorted to new regulations aimed at protecting pet-shop customers from "defective merchandise."

It is partly a problem of irresponsibility, of lack of concern as much as lack of enforcement funds. But it is also a problem of varying jurisdictions and a growing bureaucracy. "I've never seen such a bunch of buck passers in my life," exclaims one senior state official who has been trying to get action out of Washington.

The main means of regulation is the 1970 Animal Welfare Act, enforced by the U.S. Department of Agriculture (USDA). It covers breeders, dealers, and some pet shops. But it does not extend to common carriers (REA Express and the airlines) and does not protect puppies in the majority of pet shops (those which are not also wholesalers nor deal in exotic animals).

When a pup is handed over to REA or an airline it comes under that carrier's own "tariff"—self-imposed rules, theoretically enforced by the Civil Aeronautics Board (CAB). In the plane itself, he is switched again, this time to the responsibility of the Federal Aviation Administration (FAA).

But what can be done to prevent this switchback ride from one authority to another?

1. Better USDA enforcement.

Reports abound of breeding kennels licensed by USDA inspectors which are in violation of the Animal Welfare Act.

Some USDA officials admit that conditions are not what they ought to be. Enforcement—with only some 45 suits brought against dealers and breeders in the four years since the act was passed—is difficult, especially considering the number of violations.

To increase the effectiveness of its inspectors, the department is retraining them (to attain more uniformity). And it has recently started making regular checks at the main puppy-trade airports.

Yet the department is still far from having enough inspectors to do an adequate job. The USDA's 2,000 inspectors can afford to spend only about 5 percent of their time on animal welfare work.

"We spend as much time on animal welfare as we can within our budget," says Dr. Dale Schwindeman, USDA's senior staff veterinarian.

In the words of another USDA official: "Hot air may sound beautiful, but it won't get you a single inspector. What gets you an inspector is a congressional appropriation."

2. Extend federal legislation.

A variety of congressional hearings, reports, and bills have had as their focus the extension of the Animal Welfare Act. But, so far, very little has come of it.

The first objective is to close the biggest loopholes in the act by extending it to common carriers and all pet shops.

A bill now before the Senate, proposed by Sen. Lowell P. Weicker Jr. (R) of Connecticut and cosponsored by Sen. Warren G. Magnuson (D) of Washington would do that.

A similar bill has been introduced in the House by Rep. Thomas S. Foley (D) of Washington.

Some segments of the pet business and the airline industry strongly oppose such legislation. Others see little point in extending the area of USDA authority when the department cannot even police the area already assigned to it. "You can't have half-baked inspection and care for the animals," one critic says.

However, others contend the loopholes should be closed and more funds allocated for USDA inspection.

3. Uniform shipping standards.

The Civil Aeronautics Board recently gathered a group of airlines representatives, dealers, and other experts to work out what would be the best sort of shipping crate for dogs. After a day-long discussion no agreement on a satisfactory crate was reached.

Shippers prefer inexpensive crates, easily assembled, easily disposed of. Most favor orange boxes or lettuce crates, even though many are flimsy, shatter into splinters easily, have protruding nails, and allow animals' limbs to slip outside the crate where they are liable to be crushed.

Airlines prefer neat-looking plastic crates. But some, lacking ventilation, become "cookpots in summer, freezers in winter."

In an effort to straighten out these differences, the CAB ordered all airlines to file new tariff codes for live animal transportation last month. In September, CAB will hold hearings to try, after years of indecision, to reach some conclusions.

"What CAB has to come up with are some standards for handling and for containers—and that needs some scientists," says one senior air carrier official.

Meanwhile, the Federal Aviation Administration, after coming out with some stringent new rules for animal stowage in cargo holds last October, is feeling heavy pressure.

Deluged with adverse comment from the pet industry and others who objected to the requirements for tying down cages, protecting them from other cargo, and leaving space for ventilation, the FAA put off the compliance date until October this year. It also proceeded to "review" its new rules, which now seem likely to be revised.

4. Reliable health certificates.

A few states insist that pets shipped into them commercially have health certificates. Some states just demand a rabies certificate. Many have no requirements at all.

CAB is trying to have all cats and dogs traveling by air carry full health certificates. Along the same lines, the USDA is working with the American Kennel Club on a shipping form that would include AKC registration information, shipping details, and a health certificate.

This simplification of currently overlapping documents also would make the health certificate a federal form—bringing under federal jurisdiction those veterinarians who are signing certificates sloppily or fraudulently. At present there is no recourse against misuse of a vet's signature.

Just this simple change in documentation, animal experts say could do much to save pet-shop customers from being landed with sick pups. The risk of suspension should be a strong deterrent to slipshod veterinarians.

Also, New York is bringing in new consumer protection regulations requiring pet shops to furnish health certificates for all cats and dogs sold in the city. Anyone who found he had bought a sick animal would be entitled to a full refund.

5. Kennel Club registration enforcement.

The growth of the puppy business in the last 20 years from a breeders' hobby to a multimillion dollar industry has left the American Kennel Club far behind in policing profitable pedigrees.

The AKC's four field agents appointed in 1973 have been unable, despite their best efforts, to keep up with checking and correcting innumerable record-keeping failures and some frauds in 50 states. AKC president John LaFore's goal of 8 to 10 such agents will probably still be inadequate, experts say, considering that the club's reputation rests heavily on the integrity of its register.

6. Other needs.

Much remains to be done at state and municipal level in enacting consumer protection laws for pet shops, kennels, shelters, and so on. Illinois is the acknowledged leader in this field (four or five other states follow close behind) with a comprehensive law strongly supported by both the public and the state's pet dealers.

More could be done, observers say, under many states' animal-cruelty statutes. For instance, an aroused U.S. Attorney for the Eastern District of Virginia, William Cummings, recently called in representatives of all airlines operating in Washington, D.C.'s, federally administered National Airport near Arlington, Virginia, and warned them that he would prosecute any airline he found violating Virginia's anticruelty laws.

Finally, experts say, there is a great need for some humane societies themselves to put aside their own squabbles, their competition for funds, and cooperate in ending the excesses and shortcomings of this industry.

WHEN BUYING A PUP . . .

1. Decide in advance what breed suits you best. Discover what food, care, exercise, and

so on it will need. You can consult libraries, visit kennels, attend an obedience training session, and talk with experts and other owners.

2. Consider obtaining your pet from the local humane society shelter. They often have excellent animals—and you may save a life as well as money.

3. Select an alert animal rather than a cowed or excessively quiet one. Ask whether it has been "socialized"—is used to people and life outside a kennel.

4. Examine a pup for healthy coat, clean ears, bright eyes.

5. Insist on taking away with the pup its American Kennel Club "blue slip" attesting to its pedigree. If this is not immediately available, get full identification of the pup in writing, signed by the seller, including breed, AKC registered names and numbers of sire and dam, pup's date of birth, name of breeder, and (if possible) AKC litter number. *Don't buy without these.*

6. Ask for the pup's health certificate. Most should have one. Also, most good pet shops offer a written warranty.

7. Double check the seller's advice on care and feeding with a good handbook, experienced dog owner, or local veterinarian.

8. If you have any difficulties concerning the puppy or the sale, get in touch immediately with a local consumer affairs office, Better Business Bureau, or the American Kennel Club (based in New York).

WHAT CAN YOU DO?

1. Support your local humane society. Urge it to check and give emergency aid to animals passing through local airports. Remind it that most state anticruelty laws apply to airports and animal shipments. Offer volunteer help.

2. Write to Sens. Lowell P. Weicker (R) of Connecticut and Warren G. Magnuson (D) of Washington and Rep. Thomas Foley (D) of Washington, backing their bills to extend the scope of the 1970 Animal Welfare Act. Write to your own senators and congressmen requesting their support also.

3. If you have any trouble or complaints in shipping your pet by air, write to the Office of Law Enforcement, Civil Aeronautics Board, Washington, D.C.

4. Advocate legislation within your own state to ensure proper animal care as well as consumer protection in pet sales.

5. Look after your own pets properly.

NURSE TRAINING ACT OF 1975

Mr. EAGLETON. Mr. President, I would like to take this opportunity to urge the President to sign S. 66 into law. This bill contains three essential programs important to health care in this country, the Nurse Training Act, Health Services and Revenue Sharing, and the National Health Service Corps.

Many positive results have come from Federal funding for nurse training programs in Missouri. The 33 nursing schools in the State received $4.6 million in Federal funds last year. The number of registered nurses in Missouri has increased by 30 percent since 1964, but many more are needed, particularly in rural areas.

The Nurse Training Act of 1971 made it possible for Missouri to develop a model program implementing continuing education opportunities for nurses. Now 8 other States have adopted this program, with the original number of 17 nursing schools increased to a total of 77 nursing programs and agencies.

Another significant benefit from the Nurse Training Act of 1971 is the special project grant for the preparation of the master's level nurse practitioner for practice in institutional care setting, particularly important in inner cities and rural areas.

Mr. President, the progress in nursing education and programs must continue. I reaffirm my support for S. 66 and ask the President to sign it into law without further delay.

Mr. President, I ask unanimous consent that an article appearing in the Trenton, Mo., Republican-Times be printed in the RECORD. I believe that it concisely presents the history of the nursing profession and the need to continue our commitment to expanded and strengthened nursing programs.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Trenton (Mo.) Republican-Times, June 21, 1975]

DEVELOPMENT OF NURSING BEHIND HISTORICAL PROGRESS

As the nation celebrates 200 years of dramatic history and progress, it is difficult to realize that the health care of the people lagged behind, sometimes as much as 100 years. Whether due to dependence on public support or the mysteries of life, only history itself will determine.

The first hospital in the U.S. was built in New York (then called New Amsterdam) in 1658, was staffed by criminals and delivered a ghastly type of care. Conditions in hospitals remained deplorable for another 200 years. If taken to a hospital as a last resort, the patient knew full well he was being sent to his death. Nursing during this time was performed by the untrained, destitute woman who was no improvement over the criminal and who delivered extremely poor care to match the extremely poor conditions of the hospital.

Florence Nightingale formulated principles of cleanliness, routine patient rounds, a systematized plan of care and became the founder of modern nursing in Europe in the 1850s. Our own Civil War pointed to the crucial need for trained nurses since more men died from filth, disease and infection than from battle wounds. Catholic and Protestant Sisterhoods produced the only nurses but far too few to serve the populace. Clara Barton served as a volunteer nurse in the Civil War and later helped to form the American Red Cross in 1882. The New England Hospital for Women and Children graduated America's first trained nurse in 1873. Bellevue Hospital of New York established a nursing school the same year and followed the Nightingale method of instruction.

It follows, therefore, that nursing lacks more history than most professions if we consider history as a basis for our present and future.

After 1900, Nurse Practice Acts were written and enacted. Nurse Registration finally became uniform among the states and admission standards in nursing schools were elevated. Even so, real progress in nursing was slow—delegated to those who probably would never marry and were willing to work for board and room.

World Wars I and II brought dramatic changes and the needed reform. Modern nursing was launched and on its way. But these changes also resulted in a shortage of nurses. It was at this time that practical nurses and nurse's aides were introduced on the health scene to help alleviate the deficiency. What was thought to be a temporary situation developed into a permanent situation and the helpers who came to the rescue now constitute the greater percent of the nursing force. Today, we have many types of health workers and nursing has many types of programs ranging from the short nurse's aide course to the Ph. D. in nursing. Before many years, it will be possible to progress from one stage to the next and receive credit for each. Nursing students are demanding college work to keep pace intellectually with their fellow students. Men have now entered the field and the profession welcomes their leadership. Nursing is beginning to assume responsibility for its own actions without the complete dependence on physicians. Though the shortage of RNs is still critical in some areas, the advent of the two-year course for RNs in junior colleges will fill the gap in the not-too-distant future. Only then will the nurses be able to carry out the high standards of nursing care which they were and are taught to do.

The Missouri Legislature recently approved a new Nurse Practice Act which awaits the governor's signature. This lengthy document was five years in the making and delineates the lines of responsibility while removing the gray areas under which the nurse has worked insecurely for years. Congress has approved a new Nurse Training Act which also awaits the president's signature.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

UNITED STATES-ROMANIA BILATERAL COMMERCIAL AGREEMENT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of Senate Concurrent Resolution 35, which the clerk will state.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 35) approving a bilateral commercial agreement between the United States and the Socialist Republic of Romania.

The ACTING PRESIDENT pro tempore. The time for debate on this measure is limited to 2 hours, to be equally divided between and controlled by the Senator from Louisiana (Mr. LONG) and the Senator from Nebraska (Mr. CURTIS) with a limitation of 20 minutes on any debatable motion, appeal, or point of order.

The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, I yield myself such time as I may require for a brief opening statement.

The concurrent resolution now before the Senate would give the Senate's approval to a bilateral commercial agreement between the United States and the Socialist Republic of Romania which has been negotiated under the authority of title IV of the Trade Act of 1974 (Public Law 93–618). The resolution was reported favorably by the Committee on Finance. If it is approved by the Senate and if the House should concur, the commercial agreement will go into effect and Romania will join Poland and Yugoslavia as the only Communist countries whose products are afforded most-favored-nation—column 1—treatment under the tariff laws of the United States.

SAFEGUARDS IN TRADE AGREEMENT

Title IV of the Trade Act, which was enacted by the Congress last December, authorizes the President to extend, under certain conditions, nondiscriminatory—

most-favored-nation—tariff treatment to those countries whose products are not presently afforded such treatment, section 402 provides that no country shall be eligible to receive nondiscriminatory treatment or U.S. Government credits or credit guarantees if it denies its citizens the freedom to emigrate.

Title IV also established other conditions and qualifications relating to the circumstances under which bilateral commercial agreements can be negotiated by the Executive and provisions which are required to be made a part of such agreements. They are aimed at protecting American industries and workers against market disruption, protection of industrial property rights and processes and producers for settling commercial disputes.

In the event that U.S. jobs and firms ever be threatened by imports from Romania, the safeguard provisions of the trade agreement and the Trade Act itself provide several ways to deal with these problems. The President is provided with authority to quickly impose import restrictions if they are necessary. The so-called "escape clause" is substantially liberalized so that industries can receive speedy relief through petition to the International Trade Commission if there is any market disruption. We strongly believe that these provisions, carefully written in the Trade Act by the Committee on Finance, will protect American jobs. Because of these provisions in the Trade Act, this agreement has many more safeguards to protect U.S. commercial interests than other past agreements negotiated with state trading countries.

In addition, the Trade Act established several new procedures for the approval by the Congress of bilateral commercial agreements with Communist countries as well as other types of trade agreements which the Executive will be negotiating during the next 5 years under the authority of that act. This is the first time the procedures contained in the Trade Act will be utilized.

UNITED STATES TRADE WITH ROMANIA

Our trade with Romania has been favorable, and we expect it will grow and remain favorable if this agreement is approved. In 1970, U.S. two-way trade with Romania was $80 million. In 1974 this trade reached a level of $407.6 million. U.S. trade with Romania moreover, has been running better than 2 to 1 in favor of U.S. exports during the 1970–74 period. Two-way trade for the first 5 months of 1975 totaled $136.5 million, down $51.5 million from the same period last year. Part of the reason for this decline may have been the uncertainty over the outcome of this agreement. The executive branch anticipates that trade will return to its former growth pattern after this agreement is approved. The tables which will be printed in the RECORD tell the story of recent U.S. trade with Romania.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a table showing the trend in trade with the state of Romania.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES–ROMANIAN TRADE, 1967 AND 1970–74

[In millions of dollars]

	1967	1970	1971	1972	1973	1974
U.S. exports to Romania	16.8	66.4	52.5	69.4	116.6	277.1
U.S. imports from Romania	6.2	13.4	13.8	31.5	55.9	130.5
Total trade	23.0	79.8	76.3	100.9	172.5	407.6

Source: Department of Commerce, 1967–73: Bureau of East-West Trade "Quarterly Report Under Export Administration Act." 1974: Bureau of East-West Trade "U.S. Trade Status with Socialist Countries."

Mr. LONG. Mr. President, I ask that a further table, showing the Romanian trade by major commodities be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES-ROMANIAN TRADE, BY MAJOR COMMODITIES, 1974

[In millions of dollars]

Major commodities	U.S. exports to Romania	U.S. imports from Romania
Food and live animals	93.35	11.16
Beverages and tobacco	.13	.24
Crude materials, except fuels	69.16	1.05
Mineral fuels and lubes	5.54	80.24
Edible oils and fats	0	0
Chemicals	7.94	3.66
Manufactured goods	10.72	6.06
Machinery and transport equipment	88.24	8.60
Miscellaneous manufactures	1.65	19.15
Other	.38	.35
Total	277.12	130.52

Source: Department of Commerce, Bureau of East-West Trade, "U.S. Trade Status with Socialist Countries."

Mr. LONG. Of Romania's exports to the United States, petroleum fuels and lubricants have been dominant. In 1974, over 65 percent of its exports to the United States—over $80 million worth—consisted of such products. Other important exports to the United States were agricultural tractors, footwear, canned hams, glass, and clothing.

Trade in these products is expected to continue; but in addition, there are certain commodities that are potential Romanian exports if tariff discrimination were removed. These include construction materials; such chemical products as synthetic rubber, fibers, polyethylene, caustic soda, and soda ash; metal products, rolling stock; and electronic equipment.

FREEDOM OF EMIGRATION

As I have stated, section 402 of the Trade Act provides that no country shall be made eligible for nondiscriminatory tariff treatment, government credits or guarantees if such country denies its citizens the freedom to emigrate.

The committee, and indeed the administration, were disappointed over the relatively poor performance of Romania with regard to emigration from that country during the first 5 months of this year. It is not clear what factors may have caused the actual decline in the number of emigres. The emigration figures in June showed a marked improvement, and the committee fully expects this trend to continue.

The emigration amendment passed by the Congress in the Trade Act of 1974 is not restricted to one minority group. It was clearly the intent of Congress, as expressed by the principal authors of the amendment, to encourage freer emigration of all people—regardless of race, color, or religion—who wished to emigrate. The Romanian Government has recently shown evidence of a willingness to allow many families to be reunited. This fact plus the relatively small scale of the emigration problem in Romania and the awareness of the Romanian Government has of the deep concerns of the Congress of the United States on this issue, convinced the committee to report Senate Concurrent Resolution 35 favorably to the Senate. It is expected that Senate approval of this resolution and continued extension of most-favored-nation treatment will depend upon a consistently liberal emigration performance.

Mr. President, I find it difficult to believe that the balance of trade is any more favorable, nor the commodities in which it is carried out more favorable with any of the advanced nations of the world than with the country of Romania.

We are exporting things that this Nation should be exporting. We are importing the kind of things that we find it necessary to import, such as oil, certain types of machinery, certain chemicals, and things that are in short supply in this country.

So, this is a very good agreement for both countries.

The only sticky point about this whole thing has been the very touchy subject of emigration, which as the Senate well knows, has resulted in a complete impasse and failure to come to terms with the Soviet Union.

Romania has been far more cooperative with the United States than the Soviet Union, and I am happy to say we do not have the unpleasant situation of Congress, unintentionally I am sure, going too far in goading and pushing the trading partner on the other side to the extent that that partner simply declined to do business with the United States.

It is my judgment that under the very tactful and persuasive approach of our State Department and our other emissaries, great progress has been made in persuading the Romanians to release from that country and to permit emigration of persons who would like to leave that country.

For example, here is a letter from the Romanian Embassy, dated July 15, only a few days ago, stating that:

> Referring to the cases presented by Senator Jesse Helms in his testimony before the Senate Finance Committee hearings on July 8, 1975, on Romanian-U.S. Trade Agreement please be advised that the families of sixteen persons engaged in the hunger strike at the United Nations, and whom were mentioned in the Senator's testimony on page 8, have received exit visa for coming to the United States.
>
> In the same time the cases of Virginia Călinescu, Florea and Maria Călinescu, Tcacenco Emilia, Tasedan Ioan and Maria, Gheorghe, Tigu, Cornelia V. Călinescu and

Irina Cristofaru on the additional list of Senator Helms, also have been solved.

As soon as I have information concerning the remaining cases on Senator's Helms list I will let you know.

A representative, Mr. President, for the administration pointed out that with regard to a list of cases about which the Senator from North Carolina was strongly concerned, 75 percent of those people had received exit visas and were in the process of leaving, and a great number of others were making headway toward achieving their objective of leaving that country.

So, I think, Mr. President, that this is a good case in which this Nation has used its trade negotiations to help implement immigration policy in a manner which has been productive rather than counterproductive, and I hope very much that we can continue this fine progress.

Mr. President, if the President at any point is not satisfied with the progress of our relations with Romania he can terminate immediately the commercial trade pattern developing here.

If Congress is not satisfied it can terminate it every year.

So, there are plenty of ways that we can protect ourselves, and we can also seek to persuade our trading partner to see our point of view and to negotiate in good terms.

I am frank to say, Mr. President, that some of us are aware of the fact that the Soviet Union, Hungary, and other Eastern bloc countries have been bringing pressure upon Romania, trying to prevent that country from going as far as it has toward coming to terms with the United States over this issue.

Mr. JACKSON. I believe Romania is what the Senator means.

Mr. LONG. I meant to say Romania going as far as it has in coming to terms with us.

So, this I believe is a good agreement. I think it represents as much progress as we could hope to make in relations between our two countries. It is a good trade agreement. It has an additional plus in that, insofar as we can persuade the Communist countries to cooperate with us on the immigration issue, progress has been made.

So, Mr. President, I recommend, I strongly recommend that this trade agreement should be approved by the Senate.

Mr. RIBICOFF. Mr. President, will my distinguished chairman yield me 10 minutes?

Mr. LONG. Ten minutes, yes.

Mr. JACKSON. Mr. President, will the Senator yield 3 minutes? Will the Senator yield me 3 minutes?

Mr. RIBICOFF. I am pleased to yield 3 minutes to the distinguished Senator from Washington with the proviso that I do not lose my right to the floor.

Mr. JACKSON. Mr. President, I thank our colleague.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. JACKSON. The Senator from Connecticut did.

Mr. RIBICOFF. I yield 3 minutes. I yield to the distinguished Senator from Washington.

Mr. LONG. I yield him 3 minutes.

UNITED STATES-ROMANIAN TRADE AGREEMENT AND FREEDOM OF EMIGRATION

Mr. JACKSON. Mr. President, I am pleased to urge favorable Senate action on Senate Concurrent Resolution 35, the resolution of approval of the United States-Romanian trade agreement, which would make Romania the first Communist country to qualify for most-favored-nation tariff treatment and participation in U.S. Government credit programs under the Jackson-Vanik amendment.

Along with providing the means for closer commercial relations with an Eastern European country which has managed to develop a relatively independent and relatively positive policy toward the West, implementation of this agreement should bring about a parallel accommodation in the equally important area of human relations. As the author of the East-West trade and freedom of emigration provisions of the Trade Act of 1974, I especially want to address myself to the significance of approving Romanian eligibility for the affected trade benefits on that basis, pointing out some necessary reservations as well as the hopeful prospects.

Under the terms of the compromise on trade and emigration in the Trade Act, the President may waive the trade restrictions in the free emigration section for a nonmarket country if he reports to the Congress that:

First. He has determined that such waiver will substantially promote the objectives of this section; and

Second. He has received assurances that the emigration practices of that country will henceforth lead substantially to the achievement of the objectives of this section.

This formula was drafted jointly by the administration and the Congress, adopted by the Senate by a vote of 88 to 0, and signed into law by the President.

Nevertheless, the Presidential report of April 24, 1975, exercising the waiver authority for Romania, fell far short of the language specified in the legislation. The President failed to report that he had received assurances on Romanian emigration and relied instead on a vague phrase relating to the "solution of humanitarian problems" in a 1973 joint declaration by then President Nixon and Romanian President Ceausescu. That declaration makes no mention of emigration and had yielded no progress on emigration since its signing. Furthermore, although the administration urged Congress to take into account the "sensitivity" of the issue by making our judgment on the basis of Romanian emigration performance rather than pressing for detailed assurances, Romanian performance both leading up to and in the period immediately following the President's action showed no improvement whatsoever which would allow Congress to determine that satisfactory assurances had been received, as required by law.

Progress on Romanian emigration came only in recent weeks, after it became clear that Congress would withhold approval of the trade agreement in the absence of concrete evidence of movement to fill the gap in the President's report. In addition to continuing consultations with the State Department, for the past several weeks many of us in the Senate and House have been in close contact with representatives of the Romanian Government, with humanitarian organizations concerned with emigration, and with members of divided United States-Romanian families who will be so personally affected by the resolution of this issue. Some of us also had the opportunity to stress the need for genuine progress at a meeting with President Ceausescu in Washington in early June.

I believe that this was a very healthy interaction for all concerned, and I am encouraged by the spirit of cooperation with which the Romanian Government has recently responded. Some 1,250 emigration applications were approved in June, including primarily Romanians seeking to be reunited with families in the United States, and Romanians of Jewish and German origin who wish to go to Israel and the Federal Republic of Germany, respectively. This improved, if not entirely satisfactory, rate of approvals has been continuing in July. Obviously, we expect that these approvals will mean that the persons receiving them will soon depart for their chosen destinations.

My own decision to support the trade agreement at this time is based on the expectation that these signs mark the beginning of a steady upward trend in Romanian emigration—the only real basis we have for determining the legitimacy of the President's waiver and, moreover, for determining whether a renewal of the waiver authority is justified when it comes before Congress in 11 months.

The Senate Committee on Finance and the House Ways and Means Committee are to be congratulated for the strong legislative record they established both during the hearings on the trade agreement and in their reports on the resolution of approval last week to their respective Houses. By withholding action until progress on emigration was clearly discernible, both committees made full and, in my judgment, critically productive use of the time allotted to them for consideration of the trade agreement. I fully support their conclusion that the language of the President's report alone was not sufficient to allow favorable action on the part of the Congress. I also endorse their position that action on Romania is not to be interpreted as a precedent for countries other than Romania. It is the recent sharp increase in Romanian emigration and Romania's special circumstances in the Communist bloc which justify our willingness to extend the benefit of the doubt in this case.

It should also be noted a relaxation of Romanian emigration restrictions would be consistent with the more liberal emigration policy practiced by Romania up through the mid-1960's, as well as with the provisions on emigration in the International Convention on the Elimination of All Forms of Racial Discrimination, acceded to by Romania in 1970. Freer emigration is also in keeping with the family reunification provisions of the Conference on European Security and Cooperation declaration, which Romania is expected to sign later this month. Romania's earlier emigration practices and the cooperative attitude which the Romanian Government is apparently ready to renew provide a welcome contrast to the Soviet Union's dismissal of the human dimension of détente and hypocritical accession to the same international agreements.

Mr. President, it seems to me that Romania is beginning to appreciate what the Soviet Union and the handful of nations bound to the Soviet Union have yet to understand: That emigration is cause for national embarrassment and international concern only when it is denied, and that the freer movement of peoples should be a bridge rather than an obstacle to improved East-West relations. I hope that Romania has in fact decided to join the rest of the international community in respecting the fundamental human right to emigrate, and that the continued Romanian progress expected in this area will make it possible for Congress to renew Romanian eligibility for trade benefits next year.

I thank the distinguished chairman of the committee and the distinguished Senator from Connecticut for yielding me time.

Mr. RIBICOFF. Mr. President, it is important that certain features of this legislation be stressed regarding our action to extend MFN to Romania. During the past few months, the Romanians have exhibited a very positive effort to comply with congressional intent on the issue of emigration. They understood that the Congress was concerned that emigration figures for individuals wishing to leave Romania had declined significantly last year and in the first 5 months of this year. Subsequently, however, the Romanians have increased their effort to grant exit approval to a growing number of people desiring permission to leave. And in addition to exit approvals, there has been an increase in the number of actual departures, an important distinction to make in discussion of the emigration issue.

Since the beginning of June, emigration from Romania has shown a marked increase. However, if the present rate is maintained for the remainder of the year, the total number of emigrants would still not equal the figure for 1974, which was a low figure. While we have been pleased to see the rate of emigration increase recently, we certainly expect that the increase of the past 2 months will only be a beginning of a policy which will give those individuals who have a desire to leave the freedom to do so. The Romanians have already demonstrated good faith in their handling of this matter to date, and we expect that this good faith will result in an even less restrictive policy in the coming months.

In accordance with this legislation, Congress will review the trade agreement in July 1976, to examine the impact of this legislation in terms of trade and changes in other policies mentioned in the Trade Act. During discussion of this review process in committee, fears were expressed that emigration might return to its former, inadequate levels once MFN is granted, only to resume the current trend in the month or two immediately before the waiver period expires. I am pleased to note that the Romanians have communicated their official understanding that such a pattern will not unfold.

During hearings on this legislation, I discussed the emigration issue in some depth with Mr. Arthur Hartman, Assistant Secretary of State for European affairs. Mr. Hartman conveyed certain assurances that he had received from Romania on emigration practices in the future. I ask unanimous consent that the text of our dialog be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DIALOG

Senator RIBICOFF. Mr. Hartman, let's say this Committee and Congress approves this agreement. Can we expect that the Administration will come back with a favorable recommendation at the end of the waiver period only if the Romanians have demonstrated a steady performance during the waiver period?

Mr. HARTMAN. You are referring to the period at the end of the 18 month period?

Senator RIBICOFF. Yes, that is right.

Mr. HARTMAN. Yes, I think that the Administration has understood the will of the Congress in applying this Act. And we have made these feelings clear to the Romanian authorities. We believe that we are now seeing evidence that in fact some of these problems that have been of concern to us are being taken care of within the framework of this joint declaration of the two Presidents to deal with humanitarian problems.

Senator RIBICOFF. In other words, do we have the assurances of this Administration that emigration will not decline, once MFN is granted only to increase in the month or two or immediately before the waiver period is up?

Mr. HARTMAN. You certainly have the assurances of this Administration. And we believe that there is understanding on the part of the Romanian authorities.

We obviously cannot guarantee numbers. And our discussions reveal that there is a wide difference of opinion on exactly how many people, in fact, wish to emigrate.

Senator RIBICOFF. Well, that may be true, but are you assuring us that the individuals for whom the Romanians report, that passports have been approved, will actually be permitted to leave Romania in the next few weeks?

Mr. HARTMAN. Yes, in the case of those wishing to come to the United States, we actually have the names of the people who have been approved for emigration. And we have every assurance that those people will, in fact, be permitted to leave.

Senator RIBICOFF. In other words, the American Embassy, you only have jurisdiction over those coming to the United States?

Mr. HARTMAN. That is correct.

Senator RIBICOFF. The American Embassy is checking up to make sure that those who have exit visas to come to the United States actually come to the United States?

Mr. HARTMAN. That is correct. And we now have a list of some 642 names of people who have been given approvals. And at the same time, we have had good cooperation from the Romanian authorities in accepting lists from us of people whose relatives in the United States have expressed an interest in their being able to emigrate.

Senator RIBICOFF. I want to repeat again, because it is always assumed when we talk about emigration, we are just talking about Jews, but we are not.

Mr. HARTMAN. That is correct.

Senator RIBICOFF. We are deeply concerned with people of all races and creeds, and especially the Romanians wishing to come to the United States; Romanian Orthodox or Roman Catholics. And our concern is definitely for the reuniting of families in this category.

Mr. HARTMAN. That is correct.

Senator RIBICOFF. Now, I am looking at the figures. And I take these figures from the Romanians themselves. Whether they are accurate or not, I have no way of determining.

The 1975 figures show that 2,020 approvals to Israel, 950 for approvals to the United States. The June figures: Israel 432, the United States 518, Germany 462 and other countries 249 for a total of 1,661. The figures for Jews only, that is all I received, they did not give me the figures for other countries, 237 actually departed for Israel, 303 who have received passports and booked flights out, 602 received passports but have no reservation.

I give you these figures because it is crucial to make the distinction between exit approval and actual exits. To me it is not enought just to give a person an exit approval and then the Romanians do not deliver the passports, so people cannot leave. So even if the June figures are up on exit approvals, they do not mean very much to me unless they are actually, the people actually are given permission to leave Romania.

Now how are you taking up on this?

Mr. HARTMAN. Well, our understandings from our conversations with Romanian authorities, our conversations with Jewish leaders in Romania, and our conversations also with the Israeli authorities, who have over the years conducted talks with the Romanians on this subject, is that when these approvals are issued, there have been passports issued and approvals to leave.

I think part of the problem of delay has to do with the fact that there are many personal things that have to be done by these people: houses sold, personal property disposed of, and therefore there is a lag between approvals and actual departures.

Also, I think that there was a case over the last year or so where people who indicated an intention to emigrate to Israel delayed their actual departure because of uncertainties in the Middle East.

But we are now, I think, beginning to see actual movement. And, your figures, although they are not exactly the same ones that I have, are the same order of magnitude. It is difficult to get exact figures, because we get them from different sources.

Senator RIBICOFF. You see, even if the Romanians maintained the total number of exits, it would still be only about half of last year's total of 3,500, which was a low figure.

But when you consider the past rate of emigration over the last decade—so it is important to me, irrespective of what we do now, if we are going to continue MFN, for the Romanians in the future that they be given to understand that there has to be a consistent flow. I think we will be deeply concerned if once MFN is granted, if Congress so grants it, that we find ourselves in a position that suddenly there is a nosedive on the number of people allowed to come out and then two months before the renewal comes up, they accelerate.

I think you should emphasize that very, very strongly.

Mr. Hartman. We certainly will. And I certainly hope, also, Senator, that the leaders of the Jewish community in this country will keep in contact with the leaders of the Jewish community in Romania so that there is an accurate flow of information to us.

Senator Ribicoff. Thank you, Mr. Chairman.

Mr. RIBICOFF. Mr. President, as can be seen from this exchange, Congress has received certain assurances about future rates of emigration, and Mr. Hartman expressed the feeling that the administration understands the will of Congress in applying the Trade Act to Romania. I am satisfied that the Romanians understand the will of Congress in this complex area, as well.

Mr. President, I would also like to call your attention to a telegram I have received from Rabbi Israel Miller, chairman of the Conference of Presidents of Major Jewish Organizations. Rabbi Miller touches on a number of central issues in the area of emigration policies and our relations with Romania. I ask unanimous consent that the text of this message be printed at this point in the Record.

There being no objection, the message was ordered to be printed in the Record, as follows:

Telegram

Senator A. Ribicoff,
Washington, D.C.:

The American Jewish community is encouraged by the increase in emigration from Romania which has developed in recent weeks. The reports that Romanian officials issued over 1,000 exit approvals during the month of June are a welcome indication of a positive trend that we trust will be continued and reflected in the actual number of departures. On this basis, we support favorable congressional action on the U.S.-Romanian trade agreement which would make Romania eligible for most-favored-nation status.

In making a recommendation, we are mindful that the situation of Romania, both in terms of the history of that country's emigration practices and its special position within the Communist bloc, distinguishes it from the rest of Eastern Europe.

We trust that Romanian good faith and cooperation regarding emigration throughout the next 11 months will justify the recommendation we make today and will allow us to make a similar favorable recommendation when M.F.M. comes up for renewal at the end of this period. We are pleased to note that Assistant Secretary of State Hartman, in his appearances before the Finance and Ways and Means Committees, gave assurances that the administration will recommend an extension of the waiver of the Jackson-Vanik provision of the Trade Act in the event of continued upward movements in Romanian emigration throughout the waiver period.

We believe from the positive response thus far by the Romanian Government that the emigration provision of the Trade Act is meaningful and viable.

I wish to extend the appreciation of the conference of Presidents of Major American Jewish Organizations for the support of the overwhelming majority of both Houses of Congress which was responsible for the inclusion of the emigration provision in the Trade Reform Act of 1974, and hope you will convey our thanks to your colleagues on the Finance Committee for their steadfast support of this vital humanitarian issue.

Rabbi Israel Miller,
Chairman, Conference of Presidents of Major American Jewish Organizations.

Mr. RIBICOFF. Mr. President, I also point out that when we talk about emigration, we are not just talking of the problem of the Jews. We are talking of the problems of all people. In Romania especially, a number of the emigrants are Roman Catholics or Roman Orthodox. As proved by the figures cited by our distinguished chairman, in answer to Senator Helms, almost all the individuals are people who come to the United States and are not of the Jewish faith.

In view of our understandings with administration officials and the Romanian Government, I urge support of this resolution, and I look forward to many years of fruitful trading relations with our new most-favored trading partner.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. RIBICOFF. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HANSEN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TIME LIMITATION AGREEMENT— S. 2173

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 2173, a bill to fully explore and develop the naval petroleum reserves, is called up and made the pending business before the Senate, there be a limitation on the bill of 2 hours, to be divided between Mr. Cannon and Mr. Thurmond, from the Committee on Armed Services, and 1 hour on any amendment, 30 minutes on any debatable motion or appeal, and 20 minutes on any point of order submitted to the Senate; that the agreement as to the division of time be in the usual form.

The text of the unanimous consent agreement is as follows:

Ordered, That it be in order on Saturday, July 26, 1975, to call up S. 2173 (Order No. 320), a bill to fully explore and develop the naval petroleum reserves of the United States and to permit limited production with revenues derived therefrom to be placed in a special account, and for other purposes, and that debate on any amendment shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill, debate on any debatable motion or appeal shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, and that debate on any point of order which is submitted or on which the Chair entertains debate shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided,* That in the event the manager of the bill is in favor of any such amendment, motion, or point of order, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Nevada (Mr. Cannon) and the Senator from South Carolina (Mr. Thurmond): *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR CONSIDERATION OF S. 2173 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order on tomorrow for the leadership to call up S. 2173, a bill relating to exploration and development of naval petroleum reserves.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

UNITED STATES-ROMANIA BILATERAL COMMERCIAL AGREEMENT

The Senate continued with the consideration of the concurrent resolution (S. Con. Res. 35) approving a bilateral commercial agreement between the United States and the Socialist Republic of Romania.

Mr. JAVITS addressed the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. LONG. I yield 3 minutes to the Senator.

Mr. JAVITS. Mr. President, first, I thank Senator Long and Senator Ribicoff for their courtesy in allowing me this time.

I shall support the committee, which has approved the bilateral commercial agreement between the United States and Romania. The central point that induces me to act this way, in addition to the new efforts being made by the Romanian Government with respect to emigration from Romania, especially of its Jewish minority, is the fact that this is the first agreement which will have been approved subject to the so-called Jackson-Vanik amendment.

That is important to break the ice in this situation—over, above, and beyond any other consideration which is involved here—precisely because of the denunciation by the Soviet Government of its trade agreement on the ground that the so-called Jackson amendment exists in the law.

In that connection, Mr. President, I specifically call the Senate's attention to the communication by the President of the United States to Congress. This is the letter of April 24, 1975, printed in the committee report at page 11, in the background materials furnished by the committee.

I quote President Ford:

> I refer to the Declaration of the Presidents of the United States and of the Socialist Republic of Romania signed in Washington in 1973 wherein it was stated that "they will contribute to the solution of humanitarian problems on the basis of mutual confidence and good will." I have been assured that if and when such problems arise they will be solved, on a reciprocal basis, in the spirit of that Declaration.

In short, Mr. President, the Romanian Government accepts the provisions of the Jackson amendment and pledges itself to work in a spirit of mutual confidence and good will with the American Government in order to implement that particular provision. I consider this breakthrough of paramount importance in all of our problems with the Socialist countries, particularly with the Soviet Union, over this particular matter.

There is no doubt about the fact, Mr. President, that the problem of Romanian emigration has been very sticky, but the numbers ran down very, very seriously, coming down to practically nothing—200, 300, or 400 at the most—until the Romanian Government found itself so desirous of this trade agreement, at which point, the visas for exit from Romania—the effective visas, not just the handing out of visas, because between that and actually emigrating is a very big gap. That is one of the great problems we found with Romania. The visas stepped up very, very materially, to about a thousand at this time. The declaration which I have referred to is in earnest that a good rate of exit will be continued.

The record, up to currently, going back a very considerable time, has been good in the sense that some 300,000 Jews are said to have been permitted to emigrate from Romania, mostly to Israel. But the fact is that it suddenly dried up. Whether that followed or did not the Soviet policy is not the point at this juncture. The fact is that it dried up and has now been restored and the approval of this trade agreement is our earnest good faith that we are relying upon the mutual confidence with the Romanian Government in order to see that that rate is continued.

The Library of Congress has proposed a very interesting memorandum on this particular subject of emigration from Romania and, Mr. President, if Senator RIBICOFF has not inserted it, I should like the privilege of inserting it in the RECORD.

Mr. RIBICOFF. What is that, may I ask the Senator?

Mr. JAVITS. It is the Library of Congress memorandum on emigration from Romania dated June 25.

Mr. RIBICOFF. No, I have not put that in.

Mr. JAVITS. I ask if I may put it in?

Mr. RIBICOFF. I would be happy to have the Senator put it in the RECORD.

Mr. JAVITS. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

[Library of Congress Memorandum]

EMIGRATION FROM ROUMANIA

INTRODUCTION

This paper attempts to draw on the best information available in order to present a picture of past and present emigration from Roumania. The task is a formidable one because the basic data is often not available, or only partially available due in a large way to the nature of Roumania's form of government. Furthermore, the fact that the issue of emigration of Jews to Israel is a sensitive one in international and Mideast politics places additional barriers in the way of obtaining authoritative data. In short, it must be recognized that there is no real agreement on the related statistics and therefore caution must be exercised in evaluating this issue.

ROUMANIAN GOVERNMENT POLICY ON EMIGRATION

Since World War II the Roumanian Government has had one of the strictest policies on emigration of the East European countries. One exception has been the large emigration of Roumanian Jews to Israel in the 1940s and 1950s, emigration which has continued in the 1960s and 1970s, but at much lower levels. Any Roumanian who wishes to emigrate must apply to the Government for permission to leave, and the Government has complete discretionary authority over such requests. No constitutional guarantees for emigration exist, nor is there any established legal right for a Roumanian to possess a passport.

The general appearance presented by Roumania's record on emigration is that outside pressure and influence is often necessary for anyone to have a chance of leaving and that only those with relatives or families outside have an opportunity to use such pressure. In the case of continuing Jewish emigration, and reported emigration of ethnic Germans to the Federal Republic of Germany, the emigration appears to be closely linked with the Roumanian Government's efforts to maintain good relations with the two Governments involved in order to satisfy Roumania's political and economic interests. This latter point is substantiated by the widely reported Roumanian efforts to create a foreign policy line independent from the Soviet Union and the Communist bloc in East Europe. Because of the special position of Israel and the Federal Republic of Germany in East-West relations, Roumania's relations with those two countries have added importance. In any case, the foreign policy stance of Roumania has had a beneficial side effect of promoting liberalized emigration, which is of special interest to both Israel and the Federal Republic. This emigration is also presently a factor in Roumania's seeking a trade agreement with the U.S. including MFN status in accordance with the provisions of the Jackson-Vanik amendment on free emigration. Emigration is also one of the few areas where the Roumanian Government could offer concessions to help promote its policy to improve relations with these countries and not feel greatly endangered with respect to maintaining control in Roumania.

As is apparently the case with other countries in Eastern Europe, as contacts with the West expand there is an internal reaction in Roumania to tighten Government controls over the population's general "ideological loyalty." Thus, Roumania has had an intensified campaign since July 1971 to keep close control over cultural policy and maintain the communist orthodoxy the Roumanian Government follows. As a result of this policy, Roumania is regarded by most observers as having one of the most closed and controlled societies in Eastern Europe. This of course is reflected in the Government's views on emigration.

Because Roumania is one of the less developed Eastern European countries, the idea is strong that if the borders were thrown open there would be a mass rush to more affluent and advanced countries. This idea is common among other Eastern European governments as well. Roumanian Government officials, therefore point out that their country is developing, and cannot afford to lose trained and productive people, most often the types of persons who apply to emigration. Roumania is also suffering from skilled labor shortages as it attempts to modernize its economy which helps explain the reports of a government decree that university graduates must work in production jobs for three years before they may proceed with the career for which they have studied. Roumanian officials are also aware that emigration fosters more emigration. In the first place, one person's exit often creates a future application based on a request to reunify relatives. Secondly, reports of emigrants doing well in other countries stimulate other requests. It is assumed that the Government would like to halt this cycle by clamping down on emigration, but past emigration has probably been great enough to generate reunification requests for some time in the future. Finally, the Government complains that its citizens have been educated at state expense, and their exit is a loss of both direct investment and a productive resource for the country.

There are many ways the Roumanian Government can act to restrict the numbers of requests for emigration. Passports may not be applied for if one works for the Government unless one has approval to leave from the office concerned. There are also reports that those who apply to leave lose their jobs. If a Roumanian wants to join a relative abroad, the relative must have left legally, or take steps to clear up his illegal departure with the Roumanian Government. This involves payments of fees and declaration of loyalty to Roumania.

There are other payments necessary. Cost of a passport and exit visa in 1973 were reported to be 470 Lei, with an additional 1000 Lei renunciation of citizenship fee, making a total of approximately $300.[1] In addition, most Roumanians believe further payments up to several thousands of dollars are necessary before anyone can hope to have an exit visa approved. Such payments have apparently been made.[2] It is also thought by observers that for Jews and Germans, the Israeli and Federal Republic governments pay Roumania some kind of per capita fee.

There are several other categories of curbs on the emigration process designed to make it difficult. Paperwork required by the Government to clear housing, schools, or work involves bureaucratic processes which in East Europe are notorious for problems and delays. There is also the knowledge that reentry to Roumania will be difficult if the emigration does not work out. Also, an emigrant usually can take nothing out with him but clothes and a few personal possessions. These bars also include such items as currency, government documents and certificates, that may prove one's status in a profession, or level of education. Any property left behind by emigrants is appropriated by the state, and there are regulations to prevent the sale of small agricultural holdings prior to emigration. Once out of the country, the emigrant is faced with the stark prospect of starting from the very beginning. In sum, there are many factors making emigration difficult beside the normal ones that accompany any decision to leave ones native country and live in a foreign one.

Evaluating Roumania's emigration for purposes of considering extension of most-favored-nation trade status as provided by the Jackson-Vanik amendment to the Trade Act

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Footnotes at end of article.

of 1974 calls into play mixed feelings. In testimony before the House Ways and Means Subcommittee on Trade on May 7, 1975, the Department of State discussed the restrictive nature of past Roumanian policy, but feels the case for Roumania should improve dramatically in future months. Talks have apparently been held with Roumania representatives on many levels, and the Department of State feels that the Roumanian Government fully understands the elements involved.

Department of State optimism is also based on the Roumanian Government's past record of flexibility on emigration in relation to foreign policy goals. The Department also feels that Roumanian authorities are accelerating approval of emigration requests, beginning with a policy change in May 1975. An officer at the Department's Roumanian Desk stated that recent cases approved by the Roumanians for visas were considered difficult ones for the Roumanians, and this fact further encourages Department of State expectations of progress. Through mid-June 1975, however there are insufficient figures to support such a claim, and no public presentations of an opposite point of view have been advanced.

EMIGRATION OF JEWS FROM ROUMANIA

Emigration from Roumania since World War II falls into several categories relative to the ease with which the peoples concerned gained exit. On the one hand is the successful emigration of many thousands of Jews at various times during this period. Also meeting some limited success are other Roumanian citizens who have been able to emigrate to join relatives abroad and ethnic Germans migrating primarily to the Federal Republic of Germany. On the other hand, emigration generally has taken place in the context of official Roumanian Government emigration policy which is very strict, and has been similar to that of Bulgaria or Czechoslovakia since 1968. The strictly orthodox Communism followed by the regime in Roumania and the absence of internal means of exerting pressure to liberalize policy there, has meant that emigration from Roumania has become related in a large way to foreign policy interests of the Roumanian Government. The Emigration of Jews and Germans from Roumania is a particular case in point, as will be seen below. For the general Roumanian population, however, including a Hungarian minority of over 1.5 million out of a total population of 20 million, there is currently no practical possibility of legal emigration.

Except for the Soviet Union, Roumania has the largest Jewish population in any Eastern European country. Estimates of the current Jewish population remaining in Roumania range from 70,000 to 120,000 or even more. The figure of 70,000 was given in testimony to House Ways and Means Subcommittee on International Trade hearings on Roumania in May 1975. A figure of 100,000 has been commonly cited in the press, and has also been attributed to Rabbi Moses Rosen, recognized as the leader of the Jewish community in Roumania. However, some expatriate Roumanians would not consider reliable any figures given by Rabbi Rosen because of his close association with the Roumania Government in whose interest it would be to minimize the numbers. Another case in point is a census in 1956 that placed the Jewish population in Roumania at 146,000. One observer of Roumanian affairs felt that the Government in the mid-1950s was incapable of conducting an accurate census, and that the figures were estimated, or invented by the census office. Other writers have noted that this census figure of Jewish Roumanians was too low, and expressed the opinion that many Roumanian Jews declared Roumanian nationality in order to protect themselves.[3] In sum, one can only say that popular belief sets the number of Jews in Roumania near 100,000.

According to some sources, Roumania's pre-World War II Jewish population, estimated to be nearly 800,000, was reduced to approximately 400,000 by war's end by territorial adjustments and Nazi genocide.[4] The acceptance of this 400,000 figure and the 100,000 figure for the present estimate of Roumania's Jewish population would imply that about 300,000 have emigrated. These figures are most often cited regarding Roumania's past emigration record. They are apparently consistent with reports of that large a number of Israelis who claim Roumanian origins. Other sources, however, estimate that the post war Roumanian Jewish population was much larger. During World War II the Jews in the territory of the Old Kingdom of Roumania were protected in large part from extermination, which leads to an assumption that Roumania served as a haven for East European Jews attempting to escape Nazi anti-semitic policy. Some think Roumania's post-war Jewish population could have remained as high as 800,000 and many of the Israelis who are reported of Roumanian extraction may have only been there during the war, or just made their way to Palestine by way of Roumania in the post-war confusion. Conclusive data for past and present Jewish population figures are not available, but it is known that a large migration of Jews from Roumania to Palestine did take place.

This large scale emigration occurred in two distinct waves. Immediately after the war, perhaps as many as 47,000 illegally left Roumania for Palestine, followed by a further 100,000 to 120,000 who left from 1948 to 1951 with Roumanian Government exit visas for the new state of Israel. This flow stopped when the Roumanian Government aligned itself with a change in the Soviet Union's policy toward Israel. Emigration to Israel was not permitted again until 1958. Internally, Roumanian Zionist leaders were suppressed.

The second wave began in September 1958, but was interrupted in February 1959 after approximately 20,000 had left.[5] The resumption of emigration in 1958 had probably been due to the Roumanian Government's efforts to separate its foreign policy from the Soviet Union's and lessen Soviet influence over Roumania and the Roumanian Communist Party. The interruption in 1959 was due to international pressures on Roumania from the Soviet bloc and Arab countries, plus the Roumanian Government's own reaction to a greater amount of publicity than desired about this emigration. It should be noted that at this time it became more difficult to measure the emigration to Israel because the Israeli Government ceased to publish immigration figures, most likely because emigration to Israel was becoming a very sensitive issue. Roumania did resume emigration in the early 1960s, and 35,000 Roumanians are reported to have made their way to Israel from 1961 to 1965.[6]

The record of emigration to Israel over the last decade is even less clear. The Mideast War of 1967 seriously damaged Israeli relations with most Communist countries. However, in a manifestation of independence from the Soviet Union, Roumania refused to sign a joint declaration condemning Israeli aggression at a summit meeting of Communist countries in Moscow in 1967, and maintained diplomatic relations with Israel. It would seem that discussions between the two countries on emigration would have continued. A source at the Department of State stated that through the late 1960s, Roumanian emigration to Israel may have been seven, eight, or nine thousand per year. But, an article by Jack Serkoff of the London Observer published in the Washington Post on January 6, 1974, stated that emigration to Israel had been severely restricted since the 1967 war, and at the time of his writing, Roumania had virtually stopped emigration to Israel. This report, it should be noted, came after the October 1973 War in the Mideast. A lower estimate of 2,000 per year for emigration to Israel was also included in a Washington Post story covering Israeli Premier Golda Meir's visit to Bucharest in May 1972.[7] Although there was no official mention of it, emigration most likely was discussed during this visit, and it is conceivable there have been agreements between the two governments. Payments from Israel to the Roumanian Government may be involved, but again, like the emigration figures, or existence of specific agreements, this cannot be substantiated. In 1974, however, an apparently agreed upon figure of 3,500 emigres has been made available by the Israeli Government. This more definite number may have been made public by the Israeli Government because it regards the figures as unacceptable, and wants to call attention to the rate of emigration now that it is being discussed by the United States and Roumanian Governments.

Witnesses testifying before the Senate Finance Committee on June 6, 1975, on U.S. Roumanian trade relations discussed the numbers of Jews who want to leave. Charles H. Kremer of the Roumanian-Jewish Federation of America and Rabbi Israel Miller, Chairman of the Conference of Presidents of Major American Jewish Organizations, cited respectively figures of 30,000 and 30,000 to 40,000 that want to leave for Israel. Again, these figures are not based on hard data, such as requests for passports. It can only be said for certain that many Roumanian Jews, as many Roumanians in general, would probably leave if free emigration were available.

ETHNIC GERMAN EMIGRATION FROM ROUMANIA

One estimate of Roumania's ethnic German community placed it at 387,000 in 1966, while the official Roumanian Government census for 1966 listed it at 382,595.[8] This population includes two main groups whose origins date from the 12th and 18th centuries. There may also be smaller numbers of Germans who came to Roumania in the 20th century, and were "caught" there. Members of this community have sought to emigrate, particularly to the Federal Republic of Germany, also attractive because of its advanced economy, and their desire to emigrate has been discussed by representatives of the two countries.

Important exchanges on emigration probably occurred during negotiations on Roumanian-Federal Republic diplomatic recognition effected in 1967. In August 1967, then Foreign Minister Wily Brandt visited Roumania as part of this process, and it appears some emigration of this nature may have subsequently taken place, but its significance is uncertain. Doubts are raised by a Reuter press agency report in the London Times, February 22, 1971, revealing that President Ceausescu told a rally of German-Roumanians in Bucharest that the Government would "not allow the German minority to leave the country." The Reuter report intimated that no real progress had been made on this issue, despite the earlier discussions, which it claimed involved a figure of 60,000 potential emigres.

Press reports of a state visit to the Federal Republic by President Ceausescu in June 1973 also indicated that emigration of Germans from Roumania was discussed, but no official reports of any agreement on the issue were made public.

Such an agreement may exist, however. A recent article in the New York Times stated that "about 8,000 Germans a year are be-

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Footnotes at end of article.

lieved to leave Roumania."[9] A State Department official at the Roumanian desk also stated the 8,000 to 9,000 Germans reportedly left Roumania in 1974.

An attempt to substantiate these figures through German sources has thus far not been successful. A Statistical Yearbook for the Federal Republic of Germany has a table enumerating the number of Germans and others entering and leaving the Federal Republic from Roumania, but the table does not indicate if these represent permanent immigration or temporary visits. The totals for Roumania do indicate a marked increase in the period 1968 through 1972, the last year for which figures are available, compared to figures for 1963 through 1968. (See Table I). The increased totals may indeed reflect a rise in permanent immigration from Roumania, or they may just reflect a natural increase of movement due to greater Roumanian-German contacts through improved economic and political relations.

TABLE I.—*Emigration from Roumania to the Federal Republic of Germany**

	Germans	*Foreign or stateless*	*Total*
1963	879	461	1331
1964	505	528	1033
1965	1702	1250	2952
1966	295	650	945
1967	286	824	1110
1968	367	2181	2548
1969	1452	4798	6250
1970	3239	5948	9187
1971	1462	6155	7617
1972	2287	7361	9648

*SOURCE.—Statistisches Jahrbuchs fur die Bundersrepublik Deutschland, Years 1965 through 1974.

A U.S. Department of State spokesman gave a figure for 1974 of 8000 to 9000 for Roumanian emigration to Germany. The New York Times on April 26, 1975 also cited a figure of 8000.

EMIGRATION FROM ROUMANIA TO THE UNITED STATES

Emigration from Roumania to the United States is also an area of concern, but figures to define the problem are either lacking or difficult to interpret. In addition, there is no way to tell accurately how many Roumanians who want to come to this country are prevented from doing so by Government refusal to consider their applications, or other indirect pressures.

Even the figures supplied by U.S. Government agencies are sometimes hard to interpret. What statistical information is available indicates that the numbers involved are small, but there has been a continuing entry of Roumanians to the U.S. since World War II. The Immigration and Naturalization Service publishes a table entitled "Immigrants Admitted by Classes under the Immigration Laws and Country or Region of Last Permanent Residence." It shows the number of persons in any given year whose status if already present in the U.S. was adjusted to permanent immigrant, or who were actually admitted to this country as a permanent immigrant. Table II gives the totals for the years 1945 through 1974. As can be seen, the totals have increased in recent years, but this table does not show how many actually left Roumania directly for the U.S. in each year shown. Still, each individual listed on the table, did at some point in the past enter the U.S. from Roumania.

The number of immigration visas granted by the U.S. Embassy in Bucharest is another indication of how legal emigration from Roumania to the U.S. is progressing. (See Table III) However, these figures may give an incomplete picture. For example, Rev. Florian Galdau of the American Roumanian Committee for assistance to Refugees stated in testimony to the Senate Finance Committee on June 6, 1975, that 28 Roumanian refugees entered the U.S. from Roumania since January 1975 with the intention of staying, but had come as tourists or in some other way without legal Roumanian emigration visas.

TABLE II.—*Immigrants Admitted by Classes Under the Immigration Laws and Country or Region of Last Permanent Residence, Year Ended June 30, 1945–74**

1945	77	1960	280
1946	19	1961	176
1947	93	1962	135
1948	273	1963	126
1949	155	1964	287
1950	155	1965	434
1951	104	1966	241
1952	34	1967	179
1953	23	1968	214
1954	7	1969	266
1955	25	1970	472
1956	83	1971	687
1957	152	1972	354
1958	114	1973	1106
1959	217	1974	1184

*SOURCE.—Annual Reports, Immigration and Naturalization Service, U.S. Department of Justice.

TABLE III.—*U.S. Immigration Visas Granted by U.S. Embassy in Bucharest, Roumania for Fiscal Years 1965–1974**

1965	274	1971	357
1966	104	1972	511
1967	19	1973	269
1968	27	1974	629
1969	154	1975**	286
1970	372		

*SOURCE.—Roumanian Desk, Department of State. These visas are for permanent residence in the United States and do not include temporary stays.

**FY 1975 figure up to June 18, 1975.

Receiving the visas is no guarantee that a Roumanian will leave, but because it is one of the final steps in the emigration process, it should represent pretty closely the number of Roumanians who are able to come to the U.S. Furthermore, there has not been any public outcry about cases of Roumanians who get their visas and then are denied exit by the authorities. One final note of caution, those who receive a visa may choose in the end not to leave, or may wait too long and have to be reissued a new visa.

Most of this emigration to the U.S. is connected with reunification of families and relatives. The Department of State confines its representations to the Roumanian Government to cases where the Roumanians concerned have ties in the U.S. and should qualify for a U.S. entry visa. In testimony before the Senate Finance Committee on June 6, 1975, Rev. Galdau stated that his committee has recently submitted three lists to the Department of State of family reunification problems to be conveyed to the Roumanian Government. On the first list of 50 persons, submitted in 1970, 39 arrived in the U.S. On the second list of 104 submitted in 1973, 31 arrived, and on the third of 54 submitted in 1974, none have arrived. Rev. Galdau does not make it clear whether the same names have appeared on all these lists. If this is the case, then it could be expected that the "hardest" cases for the Roumanian Government to let go would be those left on lists as they are progressively submitted, and the prospects of favorable action diminish accordingly.

CARLO LA PORTA,
Analyst in International Relations,
Foreign Affairs Division.

JUNE 25, 1975.

FOOTNOTES

[1] Stoicoiu, Virgiliu. Senior Legal Specialist, European Law Division, the Library of Congress.

[2] See testimony before the Senate Finance Committee Hearings on June 6, 1975, as yet unpublished.

[3] Mately, Ian M. Romania, A Profile. Praeger, New York [1970] p. 188.

[4] Lendvai, Paul, Anti-Semitism in Eastern Europe. Macdonald and Co., London/1971/p. 25.

[5] Lendvai, op. cit. notes some sources placing the emigration at twice this figure. p. 375, footnote 77.

[6] Lendvai. op. cit., p. 344. Lendvai cites these figures from "unimpeachable Jewish sources in Vienna."

[7] Morgan Dan. No New Initiatives on Mideast seen as Meir Visit Ends. Washington Post, May 7, 1972.

[8] Mately, op. cit. p. 185.

[9] Kamm, Henry. Diverse Balkan Mood Persists in Roumania's City of Timisoara. New York Times, April 26, 1975.

Mr. JAVITS. This is an attempt, Mr. President, to analyze the pattern of emigration from Romania. It concludes that there is generally a population in Romania of somewhere between 100,000 and 146,000 as the best estimate currently. There is also an assessment which is, I think, very important, that some 30,000 to 40,000 want to leave for Israel, according to the best figures which it is possible to ascertain from various sources and authorities which are stated here. It generally speaks in terms of something like a figure of, in 1974, for example, 3,500 emigre places or slots made available by the Israeli Government.

In any case, Mr. President, the amount, the absolute amount, seems to be pretty well ascertainable as to what ought to happen here by way of criteria for the United States in respect of the administration of this particular trade law, which contains the Jackson amendment.

Mr. President, it seems to me, who had joined with Senator RIBICOFF and Senator JACKSON in the development of that amendment and its final establishment in law, that this represents a critically important development in the moral issue which is represented by the Jackson amendment and upon which Congress has taken such a very, very admirable stand.

Mr. President, I close by saying that when, with 14 of my colleagues, I was in the Soviet Union—and that group included Senator RIBICOFF, who behaved so very admirably on those occasions—one thing that impressed the Soviets is that we are not a mercantilist nation in terms of trade exclusively, that we have deeply held and cherished convictions about individual freedom and about the way in which an honorable and decent society ought to be run and against the persecution and oppression of those who would be reunited with their families, or otherwise wish to leave a land which they consider to be inhospitable to them in terms of their own feelings and their own views. That the United States would make a moral judgment such as is made in the Jackson amendment and show the moral capability to stand by it, notwithstanding the effort to seduce it away from that doctrine by claims of profit or alleged claims of trade—this was a very, very admirable and proud position upon which we were a unit in terms of a highly diverse group of Senators geographically and sectionally in the United States, and bipartisan group in the Soviet Union.

Mr. President, one of our members said that the quality which that reflected made him extremely proud to be an American. That is the spirit in which, today, Mr. President, I say the same thing and affirm my support of the action taken with a Communist nation, but one which is showing an effort to meet the high moral judgment which has been made by the United States in this Jackson amendment—rather than to fight against it, to screw down, as the Soviet Union has done, the numbers to very, very small figures in order to demonstrate that it is a failure, et cetera.

Romania is meeting the issue, endeavoring to make its human practices in terms of human rights equal to a moral judgment which the United States has rightly made. I consider that to be an admirable example and, for those reasons, Mr. President, I shall support the approval of this agreement.

I thank my colleague for yielding.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. CURTIS. Mr. President, I yield myself such time as I might require.

I rise in support of Senate Concurrent Resolution 35. This resolution provides for congressional approval of the Agreement on Trade Relations between the United States of America and the Socialist Republic of Romania, and the extension of nondiscriminatory tariff status—MFM—with respect to the products of the Socialistic Republic of Romania.

This resolution is the first opportunity that the Senate has had to review a procedure written into the Trade Act of 1974 providing for Congressional review of trade agreements.

The Trade Act authorized the President to extend most-favored-nation—MFN—trade status to countries whose products do not currently receive such treatment. These countries are Communist nations with the exception of Poland and Yugoslavia.

The act authorized the President to enter into a bilateral trade agreement providing nondiscriminatory treatment to the products of countries heretofore denied such treatment. The proclamation implementing such agreement shall take effect only if approved by Congress by the adoption of a concurrent resolution of approval.

The President must determine that such agreement will promote the purposes of the act and are in the national interest. In addition, the act provides that the President must determine that such country entering into agreement does not deny its citizens the right or opportunity to emigrate. The President is authorized to waive this requirement if he reports to Congress that such waiver will substantially promote the objective of freer emigration and he has received assurances that the emigration practices of such country will lead substantially to free emigration.

The President by letter to the Congress dated April 4, 1975, submitted a copy of a Proclamation extending nondiscriminatory treatment to the products of the Socialist Republic of Romania. The President also enclosed the text of the Agreement on Trade Relations between the United States and Romania which was signed on April 2, 1975.

The Finance Committee held several days of hearings on Senate Concurrent Resolution 35 and unanimously reported the resolution to the Senate and concluded that the agreement serves the best interests of the United States.

Article I of the agreement contains a provision for granting most-favored-nations treatment to U.S. imports from Romania. In addition to MFN treatment the agreement encourages expansion of trade and envisions that total bilateral trade in comparison with the period 1972–1974 will at least triple over the initial 3-year period of the agreement. It also provides safeguards in the form of consultations between the parties in the event that imports cause or threaten to cause market disruption, and permits either party to impose its own restrictions on imports to prevent or remedy domestic market disruption. Further, under the agreement, private U.S. firms are permitted to open offices in Romania, to deal directly with buyers and users of their products in Romania, and to advertise and conclude contracts within the country. Romanian firms and economic organizations are accorded the same treatment in the United States. Other typical commercial provisions of the agreement relate to financial transactions, to ports and navigation, to settlement of disputes, and to governmental commercial offices.

Mr. President, let me briefly explain certain of the factors which led the Finance Committee to approve Senate Concurrent Resolution 35.

There has been a dramatic shift in our relationship with Romania since the implementation of the Trade Agreements Extension Act of 1951 which withdrew MFN status for Romania. Beginning in 1960, an agreement was signed providing for the partial restoration of U.S. property claims. This was followed by the revision of export control procedures and the upgrading of respective diplomatic establishments to status of embassies. We have since signed agreements concerning protection of U.S. citizens' property rights in Romania, a civil air pact, and a tax convention.

Paralleling the improvement in United States-Romanian relations have been the steps taken by Romania to become a full member of the international community. It has sought and obtained membership in GATT, the IMF and the World Bank. These initiatives can be taken as clear evidence of an effort on Romania's part to establish an independent foreign and economic policy which has resulted in continued friendly diplomatic and economic relationships with Western countries, including Israel.

Turning to purely economic considerations, the balance of trade with Romania since 1966 has been running heavily and consistently in favor of the United States. Every year we have exported over twice as much as we have imported from that nation. Further, these exports have been rising steadily in value. Nevertheless, in 1973 our exports of Romania amounted only to 4.2 percent of the Romanian market while our nonsocialist competitors enjoyed nearly 50 percent of the total market. Mr. President, it is important to note that virtually all of these competitors have extended MFN status to Romania and we now run the risk that Romania will purchase increasingly more from these competitors unless we can offer nondiscriminatory treatment. At a time when major trade deficits are an international problem and when the U.S. employment situation is of vital concern this Nation has an interest in extending MFN treatment and increasing our share of the Romanian market.

Mr. President, the Finance Committee is convinced that the administration has negotiated a satisfactory basis for putting our commercial relations with Romania on the same footing as we have previously accorded over 80 nations of the world.

Finally, Mr. President, by granting MFN treatment and agreeing to the Trade Agreement, the United States would exercise its option of differentiating among state-trading countries based on their willingness to cooperate with the United States in solving international problems.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. TAFT. Mr. President, will the Senator yield me 3 minutes?

Mr. CURTIS. I am happy to yield to the distinguished Senator from Ohio 5 minutes.

Mr. HELMS. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. TAFT. Yes.

Mr. HELMS. Mr. President, I ask unanimous consent that a member of my staff, Dr. James P. Lucier be granted the privileges of the floor during the discussion of the pending business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TAFT. Mr. President, I support the measure that is before us today in the bilateral commercial agreement to grant most-favored-nation status to Romania, and I commend the progress that has been made in arriving at this point. I think it is important.

There is a minor item I want to bring up here today because I think the Senate ought to know about it. It was mentioned in the testimony before the House of Representatives committee on the subject when this measure was before that committee, but it relates to the Hungarian minority in Romania.

That Hungarian minority, as I understand it, numbers somewhere between 1 million and a million and a half. It is in the Transylvanian part of Romania, and the American-Hungarian organizations with whom we have been in touch have expressed concern, and I think there has been some concern expressed within Romania itself, for the protection of certain rights of that Hungarian minority within Romania.

This is not an emigration situation such as we have seen in our discussions with the Soviet Union and its Jewish population. It is sort of a situation which really is anomalous.

The minority, the Hungarian minority, in Romania, uses its own language, and the fear is that unless the Romanian Government continues to give certain assurances that the language sections within the school system of Romania will not continue to take into account the Hungarian minority so far as their language is concerned.

There is also a fear in business transactions and legal transactions that the Hungarian language may be phased out and no longer permitted to be used.

The other factor is the necessity of the Hungarian church, where their religion is also somewhat different from some of the Romanians, and their desire to continue to receive in the Hungarian church donations from outside of the country.

All of these factors are of deep concern, and have been taken up with the State Department. The State Department, I am happy to say, has indicated its concern for the protection of these minorities and its intention to continue to work with and urge the Romanian Government to respect these rights of the minorities within Romania.

I bring it up here today because I think the Senate ought to understand that, too, and that we in Congress, as well as our State Department, should be concerned with continuing to protect the rights of these minorities and continuing to exercise a degree of oversight with any nation with whom we have a most-favored-nation status as to the rights of their minorities within those countries.

Mr. President, I yield back the remainder of my time, and I thank the distinguished Senator for yielding me his time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. LONG. Mr. President, unless there is further request for time I am prepared to yield back the remainder of my time.

Does the Senator from North Carolina desire some time?

Mr. HELMS. Twenty minutes at the outset.

PRESIDENTIAL CERTIFICATION OF SECTION 409 OF THE TRADE ACT OF 1974

Mr. HELMS. Mr. President, on July 10, the Finance Committee reported the trade agreement between the United States and the Socialist Republic of Romania. This was the first such agreement negotiated pursuant to the Trade Act of 1974, an act which provides privileged consideration and shuts out any amendments to resolutions approving or disapproving the trade agreements negotiated thereunder.

We are therefore faced with a situation in which the Senate either has to swallow the agreement whole, or vote against it. The act provides no alternative for Senators who may be disturbed by parts of the agreement, or the circumstances under which it was negotiated.

In particular, the act provides no alternatives for Senators who are concerned about the relationship between economic and political issues in the agreement. It is all very well to say that it is a purely economic measure, for the encouragement of trade. But in the context of trade with nonmarket countries, encouragement of trade becomes a moral issue. Trade must, in this Senator's humble opinion, be tied to the improvement of political circumstances, particularly those bearing upon human rights. It is difficult to see the benefits of trade when those benefits are obtained from the labor of those who are not free to enjoy the ordinary rights of liberty and property. We are not a nation that condones the reaping of the fruits of injustice.

This is the reason why the rights of free emigration are so important to any trade agreement that we negotiate with a nonmarket country. Presumably, there is no nonmarket country that will revolutionize its entire system, restore the rights of property ownership so essential to the freedom of the individual, and throw off Communist ideology just for the sake of trade. But we can demand steps that will lead to an improvement of the system under which the citizens of those countries must live. The most important step is the right of free emigration, without intimidation and harassment. Such a right provides an alternative to the oppressed citizen; if we cannot provide alternatives within the system we should provide the alternative of leaving the system.

A desire to emigrate is, of course, an implied criticism of the system. It is understandable why Communist ideology fears allowing any alternative to its citizens; but this alternative is more palatable than one that demands internal changes. It may be that if many citizens chose the alternative of leaving, then the Communist system will have to make some internal changes to accommodate. But that is not our immediate concern. Our concern should be to make sure that this alternative exists. It is a reasonable quid pro quo for trade, in the judgment of the Senator from North Carolina.

It was for this very reason that the Trade Act of 1974 was held up for many months, until an understanding could be reached on emigration from nonmarket countries. This was embodied in section 402 commonly known as the Jackson amendment, and in section 409, the so-called Helms amendment.

Now it is crucial to understand the difference between the two amendments. The Jackson amendment applies to all those who wish to emigrate from nonmarket countries. That means it applies to all, no matter what their destination. As a practical matter, it also means that the pool of potential emigres is conceivably quite large; it also means that permission to emigrate to a totalitarian country. It is very difficult to check whether the government, in a state which controls all major life decisions of its citizens, in effect decides who can go and who cannot.

My amendment differs in that there is an objective criterion setting up a smaller pool of potential emigres—the emigrant must have a very close relative living in the United States. While the Jackson amendment aims more broadly, the Helms amendment in a sense is a lesser demand. It only asks to help close relatives of those living in the United States. It should be easier for a totalitarian government to grant such a point, particularly as a quid pro quo for trade with the United States. It is more logically tied in.

But in another sense, the close-relative criterion provides a self-enforcing mechanism. We cannot police what happens all over the world, but close relatives living in the United States can easily monitor what is happening to their families in nonmarket countries. They have the strong motivation to do so, and they can set in motion the necessary pressures to allow the person involved to emigrate.

But its implementation really depends upon the amount of moral force that we apply. We cannot sidestep the issue every time commercial interests see a chance to make a few dollars at the expense of freedom, or when ideologues who demand détente at the expense of freedom see a chance to make major concessions for political reasons.

That is why it is very disturbing to see that the very first time the trade act is used for a nonmarket country, the President of the United States chose to exercise his power to waive sections 402 and 409. The waiver, as my colleagues will recall, was written in as a so-called compromise so that the President could implement trade agreements if he determined that progress was being made to the goal of free emigration, even though free emigration had not yet been achieved in actuality.

It was because of the waiver on section 402 that I offered section 409 as a minimum position. If we could not get the whole pie without a waiver, then we should at least get privileges for close relatives of Americans without a waiver. In other words, we could accept promises and hopes for the larger group consisting of all who wished to emigrate, but we should demand hard concessions for close relatives of Americans. Unfortunately, in a parliamentary maneuver taken without informing me, section 409 was brought under the waiver also, contrary to the intention of the Senate in passing 409, and as a consequence a major step forward was lost.

It is very discouraging that the President saw fit to use the waiver on the very first time that our determination was tested. As the Members of this body are aware, the Presidential determination that a waiver was in the best interests of the Nation was sent down without any significant performance at all on the part of the Socialist Republic of Romania to remove harassment from those wishing to emigrate. This happened when it appeared that the treaty might fail because many Senators objected to Romania's emigration performance. When the future of the agreement came into doubt, the administration postponed its testimony before the Finance Committee for a month, while Romania hurriedly granted a great number of exit permits.

Mr. President, at that hearing, the Assistant Secretary of State for Eastern European Affairs, Arthur A. Hartman, said:

> There are only a few cases of divided family members and dual nationals who have indicated a desire to come permanently to the U.S. . . . Since this Trade Agreement was sent to Congress we have seen encouraging signs that the Romanians are seeking earnestly to solve the family reunification problems that concern us. They have approved the passport applications of a substantial portion of the several hundred people

I referred to earlier who want to join their families in the U.S.

Now this statement by the Assistant Secretary was offered as evidence that Romania is not intransigent on the emigration question. However, I find it a very damaging admission by Secretary Hartman. He actually admits that these "encouraging signs" came only after the Trade Agreement was submitted to Congress, that is, after it ran into troble. In other words, it is just a desperate gamble by Romania that the Senate can be impressed by a little whitewash.

The second point is that the best that Secretary Hartman can say is that "they have approved the passport applications of a substantial portion of the several hundred people" who want to get out. Now if it is true that there are only several hundred people who want to get out, then it seems to the Senator from North Carolina that Romania could get out a little more whitewash and give passports not only to "a substantial portion" but to all of the "several hundred" who want to get out. If so many hundreds have been given in the past 4 or 5 weeks, then there is no reason why all who have applied should not be given passports either.

Yet I have the nagging suspicion in the back of my mind that the Secretary is quibbling when he indicates that the problem is a small one, and that there are only several hundred in Romania who want to join their families in the United States. I suspect that the true picture is that there are only several hundred who have had the courage to apply in view of all the kinds of harassment and discrimination that such applicants face.

There are undoubtedly thousands who want to get out, but have given up hope of getting out and have never applied. And section 409 is intended to apply not only to the mere granting of passports and exit permits, but also to the various forms of intimidation and harassment that discourage people from applying for passports and exit permits.

I submit therefore that Mr. Hartman's explanation is insufficient to guarantee that Romania is not violating the human rights of those who wish to join their families in the United States. The President has waived section 409 without sufficient assurances. I believe that the Senate should want a little more from the President in the light of his past actions on this matter.

Now as I mentioned earlier, the vote on the Romanian Trade Agreement is an up and down vote with no amendments permitted. We have no alternative but to vote yes or no on the agreement as it stands. But there is one thing more that we can do: We can inform the President that it is the sense of the Senate that the President certify to Congress that he will use the authority he has under section 402(c) (3) to terminate the waiver of sections 402 and 409 when the Socialist Republic of Romania engages in any of the acts of harassment against close relatives as described in paragraph (1), (2), or (3) of section 409(a). In other words, the President would reassure us that he will terminate MFN the moment that Romania begins any harassment against close relatives, and not wait until the time comes for the agreement to be extended. We want the President to hold Romania's feet to the fire. We want assurances that he will exercise his authority, and not let Romania get away with the practices enumerated.

That is all my resolution does. It merely expresses the sense of the Senate. It has no legal, binding authority over the President. Naturally, it does not amend the resolution of approval of the Romanian agreement, nor does it affect the Trade Act itself. It merely demonstrates to the President that the Senate wants him to use the authority already granted to him, if certain objective conditions warrant. However, this resolution is required by the present circumstances, in which the President has used the waiver without due cause and has not carried out the intent of Congress. All that we are doing is sending a message to the White House that the interest of the Senate in improving the lot of human freedom is not a passing fad.

I thank the Chair.

Mr. CURTIS. Will the Senator yield for a question or two?

Mr. HELMS. I am delighted to yield.

Mr. CURTIS. The resolution of which the Senator speaks is the sense of the Senate, is that correct?

Mr. HELMS. That is correct.

Mr. CURTIS. While it refers to the fact that Senate Concurrent Resolution 35 should not be approved until these conditions are met, nevertheless it is presented at this time where it is understood the vote on the resolution will come first.

Mr. HELMS. That is correct.

Mr. CURTIS. So what it amounts to is a resolution declaring the sense of the Senate that the spirit and intent of section 409 of the Trade Act of 1974 be carried out, is that correct?

Mr. HELMS. That is correct.

Mr. CURTIS. In other words, it amounts to a reaffirmation of our belief not only in the freedom to emigrate, but in the special claims that individuals have where families are separated. Is that correct?

Mr. HELMS. The Senator is correct.

Mr. CURTIS. Will the passage of this resolution in any way interfere with the terms of the trade agreement that has been entered into?

Mr. HELMS. Not in the judgment of the Senator from North Carolina. It simply conveys to the President of the United States the sense of the Senate, that he should exercise the authority that he already has.

Mr. CURTIS. The trade agreement that is to be approved here is an agreement that was entered into pursuant to the terms of the Trade Act of 1974?

Mr. HELMS. That is correct.

Mr. CURTIS. And part of that Trade Act was section 409 and section 402 relating to emigration.

Mr. HELMS. The Senator is correct.

Mr. CURTIS. This resolution expresses the sense of the Senate that the position of the U.S. Senate is still the same as it was when the Trade Act of 1974 was passed, is that correct?

Mr. HELMS. That is correct, in terms of the Helms amendment to which I referred earlier.

Mr. CURTIS. In the opinion of the distinguished Senator from North Carolina, section 409 of the Trade Act of 1974 compliments and reinforces section 402, does it not?

Mr. HELMS. That was the intent of the section, I would say to the distinguished Senator.

Mr. CURTIS. In other words, individuals who would benefit by 402 have a greater protection in the added impetus it gives to their cases if they fall under the category of section 409, separated families, is that correct?

Mr. HELMS. I would judge that to be entirely correct, I would say to the Senator from Nebraska.

Mr. CURTIS. Mr. President, it is my hope that the resolution of the distinguished Senator will not only pass but that it will pass by a strong vote because it declares a very fundamental principle of human liberties. It does not disturb what commercial interests are trying to work out. It merely says, "Let us do this in accord with the Trade Agreement Act of 1974."

I commend the Senator.

Mr. HELMS. I thank the Senator, who is a cosponsor of this sense of the Senate resolution.

I would reiterate, Mr. President, that this resolution addresses itself to a moral issue which the Senate of the United States will avoid at its own peril.

Mr. President, I think I am prepared to let this matter be considered on a voice vote.

I ask unanimous consent that we consider it now.

Mr. RIBICOFF. Mr. President, I would hope that the Senator would ask for the voice vote on his resolution after the rollcall vote on the pending business.

Mr. HELMS. Very well, that is fine.

Mr. LONG. Mr. President, I ask unanimous consent to have a voice vote now on the Helms resolution.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

SENATE RESOLUTION 219—RESOLUTION RELATING TO SECTION 402(C) (1) (3) OF THE TRADE ACT OF 1974 PERTAINING TO TERMINATION OF ANY WAIVER UNDER SUCH ACT TO THE SOCIALIST REPUBLIC OF ROMANIA

The Senate proceeded to consider the resolution (S. Res. 219) relating to section 402(C) (1) (3) of the Trade Act of 1974.

Mr. HELMS. Mr. President, I send to the desk an amendment to my resolution.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 1, line 1, after the word "that" where it appears the second time, strike all down through and including the word "until" on line 7; and on line 7, after the word "President" strike the word "certify" and insert the words "should certify".

The resolution, as amended, is as follows:

Resolved, that it is the sense of the Senate that the President should certify to Congress that he will use his authority provided in section 402(c)(3) of the Trade Act of 1974 to terminate by Executive order any waiver granted under section 402(c)(1) of such Act to the Socialist Republic of Romania when the Socialist Republic of Romania engages in any act or practice described in paragraph (1), (2), or (3) of section 409(a) of such Act.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution (S. Res. 219, as amended) of the Senator from North Carolina (Mr. HELMS).

The resolution, as amended, was considered and agreed to.

Mr. CURTIS. Mr. President, I move to reconsider the vote by which the Helms resolution was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNITED STATES-ROMANIA BILATERAL COMMERCIAL AGREEMENT

The Senate continued with the consideration of the concurrent resolution (S. Con. Res. 35) approving a bilateral commercial agreement between the United States and the Socialist Republic of Romania.

ADDITIONAL STATEMENTS ON SENATE CONCURRENT RESOLUTION 35

Mr. STONE. Mr. President, it is with a hopeful and optimistic attitude that I am supporting the granting of most-favored-nation status to Romania under the Trade Act of 1974. My support is solely based on the expectation that the Romanian Government will allow an increasing number of its citizens to emigrate in accordance with the provisions of the Trade Act. I am encouraged by recent trends in Romanian emigration figures. In June of this year 1,250 exit visas were approved by the Romanian Government. This class includes Romanians emigrating to the United States to join their families here, Romanian Jews emigrating to Israel, and Romanians of German descent emigrating to West Germany. Of these 1,250 visa application approvals, close to 400 were those of Romanian Jews seeking to go to Israel. To show you how this figure relates to actual departures, I have been informed that in May of this year only 50 Romanian Jews actually departed the country; whereas, in June, 211 actually departed, and this month there have been 343 Romanian Jews who have either arrived in Israel or have actually been booked on departing flights.

These figures reflect a gradual increase in the number of Romanian Jews who actually depart Romania. I am extremely hopeful and, in fact, am voting to grant Romania most-favored-nations status, with the full expectation that there will be an increased emigration rate which will correspond to, and be consistent with, the number of Romanian Jews and other citizens who make application to emigrate. While the increased number of departures, which I just reviewed, are encouraging, it is important that we view them in comparison to previous figures. Such a comparison clearly demonstrates that in the first 6 months of 1975 only 560 Romanian Jews have actually been allowed to emigrate; whereas, the total number of Romanian Jews emigrating in 1974—only last year—was 3,700, and the total of Romanian Jews allowed to emigrate in 1964 was 26,000. Compared to these past figures, 300 to 400 per month is not much at all, but I am very hopeful that approval by the Senate of most-favored-nation status will be reflected in a greatly increased number of actual departures of Romanian citizens which will correspond to the number of exit visas applied for.

So, in a nutshell, I am looking for results, not sophistry, because it will be necessary to see over 500 Romanian Jews leaving per month from this point on in 1975 just to equal the number of Jews who emigrated last year. And last year's total is only one-eighth of those who emigrated in 1964.

It is my understanding that the granting of most-favored-nation status to Romania would be in effect or the remainder of the waiver period under the Jackson amendment to the Trade Act of 1974—that is, 11 more months. If we see actual results in those Romanian Jews and other citizens who are allowed to emigrate, a number of actual departures which is consistent with those making application to emigrate, then I will vote to extend most-favored-nation status for another year. However, my vote is based on trust, and if that trust is breached, it will be my view, and I hope the view of every member of this body, to react as responsible representatives of the American people and our way of life and vote to immediately end this trade status which we call "most favored nation."

Mr. MONDALE. Mr. President, as a member of the Senate Finance Committee, and as a longstanding advocate of improved East-West trade relations in peaceful goods, I am especially interested in the pending commercial agreement between the United States and Romania.

During the hearing process and consideration of this agreement in executive session of the committee, my principal concern has been in connection not with the actual provisions of the agreement which, I believe, offer substantial mutual economic benefits, but rather with the performance of the Romanian Government on the crucial issue of human rights. It has been a widely shared view among members of the committee, and of the Senate as a whole, that neither the flow of emigrants from Romania during the first 5 months of 1975 nor the official and unofficial actions and statements of the Romanian Government were sufficient to justify the President's exercise of a waiver of the provisions of section 402 of the Trade Act of 1974.

Fortunately, there has been progress during the past 6 weeks that encourages me to believe that this problem is being resolved. On the important issues of the number of emigrants permitted to leave Romania, and on the reunion of families with relatives in the United States, there is evidence of improvement including an increase in emigration from an estimated 50 in May, to more than 200 in June, and a projected 350 or more for the month of July.

In view of the recent favorable developments, I intend to support Senate approval of the trade agreement with Romania. This is with the expectation that the current trend will continue and increase during the remaining 11 months covered by the waiver and that this progress will continue throughout the entire period covered, so that there will be a basis for favorable action on renewal when this issue comes up for consideration once again.

One of the reasons I have been particularly interested in strengthening U.S. commercial ties with Romania, relates to the independence shown by that country in its trade and other foreign relations with the nations of the West. It was in recognition of the importance of encouraging this independence that I first proposed the extension of most-favored-nation status to Romania several years ago, and pressed for eligibility for Romania as a developing country under the generalized system of tariff preferences when the Trade Act was under consideration by the Senate last year. The latest statistics show that, in contrast to other countries in Eastern Europe, most notably the Soviet Union, the Romanians are moving toward meeting the objectives of the Trade Act.

Mr. BENTSEN. Mr. President, I support the United States-Romanian trade agreement which I believe will be an important step toward improving economic relations between our two countries. I am pleased with the progress that has been made in the area of emigration from Romania and I am encouraged by the reported increase in emigrants from that country during the past few weeks. Indications are that over 1,000 exit permits were approved during June. I am sure that my colleagues in the Senate share my concern that these important signs of flexibility be reflected in actual departures in the near future.

I am hopeful that the Romanian Government will make a good faith effort to continue these encouraging trends in the months ahead in order to allow the Congress, at the expiration of the present agreement next year, to approve an extension of most-favored-nation treatment. I look forward to an expansion of trade with the Government of Romania and am convinced that this will lead to an over-all improvement in relations between our two nations.

Mr. CURTIS. Mr. President, I yield back the remainder of my time on Senate Concurrent Resolution 35.

Mr. LONG. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. MORGAN). All remaining time having been yielded back, the question is on agreeing to the concurrent resolution (S. Con Res. 35). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Delaware (Mr.

BIDEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Montana (Mr. METCALF), the Senator from Wisconsin (Mr. NELSON), and the Senator from California (Mr. TUNNEY), are necessarily absent.

I also announce that the Senator from Michigan (Mr. HART), is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) and the Senator from Arizona (Mr. GOLDWATER), are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. BARTLETT), is absent due to a death in the family.

The result was announced—yeas 88, nays 2, as follows:

[Rollcall Vote No. 330 Leg.]

YEAS—88

Abourezk
Baker
Bayh
Beall
Bentsen
Brock
Brooke
Bumpers
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Curtis
Dole
Domenici
Eagleton
Fannin
Fong
Ford
Garn
Glenn
Gravel
Griffin
Hansen
Hart, Gary W.
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Laxalt
Leahy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Mondale
Montoya
Morgan
Moss
Muskie
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Scott,
  William L.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Stone
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Williams
Young

NAYS—2

Allen
Buckley

NOT VOTING—9

Bartlett
Bellmon
Biden
Eastland
Goldwater
Hart, Philip A.
Metcalf
Nelson
Tunney

So the concurrent resolution (S. Con. Res. 35) was agreed to.

The concurrent resolution reads as follows:

Resolved by the Senate (the House of Representatives concurring), That the Congress approves the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Romania transmitted by the President to the Congress on April 25, 1975.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1976

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 8365, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 8365) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1976, and for the period ending September 30, 1976, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

The PRESIDING OFFICER. Time for debate is limited to 2 hours, to be equally divided between and controlled by the Senator from Indiana (Mr. BAYH) and the Senator from New Jersey (Mr. CASE), with 1 hour on any amendment, except an amendment to be offered by the Senator from Indiana (Mr. BAYH), on which there is a 3-hour limitation.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I ask unanimous consent that I be allowed to speak out of turn and that the time not be charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. NUNN. Mr. President, I appreciate the people who are handling this bill giving me a brief opportunity to speak. I shall be glad to put the remainder of my remarks in the RECORD at any time they are ready to get started on the bill. I do want to make a statement concerning the Voting Rights Act which passed last night.

Mr. ROBERT C. BYRD. Mr. President, I ask that the Senate be in order while the Senator is speaking.

The PRESIDING OFFICER. The Senators will take their seats. May we have order?

THE VOTING RIGHTS ACT

Mr. NUNN. Mr. President, I have worked diligently to pass amendments to the Voting Rights Act of 1965 which would make Federal protection of minority voting rights applicable throughout the Nation.

The opponents of expanding the bill to a nationwide approach argued that this would dilute the bill and render it unenforceable, which I do not agree with.

Mr. President, as we begin the Bicentennial celebration of our Nation's founding, I believe that it is important for all of us throughout the United States to demonstrate our unequivocal support for every citizen's right to vote regardless of race, color, creed, or language.

I also feel strongly, however, that we are 1 nation—not 2 nations or 7 nations or 15 nations. Every section of our country, including the State of Georgia and the South, should be subject to the same Federal laws.

I am deeply committed to the right to vote of all citizens. I also believe that all Federal laws should apply to all areas of our Nation—not just to the South. I worked all week in an effort to see that the final version of the Voting Rights Act embodied both these fundamental principles.

I am disappointed that the Senate rejected all efforts to extend the Voting Rights Act to our entire Nation. I particularly regret that the Stone-Nunn amendment failed by three votes, the Talmadge-Nunn amendment failed by 8 votes; the Stennis amendment failed by 20 votes and the Nunn amendment failed by 7 votes.

In spite of these disappointments, I am pleased by several developments. Senator RIBICOFF, of Connecticut, made an excellent statement demonstrating his sensitive concern for voting rights, as well as his deep commitment to one nation under one set of laws. A great number of Senators on several occasions demonstrated a commitment to apply this minority protection throughout our Nation. Senator TUNNEY, of California, the manager of the bill, who disagreed with me on many amendments, nevertheless, indicated several times his intention and commitment to me personally and to his colleagues to hold hearings to investigate the possibility of extending the act and making it equitable to all sections of our country.

In addition, although it is only a small step, this sentiment enabled the bill to be broadened to include language minorities in its protection. Also, the Senate demonstrated a degree of reason in adopting Senator ROBERT BYRD's amendment limiting the act to 7 years rather than 10.

I still have deep reservations about many provisions of this bill. I resent the undeniable fact that minorities are not protected throughout the United States as they are in the South.

The failure of this bill to reflect equality between States is a deep disappointment to me. As our Nation approaches its 200th birthday, we must demonstrate that the rights of minorities and the equal treatment of all sections of our great Nation are not incompatible goals.

If we are to heal the wound between races and between sections of our country, the President, the Congress and the American people must pursue both these principles—not one to the exclusion of the other. I am hopeful that my affirmative vote on final passage of the extension of this act, notwithstanding my severe reservations, will strengthen my own role in the Senate in working toward the day when all minorities and all sections of our Nation are afforded equal treatment under the Federal law.

I have written to the President requesting that he use the full influence of his office to ensure that the act is administered equally throughout the country to the maximum extent permitted by law.

I ask unanimous consent that my letter to President Ford be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., July 25, 1975.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I deeply appreciate your written expression of support for the equal application of the provisions of the 1965 Voting Rights Act to every state in the nation.

Your letter was read to the Senate and its message made clear. I regret, however, that there were rumors and allegations that your commitment was weakened in subsequent conversation with leaders of the Senate. I hope that events will prove that you remain fully committed to the principles set forth in your letter.

I strongly urge you to communicate your commitment to the Attorney General of the United States and request that he use all power vested in him under the Voting Rights Act to extend the Act's protection of minorities throughout the United States to the fullest degree permitted by law.

I share your dedication to the rights of all persons of every race, color, creed and language to participate in the American system of government and to exercise their full voting rights. The Legislative and Executive branches of our government must both demonstrate a commitment to the equal treatment of all sections of our great nation, and to the principle that all federal laws should apply equally throughout the land.

Sincerely,

SAM NUNN.

Mr. RANDOLPH. Mr. President, will my colleague yield?

Mr. NUNN. I am glad to yield to my colleague from West Virginia (Mr. RANDOLPH). I appreciate his deep understanding throughout this week, which was demonstrated over and over again on this very principle that I am talking about.

Mr. RANDOLPH. Mr. President, I commend the well-reasoned statement of the Senator from Georgia (Mr. NUNN). Perhaps a moment of history related to Georgia in reference to voting rights might be appropriate at this time.

Mr. President, the first State in the Union to provide voting rights for 18-, 19-, and 20-year-olds was the State of Georgia. It was not a State in the North or in the West or in the East. It was a Southern State. Sometimes I think we are inclined, in the past perhaps more than in the present, to categorize some sections of our country as being totally reluctant to move into this full participation of voting responsibility which the Senator has just outlined.

At the time Georgia afforded young adults the right to vote, there was a young, dynamic Governor in the State. Ellis Arnall was his name. He was so interested and active in the subject matter that I called him by long distance telephone and commended the administration of which he was a part for this act. As I saw it, it was in the interest of a better participation by a vital segment of our population—our young people. Georgia recognized that these persons could not change a situation, but that their input would be valuable in strengthening the body politic. From our discussion, I felt that that was the time—after Georgia had acted at the State level—to think in terms of taking the same action throughout the United States of America. That is what the Senator from Georgia (Mr. NUNN) is talking about today—programs directed not at one State or one region, but at the country as a whole.

I had introduced a resolution for a constitutional amendment to lower the voting age to 18. I asked Governor Arnall if he would come to Washington and testify before the Judiciary Committee of the House. He quickly answered, "Yes, I want to come."

He did come to Washington, D.C., and the hearing on the resolution which I had introduced was held. I can tell the Senator here today—looking back and remembering the situation well—that there were only 11 persons in the hearing room. There was only one member of the Committee on the Judiciary present. That was its chairman, Emanuel Celler, with whom I served in the House of Representatives. But there were various persons who were interested and believed then that what Georgia had done should be made applicable across America.

I had hoped that a lower voting age nationally could come about rather quickly. But through the years, as I offered the resolution 11 different times, I recognized that a considerable degree of patience is necessary to have people come to agreement on matters that affect our entire society.

Then, in 1971, Senate Joint Resolution 7 was brought before this body. It had, besides my authorship, the cosponsorship of 86 Senators. It was passed in that year, of course, in the Senate by a vote of 94 to 0 and in the House by 401 to 19.

After being approved by the Congress the proposed constitutional amendment was presented to the States and it was ratified by three-fourths of the States in 90 days. There has never been a constitutional amendment in this country ratified in such a short period of time.

In other words, the time had come for that sort of action to take place, but there had to be that period of striving and perseverance before this objective of the 18-year-old vote was observed. I remind Senators, however, that Georgia had led the way 29 years before the congressional action.

I mention these matters today to indicate that there is a need for reconciliation. There is a need, not so much, for tolerance but for more understanding. There is value in tolerance, but it is not very good to be tolerant and not possess understanding. That, I think, is the message brought by the Senator from Georgia. He speaks today not for himself alone. The Senator speaks, I think, for Americans generally who understand that we must not only think together, but work together and, perhaps more importantly at this period of the Bicentennial beginning, have faith together.

Mr. NUNN. I thank my colleague and friend from West Virginia for that excellent statement and his kind comments about our State, our people and our former Governor. We did lead the way under the 18-year-old Voting Rights Act. We have made mistakes in the past, and we acknowledge those.

Mr. President, you know, it is a funny thing about our mistakes in the South. They always seem to be under the microscope. We always seem to have attention paid to our mistakes. We have done better and we are going to do better.

I believe we plowed a lot of ground here last night, and I believe the patience which the Senator from West Virginia has exemplified in pursuing a dedicated effort in the passage of that constitutional effort is the same kind of patience and persistence we are going to have to pursue in making sure our part of the country is treated like every other section of the country.

I believe we made a lot of progress during this past week, and that is one of the reasons why I wanted to point out the positive aspects of some of the things that transpired.

I thank my friend from West Virginia, and I appreciate the managers of the bill allowing me this much time.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1976

The Senate continued with the consideration of the bill (H.R. 8365) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1976, and for the period ending September 30, 1976, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time consumed by Mr. NUNN and Mr. RANDOLPH not be charged to either side of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that as to debatable motions or appeals or points of order, in the even that any point of order should be submitted to the Senate by the Chair, that there be a time limitation in connection with this bill of 30 minutes to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STEVENS. Mr. President, I would like to defer to the chairman of the subcommittee, if he intends to make any kind of opening statement, before I offer my amendment.

I inquire from the Senator from Indiana what his desires are.

Mr. BAYH. Mr. President, as a courtesy to other Members who may be interested in this important bill, I suggest the absence of a quorum which will be just a brief one.

The PRESIDING OFFICER. On whose time?

Mr. STEVENS. Charged equally.

Mr. BAYH. I will be glad to take the time out of the time of the proponents.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. BAYH. Mr. President, I ask unanimous consent that floor privilege be granted to Mary Jane Checchi and Gil Genn during and through the vote on the transportation appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. Mr. President, will the Senator yield for a similar request?

I ask unanimous consent that Nancy Bruns may have the same privilege.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, will the Senator yield for a similar request?

I ask unanimous consent that Ron Taylor and John Baer be granted privilege of the floor during the vote on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, will the Senator yield for a similar request?

I ask unanimous consent that my assistant on the committee, Linda Beach, be granted privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I ask unanimous consent to expand my request relative to Miss Checcki inasmuch as she is designated to the Appropriations Committee, that this be granted during the discussion and the vote on the remaining bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, as a point of information to our colleagues, I would like to make a very brief summary of a rather voluminous statement, then yield to my distinguished ranking member who has been such a great partner in forging this particular piece of legislation. Then I shall ask the Senate to consider some of those amendments which, I think, compared to others, will be relatively quickly disposed of, and then consummate the activity by dealing with the language in the bill which deals with the SST.

With that in mind, Mr. President, let me say that we from the——

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. Members of the Senate will take their seats.

The Senator may proceed.

Mr. BAYH. Mr. President, we from the Committee on Appropriations, and, indeed, the transportation subcommittee thereof, submit to the Senate today a bill, H.R. 8365, making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1976, and the period ending September 30, 1976.

Before getting to the specifics of the bill, I want to express my appreciation to the other members of the committee for their assistance throughout the detailed hearings we conducted on this budget.

I especially want to thank the ranking Republican Senator from New Jersey, my good friend Senator CASE, for his very active participation and support in the development of this bill.

I also want to acknowledge the fine assistance we received from the subcommittee staff, Mr. James English, Mr. David Rossiter, and Mrs. Olga Trollinger, without whose efforts we would have been greatly handicapped.

Mr. President, I believe we have brought to the Senate today a very fine and well-balanced appropriations bill for the Department of Transportation and related agencies.

SUMMARY OF THE BILL

During more than 20 days of hearings, we took testimony on estimates totaling nearly $11.5 billion. Of this amount, $7.95 billion is in the form of liquidating cash. These funds will be used to pay off obligations incurred under the contract authority programs of the DOT, the major ones being:

Federal-aid highways (billion)	$5.435
Highway-safety construction (million)	300
UMTA capital grants (million)	890
Airport development grants (million)	320

As obligation ceilings for fiscal 1976, we recommend over $1.7 billion for UMTA, $350 million for airport grants, $120 million for NHTSA's highway safety program—which is $20 million over the House and $12 million over the budget. The extra $12 million will be available to the States for their high payoff safety programs, such as alcohol countermeasures—and we recommend the full $56 million requested obligation level for highway beautification.

In new budget—obligational—authority, our recommendations total $4,170,732,775. This amounts to an increase of $452,225,775 over the House, but a decrease of $138,962,000 below the budget requests. The large increase over the House is largely due to three items in the bill:

First, we recommend $200 million for railroad transportation improvement and employment. This is the same program which we included in two previous appropriations bills and have yet to see the program get underway.

We have included this amount in the hope that the House will soon have an authorization bill similar to S–1730 which passed the Senate long ago, under the able leadership of the distinguished Senator from West Virginia.

Second, the Senate received, after House passage of the bill, a $72 million budget amendment for interim operating assistance for the railroads covered under the Regional Rail Reorganization Act. We recommend that the full amount be appropriated; and

Finally, we included $20 million of a $21.6 million budget amendment sent to the Senate and not considered by the House for the Interstate Commerce Commission. This is for an appropriation entitled "Directed Rail Service" and is explained in our report.

Mr. President, a summary of the committee's major recommendations is included on page 4 of the report. I will not take the time of the Senate to go through all of those, but let me just highlight a few of them now and include a detailed analysis for the RECORD.

Mr. President, I ask unanimous consent that the detailed analysis be included immediately following the summary in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BAYH. First. We recommend $1.528 billion and 53,732 positions for the operations activity of the Federal Aviation Administration;

Second. The amount of $718.7 million for the Coast Guard's operations;

Third. The amount of $61 million for the research programs of the Urban Mass Transportation Administration, with emphasis on programs that should yield the kind of new transit technology that can be used in our urban environments to relieve our present dependence on automobiles;

Fourth. The amount of $438.8 million for Amtrak, which is the same as the House allowance;

Fifth. The amount of $75 million for research, engineering, and development programs of the Federal Aviation Administration, including restoration of the full $4.8 million budget request for the aerosat program cut by the House. We also restored funding for research on microwave landing systems—which will be the next generation of air traffic control equipment; and

Sixth. The amount of $74.4 million for the R. & D. programs of the Federal Railroad Administration.

Mr. President, in conclusion, let me say that I believe that the committee has presented a bill that is well balanced, within the budget requests, and will enable the DOT to carry out its programs very effectively in fiscal year 1976 and the transition period.

ADDITIONAL COMMITTEE AMENDMENTS IN THE BILL

Mr. President, I ask consent that the Secretary of the Senate be authorized to make technical corrections in the engrossment of the Senate amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXHIBIT 1

The total amount of new budget authority recommended for fiscal 1976 is broken down as follows:

TITLE I—DEPARTMENT OF TRANSPORTATION	
Office of the Secretary	$63,600,000
Coast Guard	1,062,816,775
Federal Aviation Administration	1,645,207,000
Federal Highway Administration	40,800,000
National Highway Traffic Safety Administration	67,440,000
Federal Railroad Administration	864,500,000
Urban Mass Transportation Administration	71,300,000
Subtotal, title I	3,815,663,775
TITLE II—RELATED AGENCIES	
National Transportation Safety Board	$11,950,000
Civil Aeronautics Board	79,690,000
Interstate Commerce Commission	69,630,000
Panama Canal Zone Government	62,040,000
United States Railway Association	10,000,000
Washington Metropolitan Area Transit Authority	121,759,000
Subtotal, title II	355,069,000
Total new budget (obligation) authority	4,170,732,775

Fiscal Year 1976 Appropriations, Title I—Department of Transportation

OFFICE OF THE SECRETARY

The Committee recommends $63,600,000 for fiscal year 1976 for the Office of the Secretary of Transportation, including $32,550,000 for Salaries and Expenses.

For Transportation Planning, Research, and Development, we recommend $29,000,000. The major programs include: University Research, Transportation Energy Research, Noise Abatement and Transportation System Assessment.

For Grants-in-Aid for Natural Gas Pipeline Safety, the Committee recommends the full $1,800,000 budget request.

COAST GUARD

For operating expenses of the Coast Guard, the Committee recommends $718,508,775.

For acquisition, construction, and improvements, the Committee recommends the sum of $164,568,000, including full restoration of the House cut to the Loran-C program for the East Coast and $910,000 for the vessel traffic system in New Orleans.

The Committee recommends concurrence with the House allowances for the balance of the Coast Guard's programs as follows: Alteration of Bridges—$6,500,000; Reserve Training—$31,200,000; Research, Development, Test, and Evaluation—$18,600,000; State Boating Safety Assistance—$5,790,000; and $2,000,000 for the Coast Guard's supply fund.

FEDERAL AVIATION ADMINISTRATION

For FAA, we recommend appropriations totaling $1,645,207,000 for fiscal '76 of which $1,528,555,000 is for their operations account. We provide funding for 53,732 positions for the operations activity. The increase of $5,500,000 for positions and $1,055,000 for air traffic overtime pay were considered necessary in light of FAA's increasing workload.

For facilities, engineering, and development, we restored $500,000 of the $1,000,000 House cut and earmarked $402,000 of that increase for the noise pollution program.

We recommend no appropriation at this time for the facilities and equipment activity of FAA. In spite of the $250,000,000 budget request, the Committee believes that the FAA has sufficient funds available from previous appropriations to carry out its full fiscal 1976 program. We recognize that this may require the FAA to go off the full funding concept for some multiyear projects and will be happy to consider a supplemental if that becomes necessary to prevent a decreased fiscal '76 F&E program.

For research and development, the Committee recommends $75,000,000. The $15,000,000 increase over the House will allow for the full $4,800,000 program for Aerosat, $5,400,000 for the Microwave Landing System research, and $4,300,000 for the Discrete Address Beacon System/Intermittent Positive Control (DABS/IPC) programs. The House had deleted all three programs.

We recommend concurrence with the House allowances for Grants-in-aid liquidating cash of $320,000,000; Operations at Dulles and National airports of $17,527,000; and construction at those airports—$11,625,000 Both of these airports, by the way, are now operating in the black except for interest and depreciation expenses.

FEDERAL HIGHWAY ADMINISTRATION

To continue the construction of the Federal-aid highway programs, we recommend a liquidating cash appropriation of $5,534,800,000 for fiscal 1976 from the highway trust fund. Also, $300,000,000 is provided for the highway safety construction program to pay off its obligations. We have restored $5,000,000 of the House reduction for the rural highway public transportation demonstration program. The $17,500,000 we recommend plus $9,650,000 in previously appropriated funds that haven't yet been used, should enable FHWA to conduct a major demonstration program in the rural communities across the Nation. This important program is designed to enhance the access of rural populations to health care, retail centers, educational and recreational facilities, and other public services.

The Committee has included $15,000,000 for the Highland Scenic Highway in West Virginia to continue construction of that highway as authorized under the Federal-Aid Highway Act of 1975.

For all other highway appropriations, we recommend concurrence with the House allowances.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

For the traffic and highway safety program, the Committee recommends restoration of $590,000 of the House cut. This increase plus a requested reprogramming of $731,000 will enable NHTSA to lease an engineering facility at East Liberty, Ohio, to conduct tests on automobiles.

We included funding of $7,200,000 for NHTSA's Accident Investigation and Data Analysis activity and directed that a report be made to the Committee on alternate strategies for obtaining crash severity data including the use of low-cost recorders.

FEDERAL RAILROAD ADMINISTRATION

For the office of the Administrator, we concur in the House allowance of $5,900,000. This is an increase of over $2,000,000 from last year and should enable the Administrator to carry out the new functions transferred from the Office of the Secretary of Transportation.

For railroad safety, we recommend $16,200,000, the same as the House. However, for grants-in-aid, we have restored $1,000,000. By late FY '77, we estimate a total of 28 states will be participating in the railroad safety program.

For research and development we recommend $74,400,000. The major increase over the House is the $15,000,000 we have included in the bill for intermodal terminals. This program is designed to restore certain railroad stations around the country and make them centers for all modes of transportation. We have restored the full $6,000,000 House reduction for freight system demonstrations. Testimony revealed this to be a most worthwhile program which apparently the House misunderstood in disallowing it. For advanced systems research, we have allowed the full $2,600,000 budget request.

We have included the full budget requests of $72,000,000 for interim operating assistance and $45,000,000 for rail service assistance under the Regional Rail Reorganization Act. These funds are essential to continue the reorganization until Conrail can take over in early 1976.

We concur in the $438.8 million House appropriation for Amtrak but recognize that a supplemental may be required later in the year. Also, we direct Amtrak to fully fund the Washington-Denver route and to present any service reduction plans to the appropriate committees of the Congress prior to implementation.

The Committee has included $200,000,000 in the bill for rail transportation improvement and employment in the hope that the House will soon pass legislation authorizing such a program similar to S-1730 which passed the Senate months ago.

$10,200,000 has been included in the bill along with $150,000,000 in loan guarantee authority for the Alaska Railroad.

URBAN MASS TRANSPORTATION ADMINISTRATION

We agree with the House appropriation of $10,300,000 for UMTA's administrative expense but have no objection to the use of $2,000,000 in carryover funds to enable UMTA to hire all the personnel requested.

For research, development, and demonstrations and University research and training, we recommend a program level of $63,000,000 of which $2,000,000 is to come from carryover balances. The report gives a breakdown on page 30 of the differences between the House and Senate committee recommendations. We have included $4,500,000 for continuation of the HPPRT program; $2,000,000 for social and economic research in automated guideway transit; $2,000,000 for a feasibility analysis of a shuttle loop transit demonstration; and the full $10,000,000 for the Washington, D.C. bicentennial program. The Office of Technology Assessment, under the leadership of its Director, Emilio Daddario, presented several studies in mass transit to the Committee which have been most helpful to us in our efforts to provide the proper blend of research programs for UMTA. These studies were conducted at the request of the Committee and have been invaluable tools in analyzing the Nation's transit problems. Mr. Daddario and his staff, particularly Ms. Gretchen Kolsrud, are to be congratulated for their very fine efforts.

Mr. President, the only other change in appropriations from the House bill that we recommend is for additional personnel for the National Transportation Safety Board. This will enable the NTSB to carry out its new responsibilities in the manner we in the Congress want to see.

I have already discussed the changes we have made for the ICC.

Mr. President, I believe our recommendations have been most carefully arrived at and represent a well-balanced transportation budget for fiscal 1976 and the transition period.

Mr. BAYH. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall have been considered to have been waived if the request is agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 3, in line 6, strike out "$27,000,000" and insert "$29,000,000".

On page 3, in line 9, strike out "$6,750,000" and insert "$7,250,000".

On page 4, in line 1, strike out "$1,500,000" and insert "$1,800,000".

On page 4, in line 8, strike out "$714,230,000" and insert "$718,696,000".

On page 4, in line 22, strike out "$204,660,000" and insert "$205,760,000".

On page 5, in line 11, strike out "$156,100,000" and insert "$164,568,000".

On page 5, in line 15, strike out "$16,160,000" and insert "$19,000,000".

On page 8, in line 2, strike out "$1,528,000,000" and insert "$1,534,555,000".

On page 8, in line 5, after "termination' " insert and "Civil Supersonic aircraft development"

On page 8, in line 12, strike out "$395,450,000" and insert "$396,550,000".

On page 9, in line 1, strike out "$12,000,000" and insert "$12,500,000".

On page 9, in line 7, strike out "$2,900,000" and insert "$2,950,000".

On page 9, in line 20, strike out "$60,000,000" and insert "$75,000,000".

On page 10, in line 5, strike out "$15,000,000" and insert "$20,800,000".

On page 12, in line 15, strike out "$141,480,000" and insert "$143,480,000".

On page 15, in line 17, strike out $12,500,000" and insert "$16,500,000".

On page 15, in line 18, strike out "$8,333,000" and insert "$11,665,500".

On page 17, in line 2, strike out $5,432,800,000" and insert "$5,434,800,000".

On page 17, beginning with line 1, insert:

"HIGHLAND SCENIC HIGHWAY

"For necessary expenses for construction of the Highland Scenic Highway as a parkway in accordance with section 161 of P.L. 93-87 (87 Stat. 279) from its present terminus to U.S. 219, to be derived from the Highway Trust Fund, $15,000,000, to be transferred to the United States Forest Service for the purpose of such construction, and to remain available until expended."

On page 18, in line 15, strike out "66,850,000" and insert "$67,440,000".

On page 20, in line 20, strike out "$1,000,000" and insert "$2,000,000".

On page 20, in line 22, strike out "$250,000" and insert "$500,000".

On page 21, in line 3, strike out "$53,500,000" and insert "$74,400,000".

On page 21, in line 11, strike out "$13,150,000" and insert "$14,150,000".

On page 21, beginning with line 17, strike out "For necessary expenses for 'Rail Service assistance', under section 402(1) of the Regional Rail Reorganization Act of 1973, $14,000,000, to remain available until expended."

and insert in lieu thereof:

"For necessary expenses for "Interim operating assistance," $72,000,000 and "Rail service continuation subsidies," "$45,000,000, under sections 213(b) and 402(1) of the Regional Rail Reorganization Act of 1973, to remain available until expended."

On page 22, in line 4, strike out "$7,000,000" and insert "$15,500,000".

On page 22, beginning with line 20, insert:

To enable the Secretary of Transportation to make grants for programs aimed at reducing unemployment and at repairing, rehabilitating, or improving essential railroad roadbeds and facilities, $200,000,000 to remain available until December 31, 1976.

For "Rail Transportation Employment and Improvement" for the period July 1, 1976, through September 30, 1976, $40,000,000, to remain available until December 31, 1976.

On page 23, beginning with line 23, insert:

PAYMENT TO THE ALASKA RAILROAD REVOLVING FUND

For payment to the Alaska Railroad Revolving Fund for capital replacements, improvements, and maintenance, $10,200,000, to remain available until expended: *Provided,* That the Federal Railroad Administrator is authorized to incur obligations on the behalf of the United States to finance the purchase or lease of equipment, rolling stock, and vessels for the operation of the Alaska Railroad in amounts not to exceed $150,000,000. Such lease or purchase contracts shall not create obligations for the payment of money beyond a term of fifteen years; shall contain such provisions as the Federal Railroad Administrator in his discretion shall determine to be in the best interests of the Government, and shall not be subject to the provisions of the Act of June 30, 1949, as amended, 63 Stat. 378, or the Act of August 2, 1946, as amended, R.S. § 3709: *Provided further,* That employees of the Alaska Railroad Revolving Fund shall be excluded from staffing limitations otherwise applicable.

On page 25, in line 12, strike out "$49,000,000" and insert "$61,000,000".

On page 25, in 13, strike out "$41,400,000" and insert "$48,400,000".

On page 25, in line 18, strike out "$5,000,000" and insert "$10,000,000".

On page 25, in line 24, strike out "$11,000,000" and insert "$12,000,000".

On page 25, in line 24, strike out "$10,350,000" and insert "$11,350,000".

On page 28, in line 8, strike out "$11,110,000" and insert "$11,950,000".

On page 28, in line 10, strike out "$3,020,000" and insert "$3,371,000".

On page 29, in line 16, strike out "$49,130,000" and insert "$49,630,000".

On page 30, beginning with line 3, insert:

PAYMENTS FOR DIRECTED RAIL SERVICE

To fund payments by the Interstate Commerce Commission to railroads directed to provide emergency rail service over the lines of another carrier in accordance with section 1(16)(b) of the Interstate Commerce Act, $20,000,000: *Provided,* That funds hereby appropriated shall also be available to fund necessary expenses of the Commission incurred in the administration of this Act.

On page 34, in line 13, strike out "$40,000,000" and insert "$56,000,000".

On page 34, in line 15, after "and" insert "$14,012,000".

On page 34, in line 19, strike out "$100,000,000" and insert "$120,000,000".

On page 34, in line 20, strike out "$25,000,000" and insert "$30,000,000".

On page 35, beginning with line 4, strike out

SEC. 306. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for the Urban Mass Transportation Act of 1964, as amended, aggregating more than $1,800,000,000 in fiscal year 1976 and $395,000,000 for the period July 1, 1976, through September 30, 1976.

and insert:

SEC. 306. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for the Urban Mass Transportation Act of 1964, as amended, aggregating more than $1,714,150,000 in fiscal year 1976 and $396,200,000 in the transition period, except that amounts apportioned pursuant to section 5 of that Act and not committed in the year of apportionment may be committed notwithstanding this limitation.

On page 37, beginning with line 21, strike out:

SEC. 313. No part of any appropriation contained in this Act shall be available for paying to the Administrator of the General Services Administration for space and services in excess of the enacted fiscal year 1975 rates for standard level user charges.

And insert:

SEC. 313. No part of any appropriation contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 percent of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

On page 39, beginning with line 6, insert:

SEC. 315. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein, except as provided in Section 204 of the Supplemental Appropriation Act, 1975 (P.L. 93-554).

Mr. CASE. Mr. President, the Senator from Indiana has summarized the major recommendations of the Appropriations Committee regarding the transportation bill. I do not intend to repeat what he has said but I would like to give special emphasis to two portions of the bill—funding for railroads and urban mass transit.

The committee recommendation of the full budget request of $72,000,000 for interim operating assistance to the bankrupt railroads, covered under the Regional Rail Reorganization Act of 1973 is indicative of its belief that their operations must be sustained, while efforts continue, to find a viable and lasting solution to the rail crisis in the Northeast. The $72 million represents the last portion of the authorized funds. Therefore, it is imperative that the Congress and the administration move rapidly in the coming months to achieve a workable final system plan so that the March 1976 deadline for the reorganization can be met.

The committee also recommends the full budget request of $45 million for fiscal year 1976 and $15.5 million for the transition period for rail service assistance. This is needed to assist the so-called "light-density" railroad lines that would be adversely affected in the final reorganization plan.

A third aspect of the committee's efforts to make a rational response to the rail crisis is its provision of $200,000,000 for fiscal year 1976 and $40,000,000 for the transition period for the purpose of arresting the continued deterioration of railroad roadbeds and tracks throughout the United States. An ancillary benefit of this appropriation will be the provision of additional jobs for our working force. The House has twice rejected Senate efforts to initiate this program. However, the committee has been informed that authorization efforts are underway in the House regarding this program which should pave the way for House and Senate agreement on this appropriation.

These three funding recommendations, if accepted by the Senate and sustained in conference with the House, will continue our short-term response to the rail crisis. However, in providing this funding we must not lose sight of the fact that the scope and intensity of the problems besetting our rail industry make it imperative that we cease our focus on short-term solutions and move to resolve the rail crisis by effecting long-term solutions. This should be one of the main priorities of the Congress when it returns from the August recess.

In regard to urban mass transit, the committee has recommended a significant change in the allocation of funds for automated guideway transit research. AGT is that form of transportation in which unmanned vehicles are operated on fixed guideways along an exclusive right-of-way. In focusing attention on feasibility studies for demonstration projects in urban environments and social and economic research regarding the acceptability of automated guideway transit, the committee is encouraging the Urban Mass Transportation Administration to seek practical payoffs in its research programs. The committee strongly feels that such payoffs should be the primary focus of UMTA research efforts.

There are many other aspects of the bill that could be given emphasis. However, in the interest of expediting consideration of the bill, I will simply say that the committee has reported a good bill that merits the support of the Senate.

Mr. President, I shall conclude by expressing my appreciation to the chairman for his most generous remarks, and even more for his great generosity and understanding in the handling of this bill, characteristic of the relationship which we have always enjoyed since he became a Member of this august body.

Mr. BAYH. Mr. President, I appreciate the very thoughtful comments of my distinguished friend and colleague. I believe the RECORD should show the expression I have expressed of him as well, the great appreciation for the hours of work he spent in pursuing the measures that are in this bill, studying their relative merits.

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 28, line 18, after "expenses,", strike "$18,995,000" and insert "$19,295,000".

Mr. STEVENS. Mr. President, only this morning we received from the President a request for an amendment to the budget in the amount of $300,000 for the Civil Aeronautics Board. The details of the proposal are set forth in the correspondence from the Executive Office of the President. I ask that both the President's letter and the letter signed by the Director of the Office of Management and Budget be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. I point out that this is a matter that I queried the CAB about when hearings were held. This is $300,000 for the CAB to conduct analytical research to effect necessary regulatory reform of the airlines industry. This is to be outside research and will be, I believe, of substantial benefit to consumers and the industry alike to have the regulatory review that is necessary to lead to meaningful reform of the procedures of the CAB.

I have discussed the matter with the manager of the bill. I am hopeful, with this short statement, and the fact that this is not within the budget request, that the $300,000 will be approved by the Senate.

EXHIBIT 1

THE WHITE HOUSE,
Washington, D.C., July 25, 1975.

THE PRESIDENT OF THE SENATE.

SIR: I ask the Congress to consider an amendment to the request for appropriations transmitted in the budget for the fiscal year 1976 in the amount of $300,000 for the Civil Aeronautics Board.

The details of this proposal are set forth in the enclosed letter from the Director of the Office of Management and Budget, with whose comments and observations I concur.

Respectfully,

GERALD R. FORD.

Enclosure.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., July 25, 1975.

THE PRESIDENT,
The White House.

SIR: I have the honor to submit for your consideration an amendment to the request for appropriations transmitted in the budget for the fiscal year 1976 in the amount of $300,000 for the Civil Aeronautics Board. The details of this proposal are as follows:

CIVIL AERONAUTICS BOARD

Budget appendix page	Heading	1976 budget request	1976 proposed amendment	1976 revised request
848 ----	Salaries and expenses.	$19,400,000	$300,000	$19,700,000

These funds are necessary to enable the Civil Aeronautics Board to conduct outside analytical research to effect necessary regulatory reform of the airlines industry.

I have carefully reviewed the proposal for appropriations and am satisfied that it is necessary at this time. I recommend, therefore, that this proposal be transmitted to the Congress.

Respectfully,

JAMES T. LYNN,
Director.

Mr. BAYH. Mr. President, I have discussed both the Coast Guard oil pollution problem and the CAB in-house study matter with our distinguished colleague from Alaska. They seem to make the kind of good sense that he has just described to the Senate.

I have no objection, Mr. President, to accepting the amendment.

Mr. STEVENS. Mr. President, I yield back the remainder of my time on this amendment.

Mr. BAYH. Mr. President, I yield back the remainder of my time.

Mr. STEVENS. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendent.

The amendment was agreed to.

Mr. STEVENS. Mr. President, I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

On page 7, line 14, add for "Pollution Fund".

For carrying out the provisions of subsections (c), (d), (i), and (l) of section 311 of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500). $10,000,000 to remain available until expended.

Mr. STEVENS. Mr. President, again, this is a matter that the President has sent to Congress only this morning, a budget amendment which has been submitted to the Senate requesting an additional $10 million for the pollution fund of the Coast Guard.

In December of last year, the unobligated balance in the Coast Guard pollution fund was $7.2 million. By January 1975, the balance had dropped to $2.4 million.

On July 20, as we all know, a large oil slick was sighted off the Florida Keys, and on July 22 the oil began to come ashore. Clean-up operations have commenced. To date $300,000 has been expended on this problem, and it is anticipated that an additional $200,000 to $300,000 will be required by the Coast Guard.

The Coast Guard chief counsel has ruled that moneys appropriated from the fund are the sole means of financing with regard to funding this activity. It is therefore necessary, in my opinion, that the President's request to the Senate be accepted, and that this amendment be agreed to, so that the Coast Guard will have the capability of dealing with further oil spills off our coast.

This is a fund which is used only on demand, and I think it is a reasonable request to increase the pollution fund of the Coast Guard by $10 million. Again, I have discussed this proposal with the manager of the bill. He has just mentioned that it meets his approval. I do not think any further discussion is necessary, and I yield back the remainder of my time.

Mr. BAYH. Mr. President, as I mentioned a moment ago, prior to the vote on the CAB amendment, I have discussed this Coast Guard oil pollution problem with the Senator from Alaska.

Certainly we need to deal with it and make it easier for the Coast Guard to deal with this very critical problem.

I have no objection to accepting the amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that justification for the amendment be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, July 25, 1975.

THE PRESIDENT OF THE SENATE.

SIR: I ask the Congress to consider an amendment to the request for appropriations transmitted in the budget for the fiscal year 1976 in the amount of $10,000,000 for the Department of Transportation.

The details of this proposal are set forth in the enclosed letter from the Director of the Office of Management and Budget, with whose comments and observations I concur.

Respectfully,

GERALD R. FORD.

Enclosure.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., July 25, 1975.

THE PRESIDENT,
The White House.

SIR: I have the honor to submit for your consideration an amendment to the request for appropriations transmitted in the budget for the fiscal year 1976, involving an increase in the amount of $10,000,000 for the Department of Transportation as follows:

DEPARTMENT OF TRANSPORTATION—COAST GUARD

Budget appendix page	Heading	1976 budget request	1976 proposed amendment	1976 revised request
674	Pollution fund (definite)[1].	---------	10,000,000	10,000,000

[1] For carrying out the provisions of subsections (c), (d), (i), and (l) of section 311 of the Federal Water Pollution Control Act Amendments of 1972. (Public Law 92–500), $10,000,000 to remain available until expended. (Section 311 (k) of the Federal Water Pollution Control Act Amendments of 1972, Public Law 92–500, approved October 18, 1972. The Intervention on the High Seas Act, Public Law 93-248, approved February 5, 1974.)

The proposed amendment would restore the fund balance to a level considered sufficient to respond to a major catastrophe, should one occur. The fund balance has decreased to approximately $2,000,000 as of June 6, 1975. Two 1974 court decisions have resulted in a virtual cessation of payments to the fund. Ordinarily, fines assessed and recovery of costs from discharges would replenish the fund; however, the reduction in collection of fines has reduced the fund to the level where increased definite appropriations are necessary.

The indefinite authority in this account has been reestimated to be $2,000,000 rather than the $5,000,000 included in the budget. This has resulted from the decrease in payments to the fund.

I have carefully reviewed the proposal for appropriations contained in this document and am satisfied that this request is necessary at this time. I recommend, therefore, that this proposal be transmitted to the Congress.

Respectfully,

JAMES T. LYNN,
Director.

Enclosure.

DEPARTMENT OF TRANSPORTATION—COAST GUARD

Budget appendix page	Heading	1976 request pending	1976 proposed amendment	1976 revised request
674	Pollution fund:[1]			
	Indefinite	$5,000,000	—$3,000,000	$2,000,000
	Definite		10,000,000	10,000,000

[1] For carrying out the provisions of subsections (c), (d), (i), and (l) of sec. 311 of the Federal Water Pollution Control Act Amendments of 1972. (Public Law 92–500), $10,000,000 to remain available until expended. (Sec. 311 (k) of the Federal Water Pollution Control Act Amendments of 1972, Public Law 92–500, approved Oct. 18, 1972. The Intervention on the High Seas Act, Public Law 93–248, approved Feb. 5, 1974.)

DEPARTMENT OF TRANSPORTATION, COAST GUARD POLLUTION FUND (SPECIAL FUND)

	1976 actual—Request pending	1976 estimate—Proposed amendment	1976 estimate—Revised request
Program by activities: Total program costs, funded—Obligations	5,000	2,000	7,000
Financing:			
Unobligated balance available, start of year	—8,355	8,355	
Unobligated balance available, end of year	8,355	—3,355	5,000
Budget authority	5,000	7,000	12,000
Budget authority:			
Current authority: Appropriation (definite)		10,000	10,000
Permanent authority: Appropriation (indefinite)	5,000	—3,000	2,000
Relation of obligations to outlays:			
Obligations incurred, net	5,000	2,000	7,000
Obligated balance, start of year	3,896	4,065	7,961
Obligated balance, end of year	—4,896	1,935	—2,961
Outlays	4,000	8,000	12,000

COAST GUARD—POLLUTION FUND

PURPOSE

Funds in the amount of $10,000,000 are required for FY 1976 to restore the fund balance to a level considered sufficient to respond to a major catastrophe should one occur. Further, the Intervention on the High Seas Act, P.L. 93-248 (33 U.S.C. 1471 et seq.) extended authorized use of the fund for Federal action and activities taken under the Act.

OUTLAYS

This amendment will require $8,000,000 in additional outlays.

JUSTIFICATION

The Federal Water Pollution Control Act as amended, (33 U.S.C. 1321(b)) authorized this fund to insure immediate clean-up of oil or other hazardous polluting substances spilled into the waters of the United States, adjoining shorelines, or waters of the contiguous zone.

The Act authorized an appropriation of $35 million and $20 million was appropriated in 1971. The fund has operated five fiscal years and its balance has been drawn down to a level which is less than that considered adequate to insure immediate response to one or more major pollution incidents.

Although expenditures from the fund are later to be reimbursed by the responsible owner or operator, in many cases major expenditures have been made for which the fund will not be reimbursed. Although we can anticipate collections from the owner or operator, there is usually a long delay before collections are actually made. A recent District Court decision in the case of the *United States v. LeBeouf Bros. Towing Co., Inc.*, 377 F. Supp. 558 (E.D. La., 1974), has made collection of penalties more difficult.

The District Court for the Eastern District of Louisiana, in a civil action for collection of a penalty assessed by the Coast Guard, granted defendant's motion for summary judgment on the basis that, for the purpose of the use immunity granted by (now) U.S.C. 1321(b)(5), the civil penalty was criminal in nature and since the evidence upon which the Coast Guard assessed the penalty was derived solely from the report of an oil spill made by an agent of LeBeouf, the immunity provision of that subsection applied.

Since the motion for summary judgment was granted in the LeBeouf case, a very substantial proportion of the penalty cases involving major oil companies, and satellite industries have been appealed citing the LeBeouf as precedent. As a result, only an occasional polluter will fail to appeal on the basis of LeBeouf regardless of the geographic location of the spill.

Although this case has been appealed, the current impact of *LeBeouf* on the fund has been a serious impairment of the Coast Guard's capability to collect oil pollution civil penalties. This has resulted in a 70% reduction in expected revenues.

The fund is now at a level which could prevent the Coast Guard from adequately responding to one or more major oil spills. This request for $10 million is needed to restore the fund balance to a funding level considered sufficient to respond to a major catastrophe should one occur.

EFFECT ON EMPLOYMENT

This amendment includes no increase or decrease in military or civilian employment.

1975 Obligations

1st Quarter (actual)	$1,090,335
2nd Quarter (actual)	934,108
3rd Quarter (actual)	4,125,430
4th Quarter (estimate)	3,628,324
February (actual)	2,277,627
March (actual)	1,513,450
April (actual)	1,220,492

RECEIPTS

1971 actual	$47,675
1972 actual	311,536
1973 actual	634,981
1974 actual	2,358,081
1975 estimate[1]	2,000,000

[1] Actual receipts through April 1975 $1,603,000.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. STEVENS. I yield back the remainder of my time.

Mr. BAYH. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. STEVENS. Mr. President, I yield myself 2 minutes on the bill to echo the statement made by the Senator from New Jersey. My relationships with the distinguished Senator from West Virginia, who previously chaired this committee, were excellent. I commend the distinguished Senator from Indiana for the way he has conducted the hearings and markup on this bill, and all the proceedings prior to and including its being reported to the floor.

Mr. BAYH. Mr. President, in my opening remarks I did mention a number of Senators who have made significant contributions to the work of the committee and our deliberations. The distinguished Senator from Alaska made a distinct contribution to the conduct of the hearings, and the chairman is indebted to him.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. I yield to the distinguished Senator from West Virginia.

TIME LIMITATION AGREEMENT—S. 963

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 963, the Diethylstilbesterol bill, is made the pending business before the Senate, there be a time limitation thereon of 2 hours, to be equally divided between and controlled by the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Pennsylvania (Mr. SCHWEIKER), with a time limitation on an amendment by Mr. CURTIS of 2 hours, a time limitation on any other amendments in the first degree of 1 hour, a time limitation on any amendment in the second degree, debatable motion, or appeal, of 20 minutes, and the same on any point of order that may be submitted to the Senate; and that the agreement be in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. YOUNG. Mr. President, reserving the right to object, and I shall not object, that will not supplant the appropriation bills?

Mr. ROBERT C. BYRD. It will certainly not come ahead of the Agriculture bill.

Mr. YOUNG. Agriculture will follow the present bill?

Mr. ROBERT C. BYRD. Yes.

Mr. YOUNG. I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? Without objection, it is so ordered.

The text of the unanimous-consent agreement is as follows:

Ordered, That during the consideration of S. 963 (Order No. 256), a bill to amend the

Federal Food, Drug, and Cosmetic Act to prohibit the administration of the drug Diethylstilbestrol (DES) to any animal intended for use as food, and for other purposes, debate on any amendment in the first degree (except an amendment to be offered by the Senator from Nebraska (Mr. CURTIS), on which there shall be 2 hours) shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill, and debate on any amendment in the second degree, debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided*, That in the event the manager of the bill is in favor of any such amendment, debatable motion, appeal, or point of order, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Pennsylvania (Mr. SCHWEIKER): *Provided*, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1976

The Senate continued with the consideration of the bill (H.R. 8365) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1976, and for the period ending September 30, 1976, and for other purposes.

Mr. PACKWOOD. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 19, between lines 8 and 9, insert the following:

BIKEWAY PROGRAM

For necessary expenses to carry out the Bikeway Demonstration Program pursuant to Section 119 of the Federal Aid Highway Amendments of 1974, $10,000,000, to remain available until expended.

Mr. PACKWOOD. Mr. President, I offer my sincere thanks to the floor managers of this bill, Senator BAYH and Senator CASE, for allowing me the time to offer my amendment to fund the bikeway demonstration program. Some time ago the Federal-aid highway program amendments passed the Senate, and one particular amendment authorized $10,000,000 for the Secretary of Transportation to grant to States for the construction and operation of bike paths and bikeways. There is hardly a city in the United States, or the world for that matter, which could not benefit from having safe, scenic, and well-routed bike paths for bike riders. With nearly 11,000,000 bicycles sold in the United States alone each year, there are over 75,000,000 adult bike riders many of whom would be encouraged to use their bikes in place of cars for commuting to and from work. The energy savings and the benefits to personal health and well being that can be provided from bikeway use are extremely worthwhile.

Many cities in the United States would be encouraged, in my opinion, by this demonstration program. The funding needs for road maintenance and construction are well known, but at the same time funds must be set aside to evidence the benefits to energy savings and health from bike path construction in urban areas. I am extremely hopeful that many of the Nation's commuters will take advantage of this program, and other cities will recognize the value of bike paths once this program is begun.

Note the energy savings that could occur from simple bike path construction within a city of 80,000 people: If for instance, 2,000 commuters were to use their bikes rather than their cars each day, and if their cars have a gasoline efficiency of roughly 15 miles per gallon, and further if those people were traveling a distance of roughly 5 miles total in traveling to and from work, it would be a gasoline savings of 667 gallons of gasoline per day. This can be translated into roughly 16 barrels of gasoline per day or 832 barrels of gasoline per year. The startling results of this hypothetical instance is that this is merely for one city and for merely 2,000 bike riders.

Again, let me thank Senator BAYH and Senator CASE for allowing me to offer my amendment. I am hopeful that this program can be commenced immediately so that many cities will be encouraged by the availability of these funds. Our overall energy program must admit to alternative modes of transportation, and certainly bike paths are a helpful, enjoyable, and pleasant way to do so.

I have discussed this amendment with the Senator from Indiana.

We have authorized, at some time in the past, $10 million for bikeways and bike paths from the highway trust fund. It has not been appropriated before.

Oregon has used a percentage of its highway trust fund money for bikeways and bike paths for the past 4 years, and it has been a successful program. Most States, however, are reluctant to use any of these moneys for bikeways, because they do not occupy a high enough priority in their minds.

This amendment, therefore, would provide $10 million for an experimental bikeways program. The manager of the bill has agreed to the amendment, I believe.

Mr. BAYH. Mr. President, the Senator from Indiana has discussed this matter with the Senator from Oregon. This is a measure that has just come to our attention; we did not have a chance to include it in the bill.

I think it is a step in the right direction, and I think this money coming back to local communities could add a great deal to recreation and environmental programs. I have no objection to accepting the amendment.

The PRESIDING OFFICER. Do the Senators yield back the remainder of their time?

Mr. PACKWOOD. I yield back the remainder of my time.

Mr. BAYH. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

The amendment was agreed to.

Mr. SCHWEIKER. Mr. President, in behalf of myself and my colleague from Pennsylvania (Mr. HUGH SCOTT), I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 19, line 15, delete "$67,440,000" and insert in lieu thereof "$67,890,000."

Mr. SCHWEIKER. Mr. President, this amendment restores $450,000 to the bill for the National Highway Traffic Safety Administration to continue two specific demonstration projects for emergency medical services. These funds are to continue the medical emergency communications coordination assessment—MECCA—demonstrations which consist of a highly coordinated system of communications and transportation for accident victims at the scene and during transport to the hospital. Demonstrations will be conducted in Washington, and Philadelphia during the height of the Bicentennial crowds. Not only will there be a great deal of valuable data acquired, but indeed a highly humanitarian service will be performed for the large number of tourists who will visit these historic cities during the Bicentennial year.

It should be pointed out that these two projects have already been started. In Philadelphia the first of two funding allocations to be spread over a 2-year period was granted for the period beginning January 1 of this year to extend to September 30, 1975. The funds provided by this amendment will permit the Department to complete the program for the period of October 1 until December 31, 1976.

Mr. President, this amendment will allow us to provide in its entirety the $900,000 requested by the administration to fund the two pilot MECCA programs. It is my understanding that the Department of Transportation has appealed to the Senate Appropriations Committee for a full appropriation for these programs, thus asking the Senate to restore to the bill the $450,000 needed. My amendment will fulfill that request.

I have discussed the amendment with the distinguished chairman of my committee; and I commend him for doing an outstanding job during these hearings.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. Mr. President, I have studied this medical services amendment and problem at the subcommittee stage and, frankly, right after the bill had been marked up and was before the full committee. I thought perhaps the Senator from Pennsylvania might send it in the full committee, but because of other circumstances that was not possible.

I think it is to his credit that he has pursued this in the Chamber. I think it meets a real problem, and I am very glad to accept that amendment.

Mr. SCHWEIKER. I thank the Senator.

The PRESIDING OFFICER. Do all Senators yield back the remainder of their time?

Mr. BAYH. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open for further amendment.

The Senator from Maryland.

Mr. BEALL. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. BEALL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 22, line 9, strike "$438,800,000" and insert in lieu thereof "$441,800,000".

On page 22, line 12, delete the period at the end of the sentence and insert in lieu thereof the following: ", and of which $3,000,000 shall be available for a rail passenger terminal and facilities at Baltimore-Washington International".

Mr. BEALL. Mr. President, this amendment would increase the appropriations to the National Railroad Passenger Corporation—Amtrak—by $3 million, with such additional sums earmarked for a demonstration railroad passenger station at the Baltimore-Washington International Airport, under 45 U.S.C. Amtrak has authority to conduct research and development and demonstration programs respecting railroad passenger services, and in addition Amtrak has authority for internal projects.

Next year, this Nation will celebrate its Bicentennial. Some 40 million visitors may come to the Nation's Capital during this Bicentennial observation. To be frank, I am concerned how we will handle the large crowds that are anticipated.

While some steps have been, or will be taken, such as improved parking at RFK and the Pentagon, this will be inadequate.

I have been exploring with State and Federal officials an idea which makes a great deal of sense and which I have incorporated in the amendment I offer today. Essentially, this amendment would make possible a rail passenger terminal near Baltimore-Washington International.

Penn Central trackage is located only 1.5 miles from the BWI Airport terminal by existing roads. For the interim, until a more sophisticated system can be put in place, the State DOT contemplates operating a first-class motor coach service between the air and rail terminals. In addition, the State would provide for trackside baggage check-in service and other support services. A waiting lounge will be provided at the airport with motor coach connecting service scheduled to assure the closest possible connection with the train to minimize track-side waiting time. In addition, the Maryland DOT would jointly market with Amtrak all aspects of the rail service. This arrangement is similar to that done on BWI with the airlines and the airlines have found this a very favorable and helpful arrangement.

Such a rail passenger station would have multiple benefits including:

Direct, easy, and rapid access to the Visitors' Center at Union Station for air travelers arriving at BWI;

Fringe parking facilities permitting those arriving by private motor vehicle to avoid driving into downtown Washington, D.C. I know Amtrak is deeply concerned with parking facilities at Union Station. Hearings held 2 weeks ago by the Commerce Surface Transportation Subcommittee, on which I serve, revealed that parking spaces have been reduced from the original 4,000 to approximately 950. Senator HARTKE said each of the parking spots cost in the neighborhood of $25,000 per space, making such spaces the most expensive parking lots in the world, except the one in Holland which was built under the sea. The State of Maryland has indicated that they could make available some 2,500 parking spaces for fringe visitor parking and for Amtrak customers. The value of such space at the D.C. Union Station price would be in excess of $60 million, at least 20 times the cost of the proposed project; and

Direct and efficient interconnections with air commuter service at BWI for those who wish to visit other regions of Maryland and neighboring States, having Bicentennial activities.

The concept of utilizing BWI was endorsed in volume I of the "Colonial Corridor—Survey for the Bicentennial Council of the Thirteen Original States." In two different places they recommend "vital transportation—improvement measures" such as "intercity rail service with the on-train passenger processing for the Washington International Airports." And further this report observes that:

Four other East Coast airports have ample long-haul capacity (Baltimore/Washington is one of the four mentioned), already have excellent intercity rail access—but there are no plans to take advantage of this feature.

We have discussed this matter with Amtrak officials, and they felt the idea had merit and were rather excited about the idea of moving ahead with this kind of intermodal development.

I think it makes good sense, particularly at this time, when we are going to have these tremendous numbers of people desiring to get into this area, to make sure that the kind of facilities are available that are necessary to make their trip here as comfortable and as convenient as possible and make the Nation's Capital as accessible as possible to visitors.

Mr. President, the fact is that we simply are not prepared for the crowds that are anticipated next year.

At a relative modest cost, we can:

Have some 2,500 fringe parking spaces;

Demonstrate the intermodal concept connecting both rail and air, and other surface transportation; and

Enable foreign and U.S. citizens arriving by air to be taken by rail directly to the visitors center.

I urge the adoption of the amendment.

Mr. BAYH and Mr. CANNON addressed the Chair.

Mr. CANNON. Mr. President, will the Senator yield for a second.

Mr. BAYH. I am glad to yield.

Mr. CANNON. Mr. President, I ask unanimous consent that Robert E. Ginther of my staff be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Indiana.

Mr. BAYH. Mr. President, I have discussed this matter with our distinguished colleague from Maryland, the opportunity to take this very significant time of the Bicentennial to take advantage of this event and perhaps advance the cause of intermodal transportation. I think it is worth our making a good effort here.

I do not know what the response is going to be, because as our friend from Maryland knows this is rather late in the game, but we will take it to conference and make the best effort we possibly can.

Mr. BEALL. I thank the Senator from Indiana.

Mr. BAYH. Mr. President, I yield back the remainder of my time.

Mr. BEALL. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open for further amendment.

Mr. BAYH. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 808

Mr. BAYH. Mr. President, I call up my amendment No. 808, as modified.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Indiana (Mr. BAYH), for himself and others, proposes an amendment numbered 808, as modified.

The amendment, as modified, is as follows:

On page 8, line 10, after the word "facilities" insert the following: ": *Provided further*, That no funds appropriated by the Act for the operation activity 'Operation of Traffic Control System', nor for the salaries and expenses of persons operating that system, may be used to control the takeoff and landing of civil supersonic aircraft generating a higher decibel level at takeoff and landing than the decibel levels generated by new subsonic aircraft at takeoff and landing, as required by the Federal Aviation Administration under Federal Air Regulation Numbered 36.".

Mr. BAYH. Mr. President, I call up this amendment for myself and Mr. Case, Mr. Proxmire, Mr. Cranston, Mr. Buckley, Mr. McGovern, Mr. Tunney, Mr. Williams, Mr. Hatfield, and Mr. Weicker.

Before I make some opening remarks, I take this opportunity to recognize the significant leadership role that the distinguished Senator from Wisconsin palyed at an early stage in the matter which is now before the Senate.

The purpose of this amendment is to establish the principle that civilian supersonic aircraft should not be permitted to generate more noise on takeoff and landing than subsonic aircraft.

The rationale of the amendment is equally straightforward: permissible noise levels for subsonic planes were established in order to protect the public health and welfare; our goal is to insure that the standard is maintained.

Mr. President, I wish to emphasize that point, because I believe that in the ensuing debate there will be an effort—very well intentioned—to try to stress other aspects of what might be the consequences of this amendment. The purpose of the Senator from Indiana—which I am sure is the purpose of almost all his colleagues—is to conform to a policy decision that has been made by his body—and by our colleagues in the House—of establishing noise standards designed to protect the health and welfare of the people of this country.

To treat the SSI differently is tantamount to a congressional sanction of a double standard, with different noise levels tolerated for sub and supersonic aircraft. Such a double standard would be a retreat from a legislative determination that the public should be protected from excessive airplane noise. I have heard of no scientific evidence which says that subsonic noise is more damaging than supersonic noise. We have established one standard; it is the purpose of this amendment to continue that policy.

Specifically, this amendment would prohibit the use of any funds appropriated for the air traffic control system for salaries and expenses related to the landing and takeoff of civil supersonic planes, unless those planes can meet the standard that has been established for subsonic aircraft by the FAA. It would not ban purely experimental flights but would ban both scheduled and nonscheduled (charter) flights that are unable to meet the previously mentioned noise standards.

Allowable noise levels for subsonic planes are contained in Federal Aircraft Regulation—FAR 36—which was established by the Federal Aviation Administration as directed by the Aircraft Noise Abatement Act of 1968. In that law, the Congress authorized and required the Federal Government to apply noise standards in order to protect the health and comfort of the public from unnecessary aircraft noise.

In the Noise Control Act of 1972, the Congress reemphasized its intent to—in the words of the act—"promote an environment for all Americans free from noise that jeopardizes their health and welfare."

To permit SST's to use American airports and yet not comply with FAR 36 would vitiate the aims and objectives of the Congress as enunciated in these laws. Nonetheless, the Federal Aviation Administration is currently reviewing applications from British Airways and Air France for relief from these noise standards in order to land Concordes at Dulles and Kennedy airports.

We do not have information at this time as to what might be the intention of the Russians, who also are in the supersonic transport business.

When, 7 years ago, the Congress gave the FAA the responsibility for reducing the aircraft noise problem, I doubt seriously that the Senators and Congressmen who voted almost unanimously for that law contemplated that today the authority which they were delegating could be used to permit an escalation of aircraft noise level beyond the level which was, in 1968, defined as a problem significant enough to warrant the passage of noise control legislation.

Central to this entire issue is the fact that SST's are the world's noisiest commercial aircraft. The President's Council on Environmental Quality has determined that even at the subsonic speed required for takeoff and landing, the SST is at least twice as loud as most subsonic aircraft.

The current estimated levels for the Concorde are 115 decibels on approach, 118 on takeoff, and 113 for sideline noise. These levels are in excess of the level with which all subsonic aircraft certified by the FAA under FAR 36 must comply.

They are also higher than the noise level for many older, pre-1969 jets which—thus far—have been exempted from FAR 36. For example, the DC-8 is rated at 117 decibels for approach and takeoff and only 103 for sideline noise. Yet, by general subsonic standards, that is one of the noisiest aircraft in operation.

Another aspect of the noise generated during the aircraft operations at an airport is the low-frequency content of that noise, and the resulting acoustically induced structural vibrations in nearby buildings.

In a study conducted by the Department of Transportation at sites near Fairbanks International Airport, it was found that the Concorde generated more low-frequency energy than comparable subsonic planes, and consequently, caused more structural vibration.

Vibrations measured on the walls, ceilings, and windows of buildings under or near the departure and approach paths at Fairbanks were up to five times greater for the Concorde than for comparable subsonic long-range planes.

All the reports we now have show that the vibration and the noise level of the supersonic engines really are significantly greater than those of presently existing subsonic engines.

The March 1975 draft environmental impact statement on the Concorde had this to say about Concorde low frequency vibrations:

> Such vibration levels are likely to induce household rattle, caused by dishes, pictures, lamps and other bric-a-brac being disturbed and vibrating against supporting surfaces. In turn, these impacts cause secondary sources of noise, which may disturb the occupants more than the transmitted primary sound itself, because of the psychological influence of "private possessions" being disturbed.

The pollutants of concern in the vicinity of airports are carbon monoxide, unburned hydrocarbons—THC, nitrogen oxides—NOx—and particulates. As measured in pounds per takeoff and landing cycle, Concorde carbon monoxide emissions exceed the EPA upper limit by 270 percent, are some four times greater than 707 emissions, and even worse in relation to 747 and DC-8.

Concorde THC levels are four times greater than the EPA standard, and higher than the other three planes. Nitrogen oxides emitted by the Concorde meet EPA upper limits and are lower than for the 747, but are significantly higher—on the order of magnitude of two to three times higher—than for the other two planes.

As serious as these considerations are, however, they are not my only concerns about civilian SST's. In view of the energy situation, it is appropriate to note that the EPA has estimated that the Concorde will use approximately two to three times as much fuel per seat mile as comparable subsonic planes.

In this context, let us consider who will be using this fuel, who will be using the supersonic transport. The Concorde costs three to four times as much per seat mile to operate compared to current subsonic jets. Predictably, it will attract current first-class air travelers, rather than economy class passengers.

In other words, the SST will be a convenience only for the wealthy and travelers whose fare is a business deduction. In the latter instance, the high costs of SST travel would be effectively subsidized by U.S. taxpayers.

I reiterate that the amendment simply requires that supersonic planes meet existing noise standards if they want to use U.S. airports—standards which apply to American aircraft. To permit SST's to use American airports and yet not comply with these standards would constitute a preference which unfairly discriminates against domestic aircraft manufacturers and domestic airlines.

Mr. President, I am aware that the Secretary of State is opposed to this amendment on the grounds that the Concorde is being excluded discriminatorily.

I find it extremely difficult to reconcile the position that nondiscriminatory treatment of a British, French, or any other foreign-built aircraft requires discrimination against domestic aircraft.

In this regard, I call to the Senate's

attention that material provided to them in opposition to this pending amendment by a Washington public relations firm did not indicate what clients the firm was representing on this issue.

So that the Senators may be fully informed on this issue in reaching their independent judgments, I would like to simply point out that the firm's clients are the British and French interests that have substantial sums invested in the Concorde.

I hardly need remind my colleagues that the costs and benefits of the SST were fully debated by the Congress 4 years ago when it decided not to extend Federal aid for domestic SST development. And, in 1972, the Senate by a rollcall vote of 62–17 placed itself squarely on record as opposed to the use of U.S. airports by civilian supersonic planes which did not comply with noise standards established for subsonic aircraft. Although that amendment, offered by Senator CRANSTON, passed the Senate by a wide vote, it was dropped in conference.

I mention this only to point out that this is not a new subject to the U.S. Senate or to the Congress.

Mr. President, we live in an increasingly complex world. Given the importance and our growing understanding of the environment and its impact on the economy, we know that progress can no longer be measured by a single factor, such as the time it takes to fly across an ocean.

I believe that the economic, environmental, energy, and social costs of SST operations are so substantial and so well-documented that it is time for Congress to settle the issue now.

The immediacy of the problem is underscored by the fact that the proposed flights under consideration by the FAA are not, in themselves, economically feasible, but are merely a first step toward expanded SST operations. And, once begun, the process will attain a momentum of its own.

Mr. President, this is a clear-cut issue—at least to the Senator from Indiana. I respectfully understand that colleagues can reasonably disagree and reach different conclusions. But to the Senator from Indiana it is a clear-cut issue. The question facing the Senate is whether or not we will permit a double standard to operate in the administration of those laws we enacted to protect the American people from unhealthy and excessively annoying noise pollution.

This is the issue. It seems to me it is time to decide the question. If one considers all of the other policy matters that have been laid to rest by the Senate earlier, the weight is conclusive and overwhelming, that this amendment should be accepted.

Shall we allow foreign built aircraft, operated by foreign airlines, to generate more noise than domestic built aircraft operated by domestic airlines?

That is the question. The Secretary of State thinks we should do so in the name of foreign relations. With all respect to the Secretary, it strikes me as a dangerous precedent to retreat from our prior commitment to protect the public health in this or any other area, in the effort to avoid risking the ire of a foreign government. That commitment to protecting the public health is clear.

It has been affirmed and reaffirmed in many Senate votes. But once again, it is necessary for us to stand up and reaffirm our position in this regard. I respectfully suggest to my colleagues, that we have the opportunity to do just that by adopting the pending amendment.

Mr. YOUNG. Mr. President, the proposed amendments to bar the Concorde from landing anywhere in the United States should be defeated for the following reasons:

First, both the letter and the spirit of multilateral and bilateral agreements oblige the United States to provide nondiscriminatory treatment of the Concorde. The Concorde will meet both British and French certification rules as well as these of the International Civil Aviation Organization. A rejection of the Concorde, even though it meets applicable law and regulation in the United States, will be interpreted by the United Kingdom and France as an unfriendly act.

Second, the threat of the reported amendment, would be clearly discriminatory because its purpose is to subject the Concorde to standards not applied to U.S. aircraft now in service. The majority of U.S. subsonic aircraft now operating have noise characteristics generally similar to those of the Concorde.

Third, the Concorde program is of enormous significance to the British and French governments which have invested nearly $3 billion over 13 years to develop an aircraft, which meets in each respect internationally accepted environmental standards agreed to by the United States. Access to the North Atlantic market on reasonable terms, is critical to the success of the Concorde program.

Fourth, a ban on Concorde operations, without appropriate examination and consideration, would do grave damage to the United States image as a supporter of free trade. During the last two decades, the American aerospace exports have represented the largest single component of U.S. foreign trade. I think that, in the last 20 years, agricultural commodities have probably exceeded these exports.

Despite occasional protectionist moves in Europe to keep American aircraft out in order to maintain British and French aircraft industries, the French Government has repeatedly indicated its intention not to support protectionist moves within the Common Market. Such continued free trade support would be gravely threatened should the United States deny the Concorde access on a nondiscriminatory basis.

Finally, the question of Concorde entry into the United States is now pending before the DOT and EPA pursuant to congressionally mandated procedures under the Noise Control Act and the National Environmental Protection Act. Congress should not act arbitrarily on this question without allowing the implementation of normal procedures.

Mr. RANDOLPH. Mr. President, I am gratified by the inclusion of funds for the rail transportation improvement and employment program, the rural highway public transportation demonstration program and the highland scenic highway in the Department of Transportation appropriations bill—H.R. 8365—for fiscal year 1976 reported by the distinguished chairman of the Senate Appropriations Subcommittee on Transportation (Mr. BAYH). These three programs are important elements in our overall transportation system and I support the appropriations necessary to carry out the purposes of the programs.

The rail transportation improvement and employment program—authorized by S. 1730 which I introduced with Senator BAYH and others—is designed to alleviate two problems: deteriorated rail roadbeds and unemployment. A viable rail transportation network is essential to our economic well-being and growth. Track repair work on many rail lines has been severely curtailed during the recent economic slump. This has contributed significantly to the deteriorated condition of our railroads both physically and financially.

The second problem addressed by this program is unemployment. We continue to receive conflicting reports concerning the current recession. Some say that an economic upswing has begun. However, 8 million Americans are still unemployed and no information has been presented to indicate that unemployment among railroad maintenance-of-way crews has significantly declined.

Federal funding of this railroad rehabilitation program is in the national interest since these funds would be available to repair essential rail lines and thereby improve safety and efficiency of operation. The $240 million appropriated for fiscal year 1976 and the transition period will provide a beginning to a program necessary and vital to our national interests and goals. I appreciate the support of the Appropriations Committee in recognizing the value of this program and commend Senator BAYH for his continuing efforts on behalf of rail improvement and employment.

The Senate Public Works Committee recognized 2 years ago the decline in public transportation facilities available for use by people living in rural or lightly populated areas. The rural public highway transportation demonstration program addresses this need by enhancing the access of this portion of our population to heath care facilities, education opportunities, employment, public services and retail centers. The $17,500,000 recommended by the Appropriations Committee for fiscal year 1976 plus the carryover of funds from fiscal year 1975 should enable funding of several demonstration projects under this program in fiscal year 1976. The need has been identified and this program provides a valuable mechanism to demonstrate the importance of public transportation to rural Americans.

Mr. President, this bill also provides $15,000,000 for continuing construction of the Highland Scenic Highway. The appropriation is provided to complete the portion from Richwood, W. Va. to U.S.

219. Design, engineering and land acquisition for this 8½-mile portion is complete. There is no controversy about this portion of the road and the completion thereof is a major goal of the residents of the area. The appropriation in this fiscal year will prevent any further escalation in cost due to inflation which has significantly increased cost over the last few years for the completion of this 8½-mile segment.

The sum appropriated in this bill will also be available for signing of the Scenic Highway with the distinctive logo adopted by the Forest Service.

The appropriations made by H.R. 8365 recognize the continuing need for a viable transportation system in this country and I commend their action.

Mr. CASE. Mr. President, as we consider an amendment to the Transportation Appropriations bill we once again engage in making—and I hope reaffirm—a basic policy decision about supersonic transports, the SSTs.

Three times within a 6-month period in 1971 the Senate voted against the SST. The issue was the use of Federal funds for the development of two experimental supersonic transports. But the decision was not taken simply on the question of proper use of Federal funds.

I said in 1971—and I believe it is even more true today—that the majority of the people of the country are against the SST. The underlying factors in this opposition are environmental.

As the Friends of the Earth said of the Concorde:

> It is . . . a waster of fuel, a threat to the ozone layer and the public health.

Earlier this year I was dismayed to learn that the Federal Aviation Administration was seriously considering allowing French and British airlines to fly supersonic transports into Dulles International Airport in Washington and John F. Kennedy Airport in New York.

To me, allowing British and French Concordes to land at Kennedy and Dulles would be the beginning of a reversal of the public policy which the Congress determined in 1971.

Numerous publications reflecting scientific evaluations of the potential threat to the total environment have not allayed my earlier fears. The potential is there for serious ozone depletion with its consequence for health, for the climate and for agriculture—indeed for the world as we know it.

The amendment which I cosponsor with Senators BAYH and PROXMIRE would prohibit the use of Federal Aviation Administration funds to handle landing of the French and British supersonic transports unless these aircraft can meet noise standards for subsonic jets.

Of course, we cannot tell another country what it can do in areas not under U.S. control, but we should not encourage foreign flights by permitting supersonic planes to land at any U.S. airport.

And we can and should say to the Federal Aviation Administration, "Do not encourage these flights because this is a violation of basic U.S. policy."

I urge the Senate to reaffirm our earlier decision.

Mr. MUSKIE. Mr. President, the Senate has before it H.R. 8365, the Department of Transportation and related agencies appropriation bill. The staff of the Committee on the Budget has analyzed this bill, with a view to comparing the spending levels it recommends with the spending levels recommended by the first concurrent resolution on the budget, which we passed in May. I want to review for the Senate the highlights of that comparison.

I am very happy to report that with regard to those items that it controls, the bill reported by the appropriations committee is wholly consistent with the Senate's earlier expression of intentions.

H.R. 8365 provides $4.1 billion in new fiscal 1976 budget authority. For the same agencies, programs, and projects funded by the bill, the first concurrent resolution assumed a target budget authority figure of roughly $4.4 billion. The difference, which is actually somewhat less than $300 million, is accounted for almost entirely by an appropriations committee decision to withhold new budget authority of $250 million for FAA facilities and equipment because the committee found there is sufficient unobligated authority remaining from fiscal 1975 to satisfy the agency's full needs.

With regard to outlays, enactment of H.R. 8365 would produce Federal spending in fiscal 1976 of almost exactly the amount recommended in the first concurrent resolution on the budget. At most, there may be $20 million to $30 million of difference between the bill and the resolution. The difference takes the form primarily of numerous line-item savings which the appropriations committee has found, and for which we are all grateful.

In summary, then, I am able to report that total budget authority and outlays are very much in line with the first concurrent resolution. But perhaps, just as important, H.R. 8365 makes a start toward implementing a major spending priority endorsed by the Senate in the resolution—expanded aid to railroad transportation.

H.R. 8365 includes $200 million for public service jobs repairing railroad roadbeds and track, $72 million for interim operating assistance to the bankrupt railroads to cover deficits projected prior to completion of their reorganization, and an additional $15 million for research and development on conversion of railroad stations to intermodal terminals. None of this was in the President's budget submitted in February, or in the House-passed DOT appropriations bill. However, it is provided for in the first concurrent resolution. Expanded aid to rail transportation was emphasized as a national priority in the March 15 report submitted to the Budget Committee by the Committee on Commerce, and the Budget Committee's concurrence with that priority assessment is reflected in the budget resolution. In fact, the resolution provides enough for these specific programs and more.

In total, the first concurrent resolution provides $1.2 billion in budget authority and $1.7 billion in outlays for assistance to railroad transportation. This compares with only $600 million in budget authority and $500 million in outlays requested in the administration's February budget submittal. The committee added to the President's request even though it was very much aware that the specific forms for providing assistance had yet to be defined. Clearly, the railroads in this country are in desperate financial straits, and railroad roadbeds, track, and other physical facilities are deteriorating at a geometric rate. Not to recognize this, not to recognize that the existence of such a situation is certain to exert a priority claim on Federal spending in the coming fiscal year, would have been to deceive the Senate as to the budgetary situation it faced. The Budget Committee, therefore, decided to include a rough estimate of the cost in its first concurrent resolution. The President, on the other hand, chose the other course, and as a consequence, now finds it increasingly necessary to alter his earlier budget estimates.

The President's budget, submitted in February, made no mention of the certainty of increased Federal assistance to railroad transportation. Since then, however, the chickens have started coming home to roost. In May, the administration offered its Railroad Revitalization Act of 1975, calling for financial assistance in the form of $2 billion of loan guarantees for upgrading physical facilities nationwide. Since then, knowledgeable railroad analysts have noted that $2 billion will not begin to correct the problem of deteriorated physical facilities nationwide, and that certainly there will be a requirement for something more than simple loan guarantees, much of which would likely turn out to be simply deferred outlays. Next, on June 18, Secretary Coleman indicated that the administration is prepared to provide assistance to the restructured bankrupt railroads through a plan involving an additional $1.8 billion, including not only loan guarantees but also more direct forms of assistance. Finally, just a few days ago, the administration requested another $72 million for interim operating assistance to the bankrupt railroads.

Slowly but surely, numerous items left out of the President's February budget message are coming to the fore. Slowly but surely, the President's proposed spending and deficit levels are coming to look more like those approved by the Congress in the first concurrent resolution on the budget.

Parenthetically, I might point out that while it was necessary during its deliberations on the first concurrent resolution for the budget committee to consider aid to railroads in somewhat general terms, since that time the issues and alternatives have been more clearly drawn. A major portion of any near-term expansion of Federal aid will focus on assistance to the restructured railroad industry in the Northeast and Midwest; and I note that USRA's proposal for such assistance will be presented to the Congress on July 26. In accordance with the provisions of the Regional Rail Reorganization Act, the Congress must act within 60 legislative days to give its approval or disapproval to this plan. Accordingly, the budget committee as a part of its consideration of the second concurrent resolution will review the budgetary implications of the proposed assistance.

In conclusion, I wish to commend the Appropriations Committee on the bill it has reported to the Chamber. As far as the items it controls are concerned, the committee has recommended a bill that is entirely consistent with the first concurrent resolution on the budget. I know that the members of the committee, and particularly Senator BAYH, chairman of the Transportation Subcommittee, are anxious for the Senate to support a comprehensive transportation policy consistent with the transportation needs of the country and with the current energy and economic situation. I commend them for having taken a worthwhile step in that direction with this bill, and I give my full support to the spending recommendations it proposes.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield to me 1 minute?

Mr. BAYH. Yes.

ORDER OF PROCEDURE—H.R. 8121, S. 391, S. 2173, AND S. 963

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the State, Justice appropriation bill be dropped from the lineup of bills to be considered on tomorrow, and that in lieu thereof the following be inserted and in the order stated: S. 391, a bill to amend the Mineral Leasing Act of 1920; and S. 2173, the Elk Hills bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent after S. 1281 is disposed of, S. 963, the diethylstilbestrol bill, be put in the lineup.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1976

The Senate continued with the consideration of the bill (H.R. 8365) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1976, and for the period ending September 30, 1976, and for other purposes.

Mr. PELL. Mr. President, will the Senator yield me 2 minutes?

Mr. BAYH. I would be glad to yield.

Mr. PELL. I thank the Senator from Indiana. I would ask him in connection with this amendment if we do not already have a great many supersonic airplanes landing at airports now, military airplanes; why is there a difference between the military and the civilian ones? For instance, at Andrews Air Force Base, which is closer than Dulles, I think the noise level is probably exceeded quite frequently by military SST's; would that be correct?

Mr. BAYH. That is accurate.

I would like to think it is relatively easy to distinguish the need to maintain and operate military aircraft in the supersonic category. We need such military supersonic planes to defend against other supersonic aircraft that threaten this country. We have to have them, and that is a matter of national defense.

In my judgment, the commercial aspect—and this was all part of the debate the Senator from Rhode Island recalls very well—was that the SST was in the luxury category. We have other ways of moving people commercially. We do not have other ways of shooting down supersonic aircraft of adversaries who want to destroy us.

Mr. PELL. I am very sympathetic to the amendment.

Perhaps, one other answer here is that the noise level is in direct proportion or geometric proportion to the size of the plane. Are not the Concordes larger than the military SST's?

Mr. BAYH. Yes, that is——

Mr. PELL. I am not sure, I just wonder what the answers are.

Mr. BAYH. The Concordes are much larger than military aircraft.

Mr. PELL. Then the noise level would be exceeded substantially.

Mr. CANNON. Mr. President, will the Senator yield so that I might get into that discussion?

Mr. PELL. The Senator knows more about them anyway.

Mr. CANNON. The two distinguished Senators have been talking about SST's in the military which may indicate they do not know very much about the subject matter they are talking about. We have no such thing as military SST's.

Mr. BAYH. We do have fighter aircraft.

Mr. CANNON. We do have supersonic aircraft that exceed the speed of sound, but we do not have any military SST's.

To answer the Senator's question, it is not a geometric equation related to noise; it relates principally to the engines, and while the geometry may have some factor in it, it is not a matter of size. It is a matter of engine thrust, et cetera, at the present time.

Mr. BAYH. The size of the engine is what causes the problem.

Mr. CANNON. One of the problems is the size of the engine, although we have engines today that are on the wide-bodied jets that are bigger than engines on the 707 and DC-8. These new airplane engines are quieter because they are further along in the state of the art. Concorde is an airplane started many years ago. It was started in 1964, before FAR-36 was ever designed and put into effect, so what we are trying to do now is go back and say, "We have written a law now and this airplane does not comply with that so we are going to make it retroactive." This is the worst kind of retroactivity that I can imagine.

Mr. BAYH. I must say the retroactive application has to be considered in terms of the noise standards which Congress has determined to be in the best interests of the people who live around airports.

Mr. CANNON. Well, the Senator cannot say that with any authority because he has not even waited for the environmental study to come in. The study is still in process. The Department of Transportation has said it has gone through the environmental impact hearings, they have conducted their hearings, and they have not even reached the decisionmaking process. So the Senator is trying to say we should knock it out before we even know what the facts are.

Mr. BAYH. I do not think that is what this amendment says. I think that may be the interpretation my friend from Nevada puts on it. But if he will read the amendment carefully, it says that if the SST's do not make any more noise than the standard that has been set by the FAA for new subsonic aircraft, they can come ahead and land.

Mr. CANNON. We know FAR 36 is a standard that this airplane cannot meet, and it also is a standard that the B-707 cannot meet. Is the Senator going to prohibit the 707? The Senator is going to try to get by that because he says supersonic aircraft is here, but the 707 cannot meet that noise requirement. Is the Senator going to require that they be done away with? There are hundreds of other airplanes that are in constant use over this country today, that cannot meet that requirement, and yet we permit them to continue operating.

Mr. BAYH. Let me at least in my own way explain to my friend from Nevada why I can make very easily a distinction between the 707 and the supersonic transport. I think that his very statement that there are hundreds of 707's is one of the reasons.

We have a significant financial commitment here. All the airlines in the world have hundreds of these planes now flying. There are about 16 SST's.

Mr. CANNON. Not about, there are.

Mr. BAYH. All right. There are 16 SST's. I think the economic consequences to us and to our friends—and American airlines are not the only ones involved here—of saying we will not permit 16 SST's to land here until they have come to grips with the noise question, are far less than saying we are going to ground hundreds of other planes. That is one of the real distinctions.

Furthermore, these 707's were manufactured and flying a long time ago. There would be a much greater degree of reciprocity involved in saying you will go way back and apply a standard to them. In this amendment we are saying we are going to go back a relatively short period of time and apply it to a plane that is not even in commercial operation. I make a real distinction there, I say with all respect.

Mr. MAGNUSON. Is the Senator through? I want to take all my time.

Mr. BAYH. The able Senator may take all the time he wants.

Mr. MAGNUSON. The Senator from Indiana rehashed all of these old things that we went through 10, 15 years ago, and none of it is conclusive. It all goes to show my real objection to this particular amendment is it does not belong on an appropriations bill; it just does not belong here.

When the Senator was mentioning here that it may not affect American planes. There are some 747's that do not comply with part 36 and the DC-8's do not comply.

As a matter of fact, if you really wanted to enforce part 36 you could say "Stop all 707's, stop all DC–8's," because of this SST.

I do not like to admit this to the Senate, but it is true, I will say to my friend from Rhode Island, the 707 is noisier on approach than the Concorde.

We could go on here all day with some of the figures the Senator from Indiana quoted. I can go back in my old files when the Senator from Wisconsin and I had an argument over the SST, and read to the Senate things exactly to the contrary because the thing has not been settled.

The Senator from Indiana made one statement I do not quite understand. He said it is going to cost American taxpayers money. This does not have any taxation issue in it.

It is a foreign built airplane and I hold no particular brief for the Concorde, but I am dedicated to progress in aviation.

We are making progress and we will put in the RECORD sooner or later, a little later, a long letter from the Secretary of Transportation pointing out what they are doing in studying the environmental impact of Concorde. They have not made a decision on the Concorde yet, I do not know what it is going to be, but when we passed the law giving the Department of Transportation and the FAA authority and responsibility, we intended it to be flexible.

There are plenty of supersonic aircraft flying now. I will make an even wager with the Senator from Indiana that there is one above us right now, or maybe two, that we do not even know about.

But this amendment just does not belong in this bill and we ought to have a long hearing in which we can again review, an oversight hearing, what they are doing in regard to these standards.

This amendment freezes that standard and it would be very serious, I would say, to American airplanes. I am not going into the retaliation feature of it, I think the Senator from North Dakota pointed that out very well. But if we say an airplane that has similar standards, as a matter of fact, in some other country cannot come in, then they are going to say that our airplanes also exceed our own subsonic standards and they cannot come into London or Paris, because the 707's do and some of the big 747's do also.

So that is why all of this is just talking back and forth of things we are not informed about yet or on which conclusions have not been reached.

A lot of things happened since we had our argument on the SST technologywise in airplane building and a lot of the noise features.

We can talk about shaking dishes and this sort of thing. We spent hundreds of thousands of dollars to test the technology of supersonic flights, we even had a great big test program in Oklahoma—and we had all those resources. They did not find that sort of thing, and they deliberately tried to shake down a building.

I suppose if we flew an SST 300 feet over a building, there would be some shaking, but we find that shaking going on out in my country all the time with military supersonic flights coming in and going out.

So I just simply want to point out that this does not belong on an appropriation bill.

What are we going to say to an air traffic controller? He starts to work at 8 o'clock and should work until 2 or 3 and all of a sudden the signal comes, we say, "Hold it, can't work it, it is a supersonic plane flying; sit over here in the corner, let them come in by themselves."

So they tack it on to this, tack it on to this or cannot do that. It does not belong on an appropriation bill. I know we can word it so that it might be, with a stretch of the imagination, germane, but it would be a long stretch.

Mr. GOLDWATER. Will the Senator yield?

Mr. MAGNUSON. Yes, but it is the Senator from North Dakota.

Mr. YOUNG. How much time does the Senator want?

Mr. GOLDWATER. Just 3 minutes.

Mr. YOUNG. I yield 5 minutes to the Senator.

Mr. GOLDWATER. I will have more to say as we go along on this discussion about noise.

It will now meet the local noise regulations at Kennedy Airport in New York, which is probably the most heavily populated area around an airport, with the exception of Los Angeles, and it has landed in Los Angeles, taken off in Los Angeles, and there has not been any hue and cry about it out there.

There is something that I think Members of this body ought to know, I am going to say there has been over 1 million flights above mach I over this country. I think it is probably closer to 5 million, but it is over 1 million by military aircraft, and there has been no trouble with ozone, there has been no trouble with health, and the only squawks we get from citizens are those people who invariably build houses near military airports, or airports.

I do not know what there is about a runway, but as soon as we put one in the middle of a desert, somebody starts a housing development right off the end of it.

In my State of Arizona right now we have five military bases all faced with problems because people built homes right off the end of the runway and occasionally an airplane does not quite make it, it is noisy, or we drop a tank or something, and we hear a lot about it.

Now, the noise level of the SST, the Concorde, and the Russian Tupolev, on landing there will be no supersonic effect because they will be subsonic.

This airplane glides at about the same speed that the 747 or the 707 glides, around, according to the load, probably 145 to 160 miles per hour, well in the subsonic range, and they would cease supersonic flight a good 200 miles off the coast in order to let down.

They have to come down at subsonic speeds. So all the hue and cry is actually on the takeoff noise.

I will admit the Concorde makes a noise on takeoff, but so does a 707.

The 117 decibels suggested as being the level of the takeoff noise of the Concorde, is met by the 707, but we are overcoming that. We are building engines today we call bypass engines and the reason we have noisy engines in the old aircraft, and the engines in the Concorde are in that category, is because all of the air that comes in the intake goes out the pipe. We do not need all that air, so they invented the bypass engine when as much as two-thirds of the air coming, naturally, into the inlet, goes on past, and they only use the air to burn in the engine that they need.

So we are making great progress in this area. The Russians are making, I think, even faster progress than we are in jet engines. The SST stopped us from developing an engine significantly giving upwards of 50,000 pounds of thrust, which the British and French could have completed and put on the airplane, but it is getting quieter.

Another thing, and I am sure Senator CANNON knows this because he and I have been interested in this business practically all of our lives, if we pass this amendment we are going to have to limit commercial aircraft, such as the small jets, the company jets, that have a decibel problem that we do not hear about.

The little training planes like the T–38, the F–5, the Cessna jet, use small high-speed engines producing a sound we cannot hear. It actually has been the source of quite a problem on our airbases. We had men developing psychiatric problems; we do not know why. All we found was that they were around these high-speed small engines that make a sound we cannot hear, but it goes into the brain.

So if we are going to talk about high decibels, and will have to talk about shrill decibels, we will wind up prohibiting many of our aircraft from flying into these airports if somebody wants to make a point about it.

I will have more to say about this as time goes on because we are going to get into this discussion of ozone and vibration, and every hackneyed argument that we went through when we foolishly stopped making the SST in this country.

I say "foolishly" advisedly because our aircraft industry, since we stopped this construction of the SST, has not kept pace with the aircraft industries abroad.

It is the only field where we still excel every other nation in the world—the aircraft, the airplane, and engines.

Yet, the French, the Germans, and the Russians are catching up on us because we stopped development.

We cannot stop development. We cannot stop progress in this country, whether we like it or not. Just because some people got a little mad about going two or three times the speed of sound we have, in effect, said, "No" to development that would have helped subsonic aviation and all aviation in general.

As these other matters come up, I want to talk to them. This has been a long study of mine. There has never been so much misinformation put out on any one subject as the SST.

I well remember picking up the Washington Post one morning and reading that the SST will cause skin cancer. I thought, "By golly, this is it; where did they dig that up?"

The PRESIDING OFFICER. The Senator's time has expired.

Mr. YOUNG. I yield 5 minutes.

Mr. GOLDWATER. I once talked to a professor at the University of Arizona, my school, before his death. I said to him, "How can you say that?" He said, "If you put a supersonic plane up there, it will destroy the ozone and cause skin cancer."

I said, "If we flew 500 SST's," and we were talking about them at the time, "and they flew wingtip to wingtip across the Atlantic, it will be a line 8 miles long. Do you mean to tell me that a line 8 miles long will disturb the atmosphere to the point where we will destroy the ozone?"

He said, "Theoretically, if you put enough up, it might do it, but 500 I do not think will ever do it."

We have never had any proof, no proof at all, that supersonic flight is causing trouble in the ozone. I will tell you where it is coming from. We now have a subcommittee on this in the Aeronautical and Space Sciences Committee. It comes from nitrogen fertilizer.

Artificial fertilizer, the experts tell us, by the year 2000 is the only thing we are doing today that can cause real damage to the ozone. We are studying it, the Air Force is studying it, the British are studying it, and the French are studying it. There is nothing that one can credit, or discredit, if you want to use that term, the SST with as it relates to ozone.

It is another one of those things we have to sit and listen to. If you are interested in what we are talking about, it is a chemical reaction between a jet engine exhaust and ozone, which is a rare molecule of oxygen found in decreasing amounts as one goes higher.

Ozone depletion could not have a serious effect if several hundred Concordes were flying with current military engines. Several hundred military jets which have been flying for the past 10 years even higher than the Concorde have not caused a significant ozone depletion effect. These are things we know.

Yet we pick up the newspapers and by the newspapers the Concorde did everything but cause ingrown toenails. I am surprised they did not find a way to do that.

In this debate, I am going to stand around and see what is offered because I might find more amusing mis-facts of life.

Mr. CANNON. Will the Senator yield 10 minutes, Mr. President?

Mr. YOUNG. I yield 10 minutes.

Mr. CANNON. Mr. President, I am opposed to this amendment primarily because of its discriminatory treatment of foreign-built aircraft.

As many of my colleagues are aware, in 1969 the Federal Aviation Administration promulgated rules designed to assure that future aircraft would be as quiet as modern technology would allow. These rules came to be known as part 36 of the Federal Aviation Regulations. In effect, part 36 laid down new noise control requirements for aircraft developed after 1969—I repeat, after 1969—and were primarily intended to apply new quiet technology to the new generation of jet aircraft then in the development stage known as the wide-bodies or the B-747, the DC-10, and the L-1011.

Noise in and around our airport communities has been significantly reduced as a result of part 36; the new wide-bodied jetliners are the quietest planes in the U.S. fleet. Part 36, wisely, did not apply to the so-called "old" aircraft or those which were designed and developed prior to 1969. Therefore, the B-707, the DC-8, the B-727, and B-737, and the DC-9 are not required to meet the noise control standards of part 36.

Even though most aircraft in the United States and foreign fleets still do not meet the standards adopted in part 36, the sponsors of this amendment would force this stringent requirement on the foreign built Concorde supersonic transport. As all Members know, Concorde is the product of a joint venture between the United Kingdom and France and is the result of a nearly $3 billion investment over almost 15 years.

Mr. President, that is the research and development of this aircraft on which started long, long before the provisions of part 36 were even thought up.

The reality is that Concorde, like many of our so-called old jet aircraft, was designed, developed, and manufactured long before part 36 had been adopted, or, for that matter, had even been thought of, it is therefore patently unfair to apply this new standard to the Concorde when we have never applied it to our own aircraft which were developed prior to 1969.

Mr. President, our friends across the Atlantic have invested great pride and resources in the development of Concorde. Whether we like it or not, Concorde represents a significant new achievement in transportation and aviation and represents a technological breakthrough which we in the United States are capable of but one which we as a nation have been unwilling to support with the financial commitments which are required.

I must say, I agree with the distinguished Senator from Arizona when he says we made a very serious mistake in not going ahead with our own supersonic transport at the time we laid it to rest.

This body, in 1971, laid to rest the U.S. SST program: the debate over the wisdom of that action will go on for years. However, even if we as a nation do not support the commitment made by the British and French to supersonic air travel, the fact is that commercial SST flights are just around the corner.

We cannot lock ourselves into a blind position and go back into the horse and buggy days simply because we do not like what someone else is doing.

In my view it would be international folly for the U.S. to prohibit the Concorde from landing here simply because we as a Nation have no SST of our own.

The fact is that American-built jetliners have dominated commercial aviation since its inception. Boeing, Douglas, and Lockheed jets are flown by airlines around the world and represent the single biggest export item of the United States. Our aviation industry has been paramount in the world as countless nations and their airlines have bought billions of dollars of U.S.-built aircraft. They have bought United States because we have built the best planes. I need not detail what these aircraft purchases have represented in regard to our balance of trade.

Now that the Europeans have designed, built and tested a commercial aircraft which offers great promise as a European export, those who are offering this amendment would deny this aircraft an opportunity to compete in the most important single market in the world, that between the United States and Europe. And they would do so on the basis that this airplane does not meet noise standards which have not even applied to the majority of U.S.-built aircraft. This, I submit, is patently unfair and would result in serious adverse consequences to U.S. world trade.

I need not remind my colleagues that the United States was recently triumphant in intense competition over the new military fighter program. In fact only a few weeks ago, the F-16, a U.S.-built airplane won the European support that will make it the allied fighter of the future. Its chief competitor was the French-built Mirage. Feeling in France is running very high as a result of the loss in that competition. It is fair to say that if we barred Concorde from operating to the United States, the French and the British would surely retaliate by placing restrictions on the sale of U.S. aircraft in Europe and might well curtail the operating authority of the U.S. air carriers which serve the European community.

Mr. President, on the merits of the case this is a rhubarb over nothing. The environmental impact of Concorde in the United States will be negligible. In the first place there are only 16 aircraft in existence and the Governments of the United Kingdom and France have made it clear that there will be no further production. Air France and British Airways have applied for authority to fly three Concorde round-trips a day to the United States, two to New York and one to Washington. Any future SST's, whether they be European or American, will be required to meet part 36 noise regulations because they will be "new" aircraft.

I repeat that: Any future SST's, whether they be European or American, will be required to meet part 36 noise regulations because they will be "new" aircraft.

We have heard much gloom and doom about the effects of supersonic travel on the environment. Sadly, most of the information being put out by the opponents of the Concorde is false. Concorde is slightly more noisy than the B-707 or the DC-8, yet following special flight procedures, Concorde has already proved it can meet the more stringent noise control requirements established by the New York Port Authority for operations at Kennedy International Airport.

In other words, if the people who regulate noise around Kennedy, one of the two largest airports in the United States, are satisfied with the noise requirements—and they must be met—then we in Congress should not, through a back door approach such as this, make it qualify under an appropriation bill—it is simply a back door approach, so that it would not be subject to a point of order, through denying the funds for paying the controllers for the purpose of permitting a supersonic aircraft to land.

Mr. President, I am not saying that Concorde is a quiet airplane—it is not. But it is not the ear shattering monster that some have painted it to be. I can assure my colleagues that three flights a day into U.S. airports will have a negligible impact on the noise situation around Kennedy and Dulles Airports.

The amendment before the Senate today is a menace to international trade, is contrary to treaty commitments of the United States and will raise again the specter of U.S. protectionism in Europe. It is also a sour grapes reaction to a European technological advancement in man's never-ending search for better and faster transportation.

I strongly urge my colleagues to reject the amendment.

Mr. President, there has been furnished to the chairman of our Committee on Commerce a letter from the Secretary of Transportation. I now read that letter into the RECORD:

> DEAR SENATOR MAGNUSON: In response to your recent request, I would like to present my views on language which I understand is being proposed for inclusion in the Department of Transportation and Related Agencies Appropriation Act, 1976. This language would, in effect, be a decision to deny the Concorde operating rights into the United States.

Mr. President, as I have said, this is a back door approach of the type that does not deny them landing rights; it just says that controllers cannot be paid to permit them to land, thus qualifying it on an appropriation bill. It has no business on this measure.

To continue with the letter:

> As you are aware, a decision on this issue is being formulated within this Department in accordance with the mandates established by the Congress. In this process, we are giving due consideration to all factors concerned. The environmental considerations are being treated in accordance with the National Environmental Policy Act of 1969 and related administrative guidelines. These mandates clearly identify the Congressional intent, which we are following completely.

Mr. President, there is the Secretary of Transportation saying that he is trying to carry out the congressional mandate that we have imposed on him, and, on the other hand, we have Members of this body trying to go through a back door approach to do away with exactly what we have mandated by law.

Continuing with the letter:

> Since receipt of application from British Airways and Air France for amendment of their operations specifications, the FAA has been actively engaged in fulfilling the environmental assessment mandates. A Draft Environmental Impact Statement (DEIS) was made available to the Council on Environmental Quality and the public on March 3, 1975. Public hearings were held in Washington, D.C. on April 14 and 15; in Long Island, New York on April 18, 19 and 24; and in Sterling Park, Virginia on April 21. In addition to the public hearings, we received comments from over 2700 individuals and have taken over 1,000 pages of testimony. All of the comments and testimony on the DEIS are being thoroughly assessed by the FAA. This involves additional in-depth analyses in several areas to assure that the Final Environmental Impact Statement will be as complete and objective as possible, covering all relevant environmental factors. No decision has been made upon the request, and it is clearly stated in the DEIS "that the acceptance of an application under the terms proposed did not constitute a decision by the FAA with respect to the proposed amendments; that the decision on the applications could be made only after the EIS process was completed; and that the amendment, if any, finally effected by the FAA might not be in accordance with the terms of the application.
>
> As stated above, the Congress has vested regulatory authority in the DOT/FAA. Accordingly, I think it would be premature for the Congress to take action prior to allowing the administrative process to run its course. The Congress should permit the Executive Branch of the Government to follow the mandated environmental procedures, consider all other pertinent factors, and make its determination; the process leaves ample time for further legislation if Congress deems it necessary. I do not believe it would be in our best interest to arbitrarily shut off full consideration of this vital issue by the proposed language in the FAA appropriations bill.
>
> Sincerely,
>
> WILLIAM T. COLEMAN, Jr.

That letter was dated July 21, 1975.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CASE. Mr. President, I can give the Senator a minute.

Mr. CANNON. If the Senator will yield me 1 minute, I will try to finish.

In addition, Mr. President, Senator MCCLELLAN, as chairman of the committee, received a letter from the Secretary of State, in which he points out—I shall ask that the letter be printed in the RECORD, but in part it reads as follows:

> The United States does not have noise standards established for subsonic aircraft generally. However, there are noise standards for new subsonic aircraft, and these are set forth in Federal Aviation Regulation (FAR) 36.

Going on, at a later point:

> The British and French Governments have on several occasions expressed to the United States Government their concern about possible discriminatory treatment of the Concorde. We have assured them at the highest levels that the Concorde would be treated fairly in all aspects of U.S. Government regulation. I believe that if the Congress were to ban the Concorde without allowing these administrative procedures to take their course and without Congressional hearings, as the proposed appropriations language would do, it would certainly provoke accusations from the British and French Governments that the Concorde was being excluded discriminatorily and contrary to U.S. treaty and other international obligations. This is a project in which they have invested nearly 3 billion dollars and which is of enormous significance to them. Such action could spur demands in these countries for retaliation against the U.S. aerospace industry.
>
> It would be appreciated if you would bring these objections to the proposed language to the attention of the other members of the Committee before a decision is taken on this matter.
>
> Best regards,
>
> HENRY A. KISSINGER.

I ask unanimous consent that the entire letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> SECRETARY OF STATE,
> *Washington, D.C., July 22, 1975.*
>
> Hon. JOHN L. MCCLELLAN,
> *Chairman, Committee on Appropriations, U.S. Senate:*
>
> I would like to call your attention to the serious problem raised by proposed language in the Department of Transportation appropriations bill requiring civil supersonic aircraft "to comply with noise standards already established for subsonic aircraft." The effect of this language would be to ban Concorde service to the United States in a way which would be particularly damaging to our relations with Britain and France.
>
> The United States does not have noise standards established for subsonic aircraft generally. However, there are noise standards for new subsonic aircraft, and these are set forth in Federal Aviation Regulation (FAR) 36. The Federal Aviation Administration and the Environmental Protection Agency have under consideration noise rules applicable to supersonic aircraft. The rule EPA has proposed would apply the FAR 36 noise standard to new models of supersonic aircraft. However, it has not yet been decided whether to apply this standard also to existing SSTs. In arriving at this decision FAA and EPA are applying the administrative procedures and standards of the Noise Control Act of 1972 and the Environmental Policy Act of 1969. If a decision is reached to apply the FAR 36 noise standard to existing SSTs, the Concorde will not be permitted to fly to the United States since it can not meet this noise standard.
>
> The British and French Governments have on several occasions expressed to the United States Government their concern about possible discriminatory treatment of the Concorde. We have assured them at the highest levels that the Concorde would be treated fairly in all aspects of U.S. Government regulation. I believe that if the Congress were to ban the Concorde without allowing these administrative procedures to take their course and without Congressional hearings, as the proposed appropriations language would do, it would certainly provoke accusations from the British and French Governments that the Concorde was being excluded discriminatorily and contrary to U.S. treaty and other international obligations. This is a project in which they have invested nearly 3 billion dollars and which is of enormous significance to them. Such action could spur demands in these countries for retaliation against the U.S. aerospace industry.
>
> It would be appreciated if you would bring these objections to the proposed language to the attention of the other members of the Committee before a decision is taken on this matter.
>
> Best regards,
>
> HENRY A. KISSINGER.

The PRESIDING OFFICER. The Senator's additional minute has expired.

Mr. CANNON. Mr. President, I submit that this amendment should be defeated.

Mr. PROXMIRE. Mr. President, in the temporary absence of the Senator from Indiana, I yield myself 10 minutes.

In spite of the arguments to the contrary, I feel very strongly that this Bayh amendment is a treat-everyone-alike amendment. It is an amendment that would be fair.

What are the facts?

The facts are, first, that all of the new subsonic aircraft are required to conform to the safety and the noise requirements that have been established, that we have established by law.

Second, all of the old subsonic jets are required, over time, to conform, and the cost to our airline and aviation industry here in America is going to be very substantial. The fact is that in order to retrofit the old planes, it will cost some $800 million. In order to replace them, it will cost as much as $13 billion.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. PROXMIRE. What we do here—I will not yield for the time being—what we would do here in this amendment is to prevent the exemption of civil supersonic aircraft from these requirements.

Is that fair? Who has supersonic aircraft? We do not have any. The British and French do. The Russians do. Iran is currently buying supersonic planes from the British and French. So, foreign countries have them. I think that is fine.

If they want to come in and fly here, I would have no opposition to it, provided they comply with the same requirements that American planes comply with.

Mr. President, the argument has been made that this is not much, only six planes.

We know that when the British and French have completed the fleet, it will be 40 or 50 planes or more. We know that the Russians may have additional planes. We also know that this can continue to expand and apply to these other planes, once they have taken this step.

How can we say to the Russians, "We will let the British and French come in, they do not have to comply," but we say to the Russians, "You will have to comply."

Obviously, we have to treat other countries the same. We may not treat our own subsonic aircraft the same. We have to treat other countries the same. I think we would recognize that.

Mr. President, I think it is also clear that once we start down this path there is going to be great pressure for an American-financed supersonic transport, in order to compete with the British and French. That may be right.

When we have that, I think one thing we should require above all is that it comply with our own safety and environmental standards. Starting off on this path, without the amendment there is considerable reason to believe that it would not.

How about the noise pollution? The fact is that the Concorde delivers noise decibels of 117 compared to the EPA estimate that a place of work in order to have a reasonable sound level would be 85, and the requirement by OSHA is that it should be no more than 90. One hundred and seventeen is not just a little more than 85 or 90. It is several times as much. It is ear shattering.

As a matter of fact, it would be 30 percent louder than our DC-8, 40 percent louder than the 707, 50 percent louder than the 747, and twice as loud as our new commercial jets.

Furthermore, there is a distinction in this kind of noise. It is a low frequency noise which means that it will be louder for greater distances.

The Department of Transportation study shows that on every landing in New York City the Concorde would expose 55,000 people to the equivalent of hearing a heavy-duty diesel truck 50 feet away.

It is true only a few of these planes would come in each a day at the present time, but once we take this step all the evidence is that we will have as many as 50 flights a day at John F. Kennedy Airport in New York, for example.

The ozone depletion argument has been pooh poohed by those who think we can ignore it. The fact is that once we deplete the ozone, it cannot be replaced for thousands and thousands of years. Once it is damaged, it is damaged for good.

It is true that only a few supersonic transports would have a modest effect, but, as I say, this is a foot in the door, and once we start down this path it is going to be extremely hard to apply stiffer standards, and if we do the economic cost could be very great indeed.

Mr. President, the low frequency vibrations are another problem with this plane. The SST supersonic Concorde vibrations are 500 percent greater on nearby homes than conventional jets. Of course, that vibration effect is what rattles the windows and shatters the windows and knocks the pictures off the walls and really annoys, understandably annoys our people when it hits them.

Mr. President, just this morning the Federal Energy Administration addressed a letter to the Federal Aviation Administration. It seems the administration does not speak with one voice on this. We have heard just a minute ago from the distinguished Senator from Nevada what the Department of State said.

Let me read what the FEA says. These days, I think all of us should be properly concerned and deeply concerned with energy consumption. We are being asked over and over again to drive our cars more slowly and not to take any unnecessary trips.

We have to take up in the next few days very important energy bills that are going to call on the American people to sacrifice substantially.

Here is what Roger W. Sant, the assistant administrator of Energy Conservation and Environment, says about the supersonic transport today. He says:

> However, we believe that sanctioning such fuel-inefficient air service sets an unwelcome precedent for similar future requests. Such action is incompatible with a United States energy conservation policy aimed at reducing non-essential and inefficient fuel uses. This is especially true for energy-wasting products, practices, or services which are publicly subsidized, whether by this or other governments.

We all know that the Concorde is heavily subsidized by both the British and the French Governments.

Public support for this Nation's energy conservation efforts could be undermined by an apparent disparity between Federal approval of fast, though fuel-inefficient, transportation for a few individuals and other Government actions to require fuel conserving reductions in automobile and domestic aviation speeds.

Mr. STEVENS. Mr. President, will the Senator yield right there?

Mr. PROXMIRE. I will yield in just a minute.

Mr. President, who flies in the supersonic aircraft? The evidence is that they are going to have to charge more than they do for the regular flights. But whether they do or not, we know that people who fly overseas have to be affluent. It costs money to fly overseas.

We know, also, of course, that the Concorde will not be allowed to fly at supersonic speeds over this country. So it is a transatlantic group. It is a jet set group. It is a well-to-do group.

If we do not pass the Bayh amendment, we are, in my judgment, creating a situation in which we are going to permit the affluent people to fly at supersonic speeds overseas, consuming three or four times as much energy per passenger mile than the subsonic jets competing with them. It seems to me that is very bad policy.

I am happy to yield to my good friend from Alaska.

Mr. STEVENS. I inquire if the Senator is familiar with the fact that I see this in my own home at Anchorage that the foreign airlines, such as Air France, with the Concorde, bring their fuel in in bond? I cannot understand, in terms of the operation of this aircraft, how it could possibly impact the conservation policies of the United States. They bring in their own fuel. They store it. It is not our fuel.

If they do not bring it in, they arrange a trade in terms of the fuel that is provided to our airliners that land in their country. It certainly is not fuel that is available to this country.

I would hope that the Senator would not imply that the FEA wants to impose upon France our conservation policies through an action of the Senate on an appropriations bill.

Is the Senator familiar with the in bond and tradeoff concepts, that they are not using our fuel in the operation of the Concorde?

Mr. PROXMIRE. Of course, it is obvious they are using their own fuel. But I think one thing that has been brought home to the American people in the past couple of years is that the world oil situation is an international problem; it is not a national problem. We are tremendously affected by the price, availability, and the use of oil throughout the world.

Also, there is the further implications, in what I think is an excellent and appropriate statement of the Federal Energy Administration, that once we start down this path, once we give supersonic commercial aircraft this kind of advantage, then it would follow that it is hard to discriminate against the American supersonic aircraft, which will be coming along. We can make a different decision then, but it would have to be discriminatory.

For that reason, also, it seems to me at least the potential effect as the years go on is going to be adverse on a limited supply of energy.

Mr. STEVENS. If the Senator will yield further—and I will try to address this on my own time—my hometown is known as the air crossroads of the world. When I go into Anchorage, and I hope to be there tonight, I will see Air France, FEA, Lufthansa, Japan Airlines, Northwest, name it—they are there, landing in Anchorage.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STEVENS. Mr. President, will the Senator from New Jersey yield me 5 minutes?

Mr. CASE. I am happy to yield.

Mr. STEVENS. The point I am making is that the Senator says this is a luxury flight. I wonder whether the Senator has any idea of the hundreds of thousands of people who are employed in cities such as my own, to service and maintain and provide the total capability for flight of an aircraft such as the Concorde. The Concorde operated out of Fairbanks for almost a month. It operated out of Anchorage several times. I flew on it to San Francisco. It took me 5½ hours to fly to Anchorage from San Francisco. It took me 38 minutes to get back. I cannot afford to pay for that time, but some people are willing to do so.

As to the decision of the French Government to make this kind of travel available to the world, it is going to be available without regard to the action of the Senate.

We now see a situation in which almost all the airlines I mentioned that fly into my hometown, despite the fact that they are foreign, are flying American aircraft. We are saying to the world that the one aircraft that seems to be pulling ahead of the United States in the field of manufacturing, the Concorde, is not going to be permitted to land in the United States.

I say to the Senator that there is going to be retaliation. We are going to see people laid off in Anchorage, in San Francisco, in Seattle, in New York, throughout the country, because of retaliation, because our planes will not be able to land in France. I would not blame France a bit if they did that, because it is their decision to fly the Concorde, not ours.

This is the same as saying that *Queen Elizabeth II* cannot come into New York Harbor because it is bigger than *Queen Elizabeth I.*

Mr. PROXMIRE. I respond to the Senator by saying that I have no objection at all to having the French-British Concorde or any other plane fly into this country. I say that it should be treated like every other plane, that it should not be given a special discrimination and exempted from our safety and health standards. It should be required to comply with what our own jets are required to comply with.

Mr. STEVENS. We created different standards for the prop planes, for the 747, the 707, the 737. We have a generation of aircraft that is not built in this country.

I have a great many friends who work in Anchorage and who service foreign-flown, American-built aircraft that have kept the airline industry and the aircraft industry in this country going for years. The Senator is saying that the Concorde cannot come in here unless it complies with the standards set for this "grandfather," in terms of generation of aircraft. This is a new generation of aircraft and deserves to be examined under our environmental procedures and our standards set for it, but the Senator wants to have it judged by the standards established by the subsonic aircraft, and that, to me, is unfair.

One can come up Cook Inlet, come out of the sound barrier and down to subsonic speed, make the approach into Anchorage, and land, coming in completely over water. I have never heard one comment from my people about noise, concerning the operation of the Concorde in Fairbanks or Anchorage. Perhaps when you come into a place like New York, where the high buildings would provide a baffling condition to the noise, you might get comments.

When I flew into San Francisco and looked at the ground, I never saw such a crowd of people in my life—it looked like a sea of human beings—who had come to San Francisco to see the Concorde. The interest in this plane is evident, and the support for it is evident.

I do not see why, on an appropriation bill, we should make a judgment that is equivalent to the judgment we made at the Senator's request with regard to the American-built SST. We have lived with that decision, but this is a new era. The question is retaliation. I do not want to see my town lose Air France as an international carrier, with all the jobs that are involved. What the Senator is doing, in fact, will bring about that retaliation.

Mr. PROXMIRE. There is no evidence of retaliation. The French really would be cutting off their nose to spite their face if they retaliated that way. They would be losing a great deal more than we. The Atlantic flight is one of the most desirable flights there is. There is enormous competition for it. If they refused to service our passengers in this country and others elsewhere, they would lose. We would gain. There is no logic in that kind of reasoning.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. GOLDWATER. The Senator mentioned possible retaliation by France or England. In my discussions with members of the French and English Governments, I have suggested to them that if we prevent the Concorde from flying into the United States, they do precisely that—that they close their airports to every airline carrying the American flag.

Mr. BAYH. Do I correctly understand the Senator to say he is urging them to get involved in this kind of heinous activity?

Mr. GOLDWATER. Yes.

Mr. BAYH. That is very uncharacteristic of the Senator.

Mr. GOLDWATER. No; it is not, because this kind of action has to require that kind of counterreaction before anything can be done. We have no provable evidence against the SST. It is something new. It is something we do not have because of the action of this body. I say to my friend that it is the worst thing we ever did to American aviation, in the whole field of aviation.

I think the foreign countries would be absolutely justified in denying the entrance of our aircraft.

Mr. PROXMIRE. Imagine the consequences to the French if they did that. They would lose their tourist business. They would be the losers. We would gain.

Mr. GOLDWATER. That is up to them.

Mr. PROXMIRE. It would be a great thing so far as energy is concerned if fewer people did fly to France.

Mr. GOLDWATER. I am not a member of the French Government. I merely suggested it to them.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. STEVENS. I yield to the Senator from Nevada.

Mr. CANNON. I am sure that the Senator from Wisconsin in his overzealousness in this matter, did not mean to misstate the facts, so I should like to correct him on several things.

He said that we require old aircraft to be retrofitted. That is absolutely false. We have no such requirement. We do not require the 707's, the DCA's, the 737's, the 727's, the DC–9's to be retrofitted.

There has been a big argument about it in the administration, but the President's Council of Economic Advisers advised against it because it would cost a billion dollars. The Senator is absolutely correct in that statement. Those aircraft were designed and built, just as this aircraft was, before FAR 36 was put into effect, which applies to aircraft since 1969. This aircraft was on the boards back in the early 1960's.

The second point——

Mr. PROXMIRE. Does the Senator want to be corrected on that point?

Mr. CANNON. I would be delighted.

Mr. PROXMIRE. The fact is that the administration is about to announce its position on retrofitting. The Secretary of Transportation, Mr. Coleman, is expected to announce it shortly. All the information I have is that they are going to require retrofitting.

Mr. CANNON. The Senator may expect that they are going to make an announcement, but he said they were now required to retrofit, that we require our own planes to retrofit, and therefore we should require this one. That is not the case. The President's Council on Economic Advisers has recommended to the President against retrofit, on the ground that it would cost a billion dollars.

Mr. PROXMIRE. The evidence is that they will lose.

Mr. CANNON. Second, the Senator says that this is definitely going to deplete the ozone. The ozone over the Earth has increased slightly over the past 10 years, and we have had millions of hours of military flight at supersonic speeds in the ozone during that period of time. The ozone actually has increased slightly.

Mr. BAYH. Where does the Senator get those figures?

Mr. CANNON. The National Academy of Sciences, and that is a fairly reputable organization.

Mr. BAYH. Are they the same ones who are trying to ban the aerosol bomb because of the depletion of the ozone?

Mr. CANNON. I cannot understand that.

Mr. BAYH. Neither can the Senator from Indiana.

Mr. CANNON. Well, I hope the Senator will confine his remarks to the statement I am making. I made that statement. If the Senator can dispute it, I will be glad to have him do it.

The distinguished Senator from Wisconsin pointed out the difference in the decibels, the noise levels. He indicated that it was some 40 percent greater than one aircraft, 60 percent greater than another. I wish to read the record.

This is from the draft of the environmental impact statement. This is what Congress charged these people to do, draft an environmental impact statement. So they went out and measured and compared it with other aircraft. Here is the comparison.

On takeoff, the Concorde had 117.8. The B–707–300 had 113 on takeoff. The DC–8–60 had 117—only eight-tenths of a decibel less than the Concorde. The 747–100 had 115.

So the largest difference on takeoff was between the 707–300 and the Concorde, which was 4.8 decibels. That does not translate into any 40 or 60 percent. It translates into about 4 percent.

As to the sideline noise, let us take a look at the sideline noise. The Concorde had 113.1 decibels. The 707–300 had 102. The DC–8–60 has 103, and the 747–100 has 101.9. So the maximum there was about 12 decibels in sideline noise, which, again is only about 10 percent.

Let us take the approach. This is very interesting. The Concorde had 114.9, the B–707–300 had 118.5, the DC–8–60 had 117 and the 747 had 113.6. That was the only aircraft of the three that had a lower decibel level than the Concorde did on approach. It was only 1.3 decibels lower than the Concorde approach.

Those are the figures put out by the U.S. Department of Transportation on the Concorde supersonic transport aircraft, the draft environmental impact statement.

Mr. PROXMIRE. Will the Senator yield on that point, because I think the facts are quite different?

Mr. CANNON. I am happy to yield.

Mr. PROXMIRE. The decibels are correct, but I think he misinterprets mighty quicker when he hits those decibels. Four decibels does not sound like much, but this is on a logarithmic scale, which is quite different. Let me read this: The Concorde noise levels averaged 115.3 effective decibels while the 707 levels average 111.2. The DC–8 averages 112.3 and the 747 levels average 110.2.

The fact that the Concorde is 4 decibels higher than the 707 and 3 decibels higher than the DC–8 may suggest, as the Senator from Nevada has done, that little difference exists. But the sad truth is when we recognize that it is logarithmic, that is quite different. This means the Concorde is 30 percent noisier, which is exactly what I said, than the DC–8, 40 percent louder than the 707, and 50 percent noisier than the 747. When we take the average of takeoff, landing, and side noises, that is what it works out to.

Mr. BAYH. Will my colleague permit me to expand on this just a moment?

Mr. CANNON. I have the floor. I must say that the Senators' figures are percentage figures. He gets them a different way than I get mine.

Let me just say further that we have had testimony from respected engineers who say that less than a 5-decibel difference in level is not perceptible to the average person. This is roughly what he is talking about—5 decibels. That is about what he is talking about. That is not perceptible to the average person.

Mr. STEVENS. I might say to the Senator from Nevada, I just had my ears checked and the doctor told me I was losing about that amount of decibels in the higher portion of the sound spectrum. I asked him what it meant, and he said, "Well, if you are going to converse with bats, you are going to have trouble, otherwise, you will have no trouble, because no one else uses that part of the spectrum."

That is what the Senator is talking about. He is converting these things to percentages individually. If we convert the Concorde percentage, we will find the Senator from Nevada is right. We cannot compare logarithms against percentages and percentages against logarithms We have to compare the Concorde against the same standard as these others.

The point, really, is that this is immaterial, in my mind, what we are doing here, because we have never established a decibel level for supersonic aircraft. I happen to have been one who flew prop planes and I saw the jets come. Then we have seen the superjets come and now we have seen the super superjets come Now we have the Concorde, which is an entirely different generation.

The Senator is saying, wait a minute, the French cannot fly this fifth generation, within my lifetime, of aircraft, because it has to comply with the third generation that we established under FAR 36. There is no sense to that, because we have not even compared our new superjets into our own FAR 36 yet. I cannot see barring a foreign aircraft any more than I can see barring a foreign vessel. There is such a thing as free commerce in the world. This is part of the whole concept of the free right to travel through the airspace of the world, which implies the right to land. If it cannot land in this country, we are going to cut ourselves off from the mainstream of international commerce.

I urge the Senate not to do that, again, as I say, representing, as I do, one of the key places in the world as far as air transportation is concerned. My State is going to stay in that key role and Anchorage is the key of the whole system as far as the Great Circle routes in the Northern Hemisphere are concerned.

I think this amendment is absolutely wrong. Having made the decision not to build our own SST, why should we bar another country, which has spent such fantastic amounts of money in the attempt to try to establish its own trade routes, with a new generation of aircraft? No other country in the world ever did that to us as we went through from prop planes to the small jets, larger jets, the superjets, and now the big-body jets. No one ever did that to us, in spite of the noise of the 747, as compared to the DC–3, flying throughout the world.

Mr. CANNON. The Senator has made a very good point. I think we are getting off on a side issue as to what the decibel levels are. We are trying to legislate here through a back-door approach on an appropriations bill to prohibit something on which we have not even let the administrative processes be completed.

I put the letter of the Secretary of Transportation into the RECORD earlier, and that is the point, that they have not yet been able to complete the administrative process. So let us let them carry out the obligation we have imposed on the Department of Transportation, and then make these decisions, if we must make them. But let us not come in through an underhanded, back-door approach and try to get at it on an appropriation bill.

Mr. GOLDWATER. Will the Senator yield?

Mr. STEVENS. The Senator from Utah asked me for some time. Then I will be happy to yield to the Senator.

Mr. HASKELL. Mr. President, will the Senator yield merely for me to ask for consideration of a conference report? Will that be satisfactory?

Mr. STEVENS. I will be happy to yield, subject to the Senator from Utah agreeing.

Mr. BAYH. Without objection, could we grant that request of the Senator from Colorado with the understanding that the time does not come out of either side?

Mr. STEVENS. Since I have been called from the floor, may I yield such time as the Senator from Utah desires, then the Senator from Arizona, then the Senator from Washington?

The PRESIDING OFFICER (Mr. PEARSON). Without objection, it is so ordered.

Mr. BAYH. I ask unanimous consent that Mr. Howard Paster, of my staff, be permitted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS—CONFERENCE REPORT

Mr. HASKELL. Mr. President, I submit a report of the committee of conference on H.R. 3130, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. PEARSON). The report will be stated by title.

The second assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3130) to amend the National Environmental Policy Act of 1969 in order to clarify the procedures therein with respect to the preparation of environmental impact statements, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The **PRESIDING OFFICER.** Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of July 24, 1975, at page 24531.)

Mr. **HASKELL.** Mr. President, H.R. 3130 would amend the National Environmental Policy Act of 1969 to clarify the Federal and State roles in the preparation of environmental impact statements under certain Federal programs. Two recent circuit court of appeals decisions, cited in the conference report, have been interpreted as holding that the responsibility for preparing environmental impact statements on Federal-aid highway projects cannot be delegated by the responsible Federal official to State highway agencies. Earlier decisions in other circuits held that such delegation, properly circumscribed by procedural safeguards, is permissible. These diverse decisions have the potential of requiring different impact statement preparation procedures in different regions of the country. The purpose of H.R. 3130 is to provide a single uniform procedure for preparation of environmental impact statements under the Federal-aid highway program and similar Federal grant programs by State highway agencies and other State agencies with statewide jurisdiction.

The conferees have agreed to a conference substitute to the Senate amendment which contains, virtually verbatim, the language of the House bill. It also preserves the purpose of the Senate amendment, although its language was altered in order to remove certain perceived ambiguities.

Mr. President, I am satisfied that the agreement reached by the conference committee is a reasonable compromise, and I move the adoption of the conference report.

The **PRESIDING OFFICER.** The question is on agreeing to the conference report.

The conference report was agreed to.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1976

The Senate continued with the consideration of the bill (H.R. 8365) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1976, and for the period ending September 30, 1976, and for other purposes.

Mr. **GARN.** Mr. President, I speak in opposition to this amendment on two grounds. First, I agree with the Senator from Arizona, who has been in the Senate a long time, about the decision to ban the SST. I suppose some of those Senators who voted against the appropriations for the SST would have voted against appropriations for the Wright brothers plane. That was noisy, too. A lot of other planes have been noisy. We are voting against progress. I happen to have flown a lot of different aircraft, and I can tell the Senators, the old T-6 was a noisy airplane, that old prop beating the air. So was the B-17, the B-29 and a lot of others.

When we started our development of jets, the first jets—the old water wagons. That does not mean much to a lot of people, but the first jets had water injection engines, and they were very noisy. They polluted a lot and put out a lot of black smoke. We did not ban them at that time. We decided if we needed that aircraft, we would go ahead with it, and we had enough brains to correct those problems. And we have.

Go listen to a DC-10. Go listen to some of these other aircraft and see how we have quieted them down.

Maybe we ought to go down to Langley and see what NASA is doing on quiet engines. They are going to come, gentlemen. We are going to quiet down the SST in the future. We will not do it by legislative action, by banning progress.

Are we going to ban automobiles because they pollute? No; we are going to find out how to make them nonpolluting, and that can happen to the SST as well, and it will. I say the proof is that in the 15 years or so since commercial jets have been operating they have been greatly improved.

The SST is new. With each generation and with each new model that comes out it will be improved, and the problem will be taken care of.

I agree with most of the other arguments against this amendment, but there is one other argument I want to make which the Senator from Nevada brought up. As a matter of fact, that is all I was going to talk about until I started listening to the debate.

I object to the methods we use in the Senate. I came here in January with great expectations of joining the greatest deliberative body on the face of the Earth. I am sorry to say I have learned it is not the greatest deliberative body on this Earth. We use a lot of tactics, games, gimmicks. We use tabling motions and delaying tactics, and we are often not men enough to stand up and vote up or down and tell the people how we feel.

We started out in January with a tax bill and we Christmas-treed it, and we added amendments, we added $4 billion, with no committee hearings, and no testimony.

We throw things in on the floor of the Senate without any regard to whether the Senators have had any time to study them or not. We come to the floor with appropriations bills that have not yet had the committee reports on them so that Senators can study them. We are not the greatest deliberative body on the face of this Earth. We are greatly disorganized.

This week we have seen a railroad in the Senate, and the smell of the engine is still going through here, on the Voting Rights Act.

I voted for cloture both times, and I voted for the Voting Rights Act; I agree with that. But the procedural methods to ram through the House bill that were displayed here, with the points of order, and the ignoring of the rights of Senators to be heard and to get up and down votes on their amendments is, I think, disgraceful. It was all with the idea of getting it through rather than considering amendments up or down on the basis of their merits. We did not consider merits. They just had to be defeated because the House of Representatives might not agree to them.

Now we see some who do not know very much about aviation, who have not flown airplanes, using another device to stop the SST rather than bringing it in in a separate bill. If they want to talk about the SST's, they should bring in legislation, rather than using an appropriation bill to legislate.

I disagree with that procedure. We are constantly tacking amendments on some bill, amendments that are not germane, that have nothing to do with it, and using appropriations as a device.

So, even if I were in favor of banning the SST in the country, I think the procedure being used, tacking it onto an appropriation bill is wrong. I think it is an entirely wrong way to approach it. We ought to quit playing these little games and stand up and be men as U.S. Senators. We should vote up or down on these issues.

Fifty proponents of this amendment want to ban the SST. Let them bring in a bill to ban it. Let us be forthright about it and not use an appropriations bill that has to be passed, obviously, to fund these other departments.

Mr. **BAYH.** Mr. President, will the President yield?

Mr. **GARN.** I would be happy to yield.

Mr. **BAYH.** Of course, the Senator from Utah was not a Member of this body in 1972 and we were not fortunate enough to have the benefit of his deliberations. What this amendment will do is reaffirm a determination which this Senate, by a vote of 62 to 17, made in 1972: Ban use of U.S. airports by supersonic planes which fail to meet noise control standards.

Mr. **GARN.** This Congress banned the production of an American SST. We did not ban or have the right to ban the production of a French-English SST. I am not going back to that. That has been done. I merely said I disagreed with it. Nor does the ban on jets which fail to meet noise standards apply retroactively. It does not apply to the Concorde.

What I am saying now is that I object to the back-door approach, and would object even if I agreed with the distinguished Senator from Indiana to ban the French SST from coming here. Let us use the front door on it, not the back door of a transportation appropriations bill, where we tack this on to it to prohibit controllers from being paid with money from this appropriation bill to serve those SST's. That is a back-door approach, whether it is this bill or the way we railroaded the Voting Rights Act or other things. I do not like those tactics.

Mr. BAYH. I would like to point out that this Congress has enacted two laws requiring establishment of reasonable noise criteria for the benefit of the public welfare. It is with the intention of preventing subversions of the aims of those laws that the Senator from Indiana and several colleagues have offered an amendment which the Parliamentarian has pointed out is well within parliamentary rules.

Perhaps my colleague does not like this way of doing it. Frankly, he is within his rights not to like it, but it is certainly germane. It deals with laws that are now on the books. If indeed the FAA study subverts the very strong noise legislation that this body has passed, I do not like to see that happen.

Mr. GARN. There is no doubt that it is within the procedures of the Senate. I am not singling out the Senator on this bill, I am talking about procedural issues. I have heard the Senator on this floor on other issues being critical of some of the procedures, too, and it is procedures I am being critical of. I just happen to oppose the Senator's amendments in addition to the procedural differences I have.

Mr. BAYH. I would just like to say to my friend the fact that we differ from time to time on procedural methods certainly in no way affects the warm feelings I have for him.

Mr. GARN. I yield to the Senator from Nevada.

Mr. CANNON. I would like to correct the distinguished Senator from Indiana—if he would listen to me. He made several statements that he is trying to preserve law on the books now. That is absolutely not correct, and I challenge him to show any law that is on the books now that applies to subsonic noise levels of the supersonic transport and which says that Concorde or any SST cannot land in this country.

Now, FAR 36 applies to the DC–10, the L–1011, the 747–200, the 727–200, and the DC–9–50. It does not apply to the aircraft that were designed or manufactured prior to 1969.

This airplane was designed in 1964 and has been in the process of construction since. So there is no law on the books as he says period. And if the Senator can prove it I would like to have him read it into the RECORD.

I thank the Senator for yielding.

Mr. GARN. I would just like to make just one more point in closing, and then I will yield to the Senator from Arizona.

Aagin I do object to the vehicle being used to do this. I do think it is a back-door approach. But, further, I want to emphasize, and I want the Senator from Indiana to know, that I am not in favor of all the noise. I, too, agree with his objective. I just think the way to handle it is technologically and not legislatively.

I think the improvement in noise levels in our subsonic jets over the years certainly shows that that can be done. The supersonic transport will be able to be quieted down and meet the standards if we do not legislate it out of existence.

I yield to the Senator from Arizona.

Mr. GOLDWATER. I want to ask the Senator from Nevada a question or two. But I, too, want to put the record straight, the record made by the Senator from Wisconsin.

If we are talking about energy and the waste of energy, the Concorde burns less fuel than a 747, but it does burn more fuel per passenger-mile than a subsonic aircraft.

A fleet of 30 Concordes, operating for 20 years, would consume only 4 days' worth of the world's proven recoverable reserves of oil at the current production rate.

We listened to a discussion about the decibels as they apply to working conditions.

Now, a factory, they say, is safe decibel-wise if it is 80 or 90. But this is 8 hours. This is a man standing at a lathe or drill press for 8 hours.

What we are talking about here are 117 decibels for 3 or 4 minutes for maybe three flights a day or 9 minutes out of 24 hours, and I do not think the Senator thought that one through or he would not have used it.

When we get into this question of vibration, the Senator made the statement that the vibration was five times something, I forget what he would liken it to, and he likened it to something like a 5-ton truck, but the vibration that has been studied was well below the damage threshold identified by our Government. A lot of research has gone into the vibration question, and the Concorde vibration poses no danger.

I can attest personally to the research that has been done in this field. For a long time I helped the Air Force in the Southwest trying to settle so-called damages caused by supersonic bursts that supposedly broke windows, broke bathtubs, broke toilets, knocked pictures off the wall, and so forth. But the Concorde is well within these limits.

I would like to ask my friend from Nevada, he is a lawyer and I am not, he is a pilot and I am.

This amendment says:

> That no funds appropriated by this Act for the operation activity 'Operation of Traffic Control System', nor for the salaries and expenses of persons operating that system, may be used to control the takeoff and landing of civil supersonic aircraft.

Now, am I not right in remembering that a landing aircraft has precedence over all other traffic?

Mr. CANNON. Yes, the Senator is correct. A landing aircraft does have precedence.

Mr. GOLDWATER. So if a supersonic aircraft that took off from France or England, where there is no prohibition against it, and flew into the control area of a New York center and attempted to land, could the controller legally refuse to help him?

Mr. CANNON. Well, no, he could not legally, of course, but if this amendment were passed, he would not get paid for controlling that aircraft, I guess.

As the Senator knows, this is an obvious back-door dodge because if one would just come in and say, as an amendment to this bill, that the supersonic transport could not land in the United States if it had generated the higher decibel at takeoff and landing than those generated by any subsonic aircraft, that would be subject to a point of order because it is legislation on an appropriation bill.

So what the approach has to be is to take it out on the poor controllers and say, we have this aircraft in an emergency condition, he has got to be able to land, he cannot fly back to France, and if one goes ahead and gives him landing instructions over these other aircraft to avoid a calamity, they cannot get paid.

Mr. GOLDWATER. I thank the Senator.

I want to ask the Senator one more point:

> That no funds appropriated by this Act for the operation activity "Operation of Traffic Control System."

Would the Senator take this to mean an SST, a Concorde, approaching the United States would suddenly find all navigational aids turned off because they are not allowed to be used?

Mr. CANNON. I suppose that would be the interpretation, that they would have to shut down all of the navigation aids, so that Concorde could not use them because funds for some aids are appropriated in this bill.

Mr. GOLDWATER. Now, the Senator has piloted aircraft into JFK Airport, he knows what it is to be number 15 or 20 in traffic, can one imagine the chaos that would occur if suddenly somebody had to pull the switch on the electronic navigation equipment because an SST was 200 miles out at sea, and the way I read this, that is precisely what would have to be done.

Mr. CANNON. Well, I think that effectively it probably would have to be, but I hope the amendment will be so soundly defeated that we do not run into that possibility.

Mr. GOLDWATER. Well, I just tried to point out from a pilot's standpoint the dangers I see in this.

I have to agree, it is a very cute way to get around germaneness, and all that, and I have admiration for the brains that thought this up, but I do not think they thought it through.

How would one determine how much a controller is to be docked if he gave landing instructions to an SST mixed in with maybe 20 or 25 other aircraft that he was handling?

Mr. CANNON. Well, I suppose they would have to feed that into a computer to see how much time the SST was on the screen and prorate that out among all the other aircraft the controller would normally handle in a day and then fractionize it and determine how much pay should be deducted from his paycheck. It would probably cost the Government four or five times the amount of the deduction.

Mr. GOLDWATER. I do not believe the union would stand still for it.

I thank the Senator for his answers.

I certainly hope this amendment is roundly defeated. If we want to stop the SST, the Concorde, from flying in this country, I think the best way is to write a law and say, "Stay away," but not by this cute little device that is going to raise havoc with a whole control system in the busiest airway control center in the whole world.

Mr. WEICKER. I would have to pose a question to the distinguished Senators from Arizona and Nevada, as follows.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. I will be glad to yield time to the Senator from Connecticut if he will permit me to take just 1 minute.

Mr. WEICKER. Certainly.

Mr. BAYH. Before the Senator from Connecticut undertakes to present his position, I want to state that I have the greatest confidence in the intellectual capacity of my friend from Arizona and my friend from Nevada, but I must say the logic of this last ping pong match is certainly below standard.

They know what we are trying to accomplish here. They know that if this amendment is passed, there will not be any supersonic aircraft up there doing the kind of thing my good friend from Arizona imagines.

Mr. GOLDWATER. The Senator is absolutely wrong.

If we could pass a law that would say they cannot take off from an airport in France or England, then we have solved the problem, but they can. And unless we write another law saying they cannot fly into the limits of the United States, they can. They can come over New York, they can ask landing permission.

Now, unless the law says they cannot land, all that can be said is "We are very sorry, boys, but we cannot give landing instructions," in which case he says, "I declare an emergency."

Now, when that happens, it is all over. He is going to land.

I just point this out as a very practical thing. I do not believe the writers of this amendment gave any attention to this.

I can assure the Senator that these things might not happen, but they could happen.

Mr. WEICKER. Well——

Mr. BAYH. I think my colleague from Arizona very well knows what we are trying to accomplish.

Mr. GOLDWATER. I disagree. I disagree.

I would not want to be flying in the skies with a supersonic aircraft trying to make a landing, which he can make.

Mr. WEICKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield time?

Mr. BAYH. Yes, I yield whatever time my distinguished colleague from Connecticut desires.

Mr. WEICKER. I have to agree with my distinguished colleague from Indiana in the way he has characterized this particular dialog.

The distinguished Senators from Nevada and Arizona, if they are going to contemplate landing in Russia, I would suggest they get some prior clearance from the Russian authorities. Yes, they can take off from the United States of America and point the airplane in the direction of Russia, but without a prior clearance, I would suggest they might have a little difficulty at the other end.

I do not know what laws are written by the Russians, but it is just a known fact that without prior clearance neither the Senator from Nevada nor the Senator from Arizona—for whom I have a great deal of affection—could contemplate landing in that part of the world.

If they did so under the present circumstance, it might be that we would be without their services for quite a period of time.

No, I think it is very clear that any such action by the Senate of the United States along the lines of the amendment of the distinguished Senator from Indiana puts all nations on notice that they will not be able to land SST's in the United States.

Now, when it comes to emergency landings, obviously that transcends the laws of any nation, it is an emergency, whether on the sea, or anywhere else.

But believe me, I submit the routine emergency landings are not going to come to pass with SST's.

Mr. GOLDWATER. Will the Senator yield?

Mr. WEICKER. As I said, there might be very good arguments against this amendment, but I do not think the arguments presented in the last few minutes by those distinguished gentlemen fall into that category.

Mr. GOLDWATER. Will the Senator yield?

Mr. WEICKER. I certainly do.

Mr. GOLDWATER. First of all, it is common knowledge we cannot fly over Russia or land in Russia without their prior authority.

If that is the approach that is intended to be made by this amendment, it does not do it.

If we want to stop an airplane from coming into the United States, we should write in the law that they cannot file clearances into any airport in the United States. Until that becomes a law, I do not know what we are going to do to prevent the Concorde or a Russian 144 from taking off, filing a flight plan for New York or Los Angeles, and unless our law specifically says that we will not allow them to land or to have a flight plan over the country, they are not going to be denied that flight plan.

Once they have had that flight plan, then you have to have further language to prevent them by saying they cannot land. If you say they cannot land, then you cannot give a flight plan. I do not think that this amendment, with all due respect to it, will accomplish what the sponsors want to accomplish by it. That is my criticism of it.

Mr. WEICKER. The onus of such an experience—an SST taking off and being unable to land in the United States—falls not on the heads of the controllers, but on the nation that sends the airplane over here. If the Senate passes this amendment, it is very clear to me and to any person with commonsense, certainly of any foreign government and any foreign airline, that an SST is not going to land in the United States.

Mr. STEVENS. Will the Senator yield right there?

Mr. WEICKER. I would like to finish, if I might. I will be glad to yield when I am through. There is nothing I like better than a little dialog with my colleagues.

Mr. STEVENS. I would like to go into the international treaty concerning controllers.

Mr. WEICKER. The question then arises as to this business of landing these planes. Clearly, pasage by the Senate of this language would put every nation on notice that such planes would not be allowed to land in the United States.

Mr. President, I rise in support of this amendment. In 1971 the Congress stated its opposition to Federal assistance for the development of commercial supersonic aircraft. Now we are faced with the contradictory situation of the FAA considering an exemption for the SST from permissible noise levels established pursuant to the Noise Pollution Control Act of 1972. Such an exception gives the SST a special treatment it does not deserve.

When I arrived in the Chamber the distinguished Senator from Utah was making his comments relative to objecting to the back-door procedures that are involved here in getting this kind of an amendment on this legislation.

What should be of even greater concern to the distinguished Senator from Utah and the distinguished Senator from Arizona, and always has been to the distinguished Senator from Connecticut, is the back-door procedures of the State Department of the United States which tries to circumvent the intentions as expressed by the House and the Senate. That is why this whole problem has been precipitated. It is not by any back-door procedures on the Senate floor. Certain individuals in the State Department think it would be best for our policy, our friendships and our alliances to permit this to happen when, indeed, the Congress has already expressed itself 2 or 3 years ago on this very matter.

Mr. GOLDWATER. Will the Senator yield at that point?

Mr. WEICKER. I will in a moment.

Mr. GOLDWATER. I simply want to comment briefly.

Mr. WEICKER. I yield.

Mr. GOLDWATER. We did not disapprove of anything but the Federal Government financing a supersonic transport. We did not say anything——

Mr. WEICKER. I will say to the distinguished Senator from Arizona that the distinguished Senator knows very well that when we disapproved of that it was for a variety of reasons. It had to do with the environment, with noise levels, with all of these subjects. What the Senator is saying now is that it does not apply to the fact that a foreign plane could come over and land in the United States. Believe me, all the arguments against the SST that were present then are right here on the floor today. If the Senator wants to let the State Department go ahead and legislate for him, that is all right; I do not.

Mr. GOLDWATER. I do not like the State Department any more than the Senator does. I do not see their hand in this. They have not come to me to get my help. I think we are inconsistent in trying to say that we voted against the SST for reasons which have been enumerated when we voted against it because we did not want the Federal Government participating in the financing of it. That is the whole nut subject of it.

Mr. WEICKER. In response to the distinguished Senator from Arizona, he is absolutely correct when he says we did not want the Federal Government to finance it. That was a reason. He is correct on that point. But, in addition to that point were all the reasons relative to noise levels and the environment that are just as valid in the argument today as they were in the argument back in 1972.

Mr. President, one of the alternate sites being considered for the SST is Bradley International Airport in Connecticut. Connecticut's Department of Environmental Protection has raised its objections to such a proposal.

The agency noted that noise pollution regulations were designed to reduce current noise levels at U.S. airports. The agency further commented:

> It is also clear that this effort was not undertaken lightly, but was due to health and welfare considerations, the economic and social effects of depreciating land values in areas surrounding airports, the substantial noise impact in recent years of the jet fleet and so forth. EPA now says that these issues are "discriminatory" when applied to the SST. It is the view of the State of Connecticut that the SST is unreasonable in that its manufacturers and promoters view U.S. noise rules as not applicable to their plane. Health and welfare considerations are, or should be, made irrespective of source.

Mr. President, the health and welfare of our citizens, not possible diplomatic gains, must determine our action on this matter. By their own admission, manufacturers of the Concorde SST acknowledge that the plane is twice as loud as current regulations allow for subsonic planes. I cannot support the adoption of a double standard by allowing SST to land at airports that would be closed to equally noisy but less influential aircraft.

That is the issue pure and simple. I fully respect the views of the Senator from Arizona. As a matter of fact, in most aeronautic matters, I look to the distinguished Senator from Arizona as my leader. There is probably nobody in the Senate who knows as much as he does about these matters, whether we are referring to commercial or military aircraft.

But this is a matter of principle, really going back on the intent of Congress. He and I disagree on that point. He feels that the intent was expressed solely on the matter of Federal assistance. I do not think so. It was clear even then that we had taken into consideration the environmental impact of this type of airplane and had rejected it. Now, as I understand, the State Department is most anxious that the Senate go ahead and defeat this amendment in order that we can have good relations at least in this area, with our neighbors in England and France.

Well, I am sorry about that. I am sure the State Department should pursue its ends, which are to create and maintain friendly relations. We have the job of protecting and representing the interests of our constituents. If we are going to apply a standard to the American plane manufacturers that takes into consideration health and welfare of our citizenry, those same standards should apply to foreign manufacturers. That, in essence, is what is accomplished by the amendment of the distinguished Senator from Indiana. I compliment him. I do not think it is a back-door approach. I wish more often my colleagues would step up to bat on these issues as they arise in the form of appropriations. That is the only power we have. It is the power of the purse. If we want to effect the policy, do it when the purse is up for debate and for vote.

Again I want to put it in the RECORD that I compliment the distinguished Senator from Indiana, not for utilizing any back-door approach but meeting the issue head-on. I am thoroughly in support of his amendment for the reasons enunciated.

Now I will be delighted to dialog with my colleague, the distinguished Senator from Utah.

Mr. GARN. I do not know if the distinguished Senator from Connecticut was here for my entire remarks. My talk about the back-door approach was only part of it. We agree on the State Department. We share that view. But two back-door approaches do not bring us in the front door. I strongly feel that the answer to this problem, and maybe this is the part that the Senator did not hear, is technological. It is not to ban things by legislation. The 707, the first ones, were terribly polluting. If we had applied today's standards to them, they would never have been permitted. But we developed and improved the engine. One can go to NASA headquarters at Langley and look into the research on super-quiet engines and hypersonic aircraft, at the developments of wings and fuselages that will not create the shock waves in the future. That is my major point. I do not disagree with the Senator from Connecticut or the Senator from Indiana on what we want to achieve. What the Senator from Connecticut is doing is saying that we will achieve progress legislatively; that we are not willing to trust our scientists; that we are simply going to ban it and lose the ability to have the superfast aircraft in the future that can meet noise standards.

This is what I am saying: if we want to accomplish the same goal, let us do it technologically the way we have solved other problems and not just ban it because we do not like it.

Mr. WEICKER. It is not that I do not trust our scientists and our technicians. That is not what is involved here. These are French scientists and English scientists, and English and French technicians, and the matter is out of our hands.

I am well aware of the program which the Senator from Utah refers to. I have sat for years on the Committee on Aeronautical and Space Sciences. I know we have the money available for our present generation of jet engines.

That is all well and good, but this is not our plane. This plane is not within our control. It is a French-English engine, and a French-English plane.

What we are saying is that if they were investing this kind of money and time in the type of research the chairman is referring to, then they would be able to produce a better engine, which would meet the objections raised here on the floor today. But so far they have not.

I am not willing to have them get a leg up on us and wreck the environment, if you will, until we ourselves develop an engine that is compatible with the environment.

Mr. GARN. By that standard, we would have delayed the development of our current jets for years.

We can remember when we were told or read that if the human body traveled over more than 60 miles an hour, it would explode. Fortunately, we did not legislate that a human body could not travel more than 60 miles an hour, and we found out differently.

There are many things we would not be able to make, that we would not be involved in, if they had been legislated out of existence before they were tried.

I agree with the Senator's objectives; I just do not agree with the method.

Mr. WEICKER. I do have to point this out: One of our jobs today, and it is a very difficult one, is to try to convince the American public to believe that technology and science must move ahead. The Senator knows there are those who oppose nuclear energy, jet engines, and everything; they do not even want to try to have science become compatible with nature. It is a very difficult job to move science ahead in this country today.

We will have this kind of thing taking place, and the opposition will grow and grow, and those who want the frontiers of science pushed forward are going to be overwhelmed by the rhetoric of demagoguery of extremists who want us to sit back and do nothing.

I believe in moving our scientific and technological capabilities ahead on many fronts. But I realize that this is a double-edged proposition, and to vote stringent standards for ourselves and not for foreign nations will only provide food to the demogogs who would like to get us back to the stone age.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. WEICKER. I yield.

Mr. STEVENS. Being one of those, apparently, whom the Senator has in mind——

Mr. WEICKER. One of what?

Mr. STEVENS. One of those demagogs who still believe in progress, apparently.

Mr. WEICKER. If the Senator had been listening, I used the term "demagogs" as applying to those who would like to stop all science and all progress, not those who want to move ahead.

Mr. STEVENS. I believe it is essential that those who see this as a new generation of means of transportation ought to be listened to a little bit.

Mr. WEICKER. Oh; the Senator is rearguing something we decided not to build.

Mr. STEVENS. No, I am arguing the practical realities of the situation.

My State happens to be on the great circle route from Tokyo to Mexico City. I would like to be the pilot of a Concorde that has taken off from Mexico City and has engine trouble as it approaches Alaska.

I ask the Senator to be the air traffic controller, and tell me what he is going to do when I radio down and say, "I would like instructions as to how to land in Anchorage. I have engine trouble. I want to come in and get a checkup at Anchorage International Airport."

How does the Senator square this proposal with the International Convention on Air Controllers, and the requirement to provide emergency assistance to those who travel by air? How does the Senator justify his support of this amendment, in view of the fact that we have no control of where a plane lands?

When I came back from Geneva 3 weeks ago, I landed at Bangor, Maine, instead of Washington, because of the weather. From the time we got into the air until we got to the east coast, this whole east coast area had been socked in.

As I say, we have no control over where we will end up. God alone has control of that, in terms of the weather.

If we enact this kind of amendment, where do we come out?

Mr. WEICKER. If a Russian submarine captain were sinking in Long Island Sound, where he was not supposed to be, does the Senator think everyone is going to let him sink? Obviously not. Emergencies will be handled as they have traditionally been handled.

Mr. STEVENS. I do not remember our legislating on an appropriation bill against Russian submarines in New York harbor. That is the international law of the sea.

Mr. WEICKER. The answer, very specifically, is that if the U.S. Senate, in 50 different laws, placed such restrictions that no SST could either land here, fly over, or do anything, and we did it by virtue of this amendment and passed other laws and an SST happens to be over the United States and in trouble, are we going to say, "According to Public Law 93-631, we cannot assist you"?

I say, "Nuts." That is not the way this country ever reacts to an emergency.

Mr. STEVENS. If it lands, would the Senator let it take off again?

Mr. WEICKER. As I indicated before, in my dialog with the Senator from Arizona, the first time around I suppose people would agree that it was an emergency, but if every time he lands and takes off he cries "emergency," so that clearly a pattern is established that it is not an emergency at all, but a circumvention of the law, it would be different.

I say to the Senator, please do not use an emergency involving life and limb as an excuse for opposition to this measure. People are always going to help other people in an emergency.

Mr. STEVENS. I happen to believe, Mr. President, that in terms of legislation, we should deal with the subject, as the Senator from Utah says, directly.

This is an annual appropriation bill. This provision will only last until the expiration of the transitional period in 1976. It will bring before Congress the SST issue again in October 1976. I am sure there are some people who would like to do that, but as a practical matter, it means nothing except that it bars air traffic controllers, or those who operate an air control system, from being paid if they carry out their total obligations, be they humanitarian or otherwise.

This is an indirect attempt to do something which should be done by legislation directly, if those who advocate it want to do it. But the real problem to me, again, is that it is such a discriminatory provision in terms of international air commerce that it is bound to lead to retaliation.

We do have, I am informed, international regulatory requirements that the Concorde, which is the product of 13 years and nearly $3 billion of joint effort between the British and French, meets. If this is turned down on strictly and arbitrary and discriminatory basis, there is nothing we can look forward to except retaliation.

My good friends can spurn the SST if they want to. We are talking about a supersonic transport, or subsonic when it reaches our shores, that is within the range of our existing third generation jets. It is not within the range of our new jets, nor the superjets, but it meets part 36, if it is viewed in terms of reasonableness as far as its being a new generation of aircraft.

Does anyone else seek time?

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. STEVENS. I understood the Senator from Connecticut had yielded the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. I yield time to the Senator from Louisiana, if he would like to have it.

Mr. JOHNSTON. Yes, I would like 10 minutes.

The PRESIDING OFFICER. Who yields time?

Mr. YOUNG. I yield 10 minutes.

Mr. JOHNSTON. Mr. President, when I first heard there was a move on in the Senate to outlaw the SST landing in the United States, I was quite frankly very curious, because I had heard on television and in the news, et cetera, that the SST had all of the special properties in addition to having great speed. I heard about the ozone layer. I heard about the noise levels. I was also aware of the international implications of this country unilaterally preventing the landing of a very advanced aircraft in this country.

Mr. President, I obtained studies on the matter done for the FAA and the Department of Transportation.

Mr. President, I think it is very clear that the objections to this aircraft landing in this country are without merit.

On the ozone layer, the words are, if I can recall exactly that the studies show, that it is much less than minimally detectable. That is a mouthful, but it means that it is a whole lot less than any damage. It is a whole lot less than measurable.

As far as the noise is concerned, Mr. President, we have many airplanes in the United States today, DC-8s and 707s, that are built and operated by American companies, that are landing and taking off every day and have more noise to them than does this SST.

Yet, in a sour grapes sort of way, we are going to tell our friends, the French and the English, that they cannot land their planes here four times a day in New York and two times a day out in Dulles.

Mr. President, the effect on noise levels is not going to amount to anything. The effect on the ozone is not going to amount to anything.

But I can assure Senators of one thing: If we take the sour grapes attitude and tell our friends they cannot land that aircraft in the United States, they are going to be very upset.

It is a little bit like that Voting Rights Act yesterday, Mr. President: Sort of a matter of principle. The South is upset, not because they did not want the act to apply to them, but because they thought the rest of the country ought to have it. It is sort of a question of principle. That is what everybody, I think, was upset about.

But if some Senators were upset about the Voting Rights Act, I can tell them how these French are going to feel, because I was over in Paris at the air show. I talked to people at Aerospaciel, and I talked to other people in France who were in, near, and on the periphery of the aviation business. They can see this very clearly as being just a matter of sour grapes on the part of the United States.

The French are not too happy right now. They lost the F-16. They lost that contract involving multimillions of dollars. They tried to get together some cohesion in the European community, to try to appeal to European consciousness and a sense of European economic unity, and get them to buy their airplane instead of buying American.

But now the United States says: We are not going to permit them to land an advanced aircraft, which was engineered according to the rules that were in application at that time. They met all the standards that we prescribed when they designed the aircraft. They spent over $100 million on further noise suppressant and noise engineering, after the first prototype came out, simply to meet our standards. Now they have done all of that, and we are going to say, "Do not land."

Mr. President, I do not know what the implications of that might be. It is entirely possible as to the aircraft now being purchased from American companies such as Boeing, and all the rest of these French companies, that are buying American aircraft that they could be so upset at our sour grapes attitude that they refuse to buy, and they might bring some other Europeans along with them.

It is the kind of thing that is likely to stir a great deal of indignation and a great deal of strong feeling, particularly when we consider the French who are not noted for the placid reactions to matters of indignation of this sort.

I think we would be making a serious mistake and that is why the Committee on Appropriations turned this matter down, not only because it was a matter of legislating on an appropriations act, but because we felt it was in the worst interest of this country.

Mr. McCLELLAN. Mr. President, will the Senator yield to me?

Mr. JOHNSTON. Yes, I yield to the distinguished chairman of the Committee on appropriations.

Mr. McCLELLAN. I thank the Senator for yielding to me.

I am occupied presently in a conference on another measure with the House of Representatives.

Mr. President, I only make one or two observations as to the record. No doubt this has been covered in debate already. I have not been privileged to be in the Chamber to hear the discussion.

I am concerned about this because, in the first place, this is a legislative issue. We are undertaking here to legislate a prohibition against foreign governments, in a sense, making use of our facilities as we make use of theirs. It is a reciprocal arrangement.

I do not believe it is wise for the Appropriations Committee to impose this limitation, until there has been at least hearings on this specific issue before a legislative committee, having jurisdiction of the subject matter, and that we weigh it and get its recommendations with respect to an enactment of Congress and not just have an arbitrary action of this nature.

Then I am concerned, Mr. President, that if we should take this action and there is retaliation of comparable action on the part of other governments, where are we? Where is this going to lead?

Another reason, Mr. President, I think is that, before such action is taken, we ought to experiment with it. Let the plane come in and land out here at Dulles two or three times. Let us get the actual experience as to its noise and what it does.

All of that should be taken into account, and we should have the benefit of these things before we just arbitrarily or precipitately take an action here that is an affront to other governments who are our allies and friends.

There may be merit in all of the opposition to this. There may ultimately be a just reason and a justification for us barring the entry of this plane to land in our country. I do not know.

But I do not think it is established now to the point where we ought to take such action as we are asked to take here.

That is all I wanted to say about it. I hope before any such action is taken, if it is ever taken, it will be done after authorizing legislation directing that it be done and the conditions under which it should be done.

I thank the distinguished Senator.

Mr. JOHNSTON. I thank the distinguished Senator from Arkansas, and I yield back the remainder of my 10 minutes.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. I yield such time as the Senator needs.

Mr. YOUNG. I yield 2 minutes.

Mr. MAGNUSON. Mr. President, I welcome this opportunity to support the views expressed by our subcommittee chairman on the relevance and timeliness of the proposed amendment to our FAA appropriations bill. As he pointed out this amendment is misplaced and premature.

To begin with, our operations appropriations for FAA are not, and should not be, aimed at curtailing flight operations of any particular aircraft at any particular location. Their objective is to finance the operation of a traffic control system designed to make air travel safer throughout the Nation. Second, passage of this amendment would put the Congress in the position of taking regulatory action before all the facts are in.

The Department of Transportation and the FAA have not completed the investigations and analyses with which the Congress charged them under the National Environmental Policy Act of 1969. In fact, they are engaged in revising and expanding the draft environmental impact statement which they submitted to the council on environmental quality and the public in March of this year. The final environmental impact statement, to be released in September, will completely revise this draft. I should add that other executive agencies are evaluating, in addition to the environmental issues, all aspects of curtailing Concorde operations. Under our system of government, Congress should give them time to digest all the facts, isolate the issues, and reach a rational conclusion. As our chairman has pointed out, this process leaves ample time for regulatory legislation should the Congress find it necessary.

In following this timetable Congress will not simply be extending a courtesy to the executive branch. We will be doing our constituents the service of focusing more light than heat on this matter. We all should use the time to clarify the true impact of limited Concorde landings and take-offs in the New York and Washington areas.

For instance, we hear such scare-words as "skin cancer." But even to talk about it in measurable terms, we must hypothesize more Concordes than will fly in the air for longer periods than physically possible. Surely we should focus our attention on other sources of man-made polution which have a far greater impact on the ozone layer.

And when we talk about the future, are we talking about today's uncertain methods of measuring ozone changes? Or are we talking about a future in which precise atmospheric measuring systems will insure that new aircraft engines and fuels are not causing dangerous changes in ozone layers?

And there are still other unanswered questions. One of them goes like this. Does the Concorde generate markedly greater, more annoying noise in taking off than do other aircraft which now depart daily from John F. Kennedy and Dulles airports? The most complete and accurate answer will be included in FAA's final environmental impact statement, along with answers to other equally significant questions.

I share our subcommittee chairman's view that the proposed amendment should not be tacked on to the FAA appropriation. The Congress should legislate—if in fact legislation is necessary—only when we have all the facts in hand—not now when all we have is an incomplete story.

Mr. President, I am hopeful we can draw this debate to a close. There are about 4 minutes left, and I do not know who else wants to talk on this side. I think that we have covered everything here today. Things are going back as far as 6, 8, 9, 10 years, on the aerodynamics and aerotechnology of which most of us know nothing about.

Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The proponents of the amendment have 35 minutes; the opponents have 5 minutes.

Mr. MAGNUSON. The Senator from Alaska may have something more to say. I yield the floor, so far as I am concerned.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. I yield myself 1 minute.

Mr. President, the Chicago Convention on Air Controlling, in article 11, subjects our country to a nondiscriminatory approach toward foreign aircraft. Particularly, we must land aircraft in distress. Once we have landed them in distress, obviously, we must provide for their own safety and the safety of other aircraft when they take off, when they are no longer in distress.

I cannot understand a limitation on an appropriation bill which has only the effect of denying funds to those whose business is to preserve the safety of the traveling public, denying them the right to use Federal funds, denying them the right to carry out the duty we have imposed upon them.

Congress should approach this matter, if it desires to do so, through hearings and should have legislation, particularly to protect us from imposing arbitrary, discriminatory procedures against foreign aircraft. We do not have the right to stop these aircraft from coming in.

This would merely mean that the air controller would subject himself to some sort of discipline if he carried out a humanitarian task or, after having carried it out, if he provided clearance for an aircraft that was landed in distress, which was repaired and then wanted to leave an air control zone safely.

There is no reason for this kind of legislation. It should be the subject of hearing before the Committee on Commerce. We should look into this matter and determine whether this is, in fact, the sentiment of the country, in view of our international relations, and then pass on it as a separate measure—not in terms of annual limitations on the appropriation of funds for the operation of the air control system, which was designed for the safety of the flying public, primarily.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, I had the opportunity, in the opening rounds of this discussion, to express rather comprehensively the reasons why I offered this amendment, together with a half dozen of my colleagues.

I am impressed with the sincerity of the opposition; but with all respect, it seems to me, that they have missed the point of what we are trying to accomplish here.

We talked about what happens if you have an airplane in the air which is in distress; the situation is similar to that of an airplane that has to land at a military base when it is about to run out of fuel. We take care of situations such as that in a humane way. All Senators know that before a commercial air route is established, whether it is in Fairbanks, Anchorage, or Terre Haute, Ind., there is a process of significant negotiation between companies and between countries. That is not what we are talking about.

We have on the books right now—without going into great detail and repeating things that have been said—two laws authorizing and requiring noise pollution regulations. If some of those who have been speaking in opposition want to repeal those, want to change them, that is certainly their privilege.

In the legislation now on the books, we have given to FAA the responsibility of establishing noise standards. They are not supposed to pick these standards out of thin air. After significant hearings, testimony and scientific evidence, they establish what they felt were valid criteria to protect the health and welfare of the people of this country.

I do not know much about how one reaches this determination. I am not a noise scientist. I make a lot of noise—perhaps too much on occasion. But when we are talking about noise and noise vibrations and the effect on human beings, I do not know how to meet these criteria or establish them. But these criteria were scientifically established and not with the intent of discriminating against French or British or pre-1969 aircraft. The determination was made as to what is in the best interests of human beings. Right now, the FAA is in the process of reopening and considering this matter again—but not across the board.

Human beings are not more tolerant of noise now than they were in 1968 when FAR 36 was enacted. But the FAA is now undertaking to determine whether they should permit a higher noise level, and permit supersonic aircraft to violate the standard the FAA already established as necessary to protect the health and well-being of the people of this country.

That is the issue. That is why we are using this rather circuitous route to get this message to the FAA: "Make your study, gentlemen. But whatever standards you are going to apply, we want them to apply across the board, to subsonic and supersonic, and we want you to take into consideration the health and safety of the people of this country."

I listened to the distinguished Senator from Nevada talk about decibels. Somehow or other, they omitted the testimony on page 41 of the draft environmental impact statement, which points out that Concorde low frequency vibrations are 5 times worse than subsonic low frequency vibrations.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. JOHNSTON. The Senator talked about health and safety. Will the Senator tell me what health and safety are involved in the SST landing?

Mr. BAYH. I pointed out that noise standards were established pursuant to the Noise Abatement Act.

Mr. JOHNSTON. That does not have anything to do with safety and only tangentially has to do with health.

Mr. BAYH. Let us say health and well-being. All right?

Mr. JOHNSTON. Let us say noise and discomfort—perhaps ear discomfort.

Mr. BAYH. If one were to address himself to the Noise Control Act of 1972—the distinguished Senator from Louisiana was not in the Senate at the time; if he had been, perhaps he would have opposed it—but the whole thrust of that legislation, the only reason we passed it, was not just to write another law, but because noise pollution is a health problem.

Mr. JOHNSTON. It is a fact that the SST has spent more than $100 million on noise suppressants and to have this plane as well engineered as is practically possible from a noise standpoint. So if the standards are set at any level that they cannot meet, then they cannot reengineer and still go supersonic. Is that not correct?

Mr. BAYH. The fact that they have spent a great deal of money on trying to lessen the noise is accurate. But we are being led to believe by the State Department and some of the lobbyists who oppose this amendment that the next generation of SST's will meet the standards, which leads the Senator from Indiana to believe that if they really mean what they say, they should go ahead and meet those standards now. Then they could come in under this amendment.

I have no objection to their coming into U.S. airports. But I am not willing to establish a lower standard of noise control to apply to foreign aircraft and have another, higher standard apply to American aircraft.

This business about discriminating against foreign aircraft is ridiculous, because what the opponents of this amendment are suggesting is that we should discriminate against American aircraft.

Mr. JOHNSTON. Is it not a fact that the SST makes less noise on landing than the DC-8 or the 707?

Mr. BAYH. In some respects, yes. But not in all.

I appreciate the thoughts of the Senator from Louisiana. I think he raised a point that the scientific community, Concorde engineers and some who oppose this amendment have stressed; that they should be given a chance to lower SST noise emissions.

If we say that we are going to permit a lower noise standard for SST's than we require of our own new aircraft, we will, in effect, remove all incentive for them to make that kind of progress on which I wish them well.

I want to deal with questions of retroactivity, because I think that is an important point. As I see it, there are probably at least three ways in which one can distinguish between the impact of this amendment on the supersonic transport and its impact on subsonic commercial aircraft.

First of all, as the Senator from Nevada and I discussed, the numbers involved are different, so the economic impact would be much greater if the rule were applied to subsonic aircraft. The retroactive provision, said that aircraft that were flying, built or nearly completed prior to 1969 would not be subject to the new air noise standards. There were hundreds of exempted aircraft. To take them out of circulation would impose a tremendous economic burden on the companies and, indeed, on many countries—not just ours, but other countries. There are 16 supersonic aircraft. It seems to me we are talking about a much different economic impact.

Second, I think we need to talk about the difference in time. These older, noisy aircraft that the Senator from Louisiana referred to were built years ago. They have been in use commercially for years. It is rather obvious that the Concorde is not even in commercial use today.

Third, the older subsonic aircraft, that had been in use for years are about to be phased out and replaced by a new generation of subsonic aircraft. These noisy aircraft, to which the Senator from Louisiana referred are now exempt because they were in existence prior to 1969. But because they are so old, in the next few years they are going to be phased out and there will be no subsonic aircraft operating in violation of FAR 36; whereas the supersonic aircraft, just now getting started, are going to be in business until 1995—20 years.

Mr. JOHNSTON. Will the Senator yield?

Mr. BAYH. I will be glad to yield to my friend.

Mr. JOHNSTON. If this is so bad for health and welfare, well-being or whatever the word is, why do we continue to allow any aircraft to violate these sacred rules?

Mr. BAYH. Is the Senator suggesting an amendment to the language of the Senator from Indiana to clear it up?

Mr. JOHNSTON. Well, no. I just think he makes a point that we have existing aircraft that are violating whatever this rule is, and that we continue to allow them to fly because, while we would like a better rule and would like a better standard, we are willing to allow violations by the DC-8 and 707.

All I am saying is we cannot really design an SST, as I understand it, and reduce the noise in the same way we can subsonic aircraft. It is simply not possible, according to these reports that I read here. I think there was over $100 million spent on the design of it. What it really amounts to is, if we require the SST, as I understand it from these reports, to live up to these standards, in effect, we are just prohibiting the SST from landing in this country. I am saying that the stake of this country is big enough in our relationship with the French and the English and in being in engineering and developing finer engineering products that we can allow an exception, if that is for the SST, the same as we allowed for the 707 and the DC-8.

Mr. BAYH. I respect the opinion of my good friend from Louisiana. I respectfully disagree. I think I pointed out the distinction between a new aircraft that is going to last for 20 years or more, compared to some that are almost 20 years old and are going to be phased out. Another difference is between 16 aircraft and 200; there is a distinction. I respectfully disagree with the Senator.

I think we have just about beaten this thing to death, but I wish to touch on one other point that I think is important. The specter of retaliation has been raised here I think is a reasonable issue to raise.

The argument that we are discriminating against foreign aircraft is not—I think, valid. What we are trying to is get the FAA to treat everybody equally—not to set up one standard of noise level that is good for human beings if it comes from supersonic aircraft and another standard, a tougher standard, for subsonic aircraft. A dual standard, instead of discriminating against foreign aircraft, would discriminate against American aircraft. I want them all treated alike, quite to the contrary of the argument presented by some of my very distinguished colleagues.

If we are to look at retaliation, I think we have to recognize that we are opening a great, big Pandora's box. The French and English can retaliate, and so can the United States of America. A policy decision was made in which we sacrificed our own involvement in the whole SST business because we thought that decision was good for our people. This amendment is not directed at any other nation. It is directed at a problem. I hope that our friends will not get involved in retaliation, because then we will have no alternative but to retaliate against them, and that kind of situation would not be at all good.

I read with a great deal of interest the letter of the Secretary of State. I want to close by touching on that, because I have a great deal of respect for him. But I must say that when I read the bottom paragraph, where he says:

> The British and the French governments have on several occasions expressed to the U.S. Government their concern about possible discriminatory treatment of the Concorde and we have assured them at the highest levels that the Concorde would be treated fairly in all aspects of U.S. Government relations.

I wonder: Is this another example of the Secretary of State going overseas and making agreements that are directly contrary to what the Congress of the United State said when it enacted, and what the President of the United States said when he signed, the noise abatement law?

Mr. STEVENS. Will the Senator yield there?

Mr. BAYH. Let me finish, and if I have further time, I shall be glad to yield to my friend from Alaska.

I hope it is not the case that improper commitments have been made to our allies. I do not want to make our friends angry. I must say, I have not witnessed any great charity on the part of our French friends, as expressed by my colleague from Louisiana; I had not noticed that La Belle France has been out here looking for ways to cooperate with the United States of America. Well, that is their business. I certainly would not want to get into a round of negative reciprocity with the British and French. They are both friendly powers. I do not like to see them upset. I regret this. But they knew—they knew years ago—that this law had passed. They knew what the noise standards expected by Congress were. They knew that for a number of reasons—one of them noise—we had forfeited going into what I suppose could have been a very lucrative aircraft building business by saying that American technology was not going to be used in this area.

I do not think that anybody in this body, is going to present the proposition that we are going to let the French or the British or anybody else determine what is right for the United States of America. We have already determined what is right. I suggest we adopt this amendment and make it a real fact as well as a piece of legislation.

Mr. STEVENS. Will the Senator from Indiana tell me just in closing, can he tell me any time in the history of the United States that we have barred any foreign aircraft from coming into our country? The Hindenburg came in. I cannot think of any time in history that we have barred a foreign aircraft. This is the most significant step in the history of aviation that the Senate of the United States will ever take, if it takes it.

Mr. BAYH. Well, suppose there was an aircraft flying over our country that had a ticking atom bomb. Would the Senator suggest that we had to let it land? I point out that that is an exaggeration. But we are only trying to state a policy.

Mr. STEVENS. We have cargo——

Mr. BAYH. Let me finish. We established a policy that noise above a certain level is bad for the country. This affects all our own new aircraft. We are not singling out anyone. We are establishing a class of aircraft. Regardless of the flag, we do not want new, noisier aircraft to land at U.S. airports.

Mr. STEVENS. The Senator is incorrect. We have never established a supersonic standard for aircraft. We have not even established a full standard for all of the aircraft that fly in this country that are subsonic. We have the situation now where the Senator is asking the Senate to prohibit any person who operates a controller installation from assisting a foreign aircraft to land. Again I say I know of nothing in the history of the United States that ever represented such a drastic step in the history of aviation.

Mr. BAYH. I have fought a lot of battles with my friend from Alaska and few on the opposite side. I have come to have great respect for his logic and perception.

Mr. STEVENS. All I asked is a question.

Mr. BAYH. He is wise enough to know what we are trying to do. If he were listening a moment ago, he would have heard me say that the FAA is in the process of studying this right now. What we want to do is say to them: let us have one standard applying to all aircraft. Let us not have a tough standard for subsonic aircraft, which encompasses all American aircraft, and then ease up a bit if foreign aircraft want to fly faster than the speed of sound.

If it is good enough for the goose it is good enough for the gander. Let us have one standard, and that is what this amendment does.

Mr. STEVENS. In the inexorable press of time, because of the Senator's service in this body and mine, had we been arguing at the time of the Hindenburg, the carriage of passengers into the United States would have been limited to lighter-than-air.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Perhaps my friend from Alaska would have voted that way, but I doubt that his friend from Indian would have.

Mr. TUNNEY. Mr. President, the logic behind this amendment to ban commercial flights of foreign supersonic transports into and out of U.S. airports is clear. Concorde and the TU-144 pose what may well be grave threats to the health and welfare of our Nation's population.

The dangers are posed on a variety of fronts. First, many distinguished scientists in the country contend that fleets of SST's flying in the stratosphere would disturb and impair the ozone to the point where the incidence of skin cancer on Earth would be increased, and major alterations in climate and crop yield would ensue. The effects of a large fleet of SST's and their potential damage to the ozone have been documented by the climactic impact assessment program report published by the Department of Transportation. While the report attempts to paint a rosier picture than the data would indicate, a noted Berkeley professor suggests otherwise. Based on the CIAP data, he concludes that a fleet of as few as 125 Concordes could cause as many as 5,000 additional cases of skin cancer annually in the United States alone. A smaller fleet of 30 SST's, a number comparable to the total anticipated in the near future, could yield as many as 1,200 new skin cancer cases a year in the United States. The National Academy of Science takes a dim view of both positions, recommending that because the data are unclear, the development of a carte blanche acceptance of SST flights at the Federal level would be unwise. I concur.

Second, are the potential damages, both physical and psychological, of low-level vibration indigenous to the SST? The Federal Aviation Administration itself notes in its draft environmental impact statement that:

> Such vibration levels are likely to induce household rattle, caused by dishes, pictures, lamps, and other pric-a-brac being disturbed and vibrating against supporting surfaces. In turn, these impacts cause secondary sources of noise, which may disturb the occupants more than the transmitted primary sound itself, because of the psychological influence of "private possessions" being disturbed. (EIS page. 42)

Tests of Concorde in Alaska show that SST produces up to 500 percent more household vibration than present jets. While the FAA contends that the Concorde does not product sufficient vibrations to surpass the U.S. Bureau of Mines structural damage threshold, the Environmental Protection Agency warned that the FAA's measurement instrument is inappropriate for the nature of noise generated by the SST, and the data concerning the damage potential of SST vibrations are not accurate, and, indeed, wholly inadequate to justify the FAA's conclusions.

Third, the SST produces stepped-up emissions of both carbon monoxide and nitrogen oxide. On the average, Concorde exceeds by almost 250 percent EPA's proposed emission standards which domestic subsonics must meet by 1979. The four flights per day into and out of John F. Kennedy Airport in New York will, by themselves, increase total aircraft emission pollution at that location by 4.4 percent daily; the two flights into and out of Dulles will increase emission pollution there by 8.3 percent. At this point, the following comparison might be of benefit to graphically demonstrate the tremendous difference between Concorde and currently operating domestic aircraft which will meet the 1979 standards.

	Concorde	707	747	DC-8	1979 standard
CO	804	202	187	120	29.7
NOx	106	30	126	48	9

Source: FAA draft environmental impact statement, p. 29.

While the discrepancies are, in themselves, rather horrifying, it is instructive to further add that the FAA finds no objection to SST's on the grounds of pollution by suggesting that:

> For the purposes of this EIS, it must be assumed that the Concorde will comply with the emission standards finally established by EPA. (p. 30)

Fourth, it is beneficial to discuss the energy consumption of these vehicles. In this time of energy conservation, where Congress is roundly chided at every available opportunity to work harder to find solutions to the energy crisis, the Executive branch is considering the use of domestic fuel supplies for Concorde which burns over three times the fuel per passenger mile as the 747. In fact, this jet would burn 230,000 extra gallons of fuel to transport the same number of passengers—in several flights—as one 747 making one trans-Atlantic flight with an equal number of passengers. I hardly think that our energy shortage should be aggravated by the use of this luxury airliner.

Fifth, the issue of economics arises. The Concorde's prohibitive ticket cost insures its usage by an exceedingly select group of individuals—clearly not those living in the vicinity of the low-level vibration, emissions and noise. Further, the costs to our aeronautics industry may be tremendous. Since the early 1970's, the annual number of trans-Atlantic first-class flights has remained almost constant at approximately 500,000 passengers. Since Concorde is not expected to create any new ridership, it will either draw riders from regular first-class carriers or fail to draw any ridership at all. The latter spells hardship for the Anglo-French venture, but the former poses grave threats to the conventional carriers. If Concorde does win out, pulling passengers from the subsonics, the result will almost certainly be increased fares resulting from the lost ridership. Especially at a time when American carriers are in precarious fiscal straits, I question the sense of putting another crimp in their business. Indeed, all of this may add up to all of us subsidizing the Concorde in one way or another, whether we ride it or not.

Last, but perhaps most important, is the issue of the ear-splitting noise pollution caused by these white elephants. As the author of the Noise Control Act of 1972, designed to protect adequately the public health and welfare from the barrage of noise across our Nation, I find this a most objectionable characteristic of Concorde and other SST's. We learned of the slow climb of the Concorde, the noise generated by the after-burners needed to speed the aircraft.

We learned that the Concorde's noise levels average 115.3 EPNdB—effective perceived noise decibels—while the 707 levels average 111.2 EPNdB, the DC-8 averages 112.3 EPNdB and the 747 levels average 110.2 EPNdB. The fact that the Concorde is 4 EPNdB higher than the 707 and 3 EPNdB higher than the DC-8 may suggest that little difference exists. The sad truth is that EPNdB levels are measured on a logarithmic scale whose ratio is geometric rather than arithmetic. This means that Concorde is 30 percent noisier than the DC-8, 40-percent louder than the 707, and fully 50-percent noisier than the 747.

Yet, while we have learned all of this, the FAA's draft Environmental Impact Statement states that the Concorde's noise levels are not substantially higher than those of transoceanic subsonic aircraft.

The FAA's apparent efforts to make light of the severe noise of Concorde, noise great enough to surpass the medical threshold of pain, experienced recently in England, flies in the face of Public Law 90-411 which mandated that agency to establish FAR 36, noise levels for certain aircraft. Admittedly, the regulation is not applicable to supersonics—though the law itself did not preclude such regulations. But it makes little sense to me that while requiring our own aircraft to meet noise standards, often at a great price, the FAA chooses to exempt the SST. This is most curious at the very time that same agency is on the verge of promulgating retrofit rules to quiet our older, most noisy jets, even further.

When our aircraft are retrofitted, the SST will stand out, unmercifully ringing in the ears of people living near and around our Nation's airports. The FAA admits that retrofit of Concorde is not feasible:

> Fixed silencers in the jet exhaust system similar to those developed for subsonic aircraft have not been incorporated into Concorde because they would affect Concordes' performance capability. The use of fixed silencers would result in a payload loss of 30% or a range reduction of 10 percent. If today's subsonic jet silencing technology could be applied to Concorde, the result would be an increase of some 60 to 70% in the direct operating costs due to increased specific fuel consumption, thrust losses, and weight penalties. *In any event, the application of today's subsonic jet silencing technology to Concorde is not technologically possible.* (emphasis added.)

What is saddest is that the airport proprietor will bear the brunt of this noise, for they will be subject to the nuisance suits brought by those living near the airports. In the case of my home State, what this means, by and large, is that the counties and cities will suffer the cost—in essence the taxpayers themselves will pay for the nuisance caused by the SST noise.

Based on this fact, and others, the Los Angeles city council and the Airport Commissioners unanimously voted to prohibit commercial flights of Concorde into the United States. I understand that the Governor of New York feels similarly about flights into Kennedy International. While the House narrowly missed passing this amendment, losing by a vote of 196-214, the Senate mandate has been clear for several years. By a vote of 62 to 17, the Senate adopted an amendment to the Noise Control Act which would have prohibited SST flights into our Nation unless they could meet FAR 36. Regrettably, the provision was deleted in conference.

Because of the Senate's already established commitment, coupled with the close vote in the House, I would urge my colleagues to vote in favor of this amendment to once and for all halt what may well be the greatest threat to our hearing to ever be developed.

I ask unanimous consent to have printed in the Record the texts of a Concorde fact sheet and the recommendations of the Los Angeles City Council's Transportation Committee on Concorde.

There being no objection, the material was ordered to be printed in the Record, as follows:

[File No. 73-337 S-1 & S-2]

TO THE COUNCIL OF THE CITY OF LOS ANGELES

Your Industry and Transportation Committee reports as follows:

The City Council has previously supported legislation to ban the operation of supersonic transports (SST's) into or out of the United States and California airports until these planes have been demonstrated to meet Federal law noise levels.

When the Anglo-French Concorde SST was scheduled for a demonstration flight at Los Angeles International Airport, the City Council adopted a Resolution requesting the Board of Airport Commissioners to make a determination that the demonstration flight does not constitute a precedent to allow scheduled operations of SST's at some future date nor in any way constitute an endorsement of the aircraft. The Department of Airports was requested to measure the noise levels of the SST.

During the arrival and departure of the Concorde aircraft on October 23 and 25, 1974, Wyle Laboratories, at the request of the Airport Department, measured the SST's noise levels. The SST's noise was compared to the landing and take-off noise during operation of a Boeing 707–320C. The Board of Airport Commissioners made a policy in 1969 that no commercial aircraft will be allowed use of Los Angeles International Airport if it exceeds the noise level created by a Boeing 707–320C. Wyle Laboratories found out that the maximum noise levels of the Concorde exceeded that of the 707 aircraft at the measurement sites by an average of about two decibels on landing and about six decibels on take-off.

In view of these findings, a resolution was presented by Councilwoman Russell asking that the Board of Airport Commissioners oppose any regularly scheduled commercial services or future demonstration flights of SST's at Los Angeles International Airport until these aircraft can meet Federal Aviation Regulation 36 prescribing allowable noise levels and until there has been an appropriate Environmental Impact Report. The resolution indicated that the Environmental Protection Agency will recommend to the Federal Aviation Administration that the Concorde SST be permitted to fly into and out of airports in the United States. Because of the apprehension caused by the SST to citizens who have always been subjected to conventional jet noise, Councilwoman Russell asked that the Airport Commission, as the Airport proprietor, take steps to curb SST flights at Los Angeles International Airport.

At the public hearing we held on the resolution, vigorous opposition to SST flights at Los Angeles International Airport was expressed by various public officials and by citizens who live close to the Airport. Messages from Senator Alan Cranston and Senator John Tunney and Congresswoman Yvonne Brathwaite Burke were read by their representatives. They asked for support of the resolution banning the SST's until they comply with Federal noise levels. They stated that SST's are 20–30% noisier than the 707's which are already considered the noisiest aircraft; that they produce four times the carbon monoxide emissions on take-off and use up more fuel than the biggest jumbo jet. Also cited as a compelling reason to regulate SST flights is the scientific finding that their continued flights could strip away the earth's ozone shield which protects people from the sun's harmful ultraviolet rays. Removing this protective layer in the earth's atmosphere, according to scientists, could produce a rash of skin cancer in the United States.

The General Manager of the Department of Airports stated to your Committee that he agrees with the Russell resolution and that he will not recommend SST flights until further noise standards are met by these aircraft.

The City Attorney submitted his report, which your Committee requested, to determine the right of the Airport to regulate the type of aircraft and the noise levels created by aircraft that use the airport facilities. The City Attorney stated that based on the case of *Air Transport Association vs. Crotti*, the City, as an airport proprietor, has the right to determine the type of air service it wants at its facilities, as well as the type of aircraft that may use its facilities. It can issue regulations controlling the permissible levels of noise created by these aircraft. Having these rights, Los Angeles International Airport can prohibit the use of its facilities by SST's in accordance with reasonable and non-discriminatory regulations. The legal responsibility for adopting such regulations is vested in the Board of Airport Commissioners.

In view of the determination by the City Attorney that the Board of Airport Commissioners has the right to determine the type of air service it wants at its facilities, as well as the type of aircraft that may use its facilities and to regulate the permissible levels of noise created by aircraft that use the Los Angeles International Airport, we recommend that by the adoption of this report, the Resolution (Russell-Ferraro) which provides that the Board of Airport Commissioners oppose any regularly scheduled commercial service or future flights of supersonic transports (SST's) at Los Angeles International Airport until said aircraft can meet Federal Aviation Regulation Part 36 and until there has been an appropriate Environmental Impact Report, is adopted.

Respectfully submitted,

Industry and Transportation Committee.

Concorde Fact Sheet

General information: aircraft jointly manufactured by Britain & France. Selling price of $62 million each, today's dollars. To date, 16 authorized, and covered by US EPA's "waiver" on noise standards; 9 sold, 5 to Britain, 4 to France. Speed 1300 mph (twice present subsonic fleet). 100 to 125 passengers, all first class, N.Y./London flight time of 3½ hours (Boeing 747 takes 7 hrs.). Uses 146,000 lbs. fuel per 3,000 miles, or 2 to 3 times the amount per passenger than subsonic fleet.

U.S. flights recommended by FAA: following EPA's "waiver" of first 16 Concorde production run, FAA recommends 1976 regular commercial service of 4 flights per day to and from JFK, 2 flights per day to & from Dulles. If full Concorde "fleet" becomes operational, FAA estimates 50 flights daily in and out of JFK. 1975 "test series" of 20–30 flights being requested for JFK, perhaps as early as May.

Noise pollution: U.S. jets are being required to meet Federal Aviation Regulation, Part 36 noise levels which average 107 EPNdB (perceived noise decibel measurement). U.S. fleet is required to retrofit and undergo other fuel and engine modifications to meet FAR 36. The EPA "waiver" exempts Concorde's present fleet, and unknown number of Russian TU–144s. The Concorde will average 9 EPNdB higher than FAR 36. CRS estimates this means 200% more perceived noise to human ear. The present JFK EPNdB limit is 112, and will be exceeded by 20–30%. Despite its "waiver" recommendation, EPA report, pg. 25, states FAR 36 levels ". . . can be achieved under current & available technology for the initial production run of the Concorde & TU–144." Sonic boom already prohibited by FAA.

	Concorde	707	DC–8	747	Lockh. 10–11
Takeoff EPNdB	117.8	113.0	117.0	115.0	95
Sideline	113.1	102.0	103.0	101.9	95
Approach	114.9	118.5	117.0	113.6	102
Average	115.3	111.2	112.3	110.2	97

Vibration: FAA report, pg. 42, says Alaska Concorde tests show SST produces up to 500% more household (interior) vibration than present jets, because of low frequency sound. Takes comfort in noting level is still below US Bureau of Mines structural damage threshold.

FAA, noting Concorde must hold 3½ to 5 mile straight shot at runway on landing, estimates minimum of 380,000 JFK area residents will be subjected to noise levels rated "normally unacceptable" by HUD regulations, thus requiring special approval by Sec'y of HUD.

Atmospheric pollution: on the average, Concorde exceeds EPA emission standards (which US planes must meet by 1979) by almost 250%. The 4 flights per day in & out of JFK will by themselves increase total aircraft emission pollution at JFK by 4.4% daily, the 2 flight per day in & out of Dulles will increase emission pollution there by 8.3%. Prime offenders are Carbon Monoxide (CO) and Nitrogen Oxide (NOx) . . . see chart below. FAA admits that "worst case of 50 flights in & out of JFK daily would hike pollution 28% total, and 41% for CO, 15% for NOx. According to figures in DOT report of January, NOx in particular could seriously affect the ozone layer. Scientists not on government payroll charge that DOT/FAA figures show that large operating fleet of present Concorde design would cause thousands of cases of skin cancer in US at "best", and at "worst," actually destroy the ozone layer itself. Full reports from the National Academy of Science are due soon on atmospheric problems. FAA admits that full fleet would have to undergo serious fuel and engine modifications, pgs 57–8, ". . . to ensure that emissions in the stratosphere would not cause a significant disturbance of the environment." FAA says present SST fleet must cut emissions up to 600% to be acceptable in large numbers.

[Pounds per takeoff and landing cycle]

	Concorde	707	DC–8	747
CO	804	202	120	187
NOx	106	30	48	126

Economic considerations: British Airways report to its government says "best case" hopes would divert some $4 million in first class business annually to Concorde on the NY to London run alone. US formerly subsidized US carriers for empty seats, and is under pressure from Pan Am, presently, to do so again. British Airways report also notes British government subsidy of some $60 million (in 1974 dollars) will be necessary on an annual basis even if all goes well. Misc. notes: Friends of the Earth estimates that fuel for three trans-Atlantic Concorde flights would produce enough fertilizer to feed 20 million people one day.

Final word from EPA: pg 42, "It would appear to be only prudent to recognize the possibility that many more than 20 current SSTs will operate, & to provide suitable regulations to protect the environment. . . In any event, even 20 or fewer current SSTs landing and taking off from a small number of (US) airports, on the same airport, can represent a significant noise impact in the environs of those airports. Therefore, suitable regulations are required to protect the public against the encroachment of such noise."

Mr. BUCKLEY. Mr. President, for months I have spoken out in opposition to exempting the Concorde from existing regulations. To my mind, it would present a totally unacceptable environmental cost. It is proposed that the Concorde be allowed four flights per day in and out of Kennedy Airport. According to the 1973 FAA statistics, the average number of daily flight operations at JFK is 1,046. and these operations take place 24 hours a day. At present, 375,900 people are exposed to what the FAA deems acceptable noise levels in an impacted area of approximately 6 square miles; 50,500 are exposed to unacceptable levels. The presence of only four Concorde flights in and out of JFK per day would extend the impacted area to approximately 7 square miles, and would raise the total number of people exposed to acceptable noise levels to 379,500, and the number exposed to unacceptable noise levels to 53,100.

Furthermore, my constituents in the impacted areas are already extremely disturbed by the vibration generated by subsonic aircraft flying over their homes. Their private possessions—their dishes, pictures, lamps, and so forth—rattle against their supporting surfaces 24 hours a day. Cold weather tests of the Concorde have shown that vibration was as much as five times greater for the Concorde than for subsonic long-range aircraft. I see no reason why thousands of Americans should be asked to put up with these additional irritations on a daily basis just so a few hundred people per day can save 3 or 4 hours a day crossing the Atlantic.

A third vital consideration taken into account in FAA's draft environmental impact statement was the increase in atmospheric pollution. Four flights would increase total aircraft emission pollution at JFK by 4.39 percent daily. One Concorde emits 804 pounds of carbon monoxide per landing/takeoff cycle as opposed to 202 pounds for a B–707 or 187 pounds for a B–747. Later, the emission of NO_x accumulates in the stagnant stratosphere, further adding to the problem of ozone reduction. As my colleagues are well aware, the problem of ozone reduction is being carefully studied by our scientists to determine if there is, indeed, a connection between ozone reduction and the numerical increase in cases of fatal and nonfatal skin cancer.

That our Government would consider imposing these environmental and social costs upon citizens of the United States is beyond my comprehension. It is even more ironic that we in Congress can consider authorizing the expenditure of 3.4 million dollars for future noise suppression research for aircraft, while the FAA is so blithely considering waiving our national noise standards for the Concorde.

Mr. President, in cosponsoring this amendment my colleagues and I are asking the Members of this body to safeguard the health and safety of American people by maintaining existing standards. This is the only issue at hand, and I hope the Senate will demonstrate its concern for maintaining our environmental concerns by approving this amendment.

Mr. HRUSKA. Mr. President, I rise in opposition to the amendment offered by the Senator from Indiana. This amendment proposes to prohibit the use of any funds appropriated for the air traffic control system for purposes related to the takeoff and landing of civilian supersonic aircraft. This amendment would circumvent a careful, fair, and equitable procedure established by Congress and being adhered to by the Federal Aviation Administration.

I am referring to the environmental impact statement required by Congress. Environmental impact statements are required in order to know the effects of any action modifying our habitat. This amendment, should it be adopted, would circumvent this process mandated by Congress in the National Environmental Protection Act of 1969. The amendment makes a judgment on the question of whether the Concorde supersonic transport be allowed to land in this country before it is known what effect such operations would have on the environment.

Ours is a governmental system based on fairness and citizen participation. The Federal Aviation Administration has received over 1,200 comments and 1,000 pages of testimony on the subject of allowing the Concorde into U.S. airports. Mr. President, adoption of this amendment would render these comments futile—by an arbitrary action of Congress. These comments were submitted in good faith they would contribute to the final decision. They were submitted with faith the issues they raised would be addressed. We must not break that faith by our action here today.

The fact is that the draft environmental impact statement shows the concerns being raised here today are greatly exaggerated. The Concorde SST is slightly noisier than first-generation turbojets, primarily old 707's and DC–8's. These planes constitute approximately 20 percent of the commercial aircraft in operation today. In actual figures, the Concorde is noisier than these first-generation turbojets by 4 EpNdbs—effective perceived decibels—on takeoff, noisier by 5 EpNdbs in accompanying sideline noise, and 5 EpNdbs quieter in landing approach. In addition, the low frequency noise produced by the Concorde is less harmful to the ears than the whine of jet engines we have become accustomed to. The increase in total noise at Kennedy airport in New York the Concorde would cause is less than 1 percent. The problem of noise is hardly an ear shattering one.

The climatic impact assessment project has concluded that the increase in skin cancer attributable to the Concorde is no higher than the incidence of increased skin cancer resulting from moving 25 miles further south and thereby exposing oneself to more ultraviolet rays from the sun. This project was a $20 million study conducted under the auspices of the National Aeronautics and Space Administration and the Department of Defense. Surely we can trust its results. The project's report also concluded that the danger of ozone depletion one hears so much about these days would come only with fleets of hundreds of supersonic transports using current technology.

Mr. President, the proponents of this amendment rely on the old "slippery slope" argument. They would have us believe that 6 flights daily will soon become 50 or a hundred. I have always regarded such arguments with a healthy degree of skepticism. The "slippery slope" is often not as slippery nor as steep as those who use this argument would have us think. I cannot see how a grand total of six flights daily, four to Kennedy and two to Dulles, would proliferate into many more. I also cannot believe that these flights would cause irreparable harm to our environment. The facts show otherwise. Any congressional action taken here today, in light of the facts I have stated, would indeed be arbitrary and unwise.

The PRESIDING OFFICER. Is time yielded back?

Mr. YOUNG. I yield back my time.

Mr. BAYH. I yield back mine.

Mr. PROXMIRE. I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana.

The yeas and nays have been called for, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. The clerk will refrain from calling the roll. Will the Senators take their seats. The Senate is not in order.

Will the Senators please clear the well and return to their seats and carry on their conversations in the cloakroom.

The clerk will proceed.

The assistant legislative clerk resumed calling the roll.

Mr. GOLDWATER. Mr. President, regular order.

The PRESIDING OFFICER. The regular order is called for.

The assistant legislative clerk resumed and concluded calling the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Montana (Mr. METCALF), the Senator from Wisconsin (Mr. NELSON), the Senator from Mississippi (Mr. STENNIS), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I also announce that the Senator from Michigan (Mr. HART) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) is necessarily absent.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

The result was announced—yeas 44, nays 46, as follows:

[Rollcall Vote No. 331 Leg.]

YEAS—44

Abourezk
Bayh
Brooke
Buckley
Bumpers
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Case
Church
Clark
Cranston
Culver
Domenici
Eagleton
Fong
Ford
Hart, Gary W.
Hartke
Haskell
Hatfield
Hathaway
Huddleston
Javits
Kennedy
Leahy
Long
Mansfield
McGovern
Mondale
Montoya
Muskie
Packwood
Pastore
Pell
Percy
Proxmire
Ribicoff
Roth
Schweiker
Stone
Tunney
Weicker
Williams

NAYS—46

Allen
Baker
Beall
Bentsen
Brock
Cannon
Chiles
Curtis
Dole

Fannin
Garn
Glenn
Goldwater
Gravel
Griffin
Hansen
Helms
Hollings
Hruska
Humphrey
Inouye
Jackson
Johnston
Laxalt
Magnuson
Mathias
McClellan
McClure
McGee
McIntyre
Morgan
Moss
Nunn
Pearson
Randolph
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stevens
Stevenson
Taft
Talmadge
Thurmond
Tower
Young

NOT VOTING—9

Bartlett
Bellmon
Biden
Eastland
Hart, Philip A.
Metcalf
Nelson
Stennis
Symington

So Mr. BAYH's amendment (No. 808) was rejected.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GRAVEL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate is not in order. The Senate will please be in order so that the Senator from West Virginia may be heard.

The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I send to the desk an amendment which is offered for myself and the able Senator from Tennessee (Mr. BAKER).

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

On page 39, after line 10, add the following new section:

"GENERAL PROVISIONS

"SEC. 316. None of the funds provided under or included in this Act shall be available for the planning or execution of programs, the obligations for which are in excess of $9,000,000,000 for 'Federal-aid-Highways' and for 'Highway Safety Construction Programs' in Fiscal Year 1976 and for the period July 1, 1976 through September 30, 1976, *Provided*, that this limitation shall not apply to obligations for emergency relief under section 125 of title 23, U.S.C.; special urban high density traffic program under section 146 of title 23, U.S.C., and special bridge replacement program under section 144 of title 23, U.S.C."

The PRESIDING OFFICER. Who yields time?

Mr. RANDOLPH. Mr. President, as I understand it, there is 1 hour on the amendment, equally divided. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. RANDOLPH. As I understand it, I will have 30 minutes for the proponents of the amendment, and then the able Senator managing this measure (Mr. BAYH) would have the remaining 30 minutes. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. RANDOLPH. Mr. President, this amendment to the pending appropriation bill comes today as an outgrowth of a conference which was held yesterday with the Secretary of Transportation, William T. Coleman, Jr., in which the Senator from Tennessee (Mr. BAKER), the ranking minority member of the Public Works Committee, and I discussed the proper funding of our highway program.

The amendment would limit the obligation of apportioned Federal aid highway funds to $7.2 billion during the 1976 fiscal year, and $1.8 billion during the transition quarter to the new fiscal calender that follows.

In our conference yesterday, Senator BAKER and I indicated to Secretary Coleman that we would recommend to the Senate this limitation, and we indicated that we would do it for what we believed to be several valid reasons.

The adoption of Senate Resolution 69 on April 24 freed all impounded highway money. That vote was 77 to 7. The membership of the Senate expressed itself against the impoundment by the President of those funds.

That action provided money which was made available for obligation at a time, Mr. President, when we had had 3 years of high inflation which had severely eroded the buying power of the highway dollar.

These funds also were freed to help place unemployed workers back into productive jobs.

The result demonstrated that there was a substantial backlog of planned highway projects on which construction could be started with little delay. At the end of fiscal year 1975 a total of $7.8 billion in Federal aid funds had been obligated by the States. This was well above the $4.6 billion program level originally intended by the administration a year ago. It exceeded all expectations when the first $2 billion in impounded funds were voluntarily released by the President in February.

The $7.8 billion committed to contract by the States had the effect of making substantial inroads on the accumulated demand. It also raised the possibility of even more highway funds in the year ahead.

As Secretary Coleman explained yesterday, it is conceivable that $11 billion in currently authorized highway funds could be available to the States during the fiscal year just started. This amount could reach at least $14 billion with additional authorizations that will be provided in the Federal Aid Highway Act of 1975 which is now being developed by the Public Works Committee. The Secretary's $11 billion figure assumes that fiscal year 1977 funds for the Interstate System will be made available this autumn—a reasonable assumption since several States have already exhausted their 1976 funds for interstate development. The Congress could provide these funds by the passage of a resolution even before we complete work on the Federal Aid Highway Act of 1975. Indeed, I anticipate that we must take such action if we are to prevent the interstate program from coming to a virtual halt in many States before the end of the year.

I believe that the obligation of $9 billion in Federal aid highway funds over the next 15 months will permit the orderly continuation of the program. I observe that the Secretary proposed a limitation of $8.5 billion for this period but agreed to the higher figure to maintain construction activity at a proper level.

The $7.2 billion obligation level which this amendment established for apportioned funds in fiscal 1976 is the recommendation of the Committee on Public Works early this year following our review of budget proposals of agencies whose programs fall under the committee's jurisdiction. The Senate Budget Committee adopted this recommendation in its proposal for Federal spending this year.

Mr. President, the action Senator BAKER and I propose today is the outgrowth of initiatives taken by the Public Works Committee when it reported Senate Resolution 69. At that time we recognized that while that measure would release impounded funds, there was a need for Congress and the administration to agree on possible limitations to future spending.

We believed that there has to be a fiscal responsibility in the Congress, which is quite different from an impoundment of highway trust funds by the President of the United States. We, therefore, initiated a series of meetings with Secretary Coleman, Federal Highway Administrator Norbert T. Tiemann, and other Department officials. The parties involved were serious in their purpose in determining a funding level for the highway program that will enable it to continue meeting highway needs without contributing to our national economic troubles.

I repeat that the $9 billion proposed for the next 15 months represents the best agency judgment, based on information from the States, of the appropriate level of funding for the highway program.

Mr. President, I call attention also to the fact that this proposed obligation limitation applies to those funds apportioned by formula to the States. These are the largest share of highway funds and include the following programs: Interstate System, rural primary system, rural secondary system, urban extensions, urban system, priority primary system, metropolitan planning, railroad-highway grade crossings, elimination of high hazard locations, elimination of roadside obstacles, forest highways, and the safer roads system.

It is not applicable to those programs for which funds are allocated to States on the basis of meeting certain national objectives. These programs include highway safety research and development, highway beautification, highway-related safety grants, rural highway public transportation demonstration program, territorial highways, Darien Gap highway, off-system roads, overseas highway, access roads to public recreation areas, and the Highland Scenic Highway.

We do not intend that the limitations provided in the amendment we have offered apply to funds for emergency relief, urban high density highways, and the special bridge replacement program.

Mr. President, this amendment is proposed to provide a mechanism for adjusting to the release of all previously impounded highway funds. I think it is important that the record show that if there had been no impoundment—and therefore no accumulated money to release—funds available for fiscal year 1976 would be less than those which can be obligated under this amendment.

The freeing of impounded highway authority made considerable money suddenly available, and it was properly used to significantly reduce the backlog of planned construction projects. Those who carry out the highway program—at both the Federal and State levels—should be aware that this situation will not be repeated. This amendment establishes a spending level only for fiscal year 1976 and the transition quarter. I do not anticipate, under any foreseen circumstances, that it will be necessary to take similar action again.

Mr. President, the position of the administration on this matter is explained in a letter from Secretary Coleman to Senator BAKER and me. I ask unanimous consent that his letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., July 23, 1975.

Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.
Hon. HOWARD H. BAKER, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATORS: In your March 12, 1975 letter to Senator Birch Bayh, Chairman of the Senate Transportation Appropriations Subcommittee, regarding proposed Senate action on the President's recommended deferral of FY 1975 highway funds, you indicated that the Public Works Committee would enter into a dialogue with the Administration to determine an appropriate highway obligation level for FY 1976. Since that letter, Administrator Tiemann and my staff have discussed this issue with the staff of the Senate Public Works and Appropriations Committees.

Following these discussions, and having the opportunity to assess the results of the FY 1975 highway program and the FY 1976 resolution of the Congressional Budget Committees, I believe the following points are important to our mutual understanding of this situation:

1. In light of the final FY 1975 highway funding experience and other factors, we agree that the originally planned FY 1976 highway obligation level of $5.2B is no longer appropriate.

2. However, without any constraints, currently authorized funds becoming available under current law during FY 1976 total in excess of $11B. We believe that FY 1976 obligations of this magnitude would be inappropriate and clearly inconsistent with the FY 1976 budget resolution enacted by the Congress.

3. There are several alternatives for placing some joint Executive-Congressional ceiling on the level of FY 1976 highway obligations. These alternatives include:

a. Shifting the date on which the $3.25B in FY 1977 Interstate funds must be made available for obligation from January 1, 1976 to October 1, 1976.

b. Utilizing the procedures of the Congressional Budget and Impoundment Control Act Presidential transmittal and Congressional acceptance of a FY 1976 deferral message for some portion of the available highway authorizations.

c. Establishment by the Congress of a ceiling for FY 1976 highway obligations. In transportation programs, this action is most often taken in conjunction with the annual appropriation legislation.

In assessing these alternatives, we believe the third course of action would be most effective at this point. Given the fact that several States are running out of available apportionments, shifting the availability date of existing FY 1977 Interstate apportionments is probably not acceptable. Furthermore, in the judgment of the Department of Justice, recent court decisions and the existence of outstanding injunctions suggest that reliance on the provisions of the Budget and Impoundment Control Act to establish a FY 1976 highway obligation level might be challenged in court and could lead to protracted litigation, which could create unnecessary disruption of the program.

Consequently, in view of the above, I recommend the following course of action for the consideration of the Senate Public Works and Appropriatons Committee:

1. The Senate, acting through the regular appropriations process, would establish a total obligation ceiling for FY 1976 and the three-month transition period to the new fiscal year. In light of the FY 1975 program experience and our preliminary discussions with your staff, we propose a total 15-month ceiling of approximately $8.5B. We would work with the House to attempt to gain approval of this approach should the Senate approve it.

2. Because FY 1976 highway obligations would be established by such an obligation ceiling, the Administration will not transmit a FY 1976 deferral message for the Federal-aid highway program.

3. Should the full Congress enact legislation including such an obligation ceiling, the Administration would apportion to the States the currently authorized FY 1977 Interstate funds as soon as such an obligation ceiling is signed into law and a new Interstate cost estimate is approved by the Congress.

My staff and I are available to discuss this proposal in more detail with you and your staff.

Sincerely,

WILLIAM T. COLEMAN.

Mr. RANDOLPH. Mr. President, how much time have I consumed?

The PRESIDING OFFICER. (Mr. MATHIAS). The Senator from West Virginia has consumed 13 minutes.

Mr. BAKER. Mr. President, will the Senator yield me 5 minutes when he has completed his remarks?

Mr. RANDOLPH. I would like to yield to the Senator at this time, if that would accommodate his purpose.

I yield the Senator from Tennessee such time as he may require.

Mr. BAKER. I thank my friend from West Virginia, and I will do my very best to abbreviate these remarks appropriately.

Mr. President, I join the distinguished chairman of the Committee on Public Works in proposing to set an obligational ceiling on the Federal-aid highway program for the 15-month period from July 1, 1975 to September 30, 1976.

To begin with, Mr. President, I would like to congratulate the chairman of the Public Works Committee for what I believe to be his statesmanlike approach to an issue before us that could have been a vexing and troublesome one. The senior Senator from West Virginia since 1967 has led the way in opposing withholding of highway funds by the executive branch. He has been joined in his staunch opposition by the other members of the Public Works Committee and the Members of this entire body We believed that the funding levels set by Congress for the highway program clearly were the levels Congress expected to be implemented; that it was not left to administrative discretion to determine whether and where the funds should be spent.

Nevertheless, through three administrations, impoundments were imposed. A very substantial backlog of apportioned but unobligated revenues accumulated.

With the change in the economic picture during late 1974 and early 1975, the administration acknowledged that more highway funds could beneficially be spent than had originally been planned for fiscal 1975. Accordingly, an additional $2 billion was released in February.

The President's budget for fiscal 1976, however, proposed what the Public Works Committee believed to be an unrealistically low obligational level. In an effort to urge the administration to enter into a dialog with Congress on appropriate spending levels, the Public Works Committee and the Appropriations Committee reported to the Senate a resolution disapproving deferral of any Federal-aid highway funds. The Senate passed the resolution. This had the effect of ending executive impoundments, and making available to States the entire $9.1 billion previously authorized, over several previous fiscal years, for Federal-aid highways.

It was not the intent of the Public Works Committee to create an annual program level for highways of $9.1 billion. Because the only means available at the time to show disapproval of Executive impoundments was to release all funds; that was the course adopted by the committee.

In the report of the Public Works Committee to the Budget Committee on 1976 obligational levels for Federal-aid highways, we recommended a level of $7.2 billion for the 12-month period from July 1, 1975, to June 30, 1976, and $1.8 billion for the transition quarter. The Budget Committee acted on this recommendation in establishing the overall budget projections.

Unless some action is taken to limit total obligations during fiscal 1976, the amount legally available—even without passage of new highway legislation, which is probable—will be in excess of $11 billion. If new spending authority is enacted the total available could go as high as $14 or $15 billion for the 15-month period up to October 1, 1976.

Clearly, this amount far exceeds any annual obligational level intended by Congress for the highway program. Annual authorizations contained in the Federal Aid Highway Act of 1973 averaged $6.6 billion.

We have been advised by the Federal Highway Administration that a 12-month obligational level of $7.2 billion represents a good estimate of States' ability to use funds.

The fact that the States managed to obligate in excess of $7.8 billion during fiscal 1975 is seen as an unusual circumstance in that States pulled numerous projects "off the shelf" and to a great extent, cleared up their backlogs of projects ready to go. The suggestion is that States are not in a position at this time to keep up the tremendous pace of obligations reached at the end of fiscal 1975.

Thus, to encourage States to gear up over the next fiscal year to take advantage of $11 billion or more, only to have program levels decrease when the impounded funds have been spent, seems an undesirable way to conduct an orderly program. It makes far more sense to spread out the release of funds accumulated over 7 years of administrative impoundments to insure a more consistent level of funding.

So it is, Mr. President, that my distinguished colleague from West Virginia, the chairman of the Committee on Public Works, the distinguished chairman from Vermont, the ranking member of the subcommittee, and I have joined in making these recommendations to Congress.

It is our purpose and intent to establish a responsible control of the Federal budget by placing an obligational ceiling on the Federal aid to highway program. I concur in this effort with my chairman.

Mr. President, I thank the chairman for yielding me this time.

Mr. STAFFORD. Mr. President, will the distinguished Senator from West Virginia yield me 3 minutes?

Mr. RANDOLPH. I yield to the member of the committee, the able Senator from Vermont (Mr. STAFFORD) such time as he has requested.

Was that 3 minutes?

Mr. STAFFORD. Three minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 3 minutes.

Mr. STAFFORD. I thank the distinguished chairman of the Committe on Public Works for yielding me 3 minutes.

Mr. President, I commend the chairman of the Committee on Public Works (Mr. RANDOLPH) and the ranking Republican on the committee (Mr. BAKER), who has just spoken, for the action they are recommending to this body today.

I believe most of us in Congress have voiced disapproval of efforts by the executive branch over the past several years to frustrate or redirect congressional intent as expressed in Federal-aid highway legislation.

No Member of this body has been more vigorous in his opposition to these practices than the distinguished chairman of the Public Works Committee. He has stated his views in this Chamber, in correspondence with three Presidents, and in speeches around the country.

The situation we confront today is different, however, as the senior Senator from West Virginia has recognized. We are not being asked to approve Executive impoundment of congressionally authorized funds.

Rather, we will be making one unique adjustment to provide for the orderly termination of highway impoundments. We are being asked to see that the highway program is not threatened by erratic funding levels while we undo 7 years of administrative impoundments.

There are those who may call what is being proposed congressional impoundments. It is not important what our action is called, so long as we recognize that what we are doing is consistent with the congressional promise to exercise responsible control over the budget while insuring continuation of productive programs.

The action proposed today is consistent with earlier recommendations by the Public Works Committee as to desirable funding levels for the highway program. The obligational ceiling is higher than funds authorized for fiscal 1976 by the 1973 Federal-Aid Highway Act.

We are not proposing an unrealistically low level of obligations but one which was the basis of the Budget Committees' recommendations for the 1976 Federal budget.

Mr. President, both the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Tennessee (Mr. BAKER) have given persuasive reasons for the action they propose. I concur in their views and congratulate them for their leadership. I intend to follow that leadership this afternoon.

I thank the Chair.

Mr. MUSKIE. Mr. President, I require some time on this amendment which I will support, incidentally.

I gather that the Senator from West Virginia is pretty much out of time. I want to give the views of the Committee on Budget.

Mr. RANDOLPH. Mr. President, I ask unanimous consent to yield 10 minutes to the Senator from Maine.

The PRESIDING OFFICER. Without objection, the Senator from Maine is recognized for 10 minutes.

Mr. MUSKIE. I thank my good friend from West Virginia.

With respect to the amendment offered by Senator RANDOLPH and Senator BAKER, let me say this. The issue that is involved is simply this: At the present rate of spending in the highway program, if this amendment is not adopted, spending in that program will bust the congressional budget by $1 billion in fiscal 1976. That is it, pure and simple.

The Randolph-Baker proposal would reduce that impact by $200 to $300 million.

Even with the amendment, highway spending will take us above the congressional budget by a minimum of $700 million, according to present estimates.

It is for that reason that I support the Randolph-Baker amendment.

May I say, in addition, that as I understand the practicalities of trying to reduce highway programs in 50 States, probably we cannot completely avoid the budget busting effects of the present rate of highway spending.

I think the Randolph-Baker amendment is a practical response to this budget problem.

May I, Mr. President, simply lay out the reasons for the present situation.

We have all supported Federal assistance for highway development, as has the Committee on the Budget.

The Committee is on record along with the Committees on Public Works and Appropriations in recommending that the Senate vote to overturn the President's impoundment of highway funds.

Further, while the President recommended in his February budget message that the program level be set at $5.2 billion in fiscal 1976, generating approximately $4.8 billion in outlays, the Committee on the Budget reported a first concurrent resolution on the budget that assumed a program level of approximately $7.2 billion, with outlays of $6.2 billion.

As I say, Mr. President, that result was approved by all three committees which have a direct interest in highway spending, the Committees on Public Works, Appropriations, and Budget.

But these estimates are proving inadequate. We gave the program a stimulus in fiscal 1975 that is having unexpected impacts in fiscal 1976.

What is happening is that the States are finding it possible to obligate highway funds faster than it was estimated that they could.

The result is very simple, Mr. President, and I have them outlined in a table, which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FEDERAL-AID HIGHWAY PROGRAM OBLIGATIONS AND OUTLAYS ASSUMED BY FIRST CONCURRENT RESOLUTION COMPARED WITH CURRENT PROJECTIONS AND WITH RESULTS EXPECTED UNDER RANDOLPH-BAKER AMENDMENT

[In billions of dollars]

	First concurrent resolution	Current projections	Projections with amendment
Fiscal 1975 obligations	6.8	[1] 7.8	[1] 7.8
Fiscal 1976:			
Obligations	7.2	7.8	7.2
Outlays	6.2	7.2	6.9–7.0

[1] Actual.

Mr. MUSKIE. If I may simply outline this in simple terms, with respect to obligations, fiscal 1975 obligations were estimated in the first concurrent resolution at $6.8 billion; the actual obligations for fiscal 1975 were $7.8 billion. In other words, we obligated at a rate in fiscal 1975 of $1 billion dollars faster than was anticipated. Fiscal 1976 obligations were projected in the first concurrent resolution at $7.2 billion; currently they are projected to approach $7.8 billion.

The result of this is that outlays for fiscal 1976 are currently projected at $7.2 billion, as compared to the first concurrent resolution estimate of $6.2 billion.

That is a billion dollars over the resolution, Mr. President, and that could prove to be a conservative number.

With the Randolph-Baker amendment, that outlay projection would be reduced to $6.9 to $7 billion.

I hope we will hold at that figure, as I have indicated to the distinguished Senator from West Virginia, who is chairman of the Committee on Public Works.

The distinguished chairman of the Committee on Public Works has cooperated fully with the Budget Committee all through this year. I have served on the Public Works Committee with him. The resolution numbers were set with his cooperation, and we just did not anticipate that the stimulus for the program which we set in place last year would have this kind of impact. Now we are trying to adjust. I commend the chairman for taking this responsible budgetary action, which recognizes what has happened and the need to exercise some discipline.

So I give my compliments to Senator Randolph and Senator Baker, and I urge the support of the Senate for this amendment.

Mr. BAYH. Mr. President, I find myself in a very difficult position, listening to the arguments of three of my colleagues for whom I have the greatest respect, and under normal circumstances, I would be persuaded by their language.

For a long time, several of us have been opposed adamantly to executive impoundment as it was directed at the highway trust fund. This action, indeed, could be called legislative impoundment.

Under normal circumstances, I would be prepared to accept the logic. The economic situation being what it is today, I, for one, am reluctant to back away from the need to put some of these highway dollars to work, to continue the flow, and to keep these highways not only being built but also employing people who otherwise will be on the unemployment line or the welfare line.

I like to be cooperative; but I recall standing at my desk when resolution 69 was being debated and pointing out that at this time in our history, we need to let the State highway departments know that they can let those contracts, so that we can get ourselves out of this recession by putting people to work instead of cutting back.

This morning, I had a lengthy discussion, a sort of briefing session, with economists for whom many of us have a great deal of respect, one of whom was Mr. Arthur Okum. We discussed a broad range of subjects.

It was his assessment—and I must say that it is a parallel to most that I have heard—that the projected rate of economic recovery is going to have us at least 8 percent at the end of next year and that there is no way that the expenditure of moneys to build highways, to employ people, to keep them off welfare and off the unemployment lines, is going to increase inflation right now. We may have bottomed out, but the question is, are we going to get back on top? The process that presently is being followed is slow and tortuous.

I hope there is some way in which I can persuade my colleagues to accept the full funding figure that is in the appropriation bill.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. BAYH. I am glad to yield.

Mr. MUSKIE. I respect Mr. Arthur Okun for his knowledge, for the expertise he brings to the esoteric subject of economics; but I also know that he thinks very highly of the importance of establishing the credibility of this budget process.

In the last 2 weeks, I have had placed on the desk of each Senator the current scorekeeping report indicating where we stand with respect to the targets we set in May. At the present time, we are barely on target. But as we look down the road in the Senate, many worthwhile and appealing proposals and programs are pending in committees. Many of these programs are designed to deal with the recession problem. If we add them all up—I am looking for the latest figures, and I will put them in the RECORD—they are on the magnitude of $12 billion to $14 billion.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SUMMARY TABLE 1—FISCAL YEAR 1976 BUDGET TOTALS

[In billions of dollars]

Category	Fiscal year 1976 New budget authority	Fiscal year 1976 Estimated outlays
I. 1st concurrent resolution target	395.8	367.0
II. Spending legislation:[1]		
A. Completed action:		
1. Enacted in prior years	135.6	200.8
2. Enacted this session	3.1	9.7
3. Passed Congress but not signed	4.9	1.7
B. Action underway in Senate:		
1. Passed Senate	2.5	2.4
2. Reported in Senate	1.8	1.8
C. President's spending requests not yet reported in Senate[2]	†247.6	153.4
[Note: Totals for category II.C, taking account of House action to date: $242.9 billion new budget authority, $154.2 billion estimated outlays]		
Remainder:[3]		
Under target	.4	
Over target		2.8
III. Selected additional legislation:[4]		
A. Spending legislation (range)	1.5/1.7	1.5/1.7
B. Authorizing legislation (range)	25.5/26.6	9.6/10.3
Remainder:		
Under target		
Over target (range)	26.6/27.9	13.9/14.8

[1] See introduction for definition of "spending legislation". This is the legislation to which the First Concurrent Resolution targets formally apply.

[2] Adjusted, where applicable, to reflect (1) the cost of current law in cases where the President's request assumes legislation to reduce the cost of current law, (2) elimination of costs associated with legislative requests for new programs, and (3) completed congressional action on legislation that authorizes appropriations for ongoing programs at levels lower than the President's appropriations request.

[3] Includes the effect of major program reestimates (upward or downward) which have occurred since May 15, 1975, and which were not contemplated in the First Concurrent Resolution target but which are included in Category II. These total about $2 billion in budget authority and outlays (primarily for food stamps and veterans compensation).

[4] This category consists of legislation which is not included in Category II but which in the opinion of the Senate Budget Committee staff has potential budgetary significance for FY 1976. This category includes two types of legislation (see introduction for definition):

Spending legislation which has not yet been reported in the Senate and which has not been requested by the President (unreported Presidential spending requests are included in Category II. C above).

Authorizing legislation at all stages of action in the Congress.

† Includes $5.3 billion in backdoor authority requests.

Mr. MUSKIE. I suppose that at this point we could revert to our old and traditional practice of supporting everything that comes down the legislative road because it can be justified on economic terms, in recession terms, or what have you. That would be an abandonment of the budget process.

Frankly, I think it is my responsibility, more than that of any other Senator, to try to establish the credibility of that process. This is a billion dollar overrun, at the present reading, of program spending, and it is not because the responsible committees did not take a careful look at this program before the budget resolution was adopted.

I participated in the Committee on Public Works, as a member of that committee, in preparing the recommendation for the Budget Committee. We took it up with the Committee on Appropriations. We discussed it at length in the Budget Committee. We adopted the resolution of the Public Works Committee without cutting back a nickel. So that is where we are, I say to my good friend.

Mr. BAYH. I do not envy my good friend's terribly difficult position.

Mr. MUSKIE. I do not want to be envied or commiserated with. I looked for this responsibility.

Mr. BAYH. I am proud the Senator is in the position in which he now finds himself, even though I disagree with him.

I was one who felt that the budget ceiling was significantly below where it should have been to turn this economy around. That, plus my reluctance to tamper with the highway trust fund, expressed in a very nonpartisan way for the first time against Lyndon Johnson, when he tried to do it, causes me to suggest to my colleague that I do not feel quite as conscience-smitten as he must because of the role he plays.

I do not think we went far enough in trying to get this economy turned around. But I certainly respect the tenacity with which the Senator presents this case.

I am prepared to put this matter to a vote and accept the will of the Senate, with the understanding that it is going to be an awfully difficult position for me, feeling as I do, confronted with the kind of opposition we are going to have in conference with the House, which really is going to see red with respect to our tampering with the highway trust fund.

Mr. MUSKIE. May I say on that score that, as I read it, if we were to continue obligating at the $7.8 billion annual rate, the revenues of the highway trust fund would not support that level of spending on an indefinite basis.

So that we are talking not only about the overall budgetary impact, but also about the cash flow in the highway trust fund. The revenues would support it for 1976, but there would be difficulty after that.

Mr. BAYH. The Senator is absolutely accurate. But I am hopeful that by the time we get into the major reasons for the need to put people to work, the need no longer will be there. That is one of the concerns I have.

Mr. MUSKIE. I say to the Senator that

I do not like to be in the position of being Scrooge.

Mr. BAYH. What was that word?

Mr. MUSKIE. S-c-r-o-o-g-e—lest the Senator misunderstand the Senator from Maine's regional pronunciation.

[Laughter.]

The President's outlay proposal for 1976 was $4.8 billion. What we are talking about here is $7.2 billion. There is a vast difference, something like $2.4 billion, between those two numbers. I think that that is a sharp increase over the President's budget, and I think we ought not to be apologetic about it.

Mr. BAYH. I happen to sit there and watch all the administration officials parade before us and say, there is no way in the world the State highway departments can spend more than $6.6 billion. And the Senator knows very well that the figure was $7.8 or $7.9 billion or something like that.

Mr. MUSKIE. That is right.

Mr. BAYH. I think the track record of pronouncements is not too good.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. I yield to the distinguished Senator from Florida.

Mr. CHILES. Mr. President, I commend the distinguished Senator from Maine, the chairman of the Budget Committee, for taking a stand on this, which I know is a difficult stand for him to take, or for any Member of the Senate. Highways happen to be one of the things that are nearest and dearest to all our hearts. I think what we are seeing here, though, is another demonstration that the chairman is determined to try to make the new budget act work. The only way that we can make the act work is, really, to be able to point out, when we start straying from some of the amounts and figures that we have set, especially on the floor, that we are straying and that this is going to put the budget out of balance. There is a second resolution that comes around at a time when everybody gets an opportunity to speak his piece. I think that would have to be a more appropriate time. But I do want to compliment the chairman, the distinguished Senator from Maine. I think he is taking an action that all of us really want to see the Senate take. We want to feel that we do have fiscal responsibility and that we are going to get control over the spending, but when it comes down to each particular issue, especially when it is a very sensitive one like roads, that is one we all kind of shrink away from. I know that it takes a lot of courage to do that.

Mr. DOMENICI. Will the Senator yield?

Mr. RANDOLPH. Mr. President, I yield 3 minutes to my colleague, who is a member of the committee.

Mr. DOMENICI. I thank my distinguished friend from West Virginia. Three minutes is adequate.

First, I join with the Senator from Florida in commending the Senator from Maine, the chairman of the new Committee on the Budget, for the stance he has taken here today. I am certain that if our ranking Republican (Mr. BELLMON) were here—he is absent because of a death in Oklahoma—I am sure he would be joining with the Senator from Maine, not in the sense of trying to say that the Committee on the Budget controls these situations, but, rather, telling the U.S. Senate the facts as this appropriation bill relates to the target areas that we set in arriving at an overall budget for the United States in the first resolution adopted by both Houses. That was historic. I think it is difficult in these trying times for the Senator from Maine, or anyone, to oppose maximum funding in an area such as this. It obviously indicates the seriousness that he and others place on the budgetary process as a part of good economics for America, not only this year but for many years to come.

In commending the Senator, it is obvious that I am commending the chairman of the full committee, the Senator from West Virginia, and the ranking member of that Committee on Public Works (Mr. BAKER) for they, too, have a real interest in maximum highway funding, especially when we are in these economic times when we know jobs are involved. I commend them for the compromise which they have offered here today, which, in their analysis, will keep the highway programs going, yet will bring some sense of balance and relationship to the budget resolution that we worked so hard on.

For those who are concerned about budgetary good sense and yet wanting to keep our highway programs going and wanting the budget reform to work and not be set asunder the first year, I certainly urge that the compromise proposed by the distinguished chairman of the Public Works Committee and the distinguished ranking member, Senator BAKER, be adopted by the Senate. It will be an excellent highway program, and yet it will be in good stead with reference to sound fiscal responsibility.

In closing, for the distinguished Senator from Maine, he could answer the distinguished Senator from Indiana, he could have said he did not agree necessarily with the ceilings. I serve on that committee, and I know he, perhaps, did not think we put enough in certain target areas. But that is what the process is about, and that is why he is here saying that the sense of both bodies is felt in that resolution, and he is here to defend it and call it to our attention even in this first year, the experimental year, of the new budget reform process.

I thank my friend from West Virginia for yielding.

Mr. RANDOLPH. I was going to inquire, with the indulgence of my chairman of this Appropriations Subcommittee, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 5 minutes, and the Senator from Indiana also has 5 minutes.

Mr. BAYH. Mr. President, let me say—and I shall reiterate what I said before—I just think that the economy right now is going to be well-served by the figure that is presently apportioned. We are talking not only about building highways, we are talking about moneys to go back to mass transit, on which the Senator from Maine is the principal mover; we are talking about building bridges that are about to fall into rivers; we are talking about widening some of these killer bridges; we are talking about railroad underpasses. We are just talking about additional interstate systems in here.

Mr. MUSKIE. Mr. President, if the Senator will yield, I point to my statement on the bill commending the Senator and the committee for what they have done in the rail transportation program. I think it is a real plus. It serves not only our economic needs but our future transportation needs, and I wanted to call the Senator's attention to that statement.

Mr. BAYH. I am grateful for that.

I wish to point out we have our problems with a lot of people who think it is highway or no highway, and I think the time has come to take a look at a lot of these things, and I was pointing out the moneys now in controversy are not only involved in building highways but in providing other needed services and improvements which not only serve that goal but also put people to work at a time when we desperately need to put them to work.

Now, as strongly as I feel we should proceed, I look at two things. I look, first, at the clock and observe that the hour is late, and that many of our colleagues have been waiting around for the termination of this bill. We have gone much beyond the time we thought we would conclude.

Second, and I think from a more realistic standpoint, I have pretty good command of the process of addition and I realize it appears that the position of the Senator from Indiana is probably not going to be sustained.

So rather than put all of my colleagues through the process of further time-consuming by requiring a rollcall vote, I will say to my colleague from Maine we will accept this amendment, do the best we can, recognizing differences of opinion that have to be resolved.

I am prepared to accept the amendment and get on with final passage because there are a number of other appropriation bills now before us, and the leadership is most desirous of moving them before the weekend.

Mr. MUSKIE. Mr. President, will the Senator yield? I would like to express my appreciation to the Senator, not in any personal sense, but for the consideration that prompts him to take that position.

May I say to him that I fully understand his reasons for wanting full funding of the program at the present rate of spending, and were it not for the position in which I find ourselves, I would find myself more cooperative than is the case this afternoon.

Let me make this one final point. We still have the second budget resolution to consider and the question of whether or not these programs should be expanded, in response to the economic situation, which we will then find it would be very much in order, and I assure the Senator that the Budget Committee is giving continuing consideration to the economic situation, and so our points of view may cross somewhere in September or October in a way that would accommodate the Senator's views.

Mr. BAYH. The Senator from Maine and the Senator from Indiana are usually looking down the same barrel.

Mr. MUSKIE. Parallel tracks.

Mr. BAYH. Mr. President, I yield back the remainder of my time, and I accept the amendment.

The PRESIDING OFFICER. Does the Senator from West Virginia see recognition?

Mr. RANDOLPH. I seek recognition. How much time do I have?

Th PRESIDING OFFICER. The Senator from West Virginia has 5 minutes remaining.

Mr. RANDOLPH. Mr. President, it has been my privilege to serve in the Congress of the United States for more than 31 years, 14 years in the House and more than 17 years in the Senate with 11-plus years intervening between these two tenures in public office. I served as a member of the House Roads Committee. In the Senate I was chairman of the Roads Subcommittee, and I have been chairman of the full Public Works Committee for 9 years.

The record will indicate there is no Member of the Congress during this period of time in the House or now in the Senate who has been more zealous in his support of highway construction programs than the Senator from West Virginia who is now speaking.

What Senator Baker and I have done in this amendment is to recognize that the Budget Reform Act was not to be lightly considered. It was to be the feeling of the Senators involved that we should try to fashion the program, insofar as possible, to a certain ceiling and yet take care of the needs of the programs in which we are intense believers.

It is my belief that I have complied with both obligations.

Mr. President, I differ for a moment with my colleague from Maine (Mr. Muskie).

He said he was not personally thanking the Senator from Indiana. I am.

No Member of this body has demonstrated a greater commitment to adequate highway development than my friend, the Senator from Indiana. Prior to his becoming a member of the Appropriations Committee, he served as chairman of our Subcommittee on Roads. Many of the programs which are funded by this bill were developed under his leadership in that capacity. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia (Mr. Randolph).

The amendment was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TUNNEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. ALLEN. All time on the amendment has been yielded back.

The PRESIDING OFFICER. There is no time on the amendment.

Mr. ALLEN. The Senator from Alabama cannot suggest the absence of a quorum? There is nothing pending.

The PRESIDING OFFICER. Not without the yielding of time.

Mr. ALLEN. Very well. I call up my amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> On page 22, line 11, strike "$328,800,000" and insert "$228,800,000".

Mr. ALLEN. Mr. President, I yield myself 15 seconds and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 15 seconds.

Mr. ALLEN. During which I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I have a nonrelated matter on which I wish to address the Senate. However, in order to allow this bill to go to final passage, and an opportunity will be provided later for the Senator from Alabama to speak, I withdraw the amendment.

The amendment was withdrawn.

Mr. BAYH. Mr. President, I appreciate the courtesy of the distinguished Senator from Alabama and I suggest we go to third reading of the bill.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

ADDITIONAL STATEMENTS ON H.R. 8365—CLINTON PARKWAY

Mr. DOLE. Mr. President, I would like to address the distinguished chairman of the Appropriations Subcommittee on Transportation, Mr. Bayh, at this time, with regard to the funding of access roads to certain lakes constructed with Federal funds.

I note that the Senate Appropriations Committee, upon the recommendation of the subcommittee, has included a total sum of $10,000,000 in unearmarked funds for construction of these roads. This is substantially less than the $25,000,000 authorized for this purpose by the Senate Public Works Committee during 1974, but I am told this should be sufficient to provide the full 70 percent Federal share of construction costs for priority projects now eligible for such funding. If I thought this were not so, and if I thought that the proposed Clinton Parkway in Kansas was not to be among these priority items, I would not hesitate to ask that $4.13 million be specifically earmarked at this time for the project. For that reason, I did want to confirm the intention of the Transportation Subcommittee by asking the distinguished Senator from Indiana if Clinton Parkway is indeed considered a primary project for which these funds are being appropriated.

Mr. BAYH. In response to the junior Senator from Kansas, I want to give my assurance that the Transportation Subcommittee does consider the proposed Clinton Parkway project in Kansas to be fully qualified to receive a construction grant from the appropriations made for that purpose. The members of the subcommittee gave close and careful attention to the testimony of the two Senators from Kansas, and to that of the Lawrence and Douglas County officials when they appeared before us on June 25 to provide details of the need for funding for Clinton Parkway. We found that, on the basis of advanced planning already completed and because of local readiness to provide the 30 percent local share of construction costs, the Clinton Parkway project is eminently qualified at this time to receive the $4.13 million requested from these appropriations, and the subcommittee endorses that grant.

Mr. DOLE. Thank you, Mr. Chairman, for that assurance. It has been by understanding all along that the critical need for this access road in Douglas County, Kans., was recognized by my distinguished colleagues in the Public Works and Appropriations Committee. As you will no doubt recall, at the time that the Senate Public Works Committee reported the authorization for section 115 of the Federal-Aid Highway Amendments of 1974, it specified that:

> It is the intent and expectation of the committee that among the initial projects approved under this section will be the Clinton Parkway in Kansas.

In December of 1974, the conference committee reaffirmed this intent in its report to the Congress, and just this month—on July 10—the chairman of the Subcommittee on Transportation in the House of Representatives indicated during floor discussion of this appropriation measure that the House subcommittee had anticipated that $10,000,000 would be sufficient to include the requested funds for Clinton Parkway. With this repeated expression of congressional intent throughout the history of the legislation, I am confident that there can be no misunderstanding by the Department of Transportation regarding the mandate for funding for Clinton Parkway in Kansas.

In closing, I want to reiterate a question which I put to the subcommittee during my testimony on June 25. Let me ask the distinguished Senator from Indiana if a portion of these appropriations for access roads may be used by local officials for preliminary right-of-way land acquisition in preparation for later stages of construction?

Mr. BAYH. Senator, I am not aware of any objection by the committee to use of these funds for right-of-way acquisition, nor am I aware of any administrative prohibition against it. Purchase of right-of-way land rights can clearly be considered an integral initial stage of any road construction project and thus would fall within the stated purpose of this provision of the appropriations bill.

Mr. DOLE. I thank the Senator for his helpfulness in answering these inquiries.

Mr. TUNNEY. Mr. President, I commend the members of the Appropriations Committee, and particularly the members of the Transportation Subcommittee so ably chaired by Senator BAYH, for their inclusion, despite administration pressure, of $500,000 in this bill for the interim study of a West Coast Corridor Transportation System.

I was the author of legislation which became law last year authorizing a comprehensive study into the feasibility of a high-speed, ground, mass transit system linking the major cities of the West Coast from Tijuana, Mexico to Vancouver, B.C., and including San Diego, Los Angeles, Fresno, the San Francisco Bay Area, Sacramento, Portland, and Seattle.

The West's transportation system has evolved into almost total dependence upon the airplane and motor vehicles, with the resulting complications of inadequate service, delays, and tremendous environmental costs.

Conservative projections predict that by 1990 as many as 125 million travelers annually will move within the California corridor alone, with as many as 200 million by the year 2000. In other words, we can expect that the equivalent of approximately the entire present U.S. population will be travelling between California's major cities within 25 years.

The expedited development of a comprehensive, integrated transit system that is a safe, economical, and efficient alternative to the automobile and the airplane could alleviate many of the problems of environmental pollution and energy consumption that the West now faces.

To delay the development of an effective and efficient mass transit system will condemn the West to a future of jammed highways, poisoned air, and dangerously overcrowded skies.

Unfortunately, the administration apparently failed to grasp the seriousness of the problem or the depth of the Congress' commitment to solve that problem. The President's budget asked for no funds for this study. Instead, the Department of Transportation proposed using $50,000 that was previously available to them. For the type of study contemplated, that amount is completely inadequate, and despite my efforts and those of the distinguished chairman of the Commerce Committee, Senator MAGNUSON, the Department refused to amend their request.

The Congress has now, however, taken steps to assure the kind of interim study that is necessary. Congressman MCFALL instituted action in the House, action we are seeing completed today thanks to those I have previously mentioned.

Mr. President, this action we are taking today is certainly one which will return our investment many times. There is no question that such transportation systems will be indispensible in the future, and the system developed for the West Coast Corridor can serve as a model for the rest of the country.

Mr. TAFT. Mr. President, I commend the Appropriations Committee for their careful attention to the needs of the National Highway Traffic Safety Administration for an automotive testing facility for investigations under the new Motor Vehicle and School Bus Amendments of 1974.

Contained in the bill before us is a provision of $590,000 to enable the NHTSA to lease space and purchase testing equipment to carry out its responsibilities under the new legislation. This legislation imposes a limitation of 120 days in which to announce a decision regarding petitions in areas of safety standards and safety defects—a decision which must be based on reproducible test results. The time limitation makes total reliance on independent contractors impracticable.

An important element in this appropriations request by the Agency is the cost-savings which is recognized by leasing existing laboratory and office space at the Transportation Research Center of Ohio. This Ohio facility is an advanced and impressive automotive testing complex and is the designated site for the Federal Compliance Test Facility. The close proximity of the two test centers benefits the Federal Government by the availability of crash testing facilities, driver/vehicle performance roads, high-speed operation loops, skid pads, and computer equipment for data and film analysis.

Again, I wish to thank the committee for its insightful response to the immediate testing needs of the National Highway Traffic Safety Administration, and I look forward to the day when the full Compliance Testing Facility will be operational to conduct research in vehicle capability and performance.

Mr. GARY W. HART. Mr. President, I commend Mr. BAYH and Mr. MCCLELLAN and their colleagues on the Subcommittee and Committee on Appropriations for the excellent job they have done in putting this bill together. I am particularly pleased to see that they see fit to restore funds which continue research and development on the High Performance Personal Rapid Transit—HPPRT—system. Continuation of R. & D. on this type of advanced mass transit equipment is vital to assure that our Nation has the maximum number of options from which to develop the most efficient and effective transportation system to meet our urban needs.

We all recognize the need for a comprehensive public transit system. The energy crisis and our heightened awareness of environmental problems have provided the impetus for a national reassessment of our reliance on the automobile. However, we must also take a hard look at new transportation technologies which go beyond the scope of service provided currently only by buses and in rare instances supplemented by traditional fixed rail systems. The funding included in this bill maintains a Government commitment to the development of new transit systems which will provide flexibility to our varied transportation requirements.

Our Nation should be seeking better ways to augment existing urban transit systems, where operating deficits subsidized by provisions in the National Mass Transportation Assistance Act of 1974 perpetuate the inefficiencies of conventional single system public transit facilities. According to a report published by the American Public Transit Association, nationwide transit deficit has increased from $500 million in 1972 to approximately $1.3 billion in 1974. At this rate, by 1980 the country could be faced with subsidizing an inherently inefficient mass transit system in excess of $12 billion a year. These figures, when juxtaposed with the comparatively miniscule appropriation for new systems of $15.5 million within this bill, seem to show that what we are voting on today is the minimum commitment that should be made to the development of more efficient and effective public transportation equipment. Without the development of the kind of viable alternative offered by a system like HPPRT there will be little hope that these huge operating deficits will be brought under control.

Recognizing the importance of advanced systems development the Department of Transportation, Urban Mass Transit Administration, has endorsed the continued funding of the HPPRT project by requesting $8.5 million; however, the House failed to provide for funds in its bill. I understand that objections surrounding the House decision were based on the unfortunate experiences of the Morgantown demonstration project. Such equipment which was tested directly [illegible] the public, was obviously developed in the wrong way. Automated systems such as the HPPRT, the automated guideway transit—AGT—and the shuttle and loop transit—SLT—should be refined in the controlled environment of a test track facility allowing technical and economic evaluation before deployment of the systems in our urban areas.

It is my understanding that the HPPRT project, originally scheduled for public demonstration outside of Denver, in Broomfield, Colo., will now be transferred to the Department of Transportation Test Track Center in Pueblo, Colo. This will provide that the problems encountered in the Morgantown project will be worked out before the system is put into public operation. Such an approach is much more reasonable and should respond to the well-warranted objections inherent in untested, urban-deployed equipment. I am confident that controlled refinement and development at the Federal test track will insure that the lessons learned from the Morgantown experience will not be repeated in the public arena.

We must pursue these new technologies in public transportation which provide alternatives to our reliance on, not only, the automobile, but on conventional bus and fixed rail systems. Such direction will ultimately provide our cities with options to a single-technology transit system and will promote a more flexible and efficient multimodal transportation network.

I urge the Senate conferees to reaffirm the Senate's desire to fund all phases of the UMTA "new systems" section of the bill and in particular the $4.5 million appropriation for the High Performance Personal Rapid Transit.

Mr. HASKELL. Mr. President, may I take this opportunity to commend the members of the Committee on Appropriations for their foresight in providing funds for High Performance Personal Rapid Transit. Many cities have expressed interest in this form of transportation. It would appear to me to be short-sighted not to provide funds for the necessary research and development of this and other alternative methods of mass transit.

We have all heard the criticisms of the Morgantown experience. I do not suggest that we ignore the lessons we learned from it. But I do urge that we draw a careful distinction between that experience in an urban environment and the research and development which must be done before the system can be utilized by other urban areas. I support the decision by the Committee on Appropriations to proceed with the research and development of a new personal rapid transit system, appropriate for an urban environment, without the difficulties at Morgantown.

Our colleagues in the House of Representatives alluded to the distinction I have just made. Much discussion is necessary before we again attempt to apply this system to urban areas. The inclusion of funds for research and development will provide us with the data necessary to conduct those discussions in an intelligent manner.

Colorado is fortunate to have a facility in Pueblo which can be used for the research and development program. The Pueblo site, located in a rural area, does not have many of the problems associated with it that former test sites have had. I know that our colleagues on the House side are particularly concerned with this and I want them to know that I share their concern.

I urge my colleagues to join me in urging the House of Representatives to accede to the recommendation of the Senate Committee on Appropriations in this regard.

The PRESIDING OFFICER. Is all time yielded back?

Mr. STEVENS. Does the Senator from Indiana yield back his time?

Mr. BAYH. I yield back all my time.

Mr. STEVENS. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is, Shall the bill pass?

So the bill (H.R. 8365) was passed.

Mr. BAYH. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. No, Mr. President, I ask unanimous consent that the action by which the Senate passed the Department of Transportation appropriation bill be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill pass? The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Delaware (Mr. Biden), the Senator from Mississippi (Mr. Eastland), the Senator from Wisconsin (Mr. Nelson), the Senator from Mississippi (Mr. Stennis), the Senator from Missouri (Mr. Symington), the Senator from Idaho (Mr. Church), the Senator from Ohio (Mr. Glenn), and the Senator from Indiana (Mr. Hartke) are necessarily absent.

I also announced that the Senator from Michigan (Mr. Philip A. Hart) is absent because of illness.

I further announce that, if present and voting, the Senator from Missouri (Mr. Symington) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Tennessee (Mr. Brock), the Senator from North Carolina (Mr. Helms), the Senator from Nevada (Mr. Laxalt), the Senator from Idaho (Mr. McClure), and the Senator from Virginia (Mr. William L. Scott) are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. Bartlett) is absent due to a death in the family.

The result was announced—yeas 82, nays 1, as follows:

[Rollcall Vote No. 332 Leg.]

YEAS—82

Abourezk
Allen
Baker
Bayh
Beall
Bentsen
Brooke
Buckley
Bumpers
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Clark
Cranston
Culver
Curtis
Dole
Domenici
Eagleton
Fannin
Fong
Ford
Garn
Goldwater
Gravel
Griffin
Hansen
Hart, Gary W.
Haskell
Hatfield
Hathaway
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Leahy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Morgan
Moss
Muskie
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Sparkman
Stafford
Stevens
Stevenson
Stone
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—1

Proxmire

NOT VOTING—16

Bartlett
Bellmon
Biden
Brock
Church
Eastland
Glenn
Hart, Philip A.
Hartke
Helms
Laxalt
McClure
Nelson
Scott,
  William L.
Stennis
Symington

So the bill (H.R. 8365), as amended, was passed.

Mr. McGEE. Mr. President, I ask unanimous consent that I may make a request in behalf of the floor manager of the preceding bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Bayh, Robert C. Byrd, Mr. Stennis, Mr. Magnuson, Mr. Pastore, Mr. Eagleton, Mr. McClellan, Mr. Case, Mr. Stevens, Mr. Mathias, Mr. Schweiker, and Mr. Young conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, what is the pending business?

AGRICULTURE AND RELATED AGENCIES APPROPRIATIONS ACT, 1976

The PRESIDING OFFICER (Mr. Ford). Under the previous order, the Senate will now proceed to the consideration of H.R. 8561, which will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 8561) making appropriations for Agriculture and Related Agencies programs for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

The PRESIDING OFFICER. The Senate will please come to order.

The time for debate on this bill is limited to two hours, to be equally divided between and controlled by the Senator from Wyoming (Mr. McGee) and the Senator from Hawaii (Mr. Fong), with debate on any amendment limited to 1 hour and debate on any debatable motion, appeal, or point of order limited to 30 minutes.

Who yields time?

Mr. McGEE. Mr. President, I agreed in advance that upon the laying down of this bill I would yield 20 minutes to the distinguished Senator from Alabama on another matter.

I yield 20 minutes for that purpose.

Mr. ALLEN. I thank the distinguished Senator. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their conversations to the cloak room.

The Senator from Alabama may proceed.

Mr. ALLEN. I thank the Chair.

SENATOR TUNNEY APOLOGIZES TO SELMA, ALA.

Mr. ALLEN. Mr. President, this morning I advised the distinguished Senator from California (Mr. TUNNEY) that I was going to make some remarks on the floor today, and invited him to be present.

The city of Selma, Ala., and her fine people have been wrongfully maligned during the last 10 years for something that happened in that city over which the city of Selma and her people had no control, which was not backed by public opinion in that city and in our State, and which it deeply regretted by all of the people of Alabama.

Selma is a beautiful and historic city, founded and named by William Rufus King; one of Alabama's first two U.S. Senators. He was for many years President pro tempore of the U.S. Senate, and was later elected Vice President of the United States. It was the home of two more of Alabama's greatest U.S. Senators, Senator John Tyler Morgan and Senator Edmund W. Pettus, who served together in the Senate for 10 years, with Senator Morgan serving an additional 20 years.

Selma is the home of Craig Air Force Base where thousands of Air Force pilots have been trained.

Selma is a fine, cultured, aristocratic city; with broad, shady streets and avenues, beautiful lawns, and fine churches and schools. Blacks and whites have lived together in Selma in peace and harmony through the years. The citizens of Selma, black and white, are God-fearing, law-abiding, peace-loving people. The unfortunate event that erupted on March 7, 1965 at the Pettus Bridge in Selma did not have the approval of the people of Selma who deeply regret that such an incident could happen anywhere and particularly that it did happen in the city of Selma.

But all this is history, not a pleasant history, but it is past and gone. Recalling this unpleasant history serves no constructive purpose, and embellishing it and magnifying it does an injustice to the people of Selma.

Yesterday morning, the distinguished Senator from California (Mr. TUNNEY) appeared on a CBS network program and made reference to the city of Selma, Ala., and in good faith, I am sure, embellished history by making the following statement:

> In Selma, Ala., if you recall those marches, three people were killed simply because they wanted to vote.

The fact of the matter is that no person was killed on either of the two marches to Montgomery. The March 7 march was not completed, and the March 25 march was completed without any violence whatsoever. No one was killed on either march.

I hope that Mr. TUNNEY will recheck his sources for the facts and make appropriate response and whatever apology he deems appropriate to Selma and her fine citizens.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. TUNNEY. The Senator from Alabama (Mr. ALLEN) has just referred to statements that I made on CBS television about killings during voter registration drives during the Selma marches.

It should be stated emphatically that Selma is a lovely town, populated by fine, God-fearing Americans. In Selma, over the past 10 years, great progress has been made in assuring equal access to all citizens to the ballot box. Although there were tragic examples of killings in Alabama during the registration drives in 1965, my reference to Selma in this connection was inaccurate.

I am thankful to the Senator from Alabama for calling this matter to my attention. He has every reason to be proud of Selma, and I am pleased that the tragic chapter in American history is past when the efforts of blacks to register and vote was sometimes accompanied by bloodshed. I am very pleased to be able to correct the record, and I express my appreciation to my friend and respected colleague from Alabama for giving me this opportunity to do so.

And I certainly want the people of Selma to know that it is not my intention in any way to malign them. I hope that this colloquy in the Chamber makes it clear that I do not so intend.

Mr. ALLEN. I thank the distinguished Senator from California. I want to note that when I first mentioned this to Mr. TUNNEY he was anxious to see that the facts were straight and he was indeed upset by the fact that he may possibly have misstated the facts. His attitude has been one of genuine interest and genuine sympathy for the situation.

I appreciate his recognition of the progress that has been made in Selma and in the State of Alabama in the matter of voter registration and in the matter of the racial situation in Alabama. I state further that our people, black and white, have lived in harmony in Alabama for generations and there is a great love between the races, great high regard and deep affection exists between the races and that is one of the reasons that such tremendous progress has been made in Alabama and the South in the desegregation of our schools and progress that we have made in voter registration in the last 10 years.

But I do appreciate Senator TUNNEY's attitude in this matter and his quick willingness to set the facts straight. I am deeply grateful to him. I yield back the remainder of my time.

AGRICULTURE AND RELATED AGENCIES APPROPRIATION ACT, 1976

The Senate continued with the consideration of the bill (H.R. 8561) making appropriations for Agriculture and Related Agencies programs for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. Mr. President, I want to make a unanimous-consent request.

Mr. YOUNG. Mr. President, I yield.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that Nelson Denlinger of my staff and James Thornton of the staff of the Committee on Agriculture and Forestry be accorded the privilege of the floor during consideration of the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, may I have time for the same purpose?

The PRESIDING OFFICER. Does the Senator yield?

Mr. FONG. Mr. President, I yield.

Mr. CRANSTON. Mr. President, I ask unanimous consent that Ann Wray and Antoinette Sabelhaus of my staff be accorded the privilege of the floor during consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEALL. Mr. President, I ask that Neil Messick, a member of my staff, be accorded the privilege of the floor during debate on the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE and Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I ask unanimous consent that Robert Downen, a member of my staff be accorded the privilege of the floor during debate on the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I ask unanimous consent that John Steer of my staff be granted the privilege of the floor during the consideration of the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii?

Mr. FONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that Bill Seale of my staff be accorded the privilege of the floor during the discussion of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FONG. Mr. President, I yield to the distinguished chairman.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. McGEE. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be regarded for the purpose of amendment as original text, providing that no point of order shall be waived by reason of the agreement to this request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 6, strike "$2,697,000" and insert "$2,797,000";

On page 2, line 16, strike "$674,000" and insert "$699,000";

On page 3, line 13, strike "$4,373,000" and insert "$4,367,000";

On page 4, line 10, strike "$1,093,000" and insert "$1,091,000";

On page 6, line 1, strike "$237,960,000" and insert "$263,925,000";

On page 6, line 25, strike "$2,600,000" and insert "$10,395,000";

On page 7, line 18, strike "$59,526,000" and insert "$64,032,000";

On page 9, line 1, strike "$5,000,000" and insert "10,000,000";

On page 9, line 15, strike "$1,250,000" and insert "$2,529,000";

On page 10, line 10, strike "$356,730,000" and insert "$364,575,000";

On page 12, line 12, strike "$98,160,000" and insert "$100,265,000";

On page 14, line 16, strike "$18,546,000" and insert "20,546,000";

On page 15, line 3, strike "$113,460,000" and insert "$115,460,000";

On page 15, line 20, strike "$4,636,000" and insert "$5,136,000";

On page 16, line 6, strike "$28,365,000" and insert "$28,865,000";

On page 17, line 3, following the semicolon, insert "payments for Forestry Extension work under section 3(d) of the Act, $5,000,000;";

On page 17, line 4, strike "and";

On page 17, line 8, strike "$223,505,000" and insert "$228,505,000";

On page 18, line 18, following the semicolon, insert "payments for Forestry Extension work under section 3(d) of the Act, $1,250,000;";

On page 18, line 19, strike "and";

On page 18, line 23, strike "$56,095,000" and insert "$57,345,000";

On page 20, line 13, strike "$28,766,000" and insert "$31,369,000";

On page 20, line 23, strike "$7,190,000" and insert "$7,840,000";

On page 21, line 23, strike "$24,567,000" and insert "$25,397,000";

On page 22, line 20, strike "$6,142,000" and insert "$6,349,000";

On page 23, line 21, strike "and for administration and coordination of payments to States;";

On page 23, line 25, strike "$42,055,000" and insert "$47,055,000";

On page 24, line 8, strike "and for administration and coordination of payments to States;";

On page 24, line 12, strike "$11,642,000" and insert "$12,892,000";

On page 24, line 19, strike out:

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623 (b)), $1,600,000.

For "Payments to States and Possessions" for the period July 1, 1976, through September 30, 1976; $400,000.

On page 29, line 20, strike "$3,350,000" and insert "$6,650,000";

On page 33, line 24, after the word "Secretary" insert "and to carry out a rental assistance program under section 521(a)(2) of the Housing Act of 1949, as amended, not less than $6,000,000";

On page 35, line 7, strike "$595,000,000" and insert "$500,000,000";

On page 35, line 7, strike "$350,000,000" and insert "$480,000,000";

On page 35, line 8, strike "; and not less than $229,000,000 for water development, use, and conservation loans";

On page 35, line 17, strike "$117,500,000" and insert "$125,000,000";

On page 35, line 18, strike "$87,500,000" and insert "$120,000,000";

On page 35, line 19, strike "and not less than $26,000,000 for water development, use, and conservation loans;";

On page 36, line 11, strike "$6,000,000" and insert "$7,500,000";

On page 36, line 15, strike "$1,500,000" and insert "$1,875,000";

On page 37, line 8, strike "$300,000,000" and insert "$350,000,000";

On page 37, line 16, strike "$75,000,000" and insert "$87,500,000";

On page 38, line 16, strike "$150,102,000" and insert "$115,102,000";

On page 40, line 6, strike "$10,000,000" and insert "$13,750,000";

On page 40, line 8, strike "$2,500,000" and insert "$3,437,500";

On page 44, line 7, strike "$201,057,000" and insert "$206,057,000";

On page 45, line 10, strike "$50,271,000" and insert "$51,521,000";

On page 48, line 19, insert the following:

For emergency measures for runoff retardation and soil-erosion prevention, as provided by section 216 of the Flood Control Act of 1950 (33 U.S.C. 701b–1) in addition to funds provided elsewhere, $25,046,000, to remain available until expended.

On page 51, line 11, strike "1973 and 1974," and insert "1975,"

On page 51, line 11, strike "carried" and insert "entered into";

On page 51, line 12, strike "out";

On page 51, line 12, strike "1973" and insert "1974,";

On page 51, line 13, strike "1974" and insert "1975,";

On page 51, line 25, strike "$190,000,000" and insert "$175,000,000";

On page 52, line 1, strike out:

of which not to exceed $15,000,000 shall be immediately available to carry out the Forestry Incentives Program, as authorized in section 1009 and 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1509–1510) including technical assistance and related expenses,

On page 54, line 3, insert the following:

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized in sections 1009 and 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1509–1510) including technical assistance and related expenses, $15,000,000, to remain available until expended.

For the "Forestry Incentives Program" for the period July 1, 1976, through September 30, 1976, $3,750,000, to remain available until expended.

On page 55, line 19, strike "$1,412,091,000," and insert "$1,332,091,000,";

On page 57, line 22, strike ", of which $11,000,000 shall be available for the purchase and distribution of food to continue the Commodity Supplemental Food Program";

On page 60, line 7, strike "(note)";

On page 60, line 7, strike "$5,839,000" and insert "$17,839,000"; of which $12,000,000 shall be available for the Commodity Supplemental Food Program, and";

On page 60, line 14, strike "$1,460,000" and insert "$4,460,000";

On page 61, line 4, strike "$35,821,000" and insert "$38,321,000";

On page 61, line 18, strike "$8,973,000" and insert "$9,598,000";

On page 62, line 9, insert:

: *Provided,* That not more than 20 percent of such funds shall be made available to countries other than those which are most seriously affected by current food shortages, unless the President demonstrates to appropriate Committees of the Congress that the use of such food assistance is solely for humanitarian food purposes.

On page 62, line 20, insert:

: *Provided,* That not more than 20 percent of such funds shall be made available to countries other than those which are most seriously affected by current food shortages, unless the President demonstrates to appropriate Committees of the Congress that the use of such food assistance is solely for humanitarian food purposes.

On page 67, line 24, after "as amended," insert "or such amount as is provided in this Act";

On page 68, line 6, strike:

: *Provided,* That none of these funds shall be available to Cotton Incorporated or any other contractual agency which pays remuneration or compensation from any source, including funds received under the provisions of 7 U.S.C. 2106, to any officer or employee in excess of the annual compensation received by the Secretary of Agriculture, or expenses beyond those included in the budget approved by the Secretary of Agriculture.

SEC. 610. Obligations chargeable against the Working Capital Fund during the period July 1, 1975, through June 30, 1976, shall not exceed $37,452,000, the same as fiscal year 1974, and for the period July 1, 1976, through September 30, 1976, shall not exceed $9,363,000.

On page 68, line 19, strike "611." and insert "610.";

On page 68, line 23, following the semicolon, insert "Dairy and Beekeeper Indemnity Programs; Rural Development Grants;";

On page 69, line 7, insert:

SEC. 611. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein, except as provided in Section 204 of the Supplemental Appropriation Act, 1975 (P.L. 93–554).

Mr. McGEE. Mr. President, for the record I would like to submit some more specific data.

The amount in this bill, as reported by the Senate Committee, is $11,078,102,000. This is $2,681,675,530 less than was appropriated in the Appropriation Act for fiscal 1975. It is $6,412,000 below the budget estimates for fiscal 1976 and $30,839,000 more than was appropriated in the House bill.

The reduction from the 1975 appropriation bill is primarily the result of a reduction in the item to reimburse losses of the Commodity Credit Corporation as a result of reduced commodity payments. This amounts to $1,319,412,000. The other principle item is one of $1,413,666,000 in the food stamp program. So that no one will be misled, however, I would like to comment further on that later item.

The budget estimate for the food stamp program for fiscal 1975 was $3,453,000,000. It has been obvious for some time, however, that this budget estimate is grossly inadequate. Since the budget was presented to us several months ago we have been attempting to obtain an official budget amendment which would more nearly reflect the needs of the Department on the food stamp program as well as other domestic food programs administered by the Department.

While the departmental officials have advised us as to what would be needed, we have not been able to obtain that data in the form of an official budget amendment or estimate. Accordingly, therefore, when the House considered this bill, it provided the budget estimate for the food stamp program, but provided, however, that this appropriation was to cover a 7-month period rather than the entire fiscal year. We will consider additional funds in the supplemental appropriations bill and by that time we expect to have official budget estimates from the Department. And it is anticipated at this time that any such budget amendments would reflect a food stamp program of approximately $6 billion for the full fiscal year period. So, while this bill shows a substantial reduction in the food stamp appropriation, in all probability the figures for the full year will reflect a substantial increase.

We have a similar situation in reference to the child nutrition programs and other programs within the domestic food activities. At the present time, we have pending H.R. 4222 which has been passed by both Houses of Congress, but conference action has not been completed. Enactment of this legislation will substantially alter the budget estimate which was submitted for these various food programs and it has been impossible for us to obtain any current and reliable budget data from the administration. So the appropriations for these various domestic food programs has been handled the same way as the food stamp program, for a 7-month rather than a 12-month period. Here again, we expect amended budget estimates from the Department after H.R. 4222 has been finalized and we will then have to consider those amended estimates in a supplemental budget proceeding.

The report which every Member has available lists in detail and specifically the action recommended by the committee, including the comparative data with the 1975 appropriation bill, the budget estimate for fiscal 1976 and the House bill. At this time I shall not discuss these items individually, but I will list, in round numbers, some of the significant changes we have recommended from the budget estimates.

The committee recommends the following amounts in addition to those proposed in the administration's budget estimates:

1. Agricultural Research Service	$38,000,000

(This is partially offset by a reduction of $15 million in section 32 transfer funds which were eliminated in the House bill and in the Senate Committee recommendations. This results in a net increase of $23 million for ARS.)

2. Animal and Plant Health inspection Service	$3,500,000
3. Extension Service	10,000,000
4. Agricultural Marketing Service	5,000,000
5. Soil Conservation Service (Conservation Operations)	5,000,000
6. Soil Conservation Service, Watershed and Flood Prevention Operations	35,000,000
7. Resource Conservation and Development	5,000,000
8. Agricultural Conservation Program	175,000,000
9. Forestry Incentives Program	15,000,000
10. Waterbank Program	10,000,000
11. Foreign Agriculture Service	2,500,000
12. Special Milk Program	84,000,000
13. Supplemental Food Program (WIC)	106,000,000
14. Special Commodity Supplemental Distribution	12,000,000
15. Rural Community Fire Protection Grants	3,500,000
16. Domestic Farm-Labor Housing Grants	7,500,000
17. Mutual and Self-help Housing Grants	9,000,000
18. Rural Development Grants	3,750,000
19. Farmers Homes Administration, Salaries and Expenses	12,000,000
Total (rounded numbers)	541,750,000

Offsetting these increases, we have proposed reductions from the budget estimates as follows:

1. Public Law 480 program	$246,000,000
2. Commodity Credit Corporation	189,000,000
3. FHA water and sewer grants	50,000,000
4. Food and Nutrition Service	65,000,000
Total (major reductions)	550,000,000

In addition to the changes in appropriated funds which I have discussed, the committee recommended increased loan levels for many of the insured loan programs falling within the jurisdiction of this act.

For the insured housing loan of the Farmers Home Administration, the bill recommends a loan level of $574,000,000 over the budget estimate. This increase is to allow the agency to expand its jurisdiction to towns and cities up to 20,000 population, as provided for in recent legislation.

During the course of our committee hearings it developed that this legislation was enacted prior to the time that the agency prepared its initial budget data and the loan level proposed in the budget did not take into account the expanded jurisdiction. Although this amount is more than one-half billion dollars in excess of the budget estimate, the Department did not appeal the House action and that remains in the bill as recommended to the Senate.

For insured real estate loans under the Farmers Home Administration, the committee recommends an increase of $130 million. This is another matter that was developed extensively during the course of our hearings. It was obvious that the budget amount recommended by the administration was not sufficient for this real estate loan program and the Senate committee felt that it was essential that the lending levels be increased.

For insured operating loans under the Farmers Home Administration, the House provided an increase of $100 million and the Senate concurred. The budget proposed a $100 million reduction from the 1975 level and the increase provided for in the bill returns this program to the $625 million level which prevailed in fiscal 1975.

For the water and sewer facilities loan program under the Farmers Home Administration, the budget proposed a $70 million reduction, from $470 million to $400 million. The House added this $70 million to restore this to the 1975 level and the committee concurs.

For industrial development loans, the Senate committee recommended an additional $50 million. The budget estimate proposed a $50 million reduction from the 1975 level, from $350 million to $300 milion and the House concurred in the budget estimate. As is indicated, however, the Senate committee recommends an additional $50 million to restore this to the 1975 level.

For the electric program of the Rural Electrification Administration, the House provided not less than $750 million nor more than $900 million for the insured loan program. At the $750 million level, this represents an increase of $132 million over the budget estimate.

For the telephone program, the House recommended an increase of $110 million for a total program of $250 million, and the Senate committee has concurred in both of these recommendations.

When this bill was considered in the House, a floor amendment was proposed and adopted under which $225 million would be made available for additional insured real estate loans in fiscal 1976 and $25 million for the same purpose during the transition period, to assist farmers in obtaining financing to comply with EPA's standards and directives. This is an item that was not considered or developed during the course of our committee hearings.

Traditionally, the primary loan programs of the Farmers Home Administration, both real estate ownership and farm operating loans, have been limited to the small family-type farmer. The funds which the House committee added were appropriated to implement 7 U.S.C. 1924 so that these funds could be expended without the family farm limitations under which the regular real estate loans and farm operating loans are administered.

The committee recognizes that the Department's definition of a family-type farm has been the subject of some concern and many feel that the present definition is overly restrictive. The House committee report specifically directs the Department to review this matter to determine if any revision of its family-type farm definition should be made in light of current conditions. The committee concurs in that action.

The committee, however, was reluctant to approve this additional amount which was added on the House floor without a more full understanding as to how any such funds would be expended and to whom they would be available. Since this was eliminated from the House bill it will be the subject of conference.

The Department appealed this action and a copy of the appeal letter has been appended to these remarks and will be included in the record at the conclusion of the statement.

At this point, perhaps some explanation of the major reductions in appropriations hereinabove set forth should be made.

With reference to the $246 million reduction in Public Law 480, this represents the amount that was originally programed for Laos, Vietnam, and Cambodia, when the original budget was prepared. Since these countries no longer participate in the Public Law 480 program, the House reduced its appropriation by that amount and the Senate committee concurred in that action. It is, of course, understood by all parties concerned, however, that the direct appropriation for Public Law 480 does not necessarily limit the program.

Under the basic authorizing legislation, administration officials both within the Department of Agriculture and other Federal agencies, are given the authority and responsibility for determining the level of Public Law 480, taking into account several factors which are spelled out in the statute. Many, if not most of these factors, vary from time to time and it is for this reason that the administration has been given considerable flexibility under the basic legislation. If a program level as proposed and deemed necessary by the administration exceeds the direct appropriation, the Department has other sources of funds from which it might draw. In recommending the reduction in direct appropriations the committee did not intend to limit or modify the authority of the administration in this regard.

The reduction of approximately $189 million in the Commodity Credit Corporation account is primarily a bookkeeping procedure recommended in the House bill and with which the Senate concurred. This of course, is money which is owed the Commodity Credit Corporation by the Department but repayment will be deferred until next year. As is indicated in the bill and the report, the restoration provided this year has been rounded off to $2,750,000,000.

For the Farmers Home Administration's water and sewer grant program, the budget estimate was reduced $50 million from $150 million to $100 million. In addition to this amount, however, the continuing resolution which was passed several weeks ago, provided $150 million for this program for fiscal 1976. So while this appears as below the budget estimate in this bill, the Department will have available $250 million for implementation of this program for the fiscal year.

As is indicated above, the committee recommended a net decrease of approximately $65 million in the child nutrition programs which is being funded on a 7-month basis only. The House bill recommended an item of $80 million to implement a provision in H.R. 4222 as passed by the House which would increase by 5 cents the reimbursement for school lunches. This provision was eliminated when H.R. 4222 was considered and passed in the Senate. According to our best analysis at this time, this provision also will be eliminated in the conference committee and therefore, this $80 million was eliminated from the bill. This reduction is offset by some minor increases resulting in a net decrease of approximately $65 million.

Most of the increases set forth above are self-explanatory, but perhaps a few should be singled out for brief comment.

For the Agricultural Research Service, we have provided an increase of approximately $15 million for its research programs. This amendment is to provide the agency with additional operating funds to account for the inflationary factors and increased operating costs in its basic programs as well as to enable the Department to direct more attention to high priority research areas. We did not, however, specifically earmark or designate the dollar amount for increases in specific programs. As set forth on pages 13 and 14 of the report, we have listed several areas of specific concerns to which the Department should direct special attention.

The budget estimate proposed increases in various research areas including soybeans which both the House and the Senate have concurred.

The Senate committee recommendation provides an additional $5 million for the Agriculture Marketing Service to enable the agency to utilize additional supervisory personnel in grain inspection. Recent investigations have indicated beyond doubt that sufficient funds have not been available to supervise grain inspectors and their activities and the committee feels that this situation must be overcome immediately if we are to restore any degree of faith or confidence in our grain inspection activities.

Mr. President, the bill which the committee has recommended to the Senate, in my opinion, is a good bill and one that meets the basic needs of the agricultural community and the Nation generally. At the same time, it is a bill which has been carefully prepared and recommended in light of existing economic and fiscal conditions. The committee, of course, was unable to accommodate all of the individual amendments and increases which were proposed by various Senators for various programs throughout the bill. The committee has, however, done its very best to report a balanced, responsible, and realistic bill.

For example, we have provided funds for the agricultural conservation program, forestry incentives program, water bank program, special milk program, special food supplemental program—WIC—supplemental commodity distribution, rural community fire protection grants, rural housing for domestic farm labor grants and mutual and self-help housing grants. All of these programs were omitted from the administration's budget requests for fiscal 1976. In restoring these programs, all of which were outside of the budget estimates, we were necessarily limited in our action in considering or recommending any specific amendment of individual Senators for specific program activities and still come out with any totals which we could expect to be enacted into law. So, I repeat, Mr. President, that I think this bill is a responsible bill and I think it is a realistic bill and I recommend its approval in the Senate.

Mr. President, I also shall have letters I received from the Department of Agriculture in reference to its funding of the domestic food programs for the last 5 months of fiscal 1976 and the WIC program.

I ask unanimous consent that the letters be printed in the Record.

There being on objection, the letters were ordered to be printed in the Record, as follows:

Department of Agriculture,
Washington, D.C., July 21, 1975.
Hon. Gale W. McGee,
Chairman, Subcommittee on Agriculture and Related Agencies, Committee on Appropriations, U.S. Senate.

Dear Mr. Chairman: This is in reply to your letter of July 17 asking for our latest and best data available for the food programs for the Department.

In April, we sent a fiscal year 1976 budget amendment of $3,137,095,000 for the Food Stamp Program to OMB. That amendment is still pending. It was based on an increase in food stamp participation to 21.8 million people by June 1975, with some decrease during fiscal year 1976 as the economy improved. It now appears that this estimate may be too high. Participation in May was about 19.5 million. That number should be about the same or perhaps even lower for the month of June. If the economy continues to improve, the estimate which we submitted to OMB may be too high. In addition, the General Accounting Office has ruled that fiscal year 1973 funds in the amount of approximately $280 million which we were required to obligate in June 1973 can be made available in fiscal year 1976. Further, at least $200 million provided by the Congress in supplemental appropriations for the Food Stamp Program in 1975 will carry over into 1976. Based on these factors, it is possible that our total food stamp costs for 1976 may be about $6 billion, of which approximately $500 million could be made available from prior year funds.

With regard to the Child Nutrition Program, as you know the House and Senate have not yet agreed on legislation for fiscal year 1976. Until legislation is passed by the Congress and signed by the President, we are not in a position to submit revised budget estimates to you. The Department continues to urge legislation which would eliminate subsidies to non-needy children in the Child Nutrition Program and to depend on the Food Stamp Program for meeting the nutritional requirements of families.

We hope that this information will be helpful to you and the committee in marking up the Department's appropriations request for 1976.

Sincerely,

J. Phil Campbell,
Acting Secretary.

Department of Agriculture,
Washington, D.C., July 15, 1975.
Hon. Gale W. McGee,
Chairman, Subcommittee on Agriculture and Related Agencies, Committee on Appropriations, U.S. Senate.

Dear Mr. Chairman: Yesterday, the House passed the Agriculture and Related Agencies

Appropriation Act of 1976. It adopted two amendments to the committee report. The first of these added $225 million in fiscal year 1976 and $25 million in the transition period for loans for water development, use and conservation. These loans are at an interest rate of 5 percent for a period of up to 40 years and for the purpose of meeting EPA water pollution control standards. The Department opposes this amendment. The government should work for the development of sound water quality control regulations which do not impose such a heavy financial burden on agricultural producers.

A second amendment which was adopted made $11 million available of the $106 million provided for the WIC Program for the purchase and distribution of food to continue the Commodity Supplemental Food Program. The Department recommends the deletion of the entire amount provided for the WIC Program, including the funds added by the amendment. The Food Stamp Program has expanded to nation-wide coverage with benefits available to all needy families. The nutritional needs of all needy families should be met through that program.

We appreciate your consideration of these recommendations.

Sincerely,

WILLIAM ERWIN,
Acting Secretary.

Mr. FONG. Mr. President, at the outset I commend the distinguished Senator from the State of Wyoming, chairman of the Agriculture and Related Agencies Subcommittee of the Senate Committee on Appropriations. I am especially grateful for his effective leadership and outstanding work on the measure we have before us today.

As the chairman has already given a detailed explanation of this measure, I would like to make only a few brief comments.

Mr. President, the bill we are considering today is quite changed from the measure which we worked with last year. As you recall, that measure was titled, "Agriculture, Environmental and Consumer Protection." This year, however, appropriations for the Environmental Protection Agency, the Federal Trade Commission, the Consumer Product Safety Commission and a number of other agencies are included in other appropriations bills.

I would like to emphasize, however, that the measure we have before us is still vitally concerned with environmental and consumer issues.

America's farmers have always been at the forefront in the effort to preserve our Nation's land and water resources. Through programs of the Soil Conservation Service and the Agricultural Stabilization and Conservation Service, farmers have been provided technical and financial assistance in improving their farm operations to make better use of natural resources.

This bill increases the budget request for soil surveys by $5,000,000; for watershed and flood prevention measures by $35,000,000; and for resource conservation and development by $5,000,000. The committee also recommends the continuation of the agricultural conservation program at a level of $175,000,000 to provide farmers Federal cost-share assistance for soil and water conserving measures.

Mr. President, the U.S. Department of Agriculture is the primary Federal agency responsible for rural development. Over the last few years many new programs have been initiated to improve the quality of life in rural America. I believe that this appropriation bill goes a long way toward backing those commitments and responsibilities with necessary financial resources.

The committee recommends an authorization of $2.7 billion for insured housing loans—an increase of $574 million over the budget estimate. For rural water and waste disposal grants, the bill provides funding for a level of $250,000,000 or $100,000,000 more than what was available last fiscal year. In addition, the committee recommends increases of $100,000,000 for farm operating loans and $130,000,000 for farm ownership loans over the budget estimate.

Mr. President, the agricultural sector has experienced revolutionary change over the past few decades that has greatly expanded and improved the food and fiber products available to American consumers. Much of this change is due to research supported by Federal funds in State agricultural research stations and by Federal scientists of the Agricultural Research Service.

American farmers utilize the most advanced agricultural technology in the world. Their productivity has greatly contributed to our Nation's economy, in addition to helping to feed the needy both here and abroad.

The position of American farmers, however, is far from secure. Skyrocketing costs of energy and basic raw materials have seriously affected them and many are threatened to be forced out of production. This has caused greater emphasis to be placed on increasing the efficiency of farm operations. This bill provides an increase of $15,000,000 for research by the Agricultural Research Service so that the agency can meet its own inflation-related costs as well as addressing the concern of agricultural efficiency and other high-priority needs.

Through these efforts we can best serve the goal of maintaining and improving the variety and quantity of food and fiber products to American consumers at the lowest possible cost.

Mr. President, this bill will also provide an appropriation of $203 million for the Food and Drug Administration which is charged with the responsibility of protecting consumers from dangerous, misbranded, and adulterated foods, drugs, and cosmetics.

Additionally, funding is provided for the new Commodity Futures Trading Commission. Under a broad legislative mandate, this agency regulates the Nation's $500 billion commodity futures trading industry.

Mr. President, this is not just a farm bill. The needs addressed by programs contained in this measure affect all Americans. These needs are as basic as the food we eat and the clothing we wear.

Included in this bill is $1.1 billion for the Food for Peace program. Also recommended is $3.4 billion for the food stam program and $674 million for the child nutrition programs. It should be noted that the funds provided for these domestic food programs are only for the first 7 months of the fiscal year. The committee was very reluctant in choosing this course of action and did so only after it became apparent that the budget estimates were wholly inadequate and that pending changes in the authorizations of the programs could greatly affect program levels.

The total new budget authority provided in this bill is $11.1 billion. This amount exceeds the amount recommended by the House by $30.1 million but is under the budget estimates by $6.4 million.

The bill also provides almost $2.1 billion for the transition period. This is $33.3 million more than the budget estimate and exceeds the House bill by $21.1 million.

Mr. President, this bill is the product of many hours of hearings and careful consideration before the subcommittee and full committee. It is unusual in that it reflects actions which have been generally made on a nationwide program basis rather than project by project. I believe that in this manner we have both strengthened basic program directions and made maximum use of available resources.

I urge my colleagues to join me in supporting it.

Mr. YOUNG. Mr. President, I commend the distinguished Senator from Wyoming and the distinguished Senator from Hawaii for their conscientious and excellent work on H.R. 8561, the Agriculture and related agencies appropriations bill for fiscal year 1976.

I believe their dedicated efforts clearly show in this bill we have before us today. The bill provides funds for a vast array of vital programs—from research for the improvement of our country's agricultural productivity to food stamps for the needy. This bill totals more than $11 billion. It is $30.1 million more than passed by the House but is $6.4 million less than the budget estimate. As this bill, and the individual programs in it have already been explained in detail, I would only like to mention an item of great concern to me. That is funding critically needed flood prevention work by the Soil Conservation Service to restore severely eroded land.

Earlier this month, the eastern portion of North Dakota and portions of Western Minnesota were devastated by floods. Thousands of acres of prime agricultural land were covered by water causing hundred of millions of dollars in damage.

This, however, is only half of the story because unless immediate remedial action is taken—even further damage can be expected. I am truly gratified that funds are provided in this measure to enable farmers to repair the damage and initiate flood prevention measures.

I urge my colleagues to support this measure so that needed work under this program and the others funded in this bill can proceed.

Mr. McGEE. Mr. President, I have agreed to recognize the Senator from

South Carolina for the purposes of making a statement.

The PRESIDING OFFICER. How much time does the Senator yield to the Senator from South Carolina?

Mr. THURMOND. A half minute.

Mr. McGEE. A half minute.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in support of this appropriations measure for the U.S. Department of Agriculture and related agencies. I continue to have reservations about the wisdom and necessity of some of the domestic assistance programs which are funded under this bill. However, on the whole, I think the Senate Agriculture Appropriations Subcommittee, under the able leadership of the senior Senator from Wyoming (Mr. McGee) and the senior Senator from Hawaii (Mr. Fong), has done an excellent job of seeing that the priority programs are adequately funded.

For most of the farm community, 1975 is not going to be a banner year. Net farm income is expected to be from $5 to $7 billion lower than last year. The value of farm exports is also estimated to decline, despite the recently announced sales of a combined total of some 10 million metric tons of wheat, corn, and barley to the Soviet Union. The simple fact is that, for most agricultural commodities, prices at the farm level are down considerably from last year. During the first half of 1975, farm product prices averaged 7 percent below January–June 1974 levels.

Yet, the prices paid by farmers for production inputs have continued their upward spiral, and in January-June 1975, they averaged 12 percent higher than the comparable 1974 period. For most farmers, the effect of these price changes has been unfavorable in both directions. The cost-price squeeze has tightened, and the harsh reality is that many productive farmers are being squeezed out of business.

While farmers have been severely impacted by the inflation-recession of the last 2 years, nonfarm consumers have also seen the result of these price changes in the grocery store in the form of higher food costs. Retail food costs advanced by about 14 percent in 1974 and may be another 8 percent higher by the end of this year. None of us enjoy paying more to meet our food needs, but what most of us fail to consider is how reasonable food costs remain on a comparative basis.

Compared to almost any other nation, we Americans spend less of our disposable income—about 16 percent—on food and get far more for our money in quality and quantity. Compared to the average increase in wages and salaries over time, food prices have gone up less. Compared to the recent increases in farm production costs, again food costs have risen much less; and, compared to the average nonfarm income levels, those on the farm still make less.

Thus, for the 97 percent of the American nonfarm population that depends on the 3 percent who are directly engaged in agriculture, the food price situation is hardly as bad as it superficially may appear to be. We are a fortunate nation to have the most productive agriculture on earth, and I think this is an opportune time to point this out as we consider this agriculture appropriations bill.

This $11 billion appropriations measure contains funds for a number of programs that I think are particularly important in increasing our agricultural productivity to meet the food and fiber needs of the future. Similarly, there are moneys provided for programs that enhance the health and welfare of rural America. The approximately one-third of this Nation's population outside metropolitan areas desire a quality of life and level of community services similar to their urban counterparts. Programs funded in this bill help them achieve this parity without them having to migrate to an already overcrowded urban environment.

I am particularly pleased that the Appropriations Committee has chosen to emphasize the importance of agricultural research and has increased the funding for these programs over fiscal year 1975 by some $55 million. Knowledge gained through agricultural research is essential to help American farmers cope with environmental problems, improve their incomes through greater productivity, and meet the growing food needs of a hungry world.

It is just as essential that research findings be effectively communicated to those directly engaged in agricultural production. I am glad that the committee has recognized this by recommending an increase of about $18 million in funds for Federal support of the Cooperative Extension Service, the principal education arm of USDA.

I would also like to call attention to the fact that both the House and Senate Appropriations Committees have extensively discussed in their committee reports the problems of eradicating the imported fire ant. This is a pest problem of great concern to me and to the citizens of South Carolina and other Southeastern States. Furthermore, if USDA is not permitted and directed to act soon to eradicate the fire ant, this pest is likely to become a serious problem in at least a third of the U.S. land area.

On numerous occasions, I have expressed my concern about this problem to USDA and EPA officials. In April of this year, twelve Senators from Southeastern States joined me in asking President Ford to help resolve fundamental differences between USDA and EPA over how to effectively cope with this pest. These differences have not yet been resolved, and USDA has suspended Federal support for the fire ant "control" program. However, USDA has submitted a plan for interim relief to EPA. If this plan is accepted without undue delay, the joint Federal-State treatment program can be resumed in time for the next treatment period this fall.

USDA also expects to propose a full-scale eradication program to EPA in the near future. The people in fire ant infested areas throughout the Southeast are convinced that this is the only approach that makes good sense—they want to be rid of this pest once and for all, and they are anxious to get on with the job before more children and livestock have to suffer the venomous stings of this dangerous pest.

The money included in this appropriations bill for the fire ant program—$9,111,000—is not sufficient to eradicate the fire ant. However, if EPA will approve such an effort, I am hopeful that Congress and the administration will heed the wishes of the people and appropriate sufficient funds to rid the environment of this pest. Mr. President, I ask unanimous consent that a letter from myself and 12 other Members of this body to President Ford and a letter I recently sent to EPA Administrator Train be printed in the Record at this point.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Committee of Armed Services,
Washington, D.C., April 18, 1975.

The President,
The White House,
Washington, D.C.

Dear Mr. President: With the recent announcement by Secretary Butz of USDA's decision to suspend the Imported Fire Ant Control Program on June 30, 1975, we think it has become imperative for The White House to assume leadership in resolving fundamental differences between USDA and the Environmental Protection Agency in regard to this particular program.

We sympathize with the determination of the Secretary of Agriculture on this crucial issue, for we have long felt that EPA has been unreasonable in its restrictions on this program. At the same time, we recognize the difficult responsibility which Administrator Train and EPA face in protecting the environment and support their fundamental mission. However, disagreements over secondary considerations must not be allowed to interfere with getting the job done with respect to the fire ant program.

We must continue to have an effective fire ant program so long as this particular pest is a problem. Unfortunately, EPA's unrealistic limitations have made it impossible to carry out a truly effective eradication or control program. In our carefully studied opinion, EPA's past restrictions on frequency of spraying and the agency's arbitrary ban on spraying in coastal counties are most unwise.

From both cost-effective economic and environmental standpoints, we think it is in the National interest to undertake a vigorous and thorough fire ant eradication program, so that people in the Southeastern Coastal Plain can finally be rid of this dangerous and burdensome insect pest. The kind of limited, half-way programs which EPA has mandated simply perpetuate the problem and continue to subject the environment to a persistent pesticide. If Mirex is a hazard to the environment, then EPA is doing an excellent job of continuing the problem.

Mr. President, it is absolutely essential that the Federal Government continue to support an effective fire ant program, and, at this point, it seems that The White House must step in to resolve fundamental differences between USDA and EPA. This particular problem is of utmost importance to the people of the Southeastern Coastal Plain, and we respectfully urge your assistance in this matter.

With kindest regards and best wishes,

Respectfully,

Strom Thurmond, James O. Eastland, John Sparkman, James B. Allen, Jesse Helms, J. Bennett Johnston, Jr., Richard (Dick) Stone, John C. Stennis, Russell Long, Sam Nunn, John L. McClellan, Robert Morgan, Ernest F. Hollings.

COMMITTEE ON ARMED SERVICES,
Washington D.C., July 23, 1975.

Mr. RUSSELL E. TRAIN,
Administrator,
Environmental Protection Agency,
Washington, D.C.

DEAR MR. TRAIN: It is my understanding that USDA has recently provided EPA with a plan for interim relief from the imported fire ant, pending submission of a plan for complete eradication of this burdensome pest. I am advised that both of these USDA proposals, which involve label modification for the use of MIREX insecticide, must be reviewed in a formal hearing before an Administrative Law Judge.

My purpose in writing is to urge you to do everything within your authority to expedite the hearing process, so that the people who must live with this dangerous pest can be afforded permanent relief. The people of my State, and citizens in fire and infested areas throughout the Southeast, cannot understand or tolerate unnecessary bureaucratic delays in meeting head-on a problem that threatens them every day.

It simply does not make sense to continue an ineffective control program that has merely allowed the fire ant to spread, while indefinitely subjecting the environment to a persistent pesticide. In my opinion, the far better alternative is to undertake a vigorous eradication program that would remove both the pest and the pesticide from the environment in a short period of time.

The people of South Carolina and other States plagued with fire ant problems want immediate and permanent relief from this pest. I sincerely hope you will do all in your power to help us achieve this goal.

Thank you for your kind attention to this matter, and with kindest regards and best wishes,

Very truly,

STROM THURMOND.

Mr. THURMOND. Now, Mr. President, I would like to briefly highlight some other items in this bill which the Appropriations Committee has recognized to be of great benefit to the agricultural community. The committee has restored funds to the bill and directed USDA's Statistical Reporting Service to conduct a hog and pig survey on a quarterly basis. USDA had proposed to eliminate the March and September surveys, an action that would have deprived swine producers of the factual information they need to make sound production decisions.

I am gratified that the committee has again recognized the value of the various agricultural conservation programs, ACP, which are funded at a level of $175 million. An additional $15 million are set aside specifically for the forestry incentives program FIP. These funds provide an incentive and cost-sharing assistance for farmers to carry out soil conserving and improvement practices. The 1975 FIP assisted almost 13,800 landowners to plant or improve about 282,000 acres of trees nationwide. Together, the ACP and FIP constitute a sound investment in renewable resources for the future, and I have long supported these valuable programs.

Under title II of this bill, the loan level for Farmers Home Administration insured rural housing loans has been increased by 464 million over the 1975 level. Together with an addition of about $23 million for FmHA administrative expenses, these funds will allow Farmers Home to make housing loans in small towns up to 20,000 in population. FmHA already has this statutory authority, but personnel and loan level limitations have previously hindered the Agency from expanding this program to include towns of between 10,000 and 20,000 persons.

Mr. President, while there are many worthwhile programs funded in this bill, I am concerned about the lack of fiscal responsibility in title III of the bill, covering sundry domestic food programs. In its efforts to provide nutritious foods to children, the elderly, and the poor, Congress has piled program on top of program. The inevitable result has been a colossal mess of ineffective and much-abused programs that cost the taxpayers billions of dollars yearly.

Spending for this immensely complicated maze of domestic programs is totally out of hand and is getting worse. Half of the money in this bill is allocated to operate these programs for just the next 7 months. No one is sure how much more they will cost for the entire 1976 fiscal year and beyond. We desperately need to understand vigorous and comprehensive reforms of the food stamp and various other nutrition programs immediately so that the truly needy can receive the assistance they deserve without our Government continuing to throw away billions of dollars. Among these lines, I am pleased to be a cosponsor of S. 1993, a bill introduced by Senator BUCKLEY to reform the food stamp program. I have also introduced a bill, S. 358, to prohibit strikers from receiving food stamps, and I hope that both of these bills will receive favorable consideration in the near future.

Mr. President, despite my reservations about these costly and often ineffective domestic assistance programs, I think the total effort addressed in this bill is worthwhile, and I plan to vote for it.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. McGEE. Mr. President, I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. MANSFIELD) proposes an amendment on behalf of himself and the junior Senator from Montana (Mr. METCALF):

The amendment is as follows:

On page 48, line 22, delete the figure "$25,046,000" and insert in lieu thereof "$31,677,000".

The PRESIDING OFFICER. The Senator from Montana.

Mr. MANSFIELD. Mr. President, this has to do with a serious flood condition that developed in Montana this spring and early summer because of rains and an extraordinary number of snow storms.

Mr. President, floods in Montana in the late spring and early summer of this year have done a considerable amount of damage to Federal properties under the jurisdiction of the Forest Service and have caused severe impact on private inholders in down stream areas adjacent to Federal lands.

The Soil Conservation Service of the Department of Agriculture has fixed the cost of repair of flood-damaged national forest lands and facilities in Montana at $4.371 million and downstream damage at $2.26 million.

Unfortunately, the request and justification for the dollar amounts I have just mentioned were not forwarded to the Appropriations Committee in time for their consideration. The chairman of the subcommittee, Mr. McGEE, will recall that Senator METCALF brought this problem to his attention on July 18, indicating the critical nature of the request and asking the subcommittee's favorable consideration of the inclusion of this additional $6.631 million.

Mr. President, without this additional appropriation, there is no way that we can restore roads and campgrounds to keep tourists, loggers, and local commerce flowing through the area. We need the money, and we need it quickly if we are to take advantage of what remains of this construction season.

I ask the committee and the Senate to give this amendment favorable consideration.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator yields back the remainder of his time.

Does the Senator yield back the remainder of his time?

Mr. McGEE. I yield back the remainder of my time, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

Mr. FONG. On behalf of the minority, I accept that amendment.

The amendment was agreed to.

Mr. TOWER and Mr. McGEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Texas (Mr. TOWER) proposes an amendment.

The amendment is as follows:

On page 52, line 16, immediately following the words "1970 farming practices" insert the words "or any other farming practice which may be deemed desirable by the county committee,"

On page 52, line 21, immediately after the words "1970 program," and immediately before the colon, insert the words "or any other programs selected by the county committees as provided hereinabove"

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, the agricultural conservation program—ACP—has contributed significantly to the protection of our natural resources. It is a means by which the farmer, who is most intimately knowledgeable of the ravages of flood and wind, can pursue an aggressive program of conservation of the land.

For some years, full implementation of the program has been held up. Now, it appears, the agricultural stabilization and conservation service is prepared to move ahead on this front. I welcome this, and I think we have a bill here which will provide the necessary funding levels for the success of the ACP.

One of the key features of the ACP, which to me is the backbone of the program, is that control over the day-to-day operations of the program is vested at the local level. Committees elected by the farmers in a single county administer the conservation program, approve projects, and assist and advise their local people. I think this is entirely proper, and I think we must give these committees as much authority as can possibly be delegated from Washington.

In the hope of strengthening the provisions of the bill which apply APT and in a desire to transfer power from Washington to our counties, the amendment I offer to the measure is of a perfecting nature. I have discussed this change with the distinguished Senator from Wyoming (Mr. McGee) and the distinguished Senator from Hawaii (Mr. Fong), and understand that the managers of the bill have no objection to this amendment.

Mr. President, this amendment pertains to the types of conservation practices which can be selected by the county committees for grant funding under the ACP. It is my understanding of the present language of this section that committees may select practices for grants from among those approved in the 1970 program. While there were a great number of beneficial farming practices used in 1970, I believe there ought to be provisions for selection of other farming practices, some of which may be developed in the future, if these practices will effectively contribute to conservation of the farmer's land. My amendment would allow county committees to select for grant funding "other farming practices as may be deemed desirable by the county committee." I think this will encourage the development of innovative techniques of conservation.

Mr. FONG. Mr. President, we are willing to accept that amendment and take it to conference.

Mr. McGEE. We accept the amendment, Mr. President.

Mr. TOWER. Mr. President, I yield back the remainder of my time.

Mr. FONG. Mr. President, we yield back the remainder of our time.

Mr. McGEE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, will the Senator yield 10 seconds?

Mr. McGEE. I yield.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on passage of the bill.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. McGEE. Mr. President, I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 55, line 20, delete the figure "1,332,091,000" and insert in lieu thereof the figure "$1,337,391,000", and on line 23 delete the figure "$18,000,000" and insert in lieu thereof the figure "23,300,000", and on line 24 delete the figure $4,300,000" and insert in lieu thereof the figure "4,900,000".

Mr. HUMPHREY. Mr. President, I take this opportunity to commend the distinguished manager of this bill (Mr. McGee) and his committee colleagues who, in my judgment, have done an excellent job on the Agriculture and related agencies appropriations bill for fiscal year 1976.

Most everything that I requested in my testimony to the committee earlier this year has been incorporated in the bill, now before us, H.R. 8561. However, there are a few items in this bill, which, while not large in amount, I believe must be further strengthened due to their importance. I will address these items later in my statement and will be offering an amendment to increase two of these items—namely, funds for school food service equipment and funds for State administration of child nutrition programs.

First, Mr. President, I want to commend the committee for incorporating the following in this bill which I either recommended or which I am especially pleased to see included in the bill:

Increased appropriations for agricultural research with accelerated research on nitrogen fixation being included in the committee list of high priority needs;

Rejection of the administration's proposal to place rural development research funds under the Hatch Act;

Concurrence with the House bill to provide $2 million so that education institutions participating in programs under title V of the Rural Development Act will be able to expand their efforts to provide assistance to small and part-time family farmers;

Increases in overall levels for the Rural Housing Insurance Fund, and continued funding for farmworker and self-help housing programs;

Inclusion in both the bill and in the committee's report of language on the implementation of the rural rental assistance program, which gives me special satisfaction after having fought with the administration for over a year to get this important program properly implemented;

Expansion of FmHA staff by about a thousand personnel, which is essential if this Agency is going to be able to carry out the tremendous responsibilities which are required of its personnel to implement the many programs which they administer;

Increase in rural electric and telephone insured loan funds with instructions to the REA that no specific ceilings are to be imposed upon guaranteed loans for these purposes;

Acceptance of my request that REA should be permitted to use its guarantee authority in situations involving leverage lease financing. I am very pleased with the clear instructions laid down by the committee in this matter;

Increase in funds for watershed and flood prevention operations and for resource, conservation and development projects, including a directive that 25 new planning RC and D starts be made in fiscal 1976;

Continuation of the agricultural conservation program, ACP, with forestry incentive program funding being handled separate from ACP funds;

Improved funding for the water bank program;

Continued funding for the emergency conservation measures, with specific directions to the Department to expeditiously make such funds available for cost-sharing assistance to farmers for the rehabilitation of farmlands damaged by the recent floods in the Red River Valley areas of North Dakota and Minnesota. I want to especially thank the committee for inclusion of this directive. Our Red River Valley farmers urgently require such assistance and are very grateful to the committee for this recognition of their needs.

Increased funding for wild rice research through the Agricultural Research Service. This research effort, while small in dollar terms, is very important to my State. The substantial increase provided in this bill for fiscal year 1976 over what was provided in fiscal year 1975 is very much appreciated and welcomed.

Increased funding for the Agricultural Marketing Service to provide needed increases in Federal grain inspection and technical personnel. The $5 million in additional funds provided in this bill for this purpose will be essential to improving and restoring integrity to our U.S. grain inspection system, especially as it relates to U.S. export inspections;

Increased funds for cooperative foreign market development activities of the Foreign Agricultural Service, which, given the prospect of bumper 1975 crops in the United States, will be needed to maintain and accelerate promotion of U.S. farm commodity exports;

Funds for the Foreign Agricultural Service to provide agricultural attachés in the People's Republic of China and Egypt. In addition, I am very pleased with the statement by the committee in its report on this bill stating the high priority it places on the importance of establishing these two positions.

Mr. President, I would now like to turn to the funding provisions of this bill relating to rural development and the child nutrition programs.

Since enactment of the Rural Development Act of 1972, the funding and implementation programs authorized under this important act have been modest indeed—to understate the situation.

This year's proposed funding levels for rural water and waste disposal construction grants and loans are very close to what I recommended in my testimony submitted to the committee. However, funding levels provided in this bill for rural development grants, rural community fire protection, rural development research and extension education, rural development planning grants, rural business and industrial loans, and community facility loans are very inadequate.

If Congress is going to fulfill the commitment it made in title IX of the Agricultural Act of 1970, about revitalizing the rural communities and areas of this Nation, Congress must begin backing up that commitment with adequate funds for these other rural development programs which are essential to achieving such an objective.

While I will forego offering any amendments today to raise the funding levels for these programs—because the committee has been so cooperative in providing adequate funding for so many other programs that are important to rural areas and to the American people—I do wish to seek a firm commitment from the manager of this bill, Mr. McGee, and his committee associates, that they will do their utmost in conference with the House to obtain a directive to USDA that "guaranteed" loans made for rural business and industrial purposes and for rural community facility purposes not be subject to any arbitrary ceilings—imposed either by the Congress or by the administration.

Specifically, Mr. President, I would like to ask the manager of this bill, Mr. McGee, if he will do his utmost to secure such a directive in the statement of managers that will accompany the final conference version of H.R. 8561.

Mr. McGEE. I can assure the distinguished Senator that such language will be our goal.

Mr. HUMPHREY. I thank the Senator from Wyoming for his commitment regarding this important matter. The type of commitment needed here is similar to the directive included in both the House and Senate committee reports relating to REA "guaranteed loans," which, Mr. President, in the case of the Senate report, can be found on page 59, paragraph 4.

Now, I would like to call particular attention to the sections of the bill dealing with our domestic food assistance programs. Last February, the administration requested no money whatsoever for a number of food assistance programs, such as a program that distributes commodities to institutions. The committee has chosen wisely to continue these important programs, and to continue to provide food aid to those in this country who need it.

I am gratified that the committee is recommending $22 million in commodities for institutions during fiscal year 1976. I am also pleased that the committee would fund the commodity supplemental food program—which provides nutritious commodities to 140,000 low income pregnant and nursing women, and young children at a level of $12 million for the next 7 months.

I also would like to commend the committee for funding the supplemental food program and the WIC program separately, and placing WIC program funding at the $250 million a year level. This is an essential improvement over the House bill, which reduces WIC program funding to about a $230 million level. I trust the distinguished Senator from Wyoming will be a tiger on this issue in conference, and insist that the Senate version prevail.

I am disappointed that the committee has not provided more money in the areas of nonfood assistance for schools and State administrative expenses for running the various child nutrition programs. I shall shortly offer an amendment to provide an increase of $5.9 million in funding for these programs, which would increase the domestic food assistance budget of this bill by only one-tenth of 1 percent, but which is nonetheless quite important.

I do also have several concerns with the language of the committee report that accompanies this bill. In the WIC area, the report notes that the $250 million a year funding rate which the committee decided to provide for this program is to be reduced by $40 million—the amount of unspent fiscal year 1975 WIC funds. Certainly, I think the distinguished gentleman from Wyoming would agree that we do not want the U.S. Department of Agriculture, which has a history of obstructionist actions in regard to this program, to keep down its WIC spending each year and then use the unspent balance to reduce new WIC appropriations the following year.

So I ask the gentleman from Wyoming, is it the intention of the committee that—insofar as there are eligible health clinics and eligible participants participating in the program or making application for the program—the full $250 million a year anticipated for the WIC program in fiscal year 1976 be spent in fiscal year 1976 on fiscal year 1976 WIC program operations?

Mr. McGEE. The committee, of course, certainly does not intend for the Department to hold down the program so as to reduce new budget authority in subsequent years.

I understand that if and when H.R. 4222 is enacted, WIC will be authorized at an annual level of $250,000,000 for fiscal 1976 and 1977. The bill reported by the committee provides funding for the 7-month period at an annual rate of $250,000,000 and, of course, we expect that amount to be obligated provided that the demand is there and eligible sponsors and participants are available.

Before the end of the 7-month period H.R. 4222 should be finalized and we will be in a better position to make an overall review of WIC and the other food and nutrition programs.

Mr. HUMPHREY. It is the intention of the committee, is it not, that no eligible sponsor or eligible participant be denied entry into the program in fiscal year 1976 so long as some of the $250 million—or $146 million for the first 7 months of fiscal year 1976—remains unused?

Mr. McGEE. As I indicated previously, we intend that the amount we provided be made available to the extent of the statutory authorization, the demand and availability of sponsors and participants. The Department should not deny eligible sponsors or participants if they can be approved within the statutory authorization and this or subsequent appropriation bills.

Mr. HUMPHREY. Now I have one final question in this area just so we make the record crystal clear to the Department of Agriculture on this score. If USDA awards WIC grants that on paper total $250 million for the year, but USDA subsequently finds that not all clinics are operating at full capacity for all 12 months of the fiscal year and that some of the $250 million will be unspent—and if meanwhile some new clinics or new participants that meet WIC eligibility criteria are applying for entry into the program—is it not the intention of the committee that these new clinics and participants be allowed into the program so that the $250 million is actually spent in fiscal year 1976?

Mr. McGEE. As I indicated, we expect the funds appropriated herein to be obligated if the need for them is proven in fiscal 1976. We do not expect the Department to drag its feet or hold back funds or anything of that nature.

If the need is there these funds should be fully obligated in the fiscal year or in this case during the 7-month period covered by the act.

Mr. HUMPHREY. Before we leave our discussions of the WIC program, I would like to make one final comment on the committee report. The report notes that some States have not submitted reports to USDA in as timely a fashion as would be desirable, and the report asks the Department to consider alternative disbursement procedures such as reimbursable financing. I would like to warn the committee that it is treading into a dangerous area here. Under Federal management circular 74-7, virtually all of our programs of grants to the States in the income security area are being placed on a letter-of-credit funding basis.

To single out the WIC program, and provide money for this program only in the form of reimbursement after claims have been submitted, would work a serious hardship on this program. WIC health clinics—many of which operate on a small budget in low income areas—would have to put up substantial sums of money themselves while waiting to be reimbursed. There is no assurance that State legislatures would provide this "upfront" money. Local health clinics that were forced to borrow this money would be hit wtih high interest rates.

The result, Mr. Chairman, could be to make the continued existence of the program precarious in some places, and to discourage many clinics in needy areas that do not have a WIC program from applying to enter the program.

Moreover, I should like to point out that the WIC program, by its very nature, cannot yield reports on as quick a basis as something like the school lunch program. WIC clinics issue vouchers, which participants may not actually use for some period of time, perhaps as much as 60 days. Then the vouchers must go from the retail food stores, through a bank, and back to the WIC issuing agency where the vouchers are tallied. Thus, vouchers issued in 1 month may not actually be tallied for 3 or 4 months. The very nature of the WIC program thus places constraints on how timely State reports can be.

I certainly do recognize that some States have been lax in this regard, and that USDA should take steps to secure better reporting. But to require WIC clinics to put up these large sums of money themselves and wait months to be repaid would only penalize the low income women and children we are trying to help. Frankly, a change to a reimbursable financing mechanism for this program makes no sense to me.

I have one final query for the Senator from Wyoming. I note that the committee bill provides funds for the nonschool food program, which consists of summer feeding and day care feeding, for the next 7 months. A number of States are now planning to terminate their summer feeding programs before the end of the summer because they will run out of funding. This bill provides the additional money that is needed for these programs to run their full course without being shut down early, but USDA will have to act with dispatch and get this money to the States quickly.

It is the intention of the committee, is it not, that USDA use some of this "nonschool food" money to make sure that no summer programs have to be cut back this summer—either in number of days of operation, number of children, or number of meals served—because of lack of funds? This bill does provide ample funds to accomplish this purpose and still fund the day care food program through January 31, and if USDA delays releasing these funds for summer feeding, tens of thousands of children will be without food assistance for the latter part of the summer while available funds lie unused.

Mr. McGEE. Absolutely.

Mr. HUMPHREY. Mr. President, I again commend the Senator from Wyoming (Mr. McGEE) and other members of the Committee on Appropriations for their cooperation and the excellent job they have done with respect to this bill. I also want to express similar sentiments relating to the excellent cooperation that I and others have received throughout our deliberations on this bill from the staff of the Agricultural Appropriations Subcommittee.

Mr. President, I strongly support H.R. 8561, as amended by the Senate committee, and have only one minor amendment that I will be offering to increase funds for nonfood school assistance and for State administrative expenses related to child nutrition programs.

Mr. President, the amendment I offer is of small cost, but of great importance in insuring that our child nutrition programs function adequately and reach the children that Congress intended them to reach.

My amendment would add $5.9 million to the cost of this bill—by bringing the appropriation for equipment assistance to schools from $18 million to $23.3 million, and by increasing funding for State administrative expenses in running the child nutrition programs from $4.3 million to $4.9 million.

These changes will increase the domestic food assistance budget in this bill by only one-tenth of 1 percent. But the consequences of the $5.9 million increase are quite significant.

In the equipment assistance area, Congress has authorized $40 million a year for equipment aid. In fiscal year 1974, $29.1 million was spent. Last year, the Senate committee bill provided $34 million for fiscal year 1975. I was prepared to offer an amendment at that time to raise the level to $40 million, but refrained from doing so on the assurance that all efforts would be made to come out of conference with the $34 million in the Senate bill. However, the conference provided only $28 million for fiscal year 1975, a decrease from the fiscal year 1974 spending level.

This year, the Senate committee has provided $18 million for 7 months—which is a $30.8 million a year rate. This is $3.2 million less than the Senate committee was prepared to provide 1 year ago, in spite of continuing inflation during this period.

This year, as a result, I will insist on offering my amendment to raise the equipment funding level to a $40 million a year rate as the Child Nutrition Act of 1966 authorizes. For the 7-month period covered by this bill, the $40 million rate works out to an actual expenditure of $23.3 million. So I am seeking a $5.3 million increase over the committee's recommendation in this area.

Mr. President, there are three reasons why this increase is essential. First, the Congress, in enacting Public Law 92–433, directed USDA to conduct a study of school food equipment needs. In March 1974, USDA reported back to the Congress that schools needed $177 million in equipment aid. This survey clearly shows that we should be funding this program at the $40 million rate we have authorized.

Second, USDA has recently reported that 16,500 schools with 4.4 million children still remain without any food service whatsoever. Of these 4.4 million children, between 1 and 2 million are needy. We simply must do all we can to get school lunch programs in these schools. In many areas, lack of equipment money is a principal reason that these schools have not entered the lunch program and provided health-vital nutritional aid to their children.

Finally, H.R. 4222, in versions approved only 2 weeks ago by the Senate, and in April by the House, makes children's residential institutions eligible for the school food programs for the first time. Orphanages, homes for mentally retarded children, homes for blind and deaf children—all these institutions will now be eligible to enter the lunch program. But some of these institutions will need equipment aid if they are to be able to serve the type A lunch required by the National School Lunch Act. I see no money in the committee's recommendation to take care of the added need in this area.

The other part of my amendment, Mr. President, increases by $600,000 the funding for State administrative expenses in running the child nutrition programs. The committee has recommended $4.3 million for this purpose for 7 months. This is a 10-percent increase over last year's funding level, but this increase merely covers inflation. There is thus no increase in this bill to cover the tremendous increase in administrative responsibilities that State officials will shortly face when H.R. 4222 becomes law.

H.R. 4222, in versions which have now passed both Houses, makes residential institutions eligible for school food programs, makes group and family day-care homes eligible for the child care food programs, completely restructures the funding mechanisms and virtually all other aspects of the child care food program, and makes a wide range of other changes in our child nutrition programs. If these changes are to become reality, we must give the States the money with which to implement these changes. States will have to bring several thousands of residential institutions and family day-care units into these programs, and to convert child-care programs now serving over 400,000 children a day from the old special food service program to the new child-care food program. All these tasks are in addition to the normal functions States had to perform in fiscal year 1975 and will continue to have to perform in fiscal year 1976.

My amendment increases the committee's recommendation in this area by $600,000. Even this increase may be too small to do the job. It is certainly a minimal amount needed to implement and administer the impending changes in the child feeding programs.

In closing, I should like to note that the Senate committee bill is $80 million lower in the child nutrition area than is the House bill. With my amendment, the Senate bill would still be $74 million below the House legislation in this area.

The administrative expense adjustment would run an additional $600,000. These changes would increase the domestic food assistance program approximately one-tenth of 1 percent.

Mr. President, we have discussed this amendment with the chairman of the committee.

Mr. McGEE. And with the ranking minority member.

Mr. HUMPHREY. And with the ranking minority member. This amendment has been fully cleared with the majority and the minority.

Mr. McGEE. Mr. President, as manager of the bill, we have agreed to accept the amendment and take it to conference with the House.

Mr. FONG. I do not oppose the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. McGEE. I yield back the remainder of my time.

Mr. HUMPHREY. I hope the Senator will insist on these figures in the conference.

Mr. McGEE. We insist on every bit of Senate wisdom that is inserted in a bill.

Mr. HUMPHREY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. McGEE. Mr. President, I yield to the distinguished Senator from California.

Mr. CRANSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from California (Mr. CRANSTON), for himself and Mr. MORGAN, Mr. BENTSEN, Mr. STAFFORD, and Mr. TUNNEY, proposes an amendment:
>
> On page 35, line 7, strike out "$500,000,000" and insert in lieu thereof "$550,000,000".
>
> On page 35, line 8, immediately after the semicolon following the word "loans" insert the following: "and not less than $54,000,000 for water development, use and conservation loans;".
>
> On page 35, line 18, strike out "$125,000,000" and insert in lieu thereof "$137,500,000".
>
> On page 35, line 19, immediately after the semicolon following the word "loans" insert the following: "and not less than $13,500,000 for water development, use, and conservation loans;".

Mr. CRANSTON. Mr. President, I ask unanimous consent that the name of Mr. HUMPHREY be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I have discussed this amendment with the chairman of the Budget Committee, Senator MUSKIE, and we are in agreement that this does not break the budget in any way. We would have to take a look later, and if there were some freeze on overall funds, we would have to look elsewhere. He supports the amendment and feels that it fits within the budget.

This amendment provides $50 million during fiscal year 1976 and $12.5 million in the transition period for soil and water loan funds. Livestock, poultry and dairy farmers and feedlot operators need these loan funds to comply with Environmental Protection Agency mandates to meet water pollution control standards. This amendment, in the amount of $250 million, was offered in the House version of this bill by Congressman JOHN BURTON, and was approved by the overwhelming vote of 307 to 86.

The Federal Water Pollution Control Act (Public Law 92–500) requires that animal and pesticide runoff into streams and rivers be mitigated. Producers of livestock and poultry, dairy farmers and feedlot operators will have to install pollution control equipment by 1976 or 1977. This equipment includes gutter systems, retention ponds, mixing ponds, and spreading devices. Costs for the equipment plus installation would run about $50,000 for a dairy farm with a herd of 200 cows. Some row and tree crops will also be affected by these regulations as they deal with pesticide runoff.

My amendment would provide $62.5 million in soil and water loan funds for fiscal year 1976 and the transition period. These loans are administered by the Farmers Home Administration with terms of 40 years at 5 percent interest.

There is a ceiling of $100,000 on each loan. Applicants must be unable to obtain loan funds in the private capital market in order to be eligible for this program. This administrative rule plus the loan ceiling of $100,000 insures that the program will serve only small- and medium-size family farms rather than large agribusinesses.

The $250 million approved by the House for soil and water loan funds was deleted from the Senate Agriculture Appropriations Subcommittee's version of this bill. The committee report recommended an increase of $130 million in the loan level for insured farm ownership loans, but did not specify that any of these funds be used for pollution control. I disagree with the committee recommendation for two reasons. First, many family farmers are ineligible for loans under the farm ownership program, because its definition of family farm is too narrow. For the purposes of the farm ownership loan program, a family farm is defined as the operator, his family, and not more than one full-time hired hand. An average dairy farm with a herd of 200 cows would require two or three hired hands and thus would not be eligible for loan funds under the farm ownership program.

Second, I feel it is more appropriate to add $50 million to the soil and water loan fund for pollution control loans rather than increase the farm ownership loan fund, because the demand for farm ownership loans is already enormous. The Farmers Home Administration had $352 million available for farm ownership loans in fiscal year 1975. A total of 10,550 loans were made. However, 21,000 eligible applicants were denied farm ownership loans because of inadequate funds. Only one out of three eligible farmers received assistance from this program in fiscal year 1975. As the Senate Committee stated in its report, escalating real estate costs experienced throughout the country have justified the $130 million increase in the farm ownership loan fund. Farmers are in desperate need of funds to acquire or improve their farms, and I recognize the high priority of this need. Increasing the soil and water loan fund level for the purposes of pollution control loans would distinguish this need from the need to acquire land or improve buildings and eliminate competition between two worthy goals.

I agree that animal waste and pesticide runoff into our streams and rivers should be decreased. However, I do not feel that farms can afford to bear the cost of this environmental cleanup alone. Farms and livestock producers have already been hit hard by rising fuel, feed, and fertilizer costs. Regardless of the necessity, farmers can ill afford a $50,000 expenditure at today's interest rates.

I urge the Senate to adopt this amendment so that we may assist farmers and livestock producers and contribute to a cleaner environment at the same time.

Mr. McGEE. Mr. President, we have examined this proposal very closely and we think it copes with the reality of the situation. It is true that in the realm of compliance with environmental requirements, particularly in many marginal farms, there is no assistance under the present program. This does fill that gap and it fills it at a very low figure. It may not be realistic in that sense, but we think it is close to the mark.

Inasmuch as the House voted by an overwhelming margin of well over 3 to 1, almost 4 to 1, to add it on their bill, we thought it wise to take this amendment and go to conference with the House.

Mr. CRANSTON. I thank the Senator very, very much. I am very grateful for that and I appreciate his cooperation prior to this. It has been a great help.

Mr. FONG. Mr. President, we do understand that heavy burdens have been placed on farmers to comply with the pollution abatement control regulations. The current regulations of the Farmers Home Administration do not allow nonfamily farm operations to receive assistance under other loan programs. The House had originally asked for $225 million over the budget for this program and the Senator from California is now asking to restore $50 million to the program. I think it is a reasonable request.

Mr. McGEE. I yield back the time on this side.

Mr. FONG. I yield back the time on this side.

The PRESIDING OFFICER. Does the Senator from California yield back his time?

Mr. CRANSTON. Yes, I do.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McGEE. Mr. President, I send to the desk an amendment in behalf of Senators TUNNEY, CRANSTON, and KENNEDY. I see Senator TUNNEY is here now.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> Page 36, line 11, strike: $7,500,000 and insert in lieu thereof $12,000,000.

Page 36, line 15, strike: $1,875,000 and insert in lieu thereof $3,000,000.

Mr. TUNNEY. Mr. President, I ask unanimous consent that Martin Franks of my staff be granted privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors of my amendment, No. 814, to the agricultural appropriations act: Mr. DOLE, Mr. DOMENICI, Mr. PHILIP A. HART, Mr. HASKELL, and Mr. MONDALE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, this amendment asks that the grant funds in the bill for low-rent housing for domestic farm labor be increased $5.625 million for a total of $15 million through fiscal year 1976 and the transition quarter.

The need for these additional funds is clear. In fiscal year 1975, with only $5 million available under the program, unfunded applications amounted to $25 million. And that reflects only a part of the overall demand in that the Farmers Home Administration strongly discourages applications to the program.

In a 1972 Farmers Home Administration study, 400 counties across the country voiced a need for 130,000 housing units for farm laborers, and yet the administration, for 3 consecutive years, has refused to budget any funds for the program.

More vivid and painful is the human need. Anyone who visits the typical migratory labor camp comes away with the worst of his fears confirmed, if not exceeded.

I know that there is not one Member of this body, certainly including the distinguished chairman of the Agriculture Appropriations Subcommittee (Senator MCGEE) that opposes this amendment on its merits. In fact, at this point, I would like to take note of the Senator from Wyoming's efforts on behalf of this program. In the face of strong administration opposition, he has kept this program alive, and in this bill he has continued and improved upon that record.

The concern today, as in the past, is over the additional funds required. I sympathize with that concern, but surely when we are discussing an $11 billion appropriations bill which is part of a $370 billion budget, an additional $5.6 million is affordable.

I have asked the Senate Committee on the Budget for their advice as to whether or not this amendment is consistent with the desire we all share to remain within the targets in the budget resolution. I was told that this amendment poses a very small threat to that objective, and I point out that this amendment is cosponsored by five members of the Senate Budget Committee.

If there were a quotient to measure human suffering, America's farm laborers would be at or near the top. With this additional funding, we will at least be able to address the worst part of the problem.

The need is clear, and my amendment asks for only a modest increase. I urgently solicit the support of the Senate to help make a significant difference in the lives of perhaps the most neglected segment of our society.

Mr. President, I want to ask the Senator from Wyoming, the distinguished chairman of the subcommittee, what his position is with respect to this amendment. He knows what my desires are. We have had many opportunities to talk about it privately. We have had a colloquy on the floor on several occasions. I know he is sensitive to the problems. He wants to see decent housing for farm workers. He knows that I feel that it is a major tragedy that so many farm laborers in this country have to live in such squalor and such deprivation. The amounts we are asking for seem like a pitifully small amount when we consider what the costs of weapons systems are, the amount of money that has been put into highway programs, all the other things we spend money for. I should like to get a reading from the Senator from Wyoming; is he going to give us a little help? Can he give us the amount we have asked for?

Mr. MCGEE. Let me say to my colleague from California that, only because of his efforts, we put in $5 million for this program last year. There was no other push and if ever a program was pressed single-handedly, it was this one, through the efforts of the Senator from California a year ago, in the preceding budget.

This year, it almost started out to be the same thing over again. The Office of Management and Budget made no recommendations. We started out with zilch. The House did respond with some money this year, which shows the breakthrough due to the Senator's efforts last year. Now the House has come along a small distance.

Here, on the Senate side, we increased in the subcommittee the House figure by another $1.5 million. We felt that, having done that, we had reflected again not only our strong approval of the program, but our respect for the Senator's leadership in carrying the burden of the responsibilities that are entailed in this very worthwhile program. We felt also, in view of our responsibility on budget and the like, that we ought to hold very firmly to the subcommittee's action of the final figure being $7.5 million. That is 50 percent higher than last year, in illustration. We feel very strongly about that.

Mr. FONG. Mr. President, will the Senator yield?

Mr. TUNNEY. Yes.

Mr. FONG. This is a very expensive program, Mr. President. This program provides up to a 90-percent grant for this housing, and for the other 10 percent, loans at 1 percent interest, so you can see how expensive this program is to the Federal Government.

It is only because of the distinguished Senator from California's great plea that we overruled the administration's request for no program and provided the sum of $7.5 million and $1,875,000. The Senator now seeks to increase that by another $4.5 million and a $1.125 million.

This program is a very expensive one, and I do not think we should further increase the amount that we have provided in this bill.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. KENNEDY. I was wondering if the committee can tell us what they have by way of backlog of applications. The committee looked into the number of qualified applications, and can they tell us about the numbers that can be filled if there was additional money?

Mr. FONG. We have been informed there are less and less migrant workers. Many of these migrant workers are now settled in a community, and what they really need is permanent housing and not this type of housing. This is why the administration has not requested any funds for this program.

Mr. MCGEE. There is no question about the backlog in the request. The backlog is much greater than this figure. What we are trying to do is to equate it with the realities of the budget and fiscal situation.

Mr. KENNEDY. Mr. President, will the Senator yield further?

Mr. TUNNEY. I yield.

Mr. KENNEDY. As I understand, the Farmers Home Administration estimates as to the need in 400 counties it showed there were 130,000 units needed as of 1972; is that correct?

Mr. MCGEE. We are advised by the Department that there is no vehicle for servicing that many units under this program or under the definitions of this program.

Mr. KENNEDY. I was just trying to make the point of what the need was which, as I understand, was really a significant need, and there were great numbers of applications in this program. In terms of percentages it is one of the most oversubscribed programs of any of the migrant programs and, as a cosponsor, I just want to say how much all of us appreciate the leadership of the Senator from California on this issue.

Mr. President, I rise today as a cosponsor to the amendment introduced by Senator TUNNEY. I join in urging my colleagues in the Senate to adopt this amendment, which would increase the appropriations for the Farmers Home Administration's farm labor housing grant program from $7.5 million to $12 million.

The grant program provides for up to 90 percent of the cost of construction of clean, decent housing for domestic farmworkers in grants to governmental or private nonprofit organizations which agree to provide housing to very low income farmworkers at rents they can afford. In addition, loans can be made for the remainder of the cost at 1 percent interest, repayable over 88 years.

Currently there is $80 million authorized for appropriations for the grant program through June 30, 1977; $37.5 million has been appropriated since the program inception in 1964, leaving a balance of $42.5 million available over the next 2 years.

There have been approximately 9,000 units of housing built for farm worker families and an additional 3,000 spaces in dormitories for single farm workers since the beginning of this program. The urgency of the need for increased congressional support of this program is underlined by the Department of Agriculture's own estimate that more than 100,000 housing units are needed to provide at least adequate living conditions for the nation's more than 2 million seasonal farm workers and their families.

Although domestic farm workers are among the poorest of our country's low-income workers, the poverty of the farm laborers goes beyond substandard wages to include some of the most disgraceful housing conditions in the Nation.

The tragic typhoid epidemic in one camp in Florida in 1973, which hospitalized 200 people, emphasizes the need for a special effort to alleviate one of the truly shameful situations in the United States today. We must not wait until the tragedy of another epidemic dramatizes to the country that men, women and children are living in unacceptable conditions.

There is presently $42.5 million authorized over the next 2 years for farm workers housing. I think we must take advantage of the availability of these funds to increase support of the Farm Labor Housing grant program. Frank Elliott, Administrator of FmHA indicated in May, in a letter to Senator Cranston, that unfunded applications for the grant program from fiscal year 1975 alone could utilize $25 million.

The need is obvious. We must renew our efforts to support and expand the Farm Labor Housing grant program and reaffirm our commitment to provide decent housing for all Americans.

I, therefore, join Senator Tunney in urging that this amendment be adopted.

I would be hopeful that the committee could take this amendment to conference.

Mr. TUNNEY. I have had the opportunity on a number of occasions to deal with the Senator from Wyoming, and he can be very understanding and reasonable, and so can the Senator from Hawaii.

If we are willing to cut back figures from, say, $12 million to $10 million, and from $3 million to $2.4 million, would my colleagues be prepared to accept that compromise?

Mr. McGEE. The ranking minority member and I have discussed this, and we would split the difference of the figures, and we can take that to conference.

Mr. TUNNEY. I would like to check with the Senator from Massachusetts or the Senator from Maine.

Mr. McGEE. Senator Scrooge.

[Laughter].

Mr. MUSKIE. I discussed this with both Senators, and it is within the guidelines of the budget ceilings. The resolution of the proposed problem, I leave that question to the Senators.

Mr. McGEE. On the basis of that information of its budgetary implications, we would be willing to split the difference.

Mr. TUNNEY. I so modify my amendment.

The PRESIDING OFFICER. Will the Senator from California state the modification for the record?

Mr. TUNNEY. The modification is to split the difference.

The PRESIDING OFFICER. Would the Senator from California send his figures to the desk?

Mr. TUNNEY. Yes, in just a second.

The PRESIDING OFFICER. The Chair might observe that the time is running against the Senator from California.

Mr. TUNNEY. I understand.

Mr. McGEE. I would be glad to yield to the Senator whatever time may go down the drain on this consultation at the front desk.

If it is agreeable with the Senator from California, I ask unanimous consent that we set this aside momentarily and yield to the Senator from Kansas for a short statement, and then to the Senator from Colorado.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. TUNNEY. May we have the amendment read?

The PRESIDING OFFICER. The clerk will state the amendment.

Mr. McGEE. I withdraw my unanimous consent request now that the figures are ready, Mr. President.

The assistant legislative clerk read as follows:

Page 36, line 11, strike $7,500,000 and insert in lieu thereof $9,750,000.

Page 36, line 15, strike $1,875,000 and insert in lieu thereof $2,500,000.

Mr. TUNNEY. Is that unacceptable to my two distinguished friends?

Mr. FONG. It is acceptable.

Mr. McGEE. It is acceptable.

Mr. TUNNEY. I want to thank my colleagues for their generosity in this matter. I know how many claims there are on the budget, and I know how careful they have to be in order to come within the budget ceiling.

Mr. PASTORE. I would like to have the record show that the amount is acceptable to the senior Senator from Rhode Island.

The PRESIDING OFFICER. The record will so show.

Mr. CRANSTON. Mr. President, I am pleased to join with my colleague from California (Mr. Tunney) and with Senators Williams, Kennedy, McGovern, Stone and Abourezk in sponsoring an amendment to provide a modest $15 million appropriation for the farm labor housing program.

Our amendment would appropriate an additional $4.5 million over the Senate Appropriation Committee's $7.5 million recommendation for fiscal year 1976, and would increase the appropriation for the transition quarter from $1.875 million to $3 million. Thus the total funds for farm labor housing in fiscal year 1976 and the transition quarter would be $15 million if our amendment is adopted.

Mr. President, it is a sad commentary that I find myself making the same appeal today that I have made repeatedly in this body. Since 1971, I have been urging the Senate to appropriate adequate funds for this program so that the men and women who harvest our Nation's abundant food supply can be housed in a manner which affords them a minimum of decency.

Our amendment would appropriate funds for the farm labor housing grant program, section 516 of the Housing Act of 1949 as amended. This program makes grants to public bodies such as public housing authorities, broadly based nonprofit organizations and nonprofit farmworker organizations.

The grants can be made for up to ninety percent of the development cost of the housing project. The balance can be met through the Section 514 loan program.

Applications for funds under this program have consistently exceeded their availability. Last year, despite the fact that the FmHA discourages applications, unfunded applications totalled $25 million. A 1972 Farmers Home Administration study of their county offices found that 400 counties across the nation needed 130,000 housing units of the type that this program could provide. Incredibly, the administration has made no budget request for the program for the past 3 years.

The authorization for this program is currently $80 million through June 30, 1977. To date, a total of $37.5 million has been appropriated, leaving a balance of $42.5 million available for the 2 remaining years. The largest appropriation in any one fiscal year was the $7.5 million appropriated in 1974. Last year Congress appropriated $5 million. All funds appropriated have been obligated.

Demand for the program continues despite the fact that the Farmers Home Administration discourages applications. Those that did not apply represent a small fraction of the organizations that need assistance. Even so, the Administrator of FmHA Frank Elliott, informed me in a letter dated May 2, 1975, that unfunded grant applications for fiscal year 1975 funds totalled $25 million.

Mr. President, I ask unanimous consent that Administrator Elliott's letter and his supporting documents be printed in the Record at this point. Exhibit A illustrates the 6 applications for which some funds were made available. Exhibit B lists the 14 applications, totalling $25 million, for which funds were not available.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Department of Agriculture,
Farmers Home Administration,
Washington, D.C., May 2, 1975.

Hon. Alan Cranston,
U.S. Senate,
Washington, D.C.

Dear Senator Cranston: This will reply to your letter requesting information about the applications we received for labor housing loans and grants.

We are enclosing two exhibits, one which shows the applications that were recommended and authorized for funding this fiscal year. The other exhibit shows the number of applications received which could not be recommended for funding this fiscal year. You will note that two labor housing projects were authorized in the State of California.

You indicated in your letter that we should not decrease the amount of the grant funds approved for each project as a means of increasing the total number of projects assisted. The basis for your request is that apparently some labor housing borrowers have been unable to meet their financial obligations to the government and properly maintain the housing. We believe that you are referring to some of the older labor housing projects where the grant was limited to fifty percent of the development cost. We are carefully evaluating each grant and loan application to be sure that the projects authorized for approval will be feasible and that the applicant will be able to repay the loan and keep the project in good state of repair. You will note that the amount of the loan authorized in each case has generally been significantly more than the amount requested. However, a loan in the amount authorized will not be approved unless we are assured that the project is feasible.

As you probably are aware, no funds have been provided in the Presidential budget for labor housing loans and grants for the past two years. It is the position of the Department and of the Farmers Home Administration that the labor housing loan and grant program is one of very deep subsidies and of high cost to the government and that there are other more effective means of providing housing for farm workers. We cite, as an example, our Section 502 home ownership which has been used by many migrants who are settling out of the migratory stream.

You also requested our recommendations on dealing with the problem of the need for farm labor housing. Specifically, you requested an estimate of the total labor housing need in the United States in terms of units and the amount of loan and grant funds required to meet the need.

We do not have reliable data on the labor housing needs in this country. However, the information received from our field offices on applications indicate that an additional $25 million in grant funds and approximately $3 million in loan funds could be used by public bodies and nonprofit organizations to construct approximately 1,200 more units this fiscal year. We question, however, whether all these applications could be funded even if funds were available. For example, one application indicated that the project would be occupied for only three months of the year and, in our opinion, would not be feasible.

We appreciate your interest in our labor housing loan and grant program and hope that this provides the information you need.

Sincerely,

FRANK B. ELLIOTT,
Administrator.

Enclosures.

EXHIBIT A

RECOMMENDED FUNDING FOR LH GRANTS, FISCAL YEAR 1975

State: name and type of applicant	Grant request		Loan request		Amount of grant recommended	Amount of loan recommended	Number of units to be constructed
	Amount	Percent	Amount	Percent			
California:							
Sutter County Housing Authority: Public body	2,217,095	90	246,344	10	1,184,950	1,184,950	90
Housing Authority of Santa Cruz County: Public body	612,000		68,000		612,000	68,000	12
Florida: Palm Beach County Housing Authority: Public body	2,526,907	90	391,878	10	1,760,000	1,760,000	150
Texas: Housing Authority of the County of Hidalgo (McAllen project): Public body	2,048,501	90	227,612		1,250,000	1,026,110	150
Oregon:							
Milton Freewater Labor Camp, Inc.: Nonprofit	170,300		0		170,300	0	0
Marion County Housing Authority: Public body	22,750		0		22,750	0	0
Total	8,597,553		933,834		5,000,000	4,039,060	

Note: Grant funds available—$5,000,000; total proposed funding—$5,000,000; balance—0.

EXHIBIT B

LH PROJECTS NOT RECOMMENDED FOR FUNDING FOR FISCAL YEAR 1975

State, name, and type of applicant	Amount of grant requested	Amount of loan request	Number of units to be constructed
California:			
Riverside County Housing Authority: Public body	$3,163,230	$351,470	100
Housing Authority of City of Madera: Public body	2,250,000	250,000	100
Housing Authority of Tulare County: Public body	7,296,300	73,700	400
Housing Authority of the County of Glenn: Public body	2,250,000	250,000	100
Colorado: Colorado Rural Housing Development Corp.: Nonprofit:			
No. 1	842,400	93,000	48
No. 2	248,000	27,600	(1)
Idaho: Minidoka County Housing Authority: Public body	1,351,000	150,800	80
South Carolina: Charleston County Labor Camp: Public body	343,035	34,650	(2)
Florida: Collier County Housing Authority: Public body	1,998,327	1,000,000	120
Washington: Walla Walla County Housing Authority: Public body	2,170,720	241,190	60
Oklahoma: Terral Renting Corporation: Nonprofit	180,000	20,000	16
Texas: Housing Authority of County of Hidalgo (Weslaco Project): Public body	1,767,238	196,360	100
Texas: Quitaque Industrial Development Foundation: Nonprofit	131,130	14,570	12
New Mexico: Tierra Del Sol Housing Corp.: Nonprofit	450,000	50,000	26
Utah: Weber-Davis Housing Corp.: Nonprofit	1,075,280	119,480	32
Total	25,516,660	2,872,820	1,194

[1] Purchase existing and rehabilitate.

[2] Rehabilitate (230 rooms).

Mr. CRANSTON. Mr. President, the latest edition of "The Hired Farm Working Force of 1974" (USDA Economic Report No. 297, July 15, 1975) states:

> The hired farm working force over the past 3 years has shown significant increases in the number of persons performing 75 or more days of farmwork during the year.

This report found 209,000 persons performing migratory farmwork in 1974, an increase over the 203,000 doing such work in 1973. This was the third year of increase in the size of the migratory labor force since 1971 when 172,000 migrant workers were recorded.

In short, we have more persons working as migrant farmworkers than we have had for several years. We have many forced to live in terribly substandard conditions. We have public housing authorities and nonprofit organizations applying for extremely limited funds to improve the housing of these workers. And we have an administration which is seemingly so insensitive to the problem it makes no budget request at all for the program. I urge the Senate today to approve this modest dollar increase so that we can begin the task of providing decent housing for these long neglected workers.

The PRESIDING OFFICER. Does the Senator from California yield back his time?

Mr. FONG. We yield back our time.

Mr. CRANSTON. Mr. President, I would like to say to my colleagues how great their work was on this amendment, and I am grateful to them.

The PRESIDING OFFICER. The Senator from California has not yielded back his time.

Mr. TUNNEY. I yield back my time.

The PRESIDING OFFICER. I thank the Senator for yielding back his time.

All time having been yielded back, the question is on agreeing to the amendment of the Senator from California, as modified.

The amendment, as modified, was agreed to.

Mr. McGEE. I agreed to yield to the Senator from Kansas and then to the Senator from Colorado.

Mr. DOLE. Mr. President, I send an amendment to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> On page 47, line 9, strike "$11,196,000" and insert in lieu thereof "$11,796,000".

Mr. DOLE. Mr. President, I have sent to the desk an unprinted amendment to the Agriculture appropriations bill, which would include an additional $600,000 in the category of "Watershed Planning," for the purpose of hiring additional staff at the State level of the Soil Conservation Service.

Mr. President, the Public Law 83-566 Federal assistance program for small watershed development and construction proved to be a boon for rural flood control and conservation efforts. The early years of rapid advancement in this area were abruptly brought to a close by implementation of environmental protection legislation in the late 1960's, however, when additional surveys and planning procedures became necessary as a precondition to Federal watershed assistance. The additional paperwork requirements placed an extremely heavy burden upon local officials and upon State level SCS personnel charged with the responsibility of developing the small watersheds. Backlogs of work in this area have resulted in devastating consequences for the rural watershed program. Only a few years ago, almost 100 watershed work plans were being processed every year. Incredibly, only 43 plans were processed during the entire period from mid-1972 to the beginning of this year.

This situation is critical and, to my mind, intolerable.

The amendment I am offering today would include an amount of $600,000 in the fiscal year 1976 agriculture appropriations bill to hire an additional 30 staff members for the Soil Conservation Service Office in Kansas. There is no doubt in my mind that a similar shortage of capable planning personnel exists in other spots throughout the Nation. But the problem in my State has been particularly demonstrated through the difficulties encountered by those whose hopes rest upon the proposed watershed on the south fork of the Cottonwood River, near Cottonwood Falls, Kans. This farming area has been plagued with a flash flood nearly every year, with widespread devastation occurring approximately once every 25 years. Application for Public Law 566 assistance was made in 1968 and preliminary planning has been underway ever since 1971. The extraordinary delay results, as I understand it, both from a dire shortage of personnel at the State office, and from the tremendous backlog of approved projects which have not yet been constructed due to shortage of funds. Fortunately, the appropriations bill we have before us at this time already contains $10,000,000 to fund new construction starts, and this should help to relieve the backlog jam in the local offices.

Because of the widespread concern expressed to me by Kansans about the need to spur the small watershed program, and because of my understanding that additional staff members could help significantly to break this bottleneck of delayed projects, I feel it important at this time to specifically request an appropriation for staff in the Kansas SCS office.

If the committee leadership could offer any reassurances of their own as to remedial action for this control problem, I will be happy to yield at this time.

Let me say in 1 minute the purpose of this amendment would be to include an additional $600,000 in the category of watershed planning for the purpose of hiring additional staff at the State level of the Soil Conservation Service.

This matter has been discussed. There is widespread concern in the State of Kansas about the need to spur the watershed program and, because of my understanding that additional staff members could significantly help break the bottleneck, I feel it important to make this request at this time.

The matter has been discussed with the majority and minority managers of this bill.

If I could just have some assurance that we will try to remedy this in some way, I would be perfectly happy to withdraw the amendment.

Mr. McGEE. I want to assure my colleague from Kansas that we addressed ourselves to the problem. We gave the full budget allowance for this purpose. If that is short, we are prepared to support whatever supplemental request would be necessary.

They have assured us downtown they can meet the needs under these figures, and short of the carrying out of the use of the funds we are not in position to challenge that at this point. So my pledge to the Senator from Kansas is that we would follow through in support of a supplemental request, if we end up short.

Mr. DOLE. I thank the Senator.

Mr. FONG. I want to say that the bill contains $120.3 million for Public Law 566, watershed improvement construction. This is $10 million more than what the administration asked for.

Last year, it was estimated more than $36.5 million in construction projects were unfunded. So we have increased the construction project by $10 million and they tell us that they are more interested in getting the construction funds than the planning funds because there is no use having the planning and not have the construction money.

So by giving $10 million we hope that the construction will begin and that will ease the backlog, that will take care of some of the projects already planned so that we can plan for further projects.

Mr. DOLE. I thank the distinguished Senator from Hawaii and I am satisfied that everything will be done that is necessary because there is a shortage of qualified personnel.

Mr. FONG. We understand that.

Mr. DOLE. And there has been a problem in my State and many other States.

Based on that, Mr. President, I ask that my amendment be withdrawn.

The amendment was withdrawn.

AGRICULTURE APPROPRIATIONS

Mr. DOLE. Mr. President, I am pleased to support the passage of this bill, the Agriculture Appropriations Act of 1975. On the whole, I believe this legislation will benefit Kansas and the entire Nation as well. There are several specific points in this bill that I would like to speak to.

HOUSING ASSISTANCE

I am particularly pleased to see that the Senate Appropriations Committee has included in its reported version of the agricultural appropriations bill a sufficient sum to initiate the Farmer's Home housing assistance programs in communities of up to 20,000 population. These "middle-sized" rural communities have waited patiently ever since enactment of the Housing and Community Development Act in 1974 for the implementation of Federal housing mortgage credit programs in their areas.

The severely restricted availability of commercial housing loans during the past year made the Farmer's Home Administration assistance programs even more useful and significant for the benefit of low- and moderate-income families in nonmetropolitan areas. While many rural communities under 10,000 in population have long been eligible for such assistance, larger communities have been deprived of this valuable source of housing funds. Congress recognized the need to expand FmHA aid programs to these areas, and in 1974 amended title V of the Housing Act of 1949 to include within the range of eligibility communities of up to 20,000 in population. Such eligibility was to be contingent upon a determination by the Secretaries of both the Department of Agriculture and Department of Housing and Urban Development that a serious lack of mortgage credit existed within the community.

At least 14 Kansas rural communities were potentially eligible for the assistance at the time the measure was enacted. But delay in funding the program and in promulgating the necessary regulations has foiled their hopes up to this day.

PLANNED IMPLEMENTATION

At last, it is possible to anticipate the implementation of the expanded program mandated by Congress, through this appropriation of funding for loan authority and for FmHA salaries and expenses to put the program into effect in these middle-sized communities. While there have been recent indications that the housing industry is beginning its recovery in certain areas in the Nation, this funding will insure that rural communities share in the benefits of that recovery.

Indeed, this program is fully in accord with the spirit of the Rural Development Act we passed a few years back, in its encouragement to industry to locate in rural areas. Too often, the lack of adequate housing in such communities has proved a detriment to industrial growth and I am personally aware of specific instances where thriving industry has been forced to leave a rural area due to the lack of available housing for employees. It can be anticipated that appropriation of these funds to expand the rural housing loan program will have a significant beneficial impact on this aspect or rural development, as well as others.

There are still many areas in Kansas that are in need of Farmer's Home Administration housing assistance, and I look forward to working with them in their preparation of applications and supporting materials. I urge the Secretaries of Agriculture and HUD to act expeditiously in finalizing the regulations for approval of FmHA loans to our rural middle-sized communities, so that this very important assistance program can get underway as soon as possible. It is my understanding that officials of both Agriculture and HUD will be meeting during August to determine which particular communities across the Nation are now eligible for loan assistance under the expanded program. It is also reassuring to know that, according to FmHA officials, the assistance program can be underway within 60 days of final enactment of this appropriations bill.

ADDITIONAL GRAIN INSPECTION SUPERVISORS

In recent weeks the public media has had numerous accounts of scandalous performance by grain inspectors. The Senate Agriculture Committee has had numerous hearings on this issue and has been conducting investigations of the matter.

As we received testimony on the grain inspection system, it became apparent that additional Federal supervisory personnel were needed to insure that the private grain inspectors are doing their job properly. Unfortunately, the number of supervisory personnel has been decreasing in recent years while the volume of grain exported has been multiplying.

To remedy this problem, the distinguished chairman of the Agriculture Committee and I requested an additional funding of $7 million for 285 additional grain inspection supervisors and 185 of these supervisors would be employed at ports where the grain is loaded for export and 100 would be employed at interior loading points. I am pleased that the committee has provided $5 million for this purpose. It is my understanding that the $5 million figure was adopted as opposed to the higher funding because we are already well into the fiscal year and the $7 million figure would not be required.

It is my belief that this funding will allow the Department of Agriculture to take action to strengthen the grain inspection system immediately so that foreign buyers will have confidence in the 1975 crop of grain that is now being produced and harvested by the Nation's farmers. Last year, grain exported accounted for $12.5 billion of the total $22 billion worth of agricultural exports. In view of the importance of these exports to the national economy, to our balance of payments, and to the Nation's farmers as well, this level of funding is a small price to pay for restoring the integrity of our grain inspection system and enabling us to continue to export billions of dollars of farm products.

It should be pointed out that this funding is only an initial step in the Agriculture Committee's effort to improve our grain inspection system. It is my expectation that we will be considering further legislation to strengthen the inspection of our farm exports and that this legislation will come out of further hearings and investigations by the committee.

RESEARCH IN GRAIN HANDLING NEEDED

One problem connected to farm exports has not been addressed yet. That is the problem of grain being cracked or damaged in the loading of ships and handling in the transportation and storage system.

As public media accounts and testimony in our hearings have pointed out, many of our regular foreign customers have complained about receiving damaged grain. As foreign buyers everywhere well know, American produced grain is of the very highest quality. However, that quality is of no benefit if it arrives to the customer in damaged condition. Simply strengthening the grain inspection system is not likely to resolve this problem since grain inspection ends when the grain enters the auger to be loaded on the ship.

So I feel strongly that this problem greatly needs to be addressed. The problem could be resolved to a large degree by research on handling and loading techniques by the Department of Agriculture which could be adopted by our private grain trade.

The Senator from Kansas is pleased to see that this bill appropriates $263.9 million for agricultural research. Furthermore, we already have in existence research facilities that were constructed for the express purpose of doing research in handling and marketing of grain.

In 1970, the Agriculture Research Service completed construction of a multimillion-dollar grain marketing research laboratory in Manhattan, Kans., the purpose of which was to conduct continuing research in the handling, inspection, and marketing of grain. I have repeatedly appealed to USDA to make this facility fully operational through proper staffing and funding as has the National Association of Wheat Growers and other producer groups. We have not progressed in this area as is illustrated in the grain inspection problem we face today. I, again, strongly urge Secretary Butz to take prompt action to put this facility to work in this area.

As this Senator pointed out earlier, this bill provides over $263 million for agriculture research. That level of funding is an increase of $37 million over the administration's budget request. Since the level of funding is being increased, it is the strong hope of this Senator that a portion of this money could be used to do research in the area of grain handling. In an area as important to our national economy and balance of payments as farm exports, this research should certainly have a high priority.

FOREIGN MARKET DEVELOPMENT

As I pointed out in my remarks on grain inspection and grain handling, the economic importance of agricultural exports has grown in magnitude by leaps and bounds in recent years. It would be impossible to imagine how this country could pay for oil imports without the tremendous value we receive from farm exports.

In recent years the farm export picture has changed substantially. We have gone from subsidizing farm export sales at depression level prices to selling grain and other commodities on a cash basis. That change has been of benefit to consumers, taxpayers, farmers, and the entire Nation, although some so-called consumer advocates have failed to recognize the importance and long-range benefits this has to efficient and stable production of food commodities. Due to the importance of our foreign sales, the continued development of our overseas farm markets is of proportionally greater importance.

In this regard the committee is to be commended for the $2 million added for cooperative foreign market development activities of the Foreign Agricultural Service. This increase will help offset the increased costs of these activities due to inflation. The continued funding of these activities is of tremendous importance to the agriculture sector and the Nation as a whole.

And in view of the change from surplus sales to the cash basis, many of us in the Senate Agriculture Committee are concerned that these activities should be adjusted appropriately. I have joined the chairman of the Senate Subcommittee on Foreign Agricultural Policy in requesting hearings to evaluate how these foreign market development activities have been adjusted to account for the new types of sales. Unfortunately, hearings that were scheduled earlier were necessarily postponed because of the Senate debate on the New Hampshire election. This Senator intends to work with other members of the committee to set up meaningful oversight hearings in the near future to better evaluate the foreign market development activities of the Department.

But I believe the additional appropriation provided by the Senate Appropriations Committee is absolutely important and will be beneficial in maintaining the sales that are so important to this Nation.

Mr. President, on the whole, I believe this legislation has a great deal of merit. The Senator from Kansas is pleased to support the passage and enactment of this legislation.

Mr. McGEE. Mr. President, I yield to the Senator from Maryland.

Mr. BEALL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 6, line 1, strike "$263,925,000" and insert the following: "$264,325,000".

Mr. BEALL. Mr. President, I am almost reluctant to take my stand on this amendment because the increase asked for is such a meager amount, but I think my explanation will make it clear why it is important we have that kind of money.

Mr. President, the purpose of my amendment is to increase by $400,000 the budget of the Agriculture Research Service in order to provide additional funds for processing vegetable research. Funds will be used to improve the adaptability, productivity, and quality of certain vegetables, such as sweet corn, tomatoes, lima beans and spinach and asparagus. I might point out that these funds have been requested by research personnel at the Beltsville Research Center for inclusion in the fiscal year 1977 budget, and I am very hopeful that we might accelerate this program by including it in this fiscal year's appropriations.

Mr. President, I am a strong supporter of agriculture research in general, because I believe that by increasing agricultural productivity we can both lower food costs to the consumer and increase incomes to the farmer.

However, in recent years production of vegetables used for food processing, which makes up a significant portion in the eastern part of the United States, has declined significantly. For instance, vegetable acreage for processing in the mid-Atlantic States has decreased by 40 percent during the past two decades, while nationally, in the same period, such production has increased 40 percent. Such factors as competition for land from expanding population centers, yield-depressing effects of air pollutants, and insufficient labor have contributed to the drastic decline of vegetable production in the mid-Atlantic States.

I might also point out that as a result the food-processing industry has also dwindled drastically. In my State, according to the Bureau of the Census, vegetable processing establishments have decreased from 172 in 1947 to 50 in 1972. In 1947 8,000 employees were working in such establishments. Today there are only 1,600. Obviously, the industry needs to be revitalized.

In recent years, the damage caused by pests and variable growing weather have point out the weaknesses of currently available vegetable varieties grown for processing in the mid-Atlantic States. In addition, lower commodity yields per acre and less acreage planted have not encouraged growers to make the needed investments to keep abreast of growing and harvesting improvements for maximum production of most processing crops in the mid-Atlantic States.

Despite major imputs in research and procurements of specialized growing harvesting equipment by the processing industry, the supply of raw products of high-quality vegetables, particularly that of sweet corn and asparagus, has decreased to the point that the economic viability of some members of the processing industry in the mid-Alantic States is in grave doubts. For instance, in New Jersey, asparagus production declined from 20,700 tons in 1953 to 2,600 tons in 1973. Sweet corn production in Maryland declined from 84,000 tons in 1953 to only 50,000 in 1973. Similar declines in production of tomatoes, lima beans, and spinach have also occurred during the same period.

The mid-Atlantic States are close-proximity suppliers of vegetables to our Nation's largest population centers. Thus, energy transport costs to the markets are minimal. However, if we permit the vegetable processing industry in the mid-Atlantic States to decline as it has in the past, the only result will be high prices to consumers and a continuation of the trend by farmers of leaving that occupation for other pursuits.

Mr. President, my amendment is a modest one in that it would appropriate only an additional $400,000 for additional research into this problem. The money would provide funds to hire a geneticist, a plant pathologist, and a plant physiologist as well as subprofessional help and various supplies and equipment to work in this significant area.

The vegetable processing industry in the mid-Atlantic area is slowly but surely diminishing, causing serious economic impacts on rural sections of Maryland and other States. As a result, all eastern consumers are paying more and more for the processed foods which have become a staple of most American diets. My amendment would encourage a greater production and productivity in this area, and I hope that the distinguished floor manager might accept my amendment.

Mr. President, I think it is very important to the consumers of the eastern part of the United States that there be some immediate work in the research area to develop hardier varieties of vegetables so that we can have adequate production in the currently existing processing facilities.

The purpose of this amendment is to put $400,000 additional in the hands of the research service so that they can move up by 1 year. They request $400,000 for fiscal 1977 to begin this work. They are prepared to do it right now and my amendment will authorize them to begin this advanced research work in fiscal year 1976 so that we can have some relief for the hard-pressed consumer in the eastern part of the United States.

I think that the merit of the proposal is obvious and I would hope the managers of the bill would be willing to accept the amendment.

Mr. McGEE. Mr. President, I would like to say to my colleague from Maryland that his very meritorious proposal here was weighed carefully in subcommittee, along with 85 to 90 amendments from nearly every Member of the Chamber to ARS, the Agricultural Research Service.

They exceeded $100 million in their total research request.

Because of our hope to abide by budgetary limitations and responsibility, we finally made a determination in the subcommittee and unanimously in the full committee to handle the request of our colleagues in the following fashion.

We increased the $249 million for agricultural research that was sent over to us by the House by $15 million, without earmarking any of it. We instructed the Department to establish their priorities and keep the committee apprised of their priorities within that $15 million ceiling.

It was the only way that we could meet the budget requirements, and at the same time be fair to all of our colleagues who had a little over $100 million in requests for ARS, and we would be glad to add to the committee's submission to the Department the request made by the Senator from Maryland on this question.

Mr. FONG. Will the Senator yield?

Mr. McGEE. I am glad to yield first to my colleague.

Mr. FONG. I want to say that the House decreased the amount for research by almost $3 million.

The PRESIDING OFFICER. Will the Senator suspend?

The Senate will come to order so that we might listen to the Senator from Hawaii and the Senator from Maryland.

The Senator may proceed.

Mr. FONG. We added the $3 million back and we added another $15 million, so we are $18 million over and above the House amount. We will be happy to insert this item into our submission to the Department.

Mr. BEALL. I appreciate the response of the chairman and the ranking member of the subcommittee. Let me say this bit of research already has a high priority in the Department's research division. They are programing it for next year. I believe that the problem in the Eastern part of the United States, as far as the cost of food is concerned, is so important that it ought to be moved ahead to this year. We have to be doing things to make sure that food costs, which are constantly rising, are kept in check here in this part of the country.

Do I understand that what the Senators are saying is that the increase in the amount of moneys furnished in this bill, with no strings attached, gives the Department the ability to determine their own priorities and to make such adjustments and move ahead with this if they find it has merit?

Mr. McGEE. We are submitting to the Department a statement from the committee on those projects and programs upon which we received testimony and urgings from the individual Senators as further accentuating their significance, in our judgment.

Mr. BEALL. In other words, the Senator is telling me that he will agree with me in the report that this is something that deserves the very serious attention of the Department of Agriculture in order to bring some relief on food costs in the Eastern part of the United States and assure that there will be an adequate supply of processed foods for people who live in Rhode Island and other parts of the eastern seaboard.

Mr. FONG. We are doing that.

Mr. BEALL. I appreciate the understanding of the chairman and the ranking Member and, Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. McGEE. I know of no additional amendments and if we can go to third reading, I want to then yield to Senator HART and Senator DOMENICI.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. McGEE. I yield 1 minute to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I rise to thank the committee and in particular the members of the staff who cooperated in seeing that the mutual self-help housing program be funded in this bill. The administration proposed no money for the mutual self-help housing program. I appeared and talked with the members of the committee, in particular Senator BELLMON and certain staff members, expressing my concern about the administration's position, explaining what an excellent program this mutual self-help housing was and that the few things that were wrong with it would be cured if the administration would just get on with pursuing it with some vigor.

I am delighted that my position was sustained. The committee did not cut it but added substantially to it. This should prove in the next couple of years that offering people an opportunity with their own families to build parts of their own house, to associate with technical vocational training programs as an apprenticeship in building their homes, getting these products very reasonably, doing some of their own tile work, building their roofs, the kinds of things that I saw in the program, that we will see this not only as an expanding concept in housing in the years to come, rather than that it should be diminished or cut out.

I thank the chairman not only for continuing it but for almost doubling the $5 million that is in the program this year.

Mr. McGEE. I want to say that the Senator did testify before the committee. He felt strongly enough to appear in person and discuss this. It assisted us in arriving at some equity for the program.

Mr. DOMENICI. I appreciate the chairman's comments.

Mr. McGEE. I yield to the Senator from Maine.

Mr. MUSKIE. I thank the Senator.

Mr. President, my objective in speaking on the agriculture and related agencies appropriation bill for 1976, H.R. 8561, is to reflect on the national priorities in this bill and to give some general sense of the impact on the overall budget targets set in the first concurrent resolution on the budget, House Congressional Resolution 218, last May 14.

I wish to commend Senator McGEE, Chairman of the Agriculture Appropriations Subcommittee, and Senator BELLMON, ranking member of the Senate Budget Committee, for their recognition of the limitations imposed by the budget resolution.

The agriculture and related agencies appropriation bill, H.R. 8561, appears to be consistent with the aggregate levels of spending anticipated in the budget resolution and, to the degree that one can make precise calculations where entitlement programs such as food stamps and price supports are involved, within the general guidelines of the seven functional categories which fall under this bill.

The agriculture function, in which commodity supports are included, requires continuing attention because of the uncertainty of price levels may require outlays exceeding the target figures.

I would point out that this conclusion takes into account the projections of the Congressional Budget Office regarding the annualized cost of the food stamp and other nutrition programs. This bill recognizes that the President has not yet formally readjusted his estimates through a budget amendment and therefore has only recommended budget authority consistent with his earlier request, although reports of both the Senate and House committees and the midterm review by OMB recognize that additional funds will be required through a supplemental to acknowledge these necessary claims.

While this bill appears to be consistent with the budget resolution, flexibility is declining—the difficulty of future choices and trade-offs becomes more acute as we move through the appropriations process. We must apply a clear standard of "compelling requirement" for every amendment offered today to this bill as well as to any supplementals which might be required later in the fiscal year.

The current recession has significant impacts on this critical sector of the economy. All Americans—be they farmers or consumers—are touched by this bill. Agriculture is a bellwether—good times for farmers indicate generally good times for us all. When depression strikes the farm, havoc results not only to the farmer but to us all.

H.R. 8561 makes important contributions to relieving these difficulties and supporting significant agricultural activity.

Title I of the bill deals, among other things, with funds for the extension service—a particularly valuable program in my own State of Maine: the Federal-State marketing improvement program, designed to bridge the gap between research and its practical use by producers and marketing agencies; and the Agricultural Stabilization and Conservation Service, designed to protect and improve the farmer's income against the vagueries of depression, to keep agricultural production in line with our anticipated requirements and needs, and finally to put a greater reliance on the marketplace as the principal source of farm income.

Title II of this act relates to rural development and assistance and is critical if we are to continue to support necessary loans for rural housing, rural industrialization and other important business and industrial development grants in the rural development area. Moreover, it supports the essential programs of the Farmers Home Administration.

Title III of H.R. 8561 provides critical help for people throughout the United States significantly affected by the worst economic conditions since the 1930's. It provides for a special milk program, school lunch programs, the food stamp program and a special supplemental food program designed to provide cash grants to make supplemental food available to pregnant women, nursing mothers and children up to four years of age.

Title IV of the bill primarily deals with the Public Law 480—food for peace program. The funds requested here reflect reductions made because of the changing conditions in Southeast Asia.

It is critical to point out to all that while some harbingers of doom cry the end of the importance of agriculture and the small farm in America, in my State of Maine our agriculture is alive and growing, but struggling under the burden of recession.

Let me share a few facts with you.

The decline of the farms halted in 1974 and 1975.

The size of farms has increased from an average of 203 acres to 225 acres from 1965 to 1974.

The value of farm real estate has increased 71 percent since 1970.

But all is not positive.

In 1973, sales were $407 million, in 1974 sales were $466 million. The impact of our current economic difficulties is likely to cause farm income to drop in 1975 to below 1973 levels.

The income of Maine dairy farmers fell 10 percent in real terms last year.

Potato farmers suffered a serious decline.

The erratic nature of the market in Maine and throughout the country—a market buffetted by wind, weather, and the economy—cannot well stand the strain.

Many provisions of this agriculture appropriations bill can serve to moderate the difficulties and the strain.

I wish to commend again the work of Senator McGEE and the distinguished Senator from Oklahoma, Senator BELLMON.

I intend to vote for it in the hope that it will assist farmers and Americans affected by rising food costs in dealing with the continuing pain of our depression.

In general, I will say that this bill falls within the general guidelines of the first concurrent resolution, and I would like to vote for it. I would like to flag two points, however, so that Senators may be aware. First of all, the bill avoids appropriating the full funds required for the food stamps and, instead, provides 7/12ths of the needed funds. A supplemental appropriation will be needed, therefore. This is recognized in the report of the committee, but I thought it ought to be brought to the attention of the Senate.

The staff of the Budget Committee has annualized the food stamp needs and, given all of the exigencies and unknowns, the number appears to be within the resolution on that item.

The second point that I would like to make is the agricultural function, which is one of seven functions represented in the bill and could conceivably be over the target, depending upon prices in the marketplace. New estimates probably will be required before the end of the year. The determining factor is the level of price support required. If prices should fall, then the costs would rise and we could be faced with a figure that rises above the budget resolution.

The best available information at this time is that because of present price trends, this function will, in the final analysis, approach the target figure.

I thought those two points ought to be made in connection with the budget resolution. I commend my good friend from Wyoming, the chairman of the subcommittee and the ranking Republican (Mr. BELLMON), who is also ranking on the Budget Committee, for their assistance.

Mr. McGEE. The members of the committee appreciate the Senator's comments inasmuch as his new role as chairman of the Budget Committee makes it possible to make an assessment in terms of fiscal responsibility.

We are very agreeable to the assessment that he has made and appreciate the generosity of his remarks.

I just want to say that my ranking minority member has been of indispensible help and leadership in this whole enterprise, to try to get this within the strictures of budget mandates and the sense of responsibility at this time.

I thank the Senator from North Dakota, likewise. Without them it would have been impossible to arrive at this point in the negotiations.

The chairman of the full committee is our toughest task driver of all. It is he who said "If you do not stay under the tent, you may have to get out entirely."

So as a self-motivating device we have met the requirements of our most respected full committee chairman, the distinguished Senator from Arkansas, and hope that this bill meets those requirements.

Mr. FONG. Mr. President, I want to join my distinguished chairman in commending all of those distinguished Senators he has named. I have already applauded my distinguished chairman for his fine work in my earlier statement, so I will not say anything further.

AGRICULTURE APPROPRIATIONS—TOBACCO SUBSIDIES

Mr. MOSS. Mr. President, usually at this time each year, while we are considering the Agriculture Appropriations bill, I offer an amendment which precludes the use of any of the funds appropriated for the purpose of suporting the growth and sale of tobacco in any manner. I will not do so today for a number of reasons. In refraining from offering the amendment, however, let me make it clear that I continue to oppose the tobacco assistance and crop subsidy program.

While I believe Congress has abdicated its responsibility to review the impact of the tobacco program upon the health of the American people, clearly the program appears to be a "healthy" one for tobacco farmers. But in the long run, does it make sense for the U.S. Government to support the growing of a crop which will result in death and disability among our people? I believe the failure of the Congress to evaluate the impact of the tobacco program amounts to an abdication of our responsibilities to all Americans.

I do not offer my amendment today because the Senate has already voted on this issue earlier this year. During consideration of the Emergency Farm bill, the Senate voted 26 to 55 to continue the crop subsidy program for tobacco. But I would note that on an amendment which I offered to phase out the program over several years, the vote was 32 to 51.

Several years ago, when I offered an amendment to eliminate the tobacco program, I received only six votes in favor.

The process of education is a long and slow one, just as the process of legislating is often slow and tortuous. Clearly there is considerable sentiment in the Senate to phase out the tobacco program. Next year and in following years, if necessary, I pledge to continue my efforts to do so.

In so doing, however, I am not unmindful of the effects of termination of crop subsidies on the tobacco farmer. These hard-working individuals are not to blame. They began to grow tobacco before medicine determined conclusively that its use was debilitating and lethal. And it is for that reason that I intend to develop a comprehensive program which will try to help these farmers and at the same time help this nation fight the battle against tobacco-related disease.

The program on which I will devote my energy includes the following seven areas:

One, advertising of any sort for cigarettes should not be an allowable as a tax deduction from corporate income taxes.

Two, the tax structure on cigarettes must be altered to place a greater burden on those cigarettes containing higher tar and nicotine content.

Three, research on tobacco-related diseases must be increased.

Four, efforts to warn the public of the hazards of smoking, including efforts by private organizations, must be increased and, if necessary, subsidized by the Federal Government.

Five, the rights of the nonsmoker must be protected from those who would infringe upon these rights. Separate places for smokers and nonsmokers must be established in public places.

Six, absolute limits must be placed on the tar and nicotine content of the cigarettes. Those who insist upon smoking must not burden society with the costs of the treatment of smoking-related disease.

Seven, a comprehensive program must be undertaken to eliminate tobacco subsidies and to convert as much tobacco land as possible to useful crops. This could alleviate food shortage, as well as limit tobacco culture. In this program, the U.S. Department of Agriculture's county agents would be used to counsel farmers. Noninterest loans for conversion of tobacco lands to other crops should be provided. Over time, all tobacco subsidies must be phased out.

I hope my colleagues will join with me in this program designed to stamp out the most preventable form of disease in the United States today.

Mr. McGOVERN. Mr. President, I am pleased that the Committee on Appropriations has recognized the vital need to increase Federal funding for the development of overseas markets for U.S. farm products, and that it has added $2 million in its bill for this purpose. Although this amount is less than the additional funding sought by myself and Senators HUMPHREY, DOLE, BELLMON, YOUNG, ALLEN, HUDDLESTON, CLARK, STONE, and LEAHY, it represents an important addition which will help restore efforts seriously crippled by budget reductions and inflation.

U.S. farmers will harvest record crops this year, and we must have strong overseas markets to assure that our producers can continue to meet the challenge of full agricultural production. Moreover, farm exports are essential to strengthening the dollar and improving our balance of payments. Failure to conduct an effective foreign marketing program could result in the loss of $7 billion in desperately needed foreign exchange.

Corrupt practices which have been revealed in our marketing system have seriously jeopardized the Nation's reputation as a reliable supplier of quality farm products and threaten to reduce export sales. The Committee on Agriculture and Forestry is conducting an indepth probe into this problem and will take action to correct and prevent future occurrences of this nature. These developments also require that we strengthen our marketing programs and rebuild our standing in world agricultural markets, and the funds provided in this bill are essential to these efforts.

I commend the Committee on Appropriations for providing the additional funding needed to protect and improve foreign exchange earnings through farm exports and urge that all efforts be made to retain this funding in conference.

I ask unanimous consent that the request by members of the Agriculture Committee for additional funding be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., March 25, 1975.

Hon. HERMAN E. TALMADGE,
Chairman, Committee on Agriculture and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The United States is in real danger of losing $7 billion in foreign exchange due to sharply lower values of farm commodities to be exported during Fiscal Year 1976. Prices for grains and oilseeds have dropped almost one third during the past four months. Yet, the cost of oil and other necessary imports continue at record high levels.

Record farm exports of some $22 billion during FY 1975 are the key to strengthening the American dollar and the mainstay of our balance of payments. The United States cannot afford the loss of billions of dollars of foreign exchange in the coming fiscal year due to farm prices depressed because of the speculation that record crops will be harvested this fall and there will be a small increase in the world carryover of grains.

An aggressive program should be launched immediately to expand the export markets for U.S. farm commodities.

More federal funds should be appropriated for the joint cooperative market development program administered by the Foreign Agricultural Service, U.S. Department of Agriculture, and carried out through contracts with some forty commodity associations. This program has been underway since 1954 but is currently inadequately funded within the Administration's proposd budget.

In 1967, $13 million was appropriated for the foreign market development program. In fiscal 1974, only $11.1 million was available for market development; and, due to inflation, the purchasing power of that $11.1 million compared to the 1967 dollar was only $5.3 million.

It was just last year that another $1 million was deleted from the seriously deteriorated market development budget. Industry groups, meanwhile, continue to increase funding from their sources and currently carry seventy percent of the market development program costs, so this is no federal give-away.

Market development activities of all commodity groups during the past twenty years contributed significantly to the development of the $22 billion in U.S. farm exports envisioned this fiscal year. It is essential in a world economic environment dominated by high oil cartel prices that the U.S. receive high prices for our natural resources—the farm commodities that we export.

The Congress should consider increasing the appropriation for FY 1976 for foreign market development by twenty-five percent of the $12 million base to offset some of the effects of inflation and to immediately stimulate efforts to expand the foreign markets for U.S. farm products.

This action is further justified by the forty cooperator groups increasing their contribution to the program by fifty percent, or $8.5 million, since 1970.

The threatened loss of $7 billion in U.S. exports is an emergency issue that deserves consideration. An immediate increase of $3 million in federal funds for overseas market development in Fiscal Year 1976 for U.S. farm products is therefore, and hereby, requested.

We would appreciate Committee considerations of submitting a supplemental request to the Senate Budget Committee urging that $3 million be added to the Fiscal Year 1976 budget authority and outlays for "Foreign Market Development (FAS)" to achieve the purpose cited above.

Sincerely,

Hubert H. Humphrey, Bob Dole, Henry Bellmon, George McGovern, James B. Allen, Walter D. Huddleston, Dick Clark, Richard B. Stone, Patrick J. Leahy, Milton R. Young.

Mr. DOMENICI. Mr. President, I wish to commend the committee for its foresight and determination in increasing the level of appropriations for the mutual and self-help housing program. I am pleased to say that the committee increased the funding level from a $5 million level in fiscal year 1975, to $11.25 million for fiscal year 1976 (figure includes transitional period funds).

Section 523 of the Housing Act of 1949, as amended, authorizes Farmers Home Administration—FHA—to provide nonprofit organizations with financial assistance to help low-income families carry out self-help housing programs in rural areas.

Self-help housing is the method by which families, working cooperatively, construct their own housing using professional supervision. Section 523 provides for administrative money to be used by the nonprofit organizations to help families obtain loans under section 502, the FHA homeownership program along with the necessary construction supervision.

The importance of the self-help method is that it is the only program which provides housing for low-income families who because of their poor financial conditions have previously been ineligible for other FHA housing programs. The self-help approach also enables families to construct homes at a cost considerably below comparable contractor-built units. Another very important factor that is often over looked is that the participants of self-help housing programs developed a unique sense of pride and financial interest in the home built with their own hands.

In southern New Mexico, the Tierra del Sol Housing Corp. has been working with low-income families in building much-needed, low-cost housing through the use of section 523 funds. The community would have never been able to meet their low-cost housing demands had it not been for self-help.

The administration's proposed budget for fiscal year 1976 does not request any funds for the self-help program, section 523. The administration's budget report states that:

> Grants plus the cost of associated loans have resulted in high unit costs to the Government without corresponding benefits to those aided.

I cannot speak for all self-help housing programs but I do know that the accomplishments at Tierra del Sol should be commended not eliminated. Nowhere in the Federal Government do we have a program that places such emphasis on encouraging those people in need to work together to achieve home ownership.

The administration's criticism of rising "costs to the government" fails to mention that many of the problems limiting the self help program's efficiency are attributable to FHA's failure to provide the necessary technical assistance and supervision. Many FHA county and state officers are unfamiliar with the program, others due to an already heavy work load are reluctant to process self-help grants and loans.

Section 523 also authorizes FHA to make loans for self-help housing projects for site acquisition and development loans from the Self-Help Site Development Loan Fund. There have been 79 self-help grants made in this country since fiscal year 1966 and over 5300 units have been built, or are being built by participation families using the self-help method.

In New Mexico approximately 166 home have been built or are being built using the self-help method and FHA funds since fiscal year 1968.

According to the 1970 census, New Mexico has over 45,000 families living in poverty, and almost 67,000 substandard units. Almost 30 percent of the units in rural areas or approximately 27,000 lack plumbing. Many of the low-income families living in these substandard units in rural areas could conceivably benefit from FHA's self-help program. Discontinuing the program would preclude many from pursuing their dream of home ownership.

Mr. President, again, I wish to thank my colleagues on the Appropriations Committee for continuing this most worthwhile program. I am proud of the accomplishments of my state in this area. With this additional money, we will be able to offer many new families the opportunity to build their own homes at a lower cost to the government than any previous Federal Home Ownership Plan.

Mr. STEVENS. Mr. President, during full committee markup on this bill, I indicated that I would have a question for the managers of the bill regarding Agriculture Research Service funding.

I seriously doubt that there is any State in the Union where inflation has affected the ARS program as it has in Alaska. In testimony I submitted to both the House and Senate Agriculture Appropriations Subcommittees, I discussed in some detail the effect that inflation has had on the Alaskan ARS program.

Briefly stated, inflationary trends coupled with static budget support has eroded the Alaskan ARS operational funds to a point where approximately 96 percent of funds-to-location are committed to salaries. Further stated, operational funds, which support travel, supplies, equipment, fertilizers, seasonal labor, and so forth, are near $9,000 per scientist, a seriously inadequate figure, ranking about one-third of viable program needs in the high-cost area requiring considerable travel for execution of operation.

Inflationary pressures have forced the Alaska ARS research headquarters to terminate a full-time soil scientist and several technicians as of December of last year. With the termination of the soil scientist the research staff was lowered from seven to six—and this at a time when increased demands are being received for research information.

Resource development, the Alaska Native Land Claims Act, new settlement and activities on many fronts in my rapidly changing State demand research information beyond present capabilities to respond. No possibilities exist for transfer of information and technology from other States in subjects such as reindeer management, revegetation using subarctic- and arctic-adapted plant species, utilization of subarctic rangeland, and nutritional aspects of food produced under long, high-latitude growing periods.

The ARS is charged with providing research information to the Soil Conservation Service. Demand for increased SCS involvement in many spheres of Alaskan activity has been severely limited by inadequate information.

Question: It is my understanding that the committee has added $15 million to the ARS budget of which $10 million is to meet necessary inflation-related costs. Is this correct?

Mr. McGEE. The Senator from Alaska is correct. The committee recommended an additional $15 million for agricultural research. In providing this amount we intended that most of this amount, or approximately $10 million would be used to take care of the inflationary pressure this agency has experienced this past couple of years. We have also provided a general increase of $5 million for high priority research.

By taking this action we hope the agency will be able to restore some of the reductions in programs it has been forced to make in the past and to protect on-going priority research programs.

Mr. STEVENS. Mr. President, I thank the Senator from Wyoming, I shall do all I can to secure restoration of the ANS effort in Alaska.

Let me also, Mr. President, express my appreciation to the Senator from Wyoming and the committee for earmarking $52,000 for the continuance of a Statistical Reporting Office in Alaska, and for adding language in the report to indicate that a portion of the $5 million added to the Soil Conservation Service budget be used to meet the immediate needs for accelerated oil survey work in Alaska.

Mr. BURDICK. Mr. President, I want to commend the committee for the fine and productive work it has done in preparing the agriculture appropriations measure. I believe the Members' careful consideration of the important questions before them is of great importance to the people of Rural America and to all the people of this country.

It is appropriate to focus on this most important phase of our economy. American agriculture has been the most productive and the most efficient in the world. The long-term well-being of this Nation, as well as the world, is closely tied to the continued successful development of our agricultural productivity. Currently, one out of four jobs in private employment in this country relates to agriculture. America's farmers also spend more than $100 billion a year on products and family living expenses. It is quite evident, Mr. President, that American agriculture is a major source of jobs and a vast market for industry. I hope the Congress will find the administration reacting in a positive manner in response to our recognition of the need for more funding of agricultural programs. I am most happy that the committee understands and comprehends the necessity for more funding and for rejecting harmful budget cuts by the administration.

Before closing, I would like to make one final point regarding the Soil Conservation Service. This Federal agency has done much in protecting our environment and natural resources since its beginning under President Franklin D. Roosevelt in 1935. The committee's support for more funding for SCS programs and personnel is one I applaud. For many years the Soil Conservation Service has been of major help in increasing the productivity of American agriculture. Due to the recent flood which struck the Red River Valley in my home State of North Dakota and neighboring State of Minnesota, funds are especially important in continuing cost-sharing programs, particularly for erosion control. The bill also includes additional money for disaster assistance.

I enthusiastically endorse this proposal, and urge my colleagues to support its bill. This is a necessary and responsible measure and I look forward to its rapid enactment.

PLUM ISLAND ANIMAL DISEASE CENTER

Mr. STONE. Mr. President, I wish to point out that there is a necessary item for which funds have not been appropriated by this bill. The Agricultural Research Service of the United States Department of Agriculture made a request for a supplemental appropriation for fiscal year 1975 in the amount of $9.45 million for the expansion of the Animal Disease Center at Plum Island, N.Y. The expansion of this laboratory and its high security holding facilities is imperative for the operation of the animal quarantine facility at Fleming Key, Fla., scheduled to be completed in late 1977.

Fleming Key, near Key West, will be the first livestock quarantine center in the United States. At present, we must import livestock through Canadian facilities and we have long struggled to become independent so that exotic blood lines can come directly from Europe to the United States. The money requested by USDA for Plum Island is to expand the facility and diagnostic laboratories there and to build a pilot plant for vaccine production to produce inoculum to treat any major outbreak of diseases such as hoof-and-mouth disease brought into the country by animals imported into Fleming Key. Present supplies are limited and are considered insufficient to combat a large-scale disease outbreak. The vaccine to be produced at Plum Island will also be used in disease eradication programs in Central America which are a direct threat to American cattle production. Planning and engineering studies have been completed for the Plum Island facility and the start of construction is waiting only for release of funds by the Office of Management and Budget. These additions are needed before Fleming Key opens in January 1978 and construction should begin as soon as possible to meet the deadline.

Because I considered this situation to be so vital to agricultural interests thoughout the country, I introduced Senate Resolution 190 expressing the sense of the Senate that the Office of Management and Budget expedite its consideration of the supplemental budget request of the Agricultural Research Service for fiscal year 1975 for $9.45 million for the expansion of the Plum Island Animal Disease Center. The resolution was considered and agreed to on June 19, 1975. Unfortunately, OMB did not act on this supplemental request by ARS.

I have considered offering an amendment to this appropriations bill at this time to add the additional $9.45 million requested by the Agricultural Research Service to expand the Plum Island facility. However, I am informed by the staff of the Appropriations Subcommittee on Agricultural Environment and Consumer Production that it would rather await a request from the ARS for these funds for the fiscal 1976 budget before it acts on approving these additional funds. will, therefore, defer submitting this amendment at this time, but I expressly intend to submit this amendment during consideration of the first agriculture supplemental appropriations bill this fall. I am hopeful that in the interim the Agricultural Research Service will have formally submitted its request for an amendment to the fiscal 1976 budget and that this body will approve these additional funds which are so vitally needed for the livestock industry and the American consumer.

RURAL DEVELOPMENT EMERGENCY ASSISTANCE

Mr. TAFT. The Agricultural Appropriations bill, H.R. 8561, contains provisions for emergency loans to be made by the Farmers Home Administration in designated areas where a natural disaster has caused a need for agricultural credit. This appropriation follows the approval by the Senate earlier this week of legislation to simplify the procedures under which emergency loans are made to victims of natural disasters, and to make additional credit available.

Agriculture, more than any of our national industries, is dependent upon the whims of Mother Nature for success. Storms have destroyed crops, and entire farms. Drouth has wiped out hopes for record crops and has caused poor crop conditions to prevail. While some disasters are more dramatic than others, the hardships for the individual producer are great, and the effects of a single disaster on the production of an entire area of our Nation can be devastating.

It is essential that we provide a mechanism for efficient disaster relief, unencumbered by redtape, and generous enough to keep afflicted farmers in farming.

The Agriculture appropriations bill which we are now discussing authorizes the Secretary of Agriculture to make loans in any amount necessary to meet the needs resulting from natural disasters. Emergency loans are made primarily for financing farm operating needs and family living expenses. Loans are repayable at 5-percent interest.

In Ohio, as in other States last year, poor crop conditions have prevailed at times when record crops had been anticipated by importing nations, American consumers and the farmers.

During an emergency, assistance is needed immediately.

I am pleased to note that the Congress has passed legislation to simplify procedures and provide timely assistance at a level of up to $100 million in budget estimates. I would point out, however, that this flies in the face of the estimated present level of $735 million. Recent disasters indicate that is more realistic. However, the Secretary is authorized to make whatever funds are needed to cover the needs resulting from the natural disaster.

IMPORTANT AREAS OF AGRICULTURE RESEARCH—PREDATOR CONTROL, SOD WEBWORM

Mr. ABOUREZK. Mr. President, I am happy to note that the Senate Appropriations Committee has recommended additional money for Agricultural Research—$15 million above the President's request. That increase should provide for a number of projects of extreme importance which otherwise might not be carried out.

One such project is a modest but highly important project in South Dakota, the study of the sod webworm. The sod webworm has caused extensive damage to range grass in 12 counties in western South Dakota. There are no answers for its control. The damage is spreading over a larger and larger area.

Earlier this year, South Dakota State University at Brookings prepared a 3-year study proposal that would require $42,500 annually. I was advised by Dr. T. W. Edminster, director of the Agricultural Research Service that the administration budget request would not provide sufficient funds for new projects such as this.

Approval of the committee-passed amount, providing for an additional $15 million, will obviously provide for additional work by this agency, work that is of extreme importance to production of our food and fiber, such as study of the sod webworm.

Another project which deserves highest priority is research into nonlethal methods of predator control. Losses from predators are a serious problem in the Plains States, and the Government has essentially tied the hands of ranchers without alternatives.

I am extremely pleased that the Senate Appropriations Committee has recognized and clearly stated the priority predator control research should have. I fully endorse the recommendation of the committee that:

> All agencies concerned (meet) this problem with more vigor and a greater degree of cooperation and coordination than before . . . this represents a loss of proportions that neither the industry nor the nation can tolerate.

Mr. HUDDLESTON. Mr. President, I have often said that agriculture is the central sector of our economy. In addition to providing food for our tables, it is a major contributor to economic stability and growth.

Last year the more than $100 billion of U.S. agricultural marketings created economic activity many times that amount. U.S. farmers purchased over $75 billion worth of production inputs last year. This creates jobs in every industrial center in the Nation.

The goods of the American farmer provide thousands of additional jobs in transportation, wholesaling, processing and retailing. In 1974 these activities accounted for an additional $95 billion.

Agriculture has been the lone prop of the dollar in the world market. It is a support that must not be jeopardized. If it had not been for agricultural trade surpluses our trade balance would have been another $26 billion deficit over the past 5 years. In 1973, the only year in the past four that we had a positive trade balance, the $9.3 billion net trade contribution from agriculture offset a nearly $9 billion nonagricultural trade deficit. Without the net trade balance of nearly $12 billion from agriculture in 1974, our trade deficit last year alone would have plunged to almost $18 billion.

My State, Kentucky, has a value of farm production in excess of $1.6 billion. Over half the population of Kentucky, directly or indirectly, earns a living from agriculture.

The livestock sector of Kentucky agriculture produces nearly $700 million worth of meat and milk. These livestock products feed people all over the Nation. Kentucky feeder calves can be found in the feedlots of Texas, Nebraska, Iowa, and Illinois. Kentucky lamb can be found on the tables in New York and Florida. Schoolchildren in virtually each of the seven States that border Kentucky drink milk from Kentucky cows for lunch.

Mr. President, the legislation before us is designed to sustain and reinforce our great agricultural base. It provides funding for a variety of research and experiment programs, direct assistance to farmers, and efforts to improve the economic base of rural areas.

Included are funds for the Agricultural Research Service which conducts research in the fields of livestock, plant sciences, water conservation, agricultural engineering and related areas. One of the research projects which ARS has funded over the years is the tobacco research program at the University of Kentucky. This has been a most important project, as we have sought to learn more about the properties of tobacco which affect the health of smokers and to develop means to eliminate any harmful substances found. I am particularly pleased that this program has been listed as a priority research project in the committee report.

The bill contains funds to finance animal and health inspections and to control animal and plant diseases and pests. This year the allotment for the brucellosis program was increased by about $4 million. The 11 Southeastern States are endemic areas in that most of the brucellosis in the United States is centered in these States. Currently, States surrounding the affected States are embargoing cattle from the infected areas by enforcing rigid quarantine regulations.

The Statistical Reporting Service undertakes a number of surveys which provide information to farmers and producers regarding the anticipated production of items. Included in this appropriation is funding for the white corn survey, which the Department has sought to abolish.

For the extension service, the committee has provided an enlarged role in nutrition training in poverty areas. In my own State of Kentucky, we have an expanded food and nutrition program, which has proven most effective in bringing education and information to consumers in lower-income areas.

The committee, like the House, has again sought to rebuff efforts of the administration to eliminate the agricultural conservation program—ACP. This program is designed to restore and improve soil fertility, to reduce erosion and to conserve water on land. At a time when we have an increased amount of farmland in production, we should certainly not be cutting back on this program.

Also included in the bill is funding for the Agricultural Stabilization and Conservation Service, the Co-operative State Research Service which operates our experiment stations, the Commodity Credit Corporation and the Soil Conservation Service—all of which perform important services for our farmers.

The bill before us also provides for major advances in the rural development area. Provision is made for the implementation of the expanded rural housing program under which communities of up to $20,000, rather than 10,000, are eligible for assistance. In my State, at least 10 communities could benefit from the implementation of the program by the Farmers Home Administration.

New initiative can be undertaken in rural areas with the additional funds which will be available for water and sewer loans and grants. The committee has recommended $100 million in water and waste disposal grant funds, which together with the $150 million provided in the second supplemental, will allow a program level of $250 million in fiscal 1976. In addition, a $470 million loan authority is provided for water and sewer loan facilities.

Another important aspect of rural development is fire protection. Because of disadvantages associated with distances and the growing costs of providing fire protection, rural fire protection services have lagged behind urban ones. Unfortunately, the administration requested no funding for this program but the House and the Senate Committee have provided $3.5 million, which is the level of last year's funding.

Mr. President, I believe this bill will contribute soundly to meeting the need of the American farmers and the American people who depend upon them.

The PRESIDING OFFICER. Do the Senators yield back the remainder of their time?

Mr. McGEE. I yield back the remainder of my time.

Mr. FONG. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The bill, having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Montana (Mr. METCALF), the Senator from Wisconsin (Mr. NELSON), the Senator from Mississippi (Mr. STENNIS), the Senator from Missouri (Mr. SYMINGTON), the Senator from Ohio (Mr. GLENN), the Senator from Idaho (Mr. CHURCH), the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Illinois (Mr. STEVENSON), and the Senator from Indiana (Mr. HARTKE) are necessarily absent.

I also announce that the Senator from Michigan (Mr. HART) is absent because of illness.

I further announce that, if present and voting, the Senator from Missouri (Mr. SYMINGTON), the Senator from Idaho (Mr. CHURCH), the Senator from Illinois (Mr. STEVENSON), the Senator from North Dakota (Mr. BURDICK), and the Senator from Mississippi (Mr. EASTLAND) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. GOLDWATER), the Senator from North Carolina (Mr. HELMS), the Senator from New York (Mr. JAVITS), the Senator from Nevada (Mr. LAXALT), the Senator from Idaho (Mr. MCCLURE), the Senator from Illinois (Mr. PERCY), and the Senator from Virginia (Mr. SCOTT) are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

I further announce that, if present and voting, the Senator from New York (Mr. JAVITS) would vote "yea."

The result was announced—yeas 73, nays 3, as follows:

[Rollcall Vote No. 333 Leg.]

YEAS—73

Abourezk
Allen
Baker
Beall
Bentsen
Brooke
Buckley
Bumpers
Byrd, Robert C.
Cannon
Case
Chiles
Clark
Cranston
Culver
Curtis
Dole
Domenici
Eagleton
Fannin
Fong
Ford
Garn
Gravel
Griffin
Hansen
Hart, Gary W.
Haskell
Hatfield
Hathaway
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Johnston
Kennedy
Leahy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Mondale
Montoya
Morgan
Moss
Muskie
Nunn
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Schweiker
Scott, Hugh
Sparkman
Stafford
Stevens
Stone
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—3

Byrd,
Harry F., Jr.
Ribicoff
Roth

NOT VOTING—23

Bartlett
Bayh
Bellmon
Biden
Brock
Burdick
Church
Eastland
Glenn
Goldwater
Hart, Philip A.
Hartke
Helms
Javits
Laxalt
McClure
Metcalf
Nelson
Percy
Scott,
William L.
Stennis
Stevenson
Symington

So the bill (H.R. 8561), as amended, was passed.

Mr. McGEE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. FONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McGEE. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. GARY W. HART) appointed Mr. MCGEE, Mr. MCCLELLAN, Mr. STENNIS, Mr. PROXMIRE, Mr. ROBERT C. BYRD, Mr. TALMADGE, Mr. FONG, Mr. HRUSKA, Mr. YOUNG, and Mr. HATFIELD conferees on the part of the Senate.

Mr. McGEE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make any necessary technical and clerical corrections in the engrossment of the Senate amendments to H.R. 8561.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume routine morning business for the purpose of the introduction of bills, resolutions, petitions, memorials, and statements into the RECORD only.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIMPLE SAVINGS

Mr. STONE. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial that appeared in Today, a newspaper of central and north Florida, dated Friday, July 18, praising Senator BUMPERS' bill, S. 2409, of which the Senator from Florida is a cosponsor, permitting and encouraging States to allow right turns at red lights at all times in order to promote efficient use of fuel.

Mr. HANSEN. Mr. President, I do not want to object, but I, too, am a cosponsor of that measure, and I would like to have credit.

Mr. STONE. Mr. President, the Senator from Florida observes that the Senator from Wyoming is a vigorous cosponsor of this good legislation.

Mr. HANSEN. I am most grateful.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SIMPLE SAVINGS

The following item comes from U.S. Sen. Dick Stone:

"Florida and 45 other states that permit right turns at some red lights at traffic intersections have found they present no safety hazards and both assist traffic flow and lower fuel consumption.

"I have joined with Sen. Dale Bumpers (of Arkansas) as co-introducer of S. 2409, a bill that would encourage states to allow right turns at red lights at all times in order to promote efficient use of fuel. Gasoline savings could amount to almost a billion gallons a year, according to Sen. Bumpers' research."

We think the senators have a good idea. No doubt a considerable amount of fuel could be saved on a nationwide basis by small changes in traffic signal synchronization, ordinances, traffic patterns, etc.

One of the biggest gasoline wasters, a veteran police chief once told us, is the four-way stop sign. These signs cause every car that comes to the intersection to come to a complete stop. This stopping and starting of hundreds or thousands of cars a day is a big fuel waster, to say nothing of the added vehicle wear and tear it causes.

If the traffic flows on both streets at the intersection are nearly equal, the sign should be replaced with a traffic signal. If the traffic on one of the streets is clearly above the other street's volume, an ordinary stop sign should be used instead of the four-way stop, giving the street with the heavier traffic flow the right-of-way and thus saving many cars from stopping and starting.

And, as we have noted before, better enforcement of the 55 m.p.h. speed limit would save fuel while contributing to better traffic safety.

ORDER FOR MESSAGE FROM THE HOUSE OF REPRESENTATIVES ON H.R. 8714 TO BE HELD AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the message from the House of Representatives on H.R. 8714 be held at the desk pending further action.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, appoints the Senator from Iowa (Mr. CULVER) and the Senator from Alaska (Mr. STEVENS) to the President's Commission on Olympic Sports.

THE RESIGNATION OF SECRETARY HATHAWAY

Mr. HATFIELD. Mr. President, Secretary Hathaway's resignation is more than a personal tragedy. His sensitivity and openness to people and events around him did not prepare him for the fierce political hassle surrounding his confirmation. As a relaxed "old shoe" personality, he took very personally all the attacks on his views and his record. His sensitivity should have been an asset in this city where insensitivity and thick-skinned callousness unfortunately seem to be better equipment for survival.

We subject nominees to attacks on not only their views on issues, but also on their style, their approach, and their attitudes. Our conduct toward some nominees would not be tolerated if directed at our congressional colleagues. Sensitive people such as Stan Hathaway become casualties of this methodology and attitude. Congress must not rubberstamp appointments, but we should realize that nominees are human beings with rights and dignity, as we sit in judgment of future nominees before our committees.

Mr. GARY HART. Mr. President, I wish to comment on remarks made by the Senator from Oregon and identify myself with the sentiments of those remarks in regretting the untimely resignation of Secretary Stanley Hathaway.

Although I was one who was strongly opposed to Secretary Hathaway's appointment, nomination and confirmation, as the record shows, I think all of us regret the fact and the circumstances under which Secretary Hathaway is now resigning his post in the Cabinet.

As one who did oppose his nomination, and rather strongly, I did want to take some exception to the tenor of the remarks by the Senator from Oregon. There was, it seemed to me, a strong suggestion that somehow those of us who did oppose his nomination were now to some degree under indictment because of the strength or rigidity of our position, or whatever. I think the record is clear, as far as the Senator from Colorado goes, that there was no point at which Mr. Hathaway's character, integrity, or administrative ability were under question. I think there was a strong disagreement with a philosophy of resource management.

I would also point out that there are current newspaper reports that there is a strong disagreement between Secretary Hathaway and the White House on a number of matters involving Interior policy. I think that should be included in the record when we are commenting on the reasons for his departure, and not somehow suggest that those who opposed his nomination now stand to blame for the fact that he is forced to resign.

I join with the Senator from Oregon in regretting that resignation.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATION ACT, 1976

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 8597, which will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 8597) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that no time be charged against the bill during the remainder of today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, after the two leaders or their designees have been recognized under the standing order on tomorrow, I ask unanimous consent that there be a period for the transaction of routine morning business, of not to exceed 15 minutes, with statements therein limited to 5 minutes each; that the period be for the purpose of the introduction of bills, resolutions, petitions, memorials, and statements in the RECORD, and for the receipt of committee reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION TOMORROW OF H.R. 8597, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATION ACT, 1976

Mr. ROBERT C. BYRD. Mr. President, following the period for routine morning business tomorrow, I ask unanimous consent that the Senate return to the consideration of H.R. 8597, the Treasury-Post Office appropriation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 9 o'clock tomorrow morning.

After the two leaders or their designees have been recognized under the standing order, there will be a brief period for the transaction of routine morning business, of not to exceed 15 minutes, with statements therein limited to 5 minutes each.

At the conclusion of routine morning business, the Senate will resume consideration of H.R. 8597, the Treasury-Post Office appropriations bill, on which there is a time agreement. I assume that no rollcall vote will occur on that bill—certainly, not on final passage—prior to 10:30 a.m. I ask unanimous consent that no rollcall votes occur prior to 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Upon the disposition of H.R. 8597, the HUD appropriation bill will be taken up, under a time agreement.

Upon the disposition of that bill, the next order is to take up S. 391, the mineral leasing bill.

Upon the disposition of that bill, the Senate, under the order entered, is to take up S. 2173, the naval petroleum reserves bill.

Upon the disposition of that bill, the Senate is to take up S. 1281, public understanding of depository institutions in home financing.

Time permitting, if the hour is not too late, the Senate will then take up S. 963, the diethylstilbestrol bill.

Time agreements have been entered into on all these bills, and I think that rollcall votes can be anticipated in connection with each of the measures.

So it looks like a pretty full platter for tomorrow. I think that about sums up the program.

RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 o'clock tomorrow morning.

The motion was agreed to; and at 6:35 p.m. the Senate recessed until tomorrow, Saturday, July 26, 1975 at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 25, 1975:

UNITED NATIONS

Jacob M. Myerson, of South Carolina, a Foreign Service officer of class 1, to be the Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

Albert W. Sherer, Jr., of Illinois, a Foreign Service officer of the class of Career Minister, to be Deputy Representative of the United States of America in the Security Council of the United Nations, with the rank of Ambassador.

THE JUDICIARY

Terry L. Shell, of Arkansas, to be U.S. district judge for the eastern and western districts of Arkansas vice J. Smith Henley, elevated.

EXTENSIONS OF REMARKS

U.S. EMPLOYMENT POLICY NEEDS CORRECTION

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. HAWKINS. Mr. Speaker, for the information of my colleagues, I wish to insert in the RECORD a copy of the text of an article which appeared in the July 1975 issue of the Washington Newsletter published by the Friends Committee on National Legislation—FCNL.

Mr. Speaker, this article astutely spotlights the imperative need to reverse the misguided economic policies of the Ford administration. In the long run, the only solution to chronically high levels of joblessness lies in a Federal commitment to a broader concept of full employment. As one more voice calling for the adoption of such a concept, the Friends Committee on National Legislation has succeeded in adding to the healthy debate presently under way throughout the Nation on this important issue. In addition, their article effectively describes a method by which the goal of full employment can be achieved within a relatively short period of time through the adoption of the Equal Opportunity and Full Employment Act of 1975 (H.R. 50). Mr. Speaker, the text of the article follows:

U.S. EMPLOYMENT POLICY NEEDS CORRECTION

In 1975, the most serious economic downturn since the Great Depression has brought hard times to America. In mid-December, 1974, 6 million persons were out of work in the U.S., setting an unemployment rate of 6.5%—the highest since 1958. By May, 1975, the number of unemployed had jumped to 8.5 million, a rate of 9.2%—the highest rate since 1941. Today, almost one out of every 10 American workers is out of a job.

Minorities have suffered even more. The National Urban League, using a "hidden unemployment" formula developed by the Joint Economic Committee of Congress, estimates the unemployment rate for blacks in the first three months of 1975 to be a whopping 25.8%, or more than 1 in 4. In poverty areas, the rate is estimated to be 50% or more, and even higher for black teenagers.

INSUFFICIENT BAND AIDS

Despite the crisis, the Administration has been advising restraint in government spending for employment. In mid-May, a $5.2 billion emergency jobs appropriation bill, H.R. 4481, was passed easily by the House, 293-109, and by voice vote in the Senate, but was vetoed by the President. The House on June 4 failed to override the veto by five votes.

With summer fast approaching Congress quickly passed H.J. Res. 492, reappropriating $473.35 million for summer jobs for youth. The measure was signed by the President June 16 (P.L. 94-36).

H.J. Res. 499, passed virtually without opposition by the House June 17 (400 to 16) and by the Senate June 19 (90 to 0), revives other vetoed funds totaling $1,844.8 million. Job funds in H.J. Res. 492 plus H.J. Res. 499 still amount to $3 billion less than in the vetoed bill.

But would $3 billion more solve the problem?

THE PATIENT NEEDS SURGERY

Even in times of relative prosperity, unemployment in the U.S. has been high. Figures from the Bureau of Labor statistics show an average rate over the last 20 years of 4.5%, representing a constant level of frustration and misery for millions.

In other comparable Western economies, the unemployment rate has been far lower than 4.5% (until recently, in Australia, it was just 2.5%). Can these countries set an example for the United States?

In the long-run, the only solution to chronically high levels of joblessness lies in a federal commitment to a broader concept of full employment.

WHAT IS FULL EMPLOYMENT?

The "Equal Opportunity and Full Employment Act of 1975," introduced by Rep. Augustus Hawkins, Cal., (H.R. 50) and Sen. Hubert H. Humphrey, Minn., S. 50 sets a national commitment to full employment. Full employment is defined as "a situation under which there are useful and rewarding employment opportunities for all adult Americans willing and able to work."

H.R. 50 and S. 50 require the President to submit a full employment report to Congress each year. In addition, a Job Guarantee Office is established under a Full Employment Service, within the Department of Labor. This office would fund employment projects, with priority given to job development through the private sector.

On the local level, a network of elected planning councils and neighborhood job boards would select priorities for community work projects. Persons who come to a local Job Guarantee Office are considered "willing and able" to work, and would qualify for employment on these projects.

Job seekers would be placed in a Stand-By Job Corps if no work is immediately available, and could seek redress in court if finally deprived of their right to a job.

WHAT JOBS AT WHAT COST?

Under the bill new jobs could be created in the area of human services which would not waste resources or abuse the environment; jobs such as: providing paramedical aid in community clinics teaching in new day care centers, serving as "advocates" for juveniles, ex-prisoners, and mental patients. Jobs will also give new life to vocational and manpower training.

A full employment program will be expensive. However, significant savings will result from:

Reductions in the cost of unemployment compensation programs, which currently cost firms and taxpayers many billions of dollars each year;

Reductions in costs of income maintenance programs (e.g. welfare and food stamps) as participants become self-sufficient;

Increases in productivity and personal income, which are taxable;

Decreases in social costs related to joblessness and social drift.

BUT CAN IT PASS?

In the House, 107 Representatives have joined as co-sponsors of H.R. 50, including 16 of the 40 members of the full Education and Labor Committee. Since January, ten days of hearings have been held in six cities. The Congressional Black Caucus and several other groups have made passage of H.R. 50 a top priority.

S. 50 has gained 7 co-sponsors in the Senate. However, no Senate hearings have been held.

Failure to pass sufficient funding of short-range employment programs should not discourage consideration of H.R. 50 and S. 50. The concept of full employment must receive a full hearing.

Prospects for passage of H.R. 50 and S. 50 will improve to the extent there is citizen demand.

TODAY MARKS AN END OF THE VERY SUCCESSFUL APOLLO-SOYUZ MISSION

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. FREY. Mr. Speaker, today marks the end of the very successful Apollo-Soyuz mission. I want to congratulate both the American astronauts and the Russian cosmonauts as well as the ground crews.

This operation proved that we can work together and while it is the last manned launch in this decade, by the mid-1980's the Space Shuttle will be in operation.

Our space program is a great investment. It is one of the few Federal programs where we receive more in return than we initially put in. And the Shuttle is no exception.

I would like to call my colleagues' attention to an artice on the Shuttle written by Jerry Bishop which appeared in the July 22 edition of the Wall Street Journal:

[From the Wall Street Journal, July 22, 1975]

AFTER APOLLO—SPACE SHUTTLE OF '80'S MAY YIELD BENEFITS IN SOLAR POWER AND EXOTIC MANUFACTURING

(By Jerry E. Bishop)

HOUSTON.—It may be a few decades before earthlings will be able to take the Star Trek of a real-life version of television's Starship Enterprise. But certain less exotic manned space ventures are already taking form on the drawing boards of the nation's space planners.

Under these plans, the scientists and engineers being trained in the nation's colleges today probably will be among the first to man large space stations in permanent orbit about the earth, doing everything from astronomical observing to piping down solar power to the earth below. From these stations it may be only a step to manned bases on the moon and eventually manned landings on other planets.

These drawing-board plans may seem just dreams at the moment. The U.S., after 14 years of hurtling astronauts into space, is entering a five-year hiatus of manned spaceflight with the end this week of the Apollo-Soyuz project. It will be 1980 before Americans once again venture into space, and then the astronauts will be aboard the orbiting space shuttle. The shuttle, to move to and from the earth in the 1980's almost with the ease and frequency of a commercial airliner, is the only manned space project to which the U.S. is firmly committed.

Yet to the planners now pondering the future of the space program, the shuttle isn't an end in itself. Rather the $5.5 billion project is planned as a space freighter to carry tons of somewhat vaguely defined cargo into space. It is viewed perhaps as analogous to the use of the transcontinental railroads to exploit a continent tentatively explored by Lewis and Clark.

POWER STATIONS IN SPACE

"The one thing that's fundamental to the next level (of manned space flight) is the use of large structures in space," says Christopher C. Kraft, director of the space agency's Johnson Space Center here. The orbiting laboratories, factories and power stations being talked about all involve the use of large space structures, he explains. The space shuttle will be used to develop the techniques for putting together and using such large structures, he suggests.

"Then we can show by example the kinds of things we can do with those structures," Mr. Kraft says. At first they will be used to help solve some of earth's problems such as resource use, weather forecasting, and perhaps weather control), tapping of solar energy and manufacturing of exotic alloys that can't be made in earth's gravity.

In carrying out such tasks in earth orbit, space engineers will also be building a capability of taking on more Herculean space tasks. "Then we can get back to (space) exploration when we have the economic capability to do so," Mr. Kraft says.

Exactly when and how isn't certain, as the space engineers and administrators aren't sure of what the economic and social climate might be in the middle and late 1980s.

THE OUTLOOK IN 1966

But some inkling of what is in their minds might be gained by harking back to the days when public enthusiasm and congressional appropriations for space were at a peak. In 1966, George E. Mueller, then associate administrator for the National Aeronautics and Space Administration, put before a congressional committee five alternate programs for the era following the first manned moon landing. Each assumed a more-or-less permanent space station in orbit about the earth by 1972, which seemed reasonable at the time. The alternatives ranged from an extensive economic exploitation of the space station for earthly benefits to a manned landing on Mars by 1980.

But what was touted then as a "balanced" program consisted of a space station, further moon exploration and going to the planets. "For example," Mr. Mueller told the legislators, "in this program it was assumed that an orbital station could be operational in 1972, a lunar station in 1975, and near-planet fly-bys would be accomplished in the late 1970s, leading to a Mars manned landing in the mid-1980s."

Things turned out differently, of course. The last four of the 11 planned moon landings were canceled, and the moon base never got off the drawing boards. An extensive program for manned earth-orbit activities, using Apollo-type equipment, was whittled down to last year's Skylab program. And the idea of manned flights to the planets never got beyond the dream stage.

Nevertheless, Mr. Kraft predicts, "All these things will come about. It'll be slower than Mueller said it would. But I think he probably forecast very well."

ROLE OF THE SHUTTLE

To get into a position to undertake such space projects, the planners are banking almost solely on the space shuttle. "The shuttle will be the fundamental space transportation system until the year 2000," says George Jeffs, president of the space division of Rockwell International Corp., which is building the winged, reusable craft called the orbiter that will be the central part of the shuttle system.

The shuttle system will consist of the orbiter craft, roughly as big as a DC9 jumbo jet, and a huge fuel tank of liquid hydrogen and oxygen, which will be dropped off as the craft achieves orbit. The orbiter and fuel tank will be launched by two powerful solid-fueled rockets. Once its task is completed, the orbiter and its passengers will be able to return to earth much like an airliner. In as little as 160 hours, the shuttle will be able to be loaded and launched again.

Plans currently call for only five of the reusable orbiter craft in the operational system. But the five craft will enable shuttles in the 1980s to roar into space at the rate of 60 flights a year, or more than one launching a week.

The shuttle will have by today's standards, a capacity to haul an immense amount of cargo and passengers into space. The payload capacity on each flight will range from 12 tons to more than 30 tons, depending on the altitude of the orbit desired. Hence, the shuttle operators are talking in terms of putting hundreds of tons of cargo into orbit annually for a decade or more.

Outwardly, the manned space program in coming months will appear to have dropped into limbo, as there aren't any planned manned launchings into orbit until mid-1980. Indeed, gearing up for the space shuttle is almost leisurely compared with the frantic pace of the Apollo days.

SLACKENED ACTIVITY

Here at the Johnson Space Center, the managerial hub of the shuttle program, employment has leveled off at fewer than 3,700 from a peak of more than 5,000 during the moon landing days. The astronaut corps has dwindled to 33 members, about half its peak strength. Mission Control, where as many as three dozen flight controllers and technicians can be found at the banks of consoles during Apollo flights such as the current Apollo-Soyuz project, will soon be silent.

But despite appearances, the shuttle effort is well under way. In the next few months, the astronaut crews will be picked to make the first test of the orbiter craft, says John Young, chief of the astronaut office and a veteran of four space flights, including a lunar landing. This test, in mid-1977, will involve launching the orbiter from an aircraft and testing its approach and landing abilities. The subassemblies for the orbiter craft already are in the late stages of manufacture.

The 33 astronauts, including the 17 who haven't yet gone into space, probably will have a crack at shuttle flights, Mr. Young says, "if they hang in there long enough." New flight simulators soon will be installed to train shuttle pilots and, eventually, passengers. Modifications of the mission control rooms will begin soon.

"By 1980, you'll probably be able to walk in here almost any day, and there'll be a mission going on," says Kenneth S. Kleinknecht, director of flight operations here. "It'll be pretty routine, although there won't be so many people around (as in an Apollo flight)," he says. Shuttle-flight control teams may consist of only six to 12 people, for instance. "When we're in the operational phase in the 1980s, we'll probably be using only 25% of the personnel we had in the lunar program," Mr. Kleinknecht predicts.

The cargoes the shuttle will take into orbit aren't yet certain. NASA officials talk of using it to put up and service large communications, weather and earth-resources satellites, and to launch space probes to Jupiter.

MANUFACTURING IN ORBIT

There also is talk of manufacturing in space. Experiments aboard the Skylab, for instance, indicate that metal alloys and electronic crystals can be made in the weightlessness of space that are impossible to make on the earth's surface. The Europeans, meanwhile, are building a sophisticated reusable laboratory that can be hoisted into space by the shuttle for any variety of experiments by university scientists.

There aren't any indications yet that universities, government agencies or industrial concerns are beating down the space agency's doors to buy shuttle services. However, Rockwell's Mr. Jeffs argues, "There are all kinds of possibilities of manufacturing in space. But it will take us some time to fully understand how to take advantage of the zero gravity up there."

Most space planners are confident that the shuttle will be used to assemble permanent space stations, for scientific, medical and industrial use. "In order to support building of this kind of station, you'll have to have fabrication crews," Mr. Jeffs says. "So of necessity we'll have to build some kind of space hotels," he suggests.

Meanwhile, engineers are taking their first tentative look at follow-ons to the shuttle project. The Johnson Center, for instance, recently contracted with Boeing Co. to study designs for an unmanned space freighter to haul even bigger loads up to space workers. "It is hoped that these launchers, known as heavy-lift launch vehicles, will be operational in the 1990s and beyond," a Boeing engineer says.

Boeing engineers on their own already have done preliminary analysis of a space project that illustrates the scale of the large space structures the planners now talk about. A solar power plant in space, consisting of 22 square miles of mirrors to gather sunlight, was recently proposed by Boeing engineers Gordon R. Woodcock and Daniel L. Gregory. The 71,000-ton orbiting station could beam down 10 million kilowatts of power to earth, twice the capacity of Grand Coulee Dam, which could more than pay for its $60 billion cost, they figure. The station could be developed in the next 20 years, they predict.

"We have some people who are interplanetary-travel oriented," says Rockwell's Mr. Jeffs. Such researchers are studying the use of ion propulsion, a kind of continuously operating electric rocket that over a period of weeks or months can accelerate spacecraft to tremendous velocities—the speeds that would be needed to get humans to other planets and the stars.

AN UNWISE ARMS SALE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. BINGHAM. Mr. Speaker, on July 10, the administration proposed to sell Jordan a $350-million air defense system consisting of 14 batteries of Improved Hark missile launchers and 100 Vulcan cannon. Together with more than 110 of my colleagues in the Congress who also consponsored my resolution disapproving the sale. I have opposed this sale since it was first formally announced. I oppose it primarily on the ground that it threatens to disrupt the balance of power between Israel and her Arab neighbors in the Middle East, and to guarantee that Jordan will be involved in a third front if there is another war in the Middle East. In an editorial on July 23, the New York Times made a compelling case for opposing this sale, and I include it at this point in my remarks for the attention of my colleagues.

[From the New York Times, July 23, 1975]

Imbalance on Arms

As United States policy aims at reduction of tensions in the Sinai, another Ford Administration decision could actually intensify the military pressures on Israel from her northern and western frontiers. This is the plan, now under strong challenge in Congress, to sell $350 million worth of sophisticated antiaircraft technology to Jordan.

Technically such weapons could be regarded as defensive, but this new capability would clearly alter the military equation which has kept the Jordan River truce line calm all these years. Secure under an air defense cover of Hawk missiles, King Hussein could be tempted to commit his ground forces into combat against Israel, alongside those of Syria, in any future clashes. It was precisely the absence of such an air defense protection that inhibited the Jordanian monarch from joining the other Arab countries in their attacks during the October 1973 war.

King Hussein is already moving to re-establish friendly working arrangements with Syria, after years of mutual suspicion, and is even attempting to paper over long-standing bitterness between his regime and the Palestine Liberation Organization. At the same time, military cooperation is growing between Syria and Iraq, longtime bitter rivals within the militant Baath movement.

Even incidental American encouragement to an incipient common military front against Israel could rebound tragically against the emerging diplomatic options which the United States is trying to promote. For too long American policy in the region has appeared to encourage peace talks with one hand, while the other hand only supplies the armaments to give the parties more capacity for the military option.

Under legislation passed last year, Congress has the opportunity to veto foreign military sales in excess of $25 million. Resolutions have been introduced in both Houses to do just that, and a skeptical Senate Foreign Relations Committee decided yesterday to seek further justifications from the State Department for this proposed Jordanian missile sale.

At the very least, the transaction should be scaled well down in size until the full strategic implications of the ominous Arab moves toward military cooperation can be given more careful study than they have received up to now, in the Administration's haste to soak up the Arab's petrodollars.

THE NEED FOR CAPITAL

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. ARCHER. Mr. Speaker, the challenge our country faces now and in future years will be how we can raise capital and create additional jobs. It is essential we create jobs in the private sector of our economy. It will be necessary to change our tax laws to encourage such development. I have cosponsored two major pieces of legislation to encourage this development—The Capital Recovery Act of 1975, H.R. 7543, and the Jobs Creation Act of 1975, H.R. 7240.

One of the real problems experienced by the United States is that the United States is slipping behind the major industrial powers in real economic growth. Unfortunately, certain groups in our society have made a policy of criticizing the American business establishment. As a result, the real story of our economic needs has not been brought out to the American public.

I wish to call the attention of my colleagues to a very informative column by Nick Thimmesch entitled "A Reappraisal of Big Business," Los Angeles Times.

The article follows:

A REAPPRAISAL OF BIG BUSINESS

(By Nick Thimmesch)

WASHINGTON.—For years, those popular ogres, banks and corporations, yelled that taxes were too high, profits too low and free enterprise was in peril. Oh, how many salads were shriveled and digestive juices interrupted by those thundered warnings at bourgeoise business luncheons and dinners.

But the public rightfully ignored such cries of calamity, for banks and corporations prospered mightily in the postwar period. The salons of executives and money-changers grew posh, and their suburban premises reflected unusual prosperity.

Small wonder, then, that after a long siege of Naderism and other anti-establishment attack, business turned up unpopular in the polls, its credibility limping and its spirits down.

Small wonder that a survey conducted in April by the Opinion Research Corp. (ORC) showed, for example, that the public believes that the average automobile manufacturer makes about 20 times as much profit after taxes as the company actually does.

What's interesting about this ORC survey is that well-educated, high-income people share this public misconception. Somehow, business has cried "wolf" too often, and few souls believe its spokesmen any more.

Profits, as not enough people know, are necessary for investment—expansion and modernization of productive capacity. In recent years, despite headlines about high (gross) profits, the basic manufacturing industries suffered a great decline in net profits, and the earnings slide further in the current recession.

The unhappy result is that the United States is slipping way behind the rest of the industrialized world in real economic growth. In fact, a survey of the 1960–1970 period shows the United States 18th among the top 20 advanced economies of the world. We are even with Ireland, and several points ahead of Luxembourg. The United Kingdom is in the cellar in this tabulation, and Prime Minister Harold Wilson complains plenty.

U.S. industry suffers a serious capital pinch, and an executive like Ian MacGregor, chairman of the American Mining Congress (now wait a minute, hold your boos, folks), calls it, "probably the most important question facing our country at the moment."

On Mutual Radio's Reporters Roundup, MacGregor explained the American reputation of "being a marvelous capital producer has been seriously eroded since World War II," and seriously questioned whether the United States can provide new jobs and solve the energy problem without "complete changes" in the public attitude toward capital.

Even with population size leveling off, 10 million new jobs must be created in the next five years in the United States. It takes up to $40,000 in capital to create even one job. The best estimate is that in the next 10 years there will be $2.6 trillion available for such investment but that $4.1 trillion is needed.

Much of the problem is lodged in the attitude of political figures, government, public-advocacy devotees and even in my own trade—the media. Somehow, business is perceived as "bad," profits as "too high," and the need for capital a mystery we'd rather not think about. Curiously enough, an increasing number of labor leaders, the men who learn economics by studying the industries they are trying to extract raises and benefits from, are sharing the concern of executives about industry's ability to expand.

Labor leaders get around the world, and they know that the American industrial plant is at least two years older—and less efficient—than those of Europe and Japan. It won't be long before the United States will suffer serious disadvantages in the tough competition for world markets. The present recession will then seem like good times.

It is hard for the likes of me to see big business as an underdog, but in terms of its ability to reinvest profits and slug it out in the ring of world competition, one can hardly say our guys have the upper hand.

Too much of our wealth—up to 40% of gross national product—is going into the least productive sector, namely government. It is too difficult for people to save money any more—thus providing capital. Corporations are not given incentives to plow back profits into new investment. The wild swings of fiscal and monetary policies by government makes corporate planning a nightmare.

And it's the businessmen's fault, as well. Too many business executives today live in the comforting corporate womb, too timorous to speak out or to get into the ring and slug. They are allowing a great economic engine—the U.S. economy—to run down, rust and sputter. Even half-Socialist Sweden doesn't allow its engine to fall into disrepair.

If there is not improvement in the profit-reinvestment situation soon, many of those critics who helped damage the once-marvelous engine will be standing there screaming at it for not providing all the goodies it did in yesteryear.

AN ACCURATE CONGRESSIONAL RECORD

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. STEIGER of Wisconsin. Mr. Speaker, for the benefit of our colleagues considering House Resolutions 568, 569, 570, 581, and 630, mandating a more verbatim account of floor proceedings in the CONGRESSIONAL RECORD, I am introducing pertinent items which have been written on this issue.

Daniel Rapoport, who has covered the House of Representatives for 10 years as a reporter for United Press International, has just published an informative and frank book entitled "Inside the House." At this point, I would like to enter in the RECORD two portions of Mr. Rapoport's book concerning the questions raised by these resolutions:

Even though the House has taken a multimillion dollar plunge into the electronics age by turning to the computer for assistance in voting and amassing information, it still records its floor debates and proceedings much the same way it did one hundred years ago—by hand. An "official reporter" plants him or herself in the midst of a debate and furiously takes down in Gregg shorthand every word uttered. The reporters operate in relays, each transcribing five or six minutes of talk, catching all sides of the debate (which can involve several people, some of them speaking excitedly, unclearly and simultaneously). From the floor the reporters hurry to a room below where they render meaningless what they have just done, undercutting their craftsmanship, by verbally dictating their notes into a recording device from which an expert typist dashes off copies of the exchange.

Within an hour each congressman involved is holding in his hands a transcript of what has been said. If during his time on the floor he had received permission to "revise and extend" his remarks, as most members do, he now has the opportunity to correct faulty grammar, tidy up his delivery and style, substitute temperate words for outcries of rage, and, if he is totally unhappy with what he has said, delete all of his words.

(Congress is the only place where you can wish you hadn't said something and see the wish come true. But this power can occasionally produce mysterious passages in the *Congressional Record*. A member who has had second thoughts about a charge he has just leveled against a colleague will decide to expunge his words. The member he tangled with, however, may not have cooled off yet and wants his retorts left in. Readers of the now one-way exchange will not know who the surviving member was addressing or what he was talking about.)

The *Record* is something less than a transcript of House and Senate sessions because, as has been pointed out, members are permitted to "revise and extend" their remarks. Generally the content is pretty close to the reality, but on occasion it may bear little resemblance to what was actually said. Further diluting the transcript claim of the *Record* is the vast amount of words inserted by members who never participated in a debate but who merely won routine, unanimous consent to include their written pronouncements along with those that were delivered. And finally, the scholars who rely on the *Record* ought also note that even the sequence of speeches is not always accurate. For reasons I have never quite understood, one-minute speeches—those brief statements members make at the start of a session—are sometimes rearranged and stuck in various parts of the *Record*.

All these words cost the taxpayer a fair amount of money. The expense of printing the *Record* in 1975 was estimated at $278 a page. The average *Record* runs nearly 300 pages so that an average per edition cost would be somewhere in the neighborhood of $83,000. A *Record* is published every day the House or Senate meets, or about four times a week.

For members of Congress who live in the District of Columbia, the GPO will deliver a copy of the *Record* in time for the lawmaker to read with his breakfast. Not everyone appreciates the convenience. William Moorhead of Pittsburgh canceled his home delivery when an issue came crashing through his Georgetown dining room window.

LIBRARY AT SHELBY COUNTY PENAL FARM

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. FORD of Tennessee. Mr. Speaker, I want to bring to the attention of my colleagues a most noteworthy project instituted by Memphis State University—MSU. Through this project, unwanted or unneeded books were given to develop the library at the Shelby County penal farm. All in all, the Memphis State University bookstore donated 50 cases of books, the Tiger Bookstore donated 12 cases, the Memphis State University Student Government Association Book Co-op provided 30 cases, and the Memphis State University faculty furnished 1,500 volumes.

In the conception and execution of this project, several people deserve special recognition. Rick Carter, former student government association president and present MSU alumnus, started the idea. He received special support from Dr. Jerry Boone, vice president of academic affairs; Dr. Ramsey Fowler, president of the faculty senate; Mr. James Lippy, assistant manager of the MSU bookstore; Charles Jetton, director of the MSU bookstore; Mr. Pat Walls, manager of the Tiger Bookstore; Mr. Dwain Midget of the MSU student government association; and Mr. Martin Toma, director of volunteer services at the Shelby County penal farm.

I hope that the Memphis State book transferral project will motivate others to avoid waste and to share what they have with those in need. This project recognizes that people in prison need more than punishment, and that a commitment to learning is one of the best ways to keep people from the trouble that results in imprisonment.

This project was a model of cooperation by people of good sense with good hearts. I offer everyone involved, my congratulations.

AMENDING THE OUTDATED PACKERS AND STOCKYARDS ACT

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. HARKIN. Mr. Speaker, recently the Subcommittee on Livestock and Grains of the House Committee on Agriculture held field hearings on the critical matter of amending the outdated Packers and Stockyards Act. I wish to insert for the record my remarks on this matter:

STATEMENT OF CONGRESSMAN TOM HARKIN AT HOUSE AND SENATE COMMITTEE FIELD HEARINGS IN OMAHA, NEBR.

Good morning, Senators Clark, Curtis, (Belmond), and fellow members of the House Agriculture Committee.

I commend the Chairman of the Subcommittee on Livestock & Grains, Mr. Poage, and the Chairman of the Senate Subcommittee on Agricultural Marketing, Production & Stabilization of Prices, Mr. Clark, for calling these hearings. I think the events of the past few months have proven all too well that the present Packers and Stockyards Act does need some alterations. I appreciate this opportunity to present my views concerning two bills which have been introduced in the Congress that will amend this Act.

The Packers and Stockyards Act was enacted to ensure that fair play ruled the livestock market. It sets out a series of procedures by which the producer and the purchaser can engage in business and be protected by the Act from deceptive practices. Unfortunately, the recent bankruptcy of American Beef has revealed the painful fact that the Act contains several loopholes which render it meaningless for much of the livestock industry.

Following a thorough investigation, the Packers and Stockyards Administration concluded that American Beef had engaged in a number of deceptive trade practices. Among these, according to the Packers and Stockyards Administration, were manipulation of the Omaha hog market and carcass sales; failure to pay promptly for livestock; deceiving creditors and livestock producers; and paying friends and business associates just before it filed for protection from its creditors in Federal Court on January 7.

The result of all this is that we now have close to 1,000 livestock producers holding close to $2 million in verified receipts they have little or no hope of ever collecting in full. With the past low prices for cattle, many capable producers have, as a result of the practices of American Beef, been forced into bankruptcy themselves.

The livestock producers have not been the only ones to suffer. These actions resulted in the loss of over 1,000 jobs in American Beef plants that have closed in Iowa. The company has even failed to pay the health benefits of their own employees, despite the fact that they have a contractual obligation to do so.

These are all tragedies. But perhaps the worst tragedy of all is that most or all of the injury done to individuals and communities now experiencing economic hardship could have been avoided by having American Beef file a bond with the Packers and Stockyards Administration. Recent months have shown the exemption of packers from the bonding provisions of the Act is an oversight which can no longer be tolerated.

In the 1920's, most livestock was purchased from terminal stockyards such as the Omaha stockyard. In fact, in 1925, 91% of the cattle, 76% of the hogs, and 82% of the sheep were purchased from stockyards. In 1973, packers purchased from public markets, primarily in the form of direct purchase 73% of the cattle, 70% of the hogs, and 73% of the sheep.

The risk implications of this trend to the farmers cannot be over-emphasized. Stockyards under the Act are required to carry a bond; packers are not. Thus, the exposure to financial ruin has increased four fold.

Requiring packers to be bonded is an important point in all the bills before the committees. They allow the Packers and Stockyards Adm. to regulate the market, without drastically increasing the federal bureaucracy. In essence, the concept is to have private industry regulate private industry. This is the approach I strongly favor, and urge the committees to adopt.

Once a bond has been filed, the bonding company would have a definite self-interest in keeping close tabs on the financial stability of packers as they do now with stockyards and livestock dealers under the present act. If a packer appears to become financially unstable, the bonding company could send strong warning signals to the Packers and Stockyards Administration and concerned livestock producers by withdrawing its bond. The withdrawal of the bond would be a clear warning that the company was in financial trouble. Livestock producers and employees of the company would be put on notice that the company is experiencing financial difficulty. Also, federal legislation is needed to set a national standard because of the diversity and complexity of individual state bonding laws or state laws that require filing of financial statements.

Of course, bonding alone is not the total answer to the many abuses that have resulted in the bankruptcy of American Beef. The Packers and Stockyards Administration must be able to move quickly to institute safeguards in the market.

The second major provision of our bill will give the Packers and Stockyards Administration the authority to obtain a cease and desist order against the packer to protect the producer while allowing the packer to continue in operation. This order can be used to provide safeguards such as payment by certified check. Under the present law, the administration must wait until the packer has defaulted on payment before it can act. In the case of American Beef, this was after farmers had lost roughly $2 million.

Our bill also alters the "reparation" provisions of the Act. H.R. 6133 extends the period in which an individual can file for damages through the Packers and Stockyards Administration. It also waives the need for an oral hearing for damages of less than $10,000. (While this may sound excessive, the committee should note that the average claim against American Beef is roughly $20,000). Our bill also assesses an automatic civil fine of $500 a day if a packer does not pay awarded damages. It has often been a problem for the farmer to collect damages. Presently, he must go to court. The time and expenses involved in waging a court battle can often impose hardships on the farmer equal to and in some cases greater than the original damages. I think it is clear that we must provide for a more speedy and less costly way for the farmer to recover his damages. Our bill does that.

With the other technical amendments in our bill to close other loopholes, fair play will be returned to the marketplace. These amendments, I am convinced, can assure both farmers and packers that their interests are protected.

As I stated earlier, bonding is not the entire answer to the problem. There is one other area that this committee must investigate. That concerns the question of why a packer cannot pay cash on the barrelhead for livestock just the same as a stockyard does. It has always seemed peculiar to me that when I buy meat in the grocery store, I have to pay cash. Yet, when the packer buys cattle from a farmer, the standard practice has been to pay with a non-certified check which invariably is covered by a "float." I believe this whole area needs a thorough examination by this committee.

I would also like to speak briefly in support of H.R. 1037. As you know, this bill has been introduced by the Honorable Neal Smith of Iowa, and concerns the trend towards verticle integration. The Packers and Stockyards Act was also intended to prevent manipulation of price.

As you may know, Iowa Beef Processors, one of the largest packing companies in the country, intends to enter the cattle feeding business. I believe this presents a serious danger to the free market. In 1966 the Packers and Stockyards Administration issued a report that showed that packers feeding cattle could have ten times the leverage on the prices paid to farmers compared to an open and free market. The trend in cattle and hogs toward packer feeding has not developed to a dangerous level at this time. But we must beware. All we need to do is look at the poultry industry for all the warning we need of what can happen. The small independent poultry producer is virtually non-existent.

I hope that the House and Senate Committees on Agriculture will give this bill its full consideration.

Again, let me express my appreciation for this opportunity to discuss these vital issues with you.

NATIONAL SPACE INSTITUTE LAUNCHED

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. TEAGUE. Mr. Speaker, I had the privilege and the pleasure to attend the launching of two vehicles on July 15. The one launch was the Apollo spacecraft with the crew of astronauts Thomas Patten Stafford, Donald "Deke" Kent Slayton, and Vance DeVote Brand on board to hold their historic meeting in space with the U.S.S.R. Soyuz spacecraft. The second launching was that of a new organization chartered to communicate the benefits of our space program to the public. This new nonprofit, educational and scientific organization will be known as the National Space Institute and its first president is the well-known rocket expert Dr. Wernher Von Braun. Because of the significance of Dr. Von Braun's statement I am including it in the RECORD and commend his opening speech to all my colleagues.

FIRST ANNUAL NATIONAL SPACE INSTITUTE—BOARD OF DIRECTORS/BOARD OF GOVERNORS MEETING

Dr. Wernher von Braun, President:

Good morning, ladies and gentlemen, distinguished guests and Trustees of the National Space Institute.

We are all gathered here today to witness another great space achievement for all mankind . . . the world's first international manned space flight . . . the Apollo/Soyuz Test Project.

We have just viewed the launch of the Soviet Union's Soyuz spacecraft with Commander Aleksey Leonov and Flight Engineer Valeriy Kubasov aboard, lifting off from the Soviet Cosmodrome at Baykonur, near the Aral Sea in Kazakhstan, Russia.

We will all view the liftoff this afternoon of the Apollo Spacecraft from Kennedy Space Center Launch Complex 39B, Merritt Island, Florida, with Commander Thomas P. Stafford, Command Module Pilot Vance Brand and Docking Module Pilot Donald K. Slayton aboard.

The nine-day Apollo/Soyuz Test Project mission will mark the first time that manned spacecraft of two nations have met in space for joint engineering and scientific investigations . . . and bring into reality the May, 1972, agreement between the United States and the Soviet Union to work toward a common docking system for future generations of spacecraft and international cooperation in space.

The highlight of the Apollo/Soyuz Test Project will be on July 17, 1975 approximately 52 hours into the mission. . . . the Apollo will execute a series of maneuvers that will result in rendezvous and docking with the Russian Soyuz spacecraft. The two spacecrafts will remain docked for approximately two days as exchange visits and joint experiments are conducted. Then, they will be separated, the Soyuz is expected to remain in earth orbit for an additional 43 hours before returning to Earth. It will land in Kazakhstan, Russia. The Apollo will operate in space for approximately six days after separation. It will land in the Pacific Ocean near Hawaii.

In my opinion, this historic space mission signals the beginning of a new era in space, where man will work peacefully to achieve scientific victory of unparalleled importance for all of mankind on earth.

I know that you are all here for this breakfast because you believe, as I do, that a new organization is needed to communicate the benefits of our national space program to the American public. The National Space Institute which we are formally launching today, shall perform that function. It is a non-profit, educational and scientific organization.

In order to keep our country advancing as a world leader, we must maintain our efforts in the advancement of space technology. There is a need for the American public to know and understand the value and benefits resulting from our National space program.

Benefits from space technology have entered into our daily lives to a far greater extent than most people realize. Advances in medicine, communications, earth resources, environmental monitoring, and thousands of new products and materials have given the United States technological leadership in the world today. The space program is essential to retaining that leadership.

The National Space Institute will develop educational programs designed to reach the broad spectrum of American society by providing information and educational materials necessary for a full appreciation of our space program.

In addition, the National Space Institute will provide a forum for the discussion and direction of space policy. The organization believes that science and technology, spearheaded by a vigorous space program, can help solve some of America's domestic problems.

We believe that there is a need to provide the public with a voice in the direction of the space program. Properly directed and supported, the space projects planned for the future can help resolve many of our pressing energy, food, environmental and economic problems with which we are faced today.

I would like to take a few moments to give you some specific examples of applications of space technology.

The Apollo/Soyuz Test Project will provide the opportunity to conduct twenty-seven experiments involving space science, space processing and manufacturing, earth surveys and life sciences. A few examples are:

The stable and relatively prolonged mission will be employed to gain more data on a comparatively low-energy, X-ray, background in the sky detected by sounding rocket studies. Little is known about this phenomenon which can only be studied with equipment placed above our atmosphere. The aim is to ascertain both the source of the radiation and the process by which it is derived. Just as studies of the sun provided the key to our understanding of nuclear fusion and fission, processes on which our present atomic power plants are based a better understanding of these celestial X-ray sources may show us new ways of utilizing nature's abundant energy release processes to alleviate our energy dilemma here on Earth. Another experiment planned for the Apollo/Soyuz Project will involve electrophoresis in zero gravity. Electrophoresis is a technique to separate the ingredients of a mixture of particles of lightly different weight suspended in a fluid under the influence of an electric field. The heavier the particle is the slower it will migrate to one of the two electrodes inserted in the fluid. It has already been demonstrated in previous spaceflights that the weightless environment permits a far better separation than can be obtained on Earth. Electrophoretic separation on future space missions with our Space Shuttle is likely to become a valuable tool for biological research. It may not only help solve the so-called protein reject problem encountered in organ transplants but even lead to the manufacture of far superior pharmaceutical products.

Among the life sciences experiments are studies of how weightlessness may affect the body's response or resistance to infection. Studies will be made of lymphocytes and polymorphonuclear leukocytes in blood samples taken from the astronauts before and after their mission. Leukocytes are the white cells that attack infectious bacteria. Lymphocytes either manufacture antibodies that battle viruses and other infectious agents or transmit information to other cells on how to repel disease. The studies will add to knowledge about the body's defense mechanisms.

Observations will be made of earth features, processes, and phenomena in many scientific disciplines. Among these are surveying the snow runoffs in mountainous regions for better water management of storage lakes.

The Apollo/Soyuz mission will concentrate on the Himalayan snow fields and drainage patterns as an aid to irrigation and flood control on the Indian Sub-continent and mapping extensions of the San Andreas Fault and related fracture systems in the United States for oil and mineral exploration and earthquake studies.

Communications from the docked Apollo and Soyuz spacecraft will be relayed to Earth through NASA's Applications Technology

Satellite-6, a versatile spacecraft being used for experiments on the frontiers of communications, meteorology, and space science.

If Apollo/Soyuz were transmitting directly to ground stations, as has been the practice in past manned flights, its comparatively low orbit and the limited number of stations would restrict communications between the astronauts and Mission Control to an average of only about 15 minutes out of each approximately 90-minute orbit.

Applications Technology Satellite-6, however, is in constant communications view of nearly half the globe from its vantage point about 35,680 kilometers (22,300 miles) above Earth and, with supporting ground stations, Apollo and the ground-based flight controllers will be able to communicate for about 50 minutes out of each orbit.

These are just some specific examples from the Apollo/Soyuz Test Project. I would like to point out some other space program examples of space technology applications:

The LANDSAT Satellites, formerly known as ERTS (or Earth Resources Technology Satellites), has demonstrated that with multi-spectral scanning from orbit, you can make excellent crop surveys and crop predictions for the harvesting period. They also enable us to detect resources such as oil, minerals, natural gas from orbit. There are now two (2) such LANDSATS. Every 9 days they give us, on a global scale, a complete rundown on how the food crops on Planet Earth are coming along. The same satellites give us excellent up-to-date information on the distribution of the population on Earth—a census, if you will. Where do all the people live—where are the hungry mouths that must be fed? When you have these two pieces of information; namely the supply of food—what food is available, and where it is located—and the demand pattern for this food—where are the hungry mouths that must be fed—you can stick these two sets of data into a computer and figure out where what kind of food must be shipped so nobody on Earth goes hungry. The computer actually can make a far more sophisticated statement. For example, it can provide printouts of areas of critical protein shortages and that sort of thing. I believe that in today's world, with its rapidly growing population, and with some products of the much heralded green revolution apparently going sour, it is vitally necessary that we better understand global supply and demand patterns for food. I believe that hunger will be one of the most pressing problems on Planet Earth for the next few decades. In the nick of time, a tool is at our disposal to find out the detailed nature of the worldwide food problem which is growing desperate at a rapid rate. I am convinced that 25 years from now people will wonder how we could ever have been so naive as to believe that without such a survey tool we could handle this problem. In fact, I am sure we shall become so used to basing key decisions on global food distribution on these satellites, that a world without them will be just as unthinkable for people 25 years from now as a world without telephones or airliners would be for us today.

In the field of worldwide education, satellites will likewise make an everlasting impact. Vast portions of the Earth have absolutely inadequate educational facilities. The same geosyndronous Satellite ATS-6 that will serve as a communications relay for the Apollo/Soyuz mission, has been in orbit for a little over a year, serving Appalachia, the Rocky Mountains and Alaska with rural education and health care programs. Just a few days ago it arrived at its new station over Lake Victoria in Africa, from where it is scheduled to relay educational television programs to 5,000 villages in India, under a treaty agreement signed between the United States and the government of India several years ago. The problem of rural education in India is of a magnitude that with conventional means it cannot be solved at all. India has well over 500 million people there—and more than 50% of them are under the age of 15—that is, school age or below. Any attempt to produce enough teachers for the 500,000 villages in India where 80% of the population lives is hopeless. The population climbs at a much faster rate than the country can produce youngsters qualified to go to teachers colleges. Even teachers who have completed their training, usually refuse to go to the villages, but prefer jobs in the big cities with the rapidly-expanding Indian industry. So you see, we have a typical case of "you can't get there from here". It is the considered opinion of the Indian government that the only way to carry education to the villages where the illiteracy rate is over 80%—total illiteracy rate in India is about 70%—is by direct television broadcast education. ATS-6 will distribute educational programs—reading, writing, arithmetic,—but also adult training in advanced agricultural techniques, hygiene and family planning to low cost TV receivers in the villages. ATS-6 capability will be limited to 5,000 villages, rather than the 500,000 villages India has. It is also limited to 2 languages rather than the 15 languages and dialects required to cover the needs of the entire subcontinent. That remains for a later, operational follow-up system.

Timely meteorological advice is another important area where satellites can save many lives. In India and other rice growing countries of the world, rice transplantation is a most critical time. If you transplant several weeks before the monsoon arrives, the little rice plant will shrivel and die. If you transplant too late, the monsoon rains will topple the transplanted rice and it will drown. So it is most important to time the transplantation to the arrival of the monsoon rains. It has been estimated that by accurate prediction of the local arrival of the monsoon, about 10% of the projected rice crop of all of India could be saved. This means statistically that of India's 500 million people, about 50 million more will have enough to eat! So we've talking about the well-being and maybe the survival of a very large number of people. Satellites can provide vitally-needed real-time information to farmers the world over. Even in the United States their information can be very useful—like when to turn the smudge pots on in Florida to protect the citrus groves from cold snaps. In the United States, of course, weather forecasting is in somewhat better shape than in India, where many farmers still rely for their monsoon forecast on grandmother's arthritis, rather than on meteorologists.

I have just given you a few examples of space technology applications. The main role of the National Space Institute will be that of a catalyst between the space technologist and the user. It will attempt to bring to the attention of people the new opportunities offered by advances made in space experiments and space techniques. It will study the feasibility of the application or the potential uses of space technology as it relates to other human activities.

Charter membership in the National Space Institute is open to everyone, from all ages and in all walks of life. We are inviting everyone to explore the great potential of space as a member of the National Space Institute. We hope you will encourage your friends, neighbors and associates to look into the various types of membership opportunities, which Charles Hewitt, our Executive Director, will cover later this morning.

The National Space Institute's success is dependent upon grants and public membership contributions in order to establish the organization and implement its programs. We are dependent on "seed" money over the next three (3) years to firmly establish the core of the organization. Our first year's annual operating budget goal is $300,000. We are currently seeking trustee memberships of $1,000 or more in order to financially establish the institute. Public membership contributions will go specifically toward developing educational programs and materials. Actual application development programs, which will require additional capital, will be funded by potential users or vested interest groups, and are outside of the presently envisioned scope of the National Space Institute. Charles Hewitt will go into the mechanics of the organization during his presentation.

I am impressed by the turnout we have here today, a cross-section of prominent Americans from all over the country and the globe, representing the fields of science, engineering, the arts, theater, government, the press, business, law, medicine, and other professionals who are enthusiastic about space and who all serve on various boards of the National Space Institute as Trustees and supporters of the organization. We need your recommendations and guidance in helping select specific programs for the NSI to develop and most of all, your recommendations and support in firmly establishing the National Space Institute on a sound economic base.

I would like to conclude with a short comment on what I believe is the future of space exploration. It is man's nature that he always wants to explore—to move on—to develop and advance. If we stop doing that, we will no longer be man. I am convinced that man will be back on the moon, and if we find even lower forms of life on Mars, man will be on Mars, maybe by the turn of the century, maybe 10 or 20 years thereafter. And should we have lost our resolve as a Nation to do it, somebody else will. I also believe that the much heralded idea of the Earth as a limited planet is absolutely unacceptable. It is unacceptable because for all eternity it would put a lid on man's spiritual growth. When I read all these things about limit to growth, and that we cannot grow indefinitely in population and in demands per capita on a limited planet, I think to accept that creed would reduce man to the role of a honeybee in a few generations. It would be one of the most dangerous things for the human race ever to happen. I am certain that future generations will say that the real significance in our space program lay in the fact that it took the "lid off" the limitations posed by the finite size and the finite resources of the planet Earth. For we are no longer limited to just one planet, Earth. We have all the mineral resources and all the energies of the solar system at our disposal, and maybe one fine day we will even go beyond that.

EXPLANATION OF VOTE

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. ABDNOR. Mr. Speaker, on roll call No. 419, a quorum call on July 23, 1975, I am listed as failing to respond. I was on the floor and inserted my card, but presumably it did not record. I would like the permanent RECORD to show that I was present on this occasion.

HONEST ANALYSIS OF NEW YORK'S FINANCIAL CRISIS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. RANGEL. Mr. Speaker, much has been written over the past several months on the financial plight of my city of New York. Except on the part of the city officials themselves, responses to this crisis have been less than energetic. Both State and Federal officials have been reluctant to involve themselves to any significant degree in developing meaningful programs for resolving New York's financial problems. Even the financial experts have provided little in the way of economic guidance. Despite all of this, Mr. Speaker, there are a few rare individuals who have the courage to face the issue head-on and offer suggestions based on a thorough analysis of the city's tax base and a reevaluation of the many city services in terms of cost effectiveness. Few, if any, politicians have reported so candidly on the matter as did Percy Sutton, president of the Borough of Manhattan, in his speech before the Citizens' Budget Commission.

I would like to include the first of two parts of his June 10 address for the Record and then share the remaining portion of it with my colleagues in the issue which immediately follows:

Our City: Its Problems and Suggested Cures

(By Percy E. Sutton)

"It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of believe, it was the epoch of incredulity, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair.

"We had everything before us, we had nothing before us, we were all going direct to Heaven, we were all going directly the other way."

"In short, the period was so far like the present period, that some of its noisiest authorities insisted on its being received, for good or for evil, in the superlative degree of comparison only."

We are, today, in the "Big Apple" called New York City experiencing a period much like that which I have just read from the opening paragraphs of Charles Dickens' "A Tale of Two Cities."

We are in a time dilemma and any meaningful discussion of our dilemma requires some examination of history, rhetoric, people, prejudices, and practices.

A 1972 Gallup poll asked the American public: "If you could live anywhere in the United States that you wanted to, would you prefer a city, suburban area, small town, or a farm?" Only 13% preferred the city.

While it is a common view that cities have been the birthplace of nearly everything we value in human society, dislike and distrust of urban life is as old as the cities themselves.

If we examine the facts we find that there may be reasons for the anti-urban sentiment in millions of Americans today and that these reasons are reinforced by a subjective religious and cultural philosophy which has been centuries in forming.

A reading of the Bible will show early recorded prejudices against cities as a place of abode.

According to Genesis, after Cain slew his brother Abel, Cain became a wandering fugitive. While wandering, God offered Cain protection from those who sought revenge, but Cain spurned this offer. Instead, Cain went into the land of Nod and founded the first city: the City of Enoch.

A further reading of the Bible reveals that in building the city Enoch, Cain rejected God in an attempt to control his own destiny.

Viewed in this light, the city itself was an act of defiance against God's will; it was an environment which spawned disobedience. The city was "unnatural" and resulted in the despoiliation of the countryside that God had created for men.

In another part of the Bible, in the Old Testament, we read that the Israelites, during their bondage in Egypt were forced to build Egyptian cities.

This experience of work and suffering under bondage should have been ample reason for the Israelites to curse city life. Yet, when released from bondage, they built cities of their own. These cities, included the City of Jericho, which was destroyed by a handful of men, because it is said it "invoked God's wrath."

From Genesis to Revelations and the Koran of the Islamic religion, "The City" was uniformly, denounced as "evil and corrupting to man's soul."

Then, if we turn to the writings of Greek and Roman philosophers, we find that they also reflected an anti-urban point of view. The educated "yearned for the countryside, as a respite from the evils of the cities."

And then, here in early America, Thomas Jefferson, in his Notes on the State of Virginia, characterized the ideals of American values as anti-city; he wrote: "Those who labor in the earth are the chosen people of God, if ever he had a chosen people."

Throughout early America and to the present, an emerging goal of the majority of the middle class was to escape the chaos and the disorder of the central city, and the slums and tenements which they departed were inherited by the next wave of migrants and immigrants. The hard memory of the city which the departed retained was one of a "high cost of living which bought them crime ridden streets, noisy mills, and vermin-infested tenements."

Today, urban dwellers hang landscape paintings over their fireplaces, introducing a tamed wilderness into their homes, another manifestation to identify with pleasures and conditions not overly abundant in our cities.

It is against this background of the historic ostracizing of our cities (where today such an overwhelming portion of our population lives) that we examine the greatest city on earth; New York City.

During the years of 1969 and afterwards, the question was often asked: "Is New York City governable?" When asked, I would always answer by saying: "Yes, very definitely, New York City is governable, but it can be governed better if differently structured." I could then go on to detail some of the changes that I feel would make New York a better governed City.

I have noticed that during the past two years, I have very rarely been asked the question: "Is New York governable?" But now, people are asking a new question: "Is New York City economically viable", or simply, "Can New York City survive?"

I answer that new question by saying: "Yes, New York City can be economically viable, and Yes, New York City can survive." It can do more than "survive", it can thrive. But, it will thrive only if New Yorkers are prepared to understand that which has brought our great City to its present economic crisis. . . . and New York City can survive and thrive only if New Yorkers who have been a part of the problem are now prepared to join together in the solution of the problem.

This year's New York City budget or money crisis" is very much like last year's energy crisis in that the money "crisis" of which the public is aware; the money crisis which newspapers write about and politicians discuss, is only a relatively mild symptom of a much more fundamental money crisis which so many seem not yet ready to face.

In last year's "energy crisis", people were aware that they had to wait in long lines to buy gasoline. They were aware that gas stations weren't open on weekends, and that they—the vehicle operators, had to operate their vehicles more slowly to save gas. During that energy crisis, people were led to believe that the crisis existed because "Arabs were raising oil prices" and "the major oil companies were holding back on supplies and exploiting us."

Meanwhile, the real energy crisis, the much more fundamental crisis was and is a crisis in which the world is rapidly running out of obtainable economically produced oil and that sometimes toward the beginning of the next century, there might be little oil left for our industrialized society.

In this real energy crisis, the very survival of the industrailized world may be in jeopardy, unless, alternate sources of energy, such as nuclear power and solar power, are sufficiently developed so as to replace petroleum as the oil of machinery and consequently, the "oil of life".

There is a similarity between the public's perception of the New York City Budget Crisis, and that of the first energy crisis. Until this very day, the public, given guidance by public writings and public talk, focused its attention principally on a "cash flow crisis" and an announced 641 million dollar 1975–76 budget deficit crisis.

Now, pundits suggest we are on our way to a "solution," albeit a rather stringent solution through a corporation known as Big Mac, of both the "cash flow" and "the 1975–76 Budget crisis." But, this solution may be similar to the "solution" of the energy crisis.

As to the energy crisis, once the public had access to gas, even though the price was higher, the public no longer perceived that an energy crisis existed. After all, "isn't gas available in abundance," and "are there not gasoline price wars raging around the country;" and, "aren't the oil companies pressuring their outlets to pump more gas?" These were the comments and actions which led to the belief that no longer did the energy crisis exist. The energy crisis appeared over.

And, so it may be that once the enormous short-term debt of New York City is refinanced as a long-term debt, and once the 1975–76 budget is brought to balance, on paper, then, in the public mind, the New York City budget crisis, like the energy crisis, will be a thing of the past.

But, the real fiscal crisis of New York City, the much more fundamental crisis, will remain. It will remain as a time bomb, quietly ticking away in the background of our complacent lives.

For the real fiscal crisis of New York is deeply imbeded in our City's history. It is imbeded in many things, one of which is the fact that the existing system of taxation in New York City, with its heavy reliance on the property tax to provide basic City services, is no longer capable of supporting the multiplicity of City-delivered services. And without fundamental change in our tax structure, businesses will be driven from our city, investors and people will find us increasingly unattractive and suddenly, not slowly, we will die.

As a parallel to the solution of the energy crisis, we solve our immediate budget crisis by converting 3 billion odd dollars from short-term notes to 10 year bonds, and we bring the budget into balance for the coming fiscal year, by new taxing and grevious employee terminations. But serious students of fiscal management point out that the converting of short-term notes into long term bonds and the massive firing of people cannot, alone, solve our problems.

The real solution to our New York City money crunch can come only after the City of New York, its leaders, its opinion molders, and its citizens are fully prepared to accept a period of intense austerity, and greatly reduced City-furnished services, and only after the tax base is modified to be able to finance even a reduced level of services. This is an unpalatable food to taste and a much more difficult food to digest. This is harsh and cruel talk to a city that has for decades done so much for its poor, its rich and its middle class.

This necessary reduction of City services will be frightening to some, and noticeable by all; for these reductions will need to come against a background of decades of expansion of the number of services and benefits delivered by the City of New York to its citizens, as well as an ever-increasing intensity of delivery of many services and benefits.

The City of New York provides more health, education, sanitation, recreation, cultural and other services than any other City in this nation.

When one asks the question: "What happened to us; Why is the City in such bad straits?" The answer is found in many actions and many attitudes over many years. Much of our problem comes out of a history of being a great City.

What other City experiences a cost of 72 cents to transport a passenger, but charges the rider only 35 cents for that transportation?

Being a "great City" means that we can point to ourselves and ask the question: "What other city in this nation has one high school that has as its specialty the preparing of students in the field of aviation, and another for music and the arts, and still another for fashion design; another for the marine industry, another that specializes in teaching the printing trade, and yet another specializing in the teaching of auto mechanics alone;—and on and on we could go as to our specialized high schools here in the City of New York.

What other city has as many children in day care, or more municipal hospitals, or a tuition-free and open admission higher education system?

Being a "great city" has meant that the City of New York delivers to its citizens many services that in other areas of the country, are delivered by state governments, by county governments, and by separate school districts.

Being a "great city," our City, in addition to the wide-range of services that it had traditionally delivered, during the 1960's, (and even into the last four (4) years) the City of New York vastly expanded and intensified its range of services. There was instituted a program of Open Admission in the City University. There was begun a large scale program of day care services and there was a vast expansion in the practice of incurring city debt to build housing for middle income families.

I mention this last fact to put into better perspective our city's monetary disposal; lest the unaware persist in believing that only the poor benefit from the warm bosom of "mother New York."

The fact is that, about one (1) billion dollars worth of the City's short-term debt came as a result of a proper desire to subsidize the rents of families in middle income Mitchell Lama Housing developments; with some of them at rentals of $125 per room per month. To prevent an increase in rents to these middle income families, the City avoided long-term financing and amassed instead, a great billion dollar short-term debt which was repeatedly "rolled over" as city fathers awaited a "better money market."

The question might properly be asked: how did New York City, during the 1960's and early 1970's manage to walk so constantly down the path to ever increasing debt through ever increasing service delivery? The answer is found in numerous circumstances.

First, a massive increase in available programmatic Federal Aid encouraged the establishment, the growth, and the perpetuation of many worthy, but costly, social programs.

Second, the increased availability of State-furnished monetary aid during the same period further supported the establishment and expansion of much needed social programs.

Third, massive commercial and residential construction provided a large increase in taxable real estate in the City of New York, thereby providing larger tax revenue potential from which City-delivered services might be paid.

Fourth, in the years of 1960 and 1968, there was a relatively healthy, but rather stable national and local economy which induces our city authorities to respond to public demands for new and/or intensified city services. But, then began the slide downward.

IF YOU CAN'T STOP DRINKING DON'T START DRIVING

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. SNYDER. Mr. Speaker, I believe public attention should be called to the national advertising program of the Distilled Spirits Council of the United States—DISCUS. Their pioneering efforts in the field of public education through public service advertising on the problems of alcohol abuse have just been recognized in the Saturday Review's national advertising competition for the second year in a row.

The distillers deserve public applause for their long standing concern about the minority of Americans who abuse their products, as evidenced in this advertising program and other activities.

I recommend my colleagues' attention to the following release, and include it in the RECORD:

> WASHINGTON (Special) July 18, 1975.—The Distilled Spirits Council of the United States (DISCUS) has been honored for the second year in a row in the Saturday Review advertising awards competition.
>
> The DISCUS advertisements were a unanimous choice of the seven-judge panel in the "public interest" category.
>
> Four 1974 award-winning advertisements were part of a continuing national advertising program by DISCUS, based on the concept "If You Choose to Drink, Drink Responsibly."
>
> Advertisements based on this concept are scheduled for major national publications during 1975. The advertising agency is Marsteller, Inc. The program is designed to provide realistic information about drinking for those who choose to drink.
>
> Much of the advertising on alcohol abuse used the old "scare" technique. By way of contrast, the DISCUS ads appeal to the personal experience and common sense of normal adult drinkers.
>
> DISCUS ads have concentrated on a variety of specific appeals. Over the years individual ads have told readers "What You Owe to Your Guests," and "The Hostess Who Pours the Mostest Is a Poor Hostess."
>
> Headlines on some of the award-winning 1974 ads included "Know When to Say When;" "It's All right to Offer Someone a Drink. It's All Wrong to Insist," and "There's Another Limit You Should Know: Your Own."
>
> During 1973 the national advertising program included "If You Can't Stop Drinking, Don't Start Driving," and "Your Guests Should Enjoy the Party Even When It's Over."

JACK ANDERSON: WAR HERO?

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. McDONALD of Georgia. Mr. Speaker, the marked antipathy toward matters of national defense shown by columnist Jack Anderson over the years is a matter of public record. An examination of his own early record in military matters may be instructive in determing the origins of that hostility.

It appears that Anderson groped about for some time before finding a sort of success as apprentice to muckraker Drew Pearson. For a man alleged to work with factual information, Anderson's memory apparently has surprising lapses.

Although he claims attendance at the University of Utah and "either George Washington or Georgetown" in Washington, D.C., there is no record of Anderson's having completed any higher education. Surely most of us can remember which college we attended; perhaps this is yet another indication of Anderson's inability to recall details.

In December 1941, while countless thousands of patriotic Americans were hastening to volunteer to fight the fascist Axis Powers, Anderson was hastening to involve himself in missionary work as an unsalaried volunteer in various States in the South, where we all remember the fighting was thickest.

Anderson has testified under oath that his missionary work from December 20, 1941, until February 22, 1944, resulted from his accepting a call from the Mormon Church after being ordained a Mormon minister. Not so, say Mormon authorities, denying that Anderson could have been ordained and stating that Anderson's work was as an unsalaried volunteer missionary.

By this time World War II nearly over, Anderson "volunteered for the U.S. Navy in 1944." Anderson has testified that having joined the Navy, he was sent to and attended the Merchant Marine Academy at San Mateo, Calif. Anderson claimed he attended "the Merchant Marine Officer Training School" for about 3 months as a "midshipman."

Strangely, the Merchant Marine Academy records give no indication of a Jack Anderson in attendance; and Merchant Marine Academy student officers are termed "cadets" not "midshipmen." Mr. Anderson may be unaware that the Merchant Marine Academy is not an adjunct of the Navy which he claims to have joined.

Anderson's career as a valiant "war hero," according to his own testimony, consisted of 7 or 8 months aboard the merchant marine vessel, *Cape Elizabeth* late in 1944. However, if Anderson were ever a member of a ship's crew, it is news to the Maritime Bureau records. Perhaps Anderson would be so kind as to correct this defect by supplying details of his service directly to the Maritime Bureau.

With the Axis Powers safely defeated in 1945, our intrepid reporter, Jack Anderson, went to China as a correspondent for the Deseret News. He claims he filed stories from China on the guerrilla campaigns and air raids; but Anderson must not yet have learned his profession in those days, because, under oath, he was unable to remember what newspapers, if any, had printed his stories.

In a circumstance unusual for one who had already seen service in the Navy, Anderson has stated that sometime after the war—but he could not remember just when—he was inducted into the U.S. Army. Again, with a remarkable grasp of detail, Anderson is vague as to his unit. "I think there was a brief period that I was in the Quartermaster Corps" and is unable to remember such basics as his serial number.

Claiming he was assigned to the Army newspaper Stars and Stripes, Anderson states he saw service in the Pacific, but again gives no details. And an exhaustive study of files and records produces no by-lined Anderson articles in that publication.

After this expedition into danger—after all, some of those dedicated Japanese soldiers remained in hiding on Pacific islands for 30 years—Anderson returned to the rigors of civilian life and soon found he could no doubt best serve the future of America as assistant to the poison pen of Drew Pearson.

Looking at this record of bravery and courage, it is not surprising that Anderson wields his dirty hatchet with special vigor on those who support a strong U.S. defense force capable of deterring armed attacks by America's enemies.

CONGRESS CIA PROBE

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Ms. HOLTZMAN. Mr. Speaker, we all recognize the urgency of conducting a thorough and impartial investigation into the activities of the Central Intelligence Agency and of developing more effective congressional controls over the CIA. Representative MICHAEL HARRINGTON of Massachusetts has played a major role in focusing the attention of Congress on this problem and in the creation of a select committee to discharge these important responsibilities.

Despite his longstanding concern about the activities of the CIA, Representative HARRINGTON has been the subject of innuendo and criticism for allegedly making public confidential materials about illegal CIA activities.

It seems to me a matter of fundamental fairness that we hear Representative HARRINGTON's side of the story. It is important, as well, that we understand his deeply held and well-informed views on the CIA and the oversight responsibility of Congress.

Therefore, I would like to call to the attention of my colleagues, an article by Representative HARRINGTON which appeared in the New Republic this week. Although I do not agree with every argument that he makes, I would urge most respectfully that my colleagues take his views into consideration.

The text of the article follows:

GETTING OUT THE TRUTH

(By Michael J. Harrington)

If a President engages in a cover-up of government wrongdoing, as happened in the Nixon White House, he can be challenged through the process of impeachment, which amounts to indictment and trial by the Congress. But what do we do if the Congress engages in a cover-up? Individual members can be censured or expelled, of course, but what if the cover-up is institutional, a product of the most time-honored rules and rituals?

This is precisely the problem that confronts us in the unfolding story of CIA and other intelligence agency misdeeds. To be sure presidential decisions and actions are involved here too, but now we have a situation where members of Congress, in their capacity as overseers of intelligence agency operations, had knowledge of the most blatant crimes and improprieties and nevertheless did nothing. The instance I am most familiar with concerns the CIA's accomplishments on our behalf in Chile in the early 1970s. The reactions to that record by those who came to hear of it are a sobering illustration of the great congressional weakness—the habitual reflex of avoidance and acquiescence, masked by the illusion of activity.

In April of last year, CIA Director William Colby appeared at a closed session of Rep. Lucien Nedzi's Armed Services subcommittee on intelligence and described his agency's long-term involvement in the political process in Chile, where a bloody coup against Salvador Allende Gossens in September 1973 had led to the installation of a military dictatorship. Mr. Nedzi had called Colby in at my urging, so naturally I wanted to know what the director had to say. Not being a member of Armed Services, I had to make special arrangements to view the classified transcript in the committee offices—the privilege of any House member—and after some initial difficulties with the staff there, I got my first look at the material on June 4. What it said left me appalled.

The authorization of bribery, the funding of political factions and propaganda campaigns, the fomenting of strikes and demonstrations, a myriad of destabilizing actions—all directed against the duly elected leader of Latin America's most sophisticated democracy—are now matters of public record. Not only does that record indicate violations of standing treaties and other affronts to Chilean sovereignty; it also shows that President Nixon and Secretary Kissinger had lied repeatedly to the American people about our involvement there and that some administration figures had apparently perjured themselves on the matter before certain committees of Congress.

Determined to get some congressional action that would bring these things to light, I approached Mr. Nedzi and asked him what he planned to do with this information. He replied with a philosophical shrug. He had taken the testimony as I asked—what more could one do? This information, after all, was secret.

Knowing full well from my short-term experience as a member of Armed Services (ending in 1973) that Chairman F. Edward Hébert would be even less inclined to pursue the matter than Mr. Nedzi, I spoke with several subcommittee chairmen of House Foreign Affairs, of which I am now a member, and then with some of my staff. I also sought the advice of Larry Stern of The Washington Post, a personal friend who clearly understood that the story was not to be released. But the reactions of the subcommittee chairmen and other Foreign Affairs colleagues, though generally sympathetic in tone, were equally lacking in commitment. Yes, the Chile story sounded pretty bad, but that was the province of another committee and besides, the information was secret.

I finally wrote to "Doc" Morgan, chairman of the full committee, and to Senator Fulbright. In those two long letters of July 18, I reviewed Colby's April testimony and argued that "the Congress and the American people have a right to know what was done in our name in Chile . . . I urge you to turn this matter to the attention of the Foreign Relations [Affairs] Committee for a complete, public investigation. . . ." I pointed out that the Forty Committee, the interdepartmental body chaired by the President's national security adviser, had authorized the expenditure of about $11 million between 1962 and 1973 to help block Allende's election and then to "destabilize" his government after he won.

"The agency's activities in Chile were viewed as a prototype, or laboratory experiment," I noted, "to test the techniques of heavy financial involvement in efforts to discredit and bring down a government." I gave a general breakdown of the amounts authorized from 1962 through 1973, and explained to the respective chairmen that since acquiring this information I had tried to persuade well-positioned colleagues to pursue the facts but that nothing seemed to be happening. I said I was writing to them as a last resort. Rep. Morgan did not answer my letter. Sen. Fulbright replied, but not very substantively, suggesting that the real solution to the problem was the establishment of a joint committee on oversight.

I felt ambivalent at this point as to how I ought to proceed—I did want to stick with the congressional process but could see no obvious lines to follow. At any rate the matter was set aside in my preoccupation with the summer's major event: the impeachment proceedings of the House Judiciary Committee. Then on September 6, Seymour Hersh of *The New York Times* called me up to inquire about the context in which those letters had been written, saying that he had a copy of one of them. I told him I didn't want the issue raised in this manner and, suspecting he may only have heard a rumor, I said I wouldn't comment on the substance of the letter until I saw his story in print. He assured me I could read it in the *Times* on Sunday, two days later, which I did.

Shortly thereafter Mr. Nedzi asked me to appear before his Armed Services subcommittee to account for the egregious leak. I explained to the group, meeting against my objection in closed session, that the *Times* had not gotten the story from me or my office. But this was not satisfactory, for the point was raised that House Rule XI, Section 27(o) says that no evidence or testimony taken in secret session may be released or used in a "public session" without the consent of the committee. A further issue was the pledge I had to sign in order to read the Chile material, which said that classified information would not be divulged to any unauthorized person. Unauthorized persons, the ensuing exchange made clear, included other members of Congress.

This meeting did not maintain the highest level of discourse—one member compared me to Benedict Arnold—but I tried to make to the subcommittee a distinction between genuine concern for the national security and the facile use of that label to cover official acts of duplicity and illegality. Suggesting this distinction was one of the principal lessons of Vietnam and Watergate, I maintained that the cover-up of US actions in Chile was yet another case of national security's fraudulent application. My remarks did not set well with the subcommittee.

Nevertheless the storm seemed to pass. The next day I wrote to Mr. Nedzi asking that a transcript of the session we had just completed be made available to me when it was prepared. The letter was never answered, and I concluded that Armed Services had decided to drop the matter. I went off to campaign for reelection.

Meanwhile Mr. Hersh had turned over another rock, and in December and January wrote a series of stories alleging that the CIA had conducted a program of massive surveillance of American citizens in direct violation of its charter. Although cynics might have suggested that this only amounted to bureaucratic overlap with the FBI, the revelation jolted Congress in a way that harassment and assassination of foreigners never seemed to—possibly because some reports charged that the agency had snooped on senators and representatives. In any case hard on the heels of the President's establishment of the Rockefeller commission, the Senate voted to set up a select committee to investigate the full range of US intelligence activities. I proposed formation of a similar committee in the House, and after a month-long minuet of maneuver and delay, we had a select committee, too. I felt pretty good about it until the Speaker announced his choice for chairman—Lucien Nedzi.

Lucien Nedzi, the man who had sat on his hands as chairman of that permanent subcommittee on intelligence since 1971, who had listened to the agency horror stories about the bludgeoning of a democracy in Latin America without so much as a murmur to his colleagues—this was the man assigned to conduct the special investigation that would logically include his own lack of action as a subject of inquiry. I went to the floor of the House on the day his chairmanship became official and said I thought it was an outrage. This indiscretion, I was told later by horrified staff and colleagues, was not likely to advance my career—I had been given a seat on the committee myself and would therefore have to work with him—but I felt it had to be said.

Other members of the select committee later came to agree with me. The press really had the scent by now, and it soon came out that Nedzi, as chairman of that Armed Services subcommittee, had been briefed on CIA assassination plots more than a year before and, once again, had done nothing. With this news in hand, the select committee Democrats rebelled, demanding a different chairman. But Speaker Albert balked at dealing with the controversy, advising patience, and the full House later gave Nedzi a resounding vote of confidence by refusing to accept his resignation. This left Nedzi in charge of a committee with which he refused to work, and the investigation came to a standstill.

A major reason for that vote and the subsequent select committee stalemate is what was happening back at Armed Services. Curiously that committee's leadership decided to take up the question of my access to its classified files—stemming from the Chile controversy nine months before—at the very moment when Mr. Nedzi's failure as an overseer of intelligence operations had come to national attention. On June 10, five days after The New York Times broke the story of Nedzi's inaction on assassination schemes and at the height of the controversy over his remaining as Select Committee chairman, House Armed Services met in an improperly announced closed session and, without a quorum present, voted unanimously to bar me from further access to its files. No notice had been given me that this action was being considered—in fact I didn't find out about it until two days later.

I won't dwell on the several ways in which this action, reaffirmed at a later date by a narrow majority of the total committee, was itself a violation of House rules, except to say that a committee cannot take away the privileges a congressman holds under the rules of the House as a whole—one such privilege being access to all committee records, regardless of committee membership. A more telling point is the action's glaring hypocrisy.

Columnist Jack Anderson, for example, was quick to say that he has received leaks of classified information from many members of House Armed Services on many occasions—"I have no difficulty getting secrets out of that committee when I want them," he said. There are tolerable leaks and intolerable leaks, apparently, and the characterization depends not on the strict dictates of the rules but on the current interests of the committee leadership or the Executive branch.

The Armed Services action was perfectly timed to shift the focus of debate on the handling of classified material from Lucien Nedzi to Michael Harrington. And at least over the short term, the tactic seems to have worked. Certainly it contributed to the outpouring of affection for the harried select committee chairman who just happened to have his resignation considered by the House on the day of the second Armed Services vote against me. From the swirl of publicity over another member's endangering of the nation's defenses, Mr. Nedzi was borne up on wings of angels. The vote was 290 to 64.

If one takes a step back from all of this, what emerges is not a narrow controversy over a chairmanship and a member's prerogatives, but a pattern of congressional acquiescence in the seductive game of shared secrets. It starts with the pleasant feeling of being privy to things unknown to the ordinary citizen, but it works very much like blackmail. The more you know about dubious secret operations, the more you are responsible for hiding, and the more you hide, the tighter the grip of the State Department or the CIA or the Pentagon. A large part of Lucien Nedzi's problem is that he got to know so many and such distasteful secrets that he was effectively bound and gagged by them.

There are only two ways to avoid that position. You can stick your head in the sand and let the administration handle such things, or you can challenge the terms of the game itself, for the game is basically a fraud. Certainly the United States needs a first-rate intelligence gathering system, and maintaining that system will require that we keep some secrets. But the acceptance of a classification system gone wild—the mindless rubber-stamping of every conceivable piece of information with the national security label—has obscured the distinction between legitimate intelligence gathering and manipulation of people and institutions. It has provided the cover for almost every kind of crime and impropriety at home, and it has sanctioned covert adventures overseas that have done tremendous damage to our international standing.

After 10 years of Vietnam and the Watergate affair, the American people understand this. They know that their leaders have lied routinely, cloaking arrogance and bullying and greed in terms of the national interest. They know that a secret agency that can overthrow a foreign government is a threat to democracy here. They know that a Congress that will turn away or masquerade to hide those kinds of actions can also dissembled in its handling of just about anything else. The Congress knows this, too, but refuses to admit it. And that is why the House investigation of US intelligence operations will remain a touchy undertaking no matter who is doing the investigating. In the back of every member's mind is the uncomfortable sense that the biggest scandal in the sordid story of CIA wrongdoing is the failure of effective oversight—the cover-up by the Congress.

CONGRESSMAN PETER RODINO RECEIVES THE DISTINGUISHED PUBLIC SERVICE AWARD OF THE AMERICAN INSTITUTE OF PUBLIC SERVICE

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. BADILLO. Mr. Speaker, yesterday Congressman PETER RODINO received the distinguished public service award of the American Institute of Public Service in the Old Supreme Court chambers in the Capitol. As a member of the Committee on the Judiciary I am delighted that its chairman was so honored. Mr. RODINO deserves such recognition more than anyone I know for the leadership qualities he demonstrated during the impeachment hearings of former President Nixon.

Last year our country was experiencing a crisis of identity. For the first time in our history we were being called upon to establish restraints in utilizing our resources, to acknowledge the limitations of our strength. Our policy of expansion and growth, predicated upon unlimited access to raw materials, had to be reexamined. Concomitantly, the relevancy and integrity of our governmental structures were being questioned. Spreading scandals were destroying our self-respect and our national credibility was seriously being questioned throughout he world. Our country was weary of a long and bitter war which did not end in victory and disillusioned with politicians, elected and appointed.

Because of this atmosphere of doubt, recrimination, and uncertainty, many feared that the impeachment procedures would wreak irreparable damage. There were widespread fears that they would destroy the remaining faith in our public institutions and undermine the foundations of our Government. The whole country's attention was riveted on the Committee of the Judiciary, first with a great deal of doubt and skepticism—respect for Congress was at an all-time low—then with increasing attention and respect. I think the reaction of my constituents was typical. By observing the grave, painstaking, and indubitably fair deliberations of the committee, their faith in our Government was reborn. All at once they perceived the "system"—thus far alien and remote to them—as something viable, something capable of bringing about justice, something strong enough to preserve their rights. I think that only those who like me represent a largely poor constituency can understand the full implications of such reactions.

We are all familiar with the happy ending. We all know that the impeachment hearings, instead of dividing our country, and undermining faith in our institutions, served to renew our faith in constitutional government and restore our self-respect. But I doubt that many fully understand the tremendous effort, dedication, painstaking scholarship, and unswerving integrity those impeachment hearings demanded from the chairman of the committee, Mr. RODINO.

The award presented yesterday paid well-deserved tribute to his leadership. I am glad to have had the opportunity to participate in the ceremonies and would like to share with my colleagues both the introductory remarks made by Mr. Charley Bartlett of the Chicago Sun-Times and the acceptance speech of Mr. RODINO.

The material follows:

REMARKS OF CHARLEY BARTLETT AT THE AMERICAN INSTITUTE FOR PUBLIC SERVICE AWARD, JULY 23, 1975

In paying tribute to Peter Rodino a year after the great travail of his Judiciary Committee, it is important to remember that as he took his committee and the Nation on a big leap ino the intricacies of impeachment, many doubted that Congress would have the will to force the moment to its crisis. Politicians schooled in traditions of political justice, whch is doing good to your friends and harm to your enemies, did not seem capable of Platonic justice, or the distribution of legal equality.

But as Woodrow Wilson observed, men who attain high office in Washington either grow or swell. The trouble with those who swell, he added, is that they don't explode. The impeachment process became a contest between the growers and the swollen ones. Enobled by the circumstances and by the example being set by their Chairman and John Doar, the members of the House Judiciary Committee grew into a detonating force and historic dimensions.

The just are gentle, Homer wrote, and in these testing days, Peter Rodino was the perfect model of a just chairman . . . steady but never stiff, humble but careful to guard the dignity of the chairman's toga. He did not seek confrontations; he did not play cat and mouse; he did not behave like an avenging angel; he did not seduce the press with tidbits; he did not let himself be tugged by the tides of passion.

He gave the country what it wanted and needed, searching, objective inquiry into grave charges. He gave all of us fresh cause for confidence in our system.

These were the crucial gifts of tremendous significance. So it is only a token exchange for the Institute's selectors to bestow on Peter Rodino its award for the greatest public service performed by an official.

REMARKS OF HONORABLE PETER W. RODINO, JR., AMERICAN INSTITUTE FOR PUBLIC SERVICE AWARD, JULY 23, 1975

Mr. Speaker, Mr. Beard, Senator Taft, Mr. Bartlett, distinguished members of the Cabinet, my colleagues, members of the American Institute, friends.

First, I wish to congratulate my co-awardees, for their distinguished service.

I am deeply and sincerely grateful for the honor you do me.

The honors that have come to me, as does this one now, are not mine alone. They are to be shared with the men and women of the Judiciary Committee and the staff that supported our efforts during the long days and even longer nights of our inquiry. I share them too with the American people with whom we all shared the ordeal.

This award is not only dear to me—but symbolic, as well. For it highlights the central crucial necessity of this last third of the century. That necessity is political leadership, on a scale of courage—and at a level of excellence that matches the enormity of the political challenge we face as a nation.

There were three previous moments in our national history when the critical need for superior political leadership was as embracing as it is in this decade—in the birth of our republic when the best that we had labored over the greatest civic invention in all the known recorded history of man—during the years of the Civil War, when our nation was strife-torn, divided and bloodied as brother fought against brother—and in the years of the great depression when all that we had built was ready to collapse.

While it is fashionable to lament the complexity and magnitude of today's tremendous problems, it is hard to imagine three more desperately anxious times, choking the national throat with the possibilities of total suffocation. But we survived! We survived because those to whom we looked for leadership were of the character and resolve and intelligence that was fitted to address the crisis they were called upon to face.

So it is that we should have no fear of the forebodings, and the Cassandra-like statements which declare that our problems will over-run and defeat us.

For we will not be over-run—and we will survive, if there springs from the nation the leadership that is required to lead the people who have shown that they can be strong and steady in any crisis. For it is in the caliber of our leadership that we will lay claim to our future.

ALEXANDR SOLZHENITSYN—A MAN WITH A MESSAGE FOR ALL AMERICANS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1975

Mr. BIAGGI. Mr. Speaker, without question, the visit of the renowned Russian novelist Alexandr Solzhenitsyn has caused quite a stir in this Nation. His outspoken views and harsh assessment of the life in the Soviet Union have been widely reported in our newspaper and media.

Yet in my own opinion, his most important contribution has been his questioning of the feasibility of détente for the United States. He demonstrated great courage when he labeled détente as a concessionary policy with respect to the United States. The question we should ask now, Do we have the courage to apply what Solzhenitsyn has told us to our future dealings with the Soviet Union?

This new assessment of détente is a bitter pill for many Americans to swallow for its flies directly in the face of what this and the previous administration has been trying to tell us about détente. Yet a close look at some major détente agreements such as the Russian wheat deal and the SALT agreements indicated that only through concession on our part have these agreements come to pass.

In addition, communism in general has flourished under détente. In this past year South Vietnam, Cambodia, and Laos have all fallen under Communist rule. Portugal is on the verge of Communist rule and in Italy the Communist Party scored dramatic advances in the last elections.

In addition, under détente the Soviet Union has done nothing to improve the quality of life among their peoples both at home and in their satellite nations in Eastern Europe. Many of these captive nations have been under the yoke of oppressive Communist rule for as long as 50 years. The United States has dealt these brave freedom-loving peoples a serious blow with our decision to sign an agreement establishing the Soviet borders in Eastern Europe where they are.

The concept of freedom has been challenged on numerous occasions over the years. In some cases it took global wars to settle problems, in other cases smaller wars. Détente is a new phenomenon where in a sense we ourselves and our concessionary dealings with the Soviet Union are posing a serious threat to our future. We must reverse the trends of the last 5 years, stand firm with the Soviet Union and work for détente from a position of equality. The world community will be the ultimate beneficiary.

At this point in the RECORD I would like to insert an excerpt from Mr. Solzhenitsyn's excellent speech which he delivered at the Washington Hilton Hotel on June 30. I have extracted his extremely timely and important remarks on détente and urge my colleagues to read his remarks:

Look into the future! This is how they looked into the future in 1933 and 1941, but it was a short-sighted look into the future. This is how they looked into the future two years ago when a senseless, incomprehensible, non-guaranteed, truce in Vietnam was arranged, and it was a short-sighted view. There was such a hurry to make this truce that they forgot to liberate your own Americans from captivity. They were in such a hurry to sign this document that some 1300 Americans, "Well, they have vanished; we can get by without them. How is that done? How can this be? Part of them, indeed, can be missing in action, but the leaders of North Vietnam themselves have admitted that some of them are still being kept in prison. And do they give you back your countrymen? No, they are not giving them back, and they are always raising new conditions. At first they said, "Remove Thieu from power." Now, they say, "Have the United States restore Vietnam, otherwise it's very difficult for us to find these people."

If the government of North Vietnam has difficulty explaining to you what happened with your brothers, with your American POWS who have not yet returned, I, on the basis of my experience in the Archipelago, can explain this quite clearly. There is a law in the Archipelago, that those who have been treated the most harshly and who have withstood the most bravely, the most honest, the most courageous, the most unbending, never again come out into the world. They are never again shown to the world because they will tell such tales as the human mind cannot accept. A part of your returned POWS told you that they were tortured. This means that those who have remained were tortured even more, but did not yield an inch. These are your best people. These are your first heroes, who, in a solitary combat, have stood the test. (Applause.) And, today, unfortunately, they cannot take courage from our applause. They can't hear it from their solitary cells where they must either die or sit 30 years, like Raoul Wallenberg, the Swedish diplomat who was seized in 1945 in the Soviet Union. He has been imprisoned for 30 years and they will not yield him up.

And you have some hysterical public figure who said: "I will go to North Vietnam. I will stand on my knees and beg them to release our prisoners of war." This isn't a political act—this is masochism. (Applause)

To understand properly what detente has meant all these 40 years—friendships, stabilization of the situation, trade, etc. I would have to tell you something, which you have never seen or heard, of how it looked from the other side. Let me tell you how it looked. Mere acquaintance with an American, and God forbid that you should sit with him in a cafe or restaurant meant a ten-year term for suspicion of espionage.

In the first volume of *Archipelago* I tell of an event which was not told me by some arrested person, but by all the members of the Supreme Court of the U.S.S.R. During those short days when I was in the limelight under Khrushchev. One Soviet citizen was in the United States and on his return said that in the United States they have wonderful automobile roads. The KGB arrested him and demanded a term of 10 years. But the judge said: "I don't object, but there is not enough evidence. Couldn't you find something else against him?" So the judge was exiled to Sakhalin because he dared to argue and they gave the other man 10 years. Can you imagine what a lie he told? And what sort of praise this was of American imperialism—in America there are good roads! Ten years.

In 1945–1946 through our prison cells passed a lot of persons and these were not ones who were cooperating with Hitler (Although there were some of those, too). They were not guilty of anything, but rather persons who had just been in the West and had been liberated from German prison camps by the Americans. This was considered a criminal act: liberated by the Americans. That means: He has seen the good life. If he comes back he will talk about it. The most terrible thing is not what he did but what he would talk about. And all such persons got ten-year terms.

During Nixon's last visit to Moscow your American correspondents were reporting in the Western way from the streets of Moscow. "I am going down a Russian street with a microphone and asking the ordinary Soviet citizen: Tell me please, what do you think about the meeting between Nixon and Brezhnev?" And, amazingly, every last person answered: "Wonderful. I'm delighted. I'm absolutely overjoyed!" What does this mean? If I'm going down a street in Moscow and some American comes up to me with a microphone and asks me something, then I know that on the other side of him is a member of the state security, also with a microphone who is recording everything I say. You think that I'm going to say something that is going to put me in prison immediately? Of course I say: "It's wonderful, I'm delighted, I'm overjoyed." (Applause)

But what is the value of such correspondents if they simply transfer western techniques over there without thinking things through?

You helped us for many years with Lend Lease, but we've now done everything to forget this, to erase it from our minds, not to remember it if at all possible. And now, before I came into this hall, I delayed my visit to Washington a little in order to first take a look at some ordinary parts of America, going to various states and simply talking with people. I was told, and I learned this for the first time, that in every state during the war years there were Soviet-American friendship societies which collected assistance for Soviet people—warm clothes, canned food, gifts and sent them to the Soviet Union. But we not only never saw these; we not only never received them (they were distributed somewhere among the privileged circles), no one ever even told us that this was being done. I only learned about it for the first time here, this month, in the United States.

Everything poisonous which could be said about the United States was said in Stalin's days. And all of this is a heavy sediment which can be stirred up anytime. Any day the newspapers can come out with the headlines: "Bloodthirsty American imperialism wants to seize control of the world," and this poison will rise up from the sediment and many people in our country will believe this, and will be poisoned by it, and will consider you as aggressors. This is how detente has been managed on our side.

The Soviet system is so closed that it is almost impossible for you to understand from here. Your theoreticians and scholars write works trying to understand and explain how things occur there. Here are some naive explanations which are simply funny to Soviet citizens. Some say that the Soviet leaders have now given up their inhumane ideology. Not at all. They haven't given it up one bit.

Some say that in the Kremlin there are some of the left, some on the right. And they are fighting with each other, and we've got to behave in such a way as not to interfere with those on the left side. This is all fantasy: Left . . . right. There is some sort of a struggle for power, but they all agree on the essentials.

There also exists the following theory, that now, thanks to the growth of technology there is a technocracy in the Soviet Union, a growing number of engineers and the engineers are now running the economy and will soon determine the fate of the country, rather than the party. I will tell you, though, that the engineers determine the fate of the economy just as much as our generals determine the fate of the Army. That means zero. Everything is done the way the party demands. That's our system. Judge it for yourself.

It's a system where for 40 years there haven't been genuine elections but simply a comedy, a farce. Thus a system which has no legislative organs. It's a system without an independent press; a system without an independent judiciary; where the people have no influence either on external or internal policy; where any thought which is different from what the state thinks is crushed.

And let me tell you that electronic bugging in our country is such a simple thing that it's a matter of everyday life. You had an instance in the United States where a bugging caused an uproar which lasted for a year and a half. For us it's an everyday matter. Almost every apartment, every institution has got its bug and it doesn't surprise us in the least—we are used to it.

It's a system where unmasked butchers of millions like Molotov and others smaller than him have never been tried in the courts but retire on tremendous pensions in the greatest comfort. It's a system where the show still goes on today and to which every foreigner is introduced surrounded by a couple of planted agents working according to a set scenario. It's a system where the very constitution has never been carried out for one single day. Where all the decisions mature in secrecy, high up in a small irresponsible group and then are released on us and on you like a bolt of lightning.

And what are the signatures of such persons worth? How could one rely on their signatures to documents of detente? You yourselves might ask your specialists now and they'll tell you that precisely in recent years the Soviet Union has succeeded in creating wonderful chemical weapons, missiles, which are even better than those used by the United States.

So what are we to conclude from that? Is detente needed or not? Not only is it needed, it's as necessary as air. It's the only way of saving the earth—instead of a world war to have detente, but a true detente, and if it has already been ruined by the bad word which we use for it—"Detente"—then we should find another word for it.

I would say that there are very few, only three, main characteristics of such a true detente.

In the first place, there would be disarmament—not only disarmament from the use of war but also from the use of violence. We must stop using not only the sort of arms which are used to destroy one's neighbors but the sort of arms which are used to oppress one's fellow countrymen. (Applause) It is not detente if we here with you today can spend our time agreeably while over there people are groaning and dying and in psychiatric hospitals. Doctors are making their evening rounds, for the third time injecting people with drugs which destroy their brain cells.

The second sign of detente, I would say, is the following: that it be not one based on smiles, not on verbal concessions, but it has to be based on a firm foundation. You know the words from the Bible: "Build not on sand, but on rock." There has to be a guarantee that this will not be broken overnight (Applause) and for this the other side—the other party to the agreement—must have its acts subject to public opinion, to the press, and to a freely-elected parliament. And until such control exists there is absolutely no guarantee.

The third simple condition—what sort of detente is it when they employ the sort of inhumane propaganda which is proudly called in the Soviet Union "ideological warfare." Let us not have that. If we're going to be friends let's be friends, if we're going to have detente then let's have detente, and end to ideological warfare.

The Soviet Union and the Communist countries can conduct negotiations. They know how to do this. For a long time they don't make any concessions and then they give in a little bit. Then everyone says triumphantly, "Look, they've made a concession; it's time to sign." The European negotiations of the 35 countries for two years now have painfully, painfully been negotiating and their nerves were stretched to the breaking point and they finally gave in. A few women from the Communist countries can now marry foreigners. And a few newspapermen are now going to be permitted to travel a little more than before. They give 1/1000th of what natural law should provide. Matters which people should be able to do even before such negotiations are undertaken. And already there is joy. And here in the West we hear many voices, saying: "Look, they're making concessions; it's time to sign."

During these two years of negotiations, in all the countries of Eastern Europe, the pressure has increased, the oppression intensified, even in Yugoslavia and Romania, leaving aside the other countries. And it is precisely now that the Austrian Chancellor says, "We've got to sign this agreement as rapidly as possible."

What sort of an agreement would this be? The proposed agreement is the funeral of

Eastern Europe. It means that Western Europe would finally, once and for all, sign away Eastern Europe, stating that it is perfectly willing to see Eastern Europe be crushed and overwhelmed once and for all, but please don't bother us. And the Austrian Chancellor thinks that if all these countries are pushed into a mass grave, Austria at the very edge of this grave will survive and not fall into it, also.

And we, from our lives there, have concluded that violence can only be withstood by—firmness.

You have to understand the nature of Communism. The very ideology of Communism, all of Lenin's teachings, are that anyone is considered to be a fool who doesn't take what's lying in front of him. If you can take it, take it. If you can attack, attack. But if there's a wall, then go back. And the Communist leaders respect only firmness and have contempt and laugh at persons who continually give in to them. Your people are are now saying—and this is the last quotation I am going to give you from the statements of your leaders—"Power, without any attempt at conciliation, will lead to a world conflict." But I would say that power with continual subservience is no power at all. (Applause).

But from our experience I can tell you that only firmness will make it possible to withstand the assaults of Communist totalitarianism. We see many historic examples, and let me give you some of them. Look at little Finland in 1939, which by its own forces withstood the attack. You, in 1948, defended Berlin only by your firmness of spirit, and there was no world conflict. In Korea in 1950, you stood up against the Communists, only by your firmness, and there was no world conflict. In 1962 you compelled the rockets to be removed from Cuba. Again it was only firmness, and there was no world conflict. And the late Adenauer conducted firm negotiations with Khrushchev and thus started a genuine detente with Khrushchev. Khrushchev started to make concessions and if he hadn't been removed, that winter he was planning to go to Germany and to continue the genuine detente.

Let me remind you of the weakness of a man whose name is rarely associated with weakness—the weakness of Lenin. Lenin, when he came to power, in panic gave up to Germany everything Germany wanted. Just—what it wanted. Germany took as much as it wanted, said, "Give Armenia to Turkey." And Lenin said, "Fine." It's almost an unknown fact but Lenin petitioned the Kaiser to act as intermediary to persuade the Ukraine and, thus, to make possible a boundary between the Communist part of Russia and the Ukraine. It wasn't a question of seizing the Ukraine but rather of making a boundary with the Ukraine.

We, we the dissidents of the U.S.S.R., don't have any tanks, we don't have any weapons, we have no organization. We don't have anything. Our hands are empty. We have only a heart and what we have lived through in the half century of this system. And when we have found the firmness within ourselves to stand up for our rights, we have done so. (Applause.) It's only by firmness of spirit that we have withstood. And if I am standing here before you, it's not because of the kindness or the good will of Communism, not thanks to detente, but thanks to my own firmness and your firm support. (Applause.) They knew that I would not yield one inch, not one hair. And when they couldn't do more they themselves fell back.

This is not easy. In our conditions this was taught to me by the difficulties of my own life. And if you yourselves—any one of you—were in the same difficult situation, you would have learned the same thing. I don't want to mention many names tonight but take Vladimir Bukovsky, whose name is now almost forgotten. (Applause.) Now, I don't want to mention a lot of names because however many I might mention there are more still. And when we resolve the question with two or three names it is as if we forget and betray the others. We should rather remember figures. There are tens of thousands of political prisoners in our country and—by the calculation of English specialists—7,000 persons are now under compulsory psychiatric treatment. Let's take Vladimir Bukovsky as an example. It was proposed to him, "Alright, we'll free you. Go to the West and shut up." And this young man, a youth today on the verge of death said: "No, I won't go this way. I have written about the persons whom you have put in insane asylums. You release them and then I'll go West." This is what I mean by that firmness of spirit to stand up against granite and tanks!

Finally, to evaluate everything that I have said to you today—and I am coming to my conclusion now—I could say we need not have had our conversation on the level of business calculations. Why did such and such a country act in such and such a way? What were they counting on? We should rather rise above this to the moral level and, say: "In 1933 and in 1941 your leaders and the whole Western World, in an unprincipled way, made a deal with totalitarianism." We will have to pay for this, some day this deal will come back to haunt us. For 30 years we have been paying for it and we're still paying for it. And we're going to pay for it in a worse way. One cannot think only in the low level of political calculations. It's necessary to think also of what is noble, and what is honorable—not only what is profitable.

Resourceful Western legal scholars have now introduced the term "legal realism." By this legal realism, they want to push aside any moral evaluation of affairs. They say, "Recognize realities; if such and such laws have been established in such and such countries of violence, then these laws must also be recognized and respected." At the present time it is widely accepted among lawyers that law is higher than morality—Law is something which is worked out and developed, whereas morality is something inchoate and amorphous. That isn't the case. The opposite is rather true! Morality is higher than law! (Applause.) While law is our human attempt somehow to embody in rules a part of that moral sphere which is above us. We try to understand this morality, bring it down to earth and present it in a form of laws. Sometimes we are more successful, sometimes less. Sometimes you actually have a caricature of morality, but morality is always higher than law. This view must never be abandoned. We must accept it with heart and soul.

It is almost a joke now in the Western World, in the 20th Century, to use words like "good" and "evil." They have become almost old-fashioned concepts, but they are very real and genuine concepts. These are concepts from a sphere which is higher than us—good and evil. (Applause.) And instead of getting involved in base, petty, short-sighted political calculations and games we have to recognize that the concentration of World Evil and the tremendous force of hatred is there and it's flowing from there throughout the world. And we have to stand up against it and not hasten to give to it, give to it, give to it, everything that it wants to swallow. (Applause.)

Today there are two major processes occurring in the world. One is the one which I have just described to you which has been in progress more than 30 years. It is a process of short-sighted concessions; a process of giving up, and giving up and giving up and hoping that perhaps at some point the wolf will have eaten enough. The second process is one which I consider the key to everything and which, I will say now, will bring all of us our future; under the cast-iron shell of Communism—for 20 years in the Soviet Union and a shorter time in other Communist countries—there is occurring a liberation of the human spirit. New generations are growing up which are steadfast in their struggle with evil. Which are not willing to accept, unprincipled, compromises; which prefer to lose everything—salary, conditions of existence and life itself—but are not willing to sacrifice conscience, not willing to make deals with evil. (Applause.)

This process has now gone so far that in the Soviet Union today, Marxism has fallen so low, that it has become an ancedote, it's simply an object of contempt. No serious person in our country today, not even university and high school students, can talk about Marxism without smiling, without laughing. But this whole process of our liberation which obviously will entail social transformations is slower than the first one—the process of concessions. Over there, when we see these concessions, we are frightened. Why so quickly? Why so precipitously? Why yield several countries a year?

I started by saying that you are the allies of our liberation movement in the Communist countries. And I call upon you: Let us think together and try to see how we can adjust the relationship between these two processes. Whenever you help the persons persecuted in the Soviet Union, you not only display magnanimity and nobility, you're defending not only them but yourselves as well. You're defending your own future. (Applause).

So let us try to see how far we can go to stop this senseless and immoral process of endless concessions to the aggressor—these clever legal arguments for why we should give up one country after another. Why must we hand over to Communist totalitarianism more and more technology—complex, delicate, developed technology. Which it needs for armaments and for crushing its own citizens. If we can at least slow down that process of concessions, if not stop it altogether—and make it possible for the process of liberation to continue in the Communist countries—ultimately these two processes will yield us our future. (Applause).

On our crowded planet there are no longer any internal affairs. The Communist leaders say, "Don't interfere in our internal affairs. Let us strangle our citizens in peace and quiet." But I tell you: Interfere more and more. Interfere as much as you can. We beg you to come and interfere. (Applause).

Understanding my own task in the same way I have perhaps interfered today in your internal affairs, or at least touched upon them, and I apologize for it. I have traveled a lot around the United States and this has been added to my earlier understanding of it—what I have heard from listening to the radio, from talking to experienced persons. America—in me and among my friends and among people who think the way I do over there, among all ordinary Soviet citizens—evokes a sort of mixture of feelings of admiration and of compassion. Admiration at the fact of your own tremendous forces which you perhaps don't even recognize yourselves. You're a country of the future; a young country; a country of still untapped possibilities; a country of tremendous geographical distances; a country of tremendous breadth of spirit; a country of generosity; a country of magnanimity. But these qualities: Strength, generosity and magnanimity, usually make a man and even a whole country trusting and this already several times has done you a disservice.

I would like to call upon America to be more careful with its trust and prevent those wise persons who are attempting to establish even finer degrees of justice and even finer legal shades of equality—some because of their distorted outlook, others because of short-sightedness and still others out of self-interest—from falsely using the struggle for peace and for social justice to lead you down a false road. Because they are trying to weaken you; they are trying to disarm your strong and magnificent country in the face of this fearful threat—one which has never been seen before in the history of the world. Not only in the history of your country, but in the history of the world.

And I call upon you: ordinary workingmen of America—as represented here by our trade union movement—do not let yourselves become weak. Do not let yourselves be taken in the wrong direction. Let us try to slow down the process of concessions and help the process of liberation! (Applause).

TRIBUTE TO E. C. "BUS" MILLS

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. KETCHUM. Mr. Speaker, I know that my colleagues will join with me in paying tribute to a man whose unceasing efforts are well known to all of us. I am referring to my good friend, and fellow resident of Bakersfield, Calif., Mr. E. C. "Bus" Mills. All of us, I am sure, are well aware that Bus has served for the past year as executive director of the National League of Families of American Prisoners and Missing in Southeast Asia, here in Washington. After 12 months of dedicated service, Mr. Mills is preparing to leave that post, returning to California next week.

I am not calling recognition to Mr. Mills today simply because he is a good friend, or because he shares my hometown, or because it is always nice to commend someone when they leave an executive spot. There is far more to my tribute than that. All of us have made an effort to secure an effort for our men still missing, and we have been joined in that effort by organizations and groups across the country. We have heard a lot of pleasant platitudes from the bureaucrats, and we have expressed our outrage on numerous occasions. But no single individual has done more to educate and enlighten the public, the press, and our Government to the plight of those missing men than has Bus Mills. He has been gentle, he has been patient, but he has been fervent in his consistent efforts to achieve the goal hoped for by the many families who wait with equal patience—a full accounting for those loved ones left behind.

Bus' request is really very simple, very logical, and for the life of me, I cannot understand why it is so difficult to obtain. All he asks for is the fulfillment of a promise made in the Paris Peace Accords, the demonstration of the simplest humanitarian gesture. If our men are alive in Southeast Asia, why not return them? If they are no longer living, why not so advise their families, and return their remains? Personally, I consider it a great tragedy that the appeal for this accounting must continually be made here on the floor of this House. No one is asking for any impossibility, simply the enactment of that promise.

I would like to assure Bus Mills that I will certainly continue my efforts toward obtaining the full accounting, and that I know other Members of Congress will join me in a cooperative effort with his successor, Col. Earl P. Hopper (Ret.). Most of all, however, I wanted to take a few moments to offer my most sincere commendation to a man who has given so much of himself for a cause so noble. I look forward to seeing Bus at home, in Bakersfield, and I know that he will continue his diligent work until his goal is achieved.

INDUSTRY CRIES WOLF ON VINYL CHLORIDE?

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. OBEY. Mr. Speaker, a year ago, during hearings on the establishment of a new standard for worker exposure to vinyl chloride, the Department of Labor was subjected to one of the most intense lobbying efforts in recent memory. One after another, representatives of the chemical industry testified that it would cost too much money to completely remove a potent carcinogen from the work environment and that the small risk of cancer faced by a relatively small number of employees was simply not sufficient justification to force plastics manufacturers to spend the millions of dollars required to meet the standards under consideration. They also warned that the increased cost to industry would have to be passed along to the consumer, and that as a result, it would be the American people who in the end would suffer.

Nevertheless, a strict standard was handed down by the Labor Department last January. The Wall Street Journal recently reported on how the industry was faring after 6 months of stringent regulation. The results: New plants are under construction and prices are below their 1974 high levels.

I insert the article in hopes that Members of Congress will remember that the cost of protecting workers from hazards such as vinyl chloride often may not be nearly as great as the industries involved claim:

LABOR LETTER—A SPECIAL NEWS REPORT ON PEOPLE AND THEIR JOBS IN OFFICES, FIELDS AND FACTORIES

Crying wolf? Vinyl chloride plants keep humming under new federal rules.

A year ago, makers of vinyl chloride and its many plastic derivatives were saying that adoption of proposed rules cutting workers' exposure to the cancer-causing gas would force the industry to "close down immediately." But, six months after tough new rules took effect, no plant has closed because of them, four new plants have opened and prices are below 1974 highs.

U.S. output of vinyl chloride plastic is way down this year, but the industry concedes that's due to the recession. The Society of the Plastics Industry, the trade group that foresaw doom last year, claims compromises over details of the rules averted disaster; but it concedes the industry "surprised itself" by being able to comply.

One company, Tenneco, even takes ads to hail its progress in cutting worker exposures; Robintech boasts of a cheap new method for cutting in-plant emissions.

DISSENTING OPINIONS ON CUSTOMER INTERCONNECTION OF TELEPHONE EQUIPMENT

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. EARLY. Mr. Speaker, the Federal Communications Commission adopted an order on May 8, 1975, and released it on June 4, rejecting the tariff exception filed by American Telephone & Telegraph Co. for the Mebane Home Telephone Co. of North Carolina. Those tariffs related to customer interconnection of telephone equipment. Because of the potential impact of unlimited customer interconnection on the telephone consuming public, I am requesting permission to include in the Record at this point the dissenting opinion of Federal Communications Commissioner Benjamin L. Hooks at the request of Mr. George D. Noble, Jr., assistant vice president for New England Telephone.

I would like to respectfully call Mr. Hooks' remarks to the attention of my colleagues, because I believe the entire matter of customer interconnection deserves serious consideration by this Congress.

Commissioner Hooks' dissenting views follow:

DISSENTING STATEMENT OF COMMISSIONER BENJAMIN L. HOOKS—IN RE: MEBANE HOME TELEPHONE CO. OF NORTH CAROLINA

In the name of the American consumer, the average residential telephone subscriber, I dissent. With all due respect to my colleagues and their undoubtedly noble intentions, our policy decision which today extends our landmark *Carterfone*[1] principle to unprecedented proportions could conceivably result in the most serious disservice to the ordinary consumer in the annals of FCC regulation. This action has the great potential of costing millions, maybe billions, of dollars in increased telephone rates in order that a few businessmen with sufficient savvy in telecommunications will be able to obtain substitute telephone equipment at (perhaps) reduced rates while profiting a limited number of these secondary equipment manufacturers. The everyday subscriber is likely to pick up the tab in the form of increased costs for phone calls because the revenues once realized by the phone companies in purveying that equipment, which revenues were used to defray overall expenses and contribute to rate of return, will have been siphoned away by independent manufacturers. Such manufacturers have no vested interest or responsibility in the overall cost or quality of the nation's telephone system; their interest is solely in the sale, at an unregulated profit, of alternate telephone equipment.

Although our *Carterfone* decision in 1968 was originally hailed as a victory for consumers who desired to purchase and install their own telephone equipment rather than

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Footnotes at end of article.

utilizing phone company-supplied devices, there are now growing indications that the victory was illusory (*see* discussion of filings of Docket 20003, *infra*) and that, in the end, the individual consumer will get it in the neck again. Our decision herein, although a *fait accompli* at this juncture in many respects,[2] contains the prospect of crucifying the consumer on an altar of pure competition.[3] I say: beware; for upon that altar may be many golden calves and our supplication thereunto may be revisited by demons yet unearthed. Beneath what superficially appears to be a pro-consumer decision (*viz.*, mandating the allowance of competitively supplied telephone equipment by the subscriber rather than that equipment supplied by the telephone company) there is lurking a boon to a relatively few business interests which buy and manufacture their own terminal devices at the averred expense of the common rate-paying public. This is so because, with this Commission's blessings and that of the state public utility authorities, residential telephone rates are much lower than present business rates even though the cost of providing service to business ordinarily costs the phone company little more than the provision of service to individual subscribers. Hence, the business man—through a higher cost of service and equipment—can be said to subsidize residential service.[4] If independent equipment and service suppliers (who do not, as a matter of law or policy, have to serve the lowly residential subscriber, particularly in rural areas) "cream skim" the choice business accounts away from the telephone companies, the contributory revenues thus lost will have to be made up by the remaining subscribers, *i.e.*, the small telephone users. The extent of this purported "cream skimming" and the harmful consequences are at this moment being investigated by us in Docket No. 20003 (note 6, *infra*) and challenged by a number of state public service agencies, *inter alia*, as catastrophic to local subscribers in the courts[5] and elsewhere.

My biggest problem, transcending those presented by the instant Mebane request, is that we are piecemeal expanding our *Carterfone* ruling in advance of the results of Docket 20003 (Economic Impact Study)[6] wherein the fundamental question of the adverse economic impact potential of our *existing* interconnection policies are being studied and wherein appreciable evidence has been submitted tending to corroborate that potential. *See, e.g.*, "The Revenue and Cost Impact of Interconnection Within the Service Area of New York Telephone Company" (January, 1975) attending the Response Pleading of the Public Service Commission of the State of New York (filed April 25, 1975, Docket No. 20003) which concludes at pp. 98–99:

> In conclusion, we recognize that interconnection does provide a choice of alternatives to many of New York Telephone Company's subscribers. Those customers who voluntarily choose interconnection may experience the benefits of innovative terminal equipment and a reduction in the cost of their communications service. *However, to residence customers and most individual line business customers, the vast majority of telephone subscribers, there is at present no cost advantage to be gained by choosing interconnection, because of the expense of interfacing with the telephone system.*
>
> As stated at the outset of this paper, the scope of our study was limited to the communications industry. We acknowledge, however, the possibility that, as a result of interconnection, some economic benefit may accrue to telephone subscribers from sources outside the focus of this study. It was not our purpose to attempt to analyze or measure that possibility. *Within the scope of our study, however, we must conclude that interconnection is causing the vast majority of New York Telephone Company's subscribers to incur significant increases in the cost of communications service, and our projections indicate that those cost increases will probably become more significant in future years.* (Emphasis added).

Nonetheless, I am not willing to prejudge the outcome of Docket No. 20003 with the apparent conclusiveness of the majority as reflected in its decision to enlarge our prior interconnection edicts at a time when our previous and more limited policies are under active examination and formidable attack. I want to make abundantly clear that I am wedded to neither the historical cross-subsidization pattern nor present interconnection policies: I would like to face those issues forthrightly in an open, widely publicized forum with the participation of all segments of industry, government and consumer interests. But, to decide a major policy issue with far reaching ramifications in the context of an unheralded, innocuous little case emanating in a small North Carolina hamlet is to regulate in a manner almost furtive. Unlike our other principal proceedings (*e.g.*, Domestic Satellites, Specialized Common Carriers, and the sex appeal issues in broadcasting), the public is uninformed about this vital issue and, now, foreclosed from enlightened participation. That is the gravamen and I dissent, with deference and respect to the possible accuracy of the majority view, to our premature and unnecessary (*see* note 8, *infra*) explosion of *Carterfone*, preferring to await the outcome of a comprehensive, participatory investigation into economic impact.

FOOTNOTES

[1] 13 FCC 2d 420 (1968), reconsideration denied, 14 FCC 2d 571 (1969). By its extension of *Carterfone*, the majority now authorizes the "substitution [of] telephone system equipment, such as PBX's and key systems" (*Majority Order*, par. 5) "although . . . *Carterfone* did not involve any substitution of telephone company equipment." *Id.* at par. 6.

[2] AT&T's Tariff No. 263, which presently provides for interconnection beyond the literal borders of *Carterfone*, demonstrates existential resignation to today's expansion. Progressively, *Carterfone* has been the victim of creeping revisionism, *see, e.g., Telerent Leasing*, 45 FCC FCC 2d 204 (1974) (appeals pending, note 5, *supra*) and today's action takes us one giant step beyond.

[3] This Commission has repeatedly been admonished that competition, *per se*, in the common carrier field does not carry with it the automatic assumption of a public benefit. That benefit must be clearly demonstrated. *FCC* v. *RCA Communications, Inc.* 346 U.S. 86 (1953). As the Court of Appeals recently noted in *Hawaiian Telephone Co.* v. *FCC*, 498 F. 2d 771, 777 (D.C. Cir. 1974):

> The whole theory of licensing and regulation by government agencies is based on the belief that competition cannot be trusted to do the job of regulation in that particular industry which competition does in other sectors of the economy. Without any way derogating the merits of the competitive free enterprise system in the economy as a whole, we cannot accept the action of the FCC here in a tightly regulated industry, supported by an opinion which does no more than automatically equate the public interest with additional competition.

That quote does not differ substantially from my concurring statement in *GTE Satellite Corp. et al.*, 43 FCC 2d 1141 at 1168–1169 (1973) where I earlier opined:

> [I]t is my belief that it is the Commission's job—not a profit seeking competitor's—to ensure that a regulated company is employing its assets to best advantage. If we suspect performance inefficiency and are seeking a yardstick, let's use our own rather than language by comparison to another profit inspired business which—even if more or less efficient than AT&T—still tells us nothing about AT&T since their respective positions are not remotely comparable. If satisfactory monitoring of AT&T for possible excesses mandates increasing Commission resources, then those resources should be sought since we are expected to satisfactorily execute our regulatory obligations. And, finally, I wish to make crystal clear that this concurrence is not an indication that I consider corporate "bigness," *ipso facto*, as synonymous with malevolence or inefficiency; if big can provide the best service at the lowest costs, then as far as I'm concerned, big is beautiful.

[4] This form of cross subsidization has been known and sanctioned by regulatory agencies, including the FCC, for many years. More fully explained:

> Residence service costs more for investment and but little less for operation than business, yet the rates must be much lower or service will not be taken. It is the extensive use of telephones in residence service that makes their use valuable to business. In fact, the value of a business service, in many instances, varies almost in direct proportion to the residence use. Consequently, it may be said that residence service is commonly conducted at a loss and the loss made up in the charges for business use. Residence service is given at a low price because of its low value in spite of its high cost; business service at a high price because of its high value although its cost is but little above that of residence. Any attempt to make rates proportionate to cost would result in residence charges so high that few householders would use the telephone at all and this would result in greatly impairing its value to the business user.

Pacific Tel. & Tel. Co., P.U.R. 1919D 345 at 370–371 (1919).

[5] *E.g.*, our *Telerent* decision, *supra*, note 2, is being appealed *sub nom. North Carolina Utilities Commission, et al.* v. *U.S.*, Case Nos. 74–1220, 74–1390, 74–1449, 74–1514, 74–1515 and 74–1516 (4th Cir. 1974).

[6] *Economic Implications and Interrelationships Arising from Practices Relating to Customer Interconnection, Jurisdictional Separations and Rate Structures, Notice of Inquiry*, 46 FCC 2d 214 (1974) and *First Supplemental Notice*, 50 FCC 2d 574 (1975).

See also "Report After Investigation" by the Committee on Communications, National Association of Regulatory Utility Commissioners (May 15, 1974) at pp. iv–v which concludes: On the basis of its investigation, including independent analyses by its staff, the Committee is convinced that under current regulatory policies, there will be a substantial adverse economic impact on local exchange telephone subscribers resulting from interconnection (principally of private branch exchanges and key telephone systems) and specialized common carrier competition . . .[7]

[7] The further diversion of telephone company revenues, which in the end may have to be made up by the non-business subscribers, to specialized common carriers (*see Specialized Common Carriers*, 29 FCC 2d 870, (1971), *aff'd sub nom. Washington Util. and Trans. Comm'n* v. *FCC*, —F. 2d—(9th Cir. 1975) (No. 71–2919, decided Jan. 20, 1975)), who furnish private voice and data lines to business over "high density" (big city) routes is a source of growing concern as indicated by the cited NARUC Report. I have many misgivings as to whether the average subscriber will have to pay the piper for the profits of a few specialized carriers and select businessmen and have said so in my statement accompanying a request for a reconsideration of *Specialized Common Carriers*, 50 FCC 2d 416 at 419 (1974).

Between the loss of terminal equipment revenues to one set of profit seekers and the loss of private line revenues to another set, the telephone companies must likely increase their dependence on the average rate payer to satisfy ever escalating capital needs, with ever escalating rates a certainty.

With specific reference to the case at bar, and even assuming for the moment the eventual sagacity of the policy extension above, I dissent from our failure to allow the requested exemption to go into effect pending the outcome of the hearing herein ordered on Mebane's assertions. In Mebane, we are confronted with allegations of severe economic impact from a small, rural telephone company which may be highly adverse to its 5000 subscribers if revenues from terminal equipment is diverted to other equipment suppliers. The majority does not controvert, refute or rebut Mebane's economic showing or its accounting methods. Indeed, the majority apparently regards the showing as raising significant and material questions since it has ordered a hearing even though it is skeptical of the claims and places a heavy burden on the phone company. *Majority Order, pars.* 17, 18.

My position is that our action does not maintain the *status quo*, notwithstanding the majority's suggestion that the tariff revision will "discontinue" service presently provided. *Id.* at *par.* 8. Rather our action subjects the company to our "just decided" extension of *Carterfone* which is likely to effect the pre-existing condition (or, if you will, *status quo*). Indeed, in an example of the clearest contradiction, the Commission (a) refuses to allow the exemption to go into operation subject to the outcome of our hearing on the presumed theory that those wishing to supply interconnect devices (under today's policy decision) will be discriminated against in the interim, *see id.*, while it (b) contends that Mebane has not demonstrated economic adversity by virtue of its failure to show that there will be substantial interconnection in the interim. *Id.* at *par.* 17. Both of these assumptions cannot be true at the same time. If we do not believe there will be substantial interconnection or adverse economic impact in the near future why, then, by the same *ratio decidendi*, don't we allow the exemption to go into effect since our prediction of possible interconnection is *de minimus* during the pendency of the hearing?

In view of the allegations of severe economic injury to a vital local service, my priorities would dictate a cautious approach. That is, permit the effectuation of the exemption on the significant possibility that Mebane's assertions are correct; and if, after hearing, the majority finds Mebane's contentions to be baseless, or chooses to order unlimited interconnection irrespective of perceived economic impact, we can declare the proposed tariff exemption to be unjust and unreasonable.

SALUTE TO A YOUNG AMERICAN

HON. TENNYSON GUYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. GUYER. Mr. Speaker, all too often we become engrossed in the enormity of our national problems and our own attention to them, that we overlook the very fountains of information, originality, and inspiration—the hearts and minds of our young people.

A fine friend of ours from Piqua, Ohio—Mr. Ward Ditmer—provided me with a copy of a treatise on "The Environmental Protection Agency" which was written by Sue Steiner, also of Piqua.

Sue's father is a civilian employee in logistics at Wright-Patterson Field in Dayton, Ohio. Her paper on the EPA was so outstanding that her teacher gave her a grade of 20, despite the fact that the highest grade that one could receive was 15.

I will not trespass on time and space in the RECORD to set forth the details of Sue's observations and thoughts, but do want to say that we in the Congress many times compound rather than simplify our problems and their answers.

At a time when the free enterprise system, maximum productivity, unencumbered industrial operations, enhanced climate for employment, resourcefulness to meet the energy crisis, and ways to reduce inflation are the most paramount issues before us, we need the suggestions of young people like Sue Steiner.

Sue believes problem solving is best accomplished by understanding rather than by hampering, that efficiency is best served by the absence of fines, citations, redtape, and roadblocks.

Like most of us, Sue believes in and desires clean air, clean water, clean environment, and clean morals. But this young lady also believes people should be part of the answer, not part of the problem.

In these times when so many of our people have distrust in Government, when shortages, scarcities, and world competition are most severe, we can do much to redeem our public image.

I know of no better way to begin such a journey back to normalcy and prosperity than by making Government the partner, not the rival of business and industry.

I would like to pass along a brief word to this young lady: 'Sue, your words are true."

SADAT WANTS UNITED STATES TO REPAY EGYPT'S FOREIGN AID DEBT TO RUSSIA

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. EVINS of Tennessee. Mr. Speaker, things have come to an incredible pass when we are asked by another nation to repay its foreign aid debt to Russia—especially when Russia still owes the United States unpaid World War II debts.

But this is what is happening—President Sadat of Egypt has proposed to the United States that we give him the money to pay off Egypt's debt to Russia.

The Nashville Banner in a recent editorial observed that this "really takes the cake."

Our foreign aid program has reached ludicrous and ridiculous extremes and certainly this request by Sadat should be rejected. The foreign aid program must be revised and foreign aid cut.

Because of the interest of my colleagues and the American people in this matter, I place the editorial from the Nashville Banner in the RECORD herewith:

THE DEBT COMES DUE

We have become accustomed to the United States being asked for money by other countries, but the latest request for financial assistance really takes the cake.

It was from Egyptian President Anwar el-Sadat, who wants the money to pay off his country's debts to Russia.

The creditors in the Soviet Union are refusing President Sadat any grace period and they want their money for Soviet arms and equipment, as well as for construction of the Aswan Dam.

Now financial aid is one thing. But financial aid from the United States to Russia, via Egypt, is quite another.

It's somewhat surprising to learn that superpowers demand payment. We seldom, if ever do. The practical men who run the Soviet Union obviously keep a string attached and now they are jerking it.

Maybe we ought to take a leaf from the Soviet book and demand reimbursement for those Russian debts which remain unpaid from World War II.

REGARDING THE CONCORDE, SUPERSONIC TRANSPORT

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. DOWNEY of New York. Mr. Speaker, yesterday I testified before the Subcommittee on Transportation of the House Government Operations Committee regarding the SST, Concorde.

There are many questions which have been raised regarding the manner in which the EPA and FAA have assessed the possibility of allowing SST, Concorde flights into the United States. I would therefore like to bring to the attention of my colleagues my testimony before the subcommittee. The testimony follows:

STATEMENT OF HON. THOMAS J. DOWNEY, BEFORE THE HOUSE GOVERNMENT OPERATIONS COMMITTEE REGARDING THE CONCORDE, JULY 24, 1975

Mr. Chairman and distinguished members I would like to thank you for affording me the opportunity to appear before you this morning and express my strong concerns over the manner in which the Concorde S.S.T. has been certified for commercial flights into this country. Mr. Chairman, I believe that a strong case can be made that the actions of the Executive in regard to this aircraft have systematically violated the constitutional authority of the Congress to regulate Commerce and ensure the health and safety of all Americans.

Gentlemen, I would like to call your attention to an article by Mr. Harry Pearson which appeared in the June 4th issue of Newsday that presents a very clear and concise account of the kinds of actions taken by the Nixon and Ford Administrations on behalf of the Concorde and I ask that this article be made a part of the official record of this hearing.

The case made by Mr. Pearson is indeed frightening, for it carefully documents a clear pattern of executive commitment to the SST even in the face of severe and valid environmental and safety hazards.

Ostensibly, this commitment has hinged upon letters sent to the Governments of France and Great Britain from then President Nixon assuring that the Concorde would not be discriminated against by any United States regulatory agency. According to Roger Strelow, an assistant administrator of the Environmental Protection Agency, in testimony before the House Interstate and Foreign Commerce Committee, this letter, sent in 1973, was cited by a representative of the National Security Council in advising the E.P.A. of the foreign policy implications of any regulation it might propose on the S.S.T. According to the testimony the N.S.C. "construed" this letter as "an assurance from Nixon . . . that the plane would be allowed to land in this country".

Gentleman, I am sure that you are aware that the E.P.A. subsequently exempted the Concorde from Federal Aviation Regulation Part 36 which would have required the plane to meet the noise standards that present sub-sonic planes must meet by 1977.

Moreover, the evidence suggests that both John Shaffer and Alexander Butterfield made similar verbal commitments to France and Great Britain assuring them that the Concorde would indeed be allowed into the United States.

It is patently clear that these commitments, and the kinds of pressure exerted by the Executive through the National Security Council and the Department of State go a long way to explain the deficiencies of the Environmental Impact Statement drafted by the Federal Aviation Administration.

I firmly believe that the F.A.A. gave more weight to Foreign Policy than to the Health and Safety of Americans in drafting this environmental assessment. Let me take just a moment to enumerate some of the most telling of these deficiencies.

For example, in assessing the impact of the S.S.T. on the Ozone Shield the draft E.I.S. written by the F.A.A. states that the operation of 30 S.S.T.'s would cause climatic effects which were so small that they could barely be detected. However, the Statement does not even deal with the effect such "small" climatic changes would have on human health. According to the National Academy of Science, 30 Concordes would decrease the Ozone Shield enough to increase U.S. skin cancer cases by 1,800 per year!

Furthermore, it is amazing to me that the President's own environmental advisors, the Council on Environmental Quality, in a report released to my Colleague Lester Wolff on June 10th calls the Concorde "at least twice as loud as most present subsonic aircraft, and confirms the N.A.S.'s assessment of the cancer hazards this aircraft would create. Yet the Impact Statement drafted by F.A.A. attempts time and again to cloud these many dangers.

These are but a few of the discrepancies contained in the F.A.A.'s Impact Statement on the Concorde and the full list is very long indeed. For the record I would like at this time to submit the Environmental Defense Fund's criticisms of this Statement. I believe that the evidence contained in this document provides yet another indication of the way in which this matter was handled.

But gentlemen, the issues here today are *not* the specific merits of the Environmental Impact Statement, hearings have already been conducted on this matter. Nor is the issue the merits or hazards of the aircraft in question. The issue that we must address is the manner in which important decisions affecting the health and safety of the American People were arrived at and whether the authority of Congress was violated by the Executive Branch.

I asked Mr. Morton Rosenberg of the Congressional Research Service to give me a lawyer's opinion as to whether Administrative Influence such as that described in Mr. Pearson's article could serve to invalidate a decision made by an independent agency.

Mr. Rosenberg's response which I would like to include in the record of this hearing indicates that where Congress has established procedures and standards for agency determinations an agency's failure to comply with such directions will subject the determination to strict Judicial scrutiny and possible reversal. He goes on to cite the precedent established in D.C. Federation of Civic Associations v. Volpe, 459 F2d 1231 (D.C. Cir. 1972) that "extraneous influence" can indeed invalidate agency determinations *even* if all requisite statutory procedures are complied with.

Moreover, in a letter sent to my colleague Lester Wolff, John Hallegers, the Washington Counsel for the Environmental Defense Fund advances the opinion that the influence exercised by the President in this instance may well have intervened with the procedures set out by the National Environmental Policy Act and the Noise Control Act so adversely so as to violate the Constitutional authority of Congress to regulate Commerce.

The discrepancies in the Environmental Impact Statement drafted by the Federal Aviation Administration lend significant credence to this point of view.

I believe that if there is even the remotest indication that the Separation of Powers has been violated then we must broaden and deepen our investigations into this matter.

The Environmental Defense Fund has already attempted to obtain the Nixon letter citing the Freedom of Information Act and the White House has refused this request. Similarly, I have sent letters to both the Environmental Protection Agency and the Federal Aviation Administration requesting access to any written communication that might indicate executive influence over these agencies. I have not as yet received replies.

Gentlemen, obtaining access to this information alone is not enough. The Testimony of Mr. Strelow before a Committee of this House has already indicated that regardless of what is said in the Nixon letter it was used in a way that indicated to the E.P.A. that executive committments had been made.

It is imperative that this committee take immediate steps to determine the exact extent of the commitments made by the Executive. This can only be done by directly questioning under oath the individuals such as John Shaffer and Alexander Butterfield who were directly involved in this matter.

The issues at stake here affect the Health and Safety of all Americans. We cannot let the charges that have already been made go unexplored. I implore you to expand these hearings and get to the bottom of this most important matter.

INTRODUCES BILL TO AID TURKEY

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. FINDLEY. Mr. Speaker, our vital NATO defense structure in Southern Europe continues to crumble with frightening rapidity. The reported closing of U.S. military installations in Turkey is the sad but predictable result of yesterday's action by the House on H.R. 8454. Now the ratchet has been given another hard twist, locking once firm allies into a relationship of mutual hostility. This situation cannot continue. Common sense demands a reconsideration of yesterday's action—a simple and statesmanlike gesture of a kind that only a truly great and responsible nation can offer.

The bill I am proposing today can be the vehicle for this reconsideration. It is identical to H.R. 8454, except for the deletion of section 3 in its entirety. Section 3 of course hinged on consideration of our military assistance bill later this year and was largely a confusing encumbrance.

This bill draws the lines in a clear and simple way. It allows aid that had already been committed—aid vital to the NATO role—to be released. It allows the President to grant licenses for certain commercial sales. It opens the pipeline ever so slightly, but hopefully enough to redress the terrible policy dislocations that have so far occurred.

Unless we quickly and effectively lance this painful sore, the secondary infections will be dire indeed: we will have : (1) destroyed the southern flank of NATO; (2) retarded the prospects for peace on Cyprus; (3) disrupted a long-standing bilateral relationship, and (4) given the importance of our monitoring bases in Turkey—decreased the likelihood for any meaningful verification of future strategic arms agreements.

This is a moral issue, as opponents of the bill argued yesterday, but it is clearly not a simple moral issue. The public interest, indeed, morality itself, requires that we look squarely at all of the consequences of our acts, rather than simply looking at a few with one eye closed.

JIM FARLEY AT 87

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. BINGHAM. Mr. Speaker, the name of Jim Farley is well known to anyone who has even a beginner's acquaintance with America in the 20th century. I am happy to report to you that, at the age of 87, Mr. Farley remains vigorous, and with his Irish eyes still smiling, continues to observe the contemporary scene with lucidity.

Although it is a bit late to join with Mr. Farley in celebrating his birthday, it is never too late to think of him as a living symbol of the past greatness and continuing vitality of the Democratic Party.

The following article, which appeared in Rockland County's Journal News, describes Mr. Farley's annual visit to his birthplace, on the occasion of his 87th birthday:

> May 30, 1975 is a somber day—gray, rain threatening.
>
> It is Memorial Day, or was until changed by Congress, but it's still James A. Farley's birthday. Nothing can change that.
>
> Farley, former Postmaster General, celebrating his 87th birthday, returned to Rockland County yesterday on his annual birthday trip to visit his Grassy Point birthplace, rekindle old friendships and pay his respects at his parents' graves in St. Peter's Cemetery, Haverstraw.
>
> Tall, dressed impeccably in a blue vested suit, white handkerchief in his breast pocket, Rockland's famous son hardly looks his years.
>
> This is the man who started his political career in 1909 as Stony Point's town clerk

and rose to mastermind Franklin Delano Roosevelt's 1932 and 1936 presidential campaigns. He is still working today—two decades after his retirement age and as chairman of the board of Coca-Cola Export Corp.

Jim Farley's roots go deep. "There is not one day that goes by that I don't think of Grassy Point or Stony Point," he said.

Farley's schedule called for a number of personal visits with old friends in the North Rockland area during the morning.

At 11 a.m. he arrived at St. Peter's Cemetery, where he stood, alone with his thoughts at his parents' gravesite for about 20 minutes.

Then he was off on some further visits.

Farley, who has been honored by 24 universities and colleges and received countless awards and honors, admits, "There is no greater pleasure or honor than in the school—James A. Farley Middle School, Stony Point—being named after me."

And the honor seems to be shared by the school too.

Amid exuberant shouts of "happy birthday" Farley was greeted by students and teachers, many of whose families grew up with "Stretch", a nickname from early baseball days. He shows a remarkable memory by recalling them all.

At the school he was serenaded by a music class, then walked the corridors with Principal Al Johnson, winding up the visit with a presentation to the school trophy case of an award given him in 1956 for his contributions to amateur sports. The award had been presented by the Metropolitan Association of Amateur Athletics.

There was then a quick stop at Immaculate Conception School in Stony Point, where he presented Principal Sister Catherine with a medal he had received from Pope Pius XII.

Apparently many Rocklanders remember him also. He recalled meeting many during his world travels, like the waiter from Spring Valley who served him "damn good steak" in Frankfurt, Germany.

Although he has "fond affection" for the county he says he has no desire to leave New York City despite its recent budgetary problems. "Mayor Beame is an honest, intelligent man. Despite the criticism he'll do what's best."

As to the '76 election, he said he'd rather wait until all the bids are in before taking sides, but he does believe Ted Kennedy wouldn't run. Farley said: "He said he wouldn't—I'm a great believer in the truth. I'd never say anything I didn't mean."

While he had no opinion on postal rate fluctuations he does feel the terrible mistake was creating the new agency. "Things were different in my day. Discipline is falling off; the workers aren't as dedicated."

Sidelined by a heart attack three years ago, he does pay attention to the doctor's advice but doesn't pay attention to his age and leads an active life.

When the students in the music class couldn't play an Irish tune for him, Farley gently admonished them, "I hope you learn one for next year like "My Irish Eyes are Smiling."

With his zest for life that class had better get busy.

EMLEN TUNNELL—PRO FOOTBALL LEGEND—DIES

HON. EDWARD P. BEARD

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. BEARD of Rhode Island. Mr. Speaker, yesterday, the former star of the New York Giants professional football team, Emlen Tunnell, died and the legend of his contributions to professional football began. Before his career ended in 1961 with the Green Bay Packers, Mr. Tunnell set 16 Giant records and 4 national football records that still stand. He was named to the All-Pro seven times which reflected his durability and grit.

Professional football paid Emlen Tunnell the supreme accolade by placing him into the Professional Football Hall of Fame at Canton, Ohio, in 1967.

Thousands in Rhode Island will lament his death as he taught dignity, tolerance, and leadership every Sunday afternoon in his football exploits on television.

TESTIMONY OF MARTIN A. RUSSO BEFORE THE MANPOWER AND HOUSING SUBCOMMITTEE

HON. MARTIN A. RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. RUSSO. Mr. Speaker, it was recently my honor to appear before the Manpower and Housing Subcommittee of the House Committee on Government Operations, chaired by the able Mr. Floyd Hicks of Washington. I insert my remarks addressing the very serious problems in Federal housing programs for the review of my colleagues in the Record:

Testimony of Martin A. Russo Before the Manpower and Housing Subcommittee

Mr. Chairman, I would like to thank you and the other Subcommittee members for allowing me the opportunity to testify before and sit on the panel today as it investigates the FHA and the destruction of our neighborhoods through its programs.

In 1968, the Congress passed the Housing and Urban Development Act, in an attempt to guarantee the goal of "a decent home and a suitable living environment for every American family." But this admirable dream has been perverted into the great American nightmare. Once stable, placid and lovely communities have been turned into unstable, chaotic and rotting slums.

The great hopes of the social planners of the 60's have not materialized. Instead of poor and middle income families realizing the American dream of owning their own home, we face the reality of entire communities in various stages of abandonment and decay. Leading the urban areas down the path of desolation has been the nation's largest slumlord, the United States government.

With a great deal of help from the Homeowners Federation in my District, I have made a thorough study of the situation and have reached the conclusion that three major groups are responsible for the blighted neighborhoods and the dream-turned-nightmare: the banking and savings and loan industry; the Federal Housing Association (FHA) and the Department of Housing and Urban Development (HUD); and the mortgage banking industry in conjunction with the Federal National Mortgage Association (FNMA) and the Government National Mortgage Association (GNMA). I will outline this destruction-for-cash process and then present a few viable solutions to this disgraceful problem.

The first party, the primary lenders, may perceive that their neighborhood contains many older homes that could use some refurbishing. However, instead of making money available to the community for these necessary repairs, the lenders "red-line" the area and refuse to grant conventional loans to the homeowners living there. Once the bankers cut off these funds they have doomed the area to rapid deterioration and eventual decay. These life-long residents of the neighborhood, unable to maintain their homes and subjected to high pressure tactics by unscrupulous real estate brokers, flee to the suburbs. After that, it becomes only a matter of time before the community falls apart.

The second parties in this story of urban blight are the FHA and HUD. The FHA becomes the primary financer to neighborhoods that conventional banks red-lined. Included within HUD's responsibilities in this field are credit checks on prospective purchasers of FHA insured older homes, counseling of these buyers in their financial responsibilities, inspection and certification of FHA properties, and issuance of the FHA insurance certificate.

A recent Chicago Tribune series highlighted many of the housing problems. From their articles, and the Housing Federations information, it appears as though the Washington office has successfully blocked any attempts of the Chicago office to comply with the housing regulations. The Washington task force chastized the Chicago office for being too suspicious of mortgage companies, developers, and potential homebuyers. Quickly translated into working language, the Chicagoans were doing their job.

The first areas that FHA and HUD neglect to adequately supervise are proper credit checks and personal counselling of prospective homeowners. As a practicing attorney, I have counseled numerous persons who are financially incapable of affording the home which the FHA has allowed them to purchase. By law, this is the government's responsibility to counsel these applicants on their future financial responsibilities and obligations as homeowners. Many of these families are buying homes for the first time and fail to realize that their mortgage payments represent only part of the total cost of maintaining a home.

Consequently, through no fault of their own, these buyers begin to see their home decay around them or they find they are unable to make the mortgage payments. The mortgage company quickly initiates foreclosure, often after only one payment is missed. Partial payments are refused and "legal fees" are tacked on to the immediate amount due to prevent foreclosure. Contrary to HUD regulations, the question of forbearance by the mortgage company remains unexplored. Neither HUD nor FNMA, the government's agents and eventual owners in the event of a foreclosure, challenge the financer's actions. The end result sees the homeowner abandoning his property and the federal government purchasing another house that in all probability will resell at a terrific loss of the taxpayer's money.

With completion of the foreclosure process, the mortgage company files certification papers that the property remains in good condition after the occupancy. Along with these papers, the financer usually attaches a bill for boarding up the premises. Too often however, the Tribune series shows that the mortgage companies send their reports and bills to Washington when in fact the property is a junk heap and has not been properly boarded up.

We now come to the third party in the financing of the destruction of neighborhoods, FNMA. The stated purpose of FNMA, according to its charter, is to "provide supplementary assistance to the secondary mortgage market for home mortgages by providing a degree of liquidity for mortgage investments, thereby improving the distribution of investment capital available for home mortgage financing."

In other words, the intent was for FNMA to provide mortgage bankers with the needed monies with which to extend more loans. This, in turn, would allow more persons with solid credit ratings to purchase a home of their own. This system as designed, in principle would be a great asset to the housing finance industry and the public. However, in practice, it has tended to lend greatly to the vast destruction of large urban areas on a mass scale.

According to FNMA's 1974 annual report, it purchased 69% of all FHA insured mortgages issued in 1974, making it the largest holder of FHA mortgages in the Nation. Yet in the light of previously mentioned shortcomings of the FHA system, FNMA has chosen to completely reply on that system's judgment of a person's financial capability to maintain payments on a loan.

FNMA relies primarily on FHA and the servicing agent in another very important area, default and foreclosure. FNMA lets HUD or the servicer counsel the mortgagor when he is facing default and the prospect of foreclosure. But we have witnessed the lack of capability and, in some cases, the desire on the part of HUD, FNMA and its servicers to attempt to prevent foreclosure. Between January 1, 1975 and June 1, 1975, FNMA sued to foreclose 202 homes in Cook County alone.

In the case of FNMA v. Marilyn Huffman, Judge Nathan Cohen (Circuit Court of Cook County, April 17, 1975) denied the plaintiff's (FNMA) suite to foreclose on the grounds that FNMA and its servicer, Percy Wilson Mortgage & Finance Corporation, knowingly and willfully ignored FNMA and HUD guidelines regarding forebearance. Those guidelines require that delinquent mortgagors who have met with hardship of circumstances beyond their control be given the opportunity to enter into temporary arrangements for reduced payments. Since FNMA did not offer the homeowner any alternatives to foreclosure, it did, indeed, fail to comply with its own regulations as well as with HUD regulations, therefore, barring foreclosure.

In light of the data just reviewed about the lack of forebearance arrangements and the precipitous foreclosure by FNMA and Percy Wilson, as well as the large number of FHA insured abandoned homes in Chicago, it is obvious that despite the information reported to FNMA about delinquencies and abandonments, FNMA has consistently refused to make such knowledge public or to sanction the FHA-mortgage servicers with whom it does business. There appears to be definite evidence that FNMA is under the control of unscrupulous mortgage lenders and real estate dealers who are responsible for the havoc throughout the country.

Contrasting the sanctioning power of FNMA with the apparent lack of effective sanctions against FHA servicers, much of the responsibility for the poor administration of FHA-insured housing programs rests with FNMA.

Last week I wrote to the Comptroller General of the United States requesting a legal opinion on the power of the Government Accounting Office to conduct an investigation of FNMA. I have received a reply stating that the General Counsel's office has begun to research the possibility of GAO auditing FNMA and will advise me of their findings shortly. If FNMA will not voluntarily comply with my request for information, I intend to use all the legitimate methods at my disposal to get it.

I would now like to discuss some of the solutions, as I perceive them, to this shameful process.

BANKS AND SAVINGS AND LOANS

Recently, I introduced a bill into Congress, H.R. 8154, which would force lending institutions to disclose by Zip Code the areas in which they have made loans. My proposal would not prohibit the practice of "red-lining" a neighborhood, but it would alert the area residents as to which financial institutions are attempting to maintain their neighborhoods. The banking industry fears disclosure because it asserts that people, ignorant of the lending business, will misinterpret the facts. I believe it fears disclosure of its lending policies because too many unscrupulous lenders are investing their depositors' savings outside of their neighborhoods to the detriment of the area.

FHA-HUD

My proposals for the reform of the FHA system would include the following points:

(1) Strict HUD credit checks including careful validation of financial statements,

(2) Mandatory pre-purchase as well as continual counseling of buyers,

(3) Strict monitoring of servicing agent's decisions to foreclose and the tightening of forbearance requirements,

(4) The cutting off of servicers with high default rates (over 6%) or foreclosure rates (over 5%),

(5) Careful inspection of abandoned homes during foreclosure and verification of the condition of the property, by the local HUD office, before payment of loan insurance upon the completion of the redemption period.

FNMA (FEDERAL NATIONAL MORTGAGE ASSOCIATION)

I would like to make the following recommendations concerning the functioning of FNMA:

(1) Disclosure default and foreclosure rates of all FHA-approved mortgagees with which it does business,

(2) Detail servicing standards for FHA-servicers and strictly monitor all servicers for compliance, especially with reference to forbearance.

(3) Refuse to allow any FHA-approved servicer/seller with default rates over 6% or foreclosure rates over 5% the chance to sell any future mortgages to FNMA. This would include companies with acceptable national rates but unacceptable rates within sections of a state.

Mr. Chairman, we have started down this road of investigation and reform on previous occasions. During 1971 and 1972 this Subcommittee held hearings on the FHA scandals in Detroit and elsewhere. But where were the reforms? Now is the time. Let's not throw more tax dollars away after the ones that have already been needlessly wasted.

I would once again like to thank you, Mr. Chairman for giving me this opportunity to testify and to thank the Homeowners Federation for its investigative work concerning FNMA. I would also like to commend Mr. John Waner on his efforts to tighten the FHA screening process in the Chicago area, and would urge HUD-Washington to support and emulate Mr. Waner's dedication to the community and proper functioning of the Department of Housing and Urban Development.

OUTSTANDING LAW OFFICER OF ALABAMA

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. FLOWERS. Mr. Speaker, I would like to take this opportunity to congratulate a friend and constituent, Bill Attaway, of Clanton, Ala., upon his selection as the outstanding law officer of Alabama.

Bill patrols the Lake Mitchell area as a member of the marine police division of the Alabama Conservation Department, but he is much more than just a law enforcement officer.

For more than 7 years Bill has written a weekly column entitled "Cruising the Coosa" for the Chilton County News, taking advantage of his ability to communicate effectively with all kinds of people.

In addition, he is always involved in one community activity or another, giving generously of his time and energy to help the people of Chilton County.

Bob Tucker, editor of the News and a good friend of mine for many years, summed it up this way in a recent editorial:

> The thing that we will always appreciate about Bill Attaway is his constant regard for his fellow man and his always all-out effort to communicate with that other fellow.

QUICK MAGAZINE POLLS GERMAN POLITICAL PARTIES

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. SPENCE. Mr. Speaker, as in the United States next year, Germany will also be holding national elections. Also, as in our own country, the Germans find themselves confronted with the question of multi-party politics. While we have had considerable discussion of the creation of a third national party in the United States this year, the Germans may be on the verge of having a fourth national political party emerge.

Presently German politics is segmented into four parties, but one of them, the Christian Social Union (CSU), headed by Franz Josef Strauss, exists only in the province of Bavaria. In the national legislature, the CSU has been allied with the Christian Democratic Union (CDU). On the other hand, both the Free Democrats and the Social Democratic Party (SDP) run as national parties and together compose the ruling majority coalition in Germany headed by Helmut Schmidt.

Many Germans, especially those sympathetic with the conservative philosophy of the CSU now feel that only by emerging from Bavaria and creating a national party can the ruling coalition be challenged in the elections. Quite simply they believe that two national parties cannot be adequately counterbalanced by only one national party allied with one regional party.

Now this idea of a national conservative party has been given some implicit support in a recent poll in Germany. This opinion poll conducted in Bavaria and Northrine-Westphalia indicated that the CSU and CDU running as two completely separate parties would receive several percentage points more of the votes than they do under the present regional arrangements. Since only a few seats separate the ruling German coalition from the CDU/CSU alliance this poll may reveal the possibility of a new governing coalition emerging with the transformation of the political system into four national parties.

Since this poll may imply momentous consequences for the German political system, I wish to bring the results of it to the attention of my colleagues. Therefore, I ask that the poll which was conducted by Quick magazine be included in the RECORD at this point, along with a translation of their analysis.

The poll follows:

QUICK SURVEY SHOWS: WITH THE CSU AS A NATIONWIDE PARTY, THE "UNION" (OF CDU AND CSU) COULD WIN THE GENERAL ELECTIONS

Two against one is the unwritten law of German politics. Whether it be in Hesse, Berlin or Northrhine-Westphalia, the CDU always won the elections, although it did not accede to power because the SPD and FDP stuck together like Siamese twins. The outlook would be altogether different if the CSU would not only be eligible in Bavaria, but all over the Federal Republic—and if Helmut Kohl's CDU could also compete in Bavaria. On behalf of QUICK, the Wickert Institutes of Tübingen (Baden-Württemberg) conducted a representative opinion poll in the "test states" of Bavaria and Northrhine-Westphalia in order to find out how Kohl and Strauss would fare under these circumstances.

Question No. 1: Let us assume that the CDU and CSU split and could compete separately in the future. For which party would you then vote in a general election?

Result. In Bavaria, 22% would vote for the CDU under Kohl; 40% would vote for the CSU under Strauss; 38% would vote for other parties.

In Northrhine-Westphalia, 45% would vote for the CDU under Kohl; 7% would vote for the CSU under Strauss; 48% would vote for other parties.

Question No. 2: If everything remained as it is, to which party would you give your vote in a general election?

Result. In Bavaria, 59% would vote for the CDU/CSU under Kohl and Strauss; 41% would vote for other parties.

In Northrhine-Westphalia, 46% would vote for the CDU/CSU under Kohl and Strauss; 54% would vote for other parties.

These two questions were put to 1,508 persons in Bavaria and to 1,411 persons in Northrhine-Westphalia.

In politics things are similar to the industry: established firms are never delighted about new competition. For they are afraid that their market share could diminish. In the case of our Wickert survey, this means that the CSU—if it were represented all over the Federal Republic—would gain seats in the Bundestag, while the CDU would have to yield seats. So it is hardly surprising that CDU politicians when asked their opinion, did not show much enthusiasm, whereas leading CSU personalities found the idea of a fourth party well worth debating.

The following personalities commented on the result of the survey conducted by the Wickert Institutes:

Gerold Tandler, secretary general of the CSU: "It is an established fact that the union of the SPD and FDP in a practically indissoluble party coalition is in a position to block and even sabotage the democratic mechanism of succession in our party democracy. This blockade prevents our voting system from functioning properly and results in the fact that the "Union" (CDU and CSU), though by far the strongest political force in almost all federal states, is not permitted to play its role as the holder of government authority to which it has a right. Without the FDP, the SPD would be able to rule in the states of Bremen and Hamburg at best. It is the task of those responsible within the two parties of the Union to investigate the ways and means for an end to this blockage. The results of the Wickert survey which proved that if the CDU/CSU existed separately, the Union as a whole could succeed in gaining the decisive voting percentage, imply that those bearing responsibility within the two parties of the Union should examine this question soberly, without reservations and resentment. In doing so, they should only be guided by the objective to prevent a falsification of the will of voters in 1976."

Friedrich Zimmermann, former general secretary of the CSU and today one of the most influential CSU politicians next to Franz Josef Strauss:

"I consider the result of the Wickert survey sensational, because the CDU could expect considerable voting gains in Bavaria provided that the figures are correct. But the CSU too—and that does not surprise me—could overcome the five-per-cent clause in Northrhine-Westphalia. Because of the different data for Bavaria and Northrhine-Westphalia, it would be a good idea to extend this survey to the remaining federal states. We would then see whether the data show similar divergencies in these states. In any event, the survey proves that a fourth party would not only hold its own, but could help the parties of the Union to win the absolute majority. Even those not satisfied with the outcome of the opinion poll, will surely be compelled to do some thinking."

These were two comments from leading CSU politicians. Comments from leading CDU personalities were as follows:

Professor Kurt Biedenkopf, general secretary of the CDU: "I believe that the questions of the Wickert survey are unrealistic. Besides, I would like to remark that I do not think that the statistics for Northrhine-Westphalia are reliable."

Hans Katzer, chairman of the social committees of the CDU: "Very interesting, but the question of a fourth party is a hypothetical one. In practical terms, it does not come up."

One might add that Gerold Tandler's boss, CSU chairman Franz Josef Strauss, has been advocating a fourth party for several years. Only last March when the CDU had again won the elections in Berlin, but had to yield power to the SPD and FDP, he told QUICK, "Principally, there is no doubt that in a system of proportionate representation, two parties against two block parties have a better chance in claiming their right to party succession which our parliamentary democracy demands."

The decision-makers within CDU and CSU agree, of course, on one count: They know that they have to gain the absolute majority in the general elections of 1976. The question is how the desired aim of 50 percent is easier to achieve: if everything remains as it is, or if CDU and CSU run side by side—though separately—all over Germany.

The Wickert survey seems to back up Gerold Tandler rather than Kurt Biedenkopf. That also results from the reasons given by those questioned by Wickert. Thus Bavarians who would prefer to give their votes to Helmut Kohl and his CDU in future elections, said: "The CSU is far too radical, too clerical, too conceited, but it is the only possibility." Another comment: "It would be possible to evade Franz Josef Strauss and still find an alternative to the socialist parties."

Conversely, friends of the CSU in Northrhine-Westphalia said: "I have not voted for a Christian party to date, but the CSU clearly stands for clarity and truth, and it does not beat about the bush." Another comment: "The CSU thinks in national terms, it is my kind of party." Or: "The CSU has the greatest party leader with the greatest political experience, the CSU is free of types such as Kohl, and it has an experienced leadership instead of a provincial type of leader."

These comments prove that voters find the "supply" of German federal parties too limited. They want to know again exactly whom and what they are voting for—a liberal Kohl or a conservative Strauss. However, politicians in Bonn agree that a fourth party hardly stands a chance prior to the elections of 1976—for organizational reasons if for no other reason. Nevertheless, some are covertly forecasting, though they asked not to be quoted: "If Kohl loses the elections next year, there will definitely be a fourth party."

TEXT OF JACK BRINKLEY'S JULY 1975 NEWSLETTER

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. BRINKLEY. Mr. Speaker, I submit for the RECORD the text of my July 1975 newsletter which soon will be mailed to the constituents of Georgia's Third Congressional District, which I am privileged to represent.

The newsletter reads as follows:

LEGISLATIVE REPORT FROM YOUR CONGRESSMAN JACK BRINKLEY

POOR RELIEF IN ANCIENT ROME

Instances of government relief to the poor can be found from the earliest times. Historic records are vague in some particulars, but we can draw a fairly close parallel from the history of welfare in the Roman empire.

Mass relief in Rome, once started, created a political pressure group which nobody dared to oppose. The long-run tendency of relief was to grow and grow. The historian Rostovtzeff explains the process:

"The administration (of Rome) was a heavy burden on the Roman state. Besides the necessity of making Rome a beautiful city, worthy of its position as the capital of the world . . . there was the enormous expense of feeding and amusing the population of Rome. The hundreds of thousands of Roman citizens who lived in Rome cared little for political rights.

Ready acquiescence

"They readily acquiesced in the gradual reduction of the popular assembly under Augustus to a pure formality, they offered no protest when Tiberius suppressed even this formality, but they insisted on their right, acquired during the civil war, to be fed and amused by the government. None of the emperors . . . dared to encroach on this sacred right of the Roman proletariat. They limited themselves to reducing and fixing the numbers of the participants in the distribution.

"But they never attacked the institution itself." This system helped lead to the downfall of Rome, historians are convinced. The leaders made periodic extractions from the rich and frequent confiscations of property. Ruinous taxation eventually destroyed the sources of revenue; it could no longer cover the state's huge expenditures, and raging inflation set in.

Finally, out of pure fear, nothing could be bought for any price and Rome, like its economy, folded and died.

Today: Our present welfare systems are under attack and rightly so. Grave words of misgivings and justifiable cries of outrage come from concerned people in and out of government. Fraught with failures and spotted by cases of outright fraud, our present welfare programs offer temporary palliatives as we deal with symptoms and give scant attention to the causes.

America has been long committed to the care of the helpless and we have fallen short in many ways. Our resources have often been wasted on administrative nonessentials and many times we have misdirected our efforts toward those who need it less than others and to those who refuse to be rehabilitated. We have been duped by sly sponges and have coddled professional parasites. We have unduly dignified the slovenly and have given respectability to the wastrel.

Men of good will are compassionate to all of the fallen, the downtrodden, suffering people, whatever the reason for their inadequacies and miseries; but welfare programs must deal more with causes, and our energies and resources must be directed along practical and fertile paths. We must never subvert the efforts of hardworking, self-reliant men and women by sheltering the indolent and subsidizing the improvident. Welfare reform is desperately needed and long overdue.

Wrong answer

The best solution to the present welfare system, say a growing number, is to replace them with a guaranteed minimum annual income plan. This, proponents say, would save millions of dollars now used to administer welfare programs, would reach multitudes of people who need more money to spend who aren't now being cared for by welfare, and would, most importantly, allow the people themselves to decide how most appropriately they might spend the money to meet their special needs.

Humbug! A thousand humbugs! I am unalterably opposed to such a program on both practical and ethical grounds. Money mismanagement is one of the major reasons for financial failure. It is not prudent to rely on proven failures for management of tax money.

Relief agencies would still be needed to take care of those who won't manage their income. Easy come, easy go and more suffering innocent women and children who cannot be denied! Hardworking, productive and thrifty taxpayers resent their hard-earned money being consumed by the sluggard and thrown away by those who spend on frills and gambling.

Frustration

Unnecessary and gratuitous awards to the underserving penalize the prudent and productive, undermine character, subvert qualities which are conducive to human advancement, and frustrate millions of proud people just above the borderline of need who have always been determined to succeed on their own merits.

Government should not acknowledge the proposition that people have an inherent right to be looked after by others, regardless of the reasons for their plight, by supporting unregenerate failures.

We can reduce the obstacles to the water and even light the way, but it is no government's business to bring the water to those who can fetch it for themselves.

[Letter]

DEAR MR. BRINKLEY: Because I came from an ancestry of farmers, I have a little poem for you that the wives have passed from one to the other for some time now. It is as follows:

A FARMER'S WIFE

(By Camela Morgan)

Perhaps it sounds dull, this way of life—
To spend all my years as a farmer's wife;
With dishes to wash and clothes to mend,
A garden to hoe and chickens to tend;
Canning and cleaning and washings, too.

Cows and horses and trips into town,
Neighbors to chat with, help when they're down;
Fields to watch as the seasons go,
Should I ever leave this, I'd miss it so.
Guess I was made for this way of life,
I feel so right as a farmer's wife.

Sincerely,

/s/ (Mrs.) A. BRAGG.

A housewife, a mother, but above all: A Farmer's Wife . . .

NOTE: The Agriculture Appropriations Bill, H.R. 8561, passed the House of Representatives on July 14 by a vote of 353 to 38.

EXCERPTS OF REMARKS OF ABC COMMENTATOR HOWARD K. SMITH IN OBSERVANCE OF FLAG DAY IN A SESSION OF THE HOUSE

Mr. Howard K. Smith. Mr. Speaker, Honorable Ladies and Gentlemen of the House of Representatives, Representatives of the Joint Chiefs:

I must tell you that I do not believe in the adversary principle anywhere except in the courtroom. The adversary principle means simply that one's mind is made up before the arguments are made and the merits are laid out. The prosecutor enters the courtroom prepared to attack, no matter what, and the defense counsel enters the courtroom prepared to defend, right or wrong.

But in the realms of politics and government and reporting, I think it is almost immoral to apply that principle—to approach an issue or an individual resolved to oppose before argument has even been heard.

Indeed, far from our basic relation being one of adversary, we should, from time to time, recall the greater truth that basically our relationship is oneness. The only reason you are here is because all 210 million of us cannot fit in here, so we have reached a demographic device whereby we divide into units of equal population, and each selects one of you to come here and speak for us.

But, you are us, and we are all striving, by whatever different means, toward the same end—the welfare, the strength and the health of this nation, symbolized by the flag we honor today.

I recall an old political cartoon from back in the years of Munich by David Low, the British cartoonist. It showed Britain and France in the stern of a boat bailing out a very bad leak, and huddled in the bow of the boat was America and the rest of the world saying, "Thank heavens the ship is not sinking at our end."

Well, ladies and gentlemen, we are all in the same boat. It flies the stars and stripes. If one end goes down, we all go down. I wish it were somehow possible to induce each person who enters this great building every day to pause for just a moment and consider the flag and consider it before we come in, if we must divide into parties, divide into factions, and divide into press and government for a critical judgment, and realize that we are one in our purposes.

SENIOR CITIZENS HONOR

We were recently honored by the National Alliance of Senior Citizens by being one of the members of Congress designated a "Guardian of the Aged." This honor was bestowed as a result of our votes on several key issues which the Alliance singled out as beneficial to senior citizens.

Among the issues were such things as the Older Americans Act, the Farm Program Extension and the Impoundment Control and Spending Act. In all cases, the Alliance considered a "right" vote to be that most beneficial to our older citizens.

It is pleasing to note that most of our Georgia colleagues were similarly recognized, indicating they all are concerned and aware of what is good for that important element of our society which we affectionately call the "senior citizens."

I believe that national character is demonstrated by the way a nation deals with its elderly. In terms of need, a nation should be generous and respectful of them.

In terms of decision-making, a nation will be wiser if it draws upon the judgment of these men and women who have lived full lives and who can speak with the voice of experience.

Your letters, calls or visits will always count with me.

BEING A GOOD SPORT

The following letter teaches much in terms of dedication and self-examination. On July 11, it was my privilege to toss out the first ball at the beginning of the District Little League tournament in Columbus. The message in the letter seemed appropriate and I shared it with the assembled gathering, who seemed especially to like it.

Of course, being home where my sons have played for so many years, among fellow fans of longstanding in the baseball capital of Georgia and the Southeast (check the records), may have had something to do with it! Seriously, isn't the letter a great sermon for living?

Dear God: Help me be a good sport in this game of life. I don't ask for an easy place in the line-up. Put me anywhere you need me. I only ask that I can give you 100 per cent of all I have. If all the hard drives seem to come my way, I thank you for the compliment. Help me remember that you never send a player more trouble than he can handle.

Help me, O Lord, to accept the bad break as part of the game. And may I always play on the square, no matter what the others do. Help me study The Book so I'll know the rules.

Finally, God if the natural turn of events goes against me and I'm benched for sickness or old age. please help me to accept that as part of the game, too. Keep me from whimpering or squealing that I was framed or that I got a raw deal. And when I finish the final inning, I ask for no laurels. All I want to believe in my heart that I played as well as I could and that I didn't let you down. (By Richard Cardinal Cushing of Boston.)

HEAVEN'S SPECIAL CHILD

It was my good fortune recently to serve as co-chairman of a Special Olympics Four-Ball Golf Tourney sponsored by the International City Football Officials Association in Warner Robins for the benefit of exceptional children from Houston and Peach counties.

This was a doubly rewarding occasion for me, because I got to see old friends and make new ones—but especially because the special child, and the extra love which parents so readily extend to him in his unique situation, holds a special place in my heart.

During my service in the General Assembly of Georgia, I authorized the Phenylketonuria Bill which requires testing for all new born infants towards detection of a preventable type of mental retardation. Subsequently, the battle against births defects has received the particular attention of many of us. As we go to press, the House of Representatives is considering H.R. 7217, Education for All Handicapped Children.

At the Awards Ceremony in Warner Robins, the poem entitled, "Heaven's Very Special Child" seemed to me very appropriate to the occasion and I used this in thanking the participants.

HEAVEN'S VERY SPECIAL CHILD

A meeting was held far from earth . . .
"It's time, again, for another birth,"
Said the Angels to the Lord above.
"This special child will need much love.

"Her progress may seem very slow,
Accomplishments she may not know,
And she'll require extra care
From folks she will meet down there

"She may not run, or laugh . . . or play,
Her thoughts may seem far away.
In many ways she will not adapt,
And she will be known as handicapped . . .

"So let's be careful where she is sent,
We want her life filled with sweet content.
Please Lord, find parents who will do
A very special job for You . . .

"They will not realize right away
The special role they are asked to play.
But with this child—sent from above,
Comes stronger faith and richer love . . .

"And soon they will know the privilege given,
In caring for this gift from Heaven,
Their special charge . . . so meek . . . so mild . . .
Is Heaven's Very Special Child . . ."

AUTHOR UNKNOWN.

TESTIMONY OPPOSING CLOSURE OF RURAL POST OFFICES

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. ABDNOR. Mr. Speaker, those of us from rural America recently were alarmed at the GAO recommendation to close 12,000 rural post offices for an alleged savings of $100 million.

It is in response to this action that I have respectfully submitted testimony to the House Subcommittee on Postal Service. May the record show to all that rural America will not tolerate this usurpation of its right to the benefits of its government, including the benefit of effective postal service.

The testimony follows:

STATEMENT BY REPRESENTATIVE JAMES ABDNOR BEFORE THE SUBCOMMITTEE ON POSTAL SERVICE OF THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. Chairman, members of the Postal Services Subcommittee, this week we have witnessed the signing of a contract which will increase Postal Service costs more than $1 billion a year by 1978.

I find it ironic, but remarkably consistent with past performance, that the proposals forthcoming to meet these increases in costs would require a further reduction in postal services to the public and an increase in postal charges in the one area which comes closest to paying its own way, first class mail.

I don't know how people across the country feel, but I suspect their opinions are similar to those expressed by my own constituents in South Dakota's Second Congressional District.

They are fed up. They are tired of increasing costs and decreasing service. They are tired of shorter hours and longer delivery times. But most of all, they are downright disgusted with myopic policies which on one hand and in one fell swoop add nearly a billion dollars a year in costs and then call for the systematic closure of some 12,000 postal facilities in rural America as a solution to exorbitant costs being incurred in the urban operations of the Postal Service.

Mr. Chairman, I don't think the American people will tolerate a further deterioration in or elimination of postal service or facilities under the false premise of saving a dollar when thousands of dollars are freely added to daily operational costs.

In 1970 Congress reorganized this vital agency. It required the Postal Service to become "self-sustaining by 1984" and yet, as George Washington said, remain the "indispensable chain binding Americans together." While the Postal Service remains monotonously inadequate the Postal deficit continues to climb. It reached $2.3 billion last year. It has become increasingly evident that these two goals of non-deficit operation and better service are mutually exclusive as well as unattainable. However, we still have what I term misdirected efforts being made to achieve these goals.

The General Accounting Office (GAO) recent study, as an example, concluded "$100 Million Could Be Saved Annually in Postal Operations in Rural America Without Affecting the Quality of Service". This study, which surveyed 32 communities in 28 states in which postal facilities had been changed, concluded that people in 9 out of 10 cases were satisfied with their new postal accommodations. What this report excluded were non-financial considerations.

Post offices in rural areas serve their people in ways other than strictly through the delivery of mail. The post office is a focal point of the community. The post office symbolizes community identity in rural areas.

Mr. Chairman, I fully recognize these as non-monetary considerations; that the government cannot be expected to regulate intangibles. Yet in the careful deliberation that I hope will precede any closing of our rural post offices, these considerations must be made.

I do not relish the thought of losing many rural post offices in my district. But I recognize the United States Postal Services' all-powerful vantage point. Therefore, it is my desire and in the best interest of the residents of South Dakota that I recommend that the Department maintains rural post offices unless all of the following conditions are met in each individual case:

(1) That the community has been abandoned or a vacancy exists in the position of postmaster,

(2) That alternative service will be as good as or better than current post office service,

(3) That no suitable person can be found in the community to permanently take charge of the post office,

(4) That no suitable quarters can be found for housing the post office,

(5) That fewer than 25 families are being provided box or general delivery service by the post office, and

(6) That another post office or classified station or branch is located within a reasonable distance of the office to be discontinued (such office must be easily accessible to the customers affected and provide service equal to or better than the former post office).

Mr. Chairman, I urge that you consider the conditions which I have outlined for possible inclusion in any legislation the Subcommittee may develop.

I would like to approach this deeply complicated problem from another angle. The budget for the United States Postal Service is approximately $14.9 billion. If we closed tomorrow every post office suggested by the GAO, we would save a mere two-thirds of one per cent of that budget. With respect to the annual postal deficit which is about $2.3 billion, elimination of 12,000 rural 3rd and 4th class post offices would amount to but a drop in the bucket in cost savings.

And the problem grows worse with time. Early Monday morning, July 21, an agreement was reached increasing the Postal expenditures by $1 billion, ever-decreasing the financial significance of the proposed closures. The question now facing us is whether 12,000 rural post offices strewn across the great face of our nation are worth more to their residents than eliminating what admittedly is a fraction of postal expenditures.

Mr. Chairman, in the name of maximum service for all United States citizens, I suggest our focus not be in figuring out how existing postal facilities can be terminated, but rather to examine more fully how our people can be better served by their government.

In conclusion I would stress to the Subcommittee the importance of post offices to rural America. This proposed reduction in post offices is viewed as just another attack on an area which because of a lack of population does not have the political muscle to effectively respond. It is one more reason why our people are losing touch with their government. My constituents are tremendously proud of their heritage and recognize that, as rural Americans they are equally entitled to the benefits of their government. They recognize also the trend towards increased national attention for urban areas at the expense of rural citizens. It is imperative that the decisions we make now do not further serve to alienate our rural Americans.

We no longer have the votes, Mr. Chairman. But we have the voice to offer our objections. And we hope we have your sympathy and support in helping to protect rural America from losing one more battle to those who seem to little understand or care what happens to sparsely-populated parts of America.

Thank you for this opportunity.

Repectfully submitted,

JAMES ABDNOR,
Member of Congress.

CANNING JAR LID SHORTAGE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. GILMAN. Mr. Speaker, the nationwide canning jar lid shortage has affected many of my constituents in the 26th Congressional District in New York. They have forcefully expressed their frustration in not being able to preserve their home grown produce.

One of my constituents, Edmund Lloyd, the owner of a supermarket in Middletown, N.Y. wrote to me on July 15 expressing not only his concern but that of some 1,500 persons who signed a petition stating that canning lids have been virtually unobtainable in our region for the past 2 years and requested the Congress to take some positive action to alleviate this situation.

It was on behalf of these constituents and the many others who contacted me on this problem, that I appeared before the Subcommittee on Commodities and Services, chaired by the gentleman from Ohio, Mr. CARNEY. I requested a full investigation into this critical matter and that regulatory action be undertaken by the Federal Trade Commission and the Department of Justice to see that the interests of all consumers concerned with this problem are fully served.

Witnesses testifying before the subcommittee underscored the fact that while home gardening has increased, so too has the manufacture of canning jars, with some 1.6 billion canning jar lids having been manufactured for the 1975 growing season. But where are those lids? And why is there an adequate supply in some areas and none in others? There are obviously many questions that need to be answered.

Mr. Speaker, in order to focus further attention on this problem, I request that at this point in the RECORD, there be inserted a copy of my July 23 testimony before the Subcommittee on Commodities and Services.

CANNING JAR LID SHORTAGE

Mr. Chairman, I appreciate this opportunity to appear before the Subcommittee on Commodies and Services to speak on behalf of the many constituents in my 26th District of New York who have written letters, signed petitions and who have expressed their concern about the recent shortage of canning jar lids. I express their thanks to you and to your Subcommittee for your efforts on behalf of the thousands of concerned persons throughout our Nation who have expressed their vexation over this critical shortage at a most inopportune time.

The canning jar lid shortage is a problem familiar to all of us here today. Last year, President Ford urged Americans to grow WIN gardens to try to combat the escalating inflation that our Nation was facing. Even prior to the President's request, Americans were turning to home gardening and home canning in greater numbers than those who raised and preserved their own produce in the days of World War II. Home gardens increased by six million in 1974, according to U.S. Department of Agriculture statistics, and is expected to increase by another six million by the end of the 1975 growing season.

In your investigation of this problem, it will be necessary for the Subcommittee to determine not only the underlying cause of the canning lid shortage, but also to recommend what steps we must undertake to end this shortage.

In your consideration of this problem, permit me to focus your attention on some salient facts. Two companies, Ball and Kerr, manufacture 90% of our Nation's supply of canning lids.

In a recent statement, a spokesman for the Ball Corporation of Muncie, Indiana, one of the leading canning lid manufacturers, indicated that the sales of their company, which had been doing business since 1895, had fluctuated greatly over the past 80 years. In 1895, the Ball Corporation sold approximately 150,000 jars per year. By 1905 they were selling over a half million jars, with sales declining to 200,000 in 1908. During the war years of World War I and World War II, sales skyrocketed and then again declined in the intervening years. In recent years, they state that their sales have steadily declined, with the exception of a brief period during the Korean war, until the recent renewed interest in home vegetable gardening.

Virginia Knauer, Special Assistant to the President for Consumer Affairs, at a press briefing on March 10th, 1975, stated that, "the reasons for this shortage are the unprecedented demand for home canning equipment brought about by the addition of six million new gardens and the shortages of tin plate and soda ash needed for manufacturing home canning supplies." Mrs. Knauer also indicated that panic buying on the part of consumers has been a contributing factor to the shortage, a point that she reiterated in this room yesterday.

With regard to alleged excessive consumer buying, it should be noted that it is only a natural consequence that consumers who were confronted with the prospect of being left with the necessity of discarding spoiled fruit and vegetables because of the lack of an adequate supply of jar lids for preserving their produce, would logically attempt to buy all of their supplies ahead of time.

With regard to the tin plate and soda ash shortage, Phyllis Richman of the Washington Post, reported on June 19th, 1975, that a manager of a canning equipment company stated that because of the present state of declined sales in the auto industry, that there is plenty of tin plate available for canning lids.

Mr. Chairman, I believe it has been brought to the attention of this Subcommittee that major canning supply companies were not equitably allocating their product, but were selling primarily to retailers who were previous customers and were not accepting any new customers. This would mean an overabundance of supplies going to areas in the Southern States where, with their longer growing season, they traditionally do more canning than in our Northern urban areas which have only recently taken up large scale canning of home produce.

Apparently there are sufficient serious question warranting a thorough review and investigation by the FTC in order to determine if the canning jar manufacturers are abusing their current favorable position. It will be necessary for Congress to intervene, if this industry does not police itself. It may also be necessary to devise a system for monitoring distribution to make certain that supplies are being allocated to consumers on an equitable basis.

The lid manufacturers contend that they are shipping more of their product than ever before . . . 1.6 billion in 1975. But retailers say they are receiving less. This discrepancy must be thoroughly examined.

Is it really as Virginia Knauer says, that selfish consumers are creating an artificial shortage by hoarding?

I think not.

Too many people have said that there are no jar lids to hoard. I have found no reason to disbelieve them.

But what are we to assume when we learn about some regions having all the canning lids they need and when we hear reports about such large companies as General Foods supplying jar lids with coupons for purchasers of their coffee product. And what are we to believe when we learn that the consumers can have all the lids they want, if they are but willing to purchase the more expensive complete sets of jars and lids?

If this Committee in its review finds any evidence of collusion on the part of the manufacturers, it then becomes necessary for the FTC and the Department of Justice to undertake a thorough investigation of those facts.

The substantial increase in home gardening is indicative that the American consumer is doing his share in attemping to defeat inflation and to help alleviate his own economic burdens. We must not allow that conscientious effort to be wasted.

Accordingly, Mr. Chairman, I urge your Committee to help us resolve that shortage, to exhaustively determine if the oversupply of jar lid combinations which is forcing the consumer to buy jars that they don't want and don't need is not international on the part of manufacturers. And, Mr. Chairman, I urge your Committee to make certain that the FTC fulfills its responsibilities to the public in this inquiry.

RESULTS OF QUESTIONNAIRE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. EDWARDS of California. Mr. Speaker, I would like to take this opportunity to share with my colleagues the results of a questionnaire that I recently sent to my constituents. Each question is of national significance and is broken down by percentage. The total number of respondents is 13,473. There is a different number of total respondents for each question due to the fact that some constituents chose to check more than one answer for some questions and some chose not to answer certain questions at all:

	Respondents	Percent
1. Congress is about to take action to prevent a severe energy crisis. Which actions would you favor?		
A. Graduated tax increase on gasoline	1,448	7.5
B. Graduated excise tax based on miles per gallon capability of car	3,847	20.0
C. Gasoline rationing	3,060	15.9
D. Relaxation of air pollution standards	2,917	15.2
E. National conservation program	5,475	28.5
F. Other	2,455	12.8
2. Which of the following statements is closest to your views on handgun legislation under consideration by the House Judiciary Committee?		
A. The right to own handguns should not be restricted in any way.	2,550	14.1
B. The sale of cheap handguns should be stopped	4,794	26.6
C. All handguns should be registered by their owners with strict penalties for possession of unregistered handguns	6,001	33.3
D. Owners should not be allowed to carry handguns away from home or business without a permit	2,962	16.4
E. All private ownership of guns should be prohibited	1,488	8.3
F. Undecided	246	1.4
3. Should the United States have trade, travel, and diplomatic relations with the following?		
A. Cuba:		
Yes	8,233	67.1
No	4,046	32.9
B. Cambodia:		
Yes	6,260	53.0
No	5,559	47.0
C. Vietnam:		
Yes	6,305	53.2
No	5,552	46.8
4 Now that the Vietnam war is over, how do you feel about amnesty for war resistors?		
A. Support a program of alternative service	5,380	38.7
B. Favor an unconditional amnesty	3,551	25.5
C. Oppose any sort of amnesty program	4,984	35.8
5. If Congress enacts national health insurance legislation, would you favor:		
A. A comprehensive program providing for medical care for all?	5,871	47.5
B. A plan covering major medical expenses only (such as major surgery or catastrophic illnesses)?	4,038	32.7
C. No new government plan	2,444	19.8
6. Which of the following views concerning the activities of the CIA is closest to your view?		
A. The CIA's role is to collect intelligence and other information concerning the activities of foreign powers	10,573	83.9
B. In addition to intelligence gathering, the CIA should have authority to intervene in the internal affairs of foreign nations	2,023	16.1
7. Would you favor the reinstatement of the death penalty as punishment for violent crimes?		
A. Yes	9,432	80.5
B. No	2,291	19.5
8. Which of the following statements concerning the activities of the Federal Bureau of Investigation is closest to your view?		
A. The FBI should have the authority to gather and retain information on any individual or organization within the United States	3,597	29.8
B. The FBI should not gather information about American citizens or organizations, which is not related to a criminal investigation	8,447	70.2
9. Which of the following do you feel would be most effective in stimulating the economy and reducing investigation		
A. Public service jobs	5,412	33.1
B. Increased funding of housing and other construction programs	3,788	23.2
C. Business tax credits	2,208	13.5
D. Individual tax reductions	4,957	30.3

GOVERNMENT REFORM: LETTING THE SUN SHINE IN

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. BLANCHARD. Mr. Speaker, the Fourth of July period has traditionally been a time for thinking about where we have been and where we are going as a nation. I think it is also important to take stock at this time of what has been done in the crucial area of governmental reform.

Our Government must perform the very difficult job of translating the views of 213 million citizens into a program for action. While the process is sometimes complicated and even, at times, frustrating, we must not forget that our system of government has provided individual freedoms to all of its citizens for a longer time than any other in the world.

Every reform effort should be directed to making our Government work better. Improving our system of government will require the wisest efforts of us all in the years ahead. With this goal in mind, I have joined with many of my colleagues in cosponsoring a number of bills.

One mark of a representative democracy is a free and open government with business conducted in the sunshine and open to public view. To this end, I cosponsored a resolution, House Resolution 464, to require open conference committee meetings, and this concept has now been approved by the House. At the important legislative stage when differences between House and Senate versions of the same bill are ironed out, it is important that decisions are made in the open so that conferees are subject to the popular will. Before this session of Congress, this was not possible.

To promote good government I also believe that unless the activities of all lobbyists are brought into the open, the secrecy which protects the unsavory conduct of a few will condemn the reputation of the many who are honorable. I have therefore cosponsored H.R. 4324, the Public Disclosure of Lobbying Act of 1975, which requires lobbyists to identify themselves and their employers as well as to make public their financing and what their lobbying goals are.

A further requirement for a smooth running representative government is that those who represent the people get their views and ideas constantly. Indeed, Thomas Jefferson said, "the basis of our government being the opinion of the people, the very first object should be to keep that right." It is impossible to represent the views of others without their continuing opinions and advice. To encourage this input, I have cosponsored a bill, H.R. 4313, to allow constituents to write free of charge to their Representatives and Senators. While helping the representative process, it also insures that citizens who do not know where to turn in the baffling Federal bureaucratic maze can look to their Federal representatives for help at no cost.

Improving our governmental process also involves increasing efficiency and reducing waste. This is an issue I campaigned on and about which I feel more strongly every day that I see the Federal Government in action.

Everyone knows the mountains of unnecessary paperwork generated by the Federal bureaucracy. The proposed Federal Records Management Act of 1975, H.R. 4943, would eliminate unnecessary records and would require more realistic steps for better management of Federal paperwork. I am pleased to be a cosponsor of this bill.

Along with the increased paperwork, the power of the bureaucrats has grown far beyond what Congress ever intended. Last year alone, approximately 6,000 administrative rules were adopted by 67 Federal agencies, departments, and bureaus. To correct this serious problem, I have cosponsored H.R. 6110, the Administrative Rulemaking Control Act, which provides Congress with the ability to curb abuses by the Federal bureaucrats.

Other measures I have cosponsored would further reduce waste. One bill will stop the Government from reimbursing Congressmen and their staff members for the difference between first-class air fares and regular coach fare. This bill, if passed, would save more than $1 million each year.

Many of our constituents were upset by recent reports that Environmental Protection Agency Administrator Russell Train, while urging us to use public transportation and leave our cars at home, is chauffeured around Washington. This practice of using limousines for driving Government officials back and forth to their homes must be stopped. I have cosponsored a bill, H.R. 5882, to reduce the number of chauffeur-driven cars in the Government from over 800 to about 27. This single move would save our taxpayers $13 million.

Finally, and perhaps most importantly in the post-Watergate era, is honesty in Government. Many of my constituents are skeptical about the dedication and honesty of public officials and with good reasons after the news they have received since June 1972. I have cosponsored several bills that will help promote more honesty in Government.

The proposed Financial Disclosure Act, H.R. 5516, would require financial disclosure standards throughout the Government. An annual disclosure report available to the public would be required from the President, Vice President, Members of Congress, and all employees of the legislative, judicial, and executive branches of Government who earn more than $25,000 a year. Candidates in primary and general elections for office also would be required to file a financial report.

One of the major issues raised in the confirmation hearings of Vice President Nelson Rockefeller was gift-giving by public officials. While not necessarily illegal, such gifts and interest-free loans from one public official to another cannot help but cause a feeling of obligation. In Government this can be especially dangerous.

H.R. 5516 calls for reporting by Federal employees, on a yearly basis, in the Federal Register of gifts over $500 during a year and reporting of such gifts from Federal employees to other public officials—Federal, State, or local. The bill provides penalties for those who fail to report their financial dealings.

Mr. Speaker, I believe these efforts will help improve our Government. Such efforts at reform never reach their end because change is an on-going process. Nearly two centuries ago, Edmund Burke wrote that "the only thing necessary for the triumph of evil is for good men to do nothing." This could hardly be more true today. Our efforts must continue.

MONTHLY LIST OF GAO REPORTS

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. BROOKS. Mr. Speaker, the monthly list of GAO reports includes summaries of reports which were prepared by the staff of the General Accounting Office. The monthly list of GAO reports and/or copies of the full texts are available from the U.S. Government Printing Office, Room 4522, 441 G Street, N.W., Washington, D.C. 20548. Phone (202) 386-6594. The July 1975 List includes:

Improved Planning—A Must Before a Department-wide Automatic Data Processing System is Acquired for the Department of Agriculture. LCD-75-108.

Improvements Needed in Regulation of Commodity Futures Trading. RED-75-370.

Limited Progress Made in Developing Loan Accounting System. FGMSD-75-37.

Action Needed to Discourage Removal of Trees that Shelter Cropland in the Great Plains. RED-75-375.

Improving Federally Assisted Business Development on Indian Reservations. RED-75-371.

National Standards Needed for Residential Energy Conservation. RED-75-377.

Need for Improvements in the Automatic Payroll System of the Department of Housing and Urban Development. FGMSD-75-31.

The Adult Basic Education Program: Progress in Reducing Illiteracy and Improvements Needed. MWD-75-61.

Federal Investigations into Certain Health, Safety, Quality Control, and Criminal Allegations at Kerr-McGee Nuclear Corporation. RED-75-374..

$100 Million Could Be Saved Annually in Postal Operations in Rural America Without Affecting the Quality of Service. GGD-75-87.

Improving the Pay Determination Process for Federal Blue-Collar Employees. FPCD-75-122.

Study of Various Personnel Policies of the Canal Organization and Other Federal Agencies in the Canal Zone. FOD-75-14.

Planning for America's Bicentennial Celebration—A Progress Report. RED-75-373.

Telephone Assistance to Taxpayers Can Be Improved. GGD-75-69

Problems in Administering Programs to Improve Law Enforcement Education. GGD-75-67.

Ways of Increasing Productivity in the Maintenance of Commercial-Type Vehicles. LCD–75–421.

Problems in Reimbursing State Auditors for Audits of Federally Assisted Programs. FGMSD–75–22.

Audit of Federal Deposit Insurance Corporation for the Year Ended June 30, 1974 Limited by Agency Restriction on Access to Bank Examination Records. FOD–75–9.

Review of Selected Activities of Regional Commissions. GGD–74–44.

Outpatient Health Care in Inner Cities: Its Users, Services, and Problems. MWD–75–81.

Treatment of Chronic Kidney Failure: Dialysis, Transplant, Costs, and the Need for More Vigorous Effort. MWD–75–53.

Banning of Two Toys and Certain Aerosol Spray Adhesives. MWD–75–65.

U.S. Provides Safe Haven for Indochinese Refugees. ID–75–71.

Acquiring and Managing Nonexpendable Personal Property Overseas: A Followup Review. ID–75–66.

Effectiveness of Testing of Selected Major Weapon Systems. PSAD–75–74.

Contractors' Independent Research and Development Program—Issues and Alternatives. PSAD–75–82.

Application of Design-to-Cost Concept to Major Weapon System Acquisitions. PSAD–75–91.

Department of Defense Use of Flight Simulators—Accomplishments, Problems, and Possible Savings. PSAD–75–95.

Use of Numerically Controlled Equipment Can Increase Productivity in Defense Plants. LCD–75–415.

Need to Improve Efficiency of Reserve Training. FPCD–75–134.

Development of Field Grade Officer Requirements by the Military Services. FPCD–75–137.

Information on Commissary Store Operations. FPCD–75–132.

The Air Force Should Review Contracting Out for Services at McGuire Air Force Base. FPCD–75–119.

Navy Actions Related to Philadelphia's Efforts to Collect Delinquent Wage Taxes From Naval Shipyard Employees. FPCD–75–153.

National Efforts to Preserve the Nation's Beaches and Shorelines—A Continuing Problem. RED–75–364.

Examination of the Environmental Financing Authority's Operations from October 18, 1972 through March 31, 1975. FOD–75–19.

Land Management Activities on Three Indian Reservations in South Dakota Can Be Improved. RED–75–360.

Economic Benefits and Costs of the Dickey-Lincoln Hydroelectric Project in Maine. RED–75–387.

Additionally, letter reports are summarized including:

Rescission of Housing and Urban Development budget authority not reported to the Congress by the President as required by the Impoundment Control Act of 1974. ACG–75–26.

Rescission of Department of Housing and Urban Development budget authority not reported to the Congress as required by the Impoundment Control Act of 1974. ACG–75–27.

Confirmation of release of budget authority for HEW programs rescinded by the President but not confirmed by the Congress. ACG–75–28.

Audit of Presidential Transition expenses. GGD–75–98.

Department of Defense procedures for terminating the Defense Assistance for Vietnam program. ID–75–70.

Data available to measure impact of minimum and overtime wage provisions of the Fair Labor Standards Act on working parents employing domestic service workers as babysitters. MWD–75–75.

Ways to improve manpower use in the military services' postal operations. FPCD–75–146.

Progress of the Federal Highway Administration in establishing procedures for States to request financing of mass transportation projects. RED–74–249.

Significant audit findings in the civil departments and agencies of the Government. B–106190.

Information on growth and resources of the Federal Aviation Administration. B–179321.

Army's reduction-in-force at Picatinny Arsenal, Dover, New Jersey. FPCD–75–127.

Implementation of the Older Americans Comprehensive Services Amendments of 1973. MWD–75–95.

Is proposed additional Federal funding for Washington, D.C. subway system adequate? PSAD–75–108.

Are prices paid by the Navy for spare parts purchased from Martin-Baker Aircraft Co., Ltd. reasonable? PSAD–75–94.

Need for a better definition of "supervisor" to insure compliance with training requirements. FPCD–75–158.

Shortcomings in war reserve requirements for clothing. LCD–75–443.

More testing needed before the Department of Agriculture proceeds with a full scale boll weevil eradication program. RED–75–381.

Need still exists for the Army to improve its system for managing major items of equipment. LCD–75–224.

CONNECTICUT SUMMER INTERN PROGRAM

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. SARASIN. Mr. Speaker, since my election to Congress, my colleagues, Senator LOWELL WEICKER, Congressman STEWART MCKINNEY, and I have sponsored the Connecticut summer intern program. Since it began in 1971, almost 2,000 young people have participated in week-long internships here in Washington. They have observed the workings of our Federal Government and listened to many different views concerning its operation.

The intern program is unique in that its participants include both Democrats and Republicans, liberals and conservatives. It is mean to be an educational week in our Nation's Capital and is a proven medium for instructing Connecticut young people in the ways of our federal system.

There are many people who merit special thanks for the success of the Connecticut intern program. Those of my colleagues in the House and the Senate who take time out of their schedules to address the interns and those representing the several agencies and departments who come to Capitol Hill to give presentations to the groups have my deepest gratitude.

Senator WEICKER, Congressman MCKINNEY, and I hope to continue the Connecticut summer intern program as long as there are young people in our State who wish to learn more about their Government.

EVERYTHING IS ANYWHERE BUT WASHINGTON

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. COHEN. Mr. Speaker, earlier this summer, Donald R. Larrabee of the Washington-based Griffin-Larrabee News Bureau gave the commencement address at the University of Maine at Machias.

Don Larrabee has spent almost 30 years in Washington covering the Capital for newspapers in 12 States, and so it was only natural that he chose to speak to the graduates about the state of affairs in Washington and the Federal Government, with which he has dealt in his newspaper work for so long.

But Don is also a native of Maine, and, like the true Mainer that he is, he has retained a perspective about the people and the institutions of the Federal Government which others who work in this town so frequently lose.

"The best thing Washington people can do is remind themselves that the real power of America lies not within the geographic bounds of the Federal city but with the people who live beyond it," Don Larrabee told the graduates. "Everything is anywhere but Washington."

Larrabee's message is one that cannot be repeated often enough. I urge my colleagues to read the text of Don Larrabee's commencement address, which I insert here, and to take its meaning to heart.

The message follows:

COMMENCEMENT REMARKS

(By Donald R. Larrabee)

Dr. Buswell, graduates, parents, distinguished guests:

Thank you for this invitation and this honor.

Roughly one year ago. I returned from a trip to the Soviet Union and had the privilege of speaking at the University of Maine Commencement exercises in Portland. I had picked up an ailment which is common to travelers but which we chose to call the Czars Revenge. This year, I come to you straight from Washington where we are all emerging from a long sickness.

Things look brighter this spring and sometimes even more so, the further away one gets from Washington.

Most people in government are immersed in their own importance and it is the happy, successful political figure who learns humility at the start and somehow manages to keep it. One official we know kept reminding himself of the old woman who had lived her life in one spot in Nova Scotia where the population swells to nine in summer and stays steady at two during the winter. This official, who had been fishing there every year since he was 12, flew in one day to visit his old haunts. His aging friend welcomed him into her kitchen and said: Johnny, I hate to admit I don't know, but where is Washington? When the cabinet officer realized she wasn't kidding, he explained: "That's where President Ford is, That's like where you have Mr. Trudeau in Ottawa."

Then she asked how many people lived there and he said: "About two million." . . . "Think of that," she replied, "two million people living so far away from everything."

The best thing Washington people can do is remind themselves that the real power of America lies not within the geographic bounds of the federal city but with the people who live beyond it. Everything is anywhere but Washington.

Yet, it is easy to forget the lessons of history when you are immersed in making it. Now, as we look back on the traumatic events of the past year or two, we know what can happen to those who become convinced they are serving a president well when they are really serving their own egos. We know what arrogance and insecurity and isolation can do to men in the White House and we know what happens when they are not held accountable.

Hopefully now, we can put our troubles in perspective and set a new course, even managing to laugh at ourselves. There's even a new book by a delightful writer, Jimmy Breslin, about the good guys of Watergate. And it is fun reading, in the best sense of the word. Yes, and the Richard Nixon jokes are starting to sprout without being a source of embarrassment. Such as the one about Nixon dying and going to St. Peter's gates where he is told he'll have to pay for his crimes on earth. His sentence? He has to travel around the earth in a satellite embracing congresswoman Bella Abzug. Well, they got about half away around the world and they came across another satellite carrying Spiro Agnew and Racquel Welch. "What's going on?" Nixon demands of his old teammate. "Don't get me wrong," Agnew replies. "This is her punishment."

Yes, laughter is returning to Washington and, I hope, a sense of what this country needs to do to restore its greatness. We are in a moment of grave peril and great promise, a crossroads for the United States where strong leadership is needed from men who will be more concerned about National posture than political posturing. Our political leaders, it seems to me, are still a bit bewildered about the public mood nor do they fully grasp the message from the voters. I sense a yearning for leadership in new directions and quite possibly a leadership that is willing to ask questions about government methods and practices that have been unchallenged for decades.

If you will permit this current judgment from a contemporary historian, neither the President nor the Congress has yet grasped the true dimensions of the task facing us as we begin a new century as a nation.

In recent years, I have been reminded often of William Shakespeare's admonition in "Measure for Measure." Shakespeare spoke of "Man, Proud Man, Dressed in a Little Brief Authority."

Surely this is the story of Washington. "A little brief authority" and how men handle it, for good or bad. It has been my privilege to sit on the sidelines, as a newspaperman, and watch others climb to the political heights and sometimes fall, to sit in merciless judgment on men and the decisions they make which I did not have to make.

In our lifetime, we have seen the power of our country mis-used and abused. We have seen the power of the presidency misdirected, forcing two successive national leaders from office, one on his own and the other, without a choice. If we have learned one thing, it is the awful power of secrecy to corrupt politics and government. And we have also learned that there is no way our citizens can hold their public servants accountable if they do not know what is going on.

I'd like to tell you briefly today about three men whose careers I have watched from their earliest exposure to Washington. They have helped me to know what was going on through their own sometimes painful experiences. Each has tasted power, even mis-used it at times. Each has been close to a President, close enough to influence major decisions.

In Washington, access is power. Those who can gain the ear of power appear to possess it themselves. Reporters often rely on them as "informed sources." I am going to reveal some of mine.

Two of the men worked for the same Senator, serving in succession as his administrative assistant. The Senator, Leverett Saltonstall of Massachusetts, trusted them both. He gave them an outlet for their ambitions without perhaps knowing where it would lead. They were dedicated, loyal, intensely committed to their boss and his success—everything a Senator's aide must be.

It's an exciting way to start up the ladder in Washington if you enjoy the science of politics. And it was clear to me from the outset that these men had the ambition, zeal and ability to have a national impact.

The first man, in point of time, was deliberate, a methodical type who doodled incessantly while he was listening or answering a question. Never devious, he always chose his words well for the proper effect without engaging in a coverup. He was articulate, a patrician with humanitarian instincts. He left Saltonstall in due course, for a sub-cabinet post during the Eisenhower presidency as Assistant Secretary of the H.E.W. Department. There followed a period in the Kennedy years when he served as Lieutenant Governor and Attorney General of Massachusetts, with time in between to practice law.

Then, at the onset of the Nixon years, he came to Washington to serve as Under Secretary of State, then as a Cabinet officer in charge of the Health, Education and Welfare Department, then for five months as Secretary of Defense, then as U.S. Attorney General for about six months. Elliot Richardson is now in London as our Ambassador which almost seems like a demotion after his other posts.

Nobody in our history, I believe, has had so many important jobs in so short a time—and not because he handled them badly but because he did them all so well that he was pushed along into what someone has called "the next impossible vacancy."

Whenever I asked him what he was going to do next, he said he had no plans except to do the job that was before him at the moment, to the best of his ability. Strangely, this gifted lawyer and administrator has started almost everything and finished nothing. He made a noble retreat from a position of power when the President he had served misused power. And he may well come back to Washington before the end of the year, as Secretary of State, under another President.

Elliot Richardson would like to be President of the United States, in my judgment. He has the right kind of Presidential presence to be a serious candidate in 1976. He has a reputation for intelligence and efficiency and integrity. But he will not run if Gerald Ford runs. It is not in his makeup to pursue that challenge, and, as fate would have it, he may never have the opportunity for the highest office in the land. If in that sense, his political power has been spent, I submit that his power to move and shape America has not been. But after all he has seen and done, will he be content to lead without being President? And what form will it take?

When Elliot Richardson left his Senate job, Senator Saltonstall took great pride in bringing along another dedicated assistant to fill the vacancy. He had been a marine captain in the Korean War; he was tough, knew exactly where he was going and what was in the best interest of his job and his boss's political security. He had served a stint in the Navy Department and while working as Saltonstall's assistant, went to law school at night and got his degree.

In many respects, he was the antithesis of Elliot Richardson in personality and perspective. Those of us who knew him at the time were quite certain he would make the right connections and all the money anybody could want. Leaving Saltonstall's employ, he joined a law firm in Washington during the 1960's, always keeping close ties to the Republican establishment and to Richard Nixon. In the campaign of 1968, he headed a team which prepared position papers for the Republican candidate for President and helped to determine the issues with which Mr. Nixon would be identified in the campaign.

I asked him following the Nixon victory that year, what he planned to do. Would he want a job in the new Administration? He was frank about it. He had seen Democratic lawyers make scads of money in Washington by using their connections with Democratic Presidents. He was going to make the most of his ties with a Republican President and he savoured the possibilities.

But, temptation got in the way. Within a few months, Charles W. Colson became special counsel to the President. He became more than that. A confidante who was closer to Mr. Nixon than almost any of the White House advisors, particularly during the crucial months just before and after the election of 1972.

Without repeating recent history, let me simply remind you that Charles Colson pleaded guilty to obstruction of justice in the prosecution of the Pentagon Papers defendant Daniel Ellsberg and was sentenced to prison for one to three years. He was released after seven months.

I have learned from Charles Colson's experience as I did from Elliot Richardson's that power takes strange twists and turns. Men who take orders from the same leader can be misled. Men who are "the best and the brightest" have been known to mislead others.

I have heard Charles Colson confess his sins and say that his life was mis-directed. He acknowledges that rough and tumble politics are no way either to run a country or to deal with the rights of individuals. When politics takes on the cast of a religious war in which acceptable standards of legality and civility are lost, then it is time to call a halt, he says. A time for those who have been part of the process to try to lead the way in restoring the lost balance.

Charles Colson has no desire to return to his old life. He can never be President. He can never earn again the astronomical sums that he did as a corporate lawyer. In prison, he read the Bible. He has become a convert to Christianity. He is appalled by what he observed in his jail experience and he will work for prison reform. Who is to say that he will not do more for his country some day than a President? His political power has been drained but his power to move and shape America is almost limitless.

The third gentleman who knew enormous political power and used it ingeniously came to work for another Senator from Massachusetts, during the same period that Richardson and Colson were serving Saltonstall. Another bright young lawyer, he was picked up by John F. Kennedy to serve as a legislative assistant, shortly after Kennedy was elected as a Senator. From the very beginning, this driving, ambitious and gifted writer and thinker had one consuming ambition—to help make John Kennedy President of the United States.

Much of the strategy, the rhetoric and the stimulus for what was to happen in the next eight years came from Theodore C. Sorensen who convinced Kennedy that the country would accept a Roman Catholic of his talents. Ted Sorensen was the author of some of the most memorable Kennedy speeches, including the famous lines of the Inaugural Address. He wielded enormous influence as Kennedy's special counsel in the White House, the very job that was later to go to Charles Colson under another President. In savoring the joys of seeing his political creation on the throne, he allowed his marriage to go to pieces and, all too soon, saw his political power snuffed out with an assassin's bullet.

Sorensen ran for office in New York on his own and couldn't make it. He now practices law, content with a diluted power and able to draw on his experiences to move and shape America in a way he never dreamed.

Today he admits to being a party to the overconcentration of power in the White House and has confessed recently that he watched with horror and sorrow as the Nixon staff sank lower and wondered whether the Kennedy staff might have ended up similarly.

They were academicians and lawyers on both the Nixon and Kennedy White House staffs. The Kennedy people were equally loyal to their chief, determined upon his success. They were, at times, curt, arrogant and insolent, too. But Nixon's staff helped to bring him down and Kennedy's helped to elevate their man. The time was short, let me remind you, and we will never know what might have happened.

Interestingly, Sorensen is not among those who have seized upon Watergate to urge a less powerful Presidency. He believes still that strong leadership is essential in the White House but he also believes that the test comes in the men the President is willing to take into his house, to invoke his name and use his telephone and affect our lives.

I worried once about what would happen to Ted Sorensen when the Kennedy Presidency ended, whether he could ever find anything to top that experience. But, enduring adversity, he is at peace with himself these days, remarried and absorbed in his work. Similarly, Charles Colson has found a peace through adversity that he had not known before. Elliot Richardson is experiencing adversity of a different sort these days—and I am confident he will find peace in his own way.

These men, from the depth of their experience, will tell you what is needed most in the White House is an essential morality of leadership. A President must set a moral tone, as well as a political tone. He must appeal to the best in America, all the while reminding himself of the limits of power.

I think they would also agree that, in the last analysis, the kind of President we get depends upon the kind of government we want and on the extent to which we make the President answerable for his actions.

This is where we all come into the act. This is where each of us has his brief authority and his promise to keep. It is ironic, in retrospect, that the Nixon years were launched with great promise, the promise of power returning to the people. But when men violated the Constitution, as well as the sense of decency, they received a jolting reminder that power in America is derived from the people. Throughout the months of the Nixon downfall, it was the power of public opinion which forced the process to continue.

Presidential power is no greater than the public support it can maintain. Whatever you may be doing for a livelihood in the months ahead, I believe you will find great satisfaction in considering seriously what you want—not just from one President—but from the Presidency in your lifetime. And, also, what you want your country to be. We are really a young country, still learning, still making mistakes. As a nation, we are just graduating, only starting out. We are blessed with both power and promise. As a result of Watergate, your share in America was never more secure. And you can keep it that way by actively participating in government and politics.

It is easy to ask at this Bicentennial time, where have all the leaders gone? But before we try to answer that, perhaps we should also ask, what are we demanding of those who would be our leaders? All of us have the power to shape the Presidency, but, above all, to make it more accountable. Therein lies the promise of America.

Keeping our leaders accountable is one of the challenges for those of us in the news business. I'm not sure we have always lived up to our promise or our obligation but I heard a story the other day which gives me some encouragement.

Pope John and a Washington correspondent died the same day and came to the Pearly Gates. St. Peter rolled out the red carpet for the correspondent and sent him winging on his way among the pink clouds. The Pope was left cooling his heels. Finally, he confronted St. Peter. "How come you let in that newspaperman and kept me waiting?" He asked. "Oh" replied St. Peter, "we've got Popes up to our neck but we've never had a Washington correspondent."

Thank you for having this one share your moment of power—and promise.

CZECHOSLOVAKIA: SEVEN YEARS AGO

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. VAN DEERLIN. Mr. Speaker, as the President prepares to leave for Eastern Europe, we should not let our general delight with success of the Apollo-Soyuz mission cause us to forget some debits that remain on the Russian side of the ledger.

One need not oppose the purposes of "détente" to note that the rape of Czechoslovakia, nearly 7 years ago, was and remains a blot on the Soviet record that no number of space spectaculars can erase.

Soviet occupation forces are in Czechoslovakia today, in defiance of the United Nations and all the rules of civilized conduct among nations.

Think of it: 15 million Czechs, whose only offense is that they had tasted freedom, remain under Russian subjugation.

Early in 1968, a liberalization movement was spreading like wildfire in long oppressed Czechoslovakia. The long-time Communist boss, Antonin Novotny, had been replaced as party leader by a moderate, Alexander Dubcek, who by his words and deeds gave notice of his intention to democratize the country.

It was too much for the Russians to take, and on August 21, 1968, they sent 500,000 troops to crush and smother the new spirit of liberty.

The Russians and their Warsaw Pact allies easily won the one-sided contest, of course. Freedom was the loser—not just in Czechoslovakia, but everywhere human rights are cherished.

And so, Mr. Speaker—while, of course, we congratulate our Soviet friends for their part in last week's magnificent maneuver in space, let us look to a day when we may extend our hand in token of a far more desirable achievement: the right of people everywhere to determine their own destiny.

REV. OTIS MOSS, JR.

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. STOKES. Mr. Speaker, this past Sunday in Cleveland, Ohio, I had the opportunity to welcome a new minister to our city. The occasion was the installation services of Rev. Otis Moss, Jr., as the new pastor of Olivet Institutional Baptist Church which is located at 8712–14 Quincy Ave., Cleveland, Ohio. The installation services on Sunday culminated 3 days of church services.

The services on Tuesday, July 15, 1975, were presided over by Rev. Emanuel S. Branch, pastor of Antioch Baptist Church. The main speaker on this occasion was Rev. Albert T. Rowan, pastor of Bethany Baptist Church, who was introduced by Rev. A. A. Womack, pastor of Mt. Haven Baptist Church.

On Wednesday, July 16, 1975, Rev. Sterling E. Glover, pastor of Emmanuel Baptist Church, presided over the services. The main speaker on this occasion was Bishop Charles W. Watkins, pastor of Pentecostal Church of Christ, who was introduced on this occasion by Rev. Dr. Donald G. Jacobs, executive director, the Greater Cleveland Interchurch Council.

The installation Sunday services consisted of morning and afternoon installation services. The main speaker at the morning service was Rev. Jesse L. Jackson, president of Operation PUSH, Chicago, Ill. The afternoon services were presided over by Rev. Isaiah Paul and the main speaker was Rev. Dr. Sandy F. Ray. During the installation services that afternoon, the charge to the minister and the church was conducted by Rev. Dr. Norman L. Townsel, pastor of Pilgrim Baptist Church, Hampton, Ohio.

The music for this occasion was furnished by the mass choir of Olivet Institutional Baptist Church. The music was under the direction of Ms. Barbara A. Collier, directress, who was assisted by Rev. Earl Preston, Jr., Ms. Ann Thompson, Mr. Jerry Young, Mr. William Lawson, Mr. Stephen Gulley, and Mr. Jerry Thomas.

This week of installation services for Rev. Moss was under the auspice of an installation committee which was chaired by the dynamic Ms. Carole F. Hoover.

Mr. Speaker, the installation services on this occasion, were in the nature of the highest order of services in the Baptist Church. It was an outstanding event in the Cleveland community. It was an event which was fitting for Olivet Institutional Baptist Church, one of the greatest institutions in our city. This church has been a part of the Cleveland community for almost a half century.

It was organized with 72 Christians. The total membership now is over 6,000 Christians, many of whom are busily engaged in a number of interchurch community and outreach programs.

Olivet Institutional Baptist Church has played a significant role and has given leadership in the civil rights movement and in the struggle for human decency.

During the 1960's, at the height of the national civil rights movement, this church played a prominent and significant role. On many occasions, the late Dr. Martin Luther King spoke from the pulpit in this church.

This church had the benefit of having as its pastor one of our most revered men of stature in the late Dr. O. M. Hoover. Not only was Dr. Hoover a beloved and respected leader in the Cleveland community, but through his role with the Southern Christian Leadership Conference, he achieved national recognition. This church, therefore, has a great legacy. It was for these reasons then that Olivet Institutional Baptist Church looked for a man of stature to succeed their beloved pastor, the late Rev. O. M. Hoover. They found such a man in Reverend Moss who is young, dedicated, sincere and acknowledged to be one of the most articulate, scholarly and dynamic ministers in the Nation today.

He accepted a call to the pastorate of Olivet Institutional Baptist Church on December 30, 1974. Under his leadership the congregation, since January 1975, has registered more than 250 new members, either by reinstatement, letter, Christian experience or candidates for baptismal. Two of his closest friends and ardent admirers serve in this Congress with me. They are Rev. Walter Fauntroy and Rev. Andrew Young. Another nationally known religious leader who enjoys friendship and admiration for Reverend Moss is Rev. Jesse L. Jackson.

Reverend Moss is married to the former Edwina Hudson Smith and they have three lovely children. They are Daphne Rachelle, age 13; Kevin, age 16; and Otis Moss, III, age 4.

He is a graduate of Morehouse College where he received his bachelor of arts degree. He then acquired a bachelor of divinity degree from the Morehouse College School of Religion. Reverend Moss has also completed special studies at ITC—Inter-Denominational Theological Center. Reverend Moss formerly copastored Ebenzer Bapitist Church in Atlanta, Ga., with Dr. Martin Luther King, Sr., and he has pastored Providence Baptist Church, Atlanta, Ga., and Mt. Olive Bapitist Church, Lagrange, Ga. He is the recipient of many special honors and awards:

In 1961 he received the "Man of the Year in Religion" award, Atlanta, Ga.

In 1967 he was listed as one of the "most outstanding young men in America." Reverend Moss also received the Golden Mike Award from Radio Station WCIN in Cincinnati, Ohio and the "Color Him Love" award from Mt. Notre Dame High School.

In addition to these honors, his sermon "Going from Disgrace to Dignity" was chosen to appear in Jusdon Press' book, Best Black Sermons—October 1972.

Reverend Moss has also written two pieces, "The Black Church Distinctives" and "The Black Church Revolution" which were published in the book, The Black Christian Experience compiled by Home Missions Board Associate,[1] Emanuell McCall.

I am sure that all of my colleagues in the Congress extend congratuations both to the Rev. Otis Moss, Jr. and the Olivet Institutional Baptist Church.

All of us look forward to hearing more and greater things about both of you.

THE PANAMA CANAL TREATY

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. HARRINGTON. Mr. Speaker, the negotiation of an updated Panama Canal Treaty is the single most critical issue in inter-American relations today. The Republic of Panama's unrelenting pressure for a more equitable treaty has sparked international interest in the current negotiations. In recent months, moreover, the Panamanians have succeeded in winning a wide range of support, particularly in the Western Hemisphere, for their position in a variety of international forums.

For far too long, U.S. foreign policymakers have been heralding the advent of a new era in inter-American relations, yet the principal assumptions governing U.S. policy to this day stem from the Cold War mentally, as evidenced most recently in the case of Chile. Clearly, the ratification of a new Panama Canal Treaty affords the United States an excellent opportunity for a concrete move in the direction of a long overdue policy devoid of the manipulation, paternalism, and arrogance of the past.

At the present time, the most formidable obstacle to the negotiation and ratification of a new treaty remains congressional indifference coupled with congressional unawareness of the critical issues underlying the current negotiations. Should ratification fail, such action will be viewed by all sectors as a serious setback to inter-American relations.

For these reasons I urge my colleagues to read an insightful essay by Robert G. Cox, "Choices for Partnership or Bloodshed in Panama," which appeared in "The Americas in a Changing World," a collection of articles on timely issues currently affecting inter-American relations, recently issued by the Commission on United States-Latin American Relations. The article critically examines the prevailing economic, military, and strategic issues currently affecting U.S. interests in Panama and carefully considers the common misconceptions which presently influence public opinion on this issue.

Excerpts from the article follow:

EXCERPTS FROM THE ARTICLE: "CHOICES FOR PARTNERSHIP OR BLOODSHED IN PANAMA"

(By Robert G. Cox)

The position of the United States in world politics for nearly two centuries has rested on hegemony in the Western Hemisphere. The country acquired interests during those 17 days in 1903 which included a responsibility for the emergence of a nation, for the administration of a major territorial possession, and for the management of an international public utility of both commercial and military value.

Focusing on current efforts to negotiate and ratify a new treaty, this paper submits some findings of fact and observations concerning the nature of those interests and the fulfillment of that responsibility.

Economic Considerations: Americans have been inclined occasionally to overstate the commercial significance of the Panama Canal, but its value is nonetheless real. Adequate data exists to place it in the proper perspective.

About 30 percent of Panama's gross national product and 40 percent of its foreign exchange earnings are directly or indirectly attributable to the Canal and related installations.

Of total U.S. foreign trade, by value, the following percentages transited the Canal in the two most recent years for which data is available:

Percentages

	Exports	Imports	Total
1971	12.1	5.6	8.8
1972	13.0	5.3	9.0

Since foreign trade accounts for less than 10 percent of U.S. gross national product, the Canal affects less than 1 percent of GNP. By volume, less than 5 percent of the total world trade transits the Panama Canal. By value, this proportion would be a little more than one percent; an increasing percentage of more expensive cargo is being transported by air (for example, about ten percent of U.S. foreign trade), and most Canal cargo is in bulk commodities.

The adjective most frequently applied to the Canal by Americans is "vital." In terms of U.S. trade, however, the numbers would justify more modest descriptions. Convenient. Useful. The Canal is economically vital to Panama, perhaps also to Nicaragua and a few other Latin American countries, but not to the United States.

One way to analyze the Canal's commercial value is to consider what would happen if it were not there. The figures already provided for U.S. and world trade transiting the Canal—9 percent and 1 percent, respectively—should not be regarded as representing the portion that would be lost if the Canal would be inoperative. The decision to send a given shipment through the Canal is frequently a close one, and almost always there are alternative routes or modes of transportation. John Elac has described the impact of closure of the Canal on total U.S. and world commerce as "inconsequential."

When we look at U.S. investment in the Canal, it is tempting to include defense costs, as Senator Strom Thurmond does when he says we have committed a total of $5,695,745,000. But since the Canal is considered a defense asset, we would presumably be spending more than its costs on additional defense if we did not have it. The cost of defending it should at least be off-set by its asset value. Moreover, $5.7 billion is a small fraction of one percent of U.S. military expenditures during the 60 years of the Canal's operation. *Military Considerations:* Two military issues concerning the Panama Canal overshadow all others: utility and defensibility.

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[1] Articles appeared in Home Missions magazine under the titles, "I Am Black Man" and "Between Symbol and Substance."

The Canal's military value during the first half of this century is well established, principally by its contributions to the two World Wars. Regarding the Korean War and the conflict in Southeast Asia, its utility is less certainly established. A former senior officer of the U.S. Budget Bureau Military Division estimates that alternative modes of shipment would have had no adverse affect on the Vietnam War effort and that additional costs would have been negligible. A ranking State Department expert in Panamanian affairs now terms the Canal "a military asset of declining value." Nevertheless, a residual utility will remain for some time, largely because of the constraints of U.S. West Coast port facilities, particularly in munitions-handling.

As for the second issue, the Cameron report of the Center for Inter-American Relations puts it succinctly: "The Panama Canal is no longer defensible." This holds for either a strategic attack or destruction by a "determined and resourceful enemy." The Canal can, of course, be held against some levels of civil disturbance. These informed but independent views do not diverge essentially from the later official judgment of the National Defense Study Group.

Political Considerations: On February 7, 1974, in Panama City, Secretary of State Kissinger and Panamanian Foreign Minister Juan Tack initialed a statement of eight principles providing that:

Panama will grant the United States the rights and facilities and lands to continue operating and defending the Canal;

The United States will agree to return to Panama jurisdiction over its territory; to recompense Panama fairly for the use of its territory; and to arrange for the participation by Panama, over time, in the Canal's operation and defense;

The new treaty shall not be in perpetuity, but rather for a fixed period, and that the parties will provide for any expansion of Canal capacity in Panama that may eventually be needed.

The State Department has understood throughout the recent negotiations that no treaty with Panama affecting U.S. jurisdiction will be ratified without the approval or acquiescence of the Joint Chiefs of Staff. The JCS lines to Capitol Hill are time-honored and uncontested. The Chiefs have accepted the eight negotiating Principles of February 7, 1974. It remains to be seen whether they will approve the treaty, if and when it is concluded.

On October 11, 1968, the Guardia Nacional seized control of the country after a year of political turmoil. Over the next few months Colonel (now Brigadier General) Omar Torrijos emerged as the dominant figure in the "revolutionary government."

The New York Times concluded that: "General Torrijos cannot turn back without losing face. Violence does not seem imminent, but only a satisfactory agreement will prevent future trouble . . ."

The Panamanians, for their part, now have the toughest and most charismatic leader in their history. They proved from 1958 to 1967 that they can be tenacious in the drive to establish national jurisdiction over the zone. They also have shown that, under Torrijos, they are willing to be patient as long as he remains believable. But history does not permit any national leader total control of his people's destiny, or even his own. The General has four alternatives: he can produce a supportable treaty. He can delay. He can leave office. Or he can attack the Zone. Time is running out on the first two.

Problems of Awareness and Attitude: The real content of the Panama-Canal Zone issue may be as much psychological as it is military or commercial. No problem of current international affairs is more encumbered by national pride, convenient misconception, legal abstraction, and ignorance.

For three generations American democracy has been absent in the Canal Zone, where public officials are not elected, but imposed. Civilian control of the military is inverted: the Governor is a major general, but distinctly junior to the local troop commander. The Zone economy is state socialism, with 95 percent of the productive capacity concentrated in the hands of the government.

The world may well wonder whether the United States knows what it is doing in Panama.

CONYERS PAYS TRIBUTE TO GLADYS KNIGHT AND THE PIPS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. CONYERS. Mr. Speaker, I wish to bring to the attention of my colleagues one of America's leading musical groups, Gladys Knight and the Pips. I am especially pleased that many talented musicians have made their home in the district in Detroit I serve, among them Gladys Knight. I enclose an article in Time magazine, July 28, 1975 which recounts the history of Gladys Knight and the Pips, their rise to stardom and their musical accomplishments.

The article follows:

ONE OF THE BOYS

She does not have the passion of Aretha Franklin, the slim chic of Diana Ross or the earthy sexuality of Tina Turner. But whether she comes in singing sassy, sly or riding on velvet, Gladys Knight is a marvel of emotional energy. Behind her the three Pips—Brother Merald and Cousins William Guest and Edward Patten—walk, run, shuffle, tap in staccato choreographic counterpoint. With a current NBC–TV summer variety series plus a pair of Grammy awards and a platinum and two gold albums in the past two years, Gladys Knight and the Pips are considered this year's smash rhythm and blues act.

They are no overnight sensation, however. The grueling roadhouse gigs, dusty motel rooms and endless turnpike tours that attend the birth of almost every pop-music career merge in the showbusiness lexicon under the heading "dues paying." Hardly anyone escapes, least of all black rhythm and blues performers. This Georgia-born quartet spent nearly two decades in obscurity before finally scuffling into the big time.

RACISM AND GREED

If ever pop music claimed a child prodigy, it was young Gladys Knight. When she was four, her eager contralto, frequently on key, resonated through the adult ranks of Atlanta's Mt. Moriah Baptist Church choir. Three years later she won the $2,000 first prize on Ted Mack's Original Amateur Hour with a humid rendition of Too Young. When another cousin, James ("Pip") Wood heard Gladys and the boys sing, he encouraged them to turn professional and gave them his nickname. In 1954 they were booked into Atlanta's Royal Peacock Supper Club. Gladys was ten years old.

A veteran of the road by the time she was 13, Gladys had learned how to press clothes under hotel mattresses as well as to avoid drug pushers and to cope with racism and greed. Before every concert the four teenagers joined hands in a prayer circle, a ritual they continue to observe. Small-town promoters quickly spotted their vulnerability. Once after they had given two performances in Paducah, Ky., the promoter pulled out a gun and refused to pay. Says Gladys: "There was nothing we could do except leave in a hurry because we were peaceloving people."

In 1961 the group came up with a hit single, *Every Beat of My Heart,* but it was not until 1966 that they landed a Motown recording deal. With almost all the top black songwriting and performing talent under contract, Motown encouraged rabid in-house competition. To keep its producers busy, all Motown's artists often recorded the same songs, knowing that only one version would be released.

Promising songs were doled out according to Motown Chief Berry Gordy's private caste system; the Supremes, the Temptations, Marvin Gaye, and Smokey Robinson and the Miracles had first choice. Such low-priority groups as the Spinners, the Four Tops and the Pips received the leavings. "We wanted to do a gospel album long before Aretha," says Gladys, "and Berry saved the soft songs for Diana Ross." But in 1967 a catchy soul rocker, *I Heard It Through the Grapevine,* sailed onto the charts for the Pips. Two other singles had scored for them by the time their Motown contract expired in 1973, and they quickly made a deal with Buddah Records.

Since then, Gladys and the Pips have sold $10 million worth of records. They have extended their repertory from soul and blues to Marvin Hamlisch and Burt Bacharach songs. Needless to say, Motown has unearthed several dozen old recordings—and the Pips have sued their former employer for $1.7 million in disputed royalties.

BUTTER CUTTER

Meanwhile, they gross between $30,000 and $50,000 a concert, have an eight-week contract with the Las Vegas Hilton and spend lucrative summer weeks playing theaters and supper clubs. Last fall Gladys, now 31, married her second husband, Barry Hankerson, an executive assistant to Detroit Mayor Coleman Young. He calls her by her middle name, Maria—Gladys, after all, is a show business celebrity. In the industry there is some gossip that success has already created a wedge in the Pips' solidarity. "When vocal groups are hungry, you can't split 'em with an ax," Cousin William once remarked. "As soon as success comes, all it takes is a butter cutter." Gladys scoffs, maintaining that she is content to remain one of the boys. "I'm not afraid to stand alone professionally," she says. "I simply don't want to."

The music of our country is something we are all proud of and the achievements of black Americans through the blues and jazz, among other musical forms, have been a singular part of our musical tradition. The contribution to our contemporary music of Gladys Knight and the Pips is matched by few other musical groups, and I venture to predict that they will continue to excite us with their unique sounds and sights.

MISS BLACK JOLIET WINS STATE PAGEANT

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. O'BRIEN. Mr. Speaker, I would like to call my colleagues attention to the outstanding achievement of Ms.

Alice Banks of my hometown, Joliet. Ms. Banks, who holds the Miss Black Joliet title, was recently awarded the State title of Miss Black Illinois in Chicago. Mary Alice, 19, is the daughter of Mr. and Mrs. Ecmoa Banks. She will go on to the national competition on Aug. 30 and I genuinely wish her the best of luck in her endeavors. The people of Joliet, and of Illinois, can be truly proud of this lovely young lady.

[From the Joliet Herald News]

MISS BLACK JOLIET WINS STATE PAGEANT

Miss Black Joliet, Mary Alice Banks, 19, won the state title of Miss Black Illinois at a pageant Thursday in Chicago.

Miss Banks is the daughter of Mr. and Mrs. Ecmoa Banks of Joliet.

The new Miss Black Illinois won the Joliet title May 17. She will compete in the national pageant Aug. 30.

Twelve contestants competed for the title. First runnerup was Miss Black Evanston, Lynda Wilkinson, 20. Pamela Cooper, 21, Miss Black Aurora, was the second runnerup.

Miss Banks was sponsored by the Egwa Pomaja Club and the Freedom Club of Joliet. The state pageant was sponsored by Pretty Girl, Inc. The national competition will be sponsored by Fashionable Production.

CULINARY OLYMPICS

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. ANNUNZIO. Mr. Speaker, I would like to call to the attention of my colleagues that Christian Inden, executive chef of the Conrad Hilton Hotel in Chicago, has been nominated as U.S. team captain for the Culinary Olympics which will be held in Frankfurt, Germany in 1976.

Mr. Inden is certainly deserving of this recognition for he has compiled a distinguished record in his chosen field. For the last several years he has been responsible for planning and preparing a special dinner for over 7,500 people who have attended the annual Democratic dinner honoring our distinguished Mayor—Richard J. Daley. Mr. Inden has also been selected to plan and to prepare dinners honoring Japanese Emperor Hirohito and the President of West Germany, and he is the recipient of numerous gold medals and other awards.

It is a pleasure for me to join many of his friends in Chicago in extending my congratulations on all of the culinary honors that have been awarded to him. A listing of these honors follows:

AWARDS RECEIVED—1973

National Grand Prize of the Culinary Salon.

One Special Judge Award—Culinary Salon.

City of Chicago Award—signed by Mayor Richard J. Daley.

Escoffier Gold Medal—Escoffier Society.

SPECIAL DINNERS DESIGNED AND PREPARED

City of Chicago Dinner—honoring Mayor Daley—7,000 persons in attendance.

Gold Plate Award Dinner—International Food Manufacturers Association.

Annual Escoffier Dinner—Escoffier Society.

Dinner for Former President Nixon.

Various dinners for international, foreign officials.

AWARDS RECEIVED—1974

National Grand Prize of Culinary Salon (second consecutive year). Sponsored by Kraft Food Corporation. Defeated the Canadian National Team.

Two Special Judge Awards.

President's Award—American Culinary Federation.

Award of Distinction—International Food Manufacturer's Association—on their Annual Gold Plate Award Dinner.

Chef of the Year Award—Chef de Cuisine of Chicago (Candidate of National Chef of the Year—1975).

SPECIAL DINNERS DESIGNED AND PREPARED

Annual Gold Plate Award Dinner—International Food Manufacturer's Association.

City of Chicago Dinner—honoring Mayor Richard J. Daley—7,500 persons in attendance.

International Heads of State dinners.

AWARDS RECEIVED—1975

National Grand Prize of Culinary Salon (third consecutive year). Sponsored by National Restaurant Association.

Gold Medal—Gold Certificate—Philanthropy of New York.

Escoffier Medal—State of New York.

Gold Medal—Chef de Cuisine Association of Chicago.

Became fourth Chef of the United States who was selected as an Honorable Member of the Chef de Cuisine of Canada.

SPECIAL DINNERS DESIGNED AND PREPARED

City of Chicago Dinner—honoring Mayor Richard J. Daley—7,500 persons in attendance.

Annual Gold Plate Award Dinner—International Food Manufacturer's Association.

FUTURE PLANNED DINNERS

Dinner for Japanese Emperor Hirohito.

Dinner for President of West Germany.

MEMBERSHIPS

American Culinary Federation.

Escoffier Society.

Chaine de Rottiseurs Association.

Chef de Cuisine Association.

Chef de Academy Association.

CULINARY DIPLOMAS HELD

German Certified Master Chef.

Institute Diploma of the American Hotel and Motel Association.

SPECIAL NOMINATION

Nominated as United States Team Captain for the Culinary.

Olympics, which will be held in Frankfort, Germany—1976.

STRAWBERRIES PICKED BY KNEELING NUNS

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. EDWARDS of Alabama. Mr. Speaker, a constituent of mine, Mr. Jex R. Luce, has contacted me with an article by Paul Harvey entitled "Strawberries Picked by Kneeling Nuns." I believe that my colleagues will benefit from this article and I, therefore, include the text of it in the CONGRESSIONAL RECORD at this point:

STRAWBERRIES PICKED BY KNEELING NUNS

(By Paul Harvey)

It just makes me sick—to see those nuns on their knees out there picking strawberries.

Not because they are nuns but because they are doing more than their share while 10% of the local yokels are on welfare!

Near Farina, Ill., farmer Glen Ernst disabled with an injured arm, had nobody to pick his strawberry crop.

And though there are 10% so-called "unemployed" in the area, nobody else wanted to pick strawberries either.

So he called St. Anthony's Hospital and the sisters from there went out into his fields on their knees, harvesting his crop for their hospital.

Usually, a nun on her knees would inspire us; these should shame us!

You and I have been the victims of grievance-mongers.

These are the people who believe that government can and must engineer a socially just society; that government must provide housing, health care, education and income redistribution.

But the more we and other nations have trusted government to improve the quality of life, the more we have of crime, laziness and urban decay.

Government poverty programs end up creating a "demand for poor people," and the bureaucrats will seek a supply if only by raising the so-called "poverty level" by another thousand dollars a year.

The press and information facilities have promoted this preoccupation with social problems.

Somebody said, "If you are not worried about social problems in America, you ought to have your television set examined."

It has always been possible to make a career out of righteous indignation—for politicians, journalists and preachers.

Now we are joined by the academics, and the most active growth industries these days are staffed by social workers, researchers, sociologists—and student-agers expressing their general discontents through demands for social reform.

There are armies of such student-agers accepting unemployment pay this summer who should be accepting some of the hundreds of menial jobs that are going begging.

Or they'd ought to be out there in farmer Ernst's berry field making taxpayers out of themselves instead of leaving that work to the nuns of St. Anthony's.

Britain is a horrible example of the direction in which the United States is headed. In socialist Britain, government provisions for health, education and welfare have caused these services to deteriorate while the nation itself, after years of hemorrhaging red ink, is dying!

GETTING OUT THE TRUTH

HON. ANDREW MAGUIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. MAGUIRE. Mr. Speaker, in view of the unfortunate recent history of House efforts at oversight and investigation of U.S. intelligence activities, I wish to call to the attention of my colleagues an important article in the current issue of the New Republic by Representative MICHAEL HARRINGTON.

The article follows:

CONGRESS CIA COVERUP—GETTING OUT THE TRUTH

(By MICHAEL J. HARRINGTON)

If a President engages in a cover-up of government wrongdoing, as happened in the Nixon White House, he can be challenged through the process of impeachment, which amounts to indictment and trial by the Congress. But what do we do if the Congress engages in a cover-up? Individual members can be censured or expelled, of course, but what if the cover-up is institutional, a product of the most time-honored rules and rituals?

This is precisely the problem that confronts us in the unfolding story of CIA and other intelligence agency misdeeds. To be sure presidential decisions and actions are involved here too, but now we have a situation where members of Congress, in their capacity as overseers of intelligency agency operations, had knowledge of the most blatant crimes and improprieties and nevertheless did nothing. The instance I am most familiar with concerns the CIA's accomplishments on our behalf in Chile in the early 1970s. The reactions to that record by those who came to hear of it are a sobering illustration of the great congressional weakness—the habitual reflex of avoidance and acquiescence, masked by the illusion of activity.

In April of last year, CIA Director William Colby appeared at a closed session of Rep. Lucien Nedzi's Armed Services subcommittee on intelligence and described his agency's long-term involvement in the political process in Chile, where a bloody coup against Salvador Allende Gossens in September 1973 had led to the installation of a military dictatorship. Mr. Nedzi had called Colby at my urging, so naturally I wanted to know what the director had to say. Not being a member of Armed Services, I had to make special arrangements to view the classified transcript in the committee offices—the privilege of any House member—and after some initial difficulties with the staff there, I got my first look at the material on June 4, what it said left me appalled.

The authorization of bribery, the funding of political factions and propaganda campaigns, the fomenting of strikes and demonstrations, a myriad of destabilizing actions—all directed against the duly elected leader of Latin America's most sophisticated democracy—are now matters of public record. Not only does that record indicate violations of standing treaties, and other affronts to Chilean sovereignty; it also shows that President Nixon and Secretary Kissinger had lied repeatedly to the American people about our involvement there and that some administration figures had apparently perjured themselves on the matter before certain committees of Congress.

Determined to get some congressional action that would bring these things to light, I approached Mr. Nedzi and asked him what he planned to do with this information. He replied with a philosophical shrug. He had taken the testimony as I asked—what more could one do? This information, after all, was secret.

Knowing full well from my short-term experience as a member of Armed Services (ending in 1973) that Chairman F. Edward Hébert would be even less inclined to pursue the matter than Mr. Nedzi, I spoke with several subcommittee chairmen of House Foreign Affairs, of which I am now a member, and then with some of my staff. I also sought the advice of Larry Stern of *The Washington Post*, a personal friend who clearly understood that the story was not to be released. But the reactions of the subcommittee chairmen and other Foreign Affairs colleagues, though generally sympathetic in tone, were equally lacking in commitment. Yes the Chile story sounded pretty bad, but that was the province of another committee and besides, the information was secret.

I finally wrote to "Doc" Morgan, chairman of the full committee, and to Senator Fulbright. In those two long letters of July 18, I reviewed Colby's April testimony and argued that "the Congress and the American people have a right to know what was done in our name in Chile . . . I urge you to turn this matter to the attention of the Foreign Relations [Affairs] Committee for a complete, public investigation. . . ." I pointed out that the Forty Committee, the interdepartmental body chaired by the President's national security adviser, had authorized the expenditure of about $11 million between 1962 and 1973 to help block Allende's election and then to "destabilize" his government after he won.

"The agency's activities in Chile were viewed as a prototype or laboratory experiment," I noted "to test the techniques of heavy financial involvement in efforts to discredit and bring down a government." I gave a general breakdown of the amounts authorized from 1962 through 1973, and explained to the respective chairmen that since acquiring this information I had tried to persuade well-positioned colleagues to pursue the facts but that nothing seemed to be happening. I said I was writing to them as a last resort. Rep. Morgan did not answer my letter. Sen. Fulbright replied, but not very substantively, suggesting that the real solution to the problem was the establishment of a joint committee on oversight.

I felt ambivalent at this point as to how I begin to proceed. I did want to stick with the congressional process but could see no obvious lines to follow. At any rate the matter was set aside in my preoccupation with the summer's major event: the impeachment proceedings of the House Judiciary Committee. Then on September 6, Seymour Hersh of *The New York Times* called me up to inquire about the context in which those letters had been written, saying that he had a copy of one of them. I told him I didn't want the issue raised in this manner and, suspecting he may only have heard a rumor, I said I wouldn't comment on the substance of the letter until I saw his story in print. He assured me I could read it in the *Times* on Sunday, two days later, which I did.

Shortly thereafter Mr. Nedzi asked me to appear before his Armed Services subcommittee to account for the egregarious leak. I explained to the group, meeting against my objection in closed session, that the *Times* had not gotten the story from me or my office. But this was not satisfactory, for the point was raised that House Rule XI, Section 27(o) says that no evidence or testimony taken in secret session may be released or used in a "public session" without the consent of the committee. A further issue was the pledge I had to sign in order to read the Chile material, which said that classified information would not be divulged to any unauthorized person. Unauthorized persons, the ensuing exchange made clear, included other members of Congress.

This meeting did not maintain the highest level of discourse—one member compared me to Benedict Arnold—but I tried to make to the subcommittee a distinction between genuine concern for the national security and the facile use of that label to cover official acts of duplicity and illegality. Suggesting this distinction was one of the principal lessons of Vietnam and Watergate, I maintained that the cover-up of US actions in Chile was yet another case of national security's fraudulent application. My remarks did not set well with the subcommittee.

Nevertheless the storm seemed to pass. The next day I wrote to Mr. Nedzi asking that a transcript of the session we had just completed be made available to me when it was prepared. The letter was never answered, and I concluded that Armed Services had decided to drop the matter. I went off to campaign for reelection.

Meanwhile Mr. Hersh had turned over another rock, and in December and January wrote a series of stories alleging that the CIA had conducted a program of massive surveillance of American citizens in direct violation of its charter. Although cynics might have suggested that this only amounted to bureaucratic overlap with the FBI, the revelation jolted Congress in a way that harassment and assassination of foreigners never seemed to—possibly because some reports charged that the agency had snooped on senators and representatives. In any case hard on the heels of the President's establishment of the Rockefeller commission, the Senate voted to set up a select committee to investigate the full range of US intelligence activities. I proposed formation of a similar committee in the House, and after a month-long minuet of maneuver and delay, we had a select committee, too. I felt pretty good about it until the Speaker announced his choice for chairman—Lucien Nedzi.

Lucien Nedzi, the man who had sat on his hands as chairman of that permanent subcommittee on intelligence since 1971, who had listened to the agency horror stories about the bludgeoning of a democracy in Latin America without so much as a murmur to his colleagues—this was the man assigned to conduct the special investigation that would logically include his own lack of action as a subject of inquiry. I went to the floor of the House on the day his chairmanship became official and said I thought it was an outrage. This indiscretion, I was told later by horrified staff and colleagues, was not likely to advance my career—I had been given a seat on the committee myself and would therefore have to work with him—but I felt it had to be said.

Other members of the select committee later came to agree with me. The press really had the scent by now, and it soon came out that Nedzi, as chairman of that Armed Services subcommittee, had been briefed on CIA assassination plots more than a year before and, once again, had done nothing. With this news in hand, the select committee Democrats rebelled, demanding a different chairman. But Speaker Albert balked at dealing with the controversy, advising patience, and the full House later gave Nedzi a resounding vote of confidence by refusing to accept his resignation. This left Nedzi in charge of a committee with which he refused to work, and the investigation came to a standstill.

A major reason for that vote and the subsequent select committee stalemate is what was happening back at Armed Services. Curiously that committee's leadership decided to take up the question of my access to its classified files—stemming from the Chile controversy nine months before—at the very moment when Mr. Nedzi's failure as an overseer of intelligence operations had come to national attention. On June 10, five days after *The New York Times* broke the story of Nedzi's inaction on assassination schemes and at the height of the controversy over his remaining as Select Committee chairman, House Armed Services met in an improperly announced closed session and, without a quorum present, voted unanimously to bar me from further access to its files. No notice had been given me that this action was being considered—in fact I didn't find out about it until two days later.

I won't dwell on the several ways in which this action, reaffirmed at a later date by a narrow majority of the total committee, was itself a violation of House rules, except to say that a committee cannot take away the privileges a congressman holds under the rules of the House as a whole—one such privilege being access to all committee records, regardless of committee membership. A more telling point is the action's glaring hypocrisy.

Columnist Jack Anderson, for example, was quick to say that he has received leaks of classified information from many members of House Armed Services on many occasions—"I have no difficulty getting secrets out of that committee when I want them," he said. There are tolerable leaks and intolerable leaks, apparently, and the characterization depends not on the strict dictates of the rules but on the current interests of the committee leadership or the Executive branch.

The Armed Services action was perfectly timed to shift the focus of debate on the handling of classified material from Lucien Nedzi to Michael Harrington. And at least over the short term, the tactic seems to have worked. Certainly it contributed to the outpouring of affection for the harried select committee chairman who just happened to have his resignation considered by the House on the day of the second Armed Services vote against me. From the swirl of publicity over another member's endangering of the nation's defenses, Mr. Nedzi was borne up on wings of angels. The vote was 290 to 64.

If one takes a step back from all of this, what emerges is not a narrow controversy over a chairmanship and a member's prerogatives, but a pattern of congressional acquiescence in the seductive game of shared secrets. It starts with the pleasant feeling of being privy to things unknown to the ordinary citizen, but it works very much like blackmail. The more you know about dubious secret operations, the more you are responsible for hiding, and the more you hide, the tighter the grip of the State Department or the CIA or the Pentagon. A large part of Lucien Nedzi's problem is that he got to know so many and such distasteful secrets that he was effectively bound and gagged by them.

There are only two ways to avoid that position. You can stick your head in the sand and let the administration handle such things, or you can challenge the terms of the game itself, for the game is basically a fraud. Certainly the United States needs a first-rate intelligence gathering system, and maintaining that system will require that we keep some secrets. But the acceptance of a classification system gone wild—the mindless rubber-stamping of every conceivable piece of information with the national security label—has obscured the distinction between legitimate intelligence gathering and manipulation of people and institutions. It has provided the cover for almost every kind of crime and impropriety at home, and it has sanctioned covert adventures overseas that have done tremendous damage to our international standing.

After 10 years of Vietnam and the Watergate affair, the American people understand this. They know that their leaders have lied routinely, cloaking arrogance and bullying and greed in terms of the national interest. They know that a secret agency that can overthrow a foreign government is a threat to democracy here. They know that a Congress that will turn away or masquerade to hide those kinds of actions can also dissemble in its handling of just about anything else. The Congress knows this, too, but refuses to admit it. And that is why the House investigation of US intelligence operations will remain a touchy undertaking no matter who is doing the investigating. In the back of every member's mind is the uncomfortable sense that the biggest scandal in the sordid story of CIA wrongdoing is the failure of effective oversight—the cover-up by the Congress.

HOME HEALTH CARE—PART XX

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. KOCH. Mr. Speaker, together with 111 House cosponsors, I have introduced H.R. 4772 and H.R. 4774, the National Home Health Care Act of 1975. The bill has been given equally strong support in the Senate where it has been introduced as S. 1163 by Senators Frank Moss and Frank Church, respective chairmen of the Senate Subcommittee on Long Term Care and Committee on Aging, Hugh Scott, Senate minority leader, and Senators Williams, Domenici, and Tunney.

To discuss the need for home health care and the public support this proposal is receiving, it is my intention to place statements in the Record several times a week by experts and lay persons commenting on the legislation.

Today I am submitting as the 20th statement in this series excerpts from two Blue Cross pamphlets as well as a letter from the county executive of Erie County, N.Y., noting the county's experiences:

Manual—Blue Cross of Greater New York Coordinated Home Care

SECTION I—COORDINATED HOME CARE: OBJECTIVES, PURPOSE AND SCOPE OF PROGRAM

A coordinated home care program is a specific, organized application of multiple health care resources which achieve patient care in the home by assuring continuity from one setting to another, one visit to another and one service to another. With professional nurse/physician management of patient care and a centralized control mechanism, responsibility is fixed for prompt and appropriate:

Therapeutic intervention based on goal oriented evaluation;

Delivery of services based on the current status of the patient;

Termination of services based on the individualized plan of care.

We believe that the effective delivery of a Coordinated Home Care Program presupposes that those receiving the service can progress more uneventfully if they are treated within the confines of their own familiar surroundings; surroundings into which family and friends may enter more naturally and surroundings over which the patient himself can exercise some control.

Coordinated Home Care as a method of health care delivery challenges staff members who must maintain a constant awareness of all the components of any one patient's plan of care. This professional awareness carries with it the responsibility for anticipating, evaluating and planning to meet the needs of the patient in his home. When this is accomplished, the Coordinated Home Care Program becomes a modality to provide each patient regardless of payment mechanisms with an integrated delivery system responding to his individualized needs.

The program, then, is designed to improve patient care by planning for a therapeutic transition from the hospital to the home environment, and providing coordinated health services to the patient in that home environment. This planned systematic continuity of services can serve to:

Activate appropriate treatment and action through a relay system centrally managed;

Minimize fragmentation of the delivery of health services;

Expedite recovery from illness;

Shorten hospital stays;

Improve the use of hospital and community nursing facilities;

Decrease the need for new hospital beds;

Reduce the costs of health care; and

Provide for centralization of patient records with interdisciplinary input available at one source.

BLUE CROSS PLAN INNOVATIONS AIM AT KEEPING PEOPLE OUT OF HOSPITALS

Traditionally, Blue Cross benefits have been thought of as covering only the cost of a hospital stay, and they still do to a large extent. However, in recent years, the nation's 73 Blue Cross Plans have adopted a series of innovative programs that pay many of the health care bills of their 80 million subscribers even though they do not occupy a costly hospital bed when ill.

The programs, aimed at shortening hospital stays or keeping people out of hospitals in the first place, include:

HOME CARE

With estimates that 75,000 (Blue Cross) patients across the country—or at least six per cent of those in hospitals on a given day—could benefit from care at home with a savings of up to 25 per cent, or even more, home care is also spreading. Today, home care coverage is available to 42 million subscribers at 56 Blue Cross Plans, compared with 25 million subscribers at 32 Plans five years ago.

Interest in home care is also growing because many convalescing or chronically-ill patients not only feel more comfortable at home but find that the quality of medical care at home can be as high as that available in the hospital.

Services and facilities available through home care include hospital beds, overbed and tilt tables, wheel chairs, walkerettes, medications, x-ray and lab tests, visiting nurses, doctor visits, homemakers (to help with children and family chores as well as to care for the patient), physical, speech or occupational therapy, even the attention of a psychiatrist or social worker. If necessary, ambulances are also used to take the patient to the hospital for detailed checkups, new casts or for other services that cannot be performed easily, if at all, in the home.

What sort of savings are possible under home care? In Rochester, N.Y., for example, the average daily bill for the 220 patients a day being handled under the area's home care program, is only $18, as opposed to the $116 a day it would cost to take care of them in the hospital—a savings of 83 per cent!

In New York City, where some 51 hospitals are now operating home care programs, a Blue Cross Plan study found that the hospital stays of 10,000 patients were shortened by about 226,000 days, reducing cost of illness by $7.2 million.

Another estimate indicated that hospital construction costs of $1 billion could be saved over a twelve-year period with the aid of effective home care programs, with a resultant tremendous saving in hospital bills as well.

County of Erie,
July 15, 1975.

Hon. Edward I. Koch,
Member of Congress,
House of Representatives,
Washington, D.C.

Dear Representative Koch: I am writing with respect to the National Home Health Care Act of 1975 which you are sponsoring in the House of Representatives.

Erie County has long been concerned about inappropriate utilization of facilities for the elderly and inappropriate placement of aged citizens in higher levels of care than is indicated by medical or health needs. We have seen that placing a person in a hospital or a nursing home who might more appropriately be placed in a domiciliary or semi-independent setting, can be demoralizing to the individual as well as costly to the taxpayer.

I, therefore, support the effort in your legislation to allow medicaid and medicare payments to hospitals and nursing homes for providing home health care.

I feel that Erie County's experience in this area may be of interest at such a time as hearings are conducted on this legislation and I would be happy to provide testimony in this regard at such time as hearings may be held.

Very truly yours,

EDWARD V. REGAN,
County Executive.

REMEMBER JULY 25, 1975

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. HOWARD. Mr. Speaker, ordinarily when we get a piece of legislation back from conference committee we pass it pretty much as a matter of routine; at this stage of the game the House has already expressed its will and presumably the compromise version worked out with conferees from the other body does not differ materially from the original House measure.

I rise today to put Members on notice that this emphatically will not be the case when we take up the conference report on H.R. 3130. On the contrary, as a result of an amendment by the Senate Committee on Interior and Insular Affairs, substantially incorporated by the conference committee, the thrust of this legislation has been turned around 180 degrees.

Rather than counter a Federal court decision jeopardizing projects in three States, it would now perpetuate the problem and extend it nationwide. It also would leave several Federal programs—housing and community development, urban mass transportation, and airport development—subject to court challenge on purely procedural grounds never intended by the Congress.

Moreover, the conference version is being brought before this body in the guise of a measure equivalent to the original House-passed version.

This is a grave assertion, Mr. Speaker, but one I am prepared to document. In the process, let me review briefly the incredible sequence of circumstances which placed us in the position we are in today, where a vote for the conference report is a vote against the bill.

Members will recall that this legislation was initiated in response to a Federal court of appeals ruling in the second circuit, covering Vermont, Connecticut, and New York, overturning traditional doctrine with respect to delegation of preparation of environmental impact statements on highway projects to State agencies responsible for their planning, design, and construction.

It was intended to clarify or restate prevailing practice, reflected in guidelines of the Council on Environmental Quality and the Federal Highway Administration, and upheld in Federal courts of appeals in five circuits, permitting delegation of this function to State agencies subject to guidance, participation, review, analysis, and final adoption by the responsible Federal agency.

This was precisely the purpose of H.R. 3130 as reported by the Committee on Merchant Marine and Fisheries—Report No. 94-144—and passed by vote of 370-5 on April 21. I earnestly urge Members to review the debate on this measure, and particularly the legislative history developed by the floor manager, Mr. LEGGETT, on pages 11061-11069 of that date. And I urge you to compare this with the version currently before the House.

Mr. LEGGETT, chairman of the Subcommittee on Fisheries and Wildlife Conservation and Energy, with NEPA oversight responsibilities, agreed that the second circuit had overturned NEPA by requiring "that the report itself must be prepared by the Federal Highway Administrator."

Accordingly, he spoke of the need for "statutory clarification" of NEPA, "restatement" of its intent, without "substantive changes in this act."

Stated Mr. LEGGETT at the time:

> The mere participation of a State agency or official in the preparation of an environmental impact statement where the responsible Federal official has retained supervisory responsibility and performs his own evaluation is not violative of the intent of NEPA. *This is the law, and we intend that it shall remain the law.* (Emphasis added.)

It is important to recall that my friends on the Committee on Merchant Marine and Fisheries, and its NEPA subcommittee, were not disposed to move until the Committee on Public Works and Transportation had initiated the first legislative remedy. This bill, H.R. 3787, followed the quick and clean route of enacting a congressional determination that the requirements of NEPA had been met in the three States of the second circuit, without running the risk of opening up NEPA to amendment.

The sponsors of H.R. 3130 argued, however, that there was need for a bill nationwide in application, and covering programs other than highways. For example, the distinguished Chairman of the full Committee on Merchant Marine and Fisheries, the gentlewoman from Missouri, Mrs. SULLIVAN, said of our bill, H.R. 3787:

> Enactment of their bill would not provide an answer if this same issue were to arise in a context other than Federal-aid highway projects. H.R. 3130 would.

We on the Committee on Public Works and Transportation took the position that both bills were consistent and compatible, and saw merit in uniform application of EIS delegation nation-wide and to programs other than highways.

Mr. Speaker, we were both right in certain respects: First. About the time H.R. 3130 passed the House—and H.R. 3787 also did by a vote of 275-58—the Seventh Circuit Court rendered a decision going even beyond that of the Second Circuit in distorting the intent of NEPA.

Second. The abomination to result from the opening up of NEPA to amendment will be before us shortly.

The doctrine of remote State impact was introduced by amendment in the other body, establishing a new requirement for independent Federal analysis of interstate impacts. Consider the following language from the Senate report (94-152):

> Since a significant motivation for this legislation arises from problems related to highway projects, the provision can best be analyzed in relation to those projects. (Of course, when other agencies are affected by H.R. 3130, the following discussion, although limited to highway examples, should be fully applicable.)

There then follows a discussion which concludes:

> When a highway segment would route significantly increased traffic flow into other states it raises questions in which other states have an interest, e.g., siting of connecting segments, and future highway and service construction in those other states. When highways cross or are located directly adjacent to a state border, the construction and the highways may also create environmental effects, including air and water pollution, need for accommodating altered traffic flows, and secondary effects in the adjoining state. A highway segment located totally within a state may so affect a national park or other nationally important federal property or resources, such as to significantly affect interests of citizens residing outside the state. The range of alternatives to highway projects which have potential impacts of this magnitude may likewise have impacts of major interstate significance; although they may, perhaps, produce very different consequences.

This language prompted Federal Highway Administrator Norbert T. Tiemann to write Senator RANDOLPH that:

> The bill as reported is worse than no bill at all.

At the conclusion of my remarks I am including the full text of Governor Tiemann's letter to Senator RANDOLPH, which I consider to be relevant to the Conference version, with its remote-State impact assessment. That is clearly the case as reflected by language in the Statement of Managers and testimony by Governor Tiemann before the Committee on Public Works and Transportation on Thursday, July 24, from which I am also excerpting for inclusion in the RECORD as an appendix to these remarks, along with the expressions of concern from Transportation Secretary William T. Coleman and Deputy Under Secretary Theodore C. Lutz.

The Statement of Managers refers to the Senate language regarding out-of-State impact, and declares: "It also preserves the purpose of the Senate amendment."

I wish to incorporate into my remarks by reference the text of the Conference Report and Statement of Managers, appearing in the RECORD for July 24, 1975, pages 24531 and 24532.

In reviewing this material, I urge Members to note that the Statement of Managers still seeks to create the impression that the conference report is intended to "clarify the procedures" of NEPA. If this is clarification, I will take constructive obfuscation any time.

You also will note that the language attempts to shrink its applicability to highway projects, specifically excluding programs not involving funding assistance to States, State agencies with less than statewide jurisdiction, or nonstate-level agencies. So much for all the talk of uniformity of application, and the need to provide for programs other than highways.

This is critical in view of the fact non-statewide agencies are involved in urban mass transit, airport development and housing and community development.

Frankly, I see good news and bad news in this. The good news is that the conference report does not explicitly subject these programs to the cosmic-impact approach. The bad news is that implicitly it merely leaves them open to challenge on this and the EIS-delegation issue. This could create particular problems for housing and community development, under legislation which delegates to local metropolitan sponsors even greater discretion regarding EIS preparation than do the FHWA guidelines for highways.

In conclusion, Mr. Speaker, where is the case for increasing the stringency of NEPA? Where is the testimony, where is the record? I submit that the evidence points the other way. Some courts have already been having a field day with NEPA as currently on the books.

H.R. 3787, our Public Works and Transportation Committee bill, died in the Senate. The best hope for a solution of the second circuit decision lies with an appeal now pending to the Supreme Court on grounds it will come down on the side of the predominant precedent in this matter of EIS delegation.

The American people have had it with overregulation, particularly procedural processes used for obstruction. If there are grounds for amending NEPA to make it more difficult to provide needed public facilities and the jobs they help create, let us weigh the evidence.

The Governors Conference is now assembling data on regulatory redtape. The Council on Environmental Quality is evaluating the NEPA process. And Mr. Leggett's NEPA Subcommittee will be holding oversight hearings on NEPA in September, October, or sometime.

But for the moment, I urge colleagues to recognize the conference report for what it is, a perversion of our original intent in passing both H.R. 3130 and H.R. 3787 back in April, and deal it a resounding defeat. Otherwise EIS will come to mean environmental impoundment system.

Further, Mr. Speaker, this is a good example of what can happen when any committee of this House deals on any matter within its own jurisdiction and which even in the remotest way refers to NEPA. The result is a sequential referral to the Merchant Marine Committee. One committee, Mr. Speaker, can hold up this whole House. I submit that this is not a good way to legislate.

I include the following:

U.S. DEPARTMENT OF TRANSPORTATION,
FEDERAL HIGHWAY ADMINISTRATION,
Washington, D.C., May 21, 1975.

Hon. JENNINGS RANDOLPH,
United States Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: The proposed Senate Report accompanying H.R. 3130 would destroy the Federal-State relationship in the Federal-aid highway program, and render it impossible to construct highways unless the Federal Highway Administration itself prepared the impact statement. H.R. 3130 provided that Federal agencies could adopt State prepared impact statements after independent evaluation of the statement prepared with Federal guidance and preparation. The Senate Committee added a requirement for an independent Federal analysis of impacts of major interstate significance. This alone would require a large additional Federal staff in each State to perform this task which the States now cooperatively perform.

The proposed Senate report goes far beyond this. In dealing with Federal adoption of a State EIS, it is indicated that the Federal agency must test adequacy of all data submitted by the States. In other words, the Federal Government must redo the surveys and tests conducted by the States before they can accept the States' work. This is mammoth duplication of work and red tape that the bill was originally designed to eliminate.

Secondly, the description of the types of possible interstate impacts that must get Federal study are so large as to render meaningless the idea that the EIS can be State prepared. All effects of a highway are classified as "significant," including, apparently, any effect on traffic flow. No longer can interstate cooperation be relied upon to look at these matters. Now the Federal Government must perform the task.

The bill as reported is worse than no bill at all. Five circuit courts of appeals have held that States may prepare impact statements subject to Federal control and participation. This bill would change this current law and render statements prepared in most of the country, including all western and southern States, void. It would further moot the appeal in the Conservation Society case from one of the two circuits that indicated that impact statements may not be prepared in this fashion.

The bill would require at least another 2,000 FHWA positions to perform the tasks set out in the bill. It will engender large delays in highway projects and exacerbate the already critical unemployment problem.

For these reasons, what started out as a bill to relieve unemployment problems and cut needless duplication of Federal-State work, will now have the opposite effect. It is my belief the bill should not be passed.

Sincerely yours,
NORBERT T. TIEMANN,
Federal Highway Administrator.

Mr. SULLIVAN. Mister Secretary, a conference report is being prepared right now for submission to the House next week on legislation—that is, H.R. 3130—dealing with environmental impact statements connected originally with the program that involved a three-state area, in New York, Connecticut and Vermont.

I would like to ask you at this time if this conference report is passed in the Congress, what effect will this language have on the progress of all of your programs in the Department of Transportation?

Mr. COLEMAN. I will ask Mr. Lutz to answer this question, but just to sum it up for you, I figure it would have a very bad effect on the programs if the bill is still in the form it was in last time I looked at it, because even though it might solve the problem in the 3 states involved, its understanding it gives the inference that the decision in the second Circuit is the correct law for the rest of the nation, and I think that would be—an effect that I would not like to see come about. Mr. Lutz will give you more details.

Mr. LUTZ. To amplify the Secretary's answer, we are most concerned about the language as we understand it, and of course we will have to review it more thoroughly, but on the programs which are not executed by primarily state agencies.

For example, as this Committee well knows, having jurisdiction now over aviation grants, the aviation programs often have their environmental impact statements prepared by what are in effect, non-state agencies. In effect the Urban Mass Transit Program often has its statement prepared by other than state agencies.

If the language in the bill would preclude effective utilization of those agencies, we would find that very troubling to our entire program.

The second feature which troubles us, although we have not thoroughly assessed it, is the concept of allowing remote state impacts to have an impact on perhaps slowing much of the much needed projects. And this is something that has been interjected as a new thing and we are quite concerned about having a very detrimental impact on the progress of the program. That would require further careful assessment of those two things that concern us as we now see the language.

Mr. SULLIVAN. May I ask one further question? Mister Chairman, Mr. Secretary, have you in any of your FHWA-FAA position or UMTA, taken a position at this particular time officially?

Mr. COLEMAN. To the best of my knowledge we have not, sir.

Mr. TIEMANN. May I amplify that, Mister Chairman? There is a document circulating which says the FHWA has approved a provision in 3130 and I want the record to show that that is not true. From my standpoint we would rather have no legislation than what is presently proposed.

Mr. COLEMAN. I really wish that Congress would take a look at what really concerns me, that if the bill as I read it the last time, even if you take care of the New York situation you do it in such a way that you competely harm the country.

Mr. SULLIVAN. That is exactly what this bill does, Mister Secretary. In an effort to take care of this New York situation, this bill was extended to the country and the intent of the Public Works Committee was totally subverted by this new legislation.

AUTO EMISSION STANDARDS AND AIR POLLUTION ALERTS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. BROWN of California. Mr. Speaker, all of us in Washington have experienced air pollution alerts in the past few days. This pollution, which is rather minor compared to some parts of the country, was caused primarily by automobile exhausts. The Clean Air Act Amendments of 1970 called for a 5-year clean up of automobile emissions, but subsequent delays have pushed that original goal of clean automobiles in 1975 back to 1978. The President is attempting to push the 1978 goal back to 1982. The Committee on Public Works in the Senate, and the Committee on Interstate and Foreign Commerce in the House are currently discussing these proposals, but have come to no firm decision yet.

Mr. Speaker, soon every one of us will have to decide if we will allow more delays on automobile emission controls, and allow more days of harmful air pollution alerts. My own position is well known. People have suffered enough; the automobile must be cleaned up.

I would like to insert in the Record an editorial from this morning's Los Angeles Times which expresses their position on this important issue.

The article follows:

[Los Angeles Times, Friday, July 25, 1975]

Air: What We Could Have . . .

Committees in the House and Senate are still at work on proposed changes in the Clean Air Act, but it is already evident that Congress will not give President Ford and the U.S. auto industry the freeze on emission control standards that they want.

Some easing of requirements is likely, but in general the 1978 deadline for meeting final emission standards probably will be kept. And that is all to the good.

The President and the auto makers want to keep existing control levels in effect through the 1981 model year. Their reasons have little to do with whether the final standards on hydrocarbons and carbon monoxide—which originally were to be met by this year—can in practice actually be achieved by 1978.

A unit of the National Academy of Sciences reports after study that technology to meet the final standards will be available. Russell Train, administrator of the Environmental Protection Agency, also believes that the 1978 standards are realistic for most cars.

The arguments for freezing current emission standards are based mainly on other contentions. Ford says he is concerned that using the existing catalytic-converter technology to meet the tougher requirements could create a new air pollution problem involving sulfates. The auto industry, backed by the United Auto Workers, contends that the final standards could be achieved only at a cost in fuel economy. They are worried that U.S. car sales would fall if that happened. Finally, they are concerned that stricter emission-control standards would add to auto prices in a time of buyer resistance to higher costs.

None of these arguments, on examination, is persuasive.

There are several remedies available should sulfate emissions from catalyst-equipped cars prove to pose a health hazard.

For one thing, the technology of the catalysts could be changed to reduce sulfate discharges to nondangerous levels. Alternatively, oil refineries could be required to produce enough low-sulfur or desulfurized gasoline to meet the needs of new cars with catalysts. The estimated cost would add another penny a gallon to gasoline prices—not a welcome cost, but not an onerous one either in terms of the benefits that would be achieved.

The fuel-penalty argument is a complicated one.

Train of the EPA estimated earlier this year that imposition of the final standards could mean a reduction of 5% to 10% in present levels of fuel efficiency.

Most of that penalty, however, would result from meeting the extremely strict final standards for emissions of oxides of nitrogen. There is now every indication that Congress will permit a stretchout, perhaps a lengthy one, on the deadline for meeting the final NOx requirement, mainly because of evidence that the pollutant may be a less serious threat than was originally thought. Extension of the NOx deadline would largely eliminate the chances of reduced fuel economy.

To meet the final statutory requirements on hydrocarbon and carbon monoxide emissions could add something to the price of new cars. Train has used estimates of $100 to $150; other estimates are less. But even taking the top figure, the costs of emission-control technology probably could be made up for the most part in the savings on materials that will be realized as the auto industry shifts to smaller cars. Overall, the consumer should not have to pay much—if any—more for a cleaner car.

The final deadlines on tailpipe emissions, except for the NOx standard, seem to be technically and economically feasible for most cars. Given that, there is no good case for a total freeze on current standards.

Congress is not asking the auto industry to do the impossible. It is asking it to do what the weight of evidence indicates can be done, and what the public interest requires.

. . . AND WHAT WE HAVE

Anyone in the Los Angeles basin who stepped outdoors Thursday, or the day before, or on too many days before that, doesn't have to be convinced of the need for strict controls on auto exhausts.

What has been happening, simply, is that some of the gases that come out of the tailpipes of our cars have been combining in the sunlight to produce photochemical smog. It's not necessary to grasp the chemistry to understand the results—on our senses and on our health.

Cars are not the sole cause of our air pollution problem, but they are the main cause, and the search for solutions must properly remain centered on them.

The goal must be twofold: cars that run cleaner and cars that are used less often. That means an adequate alternative ground transportation system. The goal will not soon be achieved, but no effort should be spared in moving toward it.

Parents should not have to fear for the health of their children who play outdoors on a summer day. The issue is as basic as that.

THE SCOURGE OF HOBBY FARMING

HON. MICHAEL T. BLOUIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. BLOUIN. Mr. Speaker, this morning I had the opportunity to submit testimony to the House Ways and Means Committee on a proposal by Representative Richard Nolan of Minnesota to limit the extent to which farm losses can be used to offset non-farm income. This bill—H.R. 7907—the Farm Tax Equity Act of 1975, is a vital piece of legislation not only from the aspect of tax reform, but also because of its impact on family farming.

The text of my testimony follows:

The Scourge of Hobby Farming

Mr. Chairman, Members of the Committee: I intend today primarily to explain my concern and my determination to see this Congress move expeditiously to eliminate the so-called "tax-loss farming" loophole, but I want to take just a second to impress upon you the fact that my interest in, and commitment to, tax reform is in no way limited to that specific area.

To the contrary, I believe that general tax reform—by that I mean a general and major overhaul of the present tax structure—is the number one priority of this Congress. I say that on the basis of common sense and my belief that the overwhelming majority of my constituents agree with me that the present tax system is inherently inequal and inevitably unfair. It coddles the wealthy and strangles the poor; it rewards massive wealth but punishes those who are not so fortunate; it encourages the few who are able to make money because they have money and discriminates against the many who have to work for a living.

With that in mind, I want to speak directly to the issue of so-called "tax-loss farming." In the course of these hearings you have, or will, hear the case against tax-loss farming clearly put to you by the tax experts and their statistics. I choose, therefore, to approach it not from the aspect of tax analysis but from the aspect of the individual—the family farmer.

The simple and tragic fact of life is that the family farmer is being slowly but surely strangled to death. He is an endangered species in today's agricultural economy. His demise, if it is allowed to continue, will have a very severe—and, I am afraid, a very unwelcomed—impact not only on agriculture but on consumers and on the economy of this country as a whole.

In the first half of this year, according to figures I saw recently, prices paid by farmers were up 12 percent from a year ago. Yet cash receipts—prices paid *to* farmers—in that period were down 16 percent. The price of fertilizer alone was up 26 percent; farm machinery prices were up 33 percent. As a result, total production expenses, even if they level off in the second half of this year, will be about 10 percent higher for 1975 than for 1974. Net farm income, by comparison, will be around $20 billion for 1975—a decline of almost 25 percent over last year's net farm income.

Family farmers have to face those economic facts of life directly. They don't have the advantages of corporate integration and they do not benefit from tax loopholes which allow wealthy individuals to deduct farm losses from non-farm income. When the average family farmer pays more to produce crops or livestock than he gets back when he sells those products, he goes broke. It happens every year. In fact, in the last 25 years, the number of farms in this country has declined by over half—from 5.4 million to 2.6 million—and unless we are able to reverse the trend toward vertical integration in the agricultural sector, another one million farms will be lost by 1980.

This committee has an excellent opportunity to begin to reverse the trend, to rebuild the foundations on which we can construct a viable, economically successful family farm system in this country. You can make the start by incorporating Mr. Nolan's bill (H.R. 7907) into the tax reform package which, as I understand it, this committee intends to report this year.

The Nolan bill is an excellent start. It would amend the Internal Revenue Code of 1954 to limit the extent to which farm losses can be used to offset non-farm income. For that reason it is very appropriately titled the "Farm Tax Equity Act of 1975." Briefly, this bill would limit farm loss deductions made against non-farm income to $10,000; in addition, individuals with more than $20,000 in non-farm income would be prohibited from making any farm-loss deductions.

I can assure you that the family farmers of my district consider this bill essential if they are to continue to compete in an agricultural market increasingly dominated by corporate integration and so-called hobby farmers. These hobby farmers (or tax-loss farmers) don't really care if they make a profit or not. In fact, as I understand it, they prefer to make a loss—many of them deliberately record a loss—so they can write these losses off against their non-farm income. As a result, they pay less income tax and they end up making money on the deal.

I visited with a farmer back in the Second District of Iowa, which I represent, who raises corn. I think his case is pretty typical of what family farmers are up against in Iowa these days.

This farmer is paying $88.63 for every acre he plants for seed, insecticides and fertilizer. Plus, he figures the cost of machinery and labor at another $50.08 per acre, the interest on his land at $96.00 per acre and taxes at another $6.00 per acre. His total production cost this year will work out to about $240.71 an acre.

This farmer figures that he will get a crop yield of about 106 bushels of corn per acre. He will sell the corn at $2.30 a bushel, which is the highest price on the futures market right now, for a return of $219.00 per acre. In other words, he will get a return of $219.00 on an investment of $240.71. He's losing $22 an acre on that proposition.

I want to call your attention to a second example which is based on market conditions last year at this time in the livestock industry. Although conditions have, thankfully, improved, it is a good example because livestock breeding and feeding is a favorite target for hobby farmers.

The livestock feeder to whom I talked had bought feeder steers at 530 pounds and sold them at 1,150 pounds. He paid $63 a hundredweight (about $333 per steer) and sold them at $36 a hundredweight (about $414 per steer). In the meantime, he put another 620 pounds on each steer, which didnt come free. This feeder figured it out at about 44 cents a pound (or $272.80 a head). Thus, his production costs and the initial purchase price totaled $506.70 a head. The market, however, was buying at $414—a loss of $92.70 a head.

No family farmer can continue to absorb losses like $22 an acre on corn or $92.70 a head on livestock for very long. The investment farmer—the hobby farmer—can afford it, however. The bigger the loss for the investor, the bigger the income tax write-off.

This is the inherent unfairness of the present tax system which not only allows, but in fact encourages investment farming. And let me assure you that, contrary to the immediate impression, this situation does not mean low market prices for the consumer. In the long run, if you allow investment farmers to run family farmers off the land, only hobby farmers and corporate farms will be left. When that happens, you have succeeded in strangling any type of meaningful competition in the agricultural sector and food prices will settle down—it is more appropriate to say settle *up*—at whatever level the corporate producers think is justified to keep their stockholders happy.

The corporations and wealthy individuals who invest in farms as a tax write-off have absolutely no interest in the welfare of the American farmer or the American consumer. Their deliberate evasion of taxes not only robs the federal treasury of annual tax revenue; more importantly, it robs America's family farmers of their very livelihoods and it robs the American consumer of any hope for meaningful competition in the food production industry.

The practice of investment farming artificially increases land values, distorts agricultural markets and threatens both the food supply and food prices for the consumer. It places smaller, family farmers at a distinct and ultimately fatal competitive disadvantage.

I urge you to consider the Farm Tax Equity Act of 1975 very seriously and to enact it as part of this year's tax reform package.

UNEMPLOYMENT IN NEW YORK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. RANGEL. Mr. Speaker, as we in the Congress continue to grapple with the problem of high unemployment in this country, it behooves us all to consider the effects that the technological revolution has and will continue to have on the displacement of workers, particularly those persons migrating from rural to urban areas. Manhattan Borough President, Percy E. Sutton, made some insightful comments on the matter in an interview with New York's Lt. Gov. Mary Ann Krupsak. I would like to share the statement with my colleagues:

COMMENTARY ON "EMPLOYMENT" DELIVERED BY MANHATTAN BOROUGH PRESIDENT, PERCY E. SUTTON

"Lieutenant Governor Krupsak is deeply concerned about employment in the State. Well, she should be. It is a problem of deep concern to all of us. Employment is important because without a job a man does not have dignity, nor a woman. Without a job, you don't have food to eat; without a job, you don't have a house to live in; without a job, you can't educate your children; dignity is lost, opportunities for advancement are lost.

"Some time ago, as a matter of fact, about two years ago, the now President of the City Council, Paul O'Dwyer, together with Charles Rangel and myself went to a place called Sunflower County, Mississippi, and there in Sunflower County, Mississippi, we saw much of that which afflicts America, the beginning of unemployment in certain parts of this country.

"There in Sunflower County, Mississippi, we saw, at the edge of a giant plantation owned by Senator Eastland, a green monster called a cotton picker.

"That cotton picker had not only gone out into the fields where the sharecropper used to work, but now the cotton picker was living under the roof where the sharecropper used to live.

"Where had that sharecropper gone? He, together with his family, had gone to the great cities of America. Some of them had come here to the City of New York. They came here with agrarian talents, able to pick cotton, to dig ditches, and do other things, but none of the things that were useful here in the City of New York.

"Now, wouldn't it have been better had, instead of paying 13,500 dollars per month to Mr. Eastland not to plant cotton, had the Federal government paid some of that money to structure skills into those plantation workers so they would not have just been pushed out of their jobs, out of their homes, and sent fleeing across the country in the same great hope that other people came to this city and other cities of this nation at the turn of the century, in hope of finding a job.

"Instead of structuring skills into those poor people, they were set afloat. The result had been unemployment.

"Many people are unable to get employment today because in the City of New York you need to be able to operate a computer; you need to be able to operate trucks; you need to be able to operate machines to get a job. There is no cotton to pick, no corn to chop, no fields to plant here in New York.

"There are not too many ditches to be dug or buildings to be demolished anymore here in New York. There are not too many jobs for a common laborer.

"If this is so, wouldn't it have been much better for the Federal government at the same time they were subsidizing Mr. Eastland not to plant crops, to also subsidize job training for that family so that, that family might have remained together in Mississippi, Alabama, or wherever they were? This would have been good for the family. It would have been good for the economy.

"Unemployment is important to all of us, as Lt. Governor Mary Anne Krupsak says, 'things can be better, they must be better.' She can make it better, you can make it better. We must all work to make it better. A job is essential."

PROPER ENVIRONMENTAL PROTECTION IS NOT ARBITRARY

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. STUCKEY. Mr. Speaker, the environment and its protection are important to all of us. As the statement which follows by Charles E. Anderson, president and chief executive officer of Rayonier Inc., of Jesup, Ga., suggests, "we all want clean water, healthy air, and pleasant surroundings."

Environmental protection is expensive but worth the price we pay if there is significant public as well as environmental benefit.

Mr. Anderson objects, as every reasonable person should, to:

> Ill-considered regulation which, in its attempt to standardize solutions or reach unrealistic degrees of perfection, actually creates what can best be termed wasteful waste treatment.

We cannot afford this waste, either in terms of dollars and cents out of the pockets of consumers or taxpayers or in terms of further depletion of already scarce energy resources.

I hope that each of my colleagues will read the following address by Charles Anderson:

AN ADDRESS BY CHARLES E. ANDERSON, PRESIDENT AND CHIEF EXECUTIVE OFFICER OF RAYONIER INC.

PRESENTED AT THE ANNUAL BANQUET OF THE GEORGIA FORESTRY ASSOCIATION, JEKYLL ISLAND, GA., JUNE 23, 1975

Historians someday may point to the Arab oil embargo of 1973–74 as one of the most significant international policy initiatives in the second half of the 20th Century. That action finally succeeded in focusing the western world's attention on the weak link of its economic and political stability—namely, its energy sources.

As a result of the embargo and the spectacular oil price increases that followed in its wake, there has been a dramatic acceleration of interest in the development of new sources of energy to diminish dependence upon oil—today, because of oil's high cost and foreign control, and tomorrow, because of its declining availability.

Unfortunately, the recent easing of the energy squeeze, national and international politics, and the complex nature of the total energy question have so far prevented our taking the crucial first step in this country, namely the development of a coherent national energy policy. Such a policy is absolutely essential in order that priorities, development incentives, use disincentives and adequate financing be developed to move this important national effort forward on a timely basis.

The lack of a national energy policy, however, has not prevented numerous proposals for solving the energy problem from being advanced. And among these are various schemes involving the use of trees.

It is not hard to see why trees have a basic appeal as a source of energy. Trees contain substantial amounts of stored energy which can be readily converted into working energy with existing technology. Trees are relatively abundant, and most important, they are renewable.

Enthusiasm for trees as a solution to America's energy problem has even led some to suggest that large blocks of forest land be set aside in so-called "energy forests" solely to support power generating plants. While technically possible, this idea in my opinion makes no economic sense at all—today or in the foreseeable future. There is no way this nation's 500 million acres of commercial forests can meet our future requirements for both products and energy.

Here in Georgia, for example, the amount of timberland needed to support a 500 ton-per-day bleached kraft pulp mill—about 350,000 acres—would only provide enough fuel to support a 600 megawatt electric generating plant. On that basis just to replace the 200,000 megawatts of nuclear generating capacity planned for the next ten years would require a forest area equivalent in size to the State of California—over 100 million acres.

Fortunately, there are more practical ways to produce energy. For the short term, we should expand domestic sources of oil and gas as much as possible. And we have tremendous coal reserves which can be developed to serve as the basic means of producing electricity in this country for several hundred years. For the long term, we must step up research and development of nuclear power, geothermal reserves, and solar energy.

As for the tree, I believe its greatest value will continue to be as a basic and renewable raw material for consumer products. At the present time, the use of wood for such products increases its value on average about 20 times over that of raw wood. And the cost of raw wood is already well over that of oil on an equivalent Btu basis.

Nor should we lose sight of the fact that many forest products can be direct substitutes for products now being made from depletable resources which are also more energy-consumptive. Paper, for instance, can effectively replace aluminum containers for many uses. Wood products can also replace aluminum in many applications in home construction, for example, in siding and window frames.

It is also worth noting that pound for pound, wood is stronger than steel, another highly energy-intensive product. The insulation value of wood is six times that of brick and 15 times as efficient as concrete. Wood thereby assures economy in heating and cooling, thus helping to conserve sources of domestic fuel and energy.

One of the more important contributions wood can make is in replacing products made from oil or gas. The conversion of wood pulps into man-made textile fibers, films and plastics has been an important use of wood for many years. As a renewable material, wood cellulose is available in adequate amounts to serve these end-uses indefinitely. Furthermore, the end-products of wood cellulose, such as rayon, have a wide range of desirable properties including biodegradibility and relatively low oil requirement for manufacture. Rayon's high moisture absorbency makes it an ideal replacement for cotton. Such a substitute would also release to food production some of the millions of acres of agricultural land now used to grow cotton.

Solving the nation's total energy problems is not the main responsibility of this industry. Nor are our forests, in spite of their renewability, the ultimate fuel source. We do, however, have a vital interest in the solution, particularly as it relates to our own energy requirements, and in this respect the forest can and will play an increasingly important role.

As an industry, we are very dependent upon large amounts of energy to grow, harvest and process trees. The pulp and paper segment of the forest industry, for example, is the fourth largest consumer of purchased energy among manufacturing industries, and the largest consumer of industrial fuel oil. This is a most uncomfortable and dangerous position. Our immediate goal should be to ensure that we have enough energy to run our pulp and paper mills, sawmills, plywood plants, and our harvesting and transportation equipment.

To a large extent, the forest is our answer in meeting this goal. Trees have the unique capability of providing the raw materials for thousands of products, while at the same time supplying much of the energy needed to manufacture them.

And we have the means at hand to maximize both of these values by increasing fiber growth through intensive forest management and achieving total-tree utilization.

It has not been exactly a secret that forest residuals offer a fuel of high heating value which can provide both power and process steam. But the barrier to more extensive use of these materials has always been economics—the cost of collecting and moving these materials to a point of use. Now, high oil prices have created the incentive to remove this barrier.

Consider, for example, how much potential energy is being left in the forests as logging residuals. In the Pacific Coast states, the utilization of just one-third of the 21 million tons of forest residue developed annually in that region would replace all of the natural gas and oil currently used for steam production in the Pacific Coast pulp and paper industry.

Here in Southeast Georgia, it is estimated that about one-third of the total tree weight, or at least 35 tons per acre, is left in the woods in the form of tops, needles, branches, stumps, and roots. This is the equivalent of over 42 barrels of oil/acre. On this basis, residuals from the 550-square miles of woodlands required to support a 500-per-ton-day Southern pulp mill could provide enough fuel to generate 90 megawatts of electricity. This would supply one and one-half times the total electrical requirements of Rayonier's three mill Jesup complex.

The other major fuel sources peculiarly available to our industry are the manufacturing wastes, chiefly bark and pulping residues. To a large extent, most of our progress in utilizing the tree's fuel value has been accomplished in this area. The pulp and paper industry for example, derives 42% of its total energy needs from manufacturing residues.

For pulp mills at least, the potential is much greater and we are nearing the day when pulping operations can be made virtually energy self-sufficient.

An example of this is Rayonier's new pulp mill at Port Cartier in eastern Quebec. Energy was a key design factor. Emphasis was placed on decreasing waste loads and energy-consumptive waste treatment through maximizing the recycle of process streams. Chemical, fiber and energy recovery were made an intergal part of the manufacturing process.

We are also experimenting with systems to bring trees with the branches on directly into the mill to make more fuel available. With the residue and the pulping waste recovery system, we expect to make this mill capable of providing as much as 90 per cent of its energy needs.

Tree-based energy for manufacturing can substantially replace the fossil-based energy our industry now consumes, thereby releasing that supply to other users and eliminating our dependence on potentially interruptible outside sources—an aim which is both in our own and in the public interest.

Attaining such a worthwhile objective, however, is another matter. It means the development of more efficient equipment and techniques to bring residuals from the woodlands into our manufacturing plants. Above all, it will require substantial investments in plant and equipment to convert these materials to useable energy.

At the moment, I am not very confident that sufficient investment capital will be available to do this vital job.

During the next 10 years the total private sector in this country is estimated to require a staggering $4.5 trillion of investment capital for all purposes. This is three times the amount invested during the previous 10 years. To this must be added the huge debt financing requirements of the various levels of government. Balanced against these requirements are estimated potential savings from all domestic sources of about $4 trillion. This leaves a very sizeable gap between what the economy will need and the savings we can realistically expect to be accumulated for investment purposes. Obviously, something is going to have to give.

The problem is particularly serious for capital intensive industries such as pulp and paper, steel, electric utilities and chemical manufacturers. The American Paper Institute recently estimated that during the next 10 years, the paper industry will need to make capital outlays of about $32 billion for plant expansion and modernization if it is to meet expected demand for its products. In addition, about $8 billion will be needed to meet environmental requirements and $10 billion for working capital. It is expected that at least $21 billion of this $50 billion of new investment will have to be raised through outside financing—not too bright a prospect when one considers the industry's already high debt-to-equity ratio and the difficulties of raising equity capital. To put these figures in perspective, the total value of the industry today is estimated to be about $10 billion.

American industry is already facing the moment of truth because of an overheated demand on its capital resources.

This demand, coming from three directions at the same time, has created a "capital crunch" of formidable proportions. We have an urgent need to invest—all at the same time—massive amounts of capital:

For plant expansion and modernization—otherwise we will have another round of shortages and consequent inflation which may make 1973–74 seem mild by comparison,

For pollution control—to meet government-mandated environmental requirements,

And for energy conservation and the development of new and alternate energy sources.

The effect of this dilemma on Rayonier is striking. We plan to invest $120 million for plant and equipment during 1975. While this is 27% less than last year, it is still the third highest amount in our history.

To meet tight government imposed deadlines, we must spend more than half our available funds this year for environmental purposes—$63 million corporate-wide. Of the funds we have available to invest in our U.S. pulpmills, 70% will go for environmental requirements, 27% for replacing worn out or obsolete equipment, and only 3% for improving or modernizing our operations. This is far too little for keeping our plants competitive.

Unhappily, this situation isn't going to improve very soon. Existing environmental requirements for our various operations will require additional large investments over the next several years. To date Rayonier has spent nearly $100 million to meet environmental requirements. Projects already underway at our various mills will require at least an additional $150 million to complete.

And even this is not the end. All industry faces the prospect of additional, and even more costly, environmental requirements. Current federal law calls for almost complete elimination of waste discharges by 1983. Aimed at removing minor additional fractions, these requirements will in many cases be prohibitively expensive.

Now please don't misunderstand me. I am not arguing against proper environmental protection or advocating a wholesale repeal of the environmental laws. We all want clean water, healthy air and pleasant surroundings and we are well on our way to achieving them.

Rayonier and this industry have nothing to be ashamed of when it comes to environmental responsibility. It may come as a surprise to some that in addition to the $250 million my company is spending on environmental projects, we actually have more employees working in environmental jobs than we have selling our products. At the last count, 142 employees worked full-time and an additional 362 spent a significant portion of their time on environmental activities. On a full-time basis, this is the equivalent of more than 250 people and an annual payroll cost of $4.7 million. This compares to our total corporate sales and marketing organization of 140 people.

While they are costly, I don't quarrel with environmental requirements that result in significant environmental benefits. I do object, however, to illconsidered regulation which, in its attempt to standardize solutions or reach unrealistic degrees of perfection, actually creates what can best be termed "wasteful" waste treatment. Let me give you two examples of what I mean, and unfortunately I could give you many more.

A proposed federal regulation calls for the removal of color from pulp mill effluent on the basis that it is an aesthetic pollutant. Take the case of our Jesup mill, where, incidentally, we installed the world's largest mechanical aeration secondary waste treatment system several years ago. Color removal from our Jesup treated wastes will give anyone who wants to look into the waste discharge pipe the satisfaction of knowing that the water being discharged into the Altamaha River will look much clearer than the River itself. Unfortunately, once it mixes with the naturally brown water of the Altamaha, you won't be able to tell the difference. Now, where is the public benefit?

Although practical color removal systems have not yet been developed, it is clear from experimental data that such a system for our Jesup mill would be both very energy consumptive and very expensive, costing millions of dollars. Is this a reasonable tradeoff?

Another regulation requires control of the acidity of *all* discharges—even those going to salt water where in actuality, immediate neutralization takes place naturally. To meet this requirement at one of our Washington State pulp mills located on tide-water, we are required to dump massive quantities of lime into our discharge.

And how does the scoreboard read for this requirement? While it only cost $255,000 to install the treatment equipment, on an annual basis it costs $570,000 to operate the system. It also consumes 11,500 tons of lime, which required 13,860 barrels of crude oil to produce and 15,916 gallons of diesel oil to transport. The annual electrical energy equivalent of this treatment is 27 million kilowatt hours. This is enough electricity to supply nearly 3,000 Georgia homes.

And the environmental benefit? The sad part of all this is that it does nothing for the environment. Before and after studies show that this required treatment produces a scarcely measurable impact on the water.

The biggest problem with current environmental regulations is the arbitrariness and rigidity of many of the requirements. In many instances, compliance schedules have been established without due regard for the availability of equipment, the adequacy of technology, the problems of financing or the realities of construction. Many of these deadlines have not only proven impossible to meet, but have caused hasty and inadequate planning which has resulted in poor design and overall waste. Current water quality regulations, for example, just do not provide adequate time for the type of in-depth research that could lead to real environmental improvements at lower economic and social costs.

Recognition must be given to economic and social trade-offs implicit in such massive non-productive expenditures. In the final analysis, the cost is paid by society, either as consumers or taxpayers.

And when we consider energy conservation we should clearly recognize that in most cases environmental requirements create new demands for energy. At our Jesup mill, for example, our waste treatment facilities have increased out total power useage by 18%. Across the border in Fernandina Beach, the $60 million waste treatment project we are installing at that mill will increase our power consumption by 60%. While these particular treatment programs serve a useful environmental purpose, many others do not, and in that context are working at cross-purposes and are counter productive to our energy conservation goals.

As a nation, it is time we reassess our priorities.

Massive investments—an estimated $1 trillion—are needed to develop new energy sources and to reduce energy use.

Investment in plant modernization is essential to improve productivity and operating efficiencies. This is needed to lower costs, checking a root cause of price inflation, and permitting U.S. products to compete in today's international economy.

Investment in new plants and equipment is urgently needed in many industries to overcome shortages which will reappear with an improved economy, and if not corrected will again serve to refuel inflation.

These same new plants are badly needed to create the new jobs needed to reduce unemployment. Economists are already warning that unemployment will remain high for several years in spite of the expected economic recovery. Unless new job opportunities are created soon, large numbers of our young people coming out of high school and college will face the prospect of idleness and welfare.

These investments are vital to our economy in providing jobs, controlling inflation, conserving energy and keeping American industry competitive in a world economy. And they must compete for the same limited amount of capital funds.

It is past the time that we view the environment in the narrow sense of air, water and aesthetic pollution. We must face up to the needs of man's total environment, not the least of which involves food, employment and freedom. An urgent rebalancing of our national priorities is in order. A rebalancing which accords our energy problems and our economic growth problems a greater share of our attention and our resources. And, time is running out!

DÉTENTE: NEW LOOK

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. LAGOMARSINO. Mr. Speaker, as a member of the Committee on International Relations, I join with the Honorable WILLIAM S. BROOMFIELD of Michigan in calling for hearings on our policy of détente with the Soviet Union.

We are now at a time when we must completely reassess our foreign policy. As a nation, we must hold a vigorous discussion on our place in the world. One of the primary focuses of this debate must be "détente."

We came out of World War II believing in collective security. We felt that collective security could have prevented the war. Yet our faith in collective security has been severely shaken during the last 25 years. We have suffered over 900,000 casualties—both killed and wounded—in defense of a collective security which was not collective. Ninety percent of the non-Koreans defending South Korea were Americans, and 80 percent of the non-Vietnamese fighting against the Communists in Vietnam were Americans. This was not the kind of collective security envisioned by the signers of pacts such as NATO, SEATO, etc. A reexamination of collective security is certainly due.

In our zeal to correct the mistakes of the 1960's, however, we must not rush to accept the mistakes of the 1930's. The policy of "fortress America" could easily lead to disaster in a nuclear world. Under the policy of "fortress America," we would isolate ourselves from the rest of the world until the situation were totally hopeless, and our only alternatives would be nuclear destruction or surrender. We cannot afford to limit ourselves or future generations to these options.

Our answer, then, has been "détente." It seemed to work for a while. The United States and the Soviet Union have communicated with each other on an unprecedented scale. The Quadpartite Agreement on Berlin has done much to eliminate that city as a "hot spot." Tensions have eased and the world appears to be further from a nuclear "hot war" than at any time during the last 20 years.

But a brief look around the world indicates that everything is not well. The recent setbacks in Southeast Asia are on everyone's mind. Right now, Thailand and the Phillipines are seeking to drastically weaken their ties with the United States, Laos is coming increasingly under the control of the Pathet Lao, and the situation in Burma is worsening. In India, the world's largest democracy has moved in the direction of dictatorship. The Arabs are practically waging an economic war with the United States.

The situation is little better in Africa and Europe. Anarchy prevails in Angola, and the situation in the southern part of Africa defies solution. Italy has great problems. Portugal's military government defies their own people and gravitates toward Russia. Two NATO countries, Greece and Turkey are in adversary positions.

The purpose of any foreign policy is to best serve the interests of the country. We must examine our present policy, and see if it meets up to that criteria.

We must remember that even while he shook hands with President Nixon and proclaimed "détente," Leonid Brezhnev said that "détente" did not preclude the Soviet Union from seeking a reordering of world social systems. The Soviet Union still prides itself on its "ideological war" with the United States. The Soviet Union is continuing its policy of destabilizing governments that are friendly to the United States. As long as this is the policy of the Soviet Union, and events throughout the world indicate that it still is, how can we say we are at peace?

In Vietnam, the United States fought a military war, while the Communists were also fighting the "other war," the war for the hearts and minds of the people. The Communists are still fighting the "other war" now, throughout the third world. Yet the United States does little about this war, all for the sake of détente. We must recognize that this "other war" is being fought, and we must take appropriate countermeasures. If we fail to recognize this, we do so at our gravest peril.

In considering our relations with the Soviet Union, I think that we should pay special attention to a man who lived under the totalitarian state there all his life: Alexandr Solzhenitsyn. Solzhenitsyn, who described America's foreign policy since World War II as "one capitulation after another," said recently that the "situation in the world is not just dangerous, it isn't just threatening, it is catastrophic." As the esteemed Russian author said,

> The Communist leaders respect only firmness, and have contempt and laugh at people who continually give in to them.

Solzhenitsyn's description of the "ideological war" is worth repeating:

> The Communist ideology is to destroy your society. This has been their aim for 125 years and has never changed; only the methods have changed a little. When there is détente, peaceful co-existence, and trade, they will still insist: the ideological war must continue! And what is ideological war? It is a focus of hatred, this is continued repetition of the oath to destroy the Western world.

Solzhenitsyn asked the American people a question that deserves an answer:

> "But do we really have to wait for the moment when the knife is at our throats? Couldn't it be possible, ahead of time, to soberly assess the worldwide menace that threatens to swallow the whole word?"

Détente does seem to have been one-sided. We must reexamine this policy to see if it is best serving our national interest. In doing so, we must remember that Secretary of State Kissinger said that recent Soviet action "constitutes a heavy mortgage on détente." In May, former Secretary of State Dean Rusk said, "You can't unilaterally repeal the Cold War." The American people deserve a frank discussion of the future of our foreign policy of détente.

HITLER STEPPED ON HIM, MADE HIM A POW AT 13

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. WIRTH. Mr. Speaker, it is sometimes said that immigrants make the best Americans because they do not take the country for granted. I do not suppose that this is always true, but I do know of one such case. You will not find a finer American than Win Schendel, of Lakewood, Colo., by way of Nazi Germany. I would like to place in the RECORD an article about this man—a prisoner of war at the age of 13—that appeared in the Lakewood Sentinel:

HITLER STEPPED ON HIM, MADE HIM A POW AT 13

(By Karen Newman)

It was a Sunday morning in 1945. In Bueckeburg, Germany, after several days of fighting, Win Schendel surrendered to the Americans. He was 13 years old.

Now general manager of New York Life Insurance Co.'s Lakewood office and an American citizen since 1956, Schendel spends his Sunday mornings at Shepherd of the Hills United Presbyterian Church, where his wife, Joanne, is organist and he has been deacon and elder-trustee.

He often speaks to groups about growing up in Hitler's Germany. His message: "It's very easy for a thing like that to happen, and if we don't do the right things in this country, we can have a dictatorship overnight. We are too complacent and too money-hungry."

Schendel, when he was about 9 years old, met Hitler during one of Hitler's visits to the grave of Germany's great composer, Richard Wagner. Schendel shook Hitler's hand.

"He stepped on my foot," he recalls, "and my shoe came off."

Schendel joined the Hitler Youth organization at the age of 8. "I didn't want to," he said, "but you had to."

The boys wore uniforms and met on Wednesday and Saturday afternoons and sometimes on Sunday mornings. Schendel, whose own sons are Eagle Scouts, said the program was similar in many ways to Boy Scouting, "except that Boy Scouting is voluntary."

Even at that age, Schendel said, he knew something was wrong in his country.

"I had seen people picked up, and seen them burn synagogues and break the windows of businesses," he said. "We weren't really aware that there was such a thing as a concentration camp, but we did notice people disappearing."

Today, he said, "If I noticed things like that in America, I sure would do something about it. I would speak up. The trouble was, we were afraid to speak up."

Schendel's father, a physician, was "worked over" by the Gestapo several times—once because Schendel, then about 9, remarked to a young friend, "I'm glad we don't have a flag because we would have to hang it up."

Schendel's friend reported the remarks to his own father, who told the Gestapo.

"My father never would tell us what they did to him," Schendel said, "but we could see he looked bad."

Finally, after he refused to join the Nazi controlled medical society, Schendel's father was ordered into the German armed forces. Schendel said the family doesn't know how he died.

Late in the war, the Hitler Youth and elderly men—"anybody that could move"—were pressed into fighting. Schendel and other boys his own age defended the town of Bueckeburg, where Schendel and his mother moved after they were bombed out in Hanover.

He told of watching another boy, 14 years old, bleed to death after an artillery barrage.

"That was the first time I saw anyone die," Schendel said. "I had seen many dead people after air raids, but they were already dead."

He said people sometimes ran out of their houses during air raids—only to die in the asphalt streets, which were burning. And he described charred bodies.

"I'll never forget the smell of dead people," Schendel said. "It's a sweetish smell, and that's why I don't like flowers at funerals."

"My mother and I went through about 100 air raids," he said. "The English bombed at night and the Americans in the daytime. You could hear the difference in the motors of the planes."

Artillery barrages began as the American forces neared Bueckeburg.

"Every night, the sky would get a little redder and the boom, boom, boom got louder," Schendel said, adding that he and other Germans were terrified of Americans, who were portrayed in German propaganda as "headhunters."

"What are you going to do? he said. "You're going to fight like hell—they were going to kill us. We could hear the machine guns and we could hear the chains clanking on the tanks."

After Americans occupied Bueckeburg, Schendel said, "I never felt so relieved. When the planes flew over, I knew they weren't going to drop any eggs. It was occupied territory and we were safe."

And when he met some American soldiers, he said, "I found they were more like us than anybody else."

Now, Schendel said, "I'm an American by choice and I would like to do the best I can for what Americans stand for."

When he visited Washington, D.C., for the first time in April, Schendel saw two young neo-Nazis—both Americans and both wearing swastika armbands—near the Smithsonian Institution. He was horrified.

"I tried to talk to them," Schendel said. "I asked them if they knew what they were doing."

He deplores American complacency and said people "should be committed to the American system—they should take the time to vote, and vote intelligently."

Americans also should be more committed to their families, their work and to God, Schendel said.

Schendel and his mother immigrated to Houston, where the family had cousins, in 1952. Together, they became American citizens in 1956, after attending the American Legion's citizenship school for a year.

"It's a privilege to be an American," Schendel said. "It's not an automatic thing."

Schendel lived in Houston eight years, working in electrical engineering. He had earned degrees in electrical and industrial engineering after the war in Hanover, while doing automatic and electrical work for the British armed forces.

He met his wife, of Blackwell, Okla., at a YWCA dance in Houston. They have three children—a son majoring in business at Colorado State University, a second son who will be a spring graduate of Wheat Ridge High School and an 11-year-old daughter.

The family moved to Colorado in 1959, when Schendel was employed by the Ken R.

White Co., an engineering firm. After three years as a sales engineer with the F.M.C. Corp., he became an agent with the New York Life Insurance Co. and has been general manager of the Lakewood office since 1972. The family lives in Applewood.

Schendel has been active with the Lakewood Chamber of Commerce, the El Jebel Shrine, the Applewood Sunrise Lions Club and Salesmen With a Purpose.

JUVENILE DELINQUENCY IN THE SCHOOLS ACT OF 1975—H.R. 7602

HON. FLOYD J. FITHIAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. FITHIAN. Mr. Speaker, on June 4th, I introduced on the House side, H.R. 7602, the Juvenile Delinquency in the Schools Act of 1975, which had been introduced in the Senate by BIRCH BAYH—S. 1440—on April 17.

This bill is aimed at one of the most important problems facing the Nation—vandalism and violence in our schools. No area of the country is exempt.

The cost of vandalism and violence in our schools in 1974 was $590 million. We have lost more lives of boys and girls in our schools in the last 3 years than we lost in the first 3 years of America's involvement in Vietnam.

The evidence is overwhelming: First, 70,000 serious physical assaults on teachers annually; second, hundreds of thousands of assaults on students; third, a sharp increase in the number of students who are murdered; fourth, a sharp increase in the number of robberies of students and teachers; fifth, increases in rape and attempted rape; sixth, a substantial increase in the number of weapons being confiscated from students in our schools; seventh, drug and alcohol abuse has risen sharply; and eighth, increased activity in extortion, drug and prostitution rings in an increasing number of schools. Between 1970 and 1973, these acts of violence and vandalism have increased rapidly.

There are no magical solutions to this ever present problem. It is our hope that at the national, State, and local governmental levels, and especially in the home, we can make a cooperative effort at resolving this problem.

Public education has an important environmental impact on any child. It can be an opportunity to begin a useful and constructive life in an atmosphere of instruction, enrichment and encouragement. Young people, however, find a school environment dominated by fear, chaos, destruction and violence. Teachers and school administrators are diverted from their primary tasks—instruction and education—to providing personal safety for themselves and their students. The primary concern in many schools is not education, but preservation.

The purposes of H.R. 7602 are these:

First, to prevent school delinquency by assisting local educational agencies with resources to develop and implement programs to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions, expulsions, pushouts, and forceouts.

Second, to protect the right of every student to due process and the right to receive an education in a school environment free of disruption and fear of personal harm.

Third, to assist local educational agencies with resources to develop educational programs structure to reduce school delinquency, violence and vandalism.

Fourth, to assist local educational agencies with resources to develop security programs for the protection of students, school personnel and school property.

Fifth, to encourage and assist local educational agencies in the development of alternative educational programs and facilities for the education of students unable to adjust to their school environment.

The cost of the program will be determined by the Appropriation Committee, and no fixed amount is stipulated. The bill has been referred to the Education and Labor Committee and to the Subcommittee on Equal Opportunities.

If you are interested in cosponsoring this legislation or if you have any questions about it, please contact Warren Stickle at 55777, before noon on August 1, at which time the bill will be reintroduced.

The bill, H.R. 7602, is as follows:

H.R. 7602

A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide financial assistance for alternative educational and security plans to reduce delinquency and crime in and against the public schools of the Nation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Juvenile Delinquency in the Schools Act of 1975".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby finds—

(1) that juveniles account for almost half the arrests for serious crimes in the United States today;

(2) that the majority of juveniles arrested have a history of delinquent school behavior;

(3) that a large percentage of juveniles arrested have been subjected to arbitrary and unwarranted suspensions and expulsions, or are pushouts and forceouts;

(4) that violence and vandalism committed within and on the schools of our Nation cost taxpayers in excess of $500,000,000 annually;

(5) that the impact of violence and vandalism on our Nation's schools is a serious impediment to educational achievement and school administration; and

(6) that school districts which experience directly the devastating impact of violence and vandalism do not presently have sufficient technical expertise, alternative programs, or adequate resources to deal effectively with the problems of violence and vandalism in their schools.

(b) It is the purpose of this Act—

(1) to curb juvenile delinquency, violence, and vandalism in our public schools;

(2) to protect the right of every student to due process and the right to receive an education in a school environment free of disruption and fear of personal harm;

(3) to prevent school delinquency by assisting local educational agencies with resources to develop and implement programs to keep students in elementary and secondary schools, and to prevent unwarranted and arbitrary suspensions, expulsions, pushouts, and forceouts;

(4) to assist local educational agencies with resources to develop educational programs structured to reduce school delinquency, violence and vandalism;

(5) to assist local educational agencies with resources to develop security programs for the protection of students, school personnel, and school property; and

(6) to encourage and assist local educational agencies in the development of alternative educational programs and facilities for the education of students unable to adjust to their school environment.

SEC. 3. Part B of title II of the Juvenile Justice and Delinquency Prevention Act (Public Law 93-415; 42 U.S.C. 5601) is amended by adding at the end thereof the following new subpart:

"Subpart III—School Delinquency Program

"APPROPRIATIONS AUTHORIZED

"SEC. 231. There is authorized to be appropriated, for the fiscal year 1976, for the period from July 1, through September 30, 1976, and for fiscal year 1977, such sums as may be necessary to carry out the provisions of this Act.

"ALLOTMENTS TO LOCAL EDUCATIONAL AGENCIES

"SEC. 232. (a) From the funds appropriated to carry out this Act for any fiscal year, 5 per centum thereof shall be reserved for discretionary use by the Assistant Administrator for grants to Governors of the respective States and for the Mayor of the District of Columbia for use by the State educational agency of each such State and the District of Columbia in carrying out programs complementary to the purposes of this Act.

"(b) In addition, from the sum appropriated to carry out this Act, for any fiscal year, the Assistant Administrator shall reserve not to exceed 3 per centum thereof and allot such amount among the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands according to their respective needs for grants under this Act. In addition the Assistant Administrator shall allot to the Secretary of the Interior from such amount, such sums as may be determined necessary for elementary and secondary schools operated for Indian children by the Department of the Interior.

"(c) The remainder of the sums appropriated to carry out this Act for any fiscal year shall be allotted by the Assistant Administrator among local educational agencies in the States in a manner which gives consideration to the following criteria—

"(1) the need for assistance, taking into account such factors as—

"(A) the extent and impact upon elementary and secondary education of delinquency and crime in the schools of the district to be served;

"(B) the financial need of such local educational agency;

"(C) the expense and difficulty of effectively carrying out a plan described in section 234(a) in such school district;

"(D) the degree to which measurable deficiencies in the quality of public education afforded in such district exceed those of other school districts within the State; and

"(E) the degree to which the district to receive funds under this Act has established effective procedures for the protection of the constitutional rights of students and employees of the school district affected.

"USES OF FUNDS

"Sec. 233. (a) Each recipient shall expend not less than 50 per centum of funds granted under this Act for educational programs including renovation of facilities for alternative educational programs, but not including programs utilizing security technology and security personnel.

"(b) Each recipient shall expend the remainder of funds granted under this Act for projects described in the plan submitted under section 234(a), which contribute to carrying out the purpose of this Act, including utilization of security technology and security personnel.

"APPLICATION

"Sec. 234. (a) A local educational agency may receive a grant under this Act for any fiscal year only upon an application approved by the Assistant Administrator with the consent of the appropriate State educational agency, upon determination that the local educational agency has adopted and is implementing or will, if assistance is made available to it under this Act, adopt and implement, a plan to reduce delinquency and crime and increase the safety and security of the students, employees, and facilities of its elementary and secondary schools through programs and projects designed to carry out the purposes of this Act. Each such application shall include—

"(1) the provision of educational programs to meet the special needs of students and employees in such schools;

"(2) the provision of additional professional or other staff members (including staff members specially trained in problems incident to crime control) and the training and retraining of staff for schools which are affected by such plan;

"(3) community activities, including public education and participation efforts, in support of such plan;

"(4) special administrative activities, such as the rescheduling of students or employees;

"(5) provision of information to parents and other members of the general public incident to the development or to the implementation of such plan;

"(6) planning and evaluation activities;

"(7) acquisition, installation, modernization, or replacement of appropriate equipment and supplies;

"(8) renovation of school plants and facilities; and

"(9) other specially designed programs or projects that meet the purpose of this Act.

"(b) No funds authorized for assistance under this Act shall be used to support the introduction, presence, or use of firearms, other weapons, or chemical agents in any school.

"PAYMENTS

"Sec. 235. Payments under this Act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"WITHHOLDING

"Sec. 236. Whenever the Assistant Administrator, after reasonable notice and opportunity for hearing to any grantee, finds that there has been a failure to comply substantially with any provisions set forth in the application under section 234(a), the Assistant Administrator shall notify the grantee that further payments will not be made under this Act until the Assistant Administrator is satisfied that there is no longer any such failure to comply. Until the Assistant Administrator is so satisfied, no further payments shall be made under this Act.

"DEFINITIONS

"Sec. 237. For purposes of this Act—

"(1) The term 'Assistant Administrator' means the Assistant Administrator of the Office of Juvenile Justice and Delinquency Prevention within the Department of Justice, Law Enforcement Assistance Administration.

"(2) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"(3) The term 'elementary school' means a day or residential school which provides elementary education, as determined under State law.

"(4) the term 'secondary school' means a day or residential school which provides secondary education, as determined under State law.

"(5) The term 'pushout' means any elementary or secondary school student whose withdrawal from school can be attributed to arbitrary or insensitive, or racially hostile school administrative and/or instructional practices.

"(6) The term 'forceout' means any elementary or secondary school student whose withdrawal from school is a direct result of an ultimatum by school authorities to withdraw in lieu of approved expulsion procedures.

"(7) The term 'educational programs' means any instructional or counseling programs whose purpose is to reduce the frequency of delinquency and criminal behavior in a given district or school.

"(8) The term 'security programs' means any administrative procedure, technological application, or training and assignment of personnel, instituted to protect the safety of students, school personnel, and school property.

"(9) The term 'renovation' means remodeling or alteration (including the acquisition, installation, modernization, or replacement of equipment) of existing structures.

"(10) The term 'alternative educational program' means any program established either within a given school or in another public educational facility to meet the needs of students unable to adjust to existing programs in the school to which they are assigned.

"(11) The term 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.".

A TIP IS A TIP IS A BRIBE

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. SYMMS. Mr. Speaker, I have been listening with great interest to the revelations by the network news media that the oil companies have been paying bribes or other types of payments to foreign governments and political parties abroad.

I have just read a column by John Lofton in which he discusses similar payments by the networks; this makes me wonder why the networks did not reveal that they were engaged in activity similar to that of the oil companies.

At this time, Mr. Speaker, I would like to commend Mr. Lofton's column to my colleagues in the Congress:

[From the Philadelphia Inquirer, July 17, 1975]

Networks Exposed—A Tip Is a Tip Is a Bribe

(By John D. Lofton, Jr.)

Washington.—Well, well, well. What have we here? Walter Cronkite a victim of press reports that were—are you ready?—"incomplete and misleading"? Yep, that's what he tells me, although he acknowledges that his own failure to make things perfectly clear, shall we say, helped fuzz matters up.

The whole thing started early last month when the CBS Evening News' anchorman appeared at a business forum at Rutgers University. In the course of a discussion, Cronkite's fellow panelist John DeButts, chairman of the board of the American Telephone and Telegraph Company, responded to a question regarding bribery in order to do business in foreign countries. DeButts said he did not approve of this but it was sometimes necessary.

Now, it is here, Cronkite says, that he added, when asked what he thought about the practice, that it was abhorrent. But he said it was not uncommon for newsmen to bribe customs agents in order to get film out of foreign countries.

The news media, naturally, reported the way Walter said it was, although, to be sure much more prominently than he would have liked. For example, on page one, the local paper, the Brunswick, N.J., Home News headlined its four column story, "TV News Pays Bribes: Cronkite."

Well, it's really not this bad, says Walter. "I was talking about the practice of tips, of a few small bills here and there for expeditious handling, not of heavy bribes over a period of time on a formal basis with high officials. That's the story."

What does Mr. Cronkite's boss, Richard Salant, the head of CBS News, think about these "tips"? He does not, and the not is underlined, approve of them. He says CBS' Accounting Department finds no evidence that such payments have been made.

This is not surprising, really, since those doing the "tipping" are unlikely to itemize them—regardless of size—in their expense accounts. They'll probably be called business expenses. If Salant really wants to find out what's going on he should ask his reporters and technicians.

What about the other networks? Have they ever greased the palms of foreign officials to get film out? NBC News President Richard Wald tells me this is "a murky situation." As a general matter, he doesn't know of any instances. But he is aware that NBC has sent presents to freight expediters "in many airports" through which it ships large amounts of film or equipment.

Wald doesn't think "one hell of a lot of the practice," he says, "but on the other hand I don't think a lot about it." Such gifts are a "universal practice" that "begin essentially with good will." Wald sees no element of bribery in them.

ABC News President William Sheehan is very straightforward. He tells me: "It is common practice to grease palms of customs officials and airline representatives in order to expedite the shipment of film." The amounts could run anywhere from "a couple of dollars to $10."

What does he think of this practice? "In that I don't see the specter of censorship, it is not one of the things I think about a great deal. I am certainly not happy about having to slip money to government functionaries, but then again I don't like having to slip a head waiter a couple of dollars for a table either."

So, it's "tips" and not bribes. Don't forget this.

Now, what was that old joke about the

$100-a-night call girl who when offered $50, screamed at her customer: "What kind of a girl do you think I am?" and he replied. "We already know that, we're just haggling over price." How did that story go . . .

CONVENTION OF THE AMERICAN COUNCIL OF POLISH CULTURAL CLUBS

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. ZABLOCKI. Mr. Speaker, members and friends of the American Council of Polish Cultural Clubs gathered together last month in Miami, Fla., to attend the association's 27th convention.

As you know, Mr. Speaker, the ACPCC is a collective organization of Polish educational and cultural clubs dedicated to encouraging higher education and scholarship among people of Polish descent and to foster in Americans of Polish origin a consciousness and pride of their own heritage. Under the able leadership of Mr. Walter Zachariasiewicz, the president of ACPCC, the ACPCC has carried on the important task of national unification of the aims and goals of the Polish members. I am proud to note that one of the older and more active member clubs is the Polanki, Inc., Club which is located in the Fourth Congressional District of Wisconsin which I represent in Congress. Directed by Mrs. Janet Branden, president, Polanki Inc., has promoted many worthwhile activities in support of the community's well-being.

Over the past two decades, Mr. Speaker, we have witnessed many contributions made by Americans of Polish descent in the fields of education, art, and science. In this respect, the American Council of Polish Cultural Clubs has been successful in promoting communication among the members clubs and in preserving and perpetuating the finest elements of Polish cultural traditions in our multicultural society.

In this respect, Mr. Speaker, I would like to bring to the attention of our colleagues in the House, a speech by Mr. John W. Shirley, assistant director for Soviet Union and East European Affairs for USIA, which he presented to the 27th Annual Convention of the American Council of Polish Cultural Clubs on June 28, 1975. The text follows:

JOHN W. SHIRLEY SPEECH BEFORE AMERICAN COUNCIL OF POLISH CULTURAL CLUBS, JUNE 28, 1975

When I think of Poland, I think of suffering and sacrifice, and of a love of life and liberty. It is the paradox of human affairs that they should so often go together.

I do not need to remind you, however, of the proud history of Poland; without pride in your past you would not be here tonight; you would not be participating in this kind of program; you would not be engaged in the work of maintaining contact with your friends and families back home.

I have had the privilege of serving in Poland. I have travelled its length and breadth, from the Odra to the Bug, from the Baltic to the Czarny Dunajec. I made more friends in Poland than at any of my foreign posts and I know that they will endure for a lifetime. I have come to know and respect the spirit of liberty, the sense of pride, and the power of cultural cohesion that has enabled Poland to survive through invasion, partition, and the cataclysm of World War II.

The friendship between the people of Poland and of our own country goes back to the beginning of our national existence. Today, on the eve of the 200th anniversary of our liberty for which we jointly fought, we can say with pride that the United States and Poland retain their old friendship.

That friendship is due in no small part to the work of organizations like yours.

The Agency of Government which I represent, the United States Information Agency (USIA), seeks to maintain constructive communication and to enhance understanding between the United States and Poland. But we can never hope to achieve the degree of acceptance which is accorded to you by ties of blood and history. You who have friends and family in Poland, who keep in touch out of a love of persons, of country and of culture, are performing a service which cannot be duplicated. For that, we all salute you.

During the past five years, relations between Poland and the United States have improved rapidly.

Trade between the two countries which totalled only a little more than $100 million in 1969, reached $650 million in 1974, and is expected to increase even further this year. The value of U.S.-Polish commerce, in fact, may exceed $1 billion by 1976, a development which has been welcomed in both countries.

Politically, too, we are enjoying a period described by the present American Ambassador to Warsaw, Richard Davies, as "a dynamic period of progress." An exchange of visits has taken place at the highest level of our governments, and new momentum has been created for political and cultural contacts.

A record number of 900 Polish students, scholars and scientists are visiting the United States this year for study and research. We hope to see that number grow to 1,000 in the very near future. We hope also to see an increase in the number of Americans now participating in similar programs in Poland, which last year totaled 300 persons including 15 Fulbright exchange professors.

USIA's own facilities have also grown in recent years. Beginning with small libraries in the Embassy in Warsaw, and in our Consulate at Poznan, we have recently opened a Consulate and Cultural Center in Krakow. Just this year we have been asked to establish an American library at the University of Warsaw, to support the Center of American Civilization being jointly sponsored by the University of Warsaw and the University of Indiana.

USIA and the Bicentennial Commission are also proud of the exhibit, "The World of Franklin and Jefferson." Now in Warsaw, it will be shown in only two other European capitals: Paris and London. Nearly 10,000 Poles have seen this exhibit each week, and have thrilled to the significance of their participation in the stirring drama of America's birth and growth. The exhibit underscores Poland's contribution to our own struggle for freedom. The achievements of Kosciuszko and Pulaski, familiar to all, symbolize the courage, idealism, and energy which Poland's sons and daughters contributed to the young American republic. Works of art, documents, and memorabilia from museums and libraries throughout Poland, including Warsaw, Krakow, Lodz, Warka, and Plock, attest to the ongoing contributions of the Polish people to the world.

The theme of close ties between our two peoples will be carried in other bicentennial projects as well. USIA is engaged in facilitating symposia, cultural presentations and commemorative activities in Poland, and is helping to promote Polish involvement in Bicentennial programs in the United States. A series of articles in our Polish language magazine, *Ameryka,* will also feature the historical, economic, political and cultural contributions of Polish-Americans.

Enough, however, about USIA. I am obviously proud of the Agency and the job it is doing. But I would also like to say a few words, before closing, about the current status of U.S. relations with the countries of Eastern Europe.

Of course, differences in ideology, in political and in economic organization between ourselves and the countries of Eastern Europe persist. There are many fundamental issues on which we disagree. But expanding trade, increased cultural contacts and the growing desire to find a political *modus vivendi* are serving to ease the strain of the cold war years and eliminate some of the misunderstandings that multiplied so rapidly in the nineteen forties and fifties. It follows that this process is taking place without any sacrifice of our own principles.

We have come to understand that we have a great deal to contribute to each other. Shared technological advances can help to improve the quantity of life for all peoples. Common efforts to reduce the high costs which presently plague the world are mutually beneficial. Sharing our cultural achievements—in the cinema, in painting, in literature and music—is a universally enriching experience. Working together to ease the nuclear arms race and to reduce troop levels is an inescapable necessity if we are to leave to our children a sane and prosperous world.

When I lived in Poland I had—and I proudly retain—a particularly close friend. He is an old man; slim and hard, with the glance of an eagle and the bearing of an ancient race. He rode with Pilsudski in 1920, and, again, in 1939, with the valiant armies of free Poland. He spent six years in Mauthausen, but he returned unbroken, his pride intact. We often rode together and he would speak to me of the glories of the past, of his love of country, and his attachment to the Polish soil.

On the day before my departure from Poland three years ago, we rode our horses down to the banks of Vistula and sat quietly looking at the slowly flowing river, at the reeds swaying in the gentle breeze and, in in the distance, at the towers of Warsaw.

On that day, and through the look in the face of my old friend, I was able better to understand Poland than at any other moment of my stay. Tonight, looking at your faces and, hearing you speak about the purposes of your organization, and your activities, I sense much of this same spirit. It is a spirit which suits Americans well. It is the spirit which upholds the ideal of unity in pluralism which is the central theme of the American experience.

SOCIALIZED MEDICINE IN ENGLAND: FALLING STANDARDS AND SAGGING MORALE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. CRANE. Mr. Speaker, before it is too late, those Americans who advocate that we substitute a nationalized medical system for our traditional system of private practice should carefully consider the available data concerning how socialized medicine has worked in other countries.

The unfortunate fact is that under socialized medicine, the waiting lists are long, the numbers of doctors who are emigrating is large, the facilities are deteriorating and are not being adequately replaced, and the care received by patients is on a lower and lower level.

A pediatrician in England was quoted by the British Medical Journal as stating that,

> If I had my time again, I would not choose a career in the hospital service—it's not a career any more, it's a vocation. When I started up the hospital ladder a consultant was in charge of his own destiny. But I feel that my circumstances—my way of life and standard of living—are no longer under my control. What's more the present government does not seem to care about medicine.

The main source of discontent among British doctors, reports the Medical Journal, is

> The combination of inefficiency and bureaucracy that had overtaken so many features of the N.H.S. in the last few years. At the simplest level the standard of care on the wards had fallen. . . . And nursing standards are falling. . . . Too often wards, recovery rooms, and other vital areas are left in charge of an inexperienced unqualified girl. . . . Committees had proliferated to such an extent that identification of the authority responsible for a problem was no longer possible in many cases.

Bureaucratic medicine is as inefficient as other forms of bureaucratic management. In matters of life and death, however, such inefficiency is not permissible. If Americans wish to see how a socialized medical system works, a careful look at Great Britain should be sufficient to convince them that our current private practice system of medicine should be maintained. Here we have no shortage of hospital beds, no waiting lists for operations, and no emigration of our best doctors.

I wish to share with my colleagues the article, "Falling Standards and Sagging Morale," which appeared in the March 22, 1975 issue of the British Medical Journal and insert it into the RECORD at this time.

[From a Special Correspondent, British Medical Journal, 1975, 1, 675-676]

CONVERSATIONS WITH CONSULTANTS—FALLING STANDARDS AND SAGGING MORALE

"If I had my time again," said the paediatrician, "I would not choose a career in the hospital service—it's not a career any more, it's a vocation. When I started up the hospital ladder a consultant was in charge of his own destiny. But I feel that my circumstances—my way of life and standard of living—are no longer under my control. What's more the present Government does not seem to care about medicine. Consultants are expendable."

In common with other young consultants he specially resented the accident of timing that had made his mortgage a nightmare. Consultants appointed in the middle 1960s could find houses—solid, detached, middle-class houses—that they could afford to buy on a whole-timer's income. Those being appointed now, while no longer able to aspire to anything more than a very basic property, could at least get one of the tax-free loans (brought in in 1971) to help with its purchase. A few, like him, had been caught between the two situations and faced a prospect of bankruptcy if the mortgage interest rate rose any higher.

Total despair was prevented by the satisfaction still offered by hospital work; but this group of consultants in a cathedral city saw no grounds for optimism about the future. The collapse of the hospital building programme had clearly had a disastrous effect on morale, for in their city (as in so many others) the prospect of a new district general hospital had been held out to every new consultant appointed. At present many of their day-to-day frustrations were directly due to having to work in two hospitals, a couple of miles apart, neither of which alone was large enough to fulfill the requirements of a district hospital. This led to wasteful duplication of resources; two sets of junior staff had to be on call at night; and there were endless journeys between the two buildings. Further complications came from the geriatric and psychiatric units being in two more hospitals in other parts of the city. Difficult working conditions were just about tolerable if they were seen as temporary; once converted into a life-sentence the prospect was appalling.

EFFECTS OF WORK-TO-CONTRACT

The work-to-contract, supported by every one of the staff, would inevitably have long-term psychological effects. In the past waiting lists had been kept short by medical and nursing staff working long hours at a frantic pace. The only apparent effect of that effort had been to induce in the politicians a feeling of self-satisfaction. The work-to-contract had made outpatient clinics a pleasure rather than a chore, and no one saw any prospect of a return to the old ways of rush and scramble. Waiting lists were lengthening; but at the same time the numbers of requests for outpatient appointments were falling. Perhaps there would be a reassessment of medical priorities.

The main source of discontent, however, seemed to be the combination of inefficiency and bureaucracy that had overtaken so many features of the N.H.S. in the last few years. At the simplest level the standard of care on the wards had fallen.

"They are dirty," a surgeon told me. "The ward sister no longer has authority to tell the cleaner to do her work properly—that is now the job of the 'household supervisor.' And nursing standards are falling; we're not getting recruits of the same quality we had a few years ago. Too often wards, recovery rooms, and other vital areas are left in charge of an inexperienced unqualified girl." The reorganization of the Health Service had been a disaster. Committees had proliferated to such an extent that identification of the authority responsible for a problem was no longer possible in many cases. "We had an outbreak of food poisoning in a local school recently," I was told. "About half the kids were affected—clearly some investigation was called for." But no one could be found by the local bacteriologist to take responsibility. "In the old days we'd have 'phoned the M.O.H. Nowadays—goodness knows what we're expected do."

The consultants who sat on the new committees found the process equally frustrating. One of them was on seven committees, including those within his own hospital, and had gone on a course in order to learn about "management techniques." "What a waste of time that was," he said. "Consultants' opinions seem to count for very little in these committees." This disenchantment was echoed by his colleagues—indeed one of them argued that if the administrative structure was scrapped and the money saved given to the districts to get on with the job, the quality of the service would return to an acceptable level.

WORKING THE SYSTEM

I found similar dissatisfactions in a London teaching hospital, where a clinical professor told me of the problems of trying to work within the new system. "Take the simple matter of getting approval for a new registrar or senior registrar post," he said. "In the olds days—the late 1960s—all we needed to do was have a talk with the administrators at the hospital; they put the proposal up to the board of governors; if they approved the proposal went straight to the Department of Health. Now the proposal has to go through at least 14 stages.

"Look at this flow diagram," he went on. "It's a sort of mad administrators' Monopoly. Most of the posts removed from teaching hospitals in the great registrar redeployment scheme are at present lost in the middle of this committee network—and the young doctors who should have been doing the jobs have emigrated. Even at the simplest level we can no longer get approval for supernumary part-time senior registrar posts for married women doctors. It used to be possible to get a decision from the Department within four to five weeks. Now it seems to take nearly a year—and women won't wait around that long to see if they can be offered a job."

While his work still gave him a lot of satisfaction he had no doubt that standards had fallen in the last two years. There was a desperate shortage of competent nurses—the Salmon structure seemed to have been another disaster. Furthermore he agreed that morale had dropped, largely in the last few months. "In many units big efforts were made to eliminate waiting lists," he explained. "Day surgery, five-day wards, all sorts of methods were used, and the wating lists did in many cases disappear. Then came the N.U.P.E. industrial action, followed by the present work to rule; and the waiting lists are longer than ever. No one will get the staff to make that effort all over again—we're stuck with waiting lists indefinitely."

The money worries I had found in the country were even more pressing in London. The professor told me that only in the last year had money ever come into the conversation in the hospital common room. "Talk used to be about research projects, or trips abroad, or clinical problems; now I hear people saying 'the clutch has gone, and goodness knows how I'm going to pay for it'."

His colleagues agreed. Many had trimmed off their surplus expenditures, and for those without merit awards the next round of cuts would have to take the house, the children's education, or the car—and several made the point that that was the stage at which people emigrate. Frustrations are made worse by the fact that other N.H.S. staff seem to have done rather well. "Assuming averages of promotion," I was told, "up to the age of 31 a laboratory technician with just a few emergency calls earns more than a sister with five hours of overtime a week, who in turn earns more than a junior hospital doctor working 80 hours a week. Everyone knows that nurses are underpaid, but who knows that they earn more than a young doctor of the same age who is struggling to bring up a family and that a technician earns more than either of them?"

GOVERNMENT IS A "BIG MOTHER"

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. BAUMAN. Mr. Speaker, many of us have at one time or another been exposed to the wisdom of Mr. Murray Weidenbaum. He came to Washington, D.C., in 1949, during the wonder years of Federal bureaucratic regulation. Borrowing a phrase from the late Mr. Dean Acheson, he was "present at the creation." He was once a leader in the regulatory field, and now he is one of its most articulate critics.

He serves as director of the Center for the Study of American Business at Washington University in St. Louis, having formerly held the position of an Assistant Secretary of the Treasury. The following article appeared in the Sunday, July 20, Baltimore Sun, and I bring it to the attention of the House:

"BIG MOTHER" HAS HER EYE ON LITTLE BUSINESS

(By Murray L. Weidenbaum)

ST. LOUIS.—The growing national concern about protecting individual rights from government encroachment is well placed, but it may be too limited. There is a striking but little-noticed parallel between the liberals' concern about infringement by federal agencies on the civil liberties of individuals and the rising conservative concern with government infringement on the freedom of many of the same individuals, but in their capacity as decision-makers in private business.

The first and well-known concern often is termed "big brotherism." The latter and apparently more ignored problem arises from the increasing pace of government regulation of business, supposedly in the public interest. Let's call it "big motherism."

Often many people are outraged, and properly so, by the arbitrary nature of the "no-knock" powers of federal investigative agencies. Yet they readily ignore the unchallenged "no-knock" power possessed and used by other federal agencies in their capacity as "big mother" controlling the actions of ostensibly private business.

Federal inspectors are an increasingly important physical presence in private industry. The Supreme Court recently ruled that air-pollution inspectors do not need search warrants to enter the property of suspected polluters as long as they do not enter areas closed to the public. The unannounced and warrantless inspections were held not to be in violation of constitutional protections against unreasonable search and seizure.

The inspectors of the Labor Department's Occupational Safety and Health Administration (OSHA) can go further. They have literally "no-knock" power to enter the premises of virtually any business in the United States, without a warrant or even prior announcement, to inspect for health and safety violations. Jail terms are provided in the OSHA law for anyone tipping off a "raid." A recent court test has reaffirmed the right of OSHA inspectors to enter a work site for inspections without so much as a "by your leave." A U.S. district court, acting on the case of a firm which had refused an inspector entry until the company's attorney was present, ruled that the federal agents did not need such warrants to enter workplaces.

In an even more basic area of civil liberties, this nation's legal tradition is that individuals in their dealings with government are innocent unless proven guilty. This does not quite seem to be he case for business firms dealing with at least one federal regulatory agency. In its standard publication, Banned Products, the U.S. Consumer Product Safety Commission makes the following rather high-handed statement: "Articles not meeting the requirements of the regulation are to be considered as banned, and added to the Banned Products List by the Consumer Product Safety Commission."

Nor do federal regulatory agencies always feel obligated to follow normal standards of fairness in dealing with business firms. Consider the possibility of biased decision-making inherent in the recent agreement between the U.S. National Institute for Occupational Safety and Health (NIOSH), the agency that does the basic research underlying new OSHA regulations, and the Amalgamated Clothing Workers.

Under the agreement, the official federal study of safety and health hazards in the clothing industry is being conducted by a union employee and financed by the union. In the words of the OSHA publication which enthusiastically reported the undertaking, "The union will help obtain the cooperation of plant managers." It is painful to try to picture the reaction of a company management to the investigation of its premises by its union on behalf of the government!

The instances of waste and foolishness on the part of government regulators pale when compared to the arbitrary power that they can exert. To cite a member of the Consumer Product Safety Commission, "any time that consumer safety is threatened, we're going to go for the company's throat," That this statement is not merely an overblown metaphor can be seen by examining the case of Marlin Toy Products of Horicon, Wisconsin.

The firm's two main products, Flutter Ball and Birdie Ball, were plastic toys for children, identical except that one contained a butterfly and the other a bird. The toys originally held plastic pellets that rattled. This led the Food and Drug Administration in 1972 to place the products on its ban list because it was worried that, if the toys cracked, the pellets could be swallowed by a child. The company recalled the toys and redesigned its product line to eliminate the pellets and thus be removed from the ban list.

The newly formed Consumer Product Safety Commission in 1973 assumed responsibility in this area. Because of an "editorial error," it put the Marlin products on its new ban list, although there was no longer any reason to ban them. Apparently the commission incorporated an out-of-date FDA list. The error was called to the commission's attention, but it replied that it was not about to recall 250,000 lists "just to take one or two toys off."

Marlin Toy Products was forced out of the toy business and had to lay off 75 per cent of its employees due to the federal error. It is ironic to note that the commission specializes in ordering companies to recall their products if any defective ones have been produced, but refuses to recall its own product when there is a defect in every single one.

Some of the statements of federal regulators do sound reminiscent of the old totalitarian dogma that the end justifies the means. "When it involves a product that is unsafe, I don't care how much it costs the company to correct the problem," states a member of the Consumer Product Safety Commission. And, on that other occasion, "Any time that consumer safety is threatened, we're going to go for the company's throat."

Certainly, a society can and should act to protect consumers against rapacious sellers, individual workers against unscrupulous employers, and future generations against those who would squander the nation's resources. But following due process—in plain English, fair procedures—is the essence of the democratic, non-totalitarian approach.

AGENCY FOR CONSUMER PROTECTION

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. BROWN of Ohio. Mr. Speaker, the House of Representatives will soon consider H.R. 7575 which creates the Agency for Consumer Protection. I have received, as I am sure my colleagues have received, a great deal of mail on this legislation. I would like to call to the attention of the other Members of Congress a letter I received from a broadcaster in my district who is president of the Ohio Association of Broadcasters. His letter outlines the problems that Agency for Consumer Protection interference in the license renewal process would cause both broadcasters and the public. The letter also urges my support of an amendment to exempt broadcasters from the far-reaching powers of this new super-agency.

Mr. Speaker, the letter raises very valid objections, but what the Agency for Consumer Protection, as it is currently proposed, would do to broadcasters is only part of the problem. What it will do to retail businesses, farmers, and manufacturers is even worse. This bill will give the Agency for Consumer Protection the power to intervene with full party status in any regulatory agency proceeding of its choice, except those involving labor matters, becoming in essence a second Government prosecutor of alleged violations of the regulations; producing either duplication of, or conflict with the regulatory agency's efforts, and leaving the affected businessman wondering how to deal with his schizophrenic Government.

In order to keep the broadcasters alert to the dangers of this bill, I may not vote to exempt them, but as difficult as it is to vote against a bill which has been tagged "pro-consumer," I cannot support H.R. 7575 in its present form.

The letter follows:

OHIO ASSOCIATION
OF BROADCASTERS,
Columbus, Ohio, July 9, 1975.

Hon. CLARENCE J. BROWN,
Washington, D.C.

DEAR BUD: We congratulate you for supporting the interests of consumers in your consideration of the ACP, H.R. 7575, presently in the Government Operations Committee. At the same time we feel compelled to focus your attention on several provisions in the bill that significantly impair—and in some cases—cripple broadcasters' ability to serve the public interest. In sum,

Present broadcasting operations and federal regulation now requires most of the practices the legislation mandates.

ACP interference in the broadcast license renewal process directly threatens freedoms guaranteed by the First Amendment, and erodes insulation existing between government power and broadcast content.

ACP could result in ad hoc establishment of criteria for broadcast license renewal that change on a case-by-case basis.

ACP could rob each broadcaster's local audiences of their right to judge that licensee at renewal time.

ACP adds more cluttering, delaying unneeded layers to an already choked regulatory system.

The Communications Act has consistently embodied the basic premise upon which broadcasters operate and are regulated: Each broadcaster is licensed to serve the needs and interests of his local audiences and is usually judged at renewal time by his performance in serving these citizens. In making renewal decisions, the FCC usually examines a broadcaster's performance and audience responses to that performance. With passage of H.R. 7575, the broadcaster could very well not be judged by those he serves, who indeed seem to be the best judges of his performance. Instead, the fate of his renewal could be influenced decisively by outside third parties—ACP administrators—who have no first-hand knowledge of a broadcaster's performance—or his audiences' needs, problems, and interests, which each broadcaster "lives with", identifies and programs for on a day-to-day basis.

We submit that no individual or group of individuals in Washington—however euphemistic their title—can judge the "consumer" orientation of a broadcaster better than can his own audience. "Consumer interests" are best defined by the public served, not by a bevy of administrators well removed from the broadcaster's audience and operating locale.

Second, present practices of all broadcasters, required by their own ethics as well as by current federal regulation, now address many of the problems specified in your recent hearings, and in the "Need for the Legislation" section of the S. 200 Report, i.e. becoming "familiar with the views and interests of the consumer . . ." "considering interests of the consumer . . ." and . . . insuring that consumers learn about federal government decisions before "it is too late" etc.

Under current FCC regulations, each broadcaster must systematically ascertain the needs, problems, and interests of all segments of his community, invite comments for the public record on his performance, and keep his audience aware of upcoming renewal considerations and deadlines. Most broadcasters go well beyond these requirements in keeping attuned to their communities and in communicating with citizens and interest groups in their service areas.

Indeed, the broadcaster is now the only businessman in the country who must have his right to continue in business renewed every three years. This process is open and available to every consumer now. In addition, many licensees now provide the forum and impetus for consumer advocacy in a host of communities.

Quite clearly, in relation to broadcaster, the functions of ACP in significant respects duplicate practices and regulations now in effect. ACP would impose totally unnecessary government interference upon the operation of each licensee, and add still another layer to an already cumbersome unwieldy regulatory process.

In fact, as the Congress has expressed in recent FCC oversight hearings, and as the President and FCC have proposed in their calls for further deregulation, we seek fair but expedited federal renewal and rule-making proceedings.

Historically, many of these proceedings have lingered for years, which is unfair to all involved. ACP intervention in such matters is not only unnecessary, it stands to add still more confusion and delay to conclusion of these processes. Of course, ACP could not intervene in each and every license renewal process. Its intervention would probably occur on a case-by-case basis. Thus, the cases in which ACP intervened would most likely be judged—eventually—on different criteria than would cases in which ACP was not involved. The result would be that criteria by which individual broadcasters are judged at renewal time could be ever-changing across cases. We feel this consequences would be grossly unfair to broadcasters. Licensees have the right to know by what standards their performance is to be evaluated. And, such standards should be of general applicability; not be applied to some broadcasters, not others. Case-by-case variance is grossly unfair.

Most importantly, ACP poses a grave threat to our First Amendment freedoms. Our system of broadcasting is unique in that government does not dictate or program the content of our media. It cannot and should not. But passage of the ACP threatens to erode seriously the precious insulation between government power and broadcast content.

Under this bill, the ACA administrator can intervene directly in broadcast regulation, and enforcement actions. This power seems especially ominous since the legislation 1) makes the ACA administrator, in essence, a political Presidential appointee, and 2) fails to provide effective systematic checks or explicit Congressional oversight on the exercise of his power.

We strongly urge you to amend H.R. 7575 to correct the inequities now incorporated in the legislation. A significant first step in doing so is exempting the unique license renewal process from the ACP, as the Senate in essence has done twice by overwhelming majorities.

Sincerely,

STEPHEN T. JOOS,
President.

NEW CONSUMER AGENCY NOT THE ANSWER

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. GRADISON. Mr. Speaker, the Government Operations Committee has recently voted to report H.R. 7575 to the House. This bill would set up an Agency for Consumer Protection, which I feel would be a mistake.

Everyone agrees that existing departments and agencies are not doing an adequate job of protecting consumers. However, there are a number of reasons why the establishment of the ACP is the wrong way to deal with this problem.

The rationale behind this agency is that the problem is caused by existing agencies not considering consumers' interests. Proponents of this bill claim that agency proceedings are adversary in nature and that because only special interest groups have lobbyists, they are the only interests that are represented.

This, I feel, is a distorted and simplistic view of the problem. I doubt that agencies are making decisions without considering their effect on consumers. The reasons that agencies have not been protecting consumers is that their decision-making processes are generally inefficient. As a result, their actions produce unforeseen and sometimes catastrophic results.

Proponents of this bill usually identify product safety, lower prices and environmental protection as the primary consumer interests. Past experience with agencies which deal with these areas should make us hesitant about establishing another "consumer protection" agency.

Judging from constituent mail, the agencies to which consumers object the most are the existing "consumer protection" agencies, such as EPA and FDA. I see no reason why the ACP would protect consumers any better than these agencies. Whether the problem is special interest pressure, corruption or general inefficiency, the ACP would have the same problems that other agencies have.

Clearly, the solution to this problem is to reform the existing agencies instead of adding a new one. If the problem is lack of consumer representation, reforms should be made within the agency to insure that consumers' interests are given primary consideration. If there are other problems, as I think there are, these also should be solved by reforming the agency's structure.

Some have argued that while regulatory reform of this nature is desirable, it simply has not come about. However, it is Congress fault that it has not occurred. It is Congress role to oversee agencies and a major reason why problems are not remedied is that we have neglected this duty. I feel that we should begin to exercise our proper responsibilities instead of passing off this function to a new agency.

The argument that consumers want the new Agency is simply not true. I have received more mail from my district opposing the agency than supporting it. In addition, in a recent survey by Opinion Research Corp., 75 percent of those interviewed favored an improvement in the workings of existing agencies over the establishment of a new Agency. Only 13 percent thought that the Agency for Consumer Protection is worth the $60 million it would cost.

I am familiar with the Congressional Research Service critique of this poll. It said that instead of measuring people's views about an Agency for Consumer Protection, it demonstrated their frustration with the Federal bureaucracy. Far from being unrelated, the people's frustration with the Federal bureaucracy is the determining factor in their opinion of the ACP. They oppose this bill for the same reason I do. The people of this country do not want to add another layer to an already inefficient and overburdensome bureaucracy.

The cost of this Agency would be enormous. The initial $60 million price tag is substantial in and of itself. However, it is only the tip of the iceberg. In 3 years, if this Agency proves ineffective, as I think it will, we will undoubtedly be told that the failure is due to insufficient funding. At that point, I would hope that Congress would be smart enough to refuse further funding for the Agency, but it will not. Rather, it will aggravate the problem of expensive bureaucracy by enlarging the Agency's budget.

The cost of the Agency would not end there. A recent study by Murray Weidenbaum of Washington University estimated that the total Federal expenditures for Federal regulations of business increased almost $600 million from 1973 to 1975. Just the amount of paperwork involved in complying with Federal regulations is a huge expense. Weidenbaum estimates that individuals and businesses now spend a total of 130 million man-hours per year in filling out Federal forms. By adding to the bureaucracy, the creation of a new Agency for Consumer Protection would increase both the paperwork burden and the costs of regulation. The various costs involved in the establishment of this Agency would be paid by the consumers in the form of higher prices and taxes, which would be a heavy burden for protection they would not receive.

We are being extremely naive if we think that the ACP is a real solution to the basic problem confronting us. This problem is that existing Federal agencies have gotten out of hand in many cases and no longer function in the public interest.

Instead of establishing this new Agency, Congress should face up to the problem squarely and bring agencies which have gotten out of hand back under control. Passage of legislation establishing the ACP would constitute an admission to the American people that Congress can no longer control the agencies it has created.

THE APOLLO-SOYUZ TEST PROJECT EXPERIMENTS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. TEAGUE. Mr. Speaker, the Apollo-Soyuz test project has drawn to a close. I believe the significance of this effort between the United States and the Soviet Union now is becoming better understood by the general public. A major area of effort which is less well understood by the public and highly significant is the experimentation on board the Apollo spacecraft. Among the experiments conducted by the United States are photography of the solar corona and zodiacal light, investigation of the upper atmosphere, special horizon photography, biological experiments, micro-organisms growth, fish embryonic development, and genetic experiments on lower life forms. In addition to this, experiments in ultraviolet absorption, fungi formation, crystal growth, and a series of metallurgical experiments were undertaken. These experiments were selected after a long and careful analysis to provide a maximum return of scientific information.

Following the return of the Apollo spacecraft to Earth, months of intensive work will be devoted by scientists to examining the significance of each experiment. I am including a summary in the RECORD of each of these experiments so that the American public may be better informed of the scientific content of the Apollo-Soyuz test project. Description of the experiments follows:

Extreme UV Survey (MA-083).—The purpose is to search for Extreme Ultraviolet (EUV) radiation from celestial objects. The discovery of a class of EUV sources would open up a new branch of astronomy and provide important information on the interstellar medium. It has been hypothesized that such objects exist and are located relatively nearby (stellar coronas, defunct pulsars, accreting matter stars) but no systematic EUV searches have been made. A flux collecting grazing incidence telescope with an EUV detector at its focal point will be employed. Band pass discrimination will be achieved through a combination of the reflecting efficiency of the mirrors, the spectral response of the detector, and a thin metallic band pass filter.

Principal Investigator: Dr. C. S. Bowyer, University of California, Berkeley.

Helium Glow (MA-088).—The purpose is to measure the intensity and spatial distribution of helium fluorescent radiation in selected regions of the night sky. The measurements will give the distribution of helium in interplanetary space and indicate the penetration of interstellar helium into the solar system. A systematic mapping of this radiation will be performed; the observations can then be compared with a number of existing theories. A narrow band-pass photometer, with wide field-of-view, will be employed. The spectral resolution will be obtained with a narrow band-pass thin metallic filter with the primary sensing element being a photoelectric surface.

Principal Investigator: Dr. C. S. Bowyer, University of California, Berkeley.

UV Absorption (MA-059).—The purpose is to measure the concentration of atmospheric species, especially atomic oxygen and atomic nitrogen, by UV absorption and resonance scattering spectroscopy in the medium between the CSM and the Soyuz spacecraft. Direct measurements of atomic oxygen and atomic nitrogen are difficult to interpret because of chemical reactions in a mass spectrometer and, therefore, a new approach is being used to make use of both spacecraft. The separation of the two spacecraft will be varied to eliminate absorption effects of contaminants around either spacecraft. The field-of-view of the detector can be turned to look at light resonantly scattered by atmospheric constituents when Soyuz is absent. The source and the detector will be externally mounted on the spacecraft.

Principal Investigator: Dr. Thomas Donahue, University of Michigan.

Soft X-Ray (MA-048.)—The purpose is twofold: (1) to produce a map of celestial soft x-ray emissions (0.1 to 1.0 Kev) and (2) to record the spatial dependence and time variability of atmospheric x-ray emissions connected with auroral activity. No systematc sky-survey has been made in the 0.1 to 1.0 kev energy range, but rocket observations have detected a diffuse background of celestial soft x-ray emissions. X-ray emissions from an aurora provide a sensitive indication of the incoming electron flux. A proportional counter will be externally mounted on the spacecraft; some spacecraft pointing at specific known objects is required.

Principal Investigator: Dr. Herbert Friedman, U.S. Naval Research Laboratory.

Doppler Tracking (MA-089).—The purpose is to detect and measure localized anomalies of the earth's gravity field. This experiment will test the low satellite pair approach to meeting GRAVSAT mission objectives. Disciplines benefiting from this experiment are earth physics, i.e. science of gravity field structure and plate tectonics. This experiment will make use of the existing Apollo VHF ranging system and recorder with a modification to make the ranging system partially phase coherent.

Principal Investigator: Dr. G. C. Weiffenbach, Dr. M. D. Grossi, Smithsonian Astrophysical Observatory.

Multipurpose Furnace (MA-010).—The purpose is to provide a means to perform experiments on solidification, crystal growth, and other processes involving phase changes in various types of materials. At least two semiconductor crystal growth, two controlled solidification and two spontaneous weightless effect experiments are to be conducted; one USSR sponsored experiment will also be performed. The furnace system is upgraded in a manner as suggested by the experience gained on Skylab. The furnace system is comprised of two units: the Multipurpose Furnace and the Control Package. The furnace provides three experiment chambers which have a hot zone, thermal gradient section, and a heat extraction section. The Control Package regulates the temperature of the hot zone, permits selection of the amount of soak time desired, cools the furnace at a predetermined rate, and shuts down the system. The instrument is located in the DM. The seven experiments associated with the multipurpose experiment are as follows:

Surface Tension Induced Convection (MA-041); Principal Investigator: Dr. R. E. Reed, Oak Ridge National Laboratories.

Monotectic and Syntectic Alloys (MA-044); Principal Investigator: Dr. C. Y. Ang, Northrop Corporation.

Interface Marking in Crystals (MA-060); Principal Investigator: Dr. Harry C. Gatos, Massachusetts Institute of Technology.

Zero-G Processing of Magnets (MA-070); Principal Investigator: Dr. D. J. Larson, Grumman Aerospace Corp.

Crystal Growth From the Vapor Phase (MA-085); Principal Investigator: Dr. Hervert Wiedemeier, Rensselaer Polytechnic Institute.

NaCl-Lif Eutectic (MA-131); Principal Investigator: Dr. Alfred S. Yue, UCLA.

USSR Multiple Material Melting (MA-150); Principal Investigator: Dr. I. Ivanov, Soviet Academy of Sciences.

Electrophoresis German (MA-014).—The purpose is to verify the electrophoresis concept in zero—"g"; to test the quality of separation at high sample flow rates; and to demonstrate the possibility of separating cells for clinical applications. A continuous flow apparatus is used to separate stained erythrocytes, live lymphocytes, and stem cells. The new data from these samples will provide information on the differentiation of cells responsible for production of antibodies and red blood cells. Maneuvering of the spacecraft should be held to a minimum during the two hours of experiment operation. The parts of this experiment to be returned to earth are the photographic data taken while the experiment was being operated and the experiment equipment.

Principal Investigator: Prof. Kurt Hannig, Max Planck Institute Germany.

Microbial Exchange (AR-002).—The purpose is to quantitatively monitor the microbial load and defense level of both crews and both vehicles. The ASTP mission offers a unique opportunity to assess the microbial interchange between two spacecraft and the crew as well as changes in their microbial flora from both aspects of susceptibility and immunity responses. The USSR delegation has expressed a high interest in this experiment. Samples will be collected at predesignated prelaunch times, during flight, and at preselected post-recovery times. An experiment package will be required for stowage in the Soyuz.

Principal Investigator: Dr. G. R. Taylor, NASA Johnson Space Center.

Zone Forming Fungi (MA-147).—The purposes are to determine the effect of local radiation factors on zone-forming rhythms (puschino strain) of fungus cultures and study possible changes in cultural properties (somatic and genetic changes) of the strain after space flight. The sample devices provided by the USSR will be launched onboard both the Apollo and Soyuz spacecraft with one set of samples being exchanged during the docked portion of flight. Photographs of the samples are to be taken at specified intervals during the flight of the developing fungal colonies.

Principal Investigator: Dr. I. G. Akoev, USSR; Dr. A. Nicogossian, U.S. Point of Contact.

Light Flash (MA-106).—The purpose is to correlate astronaut-observed light flashes in an instrumented light tight mask. It is desired to determine the efficiency of detection of charged particles such as galactic cosmic primaries that penetrate the atmosphere and geomagnetic earth shields sufficiently to interact with the central nervous system of the crew when in selected sectors of the orbit. The equipment is designed to ascertain at what frequency cosmic rays can be detected by the crew, what is the latitude dependence of this phenomena, and to ascertain if there are any other sensory phenomena from the particles that do in fact interact with other sensory tissue such as the cochlear nerve or organ of corti.

Principal Investigator: Dr. T. F. Budinger, Lawrence Radiation Laboratory, University of California, Berkeley.

Artificial Solar Eclipse (*MA–148*).—The purpose is to obtain photometric characteristics of the solar corona and the gaseous environment surrounding at the Apollo spacecraft. The Apollo spacecraft will be used to create an artificial eclipse of the sun with respect to the Soyuz spacecraft. The Apollo spacecraft would be required to perform a −X translation at undocking as accurately as possible. However, because the U.S. cannot provide a guarantee regarding the length of time the Apollo shadow would remain on Soyuz, alternate solutions are to be analyzed and discussed.

Principal Investigator: Dr. G. M. Nikolsky, USSR; Dr. Tom Giuli, U.S. Point of Contact.

Geodynamics (*MA–128*).—The purposes are: to evaluate the technique of tracking a spacecraft by range and rangerate measurement data relayed to a ground station via a communications relay satellite (ATS–F), and to determine any local anomalies of the earth's gravity field. This experiment is complementary to the Doppler experiment. Some specific attitude orientation will be required to obtain the necessary data.

Principal Investigator: Dr. F. O. Vonbun, Goddard Space Flight Center.

Biostack (*MA–107*).—The purpose is to investigate the biological effects of cosmic radiation and charged particles (HZE) during the space flight. The biostack consists of layers of several selected kinds of biological materials stacked alternately with different physical track detectors. The biological effects of galactic cosmic particles (HZE) under consideration are: molecular and cellular inactivation; damage to nuclear and other subcellular systems; induction of mutations leading to genetic information gained will extend and expand on the earlier information obtained from the Apollo 16 and 17 missions. The Biostack is to be placed in the CM in a location where shielding to the ambient cosmic radiation is as low as possible.

Principal Investigator: Prof. Horst Bucker, University of Frankfurt, Germany.

Crystal Growth (*MA–028*).—The purposes of this experiment are: to determine whether large, high-quality single crystals of insoluble compounds can be grown by allowiing two or more reactant solutions to diffuse toward each other through a pure water region in zero gravity; to obtain single crystals superior to those heretofore available for certain research and potential commercial applications; to obtain data for evaluating fully the theoretically predicted benefits of growing crystals by this and other zero gravity techniques and for improving the techniques. This experiment consists of an attempt to grow high-quality crystals of insoluble compounds in zero gravity at room temperature in water solutions by allowing reagents to diffuse into the water and react to form compounds. High temperature crystal growth methods performed on earth complicated by phase transformations which can result in various kinds of defects. The favorable results of the vapor transport crystal growth experiment flown on Skylab has generated the interest in this experiment. This experiment will be stowed in the CM.

Principal Investigator: Dr. M. D. Lind, Science Center, Rockwell International Corporation.

Stratospheric Aerosol Measurement (*MA–007*).—The purpose of this experiment is to measure the concentration and vertical distribution of aerosols in the stratosphere. Solar extinction will be measured by a photometer operating in the near infrared region of the spectrum in order to assess the use of this measuring technique in determining stratospheric constituents and concentration. Measurements will be performed while the spacecraft is approaching sunset or sunrise.

Principal Investigator: Dr. T. J. Pepin, University of Wyoming.

Electrophoresis Technology (*MA–011*).—The purposes of the Static Electrophoresis System are: to conduct engineering and operational tests of a space-rated statis electrophoretic separation apparatus that embodies major features of the technology needed for future electrophoresis operation in space and to ascertain any benefits to current research in medicine, biology, or other fields that may be achievable through experimental operations with the apparatus. This experiment will be a continued development of the static fluid electrophoresis technology carried out during the Apollo 14 and 16 missions and does not duplicate any of the technology objectices of electrophoresis experiment MA–014. It will attempt to evaluate the performance of several zonal separation methods and eliminate sedimentation problems encountered here on earth. This method is usually satisfactory for separating low molecular weight materials. Since the purpose of this technique is to verify and confirm an anticipated behavior, all flight data will be carefully compared with ground tests and established control limits. The actual sample capsules and film magazine are to be returned for performing the analysis.

Principal Investigator: Dr. Robert S. Snyder, NASA Marshall Space Flight Center.

Earth observations and Photography (*MA–136*).—The purpose of this experiment is to gather photographic and observational data in support of on-going research in the broad fields of geology, hydrology, and oceanography as well as observational data pertaining to meteorology. Included within this experiment is the Himalayan Snow proposal of Dr. Pisharoty who is to be considered the Principal Investigator for that portion of the photography. Dr. F. El-Baz, the Principal Investigator, will detail the photographic requirements of Dr. Pisharoty.

Principal Investigator: Dr. Farouk E. Baz, Smithsonian Institution, National Air and Space Museum.

Cellular Immune Response (*MA–031*).—The purpose is to characterize lymphocytic types and to evaluate lymphocytes for their responsiveness pre- and post-flight. The experiment requires analysis of pre- and post-flight blood samples.

Principal Investigator: Dr. B. Sue Criswell, Baylor College of Medicine.

Polymorphonuclear Leukocyte Response (*MA–032*).—The purpose is to evaluate the ability of human polymorphonuclear leukocytes to function properly in the disease prevention process following spaceflight. The ability of the white blood cells to protect the body from bacterial infection will be evaluated. This test of the leukocyte function will be evaluated before, immediately after, and at selected intervals after recovery of the crew. The experiment complements the human cellular immune response experiment and will be performed with pre- and post-flight blood samples.

Principal Investigator: Dr. R. R. Martin, Baylor College of Medicine.

Crystal Activation (*MA–151*).—The immediate objective is to measure the radioactivity of crystals caused by cosmic protons and secondary neutrons and protons produced in the spacecraft. Information will be gathered on space radiation in the energy range of 50 Kev to 10 Mev. Two cylindrical containers will be stowed in the spacecraft. The first is a NaI crystal detector identical to those flown on Apollo 15, 16 and 17. The other will contain Germanium and a number of metals selected to yield information on the nature of the particle flux. The crystals will be analyzed as soon as possible after spacecraft recovery.

Crystal activated radiation is an important data background for Gamma radiation measurements in space, since the radiation from the activated crystal is difficult to differentiate from the Gamma radiation. These independent ASTP measurements of the crystal activation will be instrumental in correcting past and future Gamma-ray space measurements.

Principal Investigator: Dr. J. Trombka, Goddard Space Flight Center.

AMERICA'S CHAMPION TOMATO GROWER

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. WYDLER. Mr. Speaker, one of my constituents in the fabulous Fifth Congressional District has, indeed, come up with a fabulous method of growing tomatoes. At a time when home gardening is increasing in popularity because of the rising cost of food, his method is not only most interesting but could be most helpful to the people of our country.

Mr. Leopold Klein claims that his method is the first major change in 200 years of gardening and, although his method has been used with great success in growing tomatoes, he is convinced that it can also be used to grow many other vegetables.

The multiplant method, which is the result of 30 years of personal research by Mr. Klein, is unique in that four tomato plants grow together in the same hole in the ground or a box above ground. Besides the many advantages, these units can produce as much as 100 pounds of tomatoes.

Though he recommends using the ground method, his famous box unit on wheels has been getting a big play in the newspapers. As a matter of fact, one visitor to his garden in Valley Stream, N.Y., looking at this unit loaded with red and green tomatoes, turned to his wife and said, "Look, a tomato machine!"

Another reason for the popularity of the box unit is that it can and is now being used on apartment balconies, replacing pots, cans, and so forth, and producing results that can compete with field plants.

Growing out in the field, a gardener digs out a square hole about 20 inches by 20 inches and about 18 inches deep. This is almost the size of the box unit.

A simple soil mixture is prepared above ground and dumped into the hole or box. Following simple instructions in his book, with over 100 step-by-step photos, it is almost impossible to prepare the soil incorrectly. Once the soil-bed is prepared, success is almost a certainty.

The multiplant method has been in use for about 10 years, and is now the only way he grows vegetables, with few exceptions. In the past 30 years he has tried just about every known method of growing tomatoes and has found this new method far superior to the old ways, on many counts.

When Mr. Klein worked on this new technique, he had in mind the home gardener with limited growing space. Since the tomato is definitely the king of the garden he did most of his research on tomatoes only. However, he now finds that peppers, eggplants, and all the vine crops work very well. He now has experiments using pole beans, bush beans and, will you believe, potatoes.

When one visits his garden you get the feeling that you are in a strange place, since it is all new. One side of his yard has boxes; some in beautiful two-tone colors. The other side has squares spaced about five feet apart, with different vegetables growing out of them. The rest is most green grass surrounding these units. That sloppy vegetable garden look seems to be missing.

Even if your soil is not good enough to grow good crops, you can have the best soil possible by finding the proper ingredients usually around the garden, mix it together and dump it in the hole or box.

You will not have to dig up your entire yard; use and dig only the squares you will actually need. You won't grow radishes in this deep loose mixture, but your tomatoes and similar vegetables will grow better than in your regular plot that was only dug 8 inches deep.

One watering will satisfy all four plants; about a minute of the hose for each unit. Thus 10 units can be watered in 10 to 15 minutes, and save hundreds of gallons of precious sprinkling water.

A simple but foolproof watering and feeding technique has been worked out that will make even the beginner an expert even the first time.

No miracle fertilizers or superplants are needed; it's just a case of having the right things in the right place at the right time.

It is important that this new technique is made known to the people. It is my feeling that this represents a great food potential, on a home garden level. This will allow farmers more room to grow other crops needed so badly, especially in other countries.

Mr. Klein has written a book which details this technique. It has been published by the William-Frederick Press, 55 East 86th Street, New York, N.Y.

MORE NEWSPAPER SUPPORT FOR THE MANASSAS NATIONAL BATTLEFIELD PARK BILL

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. HARRIS. Mr. Speaker, I am pleased to share with my colleagues a second newspaper editorial dealing with my bill, H.R. 8207, which would expand the boundaries of the Manassas National Battlefield Park. The Journal-Messenger of Manassas, Va., very eloquently discusses the merits of my bill and quite properly places it in the context of Prince William County's total needs.

The editorial follows:

[From the Journal Messenger, Manassas Va., Tuesday, July 22, 1975]

Public projects should be administered in such a manner as to provide the maximum benefit for the general public. The subversion of plans for the expansion of the Manassas National Battlefield Park to be used as a medium for opposition to the Marriott Great America theme park were wisely avoided by Congressman Herbert E. Harris in his remarks before an obviously biased group of Park neighbors Sunday evening. In covering the meeting, this editorial writer could not help but notice that many of those present wished to embroil the Congressman's proposal in their continuing fight to drive Marriott out of their own back yard. Some even expressed concern that the Park's future plans might open too much of the Park's land to public access and the possibility that their heretofore untrammeled vistas might be tarnished by the sight of fellow Americans partaking of one of our great historical heritages.

As the one who first suggested that Mr. Harris consider the proposal for the expansion of the Battlefield Park after his predecessor's eleventh-hour attempt to get such legislation through Congress, this editorial writer finds much to commend in this new bill. The bill charts the way for future expansion without committing any tax funds to the acquisition of property or scenic easements. Instead of imposing condemnation and coercion on property owners, the bill maintains the right of choice for all concerned. It provides an opportunity for the National Park Service to assimilate a modest amount of additional acreage to assure reasonable protection for the historic investment contained in the present boundaries. As such, the proposal should stand on its merits for what it can do for the general public under the administration of the Park Service.

Similiar planning should have been done many years ago, but since it had not been done, it is best that action in this direction begin now. The limited amount of taxable land which might be lost to the county tax rolls would be more than compensated by additional parkland within the county for which the taxpayers would not have to lay out one red cent for either acquisition or maintenance. In a county which is already overzoned and for which no reasonable master plan is likely to emerge, the expansion of the Park should serve as a buffer against additional spot zoning. Even if Marriott's refiled zoning request for its self-contained project should be approved, and expanded Battlefield Park offers the best hope of eliminating peripheral development in the vicinity.

In spite of the temptation to lump the Marriott application and the Battlefield Park legislation into one neat package, the two must be considered separately. The current hodgepodge of development which has been permitted to occur in Prince William County points up the future difficulty which may be experienced in acquiring land for historical or recreational purposes. It also underscores the need for the county to halt the proliferation of spot zoning and ill-planned development by early institution of a meaningful master plan. Expansion of the Battlefield is a federal matter which deserves the support of Prince William County citizens. Controlling the county's other development is a local matter which must be handled by supervisors with enough gumption to construct a no-nonsense comprehensive plan and stick to it.

In the interim, county citizens would do well to express support for the proposal to expand the Manassas National Battlefield Park. The legislation proposed has the double advantage of being non-coercive and free of drain on the taxpayer dollar. It charts a course for the future by enabling the National Park Service to make its acquisitions of land and easements as time and money permit. It is legislation which stands a good chance of passage by the Congress and ultimate approval by the President. It is legislation for the future whose groundwork must be laid today. The project should be backed on its merits and for no other reason. Other controversies should be settled elsewhere by those charged with the responsibility of handling them. The public interest demands no less.

JAR LID SHORTAGE HURTS AMERICANS

HON. CHARLES ROSE III

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. ROSE. Mr. Speaker, last week I gave testimony on the national problem of the canning jar lid shortage before the Subcommittee on Commodities and Services of the Small Business Committee. This subcommittee is headed by my distinguished colleague from Ohio, Mr. CHARLES CARNEY. I would like to commend Mr. CARNEY for his good investigative work on this matter of national interest to Americans everywhere.

The Washington Star also had an editorial describing my role in this continuing story. I would like to insert in the RECORD the Star editorial of July 22, 1975, and my testimony before Mr. CARNEY's subcommittee.

[From the Washington Star, July 22, 1975]

THE CAPITOL HILL CANNING LID CAPER

Representative Charles Rose's canning lid caper won't go down as one of the great events of congressional history, but it's evidence that at least one congressman is stirring on Capitol Hill. The way nothing seems to be happening on legislative business, we were afraid everyone up there had gone to sleep.

It seems that Rose's constituents down in North Carolina do a lot of home canning but, like most home canners in these days of tin shortage, can't find enough lids for canning jars. Rose, with his eye on votes as well as on the preservation of tomatoes, corn and beans, rose to the occasion by setting his congressional staff to cornering the Washington market on lids. Walking their fingers through the yellow pages, they found 2,160 lids at stores in the area, for which Rose shelled $54 out of his own pocket.

When the lid was blown off the project in The Star recently, it created quite a lot of sound and even a bit of fury. Six Washington area congressmen issued a statement (tongue-in-check, we guess) in which they threatened a "blockade" of Rose's congressional district if he didn't get the lids back here post haste.

Virginia Knauer, White House assistant for consumer affairs, exuded enough steam, which, if it could have been captured, would have been sufficient to put up at least three batches of home canned products. Mrs. Knauer accused Rose (a Democrat) of being unfair because the "average citizen" of the Washington area couldn't compete with all the resources of a congressman's office in the search for can lids.

We don't think Rose deserves all the criticism. After all, his constituents sent him here to look after their interests.

Rose suggested that if the administration is serious about its grow-your-own advice, Mrs. Knauer might better use her energies trying to find a way to ease the can lid shortage. Specifically he said she ought to investigate why there seems to be plenty of lids around if they are purchased along with expensive new jars and sealers.

That seems to us a good suggestion if this grow-now, eat-later project is to get out of the ground and onto the front burner.

REMARKS BY HON. CHARLIE ROSE, SUBCOMMITTEE ON COMMODITIES AND SERVICES, SMALL BUSINESS COMMITTEE

Mr. Chairman, two weeks ago the Washington Star spotlighted my efforts to help a group of constituents obtain some jar lids so they could put up fruit and vegetables for the coming year.

The story had a humorous touch, claiming I had "cornered the market" in Washington by sending these jar lids back home to North Carolina. This spirit continued the next day when the Members of Congress from this area took me to task with a tongue-in-cheek letter calling for a blockade of my district until I returned their lids.

Hopefully, these light-hearted pieces have helped call attention to the very serious problem that is facing thousands of families, particularly those farm families who for generations have depended on canning their abundant garden produce to sustain them during the coming fall and winter.

Unfortunately, several people only read the headlines of these stories or heard capsule versions repeated on radio and television. Among them apparently was Mrs. Virginia Knauer, the President's adviser on consumer affairs, who wrote me a letter on White House stationery accusing me of hoarding scarce supplies and not playing by the rules.

Although I was not extended the courtesy of receiving the letter before she dispatched a copy to the press, I would like first to set the record straight on this incident.

PHONE CALL FROM HOME

On July 7, I received a phone call from the director of civil defense in Columbus County, one of the areas I represent in Congress. He told me that 30 women from around Clarendon had come to his office with their problem—an inability to purchase canning jar lids. Mrs. Louise Williams, spokeswoman for the group, took the phone and described in great detail their travels about the area and the problems they faced with tomatoes, beans and cucumbers rotting in the garden. There were plenty of jars available in the stores—the complete sets of jars and lids and caps—but the price ranged up to $3 a dozen, not the 30-cents-a-dozen they were used to paying for the lids alone.

And, besides, the families all have canning jars which they have used from year to year—handed down from generation to generation. If they are forced to buy new jars each year, there would be no savings. They might as well pay the high prices for commercially canned fruits and vegetables.

Mrs. Williams concluded her conversation with, "Congressman Rose, we need your help." I told her I would try.

I had members of my staff give me an assessment of the problem. Their calls to the U.S. Department of Agriculture, the Office of Consumer Affairs and the Department of Commerce brought replies that there are adequate supplies of tin plate for manufacturing the lids, that the major companies are in full production, that the 1974 shortage would not be repeated, that—while some parts of the country may find shortages—supplies of jars and lids should be adequate if there is no hoarding and no breakdown in production.

Well, this is the sort of bureaucratic response we have become used to. I was not about to tell a group of constituents that supplies were adequate when they knew from personal experience that they were not.

It occurred to me that the demand in urban Washington might not be as great as that in my rural district. I put two summer interns, armed with the yellow pages of the telephone book and a map of the District of Columbia, to work calling local grocery stores. The big chain outlets had complete jars but no jar lids, and the smaller stores had the same response: "We have plenty of jars, but we can't get just the lids."

Among some 60 negative calls, the interns hit pay-dirt at three or four stores, including one that sold us a full case of lids that had been sitting on the shelf for more than a year. All in all, some 2,000 lids were located.

I called Mrs. Williams, told her of our results, and received assurances that the lids would get a fair distribution of no more than three dozen lids per family. The supplies were packed and mailed, and on July 10—after a hectic day in which half the county called for a share in the lids—Mrs. Williams acknowledged receipt with a delightful letter, enclosing the names and addresses of the families that had participated.

"I do feel so humble and thankful," she wrote. "I'm almost exhausted, but do feel that many children will have more food for the winter. And being able to share in this great cause is rewarding, knowing that I have had a small part in helping, means a lot to me. Thank you so very much."

That is what this little episode is all about, Mr. Chairman—helping a few farm families get more food this winter, helping a few average consumers combat the high cost of food.

CRISIS OF CONFIDENCE

Mrs. Knauer's criticism is a typical White House reaction: Veto congressional idea without getting all the facts and without offering any alternative.

We get a lot of assurances from the Administration these days, but the facts just don't add up, especially where the consumer is concerned.

We have been assured that there is a surplus of gasoline and petroleum products. Yet the price of gasoline just went up again.

Government economists tell us the recession is over. But nine million Americans are still looking for work.

The Federal Reserve assures us there will be adequate finances. But banks have begun to increase the prime rate again.

Last week, Secretary Butz confirmed another Russian wheat deal was under way. He assured us that wheat supplies were adequate and that there is no cause for alarm. I hope, for once, that he is right, because the American people are fed up with high food prices and the double talk they have been getting from Washington.

We have a crisis of confidence pervading the country. And this shortage of home canning supplies is symptomatic of the crisis.

Secretary Butz and Mrs. Knauer have both been urging American families to grow their own food as a means of combating high food prices. But while their offices were churning out publications urging more home gardens and more home canning, did they consider supplies? Does one hand really know what the other is doing?

The major response from the Administration—from official statements by Agriculture, Commerce and the Consumer Affairs Office—is that demand for home canning materials increased by 170 percent *in major part* due to planting of around six million new family gardens.

Mr. Chairman, this is no response. Six million new gardeners would explain a shortage of *jars*, but there is no shortage of *jars*. The new gardeners need a complete set of supplies—lids, caps and jars—and they can buy them. There are plenty of jars around.

The legion of new gardeners does not explain the shortage of *lids*—the product that can be used only once, the product that the *old* gardeners, the family farmers, need.

EXPLANATION QUESTIONED

We have been told that manufacturers shipped supplies of jars and lids first to the South, because that is where the growing season begins and where home canning starts. Then we were told there were reports of winter tourists buying up these supplies in the Southern states as they drove back to the Midwest this spring. But now there is a shortage in the Midwest too. The shortage is truly nationwide, affecting every consumer who tries to combat high food prices by home canning.

There is a potential effect on every *other* consumer as well. If the families do not have access to home-canned products, they will have to compete with urban consumers for commercially canned fruits and vegetables, and prices again will rise.

There is more going on here than the Executive branch press releases are telling us. The giant conglomerate of General Foods, for instance, apparently has plenty of jar lids. All you have to do is send in a quarter and a label from a jar of Sanka coffee to get some.

But why should a family be forced to buy a jar of coffee in order to obtain the essential ingredient for continuing the home canning process that has been part of their family ritual for generations?

Mrs. Knauer accuses me of not playing by the rules. Whose rules? Those of General Foods? Are we now committed to the slogan that, What is good for General Foods is good for the country?

HOPE FOR ANSWERS

Why should family farmers, who have handed down their canning jars for years suddenly be forced to go out and buy complete sets to get the all-important lids, which can only be used once? Clearly buying whole new sets means more income for the jar manufacturers. Could that fact be playing a part in this picture? Forcing consumers to buy whole sets would also be a good way to get rid of excess jars. Is that a factor in the current situation?

I hope the Federal Trade Commission, the Justice Department, and this esteemed and able Committee can come up with some of the answers to these questions, because I tell you, gentlemen, that what I have seen of the situation so far just does not add up to the explanations I have been given.

Mr. Chairman, in closing, I sympathize with the urban and suburban gardener who followed the advice of government officials who suggested they invest in seed, fertilizer, garden supplies and home canning equipment. The problems of these first-time-out food producers are real.

But they pale when compared with the plight of the small family farmers. With them, home-canned food means the difference between a balanced diet and subsistence for their children.

This is a very, very serious situation. I hope we will soon be able to sort out the problem and find the hitches which have developed in the delivery of jar lids to the gardeners and family farmers of this nation. Obviously we must act quickly as the harvest is already upon us.

Thank you.

THE WAY TO FIGHT INFLATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. RANGEL. Mr. Speaker, reports of the inflation which would follow a stimulated economy are not making life any more bearable for the millions that are currently without employment. The $16 billion in increased unemployment benefits and lost tax revenues that the AFL–CIO estimates each 1 percent increase in unemployment has cost the Government, is not curing the deficit in the Federal Treasury. Vetoes of jobs legislation by President Ford do not aid the 9 percent depending on compensation checks which one day will cease.

I am pleased to include in the RECORD an article from the New York Times by my distinguished colleague, Mr. REUSS. We cannot afford to ignore his words:

DEFEATING UNEMPLOYMENT NOW, NOT IN 1976

(By Henry S. Reuss)

Washington.—President Ford and his economic advisers appear to be so mesmerized by the specter of inflation that they are willing to live indefinitely with high unemployment, stagnant profits, an economy operating far below capacity.

The President, panicked by a depression-induced deficit, behaves as if his only fiscal tool is the veto. His monetary authorities, inopportuntely applying the brakes these last weeks, continue to deny relief to the hardest-hit sectors.

The danger is that the Administration will understimulate the economy now, accepting the tragic cost of unemployment, then feel compelled to "pour it on" next year as the elections draw near. The result would be a tragic rebound of inflation.

Not that President Ford is planning it that way; he is not prone to Machiavellian schemes. But the pressures on the Administration from Republican politicians around the country to jazz up the economy in 1976 will be hard to resist. An election-year splurge is exactly what the Nixon Administration did in 1972.

The Administration sent up essentially balanced budgets for the fiscal years 1969–72. Then, in January, 1972, with the Presidential election ten months away, it called for a whopping $28-billion deficit in the upcoming fiscal year—at the very time when unemployment was under 6 percent and dropping, and inflation serious enough to require continued price controls.

This would have been a deficit even in the "full employment" budget, meaning that with the revenue that would have been produced at 4 per cent unemployment the budget would still have been in the red.

Worse, $11.5 billion worth of additional spending was crammed into the first half of 1972, twice the increase over the previous six months of any period in postwar history!

The Federal Reserve, for its part, opened the floodgates. Surging demand for goods brought surging demands for liquidity, and the Fed accommodated all comers. In February, 1972, the money growth rate ballooned to 13.8 per cent (from 2.9 per cent over the previous six months), March, 11.6; April, 7.5; May, 3.9; June, 6.9; July, 11.8; August, 6.3; September, 7.7; October, 8.7; November, 6.2; and December, 14.7.

Not a word was said by the Administration about the inflationary effects of overstimulation.

Profits went up, unemployment down, and Richard Nixon was re-elected. Unfortunately, this starve-'em-then-stuff-'em strategy helped produce double-digit inflation and horrific unemployment after 1972.

Today President Ford is pursuing a fiscal policy best described as depressing. He seems to believe that the current monster deficit comes not from the fall-off of incomes and revenue but from some illusory surge in Federal spending.

This is bad economics and a bad basis for policymaking.

The two job-creating bills he has vetoed (public service employment, with one million jobs in the public sector; emergency housing, with 800,000 jobs in the private sector) are both within the $68.8 billion deficit contained in the Congressional budget resolution. And even that budget target is less than the $75 billion that would be called for to achieve a balanced "full employment" budget.

Clearly we cannot ignore inflation. I do not recommend another spending explosion of the stop-go sort we have seen too much of these last years. But if we are to lick both inflation and recession, we must create a climate of improvement, where both managers and workers alike believe that the conditions exist for steady recovery and growth. Only then will they make the long-term commitments necessary to get the economy on the move. And to do this we must start now.

President Ford's timid economics dashes any hope of reducing the highest unemployment since the nineteen-thirties to acceptable levels any time soon. The longer stagnation drags on, the costlier it will be to turn it around in 1976.

Millions of job-seekers will have endured the humiliation of unemployment; billions in revenue will have been let go by the board; and the sudden, large-scale stimulus needed to do the job in six months, rather than a year and a half, could bring back the kind of inflation everyone dreads.

Why not stimulate now? The 10 million unemployed would be grateful—maybe even to a Republican President.

THE DEFEAT OF S. 846

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. EARLY. Mr. Speaker, I have requested this time today to thank all of my colleagues in the House who voted yesterday against S. 846, to lift the ban on military aid to Turkey.

The issues here were clear. Would the Congress reestablish the United States' firm commitment to lend military assistance and aid to foreign nations only for the purposes of self-defense, internal security and collective defense measures consistent with the United Nation's Charter? Would we uphold the principles of law embodied in both the Foreign Military Sales Act and the Foreign Assistance Act? Were we prepared to exercise our constitutional right to act as a check on the executive branch in foreign affairs?

This is not the time for the United States to take sides in the seemingly endless Greek-Turkish-Cypriot problem. Greece and Turkey are both valuable U.S. allies and partners in NATO. We have laws to uphold—principles of our own foreign policy to set right. And, be it Turkey or Greece or any other nation receiving U.S. aid or assistance, we must make it clear the United States does not lend arms to an aggressor.

It is the Congress who controls the purse strings. Ultimately, we had to decide, first, under what conditions we would give military assistance to other nations, and second, where the bottom line of those conditions would rest. Turkey crossed that bottom line, and the Congress had no choice but to refuse further arms trade until such time as the aggressive action on the island of Cyprus ceases.

This so-called compromise bill presented to the administration was nothing more than another piecemeal approach to foreign policy and foreign aid—an abritrary approach, bordering on acquiescence to blackmail, and resting on feeble promises from a Prime Minister in serious political jeopardy in his own country. The facts are that Turkey holds 40 percent of the island of Cyprus and is daily committing atrocities against the people and property of that island that are staggering to the imagination and sickening to the spirit. There has been no effort on the part of the Turkish Government to open channels for negotiations—no effort to relax the crisis on Cyprus. And yet we were expected to believe that reopening military shipment channels will bring all of this about.

This embargo has only been in effect for 7 months. Hardly long enough to have its desired effect. Yet, we were told that Turkey was not responding to the embargo—that she was "stiffening" under our "threats." I can only contend that Turkey's reaction to the arms embargo rests on her belief that the American Congress would back down on this, as it had in similar instances in the past. But Turkey was wrong.

During the recent *Mayaguez* incident there was much talk of reestablishing American credibility internationally. I think this issue bears far more directly on our credibility. We must uphold our own laws, lest why do we bother to make them. We must require that the recipients of our aid meet the basic stipulations of their contracts, or we must terminate those contracts. Had we removed the ban on arms to Turkey we would have done nothing but paint a paper tiger.

There is another question involving Turkey that I was disappointed was not discussed further in yesterday's debate. That is the new crop of poppies being grown by Turkish farmers under the sanction of the Turkish Government. How can we continue to supply aid of any kind to a nation determined, despite our efforts—and they have been generous—to be the major source of heroine drug traffic in the United States. It is unfathomable to me that we have allowed a situation this volital and dangerous to thousands of young Americans to continue virtually unrecognized by this Congress.

Mr. Speaker, we must begin to establish American policy in foreign aid here and now. The vote against S. 846 was a beginning. We must make it known—so there can be no mistake—now or in the future—by Turkey or any other nation accepting military aid from the United States; the United States will not supply arms to any country for offensive aggression. We cannot honor a contract abused past the point of moral solvency. We will not be blackmailed. We will support our allies under the terms agreed to in our alliances. I honestly believe we can do no more—and no less.

TWO LONG ISLANDERS APPOINTED

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. DOWNEY of New York. Mr. Speaker, I take great pride today in informing my colleagues of important appointments conferred on two distinguished residents of Suffolk County.

I am especially pleased because each of these individuals are members of congressional advisory committees that I established early this year in the Second Congressional District.

Dr. Anthony F. Fragola, who has just been named as the first medical director of the Good Samaritan Hospital in West Islip, has been serving as the chairman of my medical advisory committee.

Dr. Chen Ning Yang, Nobel-prize winning physicist and a member of my congressional energy advisory committee, has been appointed to the special advisory committee for the 30th anniversary bicentennial project of the Board of Foreign Scholarships.

Two articles from South Bay's-Babylon newspaper, July 16, 1975, detail these noteworthy accomplishments and they are reprinted below:

FIRST MEDICAL HEAD NAMED AT GOOD SAM

The Board of Directors of Good Samaritan Hospital, West Islip, has announced the appointment of Anthony F. Fragola, M.D. of Bay Shore as the first Medical Administrator of the 365-bed non-profit community hospital.

Dr. Fragola began his new fulltime position recently, twenty years after he first began his specialty practice in Otolaryngology (ear, nose and throat) on the south shore of Suffolk County.

Dr. Fragola, a past president of the Suffolk County Medical Society and the Suffolk Academy of Medicine, was most recently the president of the Medical Board of Good Samaritan and a member of the medical staff at Southside Hospital, Bay Shore.

A graduate of Fordham University, Dr. Fragola received his medical degree from the University of Rome, Italy. After a rotating internship at Bushwick Hospital, Brooklyn, he served as an officer with the United States Army in the European theatre during World War II. He left his general practice of medicine when he was recalled to service during the Korean War and after his discharge with the rank of major, he completed his residency in Otolaryngology at the Bronx Veterans Administration Hospital. A fellow of the American College of Surgeons, Dr. Fragola is a past president of the Bay Shore Lions Club and former chairman of the St. Patrick's Parish Council, Bay Shore.

NOBEL LAUREATE CHOSEN

Dr. Chen Ning Yang, Albert Einstein Professor of Physics at the State University of New York at Stony Brook and corecipient of the Nobel Prize for Physics (1957), has been named to the special advisory committee for the 30th anniversary bicentennial project of the presidentially-appointed Board of Foreign Scholarships.

Dr. Yang will join former Senator J. William Fulbright, chairman, and nine additional distinguished scholars, educators and journalists on the committee. Among the committee members are included James H. Billington, Director of the Woodrow Wilson International Center for Scholars at the Smithsonian Institution; Barbara W. Newell, President of Wellesley College; Alan J. Pifer, President of the Carnegie Corporation of New York and the Carnegie Foundation for the Advancement of Teaching; and James B. Reston, columnist for The New York Times and two-time recipient of the Pulitzer Prize. * * * Link for Human Understanding," which will have as its primary objective a review of the impact of international educational exchange and consideration of its future role in the development of a world community.

Distinguished former Fulbright-Hays students and scholars will be selected to make presentations at a series of meetings in May 1976, which will include regional conferences to be held on college and university campuses and an international convocation to be held in Washington, D.C. Fulbright-Hays alumni, educators, legislators, business and civic leaders will be invited to participate in the meetings.

HIGH COSTS AND LOW PRICES CREATE FARM TRAGEDY

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1975

Mr. OBEY. Mr. Speaker, last week, reporter Mike Jackson presented a most moving and important story on the NBC Nightly News. Mr. Jackson reported on the fate of a dairy farmer who has been forced out of business by high costs and low prices. His report illustrated, in striking human terms, the crisis our dairy farmers are facing, and it gave some much-needed attention to a problem that has too often been neglected by the news media.

Although this particular farmer was from Minnesota, his story is being repeated all over the country. In my own State we have already lost 1,000 farmers so far this year, and there is no relief in sight. It has long been my belief that a strong and self-sufficient dairy industry is vital to American consumers as well as farmers. News reports such as this one are one of the best means I know of to impress the American people with the tremendous economic pressures our dairy farmers are facing, and the tragic consequences those pressures hold for individual farmers, as well as for the Nation.

Often I hear expressed the feeling that network news is biased toward urban life and does not seem to adequately communicate the problems faced by rural America. I frankly disagree with that. I think that on balance during the last 3 years the plight of farmers has been more adequately explained to the American people by the television networks than by any other group in our society. I have seen at least 9 or 10 different segments on the evening news throughout the last year which make quite clear—to anyone who is willing to listen—the cost-price squeeze faced by farmers across the country and dairy farmers in particular.

I want to commend Mr. Jackson and the NBC Nightly News for this clear description of the human problems faced by dairy farmers.

I know that because of the milk money scandals some people view dairying as a plush business with huge herds, huge real estate and plenty of bucks floating around. That picture may describe 5 percent of American dairying but it does not describe the plight of the average dairy farmer in the State of Wisconsin who gets up at 5:30 in the morning, runs the farm through the efforts of Ma, Pa, and the kids, has 40 cows, not 400 or 4,000, and has to work mighty hard—harder than most people I know would be willing to work—in order to make a halfway decent living.

The NBC effort last week contributed to giving the American people a more clear understanding of what life is really like for all too many people these days down on the farm.

I commend Mr. Jackson and the NBC Nightly News staff for this fine effort, and request that the transcript of the report be printed in the RECORD.

TRANSCRIPT OF A SEGMENT FROM THE NBC NIGHTLY NEWS, JULY 16, 1975

MIKE JACKSON. There are dairy farm sales almost every week in Minnesota and Wisconsin. Farmers like Clifford Greenwood giving up the business because they say there's no money in it.

Greenwood grew up on a farm, but worked in the city as a transmission mechanic to earn enough to buy his own dairy herd. Two years ago, he bought this 100-acre farm. Back then, dairy prices were good. But prices have dropped; costs have risen; and Clifford Greenwood has given up.

CLIFFORD GREENWOOD. I can go up to the bank today, and borrow money. But I hate to work half to death and keep on borrowing money to break even. I'm hoping that someday I can say "this is mine, and nobody can take it away from me." And I'm not gonna do it by keeping cost.

JACKSON. Clifford Greenwood couldn't even break even selling out. His 22 cows cost almost $600 dollars a piece two years ago. At his auction, he got little more than half that.

Many of the farmers at the auction maintain that Clifford Greenwood's farm was just the right size to succeed. His was a one-man operation. Overhead was low. But profits he could make from milk were not nearly enough to cover his expenses.

Clifford doesn't know who to blame. He did everything he could do to make it. But he says the government hurt him by not raising milk support prices; and by continuing to import milk from other countries, competing with his herd and driving down prices.

JACKSON. How do you feel, Clifford?

GREENWOOD. Not worth a damn. If you really want to know, I could bawl.

JACKSON. If you had it to do over again, would you go back into the dairy business?

GREENWOOD. Never. Not on your life, my life, or anybody elses. You work your life to buy a herd of cows, then give 'em away. What I'd like to see is just everybody just quit farming, then we'll see what city folks think about high priced feed—food—and where they're gonna get it from.

JACKSON. Clifford Greenwood thinks he and other dairymen have been taken for granted. And now—by going out of business and not producing milk—he says he hopes to get even. Mike Jackson, NBC News, Bertha, Minnesota.

Mr. OBEY. Mr. Speaker, we can thank a number of people for the plight that farmers like Clifford Greenwood find themselves in. We can thank the House of Representatives for refusing by 20 votes to include in the farm bill passed last March 20 the provision increasing dairy support prices to 85 percent. But most of all, we can thank Secretary Butz for providing the misleading information about the consumer cost of the dairy section of the bill which many urban Members of Congress mistakenly believed when they voted to strike the dairy section from the bill. And even more importantly, we can thank the Secretary and the President for their opposition to dairy support increases in general and their insistence upon vetoing even the watered down farm bill sent to them by Congress on May 1.

I hope this Government has sense enough to change its position the next time we have a farm bill before us. It will not help Clifford Greenwood but it might help a lot of other people and in the process it might also help to keep the United States self-sufficient in dairy products.

SENATE—*Saturday, July 26, 1975*

(Legislative day of Monday, July 21, 1975)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. RICHARD STONE, a Senator from the State of Florida.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father, ever near to all who call upon Thee, teach us how to pray not only in the reverent and solemn moment of public ceremony, but while we work and wait. May every day be a National Day of Prayer in this Chamber. Strengthen our weakness. Sharpen our thinking. Quiet our fretting. Keep us patient and kind amid little irritations, and major confrontations. For extra duties and prolonged sessions impart to us added grace and strength. And may we ever be guided by Him who is the Light of the World. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 26, 1975.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. RICHARD STONE, a Senator from the State of Florida, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. STONE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Friday, July 25, 1975, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. MANSFIELD. I ask unanimous consent that the Senate turn to the consideration of the certain measures on the calendar beginning with Calendar No. 295 and concluding with Calendar No. 315.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. HANSEN. Reserving the right to object, Mr. President, is the distinguished majority leader asking for approval on everything between Calendar No. 295 and 315?

Mr. MANSFIELD. No, we have three "overs."

Mr. HANSEN. I have not even seen them.

Mr. MANSFIELD. No, but I talked to the assistant Republican leader, and they have been cleared with everyone, all but three. If the Senator has any objection, I will be glad to withdraw consideration of them all.

Mr. HANSEN. I was not trying to object, Mr. President, I am simply trying to find out what the bills are about. I understood that there was a possibility we might be taking up some of the energy bills, and I have not even read through them.

Mr. MANSFIELD. No, these are out of the Committee on Rules and they have to do with financing committees.

Mr. HANSEN. I have no objection, Mr. President.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE ON AERONAUTICS AND SPACE SCIENCES

The Senate proceeded to consider the resolution (S. Res. 37) authorizing additional expenditures by the Committee on Aeronautical and Space Sciences for inquiries and investigations which had been reported from the Committee on Rules and Administration with amendments as follows:

On page 1, in line 8, strike out "February 28, 1975" and insert "February 29, 1976".

On page 2, in line 15, strike out "February 28, 1976" and insert "February 29, 1976".

On page 2, in line 18, strike out "committee" and insert "committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate".

The amendments were agreed to:

The resolution, as amended, was agreed to, as follows:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Aeronautical and Space Sciences, or any subcommittee thereof, is authorized from March 1, 1975, through February 29, 1976, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $57,000, of which amount not to exceed $1,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1976.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON AGRICULTURE AND FORESTRY

The Senate proceeded to consider the resolution (S. Res. 15) authorizing additional expenditures by the Committee on Agriculture and Forestry for inquiries and investigations, which had been reported from the Committee on Rules and Administration with amendments as follows:

On page 2, in line 6, strike out "$250,000" and insert "$335,000".

On page 2, in line 17, strike out "committee" and insert "committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate".

The amendments were agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Agriculture and Forestry, or any subcommittee thereof, is authorized from March 1, 1975, through February 29, 1976, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $335,000, of which amount not to exceed $11,201 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1976.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

The Senate proceeded to consider the resolution (S. Res. 87) authorizing additional expenditures by the Committee on Armed Services for inquiries and investigations, which had been reported from the Committee on Rules and Administration with amendments as follows:

On page 2, in line 17, strike out "$605,000" and insert "$493,300".

On page 2, in line 23, strike out "$487,000" and insert "$428,300".

On page 3, in line 23, strike out "$118,000" and insert "$65,000".

On page 4, in line 10, strike out "$645,000" and insert "$533,300".

The amendments were agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Armed Services, or any subcommittee thereof, is authorized from March 1, 1975, through February 29, 1976, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel or any such department or agency.

SEC. 2. The Committee on Armed Services is authorized from March 1, 1975, through February 29, 1976, to expend not to exceed $40,000 for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The Committee on Armed Services, or any subcommittee thereof, is authorized from March 1, 1975, through February 29, 1976, to expend not to exceed $493,300, to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries in accordance with such succeeding sections of this resolution.

SEC. 4. Not to exceed $428,300 shall be available for a general study or investigation of—

(1) the common defense generally;

(2) the Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force generally;

(3) soldiers' and sailors' homes;

(4) pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces;

(5) selective service;

(6) the size and composition of the Army, Navy, and Air Force;

(7) forts, arsenals, military reservations, and navy yards;

(8) ammunition depots;

(9) the maintenance and operation of the Panama Canal; including the administration, sanitation, and government of the Canal Zone;

(10) conservation, development, and use of naval petroleum and oil shale reserves;

(11) strategic and critical materials necessary for the common defense; and

(12) aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.

SEC. 5. Not to exceed $65,000 shall be available for studies and investigations pertaining to military readiness and preparedness for the common defense generally.

SEC. 6. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1976.

SEC. 7. Expenses of the committee under this resolution, which shall not exceed in the aggregate $533,300, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

The Senate proceeded to consider the resolution (S. Res. 57) authorizing additional expenditures by the Committee on Banking, Housing and Urban Affairs for inquiries and investigations, which had been reported from the Committee on Rules and Administration with amendments as follows:

On page 2, in line 10, strike out "$890,000" and insert "$762,200".

On page 2, in line 16, strike out "$415,000" and insert "$388,500".

On page 3, in line 6, strike out "$145,000" and insert "$140,200".

On page 3, beginning with line 12, strike out:

SEC. 6. Not to exceed $90,000 shall be available for oversight activities pertaining to all matters over which the committee has jurisdiction under rule XXV 1(e).

On page 3, in line 15, strike out "7" and insert "6".

On page 3, in line 20, strike out "February 28, 1976" and insert "February 29, 1976".

On page 3, in line 21, strike out "8" and insert "7".

On page 3, in line 23, strike out "committee" and insert "committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate".

The amendments were agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Banking, Housing and Urban Affairs, or any subcommittee thereof, is authorized from March 1, 1975, through February 29, 1976, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Banking, Housing and Urban Affairs, or any subcommittee thereof, is authorized from March 1, 1975, through February 29, 1976, to expend not to exceed $762,200 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries in accordance with such succeeding sections of this resolution.

SEC. 3. Not to exceed $388,500 shall be available for a study or investigation of—

(1) banking and currency generally;

(2) financial aid to commerce and industry;

(3) deposit insurance;

(4) the Federal Reserve System, including monetary and credit policies;

(5) economic stabilization, production, and mobilization;

(6) valuation and revaluation of the dollar;

(7) prices of commodities, rents, and services;

(8) securities and exchange regulations;

(9) credit problems of small business; and

(10) international finance through agencies within legislative jurisdiction of the committee.

SEC. 4. Not to exceed $233,500 shall be available for a study or investigation of public and private housing and urban affairs generally.

SEC. 5. Not to exceed $140,200 shall be available for an inquiry and investigation pertaining to the securities industry.

SEC. 6. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1976.

SEC. 7. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE BUDGET

The Senate proceeded to consider the resolution (S. Res. 50) authorizing additional expenditures by the Committee on the Budget for inquiries and investigations, which had been reported from the Committee on Rules and Administration with amendments as follows:

On page 2, in line 6, strike out "$1,892,000" and insert $1,681,400".

On page 2, in line 7, strike out "$133,500" and insert "$198,500".

On page 2, in line 17, strike out "committee" and insert "committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate".

The amendments were agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on the Budget, or any subcommittee thereof, is authorized from March 1, 1975, through February 29, 1976, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,681,400, of which amount not to exceed $198,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1976.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

RESOLUTION PASSED OVER

The resolution (S. Res. 63), authorizing additional expenditures by the Committee on Commerce for inquiries and investigations, was announced as next in order.

Mr. MANSFIELD. Over.

The ACTING PRESIDENT pro tempore. The resolution will be passed over.

STUDY OF CERTAIN FEDERAL AGENCIES

The Senate proceeded to consider the resolution (S. Res. 71) authorizing a study of the purpose and current effectiveness of certain Federal agencies, which had been reported from the Committee on Rules and Administration with amendments as follows:

On page 9, in line 4, strike out "chairmen of the".

On page 9, in line 6, strike our "Commerce, acting jointly with the ranking minority members of both committees," and insert "Commerce".

On page 9, in line 8, strike out "July 1, 1976, to" and insert "February 29, 1976".

On page 9, in line 14, strike out "consent to" and insert "request".

On page 9, in line 14, strike out "assignment" and insert "transfer".

On page 9, in line 22, strike out "July 1, 1976," and insert "February 29, 1976,".

On page 10, beginning with line 6, strike out:

SEC. 5. For the purpose of this resolution, the Committee on Commerce is authorized to expend, from the contingent fund of the Senate, from March 1, 1975, through September 1, 1976, not to exceed $375,000, upon vouchers signed by the chairman of that committee, with the approval of the ranking minority member. For the purpose of this resolution, the Committee on Government Operations is authorized to expend, from the contingent fund of the Senate, from March 1, 1975, through September 1, 1976, not to exceed $375,000, upon vouchers signed by the chairman of that committee with the approval of the ranking minority member.

And insert:

SEC. 5. (a) The expenses of the Committee on Government Operations under this resolution shall not exceed $250,000, of which amount not to exceed $166,700 may be expended for the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(b) Expenses of the Committee on Government Operations under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SEC. 6. (a) The expenses of the Committee on Commerce under this resolution shall not exceed $216,700, of which amount not to exceed $208,000 may be expended for the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(b) Expenses of the Committee on Commerce under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

The amendments were agreed to.

The resolution, as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

Whereas there are a large number of Federal and State agencies which regulate in significant ways various aspects of the Nation's economy;

Whereas the proliferation of such agencies over a long period of time, and under a variety of circumstances, has resulted in overlapping regulatory jurisdictions, conflicting mandates, and procedures that have affected the efficient operation of the Government and the economy;

Whereas to consider certain reforms in Federal and State regulatory policies and in the operations and organization of the agencies, a Senate committee study is indicated to review the effectiveness of the agencies and consider any necessary legislation: Now, therefore, be it

Resolved, That the Senate Committee on Government Operations and the Senate Committee on Commerce are authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with their jurisdiction specified in rule XXV of the Standing Rules of the Senate to conduct a cooperative study of instrumentalities in the Federal and State governments with substantial economic, health, or safety regulatory authority, activities of which affect the growth or efficiency of the economy, or the quality or safety of goods or services, or the health or safety of the general public.

SEC. 2. (a) The study shall contain findings, conclusions, and recommendations concerning activities within the Federal regulatory agencies with respect to—

(1) the most serious deficiencies within the regulatory process which tend to contribute to inflation, lessen competition, or which adversely affect the public and regulated companies,

(2) the extent to which certain areas of the national economy are over-regulated or under-regulated, with special emphasis on overlapping regulatory jurisdictions, conflicting mandates, and actual implementation of existing laws and regulations,

(3) the economic costs and benefits of regulation, or the lack thereof, with special emphasis on the inflationary impact of regulation on the cost to the consumer of goods and services, the added costs to manufacturers and suppliers in providing goods and services, the anticompetitive effects of some regulation, the degree of market concentration in regulated as opposed to nonregulated industries, and productivity factors affected by regulation,

(4) the continued appropriateness or applicability of original regulatory purposes and objectives as mandated by statute, and an evaluation of the purposes and objectives which regulation should now serve,

(5) the consequences to the Nation of selective deregulation in specified areas or selective modification of regulatory purposes, operations, and procedures in specific areas,

(6) the need for, and specific recommendations concerning increased or more stringent antitrust enforcement as a higher order national priority, including proposals for any new legislation which may be needed or for restructuring of the Federal antitrust effort,

(7) specific recommendations for legislative actions to improve the effectiveness, efficiency, and responsiveness to the public of Federal regulatory agencies, including but not limited to the following—

(A) selective elimination of specific regulatory functions, procedures, activities, or practices;

(B) selective elimination, merger, or transfer or overlapping or related regulatory jurisdictions, mandates, or functions;

(C) revisions in the laws, regulations, structure, operation, procedures, activities, or mechanisms of the regulatory agencies; and

(D) elimination, transfer, or separation out of the subsidy-granting or other forms of promotional activities performed by regulatory agencies which adversely affect or interfere with their principal regulatory responsibilities;

(8) an evaluation of other proposals for improving the effectiveness, efficiency, and responsiveness to the public of the regulatory agencies including, but not limited to, an evaluation of proposals—

(A) encouraging the enunciation of broad policy guidelines by the regulatory agencies instead of continuing to permit nuclear policies to develop impliedly through a series of case-by-case decisions or adjudications involving differing facts and circumstances;

(B) making the regulatory responsibilities of selected or all regulatory agencies more independent of the executive branch by requiring simultaneous submission of budget and legislative requests to the President and the Congress, and by permitting each regulatory agencies to independently control and supervise its own litigation in the Federal courts;

(C) eliminating collegial commissions altogether or selectively, and replacing the commission form with a single administrator;

(D) revising procedures for selecting commissioners and reviewing their qualifications, including the designation or establishment of a distinguished Board of Regulatory Review to provide its recommendations or guidance on names submitted by the President as possible appointees for regulatory agency positions;

(E) revamping the conflict-of-interest statutes or their applicability to regulatory agency officials, so as to limit the movement of persons from a regulated industry or a related industry to the agency which regulates that industry, and the movement of persons from the agency back to the regulated industry;

(F) limiting the removal of regulatory agency officials to reason relating to their inefficiency, neglect of duty, or malfeasance in office;

(G) making regulatory agency officials, in their personal capacity, civilly or criminally responsible for intentional misuse or abuse of their office for reasons relating to (i) their disclosure of trade secrets or other confidential or privileged information; (ii) their failure to make information available to the public pursuant to the Freedom of Information Act; (iii) their failure to open up agency meetings, sessions, and agency advisory committee meetings and sessions to the public; or (iv) their neglect or failure to carry out the provisions of the laws administered by them;

(H) providing for the payment of reasonable costs and expenses in agency proceedings of intervenors on behalf of the public or consumer interests and an assessment of the manner by which such proposal might be implemented across the board including the anticipated costs therefor;

(I) creating a new Administrative Court of the United States as an expert judicial unit to handle agencies;

(J) amending the Administrative Procedure Act and modifying agency rules to expedite regulatory agency proceedings as a means of facilitating more timely decisionmaking and preventing wasteful costs attendant to agency delays;

(K) substituting direct subsidies, where appropriate, for complicated and cumbersome regulatory schemes, with hidden taxes and costs, which aim at achieving a particular economic or social purpose;

(L) improving the information-gathering, analysis, storage, and retrieval systems within the regulatory agencies while lessening the paperwork burden both within the agencies and within the regulated industries by avoiding needless duplication; and

(M) providing for more effective means of informing the public of the activities within the regulatory agencies and their specific or general impact on the public interest in matters of particular importance or impact;

(9) recommendations for assuring an ongoing review and assessment of the economic costs and benefits, and the deficiencies of Federal regulatory activities, including proposals for limiting the growth of bureaucracy, and phasing out selected agencies or establishing a time certain within which they would expire unless Congress specifically renews their mandates by legislative enactment, and

(10) a realistic and detailed assessment of the costs or savings, transitional, interim, and long-term, of Commission proposals and recommendations for regulatory reform.

(b) The study shall also consist of findings, conclusions, and recommendations concerning activities within State, regional, and local regulatory agencies which tend to contribute to inflation, lessen competition, or which adversely affect the public and the regulated companies. The report shall give special emphasis to areas where Federal regulatory activities interact with or are affected by the activities of State, regional, or local regulatory units, and where the latter activities, or the absence of misdirection thereof, have an important inflationary impact.

(c) As used in this resolution, the term "Federal regulatory agency" includes any existing independent Federal agency which, as one of its principal responsibilities, exercises regulatory functions affecting one or more segments of American industry, as well as an agency or governmental unit within an agency or department of the Federal Government which exercises such regulatory functions as one of its principal activities.

(d) In carrying out their responsibilities under this section, the committees shall utilize, wherever appropriate, all existing studies, investigations, reports, and other existing material relevant to their responsibilities.

SEC. 3. For the purposes of this resolution the Committee on Government Operations and the Committee on Commerce are authorized through February 29, 1976 (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, (4) to request the transfer of personnel of other committees of the Senate to assist in carrying out the purposes of this resolution, and (5) to appoint an advisory panel or panels of nongovernment experts, having fair representation from business, labor, and consumer interests.

SEC. 4. The Committee on Commerce and the Committee on Government Operations shall prepare and submit not later than February 29, 1976, to the Senate a joint report on the findings of the study authorized by this resolution. Each such committee shall report its recommendations for such legislation as that committee deems advisable to the Senate. Where findings and recommendations for legislation relate to an agency which is subject to the jurisdiction of another committee of the Senate, such findings and recommendations shall be forwarded to that committee for appropriate action.

SEC. 5. (a) The expenses of the Committee on Government Operations under this resolution shall not exceed $250,000, of which amount not to exceed $166,700 may be expended for the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(b) Expenses of the Committee on Government Operations under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SEC. 6. (a) The expenses of the Committee on Commerce under this resolution shall not exceed $216,700, of which amount not to exceed $208,000 may be expended for the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(b) Expenses of the Committee on Commerce under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the resolution (S. Res. 30) authorizing additional expenditures by the Committee on the District of Columbia for inquiries and investigations, which had been reported from the Committee on Rules and Administration with amendments as follows:

On page 2, in line 5, strike out "$175,000" and insert "$130,300".

On page 2, in line 16, strike out "committee" and insert "committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate."

The amendments were agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on the District of Columbia, or any subcommittee thereof, is authorized from March 1, 1975, through February 29, 1976, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $130,300, of which amount not to exceed $7,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1976.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON FINANCE

The Senate proceeded to consider the resolution (S. Res. 51) authorizing additional expenditures by the Committee on Finance for inquiries and investigations, which had been reported from the Committee on Rules and Administration with amendments as follows:

On page 2, in line 2, strike out "$990,000" and insert "$181,000, of which amount not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended)."

On page 2, in line 13, strike out "committee" and insert "committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate".

The amendments were agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Finance, or any subcommittee thereof, is authorized from March 1, 1975, through February 29, 1976, in its discretion (1) to make expenditures from the contingent fund of the Senate, and (2) to employ personnel.

SEC. 2. The expenses of the committee under this resolution shall not exceed $181,000, of which amount not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1976.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

The Senate proceeded to consider the resolution (S. Res. 84) authorizing additional expenditures by the Committee on Foreign Relations for a study of matters pertaining to the foreign policy of the United States, which had been reported from the Committee on Rules and Administration with amendments on page 1, in line 8, after "1976," strike out "for the purposes stated and within the limitations imposed by the following sections,".

On page 2, beginning with line 8, strike out:

SEC. 2. The Committee on Foreign Relations is authorized from March 1, 1975, through February 29, 1976, (1) to expend not to exceed $60,000 for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The Committee on Foreign Relations, or any subcommittee thereof, is authorized from March 1, 1975, through February 29, 1976, to expend not to exceed $1,522,000 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries and to the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) in accordance with such succeeding sections of this resolution.

SEC. 4. Not to exceed $885,000 shall be available for a study of matters pertaining to the foreign policy of the United States, of which amount not to exceed $25,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 5. Not to exceed $390,000 shall be available for a study or investigation of multinational corporations and their effect on United States foreign policy, of which amount not to exceed $20,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 6. Not to exceed $247,000 shall be available for a study or investigation of foreign assistance and economic policy, of which amount not to exceed $15,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 7. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1976.

SEC. 8. Expenses of the committee under this resolution, which shall not exceed in the aggregate $1,522,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

And insert in lieu thereof:

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,083,300, of which amount not to exceed $60,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1976.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

The amendments were agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Foreign Relations, or any subcommittee thereof, is authorized from March 1, 1975, through February 29, 1976, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,083,300, of which amount not to exceed $60,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1976.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS

The Senate proceeded to consider the resolution (S. Res. 49) authorizing additional expenditures by the Committee on Government Operations for inquiries and investigations, which had been reported from the Committee on Rules and Administration with amendments as follows:

On page 2, in line 11, strike out "$2,406,362" and insert "$2,308,000".

On page 2, in line 21, strike out "$239,200" and insert "$237,200".

On page 9, in line 16, strike out "$388,544" and insert "$383,144".

On page 10, in line 7, strike out "$258,618" and insert "$238,468".

On page 11, in line 9, strike out "$292,000" and insert "$222,850".

On page 12, in line 4, strike out "$115,000" and insert "$113,338".

On page 13, in line 15, strike out "$2,406,362" and insert "$2,308,000".

On page 13, in line 18, strike out "committee" and insert "committee, except that vouchers shall not be required for the disbursement of salaries of employees at an annual rate".

The amendments were agree to.

The resolution, as amended, was agreed to, as follows:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Government Operations, or any subcommittee thereof, is authorized from March 1, 1975, through February 29, 1976, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent funds of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Government Operations, or any subcommittee thereof, is authorized from March 1, 1975, through February 29, 1975, to expend not to exceed $2,308,000 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries and to the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) in accordance with such succeeding sections of this resolution.

Sec. 3. Not to exceed $237,200 shall be available for a study or investigation of—

(1) budget and accounting measures, other than appropriations;

(2) reorganizations in the executive branch of the Government;

(3) reports of the Comptroller General of the United States and recommendations deemed necessary or desirable in connection with such reports;

(4) the operation of Government activities at all levels with a view to determining its economy and efficiency;

(5) the effects of laws enacted to reorganize the legislative and executive branches of the Government; and

(6) the intergovernmental relationships between the United States and the States, municipalities, and international organizations;

of which amount not to exceed $20,000 may be expended for the procurement of individual consultants or organizations thereof.

Sec. 4. (a) Not to exceed $1,113,000 shall be available for a study or investigation of—

(1) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflict of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entites with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public: *Provided*, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of the particular branch of the Government under inquiry, and may extend to the records and activities of persons, corporations, or other entities dealing with or affecting that particular branch of the Government;

(2) the extent to which criminal or other improper practices of activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(3) syndicated or organized crime which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions which are in violation of the law of the United States or of the State in which the transactions occur, and, if so, the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, what facilities, devices, methods, techniques, and technicalities are being used or employed, and whether or not organized crime utilizes such interstate facilities or otherwise operates in interstate commerce for the development of corrupting influences in violation of the law of the United States or the laws of any State, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activities have infiltrated into lawful business enterprise; and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against the occurrences of such practices or activities;

(4) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety;

(5) riots, violent disturbances of the peace, vandalism, civil and criminal disorder, insurrection, the commission of crimes in connection therewith, the immediate and longstanding causes, the extent and effects of such occurrences and crimes, and measure necessary for their immediate and long-range prevention and for the preservation of law and order and to insure domestic tranquility within the United States;

(6) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(A) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(B) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents, and

(C) the adequacy of present intergovernmental relationships between the United States and international organizations principally concerned with national security of which the United States is a member; and

(D) legislative and other proposals to improve these methods, processes, and relationships;

(7) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(A) the collection and dissemination of accurate statistics on fuel demand and supply;

(B) the implementation of effective energy conservation measures;

(C) the pricing of energy in all forms;

(D) coordination of energy programs with State and local government;

(E) control of exports of scarce fuels;

(F) the management of tax, import, pricing, and other policies affecting energy supplies;

(G) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(H) the allocation of fuels in short supply by public and private entities;

(I) the management of energy supplies owned or controlled by the Government;

(J) relations with other oil producing and consuming countries;

(K) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(L) research into the discover and development of alternative energy supplies; *Provided*, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of the particular branch of the Government under inquiry, and may extend to the records and activities of persons, corporations, or other entities dealing with or affecting that particular branch of the Government;

of which amount not to exceed $20,000 may be expended for the procurement of the services of individual consultants or organizations thereof.

(b) Nothing contained in this section shall affect or impair the exercise by any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(c) For the purpose of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcomittee designated by the chairman, from March 1, 1975, through February 29, 1976, is authorized, in its, his, or their discretion, (1) to require by subpena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (2) to hold hearings, (3) to sit and act at any time or place during the sessions, recesses, and adjournment periods of the Senate, (4) to administer oaths, and (5) to take testimony, either orally or by sworn statement.

Sec. 5. Not to exceed $383,144 shall be available for a study or investigation of intergovernmental relationships between the United States and the States and municipalities, including the fiscal interrelationship between the Federal Government and State and local governments and the manner in which Federal assistance is disbursed to State and local governments, and including an evaluation of studies, reports, and recommendations made thereon and submitted to the Congress by the Advisory Commission on Intergovernmental Relations pursuant to the provisions of Public Law 80–380, approved by the President on September 24, 1959, as amended by Public Law 89–733, approved by the President on November 2, 1966; of which amount not to exceed $15,000 may be expended for the procurement of the services of individual consultants or organizations thereof.

Sec. 6. Not to exceed $238,468 shall be available for a study or investigation of the efficiency and economy of operations of the Federal Government with respect to—

(1) policies, procedures, and activities affecting—

(A) the accounting, financial reporting, and auditing of government obligations and expenditures;

(B) the oversight of Federal agency and program performance and effectiveness;

(C) the development and effectiveness of fiscal, budgetary, and program information systems and controls; and

(D) the development and improvement of management capability and efficiency;

(2) policies, procedures, and activities affecting—

(A) preparation and submission of Federal regulatory agency budgets to Congress; and

(B) data collection and dissemination by Federal regulatory agencies; and

(3) review and evaluation of procedures and legislation with respect to Federal advisory committees, Federal reports, questionnaires, interrogatories;

of which amount not to exceed $15,000 may be expended for the procurement of services of individual consultants or organizations thereof.

Sec. 7. Not to exceed $222,850 shall be available for a study or investigation of the efficiency and economy of operations of all branches of the Government with respect to—

(1) Federal spending practices, particu-

larly Federal procurement, and the laws, regulations, and procedures governing Federal contracts, grants, transfer payments, and other spending arrangements; the Office of Federal Procurement Policy and other executive branch organizations responsible for Federal spending practices;

(2) the efficiency and economy of Federal spending practices, as applied and used to meet agency statutory charters and program objectives; and

(3) all measures relating to the open public conduct of the meetings of all branches of the Government;

of which amount not to exceed $10,000 may be expended for the procurement of the services of individual consultants or organizations thereof.

Sec. 8. Not to exceed $113,338 shall be available for a study or investigation of the economy, efficiency, and productivity of the operations of the Federal Government with respect—

(1) the development of—

(A) methods and procedures to effectively oversee the operations of the executive branch; and

(B) methods by which Federal programs may be effectively reviewed and analyzed;

(2) budget measures, other than appropriations, or matters within the jurisdiction of the Committee on the Budget as provided in the Congressional Budget and Impoundment Control Act of 1974, including—

(A) the formulation and submission to Congress of budget recommendations by the President; and

(B) the review and authorization of budget requirements by the Congress; and

(C) the execution and control of authorized budget obligations and expenditures;

(3) the utilization and disposal of Federal property and administrative services, including the management of Federal records and archives; and

(4) the evaluation of efforts to reduce the volume of Federal paperwork;

of which amount not to exceed $2,500 may be expended for the procurement of services of individual consultants or organizations thereof.

Sec. 9. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1976.

Sec. 10. Expenses of the committee under this resolution, which shall not exceed in the aggregate $2,308,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for this disbursement of salaries of employees paid at an annual rate.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

The Senate proceeded to consider the resolution (S. Res. 66) authorizing additional expenditures by the Committee on Interior and Insular Affairs for inquiries and investigations, which had been reported from the Committee on Rules and Administration with amendments as follows:

On page 2, in line 11, strike out "$817,000" and insert "$624,900".

On page 2, in line 12, strike out "(1)".

On page 2, beginning with line 16, insert:

Sec. 3. (a) The committee shall continue the study of national fuels and energy policy authorized pursuant to S. Res. 45, agreed to on May 3, 1971. In carrying out the purposes authorized by S. Res. 45, the committe shall make—

(i) a full and complete investigation and study (including the holding of public hearings in appropriate parts of the Nation) of the current and prospective fuel and energy resources and requirements of the United States and the present and probable future alternative procedures and methods for meeting anticipated requirements, consistent with achieving other national goals, including the high priorities—national security and environmental protection; and

(ii) a full and complete investigation and study of the existing and prospective governmental policies and laws affecting the fuels and energy industries with the view of determining what, if any, changes and implementation of these policies and laws may be advisable in order to simplify, coordinate, and provide effective and reasonable national policy to assure reliable and efficient sources of fuel and energy adequate for a balanced economy and for the security of the United States, taking into account: the Nation's environmental concerns, the investments by public and private enterprise for the maintenance of reliable, efficient, and adequate sources of energy and fuel and necessary related industries, and the need for maintenance of an adequate force of skilled workers.

(b) In carrying out the investigations set forth in S. Res. 45, agreed to on May 3, 1971, the committee shall, in addition to such other matters as it may deem necessary, give consideration to—

(i) the proved and predicted availabilities of our national fuel and energy resources in all forms and factors pertinent thereto, as well as to worldwide trends in consumption and supply;

(ii) projected national requirements for the utilization of these resources for energy production and other purposes, both to meet short-range needs and to provide for future demand for the years 2000 and 2020;

(iii) the interests of the consuming public, including the availability in all regions of the country of an adequate supply of energy and fuel at reasonable prices and including the maintenance of a sound competitive structure in the supply and distribution of energy and fuel to both industry and the public;

(iv) technological developments affecting energy and fuel production, distribution, transportation, and/or transmission, in progress and in prospect, including desirable areas for further exploration and technological research, development, and demonstration;

(v) the effect that energy producing, transportation, upgrading, and utilization has upon conservation, environmental, and ecological factors, and vice versa;

(vi) the effect upon the public and private sectors of the economy of any recommendations made under this study, and of existing governmental programs and policies now in effect;

(vii) the effect of any recommendations made pursuant to this study on economic concentrations in industry, particularly as these recommendations may affect small business enterprises engaged in the production, processing, and distribution of energy and fuel;

(viii) governmental programs and policies now in operation, including not only their effect upon segments of the fuel and energy industries, but also their impact upon related and competing sources of energy and fuel and their interaction with other governmental goals, objectives, and programs; and

(ix) the need, if any, for legislation designed to effectuate recommendations in accordance with the above and other relevant considerations, including such proposed amendments to existing laws as necessary to integrate existing laws into an effective long-term fuels and energy program.

(c) In furtherance of the purposes of S. Res. 45, agreed to on May 3, 1971, the chairman and ranking minority member of each of the Committees on Aeronautical and Space Sciences, on Commerce, on Finance, on Foreign Relations, on Government Operations, on Labor and Public Welfare, and on Public Works, or members of such committees designated by such chairmen and ranking minority members to serve in their places, and the ranking majority and minority Senate members of the Joint Committee on Atomic Energy, or Senate members of such committee designated by such ranking majority and minority members to serve in their places, shall participate and shall serve as ex officio members of the committee for the purpose of conducting the Senate's National Fuels and Energy Policy Study.

(d) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1976.

On page 6, in line 10, strike out "3" and insert "4".

On page 6, in line 12, strike out "committee" and insert "committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate."

The amendments were agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Interior and Insular Affairs, or any subcommittee thereof, is authorized from March 1, 1975, through February 29, 1976, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, and (4) to consent to the assignment of personnel of other committees of the Senate to assist in carrying out the purposes of section 3 of this resolution. Travel and other expenses, other than salary, of any personnel from other committees assigned to the committee pursuant to this paragraph for the purposes of section 3 of this resolution may be paid under this resolution.

Sec. 2. The expenses of the committee under this resolution shall not exceed $624,900, of which amount not to exceed $35,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended).

Sec. 3. (a) The committee shall continue the study of national fuels and energy policy authorized pursuant to S. Res. 45, agreed to on May 3, 1971. In carrying out the purposes authorized by S. Res. 45, the committee shall make—

(i) a full and complete investigation and study (including the holding of public hearings in appropriate parts of the Nation) of the current and prospective fuel and energy resources and requirements of the United States and the present and probable future alternative procedures and methods for meeting anticipated requirements, consistent with achieving other national goals, including the high priorities—national security and environmental protection; and

(ii) a full and complete investigation and study of the existing and prospective governmental policies and laws affecting the fuels and energy industries with the view of determining what, if any, changes and implementation of these policies and laws may be advisable in order to simplify, coordinate, and provide effective and reasonable national policy to assure reliable and efficient sources of fuel and energy adequate for a balanced economy and for the security of the United States, taking into account: the Nation's environmental concerns, the investments by public and private enterprise for the maintenance of reliable, efficient, and adequate sources of energy and fuel and necessary related industries, and the need for maintenance of an adequate force of skilled workers.

(b) In carrying out the investigations set forth in S. Res. 45, agreed to on May 3, 1971, the committee shall, in addition to such other matters as it may deem necessary, give consideration to—

(i) the proved and predicted availabilities of our national fuel and energy resources in all forms and factors pertinent thereto, as well as to worldwide trends in consumption and supply;

(ii) projected national requirements for the utilization of these resources for energy production and other purposes, both to meet short-range needs and to provide for future demand for the years 2000 and 2020;

(iii) the interests of the consuming public, including the availability in all regions of the country of an adequate supply of energy and fuel at reasonable prices and including the maintenance of a sound competitive structure in the supply and distribution of energy and fuel to both industry and the public;

(iv) technological developments affecting energy and fuel production, distribution, transportation, and/or transmission, in progress and in prospect, including desirable areas for further exploration and technological research, development, and demonstration;

(v) the effect that energy producing, transportation, upgrading, and utilization has upon conservation, environmental, and ecological factors, and vice versa;

(vi) the effect upon the public and private sectors of the economy of any recommendations made under this study, and of existing governmental programs and policies now in effect;

(vii) the effect of any recommendations made pursuant to this study on economic concentrations in industry, particularly as these recommendations may affect small business enterprises engaged in the production, processing, and distribution of energy and fuel;

(viii) governmental programs and policies now in operation, including not only their effect upon segments of the fuel and energy industries, but also their impact upon related and competing sources of energy and fuel and their interaction with other governmental goals, objectives, and programs; and

(ix) the need, if any, for legislation designed to effectuate recommendations in accordance with the above and other relevant considerations, including such proposed amendments to existing laws as necessary to integrate existing laws into an effective long-term fuels and energy program.

(c) In furtherance of the purposes of S. Res. 45, agreed to on May 3, 1971, the chairman and ranking minority member of each of the Committees on Aeronautical and Space Sciences, on Commerce, on Finance, on Foreign Relations, on Government Operations, on Labor and Public Welfare, and on Public Works, or members of such committees designated by such chairmen and ranking minority members to serve in their places, and the ranking majority and minority Senate members of the Joint Committee on Atomic Energy, or Senate members of such committee designated by such ranking majority and minority members to serve in their places, shall participate and shall serve as ex officio members of the committee for the purpose of conducting the Senate's National Fuels and Energy Policy Study.

(d) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1976.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

RESOLUTION PASSED OVER

The resolution (S. Res. 72), authorizing additional expenditures by the Committee on the Judiciary for inquiries and investigations was announced as next in order.

Mr. MANSFIELD. Over.

The ACTING PRESIDENT pro tempore. The resolution will be passed over.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON LABOR AND PUBLIC WELFARE

The Senate proceeded to consider the resolution (S. Res. 40) authorizing additional expenditures by the Committee on Labor and Public Welfare for inquiries and investigations, which had been reported from the Committee on Rules and Administration with amendments as follows:

On page 2, in lien 5, strike out "1,850,000" and insert "$1,800,000".

On page 2, in line 16, strike out "committee" and insert "committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate".

The amendments were agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Labor and Public Welfare, or any subcommittee thereof, is authorized from March 1, 1975, through February 29, 1976, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,800,000, of which amount not to exceed $90,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1976.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

The Senate proceeded to consider the resolution (S. Res. 52) authorizing expenditures by the Committee on Post Office and Civil Service, which had been reported from the Committee on Rules and Administration with an amendment on page 2, in line 13, strike out "committee" and insert "committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate".

The amendment was agreed to.

The resolution, as amended, was agreed to as follows:

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(e) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Post Office and Civil Service, or any subcommittee thereof, is authorized from March 1, 1975, through February 29, 1976, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $235,000.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1976.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON PUBLIC WORKS

The Senate proceeded to consider the resolution (S. Res. 44) authorizing additional expenditures by the Committee on Public Works for inquiries and investigations which had been reported from the Committee on Rules and Administration with amendments as follows:

On page 2, line 7, strike out "$875,000" and insert "$848,600".

On page 2, in line 18, strike out "committee" and insert "committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate".

The amendments were agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Public Works, or any subcommittee thereof, is authorized from March 1, 1975, through February 29, 1976, in its discretion, (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $848,600, of which amount not to exceed $12,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1976.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

The Senate proceeded to consider the resolution (S. Res. 53) authorizing additional expenditures by the Committee on Veterans' Affairs for inquiries and investigations, which had been reported from the Committee on Rules and Administration with amendments as follows:

On page 2, in line 7, strike out "$304,000" and insert "$294,300".

On page 2, in line 18, strike out "committee" and insert "committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate".

The amendments were agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That, in holding hearings reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Veterans' Affairs, or any subcommittee thereof, is authorized from March 1, 1975, through February 29, 1976, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $249,300 of which amount not to exceed $60,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1976.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

ADDITIONAL EXPENDITURES BY THE SELECT COMMITTEE ON SMALL BUSINESS

The Senate proceeded to consider the resolution (S. Res. 47) authorizing additional expenditures by the Select Committee on Small Business, which had been reported from the Committee on Rules and Administration with amendments as follows:

On page 2, in line 21, strike out "$263,000" and insert "$212,700".

On page 3, in line 7, strike out "committee" and insert "committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate".

The amendments were agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That the Select Committee on Small Business, in carrying out the duties imposed upon it by S. Res. 58, Eighty-first Congress, agreed to February 20, 1950, as amended and supplemented, is authorized to examine, investigate, and make a complete study of the problems of American small and independent business and to make recommendations concerning those problems to the appropriate legislative committees of the Senate.

SEC. 2. For purposes of this resolution, the committee, or any subcommittee thereof, is authorized from March 1, 1975, through February 29, 1976, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, (4) to procure the temporary services (not in excess of one year) to intermittent services of individual consultants, or organizations thereof, in the same manner and under the conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946, and (5) to provide assistance for the members of its professional staff in obtaining specialized training, in the same manner and under the same conditions as any such standing committee may provide that assistance under section 202(j) of such Act.

SEC. 3. The expenses of the committee under this resolution shall not exceed $212,700, of which amount (1) not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof, and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee.

SEC. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1976.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

RESOLUTION PASSED OVER

The resolution (S. Res. 54), continuing and authorizing additional expenditures by the Select Committee on Nutrition and Human Needs was announced as next in order.

Mr. MANSFIELD. Over.

The ACTING PRESIDENT pro tempore. The resolution will be passed over.

ADDITIONAL EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

The Senate proceeded to consider the resolution (S. Res. 62) continuing and authorizing additional expenditures by the Special Committee on Aging, which had been reported from the Committee on Rules and Administration with amendments as follows:

On page 1, in line 4, strike out "February 9, 1976" and insert "February 29, 1976".

On page 3, in line 15, strike out "$561,000" and insert "$485,100".

On page 4, in line 3, strike out "committee" and insert "committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate".

The amendment were agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That the Special Committee on Aging, established by S. Res. 33, Eighty-seventh Congress, agreed to on February 13, 1961, as amended and supplemented, is hereby extended through February 29, 1976.

SEC. 2. (a) The committee shall make a full and complete study and investigation of any and all matters pertaining to problems and opportunities of older people, including, but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and, when necessary, of obtaining care of assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

(b) A majority of the members of the committee or any subcommittee thereof shall constitute a quorum for the transaction of business, except that a lesser number, to be fixed by the committee, shall constitute a quorum for the purpose of taking sworn testimony.

SEC. 3. (a) For purposes of this resolution, the committee is authorized from March 1, 1975, through February 29, 1976, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to hold hearings, (3) to sit and act at any time or place during the sessions, recesses, and adjournment periods of the Senate, (4) to require by subpena or otherwise the attendance of witnesses and the production of correspondence, books, papers, and documents, (5) to administer oaths, (6) to take testimony orally or by deposition, (7) to employ personnel, (8) with the prior content of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency, and (9) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same condition as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946.

(b) The minority shall receive fair consideration in the appointment of staff personnel pursuant to this resolution. Such personnel assigned to the minority shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

SEC. 4. The expenses of the committee under this resolution shall not exceed $485,100, of which amount not to exceed $15,000 shall be available for the procurement of the services of individual consultants or organizations thereof.

SEC. 5. The committee shall report the results of its study and investigation, together with such recommendations as it may deem advisable to the Senate at the earliest practicable date, but not later than February 29, 1976. The committee shall cease to exist at the close of business on February 29, 1976.

SEC. 6. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

ADDITIONAL EXPENDITURES BY THE SPECIAL COMMITTEE ON NATIONAL EMERGENCIES AND DELEGATED EMERGENCY POWERS

The Senate proceeded to consider the resolution (S. Res. 10) continuing and authorizing additional expenditures by the special Committee on National Emergencies and Delegated Emergency Powers, which had been reported from the Committee on Rules and Administration with amendments as follows:

On page 2, in line 18, strike out "February 28, 1976" and insert in lieu thereof "February 29, 1976".

On page 2, in line 20, strike out "$151,000" and insert in lieu thereof "$120,000".

On page 2, in line 21, strike out "$25,000" and insert in lieu thereof "$5,000".

On page 3, in line 7, strike out "two co-chairman" and insert in lieu thereof "co-chairmen".

On page 3, in line 8, strike out "committee" and insert "committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate".

The amendments were agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That the Special Committee on National Emergencies and Delegated Emergency Powers, established by Senate Resolution 9, Ninety-third Congress, agreed to January 6, 1973, as continued and supplemented by Senate Resolution 242, Ninety-third Congress, agreed to March 1, 1974, is continued through February 29, 1976.

SEC. 2. In carrying out such function, the special committee is authorized from March 1, 1975, through February 29, 1976, in is discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to hold hearings, (4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (5) to require, by subpena or otherwise, the attendance of witness and the production of correspondence, books, papers, and documents, (6) to take depositions and other testimony, (7) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended, and (8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 3. For the period from March 1, 1975, through February 29, 1976, the expenses of the special committee under this resolution shall not exceed $120,000, of which amount not to exceed $5,000 shall be available for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended.

SEC. 4. The special committee shall make the final report required by section 5 of that Senate Resolution 9, Ninety-third Congress, and modified by Senate Resolution 242, Ninety-third Congress, not later than February 29, 1976, instead of February 28, 1975.

SEC. 5. Expenses of the special committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the co-chairman of the special committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

TURKEY—UNITED STATES AND NATO RELATIONS

Mr. MANSFIELD. Mr. President, I am somewhat concerned at the action taken in the other body 2 days ago on the matter of the sale of arms to Turkey. It is not a matter of the legitimacy of the action taken based on the law as it applies, because in that respect, they are absolutely correct. But it is a matter of the strength of NATO and the relationship of NATO to the United States. I have been one of those who have consistently sought and will in the future seek to bring about a decided reduction in the number of deployed American troops and military personnel in Europe, that personnel plus dependents, numbers well over 500,000 at the present time, and costs this country approximately $22 billion to maintain. While I advocate reductions, I do so in the strong belief that of all of our security arrangements, that with the North Atlantic countries under the North Atlantic Treaty is the most important, the most significant, and the most vital.

I would point out, Mr. President, that the southern flank of NATO is, to put it mildly, in a state of disarray at the moment. Portugal has a new government. What its future will be and what its relation to NATO will be no one can say at this time.

Italy has seen recent strong Communist gains in regional elections, and the economy of Italy is not in good shape.

Greece is involved with Turkey over the question of Cyprus, and just what positions of strength both Greece and Turkey provide to NATO at the present time is open to question.

The result is that Portugal, at one end, Greece and Turkey, at the other end, are at the moment very weak links in the NATO chain of defense.

I would point out, Mr. President, that it was the Greek colonels, whom this country recognized, who were responsible for the first act of aggression insofar as Cyprus was concerned: the Turks retaliated because of this act developed by the Greek colonels, a situation was precipitated in that country which, in my opinion, has tended to further weaken the southeastern flank of NATO.

I would hope that some way could be found to consider this matter of aid to Turkey because, Mr. President, may I say, if it is not, Greece itself will suffer in the long run. As far as the Republic of Cyprus is concerned it, too, will continue to suffer because there will be no give on the Turkish end.

If the Turks cannot buy arms from this country, moreover, they will buy them from Europe, either Western, Eastern or the Soviet Union; and if they need the money they will get it from the Arab countries.

Turkey is a Moslem country. Turkey has adopted a handsoff, strictly correct, attitude as far as the Middle East is concerned. What is going to be the result of a lack of action or an action which turns down an arms sales request which, I understand, has been entered into for some months? Will they with their thousand-mile frontier with the Soviet Union turn in that direction? Will they become more actively interested in the Middle East, which is troubled enough at the present time? Will they withdraw from NATO? Will they make concessions on Cyprus?

These are questions to ponder because as long as the present situation exists there will be no give on Cyprus.

As far as the Greek Government is concerned, with Karamanlis, the premier, and one of the outstanding statesmen in Europe, being buffeted from the right and from the left, and with the Cyprus question in his backyard all the time, his position may well become weakened.

So I reiterate, as I have on other occasions, the extreme significance of the situation which affects Turkish-United States and, perhaps, Turkish-NATO relations: The frontier with the Soviet Union; the need for arms, where will they get them, and where will they get the money to pay for those arms; a more active participation in the affairs of the Middle East; a holdback of a settlement on Cyprus and, possibly, in the long run because of Cyprus, a weakening of the present Greek Government which, I think, ought to be given all the support it needs. It has at long last—after the overthrow of the colonels' clique, which started the whole thing—they have a government which is democratic. They have a leader in the person of Premier Karamanlis to whom the world can look up, a man of great integrity and ability, a man Greece needs at this time, but a man who must be given some support in helping to bring about a settlement of this situation to the end that Cyprus' future will not hang like an albatross around his neck.

I hope, Mr. President, that Congress, in its wisdom, will not give up on a reconsideration of this matter so that some degree of stability can be maintained in the Aegean and in Southeast Europe, and so that these possibilities which I mentioned will not come to pass.

Mr. GRIFFIN. Mr. President, I wish to commend our distinguished majority leader for the statesmanlike remarks he has just delivered, demonstrating once again that he is not only an effective leader of his party but is also a very effective leader of our country.

I trust and hope that his words will be heard not only in the Senate but on the other side of the Capitol. He has stated most eloquently the case and the need for the legislative action requested by the President.

In recent months and years the legislative branch of the Government has been seeking to assert a more active role in the formulation of the foreign policy of our country.

If Congress is to play a responsible role in that field, then it is important for Members of Congress to realize that foreign policy cannot be based on day-to-day domestic political considerations; that our foreign policy must follow a steady and responsible course based on the long-term best interests of the Nation.

Perhaps, we do not have a great deal to beat our chests about in the Senate. It is true that we passed the needed legislation by only one vote. But we did pass it, with the support of our leadership on both sides of the aisle.

I hope the other body, where I had the privilege of serving for 10 years, will respond affirmatively to the President's request and to the implicit suggestion of the majority leader that it reconsider its action, not only for the sake of the country but for the sake of Congress, which seeks, and should have, a more important and effective role in foreign policy.

Mr. HANSEN. Mr. President, I, too, would like to commend the distinguished majority leader for his very wise and considered and tempered remarks this morning.

I have heard from a number of my very fine and admired constituents in Wyoming on this issue. A majority are proud of their Greek heritage and I find many things on which they and I, can, and do agree that are proud moments in the long history of the Greek people.

I think it is extremely unfortunate that on this issue, we, do oftentimes reflect the feelings or yield to the pleas of a majority of our constituents, or those we know particularly well, rather than to try to view an issue of this kind in the context of what is best for America.

I have taken occasion in times past to send to my inquiring and disapproving friends in Wyoming, or to a number of them, speeches made by the distinguished majority leader.

I did that several months ago when I thought he outlined better than I have ever seen it done by any other person, precisely the important elements in this issue and why we had to consider the understandable result that would obtain in Turkey if we took the action we did, as the distinguished majority leader has pointed out here this morning.

On the strict issue of following the law, we cannot argue that there was use by Turkey of American supplied arms to commit acts of aggression in Cyprus. But I recall so well what the majority leader said several months ago when he observed that at that time those people in Cyprus—and not only Premier Karamanlis but others as well—understood that if America were by its actions to alienate Turkey, and if as a consequence of that alienation we severed all ties, then what clout we may have had previously and what influence we might hope to exercise in the future in a resolution of the tough, knotty, thorny problem of Cyprus would indeed have been lessened very materially.

I thought what the majority leader said needed to be repeated and needed to be understood by all people.

We cannot, as we have learned time after time, not only in this body but in real life experience as well, undo all the wrongs or the errors of the past. There is no way we can go back and change the moving finger of time.

So it is not or should not be a question of trying to look back under the short span of history and say that here is a wrong that was committed so we are going to react another way and try to undo that or penalize somebody for an action that has displeased someone or that, indeed, has offended someone.

I just want to say that I agree completely with the distinguished minority whip in applauding our majority leader for his statesmanship and his ability to help us put things in perspective.

I hope that the other body will do it, too, because far more is at stake than the issue of the resolution of these troubles between Greece and Turkey.

Mr. HATFIELD subsequently said: Mr. President, this morning we had, again, one of those very rare and, I think, helpful experiences of listening to a résumé by the distinguished majority leader (Mr. MANSFIELD) concerning the problems of the Mediterranean, involving the countries of Greece and Turkey.

I think we are all cognizant of the fact that the majority leader has a very distinguished record and career as an academician, a man who has been trained and schooled in history, having had the responsibility to teach young people in a university.

With such an outstanding background of academic experience, we come to think, oftentimes, that people become less than pragmatic or practical in the field of politics.

But I think we have seen in the political career of the majority leader the application and implementation of that knowledge and experience in the academic classroom in a very practical and pragmatic way. His analysis this morning was an example of that point. He not only is a man skilled in understanding the background and history of peoples, but also has the ability to apply that knowledge to current events.

I appreciate very much not only his ability to do that in reference, this morning, to Greek and Turkish relations, but also the fact that he has demonstrated his ability to be a conservator of words. He gets to the point, makes it quickly and eloquently, and that is that. Lest my comments and commendation extend beyond the length of his analysis of a very complex issue, I simply congratulate him and express my personal appreciation for his erudite and most practical understanding of this complex problem.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes with statements therein limited to 5 minutes each.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries.

RESCISSIONS AND DEFERRALS—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. STONE) laid before the Senate a message from the President of the United States proposing five rescissions and reporting 23 new deferrals of budget authority available for obligation in fiscal year 1976, which was referred to the Committees on Appropriations, Budget, Agriculture and Forestry, Interior and Insular Affairs, Labor and Public Welfare, Public Works, Government Operations, Banking, Housing and Urban Affairs, and Commerce, jointly, pursuant to the order of January 30, 1975. The message is as follows:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith propose five rescissions and report 23 new deferrals of budget authority available for obligation in fiscal year 1976. The rescission proposals total $90.2 million and the new deferrals total $541.8 million. In addition, I am reporting an increase of $1.0 million in deferrals previously transmitted.

Rescissions of budget authority are proposed for programs in the Community Services Administration and the Departments of Agriculture, Interior, and Health, Education, and Welfare. The rescissions are proposed for a variety of reasons: to avoid duplicative efforts, to preserve the effective and limited uses of demonstration programs, and because program objectives can be met with lesser amounts than have been made available.

The majority of the new deferrals I am reporting—14 of 23—defer the obligation of funding provided by the continuing resolution for 1976 (Public Law 94-41). I have proposed that several ongoing programs be reduced, terminated, or transferred to other agencies beginning in fiscal year 1976. The Congress has not yet completed action on the 1976 regular appropriation bills or on my proposed modifications of certain programs. In the meantime, it has generally provided for all programs to receive temporary appropriations at ongoing rates. I am deferring obligations above the levels I have proposed, pending completion of Congressional action on my proposals. The remaining new deferrals are routine in nature and have little or no effect on program levels.

The details of each deferral and proposed rescission are contained in the attached reports.

This special message increases to eight the number of rescissions now pending before the Congress. I urge prompt, positive action on each of them.

GERALD R. FORD.

THE WHITE HOUSE, *July 26, 1975.*

ADDITIONAL FUNDS TO CONTINUE THE FOOD STAMP PROGRAM—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. STONE) laid before the Senate a message from the President of the United States requesting an additional $3 billion to continue the Food Stamp program, which was referred to the Committee on Agriculture and Forestry. The message is as follows:

To the Congress of the United States:

Due to the existing law which invites almost unlimited expansion of the Food Stamp program, the cost of the program has nearly doubled in the past 6 months. The unemployment rate has also been a factor in the increase. To continue the Food Stamp program for the remainder of this fiscal year, I am forced to ask the Congress for an additional $3 billion over the $3.8 billion which I requested in my budget submitted in February.

Accordingly, I am today transmitting to the Congress a budget amendment requesting these additional funds.

The flaws in the existing law easily can be seen. Only 10 years ago, there were fewer than 500,000 people participating in the program at a cost of $36 million. Today, the number of participants has expanded to 20 million and the cost to $6.8 billion. Furthermore, if all those presently eligible under current law suddenly signed up for the program, estimates are that between 40 and 60 million persons would be receiving food stamps.

In short, what has evolved in just 10 years is another massive, multibillion dollar program, almost uncontrolled and fully supported by Federal taxpayers.

Some claim that the Food Stamp program cannot be controlled and that ever-increasing costs are inevitable. I refuse to accept that proposition. Every public program is controllable. The Food Stamp Act was placed on the Statute books by the Congress which has the power and authority to amend the law.

Earlier this year, I submitted a proposal which would have required all participants in this program to pay a proportionate share of their total income for food stamps. This plan would have continued assistance to those in need and would have distributed benefits on an equitable basis. This reform was rejected by the Congress. Had it been approved, a savings of $1 billion in fiscal year 1976 at the current rate of participation would have resulted.

In submitting this revised budget request, made necesary by the existing law, I once again ask the Congress to work with me on needed changes. We must work toward two goals:

—In fairness to those truly in need, we must focus food stamp assistance on them;

—In fairness to the overburdened taxpayers who must pay the bills, we must tighten eligibility and participation requirements.

More than 70 Members of the Congress already have joined in supporting legislation which would recognize the need for changes in the Food Stamp Act. Their proposal would concentrate resources on assistance to low-income Americans and relate the Food Stamp program to other assistance programs directed toward these same families. It would introduce a number of positive objectives which should be supported by everyone who shares the desire to assist those truly in need and to control costs.

I urge in the strongest terms possible that the Congress begin hearings on these proposals at the earliest possible date. If this program is to be contained, even within its current bounds action must be taken immediately.

GERALD R. FORD.

THE WHITE HOUSE, *July 25, 1975.*

REPORT OF THE COUNCIL ON WAGE AND PRICE STABILITY—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. STONE) laid before the Senate a message from the President of the Council on Wage and Price Stability, which, with the accompanying report, was referred to the Committee on Banking, House and Urban Affairs. The message is as follows:

To the Congress of the United States:

In accordance with section 5 of the Council on Wage and Price Stability Act, as amended, I hereby transmit to the Congress the third quarterly report of the Council on Wage and Price Stability. This report contains a description of the Council activities during the past few months in monitoring wages and prices in the private sector and reviewing various Federal Government activities that lead to higher costs and prices without creating commensurate benefits. It discusses in some detail the Council's studies of steel and metal can prices, cost-of-living escalator clauses and marketing spreads for food products. In addition, it contains a discussion of wages and prices during the first quarter of 1975 and the outlook for the rest of the year. Also included is a special chapter prepared by the Department of Health, Education, and Welfare on the cost of medical care.

Although it requires continuing attention, progress has been made in reducing the rate of inflation. With price increases now decelerating, moderation in wage settlements becomes very important. Wage increases that substantially raise unit labor costs could create new inflationary pressures. Moreover, the recovery of the economy should not be used as an occasion for business to raise prices in anticipation of stronger demand. The Council on Wage and Price Stability also will continue to monitor closely actions taken by the Government and will call to public attention unjustified activities that could have an adverse impact on price levels.

GERALD R. FORD.

THE WHITE HOUSE, *July 26, 1975.*

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. STONE) laid before the Senate the following letters, which were referred as indicated:

Report of the Assistant Secretary of Defense

A letter from the Assistant Secretary of Defense transmitting, pursuant to law, a report of receipts and disbursements pertaining to the disposal of surplus military supplies and equipment for the third quarter of the fiscal year 1975 (with an accompanying report); to the Committee on Appropriations.

Proposed Legislation by the Department of Defense

A letter from the General Counsel of the Department of Defense transmitting a draft of proposed legislation relating to the appointment, promotion, separation, and retirement of members of the armed forces, and for other purposes (with accompanying papers); to the Committee on Armed Services.

Report of the Secretary of Transportation

A letter from the Secretary of Transportation transmitting, pursuant to law, a report on Fare-Free Mass Transportation (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

Report of the Secretary of Commerce

A letter from the Secretary of Transportation transmitting, pursuant to law, a report on the Rail Passenger Service Act (with an accompanying report); to the Committee on Commerce.

Report of the Secretary of Health, Education, and Welfare

A letter from Secretary of Health, Education, and Welfare transmitting, pursuant to law, a report on the health consequences of smoking (with an accompanying report); to the Committee on Commerce.

Report of the Secretary of Commerce

A letter from the Secretary of Commerce transmitting, pursuant to law, a report on the National Marine Fisheries Service for the calendar year 1974 (with an accompanying report); to the Committee on Commerce.

Proposed Act of the Council of the District of Columbia

A letter from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of an act adopted by the Council regarding the Council of the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

PROPOSED ACT OF THE DISTRICT OF COLUMBIA

A letter from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of an act adopted by the Council to establish a District of Columbia Boxing and Wrestling Commission (with accompanying papers); to the Committee on the District of Columbia.

PROPOSED LEGISLATION BY THE SECRETARY OF THE TREASURY

A letter from the Secretary of the Treasury transmitting a draft of proposed legislation to provide for increased participation by the United States in the Inter-American Development Bank, and for other purposes (with accompanying papers); to the Committee on Foreign Relations.

REPORTS OF THE COMPTROLLER GENERAL

Two letters from the Comptroller General of the United States each transmitting, pursuant to law, a report, the first entitled "Opportunity for Savings of Large Sums in Acquiring Computer Systems under Federal Grant Programs" and the second "Environmental Assessment Efforts for Proposed Projects Have Been Ineffective" (with accompanying reports); to the Committee on Government Operations.

PROPOSED DECONTROL OF PRICE OF OIL

A letter from the Administrator of the Federal Energy Administration transmitting, pursuant to law, a proposed amendment to the petroleum price and allocation regulations (with accompanying papers); to the Committee on Interior and Insular Affairs.

STRIPPER WELL LEASE EXEMPTION AMENDMENT

A letter from the Administrator of the Federal Energy Administration transmitting, pursuant to law, an extension of the stripper well lease exemption amendment (with accompanying papers); to the Committee on Interior and Insular Affairs.

APPLICATION FOR LOAN TO A RECLAMATION DISTRICT

A letter from the Deputy Assistant Secretary of the Interior reporting, pursuant to law, on the receipt of an application for a loan of $920,000 from the Wenatchee Heights Reclamation District, Chelan County, Wash.; to the Committee on Interior and Insular Affairs.

REPORTS OF THE IMMIGRATION AND NATURALIZATION SERVICE

A letter from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, reports covering the period May 1 through May 15, 1975, concerning visa petitions approved by the Service (with accompanying papers); to the Committee on the Judiciary.

PROPOSED REGULATION BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Executive Secretary of the Department of Health, Education, and Welfare transmitting, pursuant to law, proposed regulations and guidelines governing section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 (with accompanying papers); to the Committee on Labor and Public Welfare.

PROPOSED ALTERATION OF A PUBLIC BUILDING

A letter from the Administrator of General Services transmitting, pursuant to law, a prospectus for alterations at the Woodlawn, Maryland, Operations Building (with accompanying papers); to the Committee on Public Works.

PROPOSED LEGISLATION BY THE SECRETARY OF TRANSPORTATION

A letter from the Secretary of Transportation transmitting a draft of proposed legislation to amend the Highway Safety Act of 1966 to authorize appropriations, and for other purposes (with accompanying papers); to the Committee on Public Works.

REPORT OF THE SECRETARY OF TRANSPORTATION

A letter from the Secretary of Transportation transmitting, pursuant to law, the first annual report on Administrative Adjudication of Traffic Infractions (with an accompanying report); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By ACTING PRESIDENT pro tempore (Mr. STONE):

A petition seeking a redress of grievances from several citizens of the State of Florida; to the Committee on the Judiciary.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1976—CONFERENCE REPORT—(REPT. NO. 94-334)

Mr. STENNIS submitted a report from the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6674) to authorize appropriations during the fiscal year 1976, and the period of July 1, 1976, through September 30, 1976, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following executive reports of committees were submitted:

By Mr. PASTORE, from the Committee on Commerce:

The following-named persons to be members of the Board of Directors of the Corporation for Public Broadcasting for the terms indicated:

For the remainder of a term expiring March 26, 1976:

Robert S. Benjamin, of New York, vice Irving Kristol, resigned.

Virginia Bauer Duncan, of California, vice Thomas B. Curtis, resigned.

For the remainder of a term expiring March 26, 1978:

Amos B. Hostetter, Jr., of Massachusetts, vice Theodore W. Braun, resigned.

For a term expiring March 26, 1980:

Lucius Perry Gregg, Jr., of Illinois, vice James R. Killian, Jr., term expired.

Lillie E. Herndon, of South Carolina, vice Frank Pace, Jr., term expired.

Donald E. Santarelli, of Virginia, vice Robert S. Benjamin, term expired.

W. Allan Wallis, of New York, vice Jack J. Valenti, term expired.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. JAVITS (for himself and Mr. BUCKLEY):

S. 2184. A bill to authorize the Secretary of Commerce to participate in the organization for, planning, design and construction of facilities in connection with the 1980 Olympic Winter Games at Lake Placid, N.Y. Referred to the Committee on Commerce.

By Mr. MONTOYA:

S. 2185. A bill to amend the Emergency Petroleum Allocation Act of 1973 to provide for the gradual decontrol of domestic crude petroleum prices and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. FONG (by request):

S. 2186. A bill to ban the importation, manufacture, sale, and transfer of Saturday Night Specials, to improve the effectiveness of the Gun Control Act of 1968, to ban possession, shipment, transportation, and receipt of all firearms by felons, and for other purposes. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JAVITS (for himself and Mr. BUCKLEY):

S. 2184. A bill to authorize the Secretary of Commerce to participate in the organization for, planning, design and construction of facilities in connection with the 1980 Olympic Winter Games at Lake Placid, N.Y. Referred to the Committee on Commerce.

Mr. JAVITS. Mr. President, I today introduce, along with Senator Buckley, a bill to authorize the construction of the necessary winter sports and supporting facilities at Lake Placid, N.Y., the designated site for the 1980 Winter Olympics games.

Last year, the Congress passed, in Senate Resolution 72, a resolution of support and assistance for Lake Placid's application to the International Olympic Committee to host the 1980 Winter Olympics. I am honored that the International Committee saw fit to choose the United States as the host country for the games, and I am especially pleased that the games are returning to Lake Placid, where they were successfully conducted in 1932.

Lake Placid is an ideal setting for the Winter Olympic games. Its combination of pristine beauty, existing facilities and accessibility make it perfectly suited for the Olympic competitions, which attract visitors from around the world and are viewed by many millions more.

The organizers of the Lake Placid games have a keen insight in the need to conduct the Olympics for the athletes—to provide the finest in competition at the highest international level. Moreover, their commitment to the ecological protection of the Lake Placid area is total and without question. The games are truly being run by the people of the area, who have voted by referendum to welcome and support the town's bid to host the 1980 games.

An example of this commitment can be seen in the following document, which is the organizing committee's view of the need to return the Winter Olympics to a small town, with only moderate expenditures and no environmental degradation. I ask unanimous consent that the memorandum "Keeping the Winter Olympics in Perspective" be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. Mr. President, the environmental problems that played a leading role in forcing Denver, Colo., to withdraw as the site of the 1976 Winter Olympics and that plague other possible sites for the games in the United States, do not exist in Lake Placid's designation as the 1980 site. A combination of circumstances dating back almost three-quarters of a century have assured that Lake Placid will not be faced with the ecological problems that haunt other sites.

Prior to 1900, the New York Legislature, acting with almost unprecedented foresight, amended the State constitution to establish the "Forever Wild" Adirondack State Park. Lake Placid is located almost in the center of the high peaks area of the Adirondacks, and the New York State constitution has provided a permanent safeguard against despoliation of the park.

State legislation has created the Adirondack Park Agency with broad authority to establish a master plan for State owned and privately owned lands in the Adirondack Park. Even further, the agency has already exercised its comprehensive authority to establish a State land master plan and Adirondack Park private land use and development plan with rigid land use controls.

Both the town of North Elba and the village of Lake Placid have a long history of professional community planning. Each community has detailed zoning ordinances, active planning boards and boards of zoning appeals. Strict sign ordinances and trailer ordinances already exist in the village of Lake Placid and are nearing reality in the town of North Elba. Lake Placid provides an almost unlimited source of present and future water requirements for the area. Municipal facilities have been designed to serve the needs of a community of 20,000 to 25,000 persons, far in excess of foreseeable requirements for the next 25 years.

Without question, the hosting of a 1980 Winter Olympics will involve the expansion and improvement of present facilities and the construction of some new facilities. It is here that Lake Placid can point with pride to its almost unexcelled existing winter sports facilities. Almost every sports facility necessary to host the 1980 Winter Olympics now exists and is in annual use. The following are the principal facilities and the necessary improvements to be made.

BOBSLEDDING

The Olympic bobrun, owned by the State of New York, has been in operation for over 40 years, and it is considered to be one of the finest in the world. The bobrun area includes all necessary parking, a new lodge, refrigerated finish curve and complete water, sewer, and power requirements. The run has been approved by the FIBT for international competitions and is repeatedly the site of world bobsled championships, including the 1973 world championships. The only suggested improvements for 1980 would be refrigeration of the entire run.

CROSS COUNTRY AND BIATHLON

Cross country facilities necessary to conduct the Olympic cross country and biathlon events already exist at the Mount Van Hoevenberg Recreation Area owned and operated by the State of New York. These facilities were used for the International Kennedy Games, the 1972 world university games, and they were the site of the 1973 world's biathlon championships. The only additions required for 1980 would be limited trail improvements, a biathlon range, and lodge expansion.

ALPINE SKIING

Whiteface Mountain ski area, also owned and operated by the State of New York, can properly be called one of the major ski mountains in the East. There now exist four ski shelters or lodges, six ski lifts, several miles of ski trails, over 2 miles of snow making equipment, and several parking lots. The present trails have FIS approval for international alpine competition. Whiteface has frequently been the site of major international alpine events, including the recent 1971 pre-FISU races, the 1972 world university alpine events, the 1974 Canadian-American slalom and giant slalom alpine races and the U.S. national downhill races.

SKI JUMP

The town of North Elba park district owned Intervale Olympic ski jump complex already contains a 70-meter and a 40-meter ski jump. There now exist spectator facilities, parking and ample room for additional parking at the adjacent airport and horseshow stadium, all of which are owned and operated by the town of North Elba park district. Plans are available for the construction of a new 90-meter ski jump, adjacent to the existing 70-meter and 40-meter jumps, that would be required for the Olympics. No new development of private or State-owned lands would be involved for any possible ski jump improvements that might be made.

SPEED SKATING

The required 400-meter speed skating track constructed for the 1932 Olympics is located on the campus in front of Lake Placid Central School and adjacent to the Olympic arena. Each year since 1932 a 400-meter speed skating track has been constructed and maintained at this site each winter for recreational and speed skating competitions. The stadium would require refrigeration of the 400-meter track and temporary spectator bleachers for the 1980 Olympics. A refrigerated 400-meter oval would result in a new modernized track surface for track and field competitions, and assure future ideal speed skating events and recreational skating.

FIGURE SKATING, HOCKEY

There are two ice sheets in the present Olympic arena that are technically adequate for both figure skating and hockey competitions. Expanded seating capacity for spectators should be provided at the Olympic arena within the present structure. The scope of the present figure skating programs and hockey activities is now far beyond the capacity of the present arena, and additional ice space is required. For the 1980 Olympics, an additional arena or ice sheet with substantially increased spectator capacity will have to be constructed. This facility could be provided adjacent to the present Olympic arena without damage to the arena, change in the character of the community or adverse ecological impact. The Olympic arena is located within easy walking distance from most of the housing in the community.

ACCOMMODATIONS FOR VISITORS

Lake Placid is a resort community whose economy is based upon the accommodation of visitors. The community has years of experience in handling large conventions and peak crowds of visitors. The existing 150 or more hotels, motels, and guest houses are capable of catering to the needs of over 10,000 visitors, and housing far in excess of 25,000 additional persons is already available at present tourist facilities within an hour's drive from Lake Placid. While it can be anticipated that the 1980 Olympics will create a demand for additional housing in the area, the existing and new municipal facilities previously outlined are more than adequate to handle any expansion.

ACCESS HIGHWAYS

An adequate network of modern access roads presently exist in the area. Lake Placid's 1980 Olympic proposals neither seek nor desire any additional or expanded highways. During the summer months, the present highway system presently handles in excess of 100,000 daily visitors to the area.

OLYMPIC VILLAGE

For the Olympic Winter Games there are a maximum of approximately 1,200 competitors and 600 officials that will need housing. Lake Placid is fortunate in having a number of practical alternatives to the housing problem.

In the first instance, it would be possible, with very little additional construction, to provide all required housing from existing privately owned commercial establishments.

A second alternative would be to establish a small college campus, at one of several available locations in the area. This would involve the construction of dormitory facilities, cafeteria, and fieldhouse stadium that could be used as an Olympic Village and be adapted for college purposes following the Olympic Winter Games.

A third alternative would be a proposal that has already been submitted to the organizing committee by Health Planning Associates, Inc., the establishment of a four-county—Clinton, Franklin, Hamilton, and Essex—multiple purpose health service and mental health center at the site of the present Ray Brook Hospital to be used as an Olympic village and immediately thereafter converted to use for the above purposes.

Mr. President, the financing of the 1980 Winter Olympic Games must be a combined effort of local, State and Federal Government as well as private contributions. The local and New York State governments have already begun to provide their share.

The State of New York will provide the funding for all improvements to facilities owned or operated by the State. These include the cross country trails, the biathlon range, the bobsled and luge runs, and the Alpine ski area at Whiteface Mountain.

Lake Placid and the town of North Elba are taking full responsibility for all organization and administrative expenses, as well as the funding of temporary facilities and special equipment.

We at the Federal level have a similar responsibility, particularly since the congressional resolution of support and assistance was instrumental in the International Olympic Committee's selection of Lake Placid as the 1980 site.

The commitment must not be delayed. It is modest in extent and essential to the successful fulfillment of the games. It will provide the entire Nation with the spirit and pride that derives from the hosting of such a major international athletic competition, and it will further enhance for future generations the quality of our winter athletic facilities.

Mr. President, I am hopeful that this legislation will not be delayed. Construction must begin this year if we are to avoid serious problems in meeting the unalterable date of the games themselves. I believe each of my colleagues can endorse this bill and take pride from the successful hosting of the Olympics in the United States in 1980.

EXHIBIT 1

KEEPING THE "WINTER OLYMPICS" IN PERSPECTIVE

In terms of an international athletic competition, the "Winter Olympics"—as they are known to the world—are very similar to those that were first held in Chamonix, France in 1924. With the exception of the post-war emergence of alpine skiing as a major competition, the only new Olympic events are the Biathlon, added at Squaw Valley in 1960, with approximately 75 competitors, and the Luge, added at Innsbruck in 1964, with approximately 90 competitors.

At St. Moritz, Switzerland in 1948 the 28 participating countries sent a total of 878 competitors (801 men and 77 women). Sapporo, Japan in 1972 had 35 competing countries and 1,128 competitors (911 men and 217 women). The total number of competitors has been almost static at approximately 1,100 for the past three "Winter Olympics" (Innsbruck—1964, Grenoble—1968, and Sapporo—1972). The slight increase in the number of competitors was not caused by the additional number of countries participating. Basically, most competitors come from 21 winter-sport countries. The remaining 14 participating countries send five or less competitors each (actually a total of only 42), the majority of whom compete in the alpine skiing events.

While from 1948 to 1972 the "Winter Olympics" have remained basically unchanged as an international athletic competition with the minor exceptions previously noted in terms of number of countries, total competitors and winter sports program—one significant change has taken place. The "Winter Olympics" have moved to the big cities, with some startling results.

The maximum costs, for all purposes, of the 1948 Olympics at St. Moritz, Switzerland, a community of less than 10,000 people, probably did not exceed $5,000,000.00. It is reported that the total costs, including public improvements, of the 1964 Olympics in Innsbruck, Austria, a city of 100,000 people, were over 100 million dollars, and that the 1968 Olympics at Grenoble, France, a city of over 400,000 people, they were in excess of 400 million dollars. In 1972 at Sapporo, Japan, a city of over 700,000 people, the reported costs for administration expenses, new sports facilities and "related public projects" soared to almost $700,000,000.

Several obvious conclusions can be drawn from a detailed study of the reports of the past three "City" Winter Olympics (Innsbruck, Grenoble and Sapporo):

1. The total cost for the construction of all necessary sports facilities required, related public projects and games organization in recent Winter Olympics approximates $1,000.00 per "City" resident.

2. It cost Innsbruck approximately $100,000.00 per competitor, Grenoble approximately $400,000.00 per competitor and Sapporo $700,000.00 per competitor, for the privilege of putting on the Winter Olympics.

3. Cities hosting the Winter Olympics use the event as the reason for massive public facility urban renewal and construction projects, including parking, highways, airports, subways, housing projects and assorted public buildings and facilities totally unrelated to the Olympics.

4. The sheer logistics of endeavoring to stage a Winter Olympics in or near a city environment escalates all costs, traffic control, parking, housing, sanitation, transporting, and multiple other administrative problems in almost a direct ratio to the size of the city, and far out of proportion in relation to the events themselves.

5. Only a small percentage of the local residents of a city actually have (or take) the opportunity to attend more than one of the Olympic events when they are held in or near their cities.

6. Only a small percentage of visitors (far less than 10%—Sapporo less than 5%) from other countries comprise the attendance of any of the various competitions.

7. The financing of a modern Winter Olympic is beyond the resources of any local community or city, and they can only be organized and conducted with adequate State and Federal financing.

8. Equally disturbing and important is the fact that the present "big city" Winter Olympics syndrome is such that it may no longer be possible for the many other small, mountainous, winter sports communities throughout the world, Winter Olympic sites such as Garmisch, St. Moritz, Chamonix, Cortina, Squaw Valley, and Lake Placid, to even consider seeking to be the site of a Winter Olympics.

Lake Placid with pride in its past accomplishments, is prepared to organize and host, with the necessary State and Federal assistance in financing, the construction of the limited additional sports sites and supporting facilities required, a successful 1980 Winter Olympics.

We do not propose any large, Olympic motivated, public works projects, new multiple-lane access highways, airports, huge parking lots or multi-million dollar "one time" sports facilities. The time has come to restore the Winter Olympics to their proper perspective, to take them out of the city and return them to the small, mountainous communities where they originated. We would hope that our feelings might be shared by the national and international selection bodies.

By Mr. MONTOYA:

S. 2185. A bill to amend the Emergency Petroleum Allocation Act of 1973 to provide for the gradual decontrol of domestic crude petroleum prices and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. MONTOYA. Mr. President, the time has come for a compromise on the question of oil prices. It is clear that if the President does not retreat from his position of complete decontrol and the congressional majorities do not retreat from their position of price stability or rollback, this impasse will not be broken. That is the road to disaster.

If we had intentionally set out to disrupt economic recovery, to create even greater uncertainty about the future of the oil industry and to give the OPEC cabal a hammer with which to beat on the American economy any time they wish, we could not do it better than by doing nothing now.

Surely there is a middle ground between the position of the President and that of the congressional majorities which all can agree upon and which will meet the principal goals of both sides. I define those goals as follows: First, to assist the economic recovery which is now at a critical stage; second, to provide the resources which the oil industry needs to increase domestic production; and, third, to put control of our economy, our foreign policy, and our destiny back into our own hands.

I believe that the bill I am introducing meets those goals by following a middle path between the Presidential and the congressional majority position. My bill provides a moderate increase in the price of old oil, freezes the price of new oil, and makes adjustments in the definition of new oil to insure that the Federal Energy Administration treats oil from newly sunk wells and from unitized properties as new oil.

Old oil. My bill authorizes an immediate increase in price to $7.50 per barrel. Thereafter, the price would increase as the economy improves. For each 1-percent decline in unemployment, old oil prices will increase by 30 cents until a ceiling price of $9 per barrel is reached. Further increases above $9 will be permitted based on increases in a special cost of living index measuring increases in the cost of material used in the exploration, drilling, and production of domestic oil.

New oil. Prices will be frozen at $12.75 per barrel, plus periodic cost of living increases as discussed above.

Definition of new oil. New oil would be defined as any oil produced from a new well, whether in an existing field or in a new field, except that if the oil comes from an existing field and from the same horizon as existing old oil, there would be a rebuttable presumption that it is old oil; and as any oil from properties unitized for the purposes of pressure maintenance, on which secondary or tertiary recovery processes are used.

An increase in the cost of old oil is justified by the importance of increasing our domestic supply of oil and by the steep increases in the costs of drilling which have occurred during the last 2 years. To refuse to provide any increase in old oil prices is to ignore reality.

The cost of drilling a well has increased by three times over the cost before the embargo, yet the average price of old oil has been frozen at an artificially low price for nearly 2 years. It is appropriate, therefore, that we provide an immediate increase of $2 in the old oil price to reflect 2 years of inflation. Moreover, it is the proceeds from producing wells which provide the capital needed to explore and bring new wells into production. By providing additional revenues for the oil companies, we are providing an economic incentive for increased domestic production.

The remaining $1.50 increase in the price of old oil would be phased in with improvements in the economy. By phasing the remaining increases we avoid the danger of putting too great a strain on an economy already weakened by recession and high inflation. By tying the remaining increases into improvement in the economy we are providing that the American people will be able to more easily absorb them. This position follows the middle path between the President's request for phasing over a 39 month period and the majorities position that a phased increase still would be too great a burden.

The ceiling price of $9 falls approximately midway between the controlled price and the current market price of $13 per barrel. In this sense it is a compromise. In the sense that it is a moderate increase which will induce additional production, it is a workable compromise.

The price freeze on new oil is essential if we are to reduce the influence the OPEC cabal now has on our economy. There is no justification for allowing the basic price of new oil to rise above $12.75 per barrel. To do so is to tie American prices to Arab decisions.

The fear of $16 per barrel oil is well founded. It is expected that OPEC will increase its basic oil prices by another $2 this September, and the President has threatened to impose an additional $1 per barrel tariff on imported oil. Thus, we are looking at a price of $16 per barrel for imported oil. At the very least, $3 of that price is completely artificial and completely unjustified in free market terms. Yet due to our need of OPEC's oil and our importing of that oil we must pay the $16 per barrel price. Without this price freeze domestically produced oil would immediately rise and match the $16 figure. However, with this price freeze we can assure the Nation that any increase in the price of OPEC's oil will not be followed by an increase in the domestically produced new oil. Through this price freeze we can reduce OPEC's influence and once again direct our own economic destiny.

It is clear that some type of control is necessary. Our past experience with the 1973 oil embargo, reports from the Interior and Insular Affairs Committee and testimony from people from the Brooking Institution and other institutions all clearly show that total decontrol would have disasterous effects. The increased energy costs triggered by the Arab embargo were a principal factor in the 12-percent inflation of 1974 and in prolonging and deepening the current recession. Interior Committee reports and testimony all indicate that if all domestic crude oil was decontrolled there would be a staggering $33 billion increase in fuel costs. Surely the need for price controls of some sort can be seen clearly in these figures. The effect of total decontrol on the economy would be disasterous.

My bill also provides for a special "cost of living" index. Oil prices were frozen at a level which would provide the needed capital and economic incentive to increase domestic oil production. Without a "cost of living" increase these goals would be devoured by inflation in materials cost. We would, therefore, end up in the same situation of declining domestic production and increased OPEC influence. This now common "cost of living" provision will guard against this erosion of economic incentive and increased OPEC influence. It is a middle ground solution between allowing uncontrolled price increases and not allowing any price increase in the ceiling which would serve only to cause further declines in our oil production.

Finally, my bill would redefine new and old oil in order to provide further incentives to increase the production of domestic oil and to lessen our dependence of OPEC's oil. This bill insures that oil produced by newly sunk wells in existing fields is not considered old oil. Much of the oil in old fields which is found at depths deeper than the original oil is not being pumped out. The reason for this situation is that the oil which is produced from an existing field is considered by FEA to be old oil even though a new well had to be sunk in a different part of the field. Due to the fact that drilling costs have tripled in the past 2 years and that it is not a sure thing that oil exists at a deeper level the lower old oil price is not a sufficient incentive. The result is that much oil capable of increasing our domestic production is allowed to lie underground and dormant. I fell that by this redefining we can pull that oil out of the ground and put it to where it will do most good for the American people and the economy.

Any oil produced from properties unitized for the purpose of pressure maintenance or on which secondary or tertiary recovery processes are used would be classified as new oil. Admittedly the oil produced by these processes comes from already existing wells but it is also true that it is produced only by using expensive techniques. In order to increase the yield of oil they have been forced to cap wells or use water or gas injection. This oil is, therefore, produced at an expensive price which necessitates it being considered new oil. If we are to provide the Nation with the oil it needs in order to limit the OPEC's influence on our economy we must secure maximum production from this type of well. By allowing these wells the classification of new oil we will assure our independence from OPEC. Thus, by compromising in the definition of new and old oil we can avoid many of the dangers of total decontrol while at the same time increasing domestic production and limiting OPEC's ability to affect our economy.

In conclusion, I feel that the bill I am presenting today is the long sought at compromise on the troublesome problem of oil prices. It is not the President's total decontrol plan. It is not the congressional majorities price stability or rollback plan. It is rather a workable compromise. It is one which will prevent further economic disruptions caused by OPEC on the price of new oil and on the economy in general. It is one which will increase our domestic production of oil. It is not everything that everyone wanted but it does accomplish the basic needs of the country.

By Mr. FONG (by request):

S. 2186. A bill to ban the importation, manufacture, sale, and transfer of Saturday night specials, to improve the effectiveness of the Gun Control Act of 1968, to ban possession, shipment, transportation, and receipt of all firearms by felons, and for other purposes. Referred to the Committee on the Judiciary.

Mr. FONG. Mr. President, at the request of the administration, I am today introducing a bill "to ban the importation, manufacture, sale and transfer of Saturday night specials, to improve the effectiveness of the Gun Control Act of 1968, to ban possession, shipment, transportation, and receipt of all firearms by felons, and for other purposes."

The question of Federal control of guns and especially the so-called Saturday night specials has been an issue of much debate and emotional reaction throughout the United States.

Saturday night specials, as my colleagues well know, are cheap, low-quality, easily concealed handguns.

These Saturday night specials have no legitimate sporting use nor any valid defense purpose.

This type of shoddy gun is of no value to sportsmen. Sportsmen use rifles, shotguns, and well-constructed handguns, but not the inaccurate Saturday night specials.

No one, and I specifically include myself in that group, wants to prevent sportsmen from pursuing their hobbies.

However, as President Ford pointed out in his crime message to Congress on June 19 of this year:

> Since 1960, although billions of dollars have been spent on law enforcement programs, the crime rate has more than doubled.
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> * * * * *
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> More significantly, the number of crimes involving threats of violence or actual violence has increased. And the number of violent crimes in which the perpetrator and the victim are strangers has also increased. A recent study indicates that approximately 65 percent of all violent crimes are committed against strangers.
>
> The personal and social toll that crime exacts from our citizens is enormous. In addition to the direct damage to victims of crime,

violent crimes in our streets and in our homes make fear pervasive.

Something must be done to control the weapons and especially the cheap handguns used to perpetrate these violent crimes.

I have, as far back as 1968, voted for a finding that destructive devices—such as bazookas and mortars—machineguns and short-barreled guns and rifles were not appropriate for sport, recreation or personal defense and that, therefore, their flow in interstate commerce should be regulated.

I have previously supported legislation to require Federal or State registration of all firearms and a license to possess them. I also voted for proposals to prohibit an applicant from receiving a license to ship firearms or ammunition in interstate or foreign commerce when his place of business was located in a State which did not have in effect a firearm control law which met Federal minimum standards.

It is my position that we need legislation placing strong controls on improper and illegal gun use and those laws must be strictly, quickly, and uniformly enforced. To the extent that is possible under article I, section 8 of the Constitution and within the constraints of the 10th amendment reserving to the States the powers not delegated to the United States, the Federal Government must and should do everything possible to reduce crime and as President Ford indicated, "contribute to a safer America."

The bill I am today introducing is a good starting point for such legislation.

This bill, so far as it goes, does provide additional safeguards not now in the law.

Dealers, who are defined as ammunition retailers, firearm dealers, gunsmiths or pawnbrokers would be prohibited to sell a handgun to a person who did not appear at the licensee's premises for purposes of clearly establishing his identity. The information is then to be forwarded to the chief law-enforcement officer where the transferee lives or will keep the gun, as well as to the FBI, so that a check can be made and reported to the transferor. The transferor must wait at least 14 days for this report before delivering the handgun. The purchaser's statement and the report of the enforcement officers must be retained by the dealer and are subject to inspection by the Treasury. This is a good provision since it permits a waiting period during which time the purchaser can be checked out.

Licensed manufacturers, licensed importers, licensed dealers or licensed collectors may not manufacture, assemble, sell or transfer a handgun, other than a curio or relic, in the United States unless the handgun model has been approved by the Secretary of the Treasury. Further, it would make it unlawful to sell or transfer an unapproved handgun by an individual who is not a licensee if he knows the handgun model has not been approved. This is good as it would prohibit Saturday night specials transactions.

Resales or transfers of handguns must be in accordance with Federal and State law and any applicable published ordinances. However, this is not applicable to transactions between licensed importers, licensed manufacturers, licensed dealers, and licensed collectors. See Sec. 922(f). This is good as it would by Federal statute prohibit sales in States and localities with strong gun control laws.

Purchase or receipt of more than two guns within a 30-day period is prohibited, unless with the prior approval of the Secretary of the Treasury. This is good as it would prevent multiple sales to persons who then redistribute the handguns unlawfully.

Additionally, the Secretary of the Treasury is given additional authority to deny a license unless he finds the person meets the age and criminal record requirements and had premises from which he conducts or intends to conduct the business and that the applicant is not prohibited by State or local law from conducting the business to which the license would apply and that he is likely to conduct the business in conformity with applicable law. The Secretary would have 90 days instead of 45 days to act on this application. This is a good tightening up provision.

Prosecution for commission of a felony where a firearm was carried or used could be had in a court of the United States, and, a prison term of 1 to 10 years for a first offense and 2 to 25 years for subsequent offenses to run consecutively after the term of imprisonment for the commission of the felony is also provided. Strict enforcement of such legislation hopefully would deter criminal action and if not, it would certainly protect society by removing the criminal from society for a longer and more certain term, since a suspended or probationary sentence is prohibited.

So, as my colleagues can see just from the points outlined, the Administration bill is indeed a very good starting point toward making America a safer place in which to live.

At the request of the Administration, I am also introducing an amendment to S. 1, the Criminal Justice Reform Act of 1975. This amendment would strengthen the penalties for criminal convictions involving the use of firearms.

Every effort must be made to discourage the use of firearms by criminals. Severe additional penalties in our Criminal Justice Reform Act where firearms are used would, in my opinion, hopefully deter the use of such firearms.

I ask unanimous consent that the bill, the section-by-section analysis thereof and the amendment to S. 1 be printed in the Record.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 2186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby finds and declares—

(a) that the traffic in cheap, low-quality, and easily concealable handguns, which are commonly known as "Saturday Night Specials" and which have no legitimate sporting or valid defensive purpose, constitutes a serious threat to general law enforcement, to the public safety, and to the integrity of State and local firearms control laws;

(b) that the criminal misuse of these handguns is a significant factor in the prevalence of lawlessness and violent crime in the United States, thus contributing greatly to the Nation's law enforcement problems;

(c) that the existing ban on importation of Saturday Night Specials has been effectively subverted by the importation of parts and the domestic assembly and manufacture of the weapons the Congress banned from importation; and

(d) that the absence of effective controls on domestic manufacture and sale of small, easily concealable, and cheap handguns known as Saturday Night Specials constitutes a major shortcoming in existing law, circumvents the purpose of the import restrictions of existing law, and makes possible commercial traffic among the States and within the States in cheap and deadly weapons which serve no sporting or valid defensive purpose and which threaten the physical safety and well-being of all Americans.

Sec. 2. The Congress further finds and declares:

(a) that the receipt or possession of firearms and ammunition by persons barred by federal law from such receipt or possession constitutes:

(1) a burden on commerce within and among the States; and

(2) a threat to the domestic tranquillity;

(b) that a person obtaining a federal license to import, manufacture, or deal in firearms should be a bona fide importer, manufacturer, or dealer operating not only within the federal laws but also within State and applicable local laws; and

(c) that the burden on commerce caused by illegal possession of handguns by felons and by persons barred from possession of handguns by Federal, State, or local law requires an increased obligation on the transferor of handguns and on law enforcement agencies to assure that there is no sale or transfer of a handgun to a person not authorized to possess it.

Sec. 3. Section 842 of title 18, United States Code, is amended:

(a) by deleting "(as defined in section 4761 of the Internal Revenue Code of 1954)" in subsection (d)(5);

(b) by deleting "drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act)" in subsection (d)(5) and inserting in lieu thereof "substance";

(c) by deleting "(as defined in section 4721 (a) of the Internal Revenue Code of 1954); or" in subsection (d)(5) and inserting in lieu thereof "as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)";

(d) by deleting subsection (d)(6) and inserting in lieu thereof the following:

"(6) has been adjudicated as mentally incompetent or has been committed to a mental institution; or

"(7) being an alien, is illegally or unlawfully in the United States.";

(e) by deleting "(as defined in section 4761 of the Internal Revenue Code of 1954)" in subsection (i)(3);

(f) by deleting "drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act)" in subsection (i)(3) and inserting in lieu thereof "substance";

(g) by deleting "(as defined in section 4731(a) of the Internal Revenue Code of 1954); or" in subsection (i)(3) and inserting in lieu thereof "as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)"; and

(h) by deleting subsection (i)(4) and inserting in lieu thereof the following:

"(4) who has been adjudicated as mentally incompetent or has been committed to a mental institution; or

"(5) who, being an alien, is illegally or unlawfully in the United States;".

Sec. 4. Section 843 of title 18, United States Code, is amended:

(a) by deleting "forty-five" in subsection (c) and inserting in lieu thereof "ninety"; and

(b) by amending subsections (d) and (e) to read as follows:

"(d)(1) The Secretary may revoke a license or permit issued under this chapter if the person holding the license or permit is ineligible to acquire explosive materials under section 842(d).

"(2) A person who has a license or permit issued under this section and who violates a provision of this section or a rule or regulation prescribed by the Secretary under this chapter, shall be subject to a civil penalty, to be imposed by the Secretary, of up to $10,000 for each violation, or to suspension or revocation of his license or permit, or to both the civil penalty and revocation or suspension. The Secretary may at any time compromise, mitigate or remit such penalties. An action of the Secretary under this subsection is subject to review only as provided in subsection (e) of this section.

"(e)(1) Any person whose application is denied or whose license or permit is suspended or revoked or who is assessed a civil penalty shall receive a written notice from the Secretary stating the specific grounds upon which such denial, suspension, revocation, or civil penalty is based. Any notice of a suspension or revocation of a license or permit shall be given to the holder of such license or permit prior to or concurrent with the effective date of the suspension or revocation.

"(2) If the Secretary denies any application for, or suspends or revokes, a license or permit, or assesses a civil penalty, he shall, upon request by the aggrieved party, promptly hold a hearing to review his denial, suspension, revocation, or assessment. In the case of a suspension or revocation, the Secretary may upon a request of the holder stay the effective date of the suspension or revocation. A hearing under this section shall be at a location convenient to the aggrieved party. The Secretary shall give written notice of his decision to the aggrieved party within a reasonable time after the hearing. The aggrieved party may, within sixty days after receipt of the Secretary's written decision, file a petition with the United States court of appeals for the district in which he resides or has his principal place of business for a judicial review of such denial, suspension, revocation, or assessment pursuant to sections 701 through 706 of title 5, United States Code.".

SEC. 5. Section 921(a) of title 18, United States Code, is amended:

(a) by amending paragraph (11) to read as follows:

"(11) The term 'dealer' means any person who is (A) engaged in business as an ammunition retailer, (B) engaged in business as a gunsmith, (C) engaged in business as a firearms dealer, or (D) a pawnbroker. The term 'licensed dealer' means any dealer who is licensed under the provisions of this chapter.";

(b) by redesignating paragraphs (12), (13), (14), (15), (16), (17), (18), (19), and (20) as paragraphs (19), (20), (21), (22), (23), (24), (25), (26), and (27), respectively; and

(c) by adding after paragraph (11) the following new paragraphs:

"(12) The term 'ammunition retailer' means any person who is not otherwise a dealer who is engaged in the business of selling ammunition at retail, other than ammunition for destructive devices.

"(13) The term 'gunsmith' means any person who is not otherwise a dealer who is engaged in the business of repairing firearms or making or fitting special barrels, stocks, or trigger mechanisms to firearms.

"(14) The term 'firearms dealer' means any person who is engaged in the business of selling firearms or ammunition at wholesale or retail.

"(15) The term 'handgun' means a firearm which has a short stock and which is designed to be held and fired by the use of a single hand. The term also includes any combination of parts from which a handgun can be assembled.

"(16) The term 'handgun model' means a particular design and specification of a handgun.

"(17) The term 'pistol' means a handgun having a chamber or chambers as an integral part or parts of, or permanently aligned with, the bore or bores.

"(18) The term 'revolver' means a handgun having a breechloading chambered cylinder so arranged that the cocking of the hammer or movement of the trigger rotates the cylinder to bring the next cartridge in line with the barrel for firing.".

SEC. 6. Section 922 of title 18, United States Code, is amended:

(a) by adding after the words "replacement firearm" in subsection (a)(2)(A) the words ", other than a handgun of a model which has not been approved by the Secretary under section 923(k),";

(b) by adding after the words "mailing a firearm" in subsection (a)(2)(A) the words ", other than a handgun of a model which has not been approved by the Secretary under section 923(k),";

(c) by deleting "resides in any State other than that in which the transferor resides (or other than that" in subsection (a)(5) and inserting in lieu thereof "does not reside in the State in which the transferor resides (or does not reside in the State";

(d) by adding after the words "rental of a firearm" in subsection (a)(5) the words ", except a handgun of a model which has not been approved by the Secretary under section 923(k) of this chapter,";

(e) by adding after the words "loan or rental of a firearm" in subsection (b)(3)(B) the words ", other than a handgun of a model which has not been approved by the Secretary under section 923(k),";

(f) by adding after the words "may sell a firearm" in subsection (c) the words ", other than a handgun,";

(g) by deleting ", in the case of any firearm other than a shotgun or a rifle, I am twenty-one years or more of age, or that, in the case of a shotgun or a rifle," in subsection (c)(1);

(h) by repealing subsections (d) and (h);

(i) by redesignating subsections (e) and (f) as subsections (m) and (n), respectively, by redesignating subsections (i), (j), (k), (l), and (m) as subsections (o), (p), (q), (r), and (s), respectively, and by redesignating subsection (g) as subsection (h);

(j) by adding after subsection (c) the following new subsections:

"(d)(1) It shall be unlawful for any licensed manufacturer, licensed importer, licensed dealer, or licensed collector to manufacture, assemble, sell, or transfer any handgun, other than a curio or relic, in the United States unless the handgun model has been approved by the Secretary pursuant to section 923(k) of this chapter.

"(2) It shall be unlawful for any person other than a licensed manufacturer, licensed importer, licensed dealer, or licensed collector to sell or transfer any handgun, other than a curio or relic, in the United States knowing that the handgun is a model which has not been approved by the Secretary pursuant to section 923(k) of this chapter.

"(e) It shall be unlawful for any person to modify a handgun if the handgun model was previously approved by the Secretary for manufacture, assembly, importation, sale, or transfer if as a result of the modification the handgun no longer meets the standards of a handgun model approved under section 923(k) of this chapter.

"(f) It shall be unlawful for any person who purchases or receives a handgun with the purpose of selling or transferring the handgun to another person to sell or transfer the handgun to another person unless he knows or has reasonable cause to believe that purchase and possession of the handgun would be in accordance with Federal law and with State law and any published ordinance applicable at the place of sale, delivery, or other disposition. This subsection shall not apply to transactions between licensed importers, licensed manufacturers, licensed dealers, and licensed collectors.

"(g) In any case not otherwise prohibited by this chapter, a licensed importer, licensed manufacturer, or licensed dealer many sell a handgun to a person only if the person appears in person at the licensee's business premises (other than a licensed importer, manufacturer, or dealer) and, in order to assure that purchase and possession of the handgun by the transferee would be in accordance with Federal law and with State law and any published ordinance applicable at the place of sale, delivery, or other disposition, only if:

"(1) the transferee submits to the transferor a sworn statement prescribed in regulations to be promulgated by the Secretary setting forth:

"(A) his name, his residence, and the place where the handgun will be kept; and

"(B) that his receipt of the handgun will not be in violation of federal law, or of a State law or any published ordinance of the place of his residence or, if the handgun will be kept at a place other than his place of residence, of the place where the handgun will be kept, and that he does not intend to resell or transfer the handgun to a person who is barred from owning or possessing it by Federal or State law or any published ordinance of the place of the latter person's residence or other place where the handgun would be kept.

The sworn statement shall also include the true title, name, and address of the chief law enforcement officer of the place of the transferee's residence and the place where the handgun will be kept. If a State law or published ordinance applicable at the place of the transferee's residence or the place where the handgun will be kept requires that a person must have a permit or license to own, possess, or purchase the handgun, a true copy of such permit or license shall be attached to the sworn statement. Any other information required to be supplied to own, possess, or acquire a handgun under such State law or published ordinance shall also be attached to the sworn statement;

"(2) the transferee provides identification sufficient to establish, under rules and regulations of the Secretary, reasonable grounds to believe that the transferee is the person he claims to be, and that his residence is at the address stated in the transferee's sworn statement;

"(3) the transferor has, prior to delivery of the handgun, forwarded immediately by registered or certified mail (return receipt requested), to the chief law enforcement officer of the transferee's place of residence and to the chief law enforcement officer of any other place where the transferee indicates in his sworn statement that he will keep the handgun, a copy of the sworn statement, in a form prescribed by the Secretary, for purposes of notifying such officer of the proposed transfer and of permitting such officer:

"(A) to check the record and identity of the transferee, to determine whether ownership or possession of the handgun by the transferee would be a violation of a State law or any published ordinance of the place of the transferee's residence or the place where the handgun will be kept;

"(B) to request a name check by the Federal Bureau of Investigation which shall be sent to the chief law enforcement officer within five working days of the Bureau's receipt of the request; and

"(C) to report to the transferor the results of such check, determination, and request;

"(4) the transferor has received a return receipt evidencing delivery of the statement or has had the statement returned due to the refusal of the named addressee to accept such letter in accordance with United States Postal Service regulations;

"(5) the transferor has received reports from the chief law enforcement officer of the transferee's place of residence and of the other place where the transferee has indicated that the handgun will be kept, and the reports do not indicate that the transferee is prohibited from shipping, possessing, transporting, or receiving a handgun under subsection (h) or (i) of this section, that the transferee is less than twenty-one years of age, or that the purchase or possession of a handgun by the transferee would be a violation of a State law or any published ordinance, applicable at the place of residence or place where the handgun will be kept; and

"(6) if the transferor has not received the reports from the law enforcement officers, the transferor has delayed delivery of the handgun for a period of at least fourteen days from the date the sworn statement required under paragraph (1) of this subsection was forwarded as prescribed in paragraph (3) of this subsection.

A copy of the sworn statement and a copy of the notification or notifications to the chief law enforcement officer or officers, together with the reports received from such officer or officers under paragraph (3) of this subsection shall be retained by the licensee as a part of the records required to be kept under section 923(g).";

(k) by deleting "drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act)" in subsection (h)(3) and inserting in lieu thereof "substance";

(l) by deleting "(as defined in section 4731(a) of the Internal Revenue Code of 1954); or" in subsection (h)(3) and inserting in lieu thereof "as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);";

(m) by amending subsection (h)(4) to read as follows:

"(4) who has been adjudicated as mentally incompetent or has been committed to a mental institution; or";

(n) by deleting "to ship or transport any firearm or ammunition in interstate or foreign commerce" in subsection (h) and inserting in lieu thereof:

"(5) who, being an alien, is illegally or unlawfully in the United States;

to possess, ship, transport, or receive any firearm or ammunition.";

(o) by adding after subsection (h) the following new subsections:

"(i) It shall be unlawful for any person who, while being employed by a person who is prohibited from possessing, shipping, transporting, or receiving firearms or ammunition under subsection (h), and who, knowing or having reason to believe his employer falls within one of the classifications enumerated in subsection (h), in the course of such employment to possess any firearm or ammunition.

"(j) It shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person unless he knows or has reasonable cause to believe that such person is not prohibited from possessing, shipping, transporting, or receiving a firearm or ammunition under subsection (h) or (i) of this section. This subsection shall not apply with respect to the sale or disposition of a firearm or ammunition to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector who pursuant to subsection (b) of section 925 of this chapter is not precluded from dealing in firearms or ammunition.

"(k) It shall be unlawful for any person to ship or transport any firearm or ammunition in interstate or foreign commerce if such shipment or transportation is in violation of a State law in a place to which or through which the firearm was shipped or transported or of a published ordinance applicable at the place of sale, delivery, or other disposition.

"(l)(1) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or transfer two or more handguns to the same person, other than another licensed importer, licensed manufacturer, licensed dealer, or licensed collector, in a period of thirty days or less, unless the transferee has obtained prior approval of the purchase from the Secretary, pursuant to regulations promulgated by the Secretary.

"(2) It shall be unlawful for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector to purchase or receive two or more handguns in a period of thirty days or less from one or more licensed importers, licensed dealers, or licensed collectors or from such a licensee and from a person or persons who are not such licensees, unless the person has obtained prior approval of the purchase from the Secretary pursuant to regulations promulgated by the Secretary. It shall be unlawful for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector to purchase or receive two or more handguns in a period of thirty days or less from a person or persons other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector unless the person notifies the Secretary of such purchase or receipt within thirty days after the purchase or receipt.".

SEC. 7. Section 923 of title 18, United States Code, is amended:

(a) by deleting subsections (a)(1) (B) and (C) and inserting in lieu thereof the following:

vices or handguns, a fee of $250 per year;

"(B) of firearms other than destructive devices or handguns, a fee of $250 per year;

"(C) of firearms, including handguns, but not including destructive devices, a fee of $500 per year; or

"(D) of ammunition for firearms other than ammunition for destructive devices, a fee of $250 per year.";

(b) by deleting the word "or" at the end of subsection (a)(2)(A);

(c) by deleting subsection (a)(2)(B) and inserting in lieu thereof the following:

"(B) of firearms other than destructive devices or handguns or of ammunition for firearms other than destructive devices, a fee of $250 per year; or

"(C) of firearms, including handguns, but not including destructive devices, a fee of $500 per year.";

(d) by deleting subsections (a)(3) (B) and (C) and inserting in lieu thereof the following:

"(B) who is a pawnbroker dealing in firearms other than destructive devices or handguns, or ammunition for firearms other than destructive devices, a fee of $250 per year;

"(C) who is a pawnbroker dealing in firearms, including handguns, but not including destructive devices, a fee of $500;

"(D) who is not a dealer in destructive devices or handguns, a pawnbroker, a gunsmith, or an ammunition retailer in other than ammunition for destructive devices, a fee of $100 per year;

"(E) in firearms, including handguns, but not including destructive devices, $200 per year;

"(F) who is a gunsmith, a fee of $50 per year; or

"(G) who is an ammunition retailer in other than ammunition for destructive devices, a fee of $25 per year.";

(e) by deleting the language in subsection (d)(1) which precedes subparagraph (A) and inserting in lieu thereof the following:

"Any application submitted under subsection (a) or (b) of this section shall be approved if the Secretary finds that—";

(f) by amending subsection (d)(1)(B) to read as follows:

"(B) the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association):

"(i) is not prohibited from possessing, transporting, shipping, or receiving firearms or ammunition under section 922 (h) or (i) of this chapter;

"(ii) is not prohibited by the law of the State or by relevant ordinance of his place of business from conducting the business of transporting, shipping, receiving, selling, transferring, owning, or possessing the firearms or ammunition to which the license would apply; and

"(iii) is, by reason of his business experience, financial standing, or trade connections, likely to commence the business for which the license is applied within a reasonable period of time and to maintain such business in conformity with Federal law and with State and relevant local law applicable at his place of business;";

(g) by deleting "forty-five" in subsection (d)(2) and inserting in lieu thereof "ninety";

(h) by amending subsections (e) and (f) to read as follows:

"(e) The Secretary may, after notice and opportunity for hearing, suspend or revoke any license issued under this section, or may subject the licensee to a civil penalty of up to $10,000 per violation, if the holder of such license has violated any provision of this chapter or any rule or regulation prescribed by the Secretary under this chapter. The Secretary may at any time compromise, mitigate, or remit the liability with respect to such violation. The Secretary's action under this subsection may be reviewed only as provided in subsection (f) of this section.

"(f)(1) Any person whose application for a license is denied and any holder of a license which is suspended or revoked or who is assessed a civil penalty shall receive a written notice from the Secretary stating specifically the grounds upon which the application was denied or upon which the license was suspended or revoked or the civil penalty assessed. Any notice of a suspension or revocation of a license shall be given to the holder of such license before the effective date of the suspension or revocation.

"(2) If the Secretary denies an application for, or suspends or revokes a license, or assesses a civil penalty, he shall, upon request, by the aggrieved party, promptly hold a hearing to review his denial, suspension, revocation, or assessment. In the case of a suspension, or revocation of a license, the Secretary shall upon the request of the holder of the license stay the effective date of the suspension or revocation. A hearing held under this paragraph shall be held at a location convenient to the aggrieved party.

"(3) If after a hearing held under paragraph (2) the Secretary decides not to reverse his decision to deny an application or suspend or revoke a license or assess a civil penalty, the Secretary shall give notice of his decision to the aggrieved party. The aggrieved party may at any time within 60 days after the date notice was given under this paragraph file a petition with the United States district court for the district in which he resides or has his principal place of business for a judicial review of such denial, suspension, revocation, or assessment. In a proceeding conducted under this subsection, the court may consider any evidence submitted by the parties to the proceeding. If the court decides that the Secretary was not authorized to deny the application or to suspend or revoke the license or to assess the civil penalty, the court shall order the Secretary to take such action as may be necessary to comply with the judgment of the court.":

(i) By adding the following new subsections after subsection (j):

"(k) The Secretary shall approve for manufacture, assembly, importation, sale, or transfer any handgun model if he has caused to be evaluated and tested representative samples of the handgun model and has found that such handgun model is particularly suitable for sporting or valid defensive purposes and that:

"(1) in the case of a pistol, the handgun model:

"(A) has a posiitve manually operated safety device; and

"(B) has a combined length and height of not less than ten inches with the height (measured from the top of the weapon, excluding sights, at a right-angle measurement to the line of the bore, to the bottom of the frame, excluding magazine extensions or releases) being at least 4 inches and the length (measured from the muzzle, parallel to the line of the bore, to the back of the part of the weapon that is furthest to the rear of the weapon) being at least 6 inches; and

"(C) attains a total of at least 85 points under the following criteria:

"(i) Overall length: one point for each one-fourth inch over 6 inches;

"(ii) Frame Construction: (a) 25 points if investment cast steel or forged steel, (b) 30 points if investment cast, high tensile strength alloy or forged high tensile strength alloy;

"(iii) Weight: one point for each ounce, with the pistol unloaded and the magazine in place;

"(iv) Caliber: (a) zero points if the pistol accepts only .22 caliber short or .25 ACP caliber ammunition, (b) three points of the pistol accepts either .22 caliber long rifle ammunition or any ammunition within the range delimited by 7.65 millimeter and .380 caliber automatic, (c) 10 points if the pistol accepts 9 millimeter parabellum ammunition or ammunition of an equivalent or greater projective size or power;

"(v) Safety features: (a) five points if the pistol has a locked breech mechanism, (b) five points if the pistol has a loaded chamber indicator, (c) five points if the pistol has a cocked position indicator, (d) five points if the pistol has a grip safety, (e) five points if the pistol has a magazine safety, (f) 10 points if the pistol has a firing pin block or lock;

"(vi) Other features: (a) one point if the pistol has a contoured magazine extension, (b) three points if the pistol has a slide hold-open device; and

"(vii) Miscellaneous equipment: (a) three points if the pistol has an external hammer, (b) 10 points if the pistol has a double action firing mechanism, (c) five points if the pistol has a drift adjustable sight, (e) 10 points if the pistol has a screw adjustable windage and elevation sight, (f) five points if the pistol has target grips, (g) three points if the pistol has a target trigger;

"(2) in the case of a revolver, the handgun model:

"(A) has an overall frame (with conventional grips) length of four and one-half inches (measured from the end of the frame nearest the muzzle, parallel to the line of the bore to the back of the part of the weapon that is furthest to the rear of the weapon);

"(B) has a barrel length (measured from the muzzle to the cylinder face) of at least four inches; and

"(C) has a safety device which, either (i) by automatic operation in the case of a double action firing mechanism or (ii) by manual operation in the case of a single action firing mechanism, causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge, and which, once activated, except for a used handgun, is capable of withstanding the impact of a weight, equal to the weight of the revolver, dropped a total of five times from a height of 36 inches above the rear of the hammer spur onto the rear of the hammer spur with the revolver in a position such that the line of the barrel is perpendicular to the place of the horizon; and

"(D) attains a total of at least 60 points under the following criteria:

"(i) Barrel length (measured from the muzzle to the cylinder face): one-half point for each one-half inch that the barrel is longer than four inches;

"(ii) Frame construction: (a) 25 points if investment cast steel or forged steel, (b) 30 points if investment cast, high tensile strength alloy or forged high tensile strength alloy;

"(iii) Weight: one point for each ounce with the revolver unloaded;

"(iv) Caliber: (a) zero points if the revolver accepts ammunition within the range delimited by 4 millimeter and .25 caliber ACP other than .22 caliber long rifle ammunition, (b) three points if the revolver accepts .22 caliber long rifle ammunition or ammunition within the range delimited by .30 caliber and .38 caliber S&W, (c) four points if the revolver accepts .38 cailber special ammunition, (d) five points if the revolver accepts .357 magnum ammunition or ammunition of an equivalent or greater projectile size or power;

"(v) Safety features: three points if the revolver has a grip safety;

"(vi) Other features: (a) two points if the revolver has a front supported or shrouded ejector rod, (b) five points if the revolver has a rifled portion of the barrel threaded to or integral to the frame or strap component, (c) two points if the revolver has a retracting firing pin, (d) two points if the revolver has a steel recoil plate, (e) five points if the double action revolver has a crane mounted cylinder or rear latch top break, (f) five points if the single action revolver has a spring-loaded ejector assembly and a loading gate; and

"(vii) Miscellaneous equipment: (a) two points if the revolver has a drift adjustable sight, (b) five points if the revolver has a screw adjustable windage or elevation sight, (c) seven points if the revolver has a screw adjustable windage and elevation sight, (d) four points if the revolver has target grips, (e) two points if the revolver has a target trigger, (f) two points if the revolver has a target hammer.

"(*l*)(1) The Secretary shall give written notification of the results of evaluation and testing conducted pursuant to subsection (k) of this section to the licensed manufacturer, licensed importer, licensed dealer, or licensed collector submitting samples of a handgun model for such evaluation and testing. If any handgun model fails to meet the standards for approval, the Secretary's notification shall state specifically the reasons for such finding.

"(2) Any licensed manufacturer, licensed importer, licensed dealer, or licensed collector submitting to the Secretary for testing a handgun model which is subsequently found not in compliance with relevant standards shall have ten days from receipt of notification of noncompliance within which to submit in writing specific objections to such findings and a request for retesting such model, together with justification therefor. Upon receipt of such a request the Secretary shall promptly arrange for retesting and thereafter notify the aggrieved party of the results, if he determines sufficient justification for retesting exists. Should he determine that retesting is not warranted, the Secretary shall promptly notify the aggrieved party as to such determination. In the event that upon retesting the Secretary's finding remains adverse, or that the Secretary finds retesting is not warranted, the aggrieved party may within sixty days after the date of the Secretary's notice of such finding file a petition in the United States district court in the district in which the aggrieved party resides or has his principal place of business in order to obtain judicial review of such finding. Such review shall be in accordance with the provisions of section 706 of title 5, United States Code.

"(3) The Secretary shall publish in the Federal Register at least semiannually a list of handgun models which have been tested and the results of those tests. Handgun models:

(A) not in manufacture on or after the effective date of this subsection; and

(B) which have not been tested or for which the test results have not been published;

shall be deemed to be approved under section 923(k) of this chapter until such time as notice of their disapproval has been published in the Federal Register. The list shall also be included with the published ordinances required under section 921(a)(26) to be furnished to each licensee under this chapter.".

SEC. 8. Section 924 of title 18, United States Code, is amended:

(a) by adding after the words "violates any provision of this chapter" in the first sentence of subsection (a) the words ", other than section (j) of section 922,";

(b) by adding the following at the end of subsection (a): "Whoever violates sections 922(j) of this chapter shall be fined not more than $1,000, or imprisoned not more than one year, or both."; and

(c) by amending subsection (c) to read as follows:

"(c) Whoever—

"(1) uses a firearm to commit any felony for which he may be prosecuted in a court of the United States, or

"(2) carries a firearm during the commission of any felony for which he may be prosecuted in a court of the United States,

shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment of not less than one year nor more than ten years in the case of the first offense, and to a term of imprisonment of not less than two nor more than twenty-five years for a second or subsequent offense. Notwithstanding any other provision of law, the court shall not suspend the sentence of such person or give him a probationary sentence, nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such telony.".

SEC. 9. Section 925 of title 18, United States Code is amended:

(a) by adding after the word "firearms" in subsection (a)(2) the words ", other than a handgun of a model which has not been approved by the Secretary of the Treasury pursuant to section 923(k) of this chapter,";

(b) by adding after the words "may receive a firearm" in subsection (a)(3) the words ", other than a handgun of a model which has not been approved by the Secretary of the Treasury pursuant to section 923 (k) of this chapter,";

(c) by adding after the words "of any firearm" in subsection (a) (4) the words ", other than a handgun of a model which has not been approved by the Secretary of the Treasury pursuant to section 923(k) of this chapter,";

(d) by designating existing subsection "(c)" as subsection "(c)(1)" and adding a new paragraph to subsection (c) as follows:

"(2) Any person who, having been adjudicated as mentally incompetent, or who, having been committed to a mental institution, subsequently has been adjudicated by a court or other lawful authority to have been restored to mental competency, if such court or other lawful authority specifically finds that the person is no longer suffering from a mental disorder and that the possession of a firearm by the person would not pose a danger to the person or to the person of another, shall be relieved from the disabilities imposed by this chapter with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred because of such adjudication or commitment.";

(e) by adding after the words "National Firearms Act" in subsection (c) (1) the words "or of a State or local law which relates to the importation, manufacture, sale or transfer, of a firearm"; and

(f) by amending subsection (d) (3) to read as follows:

"(3) is of a type that does not fall within the definition of a firearm as defined in section 5845(a) of the Internal Revenue Code of 1954; is not a surplus military firearm; is generally recognized as particularly suitable for sporting purposes; and, if a handgun, the model has been approved by the Secretary pursuant to section 923(k) of this chapter; or".

SEC. 10. Section 926 of title 18, United States Code, is amended:

(a) by deleting "and" at the end of paragraph (1);

(b) by deleting the period at the end of paragraph (2) and inserting in lieu thereof "; and";

(c) by adding after paragraph (2) the following new paragraph:

"(3) regulations precluding multiple sales or transfers of handguns under section 922 (1) to persons who do not demonstrate to the satisfaction of the Secretary in a transaction involving a licensed manufacturer, licensed importer, licensed dealer, or licensed collector, that such purchase or transfer is for lawful purposes, as defined in the regulations, and regulations concerning the notice required under section 922(1) (2).".

(d) by designating the existing section as subsection "(a)" and by adding a new subsection (b) as follows:

"(b) Any officer or employee of the Bureau of Alcohol, Tobacco, and Firearms who is designated by the Secretary to carry out the provisions of this chapter is authorized to administer such oaths or affirmations as may be necessary for the enforcement of this chapter and any other provision of law or regulation administered by the Bureau.".

SEC. 11. Title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (18 U.S.C. Appendix 1202–1203) is hereby repealed.

SEC. 12. Section 1715 of title 18, United States Code, is amended:

(a) by adding after the words "Such articles" in the second sentence the words ", other than handguns whose transfer is restricted under section 922(d),"; and

(b) by adding after the second sentence the following new sentence: "The Postal Service shall promulgate regulations, subject to approval of the Secretary of the Treasury, consistent with section 922(d) of this title, concerning conveyance in the mails of handguns subject to that section for the United States or any department or agency thereof, or to any State, department, agency or political subdivision thereof."

SEC. 13. This Act shall become effective ninety days after the date of enactment, except that:

(a) the amendments to section 922(a) (2)(A) shall not preclude the return within 30 days of the effective date to the person from whom it was received of a handgun of a model not approved by the Secretary under section 923(k) which was transferred to the licensed importer, licensed manufacturer, licensed dealer, or licensed collector before the effective date of the Act;

(b) section 5(i) shall become effective on the date of enactment;

(c) a valid license issued pursuant to section 923 of title 18, United States Code, shall be valid until it expires according to its terms unless it is sooner suspended, revoked or terminated pursuant to applicable provisions of law; and

(d) the first publication of the list required under section 923(l)(3) shall be on or before the date of expiration of the sixty-day period following the date of enactment.

SECTION-BY-SECTION ANALYSIS

The draft bill would accomplish several major purposes. First, the bill would ban the importation, manufacture, assembly, sale, or transfer of the cheap, poorly made handguns commonly referred to as Saturday Night Specials. Second, the bill would tighten the controls of handgun sales by requiring that the seller of handguns adequately check the identity and residence of the purchaser and take steps to assure that he is entitled to purchase a handgun under State, federal, and local law. Third, the draft bill would eliminate certain loopholes in existing law and improve the administrative effectiveness of the Federal gun control program.

Sections 1 and 2 state the congressional findings concerning the need for legislation to improve gun control. With respect to manufacture, importation, sale and transfer of Saturday Night Specials, section 1 declares that traffic in Saturday Night Specials is a serious threat to law enforcement and public safety and to the integrity of State and local firearms laws, and that the ban on importation of Saturday Night Specials has been subverted by domestic assembly of imported parts for such weapons and by domestic manufacture of Saturday Night Specials. The findings also state that the receipt or possession of firearms and ammunition by persons barred by Federal law from such receipt or possession constitutes a burden on commerce within and among the states, and that it constitutes a threat to the domestic tranquility. The section also states the necessity of assuring that federal licensees are bona fide businessmen operating within the confines of federal, State, and local law, and that the licensees should take reasonable steps to assure that handguns are not sold to persons not entitled to receive them.

Sections 3 (a) through (d) would amend section 842(d) of title 18, United States Code, to make the list of persons to whom distribution of explosives is barred consistent with the list of persons barred from possessing firearms. Sections 3 (e) through (h) would make similar changes in the section relating to bars on receipt of explosives.

Section 4(a) would amend section 843(c) of title 18, United States Code, to increase from 45 to 90 days the time in which the Secretary of the Treasury must act on an application for an explosives user permit or a license to import, manufacture, or deal in explosive materials. This additional time is consistent with the period of time which the draft bill would give for acting on license applications under the Gun Control Act of 1968, and is designed to give the Secretary sufficient time to assure that the applicant is entitled to the license or permit.

Section 4(b) would amend sections 843 (d) and (e) of title 18, which now provide for the revocation of an explosives license or permit and describe the procedures to be followed for such revocation, to permit the Secretary to suspend the license or permit or to assess a civil penalty of up to $10,000 for each violation of the license or permit. The Secretary would be authorized to compromise, mitigate, or remit the civil penalty at any time according to the circumstances of the case. The person would be entitled to a hearing, and the Secretary's action could be appealed under sections 701 through 706 of title 5, United States Code.

Section 5(a) would amend the definition of "dealer" in section 921(a) (11) to describe four categories of persons who are dealers covered by the provisions of chapter 44 of title 18, United States Code (the Gun Control Act of 1968). The four categories of dealer are:

(1) those engaged in business as "ammunition retailers," defined in proposed section 921(a) (12) as persons who are not otherwise dealers and who are engaged in the business of selling ammunition, other than ammunition for destructive devices, at retail;

(2) those engaged in business as "gunsmiths", defined in proposed section 921(a) (13) as persons who are not otherwise dealers who are engaged in the business of repairing firearms or making or fitting special barrels, stocks, or trigger mechanisms to firearms;

(3) those engaged in business as "firearms dealers," defined in proposed section 921(a) (14) as persons engaged in the business of selling firearms or ammunition at wholesale or retail; and

(4) those who are pawnbrokers.

Section 5(b) would redesignate existing paragraphs (12) through (20) of 18 U.S.C. 921(a) as paragraphs (19) through (27) to accommodate the new paragraphs added by section 5(c) of the draft bill.

In addition to adding to section 921(a) the definitions of "ammunition retailer", "gunsmith", and "firearms dealer" discussed in connection with the definition of "dealer", section 5(c) adds definitions of "handgun", "handgun model", "pistol", and "revolver".

Proposed section 921(a)(15) defines a "handgun" as a firearm which has a short stock and is designed to be held and fired by the use of a single hand.

The term "handgun" is also defined to include any combination of parts from which a handgun can be assembled. As discussed in connection with the proposed amendment to section 925(d)(3) of title 18, the definition of "handgun" includes a combination of parts of a handgun in order to assure that restrictions on importation of certain handguns cannot be circumvented by importing parts of the handguns and assembling the handgun in the United States.

The term "handgun model" is defined in proposed section 921(a)(16) of title 18 as "a particular design and specification of a handgun."

The term "pistol" is defined in proposed section 921(a)(17) of title 18 as a "handgun having a chamber or chambers as an integral part or parts of, or permanently aligned with, the bore or bores."

Proposed section 921(a)(18) defines a "revolver" as a handgun with a breechloading chambered cylinder designed so that the cocking of the hammer or movement of the trigger rotates the cylinder to bring the next cartridge in line with the barrel for firing.

Section 6 of the draft bill wound amend section 922 of title 18, describing various firearms offenses, in several respects.

Section 922(a)(2)(A) of title 18 presently provides as exceptions to the bar against licensees' shipment or transportation in interstate or foreign commerce of firearms and ammunition, the return of a firearm or replacement firearm to a person from whom it was received, and the mailing by the individual of a firearm to a licensee for repair or customizing. Sections 6 (a) and (b) of the draft bill would make the exception inapplicable to the easily concealable weapons whose manufacture, assembly, sale and transfer would be barred under proposed section 922(d)(1) of title 18. However, section 13(a) of the draft bill would permit the return of a handgun to its owner by a licensee who had received the gun prior to the effective date of the Act.

Under existing 18 U.S.C. 922(a)(5), the transfer of a firearm to a person other than a licensee who the transferor knows or has reason to believe lives in another State is made unlawful, except in the case of certain interstate succession or in the case of loan or rental of a firearm to a person for temporary use for lawful sporting purposes. Section 6(c) of the draft bill would change the references to persons living in another State to references to persons who do not reside in the transferor's State in order to assure coverage of sales to persons who reside outside the United States. Section 6(d) of the draft bill would preclude the loan or rental of a handgun which had not been approved by the Secretary of the Treasury pursuant to proposed section 923(k) of title 18. This amendment is consistent with the outright ban of transfers of such weapons under proposed section 922(d) of title 18.

Section 922(c) of title 18, relating to sale of firearms to persons who do not appear at the licensee's place of business, would be amended by section 6(f) of the bill to apply to firearms other than handguns. Under proposed section 922(g), it would be unlawful to sell a handgun to a person who did not appear at the licensee's business premises for purposes of clearly establishing his identity.

Section 6(g) of the bill would conform the sworn statement required to be submitted by a mail-order purchaser under section 922(e) with the amendment making the provision inapplicable to handguns.

Section 6(h) of the bill would repeal subsections (d) and (h) of section 922. Those subsections have been replaced by new subsections (h), (i), and (j).

Section 6(i) of the draft bill redesignates existing subsections (e) and (f) as subsections (m) and (n), respectively, and redesignates subsections (i) through (m) as subsections (o) through (s), respectively, in order to permit the addition of proposed subsections (d) through (*l*). The subsection would also redesignate subsection (g) as subsection (h).

Section (6)(j) of the draft bill would add several new subsections to section 922 of title 18.

Proposed section 922(d)(1) would make it unlawful for any licensed manufacturer, licensed importer, licensed dealer, or licensed collector to manufacture, assemble, sell, or transfer a handgun, other than a curio or relic, in the United States unless the handgun model has been approved by the Secretary of the Treasury pursuant to proposed section 923(k) of title 18. It is recognized that there are presently in the United States a number of high quality pistols and revolvers which by virtue of their size would not be authorized models, but due to their fine workmanship and scarcity have value to collectors. Under existing law the Secretary of the Treasury is authorized to classify such rare or novel firearms as curios and relics.

By expressly excluding curios and relics from the sale and transfer restrictions contained in proposed section 923(k), the draft bill would preserve the free transferability of such firearms between licensed collectors. The determination as to which firearms should be classified as curios or relics would be made by the Secretary on a model by model basis as is done under present law. (See 26 C.F.R. §§ 178.11 and 178.26)

Proposed section 922(d)(2) would make unlawful any sale or transfer of an unapproved handgun, other than a curio or relic, by an individual who is not a licensee if the person knows the handgun model has not been approved. Thus, section 922(d) would prohibit any transaction relating to the easily concealable handguns which are commonly called "Saturday Night Specials." The definition of "handgun" includes a combination of parts from which a handgun can be assembled, so the manufacture, sale, transfer, or importation of parts of a Saturday Night Special would be unlawful under this subsection. "Transfer" of Saturday Night Specials is covered in this provision primarily in order to reach an illegal sale where it is difficult to prove payment for the handgun because of absence of financial records. It is not intended to cover such occurrences as passage of title to a Saturday Night Special by bequest or intestate succession.

Under the provisions of section 922(d), the licensee would be expected to know which handgun models had not been approved by the Secretary of the Treasury since the Secretary is obligated to publish the list of approved and disapproved models and make it available to licensees. Since the lists would not be as readily available to non-licensees, sale or transfer of a Saturday Night Special by a non-licensee would be covered only if the person knew the handgun model had not been approved.

The exception contained in existing section 925(a)(1) permitting transportation, shipment, receipt, or importation for, or sale or shipment to, or issuance for the use of, a governmental entity would apply to the restrictions on Saturday Night Specials. If, for example, the Department of the Army wished to use for training purposes a target pistol which did not meet the standards set by the Secretary of the Treasury, it could do so, but it could not redistribute the pistols to individuals for their personal use.

Proposed section 922(e) would make it unlawful for any person to modify a handgun which had previously been approved by the Secretary of the Treasury for manufacture, assembly, importation, sale, or transfer if the result of the modification was that the handgun no longer met the standards for approval.

Proposed section 922(f) would make it unlawful for a person who purchases or receives a handgun with the purpose of selling or transferring it to another person to sell or transfer the handgun unless he knows or has reasonable cause to believe the purchase and possession of the handgun would be in accordance with Federal law and with State law and published ordinances at the place of sale, delivery, or other disposition. Transactions between licensees would be covered by other provisions of law. Proposed section 922 (f) is designed to assist enforcement of State and local laws restricting sales of handguns by preventing resale or transfer of handguns by a "straw man" in a situation in which a purchase by the person is legal but where he merely intends to resell the handgun to a person barred from receiving it under State law or a published ordinance.

Proposed section 922(g) sets forth the requirements which must be met by a licensee before he may sell a handgun to a person other than another licensee. Under section 922(g), the sale of a handgun could only be made in person, and the transferor would have to take certain specified steps to assure that purchase and possession of the handgun would be in accordance with Federal law and with State law and published ordinances at the place of sale, delivery, or other disposition, before he would be permitted to transfer the handgun. This will not, in any way, of course, affect the States' ability to take parallel action in restricting unlawful intra-state transactions in handguns.

Under proposed section 922(g)(1), the transferee would be required to fill out a sworn statement similar to that required under existing subsection (c) for mail order sales, but also including information concerning the place where the handgun would be kept and the name and address of the chief law enforcement officer of the place where the gun would be kept. The purpose of this requirement is to assure that both the place of residence of the transferee which is required to be stated under existing law, and the place where the gun will be kept can be checked since the transferee may be permitted to have a handgun in one place and not the other, or the local law enforcement officer in one place may have information concerning the individual which is not available to the other law enforcement officer. The sworn statement would be prescribed in regulations to be promulgated by the Secretary of the Treasury.

Under proposed section 922(g)(2), the transferee would have to provide sufficient identification to establish, under rules and regulations promulgated by the Secretary of the Treasury, that he is the person he claims to be, and that he has correctly stated his place of residence. The rules and regulations might require, for example, that the transferee present an identification card with a photograph and address, or that he present two identification cards such as credit cards containing his signature.

Under proposed section 922(g)(3), the transferor would have to submit to the chief law enforcement officer of the transferee's place of residence and the chief law enforcement officer of the place where the handgun will be kept a copy of the sworn statement.

This submission would enable the law enforcement officer or officers to check the record and identity of the transferee to determine whether ownership or possession of the handgun would be a violation of State law or local ordinance. It would also enable the law enforcement officer or officers to request a name check by the Federal Bureau of Investigation. Finally, the law enforcement officer or officers would be able to report the results of their check of the record and identity, determination of legality of possession and ownership, and the FBI name check to the transferor.

The transferor also must receive a return receipt showing delivery of the sworn statement or have the sworn statement returned to the transferor because delivery was refused by the local law enforcement officer. Under paragraph (5) of proposed section 922(g), the transferor could deliver the handgun if nothing received from either law enforcement officer indicated that the transferee was barred by Federal, State, or local law from receiving or possessing the gun. If the transferor does not receive the reports from the law enforcement officers within fourteen days of the date he forwarded the sworn statements to the law enforcement officers, he may transfer the handgun.

It is necessary to send the sworn statement to both the chief law enforcement officer of the transferee's place of residence and the chief law enforcement officer of the place where the transferee would keep the handgun in order to check whether either law enforcement officer is aware of a circumstance which would disqualify the person from receipt or possession of a handgun. It is not intended that a person be barred from purchase of a handgun if he is permitted, for example, to possess a handgun at the place where he intends to keep the gun but not at his place of residence. However, if he were barred from purchase or possession of a handgun at the place where he indicated that he intended to keep the handgun but not at his place of residence, the transferor could not deliver the handgun. Of course, if Federal law barred possession of a handgun outright, no transfer would be permitted.

Proposed sections 922(h), (i), and (j) of title 18 carry forward, consolidate, and amend the provisions of present subsections (d), (g), and (h) of section 922, and of title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (18 U.S.C. App. 1202–1203), which describe the persons who are not entitled to possess handguns under Federal law.

Existing sections 922 (g) and (h) of title 18 bar shipment, transportation, and receipt of firearms and ammunition in interstate or foreign commerce by the listed categories of persons. Existing 18 U.S.C. App. 1202 lists the persons barred from receiving, possessing, or transporting firearms "in commerce or affecting commerce". Existing section 922(d) bars licensees from sale of firearms and ammunition to the listed categories of persons.

Sections 6 (k), (*l*), (m), and (n) of the draft bill would amend section 922(h) of title 18 (formerly section 922(g)), which bars certain persons from shipping or transporting firearms or ammunition in interstate or foreign commerce, in several respects. Sections 6 (k) and (*l*) would update the cross-references to the Controlled Substances Act.

Section 6(m) would modernize the language relating to mental incompetency and commitment proceedings, consistent with the language now used in 18 U.S.C. App. 1202.

Section 6(n) would add to the end of the list of persons prohibited from shipping or transporting firearms or ammunition the category of aliens who are illegally or unlawfully in the United States. That category is barred under existing law from receiving, possessing, or transporting "in commerce or affecting commerce" any firearm under the provisions of 18 U.S.C. App. 1202(a), which is repealed by section 11 of the draft bill.

The reference in existing subsection (g) to "interstate or foreign commerce" has not been carried forward in proposed subsection (h), nor has the phrase "in commerce or affecting commerce" presently contained in 18 U.S.C. App. 1202(a) been used. In *United States* v. *Bass*, 404 U.S. 336 (1971), the Supreme Court found the language "in commerce or affecting commerce" contained in 18 U.S.C. App. 1202(a) to be ambiguous on the question whether it was necessary to prove in an individual case concerning illegal possession or receipt of a firearm that the possession or receipt was "in commerce or affecting commerce." In resolving this ambiguity, the Court narrowly construed the provision so that, for example, possession of a firearm by a convicted felon, without specific proof that the possession was "in commerce or affecting commerce" was insufficient for conviction. Under the amendment to section 922(h), the language "in commerce or affecting commerce" has been omitted in order to eliminate the ambiguity cited by the Supreme Court in favor of the ability to prosecute without having to prove a connection with interstate commerce. Consistent with eliminating proof of the connection to commerce for conviction of illegal receipt, transportation, or possession, the reference to "interstate and foreign commerce" has also been omitted.

The coverage in existing sections 922(g) and (h) concerning receipt, possession, transfer, and shipment of ammunition would also be carried forward to proposed section 922(h).

The offense described in subsection (h) would be a 5-year felony, consistent with the penalty for violation of existing sections 922(g) and (h) and increased from the 2-year penalty under 18 U.S.C. App. 1202(a).

Under section 2(e) of the draft bill, there is a congressional finding that receipt or possession of firearms or ammunition by persons barred by federal law from such receipt or possession constitutes a burden on commerce within and among the States and a threat to the domestic tranquility.

Proposed section 922(i) carries forward the provisions of existing 18 U.S.C. App. 1202(b) barring persons employed by a person barred from receiving, possessing, or transporting a firearm in the course of employment if he knows or has reason to believe the employer is in one of the groups barred from receiving, transporting, or possessing a firearm. The provisions would also apply to ammunition, consistent with proposed subsection (h) and existing sections 922(g) and (h). Under section 924(a) of title 18 as amended by section 8(b) of the bill, the offense would be a misdemeanor subject to up to one year's imprisonment and a $1,000 fine, rather than a 2-year felony as provided in existing law.

Proposed section 922(j), relating to bars against sales of firearms or ammunition by licensees to persons barred from possessing, shipping, transporting, and receiving any firearm or ammunition under proposed subsection (h) and (i) of section 922, carries forward the provisions of existing section 922(d), amended to cover offenses by any person rather than limiting the provision to licensees.

Proposed section 922(k) would bar the shipment or transportation of firearms or ammunition in interstate or foreign commerce if the shipment or transportation was in violation of a State law in a place to which or through which the firearms or ammunition was shipped or of a published ordinance applicable at the place of sale, delivery, or other disposition.

Proposed section 921(*l*)(1) would bar the sale by licensees of two or more handguns to a single person in a period of thirty days or less, and proposed section 922(*l*)(2) would bar the purchase by a person of two or more handguns in a period of thirty days or less from a licensee or licensees, or from a licensee and an unlicensed person, without prior approval of the Secretary of the Treasury under regulations to be issued by the Secretary under proposed section 926(3). Proposed section 922(*l*)(2) would also require that a purchaser or recipient of two or more handguns in a thirty-day period from unlicensed persons notify the Secretary of such purchase or receipt within thirty days. These provisions are designed to reach the volume purchaser of handguns who is in the business of redistributing handguns unlawfully. The regulations to be promulgated by the Secretary would permit volume purchases for lawful purposes, such as for pistol clubs, licensed protection agencies, and private collections.

Section 7 of the draft bill contains amendments to section 923 of title 18, which relates to licensing of manufacturers, importers, dealers, and collectors.

Subsections (a), (c), and (d) would amend section 923(a) to increase the fees for all licensees who manufacture, import, or deal in firearms, other than destructive devices, and who manufacture or import ammunition. The fee system is amended to accomplish two basic purposes: to help assure that the licensee is in fact planning to conduct or is conducting the business for which he is licensed, and to charge fees consistent with the cost of conducting adequate investigations of the bona fide nature of the business to be conducted by the licensee.

The fee system would also be amended to provide higher fees for handgun manufacturers, importers, and dealers than for manufacturers, importers, and dealers in long guns. This differentiation would permit identification of handgun dealers in order to permit the Bureau of Alcohol, Tobacco, and Firearms to concentrate its efforts on handgun dealers, and the increased fees would help to pay the costs of the increased inspection.

Section 7(a) of the draft bill would amend section 923(a)(1) to increase the license fee for manufacturers of firearms other than destructive devices and handguns from $50 to $250 per year. The license fee for manufacturers of firearms including handguns, but not including destructive devices, would be $500 per year. The license fee for manufacturers of ammunition for firearms other than ammunition for destructive devices would be raised from $10 to $250 per year.

Section 7(c) of the draft bill would raise the license fee for importers of firearms other than destructive devices and handguns and importers of ammunition for firearms other than ammunition for destructive devices from $50 to $250 per year An importer of firearms including handguns but not including destructive devices would pay a fee of $500 per year.

Section 7(d) would increase some of the dealer's fees set forth in section 923(a)(3). First, a pawnbroker dealing in firearms other than destructive devices and handguns, or in ammunition other than ammunition for destructive devices would pay a license fee of $250 per year rather than the present fee of $25 per year. A pawnbroker who dealt in handguns would pay a fee of $500. Most dealers in firearms would pay a $100 per year license fee, unless they dealt in destructive devices or handguns or unless they were gunsmiths or ammunition retailers.

The present fee is $10 for all dealers other than those who deal in destructive devices. A dealer in firearms including handguns but not destructive devices would pay a fee of $200 per year. Gunsmiths, as defined in proposed section 921(a)(13), would pay an annual fee of $50 per year. An ammunition retailer, as defined in proposed section 921(a)(12), would pay a license fee of $25 per year. The fees for gunsmiths are kept low because they are generally craftsmen not doing a substantial business and not conducting business in a manner detrimental to law enforcement. Ammunition retailers' fees are kept low since a dealer who carries only ammunition and no guns is generally a small store which keeps ammunition on hand for the convenience of its customers.

Sections 7(e), (f), and (g) of the draft bill contain amendments to the licensing provisions of section 923(d) of title 18.

Under existing law, the Secretary of the Treasury has no authority to deny a license to a person if he meets the age and criminal record requirements and has premises from which he conducts the licensed business or from which he intends to conduct business. Section 7(e) would amend section 922(d)(1) to make clear that the determination whether the Secretary will issue a license is based on a finding of the existence of the factors. Under section 8(f), section 923(d)(1)(B) would be amended to provide that the Secretary would make findings in two additional areas before he could issue a license: first, he would have to find under proposed section 923(d)(1)(B)(ii) that the applicant is not prohibited by State law or a relevant ordinance of his place of business from conducting the business to which his license would apply; and, second, that the applicant is, by reason of his business experience, financial standing, or trade connections, likely to commence the business to which the license applies and to conduct the business in conformity with federal, state, and relevant local law applicable at his place of business.

The word "relevant" has been used in describing local laws which would be of concern to the Secretary in determining whether to license an individual in order to permit consideration not only of local firearms laws but also of such matters as laws prohibiting the conduct of business at the place of business indicated in the application. However, a local law relating to, for example, fire regulations or building codes is not intended to be covered since it is believed that compliance with such details of conducting business is a matter of local and not Federal concern.

Section 7(g) would amend section 923(d) (2) to increase the length of time in which the Secretary of the Treasury must act on a license application from 45 to 90 days. The extension of the time limit is necessary to give the Secretary sufficient time to check the business record of the applicant in order to assure himself of the legality of the license and to ascertain whether the applicant is a bona fide businessman.

Section 7(h) of the draft bill would amend sections 923(e) and (f), relating to denial or revocation of licenses, and administrative review of such denial or revocation, to permit the Secretary to suspend a license or to assess a civil penalty of up to $10,000 per violation in appropriate cases rather than requiring the more drastic step of license revocation in all cases of license violations. The Secretary would be authorized to compromise, mitigate, or remit the liability at any time with respect to a violation. Subsection (f) of section 923 is amended to conform the existing review procedures to include administrative and court review of suspension of licenses and assessments of civil penalties.

Section 7(i) of the draft bill would add several new subsections to section 923 of title 18.

Proposed section 923(k) would require the Secretary of the Treasury to approve for manufacture, assembly, importation, sale or transfer a handgun model which he had tested and evaluated and which met specified criteria. To be approved, a handgun would have to be particularly suitable for sporting or valid defensive purposes. In addition, a pistol, as defined in proposed section 921(a)(17) of title 18, must have a positive manually operated safety device, have a height (measured from the top of the weapon, excluding sights, at a right angle to the line of the bore, excluding magazine extensions or releases) of at least 4 inches and a length (measured from the muzzle, parallel to the line of the bore, to the back part of the weapon that is furthest to the rear of the weapon) of at least 6 inches, and must attain a total of at least 85 points under a detailed list of criteria which applies points for factors relating to, among other things, overall length, frame construction, weight, caliber, and safety features. The subsection would require that a revolver have a frame length of at least 4½ inches (measured from the end of the frame nearest the muzzle, parallel to the line of the bore, to the back of that part of the weapon that is furthest to the rear of the weapon), a barrel length of at least 4 inches, certain safety features, and a total of 60 points under a set of criteria relating to, among other things, barrel length, frame construction, weight, caliber, and safety features. The factoring approach used in the subsection is similar to that used by the Secretary in determining whether a firearm is importable under section 925(d) of title 18. The factoring test in the bill would, however, require that a handgun acquire more points, while increasing the points given for steel or high tensile strength alloy frame construction and adding consideration of additional criteria which would improve the safety or quality of construction of the weapon. Curios and relics would not come under the provisions of this subsection, but would continue to be evaluated as provided in existing law, 26 C.F.R. §§ 178.11 and 178.26.

Under proposed section 923(*l*), the Secretary would give written notification to the licensed manufacturer, importer, dealer, or collector who submitted the samples for evaluation and testing. It is expected that most requests for testing will be made by manufacturers and importers, since they will not be able to manufacture, assemble, or import models manufactured on or after the effective date of proposed section 923(k) without prior approval. The section also provides that, if the Secretary does not approve a handgun model, the aggrieved party may request retesting of the model within 10 days of receipt of notification that the model does not comply with the standards. If the Secretary retests and continues to find the model not in compliance, or if he finds that retesting is not warranted, the aggrieved party may seek judicial review under section 706 of title 5, United States Code.

Under paragraph (3) of subsection (*l*), the Secretary of the Treasury must publish a list of approved handgun models in the Federal Register at least semiannually, and that list must also be included with the published ordinances which the Secretary is required to furnish to licensees. The paragraph also provides that if a handgun model was not in production on or after the effective date of subsection (*l*), and the model had not been tested or, if the model has been tested, the results have not been published, the model is deemed to be approved for the purposes of chapter 44 of title 18 until such time as the model is disapproved. This provision is necessary because of the thousands of models which have been produced in the past but are no longer in production. It is anticipated that the Secretary will be able to test most models produced since 1968 for inclusion in the required list to be published within sixty days after the date of enactment since many of these weapons have already been tested in conjunction with the import restrictions contained in the Gun Control Act of 1968.

As to handguns not in production since 1968, it is expected that the Secretary will test old handgun models according to their relative availability and that he will publish in the initial listing required under section 13(d) of the draft bill a list of those readily available old model handguns which fail the size or safety requirements outright. Of course, the drop test provided for in proposed section 923(k)(2)(C) would not apply to a used revolver since it would not be a reliable indicator of the safety of the particular handgun model and would probably damage the weapon.

Sections 8(a) and (b) of the draft bill would amend section 924(a) of title 18, relating to criminal penalties for violation of the gun control provisions, to make the offense of possessing a gun in the course of employment by a person not entitled under Federal law to possess a firearm (proposed 18 U.S.C. 922(i)) a one-year misdemeanor.

Section 8(c) of the draft bill would amend section 924(c) of title 18 to make a first offense of using a firearm to commit a Federal felony or carrying a firearm during commission of a Federal felony subject to a mandatory minimum sentence, with no probation and no suspension of the sentence. Existing law provides a mandatory term of imprisonment only for second or subsequent offenses.

Section 9(a) would amend section 925(a) (2) of title 18 to make the provision permitting shipment or receipt of firearms sold or issued by the Secretary of the Army under section 4308 of title 10 (relating to rifle ranges and permitting sale of "rifled arms" to the members of the National Rifle Association and clubs organized for practice with rifle arms) inapplicable to handguns not approved by the Secretary pursuant to proposed section 923(k) of title 18.

Section 9(b) would amend section 925(a) (3) to preclude shipment of Saturday Night Specials to members of the Armed Forces or clubs for personal use of the member or club.

Section 9(c) would amend section 925(a) (4), relating to shipment of firearms to members of the Armed Forces, to exclude Saturday Night Specials from the list of firearms which may be shipped directly to members who are on active duty overseas. Under the amendment made to section 1715 of title 18 by section 12 of the draft bill, such firearms could be shipped only for a government or governmental entity, under regulations promulgated by the Postal Service. The Secretary of the Treasury would have to approve the regulations before they were promulgated. A Saturday Night Special could not be shipped by a licensee to a member of the Armed Forces merely because of his status as a member of the Armed Forces stationed overseas.

Section 9(d) would amend section 925(c) to add a new paragraph (2) which would permit a court to provide relief from disabilities under the Gun Control Act for a person adjudicated mentally incompetent or committed to a mental institution. A person could be relieved from the disabilities if the court found that the person was no longer suffering from a mental disorder and that possession of a firearm by the person would not pose a danger to that person or to another.

Section 9(e) would amend section 925(c), which presently bars licensing a person under chapter 44 of title 18 if he has been convicted of an offense punishable by more than one year's imprisonment involving use of a firearm or of violating the chapter or the National Firearms Act, to bar licensing of a person convicted of a State or local offense punishable by more than one year's imprisonment if the offense related to importation, manufacture, sale, or transfer of a firearm.

Section 9(f) of the draft bill would amend section 925(d)(3) to clearly ban importation of handguns which have not been approved by the Secretary of the Treasury in accord with the provisions of proposed section 923 (k) of title 18. Since "handgun" is defined to include a combination of parts from which a handgun can be assembled, the provision would also ban the importation of parts of such handguns for assembly in the United States.

Section 926 of title 18 is amended by section 10 of the draft bill to include a reference to regulations to be promulgated by the Secretary of the Treasury concerning approval or notice of multiple sales of handguns under proposed section 922(*l*). A transferee of two or more handguns in a thirty-day period in a transaction involving a licensee would be required to obtain prior approval of the Secretary of the Treasury of the transfer, and no approval would be given unless the transferee demonstrated to the satisfaction of the Secretary that the transfer was for lawful purposes. If the transaction not involving a licensee, notice to the Secretary of the transaction would be required within 30 days after the transaction.

Section 926 would be amended by section 10(d) of the draft bill to add a new subsection (b) giving officers and employees designated by the Secretary of the Treasury to carry out the provisions of chapter 44 of title 18 the authority to administer oaths and affirmations.

Section 11 would repeal title VII of the Omnibus Crime Control and Safe Streets Act (18 U.S.C. App. 1201–1203) which would be covered under proposed sections 922 (h) and (i) of title 18.

Section 12 would amend section 1715 of title 18, relating to nonmailability of firearms, to ban mailing of any handgun not approved by the Secretary of the Treasury pursuant to proposed section 923(k) of title 18 to any individual. The Postal Service would issue regulations, subject to concurrence in the regulations by the Secretary of the Treasury, concerning mailing of such handguns for a government in the United States or an entity thereof. It is intended that there be no transfers of Saturday Night Specials to individuals except when they receive guns in their capacity as Government employees, and that, even in that case, transfer be made by the government entity to the individual rather than by a licensee. It is also intended that these firearms not enter the flow of commerce at any time, but be returned to the government entity by which they were issued if they are no longer needed by the employee's government functions.

Section 13 of the draft bill provides that the effective date of the bill would be 90 days after the date of enactment, except that under section 13(b), the provisions concerning approval of handgun models would be effective upon the date of enactment in order to permit the Secretary of the Treasury to begin testing. Under section 13(a), a dealer would be permitted to return to the owner a Saturday Night Special received before the effective date. Under section 13(c), a valid license which was issued under section 923 of title 18 would remain valid until its date of expiration unless it was suspended, revoked, or terminated before that date. Under section 13(d), the first list of handgun models approved by the Secretary of the Treasury would have to be published in the first sixty days after enactment.

Amendment No. 820

On page , line , insert the following:

Proposed Amendments to S. 1

(Page and line references to January 15, 1975 version)

On page 26, add the following after the material following line 1:

" '2307. Mandatory Sentence of Imprisonment."

On page 166, strike line 34 and 35.

On page 167, strike lines 1 through 3.

On page 172, strike the language beginning with the word "Notwithstanding" on line 15 through the end of line 23.

On page 190, add at the end of line 13 the following: "Except as provided in section 2307(b), a defendant who has been found guilty of an offense described in section 2307 (a) shall be sentenced to a term of imprisonment as set forth in subsection (e).".

On page 191, add at the end of line 2 the following: "Except as provided in section 2307(b), the minimum term of parole ineligibility of a defendant who has been found guilty of an offense described in section 2307 (a) shall be not less than six months or one-tenth of the maximum term authorized for the offense, whichever is greater, and the minimum term of parole ineligibility of a defendant who has been found guilty of a Class A felony described in section 2307(a) shall be three years.".

On page 191, add the following after line 2:

" '(e) Mandatory Term of Imprisonment.—Except as provided in section 2307 (b), a defendant who has been found guilty of an offense described in section 2307(a) may not be sentenced to probation but shall be sentenced by the court to a term of imprisonment of not less than six months or one-tenth of the maximum term authorized for the offense, whichever is greater, and the minimum term of imprisonment for a defendant found guilty of a Class A felony described in section 2307(a) shall be three years. Such term of imprisonment shall run consecutively to any other term of imprisonment imposed on the defendant.".

On page 191, delete "The court," at the end of line 4 and insert in lieu thereof the following: "Except as provided in section 2307(b), the court shall impose a minimum term of imprisonment on a defendant convicted of an offense described in section 2307 of at least the term prescribed in section 2301(e). In any other case, the court,".

On page 192, lines 26 and 27, delete the words "The court," and insert in lieu thereof "Except as provided in section 2307(b), the court shall impose a term of parole ineligibility on a defendant convicted of an offense described in section 2307(a) for the term prescribed in section 2301(d). In any other case, the court,".

On page 193, line 19, delete "If" and insert in lieu thereof "Except as provided in section 2301(e), if".

On page 194, add the following new section after line 29:

" '§ 2307. Mandatory Sentence of Imprisonment

" '(a) In General.—Except as otherwise provided in subsection (b), a defendant who has been found guilty of:

" '(1) an offense under section 1823 (Using a Weapon in the Course of a Crime);

" '(2) an offense described in section 1621 (Kidnapping), 1631 (Aircraft Hijacking), or 1811 (Trafficking in an Opiate), or 1812 (Trafficking in drugs) if the controlled substance is a narcotic drug listed in Schedule I or II; or

" '(3) a violent offense committed after conviction for the commission of a previous violent offense, or conviction for the commission of a previous State or local offense which would be a violent offense if the offense was a Federal offense, if the offenses were committed on separate occasions;

shall be sentenced to a mandatory term of imprisonment and parole ineligibility in accordance with the provisions of sections 2301(d) and (e).

" '(b) Imposition Not Required.—Notwithstanding the provisions of subsection (a), the court may sentence the defendant to a shorter term of parole ineligibility than required under section 2301(d), to a term of imprisonment with no term of parole ineligibility, or to probation, if the court finds that, at the time of the offense:

" '(1) the defendant was less than eighteen years old;

" '(2) the defendant's mental capacity was significantly impaired, although not so impaired as to constitute a defense to prosecution;

" '(3) the defendant was under unusual and substantial duress, although not such duress as would constitute a defense to prosecution; or

" '(4) the defendant was an accomplice, the conduct constituting the offense was principally the conduct of another person, and the defendant's participation was relatively minor.

" '(c) Definition.—As used in this section, a "violent offense" is an offense described in section 1601 (Murder), 1602 (Manslaughter), 1611 (Maiming), 1612 (Aggravated Battery), 1641 (Rape), 1711 (Burglary), 1712 (Criminal Entry), 1721 (Robbery), 1722 (Extortion), or 1805 (Facilitating a Racketeering Activity by Violence).".

On page 276, line 21, strike "1811(b) or 1823(b)" and insert in lieu thereof "2301(e)".

On page 353, add the following after line 32: " 'Rule 32.2—Sentence to a Mandatory Sentence of Imprisonment

" 'If a defendant is convicted of an offense described in 18 U.S.C. 2307(a), the court, prior to imposition of sentence shall hold a hearing to determine whether a term of imprisonment and parole ineligibility is mandatory under 18 U.S.C. 2307. The hearing shall be held before the court sitting without a jury, and the defendant and the government shall be entitled to assistance of counsel, compulsory process, and cross-examination of such witnesses as appear at the hearing. If it appears by a preponderance of the information, including information submitted during the trial, during the sentencing hearing, and in so much of the presentence report as the court relies on, that the defendant is subject to a mandatory term of imprisonment and parole ineligibility, the court shall sentence the defendant in accordance with the provisions of 18 U.S.C. 2301(e) and 2307(a). The court shall place in the record its findings, including an identification of the information relied upon in making its findings.".

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 1359

At the request of Mr. Muskie, the Senator from Iowa (Mr. Clark) was added as a cosponsor of S. 1359, a bill to coordinate State and local government budget-related actions with Federal Government efforts to stimulate economic recovery by establishing a system of emergency support grants to State and local governments.

S. 1878

At the request of Mr. Tower, the Senator from Arkansas (Mr. McClellan) was added as a cosponsor of S. 1878, a bill to amend the Federal Water Pollution Control Act, as amended, by defining navigable waters.

S. 1965

At the request of Mr. Montoya, the Senator from Massachusetts (Mr. Brooke) was added as a cosponsor of S. 1965, a bill to provide for the striking of medals in commemoration of the bicentennial of the U.S. Army, Navy, and Marine Corps.

S. 2104

A the request of Mr. Tower, the Senator from North Carolina (Mr. Morgan) was added as a cosponsor of S. 2104, a bill to establish a National Commission on Small Business in America.

AMENDMENTS SUBMITTED FOR PRINTING

CRIMINAL JUSTICE REFORM ACT OF 1975—S. 1

AMENDMENT NO. 820

(Ordered to be printed and referred to the Committee on the Judiciary.)

Mr. FONG submitted an amendment intended to be proposed by him to the bill (S. 1) to codify, revise, and reform title 16 of the United States Code; to make appropriate amendments to the Federal Rules of Criminal Procedure; to make conforming amendments to criminal provisions of other titles of the United States Code; and for other purposes.

PUBLIC WORKS EMPLOYMENT ACT OF 1975—S. 1587

AMENDMENT NO. 821

(Ordered to be printed and to lie on the table.)

Mr. TUNNEY. Mr. President, the amendment I am submitting today is designed to make certain that funds authorized under this bill, which aims to help reduce unemployment, are sent to areas of highest unemployment where the need is greatest.

As reported, the bill has two principal sections. The first authorizes $1 billion for title I public works. The second authorizes an additional $1 billion for the title X job opportunities program.

The public works section of the bill has a formula which stipulates that 70 percent of the available funds must go to areas whose unemployment rate exceeds the national average.

The title X section has no such stipulation. Funds are available to any area whose unemployment is over 6.5 percent, and that will not put the funds where they are needed most.

My amendment simply takes the committee's 70-percent language from title I and applies it also to title X.

By adopting by amendment, the Senate can, by directing aid to those areas with the greatest need, further the stated aim of the bill, "To amend the Public Works and Economic Development Act of 1965 to increase the antirecessionary effectiveness of the program."

Mr. President, I ask unanimous consent that the text of my amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 821

On page 16, line 2, insert the following: beginning with the comma, strike out all through the word "average" on line 3 and insert in lieu thereof a period and the following: "The Secretary, if the national unemployment rate is equal to or exceeds 6½ per centum for the most recent three consecutive months, shall expedite and give priority to grant applications submitted for such areas having unemployment in excess of the national average rate of unemployment for the most recent three consecutive months. Seventy per centum of the funds appropriated pursuant to this section shall be available only for grants in areas as defined in the second sentence of this subsection. If the national average unemployment rate recedes below 6½ per centum for the most recent three consecutive months, the authority of the Secretary to make grants under this section is suspended until the national average unemployment has equaled or exceeded 6½ per centum for the most recent three consecutive months".

NAVAL PETROLEUM RESERVES—S. 2173

AMENDMENT NO. 822

(Ordered to be printed and to lie on the table.)

Mr. BARTLETT submitted an amendment to the bill (S. 2173) to fully explore and develop the naval petroleum reserves of the United States and to permit limited production with revenues derived therefrom to be placed in a special account, and for other purposes.

HOME MORTGAGE DISCLOSURE ACT—S. 1281

AMENDMENT NO. 823

(Ordered to be printed and to lie on the table.)

Mr. STONE submitted an amendment intended to be proposed by him to Amendment No. 596, intended to be proposed to the bill (S. 1281) to improve public understanding of the role of depository institutions in home financing.

AMENDMENT NO. 824

(Ordered to be printed and to lie on the table.)

Mr. STONE submitted an amendment intended to be proposed by him to the bill (S. 1281) to improve public understanding of the role of depository institutions in home financing.

NOTICE OF HEARINGS

Mr. ABOUREZK. Mr. President, I wish to inform my colleagues in the Senate and the Indian community that the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs will continue its review of Indian housing needs and programs through two days of field hearings during the August recess.

The distinguished ranking minority member of the subcommittee, Senator Dewey Bartlett, will chair the hearings at two sites in Oklahoma as follows: in Muskogee, August 6; and in Anadarko, August 7.

I feel that the forthcoming hearings will add to our growing record in the area of Indian housing. Such a record will contribute to legislative proposals designed to meet more realistically Indian housing needs as they exist today.

Anyone desiring further information on the proposed Indian housing hearings should contact Ella Mae Horse of the committee staff on extension 47144.

ADDITIONAL STATEMENTS

REGULATORY REFORM

Mr. MOSS. Mr. President, together with other of my colleagues, I have been meeting with the President in discussions having to do with the need for regulatory reform.

The President has expressed his concern about costly and outdated regulation and is seeking reforms in the executive branch. Our colleagues on the House side are suggesting a regulatory agency summit in order to obtain a wide-range discussion of the leading issues relating to regulatory reform.

The bottom line is, we need improved regulation in the public interest. Total deregulation is not a panacea. What we need is less obstruction and swifter action.

Frustration with the regulators is something we have all experienced.

Following is a chronology of a simple application pending before the Federal Power Commission for approval of 33 miles of pipeline to provide needed gas to the Wasatch Front in Utah this winter. This maddening and inexcusable delay is a prime example of the frustrations of the public in dealing with these agencies.

First. The original application for these facilities was filed with the FPC on February 7, 1973.

Second. The FPC gave notice of the filing on February 15, 1973.

Third. On May 1, 1973, the FPC requested additional information and documents.

Fourth. On May 18, 1973, Mountain Fuel responded to the May 1 request for information by filing a supplement to its application.

Fifth. On August 20, 1973, a request was received from the FPC for certain additional environmental information. One environmental study had been completed prior to the request, and a further environmental study was underway at the time of the request. The later study was completed and furnished to the FPC on December 26, 1973, shortly after it was received by the company.

Sixth. On February 27, 1974, the FPC instructed Mountain Fuel to amend its application, since the environmental impact report indicated a minor change in pipeline routing. Mountain Fuel was also instructed to supply certain other additional information.

Seventh. Mountain Fuel's file copy of the requested amendment and additional information is stamped as received by the FPC on March 14, 1974.

Eighth. At the late date of May 10, 1974, the FPC made a request for further supplementation of the application, or in the alternative, for the withdrawal of the application without prejudice to its resubmittal at a later date.

Ninth. The requested supplement to the application was filed on May 20, 1974, stressing the urgency of the situation and the need for an immediate decision.

Tenth. On May 28, 1974, Mountain Fuel again pleaded with the FPC for construction authorization by filing a "Request * * * for Immediate Certificate Authorization."

Eleventh. On June 4, 1974, the Company received a telephonic request for additional information from an FPC staff member.

Twelfth. On June 5, 1974, the information was telephonically supplied, followed by written confirmation the same day.

Thirteenth. On June 7, 1974, Governor Rampton wrote to the FPC requesting an expedited resolution of the case.

Fourteenth. On June 10, 1974, the Public Service Commission of Utah sent a telegram to the FPC Chairman also requesting an expedited resolution of the case.

Fifteenth. On June 27, 1974, the FPC published notice of the amendment to the application, giving interested parties until July 15, 1974, to respond.

Sixteenth. On July 16, 1974, Hal S. Bennett, executive director of the Public Service Commission of Utah, sent a telegram to the Chairman of the FPC urging that the FPC promptly authorize commencement of construction of the pipeline.

Seventeenth. On July 22, 1974, the FPC issued an order denying our request for a temporary certificate, instituting a show cause proceeding, setting the matter for formal hearing, and establishing procedural dates. The order, in effect, stated that our filings to that date had failed to establish a need for the pipeline and set forth in some detail the additional information which should be filed. The order set the date of August 20, 1974, for the filing of Mountain Fuel's direct testimony and exhibits and the date of October 8, 1974, as the hearing date. Additionally, the order noted that Mountain Fuel did not have certificates to construct and operate storage reservoirs in the Bridger Lake and Chalk Creek fields and ordered Mountain Fuel to show cause why certificate applications for these fields should not be filed.

Eighteenth. On August 5, 1974, Mountain Fuel filed all of its testimony and exhibits in support of its application. The testimony and exhibits were filed 15 days early to support a petition for immediate reconsideration of the Commission's July 22 order denying the temporary certificate and renewing Mountain Fuel's request for the prompt issuance of the temporary certificate. Concurrently with the filing of the testimony, exhibits, and petition for reconsideration, Mountain Fuel filed an application for a certificate on the Chalk Creek storage field, which was assigned FPC docket No. CP75-33, and an application for additional expenditure authorization and an extension of time in connection with the further development of the Coalville field, which application was filed under Mountain Fuel's underground storage development, docket No. CP71-52. No certificate application was filed on Bridger Lake, but the operation of this field and our position on why a certificate was not currently needed were explained in the testimony which was submitted in the Coalville to Bountiful pipeline case.

Nineteenth. On August 30, 1974, the Federal Power Commission issued an order denying Mountain Fuel's request for reconsideration of its July 22, 1974, order, denying Mountain Fuel's request for temporary certificate authorization. Although the order concedes that Mountain Fuel's evidence may address the issues raised by its filings in the docket, the order states that such direct evidence has not been subjected to the scrutiny of cross-examination and evaluation in a public hearing and restates the Commission's position that significant issues have been raised which should be dealt with in a formal public hearing.

Twentieth. On September 19, 1974, the company was served with a letter request from the FPC staff requesting voluminous amounts of data on the Chalk Creek storage project, which was allegedly necessary in order for the staff "* * * to make an adequate analysis of—Mountain Fuel's—proposal and to prepare for cross-examination." The letter contains 13 items of requested information, and required extensive research through files dating back almost 13 years.

Twenty-first. On September 26, 1974, Mountain Fuel sent all data which had been requested by the Federal Power Commission in its letter dated September 19, 1974.

Twenty-second. Hearings were held commencing October 8, 1974. No intervenors appeared, and the staff presented no evidence.

Twenty-third. On November 6, 1974, the initial brief and proposed findings were submitted on behalf of Mountain Fuel Supply Co.

Twenty-fourth. On November 6, 1974, the initial brief of the Commission staff was filed.

Twenty-fifth. On November 15, 1974, Mountain Fuel Supply Co. filed a motion with the Federal Power Commission to reopen the record to receive the affidavit described in No. 26 below.

Twenty-sixth. On November 15, 1974, an affidavit by Mr. Douglas Reese was filed with the Commission as an expert geological opinion indicating that the feasibility of the development of the Coalville storage field into a substantial gas storage reservoir had been proven.

Twenty-seventh. On November 25, 1974, the Commission staff filed its reply brief responding to Mountain Fuel's initial brief, along with its answer to Mountain Fuel's motion to reopen the record.

Twenty-eighth. On November 27, 1974, Mountain Fuel's reply brief was filed, responding to the Commission staff's initial brief.

Twenty-ninth. On March 27, 1975, the presiding administrative law judge submitted his initial decision issuing a certificate of public convenience and necessity, authorizing Mountain Fuel Supply Co. to construct and operate certain facilities as described more fully in the application filed in docket No. CP73-213.

Thirtieth. On April 25, 1975, a brief on exceptions to the initial decision was filed by the Commission staff.

Thirty-first. On May 12, 1975, a brief was filed by Mountain Fuel Supply opposing staff's exceptions to the initial decision. A motion was also submitted on this date to expedite the decision.

Thirty-second. On May 17, 1975, a letter was sent by Gov. Calvin L. Rampton to the Federal Power Commission urging an expeditious decision.

Thirty-third. On May 17, 1975, a letter was sent by Gov. Calvin L. Rampton to the Federal Power Commission urging an expeditious decision.

Thirty-fourth. On May 22, 1975, a letter was sent by Senator Frank E. Moss, also urging the Federal Power Commission's immediate, positive response.

Thirty-fifth. On May 28, 1975, Senator E. J. Garn sent a letter to the Federal Power Commission urging the importance of expediting a decision.

Thirty-sixth. On June 13, 1975, Gov. Calvin Rampton sent a telegram to the Federal Power Commission stressing the urgency of the matter and noting possible action which he might be required to take in the event of further FPC delay.

Today is July 26, 1975, with not the slightest indication of when the FPC will act—if ever.

Surely this is an example of the need for regulatory reform. There must be regulatory reform when, after the judge rules an application is in the public interest, the staff which presented no evidence back in October 1974 again intervenes and further delays approval.

Winter is coming and Utah citizens may be cold unless the pipeline can be built this summer. What a price to pay for timid, indecisive, procrastinating regulation.

NEW HAMPSHIRE VACANCY

Mr. McCLURE. Mr. President, it seems to remain clear that the overwhelming sentiment in the country supports resolving the New Hampshire election contest by sending it back to the people who are to be represented by that Senator. An editorial appearing in the Harrisburg Patriot on July 24, 1975, reaches that conclusion after analyzing the constitutional argument which has often been raised on the floor of this Senate.

Mr. President, I ask unanimous consent that the text of the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Senate Vacancy—Let New Hampshirites Decide

In the enervating and senseless controversy under way in the U.S. Senate over picking a winner in last November's senatorial race in New Hampshire, Majority Leader Mike Mansfield is fond of quoting the U.S. Constitution which says that "each House shall be the judge of the elections, returns and qualifications of its own members."

Mansfield adds: "We seem to have some editorial writers against us but the Constitution is with us," and he and his fellow senators steadfastly refuse to return the matter to the New Hampshire voters to select between Louis C. Wyman, the Republican, and John Durkin, the Democrat.

Mansfield's contention—that this matter belongs solely in the Senate and nowhere else—is based on the most wooden of interpretations of that constitutional passage. To the contrary, being equally literal, it is possible to argue that since neither Wyman nor Durkin is yet a member of the Senate, the Senate has no jurisdiction whatever.

A broader-based rebuttal to the Mansfield position is grounded on what appears to be a reasonable definition of the word "judge." According to Mansfield, the Senate must "judge"—that is, decide—who won the November election. It never seems to occur to him that an equally valid judgment by the Senate would be that, in view of irreconcilable technical difficulties, the last election was no election at all—and order that another balloting be held.

Or the problem could be resolved by Wyman and Durkin themselves. Since each is on record as being willing to participate in a new election, let them issue a joint statement that neither will serve unless the voters go to the polls again and make a clearcut selection between them.

There can be little doubt that this is the will of the New Hampshire citizenry, since its Legislature, under popular pressure, has modified state law to make a new election legal.

In any case, what is now under way in the Senate is unfair to the candidates, both of whom have conducted themselves as gentlemen and a denial of ongoing representation to New Hampshire. Another segment of the Constitution, from which Mansfield has not been quoting, says that "no state, without its consent, shall be deprived of its equal suffrage in the Senate." But that's what's happening and, in view of the confrontation between selfish political interests in the Senate, may continue indefinitely.

Let the Senate send the matter back to the voters of New Hampshire for their decision.

Any other course will lead to charges of theft of an election, of bitterness and recrimination. How strange that the members of the Upper House can't see this—a matter that is simplicity itself to most anyone but a partisan U.S. senator.

THE NEED TO PREPARE CAPITOL HILL FOR THE BICENTENNIAL

Mr. HUMPHREY. Mr. President, the Bicentennial year is upon us, various ceremonies and celebrations have been taking place across this Nation for the past several months, and yet on Capitol Hill, we are not prepared.

It could be a catastrophe around here unless proper plans are made. It is essential that we get fully and properly prepared to receive literally hundreds of thousands—yes, millions of visitors in 1976. We have to prepare to take care of just the basic human needs of the mass of people who will be touring the Capital next year, not to mention the need for appropriate displays and programs to celebrate our Bicentennial.

We know that Capitol Hill buildings are so ill-equipped that they cannot house even the Members and their staffs. We cannot even permit our summer interns to eat in the staff restaurants during lunch hour, because of the problem of congestion and long lines in the cafeterias. The eating facilities in the Capitol are totally inadequate for visitors, and there are few eating establishments immediately adjacent to Capitol Hill which can take care of our current luncheon crowd demands, much less the masses which are expected next summer.

The problems we confront in feeding our visitors are equal to those we confront in providing an adequate number of restrooms, water fountains, resting benches, first aid services, lost and found centers, children locaters, and the many other services for large numbers of people.

Mr. President, on June 13, the Senate passed a bill to provide for the appointment of a Joint Committee on Arrangements for Commemoration of the Bicentennial of the United States. The House passed a similar bill on June 23. However, no further action has been taken. I would urge my colleagues to act, to take final action on this legislation in order that this joint committee might begin its work. There is much to be done and so little time to do it that we cannot afford any further delays.

One of the major responsibilities of the joint committee will be to coordinate congressional programs with the activities and events planned and implemented by governmental and nongovernmental groups, including the State and local governments, private groups, and the American Revolution Bicentennial Administration. As part of this overall responsibility, I would hope that the joint committee would also deal with the more immediate logistical and facility problems—the basic people needs to which I have referred.

The transportation appropriations bill just passed by the Senate includes $10 million requested for the special Bicentennial fringe parking and bus service plan. The money would provide parking space for 16,000 tourist cars on existing lots at the Pentagon, Kennedy Stadium, and Fort Myer, and for buses to shuttle visitors to the mall. The House-passed allowance for these costs was $5 million. I would urge my colleagues in the House to accept the Senate level of funding, because this city can ill afford the massive traffic jams which will result if we cannot relieve the Mall area of the additional traffic which is expected.

Mr. President, I ask unanimous consent to print in the RECORD a copy of a Washington Post editorial of Friday, July 18, entitled "Federal Hospitality," which discusses our current lack of preparedness for the Bicentennial celebration.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FEDERAL HOSPITALITY

We are much encouraged that the Ford administration has now acknowledged federal responsibility for the millions of tourists from all over the world expected in Washington next year. The White House is now helping to coordinate the region-wide efforts to accommodate them, having stepped in nine weeks ago, when presidential counsellor John O. Marsh called a meeting of the representatives of ten federal agencies, the Washington Metropolitan Council of Governments, the American Revolution Bicentennial Administration, and the city government. The President assured the group of his concern for the welfare of the visitors. Out of the meeting emerged a White House task force, headed by Richard Hite of the Interior Department. The task force is not concerned with planning the celebration as such. Its concern is entirely with logistic matters, such as transportation, parking, emergency services, accommodations and information. Mr. Hite, a seasoned administrator, seems to have a good grip on most of these problems, but he and his task force still face some formidable obstacles.

The foremost need, perhaps, is for Congress to restore the $5 million cut made by the House in the $10 million budget request for the special bicentennial fringe parking and bus service plan. The plan, worked out by the U.S. Department of Transportation, would provide parking for 16,000 tourist cars on existing lots at the Pentagon, Kennedy Stadium, Ft. Myer and other places and shuttle visitors to the Mall in special buses. This is the only way to prevent the capital bicentennial celebration from being smothered in traffic congestion and pollution. The original cost estimate for this project was $21 million. A $10 million minimum is needed for the acquisition of buses and an extensive information program to tell motorists about the parking service *before* they bring their cars downtown. All six area members of Congress have urged the Senate to restore the budget cut to "avoid what could be an embarrassment to the entire nation."

Another most urgent need is for full cooperation on the part of the Department of Defense. There are several ways in which the military could and should contribute to the national celebration and Interior Secretary Morton has written Defense Secretary Schlesinger about them. One is to make some of the extensive and unused military real estate in the area, notably Anacostia-Bolling, available for visitor parking and camping. The White House task force has found some sites that can be used by people who prefer their tents or recreation vehicles to motels or hotels. The military properties would of course be used only for the "duration"—that is to say the bicentennial summer months. The military has also been asked for medical help—first aid stations and ambulance services. The military medical corps would surely gain good training and good will by helping out. While there are regulations that allow assistance to civilians only in emergencies, the expected presence of 200,000 daily visitors on the Mall is surely just that.

To direct, inform, clean up after, and control this many people, the White House task force estimates that additional overtime funds are going to be needed for the National Park Service. To help house the visitors, the task force hopes to organize a central referral system for telephone reservations. Such a system, which worked well at the Montreal and San Antonio world fairs, would cost about $300,000 and Mr. Hite will be talking to the Office of Management and Budget about that.

Provision is also going to have to be made for adequate food service and adequate rest rooms for the Mall visitors, particularly since the new National Gallery cafeteria will not be completed in time. The proposal to invite tourists to the cafeterias and facilities of nearby government buildings strikes us as less than promising. Government cafeterias lines are already too long. We would rather see the National Park Service open two or three competing summer restaurant and cafe concessions on the Mall. They could operate under light tents or temporary structures and serve simple, high quality fare. Come to think of it, the Mall could use some light refreshments—with or without the bicentennial.

In all the planning for the health and welfare of bicentennial visitors—as in the bicentennial celebrations planned by local jurisdictions and communities—some careful divisions of labor, responsibility and authority are going to have to be worked out and faithfully observed. Just as the District, for example, must contribute its fair share of resources and energy to strictly local projects if it is to expect federal assistance for those projects, so the federal government, in fulfilling its obligations to supply the local program, must take care not to impinge upon the home rule powers recently bestowed upon the local government. In the same way, while local jurisdictions have a role to play as host they cannot be expected to pay the heavy costs entailed in handling this extraordinary invasion of bicentennial visitors. This divvying up of the burden strikes us as a fundamental principal in bicentennial planning and we are glad to see it acknowledged in the President's initiative and in Mr. Hite's activities.

SENATOR HUGH SCOTT'S RECORD ON DEFENSE

Mr. TOWER. Mr. President, never before in history has our Nation been faced with the prospects of a lasting generation of peace. Agreements among the world's great powers can lead to such a peace—agreements to hold the spread of nuclear weapons, agreements to refrain from the hostile settlement of conflict.

Congress plays a vital role in the development of America's defense posture. From the authorizing and appropriating of funds to the ratification of treaties, we do have a unique part to play. As a member of the Senate Armed Services Committee, I have long noted Senator HUGH SCOTT's consistent support of a strong defense while keeping the lines of communication open to all who desire peace.

Senator SCOTT's record on defense matters deserves public recognition. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE—94TH CONGRESS

LEGISLATION

S.J. Res. 27—a joint resolution to amend the Defense Production Act of 1950.

S.J. Res. 48—a joint resolution to amend the Defense Production Act of 1950, as amended, and for other purposes.

DEFENSE—93D CONGRESS

LEGISLATION

S. 156—a bill to require the termination by July 1, 1975, of all Naval weapons range activities on and in the vicinity of the Puerto Rican Island of Culebra.

S. 3961—a bill to authorize the release of 1,553,500 pounds of cadmium from the national stockpile and the supplemental stockpile.

S. Res. 115—a resolution to pay tribute to members of the Armed Forces who are missing in action in Indochina.

S. Res. 117—a resolution to commemorate the loss and suffering of the dead and wounded members of the Armed Forces occasioned by war in Vietnam.

S. Res. 200—a resolution relating to the National Security of the United States.

S. Con. Res. 63—Seek new efforts to obtain compliance with the terms of the Paris Peace agreement as they apply to prisoners of war and personnel missing in action.

Amend. No. 1613—an amendment to S. 3417, military construction authorization bill, that makes provisions for missing military personnel.

VOTES

Voted for Amendment expressing sense of Congress that the United States and the Soviet Union should seek an agreement on specific mutual reductions in military expenditures so each country can devote a greater proportion of resources to its domestic needs.

Voted for Amendment to strike bill's section 7 barring use of funds to carry out Azores base agreement with Portugal until it had been submitted to the Senate as a treaty for its advice and consent.

Voted for Department of State Appropriations Authorization Act of 1973.

Voted for Second Supplemental Appropriations Act, 1973.

Voted for Continuing Appropriations, fiscal year 1974.

Voted for War Powers Act.

Voted for amendment to reduce the number of enlisted men used as aides by the military.

Voted for amendment calling for the Secretary of the Army to keep the new main battle tank within strict cost parameters.

Voted for amendment to restore $495.5 million in funding for procurement of F–14 type aircraft.

Voted for amendment calling for President to seek, through bilateral and multilateral arrangements, payments to offset fully any balance-of-payments deficit incurred by the United States during fiscal year 1974 as a result of the deployment of forces in Europe to fulfill NATO commitments.

Voted for amendment calling for reduction of 110,000 rather than 125,000, in the number of U.S. military forces assigned to duty in foreign countries.

Voted for Department of Defense Appropriation Authorization Act of 1974.

Voted for War Powers Resolution.

Voted for Military Construction Authorization.

Voted for Military Construction Appropriation Act, 1974.

Voted for Foreign Assistance Act of 1973.

Voted for Naval Petroleum Reserves Defense Production Authorization Act of 1973.

Voted for Emergency Security Assistance Act of 1973.

Voted for amendment to limit to 218 the number of enlisted personnel who could be assigned on a temporary basis by the Secretary of Defense to highranking military officers to meet their official responsibilities.

Voted for amendment to prohibit the use of dogs under this act in research, testing, or evaluation of toxic or radioactive agents.

Voted for amendment to bar expenditures of funds for naval ordnance training operations at the Culebra complex (Puerto Rico) or at any keys within three nautical miles thereof after December 31, 1975.

Voted for amendment to prohibit DOD, in carrying out any program under which financial assistance is provided to persons pursuing an education program (other than persons enrolled in a ROTC program), from denying assistance to enrollees in a college or university solely on the grounds that such institution had previously terminated its ROTC program.

Voted for amendment to make the role of the Secretary of DOD in reviewing the export of goods and technology a recommendatory one.

Voted for amendment to bar U.S. economic and military aid to any government which does not effectively prevent the diversion of opium and its derivatives into illicit markets and which permits the production of opium poppies.

Voted to extend and expand authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs in certain public lands.

Voted for amendment placing restrictions on the obligation of funds provided for the expansion of the Naval Communications Station on the Island of Diego Garcia in the Indian Ocean.

Voted for amendment to appropriate an additional $200 million for Israel.

Voted for amendment to authorize the President to suspend section barring military assistance to Turkey beginning on date of enactment and ending on December 10, 1974, if he determined that such suspension would further negotiations for a peaceful resolution of the Cyprus conflict.

Voted for Further Continuing Appropriations, fiscal year 1975.

UNITED STATES-CUBA POLICY

Mr. STONE. Mr. President, on June 16, 1975, Puerto Rican Gov. Rafael Hernandez Colon declared that terrorists who have been placing bombs throughout Puerto Rico and the United States are very well trained in Cuba to carry out such subversive activities. He said that many members of the Puerto Rican Socialist Party travel frequently to Havana, a capital which he described as containing great knowledge of how the terroristic acts are conducted in Puerto Rico and in the United States.

My office has contacted Gov. Hernandez Colon's assistant, Jose Luis Lopez, who not only confirmed the Governor's statement, but sent me the taped remarks, which were made to newsmen in a press conference given in the city of Ponce, P.R.

In 1972, J. Edgar Hoover declared that the Cuban mission to the United Nations was the focal point of Cuban subversive activities directed against the United States. Since then, events have added evidence to confirm these words and to illustrate the Cuban regime's encouragement of terrorism within and against the United States.

A June 17 article from the Chicago Tribune describes in detail how Cuban-trained agents were responsible for two bombings in the area of Chicago's Loop. It states that according to Federal investigations, "at least six persons, trained in Cuba to carry out guerrilla warfare and prepare explosive devices, are based in Chicago as members of the FALN,"—Armed Front for National Liberation. In an article he wrote for the New York Times, Puerto Rico's Resident Commissioner JAIME BENITEZ mentions this group in connection with a similar Castroite following operating in Venezuela. Filiberto Ojeda Rios, a Puerto Rican born and raised in Cuba and a leader of the FALN, has been identified as the Cuban agent responsible for the January 24 Fraunces Tavern bombing in New York City, which took the lives of 5 persons and injured 56 others. The attached article describing these events appeared in the New York Daily News, and states that this same Cuban-trained spy has been responsible for other bombings in New York, Chicago, and Puerto Rico.

Nevertheless, on July 16, U.S. Ambassador to the OAS William Mailliard made clear that the United States favors terminating the OAS sanctions against the Cuban regime, and that our Government will vote to do so at an OAS Meeting of Consultation of Foreign Affairs Ministers which will probably be discussing the matter next Tuesday. Ambassador Mailliard said that—

> Cuba does not constitute a serious and important threat to the Organization of American States.

Significantly, he added that—

> I have not seen that country change its policy of exporting revolution.

To admit this while favoring the termination of the sanctions, which were originally imposed because of the present Cuban regime's subversive interference in the internal affairs of other countries, is an explicit aceptance by the State Department of such illegal foreign policy measures of the Cuban regime. The Senator from Florida does not understand why Communist Cuba's subversive activities mattered so much to us in 1964, when the OAS imposed the sanctions and isolated Cuba from the Inter-American system if they matter not at all to us now.

If the United States votes "yes" in the upcoming OAS Meeting of Consultation, it will be flagrantly ignoring the ample showing of the present Cuban regime's assistance of acts of terror, sabotage, and violence on an international level even including our own country.

I ask unanimous consent that the articles published in the June 17 Chicago Tribune and the June 20 New York Daily News be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, June 7, 1975]

Cuba-Trained Guerrillas Tied to Bombs

(By Ronald Koziol and William Griffin)

Federal investigators disclosed Monday that at least six persons, trained in Cuba to carry out guerrilla warfare and prepare explosive devices, are based in Chicago as members of FALN, a Puerto Rican nationalist group responsible for two terror bombings in the Loop Saturday.

Until Saturday, it was believed by police and the Federal Bureau of Investigation that FALN was concentrating its terrorist activities for Puerto Rican independence from a base in New York City, where similar bombings killing five persons have taken place since last October.

FALN—initials for the Armed Forces of National Liberation—is believed to operate in small, loosely knit and mobile groups, and infiltration by undercover agents has been impossible.

The Tribune disclosed Monday that a member of the Chicago police intelligence unit being groomed to infiltrate the terrorist group was taken off the assignment two months ago because of public protest over recent disclosures of police spying.

Because of the New York City ties, New York detectives arrived here Monday and met for more than two hours with Chicago police officials.

After the meeting, Capt. James O'Grady, acting chief of investigators, said there is no doubt that the FALN was responsible for the Saturday night bombings which ripped the Mid-Continental Plaza Building and the United of America Bank.

Propane tanks were used to accelerate detonation. This was the same method used to set off the bombs in New York City.

"Our bomb and arson experts said that whoever put the bombs together had expert knowledge of explosive devices," O'Grady said.

Besides the bomb fragments, which are being studied by the police crime laboratory, a typewritten note found in a telephone booth in Union Station has been sent to Washington for FBI analysis.

The letter had listed the Federal Building as a third target but a search failed to turn up any bomb.

Acting on the assumption that there is a third bomb that failed to detonate, 24 policemen have been assigned to check other federal buildings downtown, O'Grady said.

James Sullivan, New York deputy chief of detectives, has assigned detectives to check airline manifests of persons traveling recently from San Juan, P.R., to Miami and then on to New York.

Sullivan told the Tribune: "We believe we have managed to identify a handful of members of the FALN, and maybe we can trace their most recent movements."

[From the New York Daily News, June 20, 1975]

Fraunces Probe Eyes Man Called Cuban-Trained Spy

(By Frank Faso and Arthur Mulligan)

A man the authorities describe as a Puerto Rican-born master spy and saboteur who received his terrorist training in Cuba was identified by the police and the Federal Bureau of Investigation yesterday as the man responsible for the Jan. 24 bombing of the Fraunces Tavern, as well as other bombings here and some in Puerto Rico and Chicago.

He is Filiberto Ojeda Rios, 42, whose last known address was 318 E. 169th St., Bronx. Special Agent James Ingram, in charge of the FBI investigation, said Rios was a master of disguises and used various aliases.

IDENTIFIED AS ACTIVIST LEADER

Ingram said that Rios was a leader of FALN, Fuerzas Armadas de Liberacion Nacional, the Puerto Rican activist group that is seeking independence for Puerto Rico, a commonwealth of the United States. FALN has claimed responsibility for the Fraunces Tavern bombing, in the financial district, which cost five lives and injured 56, as well as other bombings.

The FBI man said that Rios had jumped $100,000 bail after having been arrested in San Juan in 1969 in connection with the bombing of three hotels there. Federal warrants were issued at the time, and he has been an elusive fugitive ever since.

The $100,000 bail had been met in cash by a mystery man who said he was Rios' brother-in-law, but who proved not to be. The mystery man also disappeared.

ELUDES COPS, AGENTS

Federal sources in Washington said that Rios used so many disguises and aliases that even members of what was described as his own organization were not sure of his true identity. He has eluded Spanish-speaking undercover policemen and federal agents trying to trace him.

The sources credit him with having united loosely knit bands of activists in this country and Puerto Rico into the now-formidable FALN organization.

The authorities said he was one of at least six persons recruited off the campus of the University of Puerto Rico by a Cuban spy apparatus in 1960 and 1961, shortly after Fidel Castro had taken over in Cuba.

Rios stayed in Cuba until 1963 and then returned to Puerto Rico, the authorities said. It is not known whether he went back to the university.

Rios, it was said, is a trumpeter who played in orchestras in Puerto Rico under the alias of Felipe Ortega Rivera. He uses the code name Ruben in dealings within his spy ring, it was said.

He is described as 5-feet-8 and 160 pounds, with brown hair and brown eyes. He is said to wear eyeglasses most of the time. He is married and has two children, believed to be living with their mother in Puerto Rico, the authorities said.

GAO REPORT ON FOREST SERVICE EFFORTS TO CHANGE TIMBERS SALE PAYMENT METHOD

Mr. DOMENICI. Mr. President, for some time I have been concerned about the effects of a plan by the Forest Service to change the formula it uses to establish the prices of timber sales. At the present time, most timber sales by the Forest Service are priced on the basis of the log scale method. The Forest Service has proposed a change from the log scale method to the tree measurement method as its primary formula.

Under the scaling method the sale price is determined by scaling each log to adjudge the amount of merchantable timber taken by the purchaser. Using the tree measurement method, Forest Service employees cruise a timber stand to determine the merchantable volume that could be realized from the area. I believe that the competing merits of the two systems should be explored before a change is made to the tree measurement approach as the dominant method.

Representatives of the timber industry have expressed concerns that the Forest Service lacks the capacity to accurately judge timber volume by means of the tree measurement method. The Forest Service discounts these concerns and argues that the change of methods would reduce costs of timber sale administration and would foster more efficient timber utilization.

I asked the GAO to undertake a study to compare the accuracy of the two methods and to offer conclusions as to the advisability of the Forest Services' proposed change of methods. The GAO concluded that "because the Forest Service had not provided special funds and adequate guidelines and procedures for comparing the tree measurement and log measurement methods, the relative accuracy and cost of the two scale methods has not been determined."

The report also included four recommendations:

We recommend that the Secretary of Agriculture direct the Chief, Forest Service, to:

Set dates for timely completion of test sales and give high priority to meeting those dates.

Take steps to provide the Forest Services' regions with the funds needed to conduct adequate and timely test sales.

Evaluate and report to the appropriate congressional committee the results of test sales as they are completed for specific forests, tree species, and timber conditions.

Use the tree measurement method for all forests, tree species, and timber conditions for which test sales have shown net benefits to be gained from its use and where Forest Service personnel have the capability to prepare tree measurement sales professionally and accurately.

I am considering the conclusions and recommendations of the report as the basis for subsequent legislative or administrative action. I have asked the Chief of the Forest Service and officials of the timber industry for their comments on the substance of the report. I solicit any comments and suggestions from my colleagues as to potential courses for congressional followup of the GAO report. For that reason, Mr. President, I request unanimous consent that the report be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Comptroller General
of the United States,
Washington, D.C.

Hon. Pete V. Domenici,
U.S. Senate.

Dear Senator Domenici: In accordance with your August 20, 1974, letter and subsequent discussions with your office, we reviewed the efforts of the Department of Agriculture's Forest Service to change the primary method of selling timber in its western regions from the log measurement or scale method to the tree measurement or lump-sum method. You expressed concern about the comparable accuracy and cost of the two methods, the Forest Service's plans for converting to the tree measurement method on most timber sales by the end of the decade, and the difference of opinion between the Forest Service and the timber industry on the feasibility of the planned change.

We made our review at the Washington, D.C., headquarters offices of the Forest Service, the Department of the Interior's Bureau of Land Management, and the Office of Management and Budget; at the Forest Service regional offices in Albuquerque, New Mexico; Portland, Oregon; and San Francisco, California; and at selected Forest Service forest and district offices in Arizona, New Mexico, Oregon, and California. We also discussed the proposed change with several timber purchasers and members of national timber industry associations. We discussed the report contents with Forest Service officials and considered their views in preparing this report.

The primary timber sale method used in the Forest Service's western regions is log measurement. Under this method a timber purchaser agrees to pay for logs taken from a sale area on the basis of scaling—a Forest Service or scaling bureau estimate of the merchantable volume of wood in the logs after the trees have been cut down (felled) and cut into logs (bucked).

In recent years the Forest Service has been trying to increase its western regions' use of the tree measurement method of selling timber. Under this method the purchaser basically agrees to pay a specific amount for the timber in a sale area on the basis of a Forest Service estimate of the merchantable volume of wood in the trees before they are cut down. The estimate is derived by cruising, or physically surveying, the sale area.

The following data, obtained from the three Forest Service western regions we selected for review, shows the portions of each region's fiscal year 1972, 1973, and 1974 timber sales made under the tree measurement method.

Percent of timber sales made under tree measurement method by fiscal year

	1972	*1973*	*1974*
California	2.2	7.0	5.3
Pacific Northwest	3.6	3.8	4.1
Southwestern	5.9	3.0	3.7

The timber industry has generally opposed the increased use of the tree measurement method in the western regions claiming that the Forest Service has not demonstrated the effectiveness and efficiency of the tree measurement method compared with the log measurement method. The Forest Service believes, however, that the tree measurement method should be as effective as the log measurement method, that it should decrease manpower requirements and the overall costs of timber sales, and that it should increase timber utilization.

To confirm its beliefs, the Forest Service has attempted through test sales, to obtain data to compare the two methods. As discussed on pages 5 to 10, however, the test sales that had been carried out in the three regions covered in our review had not been adequate for this comparison.

EFFORTS TO CHANGE SALE METHOD

A chronology of major events related to the Forest Service's efforts to increase the use of the three measurement method is enclosed. (See app. I.) Our review of the records relating to these events and our discussions with Forest Service and Office of Management and Budget officials indicate that:

Early Forest Service efforts to increase the use of the three measurement method lacked specific headquarters direction and guidance, resulting in inconsistencies among the regions in carrying out tree measurement sales and test sales to compare the two methods.

The emphasis on increased tree measurement sales has come not only from within the Forest Service but also from the Department's Office of Audit (formerly called Office of the Inspector General), the Office of Management and Budget, and a 1973 interagency task force appointed by the Secretary of Agriculture and the Director of former Cost of Living Council to consider changes in Forest Service timber sales procedures.

The Forest Service has recognized the need to develop adequate techniques and to train people to make tree measurement sales, since the move toward increasing such sales began.

The tree measurement method has been used for many years in the Forest Service's eastern and southern regions, on some thinning and young-growth sales in the western regions, and by the Bureau of Land Management. At issue, however, is the extension of tree measurement to sales of defective, old-growth trees which make up a large part of the Forest Service's timber holdings in the Western regions. The timber industry has maintained that a change in the measurement method will bring about many uncertainties, additional costs, and large financial risks in the defective of high-value western timber and that there is no conclusive evidence that tree measurement, even if done well, will actually cost less than log measurement.

Although the Forest Service proposed a timetable in mid-1973 to gradually increase the volume of timber sold by tree measurement from 5 percent by the end of 1973 to 90 percent by the end of 1980, the Forest Service has abandoned the timetable because of concerns expressed by the Senate Appropriations Committee (see p. 16) and because of the uncertainty of funding for tree measurement sales.

The Forest Service does not want to abandon its efforts to increase the use of tree measurement sales because it believes that there are long-range benefits in savings and management flexibility which will justify using tree measurement for a high proportion of sales, including those in some areas where other measurement methods are used. However, the Forest Service recognizes that, before moving ahead with tree measurement, it will have to:

1. Establish through test sales the comparative cost and accuracy of volume and value estimates under each method.

2. Use tree measurement only where it has the skills and manpower to do a professional and accurate sale preparation job.

INDUSTRY VIEWS ON CHANGE OF SALE METHOD

Timber industry representatives told us that they were generally opposed to the Forest Service's plan to increase its western regions' use of the tree measurement method of selling, except for small, low-value timber sales where the financial risk is low and the cost of scaling is not justified. They said that their primary concerns with the proposed increase were:

The Forest Service's inability to accurately estimate the volume of usable wood under the tree measurement method due to the:

1. Difficulty of estimating volume in highly defective timber.

2. Large turnover of Forest Service personnel.

3. Varying accuracy reliability among Forest Service personnel.

The resulting increased costs of tree measurement sales to timber purchasers because:

1. Each prospective purchaser would need to cruise the sale area to assure himself of the accuracy of Forest Service volume estimates.

2. Additional scaling and recordkeeping would be required to develop scaling data so that adequate production controls could be maintained. (The Forest Service has customarily provided much of this scaling data although timber sales contracts do not require that it do so.)

The industry representatives emphasized the need for industry participation in any Forest Service study or comparison of the two sale methods. They believe that the solution to the differences of opinion about the accuracy and cost of each method is to get comparable data for each method and demonstrate to the Congress, the Office of Management and Budget, and the public which is the best method of measuring timber for sale.

REGIONAL TEST SALE PROGRAMS WERE NOT ADEQUATE TO COMPARE SALE METHODS

The three regions selected for review had carried out only limited test sale programs and had not developed sufficient volume and cost information on their test sales to compare the accuracy of the volume estimates and the costs of the two sale methods. These weaknesses are attributable to a lack of adequate guidelines and procedures and insufficient funds for conducting test sales.

At the time of our fieldwork, seven test sales had been completed and eight were underway in the three regions. The completed test sales are listed below.

Region and name of test sale	*Date of sale*	*Date Completed*	*Estimated total value*
California:			
Rim	10–72	10–73	$1,076.6
Joy	6–73	12–73	209.3
Nutmeg	4–73	10–73	735.3
Pacific Northwest:			
Claypool	5–71	9–72	23.5
Fleece	4–73	11–73	342.4
Three Pee	3–73	6–74	214.6
Southwestern:			
Water Canyon	12–72	9–74	249.3

NEED FOR ADEQUATE FUNDING

The Forest Service had not provided its regions with special funds for their test sale programs; instead, each region was requested to fit the test sales into its regular timber sale program as funding and manpower would permit. As a result, the sales volume of each region's test sales was a very small part of its total sales volume, as shown in the following table.

Sales volume of test sales as percent of total sales volume by fiscal year

	1971	*1972*	*1973*	*1974*
California	0	0	2.4	1.1
Pacific Northwest	0.2	0	0.04	0.03
Southwestern	0	2.3	2.5	0

Officials in each region said that the lack of adequate funding and manpower had limited their ability to carry out comprehensive test sale programs. In test sales, two measurements—one to measure the standing trees and one to measure the cut timber—need to be made for comparison purposes. According to one region, these double measurements are costly. A Forest Service headquarters official agreed that the lack of funding had inhibited the regions in conducting their test sale programs.

NEED FOR ADEQUATE GUIDELINES AND PROCEDURES

Because national guidance had not been provided for conducting test sales, each region had structured its test sale program to achieve its own objectives, which were generally as follows:

California region officials said that their region's test program was initially intended to give district personnel experience in setting up tree measurement sales and to assess the impact on district operations. They said that efforts to compare the costs of tree measurement and log measurement sales were included in their test program only after industry pressure began to mount following a Forest Service announcement in May 1973 of the planned conversion to tree measurement sales by the end of 1980.

Pacific Northwest region officials said that their region's test sale program was designed primarily to investigate the technical aspects of tree measurement and to determine what combinations of sampling and volume-estimating techniques were best suited to various types of timber. No efforts were made to develop cost data for comparing tree measurement and log measurement sales.

Southwestern region officials said that their region's test program was to give forest and district personnel more experience using the tree measurement method and to enable them to select which type of tree measurement method to test, should additional funding and manpower become available for this purpose.

A headquarters official acknowledged that, until March 1975, the regions had not been provided adequate guidelines and procedures for conducting test sales. According to the March 1975 guidelines and procedures, the western regions are to develop data for both sale methods on (1) the accuracy of volume estimates, including determinations of the volume of usable timber left in sale areas by purchasers, and (2) total Government and purchaser sale preparation and contract administration costs.

NEED FOR COMPLETE VOLUME DATA

To compare the accuracy of volume estimates under the two methods, complete information is needed on the total volume of merchantable timber to be sold from the sale area. In estimating volume under the tree measurement method, the Forest Service considers all trees that are to be harvested. Under the log measurement method, however, only the timber removed from the sale area is measured. Forest Service headquarters officials told us that, to provide comparable volume data in a log measurement sale, a utilization scale—an estimate of the volume of merchantable timber left in the sale area by the purchaser—should be made with the estimated volume's being combined with the volume of timber removed.

A utilization scale had been made on only one of the seven completed test sales, the Fleece sale in the Pacific Northwest region. On the six other sales:

A California region official said that the region had informally advised district personnel to make utilization scales only if utilization for test sales appeared to be worse than that normally considered acceptable for log measurement sales.

Pacific Northwest region officials said that, in preparing their test sales plans, they had overlooked the need for utilization scales and had not recognized this need until two of their test sales had been completed.

Southwestern region officials said they thought a utilization scale was not necessary for their completed test sale because district personnel observations of the sale area had indicated good utilization with little merchantable material left behind.

Forest Service headquarters officials said that they recognized the need for utilization scales on their test sales early in 1974 and that the March 1975 procedures provided for them.

NEED FOR COMPLETE COST DATA

To compare the combined Government and purchaser costs of the two sale methods, adequate cost data relating to each method must be developed. However, no cost data was developed for the three Pacific Northwest region sales and the data developed for the four sales in the other two regions was inadequate.

The data developed for the Southwestern region sale was limited to the costs related to felling, bucking, and scaling the sample trees used to estimate timber volume for the true measurement method. Not developed were the Forest Service's other contract preparation costs; its contract administration costs; the purchaser's costs; and changes in the purchaser's costs which would result from the change in sales method.

For the three California region sales:

Purchaser costs and changes in such costs were not developed.

Estimates of log measurement sale costs included an overhead allowance of 40 percent of direct costs while the overhead costs associated with preparing and administering the tree measurement sales method were not determined or considered. For example, the labor costs used in computing tree measurement sale costs were based on wage rates exclusive of the Government's costs of employee leave time or health and retirement benefits.

The log measurement sale preparation and administration costs considered in the comparison were average costs developed from regionwide data on the number of staff-hours required to prepare and administer the sale. This regionwide data did not reflect the actual log measurement sale preparation and administration cost experience of the districts involved.

California region officials said that the omission of overhead costs for the tree measurement method would bias any cost comparisons and that regionwide data on staff-hour requirements was useful only in very broad terms and might vary widely from the experience of a particular district. These officials said that regionwide averages were used for lack of better data and that development of accurate data would require preparing each sale twice—the first time to tree measurement standards and the second time to log measurement standards. They said that it was not feasible to do this additional detailed and costly work with the limited funding and manpower available.

A headquarters official said that the Forest Service recognized the need for complete cost data late in 1973 as a result of a combination of industry and congressional concern and the Forest Service's desire to support its belief that the tree measurement method would be less costly than the log measurement method. This official believed that the March 1975 guidelines and procedures for collecting test sale data would provide the needed cost data.

According to the official, however, specific funds will not be designated for collecting this information. Instead, the regions will be required to fit the test sales into their regular timber sale programs as funding permits. The official said that a date for completing the test sale program had not been determined and that completing the program would probably depend on the availability of funding and manpower within each region.

CONCLUSIONS

Because the Forest Service had not provided special funds and adequate guidelines and procedures for comparing the tree measurement and log measurement methods, the relative accuracy and cost of the two sale methods has not been determined. The Forest Service has issued revised guidelines and procedures for developing accuracy and cost data for its test sale program. If the regions properly implement them and headquarters coordinates and monitors their implementation, these guidelines and procedures should result in the development of data adequate for comparing the two sale methods. However, the Forest Service has not determined when the test sale program is to be completed and does not currently plan to provide any special funding for the program.

We recognize that special funding for timely completion of the test sale program must compete with other Forest Service priorities, but, until the test sale program is completed, the Forest Service will not be able to provide well-documented evidence to settle the questions of effectiveness and costs of the two methods.

If there are net benefits to be gained from using the tree measurement method, as the Forest Service believes, these benefits should be documented and attained as soon as possible.

RECOMMENDATIONS

We recommend that the Secretary of Agriculture direct the Chief, Forest Service, to:

Set dates for timely completion of test sales and give high priority to meeting those dates.

Take steps to provide the Forest Service's regions with the funds needed to conduct adequate and timely test sales.

Evaluate and report to the appropriate congressional committees the results of test sales as they are completed for specific forests, tree species, and timber conditions.

Use the tree measurement method for all forests, tree species, and timber conditions for which test sales have shown net benefits to be gained from its use and where Forest Service personnel have the capability to prepare tree measurement sales professionally and accurately.

As your office agreed, we are sending copies of this report to the Senate and House Committees on Appropriations and on Government Operations; to various other congressional committees and subcommittees; and to Senators James A. McClure and Bob Packwood and Representatives Patricia Schroeder, Al Ullman, and Don H. Clausen, because of their interest in this matter. We are also sending copies to the Director, Office of Management and Budget, and the Secretary of Agriculture.

Sincerely yours,
ELMER B. STAATS,
Comptroller General of the United States.

APPENDIX I

CHRONOLOGY OF MAJOR EVENTS RELATED TO FOREST SERVICE EFFORTS TO CHANGE ITS WESTERN REGIONS' PRIMARY METHOD OF SELLING TIMBER

AUGUST 1970

The Office of the Inspector General, Department of Agriculture, issued a report stating that, in its opinion, measuring each log (100-percent scaling) was obsolete and did not provide for the economical use of funds or the efficient use of employees. The report said that the Forest Service had done much development work on more efficient timber measurement systems, such as sample scaling and tree measurement with the use of statistical sampling, but that industry opposition had been a severe deterrent to implementing these systems.

The report recommended that the Chief of the Forest Service establish a national policy to eliminate log scaling as a basis for payment, whenever possible, by phasing in other, more efficient measuring methods.

APRIL 1971

The Forest Service advised its regions that it agreed with the Office of the Inspector General's recommendation and would proceed to implement it as rapidly as possible. It said, however, that the regions should not increase the volume of timber sold by the tree measurement method until adequate techniques had been developed and enough employees had been trained in its use, particularly where large, defective timber was involved. The Forest Service said that one region was testing the efficiency of several tree measurement techniques and that other regions should get tests underway promptly because such tests take time to consummate. It said that, until satisfactory techniques were developed, the regions should continue existing sample-scaling arrangements and efforts to convert 100-percent scaling to sample scaling.

SEPTEMBER 1971

The Forest Service told the Office of the Inspector General that the Forest Service was expanding the use of the tree measurement method, sample tree measurement, and sample scaling but that, before any large-scale expansion could occur, it needed to develop some expertise in these methods and to build industry confidence in areas where these practices were new.

OCTOBER 1972

The Federal Timber Purchasers Committee, a timber industry group which meets periodically with Forest Service officials, questioned the speed with which some Forest Service regions were moving to tree measurement sales, alleging that these regions were not living up to the Forest Service's prior commitment to develop sound procedures before increasing the number of such sales. The Forest Service said that its objective was to increase tree measurement sales considerably but that it expected its regions to use management systems which would produce acceptable results.

MARCH 1973

The Secretary of Agriculture and the Director of the Cost of Living Council appointed an interagency task force on softwood timber and plywood to consider changes in Forest Service timber sale procedures.

MAY 1973

The Chief of the Forest Service, on the basis of the work of the interagency task force on softwood timber and plywood, announced that, as one of the actions to meet increased timber productivity goals, conversion from the log measurement system of paying for Forest Service timber to one in which payments would be based on tree measurement methods would be pursued and be achieved throughout the Forest Service as soon as feasible.

MAY 1973

The Forest Service sent its regions the following tentative timetable for converting to tree measurement.

By December 31:	*Percent*
1973	5
1974	15
1975	35
1976	50
1977	60
1978	75
1979	80
1980	over 90

The Forest Service's Director of Timber Management to each region to prepare detailed plans, by national forest, for increasing tree measurement sale offerings to meet the goals of the proposed timetable.

AUGUST 1973

The Forest Service included $1 million in its budget request for fiscal year 1975 to partially cover the costs of converting to the tree measurement method. The Department deleted the fund request in September 1973 because of higher priorities.

NOVEMBER 1973

At a tree measurement conference of Forest Service headquarters and field officials, it was pointed out that, to accomplish the transition from log measurement to tree measurement, a well-planned implementation program was needed to establish confidence in the equity of such a change. Also pointed out were the needs of (1) national instructions, which would establish the bases for accuracy standards for tree measurement sales, and (2) additional financing, to offset the costs of the conversion. In addition, it was noted that the following considerations must be analyzed carefully in any comparison of tree measurement and log measurement methods.

The relative costs of both methods.

The experience of personnel involved in making these comparisons.

The sampling-error standard used for the tree measurement method.

The accessibility and conditions of timber in the sale area.

Flexibility in use of Forest Service personnel.

NOVEMBER 1973

At a meeting with Forest Service officials, the Federal Timber Purchasers Committee stated that it intended to talk further with the Office of Management and Budget (OMB) and western congressional delegations to try to prevent the Forest Service's making widespread use of tree measurement in the West. The Forest Service said that it intended to proceed only as rapidly as its ability to make acceptably accurate volume estimates permitted, giving priority to those situations in which maximum long-term cost savings could be realized. The Forest Service said it expected to make considerable progress toward using tree measurement in the next several years but that it could not predict whether implementation plan targets could be met.

APRIL 1974

In a briefing paper distributed to the western regions, the Forest Service said that, because additional financing had not been received for fiscal year 1975, the proposed timetable for converting to tree measurement sales had to be reviewed. It said also that the western regions had already reduced their estimates of progress by 1980 to 48 percent but that this figure might need to be reduced further.

The Forest Service added that:

It appeared that its past direction had resulted in inconsistencies among the regions and that more specific direction was indicated.

Its intent continued to be to measure timber in the manner which most effectively met both public and purchaser needs.

Although it could not visualize eliminating all scaling, it continued to believe that, in the long run, tree measurement would be shown to best satisfy these needs. However, it did not want to move so fast that it made mistakes and risked discrediting the value of tree measurement. Therefore it was thinking in terms of delaying making any additional tree measurement sales in high-value, high-defect stands until it had accumulated more comparative data on costs and volumes.

To obtain that data, it would prepare as many sales as possible to tree measurement standards but would sell them as scaled sales. Exceptions might be necessary for individual sales where, for some reason, scaling could not be provided at reasonable cost.

It would continue to increase using tree measurement sales of relatively sound and/or low-value timber where experience had shown this method to be satisfactory.

JUNE 1974

The Forest Service sent its regions proposed general guidelines for the tree measurement sale program and emphasized the need for agreement on guidelines for using tree measurement sales in high-value, high-defect, old-growth timber stands. The regions were requested to prepare as many test sales as financing would permit and each forest which planned to offer old growth by the tree measurement method was asked to make at least one test sale in fiscal year 1975, if the necessary preparation work could be done.

AUGUST 1974

The Senate Appropriations Committee, in its report[1] on the Forest Service's fiscal year 1975 appropriations, said:

"In the expenditure of funds appropriated by this Act, the Forest Service should not extend the use of tree measurement systems for timber sales in Forest Service Regions where there is not well-documented evidence that (1) the practice will provide volume data for payment purposes that are as accurate and reliable as those provided for log scaling, (2) the combined cost to the Government and timber purchaser for timber measurement in tree and log form is not increased, except for investigative purposes."

The Committee added:

"For the past two years the Forest Service has undertaken a program to increase the sales of timber on a tree measurement basis. * * *

"Timber prices throughout the Nation have continued to rise and it is important that both the buyer and seller for the National Forest timber be able to rely on volume measured as the basis for payment. It is recognized that current log scaling practices include truck scaling, weight scaling, water scaling, and sample scaling. Where the practices are sound they should be continued unless the above criteria are met.

"Tree measurement methods for National Forest timber sales have been used satisfactorily throughout the eastern National Forests and on certain kinds of timber sales on the western National Forests. However, timber sales in highly defective and valuable timber stands on the western National Forests have normally been sold by log scaling procedures.

"Tree measurement procedures in such timber have been demonstrated to be quite accurate. However, the method has not enjoyed complete confidence by many purchasers of defective timber who might well be faced with severe financial losses if errors occur. Although we recognize the Forest Service has expanded tree measurement sales in the western United States to save cost in both man-hours and dollars, we request Forest Service not to expand tree measurement sales further until the criteria cited above have been met."

OCTOBER 1974

The Director of Timber Management told GAO that the Forest Service had provided little direction to its regions from 1970 to 1973. He said that during this period the headquarters office was mainly trying to encourage the use of tree measurement methods. He said that the Forest Service had abandoned its conversion timeable because of (1) the concern expressed by the Senate Appropriations Committee and (2) the uncertainty of future funding for the tree measurement testing program.

The Director of Timber Management advised the western regions (excluding Alaska) of the congressional concern about the program to increase the sale of timber by the tree measurement method. He said that the Forest Service did not want to abandon its efforts to increase the use of this method but that, in view of the congressional concern, each region should strive to keep the volume offered at about the same level as last year. The Director also finalized the tree measurement sale program guidelines, sent to the regions in June 1974, relating to sale size, defective timber, road construction costs, value of species, and personnel qualifications.

The Director suggested that test sales be made to establish a "track record" in broad timber types where tree measurement had not been used previously. He said the two greatest items of concern in the tree measurement program were accuracy and costs and that the Forest Service needed sound, defensible data to support its belief that tree measurement sales could be highly accurate while achieving reduced costs.

The Director said that Forest Service headquarters would develop and issue procedures and a format to insure that uniform data would be collected on time and costs involved in preparing and administering tree measurement sales and that industry should be asked to cooperate in the program by providing time and costs involved in reviewing and administering the sales from industry's standpoint. He said that the Forest Service needed to make a thorough and complete comparison of savings to justify moving ahead with tree measurement.

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[1] S. Rept. 93-1069, Committee on Appropriations, 93d Cong., 2d sess., Aug. 2, 1974.

NOVEMBER 1974

An OMB official told GAO that OMB first got involved in the tree measurement question in 1973. He said that OMB's interest came about indirectly as a result of increasing timber prices which got OMB involved in looking for ways to increase efficiency and decrease costs. He said that, at that same time, the Forest Service and the Bureau of Land Management were doing work for the interagency task force on softwood timber and plywood and that both agencies felt that tree measurement was one method by which timber utilization could be increased.

The OMB official added that OMB had no problems with tree measurement because both agencies said it would save money and increase efficiency but that he planned to ask the agencies to test industry's allegations that tree measurement was more costly and less accurate than log measurement.

JANUARY 1975

The Forest Service sent its western regions (excluding Alaska) proposed procedures and a standardized format for collecting costs and time on test tree measurement sales. According to these procedures, both Government and purchaser data was to be developed or obtained to compare time and costs for preparing and administering log measurement and tree measurement sales on the same sale area. Also the regions were to determine, by measuring or estimating the amount of usable material left on sale areas, whether utilization differed greatly from contract specifications.

MARCH 1975

The Forest Service finalized the procedures proposed in January 1975 for collecting time and cost data on test sales and asked that individual test sale results be submitted to the headquarters office as they were compiled.

A Forest Service headquarters official told GAO that specific funds would not be designated for collecting this information. Instead, the regions would be required to fit the test sales into their regular timber sale programs as funding permitted. The official said that a date for completing the test sale program had not been determined and that completing the program would probably depend on the availability of funding and manpower within each region.

USE OF THE DULLES AIRPORT ACCESS ROAD

Mr. HARRY F. BYRD, JR. Mr. President, when Dulles International Airport was built in northern Virginia, a special access road was constructed to provide rapid transportation to and from the new facility.

This road serves only Dulles; commuters are prohibited from direct access to the road between the airport and the terminus of the road at I495, the Capital Beltway. Those using it must drive to the airport and "double back" to their destinations.

The Dulles Access Road is underutilized. Commuter automobiles making use of the "turnaround" at Dulles form the bulk of the traffic at rush hours, and at other times it is nearly empty.

By contrast, other roads in the area, many of which were never designed to handle commuter traffic, are badly congested.

Since 1968 I have advocated the provision of direct access to Dulles Access Road to commuter traffic until such time as the road becomes crowded, at which time other highways should be completed to handle the congestion at rush hours.

Recently the employees of the U.S. Geological Survey at Reston have been seeking permission from the Federal Aviation Administration to use the Dulles Access Road for direct transportation to and from their employment. To date, their request has not received favorable action.

On April 10, 1975, a letter was sent to President Ford by the Dulles Corridor Committee, a group representing the USGS employees. The letter was framed as a petition, bearing 1,339 signatures, and it urged the prompt opening of the Dulles Access Road to work trips for USGA personnel, without the necessity for the round trip to the airport.

As you will note in paragraph 8 of the letter, Virginia now has done what FFA requested.

I ask unanimous consent that the letter of the Dulles Corridor Committee to President Ford be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Dulles Corridor Committee,
McLean, Va., April 10, 1975.

The President,
The White House,
Washington, D.C.

Dear Mr. President: We would like to call the following to your attention concerning the Dulles Road and access to the U.S. Geological Survey facility at Reston, Virginia.

1. The U.S. Geological Survey National Center for research in natural resources was built without provision for acceptable access to it. The location of this facility at Reston, Virginia, was part of a plan for decentralization of government.

Such a move involved great sacrifice on the part of the employees.

2. The country roads that the Survey employees are now forced to use are very unsafe. Even during the summer there are numerous potholes. During the winter they are impossible. We have to come to work in the dark, dodging school children and animals. The roads are narrow and winding, hilly and bumpy. Accidents and near-accidents are common.

3. An obvious solution to these problems is the use of the Dulles Airport Access Road.

4. The Dulles Road was built with public funds; yet it is reserved for the sole use of a narrow segment of private industry. This is a subsidy of the airlines to the detriment of Federal employees who are serving the public interest.

5. The F.A.A. holds that their road was built for a specific purpose, and therefore we cannot use it for commuting. The roads that we are forced to use were not built for commuting either. While using these country roads we really interfere with the purpose for which they were built.

6. The Dulles Road is now in fact being used as a commuter road by residents of Sterling Park, Leesburg, and other areas to the west as well as by Geological Survey employees who make the approach from the east. Between 7:00 and 8:00 A.M. more than 90% of the traffic on the road is commuter non-airport) traffic that makes the turn around at the airport and then heads back toward Washington.

7. Wolf Trap Farm Park is another Interior Department facility. It is devoted to amusement, where the Geological Survey is devoted to solving the long-range energy and mineral needs of the country. Yet, Wolf Trap enjoys the use of the Dulles Road and the Survey employees are kept on the byways.

8. Mr. Dexter Davis of the F.A.A. stated that if the Virginia authorities made a definite decision to build parallel commuter roads, the F.A.A. would look at our matter differently, thereby inferring that they would allow use of the Dulles Road to commuters while the parallel roads were being built. The Virginia legislature has now passed the bill authorizing the parallel roads, and the governor has signed it. There is now an obligation on the part of the F.A.A. to respect this commitment.

9. The times of day when the Federal employees of the U.S. Geological Survey would be using the Dulles Road and the directions they would by travelling are such that their being on the road would absolutely in no way interfere with airport traffic.

10. National Airport is approached on the heavily travelled George Washington Parkway; yet, there is never any trouble getting into National because of the Parkway traffic. In comparison, Survey traffic on the Dulles Road would not even be noticed.

11. Denial of the right to use the Dulles Road by the Federal employees of the U.S. Geological Survey results in a waste of more than 200,000 gallons of gasoline each year. The F.A.A. has dismissed this senseless waste of a valuable resource by stating that the energy crisis is over. Their posture is unconscionable with respect to the matter of waste.

12. Denial of the use of the Dulles Road to Survey employees effectively eliminates minority groups in Washington from working at the Survey. Regardless of the doctrinaire exhortations of the F.A.A., the figures show this statement to be true.

13. The morale of the Federal employees of the U.S. Geological Survey is affected adversely by this road situation. We did not choose to come to Reston; our agency was moved here and we were ordered to report. Yet, twice each day we have to pass over this fine highway that is empty of traffic, or if we use it we have to drive the extra ten miles to the airport and back. Twice a day we feel the pang of being neglected by a bureaucracy that really just doesn't care.

We urge that you take immediate steps to gain access to the Dulles Road for the employees of the U.S. Geological Survey and that our own access ramps be built as soon as possible using our present easement.

Very sincerely,
James Wood Clarke,
Wilma B. Wright,
Coordinators, Dulles Corridor Committee (And attached petitioners (1,339)).

PUBLIC EMPLOYEE UNION POWER

Mr. GARN. Mr. President, I would like to call the attention of my distinguished colleagues to a very worthwhile editorial which appeared yesterday, July 25, 1975, in one of our finest and most respected newspapers, the Wall Street Journal.

As a former mayor, it comes as no surprise to me that the mayor of Seattle referred to in this editorial ranks the growing power of municipal unions only second to his concern for money problems. I can certainly testify as to what compulsory unionism and binding arbitration mean to a State or local government official charged with the responsibility of governing.

What it means is that a third-party arbiter who has not been elected by the people or by their representatives can set a wage rate that a local government official does not have the tax money to cover. And, the end result is that indirectly someone who is never accountable to the voters sets a tax levy and in essence supersedes the elected public officials authority to do so.

Whether we talk of public employee unions at the State or at the Federal level, what we need to ask and have answered is whether government, by its nature a monopoly and the protector of all citizens, has the authority legally and morally to transfer functions vital to the very operation of government to a private individual or an independent organization.

The answers to these questions are coming in daily as we see our cities and governments sink deeper into financial trouble, widespread unemployment continue, and our inflation rate begin to inch upward.

Mr. President, I urge my colleagues to read and consider carefully the contents of this very fine article.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Need for a Little Backbone

During the recent U.S. conference of Mayors, the mayor of Seattle said that the growing power of municipal unions ranked just behind money worries as the "most dominant concern of every mayor in the conference."

The most flagrant and most publicized instance is of course New York City. The city's capitulation to the strike by sanitationmen probably dashed its last opportunity to save its creditworthiness. By now some of its municipal union leaders seem to favor bankruptcy, partly out of vindictiveness and partly out of the notion that if the city defaults on its bonds it could go on spending at the rate that built the debt bubble in the first place.

But such public union power is by no means isolated to New York. Some 76,000 members of Pennsylvania's biggest public employe union crippled the Keystone state for three days by walking out in a wage dispute. Strikes have recently occurred in Birmingham, Chicago and Baltimore. Albuquerque has just suffered a police strike, though without any dramatic change in the crime rate.

Such walkouts are usually illegal, yet returning workers are rarely penalized. Instead, the usual pattern is to give them more or less what they demand: Most sanitation layoffs in New York were rescinded and Pennsylvania state employes, who had been offered a 3.5% increase on grounds that anything higher would require a tax increase, received an average 12% hike in three stages.

Despite the growing power of the estimated 11.5 million public employes, there is sentiment in Congress and in various statehouses to increase that power further by guaranteeing public employes the right to strike. Only about a dozen states give public employes broad collective bargaining rights, but any federal legislation would require every state and municipality to bargain with their employes.

Any such federal law, and for that matter any state efforts to give unions a greater say over wages and working conditions, needs to be reexamined and reconsidered. Not because public employes should not be treated fairly, for of course they should be. And not because public employes are second class citizens, for of course they are not. But because the nature of their relationship to their employer is different and because collective bargaining in the public sector is fundamentally different from collective bargaining in the private sector.

Collective bargaining implies parity, more-or-less, between employer and employe; theoretically, each side has economic alternatives. But such parity does not exist in the public sector, since there is no alternative in the event firemen, policemen or other key workers withdraw their services. In that event a strike is not merely an inconvenience, but perhaps a matter of life or death.

There are other differences as well. Public employe unions enjoy unprecedented job security; only in the very worst of times is there any suggestion that civil service jobs be reduced or eliminated. But few trade unionists are insulated from the economic vagaries. Furthermore, while it is not unknown for trade unions to demand the moon at contract time, most contracts in the private sector are settled with an eye toward profit and loss. But municipal union employes often act as though there were no limits to the public coffers.

This attitude is understandable, especially since not a few politicians have encouraged municipal unionists to believe that government treasuries are bountiful. But as New York City officials are finally learning, there is a limit to how much the public can be taxed before it finally rebels. It doesn't take a mathematical genius to realize it just doesn't add up that municipal worker job rolls and payrolls have been expanding constantly while productivity has declined and municipal services are worse than ever.

This situation isn't likely to get any better unless city halls, state houses and even Washington begin showing more backbone. One way to do so would be to impose automatic penalties against municipal strikers, perhaps by reducing their retirement benefits for each day they remain out on strike. But the best way to avoid illegal walkouts in the future is for politicians to resist from the outset efforts to expand the power of public employe unions.

RESIGNATION OF SECRETARY HATHAWAY

Mr. McGEE. Mr. President, it is with deep regret and heavy heart that I note the resignation yesterday of Stanley K. Hathaway as Secretary of the Interior after but 6 short weeks in that important office.

As I said in June in supporting the confirmation of my friend Stan Hathaway:

> The most important ingredient in a man or woman is not whether you agree or disagree, but whether that person's integrity and ability are above reproach.

Mr. President, I think it is no secret that Stan Hathaway and I have had our disagreements over the years as spokesmen for differing political points of view and parties. But my respect for the man, his integrity, and his ability, is undiminished. It is most unfortunate that the vicissitudes inherent in the human condition we all share have been visited upon this able and dedicated public servant at the acme of his public life just as he was setting about a new position of service to the entire Nation.

The people of Wyoming, where Stan Hathaway was an effective and respected Governor for two terms and where he enjoys inestimable esteem, join me, I know, in wishing Governor Hathaway a speedy return to good health, in hoping for good fortune to follow for him, his wife Bobby and their children, and in expressing thanks for the distinguished way in which he has conducted himself through a difficult period.

THE EMPRESS OF IRAN ON SCIENCE AND SOCIETY

Mr. MATHIAS. Mr. President, today's New York Times carries an article condensed from a speech made in Colorado by Farah, Empress of Iran. She has posed the predominate problem of modern man so succinctly that her speech merits the close attention of the Senate. We must be blind and deaf to the disintegration of values in the world around us if we do not respond when she asks—

> . . . how to reconcile the computer with the demands of a spirituality that underlines the very substance of human life. . . .
>
> . . . how to harness the resources of science and technology without depriving mankind of his human heritage. . . .

It should be noted, of course, that few nations confront this challenge more squarely than Iran. One of the world's most ancient cultures is threatened by the affluence derived from oil which on the one hand produces great revenues and on the other induces heavy expenditures for technology and weaponry.

But in the resulting atmosphere of activity and change the Empress has been an articulate and effective advocate of the preservation of the rich heritage of art, architecture, literature and religion. As she travels from one historic Iranian city to another the Empress pleads that progress should not be purchased at the price of the sacrifice of a culture that extends over a period of more than 2,500 years. The Iranian press carries her message beyond the range of her own voice and helps to raise the national level of consciousness of the Persian past and of the danger of a catastrophic collision between that past and the on-rushing future. The United States and the rest of the world should clearly understand this dilemma and appreciate both the depth and the urgency of the issue before all mankind.

I ask unanimous consent that the article, "Computer and the Spirit: The Chasm," adapted from the Empress' speech be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Computer and the Spirit: The Chasm

(By Farah Pahlevi)

I want to comment on a chasm that tends to separate more and more the technological world from the spiritual heritage of civilization.

It appears that the material achievements of our age have come about at the expense of gradual erosion of the cultural patrimony that has taken the toil of so many centuries to accumulate.

The development of communications and the general tendency toward uniformity of the modes of life seem to have endangered cultural diversity, itself the fountainhead of creativity and progress.

Traveling at the speed of sound and communicating at the speed of light, we have entered a period of cultural osmosis—a period whose manifestations range from what Arthur Koestler had called the "architectural esperanto" to many common problems confronting major cities throughout the world.

On the other hand, along with the enormous accumulation of modern knowledge, isolated blocs of specialized knowledge emerge that often remain impenetrable from one discipline to another.

Another disparity is the abyss that separates the masses from a smaller group of specialists. This is largely due to the fact that the discoveries of contemporary science do not readily lend themselves to normal expression in everyday language. As the physicist Erwin Schroedinger said, when new scientific discoveries can be expressed in clear words, one is confronted with statements that are less absurd than "triangular circle" but more so than "winged lions." It is obvious that if the divorce between scientific expression and the understanding of the masses continues, man's condition could become increasingly precarious.

Finally, and this is perhaps the most pressing of all dangers, the environment is being rapidly degraded by the thrust of an unbridled technology that has lost sight of the ultimate aim of progress, namely, man and his total well-being. The optimists will say that for decades we have been witnessing the ascendance of man over the universe and the domination of matter by spirit. And yet, without being a pessimist, one may wonder at the folly of a chaotic material growth that violates the laws of nature while pretending to be honoring them.

Should one, under the circumstances, condemn, as some would suggest, the acceleration of technological progress? Or even proclaim a moratorium on scientific research?

I do not believe so, because scientific discoveries are man's creation, and therefore cannot be held responsible. In my opinion, the basic cause of our present dilemma lies elsewhere. The human race today is at the mercy of the unchecked capabilities of its own inventions—inventions that are blind to their own consequences, or to the means to rectify them. Therefore, a pressing task lies before us if we seek to avert a catastrophe upon future generations. This task is nothing less than correcting the detrimental effects of technology while at the same time restoring the balance between men of science and ordinary people.

We will have to embark on a gigantic program of education. To be sure, one cannot expect everyone to master every discipline of science, but they should at least understand its essence, that is, the scientific spirit and method that characterize it.

The limitless powers of modern science call for a redefinition of scientific responsibility. The unpredictable progress of knowledge must comply with the fundamental right of each individual to know. The benefit of science and technology should be made available to all countries, rich or poor.

In other words, all relations between science and society, on the national as well as the international level, is the concern of our times. Certainly, we face urgent problems other than some to which I referred at the beginning. But the problem which, by virtue of embodying the very first element of progress, demands the highest priority, is no other than scientific and technological progress.

Until now, human societies have given priority to material growth. This is without doubt important, especially in areas where the tempo of development has been slow in the last two centuries. But the qualitative dimension of progress is just as essential. We would be committing an irreparable error if we were to content ourselves with quantitative aims alone.

More than ever, the concept of "gross national happiness" should stand beside that of "gross national product." In this context, it is indeed important to remain alert to the role of culture and the involvement of creative artists in the process of over-all planning.

Thus, the problem before us is how to reconcile the computer with the demands of a spirituality that underlines the very substance of human life. How to harness the resources of science and technology without depriving mankind of his human heritage—this is the challenge that we face and must surmount.

RABBI FELDMAN—"RELIGIOUS LIBERAL"

Mr. RIBICOFF. Mr. President, Rabbi Abraham J. Feldman, of Congregation Beth Israel, West Hartford, Conn., is an old, respected, and dear friend. He has served not only the Jewish community but the overall Hartford community for many, many constructive years. He has also been a chaplain at the Institute of Living for more than 40 years.

The July 1975 issue of Chatterbox, published by the Institute of Living, contained an article about Rabbi Feldman.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RABBI FELDMAN—"RELIGIOUS LIBERAL"

Rabbi Abraham J. Feldman has served the Jewish Community at the Institute of Living as Chaplain for over 40 years. During a recent interview Dr. Feldman reflected on the changes which have evolved in the role of religion within the hospital, and the increasingly relaxed services which have allowed him to interact with patients, to discuss and explain points made during his services. He spoke of the many people who have come to him with questions or concerns about the Jewish faith, and especially about the strengths and reasons for their own beliefs.

Over the years Dr. Feldman has worked closely with our other two chaplains, Father Kiely and the Reverend Bobbitt, and expressed a feeling of warmth and consistent cooperation among them. He has provided many non-denominational services in the past and works together with the other chaplains on Ecumenical Services which are held, notably on Thanksgiving, each year. The chaplains work out a service and then take turn delivering the sermon each year. Next Fall will bring the hundredth anniversary of our Elizabeth Chapel, and plans are already in motion for a celebratory ecumenical service. Plans include inviting prominent speakers to participate in the ceremonies.

Though Rabbi Feldman is a familiar figure here, there are probably few who are aware of how illustrious a man he is. Dr. Feldman was born in the Ukraine and came to the United States as a boy. He attended Columbia University and received his B.A. from the University of Cincinnati. He then went on to earn the Rabbinical Degree from the Hebrew Union College in Cincinnati. He will be honored soon at the centennial celebration of the Hebrew Union College which he will attend with his wife.

Dr. Feldman also holds five honorary degrees and STD from Trinity College, LLD from Hilliar College (now the University of Hartford), Doctor of Humanity from Hartt College and Doctor of Literature from Parsons College of the University of Hartford. He has published more than twenty books and "hundreds of pamphlets". He is also honored with the Medal of the City of Hartford for community involvement. Dr. Feldman has always worked closely with other religious and civic leaders for the community.

Rabbi Feldman's religious career has been long and worthy of recognition. He holds the title of Rabbi Emeritus of the Temple Beth Israel in West Hartford where he has recently completed 50 years of leadership in that congregation. He is a past President of the Central Conference of American Rabbis and of the Synagogue Council of America which includes all divisions of the Jewish faith. During the War he was Chaplain to the Connecticut State Guard, retiring with the rank of Colonel. He has also been a chaplain to the Veterans' Administration Hospital in Newington since it opened some forty years ago.

Rabbi Feldman's leadership has been and continues to be a valuable asset to the community as well as to the Institute of Living. It is our sincere hope that his association with us will be on-going and on-growing, and that more within the hospital will take advantage of the vast knowledge and kindness which he has always shown to us.

OREGON: WHERE ALL ROADS LEAD TO ROAM

Mr. HATFIELD. The State of Oregon has been known for its innovative legislative steps in several areas. Our work pioneering the initiative and referendum; our early child labor, workman's compensation, and other protective legislation all are well known.

More recently, the huge success of our State ban on nonreturnable beverage containers has spawned similar efforts throughout the country. Just a few weeks ago, Oregon became the first State to act against aerosols containing certain fluorocarbons as propellants.

Another forward-looking State law is our proposal to allocate a certain percentage of our gas tax revenues for the construction of bicycle trails.

In a recent article in Sports Illustrated, Robert Cantwell did a god job in capturing the spirit of this law, and of people in Oregon who know about the legislation. I ask unanimous consent that an article from a recent Sports Illustrated be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHERE ALL ROADS LEAD TO ROAM

(By Robert Cantwell)

Along with wheat and forest products, laws are one of the major exports of Oregon. The state is fertile ground for legislative ideas. American voters in general say, "The government ought to do something," but in Oregon folks say, "We ought to do something to the government." It is a land of close votes, of great expectations, of bold experiments and partial accomplishments, of reforms that are praised abroad but often bog down at home.

In the 1840s, when the covered wagon emigrants set up a makeshift government, they passed a law under which any married man able to drive four stakes in the ground could claim a square mile of land. This legislation was one of the forerunners of the Homestead Act, which led to the settling of the West, but in Oregon it led to so many disputes over boundary lines that the family histories of the old aristocracy can usually be traced through the court records of their suits for fraud.

Nowadays, when the citizens of the state are not fishing, or dedicating historic sites and campgrounds, or attending hearings to protect the environment, they are settling down with volumes of the Oregon Laws and dreaming up ingenious new measures.

One of Oregon's many legislative innovations is the initiative and referendum, which enables voters to put their own laws on the ballot if the legislature refuses to act. All that is required for a referendum is a petition signed by 4% of those who voted in the last gubernatorial election; for an initiative, 6%. Initiative and referendum was a nationwide sensation when Oregon adopted it in 1902, and 21 other states eventually followed suit, but at times the Oregon electorate generated less than earthshaking reforms. One early piece of legislation that voters got on the ballot by their own initiative was a bill outlawing passes on railroads. Enthused by the prospect of passing their own laws, Oregon voters pressed on, coming up with acts increasing the bounty on jackrabbits, legalizing slot machines and regulating the sale of oleomargarine.

Prodded by Oregon's creative electorate, in 1971 the state legislature passed House Bill 1700, the first of its kind anywhere. The law provides that the state highway department must spend a minimum of 1% of all gasoline-tax money—1% of all highway revenue generally—building bicycle and pedestrian paths. The Oregon gasoline tax is 7¢ a gallon, on top of the federal tax of 4¢ a gallon (and the federal tax, of course, ultimately returns to the state). Oregon motorists buy about a billion gallons of gasoline a year. From this, one would assume that there is, or should be, or soon will be, enough money to build bicycle paths from Oregon to Rarotonga.

Bills modeled on HB 1700 have been introduced into the legislature of at least 30 other states, and the Oregon law is held by cyclists to be only a little less epochal than Magna Carta. But there is an old problem having to do with Oregon: you can export its laws, but not the people, the climate or the background that produced them. They do not work elsewhere as they do at home. In fact, even at home they often do not work the way they are supposed to.

The bicycle bill squeaked through the legislature in the midst of an environmental uprising that centered on the more famous bottle bill. This measure—also passed and exported and subsequently considered in several states—requires beer and soft drinks to be sold in returnable containers.

Why the bike bill got the backing of the legislators is a puzzle. Perhaps the politicians saw the way antipollution laws were going and appreciated the argument that there were no exhaust fumes from bicycles to befoul the moist Oregon air. Perhaps it passed because nobody expected that it would. Nine Representatives and one State Senator originally decided to back the bicycle bill, whose unique feature was that it compelled the highway department to build the paths whether it wanted to or not. So HB 1700 was passed and signed by former Governor Tom McCall on the seat of a bicycle, the seat then being shipped to the Bicycle Museum on New York's Staten Island. That done, state officials realized nobody in the Oregon highway department knew anything about bicycle paths. This lack of expertise prevailed not only in the state but in the nation. However, one city in the U.S.—Davis, Calif.—could provide a building plan.

In January 1972 an Oregon delegation visited Davis. Almost everyone in that city owns a bicycle and pays an annual $2 license fee for it. There are 22,000 registered bicycles in this farm-and-college city of 32,000. Much of the traffic consists of bicycles. At the corner of Third and F Streets, a busy intersection during rush hours, the ratio of bicycles to cars is 8 to 1. Davis' growth began in the late '50s, after the University of California's agricultural college branch was turned into a liberal arts college. Bicycles became so numerous they virtually force automobiles off the streets. Some of Davis' streets happen to be extremely wide. It was possible to park cars and run bicycle paths between the sidewalks and the parked cars. These paths proved to be so safe and convenient that a citywide system of bicycle paths was constructed.

Only one automobile-bicycle accident has occurred in a bike lane in the 11 years of Davis' bicycle-path system, which now extends for some 16 miles. One reason for this record is the rigorous enforcement of automobile traffic regulations: complete stops at stop signs and tickets for drivers going 26 mph in 25 mph zones. A uniformed cop mounted on a 10-speed bike hands out tickets to speeding cyclists as well.

The Oregon delegation decided that the Davis program depended too much on unique local conditions to be applicable to Oregon. So the highway department hurriedly built a number of short paths in widely separated locations, using highway maintenance crews when they were not working at their regular jobs. Counters were placed on some of the paths to determine how often they were used. A questionnaire was sent to 600 bicyclists asking why they rode: For touring? For recreation? To save money? (Sixty-nine percent replied that they rode for exercise.) Ten thousand copies were mailed to names selected at random by a computer. "A silly questionnaire," huffed by the Eugene Register-Guard, noting that many of the respondents undoubtedly didn't own bikes.

After the first rains the asphalt surfaces of the bike paths were cracked, broken, washed out or covered with mud. "A pretty lousy deal," said Les Anderson, the mayor of Eugene (pop. 79,000), who had been swept into office with the enthusiastic support of the city's 40,000-odd bicycle owners. "A waste of money," said others.

Still, by the time the 1973 Oregon legislative session opened, the highway department had completed or had under construction about 100 miles of bikeways.

The legislature answered its critics by setting up the Bicycle Advisory Committee to oversee the program. The eight-member committee goes from town to town holding hearings that last from 10 in the morning until 10 at night. A kind of game is involved, absorbing but entirely serious, which anyone with a bicycle and a map of Oregon can play. You mark where you think a bicycle path should be built and try to get the state to build it there. "I have this fantasy bicycle path in my mind," said a young man at a hearing in Eugene. Asked to step closer to the microphone, he said his name was Skeeter Duke. He wore a red-checked shirt and brown corduroy trousers, and had the nervously determined air of a man about to reveal his private fantasies. "Yes, Mr. Duke?" said a committee member sympathetically.

"I would like to see a bicycle path built from Eugene down to the coast at Florence," said Skeeter Duke.

As fantasies go, this was one even a part-time bicyclist could appreciate. If such a path should be built it would run westward from the city of Eugene and the University of Oregon, through level farmlands, past some good fishing sites on Fern Ridge Reservoir, and enter the low mountains of the Coast Range.

There it would thread through narrow valleys, with timbered slopes on both sides so steep that even the trees seem to remain upright in defiance of the law of gravity. After passing at least three campgrounds in 60 miles, the path would come out of the woods into tidewaters and the little town of Florence, the only community in an expanse of 100-foot-high sand dunes and dunes-locked lakes—a desolate, windswept but livable region, immense breakers pounding the shore, offshore rocks inhabited by sea lions, a country at once drenched and arid, as though the Sahara had unaccountably commingled with the coast of Maine. At Florence the fantasy bicycle path would connect with a genuine roadway, U.S. 101, the Coast Highway, which is to have—eventually—a bicycle path along its entire 348 Oregon miles.

"My name is Carolyn Hall," said a little redheaded girl wearing a blue sweater and a green skirt. "I am 12 years old, I am a sixth-grade student at Ellis Parker Elementary School in Eugene." To prepare for the hearing, the students of her class had taken a bicycle apart and reassembled it. They then rode their bicycles over a new path, five miles long, by the Willamette River. The path runs through a park leading to fishing spots, picnic tables, thickets of brush and alder populated with birds, cottonwood and beech trees and glimpses of the rapids of the river. A bridge for bicycles and pedestrians arches over the 200-foot-wide river to the University of Oregon campus. The path is a favorite training ground for the university's distance runners, and is beloved by bird watchers, elderly hikers and cyclists. Rounding a turn one may meet a gathering of bird watchers transfixed by a green-tailed towhee, or encounter an oncoming bike rider, head on.

For their English assignment the sixth-graders wrote presentations on bicycle paths for the committee. Those who wanted to read their papers were on hand to do so. Carolyn's paper said there should be signs warning people of sharp turns. The committee members agreed, and thanked her. Traci Marshall, 12 years old, said there should be places on the path where you can stop and rest. John Thornton, also 12, said there ought to be some better way to get to the path, and that it should be wider. "But I like it," he said. "There is plenty of nature around." Twenty-three members of the sixth-grade class filed out.

For 12 hours equally concerned spokesmen told the committee what was wrong with the operation of HB 1700, where they wanted new paths located and why bicycle routes combined with roads or streets were no good. More than 100 witnesses appeared, and from their accounts emerged a picture of cyclists forced off the road, insulted by truck drivers, tailgated by sports cars, toppled by debris, and so harassed, honked at and belabored that it appeared the only safe bicycle in Oregon would be one that was able to climb a tree.

One listened to the testimony of 54 witnesses until the accounts of hazards and discomforts set off some automatic switch; each new report sounded like a replay of the one before it. Could this be the result of HB 1700? The Magna Carta of bicycle riders? The measure that cyclists in 30 states were urging their legislatures to adopt? But occasionally a speaker described the bicycle paths he would like to see built, summoning up a vision of secluded, rustic trails in country settings.

Take Fort Stevens, for example. It stands on a peninsula where the Columbia River enters the Pacific, a thin cover of brush planted around it to prevent the sand from blowing away, a maze of cracked-concrete gun emplacements, the streets and buildings engulfed in blackberry vines. Built during the Civil War to discourage Confederate gunboats, Fort Stevens saw no action until 1942, when a Japanese submarine surfaced nearby and lobbed shells into it, the only military installation in the continental U.S. attacked by enemy gunfire. A bicycle path from Highway 101 to the fort had long been advocated, and 7.3 miles have been completed.

The first great American bicycle craze occurred after the pneumatic tire was developed in the 1880s. Oregon was so thinly settled and the distance between towns was so great that the fad hit the state with extraordinary force. There were so many bicycles in the wide-open gold-rush town of Baker near the Idaho border in eastern Oregon that bicycle riding on the sidewalk was prohibited in 1881, although almost everything else known to mankind was permitted there. Now one of the projected bicycle paths under HB 1700 would run from Baker along an abandoned narrow-gage railroad line through worked-out gold fields to the ghost town of Bourne. Nothing much remains of Bourne except a sumptuous mansion dating from the turn of the century. The swindlers of Bourne were unsurpassed in the way they sold stock in the Sampson Company, of London, New York and Bourne, long after it was well known there was no gold in its mines. The whole town was in on the secret, and two different (but identical-appearing) editions of the local newspaper were printed, one containing authentic news, the other, distributed in distant cities, containing entirely fictitious references to nonexistent gold strikes. The inhabitants spent much of their time pretending to be rich, in case a nosy investor happened by, and the masquerade, sometimes called the most outrageous gold-mining swindle of all time, went on for several years.

The nationwide bicycle boom reached its peak in 1899, when the U.S. population was 75 million, and 1,182,691 new bicycles were sold. At that time the population of Oregon was only 400,000, but the state had about 3,500 miles of bicycle paths over 60 separate routes. Most of the paths were built by local bicycle clubs. They were narrow, limiting cyclists to traveling in single file from town to town through the woods. In a sense, the paths of the '70s, resemble those of two generations before. For example, one proposed route runs from Portland to the state capital at Salem, 47 miles away. When Herbert Hoover was a boy in Newberg, south of Portland, he got a job weeding onions and saved his money to buy a secondhand bicycle. Moving to Salem, he worked in an uncle's real-estate office, saving all his wages for several months in order to buy a new bicycle. Hoover eventually went to Stanford with his hard-won two-wheeler and $160 to start the career that ultimately led to the presidency.

Local history abounds along some of the paths, such as the one proposed for Bend, a city of 16,200 east of the Cascades. The path would skirt Sunriver, a resort and residential development that has 18 miles of bicycle paths leading to every home and shopping center. Bend was an obscure cattle town of 500 until 1915, when Tom Shevlin built a sawmill there. Twice an All-America end on Walter Camp's great 1902–04 teams, Shevlin introduced himself simply: "I'm Tom Shevlin, probably the greatest football player that ever lined up for Yale." The sharpest dresser in the college (he always took three suits to out-of-town games) and Yale's fastest motorist (he raced his 60-hp Mercedes against the express train to New York), he enjoyed loafing around the lobby of the Waldorf-Astoria, hiring bellboys to page him. His standing as Bend's most glamorous citizen ended when Clark Gable got a job in the sawmill. A legendary ladies' man, Gable was a parttime actor until he played Romeo to Jane Cowl's Juliet in Portland in 1925 and became famous.

A host of extravagant escapades surrounds the projected paths. In 1900 a possessed professor at the University of Oregon, Frederic Young, pushed or pedaled his bicycle over the entire length of the Oregon Trail, 2,000 rough miles of prairies and mountains. He wanted to experience what the emigrants had gone through. "The interminableness of it!" he wrote when he got back to Eugene. In 1902 Oregon's worst outlaw, Harry Tracy, escaped from the penitentiary, shot and killed seven men, and for three months evaded the militia called out to capture him, much of the time speeding on stolen bicycles ahead of his pursuers.

One wants to ride with Harry Tracy, but bicyclists more often find themselves at a dead end. Only 144.9 miles of paths have been completed—or are under construction—in the four years since the bicycle bill became law, and the cost has been a staggering $5.9 million. One percent of the gasoline tax is about $2 million a year, so presumably the state has had about $8 million to spend on the paths. But a complicated division into payments to cities and counties limits the amount available for any long-distance run, and procurement of funds is subject to considerable legal tugging and pulling. The first 44 miles of paths built with gasoline-tax money were the result of no less than 35 different projects by the state, counties and towns, most of them less than half a mile long.

Today the Oregon highway department has a magnificent statewide plan. The only trouble is that it would cost $101 million to complete. But that, too, is an old story in Oregon; there has never been enough money to do what the voters wanted. At one time, under the initiative and referendum, the electorate approved a measure to build a courthouse and then voted down the money to build it. During the gold rush, voters approved a plan to finance the construction of a county courthouse in Jacksonville by mining gold from the excavation for the building's basement.

Despite such traditions, the voters take it for granted that HB 1700 will be implemented while feeling considerable satisfaction that so many other states are following their example.

Meanwhile, pending the completion of their paths, cyclists tour on little-used back roads. Following a path described in Nick and Elske Jankowski's 55 Oregon Bicycle Trips, one cyclist met a single car in 21 miles. The hard-topped road runs through a small forest of dead apple trees, all that remains of a gigantic apple-growing insurance scheme. The idea was that the tree's planted in one's early years would provide retirement income in old age, but they never produced any fruit.

In 55 Oregon Bicycle Trips one gains an idea of the homely attractions to be found on the way: each steep hill meticulously noted, old houses, totem poles, art centers, zoos, blackberry bushes, wrecked ships and agates in the gravel of Agate Beach. Ernest Drapela and Kevin Pratt's 30 Bike Rides in Lane County tells you how to cycle to a scenic attraction where there is a sign reading, what are you doing about Jesus? The book guides you to an abandoned schoolhouse filled with hay, a riverbank populated with beavers, a windmill, a lot of waterfalls, a salmon pool, driftwood, and a list of public campgrounds where you can go to the toilet.

One of the projected new paths is to run from the city of Grants Pass, known as Grass Pants, through groves of pines and madrona trees and the town of Wonder (so named because people wondered how anybody could make a living there), to wind up, 28 miles later, in the Oregon Caves. Another path, in the southwest corner of the state, will run near the Rogue River past fields of bent coast grass (exported for putting greens) into forests of Port Orford cedar, a wood found nowhere else that became famous when Sir Thomas Lipton used it in his challengers for the America's Cup. But generally there is something anticlimactic about riding a bicycle to an historic site in Oregon. The oldest things in the state are often of so recent vintage that an ancient ruin merely looks out of date. But it is true that on a bicycle it is easy to stop and examine any point of interest, though why it is interesting may be hard to define. Everything seems close at hand and approachable, and the uniform gray overcast, on days that are neither too hot nor too cold for cycling, gives a muted Eastman color charm to the scenery, the leaves or the bark of trees, or the forlorn grandeur of some empty shack outlined against snowy mountains. The bicycle-path program is part of an old regional pattern: something at once romantic and practical, visionary and sensible, grandiose but relatively inexpensive. What it really shows is a love of the country and a way to see it without parking problems. Maybe someday it will all work.

VOTING RIGHTS EXTENSION ACT

Mr. CANNON. Mr. President, 10 years ago Congress passed the Voting Rights Act of 1965. It did so in order to renew the pledge that every American, regardless of racial or ethnic background, should have an equal right to register and vote.

The original act took aim at those jurisdictions that ulitized literacy tests or other devices to exclude segments of the population from the voting lists. As a result of the 1965 law, literacy tests were suspended in many jurisdictions throughout the United States. Subsequently, registration among minorities, especially in the black community, showed dramatic increases.

In 1970, Congress enacted the voting rights amendments which extended the ban on discriminatory tests in all other jurisdictions for a period of 5 years. That ban is due to expire on August 6. The Voting Rights Extension Act will extend the lifetime of the 1965 law as amended for 10 years and add a number of provisions.

First, a permanent ban would be enacted on literacy tests and on other discriminatory voting practices.

Second, the bill would prohibit for 7 years, the use of English-only election materials in a jurisdiction if more than 5 percent of the residents of voting age are members of a language minority group and if less than 50 percent of the residents of voting age participated in the 1972 Presidential election. If coverage is triggered under the act, then first, election materials must be provided in the language of the minority group that triggered the coverage, and second, the jurisdiction becomes subject to preclearance and to monitoring by Federal registrars and observers.

Title III of the act also adds provisions to protect against discrimination in voting rights on the basis of illiteracy. If more than 5 percent of the residents of voting age in a jurisdiction are members of a language minority and the illiteracy rate for the minority group is higher than the national average, then the jurisdiction must provide election materials in the language of the minority group in question.

Census figures indicate that seven counties in Nevada will come under the coverage of title III of this act. These counties were found to have Spanish-speaking populations greater than the 5 percent specified in the act combined with an illiteracy rate greater than the national average of 5.5 percent. The definition of illiteracy for purposes of this act is that part of the population over the age of 25 with a fifth primary grade education or less.

Those seven counties are:

Census Bureau figures for Spanish-speaking minorities in selected Nevada counties

County, illiteracy rate,[1] and minority percentage:

Humboldt	12.363	10.0
Lander	7.895	8.343
Mineral	19.767	5.295
Nye	13.333	5.292
Pershing	No figures	7.464
White Pine	9.828	11.228
Elko	13.953	7.98

[1] Figures based on percentage of minority over the age of 25 with a fifth grade education or less.

Indian minority figures

County, illiteracy rate, and minority percentage:

Elko	18.3	7.9

To come under Title III coverage counties must have more than a 5% minority population speaking the same language AND must have an illiteracy rate higher than the national average of 5.5%.

If any of these counties had a voting turnout of less than 50 percent in the 1972 Presidential election, they would have been subject to the more stringent requirements of title II.

The inclusion of these counties in the Voting Rights Act raises some important questions. There is no evidence, for example, that points to voting discrimination against segments of the population in any of these counties or on a statewide basis. In fact, the Nevada State Legislature acted in 1973 to provide voting assistance for those people unable to read or write English. Nevada Revised Statute 293.296 provides that individuals with a physical disability—modified by NRS 293.070 to include those unable to read or write—have the right to assistance in marking their ballots from an individual of their own choosing.

Title III of the Voting Rights Extension Act broadens the assistance provision to include provisions for bilingual ballots as well as assistance in registering to vote. This added protection is a laudable step. But I do not believe that there is evidence of voting discrimination in Nevada sufficient to require the intervention of the Federal Government. Nor do I believe that the Voting Rights Act takes adequate notice of the good faith concern of the Nevada State Legislature for the voting rights of minorities as evidenced by prior legislation.

But the voting rights extension has passed the House and the Senate. It has the support of the White House and the time remaining for renewal of the act expires on August 6. Failure to approve this measure, despite justified reservations over its application to our State, would repudiate this country's overall commitment on equal access to the voting booth. While I am not persuaded that there is sufficient evidence of voting discrimination in Nevada, there is little question that it remains a substantial evil elsewhere in America.

I therefore support this measure. It has short term applicability to Nevada. But it has long-range importance for America. I look forward to the day when laws of this sort will no longer be necessary. If the United States as a whole can match the good will of Nevada in protecting the voting rights of its people, I am confident that day is not far in the future.

THE AEROSOL CONTROVERSY AND JOHNSON WAX

Mr. HATFIELD. Mr. President, as cosponsor with my colleague from Oregon, Mr. PACKWOOD, of legislation to regulate aerosol sprays, S. 1982, I read with great interest an advertisement that ran here in Washington in the Star on June 20. It appeared in other publications also.

The ad sets out the Johnson Wax policy on this issue. In print blacker than most of that in the ad, the company policy is spelled out clearly:

> Effective today, our company has removed all fluorocarbon propellants from our production lines in the U.S., and we are aggressively reformulating our product ingredients worldwide to achieve the same goal.

I congratulate Johnson Wax, and applaud this decision by the company. Let me point out that it would have been normal, in the minds of some, for this company to close ranks with other companies in opposition to any restrictions on aerosols. I note this fact as the sponsor of the bill, S. 613, to ban all throwaway beverage containers and to substitute returnable containers.

To Samuel C. Johnson, who signed the ad as chairman of the company, I also extend thanks from the people of Oregon, where a law has been signed to put limits on aerosols using certain fluorocarbons. I hope residents of Oregon will show their support of this company's decision in the marketplace, where it can be shown to Johnson's competitors that consumerism pays off "on the bottom line," to quote the phrase currently in vogue.

People who are concerned about the allegations regarding ozone damage should support companies such as Johnson, where they would rather switch than fight.

I imagine some of the other companies with a stake in continuing unregulated fluorocarbons in aerosols will tell me that Johnson was about to do this anyway, for various reasons. That possibly could be true. I do not know. I do know, however, that we should recognize when a company veers away from the pack in these situations. Here, they are putting the customers' welfare first, and I want to thank them.

I call the attention of my colleagues to this statement contained in this ad, and I ask unanimous consent that the text of the ad and an article by Steven Greenhouse entitled "Aerosol Feels the Ozone Effect" which appeared in the New York Times of Sunday, June 22, 1975, be printed in the RECORD.

There being no objection, the ad and article were ordered to be printed in the RECORD, as follows:

AN OPEN LETTER TO CONSUMERS ABOUT AEROSOLS—FROM SAMUEL C. JOHNSON, CHAIRMAN, JOHNSON WAX, RACINE, WIS.

DEAR CUSTOMER:

For 89 years my family and our company have endeavored to develop new, modern, efficient quality products.

Our company still is a family venture; I am the fourth-generation member to head it. We have four children who, I hope, will want to carry on the tradition.

AEROSOLS TODAY

About 25 years ago, modern technology brought to the American homemaker a familiar symbol of the age of ease and convenience. This was the aerosol can.

As you are no doubt aware, a lot of confusion, misunderstanding and anxiety has developed over the last few months about aerosols. Since we have been closely involved in their development over the past couple of decades and because we know a great deal about aerosols, I want to try to clear up some of the misapprehensions you may have about them.

FLUOROCARBONS AND OZONE

The most important problem right now is that some aerosol cans release a certain kind of propellant gas that some scientists feel may be damaging the upper atmosphere ozone layer around the earth.

Although this was a totally unforeseen concern, scientific investigation is constantly providing a vital public service by calling to our attention things about our environment that may present serious problems.

The particular aerosol propellant under question is a fluorocarbon. It has several trade names, (e.g., Freon, Genetron, Ucon, Isotron). Some scientists feel that the possible impairment of the ozone layer in the upper atmosphere would permit greater penetration of the sun's ultra-violet rays with unforeseen effects on our health. Obviously this is a very serious concern; our own company scientists confirm that as a scientific hypothesis it may be possible, but conclusive evidence is not available one way or another, at this time.

We concur that the pressing need is for reliable scientific investigation; this is being carried on by the Inter-Agency Task Force on the Inadvertent Modification of the Stratosphere which has concluded that there may be a legitimate cause for concern. In addition, the National Academy of Sciences has stratospheric investigations underway which are expected to be completed early next year. Additional investigations are being sponsored by aerosol manufacturers and suppliers.

NOT ALL AEROSOLS CONTAIN FLUOROCARBONS

In the meantime, it is important to note that not all aerosol products sold in this country contain fluorocarbon propellants. As a matter of fact, approximately half of all aerosols use other kinds of propellants, including hydrocarbons and carbon dioxide.

About 15 years ago, Johnson Wax invented what is known as the "water-base" aerosol system that permitted the use of propellants other than fluorocarbons in many household products.

As a result, we have been reducing our use of fluorocarbon propellants over a long period for a variety of different reasons, including the fact that our unique water-base formulations using other propellants are less expensive.

During the past three years, fluorocarbons have made up less than five per cent of the total propellants we use. And because we share the concern of our customers and others and since we are technically equipped to do so in our products, we have made a policy decision.

WHAT JOHNSON WAX IS DOING

Effective today, our company has removed all fluorocarbon propellants from our production lines in the U.S., and we are aggressively reformulating our product ingredients worldwide to achieve the same goal.

We at Johnson Wax are taking this action in the interest of our customers and the public in general during a period of uncertainty and scientific inquiry. We are taking this newspaper advertisement and other available means to tell our customers so that they may use our aerosol products with greater confidence.

In addition, we plan to inform the consumer by having information available within the next 30 days in stores where our products are sold and by changing as soon as possible the labels of our containers to carry the following statement:

Use With Confidence—Contains no Freon or other Fluorocarbons claimed to harm the ozone layer.

Millions of Americans have learned that in order to have the advantages of aerosol cans, they have to exercise common sense, because the aerosol—like the automobile, or even a simple stepladder—can be dangerous if improperly used.

For example, the aerosol can does contain propellant gases under pressure. It could explode if carelessly placed down on a hot kitchen stove. Fortunately, these dangers are so well known that it almost never happens.

WHAT WE BELIEVE

We believe that aerosols are good and useful, or we wouldn't manufacture them. As a result, we will manufacture only those aerosols in the U.S. that do not contain fluorocarbons. They include:

Pledge furniture polishes
Raid insecticides
J/Wax automotive products
Jubilee kitchen wax
Favor furniture polish
Glade air fresheners
Edge protective shave
Crew bathroom cleaner
OFF insect repellents
Big Wally foam cleaner
Klean 'n Shine multi-surface cleaner
Glory rug cleaner
Shout pre-spotter

Our customers who have welcomed the utility of these products in the convenient aerosol form will continue to be able to depend upon them.

In closing, I want to assure you that we at Johnson Wax will do our best in the tradition of our family to ensure the effectiveness and safety of our products with the best materials available to us.

Sincerely,

SAMUEL C. JOHNSON.

[From the New York Times, June 22, 1975]

AEROSOL FEELS THE OZONE EFFECT

(By Steven Greenhouse)

Ever since the ozone controversy burst onto the scene last summer, the $3-billion-a-year aerosol industry has felt as if the sky were falling.

The industry's troubles began last June when F. Sherwood Rowland and Mario J. Molina, two chemists at the University of California at Irvine, published a study which said that fluorocarbons used as spray can propellants were destroying the earth's precious ozone layer—which shields the earth from ultraviolet radiation.

From that time on, the manufacturers of the propellant gases, the can companies, the producers of aerosol valves and finally the companies which package and peddle their products in this handy form have been increasingly battered. Among the developments:

Numerous scientific studies have confirmed the initial Rowland-Molina report of fluorocarbon-caused ozone depletion;

Ten days ago a Federal interagency task force recommended after four months of study that fluorocarbons used as aerosol propellants be banned by January, 1978—unless today's ozone depletion theories are refuted;

Last Monday, Oregon became the first state to enact a bill banning fluorocarbon aerosols, effective March 1, 1977; and

Legislators in 13 other states and in Congress have introduced bills to ban, restrict on conduct research on fluorocarbon aerosols.

Last year, after a quarter century of spectacular growth in which aerosol production rocketed from 4.3 million cans in 1947 to a record 2.9 billion in 1973, production dropped to 2.7 billion cans, reflecting both the ozone controversy and recession.

This year, some aerosol producers have cut output by 25 per cent or more.

Hoping to postpone or prevent additional market erosion, the aerosol industry has begun its own ozone study, mustered sophisticated lobbies against antifluorocarbon bills, and expanded research and development programs.

Aerosol spray cans use pressurized gases such as hydrocarbons or fluorocarbons as propellents. These gases hold the can's active ingredients—deodorant, insecticide, plant growth stimulator, or any one of 300 other products—in suspension. When the aerosol valve is pressed, the propellant shoots out of the can and forms a fine mist, taking the active ingredients with it.

About half the aerosols sold are propelled by fluorocarbons—which constitute the problem now being debated. They are compounds of carbon, chlorine and fluorine. Personal care products—hair sprays, antiperspirants, perfumes and pharmaceuticals—make up half of all aerosol sales. They generally use fluorocarbons as propellants, as do most insecticides and air fresheners.

Fluorocarbons have the advantage on hydrocarbons, in that they reduce the flammability of personal care products, which often have an alcohol base. If hydrocarbons, which are cheaper than fluorocarbons, were used as propellants for alcohol-based aerosols, the result would be an extremely flammable product.

Shaving creams and most household products, such as paints, furniture polish and cleansers, use hydrocarbons, which are not suspected of depleting ozone. These products employ a water base, which overpowers the hydrocarbons' flammability.

Aerosols are not the only things being blamed for depleting ozone, however. Scientists say that the nitrous oxides in the exhausts from supersonic transports and the fluorocarbons used in and escaping from leaky refrigerators and air conditioners also contribute to ozone depletion. Aerosols use half the fluorocarbons produced annually and air conditioners and refrigerators, one-third.

What Dr. Rowland and Dr. Molina wrote in Nature magazine was that fluorocarbons drift up over time into the stratosphere where they decompose and release chlorine. The two scientists theorized that this chlorine would react with and break down the stratosphere's ozone.

Scientists fear that the increased ultraviolet radiation reaching earth, should the ozone shield erode, would result in increased skin cancer, possible crop damage, genetic mutation and climatic changes.

Michael B. McElroy, an atmospheric chemist at Harvard, has concluded that if aerosol use were to grow at 10 per cent annually (half the growth rate of the 1960's), stratospheric ozone content would fall by 10 per cent by 1994. Scientists figure this would mean a 20 per cent increase in ultraviolet radiation reaching the earth and cause by itself at least 60,000 new cases of skin cancer annually in the United States, roughly a 20 per cent increase.

Some scientists say that fluorocarbons now in the air may have already depleted ozone by 1 to 2 per cent.

All this scientific criticism has translated into bad business for the aerosol industry. R. H. Powey, marketing manager for aerosols at the American Can Company, said, "The aerosol business at American and throughout the industry is down about 23 per cent. I'd say about one-third of that drop represents a loss to the ozone issue." The rest is attributed to the recession.

Du Pont's sales of Freon, its trade name for fluorocarbons, have been 25 percent below last year's levels. Du Pont accounts for one half of the 1 billion pounds of fluorocarbons produced in the nation annually. This in turn is half the world's production.

Du Pont, Allied Chemical, Union Carbide, Kaiser Aluminum, Pennwalt and Racon, Inc., in Wichita, produce the nation's fluorocarbons, which sell at approximately 42 cents a pound and add up to a $400-million-a-year industry.

The Precision Valve Company of Yonkers, N.Y., the world's leading aerosol valve manufacturer, sold more than 1 billion valves last year. Its production was down 40 per cent last February and March.

Robert H. Abplanalp, an industry pioneer who perfected the aerosol valve, Precision's president and an intimate of former President Nixon, said the drop "may have been a result of the controversial ozone scare stories appearing in the media."

The worst outcome of the controversy for industry, of course, would be the outright ban of fluorocarbon aerosol.

Before any other states or Congress join Oregon in legislating bans, the industry wants time to research whether projected ozone depletion will be borne out in experimentation.

One industry spokesman, who requested anonymity, said, "All the scientific theories against fluorocarbons are just that—theories, not facts. What we need is more research before there are any more bans or badmouthing. We don't want another false scare."

Critics, however, assert that any delay in banning the product will mean increased ozone depletion and an inexcusable increase in skin cancer, among other things.

The industry assures its critics that, like everyone else, it does not want to see more skin cancer cases. But it argues that a popular, useful industry should not be snuffed out without conclusive proof of damage.

Indeed, the industry is confident that the ozone depletion theories will be overturned. "It is possible that consumers are starting to regard Rowland's assumptions as the nonsense I think they are," Mr. Abplanalp said.

A. Karim Ahmed, staff scientist of the Natural Resources Defense Council, an environmental organization with offices on both coasts, looks harshly upon the aerosol industry's tactics.

"It's like Watergate," he said. "They want to see a smoking gun. We'll have to wait 25 years for that, and by then the irreparable damage will have been done.

"They haven't come up with one iota of evidence that the scientists' theories are wrong, and we've been waiting a full year."

To conduct research for the industry, 30 corporations and five trade associations have formed the Council on Atmospheric Studies, which plans a three-year-study costing up to $5-million of how chlorine-containing compounds, including fluorocarbons, affect the atmosphere and stratosphere.

Meanwhile, state legislators have introduced their fluorocarbon bills, and the industry has orchestrated powerful lobbying efforts to turn them back. In six of the 14 states involved, the bills have been killed outright, and in four all action on fluorocarbons is dormant.

In California, the bill was killed in committee. According to John C. Harrington, a staff consultant on the legislation, defeat followed the concentrated efforts of DuPont, Continental Can, American Can, the California Manufacturers Association, the California Chamber of Commerce, the Teamsters union and the steelworkers union.

Mr. Harrington said that one Senator on the committee considering the bill had been visited by 12 industry representatives.

In New York, the State Assembly overwhelmingly passed on June 2 a bill that would ban fluorocarbon aerosols beginning Oct. 1, 1978, unless the state's environmental commissioner rules that they are harmless. The bill now awaits action in the Senate Rules Committee.

Raymond L. McCarthy, technical director of DuPont's Freon division, commented that "the bill gives the industry the real and impossible task of proving that something will never happen."

In Congress, Representative Paul D. Rogers, Democrat of Florida, who chairs the House subcommittee on public health and the environment, originally drafted an amendment to the Clean Air Act that would have banned fluorocarbon aerosols.

However, under industry pressure, Mr. Rogers' subcommitte weakened the bill so that instead of requiring a ban it would require the Environmental Protection Administration to report to Congress within two years, after researching ozone depletion, to recommend whether action be taken.

For now, the bill is holed up in committee but may be spurred or even strengthened by the recent Federal interagency task force's recommendations in favor of a ban.

Some industry analysts estimate that, in the event of a ban, three to nine years would be needed to develop and market substitutes which would match fluorocarbon aerosols desirable characteristics—fineness of spray, nonflammability and chemical inertness.

Aerosol critics maintain that there need be no great search for substitutes at all, maintaining that acceptable alternatives are already on the market. They also criticize aerosols for wasting metal and being nonreusable and expensive.

A recent consumer study found that one aerosol antiperspirant costs 4½ times as much per application as did the same company's rollon. The price difference was attributed to most aerosols being composed of 45 to 95 per cent inert ingredients (propellants) and only 5 to 55 per cent active ingredients.

With aerosols under attack, there are signs that non-aerosol sales are rising. Pump-tops, roll-ons, squeeze sprays and just plain bottles are selling strongly, and several companies have started actively promoting nonaerosols.

Gillette, whose Right Guard deodorant and Adorn and The Dry Look hair sprays in aerosol cans account for 10 per cent of company sales, has just put its first pump-top hair spray on the market.

Bristol-Myers, which produces Ban deodorant and Vitalis and Clairol hair sprays in aerosols, has introduced two new pump-top hair sprays, one for men and one for women. Carter-Wallace, marketer of Arrid aerosol anti-perspirant, is testing two squeeze spray products, an anti-perspirant and a hair spray.

Nevertheless, millions are still buying aerosol cans, so the search for equally attractive and convenient aerosol substitutes to fluorocarbons will continue.

Last Tuesday Johnson Wax burst out of the starting blocks in the race when it announced that it had reformulated the three fluorocarbon-propelled aerosols—two insect repellants and an insecticide—in its large line of household aerosols to allow them to use cheaper, non-suspect hydrocarbon propellants.

The Sterigard Corporation of Irviner, Calif., has patented an aerosol that consists of a plastic bag holding the active ingredients, with a pressurized gas surrounding the bag within the can.

The gas forces the contents out of the bag and a break-up valve vaporizes the contents. The propellant, which can be a hydrocarbon, carbon dioxide or just compressed air, remains in the can. Since no propellant escapes, much less is needed, which makes for a cheaper product—and no pollution.

The question with innovative substitutes, of course, is whether they will work. The Davies Can Company of Solon, Ohio, a subsidiary of the Van Dorn Company, is making the Sterigard can and preparing to market it, confident that the product has great promise.

However, the American Can Company, having produced and sold several thousand Sterigards, halted production. It concluded that they wouldn't work because of problems in seaming their sides.

ALBUQUERQUE JEWISH WAR VETERANS

Mr. MONTOYA. Mr. President, the Jewish War Veterans of the United States of America represent the oldest war veteran organization in the United States, founded in March 1896. Jews have served with distinction in U.S. wars from the Revolution to the war in Vietnam, and have always participated militarily to an extent far beyond their due numerical proportion. Today I am proud to recognize that an organization of such fine men, Albuquerque Post No. 375, has been established for the first time in the State of New Mexico.

Installation of officers and administration of the oath to 77 charter members of Albuquerque Post No. 375 of the Jewish War Veterans of the U.S.A. took place on June 14, 1975. Those responsible for the formation of this historic post were the installed officers: Robert Fleisher, commander; Ben Sides, senior vice commander; Ezra Secunda, junior vice commander; Marvin Dollin, quartermaster; Ben Bernknopf, adjutant; and Charles Glass, Esq., judge advocate.

Also involved in the creation of post No. 375 were installation committee chairman Gerald I. Feit; installation officer Lawrence Mandell, deputy of Texas commander;; George Fenster, national deputy chief of staff, and Mr. Sol Hoffman.

I ask unanimous consent that certain material relating to this event be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Mr. Gerald I. Feit,
Corralles Heights,
Rio Rancho, N. Mex.

Dear Mr. Feit: I was pleased to call the attention of my colleagues to the institution of Albuquerque New Mexico Post No. 375 of the Jewish War Veterans of the United States of America on July 1975.

The State of New Mexico can be proud of the establishment of this first post of such a distinguished organization as the Jewish War Veterans.

Enclosed are copies of the Congressional Record in which my statement concerning Albuquerque Post No. 375 appears.

May your organization and its members enjoy continued success.

Sincerely,

——— ———.

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600 Louisiana Blvd., S.E.,
Albuquerque, N.M., June 22, 1975.

U.S. Senator Joseph Montoya,
U.S. Senate Office Bldg.,
Washington, D.C.

Dear Senator Montoya: As the Chairman of the Institution and Installation Committee of the above-mentioned Post, and on behalf of Post 375, its officers and members, I wish to thank you for your wonderful telegram you sent to our Post on the night of June 14, 1975, when we made history in the State of New Mexico. This is the first time that a Jewish War Veterans Post was established in the State of New Mexico.

We deeply regret your absence due to pressure of Senatorial business, but we understand.

However, to give you some idea of our program that evening, I am enclosing a copy of our program. Also, I am enclosing a photocopy of the Albuquerque, N.M. notice in the Journal heralding the event. In addition, I am enclosing a copy of our invitation, which you no doubt have received.

It has been my experience with Senators and Congressmen in the past, that when an unusual event about the Jewish War Veterans occurs, of interest to their constituents, they insert it in the Congressional Record and they mail copies of such record to their voters in their respective districts.

In accordance with such suggestion, and if you deem it advisable, we of the Jewish War Veterans in the State of New Mexico, and your Constituents of the Jewish Community, would appreciate and be proud of that fact, if you would insert a statement about the formation of Albuquerque, N.M. Post No. 375. I am certain it would help in your campaign for Senator this Fall, after such item appears in the Congressional Record. The Jewish War Veterans of the U.S.A. is the oldest War Veterans organization in the U.S. It was founded in March of 1896.

Should you insert notice of this event in the Record, I have also enclosed a List of the Officers who were Installed on June 14, 1975. Also the names of the Installation Officer and the name of the Installation Chairman. There were 77 Charter Members installed that evening.

Please send copies of the Congressional Record to me at the following address:

Gerald I. Feit, 510 Cerro de Ortega Dr., S.E., Corralles Heights, Rio Rancho, New Mexico 87124.

I shall have them distributed amongst our members.

The list of Officers Installed are as follows:

Commander, Robert Fleisher.
Senior Vice Commander, Ben Sides.
Junior Vice Commander, Ezra Secunda.
Quartermaster, Marvin Dollin.
Adjutant, Ben Bernknopf.
Judge Advocate, Charles Glass, Esq.
Chairman of Installation Committee—Gerald I. Feit.
Installation officer, Lawrence Mandell, Dep't of Texas Commander, JWV.
Acting Texas Dep't Officer of the Day—George Fenster, Past Commander, Post 369, N.J. & Nat'l Deputy Chief of Staff.

Thank you for your time and trouble in this matter.

Sincerely yours,
Robert Fleisher,
Commander.
(For the Commander, Gerald I. Feit, Chairman of Installation Committee).

[From the Albuquerque Journal, June 12, 1975]

JEWISH VETS TO TAKE OATHS

U.S. Sen. Joseph Montoya, D-N.M., will be the featured speaker Saturday at installation ceremonies for offices of Albuquerque Post 375 of the Jewish War Veterans of the U.S.

The ceremonies, which will include the administration of oath to all charter members of the post, will be held in the Sun Room at the Albuquerque Airport. Cocktails will be from 6 to 7 p.m., the installation ceremony will begin at 7 p.m. and a buffet dinner will begin at 8 p.m.

Admission is $6 a person and tickets will be available at the door.

Albuquerque Post No. 375, Jewish War Veterans of the U.S.A. cordially invites you to attend the Institution of Albuquerque Post No. 375.

Installation of Officers and Administration of Oath to all Charter Members to be held on Saturday night, June 14, 1975 at the Sun Room of the Albuquerque Airport.

Cocktails: 6:00–7:00 P.M.

Installation Ceremony: 7:00 P.M.

Buffet Dinner: 8:00 P.M.

Admission $6.00 per person, payable at the door.

INSTITUTION OF ALBUQUERQUE, N. W. POST NO. 375, JEWISH WAR VETERANS OF THE U.S.A. AND INSTALLATION OF OFFICERS

Chairman: Gerald I. Feit, Dept. Executive Committeeman of N.Y. Past Comdr. Bronx County Council, N.Y., Founder, Organizer & Past Commander Pelham Parkway Post No. 769.

Sun Room, Albuquerque, N.M. Airport, June 14, 1975.

PROGRAM

Entrance Music: Grand March, Aida, Act II, Verdi; By Boston Pops Orchestra, Arthur Fiedler, Conductor. The American Army (Military Quickstep) By National Gallery Orchestra, Richard Bales, Conductor.

Ruffles and Flourishes.

Preparation of Altar by Dept. of Texas: Acting Officer of the Day George D. Fenster.

Presentation of Colors—Assembly Bugle Call: Generals March by Eastman Symphonic Wind Ensemble, Frederick Fennell, Conductor. To the Colors, Bugle Call.

National Anthem and Salute to Colors. (Those not in uniform place right hand over heart).

Posting of Colors: The Cavaliers by Eastman Symphonic Ensemble.

Invocation: Rabbi Leonard A. Helman of Santa Fe, N.M.

Presentation of Honored Guests.

Introduction of Distinguished Guests.

Introduction of Installation Officer, Lawrence H. Mandell, Comdr. Dept. of Texas.

Reading of Names of Charter Members of Albuquerque, N.M. Post 375.

Institution of Post No. 375: Carry On—Bugle Call.

Members March to Swinging Down the (aisle) street by Wm. G. Street (drum solo) of Eastman Symphonic Ensemble.

Presentation of Membership Pins.

Introduction of Distinguished Guests.

Installation of Post No. 375 Officers: Sound Off—Bugle Call; You're In The Army Now by Eastman Symphonic Wind Ensemble.

Presentations:

Commander's Cap—Irving Mallot, Past Comdr. Valley Stream Post No. 670, N.Y.

Commander's Pin—George D. Fenster, Past Comdr. Post No. 369, N.J. Nat'l Deputy Chief of Staff. One of Organizers of Albuquerque Post No. 375.

Post Gavel—Gerald I. Feit, Installation Chairman.

Address by U.S. Senator Joseph Montoya.

Introduction of Mayor Harry Kinney, of the City of Albuquerque.

Address by Robert Fleisher, Commander of Albuquerque, N.M. Post No. 375.

Benediction: Rabbi Leonard A. Helman of Santa Fe, N.M.

Closing of Altar.

Retiring of and Salute to Colors: The American Flag by Eastman Symphonic Wind Ensemble.

Exit Music to Buffet Dinner:

Parade March #1—The Goldman Band; Edwin Franco Goldman, Conductor.

Colonel Bogey March—The Goldman Band.

On The Hudson—The Goldman Band.

Musical Arrangements by Gerald I. Feit (on tape) taken from official Army Field Music.

ACKNOWLEDGEMENTS

Thanks to:

The Installation Committee, Michael Hessler for obtaining the services of the Kirtland Air Force Base Honor Guard. Sr. Vice Comdr. Sides for arranging the seating plan for the dinner, and for doing a lot of other work. Benjamin Bernknopf for obtaining the services of the Dep't of Texas Commander as Installing Officer. Marvin Dollin, Quartermaster of Post 375 for his aid in the program and for obtaining the Commander's and Membership pins, and for permitting the Post to meet in his business quarters. And to Sol Hoffman for his all out help in getting many members into the Post.

Color Guard of the Kirtland Air Force Base, T/Sgt.-Robert H. Griffith, T/Sgt.-James E. Hardin, T/Sgt.-Dale L. Durnell, AIC-Danny J. McCroskey and AIC-Robert N. Lang.

Organizers of Post 375, Dep't of Texas Comdr. Larry Mandell, Comdr. Robert Fleisher, George D. Fenster, Ben Bernknopf, Marvin Dollin, Sol Hoffman and Ben Sides, Sr. Vice Comdr.

Frank Lyons, Manager of Fred Harvey Restaurant of Albuquerque Air Base.

THE ADMINISTRATION'S OIL POLICY—WHO ADMINISTERS IT?

Mr. ABOUREZK. Mr. President, in the last 6 months, the President's energy proposals have been greeted consistently with cheers of support from the oil industry.

In fact, it is often difficult for me to distinguish between administration policy and the self-interested proposals of the oil and gas industry. Can it be coincidental that significant numbers of former oil company employees, lawyers, and consultants occupy top-grade positions in Federal agencies, with responsibilities directly affecting their former employers and associates?

I asked the GAO to identify such individuals in 11 agencies working at the GS–13 level and above. All but two agencies responded in whole or in part. They found at least 201 people with ties to energy companies. These agencies all have responsibilities which bring them into direct contact with petroleum companies. They administer vast Federal budgets, help determine energy policy and administer the regulations which are supposed to implement that policy. At all of these stages, powerful bureaucrats have inputs of every conceivable nature, from the smallest adjustment to the broadest exemption.

This situation provides ample potential for abuse. Couple this with the recent revelations of matter-of-course corporate campaign contributions, and you have a meshing of Government activity and oil company interests that bodes ill for the diffuse, underrepresented public interest.

Now, I know that the presence of former oil executives in Government is nothing new. Indeed, I fear that it is business as usual.

Yet I submit that the presence of at least 201 former oil company employees and affiliates in top-level positions in the executive agencies raises serious questions about the nature of our energy policy.

The companies listed below do not control only domestic oil supplies. They control production and reserves in each and every one of the fuels available to the consuming public and to energy intensive industries. They control enormous capital reserves, and their financial behavior affects every segment of our economic lives from balance of payment to unemployment, to whether or not you can borrow money to buy a house.

Clearly, it would be useful, if these companies had a good understanding with and access to a couple of Under Secretaries of the Treasury. The No. 1 industrial corporation in the United States, Exxon, is also No. 1 in former employees working for the Government. Is there no relation between these two facts?

The overall figure of 201 does not include all individuals formerly associated with oil companies. Of the 11 agencies contacted, the CIA, according to the GAO, did not answer its phone. The Commerce Department under Frederick Dent refused to comply with the GAO inquiry even though ordered to do so by the Civil Service Commission. I have written to Secretary Morton to ask that he supply the information requested. The Treasury Department response excludes certain personnel. The FEA declined to say whether persons in its Office of General Counsel had had previous oil company clients. Thus, we can assume that today's figure is greater than 201.

The data I am presenting today merits closer scrutiny, for the actions of individuals can be as important as the diffuse presence of many close associates who are sympathetic to the needs and problems of the oil industry. Each agency has its special duties with regard to the regulation or other ties to the oil companies.

For example, though its make-up will soon change, the Federal Power Commission was headed by lawyers whose law firms represented corporate oil and gas clients. Can it be any surprise that these commissioners, with one exception, have all but announced that they favor deregulation of gas prices by the regulatory agency they head?

In the FEA, 65 individuals have ties with oil companies. Forty-two had ties smaller "independents." We must ask whether this distribution does not lend weight to the argument that the FEA's policies and enforcement favor the major companies.

The allocations and equalization programs distinguish significantly between major and smaller companies, and between integrated and independent refineries. What better way to ensure that the point of view of the companies which dominate the oil industry will dominate the Government.

FEA personnel formerly in oil company employ have responsibility over what petrochemical plants and refineries are eligible for import quotas; set up programs to alleviate the supposed gas and oil shortage; recommend changes in legislation and administration of mineral leases. These are sensitive posts of particular interest to oil and gas companies.

In the Treasury Department, 21 former employees of oil companies are spread among the top grades and supergrades. Two Treasury undersecretaries—one quit last week, citing poverty—came from the oil companies.

In the Department of Defense, 6 of the 19 former oil company employees serve as consultants—to the tune of $138 per day. One wonders at the need for six "consultants." What is their role?

Exxon it should be remembered, is one of the 25 largest defense contractors. The Deputy Secretary of Defense is formerly the chairman of the board and chief executive of Sedco, Inc. The Defense Department did not reveal or does not ask whether any payments were received on departure by the oil company executives.

In the case of consultants, in addition, many are still employed by companies which are on the receiving end of contracts or regulations. In the Defense Department these individuals responsibilities include developing procurement policies and directives, for example.

The assertion that these people are the only ones with the expertise to administer oil policy is false. There is no need for people in policymaking positions to have technical knowledge of geology—they must have a clear understanding of the balance between public interest and economic health, and of the principles which preserve this balance. They must first be people of judgment—a good economist reads tables as well as an oil company economist.

Mr. President, I think it is of enormous importance to make these facts available to the public. They can draw their own conclusions. I ask unanimous consent that the contents of the report from the GAO be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., June 2, 1975.

Hon. JAMES ABOUREZK,
U.S. Senate, Washington, D.C.

DEAR SENATOR ABOUREZK: In your November 4, 1974, letter, you requested that we identify individuals now working for the Federal Government in positions above the GS–12 level who are (1) former oil company, oil-company affiliated, or oil-company-related executives and (2) attorneys who themselves, or whose law firms, represent oil companies. You requested that we obtain this information on employees in the Federal Energy Administration, Federal Power Commission, Department of the Interior, Department of Commerce, Department of Transportation, Department of Defense, Department of the Treasury, Interstate Commerce Commission, Central Intelligence Agency, Energy Research and Development Administration, and Nuclear Regulatory Commission.

In subsequent discussions with your office, we agreed to request from the Federal departments and agencies each employee's name, grade, current position title, duties specified by the position description, and date of appointment to Federal employment. For the employee's former employment, we agreed to request the name of the former oil company or oil-company affiliate, description of duties, and employment dates. We also agreed to request a list of lump-sum payments or deferred compensation rights received on separation from former companies to enter Government service.

On January 17, 1975, I sent a letter to each of the above departments and agencies requesting the information. Several departments and agencies did not respond precisely as requested.

1. The Federal Energy Administration did not provide information on the lump-sum payments item because it would require contacting employees personally. It also did not provide information on whether the 47 employees in its Office of the General Counsel had previous oil company affiliation because its General Counsel believed providing the information was an invasion of privacy and a detriment to attorney-client relationship.

2. The Department of Defense, because of the volume of personnel records at numerous locations, limited its search of personnel files to employees in the Washington, D.C., metropolitan area who were in grade GS–13 and above.

3. The Department of the Treasury limited its response to (a) appointed officials, consultants, career employees, and attorneys above the GS–12 level in the bureau-like organizations referred to as the Office of the Secretary and (b) supergrade or equivalent level Treasury bureau officials, including consultants or experts holding bureau appointments.

4. The Nuclear Regulatory Commission limited its response to career employees working for the Government during the last 10 years.

5. The Department of Transportation limited its response to individuals employed during the past 5 years.

Nine departments and agencies responded to our request. The following table shows the number of employees by department and agency that had previous affiliation with the oil industry.

Department or agency	Number of employees
Federal Energy Administration	[a] 65
Department of the Interior	[a] 35
Nuclear Regulatory Commission	22
Department of the Treasury	21
Department of Defense	19
Energy Research and Development Administration	15
Federal Power Commission	12
Department of Transportation	[b] 12
Interstate Commerce Commission	0
Total	201

[a] Includes one employee below the GS–13 level.

[b] Includes two employees below the GS—13 level.

The Central Intelligence Agency did not respond and our efforts to contact the Agency to determine if it plans to respond have been unsuccessful.

Although the Civil Service Commission advised the Secretary of Commerce that he should make the requested information available to us, the Secretary advised us that he was unable to furnish the information because:

It was impossible to identify the individuals about whom the information was sought without a detailed analysis of the employment records of nearly 10,000 employees and, on the basis of past experience, soliciting the information directly from employees would not result in any aggregate man-hour savings,

The task was not feasible within the time allowed, and

The Department believed the release of the information for the stated purpose would be a clearly unwarranted invasion of the personal privacy of the individuals involved.

Enclosure I contains our analysis of the departments' and agencies' responses. For Federal employment, we have listed the employee's name, grade, and position/title. Our analysis does not show the grade level for expert and consultant positions. However, with only a few exceptions, such individuals are paid the maximum rate allowable—the daily equivalent of $36,000 per annum or $138 for each day services are rendered. For the employee's former employment, we have listed the company name, position/title, and any lump-sum payments or deferred compensation rights received at time of separation from the company. We also compiled a list of examples of the duties performed by the employees in their Federal positions.

Enclosure II contains the department's or agency's letter transmitting the requested information to us and fact sheets on each employee. This enclosure also includes the replies we received from the departments or agencies that did not provide the requested information. The transmittal letters contain the rationale used by the departments and agencies in responding or not responding to the request.

We trust the information furnished will serve the purpose of your request. We do not plan to distribute this report further unless you agree or publicly announce its contents.

ELMER B. STAATS,
Comptroller General
of the United States.

LISTING OF FORMER OIL COMPANY, OIL COMPANY AFFILIATED AND OIL COMPANY RELATED EXECUTIVES AS WELL AS ATTORNEYS WHO THEMSELVES OR WHOSE LAW FIRMS REPRESENT OIL COMPANIES NOW WORKING FOR THE FEDERAL GOVERNMENT IN POSITIONS PRIMARILY ABOVE THE GS–12 LEVEL

Federal employment—Federal Energy Administration			Former employment		
Employee name	Grade	Position/title	Company name	Position/title	Lump-sum payments or deferred compensation rights received on separation.
Adie, Joseph H.	GS–13	Personnel management specialist	Texas Oil Co. Esso Standard Oil Co.	Warehouseman Weightbooker/electrician	Not given. Not given.
Aitken, Robert R.	GS–14	Physical science administrator	Westgate-Greenland Oil Co.	District geologist	Not given.

LISTING OF FORMER OIL COMPANY, OIL COMPANY AFFILIATED AND OIL COMPANY RELATED EXECUTIVES AS WELL AS ATTORNEYS WHO THEMSELVES OR WHOSE LAW FIRMS REPRESENT OIL COMPANIES NOW WORKING FOR THE FEDERAL GOVERNMENT IN POSITIONS PRIMARILY ABOVE THE GS-12 LEVEL—Continued

Federal employment—Federal Energy Administration			Former employment		
Employee name	Grade	Position/title	Company name	Position/title	Lump-sum payments or deferred compensation rights received on separation
Allen, Texas W	GS-14	Director, operations division	LaSalle Refining Co	Laborer	Not given.
			Texas Co	Combustion engineer	Not given.
			Midwestern Engineering Co	Procurement officer negotiator	Not given.
			Baroid Sales Co	Engineer and negotiator	Not given.
			Self-employment	Owner of a drilling mud and chemical company, owner of an oil well servicing company, and oil and gas lease operator.	Not given.
Arens, William H	GS-13	Congressional and intergovernmental relations officer.	Harbinger Oil	Vice president and office manager	Not given.
Ashman, Herbert J	GS-14	Industrial specialist	Shell Oil Co	Management trainee, special task force member, real estate analyst.	Not given.
			Texaco	District representative and real estate agent supervisor.	Not given.
Banker, Robert O	GS-15	Supervisory price analyst	Union Oil Co. of California	Accounting clerk	Not given.
Benny, Robert I	GS-14	Economist	Asiatic Petroleum Corp	Economic Analyst	Not given.
Carson, William	GS-15	Petroleum engineer	Continental Oil Co	Senior engineer	Not given.
			Shell Oil Co	Technical specialist	Not given.
			Self-employment	Petroleum consultant	Not given.
Coble, James A	NA	Member, Technical Advisory Committee.	Standard Oil Co	Sales research analyst	Not given.
			Mobil Oil Co	Market research analyst; economist; manager, domestic economies; chief economists	
Conant, Melvin A	Exec. level IV	Assistant administrator for international energy affairs.	Exxon Corp	Senior government relations counselor	Not given.
Connor, Edward G	GS-15	Supv. financial analyst	Mobil Oil Corp	Financial analyst/computer analyst	Not given.
D'Andrea, Lucio A	GS-15	Industrial specialist	Ohio Oil Corp	Roustabout	Not given.
			Pan American Petroleum Corp	Junior petroleum officer	Not given.
Day, Duane	GS-15	Supervisory industrial specialist	Gulf Oil Co	Manager, market planning, and development.	Not given.
Douglas, R. Dean	GS-12	Program analyst	Oasis Oil Co	Accounting analyst	Not given.
Dupuy, Kenneth L	GS-15	Acting regional administrator	Standard Oil of California	Division scout, special assistant for exploration management.	Not given.
Ezzati, Ali	GS-15	International economist	Iranian Oil Refining Co	Financial Analyst	Not given.
			Gulf Oil Corp	Economist	Not given.
Gill, James R	GS-15	Petroleum engineer	Sunray Oil Co	Production engineer	Not given.
			Eason Oil Co	Vice president	Not given.
			Gill Oil Co	President	Not given.
Greenwell, Darrell D	GS-13	Supv. case resolution officer	Ohio Oil Co	Apprentice electrician	Not given.
Guier, Donald	NA	Expert	Para-Lux Corp	Engineer	Not given.
			Petroleum Engineering and Mgt. Corp.	Consultant	Not given.
Haase, John E., Jr	GS-13	Auditor	Humble Oil	Associate administrative specialist	Not given.
Hall, George E	GS-17	Fuels manager	Cities Service Oil Co	Trainee	Not given.
			Creole Petroleum Co	Supervisory supply analyst	Not given.
Harnish, Douglas	GS-15	Industrial specialist	Pure Oil Co	District field engineer	Not given.
Hawes, Donald K	NA	Consultant	Union Texas Natural Gas	Secretary and treasurer	Not given.
			Mobile Oil Co	Manager, financial control	Not given.
Hunt, Leon	NA	Consultant	Marathon Oil Co	Geologist	Not given.
Kahl, Robert M	GS-13	Industrial specialist	Kewanee Oil Co	Vice president	Not given.
Kane, Robert J	GS-15	Industrial specialist	Allied Chemical Corp	Computer application supervisor	Not given.
			Mobile Oil Corp	Senior processing engineer	Not given.
			Sun Oil Co	Senior operations analyst, senior market development analyst.	Not given.
Kane, Robert J			H. S. Holappa and Associates	Associate/consultant	Not given.
			Commonwealth Oil Refining Co	Manager, petrochemical planning	Not given.
Kennon, Philip F	GS-14	Program analyst	Caltex Petroleum	Operations manager	Not given.
Kourkourmelis, Dennis	GS-14	Petroleum specialist	Shell and BP, South Africa	Operations manager	Not given.
			Shell Oil	Planning and process engineer	Not given.
			Amerada Hess Corp	Corp. planning engineer	Not given.
Lagace, Gerald L	GS-15	Economist	Gulf Oil Corp	Economist	Not given.
Langdon, James C	GS-14	Supv. econ. stab. law specialist	American Petroleum Institute	Attorney	Not given.
Layno, Salvador	GS-13	Operations research analyst	Shell Oil Co. (Phillipines)	Lubrication specialist	Not given.
Lewis, John R	GS-14	Economist	Pan American Oil Co	Engineering trainee and senior engineer	Not given.
Lewis, John R			Standard Oil Co	Assistant office manager and engineer	Not given.
			Mid-Continental Oil & Gas	Assistant to vice president	Not given.
			National Petroleum Council	Technical coordinator	Not given.
			Union Oil Co. (Calif.)	Consultant	Not given.
Lichtenwalter, Charles	GS-13	Auditor	Lakata Petroleum Corp	Accounting and office manager	Not given.
			Petroleum Geophysical Co	Secretary-treasurer and office manager	Not given.
Luhrs, Lawrence	GS-15	Physical science administrator	United Geophysical Co. (subsidiary of Union Oil Co).	Regional and program supplement versus and Geophysical analyst.	Not given.
			Exploration Consultants, Inc	Geophysical supervisor	Not given.
			Standard Oil	Petroleum exploration supervisor	Not given.
Malin, Clement B	GS-15	Foreign affairs officer	Mobile Oil Corp	Asst. to area manager	Not given.
Maple, Ivan F	GS-14	Trade specialist	Milton Oil Co	Wholesale oil distributor	Not given.
Mayfield, Ira C	GS-14	Physical science administrator	Atlantic Refining Co	Observer	Not given.
			Heiland Exploration Canada, Ltd	President	Not given.
McCool, James A	GS-15	Director, operations division	International Petroleum di Columbia, Ltd.	Seismograph operator and pety. chief	Not given.
			Creole Petroleum Corp	Assistant geographical field supervisor	Not given.
			Esso-Argentina	Geophysical field supervisor	Not given.
Mehocic, George E	GS-14	Executive assistant	Humble Oil and Refining Co	Process engineer	Not given.
			Exxon Corp	Analyst	Not given.
Metz, Alfred C	GS-13	Supervisory industrial specialist	B.P. Oil Co	Sales manager	Not given.
Mitchell, Robert W	GS-16	Regional administrator	Exxon	General manager, Pakistan	Not given.
Morris, James P	GS-14	Program analyst	Mobil Oil Corp	Presidential interchange executive	Not given.
Muller, John G	GS-15	Mechanical engineer	Standard Oil Co. of California	Associate mechanical engineer	Not given.
			Arabian American Oil Co	Sr. steam power engineer and desalination specialist, staff engineer—utilities and process engineer.	Not given.
Nugent, John M., Jr	GS-14	Staff assistant	Texaco Inc	Personnel relations officer	Not given.
Oliver, David R	GS-15	Asst. director programs and analysis	Atlantic Refining Co	Supervisor	Not given.
Osborne, John H	GS-14	Program analyst	Ashland Oil & Refining Co	Not given	Not given.

Federal employment—Federal Energy Administration			Former employment		
Employee name	Grade	Position/title	Company name	Position/title	Lump-sum payments or deferred compensation rights received on separation
Parker, Norbert A	GS-13	Geologist	Carter Oil Co	Miscellaneous geologist	Not given.
			British Oil Development Co., Ltd	Geologist	Not given.
			E. I. Dupont De Nemours & Co	Geologist	Not given.
			Stanolind Oil & Gas Co	Sub-surface geologist	Not given.
			B&G Oil Basin Drilling Co	Consulting geologist	Not given.
			Davis Bros	Geologist	Not given.
			Kewanee Oil Co	Manager, special projects	Not given.
			Georator Corp. and Empire Petroleum Co.	Consulting geologist	Not given.
Pecoraro, Joseph	GS-14	Supervisory resource development specialist.	Esso	Engineering and operation advisor	Not given.
			Standard Oil Co	Manager, engineering research	Not given.
			Humble Oil Co	Terminal superintendent	Not given.
Pelto, Chester R	GS-15	Supervisory geologist	Gulf Res. & Development Co	Senior research geologist	Not given.
Perry, Dell V	GS-15	Assistant director	Shell Oil Co	Supervisor	Not given.
Powers, E. Lloyd	GS-15	Distribution specialist	California Research Corp. (Standard Oil).	Drilling engineer and petroleum geologist	Not given.
Presley, Donald R	GS-13	Auditor	Texaco, Inc	Accountant	Not given.
Santogrossi, Fred A	GS-14	Financial analyst	Exxon Corp	Analyst, system analyst, and senior financial analyst.	Not given.
Stein, David L	GS-14	Director, industrial systems and data analysis.	Beck Oil Co	President	Not given.
Stein, David L			Self-employment	Not given	Not given.
Story, Joseph C	GS-14	International economist	Not given	Not given	Not given.
Thompson, Burlock	GS-15	Economist	Texaco	Economist	Not given.
			Mobil Oil Co	Energy economist	Not given.
Topping, Clyde P	GS-13	Industry economist	Mobil Oil	Economist	Not given.
Tukenmez, Ercan	GS-14	Economist	Petrofina Canada Ltd	Economist	Not given.
			Mobile Oil Corp	Not given	Not given.
Vinson, Stanley L	GS-13	Auditor	Premeir Oil Refining Co	Assistant supervisor of accounting	Not given.
Warner, Arthur J	GS-15	Physical scientist	American Oil Co	Roustabout, exploration geologist	Not given.
West, George W	GS-13	Supervisor case resolution officer	Magnolia Petroleum Co	Not given	Not given.
			Sinclair Oil	Petroleum engineer	Not given.
			Sinclair Venezuelan Oil	Petroleum engineer	Not given.
Willock, Jack	GS-13	Petroleum engineer	Humble Oil & Refining Co	Petroleum engineer	Not given.
Willock, Jack			Tenneco Oil Co	Petroleum engineer	Not given.
Wood, Samuel O	GS-15	Petroleum engineer	Continental Oil Co	Engineer	Not given.
			California Co. (now Chevron Oil Co.)	Engineer	Not given.
			Fleet Drilling Co	Production superintendent	Not given.
			Star Oil Co	Chief engineer	Not given.
			Man Drilling Co., and Virson Oil Co	Petroleum engineer	Not given.
Worley, Emory K	GS-13	Federal/State liaison officer	Phillips Petroleum Co	Engineering aide	Not given.
Yost, Stewart W	NA	Expert—energy resource development, Office of Program Analysis and Evaluation).	Self-employment (Exploration and Logging Co.)	Not given	Not given.
			Shell Oil Co	Exploitation engineer	Not given.

Listing of former oil company, oil company affiliated and oil company related executives as well as attorneys who themselves or whose law firms represent oil companies now working for the Federal Government in positions primarily above the GS-12 level.

FEDERAL ENERGY ADMINISTRATION

Excerpts of duties performed by the above employees:

Performing economic analyses of current and proposed energy conservation measures.

Coordinating and implementing programs for energy self-sufficiency.

Determining eligibility of petrochemical plants and refineries for import quotas.

Analyzing capacities and facilities for transmission and distribution of natural and manufactured gas.

Identifying factors causing oil and gas shortages and developing programs to alleviate this problem.

Analyzing current and projected events and proposed actions in the United States and worldwide on oil and gas supplies and requirements.

Dealing with exploration of crude oil, natural gas, and geothermal fluids.

Discharging operational responsibilities in the restriction of importation of crude oils, unfinished petroleum oils, and finished petroleum products.

Developing recommendations for legislation and administration procedures to update mineral leasing acts.

Dealing with the development and reliability of United States access to foreign energy supplies and the energy relationship of the United States to other nations.

Developing, reviewing, and coordinating policies related to internationally-oriented activities in area of energy matters, multinational corporations, equitable allocation, pricing and utilization.

Keeping informed on the economic conditions and developments in and between energy producing nations and industries.

LISTING OF FORMER OIL COMPANY, OIL COMPANY AFFILIATED AND OIL COMPANY RELATED EXECUTIVES AS WELL AS ATTORNEYS WHO THEMSELVES OR WHOSE LAW FIRMS REPRESENT OIL COMPANIES NOW WORKING FOR THE FEDERAL GOVERNMENT IN POSITIONS PRIMARILY ABOVE THE GS-12 LEVEL

Federal employment—Department of the Interior			Former employment		
Employee name	Grade	Position/title	Company name	Position/title	Lump-sum payments or deferred compensation rights received on separation
Adams, Maurice V	GS-13	Area oil and gas supervisor	Century Services, Inc	Owner	Sold complete interest to individual party
Avery, William H	GS-15	Staff assistant to Assistant Secretary—Energy and Minerals.	Clinton Oil Co	Vice president	None.
Beasley, D. Otis	NA	Consultant	Standard Oil Co. (Indiana)	Attorney—client	None.
Blankennagel, Richard K.	GS-13	Hydrologist	Standard Oil of New Jersey	Party chief—Field geology	None.
			Petroleo Brasileiro S.A	Geological supervisor—Exploration manager's staff.	None.
Brown, William S	GS-14	Patent attorney	Union Oil Co. of California	Patent attorney	None.
Carlson, Denton W	GS-13	Chief, Bureau of Lands and Minerals, Division of Resources.	Tidewater Oil Co	Engineering and operations supervisor	None.
Chapman, C. Brewster, Jr.	GS-15	Assistant Solicitor, Territories	American Pipeline Corp	Attorney	None.
			Underground Storage and Exploration Inc.	Vice president and general counsel	None.
Fisher, C. Keith	GS-13	Geologist (administrative)	American Stratigraphic Co	Vice president	Lump-sum payment of $6,885 received from profit-sharing retirement plan through Great West Life Assurance Co.
Froelich, Albert J	GS-13	Geologist	San Jose Oil Co., Inc	Surface geologist party chief	None.
			Canso Oil & Gas Ltd	Senior Subsurface	None.
			Magellan Petroleum Corp	Chief geologist and acting manager	None.
Garrity, Thomas A	GS-14	Field solicitor	Creole Petroleum Corp	Senior seismologist	$15,000 (lump sum).
Hammett, Judge William E.	GS-14	Administrative Law Judge	Sinclair Refining Co	Staff attorney	Withdrawal of funds paid in under company retirement program in lump-sum payment.

LISTING OF FORMER OIL COMPANY, OIL COMPANY AFFILIATED AND OIL COMPANY RELATED EXECUTIVES AS WELL AS ATTORNEYS WHO THEMSELVES OR WHOSE LAW FIRMS REPRESENT OIL COMPANIES NOW WORKING FOR THE FEDERAL GOVERNMENT IN POSITIONS PRIMARILY ABOVE THE GS-12 LEVEL—Continued

Federal employment—Department of the Interior			Former employment		
Employee name	Grade	Position/title	Company name	Position/title	Lump-sum payments or deferred compensation rights received on separation
Horowitz, Raymond H.	GS-14	Research chemist	W. R. Grace	Research chemist	Lump-sum payment for unused vacation time. Payment may also have covered a small personal contribution to company retirement fund.
			Central Research Laboratories	Commercial development	
Hubbert, M. King	GS-17	Research geophysicist	Amerada Petroleum, Shell Oil Co., Shell Development Co.	Not identifiable to specific company	Accrued retirement payments of $608 per month from Shell following statutory retirement at age 60.
Jennings, Thomas	GS-12	Petroleum engineer	Mobile Oil Co. de Venezuela	Senior petroleum engineer/planning associate.	None.
Kennedy, Joseph B.	GS-16	Administrative Law Judge	Howrey & Simon	Partner	None.
Ketterer, W. P.	GS-15	Deputy Chief, Office of Scientific Publications.	Sohio Petroleum Co.	Assistant to chief geologist	None.
Nimball, Sherman P.	GS-15	Member (Administrative Judge) Board of Contract Appeals.	Cities Service Oil Co.	Staff attorney on staff of general counsel.	None.
Kuhlman, John A.	GS-15	Coal Policy Coordinator	Consolidation Coal Co. of Continental Oil Co.	Assistant vice president—sales	None.
Lantz, Robert J.	GS-15	Geologist	The Pure Oil Co.	Division stratigrapher	Retirement (lump-sum).
Libbey, D. L.	GS-13	Staff assistant, environment C region.	U.S. Potash & Chemical Co.	Vice president	None.
Lohrenz, John	GS-14	Chief, SA development	International Petrodata Inc.	Executive vice president	None.
Mallory, Charles K., III	GS-17	Deputy Assistant Secretary (Power Resources and Regulation).	Law firm (name not given)	Attorney	None.
Mothershead, James R.	GS-13	Assistant Regional Solicitor	Carter Oil Co. (wholly-owned subsidiary of Standard Oil Co. of N.J. (now Exxon).	Landman	All personal contribution to the company's retirement system (lump-sum).
Palmer, Alan K.	GS-15	Assistant Solicitor	Covington & Burling	Associate	None.
Parish, William W.	GS-13	Assistant to the Secretary	Aramco	Not given	Not given.
Schmitt, James R.	GS-15	Attorney	Law firm (name not given)	Partner	None.
Scott, David	GS-14	Geologist	Texaco Oil Co.	Geologist, division geophysicist, head of gravity department.	Approximately $7,000 in return for which he gave up all of his stocks, bonds and pension rights.
			Anglo Phillippino Oil Co.	Exploration manager	None.
			Hancock Oil Co.	Chief geophysicist	None.
			Carter Oil Co.	Exploration manager	None.
			Signal Oil Co.	Chief geologist	None.
			Company name not given	Self employed consultant	None.
Shreve, Dewitt C.	GS-15	Attorney-adviser	Sun Oil Co.	Attorney	None.
Simmons, Gaylon H., Jr.	GS-15	Staff assistant to Assistant Secretary, Management (as member of President's executive interchange program).	Gulf Oil Corp.	Manager of budget and financial analysis for Gulf Oil Trading Co., a subsidiary of Gulf Oil Corp.	On 1-year leave of absence without pay from Gulf but will continue insurance coverages related to group life, accident, disability, and health. Also will receive benefit-service credit under the Gulf annuities and benefits plan and contributory retirement plan during his leave.
Soller, Charles M.	GS-15	Assistant solicitor	Sun Oil Co.	Senior attorney	None.
Spencer, C. W.	GS-14	Geologist	Texaco Oil Co.	District geologist	Deferred payment plan $4,400.
Taves, Max J.	GS-13	Training officer and staff engineer	Atlantic Richfield Co.	Staff engineer, district office and chief reservoir and unit engineer.	None—Conventional retirement at age 56.
Tschudy, Robert H.	GS-15	Research botanist (paleobotany)	Creole Petroleum Corp.	Assistant research coordinator	None.
Worrell, James O.	GS-15	Assistant regional solicitor	Sunray Oil Co.	Tax attorney	None.
Wunnicke, William C.	GS-13	Petroleum engineer	Stallion Roustabouts	President and manager	Sold business to private party.

Listing of former oil company, oil company affiliated and oil company related executives as well as attorneys who themselves or whose law firms represent oil companies now working for the Federal Government in positions primarily above the GS-12 level.

DEPARTMENT OF THE INTERIOR

Excerpts of duties performed by the above employees:

Supervising oil and gas operation.

Preparing and prosecuting patent applications and licenses.

Performing scientific work in the study, appraisal, and exploration of mineral fuels.

Developing theoretical analyses of geologic structure and processes and conducting studies of energy resources.

Collecting and analyzing offshore engineering and environmental data concerning the Outer Continental Shelf leasing program.

Rendering legal advice on problems resulting from the expanded energy related activities.

Approving permits on shore for oil and gas lease management.

Communicating with individual members of Congress on administration and policy matters affecting energy and minerals.

Presiding over formal hearings held by the Department.

Formulating, directing, and evaluating all programs related to geoscience information service, e.g., oil and gas resources.

Determining appeals by contractors on disputed questions.

Directing research and design of automated systems used to plan and manage a national program of energy and mineral resource evaluation and lease.

Developing training programs.

LISTING OF FORMER OIL COMPANY, OIL COMPANY AFFILIATED AND OIL COMPANY RELATED EXECUTIVES AS WELL AS ATTORNEYS WHO THEMSELVES OR WHOSE LAW FIRMS REPRESENT OIL COMPANIES NOW WORKING FOR THE FEDERAL GOVERNMENT IN POSITIONS PRIMARILY ABOVE THE GS-12 LEVEL

Federal employment—Nuclear Regulatory Commission			Former employment		
Employee name	Grade	Position/title	Company name	Position/title	Lump-sum payments or deferred compensation rights received on separation
Berlinger, Carl Howard	GS-14	Nuclear engineer	Combustion Engineering, Inc.	Nuclear safety engineer	Not given.
Bright, Glenn O.	STS[1]	Permanent technician member, Atomic Safety and Licensing Bd.	Phillips Petroleum Co.	Research and development technical administration.	None.
rinkman, Donald S.	GS-14	Coordinator for technical specifications.	Rockwell International	Research engineer and quality assurance engineer.	Not given.
Brooks, E. H.	GS-14	Systems engineer	Gulf General Atomic	Systems engineer	Vested pension rights.
Brown, Willard B.	GS-15	Anal. chemist	Monsanto Co. (Lyon Oil Affiliated)	Manager, nuclear materials and components.	Vested retirement.
Buck, John H., Dr.	GS-18	Vice chairman, atomic safety and licensing appeal panel.	Socony-Vacuum Oil Co. (now Mobil Oil Co.).	Manager, physics division of Socony research department.	None.
			Well Surveys, Inc.	Vice president and general manager	None.
Burke, John J.	GS-17	Deputy Director, Office of Administration.	EG & G, Inc.	Assistant to vice president	None.
			Reynolds Electric and Engineering Corp. (subsidiary of EG & G, Inc.).	Executive assistant to president	None.

Federal employment—Federal Energy Administration			Former employment		
Employee name	Grade	Position/title	Company name	Position/title	Lump-sum payments or deferred compensation rights received on separation
Burkhardt, Winston	GS-15	Sr. chemical engineer	Arco Chemical Co Shell Oil Co Sinclair Rubber, Inc	Site manager Research chemist Chemist	Not given. Not given. Not given.
Butler, Walter R	GS-16	Branch chief, DRL	Aerojet General Corp	Physics supervisor	Fully vested retirement benefits remaining in effect with annuity type compensation to begin at age 65.
Colton, John P	GS-14	Fuel fabrication engineer	Gulf United Nuclear Corp	Quality control manager	Standard severance payment for released employees.
Kovacs, John M	GS-14	Mechanical engineer	Aerojet-General	Engineering specialist	Fully vested in retirement plan (after 10 yr service) and 4 weeks severance pay when laid-off.
Krug, Harry Eueristus Peter, Jr.	GS-14	Licensing project manager	Exxon Nuclear	Senior nuclear engineer	None.
Larson, Howard James	GS-17	Director, materials and fuel cycle facility licensing.	Allied-General Nuclear Services (a Gulf Oil Corp.). General Atomic Co. (a Royal Dutch Shell affiliate) in partnership with Allied Chemical Corp.	President and general manager Director of engineering	None. None
Nicholson, Richard B.	NA	Consultant	Exxon Nuclear Co., Inc	Manager of licensing for enrichment	NA.
Norberg, James A	GS-15	Research engineer	Phillips Petroleum Co. Idaho Nuclear Corp., Inc.	Section chief	$2,2[illegible] or interest in Idaho Nuclear Investment Plan. 495 shares of Phillips Petroleum stock for interest in PPC Investment Plan (prior to July 1969). Paid in deferred annuity with Metropolitan Life Insurance Co. (PPC and INC retirement program).
O'Kelly, Arlie A	NA	Consultant	Standard Oil Co.—Indiana	Consultant	Unknown.
Parker, Frank L	NA	Consultant	Atlantic Richfield Hanford Co	Consultant	NA.
Schamberger, Robert D.	GS-15	Chief, experimental gas cooled reactor safety research branch.	Gulf Nuclear Fuels Co. (and predecessors).	Manager, physics and math department.	Not applicable.
Schroeder, Frank, Jr.	GS-17	Acting Director, Division of Technical Review, Office of Nuclear Reactor Regulation.	Phillips Petroleum Co	Manager, water reactor safety program office.	None—withdrew from savings and retirement plans on termination of employment.
Sly, Douglas K	GS-14	Nuclear materials engineer	Kerr McGee Nuclear Corp	Health physicist	None.
Smiley, S. H	GS-18	Director, Office of Special Studies	NUMEC—subsidiary of Atlantic Richfield.	Manager, research and development	Not given.
Wilson, Thomas Rupert, Jr.	GS-16	Acting Director, Office of Operations Evaluation.	Phillips Petroleum Co	Manager, loft project manager engineering and test branch	None.

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[1] Scientific and Technical Schedule—equivalent to GS-16, 17, or 18.

Listing of former oil company, oil affiliated and oil company related executives as well as attorneys who themselves or whose law firms represent oil companies now working for the Federal Government in positions primarily above the GS-12 level.

NUCLEAR REGULATORY COMMISSION

Excerpts of duties performed by the above employees:

Conducting hearings on the licensing of nuclear power plants.

Analyzing and evaluating existing and proposed nuclear facilities with regard to safety.

Reviewing applications for licenses to construct reactors and facilities that manufacture reactor fuel.

Performing studies to improve systems for safeguarding strategic nuclear material.

Developing and implementing policies, procedures, and regulations for safeguards and environmental consideration for possession and utilization of special nuclear material.

Developing and implementing standard technical specifications for power plants, research and test reactors.

Maintaining liaison with the technical members of the Atomic Safety and Licensing Board Panel.

Providing scientific, technical and administrative direction to gas-cooled-reactor-safety-research projects.

Acting as a consultant on problems related to handling of radioactive waste.

Directing the technical review, and evaluation of safety and environmental aspects of applications for construction of nuclear power plants.

LISTING OF FORMER OIL COMPANY, OIL COMPANY AFFILIATED AND OIL COMPANY RELATED EXECUTIVES AS WELL AS ATTORNEYS WHO THEMSELVES OR WHOSE LAW FIRMS REPRESENT OIL COMPANIES NOW WORKING FOR THE FEDERAL GOVERNMENT IN POSITIONS PRIMARILY ABOVE THE GS-12 LEVEL

Federal employment—Department of the Treasury			Former employment		
Employee name	Grade	Position/title	Company name	Position/title	Lump-sum payments or deferred compensation rights received on separation
Bates, John C., Jr	GS-15	Attorney-adviser (tax legislation).	Milbank, Tweed, Hadley & McCloy	Not given	Received only accrued salary and profit sharing.
Beardsley, Bruce M	GS-16	Director, Office of Computer Science.	Phillips Petroleum Co	Manager, computer science branch	None.
Bennett, Jack F	Executive level III.	Under Secretary for Monetary Affairs.	Standard Oil Co. and subsidiaries (New Jersey).	Director, ESSO International	$138,000 (lump sum.)
Dam, Kenneth W	NA	Consultant (intermittent)	Kirkland & Ellis	Consultant	Not given.
Essley, Philip L	GG-16[1]	Program analysis officer	Ohio Oil Co. (now Marathon Oil Co.) Skelly Oil Co Sinclair International Oil Co. (now part of Atlantic Richfield).	Senior petroleum engineer Reservoir engineer supervisor Acting production coordinator—Eastern Hemisphere.	None. None. None.
Evans, Samuel C	GS-13	Equal opportunity specialist (contract compliance).	Atlantic Richfield Co	Corporate personnel adviser	None (other than normal compensation).
Gerard, Robert A	GS-17	Director, capital markets policy	Wilner, Cutler & Pickering	Associate	Severance pay, $1,000 return of Keogh plan contributions, $2,500 (approximately).
Gibbs, Lawrence V	GS-18	Assistant Commissioner (technical).	Branscomb, Thomasson, Gary & Hall	Partner	$550 per month from March 1973–August 1975 (pay-out of partnership capital attributable to partnership interest).
Goodman, Richard M	GS-14	Attorney-adviser (general)	Anderson, Mori, & Rabinowitz	Attorney	None.
Heng, Donald J	GS-14	Attorney-adviser (tax legislation).	Brobeck, Phleger, & Harrison	Associate	Approximately $1,700 for accrued vacation.
Hickman, Frederic W	Executive level IV.	Assistant secretary for tax policy	Hopkins, Sutter, Owen, Mulroy, & Davis.	Partner	Received percentage share of fees for work done.
Kemple, Roger J	GS-15	Special projects officer	Gulf Oil Co	Region marketing manager	None (but retained his hospitalization, certain company-paid moving expenses, and vested interest in a retirement program).
MacDonald, David R	Executive level IV.	Assistant secretary (enforcement, operations, and tariff affairs).	Kirkland, Ellis, Hodson, Chaffetz & Masters. Baker & McKenzie	Attorney Attorney	None. None.
Mackour, Oscar M	GS-15	International economist	Standard Oil Co. (New Jersey)	Financial analyst	None.

Footnote on following page.

LISTING OF FORMER OIL COMPANY, OIL COMPANY AFFILIATED AND OIL COMPANY RELATED EXECUTIVES AS WELL AS ATTORNEYS WHO THEMSELVES OR WHOSE LAW FIRMS REPRESENT OIL COMPANIES NOW WORKING FOR THE FEDERAL GOVERNMENT IN POSITIONS PRIMARILY ABOVE THE GS-12 LEVEL—Continued

Federal employment—Department of the Treasury			Former employment		
Employee name	Grade	Position/title	Company name	Position/title	Lump-sum payments or deferred compensation rights received on separation
Mann, Phillip L	GS-18	Director, Office of Tax Legislative Counsel.	Fulbright & Jaworski	Partner	Not given.
McCracken, Paul W	NA	Consultant (intermittent)	Standard Oil Co. of Ohio	Director	Receiving stipend on a deferred compensation basis (3 annual installments). Also owns 300 shares of stock in company.
Nauheim, Stephen A	NA	Consultant (intermittent)	Surrey, Karasik and Morse	Not given	Not given.
Rhodes, Theodore E	GS-15	Attorney-adviser (tax legislation)	Morrison, Forester, Holloway, Clinton, & Clark.	Associate	None.
Schmnults, Edward C	Executive level III.	Under Secretary of Treasury	White & Case	Partner	Not given.
Whitaker, Meade	Executive Level V.	Chief counsel for the Internal Revenue Service.	Cabaniss, Johnston, Gardner, & Clark	Attorney and partner	None.
Whitherell, William H	GS-17	International economist (Director, Office of Financial Resources).	Esso Eastern, Inc	Financial and economic advisor; economist.	Record a merit payment of $5,00C during his last month of regular employment with Esso Eastern, Inc., prior to going on leave of absence.
			Standard Oil Co., of New Jersey	Economist	

[1] Equivalent to GS-16.

Listing of former oil company, oil company affiliated and oil company related executives as well as attorneys who themselves or whose law firms represent oil companies now working for the Federal Government in positions primarily above the GS-12 level.

DEPARTMENT OF THE TREASURY

Excerpts of duties performed by the above employees:

Serving as a legal advisor on tax legislation and assisting in providing leadership to assure an integrated legislative program on tax matters.

Developing and coordinating Executive Branch policy and research activities concerned with the structure and operations of the capital market.

Conducting analyses of and developing and coordinating policies, plan, and programs of all headquarters activities such as tariff administration and law enforcement.

Supervising the management and operation of a computer service center.

Advising and counseling management on such functions as management and organizational analysis and data processing.

LISTING OF FORMER OIL COMPANY, OIL COMPANY AFFILIATED AND OIL COMPANY RELATED EXECUTIVES AS WELL AS ATTORNEYS WHO THEMSELVES OR WHOSE LAW FIRMS REPRESENT OIL COMPANIES NOW WORKING FOR THE FEDERAL GOVERNMENT IN POSITIONS PRIMARILY ABOVE THE GS-12 LEVEL

Federal employment—Department of Defense			Former employment		
Employee name	Grade	Position/title	Company name	Position/title	Lump-sum payments or deferred compensation rights received on separation
Anderson, Herbert R	GS-13	Computer systems analyst	Atlantic Richfield Co	Junior operations research analyst	Unknown.
Clements, William P	Executive level II.	Deputy Secretary of Defense	Sedco, Inc	Chairman of board and chief executive officer.	Not given.
Danner, John J	GS-14	Supv. operations research analyst	Shell Oil Co	Sales representative	Unknown.
Gallagher, William C	GS-13	Architect	Gulf Reston	Architect	Unknown.
Hawkins, Glenn J	GS-13	Sanitary engineer	Standard Oil Co. (New Jersey)	Sanitary engineer	Unknown.
Hudiburgh, Gary W	GS-14	Attorney advisor (general)	Standard Oil Co. (New Jersey)	Not specified	Not given.
			Carter Oil Co	Geophysical engineer (at one period during employment).	Not given.
			Frontier Refining Co	Land superintendent	Mutually agreeable retainer and separation arrangement.
Ladd, Frederick A	GS-13	Mechanical engineer (general)	Lago Oil & Transport Co., Ltd	Engineer "A"	Unknown.
Leonard, Robert E	GS-13	Attorney adviser real property leg	Atlantic Richfield Co	Attorney	Unknown.
Mandoff, Morton A	NA	Consultant	Gulf Oil Co	Unknown	Unknown.
McDougal, Myres S	NA	Consultant	Mobile/Texaco	Consultant	Not given.
Merli, Edward W	GS-13	Realty specialist	Mobile Oil Co	General assistant real estate dept	Unknown.
Monismith, Carl L	NA	Consultant	Pacific Gas & Elect Co	Unknown	Unknown.
Nichols, Joe E	GS-13	Mathematician	Shell Oil Research Lab	Research programer	Unknown.
Packard, David	NA	Consultant	Standard Oil of California	Director	Not given.
Rawson, Bruce S	GS-13	Operations research analyst	Geophysical Service, Inc	Geophysicist	Unknown.
Reed, Thomas C	Executive level IV.	Director, telecommunications and command and control system.	Quaker Hill Oil Co., Bradley Exploration Co.	Partner	Not given.
Reese, Howard C	GS-14	Foreign affairs specialist	Overseas Tankship Corp	Executive trainee	Unknown.
Renier, James J	NA	Consultant	Esso Standard Oil Co	Engineer	Unknown.
Slichter, Charles P	NA	Consultant	Texaco	Consultant	Not given.

Listing of former oil company, oil company affiliated and oil company related executives as well as attorneys who themselves or whose law firms represent oil companies now working for the Federal Government in positions primarily above the GS-12 level.

DEPARTMENT OF DEFENSE

Excerpts of duties performed by the above employees:

Providing team leadership in the analysis of system requirement documentation and the development of computer system.

Furnishing technical guidance and information in the field of family housing design and estimating.

Developing, issuing, and updating procurement policies and directives.

Developing improved procedures and techniques associated with the functional design of water quality control techniques.

Preparing legislation and reports on proposed legislation affecting acquisition, management, and disposition of real estate.

Providing advisory services relating to the establishment of professional standards, research and development and program development.

Providing technical assistance and guidance in the conduct and analysis of all phases of engineering investigations of structure foundations and flexible airfield pavements.

Developing, constructing, and analyzing mathematical models.

Coordinating telecommunications and command and control systems.

Advising on developments in foreign affairs, international relations, national and military policies.

Providing legal advice on international law matters concerning the use of the ocean and coastal waters.

LISTING OF FORMER OIL COMPANY, OIL COMPANY AFFILIATED AND OIL COMPANY RELATED EXECUTIVES AS WELL AS ATTORNEYS WHO THEMSELVES OR WHOSE LAW FIRMS REPRESENT OIL COMPANIES NOW WORKING FOR THE FEDERAL GOVERNMENT IN POSITIONS PRIMARILY ABOVE THE GS-12 LEVEL

Federal employment—Energy Research and Development Administration			Former employment		
Employee name	Grade	Position/title	Company name	Position /title	Lump-sum payments or deferred compensation rights received on separation
Christman, Robert D	GS-13	Chemical engineer	Gulf Research & Development Co	Senior project engineer	None.
Coe, Douglas G	GG-13[1]	General engineer	Phillips Petroleum Co	Facilities manager	Granted 10 weeks severance pay and 4 weeks vacation pay for total of $3,576.03.
Kisslinger, Carl	NA	Consultant	Continental Oil Co	Consultant	None.
Lacey, James J	GS-14	Chemical engineer	Phillips Petroleum	Chemical engineer	None.
			Standard Oil of New Jersey	Chief process engineer	
			Consolidation Coal	Senior project engineer	
			Gulf Oil Corp	Senior project engineer	
Leahy, Philip C	GG-14[2]	Chief, real estate and maintenance management branch.	Phillips Petroleum Co. (changed to Idaho Nuclear Corp., July 1966).	Assistant manager, maintenance branch. Manager, maintenance branch.	Lump-sum payment from Idaho Nuclear Corp. for portion of thrift plan in amount not readily available.
Lindseth, Victor	NA	Consultant	Gulf Mineral Resources Co	Consultant	Owns few shares of Gulf Oil Co. stock for which he receives $16 per year.
Mazzocco, Nestor John	GS-13	Supervisory chemical engineer	Consolidation Coal Co	Project engineer	Received employee contributions made to the company investment plan.
McBride, John A	NA	Consultant	Phillips Petroleum Co	Senior chemist Staff technical assistant to manager, experiment station pilot group. Manager, experiment station pilot plant group. Assistant superintendent, engineering experiment station. Manager, development branch Assistant technical director, R. & D Chief, applications engineer C. & P. technical director Director, chemical technology	None—Has retirement plan which was left with company and stock valued at $17,000 to $18,000.
Mott, William E	STS[3]	Thermal applications specialists	Gulf Research & Development Co	Research physicist head, nuclear science section. Supervisor, nuclear applications	Lump-sum payment on contributions into retirement.
Randall, James E	GG-4[2]	Attorney	Jersey Nuclear Co. (affiliate of Standard Oil of New Jersey).	Staff attorney	None.
Rives, Wayne W	GG-14[2]	Industrial relations officer	Phillips Petroleum Co	Job analyst Salary administrator Manager of personnel	None, but stated his retirement was withdrawn in lump-sum.
Roberts, David J	GG-15[4]	Operations analyst	Esso Research & Engineeering	Engineer	None.
Stafford, Glen A	GG-14[2]	Chief, Test Construction Bridge Nevada Operations Office.	Crest Exploration Co	Production manager	Termination bonus equal to 1 month's salary.
Steffgen, Frederick W	GS-14	Research supervisor, chemistry	Atlantic Richfield Co	Research, associate-catalysis	Lump-sum payment of $6,024 was received upon leaving Atlantic Richfield.
Yavorsky, Paul M	GS-15	Research supervisor, exploratory engineering.	Consolidation Coal Co. (affiliate of Continental Oil Co.).	Supervisor in process research	Lump-sum payment of monthly contributions plus dividends into the general employees investment plan.

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[1] Equivalent to GS-13.
[2] Equivalent to GS-14.
[3] Scientific and technical schedule, equivalent to GS-16, 17, or 18.
[4] Equivalent to GS-15.

Listing of former oil company, oil company affiliated and oil company related executives as well as attorneys who themselves or whose law firms represent oil companies now working for the Federal Government in positions primarily above the GS-12 level.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Excerpts of duties performed by the above employees:

Planning and directing a systematic approach on the development and improvement of coal liquefaction process.

Performing legal staff work on matters arising from problems encountered in the prosecution of its office activities.

Supervising the broadening and strengthening of fundamental and applied research on energy technology.

Planning, scheduling, coordinating and administering contractors' activities on authorized engineering, construction, drilling, mining and maintenance projects.

Advising on the development and formulation of agency-wide policies, principles, and standards.

Planning, developing, and implementing real estate, maintenance, machine tool and related equipment management programs.

Reviewing, analyzing and reporting on the cost, configuration, schedule and developmental basis of a fuel processing facility.

Consulting with engineers for dual purpose nuclear plant locations.

Analyzing economic and technological characteristics of enriched uranium activities.

LISTING OF FORMER OIL COMPANY, OIL COMPANY-AFFILIATED AND OIL COMPANY-RELATED EXECUTIVES AS WELL AS ATTORNEYS WHO THEMSELVES OR WHOSE LAW FIRMS REPRESENT OIL COMPANIES NOW WORKING FOR THE FEDERAL GOVERNMENT IN POSITIONS PRIMARILY ABOVE THE GS-12 LEVEL

Federal employment—Federal Power Commission			Former employment		
Employee name	Grade	Position/title	Company name	Position/title	Lump-sum payments or deferred compensation rights received on separation
Baker, Frank E	GS-14	Geologist	Standard Oil & Gas Co	Asst. area geo	None.
			Canada Southern Oils, Inc	Staff geologist	
			Honolulu Oil Corp	District geologist	
			NA	Independent geologis	
Borror, John W	GS-13	Supervisory regulatory gas utility specialist.	Herb J. Hawthorne, Inc	Asst. sales manager	None.
			Sohio Petroleum Co	Staff engineer, district superintendent, staff mechanical eingineer, unit engineer, district engineer.	
			Gulf Oil Corp	Production engineering and asst. district engineer.	None.
			NA	Consultant	None.
Boyd, Ellis R., Jr	GS-14	Head, planning and special projects section.	Marathon Oil Co	Roustabout (laborer), assoc. petroleum engineer. Area petroleum engineer, petroleum engineer, engineer trainee.	Retirement benefits payable upon attainment of retirement age, by Marathon Oil Co. through his retention of a vested right in their retirement plan.
Jensen, William	GS-16	Administrative law judge	Beber, Klutznick & Beber, (now Beber, Richards et al.).	Associate	None.
Johnson, John Roy	GS-14	Supervisory regulatory gas utility specialist.	Aledo Oil & Gas Co., Inc. (sold to Sierra Petroleum Co., Inc.).	Production superintendent and engineer; general manager.	None, but received 2 weeks pay upon termination of employment.
Loring, William T	GS-14	Supervisory general engineering.	Core Laboratories, Inc	Engineering employee	None.
			U.S. Branson	Engineering employee	None.

LISTING OF FORMER OIL COMPANY, OIL COMPANY AFFILIATED AND OIL COMPANY RELATED EXECUTIVES AS WELL AS ATTORNEYS WHO THEMSELVES OR WHOSE LAW FIRMS REPRESENT OIL COMPANIES NOW WORKING FOR THE FEDERAL GOVERNMENT IN POSITIONS PRIMARILY ABOVE THE GS-12 LEVEL—Continued

Federal employment—Department of Defense			Former employment		
Employee name	Grade	Position/title	Company name	Position/title	Lump-sum payments or deferred compensation rights received on separation
Merriam, Prof. Daniel F.	NA	Consultant	Union Oil Co., California	Geologist	None.
Moody, Rush, Jr.	NA	Commissioner	Stubbeman, McRae, Sealy, Laughlin & Browder.	Partner	Received balance in his capital account, his share of profits and return of contribution to firm retirement fund, upon withdrawal.
Nassikas, John N.	Executive level III.	Chairman	Baker, Botts, Andrews & Shepherd	Defense trial attorney	
			Wiggin, Nonrie, Sundeen, Nassikas & Pingree.	Senior partner	Received balance of proportionate share of the undistributed net income of the firm, balance in the capital account, and a settlement amount of his partnership share on account of dissolution of the firm.
O'Mahoney, Robert M.	GS-15	Office of Special Assistant	Ross, McCord, Ice & Miller (now Ice, Miller, Danadio & Ryan).	Associate	None.
Reusch, Charles F.	GS-13	Chemical engineer	Amoco Chemicals Co	Research engineer	None, but has 12 shares of stock in blind trust.
Thomas, Weldon L.	GS-13	General engineer	IFH Gas Co	President and general manager	None.
			General Gas Corp	District manager.	
			Georgia Institute of Technology	Associate prof. and department head, gas engineering technology.	

Listing of former oil company, oil company affiliated and oil company related executives as well as attorneys who themselves or whose law firms represent oil companies now working for the Federal Government in positions primarily above the GS-12 level.

FEDERAL POWER COMMISSION

Excerpts of duties performed by the above employees:

Presiding over formal administrative hearings and issuing orders and rendering decisions on cases heard.

Supervising and programming technical investigations relating to producer rate certificates involving natural gas companies.

Engineering the analysis of transmission system pipeline applications.

Preparing reports analyzing the present and future availability of fuels for electric power generation.

Monitoring current natural gas supply levels and demand.

Consulting on geostatistics and editorial matters.

Writing opinions, orders for members, and providing written analysis of pending cases for the Commission.

LISTING OF FORMER OIL COMPANY, OIL COMPANY AFFILIATED AND OIL COMPANY RELATED EXECUTIVES AS WELL AS ATTORNEYS WHO THEMSELVES OR WHOSE LAW FIRMS REPRESENT OIL COMPANIES NOW WORKING FOR THE FEDERAL GOVERNMENT IN POSITIONS PRIMARILY ABOVE THE GS-12 LEVEL

Federal employment—Department of Transportation			Former employment		
Employee name	Grade	Position/title	Company name	Position/title	Lump-sum payments or deferred compensation rights received on separation
Aubry, Robert F.	GS-14	Petroleum engineer	Marathon Pipeline Co	Project engineer	None
Boyce, James W.	GS-13	Supervisory electrical engineer	Sun Oil Co	Electrical engineer for refinery projects	None.
Denny, John R.	GS-13	Highway engineer	Shell Oil Co	Senior asphalt representative	$7,000 deferred pay in 5 annua installments.
Englander, Irwin	GS-13	Operations research analyst	Standard Oil of Indiana	Not given	None.
Gregory, James B.	Executive level III.	Administrator	Union Oil Co. of California	Research chemist section leader (analytical research); section leader (product evaluation); supervisor (product research); manager of marketing planning; manager of environmental sciences; manager of research planning.	None.
Lundgren, Jerome F.	GS-12	Attorney-adviser	Texaco Inc	General sales representative	None.
Pattee, Frank S.	GS-14	Highway safety management specialist.	Cities Service Oil Co	Lubrication engineer, wholesale sales management specialist.	None.
			Ada Oil Co	Assistant manager and sales engineer, pipeline sales.	None.
Thomas, James C.	GS-14	Transportation safety manager (pipeline).	Consumers Power Co	Senior engineer (general gas distribution).	None.
Thompson, Basil H., Jr.	GS-11	Attorney-adviser	Hunt Oil Co	Not given	None.
White, John B.	GS-13	Transportation industry analyst	Texaco	Merchandising salesman, merchandising sales representative, district supervisor—TBA sales. district sales supervisor.	None.
Wisleder, Robert W.	GS-14	Electronics engineer	Amerada Petroleum Corp	Not given (college student)	None.
Wood, Leonard E.	GS-15	Supervisory environmental science research specialist.	Mobil Oil Co	Staff geologist	None.
			Mobile Oil de Venezuela	Not given (graduate student training program.)	None.

Listing of former oil company, oil company affiliated and oil company related executives as well as attorneys who themselves or whose law firms represent oil companies now working for the Federal Government in positions primarily above the GS-12 level.

DEPARTMENT OF TRANSPORTATION

Excerpts of duties performed by the above employees:

Reviewing and approving state standard specifications and plans proposed for use on Federal-aid highway construction.

Conducting model/intermodal programs in pipeline safety.

Developing communication system concepts and channel control procedures for satellite air traffic control systems.

Serving as an expert in petroleum/liquid matters and carrying out natural gas engineering functions.

Determining and establishing program policies, objectives and priorities, and directing the development of action plans to accomplish the National Highway Traffic Safety Administration mission.

Planning and supervising a program of research to devise more effective means to protect highway systems against the natural hazard.

Ensuring safe water supplies for roadside rest areas.

Advising on all electrical engineering matters related to the power, heating and illumination of ships and small boats to be constructed.

Initiating, preparing, and reviewing instruments, documents and correspondence pertaining to legal aspects of various programs.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATION ACT, 1976

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 8597, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (H.R. 8597) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. Time for debate on this bill is limited to 2 hours to be equally divided and controlled by the Senator from Oregon (Mr. HATFIELD) and the Senator from New Mexico (Mr. MONTOYA), 1 hour on any amendment and 30 minutes on any debatable motion, appeal, or point of order.

Mr. MONTOYA. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be regarded for the purposes of amendment as original text.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 8, strike $27,000,000" and insert "$27,500,000";

On page 2, line 16, strike "$6,750,000" and insert "$6,875,000";

On page 2, line 20, strike "$2,400,000" and insert "$2,580,000";

On page 2, line 23, strike "$600,000" and insert "$645,000";

On page 3, line 6, strike "$14,000,000" and insert "$12,000,000";

On page 4, line 4, insert:

GRANTS TO THE HOOVER INSTITUTION ON WAR, REVOLUTION, AND PEACE

For payments to the Hoover Institution on War, Revolution, and Peace as provided by Public Law 93-585, $7,000,000, to remain available until January 2, 1980.

On page 5, line 3, strike "$310,000,000" and insert "$304,920,000";

On page 5, line 8, strike "$77,500,000" and insert "$76,230,000";

On page 5, line 14, strike "$41,441,000" and insert "$41,230,000";

On page 5, line 16, strike "$10,360,000" and insert "$10,307,500";

On page 6, line 8, strike "$44,000,000" and insert "$44,500,000";

On page 6, line 10, strike "$11,000,000" and insert "$11,125,000";

On page 6, line 22, strike "$765,000,000" and insert "$771,500,000";

On page 6, line 24, strike "$191,250,000" and insert "$192,875,000";

On page 7, line 9, strike "$825,200,000" and insert "$833,000,000";

On page 7, line 11, strike "$206,250,000" and insert "$208,250,000";

On page 7, line 23, strike "$92,000,000" and insert "$95,250,000";

On page 9, line 5, insert:

REVOLVING FUND FOR ADVANCE PAYMENTS TO UNITED STATES INTERNATIONAL AIR CARRIERS

There shall be appropriated to the United States Postal Service $7,000,000 for the establishment and operation of a Revolving Fund pursuant to section 2602(c) of title 39, United States Code.

On page 11, line 14, strike "$1,000,000" and insert "$500,000";

On page 11, line 16, strike "$250,000" and insert "$125,000":

On page 12, line 3, strike:

EXPANSION OF DEFENSE PRODUCTION

EXPENSES, DEFENSE PRODUCTION ACT

For payment of interest into the Treasury as miscellaneous receipts on the current market value of the inventory of materials procured under section 303 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093), as of the first day of each fiscal year commencing with July 1, 1975, pursuant to section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161 (b)), $16,200,000.

For payment of "Expenses, Defense Production Act" for the period July 1, 1976, through September 30, 1976, $3,800,000.

On page 12, line 21, strike "$104,000" and insert "$274,000";

On page 13, line 2, strike "$26,000" and insert "$68,500";

On page 13, line 23, strike "$23,500,000" and insert "$24,000,000";

On page 14, line 2, strike "$5,875,000" and insert "$6,000,000";

On page 14, line 7, strike "$530,000" and insert "$730,000";

On page 14, line 9, strike "$132,000" and insert "$182,500";

On page 14, line 16, strike "$8,900,000" and insert "$8,500,000";

On page 17, line 11, strike "$94,500,000" and insert "$94,700,000";

On page 18, line 4, strike "$23,625,000" and insert "$23,675,000";

On page 19, line 26, strike "expended" and insert "September 30, 1976";

On page 20, line 3, strike "to remain available until expended";

On page 23, line 1, strike "$1,116,354,000" and insert "$1,142,554,000";

On page 23, line 2, strike "$62,586,000" and insert "$63,786,000";

On page 23, line 3, strike "(except as provided herein)";

On page 24, line 2, strike:

Provided further, That all amounts remaining unobligated on September 30, 1976, in connection with projects specified in Public Law 93-381, under the heading "Federal Buildings Fund, Limitations on Availability of Revenue," subsection 7(a), are hereby rescinded and shall be deposited in miscellaneous receipts of the Treasury of the United States

On page 24, line 13, strike "$440,000,000" and insert $447,000,000";

On page 24, line 14, strike "$380,000,000" and insert "$397,000,000";

On page 24, line 16, strike "$63,000,000" and insert "$64,000,000";

On page 25, line 16, strike "$1,141,354,000" and insert "$1,059,300,000";

On page 25, line 21, strike "274,050,000" and insert "$281,700,000";

On page 25, line 22, strike "$26,300,000" and insert "$27,700,000";

On page 25, line 25, strike "$110,000,000" and insert "$111,750,000";

On page 26, line 1, strike "$95,000,000" and insert "$99,250,000";

On page 26, line 2, strike "$15,750,000" and insert "$16,000,000";

On page 26, line 8, strike "$274,050,000" and insert "$281,700,000";

On page 26, line 10, following "United States", insert the following: *Provided further*, That moneys now or hereafter deposited into the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), and available pursuant to annual appropriation Acts, may be transferred and consolidated on the books of the Treasury Department into a special account pursuant to section 9 of the Act of June 14, 1946, 60 Stat. 259 (40 U.S.C. 296), in accordance with and for the purposes specified in such section.

On page 27, line 11, strike "$160,000,000" and insert "$159,000,000";

On page 28, line 14, strike "$40,000,000" and insert "$39,750,000";

On page 28, line 15, insert:

PERSONAL PROPERTY ACTIVITIES

GENERAL SUPPLY FUND

For necessary expenses for the "General Supply Fund", $65,000,000.

On page 30, line 24, strike "$16,000,000" and insert "$15,000,000";

On page 31, line 2, strike "$4,000,000" and insert "$3,750,000";

On page 31, line 19, strike "$940,000" and insert "$1,700,000";

On page 31, line 21, strike "$235,000" and insert "$425,000";

On page 32, line 8, strike "$246,152" and insert "$300,000";

On page 32, line 15, strike "$61,538" and insert "$75,000";

On page 37, at the end of line 19, insert ", except as provided in section 204 of the Supplemental Appropriation Act, 1975 (Public Law 93-554)";

On page 38, line 24, insert:

SEC. 508. Except for expenditures for Presidential travel contained in the White House Office appropriation or except for expenditures by the Treasury Department for legitimate law enforcement purposes, either of which may be expended in a confidential manner when appropriate, no funds appropriated by this Act may be expended—

(a) pursuant to a certification of an officer or employee of the United States unless—

(1) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(2) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(b) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such an audit.

On page 40, at the beginning of line 17, insert "South Viet Nam,";

Mr. MONTOYA. Mr. President, I ask unanimous consent that no point of order shall be considered to have been waived by reason of the agreement to this order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MONTOYA. Mr. President, I yield myself such time as I may require.

Mr. President, on behalf of the Committee on Appropriations, I am pleased to present the Treasury, Postal Service, and General Government appropriations bill for fiscal year 1976, H.R. 8597.

The President's budget, as amended, requested $6,330,463,000 for programs and activities under this appropriations bill. The recommendation of the committee is $6,338,955,000. This is a reduction from fiscal year 1975 appropriations of $1,854,954,500. Of this reduction, $1,750,000,000 was in support of a one-time payment of $50 to social security recipients, which was authorized by the Tax Reduction Act of 1975—Public Law 94-12.

The bill passed the House of Representatives July 17, 1975 in the amount of $6,265,532,152. The committee recommendation is an increase of $8,492,000 over the budget estimate and an increase of $73,422,848 over the House bill. The increase above the House allowance is primarily for two programs requested by the President as budget amendments following completion of House hearings. These amendments were denied by the House without prejudice. I will briefly highlight the major items in the bill.

TITLE I—TREASURY DEPARTMENT

The committee recommendation for the Treasury Department is $2,463,869,000. This is a reduction of $1,661,662,000 from the fiscal year 1975 appropriation, a reduction of $51,114,000 from the budget estimate and an increase of $18,639,000 over the House bill. The reduction from last year is primarily the result of the one-time social security payment of $1,750,000,000 which I mentioned previously.

The major increase to the House allowance is restoration of $15,000,000 to the Internal Revenue Service. The House bill reduced these appropriations by $21,778,000. The increased funding will provide staffing and resources to support increased tax administration responsibilities of the Internal Revenue Service relating to the Freedom of Information Act, the Privacy Act, the Tax Reduction Act, the Employee Retirement Income Securtiy Act, and the Social Security Amendments of 1974.

The bill includes $7,000,000 for the Hoover Institution on War, Revolution, and Peace which was authorized by Public Law 93-585. The House denied these funds without prejudice as the budget amendment was received too late to hold hearings. Appropriation of these funds will enable the Department of the Treasury to match private contributions, over a 5-year period, for construction of educational facilities for the Hoover Institution.

Increases to the House bill include $500,000 to the Office of the Secretary and $180,000 for the Office of Revenue Sharing for increased staffing; and $3,250,000 for the Secret Service to provide additional agents for protective assignments prior to the forthcoming political conventions, the 30th anniversary of the United Nations, the Bicentennial celebration, and the ever increasing number of visits of foreign dignitaries.

Reductions are recommended from the House bill in appropriations for the Federal Law Enforcement Training Center, the U.S. Customs Service and the Bureau of the Mint.

TITLE II—U.S. POSTAL SERVICE

The committee recommends concurrence with the House bill of $1,582,185,000 for the U.S. Postal Service. This is an increase of $92,500,000 over the budget estimate to provide funding for the extended periods of phasing authorized by Public Law 93-328.

Although Public Law 93-328, which was Senate bill S. 411, extended the periods for phasing in full rates from 5 years to 8 years for certain regular-rate mailers and from 10 years to 16 years for certain nonprofit mailers, the President failed to include the fiscal year 1976 requirement of $92,500,000. Failure to include the subsidy funding would require the Postal Service to impose a substantial increase in postage upon the affected classes of mailers. As Public Law 93-328 passed the Senate by a vote of 71 to 11 and the House by 277 to 129, the committee believes this reflects the clear intent of the Congress that the extended phasing be supported.

Mr. President, I would like to ask for the yeas and nays on final passage.

The ACTING PRESIDENT pro tempore. Is there a sufficient second.

There is a sufficient second.

The yeas and nays were ordered.

Mr. MONTOYA. Mr. President, the remaining items in this title are based on the formula in the Postal Reorganization Act—Public Law 91-375—for appropriation of funding for public service costs, revenue foregone, and the unfunded liability of the Post Office Department when it was a Federal agency.

The committee recommends a separate appropriation of $7,000,000 for reestablishment of a revolving fund for making advance payments to U.S. international air carriers. These carriers are having a difficult time in collecting funds from foreign countries for the carriage of mail pursuant to international agreements. This revolving fund is authorized by 39 U.S.C. 2602 and was in operation until 1965.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

The committee recommends $64,911,000 for the Executive Office of the President. This is a reduction of $18,151,000 from the budget estimate and a reduction of $16,230,000 from the House bill.

Public Law 93-346 established the former residence of the Chief of Naval Operations at the Naval Observatory as the temporary, official residence of the Vice President. The committee recommended an increase of $170,000 to the House bill to air-condition this residence. The Vice President and his family will occupy the residence during fiscal year 1976. Increases are also recommended to the House bill of $500,000 for the Office of Management and Budget for increased staffing, and $200,000 for increased start-up costs for the Office of Federal Procurement Policy.

It is recommended $500,000 be reduced from the unanticipated needs appropriation to provide contingency funds for the President at the level appropriated during fiscal year 1975; $400,000 from the Office of Telecommunications Policy; and $16,200,000 from the appropriation request for expansion of defense production expenses, Defense Production Act. This appropriation, authorized by Public Law 93-426, is the interest on the current market value of materials stockpiled under the Defense Production Act (DPA). It was anticipated these funds would procure additional materials for the DPA stockpile when required. The committee has been advised that no material is planned to be procured in fiscal year 1976.

TITLE IV—INDEPENDENT AGENCIES

For independent agencies, the committee recommends $2,220,990,000. This is a reduction of $21,743,000 from the budget estimate and an increase of $64,013,848 over the House bill. This is due primarily to inclusion of $65,000,000 for payment to the general supply fund of the General Services Administration to increase capitalization of the revolving fund. This fund has not been augmented since 1967. Due to continuing increases in sales volume and substantial price increases, there has been a constant erosion of available resources. The House denied this amendment without prejudice as it was too late to hold hearings.

The committee recommends $94,700,000 for the Civil Service Commission. This is an increase of $200,000 over the House bill to provide the Office of Veterans' Affairs with resources to implement fully its new responsibilities pursuant to the Vietnam Era Veterans Readjustment Act of 1974—Public Law 93-508.

An increase to the House bill of $760,000 for the salaries and expenses, Federal management policy appropriation is recommended to provide for continued operation of this organization under the General Services Administration during fiscal year 1976 pending the results of a review by the Office of Management and Budget as to proper organizational placement for this responsibility.

For the allowances and office staff of former Presidents, the committee recommends an increase of $53,848 to the House bill. This provides a reduction to the budget estimate of $28,000 and will provide $65,000 for pensions and postal franking privileges for widows of former Presidents, the pension of $60,000 for for former President Nixon and $175,000 for his office staff and related expenses under the Former Presidents Act of 1958, as amended.

The Federal Supply Service and the Office of Preparedness are each recommended for reductions of $1,000,000 from the House bill.

For the Federal buildings fund, which was created by the Public Buildings Amendments of 1972, Public Law 92-313, the committee recommends limitations on the availability of revenue collected from the standard level user charges of $1,142,554,000. This is an increase of $26,200,000 over the House bill and a reduction of $7,429,000 from the budget estimate. The increase over the House bill will provide for construction of a sorely needed tunnel at the Federal office building in Oklahoma City, Okla., and increased limitations for rental of space, program direction and centralized service, and for real property operations. The latter will continue current building operations and services at the fiscal year 1975 levels and provide for known increases in utility rates and fuel adjustment charges.

The House bill recommends language which would require all sums accruing to the Federal buildings fund above $1,141,354,000 to be deposited in the miscellaneous receipts of the Treasury. The House language would include funds which were carried over from prior years. The committee recommends that prior year funds remain in the Federal buildings fund. It is the opinion of the committee that sufficient control of the fund is exercised by the Congress in approving the annual limitations on the availability of revenue.

The House bill directs construction

funds for the projects specified in Public Law 93-381 which remain unobligated on September 30, 1976, to be rescinded and deposited in miscellaneous receipts of the Treasury. Future requirements for these projects, including claims, would be included in the budget estimates of subsequent years. The committee does not agree with the House language. Unavailability of these construction project funds after September 30, 1976 could prevent GSA from meeting commitments as a result of judgments rendered in favor of contractors and cause delays in the completion of projects. This could result in increased costs to the Federal Government.

LANGUAGE CHANGES

In addition to the language changes which I have previously referred to, the committee has included several items which are of general interest. Funds for a transition period are provided in this bill which will allow the fiscal year of the Federal Government to commence October 1, 1976 rather than July 1, 1976. Language is provided in section 504 of title V of the bill to allow funding to remain available for obligation through September 30, 1976.

A new section 508 has been added to title V of the bill which will require substantiating material in support of payments based on certification by an officer or employee of the United States unless the expenditures are authorized by law or in those instances where the expenditures are subject to audit by the General Accounting Office. The language will except travel expenses of the White House Office and payments of the Treasury Department for legitimate law enforcement purposes.

In section 602 of title VI of the bill, the committee included language to permit the U.S. Government to employ refugees of South Vietnam in the same manner as refugees from Cuba, Poland, or the Baltic countries. This provision was included at the request of the State Department.

CONCLUSION

Mr. President, before concluding my remarks, I wish to express my appreciation to the members of the subcommittee, including the minority members, Senator Bellmon and Senator Hatfield; and also my appreciation to Mr. Fred Rhodes and Mr. Arthur Levin of the staff, and Mr. Burkett Van Kirk, the staff member of the minority.

I want to say that the bill met with the approval of both sides of the committee. It was the best that we could do under the circumstances, and I sincerely hope that it will be approved as presented to the Senate.

PRIVILEGE OF THE FLOOR

Mr. HATFIELD. Mr. President, I ask unanimous consent that Jerry Stuckes of the staff of the Senator from Wyoming (Mr. Hansen) be given the privilege of the floor for today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, as a minority member of the subcommittee which considered H.R. 8597, the appropriation bill for the Treasury, Postal Service, and General Government for the fiscal year ending June 30, 1975, I want to associate myself generally with the remarks of the chairman of the subcommittee, the distinguished senior Senator from New Mexico (Mr. Montoya) and to applaud his leadership in reporting this bill so promptly.

This measure now before the Senate is the product of many days of hearings and persevering effort put forth not only by our most capable and cordial chairman, but also the other members of the subcommittee.

I congratulate the chairman for the way he has conducted the affairs of the subcommittee through these recent months.

Unfortunately, but through no fault of the subcommittee, this bill represents an increase of $8,492,000 over the budget estimate and an increase of $73,422,848 over the House bill. The prime reason for these increases is that the committee had to add $65,000,000 for a payment to the general supply fund of the General Services Administration. This payment was to increase the capitalization of the revolving fund which had not been augmented since 1967. Price increases over the past 8 years had depleted the resources available to the fund. My colleagues should know that the House denied this increase without prejudice because it was sent up after hearings had been completed.

The other big item involved a $92,500,000 increase over the budget estimate to provide funding for the extended periods of phasing authorized by Public Law 93-328. The committee recommendation concurs with the House bill which provides for $1,582,185,000 for the U.S. Postal Service.

Mr. President, I am particularly pleased that this bill includes funding for the Hoover Institution on War, Revolution, and Peace which was authorized by Public Law 93-585. Federal funds will be matched by private contributions to construct this very worthwhile educational facility on the campus of Stanford University at Palo Alto, Calif. This facility will be the sole Federal memorial to the late President Herbert Hoover, and will recognize his 50 years of extraordinary and selfless public service which included not only countless humanitarian endeavors, but the chairmanship of two Commissions on the Organization of the Executive Branch, and his service as the 31st President of the United States. I am proud to have been a part of that group which recognizes the ongoing value of this Hoover Memorial, and I am proud that this subcommittee of which I am a member has seen fit to appropriate these worthwhile funds.

Mr. President, once again I want to commend the manager of this bill, the distinguished chairman of our Subcommittee (Mr. Montoya), for the firm, fair and methodical manner in which he has presided over the development of this appropriation legislation.

The ACTING PRESIDENT pro tempore. The bill is open to amendment.

Mr. MONTOYA. Mr. President, I thank my distinguished colleague from Oregon for his very kind words. I now yield to the distinguished Senator from Hawaii (Mr. Inouye).

Mr. INOUYE. Mr. President, I thank the chairman very much.

Regretfully, I was not able to attend the markup session of this measure on Tuesday last. If I had been there, I would have proposed a certain amendment to this bill. At this time, I wish to present this problem to the chairman, hoping that he will carry the matter to conference with an open mind to the possibility of reconsidering the action taken by the Senate.

Mr. President, this relates to the amount for the Customs Service and primarily for the sum approved for those with inspection responsibilities.

In 1974, we played host to 14.1 million international visitors. During the period 1975 and 1976, which will be the Bicentennial period, we anticipate welcoming over 32 million international visitors. This is an increase of over 14 percent. Incidentally, Mr. President, these are very conservative figures.

During the year 1974, 23.9 million Americans went abroad. When these Americans return, they have to be processed through facilities of the Customs Service. It is anticipated that during the period 1975-76, 50 million Americans will be traveling abroad and returning to the United States. This is an increase of 4 percent.

Incidentally, this latter figure does not include Americans going to Mexico and Canada. Because of the large number traveling to these countries, we are not able to keep exact figures.

It should also be noted that next year Montreal will be the host for the summer Olympics. I think it is safe to say that this will attract hundreds of thousands of Americans to cross the border north, visit Montreal, and return.

This will indicate that during the period 1975-76 our Customs Service will be much more burdened than it is today.

It is common knowledge for those who have had the privilege of traveling abroad, that returning to the United States can often be a traumatic experience. This sometimes involves a wait at the port of entry at some airport, not just 15 minutes, but possibly 2 or 3 hours.

We are hoping that the Bicentennial will be a great year for visitors, a year when visitors can come to the United States feeling welcome.

So I would hope that the conferees, in meeting with the House of Representatives, will reconsider the action taken. The action by the Senate would reduce the amounts set aside for personnel by an amount of $5,080,000. This affects 406 customs inspection personnel. I sincerely hope that the chairman will keep these facts in mind while in conference and, if possible, reconsider the action taken by the Senate committee.

Mr. MONTOYA. Mr. President, may I say to the distinguished Senator from Hawaii that I certainly will give this matter my most thorough consideration before we go to conference, and we will discuss it in conference.

I might say, by way of background, that the situation has arisen because the 1975 bill provided for an additional 501 positions. The President, after we provided these positions, sent a rescission message to Congress which suspended the expenditure of funds for these positions. Congress, in turn, disapproved the rescission. In late June, at the direction of the House Appropriations Committee, the Office of Management and Budget was requested to allow the Customs Service to staff these positions. At the beginning of fiscal year 1976, personnel staffing most of these positions were on board, but no funding was included in the fiscal year 1976 budget for their support.

So, Customs is in a quandary at the present time as to how to fund the additional positions. We in the committee had to face this issue. We had no budget message from the President to provide additional funding for these positions. Therefore, in the absence of a budget message by the President, we disallowed the $5,080,000 for these positions.

Since we disallowed this amount, we have been informed that it is very urgent that provision be made for funding these positions.

I can assure my good friend from Hawaii that we will discuss this matter very thoroughly and try to provide adequate funding in conference to assist in funding these positions.

Mr. INOUYE. I thank the chairman very much.

Mr. MONTOYA. I yield to the distinguished Senator from Maine.

Mr. MUSKIE. Mr. President, I thank my good friend from New Mexico, the floor manager of this bill.

I will not take up much of the Senate's time but I will make comments which I think are the responsibility of the Committee on the Budget.

Title I of the bill makes appropriations for the Treasury Department, title II for the U.S. Postal Service, title III for the Executive Office of the President, and title IV for certain independent agencies including the General Services Administration, the Civil Service Commission, the U.S. Tax Court, the Federal Election Administration, and a number of commissions and agencies.

The budget authority in H.R. 8579 includes amounts which fall into seven functions of the Federal budget. As reported by the Committee on Appropriations, the bill makes appropriations of $6.338 billion. This amount appears to be within the budget resolution. I say "appears to be" because when the Senate Budget Committee was marking up the first concurrent resolution it did not establish exact figures for each line item in the budget. That we regard as the responsibility of the Committee on Appropriations. The best estimate of the staff of the Budget Committee, however, is that the items in this bill are well within the first concurrent resolution on the budget and that it will not jeopardize funding of other foreseeable legislation within the affected functions.

The outlays implicit in this bill appear to be within the guidelines of the budget resolution.

I commend the distinguished chairman of the Appropriations Subcommittee on Treasury, Postal Service, and General Government (Mr. MONTOYA) and the work he and the members of his Subcommittee have performed in making judgments about national priorities that must be faced in arriving at basic and fundamental operations of our Government. Senator MONTOYA is also especially to be commended for making these priority judgments within the context of the congressional budget. His approach has been both highly responsible and highly responsive to the real limitation and tight fiscal situation which we face this year.

May I, in addition, Mr. President, express my appreciation to the distinguished chairman of the Committee on Appropriations (Mr. MCCLELLAN), who is exercising his traditional role of budgetary restraint in an effort to meet the pressing needs of our country within the resources that are available.

Mr. President, I submit this report for the record.

Mr. MONTOYA. Mr. President, I certainly thank the distinguished Senator from Maine for his very kind words.

I know he has labored diligently in assisting us with respect to budgetary restraints, and his counsel and advice have been most helpful to us in arriving at the sums which we recommended in this particular bill.

I have no additional comments, and unless a Member requests that I yield to him, I will ask——

Mr. JAVITS. Mr. President, I would like that, if I may.

Mr. MONTOYA. I will be happy to yield.

Mr. JAVITS. Two minutes.

Mr. MONTOYA. I yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, we have two fine Senators who are managing this bill, and we all understand and recognize that. I have noted in the report and in the work of the committee, which I highly commend, that for the National Commission on Productivity and Work Quality there was a cut in the budget estimate of $500,000 by the House, and the Senate committee went along with it. I do not blame them, because they probably were unaware of what I am about to tell them.

This is the situation: In the Committee on Government Operations—I am glad Senator MUSKIE is in the Chamber, because he knows a good deal about this—we have been deeply concerned with the problems of productivity in the United States. We succeeded in working out a bill which has been reported and which I believe is on the calendar. I will check that in a moment.

Under that bill, we have now provided for a new approach of the productivity centers which will improve materially and expand the work of the Productivity Commission. Indeed, it is a reorganization—that is why it was in the Committee on Government Operations—of the Productivity Commission. It involved the reconciliation of the views of two of the great AFL–CIO unions which will be the most involved in the productivity problem—the Steelworkers' Union and the United Auto Workers.

Fortunately, because my relations are very good with both unions, I was able to work out a reconciliation of those views, with the result that the bill was agreed upon, went through a great deal of consideration and discussion in the committee, and will result in the kind of decentralization of work on productivity and work quality to which I have been aspiring for 10 years and on which I feel the committee has made very significant progress.

I know that Senator PERCY is out of town; Senator NUNN may be in town, but he is not now in the Chamber, and I have not had an opportunity to talk with him. Under the circumstances, inasmuch as this is a very gifted advance—I am able to speak about it because of my very longstanding relationship to the productivity problem—I inquire whether or not the managers would be congenial, for the purposes of today, to restore the budget amount, in order to take it to conference, so that the new factor of this new bill, which has been reported from the Committee on Government Operations, may be considered by them, and so forth. Inasmuch as we are under the budget estimate in this particular case—the amount is not all that great, and the issue is very great—if they felt agreeable to it, I would move to offer the amendment.

Mr. MONTOYA. Mr. President, I say to the distinguished Senator from New York that we have considered this budget request very thoroughly. We have tried to be very understanding and compassionate in the past with respect to this budget request.

Personally, I have tried to conduct very thorough hearings to develop the proper justification for the budget estimate which was presented to the committee. We in the subcommittee have not been completely satisfied that the Commission on Productivity and Work Quality has been doing a meaningful, constructive, and recognizable job. Perhaps their work is effective; however, they have not presented adequate evidence to this effect to the subcommittee.

We have favored them adequately. I believe the hearings will reflect this. In the past, they have received less funding. The Commission was authorized in 1970, and ample funds were provided for the Commission in the initial stages. In their appearances before the subcommittee, they presented little in the way of concrete results of their work. The House reduced the request by $500,000, and we followed the House recommendation.

I do not think there is any justification for increasing this amount by $500,000 as the Senator from New York suggests. If additional information comes before the subcommittee and a supplemental request is made by the President, we certainly will consider it in a later supplemental appropriation.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MONTOYA. I yield.

Mr. JAVITS. After all, the amount which is being appropriated is less than the budget estimate; so the President already has made his request. I point that out.

Second, I am bringing the committee

new information which they did not have, which I think bears materially upon the ability of this critically important operation, which has not been satisfactory. We are the first to assure the Senator of that.

The Senator knows how things move around here—glacially. It will be an enormous step forward if at least it will be considered in conference. It is within the budget estimate. I am not asking the Senator to go beyond that. It will get us 3 or 4 months on our way.

If the Senator will yield, I ask Senator Muskie, if I am not imposing on him, to say a word on this matter, because he sat in very much on the deliberations of the Committee on Government Operations.

Mr. MUSKIE. Mr. President, I share with the distinguished Senator from New York his estimate of the importance of the work of this agency. As we move into the uncertain economic future, it is important that we understand what we must do, and how we can do it, to increase our productivity in this country. It is a key element; there is no question about that.

The Senator from New York is much more knowledgeable in this field than I am. I am wholly committed to the objectives which he seeks to outline. I am not as familiar with the program requirements from the money point of view as he is, but I am sure that his judgment on that point is responsible, and I support his request.

Mr. JAVITS. I say to Senator Montoya that it is the new factor I am bringing him. The bill was dealt with very diligently; we debated the issues. It is cosponsored by Senator Percy and Senator Nunn. It has been ordered reported from the Committee on Government Operations, and it represents the consummation of highly effective work by two of our greatest unions.

All I am saying is that it will be encouraging, at least, if Senators Nunn and Percy and I, as well as others, can come to the conference and lay before them the equity of the situation which is new.

I agree thoroughly with Senator Montoya. He did not know anything about this, and he did exactly right.

All I say is that perhaps we can save 3 or 4 months of very valuable time if the conferees are now convinced that this matter is going to be put on a new and infinitely better road, well worth at least the budget estimate. That is all I ask. I ask for no commitments—just that the door be kept open. If the Senator does not like it, he will strike it out in conference, but at least the door will be kept open.

Mr. MONTOYA. I say to the distinguished Senator from New York that last year's appropriation was $2 million. Our recommended figure is $2 million. Before that, for fiscal year 1974, the appropriation was $885,000. So we have really increased it in the last 2 years—this fiscal year and last fiscal year—over the $885,000 which they had been receiving.

In fiscal year 1973, they did not receive any funding. I have requested this Commission to furnish us with specific and concrete data as to their performance. They have not completely presented this evidence to us. They are really at our sufferance with this $2 million, because they have not provided adequate justification for us to recommend to Congress an appropriation of over $2 million.

Mr. JAVITS. In the first place, I say to my colleague that there are very few things that are as critical for our country as this. This is the guts of our country.

We are down, way down in the cellar, as they say in baseball, on productivity compared to Germany, Japan, and many other countries. This has been a longstanding, heartfelt problem which I have tried to deal with. I have been very disappointed in this commission. As I reported to the Senate, we are coming to life. We have now gotten reported out of the Committee on Government Operations a really effective bill to shake this thing up. All I am trying to do is win my colleague to a little faith in us, the Committee on Government Operations, to give us the open door to conferences. The conferences can easily throw it out. If we can demonstrate to the Senator that at last this thing will really deserve the money that is at least specified in the budget. I am really making it somewhat personal, if the Senator will not mind my saying so, because there is nothing on the record, I agree, on the facts as I am giving them to him now.

That is why I asked Senator Muskie to support me in it, because he sat through the sessions as we marked up this bill. After 2 month's work, we are really beginning to go to town. I really ask the Senator, on faith with us, at least to leave the door open so that if the conferees think it is deserved, they can do it, especially since I am not asking the committee to go beyond the budget estimate.

Mr. MONTOYA. May I say to my friend from New York, he is very eloquent, very kind, very persuasive. I am truly sympathetic to his plea. Will not the Senator from New York wait until the next supplemental so that we can give the Commission an opportunity to come before the subcommittee and tell us precisely what they have been doing and what they will do with respect to the mandate in the new legislation? I can assure the Senator from New York that if they come in and present a good case and tell us that they are really going to launch a meaningful effort in the field of productivity, I will personally recommend additional funding.

Mr. JAVITS. Really, what I am trying to do, knowing how these things go and because we are so much on the threshold, is just to leave the door open. I saw Senator Muskie on his feet. Perhaps he will help me with this. May I ask him that?

Mr. MUSKIE. I perhaps did not indicate previously how impressed I was with the work done in the Committee on Government Operations to develop a more effective program. Really, these kinds of objectives must be served in some fashion if we are to pull ourselves out of our present economic slump on a permanent basis, making full use of the productive capability of our economic system. The work that was done on this piece of legislation was most impressive. It did have the full support of the Committee on Government Operations.

One of the difficulties with our present budget process still is that the work being done on the authorizing committee level does not get the attention of the Committee on Appropriations early enough to be reflected in the numbers that we approved.

I do support the request of the distinguished Senator from New York. I think this is terribly important work. I gather that the distinguished floor manager of the bill is being persuaded, at least in part.

Mr. JAVITS. We want to persuade him in toto, if we can.

May I again ask Senator Montoya, as I say, on the faith of the Government Operations Committee, if he will not take this to conference? No commitments, just give an opportunity to save maybe 3 or 4 months. If the Senator is convinced—I am speaking personally, I shall take his decision—that we are really now on the road that the commission deserves the budget estimate.

Mr. MONTOYA. I say to my good friend from New York that even though the Committee on Government Operations, which is compromised of very distinguished Members of this body, in whom I have great faith, has established new edicts of activity for the Commission, I am sure that they will not be able to staff the Commission with personnel to carry out these mandates within the next 2 or 3 months. So if the Commission is intent on upgrading its mission as a result of the recommendations in the new legislation, I shall be pleased to look at the new mission and evaluate it and make recommendations in a future supplemental. I shall certainly do that.

I want to impress upon my colleague from New York that we really will give the proposal a good hearing, so that if additional personnel are justified, we will provide for additional funding.

Mr. JAVITS. Mr. President, I respect Senator Montoya enormously. I think what he is telling me is in complete good faith. Half a million dollars is not going to make or break anything. If the Senator feels that strongly about it, I am not going to press any further.

Mr. MONTOYA. I thank the Senator from New York.

Mr. HATFIELD. Will the Senator yield?

Mr. MONTOYA. Yes.

Mr. HATFIELD. I do not really think there is any difference between the objectives being sought by my colleague from New York (Mr. Javits) and the Senator from New Mexico (Mr. Montoya). I think the Senator from New York has provided us with some new information which will certainly give us a new perspective on the Commission. I do think it will take some time to implement whatever the Government Operations Committee is proposing. I join the chairman in urging my colleague that he ask for any additional funding for whatever planning will require additional funding at the time the Commission receives a new mandate, at which time the Commission can put it together and make some proposals that will require additional funding. I think the record should show that none of us is in disagreement, but I think it is a question of timing, and I think we can achieve the objectives that the Committee on Government Operations is proposing at this time.

Mr. JAVITS. I thank my colleague. I thank the Senator.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. MONTOYA. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I am not a member——

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HATFIELD. I yield time to the Senator from Michigan.

Mr. GRIFFIN. I am not a member of the Committee on Appropriations, but my attention has been called to section 508 on page 38 and page 39. There is some problem with the printing of this particular bill.

The ACTING PRESIDENT pro tempore. The Chair is advised that there is a printer's error. The pages are reversed.

Mr. GRIFFIN. Yes. This appears, first of all, clearly to be legislation in an appropriation bill.

I have made some inquiry and I know that there probably is a good and worthy purpose to this language, but it does, in my opinion, reach very far and could go farther than perhaps those who are seeking to put it in realize.

I should like to inquire of the distinguished manager of the bill whether or not any hearings were held in connection with this particular language?

Mr. MONTOYA. There were no hearings held. The amendment was proposed in the full committee. This is not the recommendation of the subcommitee.

Mr. GRIFFIN. I see.

Mr. President, under those circumstances, I am going to make a point of order that this is legislation on an appropriation bill.

Mr. MONTOYA. Will the Senator withhold the point of order until Senator SCHWEIKER comes into the Chamber, so he may defend his position?

Mr. GRIFFIN. I shall not withhold the point of order, but I certainly—yes, I withhold it. But I do intend to make it.

Mr. MONTOYA. That is fine.

Mr. PASTORE. Will the manager of the bill yield to me on another matter while we are awaiting Mr. SCHWEIKER'S arrival?

Mr. MONTOYA. Yes, I yield.

SENATE RESOLUTION 221—SUBMISSION OF A RESOLUTION RELATING TO INTERNATIONAL COOPERATION IN STRENGTHENING SAFEGUARDS OF NUCLEAR MATERIALS

(Referred to the Committee on Foreign Relations.)

Mr. PASTORE (for himself, Mr. MONDALE, Mr. INOUYE, and Mr. MONTOYA) submitted the following resolution:

S. RES. 221

Resolved, That the President seek the immediate international consideration of strengthening the effectiveness of the International Atomic Energy Agency's safeguards on peaceful nuclear activities and seek intensified cooperation with other nuclear suppliers to insure that the most stringent safeguard conditions are applied to the transfer of nuclear equipment and technology to prevent the proliferation of nuclear explosive capability.

Whereas the Senate of the United States ratified the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in recognition of the devastation associated with a nuclear war and of the need to make every effort to avert the danger of such a war;

Whereas the parties to the treaty expressed a common belief that the proliferation of nuclear weapons would seriously increase the danger of nuclear war;

Whereas the United States and other parties to the treaty pledged to accept specified safeguards regarding the transfer to nonnuclear weapon states of special nuclear materials and facilities for the processing, use, or production of such materials;

Whereas recent events, including the explosion of nuclear devices, and the development of uranium enrichment facilities, and the proposed transfer of nuclear enrichment and reprocessing facilities to nonnuclear weapon states, emphasizes the imperative need to increase the scope, comprehensiveness, and effectiveness of international safeguards on peaceful nuclear activities so that there will be no further proliferation of nuclear weapons capability;

Whereas the Senate of the United States is particularly concerned about the consequences of transactions without effective safeguards that could lead to the production of plutonium and other special nuclear materials by nonnuclear weapon states throughout the world; and

Whereas the Senate is particularly concerned about the proliferation threat posed by the possibility of the development in the near future of a large number of independent national enrichment and reprocessing facilities and therefore believes that the United States should take the lead in securing agreement for the development of regional multinational, rather than national, centers to undertake enrichment and reprocessing activities in order to minimize the spread of technology which could be used to develop nuclear explosives: Now, therefore, be it

Resolved, That the Senate of the United States strongly requests and urges the President to seek through the highest level of consultation in the United Nations and with the other leaders of the world community, an intensive cooperative international effort to strengthen and improve both the scope, comprehensiveness, and effectiveness of the international safeguards on peaceful nuclear activities so that there will be a substantial and immediate reduction in the risk of diversion or theft of plutonium and other special nuclear materials to military or other uses that would jeopardize world peace and security; be it further

Resolved, That the President seek, through consultation with suppliers of nuclear equipment and technology, their restraint in the transfer of nuclear technology and their cooperation in assuring that such equipment and technology only is transferred to other nations under the most rigorous, prudent, and safeguarded conditions designed to assure that the technology itself is not employed for the production of nuclear explosives; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President of the United States and to the Secretary of State.

Mr. PASTORE. Mr. President, I shall send to the desk a resolution for myself and Mr. MONDALE that has to do with the proliferation of nuclear material and calling upon the President of the United States, through the auspices of the United Nations, to seek more cooperation on the part of the various governments of the world to make sure that these safeguards are strengthened. I should like to make the following statement. It will only take me about 4 minutes to do so.

On March 5, 1970, the Nonproliferation Treaty went into effect. Five tumultuous years have passed—the tragedy of Vietnam is behind us—renewal of the conflict in the Middle East is an ever present danger—but while we try to maintain the delicate balance between détente and defense a new, insidious and perhaps ultimately the most dangerous development in the past decades is before us. This is the spread of nuclear technology which threatens the very core of global stability.

May we have order, Mr. President?

The ACTING PRESIDENT pro tempore. The Senate will be in order.

Mr. PASTORE. With expanding growth and knowledge of nuclear technology, the potential for nuclear weapons development exists in practically all corners of the world. As a result, an increasing number of nations, if they are so inclined, are in a position to create world havoc and unrest because they possess the ability to manufacture a nuclear weapon. There is an imperative need that all nations of the world recognize this problem and that their leaders cooperate fully to improve international safeguards on peaceful nuclear activities.

This country has long adhered to the policy of nonproliferation of nuclear weapons. The Senate in 1966 specifically endorsed the concept of preventing nuclear weapons spread without a single dissenting vote.

In pure and simple terms—and I had to use the microphone because people are talking, Mr. President——

The ACTING PRESIDENT pro tempore. Senators will cease their conversation or withdraw to the cloakrooms and the Senate will be in order.

Mr. PASTORE. In pure and simple terms, Mr. President, any nation that provides fissionable material for peaceful use must make sure that the recipient of such materials agrees to international inspection and safeguards and all those who receive it in turn agree that they subscribe to international inspection and safeguards.

The hope of all peoples of the world, now and for future generations, is a worldwide system of comprehensive and effective international safeguards, the purpose of which is to prevent the diversion of fissionable material from peaceful nuclear activities to nuclear weapons. Although there are now international safeguards under the auspices of the International Atomic Energy Agency, there is no doubt that these safeguards must be strengthened. This should be a top priority item on the international agenda, for only with such safeguards will our people and the people of the rest of the world have some assurance against the peril of a nuclear holocaust from any quarter of the globe.

In view of the widespread use and knowledge of nuclear technology in the world, the improvement of international safeguards can only be accomplished by full cooperation within the international community.

Today Senator Mondale and I are introducing a resolution which calls upon our President to initiate serious and urgent efforts within the community of nations to strengthen international safeguards of peaceful nuclear activities. The resolution endorses the principle of additional and prompt efforts by the President which are appropriate and necessary in the interest of peace for the solution of nuclear proliferation problems.

In view of the very complex and dangerous world in which we live, an urgent effort on the part of the President to kindle anew an international effort to strengthen the safeguards system would be the exercise of the highest form of Presidential responsibility. If this challenge is not met, our legacy for future generations may be life under the continuing threat of nuclear blackmail, with the specter of a nuclear holocaust an ever increasing danger.

If the challenge is met, the legacy could well be a gift which would:

First, lessen the danger of nuclear war;

Second, improve the chance for nuclear disarmament;

Third, reduce international tensions; and

Fourth, stimulate the widespread peaceful development of nuclear energy.

Billions of people in this world look to the leaders of the international community for actions to deal with this gravely important issue. Our President should take the lead through the United Nations, as President Kennedy did in pressing for a limited test ban and as President Johnson did in urging the adoption of the Nonproliferation Treaty. I urge President Ford to take this major step to assure a more peaceful world. This Senate resolution urges the President to exercise leadership as appropriate and necessary to assure that international safeguards on peaceful nuclear activities are urgently strengthened. Nuclear technology was created by the minds of civilized people. Surely these same minds can also construct and agree to a system of international safeguards which will assure that nuclear material and equipment are not diverted from civilian to military uses. The world needs any and all assurance that can be given that our children and future generations will be protected from a nuclear disaster.

Now, Mr. President, I understand that this resolution will be referred to the Committee on Foreign Relations. I am not going to ask for immediate consideration of the resolution at this time. I would like to have the Members of the Senate digest it more, and have the members of the Committee on Foreign Relations have an opportunity to look at it and digest it because this is very, very important, and I hope they will act expeditiously.

Mr. JAVITS. Mr. President, if the Senator will yield, I would just like to say, if I may, very briefly, I know Senator Mondale wishes to be heard, this sounds very good and very interesting to me.

I am a member of the Committee on Foreign Relations, and I shall make it my personal responsibility to see that it has the utmost consideration.

I might say that the subcommittee, of which I am the ranking minority member on the Committee on Foreign Relations, is now considering this very subject, chaired by Senator Symington, and I would like to add also that I think it shows again the perspicacity of Senator Pastore and Senator Mondale that they are letting it go to the Committee on Foreign Relations so that it can really be meaningful when reported and acted upon.

Mr. BAKER. Mr. President, will the Senator yield briefly?

Mr. PASTORE. I yield.

Mr. BAKER. I commend the cosponsors of this resolution for their introduction of this resolution.

I, too, am pleased that it is coming before the Committee on Foreign Relations. I join with my colleague from New York in expressing my dedication to a careful examination of the situation.

I also have the privilege of being the senior Republican on the Joint Committee on Atomic Energy on the Senate side and serving under the chairmanship of the Senator from Rhode Island I know of this deep and continuing interest in this field, and I commend him for this move.

I might say, Mr. President, this week I had the opportunity to talk to our distinguished Secretary of State about this matter, and I know from my personal knowledge that he has discussed this matter at some length and with great feeling with the President of the United States.

I characterized this problem to him as a millennium-type undertaking. Only once every thousand years or so does mankind face one of those fundamental decisions they have to make in order to guarantee the existence of civilization. Our efforts to coherently approach the business of the control of the proliferation of nuclear materials and construction of nuclear weapons is such a millennium-type undertaking.

I tender my congratulations to the sponsors of the resolution, and I join them in expressing my keen concern and interest.

Mr. PASTORE. Mr. President, I ask unanimous consent that Senator Inouye and Senator Montoya be added as cosponsors.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. Who yields time?

Mr. PASTORE. I yield to the Senator from Minnesota.

Mr. MONDALE. I am delighted to join the chairman of the Joint Committee on Atomic Energy in offering this resolution today.

First, I would like to begin by saying what a privilege it has been for me to work with Senator Pastore on the question of nuclear weapons proliferation. It is a subject that the Senator from Rhode Island knows thoroughly from his early leadership in pressing for adoption of the Non-Proliferation Treaty—NPT. Both the Senate and Nation are indebted to him for his dedication and for his effectiveness on this as on many other issues. I would like to express my appreciation to him and to the staff director of the Joint Committee on Atomic Energy, George Murphy, for their valuable contributions and cooperation in developing the resolution that is now pending before the Senate.

The resolution is designed to address a new and alarming danger that faces not only the United States, but the world community as well. At issue is the sale of the complete nuclear fuel cycle, including uranium enrichment and plutonium separation plants, to nonnuclear-weapons countries.

Why are these sales so disturbing?

First, within the scientific community it is widely conceded that restrictions over the availability and use of weapons grade materials, rather than the technology for actual assembly of a bomb, constitute the major obstacle to atomic weapons production. Until now, the technology and equipment needed to produce these materials have not been sold by the world's nuclear nations to nonnuclear weapons countries.

That is new and exceedingly dangerous under this new sale.

Now, with the proposed transfer of uranium enrichment and plutonium separation plants to Latin America and other nations, the old regime based upon restraint among nuclear supplying countries is in jeopardy.

Second, the safeguards that are currently being enforced by the International Atomic Energy Agency (IAEA) are not capable of preventing countries, or even criminals and terrorists, from diverting or stealing sufficient quantities of these materials from fuel cycle facilities to produce explosive devices. The IAEA, while it has had considerable experience in safeguarding nuclear reactors, has never before faced the challenge of safeguarding either enrichment or reprocessing plants. Safeguard procedures to govern these facilities have been under discussion by technical experts within the IAEA but they have never been enforced by the Agency, and the U.S. Government is not convinced that they will work. Such procedures will have to be much more restrictive than the traditional IAEA reactor safeguards. Unlike reactors, separation plants will require constant or nearly constant onsite surveillance to prevent diversion. Moreover, serious problems including the design of measures to guard against theft or diversion during transportation as well as at the plant, and to respond to the risk of terrorism, have yet to be resolved. And it is not yet clear that these questions can be answered satisfactorily in the foreseeable future. Even in the United States, where we have had many years of military experience in the production of plutonium, the physical and materials safeguards problems posed by commercialization of this process, were judged to be so severe as to warrant the recent decision by the Nuclear Regulatory Commission to postpone for 3 years any decision on whether to proceed with commercial plutonium recycle.

Third, there is serious question about the motivation of countries that are in such a rush to obtain plutonium separation facilities. There is no economic justification for the acquisition of a relatively small national plutonium reprocessing plant of the type involved in West Germany's negotiations with Brazil. As the New York Times pointed out in a June 9 editorial, Brazil would have to have a $500 million facility serving 30 giant reactors to make a plutonium separation plant commercially feasible. At the present time, Brazil does not have a single reactor in operation.

In fact, none of the individual countries that are reportedly seeking to buy plutonium separation plants would be in position to benefit economically from a plutonium reprocessing facility for decades, if ever.

One wonders then why on earth are we doing it, and that speculation is truly scary, indeed.

In view of the fact that several of the countries that are reportedly seeking to buy these plants—Brazil, Argentina and Pakistan—have not ratified the Non-Proliferation Treaty, we would be foolish not to wonder about their intentions.

These questions, and others raised in the Senate by Senators PASTORE, RIBICOFF, and GLENN, prompted me, on June 18, to introduce Senate Resolution 188. That measure sought to express the opposition of the Senate to the transfer of uranium enrichment and plutonium reprocessing facilities until a fully effective system of international safeguards could be adopted. Twenty-one Members of the Senate, from both political parties, joined me in cosponsoring that resolution.

Unfortunately, on June 27, West Germany and Brazil signed their contract, which included uranium enrichment and plutonium separation plants. I was particularly disturbed to note that Chancellor Helmut Schmidt was quoted as having said at a news conference the day before that he had not heard "a word of criticism" of the agreement from the U.S. Government. That concern did exist within the Congress and within the State Department, but regrettably it was apparently not communicated strongly enough nor directly by President Ford or Secretary Kissinger to the West German Chancellor.

There has been a tendency among government officials in other countries, undoubtedly encouraged by spokesmen for their nuclear industries, to dismiss U.S. criticisms of the fuel cycle sales as the work of American companies who would like to obtain the contracts for themselves. This argument is untrue and it totally ignores the real issues that are at stake.

The West German Government maintains that the safeguards included in their agreement with Brazil will be fully adequate, noting that they go beyond the existing NPT requirements. General agreement was reportedly reached that German-supplied technology, as well as materials and equipment, would be safeguarded by the IAEA, that safeguards would be maintained indefinitely, that retransfers to third countries would be subject to safeguards, and that equipment and technology transferred from West Germany to Brazil would not be used to build explosive devices. While these provisions are clearly better than no checks whatsoever, it remains to be seen whether they will be fully adequate. In fact, the detailed safeguards requirements with respect to physical and materials security have yet to be spelled out. Noticeably absent is a requirement for regionalization of the fuel cycle facilities—a step that would insure that multinational control and international surveillance could be exercised more effectively. And, although Germany has secured an agreement that not just the plants themselves, but also the technology from those plants will be safeguarded, what is to prevent the Brazilian engineers and scientists who are trained by West Germany to operate these plants from developing their own technology. Unfortunately, this problem may not lend itself to an easy answer but since Brazil, as a nonparticipating country, is not bound by the Non-Proliferation Treaty to forego weapons production, the dilemma is all the more disturbing.

My intention is not to make accusations against Brazil or any other country. I only point out that there are many unanswered questions with respect to safeguards and that these questions are serious enough to warrant delay in the transfer of this equipment and technology until a stringent program can be implemented.

If some form of international restraint is not exercised, it is obvious that as the competition for sales and industry pressure intensify, the temptation will be for suppliers to impose less rather than more effective controls over the use of this technology. In such a climate, efforts to achieve a fully effective international safeguards program could be completely undermined. For example, the NPT Review Conference, which met several weeks ago in Geneva, recommended that future enrichment and reprocessing facilities be developed as regional nuclear fuel cycle parks which would be under multinational rather than national control. Such facilities would assure better surveillance and, at the same time, reduce rivalries that might otherwise lead to proliferation of weapons capability. However, if a number of countries have already received guarantees that they can obtain their own national plants, it will be much more difficult to convince others that they should sign an agreement to waive this option.

With these concerns in mind, Senator PASTORE and I joined in submitting our resolution today. It is intended to communicate to the administration and hopefully, to the leaders of other nuclear supplier countries, the Senate's belief that action is needed to develop and implement a stringent international safeguards program before the means for production of nuclear weapons are dispersed throughout the world. The resolution seeks agreement among nuclear suppliers not to transfer uranium enrichment and plutonium separation equipment and technology to other countries in the absence of a fully effective safeguards program. Beyond this, it identifies at least one aspect of such a program by recommending that transfers be limited to regional multinational centers, rather than small, uneconomic national plants. Although it does not point the finger directly at West Germany or Brazil, it is clear that although it is precisely this type of sale toward which the resolution is directed; where restraint is most urgently needed to prevent the transfer of technology until satisfactory international safeguards can be developed and enforced.

This resolution is one I believe no Member of the Senate can oppose. We might remember the words of the late President John F. Kennedy, who on September 25, 1961, told the United Nations General Assembly:

> Today, every inhabitant of this planet must contemplate the day when this planet may no longer be habitable. Every man, woman and child lives under a nuclear sword of Damocles, hanging by the slenderest of threads, capable of being cut any moment by accident or miscalculation or by madness. The weapons of war must be abolished before they abolish us.

Fortunately, a spirit of cooperation, reflected in the Test Ban and Non-Proliferation Treaties and, more recently, in the SALT I and Vladivostok Agreements, have helped reduce the tensions that were increasing the risk of a worldwide spread of atomic weaponry and escalating the dangers of the nuclear arms race. Now, the pressure toward nuclear arms proliferation is building once again, threatening to undermine the substantial progress that has already been made on nuclear weapons limitations and the hope for continued progress in the decades to come. We can ignore this risk only at great peril to our own interest and that of the people the world over.

The resolution Senator PASTORE and I offer today will not solve the problem of future nuclear weapons proliferation. It is designed only to point the way toward steps we believe the United States and other countries must take if we are to keep that danger from growing.

I simply hope that the Senate Foreign Relations Committee will receive the resolution and act promptly and clearly so that the Senate can speak out in unquestionable terms against the growing and exceedingly dangerous development.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HATFIELD. I yield to the Senator from Massachusetts.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATION ACT, 1976

The Senate continued with the consideration of the bill (H.R. 8597) making appropriations for the Treasury Department, the United States Postal Service, the executive office of the President, and certain independent agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

Mr. KENNEDY. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will state the amendment.

The legislative clerk read as follows:

On page 10, line 14, After "Director" insert ", whose position shall be in addition to the positions authorized in section 2(d),".

On page 10, line 18, strike out "$1,550,000" and insert "$1,600,000".

Mr. KENNEDY. Mr. President, I change the last figure to $1,580,000.

The ACTING PRESIDENT pro tempore. The amendment will be so modified.

The amendment, as modified, is as follows:

On page 10, line 14, After "Director" insert ", whose position shall be in addition to the positions authorized in section 2(d),".

On page 10, line 18, strike out "$1,500,000" and insert "$1,580,000".

Mr. KENNEDY. Mr. President, I have had a chance to talk to the manager and the ranking minority member on this amendment. It is basically a technical amendment to clarify the previous actions that were taken.

Mr. President, the Supplemental Appropriation Act last December upgraded the Deputy Director's salary to level 5 and left some ambiguity. It gave the Deputy Director a status similar to five GS–16 and GS–18 slots.

So far, the Council considers the Deputy Director's slot to be part of the five authorized positions. All this would do is indicate to the Council that they should be able to keep the Deputy Director's position separate from the five other positions and to consider him as independent of those five positions, and it gives some modest increase in terms of the authorization.

It seems to me, Mr. President, that the Council on Wage and Price Stability is really an extraordinarily important vehicle for us in the Congress and the country to deal effectively with the problems of inflation. I think it is probably one of the most undermanned bodies of the Government today, although the work they do is of first-rate quality.

This would be a very small addition, but I think it would be an important one to help get some strength for their undertakings.

I have mentioned it to the chairman and I hope it can be accepted.

Mr. MONTOYA. Will the Senator yield?

Mr. KENNEDY. I yield to the Senator.

Mr. MONTOYA. What is the status of the authorizing legislation, because I understand that the present legislation expires August 15?

Mr. KENNEDY. The Senator is correct. As I understand, it is ready for action in the House at the present time.

As the Senator remembers, we expanded the council by three senior staff positions in the authorizing legislation and we will just have to wait and see how the House responds.

Mr. MONTOYA. Mr. President, I have no objection to the amendment, and I have discussed it with my counterpart on the subcommittee, and he has no objection.

Mr. HATFIELD. That is right.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Massachusetts. Do all Senators yield back their time?

Mr. KENNEDY. I yield back my time.

The amendment, as modified, was agreed to.

Mr. GRIFFIN. Mr. President, will the Senator from Oregon yield for a few moments?

Mr. HATFIELD. I will yield.

Mr. GRIFFIN. Mr. President, I explained earlier that I intended to make a point of order against section 508 on pages 38 and 39.

I have now learned that this amendment was proposed by Senator SCHWEIKER of Pennsylvania. We have sent for him and are trying and have been trying to locate him. He does not seem to be in his office. He was on the floor earlier. We are still trying. I will just put in a short quorum call and see if we can locate him. If we do not within a very few moments, I will call it off and we will go ahead.

The ACTING PRESIDENT pro tempore. On whose time will the call be made?

Mr. GRIFFIN. On the time of the Senator from Oregon.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Oregon, I yield myself 2 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. GRIFFIN. We have not been able to locate the Senator from Pennsylvania (Mr. SCHWEIKER), but in fairness to the rest of the Senate I do not believe we will wait any longer.

I make the point of order that section 508 is legislation on an appropriation bill.

The ACTING PRESIDENT pro tempore. The point of order is well taken. The Chair sustains the point of order.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The ACTING PRESIDENT pro tempore. Do the Senators yield back their time?

Mr. MONTOYA. I yield back the remainder of my time.

Mr. YOUNG. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time has been yielded back.

The bill, having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. Senators will take their seats. Senators will be in order so that the rollcall can be completed.

Will the Senators take their seats and will the Senate staff take their seats?

The legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Ohio (Mr. GLENN), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. METCALF), the Senator from North Carolina (Mr. MORGAN), the Senator from Wisconsin (Mr. NELSON), the Senator from Missouri (Mr. SYMINGTON), the Senator from Alaska (Mr. GRAVEL), are necessarily absent.

The Senator from Michigan (Mr. HART), is absent because of illiness.

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK), the Senator from Missouri (Mr. SYMINGTON), the Senator from North Carolina (Mr. MORGAN), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BARTLETT), the Senator from Oklahoma (Mr. BELL-

MON), the Senator from Tennessee (Mr. BROCK), the Senator from New Jersey (Mr. CASE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Illinois (Mr. PERCY), the Senator from Virginia (Mr. SCOTT), and the Senator from Alaska (Mr. STEVENS), are necessarily absent.

The result was announced—yeas 76, nays 1, as follows:

[Rollcall Vote No. 334 Leg.]

YEAS—76

Abourezk
Allen
Baker
Beall
Bentsen
Brooke
Buckley
Bumpers
Byrd,
 Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Clark
Cranston
Culver
Curtis
Dole
Domenici
Eagleton
Fannin
Fong
Ford
Garn
Griffin
Hansen
Hart, Gary W.
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Laxalt
Leahy
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nunn
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Scott, Hugh
Sparkman
Stafford
Stennis
Stevenson
Stone
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—1

Roth

NOT VOTING—22

Bartlett
Bayh
Bellmon
Biden
Brock
Burdick
Case
Church
Eastland
Glenn
Goldwater
Gravel
Hart, Philip A.
Hartke
Long
Metcalf
Morgan
Nelson
Percy
Scott,
 William L.
Stevens
Symington

So the bill (H.R. 8597), as amended, was passed.

Mr. MONTOYA. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make any necessary technical and clerical corrections in the engrossment of the Senate amendments to H.R. 8597.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MONTOYA. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Acting President pro tempore (Mr. STONE) appointed Mr. MONTOYA, Mr. BAYH, Mr. EAGLETON, Mr. MCCLELLAN, Mr. MCGEE, Mr. BELLMON, Mr. HATFIELD, Mr. YOUNG, and Mr. SCHWEIKER conferees on the part of the Senate.

SPECIAL HEALTH REVENUE SHARING ACT OF 1975—VETO—MESSAGE FROM THE PRESIDENT

The Acting President pro tempore (Mr. STONE) laid before the Senate a message from the President of the United States returning, without approval, the bill (S. 66), the Special Health Revenue Sharing Act of 1975.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the message of the President on the veto of S. 66, the Special Health Revenue Sharing Act of 1975, be held at the desk temporarily.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES APPROPRIATIONS, 1976

The ACTING PRESIDENT pro tempore. Under the previous order the Senate will now proceed to consideration of H.R. 8070 which the clerk will state.

The assistant legislative clerk read as follows:

A bill (H.R. 8070) making appropriations for the Department of Housing and Urban Development, and for sundry independent executive agencies, boards, bureaus, commissions, corporations, and offices for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

The Senate proceeded to consider the bill.

The ACTING PRESIDENT pro tempore. The time for debate on this bill shall be limited to 2 hours, to be equally divided and controlled by the Senator from Maryland (Mr. MATHIAS) and the Senator from Wisconsin (Mr. PROXMIRE), with 1 hour on any amendment and 30 minutes on any debatable motion, appeal or point of order.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays on passage on H.R. 8070.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. PROXMIRE. Mr. President, I ask unanimous consent to yield to the Senator from Utah (Mr. MOSS) without losing my right to the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MOSS. Mr. President, I ask unanimous consent that the following staff members be accorded the privilege of the floor during consideration of this bill: Mr. Gilbert Keyes, Mr. James Gehrig, Mr. Craig Voorhees, and Mrs. Mary Jane Due.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that Mr. Kenneth McLean, Mr. Robert E. Malakoff, and Mr. Howard Shuman, of my staff, as well as Mr. Robert Mills be accorded the privilege of the floor during consideration of this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, this is the budget for the Department of Housing and Urban Development, the Veterans' Administration, the National Aeronautics and Space Agency, the National Science Foundation, the consumer protection agencies, the Environmental Protection Agency, and a number of other agencies.

It is one of the three biggest appropriations that the Senate will consider, and this time it is a rather complicated budget.

This bill is very close to the budget request of the President, and it is also very close to the bill passed by the House of Representatives. It is over both. It is over by 1 percent, about $300 million.

The ACTING PRESIDENT pro tempore. Will the Senator suspend momentarily. The Chair will get order and attention for the Senator.

Will all Senators wishing to converse kindly withdraw to the cloakroom, and the Senate will be in order. The Senators will take their seats.

The Senator may proceed.

Mr. PROXMIRE. Virtually all of the disagreement over the budget is in the HUD part of the budget. That accounts for the 3 percent the committee is over the request of the President and about 3 percent over what we feel the House of Representatives would have included in the bill if they had the same request before them that we had before us.

One of the most controversial parts of it, although I do not think it is controversial within the Senate, as far as I know—it may be controversial with the House of Representatives and the administration—is the way we treated housing assistance.

The administration requested $662 million for assisted housing for 1 year. They calculated that $662 million as if we would take the authorized program and make the total potential commitment for payments for housing, payable by the Federal Government.

As these programs are set up, the Federal Government only has to pay the difference between the amount required to be paid by the person who is paying the rent and the amount required in order to give him decent housing. That difference varies quite a bit. But the $662 million is a very conservative estimate. It is based on the assumption that everyone coming under this program all of a sudden has all his income disappear. That is not going to happen.

In fact, our experience with the 235 program, which was a similar Government-assisted homeownership program, was that the Government only has to pay about a third of the potential full cost. Nevertheless, the committee took that $662 million and included the full amount.

Furthermore, to make this conservative position even more unrealistic, the administration has said that we should take the $662 million, multiply it by 40 years, because there are some programs that could go on for 40 years, and the potential effect on the budget could be 40 times $662 million or about $26 billion.

This is wrong. As the administration itself calculates, this program is unlikely to cost more than $16,250 million. Why? Because some of these programs are 10-year programs, some are 20-year programs, and only some are 40-year programs.

For that reason, we felt that to multiply this by 40 on top of the fact that the $662 million was extraordinarily conservative would not be correct. We felt that way particularly because we have backup memorandums and opinions from the staff of the Committee on Banking, Housing and Urban Affairs, and also from the Congressional Research Service, arguing that, based on their examination of the Budget Act, past practices, and how we treat all other expenses, it was unnecessary and unfair to housing to multiply that $662 million by 40.

The reason why it is unfair, Mr. President, is that there is going to be a ceiling not only on outlays but also on authorizations.

It would put housing in the vulnerable position of having, say, $100 million that may be contemplated for housing for 1 year multiplied by 40, and all we have to do to cut the $4 billion out of the budget is take the $100 million, one-fortieth of that, out of assisted housing.

So, we think it is unrealistic, inaccurate, and unfair. For that reason, we decided to go with the 1 year figure, based on the best advice we could get from the experts who worked on the budget and the Budget Act.

Mr. President, this bill is substantially over last year's appropriations bill for HUD for one reason, and that is because the Congress passed, and in the Senate we passed by a 94-to-0 vote an emergency housing bill that provides a substantial amount to be loaned by the Federal Government at 7½ percent plus 4 points on new houses. That money will be repaid. The amount of outlay is extremely small. The amount of adverse impact on the budget in terms of outlay will be almost insignificant in view of the size of the figure involved.

For that reason, it seems to me that the $5 billion in mortgage purchase assistance we are providing in the bill might give a distorted impression. Actually, this appropriation is very close to last year's budget, but that $5 billion had to be taken into consideration, and that is the reason why the figure is higher.

In addition, we provided $75 million to implement that part of the emergency housing bill that deals with foreclosures on homes, particularly homes of those who were unemployed. As Senators may recall, when we passed the emergency housing bill, we were concerned with what happened to people who were out of work. We have 1,300,000 people in this country who have been out of work 6 months or more. What happens to those who have to keep up payments on their housing? We passed the mortgage foreclosure provision to take care of this situation. The administration has not requested any money for that program, although we authorized $100 million in the bill passed by the Senate and signed by the President.

The committees provided new budget authority of $75 million for the emergency homeowners relief fund and the bill is over the budget to that extent.

We provided $50 million for the rehabilitation of housing. This program has been especially helpful to low-income people. It is an economical program that keeps existing housing in operation, and I think it is well justified.

We also provided $35 million in contract authority for State housing. This is a program that the distinguished Senator from Connecticut (Mr. Weicker) has pushed very hard. It is a program that I think merits support, and we provided those funds.

We also provided $100 million for cities under 50,000—the cities that are most neglected in housing programs—who stand at the end of the line when dollars are provided under the community development program. This is $24 million over the House figure.

The committee added $200 million for housing for the elderly. This is a very popular program and is very economical. It is a program that has been operated efficiently, and the cost to the Federal Government has been very modest, indeed. This increase above the House is not reflected in the budget. It is borrowing authority that will be repaid.

The committee also added $25 million for operating subsidies and $75 million for comprehensive planning grants. Frankly, I am somewhat skeptical about those planning grants; but there was great pressure from Governors, Mayors, and the States for this program. Members of the subcommittee felt very strongly that we should provide more than that. The subcommittee acquiesced in providing $75 million for the planning grant program.

The House made some rather sharp cuts in the staffing of some of the HUD bureaus and departments, and I thought that those cuts, in large part, were merited. Nevertheless, the committee did restore $250,000 of the cut in the Office of General Counsel. It restored $4,992,000—almost $5 million—of the cut in the regional management and services, or almost three-fourths of the cut.

As I say, I think these cuts were merited, because the programs have been diminished sharply. It is hard for me to understand why it is necessary for HUD to have such a large number of staff people when they are operating such an anemic program.

With respect to other agencies in the bill, the committee cut $2 million from the Environmental Protection Agency, or about one-third of one percent. This cut will come from the scientific activities overseas program. This is an area where EPA could not spend the money before. They have lapsed money in the past and we felt that this reduction could be absorbed. This is a cut of far less than 1 percent.

The committee was very generous with the space agency, I thought much too generous, but that was the decision of the committee. They added $56.4 million to what the House provided for research and development, which is $7 million over the budget. In all fairness to NASA, we should recognize that they are one of the few agencies constrained by administration policy, and supported by congressional policy, to keep at a consistent level, at a steady level, adjusting for inflation and not permitting any significant increase over the years. I think that the $56.4 million addition, although I opposed it, is consistent with that principle.

With respect to the National Science Foundation, the committee added $6 million to the House-approved figure, about 1 percent.

The committee substantially cut the amount for the Selective Service System—on very good grounds, I believe. The Selective Service really has done nothing, and I mean nothing, for a couple of years now. They have not had an induction; they have not given a physical. I believe this agency should be abolished, but it is very hard to abolish a Federal agency, as we have discovered. Nevertheless, we cut $7 million below the House and $17 below the administration's request.

As to the Veterans' Administration, there were some adjustments and modifications, but it is just $7 million below the budget, with no changes.

Mr. President, I thank my distinguished minority colleague, Mr. Mathias, who is about as pleasant and efficient and conscientious a colleague to work with as I have encountered in my 18 years in the Senate. He was very helpful with respect to this bill, devoted a great deal of time to it, and was supportive of what I thought was a responsible position on this budget.

I also thank Tom van der Voort, who is a new member of the Appropriations Committee staff. He used to serve on my staff, and he did an excellent job—a very intelligent and thoughtful staff job. Bob Clark is a veteran of the Appropriations Committee, has been on it for many years, and was extremely helpful. He is a wise and intelligent person who understands this HUD budget backward and forward. Bob Mills, a new member of the committee staff, was also very helpful, indeed.

Mr. President, I ask unanimous consent to have printed in the Record memoranda from the Library of Congress Congressional Research Service and from the staff of the Senate Committee on Banking, Housing and Urban Affairs with respect to the 1-year figure, the $622 million, for housing assistance, rather than the 40-year figure.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Library of Congress,
Congressional Research Service,
Washington, D.C., July 22, 1975.

To: Senate Subcommittee on Housing and Urban Affairs. Attention: Robert Malakoff.
From: Allen Schnick, Senior Specialist in American National Government.
Subject: Appropriations for "Annual Contributions for Assisted Housing".

In the 1976 Budget, the President requested $622.3 million in new contract authority for the Section 8 lower income housing assistance program. The Budget estimates that the full run-out cost of this contract authority will be $26 billion and this amount is requested as budget authority for fiscal year 1976.

Until this year, only the amount of contract authority was computed in the Budget. According to OMB, the listing of the full run-out costs as budget authority has been made necessary by the Congressional Budget Act of 1974. Section 301(a) of that Act requires Congress to adopt a concurrent resolution on the budget, specifying "total new budget authority" for the next fiscal year. Section 3(a) of that Act defines budget authority as authority provided by law to enter into obligations which will result in immediate or future outlays involving Government funds. OMB takes the position that this definition encompasses the future costs that will be incurred pursuant to contracts authorized by Congress. Hence, the full $26 billion is listed as budget authority.

In reporting H.R. 8070, the 1976 HUD appropriation bill, the House Appropriations Committee conformed to the OMB approach. Thus, although only the $662 million of contract authority appears in the text of the appropriation bill, the full $26 billion is listed in the Committee's report. (H. Rept. No. 94–313, at 2 and 59). In order to avoid double counting, the $662 million is not computed as budget authority.

WHY THE SENATE SHOULD NOT ADOPT THIS APPROACH

Although it is possible to interpret Section 3(a) of the Congressional Budget Act in the manner applied by OMB, an alternative interpretation is preferable. The "budget authority" referred to in Section 3(a) can be the $662 million in contract authority which, after all, is "authority provided by law to enter into obligations which will result in immediate or future outlays involving Government funds."

There are several reasons why Section 3(a) should not be applied to cover the full $26 billion.

(1) There is no evidence in the legislative history of the Congressional Budget Act that any attempt was made to change the status of funds in the budget. In fact, the Act deals with matters to be included in the congressional budget resolution, not with the President's budget or appropriations. The only reason why section 3(a) was included in the Act was because of a need to define some of the key terms used in the new congressional budget process. Inasmuch as there was no definition of terms such as "outlays" and "budget authority" on the books, it was necessary to draft definitions for the law. In developing these definitions, the intent was to conform to existing practice, not to change it. This intent is manifested in the Statement of Managers: "The Managers intend that the definition of 'budget outlays' and 'budget authority' for purpose of the congressional budget process be the same as that used for the executive budget. . . ."

(2) The $26 billion listed as budget authority is not an actionable amount. It is merely "imputed" budget authority, a projection of future costs based on certain assumptions. The only amount which requires congressional action is the $662 million. It would be a departure from congressional practice to list projections of costs to be incurred as many as 40 years from now as current budget authority.

(3) As an estimate, the $26 billion is sensitive to a number of assumptions. The range of reasonable assumptions is such as to permit a swing of $10 billion or more in the estimate. In fact, the House Appropriations Committee (H. Rept. No. 94–313, at p. 5) estimates the run-out costs at approximately $16.2 billion, or ten billion below the amount incorporated in its own CSBA Table.

(4) Because of the sensitivity of the estimates to basic assumptions, if Congress were to apply its own assumptions, the result might distort the impact of congressional action on the President's budget. For example, if Congress were to vote the full $662 million in contract authority but cut the estimate of future costs from $26 to $16 billion, the scorekeeping reports would show that Congress has reduced the President's budget by $10 billion. Of course, not a dime will have been cut because the Government still will have to pay the actual costs incurred in future years. This possibility illustrates why imputed costs should not be reckoned as budget authority.

AN ALTERNATIVE APPROACH

Undeniably, there is considerable advantage in estimating the future costs of new contract authority voted by Congress. With such estimates in hand, it would be possible for Congress to assess the value of the Housing program in terms of the prospective costs to American taxpayers, and not merely in terms of the initial contract authorizations. But estimates should be treated as estimates, with full recognition of their sensitivity to different assumptions about future conditions. Estimates should not be accorded the status properly given matters on which Congress must take current action.

One way to provide long-range cost projections without confusing them with actionable budget authority would be to provide the run-out costs in a "below the line" memo or footnote rather than in the CSBA Table itself. If this were done, the Comparative Statement would show only the $662 million as budget authority, and only this amount would be listed in the column showing the amount requested by the President. Below the line, the President's run-out estimate of $26 billion could be noted, along with Congress' own estimate of full future costs. Moreover, it would be feasible to display the full range of reasonable estimates without exaggerating the impact of Congressional action on the budget. Below the line, it would be possible to indicate that while Congress is granting the full amount of contract authority requested by the President, it does not go along with his run-out estimate and that because of uncertainties about future costs, it is provided a rank of estimates for consideration.

In conclusion, the Congressional Budget Act of 1974 does not compel the change in accounting methods introduced by OMB, and this change can produce a number of undesirable side effects. A more prudent course, therefore, would be to distinguish between actionable budget estimates and long-range projections and not to accord the latter the status appropriate for estimates.

Senate Banking Committee Staff Memo

Why the Budget Authority figure for the Housing Assistance Program should be for a single year:

1. The 1974 Budget Control Act does *not* clearly mandate that the annual budget authority for the housing programs be multiplied by the total number of years for which payments can be made. The decision to multiply the budget authority estimates for the Housing Assistance Program by a factor of 40 was made by OMB based upon its interpretation of the 1974 Budget Control Act. However, the staff of the Senate Budget Committee believes the language of the 1974 Act is not clear and that the Chairman of the Senate Budget Committee would have no objection if the Senate Appropriations Committee decided to count only a single year's budget authority.

2. The actual bill which the Appropriations Committee is working on contains a budget authority figure for only one year for the Housing Assistance Program ($662 million). The projection of this figure to $26 billion is merely a statistical exercise by OMB, given certain assumptions.

3. It is impossible to come up with one accurate projection of the total ultimate budget outlays resulting from an annual authorization to make Housing Assistance payments. The OMB has projected $26 billion, given certain assumptions. HUD is privately projecting only $16 billion, given other assumptions. The Staff of the Housing Subcommittee argues that the ultimate cost could even exceed the $26 billion, given still other assumptions.

4. The artificial ballooning of the budget authority figure for the Housing Assistance Program will place this program at a severe competitive disadvantage with other programs and distort budget priorities. The reason is that under the Budget Control Act, Congress is required to set a total ceiling on both outlays and budget authority. These ceilings become mandatory next year. Thus, if the total amount of budget authority approved by the Appropriations Committee exceeds the ceiling, there will be a strong effort to cut back individual programs in order to live within the ceiling. If the budget authority figure for the Housing Assistance Program is multiplied by 40, there will be a strong temptation to cut this program because of the multiplier. For example, a cut of only $100 million in the current program level would produce a $4 billion cut in budget authority.

5. The budget authority figures for other government programs are not multiplied by the total life of the program. For example, budget authority for veterans payments or social security benefits is carried for only a single year even though these programs, once approved, will continue for years.

6. The objectives of the Budget Control Act can be met in other ways without artificially ballooning the budget authority figure for housing. For example, the Committee Report can project the ultimate cost of the program under alternative assumptions, thereby informing the Congress and the public of the long range consequences of the current program.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 8, insert:

EMERGENCY HOMEOWNERS' RELIEF FUND

For emergency mortgage relief payments, administrative expenses not otherwise provided for, and for other expenses of the Emergency Homeowners' Relief Fund, as authorized by title I of the Emergency Housing Act of 1975 (Public Law 94–50), $75,000,000 to remain available until expended.

STATE HOUSING FINANCE AND DEVELOPMENT AGENCIES

For interest grant payments pursuant to section 802(c)(2) of the Housing and Community Development Act of 1974 (88 Stat. 722), $35,000,000, to remain available until expended: *Provided*, That the total of contracts for annual payments entered into under such section shall not exceed $35,000,000.

On page 3, line 5, strike: "That in fiscal year 1976 and the period ending September 30, 1976, no contract for annual contributions utilizing the foregoing funds made available by this Act may be used pursuant to section 8 of the above Act for any contract approved on the basis of fair market rents which exceed by more than 10 per centum those published in the Federal Register through April 7, 1976".

And insert in lieu thereof: "That at least $75,000,000 of such contract authority shall be available only for contracts for annual contributions to assist in financing the development or acquisition of low-income housing projects to be owned by public housing agencies other than under section 8 of the above Act: *Provided further*, That not less than 75 per centum of the funds made available by this Act which are used pursuant to section 8 of the above Act shall be allocated to contracts to make assistance payments with respect to newly constructed or substantially rehabilitated housing."

On page 4, line 9, strike $300,000,000" and insert "$500,000,000";

On page 4, line 11, after "subsection" insert: "of which not less than $400,000,000 shall be available only to nonprofit sponsors for the purpose of providing 100 per centum loans for the development of housing for the elderly and handicapped with no cash equity or other financial requirements imposed as a condition of loan approval. The full amount of such fund shall be available during such period for permanent financing (including construction financing) for housing projects for the elderly and handicapped, and not more than $100,000,000 may be made available for construction loans only."

On page 5, line 15, strike "$525,000,000" and insert $550,000,000";

On page 5, line 17, strike "$525,000,000" and insert "$550,000,000";

On page 6, line 4, after "$195,116,000" insert ", of which $158,650,000 shall be provided by transfer from the various funds of the Federal Housing Administration";

On page 6, line 13, after "$49,800,000" insert ", of which $39,850,000 shall be provided by transfer from the various funds of the Federal Housing Administration";

On page 6, line 17, insert:

EMERGENCY MORTGAGE PURCHASE ASSISTANCE

The total amount of purchases and commitments authorized to be made pursuant to section 313 of the National Housing Act, as amended (12 U.S.C. 1723; 88 Stat. 1364; Public Law 94-50), shall not exceed $5,000,000,000 outstanding at any one time which amount shall be in addition to balances of authorization heretofore made available for purchases and commitments pursuant to said section and which shall continue available after October 18, 1975: *Provided*, That the Association may borrow from the Secretary of the Treasury in acordance with said section, in such amounts as are necessary to carry out the purposes and requirements of said section as authorized herein.

On page 7, line 20, insert:

REHABILITATION LOAN FUND

For the revolving fund established pursuant to section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b), $50,000,000, to remain available until August 22, 1976.

On page 8, line 8, strikes "$2,700,000,000" and insert "$2,664,000,000";

On page 8, line 19, strike "$40,000,000" and insert "$100,000,000";

On page 9, line 6, strike "$50,000,000" and insert "$125,000,000";

On page 10, line 16, strike "$53,000,000" and insert "$53,200,000";

On page 10, line 18, strike "$400,000" and insert "$600,000";

On page 10, line 20, after "Council" insert ": *Provided further*, That $1,000,000 of the foregoing amount shall be used only for mobile home construction and safety standard activities";

On page 12, line 6, strike "$4,964,000" and insert "$5,214,000, of which $1,750,000 shall be provided by transfer from the various funds of the Federal Housing Administration, as provided by the National Housing Act (12 U.S.C. 1701)";

On page 12, line 12, strike "$1,287,000" and insert "$1,350,000, of which $465,000 shall be provided by transfer from the various funds of the Federal Housing Administration, as provided by the National Housing Act (12 U.S.C. 1701)";

On page 12, line 18, after "$10,280,000" insert ", of which $3,035,000 shall be provided by transfer from the various funds of the Federal Housing Administration, as provided by the National Housing Act (12 U.S.C. 1701)";

On page 12, line 24, after "$2,615,000" insert ", of which $810,000 shall be provided by transfer from the various funds of the Federal Housing Administration, as provided by the National Housing Act (12 U.S.C. 1701)";

On page 13, line 7, after "$53,125,000" insert ", of which $31,902,000 shall be provided by transfer from the various funds of the Federal Housing Administration, as provided by the National Housing Act (12 U.S.C. 1701)";

On page 13, line 12, after "$12,803,000" insert ", of which $7,195,000 shall be provided by transfer from the various funds of the Federal Housing Administration, as provided by the National Housing Act (12 U.S.C. 1701)";

On page 13, line 19, strike "$36,032,000" and insert "$41,024,000, of which $15,580,000 shall be provided by transfer from the various funds of the Federal Housing Administration, as provided by the National Housing Act (12 U.S.C. 1701)";

On page 14, line 2, strike "$9,077,000" and insert "$10,334,000, of which $3,905,000 shall be provided by transfer from the various funds of the Federal Housing Administration, as provided by the National Housing Act (12 U.S.C. 1701)";

On page 16, line 17, strike "$42,790,000" and insert "$40,849,000";

On page 17, line 3, strike "$10,697,000" and insert "$10,213,000";

On page 22, line 8, strike "$6,000,000" and insert "$4,000,000";

On page 22, line 14, strike "$1,000,000" and insert "$670,000";

On page 24, line 20, strike "$2,628,980,000" and insert "$2,685,380,000";

On page 27, line 13, strike "$707,100,000" and insert "$713,100,000";

On page 27, line 17, strike "$60,000,000" and insert "$65,000,000";

On page 27, line 21, strike "$60,000,000" and insert "$41,000,000";

On page 28, line 2, strike "$4,000,000" and insert "$5,000,000";

On page 28, line 4, strike "$2,000,000" and insert "$3,000,000";

On page 28, line 16, after the comma, insert "for the activity for which the limitation applies,";

On page 28, line 19, after the word "Act," insert ", for the activity for which the limitation applies";

On page 30, line 11, strike "$40,000,000" and insert "$33,000,000";

On page 30, line 21, strike "$8,300,000" and insert "$6,850,000";

On page 31, line 10, strike "$7,499,000,000" and insert "$7,699,700,000";

On page 31, line 13, strike "$1,885,400,000" and insert "$1,966,400,000";

On page 31, line 18, strike "$4,214,475,000" and insert "$5,414,475,000";

On page 31, line 21, strike "$854,472,000" and insert "$1,039,472,000";

On page 35, line 6, strike "$462,300,000" and insert "$463,756,000";

On page 35, line 18, strike "$299,924,000" and insert "$297,464,000";

On page 35, line 21, after "Texas," strike "and";

On page 35, line 23, after "Massachusetts" insert ", and $6,700,000 for construction of a research and education facility at Jackson, Mississippi";

On page 40, line 16, strike:

REIMBURSEMENT TO THE TREASURY, FEDERAL HOUSING ADMINISTRATION

There shall be transferred to the General Fund of the Treasury, out of the various funds of the Federal Housing Administration, an amount equal to the administrative and nonadministrative expenses properly chargeable to such funds in accordance with generally accepted accounting principles: *Provided*, That all expenses formerly chargeable to the "Limitation on Administrative and Nonadministrative Expenses, Federal Housing Administration" shall be included in such charges.

On page 45, line 22, after "schedules" insert "; or to travel performed by employees of the Federal Housing Administration for the purpose of performing inspections and appraisals";

On page 47, line 13, strike:

SEC. 407. No part of the funds appropriated under this Act may be used to administer any program to tax, limit or otherwise regulate parking or the review of indirect sources.

SEC. 408. No part of the funds appropriated under this Act may be used for noise control research and development, noise abatement or control, on enforcement with respect to noise abatement or control until the Environmental Protection Agency issues national regulatory standards for noise control under the requirements of the Noise Control Act of 1972 (42 U.S.S.C. 4901 et seq.).

And insert in lieu thereof:

SEC. 407. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of the Secretary of the Department of Housing and Urban Development, who, under title 5, United States Code, section 101, is exempted from such limitations.

SEC. 408. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such an audit.

Mr. PROXMIRE. Mr. President, I reserve the remainder of my time.

Mr. MATHIAS. Mr. President, I thank the distinguished chairman of the subcommittee for the kind and generous observations he has just made, but, even more, for the cooperation and the courtesy he has shown to all the members of the subcommittee as well as myself over the long and very difficult hearings and the markup on the bill. No one has invested more time and more of himself than the chairman.

In a meeting we had before we started work on the bill in this session of Congress, Senator PROXMIRE and I reached certain tentative agreements and conclusions as to the procedure and as to cooperation, and I am very happy that this has worked so well during the course of the entire year.

I join Senator PROXMIRE in thanking Mr. Clark, Mr. van der Voort, and other members of the subcommittee staff who have served the subcommittee so well.

The chairman has gone through the items in the bill in a very thorough way but I want to mention a few of special concern.

I was very pleased that the subcommittee and then the full committee accepted my recommendation to increase funds for housing for the elderly and handicapped to $500 million, which is $200 million more than the House allowance and $285,000 above the budget estimate. First, let me say that these funds are repaid at Treasury rates and, therefore, do not appear as new budget authority, nor do they encumber the budget of the United States, as do regular appropriations. For the housing for the elderly or handicapped program, known as the 202 program, to really work, it must provide flexible direct-loan permanent financing in addition to construction financing, and all these loans must be at favorable rates. The bill language and report language direct that this be done and the committee has earmarked $400 million to be available only for nonprofit sponsors with no financial requirements imposed as a condition of loan approval.

I have had assurance from HUD officials that they will now go forward with this program after having held back last year despite the fact that we voted funds for this program last year.

The most significant new HUD program is the so-called section 8 program which we all hope will finally get off the ground. This committee and the House committee have voted the full budget estimate and we can just hope that the Government interregnum in support of housing has come to an end and that HUD will finally begin to move swiftly.

The Emergency Housing Act of 1975, just passed this month, contained authorization for the homeowners relief fund and the rehabilitation loan fund and, while there have been no budget estimates submitted, the committee has included modest funding of $75 million and $50 million respectively for these two programs which will serve, I am sure, to fill a very real need in the present economic and housing situation.

The committee, at the last minute, received a budget estimate of $5 billion for the emergency mortgage purchase assistance program and has voted this sum to allow the Secretary of HUD to start immediately to determine present needs throughout the country for financing of mortgages at interest rates of 7½ percent. This program is thoroughly explained on pages 20 and 21 of the committee report. Finally, in the HUD section of the bill, the committee has provided $125 million for comprehensive planning grants, which is above the budget estimate but $25 million below the authorized amount. Funding this program at this level will allow support to be provided for planners in the cities as well as in the smaller communities.

In the Environmental Protection Agency, language in the report earmarks $5 million to continue and to broaden and enlarge a study of the Chesapeake Bay. As most Members know, the Chesapeake Bay is a critically important and economic resource, not just for Maryland but for all of the Middle Atlantic States, and the study of its ecology and estuarine zones and the effect of man on its ecological balance is of importance nationwide.

The House had made certain cuts in the fiscal year 1976 research and development account of NASA which the Senate has restored in the interest of maintaining a balanced space program. The pioneer Venus project had been deleted by the House with the suggestion that it could be launched later.

Testimony has shown, however, that a delay in launch would lose the current window in space and that the next possible window, sometime in 1980, which is not as favorable a window, would result in an increased cost of at least $50 million. It would put less of a payload into space, while requiring reconfiguration of the space instruments.

We are coming to the end of the study period which is designed to determine the scientific capabilities and cost options of having a large space telescope, to be carried aloft by the space shuttle early in the next decade. While the House cut of $1 million in the $5 million budget request may not appear to be dramatic, it is essential that full funding be provided, as these studies are now ongoing with several contractors and are scheduled to be completed within a year, which would not be possible unless full funding as programed is provided. The Senate Committee has accepted the $1 million cut in the $3 million budget request for the transition period for the LST in the hope and belief that the studies and preplanning can be completed within these funds. After NASA submitted its budget to Congress, the space authorizing committees gave NASA a leading role in studying and monitoring the physical and chemical processes in the upper atmosphere. The committee has added the additional $7 million to which the chairman just referred, which was authorized to pursue this very critical study of the ozone, which is even more pertinent today than it was when the committee considered it as a result of the vote of the Senate with reference to civilian supersonic travel.

The House made a rather serious cut of $44 million in the overall funding of the National Science Foundation. Of equal importance, the House allocation of funds within the various programs within the Foundation resulted in a cut of $35 million for scientific research project support. The committee has earmarked funds that will restore $17 million of this cut and has made some small restorations in two other accounts and reduced the House earmarked funds for scientific education. However, the Senate committee figure for scientific education will provide funds in excess of the amount in the NSF budget estimate because of the availability of certain deferred funds and reprogramed funds. In making these changes, the committee held the overall funding to $38,300,000 under the budget estimate and only $6 million over the amount contained in the House bill.

Lastly, the committee has once again included language in its report concerning the proposed construction of a replacement Veterans' Administration hospital in Baltimore. This project has been too long in the planning stage. Everyone, including the VA, knows and testifies that construction should be undertaken as soon as possible to fill a very real need for improved facilities to care for our veterans. We have not added any money in this bill or earmarked any money in this bill for this project. Sufficient funds were voted several years ago by Congress at the request of the VA to commence this project and these funds remain available. I wait expectantly to hear the sounds of hammers and the movement of brick and mortar rather than the continuing rustling of planning papers in the Veterans' Administration.

Mr. President, I again commend the chairman of the committee (Mr. PROXMIRE) for the long and hard work he has put into this bill and I thank him for all the assistance he has given those of us who have served with him on the committee. I should also, before closing, note the presence in the bill of the standard provisions so often sponsored by Senator PROXMIRE—the "limousine language" for which he has fought so long and jogged so many miles.

Mr. President, I ask unanimous consent that Mr. Michael Smith of my staff have the privilege of the floor during the consideration of this measure.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I wish to respond briefly, if I might, to the Senator from Maryland and his very nice remarks at the end.

I say there would be no possibility of getting that antilimousine language in the bill if it had not been for that marvelous sleek new limousine owned by the Senator from Maryland.

What year is that?

Mr. MATHIAS. The Senator refers to the car now parked in front of the Capitol, which is a 1966 Buick stationwagon, on which the odometer registers, I believe 79,000 miles on the second go-around.

Mr. PROXMIRE. May I say, driving that station wagon is more exercise than jogging to work.

Mr. YOUNG. Mr. President, I want to commend the chairman and the ranking minority member of the subcommittee for the hard work and excellent job they have done on this bill.

I am pleased to note that the committee has appropriated the full budget amount of $150 million for disaster relief and has included language in the report stating that if additional funds are required then supplemental appropriations would be necessary. In the State of North Dakota 13 counties have now been declared as major disaster areas by President Ford. These areas suffered from torrential rains and flooding late in June and Federal assistance is very much needed there.

I am also pleased that the committee has voted the full budget estimate of $30 million for the Veterans' Administration program of assistance for health manpower training institutions. There is a great demand and a great need in the various States for funding of projects to improve medical training. It may be that before the end of this fiscal year additional funds will be needed for these programs.

Again, I want to commend the chairman and all members of this committee that have worked on this bill.

Mr. MOSS. Mr. President, I support the action of the Appropriations Committee in reporting H.R. 8070, the Department of Housing and Urban Development-Independent Agencies appropriation bill, 1976, to the Senate, and as an ex officio member of this committee for aeronautical and space activities, I would like to address the highlights of the bill with respect to these activities.

The committee added $56.4 million to the amount voted by the House for the National Aeronautics and Space Administration for research and development for fiscal year 1976, and I think it is important that the Senate understand the reasons for this action and the impact of that action in relation to the total amount requested by and herein recommended for NASA. The committee restored a $48.4 million cut in the Pioneer Venus 1978 planetary mission, a program authorized and approved by the Congress for development in the fiscal year 1975 budget in accordance with logical, businesslike approaches to such undertakings based upon reviews of the project by NASA, the scientific community, and the Congress.

Therefore, following the commitment to this project last year, the deferral recommended by the House in effect requires termination of the undertaking with the resultant loss in effort and hardware in the range of $45 to $50 million. The committee action restores this mission to its original funding and launch schedule.

The second restoration of a House cut that the committee recommends is $1 million to support ongoing studies of a large space telescope project to refine this proposal and to complete the advanced technology development necessary to make an intelligent decision with respect to initiating the LST as a formal project. I emphasize that the LST is not in development and that these funds do not commit it to development, but merely support ongoing technical work which would favorably impact the economy and efficiency of such an undertaking if and when it is initiated.

Finally, in addition to restoring a total of $49.4 million in R. & D. funds cut by the House, the committee added $7 million, to an already budgeted $7 million, to support the upper atmospheric research program authorized and directed by Public Law 94–39 to be conducted by NASA. This activity will support a comprehensive program of research, technology, and monitoring of the phenomena of the upper atmosphere so as to provide for an understanding of and to maintain the chemical and physical integrity of the earth's upper atmosphere. This program is designed to develop the fundamental data concerning the earth's upper atmosphere so that we will have accurate knowledge concerning the ozone layer and the actions which we subsequently should or should not take to protect the integrity of that layer.

This is a matter of serious concern since theories have been postulated that various chemical compounds such as the freons, which are widely utilized in, and are very important to, many of our everyday activities, may be inadvertently modifying the ozone layer with subsequent potentially damaging effects to life on earth. It is the intent of the authorizing legislation now funded in this appropriations bill recomendation to acquire the scientific data on this most significant matter.

I think it is important for the Senate to note that while the Record will show that the committee added $56.4 million to the House bill for NASA for research and development, the final amount recommended herein for fiscal year 1976 is only $4,022,000 above the NASA budget request for fiscal year 1976 and, furthermore, that the total amount recommended in the bill for NASA for fiscal year 1976 and for the transition period to the new fiscal year is $29,850,000 below the combined budget requests for those periods.

Mr. President, the funds recommended in this bill for NASA will support:

The Space Shuttle—a transportation system to provide efficient and economical access to space to facilitate the exploration and exploitation of that medium for the benefit of mankind beginning in the early 1980's.

Space science.—A program to understand the origin and the complex interactions of the planets and the solar system and the application of the knowledge acquired to the earth's atmosphere and to the earth itself. It is as a result of this program combined with its applications activities that makes NASA uniquely qualified to undertake the upper atmospheric research program authorized by Public Law 94–39.

Space applications.—A program to support the continued development of spacecraft technology and instrumentation for application to meteorology, communications, earthquake research, and other direct applications including the new and most promising area of earth resources measurement as represented by the earth resources technology satellites—Landsat 1 and 2.

Aeronautics.—A program to accomplish the fundamental research necessary to maintain this Nation's leadership in aeronautics. Our aerospace industry consistently contributes substantially to a positive balance of trade and it is essential that the research programs underlying this successful performance be continued to sustain this position in the future.

It is with satisfaction that I note that NASA with this budget is undertaking an aggressive program to develop fuel efficient aircraft with a goal of available technology for a 50 percent improvement in fuel efficiency for commercial transports by 1985. This will be a significant step forward and a very meaningful contribution to the Nation in view of the increasing price and unavailability of petroleum for air transportation.

Underlying all of the programs and projects supported by the recommended appropriations to the National Aeronautics and Space Administration in this bill is the continued advancement of science and technology which is so vital to the continued prosperity and world leadership of this Nation.

Mr. President, I urge my colleagues to support H.R. 8070 as recommended by the Appropriations Committee.

Mr. HUDDLESTON. Mr. President, as a member of the Subcommittee on HUD-Independent Agencies of the Senate Appropriations Committee, I am pleased to support the pending bill, H.R. 8070.

There are certain basic items which we in this Nation must provide for our people. Decent housing is certainly one of these. And while we have done much to provide adequate housing for millions of our citizens, much remains to be done. Over 9 percent of our Nation's 67.7 million housing units are considered substandard. Some 7 million families live in such housing. Another 9 million pay a disproportionate portion of their incomes for housing. Thousands of others have recently found a lack of mortgage credit a barrier to new or improved housing. New housing starts have dropped from an annual rate of over 2 million in 1973 to a rate of 1.07 million in June of this year. Unemployment in the construction industry remains high, despite a slight drop in the past several months.

My State of Kentucky has not been unaffected by these developments. Some 22.5 percent of our housing is considered substandard. The number of building permits issued has fallen. In mid-July, unemployment in the construction industry was running about 20 percent.

Certainly, with this appropriation, we will not solve all—or even most—of our problems but it will, I believe, help us move forward in a number of important areas.

First, the bill earmarks $100 million for the SMSA balance fund under the community development program. This is the fund which provides assistance to small communities within standard metropolitan statistical areas. Last year, the first year under this program, there were more than 1500 preapplications for assistance. The only funding available, however, was $54 million, and that was made available in a supplemental appropriations bill. With the budget estimate for fiscal 1976, perhaps as little as $36 million would be available, which is far below what many of these areas expected to receive when the program was devised. Many communities in my State have applications for funding under this program. In some cases, these communities had previously worked on similar applications under other programs only to have the rules of the game changed in the middle of their efforts. Now to present them with an absence of funding under the new program will only discourage them and hold back needed projects. This, it seems to me, is not the correct way to proceed and I fully support the provision of the $100 million for these communities.

The committee has also provided $125 million for comprehensive planning grants under section 701 of the Housing Act of 1965. Section 701 provides our States, cities and areawide planning agencies with funds for carrying out a comprehensive planning process. As we all know, there are various types of planning funds available—for health, transportation, community development, et cetera. But, under this program, funds may be used to bring together the planning activities of the various sectors and to unite them into a workable whole. With the many burdens facing our localities, with the many complex problems they must handle, with the multitude of assistance programs which they must evaluate and make determinations on, comprehensive planning is a necessity. Furthermore, planning offers the best hope of making effective use of the resources which we have—of insuring that Federal programs—taxpayers' dollars—are wisely and well spent.

For the section 202 housing for the elderly or handicapped program, the committee is recommending $500 million in loan authority. Those of our citizens who have spent years of their lives contributing to our Nation and society certainly deserve to spend their retirement time in respectable housing. Yet, these are often the persons who can least afford such housing. As housing costs soar and pensions remain fixed, the ability of the elderly to compete in the housing market diminishes. This program, with its flexible direct loan permanent financing, can be a major factor in providing the needs of our elderly and handicapped citizens.

The legislation also contains $50 million for the section 312 rehabilitation loan program. Under this program, loans are available at 3 percent interest for the rehabilitation of existing housing in specified areas. While some rehabilitation loan funds are available through the community development block grant program, there are a number of communities which receive little community development funding but which continue to have a need for rehabilitative activities. This program should help those areas where there is no effective alternative.

In addition, the pending bill contains authority to move ahead on the new section 8 housing assistance program. While many questions remain about this program and while it is largely untested at this time, it may serve as the needed spur to flexible, assisted housing for our lower income persons. As a member of the subcommittee. I know that we will be monitoring the program closely in the upcoming year to determine whether or not it is achieving its objectives and whether or not the costs associated with it are acceptable.

Finally, I would like to call attention to language in the committee report regarding two programs.

The first relates to construction grants available under the Federal Water Pollution Control Act Amendments of 1972, which provides funding for up to 75 percent of the cost of municipal wastewater treatment facilities. While $18 billion was authorized for these projects, the progress in obligating and spending the funds has been slow. In fact, in response to a question I asked during subcommittee hearings, the Department indicated that obligations and expenditures were as follows:

Of the $18 billion authorized under Public Law 92-500 $4.6 billion has been obligated through April 30, 1975. By the end of each fiscal year, the cumulative obligations are anticipated to reach the following levels:

	Billion
Fiscal year 1975	$ 6.5
Fiscal year 1976	12.1
Fiscal year 1977	18.0
Total	18.0

Of the $4.6 billion obligated through April 30, 1975, $807 million has been expended to date.

At present, there are 3,252 active projects under Public Law 92-500. Of that total, 1,767 were for Step 1 (Facilities Planning), 259 were for Step 2 (Plans and Specifications), and 1,226 were for Step 3 (Construction). Of the 1,226 construction awards, 849 projects are now under construction.

This is certainly a turtle's pace and unacceptable in view of the importance of meeting the goals of the act. I hope EPA will note the committee's concern with the pace and its desire for EPA to act to move the program ahead.

The second relates to the national flood insurance program. While there is little argument with the concept of having a flood insurance program, a number of elements in the existing program have proven most difficult for communities. First, the preliminary maps which the Flood Insurance Administration is using apparently contain many inaccuracies. and localities have faced obstacle after obstacle in getting them changed. Secondly, in the very small communities, the zoning, land use and building codes required for participation in the program are imposing substantial new burdens upon the community. Therefore, I am pleased that the committee report includes language directing FIA to give special attention to these two matters and to cooperate with the communities in resolving them.

The ACTING PRESIDENT pro tempore. Both the Senator from Ohio and the Senator from New York seek the floor. Who yields time?

Mr. PROXMIRE. I yield to the Senator from Ohio.

Mr. TAFT. Mr. President, I send an amendment to the desk and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. TAFT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 7, line 23, strike "$50,000,000" and insert in lieu thereof "$75,000,000".

Mr. TAFT. Mr. President, I have sent this amendment to the desk for the Senator from California (Mr. CRANSTON) and myself.

Mr. President, this amendment would increase the amount of funding appropriated for the section 312 3 percent Federal housing rehabilitation loan program from $50 million to $75 million. I may not press for the adoption of this amendment, but we do feel it important that the issue be discussed.

After considerable debate earlier this year on the issue, the Congress extended the section 312 program as part of the Emergency Housing Act of 1975 with an authorization of $100 million for fiscal 1976. I understand that the HUD Appropriations Subcommittee, acting consistently with this assessment, included in its draft bill an appropriation for the full $100 million. However, this amount was cut in half at the full committee level.

As coauthors of the Senate legislation to extend and amend this program, we are concerned that Congress follow up on its earlier efforts by providing adequate money for the program. The community development applications received by HUD make clear the tremendous local interest in neighborhood preservation and housing rehabilitation actions. Local communities seem to have realized, apparently to a greater extent than the Federal Government, that this type of limited investment to prevent neighborhood decline is a wise investment in the long run. It also promotes energy conservation and stimulates jobs in the areas and industries they are needed most.

The section 312 program has a good track record and is the most efficient means of providing low-interest housing rehabilitation loan money. Its use avoids legal questions which still may be involved in some areas regarding the use of community development block grant money for this purpose. Furthermore, the Government will recoup almost its entire outlay amount in loan repayments.

Thus, we feel it is extremely important to press for the $50 million appropriation now in the bill, at the very least. Since the House bill was considered before the program extension was passed, there are no funds in its bill for this purpose and the conferees may be resistant.

With those thoughts in mind, can the chairman assure us that he will do what he can to see to it that the final bill contains the entire Senate appropriation for section 312?

Mr. PROXMIRE. May I say to my distinguished friend from Ohio I will certainly do all I can in conference to see that the $50 million is retained in its entirety.

I might point out this program has $57 million of carryover. We provide $50 million which the President did not request. This means there would be a total of $107 million for the program.

I am sure the Senator knows of my deep and abiding interest and concern for the program. It is an excellent program and, as the Senator says, it is one of the most efficient programs to help people who need help to fix up old houses,

houses that otherwise might have to be abandoned.

I agree wholeheartedly that it is a good program. Incidentally, on the basis of our conferences with the House in the past, they recognize it is a good program, and they are very sympathetic with it. I think we have a good chance of holding onto a great deal of this amount we put in—I hope all of it.

Mr. TAFT. I appreciate the chairman's comment. I was aware of the $57 million carryover. If it were not for that, I would be pressing for the whole amount by the committee.

At this time I would be glad to yield to the distinguished Senator from California, who was a coauthor of the authorizing legislation and who has worked for this cause over the years.

Mr. CRANSTON. I thank the Senator from Ohio for those generous words but more for the very effective and sustained effort he has made with respect to this legislation.

I hope very much that the sum covered in the Senator's amendment can be approved. I recognize that is not what is likely to occur on the Senate floor. I do want to strongly urge Senator PROXMIRE and Senator MATHIAS and the other Democrats who will be conferees to at least firmly hold the line on the $50 million in conference on the 312 rehabilitation loan program.

Presently 312 is the only program at HUD which deals with rehabilitation in the deteriorating neighborhoods. And, as we all know, we have all too many vast deteriorating neighborhoods in our cities and in smaller communities.

This is one of a few programs for enabling innercity residents who wish to remain in the central city to renovate their housing and stay where they presently are. As such it is a very important tool for stabilizing and upgrading neighborhoods.

I also would like to point out to our colleagues that 312 loans also help eliminate problems of financing in areas that have been "redlined."

So I urge the Senate conferees to support a reasonably high level of appropriation for this program, the highest possible.

Mr. PROXMIRE. I thank the Senator.

Mr. TAFT. I thank the Senator for his comments, and I withdraw my amendment.

The ACTING PRESIDENT pro tempore. The amendment is withdrawn.

The Senator from New York is recognized.

Mr. JAVITS. Mr. President, will the Senator yield a few minutes. Is there controlled time?

Mr. PROXMIRE. I yield the Senator 3 minutes.

Mr. JAVITS. Mr. President, I just wish to comment on a few of the items.

First, let me include Senator PROXMIRE himself in the very pleasant and agreeable comment he made about Senator MATHIAS. This is a singularly fortunate team for housing, and while Senator PROXMIRE writes with a very sharp pencil, he is also a man of great humanity, fairness, and understanding, and it is reflected in many of the aspects of this bill.

Might I say to my colleagues, first, I hope very much the Senate will support the $550 million provided by the Senate committee for the operation of low-income housing projects.

The main reasons for it, as far as we are concerned in the largest city in the country and in five other cities of major character in New York State, are that there has been a tremendous increase in operating costs attributable to a cause absolutely beyond the control of those handling these public housing projects and low-income housing projects, and that is the fuel cost increase which is an absolutely crushing burden attributable to no one except the affairs of the world.

We welcome the performance standards for local housing authorities operating owned units, which is referred to in the committee report. But the fact is that when no performance, no matter how grand and efficient, can help you, only money can do it, and the committee, therefore, very intelligently and understandingly has provided some additional money. So I hope very much, and I appreciate very much what the committee has done and hope very much, it will be supported in the Senate.

On another matter, very briefly, we are very glad to see the Government National Mortgage Association, the so-called Ginnie Mae, referred to by the committee in the following language:

> The Department is urged to make these funds available for all programs covered, both conventionally and federally insured single and multifamily units.

We especially emphasize the latter because that has not been the ongoing policy of Ginnie Mae. They have tended to favor single family units. Obviously this is now almost a completely urban country with about 75 percent of our people living in cities.

Hence, the recognition of the committee that multifamily units need to be covered becomes very critically important, especially at a time when it is so very difficult to get money for the multifamily projects or the multifamily mortgage that needs it.

So we appreciate very much this thoughtfulness by the committee, and I would sort of like to know here on the floor, as well as in the committee report, the extent of the strength of the conviction of the Housing Subcommittee on that particular subject.

Mr. PROXMIRE. We feel very strongly that it is necessary. That is why we wrote this into the act. The restriction to single family housing has been a mistake. The housing start figures now indicate that multifamily housing is one of the principal problems we now have in home construction.

I might say to the Senator from New York that I intend to do all I can to sustain this position, and I hope we can persuade the administration to recognize the importance of providing this for multifamily housing.

As the Senator points out so well, in all of our big cities, particularly in New York, but also in Milwaukee, Baltimore, and Cleveland, and so forth, this is particularly essential.

Mr. JAVITS. Very good. As a matter of fact, the homebuilders, as the Senator knows much better than I, think we are too low on this figure; that it ought to be $10 billion. But I am expressing my confidence, in answering them, in the Senator from Wisconsin and the Senator from Maryland and their judgment and their understanding of the situation, and the fact that they show themselves willing to lend themselves to high figures—and $5 billion is no small change—and, therefore, it is an assurance that really it is needed, and it will be available.

I gather they argue the fact that it is not of particular budget impact. But, be that as it may, I have faith and confidence in my colleagues, who have already done so well, and I mention them to the Senate.

Finally, Mr. President, I would like to commend the committee for the additional $100 million provided for, earmarked for, the so-called balanced community, the standard metropolitan statistical areas, which are under 50,000 population, and where a formula has not worked out very well because of the extent of the demand which was unanticipated.

It is not often realized, because I am from such a big State, where we have big cities, where we have the so-called big six, New York, Buffalo, Syracuse, Rochester, Albany, and so forth, but I also have a lot of people in a lot of other places that are under definitions of this kind.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. JAVITS. May I have 1 other minute?

Mr. PROXMIRE. Yes.

Mr. JAVITS. Indeed, my State is one of the great dairy States of the country, so we are deeply interested in this.

Also, it recognizes the principle that we are under a formula which was adopted on a national level, and we have so many of them in housing, health and education, and in so many other fields, and it simply does not work, and it is important that Congress understand that and that it has enough flexibility to earmark money or work out a hold harmless or do something which is necessary to do equity among the States and areas of the country.

Mr. PROXMIRE. I might call the attention of the Senator to the very unequivocal and express language we have in the bill. On page 8, lines 15 to 20, I read:

> For grants to States and units of general local government, to be used only for expenses necessary for carrying out a community development grant program authorized—

It gives the section which referred to the smaller cities—

> $100,000,000, to remain available until September 30, 1978.

Mr. JAVITS. I thank my colleague very much.

Mr. MATHIAS. Mr. President, I would just like to welcome the participation of the Senator from New York in this matter because he not only represents the greatest urban community in the world, but his advocacy in an issue of this sort is very important.

I hope he will be persistent and consistent in urging that we solve this problem.

Mr. TAFT. Mr. President, will the Senator yield me 2 minutes?

Mr. MATHIAS. I am happy to yield to the Senator.

Mr. TAFT. I thank the Senator and I just want to comment on the remarks expressed by the distinguished Senator from New York with regard to the operation of GNMA.

Mr. TAFT. Mr. President, last March I submitted legislation to the Congress which would expand the coverage of the Government National Mortgage Association's emergency mortgage credit program to conventionally financed condominium units and apartment projects. This proposal was included in the Emergency Housing Act of 1975. It was endorsed by the President soon after I had first introduced it.

Thus far, GNMA has expanded the program to include condominium units but not apartment projects. While I welcome the expansion of the program which already has been made, I feel that there is a good case for using the full authority authorized by the new law. The housing depression is far worse in the apartment sector than in the single family sector. Apartments serve many persons for whom the homeownership option simply is not available. They are also desirable from a land use and energy conservation concept.

Therefore, I was pleased to see that on page 21 of the committee report, HUD is directed to make funds available under the 1975 act for all the programs covered. This would mean that FHA and VA mortgages and conventionally financed apartments would become eligible, as well as the conventional single family and condominium units now eligible.

I hope that HUD will move in this direction. To do so would be consistent with the President's expressed support for the expansions Congress made in the program, including the coverage of conventionally financed apartments.

Mr. President, I thank the Senator for yielding.

Mr. STEVENSON was recognized.

Mr. ROBERT C. BYRD. Will the Senator yield to me?

Mr. STEVENSON. Yes.

Mr. ROBERT C. BYRD. Mr. President, I have cleared this request with the distinguished Senator from Illinois, with the manager of the bill, the ranking member, the ranking member on the committee, and the leadership.

I ask unanimous consent that time on any amendment on this bill be reduced to 30 minutes to be equally divided in accordance with the usual form.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois.

Mr. STEVENSON. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will state the amendment.

The assistant legislative clerk read as follows:

On page 6, line 4, strike "$195,116,000" and insert in lieu thereof the following: "$199,616,000".

Mr. STEVENSON. Mr. President, this amendment restores $4½ million of the approximately $6.2 million cut from the administration's request for funds to administer HUD's housing programs. The amendment would insure effective implementation of the section 518(b) reimbursement for defects program. It would help provide the resources needed for more effective implementation of all FHA's insurance programs.

Hearings of the Banking Committee, of which the distinguished manager of this bill is the chairman, which were held recently in Chicago revealed HUD and FHA's inability to inspect property adequately before it was insured.

Those hearings revealed as similar inquiries have in other parts of the country the inability of HUD and FHA to implement the section 518 program, to verify the ability of potential FHA-insured homeowners to meet monthly mortgage payments, the inability to prevent fast foreclosures by mortgage lenders, and to protect FHA-insured property in the event of abandonment and foreclosure. All these failures on the part of HUD and FHA result in deteriorating neighborhoods, disillusioned homeowners, and an enormous cost to the taxpayers.

It is due in large part to the insufficient personnel available to HUD and FHA to manage these housing programs. Congress mandates the programs and then fails to provide the funds to implement them.

Money spent to correct these deficiencies in FHA administration would be money well spent. Nationally, HUD now owns 74,000 single family homes which cost the Government $20 million a month just to maintain. More effective administration of FHA programs to reduce the rate of foreclosures and abandonments could save millions of dollars.

Mr. President, it is pennywise, pound-foolish policy which sacrifices billions of dollars in order to save millions.

Without adequate staff, the property abandonments, foreclosures, and soaring taxpayer costs will be aggravated.

With work loads in HUD and FHA going up enormously, the funds for the management of these programs have been cut by both the House and the Appropriation Committee of this body.

I know of the efforts of the distinguished manager, faithfully and strenuously and over many years, to protect the taxpayers' dollars. He carries a sharp pencil and he fights for economy in Government, and I respect him for that.

This amendment, Mr. President, would cut $4.5 million, but it could save many hundreds of millions of dollars.

For that reason, as well as the manager's own concern about the welfare of homeowners and deteriorating neighborhoods across the country, I would hope that he might become an enthusiastic supporter of this amendment.

Mr. TOWER. Will the Senator yield?

Mr. STEVENSON. I yield to the Senator from Texas.

Mr. TOWER. Mr. President, I thank the Senator from Illinois. I think it is wise of him to offer this amendment. I appreciate his including me as a cosponsor. I agree with him, it would be penny-wise and pound-foolish to do otherwise.

Mr. President, I am not one who has ever supported or advocated the proliferation of the bureaucracy. I have been one of those who has advocated reductions in Government personnel. But I think we have to be selective about this matter and I think we have to look into areas where use of adequate numbers of personnel to administer and implement will, in effect, cut deep and reduce delays, and it will save us money in the long run.

So I think this $4.5 million will be money well spent and I think it will better facilitate the implementation of our housing programs.

After all, that is one of the things we are most concerned about in this bill, new housing starts, and the delay in residential facilities to people who need them.

So I urge the Senate to adopt the amendment that was offered by the Senator from Illinois.

Mr. JAVITS. Will the Senator yield to me?

Mr. STEVENSON. I thank the Senator from Texas and I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I, too, have joined as a cosponsor and strongly urge this amendment upon the Senate, for this reason.

Secretary Hills, who is new, a very bright woman, very deeply involved, and has her heart really in this work, appeared before the Joint Economic Committee, of which I am the ranking Senate member. Senator PROXMIRE was there. She made a very strong point about many things in the housing bill which she felt should have been granted to her Department.

But in the final analysis, she came down hard on the fact that she was simply being stripped of the means to do the job she wanted to do which involved so much personal service, as the Senator has outlined, in the appraisal of properties, the consideration of properties, the enormous amount of detail.

I know of no department, by the way, in which you get into the nitty-gritty as you do in HUD. Her feeling about the matter was so sincere, so expert, and so persuasive that I really think it gives a special dimension within the consciousness and hearing of the manager of the bill himself, because he was there and challenged her very sharply. She stuck to her guns, and I really think it was very impressive.

I join Senator STEVENSON in the hope that in view of the fact that she is a new Secretary, she has a monumental job, that this is one of the keys to recovery—housing. It is in very bad shape in this country, and the Government has a lot to do with it, as we all know.

I would hope very much the managers might, in that spirit and for that reason, accept this amendment.

Mr. RANDOLPH. Will the Senator yield?

Mr. STEVENSON. I yield to the Senator from West Virginia.

Mr. RANDOLPH. I ask the Senator from Illinois if he will grant me the privilege of being a cosponsor and then to comment briefly on this important subject.

Mr. STEVENSON. Mr. President, I ask unanimous consent that the Senator from West Virginia be added as cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPARKMAN. Will the Senator add my name as a cosponsor?

Mr. STEVENSON. Mr. President, I ask unanimous consent that the Senator from Alabama (Mr. SPARKMAN) be added as cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I commend the Senator from Illinois (Mr. STEVENSON) for presenting this amendment.

I think perhaps a brief look back to an action that was forward-looking at the time might be in order.

In the early 1930's I participated in bringing the Homeowners Loan Corporation into being as a member of the House of Representatives. I recall the debates and the efforts that were made at that time. I reemphasize what has been said, that when we work to give opportunity for homeownership to the American people, they respond with a responsible attitude and participation. It was so in that original effort. We did not lose money. Money was made for the U.S. Government by that endeavor, which, at the time, was looked upon by some persons as an expenditure of Federal funds on which there would be huge losses.

We must recognize that by and large our Nation is well served when citizens have the opportunity for homeownership. I believe that when we put persons to work to construct homes and then give incentives to persons to purchase homes and keep those homes viable, we have strengthened the American society.

In that period of trouble in the 1930's we were able to realize the underpinning and the structuring which we could add to the Nation by the development of housing programs.

I hope now, in a period of economic instability, we will realize not only the necessity of strengthening the housing industry from the standpoint of giving employment, and the ownership incentives which are helpful to fathers, mothers, and families, but we will realize again that this is money well spent. It is an investment. It will pay a dividend on the dollars that are expended.

I appreciate the privilege of joining my colleague as a cosponsor of this amendment to insure that personnel will be available to administer housing programs.

Mr. STEVENSON. Mr. President, I thank the Senator. He recognizes that this is not just a question of decent housing for American citizens. It is also very largely a question of the economy, the welfare of our economy. No single sector of our economy is more important than the housing industry.

These programs are basically sound. They can make the dream of homeownership a reality in America. They can help our economy, but not unless they are implemented. They cannot be implemented without adequate staff. I am grateful to the Senator for his words.

Mr. SPARKMAN. Will the Senator yield?

Mr. STEVENSON. I yield.

Mr. SPARKMAN. I feel constrained to comment briefly on what the distinguished Senator from West Virginia has said about the HOLC. I remember it quite well.

Mr. RANDOLPH. It was 1934.

Mr. SPARKMAN. It was 1934. I was not in Congress. I was a young lawyer in Huntsville, Ala., but I worked for the HOLC as one of the county representatives. I saw many homes saved for the people who were living in them through the instrumentality of the HOLC. In saving them, I want to tell the Senate that they saved insurance companies, banks, and lenders of money which had mortgages on those homes. It was one of the greatest programs that President Roosevelt put into effect among all of the very fine programs that he initiated.

Mr. RANDOLPH. Will my colleague yield further?

Mr. STEVENSON. Mr. President, how much time remains to the sponsor of this amendment?

The ACTING PRESIDENT pro tempore. The Senator has fewer than 3 minutes remaining.

Mr. RANDOLPH. Will the Senator yield 1 minute?

Mr. STEVENSON. I yield 1 minute to the Senator from West Virginia.

Mr. RANDOLPH. I hesitate to add to what has been said by the Senator from Alabama (Mr. SPARKMAN) except to indicate that in that period of the 1930's, there was a realization that we had to act. That, I believe, is a necessary ingredient in these days. We are inclined sometimes to let ourselves bog down with complexities of drafting an amendment or the passage of legislation. There are matters that even though they seem complex, they are in fact really very simple. To build an America on housing, home building and the family unit is sound and we should not deter from moving forward quickly. The opportunity for homeownership and adequate housing can be the strengthening fabric which holds together our society.

Mr. STEVENSON. The Senator is absolutely right.

Mr. MAGNUSON. May I ask to be added as a cosponsor to the amendment?

Mr. STEVENSON. I ask unanimous consent, Mr. President, that the Senator from Washington be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

Mr. PROXMIRE. Mr. President, I vigorously oppose this amendment. I think it is going exactly the wrong way. I tried to cut this item by more than 3 percent. There is only a 3-percent cut in a bureaucracy that has the worst record of productivity that I have heard of in Government since I have been here. Their productivity has dropped 42 percent since 1972, and these are their figures, not mine. In other words, they have people up there who are just not doing a job. I do not feel we should reward them by providing whatever they ask.

I know the Secretary of HUD has done a marvelous lobbying job. She has been on the phone to Senators all morning. A number of Senators have told me that. She is a very charming lady, but I hope in this case there will be a little bit of resistance on the part of the Senate.

After all, when an agency back in 1972 had as many people, virtually, as they had in 1974, and were doing just about twice the work, it does not make any sense to me that we cannot cut them at least 3 percent. It is only a token cut.

I would hope that the Senate would resist the endearing, persuasive arguments of the Senators from Illinois, West Virginia, Alabama, Washington, and elsewhere. If we are really going to mean business about these programs, it seems to me that when we have a clear record of nonperformance we should not respond by letting them go on with the same old bureaucracy.

Let us take a look at what they intend to do. They do not say they are going to have 600,000 Government assisted housing starts, which is our goal, or 500,000 or so, which is about what they had in 1972. They say in the coming year they will have about 200,000 housing starts. What are they going to do with these HUD payrollers?

They say that the reason for the drop in productivity is that when their programs dropped they kept everybody aboard because they anticipated that the program would come back. Well, maybe it will, but they do not even have any plans to have a program sufficient to warrant keeping on board the number of people they have.

I would hope that the Senate would not restore the very limited cut we have put in here. I think very highly of Mrs. Hills. She is a wonderful person. She was a fine Assistant Attorney General. But in this case I hope we can resist her attractive and very hard to resist appeal.

I reserve the remainder of my time.

Mr. STEVENSON. Mr. President, this amendment restores only a small part of the total cut made by the committee from the HUD appropriations bill. The workloads in HUD are going up, and they are going up as a result of actions by Congress. Those workloads cannot begin to be performed without corresponding staff.

Let me mention just a few examples of increasing workloads within HUD.

The new section 518(b) reimbursement program has to be implemented.

The new section 223(f) program for refinancing existing multifamily structures involves a workload totally beyond that anticipated in the bulget.

Staffing requirements for the new section 8 lower income housing assistance program are expected to increase.

An increase of 70,000 loans is expected in the property improvement and mobile home loans program in 1976.

An additional 229,000 units are expected to come under annual payment in 1976 under subsidized housing programs.

And I could go on and on.

Mr. President, this amendment restores only $4.5 million of the $6.2 million cut from the management of housing programs. It restores a much smaller part of the other cuts made by this committee in the HUD budget. The result will be not only more housing for people and better neighborhoods, but a saving of hundreds of millions of dollars to the Government.

I am prepared to yield back the remainder of my time.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. STEVENSON. How much time do I have remaining now, Mr. President?

The ACTING PRESIDENT pro tempore. The Senator has less than a minute.

Mr. STEVENSON. I yield the remainder of my time to the Senator from New York.

Mr. JAVITS. One of the big things Mrs. Hills made a point of—and I hope I am not being charged with discriminating either for or against her—was that she was trying to reach 400,000 lower-income housing units under section 8. The committee has given her back the money she needs to do it in terms of the financing, and she has pleaded for the necessary staff.

I think that is such a desirable objective, and a new program, that we ought to go along with her. That is my reason for my strong support of this amendment.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays on the amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PROXMIRE. I yield to the Senator from Maryland.

Mr. MATHIAS. Mr. President, I wish to associate myself with the remarks of the chairman of the subcommittee, and to confirm the statement that he has already made that he wanted to cut this bill farther. I had to make all the arguments that the Senator from New York has just made about the comity we owe a new Secretary, and so on, in order to avoid additional cuts.

The Senator from Wisconsin makes a good deal of sense about this. There ought to be further cuts. We are not talking about cutting to the bone. We are talking about a work pool of people on the public payroll of about 9,000 people, and we are suggesting here a reduction of about 300 people—300 out of 9,000.

As the Senator from Wisconsin, the chairman of the subcommittee, has suggested, these 300 people are merely a token reflection of the 42 percent decrease in the efficiency of the Department.

If in fact HUD does begin to crank up section 8, which I hope they do, I will be the first one to support a supplemental appropriation and see that they get all the people they need to do the work. But I would like to see some evidence first.

Frankly, it is a new thing for me to advocate a decrease in the number of Government employees, particularly considering the State that I represent. But it is also discouraging for me to see the lack of progress in HUD. I have become extremely discouraged with HUD, and with the failure of HUD to implement the programs that Congress has mandated.

If they are willing to do the job, I think we can give them the tools, but until there is evidence that they are ready to do the job, I think the committee should be supported and we should hold the level which has been provided in the bill.

Mr. TOWER. Mr. President, will the Senator from Maryland yield me 2 minutes on the bill?

Mr. MATHIAS. I yield.

Mr. TOWER. Mr. President, if one could save money by rejecting this amendment, it would be a different matter. Mrs. Hills has been referred to as a charming, beautiful woman, and all that. She is also a very tough-minded and efficient woman, who also believes in reducing the Federal deficit to the extent that it can be reduced. For example, she urged the President to veto a housing bill that would have cost us additional hundreds of millions of dollars. It seems hardly likely to me that a Secretary would recommended the veto of a bill that would cost us hundreds of millions of dollars to be administered by her own department. Usually when you are empire building, you get all the authorizations and appropriations you can.

Now she wants an immediate $4.5 million to be able to adequately and efficiently administer these programs and serve the people they are designed to serve. I think it would be nit-picking on the part of the Senate if we denied it to her.

The ACTING PRESIDENT pro tempore. Does the Senator from Wisconsin yield back the remainder of his time?

Mr. PROXMIRE. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore (Mr. Stone). The question is on agreeing to the amendment of the Senator from Illinois (Mr. Stevenson). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Delaware (Mr. Biden), the Senator from Arkansas (Mr. Bumpers), the Senator from North Dakota (Mr. Burdick), the Senator from Idaho (Mr. Church), the Senator from Mississippi (Mr. Eastland), the Senator from Ohio (Mr. Glenn), the Senator from Indiana (Mr. Hartke), the Senator from Louisiana (Mr. Long), the Senator from Montana (Mr. Metcalf), the Senator from North Carolina (Mr. Morgan), the Senator from Wisconsin (Mr. Nelson), the Senator from Mississippi (Mr. Stennis), and the Senator from Missouri (Mr. Symington) are necessarily absent.

I also announce that the Senator from Michigan (Mr. Hart), is absent because of illness.

I further announce that if present and voting, the Senator from Arkansas (Mr. Bumpers) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bartlett), the Senator from Oklahoma (Mr. Bellmon), the Senator from Arizona (Mr. Goldwater), the Senator from Illinois (Mr. Percy) and the Senator from Alaska (Mr. Stevens) are necessarily absent.

The result was announced—yeas 42, nays 37, as follows:

[Rollcall Vote No. 335 Leg.]

YEAS—42

Baker
Beall
Brock
Brooke
Buckley
Cannon
Clark
Cranston
Curtis
Dole
Domenici
Fannin
Fong
Gravel
Griffin
Hansen
Hatfield
Hollings
Hruska
Humphrey
Jackson
Javits
Kennedy
Laxalt
Leahy
Magnuson
McClure
McIntyre
Mondale
Montoya
Packwood
Pastore
Pell
Randolph
Scott, Hugh
Sparkman
Stafford
Stevenson
Taft
Thurmond
Tower
Tunney

NAYS—37

Abourezk
Allen
Bentsen
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Culver
Eagleton
Ford
Garn
Hart, Gary W.
Haskell
Hathaway
Helms
Huddleston
Inouye
Johnston
Mansfield
Mathias
McClellan
McGee
McGovern
Moss
Muskie
Nunn
Pearson
Proxmire
Ribicoff
Roth
Schweiker
Scott,
  William L.
Stone
Talmadge
Weicker
Williams
Young

NOT VOTING—20

Bartlett
Bayh
Bellmon
Biden
Bumpers
Burdick
Church
Eastland
Glenn
Goldwater
Hart, Philip A.
Hartke
Long
Metcalf
Morgan
Nelson
Percy
Stennis
Stevens
Symington

So Mr. Stevenson's amendment was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senate will be in order. Senators will take their seats. Senators will withdraw to the cloakroom if they wish to converse.

TIME-LIMITATION AGREEMENT—VETO MESSAGE ON S. 66

Mr. ROBERT C. BYRD. Will the Senator yield briefly?

Mr. MONDALE. I will be glad to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may proceed for 1 minute without the time being charged.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I have cleared this request with the Republican leader (Mr. Hugh Scott), and it has been cleared with Mr. Griffin and with Mr. Mathias, the ranking minority member on this bill. I have cleared it with Mr. Javits, who is the minority member of the Committee on Labor and Public Welfare, and with the appropriate Senators on this side of the aisle who are directly involved.

I ask unanimous consent that there be a 30-minute limitation on the debate on the President's veto message on S. 66, the nurses training bill, that the 30 minutes begin to run at 1 p.m. today; and that the vote occur then at 1:30.

Mr. HELMS. Reserving the right to object, where does my amendment fit in?

Mr. ROBERT C. BYRD. The Senator, I am sure, can call up his amendment immediately after the disposition of this amendment. If the half-hour period intervenes, he could call it up following the vote.

Will it be agreeable with the distinguished Senator from Minnesota, if he decides that he wants a rollcall vote on his amendment, that that go over until after the vote on the veto message, so the distinguished Senator from North Carolina can call his up?

Mr. MONDALE. I am ready to vote right now so we can have the vote out of the way, unless the committee objects to an earlier vote.

Mr. HELMS. Is the Senator willing to agree to a unanimous-consent request that debate start at 1:30 p.m.?

Mr. ROBERT C. BYRD. Yes.

Mr. HELMS. That will only allow me 30 minutes.

Mr. ROBERT C. BYRD. We can make it 1:15, then?

Mr. HELMS. Very well.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES APPROPRIATIONS, 1976

The Senate continued with the consideration of the bill (H.R. 8070) making appropriations for the Department of Housing and Urban Development, and for sundry independent executive agencies, boards, bureaus, commissions, corporations, and offices for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

Mr. MONDALE. Mr. President, I send an amendment to the desk, and I ask unanimous consent that its reading be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

> On page 20, line 13, strike out "$370,766,000" and insert in lieu thereof "$410,766,000".

Mr. MONDALE. Mr. President, this amendment is offered on behalf of myself and my colleague from Minnesota, Mr. Humphrey, to add $50 million to carry out section 314 of the Federal Water Pollution Control Act.

I am authorized to say that Senator Muskie, the chairman of the Budget Committee, has looked at this amendment and has authorized me to say that it is clearly within the budget resolution that we adopted earlier this year and that he strongly supported this fresh water community lakes program—and of course he did so repeatedly in earlier authorization efforts.

Last year, the Senate appropriated $75 million for this program. The bill was vetoed. Then, under tremendous pressure, we were able to gain only a modest, almost insignificant, appropriation of $4 million. This year, the Senate Appropriations Committee has recommended $10 million.

I am proposing that we compromise with last year's figure and with the administration and come up with a figure which is two-thirds, or $50 million, rather than the $75 million that we appropriated a year ago.

This money would help to clean up and help to keep from pollution one of the most cherished recreational resources in America—our freshwater community lakes. There are literally thousands of these lakes which are being destroyed through pollution, siltation, algae growth, sedimentation, and the rest.

This program was enacted 3 years ago and has never been funded adequately. The distinguished manager of this bill has been one of the chief sponsors of this program over the years, because, like Minnesota, Wisconsin is a great freshwater State, and his State is probably further ahead in this program than any other State in the Union. Therefore, I hope that the distinguished floor manager of the bill will accept this amendment.

Mr. PROXMIRE. Mr. President—on my time—I wish I could accept this amendment, and I certainly would, if I felt I possibly could, but I cannot do so.

I say that although the Senator from Minnesota made an excellent presentation before the subcommittee. He convinced me that this program is badly needed and that we should have it.

But let us look at the facts. As of June 30—and that is the latest date for which we have information—the Environmental Protection Agency has not obligated the $4 million provided in fiscal 1975 for the clean lakes program. They are just now proceeding with the first round of the program. Based on applications received from States for use of the $4 million in 1975, it seems that it will be very difficult to expect them to be able to obligate more than the $10 million the Senate has provided.

Furthermore, it is my understanding that we need more time to evaluate the cost effectiveness of the lake restoration programs now under consideration before greatly accelerating the activity.

In his veto message in the 1975 Agriculture, Environmental and Consumer Protection Appropriation Act, the President said:

> The feasibility of this cleanup program has not yet been proven. Furthermore, study is essential if we are to avoid ineffective Federal spending for these purposes.

I think the President may well be wrong and the Senator from Minnesota right. The appearance of the Senator from Minnesota was very convincing. However, this is a program that will accelerate more than 100 percent if we simply provide the $10 million in the bill. We are providing only $4 million now. They ask for nothing in the budget, so we would be $50 million over the budget. Even if we put in the $50 million and got it through the House, there would be very little chance that the administration would proceed any faster than they would if we provided $10 million.

For these reasons, I think it would be a mistake on the part of the Senate to accept the amendment and go another $50 million over the budget. With the adoption of the Stevenson amendment a few minutes ago, we are now well over $300 million above the budget and above the House. There is some prospect that if we put more than $10 million in the budget it might be an additional reason for a veto.

Mr. HUMPHREY. Will the Senator yield?

Mr. MONDALE. I am glad to yield to the Senator from Minnesota (Mr. Humphrey).

Mr. HUMPHREY. Mr. President, Senator Mondale and I are offering an amendment to increase the appropriation for section 314 of the Federal Water Pollution Control Act from $10 million to $25 million. We are offering this amendment because of our conviction that our Government must live up to its commitment, enacted in the Federal Water Pollution Control Act, to help our States and cities clean up our lakes.

The amendment which we are offering will not provide full funding for the clean lakes programs. It will not enable us to meet all of the needs which exist. But it will be a step in the right direction.

Last year, Congress appropriated $75 million for the clean lakes programs, but as a result of a Presidential veto, that $75 million was scaled down to $4 million. Even that $4 million was not used for the purpose which we intended—cleaning up our lakes—but rather was used for a research program which I found indistinguishable from section 104(h) of the same Pollution Control Act.

This year, the administration made no request for funding of the clean lakes program. The Senate Committee on Appropriations, however, did recommend some funding for this program.

I believe the Appropriations Committee should be commended for its wisdom in continuing to provide funds for this program and for increasing the funding above the current level. But I think we should fund this program at an even higher level.

The need certainly is there. My own State of Minnesota etimates that it will need to spend $44.7 million over the next 4 years to clean up our lakes. Other States, I am certain, have similar needs. The national eutrophication survey, in examining 242 lakes in just 10 States, reached the conclusion that 80 percent of the lakes are in bad condition or going dead.

We possess the skills to clean up our lakes. But to date, we have not possessed the commitment at the Federal level to do so. Our amendment to increase funding for this important program will be a step in the right direction.

The ACTING PRESIDENT pro tempore. The Chair will have to call the attention of the gallery to the fact that they are invited visitors and guests and, therefore, conversation will have to be kept down so that the Chair can maintain order.

The Senator will proceed.

Mr. HUMPHREY. The point that I seek to emphasize is that a judgment has been made on this item at a larger figure on an earlier occasion. That is No. 1.

Second, when the EPA and the OMB does not have money available, they always have excuses. If money is made available, hopefully, they will be able to use it in a constructive fashion. If we have only $10 million for all the lakes in the United States of America for cleanup, at a time when everybody knows that this precious resource is being destroyed in place after place and State after State, I think that we would be inviting the criticism that we do not care. As I understand my colleague, the Budget Committee chairman (Mr. MUSKIE) who has responsibility here as the budget officer for the Senate, did not find himself in opposition to this but felt it was agreeable. Is that correct?

Mr. MONDALE. The Senator is correct. When we were marking up the budget resolution in our calculations, that, of course, did not show in the resolution itself. But our calculations easily accommodate this amendment. In other words, what we are proposing with this modest amendment is that we appropriate only two-thirds as much as we appropriated last time, and that we appropriate only one-third of the authority.

This seems to be a modest approach. The program is finally getting started. The total requested already is $10 million, with several other new projects coming in. This is a program that is at least 40 years late in America. All over our Nation, these cherished fresh-water community lakes are being destroyed by pollution, siltation, and algae growth. It is one piece of the total environmental picture that has been ignored. Finally, the agency is beginning to move, these applications are beginning to be received and processed. Just at a time when the program should be taking off and when, incidentally—I must argue with the distinguished floor manager on this—when we are learning a great deal about very effective techniques of cleaning up and protecting these lakes—this is the time when we should have a modest increase in the program in order to get moving. That is all we are proposing to do.

Mr. HUMPHREY. Mr. President, in order that we can hurry on so we can get the rollcall vote on it I wish to ask for the yeas and nays.

Mr. MONDALE. Let me modify my amendment first.

I modify my amendment to provide for an additional $15 million for the program so that the amendment will read, on page 20, line 13, strike out $370 million plus and insert in lieu thereof, $385 million.

The ACTING PRESIDENT pro tempore. The amendment is so modified.

Mr. HUMPHREY. What we are talking about here is a very small amount. It gives the Government a chance to move ahead. The States are ready to move ahead. Localities are ready to move ahead. The only problem is, again, the dead-end street, Dullsville, Washington, D.C.

The ACTING PRESIDENT pro tempore. The yeas and nays have been called for. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. Is all time yielded back on this amendment?

Mr. MONDALE. I yield back my time.

Mr. PROXMIRE. Mr. President, I have not yielded back my time yet.

Once again, I say I appreciate the presentation of the Senators from Minnesota. I agree that Wisconsin is particularly anxious to get this kind of legislation. We would benefit greatly from it. But there is no question in my mind at all that the administration is not going to proceed that fast. $10 million would mean a rapidly escalating program, a more than 100-percent increase, and I doubt if we are going to get more action.

Mr. President, in view of the fact that this is an amendment which I think can be misinterpreted, under the circumstances the Senate would be better served if I moved to table the amendment.

Mr. MONDALE. Will the Senator withhold?

Mr. PROXMIRE. I beg the Senator's pardon. I thought he was through.

Mr. MONDALE. Mr. President, all we are asking for in this modified amendment is that we appropriate $25 million to help the communities around the Nation to clean up their fresh water community lakes. Last year, we appropriated $75 million, but regrettably, the bill was vetoed. There are already many applications—good applications—from the State of Washington, from Wisconsin, from Minnesota, from Florida—all over the country—in this crucial area. To ask for a modest $25 million for this national program, when we already know how to deal with them, and when the program is finally getting going, seems to me to be the most modest kind of request. As a matter of fact, I had hoped that the distinguished floor manager would accept the amendment. In any event, I hope the Senate will accept it.

Mr. PROXMIRE. As I understand it, we did appropriate the $75 million. That was vetoed. The second time around we appropriated $4 million.

Mr. MONDALE. That is correct.

Mr. PROXMIRE. Now we are going to $10 million. I hope we do not get a veto. The total of $10 million, as I say, would be more than a 100-percent increase.

I move to table the amendment, Mr. President, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to table the amendment of the Senator from Minnesota (Mr. MONDALE). The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. METCALF), the Senator from North Carolina (Mr. MORGAN), the Senator from Wisconsin (Mr. NELSON), and the Senator from Missouri (Mr. SYMINGTON), are necessarily absent.

I also announce that the Senator from Michigan (Mr. HART) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BARTLETT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Illinois (Mr. PERCY), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The result was announced—yeas 40, nays 40, as follows:

[Rollcall Vote No. 336 Leg.]

YEAS—40

Allen
Baker
Beall
Bentsen
Brock
Buckley
Byrd,
 Harry F., Jr.
Byrd, Robert C.
Cannon
Curtis
Dole
Domenici
Eagleton
Fannin
Fong
Garn
Griffin
Hansen
Helms
Hruska
Johnston
Laxalt
Mansfield
Mathias
McClellan
McClure
McGee
Montoya
Nunn
Pastore
Pearson
Proxmire
Roth
Scott,
 William L.
Sparkman
Stennis
Talmadge
Thurmond
Tower
Young

NAYS—40

Abourezk
Brooke
Bumpers
Case
Chiles
Clark
Cranston
Culver
Ford
Gravel
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Kennedy
Leahy
Magnuson
McGovern
McIntyre
Mondale
Moss
Muskie
Packwood
Pell
Randolph
Ribicoff
Schweiker
Scott, Hugh
Stafford
Stevenson
Stone
Taft
Tunney
Weicker
Williams

NOT VOTING—19

Bartlett
Bayh
Bellmon
Biden
Burdick
Church
Eastland
Glenn
Goldwater
Hart, Gary W.
Hart, Philip A.
Hartke
Long
Metcalf
Morgan
Nelson
Percy
Stevens
Symington

So the motion to lay on the table Mr. MONDALE's amendment was rejected.

Mr. MONDALE. Mr. President——

The ACTING PRESIDENT pro tempore. The question recurs on the amendment. The yeas and nays have been ordered.

The Senator from Minnesota.

Mr. MONDALE. Mr. President, I was going to suggest to the distinguished floor manager that the sponsors of the amendment would be willing to compromise further.

The original amendment would have added $40 million. This amendment added $15 million. We would suggest reducing it another $5 million, so we would be adding only $10 million.

I would hope the Senator from Wisconsin, who has been one of the Nation's champions on this program, could, on this lovely Saturday afternoon, accede to that request.

Mr. PROXMIRE. May I say to my good friend from Minnesota, the Senator goes more than 100 percent over what we did last year. He wants to go 400 percent over what we did last year.

Mr. MONDALE. The truth of it is that we went $75 million, this year we are going only $10 million, so I do not know——

Mr. PROXMIRE. In view of the fact that we lost the tabling motion, I am perfectly willing to accept this compromise provided we do it by a voice vote and not waste the time of the Senate.

Mr. HUMPHREY. Great, let it go.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The yeas and nays are withdrawn. The amendment is modified to the figure of $380 million.

The amendment, as modified, was agreed to.

The amendment, as modified, is as follows:

On page 20, line 13, strike out "$370,766,000" and insert in lieu thereof "$385,766,000".

Mr. HELMS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senate will be in order. At this time, Senators will withdraw to the cloakroom or take their seats. The Senate will be in order. Staff members will take their seats.

The Senator from North Carolina.

Mr. DOMENICI. Mr. President, will the Senator yield?

Mr. HELMS. Yes, I am happy to yield to the able Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Frank Gorham of my staff be granted the privilege of the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I send to the desk an amendment and ask that it be stated.

The ACTING PRESIDENT pro tempore. The clerk will state the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following new section:

"SEC. (). Prior to December 1, 1975, no part of the funds appropriated by this Act shall be used directly or indirectly to provide Federal financial assistance, including grants, loans, or loan guarantees, to or for the benefit of Soul City New Community Project in Warren County, North Carolina, which is under investigation and audit by the General Accounting Office.".

Mr. HELMS. Mr. President, this amendment is directed to the appropriations for the Department of Housing and Urban Development. It provides that prior to December 1, 1975, none of these funds shall be used directly or indirectly to provide Federal financial assistance, including grants, loans, or loan guarantees, to or for the benefit of the Soul City new community project in Warren County, N.C., which is currently under investigation and audit by the General Accounting Office.

That project is being investigated and audited by the General Accounting Office because, along with the distinguished House Member from the Second District of North Carolina (Mr. FOUNTAIN), I requested such action. Let me emphasize at the outset that while the Senator from North Carolina has some tentative conclusions about the project which he is about to discuss, I shall withhold final judgment until all of the facts are in. But it is essential, at this time, that some information already available be presented to the Senate.

In 1968 when the plans for the creation of Soul City were first announced, there were grandiose plans indeed. The developer, Floyd McKissick, and others widely advertised that it would be a haven for black people, apparently the idea was that blacks needed to have a city that was all theirs. This project, it was said, would be a new, "freestanding" community with its own industrial base to be developed by black-controlled corporations.

It was to be established in my State, North Carolina, about 50 miles northeast of Raleigh in Warren County. Indeed, travelers along Interstate Highway 85 may see the large sign indicating its proximity.

The ACTING PRESIDENT pro tempore. The Senate is not in order. The Chair requests the visitors in the galleries to cease from conversing so that the Senate can be in order.

The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

During the earlier years, Soul City officials assured that the project would house 44,000 residents in 13,000 homes. Of course, that was a long range projection. That was 7 years ago.

The city was to cover some 5,000 acres including a 928-acre industrial park which, it was said, would ultimately employ 8,200 people. To achieve all this, the Soul City foundation and a proliferation of other organizations created by Mr. McKissick for the obvious purpose of applying for Federal funds have been awarded numerous large grants, provided loan guarantees, and the like, to develop programs in education, manpower training, health services and recreation, industrial development, and many other areas.

The level of Federal financial assistance to Soul City, directly or indirectly, has indeed been a remarkable manifestation of social engineering, and another unmasking the tired old concept that enough money thrown helter-skelter at any problem will make it go away, or when thrown in similar fashion at any proposal, will make it happen. In one form or another over the past 6 years, the Federal Government has thrown millions of the taxpayers' dollars at this project through the Department of Housing and Urban Development, the Office of Economic Opportunity, the Department of Health, Education, and Welfare, the Department of Labor, the National Endowment of the Arts, the Environmental Protection Agency, and the Department of Transportation. No one is certain how much money is involved, but estimates run as high as $19 million or more.

The operators of this project—which, by the way has the appearance of a family enterprise, of course, wanted the new city to have fine streets and roads, proper water and sewer facilities, adequate housing, and educational opportunities as well as employment training so that individuals can learn how to work. And, of course, there had to be recreational and cultural facilities. Hence, the involvement of all those Federal Departments and agencies at the taxpayers expense. One wonders how many of those taxpayers, footing the bill for all of this, were taught how to work under some Federal project or spend their evenings absorbing the kind of so-called culture that is supported by the National Endowment of the Arts, but then that is another matter. The point here is that you name it, and it seems that the Soul City developers found some Federal agency with funds to finance it.

The General Accounting Office recently provided me with a list of grants, contracts, agreements, loans, and loan guarantees benefiting Soul City that had been identified as of May 15, 1975. I understand that it required weeks to compile this list. And, of course, who knows how many more they may ultimately identify?

The list of the individual items is lengthy and complicated. It is informative to note a few, however. For example, on February 26, 1974, the Soul City Co. received a loan guarantee from the HUD-New Communities Administration in the amount of $14 million for land acquisition and land development. Of this amount, $5 million in federally guaranteed bonds have been sold. Between July 1, 1971, and June 30, 1972, the Office of Economic Opportunity through its Community Services Administration, provided grants to the Soul City Foundation in the amount of $98,934 to plan and develop a comprehensive health delivery program. Between March 1, 1973, and June 30, 1974, OEO, again through its Community Services Administration, provided a grant in the amount of $90,000 for a social planning project.

Between July 1, 1973, and August 30, 1974, the Office of Education of HEW provided grants in the amount of $98,220 to compensate for past cultural and educational disadvantages of minority and low-income whites—learning lab. Between January 1, 1973, and September 30, 1973, the National Endowment of the Arts provided grants in the amount of $12,500 for arts advocate-support planning of a cultural arts program for Soul City.

Moving on down the list, the Department of Labor, between September 1, 1974, and August 30, 1975, has, or will, provide grants in the amount of $34,392 for outreach-recruitment-placement programs. Between May 1, 1974, and August 30, 1974, the Community Services Administration, previously mentioned, provided $502,875 for economic development demonstration project. On September 28, 1973 HUD handed over to the Soul City Sanitary District a grant in the amount of half a million dollars for water and sewer needs of the community. That same day, HUD gave the same Soul City Sanitary District another $204,000 grant for the same purpose to supplement the half million dollar grant, making a total of $704,000 that the Soul City Sanitary District received from HUD on that one day.

Then, on close examination, it appears that on that same day, September 28, 1973, HUD delivered another grant in the amount of another half million dollars to Soul City Utilities Co. That makes a total $1,204,000 in grants for Soul City Sanitary District and Soul City Utilities Co. from HUD on that 1 day—September 28, 1973.

It is interesting to note that thus far I have mentioned the following organizations directly associated with Soul City: First, the Soul City Co.; second, Soul City Foundation; third, Soul City Sanitary District, fourth, Soul City Utilities Co. Also, there is the Health Co., which has received over a million dollars in OEO grants; and then, there is the Warren Regional Planning Corp.

Between May 26, 1972, and July 25, 1973, the Warren Regional Planning Corp. received contract awards in the amount of $333,140 from the Office of Minority Business Enterprises of the Department of Commerce to plan, promote and develop an industrial program for Soul City.

Mr. President, the list goes on and on, but I will not belabor the point further. Millions upon millions of the taxpayers' dollars have been spent for the creation of this so-called "free standing" new community. But, in the years following that announcement back in 1968, and the provision of all this money, there has been no industry at Soul City, no shops, no houses—there is no city, just a sign, a few house trailers, and a little partial construction. In all, six federally assisted organizations, formed by Mr. Floyd McKissick, have received large sums of money in one form or another for the benefit of Soul City. Yet, as one reporter noted, the place is appropriately named, because there is hardly a soul there.

Where has all the money gone? A press investigation concluded that the aforementioned health company spent $339,968 in 1972–73 on a regional health clinic for Vance and Warren Counties, the location of Soul City, and most of the money went for salaries. Not one patient was treated. The clinic eventually opened on August 5, 1974, 11 months behind schedule. It is located within the Soul City limits, if there can be such, with no city, in two double-wide trailers rented from one of Mr. McKissick's companies, the report stated.

The Warren Regional Planning Corp., also previously mentioned, was given $257,500 in 1972–73—according to the press report figure, GAO has a larger one—to plan an industrial program for Soul City and to persuade industries to locate there. That corporation apparently did a lot of planning, but we are told that it recruited no industry. In its report to the Office of Minority Business Enterprises, the corporation conceded that its industry recruiting efforts were "premature." This same story is repeated over and over.

I ask unanimous consent that an editorial entitled "Soul City Needs Thorough Audit" from the News and Observer, Raleigh, N.C., dated March 5, 1975, be printed in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Soul City Needs Thorough Audit

Clearly there is need for a thorough public audit of Floyd B. McKissick's Soul City development in Warren County. And obviously a credible audit is possible only by such a congressional agency as the Government Accounting Office, which is independent of the federal departments and bureaus that are financing this venture.

A series of investigative stories by Reporter Pat Stith discloses numerous federal grants, loans and loan guarantees made to five nonprofit Soul City organizations controlled by McKissick and interlocked with four profit-making organizations also headed or dominated by him.

More than $5 million made possible by 23 programs under six federal agencies has been funneled into Soul City. And another $14 million mostly under federal loan guarantee is available. Yet, after six years there still is no Soul City. There is only an office and industrial building under construction—with no tenants in sight for it—and a handful of mobile homes housing the Soul City organizations.

Behind this costly and unpromising new town development, Reporter Stith found political impropriety, apparent conflicts of interest, mismanagement of federal funds and nepotism.

Memoranda on the last presidential campaign, obtained by the Senate Watergrate committee, link McKissick's success in getting federal help to his change in political loyalty to former President Nixon. McKissick made 20 of the 23 federal financial arrangements for Soul City after publicly endorsing the former president's re-election campaign. He changed his party registration, headed a national political committee and made a personal gift of $500 to the re-election campaign just before or at the same time three of his Soul City organizations were negotiating for federal financial help that eventually was granted.

McKissick's control and influence within the four profit-making and five non-profit organizations that own and comprise Soul City give a clear appearance of conflict of interest. For instance, McKissick is chairman of the non-profit Warren Regional Planning Corp., which got $274,000 in federal funds in 1973 to provide "technical assistance" to the profit-making Floyd B. McKissick Enterprises Inc., which he also heads. A partial audit of Soul City operations by the U.S. Department of Commerce shows that McKissick Enterprises Inc. controlled furniture that had been paid for with government funds and was then rented to the government-financed planning corporation that he also heads. The same audit shows McKissick Enterprises charged the same planning organization that he heads more than five times an acceptable rental cost for trailer office space. Overall, the audit questioned one-third of the planning organization's expenditures, but nothing ever resulted from the questioning.

McKissick's wife serves as chairman of Soul City Sanitary District, which got a $704,000 federal grant to build a water and sewer system for the Soul City development, which is controlled by McKissick. One of McKissick's two minor partners, T. T. Clayton, serves on four of the nine Soul City organizations. Clayton's wife is the $20,000-a-year director of Soul City Foundation Inc., one of the five groups with which Clayton isn't directly connected. McKissick's son-in-law is the $17,000-a-year associate director of the foundation. This foundation has obtained eight federal grants totalling more than $1 million to plan and implement social and human services programs for the future Soul City.

These questionable aspects of McKissick's venture in Warren County are but a few of its disturbing features. They suggest strongly that public funds aren't being spent wisely or in an accountable manner. An independent audit that can trace all the sources and expenditures of federally related funds in the project is essential before there can be any confidence in the development.

Without this confidence McKissick will never attract private industry to Soul City. And without job-creating industry there will never be a community there. Some order must be brought to management of the project to save it, or else to prevent further waste of public funds on it. And an accounting is needed of the ethics and legality, or lack of them, that have brought the project to its present status.

Mr. HELMS. Despite the fact that an investigation and audit of the participation of the Federal Government in the Soul City project has been underway for some time, certain Federal agencies are continuing to provide Soul City with financial assistance. On July 3, 1975, the Office of Minority Business Enterprise of the Commerce Department announced that it had awarded a new 2-year contract in the amount of $320,000 to Warren Regional Planning Corp. for Soul City. And on July 15, 1975, the Community Services Administration, formerly of OEO—but now I am advised it is part of HEW—awarded to Soul City Foundation, Inc., a grant in the amount of $50,000 to run for 3 years. Its stated purpose is to provide assistance to the Soul City Foundation, an educational, cultural and new city—help to build it—venture. This grant will finance the closeout of a previous CSA program conducted by the delegate agency—Soul City Foundation.

Realizing that Federal financial assistance to Soul City is obviously continuing despite the ongoing investigation and audit by the General Accounting Office, I prepared this amendment to the HUD appropriations bill to preclude that Department from providing any further financial assistance for the benefit of Soul City pending the report of that audit and investigation which is expected to be filed sometime in November.

However, yesterday morning, while on the Senate floor about 8 o'clock for the Senate to resume its consideration of pending matters, I decided to call Mrs. Carla Hills, the distinguished Secretary of the Department of Housing and Urban Development and inquire about this matter. The time by then was exactly 8:10. I found her in her office, hard at work. I learned that she had arrived at her office more than an hour before. I was exceedingly impressed by the diligence and dedication of this hardworking public official. We discussed the matter, and subsequently I had a telephone conversation with Dr. Otto Stoltz, general manager of the Community Development Corp. In the course of these conversations I received unqualified assurance that HUD would not provide further financial assistance to Soul City until the report of the audit and investigation is in. Therefore, Mr. President, I shall ask unanimous consent in a moment that my amendment be withdrawn.

Mr. President, let me say further, however, that I believe that the other Federal agencies involved with this Soul City matter should exercise the same wisdom and cooperation exhibited by the officials at HUD, and withhold further financial assistance, whether direct or indirect, from Soul City pending the audit report. I believe that a prudent consideration of the taxpayers' dollars requires no less.

This is not just a routine audit. It is an audit that has been requested by not just one Member of the Congress, but two. It is an audit that has been advocated by one of the largest newspapers in my State, based upon an investigation by its reporters. Now, I do not know what the report of the audit and investigation will say. I do not know if it will be favorable or negative toward the use of these millions upon millions of dollars of tax money. But, I do know this: however that money has been used, for whatever purposes, it is widely regarded as a gross waste. There have been funds expended for health care, but there are no patients. There have been funds expended for art and culture but there is no evidence of such there, except for the traditional folk art, and so forth, of the area, and we have always had that for free. There have been funds expended for industrial recruitment and employment training, but there is no industry and there are no employees. There have been funds expended for roads, water and sewer needs, and social planning, but except for the occupants of a few housetrailers, there are no people.

Whatever the result of the inquiry of the General Accounting Office, an obvious fact will remain—Soul City is suspected by many citizens of my State as the greatest single waste of public money that anyone in North Carolina can remember. It is based upon concepts developed out of an intellectually and morally bankrupt doctrine, a doctrine that suggests that enough money thrown at any problem will make it go away, or thrown at any proposal will make it happen.

It just does not work that way, Mr. President. There really is no such thing as a free lunch. Somebody must pay the price. The taxpayers of my State are quite certain that they know who that "somebody" is.

I withdraw my amendment.

Mr. PROXMIRE. Mr. President, before the Senator withdraws his amendment will he permit a response by the Senator from Massachusetts?

Mr. HELMS. Provided I have time for a response to the Senator from Massachusetts, if needed.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. HELMS. Mr. President, the Senator from North Carolina, I believe it will be agreed, does not consume much time in the Senate. I hope I will therefore have the privilege of discussing this situation.

Mr. PROXMIRE. Would the Senator be willing to have me guarantee I will offer him 5 minutes on the bill if he wants to respond to the Senator from Massachusetts?

Mr. HELMS. That will be satisfactory depending on the circumstances, yes. I thank my able friend from Wisconsin.

Mr. MANSFIELD. Mr. President, I would point out that in 1 minute from now, we are going on controlled time on a veto message from the President of the United States.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BROOKE. As I understood, this amendment was to have 30 minutes, 15 minutes to a side.

Mr. MANSFIELD. The Senator will not lose his minutes; but what I am saying is, the Senate has agreed to go under controlled time beginning at 1:15, and if the Senator started now he would probably have only half a minute.

Mr. HELMS. Could that time be extended, say, for 20 minutes?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that instead of the time on the veto message starting at 1:15, the time start at 1:30 and continue until 2 o'clock, and that the vote be taken at that time, with the time between to be equally divided between and controlled by the majority leader and the minority leader, or their designees.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The vote will occur not later than 2 o'clock.

Mr. BROOKE. I thank the majority leader.

Mr. President, we lawyers always say that every case has two sides, and we have heard the side which has been presented by the able Senator from North Carolina on the question of Soul City.

I will not get into what Soul City has done or has not done. I frankly do not know. I think the record will speak for itself as to what Soul City has done, and I am not one to object to a GAO audit of Soul City or of any other agency. Of course, every Senator has a right to make such a request. The Senator from North Carolina having made the request, I am sure GAO will conduct an audit of Soul City, and we will know the result.

But, Mr. President, I think, in all fairness, that the RECORD ought to show just what is involved in this case.

An article which appeared in the Raleigh News and Observer made certain allegations against the new town of Soul City, and that is why this audit was requested. However, HUD conducted an investigation of Soul City on its own, and I have a letter which was addressed to Mr. Claude Sitton, the editor of the Raleigh News and Observer, Raleigh, N.C., from a Mr. Melvin Margolies, Assistant Administrator, Office of Finance, of HUD's Office of New Communities. I am going to read a portion of that letter, because I think it is relevant:

> DEAR MR. SITTON: At the time Mr. Pat Stith, the reporter responsible for the *News and Observer's* recent series on Soul City, first appeared at our offices, it was apparent to us that Mr. Stith did not intend to present a fair and balanced report on the subject. During the course of discussions, Mr. Stith consistently evidenced disinterest in any and all positive aspects of the Soul City project. Furthermore, his reporting of the facts and statements was often inaccurate, misleading or unsupported. For example, Mr. Stith attributed the quote to the General Manager that a certain matter could not be researched by the staff because "I just can't take the manpower to do that." In fact, in response to a series of very abrasive comments and questions by Mr. Stith, the General Manager indicated that he did not have the staff to investigate in detail every unsubstantiated allegation of news reporters, but would clearly do so in response to substantive inquiries or concerns by the appropriate persons.
>
> Furthermore, Mr. Stith's representations with respect to the relationship of pre-development costs, the required equity contribution and grants from the Office of Minority Business Enterprise of the Commerce Department were inaccurate.

Reading from another part of this letter, and I will put the entire text into the RECORD:

> Unlike most of the other Federally sponsored new communities, Soul City has *not* depleted its initial funds but has, in fact, spent *less* than the projected budget during its first development year. To proceed cautiously at a time of severe slump in the housing industry is a commendable course of action. Special escrow disbursement controls which were placed on Soul City at the time of its financial closing have insured that the HUD guarantee funds would not be expended too rapidly.
>
> The entire emphasis of the Soul City project has been to bring jobs into Warren and Vance Counties. These counties have been losing jobs for 25 years due to a decline in farming. Overall population in the region has been static for this period. The desire to reverse these trends led the State of North Carolina, the cities of Oxford and Henderson, and Warren County to support the Soul City project. The unique concept of Soul City is to provide experience with rural growth centers. This concept has been actively advocated by planners, economists and legislators.
>
> On January 31, 1975, the Office of the Inspector General of HUD completed a review of the Soul City Company. This audit was

designed to cover the activities of the Soul City Company, the HUD Area Office, and the local government agencies as they pertained to the administration of the $10 million of Federal grants and loans and the $5 million New Community guarantee. The findings of this audit were as follows:

"In regard to the accounting and reporting systems used in controlling grant funds, we evidenced no mismanagement of grant and loan funds."

Concluding:

It is indeed distressing to me to encounter a reporter and a series of articles that so clearly display preconceived personal bias. Undoubtedly, Soul City has many problems and difficulties, some of which are included in Mr. Stith's articles. That the Soul City project should experience obstacles and difficulties is not surprising. That the *News and Observer* should devote 17 articles over 8 days discussing the project and not find a *single positive point* or offer a *single rationale* for its problems is a matter for its readers to ponder. One need only read the major financial publications to conclude that most large-scale real estate developments are presently in serious financial difficulty. It would appear to me that fairness would have required a more balanced attitude, investigation and report.

Sincerely,

MELVIN MARGOLIES,
Assistant Administrator Office of Finance.

That is, of HUD's Office of New Communities.

Mr. President, as I said, we want fairness. Of course, if there is any irregularity in the handling of Federal funds by Soul City, or any other new town, or any other agency, then we ought to have a complete investigation, audit, and report to the Congress of the United States.

But I do not think we ought to withhold grants merely because some newspaper reporter has made a charge which HUD has already found to be the result of personal bias. I think we ought to go on with grants to Soul City, wait for the audit to be returned and, if we find any irregularity, then we should act upon the irregularity at that time.

We do not hold up grants to any other agency, any other department of this Government, any other town, or any other city merely on the basis of allegations made by a newspaper reporter.

When are we going to stop trying people and convicting them without evidence? This is a nation of laws, not of men. We have said it time and time again.

I am very pleased that the distinguished Senator from North Carolina is not pressing his amendment. He has every right to bring this matter to the attention of the Senate, as he has done, and he has every right to ask for an audit. But we also have every right to hear and know all of the facts before the Senate of the United States is called upon to make a decision and cast its vote.

I will be very pleased to yield to the distinguished Senator from North Carolina the remainder of any time that I may have. But I do think that the record ought to clearly state, and I have tried to at least bring to the attention of the Senate through its RECORD, the statement of a Federal employee in the Office of New Communities at HUD, indicating what HUD's findings have been, and HUD is the proper department initially to investigate these matters for the Congress of the United States. I do not say that the GAO should not do the audit, but the investigation should initially be done, as it has been done, by HUD. And they found no irregularity.

Mr. President, I ask unanimous consent that the entire text of the letter that was written by Mr. Margolis to Mr. Sitton be printed in the RECORD at this time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Mr. CLAUDE SITTON,
Editor, Raleigh News and Observer,
Raleigh, N.C.

DEAR MR. SITTON: At the time Mr. Pat Stith, the reporter responsible for the *News and Observer's* recent series on Soul City, first appeared at our offices, it was apparent to us that Mr. Stith did not intend to present a fair and balanced report on the subject. During the course of discussions, Mr. Stith consistently evidenced disinterest in any and all positive aspects of the Soul City project. Furthermore, his reporting of the facts and statements was often inaccurate, misleading or unsupported. For example, Mr. Stith attributed the quote to the General Manager that a certain matter could not be researched by the staff because "I just can't take the manpower to do that." In fact, in response to a series of very abrasive comments and questions by Mr. Stith, the General Manager indicated that he did not have the staff to investigate in detail very unsubstantiated allegation of news reporters, but would clearly do so in response to substantive inquiries or concerns by the appropriate persons.

Furthermore, Mr. Stith's representations with respect to the relationship of pre-development costs, the required equity contribution and grants from the Office of Minority Business Enterprise of the Commerce Department were inaccurate. Mr. Stith states that the $1.5 million in required equity at the financial closing included $500,000 for documents HUD cannot identify. HUD did not value pre-development documents as part of the required equity contribution. The actual pre-development costs approved by HUD were not for the purchase of, or represented by, specific "documents." These costs were of the normal type incurred in the course of land development and authorized by legislation as eligible to be funded from the proceeds of the HUD guaranteed loans. They included such items as interest, commitment and guarantee fees, real estate taxes, planning, engineering, auditing and legal fees, and overhead salaries and expenses. The total amount of actual costs of pre-development which McKissick Associates had incurred was $1.28 million. Under normal circumstances the $1.28 million would have been repaid to the entity who actually paid for these costs. In the case of Soul City, HUD required an equity contribution by the investors of $1.5 million. One million dollars in cash had already been contributed to the developer. In order to insure that the other $500 thousand was properly invested in Soul City, HUD insisted that, instead of the $1.28 million being paid out and then $500 thousand being transferred back to Soul City, Soul City deduct the $500 thousand from the $1.28 million and remit only the difference of $728 thousand to the entity entitled to such payment. This insured that Soul City did, in fact, have its total required equity contribution of $1.5 million.

In addition, Mr. Stith implies that HUD permitted the developer to draw funds from the HUD guaranteed loans without determining if a part of these funds were for reimbursement of costs previously paid by another Federal agency—namely, a $274,000 grant from the Office of Minority Business Enterprise ("OMBE"). This is inaccurate. The pre-development costs paid from the OMBE grant were expressly excluded from the developer's certificate of valuation and not included in any of the certificates of eligible costs for draws from the HUD guaranteed funds.

An example of a misleading presentation is the implication that McKissick made a $260,000 profit on the purchase and sale of the Satterwhite Farm. In 1969, McKissick paid $390,000 for 1810 acres. Thereafter, he acquired 250 additional acres for $74,500. In 1974, these parcels were sold to the Soul City Company for $600,500, which represented McKissick's original cost plus the carrying costs during the holding period. Therefore, in fact, the actual transaction was directly contrary to Mr. Stith's implied conclusion resulting from an inaccurate and misleading presentation.

The general allegations of misconduct at the time of the financial closing, which occurred in March, 1974, are not facts within my personal knowledge since I did not arrive at HUD until April, 1974. However, these facts are being investigated by the General Accounting Office and the staff. If evidence of wrong-doing is found, we will be the first to insist that appropriate remedial action be taken immediately. Furthermore, new financial and monitoring control systems instituted upon my arrival will insure that any and all expenditures by Soul City are for appropriate purposes prescribed by the legislation.

Mr. Stith's articles failed to emphasize many of the significant positive accomplishments and prospects for Soul City. For example:

The bulk of the grant funds obtained through the efforts of Mr. McKissick, the Soul City Company, and its subsidiaries have benefited the entire region. For example, the Federal Government has provided $6 million to support the construction of a regional water system, 80% of which will meet the needs of Oxford, Henderson, and unincorporated portions of Warren and Vance Counties. Another $.2 million was provided to aid the *existing* Warren and Vance County Schools and $1.8 million has been spent to provide health services to the *existing* residents of the region.

Unlike most of the other Federally sponsored new communities, Soul City has *not* depleted its initial funds but has, in fact, spent *less* than the projected budget during its first development year. To proceed cautiously at a time of severe slump in the housing industry is a commendable course of action. Special escrow disbursement controls which were placed on Soul City at the time of its financial closing have insured that the HUD guarantee funds would not be expended too rapidly.

The entire emphasis of the Soul City project has been to bring jobs into Warren and Vance Counties. These counties have been losing jobs for 25 years due to a decline in farming. Overall population in the region has been static for this period. The desire to reverse these trends led the State of North Carolina, the cities of Oxford and Henderson, and Warren County to support the Soul City project. The unique concept of Soul City is to provide experience with rural growth centers. This concept has been actively advocated by planners, economists and legislators.

On January 31, 1975, the Office of the Inspector General of HUD completed a review of the Soul City Company. This audit was designed to cover the activities of the Soul City Company, the HUD Area Office, and the local government agencies as they pertained to the administration of the $10 million of

Federal grants and loans and the $5 million New Community guarantee. The findings of this audit were as follows:

The results of the inquiry, observation, and examination disclosed one major area of concern which pertained to administrative matters among HUD officers which may have resulted in less efficiency.

"In regard to the accounting and reporting systems used in controlling grant funds, we evidenced no mismanagement of grant and loan funds."

It is indeed distressing to me to encounter a reporter and a series of articles that so clearly displays preconceived personal bias. Undoubtedly, Soul City has many problems and difficulties, some of which are included in Mr. Stith's articles. That the Soul City project should experience obstacles and difficulties is not surprising. That the *News and Observer* should devote 17 articles over 8 days discussing the project and not find a *single positive point* or offer a *single rationale* for its problems is a matter for its readers to ponder. One need only read the major financial publications to conclude that most large-scale real estate developments are presently in serious financial difficulty. It would appear to me that fairness would have required a more balanced attitude, investigation and report.

Sincerely,

MELVIN MARGOLIES,
Assistant Administrator,
Office of Finance.

Mr. HELMS. Mr. President, I agree with the Senator from Massachusetts if I understand him to say that there ought to be fairness. As for the News Observer, and its bias, to which the Senator from Massachusetts alluded, let me say to the Senate that the News Observer, which is charged by the Senator and Mr. Margolies with being so biased now, was a friendly advocate of Soul City until its fine reporter, Mr. Stith, went over there and looked at it.

So I would say to the distinguished Senator from Massachusetts if we are going to talk about fairness, great. But I want to be fair to the taxpayers, too. As far as the GAO is concerned and the investigation, the Senator said something about my privilege of asking for one. The Senator is right I have the right, and I did so many weeks ago. In fact, my comments today are based upon the preliminary reports from the GAO.

I know the Senator from Massachusetts, being the able Senator that he is, and certainly being the fair Senator that he always is, wants to be fair to Soul City. But I think he wants to be fair to the taxpayers of this country, and I hope that on one of his trips to or through my State he will drive off of I–95 and personally visit Soul City. He will then see, as I have seen, the three house trailers there, the barn, and the tractor, apparently representing $19 million, of the taxpayers' money that we know about as of now, allocated by the Federal Government over a period of 7 years.

If Soul City cannot get cranked up in 7 years with $19 million, Mr. President, the Senator from North Carolina wonders how long it is going to take. All this amendment, which I shall withdraw momentarily for reasons already stated, asks is that no more money be sent down there, until the report of the GAO is in. Then we will see. That is fair to the taxpayers; it is fair to Soul City.

As far as the Senator's explanation that the HUD bureaucrats have investigated themselves approvingly, that is scarcely adequate as far as the Senator from North Carolina is concerned. I do not believe in putting the mice in charge of the cheese factory. That may be precisely what has happened, because the distinguished Secretary of HUD, Mrs. Hills, discussed the Margolies letter to Mr. Claude Sitton, which the distinguished Senator from Massachusetts put in the RECORD, and it is agreed that the Margolies letter is shot through with errors itself. Moreover, Dr. Stolz concedes that their have been incredible abuses in the new communities program.

So all the Senator from North Carolina is saying is let us find out what the facts are before we send any more thousands or millions of dollars to Soul City, N.C. The taxpayers are entitled to this consideration, at least.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. DOMENICI. Mr. President, will the distinguished Senator from Wisconsin refer to page 23 of the report with me for a moment? I just will clarify the $100 million that we have provided in this bill for the community development program.

In the report there is indicated that additional $100 million has been expressly provided for towns of under 50,000 population in standard metropolitan statistical areas, so-called SMSA balanced communities.

I want the Senator to tell me whether I am right or not on this statement: What we found this year when we began to divide up among the hold-harmless communities and the non-hold-harmless communities is we found that there were many small towns that were non-hold-harmless communities that were applying under the 20 percent formula that were probably not going to get any money. It is my understanding that this $100 million may in fact be used for communities under 50,000 that are not hold-harmless cities. Is that correct or not?

Mr. PROXMIRE. That is exactly correct. As a matter of fact, as I understand it, the so-called hold-harmless cities, big and small, will get their money. What we are concerned about in providing this extra amount is that the other cities that are not hold-harmless cities, those of 50,000 and under, would be able to get community development grant funding, and this would provide it for them.

Mr. DOMENICI. So that if the Secretary, in using this $100 million discretionary fund, has applications from non-hold-harmless cities that are under 50,000, it is the Senator's intention that he use this fund for that kind of community development grants application?

Mr. PROXMIRE. The Senator is absolutely correct. It would be our intention, as I understand it, to use it exclusively for those who do not have funding otherwise and therefore are not hold-harmless.

Mr. DOMENICI. I thank the Senator. I commend him for putting it in.

I think that our State and every other State has found that the small cities that had no previous urban renewal or model cities are now trying to get some money. By definition, they are not hold-harmless cities, and many of them are not going to get money. This at least would provide money for some of them.

Mr. PROXMIRE. I say to the Senator that these are not rural areas. These are SMSA areas.

Mr. DOMENICI. I use it only in the sense of distinguishing the size of the city.

Mr. PROXMIRE. That is correct.

I thank the Senator from New Mexico for clarifying what could have been an ambiguous, confusing situation and making clear what we intended to do with the funds.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Frank Gorman have the privilege of the floor during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPROVING OUR NATION'S HOUSING AND URBAN COMMUNITIES

Mr. HUMPHREY. Mr. President, I am delighted with the excellent work of the Appropriations Committee in reporting H.R. 8070, which includes fiscal 1976 funding for programs of the Department of Housing and Urban Development. At a time when the housing and construction industry is in its worst shape in decades, when unemployment in the construction industry exceeds 20 percent nationally and is much higher in many parts of the country, when home ownership is becoming further and further removed from the grasp of the majority of America's families, when the recession-induced problems of urban decay and fiscal crisis are front page news throughout the Nation, this appropriation for housing and urban development is of crucial importance.

Four provisions in the appropriation are of particular interest to me.

First, I am very pleased that this bill provides $75 million for the emergency homeowners relief fund. These funds will provide the funding required to assist homeowners who are threatened with foreclosure of their mortgages and loss of their homes.

I am particularly pleased that the committee has clearly stated in its report that the full $500 million authorized for this fund can be appropriated at a later date, if further need is demonstrated. Of course, we all hope that economic conditions will rebound and that foreclosures will become an unpleasant memory. However, we must be prepared for high levels of unemployment for many months to come, and the committee language in its report is certainly welcome.

Second, I am pleased to see that the Appropriations Committee has moved rapidly to fund the emergency purchase assistance program authorized by Congress by the Emergency Housing Act of 1975 and signed by the President on July 2, 1975. This important program can provide a stimulus to our depressed housing industry and provide jobs for unemployed construction workers.

I believe that the Appropriations Committee should have appropriated the full $10 billion authorized in the Emergency Housing Act and approved by the President. However, since this administration and its predecessor have proven to have a unique ability to use housing funds at a rate that blatantly disregards congressional intent, I can understand the Appropriations Committee's unwillingness to provide any more authority at this time, than they expect the Department of Housing and Urban Development and the Government National Mortgage Association to actually use.

Of course, if the administration recognizes the importance of using these funds rapidly, and a new appropriations of funds appears necessary, I am sure that the Appropriations Committee will be delighted to respond. I will be following the drawdown on this funding very closely and intend to push for the additional $5 billion in funding well before the authority provided in the current bill runs out.

Third, I am pleased that the committee has recommended an appropriation of $50 million for the rehabilitation loan fund. I have believed, for a long time, that the rehabilitation program was one of the most important housing programs in which we were engaged. Not only does this program provide the financing needed to salvage housing that has fallen into disrepair, but it is an essential element in the programs of hundreds of communities across the Nation to improve the neighborhoods in which their citizens live. This $50 million, 3 percent loan program will cost the American taxpayer a small fraction of this total amount.

I believe that this program conserves valuable resources, improves the fiscal soundness of our cities, and enhances the quality of life for our people. I am very pleased indeed that the Appropriations Committee has funded this vital program.

Finally, the bill before us appropriates $125 million for the section 701 comprehensive planning grant program. As the leader in the successful effort earlier this year to prevent the administration from abolishing this program, I am delighted the committee is supporting a level of appropriations that is adequate to maintain the vitality of this program.

The assistance provided under this section results in a much more efficient use of taxpayers money than would otherwise be true. By spending this $125 million to help State and local governments think ahead and plan ahead, we save our taxpayers many times this amount.

I urge my colleagues who will go to conference on this measure to fight hard for the section 701 funding level that we are approving today. The House-approved level of $50 million would be disastrous for those communities that rely on section 701.

There is a need for larger sums to implement our clean lakes program. I shall join with my colleague, Senator MONDALE, to seek an increase in these funds. Also, there is a need for additional employees for HUD. We do not want to cripple the work of the housing program by failure to have adequate staff to process loan applications and mortgage guarantees.

Mr. President, again I compliment the members of the Senate Appropriations Committee, particularly Mr. PROXMIRE, the able chairman of the Housing and Urban Subcommittee, for an outstanding job.

Mr. TUNNEY. Mr. President, it is my intention to vote in favor of the passage of H.R. 8070, providing appropriations for the Department of Housing and Urban Development and a variety of other agencies for the coming fiscal year. I commend the Appropriations Committee and the subcommittee chaired by the senior Senator from Wisconsin (Mr. PROXMIRE) for reporting a bill which seeks to address a large and diverse number of needs. It does so, in the main, with a scrupulous attention to detail and fairness which I believe are worthy of notice.

I would like to note several specific items in the bill which are of concern to me. The first area in which I have major concerns are in the appropriations for HUD. I recognize the difficulties of appropriating funds for an administration which seems largely indifferent to the housing needs of millions of Americans, whether they are of low, moderate, or middle income. The record of the past 3 years in the field of housing at the Federal level is not a pretty one, and I hope that we can look for some improvement during the coming year. Certainly this bill offers cause for hope in many such areas.

First, I would like to commend the committee for deleting the language in the House report setting a ceiling of 10 percent on increases in fair market rental values under the section 8 program. I know that housing officials all over California have expressed to me their concern that the initial fair market values established for their areas are insufficient to encourage the private sector to participate in the renting of units. The House's language severely circumscribed the opportunity of HUD to adjust those rents in a fair and flexible manner. As a result, I am glad that the report contains no language reducing the discretion of HUD national and regional officials to deal with the problem of fair market rental values under section 8.

I am also happy to note that the committee recommends earmarking of $75 million in authority for conventional public housing. In spite of the failures in many areas which have been experienced with management of public housing, many public housing authorities in my home State of California run efficient and successful conventional public housing programs. Many of those agencies have been stymied in recent months by HUD's refusal to free funds for conventional projects. I am sure that the Senate's language earmarking funds for such housing will be welcomed by many housing officials and tenants throughout California.

Another matter of some concern has been treated by both the Senate and the House in the appropriations bills. This is the dormant college housing program. Many colleges in the State of California have experienced severe difficulties in providing housing for students as a result of the dwindling of the HUD college program. The congressional instruction to the Secretary of HUD to resurrect the college housing program by utilizing the repayment of principal on existing loans to generate new loans will be a substantial help in meeting this critical problem. I know that colleges in California will greet this change in the law with enthusiasm.

Next, I am very pleased that the committee has seen fit to increase the House's recommendation of funding for the section 701 comprehensive planning program by some $75 million. That program has produced first-rate planning and treatment of diverse problems in urban areas throughout California. The House recommendation of $50 million for the program, which was $80 million below the authorized figure for 1976, could have threatened the successful programs which have been established in California and all over the country. The Senate figure of $125 million is far more consonant with our national need for long-term urban planning, and I hope that the Senate's figure will be agreed to by the House conferees. Certainly, we can hardly afford to cut the 1976 figure below the $100 million which we provided in 1975. Our needs have grown, and so have the problems to be dealt with under the section 701 program. I wholeheartedly support the recommended level of $125 million.

Finally, with regard to the Department of Housing and Urban Development, I have mixed feelings about the amounts recommended for community development funding. I am happy to note that the Appropriations Committee took note of the plight of "discretionary balance" communities in this country. As everyone in the Senate must be aware, such communities were denied funding during most of fiscal year 1975 for community development programs. The shortfall resulted from an error in contribution in passages of the community development program. Only as a result of a funding bill passed during the closing days of fiscal year 1975 were such communities allowed to begin the important job of translating their ambitious community development plans into reality. Even then, the amounts provided were only $54 million, far short of the $200 million which had been estimated would be available for such areas at the time of the passage of the Housing and Community Development Act of 1974.

There are 10 such counties in California—Monterrey, Napa, Placer, San Joaquin, Santa Barbara, Santa Cruz, Solano, Sonoma, Stanislaus, and Yolo—with combined populations in excess of 1.6 million people. Surely those communities are entitled to funding for community development as much as any other group of communities. Such areas should not have to depend on the whims of emergency funding provided by the Congress.

Therefore, I am happy to note that the Senate has recommended that $100 million be earmarked for such "discretionary balance" communities, which lie within standard metropolitan statistical areas, but are not eligible for formula funding under the 1974 act. That is a healthy increase over the $54 million provided last year. However, it is still far short of the amounts in excess of $400 million which such areas expected to receive during fiscal year 1976 at the time of the passage of the act. I believe that that figure should be increased by at least $50 million to insure equity for these smaller communities; $150 million would go a lot further than $100 million. I am not offering an amendment to this effect because the senior Senator from Wisconsin (Mr. PROXMIRE) has indicated that he will convene the Senate Banking and Housing Committee shortly to consider remedial action to correct the error of calculation contained in the 1974 act. I urge him to act promptly, and I hope that he will take appropriate corrective action later in the year, both through substantive legislation and through later appropriations measures.

All in all, I believe that the HUD funding is fair and, in most cases, is as generous as possible. The frustrations of meeting a tight budget are nowhere more apparent than in the area of housing and urban development. Millions of Americans are without decent homes, and hundreds of American cities are desperately seeking help in their battle to provide livable environments without bankrupting themselves. I support the Senate's efforts to provide housing for the homeless and help to our cities, and I believe that this bill represents a good-faith effort to meet those goals.

I would like to turn my attention to one other section of the bill—funding for the National Aeronautics and Space Administration. I am happy to note that the Senate has recommended appropriation of the full NASA budget request, the amount authorized by the Congress earlier this year—with an additional $7 million in newly requested authority. It is fair to say the fiscal year 1976 funding for NASA is at an austerity level. For the first time in its history, no new programs are contemplated. Therefore, I believe the committee acted wisely in recommending that the fully authorized amount be funded. Any amount short of NASA's prudent requests would have threatened vital programs.

I am especially heartened by the fact that the Senate reversed the precipitous attempt by the House to slash funds for Pioneer Venus and the large space telescope. When I first heard of the cuts, I was horrified, since I believe both programs promise scientific benefits far in excess of the modest amounts scheduled to be spent on them. I wrote to Senator PROXMIRE, chairman of the subcommittee urging that the full funding for those programs be restored. The letter explains my reasons for supporting these two programs in detail and I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON THE JUDICIARY,
Washington, D.C., July 9, 1975.

Hon. WILLIAM PROXMIRE,
Chairman, Subcommittee on HUD and Independent Agencies, Senate Appropriations Committee, Washington, D.C.

DEAR MR. CHAIRMAN: It is my understanding that the Appropriations Subcommittee on HUD and Independent Agencies will be proceeding shortly to consideration of H.R. 8070, the bill making appropriations for FY 1976 for those agencies. I wish to inform you of my deep concern about several items in that bill relating to the National Aeronautics and Space Administration. I hope that the Subcommittee will give these issues its closest attention during its review of H.R. 8070.

The most pressing matter concerns the level of funding for the Venus Pioneer program. As you are undoubtedly aware, the House voted to reduce the FY 1976 appropriation for that program from the budgeted level of $57.6 million to $9.2 million. The House Appropriations Committee recommended this action, and instructed NASA to make a judgment on priorities of spending between the Pioneer Venus program and the Large Space Telescope program. If this action is allowed to stand, it clearly will jeopardize the possible success of Pioneer Venus, and I urge you to review this decision with the greatest possible care.

As you know, the Pioneer Venus program would involve two spacecraft to investigate Venus, an orbiter and a probe to be sent to the planet's surface. These probes would investigate Venusian environmental and meterological conditions, and by comparative evaluation, provide substantial new and useful information about weather conditions here on Earth.

The timing of the program was based on the appearance of a "launch window" for a short time during 1978 when Earth and Venus would be in unusually favorable relative positions. The next "window" would not appear until almost two years later, during 1980, and Venus would be considerably further away from the Earth at that time than it would be during 1978.

As a result of launch timing, the delay of one year in funding the Pioneer Venus probes would result in a delay of at least 18 months in operation of the program. Moreover, the fact that Venus would be considerably further away from the Earth during a 1980 mission would require changes in the design of the probes and vehicles. Such changes might well result in an increase in cost of $50 million or more over the amounts presently estimated.

NASA has indicated that the House's action would probably force it to terminate its present work on Pioneer Venus. Such an action would require that the teams assembled to work on the project be dissolved, and they could then be reassembled later only at a $45 million spent on the project up until the time of its termination would be effectively wasted.

In light of these considerations, the House's action in cutting the level of funding by $48.4 million is not just a delay of one year. Rather, it may cost the taxpayers added millions of dollars and pose a grave threat to the continuation of the Pioneer Venus program.

The case for continued funding is a strong one. Most scientists feel that the scientific benefits to be gained from an investigation of the Venusian atmosphere are worthwhile ones. For example, greater meteorological knowledge resulting from comparative evaluations of Mars, Venus and Earth could enhance our weather prediction capabilities by substantial amounts. I need not remind you that storms in the Midwest during the past several weeks have resulted in property and crop losses exceeding $1.5 billion. If the Venus project could help us to avert or control the effects of one such disaster, it would more than justify its cost to the taxpayer.

While the Venus program is more than justified purely on the basis of the scientific information to be generated, there are other good reasons why it should be continued. In an era of high employment, few sectors have suffered more devastating setbacks than the aerospace industry. The Pioneer Venus program has resulted in the creation of over 1500 jobs, jobs which would be threatened by the termination of slowing of the program. Over 550 of those jobs are located in my home State. Although this may seem a lesser reason for continuation of the Venus Pioneer program, curtailment of such productive and useful positions at the present time seems particularly inappropriate.

Finally, the curtailment of an ongoing concept like Pioneer Venus would have a severe impact on the Federal Government's commitments throughout the scientific sector. Sudden decisions to make sharp cuts in funding of research and development programs can only reduce credibility in the sincerity of the Government's long-term commitments. Such a reduction of credibility will result in increased time, difficulty and cost in future projects as private contractors strive to protect themselves from the vagaries of changing commitments.

In short, I believe the Pioneer Venus program is a worthwhile one, and that the decision to curtail funding is an ill-timed and ill-considered one. The program is on schedule, and is meeting its budget estimates. It will produce useful scientific knowledge and there are good reasons of science and economy for its scheduled 1978 departure date. I hope that the Committee will consider these factors fully, and I urge you to consider restoring the Pioneer Venus program to its full budgeted amount of $57.6 million. Although I would also support reprogramming of funds to support the program, I fear that such reprogramming would have equally severe consequences on other programs in view of NASA's present curtailed budget.

I would also like to make the point that I consider the House's juxtaposition of funding for Pioneer Venus as opposed to funding for the Large Space Telescope an inappropriate one. The programs are not competing, but complementary. Pioneer Venus is designed to give us further knowledge about our closest planetary neighbor, while the Large Space Telescope would be used to develop information of unprecedented scope and detail about deep space. Cutting one program for the sake of the other would mean sacrificing a distinguishable body of scientific knowledge which would not be replaceable.

Therefore, I would like to make the point that my urging of full funding for Pioneer Venus is not intended to indicate a choice between the two programs. I consider the Large Space Telescope a necessary part of any program in astronomic science. In fact, I consider the level of funding approved by the House for the LST to be the absolute minimum necessary to continue the planning process. I hope that the Committee will recommend at least $4 million for the program for FY 1976 and $2 million for the transition period. Any further cut in funding will disrupt planning, and make any eventual decision on whether to go ahead with the project even more costly to achieve. Since the Pioneer Venus project and the LST are on different timetables, I believe that both projects can be funded adequately without conflict. I want to express my strong support for the Committee to approve amounts which will permit both to move ahead without costly delays.

Finally, I would like to indicate my findings on one other issue raised by the House in passage of H.R. 8070. That concerns the modification of the subsonic wind tunnel located at the NASA Ames Research Center, located in Mountain View, California. The House Appropriations Committee directed in its report that ". . . no funds be used to begin work on modifying the 40x80 wind tunnel at the Ames Research Center until the Committee has had an opportunity to review the necessary funding in a formal budget request." This directive will preclude the use of any NASA funds to begin work on modifying that facility until the close of 1976.

As you are undoubtedly aware, the House Committee on Science and Technology has conducted extensive investigations into the need for such modifications. The Committee included $12.5 million in authorization for modification of the Ames facility in H.R. 4700, the FY 1976 authorization bill. That money was deleted in the Senate, but the money was included in the conference version of H.R. 4700.

Modification of the Ames wind tunnel would give this country its only facility capable of full-scale testing of advanced rotorcraft and vertical and short take-off and landing aircraft. NASA and the Department of Defense are in agreement that such a facility is needed if the nation is to maintain its leadership in aeronautical research and development. A study initiated by the Aeronautics and Astronautics Board in 1967 concluded in the recommendations for modification of the Ames facility.

The repowered wind tunnel would permit testing of advanced rotocraft at cruise speeds and allow full-scale testing of VTOL–STOL craft for the first time. The economic rationale for making this change is compelling. For example, the ill-fated AH 56A Cheyenne helicopter program cost some $400 million before being scrapped. That program did not include full-scale wind tunnel evaluation, which might have saved a considerable amount of time and money if such tests had been available. Other rotocraft have been successfully modified following such testing, saving millions of Federal dollars, and this facility would expand the capability for making such savings.

The House Committee's reason for limiting the use of funds on the Ames facility was that no formal budget request had been received. The absence of such a request was the result of a decision by the Office of Management and Budget. Yet NASA, other government agencies and aeronautics experts are agreed on the need for such a modification. The only question about this modification appears to be the timing of such changes in the Ames wind tunnel. Even with immediate funding, the modified tunnel would not be operational before 1978.

Under the circumstances, it appears unreasonable to proscribe completely the use of NASA funds for the Ames facility. If NASA is able to reprogram funds to begin the process of planning and modification, it should be able to do so. Such action appears justified considering the previous extensive review of this request by the House and Senate authorizing committees. I would therefore suggest that the Senate Committee not include limiting language in its report and that the Senate conferees on H.R. 8070 be instructed to seek the deletion of the language circumscribing NASA's discretion. This would seem to be the minimum necessary to permit NASA desired flexibility in its planning. In view of the continuing governmental involvement in funding of relevant aircraft research and development, and considering the three year lead time required for the modification, such flexibility is essential.

In summary, I would urge the Subcommittee to give its closest attention to the three issues which I have discussed—restoration of funding for Pioneer Venus, continued reasonable funding for the Large Space Telescope, and discretion for NASA to begin modification of the Ames wind tunnel. Action on these three issues by the Subcommittee will assure that NASA is able to continue its ambitious and worthwhile programs in these areas.

If the Subcommittee does not act, the result may be further delays in vital programs, higher costs, and possible jeopardy to the continuation of one or all of these programs. I believe the benefits and the modest costs involved justify the initiatives which I have suggested. Thank you for your attention to these matters.

Sincerely,

JOHN V. TUNNEY,
U.S. Senator.

Mr. TUNNEY. Mr. President, for the reasons stated above, I feel that the decision to proceed with the Pioneer Venus program can be well justified on the basis of economy. The 1-year delay envisioned by the House would have cost 2 years in deployment of the probe, and perhaps an extra $50 million in cost.

I am also happy to see the Senate has restored the funding for the large space telescope, which promises to offer a wealth of new scientific knowledge previously unavailable through the utilization of earthbound telescopes.

In short, I believe that the appropriation of full funding for NASA is amply justified. The recent ending of the Apollo program must remind us all of the innumerable benefits, both tangible and intangible, which the space program has brought us. I look forward to many years more of such benefits, and I believe the prudent decision of the Senate to fund NASA at its requested level is a giant step in assuring the continuation of our space science efforts.

VETERANS' READJUSTMENT BENEFITS APPROPRIATION

Mr. President, I am delighted that the Appropriations Committee has seen fit to increase the amount appropriated for the payment of readjustment benefits of veterans by $1,200,000,000 over the sums designated by the House of Representatives for the GI bill.

These additional funds should go a long way to insure that those veterans and dependents who qualify, are able to receive the necessary GI bill benefits to continue their educations which were interrupted or not begun as a result of military duty.

The additional sums should adequately protect the veterans of this Nation from the situation they faced during the closing months of this past fiscal year when the funds ran out for their education benefits. Because the supplemental appropriations bill was held up, many in-school veterans did not receive their monthly checks, and were faced with the bleak prospect of making ends meet on little or no financial resources. I received calls from countless numbers of the three-quarters of a million Vietnam-era veterans residing in California, pleading for the release of their badly needed checks, without which their rents, bills, and education tuition could not be paid.

Between efforts by the Veterans' Administration and the General Accounting Office to end the problem of overpayments, and through the addition of $1.2 billion which the committee has proposed, I am hopeful that we will be able to avert a similar hardship during this coming fiscal year. I know, Mr. President, that the veteran population in my State, for one, is grateful for the sage decision of the Appropriations Committee.

HUD NOISE ABATEMENT

Mr. President, I am pleased that the Committee on Appropriations has seen fit to restore the funds inadvertently deleted from the Environmental Protection Agency's budget for the purpose of controlling noise pollution as the result of an amendment accepted by the House of Representatives.

The intent of this amendment by Congressman SISK, as I understand it, was not to delete all funds for noise control contained in the bill, but to delete such funds from the HUD and VA sections. This was done in an effort to cause HUD to discontinue its practice of denying FHA loans to noise-impacted areas based on computerized data, rather than on clear, site noise level readings. Under the Noise Control Act of 1972, the Department of Housing and Urban Development does have the responsibility for the control of noise pollution as it impacts the housing market, but only in consultation with the Environmental Protection Agency, which has checkoff authority, and after the development and acceptance of an adequate environmental impact statement. The Environmental Protection Agency has, in fact, been pressuring HUD and other Federal agencies to adopt uniform noise measurement systems in order to improve cooperation among the agencies and facilitate decisions concerning noise pollution control. Unfortunately, HUD has not indicated their cooperation in this effort.

The specific problem which precipitated the introduction of this amendment in the House, and which, I am glad to say, caused the committee in the Senate to adopt strong report language to curtail such problems in the future, concerns the impact of noise from Castle Air Force Base in California on the Merced-Atwater area. Under the Noise Control Act, the EPA and FAA are empowered with the authority to control noise from commercial aircraft and airports. Military air base noise is to be controlled by the Department of Defense with Environmental Protection Agency advise and recommendations.

Based on a computerized noise map given it by the Air Force, the Department of Housing and Urban Development unilaterally prohibited the granting of FHA loans to certain housing projects in the Merced-Atwater area. This decision was based on hypothetical rather than site noise readings of the ostensibly impacted area. Subsequently, HUD reassessed the decision and freed eight subdivisions from this restriction, sufficient housing, they said, to see Merced-Atwater through November when an Environmental Impact Statement will be completed. Based on that statement, HUD will decide the fate of the remaining housing.

Now it is not at all unreasonable for HUD to attempt to insure that homes are not constructed in areas which prove to be accoustically unsound or dangerous to the public health and welfare. What is unreasonable is that this decision was made without the mandated consultation with EPA, and further without the appropriate environmental impact statement. Further, it is unjustified to base such a decision on admittedly hypothetical information. While we clearly do not want to establish accoustical ghettos, where the normal lifestyle of citizens is hampered because their homes and land are bombarded by grotesque levels of noise, it is, at the same time, unjustifiable to make de facto decisions which may not hold up once the data are finally amassed.

I applaud the committee's strong posture to express dissatisfaction with the way HUD has conducted this and other similar matters, and hope that HUD will rapidly ameliorate this situation and again comply with Federal intent under the Noise Act.

Mr. HUMPHREY. Would the Senator yield? As I understand it the bill we have before us today contains only $5 billion of the $10 billion authorized in the Emergency Housing Act of 1975 for emergency mortgage purchase assistance. Frankly, on the basis of the testimony before the Joint Economic Committee it seems clear we could and should use the full $10 billion.

Mr. PROXMIRE. It is my understanding that the administration believes the $5 billion to be adequate at the present time. As you know, they have requested borrowing authority of $5 billion for the purchase of mortgages with the authority to be used in the event that the Secretary of Housing and Urban Development finds that economic conditions warrant. I agree wholeheartedly with the Senator from Minnesota. The economy needs the hundreds or thousands of jobs the full $10 billion would provide. As chairman of the HUD subcommittee, I will do my best to assure that we will provide the remainder of the $10 billion in supplemental appropriations legislation if the $5 billion in budget authority provided in H.R. 8070 is used by the adminisration.

Mr. HUMPHREY. I thank the Senator from Wisconsin.

VERERANS' ADMINISTRATION APPROPRIATION ITEMS

Mr. CRANSTON. Mr. President, the committee's action in accepting for the most part the administration budget request for the Veterans' Administration hospital and medical program is one which deserves the full support of the Senate.

The administration budget request reflected the need to correct the serious deficiencies in staffing and in physical plant safety which were identified by the VA Chief Medical Director's special survey report submitted last July of the "Quality of Patient Care at VA Hospitals and Clinics." The budget request was fully supported by the distinguished chairman of the Committee on Veterans' Affairs (Mr. HARTKE) and myself in a letter to the distinguished chairman of the Subcommittee on HUD-Space-Science-Veterans Appropriations (Mr. PROXMIRE) recommending that the budget request be adopted by the Appropriations Committee. Mr. President, I ask unanimous consent that that letter and attachments to it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. Mr. President, as chairman of the Subcommittee on Health and Hospitals of the Veterans' Affairs Committee, I find it a rather unusual situation to be able to state that a budget recommendation for the VA hospital and medical program is adequate. Over the past 5 years, I have consistently found it necessary to seek additional funding over the administration request for these important VA medical programs. This year, however, I am glad to say, the importance of the deficiencies cited by the Chief Medical Director's survey was very evident to the VA and to the OMB, and was apparent in contacts I made with those agencies last summer, fall, and winter to urge that adequate funding be provided to carry out the recommendations made by the survey. I found the VA most cooperative and agreeable, and, by and large, the informal understandings I reached with OMB on adequate fiscal year 1975 supplemental and fiscal year 1976 budget requests for the VA medical and hospital program were kept when the President submitted his fiscal year 1976 budget in February 1975. Thus, Chairman HARTKE and I were in the unusual position of being able to support the budget request amounts for VA hospital and medical care.

I wish to point out, Mr. President, that part of our understanding with OMB and the Department of Medicine and Surgery is that the remainder of the survey report's recommendations will be met in the fiscal year 1977 budget requests for medical care and construction. I shall be looking forward to this commitment being kept as well. We agreed to this postponement because there is just so much which can be undertaken and accomplished effectively in one fiscal year in the way of hiring, renovation, repair, and construction.

However, Mr. President, as we recommended to the Appropriations Committee, we believe that the additional 1,757 in average core staff employment not covered in the budget request but called for in the Special Survey Report continues to be of the highest priority and that recruitment should begin at the end of fiscal year 1976. We will, therefore, seek a reduced amount of funds to meet this staffing need—$28.4 million on an annualized basis—probably $2.8 million will be adequate in supplemental funding next spring.

MEDICAL CARE

In the medical care item, an increase of $349,191,000 over the fiscal year 1975 appropriation will enable the VA to move strongly towards meeting approximately 6,200 of the deficiency of 7,963 hospital core staffing identified in the survey report. I have already spoken on our intention with respect to meeting the rest of this necessary staffing deficiency through the Second Supplemental Appropriations Act.

I would like, however, Mr. President, to inject another word of caution here. The VA budget estimates of the number of outpatient care visits appear to be underestimated by 670,000 visits and the contract hospitalization estimates by 1,228 average daily patients census, with respective dollar amounts potentially short of $20 million and $35,858,000. In addition, with the high rate of unemployment, there may be an overall increased demand for inpatient and outpatient treatment, resulting from the loss of health insurance coverage by veterans who have become unemployed in the last year. If these tentative projections prove to be accurate, and a supplemental request is submitted, I hope the committee will consider such a request favorably.

Mr. President, the increase in the medical care item will also permit the VA to activate additional specialized medical services which the survey report found essential. That report found that 24 hospitals lacked medical intensive care units; 22 hospitals lacked surgical intensive care units; 4 hospitals lacked coronary care units; 32 hospitals lacked respiratory care centers; and 14 hospitals lacked pulmonary function laboratories. The report noted that "good medical care calls for such a unit in every hospital today" and they are "considered by all qualified sources to be absolute requirements for the provision of high quality care."

The amount appropriated for medical care will also permit the activation of 32 new outpatient mental hygiene clinics.

One cautionary note, Mr. President, I concur in the concerns expressed by Chairman PROXMIRE at the Appropriations Subcommittee hearings and in the Appropriations Committee's report regarding underutilization of VA specialized medical units. Our subcommittee will be working with the Department of Medicine and Surgery to improve this situation, as well as to develop a coordinated nursing home/domiciliary care policy and program for the future that will meet the increasing demands of the veteran population for long-term care.

CONSTRUCTION

In addition, Mr. President, serious safety hazards which were identified by the survey report will be corrected by supporting the costs of staff and equipment to meet fire protection standards at 28 VA hospitals, and to support maintenance and repair to correct structural and safety deficiencies identified in the majority of hospitals.

Mr. President, we are grateful that the committee has responded to the concerns Chairman HARTKE and I expressed in our budget submission of April 21, with respect to the zero request for construction of research and education facilities by concurring in the House action including in the bill under major construction $6,259,000 earmarked for the long-deferred Houston, Tex., research and education facility and by adding an earmark of $6,700,000 for construction of the likewise long-deferred research and education facility at Jackson, Miss. The committee action leaves it to the VA to figure out where best to find this $13 million for these two unbudgeted projects.

CEMETERIES

In this connection, Mr. President, the committee has also indicated that certain reprograming of major construction funds requested for national cemetery development might be reprogramed.

Mr. President, the Veterans' Administration is in the process of developing sites for four new regional VA cemeteries. It was the Appropriations Committee's understanding, however, that sites were not yet chosen, and the committee therefore concluded that it was not likely that sites would be developed in fiscal year 1976 and directed that the $8,000,000 proposed in the budget for such site development be reprogramed into other projects unless early site selection at one or more of the cemeteries makes substantial construction progress possible.

I have been advised, Mr. President, that 680 acres at March Air Force Base in California have been requested by the VA. The Department of Defense, with the approval of the congressional committees involved, has released this land for a new national cemetery. The matter is now pending at the General Services Administration. I urge GSA to act quickly so that this land can be released to the VA and site development can proceed.

Mr. President, this information leads me to conclude that the VA is much more advanced in site selection than had previously been thought. Given the committee report language concerning this matter and my discussions with Chairmen Proxmire and Hartke, I anticipate that plans and site development for a national cemetery at March Air Force Base will move ahead in fiscal year 1976. There are also indications that planning is well advanced on a New England site so that the VA should clearly be able to proceed in fiscal year 1976 with significant construction progress on the new national cemeteries, and certainly a reprograming of most of the $8 million will not be called for.

MEDICAL AND PROSTHETIC RESEARCH

In the medical and prosthetic research item, the appropriation will permit the VA to maintain its present level of research, which, given increases in research funding over the last several years, is reasonable this year. However, Mr. President, I have reservations about the impact of a standstill budget on continuing research efforts of the VA and believe that a budget that does not allow for growth cannot be sustained for more than 1 year. I hope that in fiscal year 1977 an appreciable increase will be allowed for research.

MEDICIAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

While the medical administration and miscellaneous operating expense item appropriation is slightly increased over the fiscal year 1975 appropriation, Mr. President, the budget for health personnel education and training, has remained at the same level as the fiscal year 1975 budget. I believe, given the major role the VA system of hospitals and clinics plays in the training of health care personnel for the Nation, this budget item cannot remain static for too long a period. As we indicated in our appropriations submission, we expect that the fiscal year 1977 appropriation will give recognition to this major national resource and will include an appropriate expansion of the appropriation for the VA health care education and training programs.

ASSISTANCE FOR HEALTH MANPOWER TRAINING INSTITUTIONS

Mr. President, I was delighted that this year, for the first time, the administration requested funding for implementation of Public Law 92–541, the Veterans' Administration Medical School Assistance and Health Manpower Training Act of 1972, which I authored in the Senate. This program has, to date, supported the establishment of five new medical schools at State institutions using VA hospitals as clinical facilities, and the establishment of new training programs at 102 institutions affiliated with a VA hospital—including existing medical schools and other health personnel training institutions. In addition, these new programs have produced two critical gains for the VA hospital programs; first, the improved health care provided veterans through teaching programs: and second, enhanced recruitment of highly qualified specialists as staff members of the affiliated hospitals.

As a result of this program, 15 VA hospitals have for the first time become affiliated with a medical schools and the affiliations of some 30 additional VA hospitals have been considerably strengthened.

The administration requested $30 million for support of this program, and this amount is included in the bill reported from committee. Of this amount, $11 million will be used for continued support of the five new medical schools already activated. The $19 million which is available for support of expanded and new training programs at affiliated medical schools or other health training institutions, will be totally utilized to continue existing programs and to make necessary modifications for training facilities in VA hospitals affiliated with institutions receiving grant funds.

Thus, Mr. President, the fiscal year 1976 appropriations request will provide for no new grants to support existing health training institutions in improving and expanding their training programs. I am not going to recommend additional funding for this item at this time, Mr. President, but I do want to say that this program is of such great value, not only to the beneficiaries of the Veterans' Administration, but also to the medical community at large, that I believe the committee should consider the possibility of providing additional funding for this program in the supplemental later this year. There are currently $7,740,540 worth of approved but unfunded grants under this program. These have been carefully evaluated by a careful review process in which a broad range of experts participated. I believe the benefits which can be derived from the support of these programs fully justify their support and hope that when the supplemental is considered, every consideration will be given to appropriating additional funds for this purpose.

Mr. President, I plan to recommend this amount to the Budget Committee for purposes of the reconciliation process in connection with the second concurrent resolution in addition to the $55.9 million I have already described in utilization underestimates in the budget request and the $2.8 million for additional core staffing—approximately 6 weeks' salary needs. The precise amount of these needs will, of course, need to be reestimated in September, but as of now they total $66.5 million. Similarly, we will need from $50 to $70 million more in medical care appropriations to fund VA physicians' special pay called for in my bill, S. 1711, as reported from the Veterans' Affairs Committee, which I trust we will pass next week. The House has already passed a companion measure, H.R. 8240, and the necessary amounts have been taken into account already in the congressional budget process.

GENERAL OPERATING EXPENSES

Mr. President, I am pleased that the committee has approved a last minute supplemental budget request to pay for 1,100 additional VA regional office temporary positions. These positions are urgently needed to handle the extra benefits payment workload created by the economic recession.

I am concerned, however, with the temporary nature of the committee's recommendation with respect to these positions. If the GOE workload remains at its current high level, it appears likely that an annualized appropriation will be needed to fund these positions.

I urge the committee to evaluate carefully this situation, and if necessary, to approve a supplemental appropriation for this purpose.

COMPENSATION, PENSIONS AND READJUSTMENT BENEFITS

Mr. President, I also am pleased that the committee concurred with the higher budget requests—and did not agree with the lower figures in the House-passed bill with respect to appropriations for VA compensation and pensions and readjustment benefits.

I note, however, that past experience has shown that the budget requests greatly underestimate the eventual need. This was certainly the case for fiscal year 1975. The committee has recognized fully the uncontrollable nature of these VA expenditures, and I am confident that the committee and the Congress will act favorably upon any requests for supplemental funding, should it become necessary. I believe the House estimate of $1 billion for this purpose may well be accurate and perhaps on the conservative side.

CONCLUSION

I would like to express my full support for the action taken by the Appropriations Committee with regard to the amounts appropriated for the Veterans' Administration hospital and medical program and the other accounts, with the caveats I've outlined. The distinguished chairman of the subcommittee (Mr. Proxmire) and ranking minority member (Mr. Mathias) have once again demonstrated their insight in distinguishing the essential programs and their commitment to providing the support needed for them.

I urge the Members of the Senate to give their support to H.R. 8070 as reported from committee.

Exhibit 1

U.S. Senate,
Washington, D.C., April 21, 1975.

Hon. William Proxmire,
Chairman, Subcommittee on HUD-Space-Science-Veterans Appropriations, Committee on Appropriations, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: We are writing to express our recommendations with respect to the FY 1975 second supplemental and FY 1976 budget requests submitted by the President with respect to the Veterans Administration hospital and medical program (specifically the medical care, major and minor construction, medical and prosthetic research, health manpower training assistance, extended care facilities and Philippines grants, and medical administration and miscellaneous operating expenses items). We believe that these two budget requests, although certainly not perfect, represent a meaningful response to the deficiencies identified in the VA Chief Medical Director's Special Study of the "Quality of Patient Care at VA Hospitals and Clinics". In weighing overall veterans' medical care priorities and the present economic and budgetary realities, we find the overall request of $4,247,334,000 to be deserving of full support by your Subcommittee, the full Committee, and the Senate.

As indicated in the March 15, 1975, report by the Committee on Veterans' Affairs to the Senate Committee on the Budget (pursuant to section 301(c) of the Congressional Budget Act of 1974 (P.L. 93–344)), a print of which is enclosed for your information, we have carefully reviewed the seven budget items in question and have found certain underestimates for FY 1975 and FY 1976 in the areas of outpatient treatment and contract hospitalization. This information is set forth under item IV.D. on page 7 of the enclosed Committee Print, and, as to FY 1976, an adjustment for such purpose was made in the deliberations and report of the Senate Budget Committee. We are providing this information to your Committee in the event that you wish to provide funding for these purposes either in the FY 1975 second supplemental appropriation bill or in the FY 1976 regular VA appropriation.

We have identified four basic weaknesses in the FY 1976 medical and hospital program budget requests which we believe must be clearly understood in the context of our recommendation that the overall Administration budget request be supported.

(1) The budget for research (taking into account a transfer-in of $2,855,000 in health services research funds) remains static, with $95,000,000 requested compared to appropriations of $91,377,000 for FY 1975. Given increases in research funding over the last several years, we believe that the VA research program can temporarily be sustained within this standstill budget. We urge, however, that your Committee report explicitly recognize this situation and call for inclusion in the FY 1977 request of an appreciable increase in research funding in order to avoid the significant damage to the valuable on-going VA research effort which a second standstill year might occasion.

(2) The budget for health personnel education and training (residents, interns, and other trainees) provides for the training of 73,000 individuals with an average employment for such purposes of 8,170 in FY 1976. These are the same total figures as were supported in the FY 1975 budget request and appropriation; the total FY 1976 allocation from the medical care item for education and training provides an increase of less than $1,000,000 over the $185,476,000 estimated for FY 1975. We urge that your Committee report specifically indicate the need for inclusion in the FY 1977 budget request of sufficient funds to support higher training costs as well as an appropriate expansion of the size of the education and training programs.

(3) The FY 1976 construction budget continues the zero funding of research and education facilities construction which occurred in the FY 1975 construction budget request. Again, although the continuation of this unfortunate situation for one additional fiscal year can be tolerated, if necessary, we believe that it must be terminated with the FY 1977 budget. We thus urge that the Committee report express this view and specifically recognize the need for inclusion in the FY 1977 budget request of funds to cover a significant proportion of all approved backlogged research and education construction projects.

(4) We also note that the combined core hospital staffing to carry out the recommendations in the Chief Medical Director's Special Study in both the FY 1975 supplemental and FY 1976 budget requests falls short by 1,757 in average employment (FTEE) of the 7,963 total specifically identified and found essential in the Special Survey to provide for 24-hour basic services at all VA hospitals, nursing homes, and outpatient clinics. At an average salary of approximately $13,000, this 1,757 in average employment would entail a full-year cost of $28.4 million. We also understand that, in testimony before the House Appropriations Committee last month, Chief Medical Director John D. Chase indicated that these 1,757 core staff positions continue to be necessary and that he felt that persons to fill them were recruitable.

Nevertheless, we understand that it may not be feasible at this point to increase the FY 1976 appropriation overall total request amount (for the seven medical appropriation items) in order to provide for necessary funds to support this medical care employment. If such an increase is not feasible, we recommend that you adopt one of two alternatives to meet this core staffing need: Either (1) decrease the construction request by the $28.4 million—probably by reducing, not eliminating, the amount provided for selected projects in which slippage is likely and deferring their completion dates somewhat; or (2) in view of the addition in overall medical care (core and other) FTEE (9,448) requested in the FY 1976 budget request, defer funding of the 1,757 additional required FTEE until the end of FY 1976 so as to spread out the budgetary impact and yet provide an early start at recruiting late in FY 1976 and under a continuing resolution into FY 1977. This early start is especially important in view of the three-month funding standstill occasioned next year by the transition budget period as we adapt to the new fiscal year dates.

We would, of course, appreciate your favorable consideration of our recommendation for full funding of the total $4.25 billion amount requested by the Administration for the VA medical and hospital program in the seven pertinent appropriation items; the inclusion of the three portions of report language we have recommended; and adoption of one of the two alternative solutions we have suggested to resolve the core staffing short fall. We and our staff will be available to answer any questions you or your staff members might have with respect to these matters.

We also wish to point out that we anticipate enactment of one piece of major medical legislation requiring additional outlays in FY 1976. This omnibus medical legislation will, among other things, provide for pay and other incentives for VA physicians in order to make their overall remuneration more competitive with that in other Federal services and in the community. This measure is currently being drafted and is outlined on page 5 of the enclosed report to the Budget Committee. We intend to introduce this bill in the next few weeks. Estimated FY 1976 expenditures which would be occasioned by enactment of this measure on or about January 1, 1976, will be $55 million. The Senate Budget Committee specifically provided for such outlays and budget authority in its deliberations and decisions on the First Concurrent Resolution it has reported to the Senate.

We know that this recruitment and retention matter is one which was explored in your Subcommittee's hearings both this past fall and last month and is of considerable interest to you. Our staffs will continue to be in contact with yours as we develop this important legislation and proceed through the legislative process with it.

Finally, we note that we expect to be writing to you further with respect to other pending Veterans Administration appropriation items not covered by this letter.

Sincerely,

Vance Hartke,
Chairman.
Alan Cranston,
Chairman, Subcommittee on Health and Hospitals.

Letter of Transmittal

U.S. Senate,
Committee on Veterans' Affairs,
Washington, D.C., March 15, 1975.

Hon. Edmund S. Muskie,
Chairman, Committee on the Budget,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Pursuant to section 301(c) of the Congressional Budget Act of 1974 (Pub. L. 93–344), the following report contains views and estimates with respect to matters within the jurisdiction of the Committee on Veterans' Affairs. Detailed comments concerning the general economic setting for the fiscal year 1976 budget, the President's budget estimates and program changes initiated either by the legislative or the executive branch are set forth in individual sections of this report hereafter. In general, however, it should be observed that the growth in veterans' program outlays are consistent with the general growth of the fiscal year 1976 Federal budget as a whole. Relative veterans' program expenditures have been stable during the Vietnam era despite a 15.3 percent increase in veteran population, comprised principally of young veterans with temporary but higher cost readjustment benefit needs. For the past 5 years, the Veterans' Administration expenditures as a percentage of the Federal budget have remained unchanged at 4.5 percent. Some increases in the submitted budget are anticipated because of projected legislative activity. The largest increases, however, are a result of misestimates by the Veterans' Administration as to the number of veterans and dependents applying and qualifying for various entitlement programs.

Inasmuch as this is the first experience of the Committee in responding to section 301 (c) of the Budget Control Act of 1974, the estimates and views contained herein are less precise than hopefully will be possible in future years. Further, because of the time constraints inherent in this year's tight schedule, all such estimates and views do not necessarily reflect the views of each member of the Committee as to each particular subject area.

If I or the Committee staff may be of further assistance in your consideration of veterans' programs, please do not hesitate to let us know.

Sincerely,

Vance Hartke,
Chairman.

Budget Views and Estimates for Fiscal Year 1976

I. COMMENTS ON THE GENERAL ECONOMIC SETTING FOR THE FISCAL YEAR 1976 BUDGET

The general economic setting of high unemployment and the continued rate of inflation projected for fiscal year 1976 will affect the veterans' programs in a number of ways. With respect to inflation it should be remembered that 72 percent of the VA budget represents transfer payments. Thus, veterans' income security programs, such as compensation for disabled veterans, will have to be adjusted to reflect cost-of-living increases, currently estimated to reach 14 percent by the commencement of fiscal year 1976, since enactment of Public Law 93–295. Similarly, the effect of inflation on non-service-connected pensioners will also have to be considered by the Committee in its deliberations this year concerning pension restructuring, discussed infra. Further, it is anticipated that inflation will also affect the Veterans' Administration in the acquisition of food, fuel, and medical supplies as well as in carrying out major and minor construction projects identified in the fiscal year 1976 $403.9 million budget request for these purposes. Additionally, projected inflation will require wage increases—and a concomitant supplemental appropriation—for the Veterans' Administration's 205,766 employees. Thus, all of the foregoing could require additional spending if the original program scope is to be maintained.

The continued economic recession and high unemployment rates experienced by veterans should also have a significant impact on the use of certain veterans' entitlement programs, which can in part be considered counter-cyclical in nature. In February, younger Vietnam era veterans were experiencing an unemployment rate of 17.3 percent, substantially higher than for their nonveteran counterparts. Thus, lack of promising readily available jobs, coupled with more adequate educational assistance benefits enacted in Public Law 93–508, should result in a greater number of Vietnam era veterans entering training than was originally estimated by the Veterans' Administration over 12 months ago. The continued depressed state of the economy may also have a significant impact on the number of veterans or survivors applying and qualifying for pension benefits or for VA hospital, nursing home, or domiciliary care. Potential VA liability in the housing programs it administers may be affected if mortgage foreclosure rates increase sharply in the coming months.

II. THE BUDGETARY IMPACT OF MAJOR NEW PROGRAMS OR PROGRAM CHANGES

A. Compensation and dependency and indemnity compensation

Compensation is an entitlement program providing monthly payments to veterans who are "compensated" for impaired earning capabilty resulting from service-connected disabilities. The fiscal year 1976 budget projects payments of $3.744 billion for 2,211,000 disabled veterans. Death compensation or dependency and indemnity compensation (DIC) is an entitlement program providing monthly benefits to widows and dependents of veterans whose deaths were a result of service-connected causes. Approximately $873.1 million is scheduled to be paid to 366,000 survivors in the fiscal year 1976 budget submitted by the administration.

Both compensation and DIC rates were increased by the Veterans Disability Compensation and Survivor Benefits Act of 1974 (Pub. L. 93–295) effective May 1, 1974. Normally, these benefits are adjusted every 2 years. Given the rapid increase in the Consumer Price Index to date, and projected increases for the remainder of the year, however, it is clear that there will be a pressing need for rate adjustments this year in the range of from 10 to 14 percent producing first full-year additional costs of from $300 to $600 million. Presumably there will also be increased "tax expenditures" resulting from the non-taxable status of such benefits. In addition, the Committee will review a study of dependency and indemnity compensation denials recently submitted by the VA pursuant to section 201 of Public Law 93–295 to determine if legislation liberalizing the criteria for entitlement to these benefits is warranted. The need for, and prospect of such legislation is uncertain at this time; the costs entailed would be minimal.

B. Pension

Pensions are need-based monthly entitlement benefits payable to wartime veterans and dependents of deceased veterans for non-service-connected disability and death. (Those aged 65 or over are by statute presumed to be totally disabled, leaving economic need as the only test.)

The administration's budget assumes 2,215,310 veterans and survivors will receive pension benefits at a cost of $2.719 billion in fiscal year 1976. The Committee will continue its investigation of proposals to restructure totally the pension system in order to eliminate certain inequities and inconsistencies in the current system. Proposals to restructure the system are modeled on the supplemental security income program and would be applicable to all new beneficiaries; existing pensioners could elect coverage under the new system or continue under the current program.

Consideration of the administration's pension proposals submitted in fiscal years 1974 and 1975, as well as variations thereof, have been delayed by the lack of reliable, available data requested of the Veterans' Administration during the past 2 years. We are advised that a new computer "simulation model", under development by the Veterans' Administration, will be completed in 30 to 45 days. This model should enable Committee consideration of these proposals to go forward. In addition, the Committee also expects to be aided by a study of the economic needs of older veterans and survivors to be submitted by the Veterans' Administration, pursuant to section 207 of Public Law 93–527, shortly after commencement of the coming fiscal year.

Although long-range savings are projected, immediate increases in pension costs are anticipated under either the administration's proposal or variations being considered. The tentative cost estimates for the administration's fiscal 1975 pension proposal for the first full year are for $516 million in additional expenditures. This figure does not represent a net increase to the total Federal budget, however. There should be a substantial corresponding decrease in costs under the supplemental security income program, which currently serves many of the projected pension beneficiaries. Prospects for Senate passage of pension restructuring legislation during fiscal year 1976 at some point are considered good, but subject to the uncertainties of obtaining adequate information from the Veterans' Administration as well as the adamancy of the administration's position, which requested "deferred" consideration of the proposal last fall and which did not include it in the fiscal year 1976 budget submission.

C. Readjustment assistance benefits

The Vietnam Era Veterans' Readjustment Assistance Act of 1974 (Pub. L. 93–508), among other things, provided for up to an additional 9 months of educational assistance benefits eligibility for those veterans entitled to the maximum eligibility of 36 months. This additional 9 months of benefits can only be used in the pursuit of an undergraduate degree. As originally passed by the Senate on June 19, 1974, by a vote of 91–0 (and subsequently unanimously ratified by the Senate in the first conference report), the additional entitlement was not so restricted. Legislation has been introduced in both bodies to remove this restriction, and congressional approval is anticipated although the administration is expected to continue its strong opposition. The Veterans' Administration estimates the first full-year cost of this amendment to be approximately $77 million.

D. Medical care

The VA medical and hospital system (171 hospitals, 212 outpatient clinics, 85 nursing homes, and 18 domiciliary facilities) is estimated in the fiscal year 1976 budget to provide 14,743,000 outpatient visits (1,972,000 on a fee basis) and maintain an inpatient average daily census of 119,152, treating 1,246,531 veterans over the fiscal year. The fiscal year 1976 medical care budget request is $3,667,866,000, up $343,346,000 over fiscal year 1975. This will provide for an increase of 9,448 in average employment of health care personnel.

Medical and prosthetic research (taking into account a transfer-in of $2,844,000 in health services research funds) remains static, with $95 million requested compared to appropriations of $91,377,000 for fiscal year 1975. The amount requested for the Medical Administration and Miscellaneous Operating Expenses item—$38,528,000, requested, up $850,000 over the fiscal year 1975 appropriation, with an average employment increase of 27—will staff the Central Office Department of Medicine and Surgery, carry out certain research and development activities and continuing education programs, and increase by 17 percent funding for the exchange of medical information program.

The construction (major and minor) budget request of $403.9 million for VA hospital and medical facilities is up $100.9 million over fiscal year 1975 appropriations (which includes a $34.9 million fiscal year 1975 supplemental appropriation request), with projected obligations up $114,167,000 from the level projected for fiscal year 1975. Of the $398,893,000 in construction costs identified in or in connection with the special study, carried out by the VA Chief Medical Director, of the "Quality of Patient Care at VA Hospitals and Clinics", the fiscal year 1975 supplemental request ($34,908,000), the fiscal year 1976 request ($224,708,000), and the transitional budget request ($5,177,000) meet $264,803,000 of these projects. A total of $134,100,000 in needed funding for these projects was deferred for future budgets. The assumption is that these projects will be included in the fiscal year 1977 construction budget request. The special study projects which have been funded fall into the following categories; Elimination of safety hazards and correction of electrical deficiencies; air-conditioning and boiler plants; ambulatory care and nursing home care projects; and patient support systems, essential specialized medical services, and clinical improvements. The $150 million remainder of the construction budget provides $130,554,000 for replacement and modernization and planning thereof for facilities at 16 VA hospitals and construction of one hospital at a new site; $14.8 million for general administrative costs of the Office of Construction; $16.6 million for cemetery work; $5 million to correct seismic deficiencies; and funds necessary to complete other projects.

For the first time, the administration has requested funding for the new chapter 82 added to title 38 by Public Law 92–541, the Veterans' Administration Medical School Assistance and Health Manpower Training Act of 1972. Previously, Congress has appropriated $55 million to carryout this new health manpower training authority. Thus far, 5 medical schools (with one more under serious consideration) have been identified for initiation in conjunction with State universities, utilizing VA hospital clinical facilities; $3,417,000 has been obligated out of the $25 million available for this purpose (subchapter I of chapter 82). Of the remaining $30 million appropriated, approximately $21 million has been obligated for expansion of training capacity at existing medical and dental schools affiliated with VA hospitals and for initiation and expansion of other health manpower training facilities (subchapters II, III, and IV of chapter 83).

The overall VA medical care, administration, research, and health manpower assistance, and construction budgets are generally considered adequate based on the workload projections and other estimates in the budget, with two caveats: The standstill budgets for research (described above) and education and training (residents, interns, and other trainees—projected at 73,000 with 8,170 average employment, the same as in fiscal year 1975, with a total fiscal year 1976 allocation increase of less than $1 million over the $185,476,000 estimated for fiscal year 1975) are acceptable for fiscal year 1976 in view of immediate overall veterans' medical care priorities. However, these two areas will clearly require significant increased funding in fiscal year 1977, as will construction of research and education facilities, a category totally neglected in both the fiscal year 1975 and fiscal year 1976 requests.

The Veterans Health Care Expansion Act of 1973 (Pub. L. 93–82) provided for significantly expanded overall eligibility, particularly for outpatient care, for the treatment of non-service-connected disabilities of veterans, especially those with serious service-connected disabilities (80 percent or more). The act also made improvements in the nursing home care program for service-connected care; provided for certain care of service-connected veterans' dependents; and made numerous other improvements in title 38 with respect to personnel authorities, education and training of health care personnel, reimbursement for property loss and for health care provided in private facilities, and other matters.

As a result of enactment of Public Law 93–82, certain technical and clarifying changes will be required in title 38 provisions which will entail no significant costs. These changes will likely be proposed and approved in fiscal year 1976, as part of an omnibus veterans medical bill, which also will: (1) Improve and expand the veterans drug and alcohol treatment and rehabilitation program along lines twice passed by the Senate in S. 2108 (92d Congress) and S. 284 (93d Congress); (2) provide for readjustment professional counselling for recently discharged veterans (and, where necessary, their family members); (3) establish minimum due process requirements for separations and disciplinary actions affecting VA doctors, dentists, and nurses in probationary and post-probationary status; (4) provide for VA health care responsibility for a greater number of service-connected disabled veterans (currently only those with 80 percent or higher rated disabilities); (5) ensure priority care for the outpatient treatment of veterans' service-connected disabilities; (6) expand and improve the VA and contract nursing home care programs (including provision for inhouse intermediate care); (7) add special authorities to enable the VA to recruit and retain physicians, dentists, nurses, and other health care personnel in view of the $36,000 Federal pay ceiling; (8) clarify VA authority, and establish a revolving fund, for work-for-remuneration rehabilitative therapy programs; (9) improve the guardianship procedures for VA patients and the disposition of their funds; (10) extend the exchange of medical information program's authorization of appropriations; and (11) provide for a procedure to ensure equitable travel expenses and per diem rates for veteran beneficiary travel. This legislation is estimated to entail $95 million in additional expenditures for the first full year.

III. BUDGETARY IMPACT OF ACTION ON PRESIDENTIAL LEGISLATION PROPOSALS

A. Readjustment benefits

The administration has requested legislation to repeal the 2-year extension of delimiting period for readjustment assistance benefits provided by Public Law 93–337. If enacted, such legislation would reduce outlays by $161 million in fiscal year 1975 (using the April 1, 1975 effective date assumed in the President's budget) and $600 million in fiscal year 1976. Despite administration opposition, Congress unanimously enacted legislation last July providing for an additional 2-year period within which to utilize educational assistance benefits. It is highly unlikely that the proposed repeal of this legislation will be enacted.

B. Medical care

The administration has also requested legislation to effect reimbursement to the VA by private insurers for the cost of inpatient hospital and medical care and treatment provided for the non-service-connected disabilities of veterans with health insurance coverage. Enactment is estimated to reduce budgetary outlays by $61 million in fiscal year 1975 and $122 million in fiscal year 1976. Identical proposals have been submitted annually since 1970 without favorable action by either body. It is equally unlikely that this legislation will receive favorable action in the current fiscal year or next.

C. Additional legislation or administrative initiatives

Although not reflected in the submitted budget, there are certain additional administrative and legislative initiatives by the administration which can presently be expected. It is anticipated, for example, that the President will by proclamation, prior to the commencement of fiscal year 1976, set a termination date to the "Vietnam era". This proclamation will have the effect of eliminating eligibility for certain veterans programs (notably pension and burial benefits) for those entering the armed forces after the termination date. While this will have long-range implications, there should be minimal budgetary impact in the fiscal year 1975 or fiscal year 1976. Legislation, however, will be needed to terminate the educational assistance benefits program. It is generally anticipated that such legislation would be submitted concurrently with the Presidential proclamation terminating the Vietnam era. If enacted, it would have little immediate budgetary effect (for at least 3 years) other than with respect to "inservice" educational benefits paid for under the GI bill by the Veterans' Administration on behalf of active duty servicemen. Termination of such inservice benefits would reduce VA outlays by approximately $20 to $30 million in the first full year. This would not necessarily reduce total Federal outlays, however, since it may be presumed that the Defense budget would increase by a like amount in order to continue active duty education programs.

The probability of enactment of this legislation is very uncertain with prospects for passage apparently greater in the House than in the Senate.

In the area of compensation, the Administrator currently has administrative authority to adjust the disability rating schedule to reflect actual impairment of earnings ability. Since August 1974, a proposal to increase the ratings for certain disabilities found to be undercompensated, has been pending within the executive branch. If such administrative action were forthcoming, it could result in additional compensation outlays of up to $144 million in fiscal year 1976.

IV. COMMENTS ON PRESIDENT'S BUDGET ESTIMATES FOR PROGRAMS ALREADY AUTHORIZED

A. Compensation and pension

Although the compensation population is now generally static following termination of hostilities in Vietnam, economic conditions can have an important effect on the need-based pension program both as to caseloads and payment levels. Because of the sharp downturn in the economy, not contemplated when budget estimates were first proposed, it now appears that a supplemental appropriation of at least $100 million will be needed for the remainder of fiscal year 1975. For the same reasons, another $100 to $200 million above submitted budget estimates will probably be required for fiscal year 1976.

B. Readjustment benefits

As mentioned previously, GI bill benefits are a viable alternative for many unemployed veterans. The increased attractiveness of the program occasioned by enactment of Public Law 93–508 together with sharp increases in veterans' unemployment rates have rendered earlier prepared budget estimates obsolete. While figures are incomplete, it would appear that enrollment in GI bill programs is presently running 12 to 25 percent above previous estimates. Fiscal year 1975 budget estimates now appear to be underestimated by $300 to $400 million. Similarly, an additional $400 to $500 million in outlays will probably be required for fiscal year 1976.

C. General operating expenses

The present budget reflects a decrease of 495 in general operating expenses (GOE) personnel. This decrease is predicated on projected decreased workloads and also apparently on enactment of legislation repealing the extended delimiting period within which to use GI bill benefits. As noted previously, both of these assumptions are of doubtful validity. Further, this decrease in personnel ignores additional requirements to administrative workloads resulting from legislation enacted last year. Public Law 93–508 for example, requires the hiring of 600 additional campus veterans representatives and mandates the VA to undertake, for the first time, data collection, review, and evaluation of VA benefits programs on a regular basis. Additional controls, pursuant to new legislative requirements, to prevent abuses in the education program, also require that additional personnel be hired. Enactment of the Veterans Housing Act of 1974 (Pub. L. 93–569), creating expanded loan authority for condominiums and mobile homes, also will require the hiring of additional personnel.

In sum, it appears that it will be necessary not only to restore the 495 employees, but to hire an additional 1,165 as well, as a net increase in the GOE budget of $19 million.

D. Medical care

There are three areas in which there may be underestimates in the budget with respect to various aspects of the VA medical and hospital program. First, over the last several years the budget estimates of outpatient care visits have run consistently low. Although outpatient treatment is estimated to increase by 1 million inhouse visits over the fiscal year 1975 (11,771,000) level projected in the budget request, recent experience would indicate that this is low. For example, the increase projected by the budget is considerably less, both in absolute terms and as a percentage increase, than the utmost 13 percent increase originally projected for fiscal year 1975 over the 10,457,830 visits experienced in fiscal year 1974. In this connection, it must be noted that 1974 was the first fiscal year where the new outpatient care eligibility in the Veterans Health Care Expansion Act of 1973 (Pub. L. 93–82) began to impact on outpatient visit caseloads. At this time, it would appear that the fiscal year 1975 estimate is about 5 percent too low and that the additional work generated by Public Law 93–82 will increase the total fiscal year 1975 outpatient visits by about 527,000. Using an average of $30 per outpatient visit, the medical care budget in terms of outpatient visits is thus underestimated in fiscal year 1975 by $15.8 million. For fiscal year 1976, it would appear to be underestimated by 670,000 visits or $20 million.

Second, the budget includes an estimate of 975 in average daily patient census (ADPC) for contract hospitalization of 975, costing $28,468,000. This seems to be underestimated by 25 percent; fiscal year 1976 requirements will more likely be a 1,228 ADPC, with a total cost of $35,858,000.

A less certain area of possible underestimate in the budget is with respect to overall increased demand for inpatient and outpatient treatment which could be generated by the high unemployment rate and the concomitant loss of health insurance coverage by previously covered former workers. Congress now has before both Houses legislation to provide coverage for unemployed workers whose health insurance benefits have lapsed by virtue of their job loss, and enactment of such legislation would likely obviate this potential area of increase in demand on VA medical facilities. Since the administration has strongly opposed this legislation, however, its enactment certainly cannot be presumed, and, hence, the VA system may well experience an increase in demand for health services brought about by the lapse of health insurance coverage due to unemployment.

Mr. WEICKER. Mr. President, I rise to commend the Senate Appropriations Committee for appropriating $35 million to implement the section 802 program.

This program, enacted as part of the Housing and Community Development Act of 1974, is designed to assist State housing and development agencies in raising funds for the construction of low- and moderate-income housing through the issuance of taxable bonds.

To meet our housing goals will require a strong and active commitment by both the Federal and State governments, as well as the private sector. The States can and must play a major role in providing a suitable living environment for all Americans. To date, 33 States have created State housing agencies, whose public mandate is to finance and assist the construction and rehabilitation of housing for low- and moderate-income Americans.

By implementing section 802 program, these agencies will be able to finance these essential housing projects, not only in the tax exempt market, but also in the largely uptapped taxable market.

Mr. President, during the consideration of the first supplemental appropriations bill, the Senate adopted an amendment which appropriated $25 million for the section 802 program. Unfortunately, this provision was dropped in conference. At that time, HUD stated that they needed more time to study this program. Well, now nearly 1 year has passed, and HUD is still reviewing this program.

The Council of State Housing Agencies have offered their assistance to HUD in the development of regulations to implement the program. What has been HUD's response? Delay. Inaction.

At this point, I would like to highlight an appropriate section of the Senate committee's report.

> In appropriating these funds, the Committee intends that the HUD secretary will prepare regulations and implement this program as soon as possible with respect to the provisions for interest reductions as well as for Federal guarantee of bonds to be issued by states for the revitalization of slum areas and assist in the financing of housing for low and moderate income housing in connection with such revitalization.

This strong report language makes it clear that the Senate will not tolerate any more footdragging on this program. We need action, not further study.

Since the moratorium in 1973, the housing problems have increased, the backlog of need continues to grow and the capability for producing housing has diminished.

It is my understanding that the administration is opposed to the HUD appropriations bill, as reported out of the committee. One of the reasons the administration cites is the committee's decision to fund the section 802 program.

The Council of State Housing Agencies, in response to HUD criticism, presented a convincing case, in a letter to Senator Proxmire. Their letter refutes the objections expressed by the administration's spokesman. I ask unanimous consent that this letter be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Council of State Housing Agencies,
July 14, 1975.

Senator William Proxmire,
U.S. Senate,
Washington, D.C.

Dear Senator Proxmire: I am writing to you as Chairman of the Appropriations Subcommittee to request your support for inclusion in the pending appropriation bill for the Department of Housing and Urban Development of an appropriation of $50,000,000 of contract authority to fund the interest differential commitment authority under section 802 of the Housing and Community Development Act of 1974.

Section 802, as you know, provides new authorities to assist State housing and development agencies to raise funds for their programs through the issuance of taxable obligations in the private money market. It was enacted at Congressional initiative, with Senator Weicker and Representative Reuss taking lead roles and with the strong support of the Council of State Housing Agencies and the National Governors' Conference.

HUD has not yet, almost a year after Congress's enactment of this new provision, started to implement these new authorities, nor has it announced when or under what ground rules, or even whether, it will begin to operate this program.

As you know, HUD argued that last time Section 802 came up for funding, in the January supplemental appropriation bill, that it needed more time to study this provision. They are still "studying" it.

Based on a poll of 17 state agencies, including all the Directors of the Council of State Housing Agencies and many of its members, conducted this week, I can report unanimous and increasing support for this program. We thus request that, particularly in view of this unfortunate pattern of HUD delay, which you have criticized in the past, you propose or support enactment of an appropriation to provide the necessary initial funding for this program.

Since January the need for and the potential effectiveness of the Section 802 program has grown greater. The basic intent of the programs is twofold: (a) to provide an incentive to state housing agencies to issue taxable rather than tax exempt bonds and (b) to provide federal guarantees for such bonds in circumstances where the activities to be financed meet important federal policies but the attendant difficulties and risks require special federal support. Since January it has become clear that the tax exempt bond market has suffered disproportionately from present tight credit and high interest rate conditions. Largely because of the relative inelasticity of municipal and other tax exempt issuers' needs for credit, interest rates in the tax exempt market have approached rates for comparable securities in the taxable market. The loss in federal tax revenues resulting from tax exempt issues has risen correspondingly. Section 802 provides a unique opportunity right now to ease the pressure on tax exempt interest rates generally and open new markets for state housing agency bonds, while increasing federal tax revenues.

At the same time, since January it has become clearer that bonds which do not obtain the highest ratings must pay disportionately higher interest rates. Thus state housing agencies now find, to a greater extent than before, that they cannot undertake worthy, viable and important projects in areas of need if these might reflect adversely on the agency's bond rating. The need for federal guarantees is thus greater than ever if agencies are to tackle certain areas of real housing needs in their states.

In this regard, I want to express strong disagreement with a statement by Mr. David deWilde of HUD to you in the recent hearings concerning Section 802. He claimed that since agencies with lower credit ratings were most likely to use guarantees and interest subsidies "the program would in a sense be rewarding weak fiscal management". This statement disregards the fact that lower credit ratings can just as well result from housing finance efforts which are well managed and financially sound but which, because of the nature of the lower income housing needs they seek to meet, inherently involve greater risks than * * *

Such risks will commonly be involved, for example, in the case of issuers seeking to finance housing under HUD's new Section 8 housing assistance program. There is thus clearly a category of applicant, even among agencies with lower ratings, deserving of support; HUD has ample administrative discretion and capacity under the Section 802 program to distinguish between such applicants and those not deserving.

Mr. deWilde's other arguments against Section 802 seem equally insubstantial:

(a) He fears that the program may increase aggregate borrowing in capital markets and thus result in higher overall interest rates. An intent of the program is, of course, to assist borrowing by state housing agencies; does Mr. deWilde's objection mean that he wishes such agencies to be less active and, thus, not to participate in meeting lower income housing needs and in relieving the present recession in the housing industry? Basic administration policy at this time appears to favor a stimulation of production and rehabilitation of housing. State housing agencies in our view offer the most practicable method for financing new construction under the Section 8 program. Section 802 meets these objectives in a way that will hold interest rates down by permitting a better balance of demand between the taxable and tax exempt markets.

(b) Mr. deWilde questions whether the subsidizing of interest to encourage use of taxable bonds is cost effective if the tax exemption is not simultaneously eliminated on all municipal bonds. We fail to see the connection. Each time that a taxable bond is issued in lieu of a tax exempt bond, additional tax revenues are derived equal to, on the average, as much as 40% of the interest earned on the taxable bond, according to Treasury Department estimates. A subsidy of 33% of such interest amount will cost less to the federal government than the additional revenues derived. In addition, Mr. deWilde's position appears to conflict with past Treasury policy, which actively promoted the use of taxable bonds with correspondingly increased federal subsidies in limited fields rather than use of tax exempt bonds in such fields. Results of this policy include new community debentures under PL 91–609, land development loans under Title I of last year's housing act and Hill-Burton hospital loans.

We should add that we would strongly oppose any effort to eliminate the tax exemption for state and local government and agency obligations. The intent of Section 802, as Congress made clear in the Committee reports on that provision, is to provide an additional financing option to state housing agencies, and not to limit the existing authority of those agencies.

(c) Mr. deWilde states that changed economic conditions require new analyses of Section 802. As indicated earlier in this letter, changed conditions have essentially served to increase the need for and importance of Section 802.

As we have stated before, the Council of State Housing Agencies stands ready to assist HUD in any way possible to develop program guidelines, forms and procedures which will allow Section 802 to be promptly implemented. With your support, we hope to have that chance soon.

Sincerely,

JOHN G. BURNETT,
President.

Mr. WEICKER. Mr. President, in 1973, the Federal Government abandoned the goal of providing a decent home for all Americans. The section 802 program is designed, in part, to provide these State agencies with the Federal assistance that is necessary to tackle the tough jobs in our inner cities.

I am deeply disappointed with HUD's opposition to this program. To me, their position on this matter is indicative of an overall lack of commitment to the housing goals, as set forth by the Congress.

I hope this appropriation of $35 million will survive a House-Senate conference committee. The States have the expertise and the enthusiasm to do the job. Let us not allow the apathy in Washington to kill this vitally needed program.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment. If there be no amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The ACTING PRESIDENT pro tempore. The bill having been read a third time, the question is, Shall it pass?

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. The yeas and nays have already been ordered.

ORDER OF PROCEDURE

Mr. MANSFIELD. Mr. President, parliamentary inquiry.

Is it not just about time to proceed to the vetoed legislation?

The ACTING PRESIDENT pro tempore. The Senator is correct. In 1 minute the Senate will proceed to consideration of the veto message.

Mr. MANSFIELD. Would the Chair consider using that 1 minute so we may finish it 1 minute sooner?

I ask unanimous consent that that be done.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the unfinished business, the HUD appropriation bill, follow immediately the vote on the veto.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. And I ask unanimous consent that the second vote take 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SPECIAL HEALTH REVENUE SHARING ACT OF 1975—VETO MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States returning, without approval, the bill (S. 66) to amend the Public Health Service Act and related health laws to revise and extend the health revenue sharing program, the family planning programs, the community mental health centers program, the program for migrant health centers and community health centers, the National Health Service Corps program, and the programs for assistance for nurse training, and for other purposes, which reads as follows:

To the Senate of the United States:

I am today returning, without my approval, S. 66, a bill to amend the Public Health Service Act to provide support for health services, nurse training, and the National Health Service Corps program.

This bill is very similar to two separate bills which I disapproved during the last session of the 93rd Congress, H.R. 14214 and H.R. 17085. In my memorandums of disapproval, dated December 23, 1974, and January 3, 1975, respectively, I cited a number of reasons why I could not approve those bills. Those objections remain valid for the measure before me today.

As in last year's bills, S. 66, would authorize excessive appropriation levels. I realize that in considering the bill this year, the 94th Congress made some reductions in the total cost of the measure. However, the levels authorized are still far in excess of the amounts we can afford for these programs. The bill would authorize almost $550 million above my fiscal year 1976 budget request for the programs involved, and it exceeds fiscal year 1977 levels by approximately the same amount resulting in a total increase of $1.1 billion. At a time when the overall Federal deficit is estimated at $60 billion, proposed authorization levels such as these cannot be tolerated.

When I signed the Tax Reduction Act of 1975, I pledged to do everything in my power to keep this year's deficit from exceeding $60 billion and to restrain the longer-run growth in Federal spending. I stated that I would resist every attempt by the Congress to add to that deficit. Bills currently being considered by the Congress would add $25 billion to the fiscal year 1976 deficit and $45 billion to next year's deficit. If they were to become law, they would lock us into a permanent policy of excessive spending and make the Federal budget a primary cause of inflation for years to come. To avoid this, I have no choice but to veto these bills if the Congress insists upon sending them to me.

Apart from its excessive authorization levels, S. 66 is unsound from a program standpoint. In the area of health services, for example, the bill proposes extension and expansion of Community Mental Health Centers projects which have been adequately demonstrated and should now be absorbed by the regular health services delivery system. S. 66 also would continue and expand such separate categorical programs as Community Health Centers and Migrant Health Centers. In addition, it would authorize several new narrow categorical, and potentially costly programs which duplicate existing authorities, including $30 million for the treatment of hypertension, $17 million for rape prevention and control, $10 million for home health service demonstration agencies, and $16 million for hemophilia treatment and blood separation centers. Three new national commissions on specific diseases also would be established. The expansion of the Federal role in health services delivery through such narrow categorical programs is not consistent with development of an integrated, flexible health service delivery system.

The Administration repeatedly and vigorously has opposed measures such as S. 66 and urged passage of a more effective and more equitable approach to Federal assistance for health services. H.R. 4819 and S. 1203, which reflect our proposals, would consolidate various separate programs into the flexible project grant authority of the Public Health Service Act to allow funding of a wide variety of health services projects based on State and local needs. Moreover, such programs would be for demonstration purposes. Once a new service model has been adequately tested, its adoption into the delivery of services can—and should—be the primary responsibility of the private sector and State and local governments.

The Federal role in overcoming barriers to needed health care should emphasize health care financing programs—such as Medicare and Medicaid for which spending is estimated at $22 billion this year. These programs establish specified eligibility and benefits standards and provide assistance generally available to those most in need, such as the poor and the aged. S. 66, on the other hand, would have the Federal Government select individual communities and groups for special funding assistance. In my view, this is clearly an inequitable approach to health problems and an unwise attempt to substitute judgments made in Washington for those of responsible persons in State and local governments and the private sector.

In extending the registered nurse training authorities, S. 66 inappropriately proposes continuation of large amounts of capitation and construction support. These support mechanisms have outlived their usefulness. They were introduced to stimulate nursing schools to educate more general-duty nurses because of an overall shortage. The schools responded, with enrollments in baccalaureate and associate degree programs rising by more than 90 percent during the period 1970–74. As a result, with no further Federal stimulation, we can expect the supply of active registered nurses to increase by more than 50 percent during this decade.

With these increases, the employment market for general duty nurses already is tightening in some areas. As early as January 1973, the American Nurses' Association stated that ". . . it appears that the shortage of staff nurses is disappearing." Our failure to limit growth now could result in our training an excess number of nurses, creating the same kind of oversupply that has left thousands of elementary and secondary school teachers disillusioned with the lack of teaching opportunities.

The general nursing student assistance provisions contained in this bill are largely duplicative of existing undergraduate student aid programs offered by the Office of Education, and represent just one more unnecessary categorical program.

The bill also fails to shift emphasis in any meaningful way from problems of aggregate supply shortages to the problem of geographic maldistribution, which is reflected in very substantial intra- and inter-State differentials in nurse-to-population ratios.

S. 66 continues to treat nurse training separately from the other health professions. The Congress is now considering various measures for Federal support for education in other health professions. Nurse training should be considered as part of that debate to inter-relate health manpower education programs rather than to perpetuate a fragmented Federal health professions policy.

Finally, S. 66 provides for a one-year extension of the National Health Service Corps. I support this fine program, and the Administration has submitted legislation to the Congress for its extension. I believe, however, that the authorization level proposed in S. 66 of $30 million for fiscal year 1976 is excessive.

Good health care and the availability of health personnel to administer that care are obviously of great importance. I share with the Congress the desire to improve the Nation's health care. I am convinced that legislation can be devised to accomplish our common objectives which does not adversely affect our efforts to restrain the budget or inappropriately structure our health care system. I urge the Congress to pass such legislation, using the bills I have endorsed as the starting point in such deliberations.

GERALD R. FORD.

THE WHITE HOUSE, *July 26, 1975.*

The Senate proceeded to reconsider the bill.

Mr. MANSFIELD. Mr. President, I yield my 15 minutes to the distinguished Senator from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY. Mr. President, the measure we are now considering is one which is of great importance to millions of Americans, and I hope this body will override the President's veto.

The President of the United States has vetoed S. 66, which includes the nurse training and the health services programs. In the last Congress he pocket vetoed this legislation.

Earlier this year, in an attempt to try to work with the administration, the Subcommittee on Health combined these programs, brought them to the floor of the Senate, where they were passed overwhelmingly.

In the conference with the House of Representatives, we settled on a figure with the House of Representatives which was lower by $500 million than the bill passed by the Senate and actually a lower figure than in the bill passed by the House of Representatives.

So that the bill we are considering now, in the amount that is being authorized, contains a lower authorized figure than that which was passed unanimously by the House of Representatives or which was passed by the Senate.

We have attempted to provide legislation which is realistic and fiscally responsible. We have tried to compromise with the President. Essentially, Mr. President, 96 percent of the moneys that we are authorizing here will be used for continuing existing programs. Only 4 percent of the moneys we are authorizing in these programs are for any new initiatives.

One initiative is a home health service program, to find innovative and creative ways of bringing health services to people in their homes, so that elderly people, if they wish, can remain in their homes, rather than going to nursing homes and other institutions, and to try to provide initial seed money to find ways by which we will be able to save the Federal Government hundreds of millions of dollars in the program.

S. 66 is basically a continuation of existing, badly needed health programs. We are providing a degree of flexibility for the Committee on Appropriations so that they may be able to adjust and raise some programs and to decrease others, if that is their judgment.

Why are these programs so important, and what basically are the programs about which we are talking? We are talking about programs to train nurses in this country—including nurse practitioners. This portion of the bill also includes the capitation, special project, and construction program for nursing schools and their students.

One of the key problems we are facing in the health care crisis in this country is in trying to find sufficient manpower, appropriately trained and in the right places. This program is directed to attempt to meet that challenge.

Besides the nursing aspect of the program, we have the health service delivery system, including neighborhood health centers, one of the most imaginative and creative programs, to try to deliver health care to communities where people are in the greatest need.

We have a neighborhood health center program and the community and mental health program in this proposal. In view of the kinds of problems we are facing generally in the whole public health area, community mental health is one of the most important. These programs are extremely important. This authorization provides for a continuation of the community mental health program. Those programs are providing extraordinary kinds of value today to the citizens and the communities in which they live.

Finally, we have the National Health Service Corps, to try to provide trained, educated, and motivated young people to go into the underserved areas of this country—young people, who because of their commitment and concern for providing decent health care in many of the underserved communities, whether rural or urban, are going to provide this kind of training. It is an expanding program, and it is appealing to more and more of the medical school graduates in this country.

These are some of the programs: nurse training, delivery of health home programs, a very limited number of new programs, as I mentioned earlier. These are the backbone of our health care system.

These programs essentially have been vetoed on a previous occasion. They are now under a continuing resolution. I believe that unless we are able to override the President's veto, we are sounding the death knell of these programs for the people who are being hardest hit by the problems of inflation and recession in our country.

I am very hopeful that this body will override the President's veto. As I say, the measure we bring to the Senate today is fiscally sound, a modest increase as to the total number appropriated last year.

Ninety-six percent of the authorization goes to continuing existing programs, not new, untried programs—existing programs that are benefiting millions of American people. This veto must be overridden.

In reviewing the Budget Committee's recommendations, we find that for the one fiscal year, the program provides $900 million for health resources administration, full funding of new legislation for the extension of health teaching facilities and construction programs. This is a $2 billion program for 2 years. I daresay that we are completely within the guidelines of the Budget Committee.

I had the opportunity to testify before the Committee on Appropriations on the whole range of health programs, and the Health Appropriations Subcommittee of the Committee on Appropriations came in with a recommendation of $140 million less than the budget recommended. So I think we have been sincere in attempting to live within the Budget Committee's recommendations. We have drafted a program that will be effective in dealing with these particular areas of health concern for the American people.

Mr. President, I reserve the remainder of my time. How much time remains?

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts has 6 minutes remaining. The minority leader, or his designee, has 15 minutes remaining.

Who yields time?

Mr. JAVITS. Mr. President, will the Senator yield me 3 minutes?

Mr. HUGH SCOTT. Mr. President, I yield my time to the Senator from New York.

Mr. JAVITS. I thank the Senator.

Mr. President, I believe that the President's veto should be overridden, and I shall so vote. I should like to explain to the Senate why.

Let us remember, first and foremost, that this is an authorization bill. It is not an appropriation bill. Therefore, it does not engage in any budget busting until the money is put out.

In the meantime, it tied together so many pieces of health programs, in the absence of a national health insurance program, as to be indispensable, in my judgment, to the health care of the people of the United States.

Let us remember that, essentially, this is a bill to amend the Public Health Service Act. It relates to health services, nurses' training, and the National Health Service Corps. About the latter, let us see what the President himself says in his veto message.

"I support this fine program," he says. "The administration has submitted legislation to Congress for its extension. I believe, however, that the authorization level proposed in S. 66 of $30 million is excessive."

Well, the Committee on Appropriations can take care of that. The President has shown that he does not hesitate to veto an appropriation bill. He just vetoed one.

Second, Mr. President, this bill contains a provision for rape prevention and control, Senator Mathias' very gifted bill, a critically important crime problem, and in the spirit of our relationship in our country in terms of law as to the rights of women, an absolutely indispensable program. With this veto, down the drain it goes.

Finally, Mr. President, I have spent a lifetime of legislative activity in connection with nurses' education, nurses' training, to provide enough nurses. The President says that we already have enough nurses, and he quotes the American Nurses Association:

> It appears that the shortage of staff nurses is disappearing.

Note the emphasis and the fine point—staff nurses is disappearing.

The committee report acknowledges that. We say,

> While the absolute number of registered nurses has increased in recent years,

This is page 17—

> the committee recognizes that there are serious shortages of nursing services in a number of categories, particularly those requiring advanced preparation.

Then we proceeded to detail our views as to the health maintenance organizations and many other advances in health care, clinical nurse specialists, and so on—exactly what we did in this bill.

In short, nobody is denying what the President says, but it simply is not meeting the issue which is raised by this bill. The bill deals with a type of nursing education in which we are woefully short and in which we need the buttressing and support which this bill will give us.

Mr. President, the time for debate is short. I shall not try to detain the Senate with all of the individual details, but the essence of the argument is this: It is an authorization, not an appropriation bill. There is no raid on the Treasury, there is no busting of the budget or any of those labels which are sought to be affixed to bills in order to defeat them. This holds together quite a large number of programs indispensable to the health of our people. The President himself recognizes that, because he says in here what we ought to do:

> The Federal role in overcoming barriers to needed health care should emphasize health care financing programs such as Medicare and Medicaid, for which spending is estimated at $22 billion this year.

Mr. President, of course it is. But that is by no means, and everybody knows it, the total health package this country not only ought to have, but urgently needs. The fact that we spent $22 billion does not throw me, because we just approved $31 billion for military hardware in the conference committee, and nobody said, "You have to stop at $22 billion if the cost is $31 billion if that is essential to the security of the country." This is just as essential to the security of the country.

Fifteen of us have just been to the Soviet Union. Really, the Soviet Union is not an outstanding country, except in its military establishment, Mr. President. They are not 10 feet tall, by a long sight, in terms of the development of the country. I speak with the greatest respect. We hope very much to work out many things with them, and I think we will. But it is a country which, compared to the United States, leaves a great deal to be desired.

Mr. President, one thing they do have, and every person in the Soviet Union brags about it, is medical care. That is the one thing they can point to and pin their hopes and aspirations on. We do not have that; they do. We do not in the universal measure that they do, in terms of equity to the poor and those who can least afford it. When we try, as in this bill, which is a monumental bill in terms of tying together the help for many health needs, to do the job, it is knocked down.

We shall come back with another bill; I know that. But what is the need for it? Why go through all the gyrations and the risks and pain and anguish all over again, when the Committee on Appropriations can, in an afternoon, do everything the President wants done and if he does not like it, he can veto it?

For all of these reasons, Mr. President, I feel that I must vote to override the veto and hope that the President will pass the measure.

Mr. President, a recent letter from the American Nurses Association and other interested health organizations to the President, urged him to sign S. 66. For the reasons set forth in the letter and its enclosures I will vote to override the veto. I ask unanimous consent that the full text of the ANA letter and its enclosures be printed in the Record to assist my colleagues in their decision on this measure.

There being no objection, the material was ordered to be printed in the Record, as follows:

American Nurses' Association, Inc.,
Kansas City, Mo., July 24, 1975.

President Gerald R. Ford,
The White House,
Washington, D.C.

Dear Mr. President: On July 17, the Congress sent for your action, S. 66, the Nurse Training and Health Revenue Sharing and Health Services Act of 1975.

The bill provides authority for the following programs: Nurse Training, Grants to States for Health Services, Family Planning, Community Mental Health Centers, Rape Prevention and Control, Migrant Health Centers, Community Health Centers, Home Health Services, Mental Health for the Elderly, Control of Epilepsy, Control of Huntington's Disease, Hemophilia Programs, National Health Service Corps.

Previously, you vetoed two separate bills providing for these programs.

The undersigned organizations strongly urge you to sign S. 66. The reasons are many, but central to the position of all organizations are the following:

1. S. 66 is ½ billion less than the previously vetoed bills, and very close to last year's appropriations.

2. S. 66, for the most part, continues existing programs. With few exceptions all of the programs in the bill, either service or training, are presently being operated with crucial federal support. Thus, the bill continues existing federal policy; it does not start major new programs. Also, authorizations in S. 66 are well below those in the expired legislation.

3. All of the programs in S. 66, in one way or another, support the delivery of health services to people who would otherwise not have access to care.

4. In a period of economic crisis, such as the present, the demands on health service delivery programs are greater than during less stressful times. Thus to withdraw support for these programs now would have a very serious adverse impact on those who need health care. For example, both the mental health centers program and the health centers programs have experienced dramatic increases in demands for services in recent months.

For these reasons, as well as many others, we ask that you sign S. 66 into law.

Sincerely,

American Academy of Child Psychiatry,
American Association of Colleges of Nursing,
American Association of Deans of Colleges of Nursing,
American Association of Nurse Anesthetists,
American Association of Psychiatric Services for Children,
American Nurses' Association,
American Parents Committee,
American Psychological Association,
Association for the Advancement of Psychology,
Epilepsy Foundation of America,
Friends of the Earth,
Health Security Action Council,
National Abortion Rights Action League,

National Association for Mental Health,
National Association of University Women,
National Council of Community Mental Health Centers,
National Council of Jewish Women,
National Organization for Women,
National Women's Political Caucus,
Physicians' National Housestaff Association,
Planned Parenthood-World Population,
United Auto Workers' Union,
Women's Equity Action League,
Zero Population Growth, Inc.

[From the American Nurses' Association, Inc., Kansas City, Mo.]

REASONS TO SUPPORT OVERRIDE IF PRESIDENT FORD VETOES S. 66—HEALTH SERVICES AND NURSE TRAINING BILL

1. Bill is $0.5+ billion under the previously vetoed bills (Dec. 1974).

2. Authorizations for S. 66 are *very* close to last year's funding (and that is based on FY '74 appropriations so does not even include the inflation factor cost escalations).

3. Conference report figures are $5 million less than the House Bill for Nurse Training Act.

4. Senate Conferees conceded on *all* their funding levels.

5. Outside groups have really been cooperative on this.

6. Some 35 interest groups are interested in working to get S. 66 signed or veto overridden.

7. Maldistribution of health personnel *is* dealt with in the Community Health Centers, Community Mental Health Centers and Health Services Corps sections of S. 66. The Nurse Training Act *does* promote better geographic distribution of RN's in the project grants and nurse practitioner sections and in the eligibility requirements for capitation grants.

8. There is not an oversupply of RN's. An American Hospital Association Survey showed 38 states reported continuing shortage. Nursing homes in south (Ark. and Texas especially) still seek waiver from HEW requirement that one RN be on staff of every skilled nursing facility because they say they cannot find RN's.

9. The Federal Register of July 14, 1975 had a *40 page* list of hospitals critically short of nurses!

Please show your recognition that health programs are important—we need *your* vote.

FACT SHEET

S. 66—NURSE TRAINING AND HEALTH REVENUE SHARING AND HEALTH SERVICES ACT OF 1976

Congress is clearing and sending to the President legislation combining several health programs that were pocket vetoed last December. The bill provides authority through fiscal 1977 for the following programs: Nurse Training, Grants to States for Health Services, Family Planning, Community Mental Health Centers, Migrant Health Centers, Community Health Centers, Home Health Services, Mental Health for the Elderly, Control of Epilepsy, National Center for Prevention and Control of Rape, Control of Huntington's Disease, Hemophilia Programs, National Health Service Corps.

Here's what the various aspects of the bill do:

Nurse Training—Provides federal support to schools of nursing and nursing students.

Grants to States for Health Services—Extends 314(d) authorizations of the Public Health Service Act for two years, revises the planning and reporting procedures, and authorizes funds for Hypertension.

Family Planning—Extends authorizations under Title X of the Public Health Service Act.

Community Mental Health Centers—Extends and revises the Community Mental Health Centers Act; encourages fiscal self-sufficiency by centers; and establishes a National Center for the Prevention and Control of Rape.

Migrant Health Centers—Authorizes planning and development, and operation grants to migrant health centers to provide extensive health service to migrant workers.

Community Health Centers—Authorizes two year planning and development, and operation grants for community health centers to provide extensive health care services to medically underserved populations.

Home Health Services—Creates a demonstration program of grants to create home health care agencies and to train personnel to provide home health care vis a vis institutionalized care.

Mental Health for the Elderly—Establishes a Committee on Mental Health and Illness for the Elderly for a period of one year to study and recommend policy for the care and treatment of the mentally-ill aged person.

Commission for the Control of Epilepsy—Creates a temporary commission to advise the President and Congress as to a comprehensive plan for the control of Epilepsy.

National Center for the Prevention and Control of Rape—Creates within NIMH a national center to study the causes and the effects of rape and disseminate such information to the public.

Commission for the Control of Huntington's Disease—Establishes a temporary commission to advise the President and Congress on a national plan for the control of Huntington's Disease.

Hemophilia Program—Establishes a hemophilia diagnosis and treatment program under the Public Health Service Act.

National Health Service Corps—Extends the Corps program providing personnel to be utilized to improve health service delivery to medically underserved populations.

Health revenue sharing, health services, and nurse training—total funding by individual State for S. 66 programs

(Totals are for the last year for which information is available.)

Alabama	$9,061,358
Alaska	752,447
Arizona	6,926,903
Arkansas	7,991,124
California	43,215,735
Colorado	8,770,774
Connecticut	6,578,549
Delaware	2,312,299
District of Columbia	6,364,227
Florida	18,113,084
Georgia	10,375,279
Hawaii	1,561,140
Idaho	3,926,991
Illinois	16,696,905
Indiana	10,040,103
Iowa	4,992,202
Kansas	5,349,219
Kentucky	13,670,937
Louisiana	6,465,736
Maine	4,056,187
Maryland	8,887,093
Massachusetts	13,681,159
Michigan	16,298,140
Minnesota	7,781,359
Mississippi	6,182,859
Missouri	13,869,088
Montana	2,595,988
Nebraska	4,061,289
Nevada	1,521,061
New Hampshire	1,465,300
New Jersey	15,657,377
New Mexico	4,976,055
New York	37,814,955
North Carolina	9,449,119
North Dakota	599,000
Ohio	18,947,327
Oklahoma	7,884,668
Oregon	4,840,177
Pennsylvania	33,483,258
Puerto Rico	4,759,822
Rhode Island	3,516,752
South Carolina	7,312,620
South Dakota	1,592,949
Tennessee	10,395,523
Texas	28,497,770
Utah	3,595,039
Vermont	2,187,932
Virginia	5,275,009
Washington	8,116,054
Wisconsin	8,162,367
Wyoming	119,000
West Virginia	3,624,092
Guam	40,000
Virgin Islands	286,000
Outlying Area U.S.	5,583,012

S. 66 COMPARED TO PREVIOUS BILLS AND EXPIRED PUBLIC LAWS

[In millions of dollars]

	Last year authorized under expired legislation	Continuing resolution [1] fiscal year 1975	1st year authorized by vetoed bills (12–1974)	1st year authorized by S. 66
Nurse Training Act	$248	$119.1	$187.0	$161
Health revenue sharing	90	90	160.0	100 [2] 15
Family planning	201.750	100.615	216.5	176
Community mental health centers	197.6	[3] 213.5	149.0	103.75
Rape prevention and control	(4)	(4)	10.0	7
Migrant health centers	30	23.75	50.0	39
Community health centers	$205	$196.648	$260.0	$220
Diseases borne by rodents	(4)	(4)	[5] 38.0	[5] 20
Home health services	(4)	(4)	15.0	10
Hemophilia programs	(4)	(4)	8.0	7
National Health Service Corporations	25	17.131	(6)	30
Total	997.35	760.744	1,093.5	888.75

[1] Continuing resolution means actual funding level based on fiscal year 1973 or 1974 depending on program expiration date. No appropriation—bills expired.

[2] Hypertension.

[3] Includes carryover funds.

[4] New program.

[5] Includes some other CDC programs.

[6] No vetoed bill.

Mr. BEALL. Mr. President, will the Senator yield 3 minutes?

Mr. JAVITS. I yield 3 minutes to the distinguished Senator from Maryland.

Mr. BEALL. Mr. President, I rise also to urge the override of the President's veto of Senate bill 66 for the reasons given by the distinguished Senator from Massachusetts and the distinguished Senator from New York, and a couple more.

As has been explained by them, Senate bill 66 authorizes the extension of various important health programs including community mental health, community health centers, migrant health, and the National Health Service Corps. The bill also authorizes some new programs, including the one sponsored and offered by my distinguished colleague from Maryland (Mr. MATHIAS) and cosponsored by me relating to rape prevention.

Recently, Mr. President, I wrote the President urging that he sign S. 66. I think that was good advice, because the programs contained in S. 66 are needed and important to the citizens of this country. A few years ago one of the national polling companies took a poll, and it showed that the No. 1 concern of the citizens of this country is ill health, and the No. 1 hope of people of this country is good health. So it seems to me that an important priority for the Government of the United States is to make sure that the tremendous advances in medical science that we have achieved are deliverable to the people of this country equitably, at a price that they can afford.

It seems to me that it makes very good sense to continue the kind of programs that are contained in Senate bill 66 and also to fund those that are new authorizations.

The President has made some interesting points. For example, it is generally recognized that the community mental health programs have been successful, but the administration seems to be saying that the Federal role in these types of programs, after they have been successful, should cease. I point out to the administration that there is probably no time when it is more difficult for local and State governments to pick up the cost of these programs than at the present. In addition, present financing mechanisms for the most part do not cover or cover inadequately mental health programs. Therefore, it seems to me that the Federal role, rather than ceasing, must continue. So, Mr. President, I do not think this is a valid reason for vetoing this legislation.

I also think we should be concerned about the manpower problem that has existed in the health delivery system of this country. I think we are concerned about the distribution of health personnel by geography and by specialty.

I think we are also concerned about the problem that we misuse the talents of our highly trained and skilled personnel. We have recognized the need for nurses and that the existing and expended roles for them in delivering health care to our citizens. Therefore, it seems to me we ought to be upgrading and expanding the Federal role in training nurses in this country, rather than trying to minimize it. Dean Murphy of the University of Maryland has told me that the extension of the Nurse Training Act is essential to the maintenance of high quality programs and to meeting the needs of the citizens of Maryland.

Finally, it should be pointed out that the authorizations, for the most part, are for continuing existing, effective programs. In addition, the conference committee tried to meet the President's rightful fiscal concerns. The final bill was $5 million below the House figure and some $500 million below last year's vetoed measure.

So, Mr. President, it seems to me that it makes very good sense to continue the kind of programs authorized in S. 66. I strongly urge the Senate to override the President's veto.

Mr. KENNEDY. I thank the Senator from Maryland. He has been an extremely active Member in this whole manpower area in medicine.

I yield to the Senator from Maine 1 minute.

Mr. HATHAWAY. I thank the Senator.

Mr. President, I support the bill for all the reasons raised by the Senators from Maine, Massachusetts, New York, and Maryland.

Mr. President, I rise in support of the vote to override the President's veto of S. 66. I commend the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New York (Mr. JAVITS) for their statements in behalf of this most important health matter and wholeheartedly endorse their position as well as the reasons for their position.

There is no question that health care should rank among the highest of our Nation's priorities for Federal expenditures. The United States ranks far behind over progressive nations in the world in the amount of money expended for health care as a percentage of gross national product.

The President's veto is based more on the grounds of programmatic differences than the amount of money authorized in the bill, although he does question that amount. As far as the amount concerned there is some question as to the possible budget violation. However, any possible errors can be corrected when we consider the appropriation for this important legislation.

I would like to point out in the President's message in support of his veto he states that without further Federal help we can expect to increase the number of registered nurses by 50 percent during the next 10 years and for that reason argues that we do not need the authorizations for capitation and construction included in this bill. This observation by the President, while undoubtedly correct, indicates contrary to what the President intended a considerable deficiency in our nurse training program. The need for registered nurses is at least 50 percent lower than the number working today to say nothing of what we will need 10 years from now. The 50 percent increase which the President boasts of is only an average of 5 percent per year for the next 10 years which would barely meet the increase in nursing care mandated by expected increases in population during the same period of time based on the assumption we have an adequate number of trained nurses today. Furthermore, when you consider the number of health care proposals now pending including national health insurance, and with adoption of only the modified proposal of national health insurance advocated by the President himself, the increased number of trained nurses needed will be far in excess of those which the President seems to feel will be sufficient.

In fine, Mr. President, it appears that the President bases his veto of S. 66 on inaccuracies with regard to our projected needs and in the President's difference in philosophy with regard to health care. The principles of S. 66 have been endorsed by both Houses of Congress by substantial votes and I am hopeful that this body will, by an overwhelming vote, show the President that we adhere to the tenants of our philosophy with regard to health care.

Mr. MANSFIELD. If the Senator will yield, he has taken my words out of my mouth and I want to support him.

Mr. JAVITS. Mr. President, I yield such time as he may require to the Senator from Pennsylvania.

Mr. SCHWEIKER. Mr. President, I rise as ranking Republican on the Health Subcommittee to strongly urge the Senate to override the veto of this bill. This is a vital measure to the delivery of health services in this country.

In brief, S. 66 extends for fiscal years 1976 and 1977 the nurse training authorities contained in the Public Health Service Act with some additions and modifications. In addition, the bill extends for 2 years, fiscal years 1976 and 1977, programs for community mental health centers, which I have been very personally interested in, migrant health centers, which I know the distinguished chairman of our subcommittee has long been active in, community health centers, and programs of family planning.

Under the bill the Center for Disease Control in Atlanta will now include a program for the control of diseases borne by rodents.

The bill establishes a demonstration program of startup grants to home health agencies, a Committee on Mental Health and Illness of the Elderly, a center within the National Institute of Mental Health to deal with rape prevention and control, temporary commissions to draw up a national plan for the control of epilepsy and Huntington's disease, and a new hemophilia diagnosis and treatment program.

Mr. President, this is an essential bill. It covers a very large segment of the whole health and mental health effort. I regret very much that the President has vetoed this bill.

I think, in all good conscience, we should override the veto and make it clear that health legislation, health care and mental health, is a top priority in this Nation, and I think a vote to override the veto will do exactly that.

Mr. President, I yield back the remainder of my time.

Mr. JAVITS. Mr. President, I yield 1 minute to Senator STAFFORD.

Mr. STAFFORD. I thank the distinguished Senator from New York for yielding to me.

Earlier this week I took the floor in the Chamber to urge that the President sign the bill, S. 66, and I regret, as others do, that he vetoed it instead. I would like to be associated with what my distinguished colleague, Senator SCHWEIKER of Pennsylvania, said just before I got the floor.

It is with a rather heavy heart that I find myself in opposition to what the President has done here, but I feel it my duty on behalf of all of these important programs that are in S. 66 to urge the Senate to override the President's veto.

Mr. HUMPHREY. Mr. President, this morning, the President once again has put the ax to legislation that is vital to the well-being of the people of our Nation.

Hard as it may be to believe, the President vetoed S. 66, the Nurse Training and Health Revenue Sharing Act. This legislation had been passed by the Senate by a vote of 77 to 14, and the House had passed its version of this bill by a unanimous vote. My colleagues will recall that similar bills passed by the 93d Congress were pocket-vetoed.

This leaves our health care system in pretty shoddy shape, and, frankly, I find this veto unconscionable.

This bill included a 2-year extension of established HEW programs whose authority has expired. If this Congress fails to override this bill, we can say we helped to kill legislation which includes support for approximately 600 community mental health centers, more than 100 neighborhood health centers, and migrant health projects.

Furthermore, this bill includes vital authorization to continue the National Health Service Corps program, which has been so successful in recruiting physicians for medically underserved rural communities. And it includes vital support for the nursing profession. The Nurse Training Act makes it possible for disadvantaged nursing students to make their way into the health-care field, where their assistance is so urgently needed.

A very modest amount, some $73 million, is devoted to new programs which would provide support in the areas of hemophilia treatment, rape prevention and control, hypertension screening, and home health services.

Mr. President, I just cannot for the life of me understand what is on the President's mind. Last year he pocket-vetoed similar legislation, so Congress went back to the drawing boards to try to come up with a compromise he would accept. The bill that was vetoed this morning would cost $500 million less than last year's proposals, but no, this is not enough. Well, I wonder what in heaven's name is enough?

I just want to have it on the record that I find the President's act to be unconscionable, foolish, and irresponsible.

We simply cannot even begin to meet the health care needs of our people if we cannot rely on one ounce of support from the Executive.

I urge my colleagues in both Houses to prepare for a definitive override. It looks as if we bear the whole responsibility for seeing that the needs of our people are met. I have every confidence that we will, indeed, correct this enormous mistake.

Mr. MATHIAS. Mr. President, I am deeply disappointed with the President's decision to veto S. 66, the Health Services and Nurse Training Act. For over 2 years, the Congress has attempted to work with the administration to reach an agreed-upon course of action with respect to the very vital health programs contained in this legislation. In each instance, the administration has rejected our efforts. But our concern today should rest less with the disapproval of our actions by the Executive and more with those who are bound to suffer as a result of this veto.

Because of this latest Presidential veto, communities and population groups across America which urgently need community health centers, family planning programs, mental health services will be forced to continue without even basic care simply because those services will not be available.

Because of this veto, the National Center for the Prevention and Control of Rape which I sponsored in this legislation will not be established.

Because of this veto, home health services for the elderly and the medically indigent will remain only a distant goal while we continue to provide institutional care for older Americans in nursing homes and expensive hospitals.

Because of this veto, the problems of hundreds of thousands of Americans who are affected by epilepsy, Huntington's disease, hemophilia will remain largely ignored.

This veto means that Federal support for America's schools of nursing and financial assistance for nursing students is no longer a serious concern of our Government.

To those who wish to serve in medically underserved areas through the auspices of the National Health Services Corps, this veto, in effect, closes the door.

Mr. President, the Congress heeded the President's suggestion that the authorization levels in the bill which he pocket vetoed last December were too high from his point of view. The pending bill has been reduced by $0.5 billion. But even our reduction is not sufficient to satisfy the executive branch. Despite the carefully documented cases for a national response to the national health problems identified in S. 66, the White House focuses on their "categorical" nature as if that, in and of itself, is sufficient justification for a veto.

Mr. President, now is the time for the Congress to assert its concern for the health status of the American people. We can do this by overriding the President's veto.

Mr. WILLIAMS. Mr. President, the veto of S. 66 today by the President of the United States suggests a sensitivity in the administration not for the poor, the ill, the disabled, or the medically underserved, but for its own narrow view of our fractured economy and what to do about it.

In the name of fiscal responsibility, the President has overlooked social responsibility.

And he has done so in the face of exceptional congressional efforts to scale down the authorizations for the vital programs contained in S. 66, efforts to accommodate the President's wishes to restrain Federal spending, and efforts to seek some grounds of cooperation with the President on essential domestic legislation.

We have gone the last mile to find common grounds; we have reduced the authorizations by $538 million from the levels of previous bills for these purposes to which the President objected and exercised a pocket veto late last year. We have reduced the authorizations by 22 percent from the levels he found unacceptable last December.

Yet, this bill is vetoed, and the Senate now faces the responsibility of deciding whether the President was wrong in vetoing it. In my mind, there is no scintilla of a doubt that he is wrong.

Mr. President, S. 66 is not an omnibus collection of new spending programs. Virtually all of the programs to which this legislation relates expired on June 30, 1974—more than a year ago. Since then, the Congress has expended a tremendous amount of energy in an effort to revise and extend these vital programs and to seek an accommodation with the administration on the appropriate level of funding.

That is not to say that there are no new initiatives contained in this bill. There are, but they are important initiatives, limited in scope and austerely funded, for coping with rape, epilepsy, Huntington's disease, and hemophilia and for developing new approaches to home health services and mental illness among the aged.

Nevertheless, the vast majority of the body of this legislation is addressed to long-standing programs to improve public health services; to strengthen family planning services; to support community mental health centers, community health centers, and migrant health centers; to strengthen nurse training programs; and to extend the compassionate contributions of the National Health Service Corps to medically underserved communities in inner cities and rural areas.

If it is the President's intention to terminate any of these vital programs, such as the community mental health centers programs which have become absolutely essential to the well-being of so many Americans, then he is wrong to persist in his intention at this time. If, as he contends, the Federal Government can no longer afford to provide financial support in these instances, the States and local communities are in far worse condition to be able to assume the new financial burden. They are fiscal captives of a national economic strategy that has drained away their revenues in the recession and refuses either to stimulate economic activity with job-creating programs or to consider providing the Federal assistance without which these programs will surely collapse.

Mr. President, it is true that these are difficult times for millions of Americans, particularly the 9 million jobless persons searching in vain for productive employment and facing the prospect of bankruptcy. But we must also be mindful of the worsening difficulties of the least fortunate among us who look to their Government to provide them with essential services they could not otherwise afford.

To abandon them now in this time of greatest need would be tragic, and our decision here on the motion to override the President's veto of these vital programs will say much to them about what they can expect in the difficult days ahead from their National Government.

Let the message be one of compassion and understanding that goes forth from the Senate today. Let us vote to enact S. 66 notwithstanding the President's veto.

Mr. JAVITS. Mr. President, I am prepared to yield back the remainder of my time.

Mr. KENNEDY. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The question is, shall the bill pass, the objection of the President of the United States to the contrary notwithstanding.

The yeas and nays are mandatory under the Constitution.

All time has been yielded back, and the clerk will call the roll.

Mr. JAVITS. Mr. President, to vote "aye" is to override?

The ACTING PRESIDENT pro tempore. To vote "aye" is to override the veto.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, may we have order.

The ACTING PRESIDENT pro tempore. The Senators will please take their seats, clear the aisles. The Senators will carry their conversations to the cloakrooms.

The clerk will resume.

The assistant legislative clerk resumed the call of the roll.

Mr. KENNEDY. Mr. President, may we have order.

The ACTING PRESIDENT pro tempore. The Senate will be in order. The clerk will resume.

The assistant legislative clerk resumed the call of the roll.

The ACTING PRESIDENT pro tempore. Will the Senators clear the well. The Senators will take their seats. The clerk will proceed.

The assistant legislative clerk resumed and concluded calling the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr BIDEN), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Ohio (Mr. GLENN), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. METCALF), the Senator from North Carolina (Mr. MORGAN), the Senator from Wisconsin (Mr. NELSON), and the Senator from Missouri (Mr. SYMINGTON), are necessarily absent.

I also announce that the Senator from Michigan (Mr. HART) is absent because of illness.

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Illinois (Mr. PERCY), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The yeas and nays resulted—yeas 67, nays 15, as follows:

[Rollcall Vote No. 337 Leg.]

YEAS—67

Abourezk
Allen
Baker
Bartlett
Beall
Bentsen
Brooke
Bumpers
Byrd, Robert C.
Cannon
Case
Chiles
Clark
Cranston
Culver
Dole
Domenici
Eagleton
Fong
Ford
Gravel
Hart, Gary W.
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Leahy
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nunn
Packwood
Pastore
Pearson
Pell
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Sparkman
Stafford
Stennis
Stevenson
Stone
Taft
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NAYS—15

Brock
Buckley
Byrd, Harry F., Jr.
Curtis
Fannin
Garn
Griffin
Hansen
Helms
Hruska
Laxalt
McClure
Proxmire
Scott, William L.
Tower

NOT VOTING—17

Bayh
Bellmon
Biden
Burdick
Church
Eastland
Glenn
Goldwater
Hart, Philip A.
Hartke
Long
Metcalf
Morgan
Nelson
Percy
Stevens
Symington

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 67, and the nays 15. Two-thirds of the Senators present and voting having voted in the affirmative, the bill, on reconsideration, is passed, the objections of the President of the United States to the contrary notwithstanding.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS, 1976

The Senate continued with the consideration of the bill (H.R. 8070) making appropriations for the Department of Housing and Urban Development, and for sundry independent executive agencies, boards, bureaus, commissions, corporations, and offices for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, with a time limitation on the rollcall vote of 10 minutes, the Senate will proceed to vote on final passage on H.R. 8070.

Mr. PROXMIRE. Mr. President, is that the HUD appropriation bill?

The ACTING PRESIDENT pro tempore. Which is the HUD bill.

Mr. PROXMIRE. Mr. President, it is my understanding, while we have had third reading on that bill, we have not used up the time. There are two Senators who would like a short colloquy.

The ACTING PRESIDENT pro tempore. There was a unanimous-consent agreement that the vote immediately follow the vote on the override of the veto.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that we be permitted to take 10 minutes that I may yield briefly to Senator MUSKIE and Senator DOMENICI.

Mr. MONTOYA. I object.

Mr. TOWER. Mr. President, reserving the right to object——

The ACTING PRESIDENT pro tempore. Objection is heard.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The clerk will suspend. The Senate will be in order. This is a 10-minute rollcall vote. The Senate will be in order so that the rollcall can be completed. The Senators will take their seats. This is a 10-minute rollcall vote. The Senate will be in order. The clerk will resume.

The legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from North Dakota (Mr. BURDICK), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Ohio (Mr. GLENN), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. METCALF), the Senator from North Carolina (Mr. MORGAN), the Senator from Wisconsin (Mr. NELSON), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I also announce that the Senator from Michigan (Mr. HART) is absent because of illness.

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK), the Senator from North Carolina (Mr. MORGAN), and the Senator from Missouri (Mr. SYMINGTON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), the Senator from Illinois (Mr. PERCY), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. JAVITS) would vote "yea."

The result was announced—yeas 73, nays 7, as follows.

[Rollcall Vote No. 338 Leg.]

YEAS—73

Abourezk
Allen
Baker
Bartlett
Beall
Bentsen
Brooke
Buckley
Bumpers
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Clark
Cranston
Culver
Dole
Domenici
Eagleton
Fannin
Fong
Ford
Gravel
Griffin
Hansen
Hart, Gary W.
Haskell
Hatfield
Hathaway
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Johnston
Kennedy
Leahy
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nunn
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Sparkman
Stafford
Stennis
Stevenson
Stone
Taft
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NAYS—7

Brock
Curtis
Garn
Helms
Laxalt
Scott, William L.
Tower

NOT VOTING—19

Bayh
Bellmon
Biden
Burdick
Chiles
Church
Eastland
Glenn
Goldwater
Hart, Philip A.
Hartke
Javits
Long
Metcalf
Morgan
Nelson
Percy
Stevens
Symington

So the bill (H.R. 8070) was passed.

Mr. JACKSON. Mr. President, I ask unanimous consent that Mr. William Van Ness, Mr. Grenville Garside, and Mr. James Vaughn may have the privilege of the floor in connection with the pending measures which the Senate has agreed to take up by unanimous consent.

The PRESIDING OFFICER (Mr. BEALL). They are going over.

ORDER FOR POSTPONEMENT—S. 2173 AND S. 391

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that consideration of S. 391, a bill to amend the Mineral Leasing Act, and S. 2173, a bill to fully explore and develop the naval petroleum reserves, be postponed until next week.

The PRESIDING OFFICER. Is there objection?

Mr. McCLURE. Mr. President, reserving the right to object, I wonder, before the Chair rules on that request, if we might delay the matter and have some discussion concerning it.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the next two measures that were programed for today, S. 391 on mineral leasing and S. 2173 on naval petroleum reserves, go over until next week.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, will the majority whip yield?

Mr. ROBERT C. BYRD. I yield.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES APPROPRIATIONS, 1976—APPOINTMENT OF CONFEREES

Mr. PROXMIRE. I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendments to H.R. 8070.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. I move that the Senate insists on its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. BEALL) appointed Mr. MCCLELLAN, Mr. PROXMIRE, Mr. PASTORE, Mr. STENNIS, Mr. MANSFIELD, Mr. BAYH, Mr. CHILES, Mr. HUDDLESTON, Mr. JOHNSTON, Mr. MOSS, Mr. YOUNG, Mr. MATHIAS, Mr. CASE, Mr. FONG, Mr. BROOKE, and Mr. BELLMON conferees on the part of the Senate.

HOME MORTGAGE DISCLOSURE ACT OF 1975

The PRESIDING OFFICER (Mr. BEALL). Under the previous order, the Senate will now proceed to the consideration of S. 1281, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 1281) to improve public understanding of the role of depository institutions in home financing.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing and Urban Affairs with an amendment to strike out all after the enacting clause and insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Home Mortgage Disclosure Act of 1975".

FINDING AND PURPOSE

SEC. 2. (a) The Congress finds and declares that depository institutions have sometimes failed to provide adequate home financing on a nondiscriminatory basis for all neighborhoods within the communities and neighborhoods from which the institutions receive deposits.

(b) The purpose of this Act is to provide the citizens and public officials of the United States with sufficient information to enable them to determine which depository institutions are filling their obligations to serve the housing needs of the communities and neighborhoods in which they are located.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "mortgage loan" means a federally related mortgage loan as defined under section 3 of the Real Estate Settlement Procedures Act of 1974.

(2) the term "depository institution" means a person who is in the business of making federally related mortgage loans;

(3) the term "census tract" means a census tract as established and defined by the Bureau of the Census; and

(4) the term "Board" means the Board of Governors of the Federal Reserve System.

MAINTENANCE OF RECORDS AND PUBLIC DISCLOSURE

SEC. 4. (a) (1) Each depository institution which has a home office or branch office located within a standard metropolitan statistical area, as defined by the Office of Management and Budget shall compile and make available, in accordance with regulations of the Board, to the public for inspection and copying at each office of that institution the following information:

(A) The number and total dollar amount of mortage loans made by that institution which were outstanding as of the close of the last fiscal year of that institution.

(B) The number and total dollar amount of mortgage loans made by that institution during such year.

(2) The information required to be maintained and made available under paragraph (1) shall also be itemized in order to clearly and conspicuously disclose the following:

(A) The number and dollar amount for each item referred to in paragraph (1), by census tract, for borrowers under mortgage loans secured by property located within that standard metropolitan statistical area.

(B) The number and dollar amount for each item referred to in paragraph (1), by county, for all such mortgage loans which are secured by property located outside that standard metropolitan statistical area.

(b) Any item of information relating to mortgage loans required to be maintained under subsection (a) shall be further itemized in order to disclose for each such item—

(1) the number and dollar amount of mortgage loans which are insured under title II of the National Housing Act or under title V of the Housing Act of 1949 or which are guaranteed under chapter 37 of title 38, United States Code; and

(2) the number and dollar amount of mortgage loans made to mortgagors who did not, at the time of execution of the mortgage, intend to reside in the property securing the mortgage loan.

ENFORCEMENT

SEC. 5. (a) The Board shall prescribe such regulations as may be necessary to carry out the purposes of this Act. These regulations may contain such classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of transactions, as in the judgment of the Board are necessary or proper to effectuate the purposes of this Act, and prevent circumvention or evasion thereof, or to facilitate compliance therewith.

(b) Compliance with the requirements imposed under this Act shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act, in the case of—

(A) national banks, by the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), by the Board;

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 5(d) of the Home Owners' Loan Act of 1933, section 407 of the National Housing Act, and sections 6(i) and 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any

institution subject to any of those provisions;

(3) the Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any Federal credit union.

(c) For the purpose of the exercise by any agency referred to in subsection (b) of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this Act shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (b), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this Act, any other authority conferred on it by law.

(d) Except to the extent that enforcement of the requirements imposed under this Act is specifically committed to some other Government agency under subsection (b), the Federal Trade Commission shall enforce such requirements. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirements imposed under this Act shall be deemed a violation of a requirement imposed under that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Commission to enforce compliance by any person with the requirements imposed under this Act, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests in the Federal Trade Commission Act.

(e) The authority of the Board to issue regulations under this Act does not impair the authority of any other agency designated in this section to make rules respecting its own procedures in enforcing compliance with requirements imposed under this Act.

RELATION TO STATE LAWS

Sec. 6. (a) This Act does not annul, alter, or affect, or exempt any person subject to the provisions of this Act from complying with the laws of any State or subdivision thereof with respect to public disclosure and recordkeeping by depository institutions, except to the extent that those laws are inconsistent with any provision of this Act, and then only to the extent of the inconsistency. The Board is authorized to determine whether such inconsistencies exist. The Board may not determine that any such law is inconsistent with any provision of this Act if the Board determines that such law requires the maintenance of records with greater geographic or other detail than is required under this Act, or that such law otherwise provides greater disclosure than is required under this Act.

(b) The Board shall be regulation exempt from the requirements of this Act any depository institution within any State or subdivision thereof if it determines that, under the law of such State or subdivision, that institution is subject to requirements substantially similar to those imposed under this Act.

STUDIES

Sec. 7. (a) The Board, in consultation with the Secretary of Housing and Urban Development, is authorized and directed to carry out a study to determine—

(1) the feasibility and usefulness of requiring depository institutions located outside standard metropolitan statistical areas, as defined by the Office of Management and Budget, to make disclosures comparable to those required by this Act;

(2) the feasibility, cost, and usefulness of requiring all institutions covered by this Act to disclose by geographical location the source of savings deposits;

(3) the practicability of requiring disclosure of the average terms and downpayment ratios of mortgage loans by geographical location; and

(4) the feasibility and usefulness of requiring disclosure of other types of lending data, such as small business and home improvement loans.

(b) The Board shall also study and analyze, in a sample of standard metropolitan statistical areas of differing characteristics to be selected by the Board, the use to which the data disclosed under this Act is put by local government agencies, community groups, and other interested parties in such areas. The Board shall also analyze the impact of the availability of lending data in the selected standard metropolitan statistical areas, including such questions as whether and to what extent mortgage lending in older neighborhoods increased as a result of disclosure, and whether any lending institutions altered their lending patterns, and any change in default or foreclosure rates.

(c) A report on the studies under this section shall be transmitted to the Congress not later than three years after the date of enactment of this Act.

The PRESIDING OFFICER. The time for debate on this measure is limited to 2 hours, to be equally divided between and controlled by the Senator from Wisconsin (Mr. Proxmire) and the Senator from Texas (Mr. Tower), with 1 hour on any amendment and 20 minutes on any debatable motion, appeal, or point of order.

Who yields time?

Mr. PROXMIRE. Mr. President, I yield 5 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine will suspend until the Senate is in order.

Mr. PROXMIRE. I yield 10 minutes to the Senator from Maine.

The PRESIDING OFFICER. Senators who are standing in the aisles will please take their seats or remove themselves to the cloakroom. The Senate will be in order.

The Senator from Maine will proceed.

BUDGET COMMITTEE COMMENTS ON S. 66 AND H.R. 8070

Mr. MUSKIE. Mr. President, I sought recognition between the two rollcall votes just taken for the purpose of giving my colleagues information bearing upon the second of those two votes, but unfortunately, apparently I had not been sufficiently alert to insure that I would have the time to provide the information when it might have been most useful. As the Senate knows, I have tried to give the perspective of the Budget Committee on spending bills, and I think that there are some points that ought to be made with respect to S. 66 and H.R. 8070 which we have just taken that may be useful in the future.

First of all, with respect to the vote overriding the President's veto of the Nurse Training Act: As was brought out in the debate S. 66 is authorizing legislation. As such, it is difficult to evaluate its impact on the first concurrent budget resolution. Nevertheless, it has implications for future expenditures which I think the Senate might do well to bear in mind as we act upon the various appropriations bills which provide for the health function.

The budget resolution did provide some leeway in the health function for new legislative health initiatives. If it is the will of the Appropriations Committee, supported by the Senate as a whole, to utilize a portion of those funds toward S. 66, then, of course, that is the privilege of the Senate and of the Congress. But the Senate cannot fully fund that legislation and all other health legislation which is pending and underway. At some point, each Senator will have to make choices between health priorities. Further we will have to make a decision about whether or not we should stay under the target set in the budget resolution. I want to give the Senate some indication of what the orders of magnitude are.

The total of spending legislation which has not yet been reported in the Senate and the authorizing legislation, which includes S. 66, is found on page 33 of this week's Senate budget scorekeeping report. I ask unanimous consent that the applicable page be printed in the Record at this point.

There being no objection, the excerpt from the report was ordered to be printed in the Record, as follows:

FUNCTION 550: HEALTH

TABLE C—SELECTED ADDITIONAL LEGISLATION[1]

[In billions of dollars]

	Fiscal year 1976	
	New budget authority	Estimated outlays
Spending legislation not yet reported in the Senate and not requested by the President:		
National health insurance (S. 3/S. 600/S. 1438/H.R. 1/H.R.21/H.R. 3328/H.R. 5990/H.R. 6222). Finance Committee, Labor and Public Welfare Committee. Dollar amounts represent 1st-year start-up costs only	0.1	0.1
Total, spending legislation (to table A, line III.A)	.1	.1
Authorizing legislation:		
A. Through Congress or passed Senate:		
Nurse Training Act of 1975 (S. 66/H.R. 4114/H.R. 4115/H.R. 4925). Labor and Public Welfare Committee. Dollar amounts represent increase over President's budget request	.6	.6
B. Reported in Senate:		
None		
C. Not yet reported in Senate:		
Proposals now being considered by Labor and Public Welfare Committee (no bills yet introduced):		
—Heart and lung research	.5	.5
—Biomedical research	.2	.2
—Communicable disease/venereal disease/health education/clinic laboratory regulation	.1	.1
Health Manpower Act of 1975 (H.R. 5546). Labor and Public Welfare Committee. Dollar amounts represent increase over President's budget request	.2	.2
Total, authorizing legislation (to table A, line III.B)	1.6	1.9

[1] See note to table B, p. 14.

Mr. MUSKIE. The total estimated budget authority for both spending and authorizing legislation which would have to be funded if finally enacted into law is $1.7 billion. Of that, S. 66 if fully funded would use $600 million.

The second subject on which I would like to make some comments is with respect to H.R. 8070 the HUD-Independent Agencies appropriations bill, which we have just approved.

H.R. 8070 appropriates funds for the Department of Housing and Urban Development, the Environmental Protection Agency, the National Aeronautics and Space Administration, the National Science Foundation, the Veterans' Administration, and eight other smaller agencies.

Six functional categories of the budget comprise the bulk of the bill. They are: commerce and transportation; community and regional development; income security; general science, space and technology; natural resources, environment and energy; and veterans' benefits and services.

The appropriations in this bill are generally consistent with the recommendations of the Budget Committee in connection with the concurrent resolution adopted in May. But a few comments are needed in regard to the functional targets affected by the bill.

The first point relates to section 8 federally assisted housing programs. Compared to the budget proposals of the President, H.R. 8070 decreases budget authority in this area by $25.4 billion. This enormous decrease in budget authority is accounted for principally by a reduction in the administration's budget request for certain multiyear housing programs. Instead of providing budget authority for these programs on a year-by-year basis, the President requested this year all the budget authority possible for the maximum 40-year life of the programs. The result is that the President's budget requested $26.1 billion in budget authority for the section 8 assisted housing program in this fiscal year when, in fact, most of this budget authority will not be used until far into the future. In the meantime, program changes and revised reestimates may lower the total budget authority required for these programs.

The second point relates to the commerce and transportation function. The bill seems to exceed the budget resolution's target by $5.1 billion in budget authority, although this apparent add-on does not affect the outlay totals anticipated in the budget resolution. The apparent add-on is due to a procedural technicality. Last May when we adopted the budget resolution, the Emergency Housing Act of 1975 had not yet been passed. We expected that it would pass but did not know when that would happen, although we anticipated that it would occur in time for the budget authority to be credited to fiscal year 1975. In the budget resolution for fiscal year 1976, therefore, we made provision only for the outlays expected to be derived from the housing bill and not for any budget authority, which we expected to appear in 1975. Since the bill did not pass until fiscal year 1976 we have now credited this authority to 1976. I want to emphasize that in terms of outlays, H.R. 8070 is consistent with the budget resolution in the commerce and transportation function.

Finally, the last point relates to veterans' benefits and services. H.R. 8070 appropriates $17.8 billion for veterans—approximately two-thirds of the new budget authority included in this bill. These amounts, taken together with other foreseeable spending, will put us over the congressional budget target for veterans' spending. If my colleagues will turn to page 37 of this week's Senate budget scorekeeping report, which displays the veterans' benefits and services spending targets, they will see that the congressional budget targets for that function are $18.0 billion in authority and $17.5 billion in outlays. Our budget resolution accepted the administration's anticipated upward reestimates of $0.7 billion for mandatory spending programs, one-half of what these reestimates have turned out to be. So, we have received $18.1 billion in Presidential requests to date, which include $1.4 billion in recent budget amendments—reestimates of $1.2 billion for readjustment benefits, plus $0.2 billion for compensation and pensions.

Today's bill contains $17.8 billion for veterans, leaving $0.3 billion which is covered by other appropriation bills. If we assume that the $0.3 billion will be appropriated, we will reach a new figure for budget authority of $18.1 billion, which exceeds our target by $0.1 billion.

In addition, the table shows mandatory spending authority from previous years of $400 million which would bring budget authority up to a level of $18.5 billion, or $500 million over the target set in the first concurrent resolution. This figure allows for funding of none of the additional congressional initiatives in the veterans' area which have either passed both Houses or are now pending and which would add another $700 million. Because of all of these factors the Congress may need to take another look at the veterans' target, as well as other targets which have been affected by reestimates. Such a review may or may not lead to a decision to exceed any of the targets, but is clearly required because of substantial underestimation by the executive branch of mandatory spending in the President's budget.

May I make this point, in addition, that, even at the time of the first concurrent budget resolution, we were aware of underestimates in mandatory spending in the President's budget, which made it possible for him to hold to a $60 billion deficit.

The distinguished Senator from Oklahoma, Senator BELLMON, the ranking Republican on the Budget Committee, supported me in this effort. We undertook to point out those underestimates to the Senate, when we made the comparison between the President's deficit figure and the congressional deficit figure.

We were not able to make much of an impact with that point, and I am including the press. Even today, we still hear about the $7 billion or $8 billion difference between the President's deficit and the congressional deficit, with no mention of the magnitude of underestimates in mandatory spending programs. The reestimates of $1.4 billion for veterans' programs is a good example of this situation.

I want to stress that these underestimates originate in the executive branch, yet we on the Senate Budget Committee try to anticipate what they might be but we have not really been able to develop that kind of insight.

There are those who say that we ought to eat these underestimates by cutting back on other programs in order to absorb the amount of money that is involved. To do that would——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. I yield the Senator an additional 2 minutes.

Mr. MUSKIE. To do that in many cases would have the effect of eliminating worthwhile programs wholly as the result of pressure from an unforeseen source of budgetary procedure.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MUSKIE. Yes. I yield.

Mr. PROXMIRE. I commend the Senator, the chairman of the Committee on the Budget, for bringing this to the attention of the Senate. I think it is another indication of the great significance of the Budget Committee, which helps all of us in the Senate to take a fiscally responsible position, to know what we are doing.

The fact is that as to the bill that we just passed, as far as the Veterans' Administration is concerned, we are under the budget by about $7 million. The increase over the original budget estimate which we provided is only what is required by entitlement. So we had no discretion whatsoever except with regard to this request for an additional $13.1 million for sending out education and pension checks, and so forth.

The point is, as I understand the Senator from Maine, that the administration has badly underestimated the demand in these programs and what is going to happen under the entitlement. There is nothing the Committee on Appropriations could do, in fact, nothing the Senate could do, or Congress could do, to hold it down, but the estimates have been, one might say, far too optimistic, because they estimated we would require far less than we did. Is that correct?

Mr. MUSKIE. The Senator has put his finger on the point. With respect to those items in the budget that were controlling, the Committee on Appropriations is within the budget figures. With respect to these uncontrollable items, we are caught in the pressure of underestimates that originated in the executive branch.

Mr. President, that concludes what I wanted to say at this time.

I thank my good friend from Wisconsin for giving me the opportunity to make the point. I really think it is essential to give the Senate as much information as we can on what is involved in this budgetary process if we are to earn the support and the confidence of the Senate.

HOME MORTGAGE DISCLOSURE ACT OF 1975

The Senate continued with the consideration of the bill (S. 1281) to improve public understanding of the role of depository institutions in home financing.

Mr. TOWER. Mr. President, I was not aware that S. 1281 was going to be laid before the Senate this quickly. As the ranking minority member of the committee, I think I have a right to expect to be informed more than a minute or two ahead of time when a bill for which I have some responsibility is going to be laid before the Senate. I was not so informed.

It was my impression that the Senate was going to take up S. 391 and then S. 2173, and then, if there were any time remaining in the legislative day, to lay before the Senate S. 1281. Somehow, S. 391 and S. 2173 dropped through the cracks; and while I was in my office, I was informed that S. 1281 had been laid before the Senate.

I do not feel that we can take any constructive action on S. 1281 at this moment. I have not had the opportunity to consult with the leadership on an appropriate time for taking up this measure. It was my understanding, originally, that it would be put over until Monday, that there were a number of amendments to it, that there were some absent Senators who had an interest. Senator GARN, who has an amendment of particular significance, is here, but I believe he expected that the matter would be carried over until Monday. Staff members stayed around for a while, in expectation that the bill might be taken up; but when it became apparent that it would not be, according to what we understood the schedule to be, they departed.

Therefore, Mr. President, I think we probably will have to have a little discussion for a while. I do not see how we can move to any kind of real deliberative action on this measure this afternoon.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. TOWER. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, the Senator from Texas makes a very good point. He certainly should have been informed, and we should not have proceeded without his consent, under these circumstances.

We are under a time limitation, so we will have to proceed to act on this bill one way or the other, unless we can persuade the leadership to consider laying it aside, postponing it somehow until Monday. I would support the Senator from Texas in that view, if that is his position.

So, Mr. President, I ask unanimous consent that we may have a quorum call, without the time being charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEALL). Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I yield such time as he may require to the Senator from Alabama.

TURKISH REACTION TO REFUSAL TO RESUME AMERICAN ARMS SHIPMENTS

Mr. SPARKMAN. Mr. President, I appreciate this courtesy.

The PRESIDING OFFICER. The Senator will suspend until the Senate is in order. The Senators will please take their seats and refrain from audible conversation.

The Senator from Alabama.

Mr. SPARKMAN. I wanted to read, Mr. President, a news item that everyone may have read already. Of course, we know the action that the House took on the matter of removing the arms embargo against Turkey, and this is a reaction to that. It says:

> The Turkish Government declared today that bilateral defense treaties with the United States were "no longer valid" and ordered activity halted at the 20 American military installations in Turkey beginning Saturday.
>
> The Cabinet took the step in reaction to the 223–206 vote by the U.S. House of Representatives on Thursday against resuming American arms shipments to this NATO country. The Ford administration had sought a partial lifting of the arms ban imposed in February because of the Turkish invasion of Cyprus.
>
> The Decision, broadcast by the state radio and television while the cabinet continued to meet, said all U.S. military installations on Turkish soil would be placed under the control of the Turkish Armed Forces.
>
> A special status was designed for the strategic air base with nuclear bombers at Incirlik, in southeast Turkey. The announcement said all activity at Incirlik not relating to joint defense of the North Atlantic Alliance would be halted. It did not elaborate.
>
> The United States has about 7,000 military men stationed in Turkey. Besides the Incirlik base, the U.S. installations consist of intelligence gathering radar stations which provide surveillance of the Soviet Union. Some are small stations with five or six men.
>
> The statement said the bilateral defense treaties between Turkey and the United States, under which the installations were set up, were no longer valid.

Mr. President, I consider this a serious matter and a matter of great concern to the United States and, in fact, to the North Atlantic Alliance.

It is bad, of course, it is too bad, that the dispute between Turkey and Greece that set this off back at the time of the movement into Cyprus could not be worked out, but it has not been worked out. At least, things were moving along, and the Senate some time back voted favorably for removing the arms embargo against Turkey.

Unfortunately, the House would not follow suit, and so we are in this pitiable state of having one of the key North Atlantic Alliance members, located in the most strategic position of any of the North Atlantic Alliance nations, virtually out of that alliance and refusing even to let the American installations—and we have installations on the soil of Turkey—remain there.

I do hope it can be worked out. The North Atlantic Alliance may be enabled to remain strong, but this is a very serious matter to which we ought to give serious attention.

Mr. HUGH SCOTT. Mr. President, will the distinguished Senator from Alabama yield?

Mr. SPARKMAN. Yes, gladly.

Mr. HUGH SCOTT. I thank the distinguished Senator.

In my view, the action in the other body on this matter is perhaps the most unfortunate decision made in the long years I have been in the Congress. I think it represents a misconception of the issue and I do not rise to speak in defense of any other nation whatsoever.

There is no question, of course, that the original aggression was on the part of Turkey. There is no question that the positions of the Prime Ministers of each country have, in public at least, been very far apart. There is no question about the clamor that has been raised in this country by thoroughly concerned and reputable citizens under the belief there would be action proposed by the President somewhat harmful to Greece. If I thought so, I would certainly have voted other than I did in the Senate. But I cannot see how it can be helpful to Greece or to Greek people for their neighbor, Turkey, to be seized of what is one of the largest nuclear agglomerations of material, and that means of nuclear power, in the world.

It is so great, in fact, that if the Government of Turkey determines to apply these installations under the Turkish regime, Turkey becomes one of the largest nuclear powers in the world, and I would not have thought that was what Greece would want.

I would not think it would be what Israel would want, since those were very helpful at the time of the Yom Kippur war.

What the other body has done has been to damage the security of Israel, and to damage the security of the very people they were most anxious to help, and that is the Greeks.

I have to speak out like this even though I know where the votes are and I know that the votes are responsive, at least by a margin of 16 votes, to those groups who have honestly believed that they could be helpful in this situation by denying the Turks arms and materiel which the Turks have paid for, which were stored in this country, and on which the Turks were paying storage.

I can understand and sympathize with our reason for arriving at these conclusions, but very often reasoning of one kind evolves into results of another kind.

I think it is terribly unfortunate. If I lived in Greece today, I would be very much concerned about the danger of a great nuclear power adjoining my frontiers.

I would sincerely hope that ways can be found for reconsideration of this action.

It may lead to the withdrawal of Turkey from NATO. It unhinges our anchor in the Mediterranean, at the same time the other anchor of Portugal is in danger of being unhinged.

It weakens the security of the United States. It weakens the security of Greece. I cannot see how it helps anybody, anywhere, anyplace, and that is why I have to designate it as the most unfortunate action I have seen taken in either House of the Congress since I have been here.

I do hope a means of reconsideration can be found, and I speak as one who holds two decorations from the Government of Greece. I think they recognize that I am their friend. I think they recognize that I have made their fight for them in other matters, and earlier matters relating to Cyprus, in matters pertaining to relationships with Greece and other neighboring countries, and they have recognized my efforts in that regard.

I can certainly, therefore, have a right to be called a true friend of Greece. But true friendship for Greece, I think, is best shown by concern for their security. And their security is as important today as never before. Turkey is already engaged in an aggressive move in Cyprus, without question, and all of us are disturbed by the tragic situation of the Cypriot refugees, but we are not helping them through political actions which have a directly reverse effect of that which was sincerely intended.

Mr. President, I ask unanimous consent that a comment by Howard K. Smith, of ABC, entitled "House Vote on Turkey Produces High Cost," be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Comment—House Vote on Turkey Produces High Cost

(By Howard K. Smith, ABC)

The cost of the House's refusal to renew arms shipments to Turkey is being counted up here and it runs high. The main overlooked cost is in intelligence about Russia. Turkey is packed with our equipment for monitoring all developments in Russia including troop movements: now it's estimated 25 percent of our surveillance capacity in the world goes out of action.

Second is the conventional military cost. Last April Russia held the biggest combined naval and air maneuvers ever held, code named Okaon. Though maneuvers covered all the seas of the world, first priority was given to the oil routes from the Persian Gulf, whence free Europe gets nearly all its fuel, the route of the super tankers down around South Africa and the route of the smaller tankers through Suez and the Mediterranean. While Russia revealed the value of her many new bases along all those routes we now lose one main one to counter Russia in Turkey.

The third cost is the lost hope for a Cyprus settlement and the renewal of NATO's southern end. Turkey which by possession has 9 points of the law now will not negotiate. Greece which needs the settlement can't have it unless by war. Since Turkey's armed force is about double Greece's, that is virtually out. It seems an odd self-defeating way to run foreign policy in a time when our power is in retreat all over the world and Russia's is on the move that we have a Congressional democracy and Congress has decided.

Mr. HUGH SCOTT. I thank the distinguished Senator.

Mr. TOWER. Will the Senator from Alabama yield?

Mr. SPARKMAN. Yes, indeed.

Mr. TOWER. I want to thank the Senator from Alabama and associate myself with his remarks and associate myself with the remarks of the distinguished leader, the Senator from Pennsylvania.

I think that what the House did is tragic. I think the long-range consequences for the United States are something that we would rather not contemplate.

The fact of the matter is that the House of Representatives has acted in a manner that is plainly contrary to the national interest.

The House of Representatives has thumbed its nose at the national interest, has thumbed its nose at the potential for maintaining the security of the United States, for maintaining our defense parameters as far from our own shores as possible and as close as possible to the potential adversaries.

I think that the primary influence has been domestic politics. Domestic politics, do not worry about the consequences to the country, think about the consequences to our own political forces, and I think this is too bad.

Holding a seat in the U.S. Senate does not mean enough to me to vote contrary to the national interests and to national security for the sake of playing a little clever domestic politics.

I admire Greek-American citizens. They have contributed a great deal to this country. Most of them are my friends. They have supported me in my past elections. They are afflicted with some grave misconceptions and I think too much emotionalism on this particular issue and their lobby has been most effective, indeed.

The distinguished minority leader was absolutely correct when he said this militates against the best interests of Greece. Try to get a Cyprus settlement now that we have thrown Turkey out of the lodge.

Beyond that, what about the interests of the United States?

We have been denied an important intelligence-gathering capability. We will be denied the opportunity to monitor Soviet naval movements. We will be denied some forward bases that are of grave importance to us.

We find nuclear weapons incarcerated in that country that, as the Senator from Pennsylvania so effectively pointed out, would make Turkey a great nuclear power should she decide to impound these weapons and use them for her own purposes.

If I were the Greeks, I would be terrorized over this prospect.

Let us look to our friends, the Israelis. Anyone who purports to be a friend of Israel that voted against resumption of aid to Turkey is a crass hypocrite, he is no friend to Israel.

It is Turkey that lays athwart the Soviet Union, Syria, and Iraq. The Turks do not want to be driven in the arms of radical Moslems, but the prospect now that we have acted as we have in this punitive measure toward an old ally is likely to serve that function.

This imperils Israel considerably, and let any purported friend of Israel try to justify the need to vote against the resumption of aid to Turkey.

What we have done is to imperil Israel; we have imperiled the intelligence-gathering capability of the United States; we have alienated an old ally; we have virtually destroyed the southern flank of NATO, and we have endangered the 6th Fleet. Having done what the House has done, having done what we in the Congress have done, I think we should give very serious consideration to withdrawing the 6th Fleet from the Mediterranean. With Turkey driven away, with Greece out of the command structure of NATO and denying us home porting, with the instability of the Italian situation, with the fact that Portugal is under the effective control of the Communists and the Azores potentially to be denied to us, we must withdraw our defense perimeter, ultimately, if the worst comes to pass—and I have no reason to believe that it will not—to our Atlantic Seaboard. We have, in addition to everything else, jeopardized the gallant men and ships of the 6th Fleet.

Let us understand what we do when we play politics with foreign policy.

Yes, we can rightfully say the Congress must play a greater role in the formulation and implementation of foreign policy. But if we are going to be irresponsible, and if we are going to be so afflicted by domestic political considerations, we do not deserve to play a role in the formulation and implementation of the foreign policy of the United States.

I thank my friend from Alabama.

Mr. SPARKMAN. I thank the Senator from Texas. I yield to the Senator from Tennessee.

Mr. BAKER. If the Senator will yield——

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Will the Senator from Texas yield time? I have run out of all of my time on this bill.

Mr. TOWER. I yield time to the Senator from Tennessee, such time as he may require.

Mr. BAKER. Mr. President, I thank the Senator from Texas for yielding.

I did not hear all of the remarks by the distinguished minority leader. I did hear the very excellent presentation by the Senator from Texas and the remarks of the Senator from Alabama, in part.

I serve on the Foreign Relations Committee and on the Joint Committee on Atomic Energy. I have long been concerned with America's evolving new foreign policy and the mechanism by which we go about reexamining it, reestablishing it, and putting in place a new and viable foreign policy for this country. I suspect it is the first really new one since World War II. But in light of these developments, the Turkey aid cutoff, the recent letter by many of us in this

Chamber, well-intentioned although disruptive in its force, the letter of 76 Senators supporting aid to Israel, in light of the debate that is now ongoing in the Foreign Relations Committee and in the public forum on the appropriateness of honoring a commitment to supply defensive weapons to Jordan—in light of these developments I begin to wonder whether or not the Congress of the United States fully understands and has responsibly gone about the business of trying to be a responsible partner in that task of reexamining and reestablishing a current and relevant foreign policy.

I am greatly concerned for the consequences of the vote in the other body. I would not presume to advise them on the appropriateness of their action, except I would venture to estimate that the consequences will be very real, indeed, and very grave, possibly.

It is hard to overestimate the importance of Turkey as an ally to the United States. The wide variety of facilities and services that we avail ourselves of in Turkey was described very eloquently by the Senator from Texas.

Mr. President, the Constitution provides that Congress will advise and consent with the President in the formulation of foreign policy. Congress should also be mindful, however, that the Constitution provides that the President is in charge of the formulation and the implementation of American foreign policy. I very much fear that there has not been sufficient advising together between the Congress and the President, or in some cases that the Congress has not been in tune with the admonition of the executive department on the consequences of our acts.

Put in the vernacular of the times, I am afraid we have goofed, not just in one or two but in three or four categories of foreign policy.

I believe it is time we got together and started having a decent respect for the opinions of the President and the Department of State in foreign policy just as I have often counseled that they have a decent respect for our opinion in foreign policy.

It is time the Senate of the United States, the Congress of the United States, and the executive department stopped seeing each other in an adversary role in foreign policy. We are all citizens of the same country and we better try to formulate this new foreign policy together and not as antagonists.

I think personally, Mr. President, and I very much hope, the other body will still rescind their action on the Turkish aid cutoff and that we can repair the damage that has been done. I think we can. I voted against the aid cutoff, notwithstanding there are distinguished Tennesseans who counseled me to the contrary; not to inject an undue personal note, but notwithstanding the advice of my sister's husband—I have a great brother-in-law—and that is not easy, friends. I did it not because I am a moral giant but I did it in terms of the destiny of this country.

We are in no position to pass on the moral integrity, adequacy, or sufficiency of the foreign policy of another country. We are in a position only to judge within general parameters what is best for the United States, within the limitations of general, human, moral conduct. Beyond that, we cannot order the foreign policy of another country. We can only attend to the future of this one. Goodness knows, that is enough.

I think the debate and these statements at this time are very important. I hope they will be heeded not only by the other body but by our friends abroad, including the Turks, whom I have cautioned to think carefully on the consequences of their actions. I can understand their anger, their animosity toward us at this time, but there is still hope and I hope they will be cautious. I hope they will think a little. I suggest that there may still be time, then, to repair the damage.

I hope the statements by the Turkish Government that they are assuming command of American installations there does not mean what it might mean, and that over this weekend and beyond we can find an amicable settlement to the many problems that confront us. I hope we can salvage our alliances in that part of the world because they are vital.

I thank the Senator for yielding.

Mr. SPARKMAN. I thank the Senator from Tennessee. I just want to say this: Of course, the Senator is eminently correct in saying that it is not our job to be trying to write policy for Turkey or for any other country. We have a big enough job to take care of our own policy with reference to other nations of the world.

Being for Turkey, to use that language, does not mean being against Greece. As a matter of fact, Greece stands to profit by Turkey being strong. I hope that this situation may ease itself and may eventually pass away. I thank the Senator from Wisconsin for allowing us this time.

HOME MORTGAGE DISCLOSURE ACT OF 1975

The Senate continued with the consideration of the bill (S. 1281) to improve public understanding of the role of depository institutions in home financing.

The PRESIDING OFFICER (Mr. CURTIS). Who yields time?

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. TOWER. I ask unanimous consent that the time consumed by the quorum call be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MONDALE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BAKER). Without objection, it is so ordered.

Mr. MONDALE. I ask unanimous consent that Mr. Bob Barnett of my staff be given the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. I observe the absence of a quorum.

The PRESIDING OFFICER. To whose time shall the quorum call be charged?

Mr. MONDALE. I ask unanimous consent that it be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that the time consumed by the colloquies on the Turkish aid question not be charged against the time allowed for debate on S. 1281.

Mr. CURTIS. Mr. President, reserving the right to object, I would just like to observe that those were three of the best speeches I have heard for a long time, and I would hate to have them relegated to a place of nonimportance.

Mr. BROOKE. They were important, but not important to the consideration of the pending business.

Mr. TOWER. In that they were nongermane to the debate on S. 1281, I ask unanimous consent that the time not be charged against the time on S. 1281.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. PROXMIRE. I yield myself such time as I may require on the bill.

Mr. President, this measure, S. 1281, the Home Mortgage Disclosure Act of 1975, provides a very gentle remedy—disclosure—to a very serious national problem, the extreme difficulty of obtaining mortgage credit in older urban neighborhoods. The popular term for this problem is "redlining," which is a misleading term, because it wrongly suggests that banks or savings and loan associations have secret maps with red lines drawn around certain undesirable neighborhoods.

We are not concerned with whether anybody has drawn red lines on maps, but the committee does have very persuasive evidence that mortgage money is very hard to get in older neighborhoods, in many cities and even suburbs. During 4 days of hearings last month, the committee heard extensive testimony from witnesses representing communities in all parts of the country. We heard from community leaders, public officials, mayors, a Governor, and simply from citizens of these neighborhoods. And they told a consistent, familiar story:

Many, if not most lenders—banks and savings and loan associations alike—tend to be reluctant to lend mortgage money in older urban neighborhoods. Let me be clear, I am not talking about slums, but sound, attractive convenient neighborhoods, which are now becoming even more attractive to many people because of the energy shortage and the high cost of new housing.

Unfortunately, many lenders fail to appreciate the attractiveness of this sort of housing. And obviously, in the long run, maintenance of existing housing is at least as important as new construction, if the goal of a decent, safe, and sanitary home for all Americans is ever to be achieved.

But our financial institutions seem to disdain these older communities, especially if they happen to be integrated, or adjacent to poorer neighborhoods.

The committee has found that a home buyer is likely to confront a dual credit market. He can get very attractive financing—5 or 10 percent down payment and 25 or 30 years to pay—if he buys a new home in a distant suburb; but if he inquires about an older house in a close-in neighborhood, the bank may demand a third down, and a 15-year mortgage.

The extreme irony is that often the banks and savings and loan associations located in these older neighborhoods draw their deposits from precisely those communities that cannot get loans. Why do they do this? Well, many lenders seem to think that it is marginally safer to put their loans in the suburbs, even though that judgment is often irrational and arbitrary.

Mr. President, S. 1281 addresses the problem simply by requiring lenders to tell the community where their money is going. I believe that if depositors are able to learn, through disclosure, which local lenders are treating the community fairly, lenders will become more accountable.

They will have a kind of competition for responsibility and for community service, community availability.

The lenders will not find it quite so easy to export the community's savings even while the community is starving for mortgage credit.

Some financial institutions seem to have forgotten that they are chartered to serve a particular locality. That means loan service as well as deposit service. But judging by some of the industry testimony we received and the mountains of mail from the lobbyists, some banks and S. & L.'s take the position that they have a perfect right to ignore the credit needs in their own service areas if a higher rate of return or a more attractive deal is available elsewhere. They call that the free flow of capital. S. 1281 would use the power of market competition—competition for the saver's dollar—to encourage lenders to do a better job in their own backyards. The information disclosed under S. 1281 would also provide information to municipal officials concerned with housing, on the effects of local credit flows.

Here is how the legislation works:

Every depository institution—meaning bank or savings and loan association, and so forth—is required to set up a public record file that is available for public inspection and copying. The disclosure statement, presumably in the form of a chart, must indicate the number and dollar amount of mortgages made by that lender during the previous year, broken down by census tract. The information is further broken down to show loans made to owner-occupants, or to absentees, and it also must break down conventional versus FHA and VA loans.

The requirement only applies to institutions located in Standard Metropolitan Statistical Areas—that is the big cities, by and large—where two-thirds of the population reside.

If a lender inside an SMSA makes loans outside that SMSA, those need be broken down only by county, and the committee has an amendment that would modify that to State.

With this information, depositor can find out whether the bank or the savings and loan is giving reasonable service to the community. I do not believe that a lender has any obligation to make loans in some pre-determined ratio to the deposits he gets. And I want to emphasize that this legislation does not require lenders to make unsound loans. At the same time, a lender that is chartered to serve a community does have an obligation to give some service to that community. He should not arbitrarily reject loan applications from sound credit risks on sound houses simply because he does not like the neighborhood, or because he fears it may at some future time decline.

Often, that prediction by a lender turns in to the reality, because it becomes a self-fulfilling prophecy. When the neighborhood cannot get mortgage credit, property values drop; new homeowners cannot move in because they cannot get mortgages. Eventually, the neighborhood starts to deteriorate and so the lender can say: See, I told you so.

I want to address some of the objections to S. 1281, because I have seldom seen a more panicky reaction by an industry to such a benign, simple, easy proposal.

First, we are told that we have the cause and effect backwards. Lenders do not cause the decline; they merely react to it. Well, that is a half-truth. Obviously, there are multiple causes of urban decline. But when a lender rejects a sound house and steers the home buyer to the suburbs, he clearly accelerates the decline of the older neighborhood.

The industry mail I am receiving insists that redlining does not exist, that lenders only decide whether to approve loans based on prefectly objective criteria. Now, anybody who has attempted to get a loan in recent years in a city neighborhood that was built before World War II knows that this just is not true. As Senator GARN, our esteemed and distinguished member of the committee, who has been extremely active in this and diligent on this bill, as he has on every bill we had since he has been a member of the Senate Banking Committee, as he said repeatedly during our hearing:

> Anybody who says redlining does not exist insults my intelligence.

Senator GARN is absolutely correct.

The committee even found that upper middle income, elegant suburbs like Oak Park, Ill., have trouble finding mortgage money because the housing was built 50 years ago, and the neighborhood has become integrated. This is a proud community, with a unique architectural heritage and a tradition of homeownership. I dare say, some of the 50-year-old homes in places like Oak Park will outlast some of the crackerbox housing built last year. But even in Oak Park, the local savings and loan associations want very high downpayments and short payback terms, if they make loans at all. One such institution told a customer that the Oak Park branch accepted deposits, but did not make loans. According to one of our witnesses, that institution actually deleted the "and loan" from its sign that read Such and Such Savings and Loan.

And the story is the same on the West Side of Milwaukee, in whole sections of St. Louis, Cleveland, Indianapolis, Baltimore, Washington, Los Angeles, Boston, and most of America's older cities.

So redlining does exist, and though it certainly is not the cause of urban decline, it can turn otherwise viable neighborhoods into slums.

Then, we heard that this bill would be terribly expensive, that it would work to hurt the very people it was designed to help, because these staggering costs would be passed along to consumers, and would result in higher interest rates. We asked the American Bankers Association to study the question, and the ABA recently reported back that the average cost would be about $200 per bank per year and a few cents really for each mortgage.

There is no question about it. The cost is minimal and, as I say, this is not the estimate of the Senator from Wisconsin; this is the estimate of the American Bankers Association, which would certainly be disinclined to understate the cost.

Incidentally, the trade daily, "The American Banker" recently published a fascinating article entitled "California Experience Challenges Anti-redlining Arguments Used By Lenders." I will include the entire article for the RECORD, but here is one paragraph from this trade paper that editorially opposes this bill.

> Two of the arguments which have been used by mortgage lenders to oppose anti-redlining measures elsewhere in the nation are being seriously questioned by California legislators, regulators and consumer activists after an examination of existing practices here.

The existing practice is the fact for 10 years, State-chartered savings and loans have been required by California law to report by census tract their loan originations monthly. S. 1281, incidentally requires disclosures yearly. The cost, for monthly reporting, is only $2,000 annually for the largest institution in the State. And the article goes on to quote the executive direct of the State trade association, the California Savings and Loan League, that the cost of prospective census tract disclosure would be "very low."

Now, there is one key difference between the existing California requirement, and S. 1281. The California reports are only for the State regulatory authorities, and they are not made public. And I suspect, based on the California experience, that the industry's true concern is not the minimal cost, but the embarassment once this data is publically available. In the committee's study of Washington, D.C., for example, we found a large savings and loan, which draws 50 percent of its deposits from the city, which nearly boycotted the entire city of Washington, D.C. at the loan window. I think it is the potential embarrassment and the accountability to depositors that the industry truly fears, just as they so strenuously opposed truth in lending.

It is also worth noting that California officials are now considering whether to make public the information collected under State law, and similar regulations were just issued by the Massachusetts Banking Commissioner; mortgage disclosure legislation has been introduced in several State legislatures, and is farthest along in Illinois, where it is part of Governor Dan Walker's program. There is also a city ordinance in Chicago, requiring mortgage disclosure by all banks that want to do business with the city. So it is imperative that Congress act, so that we do not have a crazy quilt of requirements that encourage institutions to play off Federal against State regulators.

S. 1281 contains State preemption language, so that if a State chose to enact a more stringent disclosure law, that would apply. Governor Walker, who has sponsored a State law for Illinois, has testified that Federal legislation is also essential, so that State institutions do not shift to Federal charters.

In closing, Mr. President, I want to say that S. 1281 is not credit allocation legislation, though if it fails, credit allocation might become necessary. All we are doing is to provide some accountability by institutions chartered to serve communities, to the neighborhoods they are supposed to serve.

Financial institutions are not chartered simply to make as much money as they can. Since the Great Depression, banks have not been permitted to play the stock market; commercial banks have been separated from investment banks. Banks are not supposed to compete with their customers, though thanks to the bank holding company loophole that is not always so. Thrift institutions are supposed to put most of their money into home mortgages. And so on. In short, banks are not laissez faire institutions. They have certain privileges, such as Federal insurance and a partial monopoly. In exchange for these privileges, they have obligations. One such obligation is to serve their service areas. It is very hard to decide from Washington whether a bank is doing this, and I know of no case where any of the Federal regulators have moved against a lender for redlining, even though mortgage discrimination is technically illegal under the 1968 Fair Housing Act and under regulations issued by the Federal Home Loan Bank Board.

All we are asking, Mr. President, is for the facts. We just want disclosure.

As I have pointed out, they have done this in California for several years now—for 10 years, and we know, on the basis of that experience, that the cost is minimal.

Mr. President, I ask unanimous consent that the article entitled "California Experience Challenges Red-Lining Arguments Used by Lenders" from the American Banker, June 12, 1975, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the American Banker, June 12, 1975]

CALIFORNIA EXPERIENCE CHALLENGES ANTI-REDLINING ARGUMENTS USED BY LENDERS

(By Geoff Brouillette)

SAN FRANCISCO.—Two of the arguments which have been used by mortgage lenders to oppose anti-redlining measures elsewhere in the nation are being seriously questioned by California legislators, regulators and consumer activists after an examination of existing practices here.

The arguments which have become suspect in their eyes are that a disclosure of mortgage loans by census tract is a prohibitively expensive operation, and that a mortgage lender cannot profitably lend under most circumstances in inner city areas. Both arguments can be statistically proven false, anti-redlining advocates claim, on the basis of California experience.

At least two anti-redlining bills are pending in the state legislature, and it is believed that increased attention will be drawn to the subject in the next two weeks by state officials.

Redlining is the alleged practice of refusal by mortgage lenders to make real estate or home improvement loans in high risk districts, particularly in inner city areas. Anti-redlining advocates here and elsewhere have called for public disclosure of where financial institutions make their mortgage loans.

Whatever other arguments mortgage lenders may use against geographic disclosure, according to sources close to the administration of Gov. Edmund G. Brown Jr., the particular argument that such disclosure would be prohibitively expensive and force up mortgage and other lending rates is one that will be given little credence by anti-redlining advocates.

State-chartered California savings and loan associations, they point out, have for the past five years been required to make just such a type of disclosure to the state savings and loan commissioner, and studies have indicated that the cost is not prohibitive.

One such study, these sources indicate, shows that the multi-billion dollar savings and loan associations in the state could convert all of their existing computerized loan data into a census tract printout capacity for a one-time cost of $12,000. Smaller institutions without the computer capacity might, they contend, have to "put in a lot of paperwork, but nothing significant" to accomplish the same task.

The cost for transmitting monthly census tract breakdowns to the state on a quarterly basis, the study contends, is $2000 annually for the largest institutions, and about $1800 for a medium-sized institution (about $150 million in deposits.)

Although unwilling to comment on specific figures until they have seen the study and the basis on which it was made, California savings and loan spokesmen say the cost of disclosure would depend upon whether they are required to disclose all existing loans or simply loans made in the future.

If S&LS were required to disclose the location by census tract of all existing loans on their books on an individual basis, said Dean Cannon, executive director of the California Savings and Loan League, the cost definitely would be "very expensive."

"However," he said, "if S&LS were only required to disclose the dollar amount of future loans by census tact, it is likely the cost to the S&LS would be very low."

State chartered S&LS in California, he said, did not experience large outlays or competitive disadvantages when they were required to make geographic disclosure, because they were required to disclose only those loans made after the regulation became effective and were required to show only the total dollar amount of loans made in each tract.

The study, which is in the hands of state officials but is not an officially-endorsed state study, does not answer other arguments against disclosure raised by lenders, the sources admit.

Lenders have argued that a disclosure of where deposits and loans are made would simply provide activist groups with an additional means of harassing lending institutions, while not providing the public with sufficient information about the more complicated considerations that enter into an institution's lending decisions.

At least one California activist group the center for New Corporate Priorities, Los Angeles, has, in fact, obtained copies of the breakdowns which have been submitted to the state Savings & Loan Commission and has prepared a report charging these institutions with discrimination, which the state S&LS charge. The report, however, has received virtually no publicity in the general news media.

Anti-redlining advocates, in any case, reject the lending institutions' arguments of harassment, and contend that such public disclosure would lead to public indignation which, in turn, would lead to withdrawal of funds by the public from institutions which they feel discriminate in making housing loans.

More general arguments about the difficulty of conducting mortgage and home improvement lending programs in high risk inner city areas may run into problems here because of the existence of a handful of such programs which have been successfully conducted, including a $200 million program begun in 1968 by the $51.1 billion deposit Bank of America, NT&SA, San Francisco, these sources say.

Bank of America's "New Opportunity Home Loan Program," although small in proportion to its total real estate lending program, has been a form of "redlining in reverse" which has been operated at a small profit, the sources say.

Although it does not itself hold up its NOHL program as the answer to the problems of redlining, BofA confirms that the assertion is essentially true. The program has had a high rate of delinquencies and foreclosures, and the bank could have more profitably invested its funds in other types of loans, but a study conducted by the bank's Urban Affairs Department two years ago showed that since the bulk of the loans have been government-insured BofA did not actually lose money on it.

Since 1968, the bank has loaned $181 million to 10,563 families, about 70% in inner city areas, and the remainder in rural poverty areas, for home purchase or improvement. To qualify as a borrower under the program, a customer must have an income at or below the poverty level established by the rental authorities in the areas in which he lives.

NOHL loans have been either conventional mortgage loans in which the bank has loosened requirements for minimum square feet and number of rooms; Veterans Administration loans, or FHA 221D2 or FHA 235 loans. At its outset, approximately 100 of the bank's 1,000 California branches were staffed with specially-trained lending personnel, which has since been increased to about 140.

The specially trained personnel were not only familiar with the objectives of the program, but were able to give prehome buying consultation to potential customers, a step which the bank considers essential to the program's success.

The lending officers are encouraged to take a longer than usual amount of time to work out a loan agreement with each customer, and the lending officer is careful to explain in detail all of the ramifications of home buying in understandable language, to point out the possible expenses and problems that may be encountered and discuss the responsibilities of home ownership. The lending officers attempt to establish an understanding with the customer that will enable them to iron out financial difficulties that may arise in cases of unexpected unemployment or other reverses.

The BofA NOHL loans have consistently accounted for only a small portion of the bank's total real estate lending. In 1974, one of the lowest volume years since the program began, $13 million in NOHL loans were made to 700 families, compared to $5 billion in real estate loans of all types, including interim construction financing.

Not unexpectedly, said a Bank of America official, NOHL loan delinquency experience has been poorer than for non-NOHL mortgage loans. In April, 1975, he said, NOHL delinquencies were 12.45%, compared to 3.97% for other types of mortgage loans. Foreclosures that month were 7.41%, compared to about 2% for other types of mortgage loans.

While stating that the NOHL program is not the final answer to redlining, a Bank of America spokesman agreed that this type of endeavor could be profitably undertaken by other banks as at least an "indication of commitment" to provide better housing in urban and rural poverty areas.

"In fact," said the spokesman, "I suspect that in cases where a lending institution has a more compact geographical serving area with a short line of communication between branches and top management, a program of this sort might even be operated more successfully."

Mr. BROOKE. Mr. President, S. 1281, the Home Mortgage Disclosure Act of 1975, would require institutions engaged in residential mortgage lending to compile data reflecting the geographic areas in which they make mortgage loans and to reveal such information to the public.

While the mechanics of the bill are relatively easy to understand, its underlying rationale deserves consideration. In the course of hearings on this bill, the Banking Committee received testimony which indicated that many mortgage lending institutions were not making mortgage loans in older neighborhoods, even though such institutions were located in or had branch offices receiving deposits in such neighborhoods. What emerged from the testimony was a pattern of deliberate disinvestment in certain neighborhoods by some mortgage lending institutions. These institutions were redlining neighborhoods and refusing to make mortgage loans regardless of the quality of the property offered as security or the ability of the buyer to pay for and maintain his home.

The Banking Committee has wrestled with the problem of redlining before, and it has not been an easy one to solve. The decision on whether to make a mortgage loan must be made on a case-by-case basis taking into account a large number of factors, including the price and condition of the property and the credit worthiness of the buyer. No one suggests that mortgage lenders should make bad loans. Nor does any member of our committee urge a system of credit allocation under which mortgage lending institutions are directed to invest a certain percentage of their funds in older neighborhoods.

What the sponsors of S. 1281 do suggest is that so far as the practice of redlining is concerned, the public has a right to more information. Many mortgage lending institutions are getting deposits in urban neighborhoods where moderate income homeowners live. These institutions operate under charters issued by financial regulatory agencies which restrict entry into the business on a geographic basis. They are supposed to serve the area in which they are located, not only to obtain deposits but also to make loans. Under S. 1281, their depositors and the public at large will be given an opportunity to assess the lending policies of these institutions by looking at the areas in which they make mortgage loans.

In some cities, neighborhood groups have organized to persuade their local lending institutions to make more mortgage credit available in their areas. They argue persuasively that they should be able to make an educated judgment about where they will deposit their savings based on the probability of their being able to obtain mortgage loans from the institutions in which they have made deposits.

S. 1281 does not apply to institutions in rural areas, and under the amendment which Senator PROXMIRE has offered for himself and me, the disclosure requirements of the bill would only be prospective in their application; that is, institutions would not be required to report the location of properties securing all the mortgages in their portfolios. The cost of supplying the information required by the bill will be less than $1 per mortgage.

Some who oppose S. 1281 argue that mortgage lending practices are not the only factors which cause older neighborhoods to decline, and they are right. However, redlining is one factor, and an important factor, causing neighborhood deterioration, and I do not believe that we should delay taking steps to deal with "redlining" until we can bring forth legislation which offers remedies for all the causes of neighborhood decline.

The Home Mortgage Disclosure Act of 1975 is not a cure-all, but I believe it is a good bill and will discourage the practice of redlining which has developed in some cities. I urge my colleagues to vote for the bill.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I yield to the Senator from Utah such time as he may require on the bill.

Mr. GARN. Mr. President, the distinguished chairman of the Banking Committee did quote me correctly where I said, during the committee hearings, that the witnesses opposing this legislation ought not to insult my intelligence by saying that redlining does not exist. It does. It existed in my city. As a matter of fact, the director of my planning and zoning commission, who is the highest-paid city employee, who made more than I did as mayor, was denied a loan. Obviously, he was qualified. He had the income, he had the job security. He was a young man so there was no problem. But it was simply in an area where they did not loan.

I made that point very strongly, day after day, in the hearings, that redlining did exist. There is no doubt about that.

What the chairman did not state was that I also made the point very strongly on the other side of the coin to those simplistic testimonies that seemed to indicate that if we passed this bill, that solved all the problems. That simply is not true.

After 7 years in municipal government, I again say that redlining does exist, but it is only a part of the problem and it is not the originator of the problem. It does accelerate the problem after neighborhood deterioration starts.

There are a lot of cities in this country which simply have not owned up to their responsibilities. They have not put in proper curbs and gutters and sewers and water systems and upgraded those city services so that these are desirable neighborhoods to loan in.

I know that in areas of my own city, where we were able to do that—get people off septic tanks, get them off wells, put in curbs and gutters and sidewalks and those civic improvements—it was amazing that the financial institutions were then willing to loan. So redlining is only one part of the problem, and it is not a panacea to adopt a bill that would impose a great deal of cost on a lot of people and be passed on to the consumers.

I also felt very strongly that the hearings were inadequate. They were very one-sided in favor of this legislation. We had 20-some witnesses in favor of it, 4 or 5 against. Those 4 or 5 against were very strong in their opposition. But we did not have any neutrals. We did not have any urbanologists, any people who would come in who were not on one side or the other, and testify objectively on how they felt about the issue.

My point is that there is someplace in between the two extremes, from those who say that redlining does not exist to those who think that this is the cure-all for all of the problems of urban decay. It simply is not.

I did feel that before this bill was brought to the Senate floor, we ought to have more hearings and we ought to have more testimony, bring in more people, third-party types who could testify on how they feel about this problem and what they think the cures are. The bill originally covered the entire country, imposing these rules and regulations and disclosures on every little town bank and savings and loan in the country. Fortunately the committee changed this and it was amended to include some 265-odd SMSA's in this country.

Other modifications were made that made it more desirable. Still, in the hearings, where I ask specific questions and wanted factual data on costs, such was never made available. It is not in the committee testimony, because no one could answer the questions accurately. There were guesstimates, there were gut feelings about what people thought would happen, but no actual data.

One study that was talked about a great deal, a district of Washington, D.C., study that was referred to throughout the committee hearings, has since been discredited by the Washington Post. If they are against it and think it was a bad study, it must really be a bad one. They said it was not adequate.

I was not able to get information on deposits, where deposits came from, no estimates on that. So, again, I felt the hearings were inadequate. When we get to my amendment, I shall address myself in more detail to that and why I have proposed a study for 3 years in 20 SMSA's rather than going nationwide at this time, so that we can get the answers to some of these questions. At the end of those 3 years, we might find out that the distinguished chairman from Wisconsin is correct and I am wrong. On the other hand, we may find out that I am right and he is wrong. At least, we shall be able to base these decisions on a very important piece of legislation on facts and not on someone's opinion.

Mr. President, although I fully support the objectives of S. 1281, to halt neighborhood deterioration, I have grave reservations whether the disclosure provisions of this bill will make a contribution to that end. The bill is based on the simplistic theory that if community groups and savers are given access to mortgage lending patterns of financial institutions, the groups can then force the institutions to invest the savings deposits in neighborhoods which are declining and thus reverse that process. This totally ignores the underlying causes of urban decline.

Most urban authorities agree that disinvestment by financial institutions in home mortgages does not initiate the decay of inner city neighborhoods but comes rather at some point after the deterioration sets in. Certainly, disinvestment plays an important role in neighborhood decline and we need to know more about its effect. Unfortunately, the disclosure scheme of S. 1281 does not provide a mechanism for an intelligent analysis of the effects of home mortgage disinvestment on neighborhood decline.

Even if we have a compulsory federal disclosure law, and even if we then went to a law that says you will allocate home mortgage credit to a particular area, we are not going to solve the basic problems of the neighborhoods.

The chairman mentioned that this was not credit allocation. I agree with him it is not credit allocation. But I would state that it is the first step in the credit allocation, and so testified to by several groups who favored this bill. If they can get their hands on the information they desire, the next step is credit allocation, and that simply is rationing of money. Some Federal bureaucrat will decide where some money should be loaned and ration it out. So this is not credit allocation but certainly is the first step on the road to credit allocation.

What is needed are programs by the cities themselves that attack the causes rather than the symptoms in a spirit of cooperation rather than in an attitude of confrontation.

The cities must go in, like we did when I was mayor of Salt Lake City, and put in more curbs and gutters and sidewalks and sewers as I have already mentioned.

What is needed are programs by the cities themselves that attack the causes rather than the symptoms; in a spirit of cooperation rather than in an attitude of confrontation. Cities must go in like we did when I was mayor of Salt Lake City, and put in more curbs, gutters and sidewalks and sewers, as I have already mentioned.

It is amazing what some of these improvements will do to a neighborhood and housing financial institutions will respond,

> We can make loans in that neighborhood after all.

Fear in the inner city must be eradicated. Where there is the fear for safety of the family on the streets and in the schools, those who can afford to will simply move to the suburbs. Until there is sufficient feeling of safety, no amount of mortgage money will solve the problems of the inner-city neighborhoods.

I cannot stress that enough, the need for solving some of these other problems, and that simple disclosure of the mortgage lending pattern in neighborhoods is not going to solve the problem by itself.

Excellence must be brought to the inner-city school system if we are to keep young families from moving to the suburbs. Home mortgage loans do not provide quality education.

There must be job opportunities and retail establishments geographically accessible if we are to maintain the viability of our inner-city neighborhoods. The housewife wants a place in her neighborhood to buy groceries at the same prices that are paid by those living near suburban shopping centers. There are the family needs for small retail establishments such as the cleaners and pharmacies. Yet, S. 1281 fails to encourage financial institutions to finance these needed neighborhood facilities.

Arbitrary regulation plays a part in inner-city decline. Poorly planned zoning codes often restrict the right sort of development. Hostile rent controls encourage abandonment. Unrealistic usury laws can effectively dry up mortgage lending in an area. Failure to enforce building codes hastens deterioration.

One of the reasons why I was so strongly in favor of section 312 of the HUD bill, the housing bill, was because, as a mayor, it makes a lot more sense to stop declines, to save a home, than to try to build a new one.

The most important element in all of this revitalization process is a spirit of community cooperation. There must be cooperation from the city government, the financial institutions, the business community, and the local citizens to maintain a viable community. I am afraid the thrust of S. 1281 is in the direction of confrontation, rather than cooperation.

Another fear I have is that S. 1281 is the first step toward credit allocation—and I cannot emphasize that enough—the next would be to say that at least *x* percent of deposits must be invested in a certain area.

This is certainly borne out by testimony given to the Senate committee by proponents of the legislation. For example, the representative of the U.S. Conference of Mayors testified at the hearings that S. 1281 is an "essential first step." He recommended that other steps include requirements that institutions "lend minimal percentages of their assets in the communities in which they are located." A proponent of the bill from the metropolitan Washington, D.C., area characterized it as a "good beginning." Other steps he recommended included the granting of charters and the requests for charters on the basis of "equal opportunity and a commitment of service to minority and poor neighborhoods." These commitment programs ultimately would end up in a quota allocation of credit.

Quota systems are a form of credit rationing. This means we would be taking from someone, the small businessman or the suburban homeowner and giving to someone else, in this case the inner city home buyer.

The free market approach would be to create incentives for savings and investment. It should not be forgotten that it takes five or six savers to support each home mortgage borrower. Through these incentives we would encourage the accumulation of sufficient capital in the private sector to fill all credit worthy needs and rationing would not be necessary. The ability of inner city borrowers to compete for funds should be increased through support programs, the spreading of the lending risks through mortgage insurance programs, and the development of comprehensive programs to improve urban neighborhoods.

A considerable amount can be done to increase the pool of private capital for home mortgages. The tax laws need to be examined to increase the incentives for savings.

More imaginative ways can be developed to attract investors to finance home mortgages. The Federal Home Loan Bank Board has outlined a manner in which mortgage backed securities can be used to attract funds not normally available to housing. By utilizing mortgage backed securities which are essentially bonds collateralized by a pool of home mortgages, pension funds or insurance companies can be attracted to invest funds in housing. A mayor or Governor could specify exactly what type of collateral he wanted—location, type of property, age and condition of property, downpayments required, minimum and maximum loan amounts, credit quality, amortization period, and loan/income ratios. Lenders would package these for a State and other pension funds at a relatively low cost. This would be a much more productive approach for the savings institutions rather than dissipating their energies and resources on reporting requirements.

As a former mayor of one of America's finest cities, I know firsthand that there are many things that need to be done and can be done to preserve the urban neighborhoods. Success lies not in Federal gimmickry and alienation produced by confrontation, but in a voluntary, cooperative effort between local government officials, the financial institutions, the business community and local community, and civic and church groups. Unless we pull together and come up with imaginative programs which address the underlying causes, we will not save the cities.

Again referring back to the hearings that we held, a great deal was said about these mortgage loans and where they were being distributed. There was very little mention made of the responsibility of banks and savings and loan institutions to their depositors, and this No. 1 responsibility is the safety of the funds of their depositors.

It is rather interesting, we have heard a great deal about "redlining" problems in Chicago. But a black minister wrote a letter about this problem, and I will only read part of it and ask unanimous consent that the entire text of his letter be printed in the RECORD.

The PRESIDING OFFICER (Mr. BROCK). Without objection, it is so ordered.

(See exhibit 1.)

Mr. GARN. He says:

> Why have there been no hard-hitting advertisements about the anti-redlining campaign? Why has there been no presentation of the obvious implications that will endanger the savings of your depositors? And, not from your own institution alone, but from the combined membership of all Savings and Loan associations?
>
> And there is, of course, the hidden agenda behind this of allegation that in fact Savings and Loan associations are racist, and desire to destroy neighborhoods made up of ethnic minorities or of mixed black-white or latino-white populations.

He goes on:

> ABOUT REDLINING. SOME HARD AND BASIC FACTS TO CONSIDER
>
> The very first obligation of any Savings and Loan association is to safeguard the savings of the thousands of savers, large and small, who trust it with their money . . . Don't forget the disaster of financial institutions going bankrupt because of bad loans and investments . . . Don't forget that even the resources of the Federal Government's protective insurance programs for Savings and Loan associations will be strained if there is widespread pattern of bad loaning and bad investing by these institutions over all the state or nation . . . It is a fact, and every knowledgeable and thoughtful person knows it is a fact, that houses and other buildings in some areas of a city, lose a large part of their dollar value when the conditions of social decay set in and become serious.

Now, he goes on with several other examples.

Here is a black minister saying that we have got to look at the other side of the coin, to not just those who are borrowing money, but those who deposit the money for borrowing, and these institutions certainly have an obligation to them. He said:

> There must be other ways devised for financing what is needed in deteriorating districts, and the Savings and Loan associations cannot be expected to endanger the funds of which they are trustees to accomplish this purpose.

I feel very strongly that we must not adopt S. 1281 as it is now proposed. I am hopeful that when I introduce my amendment that it will be adopted.

It would limit the study to 3 years in 20 standard metropolitan statistical areas and would give the answers to the questions so that we could pass meaningful legislation that would not be a handicap to the savings and loan institutions of this country.

So I would urge the defeat of Senate bill 1281 as it is presently written.

EXHIBIT NO. 1

ALL SOULS FIRST UNIVERSALIST
SOCIETY OF CHICAGO,
Chicago, Ill., July 5, 1975.

Mr. STANLEY ENLUND,
Chairman of the Board, First Federal Savings and Loan Association of Chicago, One South Dearborn Street, Chicago, Ill.

DEAR MR. ENLUND: As a long time small depositor entrusting some savings to the care of your Savings and Loan association, I am much disturbed. It seems to me that First Federal, the same as the other Savings and Loan associations, have been failing seriously in their obligations to their savers and to the community.

In the face of a serious, organized threat of major proportions to the continued successful management of the loan business, and, by projection, to the savings of the tens of thousands who have trusted you—not personally, but institutionally—the Savings and Loan associations have failed to even attempt effective counter measures. Why have there been no hard-hitting advertisements about the anti-redlining campaign? Why has there been no presentation of the obvious implications that will endanger the savings of your depositors? And, not from your own institution alone, but from the combined membership of all Savings and Loan associations?

I am no ad writer by profession. And there is, of course, the hidden agenda behind this of allegation that in fact Savings and Loan associations are racist, and desire to destroy neighborhoods made up of ethnic minorities or of mixed black-white or latino-white populations. I do not know about that allegation: if true, something drastic should be done; if not, it should be exposed as a falsehood. However, let me sketch something of what I think should be told the public.

ABOUT REDLINING—SOME HARD AND BASIC FACTS TO CONSIDER

The very first obligation of any Savings and Loan association is to safeguard the savings of the thousands of savers, large and small, who trust it with their money . . . Don't forget the disaster of financial institutions going bankrupt because of bad loans and investments . . . Don't forget that even the resources of the Federal Government's protective insurance programs for Savings and Loan associations will be strained if there is widespread pattern of bad loaning and bad investing by these institutions over all the state or nation . . . It is a fact, and every knowledgeable and thoughtful person knows it is a fact, that houses and other buildings in some areas of a city, lose a large part of their dollar value when the conditions of social decay set in and become serious . . . This means that a building with a former market selling value of $30,000 can be just as good a structure and the owners just as honest persons with the same jobs as before; yet the building can become worth only $20,000 on the market, or even become almost unsalable in terms of normal real estate transactions and mortgages . . . Loans made by the hundreds or thousands on such buildings, if based on the unrealistic former value of $30,000 can turn into defaulted mortgages, and the buildings put up as collateral can fall back into the hands of the Savings and Loan associations as worthless "assets" . . . Then what happens?

Lending institutions are in business to make money . . . If they turn down a loan, they do so because they feel that they may lose money, that the risk is too great . . .

If then the laws of the state are changed so as to compel Savings and Loan associations to lend money where their prudent careful judgment considers they ought not to lend money—purely, that is, on basis of general social objectives, then the responsibility for choosing the loan contracts becomes the responsibility of the state, not of the Savings and Loan associations . . . It will be the state officials who will be responsible if loans turn sour, if savings are endangered.

In this case, if laws are passed against what is called "redlining," really, against the exercise of prudent business judgment as to districts of communities where real estate values have become shaky and unsafe collateral, then it is up to the state to become general guarantor of the loans the Savings and Loan associations consider it unsafe to make.

The state, if it substitutes its judgment of what loans should be made for the judgment of the officials of each Savings and Loan association, surely assumes responsibility for loans that default. It owes it, then, to the tens or hundreds of thousands or maybe millions, who have entrusted their hard squeezed-out savings to these institutions, to safeguard them from losses caused by idealistic (but unworkable) social policies.

There must be other ways devised for financing that is needed in deteriorating districts, and the Savings and Loan associations cannot be expected to endanger the funds of which they are trustees to accomplish this purpose.

I believe it the duty of your institution, acting with your class member similar institutions, to present this kind of message strongly and with sufficient variety and repetition so that it becomes a part of the thinking and acting about this problem.

Yours truly,

C. LEE HUBBELL.

Mr. STONE. Mr. President, I wish to make a brief statement of support of the Senator from Utah.

Mr. GARN. Then I am happy to yield for that purpose and retain my right to the floor.

Mr. STONE. Mr. President, without unduly taxing the time of the Senate, I wish to support strongly the amendment of the Senator from Utah.

It seems to the Senator from Florida that by having the study conducted in the major metropolitan areas about which the practice of redlining is alleged to occur, that the substance of the bill can be accomplished without needless burden on small thrift institutions in other areas.

When the Senator from Utah calls up his amendment, the Senator from Florida will offer an additional amendment which will have the disclosure take place by ZIP code instead of by census tract.

In that fashion, the practice of redlining can be just as readily determined and the private and public and semipublic institutions will not be unduly taxed in order to gather information that they do not have.

Their computer systems do carry the ZIP code situation and the practice can be just as readily studied and determined by the use of ZIP codes as by the use of census tracts.

If, for any reason, the amendment of the Senator from Utah fails of agreement, then the Senator from Florida will offer the equivalent amendment, the ZIP code amendment, to the bill itself.

But the Senator from Florida wishes to commend the Senator from Utah for assisting in the purposes of the bill without undue expense where the purposes of the bill truly would not be served.

Mr. President, I strongly support the amendment offered by the junior Senator from Utah. I believe the regulations and reporting requirements contained in S. 1281 would place severe burdens upon many small thrift institutions with limited or no computer facilities. Many of these thrift institutions are located in standard metropolitan statistical areas in which there has been no demonstration or allegations that the problem of redlining exists. Clearly, it is the homebuying consumer that will be forced to bear the increased costs caused by the widespread reporting requirements contained in S. 1281.

The amendment offered by Senator GARN, which would limit the Home Mortgage Disclosure Act to a 3-year demonstration study in only 20 standard metropolitan statistical areas to determine the feasibility and usefulness of requiring all mortgage lending institutions to make public disclosure of their geographic lending patterns, will allow Congress to study adequately the usefulness of disclosing mortgage loans by geographic areas. Until careful analysis with respect to the benefits of mortgage disclosure has been made, I believe that the proper approach would be to limit this bill to the metropolitan areas in which redlining is thought to exist.

I commend my distinguished colleague from Utah for introducing this amendment and I am supporting it for another reason: The financial institutions which are affected by this bill are in a fiduciary relationship to its depositors and owe them a legal duty of investigating its deposits prudently. This amendment will allow a careful analysis to insure that financial institutions will not be required to breach its fiduciary duty by being required to make unreasonable loans either to unqualified borrowers or on inadequate security. This essential fiduciary relationship, which safeguards the billions of dollars placed in trust by millions of Americans, must not be jeopardized by requirements which have not been completely studied and proven effective and beneficial. The demonstration study provided by this amendment will protect the tremendous scope of investments and safeguard the fiduciary relationship which the law requires.

Mr. President, while I fully support the amendment offered by Senator GARN, I am submitting an amendment to the amendment offered by the Senator from Utah. My amendment would eliminate the possibility that any thrift institution would be required to disclose the location of their mortgages by census tract. By limiting the reporting requirement to zip codes many smaller institutions will be spared the heavy burden of manually relating every mortgage to a census tract. For example, in Dade County, a county with a population more than a million, the largest census tract map procured is approximately 19 inches by 28 inches. This map has some main streets and avenues indicated by name and number but many lines of demarcation give no indication of street or avenue identification. Since the assignment of each individual loan to its proper census tract would have to be done manually, and in many cases actually requires a field inspection, the amount of time and labor expended to comply with this provision of the bill would amount to an inordinate expense.

Another example: There are 141 census tracts in Hillsborough County, Fla. It would be necessary to manually relate every mortgage using a road map and census tract in combination to develop this information. This would be a very cumbersome, expensive, and time-consuming job. Only in the city of Tampa is there available a street index relating addresses to census tracts and this is only approximately 60 percent accurate according to a spokesman for the Tampa Bay regional planning commission.

Mr. Vincent Barabba, Director of the Bureau of the Census, testified on July 15, 1975, before the House Committee on Banking, Currency and Housing on the very plan proposed by this bill. In describing the capabilities and limitations of the address reference file, which serves as the geographic base-inventory for census tract, he pointed out that the files are limited primarily to urban areas in which city delivery service or its equivalent is maintained by the U.S. Postal Service. Households served by rural routes, general delivery or post office boxes are excluded, and presently there is no feasible way to determine the physical location of a household from these addresses. He further stated that those files which do in fact exist would become outdated rapidly if they remained static. He later stated:

> We have no way of estimating just what the cost impact would be in financial institutions if they were required to keep their records according to census tracts rather than by some other criteria such as by ZIP codes.

One more problem with census tracts. What happens in 1980 when the Bureau of the Census finds it necessary to revise our Standard Metropolitan Statistical Area? The entire data base accumulated would be obsolete. The system proposed by the bill seems to assume that the present census tracts would be permanent. This would not be the case in several years. For this reason alone, I suggest that ZIP codes be used instead of census tracts and I urge adoption of the amendment by my colleague from Utah to insure that a proper and workable plan will be produced by this body. There is a problem. Let us correct it wisely.

Mr. President, I ask unanimous consent that the statement by the Director, Bureau of the Census, Vincent Barabba, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF VINCENT P. BARABBA

Mr. Chairman, we appreciate this opportunity to contribute to further deliberations on H.R. 8024, and the questions raised by Title III of the bill concerning proposed disclosures by financial institutions. Primarily, we would like to describe the state of the art regarding the locating and coding of street addresses by geographic areas, particularly by census tracts.

I should like to emphasize at the outset that we see our role in this area as technical and not one of dealing with the policy questions, such as what disclosures are desirable and what their impact would be in terms of the objectives of the legislation.

To simplify somewhat, the Bureau has developed a system for coding street addresses by their geographical location. For the 1970 census we mailed census report forms to about 60 percent of the nation's households, with the cooperation of the U.S. Postal Service. The address coding system permitted us to assign the responses to the correct areas when they were mailed back. The areas covered by the system were roughly equivalent to the city delivery areas (street address areas) of the postal system.

The first step was to develop a series of metropolitan maps, with major assistance from agencies of local government. The maps were supplemented with an inventory of the address ranges between each street intersection, and a set of codes to represent the geographic location of each address range. For each address range in this inventory, the information included the census block number the name of the street which the block side faces, the census tract number, and codes assigned to identify State, congressional district, county, municipality, and so forth. This inventory or address reference file refer to as GBF/DIME; GBF means Geographic Base File, and DIME means Dual Independent Map Encoding—a computerized process for checking the internal consistency of the topological features in the file.

For the 1970 census, these files were developed, again with major local assistance, for the urbanized cores of 196 of the then-existing 233 Standard Metropolitan Statistical Areas (SMSA's). An additional 37 SMSA's have been designated since the 1970 census by the Office of Management and Budget, and there will probably be more areas designated before the 1980 census.

The GBF/DIME files have several important limitations and characteristics. First, the files are limited primarily to urban area in which city delivery service or its equivalent is maintained by the U.S. Postal Service. Households served by "rural routes", "general delivery", or post office boxes are excluded, as presently there is no feasible way to determine the physical location of a household from these addresses. Although the present files represent perhaps only 70 percent of all households, the coverage of residential units within the urban core of large metropolitan areas is virtually complete.

Second, the GBF/DIME files, once created, are a public resource. They are widely used by local agencies and private organizations. The file itself contains no personal information collected by the Bureau during the census. A file can be used at the local level, however, to code local information (containing street addresses) by geographic areas, such as census tracts, to compare such information with the summary statistics for tracts or other areas which were tabulated and published by the Census Bureau.

Third, the files would become outdated rapidly if they remained static. For purposes of the 1980 census, the Bureau has already begun the process of correcting, updating, and extending these files. We are now working with local groups in over 130 SMSA's to update existing metropolitan maps and GBF/DIME files to reflect changes which have occurred since 1970 and with groups in another 20 SMSA's to develop these resources for the first time. The goal is to develop such resources for all SMSA's just prior to the 1980 census, and if feasible, to include some of the cities outside SMSA's as well.

It is very important to note that this

work is carried out in conjunction with local councils of government and regional planning agencies, as it is they, and not the Census Bureau which have the intimate knowledge of local geography; without local assistance, the GBF/DIME system would be virtually impossible. We would also like to extend the files within SMSA's to more of the area not now covered, primarily to the outlying portions of an SMSA where unpatterned addresses cannot now be coded by specific geographical location. The Postal Service carrier knows, of course, where "rural route" addresses are actually located, but there is no way to translate that knowledge into the computer unless it can first be translated into points on a map.

Fourth, the Bureau has developed computer programs to be used in conjunction with address reference files for matching addresses to the information already in the file. This provides a way of correcting errors in the file, but also, it permits the assignment of geographic codes to local administrative records which contain addresses. One of these programs, for example, standardizes street addresses which are subject to name variability, and includes a matcher which links geographic base files to local data files.

It also permits the addition to the file of other elements, such as geographic coordinates and locally-designated codes. To give just one illustration of local use, one community, in planning for the use of community development funds, sent out a questionnaire to its citizens, based on water billing. The addresses for water bills were run through one of these computer programs in order to locate the addresses by census tract, thus providing a way to analyze the questionnaire responses by the socio-economic characteristics of census tracts.

Finally, although the Bureau's GBF/DIME file system has some unique characteristics, the basic concepts and procedures can be and have been applied in similar developments quite independently of the Bureau's own work, which is aimed principally toward the decennial census operation.

Census tracts are relatively small geographic areas into which large cities and their environs have been divided for statistical purposes. Tract boundaries are selected by local committees and approved by the Bureau of the Census. The first tracts were delineated for 8 cities for the 1910 census, and over 100 cities had been tracted by the 1950 census. The average tract has about 4,000 persons, and is originally laid out so as to achieve some uniformity of population characteristics, economic status, and living conditions. Tract boundaries generally conform to municipal and other political subdivision boundaries. Sometimes they also conform to other locally-designated areas within a city, such as health districts. Tract boundaries necessarily change, but changes are kept to a minimum in order to permit data comparisons over two or more censuses. Tract boundaries rarely conform to ZIP code boundaries, except where a ZIP code area is equal to the boundaries of a particular municipality, in which case several tracts may equal one ZIP code area.

The Bureau has taken full advantage of computers for its work on address reference files, and also for mapping techniques and graphic presentations of data. Using the computers is obviously very cost effective in dealing with large numbers of addresses, particularly for address matching. It is also possible, however, to follow a manual procedure for coding addresses to geographic areas, such as census tracts. This could include visual inspection of local maps or census tract maps, and physical canvassing where necessary. Several cities and planning agencies have developed a census tract code book for this purpose, which contains an alphabetical listing of street names and address ranges for each street.

Some of the witnesses who testified on June 26 apparently commented on the difficulty of obtaining and using material for coding addresses by census tract. I believe Mr. William B. O'Connell pointed to such difficulties with regard to Chicago, because of the rather large volume of tract maps for that city. I should like to point out that the Chicago City Planning Commission has developed a census tract code book, and I am fairly confident that had the Commission been consulted, the manual would have been available and would have greatly facilitated whatever work was undertaken.

From a technical standpoint, it is feasible for any local organization to make use of the GBF/DIME files and related materials to code its own records by census tract, bearing in mind that the files do not exist yet for all SMSA's, some of them require considerable updating, and most of them do not cover the entire area of an SMSA. The utility of the file will thus vary from place to place and will gradually increase between now and 1980.

We have no way of estimating just what the cost impact would be on financial institutions if they were required to keep their records according to census tracts rather than by some other criterion, such as by ZIP codes. Obviously one great benefit of ZIP areas is that they are precoded. One disadvantage, in terms of compiling statistics, is that the ZIP areas are designed for mailing purposes, and the extent to which they represent individuals or households with similar characteristics is incidental to their main purpose. The use of census tracts requires some special coding work.

However, tracts are designed with the purpose of describing the characteristics of local neighborhoods and making comparisons between them. So there is actually a trade-off; the use of tracts would involve coding costs, but produce more useful results for statistical analysis and comparisons. The basic question, then, is how much more relevant for the purposes of the bill is the census tract as compared with the ZIP code area.

One interesting illustration was brought to our attention by a consulting firm. A publisher chose to have two editions of a magazine. Separate from the basic edition, there was a "high income" edition, with a differential in advertising rates for the two editions. Average family income for ZIP code areas was obtained, and below a certain cutoff, an area was excluded from the "high income" edition category. One excluded area happened to be a single town with four census tracts.

The average family income, based on published 1970 census data, varied substantially among the four tracts, with the highest income tract about 40 percent above the lowest income tract, in family income. It turned out that more than one-half of the publisher's subscribers in this ZIP area lived in the highest income tract ($17,515), and the income average was well above the cut-off point. In substance, the analysis that was performed for marketing purposes would have pointed to the areas of interest more precisely if census tract data had been used.

Although the procedures for coding records by census tract are both feasible and operational, a different issue arises when such records may be open to public inspection. The Census Bureau, in accordance with the census law, Title 13, United States Code, does not release any information that would reveal identifiable personal information. When we tabulate data for small areas such as census tracts, we suppress information in any particular cells of data which would lead to disclosure. This principle should also be considered with respect to information maintained by financial institutions, particularly if depositors and loan applicants have been promised, or have assumed, that the personal information they provide to the institution will not be further disclosed or subject to misuse. On the basis of our experience in tabulating small area statistics, it seems quite possible that in some instances the disclosures proposed in the bill might reveal personal information about individuals where they were only one or a few depositors or applicants in a single census tract.

I would like to close with a few comments on Section 307 of H.R. 8024, which would require the Bureau to make a study on the feasibility and usefulness of extending the disclosure principle to depository institutions outside SMSA's, and to other kinds of financial transactions. We can certainly make some contribution on the question of feasibility, and I might say immediately that the present prospects of coding addresses in rural areas to their geographical location are not very encouraging. As to the usefulness of requiring additional disclosures, especially for other kinds of loans, such as mortgages and home improvement loans, I doubt that we should or could make such determinations. First, that kind of analysis and recommendation would depart from our mission, which is essentially to gather and disseminate statistics. Second, we have no familiarity or expertise regarding the financial practices of financial institutions. It would be more desirable from our viewpoint to put the study where the expertise exists, and expect that the experts would call on us for technical assistance.

This concludes my statement, Mr. Chairman, and I shall be happy to try to answer any questions.

Mr. GARN. Mr. President, I thank the Senator from Florida for his support and his contribution.

Mr. PROXMIRE. I think the time has come to let some sunshine in; to provide information to consumers in these neighborhoods that have been arbitrarily denied credit, and to let the marketplace decide which lenders deserve their business. That is all S. 1281 does.

I urge that this legislation be adopted.

Mr. President, I will modify my amendment.

I understand the distinguished Senator from Utah will make an opening statement for the minority, but I call up my amendment and modify my amendment No. 694 as follows:

On page 1, line 7, strike "mortgage banker".

And then as cosponsor, I ask unanimous consent that I may add the distinguished Senator from Massachusetts (Mr. BROOKE).

Mr. BROOKE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator has the right to amend his amendment to modify his amendment.

The clerk will state the amendment as modified.

The assistant legislative clerk read as follows:

The Senator from Wisconsin (Mr. PROXMIRE) —

Mr. TOWER. Mr. President, will the Senator from Wisconsin withhold for just a moment?

Mr. PROXMIRE. Certainly.

Mr. TOWER. There is some concern on the part of some Members about their rights in terms of offering amendments.

I wonder if we could get a consent agreement that the committee amendments will be considered as original text for the purpose of the amendments so that amendments can be offered in the second degree. Otherwise, they could not. They would be precluded by virtue of the fact they would be amendments in the third degree.

I ask the Chair if I am correct on that assumption.

The PRESIDING OFFICER. The Chair advises the Senator from Texas that the proposal will be to strike out and insert committee amendments and that bill in that form would be amendable in two further degrees, both the committee amendment to strike out and insert, and the original text.

Mr. TOWER. May I ask the Senator from Wisconsin if that is what he is doing now? He is not changing the text as reported from the committee but is moving to strike out and insert committee amendments so it is amendable in the second degree.

Mr. PROXMIRE. The Senator is correct, that certainly is what I am doing and what I intend to do.

Mr. TOWER. If the Senator from Wisconsin will yield further, what I am trying to do is to protect Senators who might want to amend amendments that are offered.

Mr. PROXMIRE. The Senator is correct, and it has always been customary for the manager of the bill when he offers committee amendments to ask unanimous consent that it be considered as original text, and I do that so that Senators can amend the bill freely, as modified.

The PRESIDING OFFICER. The Chair is unsure as to whether or not the Senator at this time is proposing to strike out and insert the committee amendments or is proposing an amendment of his own. Is the Senator asking that the committee amendments be considered at this time?

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. TOWER. I ask unanimous consent that the time be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, I am strongly opposed to S. 1281, the Home Mortgage Disclosure Act of 1975. It is characteristic of a trend on the part of Congress these days to regulate everything in sight and to impose unnecessary burdens and costs on businesses which are only passed on to consumers, thus increasing what they must pay for goods and services.

The intent of some of the regulatory bills approved in recent years has been laudable, since there generally was a problem which needed correcting. But in all too many instances, the degree of regulation has been unnecessary, imposing intolerable administrative and cost burdens on business and industry, and the areas of concern more properly and efficiently might have been addressed by State or local governments, or by the private sector.

I wish to associate myself with the comments of Senators TOWER, GARN, HELMS, and MORGAN, members of the committee which originated this bill. In a joint statement urging additional study before passage of S. 1281, these Senators noted:

> The statistical data provided under the bill could be misconstrued and utilized to jeopardize the solvency of financial institutions and the safety of deposits. It is a step away from the free market allocation of credit which has so well served the American home owner and toward mandatory credit allocation by the government. Finally, there simply was insufficient data on the social and economic costs of the legislation. The many small banks and thrift institutions which do not utilize computers would be loaded with an unnecessary burden. Our primary concern is for the consumer—particularly the home buyer—who will ultimately bear the costs of these schemes.

Mr. President, all of us in the Congress are greatly concerned about unemployment, about our economic problems, and about stabilizing costs of goods and services.

If we are truly interested in putting people back to work and in moving people off public benefit programs and into productive roles in this society, we ought to do everything in our power to remove unnecessary Federal regulations and expensive requirements from business and industry. Every dollar a business must spend buying forms or otherwise acting to comply with some Federal regulation is a dollar that will not go for employee wages, for expansion, or for more inventory.

In addition to the direct costs of complying with various Government regulations, business and industry must spend huge sums of money to keep up with paperwork. A recent report prepared by David L. Babson & Co., reports that American businesses must file more than 2 billion pieces of paper with various Federal agencies every year. This activity consumes an estimated 130 million man-hours, and costs about $18 billion. The Government then spends another $18 billion to print, mail, and store all of this material.

Consumers pay for all this regulation through higher prices. A classic example of how bureaucratic meddling can drive up consumer costs was the requirement that automobile seat belts and ignition systems be connected to a buzzer to "force" drivers to wear seat belts. Gratefully, widespread public opposition forced the abandonment of the seat belt/ignition interlock nonsense, but not before this ridiculous requirement cost consumers hundreds of dollars in higher automobile costs.

Mr. President, I hope the Senate will reject S. 1281. Moreover, I hope it will review some of the previous laws of this type approved in recent years and make a concerted effort to repeal unnecessary regulatory legislation.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the committee amendment be treated as original text for the purpose of amendment and that no point of order lie against amendments from the floor to that committee amendment.

The PRESIDING OFFICER. Without objection, the committee amendment in the nature of a substitute will be agreed to.

Mr. TOWER. Will be treated as original text.

The PRESIDING OFFICER. And as agreed to, will be treated as original text for the purpose of further amendment.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TOWER. That means that it can be amended in the second degree, in two more degrees?

The PRESIDING OFFICER. The Chair rules that the bill in its present form is amendable in two more degrees.

Mr. TOWER. In other words, an amendment to an amendment would not be treated as an amendment in the third degree, to the extent that a point of order would lie against it?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 694

Mr. PROXMIRE. Mr. President, I call up amendment No. 694, as modified, of which Senator BROOKE is a cosponsor.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Wisconsin (Mr. PROXMIRE), for himself and Mr. BROOKE, proposes an amendment numbered 694, as modified.

The amendment, as modified, is as follows:

> On page 8, line 21, after "loan" insert (other than temporary financing, such as a construction loan)".
>
> On page 8, strike out lines 23 through 25 and insert in lieu thereof the following:
>
> "(2) the term 'depository institution' means any commercial bank, savings bank, savings and loan association, or credit union, which makes federally related mortgage loans as determined by the Board.".
>
> On page 9, strike out lines 13 through 18 and insert in lieu thereof the following: "number and total dollar amount of mortgage loans which were (A) originated, or (B) purchased, by that institution during each fiscal year (beginning with the last full fiscal year of that institution which immediately preceded the effective date of this Act).".
>
> On page 10, line 2 strike out "county" and insert in lieu thereof "State".
>
> On page 10, between lines 4 and 5, insert the following: "For the purpose of this paragraph, a depository institution which maintains offices in more than one standard metropolitan statistical area shall be required to make the information required by this paragraph available at any such office only to the extent that such information relates to mortgage loans which were originated, purchased, or sold by an office of that depository institution located in the standard metropolitan statistical area in which the office making such information available is located.".
>
> On page 10, between lines 16 and 17, insert the following:
>
> "(c) Any information required to be compiled and made available under this section shall be maintained and made available for a period of five years after the close of the first year during which such information

is required to be maintained and made available.".

On page 13, line 19, strike out "shall" and insert in lieu thereof "may".

On page 13, line 24, strike out the period and insert in lieu thereof a comma and the following: "and that such law contains adequate provisions for enforcement.".

At the end of the bill add the following:

"EFFECTIVE DATE

"Sec. 8. The provisions of this Act shall become effective upon the expiration of ninety was following the date of enactment of this Act.".

Mr. PROXMIRE. Mr. President, Senator Brooke and I have a package amendment that makes technical perfecting modifications, and also makes the bill less costly for the financial institutions to comply with.

Let me summarize the provisions:

First, we make it clear that we are applying the disclosure requirement only to permanent mortgage loans, not to temporary construction loans. We were advised by counsel that this is necessary since technically speaking a construction loan which is secured by property may be considered a mortgage, and it was not the committee's intent to cover that sort of loan.

Second, we sharpen up the definition of which institutions are covered. The language in the committee report may be a bit unclear, since we define depository institution as anybody who makes federally related mortgage loans under the Real Estate Settlement Procedures Act of 1974. That includes insurance companies, and individual investors, whose activities are not significant for the purposes of this legislation. This bill aims at discerning patterns of investment by institutions that do a substantial amount of mortgage lending in an area, so the amendment spells out exactly who is covered—banks, mutual savings banks, savings and loan associations, and credit unions.

Third, we are modifying the disclosure requirement to make it essentially prospective. Witnesses from the financial institutions told us that it would be disproportionately costly if they were required to go back over outstanding loans and assign census tracts to them. Whereas if they simply assign the census tract at the time a new loan is originated, the cost drops to something less than a dollar per loan, according to industry estimates. We would require reporting of loans made during the year preceding the act so that the act would have some impact next year.

Under this provision, institutions would assign census tracts to loans made during the fiscal year preceding the effective date of the act, and subsequently the reporting requirement would apply to all new loans. We also make clear that the legislation requires an accounting of loans purchased as well as originated, and the intent here is that these be separate categories, with the information broken down separately for each category.

Next, the amendment simplifies the disclosure provision relating to loans made outside an institution's own metropolitan area. As reported, the bill requires that those loans be broken down by county. We feel that this degree of specificity is probably not necessary, so "county" is changed to "State."

Similarly, an institution such as Bank of America, which does business in more than one metropolitan area would be required under the committee report to maintain census-tract disclosure records in its Los Angeles offices for loans made in San Francisco. That would not be useful information. So the amendment limits that the census-tract recordkeeping requirement to loans made within a particular branch's home metropolitan area.

This amendment also provides that records must be kept for 5 years. In addition, it gives the Federal Reserve greater flexibility in administering the act where comparable legislation has been enacted at the State level, by making the waiver discretionary. And finally, we provide that the act shall take effect 90 days following enactment.

This amendment will improve the legislation technically and in the substantive area of making the disclosure requirement prospective, I believe it will make it easier for the financial institutions to live with.

Mr. TOWER. Mr. President, on the amendment of the Senator from Wisconsin, if he is prepared to yield back the remainder of his time, I am prepared to yield back mine.

Mr. PROXMIRE. I yield back the remainder of my time.

Mr. TOWER. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that no further time be charged against either side on the pending bill for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. TOWER. I wonder if the pending business could now be laid aside temporarily for whatever other business the Senator wants to transact, so that we can be finished with our business for today.

Mr. ROBERT C. BYRD. Yes.

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 300, and, after that, to Calendar Order No. 322.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Reserving the right to object, what are these items?

Mr. ROBERT C. BYRD. Calendar Order No. 300 is a resolution authorizing additional expenditures by the Committee on Commerce, and Calendar Order 322 is a bill related to special pay for nuclear qualified officers.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON COMMERCE

The Senate proceeded to consider the resolution (S. Res. 63) authorizing additional expenditures by the Committee on Commerce for inquiries and investigations, which had been reported from the Committee on Rules and Administration with amendments as follows:

On page 2, in line 17, strike out "$2,347,639.47" and insert "$1,997,000".

On page 3, in line 3, strike out "committee" and insert "committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate".

The amendments were agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That (a) in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Commerce, or any subcommittee thereof, is authorized from March 1, 1975, through February 29, 1976, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The investigations referred to in subsection (a) shall include, but not be limited to, investigations of (1) national ocean policy, (2) transportation development and regulation, and (3) tourism. The investigation of national ocean policy shall be conducted in accordance with, and subject to the provisions of S. Res. 222, Ninety-third Congress, agreed to February 19, 1974. The investigation of tourism shall be conducted in accordance with S. Res. 347, Ninety-third Congress, agreed to October 10, 1974.

Sec. 2. The expenses of the committee under this resolution shall not exceed $1,997,000, of which amount not to exceed $200,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1976.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate under vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 94–308), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Excerpt

Senate Resolution 63 as referred would authorize the Committee on Commerce, or any subcommittee thereof, from March 1, 1975, through February 29, 1976, to expend not to exceed $2,347,639.47 for a study of matters within its jurisdiction under rule XXV of the Standing Rules of the Senate, of which amount not to exceed $200,000 would be available for the procurement of the services of individual consultants or organizations thereof.

During the second session of the 93d Congress the committee was authorized by Senate Resolution 262, agreed to March 1, 1974, to expend not to exceed $1,643,800 for the same or similar purposes. The committee estimates that the unobligated balance under that authorization as of February 28, 1975 (funds returnable to the Treasury), will be approximately $50,000.

The investigations referred to above would include, but not be limited to, investigations of (1) national ocean policy, (2) transportation development and regulation, and (3) tourism. The investigation of national ocean policy would be conducted in accordance with, and subject to the provisions of Senate Resolution 222, Ninety-third Congress, agreed to February 19, 1974. The investigation of tourism would be conducted in accordance with Senate Resolution 347, Ninety-third Congress, agreed to October 10, 1974.

The Committee takes cognizance of the fact that expenses incurred by the ex officio members participating with the Committee on Commerce in conducting the National Ocean Policy Study authorized by said Senate Resolution 222, agreed to February 19, 1974, will be paid from the funds contained in Senate Resolution 63. Section 2 of Senate Resolution 222 authorizes the Chairman and ranking Minority Member of the Committee on Appropriations, Committee on Interior and Insular Affairs, Committee on Public Works, Committee on Foreign Relations, Committee on Government Operations, Committee on Labor and Public Welfare and Committee on Armed Services to serve as ex officio members of the Committee on Commerce for purposes of this study. Additionally, the President Pro Tempore is authorized to name three (3) Majority and three (3) Minority members who represent coastal states, without regard to Committee membership, to serve as additional ex officio members of the Committee on Commerce for purposes of this study.

The Committee also takes cognizance of the fact that expenses incurred by the ex-officio members participating with the Committee on Commerce in conducting the National Tourism Policy Study authorized by Senate Resolution 347, agreed to October 10, 1974, will be paid from the funds contained in Senate Resolution 63. Section 2 of Senate Resolution 347 authorizes the chairman and ranking minority member of the Committees on Appropriations, Agriculture and Forestry, Interior and Insular Affairs, Public Works, Foreign Relations, Government Operations, Labor and Public Welfare, Banking, Housing and Urban Affairs, and Judiciary, and the Select Committee on Small Business to serve as ex officio members of the Committee on Commerce for purposes of the study.

The Committee on Rules and Administration has amended Senate Resolution 63 by reducing the requested amount from $2,347,639 to $1,997,000, a reduction of $350,639, and by incorporating a technical amendment.

NUCLEAR CAREER INCENTIVE ACT OF 1975

The Senate proceeded to consider the bill (S. 2114) to amend title 37, United States Code, relating to special pay for nuclear qualified officers, and for other purposes, which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause and insert:

That section 312(e) of title 37, United States Code, is amended by striking out "June 30, 1975" and inserting in lieu thereof "September 30, 1977".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 94–329), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPTS

PURPOSE OF LEGISLATION

Authority for special pay for nuclear-trained naval officers expired on June 30, 1975. This authority provides for one payment of $15,000 to each naval officer qualified for duty in connection with the supervision, operation and maintenance of naval nuclear propulsion plants who, prior to completion of 10 years of active service, agrees to remain on active duty for 4 years in addition to any other period of obligated active service.

The legislative proposal recommended by the Defense Department was not received by the Senate until June 9, 1975. This allowed inadequate time for the committee to fully consider this proposal. However, the naval officers who are affected by this legislation perform some of the most vital and important jobs in the entire Defense Department. These jobs are involved with the operation of our ballistic missile submarines, our nuclear attack submarines and the nuclear surface ship fleet. The committee does not believe pay for these personnel should be held up while new pay proposals are considered.

The Defense Department proposed legislation would have created an entirely new system of incentive pay for these officers. Preliminary investigation revealed little evidence that the proposed system would insure the retention of sufficient nuclear-qualified officers. In addition, the proposed system would have institutionalized a permanent system of general incentive pay, rather than the more flexible and controllable system of special pay aimed at specific problems. It is not clear how this proposed system would relate to the overall review of military pay now underway in the Defense Department. In light of these considerations, the committee recommends a 2-year extension of the current pay system while other approaches are developed and considered.

PRIOR LEGISLATION ON SPECIAL PAY FOR NAVY NUCLEAR TRAINED OFFICERS

During 1963–64, the officer input to naval nuclear propulsion training was more than doubled due to rapid expansion of the nuclear submarine fleet. In 1969, many of these officers, having reached the end of their minimum obligated service, chose to leave active duty service. The Navy found the remaining officers insufficient in number to man certain nuclear department head positions on submarines.

To slow the loss of nuclear officers, in 1969 Congress enacted Public Law 91–20 authorizing Nuclear Submarine Officer Continuation Pay. This pay was a $15,000 bonus over one 4-year commitment which could begin after the initial service obligation and before completing 10 years of commissioned service. Authority for this program was to expire in 1973.

This bonus pay succeeded in slowing the resignation rate for nuclear submarine officers. In Public Law 92–581 in 1972, Congress extended the authority to grant the bonus to submarine nuclear officers until June 30, 1975. This law also expanded the nuclear officer bonus to the surface nuclear fleet. The authority to grant this bonus to officers not currently receiving it expired June 30, 1975.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 307, a resolution authorizing additional expenditures by the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

The Senate proceeded to consider the resolution (S. Res. 72) authorizing additional expenditures by the Committee on the Judiciary for inquiries and investigations, which had been reported from the Committee on Rules and Administration with amendments as follows:

On page 2, in line 11, strike out "$4,391,400" and insert "$4,057,700".

On page 2, in line 20, strike out "$429,500" and insert "$422,600".

On page 2, in line 25, strike out "$815,100" and insert "$799,100".

On page 3, in line 5, strike out "$310,000" and insert "$290,700".

On page 3, in line 10, strike out "$381,800" and insert "$354,500".

On page 3, in line 15, strike out "$258,000" and insert "$245,700".

On page 3, in line 21, strike out "$223,500" and insert "$217,300".

On page 3, in line 24, strike out "$272,000" and insert "$259,700".

On page 4, in line 4, strike out "$400,000" and insert "$283,300".

On page 4, in line 19, strike out "$428,000" and insert "$403,000".

On page 5, in line 3, strike out "$98,000" and insert "$94,700".

On page 5, in line 7, strike out "$220,000" and insert "$207,300".

On page 5, beginning in line 12, strike out:

SEC. 16. Not to exceed $70,000 shall be available for a study or investigation of revision and codification.

On page 5, in line 14, strike out "17" and insert "16".

On page 5, in line 14, strike out "$280,000" and insert "$274,300".

On page 5, in line 20, strike out "18" and insert "17".

On page 5, in line 23, strike out "19" and insert "18".

On page 6, in line 5, strike out "20" and insert "19".

On page 6, in line 7, strike out "committee" and insert "committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate".

The amendments were agreed to.

The resolution, as amended, was agreed to, as follows:

S. RES. 72

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate so far as applicable, the Committee on the Judiciary, or any subcommittee thereof, is authorized from March 1, 1975, through February 29, 1976, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services or personnel of any such department or agency.

SEC. 2. The Committee on the Judiciary, or any subcommittee thereof, is authorized from March 1, 1975, through February 29, 1976, to expend not to exceed $4,057,700 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries and to the procurement of the services of individual consultants or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended) in accordance with such succeeding sections of this resolution.

SEC. 3. Not to exceed $422,600 shall be available for a study or investigation of administrative practice and procedure, of which amount not to exceed $14,500 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 4. Not to exceed $799,100 shall be available for a study or investigation of antitrust and monopoly, of which amount not to exceed $8,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 5. Not to exceed $290,700 shall be available for a study or investigation of constitutional amendments, of which amount not to exceed $14,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 6. Not to exceed $354,500 shall be available for a study or investigation of constitutional rights, of which amount not to exceed $10,117 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 7. Not to exceed $245,700 shall be available for a study or investigation of criminal laws and procedures.

SEC. 8. Not to exceed $17,500 shall be available for a study or investigation of Federal charters, holidays, and celebrations.

SEC. 9. Not to exceed $217,300 shall be available for a study or investigation of immigration and naturalization.

SEC. 10. Not to exceed $259,700 shall be available for a study or investigation of improvements in judicial machinery, of which amount not to exceed $10,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 11. Not to exceed $283,300 shall be available for a complete and continuing study and investigation of (1) the administration, operation, and enforcement of the Internal Security Act of 1950, as amended, (2) the administration, operation, and enforcement of other laws relating to espionage, sabotage, and the protection of the internal security of the United States, and (3) the extent, nature, and effect of subversive activities in the United States, its territories and possessions, including, but not limited to, espionage, sabotage, and infiltration by persons who are or may be under the domination of the foreign government or organization controlling the world Communist movement or any other movement seeking to overthrow the Government of the United States by force and violence or otherwise threatening the internal security of the United States.

SEC. 12. Not to exceed $403,000 shall be available for a study or investigation of juvenile delinquency, of which amount not to exceed $14,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 13. Not to exceed $168,000 shall be available for a study or investigation of patents, trademarks, and copyrights.

SEC. 14. Not to exceed $94,700 shall be available for a study or investigation of national penitentiaries, of which amount not to exceed $500 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 15. Not to exceed $207,300 shall be available for a study or investigation of refugees and escapees, of which amount not to exceed $3,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 16. Not to exceed $274,300 shall be available for a study or investigation of separation of powers between the executive, judicial, and legislative branches of Government of which amount not to exceed $10,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 17. Not to exceed $20,000 shall be available for a study or investigation of Federal Bureau of Investigation oversight.

SEC. 18. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1976.

SEC. 19. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 94–315), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 72, as referred, would authorize the Committee on the Judiciary, or any subcommittee thereof, from March 1, 1975, through February 29, 1976, to expend not to exceed $4,391,400 for inquiries and investigations.

The funds requested by the committee would be allocated to specific inquiries and to the procurement of the services of individual consultants or organizations thereof as follows:

Section 3 of the resolution would provide that not to exceed $429,500 would be available for a study or investigation of administrative practice and procedure, of which amount not to exceed $14,500 could be expended for the procurement of consultants.

Section 4 of the resolution would provide that not to exceed $815,100 would be available for a study or investigation of antitrust and monopoly, of which amount not to exceed $8,000 could be expended for the procurement of consultants.

Section 5 of the resolution would provide that not to exceed $310,000 would be available for a study or investigation of constitutional amendments, of which amount not to exceed $14,000 could be expended for the procurement of consultants.

Section 6 of the resolution would provide that not to exceed $381,800 would be available for a study or investigation of constitutional rights, of which amount not to exceed $10,117 could be expended for the procurement of consultants.

Section 7 of the resolution would provide that not to exceed $258,000 would be available for a study or investigation of criminal laws and procedures.

Section 8 of the resolution would provide that not to exceed $17,500 would be available for a study or investigation of Federal charters, holidays, and celebrations.

Section 9 of the resolution would provide that not to exceed $223,500 would be available for a study or investigation of immigration and naturalization.

Section 10 of the resolution would provide that not to exceed $272,000 would be available for a study or investigation of improvements in judicial machinery, of which amount not to exceed $10,000 could be expended for the procurement of consultants.

Section 11 of the resolution would provide that not to exceed $400,000 would be available for a study or investigation of internal security.

Section 12 of the resolution would provide that not to exceed $428,000 would be available for a study or investigation of juvenile delinquency, of which amount not to exceed $14,000 could be expended for the procurement of consultants.

Section 13 of the resolution would provide that not to exceed $168,000 would be available for a study or investigation of patents, trademarks, and copyrights.

Section 14 of the resolution would provide that not to exceed $98,000 would be available for a study or investigation of national penitentiaries, of which amount not to exceed $500 could be expended for the procurement of consultants.

Section 15 of the resolution would provide that not to exceed $220,000 would be available for a study or investigation of refugees and escapees, of which amount not to exceed $3,000 could be expended for the procurement of consultants.

Section 16 of the resolution would provide that not to exceed $70,000 would be available for a study or investigation of revision and codification.

Section 17 of the resolution would provide that not to exceed $280,000 would be available for a study or investigation of separation of powers (Executive, Judicial, Legislative), of which amount not to exceed $10,000 could be expended for the procurement of consultants.

Section 18 of the resolution would provide that not to exceed $20,000 would be available for a study or investigation of FBI oversight.

During the second session of the 93d Congress the committee was authorized by Senate Resolution 255, agreed to March 1, 1974, to expend not to exceed $4,116,600[1] for inquiries and investigations. The following table sets forth the allocation of those funds to the committee's respective subcommittees and the estimated unobligated balances as of February 28, 1975 (funds returnable to the Treasury):

Subcommittee	Amount authorized	Amount returnable (estimated)
Administrative Practice and Procedure	$408,900	$650
Antitrust and Monopoly	767,000	7,000
Constitutional Amendments	252,000	1,950
Constitutional Rights	259,900	16,000
Criminal Laws and Procedures	221,000	50,000
Federal Charters, Holidays and Celebrations	16,500	3,800
Immigration and Naturalization	205,000	66,000
Improvements in Judicial Machinery	235,000	16,000
Internal Security	400,000	15,000
Juvenile Delinquency	353,000	8,000
Patents, Trademarks, and Copyrights	178,000	8,000
Penitentiaries	88,000	4,250
Refugees and Escapees	182,000	0
Revision and Codification	64,800	11,800
Separation of Powers	263,000	6,500
Representation of Citizen Interests	162,500	707
FBI Oversight	20,000	8,500
Total	4,116,600	224,157

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[1] As amended by S. Res. 358, agreed to Aug. 22, 1974, which authorized the committee $12,500 (increase from $150,000 to $162,500) in supplemental funds for the Subcommittee on Representation of Citizen Interests; and further amended by S. Res. 403, agreed to Oct. 10, 1974, which authorized the committee $31,100 (increase from $377,800 to $408,900) in supplemental funds for the Subcommittee on Administrative Practice and Procedure.

At the request of Chairman Eastland, the Committee on Rules and Administration has amended Senate Resolution 72 by deleting section 16 (providing funds for the Subcommittee on Revision and Codification), and, consequently, by redesignating sections 17, 18, 19, and 20 as sections 16, 17, and 19, respectively. (See letter dated Mar. 6, 1975, to Chairman Cannon from Chairman Eastland, which letter may be found on p. 4 of this report.) The Committee also is reporting the resolution with a technical amendment.

The Committee also has amended Senate Resolution 72 by reducing the total requested amount from $4,391,400 to $4,057,700, a reduction of $333,700. The distribution of the reduction among the respective purposes is shown in the following tabulation:

Sec. No.	Purpose	Amount		
		Requested	Amendment	Approved
3	Administrative practice and procedure.	$429,500	−$6,900	$422,600
4	Antitrust and monopoly	815,100	−16,000	799,100
5	Constitutional amendments	310,000	−49,300	290,700
6	Constitutional rights	381,800	−27,300	354,500
7	Criminal laws and procedures	258,000	−12,300	245,700
8	Federal charters, holidays, and celebrations.	17,500	0	17,500
9	Immigration and naturalization	223,500	−6,200	217,300
10	Improvements in judicial machinery	272,000	−12,300	259,700
11	Internal security	$400,000	−$116,700	$283,300
12	Juvenile delinquency	428,000	−25,000	403,000
13	Patents, trademarks, and copyrights	168,000	0	168,000
14	Penitentiaries	98,000	−3,300	94,700
15	Refugees and escapees	220,000	−12,700	207,300
16	Revision and codification	70,000	−70,000	0
17	Separation of powers	280,000	−5,700	274,300
18	FBI oversight	20,000	0	20,000
Total		4,391,400	−333,700	4,057,700

ORDER FOR ADJOURNMENT UNTIL 10 A.M. MONDAY, JULY 28, 1975

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

REQUEST FOR UNANIMOUS-CONSENT AGREEMENT FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY OBJECTED TO

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, after the two leaders or their designees have been recognized under the standing order, there be a brief period for the transaction of routine morning business of not to exceed 10 minutes, with statements limited therein to 2 minutes each.

Mr. ALLEN. I object.

The PRESIDING OFFICER. Objection is heard.

DISAPPROVAL OF CONSTRUCTION PROJECTS ON THE ISLAND OF DIEGO GARCIA

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate adjourns today, the resolution Senate Resolution 160, disapproving construction projects on the island of Diego Garcia, be made the pending business.

Mr. TOWER. Reserving the right to object, and I do not intend to object, this bill is out of the Appropriations Committee, is that correct?

Mr. ROBERT C. BYRD. The Armed Services Committee.

Mr. TOWER. The authorization bill out of Armed Services?

Mr. ROBERT C. BYRD. Yes.

Mr. MANSFIELD. It is a resolution of disapproval.

Mr. TOWER. The resolution of disapproval, right.

Have the appropriate Members on this side been contacted?

Mr. MANSFIELD. They have, the chairman of the committee and the ranking member have both been contacted, and also Mr. CULVER, Mr. LEAHY, Mr. HART, and Mr. MANSFIELD, among others, have been notified.

Mr. TOWER. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Besides, may I say it is the last day upon which the resolution of disapproval could be brought up.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Was the request granted?

The PRESIDING OFFICER. Yes, it was.

On whose time does the Senator suggest the absence of a quorum?

Mr. TOWER. I ask unanimous consent that the time be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, reserving the right to object, does the Senator contemplate proceeding with the bill? What does he have in mind with the quorum call?

Mr. TOWER. The Senator from Texas has in mind a little caucus of some of the people on this side, to determine what we should do next. We have to get our parliamentary sequence sorted out here. It should not take long.

Mr. President, I withdraw my request for the quorum call, and yield to the Senator from West Virginia for a question.

Mr. ROBERT C. BYRD. I wanted to talk to the Senator privately. Will the Chair tolerate a private conversation for no longer than 30 seconds?

Mr. TOWER. Mr. President, I suggest the absence of a quorum, the time for the quorum call to be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOME MORTGAGE DISCLOSURE ACT OF 1975

The Senate continued with the consideration of the bill (S. 1281) to improve public understanding of the role of depository institutions in home financing.

EXTENSION OF TIME FOR COMMITTEE TO FILE CONFERENCE REPORT ON H.R. 6674

Mr. STENNIS. Mr. President, I ask unanimous consent that the Committee on Armed Services be granted permission to have until midnight tonight, July 26, 1975, to file the conference report on H.R. 6674, the military procurement authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISAPPROVAL OF CONSTRUCTION PROJECTS ON THE ISLAND OF DIEGO GARCIA

Mr. ROBERT C. BYRD. I ask unanimous consent that the Senate now proceed to the consideration, without any action thereon at this time, of S. Res. 160.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

> A resolution (S. Res. 160) disapproving construction projects on the Island of Diego Garcia.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the resolution.

SENATE RESOLUTION 222—RESOLUTION CONGRATULATING THE APOLLO-SOYUZ SPACE PROJECT

Mr. HUGH SCOTT. Mr. President, now that both the American and Soviet space teams have safely returned to their homelands, I would like to comment on the Apollo-Soyuz test project.

From the early 1960's and the advent of space activity, international cooperation in space has been endorsed by both the United States and the Soviet Union. This mission is the culmination of years of negotiating, careful planning, and extensive testing.

In 1962, after the successful Glenn mission, Nikita Khrushchev sent a congratulatory telegram to the late President Kennedy and initially expressed the desirability of cooperation in space. The Outer Space Treaty of 1967, signed by both the United States and the U.S.S.R., further guaranteed that "space exploration shall be carried out for the benefit of all humanity." Discussions from 1969 to 1971 between the National Aeronautics and Space Administration and the Soviet Academy of Sciences produced the agreement that the United States and the Soviet Union would each design a manned spacecraft with a compatible docking mechanism. The fabrication of such a standardized docking system was an essential first step in the process of international space exploration. These talks were formalized by the 1972 U.S.-U.S.S.R. Space Agreement which provided for the docking system and, more importantly, authorized this 1975.

The mere fact that such a mission could be designed and so successfully implemented is testimony of the level of cooperation which has been cultivated by both the United States and the Soviet Union.

I believe the nature of this occasion warrants official action by the Senate. Therefore, I ask unanimous consent for the immediate consideration of a resolution congratulating the National Aeronautics and Space Administration and the Soviet Academy of Sciences on an outstanding, international effort.

Mr. President, I send to the desk a Senate resolution congratulating the National Aeronautics and Space Administration and the Soviet Academy of Sciences on the joint Apollo-Soyuz space project, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 222) to offer congratulations to the National Aeronautics and Space Administration and the Soviet Academy of Sciences on the joint Apollo-Soyuz Test Project.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

Mr. HARRY F. BYRD, JR. Mr. President, I have no objection to the consideration of the resolution. That is the kind of détente of which I approve. I do not approve of a lot of agreements that have been made in the name of détente. But I do approve of this one. I think it was a very desirable maneuver, and I am glad to see both countries cooperate in this endeavor.

I commend the Senator from Pennsylvania on this resolution.

Mr. HUGH SCOTT. Mr. President, I thank the distinguished Senator from Virginia.

I can take some pride in the resolution in that I have been told by persons in a position to know that I had something to do with the acceptance of the project in talks with certain officials with both countries in 1971.

THE HANDSHAKE IN SPACE

Mr. ROBERT C. BYRD. Mr. President, before the resolution is agreed to, on last Thursday evening—I believe it was—with the safe return of the three American astronauts, the Apollo-Soyuz space mission officially ended.

I join in offering congratulations to these courageous explorers, but I caution against our letting the handshake in space distort our view of realities of the situation here on Earth.

The news media, especially the television networks, assured us nightly that the mission was historic—and from a show business point of view, it probably was.

However, I have a feeling that history itself will rate the mission as rather meaningless.

What the mission showed was Russia's willingness to fully cooperate with the form of détente. What the world needs is Russia's cooperation with the substance of détente.

It was not too long ago that the Soviet Union was gloating over the fall of South Vietnam—a fall that Russia contributed to by greatly increasing its military supplies to the North, rather than using its influence to keep the unsteady peace which had cost so many American lives.

And today, Russia looks with a covetous eye at both Portugal and India. Secretary Kissinger has estimated that, over the past 12 months, more than $50 million in Soviet aid has gone to the Portuguese Communists to help that small minority suppress the majority. In India, as Prime Minister Indira Gandhi moves to completely destroy freedom, she can count only one strong friend in her corner—the Soviet Union.

The now-distant memories of Berlin and Hungary and Czechoslovakia and other countries unfortunate enough to come under the Soviets' sphere of domination; the recent memories of Vietnam; and the current situations in Portugal and India—these are things that all Americans should keep constantly in mind.

The peaceful handshake in space made good television, but Russia's strong-arm tactics here on earth will continue to bear close watching.

I have no objection to the passage of the resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The resolution (S. Res. 222) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 222

Whereas, the 1962 telegram to the late President Kennedy from General Secretary Khrushchev expressed the initial desire for Soviet-American cooperation in space; and

Whereas, the Outer Space Treaty of 1967, signed by both the United States of America and the Union of Soviet Socialist Republics, guaranteed that space is free for exploration and use by all countries; and

Whereas, the discussions of 1969–1971 between the National Aeronautics and Space Administration and the Soviet Academy of Sciences produced the agreement that the United States and the Soviet Union would each design a manned spacecraft with a compatible docking mechanism;

Whereas, formal authorization of a joint American-Soviet space venture was provided by the 1972 U.S.-U.S.S.R. Space Agreement; and

Whereas, the Apollo-Soyuz Test Project is the culmination of years of negotiating, careful planning and extensive testing; and

Whereas, the mere fact that such a project could be designed and so successfully implemented is testimony of the level of cooperation which has been cultivated by the United States of America and the Union of Soviet Socialist Republics; and

Whereas, it is our hope that both nations will continue to work together to assure that future space exploration shall be carried out for the benefit of all humanity; now, therefore, be it

Resolved, That on behalf of the people of the United States of America, the Senate hereby expresses congratulations to the National Aeronautics and Space Administration and the Soviet Academy of Sciences on an outstanding international effort.

SENATE RESOLUTION 223—SUBMISSION OF A RESOLUTION DECLARING A VACANCY IN THE OFFICE OF U.S. SENATOR FOR THE STATE OF NEW HAMPSHIRE

Mr. HUGH SCOTT. Mr. President, I send to the desk a resolution to declare vacant the seat in New Hampshire and provide for payment of annual salary to each of the two contestants up to the date of the adoption of the resolution, and I ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

> A resolution (S. Res. 223) declaring a vacancy in the office of United States Senator for the State of New Hampshire for the term commencing January 3, 1975, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I object to the consideration of the resolution.

The PRESIDING OFFICER. Objection is heard.

The resolution will go over under the rules.

The resolution is as follows:

S. RES. 223

Whereas the senatorial election contest from the State of New Hampshire is so close that it appears impossible for the Senate to determine the outcome with accuracy and certainty, and

Whereas the State of New Hampshire has been without its constitutional representation in the United States Senate for almost seven months, and

Whereas both contestants have been subject to large expense and great personal sacrifice while this matter has been before the Senate, and

Whereas the State of New Hampshire has a municipal primary election scheduled for October 7 and a special runoff election for that date to effect a savings in election expense, now, therefore, be it

Resolved, That the contested seat in the United States Senate from the State of New Hampshire for the term commencing January 3, 1975, is hereby declared vacant as of September 1, 1975.

SEC. 2. That the contestants for the seat who have applied to the United States Senate for seating, John A. Durkin and Louis C. Wyman, shall each receive a prorated portion of the annual salary of a United States Senator from January 3, 1975, through the date of passage of this resolution, such salaries to be paid from the Contingent Funds of the United States Senate.

Mr. HUGH SCOTT. Mr. President, if I could make one statement at this point.

Mr. ROBERT C. BYRD. Yes.

Mr. HUGH SCOTT. Mr. President, I sent a resolution to the desk asking that the Senate decide to send the contest between Messrs. Wyman and Durkin back to New Hampshire, and I have included in that resolution a payment to both of these contestants of the pro rated part of their salary up to the date of the adoption of the resolution.

Those of us who believe that the people of New Hampshire have a right to determine this matter for themselves in common with the general editorial and newspaper opinion of the country, so far as I am aware, are anxious that the Senate shall do something before it recesses for the month of August.

I do not want us to go home facing the charges that we have been unable to solve this and we are not willing to solve it by sending it back to New Hampshire.

I recognize the many differences of opinion, but during the coming week I think it is only fair to say that from time to time I will repeat this statement so that the public may become fully aware of the fact that we believe this matter should be returned to the people of New Hampshire, and I intend to continue making the point until the recess arrives.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on Monday the Senate will come in at 10 a.m.

After the two leaders or their designees have been recognized under the standing order on Monday, the Senate will proceed under rules VII and VIII, and there could be rollcall votes during the morning hour. I think that Senators ought to be alerted to that fact. This would mean that there could be rollcall votes between the hours of 10 and 12.

The unfinished business on Monday will be Senate Resolution 160. There is a time limitation on that resolution, I believe, of 5 hours, with an additional 30 minutes to each of two Senators, which would make a total of 6 hours. I ask the Chair, am I correct?

The PRESIDING OFFICER (Mr. GARN). The Senator is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

I cannot outline at this time all of the measures that remain to be acted upon next week before the Senate goes out at the close of business on Friday, under the law, for the August recess, but among those measures that will be coming up next week are the following measures—not necessarily in the order stated, nor do they constitute the entire list of measures which remain to be acted upon:

The mineral leasing bill, S. 391.

S. 2173, naval petroleum reserves.

At some point during next week, the Senate will resume its consideration of S. 1281, public understanding of depository institutions in home financing.

S. 963, diethylstilbesterol.

S. 521, the Outer Continental Shelf.

S. 1587, public works and EDA.

S. 598, ERDA authorization.

H.R. 8121, the State, Justice, Commerce appropriation bill.

The HEW appropriation bill.

H.R. 2559, an act to amend title 39, United States Code, to apply to the U.S. Postal Service certain provisions of law providing for Federal agency safety programs and responsibilities and for other purposes.

S. 1466, a bill to amend the Public Health Service Act to extend and revise the program of assistance for the control and prevention of communicable diseases.

By the way, I think I should state—I believe I am correct in this—that H.R. 2559, which I mentioned earlier, is a bill which, as I understand, contains an amendment which provides for the executive, judicial, and legislative branches to be included under the automatic cost-of-living pay increases. I think Senators ought to be on notice as to what is involved in that measure.

Now, to continue with my statement of certain measures that will likely be coming up next week: S. 1771, a bill to provide special pay and other improvements designed to enhance the recruitment and retention of physicians, dentists, nursing personnel, and other health care personnel.

Senate Resolution 145, the resolution to express the disapproval of the Senate of the President's proposed amendment to the regulations dealing with price controls on domestic crude oil, residual oil, and so forth.

S. 354, the no-fault insurance bill may come up.

And possibly H.R. 7710, an act to amend the tariff schedules to provide duty-free treatment to watches and so on.

Of course, there may also be other measures taken up which are not now on the calendar.

Conference reports, being privileged, may be called up at any time, and rollcall votes may occur thereon.

And the New Hampshire election dispute, of course, is a matter yet to be resolved.

That is a pretty full plate to chew on next week.

ADJOURNMENT UNTIL 10 A.M. MONDAY

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate—after 7 hours and 58 minutes of toil today, five rollcall votes, an override of a Presidential veto, passage of two appropriation bills and several other bills and resolutions—stand in adjournment until 10 a.m. on Monday morning.

The motion was agreed to; and at 4:58 p.m., the Senate adjourned until Monday, July 28, 1975, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Saturday, July 26, 1975*

CONFERENCE REPORT ON H.R. 6674

Mr. PRICE (pursuant to an order of the House on July 25) filed the following conference report and statement on the bill (H.R. 6674) to authorize appropriations during the fiscal year 1976, and the period beginning July 1, 1976, and ending September 30, 1976, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 94–413)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6674) to authorize appropriations during the fiscal year 1976, and the period beginning July 1, 1976, and ending September 30, 1976, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1976 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, $337,500,000; for the Navy and the Marine Corps, $2,997,800,000; for the Air Force, $4,224,000,000, of which amount not to exceed $64,000,000 is authorized for the procurement of only long lead items for the B–1 bomber aircraft. None of the funds authorized by this Act may be obligated or expended for the purpose of entering into any production contract or any other contractual arrangement for production of the B–1 bomber aircraft unless the production of such aircraft is hereafter authorized by law. The funds authorized in this Act for long lead items for the B–1 bomber aircraft do not constitute a production decision or a commitment on the part of Congress for the future production of such aircraft.

MISSILES

For missiles: for the Army, $431,000,000; for the Navy, $990,400,000; for the Marine Corps, $52,900,000; for the Air Force, $1,765,000,000, of which $265,800,000 shall be used only for the procurement of Minuteman III missiles.

NAVAL VESSELS

For Naval vessels: for the Navy, $4,044,400,000, of which amount not more than $60,000,000 shall be available for the procurement of only long lead items for the nuclear strike cruiser.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $864,000,000, of which $379,400,000 shall be used only for the procurement of M-60 series tanks; for the Marine Corps, $101,500,000.

TORPEDOES

For torpedoes and related support equipment: for the Navy, $189,500,000.

OTHER WEAPONS

For other weapons: for the Army, $74,300,000; for the Navy, $17,700,000; for the Marine Corps, $100,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1976 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $2,028,933,000;

For the Navy (including the Marine Corps), $3,318,649,000;

For the Air Force, $3,737,001,000; and

For the Defense Agencies, $588,700,000, of which $25,000,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

TITLE III—ACTIVE FORCES

SEC. 301. (a) For the fiscal year beginning July 1, 1975, and ending June 30, 1976, each component of the Armed Forces is authorized an end strength for active duty personnel as follows:

(1) The Army, 785,000;
(2) The Navy, 528,651;
(3) The Marine Corps, 196,303;
(4) The Air Force, 590,000.

(b) The end strength for active duty personnel prescribed in subsection (a) of this section shall be reduced by 9,000. Such reduction shall be apportioned among the Army, Navy, including the Marine Corps, and the Air Force in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to Congress within 60 days after the date of enactment of this Act on the manner in which this reduction is to be apportioned among the Armed Forces and shall include the rationale for each reduction.

TITLE IV—RESERVE FORCES

SEC. 401. (a) For the fiscal year beginning July 1, 1975, and ending June 30, 1976, the Selected Reserve of each Reserve component of the Armed Forces shall be programed to attain an average strength of not less than following:

(1) The Army National Guard of the United States, 400,000;
(2) The Army Reserve, 219,000;
(3) The Naval Reserve, 106,000;
(4) The Marine Corps Reserve, 32,481;
(5) The Air National Guard of the United States, 94,879.
(6) The Air Force Reserve, 51,789;
(7) The Coast Guard Reserve, 11,700.

(b) The average strength prescribed by subsection (a) of this section for the Selected Reserve of any Reserve component shall be proportionately reduced by (a) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are an active duty (other than for training) at any time during the fiscal year; and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

TITLE V—CIVILIAN PERSONNEL

SEC. 501. (a) For the fiscal year beginning July 1, 1975, and ending June 30, 1976, the Department of Defense is authorized an end strength for civilian personnel of 1,058,000.

(b) The end strength for civilian personnel prescribed in subsection (a) of this section shall be apportioned among the Department of the Army, the Department of the Navy, including the Marine Corps, the Department of the Air Force, and the agencies of the Department of Defense (other than the military departments) in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to the Congress within 60 days after the date of enactment of this Act on the manner in which the allocation of civilian personnel is made among the military departments and the agencies of the Department of Defense (other than the military departments) and shall include the rationale for each allocation.

(c) In computing the authorized end strength for civilian personnel there shall be included all direct-hire and indirect-hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency) whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for students and disadvantaged youth such as the stay-in-school campaign, the temporary summer aid program and the Federal junior fellowship program and personnel participating in the worker-trainee opportunity program. Whenever a function, power, or duty, or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense or from a department or agency within the Department of Defense, the civilian, personnel end strength authorized for such departments or agencies of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

(d) When the Secretary of Defense determines that such action is necessary in the national interest, he may authorize the employment of civilian personnel in excess of the number authorized by subsection (a) of this section but such additional number may not exceed one-half of one per centum of the total number of civilian personnel authorized for the Department of Defense by subsection (a) of this section. The Secretary of Defense shall promptly notify the Congress of any authorization to increase civilian personnel strength under the authority of this subsection.

TITLE VI—MILITARY TRAINING STUDENT LOADS

SEC. 601. (a) For the fiscal year beginning July 1, 1975, and ending June 30, 1976, each component of the Armed Forces is authorized an average military training student load as follows:

(1) The Army, 83,101;
(2) The Navy, 69,513;
(3) The Marine Corps, 26,489;
(4) The Air Force, 51,225;
(5) The Army National Guard of the United States, 9,788;
(6) The Army Reserve, 7,359;
(7) The Naval Reserve, 1,661;
(8) The Marine Corps Reserve, 2,769;
(9) The Air National Guard of the United States, 1,952; and
(10) The Air Force Reserve, 810.

(b) The average military training student loads for the Army, the Navy, the Marine Corps, and the Air Force and the Reserve components prescribed in subsection (a) of this section for the fiscal year ending June 30, 1976, shall be adjusted consistent with the manpower strengths provided in titles III, IV, and V of this Act. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the Reserve Components in such manner as the Secretary of Defense shall prescribe.

TITLE VII—AUTHORIZATION FOR THE PERIOD BEGINNING JULY 1, 1976, AND ENDING SEPTEMBER 30, 1976

SEC. 701. PROCUREMENT.—Funds are hereby authorized to be appropriated for the period July 1, 1976, to September 30, 1976, for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, $59,400,000; for the Navy and the Marine Corps, $585,500,000; for the Air Force, $858,000,000, of which amount not to exceed $23,000,000 is authorized for the procurement of only long lead items for the B-1 bomber aircraft.

MISSILES

For missiles: for the Army, $56,500,000; for the Navy, $308,600,000; for the Marine Corps, $10,700,000; for the Air Force, $252,200,000.

NAVAL VESSELS

For naval vessels: for the Navy, $474,200,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $245,300,000, of which $133,000,000 shall be used only for the procurement of M-60 series tanks; for the Marine Corps, $400,000.

TORPEDOES

For torpedoes and related support equipment: for the Navy, $19,200,000.

OTHER WEAPONS

For other weapons: for the Army, $9,700,000; for the Navy, $1,400,000.

SEC. 702. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—Funds are hereby authorized to be appropriated for the period July 1, 1976, to September 30, 1976, for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $513,326,000;

For the Navy (including the Marine Corps), $49,746,000;

For the Air Force, $965,783,000; and

For the Defense Agencies, $144,768,000, of which $5,000,000 is authorized for the activities of the Director of Test and Evaluation Defense.

SEC. 703. ACTIVE FORCES.—(a) For the period beginning July 1, 1976, and ending September 30, 1976, each component of the Armed Forces is authorized an end strength for active duty personnel as follows:

(1) The Army, 793,000;
(2) The Navy, 535,860;
(3) The Marine Corps, 196,498;
(4) The Air Force, 590,000.

(b) The end strength for active duty personnel prescribed in subsection (a) of this section shall be reduced by 9,000. Such reduction shall be apportioned among the Army, Navy, including the Marine Corps, and Air Force in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to Congress within 60 days after the date of enactment of this Act on the manner in which this reduction is to be apportioned among the Armed Forces and shall include the rationale for each reduction.

SEC. 704. RESERVES FORCES.—(a) For the period beginning July 1, 1976, and ending September 30, 1976, the Selected Reserve of each Reserve component of the Armed Forces shall be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 400,000;

(2) The Army Reserve, 219,000;

(3) The Naval Reserve, 106,000;

(4) The Marine Corps Reserve, 33,013;

(5) The Air National Guard of the United States, 94,543;

(6) The Air Force Reserve, 53,642;

(7) The Coast Guard Reserve, 11,700.

(b) The average strength prescribed by subsection (a) of this section for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the period; and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the period. Whenever such units or such individual members are released from active duty during the period, the average strength for such period for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

SEC. 705. CIVILIAN PERSONNEL.—(a) For the period beginning July 1, 1976, and ending September 30, 1976, the Department of Defense is authorized an end strength for civilian personnel of 1,064,400.

(b) The end strength for civilian personnel prescribed in subsection (a) of this section shall be apportioned among the Department of the Army, the Department of the Navy, including the Marine Corps, the Department of the Air Force, and the agencies of the Department of Defense (other than the military departments) in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to the Congress within 60 days after the date of enactment of this Act on the manner in which the allocation of civilian personnel is made among the military departments and the agencies of the Department of Defense (other than the military departments) and shall include the rationale for each allocation.

(c) In computing the authorized end strength for civilian personnel there shall be included all direct-hire and indirect hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency) whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for students and disadvantaged youth such as the stay-in-school campaign, the temporary summer aid program and the Federal junior fellowship program and personnel participating in the worker-trainee opportunity program. Whenever a function, power, or duty or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense or from a department or agency within the Department of Defense, the civilian personnel end strength authorized for such departments or agencies of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

(d) When the Secretary of Defense determines that such action is necessary in the national interest, he may authorize the employment of civilian personnel in excess of the number authorized by subsection (a) of this section, but such additional number may not exceed one-half of 1 per centum of the total number of civilian personnel authorized for the Department of Defense by subsection (a) of this section. The Secretary of Defense shall promptly notify the Congress of any authorization to increase civilian personnel strength under the authority of this subsection.

SEC. 706. MILITARY TRAINING STUDENT LOADS.—(a) For the period beginning July 1, 1976, and ending September 30, 1976, each component of the Armed Forces is authorized an average military training student load as follows:

(1) The Army, 75,185;

(2) The Navy, 70,571;

(3) The Marine Corps, 26,788;

(4) The Air Force, 52,280;

(5) The Army National Guard of the United States, 9,481;

(6) The Army Reserve, 5,518;

(7) The Naval Reserve, 2,106;

(8) The Marine Corps Reserve, 4,088;

(9) The Air National Guard of the United States, 2,180; and

(10) The Air Force Reserve, 836.

(b) The average military training student loads for the Army, the Navy, the Marine Corps, and the Air Force and the Reserve components prescribed in subsection (a) of this section for the period beginning July 1, 1976, and ending September 30, 1976, shall be adjusted consistent with the manpower strengths provided in sections 703, 704, and 705 of this Act. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the Reserve components in such manner as the Secretary of Defense shall prescribe.

TITLE VIII—GENERAL PROVISIONS

SEC. 801. (a) Section 138 of title 10, United States Code, is amended as follows:

(1) Subsection (a) of such section is amended—

(A) by striking out "or" at the end of paragraph (4);

(B) by inserting "or" after the semicolon at the end of paragraph (5); and

(C) by inserting immediately after paragraph (5) the following new paragraph:

"(6) military construction (as defined in subsection (e) of this section;".

(2) Such section is amended by adding at the end thereof the following new subsection:

"(e) For purposes of subsection (a)(6) of this section, the term 'military construction' includes any construction, development, conversion, or extension of any kind which is carried out with respect to any military facility or installation (including any Government-owned or Government-leased industrial facility used for the production of defense articles and any facility to which section 2353 of this title applies) but excludes any activity to which section 2673 or 2674, or chapter 133, of this title apply, or to which section 406(a) of Public Law 85-241 (71 Stat. 556) applies.".

(b) The amendment provided by paragraph (2) of subsection (a) above with respect to funds not heretofore required to be authorized shall only apply to funds authorized for appropriation for fiscal year 1977 and thereafter.

SEC. 802. (a) The second sentence of section 511(d) of title 10, United States Code, is amended by striking out "four months" and inserting in lieu thereof "twelve weeks".

(b) Section 671 of title 10, United States Code, is amended by striking out "four months" and inserting in lieu thereof "twelve weeks".

(c) The sixth paragraph of section 4(a) of the Military Selective Service Act (50 U.S.C. App. 454(a)) is amended by striking out "four months" each time it appears in such paragraph and inserting in lieu thereof in each case "twelve weeks".

(d) The third sentence of section 6(c)(2)(A) of the Military Selective Service Act (50 U.S.C. App. 456(c)(2)(A)) is amended by striking out "four consecutive months" and inserting in lieu thereof "twelve consecutive weeks".

SEC. 803. (a) Nothwithstanding any other provision of law, in the administration of chapter 403 of title 10, United States Code (relating to the United States Military Academy), chapter 603 of such title (relating to the United States Naval Academy), and chapter 903 of such title (relating to the United States Air Force Academy), the Secretary of the military department concerned shall take such action as may be necessary and appropriate to insure that (1) female individuals shall be eligible for appointment and admission to the service academy concerned, beginning with appointments to such academy for the class beginning in calendar year 1976, and (2) the academic and other relevant standards required for appointment, admission, training, graduation, and commissioning of female individuals shall be the same as those required for male individuals, except for those minimum essential adjustments in such standards required because of physiological differences between male and female individuals.

(b) Title 10, United States Code, is amended as follows:

(1) Sections 4342, 6954, and 9342 are each amended by striking out the word "sons" wherever it appears therein and inserting in place thereof in each instance the word "children".

(2) Section 6956 (d) is amended by striking out the word "men" wherever it appears therein and inserting in place thereof in each instance the word "members".

(c) It is the sense of Congress that, subject to the provisions of subsection (a), the Secretaries of the military departments shall, under the direction of the Secretary of Defense, continue to exercise the authority granted them in chapters 403, 603 and 903 of title 10, United States Code, but such authority must be exercised within a program providing for the orderly and expeditious admission of women to the academies, consistent with the needs of the services, with the implementation of such program upon enactment of this Act.

SEC. 804. (a) Chapter 4 of title 10, United States Code, is amended by adding the following new section after section 139 and inserting a corresponding item in the chapter analysis:

"§ 140. Emergencies and extraordinary expenses

"(a) Subject to the limitations of subsection (c) of this section, and within the limitation of appropriations made for the purpose, the Secretary of Defense and the Secretary of a military department within his department, may provide for any emergency or extraordinary expense which cannot be anticipated or classified. When it is so provided in such an appropriation, the funds may be spent on approval or authority of the Secretary concerned for any purpose he determines to be proper, and such a determination is final and conclusive upon the accounting officers of the United States. The Secretary concerned may certify the amount of any such expenditure authorized by him that he considers advisable not to specify, and his certificate is sufficient voucher for the expenditure of that amount.

"(b) The authority conferred by this section may be delegated by the Secretary of Defense to any person in the Department of Defense or by the Secretary of a military department to any person within his department, with or without the authority to make successive redelegations.

"(c) In any case in which funds are expended under the authority of subsections

(a) and (b) of this section, the Secretary of Defense shall submit a report of such expenditures on a quarterly basis to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives.".

(b) Section 7202 of title 10, United States Code, and the corresponding item in the analysis of such chapter are repealed.

SEC. 805. Section 139(b) of title 10, United States Code, is amended by deleting the word "sixty" and inserting in lieu thereof the word "ninety".

SEC. 806. Section 1401a of title 10, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(f) Notwithstanding any other provision of law, the monthly retired or retainer pay of a member or a former member of an armed force who initially became entitled to that pay on or after January 1, 1971, may not be less than the monthly retired or retainer pay to which he would be entitled if he had become entitled to retired or retainer pay at an earlier date, adjusted to reflect any applicable increases in such pay under this section. In computing the amount of retired or retainer pay to which such a member would have been entitled on that earlier date, the computation shall, subject to subsection (e) of this section, be based on his grade, length of service, and the rate of basic pay applicable to him at that time. This subsection does not authorize any increase in the monthly retired or retainer pay to which a member was entitled for any period prior to the effective date of this subsection.".

SEC. 807. (a) In any case in which funds are unavailable for the payment of a claim arising under a contract entered into prior to July 1, 1974, for the construction or conversion of any naval vessel, the Secretary of the Navy is authorized to settle such claim, but the settlement thereof shall be made subject to the authorization and appropriation of funds therefor. The Secretary of the Navy shall promptly forward to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives copies of all claim settlements made under this section.

(b) The authority provided in subsection (a) of this section shall be effective for any fiscal year only to such extent and in such amounts as are provided in appropriation Acts.

SEC. 808. Concurrent with the submission of the President's budget for the fiscal year commencing October 1, 1976, the Secretary of Defense shall submit a five-year naval ship new construction and conversion program. Thereafter, concurrent with the annual submission of the President's budget, the Secretary of Defense shall report to the Committees on Armed Services of the Senate and the House of Representatives any changes to such a five-year program as he deems necessary for the current year, and for the succeeding years, based upon, but not limited to, alterations in the defense strategy of the United States and advances in defense technology. This section does not in any way change existing law with respect to the annual authorization of the construction and conversion of naval vessels.

SEC. 809. The restrictive language contained in section 101 of the Department of Defense Appropriations Authorization Act, 1975 (Public Law 93-365), and in section 101 of the Department of Defense Appropriations Authorization Act, 1974 (Public Law 93-155), under the heading "Naval Vessels", which relates to the use of funds for the DLGN nuclear guided missile frigate program, shall not apply with respect to $101,000,000 of long lead funding provided for in such Acts for the DLGN-42 nuclear guided missile frigate.

SEC. 810. No funds authorized for appropriation to the Department of Defense shall be obligated under a contract for any multiyear procurement as defined in section I-322 of the Armed Services Procurement Regulations (as in effect on September 26, 1972) where the cancellation ceiling for such procurement is in excess of $5,000,000 unless the Congress, in advance, approves such cancellation ceiling by state.

SEC. 811. (a) Beginning with the quarter ending December 31, 1975, the Secretary of Defense shall submit to the Congress within 30 days after the end of each quarter of each fiscal year, written selected acquisition reports for those major defense systems which are estimated to require the total cumulative financing for research, development, test, and evaluation in excess of $50,000,000 or a cumulative production investment in excess of $200,000,000. If the reports received are preliminary then final reports are to be submitted to the Congress within 45 days after the end of each quarter.

(b) Any report required to be submitted under subsection (a) shall include, but not be limited to, the detailed and summarized information included in reports required by section 139 of title 10, United States Code.

SEC. 812. The Secretary of Defense, after consultation with the Secretary of State, shall prepare and submit to the Committees on Armed Services of the Senate and the House of Representatives a written annual report on the foreign policy and military force structure of the United States for the next fiscal year, how such policy and force structure relate to each other, and the justification for each. Such report shall be submitted not later than January 31 of each year.

SEC. 813. In the case of any letter of offer to sell or any proposal to transfer defense articles which are valued at $25,000,000 or more from the United States active forces' inventories, the Secretary of Defense shall submit a report to the Congress setting forth—

(1) the impact of such sales or transfers on the current readiness of United States forces; and

(2) the adequacy of reimbursements to cover, at the time of replenishment to United States' inventories, the full replacement costs of those items sold or transferred.

SEC. 814. (a) It is the sense of the Congress that equipment, procedures, ammunition, fuel and other military impedimenta for land, air and naval forces of the United States stationed in Europe under the terms of the North Atlantic Treaty should be standardized or made interoperable with that of other members of the North Atlantic Treaty Organization to the maximum extent feasible. In carrying out such policy the Secretary of Defense shall, to the maximum feasible extent, initiate and carry out procurement procedures that provide for the acquisition of equipment which is standardized or interoperable with equipment of other members of the North Atlantic Treaty Organization whenever such equipment is designed primarily to be used by personnel of the Armed Forces of the United States stationed in Europe under the terms of the North Atlantic Treaty.

(b) The report required under section 302(c) of Public Law 93-365 shall include a listing of the initiation of procurement action on any new major system not in compliance with the policy set forth in section (a).

(c) Section 302(c) of Public Law 93-365 is amended by deleting the last two sentences and inserting in lieu thereof the following: "The Secretary of Defense shall report annually, not later than January 31 of each year, to the Congress on the specific assessments and evaluations made under the above provisions as well as the results achieved with the North Atlantic Treaty Organization allies.".

SEC. 815. Notwithstanding any other provision of law, the authority provided in section 501 of Public Law 91-441 (84 Stat. 909) is hereby extended until June 30, 1977; but no transfer of aircraft or other equipment may be made under the authority of such section 501 unless funds have been previously appropriated for such transfer.

SEC. 816. (a) The Armed Forces of the United States operate worldwide in maintaining international peace and in protecting the interests of the United States. It is essential to the effective operation of the Armed Forces that they receive adequate supplies of petroleum products. Citizens and nationals of the United States and corporations organized or operating within the United States enjoy the benefits of the United States flag and the protection of the Armed Forces and owe allegiance to the United States. It is the purpose of this section to provide a remedy for discrimination by citizens or nationals of the United States or corporations organized or operating within the United States, and by organizations controlled by them, against the Department of Defense in the supply of petroleum products.

(b)(1) No supplier shall engage in discrimination (as defined in subsection (e)(2) of this section) in the supply, either within or outside the United States, of petroleum products for the Armed Forces of the United States.

(2) The Secretary of Defense, whenever he has reason to believe that there has been discrimination, shall immediately refer the matter to the Attorney General of the United States who shall immediately institute an investigation.

(c)(1) The several district courts of the United States are invested with jurisdiction to prevent and restrain discrimination prohibited by subsection (b)(1) of this section; and it shall be the duty of the several United States attorneys, in their respective districts, under the direction of the Attorney General, to institute proceedings to prevent and restrain such discrimination. Such proceedings may be by way of petitions setting forth the case and requesting that the discrimination be enjoined or otherwise prohibited. Pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as it determines appropriate under the circumstances of the case.

(2) Whenever it shall appear to the court before which any proceeding under paragraph (1) of this subsection may be pending, that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpenas to that end may be served in any district by the marshal thereof.

(3) Any proceeding under paragraph (1) of this subsection against any corporation may be brought not only in the judicial district in which it is incorporated, but also in any district in which it may be found or transacts business; and all process in such cases may be served in the district in which it is incorporated, or wherever it may be found.

(4) In any proceeding brought in any district court of the United States pursuant to this section, the Attorney General may file with the clerk of such court a certificate of the Secretary of Defense that, in his opinion, the proceeding is of critical importance to the effective operation of the Armed Forces of the United States and that immediate relief from the discrimination is necessary, a copy of which shall be immediately furnished by such clerk to the chief judge of the circuit (or, in his absence, the presiding circuit judge) in which the proceeding is pending. Upon receipt of the copy of such certificate, it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of

whom at least one shall be a circuit judge, to hear and determine such proceeding. Except as to causes which the court considers to be of greater urgency, proceedings before any district court under this section shall take precedence over all other causes and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way.

(5) In every proceeding brought in any district court of the United States under this section, an appeal from the final order of the district court will be only to the Supreme Court.

(d)(1) For the purpose of any investigation instituted by the Attorney General pursuant to subsection (b) of this section, he, or his designee, shall at all reasonable times (A) have access to the premises or property of, (B) have access to and the right to copy the books, records, and other writings of, (C) have the right to take the sworn testimony of, and (D) have the right to administer oaths and affirmations to, any person as may be necessary or appropriate, in his discretion, to the enforcement of this section and the regulations or orders issued thereunder.

(2) The Attorney General shall issue rules and regulations insuring that the authority of paragraph (1) of this subsection will be utilized only after the scope and purpose of the investigation, inspection, or inquiry to be made have been defined by competent authority, and it is assured that no adequate and authoritative data are available from any Federal or other responsible agency. In case of contumacy by, or refusal to obey a subpena served upon, any person with respect to any action taken by the Attorney General under paragraph (1) of this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the Attorney General, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(3) The production of any person's books, records, or other documentary evidence shall not be required at any place other than the place where such person usually keeps them, if, prior to the return date specified in the regulations, subpena, or other document issued with respect thereto, such person furnishes the Attorney General with a true copy of such books, records, or other documentary evidence (certified by such person under oath to be a true and correct copy) or enters into a stipulation with the Attorney General as to the information contained in such books, records, or other documentary evidence. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(4) Any person who willfully performs any act prohibited, or willfully fails to perform any act required, by paragraph (1) of this subsection, or any rule, regulation, or order issued under paragraph (2) of this subsection, shall upon conviction be fined not more than $1,000 or imprisoned for not more than one year or both.

(5) Information obtained under this section which the Attorney General deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information shall not be published or disclosed unless the Attorney General determines that the withholding thereof is contrary to the interest of the national defense. Any person who willfully violates this subsection shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both. All information obtained by the Attorney General under this section and which he deems confidential shall not be published or disclosed, either to the public or to another Federal agency, not including the Congress or any duly authorized committee thereof in the performance of its functions, unless the Attorney General determines that the withholding thereof is contrary to the interests of the national defense, and any person willfully violating this provision shall, upon conviction, be fined not more than $10,000 or imprisoned for not more than one year, or both.

(6) Any person subpenaed under this section shall have the right to make a record of his testimony and to be represented by counsel.

(7) No individual who, having claimed his privilege against self-incrimination, is compelled to testify or produce evidence, documentary or otherwise, under the provision of this section, may be prosecuted in any criminal proceeding for the offense of discrimination established by this section.

(e) As used in this section—

(1) The term "United States" when used in a geographical sense includes the several States, the possessions of the United States, the Canal Zone, and the District of Columbia.

(2) The term "discrimination" means the willful refusal or failure of a supplier, when requested by the Secretary of Defense or his designee, to supply petroleum products for the use of the Armed Forces of the United States under the terms of any contract or under the authority of the Defense Production Act, as amended (64 Stat. 798, 50 U.S.C. App. 2061–2166), the Emergency Petroleum Allocation Act, as amended (Public Law 93–159); or under the provisions of any other authority, on terms not inconsistent with the applicable Armed Services Procurement Regulations, as amended from time to time, and at prices which are fair and reasonable and do not exceed prices received for similar products and quantities from other domestic or foreign customers. Disagreements as to price or other terms or conditions shall be disputes as to questions of fact to be resolved in the manner prescribed by the applicable Armed Services Procurement Regulations, as amended from time to time, for the settlement of disputes arising out of contracts and shall not be a basis for delay or refusal to supply petroleum products.

(3) The term "supplier" means any citizen or national of the United States, any corporation organized or operating within the United States, or any organization controlled by any United States citizen, national, or corporation organized or operating within the United States, engaged in producing, refining or marketing of petroleum or petroleum products.

(f) Any supplier who willfully discriminates as prohibited by subsection (b)(1) of this section shall, upon conviction, be fined not more than $100,000 or imprisoned for not more than two years, or both.

(g) If any provision of this section or the application thereof to any person or circumstances is held invalid, the validity of the remaining provisions of this section and the application of such provision to other persons and circumstances shall not be affected thereby.

(h) The provisions of this section shall expire two years after the date of enactment of this Act, except that—

(1) any supplier who, before the date of the expiration of this section, willfully violated any provision of this section shall be punished in accordance with the provisions of such section as in effect on the date the violation occurred;

(2) any proceeding relating to any provision of this section which is pending at the time this section expires shall be continued by the Attorney General as if this subsection had not been enacted, and orders issued in any such proceeding shall continue in effect as if they had been effectively issued under this section before the expiration thereof or until otherwise terminated by appropriate action;

(3) the expiration of this section shall not affect any suit, action, or other proceeding lawfully commenced before the expiration of this section, and all such suits, actions, and proceedings shall be continued, proceedings therein had, appeals therein taken, and judgments therein rendered, in the same manner and with the same effect as if this section had not expired; and

(4) the provisions of this section relating to the improper publication or disclosure of information shall continue in effect, in the same manner and with the same effect as if this section had not expired, with respect to any publication or disclosure (prohibited by such section before the expiration thereof) made after the expiration of such section if the information published or disclosed was obtained under authority of this section before the expiration of this section.

SEC. 817. The Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a plan that identifies the platform and funding for AEGIS fleet implementation.

SEC. 818. (a) Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this or any other Act shall be used for the purpose of production of lethal binary chemical munitions unless the President certifies to Congress that the production of such munitions is essential to the national interest and submits a full report thereon to the President of the Senate and the Speaker of the House of Representatives as far in advance of the production of such munitions as is practicable.

(b) For purposes of this section the term "lethal binary chemical munitions" means (1) any toxic chemical (solid, liquid, or gas) which, through its chemical properties, is intended to be used to produce injury or death to human beings, and (2) any unique device, instrument, apparatus, or contrivance, including any components or accessories thereof, intended to be used to disperse or otherwise disseminate any such toxic chemical.

SEC. 819. (a) Notwithstanding any other provision of law, the aggregate amount of any upward adjustments in certain elements of compensation of members of the uniformed services required by section 1009 of title 37, United States Code, may not exceed 5 per centum during the period from January 1, 1975, through June 30, 1976, except that no such restriction shall apply unless a 5 per centum restriction on the aggregate amount of upward adjustments of the General Schedule of compensation for Federal classified employees as contained in section 5332 of title 5, United States Code, is also required during that period.

(b) No reduction in compensation is required under subsection (a) of any upward adjustment that may have been put into effect under section 1009 of title 37, United States Code, between January 1, 1975, and the date of enactment of this section.

(c) Any upward adjustment in compensation which has been limited by subsection (a) of this section to an amount or amounts less than otherwise would have been in effect shall not be increased subsequent to June 30, 1976—

(1) in order to compensate a member for the difference between the amounts he has received under the provisions of subsection (a) and the amounts he would have otherwise received; or

(2) except in accordance with the normal procedures and timing which would have been in effect for any such pay increase subsequent to June 30, 1976, without regard to any limitation under subsection (a) of this section.

SEC. 820. (a) Notwithstanding any other provision of law, the total number of enlisted members of the Armed Forces of the United States that may be assigned or otherwise detailed to duty as enlisted aides on the personal staffs of officers of the Army, Navy, Marine Corps, Air Force, and Coast Guard (when operating as a service of the Navy) during any fiscal year shall be a number determined by (1) multiplying 4 times the number of officers serving on full-time active duty at the end of the fiscal year in the pay grade of 0–10, (2) multiplying 2 times the number of officers serving full-time active duty at the end of the fiscal year in the pay grade of 0–9, and (3) adding the products obtained under clauses (1) and (2).

(b) The Secretary of Defense shall allocate the aides authorized by subsection (a) of this section among officers of the Armed Forces, in such numbers as he determines appropriate, on the basis of the duties of such officers.

(c) This section shall not apply with respect to the number of aides assigned to generals of the Army or admirals of the Fleet.

SEC. 821. Notwithstanding any provision of section 2004 of title 10, United States Code, an officer in any pay grade who was in a missing status (as defined in section 551 (2) of title 37, United States Code) after August 4, 1964, and before May 8, 1975, may be selected for detail for legal training under that section 2004 on other than a competitive basis and, if selected for that training, is not counted in computing, for the purpose of subsection (a) of that section 2004, the number of officers who may commence that training in any single fiscal year. For the purposes of determining eligibility under that section 2004, the period of time during which an officer was in that missing status may be disregarded in computing the period he has served on active duty.

SEC. 822. This Act may be cited as the "Department of Defense Appropriation Authorization Act, 1976".

And the Senate agreed to the same.

MELVIN PRICE,
F. EDW. HÉBERT,
CHARLES E. BENNETT,
SAMUEL STRATTON,
RICHARD ICHORD,
LUCIEN NEDZI,
WM. J. RANDALL,
CHAS. H. WILSON,
BOB WILSON,
WM. L. DICKINSON,
WILLIAM WHITEHURST,
FLOYD SPENCE,
Managers on the Part of the House.
JOHN C. STENNIS,
STUART SYMINGTON,
HENRY M. JACKSON,
HOWARD CANNON,
TOM J. MCINTYRE,
HARRY BYRD, Jr.,
SAM NUNN,
STROM THURMOND,
JOHN TOWER,
BARRY GOLDWATER,
WILLIAM L. SCOTT,
ROBERT TAFT, Jr.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6674) an Act to authorize appropriations during the fiscal year 1976, and the period beginning July 1, 1976, and ending September 30, 1976, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLES I AND II—PROCUREMENT

AIRCRAFT

Army

UH–1H Utility Helicopter

The House bill contained $24.8 million for 48 UH–1H Utility Helicopters for the Army. The Senate amendment deleted all of these funds.

The conferees concurred with the Senate rationale that since the Army was permitted to purchase 48 helicopters in FY–75, those additional assets were sufficient to supplement the Army's Authorized Acquisition Objective until the follow-on UTTAS helicopter comes into the inventory.

The House reluctantly recedes.

AH–1S

Section 101 of the House bill provided that no funds authorized for procurement of Army aircraft shall be obligated for AH–1S aircraft. The Senate amendment had no similar provision.

The Department of Defense pointed out that the 1973 joint Army-Navy study was an in-depth evaluation of the feasibility of common gunship procurement, including consideration of the AH–1J (improved) for Army use. The study concluded that the Army should procure the AH–1S for a variety of reasons. Subsequently, the Congress appropriated funds for the Army to modify existing Cobras and for procurement of new AH–1S helicopters. The Senate conferees were adamant in their position that any curtailment of AH–1S production at this time would result in increased costs for the aircraft, and an undesirable slippage of the timetable deemed necessary to bolster the Army's anti-armor capability.

The House conferees were equally as adamant because of the detailed Committee consideration in the House committee. After a lengthy discussion, and Senate conferees producing figures showing the greatly increased cost to the Army for purchase of AH–1J, and pointing out the fact that the Army didn't want or need the AH–1J, the House very reluctantly receded.

Navy

A–4M

The House bill contained $67.3 million for 24 A–4M light attack aircraft in fiscal year 1976. The Senate deleted the 24 aircraft buy, but included $8.2 million in fiscal year 1976 for non-recurring costs of two improvement items (heavyweight landing gear and improved bombing computer).

The Senate conferees argued that the 24 aircraft were an attrition buy and that these planes need not be bought this year for the active Marine Corps inventory. Furthermore, because of foreign military sales the A–4M production line would continue to be active in fiscal year 1976 without the need for a U.S. buy. The House conferees pointed out that delay in procurement of the A–4M for the Marine Corps would result in some increased costs during fiscal year 1977, but Senate conferees argued that the need for fiscal restraints in the present procurement cycle made this action acceptable.

The conferees, after a full discussion, authorized $8.2 million in fiscal year 1976 for non-recurring costs of the two improvement items, and $9.8 million for 3 aircraft in fiscal year 197T. These three aircraft will level the A–4 production rate at two per month in fiscal year 197T (including foreign sales) and will be followed by A–4M procurement in fiscal year 1977 for the Marines.

The House recedes with an amendment.

A–6E

The House bill authorized 12 A–6E aircraft for $151.3 million in fiscal year 1976, and $14.3 million for advance procurement. The Senate amendment authorized 8 A–6E aircraft for $118.9 million in fiscal year 1976, 3 A–6E aircraft for $24.3 million in fiscal year 197T, and $8.1 million for advance procurement in fiscal year 197T. In essence, the Senate recommended buying 11 rather than 12 A–6Es and using the funds saved for advance procurement.

The conferees were advised that there would be a 4-month production gap at the start of the fiscal year 1976 funded delivery period because of a delay by OSD in authorizing release of long lead funds for fiscal year 1976. It was necessary, therefore, to make both fiscal and quantitative adjustments in the A–6E procurement program. The Senate's recommendations for funding were not sufficient to procure the 8 aircraft in fiscal year 1976, nor was there sufficient funds for the advance procurement necessary to sustain fiscal year 197T and fiscal year 1977 delivery schedules.

The conferees discussed this program at length and finally agreed to fully fund the 11 aircraft in fiscal year 1976 for the original price of 12 A–6Es and provide $14.3 million for advance procurement toward a fiscal year 1977 buy of A–6E's as the Navy requested, because the 11 will be stretched over a 15-month production period (fiscal years 1976 and 197T) which raises the price of the program. The conferees insist that the Navy see that these planes are built on an optimized schedule.

The Senate recedes with an amendment.

A–7E

The House bill deleted all funds for advance procurement in fiscal years 1976 and 197T. The Senate amendment provided $21.8 million for this purpose. The Senate conferees argued the fact that deletion of advance procurement funds would cause complications in production planning and ultimately result in increased costs for A–7E production through fiscal year 1977. The conferees agreed on the full Senate figure of $21.8 million in advance procurement for the A–7E, but redistributed the funding primarily into fiscal year 1976.

The House recedes with an amendment.

F–14

The House bill provided for procurement of 9 F–14s in the amount of $73.3 million and $59.0 million for advance procurement in fiscal year 197T. The Senate deleted procurement authorization for the 9 aircraft in 197T and added $33.3 million for advance procurement in that year.

The House conferees argued that Senate action conflicted with the Congressional full funding principle for weapons systems which was the basis for the funding of 9 aircraft in fiscal year 197T. The $33.3 million amounted to about 54 percent of the total cost for advance procurement in fiscal year 1977.

After a full discussion, the conferees agreed to fully fund 9 F–14s in fiscal year 197T as requested by the Navy. Thus, advance procurement for the 197T period is authorized at $59.0 million.

The Senate recedes.

AH–1J

The House bill authorized 16 helicopters for $39.0 million in fiscal year 1976 and 6 helicopters for $10.1 million in fiscal year 197T. The Senate amendment authorized 7 helicopters for $17.4 million in fiscal year 1976 and 7 helicopters for $12.2 million in fiscal year 197T. The House bill authorized $1.4 million for advance procurement in fiscal year 1976 and $1.0 million in fiscal year 197T. The Senate did not authorize any advance procurement funding for fiscal year 1976, but included $6.2 million in fiscal year 197T.

The Senate conferees pointed out that 8 of the 22 aircraft in the total request were to be completed during the fiscal year 1977 funding period, and therefore, recommended that these 8 aircraft not be authorized until fiscal year 1977.

The Department of Defense was concerned that due to administrative/contracting procedures, it was necessary to provide adequate advance procurement funds in fiscal year 1976 in order to provide economical procurement of long lead items.

The conferees, after discussing the concern of the Department of Defense, agreed to authorize 7 AH–1Js in fiscal year 1976 and 7 in fiscal year 197T and shift $6.2 million of advance procurement funds from fiscal year 197T to fiscal year 1976.

The House recedes with an amendment.

P–3C

The House bill provides $11.7 million in fiscal year 197T for simulators and ground support equipment for the P–3C. The Senate amendment deletes the entire amount. The House conferees cerified that certain anticipated homeport changes for P–3C squadrons were recently canceled by the Navy, and, therefore, accepted the Senate reduction in fiscal year 197T of P–3C simulators and ground support items no longer needed for overseas homeporting.

The House recedes.

Harpoon modifications

The House bill deleted $22.7 million in fiscal year 1976 and $4.8 million in fiscal year 197T for Harpoon modification for the P–3C and S–3A aircraft. The Senate retained full authorization for this procurement.

The House conferees argued that the Navy should consider other versatile air-launched weapons systems which are currently available, for multiple roles as a substitute in view of the expensive modifications necessary for use of the Harpoon.

The Senate recedes.

Aircraft Spares

From the total amount of $429.0 proposed for procurement of aircraft spares, the Senate reduced $2.7 million for A–4M spares in fiscal year 1976 and $1.2 million for AH–1J spares in fiscal year 197T.

The House recedes.

Other Financing

The Senate amendment reduced other financing by $8.7 million in fiscal year 197T. This figure was determined to be the calculated savings achieved through consolidation of contracts under a single procurement contract rather than two separate contracts for fiscal years 1976 and 197T buys. The House argued successfully that this was not a viable procedure for calculating savings.

The Senate conferees reluctantly accepted the House position that $8.7 million "Other Financing" will not be available.

The Senate recedes.

The House bill authorized the entire amount of $672.2 million and $168.3 million requested by the Air Force for the B–1 research and development program for fiscal years 1976 and 197T respectively. The House bill also authorized the full requests of $77.0 million and $31.0 million for the procurement of long-lead items for these periods. The Senate amendment reduced the R&D program by $75.0 million and $39.3 million for fiscal years 1976 and 197T respectively. The Senate amendment also deleted the entire amount requested for procurement.

The following table summarizes the action of the conferees:

[Dollars in millions]

	FY 1976	*FY 197T*
R&D:		
DOD Request	$672.2	$168.3
Conference	642.0	158.0
Procurement:		
DOD Request	77.0	31.0
Conference	64.0	23.0

The conferees emphasized that the authorization of long-lead funding in no way commits nor obligates the United States Government to place the B–1 aircraft in production. Indeed, the conferees agreed to prohibit the Defense Department, as a matter of law, from entering into any production contract or any other contractual agreement for the production of the B–1 bomber aircraft unless subsequently authorized by law. This prohibition, however, is not meant to apply to the acquisition of the long-lead items for the first three follow-on air vehicles.

The authorization of long-lead items is completely independent of the production decision. Authorizations for the long-lead items for the B–1 was strongly supported by the House conferees who believe that future production cost savings will be realized which would otherwise be precluded in the event that actual production of the B–1 is subsequently authorized.

The Senate conferees did not necessarily agree with the estimated magnitude of the savings.

A–10

The House bill contained $72.0 million for 33 A–10 aircraft for FY–7T. The Senate authorization contained $61.0 million for 30 aircraft. After a thorough discussion, the House conferees concurred with the Senate view that the production rate should be slowed, while the contractor gains experience in building the airplane. The conferees adopted the 30 aircraft delivery schedule.

The House recedes.

E–3A AWACS

The House bill contained $245.25 million in FY 1976 and $15.0 million in FY 197T for AWACS procurement. This action amounted to a reduction in the procurement account by 50 percent and cut aircraft production from six to three. The Senate authorized the full $430.5 million for six aircraft for FY 1976 and $30 million for FY 197T.

Specifically, the House Conferees were dissatisfied with recent test results on AWACS performance and insisted that the production rate be cut in one-half to permit additional time for aircraft systems evaluation.

In discussing this program, Senate Conferees pointed out that their opinion of the recent testing was quite favorable for the AWACS system, that 6 planes had been approved last year and the House-proposed action would cause an unfavorable slowdown to the production line, and that to procure three aircraft, the cost for FY 1976 and FY 197T would increase to $294.2 million, an increase in the amount authorized by the House of $79 million. Further, due to repricing of some components, and deferral of some support equipment, it would be possible to reduce the amount requested for six aircraft by $50 million, to $380.5 million.

The House reluctantly recedes.

A–7D

$115 million was added to the budget request in the House bill for FY–1976 to procure 24 A–7D aircraft for the Air National Guard. The Senate bill contained no such authorization. The conferees recognize and fully support the need for modernization of the Guard, but had to weigh that need against total expenditures in the Defense Authorization Bill. The House reluctantly receded, but without diminishing its conviction that careful examination of Air National Guard assets and capabilities should be among the priority programs in Defense Department planning.

The House recedes.

F–15

The House bill contained $1,400.6 million for 108 aircraft in FY 1976. The Senate bill contained $1,378.3 million for the same number of aircraft in that year. The Senate reduction of $22.3 million was for a partial reduction in the allowance for engineering change orders. The Conferees agreed to fully authorize this item in the F–15 request.

The Senate recedes.

Modification of Aircraft (Civil Reserve Air Fleet)

Included in the $600.7 million Air Force request for modifications of aircraft in FY 1976 and $126.3 million in FY 197T is $22.0 million and $24.0 million, respectively, for the modification of commercial aircraft to increase their cargo-carrying capacity for use as a standby airlift capability.

The House bill approved the CRAF authorization. The Senate amendment deleted it.

The Senate deleted the funds for the civilian aircraft modification program because the Air Force airlift studies conducted to date were not adequate to justify this program.

The House was adamant in their insistance that this program was needed to improve the strategic airlift capability.

The Senate agreed to a compromise position to allow the modification of the four aircraft requested in the FY 1976 budget as a prototype program and the House agreed to recede on the request for authorization of additional aircraft modifications in the transition budget period.

The compromise was an effort to get the FY 1976 prototypes started. The House and Senate recede with an amendment.

Aircraft Spares

The House bill authorized $1,071.7 million in FY 1976 and $179.3 million in FY 197T. The Senate bill contained $672.2 million in FY 1976 and $175.6 million in FY 197T.

The House Conferees were concerned over the ramifications of diminishing the aircraft spares account, as the Senate cut would do, particularly with respect to the adverse effect such reductions would have on F–15 spares and mobilization spares.

The Senate conferees pointed out that the spares request for FY 1976 represented an increase of $375 million, or 52 percent, over the FY 1975 spares appropriation and yet the Air Force was supporting less total flying hours in FY 1976. The conferees finally agreed to restore $200 million of the Senate reduction, which would provide $872.2 million in FY 1976 or a 20 percent increase over last year. The conferees direct the Air Force to allocate their individual spares procurements within this total according to Air Force current priorities.

The Senate agreed to restore $3.7 million in FY 197T, which was for F–15 engine spares, and accept the House figure of $179.3 million for that period.

The Senate recedes with an amendment.

Common Ground Equipment

A total of $209.3 million was requested by the Air Force in FY 1976 in the Common Ground Equipment account. The House bill did not reduce the amount of the original request; however, the Senate reduced the program by $36.9 million for C–130 and B–52 simulators and $1.5 million alleged by the Senate to be for the CRAF program, a total of $38.4 million.

The Conferees thoroughly support the objectives of aircraft simulator programs and recognize the all-around accumulated savings inherent therein in comparison to airborne training. Senate Conferees, however, pointed out that the configuration of the C–130 simulator had not been adequately defined, including some disagreement as to the type of visual system required, and would not be put on contract until April 1976, two more C–130 simulators were not required at this time. Also, the Senate also argued that the complexity and expense of the first-time requested B–52 simulator was such that, the Air Force should start with one simulator, instead of two, in order to see if the simulator is capable of performing the mission required.

House Conferees pointed out that there was no money in the Common Ground Equipment account for the CRAF program and, therefore, the Senate agreed to restore the $1.5 million they deleted. In addition, Senate Conferees admitted that the $3.5 million to the Common Ground Equipment account, required to support the C–130 simulator authorized in FY 1975, making the total authorized $175.9 million.

The House and Senate recede with an amendment.

War Consumables

The House bill contained $34.6 million in FY 1976 and $9.9 million in FY 197T for war consumables. The Senate bill was $1.3 million less in FY 1976 and $0.3 million less in FY 197T which reflected the cost of planned F–5E support to South Vietnam.

The House accepts the funding in the Senate authorization, $33.3 million in FY 1976 and $9.6 million in FY 197T.

The House recedes.

Other Financing

The Conferees concurred with the Senate proposal that $24.3 million could be saved in close-out costs of the F–111 program.

The Air Force did not deny these savings.

The House recedes.

MISSILES

Army

Chaparral

The House approved $37.5 million, the amount requested, for procurement for Chaparral surface-to-air missile system in fiscal 1976, plus $1 million for the system in the fiscal transition period.

The Senate amendment deleted all authorization for the Chaparral.

The Senate recedes.

Hawk

The House provided $73 million for 520 Hawk surface-to-air missiles in fiscal year 1976. The Senate provided $72.2 million for the same quantity of Hawk missiles.

The House recedes.

TOW

The House bill provided $20.5 million in authorization for 6,000 TOW missiles during the fiscal transition period. The Senate reduced the amount to $6.6 million for 1,922 TOW missiles, a reduction of $13.9 million. The Senate position was based on the fact that the Army's budget request included quantities of missiles that were intended to satisfy projected requirements for contingency and war reserve for allies and such would be in violation of law. The House Conferees were concerned about the drawdown of inventories of such weapons that occurred during the Middle East War of 1973 and were concerned that inventory requirements for antitank missiles have been understated. After considerable discussion, the Conferees agreed to restore the funds for the TOW missiles with the understanding that the missiles are to be procured only for the inventory requirements for the Army and are not to be procured for the purpose of filling stockpile requirements for allies.

The Senate recedes.

Interim Target Acquisition System

The House bill contained $23.8 million in fiscal 1976 to begin procurement of the Interim Target Acquisition System (ITAS), an Army system using reconnaissance drones. The Senate deleted all authorization for the ITAS because it would duplicate existing Air Force reconnaissance capabilities. The House Conferees concluded that the authorization for procurement for the system could safely be delayed until fiscal year 1977 and, therefore, concurred in the Senate reduction.

The House recedes.

Lance

The House bill contained restrictive language [section 101(b)(1)] which provided that no funds could be used for production of a nonnuclear warhead for the Lance missile for any other nation until a non-nuclear warhead had been certified for production for the U.S. Army.

The Senate amendment contained no similar provision.

The House conferees pointed out that some allies of the United States were in the process of buying the conventional Lance—developed and produced by the U.S. Army—but the Army had been prevented from buying it by the Department of Defense. The House conferees insisted they did not believe the United States should be in a position of stating that it could produce a cost-effective nonnuclear Lance for allies but not for its own Army. The Senate conferees stated the previous Defense Department studies of the cost-effectiveness of the nonnuclear Lance had shown that all-weather manned aircraft could deliver conventional weapon at less cost than using Lance missiles, at least at normally experienced attrition rates to the aircraft.

The Fiscal Year 1976/7T budget contains $1.0 million for procurement of nonnuclear Lance warheads for the U.S. Army for use in annual training firings. These funds were approved by both the House and Senate and were not at dispute in the conference. Since approval of procurement of nonnuclear Lance missiles for the Army would not occur before the Fiscal Year 1977 budget is submitted, the conferees agreed to review this question again if the Army requests production of this missile next year.

If the Army should desire to utilize certain funds contained in the fiscal year 1976 budget for the procurement of nonnuclear warheads for the Lance, the conferees would consider an Army proposal for such a change through the normal reprograming procedure.

The House recedes.

NAVY

Standard MR

The House bill provided $38.1 million for procurement of 285 Standard MR missiles for the Navy in fiscal year 1976 and $7.6 million for 54 missiles in the fiscal transition period. The Senate amendment reduced the authorization by $10.1 million and 85 missiles in fiscal year 1976 and $.5 million and four missiles in the fiscal transition period.

The House recedes.

Air Force

Maverick

The House bill contained $25 million in the fiscal transition period for procurement of 1200 Maverick missiles and $.2 million for the procurement of Maverick spares in the fiscal transition period. The House bill also provided $33.3 million in fiscal year 1976 for advance procurement for Maverick.

The Senate amendment deleted all of these authorizations. The Senate reduction was intended to slow the production to phase in the laser-guided and infrared versions of Maverick. The House Conferees expressed concern that the Senate reduction would result in later high start-up and related costs and also expressed concern about maintaining the inventory levels of this weapon. After extensive discussion, the Conferees agreed on deletion of the $25.2 million for the fiscal transition period as provided in the Senate amendment and agreed to retain the $33.3 million for advance procurement in fiscal 1976 as provided in the House bill.

Sidewinder

The House bill provided $17.1 million, the amount requested, for modification of the Sidewinder missile. The Senate amendment deleted the authorization for the Sidewinder modification on the grounds that the Air Force should procure the newer AIM–9L Sidewinder instead. The House Conferees stated their belief that the Air Force would have to depend on the stocks of the older Sidewinder missiles for quite a few years to come and that the missile could be modified to provide significantly increased capability at relatively low unit cost.

After considerable discussion, the Senate agreed to recede with an amendment providing for the authorization of $13.6 million to modify 1,410 AIM–9B Sidewinder missiles to the –9J configuration. The House recedes on $3.5 million. The conferees agreed that future procurement should be of new AIM–9L Sidewinder missiles in lieu of further modifications to the AIM–9B series.

Procurement of Minuteman III Missiles

The Senate amendment language provided that the $265,800,000 authorized for the procurement of Minuteman III missiles may only be used for such procurement.

The House bill had no similar provisions.

The House recedes.

Naval vessels

Trident

The House approved $537.4 million of the $602.6 million requested by the President. The Senate approved $602.6 million.

The House recedes.

SSN 688 (Nuclear Attack Submarine)

The House approved $474.8 million of the $541.0 million requested by the President. The Senate approved $541.0 million.

The House recedes.

Nuclear Strike Cruiser Long Lead Authorization

Included in the shipbuilding section as approved by the House was new authorization for the DLGN–42 (nuclear frigate) in the amount of $203.9 million and authorization for long lead items for the new nuclear strike cruiser (CSGN–1) in the amount of $60 million. Funding for the long lead items for the nuclear strike cruiser had not been initially included in the President's budget request for FY 1976 and, therefore, was not considered in the Senate bill. However, on June 24, 1975, the President submitted a budget amendment for Fiscal Year 1976 to include $60 million of long lead funds for the nuclear strike cruiser.

The Senate conferees were adamant in their opposition to the House action on the DLGN–42 and after considerable discussion the House conferees reluctantly receded with the understanding that the Senate conferees would accept the action recommended by the House with respect to long lead time items on the nuclear strike cruiser in the amount of $60 million.

The $60 million approved by the conferees for the nuclear strike cruiser authorizes the procurement of only long lead time items for this new more powerful class of cruiser which would be equipped with AEGIS surface-to-air weapons system. The Aegis will be a much more advanced weapons system than now exists or is planned for any ship in the U.S. inventory.

Patrol frigate

The House included $837.1 million of the $955.5 million requested for 10 patrol frigates. The House removed $118.4 million requested for escalation on this program for fiscal year 1978 and later years. The Senate included $617.5 million for 7 ships after disapproving $68.0 million requested for the Vulcan-Phalanx Close-In Weapon System (CIWS).

The conferees agreed to restore the three ships deleted by the Senate, along with the $118.4 million requested for future escalation, and accepted the Senate position deleting $68.0 million requested for the Vulcan-Phalanx CIWS. The conferees agreed to a funding level of $887.5 million for the patrol frigate program.

The Senate recedes with an amendment.

Patrol hydrofoil missile ship (PHM)

The President's request contained $83.4 million for two Patrol Hydrofoil Missile ships (PHM's). The House included $72.5 million for two ships. The Senate approved no funds for the requested PHMs. After considerable discussion the conferees agreed to authorize two fully-funded PHMs in the amount of $83.4 million.

The House recedes with an amendment.

Destroyer Tender (AD)

The House approved $322.3 million of the $393.2 million requested by the President for two destroyer tenders. The Senate approved $374.0 million of the President's request, removing $19.2 million, the funds for putting Vulcan-Phalanx Close-In Weapon System on the Tenders.

The House recedes.

Fleet Oiler (AO)

The House approved $202.7 million of the $231.8 million requested by the President for two fleet oilers. The Senate approved $212.1 million of the President's request, removing $19.7 million, the funds for putting the Vulcan-Phalanx Close-In Weapon System on the oilers.

The House recedes.

Fleet Tug (T-ATF)

The House approved $38.4 million of the $41.4 million requested by the President for three fleet tugs, the Senate approved $41.4 million, including $3.0 million requested for future escalation.

The House recedes.

Escalation on prior year programs

The House approved $633.0 million of the $1,149.8 million requested for contract escalation which the DoD estimates will occur on prior year shipbuilding and conversion programs until those programs are completed. The $633.0 million approved represents the estimated amount of escalation which will need to be obligated in FY 1976, the transition period and in FY 1977. The additional year of escalation was added to permit a measure of flexibility.

The Senate approved $368.6 million for this escalation reserve—the amount calculated to be obligated in FY 1976 and the transition period.

The Conferee's compromised the two amounts at $420.3 million, realizing that this amount reduces the Navy's flexibility in financing escalation on its programs approved in prior years and that the Navy may have to resort to reprogramming actions to prevent program disruption or stop work orders.

The House recedes with an amendment.

Escalation on fiscal year 1976 shipbuilding programs

The House funded the basic costs of all 23 ships requested and, in addition, funded the forecast contract escalation on those ships in amount equal to two years of escalation. The Senate funded only 17 ships and funded forecast contract escalation in the full amount requested. The Senate receded on 5 ships (three patrol frigates and two patrol hydrofoil missile ships) and the Senate Conferees insisted that the full amount of forecast escalation for the entire period of the contracts be funded.

The House Conferees objected to the authorization of large sums merely on the basis of speculation as to future economic events and pointed out that shipbuilding programs may be overfunded in the light of the experienced reduction in the rate of inflation and the recent downward revision of escalation estimates by DoD.

In view of the adamant position of the Senate $363.7 million was added to the individual ship programs for escalation which may need to be obligated in FY 1978 and the following years.

The House recedes.

Cost growth

The House approved $969.5 of the $1,119.5 requested for cost growth on the Navy shipbuilding and Conversion programs, after deleting $150 million requested for a reserve against the settlement of claims. The Senate approved $913.4 for this item, after deleting $143.2 million which is not needed for obligation in FY 1976 and $62.9 million for cost growth on the Patrol Hydrofoil missile ship (PHM) program.

The Conferees compromised these differences at $826.3 million, as follows:

The Senate agreed to delete the $150 million requested as a reserve against claims.

The House agreed to delete the $143.2 million not required for obligation in FY 1976.

The Senate agreed to restore the $62.9 million for cost growth in the PHM program.

The Senate recedes with an amendment.

Need for improvement in the planning and management of Navy shipbuilding program

Both the constitutional and statutory responsibility of the Congress for maintaining an adequate national defense necessitates sound budgetary information and planning. It is with this responsibility in mind that the conferees of this bill comment on the Navy shipbuilding management.

It is essential that there be an improvement in the management of the Navy shipbuilding programs. Among the principal problems are the following: (1) for a number of years there has been a consistent understatement of costs presented to the Congress with regard to various shipbuilding programs. One result has been the insufficient budget requests causing the necessity for later approval of funds to cover underestimates in prior years. This lack of accurate cost information has hampered Congressional efforts to provide for a coherent and systematic shipbuilding program: (2) in many instances Congress is unaware of the cost of ships since the ultimate cost has remained unresolved for long periods of time. In part this situation prevails because of the lack of firm contractual arrangements between the Navy and shipbuilders initially with regard to the obligation of the government in terms of costs and construction schedules. Therefore, in order for the Congress to be in a better position to make budgetary judgments the Navy must, at the time of its initial submission of shipbuilding requests, present better cost estimates and construction schedules, both of which may necessitate a greater degree of preliminary design and definitization effort.

The objective of the foregoing comments is to place the Congress in a better position of knowing realistically the cost of ship programs at the time of their initiation and likewise be advised of changes in these programs in terms of cost whenever revisions are made subsequent to construction.

	Number	President's budget	Conference resolution	Difference
Trident	1	602.6	602.6	
SSN688 (nuclear attack submarines)	2	541.0	541.0	
DLGN (nuclear guided missile programs)	1	257.0		257.0
Recoup prior year LL			−75.0	75.0
CSGN (nuclear strike cruiser)		60.0	60.0	
PHM (patrol hydrofoil missile)	2	83.4	83.4	
PF (patrol frigate)	10	955.5	887.5	68.0
AD (destroyer tender)	2	393.2	374.0	19.2
AO (fleet oiler)	2	231.8	212.1	19.7
T-ATF (fleet tug)	3	41.4	41.4	
Craft		12.9	12.9	
Outfitting		38.2	38.2	
Post delivery		19.7	19.7	
Cost growth		1,119.5	826.3	293.2
Escalation prior year program		1,149.8	420.3	729.5
Total		5,506.0	4,044.4	1,461.6

Tracked combat vehicles

M60A1 tank and tank modification

The House bill contained $387 million in FY 76 and $147.4 million in FY 7T for the M60A1 tank. The authorization was to procure 662 tanks in FY 76 and 248 in FY 7T. The Senate amendment, while providing authorization for the same number of tanks, reduced the authorization by $14.6 million in FY 76 and $14.4 million in FY 7T. The Senate reductions were for product improvement of the M60A1 tanks being procured in FY 76 and FY 7T intended to improve their combat capability.

In addition, the House bill contained $241.1 million in FY 76 and $71.2 million in FY 7T for tank modifications. The Senate amendment reduced the authorization by $36.4 million in FY 76 and by $12.9 million in FY 7T. This reduction was to reduce the modification funds so as to eliminate retrofit kits for putting on M60A1 tanks already in the inventory the same items of equipment referred to above to improve the tank capability. The basis for the reduction by the Senate was that the unit cost for the modifications were so high and the increased effectiveness and tank capability demonstrated to date so limited as to make the modification not cost effective. The House conferees expressed the belief that the modifications would provide a desirable level of increased capability and were, therefore, justified. The conferees agreed to a deletion of the authorization with the understanding that when the cost-effectiveness of the items in question were adequately demonstrated, the Army could request reprograming for these items through the regular reprograming procedure.

The House recedes.

The language of the Senate amendment also provided that the $379,400,000 authorized in Fiscal Year 1976 and $133,000,000 authorized in Fiscal Year 197T for the procurement of M-60 series tanks shall be used only for the procurement of M-60 series tanks. The House bill had no similar provisions.

The House recedes.

M578 recovery vehicle

The House bill contained $38.9 million for 210 M578 recovery vehicles for the Army in FY 76. The Senate amendment reduced the authorization by $1.3 million, representing a reduction of 7 vehicles from the buy. The conferees agreed to restore the funds with the understanding that the recovery vehicles are to be procured only for the inventory requirements of the U.S. Army and the authorization is not to be used for the purpose of providing war-readiness reserves for our allies.

The Senate recedes.

Navy torpedoes

The House approved $21.5 million for 24 Mark-30 torpedo targets and $13.5 million for torpedo spare parts. The Senate approved $16.6 million for 9 Mark-30 targets and $10.5 million for torpedo spart parts.

The House recedes.

OTHER WEAPONS

Navy

Vulcan-Phalanx Close-In Weapons Systems

The House approved $8.6 million requested for FY 1976 for design and planning of the production line to manufacture the first units of this system which were planned to be funded in FY 1977, and $3.0 million for this purpose for FY 197T. The Senate approved no funds for this item. In view of the fact that the Vulcan-Phalanx Close-In Weapons System requires further testing prior to production, the House recedes.

TITLE II AND VII—RESEARCH DEVELOPMENT, TEST, AND EVALUATION

General

The Department of Defense requested authorization of $10,181,388,000 for the fiscal year 1976 Research, Development, Test, and Evaluation appropriations.

The R.D.T. & E. request for the three-month transitional period referred to as "197T" was $2,682,937,000.

The following table summarizes the Senate and House modifications to the Research and Development budget request:

R.D.T. & E. SUMMARY

[In thousands of dollars]

	Request	House	Senate	Conference amount
FISCAL YEAR 1976				
Army	2,181,700	2,049,228	2,016,593	2,028,933
Navy	3,470,188	3,268,661	3,368,802	3,318,649
Air Force	3,903,200	3,766,691	3,707,840	3,737,001
Defense agencies	597,800	556,793	565,700	563,700
Test and evaluation	28,500	25,000	28,500	25,000
Total, budget authority	10,181,388	9,666,373	9,687,435	9,673,283

	Request	House	Senate	Conference amount
FISCAL YEAR 197T				
Army	585,600	535,017	491,214	513,326
Navy	903,837	849,730	851,363	849,746
Air Force	1,034,000	986,077	946,621	965,783
Defense agencies	152,700	137,793	143,600	139,768
Test and evaluation	6,800	3,400	6,800	5,000
Total, budget authority	2,682,937	2,512,017	2,439,598	2,473,623

As shown, the conferees agreed on a total of $9,673,283,000 which is $508,105,000 less than the amount requested for fiscal year 1976. The conferees agreed on a total of $2,473,623,000, or $209,314,000 less than the amount requested for fiscal year 197T.

The details of the differences between the House bill and the Senate amendment and the changes adopted by the conferees are reflected in the following table:

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION SUMMARY OF CONFERENCE ACTION

[In thousands of dollars]

Item No.	Program element	Fiscal year 1976 request	House		Senate		Conference	Item No.
			Change	Authorization	Change from House	Authorization		
	ARMY—FISCAL YEAR 1976							
1	Surgical investigations	5,880		5,800	−500	5,380	5,380	1
2	Studies and analyses	7,000		7,000	−500	6,500	6,500	2
3	TRADOC studies and analyses	3,900		3,900	−900	3,000	3,000	3
4	Heavy lift helicopter	19,790	−3,000	16,790	−7,790	9,000	9,000	4
5	Aerial scout	10,700		10,700	−10,000	700	5,000	5
6	Advanced attack helicopter	65,039	−9,500	55,539	−100	55,439	55,439	6
7	CH-47 modernization	10,000		10,000	−6,500	3,500	10,000	7
8	Chaparral Vulcan	14,790	−10,000	4,790	+100	4,890	4,890	8
9	Hardened BMD materials	5,150		5,150	−5,150			9
10	Advanced forward area air defense system	16,940	−11,100	5,840	+11,100	16,940	16,940	10
11	Surface-to-surface missile rocket system	5,000	−5,000		+5,000	5,000	1,000	11
12	BMD advanced technology program	105,000	−8,000	97,000	+8,000	105,000	97,000	12
13	Site defense	140,000	−6,000	134,000	−64,000	70,000	100,000	13
14	Cannon launched guided projectile	17,792	−7,792	10,000	+7,792	17,792	14,000	14
15	Heliborne missile—Hellfire	5,000	−5,000		+5,000	5,000	5,000	15
16	Pershing II	19,000		19,000	−3,000	16,000	19,000	16
17	Nonnuclear warheads	4,750		4,750	−2,000	2,750	4,750	17
18	Fire and forget missile—Hellfire	7,300	−7,300		+7,300	7,300		18
19	Kwajalein Missile Range	87,400	−7,400	80,000	−4,000	76,000	80,000	19
20	Armament technology	21,315		21,315	−5,000	16,315	18,815	20
21	Ballistics technology	13,850		13,850	−3,000	10,850	13,850	21
22	Chemical munitions technology	1,945		1,945	−685	260	1,945	22
23	Lethal chemical munitions concept	957		957	−957		957	23
24	Lethal chemical munitions	3,525		3,525	−3,525		3,525	24
25	M60A1 thermal sight	8,086		8,086	−1,500	6,586	6,586	25
26	Bushmaster	16,070	−6,070	10,000	+6,070	16,070	10,000	26
27	Chemical defense materiel concepts	6,890	−1,850	5,040	+1,850	6,890	5,043	27
28	Manpower and human resources technology	7,280		7,280	−1,000	6,280	6,280	28
29	Army support of DARPA hostile weapons project	1,400	−1,400		+1,400	1,400	400	29
30	Unattended ground sensor	9,630	−6,630	3,000	+4,130	7,130	5,000	30
31	Classified program	13,041		13,041	−3,000	10,041	13,041	31
32	STANO	16,340	−12,430	4,000	+12,430	16,430	12,000	32
33	Command and control	7,190		7,190	−1,100	6,090	7,190	33
34	Artillery locating radar	13,340	−4,000	9,340	+4,000	13,340	10,340	34
35	Manpower and human resources development	9,480		9,480	−1,600	7,880	7,880	35
36	General combat support	8,655		8,655	−1,000	7,655	8,000	36
37	Mortar locating radar	10,820	−2,000	8,820	+2,000	10,820	8,820	37
38	Programwide management and support		−18,000	−18,000	+18,000		−9,000	38
	Reimbursements from foreign countries	−7,700		−7,700		−7,700	−7,700	
	Programs not in dispute	1,469,065		1,469,065		1,469,065	1,469,065	
	Total, Army budget authority	2,181,700	−132,472	2,049,228	−32,635	2,016,593	2,028,933	
	NAVY—FISCAL YEAR 1976							
1	Studies and analysis support, Navy	11,135		11,135	−1,000	10,135	10,135	1
2	Aircraft flight test general	3,983		3,983	−500	3,483	3,483	2
3	Classified program	35,713		35,713	−9,608	26,105	31,700	3
4	Aircraft systems (advanced)	4,913		4,913	−2,000	2,913	2,913	4
5	Air ASW	41,300	−16,900	24,400	+7,598	31,998	31,998	5
6	Airborne mine countermeasures	3,531		3,531	−500	3,031	3,031	6
7	Tactical air reconnaissance	6,888		6,888	−6,277	611	6,888	7
8	Aircraft survivability and vulnerability	2,033		2,033	−1,000	1,033	2,033	8
9	Modular FLIR	600	−600		+600	600		9
10	All weather attack	1,100	−1,100		+1,100	1,100	500	10

			House		Senate			
Item No.	Program element	Fiscal year 1976 request	Change	Authorization	Change from House	Authorization	Conference	Item No.
11	Fleet ballistic missile system	65, 782	−20, 000	45, 782	+20, 000	65, 782	53, 282	11
12	Sanguine	18, 000		18, 000	−300	17, 700	17, 700	12
13	Gryphon	11, 788		11, 788	−700	11, 088	11, 088	13
14	Strike warfare weaponry technology	39, 291	−9, 000	30, 291	+9, 000	39, 291	36, 600	14
15	ARM system technology	5, 002	−1, 002	4, 000	+1, 002	5, 002	4, 000	15
16	Advanced surface-to-air weapon system	11, 932	−11, 932		+11, 932	11, 932	11, 932	16
17	Advanced short range air-to-air missile	6, 000	−3, 000	3, 000	+3, 000	6, 000	3, 000	17
18	Air launched/surface launched antiship missile	3, 000	−3, 000		+3, 000	3, 000		18
19	Cruise missile	101, 800	−8, 000	93, 800	+1, 000	94, 800	93, 800	19
20	Surface missile guidance (advanced)	4, 000		4, 000	−3, 000	1, 000	1, 000	20
21	Surface launched MGGB technology	500	+3, 500	4, 000	−3, 500	500	4, 000	21
22	Close in weapon system (Phalanx)	30, 671	−19, 371	11, 300	+19, 371	30, 671	15, 000	22
23	Trident missile system	735, 500	−45, 000	690, 500	+42, 000	732, 500	725, 500	23
24	Classified program	27, 822		27, 822	−4, 000	23, 822	27, 822	24
25	Surface ASW	27, 093	−5, 000	22, 093	+5, 000	27, 093	24, 600	25
26	Ship development (advanced)	27, 758	−7, 758	20, 000	−42	19, 958	19, 958	26
27	Hydrofoil craft (advanced)	7, 075		7, 075	−2, 900	4, 175	4, 175	27
28	Classified program	22, 547	−11, 647	10, 900	+11. 647	22, 547	13, 900	28
29	Ship development (engineering)	32, 670		32, 670	−23, 800	8, 870	30, 570	29
30	MK-48 torpedo	3, 197	−1, 597	1, 600	+1, 597	3, 197	3, 197	30
31	Gun systems	1, 500	−1, 500		+1, 500	1, 500		31
32	BW/CW weapons	1, 599		1, 599	−1, 599		1, 599	32
33	Fire control systems (engineering)	14, 197	−2, 000	12, 197	+2, 000	14, 197	14, 197	33
34	Manpower effectiveness	4, 508		4, 508	−700	3, 808	3, 808	34
35	Education and training	7, 930		7, 930	−400	7, 530	7, 503	35
36	Reliability and maintainability	2, 000		2, 000	−2, 000			36
37	Other Marine Corps development (engineering)	5, 390	−2, 505	2, 885	+2, 505	5, 390	5, 390	37
38	Foreign weapons evaluation	2, 110	−1, 110	1, 000	+1, 110	2, 110	2, 110	38
39	R.D.T. & E. instrumentation support	29, 081		29, 081	−2, 000	27, 081	27, 081	39
40	R.D.T. & E. ship and aircraft support	47, 029		47, 029	−2, 000	45, 029	47, 029	40
41	Test and evaluation support	150, 466		150, 466	−3, 000	147, 466	147, 466	41
42	Laboratory fleet support	3, 000		3, 000	−3, 000			42
43	Programwide management and support		−33, 005	−33, 005	+33, 005		−17, 000	43
44	Undistributed reduction						−23, 020	44
45	Funds excess to fiscal year 1975 program requirements				−4, 000	−4, 000		45
	Reimbursements from foreign military sales	−50, 000		−50, 000		−50, 000	−50, 000	
	Programs not in dispute	1, 958, 754		1, 958, 754		1, 958, 754	1, 959, 754	
	Total, Navy budget authority	3, 470, 188	−201, 527	3, 268, 661	+100, 141	3, 368, 802	3, 318, 649	
	AIR FORCE—FISCAL YEAR 1976							
1	B-52 squadrons	10, 329	−10, 329		+7, 329	7, 329	5, 000	1
2	F-15 squadrons	39, 900	9, 900	30, 000	+9, 900	39, 900	35, 000	2
3	C-5A airlift squadrons	22, 300		22, 300	−10, 300	12, 000	22, 300	3
4	Advanced avionics for aircraft	10, 200	1, 200	9, 000	+1, 200	10, 200	10, 200	4
5	Aircraft equipment development	7, 480		7, 480	−1, 500	5, 980	7, 480	5
6	B-1	672, 200		672, 200	−75, 000	597, 200	642, 000	6
7	Air combat fighter	272, 950	−39, 000	233, 950	−12, 900	221, 050	221, 050	7
8	Advanced ICBM technology	41, 200		41, 200	−1, 100	40, 100	40, 100	8
9	Advanced ballistic reentry systems	101, 000	−9, 000	92, 000	+9, 000	101, 000	96, 500	9
10	Strategic bomber penetration	7, 700		7, 700	−1, 000	6, 700	7, 700	10
11	Advanced short-range air-to-air missile systems technology	3, 800	−800	3, 000	+800	3, 800	3, 000	11
12	SAMTEC and ACS telecommunications	4, 500		4, 500	−1, 000	3, 500	4, 000	12
13	Classified programs	20, 000	−2, 000	18, 000	+2, 000	20, 000	19, 000	13
14	Armament ordnance development	9, 680		9, 680	−1, 500	8, 180	9, 000	14
15	Close air support weapon system	31, 520	−21, 520	10, 000	+21, 520	31, 520	24, 000	15
16	Strategic Air Command communications	6, 000	−4, 000	2, 000	+4, 000	6, 000	6, 000	16
17	Ground electronics	45, 350		45, 350	−2, 160	43, 190	43, 190	17
18	Electronic warfare technology	8, 400	−1, 000	7, 400	+1, 000	8, 400	7, 400	18
19	Advanced computer technology	3, 960	−960	3, 000	+960	3, 960	3, 000	19
20	Life support system	6, 940		6, 940	−1, 000	5, 940	6, 440	20
21	Other operational equipment	9, 900		9, 900	−2, 500	7, 400	8, 400	21
22	Integrated program for airbase defense	7, 500		7, 500	−1, 500	6, 000	7, 650	22
23	Drone/remotely piloted vehicle systems development	13, 988		13, 988	−5, 500	8, 488	13, 988	23
24	Precision emitter location strike system	19, 000	−8, 000	11, 000	−2, 900	8, 100	10, 000	24
25	AWACS	199, 192	−14, 000	185, 192	+14, 000	199, 192	199, 192	25
26	Advanced fighter protective systems	18, 800	−2, 800	16, 000	+2, 800	18, 800	17, 400	26
27	Intelligence equipment	7, 200		7, 200	−2, 000	5, 200	6, 200	27
28	Test and evaluation support	288, 500		288, 500	−12, 500	276, 000	276, 000	28
29	Programwide management and support		−12, 000	−12, 000	+12, 000		−8, 000	29
30	Undistributed reduction						−19, 000	30
31	Funds excess to fiscal year 1975 program requirements				−11, 000	−11, 000		31
	Programs not in dispute	2, 013, 711		2, 013, 711		2, 013, 711	2, 013, 711	
	Total, Air Force budget authority	3, 903, 200	−136, 509	3, 766, 691	−58, 851	3, 707, 840	3, 737, 001	
	DEFENSE AGENCIES—FISCAL YEAR 1976							
	DARPA:							
1	Defense research sciences	37, 100		37, 100	−2, 100	35, 000	37, 100	1
2	Missiles and related equipment	74, 900	−2, 000	72, 900	+2, 000	74, 900	72, 900	2
3	Nuclear monitoring research	15, 400	−1, 000	14, 400	+1, 000	15, 400	14, 400	3
4	Tactical technology	46, 000	−3, 000	43, 000	−1, 000	42, 000	43, 000	4
5	Distributed information systems	14, 700	−3, 000	11, 700	+3, 000	14, 700	11, 700	5
6	Advanced command, control, and communications technology	12, 700	−1, 000	11, 700	−1, 000	10, 700	11, 700	6
7	Training, forecasting, and decision technology	7, 100	−1, 000	6, 100	+600	6, 700	6, 100	7
8	Technology assessments	6, 200	−1, 000	5, 200	+800	6, 000	5, 200	8
9	Materials processing	6, 100	−600	5, 500	+600	6, 100	6, 100	9
10	DCA: WWMCCS-JTSA	6, 800		6, 800	1, 200	5, 600	6, 200	10
11	DMA: Undistributed reduction	14, 902	−900	14, 002	−100	13, 902	13, 902	11
12	DIA (classified)		−1, 000		−200			12
13	DNA (classified)				−2, 000			13
14	NSA (classified)		−9, 407		−5, 593			14
15	Technical support to OSD/JCS	22, 800	−17, 100	5, 700	+14, 100	19, 800	17, 500	15
	Programs not in dispute	44, 853		44, 853		44, 853	44, 853	
	Total, Defense agencies budget authority	597, 800	−41, 007	556, 793	+8, 907	565, 700	563, 700	
16	Director of test and evaluation	28, 500	−3, 500	25, 000	+3, 500	28, 500	25, 000	16
	Total, R.D.T. & E. budget authority	10, 181, 388	−515, 015	9, 666, 373	+21, 062	9, 687, 435	9, 673, 283	

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION SUMMARY OF CONFERENCE ACTION—Continued

[In thousands of dollars]

Item No.	Program element	Fiscal year 1976 request	House		Senate		Conference	Item No.
			Change	Authorization	Change from House	Authorization		
	ARMY—197T							
	RESEARCH, DEVELOPMENT, TEST, AND EVALUATION SUMMARY OF CONFERENCE ACTION							
1	Surgical investigations	1,605		1,605	−200	1,405	1,405	1
2	Studies and analyses	1,900		1,900	−200	1,700	1,700	2
3	TRADOC studies and analyses	970		970	−170	800	800	3
4	Heavy lift helicopter	3,000	−500	2,500	−2,500			4
5	Aerial scout	8,800		8,800	−8,600	200	7,000	5
6	Advanced VTOL	3,405		3,405	−1,200	2,205	2,205	6
7	Advanced attack helicopter	17,908	−6,900	11,008		11,008	11,008	7
8	CH–47 modernization	2,800		2,800	−1,900	900	2,800	8
9	Chaparral Vulcan	5,710	−4,000	1,710	−700	1,010	1,710	9
10	Hardened BMD materials	1,717		1,717	−1,717			10
11	Advanced forward area air defense systems	2,025	−1,500	525	+1,500	2,025	2,025	11
12	Surface-to-surface missile rocket system	3,000	−3,000		+3,000	3,000	500	12
13	BMD advanced technology program	30,158	−5,000	25,158	+1,342	26,500	25,158	13
14	Site defense	38,000	−4,000	34,000	−15,000	19,000	25,000	14
15	Cannon launched guided projectile	6,982	−6,982		+6,982	6,982	3,000	15
16	Heliborne missile—Hellfire	4,000	−4,000		+800	800	800	16
17	Pershing II missile	6,000		6,000	−1,000	5,000	6,000	17
18	Fire and forget module—Hellfire	1,450	−1,450		+1,450	1,450		18
19	Kwajalein Missile Range	23,560	−1,560	22,000	−3,000	19,000	22,000	19
20	Ballistics technology	3,260		3,260	−500	2,760	3,260	20
21	Chemical munitions technology	475		475	−170	305	475	21
22	Lethal chemical munitions concepts	960		960	−960		960	22
23	Tank systems (XM–1)	38,953		38,953	−29,653	9,300	38,953	23
24	Lethal chemical munitions	1,448		1,448	−1,448		1,448	24
25	Bushmaster	3,631	−1,631	2,000	+1,631	3,631	3,631	25
26	Chemical defense materiel concepts	1,620	−550	1,070	−550	1,620	1,070	26
27	Manpower and human resources technology	1,827		1,827	−200	1,627	1,627	27
28	Army support of DARPA hostile weapons program	280	−280		+280	280	100	28
29	Unattended ground sensors	2,460	−1,700	760	+1,300	2,060	1,400	29
30	Classified program	2,735		2,735	−200	2,535	2,735	30
31	STANO	4,191	−3,191	1,000	+3,191	4,191	3,000	31
32	Command and control	1,770		1,770	−200	1,570	1,770	32
33	Artillery locating radar	1,960	−1,000	960	+1,000	1,966	1,200	33
34	Manpower and human resources development	2,443		2,443	−400	2,043	2,043	34
35	General combat support	2,254		2,254	−250	2,004	2,100	35
36	Mortar locating radar	1,925	−500	1,425	+900	1,925	1,425	36
37	Program wide management and support		−2,839	−2,839	+2,839		−1,400	37
38	Undistributed reduction						−16,000	38
	Programs not in dispute	350,418		350,418		350,418	350,418	
	Total, Army budget authority	585,600	−50,583	535,017	−43,803	491,214	513,326	
	NAVY—197T							
1	Studies and analysis support, Navy	3,189		3,189	−600	2,589	2,589	1
2	Aircraft flight test general	1,467		1,467	−500	967	967	2
3	Classified program	11,289		11,289	−6,929	4,360	10,289	3
4	Aircraft systems (advanced)	2,398		2,398	−1,500	898	898	4
5	Air ASW	4,419		4,419	−1,883	2,536	2,536	5
6	Airborne mine countermeasures	1,445		1,445	−400	1,045	1,445	6
7	Tactical air reconnaissance	2,307		2,307	−1,764	543	2,307	7
8	Aircraft survivability and vulnerability	2,096		2,096	−1,500	596	2,096	9
9	Modular FLIR	200	−200		+200	200		0
10	All weather attack	1,201	−1,201		+1,201	1,201		18
11	Fleet ballistic missile system	21,273	−6,500	14,773	+6,500	21,273	16,773	11
12	Sanguine	4,400		4,400	−770	3,630	3,630	12
13	Gryphon	6,597		6,597	−1,800	4,797	4,797	13
14	Strike warfare weaponry technology	10,683	−2,500	8,183	+2,500	10,683	9,500	14
15	ARM system technology	804	−400	404	+400	804	404	15
16	Advanced surface-to-air weapon system	4,600	−4,600					16
17	Agile	5,407	−2,600	2,807	+2,600	5,407	3,307	17
18	Air launched/surface launched antiship missile	2,373	−2,373		+2,373	2,373		18
19	Cruise missile	42,100	−4,000	38,100	−1,000	37,100	37,100	19
20	Surface missile guidance (advanced)	1,700		1,700	−700	1,000	1,000	20
21	Surface launched MGGB technology	200	+1,500	1,700	−1,500	200	1,700	21
22	Air-to-air missile component technology	4,604		4,604	−3,200	1,404	1,404	22
23	Close-in weapon system (Phalanx)	2,458	−2,458		+2,458	2,458	2,458	23
24	Trident missile system	172,510	−10,000	162,510	+9,000	171,510	165,510	24
25	Classified program	11,598		11,598	−1,200	10,398	11,598	25
26	Surface ASW	9,160	−2,160	7,000	+2,160	9,160	8,000	26
27	Ship development (advanced)	10,755	2,755	8,000	−1,845	6,155	7,000	27
28	Hydrofoilcraft (advanced)	2,398		2,398	930	1,468	1,468	28
29	Classified program	5,844	2,844	3,000	+2,844	5,844	4,000	29
30	Ship development (engineering)	9,803		9,803	−6,700	3,103	8,603	30
31	Gun systems	642	-642		+642	642		31
32	BW/CW weapons	348		348	−348		348	32
33	Manpower effectiveness	1,187		1,187	−200	987	987	33
34	Education and training	2,112		2,112	−100	2,012	2,012	34
35	Reliability and maintainability	1,250		1,250	−1,250			35
36	Other Marine Corps development (engineering)	2,081	1,002	1,079	+1,002	2,081	2,081	36
37	R.D.T. & E. instrumentation and material support	10,325		10,325	−2,000	8,325	8,325	37
38	R.D.T. & E. ship and aircraft support	12,988		12,938	−1,000	11,988	12,988	38
39	Test and evaluation support	38,657		38,657	−1,000	37,657	37,657	39
40	Laboratory fleet support	1,000		1,000	−1,000			40
41	Undistributed reduction		−9,372	−9,372	+9,372			41
	Programs not in dispute	473,969		473,969		473,969	473,969	
	Total, Navy budget authority	903,837	−54,107	849,730	+1,633	851,363	849,746	
	AIR FORCE—197T							
1	B–52 squadrons	7,329	−7,329		+3,029	3,029		1
2	C–5A airlift squadrons	10,400		10,400	−7,400	3,000	10,400	2
3	Advanced avionics for aircraft	3,600	−600	3,000	+600	3,600	3,600	3
4	Stall spin inhibitors	600		600	−600			4
5	Aircraft equipment development	2,200		2,200	−700	1,500	2,200	5
6	B–1	168,300		168,300	−39,300	129,000	158,000	6
7	Air combat fighter	82,504	7,000	75,504	−5,800	69,704	69,704	7
8	Advanced ICBM technology	15,300		15,300	−1,000	14,300	14,300	8
9	Advanced ballistic reentry systems	29,150	−5,000	24,150	+5,000	29,150	26,650	9

Item No.	Program element	Fiscal year 1976 request	House Change	House Authorization	Senate Change from House	Senate Authorization	Conference	Item No.
10	Strategic bomber pen tration	5,700		5,700	−1,000	4,700	5,700	10
11	Advanced short-range air-to-air missile systems technology	1,200	−200	1,000	+200	1,200	1,000	11
12	SAMTEC and ACS telecommunications	1,000		1,000	−100	900	1,000	12
13	Classified program	5,720	−1,720	4,000	+1,720	5,720	4,800	13
14	Armament ordnance development	2,789		2,789	−600	2,189	2,500	14
15	Close air support weapon system	16,800	−13,000	3,800	+13,000	16,800	6,700	15
16	Ground electronics	12,123		12,123	−529	11,594	11,594	16
17	Electronic warfare technology	2,750	−1,000	1,750	+1,000	2,750	1,750	17
18	Advanced computer technology	1,200	−200	1,000	+200	1,200	1,000	18
19	Life support system	1,980		1,980	−400	1,580	1,780	19
20	Other operational equipment	2,200		2,200	−200	2,000	2,000	20
21	Integrated program for airbase defense	1,650		1,650	−150	1,500	1,650	21
22	Drone remotely piloted vehicle systems development	6,000		6,000	4,900	1,100	6,000	22
23	Precision emitter location strike system	10,600	−4,600	6,000	−4,309	1,700	3,000	23
24	AWACS	54,474	−1,374	53,100	+1,374	54,474	54,474	24
25	Advanced fighter protection systems	3,600	−1,600	2,000	+1,500	3,600	2,800	25
26	Intelligence equipment	3,300		3,300	−2,000	1,300	2,300	26
27	Test and evaluation support	75,000		75,000	+2,500	72,500	72,500	27
28	Programwide management and support		−4,300	−4,300	+4,300		−2,150	28
29	Undistributed reduction						−6,000	29
	Programs not in dispute	506,531		506,531		506,931	506,531	
	Total, Air Force budget authority	1,034,000	−47,923	986,077	−39,456	946,621	965,783	
	DEFENSE AGENCIES—197T							
	DARPA:							
1	Defense research sciences	9,300		9,300	−500	8,750	8,750	1
2	Missiles and related equipment	18,700	−2,750	15,950	+2,750	18,700	17,950	2
3	Tactical technology	11,500	−1,000	10,500		10,500	10,500	3
4	Distributed information systems	3,700	−1,250	2,450	+1,250	3,700	2,450	4
5	Advanced command, control, and communications technology	3,200		3,200	−500	2,700	2,700	5
6	Training, forecasting, and decision technology	1,800		1,800	−100	1,700	1,700	6
7	Technology assessments	1,600		1,600	−100	1,500	1,500	7
8	DCA: WWMCCS–JTSA	1,700		1,700	−300	1,400	1,550	8
9	DMA: Undistributed reduction	3,850	−350	3,500		3,500	3,500	9
10	DNA (classified)				−1,500			10
11	NSA (classified)		−5,282		+1,282			11
12	DIA (classified)							12
13	Technical support to OSD/JCD	5,700	−4,275	1,425	+3,575	5,000	4,300	13
	Programs not in dispute	18,464		18,464		18,464	18,464	
	Total, Defense agencies budget authority	152,700	−14,907	137,793	+5,807	143,600	139,768	
14	Director of test and evaluation	6,800	−3,400	3,400	+3,400	6,800	5,000	14
	Total, R.D.T. & E. budget authority	2,682,937	−170,920	2,512,017	−72,419	2,439,598	2,473,623	

CONFERENCE ACTION ON SELECTED SUBJECTS IN THE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FISCAL YEARS 1976 AND 197T AUTHORIZATION REQUEST

Aerial scout

The House bill approved the full amount of $10.7 million for fiscal year 1976 and $8.8 million for 197T as requested. The Senate amendment authorized $700,000 and $200,000 for these respective periods only to support in-house efforts because (1) the Army had not yet approved the characteristics of the new scout; (2) the Army had not determined if either a new development or an off-the-shelf helicopter would satisfy the requirement; and (3) following these determinations, the Army must obtain DSARC approval before proceeding with the program. The Senate action considered that if the Army and DOD had decided what the Army requires by the time the fiscal year 1977 request is submitted, there then would be a meaningful basis for consideration.

The Department of Defense reclama states the Army had completed the study of the characteristics of the Advanced Scout Helicopter, that indications are it will be a military adaptation of an existing helicopter, and the DSARC will be held on July 31, 1975. Because of these new developments, the Senate conferees recede and agreed to restore $4.3 million in fiscal year 1976 and $6.8 million in 197T. This will provide a total of $5.0 million and $7.0 million for these respective periods.

The use of the funds restored is contingent on approval of the House and Senate Armed Services Committees following DSARC approval and prior to issuance of requests for proposal to industry.

Advanced forward area air defense system

The House bill deleted the request for $11.1 million in fiscal year 1976 and $2.0 million in 197T for prototypes of a new anti-aircraft gun system. The Senate amendment approved the full request.

The House reduction was made because of the belief that the Army's plans for development of a new gun system were too indefinite to warrant a start on the program at this time. The Senate conferees pointed out that the Army had continued to firm up its plans for development of the new gun since the fiscal year 1976 budget hearings and an advanced development requirement had been approved before the conference.

The Senate and House conferees both agreed on the need for a new and more powerful gun to replace the 20 mm Vulcan. The conferees agreed to restore the full amount of $13.1 million in fiscal year 1976 and $2.0 million in 197T as provided by the Senate. At least one of the new prototype gun systems shall use the GAU–8 30 mm gun adapted for the anti-aircraft role.

Artillery locating (counterbattery) radar

The House bill resulted in a reduction of $4.0 million from the Army's request of $13.340 million for fiscal year 1976 and a reduction of $1.0 million from the $1.960 million requested for fiscal year 197T. The Senate amendment authorized the amounts requested.

The House action was based on the fact that the Army planned to initiate a six-month modification phase for the two competing radar systems. The modification phase follows the completion of test and evaluation of both systems.

The conferees believe that the Army, at the completion of testing, should be able to select the best system for the follow-on phase. The conferees agreed to a funding level of $10.340 million and $1.2 million for fiscal years 1976 and 197T respectively to support this approach.

The projected high unit cost of this system requires that the Army assess less costly alternatives such as Remotely Piloted Vehicles and infrared systems to provide this capability. The results of this assessment should be available to support the fiscal year 1977 authorization request.

Binary Chemical Munitions, See Title VIII, General Provisions.

Cannon launched guided projectile

The House bill authorized $10.0 million of the Army's $17.8 million request for fiscal year 1976, and none of the $7.0 million for fiscal year 197T. The Senate amendment approved the full amount requested for both periods.

The House action reflected dissatisfaction with the overall management of the Army and Navy guided ordnance programs, and stated the belief that commonality is possible and both cost and performance effective.

The conferees are concerned that the Army requirement for this projectile has not yet been validated, in view of all other weapons and munitions available or planned to be employed against the same targets. The conferees also are concerned that it may not be worth the cost to develop and deploy this projectile since there are other possible alternatives. The conferees were advised that the estimated cost to develop and procure the planned inventory requirements is about $1.0 billion.

The conferees agreed that the Army's program should proceed into engineering development with the specific understanding that the engineering development contract would not be a commitment to either full scale engineering development or production. The conferees were advised by the Army that the "Producibility Engineering and Planning (PEP)" phase of the contract would be deferred until after fiscal year 197T. At that time the prospects for commonality will again be assessed. Both Committees on Armed Services are to be advised of this assessment prior to initiation of PEP. In addition, the Army advised that it planned another stopping point for program review preceding the Limited Rate Initial Procurement (LRIP) phase of the program.

Prior to the submission of the fiscal year 1977 request for authorization, both Committees on Armed Services are to be provided with the results of a complete DDR&E coordinated study of Army requirements (including the Navy candidates and all other delivery systems and munitions available or planned for inventory) and cost effectiveness analysis.

The House recedes and agrees to restore $4.0 million in fiscal year 1976 and $3.0 million in 197T to support either the engineering development contract or competitive testing with the Navy round.

Chaparral/Vulcan

The House bill reduced the request for $14.8 million in fiscal year 1976 and $5.7 million in 197T for R&D on improvements to the Chaparral surface-to-air missile down to $4.8 million in fiscal year 1976 and $1.7 million in 197T. The Senate amendment contained $4.9 million in fiscal year 1976 and $1.0 million in 197T.

The Conferees agreed to provide $4.9 million in fiscal year 1976 and $1.7 million in 197T. If additional funding is required during the fiscal year, a reprogramming request will be considered for this missile system.

CH–47 modernization

The House bill authorized the full $10.0 million requested for fiscal year 1976 and $2.8 million for 197T to modernize the CH–47 helicopter fleet. The Senate amendment reduced these amounts to $3.5 million and $900,000 respectively because the Army had not yet decided which of six possible alternative courses of action to pursue. The reduced level of funding would sustain current preliminary design efforts but preclude initiating the full program.

The Army now states that preliminary results of current studies confirm that modernization of present inventory helicopters rather than replacement with new helicopters is the most cost effective approach. Formal Army approval was anticipated by July 24, 1975 and DOD approval by September 30, 1975. Because of these developments and the imminency of the approval actions, the Senate recedes and accepts the full amounts approved by the House. However, none of the amounts restored are to be used without approval by both the House and Senate Armed Services Committees of the plan approved by the Office of the Secretary of Defense.

Chemical defense material concepts

The House bill recommended a reduction of $1.850 million from the $6.890 million requested by the Army for fiscal year 1976 and $550,000 from the $1.620 million requested for fiscal year 197T. The reduction was intended to terminate the Long Path Infrared (LOPAIR). The Senate amendment authorized the full amount of the request.

The Senate conferees accepted the House position since LOPAIR has not demonstrated significant progress to warrant continued support. The House conferees expressed their belief that LOPAIR has been overtaken by technological advancements such as the Forward Looking Infrared (FLIR). Last year the Army was encouraged to conduct side-by-side tests and evaluation of FLIR and LOPAIR. The tests were not conducted.

While no funds are authorized for any continued development of LOPAIR, the Army can, if it chooses, submit a reprogramming request in accordance with established procedures to conduct a side-by-side test of FLIR and LOPAIR.

Hellfire

The House bill deleted all of the funds for both HELLFIRE programs: $5.0 million for the laser Heliborne missile for fiscal year 1976 and $4.0 million for fiscal year 197T; $7.3 million for the Fire and Forget module for fiscal year 1976 and $1.450 million for fiscal year 197T. The Senate bill authorized the entire amount requested for both programs except for fiscal year 197T where the $3.2 million requested for starting engineering development of Hellfire was deleted and only $800,000 was authorized for the laser Heliborne missile.

The rationale for the House action was based on the Army's testimony concerning the affordability of the Hellfire missile. The House conferees, however, in light of the relatively successful test program coupled with the fact that the Hellfire missile is a viable alternative for the Advanced Attack Helicopter, agreed with the Senate position to authorize the $5.0 million request for the laser Heliborne missile for fiscal year 1976 and $800,000 for fiscal year 197T. The Army is expected, however, to thoroughly assess other possible alternatives, such as a powered version of the cannon launched guided projectile or a 5-inch guided projectile, for the Hellfire mission.

The Senate conferees agreed with the House that the Fire and Forget module would result in an even more expensive missile than Hellfire since it would utilize a more expensive seeker. Further, the Army has not yet been able to demonstrate that the Fire and Forget seeker would improve combat capability over laser Hellfire because of the target acquisition problem. The conferees agreed to terminate this program as a line item. However, the Army may continue to explore the potential of using other candidate seekers within the total funding authorized for the laser Heliborne missile.

Heavy Lift Helicopter

The House bill approved $16.8 million in fiscal year 1976 and $2.5 million in 197T for continuation of the redirected Heavy Lift Helicopter (HLH) program limited by the Secretary of Defense to a single prototype advanced development program including flight testing. The Senate amendment approved $9.0 million for fiscal year 1976 which is the amount estimated by the Army as required to terminate the program.

The reasons for termination are set forth on page 84 of Senate Report No. 94–146 on the pending Military Procurement Authorization Bill. The House recedes.

Site defense

The House bill authorized $134.0 million of the $140.0 million requested for fiscal year 1976 and $34.0 million of the $38.0 million requested for 197T.

The Senate amendment provided $70.0 million and $19.0 million respectively for these two periods because the Army had not entirely complied with the Senate direction last year to change from a prototype demonstration program to a sustaining advanced development program. The Senate stated that the program will be maintained at a sustaining level pending further developments in strategic weapons limitations negotiations with the Soviets.

The conferees agreed to an authorization of $100 million and $25 million for fiscal years 1976 and 197T respectively.

The Department of Defense reclama stated that the Senate position is inadequate for a sustaining level and would cripple the program and possibly force dissolution of the present contractor team. This also would dramatically increase deployment time, if needed, and erode the U.S. SALT bargaining position.

The Senate reluctantly recedes and agrees to restore $30.0 million in fiscal year 1976 and $6.0 million in 197T, the minimum amount estimated as needed to retain the contractor team and continue the program at a minimum acceptable level. The conferees adopted the Senate requirement for a study by the Secretary of Defense to conduct it as stated on page 8 of Senate Report No. 94–146 accompanying the pending Military Procurement Authorization Bill.

The results of the study will be submitted to the House and Senate Committees on Armed Services by November 15, 1975.

Surface-to-surface missile rocket

The House bill deleted the entire $5.0 million requested by the Army for fiscal year 1976 and the $3.0 million requested for fiscal year 197T. The Senate amendment authorized the entire request.

The Army intended to develop two systems: a new Long Range Guided Missile (LRGM) as a nonnuclear alternative to Lance, and a free flight General Support Rocket System (GSRS). The conferees were not convinced that the LRGM would be more performance or cost-effective than the existing Lance missile system and accordingly agreed to preclude this new start.

The conferees agreed to restore $1 million for GSRS for fiscal year 1976 and $500 thousand for fiscal year 197T. The basis for supporting this development is the need for a medium range counterbattery weapon; however, the conferees are concerned over two areas which are not properly integrated in the program plan, viz., a concurrent development of a terminal seeker for the GSRS and the forward area targeting problem. During the coming year, the Army will address these problems and report their findings and conclusions in conjunction with submission of the fiscal year 1977 authorization request.

Vehicle rapid fire weapon system—Bushmaster

The House bill resulted in a reduction of $6.070 million from the $16.070 million requested by the Army for fiscal year 1976 and a reduction of $1.631 million from the $3.631 million requested for fiscal year 197T. The Senate amendment authorized the full request.

The rationale for the House action was based largely on the Army's plan to product improve the M–139 gun and use it as an interim system for the Mechanized Infantry Combat Vehicle (MICV). Further, the House was not convinced that the Army had a viable plan for the development of the Bushmaster for the MICV. There are a number of factors in question. Included is the fact that the proposed 25mm round is not fully developed and will cost several hundred million dollars to put into the U.S. inventory.

The Senate conferees concur with the House position that continued investment of funds for the M–139 is not prudent. The conferees have been advised of a Department of Defense memorandum that states it would be more cost effective to slip the MICV schedule than it would be to pursue an interim gun system. The Army should reassess the MICV schedule and justify the need and plan to both Committees on Armed Services, for both the interim and Bushmaster gun system.

The conferees agreed that the Army still lacks a viable definitive plan for the Bushmaster and agreed to the level of funding authorized by the House.

XM–1 tank

The House bill authorized the entire Army request of $51.8 million and $39.0 million for fiscal year 1976 and 197T respectively. The Senate amendment reduced the 197T request by $29.7 million.

The Senate action was intended to ensure a competition of both U.S. tank candidates in addition to te German Leopard II candidate.

The Senate recedes and agreed to restore the $29.7 million approved by the House. The conferees agree that $23 million of this is available only to initiate engineering development with a single contractor provided specific approval is granted by the Secretary of Defense and reported to the Armed Services Committees. The conferees also agreed that initiation of engineering development, prior to the delivery of a Leopard II test article in September 1976 for competitive testing with the XM–1, will not prejudice the results of that test program.

Advanced short range air-to-air missile technology

The House bill resulted in a reduction of $3.9 million from the Navy's request for $6.0 million for fiscal year 1976 and a reduction of $2.6 million from the $5.407 million request for fiscal year 197T. In addition, the House bill reduced the Air Force request of $3.8 million for fiscal year 1976 to $3.0 million and the $1.2 million request for fiscal year 197T to $1.0 million. The Senate amendment authorized full funding for both the Navy and Air Force programs.

Last year the conferees terminated the Navy's Agile missile program due to its high cost, complexity, and lack of progress after expenditures in excess of $80 million. The conferees also terminated the Air Force's CLAW missile program because of its projected lack of effectiveness. Both programs were intended to provide the Navy and Air Force with separate follow-on dogfight missiles to the Sidewinder AIM–9L series.

The House-Senate Conference Report, No. 93–1212, for fiscal year 1975 directed that the Navy and Air Force establish firm common requirements for a new missile prior to the expenditure of funds for the development of complex technology that may not even be required. The plans provided by the Services for fiscal years 1976 and 197T, however, indicated their intention to develop Agile and CLAW prototypes.

The conferees again stress the need to complete the requirements phase which will define a single set of missile performance characteristics such as seeker sensitivity, off-axis boresight acquisition requirements, maneuverability, etc. The conferees agreed that the funding authorized by the House is adequate to perform the necessary requirements phase with limited component development. The conferees further stress that there does not appear to be any urgency for an accelerated program to develop this follow-on to the excellently-performing AIM–9L Sidewinder.

The Senate recedes.

Advanced surface-to-air weapon system

The House bill deleted the $11.932 million requested by the Navy for fiscal year 1976 and $4.6 million requested for fiscal year 197T to initiate the development of this missile. The Senate amendment authorized the full request for fiscal year 1976 but deleted the $4.6 million requested for starting engineering development in fiscal year 197T.

The House action was based on the belief that a 5″ surface-to-air missile is neither cost nor performance effective. The missile has a smaller warhead than that of the 5-inch guided projectile with an estimated unit cost that could be as much as ten times greater than that of the projectile. The Navy failed to explain why the lower cost guided projectile could not be made launcher compatible. The Senate action for fiscal year 197T was intended to preclude engineering development of this missile until the basic questions concerning lethality and systems integration are resolved by the Navy.

The House conferees remained firm in their conviction that a launcher compatible 5-inch guided projectile would be more cost and performance effective. While the feasibility of the guidance scheme employed in the 5-inch guided projectile has been demonstrated, the Senate conferees contended that performance should be demonstrated including feasibility firings. Since the feasibility of the boosted projectile would have to be demonstrated, the conferees agreed to support an advanced development program for both the missile and projectile during fiscal years 1976 and 197T.

The conferees authorized $11.932 million for fiscal year 1976 and 197T of which $4.9 million will be used only for the advanced development of the launcher compatible guided projectile. The remaining $7.032 million is authorized for the advanced development of the 5-inch missile. The Navy has advised that these funds are sufficient for the directed tasks. The authorization for the missile program is predicated upon the initiation and conduct of the guided projectile launcher compatibility demonstration, i.e., the missile program may not be initiated unless all funds are available for the projectile program during the fifteen month period. The Navy could submit a reprogramming request if additional funding is required.

The conferees agreed that no subsequent funding would be provided for the 5-inch missile program until completion of the feasibility firings of the projectile.

Aegis

The House bill contained restrictive language that would prohibit expenditure of funds for Aegis until the Secretary of Defense provided to both Committees on Armed Services a plan that identified a nuclear platform and funding for the fleet implementation of Aegis during or prior to 1981. The Senate amendment contained no similar provision.

While recognizing the need to identify a platform for the Aegis, the Senate conferees thought it unwise to make continued development of the Aegis system dependent upon identification of a platform that would provide for Aegis fleet implementation before 1981. Thus the conferees agreed simply to require the Secretary of Defense to identify a platform, nuclear or otherwise, for the Aegis system.

The House conferees were especially concerned over the fact that after a period that spans nearly ten years of Aegis development, the Navy has failed to identify a suitable platform for this much needed system.

The House report (No. 94–199) suggested that the Navy give serious consideration to the U.S.S. *Long Beach* (CGN–9) as the first Aegis platform. The House contended that the *Long Beach* could serve as a prototype for the Strike Cruiser and would be a viable platform since, at the present time, the *Long Beach* weapon systems suite is antiquated.

The House conferees feel strongly that the Navy should give special attention to integrating the Aegis on the *Long Beach* in order to make it a modern Strike Cruiser. The Navy is to submit a written report by November 15, 1975, to both Committees on Armed Services that addresses the various alternatives and estimated costs for the *Long Beach* with various conversion plans including the addition of the Aegis and Standard missile systems.

Air ASW (MK III lamps)

The House bill authorized $16.9 million of the $41.3 million requested for fiscal year 1976 and none of the $4.419 million requested for 197T for this program. This would leave $18.533 million in fiscal year 1976 specifically for the MK III LAMPS project and no funds in 197T. The Senate amendment provided $26.131 million in fiscal year 1976 and $1.987 million in 197T for the MK III LAMPS project.

Both the House and Senate reductions are intended to defer engineering design contracts to define the required changes to UTTAS until after the Army selects the winning UTTAS contractor.

The Senate considered that it is improper if not illegal to limit the LAMPS competition to the two UTTAS contractors and preclude an open competition in accordance with Armed Services Procurement Regulations. The amounts deleted by the Senate are not required under the foregoing House and Senate determinations.

The House accepts the Senate authorization and the conferees direct to Navy to conduct an open competition for the helicopter. Consistent with this action, which does not preclude the ultimate selection of a UTTAS derivative in an open competition, the Navy should revise its program schedule and fund requirements, and submit to the Congress a request for funds to initiate this program in fiscal year 1977. If the Navy is ready to do this sooner, and urgency dictates action before fiscal year 1977, the Armed Services Committees of the House and Senate would consider a reprogramming action if proposed for this purpose.

This situation may again occur in other programs and therefore should be reviewed by the Department of Defense and the General Accounting Office to determine what corrective action, if any, should be taken in law or in the ASPR. The Comptroller General will submit, a report to the House and Senate Armed Services Committees of findings and appropriate recommendations by October 1, 1975.

The action of the conferees will ensure a more comprehensive checkout of the sensors and software since the Navy plans to integrate them in the SH–2 testbed. The present SH–2 Air ASW system is performing exceptionally well. Therefore, the conferees also recommend a more orderly systems development phase for the LAMPS III without unnecessary concurrency.

Air launched/surface launched antiship missile

The House bill deleted the entire Navy request of $3.0 million and $2.373 million requested for fiscal years 1976 and 197T respectively. The Senate amendment authorized the full request.

This program was intended to initiate an advanced technology program for the improved Harpoon seeker. The rationale for the House reduction was based on the recent substantial increase in the cost of the Harpoon program as reported in the latest Selected Acquisition Report (SAR).

The Senate conferees receded and join with the House conferees in requiring the Navy to investigate the basic design, fabrication and manufacturing process of the present system in an effort to reduce costs. The conferees support the need for the Harpoon missile but believe that an advanced technology program should not be initiated at this time.

All weather attack

The House bill deleted the entire Navy request of $1.1 million for fiscal year 1976 and $1.201 million for fiscal year 197T. The Senate amendment authorized the full amounts requested.

The basis for the House action was the Navy's failure to present a viable plan for this program. The Senate conferees expressed concern over the Navy's future requirements in the area of all weather avionics. The House conferees, in recognition of this concern, agreed to authorize $500,000 for fiscal year 1976 for study purposes only. The conferees emphasize that this authorization is not a commitment to the program as presented by the Navy.

Classified program

The House bill reduced this Navy classified program by $11.647 million in fiscal year 1976 and $2.844 million in 197T. The Senate amendment approved the full amount requested.

The conferees consider this Navy program essential and their action is not intended to curtail advances in the technology. The conferees agreed to restore $3.0 million and $1.0 million respectively of the amount reduced by the House. The Navy's plan to build an integrated brassboard system at a specific contractor operated facility is not accepted by the conferees. This plan would not allow for maximum government participation in operation, would give one contractor a technological monopoly, and would not allow for full system testing because of safety limitations.

The amounts authorized will be used only for modification and completion of equipment already under development. Assembly of an integrated brassboard system will not begin until a thorough study to identify and prepare a government facility for the construction of the system has been completed and the study results reported to both Committees on Armed Services. If the two Committees agree with the results of the study and additional funds are required during fiscal year 1976 or 197T to implement the results, such funds may be provided through established reprogramming procedures.

Close-in weapon system (Phalanx)

The House bill decreased the Navy's request of $30.671 million by $19.371 million for fiscal year 1976 and deleted the entire $2.458 million requested for fiscal year 197T. The Senate amendment authorized the full request for R&D.

The House action was based on the fact that the system has not demonstrated its effectiveness. Last year the conferees directed that the Navy design target missile tests that would provide lethality data in support of CIWS. The Senate conferees agreed with the House conferees that the data provided by the Navy was insufficient and agreed that a more rigorous test program was required to demonstrate the adequacy of the present gun or the possible need for a larger caliber weapon.

The conferees agreed to an authorization of $15.0 million for fiscal year 1976 and $2.458 million for fiscal year 197T. The funds authorized are intended for lethality tests and the conduct of any appropriate reliability and maintainability efforts that could be accomplished on existing completed CIWS systems and within the funding provided.

The conferees agreed that subsequent CIWS funding will be made contingent upon test data that clearly demonstrates: the ability of the CIWS to cause full detonation of the target warhead: a kill of the specified dynamic target in its normal flyable configuration at the intended ranges; and an acceptable level of the CIWS platform damage as a result of debris should warhead detonation occur.

If the CIWS tests are successful and its effectiveness is clearly demonstrated, the Navy may submit a reprogramming action in accordance with established procedures for the funds required to complete the operational suitability models and continuation of the R.D.T. & E. program.

Combat system engineering development site (CSEDS)

The conferees recognize the advantages that can be realized from a land based test facility for the Aegis system. Such a system is invaluable to the conduct of systems studies, system checkout, and greatly facilitates the support of a weapon system from the manufacturer's plant to the shipboard platform.

The House conferees expressed concern over the Navy's lack of definition of a government facility for the CSEDS. The House rationale for support of a government facility is based on the need to conduct life cycle maintenance throughout the fleet operational lifetime of the Aegis.

The conferees support the House position that precludes the expenditure of any funds for CSEDS until the Navy completes a tradeoff study that addresses the location of the facility, the cost considerations over the near- and long-term, and advises both Committees on Armed Services of the results and considerations.

Close air support weapon system (CASWS)

The House bill deleted $21.52 million from the $31.52 million requested by the Air Force for fiscal year 1976 and $13.0 million from the $16.8 million requested for fiscal year 197T. The Senate amendment authorized the full amount.

The Senate Conferees agreed with the House position to preclude the engineering development of the imaging infrared seeker until the Air Force can adequately analyse the cost of both the missile and the ancillary equipment required to support the acquisition and cueing requirements. The Conferees authorized $4.4 million which the Air Force requested for the advanced development of the imaging infrared seeker during Fiscal Year 1976/7T. Funding for engineering development of this seeker was denied and will not be approved until the Air Force presents to the Committee on Armed Services of the Senate and House of Representatives a plan that delineates the total system cost relative to the increased capability provided by such a seeker.

The House Conferees agreed to a funding level of $24.0 million for fiscal year 1976 and $6.7 million for fiscal year 197T. The restoration of these funds, however, is predicated upon full Air Force support of the laser semiactive seeker development program.

Fire control systems (engineering)

The House bill resulted in a reduction of $2.0 million from the $14.197 million requested by the Navy for fiscal year 1976. The House bill authorized the Navy's request of $1.570 million for fiscal year 197T while the Senate amendment authorized the entire request for fiscal years 1976 and 197T.

The House action was directed toward the MK–92 gun fire control system since the planned effort for fiscal year 1976 as described by the Navy was not commensurate with the requested funding level.

The Senate conferees concurred with the House position and recognized the Navy's need for funds for naval gunnery. Consequently, the conferees agreed that $2.0 million be restored only *for application to the development of the much needed extended range 8-inch guided projectile.*

Fleet ballistic missile system

The House bill decreased the Navy's request of $65.782 million by $20.0 million for fiscal year 1976 and reduced the $21.273 million request for fiscal year 197T by $6.5 million. The Senate amendment authorized the full amounts requested.

The rationale for the House action was based on the Navy's proposed costly approach to better defining the component contributions to the total system error budget for the Poseidon and Trident missile systems. The House recommended that the Navy examine the missile performance measuring system technique employed by the Air Force to delineate the in-flight error components.

The Navy is not to proceed with the proposed satellite approach until they provide a clear, definitive plan that establishes the need for this costly approach.

The conferees, in light of the required study effort, agreed to restore $7.5 million for fiscal year 1976 and $2.0 million for fiscal year 197T.

Laboratory fleet support—R.D.T. & E. ship and aircraft support

The House bill provided full funding of the Navy's request for both programs. The Senate amendment deleted the $3.0 million and $1.0 million requested for Laboratory Fleet Support for fiscal years 1976 and 197T respectively.

The Senate amendment reduced the Navy's request for RDT&E Ship and Aircraft Support for $47.029 million for fiscal year 1976 by $2.0 million and the request of $12.988 million for fiscal year 197T by $1.0 million.

The Senate rationale for deleting all funds for Laboratory Fleet Support was that there is no justification for this new program since the fleet could receive laboratory support under other programs.

The House conferees concur with the Senate position that would preclude a separate funding element for laboratory support of the fleet. The House conferees contend, however, that funds should be available to enable the laboratories to respond to urgent, dynamic problems.

The conferees agreed, therefore, to restore $2.0 million and $1.0 million for fiscal years 1976 and 197T respectively to the RDT&E Ship and Aircraft Support element to accomplish this purpose.

Other Marine Corps development (engineering)

The House bill resulted in a reduction of $2.505 million from the $5.390 million requested by the Marine Corps for fiscal year 1976 and a reduction of $1.002 million from $2.081 million requested for fiscal year 197T. The Senate amendment authorized the full request.

The House reductions were intended to terminate the Positioning Location Reporting System (PLRS) project. The conferees believe that while this program has not demonstrated significant progress, it is nearing a major test milestone during fiscal year 1976. Therefore, the House conferees recede to the Senate position and agree to allow the program to continue through its initial test phase.

The conferees expect, however, that the Marine Corps will demonstrate the ability of the system to operate in an electronic countermeasure environment, demonstrate the over-all accuracy of the system, and describe the total system concept that delineates the planned use of PLRS in support of the fiscal year 1977 request for authorization.

Ship development (advanced)

The House bill authorized $20.0 million of the $27.8 million requested for fiscal year 1976 and $8.0 million of the $10.8 million requested for 197T. The Senate provide $42,000 less than the House for fiscal year 1976 and $6.2 million for 197T.

The House and Senate amounts are essentially the same for fiscal year 1976, and the House recedes. The conferees agreed to an amount of $7.0 million for 197T. The Navy may apply the respective amounts authorized to the various programs proposed within each period consistent with program priorities.

Ship development (engineering)

The House bill authorized the full amounts requested for fiscal year 1976 and 197T. The Senate amendment provided $8.9 million of the $32.7 million requested for fiscal year 1976 and $3.1 million of the $9.8 million requested for 197T.

The Senate action primarily reflected a reduction of $21.7 million in fiscal year 1976 and $5.5 million in 197T for engineering development of the nuclear strike cruiser because the program lacked Secretary of Defense approval and because the program had not been reviewed by the Congress. Congress has received a formal budget amendment requesting $60.0 million in fiscal year 1976 for initial long lead items for a nuclear strike cruiser. The Senate recedes and agrees to restore the engineering development funds.

Surface launched modular guided glide bomb technology

The House bill increased the Navy's request of $500,000 to $4.0 million for fiscal year 1976 and the request of $200,000 to $1.7 million for fiscal year 197T. The Senate amendment authorized the full request for fiscal years 1976 and 197T.

The conferees recognize the present deficiencies in the surface fleet's shore bombardment mission. A review of the Navy's experience in Southeast Asia demonstrated the need for a weapon such as the SMARTROC. This weapon consists of a basic laser guided MK–82 bomb adapted to and powered by the MK–37 antisubmarine rocket booster. SMARTROC feasibility was demonstrated in 1973.

The conferees recognize that the effective range of this weapon can be doubled and that the unit cost should be under $10,000. Further, the extended range weapon would provide a surface-to-surface as well as shore bombardment capability. The conferees understand that a total authorization of $5.7 million during a fifteen month period will permit the orderly development of the extended range weapon.

The conferees advocate the use and integration of existing off-the-shelf technology to provide low cost effective weapon systems and the Navy will use the additional funds to initiate this development during fiscal year 1976. The conferees agreed that the funds authorized for this program may not be used for any other purpose. The Senate recedes.

Surface naval gunnery

Last year the conferees added restrictive language to the Authorization Act (PL 93-365) to prevent funds authorized for naval gunnery from being reprogrammed to other accounts.

The conferees still remain concerned over the status of the surface fleet's gun systems and expressed dissatisfaction over the Navy's failure to carry out the guidance provided last year. The Navy was encouraged, for example, to develop the extended range 8-inch guided projectile but chose to reprogram the funds for this project to other elements.

On a comparative basis, the funds requested by the Navy this year for surface naval gunnery are over ten percent less than those requested for fiscal year 1975. The Navy should reassess its gun programs and initiate developments that will provide a significant increase in the effectiveness of naval gunnery. This will be a major consideration in the review of the fiscal year 1977 request for authorization in the area of both missiles and gun systems.

Again, the conferees request the Navy to take a more systems oriented approach toward enhancing the effectiveness of the surface fleet. *The conferees expect that the funds requested for naval gunnery will be used only for that purpose.* The programs include:

Long Range Surface Weapon System (5-inch and 8-inch guided projectiles);

Surface Launched Munitions;

Fire Control Systems (Advanced);

Gun Systems, including the Lightweight Modular Gun System; and

Fire Control Systems (Engineering), including the MK-68, the MK-86 and the 8-inch Major Caliber Lightweight Gun.

Trident missile system

The House bill resulted in a reduction of $45.0 million from the Navy's request of $735.5 million for fiscal year 1976 and $10.0 million from the $172.510 million requested for fiscal year 197T. The reduction was intended to terminate all effort on the MaRV Evader prototype program. The Senate amendment authorized full funding for the MaRV effort but deleted $3.0 million for the Trident II missile in fiscal year 1976.

The conferees were advised that the Evader prototype program could be completed by the end of fiscal year 197T. In view of the high termination costs for this program, coupled with the fact that it could be completed in a relatively short timeframe, the conferees agreed to restore $35.0 million in fiscal year 1976 and $3.0 million in 197T to continue and conclude this program. The House receded on the Trident II missile funding.

The Evader prototype is not a high accuracy MaRV. The Senate amendment offered in its general provisions, Title VIII, language that would preclude testing of both type MaRVs. The Senate receded on this amendment which is described in the general provisions section of this report.

Advanced ICMB technology

The House bill authorized the full amounts of $41.2 million and $15.3 million requested for fiscal years 1976 and 197T respectively. The Senate amendment provided $40.1 million and $14.3 million for these two periods. The Senate reductions reflected the determination that studies will not be conducted for a new fixed base ICBM because of its questionable survivability. The House recedes.

Advanced fighter protective systems

The House bill deleted $2.8 million from the $18.8 million requested for fiscal year 1976 and $1.6 million from the $3.6 million requested for fiscal year 197T. The Senate amendment authorized the full amounts requested.

The House's concerns centered on the Air Force's request which amounted to a 20 percent increase over the fiscal year 1975 funds, without a commensurate increase in the amount of work planned for the coming period.

In the Department of Defense reclama additional funds were requested for work not fully described earlier by the Air Force. Therefore, the Conferees agreed to increase the funding for this program and authorize $17.4 million for fiscal year 1976 and $2.8 million for fiscal year 197T.

B-1

The House bill authorized the entire amount of $672.2 million and $168.3 million requested by the Air Force for the B-1 research and development program for fiscal years 1976 and 197T respectively. The House bill also authorized the full requests for $77.0 million and $31.0 million for the procurement of long-lead items for these periods. The Senate amendment reduced the R&D program by $75.0 million and $39.3 million for fiscal years 1976 and 197T respectively. The Senate amendment also deleted the entire amount requested for procurement.

The following table summarizes the action of the conferees:

[Dollars in millions]

	FY 1976	FY 197T
R. & D.:		
DOD request	$672.2	$168.3
Conference	642.0	158.0
Procurement:		
DOD request	77.0	31.0
Conference	64.0	23.0

The conferees emphasized that the authorizations of long-lead funding in no way commits nor obligates the United States Government to place the B-1 aircraft in production. Indeed, the conferees agreed to prohibit the Defense Department, as a matter of law, from entering into any production contract or any other contractual agreement for the production of the B-1 bomber aircraft unless subsequently authorized by law. This prohibition, however, is not meant to apply to the acquisition of the long-lead items for the first three follow-on air vehicles.

The authorization of long-lead items is completely independent of the production decision. Authorization for the long-lead items for the B-1 was strongly supported by the House conferees who believe that future production cost savings will be realized which would otherwise be precluded in the event that actual production of the B-1 is subsequently authorized. The Senate did not necessarily agree with the estimated magnitude of the savings.

The research and development funds authorized provide for fabrication of a fourth prototype aircraft.

B-52 Squadrons

The House bill deleted the entire Air Force request of $10.329 million and $7.329 million for fiscal years 1976 and 197T respectively.

The Senate amendment reduced the request by $3.0 million and $4.3 million for fiscal years 1976 and 197T respectively.

The purpose of this program is to integrate the Harpoon missile on the Air Force B-52 strategic bomber. The House reduction was based on Navy testimony indicating that augmentation of the fleet with this capability was not essential. In addition, the House was not convinced that Harpoon is the optimum choice since its guidance system limits its applications. The Senate conferees concur with the House position and agreed to defer this program until the above concerns are adequately addressed by the Air Force and Navy.

The Services will prepare a joint study that indicates the need for fleet augmentation, the tradeoffs concerning the various choices of available missiles and the potential savings that could be realized with this capability.

The conferees agreed to restore $5.0 million for fiscal year 1976 for the purpose of the study and the B-52 simulator effort that was a part of this program element. The funds are not to be used for any Harpoon/B-52 integration or development effort.

Technical support to OSD/JCS

The House bill authorized $5.7 million of the $22.8 million requested by the Department of Defense for fiscal year 1976 and $1.425 million of the $5.7 million requested for fiscal year 197T. The Senate amendment authorized $19.8 million for fiscal year 1976 and $5.0 million for fiscal year 197T.

The rationale for the substantial reduction in the House bill was based on the extremely poor testimony presented in support of this entire program. The primary concern related to the utility of the studies conducted, especially in the areas of International Security Affairs, Manpower, and Net Technical Assessment. The House Committee had every reason to believe that a number of these studies are also being conducted elsewhere in the Defense establishment.

The House Conferees very reluctantly receded and agreed to restore $11.8 million and $2.825 for fiscal year 1976 and 197T respectively, on the basis of a stated requirement for these funds by the Secretary of Defense during the deliberations of the Conference Committee. The House conferees, however, are still concerned over the utility and effectiveness of these studies. A report will be provided to the Committees on Armed Services of the House and Senate that covers the fiscal year 1975 period and includes the following information: the title of the study; the principal investigators; the cost of the study; the number of man-years expended; the purpose of the study; a brief summary of what the study encompasses; the utility of the study; and a brief statement of impact, if any, that the study has on ongoing programs and/or the defense posture. This report is to be submitted prior to submission of the fiscal year 1977 authorization request.

In-house laboratories

The Director of Defense Research and Engineering indicated before both Committees on Armed Services his intention to effect a drawdown of some 6,000 civilian employees from the Defense Research and Development organization. The House, in its report number 94-199, directed that any proposed drawdown be deferred until the Committee had an opportunity to conduct hearings to assess the near and long-term effects of such action. The Senate, in its report number 94-146, expressed concurrence with the proposed drawdown.

The Department of Defense reclama requested that the House recede in its position during the deliberations of the Conference Committee.

Subsequently, staff members of the House and Senate Armed Services Committees met with representatives of the Office of the Director of Defense Research and Engineering and determined that the proposed drawdown of the planned magnitude over a one or two year period, under established procedures, could disrupt and demoralize the laboratories and could reduce them in size without renewing and strengthening their staffs.

The Conferees understand that the military departments and many, if not all, of the laboratories concur in the need for a properly structured reduction in manpower and that this would result in improved efficiency and effectiveness. The difference of opinion relates to the schedule for implementation of the reduction coupled with a hiring policy that would preclude renewing and strengthening of the staffs. The concern of the conferees is based on the potential loss of vitally important manpower and capabilities that currently exist in the in-house laboratory system. The Conferees would agree that the Department of Defense should proceed with a drawdown provided that it is phased over a longer period of time than two years and permits concurrent staff renewal to ensure the retention of needed in-house capability in the various areas of the research and development organization.

The Conferees, however, direct that prior to the implementation of any drawdown, the Director of Defense Research and Engineering presents to both Committees on Armed Services a plan for the service laboratory drawdowns consistent with this guidance to ensure the vitality and integrity of the in-house laboratory system. In the interim, the House Conferees agreed to defer further inquiry pending a review of the Director of Defense Research and Engineering plan.

TITLE III AND VII—ACTIVE FORCES

Titles III and VII of the bill contain the authorization for the end strength of the active duty component of the armed forces for FY 1976 and the transition period.

For both FY 1976 and the transition period, the House bill authorized the strengths requested by the military departments.

The Senate amendment had reduced the total authorization by 18,300 personnel in the following manner:

For fiscal year 1976:	
Army	779,300
Navy	524,100
Marine Corps	195,900
Air Force	582,400
For fiscal year 197T:	
Army	787,300
Navy	531,300
Marine Corps	196,100
Air Force	582,400

The Senate contended that its reductions could be implemented without affecting combat capabilities. The House asserted that in light of the evidence that the management of defense manpower is showing real progress, reductions at this time would frustrate such efforts.

After extensive discussions, the conferees agreed on a compromise total reduction of 9,000 in active forces to be allocated by the Secretary of Defense as he deems appropriate. The conferees suggest that these reductions be made in the general areas recommended in the Senate committee report.

The conferees request that the Secretary of Defense report to the House and Senate Armed Services Committees within 60 days on the allocation of the reduction to the military services, and functional areas therein.

TITLES IV AND VII—RESERVE FORCES

Titles IV and VII of the bill contain the annual authorization for the strength of the selected Reserve of each Reserve component of the Armed Forces for fiscal year 1976 and the transition period.

The House and Senate positions differed on the strengths for the Army Reserve and the Navy Reserve. There were no differences in the authorizations for any other Reserve components.

For the Army Reserve, the Senate had authorized 212,400 for both fiscal year 1976 and the transition period; while the House authorized 226,000 for each of the periods.

The conferees agreed on 219,000.

For the Naval Reserve, the Senate authorized 92,000 for fiscal year 1976 and the transition period; while the House authorized 112,000 for each of these periods.

The conferees agreed on 106,000.

The House yielded reluctantly in the case of the Naval Reserve. It was agreed by the conferees that the 106,000 strength does not require reductions in the current strength of the Reserve Naval Construction Battalions. (SeaBee units.)

The Senate and House also differed on the method of authorizing Reserve strength. The Senate conferees defended their authorization of Reserve strengths in terms of end strength and a minimum average strength and stated this would provide a firm mission planning basis for the Selected Reserve components. House conferees, however, were adamant that the previous average strength method of authorization be continued as provided in the House bill.

The Senate reluctantly recedes.

TITLES V AND VII—CIVILIAN PERSONNEL

The Senate Armed Services Committee approved civilian personnel end strengths by services and the Defense agencies as follows:

Fiscal year 1976:	
Army	329,000
Navy	310,300
Air Force	251,300
Defense Agencies	71,400
Fiscal year 197T:	
Army	332,700
Navy	311,100
Air Force	253,200
Defense Agencies	71,400

The total of these authorizations represent a 23,000 reduction from the strengths requested by the Department of Defense. The Senate as a whole imposed a further reduction of 17,000 to be allocated by the Secretary of Defense.

The House authorized a single Department of Defense-wide authorization for civilian personnel for each period. The House bill also excluded from this authorized end strength the civilian personnel engaged in industrially-funded activities of the Department of Defense. The end strengths authorized by the House were the strengths requested by the Department of Defense for each period less the employees of industrially-funded activities (985,000 minus 286,662 for FY 1976; 991,441 minus 285,128 for FY 197T).

The House bill provided for a separate authorization of 96,000 for indirect hire foreign national civilian employees in both fiscal year 1976 and the transition period.

The conference agreed to provide for an overall Department of Defense-wide authorization for civilian personnel with the Secretary of Defense given the authority to allocate the personnel to the military departments and Defense agencies as he deems appropriate.

The conference agreed to a total reduction of 23,000, for fiscal year 1976 and the transition period, from the number requested by the Department of Defense. The conferees suggest that these reductions be made in the general areas recommended in the Senate committee report.

After extensive discussion, the House reluctantly recedes on the exclusion for civilian employees of industrially-funded activities.

The conferees expressed the belief that the Armed Services and Appropriations Committees of the House and Senate should jointly study the manner of authorizing and appropriating for industrially-funded civilians, with a recommendation to be ready for Congressional action next year.

The conferees are cognizant of and emphasized the fact that no industrially-funded civilians were included in the reductions made in the areas specified in the Senate Committee report.

The House recedes on the provision which would have changed permanent authorizing legislation regarding the authorization of civilian personnel on a Department of Defense-wide basis as its intent is met otherwise.

The Senate recedes as to the exclusion of indirect hire employees from the civilian personnel authorization; however, the conferees agreed to include their number within the overall civilian end strength. Since the indirect hire employees are included in the overall authorization and thus within the one-half percent escalatory authority of the Secretary of Defense, the House intent in providing flexibility is met.

The conferees request that the Secretary of Defense report to the House and Senate Armed Services Committees within 60 days on the allocation of the reduction to the military services, and functional areas therein.

TITLES VI AND VII—MILITARY TRAINING STUDENT LOADS

Both the Senate and House authorized the Military Training Student Loads as requested by the Department of Defense and the numbers, therefore, were not subject to conference.

The Senate amendment to the bill however, incorporated a provision which would require the Secretary of Defense to adjust the Military Training Student Loads consistent with the manpower strengths in Titles III, IV, V and VII.

The House recedes.

TITLE VII

The discussion of issues relating to the transition period can be found within prior discussions of the specific subject matters in earlier titles.

TITLE VIII—GENERAL PROVISION

Authorization of repair, maintenance and overhaul of naval vessels and certain element of military construction

The House bill contained a provision, section 701(a)(1)(b), amending section 138 of title 10 United States Code so as to subject appropriations for repair, maintenance and overhaul of naval vessels to the annual authorization process. The Senate bill contained no such language.

The Senate Conferees objected to this provision because they questioned the need for the additional oversight requirement and the resulting new workload placed upon the Department and the legislative Committees.

Section 701 of the House bill also contained a provision which adds a new paragraph (a)(6) on military construction, as defined in new subsection (e) to section 138 of title 10, United States Code, which precludes the provision of funds for any fiscal year for military construction unless funds therefor have been specifically authorized by law. Subsection (e) defines the term "military construction" to include any construction, development, conversion, or extension of any kind which is carried out with respect to any military facility or installation (including any Government-owned or Government-leased industrial facility used for the production of defense articles and any facility to which section 2353 of this title applies) but excludes any activity to which section 2673 or 2674, or chapter 133 of this title apply, or to which section 406 (a) of Public Law 85-241 (71 Stat. 556) applies.

The conferees agree that there is a need for the DoD to maintain single management control of construction authorized with the procurement and RDT&E accounts. There is also a need for the Congress to have full visibility of all construction projects regardless of the method of funding. As currently practiced, military construction associated with either RDT&E or production of weapons systems is authorized along with those weapons systems. Therefore, it is pointed out that this addition to section 138 of title 10, United States Code, is not intended to incorporate an additional review of construction associated with weapons systems, which will continue to be reviewed and authorized along with the weapons systems themselves. However, all other military construction as indicated above not associated with RDT&E or production of weapons systems must be authorized in an annual military construction authorization bill.

The Senate recedes with an amendment striking the language referring to the authorization of repair, maintenance and overhaul of naval vessels.

Four months training

The House bill included language intended to alter certain requirements in the law which govern the amount of training necessary before an active duty serviceman can be assigned overseas, and governing the period of initial active duty for training for reservists. The Senate version of the bill had no such language.

The House position was motivated by evidence that substantial periods of time are being used inefficiently due to the current mandated periods for training which do not, in many cases, correspond to the actual time necessary for training servicemen in many skills.

The Senate conferees concern was to insure that adequate safeguards against the use of insufficiently trained personnel remained in the law.

The conferees agreed on new language which alters the current statutory time period of "four months" at various points in the law, to a period of twelve weeks so as to avoid these inefficiencies, yet continue the statutory safeguard. This language, with its constraints, should be uniformly interpreted within the Department of Defense.

Admission of women to the service academies

Both the House and the Senate have voted unequivocally to admit women to the Nation's three military service academies. Both House and Senate have also supported the principle that admission, training, graduation and commissioning of students should be essentially equal.

The conferees believe that this mandate can and should be carried out promptly, with a minimum of changes or adjustments in curriculum or facilities and with first admissions to begin with the class entering in calendar year 1976. However, no changes should be made that would lead to separate training systems for men and women in the academies.

In implementing the admission of women to the academies, the conferees believe that the Secretary of Defense should be provided the discretion to phase in such changes or adjustments as may be necessary using as a guide the experience gained in the introduction of women into officer training in the various services' ROTC programs, Officer Candidate Schools and the U.S. Merchant Marine Academy.

Section 707: Contracting authority for naval vessels

Section 707 of the House bill contained language which would authorize contracts for the construction, conversion, overhaul and repair of naval vessels, not in excess of unobligated balances. The Senate Amendments did not contain similar language.

The House Conferees urged that this provision was desirable in order to remove any doubt concerning the legal authority of the Department of Defense to enter into contracts where funds were appropriated in an amount sufficient for the target contract price, but where the Congress had not appropriated funds for contract escalation payments which might occur in the future due to economic inflation.

The House reluctantly recedes.

Emergency and extraordinary expenses

Included as Section 907 of the Senate bill was a provision, recommended by the Department of Defense, to specifically authorize for appropriations to the individual Service Secretaries, such funds as would be necessary for emergency and extraordinary purposes.

The House had not included a similar provision, since it was of the view that such new statutory language was unnecessary.

After considerable discussion, the conferees agreed to the Senate provision with some minor modifications.

The House recedes with an amendment.

Authority to settle shipbuilder claims subject to appropriations

The House bill contained a provision, section 708, authorizing the Secretary of the Navy to settle claims arising out of ship construction and conversion contracts, entered into prior to July 1, 1974, notwithstanding the availability of appropriations for that purpose, subject to appropriations subsequently authorized and appropriated by Congress. The Senate bill contained no such language.

The Senate recedes.

Compliance with congressional budget act

The House bill contained a provision, section 709, which would bring any new spending authority, as defined by the Congressional Budget Act of 1974, involved in House sections 707 and 708 into compliance with Section 401 of the Congressional Budget Act of 1974. The Senate bill contained no such language.

House section 707 was dropped and House section 708 was modified to include requirement of House section 709. Consequently the House recedes.

Five-year naval shipbuilding program

Section 710 of the House bill contained language directing the Secretary of Defense to submit a five-year naval ship new construction and conversion program for each fiscal year. The Senate bill contained no similar language.

This provision was fully supported by the Department of Defense.

Extensive hearings in the House during 1974 and again this year clearly showed the need for a longer range shipbuilding plan in order to eliminate some of the upheavals and uncertainties in the shipbuilding industry which have contributed to increased costs.

The Senate Conferees expressed concern that this provision would affect the annual authorization process. The Conferees agreed to make a technical amendment to this section and the language of this section does not, in any way, change existing law with respect to the annual authorization of the construction and conversion of naval vessels.

The Senate recedes with an amendment.

Restriction on multi-year contracts

The House bill contained language which prohibits multi-year contracts with cancellation ceilings in excess of $5 million, unless such contracts are approved in advance by the Congress. The Senate bill had no similar language.

The Senate recedes.

Requirement to procure technical data packages

The House bill contained a provision, Section 712, to require the Department of Defense to purchase all designs and data required to manufacture major weapon systems which cost $100 million or more to develop and/or procure, subject to waiver with approval of both the House and Senate Armed Services Committees. The purpose of the House provision is to standardize DoD contractual relations which have been different for each of the three military services.

The Senate conferees consider that there is merit to the proposed language but, because it is a highly complicated matter with profound implications involving both the Department of Defense and industry, there should be a period of time to enable the Department to conduct a complete study and report to the Congress on findings and appropriate recommendations for statutory language if warranted.

The conferees' prime concern is the ever increasing cost of weapons systems which necessitates the Services' having the greatest flexibility in procuring these systems. The conferees believe that it is more cost effective for the Services to have complete detailed design and manufacturing data in so far as weapons can be procured, when economical, from multiple sources. Further, the conferees believe that it is imperative that the Department of Defense retain greater flexibility in having the information required to independently modify and maintain their weapons systems.

The House conferees agreed to delete Section 712 of the House bill. The conferees direct the Department of Defense, with GAO participation, to conduct a study on this subject to determine what policies and procedures should be established throughout the Department which can be implemented uniformly by the various military departments and Defense Agencies.

The results of this study, including proposed policies and procedures will be submitted to the Congress in conjunction with the submission of the fiscal year 1977 authorization request.

The Department of Defense will submit a report for fiscal year 1976 to the Congress covering all contracts awarded for development of weapon systems having a total value of $100 million or more, and indicating what provision was included for procurement of manufacturing data. Included in the report will be a complete discussion of the provisions included in the contracts which were used to ensure that the data obtained could be used by independent manufacturers for the production of the weapon systems. If the provisions used did not ensure that complete and useful data would be provided, then suggested provisions which would require that such data be supplied are to be included in the report.

Requirements for notification of transfers of funds from RDT&E accounts

The House bill contained a provision, Section 713, which required prior approval by the House and Senate Armed Services Committees of any transfer to other accounts of funds authorized for appropriations for Research, Development, Test and Evaluation.

The Senate conferees did not object to the purpose of the House language but questioned the need for statutory language. It also would severely restrict the limited management flexibility that the Department of Defense has in dealing with funding problems, particularly in view of the reluctance of the Congress to consider requests for supplemental appropriations.

The House conferees recede and agree to delete the statutory language recognizing that adequate controls by the Congress may be exercised through established reprogramming procedures.

The conferees agree that the policy is hereby established whereby the transfer of any funds from the Department of Defense appropriations for Research, Development, Test and Evaluation, to other appropriations of the Department of Defense requires prior approval of the Armed Services Committees of the Congress in accordance with established reprograming procedures.

The Department of Defense will comply with this policy and will implement its provisions beginning with fiscal year 1976.

5-percent pay cap

The House bill contained a provision (section 714) providing for a 5-percent cap on military active-duty pay increases throughout FY 76 subject to a similar cap being placed on civil service classified pay increases and providing that no change is made in the surcharge of military commissaries during the period the cap is enforced. The Senate amendment contained no such provision.

The Senate conferees convinced the House conferees that the inclusion of military commissaries in the language was not appropriate to the provision of a 5-percent cap; and, therefore, the Senate receded with an amendment deleting all reference to the surcharge in military commissaries. It should be understood that the language of the section will provide for a 5-percent cap on military active-duty pay only if a similar cap is placed on classified civil service pay.

Submission of Selected Acquisition Reports to Congress

The House bill contained a provision which would require the Secretary of Defense to submit to Congress within thirty days after the end of each quarter, beginning with the quarter ending December 31, 1975, all selected acquisition reports on major defense systems which are estimated to require a total cumulative financing for research, development, test, and evaluation in excess of $50,000,000 or a cumulative production investment in excess of $200,000,000. The Senate amendment contained no similar provision.

The Senate conferees concurred in the need for timely submission of these reports to Congress; however, the conferees being advised by the Department of Defense that final reports might not in all cases be finalized for submission to Congress within thirty days after the end of a quarter agreed to extend the period for submission of final reports to forty-five days. The conferees did insist, though, that selected acquisition reports covering the previous quarter be submitted to Congress within thirty days after the end of the quarter and strongly urge that they be the final approved reports. All reports whether final or not are to contain all information required in final selected acquisition reports.

Military force structure and foreign policy report

The Senate bill included in section 914 a provision adopted as a Floor amendment which required an annual report to the Congress explaining the relationship of our military force structure to our foreign policy for the forthcoming fiscal year.

The House bill contained no similar provision.

The House conferees were of the view that this proposed annual report was unnecessary and redundant. However, the Senate conferees were adamant in their position that an annual report of this kind was necessary to provide the Congress a better comprehension of the actual need for our military force structure required to support our current and projected foreign policy.

The House conferees reluctantly recede with an amendment.

Petroleum supply discrimination: Remedy for Department of Defense

Title VIII of the Senate amendments contained language prohibiting "discrimination" by United States citizens, by firms or organizations controlled by United States citizens, or by corporations organized or operating within the United States, in the supply of petroleum products for the use of United States armed forces. This title provides for injunctive relief and for criminal penalties.

The language of this title was prompted by concern of the Senate over the failure of some oversea suppliers to provide petroleum products to our armed forces during the Arab embargo. A related concern was the allegation that some U.S. petroleum companies have explicitly or implicitly threatened to reduce or eliminate supplies of petroleum products to the Department of Defense overseas unless the Department of Defense agreed to contract terms which met the particular views of the company concerned, terms however, that were incompatible with laws or regulations governing Defense contracts. Although no supply failure has been experienced because of such disagreements, unnecessary delays in reaching agreement on contract terms did threaten timely supply support.

The Senate provisions, as approved by the Senate were designed to overcome these problems.

The House Conferees objected to this provision since it appeared to be non-germane to the subject of the House bill, was vague in its terms and, as drafted, was objectionable on Constitutional grounds.

As a result of the House Conferees' objections, Senate Title VIII was redrafted to provide a more concise procedure for obtaining records and furnishing records and information, protecting the Constitutional rights of individuals and for safeguarding confidential information. The responsibility for conducting investigations of discrimination (as defined by this provision) is shifted from the Secretary of Defense to the Attorney General of the United States. In addition the amended provision contains a more concise definition of "discrimination", adds a new definition of the term "supplier", and provides that this provision will expire two years after enactment.

The House therefore recedes and agrees to the Senate amendment, with an amendment.

Sale or transfer of defense articles from the U.S. Active Forces inventory

The Senate amendment provided that in the case of any letter of offer to sell or any proposal to transfer defense articles from U.S. Active Forces' inventory in the amount of $25,000,000 or more, the Secretary of Defense shall submit a report to the Congress setting forth the impact of the transaction on the U.S. readiness posture and the adequacy of reimbursement to cover the full replacement cost of said items.

The House bill included a provision which was similar to the language of the Senate amendment, but not as broad in scope. The conferees agreed on a modification of the language of the Senate provision which satisfied the purposes of both Houses.

Accordingly, the House recedes with an amendment.

Readiness report

The Senate amendment contained a provision requiring an annual report detailing U.S. readiness in an additional, separate format. The House bill has no similar language.

The Senate recedes.

Binary chemical munitions

The House bill authorized the entire amount of $5.167 million requested by the Army for fiscal year 1976 and $2.578 million requested for fiscal year 197T for the continued research, development, test, and evaluation of binary chemical munitions. The House bill also authorized the Navy's request of $1.599 million and $348 thousand for fiscal year 1976 and 197T for the "Big Eye" bomb program. The Senate amendment deleted the entire Army and Navy requests for fiscal years 1976 and 197T and further adopted statutory language to prohibit the research, development, test, and evaluation, preproduction and production of lethal binary chemical munitions until the President certifies to the Congress that it is essential to the national interest.

The House conferees could not concur with the Senate amendment in consideration of the expanding effort of the Soviets to advance virtually every aspect of offensive chemical warfare technology.

The Senate receded to the House position to restore all RDT&E funds.

In light of the current negotiations concerning the ban of chemical munitions, the House conferees agreed to accept the Senate position and provide statutory language prohibiting the production of lethal binary chemical munitions unless the President certifies to the House and Senate that it is in the national interest to do so.

All of the conferees expressed serious concern over the inadequacy of our chemical warfare defensive programs. The conferees believe that the Department of Defense is not putting forth an acceptable level of effort in this area and strongly urges the Department to advance our military posture in this area.

NATO standardization

The Senate amendment contained language intended to provide impetus for further standardization of military equipment in NATO by declaring it to be United States policy that equipment procured for U.S. forces stationed in Europe be standardized or at least interoperable with the equipment of our NATO allies. The Secretary of Defense was also directed to implement procurement policies to this effect, and report to the Congress whenever this policy could not be complied with.

The House conferees, although in agreement with the goal of standardization particularly in the area of communication and other similarly suitable equipment, expressed grave concerns that the import of this language as presently constituted could be misconstrued and possibly used to our disadvantage.

After lengthy discussion of this matter, the House recedes with amendments. The section in the Senate amendment concerning the "Buy America" Act and its relationship to the Secretary of Defense's authority to procure articles manufactured outside the United States was deleted and the reporting requirement was modified. The Senate conferees strongly believe that whenever the Secretary of Defense determines that it is necessary, in order to carry out the policy expressed in this section, to procure equipment manufactured outside the United States, he is authorized to determine, for the purposes of section 2 of the title III of the Act of March 3, 1933 (47 Stat. 1520; 41 U.S.C. 10a), that the acquisition of such equipment manufactured in the United States is inconsistent with the public interest.

The conferees stressed that while the reporting requirement only covers non-compliance on major systems, the amendment also urges standardization of procedures, logistics and support equipment.

Suggestions from retiring personnel

The Senate amendment contained a provision (section 906) which would direct the Secretary of Defense to request suggestions for improvements in procurement of policies from retiring military officers and civilian personnel of a grade GS-13 or above who are employed in military procurement. The House bill contained no such provision.

The Senate recedes.

Study on training establishment

The Senate amendment contained a provision, Section 911, which expressed the sense of Congress that training programs in the Department of Defense should be restructured so as to increase the ratio of students to staff. This provision also mandated a study of the training establishment intended to result in a student to staff and overhead ratio of three to one. This study was to contain a detailed plan for achieving this three to one ratio with the conversion of these excess training authorizations into combat units. The House bill contained no comparable provision, however a study of the composition of the training establishment was directed in its report.

The conferees agree that a comprehensive study of the entire training establishment is necessary. It is apparent that substantial and valid concerns exist within both bodies as to the current structure of the training establishment with its consequent costs. Therefore, it was agreed that while the bill itself should not contain this requirement, a study of this nature should be expeditiously initiated by the Department of Defense. This study, in addition to examining the underlying policy and basic validity of the current training structure, its qualities unique from a civilian education institution, and the possibility of duplication therein, should carefully delineate the character of personnel currently assigned in the area of training, by function, using the manpower categories contained in the Manpower Requirements Report. Further, the study should examine in some depth the appropriate character which the training establishment would assume when structured for a substantially higher proportion of students to staff and overhead personnel than is currently existent.

The results of this study should be submitted to the Congress as an independent segment of the annual report recommending average student loads required by section 604 of Public Law 92–436.

The Senate recedes.

Enlisted Aides

Section 912 of the Senate amendment contained a provision specifying that enlisted aides could only be assigned to four and three star general and flag officers of the armed forces in the following allocation: three aides for the Chairman of the Joint Chiefs of Staff, the Chiefs of Staff of the Armed Forces, and the Commandant of the Marine Corps; two for other officers in the rank of general or admiral; and one for officers in the rank of lieutenant general or vice admiral. This would result in a total of approximately 204 aides compared to the current number of 500.

The House bill contains no such provision.

The conferees agreed that a provision in the law controlling the number of enlisted personnel assigned to officers staffs as aides was appropriate. However, the conferees consider the assignment of these aides should be based not on the rank of the particular officer, but rather on the officer's position and its incumbent responsibilities. While the number of aides is to be determined by a formula based upon the total number of four star officers (four for each), and three star officers (two for each), the Secretary of Defense is given the authority to allocate these aides as he deems appropriate. The assigned duties of the officers involved should be the controlling factor.

This formula for determining the number of aides will result in 396 aides for fiscal year 1976. Generals of the Army and admirals of the Fleet are not considered in this formula; however this omission is not intended to alter the current practice of assigning aides to these officers.

Extension of authority for credit sales to Israel

The bill, as passed by the Senate, included a floor amendment which would extend to December 31, 1977, the provisions of the Defense Procurement Act of 1970 (84 Stat. 909) authorizing the President "to transfer to Israel by sale, credit sale, or guaranty, such aircraft, and equipment appropriate to use, maintain, and protect such aircraft, as may be necessary to counteract any past, present, or future increased military assistance provided to other countries of the Middle East. Any such sale, credit sale, or guaranty shall be made on terms and conditions not less favorable than those extended to other countries which receive the same or similar types of aircraft and equipment."

The authority of this provision was previously extended in 1972 and 1973 and is now due to expire on December 31, 1975.

The Senate Conferees urged approval of the Senate-passed provision since, in their view, failure to do so might be construed as an unwillingness of the Congress to maintain the "status-quo" in the Middle East. The House Conferees, on other hand, expressed serious reservations concerning the germaneness of the Senate-passed provision, but in view of Senate adamant position, reluctantly receded.

Military retired-pay inversion

The Senate amendment contained a provision which would amend title 10, United States Code, to prevent military personnel who retire from receiving less retired pay than if they had retired at an earlier date, but after January 1, 1971. The Senate provision was designed to correct the so-called "retired-pay inversion" problem which was caused by the fact that retired pay has been increasing at a faster rate than active-duty pay in recent years. The House conferees concurred that the present pay situation, based on an interpretation by the Comptroller General, was creating individual inequities and was working against the retention of highly qualified personnel.

The House recedes.

Law Training for Officers Formerly in a Missing Status

The Senate amendment contained language to permit commissioned officers who were in a missing status during the Vietnam era to be detailed as students at law school notwithstanding eligibility limitations in section 2004, Title 10, U.S. Code, that would render them ineligible. The House bill contained no such provision. However, the House Armed Services Committee had approved separate legislation to achieve the same objective.

The House, therefore, recedes.

Food and Forage

The Senate amendment contained a provision to repeal the so-called "Food and Forage" section of the revised statutes. This is contained in section 11 of title 41, U.S. Code, and provides authority for the military departments to contract for clothing, assistance, forage, fuel, quarters and transportation during the "current year" without regard to prior authorization and appropriation.

The Senate acted to effect repeal because the provisions of the so-called Food and Forage Act were designed to allow for emergency needs of the military departments at a time when rapid response from the Congress may not have been available in emergencies, and the Senate conferees maintained that the provisions are no longer required in law. The House conferees stated that they have not had an opportunity to study the matter and were not sure of the present uses of the law and what the ramifications of repeal would be.

The House conferees proposed, therefore, that the Senate language be deleted with the understanding that the House Armed Services Committees would hold hearings on the matter.

The Senate recedes.

Life Cycle Costing

The Senate amendment contained a provision which, if adopted, would have required the Secretary of Defense to submit a report estimating the life cycle costs of operating all major weapons systems procured since FY 1973 at the same time as the President presents his budget to the Congress for fiscal year 1977.

The House bill contained no similar provision.

Although the House conferees recognize the meritorious objective of the provision, they considered the proposed statutory requirement unnecessarily broad and requiring a response from the Department of Defense that could possibly not be met within this time frame, in a meaningful manner.

After considerable discussion, the conferees agreed to delete this provision with the explicit understanding that the Department of Defense was to be placed on notice that each of the Committees on Armed Services, from time to time, except to request life cycle costs on individual major weapons systems rather than on all weapons systems. Therefore, these requests for life cycle costs on individual weapons systems must elicit a timely and meaningful report from the departments.

The Senate recedes.

Maneuvering reentry vehicle testing

The Senate amendment provided language in section 917, general provisions, that would preclude any testing of Maneuvering Reentry Vehicles (MaRV) unless the President certified that such testing was conducted by our potential adversaries or the President certified that it would be in the national interest of the United States to conduct MaRV tests.

The House bill contained no similar provision.

The House conferees strongly opposed such restrictive language since it could result in unilateral U.S. termination of MaRV testing.

The Senate conferees reluctantly agreed to recede, but only after they determined that no MaRV testing, with the exception of the Evader prototype, would be conducted during the period of fiscal year 1976 and 197T. Since the Navy plans to flight test the Evader only over the ocean, the Senate conferees understand that this could in no way be construed as supporting the development of a high accuracy MaRV.

MELVIN PRICE,
F. EDW. HÉBERT,
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CHAS. H. WILSON,
BOB WILSON,
WM. L. DICKINSON,
G. WILLIAM WHITEHURST,
FLOYD SPENCE,
Managers on the Part of the House.

JOHN C. STENNIS,
STUART SYMINGTON,
HENRY M. JACKSON,
HOWARD CANNON,
TOM J. MCINTYRE,
HARRY BYRD, JR.,
SAM NUNN,
STROM THURMOND,
JOHN TOWER,
BARRY GOLDWATER,
WILLIAM L. SCOTT,
ROBERT TAFT, JR.,
Managers on the Part of the Senate.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar as follows:

[Pursuant to the order of the House on July 24, 1975, the following report was filed on July 26, 1975]

Mr. BENNETT: Committee on Armed Services. Adverse report on H.R. 1287. A bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome (Rept. No. 94-363, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on July 25, 1975, the following conference report was filed on July 26, 1975]

Mr. PRICE: Committee of conference. Conference report on H.R. 6674 (Rept. No. 94-413). Ordered to be printed.